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## **Foreword**

Foreword by Mufti Ebrahim Saheb (and others if available).

## **Preface**

Reason for writing thesis on this subject.

## **Introduction**

Information regarding books used, majhaj of book, references, style used in final chapter,  
etc.



## Chapter I – Terms and Definitions

Like any other subject, the subject of ḥayḍ may best be understood once one has a good understanding of the general terms used exclusively for the *masā'il* of ḥayḍ. In order to simplify this arduous task, we shall outline a select number of terms below along with their definitions so that one may have an easy time grasping these terms as they are used throughout the book.

-Set I-

**Ḥayḍ (menses)**<sup>1</sup>: the blood that flows from the womb through the *farj dākhil* of a female at least 9 lunar years old (8 solar years and 8 months and 3 weeks). Blood after birth, during pregnancy, or blood resulting from a wound or sickness (like the blood of istiḥāḍah) is not considered to be ḥayḍ.

Comment [H1]: Define

**Nifās (lochia)**<sup>2</sup>: postnatal bleeding that exits from the womb through the *farj dākhil* following the delivery of most of the baby, such that it is not preceded by another delivery within 6 months from the delivery of the current baby.<sup>3</sup>

**Istiḥāḍah (Irregular/Dysfunctional Vaginal Bleeding)**: any bleeding other than ḥayḍ and nifās.<sup>4</sup>

- ❖ The three types of bleeding do not necessarily mean that a woman must actually see blood. Sometimes a certain period is classified amongst one of the above three and labeled as blood (also known as *Dam Ḥukmī*).<sup>5</sup>

Comment [H2]: Define

**ʿĀdah (habit)**: a previously set cycle or period of a woman. In more technical terms, this refers to the last timeframe when a woman had a *dam ṣaḥīḥ* and *ṭuhr ṣaḥīḥ* (as defined below). An ʿādah could refer to the habit of a ḥa'idah (woman with ḥayḍ) or nufasā' (woman with nifās). Similarly, an ʿādah could refer to the habit of seeing blood (having *dam*) or not seeing blood (having *ṭuhr*).

**Niṣāb**: a threshold or a set number of days during which the *aḥkām* of ḥayḍ, nifās, and ṭuhr may apply.

Comment [H3]: Aḥkām to Ruling?

- ❖ For ḥayḍ: 3-10 days. For nifās: a maximum of 40 days (with no minimum). For ṭuhr: at least 15 days (with no maximum). The *aḥkām* related to the *niṣāb* for each will be explained in detail throughout the chapters ahead.

<sup>1</sup> *Manḥal al-Wāridīn*, p. 119-122, Dār al-Fikr; *Birgivi's Manual Interpreted*, p. 32, Amana Publications

<sup>2</sup> Ibn ʿĀbidīn, *Manḥal*, p. 124; *Birgivi's*, p. 32

<sup>3</sup> This is the opinion of Imam Abū Ḥanīfah and Imam Abū Yūsuf (raḥimahumallāh). Imam Muḥammad is of the opinion that the blood before the second birth is the blood of pregnancy (i.e. istiḥāḍah) and the blood after the second birth is the blood of nifās.

<sup>4</sup> Ibid.

<sup>5</sup> See definitions for *ḥaqīqatan* and *ḥukman* ahead.

**Muddah:** A specific timeframe for something. In reference to ḥayḍ and nifās, this will usually refer to their *niṣāb*.

-Set II-

**Dam:** The releasing of blood, whether it is *ḥaqīqatan* (there is actual blood present) or *ḥukman* (Sharī'ah considers it to be in the *ḥukm* of *dam*).

Comment [H4]: ḥukm to Ruling?

**Dam Ṣaḥīḥ (Valid Blood):** for ḥayḍ, bleeding that is at least 3 days (72 hours) and does not exceed 10 days (240 hours). For nifās, bleeding that does not exceed 40 days (960 hours).<sup>6</sup>

- ❖ Bleeding here refers to *ḥukman* as well. For example, if a woman had 8 days of blood *ḥaqīqatan* but 12 days *ḥukman*, then this will not be considered a *dam ṣaḥīḥ*.

**Dam Fāsīd (Invalid Blood):** It is hard to pinpoint an exact definition of this term. Imam Birkiwī prefers to group *istiḥāḍah* and *dam fāsīd* together<sup>7</sup>; however, Ibn `Ābidīn mentions that many *fuqahā'* when using the word "dam fāsīd" refer to blood that is above 10 days.<sup>8</sup> At times, this may refer to any blood that occurs outside of a woman's ḥayḍ, even if it is below 10 days.<sup>9</sup>

**Dam Ḥukmī (Legal Blood):** an interval that the Sharī'ah considers to be blood when there is no actual blood.<sup>10</sup> This is also referred to as "dam mutawālī."

-Set III-

**Ṭuhr:** lexically refers to a state free of ḥayḍ and nifās. This means that *istiḥāḍah* may occur during ṭuhr<sup>11</sup> as well, i.e., having *istiḥāḍah* does not negate the presence of ṭuhr.<sup>12</sup>

- ❖ This term is frequently used to refer to any timeframe where a woman was not experiencing blood regardless of when it had occurred.

**Ṭuhr Ṣaḥīḥ (Valid Ṭuhr):** a ṭuhr that is a) at least 15 days (360 hours) long b) is not mixed with blood (as will be discussed later on) c) and is between two *dam ṣaḥīḥ* (e.g. between ḥayḍ and *istiḥāḍah* or nifās and *istiḥāḍah*).<sup>13</sup>

Comment [H5]: Check

**Ṭuhr Fāsīd (Invalid Ṭuhr):** a ṭuhr that is against one of the conditions stated above.<sup>14</sup> This term is more broadly used to refer to any ṭuhr that could have been a *ṣaḥīḥ* but something prevented it from becoming *ṣaḥīḥ*.

<sup>6</sup> Ibn `Ābidīn, *Manhal*, p. 125-126; *Birgivi's*, p. 32

<sup>7</sup> Ibn `Ābidīn, *Manhal*, p. 125

<sup>8</sup> Ibid., p. 128

<sup>9</sup> Ibn `Ābidīn, *Manhal*, p. 126

<sup>10</sup> Ibid.

<sup>11</sup> Ṭuhr here does not refer to a ṭuhr *ṣaḥīḥ*.

<sup>12</sup> The definition given here is according to Imam Birkiwī's definition as stated in *Dhukr al-Muta'ahhilin*. Ibn `Ābidīn disagrees with Imam Birkiwī's definition of ṭuhr and gives his reasoning thereafter (*Manhal*, p. 128). For more details regarding ṭuhr, please refer to chapter three regarding the *ahkām* of ṭuhr.

<sup>13</sup> Ibn `Ābidīn, *Manhal*, p. 129-130

<sup>14</sup> Ibid., p. 130



- ❖ A ṭuhr that occurs during the period of nifās (i.e. before the end of 40 days after birth) is also classified as ṭuhr fāsīd because it was not between two dam ṣaḥīḥ; rather, it was between one single dam period (i.e. during the nifās period). This is also called "ṭuhr mutakhallil" or mixed ṭuhr.

**Ṭuhr Ḥukmī (legal ṭuhr):** bleeding that Sharī'ah defines as ṭuhr.<sup>15</sup>

**Ṭuhr Tām:** ṭuhr that lasts for 15 days or longer.<sup>16</sup>

- ❖ Tām does not mean ṣaḥīḥ. It is possible that a ṭuhr is tām but not ṣaḥīḥ. An example of this will be provided ahead for clarification.

**Ṭuhr Nāqīṣ:** ṭuhr that does not last for 15 days.<sup>17</sup>

- ❖ A nāqīṣ ṭuhr will always be regarded as fāsīd as it is less than 15 days.

-Set IV-

Comment [H6]: Make set one?

**Ḥaqīqatan:** something that is according to what is seen in reality as opposed to that which is stated to be there in ruling by Sharī'ah.

**Ḥukman/Shar'an:** something that is said to be there in ruling by Sharī'ah even if it is not physically present

- ❖ The above two terms are mainly used to define the period in which a woman sees her blood. Sometimes the blood is physically present; other times Sharī'ah states that during a certain period blood is considered to be present even if it is not physically there.

**Makān/Makānan:** time of the month or any specific time period during which a woman sees her blood during each cycle of her period in accordance to her habit.

**ʿAdad/ Adadan:** the number of days a woman sees her blood according to her habit.

**Ḥukm:** literally means "ruling" used here to refer to the final ruling on the type of a blood a woman sees.

<sup>15</sup> Birgivi's, p. 33

<sup>16</sup> Ibn ʿĀbidīn, *Manhal*, p. 131

<sup>17</sup> Ibid.

## Chapter II – Introduction to "Dam"

The *masā'il* of ḥayḍ generally deal with different types of bleeding (or *dam*). This may range from *dam ṣaḥīḥ*, *dam fāsid*, *dam mutakhallil*, *dam ḥayḍ*, *dam istiḥāḍah*, etc. Due to the nature of this subject and its direct link with *dam*, we shall give a small explanation regarding menstrual bleeding before commencing with more in-depth discussions.

### The Essentials

The following points should be kept in mind regarding the release (or *khurūj*) of blood in order to understand that nature of blood according to Sharī'ah:

- 1) When blood exits from the *farj dākhil* towards the *farj khārij* or it touches the lining of the *farj khārij*, then only will it be considered as *khurūj* of *dam*. Otherwise, in terms of Sharī'ah, it will be as if no bleeding has occurred at all.<sup>18</sup> Put more simply, neither will the *aḥkām* of ḥayḍ and nifās apply nor will it cause the woman to break her wuḍū'.
- 2) Similarly, if a woman has placed a pad such that it does not allow the blood to leave the *farj dākhil*, then the *aḥkām* of ḥayḍ and nifās will not apply.<sup>19</sup>
- 3) If a woman only feels the blood coming down but the blood itself does not leave the *farj dākhil* or reach the outer lining, then it will not be considered as *khurūj* of *dam*.<sup>20</sup>
- 4) Once the ḥayḍ or nifās has begun, stopping the blood from exiting will not negate their *aḥkām*. On the other hand, if one does the same during istiḥāḍah, then the *ḥukm* of istiḥāḍah will be negated.<sup>21</sup>
- 5) During the *muddah* of ḥayḍ and nifās (i.e. 3-10 days for ḥayḍ and less than 40 days for nifās), all types of blood other than *pure white*, regardless of what color it may be (e.g. red, black, brown, yellow), are in the *ḥukm* of *dam* and may be used to establish rules of ḥayḍ and nifās except for an *āyisah* (see [chapter N/A](#)).<sup>22</sup>
- 6) During the days of ḥayḍ and nifās, the following are prohibited:<sup>23</sup>
  - a) Prayer: whether it is farḍ, wājib (e.g. sajdāt al-tilāwah), or nafl
  - b) Fasting: whether it is farḍ, wājib, or nafl
  - c) Recitation of the Qur'ān
  - d) Touching the Qur'ān
  - e) Entering a Masjid
  - f) Performing ṭawāf around the ka'bah
  - g) Having intercourse<sup>24</sup>

Comment [H7]: Add words to definitions?

<sup>18</sup> Ibid., p. 153-154

<sup>19</sup> For more information, refer to the chapter on using a *kursuf* in Manḥal al-Wāridīn (p. 170).

<sup>20</sup> Ibn `Ābidīn, *Manḥal*, p. 155

<sup>21</sup> Ibid.

<sup>22</sup> Ibid., p. 169

<sup>23</sup> Ibid., p. 268-283

- 7) Ḥayḍ may be used to establish the *ḥukm* of *bulūgh* (puberty) for a non-bālighah girl

Comment [H8]: Change wording

The following situations are not to be regarded as ḥayḍ<sup>25</sup>:

- 1) Blood resulting from a wound in the uterus.
- 2) Blood that a girl below the age of 9 (lunar) years sees.
- 3) Blood that a *nufasā'* sees before delivery, i.e., during pregnancy.<sup>26</sup>

Comment [H9]: Add "ḥa'idah" and "nufasā'" to list of definitions.

### An Important Principle: Dam Mutawālī

Blood does not need to flow continuously in order to establish the *aḥkām* of ḥayḍ, nifās, and istiḥāḍah. It is possible that many days pass without a sign of blood but Sharī'ah still considers those days to be in the *ḥukm* of *dam*.<sup>27</sup> This is known as *dam mutawālī* or *dam ḥukmī*.

In addition to this, it should be understood that there is a limit for a *dam mutawālī*. If a woman has blood for one day and then she sees blood after 45 days, it will not mean that the entire 45 days will be regarded as days of blood. This will be further explained under the chapter regarding the *aḥkām* of *ṭuhr*.

Keeping this in mind, we shall commence with the discussion regarding the different types of *dam* according to Sharī'ah. Thereafter, we shall discuss the *aḥkām* of *ṭuhr* in the following chapter.

#### Type I: Ḥayḍ

Ḥayḍ, as defined in chapter one, refers to the blood that flows from the womb through the *farj dākhil* of a female that is at least about 9 years old where the blood itself is not the result of delivering a child. The minimum period of bleeding required for a blood to be labeled as ḥayḍ is 3 days and the maximum period is 10 days.<sup>28</sup> This means that any period of blood that is below 3 days (72 hours) or above 10 days (240 hours) may not be classified as ḥayḍ regardless of if the blood was *ḥaqīqī* or *ḥukmī*. For example, if a woman had 2 days of blood *ḥaqīqatan* but 8 days *ḥukman*, then this will count as a ḥayḍ. Consequently, it is not necessary for a woman to have blood every single day during the period of ḥayḍ in order to establish the *aḥkām* of ḥayḍ.<sup>29</sup>

Comment [H10]: Remove or change example.

*Example 1:* A woman has blood on day 1 and day 2 only. Thereafter she does not experience any blood.

<sup>24</sup> Details of each have been discussed under chapter N/A

<sup>25</sup> Ibn 'Ābidīn, *Manhal*, p. 120

<sup>26</sup> Each of these are actually classified as istiḥāḍah (*Manhal*, p. 121). They have been mentioned separately for the sake of clarity.

<sup>27</sup> For more clarity, please refer to chapter N/A

<sup>28</sup> Ibn 'Ābidīn, *Manhal*, p. 134 & 136

<sup>29</sup> Ibid., p. 135

<i>Ḥaqīqatan</i>	1	2	3	4	...	9	10
<i>Sharʿan</i>	1	2	3	4	...	9	10
<i>Ḥukm</i>	Not Ḥayḍ						

*Explanation 1:* *Ḥaqīqatan* she only had blood on day 1 and day 2 which is less than the minimum amount for ḥayḍ (i.e. 3 days); therefore, this blood will not be regarded as ḥayḍ. Details regarding the latter period of no blood will be explained later.<sup>30</sup>

*Example 2:* A woman has blood on day 1 and day 2. From day 3 to day 7 she has no blood. Then, she has blood for once more on day 8 before it ceases. (See chart below)

<i>Ḥaqīqatan</i>	1	2	3	4	5	6	7	8	9	10
<i>Sharʿan</i>	1	2	3	4	5	6	7	8	9	10
<i>Ḥukm</i>	Ḥayḍ								Not Ḥayḍ	

*Explanation 2:* *Ḥaqīqatan* she only had blood on day 1, 2, and 8. According to Sharīʿah, she will be considered to have had blood from day 1 to day 8, also referred to as dam ḥukmī or dam mutawālī. Since she had no blood on day 9 and 10, these two days will not be regarded as her ḥayḍ<sup>31</sup>.

### Blood that Exceeds Ḥayḍ Habit<sup>32</sup>

It is important to note that if a woman already has a set habit (ʿādah) for ḥayḍ, then either the blood will exceed her habit or will not exceed the habit. If it doesn't exceed the habit, then this new period of blood will become her new ḥayḍ habit (unless it was exactly the same amount of days as her original habit). On the other hand, any blood that exceeds her regular habit may result as one of the following:

- The blood (*ḥaqīqatan* or *ḥukman*<sup>33</sup>) remains within the *niṣāb* of ḥayḍ. In such a case, the entire period will be regarded as ḥayḍ and this period will become her new habit.
- The blood (*ḥaqīqatan* or *ḥukman*) exceeds the *niṣāb*. In such a case, the original habit will be regarded as ḥayḍ and the rest will be *istiḥāḍah* (irregular blood).

❖ In this situation (i.e. where blood exceeds the habit and the *niṣāb*), the blood within the habit will be labeled as "dam ṣaḥīḥ" and all blood outside of the

<sup>30</sup> Other possibilities do exist; for the sake of ease, those possibilities have not been mentioned here.

<sup>31</sup> This is under the assumption that she has no blood for 13 more days thereafter, i.e., she has no blood for a full 15 days from day 9 onwards. Details will be discussed ahead. **CHECK**

<sup>32</sup> Ibn ʿĀbidīn, *Manḥal*, p. 126

<sup>33</sup> This is referring to dam mutawālī as discussed at the beginning of the chapter.

habit may be labeled as "dam fāsid."<sup>34</sup> This is also why istiḥāḍah may refer to dam fāsid as well. More simply put, dam fāsid is usually used in comparison to dam ṣaḥīḥ, whereas istiḥāḍah is used to explain the *ḥukm* of a certain day or period.

**Comment [H11]:** Read up and cross-check

*Example 3:* A woman with a ḥayḍ habit of 6 days has blood from day 1 to day 9. Thereafter she has no blood.

<i>Habit</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥaqīqatan</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Sharʿan</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥukm</i>	New ḥayḍ habit									Not Ḥayḍ			

*Explanation 3:* Ḥaqīqatan she had blood for 9 straight days. Since this blood exceeded her habit (of 6 days) but did not go over the maximum *niṣāb* of ḥayḍ (10 days), she will now have a new ḥayḍ habit of 9 days. There was no blood thereafter, so the rest of the days will not be regarded as ḥayḍ.

*Example 4:* A woman with a ḥayḍ habit of 8 days has blood from day 1 to day 12.

<i>Habit</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥaqīqatan</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Sharʿan</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥukm</i>	Ḥayḍ								Istiḥāḍah				N/A

*Explanation 4:* Ḥaqīqatan she had blood for 12 straight days. Since this blood exceeded her habit (of 8 days) and also went over the maximum of ḥayḍ (10 days), only the first 8 days of blood will be regarded as ḥayḍ. Since the blood from day 9 to day 12 was dam fāsid, the rest of the days will be regarded as istiḥāḍah. There was no blood on the 13th, so the ruling for this day will remain dependant on the future blood pattern.

- ❖ It is important to note that istiḥāḍah does not negate the presence of ṭuhr as stated in chapter one. It is still possible to count these days as the days of ṭuhr as they are days that are outside of ḥayḍ and istiḥāḍah. Similarly, even though a woman may have ṭuhr (such as on the 13th), it does not mean that it cannot be istiḥāḍah. This shall be discussed in the next chapter with more detail.

*Example 5:* A woman with a ḥayḍ habit of 8 days has blood from day 1 to day 2. Then she has blood on day 11 and 12. Thereafter, she does not have blood.

<i>Habit</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥaqīqatan</i>	1	2	3	4	5	6	7		9	10	11	12	13
<i>Sharʿan</i>	1	2	3	4	5	6	7	8	9	10	11	12	13
<i>Ḥukm</i>	Ḥayḍ								Istiḥāḍah				N/A

<sup>34</sup>Ibid., p. 126

*Explanation 5: Ḥaqīqatan* she only has blood on day 1, 2, 11, and 12. According to Sharī'ah, this will fall under the **ḥukm** of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 12. Since this blood exceeded her habit (of 8 days) and also went over the maximum *niṣāb* of ḥayḍ (10 days), only the first 8 days of blood will be regarded as ḥayḍ whereas the rest will be regarded as istiḥāḍah. There was no blood on the 13th; therefore, this day will remain dependant on her future blood pattern.

*Example 6:* A woman with a ḥayḍ habit of 8 days has blood from day 1 to day 3. Then she has blood on day 5. After that, she has blood on day 9. Thereafter, she does not have blood.

Habit	1	2	3	4	5	6	7	8	9	10	11	12	13
Ḥaqīqatan	1	2	3	4	5	6	7	8	9	10	11	12	13
Shar'an	1	2	3	4	5	6	7	8	9	10	11	12	13
Hukm	New Ḥayḍ Habit									Not Ḥayḍ			

*Explanation 6: Ḥaqīqatan* she only has blood from day 1 to 3, then on day 5, and finally on day 9. According to Sharī'ah, this will fall under the **ḥukm** of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 9. Since this blood exceeded her habit (of 8 days) but did not go over the maximum *niṣāb* of ḥayḍ (10 days), she will now have a new ḥayḍ habit of 9 days. There was no blood thereafter, so the rest of the days will not be regarded as ḥayḍ.

## Type II: Nifās

Nifās refers to the blood a woman sees after the delivery of a baby. There is no minimum period for nifās. Even if the woman sees blood for a split second after delivery or she does not see any blood at all, her nifās will be complete.<sup>35</sup>

The maximum period for nifās is 40 days.<sup>36</sup> This means that any blood a woman sees after delivering a child before the end of 40 days (960 hours) will be regarded as nifās. Similar to ḥayḍ, it is not necessary for a woman to see blood every single day during the period of nifās in order to establish the *ahkām* of nifās.

- ❖ The rules for blood exceeding or being below the habit for ḥayḍ will apply to nifās as well. If a woman already has a set habit for nifās, then any blood she has that is below her habit will become her new habit if there is no blood afterwards. On the other hand, if the blood exceeds the habit, then it will either establish a new habit (if it is within the *niṣāb*

**Comment [H12]:** Needs clarification. Maybe put, "...her nifās will be complete. Furthermore, if a woman does not see any blood at all we will assume she had nifās and now it's complete; therefore, she will now perform ghusl. (Last part in hashiyah maybe)

<sup>35</sup> Ibn 'Ābidīn, *Manhal*, p. 159

<sup>36</sup> Ibid., pg. 136-138

of nifās, i.e. 40 days) or it will revert back to the original habit (if the blood goes over the niṣāb of nifās).

*Example 1:* A woman sees blood for 35 days after giving birth. Thereafter, she sees no more blood.

<i>Ḥaḳīqatan</i>	D <sup>37</sup>	1	...	20	...	30	...	35	...	40
<i>Sharʿan</i>	D	1	...	20	...	30	...	35	...	40
<i>Ḥukm</i>	Nifās								Not Nifās	

*Explanation 1:* *Ḥaḳīqatan* she only had blood from day 1 to 35 after delivery; therefore, this will be regarded as nifās. Since she had no blood from day 36 to 40, it will not be regarded as nifās.

*Example 2:* After giving birth, a woman has blood on day 1 but does not have any blood for the next 10 days (i.e. 2nd to 11th). Thereafter, she has blood for 2 days (i.e. 12th and 13th). From the 14th to the 35th she has no blood again. On the 36th she starts having blood that ceases before the 40th (i.e. ceases on the 39th).

<i>Ḥaḳīqatan</i>	D	1	...	11	12	13	14	...	35	36	...	39	40
<i>Sharʿan</i>	D	1	...	11	12	13	14	...	35	36	...	39	40
<i>Ḥukm</i>	Nifās												N/N <sup>38</sup>

*Explanation 2:* *Ḥaḳīqatan* she only had blood on day 1, 12, 13, and then from the 36th to the 39th. According to Sharīʿah, she will be considered to have had blood from day 1 to day 39 (i.e. it is dam mutawālī); therefore, these days will be regarded as nifās. Since she had no blood on day 40, this day will be regarded as ṭuhr.

*Example 3:* A woman with a nifās habit of 25 days has blood from day 1 to day 15. Then she doesn't have blood from day 16 to 19. After that, she has blood from day 20 to 23. Thereafter, she does not have blood.

<i>Habit</i>	1	...	15	16	...	19	20	...	23	24	25	...	40
<i>Ḥaḳīqatan</i>	1	...	15	16	...	19	20	...	23	24	25	...	40
<i>Sharʿan</i>	1	...	15	16	...	19	20	...	23	24	25	40	41
<i>Ḥukm</i>	New Nifās Habit										Not Nifās		

*Explanation 3:* *Ḥaḳīqatan* she only has blood from day 1 to 15 and from day 20 to 23. According to Sharīʿah, this will fall under the *ḥukm* of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 23. Since this blood is below her habit (of 25 days) this will become her new habit for nifās (i.e. 23 days). The rest of the days will not be in the *ḥukm* of nifās.

<sup>37</sup> "D" here refers to delivery.

<sup>38</sup> Not Nifās

*Example 4:* A woman with a nifās habit of 25 days has blood from day 1 to day 15. Then she doesn't have blood from day 16 to 27. After that, she has blood from day 28 to 35. Thereafter, she does not have blood.

<i>Habit</i>	1	...	15	16	...	25	26	...	27	28	...	35	...	40
<i>Ḥaḳīqatan</i>	1	...	15	16	...	25	26	...	27	28	...	35	...	40
<i>Shar'an</i>	1	...	15	16	...	25	26	...	27	28	...	35	...	40
<i>Ḥukm</i>	New Nifās Habit													N/N

*Explanation 4:* *Ḥaḳīqatan* she only has blood from day 1 to 15 and from day 28 to 35. According to Sharī'ah, this will fall under the *ḥukm* of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 35. Since this blood exceeds her habit (of 25 days) but is below the niṣāb of nifās (i.e. 40 days), this will become her new habit for nifās (i.e. 35 days). The rest of the days will not be in the *ḥukm* of nifās.

*Example 5:* A woman with a nifās habit of 25 days has blood from day 1 to day 15. Then she doesn't have blood from day 16 to 39. After that, she has blood from day 40 to 42. Thereafter, she does not have blood.

<i>Habit</i>	1	...	15	16	...	25	26	...	39	40	41	42	43
<i>Ḥaḳīqatan</i>	1	...	15	16	...	25	26	...	39	40	41	42	43
<i>Shar'an</i>	1	...	15	16	...	25	26	...	39	40	41	42	43
<i>Ḥukm</i>	Nifās						Istiḥāḍah						N/A

*Explanation 5:* *Ḥaḳīqatan* she only has blood from day 1 to 15 and from day 40 to 42. According to Sharī'ah, this will fall under the *ḥukm* of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 42. Since this blood exceeds her habit (of 25 days) and is above the niṣāb of nifās (i.e. 40 days), we will revert to her original habit and only the first 25 days of blood will be regarded as nifās whereas the rest will be regarded as istiḥāḍah. There was no blood on the 43rd; therefore, this day will remain dependant on her future blood pattern.

### Type III: Istiḥāḍah

Generally speaking, istiḥāḍah may refer to any blood (regardless of the type and color) that cannot be classified as ḥayḍ or nifās (as seen in the examples above). Similar to ḥayḍ and nifās, some days may be classified as istiḥāḍah without having actual blood on those days. In terms of the rulings for *wuḍū'*, istiḥāḍah is considered to be like any other *ḥadath* (i.e. it breaks *wuḍū'* as well).<sup>39</sup> Furthermore, it is not possible (Shar'an) for two ḥayḍ, two nifās, or one ḥayḍ and one nifās to consecutively follow each other. In such a case, the second will always be regarded as istiḥāḍah.<sup>40</sup>

❖ To see examples of istiḥāḍah, please refer to the examples under the previous sections.

<sup>39</sup> Ibn 'Ābidīn, *Manhal*, p. 284

<sup>40</sup> Ibid., p. 138



### **Istihādah, Constant Bleeding, and the Laws of a Ma`dhūr**

As discussed before, discharge of blood during a period of *istihādah* only necessitates *wuḍū'* and does not necessitate one to perform *ghusl*.<sup>41</sup> However, if the blood is consistent to the extent that the discharge of blood does not leave the woman enough time to make *wuḍū'* and perform her prayer, then she may qualify as a *ma`dhūr*. A *ma`dhūr* is a person who has been given leeway by the Sharī'ah to perform *wuḍū'* once for each prayer time even if the one's condition continues to break one's *wuḍū'* such as a woman experiencing perpetual blood due to *istihādah*. Below we shall highlight a few principles regarding the laws of a *ma`dhūr* so that one can fully understand the details and technicalities that one must keep in mind when applying the rulings pertaining to a *ma`dhūr*.

#### **Qualifications for Becoming a Ma`dhūr<sup>42</sup>**

In order to qualify as a *ma`dhūr* due to *istihādah* (or any other condition that breaks one's *wuḍū'* continuously), it is necessary that one full time of any prayer passes where the woman is unable to make *wuḍū'* AND perform only the *farḍ* prayer of that time due to her *wuḍū'* becoming invalid as a result of the discharge of blood. Once a woman is classified as a *ma`dhūr*, she will remain a *ma`dhūr* as long as her *wuḍū'* becomes invalidated even once during each *salāh* time due to the discharge of blood. This means that after being classified a *ma`dhūr*, she will remain a *ma`dhūr* as long as she experiences blood even once during the timeframe of each prayer.

*Example:* A woman continues to discharge blood due to *istihādah*. If she continues to discharge blood for one full prayer time (e.g. from the beginning of Maghrib time until 'Ishā') such that she is unable to make *wuḍū'* and pray one *farḍ* prayer (e.g. three rak'ahs of Maghrib), then she will be considered a *ma`dhūr*. Now that she is a *ma`dhūr*, as long as she discharges blood even once during each prayer time thereafter (e.g. drops of blood come out even once during the entire period of 'Ishā' until Fajr, and then once between Fajr until Zuhr, etc.), she will remain a *ma`dhūr*.

#### **Laws of Wuḍū' for a Ma`dhūr<sup>43</sup>**

One who is a *ma`dhūr* must perform *wuḍū'* only once during each new prayer time. This *wuḍū'* will suffice for all types of prayers (i.e. *farḍ*, *sunnah*, *nawāfil*, *qaḍā'*, etc.) for the duration of that specific prayer time. It is important to take note that while the discharge of blood due to *istihādah* (or any other condition that qualifies one as a *ma`dhūr*) will not invalidate one's *wuḍū'*, any other act that breaks *wuḍū'* will invalidate it such as urinating, going to sleep, etc.

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<sup>41</sup> Ibid.

<sup>42</sup> Ibn al-Humām, *Fath*, v. 1 p. 181

<sup>43</sup> Ibn 'Ābidīn, *Radd*, v. 1 p. 305

*Example:* A *ma`dhūr* perform *wuḍū`* for Maghrib prayer. Until the time of `Ishā` prayer sets in, even if she has discharge of blood due to *istihādah* during the time of Maghrib, her *wuḍū`* will remain intact.

A *ma`dhūr's wuḍū`* only lasts for one prayer time. This means that once that prayer time ends, one must renew one's *wuḍū`* for the next prayer time.

*Example:* If a *ma`dhūr* made *wuḍū`* during the time of `Asr prayer, then her *wuḍū`* will remain until sunset (i.e. Maghrib time) unless she loses *wuḍū`* due to any secondary reason resulting from something other than the discharge of blood (due to *istihādah*).

### **Ruling for the Clothes of a Ma`dhūr**

If a *ma`dhūr* is certain that if she cleans her clothes then she will still have enough time to pray her prayer without her clothes becoming impure due to the discharge of blood, then she must wash her clothes first before praying. Otherwise, if she fears her clothes will still become impure before she is able to finish performing prayer, then she will not have to wash her clothes.<sup>44</sup>

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<sup>44</sup> Ludhyānwī, *Ahsanul Fatāwā*, v. 2 p. 75

## Chapter III – The Rulings of Ṭuhr

Ṭuhr refers to any state free of ḥayḍ and nifās when generally using the word without any sort of specification to the type of ṭuhr such as ṣaḥīḥ, fāsid, etc.<sup>45</sup> Technically speaking, it is possible to use the word "ṭuhr" referring to a period between ḥayḍ or nifās as well.<sup>46</sup> In relation to ḥayḍ and nifās itself, the minimum ṭuhr for ḥayḍ is 15 days and the minimum ṭuhr for nifās is 6 months.<sup>47</sup> More simply put, it is impossible to have two ḥayḍ without a minimum ṭuhr of 15 days in the middle. Similarly, it is impossible to have two nifās without a minimum ṭuhr of 6 months in the middle.

It is important to understand that this does not mean that a nifās must be followed by a minimum 60 day ṭuhr. For example, if a woman with a nifās habit of 30 days and a ḥayḍ habit of 5 days has nifās for 30 days and thereafter has a ṭuhr of 15 days before seeing blood for 5 days, then this ṭuhr will be a full and complete ṭuhr that is followed by a ḥayḍ.<sup>48</sup>

We shall now expound on the Sharʿī classifications of ṭuhr along with some examples.

### Ṭuhr Tām and Ṭuhr Nāqīṣ

Ṭuhr tām refers to a ṭuhr of at least 15 days<sup>49</sup> for ḥayḍ and 6 months for nifās (when followed by another nifās), regardless of whether it is ṣaḥīḥ or fāsid (as will be discussed ahead). In contrast to ṭuhr tām, ṭuhr nāqīṣ refers to a ṭuhr that is less than a ṭuhr tām.<sup>50</sup> The peculiarities of each are outlined below:

- 1) Ṭuhr tām can make *faṣl* (separation) between two phases of *dam* (ḥayḍ or nifās) as long as the minimum *niṣāb* has been reached for either (ḥayḍ or nifās) and there is no other *māniʿ* (object of hindrance) such as pregnancy.<sup>51</sup> *Faṣl* refers to splitting the previous phase of *dam* from the next phase of *dam* and establishing an individual *ḥukm* for each phase. For example, if there was a ṭuhr tām (e.g. 15 days or higher) between two *dam* (e.g. two ḥayḍ) that were each between 3-10 days long, then this ṭuhr will be able to split the first ḥayḍ from the second ḥayḍ by classifying them each as individual ḥayḍ. On the other hand, if the minimum *niṣāb* is not reached by either both or just one of them, then the other will be classified as *istiḥāḍah*.<sup>52</sup> (See examples of ṭuhr ṣaḥīḥ and ṭuhr fāsid)
- 2) Ṭuhr nāqīṣ cannot make *faṣl* between two phases of *dam*.<sup>53</sup>

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<sup>45</sup> Ibid., p. 128

<sup>46</sup> See *Manḥal al-Wāridīn* (p. 128).

<sup>47</sup> Ibn ʿĀbidīn, *Manḥal*, p. 139

<sup>48</sup> Ibid., 138

<sup>49</sup> Ibid., p. 131

<sup>50</sup> Ibid.

<sup>51</sup> Ibid., p. 139

<sup>52</sup> Ibid., p. 139-140

<sup>53</sup> Ibid., p. 141

- 3) Ṭuhr nāqīṣ is in the *ḥukm* of dam mutawālī<sup>54</sup>, so the entire period of the ṭuhr will be treated as if the woman consecutively had blood for that entire period along with any blood before or after it.
- 4) Ṭuhr nāqīṣ is always a ṭuhr fāsid because it is below 15 days.<sup>55</sup> (see next section)
- 5) If a ṭuhr nāqīṣ occurs between two phases *dam* within a single period of ḥayḍ, the entire period will be regarded as ḥayḍ. For example: A woman has blood on day 1, then no blood for 5 days. After that, she has blood once again on day 7 before it ceases. In this case, she had a total of 5 days of ṭuhr (i.e. below 15 which makes it a ṭuhr nāqīṣ) between two days of blood (1 and 7). Since ṭuhr nāqīṣ is in the *ḥukm* of dam mutawālī, it is as if she had blood from day 1 to day 7; therefore, we will say that she had ḥayḍ for 7 days in total. Multiple examples of this have already been provided under the section of ḥayḍ in chapter two. The details of this type of ṭuhr (called ṭuhr mutakhallil) will be discussed ahead.
- 6) A ṭuhr, whether it is tām or nāqīṣ, will not make faṣl within a single period of nifās as long as there was blood before it and after it where the blood that came afterwards was within the niṣāb of nifās (i.e. 40 days).<sup>56</sup> For example: A woman gave birth and had blood for 10 days, then she did not have blood for 25 days. After that, she had blood for 5 days (40 days in total). This entire period of 40 days will be regarded as a period of consecutive blood even though there was a 25 day ṭuhr period in the middle because there was blood before it and after it and the blood that came afterwards (the last 5 days) was within the niṣāb of nifās.
  - ❖ The rules stated above will become more apparent from the examples provided in the next section.

### Ṭuhr Ṣaḥīḥ (Valid Ṭuhr) and Ṭuhr Fāsid (Invalid Ṭuhr)

A ṭuhr is ṣaḥīḥ (valid) when it fulfills the following conditions<sup>57</sup>:

- a) It lasts for at least 15 days
- b) It is not mixed with any days of blood
- c) It is between two dam ṣaḥīḥ: This means that a ṭuhr will not be called as ṣaḥīḥ if it was between two istiḥāḍah, a ḥayḍ and istiḥāḍah, a nifās and istiḥāḍah, or in the middle of a single period of nifās.<sup>58</sup>

**Comment [H13]:** Reword? (see pg. 8 URDU)

If any one of the above conditions is not fulfilled, then it will be categorized as a ṭuhr fāsid.<sup>59</sup> When condition “a” is fulfilled but condition “b” isn’t, it is often referred to as a ṭuhr ṣaḥīḥ *ẓāhiran* (apparently) and ṭuhr fāsid *ma`nan* (by definition). In other words, the ṭuhr appears

<sup>54</sup> Ibid.

