

# The Novice Menstruation's Waiting Period According To Jurists What Modern Medicine Said: A Comparative Jurisprudence Study

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## ABSTRACT

on this issue. In our research, we try to review the opinions of the jurists on one side and the modern approach on the other hand. The different jurisprudential schools of thought, through their scholars across different ages, dealt with the novice menstruation's waiting period, as they dealt with it in terms of its definition, distinction, and the jurisprudential rulings that accompany this case with evidence from the Holy Qur'an and the purified Sunnah of the Prophet. In the modern era, we note that modern medicine has a medical and scientific opinion

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## Introduction:

Praise be to Allah, and may blessings and peace be upon the Messenger of Allah, his family, companions, and those guided by his guidance.

It is a doctrine in Allah's religion to teach a human being that Islamic law has in its provisions the most precise details regarding the life of a Muslim or Muslim woman, and made it linked to the standard of truth that was brought by Allah, Wise and Knowing, Allah Almighty said (And they ask you about menstruation. Say, "It is harmful, so keep away from wives during menstruation. And do not approach them until they are pure. And when they have purified themselves, then come to them from where Allah has ordained for you. Indeed, Allah loves those who are constantly repentant and loves those who purify themselves)<sup>1</sup>

## Research importance

Due to the importance of jurisprudence and its place in the religion of Islam, especially concerning women's issues, we hardly find a preacher, academic, or even a satellite channel that talks about the details of menstruation in women, as well as the topic of a

woman who begins menstruating and who has special provisions in menstruation. Research Methodology: I followed a detailed, comparative, weighted inductive approach. I reviewed the issues and took them from their points of view in the books of jurisprudence, then I found out the appropriate ones and compared them, then weighed what was found to me is correct.

## Research plan

The research subject required that it be divided into two chapters, each chapter has two requirements. Chapter one deals with menses and the sayings of the jurists, divided into two demands. Chapter two discussed the subject of the jurisprudential implications of the menses of a female in the past and present. Then the conclusion, in which the research results are shown and references.

## Chapter one

### Menstruation and the jurists' opinion

Allah Almighty imposed menstruation on women of the worlds, the Almighty said: (And they ask you about menstruation. Say, "It is harmful, so keep away

<sup>1</sup> Surat Al-Baqarah, verse / 222.

from wives during menstruation. And do not approach them until they are pure. And when they have purified themselves, then come to them from where Allah has ordained for you. Indeed, Allah loves those who are constantly repentant and loves those who purify themselves)<sup>1</sup>

It is the blood that comes out from the outermost part of a woman's uterus after she reaches puberty, without childbirth, and it has specific times and characteristics.<sup>2</sup>

Menstrual blood is a sign of a slave girl's puberty, but the jurists (may Allah have mercy on them) differed in the age at which the slave girl reaches so that she sees menstrual blood according to many sayings. The most correct of it: What the majority of scholars have of the four schools of thought, which is that the minimum age for menstruation for a woman is nine lunar years.<sup>3</sup>

The menstruating woman has three conditions:

Either she is a novice: she is the one who did not have a menstrual period before that.<sup>4</sup>

Or she is used to: she is the one who was able to control menstrual blood in terms of description and time.<sup>5</sup>

Or perplexed: she forgot her period after the continuation of blood and described as perplexed as it baffles the Mufti due to her forgetfulness.<sup>6</sup>

The novice has many rulings according to the jurists (may Allah have mercy on them), especially regarding how to control menstruation. If a menstruating woman sees blood, and it is at the time of menstruation - that is, at the age of nine years or more - and the blood is not less than the minimum of menstruation, which is a day and a night, and not more than most of it, which is fifteen days and nights. Despite the disagreement among the jurists as to the minimum and maximum period of menstruation - it is menstrual blood, and it is subject to the rulings on menstruating women, as menstrual blood has form and time, and menstrual blood is a symptom of sickness.

The first requirement: the conditions of the menstruation

The novice has conditions, according to the interruption of blood, and its continuation.

First case: Cessation of blood for the completion of most menstruation or less.<sup>7</sup>

The jurists differed in this case over two schools of thought:

The first doctrine

Muhammad Abdullah bin Muhammad bin Qudamah (620 AH), Dar al-Fikr, Beirut, i 1, 1405 AH / 1985 AD: 1/447.

<sup>4</sup> See: rada almuhtar ealaa alduri almukhtar (hashiat abn eabadayna), Ibn Abdeen - by Mr. Ala Al-Din Muhammad Bin Muhammad Amin Bin Omar Bin Abdul Aziz Al-Dimashqi, known as Ibn Abidin Al-Hanafi (1252 AH), House of Revival of the Arab Heritage, Beirut, 2nd Edition, 1386 AH / 1966 AD: 1/296, and Mokhtasar Al-Khurshi - Abi Abdullah Muhammad bin Abdullah bin Ali (1102 AH) Dar Al-Kutub Al-Ilmiyyah, Beirut: 1/204, Al-Qana Scouts: 1/202.

<sup>5</sup> Previous sources.

<sup>6</sup> hashiat altahtawii ealaa maraqi alfalah sharah nur al'iidahi, Sharh Nour Al-Ihidah, by Al-Tahtawi - Ahmed bin Muhammad bin Ismail Al-Tahtawi Al-Hanafi (1231 AH). Edited by: Muhammad Abdul Aziz Al-Khaldi, Dar Al-Kutub Al-Alami, Beirut: 1/76, and the Fiqh Dictionary, Saadi Abu Habib, Dar Al-Fikr Damascus, 2nd ed., 1408 AH / 1989AD: p. 106.

