

## An Evaluation on the Effect of Differences in Recitations on Islamic Law: Within the Context of Intercourse with a Woman after Menstruation

*Kıraat Farklılıklarının İslam Hukukuna Etkisi Üzerine Bir Değerlendirme:  
Adet Sonrası Kadınla İlişki Bağlamında*

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## **Abstract**

The main source of Islam is the Holy Qur'ān. Qirā'a is the branch of science that deals with the different ways of reciting the words of the Qur'ān. For this reason, the science of qirā'a has a special place and importance among the basic Islamic sciences. The fact that the Qur'ān ranks first among the primary evidences in Islamic jurisprudence methodology has made it directly related to the science of qirā'a. At the beginning of Islam, the verses revealed were transmitted firsthand by the Prophet (PBUH) to his companions, who in turn would teach these verses to others. The differences in reciting that existed in this process led to the types of qirā'a called 'seven ahraf/letters'. Believers would first learn the different qirā'āt that they heard from the Prophet (PBUH) and then pass them on to the others. However, in addition to the authentic qirā'āt, the unauthentic qirā'āt that emerged over time directly affected the Islamic legal doctrine. Especially the differences in the most accurate understanding of the divine word led to the emergence of differences of opinion among Islamic jurists. This, in turn, was the source of the divergence of jurisprudential groups. These divergences between the groups based on the differences in qirā'a have come to the agenda depending on the issues of Islamic law, sometimes usūl and sometimes furū'. These debates have led to different jurisprudential approaches depending on the different interpretations of the verses, which has led to mental turmoil among Muslims. In this study, the impact of qirā'a differences on Islamic legal doctrine is analyzed. In this context, the issue of intercourse with a woman after menstruation, one of the issues of jurisprudence, is discussed. Regarding this, in the text the concept of qirā'a, its types, and the reasons for the emergence of qirā'a differences are first evaluated. For a better understanding of the issue, the approaches of the four fiqh schools to the differences of qirā'a are also examined in a general way. Then, the jurisprudential aspect of the concept of menstruation, the way it is expressed in the verse, and the differences of qirā'a on the related verse are examined, and the legal consequences that arise due to these different qirā'āt are explained. As far as can be detected in the process, most of the studies in the field of basic Islamic sciences are carried out in the form of subject analysis under a specific discipline. Unlike the general studies in the literature, in this research, a fundamental issue related to Islamic law and qirā'a, which is among the basic disciplines of Islamic sciences, has been addressed, which reveals the strong bond and interaction between the two disciplines. In order to have a better understanding of the subject of the present research, special attention has been given to include the fundamental sources of the science of qirā'a along with Islamic law.

**Keywords:** Islamic Law, Qirā'a, The Holy Qur'ān, Types of Qirā'āt, Menstruation.

## **Özet**

İslam dinin temel kaynağı Kur'an-ı Kerim'dir. Kıraat ise Kur'an sözcüklerinin farklı okunuş biçimlerini konu alan ilim dalıdır. Bu sebeple kıraat ilminin temel İslami ilimleri içinde ayrı bir yeri ve önemi bulunmaktadır. İslam hukuk metodolojisinde Kur'an'ın asli deliller arasında ilk sırada yer alıyor olması ise onu kıraat ilmiyle doğrudan ilişkili hale getirmiştir. İslamiyet'in başlangıcında inen ayetler Hz. Peygamber tarafından ilk elden sahabeye aktarılır, onlar da bu ayetleri başkalarına öğretirlerdi. İşte bu süreçte var olan okuyuş farklılıkları 'yedi harf' olarak adlandırılan kıraat çeşitlerini ortaya çıkarmıştır. İnananlar Hz. Peygamber'den işittikleri farklı kıraatleri önce kendileri öğrenirler sonra başkalarına aktarırlardı. Fakat sahih kıraatlerin yanı sıra zaman içinde ortaya çıkan gayr-ı sahih kıraatler İslam hukuk doktrinini de doğrudan etkilemiştir. Özellikle ilahi kelamın en doğru şekilde anlaşılması noktasında var olan kıraat farklılıkları İslam hukukçuları arasında fikir ayrılıklarının doğmasına sebep olmuştur. Bu da fıkhi mezheplerin birbirinden ayrışmasına kaynaklık teşkil etmiştir. Kıraat farklılıklarına dayalı mezhepler arasında ortaya çıkan bu ayrışmalar İslam hukukunun kimi zaman usul kimi zaman ise fûrû konularına bağlı olarak gündeme gelmiştir. Bu tartışmalar ayetlerin farklı yorumlanmasına bağlı olarak farklı içtihadi yaklaşımlara sebep olmuş, bu da Müslümanlar arasında zihinsel kargaşaya yol açabilmiştir. Bu araştırmada kıraat farklılıklarının İslam hukuk doktrinine tesiri incelenmiştir. Bu bağlamda fûrû meselelerinden adet sonrası kadınla ilişki konusu ele alınmıştır. Konuyla ilgili önce kıraat kavramı, çeşitleri ve kıraat farklılıklarının ortaya çıkış nedenleri değerlendirilmiştir. Konunun daha iyi anlaşılabilmesi için dört fıkhi mezhebin kıraat farklılıklarına yaklaşımları da genel bir şekilde incelenmiştir. Daha sonra hayız kavramının fıkhi yönü, ayetteki ifade şekli ve bu ayet üzerinde oluşan kıraat farklılıkları incelenmiş, bu farklı kıraatler sebebiyle ortaya çıkan hukuki sonuçlar açıklanmıştır. Süreç içinde görüldüğü kadarıyla temel İslam bilimleri alanında yapılan pek çok çalışma belirli bir disiplin altında konu incelemesi şeklinde gerçekleşmektedir. Literatürdeki genel çalışmalardan farklı olarak bu araştırmada İslami ilimlerin temel disiplinleri arasında yer alan kıraat ile İslam hukukunu ilgilendiren temel bir konu ele alınmış böylece iki disiplin arasındaki kuvvetli bağ ve etkileşim ortaya konulmuştur. Araştırma konusunun daha iyi anlaşılabilmesi için de İslam hukukuyla birlikte kıraat ilminin temel kaynaklarına yer vermeye özen gösterilmiştir.

**Anahtar Kelimeler:** İslam Hukuku, Kıraat, Kur'an-ı Kerim, Kıraat Çeşitleri, Hayız.

## **Introduction**

Aiming to develop a culture of coexistence, Islam has laid down a set of basic principles that cover the individuals in terms of faith, morality, and law. These principles were determined under the control of divine authority. God Almighty conveyed his divine message to humanity via his messenger Muhammad (PBUH). He both transmitted the revelation to humanity and practiced it in his own life. Additionally, he endeavoured to establish a legal system in line with the principles of revelation in the society in which he lived.

Muhammad (PBUH) first shared the revealed verses with the believers around him. Along with him, many of his companions read and memorized these verses and at the same time created a lifestyle in line with the divine command. Further, since the early period, Qur'ānic verses have been recited with different qirā'āt among Muslims, and this situation has become widespread over time. As a matter of fact, the narration from Muhammad (PBUH), who declared that the Qur'ān was revealed in seven ahruḥ/letters (qirā'āt) within the framework of the principle of convenience, clearly demonstrated this. However, the fact that the words of the revelation were allowed to be recited according to various dialects has led to the emergence of discussions based on recitation differences from the earliest period. After death of the Prophet Muhammad (PBUH), these debates have continued at an accelerated pace. The narrations about the seven ahruḥ/letters (qirā'āt) and some ambiguities in these narrations, the problems that emerged with the development and expansion of the Islamic society, and political and social differentiation have all affected these qirā'āt in various ways. In time, uncanonical and even freely forged (al-mawḍū') qirā'āt that emerged in addition to the authentic ones have brought along a number of debates. This situation has necessitated a classification among the qirā'āt, and as a result, the sahiḥ qirā'āt have been separated from the others by determining their conditions.

Due to its close relationship with the Qur'ān, the science of qirā'a has been a source for other Islamic sciences in many respects. At this point, it would not be wrong to say that different ways of reciting the verses have directly affected the Islamic legal doctrine as well. This is because the differences in qirā'āt and the methods of using them as evidence in the legal doctrine have led to the emergence of disputes among the scholars of Islamic law. In this study, the issue of intercourse with a woman after menstruation, which is an example of

the differences of opinion in Islamic legal doctrine due to the differences in Qur'anic interpretations, is discussed. In this context, the relevant verse of Sūrah al-Baqara has been analyzed in the context of different narrations. In the differences of opinion among the scholars of Islamic law regarding this matter, the role of variations in recitation has been highlighted. While conducting the research, the verse was first analyzed in terms of qirā'a differences and then evaluated from fiqh point of view. At this point, as much as possible, early period sources are referenced, but the views of contemporary scholars of qirā'a and Islamic law were also included, and care is taken to reveal the causes and consequences of the differences of opinion.

