

رسالة في الدماء الطبيعية للنساء
(للحرمين والجمعية)

**A Treatise on Women's Natural
Types of Bleeding**

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Muḥammad ibn Sāliḥ al-'Uthaymīn

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Written by His Eminence Shaykh

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May Allah forgive him, his parents, and all Muslims.

In the Name of Allah, the Most Compassionate, the Most Merciful

All praise is due to Allah; we praise Him, seek His help and forgiveness, and repent to Him. We seek refuge with Allah from the evil of our selves and from our bad deeds. Whoever Allah guides, none can lead astray, and whoever He leads astray, none can guide. I bear witness that there is no deity worthy of worship except Allah, alone, with no partner, and I bear witness that Muḥammad is His servant and messenger. May Allah's peace and blessings be upon him, his family, his Companions, and those who follow them with righteousness until the Day of Judgment.

Menstrual bleeding, Istiḥāḍah (vaginal bleeding outside menstruation), and post-partum bleeding are three types of bleeding that a woman experiences. It is highly important to explain these types, know the Shariah rulings related to each one

of them, and distinguish between the correct relevant scholarly views and the wrong ones, depending basically in this process on the Qur'an and Sunnah, given the following facts:

1- They are both the two main sources upon which the rulings set by Allah Almighty for His servants to worship Him are founded.

2- Relying upon the Qur'an and Sunnah fosters a feeling of comfort, reassurance, peacefulness, and clears one's liability.

3- Any other source apart from them, whatsoever, needs to be proven, yet cannot stand by itself as decisive proof.

This is so because there is no decisive proof except in the words of Allah, the Most High, and His Messenger (may Allah's peace and blessings be upon him). The same can be said about the opinions of those knowledgeable from among the Companions, according to the preponderant scholarly view, provided that nothing in the Qur'an or Sunnah disagrees with such statements. A Companion's opinion should not also contradict the opinion of another Companion. Thus, the Qur'an and Sunnah must be primarily followed if they are in conflict with any of such opinions. Similarly, if a Companion's opinion contradicts another's, then it should be sought which of them is preponderant, and the preponderant opinion should be applied; as Allah, the Most High, says:

﴿...فَإِنْ تَنَزَّعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ
الْآخِرِ ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا﴾

"... If you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day; that is better and more commendable in the end." [Sūrat al-Nisā': 59]

This is a brief treatise on these types of bleeding, along with the religious rulings pertaining to them. It consists of the following chapters:

Chapter One: The Meaning of Menstruation and its Wisdom.

Chapter Two: Time and Duration of Menstruation.

Chapter Three: Irregular Changes in Menstruation.

Chapter Four: Rulings of Menstruation.

Chapter Five: Istihāḥah and its Rulings.

Chapter Six: Post-partum Bleeding and its Rulings.

Chapter Seven: Using Menstruation Inhibitors and Stimulants, Contraceptives, and Abortive Drugs.

Chapter One: The Meaning of Menstruation and its Wisdom

Linguistically in Arabic, menstruation is “ḥayḍ”, which denotes the flowing and running of a thing.

In Shariah terminology, it refers to the natural bleeding that a female experiences without a given

reason at known times. It is a natural flow of blood that is not caused by illness, wound, injury, or childbirth. And since it is natural blood, it varies according to the condition of the female, her environment, and her climate; therefore, women differ regarding it in a clearly diverse and manifest manner.

The wisdom behind its occurrence is based on the fact that the embryo in its mother's womb is unable to receive nourishment in the normal way as those who are born. Even the most compassionate person toward it cannot deliver nourishment to it inside the womb. Therefore, Allah, the Most High, created in the female blood secretions that the embryo can feed on inside the womb without the need for eating or digestion. These secretions can enter the embryo's body through the navel, then immediately flow into its veins and serve as its nutrition. Blessed is Allah, the Best of Creators!

This is the wisdom behind the occurrence of menstruation. Thus, when a woman becomes pregnant, her menstruation stops, except in rare cases. Nursing women also scarcely experience menstruation, especially at the beginning of nursing.

Chapter Two: Time and Duration of Menstruation

This chapter discusses two aspects:

First: The age when a female starts to menstruate.

Second: The duration of the menstruation period.

As for the first aspect: the age at which menstruation predominantly occurs is between 12 and 50 years. Yet, a female may menstruate before that or after it, depending on her condition, environment, and climate.

The scholars (may Allah have mercy upon them) have differed: is there a defined limit of age within which menstruation occurs, such that a female does not menstruate before it nor after it, and that whatever blood comes to her before or after it is deemed irregular bleeding (dam fasād) and not menstruation?

The scholars differed on this matter. Al-Dārimī, after having reported these different views, said: “In my opinion, all these views are incorrect. In fact, what only counts here is the occurrence of such bleeding. Therefore, whenever a woman experiences such a flow of blood, it must be considered as menstruation, regardless of its

amount, and regardless of the woman's condition and age. And Allah knows better."¹

The opinion of al-Dārimī is the correct view, and it is the one chosen by Shaykh al-Islam Ibn Taymiyyah.² Therefore, whenever a woman sees menstrual blood, then she is experiencing menstruation, even if she is below the age of 9 or above the age of 50. That is because the rulings of menstruation were made by Allah and His Messenger, depending upon its occurrence, and neither Allah nor His Messenger specified for it a particular age. Hence, it is necessary to refer back to its actual occurrence upon which the rulings were based. To set a specific age for it requires evidence from the Qur'an or the Sunnah — and there is no evidence in that regard.

The second aspect is the duration of the menstrual period.

There are different scholarly opinions reported on this point, and they amount to six or seven opinions. Ibn al-Mundhir (may Allah have mercy upon him) said: "A group of scholars have

¹ The Rulings of the Confused Woman Regarding Menstruation by al-Dārimī (p. 17).

² Narrated by al-Bukhārī; Book of Menses - Chapter: The Menstruating Woman Performs All the Rites except Ṭawāf of the House; no. 305. Also narrated by Muslim; Book of Ḥajj - Chapter: Clarification of the Types of Iḥrām; no. 1211.

said there is no fixed limit in days for the minimum or the maximum duration of menstruation.”¹

I say: This view is like the aforementioned statement of al-Dārimī, and it is also the chosen opinion of Shaykh al-Islam Ibn Taymiyyah. It is the correct view as it is supported by the Qur’an, the Sunnah, and sound reasoning.

The first proof: Allah, the Most High, says:

﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذًى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ...﴾

"They ask you about menstruation. Say: 'It is impurity; so stay away from women during menstruation and do not have intercourse with them until they become pure ...'" [Sūrat al-Baqarah: 222] Allah made purification (ṭuhr) the limit of prohibition, and He did not make the limit to be the passing of a day and a night, nor three days, nor fifteen days. This indicates that the effective cause of the ruling is the presence or absence of menstruation. This means that the rulings of menstruation are applicable as long as there is menstrual bleeding, and whenever it ceases, then the relevant rulings are no longer applicable.

The second proof: The authentic report in Ṣaḥīḥ Muslim where the Prophet (may Allah's

¹ Narrated by Al-Bukhārī; Book of 'Umrah - Chapter: The Reward of 'Umrah is According to the Hardship; no. 1662. And narrated by Muslim; Book of Ḥajj - Chapter: Explanation of the Types of Iḥrām; no. 1211.

peace and blessings be upon him) said to ‘Ā’ishah, when she had her menses while in the state of Iḥrām for ‘Umrah:

«افْعَلِي مَا يَفْعَلُ الْحَاجُّ، غَيْرَ أَنْ لَا تَطُوفِي بِالْبَيْتِ حَتَّى تَطْهَرِي». قَالَتْ: فَلَمَّا كَانَ يَوْمَ النَّحْرِ طَهَّرْتُ، فَأَقَاضْتُ.

“Do everything a pilgrim does, but do not make Tawāf around the Ka’bah until you become pure [from menses].” She said: “On the Day of Sacrifice (10th of Dhul-Ḥijjah), I attained purity, so I performed Ṭawāf [al-Ifāḍah].” to the rest of the Ḥadīth¹.

In the two Ṣaḥīḥ Collections, the Prophet (may Allah's peace and blessings be upon him) said to her:

«انْتَظِرِي فَإِذَا طَهَّرْتَ فَأَخْرُجِي إِلَى التَّعْلِيمِ»،

“Wait. When you become pure [from menses], go out to al-Tan’īm.”² The Prophet (may Allah’s peace and blessings be upon him) pinned the end of prevention on attaining purity from menses, without fixing a specific term for that. This denotes that the ruling depends upon the presence or absence of menstrual bleeding.

The third proof: Such estimation of the period of menses and the details cited by some jurists regarding this issue are not found in the Qur’an or Sunnah, despite the presence of need; rather, a

¹ Risālat al-Asmā’ Allatī ‘Allaqa al-Shār’ al-Aḥkām Bihā, p. 35.

² Ibid., p. 36.

necessity to clarify it. If it were among that which the servants are obligated to understand and to worship Allah with, Allah and His Messenger (may Allah's peace and blessings be upon him) would have clarified it with a clear exposition for everyone due to the importance of the rulings that are based upon it, such as prayer, fasting, marriage, divorce, inheritance, and other rulings. This is the same as Allah and His Messenger explained the number of obligatory prayers, their times, their bowing, and prostration. As well as zakāh: its types of wealth, its shares, its amount, and its channels of expenditure; and fasting: its duration and its time; and Ḥajj, and other matters below that like the etiquette of eating, drinking, sleeping, having sexual intercourse, sitting, entering and leaving the house, answering the call of nature - even the number of stones by which one should make Istijmār (cleaning oneself with stones or tissue paper after answering the call of nature) - in addition to other minor or major issues by which Allah has completed the religion and perfected His favor upon the Believers, as Allah the Most High, said:

{...وَنَزَّلْنَا عَلَيْكَ الْكِتَابَ تَبْيِينًا لِّكُلِّ شَيْءٍ...}

"... We have sent down to you the Book as an explanation of everything ..." [Sūrat al-Naḥl: 89] He, the Most High, also says:

{...مَا كَانَ حَدِيثًا يُفْتَرَى وَلَكِنْ تَصْدِيقَ الَّذِي بَيْنَ يَدَيْهِ وَتَفْصِيلَ كُلِّ شَيْءٍ...}

"...This [Qur'an] is not a fabricated tale, rather a confirmation of what came before it, a detailed explanation of everything ..." [Sūrat Yūsuf: 111].

Therefore, when these estimations and specifications were not found in the Book of Allah Almighty nor in the Sunnah of the Messenger of Allah (peace and blessings be upon him), it became clear that there is no reliance upon them. Rather, reliance is upon the designation of menstruation itself, upon which the legal rulings have been based, whether in its presence or its absence. This proof "that the absence of mentioning of a ruling in the Qur'an and the Sunnah is evidence of its lack of consideration" benefits you in this issue and others issues of knowledge, for the legal rulings are not established except by evidence from the Shariah—the Book of Allah, or the Sunnah of His Messenger (peace and blessings be upon him), or by a known consensus, or by sound analogy. In one of his established principles, Shaykh al-Islam Ibn Taymiyyah said: "Menstruation is among such matters that Allah has depended multiple rulings upon in the Qur'an and the Sunnah, yet He did not determine for it a minimum nor a maximum term, nor the length of purity between two menstruations, despite the widespread occurrence of this among the Ummah and their great need for it. The language does not differentiate between one amount and another. Hence, whoever sets a limit in

that has indeed opposed the Qur'an and the Sunnah."¹ end of quote.

