

AL-MUHALLA

كِتَابُ الرَّضَاعِ

The Book of Breastfeeding

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[كِتَابُ الرَّضَاعِ] [مَسْأَلَةٌ الْوَاجِبُ عَلَى كُلِّ وَالِدَةٍ أَنْ تُرْضِعَ وَلَدَهَا]

مَسْأَلَةٌ: وَالْوَاجِبُ عَلَى كُلِّ وَالِدَةٍ - حُرَّةً كَانَتْ أَوْ أَمَةً - فِي عِصْمَةِ زَوْجٍ أَوْ فِي مِلْكِ سَيِّدٍ، أَوْ كَانَتْ خُلُوًّا مِنْهُمَا - لَحِقَ وَلَدُهَا بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ أَوْ لَمْ يَلْحَقْ -: أَنْ تُرْضِعَ وَلَدَهَا - أَحَبَّتْ أَمْ كَرِهَتْ، وَلَوْ أَنَّهَا بِنْتُ الْخَلِيفَةِ - وَتُجْبَرُ عَلَى ذَلِكَ إِلَّا أَنْ تَكُونَ مُطَلَّقَةً -.

فَإِنْ كَانَتْ مُطَلَّقَةً لَمْ تُجْبَرْ عَلَى إرْضَاعِ وَلَدِهَا مِنْ الَّذِي طَلَّقَهَا إِلَّا أَنْ تَشَاءَ هِيَ ذَلِكَ، فَلَهَا ذَلِكَ - أَحَبَّ أَبُوهُ أَمْ كَرِهَ، أَحَبَّ الَّذِي تَزَوَّجَهَا بَعْدَهُ أَمْ كَرِهَ.

فَإِنْ تَعَاسَرَتْ هِيَ وَأَبُو الرَّضِيعِ: أُمِرَ الْوَالِدُ بِأَنْ يَسْتَرْضِعَ لِوَلَدِهِ امْرَأَةً أُخْرَى وَلَا بُدَّ إِلَّا أَنْ لَا يَقْبَلَ الْوَلَدُ غَيْرَ ثَدْيِهَا، فَتُجْبَرُ حِينَئِذٍ - أَحَبَّتْ أَمْ كَرِهَتْ، أَحَبَّ زَوْجُهَا إنْ كَانَ لَهَا أَمْ كَرِهَ -.

فَإِنْ مَاتَ أَبُو الرَّضِيعِ، أَوْ أَفْلَسَ، أَوْ غَابَ بِحَيْثُ لَا يُقْدَرُ عَلَيْهِ: أُجْبِرَتْ الْأُمُّ عَلَى إرْضَاعِهِ، إلَّا أَنْ لَا يَكُونَ لَهَا لَبَنٌ، أَوْ كَانَ لَهَا لَبَنٌ يُضِرُّ بِهِ: فَإِنَّهُ يَسْتَرْضِعُ لَهُ غَيْرَهَا، وَيُتْبَعُ الْأَبُ بِذَلِكَ إنْ كَانَ حَيًّا وَلَهُ مَالٌ.

فَإِنْ لَمْ تَكُنْ مُطَلَّقَةً لَكِنْ فِي عِصْمَتِهِ أَوْ مُنْفَسِخَةَ النِّكَاحِ مِنْهُ أَوْ مِنْ عَقْدٍ فَاسِدٍ بِجَهْلٍ، فَاتَّفَقَ أَبُوهُ وَهِيَ عَلَى اسْتِرْضَاعِهِ وَقَبِلَ غَيْرَ ثَدْيِهَا فَذَلِكَ جَائِزٌ.

فَإِنْ أَرَادَ أَبُوهُ ذَلِكَ فَأَبَتْ هِيَ إلَّا إرْضَاعَهُ فَلَهَا ذَلِكَ.

Chapter on Breastfeeding: It is obligatory for every mother to breastfeed her child.

Issue: It is obligatory upon every mother—whether free or enslaved—regardless of whether she is under the marital bond of a husband, under the ownership of a master, or independent of both, to breastfeed her child. This applies whether the child is legally affiliated with the man from whose semen it originated or not, and irrespective of her willingness or reluctance—even if she were the daughter of the caliph. She is compelled to do so unless she is divorced.

If she is divorced, she is not compelled by the one who divorced her to breastfeed her child unless she herself wills it; she may do so, whether the father consents or objects, or whether the one who married her afterward consents or objects.

If the mother and the father of the nursing infant are unable to agree, the father is obligated to secure another woman to nurse the child. This obligation ceases only if the infant refuses any breast other than the mother's, in which case she is compelled—regardless of her own or her husband's consent (if she is married)—to nurse.

If the father of the nursing child dies, becomes insolvent, or is absent in a way that makes him unreachable, the mother is obligated to breastfeed the child unless she has no milk or her milk harms the child. In such cases, another woman must be sought to breastfeed him, and the father is pursued for this obligation if he is alive and has financial means.

If she is not divorced but remains under his marital bond, or the marriage is annulled by him or due to an invalid contract arising from ignorance, and she and the father mutually agree to secure nursing for the child from someone other than her, this is permissible.

If the father intends that, but she refuses to do anything other than breastfeed the child, then she has the right to breastfeed the child.

If she wishes to have someone else breastfeed the child instead of her, and the father refuses, she has no right to do so. She is compelled to breastfeed

him regardless of whether the child accepts a breast other than hers or rejects it, unless she lacks milk or her milk harms him. In such a case, the father is obligated to seek a wet nurse for his child.

فَإِذَا أَرَادَتْ هِيَ أَنْ تَسْتَرْضِعَ لَهُ غَيْرَهَا وَأَبَى الْوَالِدُ: لَمْ يَكُنْ لَهَا ذَلِكَ، وَأُجْبِرَتْ عَلَى إرْضَاعِهِ - قَبِلَ غَيْرَ ثَدْيِهَا أَوْ لَمْ يَقْبَلْ غَيْرَ ثَدْيِهَا - إلَّا أَنْ يَكُونَ لَهَا لَبَنٌ، أَوْ كَانَ لَبَنُهَا يُضِرُّ بِهِ: فَعَلَى الْوَالِدِ حِينَئِذٍ أَنْ يَسْتَرْضِعَ لِوَلَدِهِ غَيْرَهَا.

L35964 If the child refuses all other options except his mother's breast, she is compelled to breastfeed him, provided her milk is safe for the child.

فَإِنْ لَمْ يَقْبَلْ فِي كُلِّ ذَلِكَ إلَّا ثَدْيَ أُمِّهِ: أُجْبِرَتْ عَلَى إرْضَاعِهِ إنْ كَانَ لَهَا لَبَنٌ لَا يُضِرُّ بِهِ.

L35965 If the child has no father—whether due to intercourse invalidated by fornication, coercion, oath of imprecation (liʿān), or because he is not legally affiliated with the one whose semen he was born from—or if his father has died: his mother is compelled to breastfeed him, unless she has no milk, her milk harms him, his mother has died, or she is in a location where she cannot be reached. In such cases, another woman must be sought to breastfeed him. This applies equally in all cases, whether the infant has wealth or not.

فَإِنْ كَانَ لَا أَبَ لَهُ: إمَّا بِفَسَادِ الْوَطْءِ بِزِنًى، أَوْ إكْرَاهٍ، أَوْ لِعَانٍ، أَوْ بِحَيْثُ لَا يَلْحَقُ بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ، وَإِمَّا قَدْ مَاتَ أَبُوهُ: فَالْأُمُّ تُجْبَرُ عَلَى إرْضَاعِهِ، إلَّا أَنْ لَا يَكُونَ لَهَا لَبَنٌ، أَوْ كَانَ لَهَا لَبَنٌ يُضِرُّ بِهِ، أَوْ مَاتَتْ أُمُّهُ، أَوْ غَابَتْ حَيْثُ لَا يُقْدَرُ عَلَيْهَا: فَيَسْتَرْضِعُ لَهُ غَيْرَهَا، سَوَاءٌ فِي كُلِّ ذَلِكَ كَانَ لِلرَّضِيعِ مَالٌ أَوْ لَمْ يَكُنْ.

L35966 If the child has a father or a mother, and the father wishes to wean him without the mother's consent, or the mother wishes to wean him without the father's consent, neither of them is permitted to act on their desire before the completion of two full years, regardless of whether harm is caused to the nursing infant.

فَإِنْ كَانَ لَهُ أَبٌ، أَوْ أُمٌّ، فَأَرَادَ الْأَبُ فِصَالَهُ دُونَ رَأْيِ الْأُمِّ، أَوْ أَرَادَتْ الْأُمُّ فِصَالَهُ دُونَ رَأْيِ الْأَبِ: فَلَيْسَ ذَلِكَ لِمَنْ أَرَادَهُ مِنْهُمَا قَبْلَ تَمَامِ الْحَوْلَيْنِ - كَانَ فِي ذَلِكَ ضَرَرٌ بِالرَّضِيعِ أَوْ لَمْ يَكُنْ -.

L35967 If they both wish to wean the child before the completion of two years, then if there is harm to the infant in doing so - due to an illness he has, weakness in his constitution, or his inability to accept food - it is not permissible for them to do so. If there is no harm to the infant in that, then they may do so.

فَإِنْ أَرَادَا جَمِيعًا فِصَالَهُ قَبْلَ الْحَوْلَيْنِ، فَإِنْ كَانَ فِي ذَلِكَ ضَرَرٌ عَلَى الرَّضِيعِ لِمَرَضٍ بِهِ، أَوْ لِضَعْفِ بِنْيَتِهِ، أَوْ لِأَنَّهُ لَا يَقْبَلُ الطَّعَامَ: لَمْ يَجُزْ ذَلِكَ لَهُمَا فَإِنْ كَانَ لَا ضَرَرَ عَلَى الرَّضِيعِ فِي ذَلِكَ فَلَهُمَا ذَلِكَ.

L35968 If they both wish to continue breastfeeding him after two years, they may do so. If one of them wishes to wean him after two years and the other refuses, and if weaning would harm the infant, it is prohibited to wean him. Similarly, even if both agree to wean him, it is prohibited.

فَإِنْ أَرَادَا التَّمَادِيَ عَلَى إرْضَاعِهِ بَعْدَ الْحَوْلَيْنِ فَلَهُمَا ذَلِكَ، فَإِنْ أَرَادَ أَحَدُهُمَا - بَعْدَ الْحَوْلَيْنِ - فِصَالَهُ وَأَبَى الْآخَرُ مِنْهُمَا، فَإِنْ كَانَ فِي ذَلِكَ ضَرَرٌ عَلَى الرَّضِيعِ لَمْ يَجُزْ فِصَالُهُ، وَكَذَلِكَ لَوْ اتَّفَقَا عَلَى فِصَالِهِ.

L35969 If there is no harm to the infant in weaning him after two years, then

whichever of the two parents wishes to wean him—after the full two-year period—has the right to do so. This is the right of the infant, and the right is an obligation upon the father and the mother to breastfeed him.

وَإِنْ كَانَ لَا ضَرَرَ عَلَى الرَّضِيعِ فِي فِصَالِهِ بَعْدَ الْحَوْلَيْنِ: فَأَيُّ الْأَبَوَيْنِ أَرَادَ فِصَالَهُ - بَعْدَ تَمَامِ الْحَوْلَيْنِ - فَلَهُ ذَلِكَ، هَذَا حَقُّ الرَّضِيعِ، وَالْحَقُّ عَلَى الْأَبِ وَالْأُمِّ فِي إرْضَاعِهِ.

L35970–35972 As for the obligation upon the mother in this regard, if the child's lineage does not attach to the one from whose semen he came into being, or If his father was deceased or absent and unreachable, and there was no heir for the infant, then breastfeeding is incumbent upon the mother, and she has no claim to compensation from anyone for breastfeeding him.

