

AL-MUHALLA

كِتَابُ الصِّيَامِ

The Book of Fasting

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The Book of Fasting: Chapter on Fasting. Fasting comprises two categories: obligatory and voluntary.

In the name of Allah, the Most Gracious, the Most Merciful. May Allah send blessings upon Muhammad and his progeny, and grant him peace.

The Book of Fasting 726 – Issue: Fasting is of two categories: obligatory and voluntary. This is a true, certain consensus. Is there no avenue within the framework of reason for a third category?

An issue: Fasting the month of Ramadan.

727 - Issue: Among the obligations is fasting the month of Ramadan, which falls between Shaaban and Shawwal. It is obligatory upon every Muslim who is sane, adult, healthy, and resident—whether free or enslaved, male or female—except menstruating women and women in postpartum bleeding. They are not to fast during the days of their menstruation at all, nor during the days of their postpartum bleeding, and they must make up the fasting of those days. All of this is a definitively established obligation by consensus among all Muslims.

An issue: There is no fasting except with intention.

728 - Issue: No fast is valid at all—whether Ramadan or otherwise—except with a renewed intention each night for the fast of the coming day. Whoever intentionally abandons the intention invalidates their fast. The proof for this is Allah the Exalted's statement: _"And they were not commanded except to worship Allah, sincerely devoting their religion to Him"_ [Al-Bayyinah: 5]. Hence, it is established they were commanded with nothing in the religion except to worship Allah the Exalted and to maintain sincerity to Him in it, because it is His religion which He has commanded.[1]

The Messenger of Allah—may the peace and blessings of Allah be upon

[1] **Qur'an references (L11507):** Qur'an 98:5 (Al-Bayyinah).

[كِتَابُ الصِّيَامِ] [مَسْأَلَةٌ الصِّيَامُ قِسْمَانِ فَرْضٌ وَتَطَوُّعٌ]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ وَصَلَّى اللَّهُ عَلَى مُحَمَّدٍ وآلِهِ وَسَلَّمَ

كِتَابُ الصِّيَامِ ٧٢٦ - مَسْأَلَةٌ: الصِّيَامُ قِسْمَانِ فَرْضٌ، وَتَطَوُّعٌ، وَهَذَا إجْمَاعُ حَقٍّ مُتَيَقَّنٍ، وَلَا سَبِيلَ فِي بِنْيَةِ الْعَقْلِ إلَى قِسْمٍ ثَالِثٍ؟

[مَسْأَلَةٌ صِيَامُ شَهْرِ رَمَضَانَ]

٧٢٧ - مَسْأَلَةٌ: فَمِنْ الْفَرْضِ صِيَامُ شَهْرِ رَمَضَانَ، الَّذِي بَيْنَ شَعْبَانَ، وَشَوَّالٍ، فَهُوَ فَرْضٌ عَلَى كُلِّ مُسْلِمٍ عَاقِلٍ بَالِغٍ صَحِيحٍ مُقِيمٍ، حُرًّا كَانَ أَوْ عَبْدًا، ذَكَرًا أَوْ أُنْثَى، إلَّا الْحَائِضَ وَالنُّفَسَاءَ، فَلَا يَصُومَانِ أَيَّامَ حَيْضِهِمَا أَلْبَتَّةَ، وَلَا أَيَّامَ نَفَسِهِمَا، وَيَقْضِيَانِ صِيَامَ تِلْكَ الْأَيَّامِ وَهَذَا كُلُّهُ فَرْضٌ مُتَيَقَّنٌ مِنْ جَمِيعِ أَهْلِ الْإِسْلَامِ.

[مَسْأَلَةٌ لَا صِيَامَ إلَّا بِنِيَّةٍ]

٧٢٨ - مَسْأَلَةٌ: وَلَا يُجْزِئُ صِيَامٌ أَصْلًا - رَمَضَانَ كَانَ أَوْ غَيْرَهُ - إلَّا بِنِيَّةٍ مُجَدَّدَةٍ فِي كُلِّ لَيْلَةٍ لِصَوْمِ الْيَوْمِ الْمُقْبِلِ، فَمَنْ تَعَمَّدَ تَرْكَ النِّيَّةِ بَطَلَ صَوْمُهُ؟ بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَمَا أُمِرُوا إلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] فَصَحَّ أَنَّهُمْ لَمْ يُؤْمَرُوا بِشَيْءٍ فِي الدِّينِ إلَّا بِعِبَادَةِ اللَّهِ تَعَالَى وَالْإِخْلَاصِ لَهُ فِيهَا بِأَنَّهَا دِينُهُ الَّذِي أَمَرَ بِهِ.

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَإِنَّمَا لِكُلِّ امْرِئٍ مَا نَوَى» .

him—said: “Actions are only by intentions, and every person will only have what they intended.”[2]

L11509–11510 Thus, it is correct that no deed is valid except with an intention from oneself, and that none may claim reward except for what he intended. Therefore, whoever intends to fast, their fasting is valid, and whoever does not intend it, their fasting is invalid.

L11511 And from the method of analytical reasoning: fasting entails abstaining from eating and drinking, deliberate vomiting, sexual intercourse, and sins. Thus, if fasting were valid without the intention to fast, anyone who abstained from these categories would be fasting at all times. Yet this is something no one asserts.

L11512–11514 And by the method of consensus: It has been established through consensus that whoever fasts with an intention formed during the night has fulfilled their obligation. No textual evidence or consensus exists validating the fast of one who failed to form this intention during the night. Scholars differed regarding this matter: Zufar ibn al-Hudhayl held that if one observes Ramadan’s fasts without any intention to fast—intending not to fast each day yet abstaining from food, drink, and intercourse—their fast is valid and suffices. However, voluntary fasting requires a specific nightly intention.

Abu Hanifah maintained: Intention is obligatory for fasting—whether in Ramadan, voluntary acts, or vowed fasts. However, forming the intention during daytime suffices provided the sun has not yet passed its zenith and no prior eating, drinking, or intercourse occurred. Failure to form the intention—neither during the night nor before the sun passes its zenith—invalidates any subsequent intention after zenith, nullifies the fast, and obligates its makeup. As for compensating missed Ramadan days or expiatory fasts, nightly intention for each day is indispensable; forming it after dawn invalidates the fast.

[2]**Hadith references (L11508):** Sahih al-Bukhari 1; Sunan Abi Dawud 2201; Mishkat al-Masabih 1.

فَصَحَّ أَنَّهُ لَا عَمَلَ إِلَّا بِنِيَّةٍ لَهُ، وَأَنَّهُ لَيْسَ لِأَحَدٍ إِلَّا مَا نَوَى. فَصَحَّ أَنَّ مَنْ نَوَى الصَّوْمَ فَلَهُ صَوْمٌ، وَمَنْ لَمْ يَنْوِهِ فَلَيْسَ لَهُ صَوْمٌ.

وَمِنْ طَرِيقِ النَّظَرِ: أَنَّ الصَّوْمَ إِمْسَاكٌ عَنْ الْأَكْلِ وَالشُّرْبِ، وَتَعَمُّدِ الْقَيْءِ، وَعَنْ الْجِمَاعِ، وَعَنْ الْمَعَاصِي، فَكُلُّ مَنْ أَمْسَكَ عَنْ هَذِهِ الْوُجُوهِ - لَوْ أَجْزَأَهُ الصَّوْمُ بِلَا نِيَّةٍ لِلصَّوْمِ - لَكَانَ فِي كُلِّ وَقْتٍ صَائِمًا، وَهَذَا مَا لَا يَقُولُ أَحَدٌ.

وَمِنْ طَرِيقِ الْإِجْمَاعِ: أَنَّهُ قَدْ صَحَّ الْإِجْمَاعُ عَلَى أَنَّ مَنْ صَامَ وَنَوَاهُ مِنْ اللَّيْلِ فَقَدْ أَدَّى مَا عَلَيْهِ، وَلَا نَصَّ وَلَا إجْمَاعَ عَلَى أَنَّ الصَّوْمَ يُجْزِئُ مَنْ لَمْ يَنْوِهِ مِنْ اللَّيْلِ. وَاخْتَلَفَ النَّاسُ فِي هَذَا -: فَقَالَ زُفَرُ بْنُ الْهُذَيْلِ: مَنْ صَامَ رَمَضَانَ، وَهُوَ لَا يَنْوِي صَوْمًا أَصْلًا، بَلْ نَوَى أَنَّهُ مُفْطِرٌ فِي كُلِّ يَوْمٍ مِنْهُ، إلَّا أَنَّهُ لَمْ يَأْكُلْ وَلَمْ يَشْرَبْ، وَلَا جَامَعَ -: فَإِنَّهُ صَائِمٌ وَيُجْزِئُهُ، وَلَا بُدَّ لَهُ فِي صَوْمِ التَّطَوُّعِ مِنْ نِيَّةٍ؟ وَقَالَ أَبُو حَنِيفَةَ: النِّيَّةُ فَرْضٌ لِلصَّوْمِ فِي كُلِّ يَوْمٍ مِنْ رَمَضَانَ، أَوْ التَّطَوُّعِ، أَوْ النَّذْرِ إلَّا أَنَّهُ يُجْزِئُهُ أَنْ يُحْدِثَهَا فِي النَّهَارِ، مَا لَمْ تَزُلْ الشَّمْسُ، وَمَا لَمْ يَكُنْ أَكَلَ قَبْلَ ذَلِكَ، وَلَا شَرِبَ، وَلَا جَامَعَ، فَإِنْ لَمْ يُحْدِثْهَا - لَا مِنْ اللَّيْلِ وَلَا مِنْ النَّهَارِ مَا لَمْ تَزُلْ الشَّمْسُ - لَمْ يَنْتَفِعْ بِإِحْدَاثِ النِّيَّةِ بَعْدَ زَوَالِ الشَّمْسِ، وَلَا صَوْمَ لَهُ، وَعَلَيْهِ قَضَاءُ ذَلِكَ الْيَوْمِ، وَأَمَّا قَضَاءُ رَمَضَانَ وَالْكَفَّارَاتِ فَلَا بُدَّ فِيهَا مِنْ النِّيَّةِ مِنْ اللَّيْلِ لِكُلِّ يَوْمٍ، وَإِلَّا فَلَا صَوْمَ لَهُ، وَلَا يُجْزِئُهُ أَنْ يُحْدِثَ النِّيَّةَ فِي ذَلِكَ بَعْدَ طُلُوعِ الْفَجْرِ. وَقَالَ مَالِكٌ: لَا بُدَّ مِنْ نِيَّةٍ فِي الصَّوْمِ وَأَمَّا فِي رَمَضَانَ فَتُجْزِئُهُ نِيَّتُهُ لِصَوْمِهِ كُلِّهِ مِنْ أَوَّلِ لَيْلَةٍ مِنْهُ، ثُمَّ لَيْسَ عَلَيْهِ أَنْ يُجَدِّدَ نِيَّةَ كُلِّ لَيْلَةٍ، إلَّا أَنْ يَمْرَضَ

فَيُفْطِرَ، أَوْ يُسَافِرَ فَيُفْطِرَ، فَلَا بُدَّ لَهُ مِنْ نِيَّةٍ - حِينَئِذٍ - مُجَدَّدَةٍ قَالَ: وَأَمَّا التَّطَوُّعُ فَلَا بُدَّ لَهُ مِنْ نِيَّةٍ لِكُلِّ لَيْلَةٍ. وَقَالَ الشَّافِعِيُّ، وَدَاوُد: مِثْلَ قَوْلِنَا، إِلَّا أَنَّ الشَّافِعِيَّ رَأَى فِي التَّطَوُّعِ خَاصَّةً إِحْدَاثَ النِّيَّةِ لَهُ مَا لَمْ تَزُلْ الشَّمْسُ، وَمَا لَمْ يَكُنْ أَكَلَ قَبْلَ ذَلِكَ، أَوْ شَرِبَ، أَوْ جَامَعَ -: وَرُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ: لَا يَصُومُ إِلَّا مَنْ أَجْمَعَ الصِّيَامَ قَبْلَ الْفَجْرِ.

Malik asserted: Intention is obligatory for fasting. In Ramadan, a single intention formed on the first night suffices for the entire month unless one breaks the fast due to illness or travel, necessitating a renewed intention upon resumption. Voluntary fasting requires a nightly intention.

Al-Shāfiʿī and Dāwūd concurred with the author's school, though Al-Shāfiʿī specifically permitted forming the intention for voluntary fasts before the sun passes its zenith, provided no prior consumption or intercourse occurred. We narrate through Malik's chain from Nāfiʿ, from Ibn ʿUmar, who stated: "None fasts except one who resolves to fast." before Fajr.

وَعَنْ مَالِكٍ عَنْ الزُّهْرِيِّ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ قَالَتْ: لَا يَصُومُ إِلَّا مَنْ أَجْمَعَ الصِّيَامَ قَبْلَ الْفَجْرِ () -: وَمِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ ابْنِ شِهَابٍ: أَخْبَرَنِي حَمْزَةُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ قَالَ: قَالَتْ حَفْصَةُ أُمُّ الْمُؤْمِنِينَ: لَا صِيَامَ لِمَنْ لَمْ يُجْمِعْ قَبْلَ الْفَجْرِ؟ فَهَؤُلَاءِ ثَلَاثَةٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعْرَفُ لَهُمْ مِنْهُمْ مُخَالِفٌ أَصْلًا، وَالْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ: يُعَظِّمُونَ مِثْلَ هَذَا إذَا خَالَفَ أَهْوَاءَهُمْ وَقَدْ خَالَفُوهُمْ هَاهُنَا، مَا نَعْلَمُ أَحَدًا قَبْلَ أَبِي حَنِيفَةَ، وَمَالِكٍ قَالَ بِقَوْلِهِمَا فِي هَذِهِ الْمَسْأَلَةِ؛ هُمْ يُشَنِّعُونَ أَيْضًا بِمِثْلِ هَذَا عَلَى مَنْ قَالَهُ مُتَّبِعًا لِلْقُرْآنِ وَالسُّنَّةِ الصَّحِيحَةِ، وَهُمْ هَاهُنَا خَالَفُوا الْقُرْآنَ وَالسُّنَنَ الثَّابِتَةَ بِرَأْيٍ فَاسِدٍ لَمْ يُحْفَظْ عَنْ أَحَدٍ قَبْلَهُمْ؟ قَالَ أَبُو مُحَمَّد: بُرْهَانُ صِحَّةِ قَوْلِنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا أَحْمَدُ بْنُ الْأَزْهَرِ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ ابْنِ شِهَابٍ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ عَنْ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ لَمْ يُبَيِّتْ الصِّيَامَ مِنْ اللَّيْلِ فَلَا صِيَامَ لَهُ» .

From Malik, from Az-Zuhri: That Aisha, the Mother of the Believers, said: "No one fasts except the one who resolves to fast before dawn." From the chain of Ibn Wahb, from Yunus ibn Yazid, from Ibn Shihab: Hamzah ibn Abdullah ibn Umar informed me from his father, who said: Hafsah, the Mother of the Believers, stated: "Is there no fast for one who does not resolve [to fast] before dawn?" These are three Companions—may Allah be pleased with them—with no opposition known from any of them whatsoever. The Hanafis and Malikis magnify such a stance when it contradicts their own inclinations, yet here they oppose them. We know of none before Abu Hanifah and Malik who upheld the opinion of these two on this matter. Moreover, they denounce those who follow the Quran and authentic Sunnah, while themselves opposing the Quran and established Sunnah through an invalid opinion not preserved from any predecessor. Abu Muhammad said: The proof for our position is what Abdullah ibn Rabīʿ narrated to us—Muhammad ibn Muʿāwiyah narrated to us—Aḥmad ibn Shuʿayb informed us—Aḥmad ibn Al-Azhar narrated to us—ʿAbdur-Razzāq reported from Ibn Jurayj, from Ibn Shihāb, from Sālim ibn Abdullah ibn Umar, from his father, from Hafsah, the Mother of the Believers, that Allah's Messenger—peace and blessings be upon him—said: "Whoever does not intend the fast from the night, there is no fast for him."[3]

L11515

This is an authentic chain of narration, and the fact that Maʿmar, Malik,

L11516–11517

[3] **Hadith references (L11515):** Sunan an-Nasai 2334.

وَهَذَا إِسْنَادٌ صَحِيحٌ، وَلَا يَضُرُّ إِسْنَادُ ابْنِ جُرَيْجٍ لَهُ أَنْ أَوْقَفَهُ مَعْمَرٌ، وَمَالِكٌ، وَعُبَيْدُ اللَّهِ، وَيُونُسُ، وَابْنُ عُيَيْنَةَ، فَابْنُ جُرَيْجٍ لَا يَتَأَخَّرُ عَنْ أَحَدٍ مِنْ هَؤُلَاءِ فِي الثِّقَةِ وَالْحِفْظِ، وَالزُّهْرِيُّ وَاسِعُ الرِّوَايَةِ، فَمَرَّةً يَرْوِيهِ عَنْ سَالِمٍ عَنْ أَبِيهِ، وَمَرَّةً عَنْ حَمْزَةَ عَنْ أَبِيهِ، وَكِلَاهُمَا ثِقَةٌ، وَابْنُ عُمَرَ كَذَلِكَ، مَرَّةً رَوَاهُ مُسْنَدًا، وَمَرَّةً رَوَى أَنَّ حَفْصَةَ أَفْتَتْ بِهِ، وَمَرَّةً أَفْتَى هُوَ بِهِ، وَكُلُّ هَذَا قُوَّةٌ لِلْخَبَرِ.

'Ubayd Allah, Yunus, and Ibn 'Uyaynah narrated it as a mawqūf (stopped narration) does not detract from Ibn Jurayj's chain, for Ibn Jurayj is not inferior to any of them in reliability and memorization. Al-Zuhri was prolific in narration: sometimes he narrated it from Salim on his [Salim's] father's authority, and sometimes from Hamza on his [Hamza's] father's authority—both of whom are reliable. Similarly, Ibn 'Umar sometimes narrated it with a connected chain, sometimes narrated that Hafsa issued a fatwa based on it, and sometimes issued a fatwa himself based on it. All of this strengthens the ḥadīth.

وَالْعَجَبُ أَنَّ الْمُعْتَرِضِينَ بِهَذَا مِنْ مَذْهَبِهِمْ: أَنَّ الْمُرْسَلَ كَالْمُسْنَدِ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا عُمُومٌ لَا يَحِلُّ تَخْصِيصُهُ، وَلَا تَبْدِيلُهُ، وَلَا الزِّيَادَةُ فِيهِ، وَلَا النَّقْصُ مِنْهُ، إِلَّا بِنَصٍّ آخَرَ صَحِيحٍ؟ فَإِنْ قِيلَ: فَهَلَّا أَوْجَبْتُمْ النِّيَّةَ مُتَّصِلَةً بِتَبَيُّنِ الْفَجْرِ، كَمَا تَقُولُونَ: فِي الْوُضُوءِ وَالصَّلَاةِ، وَالزَّكَاةِ، وَالْحَجِّ، وَسَائِرِ الْفَرَائِضِ.؟ قُلْنَا: لِوَجْهَيْنِ اثْنَيْنِ أَحَدُهُمَا هَذَا النَّصُّ الْوَارِدُ الَّذِي لَا يَحِلُّ خِلَافُهُ وَلِلَّهِ الْحَمْدُ وَلَسْنَا مِمَّنْ يَضْرِبُ كَلَامَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعْضَهُ بِبَعْضٍ فَيُؤْمِنُ بِبَعْضِهِ، وَيَكْفُرُ بِبَعْضِهِ، وَلَا مِمَّنْ يُعَارِضُ أَوَامِرَ اللَّهِ تَعَالَى عَلَى لِسَانِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِنَظَرِهِ الْفَاسِدِ، بَلْ نَأْخُذُ جَمِيعَ السُّنَنِ كَمَا وَرَدَتْ، وَنَسْمَعُ وَنُطِيعُ بِجَمِيعِهَا كَمَا أَتَتْ؟ وَالثَّانِي: قَوْلُ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَلَمْ يُكَلِّفْنَا - عَزَّ وَجَلَّ - السَّهَرَ مُرَاعَاةً لِتَبَيُّنِ الْفَجْرِ، وَإِنَّمَا أَلْزَمَنَا النِّيَّةَ مِنْ اللَّيْلِ، ثُمَّ نَحْنُ عَلَيْهَا إِلَى أَنْ يَتَبَيَّنَ الْفَجْرُ وَإِنْ نِمْنَا وَإِنْ غَفَلْنَا، مَا لَمْ نَتَعَمَّدْ إِبْطَالَهَا.

L11518 It is astonishing that those who raise this objection from their own school hold that a mursal report is equivalent to a musnad ḥadīth. Abū Muḥammad said: This is a universal principle that may not be restricted, altered, augmented, or diminished except by another sound textual proof. If it is asked: "Why do you not require the intention to be continuously linked to the discernment of dawn, as you assert regarding ablution, prayer, zakāt, pilgrimage, and all other obligatory acts?" We reply with two points. The first is this transmitted text—which it is impermissible to oppose—and all praise is due to Allah, we are not among those who pit the Messenger's words—peace be upon him—against each other, believing in some while rejecting others, nor among those who contradict Allah's commands conveyed through His Messenger—peace be upon him—with their corrupt reasoning. Rather, we accept all Prophetic traditions as they were transmitted, hearing and obeying them all as they came. The second is Allah's statement—Exalted is He: {Allah does not burden any soul beyond its capacity} [2:286]. He—Majestic and Exalted—has not obligated us to vigilantly monitor the emergence of dawn, but only required us to form the intention by night. We remain bound by this intention until dawn becomes evident—even if we sleep or become heedless—provided we do not deliberately invalidate it.[4]

فَإِنْ قِيلَ: فَأَنْتُمْ تُجِيزُونَ لِمَنْ نَسِيَ النِّيَّةَ مِنْ اللَّيْلِ إِحْدَاثَهَا فِي الْيَوْمِ الثَّانِي؟ .

L11519 If it is said: Do you [scholars] permit one who forgot to form the intention during the night to newly initiate it on the second day?

We said: Yes, based on an authentic textual evidence established regarding

L11520–11521

[4] **Qur'an references (L11518):** Qur'an 2:286 (Al-Baqarah).

this matter—for had it not been for that, would we have acted thus? Abu Muhammad [Ibn Hazm] said: We know of no valid argument supporting Zufar's position except his statement: "Ramadan is inherently designated for fasting and not at all for breaking the fast. What purpose then remains for forming the intention to fast during it, when fasting is already obligatory?"

L11522 Ali said: This constitutes a decisive proof against him, nullifying his claim, because since it is fundamentally a prescribed occasion for fasting - not for breaking the fast at all - it is obligatory to intend the act of worship Allah the Exalted has prescribed through that fasting, to sincerely direct the intention to Allah therein, and not to treat it as jest or frivolity.

L11523 Another aspect is that we have been commanded to designate the month of Ramadan for fasting and prohibited from breaking it therein, except where the text has come to us with breaking the fast therein. Thus, it is a time for obedience for one who obeys by fulfilling what he has been commanded, and a time—by Allah—for immense disobedience for whoever disobeys Allah the Exalted therein and opposes His command by not fasting as he was commanded. Since this is so—with certainty through sensory perception and observation—it necessarily requires an earnest commitment to the obligatory obedience and abandonment of the forbidden disobedience. This cannot occur except through an intention for that. This is supremely evident, and praise be to Allah.

L11524 A third perspective is that according to this view, if someone has only enough time remaining in the dawn prayer period to perform two units and prays them voluntarily or frivolously, this should suffice for their obligatory Fajr prayer since this time is designated exclusively for it, not for any other prayer whatsoever. This constitutes qiyas – if qiyas holds validity. We find no argument from Abū Ḥanīfah whatsoever for these invalid, absurd categorizations except that some afflicted by rigidly following him obscured the matter using a ḥadīth we will mention in the subsequent issue – its proper context. This narration provides no foundation for Abū Ḥanīfah's position at all; rather, it invalidates his core principle by mandating intention here – contrary to his stance on ṭahārah – then obligating it during daytime without evidence. We recognize no valid argument from Mālik either, except their assertion that

قُلْنَا: نَعَمْ، بِنَصٍّ صَحِيحٍ وَرَدَ فِي ذَلِكَ وَلَوْلَا ذَلِكَ مَا فَعَلْنَاهُ؟ قَالَ أَبُو مُحَمَّد: وَمَا نَعْلَمُ لِزُفَرَ حُجَّةً إلَّا أَنَّهُ قَالَ: رَمَضَانُ مَوْضِعٌ لِلصِّيَامِ وَلَيْسَ. مَوْضِعًا لِلْفِطْرِ أَصْلًا، فَلَا مَعْنَى لِنِيَّةِ الصَّوْمِ فِيهِ، إذْ لَا بُدَّ مِنْهُ؟

قَالَ عَلِيٌّ: وَهَذِهِ حُجَّةٌ عَلَيْهِ، مُبْطِلَةٌ لِقَوْلِهِ، لِأَنَّهُ لَمَّا كَانَ مَوْضِعًا لِلصَّوْمِ لَا لِلْفِطْرِ أَصْلًا وَجَبَ أَنْ يَنْوِيَ مَا افْتَرَضَ اللَّهُ تَعَالَى عَلَيْهِ مِنْ الْعِبَادَةِ بِذَلِكَ الصَّوْمِ، وَأَنْ يُخْلِصَ النِّيَّةَ لِلَّهِ تَعَالَى فِيهَا، وَلَا يُخْرِجُهَا مَخْرَجَ الْهَزْلِ وَاللَّعِبِ.

وَوَجْهٌ آخَرُ: وَهُوَ أَنَّ شَهْرَ رَمَضَانَ أُمِرْنَا بِأَنْ نَجْعَلَهُ لِلصَّوْمِ، وَنُهِينَا فِيهِ عَنْ الْفِطْرِ، إلَّا حَيْثُ جَاءَنَا النَّصُّ بِالْفِطْرِ فِيهِ، فَهُوَ وَقْتٌ لِلطَّاعَةِ مِمَّنْ أَطَاعَ بِأَدَاءِ مَا أُمِرَ بِهِ وَوَقْتٌ - وَاَللَّهِ - لِلْمَعْصِيَةِ الْعَظِيمَةِ فَمَنْ عَصَى اللَّهَ تَعَالَى فِيهِ وَخَالَفَ أَمْرَهُ عَزَّ وَجَلَّ فَلَمْ يَصُمْهُ كَمَا أُمِرَ، فَإِذْ هُوَ كَذَلِكَ - يَقِينًا بِالْحِسِّ وَالْمُشَاهَدَةِ - فَلَا بُدَّ ضَرُورَةً مِنْ قَصْدٍ إلَى الطَّاعَةِ الْمَفْرُوضَةِ، وَتَرْكِ الْمَعْصِيَةِ الْمُحَرَّمَةِ، وَهَذَا لَا يَكُونُ إلَّا بِنِيَّةٍ لِذَلِكَ. وَهَذَا فِي غَايَةِ الْبَيَانِ وَالْحَمْدُ لِلَّهِ.

وَوَجْهٌ ثَالِثٌ: وَهُوَ أَنَّهُ يَلْزَمُ عَلَى هَذَا الْقَوْلِ أَنَّ مَنْ لَمْ يَبْقَ لَهُ مِنْ وَقْتِ صَلَاةِ الصُّبْحِ إلَّا مِقْدَارُ رَكْعَتَيْنِ فَصَلَّى رَكْعَتَيْنِ تَطَوُّعًا أَوْ عَابِثًا -: أَنْ يُجْزِئَهُ ذَلِكَ مِنْ صَلَاةِ الصُّبْحِ؛ لِأَنَّ ذَلِكَ الْوَقْتَ وَقْتٌ لَهَا، لَا لِغَيْرِهَا أَصْلًا، وَهَذَا هُوَ الْقِيَاسُ: إنْ كَانَ الْقِيَاسُ حَقًّا. وَمَا عَلِمْنَا لِأَبِي حَنِيفَةَ حُجَّةً أَصْلًا فِي تِلْكَ التَّقَاسِيمِ الْفَاسِدَةِ السَّخِيفَةِ، إلَّا أَنَّ بَعْضَ مَنْ ابْتَلَاهُ بِتَقْلِيدِهِ مَوَّهَ فِي ذَلِكَ بِحَدِيثٍ نَذْكُرُهُ فِي الْمَسْأَلَةِ التَّالِيَةِ، لِأَنَّهُ مَوْضِعُهُ، وَلَيْسَ فِي هَذَا الْخَبَرِ مُتَعَلَّقٌ لِأَبِي حَنِيفَةَ أَصْلًا، بَلْ قَدْ نَقَضَ أَصْلَهُ، فَأَوْجَبَ فِيهِ نِيَّةً، بِخِلَافِ

قَوْلِهِ فِي الطَّهَارَةِ، ثُمَّ أَوْجَبَهَا فِي النَّهَارِ بِلَا دَلِيلٍ، وَمَا نَعْرِفُ لِمَالِكٍ حُجَّةً أَصْلًا؛ إِلَّا أَنَّهُمْ قَالُوا: رَمَضَانُ كَصَلَاةٍ وَاحِدَةٍ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ مُكَابَرَةٌ بِالْبَاطِلِ؛ لِأَنَّ الصَّلَاةَ الْوَاحِدَةَ لَا يَحُولُ بَيْنَ أَعْمَالِهَا - بِعَمْدٍ - مَا لَيْسَ مِنْهَا أَصْلًا، وَصِيَامُ رَمَضَانَ يَحُولُ بَيْنَ كُلِّ يَوْمَيْنِ مِنْهُ لَيْلٌ يَبْطُلُ فِيهِ الصَّوْمُ جُمْلَةً وَيَحِلُّ فِيهِ الْأَكْلُ وَالشُّرْبُ وَالْجِمَاعُ، فَكُلُّ يَوْمٍ لَهُ حُكْمٌ غَيْرُ حُكْمِ الْيَوْمِ الَّذِي قَبْلَهُ وَالْيَوْمِ الَّذِي بَعْدَهُ؛ وَقَدْ يَمْرَضُ فِيهِ أَوْ يُسَافِرُ، أَوْ تَحِيضُ، فَيَبْطُلُ الصَّوْمُ، وَكَانَ بِالْأَمْسِ صَائِمًا، وَيَكُونُ غَدًا صَائِمًا.

Ramadan resembles a single prayer. Abū Muḥammad remarked: This constitutes obstinate persistence in falsehood, for a single prayer's acts are not interrupted by unrelated intentional elements, whereas Ramadan's fasting is severed between every two days by nights where fasting becomes wholly invalid and consumption, drinking, and intercourse become permissible. Each day carries rulings distinct from its predecessor and successor. One might fall ill, travel, or a woman might menstruate during it – nullifying the fast – having fasted yesterday and fasting tomorrow.

وَإِنَّمَا شَهْرُ رَمَضَانَ كَصَلَوَاتِ الْيَوْمِ وَاللَّيْلَةِ، يَحُولُ بَيْنَ كُلِّ صَلَاتَيْنِ مَا لَيْسَ صَلَاةً، فَلَا بُدَّ لِكُلِّ صَلَاةٍ مِنْ نِيَّةٍ، فَكَذَلِكَ لَا بُدَّ لِكُلِّ يَوْمٍ فِي صَوْمِهِ مِنْ نِيَّةٍ. وَهُمْ أَوَّلُ مَنْ أَبْطَلَ هَذَا الْقِيَاسَ، فَرَأَوْا مَنْ أَفْطَرَ عَامِدًا فِي يَوْمٍ مِنْ رَمَضَانَ أَنَّ عَلَيْهِ قَضَاءَهُ وَأَنَّ سَائِرَ صِيَامِهِ كَسَائِرِ أَيَّامِ الشَّهْرِ صَحِيحٌ، فَقَدْ أَقَرُّوا بِأَنَّ حُكْمَ الشَّهْرِ كَصَلَاةِ لَيْلَةٍ وَاحِدَةٍ، وَيَوْمٍ وَاحِدٍ.

L11525–11526 The month of Ramadan is like the prayers of day and night, where non-prayer acts intervene between every two prayers. Thus, each prayer requires an intention, and likewise, each day of fasting requires an intention. Yet they were the first to nullify this analogy, ruling that one who deliberately breaks the fast on a day of Ramadan must make up that day, while the rest of their fasting is valid, as are the remaining days of the month. By this, they acknowledged that the ruling of the month is analogous to the prayer of a single night and a single day.

وَإِنَّمَا يَخْرُجُ هَذَا عَلَى قَوْلِ سَعِيدِ بْنِ الْمُسَيِّبِ الَّذِي يَرَى مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ عَامِدًا أَوْ أَفْطَرَهُ كُلَّهُ - سَوَاءٌ، وَأَنَّ عَلَيْهِ فِي الْيَوْمِ قَضَاءُ شَهْرٍ، كَمَا عَلَيْهِ فِي الشَّهْرِ كُلِّهِ، وَلَا فَرْقَ. وَهَذَا مِمَّا أَخْطَئُوا فِيهِ الْقِيَاسَ - لَوْ كَانَ الْقِيَاسُ حَقًّا - فَلَا النَّصَّ اتَّبَعُوا، وَلَا الصَّحَابَةَ قَلَّدُوا، وَلَا قِيَاسَ صَحِبُوا، وَلَا الِاحْتِيَاطَ الْتَزَمُوا، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11527 This position aligns with the view of Sa'īd ibn al-Musayyab, who considers one who intentionally breaks a single day of Ramadan or breaks the entire month as equivalent—requiring them to make up a month for each day, just as one who breaks the whole month must make up it entirely, with no distinction. This exemplifies their error regarding analogy—if analogy were correct—for they neither followed the text, nor imitated the Companions, nor followed analogy, nor committed to precaution. And with Allah the Exalted is success.

[مَسْأَلَةٌ نَسِيَ أَنْ يَنْوِيَ مِنْ اللَّيْلِ فِي رَمَضَانَ]

٧٢٩ - مَسْأَلَةٌ:

A legal issue: He forgot to make the intention during the night in Ramadan.

729 - Issue:

L11530 Whoever forgets to make the intention during the night in Ramadan, then

at whatever time they remember during the following day—whether they ate, drank, had marital relations, or did none of those things—they must form the intention to fast from that moment of recollection, abstain from what fasting people abstain from, and their fast will be fully valid. There is no requirement to make it up, even if nothing remains of the day for him except the time needed to form the intention. If they do not form the intention in this manner, their fast is invalid, and they are disobeying Allah the Exalted by deliberately invalidating their fast, being unable to make it up (by fasting another day).

وَمَنْ نَسِيَ أَنْ يَنْوِيَ مِنَ اللَّيْلِ فِي رَمَضَانَ فَأَيُّ وَقْتٍ ذَكَرَ مِنَ النَّهَارِ التَّالِي لِتِلْكَ اللَّيْلَةِ - سَوَاءٌ أَكَلَ وَشَرِبَ وَوَطِئَ أَوْ لَمْ يَفْعَلْ شَيْئًا مِنْ ذَلِكَ - فَإِنَّهُ يَنْوِي الصَّوْمَ مِنْ وَقْتِهِ إِذَا ذَكَرَ، وَيُمْسِكُ عَمَّا يُمْسِكُ عَنْهُ الصَّائِمُ، وَيُجْزِئُهُ صَوْمُهُ ذَلِكَ تَامًّا، وَلَا قَضَاءَ عَلَيْهِ، وَلَوْ لَمْ يَبْقَ عَلَيْهِ مِنَ النَّهَارِ، إِلَّا مِقْدَارُ النِّيَّةِ فَقَطْ، فَإِنْ لَمْ يَنْوِ كَذَلِكَ فَلَا صَوْمَ لَهُ، وَهُوَ عَاصٍ لِلَّهِ تَعَالَى مُتَعَمِّدٌ لِإِبْطَالِ صَوْمِهِ، وَلَا يَقْدِرُ عَلَى الْقَضَاءِ.

L11531–11533 Similarly, if someone receives news that the Ramadan crescent was sighted the previous night—whether they had eaten, drunk, had intercourse, or not done any of those things at any time during that day, even at its end, as we mentioned—then if they form the intention to fast immediately once the report is confirmed to them, they must abstain from what a fasting person abstains from. Their fast is valid, no compensatory fast is required, and if they fail to do so, their fast is invalid. The ruling is the same as in the previous case, without distinction. Likewise, one obligated to observe a vowed fast on a specific day who forgets the intention and remembers during the day: the ruling applies as we mentioned, with no difference. Similarly, one who forgets the intention during a night of the two consecutive obligatory months and remembers during the day: the ruling is the same, without distinction. Similarly, if one sleeps before sunset during Ramadan, during the two consecutive months (as in expiation), or during a specified vow, and does not wake except after the emergence of Fajr or during any part of that daytime—even at its end, as we stated—then as we clarified earlier, it is the same, the same. There is absolutely no difference in any regard. If he does not recall in any of the scenarios we mentioned, nor wakes up until sunset, then no sin is upon him. He did not fast that day, and no make-up obligation is incumbent upon him.

وَكَذَلِكَ مَنْ جَاءَهُ الْخَبَرُ بِأَنَّ هِلَالَ رَمَضَانَ رُئِيَ الْبَارِحَةَ - فَسَوَاءٌ أَكَلَ وَشَرِبَ وَوَطِئَ أَوْ لَمْ يَفْعَلْ شَيْئًا مِنْ ذَلِكَ - فِي أَيِّ وَقْتٍ جَاءَ الْخَبَرُ مِنْ ذَلِكَ الْيَوْمِ وَلَوْ فِي آخِرِهِ كَمَا ذَكَرْنَا -: فَإِنْ يَنْوِيَ الصَّوْمَ سَاعَةَ صَحَّ الْخَبَرُ عِنْدَهُ، وَيُمْسِكُ عَمَّا يُمْسِكُ عَنْهُ الصَّائِمُ، وَيُجْزِئُهُ صَوْمُهُ، وَلَا قَضَاءَ عَلَيْهِ، فَإِنْ لَمْ يَفْعَلْ فَصَوْمُهُ بَاطِلٌ، كَمَا قُلْنَا فِي الَّتِي قَبْلَهَا سَوَاءٌ سَوَاءٌ، وَكَذَلِكَ أَيْضًا: مَنْ عَلَيْهِ صَوْمُ نَذْرٍ مُعَيَّنٍ فِي يَوْمٍ بِعَيْنِهِ فَنَسِيَ النِّيَّةَ وَذَكَرَ بِالنَّهَارِ فَكَمَا قُلْنَا وَلَا فَرْقَ، وَكَذَلِكَ مَنْ نَسِيَ النِّيَّةَ فِي لَيْلَةٍ مِنْ لَيَالِي الشَّهْرَيْنِ الْمُتَتَابِعَيْنِ الْوَاجِبَيْنِ ثُمَّ ذَكَرَ بِالنَّهَارِ وَلَا فَرْقَ وَكَذَلِكَ مَنْ نَامَ قَبْلَ غُرُوبِ الشَّمْسِ فِي رَمَضَانَ، أَوْ فِي الشَّهْرَيْنِ الْمُتَتَابِعَيْنِ، أَوْ فِي نَذْرٍ مُعَيَّنٍ فَلَمْ يَنْتَبِهْ إِلَّا بَعْدَ طُلُوعِ الْفَجْرِ أَوْ فِي شَيْءٍ مِنْ نَهَارِ ذَلِكَ الْيَوْمِ، وَلَوْ فِي آخِرِهِ - كَمَا قُلْنَا - فَكَمَا قُلْنَا أَيْضًا آنِفًا سَوَاءٌ سَوَاءٌ، وَلَا فَرْقَ فِي شَيْءٍ أَصْلًا، فَلَوْ لَمْ يَذْكُرْ فِي شَيْءٍ مِنَ الْوُجُوهِ الَّتِي ذَكَرْنَا، وَلَا اسْتَيْقَظَ حَتَّى غَابَتْ الشَّمْسُ -: فَلَا إِثْمَ عَلَيْهِ، وَلَمْ يَصُمْ ذَلِكَ الْيَوْمَ وَلَا قَضَاءَ عَلَيْهِ.

L11534 The evidence for our position is the statement of Allah the Exalted: **"There is no blame upon you for that in which you erred, but only for what your hearts deliberately intended"** [Al-Ahzab: 5]. Likewise, the Messenger of Allah—peace and blessings be upon him—said: **"My nation has been absolved

بُرْهَانُ قَوْلِنَا -: قَوْلُ اللَّهِ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] وَكَذَلِكَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ

from accountability for mistakes, forgetfulness, and what they were coerced to do.”** All those we have mentioned—whether they forgot or committed non-deliberate errors—bear no blame whatsoever.[5]

عَنْ أُمَّتِي الْخَطَأُ وَالنِّسْيَانُ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» . وَكُلُّ مَنْ ذَكَرْنَا نَاسٍ، أَوْ مُخْطِئٌ غَيْرُ عَامِدٍ، فَلَا جُنَاحَ عَلَيْهِ.

L11535 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us, Abdul Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to me: Abu Bakr ibn Nafi‘ al-Abdi narrated to me, Bishr ibn al-Mufaddal narrated to us, Khalid ibn Dhakwan narrated from ar-Rubayyi‘ bint Mu‘awwidh ibn Afra’, who said: “At the dawn of Ashura, the Messenger of Allah—peace and blessings be upon him—sent to the villages of the Ansar surrounding Medina: ’Whoever has begun the day fasting, let him complete his fast, and whoever has not fasted since dawn, let him fast for the remainder of the day.’” Through the same chain, Muslim ibn al-Hajjaj narrated: Qutaybah ibn Sa‘id narrated to us, Hatim ibn Isma‘il narrated to us from Yazid ibn Abi ‘Ubayd from Salamah ibn al-Akwa‘, who said: “The Messenger of Allah—peace and blessings be upon him—sent a man from Aslam on the day of Ashura and commanded him to announce to the people: ’Whoever has not fasted, let him fast, and whoever has eaten, let him complete his fast until...’”[6]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي أَبُو بَكْرِ بْنُ نَافِعٍ الْعَبْدِيُّ ثنا بِشْرُ بْنُ الْمُفَضَّلِ ثنا خَالِدُ بْنُ ذَكْوَانَ عَنْ الرُّبَيِّعِ بِنْتِ مُعَوِّذِ ابْنِ عَفْرَاءَ قَالَتْ «أَرْسَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - غَدَاةَ عَاشُورَاءَ إلَى قُرَى الْأَنْصَارِ الَّتِي حَوْلَ الْمَدِينَةِ: مَنْ كَانَ أَصْبَحَ صَائِمًا فَلْيُتِمَّ صَوْمَهُ، وَمَنْ كَانَ أَصْبَحَ مُفْطِرًا فَلْيُتِمَّ بَقِيَّةَ يَوْمِهِ» . وَبِهِ إلَى مُسْلِمِ بْنِ الْحَجَّاجِ: ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا حَاتِمُ بْنُ إسْمَاعِيلَ عَنْ يَزِيدَ بْنِ أَبِي عُبَيْدٍ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: «بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَجُلًا مِنْ أَسْلَمَ يَوْمَ عَاشُورَاءَ، فَأَمَرَهُ أَنْ يُؤَذِّنَ فِي النَّاسِ: مَنْ كَانَ لَمْ يَصُمْ فَلْيَصُمْ، وَمَنْ كَانَ أَكَلَ فَلْيُتِمَّ صِيَامَهُ إلَى» .

L11536 Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us from Ibrahim ibn Ahmad al-Balkhi, from al-Farbari, from al-Bukhari, from al-Makki ibn Ibrahim, from Yazid ibn Abi Ubayd, from Salama ibn al-Akwa‘, who said: “The Prophet—peace and blessings of Allah be upon him—commanded a man from the tribe of Aslam to proclaim to the people: ’Whoever has eaten, let him fast for the rest of the day, and whoever has not eaten, let him fast, for today is the Day of Ashura.’”

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ الْبَلْخِيُّ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا الْمَكِّيُّ بْنُ إبْرَاهِيمَ ثنا يَزِيدُ بْنُ أَبِي عُبَيْدٍ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: «أَمَرَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَجُلًا مِنْ أَسْلَمَ أَنْ أَذِّنْ فِي النَّاسِ: إنَّ مَنْ أَكَلَ فَلْيَصُمْ بَقِيَّةَ يَوْمِهِ، وَمَنْ لَمْ يَكُنْ أَكَلَ فَلْيَصُمْ، فَإِنَّ الْيَوْمَ يَوْمُ عَاشُورَاءَ» .

L11537–11538 We have also transmitted it through the chain of Mu‘āwiyah and others as a connected narration. Abū Muḥammad said: “The obligation at that time was fasting on the Day of ‘Āshūrā’.” As we transmitted via the aforementioned chain to Al-Bukhārī: Abū Ma‘mar narrated to us from ‘Abd al-Wārith—who

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مُعَاوِيَةَ وَغَيْرِهِ مُسْنَدًا. قَالَ أَبُو مُحَمَّدٍ: وَيَوْمُ عَاشُورَاءَ هُوَ كَانَ الْفَرْضُ حِينَئِذٍ صِيَامَهُ. كَمَا رُوِّينَا بِالسَّنَدِ الْمَذْكُورِ إلَى الْبُخَارِيِّ: ثنا أَبُو مَعْمَرٍ ثنا عَبْدُ الْوَارِثِ هُوَ ابْنُ سَعِيدٍ التَّنُّورِيُّ - ثنا أَيُّوبُ السِّخْتِيَانِيُّ ثنا عَبْدُ اللَّهِ بْنُ سَعِيدِ بْنِ جُبَيْرٍ

[5] **Qur’an references (L11534):** Qur’an 33:5 (Al-Ahzab).

[6] **Hadith references (L11535):** Sahih Muslim 1136a; Sahih Muslim 1135.

عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ - فَذَكَرَ الْحَدِيثَ فِي يَوْمِ عَاشُورَاءَ وَفِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَامَهُ وَأَمَرَ بِصِيَامِهِ» .

is Ibn Sa'īd at-Tannūrī—from Ayyūb as-Sikhtiyānī, from 'Abdullāh ibn Sa'īd ibn Jubayr, from his father, from Ibn 'Abbās. He mentioned the ḥadīth concerning the Day of 'Āshūrā', which states: "Allah's Messenger (peace and blessings be upon him) fasted on it and commanded fasting upon it."

L11539 حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عُبَيْدُ اللَّهِ بْنُ مُوسَى أَخْبَرَنَا شَيْبَانُ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ عَنْ جَعْفَرِ بْنِ أَبِي ثَوْرٍ عَنْ جَابِرِ بْنِ سَمُرَةَ قَالَ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُ بِصَوْمِ عَاشُورَاءَ وَيَحُثُّنَا عَلَيْهِ وَيَتَعَاهَدُنَا عِنْدَهُ، فَلَمَّا فُرِضَ رَمَضَانُ لَمْ يَأْمُرْنَا وَلَمْ يَنْهَنَا عَنْهُ وَلَمْ يَتَعَاهَدْنَا عِنْدَهُ» .

L11539 Abdullah ibn Yusuf narrated to us, Ahmad ibn Fath narrated to us, Abd al-Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Abu Bakr ibn Abi Shaybah narrated to us, Ubaidullah ibn Musa narrated to us, Shayban narrated to us from Ash'ath ibn Abi al-Sha'thā' from Ja'far ibn Abi Thawr from Jabir ibn Samurah, who said: "The Messenger of Allah, peace and blessings be upon him, would command fasting on Ashura, urge us to observe it, and personally check on us regarding it. When Ramadan was ordained as obligatory, he neither commanded nor forbade us from it, nor did he oversee our observance of it."

وَرُوِّينَا مِنْ طَرِيقِ الزُّهْرِيِّ، وَهِشَامِ بْنِ عُرْوَةَ، وَعِرَاكِ بْنِ مَالِكٍ كُلُّهُمْ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بِصِيَامِ عَاشُورَاءَ، حَتَّى فُرِضَ رَمَضَانُ» . قَالَ عِرَاكٌ: فَقَالَ - عَلَيْهِ السَّلَامُ -: «مَنْ شَاءَ فَلْيَصُمْهُ وَمَنْ شَاءَ فَلْيُفْطِرْهُ» .

L11540 And it has been narrated to us through the chain of Az-Zuhrī, Hishām ibn 'Urwah, and 'Irāk ibn Mālik—all transmitting from 'Urwah ibn Az-Zubayr—from 'Ā'ishah, Mother of the Believers: "The Messenger of Allah (peace be upon him) ordained fasting on 'Āshūrā' until Ramaḍān was made obligatory." 'Irāk stated: He (peace be upon him) then said: "Whoever wishes may fast it, and whoever wishes may abstain from fasting it."

قَالَ أَبُو مُحَمَّدٍ: فَكَانَ هَذَا حُكْمَ صَوْمِ الْفَرْضِ، وَمَا نُبَالِي بِنَسْخِ فَرْضِ صَوْمِ عَاشُورَاءَ، فَقَدْ أُحِيلَ صِيَامُ رَمَضَانَ أَحْوَالًا، فَقَدْ كَانَ مَرَّةً: مَنْ شَاءَ صَامَهُ، وَمَنْ شَاءَ أَفْطَرَهُ وَأَطْعَمَ عَنْ كُلِّ يَوْمٍ مِسْكِينًا، إلَّا أَنَّ حُكْمَ مَا كَانَ فَرْضًا حُكْمٌ وَاحِدٌ، وَإِنَّمَا نَزَلَ هَذَا الْحُكْمُ فِيمَنْ لَمْ يَعْلَمْ بِوُجُوبِ الصَّوْمِ عَلَيْهِ، وَكُلُّ مَنْ ذَكَرْنَا - مِنْ نَاسٍ، أَوْ جَاهِلٍ، أَوْ نَائِمٍ - فَلَمْ يَعْلَمُوا وُجُوبَ الصَّوْمِ عَلَيْهِمْ، فَحُكْمُهُمْ كُلِّهِمْ هُوَ الْحُكْمُ الَّذِي جَعَلَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ اسْتِدْرَاكِ النِّيَّةِ فِي الْيَوْمِ الْمَذْكُورِ مَتَى مَا عَلِمُوا بِوُجُوبِ صَوْمِهِ عَلَيْهِمْ، وَسُمِّيَ مَنْ فَعَلَ ذَلِكَ صَائِمًا، وَجُعِلَ فِعْلُهُ صَوْمًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11541–11542 Abu Muhammad said: This is the ruling concerning obligatory fasting, and we do not care about the abrogation of the obligation to fast 'Āshūrā', for the obligation of fasting Ramadan passed through various phases. It was once the case that whoever wished could fast it, and whoever wished could break it and feed a needy person for each day. However, the ruling for what was an obligation is a single ruling. This ruling was revealed specifically for those unaware of the fasting obligation incumbent upon him. All those we mentioned—whether people, the ignorant, or the sleeper—if they were unaware of the fasting obligation incumbent upon them, the ruling for all of them is the ruling established by the Messenger of Allah—peace and blessings of Allah be upon him—regarding the retrospective validation of intention on the specified day whenever they become aware of the fasting obligation

incumbent upon them. Whoever does this is considered a fasting person, and his action is counted as valid fasting—and with Allah, Exalted is He, alone is success. A group of the early scholars held this view, as narrated to us through Waki''s chain from Sufyān al-Thawrī from ʻAbd al-Karīm al-Jazarī: Some people sighted the crescent after daybreak, whereupon ʻUmar ibn ʻAbd al-ʻAzīz said, "Whoever has eaten must abstain from food, and whoever has not eaten must fast the remainder of the day." From ʻAṭā': If a man begins the day not fasting and has not tasted anything, then learns of the crescent sighting—whether at the day's beginning or end—he must fast the remaining portion without substituting it. From Waki''s chain from Abū Maymūnah from Abū Bashīr from ʻAlī ibn Abī Ṭālib, who said on the day of ʻĀshūrā': "Whoever has not eaten must fast, and whoever has eaten must complete the remainder of the day."

وَبِهِ قَالَ جَمَاعَةٌ مِنْ السَّلَفِ -: كَمَا رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الْكَرِيمِ الْجَزَرِيِّ: أَنَّ قَوْمًا شَهِدُوا عَلَى الْهِلَالِ بَعْدَمَا أَصْبَحُوا، فَقَالَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ مَنْ أَكَلَ فَلْيُمْسِكْ عَنْ الطَّعَامِ، وَمَنْ لَمْ يَأْكُلْ فَلْيَصُمْ بَقِيَّةَ يَوْمِهِ؟ وَعَنْ عَطَاءٍ: إذَا أَصْبَحَ رَجُلٌ مُفْطِرًا وَلَمْ يَذُقْ شَيْئًا ثُمَّ عَلِمَ بِرُؤْيَةِ الْهِلَالِ أَوَّلَ النَّهَارِ أَوْ آخِرَهُ فَلْيَصُمْ مَا بَقِيَ وَلَا يُبَدِّلْهُ؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ أَبِي مَيْمُونَةَ عَنْ أَبِي بَشِيرٍ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ قَالَ يَوْمَ عَاشُورَاءَ: مَنْ لَمْ يَأْكُلْ فَلْيَصُمْ، وَمَنْ أَكَلَ فَلْيُتِمَّ بَقِيَّةَ يَوْمِهِ.

L11543–11545 We have been narrated through the chain of Wakīʿ from Ibn ʿAwn from Ibn Sīrīn that Ibn Masʿūd said: "Whoever eats at the beginning of the day, let him eat at its end?" ʿAlī remarked: "People have differed regarding one who started the day not fasting on the first day of Ramadan, then learned that the crescent had been sighted the previous night - holding various opinions: Some said: Let him intend to fast for that day, and it will suffice him. This is the view of ʿUmar ibn ʿAbd al-ʿAzīz, the position we adopt, and this is supported by the text we previously cited. Others said: He should not fast, because he did not form the intention to fast at night, and they did not deem it necessary to make up (the fast). This is the view of Ibn Masʿūd as we mentioned, and the position upheld by Dāwūd and our companions. Others said: Let him eat the remainder of the day and make up the fast. This is an opinion we have transmitted from ʿAṭā'? Yet others said..." He must abstain during that day from what a fasting person abstains from, yet this does not count as valid for him, and he remains obligated to make it up. This is the opinion of Mālik and al-Shāfiʿī. Abū Ḥanīfah held this view specifically for one who had eaten – not for one who had not eaten – and for one who learned of the news only after the sun passed its zenith, whether he ate or not. This is the weakest of opinions, for there is no textual evidence supporting it, no legal analogy, nor is it known from any statement of a Companion.

وَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ ابْنِ عَوْنٍ عَنْ ابْنِ سِيرِينَ: أَنَّ ابْنَ مَسْعُودٍ قَالَ: مَنْ أَكَلَ أَوَّلَ النَّهَارِ فَلْيَأْكُلْ آخِرَهُ؟ قَالَ عَلِيٌّ: اخْتَلَفَ النَّاسُ فِيمَنْ أَصْبَحَ مُفْطِرًا فِي أَوَّلِ يَوْمٍ مِنْ رَمَضَانَ ثُمَّ عَلِمَ أَنَّ الْهِلَالَ رُئِيَ الْبَارِحَةَ عَلَى أَقْوَالٍ -: مِنْهُمْ مَنْ قَالَ: يَنْوِي صَوْمَ يَوْمِهِ وَيُجْزِئُهُ، وَهُوَ قَوْلُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَبِهِ نَأْخُذُ، وَبِهِ جَاءَ النَّصُّ الَّذِي قَدَّمْنَا -: وَمِنْهُمْ مَنْ قَالَ: لَا يَصُومُ، لِأَنَّهُ لَمْ يَنْوِ الصِّيَامَ مِنْ اللَّيْلِ، وَلَمْ يَرَوْا فِيهِ قَضَاءً، وَهُوَ قَوْلُ ابْنِ مَسْعُودٍ كَمَا ذَكَرْنَا، وَبِهِ يَقُولُ دَاوُد وَأَصْحَابُنَا: وَمِنْهُمْ مَنْ قَالَ: يَأْكُلُ بَقِيَّتَهُ وَيَقْضِيهِ، وَهُوَ قَوْلٌ رُوِّينَاهُ عَنْ عَطَاءٍ؟ وَمِنْهُمْ مَنْ قَالَ: يُمْسِكُ فِيهِ عَمَّا يُمْسِكُ الصَّائِمُ، وَلَا يُجْزِئُهُ، وَعَلَيْهِ قَضَاؤُهُ، وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ. وَقَالَ بِهِ أَبُو حَنِيفَةَ فِيمَنْ أَكَلَ خَاصَّةً، دُونَ مَنْ لَمْ يَأْكُلْ؛ وَفِيمَنْ عَلِمَ الْخَبَرَ بَعْدَ الزَّوَالِ فَقَطْ، أَكَلَ أَوْ لَمْ يَأْكُلْ، وَهَذَا أَسْقَطُ الْأَقْوَالِ؛ لِأَنَّهُ لَا نَصَّ فِيهِ، وَلَا قِيَاسَ، وَلَا نَعْلَمُهُ مِنْ قَوْلِ صَاحِبٍ، وَلَا يَخْلُو هَذَا الْإِمْسَاكُ - الَّذِي أَمَرُوهُ بِهِ - مِنْ أَنْ يَكُونَ صَوْمًا يُجْزِئُهُ، وَهُمْ لَا يَقُولُونَ بِهَذَا، أَوْ لَا

This abstention they prescribed must be one of two things: either it is a valid fast that counts for him (which they do not claim), or it is not a fast at all and thus invalid. How then could they impose upon him an act requiring effort and hardship that brings him no validity? Moreover, his state must either be that of a non-fasting person or a fasting person. If he is fasting, why must he make it up? This would require fasting two days when only one is obligatory. If he is not fasting, why did they command him to perform the observances of fasting? This is profoundly astonishing. Allah suffices us, and He is the finest Trustee.

يَكُونُ صَوْمًا وَلَا يُجْزِئُهُ، فَمِنْ أَيْنَ وَقَعَ لَهُمْ أَنْ يَأْمُرُوهُ بِعَمَلٍ يَتْعَبُ فِيهِ وَيَتَكَلَّفُهُ وَلَا يُجْزِئُهُ، وَأَيْضًا: فَإِنَّهُ لَا يَخْلُو مِنْ أَنْ يَكُونَ مُفْطِرًا أَوْ صَائِمًا، فَإِنْ كَانَ صَائِمًا فَلِمَ يَقْضِيهِ إِذَنْ؟ فَيَصُومُ يَوْمَيْنِ وَلَيْسَ عَلَيْهِ إِلَّا وَاحِدٌ. وَإِنْ كَانَ مُفْطِرًا فَلِمَ أَمَرُوهُ بِعَمَلِ الصَّوْمِ؟ وَهَذَا عَجَبٌ جِدًّا، وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ.

L11546 Abū Muḥammad said: Abū Ḥanīfah argued to validate his amalgamation—which we previously mentioned concerning the intention for fasting—by citing the report of al-Rubayyiʿ and Salamah ibn al-Akwaʿ that we referenced. This is profoundly astonishing, for they contradicted the Messenger of Allāh—peace and blessings be upon him—in the very matter the report addresses. They declared: "Whoever eats, his fasting for the remainder of the day is invalid," while restricting the intention to before the sun passes its zenith—a condition absent in the report. Then they cited it as evidence for a ruling it does not contain—a blameworthy habit among them. This is utterly reprehensible, an obfuscation no sincere, truth-seeking scholar would permit. Some of them claimed: This report was narrated by ʿAbd al-Bāqī ibn Qāniʿ from Aḥmad ibn ʿAlī ibn Muslim from Muḥammad ibn al-Minhāl from Yazīd ibn Zuraiʿ from Qatādah from ʿAbd al-Raḥmān ibn Salamah from his uncle, who said: "I came to the Prophet—peace and blessings be upon him—on Ashura. He asked: 'Have you fasted today?' They replied: 'No.' He said: 'Then complete the remainder of your day and make up for it.'"

قَالَ أَبُو مُحَمَّدٍ: احْتَجَّ أَبُو حَنِيفَةَ فِي تَصْحِيحِ تَخْلِيطِهِ الَّذِي ذَكَرْنَاهُ قَبْلُ - فِي نِيَّةِ الصَّوْمِ - بِخَبَرِ الرُّبَيِّعِ، وَسَلَمَةَ بْنِ الْأَكْوَعِ الَّذِي ذَكَرْنَا، وَهَذَا عَجَبٌ جِدًّا أَنْ يَكُونُوا قَدْ خَالَفُوا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي نَفْسِ مَا جَاءَ بِهِ الْخَبَرُ، فَقَالُوا: مَنْ أَكَلَ لَمْ يُجْزِهِ صِيَامُ بَاقِي يَوْمِهِ، وَفِي تَخْصِيصِهِمْ بِالنِّيَّةِ قَبْلَ الزَّوَالِ وَلَيْسَ هَذَا فِي الْخَبَرِ، ثُمَّ احْتَجُّوا بِهِ فِيمَا لَيْسَ مِنْهُ شَيْءٌ وَمِنْ عَادَتِهِمْ هَذَا الْخُلُقُ الذَّمِيمُ، وَهَذَا قَبِيحٌ جِدًّا، وَتَمْوِيهٌ لَا يَسْتَجِيزُهُ مُحَقِّقٌ نَاصِحٌ لِنَفْسِهِ، وَقَالَ بَعْضُهُمْ: قَدْ رَوَى هَذَا الْخَبَرَ عَبْدُ الْبَاقِي بْنُ قَانِعٍ عَنْ أَحْمَدَ بْنِ عَلِيِّ بْنِ مُسْلِمٍ عَنْ مُحَمَّدِ بْنِ الْمِنْهَالِ عَنْ يَزِيدَ بْنِ زُرَيْعٍ عَنْ قَتَادَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَلَمَةَ عَنْ عَمِّهِ قَالَ: «أَتَيْتُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَعْنِي فِي عَاشُورَاءَ - فَقَالَ: صُمْتُمْ يَوْمَكُمْ هَذَا؟ قَالُوا: لَا، قَالَ: فَأَتِمُّوا يَوْمَكُمْ هَذَا وَاقْضُوا» .

L11547–11548 Abū Muḥammad said: The phrase "waqḍū" is undoubtedly fabricated. ʻAbd al-Bāqī ibn Qāniʻ, client of Banū Abī al-Shawārib, was known by the kunya Abū al-Ḥusayn. He died in the year 51 AH - three hundred and fifty-one, and his mind had deteriorated a year before his death. In general, his narrations are deemed rejected, and scholars of ḥadīth abandoned him completely. Aḥmad ibn ʻAlī ibn Muslim is unknown.

قَالَ أَبُو مُحَمَّدٍ: لَفْظَةُ " وَاقْضُوا " مَوْضُوعَةٌ بِلَا شَكٍّ، وَعَبْدُ الْبَاقِي بْنُ قَانِعٍ مَوْلَى بَنِي أَبِي الشَّوَارِبِ يُكَنَّى أَبَا الْحُسَيْنِ، مَاتَ سَنَةَ ٥١ هـ - إِحْدَى وَخَمْسِينَ وَثَلَاثَمِائَةٍ، وَقَدْ اخْتَلَطَ عَقْلُهُ قَبْلَ مَوْتِهِ بِسَنَةٍ، وَهُوَ بِالْجُمْلَةِ مُنْكَرُ الْحَدِيثِ، وَتَرَكَهُ أَصْحَابُ الْحَدِيثِ جُمْلَةً وَأَحْمَدُ بْنُ عَلِيِّ بْنِ مُسْلِمٍ مَجْهُولٌ.

L11549 This hadith has been narrated to us through two chains: one from Shuʻbah

via Qatādah, and another from Ibn Abī ʻArūbah via Qatādah, but these chains do not contain this wording. Moreover, narrated to us by Muḥammad ibn Saʻīd ibn Nabāt via ʻAbbās ibn Aṣbagh, via Muḥammad ibn Qāsim ibn Muḥammad, via Muḥammad ibn ʻAbd al-Salām al-Khushanī, via Muḥammad ibn al-Muthannā, via Muḥammad ibn Jaʻfar (known as Ghundar), via Shuʻbah, via Qatādah, from ʻAbd al-Raḥmān ibn al-Minhāl ibn Salamah al-Khuẓāʻī, from his (ʻAbd al-Raḥmān's) uncle, that the Messenger of Allah (peace and blessings be upon him) said to Aslam: "Fast today." They said: "We have already eaten." He said: "Fast for the rest of your day," meaning ʻĀshūrā'.

وَقَدْ رُوِّينَا هَذَا الْحَدِيثَ مِنْ طَرِيقِ شُعْبَةَ عَنْ قَتَادَةَ، وَمِنْ طَرِيقِ ابْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ، وَلَيْسَتْ فِيهِ هَذِهِ اللَّفْظَةُ. كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ قَاسِمِ بْنِ مُحَمَّدٍ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ جَعْفَرٍ غُنْدَرٌ ثنا شُعْبَةُ ثنا قَتَادَةُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْمِنْهَالِ بْنِ سَلَمَةَ الْخُزَاعِيِّ عَنْ عَمِّهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِأَسْلَمَ: «صُومُوا الْيَوْمَ قَالُوا: إنَّا قَدْ أَكَلْنَا، قَالَ: صُومُوا بَقِيَّةَ يَوْمِكُمْ - يَعْنِي عَاشُورَاءَ» .

L11550–11552 ʿAbdullāh ibn Rabīʿ al-Tamīmī narrated to us: Muḥammad ibn Muʿāwiyah al-Qurashī narrated to us: Aḥmad ibn Shuʿayb narrated to us: I am Isḥāq ibn Ibrāhīm—he is Ibn Rāhwayh—; Muḥammad ibn Bakr—he is al-Bursānī—narrated to us: Saʿīd ibn Abī ʿArūbah narrated to us. From Qatadah, from ʿAbd al-Raḥmān ibn Salamah al-Khuzaʿī, from his paternal uncle, who said: "We came to the Messenger of Allah—peace be upon him—on the morning of Ashura. He said to us: 'Have you begun the day fasting?' We replied: 'We have already eaten [this morning], O Messenger of Allah.' He said: 'Then fast for the remainder of your day.'"

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ التَّيْمِيُّ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ الْقُرَشِيُّ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ هُوَ ابْنُ رَاهْوَيْهِ - ثنا مُحَمَّدُ بْنُ بَكْرٍ هُوَ الْبُرْسَانِيُّ - ثنا سَعِيدُ بْنُ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ سَلَمَةَ الْخُزَاعِيِّ عَنْ عَمِّهِ قَالَ: «غَدَوْنَا عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَبِيحَةَ عَاشُورَاءَ، فَقَالَ لَنَا: أَصْبَحْتُمْ صِيَامًا؟ قُلْنَا: قَدْ تَغَدَّيْنَا يَا رَسُولَ اللَّهِ، قَالَ: فَصُومُوا بَقِيَّةَ يَوْمِكُمْ» .

L11553 Abu Muhammad said: Among the oddities is the Hanafi jurists' obfuscation through this fabricated wording in the ḥadīth of Ibn Qāniʿ—their citation of his statement "Make up [the fast]," then contradicting it by restricting the obligation of qaḍāʾ only to those who ate, not those who abstained, and to those who formed the intention after the sun passed its zenith. All this opposes the falsehood for which they earned Allah's deserved wrath. Wherever they turn, they falter, and every argument they use, they have contradicted it. Such is the humiliation of forsaking [the truth]—we seek refuge in Allah from it. As for one unaware of his obligation to fast that day until after sunset: if he did not fast as commanded—because he neither intended fasting during any part of the day nor deliberately neglected forming the intention—then no sin burdens him for what he did not deliberately do, nor is qaḍāʾ required. For no textual proof or consensus obligates him to make it up, and no religious ruling is established except through one of these two. He

قَالَ أَبُو مُحَمَّدٍ: وَمِنْ الْغَرَائِبِ تَمْوِيهُ الْحَنَفِيِّينَ بِهَذِهِ اللَّفْظَةِ الْمَوْضُوعَةِ فِي حَدِيثِ ابْنِ قَانِعٍ مِنْ قَوْلِهِ: «وَاقْضُوا» ثُمَّ خَالَفُوهَا فَلَمْ يَرَوْا الْقَضَاءَ إلَّا عَلَى مَنْ أَكَلَ دُونَ مَنْ لَمْ يَأْكُلْ، وَعَلَى مَنْ نَوَى بَعْدَ الزَّوَالِ. وَهَذَا كُلُّهُ خِلَافُ الْكِذْبَةِ الَّتِي اسْتَحَقُّوا بِهَا الْمَقْتَ مِنْ اللَّهِ تَعَالَى، فَحَيْثُمَا تَوَجَّهُوا عَثَرُوا، وَبِكُلِّ مَا احْتَجُّوا فَقَدْ خَالَفُوهُ، وَهَكَذَا فَلْيَكُنْ الْخِذْلَانُ نَعُوذُ بِاَللَّهِ مِنْهُ، وَأَمَّا مَنْ لَمْ يَعْلَمْ بِوُجُوبِ صَوْمِ ذَلِكَ الْيَوْمِ عَلَيْهِ إلَّا بَعْدَ غُرُوبِ الشَّمْسِ فَإِنْ لَمْ يَصُمْهُ كَمَا أُمِرَ، وَلِأَنَّهُ لَمْ يَنْوِ فِي شَيْءٍ مِنْهُ صَوْمًا، وَلَمْ يَتَعَمَّدْ تَرْكَ النِّيَّةِ، فَلَا إثْمَ عَلَيْهِ فِيمَا لَمْ يَتَعَمَّدْ، وَلَا قَضَاءَ عَلَيْهِ، لِأَنَّهُ لَمْ يَأْتِ بِإِيجَابِ الْقَضَاءِ عَلَيْهِ

was commanded to fast that specific day, not to substitute another day for it. Thus, what he was not commanded cannot replace what he was commanded.

L11554 **Issue: Supererogatory fasting is not valid unless the intention is made during the night.**

L11555 Issue 730: Voluntary fasting is not valid except with an intention formulated from the night. Similarly, making up missed Ramadan fasts or expiatory fasts are not valid except in the same manner. This is because the text stipulates that there is no fast for one who does not formulate it during the night, as we have previously mentioned. The text excludes nothing from this ruling except obligatory fasts specifically determined to occur at a fixed time. All other such cases remain subject to the general textual principle.

L11556 Our position regarding voluntary acts, making up missed Ramadan fasts, and expiations corresponds to the view of Mālik, Abī Sulaymān, and others besides them both.

L11557–11559 If someone were to say: How did you deem it permissible to oppose what is established from the Messenger of Allah—which you narrated through the chain of Talḥah ibn Yaḥyā ibn Ṭalḥah ibn ʿUbayd Allāh, tracing back to Mujāhid and ʿĀʾishah bint Ṭalḥah, both of whom narrated from ʿĀʾishah, Umm al-Muʾminīn: "The Messenger of Allah—peace and blessings be upon him—asked her, 'Do you have anything?' and on another occasion, 'Any lunch?' We said, 'No.' He said, 'Then I am fasting.' On another occasion, he asked her, 'Do you have anything?' We said, 'Yes, we had received some *ḥays* as a gift.' He said:" Indeed, I began the day intending to fast, so I ate. The majority of the Salaf held this opinion, as narrated to us through the chain of Ḥammād ibn Salama from Thābit al-Bunānī and ʿAbd Allāh ibn Abī ʿUtba. Thābit reported from Anas ibn Mālik: "Abū Ṭalḥa would come to his family in the forenoon and ask: 'Do you have any food?' If they said no, he would declare: 'Then I am fasting.'" Ibn Abī ʿUtba similarly reported from Abū Ayyūb al-Anṣārī, describing the identical practice of Abū Ṭalḥa—identical, identical in every way.

نَصٌّ وَلَا إِجْمَاعٌ، وَلَا يَجِبُ فِي الدِّينِ حُكْمٌ إِلَّا بِأَحَدِهِمَا، وَإِنَّمَا أُمِرَ بِصِيَامِ ذَلِكَ الْيَوْمِ، لَا بِصَوْمِ غَيْرِهِ مَكَانَهُ، فَلَا يُجْزِئُ مَا لَمْ يُؤْمَرْ بِهِ مَكَانَ مَا أُمِرَ بِهِ.

[مَسْأَلَةٌ لَا يُجْزِئُ صَوْمُ التَّطَوُّعِ إِلَّا بِنِيَّةٍ مِنَ اللَّيْلِ]

٧٣٠ - مَسْأَلَةٌ: وَلَا يُجْزِئُ صَوْمُ التَّطَوُّعِ إِلَّا بِنِيَّةٍ مِنَ اللَّيْلِ، وَلَا صَوْمُ قَضَاءِ رَمَضَانَ، أَوِ الْكَفَّارَاتِ إِلَّا كَذَلِكَ، لِأَنَّ النَّصَّ وَرَدَ بِأَنْ لَا صَوْمَ لِمَنْ لَمْ يُبَيِّتْهُ مِنَ اللَّيْلِ كَمَا قَدَّمْنَا، وَلَمْ يَخُصَّ النَّصُّ مِنْ ذَلِكَ إِلَّا مَا كَانَ فَرْضًا مُتَعَيِّنًا فِي وَقْتٍ بِعَيْنِهِ، وَبَقِيَ سَائِرُ ذَلِكَ عَلَى النَّصِّ الْعَامِّ.

وَقَوْلُنَا بِهَذَا فِي التَّطَوُّعِ، وَقَضَاءِ رَمَضَانَ، وَالْكَفَّارَاتِ: هُوَ قَوْلُ مَالِكٍ، وَأَبِي سُلَيْمَانَ وَغَيْرِهِمَا.

فَإِنْ قَالَ قَائِلٌ: فَكَيْفَ اسْتَجَزْتُمْ خِلَافَ الثَّابِتِ عَنْ رَسُولِ اللَّهِ الَّذِي رَوَيْتُمُوهُ مِنْ طَرِيقِ طَلْحَةَ بْنِ يَحْيَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ عَنْ مُجَاهِدٍ، وَعَائِشَةَ بِنْتِ طَلْحَةَ كِلَاهُمَا عَنْ أُمِّ الْمُؤْمِنِينَ عَائِشَةَ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهَا: هَلْ عِنْدَكُمْ مِنْ شَيْءٍ؟ وَقَالَ مَرَّةً: مِنْ غَدَاءٍ؟ قُلْنَا: لَا، قَالَ: فَإِنِّي إِذَنْ صَائِمٌ» . وَقَالَ لَهَا مَرَّةً أُخْرَى: «هَلْ عِنْدَكُمْ مِنْ شَيْءٍ؟ قُلْنَا: نَعَمْ، أُهْدِيَ لَنَا حَيْسٌ، قَالَ: أَمَا إِنِّي أَصْبَحْتُ أُرِيدُ الصَّوْمَ فَأَكَلَ» . وَقَالَ بِهَذَا جُمْهُورُ السَّلَفِ -: كَمَا رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ، وَعَبْدِ اللَّهِ بْنِ أَبِي عُتْبَةَ، قَالَ ثَابِتٌ: عَنْ أَنَسِ بْنِ مَالِكٍ: إِنَّ أَبَا طَلْحَةَ كَانَ يَأْتِي أَهْلَهُ مِنَ الضُّحَى، فَيَقُولُ: هَلْ عِنْدَكُمْ مِنْ غَدَاءٍ؟ فَإِنْ قَالُوا: لَا، قَالَ: فَأَنَا صَائِمٌ، وَقَالَ ابْنُ أَبِي عُتْبَةَ: عَنْ أَبِي أَيُّوبَ الْأَنْصَارِيِّ بِمِثْلِ فِعْلِ أَبِي طَلْحَةَ سَوَاءً سَوَاءً.

L11560 From the narration of Hammād ibn Salamah: Umm Shabīb narrated to me from ʻĀ'ishah, the Mother of the Believers, who said: "I wake up on the day of my purity [after menstruation] while intending to fast, yet find myself still menstruating. Then between [my waking time] and midday, my purity becomes evident to me, so I perform the ritual bath and fast." From the narration of ʻAbd al-Razzāq from Ibn Jurayj and Maʻmar: Ibn Jurayj said, "'Aṭā' informed me," while Maʻmar said, "From al-Zuhrī and Ayyūb al-Sikhtiyānī." Al-Zuhrī said, "From Abū Idrīs al-Khawlānī," and Ayyūb said, "From Abū Qilābah." Then their chains converged—'Aṭā', Abū Idrīs, and Abū Qilābah—all narrating from Umm al-Dardā', that Abū al-Dardā' would ask his household for the morning meal when he awoke. If there was none, he would declare: "Indeed, we are fasting."

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ: حَدَّثَتْنِي أُمُّ شَبِيبٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: إِنِّي لَأُصْبِحُ يَوْمَ طُهْرِي حَائِضًا وَأَنَا أُرِيدُ الصَّوْمَ، فَأَسْتَبِينُ طُهْرِي فِيمَا بَيْنِي وَبَيْنَ نِصْفِ النَّهَارِ فَأَغْتَسِلُ ثُمَّ أَصُومُ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ وَمَعْمَرٍ، قَالَ ابْنُ جُرَيْجٍ: أَخْبَرَنِي عَطَاءٌ، وَقَالَ مَعْمَرٌ: عَنِ الزُّهْرِيِّ، وَأَيُّوبَ السِّخْتِيَانِيِّ، قَالَ الزُّهْرِيُّ عَنْ أَبِي إِدْرِيسَ الْخَوْلَانِيِّ، وَقَالَ أَيُّوبُ: عَنْ أَبِي قِلَابَةَ، ثُمَّ اتَّفَقَ عَطَاءٌ، وَأَبُو إِدْرِيسَ، وَأَبُو قِلَابَةَ كُلُّهُمْ عَنْ أُمِّ الدَّرْدَاءِ، أَنَّ أَبَا الدَّرْدَاءِ كَانَ إِذَا أَصْبَحَ سَأَلَ أَهْلَهُ الْغَدَاءَ، فَإِنْ لَمْ يَكُنْ، قَالَ: إِنَّا صَائِمُونَ.

L11561–11563 ʿAṭā' said in his narration: Abū al-Dardā' would come to his family at midday and ask, "Is there any midday meal?" Whether he found it or not, he would declare, "I will certainly complete the fast of this day." ʿAṭā' added, "I too do this." Through the chain of Qatādah: Muʿādh ibn Jabal would inquire about the midday meal, and if unavailable, he would fast his day. Through the chain of ʿAbd al-Razzāq from Ibn Jurayj: ʿUbayd Allāh ibn ʿUmar informed me, stating: Verily, Abū Hurayrah... He would wake up in the morning not fasting and ask: "Is there any food?" Whether he found it or not, he would complete that day as a fast.

وَقَالَ عَطَاءٌ فِي حَدِيثِهِ: إِنَّ أَبَا الدَّرْدَاءِ كَانَ يَأْتِي أَهْلَهُ حِينَ يَنْتَصِفُ النَّهَارُ، فَيَقُولُ: هَلْ مِنْ غَدَاءٍ؟ فَيَجِدُهُ، أَوْ لَا يَجِدُهُ، فَيَقُولُ: لَأُتِمَّنَّ صَوْمَ هَذَا الْيَوْمِ. قَالَ عَطَاءٌ: وَأَنَا أَفْعَلُهُ، وَمِنْ طَرِيقِ قَتَادَةَ: أَنَّ مُعَاذَ بْنَ جَبَلٍ كَانَ يَسْأَلُ الْغَدَاءَ، فَإِنْ لَمْ يَجِدْهُ صَامَ يَوْمَهُ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ عُمَرَ قَالَ: إِنَّ أَبَا هُرَيْرَةَ كَانَ يُصْبِحُ مُفْطِرًا، فَيَقُولُ: هَلْ مِنْ طَعَامٍ؟ فَيَجِدُهُ، أَوْ لَا يَجِدُهُ، فَيُتِمُّ ذَلِكَ الْيَوْمَ.

L11564 From the narration of Al-Harith from Ali ibn Abi Talib, he said: "If you wake up in the morning intending to fast, you have the choice: if you wish, you may fast, and if you wish, you may break the fast - unless you have made fasting obligatory upon yourself during the night." From the narration of Ibn Jurayj: Ja'far ibn Muhammad related to me from his father that a man asked Ali ibn Abi Talib, saying: "I woke up in the morning not intending to fast." Ali replied to him: "You have the choice up to midday. If midday arrives, it is impermissible for you to break the fast."

وَمِنْ طَرِيقِ الْحَارِثِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: إِذَا أَصْبَحْتَ وَأَنْتَ تُرِيدُ الصَّوْمَ فَأَنْتَ بِالْخِيَارِ: إِنْ شِئْتَ صُمْتَ وَإِنْ شِئْتَ أَفْطَرْتَ، إِلَّا أَنْ تَفْرِضَ عَلَى نَفْسِكَ الصَّوْمَ مِنَ اللَّيْلِ؟ وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ: حَدَّثَنِي جَعْفَرُ بْنُ مُحَمَّدٍ عَنْ أَبِيهِ أَنَّ رَجُلًا سَأَلَ عَلِيَّ بْنَ أَبِي طَالِبٍ، فَقَالَ: أَصْبَحْتُ وَلَا أُرِيدُ الصَّوْمَ؟ فَقَالَ لَهُ عَلِيٌّ: أَنْتَ بِالْخِيَارِ بَيْنَكَ وَبَيْنَ نِصْفِ النَّهَارِ، فَإِنِ انْتَصَفَ النَّهَارُ فَلَيْسَ لَكَ أَنْ تُفْطِرَ.

L11565 From the narration of Ṭāwūs from Ibn ʿAbbās and the narration of Saʿd

ibn ʿUbaydah from Ibn ʿUmar, they both said: “The fasting person retains the choice until midday.” Ibn ʿUmar added: “Provided he has not eaten. If he wishes to eat, he may eat; if he wishes to make it a fast, it becomes a fast.” From the narration of Ibn Abī Shaybah from al-Muʿtamir ibn Sulaymān al-Taymī from Ḥumayd from Anas ibn Mālik, he said: “Whoever resolves inwardly to fast retains the choice so long as he has not spoken, until the day is well advanced.”

وَمِنْ طَرِيقِ طَاوُسٍ عَنِ ابْنِ عَبَّاسٍ، وَمِنْ طَرِيقِ سَعْدِ بْنِ عُبَيْدَةَ عَنِ ابْنِ عُمَرَ، قَالَا جَمِيعًا: الصَّائِمُ بِالْخِيَارِ مَا بَيْنَهُ وَبَيْنَ نِصْفِ النَّهَارِ، قَالَ ابْنُ عُمَرَ: مَا لَمْ يُطْعِمْ، فَإِنْ بَدَا لَهُ أَنْ يُطْعِمَ طَعِمَ، وَإِنْ بَدَا لَهُ أَنْ يَجْعَلَهُ صَوْمًا كَانَ صَوْمًا. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنِ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ عَنْ حُمَيْدٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: مَنْ حَدَّثَ نَفْسَهُ بِالصِّيَامِ فَهُوَ بِالْخِيَارِ مَا لَمْ يَتَكَلَّمْ، حَتَّى يَمْتَدَّ النَّهَارُ.

L11566 From the chain of Ibn Abi Shaybah through Waki’ through al-A’mash through ’Umarah through Abi al-Ahwas, who said: Ibn Mas’ud stated: “Indeed, one of you is under one of the two views [regarding fasting] as long as he has not eaten or drunk.” From the chain of Ibn Abi Shaybah through Yahya ibn Sa’id al-Qattan through Sufyan al-Thawri through al-A’mash through Talhah through Sa’d ibn ’Ubaydah through Abu ’Abd al-Rahman (al-Sulami) through Hudhayfah: that he decided to fast after the sun had passed its zenith, so he fasted. From Hudhayfah also: “Whoever intends to fast after the sun has passed its zenith, let him fast.”

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنِ الْأَعْمَشِ عَنْ عُمَارَةَ عَنْ أَبِي الْأَحْوَصِ قَالَ قَالَ ابْنُ مَسْعُودٍ: إِنَّ أَحَدَكُمْ بِأَحَدِ النَّظَرَيْنِ مَا لَمْ يَأْكُلْ أَوْ يَشْرَبْ، وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنِ الْأَعْمَشِ عَنْ طَلْحَةَ عَنْ سَعْدِ بْنِ عُبَيْدَةَ عَنْ أَبِي عَبْدِ الرَّحْمَنِ هُوَ السُّلَمِيُّ - عَنْ حُذَيْفَةَ: أَنَّهُ بَدَا لَهُ فِي الصَّوْمِ بَعْدَ أَنْ زَالَتْ الشَّمْسُ فَصَامَ. وَعَنْ حُذَيْفَةَ أَيْضًا أَنَّهُ قَالَ: مَنْ بَدَا لَهُ فِي الصِّيَامِ بَعْدَ أَنْ تَزُولَ الشَّمْسُ فَلْيَصُمْ.

L11567–11569 From the chain of Maʿmar from ʿAṭāʾ al-Khurāsānī: I was on a journey during Eid al-Fiṭr. When midday had passed, I resolved, “I shall fast this day,” and fasted. I mentioned this to Saʿīd ibn al-Musayyib, who said, “You are correct.” ʿAṭāʾ said: While I was with Saʿīd ibn al-Musayyib, a Bedouin came to him at the time of the ʿAṣr prayer. He said, “I have not eaten anything today—should I fast?” He replied, “Yes.” He said, “I owe a day of Ramadan; should I substitute it for that day?” He replied, “Yes.”

وَمِنْ طَرِيقِ مَعْمَرٍ عَنْ عَطَاءٍ الْخُرَاسَانِيِّ: كُنْتُ فِي سَفَرٍ وَكَانَ يَوْمَ فِطْرٍ، فَلَمَّا كَانَ بَعْدَ نِصْفِ النَّهَارِ قُلْتُ: لَأَصُومَنَّ هَذَا الْيَوْمَ، فَصُمْتُ، فَذَكَرْتُ ذَلِكَ لِسَعِيدِ بْنِ الْمُسَيِّبِ، فَقَالَ: أَصَبْتَ، قَالَ عَطَاءٌ: وَكُنْتُ عِنْدَ سَعِيدِ بْنِ الْمُسَيِّبِ فَجَاءَهُ أَعْرَابِيٌّ عِنْدَ الْعَصْرِ فَقَالَ: إِنِّي لَمْ آكُلْ الْيَوْمَ شَيْئًا أَفَأَصُومُ؟ قَالَ: نَعَمْ، قَالَ: فَإِنَّ عَلَيَّ يَوْمًا مِنْ رَمَضَانَ، أَفَأَجْعَلُهُ مَكَانَهُ؟ قَالَ نَعَمْ.

L11570 Through the chain of Hammad ibn Salamah, from Hammad ibn Abi Sulayman, from Ibrahim al-Nakha‘i, who said: If one resolves to fast after dawn, the entire day counts in full for his fast. If he resolves at midday, the remaining portion of the day suffices. If he awakens at dawn without resolving, he retains the option between dawn and midday. Through the chain of Ibn

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ: إِذَا عَزَمَ عَلَى الصَّوْمِ مِنَ الضُّحَى فَلَهُ النَّهَارُ أَجْمَعُ، فَإِنْ عَزَمَ مِنْ نِصْفِ النَّهَارِ فَلَهُ مَا بَقِيَ مِنَ النَّهَارِ، وَإِنْ أَصْبَحَ وَلَمْ يَعْزِمْ فَهُوَ بِالْخِيَارِ مَا بَيْنَهُ وَبَيْنَ نِصْفِ النَّهَارِ، وَمِنْ طَرِيقِ ابْنِ

Jurayj: I asked ‘Ata’ about a man who owed compensatory days for Ramadan, who awoke at dawn without intending to fast, then later decided to fast and count it toward his Ramadan compensation. ‘Ata’ said: He may do so.

جُرَيْجٌ: سَأَلْتُ عَطَاءً عَنْ رَجُلٍ كَانَ عَلَيْهِ أَيَّامٌ مِنْ رَمَضَانَ، فَأَصْبَحَ وَلَيْسَ فِي نَفْسِهِ أَنْ يَصُومَ، ثُمَّ بَدَا لَهُ بَعْدَمَا أَصْبَحَ أَنْ يَصُومَ وَأَنْ يَجْعَلَهُ مِنْ قَضَاءِ رَمَضَانَ. فَقَالَ عَطَاءٌ: لَهُ ذَلِكَ.

L11571 From the report of Mujāhid: The fasting person has the option [to begin fasting] between [their starting time] and midday. If they exceed midday, their fast only counts for the remaining portion of the day. From the report of Abū Isḥāq al-Shaybānī, narrated from al-Sha‘bī: Whoever intends to fast has the option [to do so] between [their starting time] and midday.

وَمِنْ طَرِيقِ مُجَاهِدٍ: الصَّائِمُ بِالْخِيَارِ مَا بَيْنَهُ وَبَيْنَ نِصْفِ النَّهَارِ، فَإِذَا جَاوَزَ ذَلِكَ فَإِنَّمَا لَهُ بِقَدْرِ مَا بَقِيَ مِنَ النَّهَارِ. وَمِنْ طَرِيقِ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ عَنِ الشَّعْبِيِّ: مَنْ أَرَادَ الصَّوْمَ فَهُوَ بِالْخِيَارِ مَا بَيْنَهُ وَبَيْنَ نِصْفِ النَّهَارِ.

L11572 From the narration of Hisham from Al-Hasan Al-Basri, who said: If a man takes the pre-dawn meal (Suhoor), fasting becomes obligatory upon him. If he breaks the fast, he must make up for it. If he intends to fast, he has the choice: if he wishes, he may fast, and if he wishes, he may break the fast. If someone asks him, “Are you fasting?” and he says, “Yes,” fasting becomes obligatory upon him unless he says, “If Allah wills.” If he says that, he has the choice: if he wishes, he may fast, and if he wishes, he may break the fast.

وَمِنْ طَرِيقِ هِشَامٍ عَنِ الْحَسَنِ الْبَصْرِيِّ قَالَ: إِذَا تَسَحَّرَ الرَّجُلُ فَقَدْ وَجَبَ عَلَيْهِ الصَّوْمُ، فَإِنْ أَفْطَرَ فَعَلَيْهِ الْقَضَاءُ، وَإِنْ هَمَّ بِالصَّوْمِ فَهُوَ بِالْخِيَارِ، إِنْ شَاءَ صَامَ وَإِنْ شَاءَ أَفْطَرَ، فَإِنْ سَأَلَهُ إِنْسَانٌ فَقَالَ: أَصَائِمٌ أَنْتَ؟ فَقَالَ: نَعَمْ، فَقَدْ وَجَبَ عَلَيْهِ الصَّوْمُ إِلَّا أَنْ يَقُولَ: إِنْ شَاءَ، فَإِنْ قَالَهَا فَهُوَ بِالْخِيَارِ، إِنْ شَاءَ صَامَ وَإِنْ شَاءَ أَفْطَرَ.

L11573 These from the Companions are: ’Ā’ishah, the Mother of the Believers; ’Alī ibn Abī Ṭālib; Ibn ’Umar; Ibn ’Abbās; Anas; Abū Ṭalḥah; Abū Ayyūb; Mu’ādh ibn Jabal; Abū al-Dardā’; Abū Hurayrah; Ibn Mas’ūd, and Ḥudhayfah.

فَهَؤُلَاءِ مِنَ الصَّحَابَةِ: عَائِشَةُ أُمُّ الْمُؤْمِنِينَ، وَعَلِيُّ بْنُ أَبِي طَالِبٍ، وَابْنُ عُمَرَ، وَابْنُ عَبَّاسٍ، وَأَنَسٌ، وَأَبُو طَلْحَةَ، وَأَبُو أَيُّوبَ، وَمُعَاذُ بْنُ جَبَلٍ، وَأَبُو الدَّرْدَاءِ، وَأَبُو هُرَيْرَةَ، وَابْنُ مَسْعُودٍ وَحُذَيْفَةُ.

L11574 Among the Followers: Ibn al-Musayyib, ʿAṭāʾ al-Khurāsānī, ʿAṭāʾ ibn Abī Rabāḥ, Mujāhid, al-Nakhaʿī, al-Shaʿbī, and al-Ḥasan. Sufyān al-Thawrī and Aḥmad ibn Ḥanbal said: Whoever begins the day intending to break the fast—though he did not eat, drink, or have sexual intercourse—may form the intention to fast as long as the sun has not set, and his fast thereby becomes valid.

وَمِنَ التَّابِعِينَ: ابْنُ الْمُسَيِّبِ، وَعَطَاءٌ الْخُرَاسَانِيُّ، وَعَطَاءُ بْنُ أَبِي رَبَاحٍ، وَمُجَاهِدٌ وَالنَّخَعِيُّ، وَالشَّعْبِيُّ، وَالْحَسَنُ. وَقَالَ سُفْيَانُ الثَّوْرِيُّ، وَأَحْمَدُ بْنُ حَنْبَلٍ: مَنْ أَصْبَحَ وَهُوَ يَنْوِي الْفِطْرَ إِلَّا أَنَّهُ لَمْ يَأْكُلْ وَلَا شَرِبَ وَلَا وَطِئَ -: فَلَهُ أَنْ يَنْوِيَ الصَّوْمَ مَا لَمْ تَغِبْ الشَّمْسُ، وَيَصِحُّ صَوْمُهُ بِذَلِكَ.

L11575–11576 Abu Muhammad said: We say: We seek refuge in Allah from opposing anything authentically reported from the Messenger of Allah—peace and bless-

ings be upon him—or diverting it from its apparent meaning without another explicit text. This report is authentic from the Messenger of Allah—peace and blessings be upon him—except that it does not state he—peace be upon him—had not resolved to fast during the night, nor that he—peace be upon him—began the morning not fasting then resolved to fast afterward. Had this been in that report, we would have upheld it. However, it states that he—peace be upon him—would begin the morning voluntarily fasting then break his fast. This is permissible according to us, and we do not deem it reprehensible, as in the report. Since the report does not contain what we mentioned, and it is authentically established from him—peace be upon him—that "There is no fasting for one who does not resolve it during the night," it is impermissible to abandon this certainty for a false assumption. Had he—peace and blessings be upon him—begun the morning not fasting then resolved to fast during the day, he would have clarified it, just as he clarified that regarding the fasting of Ashura when it was obligatory. Being lax in religious matters is impermissible. If it is said: You have narrated through the chain of Layth ibn Abi Sulaym from Mujahid from one of the Prophet's wives—peace and blessings be upon him—who said: "The Prophet—peace and blessings be upon him—would come and call for food. If he did not find it, he would commence fasting."

قَالَ أَبُو مُحَمَّد: فَنَقُولُ: مَعَاذَ اللَّهِ أَنْ نُخَالِفَ شَيْئًا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ أَنْ نَصْرِفَهُ عَنْ ظَاهِرِهِ بِغَيْرِ نَصٍّ آخَرَ، وَهَذَا الْخَبَرُ صَحِيحٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا أَنَّهُ لَيْسَ فِيهِ أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَكُنْ نَوَى الصِّيَامَ مِنْ اللَّيْلِ، وَلَا أَنَّهُ - عَلَيْهِ السَّلَامُ - أَصْبَحَ مُفْطِرًا ثُمَّ نَوَى الصَّوْمَ بَعْدَ ذَلِكَ، وَلَوْ كَانَ هَذَا فِي ذَلِكَ الْخَبَرِ لَقُلْنَا بِهِ، لَكِنْ فِيهِ: أَنَّهُ - عَلَيْهِ السَّلَامُ -، كَانَ يُصْبِحُ مُتَطَوِّعًا صَائِمًا ثُمَّ يُفْطِرُ، وَهَذَا مُبَاحٌ عِنْدَنَا لَا نَكْرَهُهُ، كَمَا فِي الْخَبَرِ، فَلَمَّا لَمْ يَكُنْ فِي الْخَبَرِ مَا ذَكَرْنَا، وَكَانَ قَدْ صَحَّ عَنْهُ - عَلَيْهِ السَّلَامُ - «لَا صِيَامَ لِمَنْ لَمْ يُبَيِّتْهُ مِنْ اللَّيْلِ» لَمْ يَجُزْ أَنْ نَتْرُكَ هَذَا الْيَقِينَ لِظَنٍّ كَاذِبٍ. وَلَوْ أَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَصْبَحَ مُفْطِرًا ثُمَّ نَوَى الصَّوْمَ نَهَارًا لَبَيَّنَهُ، كَمَا بَيَّنَ ذَلِكَ فِي صِيَامِ عَاشُورَاءَ إذْ كَانَ فَرْضًا، وَالتَّسَمُّحُ فِي الدِّينِ لَا يَحِلُّ، فَإِنْ قِيلَ: قَدْ رَوَيْتُمْ مِنْ طَرِيقِ لَيْثِ بْنِ أَبِي سُلَيْمٍ عَنْ مُجَاهِدٍ عَنْ بَعْضِ أَزْوَاجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَتْ: «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَجِيءُ فَيَدْعُو بِالطَّعَامِ فَلَا يَجِدُهُ فَيَفْرِضُ الصَّوْمَ» .

L11577 It was narrated from Ibn Qani'—a transmitter of every calamity—from Musa ibn Abd al-Rahman al-Sulami al-Balkhi, from Umar ibn Harun, from Ya'qub ibn 'Ata', from his father, from Ibn Abbas: "That the Prophet—peace and blessings of Allah be upon him—would wake in the morning without having resolved to fast, then the inclination would arise within him, so he would fast." We said: Layth is weak, Ya'qub ibn 'Ata' is worthless, and below him lie darknesses layered one upon another. By Allah, if this report were sound, we would have acted upon it.

وَرُوِيَ عَنْ ابْنِ قَانِعٍ - رَاوِي كُلِّ بَلِيَّةٍ - عَنْ مُوسَى بْنِ عَبْدِ الرَّحْمَنِ السُّلَمِيِّ الْبَلْخِيِّ عَنْ عُمَرَ بْنِ هَارُونَ عَنْ يَعْقُوبَ بْنِ عَطَاءٍ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصْبِحُ وَلَمْ يَجْمَعْ الصَّوْمَ ثُمَّ يَبْدُو لَهُ فَيَصُومُ» قُلْنَا: لَيْثٌ ضَعِيفٌ، وَيَعْقُوبُ بْنُ عَطَاءٍ: هَالِكٌ، وَمِنْ دُونِهِ ظُلُمَاتٌ بَعْضُهَا فَوْقَ بَعْضٍ، وَاَللَّهِ لَوْ صَحَّ لَقُلْنَا بِهِ.

L11578 Abu Muhammad said: As for the Malikis, they censure others for dissenting from the scholarly majority, yet here they themselves oppose the majority without any valid legal basis.

قَالَ أَبُو مُحَمَّد: أَمَّا الْمَالِكِيُّونَ فَيُشَنِّعُونَ بِخِلَافِ الْجُمْهُورِ، وَخَالَفُوا هَاهُنَا الْجُمْهُورَ بِلَا رِقْبَةٍ.

L11579–11581 As for the Ḥanafīs, we do not know of anyone before them who permit-

ted one to enter the morning during Ramadan while deliberately intending to break the fast, then remain in that state until just before midday, and thereafter form the intention to fast at that time - and it suffices him. And they asserted... They have lied in their claim of consensus that an intention formed after the sun passes its zenith is invalid in that matter, and they feel no burden in lying. This has been explicitly reported from Hudhayfah, Abu al-Darda', and Sa'id ibn al-Musayyib; unrestrictedly reported from Ibn Mas'ud; similarly reported from 'Ata' al-Khurasani; and also from al-Hasan, Sufyan al-Thawri, and Ahmad ibn Hanbal. Abu Muhammad said: No authority exists in anyone besides the Messenger of Allah—peace and blessings be upon him—and all success comes from Allah, the Exalted.

L11582 **A case where one mixes the intention of an obligatory fast with another obligatory act.**

L11583 731 - Issue: Whoever mixes the intention of an obligatory fast with another obligatory act or with a voluntary act, or does so in prayer, Zakāh, Ḥajj, ʿUmrah, or manumission—none of that is valid for him, and the entire act is nullified, whether it be fasting, prayer, Zakāh, Ḥajj, ʿUmrah, or manumission—except mixing ʿUmrah with Ḥajj for one who enters Ihrām while having the sacrificial animal with him exclusively. This is the definitive ruling incumbent upon him.

L11584 The proof of that is the statement of Allah, the Exalted: {They were commanded only to worship Allah, sincere to Him in religion} [Al-Bayyinah: 5]. Sincerity means that the commanded act be performed solely for the sake that Allah, the Exalted, ordained in it alone. The Messenger of Allah—peace and blessings of Allah be upon him—said: "Whoever performs a deed not in accordance with our command, it is rejected." Therefore, whoever combines one deed with another has performed a deed not aligned with the command of Allah, the Exalted, nor the command of His Messenger—peace and blessings of Allah be upon him—so it is invalid and rejected. Success comes

وَأَمَّا الْحَنَفِيُّونَ فَمَا نَعْلَمُ أَحَدًا قَبْلَهُمْ أَجَازَ أَنْ يُصْبِحَ فِي رَمَضَانَ عَامِدًا لِإِرَادَةِ الْفِطْرِ، ثُمَّ يَبْقَى كَذَلِكَ إلَى قَبْلِ زَوَالِ الشَّمْسِ ثُمَّ يَنْوِي الصِّيَامَ حِينَئِذٍ وَيُجْزِئُهُ، وَادَّعَوْا الْإِجْمَاعَ عَلَى أَنَّهُ لَا تُجْزِئُ النِّيَّةُ بَعْدَ زَوَالِ الشَّمْسِ فِي ذَلِكَ قَدْ كَذَبُوا، وَلَا مُؤْنَةَ عَلَيْهِمْ مِنْ الْكَذِبِ، وَقَدْ صَحَّ هَذَا عَنْ حُذَيْفَةَ نَصًّا، وَعَنْ ابْنِ مَسْعُودٍ بِإِطْلَاقٍ، وَعَنْ أَبِي الدَّرْدَاءِ نَصًّا، وَعَنْ سَعِيدِ بْنِ الْمُسَيِّبِ نَصًّا، وَعَنْ عَطَاءٍ الْخُرَاسَانِيِّ كَذَلِكَ، وَعَنْ الْحَسَنِ، وَعَنْ سُفْيَانَ الثَّوْرِيِّ، وَأَحْمَدَ بْنِ حَنْبَلٍ. قَالَ أَبُو مُحَمَّدٍ: وَلَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَزَجَ نِيَّةَ صَوْمِ فرض بِفَرْضٍ آخَرَ]

٧٣١ - مَسْأَلَةٌ: وَمَنْ مَزَجَ نِيَّةَ صَوْمٍ فُرِضَ بِفَرْضٍ آخَرَ أَوْ بِتَطَوُّعٍ، أَوْ فَعَلَ ذَلِكَ فِي صَلَاةٍ أَوْ زَكَاةٍ، أَوْ حَجٍّ، أَوْ عُمْرَةٍ، أَوْ عِتْقٍ -: لَمْ يُجْزِهِ لِشَيْءٍ مِنْ كُلِّ ذَلِكَ وَبَطَلَ ذَلِكَ الْعَمَلُ كُلُّهُ، صَوْمًا كَانَ أَوْ صَلَاةً، أَوْ زَكَاةً، أَوْ حَجًّا، أَوْ عُمْرَةً أَوْ عِتْقًا، إلَّا مَزْجَ الْعُمْرَةِ بِالْحَجِّ لِمَنْ أَحْرَمَ وَمَعَهُ الْهَدْيُ فَقَطْ، فَهُوَ حُكْمُهُ اللَّازِمُ لَهُ.

بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَمَا أُمِرُوا إلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] وَالْإِخْلَاصُ هُوَ أَنْ يَخْلُصَ الْعَمَلُ الْمَأْمُورُ بِهِ لِلْوَجْهِ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِهِ فِيهِ فَقَطْ، وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» فَمَنْ مَزَجَ عَمَلًا بِآخَرَ فَقَدْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُ اللَّهِ تَعَالَى وَلَا أَمْرُ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَهُوَ بَاطِلٌ مَرْدُودٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. وَهُوَ قَوْلُ مَالِكٍ وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِهِمْ.

only from Allah, the Exalted. This is the opinion of Malik, Al-Shafi'i, Abu Sulayman, and their companions.[7][8]

وَقَالَ أَبُو يُوسُفَ: مَنْ صَلَّى، وَهُوَ مُسَافِرٌ رَكْعَتَيْنِ نَوَى بِهِمَا الظُّهْرَ وَالتَّطَوُّعَ مَعًا أَوْ صَامَ يَوْمًا مِنْ قَضَاءِ رَمَضَانَ يَنْوِي بِهِ قَضَاءَ مَا عَلَيْهِ وَالتَّطَوُّعَ مَعًا وَأَعْطَى مَا يَجِبُ عَلَيْهِ فِي زَكَاةِ مَالِهِ وَنَوَى بِهِ الزَّكَاةَ وَالتَّطَوُّعَ مَعًا، أَوْ أَحْرَمَ بِحَجَّةِ الْإِسْلَامِ وَنَوَى بِهَا الْفَرِيضَةَ وَالتَّطَوُّعَ مَعًا -: فَإِنَّ كُلَّ ذَلِكَ يُجْزِئُهُ مِنْ صَلَاةِ الْفَرْضِ وَصَوْمِ الْفَرْضِ، وَزَكَاةِ الْفَرْضِ، وَحَجَّةِ الْفَرْضِ، وَيَبْطُلُ التَّطَوُّعُ فِي كُلِّ ذَلِكَ. وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: أَمَّا الصَّلَاةُ فَتَبْطُلُ وَلَا تُجْزِئُهُ، لَا عَنْ فَرْضٍ وَلَا عَنْ تَطَوُّعٍ - وَأَمَّا الزَّكَاةُ، وَالصَّوْمُ فَيَكُونُ فِعْلُهُ ذَلِكَ تَطَوُّعًا فِيهِمَا جَمِيعًا، وَيَبْطُلُ الْفَرْضُ - وَأَمَّا الْحَجُّ فَيُجْزِئُهُ عَنْ الْفَرْضِ وَيَبْطُلُ التَّطَوُّعُ. فَهَلْ سُمِعَ بِأَسْقَطَ مِنْ هَذِهِ الْأَقْوَالِ؟ وَمَا نَدْرِي مِمَّنْ الْعَجَبُ أَمِّمَّنْ أَطْلَقَ لِسَانَهُ بِمِثْلِهَا فِي دِينِ اللَّهِ تَعَالَى؟ يَمْحُو مَا يَشَاءُ وَيُثْبِتُ بِالْإِهْدَارِ وَيَخُصُّ مَا يَشَاءُ، وَيُبْطِلُ بِالتَّخَالِيطِ، أَوْ مِمَّنْ قَلَّدَ قَائِلَهَا، وَأَفْنَى عُمُرَهُ فِي دَرْسِهَا وَنَصْرِهَا مُتَدَيِّنًا بِهَا وَنَعُوذُ بِاَللَّهِ مِنْ الْخِذْلَانِ، وَنَسْأَلُهُ إدَامَةَ السَّلَامَةِ وَالْعِصْمَةِ، وَنَحْمَدُهُ عَلَى نِعَمِهِ بِذَلِكَ عَلَيْنَا كَثِيرًا.

L11585–11587 Abū Yūsuf said: If someone prays two *rak'ahs* while traveling, intending them for both the obligatory *Dhuhr* prayer and a supererogatory prayer, or fasts a day to make up (*qaḍā'*) for Ramadan while intending both the obligatory makeup and a supererogatory fast, or gives what is due in *zakāh* on his wealth while intending it as both *zakāh* and supererogatory charity, or enters the state of *iḥrām* for the obligatory Hajj in Islam while intending it as both the obligatory and supererogatory Hajj—then all of these suffice for the obligatory prayer, fast, *zakāh*, and Hajj, while the supererogatory act is invalidated in each case. Muḥammad ibn al-Ḥasan said: As for the prayer, it is invalid and does not suffice for either an obligation or a supererogatory act. As for *zakāh* and fasting, his action becomes supererogatory in both cases combined, and the obligatory aspect is nullified. As for Hajj, it suffices for the obligation, and the supererogatory act is invalidated. Has anything more invalid than these statements ever been heard? We do not know whether the greater wonder is at the one who held these views or the one who expressed them so recklessly. Is it by its equivalent in the religion of Allah, the Exalted? He erases what He wills, confirms through clarification, particularizes what He wills, and nullifies through corruption—or [is this akin to] those who blindly follow its proponents, spending their lives studying and defending it, adhering to it religiously? We seek refuge in Allah from abandonment; we ask Him for enduring safety and protection, and we praise Him for His abundant blessings bestowed upon us through this.

وَقَدْ رُوِّينَا عَنْ مُجَاهِدٍ: أَنَّهُ قَالَ فِيمَنْ جَعَلَ عَلَيْهِ صَوْمَ شَهْرَيْنِ مُتَتَابِعَيْنِ: إنْ شَاءَ صَامَ شَعْبَانَ وَرَمَضَانَ، وَأَجْزَأَ عَنْهُ - يَعْنِي مَنْ فَرَضَهُ وَنَذَرَهُ، قَالَ مُجَاهِدٌ: وَمَنْ كَانَ عَلَيْهِ قَضَاءُ رَمَضَانَ فَصَامَ تَطَوُّعًا فَهُوَ قَضَاؤُهُ وَإِنْ لَمْ يُرِدْهُ.؟

L11588 It was reported from Mujāhid that he said regarding one who obligated upon himself fasting two consecutive months: "If he wishes, he may fast Sha'bān and Ramaḍān, and it suffices for him"—referring to one who obligated it or vowed it. Mujāhid said: "Whoever owes compensatory fasts for Ramaḍān and observes a supererogatory fast, it counts as his compensation even if he did not intend it."

[7] **Hadith references (L11584):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

[8] **Qur'an references (L11584):** Qur'an 98:5 (Al-Bayyinah).

An issue: A person who, while fasting, intended to invalidate his fast.

732. Issue: If someone fasting deliberately intends to invalidate their fast while being aware that they are fasting, their fast becomes invalid—even if they do not eat, drink, or engage in intercourse. This is based on the statement of Allah's Messenger, peace and blessings be upon him: "Actions are but by intentions, and every person will have only what they intended." Thus, it is decisively established that whoever intends to invalidate the fast they are observing, their fast is invalidated according to his statement, peace and blessings be upon him, which it is impermissible to oppose. Since they intended the invalidation of the fast, their fast is invalidated. If they were unaware that they were in a state of fasting, this would not harm them at all, due to Allah's statement: "There is no blame on you for what you do by mistake, but only for what your hearts deliberately intend" [Al-Aḥzāb:5].[9]

The same ruling applies to one who intends to invalidate a prayer he is performing, a pilgrimage he is undertaking, and all other acts in their entirety—these similarly apply. If he forms such an intention after completing his fast or the aforementioned acts, he is deemed sinful, yet none of those acts are invalidated by this. This is because all of them have been validly performed and completed as commanded, and whatever is valid cannot be invalidated without an explicit scriptural basis for its nullification. The first scenario concerns one who did not complete his act as commanded—and success comes solely through Allah, the Exalted.

A ruling on one who intentionally eats, drinks, engages in sexual intercourse, or vomits while fasting.

733 – Issue:

The fast is invalidated by: intentional eating, intentional drinking, intentional vaginal intercourse, or intentional vomiting—while being mindful of his fasting in all these instances. It is the same whether he ate little or much,

[9] **Qur'an references (L11590):** Qur'an 33:5 (Al-Ahzab).

[مَسْأَلَةٌ نَوَى وَهُوَ صَائِمٌ إِبْطَالَ صَوْمِهِ]

٧٣٢ - مَسْأَلَةٌ: وَمَنْ نَوَى وَهُوَ صَائِمٌ إِبْطَالَ صَوْمِهِ بَطَلَ، إِذَا تَعَمَّدَ ذَلِكَ ذَاكِرًا لِأَنَّهُ فِي صَوْمٍ وَإِنْ لَمْ يَأْكُلْ وَلَا شَرِبَ وَلَا وَطِئَ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إِنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ وَلِكُلِّ امْرِئٍ مَا نَوَى» فَصَحَّ يَقِينًا أَنَّ مَنْ نَوَى إِبْطَالَ مَا هُوَ فِيهِ مِنْ الصَّوْمِ فَلَهُ مَا نَوَى بِقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - الَّذِي لَا تَحِلُّ مُعَارَضَتُهُ، وَهُوَ قَدْ نَوَى بُطْلَانَ الصَّوْمِ، فَلَهُ بُطْلَانُهُ، فَلَوْ لَمْ يَكُنْ ذَاكِرًا لِأَنَّهُ فِي صَوْمٍ لَمْ يَضُرَّهُ شَيْئًا، لِقَوْلِ اللَّهِ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] .

وَهَكَذَا الْقَوْلُ فِيمَنْ نَوَى إِبْطَالَ صَلَاةٍ هُوَ فِيهَا، أَوْ حَجٍّ هُوَ فِيهِ، وَسَائِرُ الْأَعْمَالِ كُلِّهَا كَذَلِكَ، فَلَوْ نَوَى ذَلِكَ بَعْدَ تَمَامِ صَوْمِهِ أَوْ أَعْمَالِهِ الْمَذْكُورَةِ كَانَ آثِمًا، وَلَمْ يُبْطِلْ بِذَلِكَ شَيْئًا مِنْهَا، لِأَنَّهَا كُلَّهَا قَدْ صَحَّتْ وَتَمَّتْ كَمَا أُمِرَ، وَمَا صَحَّ فَلَا يَجُوزُ أَنْ يُبْطِلَ بِغَيْرِ نَصٍّ فِي بُطْلَانِهِ، وَالْمَسْأَلَةُ الْأُولَى لَمْ يُتِمَّ عَمَلَهُ فِيهَا كَمَا أُمِرَ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ تَعَمَّدَ الْأَكْلَ أَوْ الشُّرْبَ أَوْ الْوَطْءَ أَوْ الْقَيْءَ وَهُوَ صَائِمٌ]

٧٣٣ - مَسْأَلَةٌ:

وَيُبْطِلُ الصَّوْمَ: تَعَمُّدُ الْأَكْلِ، أَوْ تَعَمُّدُ الشُّرْبِ، أَوْ تَعَمُّدُ الْوَطْءِ فِي الْفَرْجِ، أَوْ تَعَمُّدُ الْقَيْءِ، وَهُوَ فِي كُلِّ ذَلِكَ ذَاكِرٌ لِصَوْمِهِ، وَسَوَاءٌ قَلَّ مَا أَكَلَ أَوْ كَثُرَ، أَخْرَجَهُ مِنْ بَيْنِ أَسْنَانِهِ أَوْ أَخَذَهُ مِنْ خَارِجِ فَمِهِ فَأَكَلَهُ.

whether he extracted it from between his teeth and ate it, or took it from outside his mouth and ate it.

L11595 All of this is established by a definitive consensus, except for what we mention, as supported by the words of Allah, the Exalted: {So now have relations with them and seek what Allah has prescribed for you. And eat and drink until the white thread of dawn becomes distinct to you from the black thread, then complete the fast until nightfall} [Al-Baqarah 2:187].[10]

L11596–11598 Ḥumām narrated to us: ʿAbd Allāh ibn Muḥammad al-Bājī narrated to us: Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us: Ḥabīb ibn Khalaf al-Bukhārī narrated to us: Abū Thawr Ibrāhīm ibn Khālid narrated to us: Muʿallā narrated to us: ʿĪsā ibn Yūnus narrated to us: Hishām ibn Ḥassān narrated to us from Muḥammad ibn Sīrīn from Abū Hurayrah (may Allah be pleased with him) that the Messenger of Allah (peace and blessings be upon him) said: "Whoever is overwhelmed..." If vomiting occurs while he is fasting, there is no obligation upon him to make up for it, but whoever induces vomiting must make up for it.

L11599 This was also narrated to us from Ibn ʿUmar, ʿAlī and ʿAlqamah.

L11600–11602 Ali said: Isa ibn Yunus is reliable. The Hanafis said: Whoever intentionally vomits less than a mouthful does not invalidate their fast by that. But if it is a mouthful or more, their fast becomes invalid. Is this not contrary to the Messenger of Allah—peace and blessings of Allah be upon him—despite the absurdity of such quantification? The Hanafis and Malikis said: If something from the remnants of one's pre-dawn meal—such as dried meat, a piece of meat, or similar—emerges from between the teeth of a fasting person and they deliberately swallow it while conscious of their fast, their fast remains valid. Do we know of anyone holding this opinion before them? Some argued for this view by claiming it was something already consumed, asserting that only what has not been eaten is prohibited. Yet this argument is even more invalid and absurd than the opinion it seeks to justify, for we know of nothing consumed that could remain after eating except vomit or excrement—we seek refuge in Allah from such calamity! Some Hanafis quantified

[10] **Qur'an references (L11595):** Qur'an 2:187 (Al-Baqarah).

وَهَذَا كُلُّهُ مُجْمَعٌ عَلَيْهِ إِجْمَاعًا مُتَيَقَّنًا، إِلَّا فِيمَا نَذْكُرُهُ، مَعَ قَوْلِ اللَّهِ تَعَالَى: {فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ} [البقرة: ١٨٧] .

وَمَا حَدَّثَنَاهُ حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الْبَاجِيَّ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا حَبِيبُ بْنُ خَلَفٍ الْبُخَارِيُّ ثنا أَبُو ثَوْرٍ إِبْرَاهِيمُ بْنُ خَالِدٍ ثنا مُعَلَّى ثنا عِيسَى بْنُ يُونُسَ ثنا هِشَامُ بْنُ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ ذَرَعَهُ الْقَيْءُ وَهُوَ صَائِمٌ فَلَيْسَ عَلَيْهِ قَضَاءٌ، وَمَنْ اسْتَقَاءَ فَلْيَقْضِ» .

وَرُوِّينَا هَذَا أَيْضًا عَنِ ابْنِ عُمَرَ، وَعَلِيٍّ وَعَلْقَمَةَ.

قَالَ عَلِيٌّ: عِيسَى بْنُ يُونُسَ: ثِقَةٌ. وَقَالَ الْحَنَفِيُّونَ مَنْ تَعَمَّدَ أَنْ يَتَقَيَّأَ أَقَلَّ مِنْ مِلْءِ فِيهِ لَمْ يَبْطُلْ بِذَلِكَ صَوْمُهُ، فَإِنْ كَانَ مِلْءَ فِيهِ فَأَكْثَرَ، بَطَلَ صَوْمُهُ، وَهَذَا خِلَافٌ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَعَ سَخَافَةِ التَّحْدِيدِ؟ وَقَالَ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ: مَنْ خَرَجَ - وَهُوَ صَائِمٌ - مِنْ بَيْنِ أَسْنَانِهِ شَيْءٌ مِنْ بَقِيَّةِ سَحُورِهِ كَالْجَذِيذَةِ وَشَيْءٌ مِنَ اللَّحْمِ وَنَحْوُ ذَلِكَ فَبَلَعَهُ عَامِدًا لِبَلْعِهِ ذَاكِرًا لِصَوْمِهِ فَصَوْمُهُ تَامٌّ، وَمَا نَعْلَمُ هَذَا الْقَوْلَ لِأَحَدٍ قَبْلَهُمَا؟ وَاحْتَجَّ بَعْضُهُمْ لِهَذَا الْقَوْلِ بِأَنَّهُ شَيْءٌ قَدْ أُكِلَ بَعْدُ، وَإِنَّمَا حَرُمَ مَا لَمْ يُؤْكَلْ؟ فَكَانَ الِاحْتِجَاجُ أَسْقَطَ وَأَوْحَشَ مِنَ الْقَوْلِ الْمُحْتَجِّ لَهُ وَمَا عَلِمْنَا شَيْئًا أُكِلَ فَيُمْكِنُ وُجُودُهُ بَعْدَ الْأَكْلِ، إِلَّا أَنْ يَكُونَ قَيْئًا أَوْ عَذِرَةً وَنَعُوذُ بِاللَّهِ مِنَ الْبَلَاءِ؟ وَحَدَّ بَعْضُ

the amount that does not invalidate the fast if intentionally eaten as being smaller than a chickpea. This quantification is utterly nonsensical. Moreover, which chickpea is meant—the large premium variety (al-Imleesī) or the small one? If they say, "We measure it against saliva," we respond: Then how do you differentiate between small and large quantities contrary to saliva? We further ask them about someone possessing a large perforated millstone into which a raisin or fava bean from their pre-dawn meal enters. So he brought it forth another day with his tongue while fasting: Is there accountability for his intentional swallowing of it or not? If they were to prohibit this, they would contradict themselves. If they were to permit it, we would question them about all his mills – twelve mills, all perforated so they became filled with sesame, raisins, hemp seeds, chickpeas, broad beans, bread, or flax seeds. If they permitted the intentional consumption of all this, they would achieve an absurdity. If they prohibited it, they would contradict themselves and rule falsely in matters of religion through invalid judgment.

الْحَنَفِيِّينَ الْمِقْدَارَ الَّذِي لَا يَضُرُّ تَعَمُّدُ أَكْلِهِ فِي الصَّوْمِ مِنْ ذَلِكَ بِأَنْ يَكُونَ دُونَ مِقْدَارِ الْحُمَّصَةِ. فَكَانَ هَذَا التَّحْدِيدُ طَرِيفًا جِدًّا ثُمَّ بَعْدَ ذَلِكَ، فَأَيُّ الْحُمَّصِ هُوَ؟ الْإِمْلِيسِيُّ الْفَاخِرُ، أَمْ الصَّغِيرُ؟ فَإِنْ قَالُوا قِسْنَاهُ عَلَى الرِّيقِ؟ قُلْنَا لَهُمْ: فَمِنْ أَيْنَ فَرَّقْتُمْ بَيْنَ قَلِيلِ ذَلِكَ وَكَثِيرِهِ بِخِلَافِ الرِّيقِ؟ وَنَسْأَلُهُمْ عَمَّنْ لَهُ مِطْحَنَةٌ كَبِيرَةٌ مَثْقُوبَةٌ فَدَخَلَتْ فِيهَا مِنْ سَحُورِهِ زَبِيبَةٌ، أَوْ بَاقِلَاءُ فَأَخْرَجَهَا يَوْمًا آخَرَ بِلِسَانِهِ وَهُوَ صَائِمٌ: أَلَهُ تَعَمُّدُ بَلْعِهَا أَمْ لَا؟ فَإِنْ مَنَعُوا مِنْ ذَلِكَ تَنَاقَضُوا، وَإِنْ أَبَاحُوا سَأَلْنَاهُمْ عَنْ جَمِيعِ طَوَاحِينِهِ وَهِيَ ثِنْتَا عَشْرَةَ مِطْحَنَةً - مَثْقُوبَةً كُلُّهَا فَامْتَلَأَتْ سِمْسِمًا أَوْ زَبِيبًا أَوْ قُنْبًا أَوْ حِمَّصًا أَوْ بَاقِلَّا أَوْ خُبْزًا أَوْ زَرِيعَةَ كَتَّانٍ؟ فَإِنْ أَبَاحُوا تَعَمُّدَ أَكْلِ ذَلِكَ كُلِّهِ حَصَّلُوا أُعْجُوبَةً وَإِنْ مَنَعُوا مِنْهُ تَنَاقَضُوا وَتَحَكَّمُوا فِي الدِّينِ بِالْبَاطِلِ.

L11603 The clear ruling is that anything termed as eating—regardless of its nature—invalidates the fast if done intentionally. As for saliva, whether small or large in quantity, there is consensus that deliberately swallowing it does not invalidate the fast. And success is from Allah, the Exalted.

وَإِنَّمَا الْحَقُّ الْوَاضِحُ فَإِنَّ كُلَّ مَا سُمِّيَ أَكْلًا - أَيُّ شَيْءٍ كَانَ - فَتَعَمُّدُهُ يُبْطِلُ الصَّوْمَ، وَأَمَّا الرِّيقُ - فَقَلَّ أَوْ كَثُرَ - فَلَا خِلَافَ فِي أَنْ تَعَمَّدَ ابْتِلَاعَهُ لَا يَنْقُضُ الصَّوْمَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11604 All astonishment lies in one who emulates Abū Ḥanīfah and Mālik in this matter, yet does not emulate for even a single hour of his hours one who is better than the entirety of their lifetimes - namely Abū Ṭalḥah. It has been narrated to us through the most authentic chain from Shu'bah and 'Imrān al-Qaṭṭān, both of whom reported from Qatādah from Anas: that Abū Ṭalḥah would eat cold substances while fasting. 'Imrān stated in his narration: "He used to say: 'It is neither food nor drink.'"

وَالْعَجَبُ كُلُّهُ مِمَّنْ قَلَّدَ أَبَا حَنِيفَةَ، وَمَالِكًا فِي هَذَا، وَلَمْ يُقَلِّدْ مِنْ سَاعَةِ مَنْ سَاعَاتِهِ خَيْرٌ مِنْ دَهْرِهِمَا كُلِّهِ وَهُوَ أَبُو طَلْحَةَ، الَّذِي رُوِّينَا بِأَصَحِّ طَرِيقٍ عَنْ شُعْبَةَ، وَعِمْرَانَ الْقَطَّانِ كِلَاهُمَا عَنْ قَتَادَةَ عَنْ أَنَسٍ: أَنَّ أَبَا طَلْحَةَ كَانَ يَأْكُلُ الْبَرْدَ وَهُوَ صَائِمٌ قَالَ عِمْرَانُ فِي حَدِيثِهِ: وَيَقُولُ: لَيْسَ طَعَامًا وَلَا شَرَابًا

L11605 Shu'bah heard it from Qatādah, and Qatādah heard it from Anas; but are they not a people who fail to acquire [knowledge]?

وَقَدْ سَمِعَهُ شُعْبَةُ مِنْ قَتَادَةَ، وَسَمِعَهُ قَتَادَةُ مِنْ أَنَسٍ؛ وَلَكِنَّهُمْ قَوْمٌ لَا يُحَصِّلُونَ؟

[مَسْأَلَةٌ تَعَمُّدُ الْمَعْصِيَةِ أَثْنَاءَ الصَّوْمِ]

L11606 **The issue of deliberate disobedience during the fast.**

L11607 734 - Issue: Fasting is also invalidated by the intentional commission of any sin - whatever sin it may be, without excluding anything - when committed deliberately while mindful of one's fast. This includes engaging in unlawful relations with prohibited females or males, kissing one's lawful wife or female slave, engaging in anal intercourse with one's wife, female slave, or others besides them, lying, backbiting, slander, willful abandonment of prayer, oppression, or any other act forbidden for a person to commit. The proof for this is what was transmitted to us via Abdullah ibn Yusuf → Ahmad ibn Fath → Abdul Wahhab ibn Isa → Ahmad ibn Muhammad → Ahmad ibn Ali → Muslim ibn Al-Hajjaj → Muhammad ibn Rafi' → Abdul Razzaq → Ibn Jurayj → Ata' → Abu Salih Al-Zayyat (known as al-Samman), who heard Abu Hurairah report: The Messenger of Allah (peace and blessings be upon him) said, "Fasting is a shield. When one of you fasts, let him neither engage in obscene speech nor raise his voice. If someone insults him or confronts him, let him say: 'I am fasting.'"

٧٣٤ - مَسْأَلَةٌ: وَيُبْطِلُ الصَّوْمَ أَيْضًا تَعَمُّدُ كُلِّ مَعْصِيَةٍ - أَيِّ مَعْصِيَةٍ كَانَتْ، لَا نُحَاشِ شَيْئًا - إِذَا فَعَلَهَا عَامِدًا ذَاكِرًا لِصَوْمِهِ، كَمُبَاشَرَةِ مَنْ لَا يَحِلُّ لَهُ مِنْ أُنْثَى أَوْ ذَكَرٍ، أَوْ تَقْبِيلِ امْرَأَتِهِ وَأَمَتِهِ الْمُبَاحَتَيْنِ لَهُ مِنْ أُنْثَى أَوْ ذَكَرٍ، أَوْ إِتْيَانٍ فِي دُبُرِ امْرَأَتِهِ أَوْ أَمَتِهِ أَوْ غَيْرِهِمَا، أَوْ كَذِبٍ، أَوْ غِيبَةٍ، أَوْ نَمِيمَةٍ، أَوْ تَعَمُّدِ تَرْكِ صَلَاةٍ، أَوْ ظُلْمٍ، أَوْ غَيْرِ ذَلِكَ مِنْ كُلِّ مَا حَرُمَ عَلَى الْمَرْءِ فِعْلُهُ؟ بُرْهَانُ ذَلِكَ -: مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي مُحَمَّدُ بْنُ رَافِعٍ ثنا عَبْدُ الرَّزَّاقِ ثنا ابْنُ جُرَيْجٍ أَخْبَرَنِي عَطَاءٌ عَنْ أَبِي صَالِحٍ الزَّيَّاتِ هُوَ السَّمَّانُ - أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَالصِّيَامُ جُنَّةٌ فَإِذَا كَانَ يَوْمُ صَوْمِ أَحَدِكُمْ فَلَا يَرْفُثْ يَوْمَئِذٍ، وَلَا يَصْخَبْ فَإِنْ سَابَّهُ أَحَدٌ أَوْ قَاتَلَهُ؟ فَلْيَقُلْ: إِنِّي صَائِمٌ» .

L11608–11609 It has been conveyed to us through Mālik from Abī al-Zinād from al-Aʿraj from Abū Hurayrah: That the Messenger of Allah—peace and blessings of Allah be upon him—said, "Fasting is a shield. When any one of you is fasting, he must neither engage in obscene speech nor behave ignorantly. If anyone confronts him with fighting or insults, let him respond: 'Indeed, I am fasting.'"

وَرُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ أَبِي الزِّنَادِ عَنْ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الصِّيَامُ جُنَّةٌ، فَإِذَا كَانَ أَحَدُكُمْ صَائِمًا فَلَا يَرْفُثْ وَلَا يَجْهَلْ، فَإِنْ امْرُؤٌ قَاتَلَهُ أَوْ شَاتَمَهُ؟ فَلْيَقُلْ: إِنِّي صَائِمٌ» .

L11610 Abdur-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: al-Farbari narrated to us: al-Bukhārī narrated to us: Adam ibn Abī Iyas narrated to us: Ibn Abī Dhi'b narrated to us: Saʿīd ibn Abī Saʿīd al-Maqburī narrated from his father, from Abū Hurayrah: that the Prophet said, "Whoever does not abandon false speech and acting upon it, Allah has no need for his abandonment of food and drink."[11]

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا آدَمُ بْنُ أَبِي إِيَاسٍ ثنا ابْنُ أَبِي ذِئْبٍ ثنا سَعِيدُ بْنُ أَبِي سَعِيدٍ الْمَقْبُرِيُّ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ: أَنَّ النَّبِيَّ قَالَ: «مَنْ لَمْ يَدَعْ قَوْلَ الزُّورِ وَالْعَمَلَ بِهِ فَلَيْسَ لِلَّهِ حَاجَةٌ فِي أَنْ يَدَعَ طَعَامَهُ وَشَرَابَهُ» .

[11] **Hadith references (L11610):** Sahih al-Bukhari 1903; Riyad as-Salihin 1241; Mishkat al-Masabih 1999.

L11611 From Abdullah ibn Rabee, from Abdullah ibn Muhammad ibn Uthman, from Ahmad ibn Khalid, from Ali ibn Abd al-Aziz, from al-Hajjaj ibn al-Minhal, from Hammad ibn Salamah, from Sulaiman al-Taymi, from Ubayd—the freed slave of the Messenger of Allah, may Allah's peace and blessings be upon him—who reported: The Messenger of Allah, may Allah's peace and blessings be upon him, encountered two fasting women who were backbiting people. He said to them, "Vomit!" They vomited pus, blood, and rotten flesh. Then he, peace be upon him, said, "Indeed, these two abstained from the lawful and broke their fast with the unlawful."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ سُلَيْمَانَ التَّيْمِيِّ عَنْ عُبَيْدٍ مَوْلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَتَى عَلَى امْرَأَتَيْنِ صَائِمَتَيْنِ تَغْتَابَانِ النَّاسَ فَقَالَ لَهُمَا: قِيئَا، فَقَاءَتَا قَيْحًا وَدَمًا وَلَحْمًا عَبِيطًا، ثُمَّ قَالَ - عَلَيْهِ السَّلَامُ -: هَا إِنَّ هَاتَيْنِ صَامَتَا عَنْ الْحَلَالِ وَأَفْطَرَتَا عَلَى الْحَرَامِ» .

L11612 Abu Muhammad said: He—peace be upon him—prohibited obscenity and vulgar behavior during fasting. Thus, whoever commits any of these acts—deliberately and mindful of his fast—has not fasted as commanded. Whoever does not fast as commanded has not fasted, for he has not fulfilled the fasting enjoined by Allah the Exalted—which is free from obscenity and vulgar behavior. These two terms encompass every sin. He—peace be upon him—further stated that whoever does not abandon false speech (i.e., lying) nor cease acting upon it, Allah the Exalted has no interest in his abstention from food and drink.

قَالَ أَبُو مُحَمَّدٍ: فَنَهَى - عَلَيْهِ السَّلَامُ - عَنْ الرَّفَثِ وَالْجَهْلِ فِي الصَّوْمِ، فَكَانَ مَنْ فَعَلَ شَيْئًا مِنْ ذَلِكَ - عَامِدًا ذَاكِرًا لِصَوْمِهِ - لَمْ يَصُمْ كَمَا أُمِرَ، وَمَنْ لَمْ يَصُمْ كَمَا أُمِرَ، فَلَمْ يَصُمْ، لِأَنَّهُ لَمْ يَأْتِ بِالصِّيَامِ الَّذِي أَمَرَهُ اللَّهُ تَعَالَى بِهِ، وَهُوَ السَّالِمُ مِنْ الرَّفَثِ وَالْجَهْلِ، وَهُمَا اسْمَانِ يَعُمَّانِ كُلَّ مَعْصِيَةٍ؛ وَأَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّ مَنْ لَمْ يَدَعْ الْقَوْلَ بِالْبَاطِلِ - وَهُوَ الزُّورُ - وَلَمْ يَدَعْ الْعَمَلَ بِهِ فَلَا حَاجَةَ لِلَّهِ تَعَالَى فِي تَرْكِ طَعَامِهِ وَشَرَابِهِ.

L11613–11615 Thus, it is confirmed that Allah the Exalted neither approves of that fasting of his nor accepts it. And if He has not approved of it nor accepted it, then it... It is invalid and nullified. He—peace be upon him—declared that backbiting invalidates the fast, a matter none may oppose. Yet some obstinately claimed: "Only its reward is nullified, not the fasting itself." Abu Muhammad said: This epitomizes sheer foolishness. Every sensible person necessarily knows that whenever Allah the Exalted nullifies a worker's reward for any deed, He neither credits nor accepts that deed - this being nullification itself beyond doubt. The pious predecessors affirmed this: It has been narrated to us through Abū Bakr ibn Abī Shaybah who narrated to us: Ḥafṣ ibn Ghiyāth and Hushaym—both transmitting from Mujālid, from al-Shaʿbī. Hushaym added: via Masrūq, from ʿUmar ibn al-Khaṭṭāb: "Fasting is not merely abstaining from drink and food, but from lies, falsehood, and idle talk." Similarly via Ḥafṣ ibn Ghiyāth from Mujālid, from al-Shaʿbī, from ʿAlī ibn Abī Ṭālib—the same wording is explicitly reported.

فَصَحَّ أَنَّ اللَّهَ تَعَالَى لَا يَرْضَى صَوْمَهُ ذَلِكَ وَلَا يَتَقَبَّلُهُ، وَإِذَا لَمْ يَرْضَهُ وَلَا قَبِلَهُ فَهُوَ بَاطِلٌ سَاقِطٌ؛ وَأَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّ الْمُغْتَابَ مُفْطِرٌ وَهَذَا مَا لَا يَسَعُ أَحَدًا خِلَافُهُ؟ وَقَدْ كَابَرَ بَعْضُهُمْ فَقَالَ: إنَّمَا يَبْطُلُ أَجْرُهُ لَا صَوْمُهُ؟ قَالَ أَبُو مُحَمَّدٍ: فَكَانَ هَذَا فِي غَايَةِ السَّخَافَةِ وَبِالضَّرُورَةِ يَدْرِي كُلُّ ذِي حِسٍّ أَنَّ كُلَّ عَمَلٍ أَحْبَطَ اللَّهُ تَعَالَى أَجْرَ عَامِلِهِ فَإِنَّهُ تَعَالَى لَمْ يَحْتَسِبْ لَهُ بِذَلِكَ الْعَمَلَ وَلَا قَبِلَهُ، وَهَذَا هُوَ الْبُطْلَانُ بِعَيْنِهِ بِلَا مِرْيَةٍ؟ وَبِهَذَا يَقُولُ السَّلَفُ الطَّيِّبُ -: رُوِّينَا مِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا حَفْصُ بْنُ غِيَاثٍ، وَهُشَيْمٌ كِلَاهُمَا عَنْ مُجَالِدٍ عَنْ الشَّعْبِيِّ، قَالَ هُشَيْمٌ: عَنْ مَسْرُوقٍ عَنْ عُمَرَ بْنِ الْخَطَّابِ لَيْسَ الصِّيَامُ مِنْ الشَّرَابِ وَالطَّعَامِ وَحْدَهُ، وَلَكِنَّهُ مِنْ الْكَذِبِ، وَالْبَاطِلِ

وَاللَّغْوِ؟ وَعَنْ حَفْصِ بْنِ غِيَاثٍ عَنْ مُجَالِدٍ عَنْ الشَّعْبِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ مِثْلُهُ نَصًّا.

L11616 From the chain of Ibn Abī Shaybah: Muḥammad ibn Bakr narrated to us from Ibn Jurayj from Sulaymān ibn Mūsā, who said: Jābir—that is, Ibn ʿAbdullāh—said: When you fast, let your hearing, sight, and tongue abstain from falsehood and sin. Refrain from harming the servant, let there be upon you dignity and calmness on your fasting day, and do not treat your day of breaking the fast and your day of fasting as alike.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا مُحَمَّدُ بْنُ بَكْرٍ عَنْ ابْنِ جُرَيْجٍ عَنْ سُلَيْمَانَ بْنِ مُوسَى قَالَ قَالَ جَابِرٌ هُوَ ابْنُ عَبْدِ اللَّهِ -: إذَا صُمْت فَلْيَصُمْ سَمْعُكَ، وَبَصَرُكَ، وَلِسَانُكَ عَنْ الْكَذِبِ وَالْمَأْثَمِ، وَدَعْ أَذَى الْخَادِمِ وَلْيَكُنْ عَلَيْكَ وَقَارٌ، وَسَكِينَةٌ يَوْمَ صِيَامِكَ، وَلَا تَجْعَلْ يَوْمَ فِطْرِكَ وَيَوْمَ صَوْمِكَ سَوَاءً.

L11617 And through the chain of Abū Bakr ibn Abī Shaybah from Wakīʿ from Abī al-ʿUmayyis (he is ʿUtbah ibn ʿAbdullāh ibn ʿUtbah ibn ʿAbdullāh ibn Masʿūd) from ʿAmr ibn Murrah from Abī Ṣāliḥ al-Ḥanafī from his brother Ṭalīq ibn Qays, who said: Abū Dharr said, "When you fast, be vigilant to the best of your ability." Thus, on his fasting day, Ṭalīq would enter and not emerge except for prayer.

وَمِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ أَبِي الْعُمَيْسِ هُوَ عُتْبَةُ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ - عَنْ عَمْرِو بْنِ مُرَّةَ عَنْ أَبِي صَالِحٍ الْحَنَفِيِّ عَنْ أَخِيهِ طَلِيقِ بْنِ قَيْسٍ قَالَ قَالَ أَبُو ذَرٍّ: إذَا صُمْت فَتَحَفَّظْ مَا اسْتَطَعْت، فَكَانَ طَلِيقٌ إذَا كَانَ يَوْمُ صِيَامِهِ دَخَلَ فَلَمْ يَخْرُجْ إلَّا إلَى صَلَاةٍ.

L11618 From the chain of Wakīʿ from Ḥammād al-Bakkāʾ from Thābit al-Bunānī from Anas ibn Mālik, who said: "If a fasting person backbites, he invalidates his fast."

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ حَمَّادٍ الْبَكَّاءِ عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: إذَا اغْتَابَ الصَّائِمُ أَفْطَرَ.

L11619–11621 And through the transmission of Wakiʿ, from Ismāʿīl ibn Muslim al-ʿAbdī, from Abū al-Mutawakkil al-Nājī, who said: Abu Hurairah and his companions would sit in the mosque while fasting and say, "Should we purify our fasting?" These Companions—may Allah be pleased with them: Umar, Abu Dharr, Abu Hurairah, Anas, Jabir, and Ali—hold that the fast is invalidated through sins because they uniquely linked fasting to the prohibition of sins, though sins are forbidden to non-fasters alike. Had fasting been valid with sins, their specific prohibition of sins in relation to fasting would carry no meaning. No dissenting opinion is known among the Companions—may Allah be pleased with them.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ إسْمَاعِيلَ بْنِ مُسْلِمٍ الْعَبْدِيِّ عَنْ أَبِي الْمُتَوَكِّلِ النَّاجِي قَالَ: كَانَ أَبُو هُرَيْرَةَ وَأَصْحَابُهُ إذَا صَامُوا جَلَسُوا فِي الْمَسْجِدِ وَقَالُوا: نُطَهِّرُ صِيَامَنَا؟ فَهَؤُلَاءِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: عُمَرُ، وَأَبُو ذَرٍّ وَأَبُو هُرَيْرَةَ، وَأَنَسٌ، وَجَابِرٌ، وَعَلِيٌّ: يَرَوْنَ بُطْلَانَ الصَّوْمِ بِالْمَعَاصِي، لِأَنَّهُمْ خَصُّوا الصَّوْمَ بِاجْتِنَابِهَا وَإِنْ كَانَتْ حَرَامًا عَلَى الْمُفْطِرِ، فَلَوْ كَانَ الصِّيَامُ تَامًّا بِهَا مَا كَانَ لِتَخْصِيصِهِمْ الصَّوْمَ بِالنَّهْيِ عَنْهَا مَعْنًى، وَلَا يُعْرَفُ لَهُمْ مُخَالِفٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L11622 And among the Followers: Mansur reported from Mujahid, who said:

"Nothing harms the fasting person except backbiting and lying."

وَمِنْ التَّابِعِينَ: مَنْصُورٌ عَنْ مُجَاهِدٍ قَالَ: مَا أَصَابَ الصَّائِمُ شَوًى إلَّا الْغِيبَةَ، وَالْكَذِبَ.

L11623 From Hafsah bint Sirin: "Fasting is a shield so long as one does not breach it—and is breaching it [done through] backbiting?" From Maymun ibn Mihran: "Is the least significant aspect of fasting [merely] abandoning food and drink?" From Ibrahim al-Nakha'i, who said: "They used to say that lying breaks the fast?" Abu Muhammad said: "We ask those who oppose this view about intentionally eating swine or drinking wine: Does this break the fast or not? They respond, 'Yes?' We then ask, 'Why?' If they argue, 'Because these are forbidden during fasting,' we counter: The same applies to all sins, for they too are prohibited in fasting by the scriptural text we cited."

وَعَنْ حَفْصَةَ بِنْتِ سِيرِينَ: الصِّيَامُ جُنَّةٌ، مَا لَمْ يَخْرِقْهَا صَاحِبُهَا، وَخَرْقُهَا: الْغِيبَةُ؟ وَعَنْ مَيْمُونِ بْنِ مِهْرَانَ: إنَّ أَهْوَنَ الصَّوْمِ تَرْكُ الطَّعَامِ وَالشَّرَابِ؟ وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: كَانُوا يَقُولُونَ: الْكَذِبُ يُفْطِرُ الصَّائِمَ؟ قَالَ أَبُو مُحَمَّدٍ: وَنَسْأَلُ مَنْ خَالَفَ هَذَا عَنْ الْأَكْلِ لِلَحْمِ الْخِنْزِيرِ، وَالشُّرْبِ لِلْخَمْرِ عَمْدًا: أَيُفْطِرُ الصَّائِمَ أَمْ لَا؟ فَمِنْ قَوْلِهِمْ: نَعَمْ؟ فَنَقُولُ لَهُمْ: وَلِمَ ذَلِكَ؟ فَإِنْ قَالُوا: لِأَنَّهُ مَنْهِيٌّ عَنْهُمَا فِيهِ؟ قُلْنَا لَهُمْ: وَكَذَلِكَ الْمَعَاصِي؛ لِأَنَّهُ مَنْهِيٌّ عَنْهَا فِي الصَّوْمِ أَيْضًا بِالنَّصِّ الَّذِي ذَكَرْنَا.

L11624 If they say: "Is even one who is not fasting forbidden from sins?" We reply: "Is even one who is not fasting forbidden from consuming wine and pork—is there no distinction?" If they say: "The prohibition concerns only eating and drinking, and we do not concern ourselves with what substance is consumed?" We say: "Then the prohibition against sins during fasting should similarly not concern itself with the means by which one sins—whether through eating and drinking or otherwise?" If they say: "The fast is only broken by eating and drinking due to the consensus that these invalidate it?" We say: "Then you must not invalidate the fast except through what is unanimously agreed upon as invalidating it. This would compel you to refrain from invalidating it by eating ice or by many acts you consider invalidators—such as nasal drops, enemas, and the like." If they say: "We have analogized those to eating and drinking?"

فَإِنْ قَالُوا: وَغَيْرُ الصَّائِمِ أَيْضًا مَنْهِيٌّ عَنْ الْمَعَاصِي؟ قُلْنَا لَهُمْ: وَغَيْرُ الصَّائِمِ أَيْضًا مَنْهِيٌّ عَنْ الْخَمْرِ، وَالْخِنْزِيرِ، وَلَا فَرْقَ؟ فَإِنْ قَالُوا: إنَّمَا نُهِيَ عَنْ الْأَكْلِ وَالشُّرْبِ وَلَا نُبَالِي أَيَّ شَيْءٍ أَكَلَ أَوْ شَرِبَ؟ قُلْنَا: وَإِنَّمَا نُهِيَ عَنْ الْمَعَاصِي فِي صَوْمِهِ وَلَا نُبَالِي بِمَا عَصَى، أَبِأَكْلٍ وَشُرْبٍ، أَمْ بِغَيْرِ ذَلِكَ؟ فَإِنْ قَالُوا: إنَّمَا أَفْطَرَ بِالْأَكْلِ وَالشُّرْبِ لِلْإِجْمَاعِ عَلَى أَنَّهُ مُفْطِرٌ بِهِمَا؟ قُلْنَا: فَلَا تُبْطِلُوا الصَّوْمَ إلَّا بِمَا أُجْمِعَ عَلَى بُطْلَانِهِ بِهِ وَهَذَا يُوجِبُ عَلَيْكُمْ أَنْ لَا تُبْطِلُوهُ بِأَكْلِ الْبَرَدِ وَلَا بِكَثِيرٍ مِمَّا أَبْطَلْتُمُوهُ بِهِ كَالسَّعُوطِ وَالْحُقْنَةِ وَغَيْرِ ذَلِكَ؟ فَإِنْ قَالُوا: قِسْنَا ذَلِكَ عَلَى الْأَكْلِ وَالشُّرْبِ؟

L11625–11626 We said: All analogy is invalid. Moreover, if it were valid, this would remain corrupt according to analogy itself. The soundest of your principles would be to analogize the invalidation of fasting by all sins upon its invalidation by the sin of eating and drinking – this being a matter from which there is no escape. If they say: "Is avoiding sins not among the conditions of fasting?" We reply: You lie, for the textual reports (Hadith) have confirmed it to be among fasting's conditions as we have cited. If they say: "Those reports are additions beyond what is in the Quran?" We counter: Your invalidation of

قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ صَحَّ لَكَانَ هَذَا فَاسِدًا مِنْ الْقِيَاسِ وَكَانَ أَصَحُّ أُصُولِكُمْ أَنْ تَقِيسُوا بُطْلَانَ الصَّوْمِ بِجَمِيعِ الْمَعَاصِي عَلَى بُطْلَانِهِ بِالْمَعْصِيَةِ بِالْأَكْلِ، وَالشُّرْبِ، وَهَذَا مَا لَا مُخَلَّصَ مِنْهُ. فَإِنْ قَالُوا: لَيْسَ اجْتِنَابُ الْمَعَاصِي مِنْ شُرُوطِ الصَّوْمِ؟ قُلْنَا: كَذَبْتُمْ لِأَنَّ النَّصَّ قَدْ صَحَّ بِأَنَّهُ مِنْ شُرُوطِ الصَّوْمِ كَمَا أَوْرَدْنَا. فَإِنْ قَالُوا: تِلْكَ الْأَخْبَارُ

fasting through nasal medication, anal injection, ejaculation accompanied by kissing, and similar acts are corrupt and invalid additions beyond the Quran. Thus you abandon the rightful additions while upholding false ones – and success comes solely from Allah, the Exalted.

