

بسم الله الرحمن الرحيم

Notes from Bulughul Maraam

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Muharram 18, 1426 | February, 27, 2005

باب الحيض

الحيض (Al-Hayd) linguistically, it means flowing. It is said for a valley "*haadal waadee*" if it flows. In the sharee'ah (legislative meaning), it is the blood that the uterus releases. Hayd has many other names. There are other names for menstruation, and they are as follows:

1. نفاس as in the statement of the Prophet (sallaallahu `alaihi wa sallaam) to `Aaisha (radiyallaahu `anha) "*anafisti?*"
2. Likewise, it is called الضحك [laughing] as some of the scholars used the following aayah as a proof.

Allah said:

وَأَمْرَأَتُهُ قَائِمَةٌ فَضَحِكَتْ فَبَشَّرْنَاهَا

And his wife was standing (there), and she laughed. (Hud 11:71)

However, since there is nothing that could prevent for the aayah to keep its literal meaning, it is best to keep it.

3. الطمف
4. الإكبار
5. الفراك
6. اعصار

The blood that comes out of the uterus of a woman, are of three kinds.

1. The blood of *hayd* (menses)
2. The blood of *nifaas* (post-partum bleeding)
3. The blood of *istihaadhah* (an abnormal bleeding)

The blood of *istihaadhah* comes from a vein called (العاذل).

The hayd is common among all of the daughters of Adam as the Prophet (sallallahu `alaihi wa sallam) said to Aisha (radiyallahu `anha) when she got her menses in hajj.

Aisha (رضي الله عنها) said: We proceeded with the Messenger of Allah (صلى الله عليه وسلم) with no other intention but that of performing Hajj. As I was at Sarif or near it, I entered in the state of menses. The Messenger of Allah (صلى الله عليه وسلم) came to me and I was weeping, whereupon he said: "Are you in a state of menses?" I said: "Yes", whereupon he said: "This is what Allah has ordained for all of the daughters of Adam." (*Saheeh Muslim, Kittabul Hajj, Hadeeth #1211 R8*)

As for "the first hayd was sent to the daughters of Isra'eel," is not authentic.

Al-Haydh is a sign of puberty for a woman. Likewise, growing pubic hair is a sign of maturity in both women and men. An example of this is like the story of 'Atiyyah. Abdul-Malik is reported to have said, "I heard 'Atiyya Al-Quradhi saying: We were presented before Allah's Messenger (ﷺ) on the day of Quraidha (when Banu Quraidha had been completely killed). He who had hair grown on pubes was killed, and he who had not hair on pubes, was let off. I was among those who had not attained puberty, so I was let off to go away." (*Sunan ibnu Majah, The One against Whom a Punishment is not Imperative, Hadeeth 2541*)

We benefit from this hadeeth, that it is permissible to show your private parts when it is necessary.

Also, having wet dreams is from among the signs of maturity.

Hadeeth #118

الإستحاضة (Istihaadhah) - the blood that comes out of the uterus of a woman [abnormally] at other than its specific time. The blood of istihaadhah is very light and red. The Prophet (ﷺ) said that the color of the blood of menstruation is dark and it is known by its strong smell.

Abu Hatim termed this hadeeth as munkar. The source of this hadeeth is in the two saheehs from the hadeeth of Aisha (رضي الله عنها) that the Prophet (ﷺ) said: "So when your real menses begins give up your prayers and when it has finished wash off the blood (take a bath) and offer your prayers." (*Saheeh Bukharee, Book of Menses, Hadeeth #229*)

The hadeeth benefits us that the woman who is tested by the bleeding of istihaadhah and she is able to distinguish her menses, she considers those days the days of hayd. Thus, the woman who is able to identify her menses, then she depends on that and treat those days as the days of hayd. When the signs of hayd disappears, she takes her bath and considers herself taahir (pure).

The second kind of bleeding is in the case of a woman who has non-stop istihaadhah and she knows the time of her menses. In this case, she considers those known days, the days of hayd and the rest the days of istihaadhah.