<sup>7</sup> Most menstruation is 7-8 days for most women.

<sup>1</sup> Surat Al-Baqarah, verse / 222.

<sup>2</sup> See: Mughni al-Muhtaj - al-Sharbini - Shams al-Din Muhammad bin Ahmad al-Khatib (977 AH) Mustafa Muhammad Press, Cairo, 1378 AH / 1966 CE: 1/108, and Kashshaaf al-Qanaa, by al-Bahouti - Mansour bin Yunus bin Idris (1051 AH) Hilal Moslehi, Edited by Hilal Al-Fikr, Beirut, 1402 AH / 1982 AD: 1/196.

<sup>3</sup> See: Bada`a` al-San`a`, by al-Kasani - Abu Bakr Alaa al-Din bin Masoud bin Ahmed (578 AH), edited by: Muhammad Yasin Darwish, published by the Foundation for Arab History, Beirut, 1421 AH / 2001 AD: 1/157, and wahashiat aldasuqii ealaa alsharah alkabir, al-Dasouki - Ahmed bin Ahmad bin Arafa al-Desouki al-Maliki (1230 AH), Dar al-Fikr, Beirut: 1/168, and the total is Sharh al-Muhdhab, by al-Nawawi - Abu Zakaria Muhyiddin Yahya bin Sharaf al-Nawawi (676 E) Dar Al-Fikr, Beirut, 1417 AH / 1997AD: 2/400 AH, and Al-Mughni in the jurisprudence of Imam Ahmad bin Hanbal, by al-Maqdisi - Abu

A woman waits for all the days in which she sees blood, until most of her menstruation (7-8 days) or for most of it (15 days) or less, so all is menstruating. For this opinion, the majority of Hanafi jurists agreed<sup>1</sup>, and Maliki<sup>2</sup>, and Shafi'is<sup>3</sup> and a narration of the Hanbalis.<sup>4</sup>

The second doctrine

The blood, if it exceeds the minimum of menstruation (one day and one night) and does not pass most of it (seven to eight days), then the female novice should be bathing<sup>5</sup> after her menstruation, and fasts and prays.

This is the view of the Shafi'is in the second opinion<sup>6</sup> and the Hanbalis on the surface of their doctrine.<sup>7</sup>

The most inferred the following:

1. The starting of blood is menstruation, but sometimes it is not as well as during it; because we have ruled that it is menstruation, we do not invalidate what we have ruled by permitting it, as is usual.<sup>8</sup>
2. Menstrual blood is normal<sup>9</sup> but the other forms of blood are due to an occasional disease.<sup>10</sup>

The Hanbalis inferred the following in the narration of Zahir al-Madhab:

1. If we judge that she is pure after the minimum period of menstruation, then we have ruled that her obligation is free of an obligatory act of worship for her. Although she is a novice and not previously accustomed, so purification is not required from day till night. Because it is certainty, and because she is one of those who do not have menstruation or discrimination, so she did not wait the menstruation, like forgetfulness.<sup>11</sup>
2. Since the objection to prayer and fasting is menstruation. If the minimum of menstruation has passed, and most of it has not passed, then the female beginner does not wait; because it is doubtful, but she should wash after the minimum period of menstruation, and it has been ruled that it stopped, it is the end of menstruation ruling.<sup>12</sup>
3. Precautions must be taken in maintaining and establishing the functions of the Sharia. Because there is no dependency, the original work of the dhimma with the duties of God Almighty.<sup>13</sup>

<sup>1</sup> See: Bada'i 'al-Sana'i: 1/158, and alaikhtiar litaelil almukhtar, al-Baldhi - Abi al-Fadl Abdullah Mahmoud bin Mawdud bin Mahmoud al-Mawsili (683 AH), Al-Halabi Press - Cairo (Dar al-Kutub al-Ilmiyya - Beirut, and others), 1st edition, 1356 AH / 1937 AD: 1/26.

<sup>2</sup> See: Bidaya al-Mujtahid, by Ibn Rushd - Abi al-Walid Muhammad bin Ahmed bin Ahmed bin Rushd al-Qurtubi known as Ibn Rushd al-Hafid (595 AH), Dar al-Hadith, Cairo, 1425 AH / 2005 CE: 1/69, and alkafi fi faqih 'ahl almadina, Ibn Abd al-Barr - Abi Omar Yusuf bin Abdullah bin Muhammad bin Abd al-Barr bin Asim al-Nimri al-Qurtubi (463 AH), edited by: Muhammad Muhammad Ahaid born Madik al-Mauritani, Modern Library of Riyadh / Riyadh, 2nd ed Hegira 1400 / AD 1980: 1/187.

<sup>3</sup> See: nihayat almatlab fi dirayat almadhhib, al-Juwayni - Abi al-Maali Abd al-Malik bin Abdullah bin Yusuf bin Muhammad al-Juwayni, Rukn al-Din, nicknamed Imam of the Two Holy Mosques (478 AH). Dr. Abdul-Azim Mahmoud Al-Deeb, Dar Al-Minhaj, Medina, 1st floor, 1428 AH / 2007 AD: 1 / 341-343, and total: 2/415.