وَأَمَّا الْوَاجِبُ لِلْأُمِّ فِي ذَلِكَ - فَإِنْ كَانَ الْوَلَدُ لَا يَلْحَقُ نَسَبُهُ بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ، أَوْ كَانَ أَبُوهُ مَيِّتًا، أَوْ غَائِبًا حَيْثُ لَا يُقْدَرُ عَلَيْهِ، وَلَا وَارِثَ لِلرَّضِيعِ: فَالرَّضَاعُ عَلَى الْأُمِّ، وَلَا شَيْءَ لَهَا عَلَى أَحَدٍ مِنْ أَجْلِ إرْضَاعِهِ.

L35973 If she is under his guardianship through a valid marriage or lawful ownership of a slave, then the father is obligated to provide the maintenance or clothing of both the wife and the slave alone, as was previously the case, without any increase.

فَإِنْ كَانَ فِي عِصْمَتِهِ بِزَوَاجٍ صَحِيحٍ، أَوْ مِلْكِ يَمِينٍ صَحِيحٍ: فَعَلَى الْوَالِدِ نَفَقَتُهُمَا، أَوْ كِسْوَتُهُمَا فَقَطْ، كَمَا كَانَ قَبْلَ ذَلِكَ وَلَا مَزِيدَ.

L35974 If she is not under his guardianship—whether she is the mother of his child whom he emancipated, a marriage dissolved after its validity without divorce through causes we previously mentioned, a marriage consummated under a void contract due to ignorance resulting in the child's affiliation to his father, or a revocably divorced wife during the child's nursing period—then in all these cases, she is entitled solely to sustenance and clothing from the child's father, with no increase.

وَإِنْ كَانَتْ فِي غَيْرِ عِصْمَتِهِ - فَإِنْ كَانَتْ أُمَّ وَلَدِهِ فَأَعْتَقَهَا، أَوْ مُنْفَسِخَةَ النِّكَاحِ بَعْدَ صِحَّتِهِ بِغَيْرِ طَلَاقٍ، لَكِنْ بِمَا ذَكَرْنَا قَبْلُ أَنَّ النِّكَاحَ يَنْفَسِخُ بِهِ بَعْدَ صِحَّتِهِ أَوْ مَوْطُوءَةً بِعَقْدٍ فَاسِدٍ بِجَهْلٍ يَلْحَقُ فِيهِ الْوَلَدُ بِوَالِدِهِ، أَوْ طَلَّقَهَا طَلَاقًا رَجْعِيًّا - وَهُوَ رَضِيعٌ - فَلَهَا فِي كُلِّ ذَلِكَ عَلَى وَالِدِهِ النَّفَقَةُ، وَالْكِسْوَةُ فَقَطْ، وَلَا مَزِيدَ.

L35975 If the father is poor, she is obligated to nurse the child, and she has no claim against the poor father. If he is absent and has wealth and refuses, he shall be pursued for maintenance and clothing whenever he is able to afford it.

فَإِنْ كَانَ فَقِيرًا كُلِّفَتْ إرْضَاعَهُ وَلَا شَيْءَ لَهَا عَلَى الْأَبِ الْفَقِيرِ، فَإِنْ غَابَ وَلَهُ مَالٌ وَامْتَنَعَ أُتْبِعَ بِالنَّفَقَةِ وَالْكِسْوَةِ مَتَى قَدَرَ عَلَى مَالٍ.

L35976 If she has been irrevocably divorced three times and completed her waiting period—as prescribed for a revocable divorce—through childbirth, she is entitled to compensation from the child's father solely for breastfeeding.

فَإِنْ كَانَتْ مُطَلَّقَةً ثَلَاثًا وَأَتَمَّتْ عِدَّتَهَا مِنْ الطَّلَاقِ الرَّجْعِيِّ بِوَضْعِهِ: فَلَهَا عَلَى أَبِيهِ الْأُجْرَةُ فِي إرْضَاعِهِ فَقَطْ.

L35977 If she agrees to the equivalent fee for her nursing, the father is compelled to this - whether he likes or dislikes - and no consideration is given to his claim: "I can find someone to breastfeed him for a lower fee, or without payment."

فَإِنْ رَضِيَتْ هِيَ أُجْرَةَ مِثْلِهَا: فَإِنَّ الْأَبَ يُجْبَرُ عَلَى ذَلِكَ - أَحَبَّ أَمْ كَرِهَ - وَلَا يُلْتَفَتُ إلَى قَوْلِهِ: أَنَا وَاجِدٌ مَنْ يُرْضِعُهُ بِأَقَلَّ، أَوْ بِلَا أُجْرَةٍ.

L35978 If she demands more than the standard fee for a wet nurse of her equivalent

and the father insists on paying only the standard fee, this constitutes mutual impasse. In such a case, the father may engage another wet nurse for his child unless the child does not accept any breast but hers, the father cannot find anyone except a woman whose milk harms the infant, or he lacks sufficient wealth. Under these circumstances, the mother is compelled to nurse the child, and she is compelled to nurse while the father is compelled to pay the standard fee if he has wealth. Otherwise, he bears no obligation.

فَإِنْ لَمْ تَرْضَ هِيَ إِلَّا بِأَكْثَرَ مِنْ أُجْرَةِ مِثْلِهَا وَأَبَى الْأَبُ إِلَّا أُجْرَةَ مِثْلِهَا فَهَذَا هُوَ التَّعَاسُرُ، وَلِلْأَبِ حِينَئِذٍ أَنْ يَسْتَرْضِعَ غَيْرَهَا لِوَلَدِهِ إِلَّا أَنْ لَا يَقْبَلَ غَيْرَ ثَدْيِهَا، أَوْ لَا يَجِدُ الْأَبُ إِلَّا مَنْ لَبَنُهَا مُضِرٌّ بِالرَّضِيعِ، أَوْ كَانَ الْأَبُ لَا مَالَ لَهُ: فَتُجْبَرُ الْأُمُّ حِينَئِذٍ عَلَى إِرْضَاعِهِ، وَتُجْبَرُ هِيَ وَالْوَالِدُ عَلَى أُجْرَةِ مِثْلِهَا - إِنْ كَانَ لَهُ مَالٌ - وَإِلَّا فَلَا شَيْءَ عَلَيْهِ.

L35979 Every obligation we have mentioned that falls upon the father regarding breastfeeding—whether a fee, sustenance, or clothing—remains binding regardless of whether the nursing child owns property or not, or whether the child is a female minor whose father has contracted her marriage or not. This differs from the maintenance obligation for a weaned child, whether female or male.

وَكُلُّ مَا ذَكَرْنَا أَنَّهُ يَجِبُ عَلَى الْوَالِدِ - فِي الرَّضَاعِ - مِنْ أُجْرَةٍ، أَوْ رِزْقٍ أَوْ كِسْوَةٍ: فَهُوَ وَاجِبٌ عَلَيْهِ - كَانَ لِلرَّضِيعِ مَالٌ أَوْ لَمْ يَكُنْ، كَانَتْ صَغِيرَةً زَوَّجَهَا أَبُوهَا أَوْ لَمْ تَكُنْ - بِخِلَافِ النَّفَقَةِ عَلَى الْفَطِيمَةِ أَوْ الْفَطِيمِ.

L35980–35982 If the father dies, then all that we have mentioned as being obligatory upon the father—such as clothing, maintenance, or wages—and if the infant has an heir, this obligation falls upon the infant's heir according to their number, not according to the proportions of their inheritance shares from him. The mother is included among them, and the husband—if her father married her off—is likewise included, whether the infant possesses property or not. Unlike his clothing and maintenance when he starts eating solid food, this ruling applies regardless. If the infant has no heir, then his breastfeeding is upon... [text cuts off here] The mother—whether she is an heir or not—is entitled to nothing from the nursing child's property due to that status, in contrast to the obligation for her maintenance to be provided from his property if he has wealth while she herself possesses none.

فَإِنْ مَاتَ الْأَبُ فَكُلُّ مَا ذَكَرْنَا أَنَّهُ يَجِبُ عَلَى الْوَالِدِ: مِنْ كِسْوَةٍ، أَوْ نَفَقَةٍ، أَوْ أُجْرَةٍ، وَلِلرَّضِيعِ وَارِثٌ فَهُوَ عَلَى وَارِثِ الرَّضِيعِ - عَلَى عَدَدِهِمْ لَا عَلَى مَقَادِيرِ مَوَارِيثِهِمْ مِنْهُ، وَالْأُمُّ مِنْ جُمْلَتِهِمْ: وَالزَّوْجُ إِنْ كَانَ زَوَّجَهَا أَبُوهَا مِنْ جُمْلَتِهِمْ، سَوَاءٌ كَانَ لِلرَّضِيعِ مَالٌ أَوْ لَمْ يَكُنْ، بِخِلَافِ كِسْوَتِهِ، وَنَفَقَتِهِ إِذَا أَكَلَ الطَّعَامَ، فَإِنْ لَمْ يَكُنْ لَهُ وَارِثٌ فَرَضَاعُهُ عَلَى الْأُمِّ - وَارِثَةً كَانَتْ أَوْ غَيْرَ وَارِثَةٍ وَلَا شَيْءَ لَهَا مِنْ أَجْلِ ذَلِكَ مِنْ مَالِ الرَّضِيعِ، بِخِلَافِ وُجُوبِ نَفَقَتِهَا فِي مَالِهِ - إِنْ كَانَ لَهُ مَالٌ، وَلَا مَالَ لَهَا.

L35983 If she is a slave woman and her child is a male slave belonging to her master or to someone other than her master, then his breastfeeding is the mother's duty - unlike his clothing and maintenance, which become the responsibility of her master once he no longer requires breastfeeding.

فَإِنْ كَانَتْ مَمْلُوكَةً وَوَلَدُهَا عَبْدًا لِسَيِّدِهَا، أَوْ لِغَيْرِ سَيِّدِهَا: فَرَضَاعُهُ عَلَى الْأُمِّ، بِخِلَافِ كِسْوَتِهِ، وَنَفَقَتِهِ - إِذَا اسْتَغْنَى عَنْ الرَّضَاعِ.

L35984 If she is enslaved and her child is free—if the child has a father or heir, then maintenance, clothing, or payment fall upon the father or heir, as we

have previously established. If the child has neither a father nor an heir, the mother is obligated to breastfeed the child.

فَإِنْ كَانَتْ مَمْلُوكَةً وَوَلَدُهَا حُرٌّ - فَإِنْ كَانَ لَهُ أَبٌ، أَوْ وَارِثٌ، فَالنَّفَقَةُ، وَالْكِسْوَةُ، أَوْ الْأُجْرَةُ عَلَى الْأَبِ، أَوْ عَلَى الْوَارِثِ كَمَا قَدَّمْنَا، فَإِنْ لَمْ يَكُنْ لَهُ أَبٌ وَلَا وَارِثٌ: فَرَضَاعُهُ عَلَى أُمِّهِ.

L35985 If she dies, falls ill, her milk has harmed him, or she has neither milk nor wealth, then the obligation lies upon the public treasury of the Muslims. If it refuses, then upon the neighbors. The ruler must compel them to fulfill it. And success is by Allah, the Exalted.