There are some theses regarding the subject matter such as a master's thesis titled "Kıraat Farklılıklarının İslam Hukukuna ve Metodolojisine Etkisi (The Effect of Variant Readings to Islamic Law and Its Methodology)" by Mehmet Dağ, a master's thesis titled "Kıraat Farklılıklarının Fıkhi İstinbatlara Etkisi (The Effect of Differences of Qiraahs on Fiqhi İstinbats)" by Yunus Yalçın, and a doctoral dissertation titled "Ahkâm Âyetleri Bağlamında Fıkıh-Kıraat İlişkisi: Taberî ve Cessâs Örneği (The Relationship-fiqh in the Context of Ahkam Verses: The Example of Taberi and Cessas)" by the same person were identified.<sup>1</sup> In addition to these, an article by Hacı Önen titled "Kıraatların Fıkhî Hükümlere Etkisi (The Effect of Kiraats in Fıkhî Provision)" was also identified.<sup>2</sup> In these studies, it was seen that the differences of qirā'a were analyzed within the framework of various issues. Unlike the aforementioned studies, in this research, the effect of qirā'āt differences on Islamic law has been extensively researched and evaluated in the context of a specific subject.

## 1. Different Recitations and their Effect on Islamic Law

### 1.1. The Concept of Qirā'a and the Reasons for the Emergence of Different Qirā'āt

The word "qirā'a" is originally an Arabic word and it means *reading, reciting, and pronouncing*.<sup>3</sup> The term *Qur'ān* is derived from the same root and has a similar meaning.<sup>4</sup> As a term, it is a branch of science that deals with the pronunciation of the words of the

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<sup>1</sup> For theses, see <https://tez.yok.gov.tr>

<sup>2</sup> Hacı Önen, "Kıraatların Fıkhî Hükümlere Etkisi", *Dicle Üniversitesi İlahiyat Fakültesi Dergisi* 15/2 (2013), 1–24.

<sup>3</sup> Muhammad b. Mukarram Ibn Manzūr, *Lisān al-'Arab* (Beirut: Dār as-Sādr, n.d.), "kr'e", 1/130; Mütercim Asım Efendi, *al-Okyanūs al-basīt fī tarcamā al-Kāmūs al-muhīt* (İstanbul: s.n., 1305/1887), 1/43.

<sup>4</sup> Mütercim Asım Efendi, *al-Okyanūs al-basīt*, 1/43.

Qur'ān and the different recitations of these words according to the narrators.<sup>5</sup> As can be understood from the definition, this discipline deals with the changes in the pronunciation of the words of the Qur'ān and the different ways of reciting them. Its main goal is to distinguish the authentic qirā'āt which depend on the reading of the Prophet (PBUH) from the uncanonical and even freely forged (al-mawḍū') ones.<sup>6</sup>

The science of qirā'a reveals the different ways of reading the Qur'ānic wording with the authentic qirā'āt attributed to the Prophet (PBUH). In other words, it teaches believers how the divine word, which forms the basis of religion, should be read. For this reason, the science of qirā'a is crucial for other Islamic sciences such as fiqh, tafsir, and kalam.<sup>7</sup> On the other hand, the existence of authentic qirā'āt which depend on the reading of the Prophet (PBUH) has also brought many benefits. Facilitating the learning of the Qur'ān, preventing mistakes while reading, enabling a methodical approach in making judgments, enabling a better understanding of the wording, and eliminating situations that may cause doubts and misunderstandings are just a few of the benefits that can be mentioned.

When evaluated in terms of its emergence and importance, we can point out that the science of qirā'a has a priority over the other Islamic sciences. This is because each verse was first revealed to the Prophet (PBUH), then transmitted to his companions, and then to all of humanity. In addition, the Qur'ān was recited by the Prophet (PBUH) to the Angel Gabriel every Ramadan. It is a divine command for all Muslims to recite the Qur'ān carefully in the most beautiful way. This is expressed in the Qur'ān with the word tarteel / ترتيل.<sup>8</sup> In this sense, it has been narrated that the Prophet (PBUH) praised the companions such as Ubayy

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<sup>5</sup> Abu al-Hayr Muhammad b. Muhammad Ibn al-Jazarī, *Munjid al-mukri'in ve murshid al-tālibin* (Qahira: Maktaba Jumhuriye Misir, 1977), 61; Abdulhamit Birışık, "Kıraat", *Türkiye Diyanet Vakfı İslam Ansiklopedisi* (Ankara: Türkiye Diyanet Vakfı Yayınları, 2022), 25/425; Mehmet Dağ, *Kırâat Farklılıklarının İslam Hukukuna ve Metodolojisine Etkisi* (Erzurum: Atatürk University, Graduate School of Social Sciences, Master's Thesis, 1998), 3.

<sup>6</sup> İsmail Karaçam, "Anahatlarıyla Kıraat İlmi ve Tarihi Gelişimi", *Kur'an ve Kıraati Sempozyumları Kitabı* (Sakarya: Sakarya Üniversitesi Yayınları, 2006), 54; Dağ, *Kırâat Farklılıkları*, 3; For the types of qirā'āt, see Murat Akkuş, "Mennâ' Halil Kattân'ın Mebâhis fi'ulûmi'l-Kur'ân Adlı Eserinin Kıraat İlmi Açısından Değerlendirilmesi", *Ulûmu'l-Kur'ân Kaynaklarında Kıraat İlmi*, ed. Yaşar Akaslan (Ankara: İlahiyat Yayınları, 2019), 238–239..

<sup>7</sup> For the relationship between qirā'a and tafsir, see Murat Akkuş, "Kıraatlerin Tefsire Etkisi (İbn Âşûr Örneği)", *Mütefekkir* 2/3 (2015), 151–176.

<sup>8</sup> *Kur'an Yolu*. (Accessed 14 March 2023), al-Muzzammil 73/4.

b. Ka'b (d. 33/654), Abdullah b. Mas'ūd (d. 32/652-53), Zayd b. Sābit (d. 45/665) who read the Qur'ān correctly and beautifully.<sup>9</sup>

The reading of the Qur'ān in *seven letters/dialects*, which is one of the main subjects of the science of qirā'a and aims to facilitate reading, has formed the main basis of different qirā'āt.<sup>10</sup> Accordingly, the companions received the recitation of Qur'ān from the Prophet (PBUH) with different qirā'āt. The companions preserved these differences in recitation after the Prophet's death and passed them on to new generations. While different Qur'ānic recitations did not pose a problem in the early years of Islam, the recitation of the Qur'ān in different dialects in the period after the Prophet's death has brought along diverse conflicts. The verses of the Qur'ān, which were recorded by the scribes of revelation as well as memorization from the first years of the divine message, were gathered together in a book during the time of Caliph Abu Bakr.<sup>11</sup> Caliph Osman, during his caliphate, reproduced the Qur'ān in the Quraysh dialect and sent it to different parts of the Islamic geography, and made the recitation of this Qur'ān compulsory for Muslims in order to eliminate doubts and hesitations caused by differences in qirā'a.<sup>12</sup> Although this practice relatively limited the license to read the Qur'ān in seven letters, the lack of punctuation (نقط الاعجام) and accentuation (نقط الإعراب / تشكيل) in the copies distributed to different lands could not prevent the differences in the Qur'ānic recitations from reaching the next generations.

It is known that the Prophet (PBUH) recited the Qur'ānic phrases within different seven ahruf/letters during the first revelations. The companions learned these recitations from the Prophet (PBUH) and memorized them. During the years of the Prophethood, these differences in recitation were seen as a convenience and richness in learning and reading the revelation among Muslims.<sup>13</sup> However, especially in the period after the Prophet's death, various problems began to arise over the differences in the qirā'a based on the seven letters.

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<sup>9</sup> For the related hadiths, see. Muhammad b. Ismā'īl al- Bukhārī, *al-Jāmi' al-ṣaḥīḥ* (İstanbul: Çağrı Yayınları, 1992), "Fazāil al-Qur'ān", 8, 31, 32; Muslim b. al-Ḥajjāj, *al-Jāmi' al-ṣaḥīḥ* (İstanbul: Çağrı Yayınları, 1992), "Fazāil al-sahaba", 122; Muḥammad b. 'Īsā al- Tirmidhī, *es-Sunan* (İstanbul: Çağrı Yayınları, 1992), "Manāqib", 33.