<sup>55</sup> Ibid., p. 131

<sup>56</sup> Ibid., p. 143

<sup>57</sup> Ibid., p. 129-130

<sup>58</sup> Ibid., p. 130

<sup>59</sup> Ibid., p. 130

to be *ṣaḥīḥ* as it is above 15 days but it is *fāsid* because it doesn't fulfill all the conditions for a *ṭuhr ṣaḥīḥ*.<sup>60</sup>

Before providing examples for each, consider the following points:

- 1) The main difference between a *ṭuhr ṣaḥīḥ* and *ṭuhr fāsid* is that a *ṭuhr ṣaḥīḥ* can be used to set the habit of a woman who is experiencing *ḥayḍ* for the first time (also known as a *mubtadi'ah*).
- 2) If a *ṭuhr* becomes *fāsid* due to the *ṭuhr* being below 15 days (i.e. it is *nāqīṣ*), then it will not be able to make *faṣl* either.
- 3) The blood before and after a *ṭuhr tām* will always be *ḥayḍ* as long as both periods of blood reach the *niṣāb* of *ḥayḍ* and there is nothing else stopping the blood from becoming *ḥayḍ* (such as pregnancy or the blood exceeding the habit and *niṣāb* of *ḥayḍ*).<sup>61</sup>

### An Important Note: Difference between *Ṣaḥīḥ*, *Fāsid*, *Tām*, and *Nāqīṣ*

The terms *ṭuhr tām* and *ṭuhr nāqīṣ* are simply used to denote whether the minimum days of *ṭuhr* were reached or not. If a *ṭuhr* was *nāqīṣ*, it never reached 15 days. On the other hand, if a *ṭuhr* was *tām*, it reached at least 15 days. The terms *ṭuhr ṣaḥīḥ* and *ṭuhr fāsid* are used to actually refer to a *ḥukm* regarding that *ṭuhr* and not simply to point out whether the *ṭuhr* reached a minimum or not. Simply because a *ṭuhr* is *tām* does not mean it cannot become *fāsid*, such as a situation where a *ṭuhr* is above 15 days but has a few days of blood mixed within the *ṭuhr* time.

**Comment [H14]:** Provide example at least in *hashiyah*.

One other point to remember is that a *ṭuhr tām* will always make *faṣl* (as long as it was not in the middle of a period of *nifās*) and a *ṭuhr nāqīṣ* can never make *faṣl* between two periods of blood. On the other hand, a *ṭuhr fāsid* will be able to make *faṣl* as long as it was 15 days or above (i.e. it was *tām*).

In more simple terms, one may say that the terms *tām* and *nāqīṣ* are simply used to denote a number whereas *ṣaḥīḥ* and *fāsid* are used to denote whether the three conditions for a *ṭuhr ṣaḥīḥ* were fulfilled or not. If they were fulfilled, it is *ṣaḥīḥ*; otherwise, it is *fāsid* regardless of whether it was *tām* or *nāqīṣ*. The main effect a *ṣaḥīḥ ṭuhr* would have, as stated in the previous section, is that it can establish the habit of a first timer whereas a *ṭuhr fāsid* cannot.

### *Ṭuhr Mutakhallil*

Before continuing ahead, it is important to understand what a *ṭuhr mutakhallil* is. Lexically it refers to a *ṭuhr* that appears between two periods of blood. Anytime a woman has a period of blood, whether it is *ḥayḍ*, *nifās*, or *istiḥāḍah*, and she has a period in between with no sign of blood, then this period will be called a *ṭuhr mutakhallil*. Unless the *ṭuhr* can make *faṣl*, a *ṭuhr mutakhallil* is typically treated like a *dam mutawālī*, meaning that the entire period will be treated as if the woman had blood consecutively throughout that period of *ṭuhr* as well. The

<sup>60</sup> Ibid., p. 217

<sup>61</sup> Ibid., p. 139-140

eventual outcome of the *ṭuhr mutakhallil* may be *ḥayḍ*, *nifās*, or even *istiḥāḍah* depending on where that *ṭuhr mutakhallil* took place.

## Examples

*Example 1*<sup>62</sup>: A woman with a habit of 8 days has blood during her regular menstrual period for 8 days. Thereafter, she has no blood for 17 days (i.e. until the 25th), then 8 more days of blood (until the 33rd), and then 12 days of *ṭuhr* (until the 45th) before seeing blood again (on the 46th).

Duration	8 Days			17 Days			8 Days			12 Days			N/A
<i>Ḥaqīqatan</i>	1	...	8	9	...	25	26	...	33	34	...	45	46
<i>Sharʿan</i>	1	...	8	9	...	25	26	...	33	34	...	45	46
<i>Ḥukm</i>	<i>Ḥayḍ</i>			<i>Ṭuhr</i>			<i>Ḥayḍ</i>			<i>Istiḥāḍah</i>			

*Explanation 1: Ḥaqīqatan* she only had blood from day 1 to 8, day 26 to 33, and on day 46. The blood of day 1 to day 8 will be *ḥayḍ* since it was within the *niṣāb* of *ḥayḍ*.

After that, she had 17 days of *ṭuhr* (9th to 25th). Since this *ṭuhr* was *tām* (15 days or above) and *ṣaḥīḥ* (i.e. it fulfilled all three conditions of *ṭuhr*), it will make *faṣl* between the blood before it and after it.

After that, the woman had blood for 8 consecutive days (26th to 33rd).

Thereafter, she did not see blood for 12 days (34th to 45th) before seeing blood again on the 46th. Since this 12-day period of *ṭuhr* was *fāsid* due to being below 15 days (i.e. *nāqīṣ*), it will not be able to make *faṣl* between the previous *ḍam* period (26th to 33rd) and the one after it (46th). Therefore, the entire period from 26th to the 46th will be treated as *ḍam mutawālī*.

Since this period of blood exceeded her habit (of 8 days), the 8-day period will be treated as *ḥayḍ* and everything above her habit will be in the *ḥukm* of *istiḥāḍah*.

*Example 2*<sup>63</sup>: A woman after giving birth has blood from day 1 to day 15. Then she doesn't have blood from day 16 to day 35 (i.e. for 20 days). After that, she has blood from day 36 to day 40. Thereafter, she does not have blood.

Days	D	15 Days			20 Days			15 Days			1D
<i>Ḥaqīqatan</i>	D	1	...	15	16	...	35	36	...	40	41
<i>Sharʿan</i>	D	1	...	15	16	...	35	36	...	40	41
<i>Ḥukm</i>	D	Nifās									N/A

*Explanation 2: Ḥaqīqatan* she only had blood from day 1 to 15 and from day 36 to day 40. Since she had a *ṭuhr* fall between two periods of blood (also known as a *ṭuhr mutakhallil*) where this period of *ṭuhr* itself was within a single period of *nifās* and the

<sup>62</sup> The following is an example for points 1 to 5 mentioned under the section of *ṭuhr tām* and *ṭuhr nāqīṣ*.

<sup>63</sup> The following is an example for point 6 mentioned under the section of *ṭuhr tām* and *ṭuhr nāqīṣ*.

blood thereafter was within the niṣāb of nifās (i.e. within 40 days), the entire period fall under the ḥukm of dam mutawālī. As such, we will assume that she had blood consistently from day 1 to day 40. Therefore, even though this ṭuhr was tām, it will not make faṣl and will be in the ḥukm of a consistent period of blood. As a result, this entire 40-day period will be regarded as nifās and the days thereafter will not.

*Example 3<sup>64</sup>*: A woman with a ḥayḍ habit of 3 days has blood for 3 days. Thereafter, she has no blood (i.e. has a ṭuhr) for 15 days (i.e. until the 18th). Then she has one more day of blood (on the 19th) followed by another 15 days of ṭuhr and then one more day of blood.

Days	3-Dam			15-Ṭuhr			1-Dam	15-Ṭuhr			3-Dam		
<i>Ḥaqīqatan</i>	1	...	3	4	...	18	19	20	...	34	35	36	37
<i>Shar'an</i>	1	...	3	4	...	18	19	20	...	34	35	36	37
<i>Ḥukm</i>	Ḥayḍ			Ṭuhr			Istiḥāḍah	Ṭuhr			Ḥayḍ		

*Explanation 3*: *Ḥaqīqatan* she only had blood from day 1 to 3, day 19, and from day 35 to day 37. The blood of day 1 to day 8 will be ḥayḍ since it was within the niṣāb of ḥayḍ.

After that, she had 15 days of ṭuhr (4th to 18th). Since this ṭuhr was tām (15 days), it will make faṣl between the blood before it and after it.

After that, the woman had only one day of blood (on the 19th). Thereafter, she had 15 more days of ṭuhr. Since the one day of blood in the middle did not reach the niṣāb of ḥayḍ, it will not be in the ḥukm of ḥayḍ. Furthermore, the ṭuhr after it was tām that also made faṣl between the period of blood before and after it; therefore, it cannot be in the ḥukm of a dam mutawālī. If this ṭuhr was below 15 days, then we would have been able to mix it with the 1 day of blood before it (on the 19th) and made it into a ḥayḍ. As this is not possible, this one day of blood will be istiḥāḍah and a part of the ṭuhr before and after it.<sup>65</sup>

Finally, the woman had 3 more days of blood. Since there was a ṭuhr tām before it, the ṭuhr made faṣl between whatever was before it and this 3-day period of blood (i.e. we will not connect it with the ṭuhr before it and make it into the ḥukm of dam mutawālī). Therefore, these 3 days of blood will be regarded as ḥayḍ.

- ❖ **Reminder**: As mentioned above, the 19th day also falls into the days of ṭuhr as ṭuhr may refer to any day that cannot be classified as ḥayḍ of nifās. The actual reason for calling it a day of ṭuhr is due to the fact that the *aḥkām* of ḥayḍ and

<sup>64</sup> The following is an example of a ṭuhr period that is actually tām but fāsid as well due to being mixed with blood. The example of a ṭuhr that is fāsid due to being below 15 days has already been mentioned in the first example.

<sup>65</sup> Reminder: Istiḥāḍah does not negate the presence of ṭuhr. It simply means there was an irregular blood that could not be classified as ḥayḍ or nifās.

nifās do not apply to this day; rather, the *ahkām* of a regular day of ṭuhr apply to it. The details of these *ahkām* will be discussed in the final chapter.

*Example 4:* A woman with a ḥayḍ habit of 8 days and a ṭuhr habit of 15 days has blood from day 1 to day 2. From day 3 to day 10 she does not have any blood. Then she has blood from day 11 to day 14. After that, she does not have blood for 9 days. Thereafter, she has blood for 8 days before it ceases.

Days	Ḥayḍ - 8 Days								Ṭuhr - 15 Days								Ḥayḍ - 8D	N/A
Habit	1	2	3	...	8	9	10	11	...	14	15	...	23	24	...	31	32	
Days	2-D		8-Ṭuhr						5-Dam				9-Ṭuhr				8-Dam	N/A
Ḥaḳīqatan	1	2	3	...	8	9	10	11	...	14	15	...	23	24	...	31	32	
Shar'an	1	2	3	...	8	9	10	11	...	14	15	...	23	24	...	31	32	
Hukm	Ḥayḍ								Istiḥāḍah/Ṭuhr Fāsīd								Ḥayḍ	N/A

*Explanation 4:* Ḥaḳīqatan she only has blood on day 1 and 2, then from day 11 to day 14 (i.e. for 5 days), and finally she had blood again from day 24 to day 31 for 8 full days. Between each of these periods of *dam*, she had two ṭuhr out of which the first was 8 days long and the second was 9 days long.

Since each of these ṭuhr are nāqīṣ (which also makes them fāsīd), they were unable to make *faṣl* between the periods of blood before and after them. Therefore, each ṭuhr nāqīṣ will be added to the blood before and after it making them all into the *ḥukm* of dam mutawālī. This means that day 1 to day 31 will be in the *ḥukm* of blood.

In the first portion of the blood, the blood exceeds her habit (of 8 days) and also goes over the niṣāb of ḥayḍ. Therefore, the *ḥukm* will revert back to her habit and the first 8 days will be classified as ḥayḍ.

This leaves 23 more days in the *ḥukm* of dam mutawālī. Since the first ṭuhr (8 days) in the middle was below 15 days, it could not make *faṣl* and classify the blood from day 11 to day 14 as a separate 5 days of ḥayḍ. The second dam was also unable to make *faṣl* due to it being below 15 days. Therefore, we will have to revert back to her original habit of ṭuhr (of 15 days) and classify the dam mutawālī from day 9 to day 23 (a total of 15 days) as istiḥāḍah.

Since day 24 to day 31 is in the *ḥukm* of *dam* and falls within her habit days (i.e. 8 days ḥayḍ, 15 days ṭuhr, and again 8 days ḥayḍ), it will be classified as ḥayḍ. (This will be discussed in detail in the chapters ahead)

There was no blood on the 32nd; therefore, this day will remain dependant on her future blood pattern.

*Essential Points:* Our points of focus in the final example are as follows:



- 1) A ṭuhr nāqīṣ is automatically a ṭuhr fāsid. As such, it cannot make *faṣl*.
- 2) When a ṭuhr nāqīṣ appears between two *dam*, it is a ṭuhr mutakhallil that is in the ḥukm of dam mutawālī, i.e. according to Sharīʿah we will assume that the woman had consecutive blood during those days, regardless of whether the eventual outcome is ḥayḍ, istiḥāḍah, or nifās. This means that the *dam* before it after it will be added to the ṭuhr and take the ḥukm of consecutive *dam*.<sup>66</sup>
- 3) A ṭuhr may be mixed with days of blood, which is also a reason for a ṭuhr to become fāsid.
- 4) Since we are unable to pinpoint any exact days for her ḥayḍ or ṭuhr, all days reverted back to her original habit. This will be dealt with in the next few chapters.

This concludes the introductory chapters regarding the different types of *dam* and the *aḥkām* related to them. The next few chapters will discuss the *aḥkām* of *dam* in relation to the different types of women that experience ḥayḍ or nifās.

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<sup>66</sup> Ibn ʿĀbidīn, *Manḥal*, p. 177

## Chapter IV – Introduction to Muḥtadi'ah, Mu'tādah, and Muḥayyirah

In the preceding chapters, we discussed the different types of blood in relation to the blood itself. Now, we shall discuss blood patterns in relation to the woman herself. According to the *ahkām* of ḥayḍ and nifās, women are categorized into three types<sup>67</sup>:

- 1) Muḥtadi'ah: A woman who experiences ḥayḍ or nifās for the first time. Such a woman does not have a previous habit set for her ḥayḍ and nifās periods.
- 2) Mu'tādah: A woman who has a set habit for her ḥayḍ, nifās, and ṭuhr. Similarly, if a woman only has a set habit for ṭuhr but not for the other two or she has a set habit for ḥayḍ or nifās but not for her ṭuhr, she is still considered to be a mu'tādah. Mu'tādah could also be defined as follows: "A woman who has seen a dam ṣaḥīḥ and ṭuhr ṣaḥīḥ or one of the two since she reached *bulūgh*."
- ❖ The term mu'tādah is generally used to refer to a woman with a set ḥayḍ or nifās habit and not for a woman with only a ṭuhr habit even though she is a mu'tādah by definition.
- 3) Muḥayyirah: A woman who has forgotten her habit. This could be of three types:
  - a) 'Adadan (in number): For example, she forgets how many days she usually has ḥayḍ, ṭuhr, or both.
  - b) 'Makānan (in place): She forgets what part of the month she usually has ḥayḍ, ṭuhr, or both.
  - c) 'Adadan wa Makānan: She forgets both.

### Introduction to Muḥtadi'ah

A muḥtadi'ah typically refers to a woman who does not currently have a set habit. As a result, majority of her *ahkām* involve discussions regarding how to set her habit and what to set it to. Since this is in relation to a woman who does not have a habit, it usually refers to a girl who has not yet reached *bulūgh* (puberty). If a non-bālighah girl who has reached the age of 9 (lunar) years sees blood for at least 3 days even once<sup>68</sup>, then according to Sharī'ah she has reached *bulūgh*. If a girl has not reached the age of nine (in lunar years), then any blood she sees will be regarded as istiḥāḍah.<sup>69</sup>

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<sup>67</sup> Ibid., p. 132-133

<sup>68</sup> Ibid., p. 146

<sup>69</sup> Ibid., p. 120

The following are the general guidelines that will aid one in understanding the *aḥkām* of a muḥtadi'ah:

- 1) Any and all blood a muḥtadi'ah sees will be ḥayḍ or nifās unless it crosses either of their maximum niṣāb amounts (above 10 for ḥayḍ and above 40 for nifās).<sup>70</sup>
- 2) When calculating the days of blood, one must remember that a ṭuhr mutakhallil is also in the ḥukm of dam mutawālī, so all the days in the ṭuhr will be counted as perpetual blood.<sup>71</sup>
- 3) The most common setup of a muḥtadi'ah is as follows<sup>72</sup>: A girl reaches *bulūgh* upon seeing blood or giving birth (and then seeing blood) after which her blood does not cease and continues to flow for many days. In this situation, her ḥayḍ will be 10 days, nifās will be 40 days (if it was after delivery of a child), and ṭuhr will be 20 days.

*Example 1*<sup>73</sup>: A muḥtadi'ah sees blood for only a minute after which she does not have blood for 14 days. After these 14 days, she sees blood again only for a minute.

<i>Ḥaqīqatan</i>	1 <sup>74</sup>	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Shar'an</i>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Ḥukm</i>	Ḥayḍ (ḥukm of <i>bulūgh</i> )										Istiḥāḍah				

*Explanation 1*: *Ḥaqīqatan* she had blood for the beginning portion of day 1 and the last portion of day 15. In the middle of these two times, she had no blood for 14 straight days. Since this period of no blood (i.e. ṭuhr mutakhallil) was a ṭuhr nāqīṣ (i.e. below 15 days), it will be in the ḥukm of dam mutawālī. Therefore, we will regard this entire period as a period of continuous blood.

Since she is a muḥtadi'ah, the automatic default will be that the first 10 days will be regarded as ḥayḍ and now she will be in the ḥukm of a bālighah.

- ❖ Note: In this situation, her ḥayḍ is technically going to end on a day where she still had a ṭuhr (i.e. when she had no blood).

*Example 2*<sup>75</sup>: A muḥtadi'ah gives birth to a child and then sees blood for only a minute before it ceases. After that, she had no blood until the end of the 40<sup>th</sup> day.

<i>Ḥaqīqatan</i>	D	1 <sup>76</sup>	2	3	...	10	11	12	...	20	21	...	30	31	...	40
<i>Shar'an</i>	D	1	2	3	...	10	11	12	...	20	21	...	30	31	...	40
<i>Ḥukm</i>	D	Nifās														

<sup>70</sup> Ibid., p. 177

<sup>71</sup> Ibid.

<sup>72</sup> Ibid., p. 133

<sup>73</sup> Ibid., p. 177

<sup>74</sup> The light gray means that majority of the day went without any blood.

<sup>75</sup> Ibid., p. 178

<sup>76</sup> The light gray means that majority of the day went without any blood.

*Explanation 2:* Upon giving birth, she had blood for only a minute before cessation. From then, until the end of the 40th day, she did not have any blood. Similar to the previous situation, this entire period of ṭuhr will be in the ḥukm of dam mutawālī. It is important to remember that ṭuhr that appears in the middle of a nifās period will be in the ḥukm of dam mutawālī even if it is above 15 days.

Since she is a muṭtadi'ah (and does not have a previously established habit) the entire period of 40 days will be nifās.

❖ Note: We have not mentioned the ḥukm of *bulūgh* here because she was already labeled as a bālighah the moment she became pregnant (*hāmīlah*).

*Example 3*<sup>77</sup>: A muṭtadi'ah gives birth to a child and then sees blood until the end of 30th. Thereafter, she sees no blood until right before the 45th day.

<i>Ḥaḳīqatan</i>	D	1	2	3	...	29	30 <sup>78</sup>	31	...	40	41	...	45 <sup>79</sup>
<i>Shar'an</i>	D	1	2	3	...	29	30	31	...	40	41	...	45 <sup>80</sup>
<i>Ḥukm</i>	D	Nifās										Istiḥāḍah	

*Explanation 3:* Upon giving birth, she had blood continuously until the end of the 30th. After that, she had a ṭuhr for almost 15 days (but not a full 15 days). Since this ṭuhr was below 15 days, it will be in the ḥukm of dam mutawālī. Therefore, we will treat the entire period from the end of the 30th to the end of the 45th as a period of continuous blood. In total, this will mean that she had blood from the 1st day to the 45th day.

Since she is a muṭtadi'ah (and does not have a previously established habit) the first 40 days will automatically be classified as nifās and the last 5 days will be classified as istiḥāḍah.

*Example 4*<sup>81</sup>: A muṭtadi'ah gives birth to a child and then sees blood until the end of the 30th. Thereafter, she sees no blood until AFTER the 45th day.

<i>Ḥaḳīqatan</i>	D	1	2	3	...	29	30 <sup>82</sup>	31	...	40	41	...	45	46
<i>Shar'an</i>	D	1	2	3	...	29	30	31	...	40	41	...	45	46
<i>Ḥukm</i>	D	Nifās						Ṭuhr Ṣaḥīḥ						N/A

<sup>77</sup> Ibid., p. 179

<sup>78</sup> The dark gray color means that majority of the day went with blood.

<sup>79</sup> The light gray means that majority of the day went without any blood.

<sup>80</sup> The light gray means that majority of the day went without any blood.

<sup>81</sup> Ibid., p. 179

<sup>82</sup> The dark gray color means that majority of the day went with blood.

*Explanation 4:* Upon giving birth, she had blood continuously until the end of the 30th. After that, she had a ṭuhr for over 15 days. Since this ṭuhr was above 15 days, it will make *faṣl* between the blood before it and blood after it.

Since she is a muṭtadi'ah (and does not have a previously established habit) the first 30 days will automatically be classified as nifās since it was followed by a ṭuhr tām.

The *ḥukm* of the 46th day will remain undetermined since we are unaware of the rest of the pattern.

- ❖ Reminder: Unlike the second example, the ṭuhr here will not be in the *ḥukm* of dam mutawālī even though it began in the nifās period. The reason for this is that in order for a ṭuhr to become incapable of making a *faṣl* within a period of nifās is that the dam before and after it should be within the niṣāb of nifās (40 days). In this case, the blood after it began on the 46th, which is over 5 days after the niṣāb of nifās.

Comment [H15]: Reword?

## Introduction to Mu'tādah

A mu'tādah refers to any woman who already has an established habit for ḥayḍ, nifās, or ṭuhr. A habit for ḥayḍ and nifās becomes established by seeing blood even once after (or with) *bulūgh* (puberty) as long as the blood for ḥayḍ or nifās was ṣaḥīḥ.<sup>83</sup> The same goes for establishing a new habit as well.<sup>84</sup> Furthermore, this change in habit may be *makānan* (i.e. the place of blood during the month changes), *'adadan* (the number of days changes), or both *makānan* and *'adadan*.<sup>85</sup> The main discussion regarding a mu'tādah centers around how and when her habit changes.

It is important to note that a habit does not have to be monthly, even though women usually exhibit monthly patterns. For example, if a woman had a habit of 3 days ḥayḍ and 17 days ṭuhr, then her cycle will restart after every 20 days. In this case, if her ḥayḍ began on the 1st, then her entire cycle of ḥayḍ and ṭuhr will end on the 20th. This means that her next cycle will begin on the 21st (unless there is an obstructor present like istiḥāḍah or pregnancy). Similarly, a single cycle can span multiple months. For example, if a woman has a habit of 5 days ḥayḍ and 55 days ṭuhr, then one of her cycles will finish after 2 months. In this case, if her ḥayḍ begins on the 1st, then her next ḥayḍ cycle will begin after 60 days, i.e. around the beginning of the 3rd month.

Based on the point made above, one should also keep in mind that a woman's monthly cycles are usually according to 30-day periods and not simply in accordance to our solar (Gregorian) calendar days. It is possible that a woman has her period during the beginning of each month for one portion of the year but during the end for another portion. A simple example is a woman who has a habit of 5 days ḥayḍ and 20 days ṭuhr. If she had ḥayḍ from January 1st to

<sup>83</sup> Ibn 'Ābidīn, *Manḥal*, p. 146-147

<sup>84</sup> Ibid.

<sup>85</sup> Ibid., p. 147-149

January 5th, then by the month of June, her ḥayḍ cycle would have already switched from the beginning of each month, then the middle, then the end, and finally back to the beginning of each month again. This is all assuming that her ḥayḍ cycle is always according to her original habit. Now that this point has been understood, we shall elaborate more on the rules pertaining to a mu'tāḍah.

- ❖ Note: It is possible for a woman to have a habit *makānan* such as "at the beginning of every month" without specifying the exact place.

Generally speaking, when a mu'tāḍah sees blood, it will fall into one of the two following scenarios:

- 1) It will be according to her habit: This means that the blood was at the same time of the month as her regular habit (i.e. same *makānan*) and it matched the same amount of days as her regular habit (i.e. same *`adadan*). In such a situation, nothing changes and her habit remains the same.
- 2) It is against her regular habit: This means that the blood was different either *makānan*, *`adadan*, or both *makānan* and *`adadan*. In such a situation, her habit might or might not change depending on the positioning of the blood period.

It is important to note that there is a difference in *ahkām* depending on whether the change of habit is for ḥayḍ or nifās. We shall first discuss the rulings pertaining to nifās as they are very simple to understand, then we shall delve into the rulings for ḥayḍ.

### Habit Change in Nifās

The principles for a change of habit in nifās are as follows<sup>86</sup>:

- 1) If the blood exceeds 40 days, then the ruling will be according to her original habit and all other days of blood will be in the *ḥukm* of istiḥāḍah.
- 2) If the blood does not exceed 40 days, then all the days will be regarded as nifās.

### Example Set I: Blood Exceeds 40 Days with Habit of 20 Days<sup>87</sup>

*Example 1:* A woman after giving birth has blood from day 1 to day 20. Then, she doesn't have blood from day 21 to day 30 (i.e. for 10 days). After that, she has blood for 11 days (i.e. until the 41st day).

<i>Habit</i>	D	1	...	20	21	...	30	31		40	N/A
<i>Ḥaqīqatan</i>	D	1	...	20	21	...	30	31	...	40	41
<i>Shar'an</i>	D	1	...	20	21	...	30	31	...	40	41
<i>Hukm</i>	D	Nifās				Istiḥāḍah					

<sup>86</sup> Ibid., p. 181

<sup>87</sup> Ibid., p. 187

*Explanation 1: Ḥaḳīqatan* she only had blood from day 1 to 20 and from day 31 to day 40. The ṭuhr in the middle was nāqīṣ, so it will take the ḥukm of a dam mutakhallil (from day 21 to day 30). Then, she had blood from day 31 to day 40. As a result, this entire 41-day period will be regarded as a period of continuous blood.

Since the blood exceeded her habit (of 20 days) and went over the niṣāb of nifās, the ḥukm will revert back to her days of habit (i.e. first 20 days nifās) and all other blood will be in ḥukm of istiḥāḍah.

## Example Set II: Blood Does Not Exceed 40 Days with Habit of 20 Days<sup>88</sup>

*Example 1:* A woman after giving birth has blood from day 1 to day 5. Then she doesn't have blood for 34 days (i.e. until day 39). After that, she has 1 day of blood (i.e. on the 40th).

<i>Habit</i>	D	1	...	5	6	...	20	...	39	40	N/A
<i>Ḥaḳīqatan</i>	D	1	...	5	6	...	20	...	39	40	41
<i>Shar'an</i>	D	1	...	5	6	...	20	...	39	40	41

*Explanation 1: Ḥaḳīqatan* she only had blood from day 1 to 20 and on day 40. The ṭuhr in the middle (from day 6 to day 39) was tām but since it was in the middle of a nifās period and there was blood after it, it will take the ḥukm of a dam mutakhallil. As a result, this entire 40-day period will be regarded as a period of continuous blood.

Since she had continuous blood for 40 days and it did not exceed the niṣāb of nifās, this will now be her new habit.

*Example 2:* A woman after giving birth has blood from day 1 to day 18. Then she doesn't have blood for 22 days (i.e. until day 40). After that, she has 1 day of blood (i.e. on the 41st).

<i>Habit</i>	D	1	...	18	19	20	21	...	39	40	N/A
<i>Ḥaḳīqatan</i>	D	1	...	18	19	20	21	...	39	40	41
<i>Shar'an</i>	D	1	...	18	19	20	21	...	39	40	41
<i>Ḥukm</i>	D	New Nifās				Ṭuhr Ṣaḥīḥ					N/A

*Explanation 2: Ḥaḳīqatan* she only had blood from day 1 to 18 and on day 41. The ṭuhr in the middle (from day 19 to day 40) was tām and there was no blood after it that was within the period of niṣāb (i.e. within 40 days); therefore, this ṭuhr will be ṣaḥīḥ and it will also make faṣl between the period of blood before it and after it.

<sup>88</sup> Ibid., p. 188-189

The first 18 days will now be classified as her new habit since they occurred within the period of nifās and they were followed by a ṭuhr ṣaḥīḥ.

Since the ṭuhr made *faṣl*, the 41st day may become a ḥayḍ if it reaches the minimum niṣāb of ḥayḍ (i.e. 3 days).

## Habit Change in Ḥayḍ

The principles for a change of habit in ḥayḍ are as follows<sup>89</sup>:

- 1) If the blood exceeds the maximum niṣāb of ḥayḍ (i.e. above 10 days)<sup>90</sup>:
  - a) Minimum niṣāb (i.e. 3 days) is not reached during the days of her habit<sup>91</sup>: Her habit will change *makānan* but not *`adadan*<sup>92</sup>.
  - b) Minimum niṣāb is reached during the days of her habit: Her habit will not change *makānan* but can change *`adadan*. The blood she has during the days of her habit will be ḥayḍ and the rest of the days (whether they are before or after) will be istiḥāḍah.

- ❖ The blood she sees during the days of her habit will either be the same number as her original habit or below<sup>93</sup>. If it is the same, then her habit remains the same, but if it is lower, then her habit will change to that number *`adadan*.

- 2) If the blood does not exceed the maximum niṣāb of ḥayḍ: All the days of blood will be in the *ḥukm* of ḥayḍ.<sup>94</sup>

**Comment [H16]:** What does this mean? Add "Maximum niṣāb" and "minimum niṣāb" to defs.

<sup>89</sup> Ibid., p. 182-184

<sup>90</sup> This refers to any situation where the woman experiences blood for more than 10 days, regardless of whether it is during the days of her habit (see below for def.), before it or after it. The reason for having separate principles for this category is due to the fact that when blood exceeds 10 days, usually we revert back to her habit and cannot define a specific period as ḥayḍ based on just the days she experienced blood.

<sup>91</sup> "Days of habit" or "habit days" refer to the days in which she usually has her period. For example, if a woman has a habit of 7 days ḥayḍ and 23 days ṭuhr, then her "days of habit" would refer to the next 7 days after this cycle of 30 days ends. If her ḥayḍ began on June 1st, then her habit days will be from the 1st to the 7th. Similarly, her habit days for the next month (i.e. July) will be from the 1st to the 7th. "Reaching niṣāb" means that during any of these days she sees blood for at least 3 days. This does NOT refer to the maximum niṣāb of ḥayḍ (i.e. 10 days). In the example above, the 8th, 9th, and 10th will be counted as outside of her habit days.

<sup>92</sup> The reason for the *`adad* not changing is that the blood exceeding the niṣāb of ḥayḍ is always forcing the *ḥukm* to revert back to her habit. And since this is specifically an example of blood exceeding 10 days, her *`adad* will revert back to her original; therefore, a new habit will not be set in terms of the *`adad*.

<sup>93</sup> It is impossible for the days to be above her regular *`adah*. The reason is very simple; we are checking to see if this blood is occurring during the days of her habit (see footnote for 'days of her habit' above). If the days of her habit are 7 in number, then anything above 7 will be out of her habit days. Therefore, if blood were to occur during her habit days and reach niṣāb but go past 7, then everything above day 7 will be istiḥāḍah.

<sup>94</sup> This is under the assumption that there is a ṭuhr ṣaḥīḥ that follows it; otherwise, the ṭuhr will be in the *ḥukm* of *dam mutawālī* and will end up exceeding 10 days (i.e. it will be in the *ḥukm* of blood exceeding niṣāb of ḥayḍ).



- a) If the blood does not equal her habit `adadan: Her habit will change `adadan (i.e. this will be her new habit in terms of the number of days) and can also change makānan.
- b) If the blood equals her habit: Her habit will not change `adadan, but can change makānan.

**Comment [H17]:** See 33 URDU, ex. 5

**Comment [H18]:** See 32 URDU, ex. 4

- ❖ As long as a woman experiences at least 3 days of blood (after a Ṭuhr Tām), her habit will always change makānan with days during or after her habit but will not change with days before her habit unless minimum niṣāb is reached during the days before her habit (i.e. she has at least 3 days of blood before her habit days begin). Otherwise, we will count her ḥayḍ from the days of blood during her habit. (See Set II Example I)

#### Example Set I: Blood Exceeds 10 Days but Niṣāb Is Not Reached During Days of Habit<sup>95</sup>

*Example 1:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has blood from day 1 to day 5. Then she has no blood for 15 days (i.e. until day 20). Thereafter, she has blood for 11 more days (i.e. until the 31st).

Habit	1 ... 5	6 ... 20	21 ... 25	... 31	32 ... 60	61 ... 65
Days	5 Days	15 Days	5 Days	6 Days	28 Days	5 Days
Ḥaḳīqatan	1 ... 5	6 ... 20	21 ... 25	... 31	32 ... 60	61 ... 65
Shar'an	1 ... 5	6 ... 20	21 ... 25	... 31	32 ... 60	61 ... 65
Hukm	Ḥayḍ	Ṭuhr Tām	Ḥayḍ	Istiḥāḍah	Ṭuhr - N/A	

*Explanation 1:* She has blood from day 1 to day 5 and from day 21 to day 31. Thereafter, she has no blood.

Day 1 to day 5 will be in the **ḥukm** of ḥayḍ according to her original habit.

Day 6 to 20 is a ṭuhr tām so it will make *faṣl* between the period of blood before it and after it.

Day 21 to 31 is an 11-day period of blood. Since it exceeds her habit (of 5 days) and is above the ḥayḍ niṣāb (of 10 days) the **ḥukm** for these days will revert back to her `ādah. As such, the first 5 days (from 21 to 25) will be in the **ḥukm** of ḥayḍ and the rest of the days (from day 26 to day 31) will be in the **ḥukm** of istiḥāḍah.

The rest of the days will be dependent on her future habit.

<sup>95</sup> Ibid., p. 189-190

*Essential Points 1:* Our focus should be on the following points:

- 1) The second phase of blood (from day 21 to day 31) exceeded the niṣāb of ḥayḍ (as it was 11 days in total). Therefore, it reverted back to her `ādah of 5 days.
- 2) Niṣāb was not reached during the days of her habit (i.e. from day 61 to day 65); therefore, her habit will change *makānan* but not *`adadan*. [See principle 1-a]

*Example 2:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has blood from day 1 to day 5. Then she has no blood for 46 days (i.e. until day 51). Thereafter, she has blood for 11 more days (i.e. until the 62nd).

Habit	1	...	5	6	...	51	52	...	56	...	60	61	62	..	65
Days	5 Days			46 Days			5 Days			4 Days		2 Days		3 Days	
Ḥaḳīqatan	1	...	5	6	...	51	52	...	56	...	60	61	62	..	65
Shar'an	1	...	5	6	...	51	52	...	56	...	60	61	62	..	65
Ḥukm	Ḥayḍ			Ṭuhr Tām			Ḥayḍ			Istiḥāḍah				T-N/A	

*Explanation 2:* She has blood from day 1 to day 5 and from day 52 to day 62 (11 days) with a 46 day ṭuhr in the middle.

Day 1 to day 5 will be in the **ḥukm** of ḥayḍ according to her original habit.

Day 6 to 51 is a ṭuhr tām so it will make *faṣl* between the period of blood before it and after it.

Day 52 to 62 is an 11-day period of blood. Since it exceeds her habit (of 5 days) and is above the ḥayḍ niṣāb (of 10 days) the **ḥukm** for these days will revert back to her `ādah. As such, the first 5 days (from 52 to 56) will be in the **ḥukm** of ḥayḍ and the rest of the days (from day 57 to 62) will be in the **ḥukm** of istiḥāḍah.

The rest of the days will be dependent on her future habit.

*Essential Points 2:* All points are similar to the previous example. One important element to note is that in the previous example, no days from the second phase of blood (21 to 31) occurred during her habit (day 61 to 65), whereas in this example 2 days did occur during her habit (day 61 and 62). Nevertheless, 2 days still do not equal the minimum niṣāb of ḥayḍ (i.e. 3 days) so the **ḥukm** will be similar to the previous example.

#### Example Set II: Blood Exceeds 10 Days and Niṣāb Is Reached During Days of Habit<sup>96</sup>

Comment [H19]: CHECK WITH PAGE 149

*Example 1:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has blood from day 1 to day 5. Then she has no blood for 54 days (i.e. until day 59). Thereafter, she has blood for 1 day (i.e. on the 60th). After that, she has no blood for 14 days (until day 74). Finally, she has blood once more on day 75.

<sup>96</sup> Ibid., p. 189-190

<i>Habit</i>	1	...	5	6	...	59	60	61	...	65	...	74	75
<i>Days</i>	5 Days			54 Days			1-D	5 Days			9 Days		1-D
<i>Ḥaḡīqatan</i>	1	...	5	6	...	59	60	61	...	65	...	74	75
<i>Shar'an</i>	1	...	5	6	...	59	60	61	...	65	...	74	75
<i>Hukm</i>	Ḥayḍ			Ṭuhr Tām			Ist.	Ḥayḍ			Istiḥāḍah		

*Explanation 1:* She has blood from day 1 to day 5, then on day 60, and once more on day 75. In the middle she has one ṭuhr of 54 days and another ṭuhr of 14 days.

The first 5 days will be in the **ḥukm** of ḥayḍ.

The next 54 days is a ṭuhr tām which will make *faṣl*.