فَإِنْ مَاتَتْ، أَوْ مَرِضَتْ، أَوْ أَضَرَّ بِهِ لَبَنُهَا، أَوْ كَانَتْ لَا لَبَنَ لَهَا، وَلَا مَالَ لَهَا: فَعَلَى بَيْتِ مَالِ الْمُسْلِمِينَ - فَإِنْ مَنَعَ: فَعَلَى الْجِيرَانِ يُجْبِرُهُمْ الْحَاكِمُ عَلَى ذَلِكَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L35986 Abu Muhammad said: The proof of all that we have mentioned is explicitly stated in the words of Allah, the Almighty and Majestic: “Mothers shall nurse their children for two full years for those who wish to complete the nursing period. Upon the one to whom the child is born rests the provision of their sustenance and clothing in accordance with customary norms. No soul is burdened beyond its capacity. No mother shall be harmed through her child, nor shall the one to whom the child is born be harmed through his child. The same obligation binds the heir. If they both decide to wean by mutual agreement and consultation, there is no blame upon them. If you choose to have your children nursed by others, there is no blame upon you provided you hand over what you have given in accordance with customary norms. Fear Allah, and know that Allah is All-Seeing of what you do” [Al-Baqarah: 233].[1]

قَالَ أَبُو مُحَمَّد: بُرْهَانُ كُلِّ مَا ذَكَرْنَا مَنْصُوصٌ فِي قَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لا تُكَلَّفُ نَفْسٌ إِلا وُسْعَهَا لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ فَإِنْ أَرَادَا فِصَالا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلا جُنَاحَ عَلَيْهِمَا وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلادَكُمْ فَلا جُنَاحَ عَلَيْكُمْ إِذَا سَلَّمْتُمْ مَا آتَيْتُمْ بِالْمَعْرُوفِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ بِمَا تَعْمَلُونَ بَصِيرٌ} [البقرة: ٢٣٣] .

L35987 O Prophet, when you [all] divorce women, divorce them at the beginning of their waiting period, and count the waiting period. And fear Allah, your Lord. Do not expel them from their homes, nor should they leave unless they commit an evident indecency. These are the limits set by Allah, and whoever transgresses the limits of Allah has wronged himself. You [Prophet] do not know—perhaps Allah will bring about a new situation thereafter. [65:1] When they have reached their term, then either retain them with kindness or part with them with kindness, and call to witness two just men from

وَفِي قَوْله تَعَالَى: {يَا أَيُّهَا النَّبِيُّ إِذَا طَلَّقْتُمُ النِّسَاءَ فَطَلِّقُوهُنَّ لِعِدَّتِهِنَّ وَأَحْصُوا الْعِدَّةَ وَاتَّقُوا اللَّهَ رَبَّكُمْ لا تُخْرِجُوهُنَّ مِنْ بُيُوتِهِنَّ وَلا يَخْرُجْنَ إِلا أَنْ يَأْتِينَ بِفَاحِشَةٍ مُبَيِّنَةٍ وَتِلْكَ حُدُودُ اللَّهِ وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ لا تَدْرِي لَعَلَّ اللَّهَ يُحْدِثُ بَعْدَ ذَلِكَ أَمْرًا} [الطلاق: ١] {فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَأَمْسِكُوهُنَّ بِمَعْرُوفٍ أَوْ فَارِقُوهُنَّ بِمَعْرُوفٍ

[1] **Qur’an references (L35986):** Qur’an 2:233 (Al-Baqarah).

among you. And establish the testimony for Allah. By this is admonished whoever believes in Allah and the Last Day. [65:2][2]

وَأَشْهِدُوا ذَوَيْ عَدْلٍ مِنْكُمْ وَأَقِيمُوا الشَّهَادَةَ لِلَّهِ ذَلِكُمْ يُوعَظُ بِهِ مَنْ كَانَ يُؤْمِنُ بِاللَّهِ وَالْيَوْمِ الآخِرِ} [الطلاق: ٢] .

L35988 This is the description of revocable divorce without doubt. Then Allah, the Exalted, mentioned the waiting period by menstrual cycles and months.

فَهَذِهِ صِفَةُ الطَّلَاقِ الرَّجْعِيِّ بِلَا شَكٍّ، ثُمَّ ذَكَرَ اللَّهُ تَعَالَى الْعِدَّةَ بِالْأَقْرَاءِ وَالشُّهُورِ.

L35989 Then the Exalted and Majestic said: "House them [divorced women] according to your means, wherever you reside, and do not harm them to restrict them. If they are pregnant women, provide for them until they give birth to their burden. Allah will bring ease after hardship" (Quran 65:6–7).[3]

ثُمَّ قَالَ عَزَّ وَجَلَّ: {أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ أُولاتِ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ} [الطلاق: ٦] إِلَى قَوْلِهِ {سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا} [الطلاق: ٧] .

L35990–35991 We have previously mentioned in this book of ours that the statement of the Almighty: "Provide residence for them where you live from your means, and do not harm them to constrain them. If they are pregnant, spend on them until they give birth to their child" (Quran 65:6) is clarified by the hadith of Fāṭimah bint Qays, indicating that the Almighty specifically meant this for women given a revocable divorce, not irrevocably divorced women. All that we have stated is explicitly affirmed in the aforementioned verses without interpretation—and we will, God, the Exalted, willing, elaborate on this in detail, section by section.[4]

وَقَدْ ذَكَرْنَا فِيمَا سَلَفَ مِنْ كِتَابِنَا هَذَا أَنَّ قَوْله تَعَالَى: {أَسْكِنُوهُنَّ مِنْ حَيْثُ سَكَنْتُمْ مِنْ وُجْدِكُمْ وَلا تُضَارُّوهُنَّ لِتُضَيِّقُوا عَلَيْهِنَّ وَإِنْ كُنَّ أُولاتِ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ} [الطلاق: ٦] قَدْ بَيَّنَ حَدِيثُ فَاطِمَةَ بِنْتِ قَيْسٍ أَنَّهُ عَزَّ وَجَلَّ إِنَّمَا أَرَادَ بِهِ الْمُطَلَّقَاتِ طَلَاقًا رَجْعِيًّا لَا الْمُطَلَّقَاتِ ثَلَاثًا، فَكُلُّ مَا قُلْنَا فَإِنَّهُ مَنْصُوصٌ فِي الْآيَاتِ الْمَذْكُورَاتِ بِلَا تَأْوِيلٍ - وَنَحْنُ إِنْ شَاءَ اللَّهُ تَعَالَى ذَاكِرُونَ بَيَانَ ذَلِكَ فَصْلًا فَصْلًا -

L35992 There is no power nor strength except with Allah, the Most High, the Almighty.

وَلَا حَوْلَ وَلَا قُوَّةَ إِلَّا بِاللَّهِ الْعَلِيِّ الْعَظِيمِ.

L35993–35994 Regarding our statement at the beginning of the issue: It is obligatory upon every free woman or slave woman—whether bound in marriage to a husband, under the ownership of a master, or independent of both—to breastfeed her child, whether the child is affiliated with the man from whose semen it was conceived or not, and whether she is willing or unwilling, even if she were the daughter of the Caliph. She is compelled to do so, based on the words of

أَمَّا قَوْلُنَا فِي أَوَّلِ الْمَسْأَلَةِ - الْوَاجِبُ عَلَى كُلِّ حُرَّةٍ أَوْ أَمَةٍ فِي عِصْمَةِ زَوْجٍ كَانَتْ أَوْ فِي مِلْكِ سَيِّدٍ أَوْ خِلْوًا مِنْهُمَا لَحِقَ وَلَدُهَا بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ أَوْ لَمْ يَلْحَقْ أَنْ تُرْضِعَ وَلَدَهَا أَحَبَّتْ أَمْ كَرِهَتْ وَلَوْ أَنَّهَا بِنْتُ الْخَلِيفَةِ وَتُجْبَرُ عَلَى ذَلِكَ فَلِقَوْلِ اللَّهِ تَعَالَى: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ} [البقرة: ٢٣٣] .

[2] **Qur'an references (L35987):** Qur'an 65:1 (At-Talaq); Qur'an 65:2 (At-Talaq).
[3] **Qur'an references (L35989):** Qur'an 65:6 (At-Talaq); Qur'an 65:7 (At-Talaq).
[4] **Qur'an references (L35991):** Qur'an 65:6 (At-Talaq).

Allah the Exalted: {Mothers shall breastfeed their children for two full years for those who wish to complete the breastfeeding} [Al-Baqarah: 233].[5]

وَهَذَا عُمُومٌ لَا يَحِلُّ لِأَحَدٍ أَنْ يَخُصَّ مِنْهُ شَيْئًا إِلَّا مَا خَصَّهُ نَصٌّ ثَابِتٌ وَإِلَّا فَهُوَ كَذِبٌ عَلَى اللَّهِ تَعَالَى.

L35995 This is a general principle that no one may specify any part of it except what an established text has specified; otherwise, it constitutes lying upon Allah the Exalted.

فَإِنْ قِيلَ: هَذَا خَبَرٌ لَا أَمْرٌ؟

L35996 If it is objected: "Is this a *khabar* and not an *amr*?"

قُلْنَا: هَذَا أَشَدُّ عَلَيْكُمْ، إِذْ أَخْبَرَ عَزَّ وَجَلَّ بِذَلِكَ، فَمُخَالِفُ خَبَرِهِ سَاعٍ فِي تَكْذِيبِ مَا أَخْبَرَ اللَّهُ عَزَّ وَجَلَّ وَفِي هَذَا مَا فِيهِ.

L35997 We said: This is more severe upon you, since He, the Mighty and Majestic, has informed of that. Thus, whoever contradicts His report strives to deny what Allah, the Mighty and Majestic, has informed, and in this there is what there is.

وَهَذَا قَوْلُ ابْنِ أَبِي لَيْلَى، وَالْحَسَنِ بْنِ حَيٍّ، وَأَبِي ثَوْرٍ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِنَا، وَاخْتُلِفَ فِيهِ عَنْ مَالِكٍ - فَمَرَّةً قَالَ مِثْلَ قَوْلِنَا، ومَرَّةً قَالَ: الشَّرِيفَةُ لَا تُجْبَرُ عَلَى ذَلِكَ - وَهَذَا قَوْلٌ فِي غَايَةِ الْفَسَادِ، لِأَنَّ الشَّرَفَ هُوَ التَّقْوَى، فَرُبَّ هَاشِمِيَّةٍ أَوْ عَبْشَمِيَّةٍ بِنْتِ خَلِيفَةٍ تَمُوتُ هَزْلًا، وَرُبَّ زِنْجِيَّةٍ أَوْ بِنْتِ غَيَّةٍ قَدْ صَارَتْ حُرْمَةَ مَالِكٍ، أَوْ أَمَةً.

L35998 This is the opinion of Ibn Abī Laylā, al-Ḥasan ibn Ḥayy, Abū Thawr, Abū Sulaymān, and our companions. Differing views have been reported from Mālik - at times he affirmed a position like ours, and at times he said: "A woman of noble lineage cannot be compelled to that." This latter view is utterly corrupt, for true nobility lies in piety. Many a Hashimite or Abbasid woman, daughter of a caliph, might waste away in frailty, while many a Zanjī woman or daughter of waywardness might embody the sanctity of Mālik or become a slave woman.

وَقَالَ أَبُو حَنِيفَةَ: لَا تُجْبَرُ الْأُمُّ عَلَى الرَّضَاعِ - وَهَذَا خِلَافٌ مُجَرَّدٌ لِلْقُرْآنِ.

L35999 Abu Hanifah said: The mother cannot be compelled to breastfeed. This is purely contrary to the Quran.

[5] **Qur'an references (L35994):** Qur'an 2:233 (Al-Baqarah).

وَأَمَّا قَوْلُنَا - إِلَّا أَنْ تَكُونَ مُطَلَّقَةً فَإِنْ كَانَتْ مُطَلَّقَةً فَإِنَّهَا لَا تُجْبَرُ عَلَى إِرْضَاعِ وَلَدِهَا مِنْ الَّذِي طَلَّقَهَا إِلَّا أَنْ تَشَاءَ هِيَ فَإِنْ شَاءَتْ هِيَ ذَلِكَ فَذَلِكَ لَهَا أَحَبَّ ذَلِكَ الَّذِي طَلَّقَهَا أَوْ أَبَى أَحَبَّ ذَلِكَ زَوْجٌ إِنْ كَانَ لَهَا أَوْ أَبَى فَلِقَوْلِ اللَّهِ تَعَالَى فِي " سُورَةِ الطَّلَاقِ " بَعْدَ ذِكْرِ الْمُعْتَدَّاتِ: {فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ وَأْتَمِرُوا بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاسَرْتُمْ فَسَتُرْضِعُ لَهُ أُخْرَى} [الطلاق: ٦] فَلَمْ يَخُصَّ تَعَالَى ذَاتَ زَوْجٍ مِنْ غَيْرِهَا وَلَا جَعَلَ فِي ذَلِكَ خِيَارًا لِلْأَبِ وَلَا لِلزَّوْجِ بَلْ جَعَلَ الْإِرْضَاعَ إلَى الْأُمَّهَاتِ وَفِي هَذَا خِلَافٌ قَدِيمٌ.