L11627 735. Issue: Whoever intentionally commits any of the aforementioned acts while conscious of his fasting invalidates his fast and cannot make it up if the fast occurs during Ramadan or a specified vowed fast—except in the case of deliberate vomiting specifically, for which qaḍāʾ (makeup fast) is obligatory.

L11628 The evidence for this is that the obligation to make up the fast due to deliberate vomiting has been authentically established from the Messenger of Allah (peace be upon him), as we mentioned two issues prior to this one. However, no explicit text mandates making up the fast for deliberate eating, drinking, or intercourse that invalidates the fast. Allah the Exalted has ordained only Ramadan—and no other month—for the healthy, resident, sane adult. Therefore, obligating fasting of another month as substitution constitutes legislating a ruling Allah has not sanctioned, rendering it nullified. There is no difference between Allah obligating fasting of a specified month and someone claiming—without an extant text—that fasting another month substitutes for it; nor between one who claims that Hajj to a place other than Mecca substitutes for Hajj to Mecca, or that prayer toward a direction other than the Kaaba substitutes for prayer toward the Kaaba, and so on for all analogous cases.

L11629 Allah, the Exalted, has said: "These are the limits of Allah, so do not transgress them." al-Baqarah 2:229.[12]

L11630 He, the Exalted, said: "Whoever transgresses the bounds of Allah has indeed wronged his own soul" (al-Ṭalāq 1).[13]

L11631 If they say: "We analogized every individual who intentionally breaks the fast to the one who deliberately breaks it in requiring makeup fasting," we reply:

[12]**Qur'an references (L11629):** Qur'an 2:229 (Al-Baqarah).
[13]**Qur'an references (L11630):** Qur'an 65:1 (At-Talaq).

زَائِدَةٌ عَلَى مَا فِي الْقُرْآنِ؟ قُلْنَا: وَإِبْطَالُكُمْ الصَّوْمَ بِالسَّعُوطِ وَالْحُقْنَةِ، وَالْإِمْنَاءِ مَعَ التَّقْبِيلِ زِيَادَةٌ فَاسِدَةٌ بَاطِلَةٌ عَلَى مَا فِي الْقُرْآنِ فَتَرَكْتُمْ زِيَادَةَ الْحَقِّ، وَأَثْبَتُّمْ زِيَادَةَ الْبَاطِلِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

٧٣٥ - مَسْأَلَةٌ: فَمَنْ تَعَمَّدَ ذَاكِرًا لِصَوْمِهِ شَيْئًا مِمَّا ذَكَرْنَا فَقَدْ بَطَلَ صَوْمُهُ، وَلَا يَقْدِرُ عَلَى قَضَائِهِ إنْ كَانَ فِي رَمَضَانَ أَوْ فِي نَذْرٍ مُعَيَّنٍ، إلَّا فِي تَعَمُّدِ الْقَيْءِ خَاصَّةً فَعَلَيْهِ الْقَضَاءُ.

بُرْهَانُ ذَلِكَ -: أَنَّ وُجُوبَ الْقَضَاءِ فِي تَعَمُّدِ الْقَيْءِ قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَمَا ذَكَرْنَا قَبْلَ هَذِهِ الْمَسْأَلَةِ بِمَسْأَلَتَيْنِ، وَلَمْ يَأْتِ فِي فَسَادِ الصَّوْمِ بِالتَّعَمُّدِ لِلْأَكْلِ أَوْ الشُّرْبِ أَوْ الْوَطْءِ: نَصٌّ بِإِيجَابِ الْقَضَاءِ، وَإِنَّمَا افْتَرَضَ تَعَالَى رَمَضَانَ - لَا غَيْرَهُ - عَلَى الصَّحِيحِ الْمُقِيمِ الْعَاقِلِ الْبَالِغِ، فَإِيجَابُ صِيَامِ غَيْرِهِ بَدَلًا مِنْهُ إيجَابُ شَرْعٍ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِ، فَهُوَ بَاطِلٌ، وَلَا فَرْقَ بَيْنَ أَنْ يُوجِبَ اللَّهُ تَعَالَى صَوْمَ شَهْرٍ مُسَمًّى فَيَقُولُ قَائِلٌ: إنَّ صَوْمَ غَيْرِهِ يَنُوبُ عَنْهُ، بِغَيْرِ نَصٍّ وَارِدٍ فِي ذَلِكَ -: وَبَيْنَ مَنْ قَالَ: إنَّ الْحَجَّ إلَى غَيْرِ مَكَّةَ يَنُوبُ عَنْ الْحَجِّ إلَى مَكَّةَ، وَالصَّلَاةَ إلَى غَيْرِ الْكَعْبَةِ تَنُوبُ عَنْ الصَّلَاةِ إلَى الْكَعْبَةِ، وَهَكَذَا فِي كُلِّ شَيْءٍ.

قَالَ اللَّهُ تَعَالَى: {تِلْكَ حُدُودُ اللَّهِ فَلا تَعْتَدُوهَا} [البقرة: ٢٢٩] .

وَقَالَ تَعَالَى: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] .

فَإِنْ قَالُوا: قِسْنَا كُلَّ مُفْطِرٍ بِعَمْدٍ فِي إيجَابِ الْقَضَاءِ عَلَى الْمُتَقَيِّي عَمْدًا قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ؛ لِأَنَّهُمْ أَوَّلُ مَنْ نَقَضَ هَذَا الْقِيَاسَ؟ فَأَكْثَرُهُمْ لَمْ يَقِسْ الْمُفْطِرَ عَمْدًا بِأَكْلٍ أَوْ شُرْبٍ عَلَى الْمُفْطِرِ بِالْقَيْءِ عَمْدًا فِي إسْقَاطِ

الْكَفَّارَةِ عَنْهُمْ كَسُقُوطِهَا عَنْ الْمُتَّقِي عَمْدًا، وَهُمْ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ: قَاسُوهُمْ عَلَى الْمُفْطِرِ بِالْقَيْءِ عَمْدًا، وَلَمْ يَقِيسُوهُمْ كُلَّهُمْ عَلَى الْمُجَامِعِ عَمْدًا فِي وُجُوبِ الْكَفَّارَةِ عَلَيْهِمْ كُلِّهِمْ؛ فَقَدْ تَرَكُوا الْقِيَاسَ الَّذِي يَدَّعُونَ فَإِنْ وُجِدَ مَنْ يُسَوِّي بَيْنَ الْكُلِّ فِي إيجَابِ الْقَضَاءِ وَالْكَفَّارَةِ كُلِّهِ فِي إبْطَالِ الْقِيَاسِ فَقَطْ.

All analogy is invalid. Even were analogy valid, this particular instance would epitomize invalidity, for they are the first to undermine this analogy. Most of them—namely the Hanafis, Malikis, and Shafi'is—did not extend the analogy between those who intentionally break the fast through eating or drinking and those who intentionally break it through vomiting to exempt them from atonement, just as it is exempted for the one who intentionally breaks the fast. They analogized such individuals to those who intentionally break the fast through vomiting but did not extend the analogy to all of them being equated with those who intentionally engage in intercourse regarding the universal obligation of atonement. Thus, they abandoned the very analogy they claim. If someone is found who equalizes all cases by universally requiring both makeup fasting and atonement, it suffices to address only the invalidity of analogy itself.

فَإِنْ ذَكَرُوا أَخْبَارًا وَرَدَتْ فِي إيجَابِ الْقَضَاءِ عَلَى الْمُتَعَمِّدِ لِلْوَطْءِ فِي نَهَارِ رَمَضَانَ؟ قِيلَ: تِلْكَ آثَارٌ لَا يَصِحُّ فِيهَا شَيْءٌ -: لِأَنَّ أَحَدَهَا: مِنْ طَرِيقِ أَبِي أُوَيْسٍ عَنْ الزُّهْرِيِّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ الَّذِي أَفْطَرَ فِي رَمَضَانَ بِالْكَفَّارَةِ وَأَنْ يَصُومَ يَوْمًا» وَأَبُو أُوَيْسٍ ضَعِيفٌ، ضَعَّفَهُ ابْنُ مَعِينٍ وَغَيْرُهُ.

L11632–11633 If they cite reports concerning the obligation of compensatory fasting for those who intentionally engage in intercourse during the daytime of Ramadan, it should be said: These are narrations with no authenticity—for one of them is transmitted through Abū Uways from al-Zuhrī, from Ḥumayd ibn ʿAbd al-Raḥmān, from Abū Hurayrah: "The Messenger of Allah—peace and blessings be upon him—commanded the one who broke the fast in Ramadan to perform expiation and fast one additional day." However, Abū Uways is a weak narrator; Ibn Maʿīn and others declared him weak.

وَالثَّانِي:

L11634 And the second:

رُوِّينَاهُ مِنْ طَرِيقِ هِشَامِ بْنِ سَعْدٍ عَنْ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ بِأَنْ يَصُومَ يَوْمًا» وَهِشَامُ بْنُ سَعْدٍ ضَعَّفَهُ أَحْمَدُ بْنُ حَنْبَلٍ، وَابْنُ مَعِينٍ، وَغَيْرُهُمَا، وَلَمْ يَسْتَجِزْ الرِّوَايَةَ عَنْهُ يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ.

L11635 It was narrated through the chain of Hisham ibn Saʿd from al-Zuhri from Abu Salama from Abu Hurayrah: "The Messenger of Allah (peace be upon him) commanded him to fast for a day." Ahmad ibn Hanbal, Ibn Maʿin, and others declared Hisham ibn Saʿd a weak narrator, and Yahya ibn Saʿid al-Qattan deemed him unreliable for narration.

وَالثَّالِثُ: رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الْجَبَّارِ بْنِ عُمَرَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ عَنْ أَبِي هُرَيْرَةَ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِلْوَاطِئِ فِي رَمَضَانَ

L11636 Thirdly: We have narrated it via the chain of ʿAbd al-Jabbār ibn ʿUmar from Yaḥyā ibn Saʿīd al-Anṣārī from Saʿīd ibn al-Musayyib from Abū Hurayrah: "The Prophet—peace and blessings of Allah be upon him—said to one who had sexual intercourse during Ramaḍān: 'Compensate by fasting another

day in its place.'" As for ʿAbd al-Jabbār ibn ʿUmar: he is weak. Al-Bukhārī weakened him, Ibn Maʿīn said: "He is not reliable," and Abū Dāwūd al-Sijistānī said: "His hadiths are deemed anomalous."

اقْضِ يَوْمًا مَكَانَهُ» ؟ وَعَبْدُ الْجَبَّارِ بْنُ عُمَرَ: ضَعِيفٌ، ضَعَّفَهُ الْبُخَارِيُّ، وَقَالَ ابْنُ مَعِينٍ: لَيْسَ بِشَيْءٍ، وَقَالَ أَبُو دَاوُد السِّجِسْتَانِيُّ: هُوَ مُنْكَرُ الْحَدِيثِ.

L11637 And the fourth:

وَالرَّابِعُ:

L11638 It was narrated through the chain of al-Ḥajjāj ibn Arṭāʾ from ʿAṭāʾ, from ʿAmr ibn Shuʿayb, from his father, from his grandfather, that "the Prophet (peace be upon him) commanded the one who engaged in intercourse during daytime in Ramaḍān to fast one day in its place." This report omits all these chains because al-Ḥajjāj is deemed unreliable. Furthermore, this is a written record. It was narrated as *mursal* through the chain of Mālik from ʿAṭāʾ ibn al-Sāʾib, from Saʿīd ibn al-Musayyib, and through the chain of Ibn Jurayj from Nāfiʿ ibn Jubayr ibn Muṭʿim.

رُوِّينَاهُ مِنْ طَرِيقِ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ عَطَاءٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ «النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ أَمَرَ الْوَاطِئَ فِي نَهَارِ رَمَضَانَ أَنْ يَصُومَ يَوْمًا مَكَانَهُ» وَهَذَا أَسْقَطَهَا كُلَّهَا لِأَنَّ الْحَجَّاجَ لَا شَيْءَ، ثُمَّ هِيَ صَحِيفَةٌ وَرُوِّينَاهُ مُرْسَلًا مِنْ طَرِيقِ مَالِكٍ عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ.

L11639–11641 And from the transmission of Abū Maʿshar al-Madanī, from Muḥammad ibn Kaʿb al-Quraẓī—all of them narrating that the Prophet—peace and blessings be upon him—. He instructed him to make up a day. All of this is *mursal*.

وَمِنْ طَرِيقِ أَبِي مَعْشَرٍ الْمَدَنِيِّ «عَنْ مُحَمَّدِ بْنِ كَعْبٍ الْقُرَظِيِّ، كُلِّهِمْ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ بِقَضَاءِ يَوْمٍ» . وَهَذَا كُلُّهُ مُرْسَلٌ

L11642 And does a mursal report not constitute valid evidence? By Allah, if even a single report with a complete chain from reliable narrators were found among them, we would hasten to adopt its ruling. But if they persist and say, "The mursal report is valid evidence, and we do not weaken the narrators," we would respond: Then there is no blame upon you. Yusuf ibn ʻAbdullāh al-Namarī narrated to us, Ahmad ibn Muḥammad ibn al-Jasūr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muṭarrif ibn Qays narrated to us, Yaḥyā ibn Bukayr narrated to us, Mālik narrated from ʻAṭāʾ al-Khurāsānī from Saʿīd ibn al-Musayyab, who said: A Bedouin came to the Messenger of Allah—peace and blessings be upon him—striking his chest and plucking his hair, crying, "I am utterly ruined!" The Messenger of Allah—peace and blessings be upon him—asked, "What is the matter?" He replied, "I had intercourse with my wife during Ramadan while fasting." The Messenger of Allah—peace and blessings be upon him—asked him, "Can you afford to free a slave?" He said, "No." He asked, "Can you afford to sacrifice a she-camel?" He said, "No."

، وَلَا تَقُومُ بِالْمُرْسَلِ حُجَّةٌ؟ وَتَاللَّهِ لَوْ صَحَّ مِنْهَا خَبَرٌ وَاحِدٌ - مُسْنَدٌ مِنْ طَرِيقِ الثِّقَاتِ - لَسَارَعْنَا إِلَى الْقَوْلِ بِهِ فَإِنْ لَجُّوا وَقَالُوا: الْمُرْسَلُ حُجَّةٌ، وَلَا نُضَعِّفُ الْمُحَدِّثِينَ؟ قُلْنَا لَهُمْ: فَلَا عَلَيْكُمْ حَدَّثَنَا يُوسُفُ بْنُ عَبْدِ اللَّهِ النَّمَرِيُّ ثنا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُطَرِّفُ بْنُ قَيْسٍ ثنا يَحْيَى بْنُ بُكَيْرٍ ثنا مَالِكٌ عَنْ عَطَاءٍ الْخُرَاسَانِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: «جَاءَ أَعْرَابِيٌّ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَضْرِبُ نَحْرَهُ وَيَنْتِفُ شَعْرَهُ وَيَقُولُ: هَلَكَ الْأَبْعَدُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمَا ذَاكَ؟ قَالَ: أَصَبْتُ أَهْلِي فِي رَمَضَانَ وَأَنَا صَائِمٌ فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ

The Prophet said, “Sit down.” Then a sack of dates was brought to him—and the remainder of the report was mentioned.

وَسَلَّمَ - هَلْ تَسْتَطِيعُ أَنْ تَعْتِقَ رَقَبَةً؟ قَالَ: لَا، قَالَ: تَسْتَطِيعُ أَنْ تُهْدِيَ بَدَنَةً؟ قَالَ: لَا، قَالَ: فَاجْلِسْ فَأُتِيَ بِعَرَقِ تَمْرٍ وَذَكَرَ بَاقِيَ الْخَبَرِ» .

L11643 And thus we have narrated it through the chain of Ibn Jurayj and Ma’mar from ’Ata’ al-Khurasani from Sa’id ibn al-Musayyib: “They should take the sacrificial animal as expiation for that matter; otherwise, are the people merely jesting?” We said to them: “Had we sought to cling to invalid proofs, we would have found better than every narration you have clung to here.” As narrated by ’Abdullah ibn Rabi’, from Muhammad ibn Mu’awiyah, from Ahmad ibn Shu’ayb, from Muhammad ibn Bashshar, from Yahya—Ibn Sa’id al-Qattan—and ’Abd al-Rahman ibn Mahdi, both said together: From Sufyan al-Thawri, from Habib ibn Abi Thabit, from Abu al-Mutawwis, from his father, from Abu Hurayrah, who said: The Messenger of Allah (peace be upon him) said: “Whoever breaks the fast of a day in Ramadan without a valid concession or illness, the fasting of a lifetime will not make up for it even if he observes it.”

وَهَكَذَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ جُرَيْجٍ وَمَعْمَرٍ عَنْ عَطَاءٍ الْخُرَاسَانِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ -: فَلْيَأْخُذُوا بِالْبَدَنَةِ فِي الْكَفَّارَةِ فِي ذَلِكَ، وَإِلَّا فَالْقَوْمُ مُتَلَاعِبُونَ؟ وَقُلْنَا لَهُمْ: لَوْ أَرَدْنَا التَّعَلُّقَ بِمَا لَا يَصِحُّ لَوَجَدْنَا خَيْرًا مِنْ كُلِّ خَبَرٍ تَعَلَّقْتُمْ بِهِ هَاهُنَا، كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ بَشَّارٍ ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانِ - وَعَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ قَالَا جَمِيعًا: ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ - عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ حَدَّثَنِي أَبُو الْمُطَوِّسِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ - مِنْ غَيْرِ رُخْصَةٍ وَلَا مَرَضٍ - لَمْ يَقْضِ عَنْهُ صِيَامُ الدَّهْرِ وَإِنْ صَامَهُ» .

L11644–11645 Aḥmad ibn Shuʿayb said: Muʿammal ibn Hishām reported to us: Ismāʿīl narrated from Shuʿbah, from Ḥabīb ibn Abī Thābit, from ʿUmārah ibn ʿUmayr, from Abū’l-Muṭawwis, from his father, from Abū Hurayrah, from the Prophet—peace and blessings be upon him—who said: “Whoever breaks the fast for a single day in Ramadan without a concession Allah has permitted, a lifetime’s fasting would never compensate for him.”

قَالَ أَحْمَدُ بْنُ شُعَيْبٍ: وَأَنْبَأَنَا مُؤَمَّلُ بْنُ هِشَامٍ ثنا إِسْمَاعِيلُ عَنْ شُعْبَةَ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ عُمَارَةَ بْنِ عُمَيْرٍ عَنْ أَبِي الْمُطَوِّسِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ - مِنْ غَيْرِ رُخْصَةٍ رَخَّصَهَا اللَّهُ لَمْ يَقْضِ عَنْهُ صَوْمُ الدَّهْرِ» .

L11646 Ahmad ibn Shu’ayb said: Mahmud ibn Ghaylan informed us, Abu Dawud al-Tayalisi narrated to us, Shu‘bah narrated to us, saying: Habib ibn Abi Thabit informed me, saying: I heard ‘Umarah ibn ‘Umayr narrating from Abu al-Mutawwis. Habib said: I saw Abu al-Mutawwis, so Habib’s meeting with him was validated. Is this not better than all they have relied upon? As for us, we do not depend on it, for Abu al-Mutawwis is not renowned for integrity. May Allah protect us from citing a weak narrator when he agrees with us and rejecting him when he contradicts us? The eminent predecessors held

قَالَ أَحْمَدُ بْنُ شُعَيْبٍ: أَنْبَأَنَا مَحْمُودُ بْنُ غَيْلَانَ ثنا أَبُو دَاوُد الطَّيَالِسِيُّ ثنا شُعْبَةُ، قَالَ: أَخْبَرَنِي حَبِيبُ بْنُ أَبِي ثَابِتٍ قَالَ: سَمِعْت عُمَارَةَ بْنَ عُمَيْرٍ يُحَدِّثُ عَنْ أَبِي الْمُطَوِّسِ، قَالَ حَبِيبٌ: وَقَدْ رَأَيْت أَبَا الْمُطَوِّسِ، فَصَحَّ لِقَاؤُهُ إيَّاهُ فَهَذَا أَحْسَنُ مِنْ كُلِّ مَا تَعَلَّقُوا بِهِ؟ وَأَمَّا نَحْنُ فَلَا نَعْتَمِدُ عَلَيْهِ، لِأَنَّ أَبَا الْمُطَوِّسِ غَيْرُ مَشْهُورٍ بِالْعَدَالَةِ، وَيُعِيذُنَا اللَّهُ مِنْ

a view similar to ours. It was narrated to us through the chain of ʻAbdullah ibn al-Mubarak from Hisham al-Dastuwa'i from Yahya ibn Abi Kathir from ʻAbd al-Rahman ibn al-Baylamani: that Abu Bakr al-Siddiq said to ʻUmar ibn al-Khattab—may Allah be pleased with them—among his instructions to him: "Whoever fasts the month of Ramadan at another time, it will not be accepted from him, even if he were to fast for all eternity."

أَنَّ نَحْتَجَّ بِضَعِيفٍ إِذَا وَافَقَنَا، وَنَرُدُّهُ إِذَا خَالَفَنَا؟ وَقَالَ بِمِثْلِ قَوْلِنَا أَفَاضِلُ السَّلَفِ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْبَيْلَمَانِيِّ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ قَالَ لِعُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُمَا - فِيمَا أَوْصَاهُ بِهِ: مَنْ صَامَ شَهْرَ رَمَضَانَ فِي غَيْرِهِ لَمْ يُقْبَلْ مِنْهُ وَلَوْ صَامَ الدَّهْرَ أَجْمَعَ.

L11647 And through the chain of Sufyan al-Thawri from Abdullah ibn Sinan from Abdullah ibn Abi al-Hudhayl from Umar ibn al-Khattab, that an elderly man who drank wine during Ramadan was brought to him. He said, "To the nostrils! To the nostrils! Our two sons are fasting!" Then he lashed him eighty times and sent him to the Levant.

وَمِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ سِنَانٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي الْهُذَيْلِ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ أُتِيَ بِشَيْخٍ شَرِبَ الْخَمْرَ فِي رَمَضَانَ، فَقَالَ لِلْمَنْخَرَيْنِ لِلْمَنْخَرَيْنِ وِلْدَانُنَا صِيَامٌ ثُمَّ ضَرَبَهُ ثَمَانِينَ وَصَيَّرَهُ إِلَى الشَّامِ.

L11648–11649 Abū Muḥammad said: Did he not mention making up the fast or expiation? From the narration of Sufyān, from ʿAṭāʾ ibn Abī Marwān, from his father: that the Negus was brought to ʿAlī ibn Abī Ṭālib after he had drunk wine during Ramadan. He struck him eighty, then struck him twenty the next day, saying: "We struck you twenty for your audacity against Allah and your breaking the fast in Ramadan?" ʿAlī said: He did not mention making up the fast or expiation.

قَالَ أَبُو مُحَمَّد: وَلَمْ يَذْكُرْ قَضَاءً وَلَا كَفَّارَةً؟ وَمِنْ طَرِيقِ سُفْيَانَ عَنْ عَطَاءِ بْنِ أَبِي مَرْوَانَ عَنْ أَبِيهِ: أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ أُتِيَ بِالنَّجَاشِيِّ قَدْ شَرِبَ الْخَمْرَ فِي رَمَضَانَ، فَضَرَبَهُ ثَمَانِينَ، ثُمَّ ضَرَبَهُ مِنْ الْغَدِ عِشْرِينَ، وَقَالَ: ضَرَبْنَاكَ الْعِشْرِينَ لِجُرْأَتِكَ عَلَى اللَّهِ وَإِفْطَارِكَ فِي رَمَضَانَ؟ قَالَ عَلِيٌّ: وَلَمْ يَذْكُرْ قَضَاءً، وَلَا كَفَّارَةً

L11650 And through the narration chain of Ibn Abī Shaybah, from Abū Muʿāwiyah, from ʿUmar ibn Yaʿlā al-Thaqafī.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي مُعَاوِيَةَ عَنْ عُمَرَ بْنِ يَعْلَى الثَّقَفِيِّ.

L11651 On the authority of Arfajah, on the authority of Ali ibn Abi Talib, who said: Whoever intentionally breaks the fast on a day of Ramadan will never compensate for it, even with the entire span of time.

عَنْ عَرْفَجَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ مُتَعَمِّدًا لَمْ يَقْضِهِ أَبَدًا طُولُ الدَّهْرِ.

L11652 From Ibn Masʿud: Whoever breaks the fast during a day of Ramadan without a valid excuse, his fasting for a lifetime would not suffice him—even if he were to fast it.

وَعَنْ ابْنِ مَسْعُودٍ: مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ مِنْ غَيْرِ رُخْصَةٍ لَمْ يُجْزِهِ صِيَامُ الدَّهْرِ وَإِنْ صَامَهُ.

L11653 And via the most authentic chain from Ali ibn al-Husayn, narrating from Abu Huraira, that a man broke his fast during Ramadan. Abu Huraira said: "His fasting for a year is not accepted."

وَبِأَصَحِّ طَرِيقٍ عَنْ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَجُلًا أَفْطَرَ فِي رَمَضَانَ، فَقَالَ أَبُو هُرَيْرَةَ: لَا يُقْبَلُ مِنْهُ صَوْمُ سَنَةٍ.

L11654 From the route of Al-ʿAlāʾ ibn ʿAbd al-Raḥmān, from his father, from Abū Hurayrah: Whoever breaks the fast on a day of Ramadan without making it up with a day from the worldly life, no day in this worldly life can compensate for it.

وَمِنْ طَرِيقِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ، عَنْ أَبِي هُرَيْرَةَ: مَنْ أَفْطَرَ يَوْمًا مِنْ أَيَّامِ رَمَضَانَ لَمْ يَقْضِهِ يَوْمًا مِنْ أَيَّامِ الدُّنْيَا.

L11655 Abu Muhammad said: Among the foundational principles of the Hanafi school—those who go to extremes in opposing it while abandoning the Sunnah for its sake—is their stance that when a narration contradicts its transmitter among the Companions, this constitutes evidence for them of the narration's weakness or abrogation. They applied this principle to the hadith of Ibn Mughaffal and Abu Huraira concerning washing a vessel seven times after a dog's lapping, one wash being with soil. They rejected it by claiming Abu Huraira contradicted it, though they lied in this assertion. Rather, his endorsement of it has been authentically established. This represents a case where Abu Huraira contradicted the reported ruling transmitted in this matter.

قَالَ أَبُو مُحَمَّد: مِنْ أَصْلِ الْحَنَفِيِّينَ الَّذِينَ يُجَاحِشُونَ عَنْهُ - وَيَتْرُكُونَ لَهُ السُّنَنَ -: أَنَّ الْخَبَرَ إذَا خَالَفَهُ رَاوِيهِ مِنْ الصَّحَابَةِ كَانَ ذَلِكَ عِنْدَهُمْ دَلِيلًا عَلَى ضَعْفِ ذَلِكَ الْخَبَرِ أَوْ نَسْخِهِ، قَالُوا ذَلِكَ فِي حَدِيثِ ابْنِ مُغَفَّلٍ، وَأَبِي هُرَيْرَةَ فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا إحْدَاهُنَّ بِالتُّرَابِ، فَتَرَكُوهُ؛ لِأَنَّهُمْ ادَّعَوْا أَنَّ أَبَا هُرَيْرَةَ خَالَفَهُ، وَقَدْ كَذَبُوا فِي ذَلِكَ، بَلْ قَدْ صَحَّ عَنْهُ الْقَوْلُ بِهِ، وَهَذَا مَكَانٌ قَدْ خَالَفَ فِيهِ - أَبُو هُرَيْرَةَ مَا رُوِيَ مِنْ هَذَا الْقَضَاءِ.

L11656–11658 Saʿīd ibn al-Musayyab also disagreed with him—as we will mention after this if Allah the Exalted wills—holding the view that whoever breaks the fast on a day of Ramadan must fast for one month. Therefore, it is incumbent upon them to disregard the make-up fasts mentioned in the hadith. With these two narrations? If they say others besides Abu Hurairah and Sa'id have narrated it, we say: The washing of the vessel seven times after a dog's lapping has indeed been narrated by others besides Abu Hurairah. If they say it is impossible that Abu Hurairah possessed this report yet issued a legal opinion contradicting it, we say: Then say this regarding the report about washing the vessel: "Is it impossible that he possessed that report yet contradicts it?" Is this what they cannot escape from?

وَخَالَفَهُ أَيْضًا سَعِيدُ بْنُ الْمُسَيِّبِ - عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى، فَرَأَى عَلَى مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ صَوْمَ شَهْرٍ؛ فَيَنْبَغِي لَهُمْ إسْقَاطُ الْقَضَاءِ الْمَذْكُورِ فِي الْخَبَرِ بِهَاتَيْنِ الرِّوَايَتَيْنِ؟ فَإِنْ قَالُوا قَدْ رَوَاهُ غَيْرُ أَبِي هُرَيْرَةَ، وَغَيْرُ سَعِيدٍ؟ قُلْنَا: وَغَسْلُ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا قَدْ رَوَاهُ غَيْرُ أَبِي هُرَيْرَةَ فَإِنْ قَالُوا مُحَالٌ أَنْ يَكُونَ عِنْدَ أَبِي هُرَيْرَةَ هَذَا الْخَبَرُ وَيُفْتِي بِخِلَافِهِ؟ قُلْنَا: فَقُولُوا هَذَا فِي خَبَرِ غَسْلِ الْإِنَاءِ: مُحَالٌ أَنْ يَكُونَ عِنْدَهُ ذَلِكَ الْخَبَرُ وَيُخَالِفُهُ وَهَذَا مَا لَا مُخْلَصَ لَهُمْ مِنْهُ؟

[مَسْأَلَةٌ الْمَرِيض وَالْمُسَافِر إذَا أَفْطَرَا]

The ruling regarding the sick person and the traveler when they break their fast.

L11659

L11660 736 - Issue: There is no obligation to make up [fasts] except upon five only: they are the menstruating women, the postpartum women (for these two must make up the days of menstruation and postpartum, there being

no disagreement from anyone regarding that), the sick, and the traveler on a journey where prayer is shortened.

٧٣٦ - مَسْأَلَةٌ: وَلَا قَضَاءَ إلَّا عَلَى خَمْسَةٍ فَقَطْ: وَهُمْ الْحَائِضُ، وَالنُّفَسَاءُ فَإِنَّهُمَا يَقْضِيَانِ أَيَّامَ الْحَيْضِ وَالنِّفَاسِ، لَا خِلَافَ فِي ذَلِكَ مِنْ أَحَدٍ، وَالْمَرِيضُ، وَالْمُسَافِرُ سَفَرًا تُقْصَرُ فِيهِ الصَّلَاةُ.

L11661 Due to the saying of Allah the Exalted: {The month of Ramadan is that in which the Qur'an was revealed as guidance for mankind, clear proofs of guidance, and the Criterion. So whoever among you witnesses the month, let him fast during it, and whoever is ill or on a journey, then let them fast an equal number of other days} [Al-Baqarah: 185].[14]

لِقَوْلِ اللَّهِ تَعَالَى: {شَهْرُ رَمَضَانَ الَّذِي أُنْزِلَ فِيهِ الْقُرْآنُ هُدًى لِلنَّاسِ وَبَيِّنَاتٍ مِنَ الْهُدَى وَالْفُرْقَانِ فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] .

L11662 The one who intentionally vomits, based on the report we mentioned earlier – and there is also scholarly consensus regarding the sick person and the traveler if they break their fast – all of them are obedient to God Almighty, and no sin is upon them except the intentional vomiter who is mindful. Indeed, he is sinful, and no expiation is required of him.

وَالْمُتَقَيِّئُ عَمْدًا، بِالْخَبَرِ الَّذِي ذَكَرْنَا قَبْلُ، وَهَذَا كُلُّهُ أَيْضًا مُجْمَعٌ عَلَيْهِ فِي الْمَرِيضِ، وَالْمُسَافِرِ إذَا أَفْطَرَا، وَكُلُّهُمْ مُطِيعٌ لِلَّهِ تَعَالَى، لَا إثْمَ عَلَيْهِمْ، إلَّا الْمُتَقَيِّئَ، وَهُوَ ذَاكِرٌ، فَإِنَّهُ آثِمٌ وَلَا كَفَّارَةَ عَلَيْهِ

L11663 **A legal case: Deliberately invalidating the fast during Ramadan by means of an impermissible act for him.**

[مَسْأَلَةٌ تَعَمَّدَ فِطْرًا فِي رَمَضَانَ بِمَا لَمْ يُبَحْ لَهُ]

L11664–11666 Issue 737: There is no expiation required for one who intentionally breaks the fast in Ramadan through impermissible means, except for one who engages in vaginal intercourse with his wife or female slave whom he is lawfully permitted to have intercourse with, if he was not fasting at all. In that case, expiation is incumbent upon him, as we will detail hereafter, God Almighty willing. No making up the fast is obligated for the missed day, for the reason we mentioned. The proof of this is that the Messenger of God—peace and blessings be upon him—only mandated expiation upon one who intentionally had intercourse with his wife. The term "his wife" applies to the lawfully permitted female slave, just as it applies to the wife. The plural of "woman" (imra'a) is not derived from its root; rather, it is "women" (nisā'), and there is no singular form for "women" from its root. God Almighty said: "Your women are a tilth for you" (Quran 2:223), which indisputably

؟ ٧٣٧ - مَسْأَلَةٌ: وَلَا كَفَّارَةَ عَلَى مَنْ تَعَمَّدَ فِطْرًا فِي رَمَضَانَ بِمَا لَمْ يُبَحْ لَهُ، إلَّا مَنْ وَطِئَ فِي الْفَرْجِ مِنْ امْرَأَتِهِ أَوْ أَمَتِهِ الْمُبَاحِ لَهُ وَطْؤُهُمَا إذَا لَمْ يَكُنْ صَائِمًا فَقَطْ، فَإِنَّ عَلَيْهِ الْكَفَّارَةَ، عَلَى مَا نَصِفُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى، وَلَا يُقَدَّرُ الْقَضَاءُ، لِمَا ذَكَرْنَا؟ بُرْهَانُ ذَلِكَ -: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يُوجِبْ الْكَفَّارَةَ إلَّا عَلَى وَاطِئِ امْرَأَتِهِ عَامِدًا، وَاسْمُ امْرَأَتِهِ يَقَعُ عَلَى الْأَمَةِ الْمُبَاحِ وَطْؤُهَا، كَمَا يَقَعُ عَلَى الزَّوْجَةِ، وَلَا جَمْعَ لِلْمَرْأَةِ مِنْ لَفْظِهَا، لَكِنْ جَمْعُ الْمَرْأَةِ عَلَى نِسَاءٍ، وَلَا وَاحِدَ لِلنِّسَاءِ مِنْ لَفْظِهِ، قَالَ تَعَالَى: {نِسَاؤُكُمْ حَرْثٌ لَكُمْ} [البقرة: ٢٢٣] فَدَخَلَ فِي ذَلِكَ - بِلَا خِلَافٍ -: الْأَمَةُ الْمُبَاحَةُ، وَالزَّوْجَةُ؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ

[14] **Qur'an references (L11661):** Qur'an 2:185 (Al-Baqarah).

includes both the lawfully permitted female slave and the wife? Narrated by Abdullah ibn Yusuf, from Ahmad ibn Fath, from Abdul Wahhab ibn Isa, from Ahmad ibn Muhammad. Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Yahya ibn Yahya, Abu Bakr ibn Abi Shaybah, Zuhayr ibn Harb, and Muhammad ibn Abdullah ibn Numayr all narrated to us—all from Sufyan ibn Uyaynah from al-Zuhri from Humaid ibn Abd al-Rahman from Abu Hurayrah, who said: A man came to the Messenger of Allah—peace and blessings be upon him—and said, "I am ruined, O Messenger of Allah!" He asked, "What has ruined you?" The man replied, "I lay with my wife during Ramadan." He asked, "Can you afford to free a slave?" The man said, "No." He asked, "Can you fast two consecutive months?" The man said, "No." He asked, "Can you afford to feed sixty poor people?" The man said, "No." Then he sat down. The Prophet—peace and blessings be upon him—was brought a palm-leaf basket filled with dates, and he said, "Give this as charity." The man replied, "Is there anyone poorer than us? By the two lava plains, there is no household more in need of it than us!" The Prophet—peace and blessings be upon him—laughed until his canine teeth became visible, then said, "Go and feed it to your family."[15]

بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى، وَأَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَزُهَيْرُ بْنُ حَرْبٍ، وَمُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ، كُلُّهُمْ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ قَالَ «جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: هَلَكْتُ يَا رَسُولَ اللَّهِ، قَالَ: وَمَا أَهْلَكَكَ؟ قَالَ: وَقَعْتُ عَلَى امْرَأَتِي فِي رَمَضَانَ، قَالَ: هَلْ تَجِدُ مَا تَعْتِقُ رَقَبَةً؟ قَالَ: لَا، قَالَ: فَهَلْ تَسْتَطِيعُ أَنْ تَصُومَ شَهْرَيْنِ مُتَتَابِعَيْنِ؟ قَالَ: لَا، قَالَ: فَهَلْ تَجِدُ مَا تُطْعِمُ سِتِّينَ مِسْكِينًا؟ قَالَ لَا ثُمَّ جَلَسَ، فَأُتِيَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِعَرَقٍ فِيهِ تَمْرٌ، فَقَالَ: تَصَدَّقْ بِهَذَا؟ فَقَالَ: أَفْقَرَ مِنَّا فَمَا بَيْنَ لَابَتَيْهَا أَهْلُ بَيْتٍ أَحْوَجُ إِلَيْهِ مِنَّا فَضَحِكَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَتَّى بَدَتْ أَنْيَابُهُ، ثُمَّ قَالَ: اذْهَبْ فَأَطْعِمْهُ أَهْلَكَ» .

L11667 Abu Muhammad said: This was narrated by Mansur ibn al-Mu'tamir, Shu'ayb ibn Abi Hamzah, al-Layth ibn Sa'd, al-Awza'i, Ma'mar, and 'Irāq ibn Mālik: all of them from al-Zuhri, from Humaid ibn Abd al-Rahman, from Abu Hurayrah, from the Messenger of Allah, peace and blessings be upon him.

قَالَ أَبُو مُحَمَّدٍ: هَكَذَا رَوَاهُ مَنْصُورُ بْنُ الْمُعْتَمِرِ، وَشُعَيْبُ بْنُ أَبِي حَمْزَةَ، وَاللَّيْثُ بْنُ سَعْدٍ، وَالْأَوْزَاعِيُّ، وَمَعْمَرٌ، وَعِرَاكُ بْنُ مَالِكٍ كُلُّهُمْ عَنْ الزُّهْرِيِّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11668 Ashhab differed in this wording from the rest of Al-Layth's companions; he did not impose expiation on anyone other than those we specified. The Prophet (peace be upon him) said: "Your blood and your wealth are inviolable for you." Thus, it is unlawful to appropriate anyone's property without explicit textual evidence or definitive consensus.

وَخَالَفَ أَشْهَبُ فِي هَذَا اللَّفْظِ سَائِرَ أَصْحَابِ اللَّيْثِ؟ فَلَمْ يُوجِبْ الْكَفَّارَةَ عَلَى غَيْرِ مَنْ ذَكَرْنَا، وَقَدْ قَالَ - عَلَيْهِ السَّلَامُ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» فَلَا يَحِلُّ مَالُ أَحَدٍ بِغَيْرِ نَصٍّ أَوْ إجْمَاعٍ مُتَيَقَّنٍ.

L11669 Is it not impermissible for anyone to enforce the imposition of a monetary fine that has not been ordained by the Quran or the Messenger of Allah—may Allah's peace and blessings be upon him—thereby transgressing Allah's

وَلَا يَحِلُّ لِأَحَدٍ إيجَابُ غَرَامَةٍ لَمْ يُوجِبْهَا الْقُرْآنُ وَلَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَيَتَعَدَّى بِذَلِكَ حُدُودَ اللَّهِ، وَيُبِيحُ الْمَالَ الْمُحَرَّمَ، وَيُشَرِّعُ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى؟

[15] **Qur'an references (L11664):** Qur'an 2:223 (Al-Baqarah).

boundaries, legitimizing forbidden wealth, and legislating what Allah the Exalted has not authorized?

فَإِنْ قِيلَ: فَلِمَ لَمْ تُوجِبُوا الْكَفَّارَةَ عَلَى كُلِّ مَنْ أَفْطَرَ فِي رَمَضَانَ فِطْرًا لَمْ يُبَحْ لَهُ، بِأَيِّ شَيْءٍ أَفْطَرَ؟ بِمَا رَوَيْتُمُوهُ مِنْ طَرِيقِ مَالِكٍ، وَابْنِ جُرَيْجٍ، وَيَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، كُلُّهُمْ عَنِ الزُّهْرِيِّ، وَمِنْ طَرِيقِ أَشْهَبَ عَنِ اللَّيْثِ عَنِ الزُّهْرِيِّ، ثُمَّ اتَّفَقُوا: عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَجُلًا أَفْطَرَ فِي نَهَارِ رَمَضَانَ، فَأَمَرَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُكَفِّرَ بِعِتْقِ رَقَبَةٍ، أَوْ صِيَامِ شَهْرَيْنِ مُتَتَابِعَيْنِ، أَوْ إِطْعَامِ سِتِّينَ مِسْكِينًا؟ فَقَالَ: لَا أَجِدُ، فَأُتِيَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِعَرَقِ تَمْرٍ، فَقَالَ: خُذْ هَذَا فَتَصَدَّقْ بِهِ؟ فَقَالَ: يَا رَسُولَ اللَّهِ لَا أَجِدُ أَحْوَجَ إِلَيْهِ مِنِّي فَضَحِكَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَتَّى بَدَتْ أَنْيَابُهُ، وَقَالَ: كُلْهُ» .

L11670–11673 If it is asked: Why do you not obligate expiation upon everyone who breaks the fast in Ramadan through a fast-breaking that was not permissible for him, by what means he broke it? This is based on what you have narrated through the chains of Mālik, Ibn Jurayj, and Yaḥyā ibn Saʿīd al-Anṣārī—all from al-Zuhrī—and through the chain of Ashhab from al-Layth from al-Zuhrī. Then they all concurred in narrating from Ḥumayd ibn ʿAbd al-Raḥmān from Abū Hurayrah: “A man broke his fast during the day in Ramadan, so the Messenger of Allah—peace and blessings be upon him—commanded him to atone by freeing a slave, fasting two consecutive months, or feeding sixty needy people.” The man said, “I cannot find.” Then the Messenger of Allah—peace and blessings be upon him—was brought a basket of dates, and he said, “Take this and give it in charity.” The man replied, “O Messenger of Allah, I cannot find.” “He is more in need of it than I,” so the Messenger of Allah - may Allah bless him and grant him peace - laughed until his molars became visible and said: “Eat it.”

قُلْنَا: لِأَنَّهُ خَبَرٌ وَاحِدٌ عَنْ رَجُلٍ وَاحِدٍ، فِي قِصَّةٍ وَاحِدَةٍ، بِلَا شَكٍّ، فَرَوَاهُ مَنْ ذَكَرْنَا عَنِ الزُّهْرِيِّ مُجْمَلًا مُخْتَصَرًا، وَرَوَاهُ الْآخَرُونَ الَّذِي ذَكَرْنَا قَبْلُ وَأَتَوْا بِلَفْظِ الْخَبَرِ كَمَا وَقَعَ، كَمَا سُئِلَ - عَلَيْهِ السَّلَامُ -، وَكَمَا أَفْتَى، وَبَيَّنُوا فِيهِ أَنَّ تِلْكَ الْقَضِيَّةَ إِنَّمَا كَانَتْ وَطْئًا لِامْرَأَتِهِ، وَرَتَّبُوا الْكَفَّارَةَ كَمَا أَمَرَ بِهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَحَالَ مَالِكٌ، وَابْنُ جُرَيْجٍ، وَيَحْيَى: صِفَةَ التَّرْتِيبِ، وَأَجْمَلُوا الْأَمْرَ، وَأَتَوْا بِغَيْرِ لَفْظِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَمْ يَجُزْ الْأَخْذُ بِمَا رَوَوْهُ مِنْ ذَلِكَ، مِمَّا هُوَ لَفْظٌ مِنْ دُونِ النَّبِيِّ - عَلَيْهِ السَّلَامُ - مِمَّنْ اخْتَصَرَ الْخَبَرَ وَأَجْمَلَهُ، وَكَانَ الْفَرْضُ أَخْذُ فُتْيَا النَّبِيِّ - عَلَيْهِ السَّلَامُ - كَمَا أَفْتَى بِهَا، بِنَصِّ كَلَامِهِ فِيمَا أَفْتَى بِهِ؟ فَإِنْ قِيلَ: فَإِنَّا نَقِيسُ كُلَّ مُفْطِرٍ عَلَى الْمُفْطِرِ بِالْوَطْءِ؛

L11674–11676 We said: because it is a single narration from a single man in a single case, without any doubt, so those we mentioned transmitted it. From al-Zuhri in a summarized and concise form, while the other narrators we previously mentioned reported it with the precise wording of the incident as it occurred—just as he (peace be upon him) was asked, issued the ruling, and they clarified within it that this case specifically involved intercourse with one’s wife. They outlined the expiation in the sequence commanded by the Messenger of Allah (peace and blessings be upon him). Mālik, Ibn Jurayj, and Yaḥyā referenced the description of the sequence but omitted details, generalized the matter, and used wording other than that of the Prophet (peace be upon him). It is therefore impermissible to adopt what they narrated from such reports—those phrased by narrators other than the Prophet (peace be upon him) who condensed and generalized the report. The obligation is to adhere strictly to the Prophet’s ruling (peace be upon him) as he issued it, with the explicit wording of his statement in his verdict. If it is said: “We analogize every person who breaks the fast to one who breaks it through intercourse,

since all involve prohibited breaking of the fast," we respond: All analogical reasoning is invalid. Even if analogy were valid, this specific analogy would remain invalid, for there exists a report about one who intentionally induces vomiting—requiring only makeup fasting without expiation.

لِأَنَّهُ كُلُّهُ فِطْرٌ مُحَرَّمٌ؟ قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَاهُنَا هَذَا الْقِيَاسُ بَاطِلًا، لِأَنَّهُ قَدْ جَاءَ خَبَرُ الْمُتَقَيِّءِ عَمْدًا، وَفِيهِ الْقَضَاءُ، وَلَمْ يَذْكُرْ فِيهِ كَفَّارَةً.

L11677 What makes the analogy of other fasting-breakers to the ruling on one who engages in intercourse more valid than analogizing them to the ruling on one who intentionally vomits? The eater and the drinker resemble the intentional vomiter more than the one who engages in intercourse, because their breaking of the fast originates entirely from their throats—not their private parts, unlike the latter. Moreover, their breaking of the fast does not necessitate ghusl (ritual bath), unlike that of the one who engages in intercourse. Thus, this is sounder in analogy—if analogy were valid. They have unanimously agreed that no expiation is required for one who intentionally interrupts their prayer, though prayer holds greater sanctity and stricter obligation than fasting. Consequently, expiation deviates from the foundational principle, rendering analogy based on its report impermissible. If one argues: "I impose expiation on the intentional vomiter because I include him among those who broke the fast and were commanded to perform expiation, treating this report transmitted by Malik, Ibn Jurayj, and Yahya from al-Zuhrī as supplementary to the report regarding intentional vomiting," we reply: This necessarily applies to anyone who employs the wording of Malik's report, Ibn Jurayj's report, and Yahya's report from al-Zuhrī. Otherwise, it is self-contradictory. Indeed, some jurists have upheld this position.

فَمَا الَّذِي جَعَلَ قِيَاسَ سَائِرِ الْمُفْطِرِينَ عَلَى حُكْمِ الْوَاطِئِ أَوْلَى مِنْ قِيَاسِهِمْ عَلَى حُكْمِ الْمُتَعَمِّدِ لِلْقَيْءِ؟ وَالْآكِلُ، وَالشَّارِبُ أَشْبَهُ بِالْمُتَعَمِّدِ لِلْقَيْءِ مِنْهُمَا بِالْوَاطِئِ؛ لِأَنَّ فِطْرَهُمْ كُلَّهُمْ مِنْ حُلُوقِهِمْ لَا مِنْ فُرُوجِهِمْ، بِخِلَافِ الْوَاطِئِ؛ وَلِأَنَّ فِطْرَهُمْ كُلَّهُمْ لَا يُوجِبُ الْغُسْلَ، بِخِلَافِ فِطْرِ الْوَاطِئِ؛ فَهَذَا أَصَحُّ فِي الْقِيَاسِ، لَوْ كَانَ الْقِيَاسُ حَقًّا؟ وَقَدْ أَجْمَعُوا عَلَى أَنَّهُ لَا كَفَّارَةَ عَلَى الْمُتَعَمِّدِ لِقَطْعِ صَلَاتِهِ؛ وَالصَّلَاةُ أَعْظَمُ حُرْمَةً وَآكَدُ مِنَ الصِّيَامِ، فَصَارَتِ الْكَفَّارَةُ خَارِجَةً عَنِ الْأَصْلِ، فَلَمْ يَجُزْ أَنْ يُقَاسَ عَلَى خَبَرِهَا؟ فَإِنْ قَالَ: إِنِّي أُوجِبُ الْكَفَّارَةَ عَلَى الْمُتَعَمِّدِ لِلْقَيْءِ، لِأَنِّي أُدْخِلُهُ فِي جُمْلَةِ مَنْ أَفْطَرَ فَأُمِرَ بِالْكَفَّارَةِ، وَأَجْعَلُ هَذَا الْخَبَرَ الَّذِي رَوَاهُ مَالِكٌ، وَابْنُ جُرَيْجٍ، وَيَحْيَى عَنِ الزُّهْرِيِّ -: زَائِدًا عَلَى مَا فِي خَبَرِ الْمُتَعَمِّدِ الْقَيْءَ؟ قُلْنَا: هَذَا لَازِمٌ لِكُلِّ مَنِ اسْتَعْمَلَ لَفْظَ خَبَرِ مَالِكٍ، وَابْنِ جُرَيْجٍ عَنِ الزُّهْرِيِّ لَازِمٌ لَهُ، وَإِلَّا فَهُوَ مُتَنَاقِضٌ، وَقَدْ قَالَ بِهَذَا بَعْضُ الْفُقَهَاءِ.

L11678 It has been narrated from Abu Thawr and Ibn al-Majishun. However, those who held this view did not speak except to assert the predominance of the narrations from all of al-Zuhri's companions - which we have previously prioritized - over what these [scholars] exclusively abbreviated.

وَرُوِيَ عَنْ أَبِي ثَوْرٍ، وَابْنِ الْمَاجِشُونِ، إِلَّا أَنَّ مَنْ ذَهَبَ إِلَى هَذَا لَمْ يُكَلِّمْ إِلَّا فِي تَغْلِيبِ رِوَايَةِ سَائِرِ أَصْحَابِ الزُّهْرِيِّ الَّتِي قَدَّمْنَا عَلَى مَا اخْتَصَرَهُ هَؤُلَاءِ فَقَطْ.

L11679–11680 There is no position except our view or the position of those who mandate expiation and making up the fast for every person who breaks it, regardless of the manner in which they broke it. This is based on the generality of the narrations from Mālik, Ibn Jurayj, and Yaḥyā, and by analogy in totality to the ruling for those who break the fast through sexual intercourse or vomiting.

وَلَيْسَ إِلَّا قَوْلُنَا أَوْ قَوْلُ مَنْ أَوْجَبَ الْكَفَّارَةَ وَالْقَضَاءَ عَلَى كُلِّ مُفْطِرٍ، بِأَيِّ وَجْهٍ أَفْطَرَ، بِعُمُومِ رِوَايَةِ مَالِكٍ، وَابْنِ جُرَيْجٍ، وَيَحْيَى، وَبِالْقِيَاسِ جُمْلَةً عَلَى الْمُفْطِرِ بِالْوَطْءِ وَبِالْقَيْءِ.

وَأَمَّا الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ: فَلَمْ يَتَعَلَّقُوا بِشَيْءٍ مِنْ هَذَا الْخَبَرِ أَصْلًا، وَلَا بِالْقِيَاسِ، وَلَا بِقَوْلِ أَحَدٍ مِنَ السَّلَفِ لِأَنَّهُمْ أَوْجَبُوا الْكَفَّارَةَ عَلَى بَعْضِ مَنْ أَفْطَرَ بِغَيْرِ الْوَطْءِ فَتَعَدَّوْا مَا رَوَاهُ جُمْهُورُ أَصْحَابِ الزُّهْرِيِّ، وَأَسْقَطُوا الْكَفَّارَةَ عَنْ بَعْضِ مَنْ أَفْطَرَ بِغَيْرِ الْوَطْءِ، مِمَّا قَدْ أَوْجَبَهَا فِيهِ غَيْرُهُمْ، فَخَالَفُوا مَا رَوَاهُ مَالِكٌ، وَيَحْيَى، وَابْنُ جُرَيْجٍ؛ فَخَالَفُوا كُلَّ لَفْظِ خَبَرٍ وَرَدَ فِي ذَلِكَ جُمْلَةً وَخَالَفُوا الْقِيَاسَ؛ إِذْ لَمْ يُوجِبُوا الْكَفَّارَةَ عَلَى بَعْضِ مَنْ أَفْطَرَ بِغَيْرِ الْوَطْءِ وَبِالْوَطْءِ، وَلَمْ يَتَّبِعُوا ظَاهِرَ الْآثَارِ؛ إِذْ أَوْجَبُوهَا عَلَى بَعْضِ مَنْ أَفْطَرَ بِغَيْرِ الْوَطْءِ عَلَى مَا نَذْكُرُ مِنْ أَقْوَالِهِمْ بَعْدَ هَذَا؛ فَلَا يَجُوزُ إِيهَامُهُمْ بِأَنَّهُمْ تَعَلَّقُوا فِي هَذَا الْمَوْضِعِ بِشَيْءٍ مِنَ الْآثَارِ، أَوْ بِشَيْءٍ مِنَ الْقِيَاسِ -: عَلَى مَنْ نَبَّهْنَاهُ عَلَى تَخَاذُلِ أَقْوَالِهِمْ فِي ذَلِكَ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11681 As for the Ḥanafīs, Mālikīs, and Shāfiʿīs: they did not rely on any part of this report whatsoever, nor on Analogy, nor on any statement from the Salaf. This is because they obligated expiation upon some who broke their fast without sexual intercourse, thereby overstepping what the majority of al-Zuhrī's companions narrated. They also exempted some who broke their fast without sexual intercourse from expiation in cases where others had obligated it, thereby contradicting what Mālik, Yaḥyā, and Ibn Jurayj transmitted. Thus, they rejected every textual report on this matter in its entirety, and contradicted Analogy by not obligating expiation upon some who broke their fast either without or with sexual intercourse. They further deviated from the apparent meaning of the traditions, as they obligated expiation upon some who broke their fast without sexual intercourse—as we will later mention in their statements. Therefore, it is impermissible to imply that they relied on any traditions or any Analogy in this matter—for those regarding whom we have highlighted the mutual inconsistency of their positions on this. And success is from Allah, the Exalted.

قَالَ أَبُو مُحَمَّدٍ: وَقَدْ اخْتَلَفَ السَّلَفُ فِي هَذَا، فَنَذْكُرُ إِنْ شَاءَ اللَّهُ تَعَالَى مَا يَسَّرَ اللَّهُ عَزَّ وَجَلَّ لِذِكْرِهِ مِنْ أَقْوَالِهِمْ، ثُمَّ نُعْقِبُ بِأَقْوَالِ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ، الَّتِي لَا مُتَعَلَّقَ لَهَا بِالْقُرْآنِ وَلَا بِشَيْءٍ مِنَ الرِّوَايَاتِ، وَالسُّنَنِ، لَا صَحِيحِهَا وَلَا سَقِيمِهَا، وَلَا بِإِجْمَاعٍ، وَلَا بِقَوْلِ صَاحِبٍ، وَلَا بِقِيَاسٍ، وَلَا بِرَأْيٍ لَهُ وَجْهٌ، وَلَا بِاحْتِيَاطٍ، وَبِاللَّهِ تَعَالَى نَتَأَيَّدُ؟ فَقَالَتْ طَائِفَةٌ: لَا كَفَّارَةَ عَلَى مُفْطِرٍ فِي رَمَضَانَ بِوَطْءٍ وَلَا بِغَيْرِهِ -: رُوِّينَا بِأَصَحِّ إِسْنَادٍ عَنِ الْحَجَّاجِ بْنِ الْمِنْهَالِ: ثنا أَبُو عَوَانَةَ عَنِ الْمُغِيرَةِ بْنِ مِقْسَمٍ - عَنْ إِبْرَاهِيمَ النَّخَعِيِّ، فِي رَجُلٍ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ، قَالَ: يَسْتَغْفِرُ اللَّهَ وَيَصُومُ يَوْمًا مَكَانَهُ؟ وَعَنِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ، وَأَيُّوبَ السِّخْتِيَانِيِّ، وَحَبِيبِ بْنِ الشَّهِيدِ، وَهِشَامِ بْنِ حَسَّانَ، قَالَ حَمَّادٌ: عَنْ إِبْرَاهِيمَ النَّخَعِيِّ، وَقَالَ أَيُّوبُ، وَحَبِيبٌ وَهِشَامٌ كُلُّهُمْ عَنْ مُحَمَّدِ بْنِ سِيرِينَ. ثُمَّ اتَّفَقَ إِبْرَاهِيمُ، وَابْنُ سِيرِينَ، فِيمَنْ وَطِئَ

L11682–11684 Abu Muhammad said: The predecessors have differed regarding this matter. We will mention, God willing, what God Almighty has facilitated to recount of their statements, then we will follow with the statements of the Hanafis, Malikis, and Shafi'is—which have no connection to the Quran, nor to any narrations or traditions (neither sound nor weak), nor to consensus, nor to a companion's opinion, nor to analogy, nor to a rationally defensible personal view, nor to precaution. And in God Almighty do we seek support. A group said: There is no expiation for one who breaks the fast in Ramadan through intercourse or otherwise. It was narrated to us through the most authentic chain from al-Hajjaj ibn al-Minhal: Abu Awana narrated to us from al-Mughira ibn Miqsam from Ibrahim al-Nakha'i concerning a man who broke a day of Ramadan. He said: He should seek God's forgiveness and fast a day in its place. From al-Hajjaj ibn al-Minhal from Hammad ibn Salamah, who narrated from Hammad ibn Abi Sulayman, Ayyub al-Sikhtiyani, Habib ibn al-Shahid, and Hisham ibn Hassan. Hammad said: From Ibrahim al-Nakha'i. Ayyub, Habib, and Hisham—all of them—said: From Muhammad ibn Sirin. Then Ibrahim and Ibn Sirin concurred regarding one who engages

in intercourse during Ramadan: he must repent to God. Exalted be He, he seeks closeness to Him as much as he is able, and fasts a day in its place.

عَمْدًا فِي رَمَضَانَ: أَنَّهُ يَتُوبُ إِلَى اللَّهِ تَعَالَى، وَيَتَقَرَّبُ إِلَيْهِ مَا اسْتَطَاعَ، وَيَصُومُ يَوْمًا مَكَانَهُ.

L11685 We have also narrated it through Ma'mar's chain from Ayyub from Ibn Sirīn regarding one who intentionally eats during a day of Ramadan—he said: "Must he make up a day and seek Allah's forgiveness?" From Hajjāj ibn al-Minhāl's chain: Jarīr ibn Ḥāzim narrated to us—Ya'lā ibn Ḥakīm reported to me, saying: I asked Sa'īd ibn Jubayr about a man who engaged in sexual intercourse with his wife during Ramadan: "What expiates it?" He replied: "We do not know what expiates it: whether a sin or an error. Allah the Exalted will do with him concerning it as He wills—and must he make up a day?" From Hajjāj ibn al-Minhāl's chain: Abū 'Awāna narrated to us from Ismā'īl ibn Abī Khālid from 'Āmir al-Sha'bī that he said regarding one who breaks a day of Ramadan: "If I were him, I would make up a day." These—Ibn Sirīn, al-Nakha'ī, al-Sha'bī, and Sa'īd ibn Jubayr—hold that no expiation is required for one who intentionally engages in sexual intercourse during Ramadan's daytime. Yet a group affirmed expiation, then differed. We have narrated through Wakī''s chain from Ja'far ibn Barqān from Thābit ibn al-Ḥajjāj al-Kilābī from 'Awf ibn Mālik al-Ashja'ī, who said: 'Umar ibn al-Khaṭṭāb stated: "Does fasting a day outside Ramadan and feeding a poor person equal a day of Ramadan?"—and he joined his two fingers, indicating equivalence. Abū Muḥammad said: "We have observed them adopting 'Umar's ruling regarding the waiting period due to impotence and in setting eighty lashes as the punishment for wine."

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مَعْمَرٍ عَنْ أَيُّوبَ عَنِ ابْنِ سِيرِينَ فِيمَنْ أَكَلَ يَوْمًا مِنْ رَمَضَانَ عَامِدًا، قَالَ: يَقْضِي يَوْمًا وَيَسْتَغْفِرُ اللَّهَ؟ وَمِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ: ثنا جَرِيرُ بْنُ حَازِمٍ حَدَّثَنِي يَعْلَى بْنُ حَكِيمٍ قَالَ: سَأَلْت سَعِيدَ بْنَ جُبَيْرٍ عَنْ رَجُلٍ وَقَعَ بِامْرَأَتِهِ فِي رَمَضَانَ: مَا يُكَفِّرُهُ؟ فَقَالَ: مَا نَدْرِي مَا يُكَفِّرُهُ ذَنْبٌ أَوْ خَطِيئَةٌ، يَصْنَعُ اللَّهُ تَعَالَى بِهِ فِيهِ مَا يَشَاءُ وَيَصُومُ يَوْمًا مَكَانَهُ؟ وَمِنْ طَرِيقِ حَجَّاجِ بْنِ الْمِنْهَالِ: ثنا أَبُو عَوَانَةَ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ عَامِرٍ الشَّعْبِيِّ أَنَّهُ قَالَ فِيمَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ: لَوْ كُنْت أَنَا لَصُمْت يَوْمًا مَكَانَهُ؟ فَهَؤُلَاءِ: ابْنُ سِيرِينَ، وَالنَّخَعِيُّ، وَالشَّعْبِيُّ، وَسَعِيدُ بْنُ جُبَيْرٍ: لَا يَرَوْنَ عَلَى الْوَاطِئِ فِي نَهَارِ رَمَضَانَ عَامِدًا كَفَّارَةً وَقَالَتْ طَائِفَةٌ بِالْكَفَّارَةِ، ثُمَّ اخْتَلَفُوا فَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ جَعْفَرِ بْنِ بَرْقَانَ عَنْ ثَابِتِ بْنِ الْحَجَّاجِ الْكِلَابِيِّ عَنْ عَوْفِ بْنِ مَالِكٍ الْأَشْجَعِيِّ قَالَ قَالَ عُمَرُ بْنُ الْخَطَّابِ: صَوْمُ يَوْمٍ مِنْ غَيْرِ رَمَضَانَ وَإِطْعَامُ مِسْكِينٍ يَعْدِلُ يَوْمًا مِنْ رَمَضَانَ وَجَمَعَ بَيْنَ أُصْبُعَيْهِ؟ قَالَ أَبُو مُحَمَّدٍ: وَعَهِدْنَاهُمْ يُقَلِّدُونَ عُمَرَ فِي أَجَلِ الْعِنِّينِ، وَفِي حَدِّ الْخَمْرِ ثَمَانِينَ.

L11686 Nothing authentic is reported from Umar regarding that matter, so they should follow him here, as it is more firmly established from him than what they have followed. However, they are imposing falsehood in religion. A group has stated, as narrated from Al-Mu'tamir ibn Sulayman: "I read to Fudayl from Abu Hariz, who said: Ayyaf narrated to me, saying: I asked Sa'id ibn Jubayr about someone who breaks the fast during Ramadan. He replied: Ibn Abbas used to say, 'Whoever breaks the fast during Ramadan must free a slave, fast for one month, or feed thirty needy people.' And regarding one who has intercourse with his wife while she is menstruating,

وَلَا يَصِحُّ فِي ذَلِكَ شَيْءٌ عَنْ عُمَرَ، فَلْيُقَلِّدُوهُ هَاهُنَا، فَهُوَ أَثْبَتُ عَنْهُ مِمَّا قَلَّدُوهُ وَلَكِنَّهُمْ مُتَحَكِّمُونَ بِالْبَاطِلِ فِي الدِّينِ وَقَالَتْ طَائِفَةٌ كَمَا رُوِّينَا عَنِ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ: قَرَأْت عَلَى فُضَيْلٍ عَنْ أَبِي حَرِيزٍ قَالَ: حَدَّثَنِي أَيْفَعُ قَالَ: سَأَلْت سَعِيدَ بْنَ جُبَيْرٍ عَمَّنْ أَفْطَرَ فِي رَمَضَانَ؟ فَقَالَ: كَانَ ابْنُ عَبَّاسٍ يَقُولُ: مَنْ أَفْطَرَ فِي رَمَضَانَ فَعَلَيْهِ عِتْقُ رَقَبَةٍ، أَوْ

and hears the call to the Friday prayer but does not attend without a valid excuse—is freeing a slave likewise?"

صَوْمُ شَهْرٍ، أَوْ إِطْعَامُ ثَلَاثِينَ مِسْكِينًا، وَمَنْ وَقَعَ عَلَى امْرَأَتِهِ وَهِيَ حَائِضٌ، وَسَمِعَ أَذَانَ الْجُمُعَةِ وَلَمْ يَجْمَعْ، وَلَيْسَ لَهُ عُذْرٌ -: كَذَلِكَ عِتْقُ رَقَبَةٍ؟

L11687–11688 Ali said: This is an opinion unsupported by textual evidence. Our experience with the Ḥanafīs shows that in such matters—when aligned with their desires—they declare, "This cannot be based on opinion," leaving no alternative but to consider it divinely ordained. Thus, they must affirm this here; otherwise, are they not mocking the religion?

قَالَ عَلِيٌّ: وَهَذَا قَوْلٌ لَا نَصَّ فِيهِ، وَعَهْدُنَا بِالْحَنَفِيِّينَ يَقُولُونَ فِي مِثْلِ هَذَا - إِذَا وَافَقَ أَهْوَاءَهُمْ -: مِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ، فَلَمْ يَبْقَ إِلَّا أَنَّهُ تَوْقِيفٌ، فَيَلْزَمُهُمْ أَنْ يَقُولُوهُ هَاهُنَا، وَإِلَّا فَهُمْ مُتَلَاعِبُونَ بِالدِّينِ؟ وَقَالَتْ طَائِفَةٌ كَمَا رُوِّينَا عَنْ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ، فِي رَجُلٍ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ: يَصُومُ ثَلَاثَةَ آلَافِ يَوْمٍ. وَقَالَتْ طَائِفَةٌ كَمَا رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ: أَنَا حُمَيْدٌ أَنَّهُ سَأَلَ الْحَسَنَ الْبَصْرِيَّ عَنْ رَجُلٍ أَفْطَرَ فِي رَمَضَانَ أَرْبَعَةَ أَيَّامٍ يَأْكُلُ وَيَشْرَبُ وَيَنْكِحُ؟ فَقَالَ الْحَسَنُ: يَعْتِقُ أَرْبَعَةَ رِقَابٍ، فَإِنْ لَمْ يَجِدْ فَأَرْبَعٌ مِنَ الْبُدْنِ، فَإِنْ لَمْ يَجِدْ فَعِشْرِينَ صَاعًا مِنْ تَمْرٍ لِكُلِّ يَوْمٍ، فَإِنْ لَمْ يَجِدْ صَامَ لِكُلِّ يَوْمٍ يَوْمَيْنِ؟ وَقَدْ ذَكَرْنَا مِثْلَ هَذَا مُرْسَلًا عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ سَعِيدِ بْنِ الْمُسَيِّبِ.

L11689–11691 It has also been narrated to us through the chain of Abd al-Razzaq from Ma'mar from Qatadah and al-Hasan: "The Prophet, peace be upon him, said regarding one who had intercourse with his wife during Ramadan: 'Free a slave, then sacrifice a camel.'" Then he mentioned a narration similar to that of al-Zuhri concerning date juice[?]. And through the chain of Waki' from al-Rabi' ibn Subayh from al-Hasan: "A man came to the Prophet, peace be upon him, after having had intercourse with his wife during Ramadan. He, peace be upon him, said to him: 'Free a slave.' He said: 'I do not have.' He said: 'Sacrifice a camel.' He said: 'I do not have.' He said: 'Fast two months.' He said: 'I am unable.' He said: 'Feed sixty poor people.' He said: 'I do not have.' Then the Prophet, peace be upon him, was brought a basket containing dates, so he said: 'Give this in charity.' He said: 'O Messenger of Allah, between these two obligations there is no household needier than us.' He said: 'Eat

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ قَتَادَةَ وَالْحَسَنِ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ فِي الَّذِي وَطِئَ امْرَأَتَهُ فِي رَمَضَانَ: رَقَبَةٌ، ثُمَّ بَدَنَةٌ» ، ثُمَّ ذَكَرَ نَحْوَ حَدِيثِ الزُّهْرِيِّ فِي الْعَرَقِ مِنَ التَّمْرِ؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنِ الرَّبِيعِ بْنِ صُبَيْحٍ عَنِ الْحَسَنِ «أَنَّ رَجُلًا أَتَى النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ وَاقَعَ أَهْلَهُ فِي رَمَضَانَ، فَقَالَ لَهُ - عَلَيْهِ السَّلَامُ -: أَعْتِقْ رَقَبَةً؟ قَالَ: لَا أَجِدُ، قَالَ: أَهْدِ بَدَنَةً؟ قَالَ: لَا أَجِدُ، قَالَ: صُمْ شَهْرَيْنِ، قَالَ: لَا أَسْتَطِيعُ، قَالَ: أَطْعِمْ سِتِّينَ مِسْكِينًا؟ قَالَ: لَا أَجِدُ، فَأُتِيَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمِكْتَلٍ فِيهِ تَمْرٌ فَقَالَ: تَصَدَّقْ بِهَذَا؟ فَقَالَ: يَا رَسُولَ اللَّهِ: مَا

it, you and your family.'" And through the chain of Hammad ibn Salamah: From Umara ibn Maymun from Ata ibn Abi Rabah: "That..." The Messenger of Allah—peace and blessings of Allah be upon him—commanded the man who had intercourse with his wife during Ramadan to free a slave. He said: "I cannot find one." The Prophet said: "Offer a sacrificial animal?" The man replied: "I cannot find it," and the narrator mentioned the remainder of the hadith. If you critique Sa'id's *mursal* narration by arguing that he attributed to Sa'id what 'Aṭā' al-Khurāsānī reported regarding this matter, then Sa'id responded: "He lied. I only told him: 'Give charity, give charity.'" For al-Ḥasan, Qatādah, and 'Aṭā' also transmitted this as a *mursal* narration, and in it is the sacrificial animal as a camel.

بَيْنَهُمَا أَهْلُ بَيْتٍ أَحْوَجُ مِنَّا، قَالَ: كُلْهُ أَنْتَ وَعِيَالُكَ» ؟ وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ: أَنَا عُمَارَةُ بْنُ مَيْمُونٍ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ الَّذِي وَقَعَ بِامْرَأَتِهِ فِي رَمَضَانَ أَنْ يُعْتِقَ رَقَبَةً؟ قَالَ: لَا أَجِدُ، قَالَ: أَهْدِ هَدْيًا؟ قَالَ: لَا أَجِدُهُ وَذَكَرَ بَاقِيَ الْحَدِيثِ» ؟ فَإِنْ تَعَلَّلُوا فِي مُرْسَلِ سَعِيدٍ بِأَنَّهُ ذَكَرَ لَهُ مَا رَوَاهُ عَطَاءٌ الْخُرَاسَانِيُّ عَنْهُ مِنْ ذَلِكَ؟ فَقَالَ سَعِيدٌ: كَذَبَ، إِنَّمَا قُلْت لَهُ: تَصَدَّقْ تَصَدَّقْ -: فَإِنَّ الْحَسَنَ وَقَتَادَةَ، وَعَطَاءً رَوَوْهُ أَيْضًا مُرْسَلًا وَفِيهِ الْهَدْيُ بِالْبَدَنَةِ.

L11692 Abū Muḥammad said: We have known that the Ḥanafīs and Mālikīs assert, "The *mursal* is treated like the *musnad*," and this is a *mursal* transmitted through multiple chains. Thus, they are bound to uphold it, because it surpasses all other hadiths by including the mention of the ritual sacrifice (*al-hady*).

قَالَ أَبُو مُحَمَّد: عَهِدْنَا بِالْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ يَقُولُونَ: الْمُرْسَلُ كَالْمُسْنَدِ، وَهَذَا مُرْسَلٌ مِنْ طُرُقٍ، فَيَلْزَمُهُمْ الْقَوْلُ بِهِ؛ لِأَنَّهُ زَادَ عَلَى سَائِرِ الْأَحَادِيثِ ذِكْرَ الْهَدْيِ.

L11693 Also, by way of analogical reasoning: the sacrificial camel and sacrificial offering compensate for deficiencies in Hajj. We have not found any acts of worship whose shortcomings are compensated by expiation except Hajj and fasting. Thus, the sacrificial offering must have a place in fasting just as it does in Hajj. But do they not hold firmly to any stance? As for us, we do not consider mursal ḥadīth as valid evidence at all.

وَأَيْضًا - مِنْ طَرِيقِ الْقِيَاسِ: فَإِنَّ الْبَدَنَةَ، وَالْهَدْيَ يُجْبَرُ بِهِمَا نَقْصُ الْحَجِّ؛ وَلَمْ نَجِدْ شَيْئًا مِنْ الْأَعْمَالِ يُجْبَرُ نَقْصُهُ بِكَفَّارَةٍ إلَّا الْحَجَّ، وَالصَّوْمَ؛ فَيَجِبُ أَنْ يَكُونَ لِلْهَدْيِ فِي الصَّوْمِ مَدْخَلٌ كَمَا لَهُ فِي الْحَجِّ؛ وَلَكِنَّ الْقَوْمَ لَا يَثْبُتُونَ عَلَى شَيْءٍ؟ وَأَمَّا نَحْنُ فَلَا حُجَّةَ فِي مُرْسَلٍ عِنْدَنَا أَصْلًا.

L11694–11696 A group held the view, as transmitted through ʿAbd al-Razzāq's chain from Maʿmar via Qatādah, who said: I asked Saʿīd ibn al-Musayyab about a man who intentionally ate during Ramadan. He answered: "He must observe fasting for a month." I asked: "Two days?" He responded: "Fasting for a month." I counted days and he reiterated: "Fasting for a month?!" Through Wakīʿ's chain from Hishām al-Dastuwāʾī via Qatādah from Saʿīd ibn al-Musayyab concerning one who deliberately breaks the Ramadan fast: "He must fast for a month." Through al-Ḥajjāj ibn al-Minhāl's chain: Hammām ibn Yaḥyā narrated from Qatādah from Saʿīd ibn al-Musayyab, who stated: "He owes a month's fasting for every day he broke." ʿAlī remarked: "This statement

وَقَالَتْ طَائِفَةٌ كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ قَتَادَةَ قَالَ: سَأَلْت سَعِيدَ بْنَ الْمُسَيِّبِ عَنْ رَجُلٍ أَكَلَ فِي رَمَضَانَ عَامِدًا؟ فَقَالَ: عَلَيْهِ صِيَامُ شَهْرٍ، قُلْت: يَوْمَيْنِ؟ قَالَ: صِيَامُ شَهْرٍ، قَالَ: فَعَدَدْت أَيَّامًا فَقَالَ: صِيَامُ شَهْرٍ؟ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ فِي الَّذِي يُفْطِرُ مِنْ رَمَضَانَ مُتَعَمِّدًا: عَلَيْهِ صَوْمُ شَهْرٍ؟ وَمِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ: ثنا هَمَّامُ بْنُ يَحْيَى عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ

could imply a separate month for each day, or what Maʿmar transmitted - that he must fast one continuous month for each day broken. The latter interpretation is clearer and more incumbent, given the certainty of narrations from him." The proof of those upholding this view lies in what we received through Aḥmad ibn ʿAmr ibn ʿAbd al-Khāliq al-Bazzār's chain, who said: Aḥmad ibn Yaḥyā al-Ṣūfī al-Kūfī narrated to us: Abū Ghassān narrated to us: Mandal narrated to us from ʿAbd al-Wārith via... Anas reported that the Messenger of Allah (peace and blessings be upon him) said: "Whoever breaks a day's fast of Ramadan must fast for a month."

الْمُسَيِّبِ قَالَ: عَلَيْهِ لِكُلِّ يَوْمٍ أَفْطَرَ شَهْرٌ؟ قَالَ عَلِيٌّ: يَحْتَمِلُ هَذَا الْقَوْلُ أَنَّهُ أَرَادَ شَهْرًا شَهْرًا عَنْ كُلِّ يَوْمٍ، وَيَحْتَمِلُ مَا رَوَاهُ مَعْمَرٌ مِنْ أَنَّ عَلَيْهِ لِكُلِّ يَوْمٍ أَفْطَرَ شَهْرًا وَاحِدًا، وَهَذَا أَظْهَرُ وَأَوْلَى، لِتَيَقُّنِ الرِّوَايَاتِ عَنْهُ؟ وَحُجَّةُ مَنْ قَالَ بِهَذَا: مَا رُوِّينَاهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ عَمْرِو بْنِ عَبْدِ الْخَالِقِ الْبَزَّارِ قَالَ: ثنا أَحْمَدُ بْنُ يَحْيَى الصُّوفِيُّ الْكُوفِيُّ ثنا أَبُو غَسَّانَ ثنا مِنْدَلٌ عَنْ عَبْدِ الْوَارِثِ عَنْ أَنَسٍ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ فَعَلَيْهِ صَوْمُ شَهْرٍ» .

L11697 Ali said: Mindal is weak, and ʿAbd al-Wārith is unknown. Had it been authentic, we would have accepted it. This opinion is binding on those who disregard weak narrators, as it is additional to other reports. It also binds the Mālikīs—who hold that a single intention at the month's outset suffices for the entire month—since the entire month is considered a single prayer and a single day, is that not the case?

قَالَ عَلِيٌّ: مِنْدَلٌ ضَعِيفٌ، وَعَبْدُ الْوَارِثِ مَجْهُولٌ. وَلَوْ صَحَّ لَقُلْنَا بِهِ، وَيَلْزَمُ الْقَوْلُ بِهِ مَنْ لَمْ يُبَالِ بِالضُّعَفَاءِ، لِأَنَّهُ زَائِدٌ عَلَى سَائِرِ الْأَخْبَارِ، وَيَلْزَمُ أَيْضًا الْمَالِكِيِّينَ الْقَائِلِينَ بِأَنَّ نِيَّةً وَاحِدَةً فِي أَوَّلِ الشَّهْرِ تُجْزِئُ لِجَمِيعِهِ، لِأَنَّهُ كُلُّهُ كَصَلَاةٍ وَاحِدَةٍ، وَكَيَوْمٍ وَاحِدٍ؟

L11698 A group stated—as reported to us through the chain of transmission of Al-Shāfiʿī—that Rabīʿah said: "Whoever intentionally breaks a fast during a day of Ramadan must fast twelve days, because Allah, the Mighty and Majestic, has distinguished that day above days in twelve months." Al-Shāfiʿī remarked: "By this reasoning, it becomes obligatory that whoever neglects a prayer on the Night of Power must perform thirty thousand prayers as recompense, for Allah the Exalted says: 'The Night of Power is better than a thousand months' (97:3)."[16]

وَقَالَتْ طَائِفَةٌ كَمَا رُوِّينَا مِنْ طَرِيقِ الشَّافِعِيِّ: أَنَّ رَبِيعَةَ قَالَ: مَنْ أَفْطَرَ يَوْمًا مِنْ رَمَضَانَ عَامِدًا فَعَلَيْهِ صِيَامُ اثْنَيْ عَشَرَ يَوْمًا، لِأَنَّ اللَّهَ عَزَّ وَجَلَّ تَخَيَّرَهُ مِنْ اثْنَيْ عَشَرَ شَهْرًا قَالَ الشَّافِعِيُّ: يَجِبُ عَلَى هَذَا أَنَّ مَنْ تَرَكَ صَلَاةً مِنْ لَيْلَةِ الْقَدْرِ أَنْ يَقْضِيَ ثَلَاثِينَ أَلْفَ صَلَاةٍ لِأَنَّ اللَّهَ تَعَالَى يَقُولُ: {لَيْلَةُ الْقَدْرِ خَيْرٌ مِنْ أَلْفِ شَهْرٍ} [القدر: ٣] .

L11699 The Hanafis and Malikis—whose rulings we will mention, Allah willing—hold positions that lack legal effect, as none are traced to any of the early predecessors. As for the Shafi'is, they exhibit the least contradiction among the three schools. This is because they ruled that expiation is not obligatory for one who intentionally breaks the fast in Ramadan except for those who engage in intercourse with a human or an animal in the vagina or anus. Whoever does this incurs obligatory expiation due to penetration, regard-

وَقَالَ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ مَا نَذْكُرُهُ إِنْ شَاءَ اللَّهُ تَعَالَى، وَهُوَ أَقْوَالٌ لَا تُؤَثِّرُ كَمَا هِيَ عَنْ أَحَدٍ مِنَ السَّلَفِ -: فَأَمَّا الشَّافِعِيُّونَ: فَهُمْ أَقَلُّ الثَّلَاثِ الطَّبَاقِ تَنَاقُضًا، وَذَلِكَ أَنَّهُمْ قَالُوا: لَا تَجِبُ الْكَفَّارَةُ عَلَى مُفْطِرٍ عَمْدًا فِي رَمَضَانَ إِلَّا عَلَى مَنْ جَامَعَ إِنْسَانًا، أَوْ بَهِيمَةً فِي فَرْجٍ أَوْ دُبُرٍ، فَإِنَّ مَنْ فَعَلَ هَذَا تَجِبُ عَلَيْهِ الْكَفَّارَةُ بِالْإِيلَاجِ، أَمْنَى أَمْ لَمْ

[16] **Qur'an references (L11698):** Qur'an 97:3 (Al-Qadr).

less of ejaculation. The expiation according to al-Shafi'i is as we previously detailed in the majority scholarly report transmitted by al-Zuhri from Humaid from Abu Hurairah from the Prophet—peace be upon him. In the most well-known opinions from him (Imam al-Shafi'i), he did not impose expiation on the woman subjected to intercourse, nor on one who intentionally eats, drinks, or commits other acts, requiring only the makeup fast. He analogized one who has intercourse with a woman forbidden to him to one who approaches his wife, equated one who engages in male intercourse to one who approaches his spouse, and likened one who has intercourse with an animal to one who approaches his wife. None of these analogies are found in the cited prophetic tradition.

يُمْنٍ، وَالْكَفَّارَةُ عِنْدَهُ كَمَا ذَكَرْنَا قَبْلُ مِنْ رِوَايَةِ الْجُمْهُورِ عَنْ الزُّهْرِيِّ عَنْ حُمَيْدٍ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَرَ عَلَى الْمَرْأَةِ الْمَوْطُوءَةِ كَفَّارَةً فِي أَشْهَرِ الْأَقْوَالِ عَنْهُ، وَلَا عَلَى مَنْ تَعَمَّدَ الْأَكْلَ، وَالشُّرْبَ، أَوْ غَيْرَ ذَلِكَ، وَلَمْ يَجْعَلْ فِي كُلِّ ذَلِكَ إلَّا الْقَضَاءَ فَقَطْ فَقَاسَ الْوَاطِئَ لِامْرَأَةٍ مُحَرَّمَةٍ عَلَيْهِ عَلَى وَاطِئِ امْرَأَتِهِ، وَقَاسَ مَنْ أَتَى ذَكَرًا عَلَى مَنْ أَتَى امْرَأَتَهُ، وَقَاسَ مَنْ أَتَى بَهِيمَةً عَلَى مَنْ أَتَى أَهْلَهُ، وَلَيْسَ شَيْءٌ مِنْ ذَلِكَ فِي الْخَبَرِ.

L11700–11702

He did not analogize the one who eats, drinks, and engages in intercourse outside the vagina leading to ejaculation, and the penetrated woman, to the one who has intercourse with his wife. Is this not a contradiction? If his followers say: "We analogized intercourse to intercourse, and eating and drinking to the one who intentionally induces vomiting," we respond: "Then why did you not analogize the one who has intercourse with an animal to the one who has intercourse with a woman regarding the obligation of the ḥadd punishment, just as you analogized them?" Regarding the obligation of expiation upon him? Why do you not analogize the woman subjected to intercourse to the man who has intercourse in imposing expiation? It is a single act they share together? Why do you not analogize one who engages in non-penetrative intercourse intentionally leading to emission, obligating expiation upon him? This case is closer to him than to one who eats? This constitutes an utterly vile contradiction in legal analogy? As for the Malikis: their contradiction is more severe. They imposed expiation and compensatory fasting upon: the one who breaks the fast by eating or drinking; one who kisses and emits semen; engages in foreplay and emits; persists in gazing and emits; one who eats, drinks, or copulates while doubting sunset, then it turns out the sun had not set; one who resolves to break fasting during Ramadan's daytime without eating, drinking, or copulating, if maintaining this resolve through most of the day; and the woman who deliberately touches her genitals and emits vaginal fluid. They ruled that a woman coerced into

وَلَمْ يَقِسْ الْآكِلَ، وَالشَّارِبَ، وَالْمُجَامِعَ دُونَ الْفَرْجِ فَيُمْنِي وَالْمَرْأَةَ الْمَوْطُوءَةَ -: عَلَى الْوَاطِئِ امْرَأَتَهُ، وَهَذَا تَنَاقُضٌ؟ فَإِنْ قَالَ أَصْحَابُهُ: قِسْنَا الْجِمَاعَ عَلَى الْجِمَاعِ، وَالْأَكْلَ وَالشُّرْبَ عَلَى الْمُتَعَمِّدِ لِلْقَيْءِ؟ قُلْنَا: فَهَلَّا قِسْتُمْ مُجَامِعَ الْبَهِيمَةِ عَلَى مُجَامِعِ الْمَرْأَةِ فِي إيجَابِ الْحَدِّ؟ كَمَا قِسْتُمُوهُ عَلَيْهِ فِي إيجَابِ الْكَفَّارَةِ؟ وَهَلَّا قِسْتُمْ الْمَرْأَةَ الْمَوْطُوءَةَ عَلَى الرَّجُلِ الْوَاطِئِ فِي إيجَابِ الْكَفَّارَةِ؟ فَهُوَ وَطْءٌ وَاحِدٌ، هُمَا فِيهِ مَعًا؟ وَهَلَّا قِسْتُمْ الْمُجَامِعَ دُونَ الْفَرْجِ عَامِدًا فَيُمْنِي عَلَى الْمُجَامِعِ فِي إيجَابِ الْكَفَّارَةِ عَلَيْهِ؟ فَهَذَا أَقْرَبُ إلَيْهِ مِنْهُ إلَى الْآكِلِ؟ وَهَذَا تَنَاقُضٌ قَبِيحٌ فِي الْقِيَاسِ جِدًّا؟ وَأَمَّا الْمَالِكِيُّونَ: فَتَنَاقُضُهُمْ أَشَدُّ، وَهُوَ أَنَّهُمْ أَوْجَبُوا الْكَفَّارَةَ، وَالْقَضَاءَ: عَلَى الْمُفْطِرِ بِالْأَكْلِ أَوْ الشُّرْبِ، وَعَلَى مَنْ قَبَّلَ فَأَمْنَى، أَوْ بَاشَرَ فَأَمْنَى، أَوْ تَابَعَ النَّظَرَ فَأَمْنَى، وَعَلَى مَنْ أَكَلَ، أَوْ شَرِبَ، أَوْ جَامَعَ شَاكًّا فِي غُرُوبِ الشَّمْسِ فَإِذَا بِهَا لَمْ تَغْرُبْ، وَعَلَى مَنْ نَوَى الْفِطْرَ فِي نَهَارِ رَمَضَانَ وَإِنْ لَمْ يَأْكُلْ وَلَا شَرِبَ، وَلَا جَامَعَ، إذَا نَوَى ذَلِكَ أَكْثَرَ النَّهَارِ، وَعَلَى الْمَرْأَةِ تَمَسُّ فَرْجَهَا عَامِدَةً فَتُنْزِلُ؟ وَرَأَى عَلَى الْمَرْأَةِ الْمُكْرَهَةِ عَلَى الْجِمَاعِ فِي نَهَارِ رَمَضَانَ الْقَضَاءَ، وَأَوْجَبَ عَلَى الْوَاطِئِ لَهَا الْكَفَّارَةَ عَنْ نَفْسِهِ وَكَفَّارَةً أُخْرَى عَنْهَا. وَهَذَا عَجَبٌ جِدًّا وَلَمْ

يَرَ عَلَيْهَا إِنْ أَكْرَهَهَا عَلَى الْأَكْلِ وَالشُّرْبِ كَفَّارَةً، وَلَا عَلَى الَّتِي جُومِعَتْ نَائِمَةً، وَلَا عَلَيْهَا وَلَا عَلَيْهِ عَنْهَا وَهَذَا تَنَاقُضٌ نَاهِيكَ بِهِ وَلَئِنْ كَانَتْ الْكَفَّارَةُ عَلَيْهَا فَمَا يُجْزِئُ أَنْ تُوجَبَ الْكَفَّارَةُ عَلَى غَيْرِهَا؟ وَلَئِنْ لَمْ تَكُنْ الْكَفَّارَةُ عَلَيْهَا فَأَبْعَدُ مِنْ ذَلِكَ أَنْ تَجِبَ عَلَى غَيْرِهَا عَنْهَا؟ وَأَبْطَلُوا صِيَامَ مَنْ قَبَّلَ فَأَنْعَظَ، أَوْ أَمْذَى وَلَمْ يُمْنِ أَوْ بَاشَرَ أَوْ لَمَسَ فَأَمْذَى وَلَمْ يُمْنِ.

intercourse during Ramadan must make up the fast, while obligating her coercer to perform expiation for himself and another on her behalf. This is most astonishing, yet they do not impose expiation if he coerces her to eat or drink, nor upon a woman penetrated while asleep - neither upon her nor another for her. This is a contradiction beyond description! If expiation were truly her obligation, how could another's fulfillment suffice? If not her obligation, how much more far-fetched to impose it upon another for her? They invalidate the fast of one who kisses and experiences penile erection, emits prostatic fluid without semen, engages in foreplay or contact producing prostatic fluid without full emission.

وَمَنْ - نَظَرَ إِلَى امْرَأَةٍ - غَيْرِ عَامِدٍ لِذَلِكَ - وَتَابَعَ النَّظَرَ فَأَمْذَى وَلَمْ يُمْنِ، أَوْ نَظَرَ نَظْرَةً وَلَمْ يُتَابِعْ النَّظَرَ فَأَمْنَى، وَمَنْ تَمَضْمَضَ فِي صِيَامِ نَهَارِ رَمَضَانَ فَدَخَلَ الْمَاءُ حَلْقَهُ عَنْ غَيْرِ تَعَمُّدٍ، وَمَنْ أَكَلَ نَاسِيًا أَوْ وَطِئَ نَاسِيًا، أَوْ كَانَ ذَلِكَ وَهُوَ لَا يُوقِنُ بِطُلُوعِ الْفَجْرِ فَإِذَا بِالْفَجْرِ قَدْ طَلَعَ، أَوْ كَانَ ذَلِكَ وَهُوَ يَرَى أَنَّ الشَّمْسَ قَدْ غَرَبَتْ فَإِذَا بِهَا لَمْ تَغْرُبْ، وَمَنْ أَكَلَ شَاكًّا فِي طُلُوعِ الْفَجْرِ ثُمَّ لَمْ يُوقِنْ بِأَنَّهُ طَلَعَ وَلَا أَنَّهُ لَمْ يَطْلُعْ، وَمَنْ أَقَامَ مَجْنُونًا يَوْمًا مِنْ رَمَضَانَ أَوْ أَيَّامًا، أَوْ رَمَضَانَ كُلَّهُ، أَوْ عِدَّةَ شُهُورِ رَمَضَانَ مِنْ عِدَّةِ سِنِينَ، وَمَنْ أُغْمِيَ عَلَيْهِ أَكْثَرَ النَّهَارِ، وَمَنْ أُغْمِيَ عَلَيْهِ أَيَّامًا مِنْ رَمَضَانَ، وَالْمُرْضِعُ تَخَافُ عَلَى رَضِيعِهَا، وَالْمَرْأَةُ تُجَامَعُ نَائِمَةً، وَالْمُكْرَهُ عَلَى الْأَكْلِ وَالشُّرْبِ، وَمَنْ صُبَّ فِي - حَلْقِهِ مَاءٌ وَهُوَ نَائِمٌ، وَمَنْ احْتَقَنَ، وَمَنْ اكْتَحَلَ بِكُحْلٍ فِيهِ عَقَاقِيرُ، وَمَنْ بَلَعَ حَصَاةً.

L11703 And whoever looked at a woman unintentionally and continued gazing until emitting pre-seminal fluid without ejaculating; or looked once without continuing the gaze and then ejaculated; and whoever rinsed his mouth while fasting during the daytime of Ramadan and water entered his throat unintentionally; and whoever ate or had intercourse out of forgetfulness; or performed such acts while not being certain of dawn's emergence only to find it had broken; or performed them believing the sun had set only to discover it had not; and whoever ate while doubting dawn's arrival without being certain whether it had occurred or not; and whoever was insane for a day or days of Ramadan, the entire month, or several months of Ramadan over multiple years; and whoever remained unconscious for most of the day or for days during Ramadan; the nursing mother who fears for her infant; the woman subjected to intercourse while asleep; one compelled to eat or drink under duress; one into whose throat water is poured while he is asleep; one who administers an enema; one who applies kohl containing medicinal compounds; and one who swallows a small stone.

وَأَوْجَبُوا عَلَى كُلِّ مَنْ ذَكَرْنَا الْقَضَاءَ، وَلَمْ يَرَوْا فِي شَيْءٍ مِنْ ذَلِكَ كَفَّارَةً.

L11704 They obligated all those we have mentioned to perform qaḍāʾ and did not consider expiation obligatory for any of it.

وَهَذَا تَنَاقُضٌ لَا وَجْهَ لَهُ أَصْلًا، لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ.

L11705–11706 And this is a contradiction that has no basis whatsoever, neither from the Qur'an nor from the Sunnah.

L11707 Nor from a corrupt narration, nor from consensus, nor from the state-

ment of a Companion or Successor, nor from analogy, nor from any opinion with apparent validity—has this classification been reported from anyone before him? We have seen some of his followers obliging flour millers, henna grinders, and sifters of flax and grains to make up their fasts, invalidating their fasting without requiring atonement for intentional violations—claiming this aligns with Mālik's analogy. Yet this constitutes confusion without parallel! Would this not necessitate invalidating the fast of every traveler who walks through dust by their reasoning? They do not invalidate the fast of one who kisses or engages in intimacy without erection, preseminal fluid, or ejaculation; nor the fast of one who ejaculates from gazing or touching; nor a voluntary fast when water enters the throat during rinsing; nor the fast of a voluntary observer if water is poured into his throat while asleep. Is it not utterly astonishing that one act invalidates obligatory fasting but not voluntary fasting? They do not invalidate the fast of one who experiences insanity or fainting for the shortest part of the day—is this not another marvel? They uphold the fast of one who sleeps the entire day—is this not increased wonder? We remain unaware of his ruling regarding one who intends to break the fast momentarily: would he require make-up fasting, thereby invalidating it? Or would he deem the fast complete—though undoubtedly without requiring atonement? They do not invalidate fasting due to medicated wicks inserted for treatment, nor do we currently know his position on nasal or ear drops. They permit fasting with kohl containing no medicinal agents, with intentional swallowing of food remnants between teeth, and with gum-chewing that draws saliva—though he disliked it. Abu Muhammad said: "If it does not invalidate fasting, why the disapproval?" These positions require no more than their mere mention to be refuted. As for the Ḥanafīs, their doctrines exhibit the most corrupt antitheses, the basest contradictions, and the furthest remove from rationality.

وَلَا مِنْ رِوَايَةٍ فَاسِدَةٍ، وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ، أَوْ تَابِعٍ، وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ رَأْيٍ لَهُ وَجْهٌ، وَلَا يُعْرَفُ هَذَا التَّقْسِيمُ عَنْ أَحَدٍ قَبْلَهُ؟ وَقَدْ رَأَيْنَا بَعْضَ مُقَلِّدِيهِ يُوجِبُونَ عَلَى طَحَّانِي الدَّقِيقِ، وَالْحَنَّاءِ وَمُغَرْبِلِي الْكَتَّانِ وَالْحُبُوبِ -: الْقَضَاءَ، وَيُبْطِلُونَ صَوْمَهُمْ، وَلَا يُوجِبُونَ عَلَيْهِمْ فِي تَعَمُّدِ ذَلِكَ كَفَّارَةً وَيَدَّعُونَ أَنَّ هَذَا قِيَاسُ قَوْلِ مَالِكٍ وَهَذَا تَخْلِيطٌ لَا نَظِيرَ لَهُ وَيَلْزَمُهُمْ إبْطَالُ صَوْمِ كُلِّ مَنْ سَافَرَ فَمَشَى فِي غَبَرَةٍ عَلَى هَذَا؟ وَلَمْ يُبْطِلْ صَوْمَ مَنْ قَبَّلَ أَوْ بَاشَرَ فَلَمْ يُنْعِظْ وَلَا أَمْذَى وَلَا أَمْنَى، وَلَا صَوْمَ مَنْ أَمْنَى مِنْ نَظَرٍ وَلَا لَمَسَ، وَلَا صَوْمَ تَطَوُّعٍ بِدُخُولِ الْمَاءِ فِي حَلْقِ فَاعِلِهِ مِنْ الْمَضْمَضَةِ، وَلَا صَوْمَ مُتَطَوِّعٍ صُبَّ الْمَاءُ فِي حَلْقِهِ وَهُوَ نَائِمٌ وَهَذَا عَجَبٌ جِدًّا أَنْ يَكُونَ أَمْرٌ وَاحِدٌ يُبْطِلُ صَوْمَ الْفَرْضِ وَلَا يُبْطِلُ صَوْمَ التَّطَوُّعِ؟ وَلَمْ يُبْطِلْ صَوْمَ مَنْ جُنَّ، أَوْ أُغْمِيَ عَلَيْهِ أَقَلَّ النَّهَارِ، وَهَذَا عَجَبٌ آخَرُ؟ وَلَمْ يُبْطِلْ صَوْمَ مَنْ نَامَ النَّهَارَ كُلَّهُ، وَهَذَا عَجَبٌ زَائِدٌ؟ وَلَا نَدْرِي قَوْلَهُ فِيمَنْ نَوَى الْفِطْرَ أَقَلَّ النَّهَارِ: أَيَرَى عَلَيْهِ الْقَضَاءَ وَيُبْطِلُ صَوْمَهُ بِذَلِكَ؟ أَمْ يَرَى صَوْمَهُ تَامًّا؟ إلَّا أَنَّهُ لَا يَرَى فِيهِ كَفَّارَةً بِلَا شَكٍّ؟ وَلَمْ يُبْطِلْ الصَّوْمَ بِالْفَتَائِلِ تَتَدَخَّلُ لِدَوَاءٍ، وَلَا نَقِفُ الْآنَ عَلَى قَوْلِهِ فِي السَّعُوطِ وَالتَّقْطِيرِ فِي الْأُذُنِ؟ وَلَمْ يُبْطِلْ الصَّوْمَ بِكُحْلٍ فِي الْعَيْنِ لَا عَقَاقِيرَ فِيهِ، وَلَا بِمَنْ تَعَمَّدَ بَلْعَ مَا يُخْرِجُهُ مِنْ بَيْنِ أَضْرَاسِهِ مِنْ الْجَذِيذَةِ وَنَحْوِهَا، وَلَا بِمَضْغِ الْعِلْكِ، وَإِنْ اسْتَدْعَى الرِّيقَ، وَكَرِهَهُ؟ قَالَ أَبُو مُحَمَّدٍ: إنْ كَانَ لَا يُبْطِلُ الصَّوْمَ فَلِمَ كَرِهَهُ؟ وَهَذِهِ أَقْوَالٌ لَا نَحْتَاجُ مِنْ إبْطَالِهَا إلَى أَكْثَرَ مِنْ إيرَادِهَا؟ وَأَمَّا الْحَنَفِيُّونَ فَأَفْسَدُ الطِّبَاقِ أَقْوَالًا، وَأَسْمَجُهَا تَنَاقُضًا وَأَبْعَدُهَا عَنْ الْمَعْقُولِ؟

L11708–11709 And it is that Abū Ḥanīfah obligated expiation and making up the fast upon anyone who engages specifically in vaginal intercourse with a woman—whether lawful or unlawful for him—and upon the woman for her own act,

and upon anyone who eats what he subsists on, drinks what he nourishes himself with, swallows a green almond, or eats specifically Armenian clay.

وَهُوَ أَنَّ أَبَا حَنِيفَةَ أَوْجَبَ الْكَفَّارَةَ وَالْقَضَاءَ عَلَى مَنْ وَطِئَ فِي الْفَرْجِ - خَاصَّةً - امْرَأَةً، حَلَالًا لَهُ أَوْ حَرَامًا وَعَلَى الْمَرْأَةِ عَنْ نَفْسِهَا، وَعَلَى مَنْ أَكَلَ مَا يَغْتَذِي بِهِ، أَوْ شَرِبَ مَا يَتَغَذَّى بِهِ، أَوْ بَلَعَ لَوْزَةً خَضْرَاءَ، أَوْ أَكَلَ طِينًا إِرْمِينِيًّا خَاصَّةً.

L11710 The fast is invalidated for one who engages in anal intercourse with a human and ejaculates, or with an animal in its genital or anal orifice and ejaculates; for one who remains until after the sun passes its zenith without intending to fast; for one who kisses while being aware of fasting and ejaculates; for one who touches and ejaculates; for one who engages in intercourse without vaginal penetration and ejaculates; for one who rinses his mouth and water enters his throat while being aware of fasting; for one who eats, drinks, or engages in intercourse after dawn while unaware of its arrival and then becomes aware; for one who performs any of these acts while believing the sun has set when it has not; for one who becomes insane during a day of Ramadan, or for days, or the entire month except one hour of it; for one who loses consciousness after Ramadan has begun, except the day of the night during which he lost consciousness; for a nursing mother who fears for her infant; for one who starts fasting while traveling and later intentionally eats, drinks, or engages in intercourse; for one who intentionally engages in intercourse, eats, or drinks then falls ill during that day, or menstruates if a woman; for one who begins Ramadan without intending to fast then eats, drinks, or engages in intercourse early or late in the day; for a woman with whom intercourse is performed while she is asleep, insane, or coerced; for one who uses an enema, nasal drops, or ear drops. His opinion differed regarding one who instills drops into his urethra—sometimes invalidating the fast and other times not. The fast is invalidated for one who treats a deep or penetrating wound with moist medicine, but not if dry medicine is used; for one who intentionally swallows a pebble, fresh or dry walnut, or dry almond; for one who raises his head to the sky and raindrops enter his throat. They obligated making up (qada) the fast in all these cases but did not require expiation for any.

وَأَبْطَلَ صَوْمَ مَنْ لَاطَ بِإِنْسَانٍ فِي دُبُرِهِ فَأَمْنَى، أَوْ بِبَهِيمَةٍ فِي قُبُلٍ أَوْ دُبُرٍ فَأَمْنَى، وَمَنْ بَقِيَ إِلَى بَعْدَ الزَّوَالِ لَا يَنْوِي صَوْمًا، وَمَنْ قَبَّلَ ذَاكِرًا لِصَوْمِهِ فَأَمْنَى، وَمَنْ لَمَسَ كَذَلِكَ فَأَمْنَى، أَوْ جَامَعَ كَذَلِكَ دُونَ الْفَرْجِ فَأَمْنَى، وَمَنْ تَمَضْمَضَ فَدَخَلَ الْمَاءُ فِي حَلْقِهِ وَهُوَ ذَاكِرٌ لِصَوْمِهِ، وَمَنْ أَكَلَ، أَوْ شَرِبَ، [أَوْ جَامَعَ] بَعْدَ طُلُوعِ الْفَجْرِ وَهُوَ غَيْرُ عَالِمٍ بِطُلُوعِهِ ثُمَّ عَلِمَ، وَمَنْ فَعَلَ شَيْئًا مِنْ ذَلِكَ وَهُوَ يَرَى أَنَّ الشَّمْسَ قَدْ غَرَبَتْ فَإِذَا بِهَا لَمْ تَغْرُبْ، وَمَنْ جُنَّ فِي يَوْمٍ مِنْ رَمَضَانَ، أَوْ أَيَّامًا، أَوْ الشَّهْرَ كُلَّهُ إِلَّا سَاعَةً وَاحِدَةً مِنْهُ، وَمَنْ أُغْمِيَ عَلَيْهِ بَعْدَ مَا دَخَلَ رَمَضَانُ، حَاشَا يَوْمِ اللَّيْلَةِ الَّتِي أُغْمِيَ عَلَيْهِ فِيهَا، وَالْمُرْضِعُ تَخَافُ عَلَى رَضِيعِهَا، وَمَنْ أَصْبَحَ صَائِمًا فِي السَّفَرِ ثُمَّ جَامَعَ، أَوْ أَكَلَ، أَوْ شَرِبَ عَامِدًا ذَاكِرًا، وَمَنْ جَامَعَ، أَوْ أَكَلَ، أَوْ شَرِبَ عَمْدًا ثُمَّ مَرِضَ مِنْ نَهَارِهِ ذَلِكَ، أَوْ حَاضَتْ إِنْ كَانَتْ امْرَأَةً، وَمَنْ أَصْبَحَ فِي رَمَضَانَ لَا يَنْوِي صَوْمًا ثُمَّ أَكَلَ، أَوْ شَرِبَ، أَوْ جَامَعَ فِي صَدْرِ النَّهَارِ، أَوْ فِي آخِرِهِ، وَالْمَرْأَةُ تُجَامَعُ وَهِيَ نَائِمَةٌ، أَوْ مَجْنُونَةٌ، أَوْ مُكْرَهَةٌ وَمَنْ احْتَقَنَ أَوْ اسْتَعَطَ أَوْ قَطَّرَ فِي أُذُنِهِ قُطُورًا؟ وَاخْتَلَفَ قَوْلُهُ فِيمَنْ قَطَّرَ فِي إِحْلِيلِهِ قُطُورًا، فَمَرَّةً أَبْطَلَ صَوْمَهُ، وَمَرَّةً لَمْ يُبْطِلْهُ؟ وَأَبْطَلَ صَوْمَ مَنْ دَاوَى جَائِفَةً بِهِ أَوْ مَأْمُومَةً بِدَوَاءٍ رَطْبٍ، وَإِلَّا فَلَا؟ وَأَبْطَلَ صَوْمَ مَنْ بَلَعَ حَصَاةً عَامِدًا، أَوْ بَلَعَ جَوْزَةً رَطْبَةً أَوْ يَابِسَةً، أَوْ لَوْزَةً يَابِسَةً، وَمَنْ رَفَعَ رَأْسَهُ إِلَى السَّمَاءِ فَوَقَعَ نُقَطٌ مِنْ الْمَطَرِ فِي حَلْقِهِ؟ وَأَوْجَبُوا فِي كُلِّ ذَلِكَ الْقَضَاءَ وَلَمْ يَرَوْا فِي شَيْءٍ مِنْ ذَلِكَ كَفَّارَةً.

وَلَمْ يُبْطِلُوا صَوْمَ مَنْ لَاطَ بِذَكَرٍ فَأَوْلَجَ إِلَّا أَنَّهُ لَمْ يُنْزِلْ وَلَا صَوْمَ مَنْ أَتَى بَهِيمَةً فِي قُبُلٍ أَوْ دُبُرٍ إِلَّا أَنَّهُ لَمْ يُنْزِلْ وَلَا صَوْمَ مَنْ أَوْلَجَ فِي دُبُرِ امْرَأَةٍ إِلَّا أَنَّهُ لَمْ يُنْزِلْ وَرَأَوْا صَوْمَهُ فِي كُلِّ ذَلِكَ تَامًّا صَحِيحًا لَا قَضَاءَ فِيهِ وَلَا كَفَّارَةَ وَلَمْ يُبْطِلُوا صَوْمَ مَنْ اكْتَحَلَ بِعَقَاقِيرَ أَوْ بِغَيْرِهَا، وَصَلَ إِلَى الْحَلْقِ أَوْ لَمْ يَصِلْ، وَلَا صَوْمَ مَنْ تَابَعَ النَّظَرَ إِلَى فَرْجِ امْرَأَةٍ فَأَمْنَى؛ وَلَا صَوْمَ مَنْ قَبَّلَ أَوْ بَاشَرَ فَأَمْذَى وَلَمْ يُمْنِ، وَلَا صَوْمَ مَنْ أَكَلَ نَاسِيًا، أَوْ جَامَعَ نَاسِيًا، أَوْ شَرِبَ نَاسِيًا، وَلَا صَوْمَ مَنْ جَامَعَ أَوْ شَرِبَ، أَوْ أَكَلَ شَاكًّا فِي الْفَجْرِ مَا لَمْ يَتَبَيَّنْ أَنَّهُ أَكَلَ بَعْدَ الْفَجْرِ، أَوْ جَامَعَ بَعْدَهُ، أَوْ شَرِبَ بَعْدَهُ.

L11711–11713 They did not invalidate the fast of one who pressed against a penis and inserted it [without ejaculation], nor the fast of one who sodomized an animal in its vagina or anus [without ejaculation], nor the fast of one who inserted into a woman's anus [without ejaculation]. They deemed his fast in all those instances complete and valid, requiring neither makeup nor expiation. They did not invalidate the fast of one who applied kohl with medicinal compounds or other materials—whether it reached the throat or not; nor the fast of one who persistently gazed at a woman's private parts and emitted semen; nor the fast of one who kissed or touched and emitted pre-seminal fluid without ejaculating; nor the fast of one who ate, had intercourse, or drank out of forgetfulness; nor the fast of one who had intercourse, drank, or ate while in doubt about whether dawn had occurred—provided it was not established that he ate, had intercourse, or drank after dawn.

وَمَنَعَ لِلْقَادِمِ مِنْ سَفَرٍ فَوَجَدَ امْرَأَتَهُ قَدْ طَهُرَتْ مِنْ حَيْضِهَا أَنْ يُجَامِعَهَا " فَلَيْتَ شِعْرِي: إِنْ كَانَا صَائِمَيْنِ، فَهَلَّا أَوْجَبَ عَلَيْهِمَا الْكَفَّارَةَ؟ وَإِنْ كَانَا غَيْرَ صَائِمَيْنِ، فَلِمَ مَنَعَهُمَا؟ وَلَا أَبْطَلَ صَوْمَ مَنْ أَخْرَجَ مِنْ بَيْنِ أَسْنَانِهِ طَعَامًا - أَقَلَّ مِنْ حِمَّصَةٍ - فَبَلَعَهُ عَامِدًا ذَاكِرًا لِصَوْمِهِ.

L11714 He prohibited the traveler returning from a journey—who finds his wife has become pure from her menstruation—from having intercourse with her. I wish I knew: if they were fasting, why did he not obligate expiation upon them? And if they were not fasting, why did he prohibit them? Nor did he nullify the fast of one who removed food—smaller than a chickpea—from between his teeth and swallowed it intentionally while mindful of his fasting.

قَالَ أَبُو مُحَمَّد: فَمَنْ أَعْجَبُ شَأْنًا، أَوْ أَقْبَحُ قَوْلًا مِمَّنْ يَرَى اللِّيَاطَةَ. وَإِتْيَانُ الْبَهِيمَةِ عَمْدًا فِي نَهَارِ رَمَضَانَ لَا يَنْقُضُ الصَّوْمَ؟ وَيَرَى أَنَّ مَنْ قَبَّلَ امْرَأَتَهُ الَّتِي أَبَاحَ اللَّهُ تَعَالَى لَهُ تَقْبِيلَهَا وَهُوَ صَائِمٌ فَأَمْنَى فَقَدْ بَطَلَ صَوْمُهُ أَوْ مِمَّنْ فَرَّقَ بَيْنَ أَكْلِ مَا يُغَذِّي وَمَا لَا يُغَذِّي؟ وَلَا نَدْرِي مِنْ أَيْنَ وَقَعَ لَهُمْ هَذَا؟ وَمِمَّنْ رَأَى أَنَّ مَنْ قَبَّلَ زَانِيَةً أَوْ ذَكَرًا أَوْ بَاشَرَهُمَا فِي نَهَارِ رَمَضَانَ فَلَمْ يُنْعِظْ، وَلَا أَمْذَى: أَنَّ صَوْمَهُ صَحِيحٌ تَامٌّ لَا دَاخِلَةَ فِيهِ؟ وَمَنْ قَبَّلَ امْرَأَتَهُ الَّتِي أَبَاحَ اللَّهُ تَعَالَى لَهُ تَقْبِيلَهَا وَهُوَ صَائِمٌ فَأَنْعَظَ: أَنَّ صَوْمَهُ قَدْ بَطَلَ؛ وَمَنْ يَرَى عَلَى مَنْ أَكَلَ نَاسِيًا الْقَضَاءَ وَيُبْطِلُ صَوْمَهُ؟ وَيَرَى أَنَّ مَنْ أَكَلَ مُتَعَمِّدًا مَا يَخْرُجُ مِنْ

L11715–11717 Abū Muḥammad said: Who holds a stranger position or utters more repugnant words than one who views sodomy and deliberate bestiality during Ramadan's daytime as not invalidating the fast? Or who deems that a man kissing his wife—whom God has lawfully permitted him to kiss—while fasting, then emitting semen, invalidates his fast? Or than those who differentiate between consuming what nourishes and what does not nourish? We know not from where they derived this. Or than those who assert that one who kisses a fornicatress or a male, or engages in intimate contact with them during Ramadan's daytime without experiencing an erection or emitting pre-ejaculatory fluid, maintains a valid and complete fast with no defect within it—yet if a man kisses his lawful wife while fasting and becomes aroused, his fast is invalidated? Or who judges that compensatory fasting is required for one who eats forgetfully, thus invalidating his fast, yet claims that intention-

ally consuming food remnants from between one's molars does not affect the fast's validity? Is there anything more astounding than this? The ultimate astonishment lies in their imposition of expiation on some who break the fast without intercourse—by analogy to those who engage in intercourse—while absolving others who break it without intercourse, though both are acts of invalidation. They abandoned analogy in this matter and did not adhere to the textual ruling, imposing expiation upon the coerced woman for intercourse while she incurs no sin through that act, yet exempting the one who intentionally engages in genital contact and emits pre-ejaculatory fluid despite his sinful state. If they argue: "Is he not sinning?" We counter: Then the one who kisses and emits fluid would likewise not be sinning—why then do you impose expiation upon him? These contradictions are unparalleled and lack any basis in textual reports, for they differentiated between negligent parties in rulings without adopting the narration where "A man broke his fast and the Prophet (peace be upon him) ordered him to perform expiation," nor the report where "A man had intercourse with his wife while fasting and the Prophet (peace be upon him) ordered him to perform expiation"—restricting it to these cases without analogically applying it to all who invalidate their fasts. They exempted expiation from those who intentionally break fasts during the makeup fasts for Ramadan (qada), vowed fasts, or the two expiatory months, despite Qatadah's authentic position obliging expiation for intentionally breaking a Ramadan makeup fast. Here they abandoned analogy despite both being obligatory fasts and both involving intentional breaking. If questioned: "From where do you exempt expiation for one who has intercourse with a woman forbidden to him genitally, or from the woman coerced or willingly participating?" We respond: The text specifies only intercourse with one's wife. Terms like "intercourse," "engaging," or "copulating" cannot be applied to non-genital acts without explanatory qualification. Imposing expiation beyond this contradicts the Sunnah, transgresses Allah's ordained limits, and legislates obligations He never decreed. As for the woman, she is the one penetrated, not the one penetrating, making her exemption from expiation in all circumstances clearer than clarity itself. Moreover, unlawful intercourse inevitably involves intentional preparation through verbal persuasion or physical coercion—both sinful acts invalidating the fast. Thus

بَيْنِ أَضْرَاسِهِ مِنْ طَعَامِهِ أَنَّ صَوْمَهُ تَامٌّ؟ فَهَلْ فِي الْعَجَبِ أَكْثَرُ مِنْ هَذَا؟ وَالْعَجَبُ كُلُّهُ فِي إِيجَابِهِمْ الْكَفَّارَةَ عَلَى بَعْضِ مَنْ أَفْطَرَ مِنْ غَيْرِ الْمُجَامِعِ قِيَاسًا عَلَى الْمُجَامِعِ، ثُمَّ إسْقَاطُهُمْ الْكَفَّارَةَ عَنْ بَعْضِ مَنْ أَفْطَرَ مِنْ غَيْرِ الْمُجَامِعِ وَكِلَاهُمَا مُفْطِرٌ، وَتَرَكُوا الْقِيَاسَ فِي ذَلِكَ وَلَمْ يَلْتَزِمُوا النَّصَّ وَأَوْجَبُوا الْكَفَّارَةَ عَلَى الْمُكْرَهَةِ عَلَى الْوَطْءِ، وَهِيَ غَيْرُ عَاصِيَةٍ بِذَلِكَ، وَأَسْقَطُوهَا عَنْ الْمُتَعَمِّدِ لِلْقُبُلِ فَيُمْذِي وَهُوَ عَاصٍ؟ فَإِنْ قَالَ: لَيْسَ عَاصِيًا؟ قُلْنَا: فَالَّذِي قَبَّلَ فَأَمْنَى إذَنْ لَيْسَ عَاصِيًا، فَلِمَ أَوْجَبْتُمُوهَا عَلَيْهِ؟ وَهَذِهِ تَخَالِيطُ لَا نَظِيرَ لَهَا وَلَا مُتَعَلَّقَ لَهُمْ أَصْلًا بِشَيْءٍ مِنْ الْأَخْبَارِ؛ لِأَنَّهُمْ فَرَّقُوا بَيْنَ الْمُفْرِطِينَ فِي الْحُكْمِ فَلَمْ يَأْخُذُوا بِرِوَايَةِ مَنْ رَوَى «أَنَّ رَجُلًا أَفْطَرَ فَأَمَرَهُ النَّبِيُّ - عَلَيْهِ السَّلَامُ - بِالْكَفَّارَةِ» وَلَا بِرِوَايَةِ مَنْ رُوِيَ «أَنَّ رَجُلًا وَقَعَ عَلَى امْرَأَتِهِ وَهُوَ صَائِمٌ فَأَمَرَهُ النَّبِيُّ - عَلَيْهِ السَّلَامُ - بِالْكَفَّارَةِ» ، فَيَقْتَصِرُوا عَلَيْهِ، وَلَا قَاسُوا عَلَيْهِ كُلَّ مُفْطِرٍ؟ وَأَسْقَطُوا الْكَفَّارَةَ عَمَّنْ تَعَمَّدَ الْفِطْرَ فِي قَضَاءِ رَمَضَانَ، وَفِي صَوْمِ نَذْرٍ، وَفِي شَهْرَيْ الْكَفَّارَةِ، وَقَدْ صَحَّ عَنْ قَتَادَةَ إيجَابُ الْكَفَّارَةِ فِي قَضَاءِ رَمَضَانَ إذَا أَفْطَرَ فِيهِ عَامِدًا، وَتَرَكُوا هَاهُنَا الْقِيَاسَ؛ لِأَنَّهُ صَوْمُ فَرْضٍ، وَصَوْمُ فَرْضٍ، وَتَعَمُّدُ فِطْرٍ، وَتَعَمُّدُ فِطْرٍ؟ فَإِنْ قِيلَ: فَمِنْ أَيْنَ أَسْقَطْتُمْ الْكَفَّارَةَ عَمَّنْ وَطِئَ امْرَأَةً مُحَرَّمَةً عَلَيْهِ فِي الْفَرْجِ؟ وَعَنْ الْمَرْأَةِ الْمَوْطُوءَةِ بِإِكْرَاهٍ أَوْ بِمُطَاوَعَةٍ؟ قُلْنَا: لِأَنَّ النَّصَّ لَمْ يَرِدْ إلَّا فِيمَنْ وَطِئَ امْرَأَتَهُ، وَلَا يُطْلَقُ عَلَى مَنْ وَطِئَهَا فِي غَيْرِ الْفَرْجِ اسْمُ وَاطِئٍ، وَلَا اسْمُ مُوَاقِعٍ، وَلَا اسْمُ مُجَامِعٍ، وَلَا أَنَّهُ وَطِئَهَا، وَلَا أَنَّهُ وَقَعَ عَلَيْهَا، وَلَا أَنَّهُ جَامَعَهَا، إلَّا حَتَّى يُضَافَ إلَى ذَلِكَ صِلَةُ الْبَيَانِ، فَإِيجَابُ الْكَفَّارَةِ عَلَى غَيْرِ مَنْ ذَكَرْنَا مُخَالِفٌ لِلسُّنَّةِ وَتَعَدِّي لِحُدُودِ اللَّهِ تَعَالَى فِي ذَلِكَ، وَإِيجَابُ مَا لَمْ يُوجِبْهُ؟ وَأَمَّا الْمَرْأَةُ فَمَوْطُوءَةٌ، وَالْمَوْطُوءَةُ غَيْرُ الْوَاطِئِ، فَالْأَمْرُ فِي سُقُوطِ الْكَفَّارَةِ

intercourse occurs only after the fast has already been invalidated. And with Allah alone is success.

عَنْهَا عَلَى كُلِّ حَالٍ أَوْضَحُ مِنْ كُلِّ وَاضِحٍ؟ وَأَيْضًا: فَإِنَّ وَاطِئَ الْحَرَامِ لَا يَصِلُ إلَى الْوَطْءِ إلَّا بَعْدَ قَصْدٍ إلَى ذَلِكَ بِكَلَامٍ أَوْ بَطْشٍ وَلَا بُدَّ، وَكِلَا الْأَمْرَيْنِ مَعْصِيَةٌ تُبْطِلُ الصَّوْمَ فَلَمْ يُجَامِعْ إلَّا وَصَوْمُهُ قَدْ بَطَلَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11718 If it is asked: "Do you jurists then require expiation from one who has intercourse with his wife or female slave while both women are menstruating?"

فَإِنْ قِيلَ: فَإِنَّكُمْ تُوجِبُونَهَا عَلَى مَنْ وَطِئَ امْرَأَتَهُ أَوْ أَمَتَهُ وَهُمَا حَائِضَانِ؟

L11719–11720 We said: Because the Messenger of Allah—peace be upon him—made it obligatory upon anyone who had intercourse with his wife without exception, without asking him whether she was menstruating or not.

قُلْنَا: لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَهَا عَلَى مَنْ وَطِئَ امْرَأَتَهُ جُمْلَةً، وَلَمْ يَسْأَلْهُ: أَحَائِضًا هِيَ أَمْ غَيْرَ حَائِضٍ؟

L11721 **A legal issue: If a man intentionally had sexual intercourse during the daytime of Ramadan and then traveled on that same day, or became insane, or became ill.**

[مَسْأَلَةٌ وَطِئَ عَمْدًا فِي نَهَارِ رَمَضَانَ ثُمَّ سَافَرَ فِي يَوْمِهِ ذَلِكَ أَوْ جُنَّ أَوْ مَرِضَ]

L11722 738 – Issue: If someone [intentionally] engages in sexual intercourse during the daytime of Ramadan and then travels on that same day, becomes insane, or falls ill, the expiation is not waived for him. This is because obligations mandated by Allah, the Exalted, cannot be nullified after becoming binding except through explicit textual evidence, and there is no textual evidence indicating the waiver of this expiation for the circumstances we have mentioned.

٧٣٨ - مَسْأَلَةٌ: وَمَنْ وَطِئَ [عَمْدًا] فِي نَهَارِ رَمَضَانَ ثُمَّ سَافَرَ فِي يَوْمِهِ ذَلِكَ أَوْ جُنَّ، أَوْ مَرِضَ لَا تَسْقُطُ عَنْهُ الْكَفَّارَةُ، لِأَنَّ مَا أَوْجَبَهُ اللَّهُ تَعَالَى فَلَا يَسْقُطُ بَعْدَ وُجُوبِهِ إلَّا بِنَصٍّ، وَلَا نَصَّ فِي سُقُوطِهَا لِمَا ذَكَرْنَا.

L11723 Abu Hanifah and his companions stated: The obligation is waived due to illness but is not waived due to travel.

وَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: تَسْقُطُ بِالْمَرَضِ وَلَا تَسْقُطُ بِالسَّفَرِ

L11724 **Issue: The manner of expiation for breaking the fast during Ramadan.**

[مَسْأَلَةٌ صِفَةُ كَفَّارَةِ الْفِطْرِ فِي رَمَضَانَ]

L11725 Issue 739: The description of the obligatory expiation is as we mentioned in the narration of the majority of Al-Zuhri's companions: it requires freeing a slave - nothing else suffices while one remains capable of this. If he becomes incapable, he must fast two consecutive months. If he becomes incapable of this, he must, at that point, feed sixty needy people. If it is asked: "Why do you not hold the opinion reported by Yahya Al-Ansari, Ibn Jurayj, and Malik

٧٣٩ - مَسْأَلَةٌ: وَصِفَةُ الْكَفَّارَةِ الْوَاجِبَةِ هِيَ كَمَا ذَكَرْنَا فِي رِوَايَةِ جُمْهُورِ أَصْحَابِ الزُّهْرِيِّ: مِنْ عِتْقِ رَقَبَةٍ لَا يُجْزِئُهُ غَيْرُهَا مَا دَامَ يَقْدِرُ عَلَيْهَا، فَإِنْ لَمْ يَقْدِرْ عَلَيْهَا لَزِمَهُ صَوْمُ شَهْرَيْنِ مُتَتَابِعَيْنِ، فَإِنْ لَمْ يَقْدِرْ عَلَيْهَا لَزِمَهُ - حِينَئِذٍ - إطْعَامُ سِتِّينَ مِسْكِينًا؟ فَإِنْ قِيلَ: هَلَّا قُلْتُمْ

from Al-Zuhri regarding his granting of choice between all these options?" We respond: Due to what we have clarified - that these scholars abbreviated the narration and conveyed it through their own wording or through wording other than the Prophet's (peace be upon him).

بِمَا رَوَاهُ يَحْيَى الْأَنْصَارِيُّ وَابْنُ جُرَيْجٍ، وَمَالِكٌ عَنْ الزُّهْرِيِّ مِنْ تَخْيِيرِهِ بَيْنَ كُلِّ ذَلِكَ؟ قُلْنَا: لِمَا قَدْ بَيَّنَّا مِنْ أَنَّ هَؤُلَاءِ اخْتَصَرُوا الْحَدِيثَ، وَأَتَوْا بِأَلْفَاظِهِمْ، أَوْ بِلَفْظٍ مِنْ دُونِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11726 As for the rest of Az-Zuhri's companions, they cited the wording of the Prophet—peace and blessings of Allah be upon him—which is absolutely impermissible to transgress in any way, along with the additional ruling of sequential order. It is impermissible to omit this addition. In our view, do Abu Hanifah, Al-Shafi'i, Abu Sulayman, Ahmad, and the majority of people state this? As for Malik, he adhered to what was narrated, though he recommended feeding as a preferable act—yet there is absolutely no basis for this recommendation.

وَأَمَّا سَائِرُ أَصْحَابِ الزُّهْرِيِّ فَأَتَوْا بِلَفْظِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ الَّذِي لَا يَحِلُّ تَعَدِّيهِ أَصْلًا، وَبِزِيَادَةِ حُكْمِ التَّرْتِيبِ، وَلَا يَحِلُّ تَرْكُ الزِّيَادَةِ وَبِقَوْلِنَا يَقُولُ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ، وَأَحْمَدُ، وَجُمْهُورُ النَّاسِ؟ وَأَمَّا مَالِكٌ فَقَالَ بِمَا رُوِيَ، إلَّا أَنَّهُ اسْتَحَبَّ الْإِطْعَامَ، وَلَيْسَ لِهَذَا الِاسْتِحْبَابِ وَجْهٌ أَصْلًا.

L11727 As for Abū Ḥanīfa, he permitted—regarding the prescribed feeding—that one should feed a single poor person for sixty days. This constitutes a sheer contradiction of the command of Allah's Messenger (peace and blessings be upon him), for the term "sixty poor people" cannot apply to a single individual at all.

وَأَمَّا أَبُو حَنِيفَةَ فَإِنَّهُ أَجَازَ فِي الْإِطْعَامِ الْمَذْكُورِ: أَنْ تُطْعِمَ مِسْكِينًا وَاحِدًا سِتِّينَ يَوْمًا، وَهَذَا خِلَافٌ مُجَرَّدٌ لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا يَقَعُ اسْمُ سِتِّينَ مِسْكِينًا عَلَى مِسْكِينٍ وَاحِدٍ أَصْلًا

L11728 **Issue: What suffices as expiation for breaking the fast.**

[مَسْأَلَةٌ مَا يُجْزِئُ فِي كَفَّارَةِ الْفِطْرِ]

L11729 Issue 740: It suffices in this matter to free a believing or disbelieving slave, young or old, male or female, blemished or sound, due to the generality of the Messenger of Allah's statement (peace and blessings be upon him): "Free a slave." If any category among the slaves to be emancipated were insufficient for this purpose, he (peace be upon him) would have specified it, and he would not have left it unaddressed until others had to clarify it for him.

٧٤٠ - مَسْأَلَةٌ: وَيُجْزِئُ فِي ذَلِكَ رَقَبَةٌ مُؤْمِنَةٌ أَوْ كَافِرَةٌ، صَغِيرَةٌ، أَوْ كَبِيرَةٌ، ذَكَرٌ أَوْ أُنْثَى، مَعِيبٌ أَوْ سَلِيمٌ؛ لِعُمُومِ «قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْتِقْ رَقَبَةً» فَلَوْ كَانَ شَيْءٌ مِنْ الرِّقَابِ الَّتِي تُعْتَقُ لَا يُجْزِئُ فِي ذَلِكَ لَبَيَّنَهُ - عَلَيْهِ السَّلَامُ -، وَلَمَا أَهْمَلَهُ حَتَّى يُبَيِّنَهُ لَهُ غَيْرُهُ.

L11730–11731 The following are considered sufficient in that regard: the mother of the child (umm al-walad), the slave whose emancipation is deferred until the master's death (mudabbar), the slave emancipated with stipulated conditions (muʿtaq bi-ṣifah), the slave emancipated for a specified term, and the slave who has entered into a manumission contract (mukātab) but has not yet paid

وَيُجْزِئُ فِي ذَلِكَ: أُمُّ الْوَلَدِ، وَالْمُدَبَّرُ، وَالْمُعْتَقُ بِصِفَةٍ، وَإِلَى أَجَلٍ، وَالْمُكَاتَبُ الَّذِي لَمْ يُؤَدِّ شَيْئًا مِنْ كِتَابَتِهِ، وَلَا يُجْزِئُ فِي ذَلِكَ نِصْفَانِ مِنْ رَقَبَتَيْنِ، وَلَا مَنْ بَعْضُهُ حُرٌّ؟ وَقَالَ

any portion of the agreed sum. It is not sufficient to use half of two separate slaves, nor someone partially freed? Abū Ḥanīfah agreed with our opinion regarding the disbeliever and the minor. Mālik and Al-Shāfiʿī said: "Only a female believer suffices." They argued: "We analogize this to the female slave in accidental killing."

أَبُو حَنِيفَةَ بِقَوْلِنَا فِي الْكَافِرِ وَالصَّغِيرِ: وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ لَا يُجْزِئُ إِلَّا مُؤْمِنَةٌ، قَالُوا: قِسْنَا ذَلِكَ عَلَى - الرَّقَبَةِ فِي قَتْلِ الْخَطَأِ.

L11732 Abu Muhammad said: All analogy is invalid. Furthermore, even if analogy were valid, this instance of it would still be invalid. For Mālik does not analogize the ruling of an intentional killer to that of an unintentional killer in the matter of expiation. Since he did not analogize one killer to another, then analogizing the ruling for one who engages in sexual intercourse during Ramadan to the killer would be more invalid, if analogy were valid? Al-Shāfiʿī does not analogize the one who breaks the fast by eating to the one who breaks it by intercourse in the matter of expiation. Since he did not analogize one who breaks the fast to another, then analogizing the one who breaks the fast to the killer would be more invalid, if analogy were valid? Moreover, there is no disagreement that in the expiation for intercourse during Ramadan, feeding is substituted instead of fasting, whereas feeding is not substituted instead of fasting in the expiation for unintentional killing.

قَالَ أَبُو مُحَمَّد: وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ مَالِكًا لَا يَقِيسُ حُكْمَ قَاتِلِ الْعَمْدِ عَلَى حُكْمِ قَاتِلِ الْخَطَأِ فِي الْكَفَّارَةِ، فَإِذَا لَمْ يَقِسْ قَاتِلًا عَلَى قَاتِلٍ فَقِيَاسُ الْوَاطِئِ عَلَى الْقَاتِلِ أَوْلَى بِالْبُطْلَانِ، إِنْ كَانَ الْقِيَاسُ حَقًّا؟ وَالشَّافِعِيُّ لَا يَقِيسُ الْمُفْطِرَ بِالْأَكْلِ عَلَى الْمُفْطِرِ بِالْوَطْءِ فِي الْكَفَّارَةِ، فَإِذَا لَمْ يَقِسْ مُفْطِرًا عَلَى مُفْطِرٍ فَقِيَاسُ الْمُفْطِرِ عَلَى الْقَاتِلِ أَوْلَى بِالْبُطْلَانِ، إِنْ كَانَ الْقِيَاسُ حَقًّا؟ وَأَيْضًا: فَإِنَّهُ لَا خِلَافَ فِي أَنَّ كَفَّارَةَ الْوَاطِئِ فِي رَمَضَانَ يُعَوَّضُ فِيهَا الْإِطْعَامُ مِنَ الصِّيَامِ، وَلَا يُعَوَّضُ الْإِطْعَامُ مِنَ الصِّيَامِ فِي كَفَّارَةِ قَتْلِ الْخَطَأِ

L11733 Their consensus has been soundly established that the ruling on the expiation for intercourse differs from the ruling on the expiation for killing. Does this not thereby invalidate the analogy of one to the other? If they argue: "The text did not prescribe compensation in the expiation for killing, yet prescribed it in the expiation for intercourse," we respond: "Similarly, the text did not stipulate [freeing] a believing female [slave] in the expiation for intercourse, yet stipulated this in the expiation for killing—and this is the correct position."

فَقَدْ صَحَّ إِجْمَاعُهُمْ عَلَى أَنَّ حُكْمَ كَفَّارَةِ الْوَاطِئِ مُخَالِفٌ لِحُكْمِ كَفَّارَةِ الْقَاتِلِ، فَبَطَلَ بِهَذَا قِيَاسُ إِحْدَاهُمَا عَلَى الْأُخْرَى؟ فَإِنْ قَالُوا: إِنَّ النَّصَّ لَمْ يَرِدْ بِالتَّعْوِيضِ فِي كَفَّارَةِ الْقَتْلِ، وَوَرَدَ بِهِ فِي كَفَّارَةِ الْوَطْءِ؟ قُلْنَا: وَالنَّصُّ لَمْ يَرِدْ بِاشْتِرَاطِ مُؤْمِنَةٍ فِي كَفَّارَةِ الْوَطْءِ وَوَرَدَ بِهِ فِي كَفَّارَةِ الْقَتْلِ، وَهَذَا هُوَ الْحَقُّ.

L11734 If they say: "Is the believing woman superior?" We say: Yes, and the virtuous scholar is superior to the ignorant sinner.

فَإِنْ قَالُوا: الْمُؤْمِنَةُ أَفْضَلُ؟ قُلْنَا: نَعَمْ، وَالْعَالِمُ الْفَاضِلُ أَفْضَلُ مِنَ الْجَاهِلِ الْفَاسِقِ.

L11735 Exalted is He said, "Say, 'Are those who know equal to those who do not know?'" [Az-Zumar 9].[17]

قَالَ تَعَالَى: {قُلْ هَلْ يَسْتَوِي الَّذِينَ يَعْلَمُونَ وَالَّذِينَ لا يَعْلَمُونَ} [الزمر: ٩] .

L11736 The Almighty said: "Or do those who commit evil deeds think that We will

[17] **Qur'an references (L11735):** Qur'an 39:9 (Az-Zumar).

make them like those who believe and do righteous deeds?" [Al-Jāthiyah: 21] Yet you validate the ignorant transgressor in this matter.[18]

وَقَالَ تَعَالَى: {أَمْ حَسِبَ الَّذِينَ اجْتَرَحُوا السَّيِّئَاتِ أَنْ نَجْعَلَهُمْ كَالَّذِينَ آمَنُوا وَعَمِلُوا الصَّالِحَاتِ} [الجاثية: ٢١] وَأَنْتُمْ تُجِيزُونَ فِيهَا الْجَاهِلَ الْفَاسِقَ.

L11737 As for the defective item, all scholars agree on permitting minor defects in it. And has there come any text, consensus, or analogical reasoning addressing the distinction between defects in that matter?

وَأَمَّا الْمَعِيبُ فَكُلُّهُمْ مُتَّفِقٌ عَلَى إجَازَةِ الْعَيْبِ الْخَفِيفِ فِيهَا، وَلَمْ يَأْتِ نَصٌّ، وَلَا إجْمَاعٌ، وَلَا قِيَاسٌ بِالْفَرْقِ بَيْنَ الْعُيُوبِ فِي ذَلِكَ؟

L11738–11739 Moreover, they have no means to define the minor act—which they permit from the numerous acts they generally prohibit. Is it not correct that this is a corrupt opinion among their opinions? Abu Hanifah said: A one-eyed person is sufficient, and one with a hand, leg, or both amputated due to differing opinions, and one with two fingers amputated from each hand other than the thumbs.

وَأَيْضًا: فَلَا سَبِيلَ لَهُمْ إلَى تَحْدِيدِ الْخَفِيفِ - الَّذِي أَجَازُوهُ مِنْ الْكَثِيرِ - الَّذِي لَا يُجِيزُونَهُ - فَصَحَّ أَنَّهُ رَأْيٌ فَاسِدٌ مِنْ آرَائِهِمْ؟ وَقَالَ أَبُو حَنِيفَةَ: يُجْزِئُ الْأَعْوَرُ، وَالْمَقْطُوعُ الْيَدِ أَوْ الرِّجْلِ أَوْ كِلَيْهِمَا مِنْ خِلَافٍ، وَالْمَقْطُوعُ إصْبَعَيْنِ مِنْ كُلِّ يَدٍ سِوَى الْإِبْهَامَيْنِ.

L11740 The blind person does not suffice, nor the paralyzed person, nor one whose hand and leg are cut off from one side, nor one whose only both thumbs are cut off from both hands, nor one whose three fingers are cut off from each hand. Abu Muhammad said: "These are utterly confused assertions. Had any of this been invalid, he (peace be upon him) would have clarified it." As for the mother of the master's child (umm al-walad) and the contractually designated slave (mudabbar), there is no disagreement that emancipation is valid for them and its ruling takes effect upon their emancipation. The emancipator of each is called one who frees a slave, and the emancipation of each constitutes freeing a slave without dispute. Therefore, whoever emancipates one of them has fulfilled what Allah the Exalted commanded him to do.

وَلَا يُجْزِئُ الْأَعْمَى، وَلَا الْمُقْعَدُ، وَلَا الْمَقْطُوعُ يَدًا وَرِجْلًا مِنْ جَانِبٍ وَاحِدٍ، وَلَا مَقْطُوعُ الْإِبْهَامَيْنِ فَقَطْ مِنْ كِلْتَا يَدَيْهِ وَلَا مَقْطُوعُ ثَلَاثِ أَصَابِعَ مِنْ كُلِّ يَدٍ قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ تَخَالِيطُ قَوِيَّةٌ بِمَرَّةٍ وَلَوْ كَانَ شَيْءٌ مِنْ هَذَا لَا يُجْزِئُ لَبَيَّنَهُ - عَلَيْهِ السَّلَامُ -. وَأَمَّا أُمُّ الْوَلَدِ وَالْمُدَبَّرُ فَلَا خِلَافَ فِي أَنَّ الْعِتْقَ جَائِزٌ فِيهِمَا وَحُكْمُهُ وَاقِعٌ عَلَيْهِمَا إذَا عَتَقَا، فَمُعْتِقُ كُلِّ وَاحِدٍ مِنْهُمَا يُسَمَّى مُعْتِقَ رَقَبَةٍ، وَعِتْقُ كُلِّ وَاحِدٍ مِنْهُمْ عِتْقَ رَقَبَةٍ بِلَا خِلَافٍ، فَوَجَبَ أَنَّ مَنْ أَعْتَقَ أَحَدَهُمَا فِي ذَلِكَ فَقَدْ فَعَلَ مَا أَمَرَهُ اللَّهُ تَعَالَى بِهِ.

L11741 Abu Hanifa and Malik said: The two do not suffice. Al-Shafi'i said: The umm al-walad does not suffice because she cannot be sold. Abu Muhammad said: What then? Did the Prophet, peace be upon him, stipulate—when ordering the emancipation of a slave in expiation—that it must be one whose sale is permissible? Allah is far above such a thing! Since the Prophet, peace be upon him, did not stipulate this attribute, stipulating it is invalid and legislation in

وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: لَا يُجْزِئَانِ؟ وَقَالَ الشَّافِعِيُّ: لَا تُجْزِئُ أُمُّ الْوَلَدِ، لِأَنَّهَا لَا تُبَاعُ؟ قَالَ أَبُو مُحَمَّدٍ: فَكَانَ مَاذَا؟ وَهَلْ اشْتَرَطَ - عَلَيْهِ السَّلَامُ - إذْ أَمَرَ فِي الْكَفَّارَةِ بِعِتْقِ رَقَبَةٍ - أَنْ تَكُونَ مِمَّنْ يَجُوزُ بَيْعُهَا؟ حَاشَ لِلَّهِ مِنْ هَذَا، فَإِذْ لَمْ يَشْتَرِطْ - عَلَيْهِ السَّلَامُ - هَذِهِ الصِّفَةَ فَاشْتِرَاطُهَا بَاطِلٌ، وَشَرْعٌ فِي الدِّينِ لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤].

[18] **Qur'an references (L11736):** Qur'an 45:21 (Al-Jathiyah).

the religion which Allah the Exalted has not permitted. “And your Lord is not forgetful.” [Maryam 19:64][19]

وَأَجَازَ فِي ذَلِكَ عِتْقَ الْمُدَبَّرِ؟ وَمِمَّنْ أَجَازَ عِتْقَ أُمِّ الْوَلَدِ، وَالْمُدَبَّرِ فِي ذَلِكَ: عُثْمَانُ الْبَتِّيُّ، وَأَبُو سُلَيْمَانَ؟ وَأَمَّا الْمُكَاتَبُ الَّذِي لَمْ يُؤَدِّ شَيْئًا فَقَدْ ذَكَرْنَا أَنَّهُ عَبْدٌ، وَمِمَّنْ أَجَازَهُ فِي الْكَفَّارَةِ دُونَ مَنْ أَدَّى شَيْئًا مِنْ كِتَابَتِهِ -: أَبُو حَنِيفَةَ، وَأَحْمَدُ بْنُ حَنْبَلٍ، وَإِسْحَاقُ بْنُ رَاهْوَيْهِ.

L11742 And he permitted in that regard the emancipation of the mudabbar (a slave designated for posthumous freedom). Among those who permitted the emancipation of the umm al-walad (a slave mother) and the mudabbar in that context are ʿUthmān al-Battī and Abū Sulaymān. As for the mukatab (a slave under a manumission contract) who has not paid anything, we have stated that he remains a slave. Among those who permitted his inclusion in expiation—excluding one who has paid part of his kitābah payments—are Abū Ḥanīfah, Aḥmad ibn Ḥanbal, and Isḥāq ibn Rāhawayh.

وَأَمَّا الْمُكَاتَبُ الَّذِي أَدَّى شَيْئًا مِنْ كِتَابَتِهِ، وَمَنْ بَعْضُهُ حُرٌّ، فَقَدْ ذَكَرْنَا فِي كِتَابِ الزَّكَاةِ شُرُوعُ الْحُرِّيَّةِ فِيهِ بِقَدْرِ مَا أَدَّى، فَمَنْ أَعْتَقَ بَاقِيَهُمَا فَإِنَّمَا أَعْتَقَ بَعْضَ رَقَبَةٍ، لَا رَقَبَةً، فَلَمْ يُؤَدِّ مَا أُمِرَ بِهِ.

L11743 As for the mukatab (one bound by a manumission contract) who has paid part of his contractual obligation and part of whom is free, we have mentioned in the chapter on Zakât that the commencement of freedom applies to him in proportion to what he has paid. Therefore, whoever manumits the remainder of both has only freed part of a slave—not a whole slave—and thus has not fulfilled his obligation.

وَمِمَّنْ قَالَ بِقَوْلِنَا فِي أَنَّهُمَا لَا يُجْزِئَانِ: أَبُو حَنِيفَةَ، وَأَحْمَدُ، وَإِسْحَاقُ.

L11744–11745 Among those who affirmed our position that the two do not suffice are Abu Hanifa, Ahmad, and Ishaq.

وَأَمَّا مَنْ أَعْتَقَ نِصْفَيْ رَقَبَتَيْنِ فَلَا يُسَمَّى مُعْتِقَ رَقَبَةٍ كَمَا ذَكَرْنَا، وَلِأَنَّهُ يَعْتِقُ عَلَيْهِ سَائِرُهُمَا بِحُكْمٍ آخَرَ وَلَا بُدَّ، فَإِذَا لَمْ يَكُنْ مُعْتِقَ - رَقَبَةٍ فِي ذَلِكَ فَلَمْ يُؤَدِّ مَا أُمِرَ بِهِ؟ وَأَمَّا الْمُعْتِقُ إِلَى أَجَلٍ - وَإِنْ قَرُبَ - أَوْ بِصِفَةٍ فَعِتْقُهُمَا وَبَيْعُهُمَا جَائِزٌ، أَمَّا الْمُعْتَقُ فَلَا خِلَافَ مِنْهُمْ نَعْلَمُهُ فِيهِ.

L11746 As for one who frees two halves of two slaves, he is not called “the emancipator of a slave” as we stated, because the remainder of both must inevitably be emancipated under another legal ruling. If he is not considered to have emancipated a slave in this case, has he not fulfilled what he was commanded to do? As for one who emancipates with a stipulated term—even if brief—or with a condition, both their emancipation and the sale in such cases are permissible. Regarding the emancipated slave, there is no disagreement among them that we know of concerning him.

وَمِمَّنْ أَجَازَهُمَا فِي الْكَفَّارَةِ: الشَّافِعِيُّ وَغَيْرُهُ، وَمُعْتَقُهُمَا يُسَمَّى: مُعْتِقَ رَقَبَةٍ.

L11747 Among those who permitted both for expiation are al-Shāfiʿī and others, and their manumission is termed “freeing a neck.”

L11748 Issue 741: All that we have stated to be invalid constitutes a rejected, void, and non-effective manumission, based on the statement of Allah’s Messen-

[19] **Qur’an references (L11741):** Qur’an 19:64 (Maryam).

ger—peace and blessings of Allah be upon him: "Whoever performs an act not in accordance with our command, it is rejected." This is because he only manumitted through an invalid condition, thus his manumission did not become valid—and with Allah alone is [the grant of] success, the Exalted.[20]

A case where one observed fasting as expiation for breaking a fast, but their fast was invalidated by the onset of Ramadan or another period during which fasting is prohibited.

742. Issue: If one's obligatory fast is interrupted by the arrival of Ramadan, the days of Eid al-Adha, or days when fasting is impermissible, the two [fasts] are not consecutive. But was he not commanded to observe them consecutively? A scholar said: "Does it suffice him?" Ali said: "This contradicts the command of the Prophet—peace be upon him. Merely being excused for breaking the fast, without being sinful or blameworthy, does not permit abandoning continuity unless Allah the Exalted has permitted it."

