

A Treatise on Women’s Natural Types of Bleeding

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 Muhammad 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, Istihādah (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- The Qur'an and Sunnah are the two main sources upon which the rulings, set by Allah Almighty for His servants to worship Him, are founded.

2- Relying upon these two sources fosters a feeling of comfort, reassurance, and peacefulness and clears one's liability.

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

This is so because only the words of Allah Almighty and His Messenger (may Allah's peace and blessings be upon him) can be taken as a decisive proof. The same can be said about the opinions of those who are knowledgeable from among the Companions, according to the preponderant scholarly view, provided that there is nothing in the Qur'an or Sunnah that disagrees with such statements. A Companion's opinion should not also contradict the opinion of another Companion. Thus, the Qur'an and Sunnah are to be primarily followed if they are in conflict with any of such opinions. Similarly, if the opinions of two Companions are in conflict, then it should be sought which of them is preponderant, and the preponderant opinion should be applied. In confirmation of that, Allah Almighty says: {"...And if you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and in the Last Day. That is the best [way] and best in result."} [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: 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: Istihādah and its rulings.

Chapter Six: Post-partum bleeding and its rulings.

Chapter Seven: Using menstruation inhibitors and stimulants, contraceptives, and abortive drugs.

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Chapter One: Meaning of menstruation and its wisdom

In Arabic, menstruation means "Hayd", which denotes liquidity and flowing.

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, falling down, or giving birth. Being natural bleeding, it differs clearly according to the female's condition, her environment, and the weather she lives in.

The wisdom behind its occurrence is based on the fact that the embryo in his mother's womb is unable to receive nourishment in the normal way as those who are already born. Even those who are most merciful to him cannot deliver nourishment to it inside the womb. Therefore, Allah Almighty created in the female blood secretions that the embryo can feed on inside the womb without need to eating or digestion. These secretions can access the embryo's body through the navel, then they run immediately into its veins and serve as a nutrition for it. 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.

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Chapter Two: Time and duration of menstruation

This chapter discusses two points:

First: The age when a female starts to menstruate.

Second: Duration of the menstruation period.

As for the first point, women experience menstruation from the age of 12 up to 50 years, with slight variance depending upon each one's condition, her environment, and the weather she lives in.

There are different scholarly views on defining the age limits when women can normally menstruate, in the sense that experiencing menstruation before or after it is not common, so whatever bleeding occurs before or after such an age is irregular bleeding, not menstruation.

Al-Dārimi, observed, after having reported these different views: "In my opinion, all these views are incorrect. In fact, what only counts here is the occurrence of such bleeding. So, whenever a woman experiences such flow of blood, it is mandatory to define it as menstruation, regardless of its amount, and regardless of the woman's condition and age, and Allah knows best."

The statement of Al-Dārimi represents the correct view, and it is the one chosen by Shaykh al-Islam Ibn Taymiyyah. Hence, whenever a woman sees menstrual blood, then she is experiencing menstruation, even if she is below the age of nine or above the age of fifty. This is because Allah Almighty and His Messenger (may Allah's peace and blessings be upon him) linked the rulings of menstruation to the presence of menstrual bleeding, without fixing a certain age for it. Thus, the only criteria is the presence of such bleeding. Trying to set a certain age for menstruation needs to be supported by a proof from the Qur'an or Sunnah, but such a proof is not available.

The second point is the duration of the menstruation 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 hold that there are no specific number of days to determine the minimum or maximum period of menstruation."

I said: "This view is the correct one, and it is chosen by Shaykh al-Islam Ibn Taymiyyah, because it is supported by proofs from the Qur'an, Sunnah, and considerable inference."

The first proof: The statement of Allah Almighty: {And they ask you about menstruation. Say: "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure..."} [Al-Baqarah: 222] Allah Almighty declares that the prohibition to have sexual intercourse with women ends by their attaining purity from menses. He does not declare that the prohibition ends by the lapse of a day and night, or three or fifteen days. This proves that the cause behind 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 Hadith reported in Sahih Muslim where the Prophet (may Allah's peace and blessings be upon him) said to 'A'ishah, when she had her menses while in

the state of *Ihrām* for 'Umrah: "Perform all the rituals of Hajj like other pilgrims, but do not perform *Tawāf* (circumambulation) around the Ka'bah till you get pure (from your menses)' She said: 'On the Day of *Nahr* (10th of *Dhul-Hijjah*), I attained purity..."