<sup>4</sup> See: Al-Mughni, by Ibn Qudamah: 1/409, and al-Furoo ', by al-Maqdisi-Abu Abdullah Muhammad Ibn Muflih (763 AH), by Hazem al-Qadi, published by Dar al-Kutub al-Ilmiyya / Beirut, 1st Edition, 1418 AH / 1998 AD: 1/381.

<sup>5</sup> the treatment of menstruation.

<sup>6</sup> See: The End of Muttalib, by Juwayni: 1 / 341-343.

<sup>7</sup> See: Al-Mughni, by Ibn Qudamah: 1/376, and Al-Furoo ': 1/381.

<sup>8</sup> See: Al-Mughni, by Ibn Qudama: 1/376.

<sup>9</sup> (Al-Jablah): Nature and Creation. Lisan al-Arab, by Ibn Manzur-Abi al-Fadl Muhammad bin Makram al-Masri (711 AH) Dar Sader, Beirut, 1st Edition, 1410 AH / 1990AD, Article (Jabal): 11/96.

<sup>10</sup> See: Mughni Al-Muhtaj: 1/108.

<sup>11</sup> See: Al-Mughni, by Ibn Qudamah: 1/376, and Al-Insaaf in Issues of Controversy, by Al-Mardawi - Abi Al-Hassan Ali Bin Sulaiman (885 AH), Edited by: Muhammad Hamid Al-Fiqi, Dar Revival of the Arab Heritage, Beirut: 2/398.

<sup>12</sup> The previous two sources.

<sup>13</sup> See: nihayat almatlab, Juwayni: 1 / 341-343.

They declared that it is forbidden to have intercourse during the time for less menstruation. Because it appears that it is menstruation. Rather, she was ordered to worship as a precaution to clear her obligation, so her sexual intercourse had to be left as a precaution.

Moreover, when the blood stopped a day or more or less before the period passed most of the menstruation, she did ghusl when it ceased, because of the possibility that it was the last of her menstruation, and she does not purify herself with certainty except by washing and then the ruling on it is the ruling of the pure. If the blood returns as if it had not been cut off.<sup>1</sup>

### Probabilities

What appears to be more preponderant is the view of the majority of jurists of the first school of thought to match their evidence to the original; Since the basic principle is that the blood that comes out of the woman and is suitable for it to be menstrual blood, it is menstrual blood, so how is it judged that it is pure after the minimum period of menstruation has passed, and the blood continues as it is? How are you commanded to pray and fast, and forbade intercourse? This is a contradiction.

### Second case

The continuation of blood over most of the period of menstruation with the novice female.

If the blood of the novice female continues and has passed most of her menstruation (fifteen days), then the fuqaha 'differed over two schools of thought:

### The first doctrine

Until her menstruation is ten days and her period has passed.

As agreed by Hanafis<sup>2</sup>, and the Maliki<sup>3</sup>.

### The second doctrine

She is considered with her peers, and if she exceeds them, she lies in wait for up to fifteen days. And this is the opinion of the Maliki<sup>4</sup>.

The third doctrine: They said in detail that the female novice has the following:

First: That her blood is distinct, some black, thick, or stinky, and some thin red, not stinky. Her menstruation was black, thick, or the stink, and if it is valid for it to be menstruation, that it does not decrease from the minimum of menstruation, and does not exceed most of it.

Second: her blood is not distinct, whether it is all black or red, or distinct, and black are not suitable for menstruation by lacking less than the minimum menstruation, or more than most.

She refrains from praying, at least one menstruation of each month until it is repeated three times, and if it is repeated, she sits for six or seven menstruation every month.

Shafi'i<sup>5</sup> and Hanbali.<sup>6</sup>

### The first doctrine holders inferred the following:

1. What was narrated on Ibn Abbas, may Allah be pleased with them, in the woman menstruation (She leaves the prayer during the days of her menstruation, then she rinses, then rests and prays, then prays." Then the man said: And if it is flowing? He said: "And if it is flowing like this stump."<sup>7</sup>

<sup>1</sup> See: Al-Mughni, by Ibn Qudamah: 1/376, and Al-Insaaf, by Al-Mardawi: 2/398.

<sup>2</sup> See: Bada`a` al-San`i: 1/41, and Fatah al-Qadeer, by Ibn al-Hamam - Kamal al-Din Muhammad Ibn Abd al-Wahid Ibn Abd al-Hamid (861 AH) House of Revival of Sciences, Beirut 1400 AH / 1980 AD: 1/111.

<sup>3</sup> See: Bidaya al-Mujtahid: 1/57, and Haashiyat al-Desouki: 1/168.

<sup>4</sup> Same two previous references.

<sup>5</sup> See: almajmu, 2/412, and Mughni al-Muhtaj: 1/113.

<sup>6</sup> See: Kashshaaf al-Qana ': 1/207, and Talabat Awali al-Nuha, by al-Rahibani - Mustafa bin Saad bin Abd al-Suyuti (1160 AH) The Islamic Office, Damascus: 1/254.

<sup>7</sup> Sunan al-Darmi - Abu Muhammad Abdullah bin Abd al-Rahman bin Bahram al-Samarqandi (T: 255 AH) Arab Book House, Beirut, 1st Edition, 1407 AH / 1987 AD, chapter on washing al-Mustahaadah: 1/606, No. (815), and Sunan Ibn Majah, by al-Qazwini - Abi Abdullah Muhammad ibn Yazid (275 AH), by Muhammad Fu'ad Abd al-Baqi, Dar al-Fikr, Beirut, chapter = = what came in al-Mustahaadah: 1/204, No.