It was narrated to us through the chain of Al-Ḥajjāj ibn Al-Minhāl, from Abū ʿAwānah, from Al-Mughīrah, from Ibrāhīm: If someone required to fast two consecutive months falls ill and breaks his fast, must he restart fasting both months?

Issue 743: If in both cases he encounters a day he had vowed to fast, the vow is nullified and ceases to bind him, and he must continue the fast for expiation. Likewise in Ramadan, it is exactly the same, due to the statement of Allah's Messenger - peace and blessings be upon him: "Allah's Book has greater precedence, and Allah's condition is more binding."

Thus, it is established that no one may obligate themselves to anything beyond what Allah, the Exalted, has ordained. Whoever vows an act that nullifies Allah's obligation—their vow is invalid, for it transgresses the limits set by Allah, the Almighty, the Majestic.

[20] **Hadith references (L11748):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

٧٤١ - مَسْأَلَةٌ: وَكُلُّ مَا قُلْنَا: أَنَّهُ لَا يُجْزِئُ، فَإِنَّهُ عِتْقٌ مَرْدُودٌ بَاطِلٌ لَا يَنْفُذُ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» وَلِأَنَّهُ لَمْ يُعْتِقْهُ إِلَّا بِصِفَةٍ لَمْ تَصِحَّ، فَلَمْ يَصِحَّ عِتْقُهُ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ

[مَسْأَلَةٌ صام فِي كَفَّارَةِ الْفِطْرِ فَقَطَعَ صَوْمَهُ عَلَيْهِ رَمَضَانُ أَوْ مَا لَا يَحِلُّ صِيَامُهُ]

٧٤٢ - مَسْأَلَةٌ: وَمَنْ كَانَ فَرْضُهُ الصَّوْمُ، فَقَطَعَ صَوْمَهُ عَلَيْهِ رَمَضَانُ، أَوْ أَيَّامُ الْأَضْحَى، أَوْ مَا لَا يَحِلُّ صِيَامُهُ فَلَيْسَا مُتَتَابِعِينَ، وَإِنَّمَا أُمِرَ بِهِمَا مُتَتَابِعِينَ؟ وَقَالَ قَائِلٌ: يُجْزِئُهُ؟ قَالَ عَلِيٌّ: وَهَذَا خِلَافُ أَمْرِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَيْسَ كَوْنُهُ مَعْذُورًا فِي إِفْطَارِهِ غَيْرَ آثِمٍ وَلَا مَلُومٍ بِمُجِيزٍ لَهُ مَا لَمْ يُجَوِّزْهُ اللَّهُ تَعَالَى مِنْ عَدَمِ التَّتَابُعِ.

وَرُوِّينَا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ أَبِي عَوَانَةَ عَنْ الْمُغِيرَةِ عَنْ إِبْرَاهِيمَ: مَنْ لَزِمَهُ شَهْرَانِ مُتَتَابِعَانِ فَمَرِضَ فَأَفْطَرَ فَإِنَّهُ يَبْتَدِئُ صَوْمَهُمَا؟

٧٤٣ - مَسْأَلَةٌ: فَإِنْ اعْتَرَضَهُ فِيهِمَا يَوْمُ نَذْرٍ نَذَرَهُ: بَطَلَ النَّذْرُ وَسَقَطَ عَنْهُ، وَتَمَادَى فِي صَوْمِ الْكَفَّارَةِ، وَكَذَلِكَ فِي رَمَضَانَ سَوَاءٌ سَوَاءٌ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «كِتَابُ اللَّهِ أَحَقُّ وَشَرْطُ اللَّهِ أَوْثَقُ» .

فَصَحَّ أَنَّهُ لَيْسَ لِأَحَدٍ أَنْ يَلْتَزِمَ غَيْرَ مَا أَلْزَمَهُ اللَّهُ تَعَالَى، وَمَنْ نَذَرَ مَا يُبْطِلُ بِهِ فَرْضَ اللَّهِ تَعَالَى: فَنَذْرُهُ بَاطِلٌ؛ لِأَنَّهُ تَعَدٍّ لِحُدُودِ اللَّهِ عَزَّ وَجَلَّ؟

L11754–11756 744 - Issue: If one begins fasting for the two months on the first day of the month, they must fast until sighting the third crescent—whether both months are complete, both shortened, or one complete and one shortened—due to Allah, the Exalted's statement: {Indeed, the number of months with Allah is twelve months in the Book of Allah} [Quran 9:36]. Thus, whoever is obligated to fast two months must... Does he count both of them among the twelve aforementioned months?[21]

٧٤٤ - مَسْأَلَةٌ: فَإِنْ بَدَأَ بِصَوْمِهِمَا فِي أَوَّلِ يَوْمٍ مِنْ الشَّهْرِ صَامَ إلَى أَنْ يَرَى الْهِلَالَ الثَّالِثَ وَلَا بُدَّ، كَامِلَيْنِ كَانَا أَوْ نَاقِصَيْنِ، أَوْ كَامِلًا وَنَاقِصًا لِقَوْلِ اللَّهِ تَعَالَى: {إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ} [التوبة: ٣٦] فَمَنْ لَزِمَهُ صَوْمُ شَهْرَيْنِ لَزِمَهُ أَنْ يَأْتِيَ بِهِمَا مِنْ جُمْلَةِ الِاثْنَيْ عَشَرَ شَهْرًا الْمَذْكُورَةِ؟

L11757 745 – Issue: If he begins with both [obligations] during any part of the month—even if only one day has passed, only one day remains, or any duration in between—he is required to fast fifty-eight days, no more.

٧٤٥ - مَسْأَلَةٌ: فَإِنْ بَدَأَ بِهِمَا فِي بَعْضِ الشَّهْرِ - وَلَوْ لَمْ يَمْضِ مِنْهُ إلَّا يَوْمٌ، أَوْ لَمْ يَبْقَ إلَّا يَوْمٌ فَمَا بَيْنَ ذَلِكَ -: لَزِمَهُ صَوْمُ ثَمَانِيَةٍ وَخَمْسِينَ يَوْمًا لَا أَكْثَرَ.

L11758 Abd al-Rahman ibn Abd Allah ibn Khalid reported to us, Ibrahim ibn Ahmad reported to us, al-Farbari reported to us, al-Bukhari reported to us, Abd al-Aziz ibn Abd Allah reported to us, Sulayman ibn Bilal narrated from Humaid from Anas ibn Malik, who said: "The Messenger of Allah - peace and blessings be upon him - vowed to abstain from his wives, so he remained in an upper chamber for twenty-nine nights, then descended. They said: 'O Messenger of Allah, you vowed to abstain for a month.' He replied: 'The month may be twenty-nine days.'" We have transmitted this through extensively mass-transmitted (mutawātir) chains: via Ibn Jurayj's chain from Abu al-Zubayr, who heard it from Jabir; via Ikrimah ibn Abd al-Rahman's chain from Umm Salamah; via the chains of Sa'id ibn Amr, Jabalah ibn Suhaym, Amr ibn Dinar, Uqbah ibn Hurayth, and Sa'd ibn Ubaydah—all transmitting from Ibn Umar; via Isma'il ibn Abi Khalid's chain from Muhammad ibn Sa'd ibn Abi Waqqas from his father; and via al-Zuhri's chain from Urwah from Aisha—all transmitting from the Messenger of Allah - peace and blessings be upon him - with chains of the utmost soundness. Therefore, if a month may be twenty-nine or thirty days, is one only obligated by certainty—with twenty-nine being the minimum? Some argue: "Must he complete sixty days to ensure the full fulfillment of two months?" Abu Muhammad said: This is erroneous, for Allah the Exalted obligated two months without stipulating "complete months of thirty days." One is bound only by what constitutes

لِمَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ اللَّهِ ثنا سُلَيْمَانُ بْنُ بِلَالٍ عَنْ حُمَيْدٍ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: «آلَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ نِسَائِهِ فَأَقَامَ فِي مَشْرُبَةٍ تِسْعًا وَعِشْرِينَ لَيْلَةً ثُمَّ نَزَلَ، فَقَالُوا: يَا رَسُولَ اللَّهِ، آلَيْتَ شَهْرًا، فَقَالَ: إنَّ الشَّهْرَ يَكُونُ تِسْعًا وَعِشْرِينَ» . وَرُوِّينَاهُ مِنْ طُرُقٍ مُتَوَاتِرَةٍ جِدًّا كَذَلِكَ مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ: أَنَّهُ سَمِعَ جَابِرًا، وَمِنْ طَرِيقِ عِكْرِمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّ سَلَمَةَ وَمِنْ طَرِيقِ سَعِيدِ بْنِ عَمْرٍو، وَجَبَلَةِ بْنِ سُحَيْمٍ، وَعَمْرِو بْنِ دِينَارٍ، وَعُقْبَةَ بْنِ حُرَيْثٍ، وَسَعْدِ بْنِ عُبَيْدَةَ كُلُّهُمْ عَنْ ابْنِ عُمَرَ، وَمِنْ طَرِيقِ إسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ مُحَمَّدِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ عَنْ أَبِيهِ، وَمِنْ طَرِيقِ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ، كُلُّهُمْ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَسَانِيدَ فِي غَايَةِ الصِّحَّةِ، فَإِذَا الشَّهْرُ يَكُونُ تِسْعًا وَعِشْرِينَ وَيَكُونُ ثَلَاثِينَ، فَلَا يَلْزَمُهُ إلَّا الْيَقِينُ، وَهُوَ الْأَقَلُّ؟ وَقَالَ قَائِلُونَ: عَلَيْهِ أَنْ يُوَفِّيَ سِتِّينَ يَوْمًا لِيَكُونَ عَلَى يَقِينٍ مِنْ إتْمَامِ الشَّهْرَيْنِ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ، لِأَنَّ اللَّهَ تَعَالَى إنَّمَا أَلْزَمَهُ شَهْرَيْنِ، وَلَمْ يَقُلْ

[21] **Qur'an references (L11754):** Qur'an 9:36 (At-Tawbah).

two months, and the term “two months”—by the explicit declaration of the Prophet (peace be upon him)—applies to twenty-nine days each. Are prescribed duties not binding except by explicit textual proof or consensus? By this reasoning, it would necessitate that Hanafis who hold this view also assert: “Emancipating a slave is invalid unless the slave is a believer”—to attain certainty of fulfilling the obligation in emancipation?

كَامِلَيْنِ، كُلُّ شَهْرٍ مِنْ ثَلَاثِينَ يَوْمًا، فَإِنَّمَا عَلَيْهِ مَا يَقَعُ عَلَيْهِ اسْمُ شَهْرَيْنِ، وَاسْمُ شَهْرَيْنِ يَقَعُ بِنَصِّ كَلَامِهِ - عَلَيْهِ السَّلَامُ - عَلَى تِسْعٍ وَعِشْرِينَ، وَتِسْعٍ وَعِشْرِينَ، وَالْفَرَائِضُ لَا تَلْزَمُ إِلَّا بِنَصٍّ، أَوْ إِجْمَاعٍ؟ وَيَلْزَمُ مَنْ قَالَ هَذَا مِنَ الْحَنَفِيِّينَ أَنْ يَقُولَ: لَا تُجْزِئُ - الرَّقَبَةُ إِلَّا مُؤْمِنَةً، لِيَكُونَ عَلَى يَقِينٍ مِنْ أَنَّهُ قَدْ أَدَّى الْفَرْضَ فِي الرَّقَبَةِ؟

L11759–11760 It is incumbent upon those who hold this view among the Mālikīs and Shāfiʿīs to state: “Does it only suffice to provide lunch and dinner, or two lunches, or two dinners—as the Ḥanafīs assert—and does it not suffice unless one gives a *ṣāʿ* of barley for each poor person, or half a *ṣāʿ* of wheat, so that one may be certain of fulfilling the obligation of feeding?”

وَيَلْزَمُ مَنْ قَالَ بِهَذَا مِنَ الْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ أَنْ يَقُولَ: لَا تُجْزِئُ إِلَّا غَدَاءً وَعَشَاءً، أَوْ غَدَاءً وَغَدَاءً، أَوْ عَشَاءً وَعَشَاءً، كَمَا يَقُولُ الْحَنَفِيُّونَ، وَلَا يُجْزِئُ إِلَّا صَاعٌ مِنْ شَعِيرٍ لِكُلِّ مِسْكِينٍ، أَوْ نِصْفُ صَاعِ بُرٍّ -: لِيَكُونَ عَلَى يَقِينٍ مِنْ أَدَاءِ فَرْضِ الْإِطْعَامِ؟

L11761 A legal question regarding one for whom feeding [the poor] is obligatory as expiation (kaffārah) for breaking the fast during Ramadan.

[مَسْأَلَةٌ مَنْ كَانَ فَرْضُهُ الْإِطْعَامَ فِي كَفَّارَةِ الْفِطْرِ فِي رَمَضَانَ]

L11762 746 - Issue: For one whose obligation is to provide food, it is essential that he feeds them to their satiety, regardless of what he feeds them, even if differing in type. For example, he may feed some bread, some dates, some tharīd, some raisins, and the like.

٧٤٦ - مَسْأَلَةٌ: وَمَنْ كَانَ فَرْضُهُ الْإِطْعَامَ فَإِنَّهُ لَا بُدَّ لَهُ مِنْ أَنْ يُطْعِمَهُمْ شِبَعَهُمْ، مِنْ أَيِّ شَيْءٍ أَطْعَمَهُمْ، وَإِنِ اخْتَلَفَ، مِثْلُ: أَنْ يُطْعِمَ بَعْضَهُمْ خُبْزًا، وَبَعْضَهُمْ تَمْرًا، وَبَعْضَهُمْ ثَرِيدًا، وَبَعْضَهُمْ زَبِيبًا، وَنَحْوَ ذَلِكَ.

L11763 It suffices in that a *mudd* by the Prophet’s *mudd*—peace be upon him—if one gives them grains, flour, dates, raisins, or other such items among what is edible and measurable. If one feeds them prepared food, does it suffice to provide what satisfies them in a single meal—whether the quantity is less or more?

Aḥmad ibn ʿUmar narrated to us: ʿAbdullāh ibn Ḥusayn ibn ʿIqāl narrated to us: Bakkār ibn Qutaybah narrated to us: Muʾammal—that is, ibn Ismāʿīl al-Ḥimyarī—narrated to us: Sufyān—that is, al-Thawrī—narrated from Manṣūr—that is, ibn al-Muʿtamir—from al-Zuhrī from Ḥumayd—that is, ibn ʿAbd al-Raḥmān ibn ʿAwf—from Abū Hurayrah that the Messenger of Allah—peace be upon him—mentioned the case of one who had intercourse

وَيُجْزِئُ فِي ذَلِكَ مُدٌّ بِمُدِّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنْ أَعْطَاهُمْ حَبًّا أَوْ دَقِيقًا أَوْ تَمْرًا أَوْ زَبِيبًا أَوْ غَيْرَ ذَلِكَ، مِمَّا يُؤْكَلُ وَيُكَالُ، فَإِنْ أَطْعَمَهُمْ طَعَامًا مَعْمُولًا فَيُجْزِئُهُ مَا أَشْبَعَهُمْ أَكْلَةً وَاحِدَةً، أَقَلَّ كَانَ أَوْ أَكْثَرَ؟ حَدَّثَنَا أَحْمَدُ بْنُ عُمَرَ ثنا عَبْدُ اللَّهِ بْنُ حُسَيْنِ بْنِ عِقَالٍ ثنا بَكَّارُ بْنُ قُتَيْبَةَ ثنا مُؤَمَّلٌ هُوَ ابْنُ إِسْمَاعِيلَ الْحِمْيَرِيُّ ثنا سُفْيَانُ هُوَ الثَّوْرِيُّ - عَنْ مَنْصُورٍ هُوَ ابْنُ الْمُعْتَمِرِ - عَنِ الزُّهْرِيِّ عَنْ حُمَيْدٍ هُوَ ابْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ - عَنْ أَبِي هُرَيْرَةَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ خَبَرَ الْوَاطِئِ فِي رَمَضَانَ،

during Ramadan. He said: The Prophet—peace be upon him—was brought a basket containing fifteen—meaning fifteen *ṣāʿs*—and said to him: "Take it and feed it as expiation for yourself."

قَالَ قَالَ: فَأُتِيَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمِكْتَلٍ فِيهِ خَمْسَةَ عَشَرَ - يَعْنِي صَاعًا - فَقَالَ لَهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - خُذْهُ فَأَطْعِمْهُ عَنْكَ» .

L11764 Ali said: "So this sufficed for [the required act of] feeding."

قَالَ عَلِيٌّ: فَأَجْزَأَ هَذَا فِي الْإِطْعَامِ.

L11765 Their satiation from whatever satiates them among what people eat is called feeding. Wheat is eaten parched; all of that constitutes feeding. It is not permissible to specify one form of feeding over another without a textual basis or consensus. Has there been any disagreement that providing less than satiety in food, or less than a mudd in quantity, does not suffice? Abu Hanifa said: Nothing suffices except half a saʿ of wheat, or its equivalent in roasted flour or fine flour, or a full saʿ of barley, raisins, or dates for each destitute person.

وَكَانَ إشْبَاعُهُمْ مِنْ أَيِّ شَيْءٍ أَشْبَعَهُمْ مِمَّا يَأْكُلُ النَّاسُ -: يُسَمَّى إطْعَامًا، وَالْبُرُّ: يُؤْكَلُ مَقْلُوًّا، فَكُلُّ ذَلِكَ إطْعَامٌ. وَلَا يَجُوزُ تَحْدِيدُ إطْعَامٍ دُونَ إطْعَامٍ بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ، وَلَمْ يُخْتَلَفْ فِيمَا دُونَ الشِّبَعِ فِي الْأَكْلِ، وَفِيمَا دُونَ الْمُدِّ فِي الْإِعْطَاءِ: أَنَّهُ لَا يُجْزِئُ؟ وَقَالَ أَبُو حَنِيفَةَ: لَا يُجْزِئُ إلَّا نِصْفُ صَاعِ بُرٍّ، أَوْ مِثْلُهُ مِنْ سَوِيقِهِ أَوْ دَقِيقِهِ، أَوْ صَاعٌ مِنْ شَعِيرٍ، أَوْ زَبِيبٍ، أَوْ تَمْرٍ، لِكُلِّ مِسْكِينٍ.

L11766–11767 Is it necessary to have lunch and dinner, or lunch and lunch, or dinner and dinner, or suhoor and lunch, or suhoor and dinner? Abū Muḥammad said: Is this an arbitrary imposition and a religious ruling not mandated by any revealed text, consensus, analogical reasoning, or statement of a Companion?

وَلَا بُدَّ مِنْ غَدَاءٍ وَعَشَاءٍ أَوْ غَدَاءٍ وَغَدَاءٍ، أَوْ عَشَاءٍ وَعَشَاءٍ، أَوْ سُحُورٍ وَغَدَاءٍ، أَوْ سُحُورٍ وَعَشَاءٍ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا تَحَكُّمٌ وَشَرْعٌ لَمْ يُوجِبْهُ نَصٌّ وَلَا إجْمَاعٌ وَلَا قِيَاسٌ وَلَا قَوْلُ صَاحِبٍ؟

L11768 Issue 747: It is not valid to feed a suckling infant who does not eat food, nor to give him thereof, since it is not termed feeding. If he eats as children eat, feeding him and satisfying him suffices—even if he eats a small amount—because he fed as he was commanded. And success is from Allah, the Exalted?

٧٤٧ - مَسْأَلَةٌ: وَلَا يُجْزِئُ إطْعَامُ رَضِيعٍ لَا يَأْكُلُ الطَّعَامَ، وَلَا إعْطَاؤُهُ مِنْ ذَلِكَ، لِأَنَّهُ لَا يُسَمَّى إطْعَامًا، فَإِنْ كَانَ يَأْكُلُ كَمَا تَأْكُلُ الصِّبْيَانُ أَجْزَأَ إطْعَامُهُ وَإِشْبَاعُهُ، وَإِنْ أَكَلَ قَلِيلًا، لِأَنَّهُ أَطْعَمَ كَمَا أُمِرَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

L11769 748 – Issue: Is feeding fewer than sixty insufficient, and is fasting for less than two months insufficient, since this contravenes what was commanded?

٧٤٨ - مَسْأَلَةٌ: وَلَا يُجْزِئُ إطْعَامُ أَقَلَّ مِنْ سِتِّينَ، وَلَا صِيَامُ أَقَلَّ مِنْ شَهْرَيْنِ، لِأَنَّهُ خِلَافُ مَا أُمِرَ بِهِ؟

L11770 **A legal issue: He was financially capable of freeing a slave at the time of engaging in sexual intercourse during the**

[مَسْأَلَةٌ كَانَ قَادِرًا حِينَ وَطْئِهِ فِي نَهَارِ رَمَضَانَ عَلَى الرَّقَبَةِ]

daytime of Ramadan and thereby became obligated to do so.

L11771 749. Issue: Whoever was capable of manumitting a slave at the time of intercourse, nothing else suffices him—whether he becomes impoverished afterward or not. Whoever was incapable of manumitting a slave at that time but capable of fasting two consecutive months, only fasting suffices—whether he later finds means and acquires a slave or not. Whoever was incapable at that time of both manumission and fasting but capable of feeding the needy, only feeding suffices—whether he later becomes capable of manumission or fasting or not. This is because all we have mentioned constitutes his obligation by textual ruling and consensus. Thus, it is impermissible to nullify his obligation and impose another duty upon him without textual basis or consensus.

L11772 Some have said: If one enters into fasting and it becomes easier, does the ruling shift to freeing a slave? Is this an error and a statement without proof?

An issue where the one liable for expiation due to breaking the fast in Ramadan found nothing except a slave he could not do without.

L11774 750 - Issue: If someone possesses only a bondsperson whom he cannot do without—because he would face destitution if he frees her or fears his attachment to her may lead to his corruption—he is not obligated to free her, based on Allah's statement: "Allah does not burden any soul beyond its capacity" [Al-Baqarah: 286].[22]

L11775 And His saying, the Exalted: "He has not imposed upon you in the religion any hardship" [Al-Ḥajj: 78]. And His saying, the Exalted: "Allah intends ease for you and does not intend hardship for you" [Al-Baqarah: 185].[23]

L11776–11778 And everything we have mentioned is constraint and hardship; He the Ex-

٧٤٩ - مَسْأَلَةٌ: وَمَنْ كَانَ قَادِرًا حِينَ وَطْئِهِ عَلَى الرَّقَبَةِ لَمْ يُجْزِهِ غَيْرُهَا، افْتَقَرَ بَعْدَ ذَلِكَ أَوْ لَمْ يَفْتَقِرْ، وَمَنْ كَانَ عَاجِزًا عَنْهَا حِينَئِذٍ قَادِرًا عَلَى صِيَامِ شَهْرَيْنِ مُتَتَابِعَيْنِ لَمْ يُجْزِهِ شَيْءٌ غَيْرُ الصِّيَامِ، أَيْسَرَ بَعْدَ ذَلِكَ وَوَجَدَ رَقَبَةً أَوْ لَمْ يُوسِرْ؟ وَمَنْ كَانَ عَاجِزًا حِينَ ذَلِكَ عَنْ - الرَّقَبَةِ وَعَنْ الصِّيَامِ قَادِرًا عَلَى الْإِطْعَامِ لَمْ يُجْزِهِ غَيْرُ الْإِطْعَامِ، قَدَرَ عَلَى الرَّقَبَةِ أَوْ الصَّوْمِ بَعْدَ ذَلِكَ أَوْ لَمْ يَقْدِرْ، لِأَنَّ كُلَّ مَا ذَكَرْنَا هُوَ فَرْضُهُ بِالنَّصِّ، وَالْإِجْمَاعِ، فَلَا يَجُوزُ سُقُوطُ فَرْضِهِ وَإِيجَابُ فَرْضٍ آخَرَ عَلَيْهِ بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ.

وَقَالَ قَائِلُونَ: إنْ دَخَلَ فِي الصَّوْمِ فَأَيْسَرَ انْتَقَلَ حُكْمُهُ إلَى الرَّقَبَةِ؟ وَهَذَا خَطَأٌ، وَقَوْلٌ بِلَا بُرْهَانٍ؟

[مَسْأَلَةٌ لَمْ يَجِدْ المكفر عَنْ الْفِطْرِ فِي رَمَضَانَ إلَّا رَقَبَةً لَا غِنَى بِهِ عَنْهَا]

٧٥٠ - مَسْأَلَةٌ: فَمَنْ لَمْ يَجِدْ إلَّا رَقَبَةً لَا غِنَى بِهِ عَنْهَا، لِأَنَّهُ يَضِيعُ بَعْدَهَا أَوْ يَخَافُ عَلَى نَفْسِهِ مِنْ حُبِّهَا -: لَمْ يَلْزَمْهُ عِتْقُهَا؟ لِقَوْلِ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البَقَرَة: ٢٨٦] .

وَقَوْله تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] . وَقَوْله تَعَالَى: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] .

[22] **Qur'an references (L11774):** Qur'an 2:286 (Al-Baqarah).
[23] **Qur'an references (L11775):** Qur'an 22:78 (Al-Hajj); Qur'an 2:185 (Al-Baqarah).

alted has not imposed it upon us, nor does He will it from us, and its obligation is thereby nullified at that time. As for fasting [as expiation], if he is not in need of it while being self-sufficient yet possessing no wealth, must he free her [the slave]? For he possesses a slave [to free] without hardship in emancipating her?

وَكُلُّ مَا ذَكَرْنَا حَرَجٌ وَعُسْرٌ لَمْ يَجْعَلْهُ تَعَالَى عَلَيْنَا، وَلَا أَرَادَهُ مِنَّا، وَفَرْضُهُ حِينَئِذٍ الصِّيَامُ، فَإِنْ كَانَ فِي غِنًى عَنْهَا وَهُوَ قَائِمٌ بِنَفْسِهِ وَلَا مَالَ لَهُ فَعَلَيْهِ عِتْقُهَا؛ لِأَنَّهُ وَاجِدُ رَقَبَةٍ لَا حَرَجَ عَلَيْهِ فِي عِتْقِهَا؟

L11779 751 – Question: Whoever is incapable of all that, his obligation is providing food [to the needy], and this remains binding upon him. If he finds food and is in need of it, he and his household may eat it, while the obligation to provide food remains a debt upon him. This is because the Messenger of Allah – peace and blessings of Allah be upon him – commanded him to provide food, but he informed him of his inability. The Prophet then brought him dates, gave them to him, and ordered him to distribute them as his expiation. Thus, it is confirmed that the obligation to provide food remains binding even if he cannot fulfill it. The Prophet – peace be upon him – permitted him to eat it when informed of his need, yet did not nullify the obligation he had imposed. It is impermissible to nullify what the Prophet – peace be upon him – obligated except through his explicit notification of its waiver. Success is attained through Allah, the Most High.

٧٥١ - مَسْأَلَةٌ: وَمَنْ كَانَ عَاجِزًا عَنْ ذَلِكَ كُلِّهِ فَفَرْضُهُ الْإِطْعَامُ، وَهُوَ بَاقٍ عَلَيْهِ، فَإِنْ وَجَدَ طَعَامًا وَهُوَ إلَيْهِ مُحْتَاجٌ أَكَلَهُ هُوَ وَأَهْلُهُ وَبَقِيَ الْإِطْعَامُ دَيْنًا عَلَيْهِ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ بِالْإِطْعَامِ فَأَخْبَرَهُ أَنَّهُ لَا يَقْدِرُ عَلَيْهِ، فَأَتَاهُ بِالتَّمْرِ فَأَعْطَاهُ إيَّاهُ وَأَمَرَهُ بِأَنْ يُطْعِمَهُ عَنْ كَفَّارَتِهِ؟ فَصَحَّ أَنَّ الْإِطْعَامَ بَاقٍ عَلَيْهِ وَإِنْ كَانَ لَا يَقْدِرُ عَلَيْهِ، وَأَمَرَهُ - عَلَيْهِ السَّلَامُ - بِأَكْلِهِ إذْ أَخْبَرَهُ أَنَّهُ مُحْتَاجٌ إلَى أَكْلِهِ، وَلَمْ يَسْقُطْ عَنْهُ مَا قَدْ أَلْزَمَهُ إيَّاهُ مِنْ الْإِطْعَامِ، وَلَا يَجُوزُ سُقُوطُ مَا افْتَرَضَهُ - عَلَيْهِ السَّلَامُ - إلَّا بِإِخْبَارٍ مِنْهُ - عَلَيْهِ السَّلَامُ - بِأَنَّهُ قَدْ أَسْقَطَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11780 Issue 752: The free person and the slave are equal in all that we have mentioned. One is to feed both the free person and the slave from that, for the ruling of Allah's Messenger - peace and blessings be upon him - came in comprehensive terms, making no distinction between free persons and slaves. When a slave is impoverished, he is among those whom one has been commanded to feed. It is impermissible to oppose his injunction - upon him be peace - through false pretexts. In Allah the Exalted do we seek support.

٧٥٢ - مَسْأَلَةٌ: وَالْحُرُّ وَالْعَبْدُ فِي كُلِّ مَا ذَكَرْنَا سَوَاءٌ وَيُطْعِمُ مِنْ ذَلِكَ الْحُرَّ وَالْعَبْدَ، لِأَنَّ حُكْمَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - جَاءَ عُمُومًا، لَمْ يُخَصَّ مِنْهُ حُرٌّ مِنْ عَبْدٍ، وَإِذَا كَانَ الْعَبْدُ مِسْكِينًا فَهُوَ مِمَّنْ أُمِرَ بِإِطْعَامِهِ وَلَا تَجُوزُ مُعَارَضَةُ أَمْرِهِ - عَلَيْهِ السَّلَامُ - بِالدَّعَاوَى الْكَاذِبَةِ - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ؟

A juristic ruling: Cupping, nocturnal emission, and masturbation do not invalidate the fast.

[مَسْأَلَةٌ لَا يَنْقُضُ الصَّوْمَ حِجَامَةٌ وَلَا احْتِلَامٌ وَلَا اسْتِمْنَاءٌ]

L11781–11784 753. Issue: Fasting is not invalidated by cupping, nocturnal emission, masturbation, a man's intimate contact with his wife or female slave permissible to him excluding the genital area - whether he intentionally ejaculates or not, whether pre-seminal fluid is emitted or not - nor by kissing them in the same manner. It is not invalidated by forceful vomiting, regurgitation exiting the

٧٥٣ - مَسْأَلَةٌ: وَلَا يَنْقُضُ الصَّوْمَ حِجَامَةٌ وَلَا احْتِلَامٌ، وَلَا اسْتِمْنَاءٌ، وَلَا مُبَاشَرَةُ الرَّجُلِ امْرَأَتَهُ أَوْ أَمَتَهُ الْمُبَاحَةَ لَهُ فِيمَا دُونَ الْفَرْجِ، تَعَمَّدَ الْإِمْنَاءَ أَمْ لَمْ يُمْنِ، أَمْذَى أَمْ لَمْ يُمْذِ وَلَا قُبْلَةٌ كَذَلِكَ فِيهِمَا، وَلَا قَيْءٌ غَالِبٌ، وَلَا قَلْسٌ خَارِجٌ مِنْ الْحَلْقِ، مَا لَمْ يَتَعَمَّدْ

throat unless one intentionally swallows it back after it reaches the mouth while capable of expelling it; nor by blood exiting the teeth or abdomen unless deliberately swallowed. Fasting remains valid despite enema, nasal drops, ear drops, dripping into the urethra, nasal drops, or inhalation even if reaching the throat; unintentional swallowing during mouth rinsing; kohl application (whether reaching the throat by day or night through medicines or other substances); flour dust; sifting of flour; henna; perfume; colocynth; any substance; a fly entering the throat unavoidably; water droplets accidentally entering the throat when raising one's head; chewing tar, mastic gum, or resin. It is not invalidated by one who intentionally enters the state of junub at dawn provided he performs prayer; nor by one taking pre-dawn meal or having intercourse while believing it is still night, then discovering dawn had broken; nor by one breaking fast through eating or intercourse while thinking the sun had set when it had not; nor by eating, drinking, or intercourse done forgetfully - for he remains fasting - nor by forgetful sinning. The following do not invalidate one's fast: using a siwak, whether fresh or dry; chewing or tasting food without intentionally swallowing it; treating an abdominal wound or a wound reaching the brain membrane with edible substances, drinkable liquids, or other materials; food found between the teeth at any time during the day if it is dislodged; one compelled to break the fast; entering a steam room; full-body immersion in water; or applying oil to the mustache. As for cupping—Abu Muhammad stated: It is authentically established from the Messenger of Allah (peace be upon him) through the narrations of Thawban, Shaddad ibn Aws, Ma'qil ibn Sinan, Abu Hurayrah, Rafi' ibn Khadij, and others that he said, "Both the practitioner and recipient of cupping have invalidated their fast." This ruling must therefore be upheld unless its abrogation is reliably proven.

L11785 Some people believed that the narration from Ibn Abbas—The Messenger of Allah (peace and blessings be upon him) underwent cupping—is abrogating the aforementioned report. Their belief is invalid, for he (peace be upon

رَدَّهُ بَعْدَ حُصُولِهِ فِي فَمِهِ وَقُدْرَتِهِ عَلَى رَمْيِهِ، وَلَا دَمٌ خَارِجٌ مِنْ الْأَسْنَانِ أَوْ الْجَوْفِ مَا لَمْ يَتَعَمَّدْ بَلْعَهُ، وَلَا حُقْنَةٌ وَلَا سَعُوطٌ وَلَا تَقْطِيرٌ فِي أُذُنٍ، أَوْ فِي إحْلِيلٍ، أَوْ فِي أَنْفٍ وَلَا اسْتِنْشَاقٌ وَإِنْ بَلَغَ الْحَلْقَ، وَلَا مَضْمَضَةٌ دَخَلَتْ الْحَلْقَ مِنْ غَيْرِ تَعَمُّدٍ، وَلَا كُحْلٌ - أَوْ إنْ بَلَغَ إلَى الْحَلْقِ نَهَارًا أَوْ لَيْلًا - بِعَقَاقِيرَ أَوْ بِغَيْرِهَا، وَلَا غُبَارُ طَحْنٍ، أَوْ غَرْبَلَةُ دَقِيقٍ، أَوْ حِنَّاءٍ، أَوْ غَيْرُ ذَلِكَ، أَوْ عِطْرٌ، أَوْ حَنْظَلٌ، أَوْ أَيُّ شَيْءٍ كَانَ، وَلَا ذُبَابٌ دَخَلَ الْحَلْقَ بِغَلَبَةٍ، وَلَا مَنْ رَفَعَ رَأْسَهُ فَوَقَعَ فِي حَلْقِهِ نُقْطَةُ مَاءٍ بِغَيْرِ تَعَمُّدٍ لِذَلِكَ مِنْهُ، وَلَا مَضْغُ زِفْتٍ أَوْ مُصْطَكَى أَوْ عِلْكٍ، وَلَا مَنْ تَعَمَّدَ أَنْ يُصْبِحَ جُنُبًا، مَا لَمْ يَتْرُكْ الصَّلَاةَ، وَلَا مَنْ تَسَحَّرَ أَوْ وَطِئَ وَهُوَ يَظُنُّ أَنَّهُ لَيْلٌ فَإِذَا بِالْفَجْرِ كَانَ قَدْ طَلَعَ وَلَا مَنْ أَفْطَرَ بِأَكْلٍ أَوْ وَطْءٍ، وَيَظُنُّ أَنَّ الشَّمْسَ قَدْ غَرَبَتْ فَإِذَا بِهَا لَمْ تَغْرُبْ، وَلَا مَنْ أَكَلَ أَوْ شَرِبَ أَوْ وَطِئَ نَاسِيًا، لِأَنَّهُ صَائِمٌ، وَكَذَلِكَ مَنْ عَصَى نَاسِيًا لِصَوْمِهِ، وَلَا سِوَاكٌ بِرَطْبٍ أَوْ يَابِسٍ، وَلَا مَضْغُ طَعَامٍ أَوْ ذَوْقُهُ، مَا لَمْ يَتَعَمَّدْ بَلْعَهُ، وَلَا مُدَاوَاةُ جَائِفَةٍ أَوْ مَأْمُومَةٍ بِمَا يُؤْكَلُ أَوْ يُشْرَبُ أَوْ بِغَيْرِ ذَلِكَ، وَلَا طَعَامٌ وُجِدَ بَيْنَ الْأَسْنَانِ -: أَيَّ وَقْتٍ مِنْ النَّهَارِ وُجِدَ، إذَا رُمِيَ، وَلَا مَنْ أُكْرِهَ عَلَى مَا يَنْقُضُ الصَّوْمَ، وَلَا دُخُولُ حَمَّامٍ، وَلَا تَغْطِيسٌ فِي مَاءٍ، وَلَا دَهْنُ شَارِبٍ؟ أَمَّا الْحِجَامَةُ - قَالَ أَبُو مُحَمَّدٍ: صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ ثَوْبَانَ، وَشَدَّادِ بْنِ أَوْسٍ: وَمَعْقِلِ بْنِ سِنَانٍ، وَأَبِي هُرَيْرَةَ، وَرَافِعِ بْنِ خَدِيجٍ وَغَيْرِهِمْ: أَنَّهُ قَالَ: «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ» ، فَوَجَبَ الْأَخْذُ بِهِ، إلَّا أَنْ يَصِحَّ نَسْخُهُ.

him) might have undergone cupping while traveling, thereby breaking his fast permissibly, or during a voluntary fast, breaking his fast permissibly.

وَقَدْ ظَنَّ قَوْمٌ أَنَّ الرِّوَايَةَ عَنْ ابْنِ عَبَّاسٍ " احْتَجَمَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَاسِخَةٌ لِلْخَبَرِ الْمَذْكُورِ، وَظَنُّهُمْ فِي ذَلِكَ بَاطِلٌ؛ لِأَنَّهُ قَدْ يَحْتَجِمُ - عَلَيْهِ السَّلَامُ - وَهُوَ مُسَافِرٌ فَيُفْطِرُ، وَذَلِكَ مُبَاحٌ، أَوْ فِي صِيَامِ تَطَوُّعٍ فَيُفْطِرُ، وَذَلِكَ مُبَاحٌ.

L11786–11788 All astonishment is directed at one who says regarding the authentically established report that he—peace be upon him—"wiped over the turban": "Perhaps he was ill?" yet does not say here: "Perhaps he was ill?" Moreover, Ibn ʿAbbās's report contains no indication that this occurred after his—peace be upon him—declaring that "the cupper and the cupped have invalidated the fast." Nor can a definitively established ruling be abandoned for a false conjecture. Furthermore, even if it were valid that Ibn ʿAbbās's report came after those we mentioned, it would only entail the abrogation of the ruling invalidating the fast of the cupped person, not the cupper—for he—peace be upon him—may have been cupped by a boy who had not reached puberty. Abū Muḥammad said: However, we found what ʿAbdullāh ibn Rabīʿah al-Tamīmī and Aḥmad ibn ʿUmar al-ʿUdhri narrated to us. At-Tamīmī said: Muʿāwiyah al-Qurashī al-Marwānī narrated to us: Aḥmad ibn Shuʿayb narrated to us: Ibrāhīm ibn Saʿīd narrated to us: Isḥāq ibn Yūsuf al-Azraq narrated to us from Sufyān ath-Thawrī from Khālid al-Khaddā'. Al-ʿUḍrī said: 'Abdullāh ibn al-Ḥusayn ibn 'Iqāl al-Asadī al-Qurashī narrated to us: Ibrāhīm ibn Muḥammad ad-Dīnawarī narrated to us: Muḥammad ibn Aḥmad ibn al-Jahm narrated to us: Mūsā ibn Hārūn narrated to us: Isḥāq ibn Rāhawayh narrated to us: al-Muʿtamir ibn Sulaymān narrated to us from Ḥumayd. Then Khālid al-Khaddā' and Ḥumayd concurred, both narrating from Abī al-Mutawakkil an-Nājī from Abī Saʿīd al-Khudrī: "The Messenger of Allah – peace and blessings be upon him – permitted cupping for one fasting." Ḥumayd added to his narration: "and kissing."

وَالْعَجَبُ كُلُّهُ مِمَّنْ يَقُولُ فِي الْخَبَرِ الثَّابِتِ أَنَّهُ - عَلَيْهِ السَّلَامُ - " مَسَحَ عَلَى الْعِمَامَةِ " -: لَعَلَّهُ كَانَ مَرِيضًا ثُمَّ لَا يَقُولُ هَاهُنَا: لَعَلَّهُ كَانَ مَرِيضًا؟ وَأَيْضًا فَلَيْسَ فِي خَبَرِ ابْنِ عَبَّاسٍ أَنَّ ذَلِكَ كَانَ بَعْدَ إخْبَارِهِ - عَلَيْهِ السَّلَامُ - أَنَّهُ «أَفْطَرَ الْحَاجِمُ وَالْمَحْجُومُ» وَلَا يُتْرَكُ حُكْمٌ مُتَيَقَّنٌ لِظَنٍّ كَاذِبٍ؟ وَأَيْضًا: فَلَوْ صَحَّ أَنَّ خَبَرَ ابْنِ عَبَّاسٍ بَعْدَ خَبَرِ مَنْ ذَكَرْنَا لَمَا كَانَ فِيهِ إلَّا نَسْخُ إفْطَارِ الْمَحْجُومِ لَا الْحَاجِمِ؛ لِأَنَّهُ قَدْ يَحْجُمُهُ - عَلَيْهِ السَّلَامُ - غُلَامٌ لَمْ يَحْتَلِمْ؟ قَالَ أَبُو مُحَمَّدٍ: لَكِنْ وَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ التَّمِيمِيُّ وَأَحْمَدُ بْنُ عُمَرَ الْعُذْرِيُّ قَالَ التَّمِيمِيُّ: ثنا مُعَاوِيَةُ الْقُرَشِيُّ الْمَرْوَانِيُّ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إبْرَاهِيمُ بْنُ سَعِيدٍ ثنا إسْحَاقُ بْنُ يُوسُفَ الْأَزْرَقُ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ خَالِدٍ الْحَذَّاءِ، وَقَالَ الْعُذْرِيُّ ثنا عَبْدُ اللَّهِ بْنُ الْحُسَيْنِ بْنِ عِقَالٍ الْأَسَدِيُّ الْقُرَشِيُّ ثنا إبْرَاهِيمُ بْنُ مُحَمَّدٍ الدِّينَوَرِيُّ ثنا مُحَمَّدُ بْنُ أَحْمَدَ بْنِ الْجَهْمِ ثنا مُوسَى بْنُ هَارُونَ ثنا إسْحَاقُ بْنُ رَاهْوَيْهِ أَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ حُمَيْدٍ، ثُمَّ اتَّفَقَ خَالِدٌ الْحَذَّاءُ وَحُمَيْدٌ كِلَاهُمَا عَنْ أَبِي الْمُتَوَكِّلِ النَّاجِي عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْخَصَ فِي الْحِجَامَةِ لِلصَّائِمِ» زَادَ حُمَيْدٌ فِي رِوَايَتِهِ " وَالْقُبْلَةِ ".

L11789 Ali said: Indeed, Abu Nadrah and Qatadah traced it back through Abu al-Mutawakkil to Abu Saʿīd, and Ibn al-Mubārak traced it back through Khālid al-Ḥadhdhāʾ from Abu al-Mutawakkil to Abu Saʿīd. However, this lacks validity, since a trustworthy narrator transmitted it with a connected chain.

قَالَ عَلِيٌّ: إنَّ أَبَا نَضْرَةَ، وَقَتَادَةَ أَوْقَفَاهُ عَنْ أَبِي الْمُتَوَكِّلِ عَلَى أَبِي سَعِيدٍ، وَإِنَّ ابْنَ الْمُبَارَكِ أَوْقَفَهُ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ أَبِي الْمُتَوَكِّلِ عَلَى أَبِي سَعِيدٍ؛ وَلَكِنْ هَذَا لَا مَعْنَى لَهُ إذْ

The two chains transmitted from Khālid and Ḥumayd—both trustworthy—constitute definitive evidence. The term “granted a concession” presupposes a prior prohibition. Thus, does this report confirm the abrogation of the first report? Among those who held that cupping invalidates the fast are ʿAlī ibn Abī Ṭālib, Abū Mūsā al-Ashʿarī, ʿAbdullāh ibn ʿUmar, and others.

L11790–11792 Ibn Abbas, Zayd ibn Arqam, and others did not deem it to invalidate the fast. Our understanding of the Ḥanafīs is that they assert: “A solitary report is not accepted concerning matters of widespread prevalence,” yet this is an issue of frequent occurrence. How then do they accept a conflicting solitary report in this case? As for nocturnal emission, there is no dispute that it does not invalidate the fast except from those not deemed authoritative. Regarding masturbation, no textual proof has come forth stating it invalidates the fast. The height of astonishment is reserved for those who do not invalidate the fast for committing acts akin to the people of Lot, bestiality, murder, spreading corruption on earth, abandoning prayer, or intentionally kissing Muslim women without emission or pre-ejaculate—yet they invalidate it by touching the penis if accompanied by emission, despite their unanimous agreement that mere contact... The emission of semen invalidates the fast, and that the release of semen without deliberate action does not break the fast. The fast is then invalidated by the combination of both factors—this is a manifest error with no ambiguity whatsoever. What is utterly perplexing is those who invalidate the fast by the emission of semen when one intentionally seeks pleasure, despite there being no textual evidence, consensus, opinion of a Companion, or analogical reasoning to support this. Yet they do not obligate the ritual bath if it is emitted without pleasure, while the textual ruling explicitly establishes the obligation of the ritual bath in all cases?

L11793 As for kissing and intimate contact for a man with his wife or his lawfully owned female slave, these are a commendable Sunnah. We recommend them for the fasting person, whether he is a young man, middle-aged, or elderly. We do not concern ourselves with whether it leads to intentional ejaculation or not. It was narrated to us by Abdullah ibn Yusuf, from Ahmad ibn Fath, from Abdul-Wahhab ibn Isa, from Ahmad ibn Muhammad, from Ahmad ibn Ali, from Muslim ibn al-Hajjaj, from Abu Bakr ibn Abi Shaybah, from

أَسْنَدَهُ الثِّقَةُ، وَالْمُسْنَدَانِ لَهُ عَنْ خَالِدٍ وَحُمَيْدٍ: ثِقَتَانِ، فَقَامَتْ بِهِ الْحُجَّةُ، وَلَفْظَةُ " أَرْخَصَ " لَا تَكُونُ إِلَّا بَعْدَ نَهْيٍ، فَصَحَّ بِهَذَا الْخَبَرِ نَسْخُ الْخَبَرِ الْأَوَّلِ؟ وَمِمَّنْ قَالَ بِأَنَّ الْحِجَامَةَ تُفْطِرُ: عَلِيُّ بْنُ أَبِي طَالِبٍ، وَأَبُو مُوسَى الْأَشْعَرِيُّ، وَعَبْدُ اللَّهِ بْنُ عُمَرَ، وَغَيْرُهُمْ.

وَلَمْ يَرَهَا تُفْطِرُ: ابْنُ عَبَّاسٍ، وَزَيْدُ بْنُ أَرْقَمَ، وَغَيْرُهُمَا. وَعَهْدُنَا بِالْحَنَفِيِّينَ يَقُولُونَ: إِنَّ خَبَرَ الْوَاحِدِ لَا يُقْبَلُ فِيمَا تَعُمُّ بِهِ الْبَلْوَى، وَهَذَا مِمَّا تَكْثُرُ بِهِ الْبَلْوَى، وَقَدْ قَبِلُوا فِيهِ خَبَرَ الْوَاحِدِ مُضْطَرِبًا؟ وَأَمَّا الِاحْتِلَامُ: فَلَا خِلَافَ فِي أَنَّهُ لَا يَنْقُضُ الصَّوْمَ، إِلَّا مِمَّنْ لَا يُعْتَدُّ بِهِ وَأَمَّا الِاسْتِمْنَاءُ: فَإِنَّهُ لَمْ يَأْتِ نَصٌّ بِأَنَّهُ يَنْقُضُ الصَّوْمَ؟ وَالْعَجَبُ كُلُّهُ مِمَّنْ لَا يَنْقُضُ الصَّوْمَ بِفِعْلِ قَوْمِ لُوطٍ، وَإِتْيَانِ الْبَهَائِمِ وَقَتْلِ الْأَنْفُسِ، وَالسَّعْيِ فِي الْأَرْضِ بِالْفَسَادِ، وَتَرْكِ الصَّلَاةِ وَتَقْبِيلِ نِسَاءِ الْمُسْلِمِينَ عَمْدًا إِذَا لَمْ يُمْنِ وَلَا أَمْذَى -: ثُمَّ يَنْقُضُهُ بِمَسِّ الذَّكَرِ إِذَا كَانَ مَعَهُ إِمْنَاءٌ وَهُمْ لَا يَخْتَلِفُونَ: أَنَّ مَسَّ الذَّكَرِ لَا يُبْطِلُ الصَّوْمَ، وَأَنَّ خُرُوجَ الْمَنِيِّ دُونَ عَمَلٍ لَا يَنْقُضُ الصَّوْمَ، ثُمَّ يَنْقُضُ الصَّوْمُ بِاجْتِمَاعِهِمَا، وَهَذَا خَطَأٌ ظَاهِرٌ لَا خَفَاءَ بِهِ؟ وَالْعَجَبُ كُلُّهُ مِمَّنْ يَنْقُضُ الصَّوْمَ بِالْإِنْزَالِ لِلْمَنِيِّ إِذَا تَعَمَّدَ اللَّذَّةَ، وَلَمْ يَأْتِ بِذَلِكَ نَصٌّ، وَلَا إِجْمَاعٌ، وَلَا قَوْلُ صَاحِبٍ، وَلَا قِيَاسٌ -: ثُمَّ لَا يُوجِبُ بِهِ الْغُسْلَ إِذَا خَرَجَ بِغَيْرِ لَذَّةٍ، وَالنَّصُّ جَاءَ بِإِيجَابِ الْغُسْلِ مِنْهُ جُمْلَةً؟ .

وَأَمَّا الْقُبْلَةُ وَالْمُبَاشَرَةُ لِلرَّجُلِ مَعَ امْرَأَتِهِ وَأَمَتِهِ الْمُبَاحَةِ لَهُ فَهُمَا سُنَّةٌ حَسَنَةٌ، نَسْتَحِبُّهَا لِلصَّائِمِ، شَابًّا كَانَ أَوْ كَهْلًا أَوْ شَيْخًا، وَلَا نُبَالِي أَكَانَ مَعَهَا إِنْزَالٌ مَقْصُودٌ إِلَيْهِ أَوْ لَمْ يَكُنْ؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا الْحَسَنُ بْنُ مُوسَى

al-Hasan ibn Musa, from Shayban, from Yahya ibn Abi Kathir, from Abu Salama ibn Abdul-Rahman ibn Awf: that Umar ibn Abdul-Aziz informed him, from Urwah ibn az-Zubayr, that Aisha, the Mother of the Believers, reported: "The Messenger of Allah (peace and blessings be upon him) would kiss her while fasting."

ثنا شَيْبَانُ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: أَنَّ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَخْبَرَهُ أَنَّ عُرْوَةَ بْنَ الزُّبَيْرِ أَخْبَرَهُ أَنَّ «عَائِشَةَ أُمَّ الْمُؤْمِنِينَ أَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُقَبِّلُهَا وَهُوَ صَائِمٌ» .

L11794–11796 From him to Muslim: Narrated to us by Muḥammad ibn al-Muthannā; narrated to us by Muḥammad ibn Jaʿfar Ghundar; narrated to us by Shuʿbah; from Manṣūr. From Ibrāhīm an-Nakhaʿī from ʿAlqamah from ʿĀ'ishah, the Mother of the Believers, that "the Messenger of Allah—peace and blessings be upon him—would engage in intimate contact while he was fasting."

وَبِهِ إِلَى مُسْلِمٍ: ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ جَعْفَرٍ غُنْدَرٌ ثنا شُعْبَةُ عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلْقَمَةَ عَنْ «عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُبَاشِرُ وَهُوَ صَائِمٌ» .

L11797 And Allah the Exalted said: "There has certainly been for you in the Messenger of Allah an excellent example for anyone who hopes in Allah and the Last Day" [Al-Ahzab: 21], especially those who stubbornly insist that the actions of the Prophet (peace and blessings of Allah be upon him) are obligatory (fard).[24]

وَقَالَ اللَّهُ تَعَالَى: {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ لِمَنْ كَانَ يَرْجُو اللَّهَ وَالْيَوْمَ الآخِرَ} [الأحزاب: ٢١] لَا سِيَّمَا مَنْ كَابَرَ عَلَى أَنَّ أَفْعَالَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرْضٌ.

L11798 This has been narrated to us through golden chains? from al-Qāsim ibn Muḥammad ibn Abī Bakr, ʿAlī ibn al-Ḥusayn, ʿAmr ibn Maymūn, Masrūq, al-Aswad, and Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf—all narrating from ʿĀ'isha. It has been narrated through chains of the highest authenticity from the Mothers of the Believers—Umm Salama, Umm Ḥabība, and Ḥafṣa—and from ʿUmar ibn al-Khaṭṭāb, Ibn ʿAbbās, ʿUmar ibn Abi Salama, and others, all narrating from the Prophet, peace and blessings be upon him.

وَقَدْ رُوِّينَا ذَلِكَ مِنْ طَرِيقِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، وَعَلِيِّ بْنِ الْحُسَيْنِ، وَعَمْرِو بْنِ مَيْمُونٍ، وَمَسْرُوقٍ، وَالْأَسْوَدِ، وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، كُلُّهُمْ عَنْ عَائِشَةَ بِأَسَانِيدَ كَالذَّهَبِ؟ وَرُوِّينَاهُ بِأَسَانِيدَ فِي غَايَةِ الصِّحَّةِ عَنْ أُمَّهَاتِ الْمُؤْمِنِينَ: أُمِّ سَلَمَةَ، وَأُمِّ حَبِيبَةَ، وَحَفْصَةَ وَعُمَرَ بْنِ الْخَطَّابِ، وَابْنِ عَبَّاسٍ وَعُمَرَ بْنِ أَبِي سَلَمَةَ، وَغَيْرِهِمْ كُلُّهُمْ: عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11799 Some people claimed that kissing invalidates the fast. Others said it is reprehensible. Some said it is permissible for the older man but reprehensible for the young. Others maintained that it was exclusively permitted for the Prophet (peace and blessings be upon him).

فَادَّعَى قَوْمٌ أَنَّ الْقُبْلَةَ تُبْطِلُ الصَّوْمَ؟ وَقَالَ قَوْمٌ: هِيَ مَكْرُوهَةٌ. وَقَالَ قَوْمٌ: هِيَ مُبَاحَةٌ لِلشَّيْخِ، مَكْرُوهَةٌ لِلشَّابِّ. وَقَالَ قَوْمٌ: هِيَ خُصُوصٌ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11800–11802 As for whoever claims this is an exclusive ruling for him (peace be upon him), he has spoken falsehood. For how can one lacking self-restraint be in-

فَأَمَّا مَنْ ادَّعَى أَنَّهَا خُصُوصٌ لَهُ - عَلَيْهِ السَّلَامُ - فَقَدْ قَالَ الْبَاطِلَ، وَمَا يَعْجَزُ عَنْ الدَّعْوَى مَنْ لَا تَقْوَى لَهُ؟ فَإِنْ احْتَجَّ فِي ذَلِكَ بِمَا رُوِيَ مِنْ قَوْلِ عَائِشَةَ - رَضِيَ اللَّهُ

[24] **Qur'an references (L11797):** Qur'an 33:21 (Al-Ahzab).

capable of such claims? If he argues by citing what is narrated from ʻĀ'isha's statement (may Allah be pleased with her): "The Messenger of Allah (peace be upon him) would kiss while fasting and engage in intimate contact while fasting, but he was the most in control of his urges among you," we respond: You have no valid proof in this statement of ʻĀ'isha. For ʻAbd al-Raḥmān ibn ʻAbd Allāh ibn Khālid narrated; Ibrāhīm ibn Aḥmad narrated; al-Farbarī narrated; al-Bukhārī narrated; Ismāʻīl ibn al-Khalīl narrated; ʻAlī ibn Mushir narrated; Abū Isḥāq al-Shaybānī narrated from ʻAbd al-Raḥmān ibn al-Aswad ibn Yazīd from his father from ʻĀ'isha, Mother of the Believers, who said: "When any of us was menstruating and the Prophet (peace be upon him) wished to engage in intimate contact, she would tie a waist-wrapper during her menstruation, then he would engage in intimate contact." She said: "Which of you can restrain his urges as the Messenger of Allah (peace be upon him) restrained his urges?" If her statement regarding the fasting person's kiss necessitates this as an exclusive ruling for him, then her statement here about intimate contact with a menstruating woman would likewise necessitate it being an exclusive ruling for him, or that it is disliked, or that it is permissible for the elderly but not others. As for the young men, they cannot claim consensus here, for Ibn Abbas and others wholly disapproved of physical contact with a menstruating woman in its entirety. By my life, indeed physical contact with a menstruating woman is more perilous, as one refrains from intercourse with her for days and nights, thereby intensifying his desire. As for the fasting person—he had intercourse with her last night and will do so tonight—is he then left with merely a whiff of intercourse? Hammam narrated from Ibn Mufarrij, from Ibn Al-A'rabi, from Al-Dabari, from Abd Al-Razzaq, from Ibn Jurayj, who informed me: Zayd ibn Aslam narrated from Ata ibn Yasar, who said, "A man from the Ansar informed me that he kissed his wife during the time of Allah's Messenger (peace and blessings be upon him). He instructed her to inquire, so she asked the Prophet (peace and blessings be upon him) about it. The Prophet (peace and blessings be upon him) said to her, 'Allah's Messenger does that.' She informed her husband, who said, 'The Prophet (peace and blessings be upon him) was granted concessions in certain matters. Return to him.' She returned and mentioned this, whereupon Allah's

عَنْهَا - «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُقَبِّلُ وَهُوَ صَائِمٌ، وَيُبَاشِرُ وَهُوَ صَائِمٌ وَلَكِنَّهُ كَانَ أَمْلَكَكُمْ لِإِرْبِهِ» . قُلْنَا: لَا حُجَّةَ لَكَ فِي قَوْلِ عَائِشَةَ هَذَا، لِأَنَّ عَبْدَ الرَّحْمَنِ بْنَ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا قَالَ: ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا إِسْمَاعِيلُ بْنُ الْخَلِيلِ ثنا عَلِيُّ بْنُ مُسْهِرٍ ثنا أَبُو إِسْحَاقَ هُوَ الشَّيْبَانِيُّ - عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ بْنِ يَزِيدَ عَنْ أَبِيهِ عَنْ «عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ كَانَتْ إِحْدَانَا إِذَا كَانَتْ حَائِضًا فَأَرَادَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُبَاشِرَهَا أَنْ تَتَّزِرَ فِي فَوْرِ حَيْضَتِهَا ثُمَّ يُبَاشِرَهَا، قَالَتْ: وَأَيُّكُمْ يَمْلِكُ إِرْبَهُ كَمَا كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَمْلِكُ إِرْبَهُ» ؟ فَإِنْ كَانَ قَوْلُهَا ذَلِكَ فِي قُبْلَةِ الصَّائِمِ يُوجِبُ أَنَّهُ لَهُ خُصُوصٌ فَقَوْلُهَا هَذَا فِي مُبَاشَرَةِ الْحَائِضِ يُوجِبُ أَنَّهَا لَهُ أَيْضًا خُصُوصٌ، أَوْ أَنَّهَا مَكْرُوهَةٌ، أَوْ أَنَّهَا لِلشَّيْخِ دُونَ الشَّابِّ وَلَا يُمْكِنُهُمْ هَاهُنَا دَعْوَى الْإِجْمَاعِ، لِأَنَّ ابْنَ عَبَّاسٍ وَغَيْرَهُ كَرِهُوا مُبَاشَرَةَ الْحَائِضِ، جُمْلَةً وَلَعَمْرِي إِنَّ مُبَاشَرَةَ الْحَائِضِ لَأَشَدُّ غَرَرًا، لِأَنَّهُ يَبْقَى عَنْ جِمَاعِهَا أَيَّامًا وَلَيَالِيَ فَتَشْتَدُّ حَاجَتُهُ، وَأَمَّا الصَّائِمُ فَالْبَارِحَةُ وَطِئَهَا، وَاللَّيْلَةَ يَطَؤُهَا، فَهُوَ بِشَمٍّ مِنَ الْوَطْءِ؟ حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ أَخْبَرَنِي زَيْدُ بْنُ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ قَالَ: «أَخْبَرَنِي رَجُلٌ مِنَ الْأَنْصَارِ، أَنَّهُ قَبَّلَ امْرَأَتَهُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَمَرَهَا فَسَأَلَتِ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ فَقَالَ لَهَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنَّ رَسُولَ اللَّهِ يَفْعَلُ ذَلِكَ، فَأَخْبَرَتْهُ امْرَأَتُهُ، فَقَالَ لَهَا: إِنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رُخِّصَ لَهُ فِي أَشْيَاءَ، فَارْجِعِي إِلَيْهِ، فَرَجَعَتْ إِلَيْهِ، فَذَكَرَتْ لَهُ ذَلِكَ، فَقَالَ لَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَا أَتْقَاكُمْ وَأَعْلَمُكُمْ بِحُدُودِ اللَّهِ» .

Messenger (peace and blessings be upon him) said to her, ‘I am the most God-fearing among you and the most knowledgeable of Allah’s boundaries.’”

L11803 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn Al-Hajjaj narrated to me: Harun ibn Sa’id Al-Ayli narrated to me: Ibn Wahb narrated to us: Amr—who is Ibn Al-Harith—informed me from Abd Rabbih ibn Sa’id, from Abdullah ibn Ka’b Al-Himyari, from Umar ibn Abi Salamah Al-Makhzumi that he asked the Messenger of Allah—peace be upon him—“Does a fasting person kiss?” The Messenger of Allah—peace be upon him—said to him, “Ask this one”—meaning Umm Salamah. She informed him that the Messenger of Allah—peace be upon him—does that. He said, “O Messenger of Allah, you have been forgiven what has preceded of your sins and what will follow.” The Messenger of Allah—peace be upon him—responded, “By Allah, I am indeed the most God-fearing of you toward Allah and the most reverent of Him.”

L11804 These two reports refute the claim of those who asserted this ruling was specifically for him (peace be upon him), for he (peace be upon him) gave this legal verdict to those who sought his judgment. They also disprove the assertion of those who claimed it was disliked for a young man but permissible for an elderly man, for Umar ibn Abi Salamah was in the prime of his youth when the Prophet (peace be upon him) died. He was the son of Umm Salamah, the Mother of the Believers, and the Prophet (peace be upon him) arranged his marriage to the daughter of Hamza, his paternal uncle (may Allah be pleased with him).

L11805–11807 Abdullah ibn Rabiʿ narrated to us: Muhammad ibn Muʿawiyah from Ahmad ibn Shuʿayb, who informed us from Qutaybah ibn Saʿīd. Abu ’Awanah reported from Sa’d ibn Ibrahim ibn ’Abd al-Rahman ibn ’Awf, from Talha ibn ’Abdullah ibn ’Uthman al-Qurashi, from ’A’ishah, the Mother of the Believers, who said: The Prophet (peace and blessings of Allah be upon him) leaned in to kiss me. I said, “I am fasting.” He replied, “I am also fasting,” and he kissed me.

L11808–11810 When ʿĀ’ishah was eighteen years old at the time of the Prophet’s death—

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي هَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ ثنا ابْنُ وَهْبٍ أَخْبَرَنِي عَمْرٌو هُوَ ابْنُ الْحَارِثِ - عَنْ عَبْدِ رَبِّهِ بْنِ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ كَعْبٍ الْحِمْيَرِيِّ «عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ الْمَخْزُومِيِّ أَنَّهُ سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَيُقَبِّلُ الصَّائِمُ؟ فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَلْ هَذِهِ، يَعْنِي أُمَّ سَلَمَةَ، فَأَخْبَرَتْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَصْنَعُ ذَلِكَ، فَقَالَ: يَا رَسُولَ اللَّهِ، قَدْ غُفِرَ لَكَ مَا تَقَدَّمَ مِنْ ذَنْبِكَ وَمَا تَأَخَّرَ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَا وَاللَّهِ إِنِّي لَأَتْقَاكُمْ لِلَّهِ وَأَخْشَاكُمْ» .

فَهَذَانِ الْخَبَرَانِ يُكَذِّبَانِ قَوْلَ مَنْ ادَّعَى فِي ذَلِكَ الْخُصُوصَ لَهُ - عَلَيْهِ السَّلَامُ -، لِأَنَّهُ أَفْتَى بِذَلِكَ - عَلَيْهِ السَّلَامُ - مَنْ اسْتَفْتَاهُ، وَيُكَذِّبُ قَوْلَ مَنْ ادَّعَى أَنَّهَا مَكْرُوهَةٌ لِلشَّابِّ مُبَاحَةٌ لِلشَّيْخِ؟ لِأَنَّ عُمَرَ بْنَ أَبِي سَلَمَةَ كَانَ شَابًّا جِدًّا فِي قُوَّةِ شَبَابِهِ إِذْ مَاتَ - عَلَيْهِ السَّلَامُ -، وَهُوَ ابْنُ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ وَزَوَّجَهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِنْتَ حَمْزَةَ عَمِّهِ - رَضِيَ اللَّهُ عَنْهُ -.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا أَبُو عَوَانَةَ عَنْ سَعْدِ بْنِ إِبْرَاهِيمَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَانَ الْقُرَشِيِّ «عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ أَهْوَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِيُقَبِّلَنِي، فَقُلْتُ: إِنِّي صَائِمَةٌ فَقَالَ: وَأَنَا صَائِمٌ، فَقَبَّلَنِي» .

peace and blessings be upon him—the invalidity of the opinion of those who differentiated between mature adults and the young in this matter became evident, as did the invalidity of the claim that it is disliked. It was established that it is a virtuous, recommended act, a Sunnah among the established practices, and a means of drawing closer to God Almighty, in emulation of the Prophet—peace and blessings of Allah be upon him—and following his explicit instruction on the matter. As for the evidence cited by those who disliked it for the young, they rely on two unsound hadiths. One is transmitted through a chain containing Ibn Lahiʿah, who is weak, and Qays, the client of Tajib, who is unknown. The other is transmitted through Isrāʾīl, who is weak, from Abū al-ʿAnbas—also unidentified—from al-Agharr from Abū Hurayrah. Both narrations state: "The Prophet—peace and blessings of Allah be upon him—permitted mature adults to kiss while fasting but prohibited it for the young," but both are deemed unreliable. As for those who invalidate the fast due to kissing, they argue using Allah's words: "Now, have intercourse with them and seek what Allah has ordained for you. Eat and drink until the white thread of dawn becomes distinct to you from the black thread. Then complete the fast until night" [2:187], claiming this verse prohibits physical intimacy. We respond: It is authentically established from the Messenger of Allah—peace and blessings be upon him—that he permitted physical intimacy, and he is the one who clarifies Allah's intent for us. Thus, it is confirmed that the prohibited intimacy during fasting is solely sexual intercourse. There is no proof in this verse for a Hanafi or a Maliki, for they permit intimate contact and do not invalidate the fast by it at all. Rather, they invalidate it only by something that accompanies it, namely semen or pre-seminal fluid. Rather, it is proof for those who prohibit intimate contact and invalidate the fast because of it.[25]

وَكَانَتْ عَائِشَةُ إِذْ مَاتَ - عَلَيْهِ السَّلَامُ - بِنْتَ ثَمَانِ عَشْرَةَ سَنَةً فَظَهَرَ بُطْلَانُ قَوْلِ مَنْ فَرَّقَ فِي ذَلِكَ بَيْنَ الشَّيْخِ وَالشَّابِّ، وَبُطْلَانُ قَوْلِ مَنْ قَالَ: إِنَّهَا مَكْرُوهَةٌ، وَصَحَّ أَنَّهَا حَسَنَةٌ مُسْتَحَبَّةٌ، سُنَّةٌ مِنْ السُّنَنِ، وَقُرْبَةٌ مِنْ الْقُرَبِ إِلَى اللَّهِ تَعَالَى اقْتِدَاءً بِالنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَوُقُوفًا عِنْدَ فُتْيَاهُ بِذَلِكَ؟ وَأَمَّا مَا تَعَلَّقَ بِهِ مَنْ كَرِهَهَا لِلشَّابِّ فَإِنَّمَا هُمَا حَدِيثَا سَوْءٍ، رُوِّينَا أَحَدَهُمَا مِنْ طَرِيقٍ فِيهَا ابْنُ لَهِيعَةَ، وَهُوَ لَا شَيْءَ، وَفِيهَا قَيْسٌ مَوْلَى تَجِيبٍ، وَهُوَ مَجْهُولٌ لَا يُدْرَى مَنْ هُوَ؟ وَالْآخَرَ مِنْ طَرِيقِ إِسْرَائِيلَ - وَهُوَ ضَعِيفٌ - عَنْ أَبِي الْعَنْبَسِ، وَلَا يُدْرَى مَنْ هُوَ؟ عَنْ الْأَغَرِّ عَنْ أَبِي هُرَيْرَةَ، فِي كِلَيْهِمَا، «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْخَصَ فِي قُبْلَةِ الصَّائِمِ لِلشَّيْخِ وَنَهَى عَنْهَا الشَّابَّ» ، فَسَقَطَا جَمِيعًا؟ وَأَمَّا مَنْ أَبْطَلَ الصَّوْمَ بِهَا فَإِنَّهُمْ احْتَجُّوا بِقَوْلِ اللَّهِ تَعَالَى: {فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ} [البقرة: ١٨٧] فَفِي هَذِهِ الْآيَةِ الْمَنْعُ مِنْ الْمُبَاشَرَةِ؟ قُلْنَا قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إبَاحَةُ الْمُبَاشَرَةِ، وَهُوَ الْمُبَيِّنُ عَنْ اللَّهِ تَعَالَى مُرَادُهُ مِنَّا، فَصَحَّ أَنَّ الْمُبَاشَرَةَ الْمُحَرَّمَةَ فِي الصَّوْمِ إنَّمَا هِيَ الْجِمَاعُ فَقَطْ، وَلَا حُجَّةَ فِي هَذِهِ الْآيَةِ لِحَنَفِيٍّ وَلَا لِمَالِكِيٍّ، فَإِنَّهُمْ يُبِيحُونَ الْمُبَاشَرَةَ، وَلَا يُبْطِلُونَ الصَّوْمَ بِهَا أَصْلًا وَإِنَّمَا يُبْطِلُونَهُ بِشَيْءٍ يَكُونُ مَعَهَا، مِنْ الْمَنِيِّ أَوْ الْمَذْيِ فَقَطْ، وَإِنَّمَا هِيَ حُجَّةٌ لِمَنْ مَنَعَ الْمُبَاشَرَةَ وَأَبْطَلَ الصَّوْمَ بِهَا.

L11811 These individuals also cited two reports as evidence: One of these was narrated to us through Abū Usāmah Ḥammād ibn Usāmah, from ʿUmar ibn Ḥamzah, who reported that Sālim ibn ʿAbdullāh informed him from his father: ʿUmar said, "I saw the Messenger of Allah (peace be upon him) in a

وَهَؤُلَاءِ أَيْضًا قَدْ احْتَجُّوا بِخَبَرَيْنِ: رُوِّينَا أَحَدَهُمَا مِنْ طَرِيقِ أَبِي أُسَامَةَ حَمَّادِ بْنِ أُسَامَةَ عَنْ عُمَرَ بْنِ حَمْزَةَ أَخْبَرَنِي سَالِمُ بْنُ عَبْدِ اللَّهِ عَنْ أَبِيهِ قَالَ قَالَ عُمَرُ: رَأَيْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْمَنَامِ، فَرَأَيْتُهُ لَا يَنْظُرُنِي، فَقُلْت: يَا رَسُولَ اللَّهِ مَا شَأْنِي؟

[25] **Qur'an references (L11808):** Qur'an 2:187 (Al-Baqarah).

dream. He was not looking at me, so I asked: 'O Messenger of Allah, what is wrong with me?' He replied: 'Are you not the one who kisses while fasting?' So I swore: 'By Him Who sent you with the truth, I shall never kiss after that while fasting.'"

فَقَالَ: أَلَسْتَ الَّذِي تُقَبِّلُ وَأَنْتَ صَائِمٌ؟ قُلْت: فَوَالَّذِي بَعَثَكَ بِالْحَقِّ لَا أُقَبِّلُ بَعْدَهَا وَأَنَا صَائِمٌ.

L11812 Abu Muhammad said: Religious rulings are not derived from dreams, especially since the Messenger of Allah (peace be upon him) issued a fatwa to Umar during wakefulness while alive, permitting kissing for one fasting. It is falsehood to abrogate this through a dream while he is dead—we seek refuge in Allah from this. It suffices regarding all this that Umar ibn Hamzah is nothing.

قَالَ أَبُو مُحَمَّد: الشَّرَائِعُ لَا تُؤْخَذُ بِالْمَنَامَاتِ لَا سِيَّمَا وَقَدْ أَفْتَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عُمَرَ فِي الْيَقَظَةِ حَيًّا بِإِبَاحَةِ الْقُبْلَةِ لِلصَّائِمِ، فَمِنْ الْبَاطِلِ أَنْ يُنْسَخَ ذَلِكَ فِي الْمَنَامِ مَيِّتًا نَعُوذُ بِاَللَّهِ مِنْ هَذَا. وَيَكْفِي مِنْ هَذَا كُلِّهِ أَنَّ عُمَرَ بْنَ حَمْزَةَ لَا شَيْءَ.

L11813 Abdullah ibn Rabee' narrated to us: Umar ibn Abd al-Malik narrated to us: Muhammad ibn Bakr narrated to us: Abu Dawood narrated to us: Isa ibn Hammad—who is Zughbah—from al-Layth ibn Sa'd, from Bukayr ibn Abdullah ibn al-Ashajj, from Abd al-Malik ibn Sa'd al-Sā'idī al-Ansari, from Jabir ibn Abdullah, who said: "Umar ibn al-Khattab said: 'I became physically aroused and kissed while fasting. I said: O Messenger of Allah, I did a significant deed today—I kissed while fasting.' The Messenger of Allah—peace and blessings be upon him—said: 'What if you rinsed your mouth with water while fasting?' I said: 'There is no harm in that.' He said: 'Then why worry?'"

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا عِيسَى بْنُ حَمَّادٍ هُوَ زُغْبَةُ - عَنْ اللَّيْثِ بْنِ سَعْدٍ عَنْ بُكَيْرِ بْنِ عَبْدِ اللَّهِ بْنِ الْأَشَجِّ عَنْ عَبْدِ الْمَلِكِ بْنِ سَعْدٍ السَّاعِدِيِّ الْأَنْصَارِيِّ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ «قَالَ عُمَرُ بْنُ الْخَطَّابِ هَشَشْتُ فَقَبَّلْتُ وَأَنَا صَائِمٌ، فَقُلْتُ: يَا رَسُولَ اللَّهِ، صَنَعْتُ الْيَوْمَ أَمْرًا عَظِيمًا، قَبَّلْتُ وَأَنَا صَائِمٌ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرَأَيْتَ لَوْ مَضْمَضْتَ مِنْ الْمَاءِ وَأَنْتَ صَائِمٌ؟ قُلْت: لَا بَأْسَ بِهِ، قَالَ: فَمَهْ» ؟ ".

L11814 The second report we have transmitted via the chain of narration (isnād) of Isrā'īl – who is weak – from Zayd ibn Jubayr from Abū Yazīd al-Ḍabbī – who is unknown – from Maymūnah bint 'Utbah, the freedwoman of the Messenger of Allah (peace and blessings be upon him): He was asked about one who kissed his wife while they were both fasting, and he said: "He has broken his fast."

وَالْخَبَرُ الثَّانِي الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ إسْرَائِيلَ - وَهُوَ ضَعِيفٌ - عَنْ زَيْدِ بْنِ جُبَيْرٍ عَنْ أَبِي يَزِيدَ الضَّبِّيِّ - وَهُوَ مَجْهُولٌ «عَنْ مَيْمُونَةَ بِنْتِ عُتْبَةَ مَوْلَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ عَمَّنْ قَبَّلَ امْرَأَتَهُ وَهُمَا صَائِمَانِ؟ فَقَالَ: قَدْ أَفْطَرَ» .

L11815–11816 Abu Muhammad said: Even if this were valid, would the hadith of Abu Sa'id al-Khudri - which we mentioned in the chapter on cupping for the fasting person - stating that the Prophet (peace be upon him) permitted kissing for the fasting person not serve as an abrogator of it? And among those from whom it is narrated that kissing invalidates fasting: via the chain of Sa'id ibn al-Musayyab that Umar used to prohibit kissing for the fasting

قَالَ أَبُو مُحَمَّد: حَتَّى لَوْ صَحَّ هَذَا لَكَانَ حَدِيثُ أَبِي سَعِيدٍ الْخُدْرِيِّ - الَّذِي ذَكَرْنَا فِي بَابِ الْحِجَامَةِ لِلصَّائِمِ - أَنَّهُ - عَلَيْهِ السَّلَامُ - أَرْخَصَ فِي الْقُبْلَةِ لِلصَّائِمِ -: نَاسِخًا لَهُ؟ وَمِمَّنْ رُوِيَ عَنْهُ إبْطَالُ الصِّيَامِ بِالْقُبْلَةِ مِنْ طَرِيقِ سَعِيدِ بْنِ الْمُسَيِّبِ: أَنَّ عُمَرَ كَانَ يَنْهَى عَنْ الْقُبْلَةِ لِلصَّائِمِ، فَقِيلَ لَهُ «إنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُقَبِّلُ وَهُوَ صَائِمٌ» ؟

فَقَالَ: وَمَنْ ذَا لَهُ مِنْ الْحِفْظِ وَالْعِصْمَةِ مَا لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ وَمِنْ طَرِيقِ عِمْرَانَ بْنِ مُسْلِمٍ عَنْ زَاذَانَ عَنْ ابْنِ عُمَرَ قَالَ فِي الَّذِي يُقَبِّلُ وَهُوَ صَائِمٌ، فَقَالَ: أَلَا يُقَبِّلُ جَمْرَةً؟ وَعَنْ مُوَرِّقٍ عَنْهُ: أَنَّهُ كَانَ يَنْهَى عَنْهَا؟ وَمِنْ طَرِيقِ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ مَا تُرِيدُ إِلَى خُلُوفٍ فِيهَا؟ دَعْهَا حَتَّى تُفْطِرَ؟ وَعَنْ الْهَزْهَازِ: أَنَّ ابْنَ مَسْعُودٍ سُئِلَ عَمَّنْ قَبَّلَ وَهُوَ صَائِمٌ فَقَالَ: أَفْطَرَ، وَيَقْضِي يَوْمًا مَكَانَهُ.

person. When told "Indeed Allah's Messenger (peace be upon him) would kiss while fasting," he retorted: "Who possesses the preservation and divine safeguarding granted to Allah's Messenger (peace be upon him)?"

Via the chain of Imran ibn Muslim from Zadhan from Ibn Umar: When asked about one who kisses while fasting, he replied: "Would he not rather kiss an ember?" Through Muwarriq's chain from Ibn Umar: that he prohibited it. Via the chain of Ali ibn Abi Talib who said: "Do you seek foul breath? Leave her until you break your fast." Through al-Hazhaz's chain: Ibn Mas'ud was asked about one who kisses while fasting, and he ruled: "He invalidates his fast and is obligated to compensate with another day in its place."[26]

وَعَنْ حُذَيْفَةَ قَالَ: مَنْ تَأَمَّلَ خَلْقَ امْرَأَتِهِ وَهُوَ صَائِمٌ بَطَلَ صَوْمُهُ؟ وَعَنْ الزُّهْرِيِّ عَنْ ثَعْلَبَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي صُعَيْرٍ: رَأَيْت أَصْحَابَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْهَوْنَ عَنْ الْقُبْلَةِ لِلصَّائِمِ؟ وَمِنْ طَرِيقِ شُرَيْحٍ: أَنَّهُ سُئِلَ عَنْ قُبْلَةِ الصَّائِمِ؟ فَقَالَ: يَتَّقِي اللَّهَ وَلَا يَعُدْ. وَعَنْ أَبِي قِلَابَةَ: أَنَّهُ نَهَى عَنْهَا؟ وَعَنْ مُحَمَّدِ بْنِ الْحَنَفِيَّةِ: إنَّمَا الصَّوْمُ مِنْ الشَّهْوَةِ، وَالْقُبْلَةُ مِنْ الشَّهْوَةِ؟ وَعَنْ أَبِي رَافِعٍ قَالَ: لَا يُقَبِّلُ الصَّائِمُ. وَعَنْ مَسْرُوقٍ: أَنَّهُ سُئِلَ عَنْهَا؟ فَقَالَ: اللَّيْلُ قَرِيبٌ وَقَالَ ابْنُ شُبْرُمَةَ: إنْ قَبَّلَ الصَّائِمُ أَفْطَرَ وَقَضَى يَوْمًا مَكَانَهُ؟ وَمَنْ كَرِهَهَا -: رُوِّينَا عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: الْقُبْلَةُ تُنْقِضُ الصَّوْمَ وَلَا تُفْطِرُ وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ: أَنَّهُ كَرِهَهَا؟ وَعَنْ عَبْدِ اللَّهِ بْنِ مُغَفَّلٍ أَنَّهُ كَرِهَهَا؟ وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: أَنَّهُ قَالَ: لَا بَأْسَ بِهَا، وَإِنَّهَا لَبَرِيدُ سُوءٍ؟ وَعَنْ عُرْوَةَ بْنِ الزُّبَيْرِ قَالَ: لَمْ أَرَ الْقُبْلَةَ تَدْعُو إلَى خَيْرٍ - يَعْنِي لِلصَّائِمِ؟ وَصَحَّ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ قَالَ: هِيَ دَلِيلٌ إلَى غَيْرِهَا وَالِاعْتِزَالُ أَكْيَسُ؟ وَكَرِهَهَا مَالِكٌ؟ وَمَنْ فَرَّقَ بَيْنَ الشَّيْخِ وَالشَّابِّ -: رُوِّينَا مِنْ طَرِيقِ ابْنِ الْمُسَيِّبِ عَنْ عُمَرَ بْنِ الْخَطَّابِ وَمِنْ طَرِيقِ أَبِي مِجْلَزٍ عَنْ ابْنِ عَبَّاسٍ، وَمِنْ طَرِيقِ ابْنِ أَبِي مُلَيْكَةَ عَنْ أَبِي هُرَيْرَةَ، وَمِنْ طَرِيقِ نَافِعٍ عَنْ ابْنِ عُمَرَ، وَمِنْ طَرِيقِ هِشَامِ

L11817–11819 From Hudhayfah, he said: "Does whoever contemplates the body of his wife while fasting invalidate his fast?" From Az-Zuhri, from Tha'labah ibn 'Abdillah ibn Abi Su'ayr: "I saw the companions of the Messenger of Allah — peace and blessings be upon him — forbidding kissing for the fasting person." Via Shurayḥ: He was asked about the fasting person kissing, so he said: "He should fear Allah and not repeat it." From Abu Qilabah: "He is reported to have prohibited it." From Muhammad ibn al-Hanafiyyah: "Fasting is abstaining from desire, and kissing is an act of desire." From Abu Rafi', he said: "The fasting person must not kiss." From Masruq: He was asked about it, so he said: "The night is near." Ibn Shubrumah said: "If the fasting person kisses, he invalidates his fast and must substitute another day." Among those who disliked it: We narrate from Sa'id ibn al-Musayyib: "Kissing invalidates the fast but does not require making it up." And from Ibrāhīm al-Nakhaʿī: that he disliked it? And from ʿAbdullāh ibn Mughaffal: that he disliked it? And from Saʿīd ibn Jubayr: that he said, "There is no harm in it, though it is a herald of evil?" And from ʿUrwah ibn al-Zubayr: he said, "I have never seen kissing lead to any good"—referring to the fasting person? It is authentically reported from Ibn ʿAbbās: that he said, "It is a precursor to other acts, and avoidance is wiser?" Mālik disliked it? As for those who differentiated between elderly men and young men—it was transmitted via Ibn al-Musayyib's chain from ʿUmar ibn al-Khaṭṭāb, via Abū Mijlaz's chain from Ibn ʿAbbās, via Ibn Abī Mulaykah's chain from Abū Hurayrah, via Nāfiʿ's chain from Ibn

[26] **Hadith references (L11816):** Sahih Muslim 1106e.

ʿUmar, via Hishām ibn al-Ghāz's chain from Makhūl, and via Ḥurayth's chain from al-Shaʿbī: that all of them permitted kissing for elderly fasting men but disliked it for young men? As for those who disapproved of intimate contact for the fasting person—it was transmitted via ʿAṭāʾ's chain from Ibn ʿAbbās: that he was asked about kissing for the fasting person, and he said, "There is no harm in it." He was asked, "May he grasp her leg?" He replied, "He must not grasp her leg. Maintain chastity during fasting." Via Mālik's chain from Ibn ʿUmar: that he prohibited intimate contact for those fasting.

بْنِ الْغَازِ عَنْ مَكْحُولٍ، وَمِنْ طَرِيقِ حُرَيْثٍ عَنْ الشَّعْبِيِّ: أَنَّهُمْ كُلَّهُمْ رَخَّصُوا فِي قُبْلَةِ الصَّائِمِ لِلشَّيْخِ وَكَرِهُوهَا لِلشَّابِّ؟ وَمَنْ كَرِهَ الْمُبَاشَرَةَ لِلصَّائِمِ -: رُوِّينَا مِنْ طَرِيقِ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ سُئِلَ عَنْ الْقُبْلَةِ لِلصَّائِمِ؟ فَقَالَ: لَا بَأْسَ بِهَا، وَسُئِلَ أَيَقْبِضُ عَلَى سَاقِهَا؟ قَالَ لَا يَقْبِضُ عَلَى سَاقِهَا، أَعِفُّوا الصِّيَامَ؟ وَمِنْ طَرِيقِ مَالِكٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَنْهَى عَنْ الْمُبَاشَرَةِ لِلصَّائِمِ.

L11820 And from al-Zuhri: that he prohibited touching the fasting person and stripping them.

وَعَنْ الزُّهْرِيِّ: أَنَّهُ نَهَى عَنْ لَمْسِ الصَّائِمِ وَتَجْرِيدِهِ.

L11821 From Sa'id ibn al-Musayyib concerning a fasting person who engages in physical intimacy: He said, "He must repent ten times, for this diminishes the reward of his fast - the one who undresses or engages in intimate touching. Is it permissible for him to take her hand or the nearest part of her body while leaving the farthest part?" From 'Ata' ibn Abi Rabah concerning a fasting person who engages in physical intimacy during daytime: He said, "His fast is not invalidated, but he must make up for it with another day."

وَعَنْ سَعِيدِ بْنِ الْمُسَيِّبِ فِي الصَّائِمِ يُبَاشِرُ قَالَ: يَتُوبُ عَشْرَ مِرَارٍ، إنَّهُ يَنْقُصُ مِنْ صَوْمِهِ الَّذِي يُجَرِّدُ أَوْ يَلْمِسُ، لَكَ أَنْ تَأْخُذَ بِيَدِهَا وَبِأَدْنَى جَسَدِهَا وَتَدَعَ أَقْصَاهُ؟ وَعَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ فِي الصَّائِمِ يُبَاشِرُ بِالنَّهَارِ؟ قَالَ: لَمْ يَبْطُلْ صَوْمُهُ، وَلَكِنْ يُبَدِّلُ يَوْمًا مَكَانَهُ.

L11822 From Abu Rafi': A fasting person does not engage in intimate contact.

وَعَنْ أَبِي رَافِعٍ: لَا يُبَاشِرُ الصَّائِمُ.

L11823 And Mālik considered it reprehensible (makrūh).

وَكَرِهَهَا مَالِكٌ.

L11824 Whoever permits physical contact for the elderly man and prohibits it for the young man: this has been narrated to us from Ibn 'Umar, Ibn 'Abbas, and Al-Sha'bi.

وَمَنْ أَبَاحَ الْمُبَاشَرَةَ لِلشَّيْخِ وَنَهَى عَنْهَا لِلشَّابِّ -: رُوِّينَا هَذَا عَنْ ابْنِ عُمَرَ، وَعَنْ ابْنِ عَبَّاسٍ وَالشَّعْبِيِّ.

L11825–11827 As for the one who permitted all of that: It has been narrated to us through the chain of 'Abd al-Razzāq from Abū al-Naḍr, the freed slave of 'Umar ibn 'Ubayd Allāh, that 'Ā'ishah bint Ṭalḥah ibn 'Ubayd Allāh informed him that she was in the presence of 'Ā'ishah, the Mother of the Believers. Then her husband, Abdullah ibn Abd al-Rahman ibn Abi Bakr al-Siddiq, came to her while fasting during Ramadan. Umm al-Mu'minīn (Mother of the Believers) Aisha said to him: "What prevents you from approaching your wife and

وَأَمَّا مَنْ أَبَاحَ كُلَّ ذَلِكَ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ أَبِي النَّضْرِ مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ أَنَّ عَائِشَةَ بِنْتَ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ أَخْبَرَتْهُ: أَنَّهَا كَانَتْ عِنْدَ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ فَدَخَلَ عَلَيْهَا زَوْجُهَا، وَهُوَ عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ - وَهُوَ صَائِمٌ فِي

kissing her and engaging in affectionate play with her?" He replied: "Shall I kiss her while fasting?" She said: "Yes."

رَمَضَانَ، فَقَالَتْ لَهُ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ: مَا يَمْنَعُكَ أَنْ تَدْنُوَ مِنْ أَهْلِكَ فَتُقَبِّلَهَا وَتُلَاعِبَهَا؟ فَقَالَ: أُقَبِّلُهَا وَأَنَا صَائِمٌ؟ قَالَتْ: نَعَمْ.

L11828 From the narration of Ma'mar from Ayyub al-Sikhtiyani from Abu Qilabah from Masruq, who said: I asked Aisha, the Mother of the Believers: "What is permissible for a man to do with his wife while fasting?" She replied: "Everything except intercourse." Abu Muhammad said: Aisha bint Talha was the most beautiful woman of her time, and during Aisha's days, she and her husband were in the prime of youth. These two accounts disprove the claim of those who pay no heed to falsehood that her statement, "Which of you has more control over his urges than the Messenger of Allah—peace and blessings be upon him?" intended to prohibit kissing and physical contact for one fasting. From the narration of Abdullah and Ubaydullah, the two sons of Abdullah ibn Umar ibn al-Khattab: Umar ibn al-Khattab's wife, Atika bint Zayd ibn Amr, would kiss him while he fasted, and he did not forbid her. From the narration of Dawud ibn Abi Hind from Sa'id ibn Jubayr: A man said to Ibn Abbas: "I married a beautiful cousin and consummated the marriage during Ramadan. By my father and mother, I implore you! Is there any way for me to kiss her?" Ibn Abbas asked: "Can you restrain yourself?" He said: "Yes." He said: "Then kiss her." The man said: "By my father and mother, I implore you! Is there any way for me to touch her?" He asked: "Can you restrain yourself?" He said: "Yes." He said: "Then touch her." The man said: "Is there any way for me to place my hand on her private part?" He asked: "Can you restrain yourself?" He said: "Yes." He said: "Then place it." This is the most authentic chain from Ibn Abbas.

وَمِنْ طَرِيقِ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي قِلَابَةَ عَنْ مَسْرُوقٍ قَالَ: سَأَلْت عَائِشَةَ أُمَّ الْمُؤْمِنِينَ: مَا يَحِلُّ لِلرَّجُلِ مِنْ امْرَأَتِهِ صَائِمًا؟ فَقَالَتْ كُلُّ شَيْءٍ إلَّا الْجِمَاعَ؟ قَالَ أَبُو مُحَمَّد: عَائِشَةُ بِنْتُ طَلْحَةَ كَانَتْ أَجْمَلَ نِسَاءِ أَهْلِ زَمَانِهَا، وَكَانَتْ أَيَّامَ عَائِشَةَ وَهِيَ وَزَوْجُهَا فَتِيَّيْنِ فِي عُنْفُوَانِ الْحَدَاثَةِ؟ وَهَذَانِ الْخَبَرَانِ يُكَذِّبَانِ قَوْلَ مَنْ لَا يُبَالِي بِالْكَذِبِ أَنَّهَا أَرَادَتْ بِقَوْلِهَا «وَأَيُّكُمْ أَمْلَكُ لِإِرْبِهِ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» النَّهْيَ مِنْ الْقُبْلَةِ وَالْمُبَاشَرَةِ لِلصَّائِمِ؟ وَمِنْ طَرِيقِ عَبْد اللَّهِ، وَعُبَيْد اللَّهِ: ابْنَيْ عَبْد اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَتْ تُقَبِّلُهُ امْرَأَتُهُ عَاتِكَةُ بِنْتُ زَيْدِ بْنِ عَمْرٍو وَهُوَ صَائِمٌ، فَلَا يَنْهَاهَا وَمِنْ طَرِيقِ دَاوُد بْنِ أَبِي هِنْد عَنْ سَعِيدِ بْنِ جُبَيْرٍ: أَنَّ رَجُلًا قَالَ لِابْنِ عَبَّاسٍ: إنِّي تَزَوَّجْت ابْنَةَ عَمٍّ لِي جَمِيلَةً، فَبَنَيْتُ بِهَا فِي رَمَضَانَ: فَهَلْ لِي - بِأَبِي أَنْتَ وَأُمِّي إلَى قُبْلَتِهَا مِنْ سَبِيلٍ؟ فَقَالَ لَهُ ابْنُ عَبَّاسٍ: هَلْ تَمْلِكُ نَفْسَكَ؟ قَالَ: نَعَمْ، قَالَ: قَبِّلْ، قَالَ: فَبِأَبِي أَنْتَ وَأُمِّي: هَلْ إلَى مُبَاشَرَتِهَا مِنْ سَبِيلٍ؟ قَالَ: هَلْ تَمْلِكُ نَفْسَكَ؟ قَالَ: نَعَمْ، قَالَ: فَبَاشِرْهَا، قَالَ: فَهَلْ لِي إلَى أَنْ أَضْرِبَ بِيَدِي عَلَى فَرْجِهَا مِنْ سَبِيلٍ؟ قَالَ: وَهَلْ تَمْلِكُ نَفْسَكَ؟ قَالَ: نَعَمْ، قَالَ: اضْرِبْ - وَهَذِهِ أَصَحُّ طَرِيقٍ عَنْ ابْنِ عَبَّاسٍ.

L11829–11831 From Yahyā ibn Saʿīd al-Qaṭṭān, from Ḥabīb ibn Shihāb, from his father, who said: I asked Abū Hurayrah about a man drawing near to his wife while fasting. He replied: "Indeed, I do lightly kiss her lips while fasting." And from Zayd ibn Aslam, who said: Abū Hurayrah was asked: "Do you kiss while fasting?" He said: "Yes, and I embrace her—" Its meaning is that he

وَعَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ حَبِيبِ بْنِ شِهَابٍ عَنْ أَبِيهِ قَالَ: سَأَلْت أَبَا هُرَيْرَةَ عَنْ دُنُوِّ الرَّجُلِ مِنْ امْرَأَتِهِ وَهُوَ صَائِمٌ؟ فَقَالَ: إنِّي لَأَرُفُّ شَفَتَيْهَا وَأَنَا صَائِمٌ. وَعَنْ زَيْدِ بْنِ

brings his mouth to hers. He was asked, “What about kissing someone other than your wife?” and he averted his face.

أَسْلَمَ قَالَ: قِيلَ لِأَبِي هُرَيْرَةَ: أَتُقَبِّلُ وَأَنْتَ صَائِمٌ قَالَ: نَعَمْ وَأَكْفَحُهَا - مَعْنَاهُ: أَنَّهُ يَفْتَحُ فَاهُ إِلَى فِيهَا وَسُئِلَ عَنْ تَقْبِيلِ غَيْرِ امْرَأَتِهِ؟ فَأَعْرَضَ بِوَجْهِهِ.

L11832 Among the authentic narrations from Sa‘d ibn Abī Waqqāṣ is that he was asked: “Do you kiss [your wife] while fasting?” He replied: “Yes, and I grasp her belongings [to avoid further intimacy].”

وَمِنْ طُرُقٍ صِحَاحٍ عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ: أَنَّهُ سُئِلَ: أَتُقَبِّلُ وَأَنْتَ صَائِمٌ؟ قَالَ: نَعَمْ وَأَقْبِضُ عَلَى مَتَاعِهَا.

L11833 From Abu al-Mutawakkil, who narrated from Abu Sa’id al-Khudri: He did not see any harm in a fasting person being kissed.

وَعَنْ أَبِي الْمُتَوَكِّلِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنَّهُ كَانَ لَا يَرَى بِالْقُبْلَةِ لِلصَّائِمِ بَأْسًا.

L11834 From Sufyan ibn ’Uyaynah from Zakariyyā—who is the son of Abī Zā’idah—from al-Sha’bi from ’Amr ibn Shurahbil that Ibn Mas’ūd would have sexual intercourse with his wife at midday while fasting. This is the most authentic chain of transmission from Ibn Mas’ūd.

وَعَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ زَكَرِيَّا هُوَ ابْنُ أَبِي زَائِدَةَ - عَنْ الشَّعْبِيِّ عَنْ عَمْرِو بْنِ شُرَحْبِيلَ أَنَّ ابْنَ مَسْعُودٍ كَانَ يُبَاشِرُ امْرَأَتَهُ نِصْفَ النَّهَارِ وَهُوَ صَائِمٌ - وَهَذِهِ أَصَحُّ طَرِيقٍ عَنْ ابْنِ مَسْعُودٍ.

L11835 From the transmission chain of Ḥanẓala ibn Sabra [from] al-Musayyib ibn Nujba al-Fazārī, from his aunt - who was the wife of Ḥudhayfa ibn al-Yamān - she said: “When Ḥudhayfa prayed the dawn prayer in Ramadan, he would come and enter into my quilt with me, then he would have intercourse with me.”

وَمِنْ طَرِيقِ حَنْظَلَةَ بْنِ سَبْرَةَ (عَنْ) الْمُسَيَّبِ بْنِ نُجْبَةَ الْفَزَارِيِّ عَنْ عَمَّتِهِ - وَكَانَتْ تَحْتَ حُذَيْفَةَ بْنِ الْيَمَانِ - قَالَتْ: كَانَ حُذَيْفَةُ إذَا صَلَّى الْفَجْرَ فِي رَمَضَانَ جَاءَ فَدَخَلَ مَعِي فِي لِحَافِي ثُمَّ يُبَاشِرُنِي.

L11836 On the authority of Abū Zabyān from ʿAlī ibn Abī Ṭālib: There is no harm in kissing for a fasting person.

وَعَنْ أَبِي ظَبْيَانَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ: لَا بَأْسَ بِالْقُبْلَةِ لِلصَّائِمِ.

L11837 From Mis‘ar, from Sa‘id ibn Mardanah—who narrated from Abu Kathir—that Umm Salamah, the Mother of the Believers, said to the man she addressed when he had married during Ramadan: “If you were to draw near, would you kiss?” Among the Followers, through the chain from ‘Ikrimah: “There is no harm in a kiss or intimate contact for one fasting; it is merely like a morsel he smells.”

وَعَنْ مِسْعَرٍ عَنْ سَعِيدِ بْنِ مَرْدَانَ بِهِ عَنْ أَبِي كَثِيرٍ أَنَّ أُمَّ سَلَمَةَ أُمَّ الْمُؤْمِنِينَ قَالَتْ لَهُ وَقَدْ تَزَوَّجَ فِي رَمَضَانَ: لَوْ دَنَوْت، لَوْ قَبَّلْت؟ وَمِنْ التَّابِعِينَ مِنْ طَرِيقِ عِكْرِمَةَ: لَا بَأْسَ بِالْقُبْلَةِ وَالْمُبَاشَرَةِ لِلصَّائِمِ، إنَّمَا هِيَ كَالْكِسْرَةِ يَشْتَمُّهَا.

L11838 And from Al-Hasan Al-Basri, he said: The fasting person may kiss and engage in intimate relations.

وَعَنْ الْحَسَنِ الْبَصْرِيِّ قَالَ: يُقَبِّلُ الصَّائِمُ، وَيُبَاشِرُ.

L11839 From Abu Salama ibn Abd al-Rahman ibn Awf: He would kiss his wife during the daytime of Ramadan and issue a legal ruling on that.

وَعَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ: أَنَّهُ كَانَ يُقَبِّلُ فِي رَمَضَانَ نَهَارًا وَيُفْتِي بِذَلِكَ.

L11840–11841 It is reported from Sa’id ibn Jubayr that kissing is permissible for one who is fasting.

وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: إبَاحَةُ الْقُبْلَةِ لِلصَّائِمِ.

L11842 And from Al-Sha‘bi: There is no harm in kissing or intimate contact for one who is fasting.

وَعَنْ الشَّعْبِيِّ: لَا بَأْسَ بِالْقُبْلَةِ، وَالْمُبَاشَرَةِ لِلصَّائِمِ.

L11843 And from Masruq: He was asked about a fasting person kissing his wife, so he said, “I do not mind whether I kissed her or kissed my hand.” These are among the Companions—may Allah be pleased with them—Aisha, Umm Salamah (the Mother of the Believers), Umar ibn al-Khattab, Ali, Atikah bint Zayd, Ibn Abbas, Abu Hurairah, Sa‘d ibn Abi Waqqas, Ibn Mas‘ud, Abu Sa‘id al-Khudri, and Hudhayfah. We do not know of any of them reported to have considered it reprehensible without there being a more authentic chain permitting it than the one reporting dislike—except Ibn Umar alone. Permissibility has been collectively narrated from Sa‘d, Abu Sa‘id, Aisha, Umm Salamah, and Atikah.

وَعَنْ مَسْرُوقٍ: أَنَّهُ سُئِلَ عَنْ تَقْبِيلِ الصَّائِمِ امْرَأَتَهُ؟ فَقَالَ: مَا أُبَالِي أَقَبَّلْتهَا، أَوْ قَبَّلْت يَدِي؟ فَهَؤُلَاءِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - عَائِشَةُ، وَأُمُّ سَلَمَةَ أُمُّ الْمُؤْمِنِينَ، وَعُمَرُ بْنُ الْخَطَّابِ، وَعَلِيٌّ، وَعَاتِكَةُ بِنْتُ زَيْدٍ، وَابْنُ عَبَّاسٍ، وَأَبُو هُرَيْرَةَ، وَسَعْدُ بْنُ أَبِي وَقَّاصٍ، وَابْنُ مَسْعُودٍ، وَأَبُو سَعِيدٍ الْخُدْرِيِّ، وَحُذَيْفَةُ، وَمَا نَعْلَمُ مِنْهُمْ أَحَدًا رُوِيَ عَنْهُ كَرَاهَتُهَا إلَّا وَقَدْ جَاءَ عَنْهُ إبَاحَتُهَا بِأَصَحَّ مِنْ طَرِيقِ الْكَرَاهَةِ؛ إلَّا ابْنَ عُمَرَ وَحْدَهُ، وَرُوِيَتْ الْإِبَاحَةُ جُمْلَةً عَنْ سَعْدٍ، وَأَبِي سَعِيدٍ، وَعَائِشَةَ، وَأُمِّ سَلَمَةَ، وَعَاتِكَةَ.

L11844 Abu Muhammad said: Indeed, it was incumbent upon those who prioritize analogy over textual precedents to assign to fasting the same ruling applied in Hajj, and to prescribe charity in it as was established therein. Yet, this is among the matters where they abandoned analogy—and in Allah the Exalted we seek support.

قَالَ أَبُو مُحَمَّد: وَلَقَدْ كَانَ يَجِبُ لِمَنْ غَلَّبَ الْقِيَاسَ عَلَى الْأَثَرِ أَنْ يَجْعَلَهَا فِي الصِّيَامِ بِمَنْزِلَتِهَا فِي الْحَجِّ، وَيَجْعَلَ فِيهَا صَدَقَةً كَمَا جَعَلَ فِيهَا هُنَالِكَ؛ وَلَكِنْ هَذَا مِمَّا تَرَكُوا فِيهِ الْقِيَاسَ - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

L11845 Since it has been established that kissing and foreplay are recommended during fasting, and that the fasting person is prohibited from nothing with his wife except intercourse—whether he intentionally causes ejaculation during such acts or not, all of this is permissible without any juristic dislike, as no textual evidence or consensus indicates its discouragement—how could fasting be invalidated by it, let alone how could expiation be legislated for it? We have clarified, alongside the fact that this contradicts the Sunnah, the invalidity of the opinion of those who assert that fasting is invalidated by such acts. For they hold that the emission of semen without foreplay does not invalidate the fast; that foreplay without the release of pre-ejaculate or semen does not invalidate the fast; and that mere arousal without physical contact does not invalidate the fast. Each of these, when isolated, does not invalidate

وَإِذْ قَدْ صَحَّ أَنَّ الْقُبْلَةَ وَالْمُبَاشَرَةَ: مُسْتَحَبَّتَانِ فِي الصَّوْمِ وَأَنَّهُ لَمْ يَنْهَ الصَّائِمُ فِي امْرَأَتِهِ عَنْ شَيْءٍ إلَّا الْجِمَاعَ -: فَسَوَاءٌ تَعَمَّدَ الْإِمْنَاءَ فِي الْمُبَاشَرَةِ أَوْ لَمْ يَتَعَمَّدْ كُلُّ ذَلِكَ مُبَاحٌ لَا كَرَاهَةَ فِي شَيْءٍ مِنْ ذَلِكَ؛ إذْ لَمْ يَأْتِ بِكَرَاهِيَتِهِ نَصٌّ وَلَا وَإِجْمَاعٌ، فَكَيْف إبْطَالُ الصَّوْمِ بِهِ، فَكَيْف أَنْ تُشْرَعَ فِيهِ كَفَّارَةٌ؟ وَقَدْ بَيَّنَّا مَعَ ذَلِكَ - مِنْ أَنَّهُ خِلَافٌ لِلسُّنَّةِ - فَسَادَ قَوْلِ مَنْ رَأَى الصَّوْمَ يُنْتَقَضُ بِذَلِكَ؛ لِأَنَّهُمْ، يَقُولُونَ: خُرُوجُ الْمَنِيِّ بِغَيْرِ مُبَاشَرَةٍ لَا يَنْقُضُ الصَّوْمَ؛ وَأَنَّ الْمُبَاشَرَةَ إذَا لَمْ يَخْرُجْ مَعَهَا مَذْيٌ، وَلَا مَنِيٌّ، لَا تَنْقُضُ الصَّوْمَ؛

the fast in the least. How then do they justify its invalidation when these acts are combined? This is manifestly baseless unless supported by explicit textual evidence—a possibility entirely precluded, as no such evidence exists in any narration, authentic or weak. As for fabricating falsehood and persisting in falsehood, even those without religion are capable of it.

وَأَنَّ الْإِنْعَاظَ دُونَ مُبَاشَرَةٍ لَا يَنْقُضُ الصَّوْمَ، فَكُلُّ وَاحِدٍ مِنْ هَذِهِ عَلَى انْفِرَادِهِ لَا يَكْدَحُ فِي الصَّوْمِ أَصْلًا؛ فَمِنْ أَيْنَ لَهُمْ إِذَا اجْتَمَعَتْ أَنْ تَنْقُضَ الصَّوْمَ؟ هَذَا بَاطِلٌ لَا خَفَاءَ بِهِ، إِلَّا أَنْ يَأْتِيَ بِذَلِكَ نَصٌّ، وَلَا سَبِيلَ إِلَى وُجُودِهِ أَبَدًا، لَا مِنْ رِوَايَةٍ صَحِيحَةٍ وَلَا سَقِيمَةٍ، وَأَمَّا تَوْلِيدُ الْكَذِبِ وَالدَّعَاوَى بِالْمُكَابَرَةِ، فَمَا يَعْجِزُ عَنْهَا مَنْ لَا دِينَ لَهُ.

L11846 There is no precedent of two lawful substances combining to become prohibited except through an explicit text. By this very evidence, the Ḥanafīs opposed the established Sunnah in the prohibition of nabīdh of dates and raisins when combined, then they applied this ruling here where it is not permissible to apply it. And with Allāh, the Exalted, lies success.

وَمَا رُئِيَ قَطُّ حَلَالٌ وَحَلَالٌ يَجْتَمِعَانِ فَيَحْرُمَانِ إِلَّا أَنْ يَأْتِيَ بِذَلِكَ نَصٌّ، وَبِهَذَا الدَّلِيلِ نَفْسِهِ خَالَفَ الْحَنَفِيُّونَ السُّنَّةَ الثَّابِتَةَ فِي تَحْرِيمِ نَبِيذِ التَّمْرِ وَالزَّبِيبِ يُجْمَعَانِ، ثُمَّ حَكَمُوا بِهِ هَاهُنَا حَيْثُ لَا يَحِلُّ الْحُكْمُ بِهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11847–11848 They say that intercourse without vaginal penetration—even to the point of ejaculation—does not incur a ḥadd penalty nor establish the child's lineage to him. Yet they should have distinguished between this act and vaginal intercourse regarding fasting's invalidation, though we know of no precedent—among any of Allah's creation before Abū Ḥanīfah—for breaking the fast solely due to intentional ejaculation. Then did Mālik and Al-Shāfiʿī follow him?

وَهُمْ يَقُولُونَ: إِنَّ الْجِمَاعَ دُونَ الْفَرْجِ حَتَّى يُمْنِيَ لَا يُوجِبُ حَدًّا وَلَا يُلْحَقُ بِهِ الْوَلَدُ، وَكَانَ يَجِبُ أَنْ يُفَرِّقُوا بَيْنَهُ وَبَيْنَ الْجِمَاعِ فِي إِبْطَالِ الصَّوْمِ بِهِ، مَعَ أَنَّ نَقْضَ الصَّوْمِ بِتَعَمُّدِ الْإِمْنَاءِ خَاصَّةً لَا نَعْلَمُهُ عَنْ أَحَدٍ مِنْ خَلْقِ اللَّهِ تَعَالَى قَبْلَ أَبِي حَنِيفَةَ، ثُمَّ اتَّبَعَهُ مَالِكٌ، وَالشَّافِعِيُّ؟

L11849 As for unintentional vomiting, a transmitted tradition has been related regarding that as we previously mentioned. We know of no disagreement that regurgitation and blood: the two exiting from the teeth that do not return to the throat do not invalidate the fast. Even if there were disagreement regarding that, it would not be considered, since no definitive textual proof establishes the invalidation of the fast due to them.

وَأَمَّا الْقَيْءُ الَّذِي لَا يُتَعَمَّدُ فَقَدْ جَاءَ الْأَثَرُ بِذَلِكَ عَلَى مَا ذَكَرْنَا قَبْلُ، وَلَا نَعْلَمُ فِي الْقَلْسِ، وَالدَّمِ: الْخَارِجَيْنِ مِنَ الْأَسْنَانِ لَا يَرْجِعَانِ إِلَى - الْحَلْقِ، خِلَافًا فِي أَنَّ الصَّوْمَ لَا يَبْطُلُ بِهِمَا، وَحَتَّى لَوْ جَاءَ فِي ذَلِكَ خِلَافٌ لَمَا الْتُفِتَ إِلَيْهِ؛ إِذْ لَمْ يُوجِبْ بُطْلَانَ الصَّوْمِ بِذَلِكَ نَصٌّ

L11850–11852 As for enemas, urethral instillation, ear drops, snuff, kohl application, treatment of penetrating abdominal wounds, and skull injuries exposing the brain—they claimed that anything reaching the body cavity or the inner head (being a cavity) invalidates fasting by analogy to eating. Yet they contradicted themselves: Ḥanafīs and Shāfiʿīs did not mandate compensatory fasting for kohl even if it reached the throat. Mālik saw no harm in inserting medicated

وَأَمَّا الْحُقْنَةُ، وَالتَّقْطِيرُ فِي الْإِحْلِيلِ، وَالتَّقْطِيرُ فِي الْأُذُنِ، وَالسَّعُوطُ، وَالْكُحْلُ، وَمُدَاوَاةُ الْجَائِفَةِ، وَالْمَأْمُومَةُ -: فَإِنَّهُمْ قَالُوا: إِنَّ مَا وَصَلَ إِلَى الْجَوْفِ وَإِلَى بَاطِنِ الرَّأْسِ - لِأَنَّهُ جَوْفٌ - فَإِنَّهُ يَنْقُضُ الصَّوْمَ، قِيَاسًا عَلَى الْأَكْلِ؟ ثُمَّ تَنَاقَضُوا، فَلَمْ يَرَ الْحَنَفِيُّونَ،

wicks for treatment during fasting, nor did he consider kohl invalidating unless it contained therapeutic agents. Al-Ḥasan ibn Ḥayy stated: “Enemas for treatment do not break the fast.” From Ibrāhīm al-Nakhaʿī: “There is no issue with using snuff while fasting.” Through ʿAbd al-Razzāq’s transmission from al-Muʿtamir ibn Sulaymān al-Taymī: his father, Manṣūr ibn al-Muʿtamir, Ibn Abī Laylā, and Ibn Shubruma ruled that a fasting person using kohl must compensate with a day’s fast.

Abū Muḥammad said: “Allah has only prohibited us during fasting from eating, drinking, intercourse, deliberate vomiting, and sins. We know of no consumption occurring through the anus, urethra, ear, eye, nose, or via abdominal/head wounds. We were never forbidden from introducing substances into the body cavity by non-consumptive means—unless the substance itself is prohibited. Astonishingly, those who deem such acts invalidating do not apply the legal penalty for administering wine via enema or ear infusion—proving it is neither drinking nor eating. Their contradiction regarding kohl is utterly perplexing, as it more directly reaches the throat through its natural pathway.” Regarding food entering through the ear? Some compared it to road dust or flour. It was said to him: It is not equivalent, because road dust and flour are not intentionally introduced into the throat, whereas kohl is intentionally introduced. Moreover, analogizing snuff to road dust and flour is more valid, as both enter through the nose. But they neither apply sound analogy, nor adhere to textual injunctions, nor uphold foundational principles. As for gargling and nasal inhalation, water predominates and enters the throat unintentionally.

وَالشَّافِعِيُّونَ فِي الْكُحْلِ قَضَاءً، وَإِنْ وَصَلَ إِلَى حَلْقِه، وَلَمْ يَرَ مَالِكٌ بِالْفَتَائِلِ تُسْتَدْخَلُ لِدَوَاءٍ بَأْسًا لِلصَّائِمِ، وَلَمْ يَرَ الْكُحْلَ يُفْطِرُ، إِلَّا أَنْ يَكُونَ فِيهِ عَقَاقِيرُ؟ وَقَالَ الْحَسَنُ بْنُ حَيٍّ: لَا تُفْطِرُ الْحُقْنَةُ إِنْ كَانَتْ لِدَوَاءٍ؟ وَعَنْ إِبْرَاهِيمَ النَّخَعِيِّ لَا بَأْسَ بِالسَّعُوطِ لِلصَّائِمِ؟ وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ. أَنَّ أَبَاهُ، وَمَنْصُورَ بْنَ الْمُعْتَمِرِ، وَابْنَ أَبِي لَيْلَى، وَابْنَ شُبْرُمَةَ كَانُوا يَقُولُونَ: إنْ اكْتَحَلَ الصَّائِمُ فَعَلَيْهِ أَنْ يَقْضِيَ يَوْمًا مَكَانَهُ.

قَالَ أَبُو مُحَمَّدٍ: إنَّمَا نَهَانَا اللَّهُ تَعَالَى فِي الصَّوْمِ عَنْ الْأَكْلِ وَالشُّرْبِ وَالْجِمَاعِ، وَتَعَمُّدِ الْقَيْءِ، وَالْمَعَاصِي، وَمَا عَلِمْنَا أَكْلًا، وَلَا شُرْبًا، يَكُونُ عَلَى دبُرٍ، أَوْ إحْلِيلٍ، أَوْ أُذُنٍ، أَوْ عَيْنٍ، أَوْ أَنْفٍ، أَوْ مِنْ جُرْحٍ فِي الْبَطْنِ، أَوْ الرَّأْسِ وَمَا نُهِينَا قَطُّ عَنْ أَنَّ نُوَصِّلَ إلَى الْجَوْفِ - بِغَيْرِ الْأَكْلِ، وَالشُّرْبِ - مَا لَمْ يُحَرِّمْ عَلَيْنَا إيصَالَهُ وَالْعَجَبُ أَنَّ مَنْ رَأَى مِنْهُمْ الْفِطْرَ بِكُلِّ ذَلِكَ لَا يَرَى عَلَى مَنْ احْتَقَنَ بِالْخَمْرِ، أَوْ صَبَّهَا فِي أُذُنِهِ حَدًّا فَصَحَّ أَنَّهُ لَيْسَ شُرْبًا، وَلَا أَكْلًا؟ ثُمَّ تَنَاقُضُهُمْ فِي الْكُحْلِ عَجَبٌ جِدًّا وَهُوَ أَشَدُّ وُصُولًا إلَى الْحَلْقِ، وَمَجْرَى الطَّعَامِ مِنْ الْقُطُورِ فِي الْأُذُنِ؟ وَاحْتَجَّ بَعْضُهُمْ بِأَنَّهُ كَغُبَارِ الطَّرِيقِ، وَالطَّحِينِ؟ فَقِيلَ لَهُ: لَيْسَ مِثْلَهُ؛ لِأَنَّ غُبَارَ الطَّرِيقِ، وَالطَّحِينِ: لَمْ يُتَعَمَّدْ إيصَالُهُ إلَى الْحَلْقِ، وَالْكُحْلُ تَعَمَّدَ إيصَالَهُ؟ وَأَيْضًا: فَإِنَّ قِيَاسَ السَّعُوطِ عَلَى غُبَارِ الطَّرِيقِ، وَالطَّحِينِ أَوْلَى؛ لِأَنَّ كُلَّ ذَلِكَ مَسْلَكُهُ الْأَنْفُ، وَلَكِنَّهُمْ لَا يُحْسِنُونَ قِيَاسًا وَلَا يَلْتَزِمُونَ نَصًّا، وَلَا يَطْرُدُونَ أَصْلًا وَأَمَّا الْمَضْمَضَةُ، وَالِاسْتِنْشَاقُ فَيَغْلِبُهُ الْمَاءُ فَيَدْخُلُ حَلْقَهُ عَنْ غَيْرِ تَعَمُّدٍ.

L11853 Abu Hanifah said: If he was conscious of his fast, he invalidates it and must make it up; but if he forgot, there is no obligation upon him—and this is the opinion of Ibrahim.

فَإِنَّ أَبَا حَنِيفَةَ قَالَ: إنْ كَانَ ذَاكِرًا لِصَوْمِهِ فَقَدْ أَفْطَرَ وَعَلَيْهِ الْقَضَاءُ، وَإِنْ كَانَ نَاسِيًا فَلَا شَيْءَ عَلَيْهِ - وَهُوَ قَوْلُ إبْرَاهِيمَ.

L11854 And Malik said: He must compensate in all such cases.

وَقَالَ مَالِكٌ: عَلَيْهِ الْقَضَاءُ فِي كُلِّ ذَلِكَ.

L11855 Ibn Abi Layla said: There is no requirement to make it up, whether he was aware or unaware.

وَقَالَ ابْنُ أَبِي لَيْلَى: لَا قَضَاءَ عَلَيْهِ، ذَاكِرًا كَانَ أَوْغَيْرَ ذَاكِرٍ.

L11856 And it has been narrated to us from some of the Followers—namely al-Sha'bī and Ḥammād—and from al-Ḥasan ibn Ḥayy: If that occurred during ablution for prayer, he incurs no obligation. But if it occurred not during ablution, he must perform the compensatory prayer.

وَرُوِّينَا عَنْ بَعْضِ التَّابِعِينَ - وَهُوَ الشَّعْبِيُّ، وَحَمَّادٌ - وَعَنْ الْحَسَنِ بْنِ حَيٍّ: إنْ كَانَ ذَلِكَ فِي وُضُوءٍ لِصَلَاةٍ فَلَا شَيْءَ عَلَيْهِ، وَإِنْ كَانَ لِغَيْرِ وُضُوءٍ فَعَلَيْهِ الْقَضَاءُ.

L11857 Abu Muhammad said: Allah the Exalted said: {There is no blame on you for what you erred in, but only for what your hearts deliberately intended} (Al-Ahzab 33:5). The Messenger of Allah (peace and blessings be upon him) said: "My nation has been exempted from error, forgetfulness, and what they are compelled to do." We have been narrated that our position on this matter derives from Aṭā' ibn Abī Rabāḥ.[27]

قَالَ أَبُو مُحَمَّدٍ: قَالَ اللَّهُ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ عَنْ أُمَّتِي: الْخَطَأُ وَالنِّسْيَانُ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» . وَرُوِّينَا قَوْلَنَا فِي هَذِهِ الْمَسْأَلَةِ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ.

L11858 And those who break their fast cite as evidence the authentic ḥadīth from the Messenger of Allah (peace be upon him): "When rinsing the nose [during ablution], perform it thoroughly unless you are observing a fast."

وَاحْتَجَّ مَنْ أَفْطَرَ بِذَلِكَ بِالْأَثَرِ الثَّابِتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «وَإِذَا اسْتَنْشَقْتَ فَبَالِغْ، إلَّا أَنْ تَكُونَ صَائِمًا» .

L11859–11861 Abū Muḥammad said: They have no valid argument in this matter, for it does not state that excessive inhalation breaks the fast of one who is fasting. Rather, it establishes the obligation of excessive inhalation for the non-fasting person and only removes this obligation from the fasting person—not prohibiting him from excessive inhalation. Thus, the fasting person may choose between exaggerating in inhalation or not doing so. As for the non-fasting person, excessive inhalation is an obligation upon him; otherwise, he would oppose the command of the Prophet (peace be upon him) to perform excessive inhalation. If someone were to claim that excessive inhalation breaks the fast of a fasting person, he would be more deeply entrenched in deception than them, for this report contains no mention of water reaching... Shaving leaves no trace, blemish, sign, nor evidence; yet they persistently indulge

قَالَ أَبُو مُحَمَّدٍ: وَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّهُ لَيْسَ فِيهِ أَنَّهُ يُفْطِرُ الصَّائِمُ بِالْمُبَالَغَةِ فِي الِاسْتِنْشَاقِ، وَإِنَّمَا فِيهِ إيجَابُ الْمُبَالَغَةِ فِي الِاسْتِنْشَاقِ لِغَيْرِ الصَّائِمِ، وَسُقُوطُ وُجُوبِ ذَلِكَ عَنْ الصَّائِمِ فَقَطْ، لَا نَهْيُهُ عَنْ الْمُبَالَغَةِ، فَالصَّائِمُ مُخَيَّرٌ بَيْنَ أَنْ يُبَالِغَ فِي الِاسْتِنْشَاقِ وَبَيْنَ أَنْ لَا يُبَالِغَ فِيهِ، وَأَمَّا غَيْرُ الصَّائِمِ فَالْمُبَالَغَةُ فِي الِاسْتِنْشَاقِ فَرْضٌ عَلَيْهِ، وَإِلَّا كَانَ مُخَالِفًا لِأَمْرِهِ - عَلَيْهِ السَّلَامُ -: بِالْمُبَالَغَةِ، وَلَوْ أَنَّ امْرَأً يَقُولُ: إنَّ الْمُبَالَغَةَ فِي الِاسْتِنْشَاقِ تُفْطِرُ الصَّائِمَ لَكَانَ أَدْخَلَ فِي التَّمْوِيهِ مِنْهُمْ، لِأَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ مِنْ وُصُولِ الْمَاءِ إلَى الْحَلْقِ أَثَرٌ وَلَا عِثْيَرٌ وَلَا إشَارَةٌ وَلَا دَلِيلٌ، وَلَكِنَّهُمْ لَا يَزَالُونَ يَتَكَهَّنُونَ فِي السُّنَنِ مَا يُوَافِقُ آرَاءَهُمْ بِالدَّعَاوَى الْكَاذِبَةِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

[27] **Qur'an references (L11857):** Qur'an 33:5 (Al-Ahzab).

in soothsaying regarding the Sunnah to align it with their views through deceptive claims, and success is from Allah, the Most High.

L11862 As for a fly entering the throat against one's control, or if someone raises their head to the sky, yawns, and a droplet of rain falls into their throat: Mālik ruled it invalidates the fast. Abū Ḥanīfa said one does not invalidate the fast due to the fly.

وَأَمَّا الذُّبَابُ يَدْخُلُ فِي الْحَلْقِ غَلَبَةً، وَمَنْ رَفَعَ رَأْسَهُ إِلَى السَّمَاءِ فَتَثَاءَبَ فَوَقَعَ فِي حَلْقِهِ نُقْطَةٌ مِنْ الْمَطَرِ -: فَإِنَّ مَالِكًا قَالَ: يُفْطِرُ، وَقَالَ أَبُو حَنِيفَةَ: لَا يُفْطِرُ بِالذُّبَابِ.

L11863 It has been narrated to us through the chain of Wakiʿ from Abū Mālik from Ibn Abī Najīḥ from Mujāhid from Ibn ʿAbbās regarding a fly that enters the throat of a fasting person: He said, "It does not invalidate the fast." And from Wakiʿ from al-Rabiʿ from al-Ḥasan regarding a fly that enters the throat of a fasting person: He said, "It does not invalidate the fast."

وَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ أَبِي مَالِكٍ عَنْ ابْنِ أَبِي نَجِيحٍ عَنْ مُجَاهِدٍ عَنْ ابْنِ عَبَّاسٍ فِي الذُّبَابِ يَدْخُلُ حَلْقَ الصَّائِمِ قَالَ: لَا يُفْطِرُ؟ وَعَنْ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ فِي الذُّبَابِ يَدْخُلُ حَلْقَ الصَّائِمِ قَالَ: لَا يُفْطِرُ.

L11864 And similarly from Al-Sha'bi: We do not know of any Companion who disagreed with Ibn Abbas in this matter—may Allah be pleased with them—except for that weak narration attributed to him.

وَعَنْ الشَّعْبِيِّ مِثْلُهُ: وَمَا نَعْلَمُ لِابْنِ عَبَّاسٍ فِي هَذَا مُخَالِفًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - إلَّا تِلْكَ الرِّوَايَةَ الضَّعِيفَةَ عَنْهُ.

L11865 And from Ibn Mas'ud: "Breaking the fast [occurs] from what enters, not what exits; and ablution [is invalidated] from what exits, not what enters?" Yet all of them have contradicted this narration, for they hold that the fast is invalidated by the intentional emission of semen - which is an exit, not an entry - and they invalidate ablution through penetration - which is an entry, not an exit? Abu Muhammad said: "We have stated that whatever is not eating, drinking, intercourse, or a sinful act does not invalidate the fast, because neither Allah the Exalted nor His Messenger - peace and blessings be upon him - has ordained this."

وَعَنْ ابْنِ مَسْعُودٍ: الْفِطْرُ مِمَّا دَخَلَ وَلَيْسَ مِمَّا خَرَجَ، وَالْوُضُوءُ مِمَّا خَرَجَ وَلَيْسَ مِمَّا دَخَلَ؟ وَكُلُّهُمْ قَدْ خَالَفَ هَذِهِ الرِّوَايَةَ، لِأَنَّهُمْ يَرَوْنَ الْفِطْرَ بِتَعَمُّدِ خُرُوجِ الْمَنِيِّ، وَهُوَ خَارِجٌ لَا دَاخِلٌ، وَيُبْطِلُونَ الْوُضُوءَ بِالْإِيلَاجِ، وَهُوَ دَاخِلٌ لَا خَارِجٌ؟ قَالَ أَبُو مُحَمَّد: قَدْ قُلْنَا: إنَّ مَا لَيْسَ أَكْلًا، وَلَا شُرْبًا، وَلَا جِمَاعًا، وَلَا مَعْصِيَةً، فَلَا يُفْطِرُ، لِأَنَّهُ لَمْ يَأْمُرْ اللَّهُ تَعَالَى بِذَلِكَ، وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

L11866 As for using a moist or dry miswak, or intentionally chewing food or tasting anything—provided that none of it reaches the throat—all the scholars hold that such acts do not invalidate the fast. Although al-Shāfiʿī disliked using the miswak late in the day, he did not invalidate the fast for that reason.

وَأَمَّا السِّوَاكُ بِالرَّطْبِ، وَالْيَابِسِ، وَمَضْغُ الطَّعَامِ أَوْ ذَوْقُهُ مَا لَمْ يَصِلْ مِنْهُ إلَى الْحَلْقِ أَيُّ شَيْءٍ بِتَعَمُّدٍ -: فَكُلُّهُمْ لَا يَرَوْنَ الصِّيَامَ بِذَلِكَ مُنْتَقَضًا، وَإِنْ كَانَ الشَّافِعِيُّ كَرِهَ السِّوَاكَ فِي آخِرِ النَّهَارِ، وَلَمْ يُبْطِلْ بِذَلِكَ الصَّوْمَ.

L11867–11869 Some of them disliked chewing food or tasting it, but this is baseless, for declaring an act disliked requires evidence from the Quran or... Deeming the sunnah disliked is erroneous, for they do not disapprove of rinsing the

mouth. There is no distinction between these two acts and chewing food; rather, water is less detectable when entering and more thoroughly mixed with saliva than food is. This is among the matters wherein they contradicted analogical reasoning. Al-Shāfiʿī substantiated his position with the authentic hadith: "Verily, the odor from a fasting person's mouth [due to fasting] is more fragrant before Allah than the scent of musk."

وَكَرِهَ بَعْضُهُمْ مَضْغَ الطَّعَامِ وَذَوْقَهُ، وَهَذَا لَا شَيْءَ؛ لِأَنَّ كَرَاهَةَ مَا لَمْ يَأْتِ قُرْآنٌ وَلَا سُنَّةٌ بِكَرَاهَتِهِ خَطَأٌ، وَهُمْ لَا يَكْرَهُونَ الْمَضْمَضَةَ، وَلَا فَرْقَ بَيْنَهُمَا وَبَيْنَ مَضْغِ الطَّعَامِ؛ بَلْ الْمَاءُ أَخْفَى وُلُوجًا وَأَشَدُّ امْتِزَاجًا بِالرِّيقِ مِنْ الطَّعَامِ؛ وَهَذَا مِمَّا خَالَفُوا فِيهِ الْقِيَاسَ؟ وَاحْتَجَّ الشَّافِعِيُّ بِالْخَبَرِ الثَّابِتِ: «إنَّ خُلُوفَ فَمِ الصَّائِمِ أَطْيَبُ عِنْدَ اللَّهِ مِنْ رِيحِ الْمِسْكِ»

L11870 Abu Muhammad said: The odor originates from the throat, not the teeth. Rinsing the mouth performs the same function as the siwāk in this regard, and he does not consider it disliked. Al-Shafi'i's statement on this matter corresponds to the opinion of Mujahid, Waki', and others.

قَالَ أَبُو مُحَمَّد: الْخُلُوفُ خَارِجٌ مِنْ الْحَلْقِ، وَلَيْسَ فِي الْأَسْنَانِ، وَالْمَضْمَضَةُ تَعْمَلُ فِي ذَلِكَ عَمَلَ السِّوَاكِ، وَهُوَ لَا يَكْرَهُهَا، وَقَوْلُ الشَّافِعِيِّ فِي هَذَا هُوَ قَوْلُ مُجَاهِدٍ، وَوَكِيعٍ، وَغَيْرِهِمَا.

L11871 The Messenger of Allah - peace and blessings of Allah be upon him - emphasized the siwāk for every prayer, without distinguishing between a fasting person and others. Thus, the siwāk is a recommended practice for ʿAṣr, Maghrib, and all other prayers. Abū Maysarah disliked the fresh siwāk for a fasting person, while Al-Ḥasan and others did not dislike it.

وَقَدْ حَضَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى السِّوَاكِ لِكُلِّ صَلَاةٍ، وَلَمْ يَخُصَّ صَائِمًا مِنْ غَيْرِهِ فَالسِّوَاكُ سُنَّةٌ - لِلْعَصْرِ، وَالْمَغْرِبِ، وَسَائِرِ الصَّلَوَاتِ؟ وَقَدْ كَرِهَ أَبُو مَيْسَرَةَ الرَّطْبَ مِنْ السِّوَاكِ لِلصَّائِمِ، وَلَمْ يَكْرَهْهُ الْحَسَنُ وَغَيْرُهُ.

L11872 It has been narrated to us through the chain of Al-Ḥasan, Ḥammād, and Ibrāhīm that they did not deem it disliked for a fasting person to chew food for a child, and Al-Ḥasan would do it.

وَرُوِّينَا مِنْ طَرِيقِ الْحَسَنِ، وَحَمَّاد، وَإِبْرَاهِيمَ: أَنَّهُمْ كَانُوا لَا يَكْرَهُونَ لِلصَّائِمِ أَنْ يَمْضُغَ الطَّعَامَ لِلصَّبِيِّ، وَكَانَ الْحَسَنُ يَفْعَلُهُ

L11873 As for chewing gum resin, pitch, and mastic resin: We have been narrated through an unauthenticated chain from Umm Habibah, the Mother of the Believers, that she deemed it disliked for a fasting person to chew gum resin. We have also been narrated from Al-Shaʿbi that he saw no harm in it. We have stated that whatever does not constitute eating, drinking, intercourse, or sinful acts remains permissible during fasting. No textual prohibition exists against anything we have mentioned that is neither food nor drink. Prolonged chewing does not reduce its weight if it were to be weighed. And success is from Allah the Exalted.

وَأَمَّا مَضْغُ الْعِلْكِ، وَالزِّفْتِ، وَالْمَصْطَكَى: فَرُوِّينَا مِنْ طَرِيقٍ لَا يَصِحُّ عَنْ أُمِّ حَبِيبَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّهَا كَرِهَتْ الْعِلْكَ لِلصَّائِمِ؟ وَرُوِّينَا عَنْ الشَّعْبِيِّ: أَنَّهُ لَمْ يَرَ بِهِ بَأْسًا؟ وَقَدْ قُلْنَا: إنَّ مَا لَمْ يَكُنْ أَكْلًا، وَلَا شُرْبًا، وَلَا جِمَاعًا، وَلَا مَعْصِيَةً: فَهُوَ مُبَاحٌ فِي الصَّوْمِ؛ وَلَمْ يَأْتِ بِهِ نَصٌّ بِنَهْيِ الصَّائِمِ عَنْ شَيْءٍ مِمَّا ذَكَرْنَا، وَلَيْسَ أَكْلًا، وَلَا شُرْبًا، وَلَا يَنْقُصُ مِنْهُ شَيْءٌ بِطُولِ الْمَضْغِ لَوْ وُزِنَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

L11874 As for the dust from sifted substances, we have mentioned from Abū Ḥanīfah

that it does not invalidate the fast. We have also transmitted it through the chain of transmission of Ibn Waḍḍāḥ from Saḥnūn. Since it is not classified as eating or drinking, it does not invalidate the fast of the one fasting.

وَأَمَّا غُبَارُ مَا يُغَرْبَلُ فَقَدْ ذَكَرْنَا عَنْ أَبِي حَنِيفَةَ: أَنَّهُ لَا يُفْطِرُ، وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ ابْنِ وَضَّاحٍ عَنْ سَحْنُونَ وَهُوَ لَا يُسَمَّى أَكْلًا، وَلَا شُرْبًا، فَلَا يُفْطِرُ الصَّائِمَ

L11875 As for food that exits from between the teeth at any time during the day and is discarded, this person has neither eaten nor drunk. Thus, there is no sin, and it does not invalidate the fast. Success is from Allah, the Most High, and this is the unanimous opinion of all the scholars.

وَأَمَّا طَعَامٌ يَخْرُجُ مِنْ بَيْنِ الْأَسْنَانِ فِي أَيِّ وَقْتٍ مِنْ النَّهَارِ خَرَجَ فَرَمَى بِهِ -: فَهَذَا لَمْ يَأْكُلْ، وَلَا شَرِبَ، فَلَا حَرَجَ، وَلَا يُبْطِلُ الصَّوْمَ -: وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، وَهُوَ قَوْلُهُمْ كُلُّهُمْ.

L11876–11878 As for the one who wakes up in a state of major ritual impurity—whether intentionally or forgetfully—as long as he does not intentionally prolong it until forenoon, similarly, until he ceases. Deliberately delaying prayer while conscious of it: The Salaf differed concerning this. Did some of them hold that one's fasting is invalidated by abandoning the ritual bath before dawn? The Hanafis, Malikis, and Shafi'is said: His fast remains valid even if he deliberately refrains from purifying himself from major impurity throughout the entirety of Ramadan. Abu Muhammad said: This opinion is manifestly invalid due to our earlier assertion that intentional sin invalidates the fast, for no sin is greater than intentionally delaying prayer until its time expires. A group of the Salaf upheld the view we previously mentioned—as narrated to us through Shu'ayb ibn Abi Hamzah from al-Zuhri: 'Abdullah ibn 'Abdullah ibn 'Umar informed me that he experienced a nocturnal emission during a Ramadan night, then slept and did not awaken until dawn. He said: I met Abu Hurayrah and sought his ruling. He replied: Break your fast, for the Messenger of Allah—peace and blessings be upon him—commanded such a person to break the fast if he remains in a state of major impurity at dawn. He said: I went to my father and informed him of Abu Hurayrah's verdict. He declared: By Allah, if you break your fast, I will beat your back. Continue fasting, and if you later wish to fast another day, you may do so.

وَأَمَّا مَنْ أَصْبَحَ جُنُبًا عَامِدًا أَوْ نَاسِيًا - مَا لَمْ يَتَعَمَّدْ التَّمَادِي ضُحًى كَذَلِكَ حَتَّى يَتْرُكَ الصَّلَاةَ عَامِدًا ذَاكِرًا لَهَا: - فَإِنَّ السَّلَفَ اخْتَلَفُوا فِي هَذَا؟ فَرَأَى بَعْضُهُمْ أَنَّهُ يُبْطِلُ صَوْمَهُ بِتَرْكِ الْغُسْلِ قَبْلَ الْفَجْرِ؟ وَقَالَ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ: صَوْمُهُ تَامٌّ وَإِنْ تَعَمَّدَ أَنْ لَا يَغْتَسِلَ مِنْ الْجَنَابَةِ شَهْرَ رَمَضَانَ كُلَّهُ؟ قَالَ أَبُو مُحَمَّدٍ: أَمَّا هَذَا الْقَوْلُ فَظَاهِرُ الْفَسَادِ، لِمَا ذَكَرْنَا قَبْلُ مِنْ أَنَّ تَعَمُّدَ الْمَعْصِيَةِ يُبْطِلُ الصَّوْمَ، وَلَا مَعْصِيَةَ أَعْظَمُ مِنْ تَعَمُّدِ تَرْكِ الصَّلَاةِ حَتَّى يَخْرُجَ وَقْتُهَا؟ وَذَهَبَتْ طَائِفَةٌ مِنْ السَّلَفِ إلَى مَا ذَكَرْنَا قَبْلُ -: كَمَا رُوِّينَا مِنْ طَرِيقِ شُعَيْبِ بْنِ أَبِي حَمْزَةَ عَنْ الزُّهْرِيِّ أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ: " أَنَّهُ احْتَلَمَ لَيْلَةً فِي رَمَضَانَ ثُمَّ نَامَ فَلَمْ يَنْتَبِهْ حَتَّى أَصْبَحَ، قَالَ: فَلَقِيت أَبَا هُرَيْرَةَ فَاسْتَفْتَيْتُهُ؟ فَقَالَ: أَفْطِرْ، فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُ بِالْفِطْرِ إذَا أَصْبَحَ الرَّجُلُ جُنُبًا قَالَ: فَجِئْت إلَى أَبِي فَأَخْبَرْتُهُ بِمَا أَفْتَانِي بِهِ أَبُو هُرَيْرَةَ، فَقَالَ: أُقْسِمُ بِاَللَّهِ لَئِنْ أَفْطَرْتَ لَأُوجِعَنَّ مَتْنَكَ، صُمْ، فَإِنْ بَدَا لَكَ أَنْ تَصُومَ يَوْمًا آخَرَ فَافْعَلْ.

L11879 It has been narrated to us through the chain of Sufyān ibn 'Uyaynah from 'Amr ibn Dīnār from Yaḥyā ibn Ja'dah, who said: "I heard 'Abdullāh ibn 'Amr al-Qāri' say: 'I heard Abū Hurayrah declare: "No, by the Lord of this House!

It was not I who said, 'Whoever is overtaken by dawn while in a state of janabah must not fast.' Muhammad — by the Lord of the Ka'bah — said it¡''

وَرُوِّينَا مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ يَحْيَى بْنِ جَعْدَةَ سَمِعْت عَبْدَ اللَّهِ بْنَ عَمْرٍو الْقَارِئَ قَالَ: «سَمِعْتُ أَبَا هُرَيْرَةَ يَقُولُ: لَا وَرَبِّ هَذَا الْبَيْتِ، مَا أَنَا قُلْتُ: مَنْ أَدْرَكَهُ الصُّبْحُ وَهُوَ جُنُبٌ فَلَا يَصُمْ، مُحَمَّدٌ - وَرَبِّ الْكَعْبَةِ - قَالَهُ» .

L11880 Abu Muhammad said: Those devoid of religion and knowledge have criticized this report, objecting that Abd al-Rahman ibn al-Harith ibn Hisham narrated from Abu Hurairah—who stated in this report that Usamah ibn Zayd had narrated it to him, and that al-Fadl ibn Abbas had narrated it to him. Abu Muhammad responded: This is an additional strength for the report—that both Usamah and al-Fadl transmitted it from the Prophet (peace be upon him). We cannot discern what this ignorant critic intends. What arises from this objection except the attribution of lying to Abu Hurairah? Yet is the objector not more deserving of being accused of falsehood than him? Similarly, some people—who fail to grasp what they utter—have opposed this report by citing that the two Mothers of the Believers had both narrated: "The Prophet (peace be upon him) would awaken in a state of major impurity due to intercourse, not nocturnal emission, then observe fasting that day."

قَالَ أَبُو مُحَمَّدٍ: وَقَدْ عَابَ مَنْ لَا دِينَ لَهُ وَلَا عِلْمَ لَهُ هَذَا الْخَبَرَ بِأَنَّ عَبْدَ الرَّحْمَنِ بْنَ الْحَارِثِ بْنِ هِشَامٍ رَوَى عَنْ أَبِي هُرَيْرَةَ أَنَّهُ قَالَ لَهُ فِي هَذَا الْخَبَرِ: إنَّ أُسَامَةَ بْنَ زَيْدٍ حَدَّثَهُ بِهِ، وَإِنَّ الْفَضْلَ بْنَ عَبَّاسٍ حَدَّثَهُ بِهِ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ قُوَّةٌ زَائِدَةٌ لِلْخَبَرِ، أَنْ يَكُونَ أُسَامَةُ وَالْفَضْلُ رَوَيَاهُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمَا نَدْرِي إلَى مَا أَشَارَ بِهِ هَذَا الْجَاهِلُ؟ وَمَا يَخْرُجُ مِنْ هَذَا الِاعْتِرَاضِ إلَّا نِسْبَةُ أَبِي هُرَيْرَةَ لِلْكَذِبِ، وَالْمُعْتَرِضُ بِذَلِكَ أَحَقُّ بِالْكَذِبِ مِنْهُ؟ وَكَذَلِكَ عَارَضَ قَوْمٌ - لَا يُحَصِّلُونَ مَا يَقُولُونَ - هَذَا الْخَبَرَ بِأَنَّ أُمَّيْ الْمُؤْمِنِينَ رَوَتَا «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُصْبِحُ جُنُبًا مِنْ جِمَاعٍ غَيْرِ احْتِلَامٍ ثُمَّ يَصُومُ ذَلِكَ النَّهَارَ» .

L11881–11882 Abū Muḥammad said: The narration of Abū Hurayrah does not contradict this report because his narration is the additional one.

قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ يُعَارِضُ هَذَا الْخَبَرَ مَا رَوَاهُ أَبُو هُرَيْرَةَ لِأَنَّ رِوَايَةَ أَبِي هُرَيْرَةَ هِيَ الزَّائِدَةُ.

L11883–11885 How strange of one who—relying on his own opinion—rejects the narrations of them both (may Allah be pleased with them) concerning the Messenger of Allah (peace and blessings be upon him) kissing while fasting, then employs their narrations here as an argument against the established Sunnah—especially given the authenticity of the narration from ʿĀ'ishah (may Allah be pleased with her), who said: "The dawn never overtook the Messenger of Allah (peace and blessings be upon him) except..." "He was asleep"—so why not interpret this as being overpowered by sleep, rather than intentionally omitting *ghusl*? Another group also cited as evidence what we transmitted through the chain of ʿAbd al-Raḥmān ibn Mahdī from Hishām

وَالْعَجَبُ مِمَّنْ يَرُدُّ رِوَايَتَهُمَا - رَضِيَ اللَّهُ عَنْهُمَا - فِي أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُقَبِّلُ وَهُوَ صَائِمٌ بِرَأْيِهِ -: ثُمَّ يَجْعَلُ رِوَايَتَهُمَا هَاهُنَا حُجَّةً عَلَى السُّنَّةِ الثَّابِتَةِ لَا سِيَّمَا مَعَ صِحَّةِ الرِّوَايَةِ «عَنْ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا -: أَنَّهَا قَالَتْ: مَا أَدْرَكَ الْفَجْرُ قَطُّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا وَهُوَ نَائِمٌ» فَهَلَّا حَمَلُوا هَذَا عَلَى غَلَبَةِ النَّوْمِ، لَا عَلَى تَعَمُّدِ تَرْكِ الْغُسْلِ؟ وَاحْتَجَّ أَيْضًا قَوْمٌ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ

عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: رَجَعَ أَبُو هُرَيْرَةَ عَنْ فُتْيَاهُ فِي الرَّجُلِ يُصْبِحُ جُنُبًا. قَالَ عَلِيٌّ: وَلَا حُجَّةَ فِي رُجُوعِهِ، لِأَنَّهُ رَأْيٌ مِنْهُ، إنَّمَا الْحُجَّةُ فِي رِوَايَتِهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ افْتُرِضَ عَلَيْنَا اتِّبَاعُ رِوَايَتِهِمْ، وَلَمْ نُؤْمَرْ بِاتِّبَاعِ الرَّأْيِ مِمَّنْ رَآهُ مِنْهُمْ.

al-Dastuwāʾī from Qatādah from Saʿīd ibn al-Musayyib, who said: Abū Hurayrah retracted his fatwa concerning a man who awakens in a state of ritual impurity (*junub*). ʿAlī said: There is no proof in his retraction, for it was merely his personal reasoning. Valid proof lies only in his narration from the Prophet (peace be upon him). We have been commanded to follow their transmitted narrations, not ordered to adopt the personal opinions held by any among them.

L11886 وَالْعَجَبُ مِمَّنْ يَحْتَجُّ بِهَذَا مِنْ الْمَالِكِيِّينَ وَهُمْ قَدْ ثَبَتُوا عَلَى مَا رُوِيَ عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - مِنْ تَحْرِيمِ الْمُتَزَوِّجَةِ فِي الْعِدَّةِ عَلَى الَّذِي دَخَلَ بِهَا فِي الْأَبَدِ.

It is astonishing that some Malikis cite this as evidence, despite adhering to the ruling transmitted from Umar—may Allah be pleased with him—which forever prohibits the man who consummated the marriage from marrying the woman in her waiting period.

L11887 وَقَدْ صَحَّ رُجُوعُ عُمَرَ عَنْ ذَلِكَ إلَى أَنَّهُ مُبَاحٌ لَهُ ابْتِدَاءُ زَوَاجِهَا؟ وَمِمَّنْ قَالَ بِهَذَا مِنْ السَّلَفِ كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: أَنَّهُ لَمَّا اخْتَلَفَ عَلَيْهِ أَبُو هُرَيْرَةَ، وَعَائِشَةُ فِي هَذَا قَالَ عَطَاءٌ: يُبَدِّلُ يَوْمًا وَيُتِمُّ يَوْمَهُ ذَلِكَ.