<sup>10</sup> For the hadiths stating that the Qur'ān was revealed in seven letters, see. Bukhārī, "Fazāil al-Qur'ān", 5; Tirmidhī, "Qirā'a", 9; Mālik b. Anas, *al-Murwaṭṭa'* (İstanbul: Çağrı Yayınları, 1992), "al-Qur'ān", 4.

<sup>11</sup> Bukhārī, "Fazāil al-Qur'ān", 3; al-Sijistānī Abū Dāwūd, *as-Sunan* (İstanbul: Çağrı Yayınları, 1992), "al-Masāhif", 153 etc.; Jalāl al-Dīn as-Suyūṭī, *al-Itkān fī ulūm al-Qur'ān*, Critical ed. Shu'ayb al-Arnā'ūd (Beirut: Muassasa al-Risāla Nāshirūn, 2008), 129.

<sup>12</sup> Abū Dāwūd, "al-Masāhif", 195 etc.; Suyūṭī, *al-Itkān*, 132 etc.

<sup>13</sup> İsmail İsmail Cerrahoğlu, *Tefsir Usūlü* (Ankara: Ankara Üniversitesi İlahiyat Fakültesi Yayınları, 1971), 102.

In addition to the saḥīḥ qirā'a, uncanonical and even freely forged (al-mawḍū') qirā'āt began to emerge.

When the reasons for these different recitations that emerged in Islamic geography over time are analyzed, three main points draw attention. The first one is the permission given to the Prophet (PBUH) to recite the Qur'ān in seven letters by Allah.<sup>14</sup> Although there are different opinions on what is meant by seven letters, it is commonly believed that this concept refers to the different Arabic dialects at the time of revelation of the Qur'ān.<sup>15</sup>

The second one is the exegetical additions that were somehow included in the special copies of the Qur'ān owned by some companions. Although most of the verses in the Qur'ān are comprehensible at first reading, some verses, which are conceptualized as hafî, mubham, and mujmal, needed some explanations. Some of the companions asked the Prophet (PBUH) how such verses should be understood and wrote down these hadiths along with the copies of the Qur'ān in their possession. These exegetical additions to the copies of the Qur'ān of the companions contributed to the formation of differences in qirā'a.<sup>16</sup> The Caliph Osman even sent orders to different provinces to destroy such manuscripts in the hands of the companions for fear of causing confusion.<sup>17</sup>

The third reason for the occurrence of qirā'a differences is the fact that the Qur'ān's punctuation and accentuation date back to a later period. At the time of the Qur'ān's revelation, the Arabic letters did not have punctuation (نقط الاعجام) and accentuation (نقط / الإعراب / تشكيل). In other words, the Qur'ānic recordings were made by the scribes of revelation, who had strong memorization skills at that time, without punctuation marks and diacritical signs. This situation, which did not pose a problem in the first period, led up to the emergence of various conflicts in the Qur'ānic qirā'a with the development of Islamic lands and the increase of the number of Muslims. In order to distinguish the authentic qirā'a from the others, it was necessary to add punctuation (نقط الاعجام) and accentuation (نقط / الإعراب / تشكيل) to the Qur'ānic text. The first marking of the Qur'ān in accordance with the authentic qirā'a was done by Abu al-Aswad al-Dualī (d. 69/688). The punctuation and the

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<sup>14</sup> For the related hadiths, see. Bukhārī, *Fazāil al-Qur'ān*, 5; Mālik b. Anas, "al-Qur'ān", 4; Tirmidhī, "al-Qirā'a", 9; Ahmad b. Hanbal, *al-Musnad* (İstanbul: Çağrı Yayınları, 1992), 1/24, 40, 43.

<sup>15</sup> Suyūṭī, *al-Itkān*, 105; Cerrahoğlu, *Tefsir Usulü*, 92; Dağ, *Kirâat Farklılıkları*, 6.

<sup>16</sup> Suyūṭī, *al-Itkān*, 167; Muhammed Hamidullah, *Kur'an-ı Kerim Tarihi*, trans. Salih Tuğ (İstanbul: Marmara Üniversitesi İlahiyat Fakültesi Vakfı Yayınları, 1993), 102; Dağ, *Kirâat Farklılıkları*, 7-8.

<sup>17</sup> al-Khatīb al-Baghdādī, *Takyid al-ilm*, Critical ed. Said Abdulgaffar Ali (Qahira: Dār al-Istikamah, 2008), 54.



accentuation of the Qur'ān performed an important function in distinguishing the authentic qirā'āt from the others.<sup>18</sup>

## 1.2. The Effect of Different Qirā'āt on Islamic Law

The Qur'ān, which is the recorded expression of the divine message for humanity, forms the basis of Islamic sciences in terms of being a reliable source. Qirā'a, on the other hand, is the branch of science that reveals how to read the Qur'ān, the word of Allah, in relation to those who narrated it.<sup>19</sup> For this reason, the science of qirā'a has a prominent role in the correct recitation and understanding of the Qur'ān. The subject of the science of qirā'a is the differences in the pronunciation of the words of the Qur'ān and the mode which reveals how these words are recited. Its main purpose is to facilitate the correct learning, understanding and interpretation of the Qur'ān recited in different dialects of the first period interlocutors.<sup>20</sup> When evaluated from all these perspectives, it would not be wrong to say that the science of qirā'a is in a close relationship with other basic Islamic sciences such as tafsir, kalam, hadith, and especially Islamic law. This is because the Qur'ān is the main source of Islamic law in terms of istinbāt. The science of qirā'a, on the other hand, provides the most accurate understanding of the Qur'ānic wording in accordance with its original meaning. In other words, the existence of different qirā'a helps to eliminate doubts and misunderstandings that may arise on the verse.<sup>21</sup>

The Holy Qur'ān is one of the primary sources that are consulted for the deduction of judgments. Deriving inferences from divine expressions requires a careful and accurate understanding of the original context and meaning of the verses. At this point, the science of qirā'a is in direct interaction with Islamic law. Because different readings of the Qur'ān can play a significant role in Islamic legal methodology at the point of inference of judgment. Nevertheless, when analyzed methodologically, the divergences in the field of qirā'a have been realized within a narrow framework, which have resulted in a limited impact on the disciplines related to it. For this reason, qirā'a differences have not had an effect that would cause methodological divergences among Muslims as well as Islamic scholars. However, it is

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<sup>18</sup> Osman b. Saīd ad-Dānī, *al-Muhkam fī nakd al-mushaf*, Critical ed. İzzet Hasan (Dımaşcus: Dār al-Fikr, 1997), 2 etc.; Cerrahoğlu, *Tefsir Usulü*, 85–90; Dağ, *Kirâat Farklılıkları*, 8.

<sup>19</sup> Birişik, *Kiraat*, "Kiraat", 25/425; Muhammad Salim Muhaysin, *al-Qirā'a ve asaruhā fī ulūm al-Arabiyya* (Qahira: Maktaba al-Kulliyya al-Azhariyya, 1984), 9.

<sup>20</sup> Dağ, *Kirâat Farklılıkları*, 3.

<sup>21</sup> Muhaysin, *al-Qirā'a*, 37.

certain that the differences in the qirā'a have had an impact on some jurisprudential issues, especially in the methodology of Islamic jurisprudence, in addition to the issues of inference of judgment/istinbāt and contradiction of means of proof/ta'āruz al-adillah. In terms of the effect of the differences in the qirā'a on jurisprudential issues, the conditions of intercourse with a woman after menstruation, wiping the feet while performing ablution, touching a woman while performing ablution, the punishment of a concubine who commits adultery, and the amount of breastfeeding that prevents marriage can be listed.

It should be emphasized that the differences in the Qur'ānic recitations have not functioned to cause serious methodological divergences in the Islamic legal doctrine. The main reason for this is that the data in this branch of science is both scarce and limited. Accordingly, the differences of qirā'a have found application in Islamic legal methodology in some jurisprudential issues along with certain principles and rules, which has led to the formation of differences of opinion among Islamic scholars on specific issues.