The fourth proof: Considerable inference (i.e., valid regular analogy): Allah, the Most High, describes menstruation as harm. Therefore, whenever there is menstruation, there is harm. Hence, there is no difference between the first and the second day of menstruation, or between the third and the fourth. Similarly, there is no difference between the fifteenth and the sixteenth day, or the eighteenth and the seventeenth day. So, menstruation is menstruation, and harm is harm; thus, the cause is present in both days equally. How then can it be correct to differentiate in ruling between the two days when they are equal in the cause?! Is this not in conflict with a valid analogy, which entails that the rulings for all days should be the same, given the fact that the cause is the same?!

The fifth proof: The opinions reported on this issue by scholars who set time limits for the menstruation period are different and conflicting. This means that there is no proof to be necessarily adhered to; rather, all views are based upon personal reasoning and could be either correct or incorrect, without any of them being worthier to be adopted than the other. In case of conflicting proofs,

¹ Ibid. p. 38.

the ultimate reference should be the Qur'an and Sunnah.

Thus, it becomes clear that there is no maximum or minimum limit for the menstruation period, which is a well-founded and preponderant opinion. Hence, it should be known that any natural bleeding that a woman experiences, which is not caused by a wound or the like, is menstrual bleeding without estimating a certain time or age for it. However, if it is an incessant flow of blood or only stops for one or two days per month, then it is Istihādah. And there will come the clarification of Istihādah and its rulings, if Allah Almighty wills.

Shaykh al-Islam Ibn Taymiyyah said: "In principle, any blood that comes out from the uterus is menstruation, unless it is proved by evidence to be Istihādah."¹

He also added: "Whatever blood occurs is menstruation, so long as it is not known to be blood from a vein or a wound."²

This opinion, in fact, is not only well supported in terms of proof but also more understandable and conceivable and easier in terms of application than what has been mentioned by those who fix a

¹ Narrated by al-Bukhārī: Book of Faith - Chapter: Religion is Easy, no. 39, from the narration of Abū Hurayrah (may Allah be pleased with him).

² Narrated by al-Bukhārī; Book of Merits of the Prophet - Chapter: Description of the Prophet (may Allah's peace and blessings be upon him); no. 3560. Narrated by Muslim; Book of Virtues - Chapter: His (may Allah's peace and blessings be upon him) Keeping Away from Sins; no. 77/2327.

specific term for menstruation. Being so, it is worthier of being approved and acted upon, given its conformity to the spirit of Islam and its principle of ease and facilitation. Allah, the Most High, says:

{...وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ...}

"... and He has not imposed upon you any hardship in religion ..." [Sūrat al-Hajj: 78] And the Prophet (may Allah's peace and blessings be upon him) said:

«إِنَّ الدِّينَ يُسْرٌ وَلَنْ يُشَادَّ الدِّينَ أَحَدٌ إِلَّا غَلَبَهُ فَسَدِّدُوا وَقَارِبُوا وَأَبْشِرُوا».

"Indeed, the religion is easy. No one overburdens himself in the religion except that he will be overwhelmed by it. Therefore, seek uprightness (i.e. be moderate) and try to be close to it, and receive glad tidings." [Narrated by al-Bukhārī].¹

And from the Prophet's (may Allah's peace and blessings be upon him) morals was that:

«أَنَّهُ مَا خَيْرَ بَيْنَ أَمْرَيْنِ إِلَّا اخْتَارَ أَيْسَرَهُمَا مَا لَمْ يَكُنْ إِثْمًا».

"He was not given a choice between two things except that he would choose the easier of the two, unless it was a sin."²

Menstruation in Pregnancy:

In most cases, a pregnant woman does not experience menstruation. Imām Aḥmad (may Allah

¹ Majmū' al-Fatāwā, vol. 19, p. 238-239.

² Al-Awsaṭ, vol. 2, p. 356.

have mercy upon him) said: "Pregnancy is usually detected by cessation of the menstrual blood."¹

When a pregnant woman sees blood two or three days ahead of delivery, accompanied by uterine contractions, then it is post-partum bleeding. If the blood is not accompanied by uterine contractions, then it is not considered post-partum bleeding, regardless of whether it is seen a long or short time ahead of delivery. However, should it be considered menstrual blood to which the rulings of menstruation apply, or just irregular bleeding caused by some disorder to which the rulings of menstruation are not applied?

In this matter, there is a difference of opinion among the people of knowledge. The correct view is that it is menstruation if it occurs in the usual manner of her menstruation; for the basic principle regarding the blood that occurs to a woman is that it is menstruation, so long as there is no cause preventing it from being considered menstruation. And there is nothing in the Qur'an or the Sunnah that prevents the menstruation of a pregnant woman.

This view is the one adopted by Mālik², al-Shāfi'ī³, and chosen by Shaykh al-Islam Ibn Taymiyyah, as he said on page 30 in his book *Al-Ikhtiyārāt*: "Al-

¹ See: al-Mughnī, vol. 1, p. 405.

² Al-Mudawwanah, vol. 1, p. 155, Al-Nawādir wa al-Ziyādāt, vol. 1 p. 136.

³ Ikhtilāf al-Fuqahā' by al-Marwazī, p. 193; Al-Awsat (239/2).

Bayhaqī narrated this view as the one adopted by Aḥmad, or even the one he returned to after having adopted another one."

Accordingly, all rulings pertaining to menstruation are applicable to menstruation of a pregnant woman, except in two cases:

The First Case: Divorce: It is not permissible to divorce a non-pregnant woman during her menstruation period if she is among those who are required to observe 'Iddah (waiting period), but this is not applicable in the case of a pregnant woman. This is because divorcing a non-pregnant woman during her menstruation period goes against the statement of Allah Almighty:

{...فَطَلَّوْهُنَّ لِعَدَّتِهِنَّ...}

"... divorce them with concern to their waiting period ..." [Sūrat al-Ṭalāq: 1] As for the divorce of a pregnant woman while she is menstruating, it does not contradict the ruling; for whoever divorces a pregnant woman has divorced her for her 'Iddah, whether she is menstruating or pure, since her 'Iddah is determined by the pregnancy. For this reason, it is not prohibited for a husband to divorce his pregnant wife after having sexual intercourse with her, contrary to other cases.

The Second Case - The menstruation of a pregnant woman does not mark the end of her 'Iddah, which is not the case with non-pregnant

women, because the 'Iddah of a pregnant woman ends only by giving birth, whether she used to experience menstruation during her pregnancy or not, as Allah, the Most High, says:

{...وَأُولَٰئِ الْأَحْمَالُ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ...}

"... As for pregnant women, their waiting period ends with delivery ..." [Sūrat al-Ṭalāq: 4]

Chapter Three: Irregular Changes in Menstruation.

There are several irregular changes in menstruation:

1- The increase or decrease in the days of menstruation. For example, a woman whose menses usually lasts for six days may have it increased to seven; or whose menses usually lasts for seven days may have it decreased to six.

2- Menstruation coming before its customary time, or after it. A woman whose menses is at the end of the month, yet she sees menstruation at its beginning; or when her menses is at the beginning of the month, yet she sees it at its end.

Muslim scholars held different views on these two types of change. The more correct view is that whenever a woman sees blood, then it is menstrual blood; and once the blood ceases, then she is pure whether it exceeds her usual cycle or falls short of it, and whether it comes earlier or later. The supportive evidence on this ruling is

mentioned in the previous chapter, where it is explained that the Legislator has linked the application of the rulings of menstruation to its presence.

This is the view adopted by the Shāfi'ī School,¹ the view chosen by Shaykh al-Islam Ibn Taymiyyah,² and the view held as dominant by the author of al-Mughnī, who said: "Were the menstruation to be judged according to the view held by the school of fiqh, the Prophet (may Allah's peace and blessings be upon him) would have explained it to his nation, and it would not have been permissible for him to delay its clarification as it is not permissible to delay clarification beyond its proper time, and his wives and other women were in need of clarification of this at all times; thus, it would not have been the case that he neglected to clarify it. And whatever has come from him, peace and blessings be upon him, mentioning the habit or clarifying it, is only with respect to the woman experiencing non-menstrual bleeding, and nothing else."³

3- Brownish or yellowish discharge: A woman may see yellowish blood like that which is emitted from wounds or blood whose color goes between yellow and black. If she sees such a discharge

¹ Al-Umm, vol. 1, p. 82.

² Majmū' al-Fatāwā, vol. 19 p. 238-239.

³ Al-Mughnī, vol. 1, p. 396.

during her menses or immediately after it, then it is part of menstruation, and all the rulings of menstruation should be applied thereto. However, if it occurs after attaining purity, then it is not menstruation; because of the statement of Umm ‘Atiyyah (may Allah be pleased with her): "After becoming pure [from menstruation], we would not consider brownish and yellowish discharges to be of any significance." [Narrated by Abū Dāwūd, with an authentic Isnād]¹ Al-Bukhārī also narrated this report without her saying: "after attaining purity", though he included it under a chapter entitled: "Yellowish and Brownish Discharges Outside the Days of Menstruation"².

The author of Fath al-Bārī, a commentary on Ṣaḥīḥ al-Bukhārī, said: "He said this in reference to combining the previously cited ḥadīth of ‘Ā’ishah where she said: "Until you see the white discharge [marking purity]", "and the ḥadīth of Umm ‘Atiyyah that is cited in the chapter. That is, the ḥadīth of ‘Ā’ishah applies to the case where the yellowish or brownish discharge is seen during the days of menstruation, whereas the ḥadīth of Umm ‘Atiyyah

¹ Narrated by Abū Dāwūd in the Book of Ṭahārah, Chapter on a Woman Who Sees Brownish or Yellowish Discharge After Purity, no. 307.

² Narrated by al-Bukhārī; Book of Menstruation - Chapter: Yellowish and Brownish Discharge Outside the Days of Menstruation; no. 326.

applies when such a discharge is seen outside the days of menstruation.”¹

The ḥadīth of ‘Ā’ishah referred to is cited by al-Bukhārī as Mu’allaq (a Hadīth in which one or more narrators from the beginning of its chain have not been mentioned) before starting this chapter.² It states that women would send her pieces of cotton soiled with a yellow discharge to verify whether their menses had ended or not, and she would say: "Do not rush until you see the white discharge."³

The white discharge [mentioned in the ḥadīth] is a discharge that the uterus emits upon the end of menstruation.

4- Irregular flow of menstrual blood, in the sense that it flows one day and stops the other day. This can occur in two situations:

The First Situation: A woman may experience such a case continuously, so it is considered Istihāḍah to which the rulings of Istihāḍah are applicable.

The Second Situation: If this case is not continual, but a woman experiences such bleeding for some time, then she has a period of purity. Scholars (may Allah have mercy upon them) differed on this period of purity as to whether it

¹ Fath al-Bārī, vol. 1, p. 426.

² Şaḥīḥ al-Bukhārī, vol. 1, p. 71.

³ Cited by al-Bukhārī as mu’allaq; Book of Menstruation - Chapter: The Beginning and Ending of Menses; before ḥadīth no. 320.

should be considered a period of purity, or it should be considered menstruation where the relevant rulings are to be applied?

According to the more correct of the two opinions adopted by the Shāfi'ī School, this period of purity should be considered part of menstruation.¹ This is also the opinion chosen by Shaykh al-Islam Ibn Taymiyyah, the author of al-Fā'iḳ,² and also the one adopted by the Ḥanafī School.³ This view is founded on the fact that the white vaginal discharge is not seen within this period, and because, if it is considered a period of purity, then the days before and after it should be counted as menstruation, and none holds such a view; otherwise, the 'Iddah is to expire by the lapse of five days. And because if it were deemed a state of purity, there would result from it hardship and difficulty — by requiring ghusl and other matters every two days -- and hardship is negated in this Shari'ah, and to Allah belongs all praise.