L36000–36002 As for our statement—except if she is divorced; if she is divorced, then she is not compelled to breastfeed her child. The decision is not for the one who divorced her unless she herself wills it. If she chooses that, then it is her right—whether the one who divorced her desires it or refuses. If she has a husband, his desire or refusal [is irrelevant]. This is based on Allah's verse in Sūrah al-Ṭalāq after mentioning women observing their waiting periods: {If they breastfeed your children, give them their due payment, and settle the matter by mutual consent. But if you disagree, another woman will breastfeed the child} (65:6). The Exalted did not distinguish between a woman with a husband and one without, nor granted any choice in it to the father or husband. Rather, He placed breastfeeding under the mothers' authority. There is an old disagreement regarding this.[1]

رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ قَالَ: أُتِيَ عَبْدُ اللَّهِ بْنُ عُتْبَةَ بْنِ مَسْعُودٍ فِي رَجُلٍ تَزَوَّجَ امْرَأَةً وَلَهَا وَلَدٌ تُرْضِعُهُ فَأَبَى الزَّوْجُ أَنْ تُرْضِعَهُ؟ فَقَضَى عَبْدُ اللَّهِ بْنُ عُتْبَةَ أَنْ لَا تُرْضِعَهُ؟

L36003 It was narrated to us through the chain of Abd al-Rahman ibn Mahdi from Sufyan al-Thawri from Abu Ishaq al-Shaybani, who said: Abdullah ibn Utbah ibn Mas'ud was approached regarding a man who married a woman with a child she was suckling. When the husband refused to let her suckle him, Abdullah ibn Utbah ruled that she should not suckle him.

قُلْنَا: حَكَمَ حُكْمًا لَا دَلِيلَ عَلَى صِحَّتِهِ، وَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L36004 We said: He issued a ruling for which there is no evidence of its validity, nor any authoritative evidence in the opinion of anyone apart from the Messenger of Allah (peace and blessings of Allah be upon him).

وَمَنْ احْتَجَّ هَاهُنَا بِهَذَا، فَنَحْنُ نَذْكُرُ لَهُ -: مَا رُوِّينَاهُ مِنْ طَرِيقِ إِسْمَاعِيلَ بْنَ إِسْحَاقَ الْقَاضِي أَنَا سُلَيْمَانُ بْنُ حَرْبٍ أَنَا حَمَّادُ بْنُ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ مُحَمَّدِ بْنِ سِيرِينَ قَالَ: أُتِيَ عَبْدُ اللَّهِ بْنُ عُتْبَةَ بْنِ مَسْعُودٍ فِي رَضَاعِ صَبِيٍّ؟ فَقَضَاهُ فِي مَالِ الْغُلَامِ، وَقَالَ لِوَلِيِّهِ: لَوْ لَمْ يَكُنْ لَهُ مَالٌ لَأَلْزَمْتُك، أَلَا تَقْرَأُ {وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ} [البقرة: ٢٣٣] .

L36005 Whoever argues using this here, we mention to him what we narrated through the chain of Qadi Isma'il ibn Ishaq: I [am] Sulayman ibn Harb, I [am] Hammad ibn Zayd, from Ayyub al-Sakhtiyani, from Muhammad ibn Sirin, who said: "Abdullah ibn 'Utbah ibn Mas'ud was approached concerning the breastfeeding of an infant? He ruled it to be charged to the child's wealth and said to his guardian: 'Had he possessed no wealth, I would have obligated you. Do you not recite: {And upon the heir is the like of that} [Al-Baqarah: 233]?'"[2]

L36006 Ahmad ibn Umar ibn Anas al-Udhri reported: Abu Dharr al-Harawi re-

[1] **Qur'an references (L36000):** Qur'an 65:6 (At-Talaq).
[2] **Qur'an references (L36005):** Qur'an 2:233 (Al-Baqarah).

ported to me, from Abdullah ibn Ahmad ibn Hamawayh, from Ibrahim ibn Khuraym, from Abd ibn Humaid, from Rawh, from Hisham ibn Hassan, from Muhammad ibn Sirin, that Abdullah ibn Utbah ibn Mas'ud ruled the child's maintenance should be provided from his own wealth, saying to his heir: "Had he no wealth, I would have ruled maintenance upon you. Do you not recite: {And upon the heir is a duty like that} [Al-Baqarah: 233]?" He blindly followed Abdullah ibn Utbah's opinion wherein he erred, lacking proof of its validity. Let them follow him only in what he was correct about and aligned with the Quran—yet his critics do not do this.[3]

وَمَا نَاهِ أَحْمَدُ بْنُ عُمَرَ بْنِ أَنَسٍ الْعُذْرِيُّ أَنَا أَبُو ذَرٍّ الْهَرَوِيُّ أَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنُ حَمَوَيْهِ. أَنَا إِبْرَاهِيمُ بْنُ خُرَيْمٍ أَنَا عَبْدُ بْنُ حُمَيْدٍ أَنَا رَوْحٌ عَنْ هِشَامِ بْنِ حَسَّانَ عَنْ مُحَمَّدِ بْنِ سِيرِينَ أَنْ عَبْدَ اللَّهِ بْنَ عُتْبَةَ بْنِ مَسْعُودٍ قَضَى بِنَفَقَةِ الصَّبِيِّ فِي مَالِهِ، وَقَالَ لِوَارِثِهِ: لَوْ لَمْ يَكُنْ لَهُ مَالٌ لَقَضَيْت بِالنَّفَقَةِ عَلَيْك، أَلَا تَقْرَأُ: {وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ} [البقرة: ٢٣٣] فَقَدْ قَلَّدَ عَبْدَ اللَّهِ بْنَ عُتْبَةَ فِي قَوْلٍ أَخْطَأَ فِيهِ لَا بُرْهَانَ لَهُ عَلَى صِحَّتِهِ، فَلْيَتْبَعْهُ فِيمَا أَصَابَ فِيهِ، وَوَافَقَ الْقُرْآنَ - وَهُمْ لَا يَفْعَلُونَ ذَلِكَ.

L36007 And if they say, "He married her solely for intercourse?"

فَإِنْ قَالُوا: إنَّمَا تَزَوَّجَهَا لِلْوَطْءِ؟

L36008 We said: Yes, what then? She gave birth to him specifically to breastfeed him. Thus, the child's right takes priority over the right of the man who married her after she gave birth to him. Her breastfeeding her child does not prevent him from having intercourse with her.

قُلْنَا: نَعَمْ، فَكَانَ مَاذَا؟ وَإِنَّمَا وَلَدَتْهُ لِتُرْضِعَهُ، فَحَقُّ الصَّبِيِّ قَبْلَ حَقِّ الَّذِي تَزَوَّجَهَا بَعْدَ أَنْ وَلَدَتْهُ، وَلَا يَمْنَعُهُ إرْضَاعُهَا وَلَدَهَا مِنْ وَطْئِهِ لَهَا.

L36009–36010 As for our statement: If the mother and the father of the nursing child face mutual hardship, the father is necessarily commanded to arrange for another woman to nurse his child. This is based on Allah Almighty's words in the mentioned verse: {But if you mutually face hardship, then another woman will nurse him} [65:6], as the Quranic text explicitly addresses both fathers and mothers. As for our statement—except when the child refuses any breast other than hers, in which case she is compelled to nurse him, whether she likes or dislikes, whether her husband consents or refuses, whether the child's father consents or refuses—this is based on Allah Almighty's words: {Indeed lost are those who killed their children foolishly without knowledge} [6:140], His words: {Cooperate in goodness and piety, and do not cooperate in sin and transgression} [5:2], and His words: {Let no mother be harmed through

وَأَمَّا قَوْلُنَا - فَإِنْ تَعَاسَرَتْ هِيَ وَأَبُو الرَّضِيعِ: أُمِرَ الْوَالِدُ أَنْ يَسْتَرْضِعَ لِوَلَدِهِ امْرَأَةً أُخْرَى وَلَا بُدَّ، فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ فِي الْآيَةِ الْمَذْكُورَةِ: {وَإِنْ تَعَاسَرْتُمْ فَسَتُرْضِعُ لَهُ أُخْرَى} [الطلاق: ٦] وَالْخِطَابُ لِلْآبَاءِ وَالْأُمَّهَاتِ بِنَصِّ الْقُرْآنِ. وَأَمَّا قَوْلُنَا - إلَّا أَنْ لَا يَقْبَلَ الْوَلَدُ غَيْرَ ثَدْيِهَا فَتُجْبَرُ حِينَئِذٍ عَلَى إرْضَاعِهِ - أَحَبَّتْ أَمْ كَرِهَتْ - أَحَبَّ زَوْجُهَا أَمْ كَرِهَ أَحَبَّ أَبُوهُ أَمْ كَرِهَ، فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلَادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ} [الأنعام: ١٤٠] . وَلِقَوْلِهِ تَعَالَى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] . وَلِقَوْلِهِ تَعَالَى: {لَا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلَا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ} [البقرة: ٢٣٣] وَهَذِهِ هِيَ الْمُضَارَّةُ حَقًّا.

[3] **Qur'an references (L36006):** Qur'an 2:233 (Al-Baqarah).

her child, nor any father through his child, and the same obligation lies upon the heir} [2:233]. This constitutes true harm indeed.[4]

L36011 It has been authentically established from the Messenger of Allah (peace and blessings be upon him): “Whoever does not show mercy to people will not be shown mercy by Allah.” We have transmitted this through numerous mass-transmitted (mutawatir) chains of the highest authenticity—including a narration via Wakīʿ ← Ismāʿīl ibn Abī Khālid ← Qays ibn Abī Ḥāzim ← Jarīr ibn ʿAbd Allāh al-Bajalī ← the Messenger of Allah (peace and blessings be upon him). As for our ruling: If the nursing child’s father dies, becomes bankrupt, or is absent in a manner rendering him unattainable, the mother is compelled to nurse him unless the child rejects her breast, she lacks milk, or her milk harms him. In such cases, another woman must be sought to lactate for him. This aligns with our explicit statement in the preceding chapter. The father remains liable for this obligation if alive and financially capable, for the legal responsibility in this matter rests upon him.

L36012 As for our statement: If she is not divorced but remains within his marital bond, or the marriage is annulled by him or dissolved due to an invalid contract arising from ignorance, or she is an umm walad—a slave mother emancipated after bearing her master’s child—and the father and she mutually agree to arrange for the child’s nursing, with the father consenting to suckling from other than her breast, then this is permissible. This ruling derives from Allah the Almighty, the Majestic’s words: “If you decide to have your children nursed by others, there is no blame upon you” [Al-Baqarah: 233]. This address from Allah the Most High is directed to those who hold parental rights over the children—the fathers and mothers, without doubt.[5]

L36013–36014 Regarding our statement: If the father desires this, but the mother refuses unless she breastfeeds him herself, then she has the right to do so. If she desires to seek a wet nurse for him other than herself, but the father refuses, she does not have that right and is compelled to breastfeed him. This is

وَصَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ لَا يَرْحَمُ النَّاسَ لَا يَرْحَمُهُ اللَّهُ» . رُوِّينَاهُ مِنْ طُرُقٍ شَتَّى مُتَوَاتِرَةٍ فِي غَايَةِ الصِّحَّةِ -: مِنْهَا - مِنْ طَرِيقِ وَكِيعٍ عَنْ إسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ قَيْسِ بْنِ أَبِي حَازِمٍ عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ الْبَجَلِيِّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَأَمَّا قَوْلُنَا - فَإِنْ مَاتَ أَبُو الرَّضِيعِ، أَوْ أَفْلَسَ، أَوْ غَابَ بِحَيْثُ لَا يُقْدَرُ عَلَيْهِ: أُجْبِرَتْ الْأُمُّ أَيْضًا عَلَى إرْضَاعِهِ إلَّا أَنْ لَا يَقْبَلَ ثَدْيَهَا، أَوْ لَا يَكُونَ لَهَا لَبَنٌ، أَوْ كَانَ لَبَنُهَا مِمَّا يُضِرُّ بِهِ فَإِنَّهُ يُسْتَرْضَعُ لَهُ غَيْرُهَا فَلِمَا ذَكَرْنَا فِي الْفَصْلِ الَّذِي قَبْلَ هَذَا مُتَّصِلًا بِهِ نَصًّا، وَيُتْبَعُ الْأَبُ بِذَلِكَ إنْ كَانَ حَيًّا وَلَهُ مَالٌ؛ لِأَنَّ الْحَقَّ عَلَيْهِ فِي ذَلِكَ.