The third kind of bleeding is in the case of a woman who does not have regular menses, nor can she recognize (identify) her menses, then she designates 6-7 days every month for menses, as for the majority of the women. For further information, refer to the books: The Natural Blood of a Woman by Ibn 'Uthaymeen, and Fiqh-us Sunnah Vol. 1, by Sayyid Sabiq.

In summary, a person who is tried with istihaadhah falls under one of the following categories:

1. The women who have regular menses and know those days, treat those known days as the days of hayd.
2. Those who are able to distinguish the blood of the menses from that which is not, treat those known days as the days of hayd.
3. Those who do not have regular menses and they are unable to distinguish the blood of the menses from other kinds of blood, the days of hayd are like that of the majority of the women (i.e. 6-7 days).

In the hadeeth of Asma bintu 'Umayy, the word (مركن) - it is a container used for washing clothes. This hadeeth was mentioned in As Saheeh Musnad Mimma Laysa Fis Saheehayn Vol 2, pg. 456. In the hadeeth, it is mustahaab (recommended) to take a ghusl for Dhuhr and Asr, a ghusl for Maghrib and 'Ishaa', and a ghusl for Fajr. This is from the istihaabah, and it's not wajib.

Sitting in the *mirkan* is a way that helps those who are tried with istihaadhah to distinguish the blood of the hayd from other kinds of blood. If the color of the water turns dark red, it is hayd. But, if the color of the water in the mirkan turns yellowish, it is istihaadhah.

"and in between those times she should perform ablution" - this means if she takes a ghusl for Dhuhr, she makes wudhoo for Salaatul Asr. If she takes a ghusl for Maghrib, she has to make wudhoo for Salaatul 'Ishaa.

Hadeeth #119

Hamna bintu Jahsh (رضي الله عنها) is a Sahaabiyyah (a female companion of the Prophet) and she is a sister of Zaynab (the wife of the Prophet صلى الله عليه وسلم). Hamna is one of those who was involved in the event of الإفك. As for Zaynab, Allaah protected her from being involved because of her piety.

Imam Ash-Shawkani (رحمه الله) mentioned in Nayl Al-Awtar that the word ركضة - means that the Shaytaan found a way to interfere in the affairs of her deen, her tahaarh and her salaah.

استنقأت - means to become purified

Al-Bukharee graded the hadeeth hasan, and Tirmidhee was too easy when he was authenticating hadeeth.

In this hadeeth, we benefit that those who have been tested with the istihaadhah, it's mustahaab (recommended) for them to delay Dhuhr and to take a bath for Dhuhr and Asr, and likewise to take a ghusl for Maghrib and 'Ishaa, and to take a ghusl for Fajr. This is mustahaab, not wajib.

أعجب الأمرين إلي - meaning the second option which is taking ghusl for every two salaah. However, some of the scholars said that this section of the hadith is not from the Prophet sallallaahu `alaihi wasallam, and Allaah knows best.

Hadeeth #120

Umm Habiba is the sister of Zaynab and Hamna. This hadeeth is reported by Muslim. In this hadeeth, we benefit the permissibility of asking Ahlul-Dhikr. Also, as in the hadeeth of Aisha (رضي الله عنها), we benefit of showing that the women refrains from praying and fasting.

In the hadeeth, it mentions taking a ghusl for every salaah. This part of the hadeeth is from herself, and not the Prophet (صلى الله عليه وسلم). The Prophet commanded her to take one ghusl when her menses was over.

Istihaadhah nullifies the wudhoo. This is from the jumhoor (majority) of Ahlul 'Ilm. The mustahadhah has to make wudhoo for every prayer.

This is for women who have regular menses, who know when the menses starts and ends, and how many days she will be menstruating.

Hadeeth #121

The words (بعد الطهر) (after purification) does not exist in Al-Bukharee. This is the saying of Abu Dawud, which is authentic as well.

الكدرة - muddy (It's color is like a dirty water.)

الصفرة - yellow

In this hadeeth, a woman who experiences kudrah and sufrah at other than the time of menstruation, is not considered hayd. This is the literal meaning of the hadeeth. However, the understanding of the hadeeth indicates that if the kudrah or sufrah is experienced during the time of hayd, it is considered hayd.