It is reported in *Sahīh Al-Bukhāri* and *Sahīh Muslim* that the Prophet (may Allah's peace and blessings be upon him) said to 'Ā'ishah in the same situation: "Wait till you become pure from your menses and then go to *Tan'īm*..." As understood from the *Hadīth*, the Prophet (may Allah's peace and blessings be upon him) pinned the end of prevention from completing the rituals on attaining purity from menses, without fixing a specific term for that. This denotes that the ruling depends mainly 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, and even necessity, to clarify it. For a surety, were such information to be necessary for people to be aware of and worship Allah Almighty therewith, Allah Almighty and His Messenger (may Allah's peace and blessings be upon him) would have clearly explained it for all people, given the significance of the rulings pertaining thereto, such as prayer, fasting, marriage, divorce, inheritance, and others, the same as Allah Almighty and His Messenger (may Allah's peace and blessings be upon him) explained the number of obligatory prayers, their times, their bowing, and prostration. Moreover, Allah Almighty and His Messenger (may Allah's peace and blessings be upon him) explained *Zakah*, the types of property on which it is due, the *Nisāb* (possessing the minimum amount of wealth that makes *Zakah* due upon a Muslim), its amount, and its legitimate disbursement channels. The same is to be said about fasting, as its duration and time are clearly defined, Hajj and other issues of less importance, like the etiquette of eating, drinking, sleeping, having sexual intercourse, 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 after answering the call of nature), as well as other minor or major issues by which Allah Almighty has completed the religion and perfected His favor upon the believers. In confirmation, Allah Almighty says: {...And We have sent down to you the Book as clarification for all things...} [*Al-Nahl*: 89] Allah Almighty says as well: {...Never was the *Qur'an* a narration invented, but a confirmation of what was before it and a detailed explanation of all things...} [*Yūsuf*: 111]. Since these detailed estimates are not found in the *Qur'an* or *Sunnah*, then they should not be counted upon. Instead, what really counts is the menstrual bleeding on whose presence or absence the *Shariah* rulings are linked. There is a rule here which is: when a certain ruling is not mentioned in the *Qur'an* and *Sunnah*, this proves that such a ruling is not considerable. This is a point of benefit whether in the issue in hand, or other issues related to religious knowledge. This is because the *Shariah* rulings are not proved except through an evidence from *Shariah*, derived from the *Qur'an*, *Sunnah*, a confirmed scholarly consensus, or a valid analogy. In one of his rules, Shaykh al-Islam Ibn Taymiyyah said: "The same is to be said about menstruation, as Allah Almighty has attached many rulings thereto in the *Qur'an* and *Sunnah*, without fixing a specific term for its maximum or minimum duration, or for the time of purity between two menstrual cycles, although such information is direly needed by the Muslim public. So, setting any specific limit for such issues goes against the *Qur'an* and *Sunnah*." The fourth proof: Correct inference, i.e. valid analogy, as Allah Almighty describes menstruation as harm, so whenever there is menstruation, there is harm. So, there is no difference between the first and the second day of menstruation, or between the third and the fourth, the fifteenth and the sixteenth, or the eighteenth and the seventeenth. In fact, the days of menstruation are all the same in terms of the presence of harm. The cause is equally present throughout all its days. So, how can it be logical to give different rulings for the days of menstruation, though the cause on which the rulings are based is the same for all days? Is this not in conflict with 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 from scholars, who define 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, the ultimate reference should be the *Qur'an* and *Sunnah*.

Thus, it becomes clear that arguing that there is no maximum or minimum limit for the menstruation period is a well-founded and the preponderant opinion. So, 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. But, if it is an incessant flow of blood, or only stops for one or two days per month, then it is Istihādah, which will be introduced and discussed later on here. Shaykh al-Islam Ibn Taymiyyah said: "In principle, any blood that comes out from the uterus is menstruation, unless it is proved to be Istiādah by a Shariah evidence." He added: "So, any bleeding that a woman experiences is considered menstruation, unless it is known to be caused by a wound or gushing out from a blood vessel." This opinion, in fact, is not only well supported in terms of proof, but it is also more understandable and conceivable, and easier in terms of application than the other opinions held by those who fix a 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. Allah Almighty says: {...And He has not placed upon you in the religion any difficulty...} [Al-Hajj: 78] The Prophet (may Allah's peace and blessings be upon him) said: "The religion of Islam is (based upon) ease, and whoever overburdens himself in religion, it will overcome him. So seek what is appropriate, come as close as you can, and receive good tidings (that you will be rewarded)." [Narrated by Al-Bukhārī]

It was also reported that: "The Prophet (may Allah's peace and blessings be upon him) was never asked to choose between two matters except that he chose the easier of them, as long as it did not involve sin."

Menstruation in pregnancy:

In most cases, a pregnant woman does not experience menstruation. Imam Ahmad (may Allah have mercy upon him) said: "Pregnancy is usually detected by the absence of menstrual blood." So, when a pregnant woman sees blood two or three days ahead of delivery, accompanied by uterine contractions, then it is post-partum bleeding. However, 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. But, should it be considered menstrual blood to which the rulings of menstruation apply, or just an irregular bleeding caused by some type of disorder to which the rulings of menstruation are irrelevant?

In fact, there is scholarly difference concerning this issue. The correct view is that it is to be considered menstruation if it conforms to what she usually experiences in her menstrual cycles, because, in principle, the bleeding that a female experiences is menstrual bleeding, as long as there is no reason to prevent considering it as such. There is nothing in the Qur'an and Sunnah to dismiss the probability of experiencing menstruation during pregnancy.

This view is the one adopted by Mālik, Al-Shāfi'i, and chosen by Shaykh al-Islam Ibn Taymiyyah, as he said in his book Al-Ikhtiyārāt (p.30): "Al-Bayhaqi narrated this view as the one adopted by Ahmad, 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:

1- Divorce: It is impermissible 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. That is because divorcing a non-pregnant woman during her menstruation period goes against the statement of Allah Almighty: {...Divorce them for [the commencement of] their waiting period...} [Al-Talāq:1] Unlike divorcing a pregnant woman during her menstruation period. In fact, divorcing a pregnant woman, whether she is having her menses or not is conforming to the ruling mentioned in the verse since her 'Iddah is her pregnancy. For this reason, it is not prohibited for a husband to divorce his pregnant wife after having sexual intercourse with her, unlike a non-pregnant wife. 2- 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, for Allah Almighty says: {...And for those who are pregnant, their term is that they give birth...} [Al-Talāq: 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 usually starts at the end of the month may have it advanced to its beginning, or the other way around.