However, according to the well known opinion of the Ḥanbalī School, the flow of blood is menstruation and cleanness is purity, unless the sum of all days exceeds the maximum limit of the

¹ Al-Umm, vol. 1, p. 83-84.

² Quoted from them in al-Inṣāf.

³ Al-Aṣl, vol. 2, p. 19-20.

menstruation period, whereupon, the extra days are to be considered Istihādah.¹

The author of al-Mughnī also said: "It is possible to infer that the cessation of blood, whenever it is less than a full day, is not considered purity -- based on the narration we have related regarding post-partum bleeding, that she does not take into account what is less than a day. This is the correct view, if Allah wills, because the blood flows at one time and ceases at another, and to obligate ghusl upon one who purifies herself hour after hour is a hardship that is negated; due to Him, the Most High, saying:"

{...وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ...}

"... and has not imposed upon you any hardship in religion ..." [Sūrat al-Ḥajj: 78] Therefore, the cessation of blood for less than one day is not purity, unless there is something that confirms it to be so, like the cessation of blood at the end of menses, or seeing the white vaginal discharge."²

Hence, the view adopted by the author of al-Mughnī is a middle ground between the two views, and Allah knows better what is correct.

5- Dryness: It is when a woman sees no trace of blood but only wetness. If this occurs during or after menstruation before attaining purity, then it is

¹ Al-Mughnī, vol. 1, p. 226.

² Al-Mughnī, vol. 1, p. 257.

part of menstruation. However, if it happens after attaining purity, then it is not menstruation, for at most, its condition is that it be attached to the yellowish or brownish discharge, and this is its ruling.

Chapter Four: Rulings of Menstruation.

There are more than twenty rulings related to menstruation, and we will only mention here those that are most needed:

1. Prayer: It is forbidden for the menstruating woman to perform prayer, whether obligatory or supererogatory, and it is not valid from her. Likewise, prayer is not obligatory upon her except if she catches from its time the amount of a complete Rak'ah (unit of prayer); then the prayer becomes obligatory upon her at that point, whether she caught that from the beginning of the time or from its end.

For example: a woman had her menses after sunset, but there had been enough time for her to offer one Rak'ah of the prayer before she actually had her menses started. In this case, it is obligatory upon her to make up for Maghrib prayer after attaining purity from menses, because there had been enough time for her to offer one Rak'ah of the prayer when she was still pure from menses.

Another example: a woman attained purity from menses before sunrise when there was enough

time for her to offer one Rak'ah of Fajr prayer. Hence, it is obligatory for her to make up for Fajr prayer after becoming pure from menses because there was enough time for her to offer one Rak'ah of the prayer after attaining purity from menses.

If, however, there was insufficient time for her to offer one Rak'ah in either cases, like when she has her menses started immediately after sunset, or becomes pure immediately before sunrise, then making up for the prayer is not obligatory upon her, based on the ḥadīth where the Prophet (may Allah's peace and blessings be upon him) said:

«مَنْ أَدْرَكَ رَكْعَةً مِنَ الصَّلَاةِ فَقَدْ أَدْرَكَ الصَّلَاةَ».

"He who catches up with one Rak'ah of a prayer has indeed caught up with that prayer (i.e. he has not missed it)." [Agreed upon].¹ The ḥadīth indicates that praying less than one Rak'ah is not enough for considering the prayer performed on its prescribed time.

If she catches a Rak'ah from the time of the 'Aṣr prayer, is it then obligatory upon her to perform the Ṣalāt al-Zuhur prayer along with 'Aṣr? Or, if she catches a Rak'ah from the time of the last 'Ishā' prayer, is it

¹ Narrated by al-Bukhārī; Book of the Times of Prayer - Chapter: Whoever Catches Up with One Rak'ah of the Prayer; no. 580; and narrated by Muslim; Book of Mosques and Places of Prayer - Chapter: Whoever Catches Up with One Rak'ah of the Prayer Has Caught Up with that Prayer; no. 607. Reported by Abū Hurayrah (may Allah be pleased with him).

then obligatory upon her to perform the Maghrib prayer along with 'Ishā'?

In this matter there is a difference of opinion among the scholars. The correct view, however, is that she is required to perform such prayers that she caught their times, namely, 'Asr and 'Ishā' prayers only; for his (May Allah's peace and blessings be upon him) statement:

«مَنْ أَدْرَكَ رَكْعَةً مِنَ الْعَصْرِ قَبْلَ أَنْ تَغْرُبَ الشَّمْسُ فَقَدْ أَدْرَكَ الْعَصْرَ».

“Whoever catches only one Rak'ah of the 'Asr prayer before sunset is considered to have caught the 'Asr prayer.” [Agreed upon].¹ The Prophet (may Allah's peace and blessings be upon him) did not state that such a person has caught up with Z̤huhr and 'Asr prayers.

He [the Prophet] did not say that it was obligatory to perform Z̤huhr prayer as well, and freedom of liability is the basic rule. This is the chosen opinion of Abū Ḥanīfah and Mālik, as transmitted in Sharḥ al-Muḥadhdhab.²

Other actions such as reciting Dhikr (remembrance of Allah), Tasbīh (exalting Allah), Tahmīd (praising Allah), mentioning Allah's name

¹ Narrated by Al-Bukhārī; Book of the Times of Prayer - Chapter: Whoever Catches Up with One Rak'ah of the Fajr Prayer, no. 579; And narrated by Muslim; Book of Mosques and Places of Prayer; Chapter: Whoever Catches Up with One Rak'ah has Caught Up with that Prayer; no. 608. Reported by Abū Hurayrah (may Allah be pleased with him).

² Al-Majmū' Sharḥ al-Muḥadhdhab, vol. 3, p. 70.

upon eating and other acts, reading Ḥadīth and Fiqh (Islamic jurisprudence), making supplications and responding to them by saying Āmīn, and listening to the Qur'an are all permissible during menstruation, as established in the two authentic collections (al-Bukhārī and Muslim) and other collections,

«أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ كَانَ يَتَكَبَّرُ فِي جُحْرٍ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا وَهِيَ حَائِضٌ فَيَقْرَأُ الْقُرْآنَ».

"That the Prophet (may Allah's peace and blessings be upon him) would recline on the lap of 'Ā'ishah (may Allah be pleased with her) when she had her menses and would recite the Qur'an".¹

In the two authentic collections as well, Umm 'Atiyyah (may Allah be pleased with her) reported that she heard the Prophet (may Allah's peace and blessings be upon him) say:

«يَخْرُجُ الْعَوَاتِقُ وَذَوَاتُ الْخُدُورِ وَالْحَيْضُ -بِعَنِي: إِلَى صَلَاةِ الْعِيدَيْنِ- وَلَيَشْهَدَنَّ الْخَيْرَ، وَدَعْوَةُ الْمُؤْمِنِينَ، وَيَعْتَزُّلُ الْحَيْضُ الْمُصَلَّى».

"Let the mature girls, virgins staying in seclusion, and menstruating women go out (meaning: to the two Eid prayers) and let them witness the good occasions and the supplications of the Muslims, but

¹ Narrated by Al-Bukhārī; Book of Menstruation - Chapter: A Man Reciting the Qur'an in the Lap of His Wife While She is Menstruating; no. 297; Narrated by Muslim; Book of Menstruation - Chapter: A Man Reclining in His Wife's Lap While She is Menstruating and Reciting the Qur'an; no. 301. Reported by 'Ā'ishah (may Allah be pleased with her).

let the menstruating women keep away from the prayer place.”¹

A menstruating woman is also permitted to recite the Qur’an silently either by the eyes or by the heart, yet without uttering it by the tongue. She may put the Muṣḥaf (hard copy of the Qur’an) and read the verses by looking and without pronouncing it. Al-Nawawī said in his Sharḥ Al-Muḥadḍhab: “This is indisputably permissible.”²

However, it is prohibited and impermissible to utter it by the tongue according to the view of the majority of scholars. Al-Bukhārī³, Ibn Jarīr al-Ṭabarī⁴, and Ibn al-Mundhir⁵ held that it is permissible.

The same opinion is also reported from Mālik, and al-Shāfi‘ī in his old view⁶, according to the author of Faṭḥ al-Bārī.⁷

¹ Narrated by Al-Bukhārī; Book of Menstruation —Chapter: Menstruating Women Attend the Two 'Eid Prayers and the Muslim Invocations, and They Keep Away from the Praying Place; no. 324; Narrated by Muslim; Book of the Two 'Eid Prayers — Chapter: Mention of the Permissibility for Women to Go Out on the Two 'Eids to the Praying Place and to Attend the Sermon, Separately from Men; no. 890.

² Al-Majmū', vol. 2, p. 357.

³ See Ṣaḥīḥ al-Bukhārī: Book of Menstruation - Chapter: A Menstruating Woman Performs All the Rites Except the Ṭawāf of the House; and Faṭḥ al-Bārī, vol. 1, p. 407-408.

⁴ Faṭḥ al-Bārī, vol. 1, p. 408.

⁵ Al-Awsaṭ, vol. 2, p. 223.

⁶ Al-Majmū', vol. 2, p. 356.

⁷ Faṭḥ al-Bārī, vol. 1, p. 408.

Al-Bukhārī also reported from Ibrāhīm al-Nakha'ī in a Mu'allaq tradition that it is okay for a menstruating woman to recite the verses.¹

In al-Fatāwā Majmū'ah ibn Qāsim, Shaykh al-Islam Ibn Taymiyyah said: "In fact, there is no Sunnah at all regarding preventing her from [reciting] the Qur'an, for his saying:

«لَا تَقْرَأُ الْحَائِضُ وَلَا الْجُنُبُ شَيْئًا مِنَ الْقُرْآنِ»

'Neither the menstruating woman nor the one in a state of Janābah (state of sexual impurity) may recite anything of the Qur'an.'"² It is a weak ḥadīth by consensus of the people of knowledge in Ḥadīth.³

Indeed, women menstruated at the time of the Prophet (may Allah's peace and blessings be upon him), so if reciting the Qur'an were prohibited for them just like the prayer, the Prophet (may Allah's peace and blessings be upon him) would have clearly stated such a ruling, his wives would have learned it, and people would have communicated it. With the fact that none had transmitted such a prohibition from the Prophet (may Allah's peace

¹ Reported as Mu'allaq by al-Bukhārī; Book of Menstruation - Chapter: A Menstruating Woman Performs All the Rites Except the Ṭawāf of the House; before ḥadīth no. 305.

² Narrated by al-Tirmidhī - Chapters on Purification - Chapter on What is Reported on the One in a State of Major Impurity and the Menstruating Woman Not Reciting the Qur'an, no. 131.

³ See: "Al-'Ilal" by al-Tirmidhī (p. 69, in the arranged edition); "Al-Sunan al-Kubrā" by al-Bayhaqī, vol. 1, p. 309; "Al-Aḥkām al-Shar'iyyah" by Ibn 'Abd al-Ḥaqq, vol. 1, p. 504; and "Naṣb al-Rāyah" by al-Zayla'ī, vol. 1, p. 195.

and blessings be upon him), it is not allowed to render such an act forbidden, especially since menstruation was a recurrent state among women.¹

Having reviewed the conflicting views of scholars on this issue, it is more proper for a menstruating woman to abstain from reciting the Qur'an by the tongue unless there is a need for that, like when she is a teacher who needs to instruct the students, or in the case she is passing a test where her recitation is to be examined.