### **1.3. Types of Qirā'āt and Madhhabs' Approaches to the Different Qirā'āt**

Qirā'a is the branch of science that deals with the different ways of reciting the Qur'ān in relation to the narrators. Although these types of recitation have been subjected to different classifications by Islamic scholars, it is possible to evaluate the types of qirā'a in general under six categories. Considering their authenticity value, it is possible to list them as al-qirā'a al-mutawātirah (القراءة المتواترة), al-qirā'a al-mashhūrah (famous readers / قراءة المشهورة), al-qirā'āt al-āḥād (القراءة الأحاد), al-qirā'a al-shādhda (uncanonical / القراءة الشاذة), al-qirā'a al-mudraj (القراءة المدرجة) and al-qirā'a al-mawḍū' (forged / القراءة الموضوعية).<sup>22</sup>

al-Qirā'a al-mutawātirah is the qirā'a transmitted by a group of people who could not possibly agree on a lie to another group of narrators who meet the same conditions in each successive generation. These qirā'āt, which came from the Prophet Muhammad (PBUH) through a mutawātir script, are also compatible with both Arabic grammar and the Mushafs that the Caliph Osman copied and sent to other Islamic lands. al-Qirā'a al-mashhūrah is a type of qirā'a that, even if it is not at the level of tawaturat, came from the Prophet Muhammad (PBUH) by authentic tradition, is compatible with Arabic grammar, coincides with at least one of the copies of the Qur'ān reproduced by the Caliph Osman, and is famous among scholars. al-

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<sup>22</sup> Suyūṭī, *al-Itkān*, 166.

Qirā'a al-āḥād is a qirā'a that is based on an authentic script but does not conform to the Arabic grammar or the copy of the Qur'ān that was copied by the Caliph Osman. al-Qirā'a al-shādhda is a qirā'a whose script is not authentic. al-Qirā'a al-mudraj is a qirā'a with additions in the form of explanations in the verses. And al-qirā'a al-mawḍū' is a qirā'a that is attributed to someone with a script that is completely fabricated.<sup>23</sup> According to this sixfold classification, it is seen that qirā'āt are evaluated separately in terms of their attribution to the Prophet Muhammad (PBUH), their conformity to the Arabic grammar, and their correspondence with the copies reproduced by the Caliph Osman.

When evaluated in terms of its authenticity, the Islamic scholars have divided the qirā'a into two general categories: al-Ṣaḥīḥah (الصحيحة القراءة) and al-shādhda (القرائة الشاذة / uncanonical). al-Qirā'a al-ṣaḥīḥah is a qirā'a that is attributed to the Prophet Muhammad (PBUH) with a reliable and authentic isnād, that corresponds to the copies of the Qur'ān reproduced by the Caliph Osman, even if only in general, and that is compatible with the Arabic grammar. According to this definition, al-mutawātira and al-mashhūra qirā'a are directly included in this classification. In addition, qirā'āt that have a muttaṣil (المتصل) isnād are in accordance with the Arabic grammar, but do not conform to the copies of the Qur'ān reproduced by the Caliph Osman are also considered in this category. However, it has not been considered permissible to recite these qirā'āt for worship purposes. All these differences in recitation are actually based on the permission of the Prophet Muhammad (PBUH) to recite the Qur'ān according to the seven letters/wajih/dialects. Prominent companions were among those who narrated these different recitations.<sup>24</sup>

The qirā'āt that do not fulfill the conditions of authenticity are considered as al-shādhda. These types of qirā'āt are also classified separately. If the narrated qirā'a fulfills the condition of maintaining a continuous chain to the Prophet Muhammad (PBUH), but does not fulfill one of the conditions of conforming to the copy reproduced by the Caliph Osman or being in accordance with the Arabic grammar, then such qirā'a could still be used for some purposes depending on the seven letter license. However, if a qirā'a has not met the condition of being based on the reading of the Prophet Muhammad (PBUH), then it has been

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<sup>23</sup> Suyūṭī, *al-Itkān*, 166–167; Fehd b. Abdurrahman Rūmī, “Kıraatler ve Kurrâ”, trans. Ali Öge, *Marife* 2/2 (Autumn 2010), 226–228.

<sup>24</sup> Birişik, *Kıraat*, “Kıraat”, 25/429; Abu al-Hayr Muhammad b. Muhammad Ibn al-Jazarī, *an-Nashr fī qirā'āt al-'ashr* (Beirut: Dār al-Kutub al-'Ilmiyya, n.d.), 1/9.

considered to be in the category of al-mawḍū' (الموضوع) and has not been allowed to be used for any purpose. In other words, shāhdha qirā'a that are not attributed to the Prophet Muhammad (PBUH) have not been used for worship, nor could they be used for fiqh purposes. On the other hand, the mawḍū' qirā'āt, which are based on someone with a completely fabricated isnād, have not been used in any way.<sup>25</sup>

From a legal point of view, according to the general opinion of Islamic jurists, the qirā'āt mutawātirāt, which are in the category of ṣaḥīḥ, constitute the source of law. The shāhdha qirā'āt that fall outside of this category and do not reach the level of tawaturat cannot be considered as Qur'ān, nor can they be recited for the purpose of worship. However, Hanafi jurists have made an exception to this situation. Non-mutawātir qirā'āt can also be considered as legal sources, provided that they meet certain criteria. According to Hanafi jurists, non-mutawātir qirā'āt are basically divided into two categories: mashhūr and non-mashhūr (āhād). While the mashhūr qirā'āt are accepted as a source of legal evidence and it is considered legitimate to act upon them, non-mashhūr ones are not considered legitimate. The mashhūr qirā'āt are also divided into two categories: those that can be attributed to the Prophet (PBUH) and those that are the additions of the companions (mudraj). If a non-mutawātir qirā'a is mashhūr and can be attributed to the Prophet, it can be a source of legal evidence. The same is the case if it is a mudraj, that is a qirā'a that was added to the Qur'ānic text by the companions. This is based on the principle of fairness of the companions, and consequently it should be assumed that the companions heard it from the Prophet (PBUH) in this way. Therefore, according to Hanafi jurists, if a non-mutawātir qirā'a reaches the level of renown, it constitutes a source for the law.<sup>26</sup>

Based on similar reasons, the Hanbali jurists have also adopted the opinion that the unauthorized non-mutawātir qirā'a can be a source of law without seeking the condition of being mashhūr. This is because these qirā'āt were narrated by the companions who may have heard them from the Prophet. Therefore, according to Hanbali jurists, the āhād qirā'a of Ubayy b. Ka'b, which has not reached the level of mashhūr, can be a source of legal evidence,

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<sup>25</sup> Birışık, *Kıraat*, "Kıraat", 25/429; Ibn al-Jazarī, *an-Nashr*, 1/9-11.

<sup>26</sup> Ahmad b. Muhammad Abd al-Azīz al-Bukharī, *Kashf al-esrār* (İstanbul: s.n., 1890), 2/295; Abu al-Barakāt Abdullah b. Ahmad Nasafī, *Kashf al-esrār fī sharh Menār al-envār* (Beirut: Dār al-Kutub al-'Ilmiyya, 1986), 1/18.

just like the qirā'a of 'Abdullah b. Mas'ūd (d. 32/652-53), which has reached the level of mashhūr.<sup>27</sup>

There are two different opinions among the Shafi'i jurists as to whether non-mutawātir qirā'āt can be used as evidence in law. According to the former opinions of Shafi'i, non-mutawātir qirā'āt can be used as evidence, while according to the latter, they cannot. Just like the Hanafi jurists, those who hold the second opinion have set forth the condition that non-mutawātir qirā'āt must be mashhūr to be considered evidence. According to the followers of this opinion, even if they are mashhūr, they cannot be considered as Qur'ān, because they do not reach the level of tawaturat.<sup>28</sup> According to al-Ghazali (d. 505/1111), al-Juwaynī (d. 478/1085), and al-Nawawī (d. 676/1277), who are among the leading scholars of their sects, the basic view in the Shafi'i school is that the non-mutawātir qirā'āt cannot be used as evidence. Since these qirā'āt do not reach the level of tawaturat, they cannot be considered Qur'ānic, but they can only be accepted as bayān/ tafsīr/explanation.<sup>29</sup>

The Maliki jurists take only the mutawātir qirā'āt as legal evidence. They do not deal with non-mutawātir qirā'āt. For this reason, for example, they state that it is not permissible to act with the addition of 'متتابعات' / *continuously*<sup>30</sup> in the qirā'a of Ibn Mas'ūd regarding the expiation of oaths. In this respect, the Maliki jurists differ from the Hanafi and the Hanbali jurists, as well as from the general understanding of the Shafi'i jurists. According to the Malikis, these additions are not the Qur'ānic. It is also not clear whether they are the Sunnah or not. Therefore, it would not be right to act on the qirā'āt that are not clear whether they are Qur'ānic or based on the Sunnah. Based on this principle, according to the Maliki jurists, only mutawātir qirā'āt can be used as legal evidence and only these qirā'āt can be acted upon.<sup>31</sup>

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<sup>27</sup> Abdullah b. Ahmad b. Muhammad al-Maqdisī Ibn Qudāma, *al-Mughnī* (Riyadh: Dār al-'Ālem al-Kutub, 1997), 13/529.