On day 60, she has blood for only 1 day. Thereafter, she has a ṭuhr nāqīṣ of 14 days after which she has one day of blood again. Since the ṭuhr was nāqīṣ, the blood before and after it will be added to it and the ṭuhr will be in the **ḥukm** of dam mutawālī. This means that we will treat the entire period from day 60 to day 75 as if she had continuous blood.

She had blood during the days of her habit (61 to 65) which reached the niṣāb of ḥayḍ. According to principle 1-b, all days she had blood during her habit days will be ḥayḍ and everything outside of those days (whether before or after) will be istiḥāḍah. In this case, the day before (i.e. the 60th) and the days after (i.e. 66th to 75th) will be in the **ḥukm** of istiḥāḍah. Furthermore, since the days she had blood during her habit equal the days of her regular habit (i.e. 5 days), no change will occur in her habit; not *makānan* or *`adadan*.

*Example 2:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has blood from day 1 to day 5. Then she has no blood for 57 days (i.e. until day 62). Thereafter, she has blood for 3 days (i.e. until the 65th). After that, she has no blood for 14 days (until day 79). Finally, she has blood once more on day 80.

<i>Habit</i>	1	...	5	6	...	60	61	62	...	65	...	79	80
<i>Days</i>	5 Days			56 Days			1-D	1-D	3 Days		14 Days		1-D
<i>Ḥaḡīqatan</i>	1	...	5	6	...	60	61	62	...	65	...	79	80
<i>Shar'an</i>	1	...	5	6	...	60	61	62	...	65	...	79	80
<i>Hukm</i>	Ḥayḍ			Ṭuhr Tām			Ḥayḍ			Istiḥāḍah			

*Explanation 2:* She has blood from day 1 to day 5, then from day 63 to day 65, and once more on day 80. In the middle she has one ṭuhr of 57 days and another ṭuhr of 14 days.

The first 5 days will be in the **ḥukm** of ḥayḍ.

The next 57 days is a ṭuhr tām which will make *faṣl*.

Then she has blood for 3 days followed by a ṭuhr nāqīṣ of 14 days and then one more day of blood. Since the ṭuhr was nāqīṣ, the blood before and after it will be added to it and the ṭuhr will be in the **ḥukm** of dam mutawālī. This means that we will treat the entire period from day 63 to day 80 as if she had continuous blood.

She had blood on the last 3 days of her habit (i.e. day 63 to 65). Principle 1-b will apply here as well and all blood outside of these 3 days will be in the **ḥukm** of istiḥāḍah. In this case, day 66 to day 80 will be in the **ḥukm** of istiḥāḍah.

One main difference in this example is that the she had blood during her `ādah does not equal the days of her regular habit since her habit is 5 days of blood and here, she only had 3 days of blood. As such, her habit will change `adadan to 3 days but will remain the same *makānan* since the blood occurred during her regular `ādah days (i.e. 61 to 65).

### Example Set III: Blood Does Not Exceed 10 Days<sup>97</sup>

*Example 1:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has blood according to her habit (i.e. 5 days of blood and 55 days of ṭuhr). Then she has blood for 9 days.

<i>Habit</i>	1	...	5	6	...	60	61	...	65	...	69
<i>Days</i>	5 Days			55 Days			5 Days			4 Days	
<i>Ḥaqīqatan</i>	1	...	5	6	...	60	61	...	65	...	69
<i>Shar'an</i>	1	...	5	6	...	60	61	...	65	...	69
<i>Ḥukm</i>	Ḥayḍ			Ṭuhr Tām			New Ḥayḍ Habit				

*Explanation 1:* The first 60 days are according to her habit. Thereafter, instead of having 5 days of blood, she has nine days of blood. More specifically, she had 5 days of blood within her habit days (from day 61 to 65) and 4 days of blood after her `ādah days (from day 66 to 69). According to principle 2-a, since the total number of days (i.e. 9) are not equal to her regular habit (i.e. 5 days) and below 10 days, this will now become her new ḥayḍ habit as long as there is a ṭuhr ṣaḥīḥ after it.

In this example, her habit changed `adadan but not *makānan*<sup>98</sup>. Furthermore, she saw blood that reached the minimum niṣāb of ḥayḍ during her `ādah days and after it.

*Example 2:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has 5 days of blood and 50 days of ṭuhr. Thereafter, she has 10 days of blood (i.e. from day 56 to day 65).

<sup>97</sup> Ibid., p. 191-193

<sup>98</sup> Her habit did not change *makānan* in the sense that her ḥayḍ is still beginning at the same time. The only difference is that it will be 4 days longer `adadan.

<b>Habit</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>
<b>Days</b>	<b>5 Days</b>			<b>50 Days</b>			<b>5 Days</b>			<b>5 Days</b>		
<b>Ḥaḳīqatan</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>
<b>Shar`an</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>
<b>Ḥukm</b>	<b>Ḥayḍ</b>			<b>Ṭuhr Tām</b>			<b>New Ḥayḍ Habit</b>					

*Explanation 2:* The first 5 days are in the ḥukm of ḥayḍ according to her regular habit.

Thereafter, instead of having a 55 day ṭuhr, she only has 50 days of ṭuhr. Then she has 10 days of blood out of which 5 days are before her regular habit and 5 days are within her regular habit. According to principle 2-a, since these days did not exceed the niṣāb of ḥayḍ, her habit will change to 10 days `adadan and makānan because she reached a minimum niṣāb of ḥayḍ before her habit days. Furthermore, since she had a ṭuhr ṣaḥīḥ with dam ṣaḥīḥ before and after it, her ṭuhr habit will change to 50 days.

This example is in a way opposite of the first example where she saw blood during her habit days and after it.

*Example 3:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has 5 days of blood and 54 days of ṭuhr. Thereafter, she has 8 days of blood (i.e. from day 60 to day 67).

<b>Habit</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>67</b>
<b>Days</b>	<b>5 Days</b>			<b>54 Days</b>			<b>1-D</b>	<b>5 Days</b>			<b>2 Days</b>	
<b>Ḥaḳīqatan</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>67</b>
<b>Shar`an</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>59</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>67</b>
<b>Ḥukm</b>	<b>Ḥayḍ</b>			<b>Ṭuhr Tām</b>			<b>Ḥayḍ<sup>99</sup></b>					

*Explanation 3:* The first 5 days are in the ḥukm of ḥayḍ according to her regular habit.

Thereafter, she has a 54 day ṭuhr. Then she has 8 days of blood out of which 1 day is before her habit days and 7 are within her habit days. According to principle 2-a, since these days did not exceed the niṣāb of ḥayḍ, her habit will change to 8 days `adadan. On the other hand, her habit will remain the same makānan since she did not reach the niṣāb of ḥayḍ before her habit days (since she only had one day before it). Furthermore, since she had a ṭuhr ṣaḥīḥ with dam ṣaḥīḥ before and after it, her ṭuhr habit will also change to 54 days.

*Example 4:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has 5 days of blood and 50 days of ṭuhr. Thereafter, she has 7 days of blood (i.e. from day 56 to day 62).

<sup>99</sup> This is her new habit `adadan but not makānan in terms of moving back even though it technically changed in terms of the extra days added after her `adah days.

<b>Habit</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>...</b>	<b>65</b>
<b>Days</b>	<b>5 Days</b>			<b>50 Days</b>			<b>5 Days</b>			<b>2 Days</b>		<b>3 Days</b>	
<b>Ḥaḳīqatan</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>...</b>	<b>65</b>
<b>Shar'an</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>55</b>	<b>56</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>...</b>	<b>65</b>
<b>Ḥukm</b>	<b>Ḥayḍ</b>			<b>Ṭuhr Tām</b>			<b>New Ḥayḍ Habit</b>				<b>N/A</b>		

*Explanation 4:* The first 5 days are in the **ḥukm** of ḥayḍ according to her regular habit.

Thereafter, instead of having a 55 day ṭuhr, she only has 50 days of ṭuhr. Then she has 7 days of blood out of which 5 days are before her regular habit and 2 days are within her regular habit. According to principle 2-a, since these days did not exceed the niṣāb of ḥayḍ (i.e. 10 days), her habit will change to 7 days *`adadan* and *makānan* because she reached a minimum niṣāb of ḥayḍ before her habit days. Furthermore, since she had a ṭuhr ṣaḥīḥ with dam ṣaḥīḥ before and after it, her ṭuhr habit will change to 50 days.

*Example 5:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has 5 days of blood and 58 days of ṭuhr. Thereafter, she has 3 days of blood (i.e. from day 64 to 66).

<b>Habit</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>
<b>Days</b>	<b>5 Days</b>			<b>55 Days</b>			<b>3 Days</b>			<b>2 Days</b>		<b>1-D</b>
<b>Ḥaḳīqatan</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>
<b>Shar'an</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>62</b>	<b>63</b>	<b>64</b>	<b>65</b>	<b>66</b>
<b>Ḥukm</b>	<b>Ḥayḍ</b>			<b>Ṭuhr Tām</b>						<b>New H. Habit</b>		

*Explanation 5:* The first 5 days are in the **ḥukm** of ḥayḍ according to her regular habit.

Thereafter, she has 58 days of ṭuhr after which she has 3 days of blood. Since the ṭuhr was tām it will make *faṣl*.

Out of the last 3 days of blood, 2 days were within her habit (day 64 and 65) and 1 day was after her habit (day 66); therefore, since the total amount of days were below 10 days, according to principle 2-a her habit will change from 5 days to 3 days *`adadan* and *makānan*.

The reason for changing *makānan* is that habit changes *makānan* for all blood that is below the maximum niṣāb but reaches the minimum niṣāb of ḥayḍ.

We will mention once again that this is assuming that these days are followed by a ṭuhr ṣaḥīḥ. If a ṭuhr fāsid comes afterwards, it will automatically connect all days of blood afterwards to these days and increase the days of blood to above 10.

*Example 6:* A woman with a ḥayḍ habit of 5 days and a ṭuhr habit of 55 days has 5 days of blood and 64 days of ṭuhr. Thereafter, she has 7 days of blood (i.e. from day 70 to day 76).

<b>Habit</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>...</b>	<b>69</b>	<b>70</b>	<b>...</b>	<b>76</b>
<b>Days</b>	<b>5 Days</b>			<b>55 Days</b>			<b>5 Days</b>			<b>4 Days</b>			<b>7 Days</b>		
<b>Ḥaḡīqatan</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>...</b>	<b>69</b>	<b>70</b>	<b>...</b>	<b>76</b>
<b>Shar`an</b>	<b>1</b>	<b>...</b>	<b>5</b>	<b>6</b>	<b>...</b>	<b>60</b>	<b>61</b>	<b>...</b>	<b>65</b>	<b>66</b>	<b>...</b>	<b>69</b>	<b>70</b>	<b>...</b>	<b>76</b>
<b>Hukm</b>	<b>Ḥayḍ</b>			<b>Ṭuhr Tām</b>									<b>New H. Habit</b>		

*Explanation 6:* The first 5 days are in the ḥukm of ḥayḍ according to her regular habit.

Thereafter, she has 64 days of ṭuhr after which she has 7 days of blood. Since the ṭuhr was tām it will make faṣl.

The last 7 days of blood occurred after her habit from day 70 to day 76. According to principle 2-a, her habit will change `adadan from 5 to 7. Furthermore, it will also change makānan because the total blood was below 10 days and reached the minimum niṣāb of ḥayḍ.

### Introduction to Mutaḥayyirah (The Perplexed Woman)

A mutaḥayyirah, also known as a "muḥayyirah" (one who casts others into perplexity) or ḡāllah (one who is lost), refers to a woman who has forgot her habit `adadan, makānan, or both in regards to ḥayḍ or nifās.<sup>100</sup> `Adadan refers to forgetting the actual number of days for her ḥayḍ, nifās, or even ṭuhr. Makānan refers to forgetting the time of the month when she would experience ḥayḍ, e.g., beginning of the month, end of the month, etc.<sup>101</sup>

Since the rulings of a mutaḥayyirah pertain to prayer and fasting, we shall suffice with this definition only and discuss the rest of rulings in a specific chapter dedicated to the rulings of a mutaḥayyirah.<sup>102</sup>

<sup>100</sup> Ibn `Ābidīn, *Manhal*, p. 133

<sup>101</sup> Ibid., note 3

<sup>102</sup> The full details of a mutaḥayyirah may be found in chapter seven.

## Chapter V – Rulings for *Istimrār* (Continuous Bleeding)

Now that we are well acquainted with rulings pertaining to different types of women, it is necessary to discuss rulings of continuous bleeding, otherwise known as *istimrār al-dam*. *Istimrār* refers to a woman (whether muṭtadi'ah or mu'tādah) who keeps experiencing blood continuously (*ḥaqīqatan* or *ḥukman*).

Since the rulings for a mu'tādah are more easily understood, we shall commence with her first.

### Continuous Bleeding: Mu'tādah<sup>103</sup>

If a mu'tādah experiences continuous bleeding, then the following principles will apply:

- 1) For ḥayḍ with a ṭuhr habit that is below 6 months, she will revert back to her original habit for both. For example, if a woman had a menstrual habit of 7 days ḥayḍ and 23 days ṭuhr, then if she starts bleeding continuously, we will assume that for each 30 day cycle the first 7 days are ḥayḍ and the next 23 days are ṭuhr.
- 2) For ḥayḍ with a ṭuhr habit that exceeds 6 months, she will revert back to her original habit for ḥayḍ and her ṭuhr will be set to 2 months.<sup>104</sup>
- 3) If a woman with a nifās habit has constant bleeding after childbirth, she returns to her nifās, ṭuhr, and ḥayḍ habits.<sup>105</sup>

### Continuous Bleeding: Muṭtadi'ah<sup>106</sup>

When a muṭtadi'ah experiences continuous bleeding, she will be in either one of the following two states:

- 1) She is experiencing her first ḥayḍ after which, she has continuous blood. In this situation, we will declare her as a *bālighah* due to her seeing blood for the first time. This is also known as *bulūgh bi 'l-ḥayḍ*.
- 2) Instead of seeing blood first, she becomes pregnant and thereafter sees continuous blood. In this situation, we will declare her as a *bālighah* due to her becoming pregnant even though she has never seen any blood before this. This is also known as *bulūgh bi 'l-ḥabl*.

Since each category may have multiple scenarios, we shall explain each category separately in two separate sections.

<sup>103</sup> Ibid., p. 211-212

<sup>104</sup> This is opinion of Imam Ḥākim (rahimahullāh). 'Allāmah Ibn 'Ābidīn has discussed the different opinions on this matter and concluded that Imam Ḥākim's (rahimahullāh) opinion is more authentic as there are explicit texts stating that the *fatwā* is on this opinion. For more information, see *Manḥal al-Wāridīn* (p. 212).

<sup>105</sup> *Birgivi's*, p. 61

<sup>106</sup> Ibn 'Ābidīn, *Manḥal*, p. 212



### Mubtadi'ah Type I: Bulūgh Bi 'l-Ḥayḍ<sup>107</sup>

This type of mubtadi'ah may be divided into four different categories:

**Category One:** Continuous bleeding occurs right from the first day she experiences blood and is declared a *bālighah*.

Solution: In this situation, her blood pattern will be set as follows;

Ḥayḍ = 10 Days

Nifās = 40 days

Ṭuhr = 20 Days (for both ḥayḍ and nifās)

For example, in the scenario of ḥayḍ she will now always follow this pattern of 10 days ḥayḍ and 20 days ṭuhr until her bleeding ceases and she has a valid bleeding and ṭuhr.

**Category Two:** Continuous bleeding occurs after seeing a valid ḥayḍ (between 3-10 days) and valid ṭuhr cycle (15 days or above<sup>108</sup>), otherwise known as a *dam ṣaḥīḥ* and *ṭuhr ṣaḥīḥ*.<sup>109</sup>

Solution: In this situation, since she saw a valid ḥayḍ and a valid ṭuhr, her habit will be established and she will now be regarded as a *mu'tadah*.

- ❖ Reminder: The habit of a mubtadi'ah cannot be set unless she sees a valid blood and ṭuhr cycle. In other words, she must see both a *dam ṣaḥīḥ* and a *ṭuhr ṣaḥīḥ* for her to officially have a habit.

**Category Three:** Continuous bleeding occurs after seeing an invalid ḥayḍ (between 3-10 days) and invalid ṭuhr cycle, otherwise known as a *dam fāsid* and *ṭuhr fāsid*.<sup>110</sup>

Scenario 1: A woman has blood for 11 days (which is more than the maximum limit for ḥayḍ making this a *dam fāsid*) and ṭuhr for 14 days (which is less than 15 days making it a *ṭuhr fāsid*). Thereafter, she has continuous bleeding.

Solution 1: The same rules will apply as category one. Her ḥayḍ will be 10 days and her ṭuhr will be 20 days.

The reason for this is that according to Sharī'ah, it is as if she has been bleeding since day 1. 11 days of actual bleeding (*ḥaqīqatan*), and 14 days of *ḥukman* bleeding since a ṭuhr nāqış (i.e. ṭuhr below 15 days) is in the ruling of a *dam mutawālī* (i.e. continuous blood).

Scenario 2: A woman sees an invalid blood and invalid ṭuhr the total of which does not equal more than 30 days after which she has continuous blood.

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<sup>107</sup> Ibid., 213-221

<sup>108</sup> This is subject to two other conditions. See chapter three for more information.

<sup>109</sup> Please refer to chapter one for the definition of these words.

<sup>110</sup> For example, she sees blood for less than 3 days or above 10 days and a ṭuhr that is below 15 days. For more information, please refer to chapter one and chapter three.

For example, a woman has blood for 11 days (which is more than the maximum limit for ḥayḍ making this a dam fāsid) and a ṭuhr for 15 days before having continuous blood. This ṭuhr will also be fāsid even though it is 15 days because if we were to count the first 10 days as ḥayḍ, then the eleventh day of bleeding will automatically become a part of the ṭuhr. In other words, it would be as if she had a ten day ḥayḍ followed by a 16 day ṭuhr where she had blood the first day of the ṭuhr.

Solution 2: The same rules will apply as category one. Her ḥayḍ will be 10 days and her ṭuhr will be 20 days.

Scenario 3: A woman sees an invalid blood and invalid ṭuhr the total of which exceeds 30 days after which she has continuous blood.

For example, a woman has blood for 11 days (which is more than the maximum limit for ḥayḍ making this a dam fāsid) and a ṭuhr for 20 days before having continuous blood. This ṭuhr will also be fāsid for the same reason stated in scenario 2.

Solution 3: For this cycle, her ḥayḍ will be 10 days and her ṭuhr will be 21 days (i.e. eleventh day of bleeding is also a part of this ṭuhr). From the next cycle onwards, her ḥayḍ will be set at 10 days and her ṭuhr will be set at 20 days.

More simply put, we will be applying the same rulings as scenario one from the second cycle and not the first cycle. One possible reason for this is that women typically experience 30-day menstrual cycles. However, in this situation, she had a 31-day cycle (10 days ḥayḍ, 21 day ṭuhr); therefore, we will wait until the second cycle before declaring a 10-day ḥayḍ and 20-day ṭuhr habit on the condition that she continues to experience continuous bleeding.<sup>111</sup>

**Category Four:** Continuous bleeding occurs after seeing a valid ḥayḍ (between 3-10 days) and an invalid ṭuhr cycle, otherwise known as a dam ṣaḥīḥ and ṭuhr fāsid.<sup>112</sup>

Solution: The days she experienced ḥayḍ become her new ḥayḍ habit and the rest of the month (i.e. referring to a 30-day month) will become her new ṭuhr habit.

Example: A woman experiences 4 days of ḥayḍ and 14 days of ṭuhr before experiencing continuous blood. In this situation, her new habit will be 4 days ḥayḍ and 26 days ṭuhr (i.e. the rest of the days left in the 30-day month).

- ❖ Note: We will go by 30-day months even though a month can be 29 days (according to a lunar month) and 31 days (according to a solar month) as this is the standard used by Sharī'ah when discussing the rulings of ḥayḍ.

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<sup>111</sup> For more information, see *Manḥal al-Wāridīn* (p. 218).

<sup>112</sup> Please refer to chapter one for the definition of these words.

## Mubtadi'ah Type II: Bulūgh Bi 'l-Ḥabl<sup>113</sup>

Generally speaking, *bulūgh bi 'l-ḥabl* refers to a woman who attains puberty through impregnation without experiencing any blood before her pregnancy.<sup>114</sup> A mubtadi'ah that attains *bulūgh* (puberty) through impregnation may experience continuous blood in three different patterns:

**Pattern One:** After the delivery of her child, she has a regular nifās (i.e. blood for 40 days or less). Thereafter, she has a ṭuhr ṣaḥīḥ (i.e. 15 days or more<sup>115</sup>) and then experiences continuous bleeding.

Solution: Her ḥayḍ will be set at 10 days and her ṭuhr will be according to how many days of ṭuhr she experienced.

Example: A prepubescent girl (*non-bālighah*) becomes pregnant and also delivers a child. After the delivery of her child, she has nifās blood (i.e. lochia) for a period of 40 days. Thereafter, she has a ṭuhr period of 18 days after which she has continuous blood. In this situation, her ḥayḍ will be set at 10 days and her ṭuhr will be set at 18 days.

Since she experienced a valid ṭuhr (ṭuhr ṣaḥīḥ), it was enough to set a habit for her ṭuhr. The ḥayḍ is set at 10 days since the general ruling for a mubtadi'ah that experiences continuous blood over the maximum ḥayḍ limit is that it is set at 10 days (as already discussed in the previous section).

- ❖ Note: As discussed before, it is necessary for a nifās and ḥayḍ to be separated by a ṭuhr. In this example, she first experienced nifās followed by a ṭuhr ṣaḥīḥ and then a ḥayḍ.

**Pattern Two:** After the delivery of her child, she has a regular nifās (i.e. blood for 40 days or less). Thereafter, she has a ṭuhr fāsid (e.g. less than 15 days) and then experiences continuous bleeding.

Solution: Her ḥayḍ will be set at 10 days and her ṭuhr will be set at 20 days.

Example: A prepubescent girl (*non-bālighah*) becomes pregnant and also delivers a child. After the delivery of her child, she has nifās blood (i.e. lochia) for a period of 40 days. Thereafter, she has a ṭuhr period of 14 days after which she has continuous blood. In this situation, her ḥayḍ will be set at 10 days and her ṭuhr will be set at 20 days.

In this situation, her ṭuhr has reverted to the default of 20 days for a mubtadi'ah since the ṭuhr was fāsid and as discussed many times before, a ṭuhr fāsid may not be used to set a habit.

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<sup>113</sup> Ibid., 213-221

<sup>114</sup> If she experienced blood before her pregnancy, she would automatically fall under the first category of a mubtadi'ah (i.e. Mubtadi'ah Bi 'l-Ḥayḍ).

<sup>115</sup> This is subject to two other conditions. See chapter three for more information.

Furthermore, since the *ṭuhr* was below 15 days, all blood she experienced during these days is regarded to be in the ruling of *dam mutawālī* (i.e. continuous bleeding). Therefore, we can say *ḥukman* she has been experiencing continuous blood since her *nifās* ended.

**Pattern Three:** After the delivery of her child, she has an irregular *nifās* (i.e. over 40 days) that results in her experiencing a *ṭuhr fāsid*.

The reason that an irregular *nifās* causes a *ṭuhr fāsid* is that since we cannot allot more than 40 days for a *nifās* period, any days of blood thereafter will be part of the *ṭuhr*, and any *ṭuhr* that has some days of blood (which in this situation will be right at the beginning of the *ṭuhr*) is regarded to be a *ṭuhr fāsid*.

Solution: This may fall into one of the following situations:

- a) There are 20 or more days between her *nifās* and the beginning of her continuous bleeding.

Solution: The first 40 days will be *nifās*. All days before the continuous bleeding will be the *ṭuhr*. The first ten days of her continuous will be her *ḥayḍ* and 20 days (after the *ḥayḍ*) will be her *ṭuhr*. This will now be her new habit; 10 days *ḥayḍ* and 20 days *ṭuhr*.

Example: A prepubescent girl (*non-bālighah*) becomes pregnant and also delivers a child. Thereafter, she has 46 days of blood followed by 16 days of *ṭuhr* before she experiences continuous bleeding. The first 40 days will be *nifās*, the next 22 days will be *ṭuhr* (i.e. the first 6 days of bleeding and 16 days of *ṭuhr*), and then the next 10 days will be *ḥayḍ* and 20 days will be *ṭuhr*. From now on, 10 days *ḥayḍ* and 20 days *ṭuhr* will be her new habit.

Explanation: In this example, the first 40 days will be counted as *nifās* and the 6 extra days of bleeding will become part of her *ṭuhr*. Since she originally experienced *ṭuhr* for 16 days, we will add these 6 extra days to it making her actual *ṭuhr* a total of 22 days. Thereafter, she experiences continuous blood out of which the first 10 days will be *ḥayḍ* followed by a 20-day *ṭuhr*. In other words, from the day her continuous blood began we will go by the default of 10 days *ḥayḍ* and 20 days *ṭuhr*.

The main point of consideration is the fact that there is a total of 22 days between her *nifās* (i.e. after day 40) and the beginning of her continuous blood (i.e. after the 22 days of *ṭuhr*). More simply put, we are actually checking to see if her final *ṭuhr* is 20 days (or more).

- b) There are less than 20 days between her *nifās* and the beginning of her continuous bleeding.

Solution: The first 40 days will be *nifās*. The next 20 days will be her *ṭuhr* even if it includes some days from the beginning of her continuous bleeding period (contrary to the previous scenario). Thereafter, she will have a set *ḥayḍ* for 10 days and *ṭuhr* for 20 days.

Example: A prepubescent girl (*non-bālighah*) becomes pregnant and also delivers a child. Thereafter, she has 43 days of blood followed by 15 days of ṭuhr before she experiences continuous bleeding. The first 40 days will be nifās, the next 20 days will be ṭuhr (i.e. the first 3 days of bleeding, 15 days of her ṭuhr and the first 2 days of her continuous bleeding), and then the next 10 days will be ḥayḍ and 20 days will be ṭuhr. From now on, 10 days ḥayḍ and 20 days ṭuhr will be her new habit.

Explanation: The explanation here is the same as the previous example except that in this example, the first few days of her continuous bleeding will be counted with the ṭuhr in order to complete a full 20 days of ṭuhr. To understand this more clearly, please see the chart below:

From here she has continuous bleeding, but day 59 and 60 will be part of the previous ṭuhr.

<i>Ḥaqīqatan</i>	D	1	...	40	41	...	43	44		58	59	60	61	...	70	∞
<i>Sharʿan</i>	D	1	...	40	41	...	43	44		58	59	60	61	...	70	∞
<i>Ḥukm</i>	D	Nifās				20-Day Ṭuhr							10-D Ḥayḍ			T

From this day, she will have 20-day ṭuhr and 10-day ḥayḍ cycles.

In this example, the total number of days between her nifās period (i.e. after day 43) and the beginning of her continuous bleeding (i.e. from day 59) is a total of 18 days, which is below 20 days. In order to complete these 20 days, the first two days of her continuous bleeding (i.e. day 59 and 60) have been added to her ṭuhr cycle.

This concludes the chapter on continuous bleeding. In the next chapter, we shall discuss rulings pertaining to the cessation of blood along with general injunctions of prayer and fasting.

## Chapter VI – Blood Appearance and Cessation: Rulings for Prayer, Fasting and Intimacy

The rulings of prayer, fasting and intercourse are interlinked with the appearance and cessation of blood. In order to engage in acts of intimacy or acts of worship such as fasting and prayer, a woman must not only rely on the appearance of blood, but she must also know whether her blood has ceased according to Sharī'ah as well. Conversely, there are times when one's blood might have ceased but it does not necessarily mean that one's ḥayḍ or nifās has ended. In such cases, a certain period of ṭuhr may be ḥayḍ, istiḥāḍah, or even during a period of nifās. In the previous chapters, we touched the general principles regarding such scenarios. Now, we shall expound on these principles in detail.

The following discussion has been divided into two sections. The first section deals with the obligation and prohibition of praying, fasting, and intimacy. The second section deals with the actual practical application regarding scenarios when blood appears or ceases. While the first section attempts to outline when a woman is obliged to pray or fast, the second section outlines how a woman should go about doing so in different situations.

### Section I: Obligations of Prayer and Fasting and Prohibition of Intimacy

Before discussing how a woman should practically pray or fast when her blood appears or ceases, it is necessary to first understand in which situations Sharī'ah has obligated her to perform her acts of worship and in which situations she is excused from doing. Since the obligation of fasting and praying is primarily linked with only the cessation of blood, we will discuss it from this angle only. For ease of the reader, this section has been divided into three parts according to the time of cessation as follows:

- 1) Cessation of blood occurs after maximum limit of ḥayḍ or nifās is reached.
- 2) Cessation of blood occurs before maximum limit of ḥayḍ or nifās is reached but after the woman has already had blood past her regular days of habit (i.e. blood ceased on a day after her *`ādah*).
- 3) Cessation of blood occurs before maximum limit of ḥayḍ or nifās is reached and before the woman has passed her regular days of habit (i.e. blood ceases before her *`ādah* is reached).

### Cessation after Maximum of Ḥayḍ or Nifās<sup>116</sup>

Generally speaking, if a woman experiencing ḥayḍ has blood for more than 10 days or a woman experiencing nifās had blood for over 40 days, then upon exceeding these numbers the woman will be declared to be pure even if she continues to discharge blood. In other words, upon

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<sup>116</sup> Ibid., p. 197-199

crossing the maximum for ḥayḍ or nifās, she has become free from her ḥayḍ (or nifās) *ḥukman* even if she has blood *ḥaqīqatan*.

In such a situation, the following rulings will apply:<sup>117</sup>

**Prayer:** Depending on the amount of time left before the prayer time in which her blood ceased is over, the following three rulings will apply.

- 1) **Obligatory to pray**<sup>118</sup>: After cessation, the woman has enough time to make *ghusl* AND begin her prayer with the word “Allāh.”<sup>119</sup> In this situation, it is obligatory on her to perform the prayer.
- 2) **Necessary to make Qaḍā’**: After cessation, the woman only has enough time to begin her prayer with the word “Allāh” but not enough time to make *ghusl*. In this situation, the woman does not have to perform the prayer at this time, but she must make qaḍā’ of it afterwards.
- 3) **Excused from prayer**: After cessation, she neither has enough time to make *ghusl* nor begin her prayer with the word “Allāh.” In this situation, she is excused from this prayer, i.e., she does not have to perform it right now nor make qaḍā’ of it afterwards.

**Fasting (in Ramaḍān):** Similar to prayer, depending on the time when the woman’s blood ceases, one of the following two rulings will apply.

- 1) **Fast will count for this day**: Cessation occurs even a second before the time of Fajr prayer comes in.
- 2) **Fast will not count for this day**: Cessation occurs right when Fajr time comes in or any time thereafter. In this situation, she will have to make qaḍā’ of this fast afterwards.

**Intimacy:** Once blood ceases after crossing the maximum limit for ḥayḍ or nifās, it is permissible for the woman to have intimacy with her husband even if she hasn’t performed *ghusl*; however, it is *mustaḥab* (desirable) for her to perform *ghusl* before intimacy.

#### **Cessation before Maximum of Ḥayḍ or Nifās – After the Habit**<sup>120</sup>

If a woman’s blood ceases after passing the days of her regular habit (for ḥayḍ or nifās) but before exceeding the maximum (i.e. 10 days for ḥayḍ or 40 days for nifās), the following rulings will apply:<sup>121</sup>

<sup>117</sup> In the following paragraphs, the word “cessation” will be used to denote the time when a woman’s ḥayḍ or nifās crosses the maximum limit of ḥayḍ or nifās, *ḥukman* or *ḥaqīqatan*.

<sup>118</sup> Note: For the ‘Ishā’ prayer, it is necessary to pray *witr* as well.

<sup>119</sup> Ibid., p. 268

<sup>120</sup> Ibid., p. 199-201

<sup>121</sup> In the following paragraphs, the word “cessation” will be used to denote the time when a woman’s ḥayḍ or nifās ceased on a day after her habit but before the maximum for ḥayḍ or nifās.

**Prayer:** After cessation, if she has enough time to make *ghusl* and begin her prayer<sup>122</sup> with the *takbīr taḥrīmah*<sup>123</sup> (i.e. saying the word Allāh<sup>124</sup>), then it will be necessary for her to make Qaḍā' of the prayer. Otherwise if she does not have enough time to do these two acts, then she will be excused from this specific prayer.

**Comment [H20]:** Confirm if this is just the word Allah or not?

**Fasting (in Ramaḍān):** Similar to prayer, after cessation, if she has enough time to make *ghusl* and begin a prayer with the *takbīr taḥrīmah* before the time for Fajr comes in, then her fast for this day will count. Otherwise, the fast for this day will not count.

**Intimacy:** After cessation, it is not permissible for the woman to have intimacy unless one of the following conditions is met:

- 1) She performs *ghusl*
- 2) A prayer becomes Qaḍā' on the woman: In this situation, she will be allowed to have intimacy even if she did not make *ghusl*. To understand this more clearly, we shall provide two examples:
  - a) After cessation, if she had enough time to make *ghusl* and begin her prayer with a *taḥrīmah*, but she was unable to do so before the time finished, she will have to make Qaḍā' of this prayer. Since this prayer has become Qaḍā', it will be permissible for her to have intimacy.
  - b) After cessation, if she did not have enough time to make *ghusl* and begin her prayer with a *taḥrīmah*, then she will have to wait until the next prayer time enters and finishes before she can have intimacy. The reason for this is that since she did not have enough time for the first prayer, she was excused from it, thus not making the first prayer Qaḍā' on her. Now, she will have to wait until the next prayer becomes Qaḍā'.

❖ Reminder: Condition two (both “a” and “b”) only apply if she has not made *ghusl*. Otherwise, she can have intimacy even before any prayer becomes Qaḍā' on her.<sup>125</sup>

### Cessation before Maximum of Ḥayḍ or Nifās – Before the Habit<sup>126</sup>

If a woman's blood ceases even before crossing her regular habit (for ḥayḍ<sup>127</sup> or nifās), the following rulings will apply:<sup>128</sup>

**Comment [H21]:** Add this to the main section or add it to the topic and make it clear that before three days it doesn't mean anything. Better to add to tile because

<sup>122</sup> This is referring to the prayer time in which her blood ceased.

<sup>123</sup> Some *fuqahā'* have mentioned that it is only necessary to have enough time to make *ghusl* and the extra condition of *takbīr taḥrīmah* is not necessary. However, Ibn 'Ābidīn has mentioned that the original position seems to be stronger as mentioned by Ibn Nujaym in his *al-Baḥr al-Rāiq*. For more information, see *Manḥal al-Wāridīn* (p. 201).

<sup>124</sup> Ibid., p. 268

<sup>125</sup> Ibid., p. 204

<sup>126</sup> Ibid., p. 204-205



**Prayer:** After cessation, if she has enough time to make *ghusl* and begin a prayer with the *takbīr taḥrīmah*, then this prayer becomes obligatory on her. If she does not pray, she will have to make Qaḍā’.

**Fasting (in Ramaḍān):** Similar to prayer, after cessation, if she has enough time to make *ghusl* and begin a prayer with the *takbīr taḥrīmah* before the time for Fajr comes in, then it is necessary for her to fast this day.

**Intimacy:** It is not permissible for a woman to have intimacy until the days of her habit pass (whether for ḥayḍ or nifās) even if she performs *ghusl*. The reason for this is that there is a high possibility that the blood might return during these days.

#### **Important Note: How much time can a woman take for ghusl?**

In the previous sections, the word *ghusl* has been used to represent a certain timeframe that determines how much time a woman should have after her blood ceases in order for her prayers and fasts to become obligatory on her. However, this is a very general word that is typically translated as a “shower” or “bath,” which fails to define the actual meaning intended in our discussions. In our times, bath time could fluctuate between 5 to 30 minutes (or even more) based on each individual’s preference when showering. So the question arises; how much time is intended here?

In the context of Sharī’ah, *ghusl* here refers to the act of performing *farḍ ghusl* (obligatory bath) along with the general preparations before it and the necessary actions that take place after *ghusl*. This generally includes entering the shower and locking the door, removing one’s clothes, turning on the shower, the acts of a *farḍ ghusl*, and clothing oneself after finishing with the shower.<sup>129</sup> A *farḍ ghusl* generally comprises of rinsing one’s mouth fully, cleaning one’s nose, and pouring (not rubbing) water over the entire body such that it reaches every corner.<sup>130</sup> This includes wetting the all hair follicles (or the roots of one’s hair if a woman has her hair tied up) and washing the external region of the genitals.<sup>131</sup> Any unnecessary actions such as filling the tub with bath water, warming up the water, and applying soap and shampoo are excluded and will not be taken into account when determining this timeframe.<sup>132</sup>

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<sup>127</sup> For ḥayḍ, it will be assumed she had blood at least over 3 days; otherwise, it will not be classified as ḥayḍ at all.

<sup>128</sup> In the following paragraphs, the word “cessation” will be used to denote the time when a woman’s ḥayḍ or nifās ceased on a day before her habit ended.

<sup>129</sup> Ibid., p. 201

<sup>130</sup> Ibn ‘Ābidīn, *Radd*, v. 1 p. 151; The author of *Birgivi’s* mentions that it takes approximately 15 minutes to complete the minimal purificatory bath in these modern times under normal circumstances. [*Birgivi’s*, p. 55]

<sup>131</sup> Ibid., 152-153

<sup>132</sup> This does not mean that a woman who has menses must take a *ghusl* by sufficing on the abovementioned acts. This is only used to determine the timeframe intended by Sharī’ah when the phrase “enough time to make *ghusl*” is used.