Significance: Whatever she saw during the days of her menstruation with certainty, and what exceeded most menstruation was menstruation with certainty, and what was between that was hesitant between being attached to what came before it so that it would be menstruation, so she does not pray, or joins what comes after, so it is menstruation. She prays and does not leave the prayer in doubt.<sup>1</sup>

2. This is blood during menstruation, and it could be made menstruation, so it makes menstruation, and what is more than ten is menstruation. Because there is no more menstruation than ten, and so on every month.<sup>2</sup>

### **The second doctrine holders inferred the following:**

1. What was narrated on the authority of Aisha (may Allah be pleased with her) who said: "Fatimah, daughter of Abu Habish, said to the Messenger of Allah, O Messenger of Allah, I have no purification, should I leave prayer?", he said ("That is a vein, so when the time of menstruation comes, stop praying, and when it goes, take your bath and wash the blood from yourself then pray.")<sup>3</sup>

Another saying: If it is menstrual blood, then it is black, then hold back from prayer. If it is the other, then do ablution and pray<sup>4</sup>

Significance: Menstrual blood is known to be distinctive for women, so what is other than istihaadah.<sup>5</sup>

2. Because it comes out of the vagina and requires washing, so it returns to its character when suspected, such as semen and madhiy.<sup>6</sup> if the qualities conflict, then it is outweighed by abundance.

the existence of menstruation is proven by discernment as it is by the cessation of blood, so if she sees five days of black blood at the beginning of each month, and it is repeated three times, then her menstruation is as it is confirmed by the cessation of blood, so she sits at the first of each month, even if the red appears after it.<sup>7</sup>

### **The second case**

1. What was narrated from Himnat Bnat Jahsh that she has Istihadah, she came to the messenger and asked him: O Messenger of Allah, I have Istihadah severely, he said: (drink herbs, said: It is more than that, then he said: your menstruation would be six days

(625), and al-Jaami al-Sahih, by al-Tirmidhi - Abi Issa Muhammad bin Isa (279 AH), edited by: Bashar Awad Maarouf, House of the Revival of the Islamic West, Beirut, 1st Edition, 1418 AH / 1998 AD, chapter of what came in the Mustahaadah for every prayer: 1/187, No. (126), and he said: hasan sahih.

<sup>1</sup> See: Badaa`a Al-Sana'i`a: 1/41.

<sup>2</sup> See: albanay, 1/614, bidayat almjthd: 1/69.

<sup>3</sup> Al-Jami Al-Sahih Al-Muqtasar, Al-Bukhari - Abu Abdullah Muhammad bin Ismail (256 AH), verified by: Dr. Mustafa Deeb Al-Bagha, Dar Ibn Katheer, Beirut, 3rd edition, 1407 AH / 1987AD, The Book of Ablution, Chapter of Istihaadah: 1/68 of the number: (306).

<sup>4</sup> Sunan Abi Dawood, by Al-Sijistani-Abi Dawood Suleiman bin Al-Ash'ath (275 AH), edited by: Muhammad Muhyiddin Abdul Hamid, published by Dar Al-Fikr, Beirut, chapter Who said: If menstruation comes, prayers are left: 1/74, No. 285 Al-Albani said: 1/48, Sahih, and Al-Mustadrak Ali Al-Sahihin, by

Al-Nisaburi - Abi Abdullah Muhammad bin Abdullah Al-Hakim (405 AH), edited by: Mustafa Abdul-Qadir Atta, published by Dar Al-Kutub Al-Ilmiyya, Beirut, Edition 1 Book of Purity: 1 / 281, No. (618), Al-Dhahabi said: it should be a Muslim.

<sup>5</sup> See: Fath al-Bari Sharh Sahih al-Bukhari, al-Asqalani - Abu al-Fadl Ahmad bin Ali bin Hajar (852 AH). Edited by: Moheb al-Din al-Khatib, Muhammad Fuad Abd al-Baqi, Dar al-Maarifa, Beirut, 1379 AH / 1959 CE: 1/420.

<sup>6</sup> See: Al-Mabsut, by Sarkhasi - Muhammad bin Ahmed bin Abi Sahl Shams al-Imam al-Sarkhsi (483 AH), Dar al-Maarifah, Beirut, without edition, 1414 AH / 1993 AD: 3/155.

<sup>7</sup> See: Fath al-Bari Sharh Sahih al-Bukhari, by Ibn Rajab - Zain al-Din Abd al-Rahman bin Ahmad bin Rajab bin al-Hasan, as-Salami, al-Baghdadi, then al-Dimashqi, al-Hanbali (deceased: 795 AH), al-Ghurabaa Archaeological Library - Medina of the Prophet, ed 1, 1417 AH / 1996AD: 2/128.

or seven, then do a wash, pray twenty-three or twenty-four, and delay the noon and wash with a ghusl, and pray and this the best)<sup>1</sup>

Significance: That the Prophet returned her to six or seven, and he did not refer her to certainty, nor the menstruation of her peers, nor to most of her menstruation. Because these are due to the majority of women's menstruation at their time. Because she sits once a month, so is the number of her days.<sup>2</sup>

This inference is based: that the Prophet restored the matter to her thought, not to the Sharia, then how she wasted a day of worship just because of thinking.