It has been authentically reported that ʿUmar retracted from that position to the position that it is permissible for him to initiate her marriage? Among the Salaf who held this view—as we have narrated through the chain of Ibn Jurayj from ʿAṭāʾ—are those who, when Abū Hurayrah and ʿĀʾishah disagreed with him on this matter, ʿAṭāʾ said: "He substitutes a [missed] day and completes it on that day."

L11888 وَمِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ أَبِيهِ أَنَّهُ قَالَ: مَنْ أَدْرَكَهُ الصُّبْحُ جُنُبًا وَهُوَ مُتَعَمِّدٌ أَبْدَلَ الصِّيَامَ، وَمَنْ أَتَاهُ غَيْرَ مُتَعَمِّدٍ فَلَا يُبَدِّلُهُ؟ فَهَذَا عُرْوَةُ ابْنُ أُخْتِ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - قَدْ تَرَكَ قَوْلَهَا لِرِوَايَةِ أَبِي هُرَيْرَةَ.

Through the narration of Sufyan ibn Uyaynah, from Hisham ibn Urwah ibn al-Zubayr, from his father, who said: "Whoever is overtaken by dawn in a state of major impurity intentionally must make up the fast, but whoever experiences it unintentionally, he does not have to make it up." This is Urwah, the nephew of Aishah—may Allah be pleased with her—who abandoned her opinion due to the narration of Abu Hurairah.

L11889 وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ قَالَ: سَأَلْت إبْرَاهِيمَ النَّخَعِيَّ عَنْ الرَّجُلِ يُصْبِحُ جُنُبًا؟ فَقَالَ: أَمَّا رَمَضَانُ فَيُتِمُّ صَوْمَهُ وَيَصُومُ يَوْمًا مَكَانَهُ، وَأَمَّا التَّطَوُّعُ فَلَا؟ وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ ثنا ابْنُ إسْحَاقَ هُوَ عَبْدُ اللَّهِ قَالَ: سَأَلْت سَالِمًا عَنْ رَجُلٍ أَصْبَحَ جُنُبًا فِي رَمَضَانَ؟ قَالَ: يُتِمُّ يَوْمَهُ وَيَقْضِي يَوْمًا مَكَانَهُ.

And through the chain of Abd al-Rahman ibn Mahdi from Sufyan al-Thawri from Mansur ibn al-Mu'tamir, who said: I asked Ibrahim al-Nakha'i about a man who becomes *junub* in the morning. He replied: As for Ramadan, he should complete his fast and make up another day. As for voluntary fasting, he does not. And through the chain of Abd al-Rahman ibn Mahdi: he narrated to us from Ibn Ishaq—who is Abdullah—who said: I asked Salim about a man who becomes *junub* in the morning during Ramadan. He said: He should complete his day and make up another day in its place.

وَمِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ طَاوُسٍ عَنْ أَبِيهِ قَالَ: مَنْ أَصْبَحَ جُنُبًا فِي شَهْرِ رَمَضَانَ فَاسْتَيْقَظَ وَلَمْ يَغْتَسِلْ حَتَّى يُصْبِحَ فَإِنَّهُ يُتِمُّ ذَلِكَ وَيَصُومُ يَوْمًا مَكَانَهُ، فَإِنْ لَمْ يَسْتَيْقِظْ فَلَا بَدَلَ عَلَيْهِ.

L11890–11891 Through the narration of Abdullah ibn Tawus from his father, who said: Whoever is in a state of major impurity at dawn during Ramadan, awakens yet neglects to perform ghusl after waking, he must complete that day's fast and observe another day in its place. If he does not wake up at all, no substitute is required of him.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ الرَّبِيعِ عَنْ الْحَسَنِ الْبَصْرِيِّ فِيمَنْ أَصْبَحَ جُنُبًا فِي رَمَضَانَ: يَقْضِيهِ فِي الْفَرْضِ. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ عَائِذِ بْنِ حَبِيبٍ عَنْ هِشَامِ بْنِ عُرْوَةَ فِي الَّذِي يُصْبِحُ جُنُبًا فِي رَمَضَانَ قَالَ: عَلَيْهِ الْقَضَاءُ.

L11892 From the narration of Waki' via al-Rabi' via al-Ḥasan al-Baṣrī regarding one who enters the morning in a state of major impurity during Ramadan, he must make it up as an obligation. From the narration of Ibn Abī Shaybah via ʿĀ'idh ibn Ḥabīb via Hishām ibn ʿUrwah regarding one who enters the morning in a state of major impurity during Ramadan, he said: Upon him is the qaḍā'.

قَالَ أَبُو مُحَمَّدٍ: لَوْ لَمْ يَكُنْ إلَّا مَا ذَكَرْنَا لَكَانَ الْوَاجِبُ الْقَوْلَ بِخَبَرِ أَبِي هُرَيْرَةَ، لَكِنْ مَنَعَ مِنْ ذَلِكَ صِحَّةُ نَسْخِهِ؟ وَبُرْهَانُ ذَلِكَ قَوْلُ اللَّهِ تَعَالَى: {أُحِلَّ لَكُمْ لَيْلَةَ الصِّيَامِ الرَّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ} [البقرة: ١٨٧] .

L11893 Abu Muhammad said: If there were nothing but what we have mentioned, it would be obligatory to accept the report of Abu Hurairah. However, does the validity of its abrogation prevent this? The proof of this is Allah's statement: *It has been made permissible for you during the nights of fasting to engage in sexual relations with your wives. They are a garment for you, and you are a garment for them. Allah knew that you were betraying yourselves, so He turned to you in repentance and forgave you. So now, you may have relations with them and seek what Allah has ordained for you. And eat and drink until the white thread becomes distinct to you from the black thread at dawn. Then complete the fast until night.* [Al-Baqarah: 187].[28]

حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ دُحَيْمٍ ثنا إِبْرَاهِيمُ بْنُ حَمَّادٍ ثنا إِسْمَاعِيلُ بْنُ إِسْحَاقَ ثنا عَبْدُ الْوَاحِدِ ثنا حَمَّادُ بْنُ سَلَمَةَ ثنا عَطَاءُ بْنُ السَّائِبِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: {كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ} [البقرة: ١٨٣] كَانَ أَحَدُهُمْ إِذَا نَامَ لَمْ تَحِلَّ لَهُ النِّسَاءُ، وَلَمْ يَحِلَّ لَهُ أَنْ يَأْكُلَ شَيْئًا إِلَى الْقَابِلَةِ، وَرَخَّصَ اللَّهُ لَكُمْ.

L11894 Yahya ibn Abd al-Rahman ibn Mas'ud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us: Isma'il ibn Ishaq narrated to us: Abd al-Wahid narrated to us: Hammad ibn Salamah narrated to us: Ata ibn al-Sa'ib narrated from Sa'id ibn Jubayr, from Ibn Abbas, who said: "Fasting has been prescribed for you as it was prescribed for those before you" [Al-Baqarah 2:183]. It used to be that if any of them slept, women became forbidden for him, and he was not permitted to eat anything until the following day. Allah has granted you a dispensation.[29]

L11895 Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to

[28] **Qur'an references (L11893):** Qur'an 2:187 (Al-Baqarah).
[29] **Qur'an references (L11894):** Qur'an 2:183 (Al-Baqarah).

us: Ahmad ibn Shu'ayb narrated to us: Hilal ibn al-'Ala' ibn Hilal al-Raqqi reported to me: Husayn ibn 'Ayyash—a trustworthy person from Bājadda—narrated to us: Zuhayr ibn Mu'awiyah narrated to us: Abu Ishaq al-Sabi'ī narrated from al-Bara' ibn 'Azib: That when any one of them slept before eating supper, it was not permissible for him to eat anything or drink during that night and the following day until the sun sets, until the verse was revealed: "And eat and drink until the white thread from the dawn becomes distinct to you from the black thread" [Al-Baqarah: 187].[30]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنِي هِلَالُ بْنُ الْعَلَاءِ بْنِ هِلَالٍ الرَّقِّيُّ ثنا حُسَيْنُ بْنُ عَيَّاشٍ - ثِقَةٌ مِنْ أَهْلِ بَاجَدَّا -: ثنا زُهَيْرُ بْنُ مُعَاوِيَةَ ثنا أَبُو إِسْحَاقَ السَّبِيعِيّ عَنْ الْبَرَاءِ بْنِ عَازِبٍ: أَنَّ أَحَدَهُمْ كَانَ إذَا نَامَ قَبْلَ أَنْ يَتَعَشَّى لَمْ يَحِلَّ لَهُ أَنْ يَأْكُلَ شَيْئًا وَلَا يَشْرَبَ لَيْلَتَهُ وَيَوْمَهُ مِنْ الْغَدِ حَتَّى تَغْرُبَ الشَّمْسُ، حَتَّى نَزَلَتْ {وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ} [البقرة: ١٨٧] .

L11896–11898 Abu Muhammad said: It has been established that this verse abrogates all circumstances that preceded fasting, and the narration of Abu Hurayrah corresponds to some of the abrogated circumstances. Since it has been confirmed that this verse abrogates what preceded it, its ruling is... It is enduring and cannot be abrogated, and it permits sexual intercourse until dawn becomes evident. Since it is permissible with certainty, there is no doubt that ghusl does not take place except after dawn, and no doubt that dawn will overtake him while he is junub. Thus, for this reason, it is obligatory to reject the hadith of Abu Hurairah—not due to anything else—and success is from Allah, the Most High.

قَالَ أَبُو مُحَمَّدٍ: فَصَحَّ أَنَّ هَذِهِ الْآيَةَ نَاسِخَةٌ لِكُلِّ حَالٍ تَقَدَّمَتْ الصَّوْمَ، وَخَبَرُ أَبِي هُرَيْرَةَ مُوَافِقٌ لِبَعْضِ الْأَحْوَالِ الْمَنْسُوخَةِ، وَإِذْ صَحَّ أَنَّ هَذِهِ الْآيَةَ نَاسِخَةٌ لِمَا تَقَدَّمَ فَحُكْمُهَا بَاقٍ لَا يَجُوزُ نَسْخُهُ وَفِيهَا إبَاحَةُ الْوَطْءِ إلَى تَبَيُّنِ الْفَجْرِ، فَإِذْ هُوَ مُبَاحٌ بِيَقِينٍ، فَلَا شَكَّ فِي أَنَّ الْغُسْلَ لَا يَكُونُ إلَّا بَعْدَ الْفَجْرِ، وَلَا شَكَّ فِي أَنَّ الْفَجْرَ يُدْرِكُهُ وَهُوَ جُنُبٌ، فَبِهَذَا وَجَبَ تَرْكُ حَدِيثِ أَبِي هُرَيْرَةَ، لَا بِمَا سِوَاهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

L11899 As for one who forgets that they are fasting during Ramadan, in an obligatory fast, or a voluntary fast, and they eat, drink, engage in intercourse, or disobey; or one who thinks it is night and does any of those acts, only to realize it is already dawn; or thinks the sun has set and does any of those acts, only to find it has not yet set—the fast of all those we have mentioned remains valid, based on the words of Allah the Exalted: "There is no blame on you for what you do by mistake, but only for what your hearts intend" [Al-Ahzab:5], and the words of the Messenger of Allah—peace and blessings be upon him: "My Ummah is pardoned for mistakes, forgetfulness, and what they are compelled to do." This was narrated to us by Ahmad ibn Umar ibn Anas al-'Udhri, who said: Al-Husayn ibn Abdullah al-Jurjani narrated to us, who said: Abd al-Razzaq ibn Ahmad ibn Abd al-Hamid al-Shirazi narrated to us, informed

وَأَمَّا مَنْ نَسِيَ أَنَّهُ صَائِمٌ فِي رَمَضَانَ، أَوْ فِي صَوْمِ فَرْضٍ، أَوْ تَطَوُّعٍ: فَأَكَلَ، وَشَرِبَ، وَوَطِئَ، وَعَصَى؛ وَمَنْ ظَنَّ أَنَّهُ لَيْلٌ فَفَعَلَ شَيْئًا مِنْ ذَلِكَ فَإِذَا بِهِ قَدْ أَصْبَحَ؛ أَوْ ظَنَّ أَنَّهُ غَابَتْ الشَّمْسُ فَفَعَلَ شَيْئًا مِنْ ذَلِكَ فَإِذَا بِهَا لَمْ تَغْرُبْ -: فَإِنَّ صَوْمَ كُلِّ مَنْ ذَكَرْنَا تَامٌّ لِقَوْلِ اللَّهِ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ عَنْ أُمَّتِي الْخَطَأُ وَالنِّسْيَانُ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» . حَدَّثَنَا بِذَلِكَ أَحْمَدُ بْنُ عُمَرَ بْنِ أَنَسٍ الْعُذْرِيُّ قَالَ ثنا الْحُسَيْنُ بْنُ عَبْدِ اللَّهِ الْجُرْجَانِيّ قَالَ ثنا عَبْدُ الرَّزَّاقِ بْنُ أَحْمَدَ بْنِ عَبْدِ الْحَمِيدِ الشِّيرَازِيُّ

[30] **Qur'an references (L11895):** Qur'an 2:187 (Al-Baqarah).

by Fatimah bint al-Hasan al-Rayyan al-Makhzumi, the copyist of Abu Bakr ibn Qutaybah, who said: Al-Rabiʿ ibn Sulayman al-Muʾadhdhin al-Muradi narrated to us, who said: Bishr ibn Bakr narrated to us from al-Awzaʿi, from ʿAta', from ʿUbayd ibn ʿUmayr, from Ibn ʿAbbas, who said: The Messenger of Allah—peace and blessings be upon him—said, "Allah has overlooked for my Ummah their mistakes, forgetfulness, and what they are compelled to do."[31]

أَخْبَرَتْنَا فَاطِمَةُ بِنْتُ الْحَسَنِ الرَّيَّانِ الْمَخْزُومِيِّ وَرَّاقِ أَبِي بَكْرِ بْنِ قُتَيْبَةَ ثنا الرَّبِيعِ بْنِ سُلَيْمَانَ الْمُؤَذِّنِ الْمَرَادِيِّ ثنا بِشْرُ بْنُ بَكْرٍ عَنِ الْأَوْزَاعِيِّ عَنْ عَطَاءٍ عَنْ عُبَيْدِ بْنِ عُمَيْرٍ عَنِ ابْنِ عَبَّاسٍ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ اللَّهَ تَجَاوَزَ لِي عَنْ أُمَّتِي الْخَطَأَ وَالنِّسْيَانَ وَمَا اسْتُكْرِهُوا عَلَيْهِ» .

L11900 Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us; Ibrahim ibn Ahmad narrated to us; al-Farbari narrated to us; al-Bukhari narrated to us; Abdan narrated to us; Yazid ibn Zurayʿ narrated to us; Hisham—that is, Ibn Hassan—narrated to us; Ibn Sirin narrated to us from Abu Hurairah from the Prophet, peace be upon him, who said: "If one of you forgets and eats or drinks, let him complete his fast, for indeed Allah has fed him and given him drink."[32]

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عَبْدَانُ أَنَا يَزِيدُ بْنُ زُرَيْعٍ ثنا هِشَامٌ هُوَ ابْنُ حَسَّانَ - ثنا ابْنُ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا نَسِيَ أَحَدُكُمْ فَأَكَلَ، أَوْ شَرِبَ فَلْيُتِمَّ صَوْمَهُ، فَإِنَّمَا أَطْعَمَهُ اللَّهُ وَسَقَاهُ» .

L11901–11903 Abdullah ibn Rabīʿ narrated to us, Muḥammad ibn Isḥāq ibn As-Sulaym narrated to us, Ibn Al-Aʿrābī narrated to us, Abū Dāwūd narrated to us, Mūsā ibn Ismāʿīl narrated to us, Ḥammād ibn Salamah narrated to us: Ayyub—who is As-Sikhtiyānī—and Ḥabīb ibn Ash-Shahīd, both of them from Muḥammad ibn Sīrīn, from Abū Hurayrah, who said: "A man came to the Messenger of Allah—peace be upon him—and said: 'O...' "O Messenger of Allah, I ate and drank due to forgetfulness while I was fasting?" He said, "Allah has fed you and given you to drink."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادُ بْنُ سَلَمَةَ ثنا أَيُّوبُ هُوَ السِّخْتِيَانِيُّ - وَحَبِيبُ بْنُ الشَّهِيدِ كِلَاهُمَا عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ: «جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَكَلْتُ وَشَرِبْتُ نَاسِيًا وَأَنَا صَائِمٌ؟ فَقَالَ: اللَّهُ أَطْعَمَكَ وَسَقَاكَ» .

L11904 It has also been narrated by us from Abū Rāfiʿ and Khilās, both from Abū Hurayrah, from the Prophet—may Allah bless him and grant him peace.

وَرُوِّينَاهُ أَيْضًا عَنْ أَبِي رَافِعٍ، وَخِلَاسٍ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11905 Abu Muhammad said: The Messenger of Allah (peace be upon him) named him a fasting person and commanded him to complete his fast, thus confirming the validity of his fast - and this is the position held by the majority of the Salaf. It has been narrated to us through the chain of Wakiʿ from Shuʿbah from ʿAbdullah ibn Dinar, who said: Ibn ʿUmar requested water while fast-

قَالَ أَبُو مُحَمَّد: فَسَمَّاهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَائِمًا، وَأَمَرَهُ بِإِتْمَامِ صَوْمِهِ ذَلِكَ فَصَحَّ أَنَّهُ صَحِيحُ الصَّوْمِ - وَبِهِ يَقُولُ جُمْهُورُ السَّلَفِ؟ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ شُعْبَةَ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ قَالَ: اسْتَسْقَى ابْنُ عُمَرَ وَهُوَ صَائِمٌ، فَقُلْت: أَلَسْتَ صَائِمًا؟ فَقَالَ: أَرَادَ اللَّهُ أَنْ يَسْقِيَنِي فَمَنَعْتَنِي؟ .

[31] **Qur'an references (L11899):** Qur'an 33:5 (Al-Ahzab).
[32] **Hadith references (L11900):** Riyad as-Salihin 1242.

ing. I said, “Are you not fasting?” He replied, “Did Allah intend to quench my thirst, yet you prevented me?”

وَمِنْ طَرِيقِ أَبِي هُرَيْرَةَ: مَنْ شَرِبَ نَاسِيًا أَوْ أَكَلَ نَاسِيًا فَلَيْسَ عَلَيْهِ بَأْسٌ، إِنَّ اللَّهَ أَطْعَمَهُ وَسَقَاهُ؟ وَعَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، وَزَيْدِ بْنِ ثَابِتٍ مِثْلُ هَذَا.

L11906 From the transmission of Abū Hurayrah: “Whoever drinks forgetfully or eats forgetfully - there is no blame upon him. Has Allah not fed him and given him drink?” A similar [report] is narrated from ʿAlī ibn Abī Ṭālib and Zayd ibn Thābit.

وَرُوِّينَاهُ أَيْضًا عَنْ عَطَاءٍ، وَقَتَادَةَ، وَمُجَاهِدٍ وَالْحَسَنِ، وَسَوَّيَا فِي ذَلِكَ بَيْنَ الْمُجَامِعِ، وَالْآكِلِ، وَعَنِ الْحَكَمِ بْنِ عُتَيْبَةَ مِثْلُهُ، وَعَنْ أَبِي الْأَحْوَصِ، وَعَلْقَمَةَ، وَإِبْرَاهِيمَ النَّخَعِيِّ، وَالْحَسَنِ الْبَصْرِيِّ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَسُفْيَانَ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَغَيْرِهِمْ؛ إِلَّا أَنَّ بَعْضَ مَنْ ذَكَرْنَا رَأَى الْجِمَاعَ بِخِلَافِ الْأَكْلِ وَالشُّرْبِ، وَرَأَى فِيهِ الْقَضَاءَ.

L11907 We have also narrated it from ʿAṭāʾ, Qatādah, Mujāhid, and al-Ḥasan—and the two treated as equivalent in this matter the one who engages in sexual intercourse and the one who eats. It was similarly narrated from al-Ḥakam ibn ʿUtaybah, and from Abū al-Aḥwaṣ, ʿAlqamah, Ibrāhīm al-Nakhaʿī, and al-Ḥasan al-Baṣrī. This is the opinion of Abū Ḥanīfah, Sufyān, Aḥmad ibn Ḥanbal, al-Shāfiʿī, Abū Sulaymān, and others. However, some of those we mentioned held that sexual intercourse differs from eating and drinking, and ruled that compensation is required in that case.

وَهُوَ قَوْلُ عَطَاءٍ، وَسُفْيَانَ: قَالَ أَبُو مُحَمَّدٍ: وَقَالَ مَالِكٌ: الْقَضَاءُ وَاجِبٌ عَلَى النَّاسِي؟ قَالَ عَلِيٌّ: وَمَا نَعْلَمُ لَهُمْ حُجَّةً أَصْلًا، إِلَّا أَنَّهُمْ قَالُوا: الْأَكْلُ، وَالْجِمَاعُ، وَالشُّرْبُ يُنَافِي الصَّوْمَ؟ فَقِيلَ لَهُمْ: وَعَلَى هَذَا فَالْأَكْلُ وَالشُّرْبُ يُنَافِي الصَّلَاةَ وَأَنْتُمْ تَقُولُونَ: إِنَّ ذَلِكَ لَا يُبْطِلُ الصَّلَاةَ إِذَا كَانَ بِنِسْيَانٍ فَظَهَرَ تَنَاقُضُهُمْ فَكَيْفَ وَقَوْلُهُمْ هَذَا خَطَأٌ؟ وَإِنَّمَا الصَّوَابُ أَنَّ تَعَمُّدَ الْأَكْلِ وَالشُّرْبِ وَالْجِمَاعِ وَالْقَيْءِ يُنَافِي الصَّوْمَ لَا الْأَكْلُ كَيْفَ كَانَ، وَلَا الشُّرْبُ كَيْفَ كَانَ، وَلَا الْجِمَاعُ كَيْفَ كَانَ، وَلَا الْقَيْءُ كَيْفَ كَانَ، فَهَذَا هُوَ الْحَقُّ الْمُتَّفَقُ عَلَيْهِ، وَالَّذِي جَاءَتْ بِهِ النُّصُوصُ مِنَ الْقُرْآنِ وَالسُّنَنِ.

L11908 This is the view of ʿAṭāʾ and Sufyān. Abū Muḥammad said: Mālik said: Is making up the fast obligatory for the one who forgot? ʿAlī said: We do not know any valid proof for their position whatsoever, except that they claimed that eating, intercourse, and drinking nullify the fast. They were told: According to this logic, eating and drinking would also nullify the prayer, yet you assert that such acts do not nullify the prayer if done forgetfully. Thus, their contradiction became evident. How can this be, when their claim itself is erroneous? The correct position is that intentionally eating, drinking, engaging in intercourse, or vomiting nullifies the fast—not eating however it occurs, nor drinking however it occurs, nor intercourse however it occurs, nor vomiting however it occurs. This is the established truth agreed upon, and which is brought by the scriptural texts from the Quran and the Sunnahs.

وَأَمَّا دَعْوَاهُمْ فَبَاطِلٌ، عَارِيَةٌ مِنَ الدَّلِيلِ جُمْلَةً، لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ، وَلَا مِنْ رِوَايَةٍ فَاسِدَةٍ، وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ قَوْلِ أَحَدٍ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ

L11909–11910 As for their claim, it is baseless, wholly devoid of evidence—neither from the Quran, nor from an authentic Sunnah, nor from an unsound narration, nor from analogical reasoning, nor from the statement of any Companion—may Allah be pleased with them. Rather, this is among the matters in which they contradicted and invalidated their own principles, for they exaggerate

their rejection of a Companion's opinion when it aligns with their views. Yet here, they opposed a group of Companions for whom no dissenting opinion among them is known. They asserted: Speaking, eating, or drinking in prayer due to forgetfulness does not nullify it, while simultaneously ruling that fasting is nullified by all such acts performed forgetfully. This is a contradiction that is utterly evident. As for Abū Ḥanīfah, he too contradicted himself, for he held that speaking, eating, or drinking forgetfully nullifies the prayer, necessitating its recommencement—a position opposing the established textual evidence. He deemed intercourse nullifying Hajj whether performed forgetfully or deliberately, yet maintained that none of these acts invalidate fasting. While he followed the textual evidence regarding fasting, he analogized forgetful intercourse to forgetful eating as non-nullifying, yet refused to analogize eating while asleep to eating forgetfully. Instead, he ruled that eating while asleep nullifies the fast, even though the sleeper is undoubtedly in a state of forgetfulness. This is unparalleled inconsistency. His blind followers falsely claimed consensus that forgetful intercourse and forgetful eating are equivalent. We have transmitted via ʿAbd al-Razzāq from Ibn Jurayj: I asked ʿAṭāʾ, "What of a man who forgetfully has intercourse with his wife during Ramadan?" ʿAṭāʾ replied, "He cannot possibly be entirely forgetful of such an act. He must perform qaḍāʾ, for Allah has not provided him an excuse. But if he eats forgetfully, let him complete his fast without qaḍāʾ—Allah has fed and quenched him." This is the position held by Sufyān al-Thawrī.

L11911 Ibn al-Mājishūn held that one who eats or drinks forgetfully must make up the fast, and one who has intercourse forgetfully must make up the fast and perform kaffarah (expiation). These are invalid opinions and baseless distinctions - and success is by Allah, the Most High.

L11912 Abu Muhammad said: If someone eats while believing it is night, or has intercourse in such a state, or drinks similarly, then discovers it is daytime—whether due to the rising of dawn or because the sun has not set—neither of them intended to invalidate their fasting. Both believed they were not fasting, and the forgetful person similarly believed they were not fasting.

عَنْهُمْ -، بَلْ هَذَا مِمَّا نَقَضُوا فِيهِ وَتَنَاقَضُوا فِيهِ، لِأَنَّهُمْ يُعَظِّمُونَ خِلَافَ قَوْلِ الصَّاحِبِ إذَا وَافَقَهُمْ. وَخَالَفُوا هَاهُنَا طَائِفَةً مِنْ الصَّحَابَةِ لَا يُعْرَفُ لَهُمْ مِنْهُمْ مُخَالِفٌ، وَقَالُوا: الْكَلَامُ، أَوْ الْأَكْلُ، أَوْ الشُّرْبُ فِي الصَّلَاةِ بِنِسْيَانٍ لَا يُبْطِلُهَا، وَأَبْطَلُوا الصَّوْمَ بِكُلِّ ذَلِكَ بِالنِّسْيَانِ وَهَذَا تَنَاقُضٌ لَا خَفَاءَ بِهِ؟ وَأَمَّا أَبُو حَنِيفَةَ فَتَنَاقَضَ أَيْضًا، لِأَنَّهُ رَأَى أَنَّ الْكَلَامَ، أَوْ الْأَكْلَ نَاسِيًا، أَوْ الشُّرْبَ نَاسِيًا تُبْطِلُ الصَّلَاةُ بِكُلِّ ذَلِكَ وَيَبْتَدِئُهَا، وَخَالَفَ السُّنَّةَ الْوَارِدَةَ فِي ذَلِكَ، وَرَأَى الْجِمَاعَ يُبْطِلُ الْحَجَّ نَاسِيًا كَانَ أَوْ عَامِدًا وَرَأَى أَنَّ كُلَّ ذَلِكَ لَا يُبْطِلُ الصَّوْمَ، وَاتَّبَعَ الْخَبَرَ فِي ذَلِكَ، وَرَأَى الْجِمَاعَ نَاسِيًا لَا يُبْطِلُ الصَّوْمَ، قِيَاسًا عَلَى الْأَكْلِ، وَلَمْ يَقِسْ الْآكِلَ نَائِمًا عَلَى الْآكِلِ نَاسِيًا؛ بَلْ رَأَى الْأَكْلَ نَائِمًا يُبْطِلُ الصَّوْمَ، وَهُوَ نَاسٍ بِلَا شَكٍّ، وَهَذَا تَخْلِيطٌ لَا نَظِيرَ لَهُ؟ وَادَّعَى مُقَلِّدُوهُ الْإِجْمَاعَ عَلَى أَنَّ الْجِمَاعَ وَالْأَكْلَ نَاسِيًا سَوَاءٌ، وَكَذَبُوا فِي ذَلِكَ، لِأَنَّنَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ: قُلْت لِعَطَاءٍ: رَجُلٌ أَصَابَ امْرَأَتَهُ نَاسِيًا فِي رَمَضَانَ؟ فَقَالَ عَطَاءٌ: لَا يَنْسَى هَذَا كُلَّهُ عَلَيْهِ الْقَضَاءُ، لَمْ يَجْعَلْ اللَّهُ لَهُ عُذْرًا، وَإِنْ طَعِمَ نَاسِيًا فَلْيُتِمَّ صَوْمَهُ وَلَا يَقْضِيهِ، اللَّهُ أَطْعَمَهُ وَسَقَاهُ وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ.

وَرَأَى ابْنُ الْمَاجِشُونِ عَلَى مَنْ أَكَلَ نَاسِيًا أَوْ شَرِبَ نَاسِيًا الْقَضَاءَ وَعَلَى مَنْ جَامَعَ نَاسِيًا الْقَضَاءَ وَالْكَفَّارَةَ وَهَذِهِ أَقْوَالٌ فَاسِدَةٌ وَتَفَارِيقُ لَا تَصِحُّ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

قَالَ أَبُو مُحَمَّد: وَمَنْ أَكَلَ وَهُوَ يَظُنُّ أَنَّهُ لَيْلٌ أَوْ جَامَعَ كَذَلِكَ أَوْ شَرِبَ كَذَلِكَ فَإِذَا بِهِ نَهَارٌ إمَّا بِطُلُوعِ الْفَجْرِ وَإِمَّا بِأَنَّ الشَّمْسَ لَمْ تَغْرُبْ -: كِلَاهُمَا لَمْ يَتَعَمَّدْ إبْطَالَ صَوْمِهِ، وَكِلَاهُمَا ظَنَّ أَنَّهُ فِي غَيْرِ صِيَامٍ، وَالنَّاسِي ظَنَّ أَنَّهُ فِي غَيْرِ صِيَامٍ وَلَا فَرْقَ، فَهُمَا وَالنَّاسِي سَوَاءٌ وَلَا فَرْقَ.

There is no difference; thus these two and the forgetful person are equal, with no distinction.

وَلَيْسَ هَذَا قِيَاسًا - وَمَعَاذَ اللَّهِ مِنْ ذَلِكَ - وَإِنَّمَا يَكُونُ قِيَاسًا لَوْ جَعَلْنَا النَّاسِيَ أَصْلًا ثُمَّ شَبَّهْنَا بِهِ مَنْ أَكَلَ وَشَرِبَ وَجَامَعَ وَهُوَ يَظُنُّ أَنَّهُ فِي لَيْلٍ فَإِذَا بِهِ فِي نَهَارٍ، وَلَمْ نَفْعَلْ هَذَا بَلْ كُلُّهُمْ سَوَاءٌ فِي قَوْلِ اللَّهِ تَعَالَى: {وَلَيْسَ عَلَيْكُمْ جُنَاحٌ فِيمَا أَخْطَأْتُمْ بِهِ وَلَكِنْ مَا تَعَمَّدَتْ قُلُوبُكُمْ} [الأحزاب: ٥] وَفِي قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ اللَّهَ تَجَاوَزَ لِأُمَّتِي الْخَطَأَ وَالنِّسْيَانَ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» . وَهَذَا قَوْلُ جُمْهُورِ السَّلَفِ -: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ: ثنا مَعْمَرٌ عَنْ الْأَعْمَشِ عَنْ زَيْدِ بْنِ وَهْبٍ قَالَ: أَفْطَرَ النَّاسُ فِي زَمَنِ عُمَرَ بْنِ الْخَطَّابِ فَرَأَيْت عِسَاسًا أُخْرِجَتْ مِنْ بَيْتِ حَفْصَةَ فَشَرِبُوا، ثُمَّ طَلَعَتْ الشَّمْسُ مِنْ سَحَابٍ، فَكَأَنَّ ذَلِكَ شَقَّ عَلَى النَّاسِ، فَقَالُوا: نَقْضِي هَذَا الْيَوْمَ فَقَالَ عُمَرُ: لِمَ؟ وَاَللَّهِ مَا تَجَانَفْنَا لِإِثْمٍ وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ الْأَعْمَشِ عَنْ الْمُسَيِّبِ عَنْ زَيْدِ بْنِ وَهْبٍ.

L11913–11914 This is not analogy—and we seek refuge in Allah from that—but analogy would only apply if we took the forgetful person as an original case and then likened to him one who eats, drinks, or has intercourse while believing it is night, only to discover it is daytime. We have not done this; rather, all are equally addressed in Allah's statement: "There is no blame on you for what you do by mistake, but only for what your hearts intend" [Al-Ahzab:5] and the Messenger of Allah's—peace and blessings be upon him—saying: "Allah has overlooked for my Ummah mistakes, forgetfulness, and what they are compelled to do." This is the view of the majority of the Salaf. Narrated via ʿAbd al-Razzaq: Maʿmar reported from al-Aʿmash from Zayd ibn Wahb, who said: "People broke their fast during ʿUmar ibn al-Khattab's time. I saw a water-skin brought out from Hafsa's house, and they drank. Then the sun emerged from clouds, and it was as though this weighed heavily on the people. They said: 'Shall we make up this day?' ʿUmar responded: 'Why? By Allah, we did not incline toward sin.'" Also narrated via al-Aʿmash's chain from al-Musayyib from Zayd ibn Wahb.[33]

وَمِنْ طَرِيقِ ابْنِ أَسْلَمَ عَنْ أَخِيهِ عَنْ أَبِيهِ وَلَمْ يَذْكُرْ قَضَاءً؟ وَقَدْ رُوِيَ عَنْ عُمَرَ أَيْضًا الْقَضَاءُ، وَهَذَا تَخَالُفٌ مِنْ قَوْلِهِ، فَوَجَبَ الرُّجُوعُ إلَى مَا افْتَرَضَ اللَّهُ تَعَالَى الرُّجُوعَ إلَيْهِ عِنْدَ التَّنَازُعِ، مِنْ الْقُرْآنِ وَالسُّنَّةِ، فَوَجَدْنَا مَا ذَكَرْنَا قَبْلُ، مَعَ أَنَّ هَذِهِ الرِّوَايَةَ عَنْ عُمَرَ أَوْلَى لِأَنَّ زَيْدَ بْنَ وَهْبٍ لَهُ صُحْبَةٌ، وَإِنَّمَا رُوِيَ عَنْهُ الْقَضَاءُ مِنْ طَرِيقِ عَلِيِّ بْنِ حَنْظَلَةَ عَنْ أَبِيهِ. وَرُوِّينَا مِنْ طَرِيقِ شُعْبَةَ قَالَ: سَأَلْت الْحَكَمَ بْنَ عُتَيْبَةَ عَمَّنْ تَسَحَّرَ نَهَارًا وَهُوَ يَرَى أَنَّ عَلَيْهِ لَيْلًا؟ فَقَالَ: يُتِمُّ صَوْمَهُ.

L11915 And from the chain of Ibn Aslam, from his brother, from his father—but he did not mention compensatory fasting? Yet compensatory fasting has been reported from ʿUmar as well, and this constitutes a contradiction in his statement. Therefore, it became obligatory to revert to what Allah the Exalted has obligated recourse to in cases of dispute—the Quran and the Sunnah. Thereupon, we found what we had previously mentioned. Moreover, this narration from ʿUmar holds greater precedence because Zayd ibn Wahb was a Companion, and compensatory fasting was transmitted from him through the chain of ʿAlī ibn Ḥanẓala, from his father. It was narrated to us through Shuʿba's chain that he said: "I asked al-Ḥakam ibn ʿUtayba about one who ate the pre-dawn meal during daylight while believing it was still night." He replied: "He must complete his fast."

[33] **Qur'an references (L11914):** Qur'an 33:5 (Al-Ahzab).

وَمِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي نَجِيحٍ عَنْ مُجَاهِدٍ قَالَ: مَنْ أَكَلَ بَعْدَ طُلُوعِ الْفَجْرِ وَهُوَ يَظُنُّ أَنَّهُ لَمْ يَطْلُعْ فَلَيْسَ عَلَيْهِ الْقَضَاءُ، لِأَنَّ اللَّهَ تَعَالَى يَقُولُ: {حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ} [البقرة: ١٨٧] .

L11916–11917 And from the chain of Sufyan ibn ʻUyaynah, from ʻAbdullah ibn Abi Najih, from Mujahid, who said: Whoever eats after the emergence of dawn while thinking it has not yet emerged is not required to make up, because Allah the Exalted says: {Until the white thread of dawn becomes distinct to you from the black thread} [Al-Baqarah 2:187].[34]

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا سَهْلُ بْنُ يُوسُفَ عَنْ عَمْرٍو عَنِ الْحَسَنِ الْبَصْرِيِّ فِيمَنْ تَسَحَّرَ وَهُوَ يَرَى أَنَّهُ لَيْلٌ، قَالَ: يُتِمُّ صَوْمَهُ.

L11918 Via the chain of Ibn Abī Shaybah: Sahl ibn Yūsuf narrated to us on the authority of ʿAmr, on the authority of al-Ḥasan al-Baṣrī, regarding one who eats the pre-dawn meal (saḥūr) while believing it is still nighttime. Al-Ḥasan al-Baṣrī said: He must complete his fast.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا أَبُو دَاوُد - هُوَ الطَّيَالِسِيُّ - عَنْ حَبِيبٍ عَنْ عَمْرِو بْنِ هَرِمٍ عَنْ جَابِرِ بْنِ زَيْدٍ فِيمَنْ أَكَلَ يَرَى أَنَّهُ لَيْلٌ فَإِذَا بِهِ نَهَارٌ، قَالَ: يُتِمُّ صَوْمَهُ.

L11919 And through the chain of Ibn Abī Shaybah: Abū Dāwūd al-Ṭayālisī narrated to us from Ḥabīb, from ʿAmr ibn Hirim, from Jābir ibn Zayd regarding one who ate, thinking it was night, only to find it was daytime. He said: “He must complete his fast.”

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ، وَمَعْمَرٍ، قَالَ ابْنُ جُرَيْجٍ: عَنْ عَطَاءٍ، وَقَالَ مَعْمَرٌ: عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ، ثُمَّ اتَّفَقَ عُرْوَةُ وَعَطَاءٌ فِيمَنْ أَكَلَ فِي الصُّبْحِ وَهُوَ يَرَى أَنَّهُ لَيْلٌ: لَمْ يَقْضِهِ، فَهَؤُلَاءِ: عُمَرُ بْنُ الْخَطَّابِ، وَالْحَكَمُ بْنُ عُتَيْبَةَ، وَمُجَاهِدٌ، وَالْحَسَنُ، وَجَابِرُ بْنُ زَيْدٍ أَبُو الشَّعْثَاءِ، وَعَطَاءُ بْنُ أَبِي رَبَاحٍ، وَعُرْوَةُ بْنُ الزُّبَيْرِ - وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ.

L11920 And from the chain of ʿAbd al-Razzāq from Ibn Jurayj and Maʿmar: Ibn Jurayj said: from ʿAṭāʾ, and Maʿmar said: from Hishām ibn ʿUrwah from his father. Then ʿUrwah and ʿAṭāʾ agreed regarding one who ate at dawn while believing it was still night—he does not have to make it up. This opinion is held by: ʿUmar ibn al-Khaṭṭāb, al-Ḥakam ibn ʿUtaybah, Mujāhid, al-Ḥasan, Jābir ibn Zayd Abū al-Shaʿthāʾ, ʿAṭāʾ ibn Abī Rabāḥ, and ʿUrwah ibn al-Zubayr—this being the view of Abū Sulaymān.

وَرُوِّينَا عَنْ مُعَاوِيَةَ، وَسَعِيدِ بْنِ جُبَيْرٍ، وَابْنِ سِيرِينَ، وَهِشَامِ بْنِ عُرْوَةَ، وَعَطَاءٍ، وَزِيَادِ بْنِ النَّضْرِ، وَإِنَّمَا قَالَ هَؤُلَاءِ: بِالْقَضَاءِ فِي الَّذِي يُفْطِرُ وَهُوَ يَرَى أَنَّهُ لَيْلٌ ثُمَّ تَطْلُعُ الشَّمْسُ وَأَمَّا فِي الْفَجْرِ فَلَا، مِثْلَ قَوْلِ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ، وَمَا نَعْلَمُ لَهُمْ حُجَّةً أَصْلًا.

L11921 It has been reported to us from Mu’awiyah, Sa’id ibn Jubayr, Ibn Sirin, Hisham ibn Urwah, Ata, and Ziyad ibn al-Nadr. These scholars said that making up the fast is required for one who breaks it while thinking it is night, then the sun rises afterward. As for regarding dawn, they did not require making it up, similar to the view of Abu Hanifah, Malik, and al-Shafi’i. We know of no evidence whatsoever for them at all.

فَإِنْ ذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي أُسَامَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ عَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ قَالَتْ: «أَفْطَرَ النَّاسُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثُمَّ طَلَعَتْ الشَّمْسُ» .

L11922 If they mention what we have narrated via the chain of Ibn Abī Shaybah from Abū Usāmah from Hishām ibn ‘Urwah from Fāṭimah bint al-Mundhir from Asmā’ bint Abī Bakr, who said: “The people broke their fast prematurely

[34] **Qur’an references (L11917):** Qur’an 2:187 (Al-Baqarah).

during the time of the Messenger of Allah (peace and blessings be upon him) [thinking sunset had occurred], and then the sun reappeared."

L11923 Abu Usamah said: I said to Hisham: So, were they commanded to make it up? He replied: Is that not unavoidable?

L11924–11925 This is solely the speech of Hishām and not from Ḥadīth; therefore, it holds no authoritative evidence.

L11926 And Ma'mar said: I heard Hishām ibn ʿUrwah himself say regarding this very narration: "I do not know whether they ruled or not." Thus, what we have said is confirmed.

L11927 As for one compelled to break the fast, or a woman who is asleep, coerced, insane, or unconscious and is subjected to intercourse, or one in whose throat water is poured while he is asleep: the fast of the sleeper (male), the sleeper (female), the coerced (male), and the coerced (female) is fully valid and intact without any invalidation; nothing is required of them, and nothing is required of the insane woman.

L11928 There is no sin incurred by the unconscious woman, nor by the insane person or the unconscious man, due to what we mentioned from the statement of Allah's Messenger—peace and blessings be upon him: "Verily, Allah has pardoned my nation for mistakes, forgetfulness, and what they are compelled to do under duress." As for the sleeping man and the sleeping woman—are they not unquestionably acting involuntarily, with no choice in what is done to them? Zufar said: "No sin is incurred by the sleeping man or the sleeping woman, nor is there any requirement to make up for it, as we stated—they are entirely equal in this regard, and their fasting is fully valid." This is the view of al-Ḥasan ibn Ziyād.

L11929 It has also been reported from Abū Ḥanīfah concerning the sleeper - a statement similar to Zufar's opinion.

L11930 Sufyan al-Thawri said: If a woman is forced into sexual intercourse during the daytime of Ramadan, her fast remains valid, and she is not required to compensate for it. This is the opinion of Ubayd Allah ibn al-Hasan.

L11931 According to this view, Abū Sulaymān and all our companions hold the

قَالَ أَبُو أُسَامَةَ: قُلْت لِهِشَامٍ: فَأُمِرُوا بِالْقَضَاءِ؟ فَقَالَ: وَمِنْ ذَلِكَ بُدٌّ؟

فَإِنَّ هَذَا لَيْسَ إلَّا مِنْ كَلَامِ هِشَامٍ، وَلَيْسَ مِنْ الْحَدِيثِ، فَلَا حُجَّةَ فِيهِ.

وَقَدْ قَالَ مَعْمَرٌ: سَمِعْت هِشَامَ بْنَ عُرْوَةَ فِي هَذَا الْخَبَرِ نَفْسِهِ يَقُولُ: لَا أَدْرِي أَقَضَوْا أَمْ لَا؟ فَصَحَّ مَا قُلْنَا.

وَأَمَّا مَنْ أُكْرِهَ عَلَى الْفِطْرِ، أَوْ وُطِئَتْ امْرَأَةٌ نَائِمَةً، أَوْ مُكْرَهَةً أَوْ مَجْنُونَةً أَوْ مُغْمًى عَلَيْهَا، أَوْ صُبَّ فِي حَلْقِهِ مَاءٌ وَهُوَ نَائِمٌ -: فَصَوْمُ النَّائِمِ، وَالنَّائِمَةِ، وَالْمُكْرَهِ، وَالْمُكْرَهَةِ: تَامٌّ صَحِيحٌ لَا دَاخِلَةَ فِيهِ، وَلَا شَيْءَ عَلَيْهِمْ، وَلَا شَيْءَ عَلَى الْمَجْنُونَةِ.

وَالْمُغْمَى عَلَيْهَا، وَلَا عَلَى الْمَجْنُونِ وَالْمُغْمَى عَلَيْهِ؛ لِمَا ذَكَرْنَا مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ اللَّهَ تَجَاوَزَ لِأُمَّتِهِ عَنْ الْخَطَأِ وَالنِّسْيَانِ وَمَا اُسْتُكْرِهُوا عَلَيْهِ» . وَالنَّائِمُ وَالنَّائِمَةُ مُكْرَهَانِ بِلَا شَكٍّ غَيْرُ مُخْتَارَيْنِ لِمَا فُعِلَ بِهِمَا؟ وَقَالَ زُفَرُ: لَا شَيْءَ عَلَى النَّائِمِ، وَالنَّائِمَةِ وَلَا قَضَاءَ كَمَا قُلْنَا، سَوَاءٌ سَوَاءٌ، وَصَوْمُهُمَا تَامٌّ - وَهُوَ قَوْلُ الْحَسَنِ بْنِ زِيَادٍ.

وَقَدْ رُوِيَ أَيْضًا عَنْ أَبِي حَنِيفَةَ فِي النَّائِمِ مِثْلُ قَوْلِ زُفَرَ.

وَقَالَ سُفْيَانُ الثَّوْرِيِّ: إذَا جُومِعَتْ الْمَرْأَةُ مُكْرَهَةً فِي نَهَارِ رَمَضَانَ فَصَوْمُهَا تَامٌّ وَلَا قَضَاءَ عَلَيْهَا وَهُوَ قَوْلُ عُبَيْدِ اللَّهِ بْنِ الْحَسَنِ.

position. The mentally incapacitated and the unconscious are not subject to obligations, as the Messenger of Allah—peace be upon him—said: "The pen is lifted from the insane until he regains sanity, the sleeper until he awakens, and the child until he reaches puberty."

وَبِهِ يَقُولُ أَبُو سُلَيْمَانَ، وَجَمِيعُ أَصْحَابِنَا. وَالْمَجْنُونُ، وَالْمُغْمَى عَلَيْهِ غَيْرُ مُخَاطَبَيْنِ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ الْقَلَمُ عَنْ الْمَجْنُونِ حَتَّى يُفِيقَ، وَالنَّائِمِ حَتَّى يَسْتَيْقِظَ، وَالصَّبِيِّ حَتَّى يَحْتَلِمَ» .

L11932 The well-known opinion of Abū Ḥanīfah is that compensating for missed prayers is required for those who are asleep, coerced, mentally incapacitated, or unconscious - whether male or female; this is the view of Mālik.

وَالْمَشْهُورُ عَنْ أَبِي حَنِيفَةَ أَنَّ الْقَضَاءَ عَلَى النَّائِمِ وَالنَّائِمَةِ، وَالْمُكْرَهِ وَالْمُكْرَهَةِ، وَالْمَجْنُونِ وَالْمَجْنُونَةِ، وَالْمُغْمَى عَلَيْهِمَا وَهُوَ قَوْلُ مَالِكٍ.

L11933 Abu Muhammad said: This is an evidently invalid opinion, and we do not know of any proof for them from the Qur'an, nor an authentic Sunnah, nor an invalid narration, nor a statement of a Companion, nor analogical reasoning—except that some of them analogized this to the case of one compelled [to invalidate] ritual purity, [asserting] that his purity is thereby nullified.

قَالَ أَبُو مُحَمَّد: وَهُوَ قَوْلٌ ظَاهِرُ الْفَسَادِ، وَمَا نَعْلَمُ لَهُمْ حُجَّةً مِنْ قُرْآنٍ، وَلَا سُنَّةٍ صَحِيحَةٍ وَلَا رِوَايَةٍ فَاسِدَةٍ وَلَا قَوْلِ صَاحِبٍ، وَلَا قِيَاسٍ، إلَّا أَنَّ بَعْضَهُمْ قَاسَ ذَلِكَ عَلَى الْمُكْرَهِ عَلَى الْحَدَثِ أَنَّهُ تُنْتَقَضُ طَهَارَتُهُ.

L11934–11936 Ali said: "This is an analogy of extreme corruption—even if analogy were valid—how can this be, when all analogy is entirely invalid? For ritual purity is nullified by acts in two types: one nullifies it regardless of how it occurs, whether through forgetfulness, intent, or coercion; and the other nullifies it only through intent, according to the texts mentioned in..." Moreover, they are unanimously agreed that wind, urine, and excrement invalidate ritual purity. Yet they analogize the forgetful person in fasting to the forgetful person in ritual purity, and the one overpowered by vomiting to the one overwhelmed by acts that nullify ritual purity. However, none of them uphold this view at all, thereby voiding their corrupt analogy. It would have been more fitting in analogy had they compared the coerced and overpowered in fasting to the coerced and overpowered in prayer regarding the omission of standing, bowing, or prostrating. For by their consensus, such individuals' prayers remain complete. Likewise, it is obligatory that the fast of the coerced and overpowered be valid without distinction. Yet they neither apply analogical reasoning correctly, nor follow the textual evidences, nor systematically apply their principles. And success comes only from Allah, the Exalted.

قَالَ عَلِيٌّ: وَهَذَا قِيَاسٌ فِي غَايَةِ الْفَسَادِ - لَوْ كَانَ الْقِيَاسُ حَقًّا - فَكَيْفَ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ؟ لِأَنَّ الطَّهَارَةَ تُنْتَقَضُ مِنْ الْأَحْدَاثِ بِقِسْمَيْنِ: أَحَدُهُمَا بِنَقْضِهَا كَيْفَ مَا كَانَ، بِنِسْيَانٍ أَوْ عَمْدٍ أَوْ إكْرَاهٍ: وَالْآخَرُ لَا يَنْقُضُهَا إلَّا بِالْعَمْدِ عَلَى حَسَبِ النُّصُوصِ الْوَارِدَةِ فِي ذَلِكَ، وَهُمْ مُتَّفِقُونَ عَلَى أَنَّ - الرِّيحَ، وَالْبَوْلَ، وَالْغَائِطَ يَنْقُضُ الطَّهَارَةَ -: أَنْ يَقِيسُوا النَّاسِيَ فِي الصَّوْمِ عَلَى النَّاسِي فِي الطَّهَارَةِ، وَالْمَغْلُوبَ بِالْقَيْءِ عَلَى الْمَغْلُوبِ بِالْحَدَثِ، وَكُلُّهُمْ لَا يَقُولُونَ بِهَذَا أَصْلًا، فَبَطَلَ قِيَاسُهُمْ الْفَاسِدُ وَكَانَ أَدْخَلَ فِي الْقِيَاسِ لَوْ قَاسُوا الْمُكْرَهَ، وَالْمَغْلُوبَ فِي الصَّوْمِ عَلَى الْمُكْرَهِ، وَالْمَغْلُوبِ فِي الصَّلَاةِ عَلَى تَرْكِ الْقِيَامِ، أَوْ تَرْكِ السُّجُودِ، أَوْ الرُّكُوعِ، فَهَؤُلَاءِ صَلَاتُهُمْ تَامَّةٌ بِإِجْمَاعٍ مِنْهُمْ؛ فَكَذَلِكَ يَجِبُ أَنْ يَكُونَ صَوْمُ الْمُكْرَهِ وَالْمَغْلُوبِ وَلَا فَرْقَ؛ وَلَكِنَّهُمْ لَا يُحْسِنُونَ الْقِيَاسَ وَلَا يَتَّبِعُونَ النُّصُوصَ وَلَا يَطَّرِدُونَ أُصُولَهُمْ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ

L11937 As for entering the bathhouse, immersing in water, and applying oil to the

mustache, we have narrated from Ali ibn Abi Talib—may Allah be pleased with him—that a fasting person should not enter the bathhouse, immerse in water, or apply oil to the mustache.

L11938 From Ibrahim al-Nakhai: invalidating the fast by applying oil to the mustache. From some of the early predecessors (Salaf): a similar ruling regarding immersion in water. There is no valid proof except in what is authentically established from the Messenger of Allah (peace and blessings be upon him), and no prohibition has been reported from him regarding the fasting person in any of these matters. Thus, all such acts are permissible and do not invalidate the fast. And success is from Allah, the Exalted.

L11939 ## The Legal Ruling on the Legally Insane and the One Who Has Fainted During Ramadan

L11940 754. Issue: Ali said: People have differed regarding the insane and the unconscious. Abu Hanifah said: Whoever was insane throughout the entire month of Ramadan has no obligation to make it up. If he regained sanity during any part of it, he must make up the entire month. He said: Whoever was unconscious throughout the entire month must make up the entire month. If he became unconscious after the first night of the month, he must make up the entire month except the day of that night in which he became unconscious, because he had formed the intention to fast during the night. Malik said: If someone reached puberty while continuously insane and remained so for years, then recovered, he must make up every Ramadan that occurred during those years, but he does not make up any prayers. He said: If someone was unconscious for most of the day, he must make it up. If he was unconscious for a lesser portion of the day, he has no obligation to make it up.

L11941–11943 It has been reported from him that the obligation to make up missed prayers is upon him in full, without division. And Ubaydullah ibn al-Hasan said: There is no obligation to make up prayers for insane persons except for one who is afflicted with insanity and then recovers, and no— The obligation to make up missed fasts is upon the unconscious person. Al-Shāfiʿī said: The insane person does not make up missed fasts, but the unconscious person

وَأَمَّا دُخُولُ الْحَمَّامِ، وَالتَّغْطِيسُ فِي الْمَاءِ، وَدَهْنُ الشَّارِبِ، فَقَدْ رُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ -: لَا يَدْخُلُ الصَّائِمُ الْحَمَّامَ.

وَعَنْ إِبْرَاهِيمَ النَّخَعِيِّ الْإِفْطَارُ بِدَهْنِ الشَّارِبِ، وَعَنْ بَعْضِ السَّلَفِ مِثْلُ ذَلِكَ فِي التَّغْطِيسِ فِي الْمَاءِ، وَلَا حُجَّةَ إِلَّا فِيمَا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَأْتِ عَنْهُ نَهْيٌ لِلصَّائِمِ عَنْ شَيْءٍ مِنْ ذَلِكَ؛ فَكُلُّ ذَلِكَ مُبَاحٌ لَا يَكْدَحُ فِي الصَّوْمِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ الْمَجْنُونِ وَالْمُغْمَى عَلَيْهِ فِي شَهْرِ رَمَضَانَ]

٧٥٤ - مَسْأَلَةٌ: قَالَ عَلِيٌّ: اخْتَلَفَ النَّاسُ فِي الْمَجْنُونِ، وَالْمُغْمَى عَلَيْهِ؟ فَقَالَ أَبُو حَنِيفَةَ: مَنْ جُنَّ شَهْرَ رَمَضَانَ كُلَّهُ فَلَا قَضَاءَ عَلَيْهِ، فَإِنْ أَفَاقَ فِي شَيْءٍ مِنْهُ - قَضَى الشَّهْرَ كُلَّهُ. قَالَ: وَمَنْ أُغْمِيَ عَلَيْهِ الشَّهْرَ كُلَّهُ فَعَلَيْهِ قَضَاؤُهُ كُلِّهِ، فَإِنْ أُغْمِيَ عَلَيْهِ بَعْدَ لَيْلَةٍ مِنْ الشَّهْرِ - قَضَى الشَّهْرَ كُلَّهُ إِلَّا يَوْمَ تِلْكَ اللَّيْلَةِ الَّتِي أُغْمِيَ عَلَيْهِ فِيهَا؛ لِأَنَّهُ قَدْ نَوَى صِيَامَهُ مِنْ اللَّيْلِ. وَقَالَ مَالِكٌ: مَنْ بَلَغَ وَهُوَ مَجْنُونٌ مُطْبَقٌ فَأَقَامَ وَهُوَ كَذَلِكَ سِنِينَ ثُمَّ أَفَاقَ -: فَإِنَّهُ يَقْضِي كُلَّ رَمَضَانَ كَانَ فِي تِلْكَ السِّنِينَ، وَلَا يَقْضِي شَيْئًا مِنْ الصَّلَوَاتِ. قَالَ: فَإِنْ أُغْمِيَ عَلَيْهِ أَكْثَرَ النَّهَارِ فَعَلَيْهِ قَضَاؤُهُ، فَإِنْ أُغْمِيَ عَلَيْهِ أَقَلَّ النَّهَارِ فَلَيْسَ عَلَيْهِ قَضَاؤُهُ.

وَقَدْ رُوِيَ عَنْهُ إِيجَابُ الْقَضَاءِ عَلَيْهِ جُمْلَةً دُونَ تَقْسِيمٍ. وَقَالَ عُبَيْدُ اللَّهِ بْنُ الْحَسَنِ: لَا قَضَاءَ عَلَى الْمَجْنُونِ إِلَّا عَلَى الَّذِي يُجَنُّ وَيُفِيقُ، وَلَا قَضَاءَ عَلَى الْمُغْمَى عَلَيْهِ. وَقَالَ الشَّافِعِيُّ: لَا يَقْضِي الْمَجْنُونُ، وَيَقْضِي الْمُغْمَى عَلَيْهِ. وَقَالَ أَبُو سُلَيْمَانَ: لَا قَضَاءَ عَلَيْهِمْ.

does. Abū Sulaymān said: There is no obligation to make up missed fasts upon them. Abū Muḥammad said: We used to hold the view that the fasting of the insane and the unconscious persons is invalidated, and there is no obligation upon them to make it up, and similarly, their prayer is invalidated with no obligation to make it up. We say: The evidence for that is what ʻAbdullāh ibn Rabīʻ narrated to us from ʻUmar ibn ʻAbd al-Malik al-Khawlānī, from Muḥammad ibn Bakr, from Abū Dāwūd, from Mūsā ibn Ismāʻīl, from Wuhaib—who is Ibn Khālid—from Khālid—who is al-Ḥadhdhāʼ—from Abū al-Ḍuḥā, from ʻAlī ibn Abī Ṭālib, from the Messenger of Allah—peace and blessings be upon him and his family—who said: "The pen is raised for three: the sleeper until he awakens, the child until he reaches puberty, and the insane person until he regains sanity."

قَالَ أَبُو مُحَمَّد: كُنَّا نَذْهَبُ إِلَى أَنَّ الْمَجْنُونَ، وَالْمُغْمَى عَلَيْهِ يَبْطُلُ صَوْمُهُمَا وَلَا قَضَاءَ عَلَيْهِمَا، وَكَذَلِكَ الصَّلَاةُ. وَنَقُولُ: إِنَّ الْحُجَّةَ فِي ذَلِكَ -: مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ الْخَوْلَانِيِّ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا وُهَيْبٌ هُوَ ابْنُ خَالِدٍ - عَنْ خَالِدٍ هُوَ الْحَذَّاءُ - عَنْ أَبِي الضُّحَى عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ: عَنْ النَّائِمِ حَتَّى يَسْتَيْقِظَ، وَعَنْ الصَّبِيِّ حَتَّى يَحْتَلِمَ، وَعَنْ الْمَجْنُونِ حَتَّى يَعْقِلَ»

L11944 We used to assert: When divine accountability is lifted from an individual, he is not held responsible for fasting or prayer. Then we reflected upon this textual evidence—by the enablement of Allah, the Exalted—and found it contained nothing beyond what we stated: that he is not legally responsible during his insanity until he regains reason. This does not nullify the fast incumbent upon him prior to his insanity, nor require its repetition after recovery. The same applies to one unconscious. Thus, it is established that whoever becomes insane after intending to fast at night does not invalidate his fast through insanity, though he ceases to be legally responsible during this state despite prior obligation. If he regains consciousness on that day or a subsequent day of Ramadan, he must renew the intention from that point and is considered fasting, for he then recognizes the obligation. This ruling equally applies to one informed of the crescent sighting, one aware of his vowed or obligatory day as previously outlined, the unconscious, the insane or unconscious before sunset, and one who sleeps or becomes intoxicated before sunset without awakening until the next day—whether most or little of the day remains. We further determined that insanity does not invalidate one's declaration of faith, oaths, marriage, divorce, *dhihar*, *ila'*, pilgrimage, *ihram* state, sales, gifts, any binding legal obligations predating insanity, caliphate (if a caliph), governorship (if a governor), guardianship, agency, deputization, apostasy, sinfulness, moral integrity, wills, *i'tikaf*, travel, res-

وَكُنَّا نَقُولُ: إِذَا رُفِعَ الْقَلَمُ عَنْهُ فَهُوَ غَيْرُ مُخَاطَبٍ بِصَوْمٍ وَلَا بِصَلَاةٍ. ثُمَّ تَأَمَّلْنَا هَذَا الْخَبَرَ - بِتَوْفِيقِ اللَّهِ تَعَالَى - فَوَجَدْنَاهُ لَيْسَ فِيهِ إِلَّا مَا ذَكَرْنَا مِنْ أَنَّهُ غَيْرُ مُخَاطَبٍ فِي حَالِ جُنُونِهِ حَتَّى يَعْقِلَ، وَلَيْسَ فِي ذَلِكَ بُطْلَانُ صَوْمِهِ الَّذِي لَزِمَهُ قَبْلَ جُنُونِهِ، وَلَا عَوْدَتُهُ عَلَيْهِ بَعْدَ إِفَاقَتِهِ، وَكَذَلِكَ الْمُغْمَى، فَوَجَبَ أَنَّ مَنْ جُنَّ بَعْدَ أَنْ نَوَى الصَّوْمَ مِنْ اللَّيْلِ فَلَا يَكُونُ مُفْطِرًا بِجُنُونِهِ، لَكِنَّهُ فِيهِ غَيْرُ مُخَاطَبٍ، وَقَدْ كَانَ مُخَاطَبًا بِهِ، فَإِنْ أَفَاقَ فِي ذَلِكَ الْيَوْمِ أَوْ فِي يَوْمٍ بَعْدَهُ مِنْ أَيَّامِ رَمَضَانَ فَإِنَّهُ يَنْوِي الصَّوْمَ مِنْ حِينِهِ وَيَكُونُ صَائِمًا، لِأَنَّهُ حِينَئِذٍ عَلِمَ بِوُجُوبِ الصَّوْمِ عَلَيْهِ. وَهَكَذَا مَنْ جَاءَهُ الْخَبَرُ بِرُؤْيَةِ الْهِلَالِ، أَوْ مَنْ عَلِمَ بِأَنَّهُ يَوْمُ نَذْرِهِ أَوْ فَرْضِهِ عَلَى مَا قَدَّمْنَا قَبْلُ، وَكَذَلِكَ مَنْ أُغْمِيَ عَلَيْهِ كَمَا ذَكَرْنَا، وَكَذَلِكَ مَنْ جُنَّ أَوْ أُغْمِيَ عَلَيْهِ قَبْلَ غُرُوبِ الشَّمْسِ، أَوْ مَنْ نَامَ، أَوْ سَكِرَ قَبْلَ غُرُوبِ الشَّمْسِ فَلَمْ يَسْتَيْقِظْ وَلَا صَحَا إِلَّا مِنْ الْغَدِ وَقَدْ مَضَى أَكْثَرُ النَّهَارِ، أَوْ أَقَلُّهُ. وَوَجَدْنَا الْمَجْنُونَ لَا يُبْطِلُ جُنُونُهُ إِيمَانَهُ، وَلَا أَيْمَانَهُ وَلَا نِكَاحَهُ وَلَا طَلَاقَهُ، وَلَا ظِهَارَهُ وَلَا إِيلَاءَهُ، وَلَا حَجَّهُ، وَلَا إِحْرَامَهُ وَلَا بَيْعَهُ، وَلَا هِبَتَهُ، وَلَا شَيْئًا مِنْ أَحْكَامِهِ اللَّازِمَةِ لَهُ قَبْلَ جُنُونِهِ،

idence, ownership, vows, oath violation, the general ruling concerning *zakah* upon him, or the continuity of his prior administrative authority.

وَلَا خلَافَتَهُ إِنْ كَانَ خَلِيفَةً، وَلَا إِمَارَتَهُ إِنْ كَانَ أَمِيرًا وَلَا وِلَايَتَهُ وَلَا وَكَالَتَهُ، وَلَا تَوْكِيلَهُ، وَلَا كُفْرَهُ، وَلَا فِسْقَهُ، وَلَا عَدَالَتَهُ، وَلَا وَصَايَاهُ، وَلَا اعْتِكَافَهُ، وَلَا سَفَرَهُ، وَلَا إِقَامَتَهُ، وَلَا مِلْكَهُ، وَلَا نَذْرَهُ، وَلَا حِنْثَهُ، وَلَا حُكْمَ الْعَامِّ فِي الزَّكَاةِ عَلَيْهِ.

L11945–11946 We hold the view that one's neglect of all these matters does not invalidate any of them. A person may neglect fasting and prayer to the extent of believing they are neither praying nor fasting, so he may eat and drink—yet this does not invalidate his fast or prayer. This is as the Sunnah has established regarding prayer and other matters we mentioned, and the same applies to one who is unconscious, with no distinction in any of these cases. Insanity and unconsciousness invalidate only what sleep invalidates, such as ritual purity, which requires ablution alone and only that. Moreover, an overpowered person compelled to break their fast does not invalidate their fast thereby, as we shall clarify afterward if God the Exalted wills. Those afflicted by insanity and the compelled are both constrained by an overpowering decree from God the Exalted that befalls them, hence this does not invalidate their fast. Furthermore, whoever intended to fast as commanded by God the Mighty and Majestic, then became insane or unconscious—their fast remains valid with certainty based on textual evidence and consensus. It is impermissible to invalidate a fast once validated except through explicit textual proof or consensus, and there exists absolutely no consensus in this matter. Success comes solely through God the Exalted.

وَوَجَدْنَا ذُهُولَهُ عَنْ كُلِّ ذَلِكَ لَا يُوجِبُ بُطْلَانَ شَيْءٍ مِنْ ذَلِكَ، فَقَدْ يَذْهَلُ الْإِنْسَانُ عَنْ الصَّوْمِ، وَالصَّلَاةِ، حَتَّى يَظُنَّ أَنَّهُ لَيْسَ مُصَلِّيًا وَلَا صَائِمًا، فَيَأْكُلَ، وَيَشْرَبَ، وَلَا يُبْطِلُ بِذَلِكَ صَوْمُهُ وَلَا صَلَاتُهُ، بِهَذَا جَاءَتْ السُّنَنُ عَلَى مَا ذَكَرْنَا فِي الصَّلَاةِ وَغَيْرِهَا، وَكَذَلِكَ الْمُغْمَى عَلَيْهِ وَلَا فَرْقَ فِي كُلِّ ذَلِكَ، وَلَا يُبْطِلُ الْجُنُونُ وَالْإِغْمَاءُ إِلَّا مَا يُبْطِلُ النَّوْمُ مِنْ الطَّهَارَةِ بِالْوُضُوءِ وَحْدَهُ فَقَطْ. وَأَيْضًا: فَإِنَّ الْمَغْلُوبَ الْمُكْرَهَ عَلَى الْفِطْرِ لَا يُبْطِلُ صَوْمُهُ بِذَلِكَ عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى، وَالْمَجْنُونُ، وَالْمُكْرَهُ مَغْلُوبَانِ مُكْرَهَانِ مُضْطَرَّانِ بِقَدَرٍ غَالِبٍ مِنْ عِنْدِ اللَّهِ تَعَالَى مَا أَصَابَهُمَا، فَلَا يُبْطِلُ ذَلِكَ صَوْمَهُمَا. وَأَيْضًا: فَإِنَّ مَنْ نَوَى الصَّوْمَ كَمَا أَمَرَهُ اللَّهُ عَزَّ وَجَلَّ ثُمَّ جُنَّ، أَوْ أُغْمِيَ عَلَيْهِ فَقَدْ صَحَّ صَوْمُهُ بِيَقِينٍ مِنْ نَصٍّ وَإِجْمَاعٍ، فَلَا يَجُوزُ بُطْلَانُهُ بَعْدَ صِحَّتِهِ إِلَّا بِنَصٍّ أَوْ إِجْمَاعٍ، وَلَا إِجْمَاعَ فِي ذَلِكَ أَصْلًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11947 As for one who reaches puberty while persistently insane, such a person has never been addressed by divine injunction, nor are religious statutes or legal rulings incumbent upon him. The pen has always been lifted from him; thus, he is fundamentally not required to make up any missed fasting, contrary to Mālik's opinion that if he regains sanity, the divine address then becomes incumbent upon him, not before that.

وَأَمَّا مَنْ بَلَغَ مَجْنُونًا مُطْبَقًا فَهَذَا لَمْ يَكُنْ - قَطُّ - مُخَاطَبًا، وَلَا لَزِمَتْهُ الشَّرَائِعُ، وَلَا الْأَحْكَامُ وَلَمْ يَزَلْ مَرْفُوعًا عَنْهُ الْقَلَمُ؛ فَلَا يَجِبُ عَلَيْهِ قَضَاءُ صَوْمٍ - أَصْلًا؛ بِخِلَافِ قَوْلِ مَالِكٍ: فَإِذَا عَقَلَ فَحِينَئِذٍ ابْتَدَأَ الْخِطَابُ بِلُزُومِهِ إيَّاهُ، لَا قَبْلَ ذَلِكَ.

L11948 As for one who drinks until intoxicated during the night of Ramadan while having resolved to fast, then becomes sober after the day has begun—whether a small or large portion of it has passed—or after sunset: his fast remains valid. Intoxication itself is not sinful; rather, the sin lies in drinking what in-

وَأَمَّا مَنْ شَرِبَ حَتَّى سَكِرَ فِي لَيْلَةِ رَمَضَانَ وَكَانَ نَوَى الصَّوْمَ فَصَحَا بَعْدَ صَدْرٍ مِنْ النَّهَارِ أَقَلِّهِ أَوْ أَكْثَرِهِ - أَوْ بَعْدَ غُرُوبِ الشَّمْسِ -: فَصَوْمُهُ تَامٌّ، وَلَيْسَ السُّكْرُ مَعْصِيَةً، إنَّمَا

toxicates, whether one becomes intoxicated or not. There is no disagreement that if a person's mouth is forced open, or his hand and body are restrained, and wine is poured into his throat until he becomes intoxicated, he is not sinful due to his intoxication. This is because he did not voluntarily drink what intoxicates by his own choice, and intoxication is not his own action. Rather, it is an act God, the Exalted, has enacted upon him. A person is only prohibited from his own actions, not from what God, the Exalted, has caused within him over which he has no control.

الْمَعْصِيَةُ شُرْبُ مَا يُسْكِرُ سَوَاءٌ سَكِرَ أَمْ لَمْ يَسْكَرْ، وَلَا خِلَافَ فِي أَنَّ مَنْ فُتِحَ فَمُهُ أَوْ أُمْسِكَتْ يَدُهُ وَجَسَدُهُ وَصُبَّ الْخَمْرُ فِي حَلْقِهِ حَتَّى سَكِرَ أَنَّهُ لَيْسَ عَاصِيًا بِسُكْرِهِ، لِأَنَّهُ لَمْ يَشْرَبْ مَا يُسْكِرُهُ بِاخْتِيَارِهِ، وَالسُّكْرُ لَيْسَ هُوَ فِعْلَهُ، إنَّمَا هُوَ فِعْلُ اللَّهِ تَعَالَى فِيهِ، وَإِنَّمَا يُنْهَى الْمَرْءُ عَنْ فِعْلِهِ، لَا عَنْ فِعْلِ اللَّهِ تَعَالَى فِيهِ الَّذِي لَا اخْتِيَارَ لَهُ فِيهِ.

L11949–11951 Similarly, whoever sleeps and does not wake up except during daytime - there being no difference in ruling - or whoever intends to fast but does not wake up until after sunset, his fast is valid. The ruling also remains for one who becomes insane, or faints, or becomes intoxicated, or sleeps before sunset and does not regain consciousness, nor sober up, nor become aware throughout the entire night and the entire next day until after sunset: must he make up the fast (qaḍāʾ) or not? We hold that making up the fast constitutes a Sharīʿah-mandated obligation, and Sharīʿah obligations are only established through textual evidence. Thus we find no basis for requiring the making up of the fast. The text specifies four exceptions: the traveler, the sick—according to the Qur'an—the menstruating woman, and the postpartum woman, along with one who deliberately induces vomiting—according to the Sunnah—with no further additions. We hold that the sleeping person, the intoxicated person, and the persistently insane are neither travelers, nor those who deliberately induce vomiting, nor menstruating women, nor postpartum women, nor the sick. Therefore, they are not required to make up missed fasts at all, nor are they obligated to fast during those states. Rather, the pen is lifted from them—as per the Sunnah.

وَكَذَلِكَ مَنْ نَامَ وَلَمْ يَسْتَيْقِظْ إلَّا فِي النَّهَارِ وَلَا فَرْقَ، أَوْ مَنْ نَوَى الصَّوْمَ ثُمَّ لَمْ يَسْتَيْقِظْ إلَّا بَعْدَ غُرُوبِ الشَّمْسِ، فَصَوْمُهُ تَامٌّ. وَبَقِيَ حُكْمُ مَنْ جُنَّ، أَوْ أُغْمِيَ عَلَيْهِ أَوْ سَكِرَ، أَوْ نَامَ قَبْلَ غُرُوبِ الشَّمْسِ فَلَمْ يُفِقْ وَلَا صَحَا وَلَا انْتَبَهَ لَيْلَتَهُ كُلَّهَا وَالْغَدَ كُلَّهُ إلَى بَعْدَ غُرُوبِ الشَّمْسِ -: أَيَقْضِيهِ أَمْ لَا؟ . فَوَجَدْنَا الْقَضَاءَ إيجَابَ شَرْعٍ، وَالشَّرْعُ لَا يَجِبُ إلَّا بِنَصٍّ، فَلَا نَجِدُ إيجَابَ الْقَضَاءِ فِي النَّصِّ إلَّا عَلَى أَرْبَعَةٍ: الْمُسَافِرُ، وَالْمَرِيضُ - بِالْقُرْآنِ - وَالْحَائِضُ، وَالنُّفَسَاءُ، وَالْمُتَعَمِّدُ لِلْقَيْءِ - بِالسُّنَّةِ - وَلَا مَزِيدَ. وَوَجَدْنَا النَّائِمَ، وَالسَّكْرَانَ، وَالْمَجْنُونَ الْمُطْبَقَ عَلَيْهِ لَيْسُوا مُسَافِرِينَ وَلَا مُتَعَمِّدِينَ لِلْقَيْءِ، وَلَا حُيَّضًا، وَلَا مِنْ ذَوَاتِ النِّفَاسِ، وَلَا مَرْضَى؛ فَلَمْ يَجِبْ عَلَيْهِمْ الْقَضَاءُ أَصْلًا، وَلَا خُوطِبُوا بِوُجُوبِ الصَّوْمِ عَلَيْهِمْ فِي تِلْكَ الْأَحْوَالِ؛ بَلْ الْقَلَمُ مَرْفُوعٌ عَنْهُمْ - بِالسُّنَّةِ.

L11952 We found the epileptic and the unconscious to be undoubtedly ill, for illness is a state that removes a person from equilibrium, sound limbs, and strength to disturbance, feeble limbs, and ailment—and this is unquestionably the description of the epileptic and the unconscious. The lingering feebleness and weakness of this state remain upon them both for a duration after regaining consciousness. Since they are ill, the obligation to make up is incumbent upon them by the text of the Quran—and success is from Allah, the Exalted.

وَوَجَدْنَا الْمَصْرُوعَ، وَالْمُغْمَى عَلَيْهِ مَرِيضَيْنِ بِلَا شَكٍّ، لِأَنَّ الْمَرَضَ هِيَ حَالٌ مُخْرِجَةٌ لِلْمَرْءِ عَنْ حَالِ الِاعْتِدَالِ وَصِحَّةِ الْجَوَارِحِ وَالْقُوَّةِ إلَى الِاضْطِرَابِ وَضَعْفِ الْجَوَارِحِ وَاعْتِلَالِهَا، وَهَذِهِ صِفَةُ الْمَصْرُوعِ وَالْمُغْمَى عَلَيْهِ بِلَا شَكٍّ، وَيَبْقَى وَهْنُ ذَلِكَ وَضَعْفُهُ عَلَيْهِمَا بَعْدَ الْإِفَاقَةِ مُدَّةً؛ فَإِذْ هُمَا مَرِيضَانِ فَالْقَضَاءُ عَلَيْهِمَا بِنَصِّ الْقُرْآنِ - وَبِاَللَّهِ تَعَالَى

التَّوْفِيقُ. وَلَيْسَ قَوْلُنَا بِسُقُوطِ الصَّلَاةِ عَنْ الْمُغْمَى عَلَيْهِ إلَّا مَا أَفَاقَ فِي وَقْتِهِ مِنْهَا وَبِقَضَاءِ النَّائِمِ لِلصَّلَاةِ -: مُخَالِفًا لِقَوْلِنَا هَاهُنَا؛ بَلْ هُوَ مُوَافِقٌ، لِأَنَّ مَا خَرَجَ وَقْتُهُ لِلْمُغْمَى عَلَيْهِ فَلَمْ يَكُنْ مُخَاطَبًا بِالصَّلَاةِ فِيهِ، وَلَا كَانَ أَيْضًا مُخَاطَبًا بِالصَّوْمِ؛ وَلَكِنَّ اللَّهَ تَعَالَى أَوْجَبَ عَلَى الْمَرِيضِ عِدَّةً مِنْ أَيَّامٍ أُخَرَ، وَلَمْ يُوجِبْ تَعَالَى - عَلَى الْمَرِيضِ: قَضَاءَ صَلَاةٍ، وَأَوْجَبَ قَضَاءَ الصَّلَاةِ: عَلَى النَّائِمِ، وَالنَّاسِي، وَلَمْ يُوجِبْ قَضَاءَ صِيَامٍ عَلَى النَّائِمِ، وَالنَّاسِي بَلْ أَسْقَطَهُ تَعَالَى عَنْ النَّاسِي، وَالنَّائِمِ؛ إذْ لَمْ يُوجِبْهُ عَلَيْهِ. فَصَحَّ قَوْلُنَا - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

Our ruling that prayer is waived for the unconscious—except if they regain consciousness during its time and must make it up like one who slept—does not contradict our position here. Rather, it aligns with it, for the time during which they were unconscious did not render them accountable for prayer or fasting. However, Allah the Exalted obligated the ill to make up a number of days later but did not obligate them to make up prayers. He obligated making up prayers for the sleeper and the one who forgot, yet did not obligate making up fasting for them—rather, He waived it, as He imposed no such obligation. Thus, our position is sound—and all praise belongs to Allah, Lord of the worlds.

L11953 وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ فَفِي غَايَةِ الْفَسَادِ، لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَلَمْ يَتَّبِعْ نَصًّا، وَلَا قِيَاسًا، لِأَنَّهُ رَأَى عَلَى مَنْ أَفَاقَ فِي شَيْءٍ مِنْ رَمَضَانَ مِنْ جُنُونِهِ: قَضَاءَ الشَّهْرِ كُلِّهِ، وَهُوَ لَا يَرَاهُ عَلَى مَنْ بَلَغَ، أَوْ - أَسْلَمَ حِينَئِذٍ.

As for the opinion of Abū Ḥanīfah, it is utterly corrupt, for it is an unsupported claim. He adhered to neither textual evidence nor analogical reasoning, since he held that one who recovers from his insanity during any part of Ramadan must make up the entire month, yet he does not impose this obligation on one who reaches puberty or embraces Islam at that time.

L11954 وَقَالَ بَعْضُ الْمَالِكِيِّينَ: الْمَجْنُونُ بِمَنْزِلَةِ الْحَائِضِ وَهَذَا كَلَامٌ يُغْنِي ذِكْرُهُ عَنْ تَكَلُّفِ إبْطَالِهِ، وَمَا نَدْرِي فِيمَا يُشْبِهُ الْمَجْنُونُ الْحَائِضَ

Some Mālikīs said: The mentally incapacitated person is equivalent in legal status to the menstruating woman. The mere mention of this opinion suffices to dispense with laborious refutation, for we do not know how the mentally incapacitated resembles the menstruating woman.

[مَسْأَلَةُ الصَّائِمِ الَّذِي جَهَدَهُ الْجُوعُ أَوْ الْعَطَشُ حَتَّى غَلَبَهُ الْأَمْرُ]

A jurisprudential issue concerning a fasting person afflicted by hunger or thirst to the point where the situation overwhelms them.

L11955 ؟ ٧٥٥ - مَسْأَلَةٌ: وَمَنْ جَهَدَهُ الْجُوعُ، أَوْ الْعَطَشُ حَتَّى غَلَبَهُ الْأَمْرُ فَفَرْضٌ عَلَيْهِ أَنْ يُفْطِرَ، لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تَقْتُلُوا أَنْفُسَكُمْ} [النساء: ٢٩] . وَلِقَوْلِ اللَّهِ تَعَالَى: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] .

L11956 Issue 755: Whoever is overwhelmed by hunger or thirst until the hardship overpowers him, it becomes a fard (obligation) upon him to break his fast, according to Allah's words: {Do not destroy yourselves} [Qur'an 4:29], and His words: {Allah desires ease for you, not hardship} [Qur'an 2:185].[35]

L11957–11958 And the statement of Allah the Exalted: "He has not placed upon you in the

[35] **Qur'an references (L11956):** Qur'an 4:29 (An-Nisa); Qur'an 2:185 (Al-Baqarah).

religion any hardship" [Al-Hajj: 78]. And the statement of the Messenger of Allah (peace and blessings of Allah be upon him and his family): "When I command you to do something, do as much of it as you can." If he (due to fasting) reaches the point of illness, then qada (making up) is obligatory upon him. But if he does not reach the point of illness, his fast remains valid with no qada required, for he is overcome, compelled, or compelled by necessity. Allah the Almighty said: "He has detailed what He forbade you, except that to which you are compelled [by necessity]" [Al-An'am: 119]. Neither the Quran nor the Sunnah has established the obligation of qada upon one who is coerced or overcome. Rather, Allah the Exalted has lifted qada from one overcome by vomiting involuntarily, while imposing it upon one who intentionally induces it.[36]

وَقَوْلِ اللَّهِ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] . وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» . فَإِنْ كَانَ خَرَجَ بِذَلِكَ إلَى حَدِّ الْمَرَضِ فَعَلَيْهِ الْقَضَاءُ، وَإِنْ كَانَ لَمْ يَخْرُجْ إلَى حَدِّ الْمَرَضِ فَصَوْمُهُ صَحِيحٌ وَلَا قَضَاءَ عَلَيْهِ؛ لِأَنَّهُ مَغْلُوبٌ مُكْرَهٌ مُضْطَرٌّ قَالَ اللَّهُ عَزَّ وَجَلَّ: {وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إلا مَا اضْطُرِرْتُمْ إِلَيْهِ} [الأنعام: ١١٩] . وَلَمْ يَأْتِ الْقُرْآنُ وَلَا السُّنَّةُ بِإِيجَابِ قَضَاءٍ عَلَى مُكْرَهٍ، أَوْ مَغْلُوبٍ؛ بَلْ قَدْ أَسْقَطَ اللَّهُ تَعَالَى الْقَضَاءَ عَمَّنْ ذَرَعَهُ الْقَيْءُ وَأَوْجَبَهُ عَلَى مَنْ تَعَمَّدَهُ

L11959 **A legal ruling: Fasting is not obligatory except with the clear ascertainment of the emergence of the true dawn.**

[مَسْأَلَةٌ لَا يَلْزَمُ صَوْمٌ إلَّا بِتَبَيُّنِ طُلُوعِ الْفَجْرِ الثَّانِي]

L11960 756. Issue: Fasting is not obligatory in Ramadan or at other times except upon verification of the rising of the second dawn. As for when it has not been verified, eating, drinking, and intercourse are all permissible—whether one doubts the dawn's rising or is certain it has not risen.

٧٥٦ - مَسْأَلَةٌ: وَلَا يَلْزَمُ صَوْمٌ فِي رَمَضَانَ وَلَا فِي غَيْرِهِ إلَّا بِتَبَيُّنِ طُلُوعِ الْفَجْرِ الثَّانِي، وَأَمَّا مَا لَمْ يَتَبَيَّنْ فَالْأَكْلُ وَالشُّرْبُ وَالْجِمَاعُ مُبَاحٌ كُلُّ ذَلِكَ، كَانَ عَلَى شَكٍّ مِنْ طُلُوعِ الْفَجْرِ أَوْ عَلَى يَقِينٍ مِنْ أَنَّهُ لَمْ يَطْلُعْ.

L11961 So whoever sees the dawn while eating must spit out whatever food or drink is in their mouth, must fast, and no compensatory fast is required. And whoever sees the dawn while engaging in intercourse must cease immediately, must fast, and no compensatory fast is required. The ruling is the same in all such cases whether the dawn appeared after a long or brief period. If one ceases in confusion, nothing is required of them, and their fast remains valid. But if one deliberately continues [the act], he must perform atonement (kaffārah).

فَمَنْ رَأَى الْفَجْرَ وَهُوَ يَأْكُلُ فَلْيَقْذِفْ مَا فِي فَمِهِ مِنْ طَعَامٍ أَوْ شَرَابٍ، وَلْيَصُمْ، وَلَا قَضَاءَ عَلَيْهِ؛ وَمَنْ رَأَى الْفَجْرَ وَهُوَ يُجَامِعُ فَلْيَتْرُكْ مِنْ وَقْتِهِ، وَلْيَصُمْ، وَلَا قَضَاءَ عَلَيْهِ؛ وَسَوَاءٌ فِي كُلِّ ذَلِكَ كَانَ طُلُوعُ الْفَجْرِ بَعْدَ مُدَّةٍ طَوِيلَةٍ أَوْ قَرِيبَةٍ، فَلَوْ تَوَقَّفَ بَاهِتًا فَلَا شَيْءَ عَلَيْهِ، وَصَوْمُهُ تَامٌّ؛ وَلَوْ أَقَامَ عَامِدًا فَعَلَيْهِ الْكَفَّارَةُ.

L11962–11964 Whoever eats while uncertain whether the sun has set or drinks has disobeyed Allah the Exalted, invalidated his fast, and is unable to make up (qada'). If he engages in sexual intercourse while uncertain whether the sun

وَمَنْ أَكَلَ شَاكًّا فِي غُرُوبِ الشَّمْسِ أَوْ شَرِبَ فَهُوَ عَاصٍ لَهُ تَعَالَى، مُفْسِدٌ لِصَوْمِهِ، وَلَا يَقْدِرُ عَلَى - الْقَضَاءِ؛ فَإِنْ جَامَعَ شَاكًّا فِي غُرُوبِ الشَّمْسِ فَعَلَيْهِ الْكَفَّارَةُ -:

[36] **Qur'an references (L11958):** Qur'an 22:78 (Al-Hajj); Qur'an 6:119 (Al-An'am).

has set, expiation is incumbent upon him. The proof of that is Allah's statement: {So now have relations with them and seek what Allah has ordained for you. Eat and drink until the white thread of dawn becomes distinct to you from the black thread, then complete the fast until night} [Al-Baqarah 2:187]. This text confirms our position, for Allah the Exalted permitted intercourse, eating, and drinking until dawn becomes evident to us. He did not say: "until dawn appears," nor "until you doubt the dawn." Thus, none may assert this or impose fasting based on its appearance unless it becomes clearly apparent. Then Allah the Exalted commanded to maintain the fast until night. Narrated to us by Abdur-Rahman ibn Abdullah ibn Khalid; narrated to us by Ibrahim ibn Ahmad; narrated to us by al-Farbari; narrated to us by al-Bukhari; narrated to us by Ubaydullah ibn Isma'il from Abu Usamah from Ubaydullah—who is Ibn Umar—from Nafi' and al-Qasim ibn Muhammad ibn Abi Bakr. Al-Qasim said: from Aishah, while Nafi' said: from Ibn Umar. Aisha and Ibn Umar said: "Bilal used to call the adhan at night. The Messenger of Allah (may Allah bless him and his family and grant him peace) said: 'Bilal calls the adhan at night, so eat and drink until Ibn Umm Maktum calls it, for he does not call it until dawn appears.'"[37]

L11965 And through him, the narration reaches Al-Bukhārī: ʿAbdullāh ibn Maslamah—who is Al-Qaʿnabī—narrated to us from Mālik from Ibn Shihāb from Sālim ibn ʿAbdillāh ibn ʿUmar from his father: that the Messenger of Allah—peace and blessings be upon him and his family—said: "Indeed Bilāl gives the adhān at night, so eat and drink until Ibn Umm Maktūm gives the adhān." The narrator said: "He was a blind man who would not call until someone told him: 'The morning has come, the morning has come.'" ʿAbdullāh ibn Yūsuf narrated to us: Aḥmad ibn Fatḥ narrated to us: ʿAbd al-Wahhāb ibn ʿĪsā narrated to us: Aḥmad ibn Muḥammad narrated to us: Aḥmad ibn ʿAlī narrated to us: Muslim ibn al-Ḥajjāj narrated to us: Shaybān ibn Farrūkh [narrated to us from ʿAbd al-Wārith] from ʿAbdillāh ibn Sawādah ibn Ḥanẓalah al-Qushayrī: My father narrated to me that he heard Samurah

[37] **Qur'an references (L11962):** Qur'an 2:187 (Al-Baqarah).

بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {فَالآنَ بَاشِرُوهُنَّ وَابْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الأَبْيَضُ مِنَ الْخَيْطِ الأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتِمُّوا الصِّيَامَ إِلَى اللَّيْلِ} [البقرة: ١٨٧] وَهَذَا نَصُّ مَا قُلْنَا، لِأَنَّ اللَّهَ تَعَالَى أَبَاحَ الْوَطْءَ وَالْأَكْلَ وَالشُّرْبَ إِلَى أَنْ يَتَبَيَّنَ لَنَا الْفَجْرُ، وَلَمْ يَقُلْ تَعَالَى: حَتَّى يَطْلُعَ الْفَجْرُ، وَلَا قَالَ: حَتَّى تَشُكُّوا فِي الْفَجْرِ، فَلَا يَحِلُّ لِأَحَدٍ أَنْ يَقُولَهُ، وَلَا أَنْ يُوجِبَ صَوْمًا بِطُلُوعِهِ مَا لَمْ يَتَبَيَّنْ لِلْمَرْءِ، ثُمَّ أَوْجَبَ اللَّهُ تَعَالَى الْتِزَامَ الصَّوْمِ إِلَى اللَّيْلِ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا عُبَيْدُ اللَّهِ بْنُ إِسْمَاعِيلَ عَنْ أَبِي أُسَامَةَ عَنْ عُبَيْدِ اللَّهِ هُوَ ابْنُ عُمَرَ عَنْ نَافِعٍ وَالْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، قَالَ الْقَاسِمُ: عَنْ عَائِشَةَ، وَقَالَ نَافِعٌ: عَنِ ابْنِ عُمَرَ، قَالَتْ عَائِشَةُ، وَابْنُ عُمَرَ: «كَانَ بِلَالٌ يُؤَذِّنُ بِلَيْلٍ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - إِنَّ بِلَالًا يُؤَذِّنُ بِلَيْلٍ، فَكُلُوا وَاشْرَبُوا حَتَّى يُؤَذِّنَ ابْنُ أُمِّ مَكْتُومٍ، فَإِنَّهُ لَا يُؤَذِّنُ حَتَّى يَطْلُعَ الْفَجْرُ» .

وَبِهِ إِلَى الْبُخَارِيِّ: ثنا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ هُوَ الْقَعْنَبِيُّ - عَنْ مَالِكٍ عَنِ ابْنِ شِهَابٍ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «إِنَّ بِلَالًا يُؤَذِّنُ بِلَيْلٍ، فَكُلُوا وَاشْرَبُوا حَتَّى يُؤَذِّنَ ابْنُ أُمِّ مَكْتُومٍ، قَالَ: وَكَانَ رَجُلًا أَعْمَى لَا يُنَادِي حَتَّى يُقَالَ لَهُ: أَصْبَحْتَ أَصْبَحْتَ» -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا شَيْبَانُ بْنُ فَرُّوخَ [ثنا عَبْدُ الْوَارِثِ] عَنْ عَبْدِ اللَّهِ بْنِ سَوَادَةَ بْنِ حَنْظَلَةَ الْقُشَيْرِيِّ حَدَّثَنِي أَبِي أَنَّهُ سَمِعَ سَمُرَةَ بْنَ جُنْدُبٍ يَقُولُ: [قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ

ibn Jundub say: [The Messenger of Allah—peace and blessings be upon him and his family—said]: "Do not let the call of Bilāl during suḥūr deceive any of you, nor this vertical whiteness until it spreads horizontally."

L11966–11967 Similarly, the narration of ʿAdī ibn Ḥātim and Sahl ibn Saʿd regarding the two threads—the black and the white—where the Prophet (peace be upon him) said, "That is only the darkness of night and the whiteness of day." Abū Muḥammad said: The Prophet (peace be upon him) explicitly affirmed that Ibn Umm Maktūm would not give the adhān until dawn emerged, and he permitted eating until his adhān. Thus, it is established that eating remains permissible after the appearance of dawn as long as the one intending to fast has not clearly discerned its emergence. Indeed, a group has claimed that Allah's statement, "Until the white thread becomes distinct to you from the black thread" [Al-Baqarah 2:187], and the Messenger of Allah's (peace and blessings be upon him and his family) saying, "Until dawn appears and until it is proclaimed to him: 'It is dawn, it is dawn'"—that this denotes approximation, like Allah's statement, "When they have reached their term, retain them with kindness" [Aṭ-Ṭalāq 65:2], meaning only when they approach the completion of their term. Abū Muḥammad said: The proponent of this view is frivolously attributing falsehood to the Quran and to the Messenger of Allah (peace and blessings be upon him and his family). Firstly, this is an assertion without evidence, a diversion of Allah's words from their proper contexts, and an ascription to the Messenger of Allah (peace and blessings be upon him and his family) of what he did not state. Had their claim been valid, both Bilāl and Ibn Umm Maktūm would only give the adhān before dawn—yet this is false, and none asserts it, neither they nor others.[38]

L11968 As for Allah the Exalted's statement: {When they have reached their term} [Al-Baqarah: 234], their forcing this [interpretation]—that He the Exalted meant "When they approach reaching their term"—is false and baseless, a claim without proof. Had their assertion been valid, it would permit him to take her back except when nearing the end of the waiting period. Yet

[38] **Qur'an references (L11967):** Qur'an 2:187 (Al-Baqarah); Qur'an 65:2 (At-Talaq).

عَلَيْهِ وآلِهِ وَسَلَّمَ -] : «لَا يَغُرَّنَّ أَحَدَكُمْ نِدَاءُ بِلَالٍ مِنْ السُّحُورِ، وَلَا هَذَا الْبَيَاضُ حَتَّى يَسْتَطِيرَ» .

وَكَذَلِكَ حَدِيثُ عَدِيِّ بْنِ حَاتِمٍ، وَسَهْلِ بْنِ سَعْدٍ فِي الْخَيْطَيْنِ الْأَسْوَدِ، وَالْأَبْيَضِ فَقَالَ - عَلَيْهِ السَّلَامُ - «إنَّمَا ذَلِكَ سَوَادُ اللَّيْلِ وَبَيَاضُ النَّهَارِ» . قَالَ أَبُو مُحَمَّدٍ: فَنَصَّ - عَلَيْهِ السَّلَامُ - عَلَى أَنَّ ابْنَ أُمِّ مَكْتُومٍ لَا يُؤَذِّنُ حَتَّى يَطْلُعَ الْفَجْرُ، وَأَبَاحَ الْأَكْلَ إلَى أَذَانِهِ، فَقَدْ صَحَّ أَنَّ الْأَكْلَ مُبَاحٌ بَعْدَ طُلُوعِ الْفَجْرِ مَا لَمْ يَتَبَيَّنْ لِمُرِيدِ الصَّوْمِ طُلُوعُهُ. وَقَدْ ادَّعَى قَوْمٌ أَنَّ قَوْله تَعَالَى: {حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ} [البقرة: ١٨٧] وَقَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وآلِهِ وَسَلَّمَ -: «حَتَّى يَطْلُعَ الْفَجْرُ وَحَتَّى يُقَالَ لَهُ: أَصْبَحْتَ أَصْبَحْتَ» أَنَّ ذَلِكَ عَلَى الْمُقَارَبَةِ، مِثْلُ قَوْله تَعَالَى: {فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ} [الطلاق: ٢] إنَّمَا مَعْنَاهُ فَإِذَا قَارَبْنَ بُلُوغَ أَجَلِهِنَّ، قَالَ أَبُو مُحَمَّدٍ: وَقَائِلُ هَذَا مُسْتَسْهِلٌ لِلْكَذِبِ عَلَى الْقُرْآنِ وَعَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وآلِهِ وَسَلَّمَ -. أَوَّلُ ذَلِكَ أَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَإِحَالَةٌ لِكَلَامِ اللَّهِ تَعَالَى عَنْ مَوَاضِعِهِ، وَلِكَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وآلِهِ وَسَلَّمَ - وَقَوْلٌ عَلَيْهِ بِمَا لَمْ يَقُلْ، وَلَوْ كَانَ مَا قَالُوا لَكَانَ بِلَالٌ، وَابْنُ أُمِّ مَكْتُومٍ مَعًا لَا يُؤَذِّنَانِ إلَّا قَبْلَ الْفَجْرِ، وَهَذَا بَاطِلٌ لَا يَقُولُهُ أَحَدٌ، لَا هُمْ وَلَا غَيْرُهُمْ.

وَأَمَّا قَوْله تَعَالَى: {فَإِذَا بَلَغْنَ أَجَلَهُنَّ} [البقرة: ٢٣٤] فَإِلْقَامُهُمْ فِيهِ: أَنَّهُ تَعَالَى أَرَادَ فَإِذَا قَارَبْنَ بُلُوغَ أَجَلِهِنَّ -: بَاطِلٌ وَكَذِبٌ، وَدَعْوَى بِلَا بُرْهَانٍ، وَلَوْ كَانَ مَا قَالُوهُ لَكَانَ يَجُوزُ لَهُ الرَّجْعَةُ إلَّا عِنْدَ مُقَارَبَةِ انْتِهَاءِ الْعِدَّةِ، وَلَا يَقُولُ هَذَا أَحَدٌ، لَا هُمْ وَلَا غَيْرُهُمْ، وَهُوَ تَحْرِيفٌ لِلْكَلِمِ عَنْ مَوَاضِعِهِ، بَلْ الْآيَةُ عَلَى ظَاهِرِهَا، وَبُلُوغُ أَجَلِهِنَّ هُوَ بُلُوغُهُنَّ أَجَلَ

none affirms this—neither them nor others—and it is a distortion of words from their rightful context. Rather, the verse follows its apparent meaning: "reaching their term" means they have attained the duration of the waiting period, not its expiration. This is the truth, for as long as they remain within the entire waiting period, the husband retains the right to take her back and to divorce. Thus their claim is conclusively refuted without ambiguity. Some argued: "The Prophet's (peace be upon him) instruction to Bilal—'Look out for the dawn for us'—validates their position." Abu Muhammad responded: This is false for two reasons—first: He (peace be upon him) only commanded this for prayer, not fasting.[39]

L11969–11970 The second point is that even if he had instructed him regarding the fast, it would serve as evidence for us, not them. This is because eating and intercourse remain permissible until Bilal gives the adhan at dawn's emergence. His adhan to them at dawn's emergence undoubtedly occurs only after the actual rising of dawn. Therefore, eating, drinking, and intercourse remain entirely permissible even after dawn has appeared. These acts only become prohibited through Bilal's adhan following dawn's emergence—an argument they cannot rebut. Their stance here contradicts the Quran and the established Sunnah.

Narrated by Hammām ibn Aḥmad from ʿAbdullāh ibn Muḥammad al-Bājī from Muḥammad ibn ʿAbd al-Malik ibn Ayman from Ḥabīb ibn Khalaf al-Bukhārī from Abū Thawr Ibrāhīm ibn Khālid from Rawḥ ibn ʿUbādah from Ḥammād ibn Salamah, who reported from ʿĀṣim ibn Abī al-Najūd from Zirr ibn Ḥubaysh: "I took the pre-dawn meal, then went to the mosque. I visited Ḥudhayfah, who ordered a milking camel to be milked. He then instructed a pot to be heated and said: 'Eat.' I said: 'I intend to fast.' He replied: 'I too intend to fast.' We ate, drank, then proceeded to the mosque where the prayer had already commenced. Ḥudhayfah remarked: 'This is what Allah's Messenger—peace and blessings be upon him and his family—did with me.' I asked: 'After dawn?' He answered: 'After dawn, though the sun had not yet risen.'"

[39] **Qur'an references (L11968):** Qur'an 2:234 (Al-Baqarah); Qur'an 65:2 (At-Talaq).

الْعِدَّة، لَيْسَ هُوَ انْقِضَاءَهَا، وَهَذَا هُوَ الْحَقُّ؛ لِأَنَّهُنَّ إذَا كُنَّ فِي أَجَلِ الْعِدَّةِ كُلِّهِ فَلِلزَّوْجِ الرَّجْعَةُ، وَلَهُ الطَّلَاقُ، فَبَطَلَ مَا قَالُوهُ بِيَقِينٍ لَا إشْكَالَ فِيهِ. وَقَالَ بَعْضُهُمْ: «قَوْلُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - لِبِلَالٍ: اكْلَأْ لَنَا الْفَجْرَ» مُوجِبٌ لِصِحَّةِ قَوْلِهِمْ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا بَاطِلٌ لِوَجْهَيْنِ -: أَحَدُهُمَا: أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَأْمُرْهُ بِذَلِكَ إلَّا لِلصَّلَاةِ، لَا لِلصَّوْمِ.

وَالثَّانِي: أَنَّهُ حَتَّى لَوْ أَمَرَهُ بِذَلِكَ لِلصَّوْمِ لَكَانَ حُجَّةً لَنَا لَا لَهُمْ؛ لِأَنَّ الْأَكْلَ، وَالْجِمَاعَ: مُبَاحَانِ إلَى أَنْ يُنْذِرَهُمْ بِلَالٌ بِطُلُوعِ الْفَجْرِ، وَإِنْذَارُهُ إيَّاهُمْ بِطُلُوعِ الْفَجْرِ لَا يَكُونُ إلَّا بَعْدَ طُلُوعِ الْفَجْرِ بِلَا شَكٍّ، فَالْأَكْلُ، وَالشُّرْبُ، وَالْجِمَاعُ: مُبَاحٌ كُلُّ ذَلِكَ، وَلَوْ طَلَعَ الْفَجْرُ، وَإِنَّمَا يَحْرُمُ كُلُّ ذَلِكَ بِإِنْذَارِ بِلَالٍ بَعْدَ طُلُوعِ الْفَجْرِ، هَذَا مَا لَا حِيلَةَ لَهُمْ فِيهِ، وَقَوْلُهُمْ هُنَا خِلَافٌ لِلْقُرْآنِ وَلِجَمِيعِ السُّنَنِ -: حَدَّثَنَا حُمَامُ بْنُ أَحْمَدَ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الْبَاجِيُّ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا حَبِيبُ بْنُ خَلَفٍ الْبُخَارِيُّ ثنا أَبُو ثَوْرٍ إبْرَاهِيمُ بْنِ خَالِدٍ ثنا رَوْحُ بْنُ عُبَادَةَ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ عَاصِمِ بْنِ أَبِي النَّجُودِ عَنْ «زِرِّ بْنِ حُبَيْشٍ قَالَ تَسَحَّرْتُ ثُمَّ انْطَلَقْتُ إلَى الْمَسْجِدِ، فَدَخَلْتُ عَلَى حُذَيْفَةَ، فَأَمَرَ بِلِقْحَةٍ فَحُلِبَتْ، ثُمَّ أَمَرَ بِقِدْرٍ فَسُخِّنَتْ، ثُمَّ قَالَ: كُلْ. قُلْتُ: إنِّي أُرِيدُ الصَّوْمَ، قَالَ: وَأَنَا أُرِيدُ الصَّوْمَ، فَأَكَلْنَا ثُمَّ شَرِبْنَا ثُمَّ أَتَيْنَا الْمَسْجِدَ وَقَدْ أُقِيمَتْ الصَّلَاةُ، فَقَالَ حُذَيْفَةُ: هَكَذَا فَعَلَ بِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَقُلْتُ: بَعْدَ الصُّبْحِ؟ قَالَ: بَعْدَ الصُّبْحِ، إلَّا أَنَّ الشَّمْسَ لَمْ تَطْلُعْ» . حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَاصِمٍ

Narrated by Muḥammad ibn Saʿīd ibn Nabāt from ʿAbdullāh ibn Naṣr from Qāsim ibn Aṣbagh from Ibn Waḍḍāḥ from Mūsā ibn Muʿāwiyah from Wakīʿ, who reported from Sufyān al-Thawrī from ʿĀṣim ibn Abī al-Najūd from Zirr ibn Ḥubaysh: "I asked Ḥudhayfah: 'At what time did you take the pre-dawn meal with the Prophet—peace and blessings be upon him and his family?' He replied: 'It was daytime, except that the sun had not yet risen.'"

Through the chain of Ḥammād ibn Salamah from ʿAmmār ibn Abī ʿAmmār from Abū Hurayrah, the Prophet—peace and blessings be upon him and his family—said: "If one of you hears the adhan while holding a vessel, let him not put it down until he finishes what he needs from it." ʿAmmār added: "They used to give the adhan when dawn had broken."[40]

L11971–11972 Hammad narrated from Hisham ibn Urwah: "Did my father issue a fatwa regarding this?" Narrated to us Humām, narrated to us Ibn Mufarrij, narrated to us Ibn al-A'rabi, narrated to us al-Dabari, narrated to us Abd al-Razzaq, narrated to us Ma'mar from Qatadah from Anas: "He saw Allah's Messenger—peace and blessings be upon him and his family—partaking in the pre-dawn meal with Zayd ibn Thabit while he—peace be upon him—intended to fast. Then he prayed the two rak'ahs, proceeded to the mosque, and the prayer was established." Abu Muhammad said: "All of this is founded upon the premise that dawn had not yet become apparent to them. Thus, do the traditions align with the Quran in this manner?" We also received through Ma'mar's transmission from Abān, from Anas, from Abu Bakr al-Siddiq that he said: "If two men discern the dawn and one doubts it, let both eat until it becomes evident to them."

L11973–11975 From the path of Abu Ahmad al-Zubayri through Sufyan al-Thawri, Mansur ibn al-Mu'tamir, Hilal ibn Yasaf, and Salim ibn 'Ubayd, who said: Abu Bakr al-Siddiq would say to me, "Stand between me and the dawn until you have partaken of the pre-dawn meal." From the path of Ibn Abi Shaybah through Jarir ibn 'Abd al-Hamid, Mansur ibn al-Mu'tamir, Hilal ibn Yasaf, and Salim ibn 'Ubayd al-Ashja'i, who said: "Stand between me and the dawn," then he ate. This Salim ibn 'Ubayd was an Ashja'i from Kufa, among the companions of the Messenger of Allah—may Allah's peace and blessings be upon

[40] **Hadith references (L11970):** Sunan Abi Dawud 2350.

بْنِ أَبِي النَّجُودِ «عَنْ زِرِّ بْنِ حُبَيْشٍ قُلْتُ لِحُذَيْفَةَ: أَيُّ وَقْتٍ تَسَحَّرْتُمْ مَعَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -؟ قَالَ: هُوَ النَّهَارُ، إِلَّا أَنَّ الشَّمْسَ لَمْ تَطْلُعْ» . وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ عَمَّارِ بْنِ أَبِي عَمَّارٍ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «إِذَا سَمِعَ أَحَدُكُمْ النِّدَاءَ وَالْإِنَاءُ عَلَى يَدِهِ فَلَا يَضَعْهُ حَتَّى يَقْضِيَ حَاجَتَهُ مِنْهُ» قَالَ عَمَّارٌ: وَكَانُوا يُؤَذِّنُونَ إِذَا بَزَغَ الْفَجْرُ.

قَالَ حَمَّادٌ عَنْ هِشَامِ بْنِ عُرْوَةَ: كَانَ أَبِي يُفْتِي بِهَذَا؟ وَحَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ قَتَادَةَ «عَنْ أَنَسٍ: أَنَّهُ رَأَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَدْ تَسَحَّرَ هُوَ وَزَيْدُ بْنُ ثَابِتٍ، وَهُوَ - عَلَيْهِ السَّلَامُ - يُرِيدُ الصَّوْمَ، ثُمَّ صَلَّى الرَّكْعَتَيْنِ، ثُمَّ خَرَجَ إلَى الْمَسْجِدِ فَأُقِيمَتْ الصَّلَاةُ» . قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّهُ عَلَى أَنَّهُ لَمْ يَكُنْ يَتَبَيَّنُ لَهُمْ الْفَجْرُ بَعْدُ، فَبِهَذَا تَتَّفِقُ السُّنَنُ مَعَ الْقُرْآنِ؟ وَرُوِّينَا مِنْ طَرِيقِ مَعْمَرٍ عَنْ أَبَانَ عَنْ أَنَسٍ عَنْ أَبِي بَكْرٍ الصِّدِّيقِ أَنَّهُ قَالَ: إذَا نَظَرَ الرَّجُلَانِ إلَى الْفَجْرِ فَشَكَّ أَحَدُهُمَا فَلْيَأْكُلَا حَتَّى يَتَبَيَّنَ لَهُمَا.

وَمِنْ طَرِيقِ أَبِي أَحْمَدَ الزُّبَيْرِيِّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ هِلَالِ بْنِ يَسَافٍ عَنْ سَالِمِ بْنِ عُبَيْدٍ قَالَ: كَانَ أَبُو بَكْرٍ الصِّدِّيقِ يَقُولُ لِي: قُمْ بَيْنِي وَبَيْنَ الْفَجْرِ حَتَّى تَسَحَّرَ؟ وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ جَرِيرِ بْنِ عَبْدِ الْحَمِيدِ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ هِلَالِ بْنِ يَسَافٍ عَنْ سَالِمِ بْنِ عُبَيْدٍ الْأَشْجَعِيِّ قَالَ: قُمْ فَاسْتُرْنِي مِنْ الْفَجْرِ، ثُمَّ أَكَلَ. سَالِمُ بْنُ عُبَيْدٍ هَذَا أَشْجَعِيٌّ كُوفِيٌّ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ

him. This is the most authentic path possible. We have been narrated from the paths of Waki‘ and ‘Abd al-Razzaq. Waki‘ said: From Yunus ibn Abi Ishaq. From Abī al-Safar—Abd al-Razzāq said: from Maʿmar, from Ayyūb al-Sikhtiyānī, from Abī Qilābah—the latter two said together: Abū Bakr al-Ṣiddīq used to say, “Close the door securely until we partake of the pre-dawn meal.” *Al-ijāf*: meaning closing. From the chain of al-Ḥasan: that ʿUmar ibn al-Khaṭṭāb used to say, “If two men are uncertain about dawn, let them eat until they are certain.”

وَسَلَّمَ - وَهَذِهِ أَصَحُّ طَرِيقٍ يُمْكِنُ أَنْ تَكُونَ؟ وَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ وَعَبْدِ الرَّزَّاقِ، قَالَ وَكِيعٌ: عَنْ يُونُسَ بْنِ أَبِي إِسْحَاقَ عَنْ أَبِي السَّفَرِ، وَقَالَ عَبْدُ الرَّزَّاقِ: عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي قِلَابَةَ، قَالَا جَمِيعًا: كَانَ أَبُو بَكْرٍ الصِّدِّيقِ يَقُولُ: أَجِيفُوا الْبَابَ حَتَّى نَتَسَحَّرَ الْإِيجَافُ: الْغَلْقُ وَمِنْ طَرِيقِ الْحَسَنِ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَ يَقُولُ: إِذَا شَكَّ الرَّجُلَانِ فِي الْفَجْرِ فَلْيَأْكُلَا حَتَّى يَسْتَيْقِنَا.

L11976 And through the chain of Hammad ibn Salamah: Narrated to us Humaid from Abu Rafi‘ or another from Abu Hurairah, that he heard the call to prayer while the cup was in his hand, so he said: “Have I secured it by the Lord of the Kaaba!” And through the chain of Ibn Jurayj from Ata ibn Abi Rabah from Ibn Abbas, who said: “Allah has permitted drinking as long as you are uncertain,” meaning in the dawn.

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ: ثنا حُمَيْدٌ عَنْ أَبِي رَافِعٍ أَوْ غَيْرِهِ عَنْ أَبِي هُرَيْرَةَ: أَنَّهُ سَمِعَ النِّدَاءَ وَالْإِنَاءُ عَلَى يَدِهِ فَقَالَ: أَحْرَزْتُهَا وَرَبِّ الْكَعْبَةِ؟ وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ عَنِ ابْنِ عَبَّاسٍ قَالَ: أَحَلَّ اللَّهُ الشَّرَابَ مَا شَكَكْتَ، يَعْنِي فِي الْفَجْرِ.

L11977 And from Ikrimah, who said: Ibn Abbas said, “Give me a drink, boy.” The boy replied, “Is it morning?” I [Ikrimah] said, “No!” Ibn Abbas then declared, “By Allah’s life, is there any doubt? Give me a drink!” So the boy gave him a drink.

وَعَنْ عِكْرِمَةَ قَالَ: قَالَ ابْنُ عَبَّاسٍ: اسْقِنِي يَا غُلَامُ، قَالَ لَهُ: أَصْبَحْتَ، فَقُلْتُ: كَلَّا، فَقَالَ ابْنُ عَبَّاسٍ: شَكٌّ لَعَمْرُ اللَّهِ، اسْقِنِي؟ فَشَرِبَ.

L11978 From Waki‘, from ‘Umarah ibn Zadhan, from Makhul al-Azdi, who said: I saw Ibn ‘Umar take a bucket from Zamzam and ask two men: “Has dawn appeared?” One replied: “It has appeared,” while the other said: “No.” Then Ibn ‘Umar drank. From Sa‘d ibn Abi Waqqas: He ate the pre-dawn meal in Ramadan in Kufa, then went to the mosque, and the prayer was established.

وَعَنْ وَكِيعٍ عَنْ عُمَارَةَ بْنِ زَاذَانَ عَنْ مَكْحُولٍ الْأَزْدِيِّ قَالَ: رَأَيْتُ ابْنَ عُمَرَ أَخَذَ دَلْوًا مِنْ زَمْزَمَ وَقَالَ لِرَجُلَيْنِ: أَطَلَعَ الْفَجْرُ؟ قَالَ أَحَدُهُمَا: قَدْ طَلَعَ، وَقَالَ الْآخَرُ: لَا، فَشَرِبَ ابْنُ عُمَرَ. وَعَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ: أَنَّهُ تَسَحَّرَ فِي رَمَضَانَ بِالْكُوفَةِ ثُمَّ خَرَجَ إِلَى الْمَسْجِدِ فَأُقِيمَتْ الصَّلَاةُ.

L11979–11981 From Sufyan ibn ‘Uyaynah, from Shu‘ayb ibn Gharqadah, from Hibban ibn al-Harith: That he partook of suhoor with Ali ibn Abi Talib while they both intended to fast. When he finished, Ali said to the mu’adhdhin: “Establish the prayer.” From the chain of Ibn Abi Shaybah: Narrated to us by Jarir (he is Ibn ‘Abd al-Hamid) from Mansur ibn al-Mu‘tamir, from Shabib ibn Gharqadah, from Abu ‘Aqil, who said: “I partook of suhoor with Ali ibn Abi Talib, then he ordered the mu’adhdhin to establish the prayer.” From another chain of

وَعَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ شُعَيْبِ بْنِ غَرْقَدَةَ عَنْ حِبَّانَ بْنِ الْحَارِثِ: أَنَّهُ تَسَحَّرَ مَعَ عَلِيِّ بْنِ أَبِي طَالِبٍ وَهُمَا يُرِيدَانِ الصِّيَامَ، فَلَمَّا فَرَغَ قَالَ لِلْمُؤَذِّنِ: أَقِمْ الصَّلَاةَ وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ شَبِيبِ بْنِ غَرْقَدَةَ عَنْ أَبِي عَقِيلٍ قَالَ: تَسَحَّرْتُ مَعَ عَلِيِّ بْنِ أَبِي طَالِبٍ ثُمَّ أَمَرَ الْمُؤَذِّنَ أَنْ يُقِيمَ الصَّلَاةَ.

Ibn Abi Shaybah: Narrated to us by Abu Mu'awiyah, from al-Shaybani (he is Abū Isḥāq) from... Jabalah ibn Suhaym reported from Amir ibn Matar, who said: I came to Abdullah ibn Mas'ud in his home, and he brought out leftover suhoor for us, so we ate the pre-dawn meal with him. Then the call to prayer (iqamah) was proclaimed, so we went out and prayed with him. A similar account is narrated through Hudhayfah's chain of narration.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا أَبُو مُعَاوِيَةَ عَنْ الشَّيْبَانِيِّ هُوَ أَبُو إِسْحَاقَ - عَنْ جَبَلَةَ بْنِ سُحَيْمٍ عَنْ عَامِرِ بْنِ مَطَرٍ قَالَ: أَتَيْت عَبْدَ اللَّهِ بْنَ مَسْعُودٍ فِي دَارِهِ، فَأَخْرَجَ لَنَا فَضْلَ سُحُورٍ، فَتَسَحَّرْنَا مَعَهُ، فَأُقِيمَتْ الصَّلَاةُ، فَخَرَجْنَا فَصَلَّيْنَا مَعَهُ. وَمِنْ طَرِيقِ حُذَيْفَةَ نَحْوُ هَذَا.

L11982–11984 And via the chain of Ibn Abi Shaybah: Affān ibn Muslim narrated to us, Shu'bah narrated to us from Khubayb ibn 'Abd al-Raḥmān, who said: I heard my aunt—who had performed *ḥajj* with the Messenger of Allah, peace and blessings be upon him and his family—say: "The Messenger of Allah, peace and blessings be upon him and his family, would say: 'Indeed, Ibn Umm Maktum calls out at night, so eat and drink until Bilāl gives the *adhān*. And Bilāl gives the *adhān* at night, so eat and drink until Ibn Umm Maktum gives the *adhān*.'" She added: "One would ascend while the other would descend. We would cling to him and say: 'Stay as you are until we take the pre-dawn meal!'" From this report, we derive that they were two *mu'adhdhins*: one of them would call shortly before dawn—whichever of the two they were, sometimes this one and sometimes that one—and the other necessarily after dawn. From Muḥammad ibn 'Alī ibn al-Ḥusayn: "Eat until the dawn becomes distinctly clear to you." From al-Ḥasan: "Eat as long as you are uncertain." From Abī Mijlaz: "The spreading light: that is the false dawn, but when the dawn spreads across the horizon..." From Ibrāhīm al-Nakha'ī: "The horizontally spreading red light permits prayer and prohibits food." From Ibn Jurayj: I asked 'Aṭā': "Do you disapprove of me drinking while in my house, uncertain whether dawn has broken?" He replied: "There is no harm in that—it is merely doubt." And via the chain of Ibn Abi Shaybah: Abū Mu'āwiyah narrated to us from al-A'mash from Muslim, who said: "They were not..." They considered the dawn as your dawn, but they actually counted as dawn that which fills houses and roads. From Abū Wā'il: He ate the pre-dawn meal and went to the mosque, where the prayer had commenced. From Ma'mar: He would delay the pre-dawn meal extensively, to the point that an uninformed person might say, "He has no fast." ʿAlī said: We have already mentioned in the chapter "One who

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا عَفَّانُ بْنُ مُسْلِمٍ ثنا شُعْبَةُ «عَنْ خُبَيْبِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: سَمِعْتُ عَمَّتِي - وَكَانَتْ قَدْ حَجَّتْ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَتْ: كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - يَقُولُ: إنَّ ابْنَ أُمِّ مَكْتُومٍ يُنَادِي بِلَيْلٍ، فَكُلُوا وَاشْرَبُوا حَتَّى يُنَادِيَ بِلَالٌ، وَإِنَّ بِلَالًا يُؤَذِّنُ بِلَيْلٍ فَكُلُوا وَاشْرَبُوا حَتَّى يُؤَذِّنَ ابْنُ أُمِّ مَكْتُومٍ، قَالَتْ: وَكَانَ يَصْعَدُ هَذَا وَيَنْزِلُ هَذَا قَالَتْ: فَكُنَّا نَتَعَلَّقُ بِهِ فَنَقُولُ: كَمَا أَنْتَ حَتَّى نَتَسَحَّرَ» . فَحَصَلَ لَنَا مِنْ هَذَا الْخَبَرِ أَنَّهُمَا كَانَا مُؤَذِّنَيْنِ: أَحَدُهُمَا قَبْلَ الْفَجْرِ بِيَسِيرٍ، أَيَّهُمَا كَانَا -: حِينًا هَذَا وَحِينًا هَذَا - وَالْآخَرُ وَلَا بُدَّ بَعْدَ الْفَجْرِ. وَعَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ: كُلْ حَتَّى يَتَبَيَّنَ لَكَ الْفَجْرُ. وَعَنْ الْحَسَنِ: كُلْ مَا امْتَرَيْت. وَعَنْ أَبِي مِجْلَزٍ: السَّاطِعُ: ذَلِكَ الصُّبْحُ الْكَاذِبُ، وَلَكِنْ إذَا انْفَضَحَ الصُّبْحُ فِي الْأُفُقِ. وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ: الْمُعْتَرِضُ الْأَحْمَرُ يُحِلُّ الصَّلَاةَ وَيُحَرِّمُ الطَّعَامَ. وَعَنْ ابْنِ جُرَيْجٍ: قُلْت لِعَطَاءٍ: أَتَكْرَهُ أَنْ أَشْرَبَ وَأَنَا فِي الْبَيْتِ لَا أَدْرِي لَعَلَّ قَدْ أَصْبَحْت؟ قَالَ: لَا بَأْسَ بِذَلِكَ، هُوَ شَكٌّ؟ وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا أَبُو مُعَاوِيَةَ عَنْ الْأَعْمَشِ عَنْ مُسْلِمٍ قَالَ: لَمْ يَكُونُوا يَعُدُّونَ الْفَجْرَ فَجْرَكُمْ، إنَّمَا كَانُوا يَعُدُّونَ الْفَجْرَ الَّذِي يَمْلَأُ الْبُيُوتَ وَالطُّرُقَ. وَعَنْ أَبِي وَائِلٍ: أَنَّهُ تَسَحَّرَ وَخَرَجَ إلَى الْمَسْجِدِ فَأُقِيمَتْ الصَّلَاةُ وَعَنْ مَعْمَرٍ: أَنَّهُ كَانَ يُؤَخِّرُ السُّحُورَ جِدًّا، حَتَّى يَقُولَ الْجَاهِلُ: لَا صَوْمَ لَهُ؟ قَالَ عَلِيٌّ: وَقَدْ ذَكَرْنَا فِي

eats the pre-dawn meal thinking it is night while it is daytime" those who did not require making up the fast in such a case. These are: Abū Bakr, ʿUmar, ʿAlī, Ibn ʿUmar, Ibn ʿAbbās, Abū Hurayrah, Ibn Masʿūd, Ḥudhayfah, his uncle Khubayb, Zayd ibn Thābit, and Saʿd ibn Abī Waqqāṣ—eleven Companions, with no opponent known among the Companions (may Allah be pleased with them), except for a weak narration via Makḥūl from Abū Saʿīd al-Khudrī—whom Makḥūl never met—and another via Yaḥyā al-Jazzār from Ibn Masʿūd—whom Yaḥyā never met. Among the Successors: Muḥammad ibn ʿAlī, Abū Mijlaz, Ibrāhīm, Muslim, the companions of Ibn Masʿūd, ʿAṭāʾ, al-Ḥasan, al-Ḥakam ibn ʿUtaybah, Mujāhid, ʿUrwah ibn al-Zubayr, and Jābir ibn Zayd. Among the jurists: Maʿmar and al-Aʿmash. If they cite the report of Saʿīd ibn Qaṭn from his father from Muʿāwiyah regarding one who breaks the fast thinking it is night, only for the sun to rise—requiring him to make it up—along with a similar report from ʿUmar, this pertains specifically to breaking the fast at night, not to eating while uncertain about dawn. There is a distinction between the two matters. Eating is only permissible after being certain that the sun has set, for Allah the Exalted said: {Then complete the fast until the night} [Al-Baqarah: 187]. Thus, whoever eats while uncertain whether night has arrived has disobeyed Allah, invalidated his fast, and if he engaged in intercourse, he must atone—because he was still bound by the obligation to fast until he was certain night had arrived. This differs from His saying: {until the white thread becomes distinct to you} [Al-Baqarah: 187], which concerns the obligation to cease eating only after certainty of daytime. And with Allah lies all success.[41]

L11985 **A question regarding someone for whom it becomes certain that the crescent moon was sighted the previous night at the end of Shaʿbān.**

L11986–11988 Issue 757: Whoever confirms through a trustworthy report - whether from

[41] **Qur'an references (L11982):** Qur'an 2:187 (Al-Baqarah).

بَابِ " مَنْ تَسَحَّرَ فَإِذَا بِهِ نَهَارٌ وَهُوَ يَظُنُّ أَنَّهُ لَيْلٌ " مَنْ لَمْ يَرَ فِي ذَلِكَ قَضَاءً. فَهَؤُلَاءِ: أَبُو بَكْرٍ، وَعُمَرُ، وَعَلِيٌّ، وَابْنُ عُمَرَ، وَابْنُ عَبَّاسٍ، وَأَبُو هُرَيْرَةَ، وَابْنُ مَسْعُودٍ، وَحُذَيْفَةُ، وَعَمُّهُ خُبَيْبٌ، وَزَيْدُ بْنُ ثَابِتٍ، وَسَعْدُ بْنُ أَبِي وَقَّاصٍ، فَهُمْ أَحَدَ عَشَرَ مِنْ الصَّحَابَةِ، لَا يُعْرَفُ لَهُمْ مُخَالِفٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -. إلَّا رِوَايَةً ضَعِيفَةً مِنْ طَرِيقِ مَكْحُولٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ وَلَمْ يُدْرِكْهُ؛ وَمِنْ طَرِيقِ يَحْيَى الْجَزَّارِ عَنْ ابْنِ مَسْعُودٍ وَلَمْ يُدْرِكْهُ. وَمِنْ التَّابِعِينَ: مُحَمَّدُ بْنُ عَلِيٍّ، وَأَبُو مِجْلَزٍ، وَإِبْرَاهِيمُ، وَمُسْلِمٌ، وَأَصْحَابُ ابْنِ مَسْعُودٍ، وَعَطَاءٌ، وَالْحَسَنُ، وَالْحَكَمُ بْنُ عُتَيْبَةَ، وَمُجَاهِدٌ، وَعُرْوَةُ بْنُ الزُّبَيْرِ، وَجَابِرُ بْنُ زَيْدٍ. وَمِنْ الْفُقَهَاءِ: مَعْمَرٌ، وَالْأَعْمَشُ. فَإِنْ ذَكَرُوا رِوَايَةَ سَعِيدِ بْنِ قَطَنٍ عَنْ أَبِيهِ عَنْ مُعَاوِيَةَ فِيمَنْ أَفْطَرَ وَهُوَ يَرَى أَنَّهُ لَيْلٌ فَطَلَعَتْ الشَّمْسُ: أَنَّ عَلَيْهِ الْقَضَاءَ، وَبِالرِّوَايَةِ عَنْ عُمَرَ بِمِثْلِ ذَلِكَ -: فَإِنَّمَا هَذَا فِي الْإِفْطَارِ عِنْدَ اللَّيْلِ، لَا فِي الْأَكْلِ شَاكًّا فِي الْفَجْرِ، وَبَيْنَ الْأَمْرَيْنِ فَرْقٌ، وَلَا يَحِلُّ الْأَكْلُ إلَّا بَعْدَ يَقِينِ غُرُوبِ الشَّمْسِ، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {إلَى اللَّيْلِ} [البقرة: ١٨٧] فَمَنْ أَكَلَ شَاكًّا فِي مَجِيءِ اللَّيْلِ فَقَدْ عَصَى اللَّهَ تَعَالَى، وَصِيَامُهُ بَاطِلٌ، فَإِنْ جَامَعَ فَعَلَيْهِ الْكَفَّارَةُ، لِأَنَّهُ فِي فَرْضِ الصِّيَامِ، مَا لَمْ يُوقِنْ اللَّيْلَ، بِخِلَافِ قَوْلِهِ: {حَتَّى يَتَبَيَّنَ لَكُمُ الْخَيْطُ الْأَبْيَضُ} [البقرة: ١٨٧] لِأَنَّ هَذَا فِي فَرْضِ الْإِفْطَارِ حَتَّى يُوقِنَ بِالنَّهَارِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَنْ صَحَّ عِنْدَهُ أَنَّ الْهِلَالَ قَدْ رُئِيَ الْبَارِحَةَ فِي آخِرِ شَعْبَانَ]

٧٥٧ - مَسْأَلَةٌ: وَمَنْ صَحَّ عِنْدَهُ بِخَبَرِ مَنْ يُصَدِّقُهُ - مِنْ رَجُلٍ وَاحِدٍ، أَوْ امْرَأَةٍ وَاحِدَةٍ: عَبْدٍ، أَوْ حُرٍّ، أَوْ أَمَةٍ، أَوْ حُرَّةٍ، فَصَاعِدًا - أَنَّ الْهِلَالَ قَدْ رُئِيَ الْبَارِحَةَ فِي آخِرِ شَعْبَانَ

a single man, woman, male slave, free man, female slave, free woman, and so forth - that the crescent moon was sighted last night at the end of Sha'bān, fasting is made obligatory upon him. He must fast whether the people fasted or did not fast. Similarly, if he himself sights it alone, he must fast. Likewise, if he confirms through the report of even one person (as mentioned previously) and so forth that the crescent moon of Shawwāl has been sighted, he must break his fast. The people either fasted or broke their fast; likewise, if he alone sights it. If he fears harm in that matter, let him conceal himself by that: Abdullah ibn Yusuf → Ahmad ibn Fath → Abd al-Wahhab ibn Isa → Ahmad ibn Muhammad → Ahmad ibn Ali → Muslim ibn al-Hajjaj → Yahya ibn Yahya reported: I recited to Malik, from Nafi, from Ibn Umar, from the Prophet—peace be upon him and his family—who mentioned Ramadan and said: "Do not fast until you see the new moon; do not break your fast until you see it. If clouds obscure it from you, then estimate it."[42]

فَفُرِضَ عَلَيْهِ الصَّوْمُ، صَامَ النَّاسُ أَوْ لَمْ يَصُومُوا، وَكَذَلِكَ لَوْ رَآهُ هُوَ وَحْدَهُ، وَلَوْ صَحَّ عِنْدَهُ بِخَبَرِ وَاحِدٍ أَيْضًا - كَمَا ذَكَرْنَا - فَصَاعِدًا: أَنَّ هِلَالَ شَوَّالٍ قَدْ رُئِيَ فَلْيُفْطِرْ، أَفْطَرَ النَّاسُ أَوْ صَامُوا، وَكَذَلِكَ لَوْ رَآهُ هُوَ وَحْدَهُ، فَإِنْ خَشِيَ فِي ذَلِكَ أَذًى فَلْيَسْتَتِرْ بِذَلِكَ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا يَحْيَى بْنُ يَحْيَى: قَرَأْتُ عَلَى مَالِكٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ «عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -: أَنَّهُ ذَكَرَ رَمَضَانَ فَقَالَ: لَا تَصُومُوا حَتَّى تَرَوْا الْهِلَالَ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ، فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدُرُوا لَهُ» .

L11989 And through him to Muslim: Ibn al-Muthannā narrated to us, Muḥammad ibn Ja'far narrated to us, Shu'bah narrated to us from 'Amr ibn Murrah, who said, "I heard Abū al-Bakhtarī from Ibn 'Abbās that the Messenger of Allāh—peace and blessings of Allāh be upon him and his family—said: 'If the moon is obscured from you, then complete the count.'" People differed regarding accepting the solitary report in that matter. Abū Ḥanīfah and al-Shāfi'ī held the same view as ours concerning the crescent of Ramaḍān, but they did not permit except two just men for the crescent of Shawwāl. Abū Muḥammad said: "This is a clear contradiction." Mālik said: "I do not accept in either of them except two just men." Abū Muḥammad said: "As for those who differentiated between the two crescents, we know of no proof for their position. As for Mālik's statement, they applied analogy to other rulings." Abū Muḥammad said: "All analogy is invalid. Even if it were valid, this instance of it would still be invalid, because legal rights differ. Among them, according to the Mālikīs, are cases validated by one witness and an oath, cases requiring only two men or one man and two women, cases requiring only two men, and cases requiring only four."

وَبِهِ إلَى مُسْلِمٍ: ثنا ابْنُ الْمُثَنَّى ثنا مُحَمَّدُ بْنُ جَعْفَرٍ ثنا شُعْبَةُ عَنْ عَمْرِو بْنِ مُرَّةَ قَالَ سَمِعْت أَبَا الْبَخْتَرِيِّ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: فَإِنْ غُمَّ عَلَيْكُمْ فَأَكْمِلُوا الْعِدَّةَ» . وَاخْتَلَفَ النَّاسُ فِي قَبُولِ خَبَرِ الْوَاحِدِ فِي ذَلِكَ -: فَقَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ بِمِثْلِ قَوْلِنَا فِي هِلَالِ رَمَضَانَ، وَلَمْ يُجِيزُوا فِي هِلَالِ شَوَّالٍ إلَّا رَجُلَيْنِ عَدْلَيْنِ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا تَنَاقُضٌ ظَاهِرٌ. وَقَالَ مَالِكٌ: لَا أَقْبَلُ فِي كِلَيْهِمَا إلَّا رَجُلَيْنِ عَدْلَيْنِ. قَالَ أَبُو مُحَمَّدٍ: أَمَّا مَنْ فَرَّقَ بَيْنَ الْهِلَالَيْنِ فَمَا نَعْلَمُ لَهُمْ حُجَّةً. وَأَمَّا قَوْلُ مَالِكٍ فَإِنَّهُمْ قَاسُوهُ عَلَى سَائِرِ الْأَحْكَامِ. قَالَ أَبُو مُحَمَّدٍ: وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّ الْحُقُوقَ تَخْتَلِفُ -: فَمِنْهَا عِنْدَ الْمَالِكِيِّينَ مَا يُقْبَلُ فِيهَا شَاهِدٌ وَيَمِينٌ، وَمِنْهَا مَا لَا يُقْبَلُ فِيهِ إلَّا رَجُلَانِ، أَوْ رَجُلٌ وَامْرَأَتَانِ. وَمِنْهَا مَا لَا يُقْبَلُ فِيهِ إلَّا رَجُلَانِ فَقَطْ. وَمِنْهَا مَا لَا يُقْبَلُ فِيهِ إلَّا أَرْبَعَةٌ.

[42] **Hadith references (L11986):** Sahih al-Bukhari 1906; Sunan an-Nasai 2121; Mishkat al-Masabih 1969.

L11990–11993 Among these are matters where permission is granted even if a Christian or a sinner testifies, such as defects in medicine. So how can they restrict some of these rulings over others through analogy to testimony concerning the crescent moon? We ask them about a village containing only sinners, Christians, or women, yet among them is a just person whose eyesight is too weak to observe the crescent. Abu Muhammad said: As for us, the report of the entire community is accepted in this matter, even if they are disbelievers or sinners, because it necessarily establishes knowledge. If they say: "People have unanimously agreed to accept two just witnesses for this," we reply: No – rather Judge Abu Yusuf states: "If the sky is clear, I do not accept fewer than fifty witnesses for sighting the crescent." If they say: "His statement is invalid," we respond: Indeed, and your analogy is even weaker. If they ask: "How do you permit a solitary report in both matters?" We answer: Because it pertains to religion, and accepting individual reports is established in religious matters. Thus it is accepted universally except where Allah explicitly requires a specified number. Moreover, we previously cited the Messenger of Allah's saying – peace be upon him and his family – regarding Bilal's Adhan: "Eat and drink until Ibn Umm Maktum gives the Adhan." He – peace be upon him – commanded fasting based on Ibn Umm Maktum's dawn Adhan, which constitutes a solitary report confirming the appearance of dawn.

Narrated by Abdullah ibn Rabi' via Umar ibn Abdul Malik via Muhammad ibn Bakr via Abu Dawud via Abdullah ibn Abdul Rahman Al-Samarqandi via Marwan ibn Muhammad from Abdullah ibn Wahb from Yahya ibn Abdullah ibn Salim from Abu Bakr ibn Nafi' from his father Nafi' – freed slave of Ibn Umar – from Ibn Umar, who said: "People sought the crescent. I informed Allah's Messenger – peace be upon him and his family – that I had seen it, so he fasted and ordered them to fast that day." This is an authentic report. We also narrate through Abu Dawud's chain: Al-Hasan ibn Ali via Husayn Al-Ju'fi from... Zā'idah reported from Simāk from 'Ikrimah from Ibn 'Abbās, who said: "A Bedouin came to the Messenger of Allah—peace and blessings be upon him and his family—and said: 'I saw the crescent,' meaning Ramadan. He asked: 'Do you testify that there is no deity but Allah?' The man said: 'Yes.'

وَمِنْهَا مَا يُسْمَحُ فِيهِ حَتَّى يُجِيزُوا فِيهِ النَّصْرَانِيَّ وَالْفَاسِقَ، كَالْعُيُوبِ فِي الطِّبِّ، فَمِنْ أَيْنَ لَهُمْ أَنْ يَخُصُّوا بَعْضَ هَذِهِ الْحُقُوقِ دُونَ بَعْضٍ بِقِيَاسِ الشَّهَادَةِ فِي الْهِلَالِ عَلَيْهِ. وَنَسْأَلُهُمْ عَنْ قَرْيَةٍ لَيْسَ فِيهَا إِلَّا فُسَّاقٌ، أَوْ نَصَارَى، أَوْ نِسَاءٌ وَفِيهِمْ عَدْلٌ يَضْعُفُ بَصَرُهُ عَنْ رُؤْيَةِ الْهِلَالِ؟ قَالَ أَبُو مُحَمَّد: فَأَمَّا نَحْنُ فَخَبَرُ الْكَافَّةِ مَقْبُولٌ فِي ذَلِكَ، وَإِنْ كَانُوا كُفَّارًا أَوْ فُسَّاقًا، لِأَنَّهُ يُوجِبُ الْعِلْمَ ضَرُورَةً. فَإِنْ قَالُوا: قَدْ أَجْمَعَ النَّاسُ عَلَى قَبُولِ عَدْلَيْنِ فِي ذَلِكَ؟ قُلْنَا: لَا، بَلْ أَبُو يُوسُفَ الْقَاضِي يَقُولُ: إِنْ كَانَ الْجَوُّ صَافِيًا لَمْ أَقْبَلْ فِي رُؤْيَةِ الْهِلَالِ أَقَلَّ مِنْ خَمْسِينَ. فَإِنْ قَالُوا: كَلَامُهُ سَاقِطٌ؟ قُلْنَا: نَعَمْ، وَقِيَاسُكُمْ أَسْقَطُ. فَإِنْ قَالُوا: فَمِنْ أَيْنَ أَجَزْتُمْ فِيهِمَا خَبَرَ الْوَاحِدِ؟ قُلْنَا: لِأَنَّهُ مِنْ الدِّينِ، وَقَدْ صَحَّ فِي الدِّينِ قَبُولُ خَبَرِ الْوَاحِدِ، فَهُوَ مَقْبُولٌ فِي كُلِّ مَكَانٍ، إِلَّا حَيْثُ أَمَرَ اللَّهُ تَعَالَى بِأَنْ لَا يُقْبَلَ إِلَّا عَدَدٌ سَمَّاهُ لَنَا. وَأَيْضًا: فَقَدْ ذَكَرْنَا قَبْلَ هَذَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فِي أَذَانِ بِلَالٍ «كُلُوا وَاشْرَبُوا حَتَّى يُؤَذِّنَ ابْنُ أُمِّ مَكْتُومٍ» فَأَمَرَ - عَلَيْهِ السَّلَامُ - بِالْتِزَامِ الصِّيَامِ بِأَذَانِ ابْنِ أُمِّ مَكْتُومٍ بِالصُّبْحِ، وَهُوَ خَبَرٌ وَاحِدٌ بِأَنَّ الْفَجْرَ قَدْ تَبَيَّنَ. وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا عَبْدُ اللَّهِ بْنُ عَبْدِ الرَّحْمَنِ السَّمَرْقَنْدِيُّ ثنا مَرْوَانُ بْنُ مُحَمَّدٍ عَنْ عَبْدِ اللَّهِ بْنِ وَهْبٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ سَالِمٍ عَنْ أَبِي بَكْرِ بْنِ نَافِعٍ عَنْ أَبِيهِ نَافِعٍ مَوْلَى ابْنِ عُمَرَ «عَنْ ابْنِ عُمَرَ قَالَ: تَرَاءَى النَّاسُ الْهِلَالَ، فَأَخْبَرْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَنِّي رَأَيْتُهُ، فَصَامَ وَأَمَرَ النَّاسَ بِصِيَامِهِ» . وَهَذَا خَبَرٌ صَحِيحٌ. وَقَدْ رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد: ثنا الْحَسَنُ بْنُ عَلِيٍّ ثنا حُسَيْنٌ هُوَ الْجُعْفِيُّ - عَنْ زَائِدَةَ عَنْ سِمَاكٍ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَ: «جَاءَ أَعْرَابِيٌّ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَقَالَ، إِنِّي رَأَيْتُ

He asked: 'Do you testify that Muḥammad is the Messenger of Allah?' The man said: 'Yes.' He then said: 'Stand up, O Bilāl, and announce to the people that they should fast tomorrow.'" Abū Muḥammad said: "We neither rely on Simāk's narration nor accept it from them, yet they have cited it as proof for exchanging dinars for dirhams. Thus, they must apply it here as well; otherwise, are they not trifling with the religion? If those who distinguish between the crescent of Ramadan and Shawwāl cling to these two reports, arguing that this applies only to Ramadan's crescent, we say: 'No text has ever prohibited this for Ramadan's crescent, and you are proponents of qiyas. Why not analogize Shawwāl's crescent to Ramadan's?' If they reply: 'The Ramadan witness gains no personal benefit, whereas the Shawwāl witness does,' we counter: 'Then reject the testimony of two witnesses in Shawwāl for the same doubt—since both seek personal benefit—as you do in other legal rights.' Moreover, one who lies in such matters cares not whether their testimony is accepted. We ask them: 'If you fast based on a single witness's testimony and the crescent remains obscured after thirty days, do you fast the thirty-first? This is a calamity—a ruling not from Allah's religion! Or do you break the fast after thirty days without sighting the crescent? Then you have broken it based on a single witness's testimony, contradicting yourselves!' And success is from Allah, the Exalted."

الْهِلَالَ - يَعْنِي رَمَضَانَ فَقَالَ: أَتَشْهَدُ أَنْ لَا إِلَهَ إِلَّا اللَّهُ؟ قَالَ: نَعَمْ، قَالَ، أَتَشْهَدُ أَنَّ مُحَمَّدًا رَسُولُ اللَّهِ؟ قَالَ: نَعَمْ، قَالَ: قُمْ يَا بِلَالُ فَأَذِّنْ فِي النَّاسِ فَلْيَصُومُوا غَدًا» . قَالَ أَبُو مُحَمَّد: رِوَايَةُ سِمَاكٍ لَا نَحْتَجُّ بِهَا وَلَا نَقْبَلُهَا مِنْهُمْ، وَهُمْ قَدْ احْتَجُّوا بِهَا فِي أَخْذِ الدَّنَانِيرِ مِنْ الدَّرَاهِمِ، فَيَلْزَمُهُمْ أَنْ يَأْخُذُوهَا هَاهُنَا، وَإِلَّا فَهُمْ مُتَلَاعِبُونَ فِي الدِّينِ؟ فَإِنْ تَعَلَّقَ مَنْ فَرَّقَ بَيْنَ هِلَالِ رَمَضَانَ وَهِلَالِ شَوَّالٍ بِهَذَيْنِ الْخَبَرَيْنِ، وَقَالَ: لَمْ يَرِدْ إلَّا فِي هِلَالِ رَمَضَانَ؟ قُلْنَا: وَلَا جَاءَ نَصٌّ قَطُّ بِالْمَنْعِ مِنْ ذَلِكَ فِي هِلَالِ رَمَضَانَ، وَأَنْتُمْ أَصْحَابُ قِيَاسٍ، فَهَلَّا قِسْتُمْ هِلَالَ شَوَّالٍ عَلَى هِلَالِ رَمَضَانَ؟ فَإِنْ قَالُوا: إنَّ الشَّاهِدَ فِي هِلَالِ رَمَضَانَ لَا يَجُرُّ إلَى نَفْسِهِ، وَالشَّاهِدُ فِي هِلَالِ شَوَّالٍ يَجُرُّ إلَى نَفْسِهِ؟ قُلْنَا: فَرَدُّوا بِهَذَا الظَّنِّ بِعَيْنِهِ شَهَادَةَ الشَّاهِدَيْنِ فِي شَوَّالٍ أَيْضًا، لِأَنَّهُمَا يَجُرَّانِ إلَى أَنْفُسِهِمَا، كَمَا تَفْعَلُونَ فِي سَائِرِ الْحُقُوقِ. وَأَيْضًا: فَإِنَّ مَنْ يَكْذِبُ فِي مِثْلِ هَذَا لَا يُبَالِي قُبِلَ أَوْ رُدَّ؟ وَنَقُولُ لَهُمْ: إذَا صُمْتُمْ بِشَهَادَةِ وَاحِدٍ، فَغُمَّ الْهِلَالُ بَعْدَ الثَّلَاثِينَ، أَتَصُومُونَ أَحَدًا وَثَلَاثِينَ؟ فَهَذِهِ طَامَّةٌ، وَشَرِيعَةٌ لَيْسَتْ مِنْ دِينِ اللَّهِ تَعَالَى أَمْ تُفْطِرُونَ عِنْدَ تَمَامِ الثَّلَاثِينَ وَإِنْ لَمْ تَرَوْا الْهِلَالَ؟ فَقَدْ أَفْطَرْتُمْ بِشَهَادَةِ وَاحِدٍ وَتَنَاقَضْتُمْ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11994 Abu Muhammad said: If they object by citing what we narrated through the chain of Abbad ibn al-Awwam—Abu Malik al-Ashja'i narrated to us, Husayn ibn al-Harith al-Jadali (of Jadīlah clan of Qays) narrated to us—that the commander of Mecca, al-Harith ibn Hatib, delivered a sermon and said: "The Messenger of Allah—may Allah's blessings and peace be upon him and his family—instructed us to observe the rites [of Ramadan] upon sighting the crescent. If we do not sight it and two just witnesses testify, we observe the rites based on their testimony."

قَالَ أَبُو مُحَمَّد: فَإِنْ شَغَبُوا بِمَا رُوِّينَا مِنْ طَرِيقِ عَبَّادِ بْنِ الْعَوَّامِ: ثنا أَبُو مَالِكٍ الْأَشْجَعِيُّ ثنا حُسَيْنُ بْنُ الْحَارِثِ الْجَدَلِيُّ - جَدِيلَةُ قَيْسٍ: «أَنَّ أَمِيرَ مَكَّةَ وَهُوَ الْحَارِثُ بْنُ حَاطِبٍ خَطَبَ فَقَالَ: عَهِدَ إلَيْنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَنْ نَنْسُكَ لِرُؤْيَتِهِ، فَإِنْ لَمْ نَرَهُ وَشَهِدَ شَاهِدَا عَدْلٍ نَسَكْنَا بِشَهَادَتِهِمَا» .

L11995–11996 And according to what was narrated to us through the chain of Abū ʿUthmān al-Nahdī, who said: "Two Bedouins came to the Messenger of Allah (may

Allah bless him and his family and grant him peace), and the Messenger of Allah (may Allah bless him and his family and grant him peace) asked: 'Are you two Muslims?' They replied: 'Yes.' He then commanded the people [regarding fasting], so they either broke their fast or continued fasting."

