

Tafseer Al-Baqarah (2: 222-223)

From the book, Introduction to the Tafseer of the Quran,
by the Ameer of Hizb ut Tahrir, the eminent jurist and statesman, Ata Bin
Khalil Abu Al-Rashtah:

﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَىٰ فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ (222) نِسَاؤُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ وَقَدِّمُوا لِأَنفُسِكُمْ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مُلَاقُوهُ وَبَشِّرِ الْمُؤْمِنِينَ (223)﴾

“And they ask you about menstruation. Say, "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure. 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. (222). Your wives are a place of sowing of seed for you, so come to your place of cultivation however you wish and put forth [righteousness] for yourselves. And fear Allah and know that you will meet Him. And give good tidings to the believers. (223)”

After Allah (swt) has clarified the prohibition of marrying the disbelieving women, except for the chaste women from the People of the Book, after He (swt) has clarified the prohibition of marrying the believing women to all kind of disbelieving men without exception, Allah (swt) clarifies in these two verses the rulings related to the cohabitation of husbands with their wives, that would lead to pure and harmonious married life.

In these two noble verses, Allah (swt) clarifies the following:

- 1- Prohibition of intercourse with the wife in the Maheedh (المحيض) i.e. in the site of menses- which is the female private part (farj)- until the (menstrual) blood stops.
- 2- Permission for man for intercourse with his wife after the cessation of menstrual blood and the recommendation (Mandub) for him for intercourse with her, after the cessation and ritual bathing (ghusl).
- 3- Prohibition of intercourse with the wife in a place other than the place of procreation i.e. the *farj* (vagina). Thus it is prohibited to have intercourse with her in her back passage (anus). Instead, it is only permitted to have intercourse with her in the place of procreation i.e. the place of giving birth alone.

As for the evidence from these two noble verses, they are as follows:

1- Allah (swt) says: ﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَىٰ فَاعْتَزِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ﴾
“And they ask you about menstruation (Maheedh) . Say, "It is harm, so keep away from wives during menstruation. And do not approach them until they are pure.”

The word ‘*maheedh*’ (المحيض) means the site of menstruation i.e. the *farj* (vagina). It is the most preponderant interpretation in terms of its root word. As for the question about cohabitating (Mu’ashara) with wives and so, Allah (swt) ordered to seclude from them in terms of intercourse, but not to seclude from them in any respect.

If the word ‘*maheedh*’ (المحيض) is interpreted with the root word (masdar), then the question is about the blood flowing from the menstruation and overflowing i.e. menstrual flow. If this is the question, then the answer for this is as such: They ask you about the days of blood flowing (menses of a woman). And the answer is: seclude from the women during those days. The evidence for this intended meaning of the verse is the occasion on which the

verse was revealed. So it is an order of secluding from the women pertaining to intercourse alone. The question is about the place of menstruation, so the answer is: 'Seclude from them' and thus the intended meaning is to get from secluded from the place of blood (i.e. female private part), without referring to the other matters.

This is the appropriate meaning of the verse and the cause of its revelation is:

Anas (ra) said that: "Amongst the Jews, when a woman menstruated, they did not eat with her, nor did they drink with her and they did not live with her in their houses, so the Prophet's Companions questioned him, and Allah (swt) revealed the verse: ﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَدَىٰ فَأَعْتَرِلُوا النِّسَاءَ فِي الْمَحِيضِ وَلَا تَقْرُبُوهُنَّ حَتَّىٰ يَطْهُرْنَ﴾ "And they ask you about menstruation (Maheed). Say, 'It is harm, so keep away from wives during menstruation. And do not approach them until they are pure.'" until the end of the verse. And the Messenger of Allah (saw) said: «اصنعوا كل شيء إلا النكاح» "Do every thing else apart from sexual intercourse (with your wives)". Usaid b. Hudair and Abbad b. Bishr came and said: Messenger of Allah, the Jews say such and such thing. We should not have, therefore, any contact with them (as the Jews do). The face of the Messenger of Allah (saw) underwent such a change that we thought he was angry with them, but when they went out, they happened to receive a gift of milk which was sent to the Messenger of Allah (saw). He (saw) called for them and gave them drink, whereby they knew that he was not angry with them". [Muslim: 455, an-Nasa'i: 286, al-Tirmidhi: 2903]

Allah (swt)'s saying: ﴿فَاعْتَرِلُوا النِّسَاءَ فِي الْمَحِيضِ﴾ "So keep away from wives in Maheed." i.e. the *farj*, due to the saying of the Prophet (saw): «اصنعوا كل شيء إلا النكاح» "Do every thing else apart from sexual intercourse (with your wives)".