They replied: The choice is between six and seven, given that she is in the condition of a woman like her from among the women of her household. If her menstruation is like her, she should sit for six days, and if it is seven, then seven.<sup>3</sup>

2. The novice who first sees blood hopes that her matter will be revealed closely, and she is not certain that she has spoiled blood. That is why she returned to most of the menstruating act outwardly, and she sits most of her menstruation from the time it begins - if she knows it - and only from the beginning of each lunar month.<sup>4</sup>

Probabilities

<sup>1</sup> Musnad Ahmad, Al-Shaibani - Abu Abdullah Ahmad bin Hanbal (241 AH) Al-Risala Foundation, Beirut, 1420 AH / 1999 AD: 45/467, No. (27474), Imusanaf fi al'ahadith walathar, Ibn Abi Shaybah - Abi Bakr Abdullah bin Muhammad bin Abi Shaybah Al-Kufi (235 AH), edited by: Kamal Al-Hout, published by Al-Rushd Library, Riyadh, ed. Al-Mustahaadah: How to make: 1/120, No. (1364), and Mustadrak Al-Hakim, Book of Purity: 1/279, No. (615), Al-Dhahabi was silent about it.

<sup>2</sup> See: Al-Mughni, by Ibn Qudama: 1/376.

<sup>3</sup> Explanation of Sunan Abi Dawood, by Al-Ayni - Abu Muhammad Mahmoud bin Ahmed bin Musa bin Ahmed bin Hussein Al-Gheitabi Badr Al-Din (855 AH), edited by: Abu Al-Mundhir Khalid bin Ibrahim Al-Masry, Al-Rushd Library, Riyadh, 1 ed., 1420 AH - 1999 AD: 2/67.

<sup>4</sup> See: Al-Majmoo', by Al-Nawawi: 2/412, Al-Mughni, by Ibn Qudamah: 1/376.

What appears to be more preponderant is what the public has said in detail. This is because of the strength of their evidence, their relevance, and their safety from the opposition. And because the legal evidence supports this saying.

The second requirement: proofing the menstruation How can menstruation be established for the beginner, meaning: Is it necessary to repeat menstruation or not? The scholars - may God have mercy on them - differed on this issue on three schools of thought:

### The first doctrine

Menstruation is established once in the beginner.

This is the view of the majority of Hanafi jurists,<sup>5</sup> and Maliki,<sup>6</sup> and it is more correct according to the Shafi'i<sup>7</sup>

### The second doctrine:

Which is: that the menstruation of the female beginner is only established three times, once every month. Which corresponds to the more correct according to the Shafi'i's,<sup>8</sup> and the Hanbalis<sup>9</sup>

### The third doctrine:

A woman's menstruation is realized from two months.

The Hanbalis went in the second opinion<sup>10</sup> the first school inferred the following:

<sup>5</sup> See: Bada'a` al-San'i: 1/41, Ibn Abdin Haashiya: 1/190 and beyond.

<sup>6</sup> See: Bidaya al-Mujtahid: 1/57, and Haashiyat al-Desouki: 1/169

<sup>7</sup> See: Al-Bayan in the doctrine of Imam al-Shafi'i, by al-Omrani - Abu al-Husayn Yahya bin Abi al-Khair bin Salem (558 AH), edited by Qasim Muhammad al-Nuri, Dar al-Minhaj, Jeddah, 1st Edition, 1421 AH - 2000 AD: 1/364 Mughni al-Muhtaj: 1/115.

<sup>8</sup> See: Mughni al-Muhtaj: 1/115, The End of al-Muhtaji to Sharh al-Minhaj, by al-Ramli - Shams al-Din Muhammad bin Ahmad bin Hamzah (1004 AH) House of Revival of Arab Heritage, Beirut, 1404 AH / 1984 CE: 1/345.

<sup>9</sup> See: kashaf alqana, 1 / 205-208.

<sup>10</sup> See: kashaf alqana 1/205, 208.

1. Allah Almighty said: (such as He created you in the beginning, so shall you return.)<sup>1</sup>

Significance: Allah likened the return in the noble verse to the beginning, so that the return indicates what he did once.<sup>2</sup>

2. The hadith of Umm Salamah (may Allah be pleased with her): Narrated Umm Salamah, Ummul Mu'minin: In the time of the Messenger of Allah there was a woman who had an issue of blood. So Umm Salamah asked the Messenger of Allah to give a decision about her. He said: She should consider the number of nights and days during which she used to menstruate each month before she was afflicted with this trouble and abandon prayer during that period each month. When those days and nights are over, she should take a bath, tie a cloth over her private parts and pray.<sup>3</sup>

Significance: This hadith indicates the consideration of the month that preceded istihaadah. And because it appears that it is in it as the next; because he is close to her, it is first of what has passed, and the first to return the female beginner to the minimum or most of her menstruation, for she did not observe it, but rather she entrusted the opposite.<sup>4</sup>

The Hanbalis responded to this inference: that the word (was) in the Prophet saying "Let us look at the several nights and days that they menstruated from the month before that trouble", It is reported about the persistence and repetition of the action, and it is not said to the one who did anything once.<sup>5</sup>

### **The people of second doctrine inferred out as following:**

<sup>1</sup> urat Al-A'raf, from verse 29.

<sup>2</sup> See: mawahib aljalil : 1/368.

<sup>3</sup> Musnad of Ahmad: 44/307, No. (26716), and Sunan Abi Dawood, Chapter on the Woman Istihada, 1/71, No. (274).

<sup>4</sup> See: Majmoo', by Al-Nawawi: 2/442.