<sup>28</sup> Abū Hāmid Muhammad b. Muhammad b. Ahmad Ghazzālī, *al-Mustasfā fi 'ilm al-'usūl* (Beirut: Dār al-Kutub al-'Ilmiyya, n.d.), 1/102; Tājuddīn Abd al-Vahhāb b. Alī b. Abd al-Kāfi Subkī, *Jem' al-jewāmi' fi usūl al-fiqh* (Indonesia: Maktaba Ahmad b. Sa'd, n.d.), 1/232.

<sup>29</sup> Ghazzālī, *al-Mustasfā*, 1/102; Imām al-Haramayn Abu al-Ma'ālī Ruknuddīn Abd al-Malik b. Abdullah Juwaynī, *al-Burhān fi usūl al-fiqh* (Qahira: Dār al-Ansār, 1979), 1/666; Abū Zakariyya Yahya b. Sharaf b. Murī Nawawī, *al-Minhāj fi sharh Sahīh Muslim b. al-Hajjāj* (Egypt: Matba'a al-Misriyya, 1930), 5/130.

<sup>30</sup> al-Mā'ida 5/89.

<sup>31</sup> Abu al-Fazl Abd al-Rahman b. Ahmad b. Abd al-Gaffar Adud al-din al-'Icī, *Sharh Mukhtasar al-Muntahā* (İstanbul: Matba'a al-'Alam, 1889), 1/112; Cemāluddīn Osman b. Umer b. Ebī Bekr Ibn al-Hājib, *Mukhtasar al-Muntahā* (İstanbul: Matba'a al-'Alam, 1889), 1/111.

When the approaches of the sects on the issue of qirā'āt are considered as a whole, it is possible to say the following in general. According to the jurists of all sects, mutawātir qirā'āt, which are in the category of ṣaḥīḥ, constitute legal evidence and it is essential to act upon them. There are two main views regarding the non-mutawātir or unauthentic qirā'āt. According to the first view, which is shared by the Malikis and a group of the Shafi'i jurists, non-mutawātir qirā'a do not constitute legal evidence and are not to be acted upon. According to the second view, which is shared by the Hanafis and Hanbalis and a group of the Shafi'i jurists, the non-mutawātir qirā'āt that have reached the level of masshūr can be used as legal evidence and can be acted upon. The rest of the qirā'āt other than these are not considered permissible by all jurists.

#### 1.4. Menstruation from the Perspective of Islamic Law

The word *ḥayḍ* / حیض, which has Arabic origins, means "to flow".<sup>32</sup> It refers to the vaginal bleeding that occurs at regular intervals in healthy women, excluding childbirth.<sup>33</sup> In other words, ḥayḍ represents the customary vaginal bleeding with specific characteristics that women experience periodically, causing a temporary postponement of religious and marital obligations.<sup>34</sup> The concept of ḥayḍ is also commonly referred to as "menstruation" today.

Although this characteristic is innate to women, it has been perceived differently in various societies and belief systems. For instance, in Jewish shariah, a menstruating woman was considered impure, and her belongings, as well as the places and people she came into contact with, were also deemed impure.<sup>35</sup> As a result, any interaction with a menstruating woman was strictly prohibited.<sup>36</sup> On the contrary, in Christianity, menstruating women were considered clean, and some authors even stated that sexual intercourse could take place

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<sup>32</sup> Ibn Manzūr, *Lisān al-'Arab*, 7/142; Muhammad Murtada al-Huseynī al-Zebīdī, *Tāc al-arūs min jwāhir al-kamūs*, Critical ed. Abdulkerim al-Uzbavī (Kuwait: Matba'a al-Hukuma al-Kuwait, 1979), 18/211; Abu al-Hasan Ali b. Muhammad b. Ali al-Hüseynī al-Jurjānī, *Mu'jam al-ta'rifāt*, Critical ed. Muhammed Sıddık el-Minşevî (Qahira: Dār al-Fadīla, n.d.), 83; Muhammed Hamdi Yazır Elmalılı, *Hak Dini Kur'an Dili* (İstanbul: Türkiye Yazma Eserler Kurumu Başkanlığı Yayınları, 2021), 1/843.

<sup>33</sup> Kamal al-Dīn Muhammad b. Abd al-Vāhid Ibn Humām, *Sharh Fath al-qadīr*, (Beirut: Dār al-Fıkr, n.d.), 1/160; Abu Bekr Shams al-Aimma Muhammad b. Abu Sahl Ahmad as-Sarakhsī, *Kitāb al-Mabsūt* (Kuwait: Dār al-Ma'rifa, 1989), 3/146.

<sup>34</sup> Ömer Nasuhi Bilmen, *Hukukı İslamiyye ve Istılahatı Fıkhiyye Kamusu* (İstanbul: Bilmen Yayınevi, 1985), 2/180.

<sup>35</sup> *Kitab-ı Mukaddes* (Accessed 3 Nisan 2023), "Leviticus" 15/19.

<sup>36</sup> "Ezekiel", 18/6.

during this period.<sup>37</sup> The acceptance of such views by Christians may be due to the absence of specific regulations regarding women's special conditions in their holy scriptures. In Islamic law, a balanced approach that safeguards women's rights and indirectly preserves men's rights has been adopted, avoiding the aforementioned extremes. Accordingly, sexual intercourse with a menstruating woman is prohibited, but all other actions and behaviors are permissible. Furthermore, menstruating women have never been considered impure; instead, their condition has been regarded as a temporary inconvenience. The situation of menstruating women is mentioned in the Qur'ān as follows:

*"They ask you about menstruation. Say, 'It is an impurity, so keep away from women 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>38</sup>

As it is evident from this verse, the prevalent practices concerning menstruating women in Arab society are being questioned. Allah explains that menstruation is a distressing condition for women and emphasizes refraining from sexual intercourse until they are purified. However, once they have purified themselves, it is encouraged to approach them in the manner prescribed by Allah. This approach demonstrates the protection afforded to women during challenging and uncomfortable times. Moreover, the questioning of this matter by the companions of the Prophet (PBUH) is of significant importance in determining the validity of existing practices in society. In fact, Anas b. Malik (d. 93/711-12) is reported to have said the following regarding this issue:

*"The Jews used to refrain from eating and sitting with women during their menstruation. The companions asked the Prophet Muhammad (PBUH) about this. Then, Allah revealed the verse 'They ask you about menstruation. Say, 'It is an impurity...'. After the revelation of this verse, the Prophet (PBUH) said: 'Except for sexual intercourse, you can do anything with your menstruating women.'"*<sup>39</sup>

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<sup>37</sup> Muhammad b. Ahmad al-Qurtubī, *al-Jāmi' li ahkām al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyya, 1988), 3/54; Abu Abdullah Muhammad b. Umer Fakhr al-Dīn al-Rāzī, *Mafātih al-ghayb* (Beirut: Dār al-Kutub al-'Ilmiyya, 2000), 6/54; Abu Ishaq Ahmad b. Ibrahim Salabī, *al-Kashf ve al-bayān fi tefsīr al-Qur'ān* (Beirut: Dār al-Kutub al-'Ilmiyya, 2004), 2/258; Arif Ulu, "Adet Halindeki Kadının Orucuyla İlgili Hadislerin Tenkid Ve Tahlili", *Atatürk Üniversitesi İlahiyat Fakültesi Dergisi* 38 (2012), 3.

<sup>38</sup> al-Baqara 2/222.

<sup>39</sup> Abū Dāwūd, "Taharāt", 102.; Muslim, "Ḥayḍ", 16.

As it is obvious from this narration, apart from sexual intercourse, all other actions are permitted with menstruating women. Another narration related to this topic from the Prophet Muhammad (PBUH) states: "Abdullah b. Sa'd (d. 36/656-57) asked the Prophet, 'To what extent can I benefit from my wife during her menstruation?' The Prophet (PBUH) replied, 'The upper part of the izar (waist-wrapper) is permissible for you.'"<sup>40</sup> Considering the mentioned verses and hadiths, it is clear from an Islamic law perspective that menstruating women should not be excluded in any way, except for the sexual intercourse. Additionally, there are no restrictions or prohibitions concerning communication, interaction, or the actions performed by women during menstruation.