2- Rulings related to fasting: It is prohibited and invalid for a menstruating woman to observe obligatory or voluntary fasts. However, she is required to make up for the missed obligatory fasts, based on the ḥadīth of 'Ā'ishah (may Allah be pleased with her) where she said:

"كَانَ يُصِيبُنَا ذَلِكَ -تَعْنِي: الْحَيْضَ- فَنُؤْمَرُ بِقَضَاءِ الصَّوْمِ وَلَا نُؤْمَرُ بِقَضَاءِ الصَّلَاةِ".

"We used to experience that [menstruation], and we were commanded to make up for the missed fasts, but not the missed prayers." [Agreed upon].²

If a woman who is fasting starts her menses — even if it is shortly before sunset — her fasting is

¹ Majmū' al-Fatāwā, vol. 26, p. 191.

² Narrated by al-Bukhārī; Book of Menstruation - Chapter: A Menstruating Woman Does Not Make Up for Missed Prayers; no. 321; Narrated by Muslim; Book of Menstruation - Chapter: A Menstruating Woman is Required to Make Up for Missed Fasting but not for Missed Prayer; no. 335. The wording is that of Muslim.

invalidated, and she must make up for that day if it is an obligatory fast. However, if she only feels the movement of blood before sunset, yet it comes out only after sunset, then her fast is valid according to the correct scholarly opinion because there is no ruling to address blood that is inside the body,

and also because when the Prophet (may Allah's peace and blessings be upon him) was asked about whether a woman should take a bath if she experiences a wet dream just like men,

قال: «نَعَمْ إِذَا هِيَ رَأَتْ الْمَاءَ»

He said: "Yes, if she sees the fluid."¹ Hence, he attached the ruling to seeing the fluid, not merely feeling its movement. Likewise, the rulings of menstruation are applicable only by seeing the discharge of blood, not by feeling it moving inside.

Furthermore, if dawn rises while she is menstruating, her fast for that day is not valid, even if she becomes pure after dawn by a moment.

However, if she becomes pure shortly before the break of dawn, her fast is valid, even if she delays taking a bath until after dawn. This is similar to the case of someone intending to fast on the following day while he is in the state of Janābah (sexual impurity). The fast of such a person is valid, even if

¹ Narrated by al-Bukhārī: Book of Knowledge - Chapter on Shyness in Knowledge, no. 130; and Muslim: Book of Menstruation - Chapter on the Obligation of Ghusl Upon a Woman, no. 313.

he does not take a bath until after the break of dawn. In the Hadīth of ‘Ā’ishah (may Allah be pleased with her), she said:

"كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يُصْبِحُ جُنُبًا مِنْ جِمَاعٍ غَيْرِ احْتِلَامٍ ثُمَّ يَصُومُ فِي رَمَضَانَ".

“The Prophet (may Allah’s peace and blessings be upon him) used to get up in the morning in a state of Janābah on account of sexual intercourse —not a wet dream— and then he would fast in Ramadān.”
[Agreed upon]¹

3- Ruling related to making Ṭawāf around the Ka’bah: It is prohibited and invalid for a menstruating woman to make Ṭawāf around the Ka’bah, whether it be obligatory or voluntary. As for other rituals of Ḥajj and ‘Umrah, such as making Sa’y (walking diligently back and forth) between Ṣafā and Marwah, standing at ‘Arafah, spending the night at Muzdalifah and Mina, throwing the pebbles, and other rituals, it is not prohibited for a menstruating woman to perform them. Based on the statement of the Prophet (may Allah's peace and blessings be upon him) to ‘Ā’ishah when she had her menses:

«أَفْعَلِي مَا يَفْعَلُ الْحَاجُّ غَيْرَ أَلَّا تَطُوفِي بِالْبَيْتِ حَتَّى تَطْهُرِي».

¹ Narrated by al-Bukhārī; Book of Fasting - Chapter: Bathing of the Fasting Person; no. 1931; And narrated by Muslim; Book of Fasting - Chapter: The Validity of the Fast of One Upon Whom Dawn Comes While He is in a State of Sexual Impurity; no. 1109.

"Do everything the pilgrim does, but do not make Ṭawāf around the Ka'bah until you become pure [from menses]."¹

Accordingly, if a woman makes Ṭawāf while being in a state of purity, and then her menses starts immediately after finishing Ṭawāf, or during Sa'y, then there is nothing wrong with that.

4- The Farewell Ṭawāf is not obligatory for a menstruating woman. If a woman completes the rites of Ḥajj and 'Umrah, then menstruates before departing for her homeland, and her menstruation continues until her departure, then she departs without performing the Farewell Ṭawāf. Ibn 'Abbās (may Allah be pleased with them both) reported:

"أَمَرَ النَّاسُ أَنْ يَكُونُوا آخِرُ عَهْدِهِمْ بِالْبَيْتِ، إِلَّا أَنَّهُ خُفِفَ عَنِ الْمَرْأَةِ الْحَائِضِ."

"People were commanded to make Ṭawāf around the Ka'bah as the last thing they do, but an exception was made for the menstruating woman." [Agreed upon].²

It is not recommended for a menstruating woman to come to the gate of the Sacred Mosque and make supplications there upon departure because this is not reported from the Prophet (may

¹ Narrated by al-Bukhārī in the Book of Menstruation - Chapter: The Menstruating Woman Performs All the Rites Except Ṭawaf Around the House; no. 305; And narrated by Muslim in the Book of Hajj - Chapter: Clarifying the Forms of Iḥrām; no. 1211.

² Narrated by al-Bukhārī: Book of Ḥajj, Chapter on Farewell Ṭawaf, no. 1755; and Muslim: Book of Ḥajj, Chapter on the Obligation of Farewell Ṭawaf and Its Exemption for Menstruating Women, no. 1328.

Allah's peace and blessings be upon him). It is established that acts of worship are founded upon the reported texts. Rather, what is reported from the Prophet (may Allah's peace and blessings be upon him) indicates otherwise. In the case of Ṣafiyyah (may Allah be pleased with her), when she had her menses after Ṭawāf al-Ifādah, the Prophet (may Allah's peace and blessings be upon him) said to her:

«فَلْتَنْوِرْ إِذْنًا».

“Then let her depart.” [Agreed upon].¹

The Prophet did not order her to come to the gate of the Sacred Mosque, and were this a permissible act and Shariah-approved, he would have stated that clearly. As for the obligatory Ṭawāf of Ḥajj and 'Umrah, it is not waived on account of menstruation; rather, it has to be performed after attaining purity.

5- Ruling on staying at the mosque: It is impermissible for a menstruating woman to stay at the mosque, even the place of 'Eid prayer. Umm 'Atiyyah (may Allah be pleased with her) reported that she heard the Prophet (may Allah's peace and blessings be upon him) say:

¹ Narrated by al-Bukhārī: Book of Ḥajj - Chapter on When a Woman Menstruates After She Has Performed Ṭawāf al-Ifādah, no. 1757; and Muslim: Book of Ḥajj, Chapter on the Obligation of Farewell Ṭawāf, no. 1211.

«يَخْرُجُ الْعَوَاتِقُ وَذَوَاتُ الْخُدُورِ وَالْحَيْضُ».

“Let the mature girls, virgins staying in seclusion, and menstruating women go out.” The ḥadīth goes on:

«يَعْتَزِلُ الْحَيْضُ الْمُصَلَّى».

“Let the menstruating women keep away from the prayer place.” [Agreed upon].¹

6- Ruling on sexual intercourse: It is impermissible for the husband to have sexual intercourse with his menstruating wife, and it is impermissible for the wife to let him do so; based on the statement of the Most High:

﴿وَيَسْأَلُونَكَ عَنِ الْمَجْبُطِ قُلْ هُوَ أَذَى فَأَعْتَزِلُوا النِّسَاءَ فِي الْمَجْبِضِ وَلَا تَقْرَبُوهُنَّ حَتَّى يَطْهُرْنَ...﴾

"They ask you about menstruation. Say: 'It is impurity; so stay away from women during menstruation and do not have intercourse with them until they become pure ...'" [Sūrat al-Baqarah: 222] The word “menstruation” in the verse refers to the period of menstruation and the place from which it flows (i.e. the vagina). And the Prophet (may Allah’s peace and blessings be upon him) said: «اصْنَعُوا كُلَّ شَيْءٍ إِلَّا النِّكَاحَ».

¹ Narrated by al-Bukhārī; Book of Menstruation —Chapter: Menstruating Women Attend the Two 'Eid Prayers and the Muslim Invocations, and They Keep Apart from the Praying Place; no. 324; Narrated by Muslim; Book of the Two Eid Prayers— Chapter: Mention of the Permissibility for Women to Go Out on the Two 'Eids to the Praying Place and to Attend the Sermon, Separately from Men; no. 890.

"Do everything except for sexual relations." Meaning: sexual intercourse. [Narrated by Muslim]¹ This ruling is further supported by the Muslim scholars' consensus on the impermissibility of having sexual intercourse with the menstruating wife directly through the vagina.

Therefore, it is unlawful for someone who believes in Allah and the Last Day to do such a wrong act whose prohibition is indicated by the Qur'an, Sunnah, and the Muslim scholars' consensus. Whoever does so is among those who oppose Allah and His Messenger and follow a path other than that of the believers. Al-Nawawi, the author of *Al-Majmū'*, a commentary on *Al-Muhadhdhab*, said on p. 374 of vol. 2: "Al-Shāfi'i (may Allah have mercy upon him) said: 'Whoever does this has actually committed a major sin.' Our fellow scholars who follow the Shāfi'i School, as well as others, said: 'Whoever deems it lawful to have sexual intercourse with a menstruating woman is to be judged as a disbeliever.'"

Such a husband is permitted, and praise be to Allah, to do such acts that can diminish his lust without resorting to sexual intercourse, such as kissing, caressing, and physical contact outside the vagina. It is better, however, to avoid the area

¹ Narrated by Muslim; Book of Menstruation - Chapter: A Menstruating Woman May Wash Her Husband's Hair; no. 302.

between the navel and the knee while doing so, unless there is a barrier to prevent intercourse. 'Ā'ishah (may Allah be pleased with her) reported:

"كَانَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَأْمُرُنِي فَأَتَزُرُّ فَيُبَاشِرُنِي وَأَنَا حَائِضٌ".

"The Prophet (may Allah's peace and blessings be upon him) used to order me to put on an Izār (lower garment) and used to fondle me during my menses." [Agreed upon].¹

7- Ruling related to divorce: It is impermissible for a husband to divorce his wife during her menstruation period, as Allah, the Most High, says:

{يَا أَيُّهَا النَّبِيُّ إِذَا طَلَقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعَدَّتِهِنَّ...}

"O Prophet, when you [Believers] divorce women, divorce them with concern to their waiting period ..." [Sūrat al-Ṭalāq: 1] This means that they should be divorced while ready to start a known waiting period. This happens only when a woman is divorced while being pregnant or in a state of purity from menses without an incident of sexual intercourse. That is because divorcing a woman during her menses prevents her from being ready to start her waiting period, since the menstruation period during which she got divorced is not counted among the waiting period. Furthermore, if

¹ Narrated by al-Bukhārī; Book of Menstruation - Chapter: Foreplay With a Menstruating Woman; no. 301; Narrated by Muslim; Book of Menstruation - Chapter: Foreplay With a Menstruating Woman Over the Waist-Wrapper; no. 293.

she is divorced while in a state of purity from menses, after an incident of sexual intercourse, her waiting period will not have a definite beginning, because in such a case it could not be verified whether she is pregnant on account of that sexual intercourse, so her waiting period is linked to pregnancy, or she is not pregnant, so she has to observe her waiting period based on her menstruation cycles. With such a situation of uncertainty about the type of waiting period she has to observe, divorce is deemed impermissible until the matter is clear.