<sup>5</sup> See: Al-Mughni, by Ibn Qudama: 1/362.

<sup>6</sup> Sahih Al-Bukhari, The Book of Ablution, Chapter: If a woman has a menstrual period in a three

<sup>7</sup> Mask Flashlight: 1/205

- 1- The hadith of Aisha (may God be pleased with her) on the authority of the Prophet () that he said: "leave prayers during your menstruation days".<sup>(6)</sup>

Significance: They said the word (days) mentioned in the hadith came in a plural form, and the least of it is three, and because what was considered to be repetition was considered three, as the recitation, the months in the free period, the choice of the woman, and the time limit for the apostate.<sup>(7)</sup>

- 2- The blood either comes in the three equal or different, and if the blood in the three is equal, beginning and ending, and the certainty that it is menstruation did not differ and it has become a period, and if the blood is in different numbers, Whatever was out of three then has a period if it is not repeated, whether it is arranged or not, and example: if she menstruates five days in the first month, six days in the second month, and seven days in the third month, then we sit for five days to repeat it three times, as if it did not differ.

As for the not arranged, if you see five in the first month, four in the second month, and six in the third month, so you sit all four to repeat it.<sup>(8)</sup>

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- 3- That period is taken from recurrence, and recurrence does not happen once, and we do not understand from the name of the period a verb once in any way.<sup>(10)</sup>

<sup>8</sup> See: Mughni al-Muhtaj: 1/115, and Kashshaaf al-Qinaa: 1/205

<sup>10</sup> See: Al-Mughni, by Ibn Qudamah: 1/362, and the creative, Sharh Al-Muqni, by Al-Hanbali - Abi Ishaq Ibrahim bin Muhammad bin Abdullah (T: 884 AH) The Islamic Office, Beirut, 1400 AH / 1980AD: 1/242

The people of the third doctrine, when they went it, inferred that the period is taken from recurrence, and recurrence does not happen once.<sup>(1)</sup>

The answer for this evidence is: that the recurrence does not take place from one time, or both times, but rather from the three this was understood from the expression (Days) in the hadith of Aisha (may God be pleased with her). As it came in the plural, and the least of the plural is three; and because what was considered repetition and considered three.<sup>(2)</sup>

### **Probability:**

What appears to be the preponderance of it - and God knows best - is what the adherents of the second doctrine said, that period is only proven to the novice three times, once every month. This is due to the strength of their evidence, its relevance and safety from opposition, and because of the discussion on the evidence of the violators.

3

## **Chapter two**

### **The jurisprudential impacts of the menses previously and nowadays**

#### **The first requirement: the possibility of knowing the blood through modern medicine**

A healthy adult woman goes through a menstrual cycle, during which several changes occur in her body; Because of the increase and decrease of some hormones, these hormones are the ones that control the uterus.<sup>(4)</sup>

<sup>1</sup>See: Al-Mughni, by Ibn Qudamah: 1/362, and Al-Creative: 1/242

<sup>2</sup> Mask Flashlight: 1/205

<sup>4</sup>The Creation of Man between Medicine and the Qur'an, by Dr. Muhammad Ali Al-Bar, Saudi Publishing House, Jeddah, Part 2: pg / 110.

<sup>5</sup>See: The Creation of Man between Medicine and the Qur'an: pg. 110, and ultrasound in gynecology, pregnancy and fertilization, by Dr.: Musa Muhammed al-Muti, Arab House for Sciences, Cairo, i 2: pp. 33-34, and al-Jami's in

If a woman is close to puberty, the uterus, which is the reservoir of the boy, has a thin membrane whose thickness does not exceed half a millimeter. The woman's ovaries begin to send the feminine hormone from Grave's vesicles, and the uterine membrane grows until it reaches five millimeters, and this hormone also affects the blood vessels and enlarges, and the numbers of the uterine glands then turn into long tubes.<sup>(5)</sup>

In the growth stage, this hormone develops the muscles of the uterine wall, and effects on all the female characteristics of a girl, so the tone of the voice changes, the breasts grow, and the deposition of fat increases

6

In it, the girl's sexual desire is appearing after she was missing it in childhood,<sup>(7)</sup> while the thickness of the lining of the uterus reaches 4-8 mm.

After that the secretion stage, the lining of the uterus grows from approximately 7-14 mm,<sup>(8)</sup> then the uterine proliferation during this period is very large, and the lining membrane becomes more coherent, and the arteries feeding the uterus grow.<sup>(9)</sup>

The uterus, the reproductive system, and even the entire woman's body, as a result of the female hormone, becomes ready for pregnancy, so if God Almighty decreed that there should be no pregnancy, then this hormone suddenly decreases when the ovary knows that there is no pregnancy there, and less than the secretion, and if the amount of this

gynecology "Novak Preparation and translation of a group of specialists in obstetrics and gynecology, Dar Al-Razi, for publication, Damascus: 2/163.

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<sup>7</sup> See: The creation of man between medicine and the Qur'an: p: 111

<sup>8</sup> See: Current Obstetric And Gynecologic Diagnosis - Alan H. De Chemey Lauren Nathan: pp / 60-59.