Muslim scholars held different views on these two types of change. The correct view is that whenever a woman sees blood, then it is menstrual blood, and once the blood ceases, then she is pure. This is so whether or not there is change in the number of days of the menstruation period, or advancement or delay in its time. 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'i School of Fiqh, the view chosen by Shaykh al-Islam Ibn Taymiyyah, and the view held as dominant by the author of Al-Mughni, 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 could not have delayed such an explanation, given the need of his wives and other women to such information at all times, so he (may Allah's peace and blessings be upon him) would have never overlooked such a need. Actually, the Prophet (may Allah's peace and blessings be upon him) was not reported to have given any account regarding menstruation or its description. He (may Allah's peace and blessings be upon him) spoke only about Istihādah." 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 during her menses, or immediately after it, then it is part of menstruation and all the rulings of menstruation should be applied thereto. But if it occurs after attaining purity, then it is not menstruation. This is based on the statement of Umm 'Atiyyah (may Allah be pleased with her): "We never considered yellowish or brownish discharges, after attaining purity, to be anything (related to menstruation)." [Narrated by Abu Dāwūd with a sound chain of narrators] Al-Bukhāri 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". The author of Fat-h Al-Bāri, a commentary on Sahīh Al-Bukhāri, said: "He said this in reference to combining the previously cited Hadīth of 'Ā'ishah where she said: "Until you see the white discharge (marking purity)", and the Hadīth of Umm 'Atiyyah that is cited in the chapter. That is, the Hadīth of 'Ā'ishah applies to the case where the yellowish or brownish discharge is seen during the days of menstruation, while the Hadīth of Umm 'Atiyyah applies when such a discharge is seen outside the days of menstruation." The Hadīth of 'Ā'ishah referred to in Fat-h Al-Bāri is that cited by Al-Bukhāri 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. It states that women would send to her pieces of cotton soiled with a yellow discharge to verify whether their menses had ended or not. She would answer them saying: "Do not be hasty (and wait) until you see the white discharge." The white discharge mentioned in the Hadīth 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 cases:

a- A woman may experience such a case continuously, so it is considered Istihādah to which the rulings of Istihādah are applicable.

b- If this case is not continual, but a woman experiences such bleeding for some time, then she has a period of purity, then there are different scholarly views on this period of purity, as to whether it 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'i School of Fiqh, this period of purity should be considered part of menstruation. This is also the opinion chosen by Shaykh al-Islam Ibn Taymiyyah, and the author of Al-Fā'iq, and also the one adopted by the Hanafi School of Fiqh. 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 (calculated by menstruation periods) is to expire by the lapse of five days. Moreover, were it to be considered a period of purity, it would be a source of difficulty and hardship resulting from performing Ghusl (ritual bath) every two days, while in the Islamic Shariah, there is no room for hardship and difficulty, praise be to Allah.

However, according to the well known opinion of the Hanbali School of Fiqh, the flow of blood is menstruation and cleanness is purity, unless the sum of all days exceeds the maximum limit of the menstruation period, whereupon, the extra days are to be considered Istihādah.

The author of Al-Mughni also said: "If the period in which the flow of blood stops is less than one day, then it should not be considered purity, as per the view which we reported in relation to post-partum bleeding, i.e. the cessation of bleeding for less than one day should not be considered purity. This is, Allah willing, the correct view, given the fact that blood would normally flow for sometimes and stop at others, and obliging a woman who has a one-hour period of purity to take a bath every now and then entails hardship that should be eliminated, as Allah Almighty says: {...And He has not placed upon you in the religion any difficulty...} [Al-Hajj: 78] So, 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."

Hence, the view adopted by the author of Al-Mughni is a middle way between the two views, and Allah alone knows what is correct.

5- Dryness: It is when a woman sees no trace of blood, but only wetness. If this occurs during menstruation, or after it before attaining purity, then it is part of menstruation. But, if it occurs after attaining purity, then it is not menstruation, as it should be treated as the yellowish and brownish discharges and nothing further, and it is known that they are not considered menstruation.

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Chapter Four: Rulings of menstruation

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

1- Rulings related to prayer: It is prohibited and invalid for a menstruating woman to offer prayers, whether obligatory or voluntary. Moreover, it is not due upon her to offer the prayer unless there is enough time for her to offer a complete Rak'ah (unit of prayer) thereof, whether at the beginning or end of its prescribed time.

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. So, 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 not enough 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 Hadīth where the Prophet (may Allah's peace and blessings be upon him) said: "Whoever catches up with one Rak'ah of a prayer has indeed caught up with that prayer." [Narrated by Al-Bukhāri and Muslim] The Hadīth indicates that

praying less than one Rak'ah is not enough for considering the prayer performed on its prescribed time.

But, is it obligatory upon her to perform Zhuhr prayer along with 'Asr prayer, if she has enough time to offer one Rak'ah of 'Asr prayer, or if she has enough time to offer one Rak'ah of 'Ishā' prayer, is it obligatory upon her to perform Maghrib prayer along with 'Ishā' prayer?