The time to complete the *ghusl* is considered part of the ḥayḍ or nifās period if it ends before the maximum days for ḥayḍ or nifās period. Conversely, the time of the *ghusl* is not considered part of the ḥayḍ or nifās period if it ends at the maximum.<sup>133</sup>

## Section II: Practicality of Prayer and Fasting upon Appearance and Cessation of Blood

Above we have discussed rulings pertaining to the obligation of prayer and fasting along with the laws of intimacy during such periods. However, one question still remains. How should a woman practically deal with praying or fasting when she sees her blood cease?

In order to fully understand the principles regarding such scenarios, this section has been divided into two parts:

- 1) How and when to pray or fast upon appearance of blood.
- 2) How and when to pray or fast upon cessation of blood.

### Praying and Fasting upon Appearance of Blood<sup>134</sup>

We shall first outline the general rules for prayer upon appearance of blood and then we will outline the rules for fasting.

**Prayer:** As a general principle, whenever a woman sees actual blood, she must leave her prayers whether she is a muḥṭadī'ah or mu'tādah unless she is a *ma'dhūr* (excused person). In relation to her menstrual cycle, it is also important to point out the following:

- 1) A woman must leave her prayers if she sees blood after the days of her habit but before it crosses ten full days.
- 2) A woman must also leave her prayers if she sees blood before she enters the days of her habit (i.e. before her Shar'ī menstrual cycle). For example, a woman experiences blood during the second week of each month, but this month she started having blood during the first week. In this situation, the moment she sees blood, she must leave her prayers due to the possibility that her ḥayḍ has moved to a different portion of the month.
- 3) A woman does not have to leave her prayer if she sees blood before the days of her menstrual cycle until her menstrual cycle begins when the total amount of days from the day she sees blood until the end of her menstrual cycle per her normal habit equal more than 10 days. This is due to the assumption that she will bleed normally during her habitual menstrual days making all prior bleeding before those days as istiḥāḍah.<sup>135</sup>

<sup>133</sup> *Birgivi's*, p. 55

<sup>134</sup> Ibn 'Ābidīn, *Manhal*, p. 268-270

<sup>135</sup> This ruling is on the condition that the left over days of ṭuhr are not equal to 18 days or more and a full 15 days of ṭuhr have also passed. If this is the case, then it will be possible to declare an entire new ḥayḍ cycle even before she reaches her habitual menstrual days. For example, if a woman with a habit of 3 days ḥayḍ and 40 days ṭuhr sees blood after the 20<sup>th</sup> day (e.g. on the 21<sup>st</sup>) of her ṭuhr, then it is possible that she continues bleeding for two more days and then has a ṭuhr ṣaḥīḥ thereafter before having ḥayḍ once again. In other words, it is possible that she will totally

Example 1: If a woman with a habit of 7 days ḥayḍ and 20 days ṭuhr sees blood on the 16<sup>th</sup> day of her ṭuhr, then she must pray on the 16<sup>th</sup>, 17<sup>th</sup>, 18, 19<sup>th</sup>, and 20<sup>th</sup> since the total number of days until the end of her habitual menstrual cycle (i.e. 5 days left over from her ṭuhr and 7 days from her ḥayḍ) equals 12, which is above 10 days. If we were to assume that she continues bleeding during her menstrual days as per her habit, then days 16 to 20 will be istiḥāḍah and all days of her bleeding during her habitual menstrual days will be ḥayḍ as normal.

Example 2: If a woman with a habit of 7 days ḥayḍ and 20 days ṭuhr sees blood on the 18<sup>th</sup> day of her ṭuhr, then she must leave her prayers since the total number of days until the end of her habitual menstrual cycle (i.e. 3 days left over from her ṭuhr and 7 days from her ḥayḍ) equals 10. If we were to assume that she continues bleeding during her menstrual days as per her habit, then day 18 to 20 will also become a part of her ḥayḍ since it would equal a total of 10 days with bleeding. Since the number is not above 10, it is possible to label it as ḥayḍ.

In the above scenarios, the woman was commanded to leave her prayers due to the possibility of ḥayḍ. In relation to this, after the appearance of the blood cessation may occur during one of the following days:

- 1) Before 3 full days: The woman must make Qaḍā' of the prayers she left out since the number of days she bled are not enough for a valid ḥayḍ.
- 2) After 3 days, before 10 days: Since this blood can be classified as a valid ḥayḍ, she does not have to make Qaḍā' of any prayers.
- 3) After 10 days: The woman must make Qaḍā' of the prayers for the days that were above her habit. In the case of a muḥtadī'ah, she does not have to make Qaḍā' of any of the first 10 days since she did not have a menstrual habit.

It is important to take note that the rulings above are in relation to normal situations. There may be cases when the above rulings must be revised. For example, if the woman stops bleeding before a full 3 days have passed, she must make Qaḍā' of the prayers she left out; however, if her blood returns before a full 10 days have passed, then these first three days of blood were also a part of ḥayḍ. Any Qaḍā' that was performed was not necessary, but since she is only liable for present circumstances, it was necessary for her to make Qaḍā'.<sup>136</sup>

**Fasting:** The rulings for fasting upon the appearance of blood are not as complex as prayer. For the sake of convenience, a few general principles have been outlined below:

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have 20 days of ṭuhr, 3 days of a ḥayḍ, and another ṭuhr ṣaḥīḥ right after since there are still 17 days of ṭuhr left according to her normal habit. In such a scenario, it will be mandatory on her to leave her salah. [Ibid., p. 270]

<sup>136</sup> She may also delay the Qaḍā' until a full 10 days have passed so that she can be certain that her blood will not return; however, it is better to perform one's Qaḍā' as soon as one has a chance.

- 1) If a woman sees blood while fasting, her fast will break and it will become necessary to make Qaḍā' even if this blood was seen a moment before sunset. It is important to note here that making Qaḍā' of one's fasts is necessary even if it was left out due to ḥayḍ, unlike the ruling for prayers where Qaḍā' is not necessary for prayers missed due to ḥayḍ.<sup>137</sup>
- 2) If the blood that is seen is a result of istiḥāḍah, then the fast will not break.
- 3) If the woman breaks her fast upon seeing blood and later discovers that the blood was not ḥayḍ, then she must make up the missed fast. For example, a woman sees blood only for two days after which she has another 15 days of ṭuhr. This shows that the blood she saw was istiḥāḍah and not part of her ḥayḍ cycle. This is the same concept that applied to the rulings of prayer as mentioned before.

### Praying and Fasting upon Cessation of Blood<sup>138</sup>

Once a woman's blood ceases, different rules apply depending on the exact time of cessation. According to this categorization, we shall first discuss the rules for ḥayḍ followed by the rules for nifās.

#### 1) Blood ceases before 3 days:

- a. Prayer: She **must** delay her prayer as long as she still has enough time to make *wuḍū'* and complete her prayer.

The reason *wuḍū'* is mentioned here is because blood that has not exceeded 3 days is not considered to be ḥayḍ. Therefore, it will not be necessary for her to make *ghusl*; rather, it will suffice to just make *wuḍū'* before beginning her prayer.

❖ "Delaying" here refers to delaying the prayer up to the recommended times for prayer. It does not mean one should delay one's prayer until the *makrūh* (reprehensible) time falls in for a certain prayer such as the final few minutes of `Aṣr prayer before Maghrib comes in.<sup>139</sup> Of course, if a woman's blood ceases at such a time, then she should make *wuḍū'* (or *ghusl*) and pray immediately even if it is during the *makrūh* time.

- b. Fast: If blood ceases before Fajr time, then she may make an intention and begin her fast. If blood ceases during the day, she must abstain from food and drink in order to imitate others who are fasting.

<sup>137</sup> Ibid., p. 206

<sup>138</sup> Ibid., p. 205-208

<sup>139</sup> Ibid., p. 205

- 2) Blood ceases after 3 days before habit is reached: The same rules apply as above; however, she will make *ghusl* here instead of *wuḍū'* since her blood was over 3 days establishing a genuine ḥayḍ.<sup>140</sup>
- 3) Blood ceases after crossing habit: The same rule applies here as in the previous scenario; however, it is only **recommended** for her to delay her prayer in this scenario, and it is not a must.

The rulings for nifās are the same as the rulings for ḥayḍ. The only difference is that the ruling of performing *wuḍū'* for the first scenario (before 3 days) does not apply here as there is no minimum for nifās, so we will not need to wait 3 days to establish that this blood is for nifās; rather, it will be established from the first time she sees blood after delivery. As such, it will always be necessary for her to make *ghusl* instead of *wuḍū'*.

Before we continue, we would like to point out that if a woman is experiencing continuous blood (as explained in the previous chapter), then she will have to pray and fast during all days labeled as her ḥayḍ and leave prayer and fasting during all days labeled as her tuhr, even if she is apparently bleeding during these days.<sup>141</sup>

#### **Status of Fasts and Prayers after Return of Blood<sup>142</sup>**

It is important to note that in all cases where blood had returned after cessation, it will be necessary to make up only the fasts that were kept after cessation (and not the prayers). The reason for this is that once blood returns (and also exceeds 3 days for ḥayḍ), it is established that the blood she had was a part of her ḥayḍ or nifās. Therefore, all prayers and fasts that were kept after cessation until the return of blood have been invalidated as they were kept during her ḥayḍ or nifās.

As a principle, a woman experiencing menses does not have to make up any missed prayers, but she must make up any fasts she had missed during such a period.<sup>143</sup> In this situation, although she kept her fasts, they were kept during a period where she was unsure if it was a part of her ḥayḍ or not. Once it was established that this period (where she kept her fast) was a part of her ḥayḍ period, all prayers and fasts during such a period were invalid. Now, she is liable to make up those fasts as they never counted initially.

This does not mean she will be held responsible for keeping these fasts during her menstrual period as she was unaware of whether such a period would be a part of ḥayḍ in the future. Furthermore, if the blood had not returned then it would mean that this period of blood

<sup>140</sup> In order to come out of one's ḥayḍ and begin praying a woman must make *ghusl*, not *wuḍū'*. Since the blood was below 3 days in the previous scenario, it was never considered to be ḥayḍ; rather, it was regarded to be *istiḥādah*, which only necessitates *wuḍū'*, not *ghusl*.

<sup>141</sup> Ibn 'Ābidīn, *Manḥal*, p. 216

<sup>142</sup> Ibid., p. 206

<sup>143</sup> Ibn 'Ābidīn, *Radd*, v. 1 p. 291

was not ḥayḍ and it was compulsory on her to fast. Due to this reason, she is commanded to perform her acts of worship during such a period on the off chance that such blood is not a part of her ḥayḍ.

## Chapter VII – Rulings for a Mutaḥayyirah (The Perplexed Woman)

### Part One: Iḍlāl `Ām

As already discussed in chapter four, a mutaḥayyirah refers to a woman who has forgotten her habit *`adadan* (i.e. the actual number of days), *makānan* (i.e. the time of the month when she would have her menses), or both in regards to ḥayḍ or nifās.<sup>144</sup> As such, the jurists have categorized a mutaḥayyirah in relation to what she does or does not remember as follows:

- 1) Iḍlāl `Ām (General): When a woman has forgotten her habit both *`adadan* and *makānan*. This category may also include situations that are close to Iḍlāl `Ām such as a situation where a woman knows the number of days for her ḥayḍ and/or ṭuhr, but she does not remember at all what time of the month she has her period.<sup>145</sup> We may also refer to this as the category of “Near Iḍlāl `Ām”.
- 2) Iḍlāl Khāṣ (Specific): When a woman has forgotten her habit either *`adadan* or *makānan*.

**Comment [H22]:** Pick a better name. Also change from Set IV, Set V, and beginning of next chapter regarding difference between this and Iḍlāl Khāṣ makānan.

In this chapter, we will discuss the rulings pertaining to Iḍlāl `Ām along with detailed explanations of various situations.

#### General Rule for a Mutaḥayyirah

Generally speaking, if a mutaḥayyirah has a good idea (or *ghalabat al-ẓan*) about when her ḥayḍ usually occurs and how many days it lasts, then she may act accordingly based on her individual judgment regarding the times of her menses. Otherwise, wherever and whenever she is doubtful whether it is ṭuhr or not, she should pray and fast on those days.<sup>146</sup> However, this rule will not apply if she has forgotten her habit completely *`adadan* or *makānan*.

#### `Iddah for a Mutaḥayyirah

When dealing with Iḍlāl `Ām, the days of her ṭuhr and ḥayḍ will not be specified (to a specific number) in any situation except for her *`iddah* (post marital waiting period which is equal to three menstrual cycles).

For example, if a woman has forgotten her habit completely and she is issued a divorce by her husband, then her ḥayḍ will be set to 10 days and her ṭuhr will be set to a second before totaling 6 months. However, since there is a possibility that she was issued the divorce right after she started her menstrual cycle, we will add about 10 more days (i.e. a second before totaling 10

<sup>144</sup> Ibn `Ābidīn, *Manḥal*, p. 133

<sup>145</sup> It is very important to understand this point when differentiating between Iḍlāl `Ām and Iḍlāl Khāṣ because a woman who remembers that her ḥayḍ used to occur during a certain portion of the month (e.g. somewhere during the first 10 days) is classified as Iḍlāl Khāṣ and not Iḍlāl `Ām. To be classified as Iḍlāl `Ām, the woman must not remember at all what time of the month she experiences her ḥayḍ. (Ibid., p. 254)

<sup>146</sup> Ibid., p. 229

days) to the entire waiting period. In total, her *`iddah* will be 19 months and 4 seconds before totaling 10 days.<sup>147</sup>

It is important to note that the *ḥayḍ* in which the divorce was issued will not count as a part of the three menstrual periods for a valid *`iddah*; therefore, only the next three menstrual periods will taken into account. For the sake of ease, we have provided two explanatory charts below:

#### Step-by-Step Chart

Phase	Total Time Per Phase
Possible divorce given a second after <i>ḥayḍ</i> began	10 Days – 1 Second
6-month <i>ṭuhr</i> minus a second	6 Months – 1 Second
10-day <i>ḥayḍ</i>	10 Days
6 month <i>ṭuhr</i> minus a second	6 Months – 1 Second
10-day <i>ḥayḍ</i>	10 Days
6 month <i>ṭuhr</i> minus a second	6 Months – 1 Second
10-day <i>ḥayḍ</i>	10 Days

#### Totals Chart

Collective Phases	Total Per Collective Phase
Three 6-Month <i>ṭuhr</i> – 3 Seconds	18 Months – 3 Seconds
One 10-Day <i>Ḥayḍ</i> – 1 Second	10 Days – 1 Second
Three 10-Day <i>Ḥayḍ</i>	30 Days (1 Month)
<b>FINAL TOTAL</b>	
<b>19 Months, 10 Days, Minus 4 Seconds</b>	

It is also important to take note that if a man gives a woman a revocable divorce (*ṭalāq raj`ī*), then his right to take his wife back (also known as *ḥaqq al-raj`ah*) will be terminated after 39 days even though the full *`iddah* will be according to the numbers above. This ruling is also issued due to precaution (*iḥtiyāt*) since the following possibilities exist:

- Her *ḥayḍ* is only 3 days long.
- Her *ṭuhr* is only 15 days long.
- The divorce was issued right before her next *ḥayḍ* cycle commenced.

Due to these possibilities, we will terminate the right of *raj`ah* after 39 days; 9 days consisting of 3 *ḥayḍ* with two 15-day *ṭuhr* in the middle.<sup>148</sup>

<sup>147</sup> Ibid.

<sup>148</sup> Ibid., p. 253



## Prohibited Acts<sup>149</sup>

Since a woman classified as *Idlāl ʿĀm* does not remember her habit at all, there are certain restrictions placed on her due to the fact that there is a possibility that she might be in a state of *ḥayḍ* at any given time. These prohibitions are as follows:

- 1) Entering the Masjid<sup>150</sup>
- 2) All types of *ṭawāf* in Hajj except *ṭawāf al-ifādah*<sup>151</sup> and *ṭawāf al-ṣadar*<sup>152</sup>.

❖ Note: If a *mutaḥayyirah* performs her *ṭawāf al-ifādah*, she must again make a second *ṭawāf al-ifādah* after ten days have passed. This is so that we can be sure that at least one of the two *ṭawāf* was performed at a time when she was out of her *ḥayḍ* with certainty.<sup>153</sup> It will not be necessary to repeat the *ṭawāf al-ṣadar* since it is not *wājib* on a menstruating woman to perform this *ṭawāf*.<sup>154</sup>

- 3) She may not touch the Qurʾān.
- 4) She may never have intercourse.
- 5) She may not read Qurʾān outside of prayer.
- 6) She may not perform *nafl* prayers or keep *nafl* fasts; however, she may perform *farḍ*, *wājib*, and *sunnah muakkadah* prayers.
  - When reading her prayers, a *mutaḥayyirah* should only read *Sūrah al-Fātiḥah* and a short *sūrah* in the first two *rakʿahs*. In the last two *rakʿahs* (or last one *rakʿah* for *Witr* and *Maghrib*), she should not read any *sūrah* (such as in the third *rakʿah* for *Witr* or the last two *rakʿahs* of her *farḍ* prayers). However, she may read all types of *duʿāʾ* and *adhkār*.

<sup>149</sup> Ibid., p. 230-232

<sup>150</sup> This prohibition is overlooked in the case of *ṭawāf* as discussed in the next prohibition. A similar exception is made for certain types of prayers as discussed under prohibition number six. The reason for this is that a woman is not excused from *farḍ* or *wājib* acts simply due to a “possibility” that she may be in the state of *ḥayḍ*. See *Manḥal al-Wāridīn* (p. 230).

<sup>151</sup> Also known as *ṭawāf al-rukʿn*, *ṭawāf al-Hajj*, and *ṭawāf al-ziyārah*.

<sup>152</sup> Also known as *ṭawāf al-widāʾ*.

<sup>153</sup> For example, if she performed the *ṭawāf* on the 1<sup>st</sup> on January and redid the *ṭawāf* on the 11<sup>th</sup>, then either she was in the middle of her *ḥayḍ* cycle on the 1<sup>st</sup> or on the 11<sup>th</sup>. It is impossible for her to have had *ḥayḍ* both on the 1<sup>st</sup> and 11<sup>th</sup> because a total of ten days have passed since then. And as we have discussed before, the maximum limit for *ḥayḍ* is ten days. If she happened to have been in the middle of her *ḥayḍ* cycle on the 1<sup>st</sup>, then by the 11<sup>th</sup> she is on the 11th day, which must be a part of the *ṭuhr*. Conversely, if she was in the middle of her *ḥayḍ* on the 11<sup>th</sup>, she must have been in the middle of her *ṭuhr* period on the 1<sup>st</sup> as it is 11 days before this cycle. So even if the 11<sup>th</sup> was her tenth day of *ḥayḍ*, it would make her first day of *ḥayḍ* as the 2<sup>nd</sup> and anything before it (such as the 1<sup>st</sup>) as a *ṭuhr*.

<sup>154</sup> In other words, she performed the *ṭawāf* either when she was in a state of *ṭuhr* or in a state of *ḥayḍ/nifās*. If she was in a state of *ṭuhr*, then the *ṭawāf* counted. If she was in a state of *ḥayḍ* or *nifās*, then it was not necessary on her to perform it anyway.

## Rulings for Prayer<sup>155</sup>

When discussing the rulings for *Iḍlāl Ḍām*, even though a woman does not remember her *ḍadah* exactly, we will still make an assumption that she has at least somewhat of an idea regarding the time of her ḥayḍ. If she does not remember anything at all, then the implications of such a scenario are very strict as will be discussed below.

In regards to prayer, a woman will analyze the time of the month and make an educated guess regarding the status of her ḥayḍ in a certain time period during the month. Based on her doubts regarding a certain timeframe, she will act on the following principles for each day:

- 1) She doubts whether this is a time period when she is in her ṭuhr or she is about to enter her ḥayḍ: She will make *wuḍūʾ* whenever a new prayer time sets in before performing her prayer.

Example: A woman who has forgotten her habit remembers that she used to have her periods during the second half of each month. This woman will pray regularly during the first half of the month and in the second half, she will make *wuḍūʾ* whenever a new prayer time sets in before performing her prayer.

Note<sup>156</sup>: This does not mean she will make *wuḍūʾ* for each *type* of prayer. Once she has made *wuḍūʾ* after a certain time of prayer sets in, she may continue to pray all types of prayers (i.e. *farḍ*, *sunnah*, *nafl*) until the time for that prayer expires. Thereafter, she will need to make a fresh *wuḍūʾ* if she intends on performing another prayer.<sup>157</sup>

- 2) She doubts whether this is a time period when she is in her ṭuhr or she is leaving (or finishing) her ḥayḍ (and entering into a new ṭuhr): She will make *ghusl* whenever a new prayer time sets in before performing her prayer. When the next prayer time sets in, she must perform *ghusl* and perform the previous prayer once more before performing the prayer designated for that specific time.

Example: A woman who has forgotten her habit remembers that her period would usually end somewhere during the last week of each month. During the last week of each month, this woman must make *ghusl* whenever a new prayer time sets before performing her prayer and repeat this prayer once again (after performing *ghusl*) when the next prayer time sets in. For example, when the time for *Zuḥr* sets in, she must make *ghusl* and perform the *Zuḥr* prayer (along with all *sunnahs*). When the time for *ʿAṣr* sets in, she must make *ghusl* and repeat her *Zuḥr* prayer before performing the *ʿAṣr* prayer.

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<sup>155</sup> Ibid., p. 232-234

<sup>156</sup> The following is a general ruling for those who are classified as *maḍdhūr*. The details have been omitted as they do not apply to our discussion.

<sup>157</sup> Ibn ʿĀbidīn, *Radd*, v. 1 p. 553

Note: The reason for repeating her prayer during the next prayer time is due to the possibility that she may have had ḥayḍ during the beginning of the first prayer time, but she became pure before the time finished. This would mean that she performed the first prayer when she was still in a state of ḥayḍ, which she should have been excused from, but due to the possibility of her becoming pure during the final minutes of that prayer time it became obligatory on her to repeat that prayer. Now, when the next prayer time sets in, we can be sure that she performed that prayer (which became *fard* on her at the end of the previous prayer time) during a time where she was pure.<sup>158</sup>

- 3) She does not remember anything at all: The ruling from scenario two will apply to her until she can maintain a regular ḥayḍ habit or she remembers some portion of her *`ādah*.<sup>159</sup>

### Rulings for Sajdat al-Tilāwah<sup>160</sup>

If a mutaḥayyirah from the category of Iḍlāl `Ām hears a verse of *sajdah*, then one of the following two scenarios will apply:

- 1) She performs the *sajdah* right when she hears the verse: Her obligation of performing the *sajdah al-tilāwah* will be complete.

This is because she performed the *sajdah* while she was in a state of ṭuhr or she performed it while she was in a state of ḥayḍ. In the former state, her obligation was successfully completed. In the latter state, she never had to perform the *sajdah* anyway.

- 2) She delays in performing the *sajdah*: She will have to repeat this *sajdah* 10 days later because there is a possibility that the *sajdah al-tilāwah* became *wājib* on her while she was in a state of ṭuhr, but by the time she performed the *sajdah* she was in the state of ḥayḍ.<sup>161</sup> Now that she performed it again after ten days, we can be sure that one of the two *sajdah* was performed at a time when she was pure as there was a 10 day period between the two days.

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<sup>158</sup> Ibn `Ābidīn, *Manhal*, p. 234

<sup>159</sup> Ibid., p. 233

<sup>160</sup> Ibid., p. 234

<sup>161</sup> Although this possibility also exists within the first scenario, we will not take it into consideration since she performed the *sajdah* right after hearing it leaving a very short timeframe in between.

### **Rulings for Qaḍā' Prayer<sup>162</sup>**

If a mutaḥayyirah from the category of Iḍlāl `Ām wishes to perform her Qaḍā' prayers, then after praying her Qaḍā', she must repeat the prayer once again after ten days but before fifteen days are complete.

This is due to the possibility that she performed the original Qaḍā' on the final day of her ḥayḍ and after 15 days, her next ḥayḍ cycle might return. In other words, she performed the first Qaḍā' on the 10th day of her ḥayḍ, which was followed by a (minimum) 15 day ṭuhr period before her next cycle began. If she were to delay the second Qaḍā' past 15 days, then there is a possibility that she is performing that Qaḍā' again in another cycle of ḥayḍ.

### **Rulings for Fasting – How to Fast for the Month of Ramaḍān<sup>163</sup>**

The general ruling for a mutaḥayyirah classified as Iḍlāl `Ām is that she always performs her fast in the month of Ramaḍān without leaving a single day out since each day there is a possibility of her being pure. Furthermore, since there is an equal possibility of her having ḥayḍ during the month, she must make Qaḍā' of these fasts as well. However, the exact number of fasts she has to make up depends on the following factors:

- 1) Whether she knows her ḥayḍ appears once a month or not.
- 2) Whether she knows that her ḥayḍ begins at nighttime, in the daytime, or she doesn't know either.
- 3) Whether it is a complete month (30 days) or not (29 days).
- 4) Whether she makes Qaḍā' *mawṣūlan* (altogether) or *maḥṣūlan* (separately).
  - *Mawṣūlan* (altogether) here means that she makes up her fast right after Ramaḍān ends skipping the first day of Shawwāl as it is not permissible to fast on that day.

In any case, the Qaḍā' will equal to twice the number of days she had ḥayḍ.<sup>164</sup> Furthermore, in all cases we are taking the most cautious approach as to ensure that she has successfully made Qaḍā' for each and every day.<sup>165</sup>

Now, we shall discuss each possible scenario along with its associated rulings.

### **Set I: Menses May Occur more than Once a Month - Menses Begin during Daytime or Timing is Unknown**

Before continuing, it is important to keep in mind that in each of the following scenarios we have assigned the mutaḥayyirah a pattern that will result in the highest number of missed

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<sup>162</sup> Ibid., p. 235

<sup>163</sup> Ibid., p. 235

<sup>164</sup> This is due to the fact that we are using the most cautious scenario. For more clarity, refer to the explanation and chart for scenario number one.

<sup>165</sup> This means that other possibilities (or combinations) do exist where she will have to make Qaḍā' of a lesser number of days, but in matters of *ibādāt* we prefer to take the more cautious approach.

fasts so that we can ensure that she has definitely fulfilled her obligation. This is due to the reason that in acts of worship, we always approach the matter from the most cautious angle.

**Scenario I<sup>166</sup>:** The woman does not know if her ḥayḍ is once a month or not. She either knows her ḥayḍ begins during daytime or she doesn't know whether it begins at nighttime or daytime. The month was complete (i.e. 30 days) and she makes up her fasts *mawṣūlan* (altogether).

Solution: After completion of Ramaḍān, she will make Qaḍā' for 32 days from the 2<sup>nd</sup> of Shawwāl until the 4<sup>th</sup> of Dhū 'l-Qa`dah.

Explanation: Since she experienced 16 days of ḥayḍ during the month of Ramaḍān<sup>167</sup>, she will have to make Qaḍā' of twice the amount of days, i.e. 32 days.

Below we have provided an example of a woman whose ḥayḍ begins on the first of Ramaḍān as this is the most cautious example resulting in the most days of Qaḍā'.

Before reading the chart, keep the following points in mind:

- A black day refers to a day she experienced ḥayḍ.
- A white day refers to a day she was experiencing ṭuhr. Since we do not know how long her ṭuhr is, we will be going by the minimum ṭuhr limit (i.e. 15 days) since that is the more cautious approach since it results in more days of ḥayḍ.
- The grayed out portion means that her ḥayḍ began in the day time; therefore, the fast for that day did not count as well. In the event the woman does not know whether her ḥayḍ begins in daytime or nighttime, we have chosen the former (daytime) by default as it is the more cautious view.<sup>168</sup>

Ramaḍān					
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

<sup>166</sup> Ibid., p. 236-237

<sup>167</sup> In other words, 16 days of fasts were invalid due to the ḥayḍ.

<sup>168</sup> Choosing daytime means that her fast will be invalidated by her ḥayḍ since she (hypothetically) started having blood right in the middle of her fast. This means there will be more days for her to make Qaḍā' of.

### Shawwāl

1 Eid Day	2 Begins Qaḍā'	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	
Beginning of Dhū 'l-Qa`dah					
1	2	3	4 Final Day of Qaḍā'		

Summary: Based on this scenario, in the month of Ramaḍān a **total of 16 days** did not count. The **2<sup>nd</sup> to the 10<sup>th</sup>** and the **27<sup>th</sup> to the 30<sup>th</sup>** (i.e. a total of 13 days) did not count as they were days of full ḥayḍ. The **1<sup>st</sup> and 16<sup>th</sup>** did not count either as she began fasting during her ṭuhr, but in the middle of the day she had blood which invalidated her fasts for those days. The fast on **the 11<sup>th</sup>** did not count as she was unable to fast on this day since she was having blood up till midday before her blood ceased. Therefore, she wasn't even able to begin her fast for that day.

Since she missed a total of 16 days, she must now make them up in the next month. Based on the scenario we have chosen, she will have to fast for a total of 32 days in order to make up the 16 days. The reason for this is clear if one observes the chart above. All fasts kept from the 2<sup>nd</sup> to the 6<sup>th</sup> of Shawwāl<sup>169</sup> and the 22<sup>nd</sup> of Shawwāl to the 2<sup>nd</sup> of Dhū 'l-Qa`dah were also invalid. This means that a total of 16 fasts were invalid in the month of Shawwāl as well along with one two fasts during the month of Dhū 'l-Qa`dah. In other words, only 14 fasts counted in the month of Shawwāl. In order to complete the full 16 days, she will have to fast two more days where she was not experiencing any blood, i.e. the 3<sup>rd</sup> and 4<sup>th</sup> of Dhū 'l-Qa`dah.

In the end, she will have to fast a total of 32 days after the month of Ramaḍān from the 2<sup>nd</sup> of Shawwāl till the 4<sup>th</sup> of Dhū 'l-Qa`dah in order to make up for the 16 days of missed fasts during the month of Ramaḍān.

- ❖ Reminder: This is all under the assumption that we are taking the most cautious scenario where we assume she has 10-day ḥayḍ cycles and 15-day ṭuhr cycles continuously starting from the 1<sup>st</sup> of Ramaḍān.

<sup>169</sup> As explained above, we are not counting the 1<sup>st</sup> of Shawwāl since it is impermissible to fast on that anyway because it is the day of 'Īd.

**Scenario II<sup>170</sup>:** Similar to the previous scenario except that she makes up her fasts *maḥṣūlan* (separately).

Solution: After completion of Ramaḍān, she will make Qaḍā' for 38 days.

Explanation: This number is based on two assumptions made in order to reach the maximum number of days for qaḍā':

- 1) Ramaḍān began with the first day of her ḥayḍ resulting in a total of 16 days of invalid fasts as explained in the previous example.
- 2) After Ramaḍān ended, she delayed in making up her fasts until such a day where the first day of her qaḍā' coincided with the first day of her ḥayḍ based on our hypothetical situation of following a continuous pattern of 10 days ḥayḍ and 15 days ṭuhr.

For the sake of ease, we have provided a chart below. Please note that a hyphen has been used to denote days where she did not make up her fasts:

#### Ramaḍān

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

#### Shawwāl

1 Eid Day	2	3	4	5	6
-	-	-	-	-	-
-	-	-	-	-	-

<sup>170</sup> Ibid., p. 236-237

-	-	21 Begins Qaḍā'	22	23	24
25	26	27	28	29	

#### Dhū 'l-Qa`dah

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29 Final Day of Qaḍā'	-

Summary: As explained under scenario one, since a total of 16 days were invalid during the month of Ramaḍān, it is necessary for her to make up these 16 days. The main point of consideration here is the fact that she does not begin making up her fasts right after Ramaḍān (i.e. from the 2<sup>nd</sup> of Shawwāl as it is impermissible to fast on the day of Eid); rather, she begins on the 21<sup>st</sup> of Shawwāl which also coincides with the first day of her ḥayḍ (based on our second assumption). Due to this reason, she is only able to make up a total of 16 fasts by fasting consecutively for 38 days until the 29<sup>th</sup> of Dhū 'l-Qa`dah. This may be broken down as follows:

**21<sup>st</sup> (Shawwāl) – 2<sup>nd</sup> of Dhū 'l-Qa`dah:** 11 days of fasts did not count as they were kept during the days of her ḥayḍ (based on our hypothetical pattern sequence).

**3<sup>rd</sup> of Dhū 'l-Qa`dah – 16<sup>th</sup>:** 14 days of fasts counted as they were kept during the days of her ṭuhr.

**17<sup>th</sup> – 27<sup>th</sup>:** 11 days of fasts did not count as they were kept during the days of her ḥayḍ.

**28<sup>th</sup> – 29<sup>th</sup>:** 2 days of fasts counted as they were kept during her ṭuhr.

**Total:** 22 days of fasts were kept during her ḥayḍ making them invalid and 16 days of fasts were kept during her ṭuhr making them valid. In total, she kept her fast for a total of 38 days.



The scenario above (resulting in 38 days) has been provided as a guideline for the sake of taking the most precautionous scenarios. However, it is obvious that if the woman began her fasts anywhere before the 21<sup>st</sup>, then she would have to keep fasts for a lesser number of days.

Generally speaking, one should advise a woman to keep 38 fasts in total if she plans to keep them on separate days; however, if a woman is capable of calculating her days based on this general pattern of 10-days ḥayḍ and 15-days ṭuhr, then she may keep her fasts accordingly.<sup>171</sup>

**Scenario III<sup>172</sup>:** Similar to scenario one where she makes up her fast *mawṣūlan* (altogether) except that the month of Ramaḍān is 29 days instead of 30 days.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 32 days from the 2<sup>nd</sup> of Shawwāl until the 3<sup>rd</sup> of Dhū 'l-Qa'dah.

Explanation: The explanation provided in scenario one may also apply here; however, in this situation, since the month of Ramaḍān was 29 days, only 15 of her fasts were invalid and not 16 like the previous two scenarios. In the end, she must make up these 15 days of fasts. The end result is the same, i.e. she must fast for 32 days, but the method of reaching such an outcome is different. Please see the chart below for more clarity.

#### Ramaḍān

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	

#### Shawwāl

1 Eid Day	2 Begins Qaḍā'	3	4	5	6
7	8	9	10	11	12

<sup>171</sup> This is not advised due to the complexity of such calculations. For more information, see *Manḥal al-Wāridīn* (p. 238-239).

<sup>172</sup> Ibid., p. 240

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30
Beginning of Dhū 'l-Qa`dah					
1	2	3	Final Day of Qaḍā'		

Summary: In the month of Ramaḍān a **total of 15 days** did not count; the **1<sup>st</sup> to the 11<sup>th</sup>** and the **26<sup>th</sup> to the 29<sup>th</sup>** (i.e. a total of 15 days).

In the month of Shawwāl, if she begins making up her fasts *mawṣūlan* (altogether from the 2<sup>nd</sup> of Shawwāl), fasts kept from the 2<sup>nd</sup> of Shawwāl to the 7<sup>th</sup> and 22<sup>nd</sup> of Shawwāl to the 2<sup>nd</sup> of Dhū 'l-Qa`dah will be invalid as they fall under the days of her ḥayḍ. On the other hand, the fasts that she kept from the 8<sup>th</sup> of Shawwāl to the 21<sup>st</sup> along with the 3<sup>rd</sup> of Dhū 'l-Qa`dah will be valid as they were kept during the days of her ṭuhr (based on our hypothetical scenario), thus completing 15 days of qaḍā'.

- ❖ Please take note that the month of Shawwāl is 30 days in this example as opposed to 29 days in scenario one in order to reflect a more practical example. In either case, the number of makeup fasts will equal to 32 days in total.

**Scenario IV<sup>173</sup>:** Similar to scenario three except that she makes up her fasts *maḥṣūlan* (separately).

Solution: After completion of Ramaḍān, she will make Qaḍā' for 37 days.

Explanation: The explanation from scenario two may apply here as well. The only difference to keep in mind is that since Ramaḍān was 29 days, the number of invalid fasts equaled to 15 days as opposed to 16 days. Therefore, she is making up 37 days instead of 38 days.

## Set II: Menses May Occur more than Once a Month - Menses Begin during Nighttime

The following set of scenarios deals with a situation where a mutaḥayyirah knows that her menses usually begin during the night. The main difference such a detail makes is the fact that each of her menstrual cycles will only result in 10 days of invalid fasts as opposed to 11 days in the previous set. The reason for this is that in the previous set, since her menses would begin midday, the fast for that day would be invalidated adding an extra 11<sup>th</sup> day to the total

<sup>173</sup> Ibid.

number of invalid fasts. On the other hand, if her menses begin during the night, the fast for that day would be complete since the menses began after the time of *ifṭār* had already set in. Now that this is understood, we shall commence with explaining the rulings for the different scenarios that fall under this set.

**Scenario I<sup>174</sup>:** The woman does not know if her ḥayḍ is once a month or not. She knows that her ḥayḍ begins during the night. The month was complete (i.e. 30 days) and she makes up her fasts *mawṣūlan* (altogether) or *maṣṣūlan* (separately).

In this scenario, we will assume that Ramaḍān began at a time when she had already experienced 5 days of ḥayḍ before Ramaḍān with 5 more days left. In other words, her Ramaḍān began with 5 days of ḥayḍ. Thereafter, she follows a pattern of 15-days ṭuhr and 10 days ḥayḍ.<sup>175</sup>

Solution: After completion of Ramaḍān, she will make qaḍā' for 25 days.

Explanation One (*mawṣūlan*): She will make qaḍā' from the 2<sup>nd</sup> of Shawwāl until the 26<sup>th</sup> if she makes up her fasts *mawṣūlan*.