As for our saying that it is prohibited, this is due to the verse prohibiting intercourse with wife, during the menstrual period, which is the request of abstention (Talabu tark).

And the Saying of Allah (swt): ﴿قُلْ هُوَ أَدَىٰ﴾ "Say (Oh Muhammad!) It is harm" i.e. unclean (مستقدر). And He (swt) established the objective for the prohibition of intercourse, which is until this harm ceases: ﴿وَلَا تَقْرُبُوهُنَّ حَتَّىٰ يَطْهُرْنَ﴾ "And do not approach them until they are pure." The prohibition depends on the cessation of the harmful period and it is the understandable description that gives decisiveness (for the request). This is because if it does not give decisiveness, then a husband can do that during the menstrual period, which is not the objective meaning mentioned in the verse. Since the prohibition of intercourse has been formed according to that description with the objective, this indicates the decisiveness. And thus the request to refrain from is the decisive request (Talab jaazim) i.e. intercourse during the menstrual period is haram (prohibited).

﴿وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ﴾ "And they ask you about Maheedh" i.e. about the place of Haid (menstruation).

﴿قُلْ هُوَ أَدَىٰ﴾ "Say it is harm" i.e. say it is place of harm during the menstrual period.

﴿فَاعْتَرِلُوا النِّسَاءَ فِي الْمَحِيضِ﴾ "Abstain from the women in Maheedh" i.e. abstain from the women in the place of menstruation.

﴿فَاعْتَرِلُوا﴾ "Abstain from" i.e. absence of intercourse.

Thus, the prohibition is for intercourse. As for the other aspects such as living with them, there is nothing wrong with that. Aisha (ra) said: كنت أتعرق العرق وأنا حائض فأعطيه للنبي فيضع فمه في "I would eat flesh from a bone when I was menstruating, then hand it over to the Prophet (saw) and he would put his mouth where I had put my mouth: I would drink, then hand it over to

him, and he would put his mouth (at the place) where I drank.” [Muslim: 453, An-Nasa’i: 69] i.e. the Messenger of Allah (saw) completed the bite of eating the flesh, on the bone which Aisha (ra) used to bite, whilst she was in the period of menses. The Messenger of Allah (saw) used to drink after she (ra) had drunk from the same vessel.

That is, there is nothing wrong with a husband cohabiting with his menstruating wife, except for intercourse.

All these are before the menstrual blood ceases. And when the menses ceases, there is no prohibition as Allah (swt) made the objective of that, which is ﴿وَلَا تَقْرُبُوهُمْ حَتَّىٰ يَطْهُرْنَ﴾ **“And do not approach them until they are pure.”** The word ﴿يَطْهُرْنَ﴾ **“they are pure”** i.e. the blood ceases in them. Accordingly, the linkage of purity to the woman does not indicate the ritual bathing (ghusl) linguistically. Instead, it means the cease of blood as the word (طَهَّرَتْ) (tahurath) **“She became pure”** is contrary to the word (طَمِثَتْ) (thamisath) i.e. she menstruated. And it is said Imra’tun Tahirun (pure woman) and Nisa’un tawahirun” (pure women): when it is said tahurna minal Haid (they became pure from the menses من طَهَّرْنَ من الحيض), it means the cessation of their menses.

As for the saying that this verse is recited with two concurrent recitations i.e. (يَطْهُرْنَ - Yat’hurna with sukoon) and (يَطْهُرْنَ - Yathth’harna with shadd [stressed letter]), it is true. (يَطْهُرْنَ - Yat’hurna) means cessation of blood and nothing more. This recitation is muhkam (definitive in meaning) over the recitation with shadd (يَطْهُرْنَ - Yathth’harna) which means cessation of blood, with ritual bathing. This recitation is Muthashabih (indefinite in meaning). Since both recitations are concurrent (Mutawatir), Muhkam is preferred over Muthashabih because the meaning of the both recitations denote the cease of blood.