In fact, scholars hold different views concerning this issue. The correct view, however, is that she is required to perform such prayers that she caught their times, namely, 'Asr and 'Ishā' prayers only. This view is based on the statement of the Prophet (may Allah's peace and blessings be upon him): "Whoever manages to perform one Rak'ah of 'Asr prayer before sunset, then he has caught up with the 'Asr prayer (i.e. he did not miss it)." [Narrated by Al-Bukhāri and Muslim] The Prophet (may Allah's peace and blessings be upon him) did not state that such a person has caught up with Zhuhr and 'Asr prayers. He (may Allah's peace and blessings be upon him) did not say that it was obligatory to perform Zhuhr prayer as well, and freedom of liability is the basic rule here. This is the chosen opinion of Abu Hanīfah and Mālik as transmitted in Sharh Al-Muhadhdhab. Other actions such as reciting Dhikr (remembrance of Allah), Tasbīh (exalting Allah), Tahmīd (praising Allah), mentioning Allah's name upon eating and other acts, reading Hadīth and Fiqh (Islamic jurisprudence), making supplications and responding to them by saying Āmīn, and listening to the Qur'an are all permissible during menstruation. It is authentically reported in Sahīh Al-Bukhāri, Sahīh Muslim, and others 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. In the Two Sahīhs 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: "Let the mature girls, virgins staying in seclusion, and menstruating women go out and witness the good occasions and the supplications of the Muslims, but let the menstruating women keep away from the prayer place." 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 Mus-haf (hard copy of the Qur'an) and read the verses via looking, without pronouncing it. Al-Nawawi said in his Sharh Al-Muhadhdhab: "This is indisputably permissible." However, it is prohibited and impermissible to utter it by the tongue according to the view of the majority of scholars. Al-Bukhāri, Ibn Jarīr al-Tabari, and Ibn al-Mundhir held that it is permissible. The same opinion is also reported from Mālik, and Al-Shāfi'i as his old view, according to the author of Fat-h Al-Bāri. Al-Bukhāri also reported from Ibrāhīm al-Nakha'i in a Mu'allaq tradition that it is ok for a menstruating woman to recite the verses. In Al-Fatāwa, Shaykh al-Islam Ibn Taymiyyah said: "There is no Hadīth to prove that it is prohibited for a menstruating woman to recite the Qur'an. The Hadīth that states: 'A woman during menstruation or in the state of Janābah (sexual impurity) should not recite anything of the Qur'an', is a weak Hadīth according to the agreement of scholars of Hadīth. 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 and blessings be upon him), it is not allowed to render such an act forbidden, especially that menstruation was a recurrent state among women."

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 fast. However, she is required to make up for the missed obligatory fasts, based on the Hadīth of 'Ā'ishah (may Allah be pleased with her) where she said: "We used to experience that (menstruation), and we were commanded to make up for the missed fasts, but not the missed prayers." [Narrated by Al-Bukhāri and Muslim]

If a woman who is fasting starts her menses even one moment ahead of sunset, her fasting is invalidated and she is required to make up for that day, if it is an obligatory fast.

But, if she only feels the movement of blood before sunset, yet it comes out only after sunset, then her fasting 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, he answered: "Yes, if she sees the fluid." So, he attached the ruling to seeing the fluid, not to merely feeling its movement. Likewise, the rulings of menstruation are applicable only by seeing the discharge of blood not by feeling it moving inside.

Also, it is invalid for a woman to fast on the day whose dawn has started while she was experiencing menstruation, even if she becomes pure one moment after the break of dawn.

However, if she becomes pure shortly before the break of dawn, her fast is valid, even if she delays taking 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. The fast of such a person is valid, even if he does not take a bath until after the break of dawn. This is based on the Hadīth of 'Ā'ishah (may Allah be pleased with her) that reads: "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, in Ramadān and he would fast." [Narrated by Al-Bukhāri and Muslim]³- Ruling related to making Tawāf around the Ka'bah: It is prohibited and invalid for a menstruating woman to make Tawāf around the Ka'bah, whether obligatory or voluntary. This is because the Prophet (may Allah's peace and blessings be upon him) said to 'Ā'ishah when she had her menses (in Hajj): "Do everything a pilgrim does, except for making Tawāf around the Ka'bah until you become pure (from menses)." As for other rituals of Hajj and 'Umrah, such as making Sa'y (walking rapidly back and forth) between Safā 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. Accordingly, if a woman makes Tawāf, while being in a state of purity, then her menses starts immediately after finishing Tawāf, or during Sa'y, then it is ok.⁴- The Farewell Tawāf is not obligatory for a menstruating woman: If a woman has completed all the rituals of Hajj and 'Umrah, then her menstruation starts before she departs to her country and it continues until the time of her departure, then it is not due upon her to make the Farewell Tawāf. Ibn 'Abbās (may Allah be pleased with him and his father) reported: "People were commanded to make Tawāf around the Ka'bah the last thing they do, but an exception was made for the menstruating woman." [Narrated by Al-Bukhāri and Muslim] It is unfavorable for a menstruating woman to come to the gates of the Sacred Mosque and make supplications there upon departure, because this is not reported from the Prophet (may Allah's peace and blessings be upon him). It is established that acts of worship are founded upon the reported texts. On the contrary, texts reported from the Prophet (may Allah's peace and blessings be upon him) on this matter imply otherwise. For example, it is reported that when Safiyyah (may Allah be pleased with her) had her menses after having performed Tawāf Al-Ifādah (Hajj Tawāf), the Prophet (may Allah's peace and blessings be upon him) said concerning her: "Then let her depart." [Narrated by Al-Bukhāri and Muslim] He (may Allah's peace and blessings be upon him) 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 Tawāf of Hajj 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: "Let the mature girls, virgins staying in seclusion, and menstruating women go out...but let the menstruating women keep away from the prayer place." [Narrated by Al-Bukhāri and Muslim]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. Allah Almighty says: {And they ask you about menstruation. Say: "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure...} [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. Also, the Prophet (may Allah's peace and blessings be upon him) was reported to have said: "Do everything (during menstruation) except for sexual intercourse." [Narrated by Muslim] This ruling is further supported by the Muslims' 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 Almighty and the Last Day to do such a wrong act whose prohibition is indicated by the Qur'an, Sunnah, and the Muslims' 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 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 of Fiqh, 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, physical contact outside the vagina. It is better, however, to avoid the area between the navel and the knee while doing so, unless there is a barrier to prevent full intercourse, because 'Ā'ishah (may Allah be pleased with her) stated: "The Prophet (may Allah's peace and blessings be upon him) used to order me to put on *Izār* (lower garment) and used to fondle me during my menses." [Narrated by Al-Bukhāri and Muslim]7- Ruling related to divorce: It is impermissible for a husband to divorce his wife during her menstruation period, based on the statement of Allah Almighty: {O Prophet, when you [Muslims] divorce women, divorce them for [the commencement of] their waiting period...} [Al-Talāq: 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 wherein she got divorced is not counted among the waiting period. Also, if 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 Hadīth mentioned in Al-Bukhāri 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: "Tell him to take her back and keep her until she becomes pure, then menstruates again and becomes pure again. Then if he wishes he may keep her, or if he wishes, he may divorce her before he touches (has intercourse with) her. This is the time about which Allah Almighty has stated that women may be divorced." Hence, if a man divorces his wife during her menstruation period, he bears a sin for that, and is required to repent to Allah Almighty. He must take her back in marriage in order to divorce her according to the way approved by Shariah, and that conforms to the command of Allah Almighty and His Messenger (may Allah's peace and blessings be upon him). 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 Almighty: {...Divorce them for [the commencement of] their waiting period...} [Al-Talāq: 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 menstruation period.