وَأَمَّا قَوْلُنَا - فَإِنْ لَمْ تَكُنْ مُطَلَّقَةً لَكِنْ فِي عِصْمَتِهِ أَوْ مُنْفَسِخَةَ النِّكَاحِ مِنْهُ أَوْ مِنْ عَقْدٍ فَاسِدٍ بِجَهْلٍ أَوْ أُمَّ وَلَدٍ أُعْتِقَتْ فَاتَّفَقَ أَبُوهُ وَهِيَ عَلَى اسْتِرْضَاعِهِ وَقَبِلَ غَيْرَ ثَدْيِهَا فَذَلِكَ جَائِزٌ - فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَإِنْ أَرَدْتُمْ أَنْ تَسْتَرْضِعُوا أَوْلَادَكُمْ فَلا جُنَاحَ عَلَيْكُمْ} [البقرة: ٢٣٣] وَهَذَا خِطَابٌ مِنْ اللَّهِ تَعَالَى لِمَنْ الْأَوْلَادُ لَهُمْ، وَهُمْ الْآبَاءُ وَالْأُمَّهَاتُ، بِلَا شَكٍّ.

وَأَمَّا قَوْلُنَا: فَإِنْ أَرَادَ أَبُوهُ ذَلِكَ وَأَبَتْ الْأُمُّ إلَّا أَنْ تُرْضِعَهُ هِيَ فَلَهَا ذَلِكَ، فَإِنْ أَرَادَتْ هِيَ أَنْ تَسْتَرْضِعَ لَهُ غَيْرَهَا وَأَبَى الْوَالِدُ لَمْ يَكُنْ لَهَا ذَلِكَ، وَأُجْبِرَتْ عَلَى إرْضَاعِهِ؛ فَلِأَنَّ إرَادَةَ الْأَبِ وَالْأُمِّ لَمْ تَتَّفِقْ عَلَى الِاسْتِرْضَاعِ لَهُ، وَلَمْ يَجْعَلْ اللَّهُ تَعَالَى ذَلِكَ إلَّا بِإِرَادَتِهِمَا.

[4] **Qur’an references (L36010):** Qur’an 65:6 (At-Talaq); Qur’an 6:140 (Al-An’am); Qur’an 5:2 (Al-Ma’idah); Qur’an 2:233 (Al-Baqarah).

[5] **Qur’an references (L36012):** Qur’an 2:233 (Al-Baqarah).

because the father's and mother's desires did not align on seeking a wet nurse for him, and Allah the Exalted has not decreed this except through their mutual will.

وَأَمَّا قَوْلُنَا - إِلَّا أَنْ لَا يَكُونَ لَهَا لَبَنٌ، أَوْ كَانَ لَهَا لَبَنٌ يُضِرُّ بِهِ فَعَلَى الْوَالِدِ حِينَئِذٍ أَنْ يَسْتَرْضِعَ لَهُ غَيْرَهَا، فَإِنْ لَمْ يَقْبَلْ فِي كُلِّ ذَلِكَ إِلَّا ثَدْيَ أُمِّهِ أُجْبِرَتْ عَلَى إِرْضَاعِهِ إِنْ كَانَ لَهَا لَبَنٌ لَا يُضِرُّ بِهِ فَلِمَا ذَكَرْنَا آنِفًا مِنْ قَوْلِه تَعَالَى: {لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلا مَوْلُودٌ لَهُ بِوَلَدِهِ} [البقرة: ٢٣٣] مَعَ سَائِرِ مَا ذَكَرْنَا فِي ذَلِكَ الْفَصْلِ.

L36015 As for our statement: except if she has no milk, or if her milk is harmful to the child, then the father is obligated at that point to seek another wet nurse for him. If the child refuses all alternatives except his mother's breast, she is compelled to breastfeed him provided she has milk that is not harmful to the child. This ruling is based on what we have previously cited from the words of Allah, the Exalted: "No mother should be harmed because of her child, nor a father [harmed] through his child" [Al-Baqarah 2:233], along with the other matters we mentioned in that chapter.[6]

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَ لَا أَبَ لَهُ إِمَّا بِفَسَادِ الْوَطْءِ بِزِنًى أَوْ إِكْرَاهٍ أَوْ لِعَانٍ أَوْ بِحَيْثُ لَا يَلْحَقُ بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ، وَإِمَّا قَدْ مَاتَ أَبُوهُ فَالْأُمُّ تُجْبَرُ عَلَى إِرْضَاعِهِ فَلِقَوْلِ اللَّهِ تَعَالَى: {لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا} [البقرة: ٢٣٣] وَلِمَا ذَكَرْنَا مَعَ هَذِهِ الْآيَةِ فِي ذَلِكَ الْفَصْلِ.

L36016 As for our statement—if the child has no father either due to invalid intercourse, such as unlawful sexual intercourse (zinā), coercion, an oath of imprecation (liʿān), or because the child is not legally recognized as the offspring of the man whose sperm caused conception, or if his father has died—then the mother is legally compelled to breastfeed him, based on the decree of Allah, the Exalted: "No mother should be harmed through her child" [Al-Baqarah: 233], and due to the arguments we have cited in connection with this verse in that chapter.[7]

وَأَمَّا قَوْلُنَا - إِلَّا أَنْ لَا يَكُونَ لَهَا لَبَنٌ أَوْ كَانَ لَهَا لَبَنٌ يُضِرُّ بِهِ أَوْ مَاتَتْ أُمُّهُ أَوْ غَابَتْ حَيْثُ لَا يُقْدَرُ عَلَيْهَا فَيَسْتَرْضِعُ لَهُ غَيْرَهَا سَوَاءٌ كَانَ فِي ذَلِكَ كُلِّهِ لِلرَّضِيعِ مَالٌ أَوْ لَمْ يَكُنْ، فَلِمَا ذُكِرَ مِنْ قَوْلِه تَعَالَى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى وَلا تَعَاوَنُوا عَلَى الإِثْمِ وَالْعُدْوَانِ} [المائدة: ٢] ، وَمَا أَوْرَدْنَا فِي وُجُوبِ الرَّحْمَةِ.

L36017 As for our statement—except if she has no milk, or her milk harms him, or his mother dies or is absent where she cannot be reached, then another wet nurse must be sought for him, whether the infant has means in all these cases or not—this is based on what has been mentioned of the words of the Exalted: "And cooperate in righteousness and piety, and do not cooperate in sin and aggression" (Al-Mā'idah: 2), and what we have cited concerning the obligation of mercy.[8]

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَ لَهُ أَبٌ أَوْ أُمٌّ فَأَرَادَ الْأَبُ فِصَالَهُ دُونَ رَأْيِ الْأُمِّ، أَوْ أَرَادَتْ الْأُمُّ فِصَالَهُ دُونَ رَأْيِ الْأَبِ: فَلَيْسَ ذَلِكَ لِمَنْ أَرَادَهُ مِنْهُمَا قَبْلَ تَمَامِ الْحَوْلَيْنِ - كَانَ فِي الْفِصَالِ ضَرَرٌ بِالصَّغِيرِ أَوْ لَمْ يَكُنْ.

L36018 As for our statement: If the child has a father or mother, and the father wishes to wean him without the mother's consent, or the mother wishes to wean him without the father's consent, then that is not permissible for the

[6] **Qur'an references (L36015):** Qur'an 2:233 (Al-Baqarah).
[7] **Qur'an references (L36016):** Qur'an 2:233 (Al-Baqarah).
[8] **Qur'an references (L36017):** Qur'an 5:2 (Al-Ma'idah).

فَإِنْ أَرَادَ جَمِيعًا فِصَالَهُ قَبْلَ الْحَوْلَيْنِ فَإِنْ كَانَ لَا ضَرَرَ فِي ذَلِكَ عَلَى الرَّضِيعِ فَلَهُمَا ذَلِكَ، فَإِنْ كَانَ فِي ذَلِكَ ضَرَرٌ عَلَى الرَّضِيعِ لِمَرَضٍ بِهِ، أَوْ لِضَعْفِ بِنْيَتِهِ أَوْ لِأَنَّهُ لَا يَقْبَلُ الطَّعَامَ: لَمْ يَجُزْ لَهُمَا ذَلِكَ، فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ} [البقرة: ٢٣٣] .

L36019 If they both wish to wean the infant before the completion of two years, and there is no harm to the infant, then it is permissible for them. But if harm arises due to the infant's illness, constitutional weakness, or inability to tolerate food, then it is impermissible. This is based on Allah's statement, the Mighty and Majestic: "Mothers shall breastfeed their children for two complete years for those who wish to perfect the breastfeeding" [Al-Baqarah 2:233].[9]

وَلِقَوْلِهِ تَعَالَى: {فَإِنْ أَرَادَا فِصَالا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلا جُنَاحَ عَلَيْهِمَا} [البقرة: ٢٣٣] .

L36020 And due to the statement of the Exalted: {If they both wish to wean the child by mutual consent and consultation from both of them, then there is no blame upon them} [Al-Baqarah: 233].[10]

وَأَمَّا مُرَاعَاةُ ضَرَرِ الرَّضِيعِ فَلِمَا ذَكَرْنَا مِنْ قَوْلِه تَعَالَى: {لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلا مَوْلُودٌ لَهُ بِوَلَدِهِ} [البقرة: ٢٣٣] مَعَ مَا ذَكَرْنَا مَعَ هَذِهِ الْآيَةِ هُنَالِكَ.

L36021–36022 As for the consideration of harm to the infant, this is based on the Exalted's saying: *"Let no mother be harmed through her child, nor any parent through their child"* [Al-Baqarah 2:233], along with what we mentioned there alongside this verse.[11]

وَأَمَّا قَوْلُنَا - فَإِنْ أَرَادَتْ الْأُمُّ أَوْ الْأَبُ التَّمَادِيَ عَلَى إرْضَاعِ الرَّضِيعِ بَعْدَ الْحَوْلَيْنِ فَلَهُمَا ذَلِكَ فَلِأَنَّهُ لَمْ يَأْتِ نَصٌّ بِالْمَنْعِ مِنْ ذَلِكَ، وَلَا بِأَنَّ هَذَا مِنْ حُقُوقِ زَوْجٍ إنْ كَانَ لَهَا وَهُوَ صِلَةٌ لِابْنِهَا وَقَدْ أَوْجَبَ اللَّهُ تَعَالَى صِلَةَ الرَّحِمِ فَلَيْسَ لِأَحَدٍ مَنْعُهَا مِمَّا أَوْجَبَهُ اللَّهُ تَعَالَى عَلَيْهَا لِلثَّابِتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَلَا طَاعَةَ فِي مَعْصِيَةٍ» .