Thus, it is impermissible for a man to divorce his wife during her menstruation period as per the aforementioned verse, and also for the ḥadīth reported by al-Bukhārī and Muslim and others on the authority of Ibn ‘Umar "who reported that he divorced his wife during her menstruation period, and ‘Umar told the Prophet (may Allah’s peace and blessings be upon him) about that. Thereupon, the Prophet (may Allah’s peace and blessings be upon him) became angry and said:

«مُرّه فَلْيَرِاجِعْهَا ثُمَّ لِيُمْسِكْهَا حَتَّى تَطْهَرَ، ثُمَّ تَحِيضَ، ثُمَّ تَطْهَرَ، ثُمَّ إِنْ شَاءَ أَمْسَكَ بَعْدُ، وَإِنْ شَاءَ طَلَّقَ قَبْلَ أَنْ يَمَسَّ، فَتِلْكَ الْعِدَّةُ الَّتِي أَمَرَ اللَّهُ أَنْ تُطَلَّقَ لَهَا النِّسَاءُ».

'Order him to take her back and keep her until she attains purity, then menstruates, then attains purity. Then, if he wishes, he may keep her, and if he wishes, he may divorce her before having

intercourse with her. This is the 'Iddah (waiting period) that Allah has ordered for the divorce of women."¹

Hence, if a man divorces his wife during her menstruation period, he bears a sin for that, and is required to repent to Allah, the Most High. He must take her back in marriage in order to divorce her according to the way approved by the Shariah, and in conformity to the command of Allah and His Messenger. After he takes her back in marriage, he must leave her until she becomes pure of the menses during which he divorced her, then wait until she starts another menstruation period. Upon attaining purity, he may keep her if he so wishes or divorce her before having sexual intercourse with her.

There are three cases, however, that are excluded from the prohibition of divorcing one's wife during menstruation:

First case: It is permissible for a man to divorce his wife before being in seclusion with her initially or touching her, because in that case there is no waiting period for her, so divorcing her is not in opposition to the statement of Allah, the Most High:

¹ Narrated by al-Bukhārī: Book of Divorce, no. 5251; and Muslim: Book of Divorce— Chapter: Prohibition of Divorcing a Woman During Her Menses Against Her Will and That the Divorce in this Case is Effective, and the Husband is Commanded to Take Her Back, no. 1471, from the ḥadīth of Ibn 'Umar (may Allah be pleased with them both).

﴿...فَطَلَّوْهُنَّ لِعَدَّتِهِنَّ...﴾

"... divorce them with concern to their waiting period ..." [Sūrat al-Ṭalāq: 1]

Second case: If menstruation takes place during pregnancy, and the reason for this is previously explained.

Third case: If the divorce is in return for compensation paid to the husband. Here, there is nothing wrong with divorcing a wife during her menstrual period.

Such as when there is discord and poor relations between the spouses, and the husband takes compensation in order to divorce her, then it is permissible, even if she is menstruating. This is based on the ḥadīth of Ibn 'Abbās (may Allah be pleased with them both) who reported: "The wife of Thābit ibn Qays ibn Shammās came to the Prophet (may Allah's peace and blessings be upon him) and said: 'O Messenger of Allah, I do not blame Thābit for any defect in his character or his religion, but as a Muslim, I dislike to act ungratefully.' The Prophet (may Allah's peace and blessings be upon him) said:

«أَتُرِيدِينَ عَلَيْهِ حَاقِقَتَهُ؟»

'Will you give him back his garden?' She replied: 'Yes.' So the Messenger of Allah (may Allah's peace and blessings be upon him) said:

«اقْبَلِ الْحَدِيقَةَ وَطَلِّقْهَا تَطْلِيقَةً»

'Accept the garden and divorce her once.'
[Narrated by al-Bukhārī].¹

The Prophet (may Allah's peace and blessings be upon him) did not ask her whether she was having her menses or not. Another reason is that such a divorce is like a woman ransoming herself, so it is permissible to resort to it when there is a case of necessity, whatever the conditions may be.

The author of al-Mughnī said in highlighting the rationale behind the permissibility of Khul' (wife-initiated divorce) during menstruation, p.52 vol.7: "This is because the prohibition of divorcing a wife during her menses is prompted by the harm that she may suffer on account of the elongation of her waiting period; meanwhile, Khul' is legislated for the purpose of removing the harm resulting from bad treatment and living with someone whom she hates, which is more harmful to her than having her waiting period elongated. Thus, divorce is made permissible here to ward off the greater harm by the lesser. That is why the Prophet (may Allah's peace and blessings be upon him) did not ask the wife of Thābit about her menstrual condition."

On the other hand, conducting a marriage contract of a menstruating woman is permissible, because permissibility is the original case, and

¹ Narrated by al-Bukhārī: Book of Divorce - Chapter: Khul' and How Divorce Is Effected Therein, no. 5273, from the ḥadīth of Ibn 'Abbās (may Allah be pleased with them both).

there is no evidence to prove otherwise. However, letting the husband enter upon her is to be considered in the sense that if there is no fear that he might have sexual intercourse with her, he may be allowed to enter upon her; otherwise, he must not be allowed to enter upon her until she becomes pure, to ensure that they would not fall into what is prohibited.

8- Ruling related to counting the waiting period based on the menstrual cycles: If a man divorces his wife after having sexual intercourse with her, or after being in seclusion with her, she has to observe a waiting period of three full menstrual cycles if she is of those who experience menstruation, and is not pregnant; as Allah, the Most High, says:

﴿وَالْمُطَلَّاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ...﴾

"Divorced women should wait for three menstrual cycles ..." [Sūrat al-Baqarah: 228] Meaning: three menstrual periods. If she is pregnant, then her waiting period ends by her giving birth of the child, regardless of the period of her pregnancy; for Allah, the Most High, says:

﴿...وَأُولَاتُ الْأَحْمَالِ أَجَلُهُنَّ أَنْ يَضَعْنَ حَمْلَهُنَّ...﴾

"... As for pregnant women, their waiting period ends with delivery ..." [Sūrat al-Ṭalāq: 4] If she is not of those women who menstruate, like young girls who have not yet menstruated or women who no longer menstruate due to old age, hysterectomy, or

any other reason that prevents menstruation, then her waiting period is three months, as He, the Most High, says:

﴿وَاللَّائِي يُمْسِنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ وَاللَّائِي لَمْ يَحِضْنَ...﴾

"As for those women from among you who reached their menopause, in case you doubt, their waiting period is three months, as well as for those who have not yet menstruated ..." [Sūrat al-Ṭalāq: 4] However, if her menstruation is halted for a known accidental reason such as illness or breastfeeding, she has to extend her waiting period no matter how long it may be, until her menstruation returns to normal and count her waiting period accordingly. However, if the preventing cause no longer exists, such that she recovers from illness or finishes breastfeeding, yet her menstruation does not return to normal, then she has to observe a waiting period for a whole year starting from the time the preventing cause ceased to exist. This is the sound opinion that agrees with the Shari'ah rules in this regard. This is so because when the cause ceases and menstruation does not return, she is then like one whose menstruation has ceased without a known cause. And if her menstruation ceases without a known cause, then she must observe a waiting period of a full year: nine months for pregnancy as a

precaution—since that is the usual term of pregnancy—and three months for the waiting period.

Nevertheless, if divorce occurs after contracting the marriage and before the spouses' being alone together or having sexual intercourse, then no waiting period has to be observed, neither for menstruation nor otherwise; for the statement of Him, the Most High:

(يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا نَكَحْتُمُ الْمُؤْمَنَاتِ ثُمَّ طَلَقْتُمُوهُنَّ مِنْ قَبْلِ أَنْ تَمْسُوهُنَّ فَمَا لَكُمْ عَلَيْهِنَّ مِنْ عِدَّةٍ تَعْتَدُونَهَا...)

"O you who believe, when you marry believing women and then divorce them before the marriage is consummated, you have no reason to ask them to observe any waiting period ..." [Sūrat al-Aḥzāb: 49]

9- Ruling of clearance of the womb —that is, it being free of pregnancy. And this is required whenever there is a need to rule upon the clearance of the womb, and it has various issues.

Among them: If a person dies leaving behind a woman whose womb carries a potential heir, and she has a husband, then her husband does not approach her until she menstruates, or it becomes clear that she is pregnant. If it becomes clear that she is pregnant, we judge that the child inherits, because we rule that it was present at the time of the death of the one from whom it would inherit. And if she menstruates, we judge that it does not

inherit, because we rule that the womb has been cleared of pregnancy by means of menstruation.

10- Obligation of Ghushl: It is obligatory for a menstruating woman to take a bath by washing all her body once she attains purity from menses. Evidence of this can be found in the Prophet's (may Allah's peace and blessings be upon him) statement to Fāṭimah bint Abī Ḥubaysh:

«فَإِذَا أَقْبَلَتْ الْحَيْضَةُ فَدَعِيَ الصَّلَاةَ، وَإِذَا أَدْبَرَتْ فَأَغْتَسِلِي وَصَلِّي.»

“When your menses starts, do not perform the prayers, but when it ends, take a bath and perform the prayers.” [Narrated by al-Bukhārī]¹

The least to be done in the obligatory ritual bath is to let water reach her entire body, including the skin beneath the hair. It is better, however, to take a bath according to the manner described in the following ḥadīth: When the Prophet (may Allah's peace and blessings be upon him) was asked by Asmā' bint Shakal about how to take a bath from menstruation, he (may Allah's peace and blessings be upon him) said:

«تَأْخُذُ إِحْدَاكُنَّ مَاءَهَا وَتَسِدُّ رَأْسَهَا فَتَطَهَّرُ فَنُحْسِنُ الطُّهُورَ، ثُمَّ نَتَّصِبُ عَلَى رَأْسِهَا فَتَذْلُكُ ذَلِكَ دَلًّا شَدِيدًا، حَتَّى تَبْلُغَ شُؤُونَ رَأْسِهَا، ثُمَّ نَتَّصِبُ عَلَيْهَا الْمَاءَ، ثُمَّ تَأْخُذُ فِرْصَةً مُمَسَّكَةً -أَي: قِطْعَةً قَمَاشٍ فِيهَا مِسْكٌ- فَتَطَهَّرُ بِهَا»

¹ Narrated by al-Bukhārī: Book of Menstruation —Chapter: The Onset and Cessation of Menses, no. 320; and Muslim: Book of Menstruation - Chapter: The Woman with Continuous Bleeding, Her Washing and Prayer, no. 333, from the ḥadīth of 'Ā'ishah (may Allah be pleased with her).

“Let her [the menstruating woman] use water mixed with the leaves of the lote tree and cleanse herself well, and then pour water on her head and rub it thoroughly till the water reaches the roots of her hair. Then she should pour water on it. Then she should take a piece of cotton with musk and cleanse herself with it.” Asmā’ asked: ‘How should one purify herself with it?’ He said:

«سُبْحَانَ اللَّهِ!»