For example, when there is dispute and bad company between the spouses. So, the husband agrees to receive compensation in return for divorce. The divorce is here permissible even if the wife is having her menses. This is based on the Hadīth of Ibn 'Abbās (may Allah be pleased with him and his father) 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.' On that, the Messenger of Allah (may Allah's peace and blessings be upon him) said (to her): 'Will you give him back his garden?' She said: 'Yes.' Then the Messenger of Allah (may Allah's peace and blessings be upon him)

upon him) said to Thābit: 'Accept (to take back) the garden, and divorce her once.'" [Narrated by Al-Bukhārī]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-Mughni 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 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. Allah Almighty says: {Divorced women should remain in waiting for three periods...} [Al-Baqarah: 228] i.e. three menstrual cycles. 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 Almighty says: {...And for those who are pregnant, their term is until they give birth...} [Al-Talāq: 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. In confirmation, Allah Almighty says: {And those who no longer expect menstruation among your women - if you doubt, then their period is three months, and [also for] those who have not menstruated...} [Al-Talāq: 4] But, 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 Shariah rules in this regard. This is so because, when her menstruation stops despite the nonexistence of the reason that has formerly caused it to stop, she becomes like those women who no longer menstruate for no known reason. Thus, she has to observe a waiting period of one year: nine months to cover the duration for a possible pregnancy, and three other months as the waiting period in normal cases. 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, since Allah Almighty says: {O You who believe, when you marry believing women and then divorce them before you have touched them, then there is not for you any waiting period to count concerning them...} [Al-Ahzāb: 49]

9- Ruling concerning the verification of non-pregnancy, i.e. a woman not being pregnant: The need to this ruling arises whenever a woman's non-pregnancy is needed to be proven. There are some cases concerning that;

such as if someone dies leaving behind a woman whose fetus (if she happens to be pregnant) is entitled to inherit the deceased, while she is married to another man. Here, the husband should refrain from having sexual intercourse with her until she has her menses or is proved to be pregnant. If her pregnancy is proved, then it should be judged that the fetus is entitled to inheritance, given the verification of its existence upon the death of the person whom he is legally entitled to inherit, but if her menses starts, then no inheritance applies here.

10- Obligation of Ghushl (taking bath): It is obligatory for a menstruating woman to take a bath by washing all her body once she attains purity from menses, because the Prophet (may Allah's peace

and blessings be upon him) said to Fātimah bint Abi Hubaysh (may Allah be pleased with her): “When your menses starts, do not perform the prayers, but when it ends, take a bath and perform the prayers.” [Narrated by Al-Bukhārī]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 by the Prophet (may Allah’s peace and blessings be upon him) in the following Hadīth:“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 said: ‘Let her (the menstruating woman) use water mixed with the leaves of 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’ said: ‘How to clean herself with it?’ Upon this he (the Messenger of Allah) observed: ‘Subānallah (Glory be to Allah)!.’ On that, ‘Ā’ishah said to her that she should apply it to the trace of blood.” [Narrated by Muslim]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 Sahīh Muslim that Umm Salamah (may Allah be pleased with her) asked the Prophet (may Allah’s peace and blessings be upon him) saying: “I am a woman who strongly ties her braids. Should I undo them to take a bath from Janābah?” (Another narration adds menstruation). Thereupon, the Prophet (may Allah’s peace and blessings be upon him) said: “No, it is sufficient for you to pour a handful of water over your head thrice, then pour water over your entire body, so you will be purified.”

because the Prophet (may Allah’s peace and blessings be upon him) said to Fātimah bint Abi Hubaysh (may Allah be pleased with her): “When your menses starts, do not perform the prayers, but when it ends, take a bath and perform the prayers.” [Narrated by Al-Bukhārī]

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 by the Prophet (may Allah’s peace and blessings be upon him) in the following Hadīth:

“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 said: ‘Let her (the menstruating woman) use water mixed with the leaves of 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’ said: ‘How to clean herself with it?’ Upon this he (the Messenger of Allah) observed: ‘Subānallah (Glory be to Allah)!.’ On that, ‘Ā’ishah said to her that she should apply it to the trace of blood.” [Narrated by Muslim]

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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. Definitely, this is not a valid reason or excuse.That 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 is enough time to do that.