L36023 As for our statement: If the mother or father intends to continue breastfeeding the infant beyond two years, they are permitted to do so. This is because there exists no explicit textual prohibition against it, nor does this act fall under a husband's rights even if she has one. Breastfeeding is an act of maintaining kinship ties with her child, and Allah the Exalted has mandated the upholding of kinship ties. Thus, no one may prevent her from fulfilling what Allah has ordained upon her, as established by the Messenger of Allah—peace and blessings be upon him: "There is no obedience in disobedience."

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَ الْوَلَدُ لَا يَلْحَقُ نَسَبُهُ بِالَّذِي تَوَلَّدَ مِنْ مَائِهِ أَوْ كَانَ أَبُوهُ مَيِّتًا أَوْ غَائِبًا حَيْثُ لَا يُقْدَرُ عَلَيْهِ وَلَا وَارِثَ لِلرَّضِيعِ فَالرَّضَاعُ عَلَى الْأُمِّ وَلَا شَيْءَ لَهَا عَلَى أَحَدٍ مِنْ أَجْلِ الرَّضَاعَةِ لِقَوْلِ اللَّهِ تَعَالَى: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ} [البقرة: ٢٣٣] وَلَيْسَ هَاهُنَا مَوْلُودٌ لَهُ وَلَا وَارِثٌ فَهُوَ عَلَيْهَا فَقَطْ.

L36024 As for our statement: If the child's lineage is not established with the one from whose semen the child was conceived, or if the father is deceased or absent and inaccessible, and there is no guardian for the infant, then breastfeeding is incumbent upon the mother. She has no claim against anyone for breastfeeding, based on Allah's saying, exalted is He: {Mothers shall breast-

[9] **Qur'an references (L36019):** Qur'an 2:233 (Al-Baqarah).
[10] **Qur'an references (L36020):** Qur'an 2:233 (Al-Baqarah).
[11] **Qur'an references (L36022):** Qur'an 2:233 (Al-Baqarah).

feed their children for two full years for whoever wishes to complete the breastfeeding} [Al-Baqarah: 233]. Here, there is no father for the child nor a guardian, so the obligation rests upon her alone.[12]

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَتْ عِصْمَةُ الْأَبِ بِزَوَاجٍ صَحِيحٍ أَوْ مِلْكِ يَمِينٍ صَحِيحٍ فَعَلَى الْوَالِدِ نَفَقَتُهَا وَكِسْوَتُهَا كَمَا كَانَ قَبْلَ ذَلِكَ وَلَا مَزِيدَ فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ} [البقرة: ٢٣٣] .

L36025 As for our statement: If the father's guardianship is established through a valid marriage or lawful ownership (those whom his right hand possesses), then the father must provide her maintenance and clothing as before, without any increase. This is based on the words of Allah, Exalted is He: *"And upon the child's father is their provision [i.e., the mothers'] and clothing according to what is reasonable"* [Al-Baqarah: 233].[13]

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَتْ فِي غَيْرِ عِصْمَتِهِ، فَإِنْ كَانَتْ أُمَّ وَلَدٍ فَأَعْتَقَهَا أَوْ مُنْفَسِخَةَ النِّكَاحِ بَعْدَ صِحَّتِهِ بِغَيْرِ طَلَاقٍ لَكِنْ بِمَا ذَكَرْنَا قَبْلُ أَنَّ النِّكَاحَ يَنْفَسِخُ بِهِ بَعْدَ صِحَّتِهِ أَوْ مَوْطُوءَةً بِعَقْدٍ فَاسِدٍ بِجَهْلٍ يَلْحَقُ فِيهِ الْوَلَدُ بِوَالِدِهِ، أَوْ طَلَّقَهَا طَلَاقًا رَجْعِيًّا وَهُوَ رَضِيعٌ فَلَهَا فِي كُلِّ ذَلِكَ عَلَى وَالِدِهِ النَّفَقَةُ وَالْكِسْوَةُ بِالْمَعْرُوفِ فَقَطْ، وَهُوَ لِلْمُطَلَّقَةِ مُدَّةَ عِدَّتِهَا.

L36026 As for our statement—if she is outside his marriage bond, then if she is an umm walad (an enslaved woman who bore her master's child) whom he emancipates, or the marriage is annulled after its validity—not through divorce but due to the reasons we mentioned before, by which the marriage is dissolved post-validation—or she is a woman with whom intercourse occurred under a void contract due to ignorance (such that the child is attributed to the father), or he divorces her with a revocable divorce while the child is nursing—then in all these cases, she is entitled only to maintenance and clothing from the father according to customary norms. This applies to the divorced woman during her waiting period.

فَإِنْ كَانَ فَقِيرًا كُلِّفَتْ إرْضَاعَ الْوَلَدِ وَلَا شَيْءَ لَهَا عَلَى الْأَبِ الْفَقِيرِ فَإِنْ غَابَ وَلَهُ مَالٌ أُتْبِعَ بِالنَّفَقَةِ وَالْكِسْوَةِ مَتَى قُدِرَ عَلَيْهِ أَوْ عَلَى مَالٍ لَهُ.

L36027 If he is poor, she is obligated to breastfeed the child, and she has no claim against the poor father. If he is absent but has wealth, he must provide maintenance and clothing, either from his own means when financially able or from his assets.

وَكَذَلِكَ إنْ امْتَنَعَ وَلَهُ مَالٌ لِقَوْلِهِ عَزَّ وَجَلَّ: {وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ} [البقرة: ٢٣٣] وَإِذَا أَوْجَبَ اللَّهُ تَعَالَى ذَلِكَ لَهَا فَهُوَ دَيْنٌ عَلَيْهِ إنْ كَانَ لَهُ مَالٌ فَإِنْ لَمْ يَكُنْ لَهُ مَالٌ فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا مَا آتَاهَا} [الطلاق: ٧] .

L36028 Similarly, if he refuses despite having wealth, based on the saying of Allah, the Almighty: {And the one to whom the child is born must provide their sustenance and clothing in an honorable manner} [Al-Baqarah: 233]. Since Allah, the Exalted, has obligated this for her, it becomes a debt upon him if he possesses wealth. If he has no wealth, then by the saying of Allah, the

[12] **Qur'an references (L36024):** Qur'an 2:233 (Al-Baqarah).
[13] **Qur'an references (L36025):** Qur'an 2:233 (Al-Baqarah).

Almighty: {Allah does not burden a soul beyond what He has granted it} [At-Talāq: 7].[14]

L36029 If he is not obligated to do something, it is impermissible to hold him accountable for it if he gains the means for what he was never obligated to do. However, if he gains the means while the prescribed breastfeeding period is ongoing, he becomes obligated from the time he gains the means.

L36030–36031 As for our statement: If she has been thrice-divorced or completed the ʿiddah of the revocable divorce by the delivery of the child, she has no right against her father after his triple divorce of her - either the final divorce of the three or following the completion of her ʿiddah from the revocable divorce - except compensation for breastfeeding alone.

L36032 For the statement of Allah, the Most High: “And if they are pregnant, then spend on them until they give birth. Then if they breastfeed for you, give them their wages” [At-Talaq: 6].[15]

L36033 We have previously clarified that this text applies exclusively to women divorced with a revocable divorce, as established by the hadith of Fatimah bint Qays.

L36034 As for our statement—if she agrees to the standard wage for a wet nurse of her equivalence, the father is legally obligated to pay it, whether he likes it or not—no consideration is given to his claim: “I can find someone to breastfeed him for less or without payment,” based on the Almighty’s words: “If they breastfeed for you, give them their due wages, and settle the matter fairly by mutual agreement. But if you disagree, another woman shall breastfeed [the child] for him” (Qur’an 65:6).[16]

L36035 Allah the Exalted decreed the compensation obligatory for them except in cases of mutual refusal. Mutual refusal—in the Arabic tongue through which the Quran was revealed—denotes an action involving two agents. If she

وَإِذَا لَمْ يُكَلَّفْ شَيْئًا فَلَا يَجُوزُ أَنْ يُتْبَعَ إِنْ أَيْسَرَ بِمَا لَمْ يُكَلَّفْهُ قَطُّ، لَكِنْ إِنْ أَيْسَرَ وَالرَّضَاعُ مُتَمَادٍ كُلِّفَ مِنْ حِينِ يُوسِرُ.

وَأَمَّا قَوْلُنَا - فَإِنْ كَانَتْ مُطَلَّقَةً ثَلَاثًا، أَوْ أَتَمَّتْ عِدَّةَ الطَّلَاقِ الرَّجْعِيِّ بِوَضْعِهِ، فَلَيْسَ لَهَا عَلَى أَبِيهِ إِثْرَ طَلَاقِهِ لَهَا ثَلَاثًا، أَوْ آخِرَ ثَلَاثٍ، أَوْ إِثْرَ تَمَامِ عِدَّتِهَا مِنْ الطَّلَاقِ الرَّجْعِيِّ إِلَّا أُجْرَةُ الرَّضَاعِ فَقَطْ.

فَلِقَوْلِ اللَّهِ تَعَالَى: {وَإِنْ كُنَّ أُولاتِ حَمْلٍ فَأَنْفِقُوا عَلَيْهِنَّ حَتَّى يَضَعْنَ حَمْلَهُنَّ فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ} [الطلاق: ٦] .

وَقَدْ بَيَّنَّا قَبْلُ أَنَّ هَذَا النَّصَّ إِنَّمَا هُوَ فِي الْمُطَلَّقَاتِ طَلَاقًا رَجْعِيًّا فَقَطْ، بِحَدِيثِ فَاطِمَةَ بِنْتِ قَيْسٍ.

وَأَمَّا قَوْلُنَا - فَإِنْ رَضِيَتْ هِيَ بِأُجْرَةِ مِثْلِهَا، فَإِنَّ الْأَبَ يُجْبَرُ عَلَى ذَلِكَ - أَحَبَّ أَمْ كَرِهَ - وَلَا يُلْتَفَتُ إلَى قَوْلِهِ: أَنَا أَجِدُ مَنْ يُرْضِعُهُ بِأَقَلَّ أَوْ بِلَا أُجْرَةٍ فَلِقَوْلِهِ تَعَالَى: {فَإِنْ أَرْضَعْنَ لَكُمْ فَآتُوهُنَّ أُجُورَهُنَّ وَأْتَمِرُوا بَيْنَكُمْ بِمَعْرُوفٍ وَإِنْ تَعَاسَرْتُمْ فَسَتُرْضِعُ لَهُ أُخْرَى} [الطلاق: ٦]

فَأَوْجَبَ اللَّهُ تَعَالَى لَهُنَّ الْأُجْرَةَ، إلَّا مَعَ التَّعَاسُرِ، وَالتَّعَاسُرُ فِي لُغَةِ الْعَرَبِ الَّتِي بِهَا نَزَلَ الْقُرْآنُ: فِعْلٌ مِنْ فَاعِلَيْنِ، فَإِذَا قَنَعَتْ هِيَ بِأُجْرَتِهَا الَّتِي أَوْجَبَهَا اللَّهُ تَعَالَى لَهَا بِالْمَعْرُوفِ؟ فَلَمْ تُعَاسِرْهُ، وَإِذَا لَمْ تُعَاسِرْهُ: فَهِيَ عَلَى حَقِّهَا فِي الْأُجْرَةِ الْمُؤْتَمَرَةِ بِالْمَعْرُوفِ.

[14] **Qur’an references (L36028):** Qur’an 2:233 (Al-Baqarah); Qur’an 65:7 (At-Talaq).
[15] **Qur’an references (L36032):** Qur’an 65:6 (At-Talaq).
[16] **Qur’an references (L36034):** Qur’an 65:6 (At-Talaq).

accepts the compensation Allah the Exalted decreed for her in accordance with what is equitable, does she not thereby avoid mutual refusal with him? If she does not engage in mutual refusal with him, she retains her rightful claim to the compensation prescribed through equitable standards.

L36036 As for our ruling: if she does not accept except more than the standard wage for breastfeeding, and the father refuses to pay anything but the standard wage, this constitutes mutual obstinacy. In such a case, the father may seek another wet nurse for his child at the standard wage, a lower wage, or without payment, if he finds someone.