<sup>9</sup> Seen: Current Obstetric And Gynecologic Diagnosis - Alan H. De Chemey Lauren Nathan: pp / 60-59

hormone in the blood decreases, the vessels constrict. The blood supply to the uterine membrane is severely constricted, to the extent that it prevents food from it completely, then this membrane withers and the blood vessels underneath it disintegrate, and the congested blood comes out from them, which is black, thick blood, has a rotten smell, and contains fragments of the lining of the uterus. <sup>(1)</sup>

2

The entire lining of the uterus (menstruation) takes between six days, and usually seven days, otherwise women differ in that period clearly. <sup>(3)</sup>

It is known medically that the enzyme "fibrin" dissolves the blood that falls in the uterus because it is a coagulated clot, so the menstrual blood will be liquid even if it remains for years, so glory be to the one who has excelled and created. <sup>(4)</sup>

In this way, blood comes out that occurs in a woman's menstruation, and by knowing this and controlling it, it is possible to know the type of blood that the female beginner sees, is it menstrual blood, or is it blood due to illness and putrid?

The menstrual blood can also be known from others by means of the device "Doppler" ultrasound machine, and this device is hardly available in any gynecology clinic. <sup>(5)</sup>

There are two methods of examining a woman's genitals:

1- Either through the abdomen

<sup>1</sup>See: The Creation of Man between Medicine and the Qur'an: pp. 126-127, Gynecology: Symptoms, Prevention and Treatment, Zakaria Al-Sheikh, Al-Ahram Center for Translation and Publishing, Cairo, Edition 2, 1422 AH: p / 16

<sup>3</sup> It says in the mosque in gynecology: First: the period of bleeding, which ranges from two to six days, and the average is (4.7 days), and a maximum of seven days.

Second: The amount of blood that comes out, ranging between (20 to 60 mm) and a rate of (35 mm), and the maximum amount may reach (80 mm.)

6

2- Or vaginally, and there are other methods of examination, but they are of little use.

What concerns us is the examination through the vagina, where a special pen-shaped probe is inserted into the vagina, this sensor has a high frequency in the range (5-7 million hertz), and this sensor is covered with a protective rubber cover, and a special gel is placed in it (gel), then the probe is inserted slowly without causing pain to the woman, and then the doctor monitors the image of the uterus on medical television. <sup>(7)</sup>

In case the girl has not been married before, the examination is done through the abdomen, in order to preserve the integrity of the hymen, and it has benefits in determining the extent of some uterine tumors.

This modern technology enabled doctors to identify the nature of menstrual blood, and through it they were able to look into the inside of the uterus, and measure the lining of the uterus. When its thickness reaches the highest level (as we have shown previously), this membrane begins to dissolve and descend, and it falls in the form of thick black pieces. Rancid, which is known as menstrual blood. So, the doctor can identify the blood that she sees the beginner by looking at the uterus, and knowing the source of the blood coming out, if it is coming from the impact of the rupture of the endometrium. It is the known menstrual blood, and if the source is other than that, it is other than the known menstrual blood. <sup>8</sup>

Third: The period of purity ranges between (21 to 35 days) and on average (every 28 days). What is more or less than that is considered a pathological condition: pp. 160 and 358

<sup>4</sup> See: The Creation of Man Between Medicine and the Qur'an: pg / 127

<sup>5</sup> See: Ultrasound in gynecology, pregnancy and fertilization: p / 19

<sup>7</sup> Seen: Ultrasound in Gynecology, Pregnancy, and Fertilization: p / 25.

### **The second requirement: menstruation, the sayings of scholars and modern medicine**

There is no doubt that the jurists (may God have mercy on them) when they diligence in the blood that the beginner sees, their ijthihad did not stem from a wrong perception, but rather from a complete conception, its jurisprudence, and consideration of the evidence. Their diligence was in proportion to their age, as they set signs and a known time, in which a menstruating woman - with these signs and time - can control and distinguish menstrual blood from others, so they did not entrust the menstruating woman based on a matter of the unseen. On the other hand, we find that the jurists (may God have mercy on them) took precautions for the menstruating woman, so they required repetition for the beginner. In order to control the period, and make menstruation less and more, all of this as a precaution of them; because menstrual blood relates to it, there are many rulings on acts of worship, transactions and so forth. After this tremendous progress, and the emergence of modern technologies such as X-rays and electromagnetic waves, we realized the extent of the suffering that the firsts jurists (may God have mercy on them) incurred to control menstruation issues and differentiate between menses blood and menstrual blood. Hence, it was narrated on the authority of

Umm Alqamah, the loyalty of the Aisha mother of the believers (may God be pleased with her) that she said: "The women were sent to Aisha mother of believers by level <sup>(1)</sup> in it the brochure <sup>(2)</sup> in it is the yellowish of menstrual blood. Ask her about prayer? Then she says to them: Do not hurry until you see the white story <sup>(3)</sup> and with that, you want the purity of the menstrual period. <sup>(4)</sup>

5

And the daughter of Zayd ibn Thabit (may Allah be pleased with them): "It reached that women were calling from the middle of the night lamps beholding to purity, was so disgracing them, and say: What was the women were making this." <sup>(6)</sup>

And at this time, it became possible to identify the blood of the novice the first thing she saw, through a visit to the obstetrics and gynecology clinic, so the doctor examined the girl's blood and analyzed her urine, if it contained a large amount of the female hormone (estrogen) and a small amount of the hormone (progesterone), This girl is prone to menstruation. By examining the uterus, knowing the thickness of its lining, and its containment of blood, when it comes out it is considered menstrual blood, not corrupt blood, because it is certain that it came from the top of the uterus, and that it is the usual blood for women.