That is, the prohibition ends with the cessation of menses according to the understanding of the objective ﴿وَلَا تَقْرُبُوهُمْ حَتَّىٰ يَطْهُرْنَ﴾ **“And do not approach them until they are pure.”** This means ‘Do not have intercourse with them until the cessation of menses’ as its objective is the cessation of menstrual bleeding.

So, whoever goes to his wife before the cessation of menses has committed haram, and the punishment for it is Ta’zeer, if the matter reaches the judiciary of the Islamic State, whereupon the judge would evaluate the rebuke of her husband. It is permitted for the judge to pass a judgment to give charity, as reported by Imam Ahmed from Ibn Abbas (ra) in a Sahih Ma’quf narration: **“Whoever goes to his wife whilst she is menstruating, he should give one dinar, if the blood is red or he should give half dinar, if the blood is yellow.”** [Ahmed: 1928, Al-Durr Al-Manthur: 2/424]. It is permissible for the judge to evaluate with another punishment for the perpetrator. This is if the news reached the judiciary. If the news does not reach the judiciary, then one who does this should repent and ask forgiveness from His Lord (swt). Allah (swt) may forgive and accept his repentance, if he is truthful and sincere. ﴿إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ﴾ **“Allah loves those who are constantly repentant and loves those who purify themselves.”**

2. The verse gives the permissibility of cohabiting (intercourse) with the wives after menstruation in two cases:

a- When the menses ceases as Allah (swt) said, ﴿وَلَا تَقْرُبُوهُمْ حَتَّىٰ يَطْهُرْنَ﴾ **“And do not approach them until they are pure.”** The mafhum (implicit meaning) of the verse is that it is allowed after the cessation of menstrual bleeding.

b- After ritual bathing (ghusl), after the cessation of menses, ﴿فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ﴾ **“And when they have purified themselves,”** both these cases, after bathing, and after the

menses ceases, are permissible for intercourse. The implicit meaning (mafhoom) of the first does not contradict with the explicit text (manTooq) of the latter.

Nevertheless, the difference of the Saying of Allah (swt): ﴿وَلَا تَقْرُبُوهُنَّ حَتَّىٰ يَطْهُرْنَ﴾ “**And do not approach them until they are pure**”, is that Allah (swt) made the objective for the prohibition of intercourse, which is the cessation of blood. When this matter ends, intercourse with the wife is permissible, as it is before the existence of prevention, which is menstruation. Thus, intercourse with the wife after the cessation of bleeding is permissible and there is no sin in that.

As for the saying: ﴿فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ﴾ “**And when they have purified themselves,**” it means intercourse with the wife after the cessation of menses and after taking the ritual bathing (ghusl), which is recommended (Mandub). This is because Allah (swt) says: ﴿إِنَّ اللَّهَ . يُحِبُّ النَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ﴾ “**Indeed, Allah loves those who are constantly repentant and loves those who purify themselves.**” It is the praise for those who purify themselves and it has an indication denoting the praise of a husband who did not go to his wife, before her menses ceases and before she made ghusl. This is also because this praise is without a decisive indication. So, it is mandub (recommended) as clarified in the principles of jurisprudence (‘usool ul-fiqh).

What is worthy of mention here is that Mandub (recommendation) is other than mubah (permissibility). Mandub has a reward in relation to the one who has intercourse his wife after both the cessation of menses and the making of ghusl. It is not like mubah to go to her after the cessation of menses alone, in that case he loses such reward.

3. As for the prohibition of going to a wife in a place other than the place of procreation i.e. the place of giving birth, this is because Allah (swt) says: ﴿فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ﴾ “**then come to them from where Allah has ordained for you.**”. Ibn Abbas (ra) says: i.e. the farj (vagina) and do not have intercourse in other than there. And in the second verse Allah (swt) clarifies that by saying, ﴿بَسَاوَاتِكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ﴾ “**Your wives are a tilth for you, so come to your place of cultivation, however you wish**” i.e. they are the place of tilth for you, meaning the place of “cultivation” for you. Allah has set the place of procreation i.e. the place of giving birth for intercourse.

﴿فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ﴾ “**so come to your place of cultivation however you wish**” i.e. however you wish, such as lying down or on the side or on the front or on the back. However, it should be in the place of procreation, the place of giving birth i.e. the front passage, the vagina.