وَأَمَّا قَوْلُنَا - فَإِنْ لَمْ تَرْضَ هِيَ إِلَّا بِأَكْثَرَ مِنْ أُجْرَةِ مِثْلِهَا وَأَبَى الْأَبُ إِلَّا أُجْرَةَ مِثْلِهَا، فَهَذَا هُوَ التَّعَاسُرُ، وَلِلْأَبِ حِينَئِذٍ أَنْ يَسْتَرْضِعَ لِوَلَدِهِ غَيْرَهَا بِأُجْرَةِ مِثْلِهَا، أَوْ بِأَقَلَّ، أَوْ بِلَا أُجْرَةٍ إِنْ وَجَدَ.

L36037 As for our statement—except if the infant refuses any breast other than hers, or the father cannot find anyone except a woman whose milk harms the infant, one who endangers the infant, or if the father lacks wealth—then the mother is compelled in such a case to breastfeed him. She is compelled to nurse while the father is compelled under these circumstances to pay a wage equivalent to that of a comparable wet nurse if he possesses wealth. If not, he bears no obligation.

وَأَمَّا قَوْلُنَا - إِلَّا أَنْ لَا يَقْبَلَ غَيْرَ ثَدْيِهَا، أَوْ لَا يَجِدَ الْأَبُ إِلَّا مَنْ لَبَنُهَا مُضِرٌّ بِالرَّضِيعِ، أَوْ مَنْ تُضَيِّعُهُ، أَوْ كَانَ الْأَبُ لَا مَالَ لَهُ: فَتُجْبَرُ الْأُمُّ حِينَئِذٍ عَلَى إِرْضَاعِهِ، وَتُجْبَرُ هِيَ وَالْوَالِدُ حِينَئِذٍ عَلَى أُجْرَةِ مِثْلِهَا، إِنْ كَانَ لَهُ مَالٌ، وَإِلَّا فَلَا شَيْءَ عَلَيْهِ.

L36038 Therefore, due to what we mentioned from the words of Allah, the Exalted and Majestic: {If you find it difficult [to agree], then another woman shall nurse the child for him} [At-Talaq: 6] {Let the affluent spend from his abundance, and let him whose provision is restricted spend from what Allah has granted him. Allah does not burden any soul beyond what He has given it. Allah will bring ease after hardship} [At-Talaq: 7].[17]

فَلِمَا ذَكَرْنَا مِنْ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَإِنْ تَعَاسَرْتُمْ فَسَتُرْضِعُ لَهُ أُخْرَى} [الطلاق: ٦] {لِيُنْفِقْ ذُو سَعَةٍ مِنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا مَا آتَاهَا سَيَجْعَلُ اللَّهُ بَعْدَ عُسْرٍ يُسْرًا} [الطلاق: ٧] .

L36039–36040 And for what we have cited from the words of the Most High: “No mother shall be harmed through her child, nor shall one to whom a child is born be harmed through their child” [Al-Baqarah: 233], and for what we have mentioned regarding the obligation of mercy.[18]

وَلِمَا ذَكَرْنَا مِنْ قَوْله تَعَالَى: {لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلا مَوْلُودٌ لَهُ بِوَلَدِهِ} [البقرة: ٢٣٣] وَلِمَا ذَكَرْنَا مِنْ وُجُوبِ الرَّحْمَةِ.

L36041 As for our statement—all that we have mentioned as being obligatory upon the father regarding breastfeeding, whether in terms of payment, clothing, or sustenance (which refers to provision)—it is obligatory on him whether

وَأَمَّا قَوْلُنَا - كُلُّ مَا ذَكَرْنَا أَنَّهُ يَجِبُ عَلَى الْوَالِدِ فِي الرَّضَاعِ مِنْ أُجْرَةٍ أَوْ كِسْوَةٍ أَوْ نَفَقَةٍ، وَهِيَ الرِّزْقُ - فَهُوَ وَاجِبٌ عَلَيْهِ - كَانَ لِلرَّضِيعِ مَالٌ أَوْ لَمْ يَكُنْ، صَغِيرَةً كَانَتْ أَوْ لَمْ

[17] **Qur’an references (L36038):** Qur’an 65:6 (At-Talaq); Qur’an 65:7 (At-Talaq).
[18] **Qur’an references (L36040):** Qur’an 2:233 (Al-Baqarah).

the infant has wealth or not, whether the female child is a minor or not, and whether the father has married her off or not—unlike the sustenance of a weaned male or female child. This is because Allah, the Almighty and Majestic, has obligated all that we have mentioned.

تَكُنْ، زَوَّجَهَا أَبُوهَا أَوْ لَمْ يَكُنْ - بِخِلَافِ النَّفَقَةِ عَلَى الْفَطِيمِ أَوْ الْفَطِيمَةِ، فَلِأَنَّ اللَّهَ عَزَّ وَجَلَّ أَوْجَبَ كُلَّ مَا ذَكَرْنَا.

L36042 No exception was made if the nursing infant has property, nor if the minor female has a husband: "And your Lord is not forgetful" [Maryam: 64].[19]

وَلَمْ يَسْتَثْنِ إنْ كَانَ لِلرَّضِيعِ مَالٌ، وَلَا إنْ كَانَتْ صَغِيرَةً وَلَهَا زَوْجٌ {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] .

L36043 Allah, the Almighty and Majestic, has obligated that one must spend on everyone from his wealth, and on the husband for the wife. It is not permissible to strike the commands of Allah the Exalted against one another, due to His statement: "And if it had been from other than Allah, they would have found within it much discrepancy" [An-Nisa': 82].[20]

وَأَوْجَبَ عَزَّ وَجَلَّ أَنْ يُنْفِقَ عَلَى كُلِّ أَحَدٍ مِنْ مَالِهِ، وَعَلَى الزَّوْجِ لِلزَّوْجَةِ، وَلَا يَجُوزُ ضَرْبُ أَوَامِرِ اللَّهِ تَعَالَى بَعْضِهَا بِبَعْضٍ، لِقَوْلِهِ تَعَالَى: {وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلافًا كَثِيرًا} [النساء: ٨٢] .

L36044 As for our statement: If the father dies, all obligations we mentioned as incumbent upon him—whether maintenance, clothing, or wet nurse wages—devolve upon the suckling infant's heirs if they exist, distributed equally per capita among them, not proportionally to their inheritance shares had the infant died. The mother is included among them if she would inherit him upon his death. Similarly, the husband of the minor wife who is breastfeeding is included among them if he would inherit her upon her death—whether the male or female suckling infant has property or not. This differs from their maintenance and clothing after weaning, based on the verse of Allah Almighty: "The father of the child shall bear the cost of the mother's food and clothing in a fair manner. No soul is burdened beyond its capacity. Neither shall a mother be harmed for her child, nor a father for his child. And the same duty rests upon the heir." [Al-Baqarah 2:233].[21]

وَأَمَّا قَوْلُنَا - فَإِنْ مَاتَ الْأَبُ فَكُلُّ مَا ذَكَرْنَا أَنَّهُ يَجِبُ عَلَى الْوَالِدِ مِنْ نَفَقَةٍ أَوْ كِسْوَةٍ أَوْ أُجْرَةٍ فَهُوَ عَلَى وَارِثِ الرَّضِيعِ إنْ كَانَ لَهُ وَارِثٌ عَلَى عَدَدِهِمْ، لَا عَلَى قَدْرِ مَوَارِيثِهِمْ مِنْهُ لَوْ مَاتَ - وَالْأُمُّ مِنْ جُمْلَتِهِمْ إنْ كَانَتْ تَرِثُهُ إنْ مَاتَ - وَزَوْجُ الصَّغِيرَةِ الْمُرْضِعِ أَيْضًا مِنْ جُمْلَتِهِمْ - إنْ كَانَ يَرِثُهَا لَوْ مَاتَتْ - سَوَاءٌ كَانَ لِلرَّضِيعِ أَوْ الرَّضِيعَةِ مَالٌ أَوْ لَمْ يَكُنْ - بِخِلَافِ نَفَقَتِهِمَا وَكِسْوَتِهِمَا بَعْدَ الْفِطَامِ فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ لا تُكَلَّفُ نَفْسٌ إِلا وُسْعَهَا لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا وَلا مَوْلُودٌ لَهُ بِوَلَدِهِ وَعَلَى الْوَارِثِ مِثْلُ ذَلِكَ} [البقرة: ٢٣٣] .

L36045 If it is asked: "The heir is only required not to be harmed, though this is narrated from Ibn Abbas through a chain that includes Ash'ath ibn Sawwār—who is deemed weak?"

فَإِنْ قِيلَ: إنَّمَا عَلَى الْوَارِثِ أَنْ لَا يُضَارَّ، وَقَدْ رُوِيَ ذَلِكَ عَنْ ابْنِ عَبَّاسٍ مِنْ طَرِيقٍ فِيهَا أَشْعَثُ بْنُ سَوَّارٍ وَهُوَ ضَعِيفٌ؟

[19] **Qur'an references (L36042):** Qur'an 19:64 (Maryam).
[20] **Qur'an references (L36043):** Qur'an 4:82 (An-Nisa).
[21] **Qur'an references (L36044):** Qur'an 2:233 (Al-Baqarah).

قُلْنَا: نَعَمْ، وَمِنْ الْمُضَارَّةِ تَرْكُ الرَّضِيعِ يَضِيعُ، وَكَيْفَ وقَوْله تَعَالَى: {مِثْلُ ذَلِكَ} [البقرة: ٢٣٣] لَا يَخْتَلِفُ أَهْلُ الْعِلْمِ بِاللُّغَةِ الْعَرَبِيَّةِ الَّتِي بِهَا خَاطَبَنَا اللَّهُ عَزَّ وَجَلَّ فِي أَنَّ ذَلِكَ إشَارَةٌ إلَى الْأَبْعَدِ لَا إلَى - الْأَقْرَبِ - فَصَحَّ أَنَّهُ إشَارَةٌ إلَى الرِّزْقِ، وَالْكِسْوَةِ يَقِينًا.

L36046 We said: Yes, and among the harms is abandoning the infant to perish. How does the Exalted's statement {the like of that} [Al-Baqarah 2:233] apply? Scholars of the Arabic language - through which God Almighty addressed us - do not differ regarding the fact that "that" refers to the more distant, not to the nearer. Thus, it is confirmed that it points to the sustenance and clothing with certainty.[22]

وَقَدْ ذَكَرْنَا مَنْ قَالَ بِهَذَا فِي " كِتَابِ النَّفَقَاتِ " مِنْ دِيوَانِنَا هَذَا فَأَغْنَى عَنْ إعَادَتِهِ كَعُمَرَ بْنِ الْخَطَّابِ، وَزَيْدِ بْنِ ثَابِتٍ، وَغَيْرِهِمَا - وَلَا حُجَّةَ لِمَنْ خَالَفَ ذَلِكَ مَعَ الْقُرْآنِ.

L36047 We have mentioned those who held this opinion in "The Book of Maintenance" from this compendium of ours, making it unnecessary to repeat their names—such as Umar ibn al-Khattab, Zayd ibn Thabit, and others besides these two. There is no valid argument for those who oppose this while invoking the Quran.

وَهَذَا مِمَّا خَالَفُوا فِيهِ عُمَرَ، وَزَيْدَ بْنَ ثَابِتٍ وَلَا يُعْرَفُ لَهُمَا فِي ذَلِكَ مُخَالِفٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَهُمْ يُشَنِّعُونَ هَذَا إذَا وَافَقَ أَهْوَاءَهُمْ.

L36048 This is among the matters in which they opposed 'Umar and Zayd ibn Thābit, and no opponent from the Companions—may Allah be pleased with them—is known to have opposed them both in that matter. Yet they condemn this when it aligns with their own desires.