In total, 15 days of fasts were invalid and 15 days were valid. This would mean that she must make up 15 days after the month of Ramaḍān. If she is keeping her fasts *mawṣūlan* (right from the 2<sup>nd</sup> of Shawwāl), then she must fast for 25 days until the 26<sup>th</sup> of Shawwāl, thus completing 15 days of valid fasts. Consider the chart below.

Ramaḍān					
1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

Shawwāl					
1	2	3	4	5	6
Eid Day	Begins Qaḍā'				

<sup>174</sup> Ibid., p. 236-237

<sup>175</sup> As explained before, we always take the most cautious approach in matters of worship. Since this pattern results in the highest number of invalid fasts, we have chosen to issue a ruling based on this specific hypothetical scenario.

7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26 Final Day of Qaḍā'	-	-	-	

Summary: In the month of Ramaḍān, 15 fasts were invalid; the 1<sup>st</sup> to the 5<sup>th</sup> and the 21<sup>st</sup> to the 30<sup>th</sup>. Since she cannot fast on the day of Eid, she begins making up her fasts from the 2<sup>nd</sup>. From the 2<sup>nd</sup> of Shawwāl to the 15<sup>th</sup>, she is able to make up 14 days of her fasts while she is in a state of ṭuhr leaving one more fast that has yet to be made up. The fasts from the 16<sup>th</sup> to the 25<sup>th</sup> will be invalid as they fall under the days of her ḥayḍ. On the 26<sup>th</sup>, her ḥayḍ ends and she is able to make up her final 15<sup>th</sup> fast.

Explanation Two (*maḥṣūlan*): Similar to the previous explanation, she will again make qaḍā' for 25 days. In this situation, we will make an assumption that her makeup fasts coincided with the first day of her ḥayḍ cycles. In other words, she began making up her fasts on the first day of her ḥayḍ.

Summary: She must make up 15 days of fasts. The first 10 days coincided with her ḥayḍ whereas the next 15 days of fasts coincided with the days of her ṭuhr. Therefore, while the first 10 days were invalid the next 15 days were valid, thus totaling 25 days.

**Scenario II<sup>176</sup>**: Similar to the previous scenario except that the month was incomplete (i.e. 29 days) instead of 30 days and she makes up her fasts *mawṣūlan* (altogether) only.

In this scenario, we will assume that Ramaḍān began during her ṭuhr and she experienced ḥayḍ from the night of the 6<sup>th</sup> to the night of the 16<sup>th</sup> (i.e. fasts from the 7<sup>th</sup> to the 16<sup>th</sup> did not count). Thereafter, she follows a pattern of 15-days ṭuhr and 10 days ḥayḍ.

Solution: After completion of Ramaḍān, she will make qaḍā' for 20 days.

Explanation: She will make qaḍā' from the 2<sup>nd</sup> of Shawwāl until the 21<sup>st</sup> (i.e. a total of 20 days).

Since 10 of her fasts in Ramaḍān were invalid, i.e. from the 7<sup>th</sup> to the 16<sup>th</sup>, she will need to make up these 10 fasts. In the month of Shawwāl, she is able to make up one fast on the 2<sup>nd</sup> before her ḥayḍ returns. Thereafter, she fasts for another 9 days during her ṭuhr to complete the full 10 makeup fasts. This results in a total of 20 days of fasts. Consider the following chart.

### Ramaḍān

<sup>176</sup> Ibid., p. 242

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	

### Shawwāl

1 Eid Day	2 Begins Qaḍā'	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21 Final Day of Qaḍā'	-	-	-

**Scenario III<sup>177</sup>**: Similar to the previous scenario except that she makes up her fasts *maḥṣūlan* (separately from Ramaḍān).

In this scenario, we will assume that Ramaḍān began on the first day of her ḥayḍ. This means that the first ten fasts of Ramaḍān were invalid. Thereafter, the next fifteen were valid as they were kept during her ṭuhr. Finally, the last 4 days were also invalid since her next cycle had begun. In the end, there were a total of 14 invalid fasts.

**Solution**: After completion of Ramaḍān, she will make qaḍā' for 24 days.

**Explanation**: In this situation, we will again assume that her makeup fasts coincided with the first day of her ḥayḍ cycles. Therefore, the first 10 fasts were invalid since they were kept during her ḥayḍ and the next 14 were valid since they were kept during her ṭuhr, thus totaling 24 days.

<sup>177</sup> Ibid., p. 243

### Summary Chart for Set I and Set II<sup>178</sup>

Below is a chart that summarizes the ruling for all scenarios where a woman does not know how many times her ḥayḍ occurs in a single month.

	Ramaḍān is 30 Days		Ramaḍān is 29 Days	
	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan
Menses Begin in Daytime <sup>179</sup>	32	38	32	38
Menses Begin at Night	25	25	20	24

### Set III – Menses Occur Once a Month<sup>180</sup>

In set one and two, we discussed such a case where the woman did not know whether her menses occur once a month or not. In this set, we will discuss the case of a woman who knows that her menses used to occur once a month.

**Scenario I<sup>181</sup>:** The woman knows that her ḥayḍ occurs once a month. She either knows her ḥayḍ begins during daytime or she doesn't know whether it begins at nighttime or daytime.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 22 days *mawṣūlan* or *maḥṣūlan*, regardless of whether the month of Ramaḍān was 30 days or less.

Explanation: Since her menses occur only once a month, it means that only 11 days of her fasts will be invalid during the month of Ramaḍān.<sup>182</sup> After Ramaḍān, since there is a possibility that her makeup fasts coincide with her menses, she must make up an extra 11 days during her ṭuhr. In other words, her first 11 makeup fasts were kept during her ḥayḍ making them invalid; therefore, she must keep another 11 days of makeup fasts afterwards so we can be sure that at least one of the 11 fasts were kept outside of her ḥayḍ, thus totaling 22 days.

**Scenario II<sup>183</sup>:** The woman knows that her ḥayḍ occurs once a month. She also knows that her menses begin during nighttime.

<sup>178</sup> This chart has been extracted from *Manḥal al-Wāridīn*, p. 244 (Dār al-Fikr, 2005). The original chart was written in Arabic and appended to the text of Ibn 'Ābidīn by the editors of the book.

<sup>179</sup> The ruling for not knowing whether menses begin during daytime or nighttime also fall under this category.

<sup>180</sup> In the Dār al-Fikr version of *Manḥal al-Wāridīn*, the editors have combined Set I and Set II into one making this category Set II. For the sake of clarity, Set I and Set II have been separated in this work and this category has been labeled as Set III.

<sup>181</sup> Ibid., p. 244

<sup>182</sup> 10 days were invalid because those days began while she was already having her menses. The 11<sup>th</sup> day is referring to the first day where her menses began midday invalidating the fast for that day. See explanation under Set One Scenario One for more information.

<sup>183</sup> Ibid., p. 245

Solution: After completion of Ramaḍān, she will make Qaḍā' for 20 days *mawṣūlan* or *maḥṣūlan*, regardless of whether the month of Ramaḍān was 30 days or less.

Explanation: The explanation from the previous scenario may also be applied here. The only difference is that the number of invalid fasts will be 10, not 11 since her menses began during the night.<sup>184</sup> Therefore, she will make up a total of 20 fasts; 10 that may be invalid due to coinciding with her ḥayḍ and 10 during her ṭuhr.

### Summary Chart for Set III<sup>185</sup>

Below is a chart that summarizes the different scenarios under Set III (i.e. when the woman knows that her ḥayḍ occurs once a month).

	Ramaḍān is 30 Days		Ramaḍān is 29 Days	
	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan
Menses Begin in Daytime <sup>186</sup>	22	22	22	22
Menses Begin at Night	20	20	20	20

### Set IV: Near Iḍlāl `Ām – The Number of Days for Ḥayḍ and Ṭuhr Are Known

At the beginning of this chapter, we mentioned that Iḍlāl `Ām may also include situations where a woman knows the number of days for her ḥayḍ and/or ṭuhr, but has completely forgotten the time of the month they occur, i.e. she does not remember what part of the month her ḥayḍ occurs at all. Such a woman falls in a category that is not directly under Iḍlāl `Ām but is near to it, hence it is labeled as “Near Iḍlāl `Ām.” This set along with Set V is aimed at discussing this category of Iḍlāl `Ām.

**Scenario I<sup>187</sup>:** The mutaḥayyirah knows that her ḥayḍ lasts for 9 days and her ṭuhr lasts for 21 days each month.<sup>188</sup> She also knows that her ḥayḍ begins during the night.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 18 days *mawṣūlan* or *maḥṣūlan*, regardless of whether the month of Ramaḍān was 30 days or less.

**Scenario II<sup>189</sup>:** The mutaḥayyirah knows that her ḥayḍ lasts for 9 days and her ṭuhr lasts for 21 days each month. She also knows that her ḥayḍ begins in daytime or she does not know whether it begins in daytime or nighttime.

<sup>184</sup> See explanation under Set Two Scenario One for more information.

<sup>185</sup> This chart has been extracted from *Manḥal al-Wāridīn*, p. 245 (Dār al-Fikr, 2005). This chart is also the work of the editors of this book.

<sup>186</sup> The rulings for not knowing whether menses begin during daytime or nighttime also fall under this category.

<sup>187</sup> Ibid., p. 245

<sup>188</sup> These numbers have only been chosen as an example. Other combinations may also apply. The main point is that she knows the exact number of days.

<sup>189</sup> Ibid.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 20 days *mawṣūlan* or *maḥṣūlan*, regardless of whether the month of Ramaḍān was 30 days or less.

Explanation: In scenario, only one ḥayḍ of 9 days occurs during Ramaḍān invalidating 9 fasts. In the second scenario, it will amount to 10 days. In either case, she will make up twice the amount of days (18 for scenario I and 20 for scenario II) due to the possibility that she makes up her fasts at such a time when her ḥayḍ cycle begins, thus invalidating the first 9 or 10 days. Thereafter, she must keep an equal number of fasts (9 or 10 depending on each scenario) so we can be sure that in at least one of these periods she fasted when she was in a state of ṭuhr.<sup>190</sup>

#### Summary Chart for Set IV<sup>191</sup>

Below is a chart that summarizes the two scenarios mentioned under Set IV (i.e. when the number of days for ḥayḍ and ṭuhr are known).

	Ramaḍān is 30 Days		Ramaḍān is 29 Days	
	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan
Menses Begin in Daytime <sup>192</sup>	20	20	20	20
Menses Begin at Night	18	18	18	18

#### Set V: Near Iḍlāl `Ām – Only the Number of Days for Ḥayḍ Are Known

In Set IV, we discussed a situation where the woman knew the exact number of days for her ḥayḍ and ṭuhr. In this set, we will be discussing the rulings for a woman who only remembers the number of days for her ḥayḍ, but she has forgotten the number of days for her ṭuhr.

As a matter of principle, we will automatically set her ṭuhr to 15 days for each situation as it is the minimum for a ṭuhr and it also results in the highest number of makeup fasts.

**Scenario I<sup>193</sup>:** The mutaḥayyirah knows that her ḥayḍ lasts for 3 days but she has forgotten her habit for ṭuhr, which will now be set to 15 days by default. She also knows that her ḥayḍ begins during the night. The month of Ramaḍān was also complete (i.e. 30 days).

Solution: After completion of Ramaḍān, she will make Qaḍā' for 9 days *mawṣūlan* or *maḥṣūlan*.

Explanation: Based on her pattern of 3-days ḥayḍ and 15-days ṭuhr, a total of six fasts will be invalidated during the month of Ramaḍān. The next pattern of ḥayḍ will occur on the 7<sup>th</sup> of Shawwāl lasting until the 9<sup>th</sup>. If she begins her makeup fasts right after the day of Eid, she will need to fast for a total of 9 days (i.e. until the 10<sup>th</sup>) in order to make up a full six days that are

<sup>190</sup> For more clarity, see the example given under the footnote of prohibition number two of "Prohibited Acts" at the beginning of this chapter.

<sup>191</sup> This chart has been extracted from *Manḥal al-Wāridīn*, p. 246 (Dār al-Fikr, 2005).

<sup>192</sup> The rulings for not knowing whether menses begin during daytime or nighttime also fall under this category.

<sup>193</sup> Ibid., p. 246



outside of her ḥayḍ period since the fasts on day 7, 8, and 9 will be invalid. Consider the chart below.

#### Ramaḍān

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

#### Shawwāl

1 Eid Day	2 Begins Qaḍā'	3	4	5	6 15 <sup>th</sup> Day of Ṭuhr
7	8	9	10 Final Day of Qaḍā'	-	-

**Scenario II**<sup>194</sup>: The mutahayyirah knows that her ḥayḍ lasts for 3 days but she has forgotten her habit for ṭuhr, which will now be set to 15 days by default. She also knows that her ḥayḍ begins during the night. The month of Ramaḍān was only 29 days.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 6 days *mawṣūlan* and 9 days *maṣūlan*.

Explanation One (*mawṣūlan*): If the month of Ramaḍān is 29 days and she makes up her fasts *mawṣūlan*, then based on the previous scenario, instead of her having to make up her last fast (i.e. the sixth fast) on the 10<sup>th</sup>, she will be able to make it up on the 7<sup>th</sup> since her next cycle will begin on the 8<sup>th</sup>. This means that her 15<sup>th</sup> day of ṭuhr will land on the 7<sup>th</sup> instead of the 6<sup>th</sup> because the month of Ramaḍān was one day short. Consider the following chart for Shawwāl.

#### Shawwāl

1 Eid Day	2 Begins Qaḍā'	3	4	5	6 14 <sup>th</sup> Day of Ṭuhr
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<sup>194</sup> Ibid., p. 247

7 Final Day of Qaḍā'	-	-	-	- New Ṭuhr	-
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Explanation Two (*maḥṣūlan*): The end result here will be the same as the first scenario (i.e. she will have to fast for 9 days in order to make up for 6 days) because we will go by the assumption that her first makeup fast coincides with the first day of her ḥayḍ cycle, thus rendering the first 3 days as invalid leaving 6 more days of fasts that must be made up. In total, this will equal 9 days of fasts.

**Scenario III**<sup>195</sup>: The same scenario as the previous examples when the month of Ramaḍān is 30 days except that she either knows her ḥayḍ begins during daytime or she does not know what time her ḥayḍ begins.<sup>196</sup>

Solution: After completion of Ramaḍān, she will make Qaḍā' for 12 days *mawṣūlan* or *maḥṣūlan*.

Explanation One (*mawṣūlan*): In this example, a total of 8 days will be invalid in the month of Ramaḍān. This is because the first day of fast, which began while she was pure, will also be invalidated due to her ḥayḍ cycle beginning midday, thus adding an extra 4<sup>th</sup> day of an invalid fast. If she begins making up her fasts *mawṣūlan* right from the 2<sup>nd</sup> of Shawwāl, she will have to fast for 12 days from the 2<sup>nd</sup> till the 13<sup>th</sup> since she will be having her ḥayḍ from the 7<sup>th</sup> to the 10<sup>th</sup> based on our hypothetical scenario. Consider the chart below.

#### Ramaḍān

1	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

#### Shawwāl

<sup>195</sup> Ibid.

<sup>196</sup> The ruling for not knowing what time her ḥayḍ cycle begins is the same as the ruling for daytime as it is the more cautious opinion that results in a higher number of makeup fasts.

<del>1</del>	2	3	4	5	6
<del>Eid Day</del>	Begins Qaḍā'				
7	8	9	10	11	12
13 Final Day of Qaḍā'	-	-	-	-	-

Explanation Two (*maḥṣūlan*): Since there is a possibility that the first 4 days of her makeup fasts will coincide with her ḥayḍ, she will have to fast for an extra 8 days. In total, this will equal 12 days of fasts.

**Scenario IV<sup>197</sup>**: Similar to the third scenario except that the month of Ramaḍān is 29 days instead of 30 days.

Solution: After completion of Ramaḍān, she will make Qaḍā' for 12 days *mawṣūlan* or *maḥṣūlan*.

Explanation One (*mawṣūlan*): The eventual outcome of this scenario is exactly the same as the third scenario. The only difference is that her next cycle for ḥayḍ in the month of Shawwāl will begin on the 8<sup>th</sup> instead of the 7<sup>th</sup> because Ramaḍān was 29 days instead of 30. Nevertheless, she will again be fasting from the 2<sup>nd</sup> of Shawwāl until the 13<sup>th</sup>. Consider the chart below.

#### Ramaḍān

19	20	21	22	23	24
25	26	27	28	29	

#### Shawwāl

<del>1</del>	2	3	4	5	6
<del>Eid Day</del>	Begins Qaḍā'				
7	8	9	10	11	12
13 Final Day of Qaḍā'	-	-	-	-	-

<sup>197</sup> Ibid.

Explanation Two (*maḥṣūlan*): The explanation here is the same as the explanation in the third scenario. Since there is a possibility that the first 4 days of her makeup fasts will coincide with her ḥayḍ, she will have to fast for an extra 8 days. In total, this will equal 12 days of fasts.

#### Summary Chart for Set V<sup>198</sup>

Below is a chart that summarizes the four scenarios mentioned under Set V (i.e. when only the number of days for ḥayḍ are known).

	Ramaḍān is 30 Days		Ramaḍān is 29 Days	
	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan	Fasts kept Mawṣūlan	Fasts kept Maḥṣūlan
Menses Begin in Daytime <sup>199</sup>	12	12	12	12
Menses Begin at Night	9	9	6	9

#### Rulings for Fasting – How to Make Qaḍā’ for the Fasts of Ramaḍān<sup>200</sup>

When a mutahayyirah intends on making up her qaḍā’ fasts for the month of Ramaḍān, she must keep in mind that since she does not know what time of the month she has her ḥayḍ, there is always a possibility that the days she makes up her qaḍā’ fasts coincides with the days of her ḥayḍ. Due to this possibility, she will make up her qaḍā’ fasts as follows:

- 1) If she has to make up 10 or more fasts
  - a) If she knows her ḥayḍ begins at night
    - i. She can keep twice the number of fasts consecutively: For example, if she has to make up 10 fasts, then she should fast for 20 days consecutively to ensure that in case any of these days coincided with her ḥayḍ cycle, then the other ten days were definitely kept during a time when she was in a state of ṭuhr.
    - ii. She can keep the missed number of fasts in one portion of one month, and then she should repeat the same number of fasts in a different portion of the next month even if it overlaps into the next month. For example, if she has to make up 10 fasts, then she should fast from the 1<sup>st</sup> to the 10<sup>th</sup> of one month and the 11<sup>th</sup> to the 20<sup>th</sup> (or 21<sup>st</sup> to the 30<sup>th</sup>) of the next month.<sup>201</sup>
  - b) If she knows her ḥayḍ begins during daytime or she does not know what time her ḥayḍ begins: The same ruling applies as above for each situation except that she

<sup>198</sup> This chart has been extracted from *Manḥal al-Wāridīn*, p. 248 (Dār al-Fikr, 2005).

<sup>199</sup> The rulings for not knowing whether menses begin during daytime or nighttime also fall under this category.

<sup>200</sup> Ibid., p. 252

<sup>201</sup> Technically, this pattern is only regarding a situation when a woman remembers having only monthly cycles (i.e., one ḥayḍ per month). Otherwise, she may fast twice in the same month with a gap of 15 days. For more information, see *Manḥal al-Wāridīn* (p. 252). Since this is usually the case, we have sufficed with this example.

will fast for one extra day in case the beginning of her qaḍā' coincides with the beginning of her ḥayḍ. For example, if she has to make up 10 fasts, then instead of fasting for 20 days she will fast for 21 days.

2) If she has to make up less than 10 fasts

- a) She does not know the exact number of the days of her ḥayḍ: She will fast according to the process mentioned under case “a-ii” above by repeating the same number of fasts in a different portion of the next month.
- b) She knows the exact number of the days of her ḥayḍ: She may either follow the same ruling as for case “a” or she may consecutively keep the number of fasts she missed plus an additional amount of fasts equaling to the number of days for her ḥayḍ. For example, if she knows that she experiences 4 days of ḥayḍ each month and she has to make up 8 days of fasts, she should fast for a total of 12 days. This ensures that in case any of these days coincided with the days of her ḥayḍ, the rest of the fasts were kept outside of the days of her ḥayḍ with certainty. [SEE PG 253]

Comment [H23]: FIX from: URDU 51

## Chapter VIII – Rulings for a Mutaḥayyirah (The Perplexed Woman) Part Two: Iḍlāl Khāṣ

Iḍlāl Khāṣ refers to a woman who has forgotten her habit *`adadan* or *makānan* only.

To forget one's habit *`adadan* only means that she remembers the time of the month when she has her ḥayḍ but she does not know how many days her period used to last. For example, if a woman remembers that her periods usually occur during the first 10 days of each month, but she does not remember how many days they used to last then she will be classified as a mutaḥayyirah from the category of Iḍlāl Khāṣ who has forgotten her habit only *`adadan*. This is also known as "Iḍlāl Khāṣ fī 'l-'Adad."

To forget one's habit *makānan* only means that she remembers how many days her ḥayḍ used to last *and* in which portion of the month they occur, but she does not know the exact timeframe of those days during that portion of the month. For example, if she remembers that her ḥayḍ lasts for 5 days and it occurs during the first 10 days of each month, but she does not remember which portion of these 10 days her 5-day ḥayḍ occurs, then she will be classified as a mutaḥayyirah from the category of Iḍlāl Khāṣ who has forgotten her habit only *makānan*.<sup>202</sup> This is also known as "Iḍlāl Khāṣ fī 'l-Makān."

### Difference between "Iḍlāl Khāṣ fī 'l-Makān" and "Near Iḍlāl `Ām"<sup>203</sup>

If a woman remembers how many days her ḥayḍ used to last but she *completely* forgets which portion of the month her ḥayḍ occurs in, then she will fall under the ruling of Iḍlāl `Ām and not Iḍlāl Khāṣ. At the beginning of the previous chapter and under Set IV and Set V of the same chapter, we referred to this type of woman as "Near Iḍlāl `Ām." On the other hand, if she has a general idea regarding which portion of the month her ḥayḍ used to occur, then she will fall under the category of Iḍlāl Khāṣ fī 'l-Makān. It is highly important to keep this subtle difference in mind when discussing the rulings of Iḍlāl `Ām and Iḍlāl Khāṣ fī 'l-Makān.

To express this point more clearly, consider the following two examples:

Woman One: This woman remembers that her ḥayḍ lasts for 5 days but she does not remember which part of the month her ḥayḍ occurs. It may be the first half of the month, the second half, the first 10 days, the last 10 days, etc. This woman will be classified as "Near Iḍlāl `Ām."

Woman Two: This woman remembers that her ḥayḍ lasts for 5 days and she also remembers which part of the month it occurs in such as the first half of the month, the second half of the month, during the first 10 days, or the last 10 days; however, she does not remember exactly which part of these days her ḥayḍ coincides with. For example, she remembers that she has 5

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<sup>202</sup> Ibid., p. 254

<sup>203</sup> Ibid.

days of ḥayḍ during the first 10 days of each month, but she does not remember if it is from the 1<sup>st</sup> to the 5<sup>th</sup> or the 6<sup>th</sup> to the 10<sup>th</sup>. This woman will be classified as “Iḍlāl Khāṣ fi ‘l-Makān.”

The rulings for the first woman have been discussed under the fourth and fifth set of the previous chapter. In this chapter, we will be focusing on the second woman along with the rulings for Iḍlāl Khāṣ fi ‘l-ʿAdad. Since ḥayḍ is more common than nifās, we shall discuss the rulings regarding Iḍlāl Khāṣ and ḥayḍ before mentioning the rulings for nifās.

### Principle for Iḍlāl Khāṣ during Ḥayḍ

In relation to a woman who is classified under the category of Iḍlāl Khāṣ, whether fi ‘l-Makān or fi ‘l-ʿAdad, the following principles will apply for determining which days she should pray or not pray based on the possibility of ḥayḍ occurring on each individual day:<sup>204</sup>

- 1) Days she is certain there is ḥayḍ: She will leave out her prayer on such days.
- 2) Days she is certain there is no ḥayḍ: She will pray regularly with *wuḍūʾ*.
- 3) Days she is in doubt about whether she is in a state of ṭuhr or she has entered her ḥayḍ cycle: She will make *wuḍūʾ* whenever a new prayer time sets in before performing the prayer.<sup>205</sup>
- 4) Days she is in doubt whether she is in a state of ṭuhr or she is coming out of her ḥayḍ cycle: She will make *ghusl* whenever a new prayer time sets in before performing the prayer.<sup>206</sup>

### Rulings for Prayer: Iḍlāl Khāṣ fi ‘l-Makān

Iḍlāl Khāṣ fi ‘l-Makān may fall under one of the following two situations:

- 1) The number of days for her ḥayḍ is less than or equal to half the number of days she is unsure of<sup>207</sup>: For example, a woman remembers that her ḥayḍ lasts for 5 days and she also remembers that it occurs during the last 10 days of the month or she remembers that her ḥayḍ lasts for 3 days and she also remembers that it occurs during the last 8 days of the month. In the former example, the number of days for her ḥayḍ (i.e. 5) equal to half the number of days she is unsure of (i.e. 5 which is half of 10). In the latter example, the number of days for her ḥayḍ (i.e. 3) is less than half the number of days she is unsure of (i.e. 4 which is half of 8).
- 2) The number of days for her ḥayḍ is greater than half the number of days she is unsure of: For example, a woman remembers that her ḥayḍ lasts for 6 days and she also remembers that it occurs during the last 10 days of the month. In this example, the number of days for her ḥayḍ (i.e. 6) is greater than half the number

<sup>204</sup> Please note that Iḍlāl ʿĀm also has similar rules for

<sup>205</sup> The reason for this ruling links back to the rulings for a *ma`dhūr*. This shall be discussed ???

<sup>206</sup> This is due to the fact that in case a certain prayer time coincides with the time when she has finished her ḥayḍ and entered into her ṭuhr, then she would be obligated to make *ghusl* in order to become pure from her ḥayḍ before performing her prayer.

<sup>207</sup> That is, during that portion of the month.

of days she is unsure of during that portion of the month (i.e. 5 which is half of 10).

*Example: Situation One*<sup>208</sup>: A woman knows that her ḥayḍ lasts for 4 days during the last 10 days of each month, e.g. from the 21<sup>st</sup> to the 30<sup>th</sup>; however, she does not know which 3 days these are exactly. Based on the principles above, she will do as follows:

**1<sup>st</sup> to the 20<sup>th</sup>**: She will pray regularly like any other woman because she is certain she does not have ḥayḍ during the first 20 days of each month.

**21<sup>st</sup> to the 24<sup>th</sup>**: Whenever a new prayer time sets in, she will make *wuḍū'* for that prayer time then perform the prayer. This is due to the fact that during these days she is in doubt whether these days coincide with her ṭuhr or her ḥayḍ. Furthermore, she is certain that none of these days coincide with the days when she is leaving her ḥayḍ and entering into a new ṭuhr.

The reason for this is that the maximum number of days for her ḥayḍ is 4. She also knows that her ḥayḍ occurs during 4 of these 10 days. This means that during these specific 4 days (i.e. 21<sup>st</sup> to the 24<sup>th</sup>), she is either in a state of ṭuhr due to the possibility that her ḥayḍ begins on a later day or she is in a state of ḥayḍ due to the possibility that if her ḥayḍ began right from the 21<sup>st</sup>, it would have lasted until the 24<sup>th</sup>. However, we are certain that it is impossible for any of these days to be the days when she is leaving her ḥayḍ and entering ṭuhr due to the same possibility that in case her ḥayḍ began on the 21<sup>st</sup>, the 24<sup>th</sup> would be the last day of her ḥayḍ making the 25<sup>th</sup> the day when she leaves her ḥayḍ and enters into her new ṭuhr.

**25<sup>th</sup> to the 30<sup>th</sup>**: She will make *ghusl* whenever a new prayer time sets in before performing the prayer. This is due to the fact that during these days she is in doubt whether these days coincide with her ṭuhr or the days when she is leaving her ḥayḍ and entering into a new ṭuhr, thus necessitating a *ghusl*.

The reason for this is that there is a possibility that each day from the 25<sup>th</sup> to the 30<sup>th</sup> may coincide with a day of her ṭuhr or a day when she is leaving her ḥayḍ and entering into a new ṭuhr. For example, if her ḥayḍ were to start from the 21<sup>st</sup>, then it would mean that on the 25<sup>th</sup> her ḥayḍ has finished and she is entering into a state of ṭuhr, thus mandating a *ghusl* for becoming pure from her ḥayḍ. If her ḥayḍ were to start from the 22<sup>nd</sup>, then the same can be said for the 26<sup>th</sup>. The same can be said for the 27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, and the 30<sup>th</sup>. Similarly, each day has a possibility of falling under her ṭuhr as well. For example, if her ḥayḍ begins on the 26<sup>th</sup>, then the 25<sup>th</sup> would be a part of her ṭuhr before her ḥayḍ commences. Similarly, if her ḥayḍ were to last from the 21<sup>st</sup> to the 24<sup>th</sup>, then day 26 to day 30 would be a part of her ṭuhr.

It is important to take note that if a woman remembers the exact prayer time during which her ḥayḍ ends and her new ṭuhr begins, then she will only need to make *ghusl* for that prayer time and make *wuḍū'* for the other prayers. For example, in the same example above, if a woman also remembers that her ḥayḍ usually ends during `Aṣr time, then for days 25 to 30, she will only

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<sup>208</sup> Ibid., p. 256



need to make *ghusl* before praying `Aṣr each day and she can suffice by making *wuḍū'* for the rest of the prayers.<sup>209</sup>

*Example: Situation Two*<sup>210</sup>: A woman knows that her ḥayḍ lasts for 8 days during the last 10 days of each month, e.g. from the 21<sup>st</sup> to the 30<sup>th</sup>; however, she does not know which 8 days these are exactly. Based on the principles above, she will do as follows:

**1<sup>st</sup> to the 20<sup>th</sup>**: She will pray regularly like any other woman because she is certain she does not have ḥayḍ during the first 20 days of each month.

**23<sup>rd</sup> to the 28<sup>th</sup>**: She will leave out her prayer on these days since she is certain that these days definitely coincide with the days of her ḥayḍ.

The reason for this is that in all possible scenarios, we can be sure that these days are certainly the days when she has her ḥayḍ. For example, the earliest her ḥayḍ can begin is on the 21<sup>st</sup> and the latest her ḥayḍ can begin is on the 23<sup>rd</sup> (since it has to last for 8 days, and if it were to begin on the 24<sup>th</sup> then it would only last for 7 days, which is against what she remembers). In the former case, her ḥayḍ would last from the 21<sup>st</sup> to the 28<sup>th</sup>. In the latter case, her ḥayḍ would last from the 23<sup>rd</sup> to the 30<sup>th</sup>. In either case, she will certainly experience ḥayḍ from the 23<sup>rd</sup> to the 28<sup>th</sup>.

**21<sup>st</sup> and 22<sup>nd</sup>**: Whenever a new prayer time sets in, she will make *wuḍū'* for that prayer time then perform the prayer since she is in doubt whether these days coincide with her ṭuhr or her ḥayḍ.

The reason for this is that the maximum number of days for her ḥayḍ is 8. She also knows that her ḥayḍ occurs during 8 of these 10 days. This means that during these specific 2 days (i.e. 21<sup>st</sup> and 22<sup>nd</sup>), she is either in a state of ṭuhr due to the possibility that the latest her ḥayḍ can begin will be on the 23<sup>rd</sup> or she is in a state of ḥayḍ due to the possibility that if her ḥayḍ began right from the 21<sup>st</sup>, then these 2 days would coincide with her ḥayḍ. However, we are certain that it is impossible for any of these days to be the days when she is leaving her ḥayḍ and entering ṭuhr since we know that the earliest her ḥayḍ can begin is on the 21<sup>st</sup> making day 29 and day 30 as the days when she leaves her ḥayḍ and enters into a new ṭuhr.

**29<sup>th</sup> and 30<sup>th</sup>**: She will make *ghusl* whenever a new prayer time sets in before performing the prayer since she is in doubt whether these days coincide with her ṭuhr or the days when she is leaving her ḥayḍ and entering into a new ṭuhr.

As explained above, since we are sure that she has ḥayḍ for 8 days, it is only possible that her ḥayḍ begins on the 21<sup>st</sup>, 22<sup>nd</sup>, or the 23<sup>rd</sup>. If it begins on the 21<sup>st</sup>, then she will be entering a new ṭuhr on the 29<sup>th</sup>. Similarly, if her ḥayḍ begins on the 22<sup>nd</sup>, then she will be entering a new ṭuhr on the 30<sup>th</sup>. Finally, if it begins on the 23<sup>rd</sup>, then both the 29<sup>th</sup> and the 30<sup>th</sup> will be a part of her ḥayḍ.

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<sup>209</sup> Meaning that she can suffice by making *wuḍū'* after the time of each prayer enters, namely Fajr, Ṣuhr, Maghrib, and `Ishā' in the example above.

<sup>210</sup> Ibid.

In other words, she is in doubt whether the 29<sup>th</sup> or the 30<sup>th</sup> coincide with the days when she is entering a new ṭuhr, thus necessitating a *ghusl*.

### **Rulings for Prayer: Iḍlāl Khāṣ fi 'l-'Adad**

As stated before, Iḍlāl Khāṣ fi 'l-'Adad refers to a woman who knows the time of the month when she has her ḥayḍ but she does not remember how long it lasts. In other words, she remembers that usually her ḥayḍ ends and a new ṭuhr begins during a certain period of each month, but the exact days for this period are unknown.

It goes without saying that the principles for determining the status of each day regarding prayer will also apply here in a similar manner as they applied to Iḍlāl Khāṣ fi 'l-Makān. Consider the examples below.

*Example One*<sup>211</sup>: A woman knows that she usually becomes pure right at the end of each month; however, she does not know exactly how long her ḥayḍ lasts before it terminates. Based on the principles above, she will do as follows:

**1<sup>st</sup> to the 20<sup>th</sup>**: She will pray regularly like any other woman because she is certain she does not have ḥayḍ during the first 20 days of each month.

This is due to the fact that she knows she becomes pure from her ḥayḍ right at the end of each month and the maximum limit for one ḥayḍ cycle is 10 days. If a month were to comprise of 30 full days, then it would mean that even if her ḥayḍ were to reach its maximum limit (i.e. 10 days), it would not begin anywhere before the 21<sup>st</sup>. Otherwise, it will go against what she remembers resulting in her ḥayḍ ending even before the month ends.

**21<sup>st</sup> to the 27<sup>th</sup>**: Whenever a new prayer time sets in, she will make *wuḍū'* for that prayer time then perform the prayer. This is due to the fact that during these days she is in doubt whether these days coincide with her ṭuhr or her ḥayḍ. Furthermore, she is certain that none of these days coincide with the days when she is leaving her ḥayḍ and entering into a new ṭuhr.

The reason for this is that the minimum limit for a woman's ḥayḍ is 3 days and based on her memory, we also know that the final day for this ḥayḍ will be the 30<sup>th</sup>. This means that at most her ḥayḍ may begin on the 28<sup>th</sup> and end on the 30<sup>th</sup> leaving the rest of the days (i.e. 21<sup>st</sup> to 27<sup>th</sup>) as the days of her ṭuhr. Conversely, it is also possible that her ḥayḍ begins on the 21<sup>st</sup> and ends on the 30<sup>th</sup> making these days (i.e. 21<sup>st</sup> to the 27<sup>th</sup>) as the days of her ḥayḍ. In other words, during these days she is either in a state of ṭuhr due to the possibility that her ḥayḍ begins on a later day or she is in a state of ḥayḍ due to the possibility that if her ḥayḍ began right from the 21<sup>st</sup>, it would have lasted until the 30<sup>th</sup>. However, we are certain that it is impossible for any of these days to be the days when she is leaving her ḥayḍ since she remembers that her ḥayḍ usually ends on the 30<sup>th</sup> itself.

**28<sup>th</sup> to the 30<sup>th</sup>**: She will leave out her prayer on these days since she is certain that these days definitely coincide with the days of her ḥayḍ.

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<sup>211</sup> Ibid., p. 257

As stated above, she remembers that her ḥayḍ ends on the 30<sup>th</sup>. Furthermore, it is impossible for her ḥayḍ to be less than 3 days (as this is the minimum for a valid ḥayḍ). If we put these two factors together, then in any given situation she will certainly have ḥayḍ during the last 3 days, i.e. from the 28<sup>th</sup> to the 30<sup>th</sup>.

At the end of the month, she will perform one *ghusl* in order to come out of her ḥayḍ since she is certain that her ḥayḍ terminates right at the end of each month.

*Example Two*<sup>212</sup>: A woman knows that her ḥayḍ usually begins during the last ten days of each month, i.e. the first day of her blood is usually the 21<sup>st</sup>; however, she does not remember how long it lasts. Based on the principles above, she will do as follows:

**1<sup>st</sup> to the 20<sup>th</sup>**: She will pray regularly like any other woman because she is certain she does not have ḥayḍ during the first 20 days of each month.

**21<sup>st</sup> to the 23<sup>rd</sup>**: She will leave out her prayer on these days since she is certain that these days definitely coincide with the days of her ḥayḍ.

Since she remembers that her ḥayḍ begins on the 21<sup>st</sup> and the minimum limit for ḥayḍ is equal to 3 days, we can conclude that at least she has ḥayḍ during these three days (i.e. 21<sup>st</sup> to the 23<sup>rd</sup>).

**24<sup>th</sup> until End of Month**: She will make *ghusl* whenever a new prayer time sets in before performing the prayer since she is in doubt whether these days coincide with her ṭuhr or the days when she is leaving her ḥayḍ and entering into a new ṭuhr.