Accordingly, it is prohibited for a man to go to his wife in her back passage, which is also called the lesser sodomy (al-Lutiyya as-sughra). One who does this will have stringent Ta’zeer punishment evaluated by the judge in order to deter him, as well as deter others from doing such an act. This is the case if the matter reaches the judiciary. If it does not reach the judiciary, his punishment will be on the Day of Punishment, unless he seeks forgiveness from Allah (swt). And Allah is All-Forgiving and All-Merciful; however, He is also severe in the punishment.

As for why we say that the verse gives the prohibition of going to wives in their back passages, this is because the verse prohibits intercourse in a place other than the place of “cultivation” and this is the mafhoom (implicit meaning) of the verse ﴿فَأْتُوا حَرْثَكُمْ أَنَّىٰ شِئْتُمْ﴾ “**so come to your place of cultivation however you wish**”. Here, there is an indication for the decisiveness as Allah (swt) says: ﴿وَاقْتُوا اللَّهَ وَاعْلَمُوا أَنَّكُمْ مَلَاقُوهُ﴾ “**And fear Allah and know that you will meet Him.**” which is a threat from Allah (swt) to those who disobey Him (swt) to remember that they will meet Allah (swt). And in this, there is a threat by commanding them

to fear Allah (swt) and know that they will meet Allah (swt). This means a threat from Allah (swt) with the punishment, which is an indication that going to a place other than the place of cultivation i.e. the back passage is decisively prevented and thus it is haram (prohibited).

Many Sahih Ahadeeth have come in this regard in addition to the noble verse:

Bukhari narrated that Jabir declared that the Jews used to say: “When a man has intercourse with his wife through the vagina, but being on her back, the child will have a squint,” so the Allah (swt) revealed the verse, ﴿يَسَاوُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ **“Your wives are a tilth to you, so come to your tilth however you will”** [Al-Qur’an 2:223] i.e. He (swt) clarified the false of what they claimed.

Ibn Abi Hatim reported from Jabir bin Abdullah who said: “The Jews told Muslims: whoever goes to his wife in her back will have a squinty child. So Allah revealed the verse ﴿يَسَاوُكُمْ حَرْثٌ لَكُمْ فَأْتُوا حَرْثَكُمْ أَنَّى شِئْتُمْ﴾ **“Your wives are a tilth to you, so come to your tilth however you will”**. So the Messenger of Allah (saw) said: «مقبلة ومدبرة إن كان ذلك في الفرج» **“No matter if she is on her back or front as long as it is through the vagina.”** [Al-Durr Al-Manthur: 2/627, ‘Al-Kamel li Duafa’ rijal’ by Ibn Uday: 7/13, which is affirmed by, ‘Tarekh Baghdad’: 12/484]

The Messenger of Allah (saw) said: «استحيوا إن الله لا يستحي من الحق، لا يحل أن تأتوا النساء في حشوشهن» **“Be shy, though Allah (swt) is not shy of the Truth. It is not permissible to go to wives in their Hushoosh (حشوش)”** i.e. in their back passages. [Al-Durr Al-Manthur: 2/632, Al-Daraqutni: 3/288]

Imam Ahmed reported from Amr bin Shoiab from his father from his grandfather that the Messenger of Allah (saw) said: «الذي يأتي امرأته في دبرها هي اللوطية الصغرى» **“The one who enters his wife in her back passage, it is a lesser sodomy.”** [Ahmad: 1/187, Al-Durr Al-Manthur: 2/634]

Then Allah (swt) concludes the verse by clarifying to the believers to put forth goodness to their wives, when they cohabit with them in terms of righteous deeds, being good between one another, mentioning intercourse as well as it what precedes it of compassion. Good companionship is one of those preludes. And Allah (swt) clarifies to the believers to fear Allah (swt) in all what they do and to always remember that they will meet Allah (swt) and that He will punish them for all the disobedience and mistakes they have committed.

Whilst at the same time, Allah gave glad tidings to the believers who are truthfully and sincerely abide to obey Allah (swt) with great blessings and the pleasure of Allah is even greater. ﴿وَبَشِّرِ الْمُؤْمِنِينَ﴾ **“And give good tidings to the believers.”**