وَبِمَا رُوِّينَا مِنْ طَرِيقِ أَبِي عُثْمَانَ النَّهْدِيِّ قَالَ: «قَدِمَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَعْرَابِيَّانِ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَمُسْلِمَانِ أَنْتُمَا؟ قَالَا: نَعَمْ فَأَمَرَ النَّاسَ فَأَفْطَرُوا أَوْ صَامُوا» .

L11997 From Al-Harith, on the authority of Ali: If two men bear witness to having seen the crescent moon, the people are to break their fast. From Amr ibn Dinar, who said that his father Uthman would accept the testimony of Hashim ibn Utbah or others regarding the sighting of the crescent moon.

وَعَنْ الْحَارِثِ عَنْ عَلِيٍّ: إذَا شَهِدَ رَجُلَانِ عَلَى رُؤْيَةِ الْهِلَالِ أَفْطَرُوا. وَعَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: أَبِي عُثْمَانُ أَنْ يُجِيزَ شَهَادَةَ هَاشِمِ بْنِ عُتْبَةَ أَوْ غَيْرِهِ عَلَى رُؤْيَةِ الْهِلَالِ.

L11998 From Abd al-Razzaq from Ma'mar from al-A'mash from Abu Wa'il, who said: Umar wrote to us while we were in Khanqīn: "If you see the crescent during daytime, do not break the fast until two men testify that they indeed saw it yesterday?" We said: As for the hadith of al-Harith ibn Hatib, its narrator is Husayn ibn al-Harith – an unknown figure. Even if authentic, it holds no proof, for it only mentions accepting two witnesses – which we do not dispute – but does it state that a single witness should not be accepted? Likewise, the hadith of Abu Uthman is mursal. The same applies equally to Ali's action. It is plausible that Uthman – may Allah be pleased with him – rejected Hashim ibn Utbah's testimony due to personal dissatisfaction, not his solitary status. Indeed, Hashim was among those who incited opposition against Uthman – may Allah be pleased with him. As for Umar's report: Authentic narrations contradict this, such as our transmission through Muhammad ibn Ja'far from Shu'bah from Abu Abd al-A'la al-Tha'labī from his father from Abd al-Rahman ibn Abi Layla from al-Bara' ibn Azib: Umar ibn al-Khattab once observed the crescent. When a man sighted it, Umar declared: "One Muslim suffices them all," then ordered them to end their fast or begin fasting. How could this be Umar's position when he was in the presence of the Companions?

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الْأَعْمَشِ عَنْ أَبِي وَائِلٍ قَالَ: كَتَبَ إلَيْنَا عُمَرُ - وَنَحْنُ بِخَانِقِينَ: إذَا رَأَيْتُمْ الْهِلَالَ نَهَارًا فَلَا تُفْطِرُوا حَتَّى يَشْهَدَ رَجُلَانِ: لَرَأَيَاهُ بِالْأَمْسِ.؟ قُلْنَا: أَمَّا حَدِيثُ الْحَارِثِ بْنِ حَاطِبٍ فَإِنَّ رَاوِيَهُ حُسَيْنُ بْنُ الْحَارِثِ وَهُوَ مَجْهُولٌ، ثُمَّ لَوْ صَحَّ لَمْ يَكُنْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ إلَّا قَبُولُهُ اثْنَيْنِ، وَنَحْنُ لَا نُنْكِرُ هَذَا، وَلَيْسَ فِيهِ أَنْ لَا يُقْبَلَ وَاحِدٌ؟ وَكَذَلِكَ حَدِيثُ أَبِي عُثْمَانَ، عَلَى أَنَّهُ مُرْسَلٌ. وَكَذَا الْقَوْلُ فِي فِعْلِ عَلِيٍّ سَوَاءٌ سَوَاءٌ. وَقَدْ يُمْكِنُ أَنْ يَكُونَ عُثْمَانُ - رَضِيَ اللَّهُ عَنْهُ - إنَّمَا رَدَّ شَهَادَةَ هَاشِمِ بْنِ عُتْبَةَ لِأَنَّهُ لَمْ يَرْضَهُ، لَا لِأَنَّهُ وَاحِدٌ، وَلَقَدْ كَانَ هَاشِمٌ أَحَدَ الْمُجَلِّبِينَ عَلَى عُثْمَانَ - رَضِيَ اللَّهُ عَنْهُ -. وَأَمَّا خَبَرُ عُمَرَ: فَقَدْ صَحَّ عَنْ عُمَرَ فِي هَذَا خِلَافُ ذَلِكَ، كَمَا رُوِّينَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ أَبِي عَبْدِ الْأَعْلَى الثَّعْلَبِيِّ عَنْ أَبِيهِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى عَنْ الْبَرَاءِ بْنِ عَازِبٍ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَ يَنْظُرُ إلَى الْهِلَالِ، فَرَآهُ رَجُلٌ، فَقَالَ عُمَرُ: يَكْفِي الْمُسْلِمِينَ أَحَدُهُمْ، فَأَمَرَهُمْ فَأَفْطَرُوا أَوْ صَامُوا - فَهَذَا عُمَرُ بِحَضْرَةِ الصَّحَابَةِ؟

L11999–12000 It has been narrated to us similarly from ʿAlī ibn Abī Ṭālib—may Allah be pleased with him—and this is the opinion of Abū Thawr. As for our view that fasting is based on one's sighting, we have received narrations from

ʿUmar contradicting this. He held that whoever sights the crescent alone at the beginning of Ramadan must not fast, and whoever sights it alone at the beginning of Shawwāl must not break the fast—and this is the opinion of al-Ḥasan. It has been narrated to us through the chain of Maʿmar from Abū Qilābah: Two men sighted the crescent while traveling and arrived in Medina the following forenoon, informing ʿUmar. He asked one, "Are you fasting?" The man replied, "Yes. I disliked that people would be fasting while I was not fasting; I disliked contradicting them." He asked the other, "And you?" The man replied, "I awoke not fasting, for I had sighted the crescent." ʿUmar told him, "Were it not for this one"—referring to the one who fasted—"we would have made your head hurt and rejected your testimony." He then ordered the people to break their fast. Through Ibn Jurayj's chain: I was informed from Muʿādh ibn ʿAbd al-Raḥmān al-Taymī that a man told ʿUmar, "I sighted the Ramadan crescent." ʿUmar asked, "Did anyone else see it with you?" He said, "No." ʿUmar asked, "What did you do?" He replied, "I fasted with the people." ʿUmar said, "Good for you." This is the view of ʿAṭāʾ. Abū Muḥammad remarked: Those who adhere to ʿUmar's position regarding their claims—such as rejecting "the buyer and seller retaining the right of retraction as long as they have not parted" and prohibiting marital relations during the waiting period—ought to follow him here as well.

وَقَدْ رُوِّينَا أَيْضًا: - عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - مِثْلَ هَذَا، وَبِهِ يَقُولُ أَبُو ثَوْرٍ. وَأَمَّا قَوْلُنَا: أَنَّهُ يُبْنَى عَلَى رُؤْيَتِهِ فَقَدْ رُوِّينَا عَنْ عُمَرَ خِلَافَ ذَلِكَ، وَهُوَ أَنَّ مَنْ رَآهُ وَحْدَهُ فِي اسْتِهْلَالِ رَمَضَانَ فَلَا يَصُمْ، وَمَنْ رَآهُ وَحْدَهُ فِي اسْتِهْلَالِ شَوَّالٍ فَلَا يُفْطِرُ - وَبِهِ يَقُولُ الْحَسَنُ -: رُوِّينَا ذَلِكَ مِنْ طَرِيقِ مَعْمَرٍ عَنْ أَبِي قِلَابَةَ: أَنَّ رَجُلَيْنِ رَأَيَا الْهِلَالَ فِي سَفَرٍ، فَقَدِمَا الْمَدِينَةَ ضُحَى الْغَدِ، فَأَخْبَرَا عُمَرَ، فَقَالَ لِأَحَدِهِمَا: أَصَائِمٌ أَنْتَ؟ قَالَ: نَعَمْ، كَرِهْت أَنْ يَكُونَ النَّاسُ صِيَامًا وَأَنَا مُفْطِرٌ، كَرِهْت الْخِلَافَ عَلَيْهِمْ، وَقَالَ لِلْآخَرِ: فَأَنْتَ؟ قَالَ: أَصْبَحْت مُفْطِرًا، لِأَنِّي رَأَيْت الْهِلَالَ، فَقَالَ لَهُ عُمَرُ: لَوْلَا هَذَا - يَعْنِي الَّذِي صَامَ - لَأَوْجَعْنَا رَأْسَكَ، وَرَدَدْنَا شَهَادَتَكَ، ثُمَّ أَمَرَ النَّاسَ فَأَفْطَرُوا. وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ: أُخْبِرْت عَنْ مُعَاذِ بْنِ عَبْدِ الرَّحْمَنِ التَّيْمِيِّ: أَنَّ رَجُلًا قَالَ لِعُمَرَ: إنِّي رَأَيْت هِلَالَ رَمَضَانَ، قَالَ: أَرَآهُ مَعَكَ أَحَدٌ؟ قَالَ: لَا قَالَ: فَكَيْف صَنَعْت؟ قَالَ: صُمْت بِصِيَامِ النَّاسِ، فَقَالَ عُمَرُ: يَا لَكَ فِيهَا. وَهُوَ قَوْلُ عَطَاءٍ: قَالَ أَبُو مُحَمَّدٍ: يَنْبَغِي لِمَنْ قَلَّدَ عُمَرَ فِيمَا يَدْعُونَهُ مِنْ مُخَالَفَةِ «الْبَيِّعَانِ بِالْخِيَارِ مَا لَمْ يَتَفَرَّقَا» وَتَحْرِيمِ الْمَنْكُوحَةِ فِي الْعِدَّةِ -: أَنْ يُقَلِّدَهُ هَاهُنَا.

قَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: يَصُومُ إِنْ رَآهُ وَحْدَهُ، وَلَا يُفْطِرُ إِنْ رَآهُ وَحْدَهُ وَهَذَا تَنَاقُضٌ وَقَالَ الشَّافِعِيُّ كَمَا قُلْنَا؟ وَخُصُومُنَا لَا يَقُولُونَ بِهَذَا وَلَا نَقُولُ بِهِ، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {لا تُكَلَّفُ إِلا نَفْسَكَ} [النساء: ٨٤] .

L12001 Abu Hanifah and Malik said: One must fast if he sights it alone, but he need not break the fast if he sights it alone—and this is a contradiction. Did al-Shāfiʿī say as we do? Our opponents do not adhere to this view, nor do we adopt it, for Allah the Exalted said: *"No soul is burdened except with its own responsibility"* [4:84].[1]

وَقَالَ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا} [الأنعام: ١٦٤] . وَقَالَ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ} [البقرة: ١٨٥] فَمَنْ رَآهُ فَقَدْ شَهِدَهُ. وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - «صُومُوا لِرُؤْيَتِهِ وَأَفْطِرُوا لِرُؤْيَتِهِ» .

L12002 And the Exalted said: "No soul earns except against itself" [Al-An'am 6:164]. And the Exalted said: "Whoever among you is present for the month, let him fast during it" [Al-Baqarah 2:185]. Thus, whoever sights the moon has thereby witnessed it. The Messenger of Allah (peace and blessings be upon him and his family) said: "Fast when it is sighted, and break your fast when it is sighted."[2]

[مَسْأَلَةٌ هِلَالُ رَمَضَانَ إِذَا رُئِيَ قَبْلَ الزَّوَالِ]

Issue: If the Ramadan crescent is sighted before zawal (solar noon).

٧٥٨ - مَسْأَلَةٌ: وَإِذَا رُئِيَ الْهِلَالُ قَبْلَ الزَّوَالِ فَهُوَ مِنْ الْبَارِحَةِ وَيَصُومُ النَّاسُ مِنْ حِينَئِذٍ بَاقِيَ يَوْمِهِمْ - إِنْ كَانَ أَوَّلَ رَمَضَانَ - وَيُفْطِرُونَ إِنْ كَانَ آخِرَهُ، فَإِنْ رُئِيَ بَعْدَ الزَّوَالِ فَهُوَ لِلَّيْلَةِ الْمُقْبِلَةِ. بُرْهَانُ ذَلِكَ -: قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -: «صُومُوا لِرُؤْيَتِهِ وَأَفْطِرُوا لِرُؤْيَتِهِ» فَخَرَجَ مِنْ هَذَا الظَّاهِرِ إِذَا رُئِيَ بَعْدَ الزَّوَالِ بِالْإِجْمَاعِ الْمُتَيَقَّنِ، وَلَمْ يَجِبْ الصَّوْمُ إلَّا مِنْ الْغَدِ؛ وَبَقِيَ حُكْمُ لَفْظِ الْحَدِيثِ إِذَا رُئِيَ قَبْلَ الزَّوَالِ، لِلِاخْتِلَافِ فِي ذَلِكَ، فَوَجَبَ الرُّجُوعُ إلَى النَّصِّ. وَأَيْضًا: فَإِنَّ الْهِلَالَ إِذَا رُئِيَ قَبْلَ الزَّوَالِ فَإِنَّمَا يَرَاهُ النَّاظِرُ إلَيْهِ وَالشَّمْسُ بَيْنَهُ وَبَيْنَهُ، وَلَا شَكَّ فِي أَنَّهُ لَمْ يُمْكِنْ رُؤْيَتُهُ مَعَ حَوَالَةِ الشَّمْسِ دُونَهُ إلَّا وَقَدْ أَهَلَّ مِنْ الْبَارِحَةِ وَبَعُدَ عَنْهَا بُعْدًا كَثِيرًا. رُوِّينَا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ حَنْبَلٍ نا أَبِي نا عَبْدُ الرَّحْمَنِ بْنِ مَهْدِيٍّ نا سُفْيَانُ الثَّوْرِيُّ عَنْ الْمُغِيرَةِ بْنِ مِقْسَمٍ عَنْ سِمَاكٍ عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَتَبَ إلَى النَّاسِ إذَا رَأَيْتُمُوهُ قَبْلَ زَوَالِ الشَّمْسِ فَأَفْطِرُوا وَإِذَا رَأَيْتُمُوهُ بَعْدَ زَوَالِهَا فَلَا تُفْطِرُوا؟ وَرُوِّينَاهُ

L12003

L12004–12006 758 - Issue: If the crescent moon is sighted before midday, it is considered part of the previous night, and the people are to fast from... At that time, the remainder of their day – if it was the beginning of Ramadan – is observed, and they break their fast if it was the end. If the crescent is sighted after solar noon, it belongs to the following night. The proof for this is the statement of the Messenger of Allah—peace and blessings of Allah be upon him and his family—: "Fast upon its sighting and break your fast upon its sighting." From this text, the apparent ruling is that if the crescent is sighted after solar noon by definitively established consensus, the fast is not obligatory except from the next day. The literal meaning of the hadith's wording applies if it is sighted before solar noon, due to differences of opinion on the matter, necessitating recourse to the scriptural text. Moreover, if the crescent is sighted before solar noon, the observer sees it while the sun is positioned between him and the crescent. There is no doubt that its sighting is impossible with the sun's proximity unless it had risen the previous night and moved far away. It is narrated through the chain of Abdullah ibn Ahmad ibn Hanbal: My father narrated to us from Abd al-Rahman ibn Mahdi from

[1] **Qur'an references (L12001):** Qur'an 4:84 (An-Nisa).

[2] **Qur'an references (L12002):** Qur'an 6:164 (Al-An'am); Qur'an 2:185 (Al-Baqarah).

Sufyan al-Thawri from al-Mughirah ibn Miqsam from Simak from Ibrahim al-Nakha'i that Umar ibn al-Khattab—may Allah be pleased with him—wrote to the people: "If you see it before the sun passes its zenith, break your fast, and if you see it afterward, do not break your fast." It is also narrated through the chain of Abd al-Razzaq from Sufyan al-Thawri similarly—and this is the opinion of Sufyan. It is narrated through the chain of Yahya ibn al-Jazzar from Ali ibn Abi Talib—may Allah be pleased with him—who said: "If you see the crescent in the forenoon, break your fast, and if you see it late in the day, do not break your fast, for the sun deviates or inclines away from it." From the chain of Muhammad ibn al-Muthanna: Abd al-Rahman ibn Mahdi narrated to us from Sufyan al-Thawri from al-Rukayn ibn al-Rabi' from his father, who said: "We were with Salman ibn Rabi'ah al-Bahili in Balanjar when I saw the crescent in the forenoon. I informed Salman, who stood under a tree. Upon sighting it, he ordered the people to end their fast." This is the opinion of Abd al-Malik ibn Habib al-Andalusi, Abu Bakr ibn Dawud, and others. If it is objected: "A contrary report is narrated from Umar," we respond: Yes, and when disagreement is confirmed, it becomes obligatory to refer back to the Quran and the Sunnah. We have now clarified the basis for this—and success comes only from Allah, the Exalted.

أَيْضًا: مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ بِمِثْلِهِ - وَبِهِ يَقُولُ سُفْيَانُ. وَرُوِّينَا مِنْ طَرِيقِ يَحْيَى بْنِ الْجَزَّارِ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ - رَضِيَ اللَّهُ عَنْهُ - إذَا رَأَيْتُمْ الْهِلَالَ مِنْ أَوَّلِ النَّهَارِ فَأَفْطِرُوا وَإِذَا رَأَيْتُمُوهُ فِي آخِرِ النَّهَارِ فَلَا تُفْطِرُوا فَإِنَّ الشَّمْسَ تَزِيغُ عَنْهُ أَوْ تَمِيلُ عَنْهُ. وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ الْمُثَنَّى نا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الرُّكَيْنِ بْنِ الرَّبِيعِ عَنْ أَبِيهِ قَالَ: كُنَّا مَعَ سَلْمَانَ بْنِ رَبِيعَةَ الْبَاهِلِيِّ بِبَلَنْجَرَ فَرَأَيْت الْهِلَالَ ضُحًى فَأَتَيْت سَلْمَانَ فَأَخْبَرْتُهُ فَقَامَ تَحْتَ شَجَرَةٍ فَلَمَّا رَآهُ أَمَرَ النَّاسَ فَأَفْطَرُوا. وَبِهِ يَقُولُ عَبْدُ الْمَلِكِ بْنُ حَبِيبٍ الْأَنْدَلُسِيُّ، وَأَبُو بَكْرِ بْنُ دَاوُد، وَغَيْرُهُ. فَإِنْ قِيلَ: قَدْ رُوِيَ عَنْ عُمَرَ خِلَافُ هَذَا؟ قُلْنَا: نَعَمْ وَإِذَا صَحَّ التَّنَازُعُ وَجَبَ الرَّدُّ إلَى الْقُرْآنِ وَالسُّنَّةِ. وَقَدْ ذَكَرْنَا الْآنَ وَجْهَ ذَلِكَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

An Issue of Hastening the Breaking of the Fast and Delaying the Suhoor

L12007–12008

[مَسْأَلَةُ تَعْجِيلُ الْفِطْرِ وَتَأْخِيرُ السُّحُورِ]

L12009 A juristic ruling: Among the Sunnah is hastening the breaking of the fast and delaying the pre-dawn meal. It is solely defined as the sun's departure from the fasting person's horizon with nothing added. We have been narrated through the chain of Muslim from Qutaybah from Abu 'Awanah from Qatadah from Anas that the Messenger of Allah (peace and blessings be upon him and his family) said: "Partake in the pre-dawn meal, for there is indeed blessing in it."

مَسْأَلَةٌ: وَمِنْ السُّنَّةِ تَعْجِيلُ الْفِطْرِ وَتَأْخِيرُ السُّحُورِ وَإِنَّمَا هُوَ مَغِيبُ الشَّمْسِ عَنْ أُفُقِ الصَّائِمِ وَلَا مَزِيدَ. رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ عَنْ قُتَيْبَةَ عَنْ أَبِي عَوَانَةَ عَنْ قَتَادَةَ عَنْ أَنَسٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «تَسَحَّرُوا فَإِنَّ فِي السَّحُورِ بَرَكَةً» .

L12010 Narrated via Qutaybah from Al-Layth ibn Sa'd, from Musa ibn Ali ibn Rabah, from his father, from Abu Qays - the freed slave of Amr ibn Al-As - from Amr ibn Al-As, that the Messenger of Allah (peace and blessings of Allah be upon him and his family) said: "The distinction between our fasting and the

وَمِنْ طَرِيقِ قُتَيْبَةَ عَنْ اللَّيْثِ بْنِ سَعْدٍ عَنْ مُوسَى بْنِ عَلِيِّ بْنِ رَبَاحٍ عَنْ أَبِيهِ عَنْ أَبِي قَيْسٍ مَوْلَى عَمْرِو بْنِ الْعَاصِ عَنْ عَمْرِو بْنِ الْعَاصِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ

وَسَلَّمَ - قَالَ: «فَصْلُ مَا بَيْنَ صِيَامِنَا وَصِيَامِ أَهْلِ الْكِتَابِ أَكْلَةُ السُّحُورِ» . قَالَ أَبُو مُحَمَّدٍ: لَا يَضُرُّ الصَّوْمَ تَعَمُّدُ تَرْكِ السَّحُورِ، لِأَنَّهُ مِنْ حُكْمِ اللَّيْلِ وَالصِّيَامُ مِنْ حُكْمِ النَّهَارِ، وَلَا يَبْطُلُ عَمَلٌ بِتَرْكِ عَمَلٍ غَيْرِهِ إِلَّا بِأَنْ يُوجِبَ ذَلِكَ نَصٌّ فَيُوقَفُ عِنْدَهُ. وَمِنْ طَرِيقِ «ابْنِ مَسْعُودٍ أَنَّهُ كَانَ يُؤَخِّرُ السُّحُورَ وَيُعَجِّلُ الْإِفْطَارَ، فَقَالَتْ عَائِشَةُ: هَكَذَا كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - يَصْنَعُ» . وَمِنْ طَرِيقِ مُسْلِمٍ عَنْ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ قَتَادَةَ عَنْ أَنَسٍ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «لَا يَزَالُ النَّاسُ بِخَيْرٍ مَا عَجَّلُوا الْفِطْرَ» .

وَمِنْ طَرِيقِ الْبُخَارِيِّ عَنْ مُسَدَّدٍ عَنْ عَبْدِ الْوَاحِدِ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي أَوْفَى «سِرْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - وَهُوَ صَائِمٌ فَلَمَّا غَرُبَتْ الشَّمْسُ قَالَ: انْزِلْ فَاجْدَحْ لَنَا فَقَالَ: يَا رَسُولَ اللَّهِ لَوْ أَمْسَيْتُ؟ قَالَ: انْزِلْ فَاجْدَحْ لَنَا؟ قَالَ: يَا رَسُولَ اللَّهِ إِنَّ عَلَيْكَ نَهَارًا؟ قَالَ: انْزِلْ فَاجْدَحْ لَنَا؟ فَنَزَلَ فَجَدَحَ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - إِذَا رَأَيْتُمْ اللَّيْلَ قَدْ أَقْبَلَ مِنْ هَاهُنَا فَقَدْ أَفْطَرَ الصَّائِمُ، وَأَشَارَ بِأُصْبُعِهِ قِبَلَ الْمَشْرِقِ» . وَرُوِّينَا عَنْ أَبِي مُوسَى: تَأْخِيرَ الْفِطْرِ حَتَّى تَبْدُوَ الْكَوَاكِبُ وَلَا نَقُولُ بِهَذَا - لِمَا ذَكَرْنَا - وَتَعْجِيلُ الْفِطْرِ قَبْلَ الصَّلَاةِ وَالْأَذَانِ أَفْضَلُ، كَذَلِكَ رُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ، وَأَبِي هُرَيْرَةَ، وَجَمَاعَةٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

[مَسْأَلَةٌ أَسْلَمَ أَوْ بَلَغَ بَعْدَمَا تَبَيَّنَ الْفَجْرُ لَهُ فِي رَمَضَانَ]

fasting of the People of the Book lies in the taking of the Suhoor meal." Abu Muhammad said: Intentionally abandoning Suhoor does not harm the fast, for it pertains to the rulings of the night while fasting concerns the rulings of the day. No act of worship is invalidated by omitting another unrelated act unless explicitly required by an explicit text, in which case one adheres strictly to it. From the narration of Ibn Mas'ud: He would delay the Suhoor and hasten the Iftar. Aisha remarked: "This was the practice of the Messenger of Allah (peace and blessings of Allah be upon him and his family)." From the narration of Muslim, through Abu Bakr ibn Abi Shaybah from Waki', from Hisham al-Dastawā'ī, from Qatadah, from Anas, the Prophet (peace and blessings of Allah be upon him and his family) said: "People will thrive in goodness so long as they hasten to perform Iftar."[3]

L12011–12012 From the narration of Al-Bukhari via Musaddad, from Abdul Wahid, from Abu Ishaq Al-Shaybani, from Abdullah ibn Abi Awfa: "We journeyed with the Messenger of Allah (peace and blessings be upon him and his family) while he was fasting. When the sun set, he said: 'Dismount and mix a drink for us.' The man said: 'O Messenger of Allah, if I wait until nightfall?' He replied: 'Dismount and mix a drink for us.' The man said: 'O Messenger of Allah, is the day still upon you?' He repeated: 'Dismount and mix a drink for us.' So he dismounted and mixed the drink. Then the Messenger of Allah (peace and blessings be upon him and his family) said: 'When you see night approaching from here'—pointing with his finger toward the east—'the fasting person has broken his fast.'" It has been narrated to us from Abu Musa—may Allah be pleased with him—that delaying the breaking of the fast until the stars become visible. We do not uphold this view due to what we have mentioned, and consider hastening the breaking of the fast before the prayer and its call to prayer as superior. Likewise, it has been narrated to us from Umar ibn Al-Khattab, Abu Huraira, and a group of the Companions—may Allah be pleased with them.

L12013 **A jurisprudential case regarding one who embraced Islam**

[3] **Hadith references (L12010):** Sunan an-Nasai 2166.

or reached the age of legal responsibility after Fajr had become evident to them during Ramadan.

L12014–12016 760 - Issue: If someone embraces Islam after dawn has become apparent to them, or reaches puberty after dawn's appearance, or a woman attains ritual purity [from menstruation] after dawn's appearance, or [attains purity] from postpartum bleeding after dawn's appearance, or recovers from illness after dawn's appearance, or returns from travel after dawn's appearance—they may eat for the remainder of that day and have marital relations with wives who have not reached puberty or those who attained purity on that same day. They must begin fasting anew from the next day. There is no requirement to make up fasts for those who embraced Islam or reached puberty, but the menstruating woman, the one recovering from illness, the traveler, and the woman in postpartum bleeding must make up their fasts. People have differed regarding some aspects of this matter. We have narrated from Ibrāhīm al-Nakhaʿī that he said regarding a menstruating woman who becomes pure after dawn: "She should not eat until nightfall to avoid resembling the polytheists." This is the opinion of Abū Ḥanīfah, al-Awzāʿī, al-Ḥasan ibn Ḥayy, ʿUbayd Allāh ibn al-Ḥasan. From ʿAṭāʾ: "If she becomes pure at the start of the day, she must complete her day [of fasting], but if she becomes pure at its end, she may eat and drink." Sufyān al-Thawrī, Mālik, al-Shāfiʿī, and Abū Sulaymān hold the same opinion as ours.

As for a disbeliever who embraces Islam: We have narrated from ʿAṭāʾ that "if a disbeliever embraces Islam during a day in Ramadan, he must fast the remaining days of the month. If he embraces Islam at the day's end, he must fast that day." A similar view is reported from ʿIkrimah, who said: "This is analogous to a traveler joining residents in their full prayers." A similar view is reported from al-Ḥasan.

L12017 Abu Hanifah said concerning a minor who reaches puberty after dawn: He is obligated to fast the remaining part of the day. He similarly ruled regarding a traveler who arrives after dawn. Abu Muhammad said: Those who obligate fasting for the remainder of the day argued by stating: "The minor was already commanded to practice fasting before puberty—how much more so after attaining it?" They said: "Why do you not consider these cases

٧٦٠ - مَسْأَلَةٌ: وَمَنْ أَسْلَمَ بَعْدَمَا تَبَيَّنَ الْفَجْرُ لَهُ، أَوْ بَلَغَ كَذَلِكَ، أَوْ رَأَتْ الطُّهْرَ [مِنْ الْحَيْضِ] كَذَلِكَ، أَوْ مِنْ النِّفَاسِ كَذَلِكَ، أَوْ أَفَاقَ مِنْ مَرَضِهِ كَذَلِكَ، أَوْ قَدِمَ مِنْ سَفَرِهِ كَذَلِكَ - فَإِنَّهُمْ يَأْكُلُونَ بَاقِيَ نَهَارِهِمْ وَيَطَئُونَ مِنْ نِسَائِهِمْ مَنْ لَمْ تَبْلُغْ، أَوْ مَنْ طَهُرَتْ فِي يَوْمِهَا ذَلِكَ، وَيَسْتَأْنِفُونَ الصَّوْمَ مِنْ غَدٍ - وَلَا قَضَاءَ عَلَى مَنْ أَسْلَمَ، أَوْ بَلَغَ؛ وَتَقْضِي الْحَائِضُ، وَالْمُفِيقُ، وَالْقَادِمُ، وَالنُّفَسَاءُ. وَقَدْ اخْتَلَفَ النَّاسُ فِي بَعْضِ هَذَا -: فَرُوِّينَا عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ فِي الْحَائِضِ تَطْهُرُ بَعْدَ طُلُوعِ الْفَجْرِ: لَا تَأْكُلُ إلَى اللَّيْلِ، كَرَاهَةَ التَّشَبُّهِ بِالْمُشْرِكِينَ. وَبِهِ يَقُولُ أَبُو حَنِيفَةَ، وَالْأَوْزَاعِيُّ، وَالْحَسَنُ بْنُ حَيٍّ، وَعُبَيْدُ اللَّهِ بْنُ الْحَسَنِ، وَعَنْ عَطَاءٍ - إنْ طَهُرَتْ أَوَّلَ النَّهَارِ فَلْتُتِمَّ يَوْمَهَا، وَإِنْ طَهُرَتْ فِي آخِرِهِ أَكَلَتْ وَشَرِبَتْ؛ وَبِمِثْلِ قَوْلِنَا يَقُولُ سُفْيَانُ الثَّوْرِيُّ، وَمَالِكٌ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ. وَأَمَّا الْكَافِرُ يُسْلِمُ -: فَرُوِّينَا عَنْ عَطَاءٍ إنْ - أَسْلَمَ الْكَافِرُ فِي يَوْمٍ مِنْ رَمَضَانَ صَامَ مَا مَضَى مِنْ الشَّهْرِ وَإِنْ أَسْلَمَ فِي آخِرِ النَّهَارِ صَامَ ذَلِكَ الْيَوْمَ. وَعَنْ عِكْرِمَةَ مِثْلُ ذَلِكَ، وَقَالَ: هُوَ بِمَنْزِلَةِ الْمُسَافِرِ يَدْخُلُ فِي صَلَاةِ الْمُقِيمِينَ. وَعَنْ الْحَسَنِ مِثْلُ ذَلِكَ.

وَقَالَ أَبُو حَنِيفَةَ فِي الصَّبِيِّ يَبْلُغُ بَعْدَ الْفَجْرِ: أَنَّ عَلَيْهِ صَوْمَ مَا بَقِيَ مِنْ يَوْمِهِ. وَكَذَلِكَ قَالَ فِي الْمُسَافِرِ يَقْدُمُ بَعْدَ الْفَجْرِ. قَالَ أَبُو مُحَمَّدٍ: وَاحْتَجَّ مَنْ أَوْجَبَ صَوْمَ بَاقِي الْيَوْمِ بِأَنْ قَالَ: قَدْ كَانَ الصَّبِيُّ قَبْلَ بُلُوغِهِ مَأْمُورًا بِالصِّيَامِ فَكَيْف بَعْدَ بُلُوغِهِ. وَقَالُوا: هَلَّا

analogous to one who receives news that the crescent moon was sighted the previous night?" We replied: "This is qiyas, and all qiyas is invalid. Furthermore, even if qiyas were valid, this instance would still be invalid, for the one informed about the crescent moon was obligated to fast that day only if he knew it was Ramadan or his compulsory duty. Everyone who reminds us is aware of the obligation of fasting upon others and the commencement of Ramadan—except that among them are those prohibited from fasting altogether; if they fasted, they would be disobedient: such as a menstruating woman, a postpartum woman, a traveler, and an ill person harmed by fasting. Among them are also those not legally addressed by the obligation to fast—if they fasted, it would not be valid. This refers to the minor, who only fasts as a voluntary act, not a compulsory one."

جَعَلْتُمْ هَؤُلَاءِ بِمَنْزِلَةِ مَنْ بَلَغَهُ الْخَبَرُ أَنَّ الْهِلَالَ رُئِيَ الْبَارِحَةَ؟ قُلْنَا: هَذَا قِيَاسٌ، وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا لِأَنَّ الَّذِي جَاءَهُ خَبَرُ الْهِلَالِ كَانَ مَأْمُورًا بِصَوْمِ ذَلِكَ الْيَوْمِ لَوْ عَلِمَ أَنَّهُ مِنْ رَمَضَانَ أَوْ أَنَّهُ فَرْضُهُ. وَكُلُّ مَنْ ذَكَّرَنَا فَهُمْ عَالِمُونَ بِوُجُوبِ الصَّوْمِ عَلَى غَيْرِهِمْ، وَبِدُخُولِ رَمَضَانَ، إِلَّا أَنَّ فِيهِمْ مَنْ هُوَ مَنْهِيٌّ عَنْ الصَّوْمِ جُمْلَةً، وَلَوْ صَامَ كَانَ عَاصِيًا: كَالْحَائِضِ، وَالنُّفَسَاءِ، وَالْمُسَافِرِ، وَالْمَرِيضِ الَّذِي يُؤْذِيهِ الصَّوْمُ. وَفِيهِمْ مَنْ هُوَ غَيْرُ مُخَاطَبٍ بِالصَّوْمِ، وَلَوْ صَامَهُ لَمْ يُجْزِهُ - وَهُوَ الصَّبِيُّ - وَإِنَّمَا يَصُومُ إِنْ صَامَ تَطَوُّعًا لَا فَرْضًا.

L12018–12019 Among them is one legally obligated to fast on condition of having embraced Islam before the fast - this being the disbeliever. Among them is one granted a dispensation to fast if capable or break the fast if desired - this being the sick person who does not find fasting burdensome. None of them is initially bound to fast that day under any circumstance, unlike one who receives news of the crescent sighting. For the latter, fasting the remainder of the day suffices with no makeup obligation, though eating constitutes disobedience. We only followed the transmitted textual evidence specifically pertaining to those informed that the day was part of Ramadan.

وَفِيهِمْ مَنْ هُوَ مُخَاطَبٌ بِالصَّوْمِ بِشَرْطِ أَنْ يُقَدِّمَ الْإِسْلَامَ قَبْلَهُ، وَهُوَ الْكَافِرُ. وَفِيهِمْ مَنْ هُوَ مَفْسُوحٌ لَهُ فِي الصَّوْمِ إِنْ قَدَرَ عَلَيْهِ وَفِي الْفِطْرِ إِنْ شَاءَ - وَهُوَ الْمَرِيضُ الَّذِي [لَا] يَشُقُّ عَلَيْهِ الصَّوْمُ؛ فَكُلُّهُمْ غَيْرُ مُلْزَمٍ ابْتِدَاءً صَوْمَ ذَلِكَ الْيَوْمِ بِحَالٍ بِخِلَافِ مَنْ جَاءَهُ الْخَبَرُ بِرُؤْيَةِ الْهِلَالِ، وَالَّذِي جَاءَهُ الْخَبَرُ بِرُؤْيَةِ الْهِلَالِ يُجْزِئُهُ صِيَامُ بَاقِي يَوْمِهِ وَلَا قَضَاءَ عَلَيْهِ وَيَعْصِي إِنْ أَكَلَ، وَإِنَّمَا اتَّبَعْنَا فِيمَنْ بَلَغَهُ أَنَّ الْيَوْمَ [مِنْ] رَمَضَانَ الْخَبَرَ الْوَارِدَ فِي ذَلِكَ فَقَطْ.

L12020 Additionally, those we have mentioned—our contemporary opponents—do not dispute that for a woman who has become ritually pure from menstruation or postpartum bleeding, a traveler who has returned from a journey, or a person who has recovered from illness: fasting on that day is not valid for them, and they are obligated to make it up.

وَأَيْضًا: فَإِنَّ مَنْ ذَكَرْنَا لَا يَخْتَلِفُ الْحَاضِرُونَ الْمُخَالِفُونَ لَنَا فِي أَنَّ الَّتِي طَهُرَتْ مِنْ الْحَيْضِ، وَالنِّفَاسِ، وَالْقَادِمَ مِنْ السَّفَرِ، وَالْمُفِيقَ مِنْ الْمَرَضِ: لَا يُجْزِئُهُمْ صِيَامُ ذَلِكَ الْيَوْمِ وَعَلَيْهِمْ قَضَاؤُهُ.

L12021 They do not differ regarding the ruling that the one who has reached puberty and the convert—if they eat, there is no obligation upon them to compensate it. Thus, it is established that on this day they are fundamentally not fasting. Since they are not fasting, their fasting holds no meaning, nor should they be instructed to observe fasting that does not qualify as such. They are neither

وَلَا يَخْتَلِفُونَ فِي أَنَّ الَّذِي بَلَغَ، وَالَّذِي أَسْلَمَ إِنْ أَكَلَا فَلَيْسَ عَلَيْهِمَا قَضَاؤُهُ، فَصَحَّ أَنَّهُمْ فِي هَذَا الْيَوْمِ غَيْرُ صَائِمِينَ أَصْلًا، وَإِذَا كَانُوا غَيْرَ صَائِمِينَ فَلَا مَعْنَى لِصِيَامِهِمْ، وَلَا أَنْ

discharging through it an obligation owed to Allah the Exalted, nor are they disobeying Him by abstaining from it [the invalid fast]—and success is from Allah, the Exalted.

L12022 As for those who hold that making up the fast on that day is obligatory for one who embraced Islam? This is a statement with no proof of its validity. Indeed, it would be incumbent upon those who deem a single Intention sufficient for the entire month in fasting to adopt this view; otherwise, they are contradictory. It has been narrated to us from Ibn Mas'ūd that he said: "Whoever eats at the beginning of the day, let him eat at its end." And with Allah the Exalted lies success.

L12023 **A legal question concerning the deliberate breaking of the fast on a day during Ramadan in disobedience to Allah, the Exalted.**

L12024–12026 761 – Issue: Whoever intentionally breaks the fast during a day of Ramadan in disobedience to Allah the Exalted, it is not permissible for him to... If he eats during the remainder of the day, drinks, or engages in intercourse, he is disobeying Allah the Exalted—while not being considered fasting—unlike those we previously mentioned. All those we mentioned earlier are either prohibited from fasting or permitted to omit fasting. Thus, their breaking of the fast constitutes obedience to Allah the Exalted, not disobedience. It is authentically established from the Prophet—peace and blessings of Allah be upon him and his family—that "There is no fast for one who does not intend it from the night." None are exempt from this ruling except those ignorant that it is a day of his obligation, as per the explicit text concerning them. Therefore, they may not fast because they did not intend it from the night, nor are they deemed disobedient by breaking the fast. They are considered to have broken the fast, not to be fasting. As for one who deliberately breaks the fast in a state of disobedience, fasting that day remains obligated upon him without dispute. Everything forbidden to a fasting person remains forbidden for him, as no textual evidence or consensus permits breaking the fast for one who disobeys through deliberate cessation. Thus, what was prohibited remains prohibited for him. He compounds his disobedience whenever he

يُؤْمَرُوا بِصَوْمٍ لَيْسَ صَوْمًا، وَلَا هُمْ مُؤَدُّونَ بِهِ فَرْضًا لِلَّهِ تَعَالَى، وَلَا هُمْ عَاصُونَ لَهُ بِتَرْكِهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا مَنْ رَأَى الْقَضَاءَ فِي ذَلِكَ [الْيَوْمِ] عَلَى مَنْ أَسْلَمَ؟ فَقَوْلٌ لَا دَلِيلَ عَلَى صِحَّتِهِ، وَلَقَدْ كَانَ يَلْزَمُ مَنْ رَأَى نِيَّةً وَاحِدَةً تُجْزِئُ لِلشَّهْرِ كُلِّهِ فِي الصَّوْمِ أَنْ يَقُولَ بِهَذَا الْقَوْلِ، وَإِلَّا فَهُمْ مُتَنَاقِضُونَ. وَرُوِّينَا عَنْ ابْنِ مَسْعُودٍ أَنَّهُ قَالَ: مَنْ أَكَلَ أَوَّلَ النَّهَارِ فَلْيَأْكُلْ آخِرَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ تَعَمَّدَ الْفِطْرَ فِي يَوْمٍ مِنْ رَمَضَانَ عَاصِيًا لِلَّهِ تَعَالَى]

٧٦١ - مَسْأَلَةٌ: وَمَنْ تَعَمَّدَ الْفِطْرَ فِي يَوْمٍ مِنْ رَمَضَانَ عَاصِيًا لِلَّهِ تَعَالَى لَمْ يَحِلَّ لَهُ أَنْ يَأْكُلَ فِي بَاقِيهِ وَلَا أَنْ يَشْرَبَ، وَلَا أَنْ يُجَامِعَ وَهُوَ عَاصٍ لِلَّهِ تَعَالَى إنْ فَعَلَ - وَهُوَ مَعَ ذَلِكَ غَيْرُ صَائِمٍ - بِخِلَافِ مَنْ ذَكَرْنَا قَبْلَ هَذَا، لِأَنَّ كُلَّ مَنْ ذَكَرْنَا قَبْلَ هَذَا إمَّا مَنْهِيٌّ عَنْ الصَّوْمِ، وَإِمَّا مُبَاحٌ لَهُ تَرْكُ الصَّوْمِ فَهُمْ فِي إفْطَارِهِمْ مُطِيعُونَ لِلَّهِ تَعَالَى غَيْرُ عَاصِينَ لَهُ بِذَلِكَ. وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - «لَا صِيَامَ لِمَنْ لَمْ يُبَيِّتْهُ مِنْ اللَّيْلِ» وَلَمْ يَخْرُجْ مِنْ هَذِهِ الْجُمْلَةِ إلَّا مَنْ جَهِلَ أَنَّهُ يَوْمُ فَرْضِهِ فَقَطْ بِالنَّصِّ الْوَارِدِ فِيهِمْ، فَلَمْ يَجُزْ أَنْ يَصُومُوا، لِأَنَّهُمْ لَمْ يَنْوُوهُ مِنْ اللَّيْلِ، وَلَمْ يَكُونُوا عُصَاةً بِالْفِطْرِ فَهُمْ مُفْطِرُونَ لَا صَائِمُونَ. وَأَمَّا مَنْ تَعَمَّدَ الْفِطْرَ عَاصِيًا فَهُوَ مُفْتَرَضٌ عَلَيْهِ بِلَا خِلَافٍ، صَوْمُ ذَلِكَ الْيَوْمِ، وَمُحَرَّمٌ عَلَيْهِ فِيهِ كُلُّ مَا يَحْرُمُ عَلَى الصَّائِمِ وَلَمْ يَأْتِ نَصٌّ، وَلَا إجْمَاعٌ بِإِبَاحَةِ الْفِطْرِ لَهُ إذَا عَصَى بِتَعَمُّدِ الْفِطْرِ، فَهُوَ بَاقٍ عَلَى مَا كَانَ حَرَامًا عَلَيْهِ، وَهُوَ مُتَزَيِّدٌ

increases in breaking the fast, and he is not considered fasting. It has been narrated to us from ʿAmr ibn Dīnār in a similar vein, and from al-Ḥasan and ʿAṭāʾ, that he is permitted to break his fast.

مِنْ الْمَعْصِيَةِ مَتَى مَا تَزَيَّدَ فِطْرًا، وَلَا صَوْمَ لَهُ مَعَ ذَلِكَ. وَرُوِّينَا عَنْ عَمْرِو بْنِ دِينَارٍ نَحْوَ هَذَا، وَعَنْ الْحَسَنِ، وَعَطَاءٍ: أَنَّ لَهُ أَنْ يُفْطِرَ.

The Issue Concerning the Traveler in Ramadan

[مَسْأَلَةُ الْمُسَافِرِ فِي رَمَضَانَ]

L12027

762 - Issue: Whoever travels during Ramadan—whether the travel is for obedience, sinful, or neither for obedience nor sin—it is obligatory upon him to break the fast once he exceeds a mile, reaches it, or is adjacent to it. His fast becomes invalid at that point, not before. He must make up for it afterward during other days. He may observe it voluntarily as a supererogatory act, to fulfill an obligatory fast incumbent upon him, or as makeup for a missed Ramadan that was obligatory upon him. If the day coincides with a vowed day of fasting, he must fast it for his vow. Some scholars differentiated between travel for obedience and sinful travel, holding that breaking the fast is not permissible during sinful travel—this being the opinion of Mālik and al-Shāfiʿī. ʿAlī said: Equating all such cases is the opinion of Abū Ḥanīfah and Abū Sulaymān. The proof for the validity of our opinion is Allah's statement: {Whoever is ill or on a journey, then an equal number of other days} [Al-Baqarah 2:185]. He, the Exalted, encompassed all types of travel without specifying one over another, {and your Lord is not forgetful} [Maryam 19:64].[4]

L12028

٧٦٢ - مَسْأَلَةٌ: وَمَنْ سَافَرَ فِي رَمَضَانَ - سَفَرَ طَاعَةٍ أَوْ [سَفَرَ] مَعْصِيَةٍ، أَوْ لَا طَاعَةَ وَلَا مَعْصِيَةَ - فَفَرْضٌ عَلَيْهِ الْفِطْرُ إذَا تَجَاوَزَ مِيلًا، أَوْ بَلَغَهُ، أَوْ إزَاءَهُ، وَقَدْ بَطَلَ صَوْمُهُ حِينَئِذٍ لَا قَبْلَ ذَلِكَ، وَيَقْضِي بَعْدَ ذَلِكَ فِي أَيَّامٍ أُخَرَ، وَلَهُ أَنْ يَصُومَهُ تَطَوُّعًا، أَوْ عَنْ وَاجِبٍ لَزِمَهُ، أَوْ قَضَاءً عَنْ رَمَضَانَ خَالٍ لَزِمَهُ، وَإِنْ وَافَقَ فِيهِ يَوْمَ نَذْرِهِ صَامَهُ لِنَذْرِهِ. وَقَدْ فَرَّقَ قَوْمٌ بَيْنَ سَفَرِ الطَّاعَةِ، وَسَفَرِ الْمَعْصِيَةِ فَلَمْ يَرَوْا لَهُ الْفِطْرَ فِي سَفَرِ الْمَعْصِيَةِ، وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ. قَالَ عَلِيٌّ: وَالتَّسْوِيَةُ بَيْنَ كُلِّ ذَلِكَ [هُوَ] قَوْلُ أَبِي حَنِيفَةَ، وَأَبِي سُلَيْمَانَ. وَبُرْهَانُ صِحَّةِ قَوْلِنَا -: قَوْلُ اللَّهِ تَعَالَى: {وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] فَعَمَّ تَعَالَى الْأَسْفَارَ كُلَّهَا وَلَمْ يَخُصَّ سَفَرًا مِنْ سَفَرٍ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] .

Moreover, we have presented proofs that fasting is invalidated by deliberate sin, and traveling in sin is itself a sin and a transgression. Therefore, one's fasting is invalidated by either of them.

L12029–12030

وَأَيْضًا فَقَدْ أَتَيْنَا بِالْبَرَاهِينِ عَلَى بُطْلَانِ الصَّوْمِ بِالْمَعْصِيَةِ بِتَعَمُّدٍ، وَالسَّفَرُ فِي الْمَعْصِيَةِ مَعْصِيَةٌ وَفُسُوقٌ، فَقَدْ بَطَلَ صَوْمُهُ بِهِمَا.

The group, as they claim, are proponents of analogy and do not differ regarding this ruling: If someone commits highway robbery or wrongfully attacks people intending to kill them and seize their wealth, and they ward him off in lawful defense, inflicting grave injuries during this resistance until they debilitate him—then if he becomes ill from those injuries such that he cannot fast or pray standing, he must break his fast, pray seated, and shorten

L12031

وَالْقَوْمُ أَصْحَابُ قِيَاسٍ بِزَعْمِهِمْ، وَلَا يَخْتَلِفُونَ: أَنَّ مَنْ قَطَعَ الطَّرِيقَ، أَوْ ضَارَبَ قَوْمًا ظَالِمًا لَهُمْ مُرِيدًا قَتْلَهُمْ، وَأَخْذَ أَمْوَالِهِمْ فَدَفَعُوهُ عَنْ أَنْفُسِهِمْ وَأَثْخَنُوهُ ضَرْبًا فِي تِلْكَ الْمُدَافَعَةِ حَتَّى أَوْهَنُوهُ؛ فَمَرِضَ مِنْ ذَلِكَ مَرَضًا لَا يَقْدِرُ مَعَهُ عَلَى الصَّوْمِ، وَلَا عَلَى

[4] **Qur'an references (L12028):** Qur'an 2:185 (Al-Baqarah); Qur'an 19:64 (Maryam).

[prayers during travel]. What distinction then exists between illness arising from sin and travel arising from sin?

الصَّلَاةِ قَائِمًا، فَإِنَّهُ يُفْطِرُ وَيُصَلِّي قَاعِدًا وَيَقْصُرُ فَأَيُّ فَرْقٍ بَيْنَ مَرَضِ الْمَعْصِيَةِ وَسَفَرِ الْمَعْصِيَةِ.

L12032 As for the distance that necessitates breaking the fast, we have previously elaborated on this in the Book of Prayer (and praise be to God, Lord of the Worlds). Here, God the Exalted willing, we shall mention a brief reference to it: Abū Ḥanīfah defined the journey [that necessitates breaking the fast] temporally as a three-day journey and spatially as the distance between Kufa and al-Madā'in—Muḥammad ibn al-Ḥasan mentioned this in *al-Jāmiʿ al-Ṣaghīr*. Al-Shāfiʿī defined it as forty-six miles.

وَأَمَّا الْمِقْدَارُ الَّذِي يُفْطِرُ فِيهِ فَقَدْ ذَكَرْنَاهُ فِي كِتَابِ الصَّلَاةِ مُتَقَصًّى - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَنَذْكُرُ هَاهُنَا إِنْ شَاءَ اللَّهُ تَعَالَى مِنْهُ طَرَفًا -: وَهُوَ أَنَّ أَبَا حَنِيفَةَ حَدَّ السَّفَرَ [الَّذِي يُفْطِرُ فِيهِ] مِنْ الزَّمَانِ بِمَسِيرِ ثَلَاثَةِ أَيَّامٍ، وَمِنْ الْمَسَافَاتِ بِمِقْدَارِ مَا بَيْنَ الْكُوفَةِ وَالْمَدَائِنِ، ذَكَرَ ذَلِكَ مُحَمَّدُ بْنُ الْحَسَنِ فِي الْجَامِعِ الصَّغِيرِ؟ وَحَدَّ الشَّافِعِيِّ ذَلِكَ بِسِتَّةٍ وَأَرْبَعِينَ مِيلًا.

L12033 Malik stipulated unified criteria for this ruling, defining it at one point as a day and a night, at another as forty-eight miles, elsewhere as forty-five miles, on another occasion as forty-two miles, in one instance as forty miles, and in another as thirty-six miles. Ismail ibn Ishaq mentioned this in his renowned book Al-Mabsut. Abu Muhammad said: All these are flawed boundaries, with no evidence from the Quran or an authentic Sunnah to substantiate any of them.

وَحَدَّ مَالِكٌ فِي ذَلِكَ، مَرَّةً يَوْمًا وَلَيْلَةً، وَمَرَّةً ثَمَانِيَةً وَأَرْبَعِينَ مِيلًا، وَمَرَّةً خَمْسَةً وَأَرْبَعِينَ مِيلًا، وَمَرَّةً اثْنَيْنِ وَأَرْبَعِينَ مِيلًا، وَمَرَّةً أَرْبَعِينَ مِيلًا، وَمَرَّةً سِتَّةً وَثَلَاثِينَ مِيلًا؛ ذَكَرَ ذَلِكَ إِسْمَاعِيلُ بْنُ إِسْحَاقَ فِي كِتَابِهِ الْمَعْرُوفِ بِالْمَبْسُوطِ. قَالَ أَبُو مُحَمَّدٍ: وَكُلُّ هَذِهِ حُدُودٌ فَاسِدَةٌ لَا دَلِيلَ عَلَى صِحَّةِ شَيْءٍ مِنْهَا لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ.

L12034–12036 Nor from a corrupt narration, nor a consensus, since differing narrations have come regarding that matter from the Companions (may Allah be pleased with them)—none of which is preferable to another. It is narrated from Ibn Umar that he would not shorten the prayer for a distance less than that between Khaybar and Medina, which is ninety-six Arab miles. It is also narrated from him that he would not shorten the prayer for a distance less than that between Medina and Al-Suwayda, which is seventy-two Arab miles. Moreover, it is narrated from him that breaking the fast is only done within three days, and it is narrated from him that shortening the prayer is not... Except on a full day. It has been reported from him that qasr is permissible for thirty miles; and it has been reported from him that qasr is permissible for eighteen miles; all are authentically reported from him. It has also been reported from him that qasr is permissible for a journey of an hour, for a journey of one mile, and for a journey of three miles, with chains of narration

وَلَا مِنْ رِوَايَةٍ فَاسِدَةٍ، وَلَا إجْمَاعٍ [قَدْ] جَاءَتْ فِي ذَلِكَ رِوَايَاتٌ مُخْتَلِفَةٌ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَيْسَ بَعْضُهَا أَوْلَى مِنْ بَعْضٍ -: فَرُوِيَ عَنْ ابْنِ عُمَرَ أَنَّهُ كَانَ لَا يَقْصُرُ فِي أَقَلَّ مِمَّا بَيْنَ خَيْبَرٍ وَالْمَدِينَةِ وَهُوَ سِتَّةٌ وَتِسْعُونَ مِيلًا؛ وَرُوِيَ عَنْهُ أَنْ لَا يَقْصُرَ فِي أَقَلَّ مِمَّا بَيْنَ الْمَدِينَةِ إلَى السُّوَيْدَاءِ وَهُوَ اثْنَانِ وَسَبْعُونَ مِيلًا، وَرُوِيَ عَنْهُ لَا يَكُونُ الْفِطْرُ إلَّا فِي ثَلَاثَةِ أَيَّامٍ؛ وَرُوِيَ عَنْهُ لَا يَكُونُ الْقَصْرُ إلَّا فِي الْيَوْمِ التَّامِّ وَرُوِيَ عَنْهُ الْقَصْرُ فِي ثَلَاثِينَ مِيلًا؛ وَرُوِيَ عَنْهُ الْقَصْرُ فِي ثَمَانِيَةَ عَشَرَ مِيلًا؛ وَكُلُّ ذَلِكَ صَحِيحٌ عَنْهُ. وَرُوِيَ عَنْهُ الْقَصْرُ فِي سَفَرِ سَاعَةٍ، وَفِي مِيلٍ وَفِي سَفَرِ ثَلَاثَةِ أَمْيَالٍ بِإِسْنَادٍ فِي غَايَةِ الصِّحَّةِ، وَهُوَ جَبَلَةُ بْنُ سُحَيْمٍ عَنْهُ، وَمُحَارِبُ بْنُ دِثَارٍ، وَمُحَمَّدُ بْنُ زَيْدِ بْنِ خَلْدَةَ عَنْهُ.

of utmost authenticity. These include Jabalah ibn Suhaym from him, Muharib ibn Dithar, and Muhammad ibn Zayd ibn Khaldah from him.

L12037 It is reported from Ibn Abbas: four burds. It is also reported from him: a full day. Another narration states: There is no shortening of prayers on a day until [the time of] Isha. If you extend beyond it, then shorten the prayers.

وَرُوِيَ عَنْ ابْنِ عَبَّاسٍ أَرْبَعَةُ بُرُدٍ. وَرُوِيَ عَنْهُ يَوْمٌ تَامٌّ، وَرُوِيَ عَنْهُ لَا قَصْرَ فِي يَوْمٍ إِلَى الْعَتَمَةِ فَإِنْ زِدْت فَأَقْصِرْ،

L12038 They have no basis to attribute to any of the Companions—may Allah be pleased with them—except those we mentioned. Differing opinions have been reported from them, as well as from al-Zuhrī and al-Ḥasan—they both specified the limit as two days. It has been narrated to us through the chain of Ibn Abī Shaybah: Wakīʿ narrated to us from Misʿar (Ibn Kidām) from Muḥārib ibn Dithār, who said: "I heard Ibn ʿUmar say: 'I travel for an hour of the day and shorten the prayer.'" And through the chain of Ibn Abī Shaybah: ʿAlī ibn Mushir narrated to us from Abū Isḥāq al-Shaybānī from Muḥammad ibn Zayd ibn Khalda from Ibn ʿUmar, who said: "The prayer is shortened for a journey of three miles."

وَلَا مُتَعَلَّقَ لَهُمْ بِأَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - غَيْرَ مَنْ ذَكَرْنَا، وَقَدْ اُخْتُلِفَ عَنْهُمْ، وَعَنْ الزُّهْرِيِّ، وَالْحَسَنِ: أَنَّهُمَا حَدَّا ذَلِكَ بِيَوْمَيْنِ. وَرُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ نا وَكِيعٌ نا مِسْعَرٌ وَهُوَ ابْنُ كِدَامٍ - عَنْ مُحَارِبِ بْنِ دِثَارٍ قَالَ: سَمِعْتُ ابْنَ عُمَرَ يَقُولُ: إنِّي لَأُسَافِرُ السَّاعَةَ مِنْ النَّهَارِ فَأَقْصُرُ. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ نا عَلِيُّ بْنُ مُسْهِرٍ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ عَنْ مُحَمَّدِ بْنِ زَيْدِ بْنِ خَلْدَةَ عَنْ ابْنِ عُمَرَ قَالَ: تُقْصَرُ الصَّلَاةُ فِي مَسِيرَةِ ثَلَاثَةِ أَمْيَالٍ.

L12039–12041 From the chain of Muḥammad ibn al-Muthannā, on the authority of ʿAbd al-Raḥmān ibn Mahdī, on the authority of Sufyān al-Thawrī, who said: I heard Jabalah ibn Suḥaym say: I heard Ibn ʿUmar say: "If I were to travel a mile, I would shorten the prayer." From Shuraḥbīl ibn al-Samṭ, from Ibn ʿUmar: that he shortened the prayer after four miles. From Ḥafṣ ibn ʿĀṣim ibn ʿUmar ibn al-Khaṭṭāb, from Ibn ʿUmar: that he accompanied him to a place eighteen miles distant—and Ibn ʿUmar shortened the prayer. These transmission chains from him are as clear as the sun. From ʿUmar ibn al-Khaṭṭāb: shortening [the prayer] applies after three miles. From Anas: [the ruling applies] after fifteen miles. From Ibn Masʿūd: [the ruling applies] after twelve miles. From the chain of Ibn Abī Shaybah, on the authority of Ḥātim ibn Ismāʿīl, on the authority of ʿAbd al-Raḥmān ibn Ḥarmalah. He narrated, "I asked Sa'id ibn al-Musayyib, 'Should I shorten the prayer obligations and break the fast when traveling a distance of two *barids* from Medina?'" Sa'id replied, "Yes."

وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ الْمُثَنَّى نا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ نا سُفْيَانُ الثَّوْرِيُّ قَالَ: سَمِعْت جَبَلَةَ بْنَ سُحَيْمٍ يَقُولُ: سَمِعْت ابْنَ عُمَرَ يَقُولُ: لَوْ خَرَجْت مِيلًا لَقَصَرْت الصَّلَاةَ. وَعَنْ شُرَحْبِيلَ بْنِ السَّمْطِ عَنْ ابْنِ عُمَرَ: أَنَّهُ قَصَرَ فِي أَرْبَعَةِ أَمْيَالٍ. وَعَنْ حَفْصِ بْنِ عَاصِمِ بْنِ عُمَرَ بْنِ الْخَطَّابِ عَنْ ابْنِ عُمَرَ: أَنَّهُ خَرَجَ مَعَهُ إلَى مَكَانٍ عَلَى ثَمَانِيَةَ عَشَرَ مِيلًا فَقَصَرَ ابْنُ عُمَرَ الصَّلَاةَ - وَهَذِهِ أَسَانِيدُ عَنْهُ كَالشَّمْسِ. وَعَنْ عُمَرَ بْنِ الْخَطَّابِ الْقَصْرُ فِي ثَلَاثَةِ أَمْيَالٍ. وَعَنْ أَنَسٍ فِي خَمْسَةَ عَشَرَ مِيلًا. وَعَنْ ابْنِ مَسْعُودٍ فِي اثْنَيْ عَشَرَ مِيلًا. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ حَاتِمِ بْنِ إسْمَاعِيلَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ قَالَ سَأَلْتُ سَعِيدَ بْنَ الْمُسَيِّبِ أَأَقْصُرُ وَأُفْطِرُ فِي بَرِيدَيْنِ مِنْ الْمَدِينَةِ؟ قَالَ: نَعَمْ.

L12042 Abdullah ibn Rabi' narrated to us: Umar ibn Abdul Malik narrated to us;

Muhammad ibn Bakr narrated to us; Abu Dawud narrated to us; Ubaydullah ibn Umar narrated to us; Abdullah ibn Yazeed al-Muqri narrated from Sa'eed ibn Abi Ayyub, who narrated from Yazeed ibn Abi Habeeb: That Kulayb ibn Duhl al-Hadhrami informed him that Ubayd ibn Jabr said: "I was with Abi Basrah al-Ghifari, the companion of the Messenger of Allah (peace and blessings of Allah be upon him and his family), on a ship from Fustat during Ramadan. He raised, then brought his midday meal closer and said: 'Come closer.' I said: 'Do you not see the houses?' He replied: 'Do you reject the Sunnah of the Messenger of Allah (peace and blessings of Allah be upon him and his family)?' Then he ate." The narrations on this matter are extremely numerous. As for the definitions proposed by Abu Hanifah, Malik, and al-Shafi'i, they are entirely baseless—mere claims without proof. Some of them obscured [the issue] with the report from the Messenger of Allah (peace and blessings of Allah be upon him and his family) prohibiting a woman from traveling except with a mahram. Abu Muhammad said: "This is an authentic report, but it contains no evidence for their position, as it includes no trace or indication regarding the rulings of shortened prayers or breaking the fast. Moreover, the report appears in varying wordings: in some versions, 'She may not travel more than three days'; in others, 'She may not travel three days'; in others, 'She may not travel two nights'; in others, 'She may not travel a day and a night'; in others, 'She may not travel a day'; and in others, 'She may not travel a barid.'"

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نا عُمَرُ بْنُ عَبْدِ الْمَلِكِ نا مُحَمَّدُ بْنُ بَكْرٍ نا أَبُو دَاوُد نا عُبَيْدُ اللَّهِ بْنُ عُمَرَ نا عَبْدُ اللَّهِ بْنُ يَزِيدَ هُوَ الْمُقْرِي عَنْ سَعِيدِ بْنِ أَبِي أَيُّوبَ نا يَزِيدُ بْنُ أَبِي حَبِيبٍ: أَنَّ كُلَيْبَ بْنَ ذُهْلٍ الْحَضْرَمِيَّ أَخْبَرَهُ أَنَّ «عُبَيْدَ بْنَ جَبْرٍ قَالَ: كُنْتُ مَعَ أَبِي بَصْرَةَ الْغِفَارِيِّ صَاحِبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فِي سَفِينَةٍ مِنْ الْفُسْطَاطِ فِي رَمَضَانَ فَرَفَعَ ثُمَّ قَرَّبَ غَدَاءَهُ قَالَ: اقْتَرِبْ فَقُلْتُ: أَلَسْتَ تَرَى الْبُيُوتَ؟ فَقَالَ: أَتَرْغَبُ عَنْ سُنَّةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَأَكَلَ.» وَالرِّوَايَاتُ فِي هَذَا كَثِيرَةٌ جِدًّا. فَأَمَّا تَحْدِيدُ أَبِي حَنِيفَةَ، وَمَالِكٍ وَالشَّافِعِيِّ، فَلَا مَعْنَى لَهُ أَصْلًا وَإِنَّمَا هِيَ دَعَاوَى بِلَا بُرْهَانٍ، وَمَوَّهَ بَعْضُهُمْ فِي ذَلِكَ بِالْخَبَرِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فِيمَا مَنَعَ مِنْ أَنْ تُسَافِرَ الْمَرْأَةُ إلَّا مَعَ ذِي مَحْرَمٍ؟ قَالَ أَبُو مُحَمَّدٍ: وَذَلِكَ خَبَرٌ صَحِيحٌ لَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّهُ لَيْسَ فِيهِ مِنْ حُكْمِ الْقَصْرِ وَالْفِطْرِ أَثَرٌ وَلَا دَلِيلٌ. وَأَيْضًا: فَإِنَّهُ جَاءَ بِأَلْفَاظٍ مُخْتَلِفَةٍ فِي بَعْضِهَا «لَا تُسَافِرُ أَكْثَرَ مِنْ ثَلَاثٍ» وَفِي بَعْضِهَا «لَا تُسَافِرُ ثَلَاثًا» وَفِي بَعْضِهَا «لَا تُسَافِرُ لَيْلَتَيْنِ» وَفِي بَعْضِهَا «لَا تُسَافِرُ يَوْمًا وَلَيْلَةً» وَفِي بَعْضِهَا «لَا تُسَافِرُ يَوْمًا» وَفِي بَعْضِهَا «لَا تُسَافِرُ بَرِيدًا» .

L12043 These are wordings about which there is disagreement attributed to Abu Sa'id, Abu Hurayrah, and Ibn 'Umar. The narration "A woman shall not travel" has been authentically established through the transmission of Ibn Abbas without any qualification whatsoever, and no disagreement whatsoever is reported from him regarding this matter.

وَهَذِهِ أَلْفَاظٌ اُخْتُلِفَ فِيهَا عَنْ أَبِي سَعِيدٍ، وَأَبِي هُرَيْرَةَ، وَابْنِ عُمَرَ. وَصَحَّ مِنْ طَرِيقِ ابْنِ عَبَّاسٍ هَذَا الْخَبَرُ «لَا تُسَافِرُ الْمَرْأَةُ» دُونَ تَحْدِيدٍ أَصْلًا وَلَمْ يُخْتَلَفْ [عَنْهُ] فِي ذَلِكَ أَصْلًا

L12044–12046 If they resolve to abandon narrators with reported discrepancies and adopt narrations from undisputed narrators, then Ibn Abbas—from whom no discrepancies are reported—holds precedence based on this principle. If they opt for the additional narration, Ibn Abbas's narration is the additional one over all other narrations, as it universally encompasses every type of travel,

، فَإِنْ عَزَمُوا عَلَى تَرْكِ مَنْ اخْتَلَفَ عَنْهُ وَالْأَخْذِ بِرِوَايَةِ مَنْ لَمْ يَخْتَلِفْ عَنْهُ فَابْنُ عَبَّاسٍ لَمْ يَخْتَلِفْ عَنْهُ؛ فَهُوَ أَوْلَى عَلَى هَذَا الْأَصْلِ، وَإِنْ أَخَذُوا بِالزِّيَادَةِ، فَرِوَايَةُ ابْنِ عَبَّاسٍ هِيَ الزَّائِدَةُ عَلَى سَائِرِ الرِّوَايَاتِ، لِأَنَّهَا تَعُمُّ كُلَّ سَفَرٍ، وَإِنْ أَخَذُوا بِالْمُتَّفَقِ عَلَيْهِ فَأَكْثَرُ

even if They adopted the agreed-upon position that more than three constitutes the agreed-upon limit, not three, as narrated by Abdullah ibn Numayr from Ubaydullah ibn Umar from Nāfiʿ from Ibn Umar from the Prophet—peace and blessings be upon him and his family—: "A woman must not travel beyond three days unless accompanied by a mahram." Similarly, Hishām al-Dastawā'ī and Saʿīd ibn Abī ʿArūbah both narrated it from Qatādah from Qazʿah from Abū Saʿīd al-Khudrī from the Prophet—peace and blessings be upon him and his family. Likewise, Abū Muʿāwiyah and Wakīʿ narrated it from al-Aʿmash from Abū Sālih from Abū Saʿīd from the Prophet—peace and blessings be upon him and his family. Thus, it became invalid for Abū Hanīfah, Mālik, and al-Shāfiʿī to rely on this report fundamentally, except in the manner of al-Zuhrī and al-Hasan's reliance on the mention of two nights therein, with no distinction. After this, they have no recourse, though they have spared us the burden. Mālik mentioned in al-Mudawwanah: "Whoever among the herders or others interprets [the law] and breaks their fast after traveling a distance of three miles is only obligated to make up the fast," and he held the view of shortening prayers while in Minā, near Mecca—this being our position. Similarly, Abū Hanīfah and al-Shāfiʿī held the view regarding the interpreter, with no distinction.

مِنْ ثَلَاثٍ هُوَ الْمُتَّفَقُ عَلَيْهِ لَا الثَّلَاثُ، كَمَا رَوَاهُ عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - «لَا تُسَافِرُ الْمَرْأَةُ فَوْقَ ثَلَاثٍ إلَّا وَمَعَهَا ذُو مَحْرَمٍ» . وَهَكَذَا رَوَاهُ هِشَامُ الدَّسْتُوَائِيُّ، وَسَعِيدُ بْنُ أَبِي عَرُوبَةَ كِلَاهُمَا عَنْ قَتَادَةَ عَنْ قَزَعَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -. وَهَكَذَا رَوَاهُ أَبُو مُعَاوِيَةَ وَوَكِيعٌ عَنْ الْأَعْمَشِ عَنْ أَبِي صَالِحٍ عَنْ أَبِي سَعِيدٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَبَطَلَ أَنْ يَكُونَ لِأَبِي حَنِيفَةَ وَمَالِكٍ، وَالشَّافِعِيِّ مُتَعَلَّقٌ بِهَذَا الْخَبَرِ أَصْلًا إلَّا كَتَعَلُّقِ الزُّهْرِيِّ، وَالْحَسَنِ بِذِكْرِ اللَّيْلَتَيْنِ فِيهِ وَلَا فَرْقَ. وَمَا لَهُمْ بَعْدَ هَذَا حِيلَةٌ، عَلَى أَنَّهُمْ قَدْ كَفَوْنَا الْمُؤْنَةَ، فَذَكَرَ مَالِكٌ فِي الْمُدَوَّنَةِ: أَنَّ مَنْ تَأَوَّلَ مِنْ الرُّعَاةِ وَغَيْرِهِمْ فَأَفْطَرَ فِي مَخْرَجِ ثَلَاثَةِ أَمْيَالٍ فَلَيْسَ عَلَيْهِ إلَّا الْقَضَاءُ، وَرَأَى الْقَصْرَ فِي مِنًى مِنْ مَكَّةَ، وَهَذَا قَوْلُنَا، وَكَذَلِكَ رَأَى أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ فِي الْمُتَأَوِّلِ وَلَا فَرْقَ.

L12047 Moreover, they all held the view that whoever undertakes a three-day journey may break the fast upon departing the inhabited area of the village. If he returns due to a circumstance necessitating the abandonment of the journey, he is only required to make up the missed fasts. Thus, they mandated breaking the fast for less than a mile. All of this is rendered unnecessary by the statement of Allah, the Exalted: {But whoever is ill or on a journey, then a like number of other days} [Al-Baqarah: 185]. He, the Exalted, did not specify any particular type of travel.[5]

وَأَيْضًا: فَإِنَّهُمْ كُلَّهُمْ رَأَوْا لِمَنْ سَافَرَ ثَلَاثَةَ أَيَّامٍ أَنْ يُفْطِرَ إذَا فَارَقَ بُيُوتَ الْقَرْيَةِ، فَإِنْ رَجَعَ لِشَيْءٍ أُوجِبَ عَلَيْهِ تَرْكُ السَّفَرِ، فَلَا شَيْءَ عَلَيْهِ إلَّا الْقَضَاءُ، فَقَدْ أَوْجَبُوا الْفِطْرَ فِي أَقَلَّ مِنْ مِيلٍ، وَيُغْنِي مِنْ هَذَا كُلِّهِ قَوْلُ اللَّهِ تَعَالَى: {وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] فَلَمْ يَخُصَّ تَعَالَى سَفَرًا مِنْ سَفَرٍ.

L12048–12050 We found that a distance less than an Arabic mile does not entail the rulings applicable to travel, for it is authentically established that the Prophet—peace be upon him—would go far to relieve himself, yet he would neither shorten his prayers nor break his fast. We found no statement from any of the

وَوَجَدْنَا مَا دُونَ الْمِيلِ لَيْسَ لَهُ حُكْمُ السَّفَرِ، لِأَنَّهُ قَدْ صَحَّ أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - كَانَ يَبْعُدُ لِلْغَائِطِ وَالْبَوْلِ فَلَا يَقْصُرُ وَلَا يُفْطِرُ، وَلَمْ نَجِدْ فِي أَقَلَّ مِنْ الْمِيلِ قَوْلًا عَنْ أَحَدٍ مِنْ أَهْلِ الْعِلْمِ بِالدِّينِ وَاللُّغَةِ. قَالَ عَلِيٌّ: وَيَلْزَمُ مَنْ تَعَلَّقَ مِنْ الْحَنَفِيِّينَ بِحَدِيثِ

[5] **Qur'an references (L12047):** Qur'an 2:185 (Al-Baqarah).

religious and linguistic scholars regarding a distance shorter than an Arabic mile. Ali said, “Those among the Ḥanafīs who adhere to the ḥadīth ’A woman must not travel’ must not consider it permissible to shorten prayers or break the fast during a journey involving disobedience, for the Prophet—peace be upon him—did not permit her—without any disagreement—to undertake a journey of disobedience.” Fundamentally, He permitted for her journeys of obedience without doubt. This is among the narrations they misleadingly cited as adhering to them while contradicting them. ʿAlī said: “As for what is less than a mile, some scholars held that it has no ruling of travel. Therefore, breaking the fast and shortening prayers are fundamentally impermissible in such cases, even if one intends a mile or more. For the intention of travel is distinct from actual travel, as one may intend travel without undertaking it, or undertake travel without intending it.” It is narrated from Anas that he broke the fast during Ramadan at his home when intending to travel. From ʿAlī, it is narrated: “When he departs the village’s houses.” From Ibn ʿUmar: “Abstaining from shortening prayers until reaching the distance at which shortening is required in similar cases.” Success is from Allah, the Exalted.

«لَا تُسَافِرُ الْمَرْأَةُ» أَنْ لَا يَرَى الْقَصْرَ وَالْفِطْرَ فِي سَفَرٍ مَعْصِيَةً، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يُبِحْ لَهَا بِلَا خِلَافٍ سَفَرَ الْمَعْصِيَةِ أَصْلًا، وَإِنَّمَا أَبَاحَ لَهَا بِلَا شَكٍّ أَسْفَارَ الطَّاعَاتِ، وَهَذَا مِمَّا أَوْهَمُوا فِيهِ مِنْ الْأَخْبَارِ أَنَّهُمْ أَخَذُوا بِهِ وَهُمْ مُخَالِفُونَ لَهُ. قَالَ عَلِيٌّ: فَأَمَّا مَا دُونَ الْمِيلِ فَقَدْ قَالَ قَوْمٌ: لَيْسَ لَهُ حُكْمُ السَّفَرِ، فَلَا يَجُوزُ الْفِطْرُ وَلَا الْقَصْرُ فِيهِ أَصْلًا، وَإِنْ أَرَادَ مِيلًا فَصَاعِدًا، لِأَنَّ نِيَّةَ السَّفَرِ هِيَ غَيْرُ السَّفَرِ، وَقَدْ يَنْوِي السَّفَرَ مَنْ لَا يُسَافِرُ، وَقَدْ يُسَافِرُ مَنْ لَا يَنْوِي السَّفَرَ. وَقَدْ رُوِيَ عَنْ أَنَسٍ الْفِطْرُ فِي رَمَضَانَ فِي مَنْزِلِهِ إذَا أَرَادَ السَّفَرَ. وَرُوِيَ عَنْ عَلِيٍّ: إذْ يُفَارِقُ بُيُوتَ الْقَرْيَةِ. وَرُوِيَ عَنْ ابْنِ عُمَرَ: تَرْكُ الْقَصْرِ حَتَّى يَبْلُغَ مَا يُقْصَرُ فِي مِثْلِهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L12051 This would have been the view were it not for the hadith of Anas: “We set out with the Messenger of Allah—peace and blessings be upon him and his family—from Medina to Mecca, and he continued praying two rak’ahs at a time until we returned to Medina.” This hadith, in its general application, permits no part of it to be excepted without explicit textual evidence. As for our statement that one must make up the prayers afterward on other days, this is the explicit ruling of the Quran. It is permissible to make them up during travel or while resident, for Allah the Exalted did not restrict “other days” to residence to the exclusion of travel.

وَكَانَ هَذَا هُوَ النَّظَرُ لَوْلَا حَدِيثُ أَنَسٍ «خَرَجْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - مِنْ الْمَدِينَةِ إلَى مَكَّةَ فَلَمْ يَزَلْ يُصَلِّي رَكْعَتَيْنِ رَكْعَتَيْنِ حَتَّى رَجَعْنَا إلَى الْمَدِينَةِ» فَهَذَا عَلَى عُمُومِهِ لَا يَجُوزُ أَنْ يُخَصَّ مِنْهُ شَيْءٌ بِغَيْرِ نَصٍّ. وَأَمَّا قَوْلُنَا: يَقْضِي بَعْدَ ذَلِكَ فِي أَيَّامٍ أُخَرَ فَهُوَ نَصُّ الْقُرْآنِ، وَجَائِزٌ أَنْ يَقْضِيَهُ فِي سَفَرٍ، وَفِي حَضَرٍ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يَخُصَّ بِأَيَّامٍ أُخَرَ حَضَرًا مِنْ سَفَرٍ.

L12052 As for our statement: “Fasting during travel is not valid,” people have differed on this matter. One group said: “Whoever travels after the commencement of Ramadan must fast its entirety.” Another group said: “Rather, they have the choice - if they will, they may fast, and if they will, they may break the fast.”

وَأَمَّا قَوْلُنَا: لَا يَجُوزُ الصَّوْمُ فِي السَّفَرِ فَإِنَّ النَّاسَ اخْتَلَفُوا -: فَقَالَتْ طَائِفَةٌ: مَنْ سَافَرَ بَعْدَ دُخُولِ رَمَضَانَ فَعَلَيْهِ أَنْ يَصُومَهُ كُلَّهُ. وَقَالَتْ طَائِفَةٌ: بَلْ هُوَ مُخَيَّرٌ إنْ شَاءَ صَامَ وَإِنْ شَاءَ أَفْطَرَ.

L12053 A group maintained that it is necessary for him to break the fast, and his fasting does not suffice him.

وَقَالَتْ طَائِفَةٌ: لَا بُدَّ لَهُ مِنْ الْفِطْرِ وَلَا يُجْزِئُهُ صَوْمُهُ.

ثُمَّ افْتَرَقَ الْقَائِلُونَ بِتَخْيِيرِهِ -: فَقَالَتْ طَائِفَةٌ: الصَّوْمُ أَفْضَلُ، وَقَالَتْ طَائِفَةٌ: الْفِطْرُ أَفْضَلُ: وَقَالَتْ طَائِفَةٌ: هُمَا سَوَاءٌ، وَقَالَتْ طَائِفَةٌ: لَا يُجْزِئُهُ الصَّوْمُ وَلَا بُدَّ لَهُ مِنَ الْفِطْرِ -: فَرُوِّينَا الْقَوْلَ الْأَوَّلَ: عَنْ عَلِيٍّ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ قَتَادَةَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ عَبِيدَةَ السَّلْمَانِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: مَنْ أَدْرَكَهُ رَمَضَانُ وَهُوَ مُقِيمٌ ثُمَّ سَافَرَ بَعْدُ لَزِمَهُ الصَّوْمُ، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ} [البقرة: ١٨٥] وَعَنْ عَبِيدَةَ مِثْلُهُ.

L12054–12055 Then those who held the view of granting choice differed: one group said fasting is superior, another group said breaking the fast is superior, another group said they are equal, and another group said fasting is not valid for him and he must break the fast. We have received the first opinion from ʿAlī via the chain: Ḥammād ibn Salamah → Qatādah → Muḥammad ibn Sīrīn → ʿUbaydah al-Salmānī → ʿAlī ibn Abī Ṭālib, who said: "Whoever experiences Ramadan as a resident then travels afterward is obliged to fast, for Allah the Exalted said: {Whoever is present for the month among you shall fast it} [Al-Baqarah: 185]." A similar report is narrated from ʿUbaydah.[6]

وَمِنْ طَرِيقِ ابْنِ عَبَّاسٍ مِثْلُهُ، وَعَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّهَا نَهَتْ عَنِ السَّفَرِ فِي رَمَضَانَ، وَعَنْ خَيْثَمَةَ كَانُوا يَقُولُونَ: إِذَا حَضَرَ رَمَضَانُ: فَلَا تُسَافِرْ حَتَّى تَصُومَ. وَعَنْ أَبِي مِجْلَزٍ مِثْلُهُ قَالَ: فَإِنْ أَبَى أَنْ لَا يُسَافِرَ فَلْيَصُمْ.

L12056 Via Ibn Abbas, the same ruling is narrated. From Aisha, the Mother of the Believers: she prohibited travel during Ramadan. From Khaythamah, it is reported that they held: "When Ramadan begins, do not travel until you have fasted." Similarly, from Abu Mijlaz, the same ruling is narrated. He said: "If one refuses to abstain from traveling, let him fast."

وَعَنْ إِبْرَاهِيمَ النَّخَعِيِّ مِثْلُ قَوْلِ أَبِي مِجْلَزٍ. وَعَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّهُ سُئِلَ عَنِ الْمُسَافِرِ أَيَصُومُ أَمْ يُفْطِرُ؟ فَقَالَ: يَصُومُ. وَأَمَّا الطَّائِفَةُ الْمُجَوِّزَةُ لِلصَّوْمِ وَالْفِطْرِ، أَوِ الْمُخْتَارَةُ لِلصَّوْمِ -: فَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَمَالِكٍ وَالشَّافِعِيِّ، فَشَغَبُوا بِقَوْلِ اللَّهِ تَعَالَى: {وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ} [البقرة: ١٨٤] وَاحْتَجُّوا بِأَحَادِيثَ -: مِنْهَا حَدِيثُ سَلَمَةَ بْنِ الْمُحَبَّقِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «مَنْ كَانَتْ لَهُ حَمُولَةٌ يَأْوِي إِلَى شِبَعٍ فَلْيَصُمْ رَمَضَانَ حَيْثُ أَدْرَكَهُ» . وَمِنْ طَرِيقِ أَبِي سَعِيدٍ، وَأَبِي الدَّرْدَاءِ، وَجَابِرٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَمَرَ أَصْحَابَهُ فِي السَّفَرِ بِالْفِطْرِ وَهُوَ صَائِمٌ فَتَرَدَّدُوا وَفَطَرَ هُوَ - عَلَيْهِ السَّلَامُ -» . وَذَكَرُوا عَنْ أُمِّ الْمُؤْمِنِينَ أَنَّهَا كَانَتْ تَصُومُ فِي السَّفَرِ وَتُتِمُّ الصَّلَاةَ، وَعَنْ أَبِي مُوسَى أَنَّهُ كَانَ يَصُومُ رَمَضَانَ فِي السَّفَرِ. وَعَنْ أَنَسِ بْنِ مَالِكٍ إِنْ أَفْطَرَتْ فَرُخْصَةُ اللَّهِ

L12057–12059 From Ibrahim al-Nakhaʿi comes a statement similar to that of Abu Mijlaz. From Urwah ibn al-Zubayr: he was asked about the traveler—should he fast or break his fast? He replied: "He should fast." As for the group permitting both fasting and breaking the fast, or the group preferring fasting—this is the opinion of Abu Hanifah, Malik, and al-Shafiʿi. They contended using Allah's statement—Exalted is He—{And to fast is better for you} [Al-Baqarah: 184] and cited several hadiths. Among these is the hadith of Salama ibn al-Muhabbaq from the Prophet—peace and blessings of Allah be upon him and his family—who said: "Whoever possesses a pack animal providing access to sufficiency, let them fast Ramadan wherever they encounter it." Through the narration of Abu Saʿid, Abu al-Darda', and Jabir: "The Messenger of Allah—peace and blessings of Allah be upon him and his family—commanded his companions during travel to break their fast while he himself was fasting. They hesitated, so he himself broke his fast—peace be upon him." They also mentioned from Umm al-Mu'minin that she would fast during travel and perform the prayer in full; and from Abu Musa. He used to fast during

[6] **Qur'an references (L12055):** Qur'an 2:185 (Al-Baqarah).

Ramadan while traveling. It is reported from Anas ibn Mālik: “If breaking the fast [occurs], it is by Allah’s concession, and if you fast, then fasting is more virtuous.” It is reported from ʿUthmān ibn Abī al-ʿĀṣ and Ibn ʿAbbās: “Fasting is more virtuous.” Al-Miswar ibn Makhramah and ʿAbd al-Raḥmān ibn al-Aswad ibn ʿAbd Yaghūth held the same position. It is reported from ʿAlī that he fasted during travel because he was mounted [on a conveyance], while his freedman Saʿd broke the fast because he was walking. ʿUmar ibn ʿAbd al-ʿAzīz said: “Fast when it is easy and break the fast when it is difficult.”[7]

L12060 From Tāwus: Fasting is more virtuous. From al-Aswad ibn Yazīd: a similar opinion. Those who held both options to be equal argued with the ḥadīth of Ḥamzah ibn ʿAmr al-Aslamī, who said: “O Messenger of Allah, I possess the strength to fast during travel.” The Messenger of Allah—peace and blessings be upon him and his family—responded: “Whichever of those you choose, O Ḥamzah.” And with a mursal ḥadīth from al-Ghiṭrīf Abu Hārūn: “Two men traveled; one fasted while the other broke his fast. They mentioned this to the Messenger of Allah—peace and blessings be upon him and his family—and he said: ’Both of you are correct.’” And with a mursal ḥadīth from Abū ʿIyāḍ: “The Messenger of Allah—peace and blessings be upon him and his family—commanded that a proclamation be made among the people: ’Whoever wishes may fast, and whoever wishes may break the fast.’” Through the chain of Abū Saʿīd and Jābir: “We would travel with the Messenger of Allah—peace and blessings be upon him and his family—and neither the fasting person would censure the one breaking the fast, nor would the one breaking the fast censure the fasting person.”

L12061–12062 And from Alqamah, Al-Aswad, and Yazid ibn Muʿawiyah an-Nakhaʿi: that they traveled during Ramadan, so some of them fasted and some of them broke the fast, and none of them blamed the others. And from ʿAta: “If you wish to fast, then fast; if you wish to break the fast, then do so.” As for those who considered breaking the fast to be superior, they cited as evidence the hadith of Hamzah ibn ʿAmr when he asked the Messenger of Allah—peace and blessings be upon him—about that, and he—peace be upon him—said to

[7] **Qur’an references (L12057):** Qur’an 2:184 (Al-Baqarah).

تَعَالَى، وَإِنْ صُمْت فَالصَّوْمُ أَفْضَلُ. وَعَنْ عُثْمَانَ بْنِ أَبِي الْعَاصِ، وَابْنِ عَبَّاسٍ: الصَّوْمُ أَفْضَلُ. وَعَنْ الْمِسْوَرِ بْنِ مَخْرَمَةَ، وَعَبْدِ الرَّحْمَنِ بْنِ الْأَسْوَدِ بْنِ عَبْدِ يَغُوثَ مِثْلُهُ؛ وَعَنْ عَلِيٍّ أَنَّهُ صَامَ فِي سَفَرٍ؛ لِأَنَّهُ كَانَ رَاكِبًا، وَأَفْطَرَ سَعْدٌ مَوْلَاهُ، لِأَنَّهُ كَانَ مَاشِيًا وَعَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: صُمْهُ فِي الْيُسْرِ وَأَفْطِرْهُ فِي الْعُسْرِ.

وَعَنْ طَاوُسٍ: الصَّوْمُ أَفْضَلُ، وَعَنْ الْأَسْوَدِ بْنِ يَزِيدَ مِثْلُهُ. وَاحْتَجَّ مَنْ رَأَى الْأَمْرَيْنِ سَوَاءً بِحَدِيثِ «حَمْزَةَ بْنِ عَمْرٍو الْأَسْلَمِيِّ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ أَجِدُ بِي قُوَّةً عَلَى الصِّيَامِ فِي السَّفَرِ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَيُّ ذَلِكَ شِئْتَ يَا حَمْزَةُ» . وَبِحَدِيثٍ مُرْسَلٍ عَنْ الْغِطْرِيفِ أَبِي هَارُونَ «أَنَّ رَجُلَيْنِ سَافَرَا، فَصَامَ أَحَدُهُمَا وَأَفْطَرَ الْآخَرُ، فَذَكَرَا ذَلِكَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَقَالَ: كِلَاكُمَا أَصَابَ» . وَبِحَدِيثٍ مُرْسَلٍ عَنْ أَبِي عِيَاضٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَمَرَ أَنْ يُنَادَى فِي النَّاسِ: مَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ» . وَمِنْ طَرِيقِ أَبِي سَعِيدٍ وَجَابِرٍ، «كُنَّا نُسَافِرُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَلَا يَعِيبُ الصَّائِمُ عَلَى الْمُفْطِرِ وَلَا الْمُفْطِرُ عَلَى الصَّائِمِ» .

وَعَنْ عَلْقَمَةَ، وَالْأَسْوَدِ، وَيَزِيدَ بْنِ مُعَاوِيَةَ النَّخَعِيِّ: أَنَّهُمْ سَافَرُوا فِي رَمَضَانَ فَصَامَ بَعْضُهُمْ، وَأَفْطَرَ بَعْضُهُمْ فَلَمْ يَعِبْ بَعْضُهُمْ عَلَى بَعْضٍ. وَعَنْ عَطَاءٍ إنْ شِئْت فَصُمْ وَإِنْ شِئْت فَأَفْطِرْ. وَأَمَّا مَنْ رَأَى الْفِطْرَ أَفْضَلَ فَاحْتَجُّوا بِحَدِيثِ «حَمْزَةَ بْنِ عَمْرٍو إذْ سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ ذَلِكَ فَقَالَ لَهُ - عَلَيْهِ السَّلَامُ -: هِيَ رُخْصَةٌ مِنْ اللَّهِ فَمَنْ أَخَذَ بِهَا فَحَسَنٌ وَمَنْ أَحَبَّ أَنْ يَصُومَ فَلَا جُنَاحَ عَلَيْهِ» .

him: “It is a concession from Allah. Whoever acts upon it, that is good, and whoever prefers to fast, there is no sin upon him.”[8]

L12063–12065 Among those from whom it has been narrated to us that they favored breaking the fast over fasting are Sa‘d ibn Abi Waqqas. It has been narrated to us that he traveled, while ‘Abd al-Rahman ibn al-Aswad and al-Miswar ibn Makhramah fasted, but Sa‘d broke his fast. When questioned about this, he said: “I have greater understanding than them.” It is authentically reported that Ibn ‘Umar would not fast during travel. When he had slaves with him, he would say: “O Nafi‘, prepare his pre-dawn meal?” Nafi‘ said: “When Ibn ‘Umar traveled, he preferred to break the fast, declaring: ‘The concession of my Lord is dearer to me, and that He reward you for breaking the fast during travel.’” Advocates of this opinion cite the hadith of Hamzah ibn ‘Amr narrated to us previously: “From the Prophet (peace and blessings of Allah be upon him): ‘It is a concession from Allah. Whoever accepts it has done well, and whoever prefers to fast bears no sin.’” Thus, he affirmed the merit of breaking the fast and limited fasting to the removal of blame. ‘Ali said: “This constitutes the evidence cited by every faction endorsing fasting during travel. We have omitted nothing from it, nor do we adopt any of these views in a manner requiring us to prioritize some over others, except that they...” All of them agree on the permissibility of fasting Ramadan during travel, which contradicts our position. We are therefore obligated to refute all of them for this reason. Thus we say - and by Allah the Exalted we seek strength and assistance -: As for Allah the Exalted’s statement {To fast is better for you} [Al-Baqarah: 184], whoever cites this as evidence to permit fasting during travel has indeed committed a major sin among the major sins and uttered a shameless lie. For this is a word from Allah the Exalted’s speech being taken out of its context - we seek refuge with Allah the Exalted from the like of this.[9][10]

L12066 This is a disgrace that no meticulous jurist would accept, for the explicit text of the verse {Fasting has been prescribed for you as it was prescribed for those

وَمِمَّنْ رُوِّينَا عَنْهُ اخْتِيَارُ الْفِطْرِ عَلَى الصَّوْمِ -: سَعْدِ بْنِ أَبِي وَقَّاصٍ، رُوِّينَا أَنَّهُ سَافَرَ هُوَ، وَعَبْدُ الرَّحْمَنِ بْنُ الْأَسْوَدِ، وَالْمِسْوَرُ بْنُ مَخْرَمَةَ فَصَامَا وَأَفْطَرَ سَعْدٌ فَقِيلَ لَهُ فِي ذَلِكَ؟ فَقَالَ: أَنَا أَفْقَهُ مِنْهُمَا. وَصَحَّ عَنْ ابْنِ عُمَرَ أَنَّهُ كَانَ لَا يَصُومُ فِي السَّفَرِ وَكَانَ مَعَهُ رَقِيقٌ فَكَانَ يَقُولُ: يَا نَافِعُ ضَعْ لَهُ سُحُورَهُ؟ قَالَ نَافِعٌ: وَكَانَ ابْنُ عُمَرَ إِذَا سَافَرَ أَحَبَّ إِلَيْهِ أَنْ يُفْطِرَ يَقُولُ: رُخْصَةُ رَبِّي أَحَبُّ إِلَيَّ وَأَنْ آجَرَ لَكَ أَنْ تُفْطِرَ فِي السَّفَرِ. وَيَحْتَجُّ أَهْلُ هَذَا الْقَوْلِ بِحَدِيثِ حَمْزَةَ بْنِ عَمْرٍو الَّذِي رُوِّينَا آنِفًا «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - هِيَ رُخْصَةٌ مِنْ اللَّهِ فَمَنْ أَخَذَ بِهَا فَحَسَنٌ، وَمَنْ أَحَبَّ أَنْ يَصُومَ فَلَا جُنَاحَ عَلَيْهِ» ، فَحَسَّنَ الْفِطْرَ وَلَمْ يَزِدْ فِي الصَّوْمِ عَلَى إسْقَاطِ الْجُنَاحِ. قَالَ عَلِيٌّ: هَذَا مَا احْتَجَّتْ بِهِ كُلُّ طَائِفَةٍ مِمَّنْ رَأَتْ الصَّوْمَ فِي السَّفَرِ لَمْ نَدَعْ مِنْهُ شَيْئًا، وَلَسْنَا نَقُولُ بِشَيْءٍ مِنْ هَذِهِ الْأَقْوَالِ فَنَحْتَاجُ إلَى تَرْجِيحِ بَعْضِهَا عَلَى بَعْضٍ، إلَّا أَنَّهَا كُلَّهَا مُتَّفِقَةٌ عَلَى جَوَازِ الصَّوْمِ لِرَمَضَانَ فِي السَّفَرِ، وَهُوَ خِلَافُ قَوْلِنَا فَإِنَّمَا يَلْزَمُنَا دَفْعُهَا كُلُّهَا مِنْ أَجْلِ ذَلِكَ فَنَقُولُ وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ وَنَسْتَعِينُ -: أَمَّا قَوْلُ اللَّهِ تَعَالَى: {وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ} [البقرة: ١٨٤] فَقَدْ أَتَى كَبِيرَةً مِنْ الْكَبَائِرِ، وَكَذَبَ كَذِبًا فَاحِشًا مَنْ احْتَجَّ بِهَا فِي إبَاحَةِ الصَّوْمِ فِي السَّفَرِ؛ لِأَنَّهُ حَرْفٌ كَلَامِ اللَّهِ تَعَالَى عَنْ مَوْضِعِهِ نَعُوذُ بِاَللَّهِ تَعَالَى مِنْ مِثْلِ هَذَا.

وَهَذَا عَارٌ لَا يَرْضَى بِهِ مُحَقِّقٌ؛ لِأَنَّ نَصَّ الْآيَةِ {كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ} [البقرة: ١٨٣] {أَيَّامًا مَعْدُودَاتٍ فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ فَمَنْ

[8] **Hadith references (L12062):** Sahih Muslim 1121e.
[9] **Hadith references (L12063):** Sahih Muslim 1121e.
[10] **Qur’an references (L12063):** Qur’an 2:184 (Al-Baqarah).

before you, so that you may attain piety} [Al-Baqarah 2:183] {for numbered days. Whoever among you is ill or on a journey may substitute an equal number of days later. For those who can bear it, a ransom of feeding a poor person is due. Whoever volunteers good, it is better for him. But fasting is better for you, if only you knew} [Al-Baqarah 2:184] was revealed concerning the abrogated ruling on fasting. The initial ruling when Ramadan fasting was first ordained was that whoever willed could fast, and whoever willed could abstain from fasting and feed a poor person for each day instead - fasting was preferable. This is the explicit text of the verse, wherein journeying had no relevance whatsoever to the ruling, nor did feeding relate to breaking the fast during travel. How could they permit this grave enormity? This is substantiated by the Sunnah:

Abdullāh ibn Yūsuf reported to us: Aḥmad ibn Fatḥ reported to us: ʻAbd al-Wahhāb ibn ʻĪsā reported to us: Aḥmad ibn Muḥammad reported to us: Aḥmad ibn ʻAlī reported to us: Muslim ibn al-Ḥajjāj reported to me: ʻAmr ibn Sawād reported to us: ʻAbdullāh ibn Wahb reported to us: ʻAmr ibn al-Ḥārith reported to us: Bukayr ibn al-Ashajj reported to us: Yazīd, the freed slave of Salamah ibn al-Akwaʻ, reported from Salamah ibn al-Akwaʻ, who said: "During Ramadan in the era of Allah's Messenger (peace be upon him), whoever willed would fast and whoever willed would abstain from fasting and offer a ransom by feeding a poor person, until this verse was revealed: {Whoever witnesses the month must fast it} [Al-Baqarah 2:185]."

Through this chain to Muslim: Qutaybah ibn Saʻīd reported to us: Bakr ibn Muḍar reported to us: ʻAmr ibn al-Ḥārith reported to us: Bukayr ibn al-Ashajj reported to us: Yazīd, the freed slave of Salamah ibn al-Akwaʻ, reported from Salamah ibn al-Akwaʻ, who said: "When the verse {For those who can bear it, a ransom of feeding a poor person is due} [Al-Baqarah 2:184] was revealed, those who wished to abstain from fasting would offer the ransom until the subsequent verse abrogated it."[11]

L12067–12068 Abū Muḥammad said: At that time, fasting was superior; thus, the disgrace of those who cited this verse to justify fasting during travel became apparent.

[11] **Qur'an references (L12066):** Qur'an 2:183 (Al-Baqarah); Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

تَطَوَّعَ خَيْرًا فَهُوَ خَيْرٌ لَهُ وَأَنْ تَصُومُوا خَيْرٌ لَكُمْ} [البقرة: ١٨٤] وَإِنَّمَا نَزَلَتْ هَذِهِ الْآيَةُ فِي حَالِ الصَّوْمِ الْمَنْسُوخَةِ، وَذَلِكَ أَنَّهُ كَانَ الْحُكْمُ فِي أَوَّلِ نُزُولِ صَوْمِ رَمَضَانَ: أَنَّ مَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ أَفْطَرَهُ وَأَطْعَمَ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا، وَكَانَ الصَّوْمُ أَفْضَلَ، هَذَا نَصُّ الْآيَةِ، وَلَيْسَ لِلسَّفَرِ فِيهَا مَدْخَلٌ أَصْلًا وَلَا لِلْإِطْعَامِ مَدْخَلٌ فِي الْفِطْرِ فِي السَّفَرِ أَصْلًا، فَكَيْفَ اسْتَجَازُوا هَذِهِ الطَّامَّةَ؟ وَبِهَذَا جَاءَتْ السُّنَنُ؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدَ بْنُ فَتْحٍ نا عَبْدُ الْوَهَّابِ بْنِ عِيسَى نا أَحْمَدُ بْنُ مُحَمَّدٍ نا أَحْمَدُ بْنُ عَلِيٍّ نا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي عَمْرُو بْنُ سَوَادٍ أَنَّا عَبْدَ اللَّهِ بْنَ وَهْبٍ أَنَّا عَمْرُو بْنُ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشَجِّ عَنْ يَزِيدَ مَوْلَى سَلَمَةَ بْنِ الْأَكْوَعِ «عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: كُنَّا فِي رَمَضَانَ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنْ شَاءَ صَامَ وَمَنْ شَاءَ أَفْطَرَ فَافْتَدَى بِطَعَامٍ مِسْكِينٍ حَتَّى نَزَلَتْ هَذِهِ الْآيَةُ: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ} [البقرة: ١٨٥] ». وَبِهِ إِلَى مُسْلِمٍ -: نا قُتَيْبَةُ بْنُ سَعِيدٍ نا بَكْرٌ يَعْنِي ابْنَ مُضَرَ - عَنْ عَمْرِو بْنِ الْحَارِثِ عَنْ بُكَيْرِ بْنِ الْأَشَجِّ عَنْ يَزِيدَ مَوْلَى سَلَمَةَ بْنِ الْأَكْوَعِ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ قَالَ: لَمَّا نَزَلَتْ هَذِهِ الْآيَةُ: {وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ} [البقرة: ١٨٤] كَانَ مَنْ أَرَادَ أَنْ يُفْطِرَ وَيَفْتَدِيَ حَتَّى نَزَلَتْ الْآيَةُ الَّتِي بَعْدَهَا فَنَسَخَتْهَا.

قَالَ أَبُو مُحَمَّد: فَحِينَئِذٍ كَانَ الصَّوْمُ أَفْضَلَ، فَظَهَرَتْ فَضِيحَةُ مَنْ احْتَجَّ بِهَذِهِ الْآيَةِ فِي الصَّوْمِ فِي السَّفَرِ؟ وَأَمَّا حَدِيثُ ابْنِ الْمُحَبَّقِ «مَنْ كَانَ يَأْوِي إلَى حَمُولَةٍ أَوْ شِبَعٍ فَلْيَصُمْ»

فَحَدِيثٌ سَاقِطٌ لِأَنَّ رَاوِيَهُ عَبْدُ الصَّمَدِ بْنُ حَبِيبٍ - وَهُوَ بَصْرِيٌّ - لَيِّنُ الْحَدِيثِ عَنْ سِنَانِ بْنِ سَلَمَةَ بْنِ الْمُحَبَّقِ وَهُوَ مَجْهُولٌ

As for the ḥadīth of Ibn al-Muḥabbaq, “Whoever has access to a pack animal or sufficient provision, let him fast,” it is a weak ḥadīth. This is because its narrator, ʿAbd al-Ṣamad ibn Ḥabīb, a Basran, is weak in ḥadīth transmission from Sinān ibn Salamah ibn al-Muḥabbaq, who is majhūl (unknown).

L12069 ثُمَّ لَوْ صَحَّ هَذَا الْخَبَرُ لَمَا كَانَ فِيهِ حُجَّةٌ لِأَحَدٍ مِنْ الطَّوَائِفِ الْمَذْكُورَةِ إلَّا لِلْقَوْلِ الْمَرْوِيِّ عَنْ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ " صُمْهُ فِي الْيُسْرِ، وَأَفْطِرْهُ فِي الْعُسْرِ " لِأَنَّهُ لَيْسَ فِيهِ إلَّا إيجَابُ الصَّوْمِ، وَلَا بُدَّ عَلَى ذِي الْحُمُولَةِ وَالشِّبَعِ، وَهَذَا خِلَافُ جَمِيعِ الطَّوَائِفِ الْمَذْكُورَةِ. وَأَمَّا حَدِيثُ الْغِطْرِيفِ، وَأَبِي عِيَاضٍ فَمُرْسَلَانِ، وَلَا حُجَّةَ فِي مُرْسَلٍ؛ وَأَمَّا حَدِيثُ حَمْزَةَ بْنِ عَمْرٍو الَّذِي ذَكَرْنَا هَاهُنَا الَّذِي فِيهِ إبَاحَةُ الصَّوْمِ فِي رَمَضَانَ فِي السَّفَرِ؛ فَإِنَّمَا هُوَ مِنْ رِوَايَةِ ابْنِ حَمْزَةَ - ابْنِهِ مُحَمَّدِ بْنِ حَمْزَةَ - وَهُوَ ضَعِيفٌ، وَأَبُوهُ كَذَلِكَ؛ وَأَمَّا الثَّابِتُ مِنْ حَدِيثِ حَمْزَةَ هُوَ مَا نَذْكُرُهُ إنْ شَاءَ اللَّهُ تَعَالَى.

Then, if this report were authentic, it would not constitute evidence for any of the mentioned groups except for the opinion narrated from ʿUmar ibn ʿAbd al-ʿAzīz: “Fast it in times of ease and break it in times of hardship,” because it contains nothing but the obligation of fasting—a necessity for those bearing burdens and having sufficiency. This contradicts all the mentioned groups. As for the ḥadīths of al-Ghiṭrīf and Abu ʿIyāḍ, they are disconnected narrations, and there is no valid evidence in disconnected narrations. Regarding the ḥadīth of Ḥamza ibn ʿAmr mentioned here—which addresses the permissibility of fasting during Ramadan while traveling—it is only transmitted by Ibn Ḥamza (his son Muḥammad ibn Ḥamza), who is weak, as is his father. The established portion of Ḥamza’s ḥadīth is what we will mention, God Almighty willing.

وَأَمَّا حَدِيثُ أَبِي سَعِيدٍ، وَأَبِي الدَّرْدَاءِ، وَجَابِرٍ؛ فَلَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهَا لِوَجْهَيْنِ:

L12070 As for the ḥadīths of Abū Saʿīd, Abū al-Dardāʾ, and Jābir, their narrations hold no valid evidence in any of these matters for two reasons:

أَحَدُهُمَا: لَيْسَ فِي شَيْءٍ مِنْهَا أَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - كَانَ صَائِمًا لِرَمَضَانَ، وَإِذْ لَيْسَ ذَلِكَ فِيهَا فَلَا يَجُوزُ الْقَطْعُ بِذَلِكَ، وَلَا الِاحْتِجَاجُ بِاخْتِرَاعِ مَا لَيْسَ فِي الْخَبَرِ عَلَى الْقُرْآنِ، وَقَدْ يُمْكِنُ أَنْ يَكُونَ صَائِمًا تَطَوُّعًا.

L12071 One of the two: There is nothing in any of them indicating that he—peace and blessings be upon him—was fasting for Ramadan. Since this is not mentioned therein, it is impermissible to assert it definitively, nor to use fabricated claims absent in the report to challenge the Qur’an. It remains possible that he was fasting voluntarily.

وَالثَّانِي: أَنَّهُ حَتَّى لَوْ كَانَ ذَلِكَ فِيهَا نَصًّا لَمَا كَانَ لَهُمْ فِيهَا حُجَّةٌ؛ لِأَنَّ آخِرَ الْأَمْرَيْنِ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إيجَابُ الْفِطْرِ فِي رَمَضَانَ فِي السَّفَرِ؛ فَلَوْ كَانَ صَوْمُ رَمَضَانَ فِي السَّفَرِ قَبْلَ ذَلِكَ مُبَاحًا لَكَانَ مَنْسُوخًا بِآخِرِ أَمْرِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - كَمَا نَذْكُرُهُ إنْ شَاءَ اللَّهُ تَعَالَى وَأَمَّا احْتِجَاجُ مَنْ أَوْجَبَ الصَّوْمَ فِي السَّفَرِ لِمَنْ أَهَلَّ عَلَيْهِ الشَّهْرُ فِي الْحَضَرِ بِقَوْلِ اللَّهِ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ} [البقرة: ١٨٥] ،

L12072–12074 The second is that even if there were an explicit text concerning it, they would have no valid argument in this matter, because the latter of the two commands from the Messenger of Allah (peace and blessings be upon him) was the obligation to abstain from fasting during Ramadan while traveling. Thus, if fasting in Ramadan during travel had been permissible prior to that, it would have been abrogated by his final command (peace and blessings be upon him), as we will mention it, God, the Exalted, willing. As for the argument of those who obligate fasting during travel for one who witnessed the beginning of the month (via moon sighting) while resident, based on

فَلَا حُجَّةَ لَهُمْ فِي هَذِهِ الْآيَةِ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يَقُلْ: فَمَنْ شَهِدَ بَعْضَ الشَّهْرِ فَلْيَصُمْهُ، وَإِنَّمَا أَوْجَبَ تَعَالَى صِيَامَهُ عَلَى مَنْ شَهِدَ الشَّهْرَ لَا عَلَى مَنْ شَهِدَ بَعْضَهُ، ثُمَّ يُبْطِلُ قَوْلَهُمْ أَيْضًا قَوْلُ اللَّهِ تَعَالَى: {وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] فَجَعَلَ السَّفَرَ وَالْمَرَضَ. نَاقِلَيْنِ عَنْ الصَّوْمِ فِيهِ إلَى الْفِطْرِ. وَأَيْضًا: فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَحَّ عَنْهُ أَنَّهُ سَافَرَ فِي رَمَضَانَ عَامَ الْفَتْحِ فَأَفْطَرَ وَهُوَ أَعْلَمُ بِمُرَادِ رَبِّهِ تَعَالَى، وَالْبَلَاغُ مِنْهُ نَأْخُذُهُ، وَعَنْهُ لَا مِنْ غَيْرِهِ.

Allah's statement: {So whoever among you witnesses the month, let him fast it} [Al-Baqarah: 185], there is no valid argument for them in this verse. For Allah the Exalted did not say: "So whoever witnesses part of the month, let him fast it." Rather, He obligated fasting it upon whoever witnesses the entire month, not upon whoever witnesses part of it. Moreover, their claim is invalidated by Allah's statement: {And whoever is ill or on a journey, then an equal number of other days} [Al-Baqarah: 185], thereby making travel and illness grounds for transferring from fasting during it to breaking the fast and making up the days later. Additionally, it is authentically established that the Messenger of Allah—peace and blessings be upon him—traveled during Ramadan in the year of the Conquest and broke his fast, and he is the most knowledgeable of what his Lord the Exalted intends. We take the conveyed rulings from him alone, not from others.[12]

L12075

فَلَمَّا بَطَلَ كُلُّ مَا احْتَجُّوا بِهِ، وَجَبَ أَنْ نَأْتِيَ بِالْبُرْهَانِ عَلَى صِحَّةِ قَوْلِنَا، بِحَوْلِ اللَّهِ تَعَالَى وَقُوَّتِهِ. قَالَ عَلِيٌّ: نَذْكُرُ الْآنَ حَدِيثَ أَبِي سَعِيدٍ، وَأَبِي الدَّرْدَاءِ، وَجَابِرٍ، وَحَمْزَةَ بْنِ عَمْرٍو مِنْ الْوُجُوهِ الصِّحَاحِ - إنْ شَاءَ اللَّهُ تَعَالَى - وَنَرَى أَنَّهَا لَا حُجَّةَ لَهُمْ فِيهَا، ثُمَّ نُعَقِّبُ بِالْبُرْهَانِ عَلَى صِحَّةِ قَوْلِنَا إنْ شَاءَ اللَّهُ، وَبِهِ نَتَأَيَّدُ. رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد نا مُؤَمَّلُ بْنُ الْفَضْلِ نا الْوَلِيدُ هُوَ ابْنُ مُسْلِمٍ - نا سَعِيدُ بْنُ عَبْدِ الْعَزِيزِ حَدَّثَنِي إسْمَاعِيلُ بْنُ عُبَيْدِ اللَّهِ حَدَّثَتْنِي أُمُّ الدَّرْدَاءِ عَنْ أَبِي الدَّرْدَاءِ قَالَ: «خَرَجْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي بَعْضِ غَزَوَاتِهِ فِي حَرٍّ شَدِيدٍ حَتَّى إنَّ أَحَدَنَا لَيَضَعُ يَدَهُ عَلَى رَأْسِهِ أَوْ كَفَّهُ عَلَى رَأْسِهِ مِنْ شِدَّةِ الْحَرِّ مَا فِينَا صَائِمٌ إلَّا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَعَبْدُ اللَّهِ بْنُ رَوَاحَةَ» . وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ الْجُرَيْرِيِّ عَنْ أَبِي نَضْرَةَ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ فِي سَفَرٍ فَأَتَى عَلَى غَدِيرٍ فَقَالَ لِلْقَوْمِ:

When all their arguments were refuted, it became incumbent upon us to establish evidence for the correctness of our position by the enabling power of Allah, the Exalted. 'Alī said: We shall now cite the narrations of Abū Sa'īd, Abū al-Dardā', Jābir, and Ḥamzah ibn 'Amr from authentic transmissions—if Allah, the Exalted, wills—and demonstrate that these contain no proof for their claim. Thereafter, we shall follow with decisive evidence for the validity of our position—if Allah wills—through which we are strengthened [by Him].

We were narrated through the chain of transmission of Abū Dāwūd: Mu'ammal ibn al-Faḍl narrated to us, al-Walīd—that is, Ibn Muslim—narrated to us, Sa'īd ibn 'Abd al-'Azīz reported to me: Ismā'īl ibn 'Ubayd Allāh narrated to me, Umm al-Dardā' narrated to me from Abū al-Dardā', who said: "We set out with the Messenger of Allah—*peace and blessings of Allah upon him*—on one of his military expeditions in scorching heat, to the extent that one of us would press his hand or palm against his head due to the intensity. None among us was fasting except the Messenger of Allah—*peace and blessings of Allah upon him*—and 'Abdullāh ibn Rawāḥah."

Through the chain of Ḥammād ibn Salamah from al-Jurayrī from Abū Naḍrah from Jābir ibn 'Abd Allāh: "The Prophet—*peace and blessings of Allah upon

[12] **Qur'an references (L12072):** Qur'an 2:185 (Al-Baqarah).

him*—was traveling when he came upon a pond. He said to the people: ‘Drink.’ They asked: ‘O Messenger of Allah, are we to drink while you do not?’ He replied: ‘I am in a better position than you, for I ride while you walk.’ So he drank, and they drank.”[13]

L12076–12077 From the chain of Hammad ibn Zayd, from al-Jurayri, from Abu Nadhrah, from Abu Sa‘id al-Khudri, who said: “We set out with the Messenger of Allah (peace be upon him) during Ramadan. He passed by a water source and said: ’Dismount and drink.’ The people hesitated, so the Messenger of Allah (peace be upon him) dismounted, drank, and we drank with him.” This report has been narrated to us through a chain that is not considered reliable, as it was narrated from the chain of Mu‘awiyah ibn Salih, from Rabi‘ah ibn Yazid: Qaza‘ah narrated to me that he asked Abu Sa‘id about fasting during travel. He replied: “We traveled with the Messenger of Allah (peace be upon him) to Mecca while fasting. We halted at a place, and the Messenger of Allah (peace be upon him) said: ’You have drawn near to your enemy, and breaking the fast will strengthen you.’ This was a concession, so some of us fasted while others broke the fast. Then we halted at another place, and he said: ’You will face your enemy at dawn, and breaking the fast will strengthen you. Break your fast.’ This became a binding command, so we broke the fast. He added: ’I observed that we later fasted with the Messenger of Allah (peace be upon him) during travel.’”

From the chain of ‘Abd al-Razzaq: From Ma‘mar, from Ayyub al-Sakhtiyānī, from ‘Ikrimah, from Ibn ‘Abbas, who said: “The Prophet (peace be upon him) journeyed during Ramadan and fasted until he came upon a watering hole on the route [and then broke his fast] at the peak of midday heat. The people grew thirsty, so the Prophet (peace be upon him) called for a cup of water. He held it in his hand until the people saw it, then drank, and the people drank.”

From the chain of al-Bukhari: ‘Abdullah ibn Yusuf narrated to us from Malik, from Hisham ibn ‘Urwah, from his father, from ‘Aishah, the Mother of the Believers: “Hamzah ibn ‘Amr al-Aslami asked the Messenger of Allah (peace

[13] **Hadith references (L12075):** Sunan Abi Dawud 2409.

اشْرَبُوا؟ فَقَالُوا: يَا رَسُولَ اللَّهِ أَنَشْرَبُ وَلَا تَشْرَبُ؟ فَقَالَ: إِنِّي أَيْسَرُكُمْ إِنِّي رَاكِبٌ وَأَنْتُمْ مُشَاةٌ فَشَرِبَ وَشَرِبُوا» .

وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ الْجُرَيْرِيِّ عَنْ أَبِي نَضْرَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ «خَرَجْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي رَمَضَانَ فَمَرَّ بِمَاءٍ فَقَالَ: انْزِلُوا فَاشْرَبُوا، فَتَلَكَّأَ الْقَوْمُ فَنَزَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَشَرِبَ وَشَرِبْنَا مَعَهُ» . وَقَدْ رُوِّينَا هَذَا الْخَبَرَ مِنْ طَرِيقٍ لَا يُحْتَجُّ بِهَا كَمَا رُوِّينَاهُ مِنْ طَرِيقِ مُعَاوِيَةَ بْنِ صَالِحٍ عَنْ رَبِيعَةَ بْنِ يَزِيدَ حَدَّثَنِي «قَزَعَةُ أَنَّهُ سَأَلَ أَبَا سَعِيدٍ عَنْ الصَّوْمِ فِي السَّفَرِ فَقَالَ سَافَرْنَا مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى مَكَّةَ وَنَحْنُ صِيَامٌ فَنَزَلْنَا مَنْزِلًا فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّكُمْ قَدْ دَنَوْتُمْ مِنْ عَدُوِّكُمْ وَالْفِطْرُ أَقْوَى لَكُمْ فَكَانَتْ رُخْصَةً، فَمِنَّا مَنْ صَامَ وَمِنَّا مَنْ أَفْطَرَ، ثُمَّ نَزَلْنَا مَنْزِلًا آخَرَ فَقَالَ: إنَّكُمْ تُصَبِّحُونَ عَدُوَّكُمْ وَالْفِطْرُ أَقْوَى لَكُمْ فَأَفْطِرُوا فَكَانَتْ عَزْمَةً فَأَفْطَرْنَا، ثُمَّ قَالَ لَقَدْ رَأَيْتُنَا نَصُومُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعْدَ ذَلِكَ فِي السَّفَرِ» وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ -: عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَ «خَرَجَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي شَهْرِ رَمَضَانَ فَصَامَ حَتَّى مَرَّ بِغَدِيرٍ فِي الطَّرِيقِ وَذَلِكَ فِي نَحْرِ الظَّهِيرَةِ فَعَطِشَ النَّاسُ فَدَعَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِقَدَحٍ فِيهِ مَاءٌ فَأَمْسَكَهُ عَلَى يَدِهِ حَتَّى رَآهُ النَّاسُ ثُمَّ شَرِبَ فَشَرِبَ النَّاسُ» . وَمِنْ طَرِيقِ الْبُخَارِيِّ -: نا عَبْدُ اللَّهِ بْنُ يُوسُفَ عَنْ مَالِكٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ حَمْزَةَ بْنَ عَمْرٍو الْأَسْلَمِيَّ قَالَ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَأَصُومُ فِي السَّفَرِ؟ وَكَانَ كَثِيرَ الصِّيَامِ فَقَالَ: إنْ شِئْتَ فَصُمْ وَإِنْ شِئْتَ فَأَفْطِرْ» .

be upon him): 'Shall I fast while traveling?' He was a frequent faster. The Prophet replied: 'If you wish, fast; if you wish, break the fast.'"[14]

L12078–12080 And from the chain of Muslim—: Abu Rabi' al-Zahrani and Yahya ibn Yahya reported to us. Abu Rabi' said: Hammad ibn Zayd narrated to us. Yahya said: Abu Mu'awiyah narrated to us. Then the chains of Abu Mu'awiyah and Hammad converged, both narrating from... Hisham ibn Urwah from his father from Aisha, the Mother of the Believers, that Hamzah ibn Amr al-Aslami said: "O Messenger of Allah, I am a man who fasts continuously. Should I fast while traveling?" He replied: "Fast if you wish." Ali said: "All of this contains no evidence for their position. As for the hadith of Abu al-Darda—it does not mention this occurred during Ramadan at all. Inserting what is not in the report is a lie. It could have been voluntary fasting, which we do not reject, leaving no basis for their argument or ours in it. As for the hadith of Abu Sa'id, the chain through Muawiyah ibn Salih is not authoritative. Even if we grant its authenticity, it supports our position against them, for it states the final ruling of the Messenger of Allah (peace and blessings be upon him) was to break the fast—if verified this occurred in Ramadan. In the hadith of Hammad ibn Salamah mentioned earlier and the hadith of Ibn Abbas, it is clarified this was during Ramadan. Both contain a serious matter for Abu Hanifah, Malik, and al-Shafi'i, as they do not permit one who begins fasting while traveling in Ramadan to break that day's fast. They unanimously deem him mistaken and do not refrain from labeling it a sin. Malik further holds that expiation is required upon him. Let the defenders of their opinions consider how they justify using these two reports—thereby attributing error and sin to the Messenger of Allah (peace and blessings be upon him) and imposing expiation for his breaking the fast, an act constituting apostasy for whoever asserts it. As for us, we say: Had it been confirmed he (peace and blessings be upon him) fasted with Ramadan's intention, this would be abrogated by his final command and action. Since this is not mentioned in any authentic reports, it remains plausible he fasted voluntarily. Breaking a voluntary fast is unconditionally permissible without disapproval, as he (peace and blessings be upon him) did. The height of astonishment is that some as-

وَمِنْ طَرِيقِ مُسْلِمٍ -: نا أَبُو الرَّبِيعِ الزَّهْرَانِيُّ وَيَحْيَى بْنُ يَحْيَى قَالَ أَبُو الرَّبِيعِ نا حَمَّادٌ هُوَ ابْنُ زَيْدٍ - وَقَالَ يَحْيَى نا أَبُو مُعَاوِيَةَ ثُمَّ اتَّفَقَ أَبُو مُعَاوِيَةَ وَحَمَّادٌ كِلَاهُمَا عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ حَمْزَةَ بْنَ عَمْرٍو الْأَسْلَمِيَّ قَالَ يَا رَسُولَ اللَّهِ إنِّي رَجُلٌ أَسْرُدُ الصَّوْمَ أَفَأَصُومُ فِي السَّفَرِ؟ قَالَ: صُمْ إنْ شِئْتَ» . قَالَ عَلِيٌّ: كُلُّ هَذَا لَا حُجَّةَ لَهُمْ فِيهِ، أَمَّا حَدِيثُ أَبِي الدَّرْدَاءِ -: فَلَيْسَ فِيهِ أَنَّ ذَلِكَ كَانَ فِي رَمَضَانَ أَصْلًا، وَإِقْحَامُ مَا لَيْسَ فِي الْخَبَرِ كَذِبٌ، وَقَدْ يُمْكِنُ أَنْ يَكُونَ تَطَوُّعًا فَلَا نُنْكِرُهُ فَلَا مُتَعَلَّقَ لَهُمْ وَلَا لَنَا فِيهِ. وَأَمَّا حَدِيثُ أَبِي سَعِيدٍ فَطَرِيقُ مُعَاوِيَةَ بْنِ صَالِحٍ لَا يُحْتَجُّ بِهَا، ثُمَّ هَبْكَ أَنَّهَا صَحِيحَةٌ فَهُوَ حُجَّةٌ لَنَا عَلَيْهِمْ، لِأَنَّ فِيهِ: أَنَّ آخِرَ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ الْفِطْرُ، هَذَا إنْ صَحَّ أَنَّهُ كَانَ فِي رَمَضَانَ. وَفِي حَدِيثِ حَمَّادِ بْنِ سَلَمَةَ الْمَذْكُورِ، وَحَدِيثِ ابْنِ عَبَّاسٍ بَيَانٌ أَنَّهُ كَانَ فِي رَمَضَانَ، وَفِيهِمَا عَلَى أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ: أَمْرٌ عَظِيمٌ، لِأَنَّهُمْ لَا يُجِيزُونَ لِمَنْ صَامَ وَهُوَ مُسَافِرٌ فِي رَمَضَانَ أَنْ يُفْطِرَ فِي ذَلِكَ الْيَوْمِ الَّذِي ابْتَدَأَ صِيَامَهُ، وَاتَّفَقُوا عَلَى أَنَّهُ مُخْطِئٌ وَمَا يَبْعُدُ عَنْهُمْ إطْلَاقُ اسْمِ الْمَعْصِيَةِ عَلَيْهِ، وَمَالِكٌ يَرَى عَلَيْهِ الْكَفَّارَةَ، فَلْيَنْظُرْ نَاصِرُ أَقْوَالِهِمْ فَبِمَاذَا يَدْخُلُ فِي احْتِجَاجِهِ بِهَذَيْنِ الْخَبَرَيْنِ مِنْ إطْلَاقِ اسْمِ الْخَطَأِ وَالْمَعْصِيَةِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِيجَابِ الْكَفَّارَةِ عَلَيْهِ فِي إفْطَارِهِ، وَهَذَا خُرُوجٌ عَنْ الْإِسْلَامِ مِمَّنْ أَقْدَمَ عَلَيْهِ. وَأَمَّا نَحْنُ فَنَقُولُ: لَوْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ صَائِمًا بِنِيَّتِهِ مِنْ رَمَضَانَ لَكَانَ ذَلِكَ مَنْسُوخًا بِآخِرِ أَمْرِهِ، وَآخِرِ فِعْلِهِ، وَإِذْ لَمْ يَأْتِ ذَلِكَ فِي شَيْءٍ مِنْ الْأَخْبَارِ فَيُمْكِنُ

[14] **Hadith references (L12077):** Sahih al-Bukhari 1943.

sert regarding the established report—‘A woman who borrowed jewelry and denied it had her hand cut off by the Messenger of Allah’s order (peace and blessings be upon him)’—claiming perhaps he ordered it for another reason.”

أَنْ يَكُونَ صَامَ تَطَوُّعًا، وَالْفِطْرُ لِلصَّائِمِ تَطَوُّعًا مُبَاحٌ مُطْلَقٌ لَا كَرَاهَةَ فِيهِ كَمَا فَعَلَ - عَلَيْهِ السَّلَامُ -. وَالْعَجَبُ كُلُّ الْعَجَبِ مِمَّنْ يَقُولُ فِي الْخَبَرِ الثَّابِتِ «أَنَّ امْرَأَةً كَانَتْ تَسْتَعِيرُ الْحُلِيَّ وَتَجْحَدُهُ فَأَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِقَطْعِ يَدِهَا» : لَعَلَّهُ إِنَّمَا قَطَعَ يَدَهَا لِغَيْرِ ذَلِكَ.

L12081–12084 In the authentic narration stating, “The Messenger of Allah (peace and blessings be upon him) saw a man praying alone behind the row and ordered him to repeat the prayer,” he says, “Perhaps he ordered him to repeat it for a reason other than that.” Regarding the narration, “The Messenger of Allah (peace and blessings be upon him) saw a man praying the two Fajr *rak’ahs* while the prayer was being established and said to him, ’Which of your two prayers do you consider valid?’” he says, “Perhaps he disapproved of him praying them among the people defiantly persisting in falsehood, as the narration explicitly states that he used to pray them in a corner.” Yet here, he does not say, “Perhaps he was fasting voluntarily,” whereas in this case one must say this, for there is no evidence in the narrations indicating otherwise. As for those other narrations, none of them allow for the interpretation they propose, as their explicit texts prohibit that. It is astonishing that someone cites “the statement of Abū Sa‘īd, ‘Then I witnessed us fasting after that during travel with the Messenger of Allah (peace and blessings be upon him)’” to justify what has no trace or sign thereof in the narration—such as permitting fasting in Ramadan during travel—when the narration does not mention that the Prophet (peace and blessings be upon him) knew of it and approved it. They do not consider “the statement of Asmā’, ‘We slaughtered a horse during the time of the Messenger of Allah (peace and blessings be upon him) and ate it’” as evidence, nor do they regard Ibn ‘Abbās’s statement, “Triple divorce was treated as a single pronouncement during the time of the Messenger of Allah (peace and blessings be upon him)” as evidence. This is astonishingly strange. The ḥadīth of Abū Sa‘īd only indicates the permissibility of fasting during travel, and we do not reject it for voluntary fasting or obligatory fasting other than Ramadan. What clarifies this further is that it is not known that the Prophet (peace and blessings be upon him) traveled during Ramadan

وَيَقُولُ فِي الْخَبَرِ الثَّابِتِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَأَى رَجُلًا يُصَلِّي خَلْفَ الصَّفِّ وَحْدَهُ فَأَمَرَهُ بِإِعَادَةِ الصَّلَاةِ» : لَعَلَّهُ إِنَّمَا أَمَرَهُ بِالْإِعَادَةِ لِغَيْرِ ذَلِكَ. وَيَقُولُ فِي الْخَبَرِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - رَأَى رَجُلًا يُصَلِّي رَكْعَتَيْ الْفَجْرِ وَالصَّلَاةُ تُقَامُ فَقَالَ لَهُ: بِأَيِّ صَلَاتَيْكَ تَعْتَدُّ» : لَعَلَّهُ إِنَّمَا أَنْكَرَ عَلَيْهِ أَنَّهُ صَلَّاهُمَا بَيْنَ النَّاسِ مُكَابَرَةً لِلْبَاطِلِ: وَفِي الْخَبَرِ مَنْصُوصٌ أَنَّهُ كَانَ يُصَلِّيهِمَا نَاحِيَةً. ثُمَّ لَا يَقُولُ هَاهُنَا: لَعَلَّهُ كَانَ يَصُومُ تَطَوُّعًا، وَهَاهُنَا يَجِبُ أَنْ يُقَالَ هَذَا، لِأَنَّهُ لَيْسَ فِي الْأَخْبَارِ دَلِيلٌ عَلَى غَيْرِ ذَلِكَ، وَأَمَّا تِلْكَ الْأَخْبَارُ فَلَيْسَ مِنْهَا شَيْءٌ يَحْتَمِلُ مَا تَأَوَّلُوهُ لِأَنَّ نَصَّهَا يَمْنَعُ مِنْ ذَلِكَ. وَالْعَجَبُ مِمَّنْ يَحْتَجُّ «بِقَوْلِ أَبِي سَعِيدٍ ثُمَّ لَقَدْ رَأَيْتُنَا نَصُومُ بَعْدَ ذَلِكَ فِي السَّفَرِ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» فِي إِجَازَةِ مَا لَيْسَ فِي الْخَبَرِ مِنْهُ أَثَرٌ وَلَا عَثْرٌ مِنْ إِجَازَةِ الصَّوْمِ لِرَمَضَانَ فِي السَّفَرِ، وَلَيْسَ فِي الْخَبَرِ أَنَّهُ - عَلَيْهِ السَّلَامُ - عَلِمَ بِذَلِكَ فَأَقَرَّهُ. وَهُمْ لَا يَرَوْنَ «قَوْلَ أَسْمَاءَ: ذَبَحْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَسًا فَأَكَلْنَاهُ» حُجَّةً، وَلَا يَرَوْنَ قَوْلَ ابْنِ عَبَّاسٍ «إِنَّ طَلَاقَ الثَّلَاثِ كَانَتْ تُجْعَلُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَاحِدَةً» حُجَّةً. وَهَذَا عَجَبٌ عَجِيبٌ وَإِنَّمَا فِي حَدِيثِ أَبِي سَعِيدٍ إِبَاحَةُ الصَّوْمِ فِي السَّفَرِ وَنَحْنُ لَا نُنْكِرُهُ تَطَوُّعًا أَوْ فَرْضًا غَيْرَ رَمَضَانَ، وَمِمَّا يُبَيِّنُ هَذَا أَنَّهُ لَا يُعْلَمُ أَنَّهُ - عَلَيْهِ السَّلَامُ - سَافَرَ فِي رَمَضَانَ بَعْدَ عَامِ الْفَتْحِ. وَأَمَّا

after the year of the Conquest. As for the report of Ḥamzah, it clearly shows that he asked the Prophet (peace and blessings be upon him) about voluntary fasting, as stated in the narration: “I am a man who fasts continuously; should I fast during travel?” He was frequent in fasting, thus invalidating all their interpretations and nullifying any evidence they claim from these narrations—and success is by Allah, the Exalted. Abū Muḥammad said: Since no evidence remains for them—neither from the Quran nor the Sunnah—let us now present the proofs for the validity of our position, by the will and power of Allah, the Exalted. Allah the Exalted said: {So whoever among you witnesses the month, he must fast it; and whoever is ill or traveling, then a number of other days.} [Al-Baqarah: 185] This is a clear verse by the consensus of Muslims—neither abrogated nor specified. Thus, it is established that Allah the Exalted only obligated fasting the month upon those who witness it, and He imposed no duty upon the sick or the traveler except to fast days other than Ramadan. This is a clear text with no ambiguity, and it is impermissible for anyone to claim, “This only means if they break the fast during it,” for that is a baseless claim without evidence.[15]

خَبَرُ حَمْزَةَ فَبَيَانٌ جَلِيٌّ فِي أَنَّهُ إنَّمَا سَأَلَهُ - عَلَيْهِ السَّلَامُ - عَنْ التَّطَوُّعِ لِقَوْلِهِ فِي الْخَبَرِ «إنِّي امْرُؤٌ أَسْرُدُ الصَّوْمَ أَفَأَصُومُ فِي السَّفَرِ» ؟ وَكَانَ كَثِيرَ الصِّيَامِ فَبَطَلَ كُلُّ مَا تَأَوَّلُوهُ، وَبَطَلَ أَنْ يَكُونَ لَهُمْ فِي شَيْءٍ مِنْ هَذِهِ الْأَخْبَارِ حُجَّةٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. قَالَ أَبُو مُحَمَّد: فَإِذْ لَمْ يَبْقَ لَهُمْ حُجَّةٌ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ فَلْنَذْكُرْ الْآنَ الْبَرَاهِينَ عَلَى صِحَّةِ قَوْلِنَا بِحَوْلِ اللَّهِ تَعَالَى وَقُوَّتِهِ -: قَالَ اللَّهُ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] وَهَذِهِ آيَةٌ مُحْكَمَةٌ بِإِجْمَاعٍ مِنْ أَهْلِ الْإِسْلَامِ لَا مَنْسُوخَةٌ وَلَا مَخْصُوصَةٌ. فَصَحَّ أَنَّ اللَّهَ تَعَالَى لَمْ يَفْرِضْ صَوْمَ الشَّهْرِ إلَّا عَلَى مَنْ شَهِدَهُ، وَلَا فَرْضَ عَلَى الْمَرِيضِ، وَالْمُسَافِرِ إلَّا أَيَّامًا أُخَرَ غَيْرَ رَمَضَانَ، وَهَذَا نَصٌّ جَلِيٌّ لَا حِيلَةَ فِيهِ، وَلَا يَجُوزُ لِمَنْ قَالَ: إنَّمَا مَعْنَى ذَلِكَ إنْ أَفْطَرَا فِيهِ، لِأَنَّهَا دَعْوَى مَوْضُوعَةٌ بِلَا بُرْهَانٍ.

L12085–12087

Allah the Exalted said: {Say, “Produce your proof if you are truthful.”} [Al-Baqarah: 111]. Narrated by Abdullah ibn Yusuf, Ahmad ibn Fath, Abd al-Wahhab ibn Isa, Ahmad ibn Muhammad, Ahmad ibn Ali, Muslim ibn al-Hajjaj, Muhammad ibn al-Muthanna, Abd al-Wahhab—son of Abd al-Majid al-Thaqafi—Jaafar ibn Muhammad ibn Ali ibn al-Husayn, from his father, from Jabir ibn Abdullah: “Allah’s Messenger—peace and blessings be upon him—journeyed to Mecca during Ramadan in the Year of the Conquest. He fasted until reaching Kura’ al-Ghamim, and the people fasted with him. Then he called for a cup of water, raised it until the people looked at it, and drank. Later, he was told: ’Some people had fasted.’ He responded: ’Those are the disobedient! Those are the disobedient!”’ Abu Muhammad remarked: If his fasting—peace be upon him—was for Ramadan, his statement “Those are the disobedient” abrogated it, making breaking the fast obligatory and fasting sinful. No report can abrogate this. If his fasting—peace be upon him—was

قَالَ اللَّهُ تَعَالَى: {قُلْ هَاتُوا بُرْهَانَكُمْ إنْ كُنْتُمْ صَادِقِينَ} [البقرة: ١١١]-: نا عَبْدُ اللَّهِ بْنُ يُوسُفَ نا أَحْمَد بْنُ فَتْحٍ نا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نا أَحْمَدُ بْنُ مُحَمَّدٍ نا أَحْمَدُ بْنُ عَلِيّ نا مُسْلِمُ بْنُ الْحَجَّاجِ نا مُحَمَّدُ بْنُ الْمُثَنَّى نا عَبْدُ الْوَهَّابِ هُوَ ابْنُ عَبْدِ الْمَجِيدِ الثَّقَفِيّ نا جَعْفَرُ بْنُ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ “ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «خَرَجَ عَامَ الْفَتْحِ إلَى مَكَّةَ فِي رَمَضَانَ فَصَامَ حَتَّى بَلَغَ كُرَاعَ الْغَمِيمِ فَصَامَ النَّاسُ ثُمَّ دَعَا بِقَدَحٍ مِنْ مَاءٍ فَرَفَعَهُ حَتَّى نَظَرَ النَّاسُ إلَيْهِ ثُمَّ شَرِبَ فَقِيلَ لَهُ بَعْدَ ذَلِكَ: إنَّ بَعْضَ النَّاسِ قَدْ صَامَ؟ فَقَالَ: أُولَئِكَ الْعُصَاةُ أُولَئِكَ الْعُصَاةُ» . قَالَ أَبُو مُحَمَّد: إنْ كَانَ صِيَامُهُ - عَلَيْهِ السَّلَامُ - لِرَمَضَانَ فَقَدْ نَسَخَهُ بِقَوْلِهِ «أُولَئِكَ الْعُصَاةُ» وَصَارَ الْفِطْرُ

[15] **Qur’an references (L12082):** Qur’an 2:185 (Al-Baqarah).

voluntary, this more strongly prohibits fasting during Ramadan while traveling. From al-Bukhari's and Muslim's transmissions: Al-Bukhari narrated through Adam, and Muslim stated: Narrated by Abu Bakr ibn Abi Shaybah, Muhammad ibn Jaafar. Their chains then converged—both Adam and Muhammad narrated from Shu'bah, from Muhammad ibn Abd al-Rahman ibn Sa'd ibn Zurarah al-Ansari, from Muhammad ibn Umar ibn al-Hasan ibn Ali ibn Abi Talib, from Jabir ibn Abdullah, who said: "Allah's Messenger—peace and blessings be upon him—saw a man who had been shaded during a journey. He inquired about him, and they said: 'He is fasting.'" He said: "Fasting during travel is not from righteousness." This is the wording of Adam, while Ghundar's wording is: "Your fasting during travel is not from righteousness." Abu Muhammad said: "This is manifestly clear." If it is objected: "The Prophet (peace be upon him) only prohibited this in that man's specific situation?" We respond: "This is invalid and impermissible, for such a state is forbidden to deliberately reach through one's choice to fast while settled, just as during travel. To restrict the Prophet's (peace be upon him) prohibition of fasting specifically to travel would nullify this fabricated assertion against him (peace be upon him), and it is obligatory to accept his speech (peace be upon him) in its general application." Through the chain of Sufyan ibn Uyaynah from al-Zuhri, from Safwan ibn Abdullah ibn Safwan ibn Umayyah al-Jumahi, from al-Darda' bint Abi al-Darda', from Ka'b ibn Asim al-Ash'ari who said: "I heard Allah's Messenger (peace be upon him) say: 'Fasting during travel is not from righteousness.'" Safwan is trustworthy, renowned, Meccan, and was married to al-Darda' bint Abi al-Darda'. Ka'b ibn Asim is a well-known Companion who migrated with Abu Musa, being from al-Ashāqir - a branch of the Azd tribe. Through the chain of Shu'ayb ibn Ishaq from al-Awza'i: Yahya (ibn Abi Kathir) narrated to me: Abu Qilabah al-Jarmi narrated to me that Abu Umayyah, Amr ibn Umayyah al-Damri, informed him: "Allah's Messenger (peace be upon him) said to him when he invited him to eat: 'Shall I inform you about the traveler? Verily Allah has exempted him from fasting and half of the prayer.'"[16][17]

فَرْضًا وَالصَّوْمُ مَعْصِيَةً، وَلَا سَبِيلَ إلَى خَبَرٍ نَاسِخٍ لِهَذَا أَبَدًا، وَإِنْ كَانَ صِيَامُهُ - عَلَيْهِ السَّلَامُ - تَطَوُّعًا فَهَذَا أَحْرَى لِلْمَنْعِ مِنْ صِيَامِ رَمَضَانَ لِرَمَضَانَ فِي السَّفَرِ، وَمِنْ طَرِيقِ الْبُخَارِيِّ، وَمُسْلِمٍ. قَالَ الْبُخَارِيِّ نا آدَمُ، وَقَالَ مُسْلِمٌ: نا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نا مُحَمَّدُ بْنُ جَعْفَرٍ ثُمَّ اتَّفَقَ آدَمُ وَمُحَمَّدٌ وَكِلَاهُمَا عَنْ شُعْبَةَ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَعْدِ بْنِ زُرَارَةَ الْأَنْصَارِيِّ عَنْ مُحَمَّدِ بْنِ عُمَرَ بْنِ الْحَسَنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ قَالَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي سَفَرٍ فَرَأَى رَجُلًا قَدْ ظُلِّلَ عَلَيْهِ فَسَأَلَ عَنْهُ فَقِيلَ: صَائِمٌ، فَقَالَ: لَيْسَ مِنْ الْبِرِّ الصَّوْمُ فِي السَّفَرِ» هَذَا لَفْظُ آدَمَ، وَلَفْظُ غُنْدَرٍ «لَيْسَ مِنْ الْبِرِّ أَنْ تَصُومُوا فِي السَّفَرِ». قَالَ أَبُو مُحَمَّدٍ: وَهَذَا مَكْشُوفٌ وَاضِحٌ. فَإِنْ قِيلَ: إنَّمَا مَنَعَ - عَلَيْهِ السَّلَامُ - فِي مِثْلِ حَالِ ذَلِكَ الرَّجُلِ؟ قُلْنَا: هَذَا بَاطِلٌ لَا يَجُوزُ لِأَنَّ تِلْكَ الْحَالَ مُحَرَّمُ الْبُلُوغِ إلَيْهَا بِاخْتِيَارِ الْمَرْءِ لِلصَّوْمِ فِي الْحَضَرِ كَمَا هُوَ فِي السَّفَرِ فَتَخْصِيصُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْمَنْعِ مِنْ الصِّيَامِ فِي السَّفَرِ إبْطَالٌ لِهَذِهِ الدَّعْوَى الْمُفْتَرَاةِ عَلَيْهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَوَاجِبٌ أَخْذُ كَلَامِهِ - عَلَيْهِ السَّلَامُ - عَلَى عُمُومِهِ. وَمِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ صَفْوَانَ بْنِ عَبْدِ اللَّهِ بْنِ صَفْوَانَ بْنِ أُمَيَّةَ الْجُمَحِيِّ عَنْ أُمِّ الدَّرْدَاءِ عَنْ كَعْبِ بْنِ عَاصِمٍ الْأَشْعَرِيِّ قَالَ " سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «لَيْسَ مِنْ الْبِرِّ الصِّيَامُ فِي السَّفَرِ». صَفْوَانُ ثِقَةٌ مَشْهُورٌ مَكِّيٌّ كَانَ مُتَزَوِّجًا بِالدَّرْدَاءِ بِنْتِ أَبِي الدَّرْدَاءِ. وَكَعْبُ بْنُ عَاصِمٍ مَشْهُورُ الصُّحْبَةِ هَاجَرَ مَعَ أَبِي مُوسَى وَهُوَ مِنْ الْأَشَاقِرِ حَيٌّ مِنْ الْأَزْدِ. وَمِنْ طَرِيقِ شُعَيْبِ بْنِ إسْحَاقَ عَنْ الْأَوْزَاعِيِّ حَدَّثَنِي يَحْيَى هُوَ ابْنُ أَبِي كَثِيرٍ حَدَّثَنِي أَبُو قِلَابَةَ الْجَرْمِيُّ «أَنَّ أَبَا

[16] **Hadith references (L12085):** Sahih Muslim 1114a; Mishkat al-Masabih 2027.

[17] **Qur'an references (L12085):** Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml).

أُمَيَّةَ عَمْرو بْنَ أُمَيَّةَ الضَّمْرِيَّ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ وَقَدْ دَعَاهُ إِلَى الْغَدَاءِ: أُخْبِرُكَ عَنْ الْمُسَافِرِ؟ إِنَّ اللَّهَ وَضَعَ عَنْهُ الصِّيَامَ وَنِصْفَ الصَّلَاةِ» .