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Chapter Five: Istihādah and its rulings

Istihādah 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.

In relation to blood that does not stop, it is authentically reported in Sahīh Al-Bukhāri on the authority of ‘Ā’ishah (may Allah be pleased with her) that she said: “Fātimah bint Hubaysh said to the Messenger of Allah (may Allah’s peace and blessings be upon him): ‘O Messenger of Allah, I never become pure.’” According to another narration, she said: “I experience Istihādah, from which I never become pure.” As for blood that stops only for a limited time, it is reported that Hamnah bint Jahsh came to the Prophet (may Allah’s peace and blessings be upon him) and said: “O Messenger of Allah, indeed, I experience extensive and severe vaginal bleeding (Istihādah)...” [Narrated by Ahmad, Abu Dāwūd, and Al-Tirmidhi who classified it as Sahīh/Authentic. It is also reported that Imam Ahmad classified it as Sahīh/Authentic and Al-Bukhāri classified it as Hasan/Sound]

“Fātimah bint Hubaysh said to the Messenger of Allah (may Allah’s peace and blessings be upon him): ‘O Messenger of Allah, I never become pure.’” According to another narration, she said: “I experience Istihādah, from which I never become pure.”

As for blood that stops only for a limited time, it is reported that Hamnah bint Jahsh came to the Prophet (may Allah’s peace and blessings be upon him) and said:

“O Messenger of Allah, indeed, I experience extensive and severe vaginal bleeding (Istihādah)...” [Narrated by Ahmad, Abu Dāwūd, and Al-Tirmidhi who classified it as Sahīh/Authentic. It is also reported that Imam Ahmad classified it as Sahīh/Authentic and Al-Bukhāri classified it as Hasan/Sound]

States of Istihādah:

There are three states for Istihādah:

1- A woman who used to have a known menstruation period before she experiences Istihādah. 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 Istihādah 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 Istihādah, where there is 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 Istihādah. This is based on the Hadīth of ‘Ā’ishah (may Allah be pleased with her) reporting Fātimah bint Abi Hubaysh as saying: “O Messenger of Allah, I am a woman who has a continuous flow of vaginal bleeding; so my menses does not cease; should I abstain from prayer?” He replied: ‘This blood comes from a vein. Abstain from prayer only for a number of days similar to those of your normal menses; then take a bath and pray.’” [Narrated by Al-Bukhāri] It is also reported in Sahīh Muslim that the Prophet (may Allah’s peace and blessings be upon him) said to Umm Habībah bint Jahsh: “Stay for a period similar to that of your normal menses, then take a bath and pray.” Hence, a woman in a state of Istihādah, 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.

This is based on the Hadīth of ‘Ā’ishah (may Allah be pleased with her) reporting Fātimah bint Abi Hubaysh as saying: “O Messenger of Allah, I am a woman who has a continuous flow of vaginal bleeding; so my menses does not cease; should I abstain from prayer?” He replied: ‘This blood comes from a vein. Abstain from prayer only for a number of days similar to those of your normal menses; then take a bath and pray.’” [Narrated by Al-Bukhāri]

It is also reported in Sahīh Muslim that the Prophet (may Allah's peace and blessings be upon him) said to Umm Habībah bint Jahsh: "Stay for a period similar to that of your normal menses, then take a bath and pray."

Hence, a woman in a state of Istihādah, 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 was not bound to a known number of days before experiencing Istihādah, i.e. she has been in the state of Istihādah since the first days she experienced menstruation. In this case, she should differentiate between menses and Istihādah 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 Istihādah 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 along 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 Istihādah. This is supported by the Hadīth where the Prophet (may Allah's peace and blessings be upon him) said to Fātimah bint Abi Hubaysh: "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 Abu Dāwūd and Al-Nasā'i and classified as Sahīh/Authentic by Ibn Hibbān and Al-Hākim] Although the authenticity of this Hadīth's chain of narrators and text is questionable, yet it is acted upon by the Muslim scholars (may Allah have mercy upon them) as the procedure it suggests is better than referring to the average period of menstruation experienced by most women. 3- A woman did not use to have a known menstruation period, and could not differentiate properly between menstrual and Istihādah 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. So, 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 Istihādah. Example: She sees the flow of blood at 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. This is confirmed by the Hadīth of Hamnah bint Jahsh (may Allah be pleased with her) where she said: "O Messenger of Allah, I am a woman who menstruates in great quantity and it is severe, so what do you think about that? It has prevented me from praying and fasting." He (may Allah's peace and blessings be upon him) said: 'I suggest that you should use cotton, for it absorbs the blood.' She replied: 'It is more than that.'... He said: 'This is a strike of the devil, so observe your menses for six or seven days, Allah alone knows which it should be; then take a bath. And when you see that you are pure and quite clean, pray during twenty-three or twenty-four days and nights and fast.'" [Narrated by Ahmad, Abu Dāwūd, and Al-Tirmidhi who classified it as Sahīh/Authentic; it is reported that Ahmad classified it as Sahīh/Authentic and Al-Bukhāri as Hasan/Sound] 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.

This is supported by the Hadīth where the Prophet (may Allah's peace and blessings be upon him) said to Fātimah bint Abi Hubaysh: "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 Abu Dāwūd and Al-Nasā'i and classified as Sahīh/Authentic by Ibn Hibbān and Al-Hākim]

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3- A woman did not use to have a known menstruation period, and could not differentiate properly between menstrual and Istihādah 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. So, 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 Istihādah.