Umm Atiyyah's name is Nusaybah. The taharrah refers to one of the two things: the white discharge from the uterus or the dryness in the private area (i.e. stopping of the discharge or bleeding from the uterus).

If a woman experiences the kudrah and the sufrah a day, two, or three before the days of her actual menses, she will not consider it to be part of the hayd, as the hadeeth of Umm `Atiyyah indicates.

Hadeeth #122

In this hadeeth, we learn that we should be different from the Jews and not do not follow them. Also there is the prohibition to have sexual intercourse when the woman is menstruating.

النكاح - means sexual intercourse. Inside the hadeeth, it is permissible to have any sexual relationship that does not include penetration with the one who is menstruating.

Hadeeth #123

There are three types of Mubasharah (مباشرة) while menstruating: **(This word has many meanings. It could mean sexual intercourse, caressing by man and women, touching skin to skin, to go to bed with, or copulate with. You will look have to look at the sentence to find the appropriate definition.)**

1. مباشرة Intercourse - penetrating her private part. This is haraam by the Kitaab and the Sunnah and this is the ijmaa' (consensus) of Ahlul 'Ilm.
2. مباشرة having sex in the area between knee and navel excluding the private part. This is impermissible according to most of the 'Ulaamah. However, there are a group from the 'Ulaamah that say that it is permissible because of the hadeeth of Aisha (رضي الله عنها) and this is the most correct opinion. But, if the person fears falling into the haraam, then he stays away.

The Prophet (صلى الله عليه وسلم) said he who avoids doubtful matters clears himself in regard to his religion and honor, but he who falls into doubtful matters falls into that which is unlawful, like the shepherd who pastures around a sanctuary, all but grazing therein. Truly every king has a sanctuary, and truly Allah's sanctuary is His prohibitions.

3. مباشرة from above the navel and below the knee. This is permissible.

أترار - means to wear an izar as Ibn Hajar mentioned in Fathul Baree Vol.1, pg. 404 (i.e. she ties the izar tight around her waist).

The fuquhaa (Imaams of Fiqh) say the parts that need to be covered are the body parts that are between the navel as it is the norm.

مباشرة - means touching skin to skin.

Wallaahu A'laam

Hadeeth #124

Ibn Hajar said that the scholars with the exception of al-Haakim and Ibnul Qattan, see the hadeeth to be Mawqoof ("suspended" - attributed to the Companions). This particular hadeeth as Marfoo' ("raised up" - attributed to the Prophet) is not authentic.

Deenar - is gold money

Dirham - is silver money

Q: If a man has intercourse with his wife while she is menstruating, will there be a kaffarah (expiation) on him?

A: The majority of the Scholars such as Malik, Abu Haneefah, Ash-Shafi'ee, Ahmad in his riwaayah (narration) said that there is no kaffarah on him. However, what is wajib for him is tawbah (repentance). And this is the most correct opinion.

We cannot make the kaffarah wajib without adillaah (proofs) from the Kitaab and the Sunnah.

However, a group Ahlul 'Ilm such as Ibn 'Abbas, Hasan Al-Basare, Qatadah ibn Ju'amah and Ahmad in one of his riwaayah and Shafi'ee in his book Al-Qadeem. Others say that the person who has intercourse with his wife while she is menstruating has to pay kaffarah using this hadeeth as a proof.

Q: Is it permissible for the man to have sexual intercourse with his wife after she finishes menstruating, but before she takes a ghusl?

A: The jumhoor (majority) of Ahlul 'Ilm say that it is not permissible for him to have sex with his wife before she takes a ghusl and this is what is the most correct opinion as Allah said in Al-Kitaabul Kareem:

They ask you concerning menstruation. Say: that is an Adha (a harmful thing for a husband to have a sexual intercourse with his wife while she is having her menses), therefore keep away from women during menses and go not unto them till they have purified (from menses and have taken a bath). And when they have purified themselves, then go in unto them as Allâh has ordained for you (go in unto them in any manner as long as it is in their vagina). Truly, Allâh loves those who turn unto Him in repentance and loves those who purify themselves (by taking a bath and cleaning and washing

thoroughly their private parts, bodies, for their prayers, etc.). (Al-Baqarah 2:222)

- this part of the aayah was explained as taking a ghusl.