For the menstrual blood to be considered as ḥayḍ, it needs to fulfill certain conditions. These conditions include the woman being in the age of puberty, the blood coming from the vagina, the occurrence of this process at regular intervals, the color of the blood being black, red, yellow, or white with a blackish hue, and the duration of menstruation not exceeding the specified minimum and maximum limits.<sup>41</sup> There are different opinions among Islamic jurists regarding the lower and upper limits of the menstrual period. According to the Hanafi school of thought, the minimum duration of menstruation is three days, and the maximum is ten days.<sup>42</sup> According to the Shafi'i and Hanbali schools of thought, the minimum duration of menstruation is one day, and the maximum is fifteen days.<sup>43</sup> The Maliki school of thought does not impose any restrictions or limits on the minimum or maximum duration of menstruation.<sup>44</sup>

### **1.5. Relationship with a Menstruating Woman from the Perspective of Islamic Law**

In Islamic law, the prohibition of sexual relations with menstruating women is the only restriction explicitly identified in the Qur'ān and Sunnah. The Qur'ān states the following regarding this prohibition:

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<sup>40</sup> Abū Dāwūd, "Taharāt", 106.

<sup>41</sup> Sarakhsī, *al-Mabsūt*, 3/155; Zayn al-Dīn b. Ibrāhīm b. Muhammad Ibn Nujaym, *al-Bahr al-rāiq sharh Kanz al-deqāiq* (Beirut: Dār al-Ma'rifa, n.d.), 1/199.

<sup>42</sup> Sarakhsī, *al-Mabsūt*, 3/147; Alā al-Dīn Abu Bekr b. Mesūd Kāsānī, *Bedā'i' al-sanā'i' fī tertīb al-sharā'i'* (Beirut: Dār al-Kutub al-'Ilmiyya, n.d.), 1/40.

<sup>43</sup> Abu Zakariyya Yahya b. Sharaf b. Murī Nawawī, *Mejmū' al-sharh al-Muhadhab* (Beirut: Dār al-Fikr, n.d.), 2/375.

<sup>44</sup> Muhammad b. Ahmad b. Muhammad Ibn Rushd, *Bidāyat al-mujtahid wa nihāyat al-muqtasid* (Beirut: Dār al-Kutub al-'Ilmiyya, 1988), 1/57; Wahbah al-Zuhaylī, *al-Fiqh al-Islamī wa adillatuha* (Dimascus: Dār al-Fikr, 1985), 1/459 vd.



*"They ask you about menstruation. Say, 'It is an impurity, so keep away from women during menstruation and do not approach them until they are pure...'"<sup>45</sup>*

Prior to the prophethood of Prophet Muhammad, influenced by various beliefs prevailing then, people in the Arab society refrained from eating with a menstruating woman, using her belongings, and some even avoided staying in the same house with her. When this issue was brought to the attention of Prophet Muhammad (PBUH), the relevant verse was revealed, clarifying that sexual relations are the only forbidden act with menstruating women, while all other actions and interactions are permissible. Hadiths narrated from Prophet Muhammad (PBUH) also confirm this idea. Some of the relevant hadiths are as follows:

*"Menstruation is a condition that Allah has decreed for the daughters of Adam."<sup>46</sup>*

*"With a menstruating woman, you may behave in all other aspects as you would during other times."<sup>47</sup>*

In a narration from Hazrat Āisha, it is stated, *"The Messenger of Allah would lean on my lap and recite the Qur'ān while I was menstruating."<sup>48</sup>*

Similarly, in another narration from Āisha, it is mentioned that *"While I was menstruating, I would take a bite from a piece of meat, and then the Prophet (PBUH) would take the same place and take a bite. I would offer him a vessel of water to drink from, and he would take it, placing his mouth where mine had been and drink."<sup>49</sup>*

Based on the verses in the Quran and the narrations from Prophet Muhammad (PBUH) regarding the subject, engaging in sexual relations with a woman during her menstruation period is prohibited in Islamic law. This relationship is only permitted after the completion of the menstrual period and purification. However, it should be noted that during the menstrual period, only sexual relations are prohibited, while other interactions and activities are not restricted.

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<sup>45</sup> al-Baqara 2/222.

<sup>46</sup> Bukhārī, "Ḥayḍ", 1,7; Abū Dāwūd, "Manāsik", 23.

<sup>47</sup> Muslim, "Ḥayḍ", 16; Aḥmad b. Shu'ayb al-Nasā'ī, *al-Sunan* (İstanbul: Çağrı Yayınları, 1992), "Taharāt", 18.

<sup>48</sup> Bukhārī, "Ḥayḍ", 2, 3; Muslim, "Ḥayḍ", 15.

<sup>49</sup> Muslim, "Ḥayḍ", 14.

## 1.6. The Influence of Qirā'āt Differences on the Issue of Intercourse with Women after Menstruation

### 1.6.1. Analysis of the Nass Related to the Issue of Menstruation

The natural and specific condition of menstruation, which is inherent in women, is mentioned in the Qur'an as follows:

*"They ask you about menstruation. Say, 'It is an impurity, so keep away from women 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>50</sup>

Menstruation in women is a characteristic related to their nature. Every woman experiences menstruation when she reaches a certain age, and this continues at regular intervals until menopause, which is the cessation of menstruation. The age of onset, frequency, duration, and age of menopause can vary from woman to woman. Different perspectives have been developed regarding women going through this process in every period and society. Even before Islam, people, influenced by various beliefs and communities, had different approaches towards women experiencing menstruation. This led to uncertainty and confusion among believers. Therefore, the verse begins with the question addressed to the Prophet Muhammad (PBUH): *"They ask you about menstruation / وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۖ"* in order to eliminate the uncertainty about the condition of women during menstruation. In response to this question, the verse clarifies that menstruation is a state of difficulty, hardship, and discomfort. Therefore, it further states, "... keep away from them until they are purified / وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ" which means refraining from sexual relations. Taking into account the narrations from the Prophet Muhammad (PBUH) on this subject, it is understood that the expression "... keep away from them / وَلَا تَقْرَبُوهُنَّ" refers to refraining from sexual relations. Additionally, the continuation of the verse states, "...then come to them from where Allah has ordained for you / فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ" explaining this matter again. When considering the Qur'anic

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<sup>50</sup> al-Baqara 2/222. وَيَسْأَلُونَكَ عَنِ الْمَحِيضِ ۖ قُلْ هُوَ آذَىٰ ۖ فَاعْتَزَلُوا النَّسَاءَ فِي الْمَحِيضِ ۖ وَلَا تَقْرَبُوهُنَّ حَتَّىٰ يَطْهُرْنَ ۖ فَإِذَا تَطَهَّرْنَ فَأْتُوهُنَّ مِنْ حَيْثُ أَمَرَكُمُ اللَّهُ ۚ إِنَّ اللَّهَ يُحِبُّ التَّوَّابِينَ وَيُحِبُّ الْمُتَطَهِّرِينَ

verse along with the hadiths, it is evident that in Islamic law, there is no prohibition regarding communication and interaction with menstruating women other than sexual relations.

### 1.6.2. Variations of Recitation in the Verse Related to Menstruation

As stated in the verse, the reason that prohibits sexual relations is a woman's menstruation. The essential condition for the ending of this prohibition is the cessation of menstrual bleeding. Islamic scholars have no disagreement on this point. The actual disagreement arises regarding whether the cessation of menstrual bleeding is sufficient for the ending of the prohibition on sexual relations. The reason for this disagreement lies in the two different recitations of the phrase " *hattā yaṭhurna / حَتَّى يَطْهُرْنَ / until they are purified*" in the relevant verse. The meanings and interpretations resulting from two different recitations have led to different legal consequences.

In this respect, the phrase " *يَطْهُرْنَ / yaṭhurna / until they are purified*" in the verse has given rise to two different recitations. According to the narrations of Nāfi', Ibn Kathir, Abu Amr, Ibn Āmir, Hafs, and Abu Ja'far, it was recited by Āsim with tahfif (smoothing) as " *يَطْهُرْنَ / yaṭhurna*". On the other hand, according to the narrations of Shu'bah, Hamzah, al-Kisā'ī and Khalaf, Āsim recited it with shaddah (emphatic consonant) as " *يَطَّهَّرْنَ / yaṭṭahharna*".<sup>51</sup> It is also noted that in the copies of the Qur'ān belonging to Abdullah b. Mas'ūd (d. 32/652-53), Ubayy b. Ka'b (d. 33/654), and Anas b. Malik (d. 93/711-12), this word is mentioned as " *يَطَّهَّرْنَ / yaṭṭahharna*".<sup>52</sup> Both recitations meet the criteria for authenticity, so they have been considered as two separate recitation versions of the verse.<sup>53</sup> Therefore, both recitations have been followed and acted upon.<sup>54</sup>

Regarding the meanings of both recitations, when the verse is recited as " *يَطْهُرْنَ / yaṭhurna*" with tahfif, it indicates the cessation of menstrual bleeding. When recited as " *يَطَّهَّرْنَ / yaṭṭahharna*" with shaddah, it implies that after the cessation of menstrual bleeding, ritual purification (bath) is necessary.<sup>55</sup> In the first recitation, according to the cessation of

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<sup>51</sup> Ibn al-Jazarī, *an-Nashr*, 2/227; Osman b. Saīd ad- Dānī, *Kitāb al-taysīr fī al-qirā'a al-sab'a* (İstanbul: s.n., 1930), 80; Delegation, "Mushaf al-davla al-Kuwait li al-qirā'a al-'ashara" (Accessed 30 Nisan 2023), *Kuwait*.