L12088–12090 وَمِنْ طَرِيقِ أَبِي زُرْعَةَ عُبَيْدِ اللَّهِ بْنِ عَبْدِ الْكَرِيمِ نا سَهْلُ بْنُ بَكَّارٍ نا أَبُو عَوَانَةَ عَنْ أَبِي بِشْرٍ «عَنْ هَانِئِ بْنِ عَبْدِ اللَّهِ بْنِ الشِّخِّيرِ عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ وَدَعَاهُ إِلَى الْغَدَاءِ: أَتَدْرِي مَا وَضَعَ اللَّهُ عَنْ الْمُسَافِرِ؟ قُلْتُ: مَا وَضَعَ اللَّهُ عَنْ الْمُسَافِرِ؟ قَالَ: الصَّوْمُ، وَشَطْرُ الصَّلَاةِ» . وَمِنْ طَرِيقِ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ ثَوْبَانَ حَدَّثَنِي جَابِرِ بْنِ عَبْدِ اللَّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرَّ بِرَجُلٍ فِي ظِلٍّ يُرَشُّ عَلَيْهِ الْمَاءُ فَسَأَلَ عَنْهُ فَأُخْبِرَ أَنَّهُ صَائِمٌ فَقَالَ: لَيْسَ مِنْ الْبِرِّ أَنْ تَصُومُوا فِي السَّفَرِ وَعَلَيْكُمْ بِرُخْصَةِ اللَّهِ الَّتِي رَخَّصَ لَكُمْ فَاقْبَلُوهَا» فَهَذَا أَمْرٌ بِقَبُولِهَا وَأَمْرُهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فَرْضٌ فَهِيَ رُخْصَةٌ مُفْتَرَضَةٌ، وَصَحَّ بِهَذِهِ الْأَخْبَارِ أَنَّ اللَّهَ تَعَالَى أَسْقَطَ عَنْ الْمُسَافِرِ الصَّوْمَ وَنِصْفَ الصَّلَاةِ وَهَذِهِ آثَارٌ مُتَوَاتِرَةٌ مُتَظَاهِرَةٌ لَمْ يَأْتِ شَيْءٌ يُعَارِضُهَا فَلَا يَجُوزُ الْخُرُوجُ عَنْهَا. فَإِنْ قِيلَ: فَإِنَّ هَذِهِ الْأَخْبَارَ مَانِعَةٌ كُلُّهَا بِعُمُومِهَا مِنْ كُلِّ صَوْمٍ فِي السَّفَرِ وَأَنْتُمْ تُبِيحُونَ فِيهِ كُلَّ صَوْمٍ إلَّا رَمَضَانَ وَحْدَهُ؟ قُلْنَا: نَعَمْ، لِأَنَّ النُّصُوصَ جَاءَتْ بِمِثْلِ مَا قُلْنَا، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ} [البقرة: ١٩٦] فَافْتَرَضَ تَعَالَى صَوْمَ الثَّلَاثَةِ الْأَيَّامِ فِي السَّفَرِ وَلَا بُدَّ. وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْحَضِّ عَلَى صَوْمِ عَرَفَةَ مَا سَنَذْكُرُهُ إِنْ شَاءَ اللَّهُ تَعَالَى وَهُوَ فِي السَّفَرِ لِمَنْ كَانَ حَاجًّا. وَقَالَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «إِنَّ أَفْضَلَ الصِّيَامِ صِيَامُ دَاوُد يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمًا» فَعَمَّ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَلَمْ يَخُصَّ. وَقَالَ - عَلَيْهِ

From the chain of Abu Zur'ah Ubaydullah ibn Abd al-Karim: Sahl ibn Bakkar narrated to us, Abu Awanah narrated to us from Abu Bishr, from Hani ibn Abdullah ibn al-Shikhkhir, from his father, that the Messenger of Allah (peace and blessings be upon him) said to him when he invited him to lunch: "Do you know what Allah has lifted from the traveler?" He said: "What has Allah lifted from the traveler?" He replied: "Fasting and half the prayer." And from the chain of Yahya ibn Abu Kathir, from Muhammad ibn Abd al-Rahman ibn Thawban: Jabir ibn Abdullah narrated to me that the Messenger of Allah (peace and blessings be upon him) passed by a man sitting in the shade while water was sprinkled on him. He inquired about him and was informed that he was fasting. He said: "It is not an act of virtue to fast while traveling. You should take advantage of the concession of Allah that He has granted you, so accept it." This is a command to accept them, and his command—peace and blessings be upon him—is obligatory, so it is a prescribed concession. These reports confirm that Allah, the Exalted, has exempted the traveler from fasting and halving the prayer. These are widely transmitted and mutually reinforcing narrations, with nothing contradicting them, so it is impermissible to deviate from them. If it is said: These reports universally prohibit all fasting during travel, yet you permit all fasting therein except Ramadan alone? We respond: Yes, because the texts have come as we have stated. Allah, the Exalted, said: {But whoever cannot afford [a sacrificial animal]—then fasting three days during the pilgrimage and seven when you return [Al-Baqarah 2:196].} Thus, He, the Exalted, has ordained fasting three days during travel necessarily. The Messenger of Allah—peace and blessings be upon him—encouraged fasting on the Day of Arafah, as we will mention, Allah willing, and this applies during travel for those performing Hajj. He—peace and blessings be upon him—said: "The best fasting is the fasting of David; he would fast a day and break a day." He—peace and blessings be upon him—spoke generally without restriction. He—peace and blessings be upon him—also said: "Whoever fasts a day in the

path of Allah, Allah will distance the Fire from his face," thereby encouraging fasting. Therefore, all texts must be adhered to. Thus, fasting Ramadan during travel is uniquely prohibited, while all other fasting—whether obligatory or voluntary—remains permissible during travel. It is impermissible to discard one text in favor of another. Some ignorant individuals who audaciously assert falsehood in matters of religion claim that the meaning of his statement—peace and blessings be upon him—"Fasting during travel is not righteousness," is like his statement—peace and blessings be upon him—"The needy are not those who go around begging." Abu Muhammad said: This is distorting words from their contexts, lying against the Messenger of Allah—peace and blessings be upon him—and attributing to him what he did not say. The perpetrator of this will occupy their seat in the Fire by the explicit words of the Prophet—peace and blessings be upon him. The existence of a text that is clarified by another text or consensus does not nullify all texts or remove them from their apparent meanings. This leads to the method of the Qarmatians in diverting the Quran from its understood and apparent meanings. Whoever reaches this point has spared his opponent the trouble.[18]

الصَّلَاةُ وَالسَّلَامُ -: «مَنْ صَامَ يَوْمًا فِي سَبِيلِ اللَّهِ بَاعَدَ اللَّهُ النَّارَ عَنْ وَجْهِهِ» فَخَصَّ عَلَى الصَّوْمِ فِي السَّفَرِ. فَوَجَبَ الْأَخْذُ بِجَمِيعِ النُّصُوصِ فَخَرَجَ صَوْمُ رَمَضَانَ فِي السَّفَرِ بِالْمَنْعِ وَحْدَهُ وَبَقِيَ سَائِرُ الصَّوْمِ وَاجِبُهُ وَتَطَوُّعُهُ عَلَى جَوَازِهِ فِي السَّفَرِ وَلَا يَجُوزُ تَرْكُ نَصٍّ لِآخَرَ. وَقَالَ بَعْضُ أَهْلِ الْجَهْلِ وَالْجُرْأَةِ عَلَى الْقَوْلِ بِالْبَاطِلِ فِي الدِّينِ: مَعْنَى قَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «لَيْسَ مِنْ الْبِرِّ الصِّيَامُ فِي السَّفَرِ» مِثْلُ قَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «لَيْسَ الْمِسْكِينُ بِهَذَا الطَّوَّافِ» . قَالَ أَبُو مُحَمَّدٍ: هَذَا تَحْرِيفٌ لِلْكَلِمِ عَنْ مَوَاضِعِهِ، وَكَذِبٌ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَتَقْوِيلٌ لَهُ مَا لَمْ يَقُلْ، وَفَاعِلُ هَذَا يَتَبَوَّأُ مَقْعَدَهُ مِنْ النَّارِ بِنَصِّ قَوْلِهِ - عَلَيْهِ السَّلَامُ -، وَلَيْسَ إذَا وُجِدَ نَصٌّ قَدْ جَاءَ نَصٌّ آخَرُ أَوْ إجْمَاعٌ بِإِخْرَاجِهِ عَنْ ظَاهِرِهِ وَجَبَ أَنْ تَبْطُلَ جَمِيعُ النُّصُوصِ وَتَخْرُجَ عَنْ ظَوَاهِرِهَا فَيَحْصُلُ مِنْ فِعْلِ هَذَا عَلَى مَذْهَبِ الْقَرَامِطَةِ فِي إحَالَةِ الْقُرْآنِ عَنْ مَفْهُومِهِ وَظَاهِرِهِ، وَمَنْ بَلَغَ إلَى هَاهُنَا فَقَدْ كَفَى خَصْمَهُ مُؤْنَتَهُ.

L12091–12094 It is said to him: If you make this claim regarding his statement—peace and blessings be upon him—"Fasting during travel is not righteousness," then must you not equally apply it to Allah's words: {Righteousness is not in turning your faces toward the east or the west} [Al-Baqarah: 177]? Is there no distinction? Abu Muhammad said: Whoever adopts this approach has utterly invalidated religion, intellect, and shared understanding in their totality. If it is objected: How then do you reconcile his fasting—peace and blessings be upon him—with Allah's decree: {Whoever witnesses the month must fast it, and whoever is ill or traveling should fast an equal number of days thereafter} [Al-Baqarah: 185]? We reply: This is supremely evident. This verse can only be interpreted in two ways: either its revelation was delayed until after the conquest of Mecca or later—while Ramadan's obligation was established through prior revelation, just as the ablution verse in

وَيُقَالُ لَهُ: إذَا قُلْت هَذَا فِي قَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «لَيْسَ مِنْ الْبِرِّ الصِّيَامُ فِي السَّفَرِ» فَقُلْهُ أَيْضًا فِي قَوْله تَعَالَى: {لَيْسَ الْبِرَّ أَنْ تُوَلُّوا وُجُوهَكُمْ قِبَلَ الْمَشْرِقِ وَالْمَغْرِبِ} [البقرة: ١٧٧] وَلَا فَرْقَ؟ قَالَ أَبُو مُحَمَّدٍ: وَمَنْ سَلَكَ هَذَا السَّبِيلَ فَقَدْ أَبْطَلَ الدِّينَ وَالْعَقْلَ وَالتَّفَاهُمَ جُمْلَةً. فَإِنْ قِيلَ: فَكَيْف تَقُولُونَ فِي صَوْمِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - مَعَ قَوْلِ اللَّهِ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] . قُلْنَا: هَذَا فِي غَايَةِ الْبَيَانِ لَا تَخْلُو هَذِهِ الْآيَةُ مِنْ أَنْ يَكُونَ نُزُولُهَا تَأَخَّرَ إلَى وَقْتِ فَتْحِ مَكَّةَ أَوْ بَعْدَهُ، وَتَقَدَّمَ فَرْضُ رَمَضَانَ بِوَحْيٍ آخَرَ كَمَا كَانَ نُزُولُ آيَةِ الْوُضُوءِ فِي الْمَائِدَةِ مُتَأَخِّرًا عَنْ نُزُولِ فَرْضِهِ، فَإِنْ كَانَ تَأَخَّرَ نُزُولُهَا

[18] **Qur'an references (L12088):** Qur'an 2:196 (Al-Baqarah).

فَسُؤَالُكُمْ سَاقِطٌ وَلِلَّهِ الْحَمْدُ رَبِّ الْعَالَمِينَ. وَإِنْ كَانَ تَقَدَّمَ نُزُولُهَا فَلَا يَخْلُو - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فِي صَوْمِهِ ذَلِكَ مِنْ أَنْ يَكُونَ صَامَهُ لِرَمَضَانَ أَوْ تَطَوُّعًا، فَإِنْ كَانَ صَامَهُ تَطَوُّعًا فَسُؤَالُكُمْ سَاقِطٌ وَلِلَّهِ الْحَمْدُ. وَإِنْ كَانَ صَامَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لِرَمَضَانَ فَلَا نُنْكِرُ أَنْ يَكُونَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - نَسَخَ بِفِعْلِهِ حُكْمَ الْآيَةِ ثُمَّ نَسَخَ ذَلِكَ الْفِعْلَ وَعَادَ حُكْمُ الْآيَةِ، فَهَذَا كُلُّهُ حَسَنٌ فَكَيْف وَلَا دَلِيلَ أَصْلًا عَلَى تَقَدُّمِ نُزُولِ الْآيَةِ قَبْلَ غَزْوَةِ الْفَتْحِ؟ وَمَا نَزَلَ بَعْضُهَا إلَّا بَعْدَ إسْلَامِ عَدِيِّ بْنِ حَاتِمٍ بَعْدَ الْفَتْحِ بِمُدَّةٍ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. قَالَ أَبُو مُحَمَّد: وَلَمْ يَبْقَ عَلَيْنَا إلَّا أَنْ نَذْكُرَ مَنْ قَالَ: بِمِثْلِ قَوْلِنَا لِئَلَّا يَدَّعُوا عَلَيْنَا خِلَافَ الْإِجْمَاعِ، فَالدَّعْوَى لِذَلِكَ مِنْهُمْ سَهْلَةٌ، وَهُمْ أَكْثَرُ النَّاسِ خِلَافًا لِلْإِجْمَاعِ عَلَى مَا قَدْ بَيَّنَّا فِي كِتَابِنَا هَذَا وَفِي غَيْرِهِ. رُوِّينَا مِنْ طَرِيقِ سُلَيْمَانَ بْنِ حَرْبٍ نا حَمَّادُ بْنُ سَلَمَةَ عَنْ كُلْثُومِ بْنِ جَبْرٍ عَنْ رَجُلٍ مِنْ بَنِي قَيْسٍ أَنَّهُ صَامَ فِي السَّفَرِ فَأَمَرَهُ عُمَرُ بْنُ الْخَطَّابِ أَنْ يُعِيدَ. وَمِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ عَاصِمِ بْنِ عُبَيْدِ اللَّهِ عَنْ عَبْدِ اللَّهِ بْنِ عَامِرِ بْنِ رَبِيعَةَ عَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ أَمَرَ رَجُلًا أَنْ يُعِيدَ صِيَامَهُ فِي السَّفَرِ. قَالَ أَبُو مُحَمَّد: إنَّ مَنْ احْتَجَّ فِي رَدِّ السُّنَنِ الثَّابِتَةِ مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «كُلُّ بَيِّعَيْنِ فَلَا بَيْعَ بَيْنَهُمَا حَتَّى يَتَفَرَّقَا» بِرِوَايَةِ شَيْخٍ مِنْ بَنِي كِنَانَةَ عَنْ عُمَرَ أَنَّهُ قَالَ: الْبَيْعُ عَلَى صَفْقَةٍ أَوْ تَخَايُرٍ، ثُمَّ رَدَّ هَذِهِ الرِّوَايَةَ عَنْ عُمَرَ وَمَعَهُ الْقُرْآنُ وَالسُّنَنُ: لَأُعْجُوبَةٌ وَأُخْلُوقَةٌ؟ وَمِنْ طَرِيقِ سُلَيْمَانَ بْنِ حَرْبٍ عَنْ أَبِي عَوَانَةَ عَنْ عُمَرَ بْنِ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِيهِ قَالَ: نَهَتْنِي عَائِشَةُ أُمُّ الْمُؤْمِنِينَ عَنْ أَنْ أَصُومَ رَمَضَانَ فِي السَّفَرِ. وَعَنْ أَبِي هُرَيْرَةَ: لَيْسَ مِنْ الْبِرِّ الصِّيَامُ فِي السَّفَرِ.

Al-Māʾidah was revealed after its obligation—or its revelation preceded. If its revelation was delayed, your objection is void—praise be to Allah, Lord of the worlds. If it preceded, the Prophet's fasting—peace and blessings be upon him—must have been either for Ramadan or voluntary. If voluntary, your argument collapses—praise be to Allah. If he fasted for Ramadan, we do not deny that his action may have abrogated the verse's ruling, which was later itself abrogated, thereby restoring the verse's injunction. All this is plausible—but how so when there exists no evidence whatsoever that the verse was revealed before the conquest? Indeed, part of it was not revealed until after ʿAdī ibn Ḥātim's conversion, a period after the conquest. Success is granted solely by Allah, the Exalted. Abu Muhammad said: It remains only for us to cite those who concur with our position, lest they accuse us of contravening consensus—though such claims are facile, for they themselves constitute the majority in opposing consensus, as we have elucidated in this work and others. We narrate via Sulaymān ibn Ḥarb's chain: Ḥammād ibn Salamah reported from Kulthūm ibn Jabr, from a man of Banū Qays, that he fasted while traveling, and ʿUmar ibn al-Khaṭṭāb ordered him to repeat it. Through Sufyān ibn ʿUyaynah's chain: ʿĀṣim ibn ʿUbaydullāh reported from ʿAbdullāh ibn ʿĀmir ibn Rabīʿah that ʿUmar ibn al-Khaṭṭāb commanded a man to repeat his travel fast. Abu Muhammad said: Those who cite the Messenger's saying—peace and blessings be upon him—"Every..." to refute established sunnahs... When two parties engage in sale, they retain the option [to cancel] until they part," via a narration transmitted by a sheikh from Banū Kinānah reporting that ʿUmar said: "A sale is [concluded] through a transaction or mutual option." He then rejected this narration from ʿUmar—despite the Quran and Sunnah being present—exclaiming: "What a wonder and fabrication this is¿' Through the chain of Sulaymān ibn Ḥarb from Abū ʿAwānah from ʿUmar ibn Abī Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf from his father, who said: "'Ā'ishah, the Mother of the Faithful, forbade me from fasting Ramadan during travel." From Abū Hurayrah: "Fasting during travel is not an act of righteousness."[19]

[19] **Qur'an references (L12092):** Qur'an 2:177 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

وَمِنْ طَرِيقِ شُعْبَةَ عَنْ أَبِي حَمْزَةَ نَصْرِ بْنِ عِمْرَانَ الضُّبَعِيِّ - قَالَ: سَأَلْتُ ابْنَ عَبَّاسٍ عَنْ الصَّوْمِ فِي السَّفَرِ؟ فَقَالَ: يُسْرٌ وَعُسْرٌ خُذْ بِيُسْرِ اللَّهِ تَعَالَى. قَالَ أَبُو مُحَمَّدٍ: إخْبَارُهُ بِأَنَّ صَوْمَ رَمَضَانَ فِي السَّفَرِ عُسْرٌ: إيجَابٌ مِنْهُ لِفِطْرِهِ.

L12095 And through the chain of Shu’bah from Abu Hamzah Nasr ibn ’Imran al-Duba’i, who said: I asked Ibn ’Abbas about fasting while traveling. He replied: “There is facilitation and difficulty; take the facilitation of Allah the Exalted.” Abu Muhammad said: His report that fasting Ramadan during travel is a difficulty demonstrates his view that breaking the fast is obligatory.

وَعَنْهُ أَيْضًا: الْإِفْطَارُ فِي رَمَضَانَ فِي السَّفَرِ: عَزْمَةٌ. رُوِّينَا هَذَا عَنْهُ مِنْ طَرِيقِ عَبْدِ بْنِ حُمَيْدٍ، وَابْنِ أَبِي شَيْبَةَ كِلَاهُمَا عَنْ مُحَمَّدِ بْنِ بِشْرٍ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ جَابِرِ بْنِ زَيْدٍ أَبِي الشَّعْثَاءِ عَنْ ابْنِ عَبَّاسٍ.

L12096 Breaking the fast during Ramadan while traveling is a confirmed ruling. This was narrated to us from him through the chain of Abd ibn Humayd and Ibn Abi Shaybah, both of whom narrated from Muhammad ibn Bishr, from Sa’id ibn Abi Aroobah, from Qatadah, from Jabir ibn Zayd Abu al-Sha’tha’, from Ibn Abbas.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي دَاوُد الطَّيَالِسِيِّ عَنْ عِمْرَانَ الْقَطَّانِ عَنْ عَمَّارٍ مَوْلَى بَنِي هَاشِمٍ هُوَ ابْنُ أَبِي عَمَّارٍ - عَنْ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَمَّنْ صَامَ رَمَضَانَ فِي السَّفَرِ؟ فَقَالَ ابْنُ عَبَّاسٍ: لَا يُجْزِئُهُ - يَعْنِي لَا يُجْزِئُهُ صِيَامُهُ. وَعَنْ ابْنِ عُمَرَ أَنَّهُ سُئِلَ عَنْ الصَّوْمِ فِي السَّفَرِ؟ فَقَالَ {فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] .

L12097 From the chain of Ibn Abī Shaybah, from Abū Dāwūd al-Ṭayālisī, from ʿImrān al-Qaṭṭān, from ʿAmmār—client of Banū Hāshim (he is Ibn Abī ʿAmmār)—from Ibn ʿAbbās, that he was asked about one who fasted during Ramadan while traveling. Ibn ʿAbbās replied: “It is not valid for him: meaning his fasting is not valid.” From Ibn ʿUmar, that he was asked about fasting during travel. He said: *“‘So whoever among you is ill or on a journey, then a number of other days’”* [al-Baqarah 2:184].[20]

وَمِنْ طَرِيقِ شُعْبَةَ عَنْ يَعْلَى بْنِ عَطَاءٍ عَنْ يُوسُفَ بْنِ الْحَكَمِ الثَّقَفِيِّ أَنَّ ابْنَ عُمَرَ سُئِلَ عَنْ الصَّوْمِ فِي السَّفَرِ؟ فَقَالَ: إنَّمَا هِيَ صَدَقَةٌ تَصَدَّقَ اللَّهُ بِهَا عَلَيْكَ أَرَأَيْت لَوْ تَصَدَّقْت بِصَدَقَةٍ فَرُدَّتْ عَلَيْكَ؟ أَلَمْ تَغْضَبْ؟ قَالَ أَبُو مُحَمَّدٍ: هَذَا يُبَيِّنُ أَنَّهُ كَانَ يَرَى الصَّوْمَ فِي رَمَضَانَ فِي السَّفَرِ مُغْضِبًا لِلَّهِ تَعَالَى، وَلَا يُقَالُ هَذَا فِي شَيْءٍ مُبَاحٍ أَصْلًا. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ كُلْثُومِ بْنِ جَبْرٍ أَنَّ امْرَأَةً صَحِبَتْ ابْنَ عُمَرَ فِي سَفَرٍ فَوَضَعَ الطَّعَامَ فَقَالَ لَهَا: كُلِّي؟ قَالَتْ: إنِّي صَائِمَةٌ قَالَ: لَا تَصْحَبِينَا؟

L12098 From the narration of Shu’bah through Ya’la ibn ’Ata’, from Yusuf ibn al-Hakam al-Thaqafi: Ibn Umar was asked about fasting during travel. He replied, “It is only a charity that Allah has bestowed upon you. If you were to give a charity and it were returned to you, would you not be angered?” Abu Muhammad remarked: This clarifies that he viewed fasting in Ramadan during travel as provoking Allah’s anger, and such a description is never applied to anything fundamentally permissible.

From the narration of Hammad ibn Salamah through Kulthum ibn Jabr: A woman accompanied Ibn Umar on a journey. When he set out the food, he told her: “Eat.” She said, “I am fasting.” He retorted, “Why are you traveling with us?”

L12099–12100 And through the chain of Maʿn ibn ʿĪsā al-Qazzāz, from Ibn Abī Dhiʾb,

[20] **Qur’an references (L12097):** Qur’an 2:184 (Al-Baqarah).

from al-Zuhrī, from Abū Salama ibn ʿAbd al-Raḥmān ibn ʿAwf, from his father, who said: "It is said: Fasting during travel is equivalent to not fasting while settled." Abū Muḥammad said: This is an authentic chain, and it is confirmed that Abū Salama heard from his father. ʿAbd al-Raḥmān ibn ʿAwf would not say in matters of religion "It is said such-and-such" except from the Companions (of the Prophet), his peers (may Allah be pleased with them). As for our opponents, had they found something like this, the easiest thing for them would have been to assert: "He would not say that except from the Messenger of Allah (peace be upon him)."

وَمِنْ طَرِيقِ مَعْنِ بْنِ عِيسَى الْقَزَّازِ عَنْ ابْنِ أَبِي ذِئْبٍ عَنْ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِيهِ قَالَ: يُقَالُ: الصِّيَامُ فِي السَّفَرِ كَالْإِفْطَارِ فِي الْحَضَرِ. قَالَ أَبُو مُحَمَّدٍ: هَذَا إسْنَادٌ صَحِيحٌ، وَقَدْ صَحَّ سَمَاعُ أَبِي سَلَمَةَ مِنْ أَبِيهِ، وَلَا يَقُولُ عَبْدُ الرَّحْمَنِ بْنُ عَوْفٍ فِي الدِّينِ: يُقَالُ كَذَا إلَّا عَنْ الصَّحَابَةِ أَصْحَابِهِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَأَمَّا خُصُومُنَا فَلَوْ وَجَدُوا مِثْلَ هَذَا لَكَانَ أَسْهَلَ شَيْءٍ عَلَيْهِمْ أَنْ يَقُولُوا: لَا يَقُولُ ذَلِكَ إلَّا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L12101 And from the path of Abu Mu'awiyah: Ibn Abi Dhi'b reported to us from al-Zuhri from Humaid ibn Abd al-Rahman ibn Awf from his father, who said: "One who fasts while traveling is akin to one who does not fast while settled at home." And this chain is of the utmost soundness.

وَمِنْ طَرِيقِ أَبِي مُعَاوِيَةَ نا ابْنُ أَبِي ذِئْبٍ عَنْ الزُّهْرِيِّ عَنْ حُمَيْدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِيهِ قَالَ: الصَّائِمُ فِي السَّفَرِ كَالْمُفْطِرِ فِي الْحَضَرِ، وَهَذَا سَنَدٌ فِي غَايَةِ الصِّحَّةِ.

L12102 On the authority of ʿAṭāʾ from al-Muḥarrar ibn Abī Hurayrah, he said: I fasted Ramadan while traveling, so Abū Hurayrah ordered me to repeat it with my family and to make it up. Thus, I did so.

وَمِنْ طَرِيقِ عَطَاءٍ عَنْ الْمُحَرَّرِ بْنِ أَبِي هُرَيْرَةَ قَالَ: صُمْت رَمَضَانَ فِي السَّفَرِ فَأَمَرَنِي أَبُو هُرَيْرَةَ أَنْ أُعِيدَهُ فِي أَهْلِي، وَأَنْ أَقْضِيَهُ فَقَضَيْته.

L12103 Through the chain of al-Darāwardī from ʻAbd al-Raḥmān ibn Ḥarmalah: A man asked Saʻīd ibn al-Musayyib, "Should I perform prayers in full during travel and fast?" He replied, "No." The man said, "But I am strong enough to do so!" Saʻīd said, "The Messenger of Allah (may peace and blessings be upon him) was stronger than you, and he would shorten prayers and break the fast." From 'Aṭā', when he was asked about fasting during travel, he said, "As for the obligatory, no; but regarding the voluntary, there is no harm in it."

وَمِنْ طَرِيقِ الدَّرَاوَرْدِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ أَنَّ رَجُلًا سَأَلَ سَعِيدَ بْنَ الْمُسَيِّبِ أَأُتِمُّ الصَّلَاةَ فِي السَّفَرِ وَأَصُومُ؟ قَالَ: لَا فَقَالَ: إنِّي أَقْوَى عَلَى ذَلِكَ؟ قَالَ سَعِيدٌ: رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ أَقْوَى مِنْك قَدْ كَانَ يَقْصُرُ وَيُفْطِرُ. وَعَنْ عَطَاءٍ أَنَّهُ سُئِلَ عَنْ الصَّوْمِ فِي السَّفَرِ فَقَالَ: أَمَّا الْمَفْرُوضُ فَلَا، وَأَمَّا التَّطَوُّعُ فَلَا بَأْسَ بِهِ.

L12104 From the narration of Shu'bah from 'Asim, the freed slave of Quraybah, from 'Urwah ibn al-Zubayr that he said concerning a man who fasted while traveling that he must make it up when not traveling. Shu'bah said: If I were to fast Ramadan while traveling, I would have reservations about it.

وَمِنْ طَرِيقِ شُعْبَةَ عَنْ عَاصِمٍ مَوْلَى قُرَيْبَةَ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّهُ قَالَ فِي رَجُلٍ صَامَ فِي السَّفَرِ: إنَّهُ يَقْضِيه فِي الْحَضَرِ، قَالَ شُعْبَةُ: لَوْ صُمْت رَمَضَانَ فِي السَّفَرِ لَكَانَ فِي نَفْسِي مِنْهُ شَيْءٌ.

L12105 From the narration of Ma'mar, Al-Zuhri said: Breaking the fast was the

later of the two matters from the Messenger of Allah (peace be upon him). Indeed, only the latest command of the Messenger of Allah (peace be upon him) is to be followed - adhering to the last [instruction], then the last.

وَمِنْ طَرِيقِ مَعْمَرٍ عَنْ الزُّهْرِيِّ قَالَ: كَانَ الْفِطْرُ آخِرَ الْأَمْرَيْنِ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِنَّمَا يُؤْخَذُ مِنْ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْآخِرِ فَالْآخِرِ.

L12106–12108 From the narration of Ismāʿīl ibn Abī Khālid from al-Shaʿbī, who said: Do not fast during travel. And from Muḥammad ibn ʿAlī ibn al-Ḥusayn ibn ʿAlī ibn Abī Ṭālib that his father used to forbid fasting. Fasting during Ramadan while traveling; Muhammad ibn Ali also prohibited this. From al-Qasim ibn Muhammad ibn Abi Bakr, he said: "A traveler does not fast; break the fast! Break the fast!" From Yunus ibn Ubayd and his companions, they rejected fasting Ramadan during travel. Abu Muhammad said: "A report has been transmitted which, had they found its like, the matter would have become grave for them – as narrated to us through the chain of Muhammad ibn Ahmad ibn al-Jahm, from Musa ibn Harun, from Ibrahim ibn al-Mundhir, from Abdullah ibn Musa al-Taymi, from Usamah ibn Zayd al-Laythi, from al-Zuhri, from Abi Maslamah ibn Abd al-Rahman ibn Awf, from his father, who ascribed it through an elevated chain to the Prophet – peace and blessings be upon him – who said: 'The one who fasts during travel in Ramadan is like one who breaks the fast while resident.'" Abu Muhammad said: "As for us, we do not cite Usamah ibn Zayd al-Laythi as evidence, nor do we regard him as a valid proof for us or against us. The Quran and authentic Sunnahs suffice, and praise be to Allah." Ali said: "It is astonishing that Abu Hanifah does not consider the completion of prayers during travel valid, while Malik holds the view of repeating them within their time, yet they prefer fasting over breaking the fast during travel – a contradiction devoid of meaning, opposition to the Quran's explicit text, and rejection of the analogical reasoning they assert for the Sunnahs!" Ali said: "Since this is confirmed, whoever travels during Ramadan may fast voluntarily, or observe during it the makeup days for a previous Ramadan fast he missed, or any other obligatory fast from vows or otherwise. For Allah the Exalted said: 'so a number of other days' (2:184), without specifying another Ramadan over other months. The prohibition applies solely to fasting Ramadan itself. As for the sick person: if fasting harms him yet he forces himself, it does

وَمِنْ طَرِيقِ إِسْمَاعِيلَ بْنَ أَبِي خَالِدٍ عَنْ الشَّعْبِيِّ قَالَ: لَا تَصُومُوا فِي السَّفَرِ. وَعَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّ أَبَاهُ كَانَ يَنْهَى عَنْ صِيَامِ رَمَضَانَ فِي السَّفَرِ، وَكَانَ مُحَمَّدُ بْنُ عَلِيٍّ يَنْهَى عَنْ ذَلِكَ أَيْضًا. وَعَنْ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ قَالَ: لَا يَصُومُ الْمُسَافِرُ أَفْطِرْ أَفْطِرْ؟ وَعَنْ يُونُسَ بْنِ عُبَيْدٍ وَأَصْحَابِهِ أَنَّهُمْ أَنْكَرُوا صِيَامَ رَمَضَانَ فِي السَّفَرِ. قَالَ أَبُو مُحَمَّدٍ: وَقَدْ جَاءَ خَبَرٌ لَوْ وَجَدُوا مِثْلَهُ لَعَظُمَ الْخَطْبُ مَعَهُمْ كَمَا رُوِّينَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ أَحْمَدَ بْنِ الْجَهْمِ نا مُوسَى بْنُ هَارُونَ نا إِبْرَاهِيمُ بْنُ الْمُنْذِرِ نا عَبْدُ اللَّهِ بْنِ مُوسَى التَّيْمِيِّ عَنْ أُسَامَةَ بْنِ زَيْدٍ اللَّيْثِيِّ عَنْ الزُّهْرِيِّ عَنْ أَبِي مَسْلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِيهِ رَفَعَهُ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الصَّائِمُ فِي السَّفَرِ فِي رَمَضَانَ كَالْمُفْطِرِ فِي الْحَضَرِ» . قَالَ أَبُو مُحَمَّدٍ: وَأَمَّا نَحْنُ فَلَا نَحْتَجُّ بِأُسَامَةَ بْنِ زَيْدٍ اللَّيْثِيِّ وَلَا نَرَاهُ حُجَّةً لَنَا وَلَا عَلَيْنَا وَفِي الْقُرْآنِ وَصَحِيحِ السُّنَنِ كِفَايَةٌ، وَلِلَّهِ الْحَمْدُ. قَالَ عَلِيٌّ: وَمِنْ الْعَجَبِ أَنَّ أَبَا حَنِيفَةَ لَا يُجْزِئُ عِنْدَهُ إتْمَامُ الصَّلَاةِ فِي السَّفَرِ، وَمَالِكٌ يَرَى فِي ذَلِكَ الْإِعَادَةَ فِي الْوَقْتِ ثُمَّ يَخْتَارُونَ الصَّوْمَ فِي السَّفَرِ عَلَى الْفِطْرِ، تَنَاقُضًا لَا مَعْنَى لَهُ، وَخِلَافًا لِنَصِّ الْقُرْآنِ، وَلِلْقِيَاسِ الَّذِي يَدَّعُونَ لَهُ السُّنَنَ؟ قَالَ عَلِيٌّ: فَإِذْ قَدْ صَحَّ هَذَا فَمَنْ سَافَرَ فِي رَمَضَانَ فَلَهُ أَنْ يَصُومَ تَطَوُّعًا، وَلَهُ أَنْ يَصُومَ فِيهِ قَضَاءَ رَمَضَانَ أَفْطَرَهُ قَبْلُ أَوْ سَائِرَ مَا يَلْزَمُهُ مِنْ الصَّوْمِ نَذْرًا أَوْ غَيْرَهُ، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة:

not suffice, and he must make it up, for he is prohibited from hardship and self-imposed strain, and from harming himself. If it does not burden him, it suffices, as there is no disagreement on this. We know of no sick person exempt from hardship in fasting. Allah the Exalted said: 'He has not placed upon you in the religion any hardship' (22:78). Thus, Allah has not ordained hardship in the religion."[21]

L12109 **A case concerning a fasting person who remained from before dawn and did not travel until after sunset.**

L12110–12112 763. Issue: Whoever settles in a place before dawn and did not travel until after sunset during their journey must, when intending the aforementioned stay, necessarily intend to fast. This applies equally whether engaged in jihad, umrah, or other travels, for the obligation to break the fast applies only during travel, whereas this person is a resident. If they intentionally break the fast, they err if ignorant or interpretively mistaken, and sin if knowingly [doing so]. No makeup fast is required, as they are a resident in valid legal condition. He thought he was a traveler. If he intended during the night while traveling to depart the next day without intending to fast, then an unforeseen stay occurred for him the following day, he is not fasting. This is because he acted upon what he was commanded as a traveler, so long as he did not intend the aforementioned stay. This differs from prayer, for textual evidence specifies shortening prayers for twenty days when residing in jihad, four days when residing in pilgrimage, and shortening the prayers he performs as a resident from his arrival until his departure the next day. No textual evidence permits breaking the fast except on days when one is a traveler.

L12113 If it is said: Allah the Exalted stated, {But whoever among you is ill or on a journey, then an equal number of other days} [Al-Baqarah: 184], does this

[21] **Qur'an references (L12106):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah); Qur'an 22:78 (Al-Hajj).

١٨٤] : وَلَمْ يَخُصَّ رَمَضَانَ آخَرَ مِنْ غَيْرِهِ وَلَمْ يَمْنَعْ النَّصُّ مِنْ صِيَامِهِ إلَّا لِعَيْنِهِ فَقَطْ، وَأَمَّا الْمَرِيضُ فَإِنْ كَانَ يُؤْذِيه الصَّوْمُ فَتَكَلَّفَهُ لَمْ يُجْزِهِ وَعَلَيْهِ أَنْ - يَقْضِيَهُ لِأَنَّهُ مَنْهِيٌّ عَنْ الْحَرَجِ وَالتَّكَلُّفِ، وَعَنْ أَذَى نَفْسِهِ وَإِنْ كَانَ لَا يَشُقُّ عَلَيْهِ أَجْزَأَهُ، لِأَنَّهُ لَا خِلَافَ فِي ذَلِكَ وَمَا نَعْلَمُ مَرِيضًا لَا حَرَجَ عَلَيْهِ فِي الصَّوْمِ قَالَ اللَّهُ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] فَالْحَرَجُ لَمْ يَجْعَلْهُ اللَّهُ تَعَالَى فِي الدِّينِ.

[مَسْأَلَةٌ أَقَامَ الصَّائِمُ مِنْ قَبْلِ الْفَجْرِ وَلَمْ يُسَافِرْ إلَى بَعْدِ غُرُوبِ الشَّمْسِ]

٧٦٣ - مَسْأَلَةٌ: وَمَنْ أَقَامَ مِنْ قَبْلِ الْفَجْرِ وَلَمْ يُسَافِرْ إلَى بَعْدِ غُرُوبِ الشَّمْسِ فِي سَفَرِهِ فَعَلَيْهِ إذَا نَوَى الْإِقَامَةَ الْمَذْكُورَةَ أَنْ يَنْوِيَ الصَّوْمَ وَلَا بُدَّ، سَوَاءٌ كَانَ فِي جِهَادٍ، أَوْ عُمْرَةٍ، أَوْ غَيْرِ ذَلِكَ، لِأَنَّهُ إنَّمَا أُلْزِمَ الْفِطْرَ إذَا كَانَ عَلَى سَفَرٍ وَهَذَا مُقِيمٌ، فَإِنْ أَفْطَرَ عَامِدًا فَقَدْ أَخْطَأَ إنْ كَانَ جَاهِلًا مُتَأَوِّلًا، وَعَصَى إنْ كَانَ عَالِمًا وَلَا قَضَاءَ عَلَيْهِ، لِأَنَّهُ مُقِيمٌ صَحِيحٌ ظَنَّ أَنَّهُ مُسَافِرٌ، فَإِنْ نَوَى مِنْ اللَّيْلِ وَهُوَ فِي سَفَرِهِ أَنْ يَرْحَلَ غَدًا فَلَمْ يَنْوِ الصَّوْمَ فَلَمَّا كَانَ مِنْ الْغَدِ حَدَثَتْ لَهُ إقَامَةٌ فَهُوَ مُفْطِرٌ، لِأَنَّهُ مَأْمُورٌ بِمَا فَعَلَ، وَهُوَ عَلَى سَفَرٍ مَا لَمْ يَنْوِ الْإِقَامَةَ الْمَذْكُورَةَ وَهَذَا بِخِلَافِ الصَّلَاةِ، لِأَنَّ النَّصَّ وَرَدَ فِي الصَّلَاةِ بِقَصْرِ عِشْرِينَ يَوْمًا يُقِيمُهَا فِي الْجِهَادِ، وَبِقَصْرِ أَرْبَعَةِ أَيَّامٍ يُقِيمُهَا فِي الْحَجِّ. وَبِقَصْرِ مَا يَكُونُ فِيهِ مِنْ الصَّلَوَاتِ مُقِيمًا مَا بَيْنَ نُزُولِهِ إلَى رَحِيلِهِ مِنْ غَدٍ، وَلَمْ يَأْتِ نَصٌّ بِأَنْ يُفْطِرَ فِي غَيْرِ يَوْمٍ لَا يَكُونُ فِيهِ مُسَافِرًا.

فَإِنْ قِيلَ: قَالَ اللَّهُ تَعَالَى: {فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] فَهَذَا عَلَى سَفَرٍ؟ قُلْنَا: لَوْ كَانَتْ " عَلَى " فِي هَذِهِ الْآيَةِ مَعْنَاهَا مَا ظَنَنْتُمْ

مِنْ إرَادَةِ السَّفَرِ لَا الدُّخُولِ فِي السَّفَرِ لَوَجَبَ عَلَى مَنْ أَرَادَ السَّفَرَ وَهُوَ فِي مَنْزِلِهِ أَنْ يُفْطِرَ وَإِنْ نَوَى السَّفَرَ بَعْدَ أَيَّامٍ، لِأَنَّهُ عَلَى سَفَرٍ وَهَذَا مَا لَا يُشَكُّ فِي أَنَّهُ لَا يَقُولُهُ أَحَدٌ، وَيُبْطِلُهُ أَيْضًا أَوَّلُ الْآيَةِ إذْ يَقُولُ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ} [البقرة: ١٨٥] فَوَجَبَ عَلَى الشَّاهِدِ صِيَامُهُ وَعَلَى الْمُسَافِرِ إفْطَارُهُ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَيْسَ مِنْ الْبِرِّ الصِّيَامُ فِي السَّفَرِ» وَلِقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «إنَّ اللَّهَ وَضَعَ عَنْ الْمُسَافِرِ الصِّيَامَ وَشَطْرَ الصَّلَاةِ» . فَصَحَّ أَنَّهُ لَيْسَ إلَّا مُسَافِرٌ أَوْ شَاهِدٌ، فَالشَّاهِدُ يَصُومُ وَالْمُسَافِرُ يُفْطِرُ وَلَيْسَ الْمُسَافِرُ إلَّا الْمُنْتَقِلُ لَا الْمُقِيمُ، فَلَا يُفْطِرُ إلَّا مَنْ انْتَقَلَ بِخِلَافِ مَنْ لَمْ يَنْتَقِلْ، وَمَنْ كَانَ مُقِيمًا صَائِمًا فَحَدَثَ لَهُ سَفَرٌ فَإِنَّهُ إذَا بَرَزَ عَنْ مَوْضِعِهِ فَقَدْ سَافَرَ فَقَدْ بَطَلَ صَوْمُهُ وَعَلَيْهِ قَضَاؤُهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

apply to one who is traveling? We respond: If "on" in this verse carried the meaning you assume—referring to the intention to travel rather than physically embarking on the journey—it would obligate anyone intending to travel while still at home to abstain from fasting, even if planning to travel days later, since they would be "on a journey." This is undeniably absurd, as no one would ever claim it. This is also refuted by the verse's beginning, where Allah the Exalted says: {So whoever witnesses the month among you, let them fast it} [Al-Baqarah: 185]. Thus, the resident is obligated to fast, while the traveler is exempt from fasting, in accordance with the Messenger of Allah's statement—peace and blessings be upon him—: "It is not an act of piety to fast while traveling," and his saying—peace and blessings be upon him—: "Allah has exempted the traveler from fasting and half the prayer." This confirms there are only two categories: a traveler or a resident. The resident fasts, and the traveler abstains from fasting. A traveler is none other than one who has departed, not one remaining settled. Therefore, only one who departs abstains from fasting, unlike one who has not departed. If a resident begins fasting and then undertakes a journey, their fast is invalidated once they depart after the journey begins, and they must make up for it. And success is from Allah, the Exalted.[22]

فَإِنْ قِيلَ: بَلْ نَقِيسُ الصَّوْمَ عَلَى الصَّلَاةِ؟ قُلْنَا: الْقِيَاسُ بَاطِلٌ ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ بَاطِلًا، لِأَنَّهُمْ مُتَّفِقُونَ عَلَى أَنَّ قَصْرَ بَعْضِ الصَّلَوَاتِ لَا يُقَاسُ عَلَيْهِ قَصْرُ سَائِرِهَا، فَإِذَا لَمْ يَجُزْ عِنْدَهُمْ قِيَاسُ قَصْرِ صَلَاةٍ عَلَى قَصْرِ صَلَاةٍ أُخْرَى فَأَبْطَلُ وَأَبْعَدُ أَنْ يُقَاسَ فِطْرٌ عَلَى فِطْرٍ، وَأَيْضًا فَقَدْ يَنْوِي فِي الصَّلَاةِ الْمُسَافِرُ إقَامَةً فَيَنْتَقِلُ إلَى حُكْمِ الْمُقِيمِ وَلَا يُمْكِنُ ذَلِكَ فِي الصَّوْمِ، فَبَطَلَ عَلَى كُلِّ حَالٍ قِيَاسُ أَحَدِهِمَا عَلَى الْآخَرِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L12114 If it is said: "Should we analogize fasting to prayer?" We reply: The analogy is invalid. Moreover, even if it were valid, this instance would remain invalid because scholars unanimously agree that shortening some prayers does not allow the shortening of other prayers to be analogized to it. Since they prohibit analogizing the shortening of one prayer to another, it becomes even more invalid and far-fetched to analogize breaking one fast to another. Additionally, a traveler may intend to settle during prayer, thereby transitioning to the ruling of a resident—a possibility nonexistent in fasting. Thus, in all cases, analogizing one of them to the other is invalid—and with Allah, the Exalted, lies success.

[مَسْأَلَةُ الْحَيْضُ الَّذِي يُبْطِلُ الصَّوْمَ]

L12115 **An issue: The menstruation that invalidates the fast.**

[22] **Qur'an references (L12113):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

٧٦٤ - مَسْأَلَةٌ: وَالْحَيْضُ الَّذِي يُبْطِلُ الصَّوْمَ هُوَ الْأَسْوَدُ لِقَوْلِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إنَّ دَمَ الْحَيْضِ أَسْوَدُ يُعْرَفُ» .

L12116 Issue 764: The menstrual discharge that invalidates fasting is specifically the black [blood], due to the Prophet's declaration (peace be upon him): "Indeed, menstrual blood is black and is recognized."

وَقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «فَإِذَا جَاءَ الْآخَرُ فَاغْتَسِلِي وَصَلِّي» وَقَدْ ذَكَرْنَاهُ فِي كِتَابِ الْحَيْضِ مِنْ الطَّهَارَةِ مِنْ دِيوَانِنَا هَذَا فَأَغْنَى عَنْ إعَادَتِهِ.

L12117–12118 And his saying—peace and blessings be upon him—"When the cessation [of menstruation] occurs, then perform the ritual bath and pray." We have already mentioned this in the Book of Menstruation within the section on Purification in this compendium of ours, rendering its repetition unnecessary here.

وَعَنْ أُمِّ عَطِيَّةَ، وَغَيْرِهَا كُنَّا لَا نَعُدُّ الصُّفْرَةَ وَالْكُدْرَةَ شَيْئًا.

L12119 And from Umm ʿAṭiyyah and other women: We did not regard the yellowness or cloudiness as significant.

[مَسْأَلَةٌ رَأَتْ الطُّهْرَ قَبْلَ الْفَجْرِ فَأَخَّرَتْ الْغُسْلَ عَمْدًا إلَى طُلُوعِ الْفَجْرِ]

Issue: A woman observed her purity before dawn but intentionally delayed performing ghusl until the onset of dawn.

٧٦٥ - مَسْأَلَةٌ: وَإِذَا رَأَتْ الْحَائِضُ الطُّهْرَ قَبْلَ الْفَجْرِ أَوْ رَأَتْهُ النُّفَسَاءُ وَأَتَمَّتَا عِدَّةَ أَيَّامِ الْحَيْضِ وَالنِّفَاسِ قَبْلَ الْفَجْرِ فَأَخَّرَتَا الْغُسْلَ عَمْدًا إلَى طُلُوعِ الْفَجْرِ ثُمَّ اغْتَسَلَتَا وَأَدْرَكَتَا الدُّخُولَ فِي صَلَاةِ الصُّبْحِ قَبْلَ طُلُوعِ الشَّمْسِ لَمْ يَضُرَّهُمَا شَيْئًا وَصَوْمُهُمَا تَامٌّ؛ لِأَنَّهُمَا فَعَلَتَا مَا هُوَ مُبَاحٌ لَهُمَا، فَإِنْ تَعَمَّدَتَا تَرْكَ الْغُسْلِ حَتَّى تَفُوتَهُمَا الصَّلَاةُ بَطَلَ صَوْمُهُمَا؛ لِأَنَّهُمَا عَاصِيَتَانِ بِتَرْكِ الصَّلَاةِ عَمْدًا، فَلَوْ نَسِيَتَا ذَلِكَ أَوْ جَهِلَتَا فَصَوْمُهُمَا تَامٌّ؛ لِأَنَّهُمَا لَمْ يَتَعَمَّدَا مَعْصِيَةً؛ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L12120 **Issue: A woman observed her purity before dawn but intentionally delayed performing ghusl until the onset of dawn.**

L12121 If a menstruating woman or a postpartum woman observes the cessation of bleeding before dawn and completes the prescribed period for menstruation or postpartum bleeding before dawn, and they then intentionally delay the *ghusl* until dawn breaks; if they perform the *ghusl* afterward and manage to join the Fajr prayer before sunrise, this does not invalidate their fast. Their fasting remains valid because they have performed what is permissible for them. However, if they intentionally neglect the *ghusl* until they miss the prayer, their fast becomes invalid, as they would be sinning by deliberately abandoning the prayer. If they forgot or were unaware, their fast remains valid since they did not intentionally commit disobedience. And success is from Allah, the Most High.

[مَسْأَلَةٌ الْمُسْتَحَاضَةُ تَصُومُ]

Ruling: The mustahadah (a woman experiencing abnormal bleeding) must fast.

٧٦٦ - مَسْأَلَةٌ: وَتَصُومُ الْمُسْتَحَاضَةُ كَمَا تُصَلِّي عَلَى مَا ذَكَرْنَا فِي كِتَابِ الْحَيْضِ مِنْ دِيوَانِنَا هَذَا فَأَغْنَى عَنْ إعَادَتِهِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L12122 **Ruling: The mustahadah (a woman experiencing abnormal bleeding) must fast.**

L12123 Issue 766: The mustahadah fasts just as she prays, as we have detailed in the Book of Menstruation within this codified corpus of ours, thereby rendering its repetition unnecessary. And success is from Allah, the Most High.

L12124 **A case where one owed days from Ramadan but delayed**

making them up until the next Ramadan arrived.

L12125 767 - Issue: If someone has days to make up from Ramadan and delays fulfilling them intentionally, due to an excuse, or through forgetfulness until another Ramadan arrives, they must observe the incoming Ramadan as Allah the Exalted has commanded. When they break their fast at the beginning of Shawwāl, they must make up the owed days with no addition and no feeding obligation. This applies even if delayed for several years, differing only in the wrong committed by intentional delay—whether postponing until Ramadan or delaying during the number of days when making up was possible, based on Allah's statement: "And hasten to forgiveness from your Lord" (3:133). Hastening to Allah's obligations is obligatory. Allah also said: "But whoever is ill or on a journey, then an equal number of days [are to be made up]" (2:184). The Prophet (peace be upon him) commanded those who intentionally vomit, menstruating women, and postpartum women to make up fasts. Neither Allah nor His Messenger specified a particular time for this, so making up remains obligatory forever until fulfilled forever. No Quranic or Sunnah text mandates feeding in this case, making it impermissible to impose this, as divine law imposes religious obligations only through Allah's decree via His Messenger's tongue. This is the view of Abū Ḥanīfah and Abū Sulaymān.[23]

L12126–12127 Mālik said: If one intentionally delays making up the missed fasts until the following Ramadan arrives, they must make up each day and provide one mudd per day to a number of poor people equal to the days missed. If their illness persists, they must make up the fasts without any obligation to provide food. This is the opinion of al-Shāfiʿī.

L12128 Abu Muhammad said: It has been narrated to us regarding that from the

[23] **Qur'an references (L12125):** Qur'an 3:133 (Ali 'Imran); Qur'an 2:184 (Al-Baqarah).

[مَسْأَلَةٌ كَانَتْ عَلَيْهِ أَيَّامٌ مِنْ رَمَضَانَ فَأَخَّرَ الْقَضَاءَ حَتَّى جَاءَ آخَرُ]

٧٦٧ - مَسْأَلَةٌ: وَمَنْ كَانَتْ عَلَيْهِ أَيَّامٌ مِنْ رَمَضَانَ فَأَخَّرَ قَضَاءَهَا عَمْدًا، أَوْ لِعُذْرٍ، أَوْ لِنِسْيَانٍ حَتَّى جَاءَ رَمَضَانُ آخَرُ فَإِنَّهُ يَصُومُ رَمَضَانَ الَّذِي وَرَدَ عَلَيْهِ كَمَا أَمَرَهُ اللَّهُ تَعَالَى فَإِذَا أَفْطَرَ فِي أَوَّلِ شَوَّالٍ قَضَى الْأَيَّامَ الَّتِي كَانَتْ عَلَيْهِ وَلَا مَزِيدَ، وَلَا إطْعَامَ عَلَيْهِ فِي ذَلِكَ، وَكَذَلِكَ لَوْ أَخَّرَهَا عِدَّةَ سِنِينَ وَلَا فَرْقَ إلَّا أَنَّهُ قَدْ أَسَاءَ فِي تَأْخِيرِهَا عَمْدًا سَوَاءٌ أَخَّرَهَا إلَى رَمَضَانَ أَوْ مِقْدَارَ مَا كَانَ يُمْكِنُهُ قَضَاؤُهَا مِنْ الْأَيَّامِ لِقَوْلِ اللَّهِ تَعَالَى: {وَسَارِعُوا إِلَى مَغْفِرَةٍ مِنْ رَبِّكُمْ} [آل عمران: ١٣٣] فَالْمُسَارَعَةُ إلَى اللَّهِ الْمُفْتَرَضَةُ وَاجِبَةٌ. وَقَالَ اللَّهُ تَعَالَى: {فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] وَأَمَرَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُتَعَمِّدَ لِلْقَيْءِ، وَالْحَائِضَ، وَالنُّفَسَاءَ: بِالْقَضَاءِ، وَلَمْ يَحُدَّ اللَّهُ تَعَالَى وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ وَقْتًا بِعَيْنِهِ، فَالْقَضَاءُ وَاجِبٌ عَلَيْهِمْ أَبَدًا حَتَّى يُؤَدَّى أَبَدًا، وَلَمْ يَأْتِ نَصٌّ قُرْآنٍ وَلَا سُنَّةٍ بِإِيجَابِ إطْعَامٍ فِي ذَلِكَ فَلَا يَجُوزُ إلْزَامُ ذَلِكَ أَحَدًا لِأَنَّهُ شَرْعٌ وَالشَّرْعُ لَا يُوجِبُهُ فِي الدِّينِ إلَّا اللَّهُ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَطْ. وَهَذَا قَوْلُ أَبِي حَنِيفَةَ، وَأَبِي سُلَيْمَانَ.

وَقَالَ مَالِكٌ: يُطْعِمُ مَعَ الْقَضَاءِ عَنْ كُلِّ يَوْمٍ مِنْ الرَّمَضَانِ الْآتِي مُدًّا مُدًّا عَدَدَهَا مَسَاكِينَ إنْ تَعَمَّدَ تَرْكَ - الْقَضَاءِ، فَإِنْ كَانَ تَمَادَى مَرَضُهُ قَضَى وَلَا إطْعَامَ عَلَيْهِ - وَهُوَ قَوْلُ الشَّافِعِيِّ.

Salaf—may Allah be pleased with them—statements: And it has been narrated to us from Ibn Abbas and Abu Hurairah the like of the opinion of Malik and Al-Shafi'i.

L12129 It was also narrated to us from ʻUmar and Ibn ʻUmar—both via broken chains—and this is the position maintained by al-Ḥasan and ʻAṭā'.

L12130 It has been reported to us from Ibn Umar through an authentic chain that he would fast the subsequent Ramadan without making up the previous one by fasting, but rather feed on his behalf a needy person a mudd for each day—a mudd each.

L12131 And according to it say Abu Qatadah and Ikrimah.

L12132 And it has also been narrated from him: He must offer a garlanded sacrificial camel in place of every Ramadan he neglected to make up.

L12133 And it has been narrated to us via Ibn Masʿūd's chain that he fasts this [day] and makes up the first [day], without mentioning food. This is the opinion of Ibrāhīm an-Nakhaʿī, al-Ḥasan, Ṭāwus, and Ḥammād ibn Abī Sulaymān. ʿAlī said: "Our understanding of them is that they would say regarding a Companion's opinion that aligned with theirs: 'Such a matter cannot be based on personal reasoning.' Why then did they not say this about Ibn ʻUmar's opinion concerning the two ritual sacrificial camels?"

L12134 **The issue of whether missed Ramadan fasts must be made up consecutively.**

L12135 768. Issue: Consecutiveness in making up missed Ramadan fasts is obligatory, based on Allah's decree: *"Strive eagerly for forgiveness from your Lord"* [Āl ʻImrān 3:133]. If one fails to do so, they must make them up separately, and this suffices the individual, in accordance with Allah's decree: *"Then [fast] an equal number of days at other times"* [Al-Baqarah 2:184]. The Exalted has not specified a time limit for this, after which making up the fasts becomes invalid due to their expiration.[24]

[24] **Qur'an references (L12135):** Qur'an 3:133 (Ali 'Imran); Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

قَالَ أَبُو مُحَمَّدٍ: وَرُوِّينَا فِي ذَلِكَ عَنْ السَّلَفِ - رَضِيَ اللَّهُ عَنْهُمْ - أَقْوَالًا -: فَرُوِّينَا عَنْ ابْنِ عَبَّاسٍ، وَأَبِي هُرَيْرَةَ مِثْلَ قَوْلِ مَالِكٍ، وَالشَّافِعِيِّ.

وَرُوِّيناهُ أَيْضًا عَنْ عُمَرَ، وَابْنِ عُمَرَ مِنْ طَرِيقٍ مُنْقَطِعَةٍ، وَبِهِ يَقُولُ الْحَسَنُ، وَعَطَاءٌ.

وَرُوِّينَا عَنْ ابْنِ عُمَرَ مِنْ طَرِيقٍ صَحِيحَةٍ أَنَّهُ يَصُومُ رَمَضَانَ الْآخَرَ وَلَا يَقْضِي الْأَوَّلَ بِصِيَامٍ، لَكِنْ يُطْعِمُ عَنْهُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا مُدًّا مُدًّا.

وَبِهِ يَقُولُ أَبُو قَتَادَةَ، وَعِكْرِمَةُ.

وَرُوِّينَا عَنْهُ أَيْضًا: يُهْدِي مَكَانَ كُلِّ رَمَضَانَ فَرَّطَ فِي قَضَائِهِ بَدَنَةً مُقَلَّدَةً.

وَرُوِّينَا مِنْ طَرِيقِ ابْنِ مَسْعُودٍ يَصُومُ هَذَا وَيَقْضِي الْأَوَّلَ وَلَمْ يَذْكُرْ طَعَامًا - وَهُوَ قَوْلُ إبْرَاهِيمَ النَّخَعِيِّ، وَالْحَسَنِ، وَطَاوُسٍ، وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ؟ قَالَ عَلِيٌّ: عَهْدُنَا بِهِمْ يَقُولُونَ فِيمَا وَافَقَهُمْ مِنْ قَوْلِ الصَّاحِبِ: مِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ، فَهَلَّا قَالُوهُ فِي قَوْلِ ابْنِ عُمَرَ فِي الْبَدَنَتَيْنِ؟

[مَسْأَلَةٌ الْمُتَابَعَةُ فِي قَضَاءِ رَمَضَانَ]

٧٦٨ - مَسْأَلَةٌ: وَالْمُتَابَعَةُ فِي قَضَاءِ رَمَضَانَ وَاجِبَةٌ لِقَوْلِ اللَّهِ تَعَالَى: {وَسَارِعُوا إِلَى مَغْفِرَةٍ مِنْ رَبِّكُمْ} [آل عمران: ١٣٣] فَإِنْ لَمْ يَفْعَلْ فَيَقْضِيهَا مُتَفَرِّقَةً وَتُجْزِئُهُ لِقَوْلِ اللَّهِ تَعَالَى: {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] وَلَمْ يَحُدَّ تَعَالَى فِي ذَلِكَ وَقْتًا يَبْطُلُ الْقَضَاءُ بِخُرُوجِهِ.

وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ - نَعْنِي أَنَّهُمْ اتَّفَقُوا عَلَى جَوَازِ قَضَائِهَا مُتَفَرِّقَةً.

وَاحْتَجَّ مَنْ قَالَ: بِأَنَّهَا لَا تُجْزِئُ إِلَّا مُتَتَابِعَةً بِأَنَّ فِي مُصْحَفِ أُبَيٍّ " فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ مُتَتَابِعَاتٍ ". قَالَ عَلِيٌّ: رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ قَالَ عُرْوَةُ: قَالَتْ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ: نَزَلَتْ {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] مُتَتَابِعَاتٍ " فَسَقَطَتْ " مُتَتَابِعَاتٌ ". قَالَ أَبُو مُحَمَّد: سُقُوطُهَا مُسْقِطٌ لِحُكْمِهَا، لِأَنَّهُ لَا يَسْقُطُ الْقُرْآنُ بَعْدَ نُزُولِهِ إِلَّا بِإِسْقَاطِ اللَّهِ تَعَالَى إيَّاهُ قَالَ اللَّهُ تَعَالَى: {إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ} [الحجر: ٩]

وَقَالَ تَعَالَى: {مَا نَنْسَخْ مِنْ آيَةٍ أَوْ نُنْسِهَا نَأْتِ بِخَيْرٍ مِنْهَا أَوْ مِثْلِهَا} [البقرة: ١٠٦]

وَقَالَ تَعَالَى: {سَنُقْرِئُكَ فَلا تَنْسَى} [الأعلى: ٦] {إِلا مَا شَاءَ اللَّهُ} [الأعلى: ٧]

فَإِنْ قِيلَ: قَدْ يَسْقُطُ لَفْظُ الْآيَةِ وَيَبْقَى حُكْمُهَا كَمَا كَانَ فِي آيَةِ الرَّجْمِ. قُلْنَا: لَوْلَا إخْبَارُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِبَقَاءِ حُكْمِ الرَّجْمِ لَمَا جَازَ الْعَمَلُ بِهِ بَعْدَ إسْقَاطِ الْآيَةِ النَّازِلَةِ بِهِ لِأَنَّ مَا رَفَعَ اللَّهُ تَعَالَى فَلَا يَجُوزُ لَنَا إبْقَاءُ لَفْظِهِ وَلَا حُكْمِهِ إلَّا بِنَصٍّ آخَرَ.

[مَسْأَلَةٌ الْأَسِيرُ فِي دَارِ الْحَرْبِ إنْ عَرَفَ رَمَضَانَ]

L12136 This is the opinion of Abu Hanifah, Malik, al-Shafi'i, and Abu Sulayman—meaning that they agreed on the validity of making up missed prayers at separate times.

L12137–12139 Those who say that [fasts] do not suffice unless performed consecutively base their argument on the presence in Ubayy's Muṣḥaf of the phrase: "a number of other consecutive days." ʿAlī said: We were narrated through the chain of ʿAbd al-Razzāq from Maʿmar from al-Zuhrī, who said: ʿUrwah reported that she ['Ā'ishah] said. Aisha, the Mother of the Believers, said: "The verse {then a number of other days} [Al-Baqarah: 184] was revealed as consecutive days, but the requirement of consecutiveness was abrogated." Abu Muhammad stated: The abrogation of this specification nullifies its legal ruling, for no Quranic ruling is abrogated after its revelation except by Allah's abrogation of it. Allah the Exalted said: {Indeed, it is We who sent down the Reminder, and indeed, We will be its guardians} [Al-Hijr: 9].[25]

L12140 And He, the Exalted, said: "Whatever verse We abrogate or cause to be forgotten, We bring better than it or similar to it." [Quran 2:106][26]

L12141 And He, the Exalted, said: *"We will make you recite, so you will not forget—except what Allah wills"* [87:6-7].[27]

L12142 If it is said: The wording of a verse may be abrogated while its legal injunction remains, as occurred with the verse of stoning. We reply: Had the Prophet (peace and blessings be upon him) not informed us of the persistence of the stoning injunction, it would not have been permissible to act upon it after the abrogation of the verse revealed concerning it, because once Allah the Exalted has abolished something, it is impermissible for us to retain either its wording or its legal injunction except through another explicit text.

L12143 **A legal issue: If a captive in the abode of war ascertains the arrival of Ramadan [through valid means]...**

[25] **Qur'an references (L12137):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah); Qur'an 15:9 (Al-Hijr).

[26] **Qur'an references (L12140):** Qur'an 2:106 (Al-Baqarah).

[27] **Qur'an references (L12141):** Qur'an 87:6 (Al-A'la); Qur'an 87:7 (Al-A'la).

L12144 769. Issue: If a captive in enemy territory knows Ramadan's occurrence, he is obligated to fast during it if resident, as the Quran addresses him to fast. If taken on journey, he must break his fast necessarily, being considered a traveler who must make up (the fasts) per prior ruling. If unable to recognize the month and remains uncertain, his fasting obligation ceases though he must substitute other days if traveling - otherwise not. Some scholars said: He should estimate a month which suffices. Others said: If (the estimate) coincides with a month before Ramadan, it does not suffice, but if coinciding with a month after Ramadan, it suffices as this constitutes making up Ramadan's fasts.

٧٦٩ - مَسْأَلَةٌ: وَالْأَسِيرُ فِي دَارِ الْحَرْبِ إنْ عَرَفَ رَمَضَانَ لَزِمَهُ صِيَامُهُ إنْ كَانَ مُقِيمًا، لِأَنَّهُ مُخَاطَبٌ بِصَوْمِهِ فِي الْقُرْآنِ، فَإِنْ سُوفِرَ بِهِ أَفْطَرَ وَلَا بُدَّ لِأَنَّهُ عَلَى سَفَرٍ وَعَلَيْهِ قَضَاؤُهُ لِمَا ذُكِرَ قَبْلُ، فَإِنْ لَمْ يَعْرِفْ الشَّهْرَ وَأَشْكَلَ عَلَيْهِ سَقَطَ عَنْهُ صِيَامُهُ وَلَزِمَتْهُ أَيَّامٌ أُخَرُ إنْ كَانَ مُسَافِرًا وَإِلَّا فَلَا. وَقَالَ قَوْمٌ: يَتَحَرَّى شَهْرًا وَيُجْزِئُهُ. وَقَالَ آخَرُونَ: إنْ وَافَقَ شَهْرًا قَبْلَ رَمَضَانَ لَمْ يُجْزِهِ، وَإِنْ وَافَقَ شَهْرًا بَعْدَ رَمَضَانَ أَجْزَأَهُ، لِأَنَّهُ يَكُونُ قَضَاءً عَنْ رَمَضَانَ.

L12145 Ali said: As for determining a month to validate it or designate it as making up for it, this ruling is not supported by the Quran, an authentic Sunnah, a weak narration, consensus, nor even a companion's opinion. Whatever resembles this constitutes a baseless claim with no evidence for its validity. If they argue: "We have analogized it to one ignorant of the qibla," we respond: This is invalid, for Allah the Exalted did not impose determination upon one ignorant of the qibla. Rather, whoever is ignorant of it is exempt from its obligation and may pray as he wishes.

قَالَ عَلِيٌّ: أَمَّا تَحَرِّي شَهْرٍ فَيُجْزِئُهُ أَوْ يَجْعَلُهُ قَضَاءً فَحُكْمٌ لَمْ يَأْتِ بِهِ قُرْآنٌ، وَلَا سُنَّةٌ صَحِيحَةٌ، وَلَا رِوَايَةٌ سَقِيمَةٌ، وَلَا إجْمَاعٌ، وَلَا قَوْلُ صَاحِبٍ، وَمَا كَانَ هَكَذَا فَهُوَ دَعْوَى فَاسِدَةٌ لَا بُرْهَانَ عَلَى صِحَّتِهَا. فَإِنْ قَالُوا: قِسْنَاهُ عَلَى مَنْ جَهِلَ الْقِبْلَةَ. قُلْنَا: هَذَا بَاطِلٌ؛ لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ التَّحَرِّيَ عَلَى مَنْ جَهِلَ الْقِبْلَةَ؛ بَلْ مَنْ جَهِلَهَا فَقَدْ سَقَطَ عَنْهُ فَرْضُهَا، فَيُصَلِّي كَيْفَ شَاءَ.

L12146 If they say: We have applied analogy to one for whom the prayer time is obscured. We say: This is invalid as well, for his prayer is not valid unless he is certain that its time has commenced.

فَإِنْ قَالُوا: قِسْنَاهُ عَلَى مَنْ خَفِيَ عَلَيْهِ وَقْتُ الصَّلَاةِ. قُلْنَا: وَهَذَا بَاطِلٌ، أَيْضًا، لِأَنَّهُ لَا يُجْزِئُهُ صَلَاةٌ إلَّا حَتَّى يُوقِنَ بِدُخُولِ وَقْتِهَا.

L12147–12148 Abu Muhammad said: The proof for the validity of our opinion is Allah's statement, the Exalted: {So whoever among you witnesses the month, he must fast it; and whoever is ill or on a journey, then a number of other days} [Al-Baqarah 185]. Thus, Allah, the Exalted, obligated fasting only upon those who witness it. By necessity, we recognize that whoever is unaware of its time has not witnessed it. Allah, the Mighty and Majestic, said: {Allah does not burden a soul beyond its capacity} [Al-Baqarah 286], and He, the Exalted, said: {He has not placed upon you in the religion any hardship} [Al-Hajj 78]. Therefore, whoever is unable to know the commencement of Ramadan is not obligated by Allah, the Exalted, to fast it, by the definitive

قَالَ أَبُو مُحَمَّدٍ: وَبُرْهَانُ صِحَّةِ قَوْلِنَا -: قَوْلُ اللَّهِ تَعَالَى: {فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٥] فَلَمْ يُوجِبْ اللَّهُ تَعَالَى صِيَامَهُ إلَّا عَلَى مَنْ شَهِدَهُ، وَبِالضَّرُورَةِ نَدْرِي أَنَّ مَنْ جَهِلَ وَقْتَهُ فَلَمْ يَشْهَدْهُ قَالَ اللَّهُ عَزَّ وَجَلَّ: {لا يُكَلِّفُ اللَّهُ نَفْسًا إلا وُسْعَهَا} [البقرة: ٢٨٦] وَقَالَ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] فَمَنْ لَمْ يَكُنْ فِي وُسْعِهِ مَعْرِفَةُ دُخُولِ رَمَضَانَ فَلَمْ يُكَلِّفْهُ اللَّهُ تَعَالَى صِيَامَهُ بِنَصِّ الْقُرْآنِ، وَمَنْ سَقَطَ عَنْهُ صَوْمُ الشَّهْرِ فَلَا قَضَاءَ عَلَيْهِ؛

Quranic text. Whoever is exempt from fasting the month is not obligated to make it up, for this would constitute fasting other than what Allah, the Exalted, has commanded. If it is later confirmed to him that he was ill or traveling during it, he must fulfill what Allah, the Exalted, has obligated upon the ill and the traveler during it—which is to fast a number of other days. Thus, he must make up only the days he traveled and was ill, and this is obligatory. If he remains uncertain whether he was ill or traveling during it, there is no obligation upon him—and success is from Allah, the Exalted.[28]

L12149 **A legal issue: a pregnant woman fears harm to her fetus, or the elderly man is unable to fast.**

L12150 770 - Issue: Pregnant women, nursing mothers, and elderly individuals are all obligated to fast, as fasting Ramadan is incumbent upon them. If a nursing mother fears a reduction in milk supply or its complete cessation, thereby harming the infant, due to that - when there is no other woman to nurse him, or he refuses another's breast; or if a pregnant woman fears for the fetus; or if elderly individuals are incapable of fasting due to advanced age—they may break their fast without being required to make up the days nor provide compensatory feeding (fidya). If they break their fast due to a temporary illness affecting them, they must make up the days.

L12151 As for making up due to illness, it is based on the statement of Allah, the Most High: *"So whoever among you is ill or on a journey, then a number of other days"* (Surah Al-Baqarah 2:184).[29]

L12152 As for the obligation of breaking the fast upon the two of them (the pregnant woman and the nursing mother) due to fear for the fetus or the nursing infant, this is based on the words of Allah the Exalted: "Lost indeed are those who have killed their children in foolishness without knowledge" (6:140). The Messenger of Allah—peace and blessings be upon him—said: "He who shows no compassion will receive no compassion." Since showing compas-

[28] **Qur'an references (L12148):** Qur'an 2:185 (Al-Baqarah); Qur'an 2:286 (Al-Baqarah); Qur'an 22:78 (Al-Hajj).

[29] **Qur'an references (L12151):** Qur'an 2:184 (Al-Baqarah).

لأَنَّهُ صَوْمُ غَيْرِ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ. فَإِنْ صَحَّ عِنْدَهُ بَعْدَ ذَلِكَ أَنَّهُ كَانَ فِيهِ مَرِيضًا أَوْ مُسَافِرًا فَعَلَيْهِ مَا افْتَرَضَ اللَّهُ تَعَالَى عَلَى الْمَرِيضِ فِيهِ وَالْمُسَافِرِ فِيهِ وَهُوَ عِدَّةٌ مِنْ أَيَّامٍ أُخَرَ، فَيَقْضِي الْأَيَّامَ الَّتِي سَافَرَ، وَالَّتِي مَرِضَ فَقَطْ وَلَا بُدَّ؛ وَإِنْ لَمْ يُوقِنْ بِأَنَّهُ مَرِضَ فِيهِ أَوْ سَافَرَ فَلَا شَيْءَ عَلَيْهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ خَافَتْ الْحَامِلُ عَلَى الْجَنِينِ أَوْ عَجَزَ الشَّيْخُ عَنْ الصَّوْمِ]

٧٧٠ - مَسْأَلَةٌ: - وَالْحَامِلُ، وَالْمُرْضِعُ، وَالشَّيْخُ الْكَبِيرُ كُلُّهُمْ مُخَاطَبُونَ بِالصَّوْمِ فَصَوْمُ رَمَضَانَ فَرْضٌ عَلَيْهِمْ، فَإِنْ خَافَتْ الْمُرْضِعُ عَلَى الْمُرْضَعِ قِلَّةَ اللَّبَنِ وَضَيْعَتَهُ لِذَلِكَ وَلَمْ يَكُنْ لَهُ غَيْرُهَا، أَوْ لَمْ يَقْبَلْ ثَدْيَ غَيْرِهَا، أَوْ خَافَتْ الْحَامِلُ عَلَى الْجَنِينِ، أَوْ عَجَزَ الشَّيْخُ عَنْ الصَّوْمِ لِكِبَرِهِ: أَفْطَرُوا وَلَا قَضَاءَ عَلَيْهِمْ وَلَا إطْعَامَ، فَإِنْ أَفْطَرُوا لِمَرَضٍ بِهِمْ عَارِضٍ فَعَلَيْهِمْ الْقَضَاءُ.

أَمَّا قَضَاؤُهُمْ لِمَرَضٍ فَلِقَوْلِ اللَّهِ تَعَالَى: {فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] .

وَأَمَّا وُجُوبُ الْفِطْرِ عَلَيْهِمَا فِي الْخَوْفِ عَلَى الْجَنِينِ، وَالرَّضِيعِ فَلِقَوْلِ اللَّهِ تَعَالَى: {قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ} [الأنعام: ١٤٠] . وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ لَا يَرْحَمْ لَا يُرْحَمْ» فَإِذْ رَحْمَةُ الْجَنِينِ، وَالرَّضِيعِ: فَرْضٌ، وَلَا وُصُولَ إلَيْهَا إلَّا بِالْفِطْرِ: فَالْفِطْرُ فَرْضٌ، وَإِذْ هُوَ فَرْضٌ فَقَدْ سَقَطَ عَنْهُمَا الصَّوْمُ، وَإِذَا سَقَطَ الصَّوْمُ فَإِيجَابُ الْقَضَاءِ عَلَيْهِمَا شَرْعٌ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِ وَلَمْ يُوجِبْ اللَّهُ تَعَالَى الْقَضَاءَ

sion to the fetus and the nursing infant is obligatory, and this compassion can only be achieved by breaking the fast, breaking the fast thereby becomes obligatory. When this obligation takes effect, they are excused from fasting. To impose the duty of making up the fast upon them would constitute a Sharia ruling that Allah the Exalted has not authorized, for He has only obligated making up missed fasts upon the sick, the traveler, the menstruating woman, the postpartum woman, and the one who intentionally vomits. “Whoever transgresses the limits set by Allah has indeed wronged himself” (65:1).[30]

إِلَّا عَلَى الْمَرِيضِ، وَالْمُسَافِرِ، وَالْحَائِضِ، وَالنُّفَسَاءِ، وَمُتَعَمِّدِ الْقَيْءِ فَقَطْ، {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] .

L12153–12154 As for the elderly man who cannot endure fasting due to old age, Allah the Exalted says: {Allah does not burden a soul beyond its capacity} [Al-Baqarah: 286]. Thus, if fasting is not within his capacity, He has not obligated him. As for imposing feeding as an obligation upon them, the Messenger of Allah — peace and blessings be upon him — said: “Your blood and your wealth are inviolable to you.” Therefore, it is not permissible for anyone to impose a compensatory duty not established by textual evidence or consensus. Abu Muhammad said: It was narrated to us from Ibrahim that a woman came to Alqamah and said: “I am pregnant and capable of fasting, yet my husband orders me to break my fast?” Alqamah replied: “Obey your Lord and disobey your husband.” Among those who exempted her from making up the fast: It was narrated to us from Hammad ibn Salamah, from Ayyub al-Sikhtiyani and Ubaydullah ibn Umar, both from Nafi’, that a woman from Quraysh asked Ibn Umar while she was pregnant. He said to her: “Break your fast and feed a needy person each day, and do not make up the fast.” From the narration of Hammad ibn Salamah, from Ayyub al-Sikhtiyani and Qatadah, both from Sa‘id ibn Jubayr, from Ibn Abbas, that he said to his nursing female slave: “You are in the position of {those who can only fast with great difficulty must feed a needy person as a ransom} [Al-Baqarah: 184]. Break your fast and feed a needy person each day, and do not make up the fast.” Both narrations were transmitted to us through Ismail ibn Ishaq from Al-Hajjaj ibn Al-Minhal from Hammad, and through Abd al-Razzaq from Ma‘mar from Ayyub from Sa‘id ibn Jubayr, who said: “The pregnant woman in her final month of pregnancy

وَأَمَّا الشَّيْخُ الَّذِي لَا يُطِيقُ الصَّوْمَ لِكِبَرِهِ فَاللَّهُ تَعَالَى يَقُولُ {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] فَإِذَا لَمْ يَكُنْ الصَّوْمُ فِي وُسْعِهِ فَلَمْ يُكَلِّفْهُ. وَأَمَّا تَكْلِيفُهُمْ إطْعَامًا فَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» فَلَا يَجُوزُ لِأَحَدٍ إيجَابُ غَرَامَةٍ لَمْ يَأْتِ بِهَا نَصٌّ وَلَا إجْمَاعٌ. قَالَ أَبُو مُحَمَّد: رُوِّينَا عَنْ إبْرَاهِيمَ أَنَّ عَلْقَمَةَ جَاءَتْهُ امْرَأَةٌ فَقَالَتْ لَهُ: إنِّي حُبْلَى وَأَنَا أُطِيقُ الصَّوْمَ وَزَوْجِي يَأْمُرُنِي أَنْ أُفْطِرَ؟ فَقَالَ لَهَا عَلْقَمَةُ: أَطِيعِي رَبَّكِ وَأَعْصِي زَوْجَكِ. وَمِمَّنْ أَسْقَطَ عَنْهَا الْقَضَاءَ -: رُوِّينَا عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ وَعُبَيْدِ اللَّهِ بْنِ عُمَرَ كِلَاهُمَا عَنْ نَافِعٍ أَنَّ امْرَأَةً مِنْ قُرَيْشٍ سَأَلَتْ ابْنَ عُمَرَ وَهِيَ حُبْلَى؟ فَقَالَ لَهَا: أَفْطِرِي وَأَطْعِمِي كُلَّ يَوْمٍ مِسْكِينًا وَلَا تَقْضِي. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ، وَقَتَادَةَ كِلَاهُمَا عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ لِأَمَةٍ لَهُ مُرْضِعٍ: أَنْتِ بِمَنْزِلَةِ {وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ} [البقرة: ١٨٤] أَفْطِرِي وَأَطْعِمِي كُلَّ يَوْمٍ مِسْكِينًا وَلَا تَقْضِي. رُوِّينَا كِلَيْهِمَا مِنْ طَرِيقِ إسْمَاعِيلَ بْنِ إسْحَاقَ عَنْ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ حَمَّادٍ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَيُّوبَ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: تُفْطِرُ الْحَامِلُ

[30] **Qur’an references (L12152):** Qur’an 6:140 (Al-An’am); Qur’an 65:1 (At-Talaq).

and the nursing woman who fears for her child may break their fast. Each of them must feed a needy person every day, and there is no obligation to make up the fast." This is the opinion of Qatadah and the apparent meaning of Sa'id ibn al-Musayyab's statement.[31]

L12155 Among those who waived the feeding obligation—as we have reported through the chain of Abd al-Razzaq from Ibn Jurayj from Ata from Ibn Abbas—he said: The pregnant woman and the nursing woman may break their fasts in Ramadan and must make up for them by fasting, with no feeding obligation upon them.

L12156 And similar to it from ʿIkrimah and Ibrāhīm al-Nakhaʿī—which is the opinion of Abū Ḥanīfah and Sufyān.

L12157 Among those who held that both rulings apply to them is ʿAṭāʾ ibn Abī Rabāḥ, for he said: If a breastfeeding woman or a pregnant woman fears for her child, she should break her fast and feed (someone) half a ṣāʿ in place of each day, and she must make up for it by fasting afterward - and this is the opinion of al-Shāfiʿī.

L12158–12160 Abū Muḥammad said: They did not reach consensus on establishing the obligation to make up the missed fast nor on establishing the obligation to feed the poor; therefore, neither is obligatory. None of that is obligatory, as there is no textual proof or consensus on its obligation. Our knowledge of them indicates they would address a companion's statement only when it aligned with their position. Such a ruling cannot be based on personal opinion—so why did they not mention here Ibn Umar's statement regarding the waiver of compensatory acts (qada)?

L12161 And indeed, it has been narrated to us from Ibn Abbas similar to our view, just as it was narrated to us from Ismāʿīl ibn Isḥāq: Ibrāhīm ibn Ḥamzah al-Zubayrī narrated to us, ʿAbd al-ʿAzīz ibn Muḥammad – he is al-Darāwardī – narrated to us, from Ḥumayd, from Bakr ibn ʿAbd Allāh al-Muzanī, from Ibn ʿAbbās, that he was asked about a breastfeeding woman during Ramadan who feared for her child. Ibn ʿAbbās permitted her to break the fast.

[31] **Qur'an references (L12154):** Qur'an 2:286 (Al-Baqarah); Qur'an 2:184 (Al-Baqarah).

الَّتِي فِي شَهْرِهَا وَالْمُرْضِعُ الَّتِي تَخَافُ عَلَى وَلَدِهَا وَتُطْعِمُ كُلُّ وَاحِدَةٍ مِنْهُمَا كُلَّ يَوْمٍ مِسْكِينًا وَلَا قَضَاءَ عَلَيْهِمَا. وَبِهِ يَقُولُ قَتَادَةُ، وَهُوَ ظَاهِرُ قَوْلِ سَعِيدِ بْنِ الْمُسَيِّبِ.

وَمِمَّنْ أَسْقَطَ الْإِطْعَامَ كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: تُفْطِرُ الْحَامِلُ، وَالْمُرْضِعُ فِي رَمَضَانَ وَيَقْضِيَانِهِ صِيَامًا وَلَا إِطْعَامَ عَلَيْهِمَا.

وَمِثْلُهُ عَنْ عِكْرِمَةَ، وَعَنْ إِبْرَاهِيمَ النَّخَعِيِّ - وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَسُفْيَانَ.

وَمِمَّنْ رَأَى عَلَيْهِمَا الْأَمْرَيْنِ جَمِيعًا: عَطَاءُ بْنُ أَبِي رَبَاحٍ فَإِنَّهُ قَالَ: إِذَا خَافَتْ الْمُرْضِعُ وَالْحَامِلُ عَلَى وَلَدِهَا فَلْتُفْطِرْ وَلْتُطْعِمْ مَكَانَ كُلِّ يَوْمٍ نِصْفَ صَاعٍ وَلْتَقْضِ بَعْدَ ذَلِكَ - وَهُوَ قَوْلُ الشَّافِعِيِّ.

قَالَ أَبُو مُحَمَّدٍ: فَلَمْ يَتَّفِقُوا عَلَى إيجَابِ الْقَضَاءِ وَلَا عَلَى إيجَابِ الْإِطْعَامِ فَلَا يَجِبُ شَيْءٌ مِنْ ذَلِكَ؛ إذْ لَا نَصَّ فِي وُجُوبِهِ وَلَا إجْمَاعَ، وَعَهْدُنَا بِهِمْ يَقُولُونَ فِي قَوْلِ الصَّاحِبِ إذَا وَافَقَهُمْ. مِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ، فَهَلَّا قَالُوا هَاهُنَا فِي قَوْلِ ابْنِ عُمَرَ فِي إسْقَاطِ الْقَضَاءِ؟

وَقَدْ رُوِّينَا عَنْ ابْنِ عَبَّاسٍ مِثْلَ قَوْلِنَا كَمَا رُوِّينَا عَنْ إسْمَاعِيلَ بْنِ إسْحَاقَ نا إبْرَاهِيمُ بْنُ حَمْزَةَ الزُّبَيْرِيِّ نا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ هُوَ الدَّرَاوَرْدِيُّ عَنْ حُمَيْدٍ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَنْ مُرْضِعٍ فِي رَمَضَانَ خَشِيَتْ عَلَى وَلَدِهَا فَرَخَّصَ لَهَا ابْنُ عَبَّاسٍ فِي الْفِطْرِ.

L12162 Ali said: He did not mention making up the fasts nor feeding. Malik said: As for the nursing woman, she breaks the fast, feeds one needy person for each day, and makes up the fasts afterward. As for the pregnant woman, she makes up the fasts with no feeding required. Is this categorization not recorded from any of the Companions or Successors? Abu Muhammad said: Those who hold the opinion of requiring feeding in this matter cite the words of Allah the Exalted: {For those who can [fast] only with extreme difficulty, a ransom of feeding a needy person} [Al-Baqarah 2:184].[32]

قَالَ عَلِيٌّ: وَلَمْ يَذْكُرْ قَضَاءً وَلَا طَعَامًا، وَقَالَ مَالِكٌ: أَمَّا الْمُرْضِعُ فَتُفْطِرُ وَتُطْعِمُ عَنْ كُلِّ يَوْمٍ مِسْكِينًا وَتَقْضِي مَعَ ذَلِكَ، وَأَمَّا الْحَامِلُ فَتَقْضِي وَلَا إِطْعَامَ عَلَيْهَا، وَلَا يُحْفَظُ هَذَا التَّقْسِيمُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ وَالتَّابِعِينَ؟ قَالَ أَبُو مُحَمَّدٍ: احْتَجَّ مَنْ رَأَى الْإِطْعَامَ فِي ذَلِكَ بِقَوْلِ اللَّهِ تَعَالَى: {وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ} [البقرة: ١٨٤] .

L12163 They mentioned what was narrated to us through the chain of Hammad ibn Salamah, who reported to us from Qatadah, on the authority of Ikrimah, who said: "This verse was revealed pertaining to the pregnant woman, the nursing mother, the elderly man, and the elderly woman."

وَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ نَا قَتَادَةُ عَنْ عِكْرِمَةَ قَالَ: نَزَلَتْ هَذِهِ الْآيَةُ فِي الْحُبْلَى وَالْمُرْضِعِ، وَالشَّيْخِ، وَالْعَجُوزِ.

L12164 Those who held the view of obligatory makeup fasting cited as evidence what we narrated through Yazīd ibn Hārūn's chain from Juwaybir from al-Ḍaḥḥāk ibn Muzāḥim, who said: "The Prophet—peace and blessings of Allah be upon him—would permit pregnant and nursing women to break their fast in Ramadan. When the nursing mother weaned her child and the pregnant woman delivered, they were to reinstate their fasting." ʿAlī said: The ḥadīth of ʿIkrimah is mursal (disconnected). The ḥadīth of al-Ḍaḥḥāk contains three grave defects: Juwaybir—a rejected narrator; al-Ḍaḥḥāk—similarly rejected; and the ḥadīth's disconnected chain. Nevertheless, the correct ruling in this matter is what we previously narrated in the ruling on fasting during travel through Salama ibn al-Akwaʿ's chain—that this verse has been abrogated.

وَاحْتَجَّ مَنْ رَأَى الْقَضَاءَ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ يَزِيدَ بْنِ هَارُونَ عَنْ جُوَيْبِرٍ عَنْ الضَّحَّاكِ بْنِ مُزَاحِمٍ قَالَ: «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُرَخِّصُ لِلْحُبْلَى، وَالْمُرْضِعِ أَنْ يُفْطِرَا فِي رَمَضَانَ فَإِذَا أَفْطَمَتْ الْمُرْضِعُ، وَوَضَعَتْ الْحُبْلَى جَدَّدَتَا صَوْمَهُمَا» . قَالَ عَلِيٌّ: حَدِيثُ عِكْرِمَةَ مُرْسَلٌ، وَحَدِيثُ الضَّحَّاكِ فِيهِ ثَلَاثُ بَلَايَا، جُوَيْبِرٌ وَهُوَ سَاقِطٌ وَالضَّحَّاكُ مِثْلُهُ وَالْإِرْسَالُ مَعَ ذَلِكَ، لَكِنَّ الْحَقَّ فِي ذَلِكَ مَا رُوِّينَاهُ قَبْلُ فِي حُكْمِ الصَّوْمِ فِي السَّفَرِ مِنْ طَرِيقِ سَلَمَةَ بْنِ الْأَكْوَعِ، أَنَّ هَذِهِ الْآيَةَ مَنْسُوخَةٌ.

L12165 And through the chain of Ḥammād ibn Zayd from Salamah ibn ʿAlqamah ibn Muḥammad ibn Sīrīn from Ibn ʿAbbās that he recited this verse {An expiation is feeding a poor person} [2:184] and said: "It is abrogated." This is the authentic *musnad* report, and it is impermissible to contradict it.[33]

وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ سَلَمَةَ بْنِ عَلْقَمَةَ بْنِ مُحَمَّدِ بْنِ سِيرِينَ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَرَأَ هَذِهِ الْآيَةَ {فِدْيَةٌ طَعَامُ مِسْكِينٍ} [البقرة: ١٨٤] فَقَالَ: هِيَ مَنْسُوخَةٌ، فَهَذَا هُوَ الْمُسْنَدُ الصَّحِيحُ الَّذِي لَا يَجُوزُ خِلَافُهُ.

L12166–12167 And the height of astonishment is regarding these people, for they manipulate this verse as verbs are conjugated, applying it to contexts for which it

وَالْعَجَبُ كُلُّ الْعَجَبِ مِنْ هَؤُلَاءِ الْقَوْمِ فَإِنَّهُمْ يُصَرِّفُونَ هَذِهِ الْآيَةَ تَصْرِيفَ الْأَفْعَالِ فِي غَيْرِ مَا أُنْزِلَتْ فِيهِ، فَمَرَّةً يَحْتَجُّونَ بِهَا فِي أَنَّ الصَّوْمَ فِي السَّفَرِ أَفْضَلُ، وَمَرَّةً يُصَرِّفُونَهَا

[32] **Qur'an references (L12162):** Qur'an 2:184 (Al-Baqarah).
[33] **Qur'an references (L12165):** Qur'an 2:184 (Al-Baqarah).

was not revealed. At times they cite it to claim fasting during travel is superior, and at other times apply it to pregnant women, nursing mothers, and elderly individuals. All this amounts to a misapplication of Allah's speech and a distortion of words from their rightful contexts. How could one who knows Allah's promise is true dare to permit such manipulation of the Quran and Allah's religion? We seek refuge in Allah from misguidance. As for the elderly individual, Imam Abu Hanifah ruled it obligatory for him to feed a needy person in lieu of each day's fast, while Imam Malik did not deem feeding obligatory upon him.

فِي الْحَامِلِ، وَالْمُرْضِعِ، وَالشَّيْخِ الْكَبِيرِ، وَكُلُّ هَذَا إحَالَةٌ لِكَلَامِ اللَّهِ تَعَالَى، وَتَحْرِيفٌ لِلْكَلِمِ عَنْ مَوَاضِعِهِ، وَمَا نَدْرِي كَيْفَ يَسْتَجِيزُ - مَنْ يَعْلَمَ أَنَّ وَعْدَ اللَّهِ حَقٌّ - مِثْلَ هَذَا فِي الْقُرْآنِ وَفِي دِينِ اللَّهِ تَعَالَى؟ وَنَعُوذُ بِاَللَّهِ مِنْ الضَّلَالِ؟ وَأَمَّا الشَّيْخُ الْكَبِيرُ فَإِنَّ أَبَا حَنِيفَةَ أَوْجَبَ عَلَيْهِ إطْعَامَ مِسْكِينٍ مَكَانَ كُلِّ يَوْمٍ، وَلَمْ يَرَ مَالِكٌ الْإِطْعَامَ عَلَيْهِ وَاجِبًا.

L12168 Al-Shāfiʿī once stated opinions like those of Abū Ḥanīfah and once like those of Mālik.

وَقَالَ الشَّافِعِيُّ مَرَّةً كَقَوْلِ أَبِي حَنِيفَةَ، وَمَرَّةً كَقَوْلِ مَالِكٍ.

L12169 Abu Muhammad said: It was narrated to us through the chain of Ismail from Ali ibn Abdullah, from both Sufyan and Jarir. Sufyan reported that Amr ibn Dinar said: Ata informed me he heard Ibn Abbas recite it as: "And upon those made to bear it [as a collar] is an expiation: feeding a needy person" - they are obligated to it but cannot bear it.

قَالَ أَبُو مُحَمَّد: رُوِّينَا مِنْ طَرِيقِ إسْمَاعِيلَ عَنْ عَلِيِّ بْنِ عَبْدِ اللَّهِ عَنْ سُفْيَانَ، وَجَرِيرٍ قَالَ سُفْيَانُ قَالَ عَمْرُو بْنُ دِينَارٍ: أَخْبَرَنِي عَطَاءٌ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يَقْرَؤُهَا (وَعَلَى الَّذِينَ يُطَوَّقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٌ) يُكَلَّفُونَهُ وَلَا يُطِيقُونَهُ.

L12170 He said: This elderly, decrepit man and the elderly, decrepit woman—if either cannot fast—must break the fast and feed a poor person each day.

قَالَ: هَذَا الشَّيْخُ الْكَبِيرُ الْهَرِمُ وَالْمَرْأَةُ الْكَبِيرَةُ الْهَرِمَةُ لَا يَسْتَطِيعُ الصَّوْمَ يُفْطِرُ وَيُطْعِمُ كُلَّ يَوْمٍ مِسْكِينًا.

L12171 Jarīr reported from Manṣūr from Mujāhid from Ibn ʿAbbās: a similar account.

وَقَالَ جَرِيرٌ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ عَنْ ابْنِ عَبَّاسٍ: مِثْلَهُ.

L12172 Ali said: This is authentically reported from Ibn Abbas. It has been narrated to us from Ali ibn Abi Talib that he ruled regarding an elderly man incapable of fasting: He breaks the fast and feeds a needy person instead of each day. It is authentically established from Anas that when he became too feeble to fast due to old age, he would break the fast and feed a needy person instead of each day. Qatadah said: One is expiation, and three is voluntary.

قَالَ عَلِيٌّ: هَذَا صَحِيحٌ عَنْ ابْنِ عَبَّاسٍ، وَرُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ قَالَ فِي الشَّيْخِ الْكَبِيرِ الَّذِي لَا يَسْتَطِيعُ الصَّوْمَ: إنَّهُ يُفْطِرُ وَيُطْعِمُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا، وَصَحَّ عَنْ أَنَسٍ أَنَّهُ ضَعُفَ عَنْ الصَّوْمِ - إذْ كَبِرَ - فَكَانَ يُفْطِرُ وَيُطْعِمُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا، قَالَ قَتَادَةُ: الْوَاحِدُ كَفَّارَةٌ، وَالثَّلَاثَةُ تَطَوُّعٌ.

L12173 From the narration of Yahya ibn Sa'id al-Qattan, from Abd al-Rahman ibn Harmalah, who said: I heard Sa'id ibn al-Musayyab say regarding the statement of Allah the Exalted: {And upon those who find it difficult to fast, a

fidyah consisting of feeding a needy person} [Al-Baqarah: 184]: this refers to the elderly man who is unable to fast and the pregnant woman for whom fasting is difficult. Each of them must provide fidyah by feeding a needy person for every day.[34]

وَمِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ حَرْمَلَةَ قَالَ: سَمِعْت سَعِيدَ بْنَ الْمُسَيِّبِ يَقُولُ فِي قَوْلِ اللَّهِ تَعَالَى: {وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ} [البقرة: ١٨٤] هُوَ الْكَبِيرُ الَّذِي عَجَزَ عَنْ الصَّوْمِ، وَالْحُبْلَى يَشُقُّ عَلَيْهَا الصَّوْمُ، فَعَلَى كُلِّ وَاحِدٍ مِنْهُمَا إطْعَامُ مِسْكِينٍ عَنْ كُلِّ يَوْمٍ.

L12174 From al-Ḥasan and Qatādah regarding the elderly man and the elderly woman: they feed a poor person for each day instead of fasting. The same ruling is reported from ʻAṭāʼ, al-Ḥasan, and Saʻīd ibn Jubayr.

وَعَنْ الْحَسَنِ، وَقَتَادَةَ فِي الشَّيْخِ الْكَبِيرِ، وَالْعَجُوزِ: أَنَّهُمَا يُطْعِمَانِ مَكَانَ كُلِّ يَوْمٍ مِسْكِينًا. وَعَنْ عَطَاءٍ، وَالْحَسَنِ، وَسَعِيدِ بْنِ جُبَيْرٍ مِثْلُ ذَلِكَ.

L12175–12176 It is reported from Qays ibn al-Sāʼib—who was among the Companions—the same as that. From Abū Hurayrah, it is related that he would give charity of one dirham for each day. From Makhūl, Ṭāwus, and Yaḥyā ibn Abī Kathīr regarding those prevented by thirst from fasting—they held that such a person should break the fast and feed a poor person one *mudd* for each day. Abū Muḥammad said: Abū Ḥanīfah ruled that the elderly man who cannot endure fasting due to old age must feed one poor person in place of each day, but he did not impose this on the pregnant or nursing woman. Mālik obligated it specifically on the nursing woman but not on the pregnant woman or the very old man—this is an evident contradiction. Some Ḥanafīs argued that the pregnant and nursing women are akin to the sick and the traveler, for all of them are permitted to break the fast without feeding others. ʿAlī said: The elderly man is likewise, being more akin to the sick and the traveler, since he is permitted to break the fast due to his own incapacity, just as the sick and traveler are permitted for their own circumstances. As for the pregnant and nursing women, they are permitted to break the fast for the sake of others. ʿAlī said: The Mālikīs, however, disparage opposing the Companions when it aligns with their school, yet here they have opposed ʿAlī, Ibn ʿAbbās, Qays ibn al-Sāʼib, and Abū Hurayrah—and no opposing view is known from the Companions. They have also opposed ʿIkrimah, Saʿīd ibn al-Musayyib, ʿAṭāʼ, Qatādah, and Saʿīd ibn Jubayr, though they themselves disparage others for

وَرُوِيَ عَنْ قَيْسِ بْنِ السَّائِبِ وَهُوَ مِنْ الصَّحَابَةِ مِثْلُ ذَلِكَ. وَعَنْ أَبِي هُرَيْرَةَ أَنَّهُ يَتَصَدَّقُ عَنْ كُلِّ يَوْمٍ بِدِرْهَمٍ. وَعَنْ مَكْحُولٍ، وَطَاوُسٍ، وَيَحْيَى بْنِ أَبِي كَثِيرٍ فِيمَنْ مَنَعَهُ الْعُطَاشُ مِنْ الصَّوْمِ: أَنَّهُ يُفْطِرُ وَيُطْعِمُ عَنْ كُلِّ يَوْمٍ مُدًّا. قَالَ أَبُو مُحَمَّد: فَرَأَى أَبُو حَنِيفَةَ عَلَى الشَّيْخِ الَّذِي لَا يُطِيقُ الصَّوْمَ لِهَرَمِهِ إطْعَامَ مِسْكِينٍ مَكَانَ كُلِّ يَوْمٍ، وَلَمْ يَرَهُ عَلَى الْحَامِلِ وَالْمُرْضِعِ. وَأَوْجَبَهُ مَالِكٌ عَلَى الْمُرْضِعِ خَاصَّةً، وَلَمْ يُوجِبْهُ عَلَى الْحَامِلِ وَلَا الشَّيْخِ الْكَبِيرِ، وَهَذَا تَنَاقُضٌ ظَاهِرٌ. وَاحْتَجَّ بَعْضُ الْحَنَفِيِّينَ بِأَنَّ الْحَامِلَ وَالْمُرْضِعَ بِمَنْزِلَةِ الْمَرِيضِ وَالْمُسَافِرِ، لِأَنَّهُمْ كُلَّهُمْ أُبِيحَ لَهُمْ الْفِطْرُ دُونَ إطْعَامٍ. قَالَ عَلِيٌّ: وَالشَّيْخُ كَذَلِكَ وَهُوَ أَشْبَهُ بِالْمَرِيضِ، وَالْمُسَافِرِ، لِأَنَّهُ أُبِيحَ لَهُ الْفِطْرُ مِنْ أَجْلِ نَفْسِهِ كَمَا أُبِيحَ لَهُمَا مِنْ أَجْلِ أَنْفُسِهِمَا، وَأَمَّا الْحَامِلُ وَالْمُرْضِعُ، فَإِنَّمَا أُبِيحَ لَهُمَا الْفِطْرُ مِنْ أَجْلِ غَيْرِهِمَا. قَالَ عَلِيٌّ: وَأَمَّا الْمَالِكِيُّونَ فَيُشَنِّعُونَ بِخِلَافِ الصَّاحِبِ إذَا وَافَقَ تَقْلِيدَهُمْ. وَقَدْ خَالَفُوا هَاهُنَا: عَلِيًّا، وَابْنَ عَبَّاسٍ، وَقَيْسَ بْنَ السَّائِبِ، وَأَبَا هُرَيْرَةَ، وَلَا يُعْرَفُ لَهُمْ مِنْ الصَّحَابَةِ مُخَالِفٌ. وَخَالَفُوا: عِكْرِمَةَ، وَسَعِيدَ بْنَ الْمُسَيِّبِ، وَعَطَاءً، وَقَتَادَةَ، وَسَعِيدَ بْنَ جُبَيْرٍ، وَهُمْ

[34] **Qur'an references (L12173):** Qur'an 2:184 (Al-Baqarah).

such actions. Abū Muḥammad said: As for us, we hold no proof except from the Prophet—peace and blessings of Allah be upon him.

يُشَنِّعُونَ بِمِثْلِ هَذَا. قَالَ أَبُو مُحَمَّدٍ: وَأَمَّا نَحْنُ فَلَا حُجَّةَ عِنْدَنَا فِي غَيْرِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L12177 As for the narration from Ibn Abbas that he used to recite it as "and upon those who are burdened with it (وَعَلَى الَّذِينَ يُطَوَّقُونَهُ)"—this is a Reading that is not permissible for anyone to recite, because the Quran is only to be taken from the exact wording of the Messenger of God—peace and blessings be upon him. Therefore, whoever cites this narration as evidence, then let them recite it in this way, and Far removed is God from imposing upon an old man what he cannot bear.

وَأَمَّا الرِّوَايَةُ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ يَقْرَؤُهَا (وَعَلَى الَّذِينَ يُطَوَّقُونَهُ) فَقِرَاءَةٌ لَا يَحِلُّ لِأَحَدٍ أَنْ يَقْرَأَ بِهَا، لِأَنَّ الْقُرْآنَ لَا يُؤْخَذُ إِلَّا عَنْ لَفْظِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَمَنْ احْتَجَّ بِهَذِهِ الرِّوَايَةِ فَلْيَقْرَأْ بِهَذِهِ الْقِرَاءَةِ وَحَاشَ اللَّهَ أَنْ يُطَوِّقَ الشَّيْخَ مَا لَا يُطِيقُهُ.

L12178–12180 It has been authentically established from Salama ibn al-Akwaʿ and Ibn Abbas that the abrogation of this verse occurred, as we have mentioned in this chapter and in the chapter on the fasting of the traveler. It was never revealed concerning the elderly man, nor the pregnant woman, nor concerning... The nursing mother—the verse was revealed for a specific situation, but it has been abrogated and invalidated. As for the elderly man and woman who cannot endure fasting, fasting is not obligatory upon them. Allah the Exalted said: *"Allah does not burden a soul beyond its capacity"* [2:286]. Since fasting is not required of them, expiation is likewise not required, for Allah the Exalted has not imposed it upon them nor has His Messenger—peace and blessings be upon him. Wealth is forbidden except by textual authority or consensus? What is utterly astonishing is that Abū Ḥanīfah, Mālik, and Al-Shāfiʿī waive expiation for one who intentionally breaks the fast during Ramadan—willfully nullifying their fast in disobedience to Allah by committing the act of Lut's people, deliberate eating, drinking wine, or intentional vomiting. Indeed, some of them even waive both making up the fast and expiation for one who removes food from between their teeth and deliberately consumes it while mindful of their fast. Yet they impose expiation upon those whom Allah has commanded to break the fast and permitted it for—such as a nursing mother fearing her infant's death, an elderly person too weak to fast due to frailty, or a pregnant woman fearing harm to her fetus. Let this inconsistency suffice you! It is impermissible to accept such rulings except from the One *"Who is not questioned about what He does"*

وَقَدْ صَحَّ عَنْ سَلَمَةَ بْنِ الْأَكْوَعِ، وَعَنْ ابْنِ عَبَّاسٍ نَسْخُ هَذِهِ الْآيَةِ كَمَا ذَكَرْنَا فِي هَذَا الْبَابِ، وَفِي بَابِ صَوْمِ الْمُسَافِرِ، وَأَنَّهَا لَمْ تَنْزِلْ قَطُّ فِي الشَّيْخِ، وَلَا فِي الْحَامِلِ، وَلَا فِي الْمُرْضِعِ وَإِنَّمَا نَزَلَتْ فِي حَالٍ وَقَدْ نُسِخَتْ وَبَطَلَتْ. وَالشَّيْخُ، وَالْعَجُوزُ اللَّذَانِ لَا يُطِيقَانِ الصَّوْمَ فَالصَّوْمُ لَا يَلْزَمُهُمَا قَالَ اللَّهُ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] وَإِذَا لَمْ يَلْزَمْهُمَا الصَّوْمُ فَالْكَفَّارَةُ لَا تَلْزَمُهُمَا، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُلْزِمْهُمَا إِيَّاهَا وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْأَمْوَالُ مُحَرَّمَةٌ إِلَّا بِنَصٍّ أَوْ إِجْمَاعٍ؟ وَالْعَجَبُ كُلُّهُ مِنْ أَنَّ أَبَا حَنِيفَةَ، وَمَالِكًا، وَالشَّافِعِيَّ يُسْقِطُونَ الْكَفَّارَةَ عَمَّنْ أَفْطَرَ فِي نَهَارِ رَمَضَانَ عَمْدًا وَقَصَدَ إِبْطَالَ صَوْمِهِ عَاصِيًا، لِلَّهِ تَعَالَى بِفِعْلِ قَوْمِ لُوطٍ، وَبِالْأَكْلِ، وَشُرْبِ الْخَمْرِ عَمْدًا وَبِتَعَمُّدِ الْقَيْءِ. نَعَمْ، وَبَعْضُهُمْ يُسْقِطُ الْقَضَاءَ وَالْكَفَّارَةَ عَنْهُ فِيمَنْ أَخْرَجَ مِنْ بَيْنِ أَسْنَانِهِ شَيْئًا مِنْ طَعَامِهِ فَتَعَمَّدَ أَكْلَهُ ذَاكِرًا لِصَوْمِهِ، ثُمَّ يُوجِبُونَ الْكَفَّارَةَ عَلَى مَنْ أَفْطَرَ مِمَّنْ أَمَرَهُ اللَّهُ تَعَالَى بِالْإِفْطَارِ وَأَبَاحَهُ لَهُ مِنْ مُرْضِعٍ خَائِفَةٍ عَلَى رَضِيعِهَا التَّلَفَ، وَشَيْخٍ كَبِيرٍ لَا يُطِيقُ الصَّوْمَ ضَعْفًا، وَحَامِلٍ تَخَافُ عَلَى مَا فِي بَطْنِهَا، وَحَسْبُكَ بِهَذَا تَخْلِيطًا،

[21:23]—Allah the Exalted, as conveyed by His Messenger's tongue—peace and blessings be upon him.[35]

A jurisprudential issue: The fasting person engaged in intercourse multiple times during the day intentionally.

771 - Issue: If someone engages in intercourse multiple times within a single day intentionally, only one expiation is required. If someone engages in intercourse intentionally over two or more days, an expiation is due for each day, regardless of whether they performed the expiation before the second act or not. Abu Hanifah said: For all such acts - even if one breaks the fast every day of Ramadan intentionally - only one expiation is required unless they perform the expiation and then break another day's fast, in which case another expiation becomes obligatory. It has also been narrated from him that whether they perform the expiation or not, only one expiation is required if the days fall within a single month. However, if the two days on which the fast was broken occur in two different months of Ramadan, each day requires an expiation separate from the expiation of the other day. His ruling remains consistent regarding one who intentionally breaks the fast for all, some, or a single day of Ramadan: only one expiation is required if no expiation was performed in between. Similarly, his ruling is consistent for one who breaks the fast on two days across two different months of Ramadan: two expiations are due, whether an expiation was performed between them or not.

He held differing opinions regarding one who broke the fast on two or more days during a single Ramadan and atoned in the midst of that period. On one occasion, he said: "Another atonement is incumbent upon him," and on another, he said: "Nothing is required except the atonement he subsequently performed."

Malik, al-Layth, al-Ḥasan ibn Ḥayy, and al-Shāfiʿī held the same opinion as ours, which is also the position of ʿAṭāʾ and one of the reported views of

[35]**Qur'an references (L12178):** Qur'an 2:286 (Al-Baqarah); Qur'an 21:23 (Al-Anbya).

وَلَا يَحِلُّ قَبُولُ مِثْلِ هَذَا إِلَّا مِنْ الَّذِي {لا يُسْأَلُ عَمَّا يَفْعَلُ} [الأنبياء: ٢٣] وَهُوَ اللَّهُ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[مَسْأَلَةُ وَطِئَ الصَّائِمُ مِرَارًا فِي الْيَوْمِ عَامِدًا]

٧٧١ - مَسْأَلَةٌ: وَمَنْ وَطِئَ مِرَارًا فِي الْيَوْمِ عَامِدًا فَكَفَّارَةٌ وَاحِدَةٌ فَقَطْ، وَمَنْ وَطِئَ فِي يَوْمَيْنِ عَامِدًا فَصَاعِدًا فَعَلَيْهِ لِكُلِّ يَوْمٍ كَفَّارَةٌ، سَوَاءٌ كَفَّرَ قَبْلَ أَنْ يَطَأَ الثَّانِيَةَ أَوْ لَمْ يُكَفِّرْ: قَالَ أَبُو حَنِيفَةَ: عَلَيْهِ لِكُلِّ ذَلِكَ - وَلَوْ أَنَّهُ أَفْطَرَ فِي كُلِّ يَوْمٍ مِنْ رَمَضَانَ عَامِدًا - كَفَّارَةٌ وَاحِدَةٌ فَقَطْ إِلَّا أَنْ يَكُونَ قَدْ كَفَّرَ ثُمَّ أَفْطَرَ نَهَارًا آخَرَ فَعَلَيْهِ كَفَّارَةٌ أُخْرَى. وَقَدْ رُوِيَ عَنْهُ: أَنَّهُ سَوَاءٌ كَفَّرَ أَوْ لَمْ يُكَفِّرْ لَيْسَ عَلَيْهِ إِلَّا كَفَّارَةٌ وَاحِدَةٌ إِذَا كَانَتْ الْأَيَّامُ مِنْ شَهْرٍ وَاحِدٍ، فَإِنْ كَانَ الْيَوْمَانِ اللَّذَانِ أَفْطَرَ فِيهِمَا مِنْ شَهْرِ رَمَضَانَ اثْنَيْنِ، فَلِكُلِّ يَوْمٍ مِنْهُمَا كَفَّارَةٌ غَيْرُ كَفَّارَةِ الْيَوْمِ الْآخَرِ. فَلَمْ يَخْتَلِفْ قَوْلُهُ فِيمَنْ تَعَمَّدَ الْفِطْرَ أَيَّامَ رَمَضَانَ كُلَّهَا أَوْ بَعْضَهَا أَوْ يَوْمًا وَاحِدًا مِنْهَا فِي أَنَّهُ لَيْسَ عَلَيْهِ إِلَّا كَفَّارَةٌ وَاحِدَةٌ فَقَطْ، إِذَا لَمْ يُكَفِّرْ فِي خِلَالِ ذَلِكَ، وَلَمْ يَخْتَلِفْ قَوْلُهُ فِيمَنْ أَفْطَرَ يَوْمَيْنِ مِنْ رَمَضَانَيْنِ أَنَّ عَلَيْهِ كَفَّارَتَيْنِ كَفَّرَ بَيْنَهُمَا أَوْ لَمْ يُكَفِّرْ.

وَاخْتَلَفَ قَوْلُهُ فِيمَنْ أَفْطَرَ يَوْمَيْنِ فَصَاعِدًا مِنْ رَمَضَانَ وَاحِدٍ وَكَفَّرَ فِي خِلَالِ ذَلِكَ، فَمَرَّةً قَالَ: عَلَيْهِ كَفَّارَةٌ أُخْرَى، وَمَرَّةً قَالَ: لَيْسَ عَلَيْهِ إِلَّا الْكَفَّارَةُ الَّتِي كَفَّرَ بَعْدُ.

وَقَالَ مَالِكٌ وَاللَّيْثُ، وَالْحَسَنُ بْنُ حَيٍّ، وَالشَّافِعِيُّ: مِثْلَ قَوْلِنَا وَهُوَ عَطَاءٍ، وَأَحَدُ قَوْلُ الشَّافِعِيِّ. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا مِمَّا تَنَاقَضَ فِيهِ أَبُو حَنِيفَةَ وَخَالَفَ فِيهِ جُمْهُورَ الْعُلَمَاءِ.

al-Shāfiʿī. Abū Muḥammad said: This is among the matters in which Abū Ḥanīfah contradicted himself and opposed the majority of scholars in it. The proof for the validity of our opinion is the command of the Messenger of Allah—peace and blessings of Allah be upon him—to the man who had intercourse with his wife during Ramadan to perform expiation. This establishes that the commanded expiation is required for that day, and for every day without distinction between it and others, since the divine address to expiate applies to each day as it applied to the first day, with no difference. If it is asked: "Why did you not analogize this to the ḥudūd?" We respond: The analogy is invalid. Even if it were valid, applying it here would be manifestly incorrect, because ḥudūd are imposed by the imam or judge coercively, and it is not permissible for a person to impose them upon himself—unlike expiation, which a person imposes upon himself as a personal obligation, whereas he is not personally addressed to enforce ḥudūd upon himself. There are other distinctions—Allah the Exalted willing—that we will mention in the section on ḥudūd. Moreover, Abū Ḥanīfah held that if the two days belong to two Ramadans, two expiations are necessarily required. Yet there is no disagreement from him that if a man commits adultery with two women from two cities in two different years, only one punishment is applied. Similarly, if he drinks wine from the fermentation of one year's grapes and wine from another year's fermentation, only one punishment is applied. And if he steals in two different years, only one amputation is required. And success is by Allah, the Exalted.

بُرْهَانُ صِحَّةِ قَوْلِنَا -: أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي وَطِئَ امْرَأَتَهُ فِي رَمَضَانَ بِالْكَفَّارَةِ، فَصَحَّ أَنَّ لِذَلِكَ الْيَوْمِ الْكَفَّارَةُ الْمَأْمُورُ بِهَا، وَكُلُّ يَوْمٍ فَلَا فَرْقَ بَيْنَهُ وَبَيْنَ ذَلِكَ الْيَوْمِ؛ لِأَنَّ الْخِطَابَ بِالْكَفَّارَةِ وَاقِعٌ عَلَيْهِ فِيهِ كَمَا وَقَعَ فِي الْيَوْمِ الْأَوَّلِ وَلَا فَرْقَ. فَإِنْ قِيلَ: هَلَّا قِسْتُمْ هَذَا عَلَى الْحُدُودِ؟ قُلْنَا: الْقِيَاسُ بَاطِلٌ ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ؛ لِأَنَّ الْحُدُودَ الَّتِي يُقِيمُهَا الْإِمَامُ وَالْحَاكِمُ عَلَى الْمَرْءِ كُرْهًا، وَلَا يَحِلُّ لِلْمَرْءِ أَنْ يُقِيمَهَا عَلَى نَفْسِهِ، بِخِلَافِ الْكَفَّارَةِ الَّتِي إنَّمَا يُقِيمُهَا الْمَرْءُ عَلَى نَفْسِهِ وَهُوَ مُخَاطَبٌ بِهَا عَلَى نَفْسِهِ، وَلَيْسَ مُخَاطَبًا بِالْحُدُودِ عَلَى نَفْسِهِ؛ وَفُرُوقٌ أُخَرُ نَذْكُرُهَا إنْ شَاءَ اللَّهُ تَعَالَى فِي الْحُدُودِ؟ وَأَيْضًا: فَإِنَّ أَبَا حَنِيفَةَ رَأَى إنْ كَانَ الْيَوْمَانِ مِنْ رَمَضَانَيْنِ فَكَفَّارَتَانِ وَلَا بُدَّ؛ وَلَا خِلَافَ مِنْهُ فِي أَنَّهُ لَوْ زَنَى بِامْرَأَتَيْنِ مِنْ بَلَدَيْنِ مُخْتَلِفَتَيْنِ فِي عَامَيْنِ مُخْتَلِفَيْنِ فَحَدٌّ وَاحِدٌ، وَلَوْ شَرِبَ خَمْرًا مِنْ عَصِيرِ عَامٍ وَاحِدٍ، وَخَمْرًا مِنْ عَصِيرِ عَامٍ آخَرَ فَحَدٌّ وَاحِدٌ، وَلَوْ سَرَقَ فِي عَامَيْنِ مُخْتَلِفَيْنِ فَقَطْعٌ وَاحِدٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L12186 Among the most astonishing matters is that Abū Ḥanīfah held the view we mentioned, maintaining that one who pronounced *dhihar* against both his wives with a single utterance must offer a separate expiation for each wife. He also ruled that if someone swore in one gathering, "By Allah, I will not speak to Zayd," then swore in another gathering, "By Allah, I will not speak to Zayd," these constitute two oaths requiring two expiations. Similarly, one who swears, "By Allah and the Most Merciful, I will not speak to Zayd," must offer two expiations unless intending them as a single oath. ʿAlī said: As for one who engages in intercourse multiple times in a single day, the Prophet—peace and blessings of Allah be upon him—commanded only one

وَمِنْ أَعْجَبِ الْأَشْيَاءِ أَنَّ أَبَا حَنِيفَةَ قَالَ مَا ذَكَرْنَا، وَرَأَى فِيمَنْ ظَاهَرَ مِنْ امْرَأَتَيْهِ بِلَفْظٍ وَاحِدٍ أَنَّ عَلَيْهِ لِكُلِّ امْرَأَةٍ كَفَّارَةً أُخْرَى. وَقَالَ فِيمَنْ قَالَ فِي مَجْلِسٍ: وَاَللَّهِ لَا كَلَّمْت زَيْدًا، ثُمَّ قَالَ فِي مَجْلِسٍ آخَرَ: وَاَللَّهِ لَا كَلَّمْت زَيْدًا -: أَنَّهُمَا يَمِينَانِ يَجِبُ عَلَيْهِ كَفَّارَتَانِ، وَمَنْ قَالَ: وَاَللَّهِ وَالرَّحْمَنِ لَا كَلَّمْت زَيْدًا -: فَعَلَيْهِ كَفَّارَتَانِ إلَّا أَنْ يَنْوِيَ أَنَّهُمَا يَمِينٌ وَاحِدَةٌ. قَالَ عَلِيٌّ: وَأَمَّا إذَا كَرَّرَ الْوَطْءَ فِي يَوْمٍ وَاحِدٍ مِرَارًا فَإِنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَأْمُرْهُ إلَّا بِكَفَّارَةٍ وَاحِدَةٍ وَلَمْ يَسْأَلْهُ أَعَادَ أَمْ لَا؟ وَأَيْضًا: فَإِنَّهُ إذَا وَطِئَ

expiation without inquiring whether he repeated the act. Moreover, once he has broken the fast through intercourse, the second act occurs outside the state of fasting, thus requiring no expiation. Furthermore, the first deliberate and conscious penetration obligates expiation regardless of repetition, as no expiation is required for subsequent penetrations by textual evidence and consensus.

L12187–12188 **A jurisprudential issue: one who did not fast for the entire month of Ramadan due to travel or illness.**

L12189 Issue: Whoever does not fast during the entire month of Ramadan due to travel or illness is only obligated to make up the number of days they missed. An incomplete month cannot validly substitute a complete one, nor can a complete month substitute an incomplete one, based on Allah's statement: "Then [fast] a like number of other days" (Q. 2:184). Al-Ḥasan ibn Ḥayy said: "A month is valid as compensation for [another] month if one fasts for the duration between two crescent moons," but there is no proof to validate this opinion.[36]

L12190 **The Issue of Breaking a Voluntary Fast**

L12191 773 - Issue: A person may break their voluntary fast if they wish, and we do not disapprove of it for them. However, if they intentionally break it, they must make up a day in its place. The proof of this—that the entirety of the Sharīʿah comprises obligatory and voluntary acts, and this is known through the texts of the Quran, the Sunnah, consensus, and rational necessity, since a third category is fundamentally impossible. The obligatory is what one sins by abandoning, while the voluntary is what one does not sin by abandoning—for if abandoning it were sinful, it would be obligatory. One who fails to perform voluntary acts is merely omitting what is not obligatory upon them, so there is no blame on them for that.

L12192–12194 The Messenger of Allah (peace and blessings be upon him) informed the

فَقَدْ أَفْطَرَ، فَالْوَطْءُ الثَّانِي وَقَعَ فِي غَيْرِ صِيَامٍ فَلَا كَفَّارَةَ فِيهِ، وَأَيْضًا: فَإِنَّ الْوَاطِئَ بِأَوَّلِ إِيلَاجِهِ مُتَعَمِّدًا ذَاكِرًا وَجَبَتْ عَلَيْهِ الْكَفَّارَةُ عَاوَدَ أَوْ لَمْ يُعَاوِدْ، وَلَا كَفَّارَةَ فِي إِيلَاجِهِ ثَانِيَةً بِالنَّصِّ، وَالْإِجْمَاعِ؟

[مَسْأَلَةٌ أَفْطَرَ رَمَضَانَ كُلَّهُ بِسَفَرٍ أَوْ مَرَضٍ]

مَسْأَلَةٌ: وَمَنْ أَفْطَرَ رَمَضَانَ كُلَّهُ بِسَفَرٍ أَوْ مَرَضٍ فَإِنَّمَا عَلَيْهِ عَدَدُ الْأَيَّامِ الَّتِي أَفْطَرَ وَلَا يُجْزِئُهُ شَهْرٌ نَاقِصٌ مَكَانَ تَامٍّ، وَلَا يَلْزَمُهُ شَهْرٌ تَامٌّ مَكَانَ نَاقِصٍ لِقَوْلِ اللَّهِ تَعَالَى: {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] وَقَالَ الْحَسَنُ بْنُ حَيٍّ: يُجْزِئُ شَهْرٌ مَكَانَ شَهْرٍ إِذَا صَامَ مَا بَيْنَ الْهِلَالَيْنِ وَلَا بُرْهَانَ عَلَى صِحَّةِ هَذَا الْقَوْلِ.

[مَسْأَلَةٌ الْإِفْطَارِ فِي صَوْمِ التَّطَوُّعِ]

٧٧٣ - مَسْأَلَةٌ: وَلِلْمَرْءِ أَنْ يُفْطِرَ فِي صَوْمِ التَّطَوُّعِ إِنْ شَاءَ، لَا نَكْرَهُ لَهُ ذَلِكَ، إِلَّا أَنَّ عَلَيْهِ إِنْ أَفْطَرَ عَامِدًا قَضَاءَ يَوْمٍ مَكَانَهُ. بُرْهَانُ ذَلِكَ -: أَنَّ الشَّرِيعَةَ كُلَّهَا فَرْضٌ وَتَطَوُّعٌ، وَهَذَا مَعْلُومٌ بِنُصُوصِ الْقُرْآنِ، وَالسُّنَنِ، وَالْإِجْمَاعِ، وَضَرُورَةِ الْعَقْلِ، إِذْ لَا يُمْكِنُ قِسْمٌ ثَالِثٌ أَصْلًا؛ فَالْفَرْضُ هُوَ الَّذِي يَعْصِي مَنْ تَرَكَهُ، وَالتَّطَوُّعُ هُوَ الَّذِي لَا يَعْصِي مَنْ تَرَكَهُ وَلَوْ عَصَى لَكَانَ فَرْضًا، وَالْمُفَرِّطُ فِي التَّطَوُّعِ تَارِكٌ مَا لَا يَجِبُ عَلَيْهِ فَرْضًا، فَلَا حَرَجَ عَلَيْهِ فِي ذَلِكَ.

[36] **Qur'an references (L12189):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah).

Bedouin who inquired about fasting, telling him of Ramadan. The Bedouin asked, “Is there anything obligatory upon me besides it?” He replied, “No, unless you perform voluntary acts of worship.” The Bedouin then declared, “By Allah, I will neither add to this nor diminish it.” The Prophet (peace and blessings be upon him) responded, “He has succeeded and will enter Paradise if he is truthful.” The Prophet did not deem abandoning voluntary acts as objectionable in the slightest. Similarly, we state regarding one who discontinues a voluntary prayer, reconsiders a voluntary charity, deliberately annuls a voluntary Hajj, or voluntary retreat: there is no distinction in what we have mentioned. Whatever exceeds this is an unsubstantiated claim without evidence. To impose obligations not mandated by Allah the Exalted or His Messenger (peace and blessings be upon him) is impermissible, except that there is no requirement to compensate for any of the mentioned acts except breaking a voluntary fast alone, for reasons we shall clarify Allah willing.

If it is argued: “You impose obligatory fasting beyond Ramadan, such as vowed fasts and expiatory fasts,” we respond: We impose only what the Messenger of Allah (peace and blessings be upon him) obligated, adding it to the obligation of Ramadan. We do not impose what he did not obligate, nor overstep his boundaries, nor oppose him with our opinions. A prophetic precedent exists in this matter, as narrated to us by ʿAbd Allāh ibn Rabīʿ: Muḥammad ibn Muʿāwiyah reported to us, from Aḥmad ibn Shuʿayb, who said: ʿAbd Allāh ibn al-Haytham informed me, from Abū Bakr al-Ḥanafī, from Sufyān, from Ṭalḥah ibn Yaḥyā ibn Ṭalḥah ibn ʿUbayd Allāh [chain incomplete]. Mujahid reported from Aisha, the Mother of the Believers, who said: “The Messenger of Allah—peace and blessings of Allah be upon him—came to us one day and asked: ‘Do you have anything?’ We replied: ‘Yes, we were given some *hais* [a date-based dish].’ He said: ‘I had intended to fast this morning,’ but then he ate it.”

L12195 We have narrated it through the chain of ʿĀ’ishah bint Ṭalḥah from the Mother of the Believers. ʿAlī said: “This is an established Sunnah.” From ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid, from Ibrāhīm ibn Aḥmad, from al-Farbari, from al-Bukhārī, from Muḥammad ibn Bashshār, from Jaʿfar ibn ʿAwn, from Abū al-ʿUmaymis—who is ʿUtbah ibn ʿAbd Allāh ibn ʿUtbah ibn

وَقَدْ «أَخْبَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْأَعْرَابِيَّ الَّذِي سَأَلَهُ عَنْ الصَّوْمِ فَأَخْبَرَهُ - عَلَيْهِ السَّلَامُ - بِرَمَضَانَ؟ فَقَالَ: هَلْ عَلَيَّ غَيْرُهُ؟ قَالَ: لَا إلَّا أَنْ تَتَطَوَّعَ شَيْئًا؟ فَقَالَ الْأَعْرَابِيُّ: وَاَللَّهِ لَا أَزِيدُ عَلَى ذَلِكَ وَلَا أَنْقُصُ مِنْهُ، فَقَالَ - عَلَيْهِ السَّلَامُ -: أَفْلَحَ إنْ صَدَقَ، دَخَلَ الْجَنَّةَ إنْ صَدَقَ» فَلَمْ يَجْعَلْ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي تَرْكِ التَّطَوُّعِ كَرَاهَةً أَصْلًا. وَهَكَذَا نَقُولُ فِيمَنْ قَطَعَ صَلَاةَ تَطَوُّعٍ، أَوْ بَدَا لَهُ فِي صَدَقَةِ تَطَوُّعٍ، أَوْ فَسَخَ عَمْدًا حَجَّ تَطَوُّعٍ، أَوْ اعْتِكَافَ تَطَوُّعٍ، وَلَا فَرْقَ لِمَا ذَكَرْنَا، وَمَا عَدَا ذَلِكَ فَدَعْوَى لَا بُرْهَانَ عَلَيْهَا، وَإِيجَابُ مَا لَمْ يُوجِبْهُ اللَّهُ تَعَالَى وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا أَنَّهُ لَا قَضَاءَ عَلَيْهِ فِي شَيْءٍ مِمَّا ذَكَرْنَا إلَّا فِي فِطْرِ التَّطَوُّعِ فَقَطْ لِمَا نَذْكُرُ إنْ شَاءَ اللَّهُ تَعَالَى؟ فَإِنْ قِيلَ: إنَّكُمْ تُوجِبُونَ فَرْضًا فِي الصَّوْمِ غَيْرَ رَمَضَانَ كَالنَّذْرِ وَصِيَامِ الْكَفَّارَاتِ؟ قُلْنَا: نُوجِبُ مَا أَوْجَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَنُضِيفُهُ إلَى فَرْضِ رَمَضَانَ، وَلَا نُوجِبُ مَا لَمْ يُوجِبْ وَلَا نَتَعَدَّى حُدُودَهُ وَلَا نُعَارِضُهُ بِآرَائِنَا، وَقَدْ جَاءَتْ فِي ذَلِكَ سُنَّةٌ -: كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نا مُحَمَّدُ بْنُ مُعَاوِيَةَ نا أَحْمَدُ بْنُ شُعَيْبٍ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ الْهَيْثَمِ نا أَبُو بَكْرٍ الْحَنَفِيُّ نا سُفْيَانُ عَنْ طَلْحَةَ بْنِ يَحْيَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ عَنْ مُجَاهِدٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «إنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَتَانَا يَوْمًا فَقَالَ: هَلْ عِنْدَكُمْ مِنْ شَيْءٍ؟ قُلْنَا: نَعَمْ، أُهْدِيَ لَنَا حَيْسٌ؟ فَقَالَ: أَمَّا إنِّي أَصْبَحْتُ أُرِيدُ الصَّوْمَ فَأَكَلَ» .

وَقَدْ رُوِّينَاهُ مِنْ طَرِيقِ عَائِشَةَ بِنْتِ طَلْحَةَ عَنْ أُمِّ الْمُؤْمِنِينَ؟ قَالَ عَلِيٌّ: وَهَذِهِ سُنَّةٌ ثَابِتَةٌ، نا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ نا إبْرَاهِيمُ بْنُ أَحْمَدَ نا الْفَرَبْرِيُّ نا الْبُخَارِيُّ نَا مُحَمَّدُ بْنُ بَشَّارٍ نا جَعْفَرُ بْنُ عَوْنٍ نا أَبُو الْعُمَيْسِ هُوَ عُتْبَةُ بْنُ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ عَبْدِ اللَّهِ

ʿAbd Allāh ibn Masʿūd—from ʿAwn ibn Abī Juḥayfah, from his father, who said: "The Prophet—peace and blessings be upon him—established brotherhood between Salmān and Abū al-Dardāʾ. Salmān visited Abū al-Dardāʾ and saw Umm al-Dardāʾ in unkempt attire (from neglecting worldly concerns). He asked her: 'What is your situation?' She replied: 'Your brother Abū al-Dardāʾ has no concern for worldly matters.' When Abū al-Dardāʾ came, he prepared food for him and said: 'Eat.' He replied: 'I am fasting.' Salmān said: 'I will not eat unless you eat.' So Abū al-Dardāʾ ate." The remainder of the ḥadīth was mentioned, including: "Salmān said to him: 'Your Lord has a right over you, your soul has a right over you, and your family has a right over you. Give each rightful claimant their due.' He went to the Prophet—peace and blessings be upon him—who said: 'Salmān has spoken truthfully.'" Thus, the Prophet—peace and blessings be upon him—endorsed Salmān's statement regarding breaking a voluntary fast without disapproval.

Through another chain from Ibn Abī Shaybah, from Abū Dāwūd, from ʿUmar ibn Saʿd al-Ḥafrī, from Sufyān al-Thawrī, from al-Awzāʿī, from Yaḥyā ibn Abī Kathīr, from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, from Abū Hurayrah, who said: "Food was brought to the Prophet—peace and blessings be upon him—while he was at Marr al-Ẓahrān. He said to Abū Bakr and ʿUmar: 'Come near and eat.' They replied: 'We are fasting.' The Messenger of Allāh—peace and blessings be upon him—said: 'Go tend to your companion; see to your companion. Come near and eat.'" All these are sound narrations, and this is the position held by the majority of the early predecessors.

We have narrated through Wakīʿ, from Sayf ibn Sulaymān al-Makkī, from Qays ibn Saʿd, from Dāwūd ibn Abī ʿĀṣim, from Saʿīd ibn al-Musayyib, who said: "'Umar ibn al-Khaṭṭāb once addressed his companions, saying: 'I began the day fasting, but then my slave girl passed by, and I had relations with her. What is your ruling?' They faltered in their response. ʿAlī said to him: 'You have acted permissibly; fast another day in its stead.' ʿUmar replied: 'Your legal opinion is the most sound among them.'"

L12196–12197 And through the chain of Waki' from Mis'ar ibn Kidam from 'Imran ibn 'Umayr from Sa'id ibn Jubayr from Ibn 'Umar regarding one who eats after commencing voluntary fasting at dawn, Ibn 'Umar said: "There is no

بْنِ مَسْعُودٍ عَنْ عَوْنِ بْنِ أَبِي جُحَيْفَةَ عَنْ أَبِيهِ قَالَ: «آخَى النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيْنَ سَلْمَانَ، وَأَبِي الدَّرْدَاءِ فَزَارَ سَلْمَانُ أَبَا الدَّرْدَاءِ فَرَأَى أُمَّ الدَّرْدَاءِ مُتَبَذِّلَةً فَقَالَ لَهَا: مَا شَأْنُكِ؟ قَالَتْ: أَخُوكَ أَبُو الدَّرْدَاءِ لَيْسَ لَهُ حَاجَةٌ فِي الدُّنْيَا، فَجَاءَ أَبُو الدَّرْدَاءِ فَصَنَعَ لَهُ طَعَامًا فَقَالَ: كُلْ قَالَ فَإِنِّي صَائِمٌ، قَالَ سَلْمَانُ: مَا أَنَا بِآكِلٍ حَتَّى تَأْكُلَ؟ فَأَكَلَ» ، وَذَكَرَ بَاقِيَ الْحَدِيثِ. وَفِيهِ: «أَنَّ سَلْمَانَ قَالَ لَهُ: إِنَّ لِرَبِّكَ عَلَيْكَ حَقًّا، وَإِنَّ لِنَفْسِكَ عَلَيْكَ حَقًّا، وَلِأَهْلِكَ عَلَيْكَ حَقًّا، فَأَعْطِ كُلَّ ذِي حَقٍّ حَقَّهُ، فَأَتَى النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ - عَلَيْهِ السَّلَامُ -: صَدَقَ سَلْمَانُ» فَهَذَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ صَوَّبَ قَوْلَ سَلْمَانَ فِي إِفْطَارِ الصَّائِمِ الْمُتَطَوِّعِ وَلَمْ يُنْكِرْهُ: وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي دَاوُد عُمَرَ بْنِ سَعْدٍ الْحَفْرِيِّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْأَوْزَاعِيِّ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: «أُتِيَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِطَعَامٍ وَهُوَ بِمَرِّ الظَّهْرَانِ فَقَالَ لِأَبِي بَكْرٍ وَعُمَرَ ادْنُوَا فَكُلَا؟ قَالَا: إنَّا صَائِمَانِ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ارْحَلُوا لِصَاحِبِكُمْ، اعْمَلُوا لِصَاحِبِكُمْ، ادْنُوَا فَكُلَا» . وَهَذِهِ كُلُّهَا آثَارٌ صِحَاحٌ، وَبِهَذَا يَقُولُ جُمْهُورُ السَّلَفِ. رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سَيْفِ بْنِ سُلَيْمَانَ الْمَكِّيِّ عَنْ قَيْسِ بْنِ سَعْدٍ عَنْ دَاوُد بْنِ أَبِي عَاصِمٍ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: خَرَجَ عُمَرُ بْنُ الْخَطَّابِ يَوْمًا عَلَى أَصْحَابِهِ فَقَالَ: إنِّي أَصْبَحْت صَائِمًا فَمَرَّتْ بِي جَارِيَةٌ لِي فَوَقَعْت عَلَيْهَا فَمَا تَرَوْنَ؟ قَالَ: فَلَمْ يَأْلُوا مَا شَكُّوا عَلَيْهِ، وَقَالَ لَهُ عَلِيٌّ: أَصَبْت حَلَالًا وَتَقْضِي يَوْمًا مَكَانَهُ، قَالَ لَهُ عُمَرُ: أَنْتَ أَحْسَنُهُمْ فُتْيَا.

sin upon him unless it was a vowed fast or a makeup fast." And through the chain of Waki' from al-Rabi' ibn Subayh from Qays ibn Sa'd from Ibn 'Abbas, he said: "Voluntary fasting, circumambulation, prayer, and charity—if one wishes, they may continue or discontinue." It is narrated that one may begin the day observing a voluntary fast, then break it without concern, and instruct to compensate with another day. From Ibn Jurayj from Abu al-Zubayr from Jabir ibn 'Abd Allah: he saw no harm in breaking a voluntary fast. This is the opinion of Sa'id ibn Jubayr, 'Ata', Sulayman ibn Musa, al-Shafi'i, and Abu Sulayman—though al-Shafi'i and Abu Sulayman did not deem compensation necessary. Malik said: "If one breaks a voluntary fast forgetfully, they must complete it with no consequence. If broken intentionally, they have erred and must compensate." 'Ali said: "No valid proof supports this view, contradicting the positions of the Companions—may Allah be pleased with them: Abu Bakr, 'Umar, 'Ali, Ibn 'Abbas, Ibn 'Umar, Jabir ibn 'Abd Allah, the Mother of the Believers, and others."

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ مِسْعَرِ بْنِ كِدَامٍ عَنْ عِمْرَانَ بْنِ عُمَيْرٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عُمَرَ فِي الَّذِي يَأْكُلُ بَعْدَ أَنْ أَصْبَحَ صَائِمًا قَالَ ابْنُ عُمَرَ: لَا جُنَاحَ عَلَيْهِ مَا لَمْ يَكُنْ نَذْرًا أَوْ قَضَاءً وَمِنْ طَرِيقِ وَكِيعٍ عَنْ الرَّبِيعِ بْنِ صُبَيْحٍ عَنْ قَيْسِ بْنِ سَعْدٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: الصِّيَامُ تَطَوُّعًا وَالطَّوَافُ وَالصَّلَاةُ وَالصَّدَقَةُ إِنْ شَاءَ مَضَى وَإِنْ شَاءَ قَطَعَ. وَرُوِّينَا أَنَّهُ كَانَ يُصْبِحُ مُتَطَوِّعًا ثُمَّ يُفْطِرُ وَلَا يُبَالِي وَيَأْمُرُ بِقَضَاءِ يَوْمٍ مَكَانَهُ. وَعَنْ ابْنِ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ أَنَّهُ كَانَ لَا يَرَى بِإِفْطَارِ التَّطَوُّعِ بَأْسًا. وَهُوَ قَوْلُ سَعِيدِ بْنِ جُبَيْرٍ، وَعَطَاءٍ، وَسُلَيْمَانَ بْنِ مُوسَى، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، إِلَّا أَنَّهُمَا لَمْ يَرَيَا فِي ذَلِكَ قَضَاءً. وَقَالَ مَالِكٌ: إِنْ أَفْطَرَ فِيهِ نَاسِيًا يُتِمُّ صَوْمَهُ وَلَا شَيْءَ عَلَيْهِ وَإِنْ أَفْطَرَ فِيهِ عَمْدًا فَقَدْ أَسَاءَ وَيَقْضِي. قَالَ عَلِيٌّ: وَلَا بُرْهَانَ عَلَى صِحَّةِ هَذَا الْقَوْلِ مَعَ خِلَافِهِ لِمَنْ ذَكَرْنَا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: أَبِي بَكْرٍ، وَعُمَرَ، وَعَلِيٍّ، وَابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ، وَأُمِّ الْمُؤْمِنِينَ وَغَيْرِهِمْ.

L12198–12200

As for our obligation to make up the fast, this is based on what Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us, Aḥmad ibn Shuʿayb narrated to us: Aḥmad ibn ʿĪsā narrated from Ibn Wahb from Jarīr ibn Ḥāzim from Yaḥyā ibn Saʿīd al-Anṣārī from ʿAmrah from ʿĀ'ishah, who said: "Hafṣah and I awoke fasting. Food was gifted to us that pleased us, so we broke our fast. The Prophet—peace and blessings of Allāh be upon him—entered, and Hafṣah preceded me in asking him. He said: 'Fast another day in its place.'" ʿAlī said: "We are not unaware of the claims of those who assert that Jarīr ibn Ḥāzim erred in this report. Yet this holds no merit, for Jarīr is trustworthy. The allegation of error is invalid unless the claimant substantiates it with proof. Jarīr's unique narration of this chain is not a defect, as he is reliable." Abū Muḥammad said: "There is no disagreement between anyone regarding the ruling for breaking the fast—whether through

وَأَمَّا إِيجَابُنَا الْقَضَاءَ فَلِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ نا مُحَمَّدُ بْنُ مُعَاوِيَةَ نا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا أَحْمَدُ بْنُ عِيسَى عَنْ ابْنِ وَهْبٍ عَنْ جَرِيرِ بْنِ حَازِمٍ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ عَمْرَةَ «عَنْ عَائِشَةَ قَالَتْ: أَصْبَحْتُ صَائِمَةً أَنَا وَحَفْصَةُ أُهْدِيَ لَنَا طَعَامٌ فَأَعْجَبَنَا فَأَفْطَرْنَا فَدَخَلَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَبَدَرَتْنِي حَفْصَةُ فَسَأَلَتْهُ؟ فَقَالَ: صُومَا يَوْمًا مَكَانَهُ» . قَالَ عَلِيٌّ: لَمْ يَخْفَ عَلَيْنَا قَوْلُ مَنْ قَالَ: إنَّ جَرِيرَ بْنَ حَازِمٍ أَخْطَأَ فِي هَذَا الْخَبَرِ، إلَّا أَنَّ هَذَا لَيْسَ بِشَيْءٍ لِأَنَّ جَرِيرًا ثِقَةٌ؛ وَدَعْوَى الْخَطَأِ بَاطِلٌ إلَّا أَنْ يُقِيمَ الْمُدَّعِي لَهُ بُرْهَانًا عَلَى صِحَّةِ دَعْوَاهُ، وَلَيْسَ انْفِرَادُ جَرِيرٍ بِإِسْنَادِهِ عِلَّةً، لِأَنَّهُ ثِقَةٌ. قَالَ أَبُو

intercourse or other means—being uniform. Some obligate making up the fast in all such cases, while others waive the obligation entirely in all such cases. Nevertheless, the authentic textual proof remains established." Regarding the making up of a broken fast, it does not matter by what means one broke it; and with Allah, the Exalted, is [all] divine facilitation.

L12201 As for Mālik's distinction between breaking the fast forgetfully during voluntary or obligatory fasting, this is a baseless error with no valid justification. There are only two states: fasting or having broken the fast. If one has broken the fast, the ruling is the same whether one makes it up or not. But if one is fasting, there is no requirement to make it up.

L12202 **A legal case: one who intentionally broke the fast during the making up of Ramadan.**

L12203 774. Issue: Whoever intentionally breaks their fast while making up for Ramadan is only required to make up one day, because imposing extra makeup days is a Sharia-based obligation not authorized by Allah the Exalted. It is authentically established that the Prophet (peace be upon him) made up that Ramadan day, thus it is impermissible to require more without textual evidence or consensus. We have narrations from Qatādah stating such a person incurs atonement (*kafārah*) like one who breaks the fast during Ramadan, because it is a substitute for it. Abū Muḥammad said: This constitutes the soundest analogy – if analogy is valid. Some early scholars held that one must make up two days: the Ramadan day and the makeup day.

L12204 **Case: If a person dies while owing obligatory fasts—whether from making up missed Ramadan fasts or a vowed fast—**

L12205 775 - Issue: If someone dies while owing obligatory fasts—whether from making up for missed days of Ramadan, fulfilling a vow, or obligatory expiation—it becomes incumbent upon their guardians to fast on their behalf, either all or some of them. There is absolutely no feeding required in this matter whatsoever—whether the deceased instructed it or not. If the de-

مُحَمَّدٍ: لَا خِلَافَ بَيْنَ أَحَدٍ فِي أَنَّ حُكْمَ مَا أَفْطَرَ بِهِ مِنْ جِمَاعٍ أَوْ غَيْرِهِ حُكْمٌ وَاحِدٌ، فَمِنْ مُوجِبٍ لِلْقَضَاءِ فِي كُلِّ ذَلِكَ، وَمُسْقِطٍ لَهُ فِي كُلِّ ذَلِكَ؛ وَقَدْ صَحَّ النَّصُّ بِالْقَضَاءِ فِي الْإِفْطَارِ فَمَا نُبَالِي بِأَيِّ شَيْءٍ أَفْطَرَ؛ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا تَفْرِيقُ مَالِكٍ بَيْنَ الْإِفْطَارِ نَاسِيًا فِي صَوْمِ تَطَوُّعٍ أَوْ فَرْضٍ خَطَأً لَا وَجْهَ لَهُ، وَلَيْسَ إلَّا صَائِمٌ أَوْ مُفْطِرٌ، فَإِنْ كَانَ مُفْطِرًا فَالْحُكْمُ وَاحِدٌ فِي الْقَضَاءِ أَوْ تَرْكِهِ، وَإِنْ كَانَ صَائِمًا فَلَا قَضَاءَ عَلَى صَائِمٍ.

[مَسْأَلَةٌ أَفْطَرَ عَامِدًا فِي قَضَاءِ رَمَضَانَ]

٧٧٤ - مَسْأَلَةٌ: وَمَنْ أَفْطَرَ عَامِدًا فِي قَضَاءِ رَمَضَانَ فَلَيْسَ عَلَيْهِ إلَّا قَضَاءُ يَوْمٍ وَاحِدٍ فَقَطْ؛ لِأَنَّ إيجَابَ الْقَضَاءِ إيجَابُ شَرْعٍ لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى. وَقَدْ صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - قَضَى ذَلِكَ الْيَوْمَ مِنْ رَمَضَانَ فَلَا يَجُوزُ أَنْ يُزَادَ عَلَيْهِ غَيْرُهُ بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ. وَرُوِّينَا عَنْ قَتَادَةَ أَنَّ عَلَيْهِ الْكَفَّارَةَ كَمَنْ فَعَلَ ذَلِكَ فِي رَمَضَانَ؛ لِأَنَّهُ بَدَلٌ مِنْهُ. قَالَ أَبُو مُحَمَّدٍ: هَذَا أَصَحُّ مَا يَكُونُ مِنْ الْقِيَاسِ إنْ كَانَ الْقِيَاسُ حَقًّا، وَعَنْ بَعْضِ السَّلَفِ -: عَلَيْهِ قَضَاءُ يَوْمَيْنِ، يَوْمِ رَمَضَانَ، وَيَوْمِ الْقَضَاءِ -.

[مَسْأَلَةٌ مَاتَ وَعَلَيْهِ صَوْمُ فَرْضٍ مِنْ قَضَاءِ رَمَضَانَ أَوْ نَذْرٍ]

٧٧٥ - مَسْأَلَةٌ: وَمَنْ مَاتَ وَعَلَيْهِ صَوْمُ فَرْضٍ مِنْ قَضَاءِ رَمَضَانَ، أَوْ نَذْرٍ أَوْ كَفَّارَةٍ وَاجِبَةٍ فَفَرْضٌ عَلَى أَوْلِيَائِهِ أَنْ يَصُومُوهُ عَنْهُ هُمْ أَوْ بَعْضُهُمْ، وَلَا إطْعَامَ فِي ذَلِكَ أَصْلًا - أَوْصَى بِهِ أَوْ لَمْ يُوصِ بِهِ - فَإِنْ لَمْ يَكُنْ لَهُ وَلِيٌّ اُسْتُؤْجِرَ عَنْهُ مِنْ رَأْسِ مَالِهِ مَنْ يَصُومُهُ

ceased has no guardian, it is obligatory to hire someone from the principal of their wealth to fast on their behalf—whether they instructed this or not—and this obligation takes precedence over repaying debts owed to others. This is the view of Abū Thawr, Abū Sulaymān, and others. Abū Ḥanīfah and Mālik said: If the deceased instructed feeding the poor on their behalf, one needy person must be fed for each day instead of fasting; if they did not instruct this, there is no obligation. According to Mālik, the feeding in this case is one *mudd* (per day), while according to Abū Ḥanīfah, it is one *ṣāʿ* of non-wheat grain per needy person, or half a *ṣāʿ* of wheat or its flour. Al-Layth held the same opinion as we have stated.

