

## **Hadeeth #124**

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

Deenar - is gold money

Dirham - is silver money

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

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

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

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

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

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

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

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

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

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

The harmful consequences of having intercourse while menstruating are:

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

### **Hadeeth #125**

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

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

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

### **Hadeeth #126**

لَمَّا has three meanings:

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

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

2. نفى و جزم - means did not

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

3. إلا - means except

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

سرف a place between Makkah and Madeenah.

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

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

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

### **Hadeeth #127**

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

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

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

### **Hadeeth #128**

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

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

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

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

### **OR**

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

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

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

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

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

## Questions Not Related to the Class

Q: Is it permissible to use birth control?

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

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

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

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

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