A group Ahlul 'Ilm such as 'Ataa, Qatadah, Awza'ee, Dawud ibn 'Alee Adh-Dhaharee, Ibn Hazim, and also Ash Shaykh Al-Allamah Al-Albanee in his book *Adaabuz Zafaaf* see the permissibility of having sexual intercourse before taking ghusl. However, the most correct opinion is the saying of the Jumhoor (majority).

The harmful consequences of having intercourse while menstruating are:

1. The penis can be diseased.
2. The baby can be born with deformity, or he/she is born without a hair.
3. The pregnancy can occur outside of the uterus.
4. It can cause anxiety, depression and sadness to the person.
5. It can cause headache to the person. Allaah knows best.

Hadeeth #125

His name is Sa'eed ibn Malik ibn Sinaan. This hadeeth is section of a long hadeeth.

The hadeeth indicates the impermissibility of praying or fasting for a woman during her menses. This is what has contributed to having deficiency in her deen, as was stated by the Prophet (ﷺ). As for the deficiency in her deen, this is due to her remaining without praying or fasting for days and nights.

The woman must make up the days of fasting and not praying for that she missed because of her menses as in the hadeeth of Aisha who said we used to be commanded to make up the days of fasting but not for the salaah (that was missed).

Hadeeth #126

لَمَّا has three meanings:

1. حين means period of time; time as in this hadeeth.

Then, when the bearer of the glad tidings arrived, he cast it (the shirt) over his face, and he became clear-sighted. He said: "Did I not say to you, 'I know from Allâh that which you know not.' " (Yusuf 12:96)

2. نفى و جزم - means did not

Nay, but (man) has not done what He commanded him. ('Abasa 80:23)

3. إلا - means except

There is no human being but has a protector over him (or her) (i.e. angels incharge of each human being guarding him, writing his good and bad deeds, etc.). (At-Tariq 86:4)

سرف a place between Makkah and Madeenah.

We benefit from this hadeeth that a woman who is menstruating is allowed to do everything that other pilgrims are allowed to do i.e. staying in Mina, Arafat and Muzalifah, except making Tawaf around the Bayt until she is purified. If her menses takes longer, her friends should wait for her until she becomes pure and make her Tawaaful Ifaadah as the hadeeth of Aisha in Saheeh Muslim indicates.

'A'isha (رضي الله عنها) reported: When Allaah's Prophet (صلى الله عليه وسلم) decided to march (for return journey), he found Safiyyah at the door of her tent, sad and downcast. He remarked. Barren, shaven-head, you are going to detain us, and then said: Did you perform Tawaf Ifaada on the Day of Nahr? She replied in the affirmative, whereupon he said: Then march on. (**Saheeh Muslim, The Book of Pilgrimage, Chapter: It Is Obligatory To Perfrom Farewell Circumambulation, While a Menstruating Woman Is Exempted From It, Hadeeth #1211**)

We must pay attention to this particular issue since some of Ahlul 'Ilm say that it is permissible to make Tawaaful Ifaadah for a women with menses, if her friends (group) are unable to wait for her. This is not correct. We follow the daleel (proof).

Hadeeth #127

The hadeeth was reported by Abu Dawud and it's dha'eef (weak) by the way of Baqeeyah ibnul Waleed and he is mudallas and he narrated a lot. Sa'eed ibn Abdhul Al-Aqtash who is lenient is also in the chain. Moreover, the isnaad is disconnected because Abdur Rahman bin Aaidh Al-Azdee who did not hear it from Mu'aadh. Refer to 'Awn Al-Ma'bud Vol 1. pg. 249.