عَنْهُ وَلَا بُدَّ - أَوْصَى بِكُلِّ ذَلِكَ أَوْ لَمْ يُوصِ - وَهُوَ مُقَدَّمٌ عَلَى دُيُونِ النَّاسِ. وَهُوَ قَوْلُ أَبِي ثَوْرٍ، وَأَبِي سُلَيْمَانَ، وَغَيْرِهِمَا. وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: إِنْ أَوْصَى أَنْ يُطْعَمَ عَنْهُ أُطْعِمَ عَنْهُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينٌ، وَإِنْ لَمْ يُوصِ بِذَلِكَ فَلَا شَيْءَ عَلَيْهِ. وَالْإِطْعَامُ عِنْدَ مَالِكٍ فِي ذَلِكَ مُدٌّ مُدٌّ، وَعِنْدَ أَبِي حَنِيفَةَ صَاعٌ مِنْ غَيْرِ الْبُرِّ لِكُلِّ مِسْكِينٍ، نِصْفُ صَاعٍ مِنْ الْبُرِّ أَوْ دَقِيقِهِ. وَقَالَ اللَّيْثُ كَمَا قُلْنَا.

L12206–12208 And this is the opinion of Aḥmad ibn Ḥanbal and Isḥāq ibn Rāhawayh specifically on vows. Abū Muḥammad said: Allāh the Exalted stated, “after any bequest he has bequeathed or debt” [al-Nisāʾ 4:11]. Narrated to us by ʿAbdullāh ibn Yūsuf and ʿAbd al-Raḥmān ibn ʿAbdullāh ibn Khālid. ʿAbdullāh said: Narrated to us. Aḥmad ibn Fatḥ narrated from ʿAbd al-Wahhāb ibn ʿĪsā, who narrated from Aḥmad ibn Muḥammad, who narrated from Aḥmad ibn ʿAlī, who narrated from Muslim ibn al-Ḥajjāj, who narrated to me: Hārūn ibn Saʿīd al-Aylāʾī and Aḥmad ibn ʿĪsā both narrated to me from Ibn Wahb. ʿAbd al-Raḥmān said: Ibrāhīm ibn Aḥmad al-Farabrī narrated from al-Bukhārī, who narrated from Muḥammad ibn Mūsā ibn Aʿyan, who narrated from my father.[37]

وَهُوَ قَوْلُ أَحْمَدَ بْنِ حَنْبَلٍ، وَإِسْحَاقَ بْنِ رَاهْوَيْهِ فِي النَّذْرِ خَاصَّةً. قَالَ أَبُو مُحَمَّدٍ: قَالَ اللَّهُ تَعَالَى {مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ} [النساء: ١١] . نا عَبْدُ اللَّهِ بْنُ يُوسُفَ، وَعَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ، قَالَ عَبْدُ اللَّهِ: نا أَحْمَدُ بْنُ فَتْحٍ نا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نا أَحْمَدُ بْنُ مُحَمَّدٍ نا أَحْمَدُ بْنُ عَلِيٍّ نا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي هَارُونُ بْنُ سَعِيدٍ الْأَيْلِيُّ، وَأَحْمَدُ بْنُ عِيسَى نا ابْنُ وَهْبٍ، وَقَالَ عَبْدُ الرَّحْمَنِ: نا إِبْرَاهِيمُ بْنُ أَحْمَدَ الْفَرَبْرِيُّ نا الْبُخَارِيُّ نَا مُحَمَّدُ بْنُ مُوسَى بْنِ أَعْيَنَ نا أَبِي.

L12209 Then Musa and Ibn Wahb concurred in their narration, both transmitting from Amr ibn al-Harith from Ubayd Allah ibn Abi Ja’far: Muhammad ibn Ja’far ibn al-Zubayr narrated to me from Urwah from Aisha, the Mother of the Believers, that the Messenger of Allah—peace and blessings be upon him—said: “Whoever dies while owing obligatory fasts, their guardian shall fast on their behalf.” And via this chain in Sahih Muslim: Abu Sa’id al-Ashajj reported to us from Abu Khalid al-Ahmar from al-A’mash from Salamah ibn Kuhayl, al-Hakam ibn Utaybah, and Muslim al-Batin from Sa’id ibn Jubayr, Ata’, and Mujahid from Ibn Abbas: “A questioner asked the Prophet—peace and blessings be upon him—saying: ’My mother died while owing a month of fasting. Should I fulfill it for her?’ The Messenger of Allah—peace and

ثُمَّ اتَّفَقَ مُوسَى، وَابْنُ وَهْبٍ كِلَاهُمَا عَنْ عَمْرِو بْنِ الْحَارِثِ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ حَدَّثَنِي مُحَمَّدُ بْنُ جَعْفَرِ بْنِ الزُّبَيْرِ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ مَاتَ وَعَلَيْهِ صِيَامٌ صَامَ عَنْهُ وَلِيُّهُ» وَبِهِ إِلَى مُسْلِمٍ -: نا أَبُو سَعِيدٍ الْأَشَجُّ نا أَبُو خَالِدٍ الْأَحْمَرُ نا الْأَعْمَشُ عَنْ سَلَمَةَ بْنِ كُهَيْلٍ، وَالْحَكَمِ بْنِ عُتَيْبَةَ، وَمُسْلِمٍ الْبَطِينِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ، وَعَطَاءٍ، وَمُجَاهِدٍ عَنْ ابْنِ عَبَّاسٍ: «أَنَّ سَائِلًا سَأَلَ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرٍ أَفَأَقْضِيهِ عَنْهَا؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: لَوْ كَانَ عَلَى أُمِّكَ دَيْنٌ أَكُنْتَ قَاضِيَهُ عَنْهَا؟

[37] **Qur’an references (L12206):** Qur’an 4:11 (An-Nisa); Qur’an 4:12 (An-Nisa).

blessings be upon him—responded: 'If your mother owed a debt, would you fulfill it for her?' He said: 'Yes.' He said: 'Then Allah's debt is more worthy of fulfillment.'" Abu Muhammad noted: Al-A'mash heard this from Muslim al-Batin, from al-Hakam, and from Salamah. Al-Hakam and Salamah heard it from Mujahid. And via this chain in Sahih Muslim: Abu Bakr ibn Abi Shaybah, Abd ibn Humayd, and Ali ibn Hajar al-Sa'di reported. Abu Bakr stated: Abdullah ibn Numayr reported to us. Abd stated: Abd al-Razzaq reported to us from Sufyan al-Thawri.

L12210–12212 Ali ibn Hijr said: Narrated to us Ali ibn Mishar. Then Ibn Numayr, Sufyan, and Ali ibn Mishar all concurred—each narrating from Abdullah ibn Ataa al-Makki, from Abdullah ibn Buraidah, from his father, who said: "While I was sitting with the Messenger of Allah—peace and blessings be upon him—a woman came to him and said: 'I gave a slave girl as charity to my mother, and she has died.' The Messenger of Allah—peace and blessings be upon him—said: 'Your reward is assured, and the inheritance law has caused her to be returned to you.' She said: 'O Messenger of Allah, she owed a month of fasting—should I fast on her behalf?' He said: 'Fast for her.' She said: 'She never performed Hajj at all—should I perform Hajj on her behalf?' He said: 'Perform Hajj for her.'" In his narration, Ibn Numayr mentioned "two months," while they all agreed on everything else. Abu Muhammad said: "This is the Quran and the widely transmitted, manifest Sunnah that it is impermissible to oppose. All scholars say: 'Hajj may be performed on behalf of the deceased if they stipulated it,' yet they do not permit fasting on their behalf even if stipulated, though both are bodily acts. Wealth can compensate for invalidation in both acts through sacrificial offerings." And by feeding and manumission, they neither followed the Quran nor adhered to the Sunnah nor comprehended qiyas. They became occupied in this matter with certain issues - including their citation of Allah's verse: "Man shall have nothing but what he strives for" [53:39], and the Messenger's saying (peace be upon him): "When a person dies, their deeds cease except three: disseminated knowledge, perpetual charity, or a righteous child who supplicates for them." They also cited a narration we transmitted through Abd al-Razzaq's chain: Ibrahim ibn Abi Yahya → al-Hajjaj ibn Artah → Ubadah ibn Nusayy → that

قَالَ: نَعَمْ، قَالَ: فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى» . قَالَ أَبُو مُحَمَّد: سَمِعَهُ الْأَعْمَشُ مِنْ مُسْلِمٍ الْبَطِينِ، وَمِنْ الْحَكَمِ، وَمِنْ سَلَمَةَ، وَسَمِعَهُ الْحَكَمُ، وَسَلَمَةُ مِنْ مُجَاهِدٍ. وَبِهِ إلَى مُسْلِمٍ -: نا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَبْدُ بْنُ حُمَيْدٍ، وَعَلِيُّ بْنُ حَجَرٍ السَّعْدِيّ، قَالَ أَبُو بَكْرٍ: نا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ، وَقَالَ عَبْدٌ: نا عَبْدُ الرَّزَّاقِ أَنَا سُفْيَانُ الثَّوْرِيُّ.

وَقَالَ عَلِيُّ بْنُ حَجَرٍ: نا عَلِيُّ بْنُ مِسْهَرٍ، ثُمَّ اتَّفَقَ ابْنُ نُمَيْرٍ، وَسُفْيَانُ، وَعَلِيُّ بْنُ مِسْهَرٍ، كُلُّهُمْ عَنْ عَبْدِ اللَّهِ بْنِ عَطَاءٍ الْمَكِّيِّ عَنْ عَبْدِ اللَّهِ بْنِ بُرَيْدَةَ عَنْ أَبِيهِ قَالَ: «بَيْنَمَا أَنَا جَالِسٌ عِنْدَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذْ أَتَتْهُ امْرَأَةٌ فَقَالَتْ: إنِّي تَصَدَّقْتُ عَلَى أُمِّي بِجَارِيَةٍ وَإِنَّهَا مَاتَتْ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَجَبَ أَجْرُكِ وَرَدَّهَا عَلَيْكِ الْمِيرَاثُ؟ قَالَتْ: يَا رَسُولَ اللَّهِ إنَّهُ كَانَ عَلَيْهَا صَوْمُ شَهْرٍ أَفَأَصُومُ عَنْهَا؟ قَالَ: صُومِي، قَالَتْ: إنَّهَا لَمْ تَحُجَّ قَطُّ أَفَأَحُجُّ عَنْهَا؟ قَالَ: حُجِّي عَنْهَا» . قَالَ ابْنُ نُمَيْرٍ فِي رِوَايَتِهِ: شَهْرَيْنِ، وَاتَّفَقُوا عَلَى كُلِّ مَا عَدَا ذَلِكَ. قَالَ أَبُو مُحَمَّد: فَهَذَا الْقُرْآنُ، وَالسُّنَنُ الْمُتَوَاتِرَةُ الْمُتَظَاهِرَةُ الَّتِي لَا يَحِلُّ خِلَافُهَا، وَكُلُّهُمْ يَقُولُ: يُحَجُّ عَنْ الْمَيِّتِ إنْ أَوْصَى بِذَلِكَ، ثُمَّ لَا يَرَوْنَ أَنْ يُصَامَ عَنْهُ وَإِنْ أَوْصَى بِذَلِكَ، وَكِلَاهُمَا عَمَلُ بَدَنٍ، وَلِلْمَالِ فِي إصْلَاحِ مَا فَسَدَ مِنْهُمَا مَدْخَلٌ بِالْهَدْيِ، وَبِالْإِطْعَامِ، وَبِالْعِتْقِ، فَلَا الْقُرْآنَ اتَّبَعُوا، وَلَا بِالسُّنَنِ أَخَذُوا وَلَا الْقِيَاسَ عَرَفُوا، وَشُغِلُوا فِي ذَلِكَ بِأَشْيَاءَ -: مِنْهَا: أَنَّهُمْ ذَكَرُوا قَوْلَ اللَّهِ تَعَالَى: {وَأَنْ لَيْسَ لِلإِنْسَانِ إِلا مَا سَعَى} [النجم: ٣٩] . وَذَكَرُوا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إذَا مَاتَ الْمَيِّتُ انْقَطَعَ عَمَلُهُ إلَّا مِنْ ثَلَاثٍ: عِلْمٌ عَلَّمَهُ، أَوْ صَدَقَةٌ جَارِيَةٌ، أَوْ وَلَدٌ صَالِحٌ يَدْعُو لَهُ» . وَبِأَثَرٍ رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ إبْرَاهِيمَ بْنِ أَبِي يَحْيَى

the Messenger (peace be upon him) said: “Whoever falls ill in Ramadan and remains sick until death requires no expiation feeding. But if they recover yet neglect to make up the fast until death, expiation feeding is provided for them.”[38]

عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ عُبَادَةَ بْنِ نُسَيٍّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ مَرِضَ فِي رَمَضَانَ فَلَمْ يَزَلْ مَرِيضًا حَتَّى مَاتَ لَمْ يُطْعَمْ عَنْهُ، وَإِنْ صَحَّ فَلَمْ يَقْضِهِ حَتَّى مَاتَ أُطْعِمَ عَنْهُ»

L12213 Some of them said: It has been narrated from ’Ā’ishah and Ibn ’Abbās—and they both narrated the mentioned ḥadīth—that they did not hold the view that fasting could be performed on behalf of the deceased as has been narrated through the chain of Ibn Abī Shaybah from Jarīr ibn ’Abd al-Ḥamīd from ’Abd al-’Azīz ibn Rufayʿ from a woman among the Companions named ’Amrah: that her mother died while owing days from Ramaḍān, so she asked ’Ā’ishah: “Shall I fast them on her behalf?” She replied: “No, but give charity on her behalf for each day half a ṣāʿ to every needy person.” If the Companion abandons the report that was narrated, it constitutes evidence of its abrogation, and it is impermissible to presume otherwise, for had he deliberately contradicted what he narrated, it would have been a flaw in him—and Allah the Exalted has protected them from that. They said: “Should fasting not be performed on his behalf just as prayer is not performed on his behalf?” Abū Muḥammad said: This is all they have used to obscure the matter, and none of it contains any valid proof for them. As for Allah’s statement: {And that a human shall have nothing but what he has striven for} [53:39], it is true—except that the One who revealed this is the same Who revealed {after any bequest he may have made or debt} [4:11]. He is the One Who said to His Messenger—peace and blessings be upon him—{To clarify for people what was sent down to them} [16:44]. He is the One Who said: {Whoever obeys the Messenger has obeyed Allah} [4:80]. Thus, it is confirmed that a human has nothing except what he has striven for, and whatever Allah the Exalted or His Messenger—peace and blessings be upon him—has decreed to attribute to him from the efforts of another on his behalf, such as fasting, is included in that.[39]

وَقَالَ بَعْضُهُمْ: قَدْ رُوِيَ عَنْ عَائِشَةَ، وَابْنِ عَبَّاسٍ - وَهُمَا رَوَيَا الْحَدِيثَ الْمَذْكُورَ - أَنَّهُمَا لَمْ يَرَيَا الصِّيَامَ عَنْ الْمَيِّتِ كَمَا رَوَيْتُمْ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ جَرِيرِ بْنِ عَبْدِ الْحَمِيدِ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ عَنْ امْرَأَةٍ مِنْهُمْ اسْمُهَا عَمْرَةُ: أَنَّ أُمَّهَا مَاتَتْ وَعَلَيْهَا مِنْ رَمَضَانَ فَقَالَتْ لِعَائِشَةَ: أَقْضِيه عَنْهَا؟ قَالَتْ: لَا، بَلْ تَصَدَّقِي عَنْهَا مَكَانَ كُلِّ يَوْمٍ نِصْفَ صَاعٍ عَلَى كُلِّ مِسْكِينٍ. وَإِذَا تَرَكَ الصَّاحِبُ الْخَبَرَ الَّذِي رُوِيَ فَهُوَ دَلِيلٌ عَلَى نَسْخِهِ لَا يَجُوزُ أَنْ يُظَنَّ بِهِ غَيْرُ ذَلِكَ، إذْ لَوْ تَعَمَّدَ مَا رَوَاهُ لَكَانَتْ جُرْحَةً فِيهِ، وَقَدْ أَعَاذَهُمْ اللَّهُ تَعَالَى مِنْ ذَلِكَ. وَقَالُوا: لَا يُصَامُ عَنْهُ كَمَا لَا يُصَلَّى عَنْهُ؟ قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّ مَا مَوَّهُوا بِهِ، وَهُوَ كُلُّهُ لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ، أَمَّا قَوْلُ اللَّهِ تَعَالَى: {وَأَنْ لَيْسَ لِلإِنْسَانِ إِلا مَا سَعَى} [النجم: ٣٩] فَحَقٌّ إلَّا أَنَّ الَّذِي أَنْزَلَ هَذَا هُوَ الَّذِي أَنْزَلَ {مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ} [النساء: ١١] . وَهُوَ الَّذِي قَالَ لِرَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] . وَهُوَ الَّذِي قَالَ: {مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ} [النساء: ٨٠] . فَصَحَّ أَنَّهُ لَيْسَ لِلْإِنْسَانِ إلَّا مَا سَعَى، وَمَا حَكَمَ اللَّهُ تَعَالَى أَوْ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ لَهُ مِنْ سَعْيِ غَيْرِهِ عَنْهُ، وَالصَّوْمُ عَنْهُ مِنْ جُمْلَةِ ذَلِكَ.

[38] **Qur’an references (L12210):** Qur’an 53:39 (An-Najm).

[39] **Qur’an references (L12213):** Qur’an 53:39 (An-Najm); Qur’an 4:11 (An-Nisa); Qur’an 4:12 (An-Nisa); Qur’an 16:44 (An-Nahl); Qur’an 4:80 (An-Nisa).

وَالْعَجَبُ أَنَّهُمْ نَسُوا أَنْفُسَهُمْ فِي الِاحْتِجَاجِ بِهَذِهِ الْآيَةِ فَقَالُوا: إِنْ حَجَّ عَنْ الْمَيِّتِ، أَوْ أَعْتَقَ عَنْهُ، أَوْ تَصَدَّقَ عَنْهُ، فَأَجْرُ كُلِّ ذَلِكَ لَهُ وَلَا حَقَّ بِهِ، فَظَهَرَ تَنَاقُضُهُمْ؟

L12214 How astonishing that they forgot themselves while citing this verse as evidence, saying: "If one performs Hajj on behalf of the deceased, frees a slave on behalf of him, or gives charity on behalf of him, the reward for all these acts is his, and no claim attaches to him." Thus their contradiction becomes evident.

فَإِنْ قَالَ مِنْهُمْ قَائِلٌ: إِنَّمَا يُحَجُّ عَنْهُ إِذَا أَوْصَى بِذَلِكَ، لِأَنَّهُ دَاخِلٌ فِيمَا سَعَى؟ قُلْنَا لَهُ: فَقُولُوا: بِأَنْ يُصَامَ عَنْهُ كَمَا إِذَا أَوْصَى بِذَلِكَ لِأَنَّهُ دَاخِلٌ فِيمَا سَعَى. فَإِنْ قَالُوا: لِلْمَالِ فِي الْحَجِّ مَدْخَلٌ فِي جَبْرِ مَا نَقَصَ مِنْهُ؟ قُلْنَا: وَلِلْمَالِ فِي الصَّوْمِ مَدْخَلٌ فِي جَبْرِ مَا نَقَصَ مِنْهُ بِالْعِتْقِ وَالِإطْعَامِ، وَكُلُّ هَذَا مِنْهُمْ تَخْلِيطٌ، وَتَنَاقُضٌ، وَشَرْعٌ فِي الدِّينِ لَمْ يَأْذَنْ بِهِ اللَّهُ تَعَالَى وَهُمْ يُجِيزُونَ الْعِتْقَ عَنْهُ، وَالصَّدَقَةَ عَنْهُ - وَإِنْ لَمْ يُوصِ بِذَلِكَ - فَبَطَلَ تَمْوِيهُهُمْ بِهَذِهِ الْآيَةِ؟ .

L12215–12216 If one of them were to say: "Hajj is only performed on his behalf if he bequeathed it, because it falls under what he was responsible for," we would respond: "Then you must also say that fasting should be performed on his behalf if he bequeathed it, as it similarly falls under what he was responsible for." If they argue: "Wealth plays a role in compensating for deficiencies in his deeds through Hajj," we would counter: "Wealth similarly has a role in compensating for what is deficient through fasting—via manumission and feeding the poor. All of this on their part is confusion, contradiction, and legislation in the religion that Allah the Exalted has not permitted. Yet they allow manumission and charity on his behalf—even without his bequest—thus their deception is nullified by this verse?"

وَأَمَّا إِخْبَارُهُ - عَلَيْهِ السَّلَامُ - بِأَنَّ عَمَلَ الْمَيِّتِ يَنْقَطِعُ إِلَّا مِنْ ثَلَاثٍ، فَصَحِيحٌ، وَالْعَجَبُ أَنَّهُمْ لَمْ يَخَافُوا الْفَضِيحَةَ فِي احْتِجَاجِهِمْ بِهِ وَلَيْتَ شِعْرِي مَنْ قَالَ لَهُمْ: إِنَّ صَوْمَ الْوَلِيِّ عَنْ الْمَيِّتِ هُوَ عَمَلُ الْمَيِّتِ حَتَّى يَأْتُوا بِهَذَا الْخَبَرِ الَّذِي لَيْسَ فِيهِ إِلَّا انْقِطَاعُ عَمَلِ الْمَيِّتِ فَقَطْ، وَلَيْسَ فِيهِ انْقِطَاعُ عَمَلِ غَيْرِهِ أَصْلًا، وَلَا الْمَنْعُ مِنْ ذَلِكَ؛ فَظَهَرَ قُبْحُ تَمْوِيهِهِمْ فِي الِاحْتِجَاجِ بِهَذَا الْخَبَرِ جُمْلَةً؟ وَأَمَّا حَدِيثُ عَبْدِ الرَّزَّاقِ فَلَا تَحِلُّ رِوَايَتُهُ إِلَّا عَلَى سَبِيلِ بَيَانِ فَسَادِهَا لِعِلَلٍ ثَلَاثٍ فِيهِ: إحْدَاهَا - أَنَّهُ مُرْسَلٌ، وَالثَّانِيَةُ: أَنَّ فِيهِ الْحَجَّاجَ بْنَ أَرْطَاةَ، وَهُوَ سَاقِطٌ، وَالثَّالِثَةُ: أَنَّ فِيهِ إبْرَاهِيمَ بْنَ أَبِي يَحْيَى وَهُوَ كَذَّابٌ. ثُمَّ لَوْ صَحَّ لَكَانَ عَلَيْهِمْ لَا لَهُمْ؛ لِأَنَّ فِيهِ إيجَابَ الْإِطْعَامِ عَنْهُ إنْ صَحَّ بَعْدَ أَنْ مَرِضَ، وَالْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ لَا يَقُولُونَ بِذَلِكَ، إلَّا أَنْ يُوصِيَ بِذَلِكَ، وَإِلَّا فَلَا. فَإِنْ قَالُوا: مَعْنَى ذَلِكَ

L12217 As for his statement—peace be upon him—that the deceased's deeds cease except three, it is authentic. How astonishing they did not fear scandal in their argument citing this! I wish I knew who told them that the guardian's fasting for the deceased constitutes the deceased's own deed, leading them to cite this report which mentions only the cessation of the deceased's deeds—with no reference to others' deeds ceasing nor any prohibition thereof. Thus, the ugliness of their obfuscation in relying on this report is laid completely bare.

As for 'Abd al-Razzāq's ḥadīth, its narration is impermissible except to expose its corruption due to three flaws: First, it is mursal. Second, it contains al-Ḥajjāj ibn Arṭā'a—a rejected narrator. Third, it contains Ibrāhīm ibn Abī Yaḥyā—a known liar. Even if authentic, it would oppose their stance, for it obligates feeding on his behalf if he recovered after illness. Yet Ḥanafīs and Mālikīs reject this unless he bequeathed it. If they claim, "This applies only if he bequeathed it," we respond: You lie! You have added to the report contrary to its text, which states: "If he dies without recovering, no feeding occurs for him." Had the intent required bequeathing, there would be no distinction

between one whose illness persists until death (where no feeding occurs) and one who recovers between illness and death (where feeding occurs)—since according to them, feeding would occur if he bequeathed it regardless of recovery. Thus, their deception through this invalid report is nullified, and it becomes evidence against them.

إِنْ أَوْصَى بِهِ؟ قُلْنَا: كَذَبْتُمْ وَزِدْتُمْ فِي الْخَبَرِ خِلَافَ مَا فِيهِ، لِأَنَّ فِيهِ «إِنْ مَاتَ وَلَمْ يَصِحَّ لَمْ يُطْعَمْ عَنْهُ» فَلَوْ أَرَادَ إِلَّا أَنْ يُوصِيَ بِذَلِكَ لَمَا كَانَ لِتَفْرِيقِهِ بَيْنَ تَمَادِي مَرَضِهِ حَتَّى يَمُوتَ فَلَا يُطْعَمُ عَنْهُ، وَبَيْنَ صِحَّتِهِ بَيْنَ مَرَضِهِ وَمَوْتِهِ فَيُطْعَمُ عَنْهُ؛ لِأَنَّهُ إِنْ أَوْصَى بِالْإِطْعَامِ عَنْهُ، وَإِنْ لَمْ يَصِحَّ أُطْعِمَ عَنْهُ عِنْدَهُمْ؛ فَبَطَلَ تَمْوِيهُهُمْ بِهَذَا الْخَبَرِ الْهَالِكِ وَعَادَ حُجَّةً عَلَيْهِمْ.

L12218 As for their obfuscation that ʿĀ'ishah and Ibn ʿAbbās both transmitted the report and abandoned it, this is an invalid statement for several reasons. One of them is that their claim is impermissible, for Allah the Exalted has ordained upon us to follow the narration of the Companion from the Prophet—peace and blessings be upon him—and He has never ordained upon us at all to follow the opinion of any one of them.

وَأَمَّا تَمْوِيهُهُمْ بِأَنَّ عَائِشَةَ، وَابْنَ عَبَّاسٍ رَوَيَا الْخَبَرَ وَتَرَكَاهُ فَقَوْلٌ فَاسِدٌ لِوُجُوهٍ: أَحَدُهَا - أَنَّهُ لَا يَجُوزُ مَا قَالُوا، لِأَنَّ اللَّهَ تَعَالَى إِنَّمَا افْتَرَضَ عَلَيْنَا اتِّبَاعَ رِوَايَةِ الصَّاحِبِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَفْتَرِضْ عَلَيْنَا قَطُّ اتِّبَاعَ رَأْيِ أَحَدِهِمْ.

L12219–12220 The second is that a companion might abandon following what he narrated for reasons other than intentional disobedience. These include: interpreting his narration through an effort-based interpretation wherein he erred and was thus rewarded once; forgetting his narration and issuing a contradictory legal opinion; or the existence of conflicting narrations from him transmitted by reliable narrators. Since all these scenarios are possible, it becomes impermissible to abandon what we are obligated to follow from the Sunnah of Allah's Messenger (peace be upon him) merely due to these potential flaws. This is because Allah did not condition our obligation to follow the Sunnah on the absence of such weaknesses—how could this be, when all these possibilities apply to it? There is no merit in the claim that "this indicates the narration's abrogation," for it is refuted by noting that the companion's possession of that narration demonstrates the weakness of contradictory reports attributed to him, or possibly his subsequent retraction from them.

وَالثَّانِي: أَنَّهُ قَدْ يَتْرُكُ الصَّاحِبُ اتِّبَاعَ مَا رَوَى لِوُجُوهٍ غَيْرِ تَعَمُّدِ الْمَعْصِيَةِ، وَهِيَ أَنْ يَتَأَوَّلَ فِيمَا رَوَى تَأْوِيلًا مَا اجْتَهَدَ فِيهِ فَأَخْطَأَ فَأُجِرَ مَرَّةً، أَوْ أَنْ يَكُونَ نَسِيَ مَا رَوَى فَأَفْتَى بِخِلَافِهِ؛ أَوْ أَنْ تَكُونَ الرِّوَايَةُ عَنْهُ بِخِلَافِهِ وَهُمَا مِمَّنْ رَوَى ذَلِكَ عَنِ الصَّاحِبِ؛ فَإِذْ كُلُّ ذَلِكَ مُمْكِنٌ فَلَا يَحِلُّ تَرْكُ مَا افْتُرِضَ عَلَيْنَا اتِّبَاعُهُ مِنْ سُنَنِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِمَا لَمْ يَأْمُرْنَا بِاتِّبَاعِهِ لَوْ لَمْ يَكُنْ فِيهِ هَذِهِ الْعِلَلُ فَكَيْفَ وَكُلُّهَا مُمْكِنٌ فِيهِ؟ وَلَا مَعْنَى لِقَوْلِ مَنْ قَالَ: هَذَا دَلِيلٌ عَلَى نَسْخِ الْخَبَرِ، لِأَنَّهُ يُعَارَضُ بِأَنْ يُقَالَ: كَوْنُ ذَلِكَ الْخَبَرِ عِنْدَ ذَلِكَ الصَّاحِبِ دَلِيلٌ عَلَى ضَعْفِ الرِّوَايَةِ عَنْهُ بِخِلَافِهِ، أَوْ لَعَلَّهُ قَدْ رَجَعَ عَنْ ذَلِكَ.

L12221–12223 The third point is that they only invoke this general principle when it aligns with the positions of Abū Ḥanīfa, Mālik, and al-Shāfiʿī. However, when a Companion's opinion contradicts the views of those we have mentioned, they consider it trivial to discard the Companion's opinion and cling to their

وَالثَّالِثُ: أَنَّهُمْ إِنَّمَا يَحْتَجُّونَ بِهَذِهِ الْجُمْلَةِ إِذَا وَافَقَتْ تَقْلِيدَ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ، وَأَمَّا إِذَا خَالَفَ قَوْلُ الصَّاحِبِ رَأْيَ أَحَدٍ مِمَّنْ ذَكَرْنَا فَأَهْوَنُ شَيْءٍ عِنْدَهُمْ إِطْرَاحُ رَأْيِ

narration—does this not indicate weak religiosity and lack of piety? For example: ʿĀ'isha—may Allah be pleased with her—narrated, "Prayer was initially ordained as two rakʿahs each. When the Messenger of Allah—peace and blessings upon him—migrated, the prayers performed while resident were increased, while travel prayers remained in their original form." Yet when a rigorously authenticated chain from her endorsed completing prayers without shortening during travel, the Ḥanafīs and Mālikīs adhered to her narration while disregarding her opinion—despite her own opinion contradicting what she had narrated. She is the same one who narrated, "Any woman who marries without her guardian's permission—her marriage is void," yet she married off her brother's daughter, ʿAbd al-Raḥmān al-Mundhir ibn al-Zubayr's daughter, while her father was absent in Syria, without his consent. When he learned of this, he vehemently denounced it. Thus, they rejected her opinion yet followed her narration. She is also the one who transmitted the prohibition through fosterage via a male's milk, yet she would not admit into her presence those nursed by her brothers' wives, while permitting those nursed by her sisters' daughters. Thus, they abandoned her opinion and adhered to her narration. Abū Hurayra narrated through an unreliable chain the obligation of making up for intentionally broken fasts in Ramaḍān, while an authentic report from him states that even a lifetime of fasting would not suffice for such a person, nor is making it up required. Yet they discarded his well-founded opinion for this defective narration. Abū Hurayra also narrated regarding the sea: "Its water is pure, and its dead are lawful." Then it was reported from him through the chain of Saʿīd ibn Manṣūr → Ismāʿīl ibn Ibrāhīm (Ibn ʿUlayya) → Hishām al-Dastuwā'ī... A man from the Ansar through Abu Hurairah: "Two types of water do not suffice for the major ritual purification: seawater and bathwater." It is narrated from Ibn Abbas regarding Zakat al-Fitr as "two *mudds* of wheat" via an inauthentic chain, while a verified report from his personal opinion states: "A *sa'* of husked wheat for Zakat al-Fitr." The Hanafis abandoned his opinion in favor of his transmitted narration - a practice exceedingly common among them. What

الصَّاحِبِ وَالتَّعَلُّقُ بِرِوَايَتِهِ وَهَذَا فِعْلٌ يَدُلُّ عَلَى رِقَّةِ الدِّينِ وَقِلَّةِ الْوَرَعِ؟ فَمِنْ ذَلِكَ: أَنَّ عَائِشَةَ - رَضِيَ اللَّهُ تَعَالَى عَنْهَا - رَوَتْ «فُرِضَتْ الصَّلَاةُ رَكْعَتَيْنِ رَكْعَتَيْنِ فَلَمَّا هَاجَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زِيدَ فِي صَلَاةِ الْحَضَرِ وَأُقِرَّتْ صَلَاةُ السَّفَرِ عَلَى الْحَالَةِ الْأُولَى» . ثُمَّ رُوِيَ عَنْهَا مِنْ أَصَحِّ طَرِيقِ الْإِتْمَامِ فِي السَّفَرِ، فَتَعَلَّقَ الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ بِرِوَايَتِهَا وَتَرَكُوا رَأْيَهَا، إذْ خَالَفَتْ فِيهِ مَا رَوَتْ، وَهِيَ الَّتِي رَوَتْ «أَيُّمَا امْرَأَةٍ نَكَحَتْ بِغَيْرِ إذْنِ وَلِيِّهَا فَنِكَاحُهَا بَاطِلٌ» ثُمَّ أَنْكَحَتْ بِنْتَ أَخِيهَا عَبْدَ الرَّحْمَنِ الْمُنْذِرِ بْنِ الزُّبَيْرِ وَأَبُوهَا غَائِبٌ بِالشَّامِ بِغَيْرِ إذْنِهِ، وَأَنْكَرَ ذَلِكَ إذْ بَلَغَهُ أَشَدَّ الْإِنْكَارِ، فَخَالَفُوا رَأْيَهَا وَاتَّبَعُوا رِوَايَتَهَا. وَهِيَ الَّتِي رَوَتْ التَّحْرِيمَ بِلَبَنِ الْفَحْلِ ثُمَّ كَانَتْ لَا - تُدْخِلُ عَلَيْهَا مَنْ أَرْضَعَهُ نِسَاءُ إخْوَتِهَا، - وَتُدْخِلُ عَلَيْهَا مَنْ أَرْضَعَهُ بَنَاتُ أَخَوَاتِهَا، فَتَرَكُوا رَأْيَهَا وَاتَّبَعُوا رِوَايَتَهَا. وَرَوَى أَبُو هُرَيْرَةَ مِنْ طَرِيقٍ لَا تَصِحُّ عَنْهُ: إيجَابَ الْقَضَاءِ عَلَى مَنْ تَعَمَّدَ الْفِطْرَ فِي نَهَارِ رَمَضَانَ، وَصَحَّ عَنْهُ أَنَّهُ لَا يُجْزِئُهُ صِيَامُ الدَّهْرِ وَإِنْ صَامَهُ وَأَنَّهُ لَا يَقْضِيهِ، فَتَرَكُوا الثَّابِتَ مِنْ رَأْيِهِ لِلْهَالِكِ مِنْ رِوَايَتِهِ. وَرَوَى أَبُو هُرَيْرَةَ فِي الْبَحْرِ «هُوَ الطَّهُورُ مَاؤُهُ الْحِلُّ مَيْتَتُهُ» ثُمَّ رُوِّينَا عَنْهُ مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ عَنْ إسْمَاعِيلَ بْنِ إبْرَاهِيمَ هُوَ ابْنُ عُلَيَّةَ - عَنْ هِشَامٍ الدَّسْتُوَائِيِّ عَنْ رَجُلٍ مِنْ الْأَنْصَارِ عَنْ أَبِي هُرَيْرَةَ مَاءَانِ لَا يُجْزِئَانِ مِنْ غُسْلِ الْجَنَابَةِ: مَاءُ الْبَحْرِ وَمَاءُ الْحَمَّامِ. وَرُوِيَ عَنْ ابْنِ عَبَّاسٍ فِي صَدَقَةِ الْفِطْرِ " مُدَّانِ مِنْ قَمْحٍ " مِنْ طَرِيقٍ لَا تَصِحُّ، وَصَحَّ عَنْهُ مِنْ رَأْيِهِ صَاعٌ مِنْ بُرٍّ فِي صَدَقَةِ الْفِطْرِ فَتَرَكَ الْحَنَفِيُّونَ رَأْيَهُ لِرِوَايَتِهِ، وَهَذَا كَثِيرٌ مِنْهُمْ جِدًّا وَفِيمَا ذَكَرْنَا كِفَايَةٌ تُحَقِّقُ تَلَاعُبَ الْقَوْمِ بِدِينِهِمْ.

we have mentioned sufficiently demonstrates this group's frivolous handling of their religion.[40]

L12224 The fourth [point] is to say: Could it be that the report from ʿĀ'ishah regarding compensatory feeding [of the poor] was not validated until after her death, and thus fasting was not incumbent upon her?

L12225 The fifth point is that a fatwa has been narrated from Ibn Abbas concerning fasting on behalf of the deceased, as we will mention after this if God Almighty wills. Thus, it is established that the ruling was forgotten, or something else which God knows best concerning those we are not tasked to judge. Statements from the predecessors have been transmitted regarding this. It was narrated to us from Hammad ibn Salamah, from Ayyub al-Sikhtiyani, from Abu Yazid al-Madani: A man said to his brother at his death, "I owe the fasts of two Ramadans I did not observe." His brother asked Ibn Umar, who said: "Two garlanded sacrificial camels." Then he asked Ibn Abbas, who responded: "May God have mercy on Abu Abd al-Rahman! What have camels to do with fasting? Feed sixty needy people on behalf of your brother." Abu Muhammad said: If Ibn Umar's statement about the two camels is not proof, then Ibn Abbas's ruling about feeding is likewise not proof, with no distinction. Perhaps the deceased was not capable of fasting, or perhaps those two Ramadans were intentionally missed, requiring no makeup. It was narrated to us through Sulayman al-Taymi that Umar ibn al-Khattab said: "When a man dies owing Ramadan fasts, half a sa' of wheat should be given as food for each day on his behalf." Through a sound chain from Ibn Abbas: "If one who owed fasting dies without having recovered before death, nothing is required. If he recovered, half a sa' of wheat should be given as food for each day on his behalf." From al-Hasan: "If he did not recover until death, nothing is required. If he recovered but died without fulfilling his fasts, a makkuk of wheat and a makkuk of dates should be given as food for each day on his behalf."

L12226–12227 It has also been narrated from a group that a mudd is required for each day.

وَالرَّابِعُ - أَنْ نَقُولَ: لَعَلَّ الَّذِي رُوِيَ عَنْ عَائِشَةَ فِيهِ الْإِطْعَامُ كَأَنْ لَمْ يَصِحَّ حَتَّى مَاتَتْ فَلَا صَوْمَ عَلَيْهَا؟

وَالْخَامِسُ - أَنَّهُ قَدْ رُوِيَ عَنْ ابْنِ عَبَّاسٍ الْفُتْيَا بِمَا رُوِيَ مِنْ الصَّوْمِ عَنْ الْمَيِّتِ كَمَا نَذْكُرُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى، فَصَحَّ أَنَّهُ قَدْ نَسِيَ، أَوْ غَيْرُ ذَلِكَ مِمَّا اللَّهُ تَعَالَى أَعْلَمُ بِهِ مِمَّنْ لَمْ نُكَلَّفْهُ. وَقَدْ جَاءَ عَنْ السَّلَفِ فِي هَذَا أَقْوَالٌ -: رُوِّينَا عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَبِي يَزِيدَ الْمَدَنِيِّ: أَنَّ رَجُلًا قَالَ لِأَخِيهِ عِنْدَ مَوْتِهِ: إنَّ عَلَيَّ رَمَضَانَيْنِ لَمْ أَصُمْهُمَا فَسَأَلَ أَخُوهُ ابْنَ عُمَرَ فَقَالَ: بَدَنَتَانِ مُقَلَّدَتَانِ، ثُمَّ سَأَلَ ابْنَ عَبَّاسٍ؟ فَقَالَ ابْنُ عَبَّاسٍ: يَرْحَمُ اللَّهُ أَبَا عَبْدِ الرَّحْمَنِ مَا شَأْنُ الْبُدْنِ وَشَأْنُ الصَّوْمِ، أَطْعِمْ عَنْ أَخِيكَ سِتِّينَ مِسْكِينًا؟ قَالَ أَبُو مُحَمَّد: إنْ لَمْ يَكُنْ قَالَ ابْنُ عُمَرَ فِي الْبَدَنَتَيْنِ حُجَّةً فَلَيْسَ قَوْلُ ابْنِ عَبَّاسٍ فِي الْإِطْعَامِ حُجَّةً وَلَا فَرْقَ، وَلَعَلَّ هَذَا لَمْ يَكُنْ مُطِيقًا لِلصَّوْمِ، أَوْ لَعَلَّ ذَيْنِكَ الرَّمَضَانَيْنِ كَانَا عَنْ تَعَمُّدٍ فَلَا قَضَاءَ فِي ذَلِكَ. رُوِّينَا مِنْ طَرِيقِ سُلَيْمَانَ التَّيْمِيِّ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ: إذَا مَاتَ الرَّجُلُ عَلَيْهِ صِيَامُ رَمَضَانَ أُطْعِمَ عَنْهُ مَكَانَ كُلِّ يَوْمٍ نِصْفُ صَاعٍ مِنْ بُرٍّ. وَمِنْ طَرِيقٍ صَحِيحَةٍ عَنْ ابْنِ عَبَّاسٍ: إنْ مَاتَ الَّذِي عَلَيْهِ صَوْمٌ وَلَمْ يَصِحَّ قَبْلَ مَوْتِهِ لَيْسَ عَلَيْهِ شَيْءٌ فَإِنْ صَحَّ أُطْعِمَ عَنْهُ عَنْ كُلِّ يَوْمٍ نِصْفُ صَاعٍ حِنْطَةً. وَعَنْ الْحَسَنِ إنْ لَمْ يَصِحَّ حَتَّى مَاتَ فَلَا شَيْءَ عَلَيْهِ، فَإِنْ صَحَّ فَلَمْ يَقْضِ صَوْمَهُ حَتَّى مَاتَ أُطْعِمَ عَنْهُ عَنْ كُلِّ يَوْمٍ مَكُّوكٌ مِنْ بُرٍّ، وَمَكُّوكٌ مِنْ تَمْرٍ.

[40] **Hadith references (L12221):** Jami at-Tirmidhi 1102; Mishkat al-Masabih 3131.

وَرُوِيَ أَيْضًا عَنْ طَائِفَةٍ مُدٌّ عَنْ كُلِّ يَوْمٍ، وَقَدْ جَاءَ عَنْ الْحَسَنِ: لَا إطْعَامَ فِي ذَلِكَ وَلَا صِيَامَ، وَأَيْضًا فَإِنَّ احْتِجَاجَ الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ بِتَرْكِ عَائِشَةَ، وَابْنِ عَبَّاسٍ لِلْخَبَرِ الْمَذْكُورِ هُوَ حُجَّةٌ عَلَيْهِمْ لِأَنَّهُمْ خَالَفُوا عَائِشَةَ فِي هَذَا الْخَبَرِ نَفْسِهِ فِي قَوْلِهَا أَنْ يُطْعِمَ عَنْ كُلِّ يَوْمٍ نِصْفَ صَاعٍ لِمِسْكِينٍ، وَهُمْ لَا يَقُولُونَ: بِهَذَا، فَإِنْ كَانَ تَرْكُ عَائِشَةَ لِلْخَبَرِ حُجَّةً، فَقَوْلُهَا فِي نِصْفِ صَاعٍ حُجَّةٌ، وَإِنْ لَمْ يَكُنْ قَوْلُهَا فِي نِصْفِ صَاعٍ حُجَّةً فَلَيْسَ تَرْكُهَا لِلْخَبَرِ حُجَّةً، فَظَهَرَ أَنَّهُمْ إنَّمَا يَحْتَجُّونَ مِنْ قَوْلِ الصَّاحِبِ بِمَا وَافَقَ تَقْلِيدَهُمْ فَقَطْ، فَإِذَا خَالَفَ مَنْ قَلَّدُوهُ هَانَ عَلَيْهِمْ خِلَافُ الصَّاحِبِ، وَهَذَا دَلِيلُ سَوْءٍ نَعُوذُ بِاَللَّهِ مِنْهُ.

Al-Ḥasan transmitted: “There is neither feeding nor fasting in this matter.” Furthermore, the argument of Mālikīs and Shāfiʿīs by citing ʿĀ’ishah and Ibn ʿAbbās’s rejection of the mentioned report itself constitutes evidence against them, for they opposed ʿĀ’ishah in this very report itself regarding her ruling that one must feed half a ṣāʿ per day to a needy person - whereas they do not hold this opinion. If ʿĀ’ishah’s rejection of the report constitutes proof, then her statement about half a ṣāʿ must equally be proof. If her statement about half a ṣāʿ is not proof, then her rejection of the report cannot be proof. Thus it becomes evident that they only cite the Companions’ opinions when these conform to their doctrinal adherence. When those they emulate contradict this, they readily disregard the Companions’ disagreement - a reprehensible proof we seek refuge in Allah from such.

وَأَمَّا قَوْلُ أَحْمَدَ فَرُوِّينَا مِنْ طَرِيقِ أَبِي ثَوْرٍ نا عَبْدُ الْوَهَّابِ هُوَ ابْنُ عَطَاءٍ - عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ، وَرَوْحِ بْنِ الْقَاسِمِ عَنْ عَلِيِّ بْنِ الْحَكَمِ عَنْ مَيْمُونِ بْنِ مِهْرَانَ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ فِيمَنْ مَاتَ وَعَلَيْهِ رَمَضَانُ وَنَذْرُ شَهْرٍ: يُطْعَمُ عَنْهُ مَكَانَ كُلِّ يَوْمٍ مِسْكِينٌ وَيَصُومُ عَنْهُ وَلِيُّهُ نَذْرَهُ. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: نا ابْنُ عُلَيَّةَ عَنْ عَلِيِّ بْنِ الْحَكَمِ الْبُنَانِيِّ عَنْ مَيْمُونِ بْنِ مِهْرَانَ عَنْ ابْنِ عَبَّاسٍ سُئِلَ عَنْ رَجُلٍ مَاتَ وَعَلَيْهِ رَمَضَانُ وَصَوْمُ شَهْرٍ فَقَالَ: يُطْعَمُ عَنْهُ لِرَمَضَانَ وَيُصَامُ عَنْهُ النَّذْرُ، وَهَذَا إسْنَادٌ صَحِيحٌ، فَإِنْ كَانَ تَرْكُ ابْنِ عَبَّاسٍ لِمَا تَرَكَ مِنْ الْخَبَرِ حُجَّةً فَأَخْذُهُ بِمَا أَخَذَ مِنْهُ حُجَّةٌ، وَإِنْ لَمْ يَكُنْ أَخْذُهُ بِمَا أَخَذَ بِهِ حُجَّةً فَتَرْكُهُ مَا تَرَكَ لَيْسَ بِحُجَّةٍ وَمَا عَدَا هَذَا فَتَلَاعُبٌ بِالدِّينِ.

L12228 As for the statement of Ahmad, we have narrated through the chain of Abū Thawr: ʿAbd al-Wahhāb—who is Ibn ʿAṭāʾ—from Saʿīd ibn Abī ʿArūbah and Rawḥ ibn al-Qāsim, from ʿAlī ibn al-Ḥakam, from Maymūn ibn Mihrān, from Ibn ʿAbbās, that he said regarding one who dies while owing Ramadan fasts and a vowed month of fasting: “A meal is provided in lieu of each day to a needy person on his behalf, and his guardian fulfills his vowed fast on his behalf.” Through the chain of Ibn Abī Shaybah: Ibn ʿUlayyah narrated from ʿAlī ibn al-Ḥakam al-Bunānī, from Maymūn ibn Mihrān, from Ibn ʿAbbās, who was asked about a man who died while owing Ramadan and the fasting of a month. He replied: “Meals are provided as compensation for Ramadan on his behalf, and the vowed fast is performed on his behalf.” This chain is sound. If Ibn ʿAbbās’s rejection of part of the report constitutes evidence, then his acceptance of another part must equally constitute evidence. If his acceptance of what he affirmed is not deemed evidence, then his rejection of what he negated cannot be evidence either. Anything beyond this constitutes trifling with the religion.

وَأَمَّا قَوْلُنَا فَرُوِّينَا مِنْ طَرِيقِ أَبِي ثَوْرٍ نا عَبْدُ الْوَهَّابِ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ قَالَ: حَدَّثُونِي عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: أَنَّهُ قَالَ فِيمَنْ مَاتَ وَعَلَيْهِ رَمَضَانُ: إنْ لَمْ يَجِدُوا مَا يُطْعَمُ عَنْهُ صَامَهُ عَنْهُ وَلِيُّهُ، وَهُوَ قَوْلُ الْأَوْزَاعِيِّ. وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ

L12229 As for our statement, it has been narrated to us through the chain of Abū Thawr: ʻAbd al-Wahhāb reported to us from Saʻīd ibn Abī ʻArūbah, who said: They narrated to me from Qatādah from Saʻīd ibn al-Musayyib that he said regarding one who dies while owing Ramadan fasts: If they find no means to feed on his behalf, his guardian should fast for him. This is the opinion of al-

Awzā‘ī. Through another chain from ‘Abd al-Razzāq from Ma‘mar from Ibn Ṭāwūs from his father: When a man dies while owing Ramadan fasts, some of his guardians should fulfill them for him. Ma‘mar said: Ḥammād ibn Abī Sulaymān also held this view. Via the same chain to Ma‘mar from al-Zuhrī: Whoever dies while owing a vowed fast, some of his guardians should fast for him. Abū Muḥammad said: The opinion of some Companions – may Allāh be pleased with them – is not more preferable than others. All that we have mentioned contradicts the view of Abū Ḥanīfah and al-Shāfi‘ī, for everyone we cited imposed the obligations they did without stipulating that the deceased must have bequeathed it.

عَنْ مَعْمَرٍ عَنْ ابْنِ طَاوُسٍ عَنْ أَبِيهِ إذَا مَاتَ الرَّجُلُ وَعَلَيْهِ صِيَامُ رَمَضَانَ قَضَى عَنْهُ بَعْضُ أَوْلِيَائِهِ، قَالَ مَعْمَرٌ: وَقَالَ حَمَّادُ بْنُ أَبِي سُلَيْمَانَ. وَبِهِ إلَى مَعْمَرٍ عَنْ الزُّهْرِيِّ: مَنْ مَاتَ وَعَلَيْهِ نَذْرُ صِيَامٍ فَإِنَّهُ يَصُومُ عَنْهُ بَعْضُ أَوْلِيَائِهِ. قَالَ أَبُو مُحَمَّدٍ: لَيْسَ قَوْلُ بَعْضِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَوْلَى مِنْ بَعْضٍ، وَكُلُّ مَا ذَكَرْنَا فَهُوَ مُخَالِفٌ لِقَوْلِ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ؛ لِأَنَّ كُلَّ مَنْ ذَكَرْنَا فَقَدْ أَوْجَبَ مَا أَوْجَبَ مِنْ غَيْرِ اشْتِرَاطِ أَنْ يُوصِيَ الْمَيِّتُ بِذَلِكَ.

L12230–12231 Abu Hanifah and Malik said: There is no obligation in that matter unless one bequeaths in a will to provide food, in which case food should be provided on his behalf. We do not know of anyone before them who held this view except for a narration attributed to al-Hasan, though a report reliably authenticated from him explicitly contradicts it.

وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: لَا شَيْءَ فِي ذَلِكَ إلَّا أَنْ يُوصِيَ بِالْإِطْعَامِ فَيُطْعَمَ عَنْهُ وَمَا نَعْلَمُ أَحَدًا قَبْلَهُمْ قَالَ بِهَذَا، إلَّا رِوَايَةً عَنْ الْحَسَنِ قَدْ صَحَّ عَنْهُ خِلَافُهَا.

L12232 As for their statement: “Fasting is not performed on his behalf, just as prayer is not performed on his behalf”—this is invalid and an analogy of error upon error. Rather, vowed prayers are performed on his behalf, as well as obligatory prayers if he forgot them, slept through them, and died without performing them. This falls under the saying of the Messenger of Allah, peace and blessings of Allah be upon him: “The debt owed to Allah is more deserving of being fulfilled.” It is astonishing that they all unanimously agreed that the two rak’ahs following tawaf should be performed on behalf of the deceased for whom Hajj is being performed. This is an undeniable contradiction in their position. This is the opinion of Ishaq ibn Rahwayh regarding the fulfillment of prayer on behalf of the deceased. Al-Shafi’i said: “If the report is authentic, we adhere to it; otherwise, a mudd of food is given as charity on his behalf for each day.” We stated that hiring someone for this purpose if he has no guardian takes precedence over people’s debts from the estate, based on the Prophet’s, peace and blessings of Allah be upon him, saying: “The debt owed to Allah is more deserving of being fulfilled.” Abu Muhammad said: Among the major sins is for someone to say, “Rather,

وَأَمَّا قَوْلُهُمْ: لَا يُصَامُ عَنْهُ كَمَا لَا يُصَلَّى عَنْهُ، فَبَاطِلٌ وَقِيَاسٌ لِلْخَطَأِ عَلَى الْخَطَأِ بَلْ يُصَلَّى عَنْهُ النَّذْرُ، وَصَلَاةُ فَرْضٍ إنْ نَسِيَهَا أَوْ نَامَ عَنْهَا وَلَمْ يُصَلِّهَا حَتَّى مَاتَ، فَهَذَا دَخَلَ تَحْتَ، قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - " فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى ". وَالْعَجَبُ أَنَّهُمْ كُلَّهُمْ أَجْمَعُوا عَلَى أَنْ تُصَلَّى الرَّكْعَتَانِ إثْرَ الطَّوَافِ عَنْ الْمَيِّتِ الَّذِي يُحَجُّ عَنْهُ، وَهَذَا تَنَاقُضٌ مِنْهُمْ لَا خَفَاءَ بِهِ. وَهَذَا قَوْلُ إسْحَاقَ بْنِ رَاهْوَيْهِ فِي قَضَاءِ الصَّلَاةِ عَنْ الْمَيِّتِ. وَقَالَ الشَّافِعِيُّ: إنْ صَحَّ الْخَبَرُ قُلْنَا بِهِ وَإِلَّا فَيُطْعَمُ عَنْهُ مُدٌّ عَنْ كُلِّ يَوْمٍ. وَإِنَّمَا قُلْنَا: إنَّ الِاسْتِئْجَارَ لِذَلِكَ إنْ لَمْ يَكُنْ لَهُ وَلِيٌّ مِنْ رَأْسِ الْمَالِ مُقَدَّمٌ عَلَى دُيُونِ النَّاسِ لِقَوْلِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى» . قَالَ أَبُو مُحَمَّدٍ: مِنْ الْكَبَائِرِ أَنْ يَقُولَ قَائِلٌ: بَلْ دَيْنُ النَّاسِ أَحَقُّ أَنْ يُقْضَى مِنْ دَيْنِ اللَّهِ تَعَالَى عَزَّ وَجَلَّ وَقَدْ سَمِعَ هَذَا الْقَوْلَ.

people's debts are more deserving of being settled than the debt owed to Allah, the Exalted and Majestic," and this statement was heard.

[مَسْأَلَةٌ صَامَ بَعْضُ أَوْلِيَائِهِ عَنْهُ]

٧٧٦ - مَسْأَلَةٌ: فَإِنْ صَامَهُ بَعْضُ أَوْلِيَائِهِ أَجْزَأَ؛ لِعُمُومِ الْخَبَرِ فِي ذَلِكَ، وَإِنْ كَانُوا جَمَاعَةً فَاقْتَسَمُوهُ جَازَ كَذَلِكَ أَيْضًا إلَّا أَنَّهُ لَا يُجْزِئُ أَنْ يَصُومُوا كُلُّهُمْ يَوْمًا وَاحِدًا لِقَوْلِ اللَّهِ تَعَالَى: {فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ} [البقرة: ١٨٤] . فَلَا بُدَّ مِنْ أَيَّامٍ مُتَغَايِرَةٍ، فَلَوْ لَمْ يَصِحَّ حَتَّى مَاتَ فَلَا شَيْءَ عَلَى أَوْلِيَائِهِ وَلَا عَلَيْهِ؛ لِأَنَّ الْأَثَرَ إنَّمَا جَاءَ فِيمَنْ مَاتَ وَعَلَيْهِ صَوْمٌ، وَهَذَا مَاتَ وَلَيْسَ عَلَيْهِ صَوْمٌ لِقَوْلِ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] فَإِذَا لَمْ يَكُنْ فِي وُسْعِهِ الصَّوْمُ فَلَمْ يُكَلَّفْ، وَإِذَا لَمْ يُكَلَّفْهُ فَقَدْ مَاتَ وَلَا صَوْمَ عَلَيْهِ. وَالْأَوْلِيَاءُ هُمْ ذَوُو الْمَحَارِمِ بِلَا شَكٍّ وَلَوْ صَامَهُ الْأَبْعَدُ مِنْ بَنِي عَمِّهِ أَجْزَأَ عَنْهُ، لِأَنَّهُ وَلِيُّهُ، فَإِنْ أَبَوْا مِنْ الصَّوْمِ فَهُمْ عُصَاةٌ لِلَّهِ تَعَالَى وَلَا شَيْءَ عَلَى الْمَيِّتِ مِنْ ذَلِكَ الصَّوْمِ، لِأَنَّهُ قَدْ نَقَلَهُ اللَّهُ تَعَالَى عَنْهُ إلَيْهِمْ بِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ مَاتَ وَعَلَيْهِ صَوْمٌ صَامَ عَنْهُ وَلِيُّهُ» . وَبِأَمْرِهِ - عَلَيْهِ السَّلَامُ - الْوَلِيَّ أَنْ يَصُومَ عَنْهُ.

776 - Issue: If some of his relatives fast on his behalf, it suffices, based on the general applicability of the narration concerning this matter. If they are a group and divide the days among themselves, this is likewise permissible. However, it does not suffice for all of them to fast a single day due to Allah's statement: {[Fast] a number of other days} [Al-Baqarah: 184]. Therefore, distinct days are essential. If the fasting was not validated before he died, there is nothing incumbent upon his relatives nor upon him, because the narration only applies to one who dies while owing fasting. This person died without any fasting being incumbent upon him, in accordance with Allah's statement: {Allah does not burden any soul beyond its capacity} [Al-Baqarah: 286]. Since fasting was beyond his capacity, he was not held responsible, and having no responsibility, he died without owing any fasting. The relatives are unquestionably the mahram kin. Even if a distant paternal cousin fasts on his behalf, it suffices, as he is his relative. If they refuse to fast, they are transgressors against Allah the Exalted, and nothing from that fasting is required of the deceased, for Allah has transferred it from him to them through the Messenger of Allah's (peace and blessings be upon him) statement: "Whoever dies while owing fasting, their relative shall fast on their behalf," and by the command of the Prophet (peace and blessings be upon him) for the relative to fast on his behalf.[41]

[مَسْأَلَةٌ تَعَمَّدَ النُّذُورَ لِيُوقِعَهَا عَلَى وَلِيِّهِ بَعْدَ مَوْتِهِ]

مَسْأَلَةٌ: فَإِنْ تَعَمَّدَ النُّذُورَ لِيُوقِعَهَا عَلَى وَلِيِّهِ بَعْدَ مَوْتِهِ فَلَيْسَ نَذْرًا وَلَا يَلْزَمُهُ هُوَ وَلَا وَلِيُّهُ بَعْدَهُ، وَهُوَ عَاصٍ لِلَّهِ تَعَالَى بِذَلِكَ، وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ نا أَحْمَدُ بْنُ فَتْحٍ نا عَبْدُ اللَّهِ بْنُ عِيسَى نا أَحْمَدُ بْنُ مُحَمَّدٍ نا

An issue where a person deliberately makes religious vows to impose them on his legal guardian after his death.

Issue: If someone intentionally makes vows to impose them upon his guardian after his death, it is not a valid vow. Neither he nor his guardian after him is obligated by it. Therein, he disobeys Allah the Exalted. It is au-

[41] **Qur'an references (L12234):** Qur'an 2:184 (Al-Baqarah); Qur'an 2:185 (Al-Baqarah); Qur'an 2:286 (Al-Baqarah).

thentically reported from the Prophet—peace and blessings of Allah be upon him—as transmitted through the chain: Abdullah ibn Yusuf narrated to us, Ahmad ibn Fath narrated to us, Abdullah ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated: Ali ibn Hajar narrated to me, Isma'il ibn Ibrahim narrated to us, Ayyub—he is al-Sakhtiyānī—narrated to us, from Abu Qilabah, from Abu al-Muhallab, from Imran ibn al-Husayn that the Messenger of Allah—peace and blessings of Allah be upon him—said: "There is no fulfillment for a vow made in disobedience to Allah." Ali said: This is only considered a valid vow if intended for Allah the Exalted, thereby becoming binding. But if intended for other than Allah the Exalted, it is disobedience; fulfilling it is impermissible, and neither its maker nor anyone else is obligated by it. And with Allah the Exalted lies success.

أَحْمَدُ بْنُ عَلِيٍّ نا مُسْلِمُ بْنُ الْحَجَّاجِ حَدَّثَنِي عَلِيُّ بْنُ حَجَرٍ نا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ نا أَيُّوبُ هُوَ السِّخْتِيَانِيُّ - عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْمُهَلَّبِ عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةِ اللَّهِ» . قَالَ عَلِيٌّ: وَهَذَا النَّذْرُ إِنَّمَا يَكُونُ نَذْرًا إِذَا قُصِدَ بِهِ اللَّهُ تَعَالَى فَيَلْزَمُ حِينَئِذٍ فَإِذَا قُصِدَ بِهِ غَيْرُ اللَّهِ تَعَالَى فَهُوَ مَعْصِيَةٌ لَا يَحِلُّ الْوَفَاءُ بِهِ وَلَا يَلْزَمُ صَاحِبَهُ وَلَا غَيْرَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Case: If someone vowed to fast a day and then increased out of gratitude to Allah, the Almighty and Majestic.

[مَسْأَلَةٌ نَذَرَ صَوْمَ يَوْمٍ فَأَكْثَرَ شُكْرًا لِلَّهِ عَزَّ وَجَلَّ]

778 - Issue:

٧٧٨ - مَسْأَلَةٌ:

Whoever vows to fast a day or more out of gratitude to Allah, the Almighty, or seeking closeness to Him, the Exalted, or if he is able, or if Allah, the Exalted, shows him a hope he aspires to—provided that the object of this hope does not involve disobedience to Allah, the Almighty—then fulfilling it is obligatory upon him. Allah, the Majestic and Glorious, said: *"Fulfill the covenants"* (Quran 5:1). Abdullāh ibn Rabīʿ narrated to us: Muḥammad ibn Isḥāq narrated to us: Ibn al-Aʿrabī narrated to us: Abū Dāwūd narrated to us: al-Qaʿnabī narrated from Mālik, from Ṭalḥah ibn ʿAbd al-Malik al-Aylī, from al-Qāsim ibn Muḥammad, from ʿĀ'ishah, the Mother of the Believers, who said: The Messenger of Allah—peace and blessings be upon him—said: "Whoever vows to obey Allah, let him obey Him; and whoever vows to disobey Allah, let him not disobey Him." This is a general ruling for every vow involving disobedience, such as a woman who vowed to fast the day of her menstruation or the day of Eid, and similar acts of disobedience.[42][43]

وَمَنْ نَذَرَ صَوْمَ يَوْمٍ فَأَكْثَرَ، شُكْرًا لِلَّهِ عَزَّ وَجَلَّ، أَوْ تَقَرُّبًا إِلَيْهِ تَعَالَى، أَوْ إِنْ فَاقَ، أَوْ إِنْ أَرَاهُ اللَّهُ تَعَالَى أَمَلًا يَأْمُلُهُ لَا مَعْصِيَةً لِلَّهِ عَزَّ وَجَلَّ فِي ذَلِكَ الشَّيْءِ الْمَأْمُولِ، فَفَرْضٌ عَلَيْهِ أَدَاؤُهُ. قَالَ عَزَّ وَجَلَّ: {أَوْفُوا بِالْعُقُودِ} [المائدة: ١]-: نا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نا مُحَمَّدُ بْنُ إِسْحَاقَ نا ابْنُ الْأَعْرَابِيِّ نا أَبُو دَاوُد نا الْقَعْنَبِيُّ عَنْ مَالِكٍ عَنْ طَلْحَةَ بْنِ عَبْدِ الْمَلِكِ الْأَيْلِيِّ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ نَذَرَ أَنْ يُطِيعَ اللَّهَ فَلْيُطِعْهُ وَمَنْ نَذَرَ أَنْ يَعْصِيَ اللَّهَ فَلَا يَعْصِهِ» فَهَذَا عُمُومٌ لِكُلِّ نَذْرِ مَعْصِيَةٍ كَمَنْ نَذَرَتْ صَوْمَ يَوْمِ حَيْضَتِهَا أَوْ صَوْمَ يَوْمِ الْعِيدِ، وَنَحْوِ ذَلِكَ مِنْ كُلِّ مَعْصِيَةٍ.

[42] **Hadith references (L12240):** Sunan an-Nasai 3806; Sunan Abi Dawud 3289; Jami at-Tirmidhi 1526.

L12241 **A legal issue: a vow concerning an act that is neither an act of obedience nor an act of disobedience.**

L12242 779 - Issue: If someone vows something that is neither an act of obedience nor disobedience, such as sitting in the house of a certain person, not eating seasoned bread, or similar matters, it is not binding upon him. There is no legal ruling for this except seeking forgiveness from Allah the Exalted concerning it, because the binding nature of a vow is a matter of divine law, and divine laws are only binding through textual evidence. There is no textual evidence except regarding vows of obedience alone.

L12243 **Issue: It is completely prohibited to make vows.**

L12244–12246 Issue 780: Vowing is entirely prohibited. Should it occur, it becomes binding as we previously established. We narrated via the aforementioned chain from Abu Dawud: ‘Uthman ibn Abi Shaybah narrated to us, Jarir ibn ‘Abd al-Hamid narrated to us, from Mansur - that is Ibn al-Mu‘tamir - from ‘Abdullah ibn Murrah al-Hamdani, from ‘Abdullah ibn ‘Umar, who said: “Allah’s Messenger - peace and blessings be upon him - prohibited vowing, saying: ’It does not avert anything; rather, it is only a means to extract by it from the miser.”’ In his statement... – Peace be upon him – “And indeed, it is thereby extracted from the miser” obligates its fulfillment when this occurs within obedience to Allah, the Exalted.

L12247 **A legal issue: He said, “Fasting on the day when I regain consciousness is an obligation I owe to Allah, the Exalted.”**

L12248 781 - Issue: If someone says, “Upon me is a vow to God the Exalted to fast the day I recover,” or says, “the day so-and-so arrives,” or says, “the day I am released from my prison,” or anything similar, and what he intended occurs at night or during the day: he is not obligated to fast that day, nor to make up for it, nor to fast another day. If what he intended occurs at night – since it is not within a day – he bears no obligation for what he did not commit to. If it occurs during the day, he cannot start a fast he did not resolve upon

[مَسْأَلَةٌ نَذَرَ مَا لَيْسَ طَاعَةً وَلَا مَعْصِيَةً]

٧٧٩ - مَسْأَلَةٌ: فَإِنْ نَذَرَ مَا لَيْسَ طَاعَةً وَلَا مَعْصِيَةً كَالْقُعُودِ فِي دَارِ فُلَانٍ أَوْ أَنْ لَا يَأْكُلَ خُبْزًا مَأْدُومًا أَوْ مَا أَشْبَهَ هَذَا لَمْ يَلْزَمْهُ، وَلَا حُكْمَ لِهَذَا إلَّا اسْتِغْفَارُ اللَّهِ تَعَالَى مِنْهُ، لِأَنَّ إيجَابَ النَّذْرِ شَرِيعَةٌ، وَالشَّرَائِعُ لَا تَلْزَمُ إلَّا بِنَصٍّ وَلَا نَصَّ إلَّا فِي نَذْرِ الطَّاعَةِ فَقَطْ.

[مَسْأَلَةٌ يُنْهَى عَنْ النَّذْرِ جُمْلَةً]

٧٨٠ - مَسْأَلَةٌ: وَيُنْهَى عَنْ النَّذْرِ جُمْلَةً فَإِنْ وَقَعَ لَزِمَ كَمَا قَدَّمْنَا، رُوِّينَا بِالسَّنَدِ الْمَذْكُورِ إلَى أَبِي دَاوُد نا عُثْمَانُ بْنُ أَبِي شَيْبَةَ نا جَرِيرُ بْنُ عَبْدِ الْحَمِيدِ عَنْ مَنْصُورٍ هُوَ ابْنُ الْمُعْتَمِرِ - عَنْ عَبْدِ اللَّهِ بْنِ مُرَّةَ الْهَمْدَانِيِّ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: «أَخَذَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْهَى عَنْ النَّذْرِ وَيَقُولُ لَا يَرُدُّ شَيْئًا وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنْ الْبَخِيلِ» فَفِي قَوْلِهِ - عَلَيْهِ السَّلَامُ - «وَإِنَّمَا يُسْتَخْرَجُ بِهِ مِنْ الْبَخِيلِ» إيجَابٌ لِلْوَفَاءِ بِهِ إذَا وَقَعَ فِي طَاعَةِ اللَّهِ تَعَالَى.

[مَسْأَلَةٌ قَالَ عَلَيَّ لِلَّهِ تَعَالَى صَوْمُ يَوْمَ أُفِيقُ]

٧٨١ - مَسْأَلَةٌ: وَمَنْ قَالَ عَلَيَّ لِلَّهِ تَعَالَى صَوْمُ يَوْمَ أُفِيقُ، أَوْ قَالَ: يَوْمَ يَقْدَمُ فُلَانٌ، أَوْ قَالَ يَوْمَ أَنْطَلِقُ مِنْ سِجْنِي، أَوْ مَا أَشْبَهَ هَذَا فَكَانَ مَا رَغِبَ فِيهِ لَيْلًا أَوْ نَهَارًا: لَمْ يَلْزَمْهُ صِيَامُ ذَلِكَ الْيَوْمِ وَلَا قَضَاؤُهُ وَلَا صَوْمُ غَيْرِهِ؛ لِأَنَّهُ إنْ كَانَ مَا رَغِبَ فِيهِ لَيْلًا فَلَمْ يَكُنْ فِي يَوْمٍ فَلَا يَلْزَمُهُ مَا لَمْ يَلْتَزِمْهُ، وَإِنْ كَانَ نَهَارًا فَلَا يُمْكِنُهُ إحْدَاثُ صَوْمٍ لَمْ يُبَيِّتْهُ

[43] **Qur’an references (L12240):** Qur’an 5:1 (Al-Ma’idah).

the night before, nor has God the Exalted previously bound him to it. He is also not required to fast another day, as he did not commit to it. This is the opinion of Abū Ḥanīfa and al-Shāfiʿī. Al-Awzāʿī said: If the arrival occurs during the day, the one who made the vow must fast the remainder of that day without needing to make it up. Mālik said: If the arrival occurs at night, the one who made the vow must fast the next day.

مِنْ اللَّيْلِ وَلَا تَقَدَّمَ إلْزَامُ اللَّهِ تَعَالَى لَهُ إيَّاهُ، وَلَا يَلْزَمُهُ صِيَامُ يَوْمٍ آخَرَ؛ لِأَنَّهُ لَمْ يَلْتَزِمْهُ - وَهَذَا قَوْلُ أَبِي حَنِيفَةَ، وَالشَّافِعِيِّ - وَقَالَ الْأَوْزَاعِيُّ: إنْ قَدِمَ نَهَارًا صَامَ بَقِيَّةَ ذَلِكَ الْيَوْمِ وَلَا قَضَاءَ عَلَيْهِ، وَقَالَ مَالِكٌ: إنْ قَدِمَ لَيْلًا صَامَ النَّاذِرُ غَدَ تِلْكَ اللَّيْلَةِ

A legal question: It is stated, "I am obligated to observe the fasting of that day forever."

[مَسْأَلَةٌ قَالَ عَلَيَّ صَوْمُ ذَلِكَ الْيَوْمِ أَبَدًا]

782. Issue: If he said in all such cases: "I am obligated to fast that day forever," then if it was nighttime, he is not obligated – as we previously established – because he did not commit to it, and fasting at night is not incumbent, for it constitutes disobedience. If it was daytime, he becomes obligated to fast that day whenever it recurs in accordance with his vow. He is not required to make up for that day of his vow, as it differs from what he originally vowed.

٧٨٢ - مَسْأَلَةٌ: فَلَوْ قَالَ فِي كُلِّ ذَلِكَ: عَلَيَّ صَوْمُ ذَلِكَ الْيَوْمِ أَبَدًا فَإِنْ كَانَ لَيْلًا لَمْ يَلْزَمْهُ كَمَا قَدَّمْنَا، لِأَنَّهُ لَمْ يَلْتَزِمْهُ وَلَا يَلْزَمُ صِيَامُ اللَّيْلِ، لِأَنَّهُ مَعْصِيَةٌ، فَإِنْ كَانَ نَهَارًا لَزِمَهُ فِي الْمُسْتَأْنَفِ صَوْمُ ذَلِكَ الْيَوْمِ إذَا تَكَرَّرَ كَمَا نَذَرَهُ وَلَا قَضَاءَ عَلَيْهِ فِي يَوْمِهِ ذَلِكَ، لِأَنَّهُ غَيْرُ مَا نَذَرَ.

A legal issue: he broke the fast during a vowed fast.

[مَسْأَلَةٌ أَفْطَرَ فِي صَوْمِ نَذْرٍ]

783 - Issue: Whoever breaks a vowed fast intentionally or due to an excuse is not required to make it up unless they vowed to make it up, in which case it becomes obligatory. This is because if they did not vow to make it up, it is impermissible to impose on them what they did not vow, as no scriptural text necessitates this obligation.

٧٨٣ - مَسْأَلَةٌ: وَمَنْ أَفْطَرَ فِي صَوْمِ نَذْرٍ عَامِدًا أَوْ لِعُذْرٍ فَلَا قَضَاءَ عَلَيْهِ إلَّا أَنْ يَكُونَ نَذَرَ أَنْ يَقْضِيَهُ فَيَلْزَمُهُ، لِأَنَّهُ إذَا لَمْ يَنْذِرْ الْقَضَاءَ فَلَا يَجُوزُ أَنْ يُلْزَمَ مَا لَمْ يَنْذِرْهُ؛ إذْ لَمْ يُوجِبْ ذَلِكَ نَصٌّ.

Issue: He vowed to fast two days or more.

[مَسْأَلَةٌ نَذَرَ صَوْمَ يَوْمَيْنِ فَصَاعِدًا]

Issue 784: If one vows to fast two days or more, it suffices him to fast these days separately, as this does not contradict the vow.

٧٨٤ - مَسْأَلَةٌ: وَمَنْ نَذَرَ صَوْمَ يَوْمَيْنِ فَصَاعِدًا أَجْزَأَهُ أَنْ يَصُومَ ذَلِكَ مُتَفَرِّقًا لِأَنَّهُ غَيْرُ مُخَالِفٍ لِمَا نَذَرَ.

A legal issue concerning one who vowed to fast on Friday or said a month.

[مَسْأَلَةٌ نَذَرَ صَوْمَ جُمُعَةٍ أَوْ قَالَ شَهْرٍ]

٧٨٥ - مَسْأَلَةٌ: فَلَوْ نَذَرَ صَوْمَ جُمُعَةٍ أَوْ قَالَ: شَهْرٍ لَمْ يَجُزْ أَنْ يَصُومَ ذَلِكَ إِلَّا مُتَتَابِعًا وَلَا بُدَّ، فَإِنْ تَعَمَّدَ فِي خِلَالِ ذَلِكَ فِطْرًا لِعُذْرٍ أَوْ لِغَيْرِ عُذْرٍ: ابْتَدَأَهُ مِنْ أَوَّلِهِ لِأَنَّ اسْمَ الْجُمُعَةِ وَالشَّهْرِ لَا يَقَعُ إِلَّا عَلَى أَيَّامٍ مُتَتَابِعَةٍ لَا مُتَفَرِّقَةٍ، فَإِنَّمَا يَلْزَمُهُ مَا نَذَرَ لَا مَا لَمْ يَنْذِرْ؛ فَإِنْ لَمْ يُتَابِعْ ذَلِكَ فَلَمْ يَأْتِ بِمَا نَذَرَ فَعَلَيْهِ أَنْ يَأْتِيَ بِهِ.

L12256 785 - Issue: If someone vows to fast a Friday or says: “a month,” they may only fast that consecutively, and this is necessary. If they intentionally break the fast during that period due to an excuse or without an excuse: they must recommence it from the beginning, because the terms “Friday” and “month” only apply to consecutive days, not scattered ones. They are obligated to fulfill what they vowed, not what they did not vow. If they fail to maintain continuity, they have not fulfilled what they vowed, and must therefore fulfill it.

[مَسْأَلَةُ نَذَرَ صَوْمَ جُمُعَتَيْنِ أَوْ قَالَ شَهْرَيْنِ وَلَمْ يَنْذِرْ التَّتَابُعَ]

٧٨٦ - مَسْأَلَةٌ: وَمَنْ نَذَرَ صَوْمَ جُمُعَتَيْنِ أَوْ قَالَ: شَهْرَيْنِ، وَلَمْ يَنْذِرْ التَّتَابُعَ فِي ذَلِكَ لَزِمَهُ أَنْ يَصُومَ كُلَّ جُمُعَةٍ مُتَتَابِعَةٍ وَلَا بُدَّ، وَكُلَّ شَهْرٍ مُتَتَابِعًا وَلَا بُدَّ، وَلَهُ أَنْ يُفَرِّقَ بَيْنَ الْجُمُعَةِ وَالْجُمُعَةِ، وَبَيْنَ الشَّهْرِ وَالشَّهْرِ لِمَا ذَكَرْنَا آنِفًا إِلَّا أَنْ يَنْذِرَهُمَا مُتَتَابِعِينَ فَيَلْزَمُهُ ذَلِكَ؛ لِأَنَّهُ طَاعَةٌ زَائِدَةٌ.

L12257 **Issue: If one vows to fast two Fridays or two months but does not vow consecutiveness.**

L12258–12260 786 - Issue: If someone vows to fast two Fridays or vows two months without stipulating consecutiveness, they must fast the two Fridays or two months consecutively. However, they may separate the Fridays or months (i.e., observe them non-consecutively) based on the reasoning we earlier mentioned—unless they vow them as consecutive, in which case it becomes obligatory. That is because it is supererogatory obedience.

[مَسْأَلَةُ نَذْرِ صِيَامِ شَهْرٍ فَصَامَ مَا بَيْنَ الْهِلَالَيْنِ]

٧٨٧ - مَسْأَلَةٌ: فَإِنْ صَامَ الشَّهْرَ مَا بَيْنَ الْهِلَالَيْنِ لَزِمَهُ إِتْمَامُهُ، فَإِنْ ابْتَدَأَ صِيَامَهُ بَعْدَ دُخُولِ الشَّهْرِ لَمْ يَلْزَمْهُ إِلَّا تِسْعَةٌ وَعِشْرُونَ يَوْمًا مُتَّصِلَةٌ وَلَا بُدَّ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الشَّهْرُ تِسْعَةٌ وَعِشْرُونَ» وَأَنَّ الشَّهْرَ يَكُونُ تِسْعًا وَعِشْرِينَ فَلَا يَلْزَمُهُ زِيَادَةُ يَوْمٍ إِلَّا بِنَصٍّ وَارِدٍ وَلَا نَصَّ فِي ذَلِكَ، وَإِنَّمَا يَلْزَمُهُ مَا يَقَعُ عَلَيْهِ اسْمُ مَا نَذَرَ مِنْ شَهْرٍ أَوْ أَكْثَرَ فَقَطْ، فَإِنْ نَذَرَ نِصْفَ شَهْرٍ لَمْ يَلْزَمْهُ إِلَّا أَرْبَعَةَ عَشَرَ يَوْمًا، لِأَنَّ كَسْرَ يَوْمٍ لَا يَلْزَمُهُ صِيَامُهُ لِمَنْ نَذَرَهُ، وَلَا يَجُوزُ أَنْ يُلْزَمَ يَوْمًا زَائِدًا لَمْ يَنْذُرْهُ.

L12261 **An issue concerning a vow to fast for a month, so he fasted the period between the sightings of the two crescent moons.**

L12262 787 - Issue: If one fasts the entire month between the two crescents, they are obligated to complete it. If they begin fasting after the month has commenced, they are only required to fast twenty-nine consecutive days, as it is necessary to adhere to the statement of the Messenger of Allah - peace and blessings be upon him - “The month is twenty-nine days,” and since the month may indeed be twenty-nine days, they are not obligated to add an extra day unless specified by explicit textual evidence, and there is no textual evidence for that. They are only obligated to fulfill what is covered by the term of their vow - whether a month or more. If one vows to fast half a month, they are only required to fast fourteen days, as fasting a fraction of a day is not obligatory for one who has vowed it, and it is impermissible to obligate them to an extra day they did not vow.

Case: He vowed fasting for a year.

[مَسْأَلَةٌ نَذَرَ صَوْمَ سَنَةٍ]

L12263

L12264 Issue 788: If one vows to fast a year, some scholars state: He must fast twelve months without including Ramadan in them, nor the day of al-Fitr, al-Adha, or the days of *Tashreeq*. We have reservations regarding this. The correct position according to us is that nothing becomes binding upon him, for this fatwa imposes obligations he did not vow. The term "year" applies only to twelve consecutive months - not non-consecutive ones. Since he cannot fulfill his vow as pledged, it is impermissible to impose on him what he neither committed to nor vowed, nor to commit to what is impossible or beyond his capacity. Allah Almighty said: *"Allah does not burden a soul beyond its capacity"* (2:286). Whoever claims consensus here lies, for no narration exists from the Companions on this matter, nor any known statement from a Successor.

Abu Hanifa said: He may break fast during the days of al-Fitr, al-Adha, and days of *Tashreeq*, then make them up. Zufar said: He may break fast on these days without making them up. Malik said: He may fast and break fast on these days without making up the days of Ramadan or the specified days unless he specifically intends to make up those days. al-Layth said: He must fast, make up Ramadan, two days in place of al-Fitr and al-Adha, and fast the days of *Tashreeq*. [Abu Muhammad remarked: These rulings either impose obligations he did not vow or nullify what was vowed.][44]

٧٨٨ - مَسْأَلَةٌ: وَمَنْ نَذَرَ صَوْمَ سَنَةٍ فَقَدْ قَالَ قَوْمٌ: يَصُومُ اثْنَيْ عَشَرَ شَهْرًا لَا يَعُدُّ فِيهَا رَمَضَانَ، وَلَا يَوْمَ الْفِطْرِ، وَالْأَضْحَى، وَلَا أَيَّامَ التَّشْرِيقِ، وَفِي هَذَا عِنْدَنَا نَظَرٌ وَالْوَاجِبُ عِنْدَنَا أَنْ لَا يَلْزَمَهُ شَيْءٌ؛ لِأَنَّ هَذِهِ الْفُتْيَا إلْزَامٌ لَهُ مَا لَمْ يَنْذِرْهُ، لِأَنَّ اسْمَ سَنَةٍ لَا يَقَعُ إلَّا عَلَى اثْنَيْ عَشَرَ شَهْرًا مُتَّصِلَةٍ لَا مُبَدَّدَةٍ، وَهُوَ لَا يَقْدِرُ عَلَى الْوَفَاءِ بِنَذْرِهِ كَمَا نَذَرَهُ، فَلَا يَجُوزُ أَنْ يُلْزَمَ مَا لَمْ يَلْتَزِمْهُ وَلَا نَذَرَهُ، وَلَا أَنْ يَلْتَزِمَ مَا لَمْ يُمْكِنْ، وَمَا لَيْسَ فِي وُسْعِهِ قَالَ اللَّهُ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إلا وُسْعَهَا} [البقرة: ٢٨٦] وَمَنْ ادَّعَى هَاهُنَا إجْمَاعًا فَقَدْ كَذَبَ، لِأَنَّهُ لَا يَقْدِرُ عَلَى أَنْ يَأْتِيَ فِي ذَلِكَ بِرِوَايَةٍ عَنْ صَاحِبٍ أَصْلًا، وَلَا نَعْلَمُ فِي ذَلِكَ قَوْلًا عَنْ تَابِعٍ. وَقَدْ قَالَ فِيهَا أَبُو حَنِيفَةَ يُفْطِرُ فِيهَا يَوْمَيْ الْفِطْرِ وَالْأَضْحَى وَأَيَّامَ التَّشْرِيقِ، ثُمَّ يَقْضِيهَا. وَقَالَ زُفَرُ: يُفْطِرُ الْأَيَّامَ الْمَذْكُورَةَ، وَلَا يَقْضِيهَا. وَقَالَ مَالِكٌ: يَصُومُ، وَيُفْطِرُ الْأَيَّامَ الْمَذْكُورَةَ، وَلَا يَقْضِي رَمَضَانَ، وَلَا الْأَيَّامَ الْمَذْكُورَةَ، إلَّا أَنْ يَنْوِيَ قَضَاءَهَا. وَقَالَ اللَّيْثُ: يَصُومُ وَيَقْضِي رَمَضَانَ وَيَوْمَيْنِ مَكَانَ الْفِطْرِ وَالْأَضْحَى، وَيَصُومُ أَيَّامَ التَّشْرِيقِ. [قَالَ أَبُو مُحَمَّدٍ: فَهَذِهِ الْأَقْوَالُ إمَّا مُوجِبَةٌ عَلَيْهِ مَا لَمْ يَنْذِرْهُ وَلَا الْتَزَمَهُ، وَإِمَّا مُسْقِطَةٌ عَنْهُ مَا نَذَرَ] .

L12265–12266 Abū Muḥammad said: If one vows to fast these days and the fast of Ramadan as part of his vow, he has vowed to misguidance and falsehood, and to an act opposing the religion of Islam. Therefore, such a vow is not binding upon him, as it is sinful, nor is fasting any other days obligatory, for it is not what he vowed. Any act of obedience that is mixed with disobedience becomes entirely disobedience, since he did not perform the obedience as commanded. Allah the Exalted said: *"And they were not commanded except to worship

قَالَ أَبُو مُحَمَّدٍ: إنْ كَانَ نَذَرَ صَوْمَ هَذِهِ الْأَيَّامِ وَصَوْمَ رَمَضَانَ عَنْ نَذْرِهِ، فَقَدْ نَذَرَ الضَّلَالَ وَالْبَاطِلَ، وَأَمْرًا مُخَالِفًا لِدِينِ الْإِسْلَامِ، فَلَا يَلْزَمُهُ نَذْرُهُ ذَلِكَ لِأَنَّهُ مَعْصِيَةٌ، وَلَا يَلْزَمُ صَوْمُ سَائِرِ الْأَيَّامِ لِأَنَّهُ غَيْرُ مَا نَذَرَ، وَكُلُّ طَاعَةٍ مَازَجَتْهَا مَعْصِيَةٌ فَهِيَ كُلُّهَا مَعْصِيَةٌ، لِأَنَّهُ لَمْ يَأْتِ بِالطَّاعَةِ كَمَا أُمِرَ، قَالَ تَعَالَى: {وَمَا أُمِرُوا إلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ

[44] **Qur'an references (L12264):** Qur'an 2:286 (Al-Baqarah).

Allah, sincere to Him in religion”* (Q98:5). If one vows to fast a year except Ramadan and the days forbidden for fasting, this vow is binding upon him, as it constitutes a vow of obedience. Similarly, if one vows to fast Shawwāl, Dhū al-Ḥijjah, or Shaʿbān, nothing is incumbent upon him due to the reasoning we mentioned, unless he intends to exclude the days on which fasting is impermissible—in which case the vow becomes binding.[45]

L12267 **Issue: He was obligated to fast a particular day by vow, then Ramadan commenced.**

L12268 789 - Issue: If someone is obligated to fast a specific day by vow, and Ramadan commences, it becomes obligatory upon them to fast that day exclusively for Ramadan, not for the vow whatsoever. If they fast it for their vow, or for both Ramadan and their vow, they incur sin, and the fast does not count for either their vow or Ramadan. This is because Allah’s command takes precedence over their vow. They may not fast Ramadan or any part of it for any purpose other than what Allah has obligated them to fast, maintaining sincere devotion to Him alone. Success is from Allah, the Exalted. There is no requirement to make up this fast due to the reason we have stated.

L12269 **Issue: The best fasting after the obligatory fasting.**

L12270 790 - Issue: The best fasting after obligatory fasting is fasting a day and breaking a day.

L12271–12273 It is absolutely impermissible for anyone to fast beyond that at all, and exceeding it is a sin for one against whom the proof has been established. Perpetual fasting is fundamentally impermissible. It is narrated by Abdur Rahman ibn Abdullah ibn Khalid, on the authority of Ibrahim ibn Ahmad, Al-Farbari, Al-Bukhari, Muhammad ibn Muqatil, Abdullah ibn Al-Mubarak, Al-Awza’i, Yahya ibn Abi Kathir, who said: Abu Salama ibn Abdur Rahman ibn Awf narrated to me, saying: Abdullah ibn Amr ibn Al-As reported: The Messenger of Allah said to me, “O Abdullah ibn Amr! Have I not been told

[45] **Qur’an references (L12266):** Qur’an 98:5 (Al-Bayyinah).

لَهُ الدِّينَ} [البينة: ٥] . فَإِنْ نَذَرَ أَنْ يَصُومَ سَنَةً حَاشَا رَمَضَانَ وَالْأَيَّامَ الْمَنْهِيَّ عَنْ صِيَامِهَا لَزِمَهُ ذَلِكَ، لِأَنَّهُ نَذْرُ طَاعَةٍ، وَكَذَلِكَ لَوْ نَذَرَ صَوْمَ شَوَّالٍ، أَوْ صَوْمَ ذِي الْحِجَّةِ، أَوْ صَوْمَ شَعْبَانَ فَلَا يَلْزَمُهُ شَيْءٌ لِمَا ذَكَرْنَا إِلَّا أَنْ يَنْوِيَ اسْتِثْنَاءَ مَا لَا يَجُوزُ صَوْمُهُ مِنَ الْأَيَّامِ فَيَلْزَمُهُ ذَلِكَ.

[مَسْأَلَةٌ كَانَ عَلَيْهِ صَوْمُ يَوْمٍ بِعَيْنِهِ نَذْرًا فَجَاءَ رَمَضَانُ]

٧٨٩ - مَسْأَلَةٌ: وَمَنْ كَانَ عَلَيْهِ صَوْمُ يَوْمٍ بِعَيْنِهِ نَذْرًا فَإِذَا جَاءَ رَمَضَانُ لَزِمَهُ فَرْضًا أَنْ يَصُومَ ذَلِكَ الْيَوْمَ لِرَمَضَانَ لَا لِلنَّذْرِ أَصْلًا، فَإِنْ صَامَهُ لِنَذْرِهِ أَوْ لِرَمَضَانَ وَلِنَذْرِهِ فَالْإِثْمُ عَلَيْهِ وَلَا يُجْزِئُهُ لَا لِنَذْرِهِ وَلَا لِرَمَضَانَ، لِأَنَّ أَمْرَ اللَّهِ تَعَالَى مُتَقَدِّمٌ لِنَذْرِهِ فَلَيْسَ لَهُ أَنْ يَصُومَ رَمَضَانَ وَلَا شَيْئًا مِنْهُ لِغَيْرِ مَا أَمَرَهُ اللَّهُ تَعَالَى بِصِيَامِهِ مُخْلِصًا لَهُ ذَلِكَ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ، وَلَا قَضَاءَ عَلَيْهِ فِيهِ لِمَا ذَكَرْنَاهُ.

[مَسْأَلَةٌ أَفْضَلُ الصَّوْمِ بَعْدَ الصِّيَامِ الْمَفْرُوضِ]

٧٩٠ - مَسْأَلَةٌ: وَأَفْضَلُ الصَّوْمِ بَعْدَ الصِّيَامِ الْمَفْرُوضِ صَوْمُ يَوْمٍ وَإِفْطَارُ يَوْمٍ.

وَلَا يَحِلُّ لِأَحَدٍ أَنْ يَصُومَ أَكْثَرَ مِنْ ذَلِكَ أَصْلًا، وَالزِّيَادَةُ عَلَيْهِ مَعْصِيَةٌ مِمَّنْ قَامَتْ عَلَيْهِ بِهَا الْحُجَّةُ، وَلَا يَحِلُّ صَوْمُ الدَّهْرِ أَصْلًا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ نَا إِبْرَاهِيمُ بْنُ أَحْمَدَ نَا الْفَرَبْرِيُّ نَا الْبُخَارِيُّ نَا مُحَمَّدُ بْنُ مُقَاتِلٍ نَا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ أَنَا الْأَوْزَاعِيُّ نَا يَحْيَى بْنُ أَبِي كَثِيرٍ حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: حَدَّثَنِي عَبْدُ اللَّهِ بْنُ عَمْرِو بْنِ الْعَاصِ قَالَ: قَالَ لِي رَسُولُ اللَّهِ: «يَا عَبْدَ اللَّهِ بْنَ عَمْرٍو

that you fast during the day and pray at night?" I replied, "Yes, O Messenger of Allah." He said, "Do not do so. Fast and break your fast, pray and sleep, for your body has a right over you, your eyes have a right over you, your wife has a right over you, and your guest has a right over you. It suffices you to fast three days each month, for every good deed is multiplied tenfold, thus that equals fasting the entire perpetual time." I insisted, so it was made stricter for me. I said, "O Messenger of Allah, I feel capable of more." He said, "Then fast as the Prophet of Allah, David, fasted." And do not exceed that. I said: What was the fasting of the Prophet of Allah, David? He said: Half the year. By the narration of al-Bukhari from Abu al-Yaman al-Hakam ibn Nafi', from Shu'ayb ibn Abi Hamzah, from al-Zuhri, from Sa'id ibn al-Musayyib, from Abdullah ibn Amr, from the Messenger of Allah (peace be upon him), narrating the hadith. In it: "Abdullah ibn Amr said (may Allah be pleased with him): 'I can do better than that.' He said, 'Fast a day and break a day.' I said, 'I can do better than that.' He said, 'There is nothing better than that.'"[46]

أَلَمْ أُخْبَرْ أَنَّكَ تَصُومُ النَّهَارَ وَتَقُومُ اللَّيْلَ؟ قُلْتُ: بَلَى يَا رَسُولَ اللَّهِ قَالَ: فَلَا تَفْعَلْ، صُمْ وَأَفْطِرْ وَقُمْ وَنَمْ، فَإِنَّ لِجَسَدِكَ عَلَيْكَ حَقًّا وَإِنَّ لِعَيْنِكَ عَلَيْكَ حَقًّا، وَإِنَّ لِزَوْجِكَ عَلَيْكَ حَقًّا، وَإِنَّ لِزَوْرِكَ عَلَيْكَ حَقًّا، وَإِنَّ بِحَسْبِكَ أَنْ تَصُومَ مِنْ كُلِّ شَهْرٍ ثَلَاثَةَ أَيَّامٍ فَإِنَّ لَكَ بِكُلِّ حَسَنَةٍ عَشْرَ أَمْثَالِهَا فَإِذَا ذَلِكَ صِيَامُ الدَّهْرِ كُلِّهِ فَشَدَّدْتُ فَشُدِّدَ عَلَيَّ قُلْتُ: يَا رَسُولَ اللَّهِ إِنِّي أَجِدُ قُوَّةً؟ قَالَ فَصُمْ صِيَامَ نَبِيِّ اللَّهِ دَاوُد وَلَا تَزِدْ عَلَيْهِ، قُلْتُ: وَمَا كَانَ صِيَامُ نَبِيِّ اللَّهِ دَاوُد؟ قَالَ: نِصْفُ الدَّهْرِ» . وَمِنْ طَرِيقِ الْبُخَارِيِّ عَنْ أَبِي الْيَمَانِ الْحَكَمِ بْنِ نَافِعٍ عَنْ شُعَيْبِ بْنِ أَبِي حَمْزَةَ عَنْ الزُّهْرِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَذَكَرَ الْحَدِيثَ. وَفِيهِ: «أَنَّ عَبْدَ اللَّهِ بْنَ عَمْرٍو قَالَ - عَلَيْهِ السَّلَامُ - إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ، قَالَ: فَصُمْ يَوْمًا وَأَفْطِرْ يَوْمًا؟ قُلْتُ: إِنِّي أُطِيقُ أَفْضَلَ مِنْ ذَلِكَ؟ قَالَ: لَا أَفْضَلَ مِنْ ذَلِكَ» .

L12274 Abu Muhammad said: The prohibition of the Prophet (peace be upon him) against exceeding the practice of fasting one day and breaking the next is confirmed, and we seek refuge in Allah from violating his prohibition. Since he (peace be upon him) affirmed that nothing is superior to this practice, it is established that whoever fasts beyond this has diminished his merit. If his merit is diminished, those additional fasts are nullified without doubt, becoming a deed without reward—rather, it diminishes his reward. Thus, it is confirmed that this is fundamentally impermissible. Ali said: Among the peculiar misfortunes is the statement of some who speak about knowledge in a way incumbent upon them rather than it being their right. He said: This hadith mentions that the Prophet (peace be upon him) stated, "Observe the fast of Dawud: he would fast one day and break the next, and would not flee when encountering." Thus he claimed: This ruling applies only to those who do not flee when encountering. Abu Muhammad said: This accursed

قَالَ أَبُو مُحَمَّد: فَصَحَّ نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الزِّيَادَةِ عَلَى صِيَامِ يَوْمٍ وَإِفْطَارِ يَوْمٍ وَنَعُوذُ بِاَللَّهِ مِنْ مُوَاقَعَةِ نَهْيِهِ، وَإِذْ أَخْبَرَ - عَلَيْهِ السَّلَامُ - أَنَّهُ لَا أَفْضَلَ مِنْ ذَلِكَ فَقَدْ صَحَّ أَنَّ مَنْ صَامَ أَكْثَرَ مِنْ ذَلِكَ فَقَدْ انْحَطَّ فَضْلُهُ فَإِذَا انْحَطَّ فَضْلُهُ فَقَدْ حَبِطَتْ تِلْكَ الزِّيَادَةُ بِلَا شَكٍّ وَصَارَ عَمَلًا لَا أَجْرَ لَهُ فِيهِ بَلْ هُوَ نَاقِصٌ مِنْ أَجْرِهِ؛ فَصَحَّ أَنَّهُ لَا يَحِلُّ أَصْلًا. قَالَ عَلِيٌّ: وَمِنْ طَرَائِفِ الْمَصَائِبِ قَوْلُ بَعْضِ مَنْ يَتَكَلَّمُ فِي الْعِلْمِ بِمَا هُوَ عَلَيْهِ لَا لَهُ: قَالَ: قَدْ جَاءَ هَذَا الْحَدِيثُ وَفِيهِ أَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ: «فَصُمْ صَوْمَ دَاوُد كَانَ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمًا وَلَا يَفِرُّ إذَا لَاقَى» فَقَالَ: إنَّمَا هَذَا الْحُكْمُ لِمَنْ لَا يَفِرُّ إذَا لَاقَى. قَالَ أَبُو مُحَمَّدٍ: فَجَمَعَ هَذَا الْكَلَامُ الْمَلْعُونُ وَجْهَيْنِ مِنْ الضَّلَالِ -: أَحَدُهُمَا:

[46] **Hadith references (L12271):** Sahih al-Bukhari 5199.

statement combines two aspects of misguidance: First, falsely attributing to Allah's Messenger (peace be upon him) what he did not say, for he (peace be upon him) commanded Abdullah ibn Amr to follow this practice and declared definitively that no fasting surpasses the fasting of Dawud.[47]

الْكَذِبُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِمَا لَمْ يُخْبِرْ بِهِ بَلْ قَدْ أَمَرَ - عَلَيْهِ السَّلَامُ - بِذَلِكَ عَبْدَ اللَّهِ بْنَ عَمْرٍو وَقَطَعَ بِأَنَّهُ لَا صَوْمَ أَفْضَلُ مِنْ صَوْمِ دَاوُد.

L12275 Secondly: that it is a preposterous interpretation devoid of logic, for there is no doubt that one who does not flee in the path of Allah when confronting [the enemy] is superior to one who flees. If the ruling for the superior individual is that he should not seek to increase in virtue through fasting and is prohibited from it, then this is the law of Satan—not the law of Muḥammad (peace be upon him).

وَالثَّانِي: أَنَّهُ تَأْوِيلٌ سَخِيفٌ لَا يُعْقَلُ، لِأَنَّهُ لَا شَكَّ فِي أَنَّ مَنْ لَا يَفِرُّ فِي سَبِيلِ اللَّهِ إذَا لَاقَى أَفْضَلُ مِمَّنْ يَفِرُّ، فَإِذَا كَانَ حُكْمُ الْأَفْضَلِ أَنْ لَا يَتَزَيَّدَ مِنْ الْفَضْلِ فِي الصِّيَامِ وَيُمْنَعُ مِنْ ذَلِكَ، فَهَذِهِ شَرِيعَةُ إبْلِيسَ لَا شَرِيعَةُ مُحَمَّدٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L12276 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us; Abdul-Wahhab ibn Isa narrated to us; Ahmad ibn Muhammad narrated to us; Ahmad ibn Ali narrated to us; Muslim ibn al-Hajjaj narrated to us; Ubaidullah ibn Mu'adh—that is, Ibn Mu'adh al-Anbari—narrated to us: My father narrated to us; Shu'bah narrated from Habib ibn Abi Thabit, who heard Abu al-Abbas—identified as al-Sa'ib ibn Farrukh al-Makki—who heard Abdullah ibn Amr say: The Messenger of Allah—may Allah's peace and blessings be upon him—said, "There is no valid fast for the one who fasts perpetually."

نَا عَبْدُ اللَّهِ بْنُ يُوسُفَ نَا أَحْمَدُ بْنُ فَتْحٍ نَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نَا أَحْمَدُ بْنُ مُحَمَّدٍ نَا أَحْمَدُ بْنُ عَلِيٍّ نَا مُسْلِمُ بْنُ الْحَجَّاجِ نَا عُبَيْدُ اللَّهِ بْنُ مُعَاذٍ هُوَ ابْنُ مُعَاذٍ الْعَنْبَرِيُّ نَا أَبِي نَا شُعْبَةُ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ سَمِعَ أَبَا الْعَبَّاسِ هُوَ السَّائِبُ بْنُ فَرُّوخَ الْمَكِّيُّ - سَمِعَ عَبْدَ اللَّهِ بْنَ عَمْرٍو يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا صَامَ مَنْ صَامَ الْأَبَدَ» .

L12277–12278 We have narrated it through the chain of Al-Bukhari: from Adam, from Shu'bah, who mentioned it with the aforementioned chain. In it is: "The Messenger of Allah (peace be upon him) said: 'There is no fast for one who fasts perpetually.'" Through the chain of Abu Qatadah: "From the Messenger of Allah (peace be upon him)—when it was mentioned to him that someone fasts perpetually—he (peace be upon him) said: 'He has neither truly fasted nor properly broken his fast,' or 'There is no fast nor breaking of fast for him.'" Similarly, an explicit text through the chain of Mutarrif from 'Abdullah ibn Ash-Shikhkhir from his father, and 'Imran ibn Al-Husayn—both narrators—from the Messenger of Allah (peace be upon him) states regarding one who fasts perpetually: "He has neither truly fasted nor properly broken his fast." Thus, it is confirmed that his fasting is invalidated and devoid of reward, yet he has not broken the fast. These are corroborating, mass-transmitted

وَرُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ نَا آدَمُ نَا شُعْبَةُ فَذَكَرَهُ بِإِسْنَادِهِ الْمَذْكُورِ، وَفِيهِ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا صَامَ مَنْ صَامَ الدَّهْرَ» . وَمِنْ طَرِيقِ أَبِي قَتَادَةَ «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ -: وَقَدْ ذُكِرَ لَهُ مَنْ يَصُومُ الدَّهْرَ - فَقَالَ - عَلَيْهِ السَّلَامُ - لَا صَامَ وَلَا أَفْطَرَ، أَوْ مَا صَامَ وَلَا أَفْطَرَ» . وَكَذَلِكَ نَصًّا مِنْ طَرِيقِ مُطَرِّفٍ عَنْ عَبْدِ اللَّهِ بْنِ الشِّخِّيرِ عَنْ أَبِيهِ، وَعِمْرَانَ بْنِ الْحُصَيْنِ كِلَاهُمَا «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ فِيمَنْ صَامَ الدَّهْرَ لَا صَامَ وَلَا أَفْطَرَ» فَقَدْ صَحَّ أَنَّهُ حَبِطَ صَوْمُهُ وَلَمْ يُفْطِرْ. وَهَذِهِ أَخْبَارٌ مُتَظَاهِرَةٌ مُتَوَاتِرَةٌ لَا يَحِلُّ الْخُرُوجُ عَنْهَا. وَمِنْ عَجَائِبِهِمْ أَنَّهُمْ قَالُوا: إنَّمَا لَا يَجُوزُ إذَا صَامَ الدَّهْرَ وَلَمْ يُفْطِرْ الْأَيَّامَ الْمَنْهِيَّ عَنْهَا؟

[47] **Hadith references (L12274):** Sahih Muslim 1159h.

reports; it is impermissible to deviate from them. Among their astonishing claims is their assertion: “It is only impermissible if one fasts perpetually and does not break the fast on the prohibited days.” We responded: “He who said this has uttered falsehood, for the Messenger of Allah (peace be upon him) forbade exceeding half the year in fasting and nullified the reward of those who exceed it.” Abu Muhammad said: “Those who oppose us have raised baseless objections by citing the hadith of Hamzah ibn ʻAmr Al-Aslami, who said: ’O Messenger of Allah, I fast continuously; should I fast while traveling?’ He replied, ’If you wish, fast, and if you wish, break your fast.’”

فَقُلْنَا: كَذَبَ مَنْ قَالَ هَذَا لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَنَعَ وَنَهَى عَنْ الزِّيَادَةِ عَلَى نِصْفِ الدَّهْرِ وَأَبْطَلَ أَجْرَ مَنْ زَادَ. قَالَ أَبُو مُحَمَّد: وَشَغَبَ مَنْ خَالَفَنَا بِأَنْ ذَكَرَ حَدِيثَ «حَمْزَةَ بْنِ عَمْرٍو الْأَسْلَمِيِّ أَنَّهُ قَالَ: يَا رَسُولَ اللَّهِ إنِّي أَسْرُدُ الصَّوْمَ أَفَأَصُومُ فِي السَّفَرِ؟ قَالَ: إنْ شِئْت فَصُمْ وَإِنْ شِئْتَ فَأَفْطِرْ» .

L12279 And with a report we transmitted through the chain of Zayd ibn al-Ḥubāb: Thābit informed me from Qays al-Ghifārī, who narrated to me; Abū Saʿīd al-Maqburī narrated to me; Abū Hurayrah narrated to me from Usāmah ibn Zayd, who said: “The Messenger of Allah—peace and blessings of Allah be upon him—would fast continuously (successively), and people would say: ’He does not break his fast.’” Abū Muḥammad said: There is no proof for them in these two reports, because continuous fasting merely means consecutive observance, not fasting more than half the time (the year). This is clarified by the ḥadīth of ʿAbdullāh ibn ʿAmr ibn al-ʿĀṣ which we cited. And the ḥadīth of ʿĀ’ishah which we transmitted through the chain reported in the collection of Muslim ibn al-Ḥajjāj: From Abū Bakr ibn Abī Shaybah, from Sufyān ibn ʿUyaynah, from Ibn Abī Labīd, from Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, who said: “I asked ʿĀ’ishah, the Mother of the Believers, about the fasting of the Messenger of Allah—peace and blessings of Allah be upon him—and she said: ’He would fast until we said: He must be fasting, and he would cease fasting until we said: He must have stopped. I never saw him fast in any month more than he fasted in Shaʿbān. He would fast all of Shaʿbān—he would fast Shaʿbān except for a little.’”

وَبِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ زَيْدِ بْنِ الْحُبَابِ: أَخْبَرَنِي ثَابِتٌ عَنْ قَيْسٍ الْغِفَارِيِّ حَدَّثَنِي أَبُو سَعِيدٍ الْمَقْبُرِيِّ حَدَّثَنِي أَبُو هُرَيْرَةَ عَنْ أُسَامَةَ بْنِ زَيْدٍ قَالَ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَسْرُدُ الصَّوْمَ فَيُقَالُ: لَا يُفْطِرُ» . قَالَ أَبُو مُحَمَّد: لَا حُجَّةَ لَهُمْ فِي هَذَيْنِ الْخَبَرَيْنِ، لِأَنَّ السَّرْدَ إنَّمَا هُوَ الْمُتَابَعَةُ لَا صَوْمُ أَكْثَرَ مِنْ نِصْفِ الدَّهْرِ، يُبَيِّنُ ذَلِكَ حَدِيثُ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ الَّذِي أَوْرَدْنَاهُ. وَحَدِيثُ عَائِشَةَ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ نَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ ابْنِ أَبِي لَبِيدٍ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ قَالَ: «سَأَلْتُ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ عَنْ صِيَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: كَانَ يَصُومُ حَتَّى نَقُولَ: قَدْ صَامَ وَيُفْطِرُ حَتَّى نَقُولَ: قَدْ أَفْطَرَ، وَلَمْ أَرَهُ صَائِمًا مِنْ شَهْرٍ قَطُّ أَكْثَرَ مِنْ صِيَامِهِ مِنْ شَعْبَانَ، كَانَ يَصُومُ شَعْبَانَ كُلَّهُ، كَانَ يَصُومُ شَعْبَانَ إلَّا قَلِيلًا» .

L12280–12281 This Mother of the Believers clarified the consecutive fasting mentioned by Usama and that mentioned by Hamza ibn Amr in his narration, thereby invalidating any basis they might have in any of the narrations. They further obscured matters with what we transmitted through Abd al-Rahman ibn Mahdi from Shu’bah from Abd al-Rahman ibn al-Qasim ibn Muhammad from his father: “Aisha used to fast perpetually.” I asked: “Perpetually?”

فَهَذِهِ أُمُّ الْمُؤْمِنِينَ بَيَّنَتْ السَّرْدَ الَّذِي ذَكَرَهُ أُسَامَةُ، وَالَّذِي ذَكَرَهُ حَمْزَةُ بْنُ عَمْرٍو فِي حَدِيثِهِ، فَبَطَلَ أَنْ يَكُونَ لَهُمْ مُتَعَلَّقٌ بِشَيْءٍ مِنْ الْآثَارِ. وَمَوَّهُوا أَيْضًا بِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ شُعْبَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ

He replied: “She would fast consecutively.” Through the chain of Hammad ibn Salama from Ubayd Allah ibn Umar from Nafi’ from Ibn Umar: “Umar maintained consecutive fasting.” It is also narrated from him that he maintained consecutive fasting starting two years before his death. Through Abd al-Razzaq’s chain from Ja’far ibn Sulayman al-Duba’i from Thabit al-Bunani from Anas: “Abu Talha rarely fasted during the lifetime of Allah’s Messenger (peace and blessings be upon him) due to the enemy. After the Prophet’s death (peace and blessings be upon him), I never saw him break his fast except on Eid al-Adha or Eid al-Fitr.” Through Ibn Abi Shaybah’s chain via Hammad ibn Khalid from al-Zubayr ibn Abdullah ibn Umayma from his grandmother: “Uthman would fast perpetually and pray nightly except for a brief sleep at the night’s beginning.” Al-Aswad, Urwah, and Ubayd are also reported to have fasted perpetually.

أَنَّ عَائِشَةَ كَانَتْ تَصُومُ الدَّهْرَ، قُلْت: الدَّهْرُ؟ قَالَ: كَانَتْ تَسْرُدُ. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ: كَانَ عُمَرُ يَسْرُدُ الصَّوْمَ. وَعَنْهُ أَيْضًا أَنَّهُ سَرَدَ الصَّوْمَ قَبْلَ مَوْتِهِ بِسَنَتَيْنِ. وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ جَعْفَرِ بْنِ سُلَيْمَانَ هُوَ الضُّبَعِيُّ - عَنْ ثَابِتٍ الْبُنَانِيِّ عَنْ أَنَسٍ قَالَ: كَانَ أَبُو طَلْحَةَ قَلَّ مَا يَصُومُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ أَجْلِ الْعَدُوِّ، فَلَمَّا تُوُفِّيَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا رَأَيْتُهُ مُفْطِرًا إلَّا يَوْمَ أَضْحًى، أَوْ يَوْمَ فِطْرٍ. وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ نَا حَمَّادُ بْنُ خَالِدٍ عَنْ الزُّبَيْرِ بْنِ عَبْدِ اللَّهِ ابْنِ أُمَيْمَةَ عَنْ جَدَّتِهِ قَالَتْ: كَانَ عُثْمَانُ يَصُومُ الدَّهْرَ وَيَقُومُ اللَّيْلَ إلَّا هَجْعَةً مِنْ أَوَّلِهِ. وَعَنْ الْأَسْوَدِ، وَعُرْوَةَ، وَعُبَيْدٍ: أَنَّهُمْ كَانُوا يَصُومُونَ الدَّهْرَ.

L12282 Abu Muhammad said: All of this holds no proof for them. As for Aisha (may Allah be pleased with her), Abd al-Rahman ibn al-Qasim ibn Muhammad distinguished between perpetual fasting and consecutive fasting as we mentioned. Only consecutive fasting—meaning uninterrupted succession, not perpetual fasting—was reliably established from her. Even if that were authentically reported from her—and it is not authentic—we have narrations through Waki’’s chain from Hisham ibn Urwah from his father that Aisha, the Mother of the Believers, used to fast the Days of Tashreeq. Similarly, it is reliably established from her (may Allah be pleased with her) that she preferred fasting the doubtful day at the end of Sha‘ban. If what is unauthenticated from her regarding perpetual fasting is considered proof, then what is authenticated from her regarding fasting the Days of Tashreeq and the doubtful day must equally be proof. If this is not proof, then that cannot be proof.

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّهُ لَا حُجَّةَ لَهُمْ فِيهِ -: أَمَّا عَائِشَةُ - رَضِيَ اللَّهُ عَنْهَا - فَقَدْ فَرَّقَ عَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ بْنِ مُحَمَّدٍ بَيْنَ صِيَامِ الدَّهْرِ وَبَيْنَ سَرْدِ الصَّوْمِ كَمَا ذَكَرْنَا، وَلَمْ يَثْبُتْ عَلَيْهَا إلَّا السَّرْدُ وَهُوَ الْمُتَابَعَةُ لَا صَوْمُ الدَّهْرِ، وَلَوْ صَحَّ عَنْهَا ذَلِكَ وَلَا يَصِحُّ؟ -: فَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ كَانَتْ تَصُومُ أَيَّامَ التَّشْرِيقِ. وَكَذَلِكَ صَحَّ عَنْهَا - رَضِيَ اللَّهُ عَنْهَا - أَنَّهَا كَانَتْ تَخْتَارُ صَوْمَ يَوْمِ الشَّكِّ مِنْ آخِرِ شَعْبَانَ، فَإِنْ كَانَ مَا لَا يَصِحُّ عَنْهَا مِنْ صَوْمِ الدَّهْرِ حُجَّةً فَالَّذِي صَحَّ عَنْهَا مِنْ صَوْمِ أَيَّامِ التَّشْرِيقِ، وَيَوْمِ الشَّكِّ حُجَّةٌ، وَإِنْ لَمْ يَكُنْ هَذَا حُجَّةً فَلَيْسَ ذَلِكَ حُجَّةً.

L12283–12284 If they say: The prohibition of the Prophet—peace and blessings be upon him—against fasting the days of Tashriq has been authentically established. It is said to them: His prohibition—peace and blessings be upon him—against fasting more than half of the year has also been authentically established, as

فَإِنْ قَالُوا: قَدْ صَحَّ نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَوْمِ أَيَّامِ التَّشْرِيقِ. قِيلَ لَهُمْ: وَقَدْ صَحَّ نَهْيُهُ - عَلَيْهِ السَّلَامُ - عَنْ صَوْمِ أَكْثَرَ مِنْ نِصْفِ الدَّهْرِ، وَصَحَّ نَهْيُهُ عَنْ

has his prohibition against perpetual fasting. As for the report concerning Umar, it contains nothing but uninterrupted continuity—that is, consistent observance—not perpetual fasting. Rather, the prohibition of perpetual fasting has been authentically transmitted from him, as we have narrated through Waki''s chain from Isma'il ibn Abi Khalid from Abu 'Amr al-Shaybani, who said: Umar ibn al-Khattab was informed that a man engaged in perpetual fasting. He went to him, struck him with a whip, and repeated: "Eat, O time! Eat, O time!" This narration is of the highest authenticity from him. Thus, it is confirmed that prohibiting perpetual fasting was part of his legal doctrine, for had he deemed it permissible, he would not have struck him for it nor commanded him to break the fast.

L12285 As for 'Uthmān, al-Zubayr ibn 'Abd Allāh ibn Umayma and his grandmother are unknown narrators, thus this report is invalidated. As for Abū Ṭalḥa, we have received a narration via Shu'ba from Qaṭāda from Anas ibn Mālik, who said: "Abū Ṭalḥa would consume hail while fasting." Abū Muḥammad said: In the report they disputed, Anas stated: "I never saw him break his fast except on Eid al-Fiṭr or Eid al-Aḍḥā." Yet this report indicates he used to fast during the days of Tashrīq. If Abū Ṭalḥa's act of consuming hail while fasting is not authoritative evidence, then his perpetual fasting cannot be authoritative evidence either. Conversely, if his perpetual fasting is authoritative evidence, then his consumption of hail during fasting must likewise be authoritative evidence. Thus, all the specious arguments they fabricated concerning the Companions—may Allāh be pleased with them—are refuted.

L12286 As for al-Aswad: We narrated from Waki' through Shu'bah from al-Hakam ibn 'Utaybah that al-Aswad would fast perpetually and the days of Tashreeq. From Ma'mar through Hisham ibn 'Urwah from his father: He fasted forty years or thirty years - Hisham said: "I never saw him break his fast except on a day of Fitr or a Day of Sacrifice." They should follow these two in fasting the days of Tashreeq; otherwise, the people are trifling. 'Ali said: It is authentically established from 'Umar what we mentioned regarding the prohibition of perpetual fasting, his command to break it, and 'Umar's striking the one who fasted regarding his fasting. Through Shu'bah's chain from Qatādah from Abī Tamīmah al-Hujaymī from Abū Mūsā al-Ash'arī who said: "Who-

صَوْمِ الدَّهْرِ. وَأَمَّا خَبَرُ عُمَرَ فَلَيْسَ فِيهِ إِلَّا السَّرْدُ فَقَطْ وَهُوَ الْمُتَابَعَةُ لَا صِيَامُ الدَّهْرِ، بَلْ قَدْ صَحَّ عَنْهُ تَحْرِيمُ صِيَامِ الدَّهْرِ كَمَا رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ إِسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ أَبِي عَمْرٍو الشَّيْبَانِيِّ قَالَ: بَلَغَ عُمَرُ بْنُ الْخَطَّابِ: أَنَّ رَجُلًا يَصُومُ الدَّهْرَ فَأَتَاهُ فَعَلَاهُ بِالدِّرَّةِ وَجَعَلَ يَقُولُ: كُلْ يَا دَهْرُ كُلْ يَا دَهْرُ، وَهَذَا فِي غَايَةِ الصِّحَّةِ عَنْهُ، فَصَحَّ أَنَّ تَحْرِيمَ صَوْمِ الدَّهْرِ كَانَ مِنْ مَذْهَبِهِ وَلَوْ كَانَ عِنْدَهُ مُبَاحًا لَمَا ضَرَبَ فِيهِ وَلَا أَمَرَ بِالْفِطْرِ.

وَأَمَّا عُثْمَانُ، فَإِنَّ الزُّبَيْرَ بْنَ عَبْدِ اللَّهِ ابْنِ أُمَيْمَةَ وَجَدَّتَهُ مَجْهُولَانِ، فَسَقَطَ هَذَا الْخَبَرُ. وَأَمَّا أَبُو طَلْحَةَ فَقَدْ رُوِّينَا مِنْ طَرِيقِ شُعْبَةَ عَنْ قَتَادَةَ عَنْ أَنَسِ بْنِ مَالِكٍ قَالَ: كَانَ أَبُو طَلْحَةَ يَأْكُلُ الْبَرَدَ وَهُوَ صَائِمٌ. قَالَ أَبُو مُحَمَّدٍ: وَفِي الْخَبَرِ الَّذِي شَغَبُوا بِهِ: أَنَّ أَنَسًا قَالَ: مَا رَأَيْتُهُ مُفْطِرًا إِلَّا يَوْمَ فِطْرٍ، أَوْ يَوْمَ أَضْحَى، فَفِي هَذَا الْخَبَرِ: أَنَّهُ كَانَ يَصُومُ أَيَّامَ التَّشْرِيقِ فَإِنْ لَمْ يَكُنْ فِعْلُ أَبِي طَلْحَةَ فِي أَكْلِهِ الْبَرَدَ وَهُوَ صَائِمٌ حُجَّةً فَصَوْمُهُ الدَّهْرَ لَيْسَ حُجَّةً، وَلَئِنْ كَانَ صَوْمُهُ الدَّهْرَ حُجَّةً فَإِنَّ أَكْلَهُ الْبَرَدَ فِي صِيَامٍ حُجَّةٌ، فَسَقَطَ كُلُّ مَا مَوَّهُوا بِهِ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

وَأَمَّا الْأَسْوَدُ: فَرُوِّينَا عَنْ وَكِيعٍ عَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ: أَنَّ الْأَسْوَدَ كَانَ يَصُومُ الدَّهْرَ وَأَيَّامَ التَّشْرِيقِ وَعَنْ مَعْمَرٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ: أَنَّهُ صَامَ أَرْبَعِينَ سَنَةً أَوْ ثَلَاثِينَ سَنَةً - قَالَ هِشَامٌ: لَمْ أَرَهُ مُفْطِرًا إِلَّا يَوْمَ فِطْرٍ أَوْ يَوْمَ نَحْرٍ، فَلْيَقْتَدُوا بِهِمَا فِي صَوْمِ أَيَّامِ التَّشْرِيقِ وَإِلَّا فَالْقَوْمُ مُتَلَاعِبُونَ. قَالَ عَلِيٌّ: صَحَّ عَنْ عُمَرَ مَا ذَكَرْنَاهُ مِنْ النَّهْيِ عَنْ صَوْمِ الدَّهْرِ، وَأَمْرِهِ بِالْفِطْرِ فِيهِ، وَضَرْبِهِ عَلَى صِيَامِهِ. وَمِنْ طَرِيقِ شُعْبَةَ عَنْ قَتَادَةَ

ever fasts perpetually, Allah will restrict him like this:" - and he clenched his fist.

L12287–12288 From the narration of Sufyan al-Thawri through Abu Tamimah al-Hujaymi from Abu Musa al-Ash'ari, who said: "Whoever fasts perpetually will have Hellfire constricted upon him." This has also been transmitted as a musnad narration. Ali said: "Among their rare interpretations is their claim that this means 'Hellfire is constricted upon him so he cannot enter it?'" Ali said: "This contains a dialectal irregularity and a falsehood. As for the dialectal irregularity: Had this been the intended meaning, the wording would have been 'constricted away from him' rather than 'upon him.' As for the falsehood: All transmitters of this report conveyed it in the context of prohibition against perpetual fasting. How then can this align with Shu'bah's aforementioned narration which states only 'Allah constricted it upon him'?"

Through Abd al-Rahman ibn Mahdi from Abu Ishaq: Ibn Abi An'um used to fast perpetually. Amr ibn Maymun remarked: "Had Muhammad's companions - peace be upon him - witnessed this, they would have pelted him with stones." Ali said: "They claim scholarly consensus over lesser matters. Pelting here refers to throwing pebbles, as Ibn Umar would do to those speaking during the Friday sermon."

Through Shu'bah from Yahya ibn Umar and al-Hamdani from his father: Abdullah ibn Mas'ud was asked about perpetual fasting and disliked it. Through Abu Bakrah and A'idh ibn Amr: Both disliked fasting in Rajab, which necessarily indicates their rejection of perpetual fasting. Ali said: "Had it been permissible according to Ibn Mas'ud, he would not have disliked it, for righteous acts are not disliked - only deeds devoid of virtue earn disapproval."

Al-Sha'bi is reported to have disliked perpetual fasting. Sa'id ibn Jubayr disliked fasting any complete month besides Ramadan.

L12289 **The issue of fasting three days in each month.**

L12290–12292 Issue 791: Abū Muḥammad said: We recommend fasting three days each month, and we recommend fasting on Mondays and Thursdays. All of this

عَنْ أَبِي تَمِيمَةَ الْهُجَيْمِيِّ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: مَنْ صَامَ الدَّهْرَ ضَيَّقَ اللَّهُ عَلَيْهِ هَكَذَا -: وَقَبَضَ كَفَّهُ.

وَمِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي تَمِيمَةَ الْهُجَيْمِيِّ عَنْ أَبِي مُوسَى الْأَشْعَرِيِّ قَالَ: مَنْ صَامَ الدَّهْرَ ضُيِّقَتْ عَلَيْهِ جَهَنَّمُ، وَقَدْ رُوِيَ أَيْضًا مُسْنَدًا. قَالَ عَلِيٌّ: مِنْ نَوَادِرِهِمْ قَوْلُهُمْ: مَعْنَاهُ ضُيِّقَتْ عَلَيْهِ جَهَنَّمُ حَتَّى لَا يَدْخُلَهَا؟ قَالَ عَلِيٌّ: وَهَذِهِ لُكْنَةٌ وَكَذِبٌ -: أَمَّا اللُّكْنَةُ: فَإِنَّهُ لَوْ أَرَادَ هَذَا لَقَالَ: ضُيِّقَتْ عَنْهُ، وَلَمْ يَقُلْ: عَلَيْهِ، وَأَمَّا الْكَذِبُ: فَإِنَّمَا أَوْرَدَهُ رُوَاتُهُ كُلُّهُمْ عَلَى التَّشْدِيدِ وَالنَّهْيِ عَنْ صَوْمِهِ فَكَيْفَ وَرِوَايَةُ شُعْبَةَ الْمَذْكُورَةُ إِنَّمَا هِيَ ضَيَّقَ اللَّهُ عَلَيْهِ فَقَطْ؟ وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ أَبِي إِسْحَاقَ أَنَّ ابْنَ أَبِي أَنْعُمٍ كَانَ يَصُومُ الدَّهْرَ؟ فَقَالَ عَمْرُو بْنُ مَيْمُونٍ: لَوْ رَأَى هَذَا أَصْحَابُ مُحَمَّدٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَرَجَمُوهُ. قَالَ عَلِيٌّ: هُمْ يَدَّعُونَ الْإِجْمَاعَ بِأَقَلَّ مِنْ هَذَا، وَقَدْ يَكُونُ الرَّجْمُ حَصْبًا كَمَا كَانَ يَفْعَلُ ابْنُ عُمَرَ بِمَنْ رَآهُ يَتَكَلَّمُ وَالْإِمَامُ يَخْطُبُ. وَمِنْ طَرِيقِ شُعْبَةَ عَنْ يَحْيَى بْنِ عُمَرَ وَالْهَمْدَانِيِّ عَنْ أَبِيهِ أَنَّهُ سَمِعَ عَبْدَ اللَّهِ بْنَ مَسْعُودٍ - وَسُئِلَ عَنْ صَوْمِ الدَّهْرِ - فَكَرِهَهُ. وَمِنْ طَرِيقِ أَبِي بَكْرَةَ، وَعَائِذِ بْنِ عَمْرٍو أَنَّهُمَا كَرِهَا صَوْمَ رَجَبٍ، وَهَذَا يَقْتَضِي وَلَا بُدَّ أَنَّهُمَا لَا يُجِيزَانِ صِيَامَ الدَّهْرِ. قَالَ عَلِيٌّ: لَوْ كَانَ مُبَاحًا عِنْدَ ابْنِ مَسْعُودٍ مَا كَرِهَهُ، لِأَنَّ فِعْلَ الْخَيْرِ لَا يُكْرَهُ، وَلَا يُكْرَهُ إِلَّا مَا لَا خَيْرَ فِيهِ وَلَا أَجْرَ. وَعَنْ الشَّعْبِيِّ أَنَّهُ كَرِهَ صَوْمَ الدَّهْرِ. وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ أَنَّهُ كَرِهَ صَوْمَ شَهْرٍ تَامٍّ غَيْرِ رَمَضَانَ

[مَسْأَلَةٌ صِيَامِ ثَلَاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ]

is on the condition that one does not exceed fasting more than half of one's time. As for the three days, this is due to what we mentioned earlier in the ḥadīth of ʿAbd Allāh ibn ʿAmr ibn al-ʿĀṣ. As for Mondays and Thursdays... And Thursday: For what Abdullah ibn Rabi' narrated to us, from Muhammad ibn Mu'awiyah, from Ahmad ibn Shu'ayb, from al-Qasim ibn Zakariyya, from Husayn, who is al-Ju'fi, from Za'idah, from 'Asim, from al-Musayyib ibn Rafi', from Hafsa, the Mother of the Believers, who said: "The Messenger of Allah (peace be upon him) used to fast on Mondays and Thursdays." It is disliked to fast an entire month other than Ramadan due to what we mentioned of his practice (peace be upon him). We have previously mentioned a statement similar to our earlier position from Sa'id ibn Jubayr.[48]

٧٩١ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ -: وَنَسْتَحِبُّ صِيَامَ ثَلَاثَةِ أَيَّامٍ مِنْ كُلِّ شَهْرٍ، وَنَسْتَحِبُّ صِيَامَ الِاثْنَيْنِ، وَالْخَمِيسِ، وَكُلُّ هَذَا فَبِأَنْ لَا يَتَجَاوَزَ أَكْثَرَ مِنْ نِصْفِ الدَّهْرِ، فَأَمَّا الثَّلَاثَةُ الْأَيَّامِ فَلِمَا ذَكَرْنَا آنِفًا فِي حَدِيثِ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ وَأَمَّا الِاثْنَيْنِ وَالْخَمِيسُ فَلِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ مُعَاوِيَةَ نَا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا الْقَاسِمُ بْنُ زَكَرِيَّا نَا حُسَيْنٌ هُوَ الْجُعْفِيُّ - عَنْ زَائِدَةَ عَنْ عَاصِمٍ عَنْ الْمُسَيَّبِ هُوَ ابْنُ رَافِعٍ - عَنْ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَصُومُ الِاثْنَيْنِ، وَالْخَمِيسَ» . وَيُكْرَهُ صَوْمُ شَهْرٍ تَامٍّ غَيْرِ رَمَضَانَ لِمَا ذَكَرْنَا مِنْ فِعْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَقَدْ ذَكَرْنَا مِثْلَ قَوْلِنَا آنِفًا عَنْ سَعِيدِ بْنِ جُبَيْرٍ.

A juristic issue: restricting oneself in fasting to the obligatory [fasting].

[مَسْأَلَةٌ اقْتَصَرَ فِي الصِّيَامِ عَلَى الْفَرْضِ]

Issue 792: Whoever confines themselves to performing only the obligatory acts does well, due to what we have previously mentioned from the statement of Allah's Messenger—peace and blessings be upon him—to the man who inquired about religion. The Prophet—peace be upon him—informed him of the obligation of Ramadan. The man asked, "Is there anything else incumbent upon me?" He replied, "No, unless you perform voluntary acts." He mentioned a similar response regarding prayer, zakat, and Hajj. The questioner then declared, "By Allah, I will neither add to this nor neglect it." Thereupon Allah's Messenger—peace and blessings be upon him—said: "He will succeed if he is truthful—he will enter Paradise if he is truthful."

٧٩٢ - مَسْأَلَةٌ: وَمَنْ اقْتَصَرَ عَلَى الْفَرْضِ فَقَطْ فَحَسَنٌ لِمَا قَدْ ذَكَرْنَاهُ قَبْلُ مِنْ «قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِلَّذِي سَأَلَهُ عَنْ الدِّينِ فَأَخْبَرَهُ - عَلَيْهِ السَّلَامُ - بِوُجُوبِ رَمَضَانَ قَالَ: هَلْ عَلَيَّ غَيْرُهُ؟ قَالَ: لَا إلَّا أَنْ تَتَطَوَّعَ - وَذَكَرَ مِثْلَ ذَلِكَ فِي الصَّلَاةِ وَالزَّكَاةِ وَالْحَجِّ، فَقَالَ السَّائِلُ: وَاَللَّهِ لَا أَزِيدُ عَلَى هَذَا وَلَا أَنْقُصُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَفْلَحَ إنْ صَدَقَ دَخَلَ الْجَنَّةَ إنْ صَدَقَ» .

[The Issue of Fasting the Day of ʿĀshūrāʾ]

[مَسْأَلَةٌ صَوْمِ يَوْمِ عَاشُورَاءَ]

Issue 793: We recommend fasting the Day of Ashura, which is the ninth of Muharram, and fasting the tenth day afterward is also commendable. We also recommend fasting the Day of Arafah for pilgrims and others. Abdullah

٧٩٣ - مَسْأَلَةٌ: وَنَسْتَحِبُّ صَوْمَ يَوْمِ عَاشُورَاءَ: وَهُوَ التَّاسِعُ مِنْ الْمُحَرَّمِ وَإِنْ صَامَ الْعَاشِرَ بَعْدَهُ فَحَسَنٌ. وَنَسْتَحِبُّ أَيْضًا صِيَامَ يَوْمِ عَرَفَةَ لِلْحَاجِّ وَغَيْرِهِ -: نَا عَبْدُ اللَّهِ بْنُ

[48] **Hadith references (L12290):** Mishkat al-Masabih 2055.

يُوسُفَ نَا أَحْمَدُ بْنُ فَتْحٍ نَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نَا أَحْمَدُ بْنُ مُحَمَّدٍ نَا أَحْمَدُ بْنُ عَلِيٍّ نَا مُسْلِمُ بْنُ الْحَجَّاجِ نَا مُحَمَّدُ بْنُ الْمُثَنَّى نَا مُحَمَّدُ بْنُ جَعْفَرٍ نَا شُعْبَةُ عَنْ غَيْلَانَ بْنِ جَرِيرٍ سَمِعَ عَبْدَ اللَّهِ بْنَ مَعْبَدٍ الزِّمَّانِيَّ عَنْ أَبِي قَتَادَةَ الْأَنْصَارِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ عَنْ صَوْمِ يَوْمِ عَرَفَةَ؟ فَقَالَ: يُكَفِّرُ السَّنَةَ الْمَاضِيَةَ وَالْبَاقِيَةَ» .

ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us, Abdul-Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Muhammad ibn al-Muthanna narrated to us, Muhammad ibn Ja'far narrated to us, Shu'bah narrated from Ghaylan ibn Jarir, who heard it on the authority of Abdullah ibn Ma'bad al-Zimmānī, who narrated from Abu Qatadah al-Ansari that the Messenger of Allah, peace and blessings be upon him, was asked about fasting the Day of Arafah. He said: "It atones for the past year and the coming year."

«وَسُئِلَ عَنْ صَوْمِ يَوْمِ عَاشُورَاءَ؟ فَقَالَ يُكَفِّرُ السَّنَةَ الْمَاضِيَةَ» . وَبِهِ إِلَى مُسْلِمٍ -: نَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ نَا وَكِيعُ بْنُ الْجَرَّاحِ عَنْ حَاجِبِ بْنِ عُمَرَ عَنِ الْحَكَمِ بْنِ الْأَعْرَجِ قَالَ: «سَأَلْتُ ابْنَ عَبَّاسٍ عَنْ صَوْمِ عَاشُورَاءَ؟ فَقَالَ: إِذَا رَأَيْتَ هِلَالَ الْمُحَرَّمِ فَاعْدُدْ وَأَصْبِحْ يَوْمَ التَّاسِعِ صَائِمًا؟ فَقُلْتُ: هَكَذَا كَانَ مُحَمَّدٌ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَصُومُهُ؟ قَالَ: نَعَمْ» .

L12297 He was asked about fasting the Day of Ashura. He replied, "It expiates the past year." This chain is transmitted in Ṣaḥīḥ Muslim: Abū Bakr ibn Abī Shaybah reported to us: Wakīʿ ibn al-Jarrāḥ reported to us from Ḥājib ibn ʿUmar from al-Ḥakam ibn al-Aʿraj, who said: "I asked Ibn ʿAbbās about fasting Ashura. He said, 'When you see the crescent of Muḥarram, count, then fast on the ninth day.' I said, 'Was this how Muḥammad (peace be upon him) fasted it?' He said, 'Yes.'"[49]

نَا حَمَّادُ بْنُ مُفَرِّجٍ نَا ابْنُ الْأَعْرَابِيِّ نَا الدَّبَرِيُّ نَا عَبْدُ الرَّزَّاقِ نَا ابْنُ جُرَيْجٍ أَخْبَرَنِي عَطَاءٌ أَنَّهُ سَمِعَ ابْنَ عَبَّاسٍ يَقُولُ فِي يَوْمِ عَاشُورَاءَ: خَالِفُوا الْيَهُودَ صُومُوا التَّاسِعَ وَالْعَاشِرَ، فَإِنْ قِيلَ: مِنْ أَيْنَ أَحْبَبْتُمْ صَوْمَ يَوْمِ عَرَفَةَ فِي الْحَجِّ؟ وَقَدْ صَحَّ مِنْ طَرِيقِ مَيْمُونَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ: «إِنَّ النَّاسَ شَكُّوا فِي صَوْمِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ عَرَفَةَ فَأَرْسَلْتُ إِلَيْهِ بِحِلَابٍ وَهُوَ وَاقِفٌ فِي الْمَوْقِفِ فَشَرِبَ مِنْهُ وَالنَّاسُ يَنْظُرُونَ» ؟ وَمِنْ طَرِيقِ حَامِدِ بْنِ يَحْيَى الْبَلْخِيِّ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ سَعِيدِ بْنِ جُبَيْرٍ قَالَ: أَتَيْت ابْنَ عَبَّاسٍ بِعَرَفَةَ وَهُوَ يَأْكُلُ رُمَّانًا فَقَالَ: ادْنُ فَكُلْ لَعَلَّكَ صَائِمٌ إِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَكُنْ يَصُومُ هَذَا الْيَوْمَ.

L12298–12299 From Hammad ibn Mufarrij, from Ibn al-A'rabi, from al-Dabari, from Abd al-Razzaq, from Ibn Jurayj, who informed me that Ata' heard Ibn Abbas say concerning the day of Ashura: "Differ from the Jews; fast the ninth and the tenth." If it is asked: "From where did you derive the preference for fasting the day of Arafah during Hajj?" It has been authentically established via Maymunah, the Mother of the Believers, that she said: "People doubted the Messenger of Allah's fasting on the day of Arafah - peace and blessings be upon him - so I sent him a vessel of milk while he stood at the station. He drank from it as people watched."

Through the narration of Hamid ibn Yahya al-Balkhi from Sufyan ibn Uyaynah from Ayyub al-Sakhtiyānī from Sa'id ibn Jubayr, who said: "I came to Ibn Abbas at Arafah while he ate a pomegranate. He said: 'Approach and eat - perhaps you are fasting. Truly the Messenger of Allah - peace and blessings be upon him - did not fast this day.'"

[49] **Hadith references (L12297):** Sahih Muslim 1162b.

L12300 Narrated through the chain of Mu’ammal ibn Isma’il, from Sufyan al-Thawri, from Isma’il ibn Umayyah, from Nāfiʿ, who said: Ibn Umar was asked about fasting on the Day of Arafah. He replied: “The Prophet—may Allah’s peace and blessings be upon him—did not fast on it, nor did Abu Bakr, nor Umar, nor Uthman.”

وَمِنْ طَرِيقِ مُؤَمَّلِ بْنِ إِسْمَاعِيلَ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ عَنْ نَافِعٍ قَالَ: سُئِلَ ابْنُ عُمَرَ عَنْ صَوْمِ يَوْمِ عَرَفَةَ؟ فَقَالَ: لَمْ يَصُمْهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا أَبُو بَكْرٍ، وَلَا عُمَرُ، وَلَا عُثْمَانُ.

L12301 Through the chain of ʿAbd al-Raḥmān ibn Mahdī, Ḥawshab ibn ʿUqayl narrated from Mahdī al-Hijrī al-ʿAbdī, from ʿIkrimah, who said: Abū Hurayrah told me: “The Messenger of Allah (peace be upon him) forbade fasting on the day of ʿArafah in ʿArafat.”[50]

وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ نَا حَوْشَبُ بْنُ عُقَيْلٍ عَنْ مَهْدِيٍّ الْهَجَرِيِّ الْعَبْدِيِّ عَنْ عِكْرِمَةَ قَالَ: قَالَ لِي أَبُو هُرَيْرَةَ: «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَوْمِ يَوْمِ عَرَفَةَ بِعَرَفَاتٍ» .

L12302–12304 And through the chain of Shuʿbah, ʿAmr ibn Dīnār reported to me, saying: I heard ʿAṭāʾ narrating from ʿUbayd ibn ʿUmayr, who said: ʿUmar ibn al-Khaṭṭāb prohibited fasting on the Day of ʿArafah. There has been discussion regarding the transmission of ʿAbdullāh ibn Maʿbad al-Zamānī from Abū Qatādah. We said—and with Allah’s guidance alone is success—: As for the Messenger of Allah (peace and blessings be upon him) not fasting it, this provides no proof for your position, for he (peace and blessings be upon him) emphatically encouraged fasting it and informed that it expiates sins of two years. It is not upon us to wait after this whether he (peace and blessings be upon him) later fasted it or not. Yūsuf ibn ʿAbdullāh al-Numayrī narrated to us, saying: Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muṭarrif ibn Qays narrated to us, Yaḥyā ibn Bukayr narrated to us, Mālik narrated to us from Ibn Shihāb from ʿUrwah ibn al-Zubayr from... Aisha, the Mother of the Believers, said: “The Messenger of Allah—peace and blessings be upon him—would abandon a deed he loved to perform, fearing that people might adopt it and it would become obligatory upon them.” As for the ḥadīth of Abū Hurayrah prohibiting fasting on the Day of ʿArafah at Arafat, the narration of Ḥawshab ibn ʿUqayl—who is not strong—from Mahdī al-Hajarī, who is unknown, is unreliable and cannot be used as a proof. Regarding the abandonment of fasting by Abū Bakr, ʿUmar, Ibn ʿUmar, and Ibn ʿAbbās, others did fast—as we have reported through the

وَمِنْ طَرِيقِ شُعْبَةَ أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ قَالَ: سَمِعْت عَطَاءً عَنْ عُبَيْدِ بْنِ عُمَيْرٍ قَالَ: نَهَى عُمَرُ بْنُ الْخَطَّابِ عَنْ صَوْمِ يَوْمِ عَرَفَةَ: وَقَدْ تَكَلَّمَ فِي سَمَاعِ عَبْدِ اللَّهِ بْنِ مَعْبَدٍ الزِّمَّانِيِّ مِنْ أَبِي قَتَادَةَ. قُلْنَا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ -: أَمَّا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَصُمْهُ فَلَا حُجَّةَ لَكُمْ فِي ذَلِكَ؛ لِأَنَّهُ - عَلَيْهِ السَّلَامُ - قَدْ حَضَّ عَلَى صِيَامِهِ أَعْظَمَ حَضٍّ، وَأَخْبَرَ أَنَّهُ يُكَفِّرُ ذُنُوبَ سَنَتَيْنِ، وَمَا عَلَيْنَا أَنْ نَنْتَظِرَ بَعْدَ هَذَا أَيَصُومُهُ - عَلَيْهِ السَّلَامُ - أَمْ لَا؟ وَقَدْ حَدَّثَنَا يُوسُفُ بْنُ عَبْدِ اللَّهِ النُّمَيْرِيُّ قَالَ: نَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ قَالَ: نَا قَاسِمُ بْنُ أَصْبَغَ نَا مُطَرِّفُ بْنُ قَيْسٍ نَا يَحْيَى بْنُ بُكَيْرٍ نَا مَالِكٌ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ: «إِنْ كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَيَتْرُكُ الْعَمَلَ وَهُوَ يُحِبُّ أَنْ يَعْمَلَ بِهِ خَشْيَةَ أَنْ يَعْمَلَ بِهِ النَّاسُ فَيُفْرَضَ عَلَيْهِمْ» ؟ وَأَمَّا حَدِيثُ أَبِي هُرَيْرَةَ فِي النَّهْيِ عَنْ صَوْمِ يَوْمِ عَرَفَةَ بِعَرَفَاتٍ فَإِنَّ رِوَايَةَ حَوْشَبِ بْنِ عُقَيْلٍ وَلَيْسَ بِالْقَوِيِّ عَنْ مَهْدِيٍّ الْهَجَرِيِّ وَهُوَ مَجْهُولٌ، وَهَذَا لَا يُحْتَجُّ بِهِ وَأَمَّا تَرْكُ أَبِي بَكْرٍ، وَعُمَرَ، وَابْنِ عُمَرَ، وَابْنِ عَبَّاسٍ صِيَامَهُ فَقَدْ صَامَهُ غَيْرُهُمْ -: كَمَا

[50] **Hadith references (L12301):** Sunan Ibn Majah 1732.

chain of ʿAbd al-Raḥmān ibn Mahdī from Sahl ibn Abī al-Ṣalt from al-Ḥasan al-Baṣrī: He was asked about fasting the Day of ʿArafah and replied, "'Uthmān ibn ʿAffān fasted it on a scorching day while he was shaded." Through the chain of Ḥammād ibn Salamah from Yaḥyā ibn Saʿīd al-Anṣārī from al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq: Aisha, the Mother of the Believers, would fast the Day of ʿArafah during Ḥajj. Through this chain to Ḥammād ibn Salamah, ʿAṭāʾ al-Khurāsānī reported: ʿAbd al-Raḥmān ibn Abī Bakr entered upon Aisha, the Mother of the Believers, on the Day of ʿArafah while she was pouring water over herself [to cool down]. He said to her, "Break your fast!" She retorted, "Should I break [my fast]? I heard the Messenger of Allah—peace and blessings be upon him—say: 'Fasting the Day of ʿArafah expiates the sins of the preceding year.'"

رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سَهْلِ بْنِ أَبِي الصَّلْتِ عَنْ الْحَسَنِ الْبَصْرِيِّ أَنَّهُ سُئِلَ عَنْ صَوْمِ يَوْمِ عَرَفَةَ؟ فَقَالَ: صَامَهُ عُثْمَانُ بْنُ عَفَّانَ فِي يَوْمٍ حَارٍّ يُظَلَّلُ عَلَيْهِ. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ: أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ كَانَتْ تَصُومُ يَوْمَ عَرَفَةَ فِي الْحَجِّ. وَبِهِ إلَى حَمَّادِ بْنِ سَلَمَةَ نَا عَطَاءٌ الْخُرَاسَانِيُّ: أَنَّ عَبْدَ الرَّحْمَنِ بْنِ أَبِي بَكْرٍ - دَخَلَ عَلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ يَوْمَ عَرَفَةَ وَهِيَ تَصُبُّ عَلَيْهَا الْمَاءَ فَقَالَ لَهَا: أَفْطِرِي؟ فَقَالَتْ: أُفْطِرُ؟ وَقَدْ سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «صَوْمُ يَوْمِ عَرَفَةَ يُكَفِّرُ الْعَامَ الَّذِي قَبْلَهُ» .

L12305 From the narration of Hishām ibn ʿUrwah: "Did ʿAbdullāh ibn al-Zubayr use to supplicate on the evening of ʿArafah when the people poured forth with water, then he would depart?" ʿAlī said: "When they differ, the recourse is to the Sunnah of Allah's Messenger—peace and blessings be upon him." It has been narrated to us via al-Bukhārī's transmission from Musaddad from Yaḥyā ibn Saʿīd al-Qaṭṭān from Shuʿbah from Tawbah from Muwarriq al-ʿIjlī, who said: "I asked Ibn ʿUmar: 'Do you pray Ḍuḥā?' He said: 'No.' I asked: 'What about ʿUmar?' He said: 'No.' I asked: 'What about Abū Bakr?' He said: 'No.' I asked: 'What about Allah's Messenger—peace and blessings be upon him?' He said: 'I do not think he did.'"