Since the minimum limit for ḥayḍ is 3 days, it is only possible that her ḥayḍ ends on the 23<sup>rd</sup> or any day thereafter, thus necessitating a *ghusl*.

#### **Rulings for Fasting: Iḍlāl Khāṣ fī ‘l-Makān and fī ‘l-‘Adad**<sup>213</sup>

If a woman classified under the category of Iḍlāl Khāṣ, then regardless of whether it is fī ‘l-Makān or fī ‘l-‘Adad, she will have to repeat 10 days of fasts during a different portion of 10 days during another month. For example, in the previous example a woman knows that her ḥayḍ begins on the 21<sup>st</sup>; however, she does not know if it lasts for 3 days, 4 days, or even 10 days. Due to this uncertainty, we will take the most cautious approach and assume it lasts from the 21<sup>st</sup> to the 30<sup>th</sup> (i.e. a full 10 days) of each month. This means that during Ramaḍān, we will consider all her fasts from the 21<sup>st</sup> to the 30<sup>th</sup> to be invalid. Furthermore, we will also assume that in every other month she has ḥayḍ from the 21<sup>st</sup> to 30<sup>th</sup>. Now, in order to make up these 10 invalid fasts (based on our cautious assumption), she will have to fast in another month on any 10 days other than the 21<sup>st</sup> to the 30<sup>th</sup> of that month.

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<sup>212</sup> Ibid., p. 258

<sup>213</sup> Ibid.

### **Rulings for Prayer and Fasting: Iḍlāl Khāṣ – Nifās**

Before delving into the rulings for Iḍlāl Khāṣ and nifās, it is essential to take note that Iḍlāl Khāṣ fī ‘l-Makān does not necessarily exist in the case of nifās since nifās always occurs right after delivery of a child. However, it is still possible to have Iḍlāl Khāṣ fī ‘l-Makān since a woman may forget exactly how many days her nifās lasts from the time of delivery.

In the case of nifās, one of the following two scenarios will apply:

- 1) After delivery, her bleeding (whether *ḥaqīqatan* or *ḥukman*<sup>214</sup>) does not exceed 40 days: All days of bleeding will be regarded as a part of her nifās; therefore, she will not have to make up any of these prayers as they coincided with the days of her nifās. However, she will have to make up all fasts that coincided with these days as they were kept during the period of her nifās.

This ruling should be quite clear; we know for sure that nifās occurs right after delivery. We also know that nifās never crosses 40 days. Based on this information, we can conclude that all blood she had after delivery will be classified as the blood of nifās as long as it was below 40 days.

- 2) After delivery, her bleeding (whether *ḥaqīqatan* or *ḥukman*) exceeds 40 days
  - a) If she has a good idea of how long her nifās would regularly last, she will go by this assumption.
  - b) If she does not have any idea regarding the length of her nifās: She will repeat 40 days of prayers due to the possibility that her nifās only lasted for a second after delivery and the rest of these days were a part of her *tuhr*.<sup>215</sup>
    - ❖ Please note that if she made her *qaḍā’* while she was still experiencing continuous bleeding, then she will make up these prayers once again after 10 days. This is due to the possibility that she may have made up her prayers during days that coincided with her *ḥayḍ*. By repeating these prayers after 10 days, we can ensure that at least one of these sets of prayers coincided with her *tuhr* while the other may have coincided with her *ḥayḍ*.

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<sup>214</sup> See section on *Dam Mutawālī* under chapter two.

<sup>215</sup> Please take note that we always take the more cautious approach in acts of worship; therefore, although the ruling may seem harsh, it is for the sake of safeguarding her prayers that she has to abide by such a ruling.

### **Rulings for Fasting – Ḥayḍ and Nifās<sup>216</sup>**

Based on the principles listed throughout the chapters of mutahayyirah, if a woman forgets her habit for ḥayḍ and nifās, then the following rulings will apply in relation to the scenario below:

*Scenario One:* A woman has forgotten her habit for both ḥayḍ and nifās. She has a child on the first night of Ramaḍān (i.e. the night before the first *suḥūr*). She also knows that her ḥayḍ begins during the night. The month of Ramaḍān was complete (i.e. 30 days).

*Solution:* She will fast for the entire month of Ramaḍān. Thereafter, if she makes up her fasts *mawṣūlan* (i.e. right after Ramaḍān from the 2<sup>nd</sup> of Shawwāl), then she will fast for 49 days from the 2<sup>nd</sup> of Shawwāl until the 21<sup>st</sup> of Dhū ‘l-Qa’dah.

The breakdown for this is as follows:

All rulings below will be based on the following two possibilities along with a hypothetical scenario of 10 days ḥayḍ and 15 days ṭuhr:

- 1) Her nifās only lasted for a second after delivery and the rest of the month was a part of her ṭuhr.
- 2) Her nifās lasted for a full 40 days from the 1<sup>st</sup> of Ramaḍān until the 10<sup>th</sup> of Shawwāl, thus invalidating all of her fasts.

She will fast for the entire month of Ramaḍān based on the first possibility.

Based on the second possibility, all her fasts during Ramaḍān were invalid as they coincided with the days of her nifās, thus necessitating 30 makeup fasts.

If she begins her makeup fasts on the 2<sup>nd</sup> of Shawwāl, then the first 9 fasts (until the 10<sup>th</sup>) will not count as they coincide with her nifās based on the second possibility.

Thereafter, based on our hypothetical scenario of 15-day ṭuhr and 10-day ḥayḍ, the next 15 fasts will count (until the 25<sup>th</sup> of Shawwāl) since they coincide with her ṭuhr. This means that until the 25<sup>th</sup> of Shawwāl, she has made up 15 fasts for the month of Ramaḍān.<sup>217</sup>

The next ten days will not count (until the 6<sup>th</sup> of Dhū ‘l-Qa’dah) since they coincide with her ḥayḍ cycle (based on our hypothetical scenario).

Finally, the next 15 days will count as they coincide with her next ṭuhr cycle. This results in a total of 30 makeup fasts for Ramaḍān; 15 during the previous ṭuhr, and 15 during this ṭuhr.

Consider the chart below.

### **Ramaḍān**

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<sup>216</sup> Ibid., p. 259-260

<sup>217</sup> In total, she fasted 24 days, but the first 9 days did not count as they coincided with her nifās.

1 Nifās Begins	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

### Shawwāl

1 Eid Day	2 Begins Qaḍāʾ	3	4	5	6
7	8	9	10 Nifās Ends	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26 Hayḍ Begins	27	28	29	

### Dhū ʿl-Qa`dah

1	2	3	4	5	6 Hayḍ Ends
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21 End of Qaḍāʾ	-	-	-

*Scenario Two:* A woman has forgotten her habit for both ḥayḍ and nifās. She has a child during daytime on the first of Ramaḍān. She knows that her ḥayḍ begins during daytime, or she doesn't know what time her ḥayḍ usually begins. The month of Ramaḍān was complete (i.e. 30 days).

*Solution:* She will fast for the entire month of Ramaḍān. Thereafter, if she makes up her fasts *mawṣūlan* (i.e. right after Ramaḍān from the 2<sup>nd</sup> of Shawwāl), then she will fast for 62 days from the 2<sup>nd</sup> of Shawwāl until the 4<sup>th</sup> of Dhū 'l-Hijjah.

The main differences between the previous scenario and this scenario are as follows:

- 1) Since the nifās began during daytime, it will last for 41 days ending during daytime on the 11<sup>th</sup> of Shawwāl.
- 2) Since the ḥayḍ also begins during daytime, it will begin during daytime on the 27<sup>th</sup> of Shawwāl and it will end during daytime on the 8<sup>th</sup> of Dhū 'l-Qa'dah invalidating a total of 11 fasts instead of 10.
- 3) Similarly, her next ḥayḍ cycle will begin during daytime on the 23<sup>rd</sup> of Dhū 'l-Qa'dah and it will end during daytime on the 3<sup>rd</sup> of Dhū 'l-Hijjah. Again, this will invalidate a total of 11 fasts instead of 10.
- 4) The final count will result in a total of 62 fasts; 30 valid and 32 invalid.

Consider the chart below.

Ramaḍān					
1 <sup>218</sup> Nifās Begins	2	3	4	5	6
7	8	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

Shawwāl					
1 Eid Day	2 Begins Qaḍā'	3	4	5	6

<sup>218</sup> The light gray color signifies her having a child during the day. This means that her nifās will technically end during the daytime of the 41<sup>st</sup> day.

7	8	9	10	11 Nifās Ends	12
13	14	15	16	17	18
19	20	21	22	23	24
25	26	27 Ḥayḍ Begins	28	29	

### Dhū 'l-Qa'dah

1	2	3	4	5	6
7	8 Ḥayḍ Ends	9	10	11	12
13	14	15	16	17	18
19	20	21	22	23 Ḥayḍ Begins	24
25	26	27	28	29	30

### Dhū 'l-Ḥijjah

1	2	3 Ḥayḍ Ends	4 End of Qaḍā'	-	-
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For all other scenarios, i.e. *maḥṣūlan*, Ramaḍān of 29 days, etc. one may apply the principles set out in the previous chapter for such situations and calculate accordingly.



## Chapter IX – Miscellaneous Issues

The discussions pertaining to the general principles and rulings of a ḥa'idah have been covered in the previous chapters. In this chapter, we will focus on miscellaneous and important scenarios (*masā'il*) relating to hayd that women more commonly face such as issues pertaining to menopause, travel, Hajj and 'Umrah, the use of tampons, etc.

In this chapter, we have not adopted any specific order for outlining these scenarios; therefore, if the reader needs to look up a certain scenario, he should seek aid from table of contents for his own ease.

### 1<sup>st</sup> Issue: Menopause (*Iyās*)

Menopause generally refers to a time in a woman's life when her periods stop.<sup>219</sup> It is considered a natural part of aging that typically occurs after the age of 40.<sup>220</sup> On average, women experience menopause at the age 51.<sup>221</sup> However, the Shar'ī classification of "menopause" (known as "*iyās*") is not the same as its medical counterpart. According to Shar'ī ah, a woman is only considered to have reached *iyās* once she reaches the age of 55 lunar years,<sup>222</sup> which equals 53 solar years and 4 months.<sup>223</sup> In other words, regardless of whether a woman has reached the stage of menopause medically, she will not be classified as an *āyisah* (one who has reached the age of *iyās*) until she is 53 years and 4 months old.<sup>224</sup> This means that it is possible for a woman to be in a stage of menopause (or postmenopause) medically without being classified as such according to Shar'ī ah.

The general rulings regarding an *āyisah* are as follows once she reaches the age of 53 years and 4 months:

- 1) If she no longer has menses, she will now be classified as a woman who does not have ḥayḍ.<sup>225</sup>
- 2) She will count her *'iddah* according to months instead of ḥayḍ cycles. This means that she will wait for a total of 3 months for her *'iddah* to terminate after divorce.<sup>226</sup>
- 3) Once a woman has been declared an *āyisah*, she will remain an *āyisah* unless she sees a strong form of blood that is either bright red or dark in color.<sup>227</sup> However, if

<sup>219</sup> "Menopause," *Medline Plus*, accessed March 30, 2015, <http://www.nlm.nih.gov/medlineplus/menopause.html>

<sup>220</sup> "Menopause Basics," *WebMD*, accessed March 30, 2015, <http://www.webmd.com/menopause/guide/menopause-basics>

<sup>221</sup> "Menopause," *NIH*, accessed March 30, 2015, <http://www.nia.nih.gov/health/publication/menopause>

<sup>222</sup> Ibn 'Ābidīn, *Manhal*, p. 165

<sup>223</sup> *Birgivi's*, p. 56

<sup>224</sup> 'Uthmānī, *Fatāwā Dārul 'Ulūm Deoband*, v. 10 p. 196

<sup>225</sup> Ibn 'Ābidīn, *Manhal*, p. 164

<sup>226</sup> Ibn Nujaym, *Al-Baḥr Al-Rāiq*, v. 4 p. 130

<sup>227</sup> Al-Maḥbūbī, *Sharḥ al-Wiqāyah*, v. 1 p. 498

she sees any other color such as yellow or brown, then it will be classified as *istihādah*<sup>228</sup> unless she had a habit of seeing such colors during her ḥayḍ before she became an *āyisah*.<sup>229</sup>

- 4) In a situation where a woman sees a strong form of bright red or dark colored blood, we will regard such blood to be ḥayḍ. If a woman was in the middle of her *`iddah* while her ḥayḍ resurfaced (i.e. after being declared an *āyisah*), she will restart her *`iddah* in accordance to three ḥayḍ cycles and ignore any previous counts made for her *`iddah* by months. For example, if an *āyisah* began counting her *`iddah* using months, then in the second month her ḥayḍ resurfaced, she will now restart her counting from this day by waiting a period of 3 full cycles of ḥayḍ and ignore the fact that two months had already been counted for based on the ruling of *`iddah* for an *āyisah*. However, if her ḥayḍ resurfaced after she had already completely a full three-month *`iddah* (in accordance to the ruling of counting *`iddah* for an *āyisah*), then she will not have to restart her *`iddah* since it has already been completed.<sup>230</sup>

### Premature Bleeding in Prepubescent Girls (*Saghīrah*)

Generally speaking, it is possible that a prepubescent girl also has vaginal bleeding due to many different reasons such as trauma (i.e. vulvar injuries such as those resulting from a bicycle), foreign bodies inside the vagina (e.g. toilet paper), tumors, and true precocious puberty (i.e. early puberty).<sup>231</sup> In such situations, we will need to determine what is the classification of this blood in the eyes of Sharī'ah.

According to Sharī'ah, if a prepubescent girl, known as a *saghīrah*, sees blood (regardless of the color, amount, duration, etc.), then this blood will not be classified as ḥayḍ but as *istihādah*.<sup>232</sup> Consequently, she will assume the same rulings as an *āyisah* in regard to her *`iddah*.<sup>233</sup>

One important point to take note of here is that while it is possible for a female child to hit puberty at the age of 8,<sup>234</sup> according to Sharī'ah she will remain in the ruling of a *saghīrah* until she reaches the age of nine. In other words, if a female child were to see blood at the age of

<sup>228</sup> Ibn `Ābidīn, *Manhal*, p. 167

<sup>229</sup> Ibn al-Humām, *Fath al-Qadīr*, v. 4 p. 286

<sup>230</sup> Ibn `Ābidīn, *Manhal*, p. 168

<sup>231</sup> "Genital Bleeding in Prepubertal Girls," *University of Chicago*, accessed April 02, 2015, <https://pedclerk.bsd.uchicago.edu/page/genital-bleeding-prepubertal-girls>

<sup>232</sup> Ibn `Ābidīn, *Manhal*, p. 224

<sup>233</sup> Ibn Nujaym, *Al-Baḥr*, v. 4 p. 130

<sup>234</sup> "Puberty," *NHS*, accessed April 13, 2015, <http://www.nhs.uk/conditions/puberty/pages/introduction.aspx>

eight, according to Sharī'ah this blood will not be a part of her menses; rather, it will be istiḥḍāḥ<sup>235</sup> and the rulings for an āyisah will apply in terms of her 'iddah.<sup>236</sup>

### Premature Menopause (Mumtadd al-Ṭuhr)

It is also possible that a woman may either face a premature menopause or long periods of no menses before reaching the age of 55. Medically speaking, menopause may occur normally in woman as young as 40, while premature menopause may occur in women even before that.<sup>237</sup> In such cases, it is not permissible for the woman to assume the rulings of an āyisah; rather, this entire period of an elongated ṭuhr will be treated as one single ṭuhr.<sup>238</sup> In the case of 'iddah, she must wait until this period of ṭuhr ends or she reaches the age of an āyisah.<sup>239</sup> However, if it is too difficult for her to wait for such a long period, then she may induce the ḥayḍ using medical supplements.<sup>240</sup>

### 2<sup>nd</sup> Issue: Laws of Safar (Travel) during Menses

According to the Ḥanafī school of thought, the state of menses impedes on a woman's intention for a Shar'ī travel.<sup>241</sup> Based on this principle, we end up with the following scenarios:<sup>242</sup>

- 1) A woman will not make *qasr* even if all requirements of *safar* are met if the following two conditions are met:
  - a. She begins her travel in the state of menstruation.
  - b. Once she attains purity, the distance between her and the destination is not more than the distance of *safar*.<sup>243</sup>

<sup>235</sup> Ibn 'Ābidīn, *Manḥal*, p. 224

<sup>236</sup> Ibn Nujaym, *Al-Baḥr*, v. 4 p. 130

<sup>237</sup> Gass, Margery, "Menopause," *Merck Manual*, accessed April 13, 2015, <http://www.merckmanuals.com/home/women-s-health-issues/menopause/menopause>,

<sup>238</sup> The information provided here is in accordance to the relied upon opinion in the Ḥanafī school of thought. In contrast to this, 'Allāmah ibn Nujaym mentions that there are some *fuqahā'* who have allowed such women to practice on the ruling of the Mālikī school of thought, which states that if a woman is suffering from long periods of ṭuhr, then her 'iddah will be a total of 9 months due to *ḍarūrah*. After mentioning this opinion, he refutes it and states that it is against all the narrations of our school of thought; therefore, it is incorrect to give a *fatwā* on this view. On the other hand, if a Mālikī judge officially issues such a ruling, then she may act on it. (*Baḥr*, 4/130) It seems that 'Allāmah ibn 'Ābidīn is inclined to the view that if no Mālikī judge can be found, then due to the *ḍarūrah* in our times, she may act in accordance to this opinion. (*Radd*, 3/509) In such matters, we should consult the 'Ulamā' in our areas and accordingly. Wallāhu 'alām bi 'l-ṣawāb.

<sup>239</sup> Ibid.

<sup>240</sup> Uthmānī, *Fatāwā Deoband*, v. 10 p. 196

<sup>241</sup> Ibn 'Ābidīn, *Radd*, v. 2 p. 135

<sup>242</sup> Gangohī, *Fatāwā Maḥmūdiyyah*, v. 7 p. 501

<sup>243</sup> There is a difference of opinion between the 'Ulamā' regarding the actual distance of *safar*. While the more popular opinion is 48 miles (77.25 km), the current view of Askimam is that the distance of *safar* is 55 miles (88.8 km). Please refer to the following *fatwā* for more information: [http://www.askimam.org/public/question\\_detail/31973](http://www.askimam.org/public/question_detail/31973)

- ❖ The same ruling applies if her menses cease after she arrives at her destination.
- 2) Conversely, a woman will make *qasr*:
  - a. If she begins her travel in the state of purity and experiences menses thereafter.
  - b. If she begins her travel in the state of menstruation but the menses come to an end before she reaches her destination and the distance left between her and the destination is more than the distance of *safar*.

### 3<sup>rd</sup> Issue: Usage of Sanitary Pads, Panty Liners, Menstrual Cups, and Tampons

Women normally utilize different forms of menstrual protection during and outside of their period in order to protect their clothes from being soiled by the menstrual blood. There are a vast array of such items, each with their own specifications in terms of protection, absorption, size, and shape. In the context of Sharī'ah, we find a similar examples of this known in the books of *fiqh* as a "*kursuf*" (a piece of cotton). However, a *kursuf* is normally utilized as a means to determine whether a menstrual cycle has began or ended as opposed to simply using it for protecting one's clothes.

#### Definition of a Kursuf

*Kursuf* literally means a piece of cotton, but according to the *fuqahā'*, it refers to anything that is placed over the external area of the vagina (or the vulva).<sup>244</sup> Below we shall outline some general rulings regarding a *kursuf* before delving into the details of the modern forms of items used for menstrual protection.

#### General Rulings of a Kursuf

Some general principles of wearing a *kursuf* are as follows:<sup>245</sup>

- 1) It is *mustahab* (preferable) for a virgin woman (*bākirah*)<sup>246</sup> to use a *kursuf* during the days of her periods only.
- 2) It is *mustahab* (preferable) for a non-virgin woman (*thayyibah*) to always use a *kursuf*.<sup>247</sup>
- 3) It is *mustahab* (preferable) for the woman to apply fragrance to the *kursuf*.<sup>248</sup>

<sup>244</sup> Ibn `Ābidīn, *Manhal*, p. 170

<sup>245</sup> Ibid., p. 170-171

<sup>246</sup> Please note that the word "virgin" (or *bākirah*) here refers to any woman whose hymen has not yet broken. This breakage or tearing of the hymen could be via any means such as intercourse, vulvar injuries (e.g. from riding a bike), etc. Conversely, the word "non-virgin" (or *thayyibah*) refers to any woman whose hymen has broken.

<sup>247</sup> Mawlānā `Abdul Ḥayy al-Lakḥnawī states in his *Umdat al-Ri`āyah*: "The reason for this losing one's virginity results in creating a larger opening in the *farj*. Consequently, it makes it easier and quicker for blood to flow out. At times, a woman does not even feel it. Therefore, it is better for her to utilize a *kursuf* at all times as a menas precaution. Conversely, this is not the case for a virgin." (*Umdat al-Ri`āyah*, 1/502)

- 4) It is *makrūh* (reprehensible) for a woman to insert the entire *kursuf* into her vagina. A *kursuf* is placed either *at* the opening of the vagina for normal use.<sup>249</sup>

If a woman places a *kursuf* at night and checks her *kursuf* in the morning, then one of the following scenarios will apply:<sup>250</sup>

- 1) If she was having her menses (or experiencing lochia) and finds the *kursuf* to be clear in the morning (i.e. before *Fajr*), then she will not be considered pure from her menses. It will be necessary for her to make *qaḍā'* of her '*Ishā'*' prayer since she did not experience any blood from the time she used the *kursuf*.
- 2) If she was already pure and finds the *kursuf* to have spots of blood on it in the morning (i.e. before *Fajr*), then she will be considered to have started her menses from the time she saw the blood on her *kursuf*. As a precaution, she should also make *qaḍā'* of her '*Ishā'*' prayer once she becomes pure from her menses.

When a woman experiences discharge of blood, then it would mark the beginning or continuation of her menses (or lochia) if she experiences the blood during its respective days or it means that she has broken her *wuḍū'* since a discharge of blood from any portion of the body invalidates one's *wuḍū'*. In either case, in order to establish these rulings, it is not enough for her to simply feel the discharge of blood; rather, it is necessary that the blood exits the vagina.<sup>251</sup> Based on this principle, we arrive at the following conclusions:<sup>252</sup>

- 1) If blood is visible on outer portion of the *kursuf*, then a ruling of ḥayḍ, nifās, or *ḥadath* (invalidation of *wuḍū'*) may be established.
- 2) If blood is only felt on the inside of the vagina and it has not reached the *farj dākhil* (i.e. around the labia minora or the "inner lips" of the vagina), then the above rulings will not be established unless she removes the *kursuf*.
- 3) If the blood is felt inside but penetrates to the outer portion, then the above rulings will be established.<sup>253</sup>
- 4) If the entire *kursuf* has been placed inside the vagina (such that it is not visible on the outside) and the *kursuf* is completely covered in blood, then the above rulings

<sup>248</sup> Conventional pads and tampons are normally scented with artificial fragrances by the manufacturer. However, since many chemicals are involved in order to add these fragrances, one should remain wary of the adverse effects of such chemicals and aim to buy more natural/organic pads and tampons.

<sup>249</sup> *Birgivi's*, p. 48; Ṣadr al-Sharī'ah states that the place where the *kursuf* should be placed is the "*mawḍi' al-bakārah*" (the place of virginity). Mawlānā 'Abdul Ḥayy comments on this and states that this refers to the place that is between the *farj khārij* and *farj dākhil*. [Lakhnawī, '*Umdah*', v. 1 p. 502] *Farj khārij* would refer to the vulva or the region visible from the outside and *farj dākhil* would refer to the vagina, which is inside the body. In essence, the *kursuf* may be placed in such a way where part of the *kursuf* is inside the vagina. Placing the entire *kursuf* inside the vagina (like a tampon) will be *makrūh*.

<sup>250</sup> Ibn 'Ābidīn, *Manhal*, p. 171-172

<sup>251</sup> Ibid., p. 155

<sup>252</sup> Ibid., p. 172-174

<sup>253</sup> The author of *Birgivi's Manual* states: "Any colored discharge coming down the string of a tampon is considered leakage, and it nullifies ablution." (*Birgivi's*, 49)

will only be established if the blood reaches the *farj dākhil* (labia minora) or the *kursuf* is removed.

### Rulings for Pads, Tampons, and Other Items

Now that we have discussed the general principles of a *kursuf* above, we can conclude with the following.

The use of sanitary pads and panty liners is permissible and even recommended for a virgin woman during her periods and for a non-virgin woman at all times.<sup>254</sup> On the other hand, it will be *makrūh* (reprehensible) to make use of tampons or menstrual cups as both are inserted directly into the vagina.<sup>255</sup> In either case, the general principles of a *kursuf* will apply to all types of menstrual protection items.

In cases of dire need, a woman may be given leeway to use a tampon. In such instances, a woman should consult a learned scholar in her area and seek an appropriate ruling for her individual case.<sup>256</sup>

### 4<sup>th</sup> Issue: Vaginal Discharge

Vaginal discharge refers to fluids produced by glands inside the vagina and cervix (at the neck of the womb) to carry away dead cells and bacteria and further prevent infection by keeping the vagina clean.<sup>257</sup> This discharge is a reflection of the body's normal cleansing process.<sup>258</sup> Generally speaking, vaginal discharge is common to all women and helps vaginas stay healthy by regularly flushing them and maintaining their pH<sup>259</sup> (i.e. the level of acidity).<sup>260</sup> Most women

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<sup>254</sup> Al-Maḥbūbī, *Sharḥ al-Wiqāyah*, v. 1 p. 502

<sup>255</sup> *Birgivi's*, p. 48

<sup>256</sup> This is the opinion of Askimam. As implied above, such rulings require careful consideration on the side of the *muftī*.

<sup>257</sup> "Vaginal Discharge: What's Abnormal?," *WebMD*, accessed May 01, 2015, <http://www.webmd.com/women/guide/vaginal-discharge-whats-abnormal>

<sup>258</sup> Stöppler, Melissa Conrad, "Vaginal Discharge," *eMedicineHealth*, accessed May 01, 2015, [http://www.emedicinehealth.com/vaginal\\_discharge/article\\_em.htm](http://www.emedicinehealth.com/vaginal_discharge/article_em.htm)

<sup>259</sup> "What is normal vaginal discharge?," *Go Ask Alice!*, accessed May 01, 2015, <http://goaskalice.columbia.edu/what-normal-vaginal-discharge>

<sup>260</sup> The vagina serves as a passageway between the outside of the body and the inner reproductive organs. The pH balance of the vagina is acidic, which discourages infections from occurring. This acidic environment is created by normally-occurring bacteria. A healthy vagina produces secretions to cleanse and regulate itself, similar to how saliva cleanses and regulates the environment of the mouth. These vaginal secretions are normal vaginal discharge. Any interference with the delicate balance of vaginal secretions sets up an environment conducive to infection. ["Vaginal Discharge," *McKinley Health Center*, accessed May 01, 2015, [http://www.mckinley.illinois.edu/handouts/vaginal\\_discharge.html](http://www.mckinley.illinois.edu/handouts/vaginal_discharge.html)]

experience some vaginal discharge throughout their menstrual cycle. Even very young women who have not begun menstruating can have vaginal discharge as well.<sup>261</sup>

### Normal Vaginal Discharge and Abnormal Discharge

All women experience some sort of vaginal discharge. Normal discharge is typically clear, white, or off-white in color<sup>262</sup> and/or yellowish when dry on clothing.<sup>263</sup> In terms of texture, it may be thin, sticky, and elastic or thick and gooey.<sup>264</sup> However, this discharge may change in color and texture due to a variety of different reasons. For example, during the menstrual cycle, the pH balance of the vaginal fluctuates and is least acidic on the days just prior to and during menstruation. This imbalance and low level of acidity leaves a woman prone to infections.<sup>265</sup> As a result, infections are more likely to occur immediately before and during a woman's period.<sup>266</sup>

Any changes in color or amount of discharge may be a sign of infection.<sup>267</sup> The infection is often caused by something that upsets the natural balance of bacteria or yeast in the vagina<sup>268</sup> and may be accompanied by an itching or burning sensation.<sup>269</sup> Symptoms suggesting that discharge is abnormal include a discharge that is heavier, thicker, pus-like, clumpy, grayish, greenish, yellowish, blood-tinged, and/or foul smelling.<sup>270</sup>

Below is a chart from WebMD that provides a list of common types of abnormal discharges and their possible causes.<sup>271</sup>

Type of Discharge	What It Might Mean	Other Symptoms
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<sup>261</sup> "What is normal vaginal discharge?," *Go Ask Alice!*, accessed May 01, 2015, <http://goaskalice.columbia.edu/what-normal-vaginal-discharge>

<sup>262</sup> "Vaginal Discharge: What's Normal, What's Not," *Kids Health*, accessed May 01, 2015, [http://kidshealth.org/teen/sexual\\_health/girls/vdischarge2.html](http://kidshealth.org/teen/sexual_health/girls/vdischarge2.html)

<sup>263</sup> "Vaginal Discharge," *McKinley Health Center*, accessed May 01, 2015, [http://www.mckinley.illinois.edu/handouts/vaginal\\_discharge.html](http://www.mckinley.illinois.edu/handouts/vaginal_discharge.html)

<sup>264</sup> "Vaginal Discharge: What's Normal, What's Not," *Kids Health*, accessed May 01, 2015, [http://kidshealth.org/teen/sexual\\_health/girls/vdischarge2.html](http://kidshealth.org/teen/sexual_health/girls/vdischarge2.html)

<sup>265</sup> "Vaginal Discharge," *McKinley Health Center*, accessed May 01, 2015, [http://www.mckinley.illinois.edu/handouts/vaginal\\_discharge.html](http://www.mckinley.illinois.edu/handouts/vaginal_discharge.html)

<sup>266</sup> "What is normal vaginal discharge?," *Go Ask Alice!*, accessed May 01, 2015, <http://goaskalice.columbia.edu/what-normal-vaginal-discharge>

<sup>267</sup> "Vaginal Discharge," *McKinley Health Center*, accessed May 01, 2015, [http://www.mckinley.illinois.edu/handouts/vaginal\\_discharge.html](http://www.mckinley.illinois.edu/handouts/vaginal_discharge.html)

<sup>268</sup> "Vaginal discharge," *NHS*, accessed May 01, 2015, <http://www.nhs.uk/Conditions/vaginal-discharge/Pages/Introduction.aspx>

<sup>269</sup> "Vaginal Discharge: What's Abnormal?," *WebMD*, accessed on May 01, 2015, <http://www.webmd.com/women/guide/vaginal-discharge-whats-abnormal>

<sup>270</sup> Scott, Olivia, "Vaginal Discharge," *Patient*, accessed May 01, 2015, <http://www.patient.co.uk/doctor/vaginal-discharge>

<sup>271</sup> Extracted from <http://www.webmd.com/women/guide/vaginal-discharge-whats-abnormal> on May 01, 2015.

Bloody or brown	Irregular menstrual cycles, or less often, cervical or endometrial cancer	Abnormal vaginal bleeding, pelvic pain
Cloudy or yellow	Gonorrhea	Bleeding between periods, urinary incontinence, pelvic pain
Frothy, yellow or greenish with a bad smell	Trichomoniasis	Pain and itching while urinating
Pink	Shedding of the uterine lining after childbirth (lochia)	
Thick, white, cheesy	Yeast infection	Swelling and pain around the vulva, itching, painful sexual intercourse
White, gray, or yellow with fishy odor	Bacterial vaginosis	Itching or burning, redness and swelling of the vagina or vulva

Any time a woman sees changes in the character or amount of vaginal discharge along with any other symptoms such as burning, itching, etc. it is best to seek medical care for further diagnosis as it may be a sign of infection.

### Shar`ī Ruling on Different Colors of Discharge

According to the Ḥanafī school of thought, if a woman sees a discharge of any color other than clear or pure white, it will be regarded as menstrual blood and accordingly, will take the ruling of normal blood.<sup>272</sup> These colors may include (but are not limited to) the following: red, black, green, yellow, black, beige, tan, and brown.<sup>273</sup> This principle applies to both ḥayḍ and istiḥāḍah. If the blood was seen during the days that match her ḥayḍ cycle, then it is ḥayḍ; otherwise, it will be classified as the blood of istiḥāḍah.<sup>274</sup>

In any situation, only the initial color of the discharge is considered.<sup>275</sup> If the discharge changes color after being exposed for a while, the change in color is not considered.<sup>276</sup> For

<sup>272</sup> Al-Maḥbūbī, *Sharḥ al-Wiqāyah*, v. 1 p. 518-519; There is a difference of opinion amongst the early scholars of the Ḥanafī school of thought regarding certain colors, especially the color yellow. Allāmah Ibn Nujaym mentions in his *Al-Baḥr Al-Rāiq* (v. 1 p. 193) quoting from *Mi`rāj al-Dirāyah* that Fakhr al-Aimmah states: "If a Muftī issues a *fatwā* based on any of these narrations (of differences regarding these colors) at times of dire need in order to ease the situation (for woman) then it will be a good decision (on his part)." Allāmah Shāmī comments on this in his *Radd al-Muḥtār* saying that the reason that such a *fatwā* should be confined to a dire need is due to the fact that in principle, all colors (during the days of ḥayḍ) are regarded to be in the ruling of ḥayḍ. In other words, in order for us to issue a ruling that goes against the accepted opinion in the school of thought, we must be confronted with a situation where adopting such an opinion becomes a necessity and anything otherwise would cause extreme difficulty for the woman in that specific scenario. In situations such as these, we should always consult our senior

<sup>273</sup> Ibn Nujaym, *Al-Baḥr*, v. 1 p. 192

<sup>274</sup> Ibn `Ābidīn, *Manḥal*, p. 125

<sup>275</sup> Ibid., p. 169



example, if the discharge comes out clear or white, but upon drying up turns yellow, then the yellow color is not considered. Similarly, if the discharge comes out yellow, but upon drying up turns white, then the white color is not considered; rather, we will go by the initial color, which is clear or white in the first scenario and yellow in the latter scenario.<sup>277</sup>

Please note, that there are certain exceptions to these principles for a woman experiencing menopause. For further details, the reader may refer back to the section on menopause at the beginning of this chapter.

### Does Vaginal Discharge Break One's Wuḍū'?

According to the Ḥanafī school of thought, any impure substance (*najāsah*)<sup>278</sup> that exits the private parts nullifies one's *wuḍū'*.<sup>279</sup> The *Fuqahā'* (Jurists) have categorized the fluids discharged from a woman as follows:<sup>280</sup>

- 1) Fluid from the *farj khārij* (vulva or external region of the vagina): Fluid from this area will not invalidate. It will be in the same ruling as a woman's sweat.
- 2) Fluid from the *farj dākhil* (vagina): According to Imam Abū Ḥanīfah RAHIM fluid produced in this area is pure.<sup>281</sup>
- 3) Fluid from beyond the *farj dākhil* (e.g. cervix and uterus): Fluid produced from this region is impure and nullifies *wuḍū'*.

In view of the above categorization, we arrive at the following conclusions:

- a) If the woman is aware that the fluid is from the vulva or produced in the vagina, then discharge of such fluid is pure and will not nullify her *wuḍū'*.
- b) If the woman is aware that the fluid is flowing from beyond the vagina, then discharge of such fluid is impure and will nullify her *wuḍū'*.
- c) If the woman is unaware of the exact origin of her discharge, then as a precaution we will assume that the fluid was discharged from beyond the vagina; thus, the discharge of such fluid will be impure and it will be necessary for her to renew her *wuḍū'*.

Please note that ruling "a" will only apply if the discharge is clear or white and is not a different color (e.g. yellow, black, brown, etc.) or mixed with any other impure substance such as

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<sup>276</sup> The author of *Birgivi's* states: "Pads or pantliners may be used during menses or lochia. However, one cannot depend on them to determine the color of discharge as they are placed far from the vaginal opening. The *kursuf* must be used properly to determine the color. [*Birgivi's*, 43]"

<sup>277</sup> *Birgivi's*, p. 43

<sup>278</sup> Thānwī, *Imdādul Fatāwā*, v. 1 p. 127

<sup>279</sup> Ibn Al-Humām, *Fath*, v. 1 p. 38

<sup>280</sup> Thānwī, *Imdād*, v. 1 p. 129

<sup>281</sup> Ibn 'Ābidīn, *Radd*, v. 1 p. 313

blood or *madhī* (i.e. fluid that is discharged at the time of arousal). In such a case, it will be necessary to perform *wuḍū'*.<sup>282</sup>

If a woman experiences a constant discharge and she does not know the source of the discharge, then she will qualify as a *ma`dhūr* per the conditions outlined under the section of istiḥāḍah in chapter two.<sup>283</sup>

Alternatively, if she does not qualify as a *ma`dhūr*, then she may use a *kursuf* (or any other menstrual protection item) to stop the blood from flowing out. This will ensure that she does not break her *wuḍū'*.

### Performing Ṭawāf with Vaginal Discharge

If a woman with vaginal discharge qualifies as a *ma`dhūr*, then she may perform her *ṭawāf* as well even if the discharge continues to flow; however, if a prayer time ends while she is performing her *ṭawāf*, then she must leave the area of the *ṭawāf* and make *wuḍū'* once again as the passing of a prayer time breaks the *wuḍū'* of a *ma`dhūr*. Once she has made *wuḍū'*, she should return to the area of the *ṭawāf* and continue where she left off.<sup>284</sup>

As a general note, if a woman is neither able to perform her *ṭawāf* due to vaginal discharge nor does her discharge last long enough for her to qualify as a *ma`dhūr*, then she may use a *kursuf* for the duration of her *ṭawāf* so that the blood does not leak out and break her *wuḍū'* until she finishes her *ṭawāf*.<sup>285</sup>

If the vaginal discharge is such that even utilizing a *kursuf* does not stop the leakage of fluids, then whenever she has a discharge during *ṭawāf*, she must leave the area of the *ṭawāf*, perform *wuḍū'*, return to the area of *ṭawāf* and continue her *ṭawāf* from wherever she left off.<sup>286</sup>

If a woman performs her *ṭawāf* while she has vaginal discharge (without making *wuḍū'* each time the vaginal discharge breaks her *wuḍū'*) and she does not qualify as a *ma`dhūr*, she will have to compensate through certain penalties placed by Sharī'ah. For more information, please refer to Set III under the next section "Performing Ṭawāf without Wuḍū'."