Subhān Allāh!" (Glory be to Allah!), So, ‘Ā’ishah (may Allah be pleased with her) said to her: ‘Follow the trace of the blood.’" [Narrated by Muslim].¹

It is not obligatory to undo her hair braids unless they are strongly tied in a way that is likely to prevent water from reaching her scalp. It is reported in Ṣaḥīḥ Muslim that Umm Salamah (may Allah be pleased with her) asked the Prophet (may Allah’s peace and blessings be upon him): “I am a woman who strongly ties her braids. Should I undo them to take a bath from Janābah?” (Another narration adds menstruation). He said:

«لَا، إِنَّمَا يَكْفِيكَ أَنْ تَحْتِيَ عَلَى رَأْسِكَ ثَلَاثَ حَنَاطٍ ثُمَّ تُفِيضِينَ عَلَيْكَ الْمَاءَ فَتَطْهُرِينَ».

¹ Narrated by al-Bukhārī: Book of Menstruation —Chapter: Washing After Menses, no. 315; and Muslim: Book of Menstruation—Chapter: The Recommendation That the Woman Who Bathes After Menses Use a Piece of Cloth Scented with Musk at the Place of Blood, no. 332, from the ḥadīth of ‘Ā’ishah (may Allah be pleased with her).

'No, it is sufficient for you to pour three handfuls of water on your head then pour water all over yourself, and you will be purified.'"¹

If a menstruating woman becomes pure during the prescribed time of prayer, she has to take a bath at once in order to be able to offer it in its due time. If she is on a journey and lacks water, or has water yet she fears to suffer harm, or is sick and using water could harm her, then she may perform Tayammum (dry ablution) instead of Ghusl, then take a bath once the cause that prevents her therefrom no longer exists.

Some women become pure from menses during the prescribed time of prayer, yet they delay taking bath, claiming that they cannot purify themselves completely within that time. This is definitely not a valid reason or excuse. This is because she can take the obligatory ritual bath in its simplest form, then perform the prayer in its due time. Then, she can take full bath when there sufficient time to do that.

Chapter Five: Istihāḍah and Its Rulings.

Istihāḍah is the case where a woman experiences an incessant flow of blood that never stops, or stops for a limited time like one or two days in a month.

¹ Narrated by Muslim: Book of Menstruation - Chapter on the Ruling Concerning a Woman's Braids When Performing the Ritual Bath, no. 330, from the ḥadīth of Umm Salamah (may Allah be pleased with her).

The evidence for the first case, in which the bleeding never ceases, is what is established in Ṣaḥīḥ al-Bukhārī from ‘Ā’ishah (may Allah be pleased with her) who said: "Fātimah bint Abī Ḥubaysh said to the Messenger of Allah (may Allah's peace and blessings be upon him):

"يَا رَسُولَ اللَّهِ إِنِّي لَا أَطْهُرُ".

'O Messenger of Allah, I never become pure.' Another narration reads:

"أَسْتَحَاضُ فَلَا أَطْهُرُ".

'I suffer from continuous bleeding and do not become pure.'"¹

The evidence for the second case, in which the bleeding ceases only for a short while, is the ḥadīth of Ḥamnah bint Jahsh, when she came to the Prophet (peace and blessings be upon him) and said:

"يَا رَسُولَ اللَّهِ إِنِّي أَسْتَحَاضُ حَيْضَةً كَثِيرَةً شَدِيدَةً".

"O Messenger of Allah, indeed, I experience extensive and severe vaginal bleeding." [Narrated by Aḥmad, Abū Dāwūd and al-Tirmidhī;² it was

¹ Narrated by al-Bukhārī: Book of Ablution —Chapter: Washing Off Blood, no. 228; and Muslim: Book of Menstruation - Chapter: The Mustahāḍah, Her Washing and Her Prayer, no. 333, from the ḥadīth of ‘Ā’ishah (may Allah be pleased with her).

² Narrated by Aḥmad, vol. 6, p. 349; Abū Dāwūd; Book of Purification—Chapter: Those Who Said That When Her Menstruation Begins She Should Abandon Prayer; no. 287; al-Tirmidhī; Chapters on Purification - Chapter: Concerning the Woman in Istihāḍah Combining Two Prayers with One

classified as authentic, and it is reported from Imām Aḥmad that he authenticated it and from al-Bukhārī that he graded it sound.¹

States of Istiḥāḍah:

There are three states of Istiḥāḍah:

1- A woman who used to have a known menstruation period before she experiences Istiḥāḍah. Here, she has to act upon the number of days her menstruation used to last, and consider them menstruation days where the relevant rulings apply, and the days beyond those are to be considered days of Istiḥāḍah where the relevant rulings apply.

Example: a woman used to have her menstruation period along the first six days of the month. Then, she started to experience Istiḥāḍah, where there was a continual flow of blood. Here, she should consider the first six days of the month as her menstruation period, and what is beyond that is Istiḥāḍah. This is based on the ḥadīth of ‘Ā’ishah (may Allah be pleased with her) reporting Fātimah bint Abī Ḥubaysh as saying: “O Messenger of Allah, I am a woman who has a continuous flow

Ritual Bath; no. 128. Reported by Ḥammah bint Jaḥsh (may Allah be pleased with her).

¹ Sunan al-Tirmidhī: Chapters on Purification - Chapter: A Woman in Istiḥāḍah Combining Two Prayers with a Single Ritual Bath; after ḥadīth no. 128.

of vaginal bleeding; so my menses does not cease; should I abstain from prayer?" He replied:

«لَا، إِنَّ ذَلِكَ عِرْقٌ، وَلَكِنْ دَعِيَ الصَّلَاةَ قَدَرُ الْأَيَّامِ الَّتِي كُنْتَ تَحِيضِينَ فِيهَا ثُمَّ اغْتَسِلِي وَصَلِّي.»

'No, this is a vein. Abstain from prayer only for a number of days similar to those of your normal menses; then, take a ritual bath and pray.' Narrated by al-Bukhārī.¹

In Ṣaḥīḥ Muslim, it is reported that the Prophet (may Allah's peace and blessings be upon him) said to Umm Ḥabībah bint Jaḥsh:

«أَمُكْنِي قَدَرُ مَا كَانَتْ تُحِيضُكِ حَيْضَتُكَ ثُمَّ اغْتَسِلِي وَصَلِّي.»

"Stay for a period similar to that of your normal menses, then take a bath and pray."²

Hence, a woman in a state of Istiḥāḍah who used to have a known menstruation period, should consider herself menstruating for a time equal to that of her normal menstruation, then take a bath and pray without paying attention to the flow of blood.

2- A woman whose menses were not bound to a known number of days before experiencing

¹ Narrated by al-Bukhārī; Book of Menstruation —Chapter: Menstruation, and That Women Are to be Believed Concerning Menstruation and Pregnancy in Cases Where Menstruation is Possible; no. 325, from the ḥadīth of 'Ā'ishah (may Allah be pleased with her).

² Narrated by Muslim; Book of Menstruation —Chapter: The Woman with Non-Menstrual Bleeding, Her Washing and Her Prayer; no. 334, from the ḥadīth of 'Ā'ishah (may Allah be pleased with her).

Istiḥāḍah, (i.e. she has been in the state of Istiḥāḍah since the first days she experienced menstruation). In this case, she should differentiate between menses and Istiḥāḍah based on the nature of the blood. So, dark and heavy blood or that with a smell should mark the days of her menses, and what is beyond that is considered Istiḥāḍah, to which the relevant rulings are to be applied.

For example, a woman sees the blood when it has first flowed, and it continued with her. Yet, its color is dark, or heavy, or smelly for ten days, then it turns red, or light, or not smelly for the rest of the month. Here, any blood that is dark, heavy, or smelly should be considered menstrual blood, and the rest is considered Istiḥāḍah. This is due to what the Prophet (may Allah's peace and blessings be upon him) said to Fātimah bint Abī Ḥubaysh:

«إِذَا كَانَ دَمُ الْحَيْضَةِ فَإِنَّهُ أَسْوَدُ يُعْرَفُ، فَإِذَا كَانَ ذَلِكَ فَأَمْسِكِي عَنِ الصَّلَاةِ فَإِذَا كَانَ الْآخَرُ فَتَوَضَّئِي وَصَلِّي؛ فَإِنَّمَا هُوَ عِرْقٌ».

“If it is the blood of menstruation, it will be dark (almost black) and recognizable [by women]. If it is that, then leave the prayer. If it is other than that, then make ablution and pray, for it comes from a vein.” [Narrated by Abū Dāwūd and al-Nasā'ī; Ibn Ḥibbān and al-Hākim classified it as authentic].¹

¹ Narrated by Abū Dāwūd; Book of Purification—Chapter: Those Who Said that When Menstruation Begins a Woman Should Abandon Prayer; no. 286; Narrated by al-Nasā'ī; Book of Purification—Chapter: What is Reported on a Woman in Istiḥāḍah Who Had Known the Days of Her Periods Before

Although this ḥadīth has some scrutiny regarding its chain and its text, the scholars (may Allah have mercy on them) acted upon it, and it is more appropriate than referring her case back to the habit of the majority of women.

3- A woman did not use to have a known menstruation period. She could not differentiate properly between menstrual and Istihāḍah blood, as the blood she always sees has an unchanged nature, or it may have different natures, all of which are unrelated to menstrual blood. Such a woman should refer to the average menstruation period that most women experience. Therefore, she counts her menstruation days as six or seven per month, starting from the first time she saw the flow of blood, and what is beyond that is considered Istihāḍah.

Example: She sees the flow of blood for the first time on the fifth day of the month, and it continues to flow without showing any marks that indicate its being menstrual blood, such as its color or the like. Thus, her menstruation period is counted as six or seven days, starting from the fifth day of every month. According to the ḥadīth of Ḥammah bint

Blood Continued to Flow from Her; no. 211; Narrated by ibn Mājah; Book of Purification and its Sunan—Chapter: What is Reported on a Woman in Istihāḍah Who Had Known the Days of Her Periods Before Blood Continued to Flow From Her; no. 620; Narrated by ibn Ḥibbān in his Ṣaḥīḥ, no. 1348, and by al-Hākim in al-Mustadrak, no. 618, from the ḥadīth of ‘Ā’ishah (may Allah be pleased with her).

Jahsh (may Allah be pleased with her) where she said: "O Messenger of Allah, I am a woman who experiences a heavy prolonged flow of menstrual blood, so what do you think about it? It has prevented me from praying and fasting." He (may Allah's peace and blessings be upon him) said:

«أَنْعْتُ لَكَ (أَصِفْ لَكَ اسْتِعْمَالَ) الْكُرْسُفَ (وَهُوَ الْقُطْنُ) تَضَعِيْنَهُ عَلَى الْفَرْجِ، فَإِنَّهُ يُذْهِبُ الدَّمَ»،

'I suggest that you use cotton, for it eliminates [the traces of] blood.' She said: 'It is more than that.' And therein he said:

«إِنَّمَا هَذَا رَكْضَةٌ مِنْ رَكْضَاتِ الشَّيْطَانِ، فَتَحْيِضِي سِتَّةَ أَيَّامٍ أَوْ سَبْعَةً فِي عِلْمِ اللَّهِ تَعَالَى، ثُمَّ اغْتَسِلِي حَتَّى إِذَا رَأَيْتِ أَنَّكَ قَدْ طَهُرْتَ وَاسْتَنْقَيْتِ فَصَلِّي أَرْبَعًا وَعِشْرِينَ أَوْ ثَلَاثًا وَعِشْرِينَ لَيْلَةً وَأَيَّامَهَا وَصُومي».