<sup>52</sup> Ali b. Muhammad Shawkānī, *Fath al-qadīr* (Beirut: Dār al-Ma'rifa, n.d.), 1/226.

<sup>53</sup> Shawkānī, *Fath al-qadīr*, 1/226; Dağ, *Kırâat Farklılıkları*, 184.

<sup>54</sup> Qurtubī, *al-Jāmi'*, 3/60.

<sup>55</sup> Shawkānī, *Fath al-qadīr*, 1/226; Qurtubī, *al-Jāmi'*, 3/60.

menstrual bleeding, the ending of the prohibition is achieved. In the second recitation, after the cessation of menstrual bleeding, ritual purification (bath) is deemed necessary for the ending of the prohibition.

### 1.6.3. Legal Consequences of Different Qirā'āt Regarding the Verse on Menstruation

The variations in qirā'a regarding the verse on menstruation have directly influenced Islamic legal schools and have led to the formation of different approaches to the subject. Hanafi jurists, based on the recitation of "يَطْهُرْنَ / *yathurna*" with the addition of *tahfif* (without *shadda*), have stated that the maximum duration for the cessation of menstrual blood can be ten days. They have mentioned that after this period is completed, the ongoing bleeding is not considered menstrual blood, the prohibition is ended due to the completion of menstruation, and there is no barrier to approaching the woman. However, if bleeding lasts for less than ten days and ends, they have stated that the woman should still perform ablution (washing) or wait for the passing of one prayer time before engaging in sexual intercourse.<sup>56</sup> It can be observed that the Hanafis prefer the qirā'a "يَطْهَرْنَ / *yattahharna*" with *shaddah* (emphasis). Therefore, while forming their opinion on the upper limit of the menstrual period, the Hanafis have relied on the *tahfif* qirā'a, and for periods that are completed in a shorter time, they have relied on the *shaddah* qirā'a. This demonstrates that Hanafis have reached their conclusion in the relevant matter of conflict by using the method of *jam' and tawfiq*<sup>57</sup> (combining and reconciling).<sup>58</sup>

Hanafi jurists have stated that when the word "يَطْهُرْنَ / *yathurna*" is recited with the *tahfif* pronunciation, it only signifies the cessation of menstrual blood. They have mentioned that even if a woman performs ablution while bleeding continues, it does not terminate the state of menstruation. Therefore, according to Hanafis, the completion of menstruation can only occur with the cessation of bleeding. However, the presence of both the *tahfif* and

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<sup>56</sup> Ibn Humām, *Fath al-Qadīr*, 1/170; Abu Bakr Ahmad b. Ali al- Jassās, *Ahkām al-Qur'ān* (Beirut: Dār al-Fikr, 1993), 1/475.

<sup>57</sup> *Jam' ve tawfiq*: (جم و توفيق) It is to arrive at a conclusion by interpreting two contradicting and equivalent proofs. Abd al-Latif Abdullah b. Aziz al- Barzanjī, *al-Ta'aruf wa al-tarjūh bayna al-adilla al-shar'iyya* (Beirut: Dār al-Kutub al-'Ilmiyya, 1993), 1/212.

<sup>58</sup> Abu Zeyd Abdullah b. Umer b. Isa al-Dabūsī, *Takwīm al-adilla fī usūl al-fiqh* (Beirut: Dār al-Kutub al-'Ilmiyya, 2001), 217; Dağ, *Kırâat Farklılıkları*, 185.

shaddah readings of the mentioned term in authentic qirā'a has led Hanafi jurists to relate the two verses to each other. Jassās (d. 370/981) has said the following regarding the subject:

"When the word is recited as "يَطْهَرْنَ" / yaṭṭahharna" with shaddah, in this case, it encompasses both the meaning of ceasing menstrual blood and performing ghusl. However, when it is recited as "يَطْهُرْنَ" / yaṭḥurna" with tahfif, this form represents a single meaning and is definite (muḥkam). On the other hand, the shaddah reading has two meanings and is ambiguous (mutashābih). In this case, the ambiguous (mutashābih) should be related to the definite (muḥkam). Thus, both meanings are combined in one recitation. Consequently, the permissibility of sexual intercourse is conditioned by the completion of the menstrual blood."<sup>59</sup>

Even though Hanafi jurists may have reached a consensus on this issue, Hudarī Bey, one of the contemporary legal scholars, has objected to it. According to him, whether recited with tahfif or shaddah, the objective of this word is to emphasize cleanliness as directed by Islam. This entails taking a ritual ablution (ghusl) after the cessation of menstrual blood. Therefore, there is no contradiction in the recitation of the word with tahfif or shaddah.<sup>60</sup>

Hanafi scholars have taken tahfif as the basis for the recitation of the word "يَطْهَرْنَ". Accordingly, they have determined ten days as the upper limit for the menstrual period and considered the cessation of bleeding sufficient for the permissibility of sexual intercourse. They have based these arguments on rational and grammatical grounds. These can be listed as follows: The preposition "حَتَّى" / ḥattā" in the verse indicates a contrast between the preceding and following parts of the sentence. In other words, this preposition sets a measure and boundary for the prohibition of approaching women. Namely, the prohibition on sexual intercourse is terminated with the cessation of menstruation.<sup>61</sup> Another reason is that requiring ablution after the ten-day menstrual period, which would continue the purification process as if still in the menstruation period, creates a contradiction that is not permissible according to religious law. In addition, making ablution a condition for sexual intercourse after the ten-day menstrual period would deprive both the man and the woman of their rights to some extent. This would lead to the harm mentioned in the verse. Another

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<sup>59</sup> Jassās, *Ahkām al-Qur'ān*, 1/476.

<sup>60</sup> Muhammad al-Hudarī Bey, *Usūl al-fiqh* (Egypt: al-Maktaba al-Tijāriya al-Kubrā, 1979), 361.

<sup>61</sup> Dağ, *Kıraat Farklılıkları*, 186; Zeki Yıldırım, *Müfessir İlkiya el-Harrâsî'nin "Ahkâmü'l-Kur'ân" Adlı Eserine Göre Kıraat Farklılıklarının Hukûkî Ayetlerin Tefsirindeki Rolü* (Erzurum: Atatürk University, Graduate School of Social Sciences, Master's Thesis, 1990), 56; Yunus Yalçın, *Ahkâm Âyetleri Bağlamında Fıkıh-Kıraat İlişkisi: Taberî ve Cessâs Örneği* (Elazığ: Fırat University, Social Sciences Institute, Ph.D. Dissertation, 2022), 140 etc.; Yunus Yalçın, *Kıraat Farklılıklarının Fıkhi İstinbatlara Etkisi* (Elazığ: Fırat University, Institute of Social Sciences, Master's Thesis, 2017), 57 etc.; Önen, "Kıraatların Fıkhi Hükümlere Etkisi", 12.

reason is that regardless of whether it is recited with shaddah or tahfif, the word "يَطْهَرْنَ" implies the cessation of menstrual blood in both recitations. This is the common point of both recitations. Therefore, it would be more accurate to consider the cessation of bleeding as the criterion for the end of the menstruation period and the beginning of the purification process. Another reason is that delaying ablution for approaching women after the menstruation period may change or even eliminate the criterion mentioned in the verse regarding menstruation. This would amount to disregarding the verse. In addition to all these reasons, according to many companions of the Prophet, the cessation of bleeding at the end of the menstrual process is sufficient for the ending of the prohibition on sexual intercourse.<sup>62</sup>