This hadeeth indicates that it is haraam to have mubasharah in the areas between the navel and the knees. However, this hadeeth is dha'eef and it contradicts the saying of the Prophet (صلى الله عليه وسلم) in the hadeeth of Anas (Hadeeth #122 - The Jews used not to

eat with a woman during her menstruation period, so the Prophet (ﷺ) said, "Do everything else apart from sexual intercourse with your wives.")

Hadeeth #128

Umm Salamah (رضي الله عنها) is Hind Bintu Abi Umaiyah. She is the last of the wives of the Prophet (ﷺ) to die. This hadeeth is from the way of Musa Alasadia. Al-Bukharee mentioned her with something good. Ad-Daraqutni said she can't be accepted as a proof. The hadeeth is dha'eef and there are others ways to the hadeeth from the sahabah and all of them are weak.

The jumhoor (majority) of Ahlul 'Ilm say that the maximum for nifaas is 40 days based on this hadeeth. However, if she becomes clean before 40 days, she must start praying, and if she bleeds for more than 40 days, they don't consider it to be the blood of nifaas, therefore she is required to pray on those days. On the other hand, Shaikh Muqbil (رحمه الله) holds the opinion that there is no maximum for nifas.

If a woman stops bleeding at anytime, she is considered to be clean. Wallahu Musta'aan.

Q: If the woman becomes clean at the time of `Asr, does she have to pray Dhuhr first and then Asr

OR

If the woman becomes clean at the time of 'Ishaa, does she have to pray Maghrib first and then 'Ishaa?

A: The jumhoor of Ahlul 'Ilm is upon the opinion that she must pray Dhuhr with Asr and Maghrib with 'Ishaa. However, some of the Ahlul 'Ilm say that it is not wajib to pray Zuhr with `Asr, Maghrib with 'Ishaa since its time has expired as al-Hasan Al-Basaree and others say and this is the most correct opinion since the time of Dhuhr and Maghrib has past while she was still menstruating. Therefore, we cannot impose upon people what the sharee'ah has not made it wajib upon them. Rather, the shar' indicates that she is not permitted to pray during that state as the Prophet (ﷺ) said, if she is menstruating, she doesn't have to pray or fast.

If the woman delays salaah until the last minute then her menses comes during the time of salaah, she will not be sinning and she doesn't have to make up the salaah.

Q: If the woman is pregnant, can she have her menses?

A: The jumhoor of Ahlul 'Ilm say that she cannot experience her menses during her pregnancy because the blood of menstruation turns into food for her baby. However, Malik, Shafi'ee, and Ibn Taymiyyah went into saying that a woman could experience her menses during her pregnancy as was supported by Shaykh 'Uthaymeen in his book "The Natural Blood of a Woman". This is the most correct opinion, since it is possible for the blood of the menses to exceed the nutritional requirement of the baby. And Allaah knows best.

Questions Not Related to the Class

Q: Is it permissible to use birth control?

A: This is a scheme from the enemies of Islam. Acting upon this is considered accepting their scheme. The Prophet (ﷺ) encouraged us to increase the Ummah. The Prophet (ﷺ) told the men to marry the loving and those who are prolific.

As far as the permissibility is concerned, some of Ahlul 'Ilm permit the use of birth control for a short period of time, only if it is necessary. The many harmful consequences of birth control are evident. Needles and pills used for contraceptive have harmful consequences to the women at this present time and in the future. From its harms, is that it may cause her to become angry and this could destroy her body and health. It also may cause cancer or infection.

As for lifelong use of contraceptives, then this is not permissible. Shaykh Muqbil said it's not permissible unless it saves her life. Her father (Shaykh Muqbil رحمه الله) has a tape that rejects the use birth control. He advises everyone to stay away from it. If it becomes necessary for the woman, it is advised to use coitus interruption with the agreement of the husband and the wife as the Prophet (ﷺ) said.

Q: When a woman miscarries, is the blood hayd or nifaas?

A: There is ikhtilaaf (differing) in this issue. What is correct is to consider the blood of nifaas because she was pregnant and now the baby is out whether the baby has a spirit or not. This is what we have benefited from Shaykh Muqbil (رحمه الله).