7

<sup>1</sup> The degree: a piece of cloth to insert - that is, to wrap - with cotton. See: The Dictionary of the Language of the Scholars: pg / 207

<sup>2</sup> Celestial: any cotton. See: Tahdheeb Language: 10/229.

<sup>3</sup> The white story: it is that a piece of cotton or a rag that a menstruating woman takes with it comes out, as if it were a white streak with no yellow in contact with it, and it was said: A white discharge is something like a white thread that comes out after the expiration of all the blood. The End in Gharib Hadith and Impact, by Ibn Al-Jazari - Majd Al-Din Abi Al-Saadat Al-Mubarak Bin Muhammad Bin Muhammad Bin Muhammad Ibn Abdul Karim Al-Shaibani Al-Jazari Ibn Al-Atheer (T. : 606 AH). Edited by: Taher Ahmed Al-Zawy - Mahmoud Muhammad Al-Tanahi, The Scientific Library, Beirut, 1399 AH 1979 AD: 4/71

<sup>4</sup> Sahih Al-Bukhari (Commentary), The Book of Menstruation, Chapter of Iqbal Menstruation and its Management: 1/71, and Muwatta Malik - Abu Abdullah Malik bin Anas (d. : 159 AH), Edited by: Muhammad Mustafa Al-Azami, Zayed Bin Sultan Al Nahyan Foundation, Dubai i 1 1425 AH / 2005 CE, Chapter of the menstruating woman Tahar: 2/80, No. (189.(

<sup>6</sup> Sahih Al-Bukhari (Commentary), The Book of Menstruation, Chapter of Iqbal and the Management of Menstruation: 1/71, and Malik in Al-Muwatta, Chapter of the Purification of the Menstruating Woman: 2/80, No. (190.(

If the laboratory tests show that this blood is not due to the breakage of the lining of the uterus, but rather it is due to another reason, then we judge that this blood is putrid and sick blood, not menstrual blood. And so the disagreement goes' up among the jurists (may God have mercy on them), and the jurisprudential impact of adopting the words of modern medicine is the following:

**First:** The ruling that a female beginner is menstruating, so she stops praying and fasting, and that is if the laboratory tests conducted by a trusted doctor prove that this blood is menstrual blood, with no possibility of error in conducting those tests, whether the blood is less than the minimum of menstruation, or more than maximum. The ruling is for the purity of the female beginner, if the laboratory tests prove that the blood that the female beginner saw is not menstrual blood, but rather for another reason, and in this case she prays, fasts, and does what the pure woman does, except that she performs ablution for each prayer.

**Second:** The distinguished novice, if she sees black, thick blood with a rotten smell, then she thinks that it is the usual menstrual blood, and the laboratory tests have proven contrary to what she thought, then the saying is the doctor's saying of trust; Because the possibility of error in distinguishing the characteristic of blood is more than the possibility of error in laboratory tests.

**Third:** The companions (may God be pleased with them) used to send to Aisha (may God be pleased with her), so that she could look at it and tell them: Is it menstrual blood or not? This indicates the opinion of the expert. <sup>(1)</sup>

<sup>2</sup>

Fourth: The repetition of prove period of the initiate is only mentioned by the jurists (may God have mercy on them) as a precaution for it, because of

doubts about the first blood, is it menstrual blood or not? And the laboratory medical examinations in which there is certainty that the blood will remain or that it will disappear, and the certainty does not disappear with doubt, so the doctor's saying of confidence in that is considered.

What appears to be preponderance - and God knows best - is the method of the jurists is easier, to enable the general public to apply it. As for the doctor's saying that trust remains strong, it is not easy for all women to visit the doctor to find out, especially since menstruation blood is repeated every month for the woman, it will cause hardship and stubbornness if we impose the doctor's words, The woman was not entrusted with what was difficult for her, and religion came with ease, not hardship, God said (and has imposed no difficulties on you in religion; it is the cult of your father Abraham). <sup>(3)</sup>, The Almighty said (No soul shall have a burden laid on it greater than it can bear) <sup>(4)</sup>, So this technology has a consideration for those who are able to.

<sup>5</sup>

## Conclusion

The topic of our research was (the period of the novice among the jurists and what modern medicine said), and it is a delicate and thorny issue that the Islamic society is a conservative society, It is difficult for an adult and married woman to inquire about the matters of her menstruation, so what do you think of the novice, and through the research we found the following results:

- 1- Menstrual blood is a sign of the maid's puberty, but the jurists (may God have mercy on them) differed in the age at which the maid reaches.
- 2- The menstruating woman has three conditions: novice, Habitual and Confused. A

<sup>1</sup> The novel was previously published, p. 26.

<sup>3</sup> Surat Al-Hajj, from verse / 78.

<sup>4</sup> Surat Al-Baqarah, from verse 233

novice is the one who gets her period for the first time.

- 3- We studied two cases of the female novice: the first case: the blood ceased to complete most of the menstruation or less, and the second case: the continuation of blood and its passage over the period of menstruation for novice.
- 4- Then we discussed the topic: How to prove period for the novice, meaning: Is it necessary to repeat to know the period or not.
- 5- And after we summarized the sayings of the jurists in matters of menstruation, we clarified the opinion of modern medicine on the issue of menses, and despite it being crucial in the issue and reassuring the soul, it is difficult for women to perform a laboratory examination, especially if it is repeated.

\*\*\*\*\* God bless Muhammad and his family\*\*\*\*\*

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