'This is only a strike of the devil. Observe your menses for six or seven days, according to Allah's knowledge. Then have a ritual bath. When you see that you are pure and clean, pray during twenty-three or twenty-four days and nights and fast.' [Narrated by Ahmad, Abū Dawūd and al-Tirmidhī, who declared it authentic¹; it was reported from

¹ Narrated by Ahmad, vol. 6, p. 439; Abū Dawūd: Book of Purification— Chapter: Whoever Said That When Menstruation Begins She Should Abandon Prayer; no. 287; and al-Tirmidhī: Chapters on Purification —Chapter: Regarding the Woman in Istihāḍah Combining Two Prayers With One Ritual Bath; no. 128, from the ḥadīth of Ḥammah bint Jahsh (may Allah be pleased with her).

Aḥmad that he declared it authentic, and from al-Bukhārī that he graded it sound]¹.

The Prophet (may Allah's peace and blessings be upon him) did not mean to let her choose between staying six or seven days, rather; it is an attempt to accurately estimate the number of her menses' days by considering the menstrual state of those women who resemble her in nature, age, and are close in terms of blood relation, and by examining which blood has more likeness to her menstrual blood, as well as other factors. If the closer probability is six days, then she should consider her menses to be six days; and if it is seven, then she should consider it to be seven.

Cases resembling Istihāḍah:

A woman may experience vaginal bleeding due to some reason, such as undergoing surgery in the uterus, or the like. This case has two types:

First type: It is known that a woman can't experience menstruation after the surgery, such as in the case of removing the uterus or blocking it so that no blood would flow therefrom. The rulings of Istihāḍah are not to be applied to such a woman; instead, she should be treated like a woman who experiences yellowish or brownish discharge or

¹ Sunan al-Tirmidhī: Chapters on Purification - Chapter: A Woman in Istihāḍah Combining the Two Prayers With a Single Ritual Bath, following ḥadīth no. 128.

vaginal wetness after purity from menses. Accordingly, she should not refrain from prayer or fasting, and her husband may have sexual intercourse with her. It is noteworthy that such bleeding does not entail a ritual bath. However, the woman is required to wash away the blood and tie a towel tightly to her private parts to prevent the flow of blood, then perform ablution for the prayer. This should be done after the prayer's prescribed time has already started if it is an obligatory prayer, or upon intending to offer a voluntary prayer.

Second type: It is not certainly known that her menses will stop after the surgery, but it is possible that she will experience menstruation. The rulings of *Istiḥāḍah* should apply in this case, based on the statement of the Prophet (may Allah's peace and blessings be upon him) to Fātimah bint Abī Ḥubaysh:

«إِنَّمَا ذَلِكَ عِرْقٌ وَلَيْسَ بِالْحَيْضَةِ، فَإِذَا أَقْبَلَتِ الْحَيْضَةُ فَأَتْرُكِي الصَّلَاةَ».

“This blood is from a blood vessel, not menses. So when the real menses begins, do not offer the prayers.”¹

His statement:

«فَإِذَا أَقْبَلَتِ الْحَيْضَةُ»

¹ Narrated by al-Bukhārī: Book of Ablution — Chapter: Washing of Blood, no. 228; and Muslim: Book of Menstruation, Chapter: The *Mustahāḍah*, Her Washing and Her Prayer, no. 333, from the ḥadīth of 'Ā'ishah (may Allah be pleased with her).

"So when the real menses begins ..." This indicates that the ruling pertaining to a woman who experiences non-menstrual vaginal bleeding applies to the case where she has menstruation periods that have a beginning and end, but not to the case where menstruation is impossible, as her bleeding is from a blood vessel in all cases.

Rulings of Istihāḍah:

It is already known now the difference between menstrual blood and that of Istihāḍah. So, whenever it is menstrual blood, rulings of menstruation should be applied, and whenever it is Istihāḍah, the relevant rulings should be applied.

Important rulings pertaining to menstruation were explained earlier.

Rulings of Istihāḍah, however, are the same ones applying in a state of purity, except for the following differences:

1- It is obligatory for a woman in the state of Istihāḍah to perform ablution for every prayer, in light of the Prophet's statement to Fātimah bint Abī Ḥubaysh:

«ثُمَّ تَوَضَّئِي لِكُلِّ صَلَاةٍ».

"Then perform ablution upon every prayer." [Narrated by al-Bukhārī in Chapter: Washing Blood] This means that she has to perform ablution for the prayer only after its prescribed time is already due. If the prayer has no specific prescribed

time, then she should perform ablution when she intends to offer it.

2- Before ablution, she has to wash away the traces of blood and tie a towel with cotton to her private parts in order to block the flow of blood, as the Prophet (may Allah's peace and blessings be upon him) said to Ḥamnah:

«أَنْعَثْ لَكَ الْكُرْسُفَ فَإِنَّهُ يُذْهِبُ الدَّمَ». قَالَتْ: فَإِنَّهُ أَكْثَرُ مِنْ ذَلِكَ. قَالَ: «فَاتَّخِذِي ثَوْبًا». قَالَتْ: هُوَ أَكْثَرُ مِنْ ذَلِكَ. قَالَ: «فَتَلْجَمِي».

"I suggest that you should use cotton, for it absorbs the blood." She said: 'It is more than that.' He said: 'Then use a piece of cloth.' She said: 'It is more than that.' He said: 'Then tie something closely [to your private parts to prevent the flow of blood].'" Until the rest of the ḥadīth. If the blood still flows after doing this, then the woman is not blamed for that, for the Prophet (may Allah's peace and blessings be upon him) said to Fātimah bint Abī Ḥubaysh:

«اجْتَنِبِي الصَّلَاةَ أَيَّامَ حَيْضِكَ، ثُمَّ اغْتَسِلِي وَتَوَضَّئِي لِكُلِّ صَلَاةٍ، ثُمَّ صَلِّي، وَإِنْ قَطَرَ الدَّمُ عَلَى الْحَصِيرِ».

"Do not perform prayer during the days of your menstruation, then take a bath and perform ablution for each prayer, then perform the prayer, even if drops of blood fall on the mat." [Narrated by Aḥmad and ibn Mājah].¹

¹ Narrated by Aḥmad, vol. 6, p. 204; and ibn Mājah; Book of Purification and its Sunan - Chapter: What Is Reported on Woman Who Kept Count of Her

3- Sexual intercourse. The scholars have differed regarding its permissibility when there is no fear of hardship in leaving it. The correct view is that it is permissible absolutely; because many women in the time of the Prophet (may Allah's peace and blessings be upon him) experienced non-menstrual bleeding for ten days or more, and neither Allah nor His Messenger forbade intercourse with them. Rather, as Allah, the Most High, says:

{...فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ...}

"... so stay away from women during menstruation ..." [Sūrat al-Baqarah: 222] It is proof that it is not obligatory to stay away from the wives in states other than menstruation. Also, given the fact that prayer is permissible during Istihāḍah, then it is permissible in lesser cases, i.e. sexual intercourse. Drawing an analogy between having sexual intercourse during Istihāḍah and menstruation is invalid since they are not the same, even in the sight of those who adopt the view of the impermissibility of having sexual intercourse during Istihāḍah. Moreover, drawing an analogy between different cases is invalid.

Period Days Before Blood Continued to Flow From Her; no. 624, from the ḥadīth of 'Ā'ishah (may Allah be pleased with her).

Chapter Six: Post-partum Bleeding and Its Rulings

It is the blood that the uterus discharges on account of delivery, whether associated with it, after it, or two or three days ahead of it, along with uterine contractions.

Shaykh al-Islam Ibn Taymiyyah said: “The blood discharge she sees when the uterine contractions start is post-partum bleeding.” He did not restrict it to two or three days. He means by that statement that blood associated with contractions that are not followed by delivery is not post-partum bleeding. Scholars have different opinions regarding whether there is a limit, maximum, or minimum for its duration. Shaykh Taqiyy al-Dīn said in his treatise on such terms to which the Legislator has attached specific rulings, p. 37, : “There is no maximum or minimum limit for post-partum bleeding. So, if a woman experiences such bleeding for forty, sixty, or seventy days, then it ceases, then it is post-partum bleeding. But if it is continual, then it is due to an illness, and in such a case, it is to be restricted to a limit of forty days, as it is the maximum period that most women go through, according to the reports.”

Based on that, I opine that if the bleeding exceeds forty days, while she used to have it stopped after such a period, or if there are signs that indicate its

imminent cessation, she should wait until it ceases; otherwise, she should take a bath after completing forty days, because this is the average period of post-partum bleeding. However, if such bleeding coincides with the time of her menstruation, then she has to wait until her menstruation period is over. If the bleeding stops thereafter, she has to set that period as a reference for her in future cases. But if the blood continues to flow, then it is Istihādah to which the previous relevant rulings are to be applied. If she becomes pure based on the cessation of blood flow, then she is ritually pure even before completing forty days. She must take a bath, pray, fast, and her husband may have sexual intercourse with her unless the cessation of blood lasts for less than one day, in which case, no rulings should apply, as stated in al-Mughnī.¹

It is worth mentioning that a case of post-partum bleeding is established only by giving birth to a wholly formed fetus, in which human features are recognized. That is, if a woman gives birth to a small being that does not obviously display human features, then the blood is not post-partum bleeding, but it comes from a blood vessel. Therefore, she is to be considered in a state of Istihādah. The least period in which the fetus can develop full human features is eighty days from the

¹ Al-Mughnī, vol. 1, p. 252-253.

beginning of pregnancy, and it is ninety days in most cases.

Al-Majd ibn Taymiyyah said: “She should pay no consideration to the blood accompanied by contractions that she sees for one day ahead of delivery (she must not leave prayer and fasting on account of it). But if she sees it after delivery, then she should refrain from praying and fasting. Then, if she found out after delivery that the situation was not as it appeared to be, she should correct her situation regarding prayer and fasting. However, if she could not verify the situation, she has to act according to what is apparent, and no making up is due upon her.” This was reported from him in *Sharḥ al-Iqnā’*.¹

Rulings pertaining to post-partum bleeding:

Rulings of post-partum bleeding are the same as rulings of menstruation, apart from the following:

1- The waiting period: Its calculation is related to the divorce, not the postpartum bleeding period. That is, if the divorce takes place before delivery, then the waiting period ends upon delivery, not by the start of the postpartum bleeding. If the divorce takes place after delivery, she has to wait until her menstruation returns to normal.

2- The menstruation period is included in the period of *Īlā’* (the oath of abstention from one’s

¹ *Kashshāf al-Qinā’*, vol. 1, p. 219.

wife), unlike the post-partum bleeding period which is not included.

Īlā' is a case where a husband takes an oath that he will refrain from having sexual intercourse with his wife forever or for a period that exceeds four months. If he takes such an oath, then the wife asks him to have sexual intercourse with her; he should be given respite for four months starting from the time he took the oath. After the respite is over, he is to be compelled either to have sexual intercourse with his wife or to leave her as per her request. During that period, if the woman experiences post-partum bleeding, it will not be included in the respite given to the husband, and the period will be added to the four months. As for the menstruation period, it is included in the period given as respite to the husband.

3- Puberty: It occurs on account of the start of menstruation, not post-partum bleeding, since a woman cannot conceive until she experiences a sexual discharge, so puberty is realized by the sexual discharge that precedes pregnancy.

4- If the menstrual blood ceases and then flows once again, it is still considered menstruation without doubt. For example, a woman whose menstruation usually lasts eight days sees blood discharge for four days, stops for two days, and then resumes on the seventh and eighth days. This blood is menstrual blood, to which the rulings of

menstruation are applicable. On the other hand, if the post-partum bleeding stops before the end of the forty days and flows again on the fortieth day, then its nature is doubted. So, the woman must offer obligatory prayers and fasts at their prescribed time. All the acts that are prohibited on account of menstruation are not permitted in such a case as well, except for what is obligatory. She is required to make up for everything a menstruating woman is required to make up for. This is the well-known opinion according to the Ḥanbalī jurists.¹

The correct opinion, however, is that if the blood resumes within the usual period of post-partum bleeding, then it is considered as such. Otherwise, it is to be considered menstrual blood unless it is continual, in which case it is *Istiḥāḍah*.