<sup>282</sup> *Madhī* is a fluid that is released (or slowly flows out) either during foreplay or while having sexual thoughts. It is possible that one may not even feel this fluid flow out. Discharge of such fluid is not limited to the time of marital relations. It is possible that one discharges such fluid even at other times such as the time while one is having mental thoughts. One must also take note that this fluid is different from *manī*, which is fluid that gushes forth and is discharged at the time of intense excitement when one reaches the climax of sexual arousal. In the case of *manī*, it is mandatory to perform *ghusl* whereas it is only necessary to perform *wuḍū'* if one has a discharge of *madhī*. If one simply felt excitement due to which one felt some wetness, then this will be classified as *madhī* (not *manī*) and it will only be necessary to perform *wuḍū'*.

[Al-Kāsānī, *Badāi' al-Ṣanāi' fī Tartīb al-Sharāi'*, v. 1 p. 273-280]

<sup>283</sup> The information and ruling provided above is according to the latest research of Askimam. (See [http://www.askimam.org/public/question\\_detail/31248](http://www.askimam.org/public/question_detail/31248)) Other scholars opine for the view that all vaginal discharge is pure. The author of Birgivi's Manual is also of this view. (See Birgivi's, 44)

<sup>284</sup> Mumtāz, *Aḥkām Ḥayd*, p. 83

<sup>285</sup> Ibid., p. 82

<sup>286</sup> Ibid.

## 5<sup>th</sup> Issue: Rulings Pertaining to Ṭawāf, `Umrah, and Ḥajj<sup>287</sup>

One difficulty that many women face is how to react when they have menses during their travels to the lands of Al-Ḥaramān Al-Sharīfān. Below we will attempt to outline several principles that may aid women in understanding the intricacies regarding such *masā'il*.

### Preliminary Points: Rules for Ṣadaqah and Dam<sup>288</sup>

When one commits an act that is against the sanctity of one's *iḥrām*, there are generally five types of penalties that are issued on the perpetrator of the act as a means of expiation and rectification. These four are as follows:

- 1) *Tawbah*: Asking forgiveness from Allāh Ta`ālā. *Tawbah* is normally required when one commits an act due to negligence, and not when one is bound by Sharī'ah to perform said act. This will become clear through the examples in the coming sections.
- 2) *Qaḍā'*: If a certain ritual was invalid, then it becomes necessary to repeat that ritual per the rulings for each specific scenario.
- 3) *Ṣadaqah*: *Ṣadaqah* here refers to alms that are given to the poor in expiation; however, when dispensing this *ṣadaqah*, one must keep the following points in mind:
  - a. One must typically give half *ṣā'* of wheat or its market value in cash or kind as *ṣadaqah*. Half *ṣā'* equals to about 2.3kg (or 5lb) of wheat.<sup>289</sup>
  - b. The *ṣadaqah* must be handed over to a poor person (i.e. a person who is eligible for *zakāh*).<sup>290</sup> If the *ṣadaqah* is given to a person who is not poor, then it will be necessary to give the *ṣadaqah* again.
  - c. One poor person may only receive a maximum of 2.3kg of wheat (or its market value in cash or kind) per day. If one poor person is given anything beyond 2.3kg in a single day, then this extra amount will not be counted towards the expiation; however, one will still receive reward for giving an extra amount in *ṣadaqah*.

<sup>287</sup> The following discussions have been summarized from the book “Aḥkām Ḥayḍ wa Nifās wa Istihāḍah ma`a Ḥajj wa `Umrah main Khawāfīn ke Masā'il-e-Makhṣūṣah” (Urdu) by Muftī Aḥmad Mumtāz Ṣaḥīb. All necessary references have been provided by the author of the book in the footnotes of each *mas'alah*.

<sup>288</sup> Mumtāz, *Aḥkām Ḥayḍ wa Nifās wa Istihāḍah*, p. 74

<sup>289</sup> 2.3kg has been chosen as the standard due to a wide arrange of opinions amongst the `Ulamā' regarding the actual value of the *ṣā'*. These opinions vary between 1.5kg to 2.32kg. In order to practice on precaution and make ease in calculating in pounds, we have opted to choose 2.3kg (approximately 5lb) as the standard in calculating the value of a *ṣā'*. For a detailed chart authored by Muftī Muḥammad Chotia outlining the opinions of some past and contemporary `Ulamā', please refer to Appendix [222](#).

<sup>290</sup> In principle, a person becomes eligible for *zakāh* if the value of one's total wealth does not exceed the threshold of *nisāb* (87.479g of gold or 612.35g of silver) or its value in money.

- d. This *ṣadaqah* may be given to poor person from the Al-Ḥaram or outside of it. Similarly, one may give this *ṣadaqah* while he is within Al-Ḥaram or outside of its boundaries.
- 4) *Dam*: *Dam* (or giving *dam*) refers to sacrificing a goat, sheep, or one-seventh of a cow, buffalo, or camel. The following points must kept in mind when giving *dam*:
- a. According to the Ḥanafī school of thought, the *dam* must take place within the boundaries of Al-Ḥaram. However, once the sacrifice has been performed, the meat may be distributed to any poor person, whether inside Al-Ḥaram or outside of it.
  - b. It is permissible to have another party sacrifice the *dam* on one's behalf in the *ḥaram*.
  - c. If the *dam* was necessitated due to committing an act against one's *iḥrām* (also referred to as a *jināyah*) or leaving out a *wājib* act, then it is not permissible for the giver of the *dam* or a non-poor person to eat from the meat of the *dam*. The meat may only be eaten by those who are considered poor by Sharī'ah (i.e. those who are eligible to receive *zakāh*).
- 5) *Badanah*: *Badanah* refers to sacrificing a full cow or full camel.<sup>291</sup> The points for *dam* must also be kept in mind here. Furthermore, one is only required to sacrifice a *badanah* in two situations:<sup>292</sup>
- a. If one performs Ṭawāf al-Ziyārah in the state of *janābah* (which includes the state of ḥayḍ and nifās) and does not redo it in the state of purity.
  - b. If one has intimacy after the *wuqūf* of `Arafah.

In the following sections, whenever the abovementioned penalties are mentioned, one should keep in mind the points outlined above.

### Set I: Rulings for Iḥrām<sup>293</sup>

This section deals with the rulings regarding the *iḥrām*<sup>294</sup> of a woman who is having her menses. Different scenarios have been highlighted below along with their individual rulings.

*Scenario One*: If a woman who is having her menses crosses the *mīqāt*<sup>295</sup> either because she assumed that it is impermissible for her to cross the *mīqāt* while she is having her menses or due

<sup>291</sup> Al-Kasānī, *Badāi'*, v. 3 p. 297

<sup>292</sup> Ibid., v. 3 p. 283; Al-Sarakhsī, *Al-Mabsūt*, v. 4 p. 39

<sup>293</sup> Mumtāz, *Aḥkām Ḥayḍ*, 76-79

<sup>294</sup> *Iḥrām* simply refers to reciting the *talbiyah* and making an intention for the *iḥrām* (i.e. Ḥajj or `Umrah). [Al-Sughdī, *Al-Nutafāt 'l-Fatāwā*, v. 2 p. 207]

<sup>295</sup> *Mīqāt* refers to the boundaries before which it is necessary for a person to don the *iḥrām*. If one does not do so, then it may necessitate a *dam*. [Ibid., 206-207]

to any other reason such as crossing forgetfully or on purpose while knowing it is necessary for her to don the *iḥrām* before crossing the *mīqāt*, then one of the following situations may occur:

- 1) She crossed the *mīqāt*, but she did not don the *iḥrām* for Ḥajj or `Umrah: She must make *tawbah* for doing such an action and return to the *mīqāt* and don the *iḥrām*. If she does not return to the *mīqāt*, then she will have to give *dam*.
- 2) She crossed the *mīqāt* and then donned the *iḥram* for Ḥajj or `Umrah, but she did not begin any rituals such as any *ṭawāf* or *wuqūf* in `arāfah: Rulings for situation number one apply here as well; however, since she has already donned the *iḥrām*, she must simply return to the *mīqāt* and repeat the *talbiyah* without having a need to redo her *iḥrām* for Ḥajj or `Umrah.
- 3) She crossed the *mīqāt*, donned her *iḥrām*, and began performing the rituals for Ḥajj or `Umrah such as *ṭawāf* or *wuqūf* in `arāfah: She must make *tawbah*, give *dam*, and return to the *mīqāt* and repeat the *talbiyah* for her *iḥrām*. In this situation, repeating the *talbiyah* at the *mīqāt* will not drop the obligation of giving *dam* since she has already performed some rituals for Ḥajj or `Umrah.

*Scenario Two:* A woman dons her *iḥrām* for `Umrah and makes an intention to perform her *ṭawāf* for the `Umrah; however, before she is able to begin the *ṭawāf*, she begins to have her menses. Upon seeing this, she goes to Madīnah. In this situation, it is necessary for her to return to Makkah with the same *iḥrām* and perform her `Umrah after cessation of her menses.

*Scenario Three:* A woman dones her *iḥrām* for `Umrah and performs it successfully; however, before she can make *sa`ī* at Ṣafā and Marwah, she begins to have her menses. In this situation, she may perform the *sa`ī* with her menses as it is only *mustaḥabb* (desirable) to be pure for the *sa`ī*.<sup>296</sup>

*Scenario Four:* If a woman begins to have her menses before performing being able to perform the *ṭawāf* for her `Umrah, then in all cases she must wait for her menses to cease. Once cessation has occurred, she must perform *ghusl* and make her *ṭawāf* along with the *sa`ī*.

*Scenario Five:* In any of the above scenarios, after donning the *iḥrām* if the woman believes that having menses invalidates her *iḥrām* and due to this belief, she dons a new *iḥrām* after the cessation of her menses, then she must do the following:

- a) Leave the second *iḥrām* and its `Umrah for now (also known as *rafḍ*).
- b) Make *tawbah* for making such a mistake.
- c) Perform the `Umrah and *sa`ī* for the first *iḥrām*.
- d) Make *qaḍā`* of the `Umrah from the second *iḥrām* (since she had to do *rafḍ* of it)

<sup>296</sup> The area of the *sa`ī* (known as the *mas`ā*) is included in Masjid al-Ḥarām; however, it does not fully take on the rulings of the Masjid either. Hence, it is permissible for a woman who is having her menses to enter the *mas`ā* and perform her *sa`ī* while in the state of *janābah*. [Raḍāul Ḥaqq, *Fatāwā Dārul `Ulūm Zakariyyā*, v. 3 p. 365; Al-Marzūqī, *Qarārāt al-Majma` al-Fiqhī al-Islāmī*, p. 295]

- e) Give two *dam*.<sup>297</sup>

**Scenario Six:** A woman who is intending to perform Hajj Tamattu` dons the *ihrām* for `Umrah, but is unable to perform the *ṭawāf* for her `Umrah due to her menses until the day of `Arafah arrives. In this situation, she must do the following:

- Leave the *ihrām* of her `Umrah (i.e. make *rafḍ*) by committing any act that is against the sanctity of her *ihrām* with the intention of leaving her *ihrām* such as applying oil to her hair and then combing it.
- Don the *ihrām* for Hajj and begin the rituals for the Hajj.
- Upon completing the Hajj, make *qadā`* of the `Umrah that she was forced to leave out.
- Give one *dam* for leaving the *ihrām* of her `Umrah.

## Set II: Rulings for Ṭawāf al-Qudūm<sup>298</sup>

In this section, we will discuss some basic rulings regarding Ṭawāf al-Qudūm and a ḥa'idah.

Ṭawāf al-Qudūm<sup>299</sup> refers to the first *ṭawāf* of Hajj performed by those who come from outside the boundaries of the *mīqāt*.<sup>300</sup> Those who are performing Hajj Tamattu` or Hajj Qirān do not need to perform a separate *ṭawāf* for Ṭawāf al-Qudūm as the *ṭawāf* for their `Umrah suffices for the Ṭawāf al-Qudūm;<sup>301</sup> however, it is still *mustahabb* (desirable) for one performing Hajj Qirān to perform Ṭawāf al-Qudūm after finishing the `Umrah.<sup>302</sup>

This *ṭawāf* is *sunnah* and must be performed before the day of `Arafah arrives.<sup>303</sup> There is no penalty if one is unable to perform Ṭawāf al-Qudūm. It is *makrūh* (reprehensible) to leave out this *ṭawāf* without a valid excuse. If a woman is having her menses or lochia, then it is permissible for her to leave out this *ṭawāf* without any *karāhah* (reprehensibility).

RULINGS FOR SAYLĀN RAHM COME AFTER THIS IN URDU BOOK

## Set III: Performing Ṭawāf without Wuḍū'<sup>304</sup>

If a woman performs a full *ṭawāf* or a portion of it without *wuḍū`* for any reason (e.g. she believes that vaginal discharge does not break one's *wuḍū`*)<sup>305</sup>, then one of the following scenarios may apply:

<sup>297</sup> One *dam* is for leaving the second *ihrām* and the second *dam* is for combining two *ihrām* in one. (See footnotes on pg. 78 of *Aḥkām Ḥayḍ* of Muftī Mumtāz Aḥmad **DAMAT**)

<sup>298</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 80-81

<sup>299</sup> Also known as *Ṭawāf al-Taḥiyyah*, *Ṭawāf al-Liqā`*, *Ṭawāf Awwal `Ahd bi `l-Bayt*, *Ṭawāf Iḥdāth al-`Ahd bi `l-Bayt*, *Ṭawāf al-Wārid wa `l-Wurūd*. [Ibn `Ābidīn, *Radd*, v. 2 p. 494]

<sup>300</sup> Ibid.

<sup>301</sup> Al-Lakhnawī, *`Umdah*, v. 2 p. 564

<sup>302</sup> Ibn `Ābidīn, *Radd*, v. 2 p. 494

<sup>303</sup> Ibid.

<sup>304</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 83-85

*Scenario One – ‘Umrah*: If a woman performs even a single circuit of her ‘Umrah without *wuḍū’*, then the following rulings will apply:

- a) She must perform the *ṭawāf* over with *wuḍū’*.
- b) If she does not redo her *ṭawāf* with *wuḍū’*, then she must give one *dam*.
- c) She must make *tawbah* for making her *ṭawāf* without *wuḍū’*.

*Scenario Two – Ṭawāf al-Ziyārah*<sup>306</sup>: This scenario may be divided according to the amount of circuits the woman has performed as follows:

- 1) If a woman performs majority of the Ṭawāf al-Ziyārah without *wuḍū’* (i.e. 4 circuits or more), then the following rulings will apply:
  - a. It is *mustahabb* (desirable) for her to redo her *ṭawāf* with *wuḍū’*. This makeup *ṭawāf* may also be performed after the days of *naḥr* have passed (i.e. the 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> of Dhū ‘l-Ḥijjah)<sup>307</sup>.
  - b. She must give one *dam*. If she redid her *ṭawāf*, then it will not be necessary to give *dam*.
- 2) If a woman performs less than 4 circuits of the Ṭawāf al-Ziyārah without *wuḍū’* (i.e. she loses her *wuḍū’* after the fourth circuit, but she continues and completes the *ṭawāf* without remaking her *wuḍū’*), then the following rulings will apply:
  - a. She must give *ṣadaqah* for each circuit performed without *wuḍū’* (i.e. 2.3 kg of what or its value in cash for each circuit).
  - b. It is not necessary for her to redo her *ṭawāf* with *wuḍū’*; however, if she does so, then it will not be necessary to give *ṣadaqah*. Unlike the previous situation, this remake of the *ṭawāf* must be done before the days of *naḥr* have passed; otherwise, it will still be necessary for her to give *ṣadaqah* for each circuit that was performed without *wuḍū’*.

*Scenario Three – Ṭawāf al-Ṣadr*<sup>308</sup> and *Ṭawāf al-Qudūm*: If a woman performs even a single circuit of Ṭawāf al-Ṣadr or Ṭawāf al-Qudūm without *wuḍū’*, then the following rulings will apply:

- a) She must give *ṣadaqah* for each circuit performed without *wuḍū’* (i.e. 2.3 kg of what or its value in cash for each circuit).

<sup>305</sup> The example given is for those women who act according to the view of Askimam regarding vaginal discharge. If any woman is under the guidance of a different scholar or Muftī who holds the view that vaginal discharge does not break one’s *wuḍū’*, then she may refer to that scholar for her specific situation.

<sup>306</sup> Ṭawāf al-Ziyārah refers to the *ṭawāf* one performs upon returning to Makkah from Minā on day of *naḥr* (10<sup>th</sup> of Dhū al-Ḥijjah) after stoning the *Jamarah ‘Aqabah*, making a sacrifice for Ḥajj, and cutting or shaving one’s hair. [Al-Sughdī, *nūṭaf*, v. 1 p. 210; Al-Mahbūbī, *Sharḥ al-Wiqāyah*, v. 2 p. 583-585]

<sup>307</sup> Al-Kasānī, *Badāi’*, v. 2 p. 242

<sup>308</sup> Ṭawāf al-Ṣadr refers to the final *ṭawāf* for Ḥajj that one normally performs after completing all the rituals for Ḥajj and returning from *minā*. This *ṭawāf* is also called Ṭawāf al-Widā’ and Ṭawāf Ākhir al-‘Ahd. [Al-Sughdī, *Nūṭaf*, v. 1 p. 210; Al-Lakhnawī, *Umdah*, v. 2 p. 588]

- b) If the total amount of *ṣadaqah* necessary equals or exceeds the value of giving one *dam*, then she may give *ṣadaqah* that is a little less than that amount.
- c) If she performs the *ṭawāf* again with *wuḍūʾ*, then it will not be necessary to give *ṣadaqah*.

#### DISCUSSION OF MEDICINE FOR STOPPING ḤAYḌ IS HERE

#### **Ruling for Woman who Keeps Losing Wuḍūʾ during Ṭawāf**

Many people suffer from health problems that cause them to continuously lose *wuḍūʾ*; however, their condition is such that it is not enough to qualify them as a *maʿdhūr* either.<sup>309</sup> In principle, such people must perform the entire *ṭawāf* with *wuḍūʾ*. Whenever they lose their *wuḍūʾ*, they must leave the *maṭāf* (area of the *ṭawāf*), make a fresh *wuḍūʾ*, return to the *maṭāf*, and continue the *ṭawāf*. Looking at the large crowds of people that gather in Masjid al-Ḥarām and the difficulty in separating from one's group and family multiple times to make *wuḍūʾ*, some scholars such as Muftī Taqī ʿUthmānī (DB) have given leeway for such people to perform the entire *ṭawāf* with a single *wuḍūʾ* made at the beginning of the *ṭawāf* even though they do not qualify as a *maʿdhūr* in terms of prayer.<sup>310</sup> Muftī Taqī (DB) further states that for such people, it will not be necessary to give any *dam*. Furthermore, we have hope that these people will also be excused from accruing any sin in the eyes of Allāh Taʿālā.<sup>311</sup>

We may also apply the ruling above to women who have continuous vaginal discharge or constant spotting from *istiḥāḍah* during *ṭawāf* but do not qualify as a *maʿdhūr* due to a long intervals between each discharge. Such women, based on the *fatwā* above, would be permitted to perform their *ṭawāf* with a single *wuḍūʾ* at the beginning of the *ṭawāf* and will be absolved from their obligation without a need to give a *dam*.

Please note that this ruling does not apply to any optional (*nafl*) *ṭawāf*, but only includes *farḍ* and *wājib ṭawāf* such as Ṭawāf al-Ziyārah and Ṭawāf al-Ṣadr.<sup>312</sup>

#### **Set IV: Rulings for Ṭawāf al-Ziyārah<sup>313</sup>**

Ṭawāf al-Ziyārah is the *ṭawāf* one performs on or after the day of *naḥr* (10<sup>th</sup> of Dhū ʿl-Hijjah) after completing the rituals in *Miná* (stoning the *Jamarah ʿAqabah*, making a sacrifice, and cutting one's hair). It is *farḍ* to perform this *ṭawāf* and is considered to be a main component (*rukʿn*) of Ḥajj.<sup>314</sup>

<sup>309</sup> They keep losing *wuḍūʾ* every now and then, but it always lasts long enough for them to be able to perform a complete prayer, thus disqualifying them from becoming a *maʿdhūr*.

<sup>310</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 99

<sup>311</sup> Ibid.

<sup>312</sup> Ibid.

<sup>313</sup> Ibid., p. 86-92

<sup>314</sup> Ibn ʿĀbidīn, *Radd*, v. 2 p. 515-517



Those women who fear that their ḥayḍ may begin before they are able to perform the Ṭawāf al-Ziyārah, should perform this *ṭawāf* first right when the days of *naḥr* begin without any delay.

Similar to the previous sections, we shall outline different scenarios along with each of their rulings.

*Scenario One:* A woman performs the Ṭawāf al-Ziyārah in the state of ḥayḍ or nifās:

- 1) If a woman performs majority of the Ṭawāf al-Ziyārah in the state of ḥayḍ or nifās, then the following rulings will apply:
  - a. She must make *tawbah* for entering the Masjid and performing *ṭawāf* in such a state.
  - b. She must give repeat the *ṭawāf* in a state of purity before the days of *naḥr* are over (i.e. before sunset on the 12<sup>th</sup> of Dhū ‘l-Ḥijjah). If she repeats the *ṭawāf* after the days of *naḥr*, then she must give one *dam* for delaying in the *ṭawāf*.
  - c. If she does not repeat the *ṭawāf* at all, then she must sacrifice a *badanah* herself or have someone sacrifice it on her behalf in the *ḥaram*.
  - d. If the woman returned to her home without sacrificing a *badanah*, then she should return to Makkah with an *iḥrām* for ‘Umrah. She should perform the ‘Umrah first, then repeat her Ṭawāf al-Ziyārah. However, if she has someone sacrifice a *badanah* on her behalf in the *ḥaram*, then it will not be necessary to return to Makkah and repeat the *ṭawāf*.
- 2) If a woman performs less than 4 circuits of the Ṭawāf al-Ziyārah in the state of ḥayḍ or nifās, then the following rulings will apply:
  - a. She must make *tawbah* for entering the Masjid and performing *ṭawāf* in such a state.
  - b. She must repeat the number of circuits performed in such a state after she becomes pure from her ḥayḍ or nifās.
  - c. If she does not repeat the circuits, then she must give one *dam*.

*Scenario Two:* A woman leaves out Ṭawāf al-Ziyārah due to her ḥayḍ or nifās.<sup>315</sup>

- 1) If she leaves out majority or the entire of Ṭawāf al-Ziyārah, then the following rulings will apply:
  - a. It is necessary for her to repeat the *ṭawāf* with that same *iḥrām* after she attains purity.
  - b. Sacrificing the *badanah* will not suffice in this situation.

<sup>315</sup> Please note that this scenario is different from the previous scenario one. In scenario one, she performed the *ṭawāf*, but a portion of it (or the entire *ṭawāf*) was performed in the state of *janābah*. In this scenario, she did not perform the *ṭawāf* (or majority of it) at all.

- c. If the woman returns to her home, she will remain in the state of *iḥrām* until she returns and repeats her *ṭawāf* with the same *iḥrām*. It will not be permissible for her to return to Makkah with a new *iḥrām* and then repeat her *ṭawāf*.
- 2) If she leaves out less than four circuits of Ṭawāf al-Ziyārah:
- a. It is necessary for her to return and perform the number of circuits she missed.
  - b. If she does not return and gives one *dam* instead, it will also suffice.

*Scenario Three:* If a woman's ḥayḍ or nifās begins before the days of *naḥr* and ends after the days of *naḥr* have passed, then it is only necessary for her to perform the *ṭawāf* after she attains purity. There will be no penalty of *dam* or *badanah* for leaving out the *ṭawāf* during these days as she was unable to do so due to her ḥayḍ or nifās.

*Scenario Four:* A woman's ḥayḍ began right after the days of *naḥr* began, such that she had enough time to perform a portion of Ṭawāf al-Ziyārah before her ḥayḍ but she did not do so out of negligence:

- 1) If she only had enough time to perform less than 4 circuits, then she must give *ṣadaqah* (2.5kg of wheat or its value in cash) and make *tawbah* for not performing her *ṭawāf* out of pure negligence.
- 2) If she had enough time to perform the entire *ṭawāf* or at least 4 circuits, then the following rulings will apply:
  - a. Make *tawbah* for leaving out the *ṭawāf*.
  - b. If she knew her ḥayḍ normally begins at this time of the month, then she must give one *dam*.
  - c. If she did not know that her ḥayḍ would begin at such a time, then she must give *ṣadaqah* (2.5kg of wheat or its value in cash).

*Scenario Five:* A woman's ḥayḍ hinders her from performing the Ṭawāf al-Ziyārah during the first few days of *naḥr*; however, before the days of *naḥr* passed completely (i.e. before the sunset on the 12<sup>th</sup> of Dhū 'l-Ḥijjah), her ḥayḍ ceased leaving her enough time to make *ghusl*, go to the Masjid, and perform a portion of Ṭawāf al-Ziyārah, but she did not do so out of negligence:

- 1) If she only had enough time to perform less than 4 circuits, then she must give *ṣadaqah* (2.5kg of wheat or its value in cash) and make *tawbah* for beginning her *ṭawāf* out of pure negligence.
- 2) If she had enough time to perform the entire *ṭawāf* or at least 4 circuits, then she must give one *dam* for delaying the *ṭawāf* out of negligence and make *tawbah* for not beginning her *ṭawāf* out of pure negligence.

*Scenario Six:* A woman with a ḥayḍ habit of 9 days begins to see blood on the 8<sup>th</sup> of Dhū ‘l-Ḥijjah in Miná. Then, her blood ceases on the 11<sup>th</sup> against her regular habit.<sup>316</sup> In this situation, it is mandatory for her to make *ghusl* and delay her Ṭawāf al-Ziyārah for as long as she knows that she will have enough time to perform it fully before the sunset on the 12<sup>th</sup> of Dhū ‘l-Ḥijjah. If she does not see any blood until this time, then she should perform her Ṭawāf al-Ziyārah; however, if she does see any blood, then she will wait until the end of her regular habit (i.e. until the end of the 16<sup>th</sup> of Dhū ‘l-Ḥijjah), make *ghusl*, and perform Ṭawāf al-Ziyārah thereafter.

- ❖ Important Note: After cessation of her blood on the 8<sup>th</sup>, if her blood returns within 15 days then this will mean that the *ṭawāf* she performed was completed at a time that was during her ḥayḍ period.<sup>317</sup> In such a situation, it will be mandatory on her to repeat her *ṭawāf* after she attains purity. If she does not repeat the *ṭawāf*, then she must sacrifice one *badanah* or have someone sacrifice it on her behalf in the *ḥaram*.

### **Ruling for Ṭawāf al-Ziyārah when a Woman with Ḥayḍ Must Leave Makkah**

One common problem many women may face during their travels for Ḥajj is a situation where a woman is unable to perform her Ṭawāf al-Ziyārah due to ḥayḍ (or nifās), and at the same time, she is unable to wait until her ḥayḍ finishes as her Ḥajj group will be leaving before that time. Furthermore, changing her flight and seating may also become a burden on her and those traveling with her, financially or otherwise. This issue is further escalated when the woman’s *maḥram* must return for work related purposes and he does not have an option to delay any further. In such a situation, the following solution has been proposed:

If her visa has expired or she is unable to extend it for some reason, and she also does not have enough money to repeat the Ḥajj in the future, then she may perform the Ṭawāf al-Ziyārah in the state of ḥayḍ (or nifās) and sacrifice one *badanah* as expiation for such an act. If she does not have enough money to perform the *badanah*, then she may return home after the *ṭawāf* and then have someone in the *ḥaram* sacrifice the *badanah* on her behalf.<sup>318</sup>

Some scholars have also mentioned that such a woman should take medicine that will stop the discharge of blood so she can perform her Ṭawāf al-Ziyārah.<sup>319</sup> However, such a method requires that the discharge of blood remains at bay until a full 15 days have passed since she first

<sup>316</sup> According to her regular habit, her ḥayḍ should have lasted for 9 days, which in this case would be until the 16<sup>th</sup> of Dhū ‘l-Ḥijjah.

<sup>317</sup> After cessation, if blood returns within 15 days, the *ṭuhr* is *nāqish* and cannot make *faṣl* between the previous ḥayḍ and a new one. For example, if her blood returned on or before the 16<sup>th</sup>, then the entire period from the 8<sup>th</sup> until the 16<sup>th</sup> (or whichever day it ceased) would be in the ruling of ḥayḍ as it simply occurred during the days of her habit. If her blood returned after the 16<sup>th</sup> but before the passing of a full 15 days (i.e. before

<sup>318</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 98; Al-Makkī, *Ḥashīyah Irshād al-Sārī ilā Manāsik al-Mullā ‘Alī al-Qārī*, p. 496 footnote 1; Ibn al-Ḍiyā’, *Al-Baḥr Al-‘Amīq fī Manāsik al-Muṭamir wa ‘l-Ḥajj ilā al-Bayt al-‘Atīq*, v. 3 p. 1838

This solution has also been approved by my honorable teacher, Muftī Ebrāhīm Desā’ī (DB)

<sup>319</sup> Lājpūrī, *Fatāwā Rahīmīyyah*, v. 8 p. 136; Rahmānī, *Kitābul Fatāwā*, v. 4 p. 110

saw any signs of blood. If any discharge occurs within 15 days after taking the medicine, then it is highly likely that the day she performed the Ṭawāf al-Ziyārah will also fall under the days of her ḥayḍ.<sup>320</sup> If the woman has already returned home, then this would further complicate the issue for her.<sup>321</sup> Therefore, it is best that she utilizes the solution mentioned above unless she is sure that her discharge will remain suppressed for a minimum of 15 days.

It should also be noted that a scholar should not directly give permission for a woman to use this solution; rather, he should inform her as follows: “It is not permissible for you to enter the Masjid; however, if you choose to do so and perform your *ṭawāf*, then you will be sinful, but your *ṭawāf* will be valid if it will be necessary to sacrifice a *badanah*.”<sup>322</sup>

### Set V: Rulings for Ṭawāf of `Umrah<sup>323</sup>

This section will deal with scenarios pertaining to the *ṭawāf* of `Umrah; however, unlike the previous sections, we shall focus more on the aspect of ḥayḍ and its overall effect on these rulings. The details regarding the principles of ḥayḍ have been discussed throughout the first few chapters. If one is unable to understand a particular ruling, we recommend reviewing those chapters in order to gain a better understanding of each ruling.

*Scenario One:* A woman travels to Makkah and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood against her regular habit of ḥayḍ:

- 1) If the total number of days from the day she sees the discharge until the end of her regular habit is equal to or less than 10, then she must delay her *ṭawāf* until the days of her habit have passed. In this scenario, we will assume that the days of discharge before her regular habit are also part of her ḥayḍ.

Example: A woman who normally sees blood for 6 days from the 5<sup>th</sup> to the 10<sup>th</sup> of each month arrives in Makkah on the 3<sup>rd</sup> of March. Upon arrival, she begins to see discharge of blood against her regular habit. According to her regular habit, the discharge should have begun two days later. If we add the number of days from the beginning of her discharge (the 3<sup>rd</sup>) up to the end of her regular habit (the 10<sup>th</sup>), it adds up to a total of 8 days. Since the total amount is less than 10 days, the woman must delay her *ṭawāf* until the 11<sup>th</sup> of March.

<sup>320</sup> It is also possible that it falls under the days of istiḥāḍah in a scenario where she continues to see blood after the days of her habit but before a full 10 days have passed, and she also uses the medicine to stop her menses until after 10 days have passed without having to wait for a full 15 days. However, it is beyond normal laymen to calculate and apply such technicalities, especially at the time of Ḥajj. If a competent Muftī is able to understand an individual woman’s scenario and find a work around for her, then he may issue her a ruling according to her individual situation.

<sup>321</sup> Ibn al-Ḍiyā’, *Baḥr*, v. 3 p. 1838

<sup>322</sup> Shāh, *Ghunyat al-Nāsik fī Bughyat al-Manāsik*, p. 274

<sup>323</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 92-95

- 2) If the total number of days from the day she sees the discharge until the end of her regular habit exceeds 10 days, then she may perform *wuḍū'* and make *ṭawāf* as many times as she desires until she enters the days of her habit. It is advisable, however, that she delays the *ṭawāf* until the days of her habit have passed. In this scenario, we will assume that the days of discharge before her regular habit are days of *istiḥāḍah*.

Example: A woman who normally sees blood for 9 days from the 5<sup>th</sup> to the 13<sup>th</sup> of each month arrives in Makkah on the 3<sup>rd</sup> of March. Upon arrival, she begins to see discharge of blood against her regular habit. According to her regular habit, the discharge should have begun two days later. If we add the number of days from the beginning of her discharge (the 3<sup>rd</sup>) up to the end of her regular habit (the 10<sup>th</sup>), it adds up to a total of 11 days. Since the total amount is more than 10 days, the woman may perform *wuḍū'* and make *ṭawāf* as many times as she desires on the 3<sup>rd</sup> and 4<sup>th</sup> before the beginning of her habit days on the 5<sup>th</sup> of March.

*Scenario Two:* A woman who normally has ḥayḍ every 3 months travels to Makkah a month after her ḥayḍ ended and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood against her regular habit of ḥayḍ. According to her regular habit, the discharge should have begun 2 months later. Since a ṭuhr ṣaḥīḥ took place (i.e. 15 days of no blood since the previous ḥayḍ) and it is possible to regard this discharge as ḥayḍ, it is not permissible for such a woman to perform *ṭawāf* until the discharge ceases.

*Scenario Three:* A woman who normally has ḥayḍ for a total of 6 days travels to Makkah and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood. This discharge ceases after 4 days against her regular habit of ceasing after 6 days. In this situation, it is impermissible for the woman to perform the *ṭawāf* until 6 days have passed; however, she should make *ghusl* after cessation on the 4<sup>th</sup> day and begin performing her prayers. After 6 days have passed, as a matter of precaution, she should make another *ghusl* before beginning her *ṭawāf* for `Umrah.

*Scenario Four:* A woman who normally has ḥayḍ for a total of 5 days travels to Makkah and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood. This discharge ceases after 5 days according to her regular habit. In this situation, it is *mustaḥabb* for the woman to delay her *ṭawāf* until 10 full days have passed in order to be certain that the blood will not return as ḥayḍ. Nevertheless, if she performs her *ṭawāf* after the 5<sup>th</sup> day, it will be permissible since the days of her regular habit have already passed.

*Scenario Five:* A woman who normally has ḥayḍ for a total of 7 days travels to Makkah and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood. This discharge ceases after 4 days against her regular habit of ceasing after 6 days. Not knowing the ruling, the woman performs *ghusl* and *ṭawāf* instead of waiting until the days of her habit have passed. Since the cessation of her blood, less than 15 days pass until she sees a discharge of blood once again. This means that the 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> days were also a part of her ḥayḍ since there was no ṭuhr ṣaḥīḥ between the end of the first set of discharges and the last discharge. Furthermore, any *ṭawāf* she

performed during these days would also be invalid as it was performed during the days of her ḥayḍ. In this situation, the following rulings will apply:

- a) Make *tawbah* for performing *ṭawāf* during the days of her ḥayḍ.
- b) Repeat the *ṭawāf* during the days of ṭuhr.
- c) If she does not repeat the *ṭawāf*, she must give one *dam*.
- d) All rulings above apply regardless of whether she knew the ruling or not.

*Scenario Six:* A woman who normally has ḥayḍ for a total of 3 days travels to Makkah and dons the *iḥrām* for `Umrah. Upon arrival, she begins to see discharge of blood. This discharge ceases after 3 days according to her regular habit. After cessation, the woman performs *ghusl*, *ṭawāf*, and *sa`ī* as she is supposed to. However, before a full ten days pass from the first day of her discharge, her blood returns and then ceases before passing a full 10 days. This means that the *ṭawāf* performed after the cessation of her blood was invalid since it was performing during the days of her ḥayḍ. In this situation, the following rulings will apply:

- a) Repeat the *ṭawāf* during the days of ṭuhr.
- b) If she does not repeat the *ṭawāf*, she must give one *dam*.
- c) Since she performed *ṭawāf* after the days of her habit had passed and did not err in the ruling, she will not be sinful for doing the *ṭawāf* during her ḥayḍ.
- d) It will not be necessary to repeat the *sa`ī*.

*Scenario Seven:* A woman begins to have ḥayḍ (or discharge blood) in the middle of her *ṭawāf*. In such a situation, the woman should leave the Masjid, wait until she becomes pure from her ḥayḍ (i.e. until the days of her ḥayḍ end), then return to the Masjid and complete the remaining circuits she had not finished. If she had completed less than 4 circuits before her ḥayḍ began, then it is preferable that she repeats the entire *ṭawāf* with a full 7 circuits.