Example: She sees the flow of blood at 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.

This is confirmed by the Hadīth of Hamnah bint Jahsh (may Allah be pleased with her) where she said: “O Messenger of Allah, I am a woman who menstruates in great quantity and it is severe, so what do you think about that? It has prevented me from praying and fasting.’ He (may Allah’s peace and blessings be upon him) said: ‘I suggest that you should use cotton, for it absorbs the blood.’ She replied: ‘It is more than that.’... He said: ‘This is a strike of the devil, so observe your menses for six or seven days, Allah alone knows which it should be; then take a bath. And when you see that you are pure and quite clean, pray during twenty-three or twenty-four days and nights and fast.’” [Narrated by Ahmad, Abu Dāwūd, and Al-Tirmidhi who classified it as Sahīh/Authentic; it is reported that Ahmad classified it as Sahīh/Authentic and Al-Bukhāri as Hasan/Sound]

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 Istihādah:

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

First type: It is known that it is impossible for a woman to experience menstruation after the surgery, such as the case of removing the uterus or blocking it so that no blood would flow therefrom. The rulings of Istihādah are not to be applied to such a woman, instead, she should be treated like a woman who experiences yellowish or brownish discharge, or vaginal wetness after purity from menses. Accordingly, she should not refrain from prayer or fast, and her husband may have sexual intercourse with her. It is noteworthy that such bleeding does not entail ritual bath, however, the woman is required to wash away the blood, and tie a towel tightly to her private parts in order to prevent the flow of blood, then perform ablution for the prayer. This should be done after the prayer 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 Istihādah should apply in this case, based on the statement of the Prophet (may Allah’s peace and blessings be upon him) to Fātimah bint Abi Hubaysh: “This blood is from a blood vessel, not menses. So when the real menses begins, do not offer the prayers.” The Prophet (may Allah’s peace and blessings be upon him) said in the Hadīth: “So when the real menses begins,” which means that this ruling applies to the case where a woman experiences menstruation periods that have a beginning and end, but not to the case where menstruation is impossible, as the vaginal bleeding here is from a blood vessel.

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Rulings of Istihādah:

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

Important rulings pertaining to menstruation were explained earlier.

Rulings of Istihādah, 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 Istihādah to perform ablution for every prayer, for the Prophet (may Allah's peace and blessings be upon him) said to Fātimah bint Abi Hubaysh: "Then make ablution for every prayer." [Narrated by Al-Bukhāri in the chapter of washing the blood away] 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, tie a towel with cotton to her private parts in order to block the flow of blood. This is based on the Hadīth where the Prophet (may Allah's peace and blessings be upon him) said to Hamnah: "I suggest that you should use cotton, for it absorbs the blood." She replied: '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)...' 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 Abi Hubaysh: "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 Ahmad and Ibn Mājah] 3- Sexual intercourse: Scholars held different opinions on the permissibility of having sexual intercourse during Istihādah, when there is no fear of incurring hardship as a result. The correct opinion is that it is absolutely permissible, given the fact that many women amounting to ten or more had experienced Istihādah during the life of the Prophet (may Allah's peace and blessings be upon him) yet neither Allah Almighty nor His Messenger (may Allah's peace and blessings be upon him) forbade having sexual intercourse with them. Rather, there is a proof of the permissibility of having sexual intercourse during Istihādah in Allah's statement: {...so stay away from the women during menstruation...} [Al-Baqarah: 222] as it implies 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 Istihādah, then it is permissible in lesser cases, i.e. sexual intercourse. Drawing analogy between having sexual intercourse during Istihādah 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 Istihādah. Moreover, drawing an analogy between different cases is invalid.

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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 limit, maximum or minimum, for its duration.

Shaykh Taqiy al-Dīn said in his treatise on such terms to which the Legislator has attached certain 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 say 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, then she has to set that period as 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 the flow of blood, 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-Mughni.

It is worth mentioning that a case of post-partum bleeding is established only by giving birth to a completely 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 beginning of pregnancy, and it is ninety days in most cases.

Al-Majd ibn Taymiyyah said in Sharh Al-Iqnā': "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 is not as it appeared to be, then she should correct her situation with regard to prayer and fast. 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."

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 period of post-partum bleeding. That is, if the divorce takes place before delivery, then the waiting period ends upon delivery, not by the start of the post-partum 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 llā', unlike the post-partum bleeding period which is not included.

llā' 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 that starts 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 own request. During that period, if the woman experiences post-partum bleeding, it will not be included within the respite given to the husband, and its 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 then flows once again, it is still considered menstruation without doubt. For example, a woman whose menstruation period usually lasts for eight days, sees blood discharge for four days, then it stops for two days, 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-day period, then it flows again on the fortieth day, then its nature is doubted. So, the woman is obligated to offer obligatory prayers and fasts in their prescribed time. All the acts that are prohibited on account of menstruation are prohibited 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 Hanbali jurists.

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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 Istihādah.

This opinion is close to the one reported from Mālik by the author of Al-Mughni, 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). According to reality, there is nothing doubtful about blood, yet doubt is a relative matter that varies according to people's knowledge and understanding. The Qur'an and Sunnah include clarification for everything. Allah Almighty has never imposed upon anyone to repeat the fast or Tawāf unless the first time of performing the act involves some fault that could only be rectified by making up for it. When someone has performed the obligation according to the best of his ability, then his liability is clear. This is proved by the statement of Allah Almighty: {Allah does not charge a soul except [with that within] its capacity...} [Al-Baqarah: 286] and {So fear Allah as much as you are able...} [Al-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 Shariah. 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 of Fiqh. 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 Shariah evidence to support it, while there is no Shariah evidence available in this regard except the tradition narrated by Imam Ahmad on the authority of 'Uthmān ibn Abi al-'Ās (may Allah be pleased with him) 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." 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. Allah knows best.