وَمِنْ طَرِيقِ هِشَامِ بْنِ عُرْوَةَ: أَنَّ عَبْدَ اللَّهِ بْنَ الزُّبَيْرِ كَانَ يَدْعُو عَشِيَّةَ عَرَفَةَ إذَا أَفَاضَ النَّاسُ بِمَاءٍ ثُمَّ يُفِيضُ؟ قَالَ عَلِيٌّ: فَإِذَا اخْتَلَفُوا فَالْمَرْجُوعُ إلَيْهِ سُنَّةُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ مُسَدَّدٍ عَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ شُعْبَةَ عَنْ تَوْبَةَ عَنْ مُوَرِّقٍ الْعِجْلِيِّ قَالَ: «قُلْتُ لِابْنِ عُمَرَ أَتُصَلِّي الضُّحَى؟ قَالَ: لَا، قُلْتُ: فَعُمَرُ؟ قَالَ: لَا، قُلْتُ: فَأَبُو بَكْرٍ؟ قَالَ: لَا، قُلْتُ -: فَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: لَا إخَالُهُ.»

L12306–12307 Whoever deems fasting on the Day of Arafah disliked based on Ibn Umar's statement that the Messenger of Allah (peace and blessings be upon him) did not fast it, nor did Abu Bakr or Umar, should likewise deem the Ḍhuḥā prayer disliked therein in the same manner. Both approaches are valid; otherwise, he is playing games with the religion. Since it is authentically established that Abu Bakr and Umar did not perform the Uḍḥiyah sacrifice, would they consequently deem the Uḍḥiyah sacrifice disliked for that reason? Ali said: "It is astonishing that the Prophet (peace and blessings be upon him) delivered the gravest warning regarding perpetual fasting while he himself (peace and blessings be upon him) did not observe it, yet people consider it rec-

فَمَنْ كَرِهَ صَوْمَ يَوْمِ عَرَفَةَ لِقَوْلِ ابْنِ عُمَرَ: إنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَصُمْهُ، وَلَا أَبُو بَكْرٍ، وَلَا عُمَرُ، فَلْيَكْرَهْ صَلَاةَ الضُّحَى فِيهَا مِثْلُ ذَلِكَ، وَالطَّرِيقَانِ صَحِيحَانِ وَإِلَّا فَهُوَ مُتَلَاعِبٌ بِالدِّينِ، وَقَدْ صَحَّ أَنَّ أَبَا بَكْرٍ، وَعُمَرَ لَمْ يَكُونَا يُضَحِّيَانِ فَلْيَكْرَهُوا الْأُضْحِيَّةَ أَيْضًا لِذَلِكَ؟ قَالَ عَلِيٌّ: وَمِنْ الْعَجَبِ أَنْ يَكُونَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَدْ جَاءَ بِأَغْلَظِ الْوَعِيدِ عَنْ صِيَامِ الدَّهْرِ وَلَمْ يَصُمْهُ - عَلَيْهِ السَّلَامُ - فَيَسْتَحِبُّونَهُ

ommended and permissible. Then when the Prophet (peace and blessings be upon him) most emphatically encouraged fasting on Arafah, they deem it disliked because he (peace and blessings be upon him) did not fast it. Yet the Prophet (peace and blessings be upon him) neither urged pilgrims to abandon it to the exclusion of others, nor did he encourage non-pilgrims from among the pilgrims." As for Abdullah ibn Ma'bad's transmission from Abu Qatadah, Abdullah is trustworthy—and trustworthy narrators are accepted; it is impermissible to reject their narrations based on assumptions. Success is from Allah the Exalted.

L12308 **A jurisprudential ruling on fasting during the ten [sacred] days of Dhū al-Ḥijjah.**

L12309 Issue 794: We recommend fasting during the ten days of Dhul-Hijjah before the Day of Sacrifice. This is based on what Hammam narrated to us from Ibn Mufarrij, from Ibn al-A'rabi, from al-Dabari, from Abd al-Razzaq, from Sufyan al-Thawri, from al-A'mash, from Muslim al-Batin, from Sa'id ibn Jubayr, from Ibn Abbas, who said: The Prophet (peace and blessings of Allah be upon him) stated, "There are no days in which deeds are more beloved to Allah - or wherein deeds are superior - than the ten days. Someone asked: 'O Messenger of Allah, not even jihad?' He replied: 'Not even jihad, except for a man who risks his life and wealth and returns with nothing whatsoever.'" Abu Muhammad commented: These are the ten days of Dhul-Hijjah, and fasting constitutes an act of righteousness. Therefore, fasting on Arafah day is also encompassed within this merit.

L12310 **Fasting on the day of Friday**

L12311–12313 Issue 795: It is not permissible to fast on Friday unless one fasts a day before it or a day after it. If a person vows to fast it, his vow is invalid. If someone fasts a day and breaks fast a day, and his fasting day coincides with Friday, let him fast it. Narrated by 'Abdullāh ibn Yūsuf from Aḥmad ibn Fatḥ from 'Abd al-Wahhāb ibn 'Īsā from Aḥmad ibn Muḥammad from Aḥmad ibn 'Alī from Muslim ibn al-Ḥajjāj from Abū Kurayb from Ḥusayn al-Ju'fī from Zā'idah from Hishām ibn Ḥassān from Ibn Sīrīn from Abū Hu-

وَيُبِيحُونَهُ ثُمَّ يَأْتِي حَضُّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَشَدِّ الْحَضِّ عَلَى صَوْمِ عَرَفَةَ فَيَكْرَهُونَهُ، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَصُمْهُ وَلَمْ يَحُضَّ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِتَرْكِهِ الْحَاجَّ دُونَ غَيْرِهِ، وَلَا بِالْحَضِّ عَلَيْهِ مَنْ لَيْسَ حَاجًّا مِنْ حَاجٍّ؟ وَأَمَّا سَمَاعُ عَبْدِ اللَّهِ بْنِ مَعْبَدٍ مِنْ أَبِي قَتَادَةَ فَعَبْدُ اللَّهِ ثِقَةٌ - وَالثِّقَاتُ مَقْبُولُونَ - لَا يَحِلُّ رَدُّ رِوَايَاتِهِمْ بِالظُّنُونِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ

[مَسْأَلَةٌ صِيَام أَيَّامِ الْعَشْرِ مِنْ ذِي الْحِجَّةِ]

٧٩٤ - مَسْأَلَةٌ: وَنَسْتَحِبُّ صِيَامَ أَيَّامِ الْعَشْرِ مِنْ ذِي الْحِجَّةِ قَبْلَ النَّحْرِ لِمَا حَدَّثَنَاهُ حُمَامٌ نَا ابْنُ مُفَرِّجٍ نَا ابْنُ الْأَعْرَابِيِّ نَا الدَّبَرِيُّ نَا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْأَعْمَشِ عَنْ مُسْلِمٍ الْبَطِينِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: قَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَا مِنْ أَيَّامٍ أَحَبُّ إلَى اللَّهِ فِيهِمْ الْعَمَلُ - أَوْ أَفْضَلُ فِيهِنَّ الْعَمَلُ - مِنْ أَيَّامِ الْعَشْرِ قِيلَ: يَا رَسُولَ اللَّهِ وَلَا الْجِهَادُ؟ قَالَ: وَلَا الْجِهَادُ إلَّا رَجُلٌ خَرَجَ بِنَفْسِهِ وَمَالِهِ فَلَمْ يَرْجِعْ مِنْ ذَلِكَ بِشَيْءٍ» . قَالَ أَبُو مُحَمَّدٍ: هُوَ عَشْرُ ذِي الْحِجَّةِ، وَالصَّوْمُ عَمَلُ بِرٍّ؛ فَصَوْمُ عَرَفَةَ يَدْخُلُ فِي هَذَا أَيْضًا.

[مَسْأَلَةٌ صَوْمُ يَوْمِ الْجُمُعَةِ]

٧٩٥ - مَسْأَلَةٌ: وَلَا يَحِلُّ صَوْمُ يَوْمِ الْجُمُعَةِ إلَّا لِمَنْ صَامَ يَوْمًا قَبْلَهُ أَوْ يَوْمًا بَعْدَهُ فَلَوْ نَذَرَهُ إنْسَانٌ كَانَ نَذْرُهُ بَاطِلًا، فَلَوْ كَانَ إنْسَانٌ يَصُومُ يَوْمًا وَيُفْطِرُ يَوْمًا فَجَاءَهُ صَوْمُهُ فِي الْجُمُعَةِ فَلْيَصُمْهُ، -: نَا عَبْدُ اللَّهِ بْنُ يُوسُفَ نَا أَحْمَدُ بْنُ فَتْحٍ نَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نَا أَحْمَدُ

rayrah from the Prophet, peace and blessings be upon him, who said: “Do not single out the night of Friday for night prayer among the nights, nor single out the day of Friday for fasting among the days except [text ends here].” Narrated by Abdullah ibn Rabee’ from Muhammad ibn Mu’awiyah from Ahmad ibn Shu’ayb from Isma’eel ibn Mas’ood (he is Al-Jahdari) from Bishr (he is the son of Al-Mufaddal) from Sa’eed (he is the son of Abi ‘Aroobah) from Qatadah from Sa’eed ibn Al-Musayyib from Abdullah ibn ‘Amr, who said: “The Messenger of Allah—peace and blessings be upon him—visited Juwayriyah bint Al-Harith on a Friday while she was fasting. He asked her: ’Did you fast yesterday?’ She replied: ’No.’ He said: ’Do you intend to fast tomorrow?’ She said: ’No.’ He then said: ’Break your fast.’” We have also narrated this through the chain of Jabir and through the chain of Juwayriyah, Umm al-Mu’minīn (Mother of the Believers).[51]

بْنُ مُحَمَّدٍ نَا أَحْمَدُ بْنُ عَلِيٍّ نَا مُسْلِمُ بْنُ الْحَجَّاجِ نَا أَبُو كُرَيْبٍ نَا حُسَيْنٌ هُوَ الْجُعْفِيُّ - عَنْ زَائِدَةَ عَنْ هِشَامٍ هُوَ ابْنُ حَسَّانٍ - عَنِ ابْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تَخْتَصُّوا لَيْلَةَ الْجُمُعَةِ بِقِيَامٍ مِنْ بَيْنِ اللَّيَالِي وَلَا تَخُصُّوا يَوْمَ الْجُمُعَةِ بِصِيَامٍ مِنْ بَيْنِ الْأَيَّامِ إِلَّا أَنْ يَكُونَ فِي صَوْمٍ يَصُومُهُ أَحَدُكُمْ» -.- نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ مُعَاوِيَةَ نَا أَحْمَدُ بْنُ شُعَيْبٍ نَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ هُوَ الْجَحْدَرِيُّ - نَا بِشْرٌ هُوَ ابْنُ الْمُفَضَّلِ - نَا سَعِيدٌ هُوَ ابْنُ أَبِي عَرُوبَةَ - عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيَّبِ عَنْ عَبْدِ اللَّهِ بْنِ عَمْرٍو قَالَ: «دَخَلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى جُوَيْرِيَةَ بِنْتِ الْحَارِثِ يَوْمَ الْجُمُعَةِ وَهِيَ صَائِمَةٌ فَقَالَ لَهَا: أَصُمْتِ أَمْسِ؟ قَالَتْ: لَا قَالَ: أَتُرِيدِينَ أَنْ تَصُومِي غَدًا؟ قَالَتْ: لَا قَالَ: فَأَفْطِرِي» . وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ جَابِرٍ، وَمِنْ طَرِيقِ جُوَيْرِيَةَ أُمِّ الْمُؤْمِنِينَ.

L12314 And from the chain of Junādah al-Azdī—who was a Companion of the Prophet—with all narrators transmitting from the Prophet, peace and blessings of Allah be upon him. This was also stated by a group of the Companions—may Allah be pleased with them. It has been narrated to us through the chain of Ḥammād ibn Salamah, from Saʿīd al-Jurayrī, from Abū al-ʿAlāʾ—who is Ibn al-Shikhkhīr—that Salmān al-Fārisī, the Companion of the Messenger of Allah—peace and blessings of Allah be upon him—said to Zayd ibn Ṣawḥān: “Take heed regarding the night of Friday, and do not pray during it.” ʿAlī said: “We do not know of any among the Companions—may Allah be pleased with them—who disagreed with this.”

وَمِنْ طَرِيقِ جُنَادَةَ الْأَزْدِيُّ: - وَلَهُ صُحْبَةٌ كُلُّهُمْ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.- وَبِهِ قَالَ طَائِفَةٌ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ سَعِيدٍ الْجُرَيْرِيِّ عَنْ أَبِي الْعَلَاءِ هُوَ ابْنُ الشِّخِّيرِ - أَنَّ سَلْمَانَ الْفَارِسِيَّ صَاحِبَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِزَيْدِ بْنِ صَوْحَانَ: انْظُرْ لَيْلَةَ الْجُمُعَةِ فَلَا تَصُلِّهَا؟ قَالَ عَلِيٌّ: لَا نَعْلَمُ لَهُ مُخَالِفًا مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L12315 From the chain of Yahyā ibn Saʿīd al-Qaṭṭān from Shuʿbah from ʿAbd al-ʿAzīz ibn Rufayʿ from Qays ibn al-Sakan, who said: Some companions of Ibn Masʿūd passed by Abū Dharr on a Friday while they were fasting. He said: “I enjoin you to break your fast, because it is a day of Eid.” Qays ibn al-

وَمِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ شُعْبَةَ عَنْ عَبْدِ الْعَزِيزِ بْنِ رُفَيْعٍ عَنْ قَيْسِ بْنِ السَّكَنِ قَالَ: مَرَّ نَاسٌ مِنْ أَصْحَابِ ابْنِ مَسْعُودٍ بِأَبِي ذَرٍّ يَوْمَ جُمُعَةٍ وَهُمْ صِيَامٌ فَقَالَ: عَزَمْتُ عَلَيْكُمْ لَمَا أَفْطَرْتُمْ فَإِنَّهُ يَوْمُ عِيدٍ - قَيْسُ بْنُ السَّكَنِ أَدْرَكَ أَبَا ذَرٍّ وَجَالَسَهُ. وَعَنْ

[51] **Hadith references (L12311):** Sahih Muslim 1144b.

Sakan met Abū Dharr and accompanied him. It is narrated from ʿAlī ibn Abī Ṭālib that he prohibited the intentional fasting on Friday. From the chain of Muḥammad ibn Jaʿfar from Shuʿbah from Manṣūr from Mujāhid from Abū Hurayrah, who said: "Do not fast on Friday unless you fast a day before or after it." This is the opinion of Ibrāhīm al-Nakhaʿī, Mujāhid, al-Shaʿbī, Ibn Sīrīn, and others. Ibrāhīm attributed this view to those he met—and he only met the companions of Ibn Masʿūd. If it is objected: "You have narrated through the chain of Shaybān from ʿĀṣim from Zarr from Ibn Masʿūd, who said: 'The Messenger of Allāh—peace and blessings be upon him—would fast three days each month, and he seldom omitted fasting on Friday.'"

L12316–12317 From the narration of Layth ibn Abī Sulaym through ʿUmar ibn Abī ʿUmayr, from Ibn ʿUmar: "Rarely did I see the Messenger of Allah—peace and blessings of Allah be upon him—not fasting on a Friday." And from the narration of Layth ibn Abī Sulaym through Ṭāwūs, from Ibn ʿAbbās: "Rarely did I ever see him not fasting on a Friday." Abū Muḥammad said: Layth is not a strong narrator. As for the narration of Ibn Masʿūd, it is authentic. The ruling concerning all of them is the same, which is that none of them—neither from the Messenger of Allah (peace and blessings of Allah be upon him), nor from Ibn Masʿūd, nor from Ibn ʿUmar, nor from Ibn ʿAbbās—indicates the permissibility of singling out Friday for fasting without fasting a day before or after it. We do not disapprove of fasting it if one fasts a day before or after it. It is not permissible to lie against the Messenger of Allah (peace and blessings of Allah be upon him) by attributing to him what his companion did not report from him, nor to interpret his action as contradicting his command entirely except through a clear, authentic text, which would then constitute abrogation or specification. Allah the Exalted commanded him to say: **"{I do not wish to contradict you in what I forbid you}"** [Hūd 11:88]. How could it be otherwise when an explanation of our view has been transmitted from Ibn ʿAbbās and Ṭāwūs through more authentic chains than these? As we have been narrated via the chain of Ibn Abī Shaybah: Muḥammad ibn Bakr reported from Ibn Jurayj from ʿAṭāʾ, who said: Ibn ʿAbbās used to prohibit singling out a day whenever it occurs to a person—meaning for fasting. Thus, the prohibition by Ibn ʿAbbās of singling out a specific day for fasting

عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ نَهَى عَنْ تَعَمُّدِ صِيَامِ يَوْمِ الْجُمُعَةِ. وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: لَا تَصُمْ يَوْمَ الْجُمُعَةِ إِلَّا أَنْ تَصُومَ قَبْلَهُ أَوْ بَعْدَهُ. وَهُوَ قَوْلُ إِبْرَاهِيمَ النَّخَعِيِّ، وَمُجَاهِدٍ، وَالشَّعْبِيِّ، وَابْنِ سِيرِينَ وَغَيْرِهِمْ، وَذَكَرَهُ إِبْرَاهِيمُ عَمَّنْ لَقِيَ، وَإِنَّمَا لَقِيَ أَصْحَابَ ابْنِ مَسْعُودٍ. فَإِنْ قِيلَ: فَقَدْ رَوَيْتُمْ مِنْ طَرِيقِ شَيْبَانَ عَنْ عَاصِمٍ عَنْ زِرٍّ عَنِ ابْنِ مَسْعُودٍ قَالَ: «إِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَصُومُ ثَلَاثَةَ أَيَّامٍ مِنْ كُلِّ شَهْرٍ وَقَلَّ مَا كَانَ يُفْطِرُ يَوْمَ الْجُمُعَةِ» .

وَمِنْ طَرِيقِ لَيْثِ بْنِ أَبِي سُلَيْمٍ عَنْ عُمَرَ بْنِ أَبِي عُمَيْرٍ «عَنِ ابْنِ عُمَرَ قَلَّ مَا رَأَيْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُفْطِرًا يَوْمَ جُمُعَةٍ» . وَمِنْ طَرِيقِ لَيْثِ بْنِ أَبِي سُلَيْمٍ عَنْ طَاوُسٍ «عَنِ ابْنِ عَبَّاسٍ قَلَّ مَا رَأَيْتُهُ مُفْطِرًا يَوْمَ جُمُعَةٍ قَطُّ» . قَالَ أَبُو مُحَمَّدٍ: لَيْثٌ لَيْسَ بِالْقَوِيِّ وَأَمَّا خَبَرُ ابْنِ مَسْعُودٍ فَصَحِيحٌ، وَالْقَوْلُ فِيهَا كُلِّهَا سَوَاءٌ، وَهُوَ أَنَّهُ لَيْسَ فِي شَيْءٍ مِنْهَا - لَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا عَنِ ابْنِ مَسْعُودٍ، وَلَا عَنِ ابْنِ عُمَرَ، وَلَا عَنِ ابْنِ عَبَّاسٍ -: إِبَاحَةُ تَخْصِيصِ يَوْمِ الْجُمُعَةِ بِصِيَامٍ دُونَ يَوْمٍ قَبْلَهُ أَوْ يَوْمٍ بَعْدَهُ. وَنَحْنُ لَا نُنْكِرُ صِيَامَهُ إِذَا صَامَ يَوْمًا قَبْلَهُ أَوْ يَوْمًا بَعْدَهُ، وَلَا يَحِلُّ أَنْ نَكْذِبَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَنُخْبِرُ عَنْهُ بِمَا لَمْ يُخْبِرْ بِهِ عَنْهُ صَاحِبُهُ، وَلَا أَنْ نَحْمِلَ فِعْلَهُ عَلَى مُخَالَفَةِ أَمْرِهِ أَلْبَتَّةَ إِلَّا بِبَيَانِ نَصٍّ صَحِيحٍ فَيَكُونَ حِينَئِذٍ نَسْخًا أَوْ تَخْصِيصًا، قَالَ تَعَالَى آمِرًا لَهُ أَنْ يَقُولَ: {وَمَا أُرِيدُ أَنْ أُخَالِفَكُمْ إِلَى مَا أَنْهَاكُمْ عَنْهُ} [هود: ٨٨] فَكَيْفَ وَقَدْ وَرَدَ عَنِ ابْنِ عَبَّاسٍ، وَطَاوُسٍ بَيَانُ قَوْلِنَا بِأَصَحَّ مِنْ هَذِهِ الطُّرُقِ؟ كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ -: نَا مُحَمَّدُ بْنُ بَكْرٍ عَنِ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ قَالَ: كَانَ ابْنُ عَبَّاسٍ يَنْهَى عَنْ اقْتِرَادِ الْيَوْمِ كُلَّمَا مَرَّ بِالْإِنْسَانِ - يَعْنِي عَنْ صِيَامِهِ -: فَصَحَّ نَهْيُ ابْنِ عَبَّاسٍ

is confirmed, and this includes Friday and other days. From the chain of ʿAbdullāh ibn Ṭāwūs from his father: He disliked deliberately selecting a specific day for fasting. We know of no disagreement among the Companions we mentioned—may Allah be pleased with them—regarding the prohibition of singling out Friday for fasting. Success is from Allah, the Exalted.[52]

L12318 **An issue: a person vowed to fast on the day they regain consciousness, and it coincided with a Friday.**

L12319–12321 796 - Issue: If a person vows to fast the day he recovers [from illness], or if that day coincides with Friday, it is not binding; because he does not fast a day preceding it nor a day following it, nor does it coincide with a fast he habitually performed, nor is fasting on it permissible except... In one of these two aspects, as mentioned earlier, and all success (tawfīq) lies with Allah, the Exalted.

L12322 **A Juristic Issue: Fasting the Night**

L12323–12325 797 - Issue: Fasting during the night is not permissible at all, nor may one connect the fast of one day to another without breaking the fast between them. It is obligated upon every individual to eat or drink during each day and night without exception. Narrated by Abdurrahman ibn Abdullah ibn Khalid from Ibrahim ibn Ahmad from Al-Farbari from Al-Bukhari from Ibrahim ibn Hamzah from Ibn Abi Hazim from Yazid - Ibn Al-Hadi - from Abdullah ibn Khabbab from Abu Sa'id Al-Khudri: "He heard Allah's Messenger - peace and blessings be upon him - say: 'Do not practice continuous fasting. Let whoever wishes to do so fast until the pre-dawn meal time.' They said: 'Yet you practice it, O Messenger of Allah!' He replied: 'I am not in the same state as you. I spend the night with One who feeds me and One who gives me drink.'" We have transmitted this as an authentic chain-supported narration through the routes of Umm Al-Mu'minin Aisha, Anas, Abu Huraira, and Ibn Umar - all from Allah's Messenger - peace and

[52] **Qur'an references (L12317):** Qur'an 11:88 (Hud).

عَنْ افْتِرَادِ يَوْمٍ بِعَيْنِهِ فِي الصَّوْمِ، فَدَخَلَ فِي ذَلِكَ يَوْمُ الْجُمُعَةِ وَغَيْرُهُ. وَمِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ طَاوُسٍ عَنْ أَبِيهِ أَنَّهُ كَانَ يَكْرَهُ أَنْ يَتَحَرَّى يَوْمًا يَصُومُهُ، وَمَا نَعْلَمُ لِمَنْ ذَكَرْنَا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مُخَالِفًا أَصْلًا فِي النَّهْيِ عَنْ تَخْصِيصِ يَوْمِ الْجُمُعَةِ بِالصِّيَامِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ نَذَرَ صَوْمَ يَوْمَ يُفِيقُ فَوَافَقَ يَوْمَ جُمُعَةٍ]

٧٩٦ - مَسْأَلَةٌ: فَلَوْ نَذَرَ الْمَرْءُ صَوْمَ يَوْمَ يُفِيقُ، أَوْ ذَلِكَ فَوَافَقَ يَوْمَ جُمُعَةٍ لَمْ يَلْزَمْ؛ لِأَنَّهُ لَا يَصُومُ يَوْمًا قَبْلَهُ، وَلَا يَوْمًا بَعْدَهُ، وَلَا وَافَقَ صَوْمًا كَانَ يَصُومُهُ، وَلَا يَجُوزُ صِيَامُهُ إلَّا بِأَحَدِ هَذَيْنِ الْوَجْهَيْنِ كَمَا ذَكَرْنَا قَبْلُ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ صَوْمُ اللَّيْلِ]

٧٩٧ - مَسْأَلَةٌ: وَلَا يَحِلُّ صَوْمُ اللَّيْلِ أَصْلًا، وَلَا أَنْ يَصِلَ الْمَرْءُ صَوْمَ يَوْمٍ بِصَوْمِ يَوْمٍ آخَرَ لَا يُفْطِرُ بَيْنَهُمَا، وَفُرِضَ عَلَى كُلِّ أَحَدٍ أَنْ يَأْكُلَ أَوْ يَشْرَبَ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ وَلَا بُدَّ. نَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ نَا إبْرَاهِيمُ بْنُ أَحْمَدَ نَا الْفَرَبْرِيُّ نَا الْبُخَارِيُّ نَا إبْرَاهِيمُ بْنُ حَمْزَةَ نَا ابْنُ أَبِي حَازِمٍ عَنْ يَزِيدَ هُوَ ابْنُ الْهَادِي - عَنْ عَبْدِ اللَّهِ بْنِ خَبَّابٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: " أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «لَا تُوَاصِلُوا فَأَيُّكُمْ أَرَادَ أَنْ يُوَاصِلَ فَلْيُوَاصِلْ حَتَّى السَّحَرِ، قَالُوا: فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ قَالَ: لَسْتُ كَهَيْئَتِكُمْ، إنِّي أَبِيتُ لِي مُطْعِمٌ يُطْعِمُنِي وَسَاقٍ يَسْقِينِي» . وَرُوِّينَاهُ أَيْضًا مُسْنَدًا صَحِيحًا مِنْ طَرِيقِ أُمِّ الْمُؤْمِنِينَ عَائِشَةَ، وَأَنَسٍ، وَأَبِي هُرَيْرَةَ، وَابْنِ عُمَرَ، كُلِّهِمْ

blessings be upon him. These narrations comprehensively encompass all that we have stated. Abu Muhammad said: “We have transmitted the prohibition of continuous fasting from Abu Sa’id Al-Khudri, Aisha the Mother of the Believers, Ali, and Abu Huraira. We have also transmitted from some early scholars the permissibility of continuous fasting, as reported through Ibn Wahb from Yunus from Ibn Shihab: Abu Salama ibn Abdurrahman ibn Awf narrated that Abu Huraira said: ’Allah’s Messenger - peace and blessings be upon him - forbade continuous fasting. A man said: ”Yet you do it, O Messenger of Allah¡‘ He replied: ”Which of you is like me? I spend the night with my Lord feeding me and giving me drink.“ When they refused to cease continuous fasting, he fasted with them one day then another until they sighted the crescent. He - peace be upon him - said: ”Had the crescent been delayed, I would have prolonged it for you“ - acting as a deterrent when they refused to desist.”’ From the sister of Abu Sa’id Al-Khudri, it is reported that she practiced continuous fasting while her brother forbade her. Ali said: “She is certainly a righteous woman.” Through Hammad ibn Salama from Ammar ibn Abi Ammar: “Abdullah ibn Al-Zubayr would fast continuously for seven days. On the seventh night, he would call for a vessel of ghee to consume, then be brought a dish of tharid.” Two vessels, and he brings people large platters, saying: “This is from my personal wealth, and this is from your public treasury.” Ibn Waḍḍāḥ would fast continuously for four days. Abū Muḥammad said: “This clarifies that no valid proof exists for anyone besides Allah’s Messenger (peace and blessings be upon him)—neither a Companion nor others. Indeed, some Companions (may Allah be pleased with them) practiced continuous fasting during the Prophet’s lifetime (peace be upon him), advancing strained interpretations. How then after him (peace be upon him)? How about those below them in rank? There is no difference between one who opposed his encouragement (peace be upon him) to fast the Day of ‘Arafah and his prohibition (peace be upon him) against singling out Friday for fasting—claiming he (peace be upon him) did not fast the Day of ‘Arafah, alongside Ibn Mas‘ūd’s statement: ’I rarely saw him (peace be upon him) breaking fast on a Friday’—and one who opposed his prohibition against continuous fasting while claiming he (peace be upon him) practiced it.”

عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهَذِهِ الْآثَارُ تَنْتَظِمُ كُلَّ مَا قُلْنَا. قَالَ أَبُو مُحَمَّدٍ: وَقَدْ رُوِّينَا النَّهْيَ عَنْ الْوِصَالِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ، وَعَائِشَةَ أُمِّ الْمُؤْمِنِينَ، وَعَلِيٍّ، وَأَبِي هُرَيْرَةَ، وَرُوِّينَا عَنْ بَعْضِ السَّلَفِ إبَاحَةَ الْوِصَالِ، كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ يُونُسَ عَنْ ابْنِ شِهَابٍ حَدَّثَنِي أَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْوِصَالِ فَقَالَ رَجُلٌ مِنْ الْمُسْلِمِينَ: فَإِنَّكَ تُوَاصِلُ يَا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: وَأَيُّكُمْ مِثْلِي إنِّي أَبِيتُ يُطْعِمُنِي رَبِّي وَيَسْقِينِي؛ فَلَمَّا أَبَوْا أَنْ يَنْتَهُوا عَنْ الْوِصَالِ وَاصَلَ بِهِمْ يَوْمًا ثُمَّ يَوْمًا ثُمَّ رَأَوْا الْهِلَالَ فَقَالَ - عَلَيْهِ السَّلَامُ -: لَوْ تَأَخَّرَ الْهِلَالُ لَزِدْتُكُمْ؛ كَالْمُنَكِّلِ لَهُمْ حِينَ أَبَوْا أَنْ يَنْتَهُوا» . وَعَنْ أُخْتِ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّهَا كَانَتْ تُوَاصِلُ، وَكَانَ أَخُوهَا يَنْهَاهَا؛ قَالَ عَلِيٌّ: هِيَ صَاحِبَةٌ بِلَا شَكٍّ. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ نَا عَمَّارُ بْنُ أَبِي عَمَّارٍ قَالَ: كَانَ عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ يُوَاصِلُ سَبْعَةَ أَيَّامٍ فَإِذَا كَانَ اللَّيْلَةَ السَّابِعَةَ دَعَا بِإِنَاءٍ مِنْ سَمْنٍ فَشَرِبَهُ ثُمَّ يُؤْتَى بِثَرِيدَةٍ فِيهَا عَرْقَانِ وَيُؤْتِي النَّاسَ بِالْجِفَانِ فَيَقُولُ: هَذَا مِنْ خَالِصِ مَالِي، وَهَذَا مِنْ بَيْتِ مَالِكُمْ. وَكَانَ ابْنُ وَضَّاحٍ يُوَاصِلُ أَرْبَعَةَ أَيَّامٍ. قَالَ أَبُو مُحَمَّدٍ: هَذَا يُوَضِّحُ أَنْ لَا حُجَّةَ فِي أَحَدٍ غَيْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا صَاحِبٍ، وَلَا غَيْرِهِ؛ فَقَدْ وَاصَلَ قَوْمٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فِي حَيَاةِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَتَأَوَّلُوا فِي ذَلِكَ التَّأْوِيلَاتِ الْبَعِيدَةَ فَكَيْفَ بَعْدَهُ - عَلَيْهِ السَّلَامُ -؟ فَكَيْفَ مَنْ دُونَهُمْ؟ وَلَا فَرْقَ بَيْنَ مَنْ خَالَفَ حَضَّهُ - عَلَيْهِ السَّلَامُ - عَلَى صَوْمِ يَوْمِ عَرَفَةَ وَنَهْيِهِ - عَلَيْهِ السَّلَامُ - عَنْ تَخْصِيصِ صَوْمِ يَوْمِ الْجُمُعَةِ، وَتَأَوَّلُوا فِي ذَلِكَ: أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَصُمْ يَوْمَ

عَرَفَةَ «، وَقَوْلَ ابْنِ مَسْعُودٍ قَلَّ مَا رَأَيْتُهُ - عَلَيْهِ السَّلَامُ - مُفْطِرًا يَوْمَ الْجُمُعَةِ» وَبَيْنَ مَنْ خَالَفَ نَهْيَهُ عَنْ الْوِصَالِ وَتَأَوَّلَ أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يُوَاصِلُ.

[مَسْأَلَةُ صَوْمُ يَوْمِ الشَّكِّ]

An Issue: Fasting the Day of Doubt

٧٩٨ - مَسْأَلَةٌ: وَلَا يَجُوزُ صَوْمُ يَوْمِ الشَّكِّ الَّذِي مِنْ آخِرِ شَعْبَانَ، وَلَا صِيَامُ الْيَوْمِ الَّذِي قَبْلَ يَوْمِ الشَّكِّ الْمَذْكُورِ إلَّا مَنْ صَادَفَ يَوْمًا كَانَ يَصُومُهُ فَيَصُومُهُمَا حِينَئِذٍ لِلْوَجْهِ الَّذِي كَانَ يَصُومُهُمَا لَهُ لَا لِأَنَّهُ يَوْمُ شَكٍّ وَلَا خَوْفًا مِنْ أَنْ يَكُونَ مِنْ رَمَضَانَ -: نَا عَبْدُ اللَّهِ بْنُ يُوسُفَ نَا أَحْمَدُ بْنُ فَتْحٍ نَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نَا أَحْمَدُ بْنُ مُحَمَّدٍ نَا أَحْمَدُ بْنُ عَلِيٍّ نَا مُسْلِمُ بْنُ الْحَجَّاجِ نَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَأَبُو كُرَيْبٍ كِلَاهُمَا عَنْ وَكِيعٍ عَنْ عَلِيِّ بْنِ الْمُبَارَكِ عَنْ يَحْيَى بْنِ أَبِي كَثِيرٍ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تَقَدَّمُوا رَمَضَانَ بِصَوْمِ يَوْمٍ وَلَا يَوْمَيْنِ إلَّا رَجُلٌ كَانَ يَصُومُ صَوْمًا فَلْيَصُمْ» . وَقَدْ ذَكَرْنَا أَمْرَهُ - عَلَيْهِ السَّلَامُ - بِأَنْ لَا يُصَامَ حَتَّى يُرَى الْهِلَالُ مِنْ طَرِيقِ ابْنِ عَمْرٍو -: نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ نَا أَحْمَدُ بْنُ خَالِدٍ نَا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ نَا الْحَجَّاجُ بْنُ الْمِنْهَالِ نَا حَمَّادُ بْنُ سَلَمَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ ابْنِ عَبَّاسٍ: " أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «صُومُوا لِرُؤْيَتِهِ وَأَفْطِرُوا لِرُؤْيَتِهِ فَإِنْ أُغْمِيَ عَلَيْكُمْ فَعُدُّوا ثَلَاثِينَ، قَالُوا: يَا رَسُولَ اللَّهِ أَلَا نُقَدِّمُ بَيْنَ يَدَيْهِ يَوْمًا أَوْ يَوْمَيْنِ؟ فَغَضِبَ وَقَالَ: لَا» . قَالَ أَبُو مُحَمَّدٍ: نَعُوذُ بِاَللَّهِ مِنْ غَضَبِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - هَذَا الْخَبَرُ يُوَضِّحُ أَنَّهُ لَا حُجَّةَ فِي أَيِّ صَاحِبٍ وَلَا غَيْرِهِ أَصْلًا - وَبِهَذَا يَقُولُ طَائِفَةٌ مِنْ السَّلَفِ -: رُوِّينَا عَنْ ابْنِ مَسْعُودٍ أَنَّهُ قَالَ: لَأَنْ أُفْطِرَ يَوْمًا مِنْ

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٧٩٨ - Issue: It is not permissible to fast the day of doubt at the end of Sha'ban, nor to fast the day preceding this mentioned day of doubt, except for one who encounters a day he customarily fasts. In that case, he may fast both days for the reason he used to fast them - not because it is a day of doubt nor out of fear that it might belong to Ramadan. Narrated by 'Abdullāh ibn Yūsuf, from Aḥmad ibn Fatḥ, from 'Abd al-Wahhāb ibn 'Īsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn 'Alī, from Muslim ibn al-Ḥajjāj, from Abū Bakr ibn Abī Shaybah and Abū Kurayb - both from Wakī', from 'Alī ibn al-Mubārak, from Yaḥyā ibn Abī Kathīr, from Abū Salamah, from Abū Hurayrah, who said: The Messenger of Allah - peace be upon him - said: "Do not anticipate Ramadan by fasting a day or two except a man who was fasting a fast - let him fast it." We have previously mentioned his command - peace be upon him - that one must not fast until the crescent is sighted through the narration of Ibn 'Amr: Narrated by 'Abdullāh ibn Rabī', from 'Abdullāh ibn Muḥammad ibn 'Uthmān, from Aḥmad ibn Khālid, from 'Alī ibn 'Abd al-'Azīz, from al-Ḥajjāj ibn al-Minhāl, from Ḥammād ibn Salamah, from 'Amr ibn Dīnār, from Ibn 'Abbās: "That..." The Prophet - peace and blessings of Allah be upon him - said: "Fast upon sighting it and break your fast upon sighting it. If it is obscured from you, then complete thirty days." They said: "O Messenger of Allah, should we not precede it by a day or two?" He became angry and said: "No." Abu Muhammad said: We seek refuge with Allah from the anger of Allah's Messenger - peace and blessings of Allah be upon him. This report clarifies that there is absolutely no valid proof in any companion or others whatsoever - and this is the view held by a group of the Salaf: It has been narrated to us from Ibn Mas'ud that he said: "For me to break fast one day of Ramadan then make it up is more beloved to me than adding a day that is not part of Ramadan." From Hudhayfah that he used to prohibit fasting the day of doubt. From Abu

رَمَضَانَ ثُمَّ أَقْضِيهُ أَحَبُّ إِلَيَّ مِنْ أَنْ أَزِيدَ فِيهِ يَوْمًا لَيْسَ فِيهِ. وَعَنْ حُذَيْفَةَ أَنَّهُ كَانَ يَنْهَى عَنْ صَوْمِ الْيَوْمِ الَّذِي يَشُكُّ فِيهِ. وَعَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ صِلَةَ بْنِ أَشْيَمَ أَنَّهُ سَمِعَ عَمَّارَ بْنَ يَاسِرٍ فِي يَوْمِ الشَّكِّ فِي آخِرِ شَعْبَانَ يَقُولُ: مَنْ صَامَ هَذَا الْيَوْمَ فَقَدْ عَصَى أَبَا الْقَاسِمِ. وَعَنْ حُذَيْفَةَ، وَابْنِ عَبَّاسٍ، وَأَبِي هُرَيْرَةَ، وَعُمَرَ بْنِ الْخَطَّابِ، وَعَلِيِّ بْنِ أَبِي طَالِبٍ، وَأَنَسِ بْنِ مَالِكٍ: النَّهْيُ عَنْ صِيَامِهِ. وَعَنْ ابْنِ عُمَرَ، وَالضَّحَّاكِ بْنِ قَيْسٍ أَنَّهُمَا قَالَا: لَوْ صُمْت السَّنَةَ كُلَّهَا لَأَفْطَرْت الْيَوْمَ الَّذِي يُشَكُّ فِيهِ؟ قَالَ أَبُو مُحَمَّدٍ: وَرُوِيَ خِلَافُ هَذَا عَنْ بَعْضِ السَّلَفِ -: كَمَا رُوِّينَا عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ: لَأَنْ أَصُومَ يَوْمًا مِنْ شَعْبَانَ أَحَبُّ إِلَيَّ مِنْ أَنْ أُفْطِرَ يَوْمًا مِنْ رَمَضَانَ. وَعَنْ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ: أَنَّهَا كَانَتْ تَصُومُ يَوْمَ الشَّكِّ -: وَحَدَّثَنَا يُونُسُ بْنُ عَبْدِ اللَّهِ نَا أَحْمَدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحِيمِ نَا أَحْمَدُ بْنُ خَالِدٍ نَا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ نَا مُحَمَّدُ بْنُ بَشَّارٍ نَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْمَجِيدِ الثَّقَفِيُّ نَا عُبَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ قَالَ: كَانَ ابْنُ عُمَرَ إِذَا خَلَتْ تِسْعٌ وَعِشْرُونَ لَيْلَةً مِنْ شَعْبَانَ بَعَثَ مَنْ يَنْظُرُ الْهِلَالَ فَإِنْ حَالَ مِنْ دُونِ مَنْظَرِهِ سَحَابٌ أَوْ قَتَرَةٌ أَصْبَحَ صَائِمًا، وَإِنْ لَمْ يَرَ وَلَمْ يَحُلْ دُونَ مَنْظَرِهِ أَصْبَحَ مُفْطِرًا. وَعَنْ أَبِي عُثْمَانَ النَّهْدِيِّ أَنَّهُ كَانَ يَصُومُ يَوْمَ الشَّكِّ. وَعَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ: أَنَّهُ كَانَ لَا يَكْرَهُ صِيَامَ يَوْمِ الشَّكِّ إِلَّا إِنْ أُغْمِيَ دُونَ رُؤْيَةِ الْهِلَالِ، وَعَنْ الْحَسَنِ الْبَصْرِيِّ أَنَّهُ كَانَ يُصْبِحُ يَوْمَ الشَّكِّ صَائِمًا فَإِنْ قَدِمَ خَبَرٌ بِرُؤْيَةِ الْهِلَالِ مَا بَيْنَهُ وَبَيْنَ نِصْفِ النَّهَارِ أَتَمَّ صَوْمَهُ وَإِلَّا أَفْطَرَ. وَبِالنَّهْيِ عَنْ صَوْمِهِ جُمْلَةً يَقُولُ إِبْرَاهِيمُ النَّخَعِيُّ، وَالشَّعْبِيُّ، وَعِكْرِمَةُ، وَسَعِيدُ بْنُ جُبَيْرٍ، وَابْنُ سِيرِينَ وَغَيْرُهُمْ. قَالَ أَبُو مُحَمَّدٍ: هَذَا ابْنُ عُمَرَ هُوَ رَوَى أَنْ لَا يُصَامَ حَتَّى يَرَى الْهِلَالَ ثُمَّ كَانَ يَفْعَلُ مَا ذَكَرْنَا، وَاحْتَجَّ مَنْ رَأَى صِيَامَ يَوْمِ الشَّكِّ بِمَا رُوِّينَا مِنْ

Ishaq al-Sabi'i from Silah ibn Ashim that he heard Ammar ibn Yasir say on the day of doubt at the end of Sha'ban: "Whoever fasts this day has disobeyed Abu al-Qasim." From Hudhayfah, Ibn Abbas, Abu Hurayrah, Umar ibn al-Khattab, Ali ibn Abi Talib, and Anas ibn Malik: The prohibition against fasting it. From Ibn Umar and al-Dahhak ibn Qays that they said: "If I were to fast the entire year, I would break fast on the day of doubt." Abu Muhammad said: Contrary reports are narrated from some of the Salaf - such as the narration from Aishah, the Mother of the Believers, that she said: "For me to fast a day of Sha'ban is more beloved than breaking a day of Ramadan." From Asma bint Abi Bakr: That she used to fast the day of doubt. Yunus ibn Abdullah narrated to us: Ahmad ibn Abdullah ibn Abd al-Rahim narrated to us: Ahmad ibn Khalid narrated to us: Muhammad ibn Abd al-Salam al-Khushani narrated to us: Muhammad ibn Bashshar narrated to us: Abd al-Wahhab ibn Abd al-Majid al-Thaqafi narrated to us: Ubaydullah ibn Umar narrated from Nafi who said: "When twenty-nine nights of Sha'ban had passed, Ibn Umar would send someone to look for the crescent. If clouds or haze obstructed its visibility, he would fast that day. If it was not seen and nothing obstructed its visibility, he would begin the day without fasting." From Abu Uthman al-Nahdi that he used to fast the day of doubt. From al-Qasim ibn Muhammad: That he did not disapprove of fasting the day of doubt except when clouds prevented sighting the crescent. From Al-Ḥasan al-Baṣrī: He would start the day fasting on the day of uncertainty. If news of the crescent sighting reached him between his time and midday, he would complete his fast; otherwise, he would break it. Regarding the total prohibition of fasting on that day, Ibrāhīm al-Nakhaʿī, al-Shaʿbī, ʿIkrimah, Saʿīd ibn Jubayr, Ibn Sīrīn, and others say this. Abū Muḥammad said: This Ibn ʿUmar is the one who transmitted the prohibition of fasting until the crescent is sighted—then he did as we mentioned. Those who permit fasting on the day of uncertainty cite as evidence the narration we transmitted from Muslim's chain: Ibn Abī Shaybah from Yazīd ibn Hārūn from al-Jurayrī from Abī al-ʿAlāʾ from Muṭarrif from ʿImrān ibn al-Ḥuṣayn: "The Prophet (peace and blessings be upon him) asked a man, 'Did you fast any of the final days of this month?'—meaning Shaʿbān. The man replied, 'No.' He said, 'When you have ended the fast of Ramaḍān, fast two days in its place.'" They also cite our

narration from Abū Dāwūd's chain: Aḥmad ibn Ḥanbal from Muḥammad ibn Jaʿfar from Shuʿbah from Tawbah al-ʿAnbarī from Muḥammad ibn Ibrāhīm from Abī Salamah ibn ʿAbd al-Raḥmān from Umm Salamah, the Mother of the Believers: "The Prophet (peace and blessings be upon him) never fasted an entire month except Shaʿbān, which he would connect to Ramaḍān."

طَرِيقِ مُسْلِمٍ عَنْ ابْنِ أَبِي شَيْبَةَ نَا يَزِيدُ بْنُ هَارُونَ عَنْ الْجُرَيْرِيِّ عَنْ أَبِي الْعَلَاءِ عَنْ مُطَرِّفٍ عَنْ عِمْرَانَ بْنِ الْحُصَيْنِ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لِرَجُلٍ: هَلْ صُمْت مِنْ سُرَرِ هَذَا الشَّهْرِ شَيْئًا؟ يَعْنِي شَعْبَانَ قَالَ: لَا، قَالَ: فَإِذَا أَفْطَرْتَ مِنْ صِيَامِ رَمَضَانَ فَصُمْ يَوْمَيْنِ مَكَانَهُ» . وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ أَبِي دَاوُد نَا أَحْمَدُ بْنُ حَنْبَلٍ نَا مُحَمَّدُ بْنُ جَعْفَرٍ نَا شُعْبَةُ عَنْ تَوْبَةَ الْعَنْبَرِيِّ عَنْ مُحَمَّدِ بْنِ إبْرَاهِيمَ عَنْ أَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَكُنْ يَصُومُ مِنْ السَّنَةِ شَهْرًا تَامًّا إلَّا شَعْبَانَ يَصِلُهُ بِرَمَضَانَ» .

L12332 From the narration of Abdullah ibn Abi al-Ala, through Abi al-Azhar al-Mughirah ibn Farwah, who said: Muʿāwiyah ibn Abī Sufyān stood before the people at Dayr Mishal near the gate of Ḥimṣ and said: "O people, we have sighted the crescent on such-and-such day, and we will begin fasting. Let whoever wishes to follow suit do so." Mālik ibn Hubayrah al-Sabāʿī rose and said: "Muʿāwiyah—is this something you heard from Allah's Messenger—peace and blessings be upon him—or your own opinion?" He replied: "I heard Allah's Messenger—peace and blessings be upon him—say: 'Fast the month and its hidden portion.'"

Abu Muḥammad remarked: "Al-Mughīrah ibn Farwah is obscure. Even if the narration were sound, it would hold no validity as evidence, for its text states: 'Fast the month and its hidden portion'—unquestionably referring to the month of Ramadan, not any other month. 'Its hidden portion' is annexed to it (the month), and this phrase can only denote its beginning, end, or midpoint. Whichever applies, it pertains to Ramadan, not Shaʿbān. The narration does not state: 'Fast the hidden portion of Shaʿbān.' Thus, it cannot be used as evidence."

L12333–12334 As for the report of Umm Salamah, there is no evidence for them in it, because whoever had an accustomed fast coinciding with the Day of Uncertainty must observe it, as stated in the narration we introduced earlier.

وَمِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ أَبِي الْعَلَاءِ عَنْ أَبِي الْأَزْهَرِ الْمُغِيرَةِ بْنِ فَرْوَةَ قَالَ: قَامَ مُعَاوِيَةُ بْنُ أَبِي سُفْيَانَ فِي النَّاسِ فِي دَيْرِ مِسْحَلٍ الَّذِي عَلَى بَابِ حِمْصٍ فَقَالَ: يَا أَيُّهَا النَّاسُ إنَّا قَدْ رَأَيْنَا الْهِلَالَ يَوْمَ كَذَا وَكَذَا وَأَنَا مُتَقَدِّمٌ بِالصِّيَامِ فَمَنْ أَحَبَّ أَنْ يَفْعَلَهُ فَلْيَفْعَلْهُ، فَقَامَ إلَيْهِ مَالِكُ بْنُ هُبَيْرَةَ السَّبَائِيُّ فَقَالَ: يَا مُعَاوِيَةُ أَشَيْءٌ سَمِعْتَهُ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ أَمْ شَيْءٌ مِنْ رَأْيِكَ؟ فَقَالَ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «صُومُوا الشَّهْرَ وَسِرَّهُ» . قَالَ أَبُو مُحَمَّد: الْمُغِيرَةُ بْنُ فَرْوَةَ غَيْرُ مَشْهُورٍ ثُمَّ لَوْ صَحَّ لَمَا كَانَتْ فِيهِ حُجَّةٌ أَصْلًا، لِأَنَّ نَصَّهُ «صُومُوا الشَّهْرَ وَسِرَّهُ» وَهُوَ بِلَا شَكٍّ شَهْرُ رَمَضَانَ لَا مَا سِوَاهُ " وَسِرَّهُ " مُضَافٌ إلَيْهِ، وَلَا يَخْلُو " سِرُّهُ " مِنْ أَنْ يَكُونَ أَوَّلَهُ أَوْ آخِرَهُ أَوْ وَسَطَهُ وَأَيَّ ذَلِكَ كَانَ؟ فَهُوَ مِنْ رَمَضَانَ لَا مِنْ شَعْبَانَ، وَلَيْسَ فِيهِ: صُومُوا سِرَّ شَعْبَانَ، فَبَطَلَ التَّعَلُّقُ بِهِ.

وَأَمَّا خَبَرُ أُمِّ سَلَمَةَ فَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّ كُلَّ مَنْ كَانَ لَهُ صَوْمٌ مَعْهُودٌ فَوَافَقَ يَوْمَ الشَّكِّ فَلْيَصُمْهُ كَمَا جَاءَ فِي الْخَبَرِ الَّذِي صَدَّرْنَا بِهِ، وَلَا يَجُوزُ أَنْ يُحْمَلَ صَوْمُ النَّبِيِّ - صَلَّى

It is impermissible to interpret the Prophet's fasting—peace be upon him—for himself or his joining Shaʿban with Ramadan unless it is considered an accustomed fast he had. As for ʿImran's report, it is authentic but contains no evidence for them, for we do not know what the Prophet—peace be upon him—used to say to him. If a man were to say, "I fasted the middle days of Shaʿban," would he forbid him or approve it? Established religious rulings cannot be contradicted by conjectures or ambiguous matters. Even if these narrations contained explicit evidence permitting fasting the Day of Uncertainty in Shaʿban, it would still not have been evidence for them, since fasting the Day of Uncertainty and other days was unquestionably permissible in early Islam, for fasting as a whole is an act of virtue and goodness. When the Prophet's prohibition—peace be upon him—against fasting two days preceding Ramadan became firmly established, except for those with an accustomed fast, it became certain beyond doubt that the prior permissibility had been abrogated and annulled. This is because fasting preceded this prohibition by explicit textual stipulation, just as his exception—peace be upon him—applied to those with an accustomed fast. It is unlawful to act upon anything confirmed as abrogated beyond doubt, nor is it permissible to contravene the abrogating ruling. Whoever claims the abrogated ruling has been reinstated or that the abrogation itself is void has uttered falsehood, pursued matters beyond his knowledge, and advanced claims devoid of evidence. Conjecture is the falsest of speech.

اللَّهُ عَلَيْهِ وَسَلَّمَ - لَهُ وَفِي وَصْلِهِ شَعْبَانَ بِرَمَضَانَ إِلَّا عَلَى أَنَّهُ صَوْمٌ مَعْهُودٌ كَانَ لَهُ؟ وَأَمَّا خَبَرُ عِمْرَانَ فَصَحِيحٌ إِلَّا أَنَّهُ لَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّا لَا نَدْرِي مَاذَا كَانَ يَقُولُ لَهُ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ لَوْ قَالَ لَهُ الرَّجُلُ: إِنَّهُ صَامَ سِرَرَ شَعْبَانَ أَيَنْهَاهُ أَمْ يُقِرُّهُ عَلَى ذَلِكَ؟ وَالشَّرَائِعُ الثَّابِتَةُ لَا يَجُوزُ خِلَافُهَا بِالظُّنُونِ وَلَا بِمَا لَا بَيَانَ فِيهِ، ثُمَّ لَوْ كَانَ فِي هَذِهِ الْأَخْبَارِ بَيَانٌ جَلِيٌّ بِإِبَاحَةِ صَوْمِ يَوْمِ الشَّكِّ مِنْ شَعْبَانَ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّ صَوْمَ يَوْمِ الشَّكِّ وَغَيْرِهِ كَانَ مُبَاحًا بِلَا شَكٍّ فِي صَدْرِ الْإِسْلَامِ، لِأَنَّ الصَّوْمَ جُمْلَةَ عَمَلُ بِرٍّ وَخَيْرٍ، فَلَمَّا صَحَّ نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَوْمِ يَوْمَيْنِ قَبْلَ رَمَضَانَ إِلَّا لِمَنْ كَانَ لَهُ صَوْمٌ يَصُومُهُ صَحَّ يَقِينًا لَا مِرْيَةَ فِيهِ أَنَّ الْإِبَاحَةَ الْمُتَقَدِّمَةَ قَدْ نُسِخَتْ وَبَطَلَتْ، لِأَنَّ الصَّوْمَ قَدْ كَانَ مُتَقَدِّمًا لِهَذَا النَّهْيِ بِنَصِّهِ كَمَا هُوَ لِاسْتِثْنَائِهِ - عَلَيْهِ السَّلَامُ - مَنْ كَانَ لَهُ صَوْمٌ فَلْيَصُمْهُ، وَلَا يَحِلُّ الْعَمَلُ بِشَيْءٍ قَدْ صَحَّ أَنَّهُ مَنْسُوخٌ بِلَا شَكٍّ وَلَا يَحِلُّ خِلَافُ النَّاسِخِ وَمَنْ ادَّعَى أَنَّ الْحَالَةَ الْمَنْسُوخَةَ قَدْ عَادَتْ وَأَنَّ النَّاسِخَ قَدْ بَطَلَ فَقَدْ كَذَبَ وَقَفَا مَا لَا عِلْمَ لَهُ بِهِ، وَقَالَ مَا لَا دَلِيلَ لَهُ بِهِ أَبَدًا، وَالظَّنُّ أَكْذَبُ الْحَدِيثِ.

The Issue of Self-Reproach on the Day of Uncertainty.

[مَسْأَلَةُ التَّلَوُّمِ فِي يَوْمِ الشَّكِّ]

799. Issue: There is no meaning to hesitation on the day of uncertainty. If one's hesitation involves the intention to fast, they have contradicted the command of Allah's Messenger—peace be upon him—to abandon fasting and violated the prohibition. If their hesitation occurs without fasting intention, it constitutes pointless exertion devoid of purpose, as a person who breaks the fast refraining from eating performs a meaningless act. We have received narrations from Anas and a group with him regarding hastening the breaking of the fast immediately at its due time.

٧٩٩ - مَسْأَلَةٌ: وَلَا مَعْنَى لِلتَّلَوُّمِ فِي يَوْمِ الشَّكِّ، لِأَنَّهُ إِنْ كَانَ تَلَوُّمُهُ بِنِيَّةِ الصَّوْمِ فَقَدْ خَالَفَ أَمْرَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِتَرْكِ صَوْمِهِ وَوَاقَعَ النَّهْيَ، وَإِنْ كَانَ تَلَوُّمُهُ بِغَيْرِ نِيَّةِ الصَّوْمِ فَهُوَ عَنَاءٌ لَا مَعْنَى لَهُ، وَتَرْكُ الْمُفْطِرِ الْأَكْلَ عَمَلٌ فَارِغٌ. وَقَدْ رُوِّينَا عَنْ أَنَسٍ وَجَمَاعَةٍ مَعَهُ تَعْجِيلَ الْفِطْرِ فِي أَوَّلِهِ.

Voluntary fasting on the sixteenth day of Shaʿbān.

[مَسْأَلَةٌ صَوْمُ الْيَوْمِ السَّادِسَ عَشَرَ مِنْ شَعْبَانَ تَطَوُّعًا]

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٨٠٠ - مَسْأَلَةٌ: وَلَا يَجُوزُ صَوْمُ الْيَوْمِ السَّادِسَ عَشَرَ مِنْ شَعْبَانَ تَطَوُّعًا أَصْلًا وَلَا لِمَنْ صَادَفَ يَوْمًا كَانَ يَصُومُهُ -: نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا عُمَرُ بْنُ عَبْدِ الْمَلِكِ نَا مُحَمَّدُ بْنُ بَكْرٍ نَا أَبُو دَاوُد نَا قُتَيْبَةُ بْنُ سَعِيدٍ نَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ قَالَ: قَدِمَ عَبَّادُ بْنُ كَثِيرٍ الْمَدِينَةَ فَمَالَ إلَى مَجْلِسِ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ فَأَخَذَ بِيَدِهِ فَأَقَامَهُ ثُمَّ قَالَ: اللَّهُمَّ إنَّ هَذَا يُحَدِّثُ عَنْ أَبِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إذَا انْتَصَفَ شَعْبَانُ فَلَا تَصُومُوا» فَقَالَ الْعَلَاءُ: اللَّهُمَّ إنَّ أَبِي حَدَّثَنِي عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ ذَلِكَ. قَالَ أَبُو مُحَمَّدٍ: هَكَذَا رَوَاهُ سُفْيَانُ عَنْ الْعَلَاءِ، وَالْعَلَاءُ ثِقَةٌ رَوَى عَنْهُ: شُعْبَةُ، وَسُفْيَانُ الثَّوْرِيُّ، وَمَالِكٌ، وَسُفْيَانُ بْنُ عُيَيْنَةَ، وَمِسْعَرُ بْنُ كِدَامٍ، وَأَبُو الْعُمَيْسِ، وَكُلُّهُمْ يُحْتَجُّ بِحَدِيثِهِ فَلَا يَضُرُّهُ غَمْزُ ابْنِ مَعِينٍ لَهُ، وَلَا يَجُوزُ أَنْ يُظَنَّ بِأَبِي هُرَيْرَةَ مُخَالَفَةُ مَا رَوَى عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالظَّنُّ أَكْذَبُ الْحَدِيثِ؛ فَمَنْ ادَّعَى هَاهُنَا إجْمَاعًا فَقَدْ كَذَبَ. وَقَدْ كَرِهَ قَوْمٌ الصَّوْمَ بَعْدَ النِّصْفِ مِنْ شَعْبَانَ جُمْلَةً، إلَّا أَنَّ الصَّحِيحَ الْمُتَيَقَّنَ مِنْ مُقْتَضَى لَفْظِ هَذَا الْخَبَرِ النَّهْيُ عَنْ الصِّيَامِ بَعْدَ النِّصْفِ مِنْ شَعْبَانَ، وَلَا يَكُونُ الصِّيَامُ فِي أَقَلَّ مِنْ يَوْمٍ، وَلَا يَجُوزُ أَنْ يُحْمَلَ عَلَى النَّهْيِ عَنْ صَوْمِ بَاقِي الشَّهْرِ إذْ لَيْسَ ذَلِكَ بَيِّنًا، وَلَا يَخْلُو شَعْبَانُ مِنْ أَنْ يَكُونَ ثَلَاثِينَ أَوْ تِسْعًا وَعِشْرِينَ؛ فَإِنْ كَانَ ذَلِكَ فَانْتِصَافُهُ بِخَمْسَةَ عَشَرَ يَوْمًا، وَإِنْ كَانَ تِسْعًا وَعِشْرِينَ فَانْتِصَافُهُ فِي نِصْفِ الْيَوْمِ الْخَامِسِ عَشَرَ، وَلَمْ يَنْهَ عَنْ الصِّيَامِ بَعْدَ النِّصْفِ، فَحَصَلَ مِنْ ذَلِكَ النَّهْيُ عَنْ صِيَامِ الْيَوْمِ السَّادِسَ عَشَرَ بِلَا شَكٍّ. فَإِنْ قِيلَ: فَقَدْ رَوَيْتُمْ مِنْ طَرِيقِ وَكِيعٍ عَنْ أَبِي الْعُمَيْسِ عَنْ الْعَلَاءِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ

800 - Issue: It is not permissible to observe voluntary fasting on the 16th day of Shaʿbān under any circumstance, nor for one who encounters a day he habitually fasts. Narrated by ʿAbdullāh ibn Rabīʿ, narrated by ʿUmar ibn ʿAbd al-Malik, narrated by Muḥammad ibn Bakr, narrated by Abū Dāwūd, narrated by Qutaybah ibn Saʿīd, narrated by ʿAbd al-ʿAzīz ibn Muḥammad al-Darāwardī, who said: ʿAbbād ibn Kathīr came to Medina and approached the gathering of al-ʿAlāʾ ibn ʿAbd al-Raḥmān. He took him by the hand, asked him to stand, then said: "O Allah, this man narrates from his father that the Messenger of Allah - peace and blessings be upon him - said: 'When Shaʿbān reaches its midpoint, do not fast.'" Al-ʿAlāʾ responded: "O Allah, my father narrated to me..." From Abu Hurairah that the Messenger of Allah—peace and blessings of Allah be upon him—said this. Abu Muhammad said: Sufyan narrated it thus from al-Ala', and al-Ala' is reliable. Shuʿbah, Sufyan al-Thawri, Malik, Sufyan ibn ʿUyaynah, Misʿar ibn Kidam, and Abu al-Umayyis narrated from him—all of whose narrations are deemed authoritative. Therefore, Ibn Maʿin's disparagement of him does not impair his reliability. It is not permissible to entertain suspicion that Abu Hurairah contradicted what he narrated from the Prophet—peace and blessings of Allah be upon him—for suspicion is the most deceitful of speech. Whoever claims consensus here has uttered falsehood. Some people wholly disapproved of fasting after the midpoint of Shaʿban. However, the authentic and certain implication of the wording of this report is the prohibition of fasting after the midpoint of Shaʿban. Fasting cannot be observed in less than a day, nor is it permissible to interpret this as a prohibition against fasting the remainder of the month, since this is not explicitly stated. Shaʿban must either consist of thirty days or twenty-nine. If thirty, its midpoint is the fifteenth day; if twenty-nine, its midpoint falls at midday on the fifteenth. Since the prohibition was not against fasting after the midpoint, it is conclusively established from this that the prohibition applies without doubt to fasting the sixteenth day. If it is objected: "You have narrated through Waki' from Abu al-Umayyis, from al-Ala' ibn 'Abd al-Rahman, from his father, from Abu Hurairah, from the Messenger of Allah—peace and blessings of Allah be upon him—'When the midpoint

of Sha‘ban arrives, abstain from fasting until Ramadan begins,’” we respond: Indeed. This could indicate a prohibition against all fasting after the midpoint of Sha‘ban, or it could indicate a prohibition against only part of what follows the midpoint. Neither interpretation is inherently more valid than the other based on the apparent wording. We have previously cited the statement of Umm Salamah, Mother of the Believers: “The Messenger of Allah—peace and blessings of Allah be upon him—would fast Sha‘ban continuously into Ramadan,” and the statement of ‘A’ishah, Mother of the Believers: “He—peace and blessings of Allah be upon him—would fast nearly all of Sha‘ban.” Their statements necessitate that he—peace and blessings of Allah be upon him—maintained this practice consistently. Therefore, it is obligatory to act upon all these narrations collectively, rejecting none. Thus, fasting most of Sha‘ban is established as commendable, and the permissibility of fasting its latter portion is confirmed. Consequently, the only definitive prohibition remaining applies solely to what is incontrovertible—the day that is without doubt. “The sixteenth, as we have stated—and all success is from Allah, the Exalted.”

L12343 And whoever claims abrogation in the narration of Al-ʿAlāʾ has lied and followed what he has no knowledge of—and in Allah the Exalted we seek support. We have previously clarified in what preceded the statements of Abū Ḥanīfah, Mālik, and Al-Shāfiʿī—most of which is not known to have been stated by anyone before each of them. Most of what they said was based on opinion rather than textual evidence. Among these is Abū Ḥanīfah’s ruling: It suffices for one performing ablution to wipe an amount equivalent to three fingers on the head, and less than this does not suffice. On one occasion he said: A quarter of the head suffices, and less does not suffice. Wiping with three fingers suffices, but not with two fingers or one. They permitted istinjāʾ—post-defecation cleansing—using dung. His ruling: Vomit and bodily fluid exiting from the body cavity invalidate ablution if each amounts to a mouthful. If less than this, they do not invalidate ablution. Similarly, intentional vomiting and blood exiting from the body cavity invalidate ablution if it dominates the saliva, even if not filling the mouth. Phlegm exiting from the body cavity does not invalidate ablution even if filling the mouth. His

اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا كَانَ النِّصْفُ مِنْ شَعْبَانَ فَأَمْسِكُوا عَنْ الصَّوْمِ حَتَّى يَكُونَ رَمَضَانُ» . قُلْنَا: نَعَمْ، وَهَذَا يَحْتَمِلُ النَّهْيَ عَنْ كُلِّ مَا بَعْدَ النِّصْفِ مِنْ شَعْبَانَ، وَيَحْتَمِلُ أَنْ يَكُونَ النَّهْيُ عَنْ بَعْضِ مَا بَعْدَ النِّصْفِ، وَلَيْسَ أَحَدُ الِاحْتِمَالَيْنِ أَوْلَى بِظَاهِرِ اللَّفْظِ مِنْ الْآخَرِ، وَقَدْ رُوِّينَا مَا ذَكَرْنَا قَبْلُ مِنْ قَوْلِ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَصُومُ شَعْبَانَ يَصِلُهُ بِرَمَضَانَ» وَقَوْلِ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: «أَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: كَانَ يَصُومُ شَعْبَانَ كُلَّهُ إلَّا قَلِيلًا» وَقَوْلُهُمَا هَذَا يَقْتَضِي أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يُدَاوِمُ ذَلِكَ فَوَجَبَ اسْتِعْمَالُ هَذِهِ الْأَخْبَارِ كُلِّهَا وَأَلَّا يُرَدَّ مِنْهَا شَيْءٌ لِشَيْءٍ أَصْلًا، فَصَحَّ صِيَامُ أَكْثَرِ شَعْبَانَ مَرْغُوبًا فِيهِ، وَصَحَّ جَوَازُ صَوْمِ آخِرِهِ، فَلَمْ يَبْقَ يَقِينُ النَّهْيِ إلَّا عَلَى مَا لَا شَكَّ فِيهِ وَهُوَ الْيَوْمُ السَّادِسَ عَشَرَ كَمَا قُلْنَا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَمَنْ ادَّعَى نَسْخًا فِي خَبَرِ الْعَلَاءِ فَقَدْ كَذَبَ وَقَفَا مَا لَا عِلْمَ لَهُ بِهِ - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ. وَقَدْ بَيَّنَّا فِيمَا خَلَا مَا قَالَهُ أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ مِمَّا لَا يُعْرَفُ أَنَّ أَحَدًا قَالَهُ قَبْلَ كُلِّ وَاحِدٍ مِنْهُمْ، أَكْثَرُ ذَلِكَ مِمَّا قَالُوهُ بِرَأْيٍ لَا بِنَصٍّ؟ مِنْ ذَلِكَ قَوْلُ أَبِي حَنِيفَةَ: يُجْزِئُ مَنْ مَسَحَ الرَّأْسَ فِي الْوُضُوءِ مِقْدَارُ ثَلَاثَةِ أَصَابِعَ وَلَا يُجْزِئُ أَقَلُّ مِنْهُ، وَمَرَّةً قَالَ: رُبْعُ الرَّأْسِ وَلَا يُجْزِئُ أَقَلُّ، وَيُجْزِي مَسْحُهُ بِثَلَاثِ أَصَابِعَ وَلَا يُجْزِئُ بِأُصْبُعَيْنِ وَلَا بِأُصْبُعٍ. وَأَجَازُوا الِاسْتِنْجَاءَ بِالرَّوْثِ. وَقَوْلُهُ: الْمِرَّةُ وَالْمَاءُ الْخَارِجَانِ، مِنْ الْجَوْفِ يَنْقُضَانِ الْوُضُوءَ إذَا كَانَ كُلُّ وَاحِدٍ مِنْهُمَا مِلْءَ الْفَمِ، فَإِنْ كَانَ أَقَلَّ لَمْ يَنْقُضْ الْوُضُوءَ، وَكَذَلِكَ تَعَمُّدُ الْقَيْءِ وَالدَّمُ الْخَارِجُ مِنْ الْجَوْفِ يَنْقُضُ الْوُضُوءَ إنْ غَلَبَ عَلَى الْبُصَاقِ وَإِنْ لَمْ يَمْلَأْ الْفَمَ، وَالْبَلْغَمُ الْخَارِجُ مِنْ الْجَوْفِ لَا يَنْقُضُ الْوُضُوءَ وَإِنْ مَلَأَ الْفَمَ. وَقَوْلُهُ

ruling regarding zakāt on horses: One may give ten dirham per head for females, males, or mixed genders. Alternatively, one may appraise their value and give five dirham per every two hundred dirham, while giving nothing for male horses not used for breeding or riding. His ruling: Zakāt applies to all agricultural produce, whether little or much, except firewood, reeds, grass, and certain stalks. If the produce remains in the home, no zakāt is due. All these rulings are not known to have been stated by anyone before them. Similarly, Mālik's ruling: Omitting three takbīrs or three tasmīʿāt—saying "Samiʿa Allāhu liman ḥamidah"—invalidates the prayer. Omitting two takbīrs or less, or two tasmīʿāt or less, does not invalidate it. His rulings on zakāt regarding agricultural yields and exempted grain types. His ruling: Zakāt obligations lapse upon death except for that year's due. His ruling on grains subject to Zakāt al-Fiṭr. Al-Shāfiʿī's rulings: On which grains zakāt is obligatory and exempted. His ruling: On grains valid for Zakāt al-Fiṭr and those insufficient for it.

فِي صَدَقَةِ الْخَيْلِ: إنْ شَاءَ أَعْطَى عَنْ كُلِّ رَأْسٍ مِنْ الْإِنَاثِ أَوْ الذُّكُورِ أَوْ الْإِنَاثِ مَخْلُوطِينَ عَنْ كُلِّ رَأْسٍ عَشَرَةَ دَرَاهِمَ، وَإِنْ شَاءَ قَوَّمَهَا قِيمَةً وَأَعْطَى عَنْ كُلِّ مِائَتَيْ دِرْهَمٍ خَمْسَةً، وَلَا يُعْطِي مِنْ الذُّكُورِ الْمُفْرَدَةِ شَيْئًا. وَقَوْلُهُ: الزَّكَاةُ فِي كُلِّ مَا أَخْرَجَتْ الْأَرْضُ قَلَّ أَوْ كَثُرَ إلَّا الْحَطَبَ، وَالْقَصَبَ، وَالْحَشِيشَ، وَقَصَبَ الزَّرِيرَةِ، فَإِنْ كَانَ الْخَارِجُ فِي الدَّارِ فَلَا زَكَاةَ فِيهِ، وَكُلُّ هَذَا لَا يُعْلَمُ أَحَدٌ قَالَهُ قَبْلَهُمْ. وَكَقَوْلِ مَالِكٍ: مَنْ تَرَكَ مِنْ الصَّلَاةِ ثَلَاثَ تَكْبِيرَاتٍ، أَوْ ثَلَاثَ تَسْمِيعَاتٍ بَطَلَتْ صَلَاتُهُ، فَإِنْ تَرَكَ تَكْبِيرَتَيْنِ فَأَقَلَّ لَمْ تَبْطُلْ وَلَا تَسْمِيعَتَيْنِ فَأَقَلَّ. وَقَوْلُهُ فِي الزَّكَاةِ فِيمَا تُخْرِجُهُ الْأَرْضُ وَمِمَّا لَا زَكَاةَ فِيهِ مِنْ ذَلِكَ مِنْ أَنْوَاعِ الْحُبُوبِ. وَقَوْلُهُ: إنَّ الزَّكَاةَ تَسْقُطُ بِمَوْتِ الْمَرْءِ إلَّا زَكَاةَ عَامِهِ ذَلِكَ. وَقَوْلُهُ فِيمَا تَخْرُجُ مِنْهُ زَكَاةُ الْفِطْرِ مِنْ الْحُبُوبِ. وَقَوْلُ الشَّافِعِيِّ: فِيمَا يَخْرُجُ مِنْهُ الزَّكَاةُ مِنْ الْحُبُوبِ وَمَا يَخْرُجُ مِنْهُ. وَقَوْلُهُ: فِيمَا يَخْرُجُ مِنْهُ زَكَاةُ الْفِطْرِ مِنْ الْحُبُوبِ وَمَا لَا يُجْزِئُ فِيهَا مِنْهَا.

L12344–12345 His statement that if the water amounts to five hundred ratls according to the Baghdadi measure, it is not susceptible to impurity unless the impurity alters it. If it is less - even by a dirham's weight - it becomes impure even if unaltered. All of this was not known to have been held by any scholar prior to those we mentioned.

وَقَوْلُهُ فِي أَنَّ الْمَاءَ إنْ كَانَ خَمْسَمِائَةِ رِطْلٍ بِالْبَغْدَادِيِّ لَهُ لَمْ يَقْبَلْ نَجَاسَةً إلَّا أَنْ تُغَيِّرَهُ، فَإِنْ كَانَ أَقَلَّ - وَلَوْ بِوَزْنِ دِرْهَمٍ - فَإِنَّهُ يُنَجَّسُ وَإِنْ لَمْ يَتَغَيَّرْ. وَكُلُّ هَذَا لَا يُعْرَفُ لَهُ قَائِلٌ قَبْلَ مَنْ ذَكَرْنَا.

L12346 If we were to pursue the similar cases for each of them, it would amount to thousands of jurisprudential questions for Abū Ḥanīfa and Mālik, and it would reach two hundred for Al-Shāfiʿī—and in Allah the Exalted we seek support.

وَلَوْ تَتَبَّعْنَا مَا لِكُلِّ وَاحِدٍ مِنْهُمْ مِنْ مِثْلِ هَذَا لَبَلَغَ لِأَبِي حَنِيفَةَ، وَمَالِكٍ: أُلُوفًا مِنْ الْمَسَائِلِ، وَلَبَلَغَ لِلشَّافِعِيِّ مِائَتَيْنِ - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

L12347 Issue: The ruling on fasting on the day of Eid al-Fitr.

[مَسْأَلَةُ صَوْمُ يَوْمِ الْفِطْرِ]

L12348–12350 801 - Issue: It is not permissible to fast on the day of Eid al-Fitr or the day of Eid al-Adha—neither as an obligation nor as a voluntary act—and this is

the view of the majority of people. We have reported through the chain of Waki‘ from ‘Abdullah ibn ‘Awn from Ziyad ibn Jubayr, who said: “A man asked Ibn ‘Umar about someone who vowed to fast a day that coincided with Eid al-Adha or Eid al-Fitr. Ibn ‘Umar replied: ’Allah the Exalted commanded fulfilling vows, but the Messenger of Allah—peace and blessings be upon him—prohibited fasting on this day.”’ We have also reported from ‘Ata’ regarding one who vows to fast the month of Shawwal: they should break their fast on Eid al-Fitr, fast a day in Dhul-Qi‘dah in its place, and feed ten destitute individuals in addition. ‘Ali said: “Allah the Mighty and Majestic only commanded fulfilling vows if they involve obedience, not disobedience. And since the Prophet’s prohibition—peace and blessings be upon him—against fasting on Eid al-Fitr, Eid al-Adha, or any other day he forbade is established, fasting on such days is an act of disobedience. Allah the Exalted never commanded fulfilling a vow involving disobedience.” Authentic Companion narrations support this, including what we have reported via Bukhari’s chain from ‘Abdullah ibn Yusuf from Malik from Ibn Shihab from Abi ‘Ubayd, the freed slave of Ibn Azhar, who said: “I attended Eid with ‘Umar ibn al-Khattab—may Allah be pleased with him—and he said: ’These are two days the Messenger of Allah—peace and blessings be upon him—forbade fasting: the day you break your fast after your Ramadan fast, and the day you eat from your sacrifices.”’ This is also authentically established through chains from Abu Hurayrah and Abu Sa‘id with connected chains. Muhammad ibn al-Hasan stated in Hisham ibn ‘Ubaydullah’s narration from him: “Whoever vows to fast perpetually as an oath must fulfill the vow by fasting but must break the fast on Eid al-Fitr, Eid al-Adha, and the days of Tashreeq.” He does not provide any food himself, but he instructs in his will upon his death that half a ṣāʿ of food be given on his behalf for each day. This is a muddle without precedent.

Issue: Fasting the Days of Tashreeq.

L12351

L12352–12354

Issue 802: It is impermissible to fast during the Days of Tashreeq - the

٨٠١ - مَسْأَلَةٌ: وَلَا يَحِلُّ صَوْمُ يَوْمِ الْفِطْرِ، وَلَا يَوْمِ الْأَضْحَى - لَا فِي فَرْضٍ وَلَا فِي تَطَوُّعٍ - وَهُوَ قَوْلُ جُمْهُورِ النَّاسِ. وَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ عَبْدِ اللَّهِ بْنِ عَوْنٍ عَنْ زِيَادِ بْنِ جُبَيْرٍ قَالَ: «سَأَلَ رَجُلٌ ابْنَ عُمَرَ عَمَّنْ نَذَرَ صَوْمَ يَوْمٍ فَوَافَقَ يَوْمَ أَضْحَى، أَوْ يَوْمَ فِطْرٍ؟ فَقَالَ ابْنُ عُمَرَ: أَمَرَ اللَّهُ تَعَالَى بِوَفَاءِ النَّذْرِ، وَنَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَوْمِ هَذَا الْيَوْمِ» . وَرُوِّينَا عَنْ عَطَاءٍ فِيمَنْ نَذَرَ صَوْمَ شَوَّالٍ: أَنَّهُ يُفْطِرُ يَوْمَ الْفِطْرِ ثُمَّ يَصُومُ يَوْمًا مِنْ ذِي الْقِعْدَةِ مَكَانَهُ وَيُطْعِمُ مَعَ ذَلِكَ عَشَرَةَ مَسَاكِينَ. قَالَ عَلِيٌّ: إنَّمَا أَمَرَ عَزَّ وَجَلَّ بِالْوَفَاءِ بِالنَّذْرِ إذَا كَانَ طَاعَةً لَا إذَا كَانَ مَعْصِيَةً، وَإِذْ صَحَّ نَهْيُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صَوْمِ يَوْمِ الْفِطْرِ وَالْأَضْحَى، أَوْ أَيِّ يَوْمٍ نَهَى عَنْهُ فَصَوْمُ ذَلِكَ الْيَوْمِ مَعْصِيَةٌ، وَلَمْ يَأْمُرْ اللَّهُ تَعَالَى - قَطُّ - بِالْوَفَاءِ بِنَذْرٍ مَعْصِيَةٍ، وَقَدْ صَحَّ فِي ذَلِكَ آثَارٌ -: مِنْهَا مَا رُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ عَنْ عَبْدِ اللَّهِ بْنِ يُوسُفَ عَنْ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنْ أَبِي عُبَيْدٍ مَوْلَى ابْنِ أَزْهَرَ قَالَ: «شَهِدْتُ الْعِيدَ مَعَ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - فَقَالَ: هَذَانِ يَوْمَانِ نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ صِيَامِهِمَا: يَوْمُ فِطْرِكُمْ مِنْ صِيَامِكُمْ، وَالْيَوْمُ الْآخَرُ يَوْمَ تَأْكُلُونَ فِيهِ مِنْ نُسُكِكُمْ» . وَصَحَّ أَيْضًا مِنْ طَرِيقِ أَبِي هُرَيْرَةَ، وَأَبِي سَعِيدٍ مُسْنَدًا. وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ فِي رِوَايَةِ هِشَامِ بْنِ عُبَيْدِ اللَّهِ عَنْهُ: " مَنْ نَذَرَ أَنْ يَصُومَ الدَّهْرَ وَأَرَادَ بِذَلِكَ الْيَمِينَ: فَعَلَيْهِ أَنْ يَصُومَهُ وَيُفْطِرَ: يَوْمَ الْفِطْرِ وَالْأَضْحَى وَأَيَّامَ التَّشْرِيقِ؛ وَلَا يُطْعِمُ شَيْئًا، لَكِنْ يُوصِي عِنْدَ مَوْتِهِ أَنْ يُطْعَمَ عَنْهُ لِكُلِّ يَوْمٍ نِصْفُ صَاعٍ ". وَهَذَا تَخْلِيطٌ لَا نَظِيرَ لَهُ.

[مَسْأَلَةٌ صِيَامُ أَيَّامِ التَّشْرِيقِ]

٨٠٢ - مَسْأَلَةٌ: وَلَا يَجُوزُ صِيَامُ أَيَّامِ التَّشْرِيقِ، وَهِيَ ثَلَاثَةُ أَيَّامٍ بَعْدَ يَوْمِ الْأَضْحَى، لَا فِي قَضَاءِ رَمَضَانَ، وَلَا فِي نَذْرٍ، وَلَا فِي كَفَّارَةٍ، وَلَا لِمُتَمَتِّعٍ بِالْحَجِّ لَا يَقْدِرُ عَلَى الْهَدْيِ - وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَالشَّافِعِيِّ. وَقَالَ مَالِكٌ: يَصُومُهَا الْمُتَمَتِّعُ الْمَذْكُورُ كُلَّهَا، وَلَا يَصُومُ النَّاذِرُ مِنْهَا إلَّا الْيَوْمَ الثَّالِثَ فَقَطْ، وَلَا يَجُوزُ أَنْ يُصَامَ شَيْءٌ مِنْهَا تَطَوُّعًا، وَلَا فِي كَفَّارَةٍ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ إِسْحَاقَ نَا ابْنُ الْأَعْرَابِيِّ نَا أَبُو دَاوُد نَا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ الْقَعْنَبِيُّ نَا مَالِكٌ عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ أُسَامَةَ بْنِ الْهَادِ عَنْ أَبِي مُرَّةَ مَوْلَى أُمِّ هَانِئٍ «أَنَّهُ دَخَلَ مَعَ عَبْدِ اللَّهِ بْنِ عَمْرِو بْنِ الْعَاصِ عَلَى أَبِيهِ عَمْرِو بْنِ الْعَاصِ فَقَرَّبَ إلَيْهِمَا طَعَامًا فَقَالَ: إنِّي صَائِمٌ فَقَالَ لَهُ: كُلْ فَهَذِهِ الْأَيَّامُ الَّتِي كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَأْمُرُنَا بِإِفْطَارِهَا وَيَنْهَانَا عَنْ صِيَامِهَا» قَالَ مَالِكٌ: هِيَ أَيَّامُ التَّشْرِيقِ. نَا حُمَامُ بْنُ أَحْمَدَ نَا عَبَّاسُ بْنُ أَصْبَغَ نَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ نَا بَكْرٌ هُوَ ابْنُ حَمَّادٍ - نَا مُسَدَّدٌ نَا حَمَّادُ بْنُ زَيْدٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ نَافِعِ بْنِ جُبَيْرِ بْنِ مُطْعِمٍ عَنْ بِشْرِ بْنِ سُحَيْمٍ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ أَنْ يُنَادِيَ أَيَّامَ التَّشْرِيقِ: أَنَّهُ لَا يَدْخُلُ الْجَنَّةَ إلَّا مُؤْمِنٌ، وَأَنَّهَا أَيَّامُ أَكْلٍ وَشُرْبٍ» . قَالَ أَبُو مُحَمَّد: تَفْرِيقُ مَالِكٍ بَيْنَ الْيَوْمَيْنِ وَبَيْنَ الْيَوْمِ الثَّالِثِ لَا وَجْهَ لَهُ أَصْلًا؛ فَإِنْ ذَكَرَ ذَاكِرٌ مَا رُوِّينَاهُ مِنْ طَرِيقِ شُعْبَةَ قَالَ: سَمِعْت عَبْدَ اللَّهِ بْنَ عِيسَى هُوَ ابْنُ أَبِي لَيْلَى - عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ، وَسَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ عُرْوَةُ: عَنْ عَائِشَةَ، وَقَالَ سَالِمٌ: عَنْ أَبِيهِ، ثُمَّ اتَّفَقَا، قَالَا: لَمْ يُرَخَّصْ فِي أَيَّامِ التَّشْرِيقِ أَنْ يُصَمْنَ إلَّا لِمَنْ لَمْ يَجِدْ الْهَدْيَ. وَقَدْ أَسْنَدَهُ عَنْ شُعْبَةَ: يَحْيَى بْنُ سَلَّامٍ، وَلَيْسَ هُوَ مِمَّنْ يُحْتَجُّ بِحَدِيثِهِ، فَإِنَّ هَذَا مَوْقُوفٌ عَلَى أُمِّ الْمُؤْمِنِينَ، وَابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمْ -، وَلَا حُجَّةَ فِي أَحَدٍ

three days following the Day of Sacrifice - whether for making up Ramadan obligations, fulfilling vows, performing expiations, or for a Tamattuʿ pilgrim unable to provide the sacrificial offering. This is the position of Abū Ḥanīfah and al-Shāfiʿī. Mālik stated: The aforementioned Tamattuʿ pilgrim may fast all these days, while one fulfilling a vow may fast only the third day. No voluntary fasting or expiatory fasting is permitted during any of these days.

ʿAbdullāh ibn Rabīʿ narrated to us: Muḥammad ibn Isḥāq narrated to us: Ibn al-Aʿrābī narrated to us: Abū Dāwūd narrated to us: ʿAbdullāh ibn Maslamah al-Qaʿnabī narrated to us: Mālik narrated from Yazīd ibn ʿAbdillāh ibn Usāmah ibn al-Hād from Abū Murrah, freedman of Umm Hāniʾ: "He entered with ʿAbdullāh ibn ʿAmr ibn al-ʿĀṣ to his father ʿAmr ibn al-ʿĀṣ, who offered them food. ʿAbdullāh said: 'I am fasting.' His father responded: 'Eat, for these are the days when Allah's Messenger (peace be upon him) instructed us to abstain from fasting and prohibited us from observing fasts.'" Mālik commented: "These are the Days of Tashreeq."

Ḥumām ibn Aḥmad narrated to us: ʿAbbās ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Malik ibn Ayman narrated to us: Bakr ibn Ḥammād narrated to us: Musaddad narrated to us: Ḥammād ibn Zayd narrated from ʿAmr ibn Dīnār from Nāfiʿ ibn Jubayr ibn Muṭʿim from Bishr ibn Suḥaym: "Allah's Messenger (peace be upon him) commanded him to proclaim during the Days of Tashreeq: 'None enters Paradise except believers, and these are days of eating and drinking.'"

Abū Muḥammad remarked: Mālik's differentiation between the first two days and the third day lacks any valid foundation. Should anyone cite the narration transmitted through Shuʿbah - who reported hearing ʿAbdullāh ibn ʿĪsā (son of Abū Laylā) relate from al-Zuhrī, from ʿUrwah ibn al-Zubayr and Sālim ibn ʿAbdillāh ibn ʿUmar - where ʿUrwah transmitted from ʿĀishah and Sālim from his father, their consensus being: "Fasting during the Days of Tashreeq was only sanctioned for those incapable of procuring the sacrificial offering" - we note this chain includes Yaḥyā ibn Sallām citing Shuʿbah, though Yaḥyā's narrations are not authoritative. This report remains attributed to the Mother of the Believers (ʿĀishah) and Ibn ʿUmar (may Allah be pleased with them), and no human argument holds validity alongside the Messen-

ger of Allah (peace be upon him). It is not permissible to attribute this to the Messenger of Allah (peace and blessings of Allah be upon him) based on conjecture, for the Messenger of Allah (peace and blessings of Allah be upon him) said: "Beware of conjecture, for conjecture is the most deceitful form of speech." It has been narrated to us via the transmission of Waki', from Hishām ibn 'Urwah, from his father, from 'Ā'ishah, the Mother of the Believers, that she used to fast during the days of Tashrīq.

L12355 Through the chain of Yahya ibn Sa'id al-Qattan, from Abd al-Malik ibn Abi Na'ama, from his father, from Ibn Abbas: he used to fast the days of Tashreeq. From Abu Talha: he would only break his fast on the day of Eid al-Fitr or Eid al-Adha. From al-Aswad: he used to fast the days of Tashreeq. Had this narration been authentically transmitted, it would constitute evidence against the Malikis, for they permit one under a vow to fast the third day - which contradicts this report. Abu Muhammad said: We have observed the Hanafis and Malikis affirming Companions' opinions aligning with their inclinations by declaring "This cannot be based on independent reasoning," as they did regarding Jabir's practice of tayammum up to the elbows. Similarly, concerning Aisha's statement - may Allah be pleased with her - to the umm walad of Zaid ibn Arqam when she sold a slave to him for eight hundred then repurchased it for six hundred: "Inform Zaid his jihad with the Messenger of Allah - peace and blessings be upon him - is invalidated unless he repents" - though this is an inauthentic report - thereby opposing the Quran and established Sunnah. Regarding tayammum up to the wrists, why did they not apply their principle to Aisha's and Ibn Umar's statements by asserting "Such cannot be based on opinion?" We have observed their rejection of solitary reports in matters of widespread tribulation conflicting with their views, as when they dismissed ablution after genital contact. Why not apply this here: "This involves widespread tribulation, thus solitary reports are unacceptable," especially since an authentic prohibition of fasting Tashreeq days would not have escaped Aisha, Abu Talha, Ibn Abbas, and al-Aswad? We have witnessed their rejection of conflicting reports, as with the hadith "One or two breastfeedings do not prohibit marriage," yet this report

مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا يَجُوزُ أَنْ يُسْنَدَ هَذَا إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالظَّنِّ فَقَدْ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» . وَرُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا كَانَتْ تَصُومُ أَيَّامَ التَّشْرِيقِ.

وَمِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي نَعَامَةَ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ كَانَ يَصُومُ أَيَّامَ التَّشْرِيقِ. وَعَنْ أَبِي طَلْحَةَ: أَنَّهُ كَانَ لَا يُفْطِرُ إلَّا يَوْمَ فِطْرٍ أَوْ أَضْحَى. وَعَنْ الْأَسْوَدِ أَنَّهُ كَانَ يَصُومُ أَيَّامَ التَّشْرِيقِ. وَلَوْ كَانَ مُسْنَدًا لَكَانَ حُجَّةً عَلَى الْمَالِكِيِّينَ، لِأَنَّهُ أَبَاحَ الْيَوْمَ الثَّالِثَ أَنْ يَصُومَهُ النَّاذِرُ، وَهُوَ خِلَافُ هَذَا الْخَبَرِ. قَالَ أَبُو مُحَمَّدٍ: عَهِدْنَا بِالْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ يَقُولُونَ فِيمَا وَافَقَ أَهْوَاءَهُمْ مِنْ أَقْوَالِ الصَّحَابَةِ: هَذَا لَا يُقَالُ بِالرَّأْيِ، قَالُوا ذَلِكَ فِي تَيَمُّمِ جَابِرٍ إلَى الْمَرْفِقَيْنِ. وَفِي قَوْلِ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - لِأُمِّ وَلَدِ زَيْدِ بْنِ أَرْقَمَ إذْ بَاعَتْ مِنْهُ عَبْدًا إلَى الْعَطَاءِ بِثَمَانِ مِائَةٍ ثُمَّ اشْتَرَتْهُ مِنْهُ بِسِتِّمِائَةٍ: أَبْلِغْ زَيْدًا أَنَّهُ قَدْ أُبْطِلَ جِهَادُهُ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ إنْ لَمْ يَتُبْ - وَهُوَ خَبَرٌ لَا يَصِحُّ، وَخَالَفُوا بِذَلِكَ الْقُرْآنَ وَالسُّنَّةَ الثَّابِتَةَ. وَفِي التَّيَمُّمِ إلَى الْكُوعَيْنِ، فَهَلَّا قَالُوا هُنَا فِي قَوْلِ عَائِشَةَ، وَابْنِ عُمَرَ: مِثْلُ هَذَا لَا يُقَالُ بِالرَّأْيِ؟ وَعَهِدْنَا بِهِمْ يَقُولُونَ فِيمَا خَالَفَ أَهْوَاءَهُمْ مِنْ السُّنَنِ مَا تَعْظُمُ بِهِ الْبَلْوَى: لَا يُقْبَلُ فِيهِ خَبَرُ الْوَاحِدِ، وَرَدُّوا بِذَلِكَ الْوُضُوءَ مِنْ مَسِّ الذَّكَرِ، فَهَلَّا قَالُوا هَاهُنَا: هَذَا مِمَّا تَعْظُمُ بِهِ الْبَلْوَى؟ فَلَا يُقْبَلُ فِيهِ خَبَرُ الْوَاحِدِ، إذْ لَوْ كَانَ النَّهْيُ عَنْ صِيَامِ أَيَّامِ التَّشْرِيقِ صَحِيحًا مَا خَفِيَ عَلَى عَائِشَةَ، وَأَبِي طَلْحَةَ وَابْنِ عَبَّاسٍ، وَالْأَسْوَدِ. وَعَهِدْنَا بِهِمْ يَقُولُونَ: إنَّ الْخَبَرَ

exhibits greater inconsistency - being narrated through Bishr ibn Suhaym and sometimes through him from Ali.

L12356–12357 Our established understanding of them shows they declare regarding whatever aligns with their position: "Is this a recommended act?" Then why do they not say the same here? Our established understanding of them shows they assert: When a Companion narrates a report and abandons acting upon it, this indicates its abrogation. Yet ʿĀ'isha narrated—as we mentioned—the prohibition against fasting the Days of Tashrīq, abandoned acting on it, and instead fasted them voluntarily. Why then do they not abandon her narration here in favor of her opinion? No one can claim that both of them and Ibn ʿAbbās fasted those days during the Tamattuʿ Hajj, for their prosperity, al-Aswad's prosperity, and the sufficiency of their wealth for a thousand sacrificial animals are too well-known to be ignored except by one utterly devoid of knowledge.

L12358 **A juristic issue where fasting is treated in the procedural framework of an oath.**

L12359 803 – Issue: It is impermissible to use fasting as a substitute for an oath, such as when one says, "I will not enter your house. If I enter it, I must fast for a lunar month," or anything analogous to this. Yunus ibn ʿAbdullah ibn Mughīth narrated to us; Abū Bakr Muḥammad ibn Aḥmad ibn Khālid narrated to us. He said: My father narrated to us; ʿAlī ibn ʿAbd al-ʿAzīz narrated to us; Abū ʿUbayd al-Qāsim ibn Sallām narrated to us; Ismāʿīl ibn Jaʿfar narrated to us from ʿAbdullāh ibn Dīnār from Ibn ʿUmar, who said: The Messenger of Allah (ﷺ) said, "Whoever takes an oath must swear only by Allah."

L12360 Abu Muhammad said: Swearing by other than Allah the Exalted is an act of disobedience and a contravention of the prohibition of the Messenger of Allah (peace be upon him). Since this is established, we have previously mentioned the statement of the Messenger of Allah (peace be upon him): "There is no fulfillment for a vow made in disobedience to Allah." The binding vow is that by which one draws closer to Allah the Exalted alone.

الْمُضْطَرَبَ فِيهِ مَرْدُودٌ، وَادَّعُوا ذَلِكَ فِي حَدِيثِ: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ» فَهَذَا الْخَبَرُ أَشَدُّ اضْطِرَابًا، لِأَنَّهُ رُوِيَ عَنْ بِشْرِ بْنِ سُحَيْمٍ، وَمَرَّةً عَنْهُ عَنْ عَلِيٍّ.

وَعَهْدُنَا بِهِمْ يَقُولُونَ فِيمَا وَافَقَهُمْ: هَذَا نَدْبٌ؟ فَهَلَّا قَالُوهُ هَاهُنَا؟ وَعَهْدُنَا بِهِمْ يَقُولُونَ: إِذَا رَوَى الصَّاحِبُ خَبَرًا وَتَرَكَهُ فَهُوَ دَلِيلٌ عَلَى نَسْخِهِ، وَعَائِشَةُ قَدْ رَوَتْ كَمَا ذَكَرْنَا النَّهْيَ عَنْ صِيَامِ أَيَّامِ التَّشْرِيقِ وَتَرَكَتْ ذَلِكَ فَكَانَتْ تَصُومُهَا تَطَوُّعًا، فَهَلَّا تَرَكُوا هَاهُنَا رِوَايَتَهَا لِرَأْيِهَا؟ وَلَا يَقْدِرُ أَحَدٌ عَلَى أَنْ يَقُولَ إِنَّهُمَا وَابْنَ عَبَّاسٍ صَامَاهَا فِي تَمَتُّعِ الْحَجِّ؛ لِأَنَّ يَسَارَهُمَا وَيَسَارَ الْأَسْوَدِ وَسَعَةَ أَمْوَالِهِمْ لِأَلْفِ هَدْيٍ أَشْهَرُ مِنْ أَنْ يَجْهَلَهُ إِلَّا مَنْ لَا عِلْمَ لَهُ أَصْلًا.

[مَسْأَلَةٌ صَوْمٌ أُخْرِجَ مَخْرَجَ الْيَمِينِ]

٨٠٣ - مَسْأَلَةٌ: وَلَا يَحِلُّ صَوْمٌ أُخْرِجَ مَخْرَجَ الْيَمِينِ كَأَنْ يَقُولَ الْقَائِلُ: أَنَا لَا أَدْخُلُ دَارَكَ فَإِنْ دَخَلْتُهَا فَعَلَيَّ صَوْمُ شَهْرٍ، أَوْ مَا جَرَى هَذَا الْمَجْرَى -: نَا يُونُسُ بْنُ عَبْدِ اللَّهِ بْنِ مُغِيثٍ نَا أَبُو بَكْرٍ مُحَمَّدُ بْنُ أَحْمَدَ بْنِ خَالِدٍ قَالَ: نَا أَبِي نَا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ نَا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ نَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ عَنِ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ كَانَ حَالِفًا فَلَا يَحْلِفْ إِلَّا بِاللَّهِ» .

قَالَ أَبُو مُحَمَّدٍ: فَصَارَ الْحَلِفُ بِغَيْرِ اللَّهِ تَعَالَى مَعْصِيَةً، وَخِلَافًا لِنَهْيِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِذَا هُوَ كَذَلِكَ فَقَدْ ذَكَرْنَا قَبْلُ قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

This is the position of al-Shāfiʿī, Aḥmad ibn Ḥanbal, Abū Sulaymān, and others.

L12361 **Rule: A wife or bondwoman may not undertake a supererogatory fast without permission.**

L12362 804 - A legal issue: It is not permissible for a woman who has a husband or a slave owner to observe voluntary fasting without his permission. As for all obligatory fasts, she must observe them whether he approves or disapproves. If he is absent—whether she is unable to seek his permission or is able—she may observe voluntary fasting if she wishes. Narrated by Abdullah ibn Rabiʿ from Muhammad ibn Ishaq from Ibn al-Aʿrabi from Abu Dawud from al-Hasan ibn Ali (al-Hulwani) from Abd al-Razzaq from Maʿmar from Hammam ibn Munabbih, who heard Abu Hurayrah say: The Messenger of Allah—peace and blessings be upon him—said: "A woman must not fast while her husband is present except with his permission, apart from Ramadan, nor may she allow anyone in his house while he is present except with his permission."[53]

L12363 Ali said: "Al-Baʿl" is a term for the master in linguistic usage. The make-up fasting for Ramadan, expiations, and every vow she pledged before her marriage to him are attached to Ramadan, for Allah the Exalted has prescribed all of that just as He prescribed Ramadan.

L12364–12365 Allah the Exalted said: {It is not for a believing man or a believing woman, when Allah and His Messenger have decreed a matter, that they should have any choice in their affair.} [Al-Ahzab: 36] Thus, Allah—Majestic and Exalted—abolished choice in what He has decreed. The Prophet (peace be upon him) only established permission and the seeking of permission in matters where choice exists. As for matters where there is no choice, and no one has permission regarding it, nor in abandoning it, nor in altering it, there is no place for seeking permission in them. This is self-evident, and it necessi-

[53] **Hadith references (L12362):** Sunan Abi Dawud 2458.

«لَا وَفَاءَ لِنَذْرٍ فِي مَعْصِيَةِ اللَّهِ» وَالنَّذْرُ اللَّازِمُ: هُوَ الَّذِي يُتَقَرَّبُ بِهِ إِلَى اللَّهِ تَعَالَى فَقَطْ، وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَأَبِي سُلَيْمَانَ وَغَيْرِهِمْ.

[مَسْأَلَةٌ لَا يَحِلُّ لِلزَّوْجَةِ أَوْ الْأَمَةِ أَنْ تَصُومَ تَطَوُّعًا بِغَيْرِ إِذْنٍ]

٨٠٤ - مَسْأَلَةٌ وَلَا يَحِلُّ لِذَاتِ الزَّوْجِ أَوْ السَّيِّدِ أَنْ تَصُومَ تَطَوُّعًا بِغَيْرِ إِذْنِهِ، وَأَمَّا الْفُرُوضُ كُلُّهَا فَتَصُومُهَا أَحَبَّ أَمْ كَرِهَ، فَإِنْ كَانَ غَائِبًا لَا تَقْدِرُ عَلَى اسْتِئْذَانِهِ أَوْ تَقْدِرُ فَلْتَصُمْ التَّطَوُّعَ إِنْ شَاءَتْ -: نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ إِسْحَاقَ نَا ابْنُ الْأَعْرَابِيِّ نَا أَبُو دَاوُد نَا الْحَسَنُ بْنُ عَلِيٍّ هُوَ الْحُلْوَانِيُّ - نَا عَبْدُ الرَّزَّاقِ أَنَا مَعْمَرٌ عَنْ هَمَّامِ بْنِ مُنَبِّهٍ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تَصُومُ الْمَرْأَةُ وَبَعْلُهَا شَاهِدٌ إِلَّا بِإِذْنِهِ غَيْرَ رَمَضَانَ وَلَا تَأْذَنُ فِي بَيْتِهِ وَهُوَ شَاهِدٌ إِلَّا بِإِذْنِهِ» .

قَالَ عَلِيٌّ: الْبَعْلُ اسْمٌ لِلسَّيِّدِ، فِي اللُّغَةِ، وَصِيَامُ قَضَاءِ رَمَضَانَ، وَالْكَفَّارَاتُ، وَكُلُّ نَذْرٍ تَقَدَّمَ لَهَا قَبْلَ نِكَاحِهَا إيَّاهُ مَضْمُومٌ إلَى رَمَضَانَ، لِأَنَّ اللَّهَ تَعَالَى افْتَرَضَ كُلَّ ذَلِكَ كَمَا افْتَرَضَ رَمَضَانَ.

وَقَالَ تَعَالَى: {وَمَا كَانَ لِمُؤْمِنٍ وَلا مُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ} [الأحزاب: ٣٦] فَأَسْقَطَ اللَّهَ عَزَّ وَجَلَّ الِاخْتِيَارَ فِيمَا قَضَى بِهِ، وَإِنَّمَا جَعَلَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْإِذْنَ وَالِاسْتِئْذَانَ فِيمَا فِيهِ الْخِيَارُ، وَأَمَّا مَا لَا خِيَارَ فِيهِ وَلَا إذْنَ لِأَحَدٍ فِيهِ وَلَا فِي تَرْكِهِ وَلَا فِي تَغْيِيرِهِ فَلَا مَدْخَلَ لِلِاسْتِئْذَانِ فِيهِ: هَذَا مَعْلُومٌ بِالْحِسِّ، وَهُوَ الَّذِي يَقْتَضِي تَخْصِيصُهُ - عَلَيْهِ السَّلَامُ - إذْنَ الْبَعْلِ فِيهِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

tates the Prophet's (peace be upon him) explicit stipulation of the husband's permission in such cases. Success comes from Allah, the Exalted.[54]

An Issue on Training Children to Fast During Ramadan

L12366

L12367 805 - Issue: We recommend training children to fast during Ramadan if they are capable of enduring it, though it is not obligatory upon them, due to what we have previously mentioned from the statement of Allah's Messenger—peace and blessings be upon him: "The pen is lifted from three," among whom he mentioned the child until he reaches puberty. We have also mentioned in the opening of the Book of Purification the obligation of legal rulings contingent on the growth of pubic hair or the onset of menstruation. Allah the Exalted says: "And let there be among you a community calling to righteousness" (3:104). Training them in fasting is a righteous act.[55]

L12368 We previously mentioned the statement of ʿUmar—may Allah be pleased with him—to the elderly man whom he found intoxicated during Ramadan: "Our youths are fasting." We have narrated through the chain of Ibn Jurayj from Muḥammad ibn ʿAbd al-Raḥmān ibn Labībah from his father from his grandfather from the Messenger of Allah—peace and blessings be upon him: "If a boy fasts three consecutive days, the fasting of the month of Ramadan becomes obligatory upon him." Abū Muḥammad said: Muḥammad ibn ʿAbd al-Raḥmān ibn Labībah is of no significance. Yet the Ḥanafīs, Mālikīs, and Shāfiʿīs adopted his narration regarding the permissibility of leasing land, thereby invalidating the established narrations prohibiting land leasing. Thus, he is a proof when they desire, and not a proof when they wish. We have narrated from ʿUmar ibn al-Khaṭṭāb—may Allah be pleased with him—that if a boy reaches five spans in height, the ḥudūd become obligatory upon him.

L12369 It has been narrated to us from Ibn Sīrīn, Qatādah, and al-Zuhrī: A child should be instructed to pray when he distinguishes his right from his left, and instructed to fast when he can manage it.

[مَسْأَلَةٌ تَدْرِيب الصِّبْيَانِ عَلَى الصَّوْمِ فِي رَمَضَانَ]

٨٠٥ - مَسْأَلَةٌ: وَنَسْتَحِبُّ تَدْرِيبَ الصِّبْيَانِ عَلَى الصَّوْمِ فِي رَمَضَانَ إذَا أَطَاقُوهُ وَلَيْسَ وَاجِبًا عَلَيْهِمْ لِمَا قَدْ ذَكَرْنَا مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «رُفِعَ الْقَلَمُ عَنْ ثَلَاثٍ» فَذَكَرَ فِيهِمْ الصَّبِيَّ حَتَّى يَحْتَلِمَ. وَقَدْ ذَكَرْنَا فِي أَوَّلِ كِتَابِ الطَّهَارَةِ وُجُوبَ الْأَحْكَامِ بِالْإِنْبَاتِ، وَالْحَيْضِ. وَاَللَّهُ تَعَالَى يَقُولُ: {وَلْتَكُنْ مِنْكُمْ أُمَّةٌ يَدْعُونَ إلَى الْخَيْرِ} [آل عمران: ١٠٤] وَتَدْرِيبُهُمْ عَلَى الصَّوْمِ خَيْرٌ.

وَقَدْ ذَكَرْنَا (قَبْلُ) قَوْلَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - لِلشَّيْخِ الَّذِي وَجَدَهُ سَكْرَانَ فِي رَمَضَانَ: وِلْدَانُنَا صِيَامٌ. وَقَدْ رُوِّينَا مِنْ طَرِيقِ ابْنِ جُرَيْجٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ ابْنِ لَبِيبَةَ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا صَامَ الْغُلَامُ ثَلَاثَةَ أَيَّامٍ مُتَتَابِعَةً فَقَدْ وَجَبَ عَلَيْهِ صِيَامُ شَهْرِ رَمَضَانَ» . قَالَ أَبُو مُحَمَّد: مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ ابْنِ لَبِيبَةَ لَا شَيْءَ إلَّا أَنَّ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ، أَخَذُوا بِرِوَايَتِهِ فِي (إبَاحَةِ) كِرَاءِ الْأَرْضِ وَأَبْطَلُوا بِهَا الرِّوَايَاتِ الثَّابِتَةَ فِي تَحْرِيمِ كِرَاءِ الْأَرْضِ، فَهُوَ حُجَّةٌ إذَا اشْتَهَوْا وَلَيْسَ هُوَ حُجَّةً إذَا اشْتَهَوْا -: وَرُوِّينَا عَنْ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - إذَا بَلَغَ الْغُلَامُ خَمْسَةَ أَشْبَارٍ وَجَبَتْ عَلَيْهِ الْحُدُودُ.

وَرُوِّينَا عَنْ ابْنِ سِيرِينَ، وَقَتَادَةَ، وَالزُّهْرِيِّ: يُؤْمَرُ الْغُلَامُ بِالصَّلَاةِ إذَا عَرَفَ يَمِينَهُ مِنْ شِمَالِهِ، وَبِالصَّوْمِ إذَا أَطَاقَهُ.

[54] **Qur'an references (L12365):** Qur'an 33:36 (Al-Ahzab).
[55] **Qur'an references (L12367):** Qur'an 3:104 (Ali 'Imran).

L12370 From Urwah ibn al-Zubayr: They are obligated to pray once they attain the age of reason and to fast once they are physically capable of it. Ali said: No one's opinion holds as decisive authority except that of the Messenger of Allah.

L12371–12372 The prayer becomes obligatory for the girl when she begins menstruating, and for the boy when he has a nocturnal emission.

L12373 **A case in which one breaks his fast by consuming wine, consuming the flesh of a pig, or engaging in unlawful sexual intercourse.**

L12374 806. Issue: It is obligatory upon one who finds dates to break his fast with them. If he does not find dates, then with water; otherwise, he is defiant toward Allah the Exalted if the definitive proof is established against him and he persists in obstinacy. His fasting is not invalidated by this, for his fast has been completed and has transitioned beyond the state of fasting. Likewise, if he breaks his fast with wine, pork meat, or commits illicit sexual intercourse, his fast remains valid while he is sinful toward Allah the Exalted. Narrated by ʿAbdullāh ibn Rabīʿ: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: I heard Quṭaybah ibn Saʿīd narrate: Sufyān ibn ʿUyaynah narrated from ʿĀṣim al-Aḥwal from Ḥafṣah bint Sīrīn from al-Rabāb from her uncle Salmān ibn ʿĀmir—elevated to the Prophet (peace be upon him)—who said: "When any of you breaks the fast, let him break it with dates, for they are blessed. If he finds no dates, then with water, for it is purifying." Narrated by ʿAbdullāh ibn Rabīʿ: Muḥammad ibn Isḥāq narrated to us: Ibn al-Aʿrābī narrated to us: Abū Dāwūd narrated to us: Aḥmad ibn Ḥanbal narrated to us: ʿAbd al-Razzāq narrated to us: Jaʿfar ibn Sulaymān al-Ḍubaʿī narrated to us: Thābit al-Bunānī reported that he heard Anas ibn Mālik say: "The Prophet (peace be upon him) would break his fast with fresh dates before praying. If there were no fresh dates, then with dried dates; if there were none, he would sip sips of water." Some have argued: This is not an obligation, for he (peace be upon him) once broke his fast on the route to Khaybar with barley meal mixed with water. We responded: What is your evidence that he had not already broken his fast with dates or

وَعَنْ عُرْوَةَ بْنِ الزُّبَيْرِ: يُؤْمَرُونَ بِالصَّلَاةِ إِذَا عَقَلُوهَا، وَبِالصَّوْمِ إِذَا أَطَاقُوهُ قَالَ عَلِيٌّ: لَا حُجَّةَ فِي أَحَدٍ دُونَ رَسُولِ اللَّهِ.

وَعَنْ سَعِيدِ بْنِ الْمُسَيِّبِ: الصَّلَاةُ عَلَى الْجَارِيَةِ إِذَا حَاضَتْ، وَعَلَى الْغُلَامِ إِذَا احْتَلَمَ.

[مَسْأَلَةٌ أَفْطَرَ عَلَى خَمْرٍ أَوْ لَحْمِ خِنْزِيرٍ أَوْ زَنَى]

٨٠٦ - مَسْأَلَةٌ: وَيَجِبُ عَلَى مَنْ وَجَدَ التَّمْرَ أَنْ يُفْطِرَ عَلَيْهِ فَإِنْ لَمْ يَجِدْ فَعَلَى الْمَاءِ وَإِلَّا فَهُوَ عَاصٍ لِلَّهِ تَعَالَى إنْ قَامَتْ عَلَيْهِ الْحُجَّةُ فَعَنَدَ وَلَا يَبْطُلُ صَوْمُهُ بِذَلِكَ، لِأَنَّ صَوْمَهُ قَدْ تَمَّ وَصَارَ فِي غَيْرِ صِيَامٍ، وَكَذَلِكَ لَوْ أَفْطَرَ عَلَى خَمْرٍ، أَوْ لَحْمِ خِنْزِيرٍ، أَوْ زَنَى، فَصَوْمُهُ تَامٌّ وَهُوَ عَاصٍ لِلَّهِ تَعَالَى. نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ مُعَاوِيَةَ نَا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا قُتَيْبَةُ بْنُ سَعِيدٍ نَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَاصِمٍ الْأَحْوَلِ عَنْ حَفْصَةَ بِنْتِ سِيرِينَ عَنْ الرَّبَابِ عَنْ عَمِّهَا سَلْمَانَ بْنِ عَامِرٍ يَبْلُغُ بِهِ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «إِذَا أَفْطَرَ أَحَدُكُمْ فَلْيُفْطِرْ عَلَى تَمْرٍ فَإِنَّهُ بَرَكَةٌ، فَإِنْ لَمْ يَجِدْ تَمْرًا فَالْمَاءُ فَإِنَّهُ طَهُورٌ» : نَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ إِسْحَاقَ نَا ابْنُ الْأَعْرَابِيِّ نَا أَبُو دَاوُد نَا أَحْمَدُ بْنُ حَنْبَلٍ نَا عَبْدُ الرَّزَّاقِ نَا جَعْفَرُ بْنُ سُلَيْمَانَ الضُّبَعِيُّ نَا ثَابِتٌ الْبُنَانِيُّ أَنَّهُ سَمِعَ أَنَسَ بْنَ مَالِكٍ يَقُولُ: «كَانَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: يُفْطِرُ عَلَى رُطَبَاتٍ قَبْلَ أَنْ يُصَلِّيَ، فَإِنْ لَمْ تَكُنْ رُطَبَاتٌ فَعَلَى تَمَرَاتٍ، فَإِنْ لَمْ يَكُنْ حَسَا حَسَوَاتٍ مِنْ مَاءٍ» . وَقَدْ قَالَ قَوْمٌ: لَيْسَ هَذَا فَرْضًا، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - قَدْ أَفْطَرَ فِي طَرِيقِ خَيْبَرَ عَلَى السَّوِيقِ؟ فَقُلْنَا وَمَا دَلِيلُكُمْ

that he had dates with him? The barley meal was prepared with water, and since water is its primary component, it constitutes breaking the fast with water.[56]

L12375–12377 Moreover, breaking the fast with any permissible substance aligns with the established practice, while the directive to break the fast with dates—or with water if unavailable—constitutes a legally binding obligation. This directive unquestionably abrogates the initial state. Some groups claimed consensus contrary to this position—for whoever claims consensus here lied, as they cannot enumerate the opinions of ten Companions or Followers (may God be pleased with them). They cited ʿUmar's act (may God be pleased with him) of breaking his fast with milk in the Companions' presence. Abū Muḥammad remarked: If this were consensus or proof, they would have contradicted him by mandating compensatory fasting contrary to ʿUmar's opinion—thereby acknowledging their own divergence from consensus. As for us, this is not... In our view, consensus is only that which is beyond doubt—what every Muslim must uphold, for whoever rejects it is a disbeliever: such as the five daily prayers, the pilgrimage to Mecca, fasting during Ramadan, and similar obligations. And success is from Allah, the Exalted.

A Fiqh Issue Regarding Righteous Acts in Ramadan

L12378

L12379 807 - Issue: It is recommended to perform good deeds in Ramadan. ʿAbd Allāh ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Sulaymān ibn Dāwūd — he is al-Mahrī — from Ibn Wahb, who informed me: Yūnus — he is the son of Yazīd — from Ibn Shihāb, from ʿUbayd Allāh ibn ʿAbd Allāh ibn ʿUtbah, that ʿAbd Allāh ibn ʿAbbās used to say: "The Messenger of Allah — peace and blessings of Allah be upon him — was the most generous of people, and he was at his most generous during Ramadan." He mentioned the remainder of the hadith.

[56] **Hadith references (L12374):** Jami at-Tirmidhi 658; Riyad as-Salihin 332.

عَلَى أَنَّهُ لَمْ يَكُنْ أَفْطَرَ بَعْدُ عَلَى تَمْرٍ، أَوْ أَنَّهُ كَانَ مَعَهُ تَمْرٌ؟ وَالسَّوِيقُ الْمَجْدُوحُ بِالْمَاءِ، فَالْمَاءُ فِيهِ ظَاهِرٌ، فَهُوَ فِطْرٌ عَلَى الْمَاءِ.

وَأَيْضًا فَالْفِطْرُ عَلَى كُلِّ مُبَاحٍ مُوَافِقٌ لِلْحَالَةِ الْمَعْهُودَةِ، وَالْأَمْرُ بِالْفِطْرِ عَلَى التَّمْرِ - فَإِنْ لَمْ يَكُنْ فَعَلَى الْمَاءِ - أَمْرٌ وَارِدٌ يَجِبُ فَرْضًا، وَهُوَ رَافِعٌ لِلْحَالَةِ الْأُولَى بِلَا شَكٍّ، وَادَّعَى قَوْمٌ الْإِجْمَاعَ عَلَى غَيْرِ هَذَا - وَقَدْ كَذَبَ مَنْ ادَّعَى الْإِجْمَاعَ وَهُوَ لَا يَقْدِرُ عَلَى أَنْ يُحْصِيَ فِي هَذَا أَقْوَالَ عَشَرَةٍ مِنْ الصَّحَابَةِ وَالتَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ -، وَذَكَرُوا إفْطَارَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - بِحَضْرَةِ الصَّحَابَةِ عَلَى اللَّبَنِ -: قَالَ أَبُو مُحَمَّد: إنْ كَانَ هَذَا إجْمَاعًا أَوْ حُجَّةً فَقَدْ خَالَفُوهُ وَأَوْجَبُوا الْقَضَاءَ بِخِلَافِ قَوْلِ عُمَرَ فِي ذَلِكَ، فَقَدْ اعْتَرَفُوا عَلَى أَنْفُسِهِمْ خِلَافَ الْإِجْمَاعِ، وَأَمَّا نَحْنُ فَلَيْسَ هَذَا عِنْدَنَا إجْمَاعًا، وَلَا يَكُونُ إجْمَاعًا إلَّا مَا لَا شَكَّ فِي أَنَّ كُلَّ مُسْلِمٍ يَقُولُ بِهِ؛ فَإِنْ لَمْ يَقُلْهُ فَهُوَ كَافِرٌ: كَالصَّلَوَاتِ الْخَمْسِ، وَالْحَجِّ إلَى مَكَّةَ، وَصَوْمِ رَمَضَانَ، وَنَحْوِ ذَلِكَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ فِعْلُ الْخَيْرِ فِي رَمَضَانَ]

٨٠٧ - مَسْأَلَةٌ: وَيُسْتَحَبُّ فِعْلُ الْخَيْرِ فِي رَمَضَانَ: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ مُعَاوِيَةَ نَا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا سُلَيْمَانُ بْنُ دَاوُد هُوَ الْمَهْرِيُّ - عَنْ ابْنِ وَهْبٍ أَخْبَرَنِي يُونُسُ هُوَ ابْنُ يَزِيدَ - عَنْ ابْنِ شِهَابٍ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ أَنَّ عَبْدَ اللَّهِ بْنَ عَبَّاسٍ كَانَ يَقُولُ: «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَجْوَدَ النَّاسِ وَكَانَ أَجْوَدَ مَا يَكُونُ فِي رَمَضَانَ» وَذَكَرَ بَاقِيَ الْحَدِيثِ. قَالَ اللَّهُ تَعَالَى: {لَقَدْ كَانَ لَكُمْ فِي رَسُولِ اللَّهِ أُسْوَةٌ حَسَنَةٌ} [الأحزاب: ٢١]

Allah the Exalted said: {There has certainly been for you in the Messenger of Allah an excellent example} [Al-Aḥzāb 33:21].[57][58]

Issue: One who was invited to a meal while fasting.

L12380

L12381 808 - Issue: If someone is invited to a meal while fasting, he must accept. When he joins them, let him supplicate for them and say: “I am fasting.” Abdullah ibn Rabīʿ narrated to us: Muḥammad ibn Isḥāq narrated to us: Ibn al-Aʿrabī narrated to us: Abū Dāwūd narrated to us: ʿAbdullāh ibn Saʿīd narrated to us: Abū Khālid (al-Aḥmar) narrated from Hishām ibn Ḥassān, from Ibn Sīrīn, from Abū Hurayrah who said: Allāh’s Messenger (peace be upon him) stated: “When any of you is invited, he must accept. If he is not fasting, let him eat. If he is fasting, let him pray.”[59]

L12382 Hisham said: And prayer is supplication. Through his chain to Abu Dawud: Musaddad narrated to us, Sufyan narrated to us from Abu al-Zinad from al-A’raj from Abu Hurairah, who said: The Messenger of Allah - peace and blessings be upon him - said: “When one of you is invited to a meal while fasting, let him say: ’I am fasting.’” Abu Muhammad said: He must combine both matters together. We have been informed that Ibn Umar, when invited to a meal while fasting, would attend them, supplicate for them, then take his leave. From the narration of Hammad ibn Salamah from Thabit al-Bunani, who said: Anas invited me to a meal, so I said: “I do not eat.” He responded: “Say: ’I am fasting.’”[60]

L12383 And from the narration of Ḥammād ibn Salamah from Ayyūb al-Sakhtiyānī from Ibn Sīrīn: that his father hosted a wedding feast in Medina for seven days, inviting people. He invited Ubayy ibn Kaʿb, who was fasting, and he accepted the invitation, supplicated for them, and returned.

[مَسْأَلَةٌ دُعِيَ إِلَى طَعَامٍ وَهُوَ صَائِمٌ]

٨٠٨ - مَسْأَلَةٌ: وَمَنْ دُعِيَ إِلَى طَعَامٍ - وَهُوَ صَائِمٌ - فَلْيُجِبْ، فَإِذَا أَتَاهُمْ فَلْيَدْعُ لَهُمْ وَلْيَقُلْ: إِنِّي صَائِمٌ. حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ نَا مُحَمَّدُ بْنُ إِسْحَاقَ نَا ابْنُ الْأَعْرَابِيِّ نَا أَبُو دَاوُد نَا عَبْدُ اللَّهِ بْنُ سَعِيدٍ نَا أَبُو خَالِدٍ هُوَ الْأَحْمَرُ - عَنْ هِشَامٍ هُوَ ابْنُ حَسَّانَ - عَنِ ابْنِ سِيرِينَ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا دُعِيَ أَحَدُكُمْ فَلْيُجِبْ، فَإِنْ كَانَ مُفْطِرًا فَلْيَطْعَمْ، وَإِنْ كَانَ صَائِمًا فَلْيُصَلِّ» .

قَالَ هِشَامٌ: وَالصَّلَاةُ الدُّعَاءُ. وَبِهِ إِلَى أَبِي دَاوُد نَا مُسَدَّدٌ نَا سُفْيَانُ عَنْ أَبِي الزِّنَادِ عَنِ الْأَعْرَجِ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا دُعِيَ أَحَدُكُمْ إِلَى طَعَامٍ وَهُوَ صَائِمٌ فَلْيَقُلْ: إِنِّي صَائِمٌ» . قَالَ أَبُو مُحَمَّدٍ: فَعَلَيْهِ أَنْ يَجْمَعَ بَيْنَ الْأَمْرَيْنِ جَمِيعًا. وَرُوِّينَا أَنَّ ابْنَ عُمَرَ كَانَ إِذَا دُعِيَ إِلَى طَعَامٍ وَهُوَ صَائِمٌ أَتَاهُمْ فَدَعَا لَهُمْ ثُمَّ انْصَرَفَ. وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ ثَابِتٍ الْبُنَانِيِّ قَالَ: دَعَانِي أَنَسٌ إِلَى طَعَامٍ فَقُلْت: إِنِّي لَا أَطْعَمُ؟ فَقَالَ: قُلْ: إِنِّي صَائِمٌ.

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنِ ابْنِ سِيرِينَ: أَنَّ أَبَاهُ أَوْلَمَ بِالْمَدِينَةِ سَبْعَةَ أَيَّامٍ يَدْعُو النَّاسَ فَدَعَا أُبَيَّ بْنَ كَعْبٍ وَهُوَ صَائِمٌ فَأَجَابَهُ وَدَعَا لَهُمْ وَرَجَعَ.

[57] **Hadith references (L12379):** Sunan an-Nasai 2095; Riyad as-Salihin 1222.
[58] **Qur’an references (L12379):** Qur’an 33:21 (Al-Ahzab).
[59] **Hadith references (L12381):** Sunan Abi Dawud 2460.
[60] **Hadith references (L12382):** Sunan Abi Dawud 2461; Sunan Ibn Majah 1750; Sahih Muslim 1150.

The Night of Decree

[لَيْلَةُ الْقَدْرِ]

L12384–12385

L12386 Issue: The Night of Decree is one specific night each year, occurring exclusively in the month of Ramadan, specifically within the last ten nights, on a single fixed night that never shifts. However, none among mankind knows precisely which night it is from these ten nights, except that it must necessarily fall on an odd-numbered night. If the month is twenty-nine days, the first of the last ten nights is unquestionably the twentieth night. Therefore, it is either the twentieth night, the twenty-second night, the twenty-fourth night, the twenty-sixth night, or the twenty-eighth night—as these are designated the odd-numbered nights within the last ten [nights].

مَسْأَلَةٌ: لَيْلَةُ الْقَدْرِ وَاحِدَةٌ فِي الْعَامِ فِي كُلِّ عَامٍ، فِي شَهْرِ رَمَضَانَ خَاصَّةً، فِي الْعَشْرِ الْأَوَاخِرِ خَاصَّةً، فِي لَيْلَةٍ وَاحِدَةٍ بِعَيْنِهَا لَا تَنْتَقِلُ أَبَدًا إِلَّا أَنَّهُ لَا يَدْرِي أَحَدٌ مِنْ النَّاسِ أَيَّ لَيْلَةٍ هِيَ مِنْ الْعَشْرِ الْمَذْكُورِ؟ إِلَّا أَنَّهَا فِي وِتْرٍ مِنْهُ وَلَا بُدَّ. فَإِنْ كَانَ الشَّهْرُ تِسْعًا وَعِشْرِينَ فَأَوَّلُ الْعَشْرِ الْأَوَاخِرِ بِلَا شَكٍّ: لَيْلَةُ عِشْرِينَ مِنْهُ، فَهِيَ إِمَّا لَيْلَةُ عِشْرِينَ، وَإِمَّا لَيْلَةُ اثْنَيْنِ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ أَرْبَعٍ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ سِتٍّ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ ثَمَانٍ وَعِشْرِينَ؛ لِأَنَّ هَذِهِ هِيَ الْأَوْتَارُ مِنْ الْعَشْرِ (الْأَوَاخِرِ) .

L12387 If the month is thirty days, then the first of the last ten nights is without doubt the night of the twenty-first. [Laylat al-Qadr] is either the night of the twenty-first, the night of the twenty-third, the night of the twenty-fifth, the night of the twenty-seventh, or the night of the twenty-ninth, for these are the odd nights of the ten without doubt. Some of the Salaf said: Whoever prays throughout the year will attain it. The proof for our statement that it occurs specifically in Ramadan – not in other times of the year – is Allah's declaration: {Indeed, We sent it down during the Night of Decree} [Al-Qadr: 1], and His exalted saying: {The month of Ramadan in which the Quran was revealed} [Al-Baqarah: 185]. Thus, it is confirmed that it was revealed during the Night of Decree in the month of Ramadan. This necessarily establishes that the Night of Decree occurs in Ramadan, not elsewhere. For if it were in another month, Allah's exalted words would contradict one another impossibly – a notion no Muslim would entertain.[61]

إِنْ كَانَ الشَّهْرُ ثَلَاثِينَ فَأَوَّلُ الْعَشْرِ الْأَوَاخِرِ بِلَا شَكٍّ: لَيْلَةُ إِحْدَى وَعِشْرِينَ، فَهِيَ إِمَّا لَيْلَةُ إِحْدَى وَعِشْرِينَ، وَإِمَّا لَيْلَةُ ثَلَاثٍ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ خَمْسٍ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ سَبْعٍ وَعِشْرِينَ، وَإِمَّا لَيْلَةُ تِسْعٍ وَعِشْرِينَ، لِأَنَّ هَذِهِ هِيَ أَوْتَارُ الْعَشْرِ بِلَا شَكٍّ. وَقَالَ بَعْضُ السَّلَفِ: مَنْ يَقُمْ الْعَامَ يُدْرِكْهَا. وَبُرْهَانُ قَوْلِنَا: أَنَّهَا فِي رَمَضَانَ خَاصَّةً دُونَ سَائِرِ الْعَامِ قَوْلُ اللَّهِ تَعَالَى: {إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ الْقَدْرِ} [القدر: ١] وَقَالَ عَزَّ وَجَلَّ: {شَهْرُ رَمَضَانَ الَّذِي أُنْزِلَ فِيهِ الْقُرْآنُ} [البقرة: ١٨٥] فَصَحَّ أَنَّهُ أُنْزِلَ فِي لَيْلَةِ الْقَدْرِ فِي شَهْرِ رَمَضَانَ، فَصَحَّ ضَرُورَةً أَنَّهَا فِي رَمَضَانَ لَا فِي غَيْرِهِ، وَإِذْ لَوْ كَانَتْ فِي غَيْرِهِ لَكَانَ كَلَامُهُ تَعَالَى يَنْقُضُ بَعْضُهُ بَعْضًا بِالْمُحَالِ، وَهَذَا مَا لَا يَظُنُّهُ مُسْلِمٌ.

L12388–12390 It is narrated from Ibn Mas'ud that it is on the seventeenth night of Ramadan, the night of the day of Badr. The evidence for the correctness of our opinion that it is in the last ten days—necessarily—is what was transmitted to us: from 'Abdullah ibn Yusuf, from Ahmad ibn Fath, from 'Abd al-Wahhab ibn 'Isa, from Ahmad ibn Muhammad, from Ahmad ibn 'Ali, from Muslim

وَرُوِيَ عَنْ ابْنِ مَسْعُودٍ: أَنَّهَا فِي لَيْلَةِ سَبْعَ عَشْرَةَ مِنْ رَمَضَانَ لَيْلَةِ يَوْمَ بَدْرٍ. وَبُرْهَانُ صِحَّةِ قَوْلِنَا: أَنَّهَا فِي الْعَشْرِ الْأَوَاخِرِ مِنْهُ وَلَا بُدَّ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ نَا أَحْمَدُ بْنُ فَتْحٍ نَا عَبْدُ الْوَهَّابِ بْنُ عِيسَى نَا أَحْمَدُ بْنُ مُحَمَّدٍ نَا أَحْمَدُ بْنُ عَلِيٍّ نَا مُسْلِمُ بْنُ الْحَجَّاجِ

[61] **Qur'an references (L12387):** Qur'an 97:1 (Al-Qadr); Qur'an 2:185 (Al-Baqarah).

ibn al-Hajjaj, from Muhammad ibn al-Muthanna, from ʻAbd al-Aʻla, from Saʻid ibn Abi Nadrah, from Abu Saʻid al-Khudri, who said: “The Messenger of Allah—peace be upon him—observed i'tikaf during the middle third of Ramadan seeking Laylat al-Qadr before it was disclosed to him. When those days concluded, he ordered the structure to be dismantled. Then it was disclosed to him that it was in the last ten days.” He ordered the building to be reconstructed, then addressed the people saying: “O people, the Night of Decree was revealed to me, and I came out to inform you of it. But two men quarreling fiercely, accompanied by the devil, caused me to forget it. Therefore, seek it in the last ten nights of Ramadan—seek it on the ninth night, the seventh night, and the fifth night.” Abu Saʻid then explained: “When twenty-one nights have passed, the following night (the twenty-second) is the ninth night. When twenty-three nights have passed, the following night (the twenty-fourth) is the seventh night. When twenty-five nights have passed, the following night (the twenty-sixth) is the fifth night.”

نَا مُحَمَّدُ بْنُ الْمُثَنَّى نَا عَبْدُ الْأَعْلَى نَا سَعِيدُ بْنُ أَبِي نَضْرَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: «اعْتَكَفَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْعَشْرَ الْأَوْسَطَ مِنْ رَمَضَانَ يَلْتَمِسُ لَيْلَةَ الْقَدْرِ قَبْلَ أَنْ تُبَانَ لَهُ قَالَ فَلَمَّا انْقَضَيْنَ أَمَرَ بِالْبِنَاءِ فَقُوِّضَ ثُمَّ أُبِينَتْ لَهُ أَنَّهَا فِي الْعَشْرِ الْأَوَاخِرِ فَأَمَرَ بِالْبِنَاءِ فَأُعِيدَ ثُمَّ خَرَجَ عَلَى النَّاسِ فَقَالَ: يَا أَيُّهَا النَّاسُ إِنَّهَا كَانَتْ أُبِينَتْ لِي لَيْلَةُ الْقَدْرِ وَإِنِّي خَرَجْتُ لِأُخْبِرَكُمْ بِهَا فَجَاءَ رَجُلَانِ يَحْتَقَّانِ مَعَهُمَا الشَّيْطَانُ فَنُسِّيتُهَا فَالْتَمِسُوهَا فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ، وَالْتَمِسُوهَا فِي التَّاسِعَةِ، وَالسَّابِعَةِ، وَالْخَامِسَةِ» . ثُمَّ فَسَّرَهَا أَبُو سَعِيدٍ فَقَالَ: إِذَا مَضَتْ وَاحِدَةٌ وَعِشْرُونَ فَالَّتِي تَلِيهَا اثْنَتَيْنِ وَعِشْرِينَ فَهِيَ التَّاسِعَةُ، فَإِذَا مَضَى ثَلَاثٌ وَعِشْرُونَ فَالَّتِي تَلِيهَا السَّابِعَةُ، فَإِذَا مَضَى خَمْسٌ وَعِشْرُونَ فَالَّتِي تَلِيهَا الْخَامِسَةُ “.

L12391 Abu Muhammad said: This is based on our assertion concerning Ramadan being twenty-nine days. In the chain transmitted to Muslim: Zuhayr ibn Harb narrated to us, Sufyan ibn Uyaynah narrated from al-Zuhri from Salim ibn Abdillah ibn Umar from his father: “Some men saw it as the twenty-seventh night, so Allah’s Messenger, peace be upon him, said: ’I perceive your dreams regarding the last ten nights; seek it among the odd nights thereof.”’ Abu Muhammad said: These reports confirm our position, for if the Night of Decree were shifting, the Prophet’s declaration, peace be upon him, about its reality would lack validity because it would not be fixed. It would then obligate him - whenever he emerged to inform them of it - to renew this information every year until the Day of Resurrection, which is impossible. If he, peace be upon him, was made to forget it, it becomes an impossible falsehood that anyone after him could know it. Since he, peace be upon him, did not confirm the vision of those companions who saw it, the visions of later people are even less worthy of confirmation. It is narrated from Ubayy ibn Kaʻb that it is the twenty-seventh night, yet his statement holds no greater authority than Ibn Masʻud’s. If it is said: There is a report that its sign is the sun rising without rays at that time - we respond: True,

قَالَ أَبُو مُحَمَّدٍ: هَذَا عَلَى مَا قُلْنَا مِنْ كَوْنِ رَمَضَانَ تِسْعًا وَعِشْرِينَ. وَبِهِ إِلَى مُسْلِمٍ: نَا زُهَيْرُ بْنُ حَرْبٍ نَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ الزُّهْرِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ «أَنَّ رِجَالًا رَأَوْا أَنَّهَا لَيْلَةُ سَبْعٍ وَعِشْرِينَ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَرَى رُؤْيَاكُمْ فِي الْعَشْرِ الْأَوَاخِرِ فَاطْلُبُوهَا فِي الْوِتْرِ مِنْهَا» . قَالَ أَبُو مُحَمَّدٍ: هَذِهِ الْأَخْبَارُ تُصَحِّحُ مَا قُلْنَا: إِذْ لَوْ كَانَتْ تَنْتَقِلُ لَمَا كَانَ لِإِعْلَامِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَقِيقَةٌ، لِأَنَّهَا كَانَتْ لَا تَثْبُتُ، وَلَوَجَبَ إِذْ خَرَجَ لِيُخْبِرَهُمْ بِهَا أَنْ يُخْبِرَهُمْ بِهَا عَامًّا إِلَى يَوْمِ الْقِيَامَةِ، وَهَذَا مُحَالٌ، وَإِذَا نُسِّيهَا - عَلَيْهِ السَّلَامُ - فَمِنْ الْمُحَالِ الْبَاطِلِ أَنْ يَعْلَمَهَا أَحَدٌ بَعْدَهُ، وَإِذْ لَمْ يَقْطَعْ - عَلَيْهِ السَّلَامُ - بِرُؤْيَا مَنْ رَأَى مِنْ أَصْحَابِهِ فَرُؤْيَا مَنْ بَعْدَهُمْ أَبْعَدُ مِنْ الْقَطْعِ بِهَا، وَقَدْ رُوِيَ عَنْ أُبَيِّ بْنِ كَعْبٍ: أَنَّهَا لَيْلَةُ سَبْعٍ وَعِشْرِينَ، وَلَيْسَ قَوْلُهُ بِأَوْلَى مِنْ قَوْلِ ابْنِ مَسْعُودٍ. فَإِنْ قِيلَ: قَدْ جَاءَ أَنَّ عَلَامَتَهَا أَنَّ الشَّمْسَ تَطْلُعُ حِينَئِذٍ لَا

but he, peace be upon him, did not state this sign would manifest for us to deduce from it what he himself did not know. Rather, this occurs at the sun's initial rising when no one can perceive this sign in it. If it is argued: He, peace be upon him, said, "I was shown that I would prostrate in water and mud on its morning" - does this mean it occurred on the morning after the twenty-first night?

شُعَاعَ لَهَا؟ قُلْنَا: نَعَمْ، وَلَمْ يَقُلْ - عَلَيْهِ السَّلَامُ -: إِنَّ ذَلِكَ يَظْهَرُ إِلَيْنَا فَنَعْلَمُ مِنْ ذَلِكَ مَا لَمْ يَعْلَمْهُ هُوَ - عَلَيْهِ السَّلَامُ -، فَيَكُونُ ذَلِكَ أَوَّلَ طُلُوعِهَا بِحَيْثُ لَا يَتَبَيَّنُ ذَلِكَ فِيهَا أَحَدٌ. فَإِنْ قِيلَ: قَدْ قَالَ - عَلَيْهِ السَّلَامُ -: «إِنَّهُ أُرِيَ أَنَّهُ يَسْجُدُ فِي صَبِيحَتِهَا فِي مَاءٍ وَطِينٍ» فَكَانَ ذَلِكَ صَبَاحَ لَيْلَةِ إِحْدَى وَعِشْرِينَ؟

L12392–12393 We said: Yes. And the mosque was filled as well on the morning following the twenty-third night, so he (peace be upon him) prostrated in water and mud. This was narrated to us through the chain of Muslim ibn al-Ḥajjāj from Saʿīd ibn ʿAmr ibn Sahl ibn Isḥāq ibn Muḥammad ibn al-Ashʿath al-Kindī: Abū Ḍamrah Anas ibn ʿIyāḍ; al-Ḍaḥḥāk ibn ʿUthmān narrated to me from Abū al-Naḍr, the freed slave of ʿUmar ibn ʿUbayd Allāh, from Busr ibn Saʿīd, from ʿAbd Allāh ibn Unays, that the Messenger of Allāh (peace be upon him) said: "I was shown the Night of Decree, then I was made to forget it, and I saw myself on its morning prostrating in water and mud." He said, "On the twenty-third night, it rained, and the Messenger of Allāh (peace be upon him) led us in prayer. When he concluded, there were indeed traces of water and mud on his forehead and nose."

قُلْنَا: نَعَمْ، وَقَدْ وَكَفَ الْمَسْجِدُ أَيْضًا فِي صَبِيحَةِ لَيْلَةِ ثَلَاثٍ وَعِشْرِينَ فَسَجَدَ - عَلَيْهِ السَّلَامُ - فِي مَاءٍ وَطِينٍ -: رُوِّينَا هَذَا مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ عَنْ سَعِيدِ بْنِ عَمْرِو بْنِ سَهْلِ بْنِ إِسْحَاقَ بْنِ مُحَمَّدِ بْنِ الْأَشْعَثِ الْكِنْدِيِّ أَنَا أَبُو ضَمْرَةَ أَنَسُ بْنُ عِيَاضٍ حَدَّثَنِي الضَّحَّاكُ بْنُ عُثْمَانَ عَنْ أَبِي النَّضْرِ مَوْلَى عُمَرَ بْنِ عُبَيْدِ اللَّهِ عَنْ بُسْرِ بْنِ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ أُنَيْسٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «أُرِيتُ لَيْلَةَ الْقَدْرِ ثُمَّ أُنْسِيتُهَا وَأَرَانِي صَبِيحَتَهَا أَسْجُدُ فِي مَاءٍ وَطِينٍ، قَالَ: ٨ فَمُطِرْنَا لَيْلَةَ ثَلَاثٍ وَعِشْرِينَ فَصَلَّى بِنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَانْصَرَفَ وَإِنَّ أَثَرَ الْمَاءِ وَالطِّينِ عَلَى جَبْهَتِهِ وَأَنْفِهِ» .

L12394 He said: Abdullah ibn Unays would state: "Twenty-three [days]. It is possible the sky may withhold [rain] during the entire last ten days, so the legal ruling to detain him remained established."

(قَالَ) وَكَانَ عَبْدُ اللَّهِ بْنُ أُنَيْسٍ يَقُولُ: ثَلَاثٌ وَعِشْرُونَ وَقَدْ يُمْكِنُ أَنْ تَكُفَّ السَّمَاءُ فِي الْعَشْرِ الْأَوَاخِرِ كُلِّهَا فَبَقِيَ الْأَمْرُ بِحَبْسِهِ.

L12395 Among the subtle intricacies of satanic whisperings is Ibn Bukayr al-Maliki's argument that it is the twenty-seventh night, based on the saying of Allah, the Exalted: "Peace it is" [Al-Qadr: 5]. He said: "The word 'hiya' is the twenty-seventh in the surah."[62]

وَمِنْ طَرَائِفِ الْوَسْوَاسِ: احْتِجَاجُ ابْنِ بُكَيْرٍ الْمَالِكِيِّ فِي أَنَّهَا لَيْلَةُ سَبْعٍ وَعِشْرِينَ بِقَوْلِ اللَّهِ تَعَالَى: {سَلامٌ هِيَ} [القدر: ٥] قَالَ: فَلَفْظَةُ " هِيَ " هِيَ السَّابِعَةُ وَعِشْرُونَ مِنَ السُّورَةِ.

L12396 C:AH,AQ Abu Muhammed said: The right of the one who gets this in his brain is to suffer the suffering of the dwellers of the sanitarium. We seek refuge with

قَالَ أَبُو مُحَمَّدٍ: حَقُّ مَنْ قَامَ هَذَا فِي دِمَاغِهِ أَنْ يُعَانِيَ بِمَا يُعَانِي بِهِ سُكَّانُ الْمَارَسْتَانِ نَعُوذُ بِاللَّهِ مِنَ الْبَلَاءِ، وَلَوْ لَمْ يَكُنْ لَهُ مِنْ هَذَا أَكْثَرُ مِنْ دَعْوَاهُ أَنَّهُ وَقَفَ عَلَى مَا غَابَ مِنْ

[62] **Qur'an references (L12395):** Qur'an 97:5 (Al-Qadr).

Allah from affliction! And if he had in this nothing more than his claim that he has access to knowledge that was hidden from the Messenger of Allah and he has not forgotten any of the knowledge of the unseen that Allāh made the Prophet ﷺ forget, then the one who reaches this state, his recompense is that Allah abandons him with such immediate abandonment, and then in the Hereafter, the punishment will be even harsher.

A Matter of Ijtihād in the Last Ten Days of Ramadan.

L12397

L12398–12400

810 - Issue: It is recommended to observe diligent striving in worship during the last ten nights of Ramadan, in accordance with the statement of Allah's Messenger - peace and blessings be upon him -: "Seek it [Laylat al-Qadr] in the last ten nights." This [Night] is sought through righteous deeds, not by means of a specific form or observable characteristic that can be distinctly recognized - unlike other nights, as the ignorant assume. The Exalted said: "We indeed sent it down during a blessed night, for We are surely warners. In it is decreed every wise matter." [Ad-Dukhān: 3-4] And He, the Most High, said: "The Night of Decree is better than a thousand months" [Al-Qadr: 3]. "The angels and the Spirit descend therein by their Lord's permission with every command" [Al-Qadr: 4]. "It is peace until the break of dawn" [Al-Qadr: 5]. Thus, this night is uniquely distinguished from all others. No one sees the angels after the Prophet (peace and blessings of Allah be upon him). We ask Allah the Most High for success, guidance, and protection. Amen.[63]

[63] **Qur'an references (L12398):** Qur'an 44:3 (Ad-Dukhan); Qur'an 44:4 (Ad-Dukhan); Qur'an 97:3 (Al-Qadr); Qur'an 97:4 (Al-Qadr); Qur'an 97:5 (Al-Qadr).

ذَلِكَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَنْسَ مِنْ عِلْمِ الْغَيْبِ مَا أَنْسَاهُ اللَّهُ عَزَّ وَجَلَّ نَبِيَّهُ - عَلَيْهِ السَّلَامُ -، وَمَنْ بَلَغَ إِلَى هَذَا الْحَدِّ فَجَزَاؤُهُ أَنْ يَخْذُلَهُ اللَّهُ تَعَالَى مِثْلَ هَذَا الْخِذْلَانِ الْعَاجِلِ ثُمَّ فِي الْآخِرَةِ أَشَدُّ تَنْكِيلًا.

[مَسْأَلَةُ الِاجْتِهَادُ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ]

٨١٠ - مَسْأَلَةُ: وَيُسْتَحَبُّ الِاجْتِهَادُ فِي الْعَشْرِ الْأَوَاخِرِ مِنْ رَمَضَانَ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الْتَمِسُوهَا فِي الْعَشْرِ الْأَوَاخِرِ» وَإِنَّمَا تُلْتَمَسُ بِالْعَمَلِ الصَّالِحِ لَا بِأَنَّ لَهَا صُورَةً وَهَيْئَةً يُمْكِنُ الْوُقُوفُ عَلَيْهَا بِخِلَافِ سَائِرِ اللَّيَالِي كَمَا يَظُنُّ أَهْلُ الْجَهْلِ، إِنَّمَا قَالَ تَعَالَى: {إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةٍ مُبَارَكَةٍ إِنَّا كُنَّا مُنْذِرِينَ} [الدخان: ٣] {فِيهَا يُفْرَقُ كُلُّ أَمْرٍ حَكِيمٍ} [الدخان: ٤] وَقَالَ تَعَالَى: {لَيْلَةُ الْقَدْرِ خَيْرٌ مِنْ أَلْفِ شَهْرٍ} [القدر: ٣] {تَنَزَّلُ الْمَلَائِكَةُ وَالرُّوحُ فِيهَا بِإِذْنِ رَبِّهِمْ مِنْ كُلِّ أَمْرٍ} [القدر: ٤] {سَلَامٌ هِيَ حَتَّى مَطْلَعِ الْفَجْرِ} [القدر: ٥] فَبِهَذَا بَانَتْ عَنْ سَائِرِ اللَّيَالِي فَقَطْ وَالْمَلَائِكَةُ لَا يَرَاهُمْ أَحَدٌ بَعْدَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. نَسْأَلُ اللَّهَ تَعَالَى التَّوْفِيقَ وَالْهُدَى وَالْعِصْمَةَ آمِينَ