This opinion is close to the one reported from Mālik by the author of *al-Mughnī*², as he said: "Mālik said: 'If she sees the blood two or three days after it has stopped, then it is considered post-partum bleeding, otherwise, it is menstrual blood.'" This opinion is in agreement with the choice of Shaykh al-Islam Ibn Taymiyyah (may Allah have mercy upon him).

And there is, in reality, nothing doubtful in matters of blood, but doubt is a relative matter in

¹ *Al-Mughnī*, vol. 1, p. 253.

² *Al-Mughnī*, vol. 1, p. 253.

which people differ according to their knowledge and understanding. The Book and the Sunnah contain clarification of everything, and Allah, Glorified be He, has not obligated anyone to fast twice or to perform Ṭawāf twice, except in the case where there was a defect in the first, which cannot be remedied except by making it up. But when the servant performs what he is able of the obligation according to his capacity, then his liability is discharged, as He, the Most High, says:

﴿لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا...﴾

"Allah does not burden any soul greater than it can bear ..." [Sūrat al-Baqarah: 286] He also says:

﴿فَاقْبُوا اللَّهَ مَا اسْتَطَعْتُمْ...﴾

"So fear Allah as much as you can ..." [Sūrat a-Taghābun: 16]

5- It is permissible to engage in sexual intercourse with the wife who becomes pure of menses before her usual time without this being disliked under Shari'ah. This is not the case with post-partum bleeding, as it is disliked for the husband to have sexual intercourse with his wife if she becomes pure before the end of the forty days, according to the famous opinion of the Hanbali School. The correct opinion, however, is that it is not disliked to have sexual intercourse with the wife in such a case, according to the opinion of the majority of scholars. This is so because

undesirability is a religious ruling that needs Shari'ah evidence to support it. At the same time, there is no Shari'ah evidence available in this regard except the tradition narrated by Imām Aḥmad on the authority of 'Uthmān ibn Abī al-Āṣ that when his wife came to him before the forty days (of post-partum bleeding) were over, he said to her: "Do not come near me."¹

This report does not necessarily entail the ruling of undesirability, for it is probable that 'Uthmān did so out of prudence, fearing that she was not fully sure of attaining purity, or that the blood would flow again on account of sexual intercourse, or any other reason. And Allah knows better.

Chapter Seven: Using Menstruation Inhibitors and Stimulants, Contraceptives, and Abortive Drugs.

Using menstruation inhibitors is permissible with the following two conditions:

First condition: There should be no potential harm for her, otherwise, it is not permissible; based on the statement of Allah, the Most High:

﴿...وَلَا تُلْقُوا بِأَيْدِيكُمْ إِلَى التَّهْلُكَةِ...﴾

¹ Al-Mughnī, vol. 2, p. 252, and the narration of 'Uthmān ibn Abī Al-Āṣ was narrated by 'Abd al-Razzāq in his Muṣannaf, no. 1202; Ibn Abī Shaybah in al-Muṣannaf no. 17450; Al-Dārimī in al-Sunan, no. 990; and Ibn al-Jārūd in al-Muntaqā, no. 118.

"... and do not throw yourselves into destruction ..." [Sūrat al-Baqarah: 195]

﴿...وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا﴾

"... And do not kill yourselves [or one another]. Indeed, Allah is Most Merciful to you." [Sūrat al-Nisā': 29]

Second condition: Using menstruation inhibitors should be done with the permission of the husband if its use has an impact on the husband, like in the case when the wife is observing a waiting period, during which he is obligated to support her financially. Therefore, she resorts to such inhibitors in order to elongate the period during which she is entitled to receive financial maintenance from him. In this case she is not permitted to use menstruation inhibitors except with his permission. Likewise, if it is established that preventing menstruation prevents pregnancy, then the permission of the husband is necessary. And where permissibility has been established, it is preferable not to use it except in case of need; for leaving nature upon its natural state is nearer to the balance of health and safety.

On the other hand, it is permissible to use menstruation stimulants provided that the following two conditions are met:

First condition: A woman must not use such stimulants as a way to escape a certain obligation,

such as using them shortly before Ramaḍān in order to be relieved of fasting, or to escape from offering the prayers, and so on.

Second condition: The husband's permission has to be sought because menstruation hinders him from the full enjoyment of his wife. Therefore, it is impermissible to use something that could result in him losing his right, except with his permission. If she is divorced, then using menstruation stimulants involves the acceleration of waiving the husband's right to take her back in marriage if the divorce is revocable.

Using contraceptives has two cases:

1- That it prevents menstruation continuously. This is not permissible because it cuts off procreation, thus reducing offspring, and this contradicts the intent of the Lawgiver in increasing the numbers of the Islamic Ummah. And because it cannot be guaranteed that her existing children will not die, leaving her a widow without any children..

2- Using contraceptives that prevent pregnancy temporarily, like when a woman has gone through pregnancy many times and gotten exhausted as a result, so she plans to control her pregnancy. This is permissible, provided that the husband approves it and that it incurs no harm upon her. This is evidenced by the fact that the Companions practiced coitus interruptus with their wives during the lifetime of the Prophet (may Allah's

peace and blessings be upon him) so that their wives would not conceive.¹ They were not forbidden to do that. Coitus interruptus is when a man has intercourse with his wife and withdraws at the time of ejaculation so that he ejaculates outside the vagina.

As for using abortive drugs, it has two cases:

1- Using abortive drugs to damage the fetus: If this is done after breathing life into the fetus, then it is undoubtedly impermissible, as it constitutes killing an inviolable soul without right, an act that is prohibited by the Qur'an, Sunnah, and the Muslim scholars' consensus. However, in case life is not yet breathed into the fetus, then there are different scholarly opinions concerning the permissibility of such an act. Some scholars deemed it permissible, others considered it prohibited, while another group held that it is permissible so long as the fetus has not yet been formed into a clinging clot (i.e. the pregnancy has not yet completed forty days). Moreover, other scholars maintained that abortion is permissible if the fetus is not yet obviously formed into a human being.

The more precautionary view, however, is to prohibit abortion unless there is a need for it, like

¹ Narrated by al-Bukhārī: Book of Marriage —Chapter: Coitus Interruptus, no. 5209; and Muslim: Book of Marriage - Chapter: The Ruling on Coitus Interruptus, no. 1440, from the ḥadīth of Jābir (may Allah be pleased with him).

when the mother is ill and cannot endure pregnancy or similar cases. Here, it is permissible to have an abortion. But, if the pregnancy has lasted for such a period where it is enough to detect the fetus' human formation clearly, then it is forbidden to have an abortion. Allah knows best.

2- Using abortive drugs for a purpose other than damaging the fetus, as when it is done at the end of the pregnancy term, close to delivery: This act is permissible unless there is potential harm to the mother or the baby and unless there could be a need for surgery, in which case there are four probabilities:

First: That the mother is alive and the fetus is alive. In this case, the operation is not permissible except out of necessity, such as when her delivery becomes difficult and she requires an operation. This is because the body is a trust with the servant, and she must not act in it in a way that entails feared harm except for a greater benefit; and because it may be thought that there is no harm in the operation, yet harm may indeed result.

Second: The mother and the baby are both dead; it is impermissible to conduct surgery in this case to take the baby out because it is a useless procedure.

Third: If the mother is alive and the baby is dead, it is permissible to conduct surgery to take it out unless this may incur harm upon the mother

because it appears that a dead fetus cannot be taken out except through surgery. Then, leaving the fetus in the mother's womb prevents future pregnancy and causes her hardship. Moreover, it is possible that she remains unmarried if she is observing a waiting period related to an ex-husband.

Fourth: The mother is dead, and the baby is alive; if there is no hope that he will survive, then it is impermissible to conduct the surgery.

However, if it is hoped that he will survive, then if some parts of the baby have come out, the abdomen of the mother is to be opened through surgery in order to take out the rest of it. But if nothing of the baby has come out, then no surgery should be conducted in order to take the baby out, according to the view of the Ḥanbalī scholars (may Allah have mercy upon them) who believed that such an act involves mutilation of the dead body of the mother. The correct view, however, is that it is permissible to take the baby out by way of surgery if it is the only way to have the baby delivered. This view is the one chosen by Ibn Hubayrah as he said in his book *al-Inṣāf*: "It is preferable."

I opine that all the more so in our time, performing the operation is not considered mutilation, since the abdomen is cut open and then sutured. And because the sanctity of the living is

¹ *Al-Inṣāf*, vol. 2, p. 556.

greater than the sanctity of the dead. And because saving one who is inviolable from destruction is obligatory—and the fetus is an inviolable human being—thus, it is obligatory to save it. And Allah knows better.

Important note: In the cases in which abortion is permissible, as mentioned previously, the permission of the one who has rightful authority over the pregnancy, such as the husband, is required.

Here we come to the last point we wanted to discuss about that important subject. We only tackled the fundamental elements of the related issues and the rulings governing them since the relevant sub-issues and the conditions women usually experience in this regard are countless. The insightful, however, are the ones who can refer the branches to their origins and subsidiary matters to fundamentals and governing rules and can measure things as per their likes.

The one in a position to give religious edicts should know that he is an intermediary between Allah and His creation in terms of conveying the message communicated by Allah's messengers and explaining it to people. He is responsible for what is in the Qur'an and Sunnah, as they are the two sources that every person is enjoined to understand and act upon. He should be aware that any view that goes against the Qur'an and Sunnah

is wrong and should be rejected. It is impermissible to act upon whatever disagrees with the Qur'an and Sunnah, even though it is said by someone who might be excused for his incorrect personal reasoning and will even be rewarded for his endeavor. However, it is impermissible to accept such a view by someone who is aware that it is incorrect.

Moreover, a Muftī has to devote his intention to Allah, the Most High, sincerely, seek His help in all incidents that he goes through, and ask Him for steadfastness and guidance in what is right.

He is also required to focus mainly on what is reported in the Qur'an and Sunnah, investigating and studying them, along with seeking help from the statements of the people of knowledge in understanding them.

It happens so frequently that an issue arises, then one tries his best to search about it in the statements of the people of knowledge, yet he fails to find a ruling that reassures him, or maybe he fails to come across any mention of it. However, when he returns to the Qur'an and Sunnah, he manages to identify the relevant ruling so clearly and directly, each according to his sincerity, knowledge, and understanding.

When there is any problematic issue, a Muftī must resort to deliberation and not be in haste. There are many times when a Muftī gives a hasty

ruling, then soon after further study, he finds out that he was wrong and that it is too late for him to rectify his wrong edict.

A Muftī known for his deliberation and verification wins people's confidence and trust. But if they see him hasty—and the hasty one is often prone to error—then he holds no credibility with them in what he issues as edicts. Thus, he deprives himself and others of benefiting from the correct knowledge he has.

We ask Allah, the Most High, to guide us and all Muslims to His straight path, guard us with His care, and protect us against deviation. Indeed, He is the Most Generous and Noble. May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his Companions. And all praise is due to Allah, by whose favor righteous deeds are completed.

Written by the pen of the one in need of Allah,
Muḥammad al-Sāliḥ al-'Uthaymīn
the morning of Friday
14 Sha'bān, 1392 AH

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