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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 to use menstruation inhibitors; given the statements of Allah Almighty: {...and do not throw [yourselves] with your hands into destruction...} [Al-Baqarah: 195] and {...And do not kill yourselves [or one another]. Indeed, Allah is ever Merciful to you} [Al-Nisā': 29]. Second condition: Using menstruation inhibitors should be done with the permission of the husband if its use may somehow have an impact on the husband, like the case when the wife is observing a waiting period, during which he is obligated to support her financially. So, she resorts to such inhibitors in order to elongate the period where she is entitled to receive financial maintenance from him. Here, she is not permitted to use menstruation inhibitors except with his permission. Also, if it is proved that using such inhibitors results in the prevention of pregnancy, then the husband's permission has to be sought. If it happens that the ruling of permissibility is established (based on the fulfillment of these two conditions), it is better to refrain from using such inhibitors, unless there is a need because leaving matters go normal is closer to health and safety.

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Also, if it is proved that using such inhibitors results in the prevention of pregnancy, then the husband's permission has to be sought. If it happens that the ruling of permissibility is established (based on the fulfillment of these two conditions), it is better to refrain from using such inhibitors, unless there is a need because leaving matters go normal is closer to 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 it shortly before Ramadān in order to be relieved of fasting, or to escape offering the prayer and so on.

Second condition: The husband's permission has to be sought because menstruation hinders him from the full enjoyment of his wife. So, 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 acceleration of waiving the husband's right to take her back in marriage, if the divorce is revocable.

Using contraceptives has two cases:

1- Using contraceptives that prevent pregnancy completely, and this is impermissible because it results in the decrease of the Muslim offspring, which goes against the purpose of the Legislator Who aims at multiplying the Muslim nation, and because it could happen that her already born children would die, and so she would end up as a widow without children.

2- Using contraceptives that prevent pregnancy temporarily, like when a woman has gone through pregnancy many times, and got 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 during the lifetime of the Prophet (may Allah's peace and blessings be upon him) so that their wives would not conceive, and they were not forbidden to do that.

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As for using abortive drugs, it has two cases:

1- Using abortive drugs in order 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 which is prohibited by the Qur'an, Sunnah, and the Muslims' consensus. But, 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 deemed 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.

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It is more cautious, however, to ban abortion unless there is a need for it, like 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 clearly detect the fetus' human formation, 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 on the mother or the baby, and unless there could be a need for a surgery, in which case there are four probabilities:

First: The mother and the baby are both alive, it is impermissible to conduct a surgery in this case unless there is a necessity in such a way that the mother has difficulty in birth, so conducting a surgery becomes the solution. Definitely, the human body is a trust that man has to guard. Thus, he may not act in any way that goes against its best interest. It could be assumed that a surgery involves no harm, while in fact it prompts it.

Second: The mother and the baby are both dead, it is impermissible to conduct a surgery in this case for the purpose of taking the baby out, because it is a useless procedure.

Third: The mother is alive and the baby is dead, it is permissible to conduct a 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 was 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.

But, if it is hoped that he would 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 Hanbali 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-Insāf*: "It is better to do that (i.e. the surgery)." In

fact, I second the view of Ibn Hubayrah, particularly in our time when conducting such a surgery is not considered mutilation, given the fact that the abdomen is opened then stitched. Another reason for such a choice is that the sanctity of the living is greater than that of the dead, and because saving the life of an inviolable soul is an obligation, and it is true that a baby is an inviolable soul. Thus, saving it is an obligation. And Allah knows best.

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Important note: In cases where abortion is permissible as stated above, it is essential to seek the permission of the husband.

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 as well as the rulings governing them, since the relevant sub-issues and the conditions women usually experience in this regard are countless. The wise, however, is the one 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 Fatwa 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.

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Moreover, a Mufti has to devote his intention sincerely to Allah Almighty, seek His help in all incidents that he goes through, and ask Him for steadfastness and guidance to 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.

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When there is any problematic issue, a Mufti has to resort to deliberation and should not be in haste. There are many times when a Mufti 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 Fatwa.

Definitely, a Mufti known for his deliberation and verification wins people's confidence and trust. This is not the case with a hasty Mufti who makes many mistakes, as people do not trust his sayings. Thus, he deprives himself as well as others of benefiting from the correct knowledge he has.

We ask Allah Almighty 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 Bounteous. May Allah's peace and blessings be upon our Prophet Muhammad, his family, and all his Companions. All praise is due to Allah by Whose favor good things are accomplished.

Written by:

Muhammad al-Sālih al-'Uthaymīn

on Friday

14 Sha'bān, 1392 AH

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A Treatise on Women's Natural Types of Bleeding.....	1
Chapter One: Meaning of menstruation and its wisdom.....	2
Chapter Two: Time and duration of menstruation.....	3
Chapter Three: Irregular changes in menstruation.....	6
Chapter Four: Rulings of menstruation.....	7
Chapter Five: Istihādah and its rulings	13
Chapter Six: Post-partum bleeding and its rulings	17
Chapter Seven: Using menstruation inhibitors and stimulants, contraceptives, and abortive drugs	20