*Scenario Eight:* A woman has completed the entire or majority of her *ṭawāf* before her ḥayḍ begins. If she completed her *ṭawāf*, then it is permissible for her to perform her *sa`ī* in the state of ḥayḍ and become *ḥalāl* from her *iḥrām*. However, if she still has a few circuits (i.e. less than 4) left, then she may still perform *sa`ī* in the state of ḥayḍ, but it will not be permissible for her to become *ḥalāl*. After she completes her *sa`ī*, she must wait until her ḥayḍ ends and thereafter perform *ghusl* and complete the left over circuits of her *ṭawāf*. If she does not wait and becomes *ḥalāl* anyway, then must make *tawbah* and give one *dam* for not completing the *ṭawāf* of `Umrah.

### **Ḥayḍ before Performing `Umrah and Journeying to `Arafah during Ḥajj**

At times, a woman may be confronted with a situation where she must leave for `Arafah, but due to her ḥayḍ, she was unable to perform her `Umrah. While the general principles have been outlined above, below we shall reproduce an *istiftā`* (question) received by the Dārul Iftā` regarding such a scenario:

Question:<sup>324</sup>

Assalāmu `Alaykum,

A lady left reunion with ḥayḍ. Now, she is in Makkah with ḥayḍ. What must she do concerning *ihrām* and Ḥajj Tamattu`?

Also she took pills to stop her ḥayḍ, but it had the opposite effect. Her *`ādah* is 5 days. Today is the 8<sup>th</sup> day of Dhū 'l-Hijjah. Must we consider this as istiḥāḍah?

Jazākallāh

Answer:

In the enquired case, it is not feasible to declare her blood as ḥayḍ or istiḥāḍah until her blood ceases completely before 10 days or it exceeds 10 days from the first day of her habit. If her blood ceases before exceeding 10 full days, days 5 to 10 will be declared as days of ḥayḍ. On the other hand, if the blood continues past 10 days, then days 5 to 10 will be declared as istiḥāḍah.<sup>325</sup>

In your current situation, the following rules will apply:

1) If her blood ceases before the day of *`arafah*, then she will perform *`umrah* and continue her Ḥajj regularly by going to *`arafah* thereafter.

2) If her blood does not cease before the day of *`arafah*, she will leave the *ihrām* for her *`umrah*, don the *ihrām* for Ḥajj, and proceed with her Ḥajj regularly by going to Minā and abandoning her *tawāf* for *`umrah*. After finishing her Ḥajj, it will be *wājib* on her to give one *dam* for abandoning her *`umrah*.<sup>326</sup>

It should be clear from above that until her blood ceases or exceeds 10 days, she will not be permitted to perform the *tawāf* for her *`umrah*.<sup>327</sup>

And Allah Ta'āla Knows Best

#### Set VI: Rulings for Ṭawāf al-Ṣadr<sup>328</sup>

Ṭawāf al-Ṣadr refers to the final *ṭawāf* for Ḥajj that one performs after completing all the rituals for Ḥajj before leaving the holy lands of Al-Ḥaramān Al-Sharīfān. This *ṭawāf* is also called Ṭawāf al-Widā' and Ṭawāf Ākhir al-`Ahd.<sup>329</sup> It is *wājib* on all those who live beyond the boundaries of the *mawāqūt* (sg. *mīqāt*) to perform this *ṭawāf* upon completion of their Ḥajj; however, concession is made for those women who are in the state of ḥayḍ to leave out Ṭawāf al-

<sup>324</sup> Note: Minor changes have been made to the original question and answer.

<sup>325</sup> Ibn Nujaym, *Baḥr*, v. 1 p. 192

<sup>326</sup> 'Uthmānī, *Fatḥ al-Mulhim bi Sharḥ Ṣaḥīḥ al-Imam Muslim*, v. 6 p. 7, Jālandharī, *Khayrul Fatāwā*, v. 4 p. 223

<sup>327</sup> Ibn al-Ḍiyā', *Baḥr*, v. 3 p. 1837

<sup>328</sup> Mumtāz, *Aḥkām Ḥayḍ*, p. 96-97

<sup>329</sup> Al-Sughḍī, *Nutaf*, v. 1 p. 210; Al-Lakhnawī, *Umdah*, v. 2 p. 588

Ṣadr.<sup>330</sup> Since many of the rulings have been covered in the previous sections, we shall suffice with one scenario for Ṭawāf al-Ṣadr.

*Scenario:* Before a woman is able to perform her any circuits from the Ṭawāf al-Ṣadr, she begins to see discharge of blood:

- 1) If she performed any *ṭawāf* as *nafl* after completing her Ṭawāf al-Ziyārah, then that *ṭawāf* will suffice in place of the Ṭawāf al-Ṣadr.
- 2) If she never had enough time to perform even a single *ṭawāf* (whether *nafl* or *wājib*) after completing her Ṭawāf al-Ziyārah, then she will be excused from this *ṭawāf* and will also be permitted to leave Makkah without any sort of penalty.
- 3) If she had enough time to perform even a single *ṭawāf* (whether *nafl* or *wājib*) after completing her Ṭawāf al-Ziyārah, then she must give one *dam* for leaving out Ṭawāf al-Ṣadr.

## 6<sup>th</sup> Issue: Oral Contraceptives and Other Forms of Birth Control

Contraceptives such as birth control pills and medical devices have become quite popular among women within the past 20 years. A research published in 2009 in the *Journal of the American College of Cardiology* stated that nearly 80 percent of women in the United States had used some sort of contraceptive at some point in their lives.<sup>331</sup> Due to its wide usage, it is important to understand the issues surrounding contraceptives under the scope of Sharī'ah as well.

The main purpose of such medications and devices is so that they can be used as a form of contraception; however, since majority of them have a direct impact on the menstrual cycle as well, it is appropriate to make mention of these forms of birth control along with supplemental information that relates directly to the rulings of ḥayḍ, nifās, istiḥāḍah, etc.

This section will first outline general information regarding contraceptives, their modern forms, usage, harms, and any subtle points that need to be considered in giving a final ruling on such products. At the end of this section, an overall analysis will be provided regarding the Sharī' rulings of contraceptives in terms of application as a birth control device and its effects on a woman's menstrual cycle. Those who are mainly concerned with the Sharī' rulings of these products may skip to the end of this section.

### Oral Contraceptives: How They Work and Their Usage

Oral contraceptives are normally used to prevent pregnancy. This goal is normally achieved by stopping ovulation.<sup>332</sup> By hindering the release of eggs, there is nothing to be

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<sup>330</sup> Al-Sarakhsī, *Mabsūṭ*, v. 3 p. 35

<sup>331</sup> Law, Sally, "How Safe Is the Pill?," *Live Science*, accessed May 12, 2015, <http://www.livescience.com/3556-safe-pill.html>

<sup>332</sup> Ovulation is when a mature egg is released from the ovary, pushed down the fallopian tube, and is available to be fertilized. Approximately every month an egg will mature within one of your [a woman's] ovaries. As it reaches



fertilized by the sperm, thus preventing pregnancy.<sup>333</sup> However, before these eggs are released, estrogen levels in a woman's body take a dip, typically right at the beginning of a woman's menstrual cycle. Once the body detects a drop in levels of estrogen, the hypothalamus (which is in charge of maintaining hormone levels) sends out a message to the pituitary gland which then sends out a message to the FSH (follicle stimulating hormone). The FSH triggers a few of a woman's follicles to develop into mature eggs. As the follicles mature, they also send out the hormone estrogen, which tells the hypothalamus and pituitary gland that there is a mature egg.<sup>334</sup>

Most birth control pills contain synthetic forms of estrogen and another female hormone, progesterin. These synthetic hormones stabilize a woman's natural hormone levels and prevent estrogen from peaking mid-cycle. Without the increase in levels of estrogen, the pituitary gland never sends out a message to the body to the other hormones causing the release of eggs.<sup>335</sup> Furthermore, the pill makes cervical mucus thicker and more difficult for the sperm to get through.<sup>336</sup>

Traditional birth control pills are designed to mimic a natural menstrual cycle. Each pack of pills contains 28 pills in total, but only 21 of them are active while the other 7 pills (also known as placebo pills) are inactive.<sup>337</sup> For the first 3 weeks, a total of 21 pills are taken to suppress the menstrual cycle for 21 full days. Thereafter, 7 inactive pills are taken for the last 7 days (or last week) to induce bleeding during this fourth week. This bleeding is referred to as withdrawal bleeding. The bleeding that occurs during the week when the inactive pills are taken is actually the body's response to stopping the hormones, so neither is it the same as normal menstrual bleeding, nor is the bleeding necessary for health. If these inactive pills were skipped and a new pack of active pills was started right away, this withdrawal bleeding would not occur.<sup>338</sup>

### Oral Contraceptives: Types of Pills and Their Effects

While there are many pills available to women today, they are typically categorized into one of the following categories:

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maturity, the egg is released by the ovary where it enters the fallopian tube to make its way towards waiting sperm and the uterus.

The lining of the uterus has thickened to prepare for the fertilized egg. If no conception occurs, the uterine lining as well as blood will be shed. The shedding of an unfertilized egg and the uterine wall is the time of menstruation. ["Understanding Ovulation," *American Pregnancy*, accessed May 13, 2015, <http://americanpregnancy.org/getting-pregnant/understanding-ovulation/>]

<sup>333</sup> Alice, "How do birth control pills work?," *Go Ask Alice!*, accessed May 12, 2015, <http://goaskalice.columbia.edu/how-do-birth-control-pills-work>

<sup>334</sup> "Understanding Ovulation" *American Pregnancy*

<sup>335</sup> Alice, "How do birth control pills work?," *Go Ask Alice!*

<sup>336</sup> Law, Sally, "How Safe Is the Pill?" *Live Science*

<sup>337</sup> "Menstrual Suppression," *NWHN*, accessed May 11, 2015, <https://nwhn.org/menstrual-suppression>

<sup>338</sup> *Ibid.*

- 1) *Combination Pills*: The most popular types of birth control pills are combination pills. Combination pills contain both estrogen and progestin hormones. Since these pills contain estrogen, the possibility of blood clots increases. Furthermore, these pills may trigger painful headaches, so those with migraines should also avoid them.
- 2) *Progestin-only Pills*: Also known as the “mini pill,” these pills do not contain any estrogen. This makes it safer for diabetics, heart disease patients, and those at risk for blood clots. Progestin-only pills must be taken at the same time each day for full effect.
- 3) *Extended-cycle Pills*: These pills are meant to prevent pregnancy and allow a woman to have a period around once every three months. Some pills such as Lybrel stops the period for a full year, but it will be necessary to take the pill every day, year-round.<sup>339</sup>

### Oral Contraceptives: Are They Safe to Use?

Like any other drug, birth control pills may also have some side effects. These typically include nausea, possible weight gain, headaches, mood changes, and blood clots. Most young women who are healthy and take the pill have no or very few side effects.<sup>340</sup> May also doctors opine that turning off your cycle for long periods is safe; however, continuous birth control may increase the amount of estrogen and progesterone that some women take in their lifetimes. The health effects of this experiment may not be known for years. Furthermore, some doctors also worry that we currently don’t know if continuous birth control could affect fertility.<sup>341</sup>

Scientific evidence suggests using birth control pills for longer periods of time increases risk of some cancers. The effect of birth control pills on breast cancer is also not clear. More recent studies do not show an increased risk of breast cancer. Birth control pills may also slightly increase blood pressure.<sup>342</sup> Other than these risks, the pill’s relationship with blood clot and stroke is well-documented. Research has also shown that birth control pill use impairs muscle gains in young women as well.<sup>343</sup> Prolonged intake of hormonal contraceptives is also associated with an increased risk of hormonal imbalances and cardiovascular disease.<sup>344</sup>

Since research regarding the effects of birth control pills is unclear and requires time and further experimentation, the most adequate response seems to be that if a woman’s doctor says it is okay for her based on her own individual medical history to take oral contraceptives, then it

<sup>339</sup> “12 Types of Birth Control,” *Health*, accessed May 12, 2015,

<http://www.health.com/health/gallery/0,,20354669,00.html>

<sup>340</sup> Lancaster, Julia Brown, “Should I take pills to regulate my period?,” *Kids Health*, accessed May 11, 2015,

[http://kidshealth.org/teen/expert/periods/pill\\_irregular.html](http://kidshealth.org/teen/expert/periods/pill_irregular.html)

<sup>341</sup> Shaw, Gina, “The No-Period Pills,” *WebMD*, accessed May 11, 2015, <http://www.webmd.com/sex/birth-control/features/no-period-pills>

<sup>342</sup> Mayo Clinic Staff, “Birth control pill FAQ: Benefits, risks and choices,” *Mayo Clinic*, accessed May 12, 2015,

<http://www.mayoclinic.org/healthy-lifestyle/birth-control/in-depth/birth-control-pill/art-20045136>

<sup>343</sup> Law, Sally, “How Safe Is the Pill?” *Live Science*

<sup>344</sup> “How to Stop Your Period,” *Med-Health*, accessed May 13, 2015, <http://www.med-health.net/How-to-Stop-Your-Period.html>

should be safe for her to use.<sup>345</sup> If a woman already suffers from different health problems such as high blood pressure, constant migraines, strokes, etc. then it may not be safe for her to use the pill. In any case, each woman should consult her doctor and act according to the doctor's guidance.

### **Oral Contraceptives: More Information regarding Extended Cycle Pills**

At times, many women may face a situation where they wish to lengthen the time between their periods. For such women, there are certain pills specifically designed for this purpose, which are referred to as "continuous" or "extended-cycle" birth control pills. Some examples of these are Seasonale, Seasonique, Quartette, Amethyst, and Lybrel. Each of these regimens is designed to extend a woman's ṭuhr by 12 weeks or higher resulting in a ḥayḍ on the 13<sup>th</sup> week. One may also utilize traditional birth control pills by skipping the placebo pills and starting a new pack with active pills.<sup>346</sup> Newer extended-cycle cycle regimens are designed to be taken continuously for one year and suppress all menstrual bleeding.<sup>347</sup> Pills such as Seasonale and Seasonique produce four periods a year, while the pill Lybrel is meant to produce no periods at all.<sup>348</sup> In any case, as mentioned before, one should always consult a doctor before using any types of menstrual suppression pills.

### **Breakthrough Bleeding, a Common Side Effect of Oral Contraceptives**

The most common drawback to continuous use of oral contraceptives is having unpredictable spates of breakthrough bleeding. Breakthrough bleedings refers to bleeding or spotting between periods.<sup>349</sup> While some women may not have any breakthrough bleeding at all, others might have multiple instances of spotting between cycles.<sup>350</sup>

Most women experience breakthrough bleeding during the first few months of taking the pills; however, breakthrough bleeding typically decreases over time. In the mean time, in order to reduce breakthrough bleeding, a woman should take the pills as directed and avoid missing any days in the middle. Not doing so makes breakthrough bleeding more likely. Unscheduled bleeding may also be reduced by taking inactive pills for only three or four days as opposed to a full seven days or by replacing the inactive pills with low-dose estrogen pills. As mentioned before, one should always consult a doctor for advice before taking such regimens.<sup>351</sup>

According to the laws of ḥayḍ, any appearance of blood will be considered when calculating the days of ṭuhr, nifās, and istiḥāḍah unless the blood was not forcefully kept in

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<sup>345</sup> Mayo Clinic Staff, "Birth control pill FAQ: Benefits, risks and choices" *Mayo Clinic*

<sup>346</sup> Mayo Clinic Staff, "Birth control pill FAQ: Benefits, risks and choices" *Mayo Clinic*

<sup>347</sup> Ibid.

<sup>348</sup> "Menstrual Suppression" *NWHN*

<sup>349</sup> Mayo Clinic Staff, "Delaying your period with birth control pills," *Mayo Clinic*, accessed May 11, 2015, <http://www.mayoclinic.org/healthy-lifestyle/birth-control/in-depth/womens-health/art-20044044>

<sup>350</sup> Shaw, Gina, "The No-Period Pills" *WebMD*

<sup>351</sup> Mayo Clinic Staff, "Delaying your period with birth control pills"

through external means such as the utilization of a *kursuf*.<sup>352</sup> Hence, taking pills may complicate matters when determining the exact number of days for ḥayḍ and nifās, both for the woman and the scholars who are posed with questions regarding the *masā'il* of ḥayḍ. Before utilizing such medicines, every woman should keep this point in mind.

### Other Forms of Birth Control

Above we have discussed the different types of oral contraceptives. In this section, we shall discuss non-oral forms of contraceptives that are usually in the form of different medical devices. The specific rulings for these types of contraceptives and oral contraceptives will be discussed afterwards.

*Vaginal Ring* (Nuva Ring): A vaginal ring is a flexible plastic ring that is inserted inside the vagina for three weeks. After three weeks, it is removed so that the woman may have a regular period. Similar to birth control pills, the vaginal ring also delivers the synthetic hormones estrogen and progestin into the system. This is also why it works similar to the 21-day active and 7-days inactive method of normal birth control pills. Since this ring delivers estrogen and progestin like its birth control counterpart (i.e. the combination pill), all side effects of hormonal contraceptives are present here as well.<sup>353</sup>

*Diaphragm*: The diaphragm is a dome-shaped cup made of silicone that is inserted into the vagina and must always be used with spermicide.<sup>354</sup> When it is in place, it covers the cervix and prevents sperm from fertilizing an egg.<sup>355</sup> Women that are prone to bladder infections or have had toxic shock syndrome (TSS) should avoid the use of a diaphragm.<sup>356</sup>

*IUD* (Intrauterine Device): An IUD is a small T-shaped plastic and copper device that is inserted into a woman's uterus by a specially trained doctor or nurse. It works by stopping the sperm and egg from surviving and may also prevent a fertilized egg from implanting in the womb. It is considered to be a long-acting reversible contraceptive (LARC), meaning that once it's in place, it is not necessary to keep a check on it each day. IUDs are more than 99% effective and good for 10 years. Before implanting an IUD, it is necessary to have an internal examination to find out the size and position of the womb. The IUD also requires further checking by a doctor after three to six weeks. Pain and bleeding may occur for a few days after having the IUD fitted. Pelvic infections can occur in the first 20 days after the IUD is fitted. In relation to periods, changes may occur in terms of heaviness and length of the period for the first few months. Since

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<sup>352</sup> Ibn `Ābidīn, *Manḥal*, p. 155

<sup>353</sup> "12 Types of Birth Control" *Health*

<sup>354</sup> Spermicides come in several different forms: cream, gel, foam, film, and suppositories. Most spermicides contain nonoxynol-9, a chemical that kills sperm. Spermicides can be used alone but are more effective when used with another method of birth control, such as a condom or diaphragm. Spermicides immobilize and kill the sperm before they are able to swim into the uterus. [Gavin, Mary L., "Spermicide," *Kids Health*, accessed May 18, 2015, [http://kidshealth.org/teen/sexual\\_health/contraception/contraception\\_spermicide.html](http://kidshealth.org/teen/sexual_health/contraception/contraception_spermicide.html)]

<sup>355</sup> "Diaphragm," *Planned Parenthood*, accessed May 12, 2015, <http://www.plannedparenthood.org/learn/birth-control/diaphragm> - Birth Control: Disphragm

<sup>356</sup> "12 Types of Birth Control" *Health*

the uterus is expanded by implanting the IUD, it may also cause pain in women who have not had children.<sup>357</sup>

*Female Condom:* Female condoms are made of soft plastic and are inserted into the vagina over the cervix like a diaphragm. Its main purpose is to protect against STDs and prevent pregnancy.<sup>358</sup>

*Patch:* Patches refer to hormone-releasing patches that may be placed on the arm, buttocks, abdomen, or other parts of the body. These patches work similar to pills by releasing estrogen into the system, thus preventing the production of eggs. Since patches deliver 60% more estrogen than a low-dose pill, it also means that it comes with an increased risk for blood clots.<sup>359</sup>

*Implants:* Implants such as Implanon and Nexplanon are a long-lasting reversible form of contraception. They are usually in the form a thin plastic rod about the size of a matchstick. This rod is inserted under the skin by a health care professional. The rod slowly releases a form of progestin called etonogestrel into the body over a 3-year period; thus, the rod is meant to be removed after three years. Conversely, the rod may be removed at any other time by the professional if needed. Side effects typically include nausea, stomach cramping/bloating, dizziness, headache, breast tenderness, acne, hair loss, weight gain, and vaginal irritation/discharge.<sup>360</sup> Similar to other forms of contraceptives, the most common side effect of Implanon is a change in a woman's normal menstrual bleeding pattern. The use of Implanon also increases the risk of serious blood clots, especially in women who have other health related problems.<sup>361</sup>

*Sterilization:* Sterilization refers to a procedure that is used to block a woman's fallopian tubes, which are the main gateway for passing on the eggs from a woman's ovaries towards the uterus. If the sperm cannot reach the egg, pregnancy cannot happen. Closing these tubes can be done in many ways. One way is by tying and cutting the tubes, known as "tubal ligation." They can also be closed with clips, claps, rings, or by removing a small piece of the tube. One method of Sterilization is Essure, where a health care provider puts a tiny insert (called a microinsert) into each of the fallopian tubes. This method is safer than other methods and does not require any incisions. A second method is laparoscopy. This method involves a small incision near the navel after which a laparoscope (a rod-like instrument) is inserted to locate the fallopian tubes. It normally takes 20-30 minutes and is considered to be a minor surgery. A third method is Laparotomy, which is a major surgery requiring a two-to-five inch cut in the abdomen. Once the procedure is done, the woman may be hospitalized for 2-4 days. The final method is a

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<sup>357</sup> Ibid.; "IUD (intrauterine device)," *NHS*, accessed May 12, 2015, <http://www.nhs.uk/conditions/contraception-guide/pages/iud-coil.aspx> - Health A-Z: IUD (intrauterine device)

<sup>358</sup> "12 Types of Birth Control," *Health*

<sup>359</sup> Ibid.

<sup>360</sup> "Implanon Subdermal," *WebMD*, accessed May 19, 2015, <http://www.webmd.com/drugs/2/drug-144857/implanon-sdrm/details>; "Nexplanon Subdermal," *WebMD*, accessed May 19, 2015, <http://www.webmd.com/drugs/2/drug-156597/nexplanon-subdermal/details>

<sup>361</sup> "How It Works," *Implanon*, accessed May 19, 2015, <http://www.implanon-usa.com/en/consumer/about-it/how-it-works/index.xhtml>

hysterectomy, which is the removal of the uterus. It is a major surgery and usually used to correct serious medical conditions and not for sterilization. While the other methods of sterilization do not affect a woman's period too much, a hysterectomy completely stops any periods from occurring in the future. Complications after hysterectomies are higher than other sterilization methods.<sup>362</sup> Hysterectomy is generally considered as a last resort and it must be seen if other medical means can be used prior to using surgical alternatives.<sup>363</sup> All types of sterilization methods are meant to be irreversible. Reversals require complicated surgery and are very costly. For many women, reversals are not possible because there is not enough left of their tubes left to reconnect.<sup>364</sup>

*Depo-Provera Shot:* The Depo-Provera Shot refers to a shot specifically meant for contraception purposes. It is made up of a hormone similar to progesterone and is given as an injection by a doctor into the woman's arm or rear area. The effects of one shot last for about three months before it is necessary to receive another dose. Other than the normal side effects of hormonal contraceptives such as irregular (or no) periods and headaches, the Deep-Provera Shot is also linked to bone loss, increasing the risk for osteoporosis.<sup>365</sup> After a year of use, about 50% of women stop getting their periods.<sup>366</sup>

### Non-Contraceptive Menstrual Suppressants

There are certain methods of suppressing a menstrual cycle that do not involve any form of contraception. A few of them are as follows.

*Softcup:* A softcup is a type of menstrual cup that is inserted into the vagina in order to collect menstrual flow. It works similar to a tampon by preventing blood from flowing from the vagina.<sup>367</sup> The rulings for such products have already been discussed under section regarding the usage of menstrual protection items.<sup>368</sup>

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<sup>362</sup> Cullins, Vanessa, "Sterilization for Women at a Glance," *Planned Parenthood*, accessed May 19, 2015, <http://www.plannedparenthood.org/learn/birth-control/sterilization-women>

<sup>363</sup> Admin, "How to Stop Your Period: The ultimate guide," *Baby Bumble B*, accessed May 13, 2015, <http://babybumbleb.com/stop-period-guide-stopping-menstruation-permanently/>

<sup>364</sup> Ibid.; "12 Types of Birth Control," *Health*

<sup>365</sup> Osteoporosis means "porous bones." Our bones are strongest at about age 30, then begin to lose density. More than 10 million Americans have osteoporosis, which is significant bone loss that increases the risk of fracture. About half of women 50 and older will have an osteoporosis-related fracture in their lifetime. Osteoporosis is the underlying cause of 1.5 million fractures every year. Spinal compression fractures are the most common. Women's bones are generally thinner than men's and bone density has a rapid decline for a time after menopause, so it's not surprising that about 80% of Americans with osteoporosis are women. [Todd, Nivin, "A Visual Guide to Osteoporosis," *WebMD*, accessed May 19, 2015, <http://www.webmd.com/osteoporosis/ss/slideshow-osteoporosis-overview>]

<sup>366</sup> Todd, Nivin, "Birth Control and Depo-Provera," *WebMD*, accessed May 19, 2015, <http://www.webmd.com/sex/birth-control/birth-control-depo-provera>; Pandey, Anubha, "How To Stop Your Menstrual Cycle," *Lady Care Health*, accessed May 13, 2015, <http://www.ladycarehealth.com/how-to-stop-your-menstrual-cycle/>

<sup>367</sup> "How to Stop Your Period," *Med-Health*

<sup>368</sup> See Chapter IX, 3<sup>rd</sup> Issue.

*Medications:* There are certain types of drugs that reduce menstrual bleeding but are not meant to be used as a form of contraceptive. For example, the Tranexamic acid tableted is a medication that induces clotting of blood in the uterus, thus reducing heavy menstrual bleeding. Some drugs are also designed to simulate temporary menopause, but such drugs are very costly and can produce serious side effects.<sup>369</sup>

## **Ruling: Contraceptives**

Before discussing the rulings of the different forms of contraceptives in detail, it is best to first outline the principles of using contraceptives in general.

In principle, contraceptives may be divided into two categories, reversible and irreversible. Irreversible contraception refers to any form of contraception that is meant to permanently hinder the woman from having children in the future. Some forms of irreversible contraception are absolutely permanent, such as hysterectomy, while others are in essence permanent but through extreme surgical methods are reversible, such as certain forms of sterilization.<sup>370</sup> In either case, this type of contraception is impermissible except in cases of extreme necessity such as cases where the woman's life is in danger.<sup>371</sup> This exception may only be made when it is accompanied by consultation from a qualified doctor.<sup>372</sup> Otherwise, the act of permanent contraception will remain *ḥarām*.

Reversible contraception refers to any temporary method that is used to prevent pregnancy. It may be physical such as the withdrawal method, also known as "coitus interruptus" (Ar. *ʿAzl*); oral such as the usage of birth control pills; or through medical devices such as IUDs and implants. This type of contraception is *makrūh tanzīhī* (disliked) if done without any reason. However, if it is done for a reason that is valid according to Sharīʿah, then it will be permissible. The following are a list of reasons that allow one to practice reversible contraception without any *karāhah* (dislike):<sup>373</sup>

- 1) Physical state of the woman: This may be due to a physical weakness or an illness that makes it difficult for the woman to handle another pregnancy.
- 2) The couple is on a distant journey.
- 3) The relationship between the couple is unstable and divorce is likely.
- 4) There is fear the child may be exposed to *fitnah* (immoral temptations) or he may pick up bad habits that are detrimental to his parents as well if he is exposed to the current environment.

<sup>369</sup> Ibid.

<sup>370</sup> For more information on sterilization, please refer to the section on other forms of birth control above.

<sup>371</sup> Gangohī, *Maḥmūdīyyah*, v. 18 p. 291

<sup>372</sup> Ibn ʿĀbidīn, *Radd*, v. 6 p. 389

<sup>373</sup> Ibid., v. 3 p. 176; Gangohī, *Maḥmūdīyyah*, v. 18 p. 316-318; Ludhyānwī, *Aḥsan*, v. 8 p. 347; ʿUthmānī, *Imdādul Ahkām*, v. 4 p. 320; Ibn ʿĀdam, Muḥammad, "Birth Control and Contraception," *Daruliftaa.com*, accessed May 21, 2015, <http://www.daruliftaa.com/node/4815>; Desāʿī, Ebrāhīm, "Is it permissible in Islam to use contraception," *Askimam.org*, accessed May 21, 2015, [http://www.askimam.org/public/question\\_detail/15927](http://www.askimam.org/public/question_detail/15927)

If one practices contraception for any reason that is contrary to Islamic principles, then will be impermissible to do so:<sup>374</sup>

- 1) Fear of poverty or not being able to provide for a large family.
- 2) Being ashamed of having a girl.
- 3) For indulgence in an illicit relationship.
- 4) For the fashion of keeping small families and imitating non-Muslims.

The above are the general principles one must follow when using any form of contraceptives; however, the use of certain forms of contraceptives may still be questionable due to other factors even though they may not fall under any of the prohibitions above. We shall now discuss this aspect and expound as needed.

### **Ruling: Oral Contraceptives**

Oral contraceptives are normally accompanied by specific side effects based on each individual's medical history and health record. These side effects may include nausea, migraines, risk of blood clots and strokes, increase in blood pressure, and breakthrough bleeding. Since progestin-only pills do not contain estrogen, it is a safer choice for women who may be prone to these side effects.

Another issue that may arise is the use of any *ḥarām* ingredients in the pills themselves; however, we are not aware of any pills that contain any animal source. Nevertheless, it is always best to check up on such products before using them.

In summary, if one is using oral contraception for a purpose that is valid according to Sharī'ah, then it will be permissible to do so on the condition that one has consulted a health care professional who has given the green light for the use of a specific product in accordance to that specific person's medical history. On the contrary, if a person has been diagnosed with serious medical conditions such as blood clots, strokes, severe migraines, etc. prior to use of the contraceptive or the health care professional has advised that specific individual that it is unsafe for her to use contraceptives, then she will not be permitted to do so since such an action will tantamount to endangering one's health.<sup>375</sup>

### **Ruling: Non-Oral Contraceptives**

Similar to oral contraceptives, non-oral contraceptives will also be subject to certain conditions for permissibility other than simply having a valid Sharī' excuse. The main issues of concern are as follows:

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<sup>374</sup> Ibid.

<sup>375</sup> Imam Ibn al-Humām states in *Fatḥ al-Qadīr*: "A person is allowed (ar. *malaka*) to receive medical treatment but he is not permitted to ingest poison or use anything on his body that is harmful to him." [Ibn al-Humām, *Fatḥ*, v. 3 p. 369] The different *masā'il* in the chapter of *Al-Tadāwī wa 'l-Mu'ālaḥāt* of *Al-Fatāwā Al-'Ālamgīriyyah* also shows that we are not permitted to use medicines that may be harmful to us. Certain *masā'il* also show that if a doctor informs the patient that a certain procedure may be harmful, then it will not be permissible to undergo such a procedure. [Al-Burhānpūrī, *Al-Fatāwā Al-'Ālamgīriyyah*, v. 5 p. 355]



- 1) Is the contraceptive reversible or permanent? In case it is permanent, then it will not be permissible to utilize at all except in extreme and dire cases.<sup>376</sup>
- 2) Does the contraceptive require insertion of any device into the vagina? Insertion of any object completely into the vagina is *makrūh* (reprehensible).<sup>377</sup>
- 3) Does the contraceptive require the woman to expose her *satr* (private area) in front of others, whether pre or post-procedure? A male doctor is not permitted to look at a woman's private parts at any given time unless there is a dire need to treat her and there is no female doctor available. A female doctor, however, is allowed to look at her if there is a suitable excuse such as at the time of delivering a baby. Contraception itself is not a suitable excuse unless there is an extreme case where the woman must have it.<sup>378</sup> This issue may be overcome if the only doctor performing the procedure is the woman's husband.<sup>379</sup>
- 4) Does the contraceptive have any side effects? Are they similar to the side effects accompanied with hormonal contraceptives? If so, a woman will be permitted to use the product only if her health care professional has ensured her that it is safe for her to use the product.<sup>380</sup>

To summarize the rulings for each, we have provided a chart below. Further explanatory notes have been provided after the chart. This chart should be read alongside the four issues mentioned above.

Product	Reversible	Insertion into Vagina	Exposure of Private Parts <sup>381</sup>	Side Effects
Vaginal Ring	Yes	Yes	No	Similar to Hormonal Contraceptives

<sup>376</sup> Gangohī, *Maḥmūdīyyah*, v. 18 p. 291

<sup>377</sup> Al-Maḥbūbī, *Sharḥ al-Wiqāyah*, v. 1 p. 502

<sup>378</sup> Al-Shaybānī, *Al-Aṣl*, v. 2 p. 238

<sup>379</sup> This is due to the fact that a husband is permitted to look and touch at all parts of his wife, including her private parts. [Ibid., v. 2 p. 239]

<sup>380</sup> See footnote under section "Ruling: Oral Contraceptives" above.

<sup>381</sup> "Private parts" does not necessary mean only the *farj*. It may refer to any situation where a woman must reveal any part classified as her *satr* to another upon whom it is impermissible to look at that specific body part.

<b>Diaphragm</b>	Yes	Yes	No	Bladder Infections and TSS <sup>382</sup>
<b>IUD</b>	Yes	Yes	Yes	Infections Possible, Pain for Non-Mothers (See Note 1)
<b>Condom</b>	Yes	Yes	No	None
<b>Patch</b>	Yes	No	No	Similar to Hormonal Contraceptives, Increased Risk for Blood Clots
<b>Implant</b>	Yes	No	Yes (See Note 2)	Similar to Hormonal Contraceptives, Increased Risk for Blood Clots
<b>Sterilization</b>	No	Surgery	Yes (See Note 3)	Surgical Complications May Occur
<b>Depo-Provera Shot</b>	Yes	No	Possible (See Note 4)	Similar to Hormonal Contraceptives, Linked to Bone Loss (Osteoporosis)

Note #1: Infections may occur during first 20 days after implanting IUD. Furthermore, since the uterus is expanded when using an IUD, women who have never had children may feel pain from IUD.

Note #2: Implants are inserted by health care professionals. If a female doctor is available and the implant is performed on the arm, then there is no issue with this. If a male doctor performs the implant, then it will not be permissible to do so as the woman will be forced to expose her *satr* (parts not permissible to be viewed by a male) in front of a man.

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<sup>382</sup> Toxic Shock Syndrome

Note #3: Sterilization is a permanent form of contraception, which deems it impermissible unless there is a dire need. Similarly, since the procedure requires the woman to go through surgery (minor or major depending on the type of sterilization), it will further be necessary to employ a female doctor and nurses to perform the surgery.

Note #4: If a woman is able to apply the shot herself, then this will not apply; however, in normal cases a doctor does not give such permission until a woman has had prolonged use of the shot.

### 7<sup>th</sup> Issue: Reading Qur'ān, Tafsīr, Du`ā', and Supplications (Adhkār) during Menses

Often a woman wishes to read Islamic books, recite supplications, and engage in the *dhikr* of Allāh Ta`ālā during her menses. Below we will attempt to outline some general principles pertaining to these issues without delving into unnecessarily details.

*Qur'ān*: In principle, it is impermissible to recite the Qur'ān during her menses.<sup>383</sup> However, there are two exceptions (or forms of leniency) to this rule:

- 1) She may recite any verse that denotes the meaning of a *du`ā'*<sup>384</sup> such as verses with “Rabbānā” and “Allāhumma,” the four *Quls*, and the verse of Al-Kursī.<sup>385</sup>
- 2) A woman who has a need to teach the Qur'ān may recite a verse of the Qur'ān word by word while breaking in between each word.<sup>386</sup>

*Bible and Torah*: It is *makrūh* (reprehensible) for a woman to read the Bible or the Torah during her menses.<sup>387</sup>

*Tafsīr*: It is permissible, but undesirable, for a ḥa'idah to touch and read books of *tafsīr* on the condition that the portion of *tafsīr* (commentary) is more than the actual text of the Qur'ān.<sup>388</sup> However, she should avoid touching any part of the actual text of the Qur'ān while reading the book.<sup>389</sup>

*Supplications (Adhkār and Awrād)*: It is permissible for a ḥa'idah to make any form of *dhikr Allāh* and *du`ā'* on the condition that it does not contain any verse of the Qur'ān that does not denote the meaning of *du`ā'*.<sup>390</sup>

*Islamic Books*: It is permissible for a ḥa'idah to touch and read Islamic books.<sup>391</sup> If the book contains Qur'ānic verses, the same rulings as books of *tafsīr* will apply, i.e., the majority of the

<sup>383</sup> Ibn `Ābidīn, *Manhal*, p. 272

<sup>384</sup> Ibid., p. 274

<sup>385</sup> Ludhyānwī, *Aḥsan*, v. 2 p. 71

<sup>386</sup> Ibn `Ābidīn, *Manhal*, p. 275

<sup>387</sup> Ibid., p. 276

<sup>388</sup> Ibn `Ābidīn, *Radd*, v.1 p. 176

<sup>389</sup> Al-Ḥaqq, *Zakariyyā*, v. 1 p. 534

<sup>390</sup> Ibn `Ābidīn, *Manhal*, p. 276; Ludhyānwī, *Aḥsan*, v. 2 p. 67

<sup>391</sup> Ibid., v. 2 p. 71

text should not be the Qur'ānic verses themselves and she should avoid touching the text of the verses as well.

*Du`ā' Compilations:* *Du`ā'* compilations may only be read per the conditions outlined for reading books of *tafsīr*. If majority of the book contains Qur'ānic verses such as the famous *Manzil*, then it will not be permissible to read the book simply by making an intention of *du`ā'*. Similarly, if the book contains certain verses of the Qur'ān that do not denote a meaning of *du`ā'*, then it will be necessary to skip those portions of the compilation.



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