The scholars of the Maliki, Shafi'i and Hanbali madhabs have adopted the shaddah recitation of the verse as "يَطْهَرْنَ" / *yattahharna*". According to the opinion of the majority, after a woman's menstrual period ends, she needs to perform ablution to lift the prohibition on sexual intercourse.<sup>63</sup> However, when two mutawātira recitations are found together, they need to be combined (jam'). The correct way to combine them is to attribute the recitation with tahfif to the one with shaddah, as this is more preferable. If done otherwise, it would not yield any benefit and would also be incorrect.<sup>64</sup> Therefore, in this case, both recitations should be taken into consideration and practiced. And this can only be achieved by performing ablution along with the cessation of bleeding at the end of the menstrual period.<sup>65</sup> The evidence for this is found in the phrase "فَإِذَا تَطَّهَّرْنَ فَأْتُوهُنَّ" in the verse, which means "approach them when they have purified themselves". Here, "purifying oneself" can only be achieved with water. Furthermore, sexual intercourse is connected to the purification condition by the conjunction "idhā". And this condition can only be fulfilled through the realization of the condition, that is, performing ablution. Therefore, sexual intercourse can only be permissible after washing following the cessation of bleeding at the end of the menstrual process. Accordingly, the expression "حَتَّى يَطْهَرْنَ" / *hattā yaṭhurna*" indicates the cessation of bleeding, and the expression "فَإِذَا تَطَّهَّرْنَ فَأْتُوهُنَّ" / *feidhā tetahharna fa' tūhunna*"

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<sup>62</sup> Abd al-Azīz al-Bukharī, *Kashf al-esrār*, 3/91; Barzanjī, *al-Ta'ârûḍ*, 1/273; Dağ, *Kırâat Farklılıkları*, 186.

<sup>63</sup> Qurtubī, *al-Jāmi'*, 3/59; Nawawī, *Mejmū'*, 2/370; Ibn Qudāma, *al-Mughnī*, 1/352; Zuhaylī, *al-Fiqh al-Islamī*, 1/473.

<sup>64</sup> Barzanjī, *al-Ta'ârûḍ*, 1/276.

<sup>65</sup> Fakhr al-Dīn al-Rāzī, *Mafātiḥ al-ghayb*, 6/73.

stipulates the requirement of washing.<sup>66</sup> The majority's approach arises from considering this as a precautionary methodological approach. This approach does not carry any risk in terms of removing the prohibition. Ibn Munzir (d. 318/930) and Ibn Taymiyyah (d. 728/1328), who state the existence of consensus on this matter, also share the same opinion.<sup>67</sup>

Another view has been formed as follows: The phrase “حَتَّى يَطْهُرْنَ / ḥattā yaṭḥurna” means the cessation of bleeding at the end of the menstrual period. According to this view, sexual intercourse becomes permissible when the bleeding stops. However, at this point, there cannot be any limitation in terms of the minimum or maximum duration for the cessation of bleeding. The cessation of menstrual blood is a sufficient reason for ending the prohibition on sexual intercourse.<sup>68</sup>

Considering all these approaches as a whole, it can be argued that both the Hanafi scholars and the majority of the other Islamic jurisprudence scholars base their methodological approach on the two widely-accepted recitations related to the verse. However, while the Hanafi jurists consider both recitations together using the method of jam' and tawfiq, the majority, by attributing the recitation with tahfif to the shaddah recitation, have adopted a precautionary approach. When interpreting the two mutawātira recitations, Hanafi jurists also consider the concept of time during menstruation and use the shaddah recitation to determine the minimum duration of the menstrual period, while using the tahfif recitation to determine the maximum duration. In this way, they consider both recitations as evidence for the ruling. This consistent and methodological approach sets the Hanafis apart from the views of the other three schools. On the other hand, the majority opinion of the Shafi'i, Maliki, and Hanbali scholars combines the recitations by understanding them as interrelated. In other words, the meaning of the recitation with tahfif, which results in the cessation of menstrual blood, is combined with the meaning of the recitation with shaddah, which requires washing after the cessation of menstrual blood. As a result, it leads to the conclusion that only the recitation with shaddah should be followed. This approach does not align well with the effective function that recitations provide a better understanding of the words of the Qur'ān.<sup>69</sup> And finally, it can be observed that in the

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<sup>66</sup> Qurtubī, *al-Jāmi'*, 3/59.

<sup>67</sup> Ibn Qudāma, *al-Mughnī*, 1/353; Ahmad b. Abd al-Halim Ibn Taymiyyah, *Majmū' al-fatāwā* (Ribat: Maktaba al-Ma'ārif, 1981), 21/625.

<sup>68</sup> Jassās, *Ahkām al-Qur'ān*, 1/475.

<sup>69</sup> Dağ, *Kirâat Farklılıkları*, 189.

context of the verse about menstruation, when compared with the other schools, the Hanafi scholars have analysed and combined the effective role of recitations in relation with deriving judgement and the richness of their meanings better.

### **Conclusion**

The science of qirā'a, which focuses on the manner of reciting Qur'ānic words, has played a pioneering role in better understanding the divine wording within the Islamic sciences. Additionally, qirā'a variations have provided significant convenience for Muslims in resolving ambiguities and difficulties that may arise in the text. The Qur'ān has served as the primary source of evidence in Islamic legal doctrine. Therefore, there is a close relationship between Islamic law and the science of qirā'a. The verses revealed to the Prophet Muhammad (PBUH) were initially learned and memorized by his companions and then transmitted to subsequent generations. From the early years of revelation, reciting the Qur'ānic verses based on seven different dialects had a direct impact on the development of legal doctrine, resulting in various approaches among Islamic scholars. Over time, these disputes, along with the methodical approaches of legal schools, have also influenced subsidiary issues.

In the early years of Islam, jurisprudence predominantly underwent casuistic development. As legal issues have arisen, attempts have been made to produce solutions based on the Qur'ān and Sunnah. In this context, different opinions have also emerged in some subsidiary issues due to the permitted variations of recitation of some words. One of such an issue is the relationship with women after menstruation. This subject is mentioned in verse 222 of Sūrah al-Baqara in the Qur'ān. The verse explains that a woman's menstruation period is a distressing and troublesome process, and therefore, during her menstrual days, her husband should keep away from her and refrain from approaching her sexually until she is purified.

In the relevant verse, the reason stated as an obstacle to sexual intercourse is the woman's menstruation. It is emphasized that this prohibition can only be ended after the completion of this process. There is no disagreement among Islamic scholars regarding this matter. However, there has been disagreement among scholars regarding when and how the process will be completed. The reason for these different opinions lies in the phrase "حَتَّىٰ"



يَطْهُرْنَ / *hattā yaṭhurna* / until they are purified" which is mentioned in the related verse. This phrase appears in two different qirā'āt: tahfif, which is "يَطْهُرْنَ / *yaṭhurna*" with a light pronunciation, and shaddah, which is "يَطْهَرْنَ / *yaṭṭahharna*" with a shaddah. Both qirā'āt fulfill the conditions of authenticity, so both of them are considered valid recitations. Therefore, both qirā'āt, which convey different meanings, have been acted upon. When the verse is recited with tahfif, it implies that the menstrual process is completed simply by the cessation of bleeding, while when recited with shaddah, it implies that the process is completed only after washing following the cessation of bleeding.

Based on the method of adopting these two qirā'āt, Islamic scholars have reached different legal conclusions. The Hanafis, based on the jam' and tawfiq method, have taken both qirā'āt into account in determining the upper and lower limits of the menstrual period. Additionally, based on the tahfif qirā'a of the verse, they have deemed the cessation of menstrual bleeding sufficient for the ending of the prohibition regarding sexual intercourse. The majority's opinion (Malikis, Shafi'is, and Hanbalis) has relied on the recitation with shaddah. According to this choice of recitation, it is necessary for the process to be completed by both the cessation of menstrual bleeding and washing. The phrase "*approach them when they are thoroughly clean*" in the continuation of the verse also indicates this requirement, as cleanliness can only be achieved through the actual act of washing with water. Moreover, the cautious approach, which methodically eliminates any risk, also necessitates this. Accordingly, the ending of the prohibition on sexual intercourse is contingent upon the cessation of menstrual bleeding and washing.

When evaluated as a whole, it can be suggested that both Hanafis and the majority of Islamic jurists handle the subject by considering the validity of the two authentic qirā'āt. However, the Hanafis have diverged from the majority of Islamic jurists in certain aspects. With their adopted methodological approach, the Hanafis have applied both rulings of the authentic qirā'a, including the duration and manner of completing the menstrual process. Unlike this, the majority of Islamic jurists, relying on the cautious approach, have based the tahfif recitation on the shaddah recitation which resulted in only the ruling of the shaddah qirā'a being applied. However, the meanings and legal consequences of the tahfif and shaddah qirā'a are different from each other. The majority's approach has led to a single

legal outcome from the two authentic qirā'āt, which does not align with the effective function of qirā'a in terms of enabling a better understanding of the text of the Qur'ān.

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