وَأَمَّا قَوْلُنَا: فَإِنْ لَمْ يَكُنْ لَهُ وَارِثٌ فَرَضَاعُهُ عَلَى الْأُمِّ - وَارِثَةً كَانَتْ أَوْ غَيْرَ وَارِثَةٍ - لَا شَيْءَ لَهَا مِنْ أَجْلِ ذَلِكَ فِي مَالِ الرَّضِيعِ - إنْ كَانَ لَهُ مَالٌ - بِخِلَافِ نَفَقَتِهِ بَعْدَ الْفِطَامِ إنْ كَانَ لَهُ مَالٌ، فَلِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {لا تُضَارَّ وَالِدَةٌ بِوَلَدِهَا} [البقرة: ٢٣٣] .

L36049–36050 As for our statement: If he has no heir, then breastfeeding is incumbent upon the mother—whether she is a legal heir or not—and she has no claim to the infant's property for this reason if he possesses any, unlike his maintenance after weaning if he has property, due to the decree of Allah the Almighty and Majestic: "No mother shall be harmed through her child" [al-Baqarah 2:233].[23]

وَلِقَوْلِهِ تَعَالَى {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ} [البقرة: ٢٣٣] . وَأَمَّا قَوْلُنَا - فَإِنْ كَانَتْ مَمْلُوكَةً، وَوَلَدُهَا عَبْدٌ لِسَيِّدِهَا أَوْ لِغَيْرِهِ: فَرَضَاعُهُ عَلَى الْأُمِّ بِخِلَافِ نَفَقَتِهِ وَكِسْوَتِهِ بَعْدَ الْفِطَامِ - فَلِهَذَيْنِ النَّصَّيْنِ الْمَذْكُورَيْنِ أَيْضًا، وَلَيْسَ السَّيِّدُ وَارِثًا لِعَبْدِهِ؛ لِأَنَّهُ يَأْخُذُ مَالَهُ - وَإِنْ كَانَ كَافِرًا - بَعْدَ مَوْتِهِ.

L36051 And due to the statement of the Most High: "Mothers shall breastfeed their children for two complete years" [Al-Baqarah: 233]. As for our statement: If she is a female slave, and her child is a male slave belonging to her master or another, then breastfeeding him falls upon the mother, unlike his upkeep and clothing after weaning—this ruling is also due to this aforementioned text. The master does not inherit from his male slave because, after the slave's death, the master takes possession of his property—even if the slave was a disbeliever.[24]

[22] **Qur'an references (L36046):** Qur'an 2:233 (Al-Baqarah).
[23] **Qur'an references (L36050):** Qur'an 2:233 (Al-Baqarah).
[24] **Qur'an references (L36051):** Qur'an 2:233 (Al-Baqarah).

وَأَمَّا قَوْلُنَا: فَإِنْ كَانَتْ مَمْلُوكَةً وَوَلَدُهَا حُرٌّ فَإِنْ كَانَ لَهُ أَبٌ أَوْ وَارِثٌ: فَالنَّفَقَةُ لَهَا، وَالْكِسْوَةُ وَالْأُجْرَةُ عَلَى الْأَبِ، أَوْ عَلَى الْوَارِثِ كَمَا قَدَّمْنَا، فَإِنْ لَمْ يَكُنْ لَهُ وَارِثٌ فَرَضَاعُهُ عَلَى أُمِّهِ، فَلِمَا ذَكَرْنَا آنِفًا، فَأَغْنَى عَنْ إعَادَتِهِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L36052 As for our statement: If she is enslaved and her child is free, then if the child has a father or heir, maintenance is provided to her, while clothing and payment are upon the father or heir as we have mentioned earlier. If the child has no heir, breastfeeding becomes the mother's obligation due to what we mentioned previously, removing the need to repeat it. And success is by Allah, the Most High.

وَأَمَّا قَوْلُنَا: فَإِنْ مَاتَتْ، أَوْ مَرِضَتْ، أَوْ أَضَرَّ بِهِ لَبَنُهَا، أَوْ كَانَتْ لَا لَبَنَ لَهَا، وَلَا مَالَ لَهَا: فَإِرْضَاعُهُ عَلَى بَيْتِ الْمَالِ - فَإِنْ مَنَعَ فَعَلَى الْجِيرَانِ: يُجْبِرُهُمْ الْحَاكِمُ عَلَى ذَلِكَ، فَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ تَرَكَ دَيْنًا أَوْ ضِيَاعًا فَإِلَيَّ أَوْ عَلَيَّ» أَوْ كَمَا قَالَ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L36053 As for our statement that if she dies, falls ill, her milk harms him, has no milk, and lacks means, then his nursing becomes the responsibility of the public treasury. If the treasury refuses to provide, it falls upon the neighbors – the ruler must compel them to fulfill this obligation, in accordance with the saying of Allah's Messenger – peace be upon him: "Whoever leaves a debt or dependents without support, then their provision is incumbent upon me," or words to that effect as he said – peace be upon him.

وَلِقَوْلِ اللَّهِ تَعَالَى: {وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَى وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ} [النساء: ٣٦] وَهَذَا مِنْ الْإِحْسَانِ الْمُفْتَرَضِ الْمَأْمُورِ بِهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L36054 And due to the saying of Allah, the Exalted: "And do good to parents, close relatives, orphans, the needy, the near neighbor, the neighbor who is unrelated, and the companion at your side" [An-Nisā': 36]. This is part of the obligatory benevolence that has been commanded, and success is with Allah, the Exalted.[25]

[مَسْأَلَةٌ كَانَتْ لَهُ امْرَأَتَانِ فَأَرْضَعَتْ إحْدَاهُمَا بِلَبَنٍ حَدَثَ لَهَا مِنْ حَمْلٍ مِنْهُ]

A case in which a man had two wives, and one of them breastfed with milk that occurred for her from a pregnancy by him.

٢٠١٤ - مَسْأَلَةٌ: وَمَنْ كَانَتْ لَهُ امْرَأَتَانِ، أَوْ أَمَتَانِ، أَوْ زَوْجَةٌ وَأَمَةٌ: فَأَرْضَعَتْ إحْدَاهُمَا بِلَبَنٍ حَدَثَ لَهَا مِنْ حَمْلٍ مِنْهُ رَجُلًا رَضَاعًا مُحَرَّمًا، وَأَرْضَعَتْ الْأُخْرَى بِلَبَنٍ حَدَثَ لَهَا مِنْ حَمْلٍ مِنْهُ امْرَأَةً كَذَلِكَ: لَمْ يَحِلَّ لِأَحَدِهِمَا نِكَاحُ الْآخَرِ أَصْلًا.

L36055 **A case in which a man had two wives, and one of them breastfed with milk that occurred for her from a pregnancy by him.**

2014 – Issue: If a man has two wives, two bondmaids, or a wife and a bondmaid, and one breastfeeds a male child with milk produced from a pregnancy by him through prohibited breastfeeding, while the other similarly breastfeeds a female child under the same circumstances: it is absolutely impermissible for either of the two to marry the other at all.

وَكُلُّ مَنْ أَرْضَعَتْ الرَّجُلَ حُرِّمَتْ عَلَيْهِ؛ لِأَنَّهَا أُمُّهُ مِنْ الرَّضَاعَةِ.

L36056

Every woman who breastfeeds a man is forbidden to him, for she becomes his mother by virtue of breastfeeding.

L36057

And forbidden to him are her daughters, for they are his milk sisters—it is

L36058

[25] **Qur'an references (L36054):** Qur'an 4:36 (An-Nisa).

the same in that regard whether they were born before him or after him—due to breastfeeding.

وَحَرُمَ عَلَيْهِ بَنَاتُهَا، لِأَنَّهُنَّ أَخَوَاتُهُ - سَوَاءٌ فِي ذَلِكَ مَنْ وُلِدَتْ قَبْلَهُ، أَوْ مَنْ وُلِدَتْ بَعْدَهُ - مِنْ الرَّضَاعَةِ.

L36059 The sisters of the woman who breastfed him were forbidden for him to marry because they are his maternal aunts by virtue of breastfeeding.

وَحُرِّمَتْ عَلَيْهِ أَخَوَاتُهَا، لِأَنَّهُنَّ خَالَاتُهُ مِنْ الرَّضَاعَةِ.

L36060–36061 And her mothers are forbidden to him because they are his grandmothers.

وَحُرِّمَتْ عَلَيْهِ أُمَّهَاتُهَا، لِأَنَّهُنَّ جَدَّاتُهُ.

L36062 And forbidden to him are the sisters of the wife who breastfed him with milk from a pregnancy of his, because they are his paternal aunts through breastfeeding.

وَحُرِّمَتْ عَلَيْهِ أَخَوَاتُ زَوْجِ الَّتِي أَرْضَعَتْهُ بِلَبَنِهَا مِنْ حَمْلٍ مِنْهُ، لِأَنَّهُنَّ عَمَّاتُهُ مِنْ الرَّضَاعَةِ.

L36063 And his mothers (including grandmothers) are forbidden to him because they are his grandmothers.

وَحُرِّمَتْ عَلَيْهِ أُمَّهَاتُهُ لِأَنَّهُنَّ جَدَّاتُهُ.

L36064 It is forbidden for him to marry the woman nursed by his wife with milk resulting from a pregnancy he caused, for she is legally considered his daughter.

وَحُرِّمَ عَلَيْهِ مَنْ أَرْضَعَتْ امْرَأَتُهُ بِلَبَنٍ حَدَثَ لَهَا مِنْ حَمْلٍ مِنْهُ، لِأَنَّهَا مِنْ بَنَاتِهِ.

L36065 Similarly, it is prohibited for a man whose wife has breastfed.

وَكَذَلِكَ يَحْرُمُ عَلَى الرَّجُلِ الَّذِي أَرْضَعَتْ امْرَأَتُهُ.

L36066 The ruling for a woman who breastfeeds his child is the same as the ruling for her biological daughter, and it is prohibited to marry two sisters related through milk kinship.

وَحُكْمُ الَّتِي تُرْضِعُ امْرَأَتُهُ حُكْمُ ابْنَتِهَا الَّتِي وَلَدَتْهَا، وَلَا يَجْمَعُ بَيْنَ الْأُخْتَيْنِ مِنْ الرَّضَاعَةِ.

L36067 The evidence for this is the saying of Allah, the Mighty and Majestic, regarding the women forbidden to you [in marriage]: "And your mothers who have breastfed you and your milk sisters through breastfeeding" [an-Nisā' 4:23].[26]

بُرْهَانُ ذَلِكَ: قَوْلُ اللَّهِ عَزَّ وَجَلَّ فِيمَا حَرَّمَ مِنْ النِّسَاءِ: {وَأُمَّهَاتُكُمُ اللاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ} [النساء: ٢٣] .

L36068 The statement of the Messenger of Allah (peace and blessings be upon him)—"What is forbidden through breastfeeding is what is forbidden through birth"—includes everything we have mentioned and what we have not mentioned. And with Allah lies all success, the Most High.

وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «يَحْرُمُ مِنْ الرَّضَاعِ مَا يَحْرُمُ مِنْ الْوِلَادَةِ» فَدَخَلَ فِي هَذَا كُلُّ مَا ذَكَرْنَا وَمَا لَمْ نَذْكُرْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L36069 All of this is unanimously agreed upon except in five matters: the role of the male in establishing kinship through breastfeeding, the description of

وَكُلُّ هَذَا فَلَا خِلَافَ فِيهِ إلَّا فِي خَمْسَةِ مَوَاضِعَ -: وَهِيَ: لَبَنُ الْفَحْلِ، وَصِفَةُ الرَّضَاعِ الْمُحَرِّمِ، وَعَدَدُ الرَّضَاعِ الْمُحَرِّمِ، وَرَضَاعُ الْكَبِيرِ، وَالرَّضَاعُ مِنْ مَيِّتَةٍ.

[26] **Qur'an references (L36067):** Qur'an 4:23 (An-Nisa).

breastfeeding that establishes prohibition, the number of breastfeedings causing prohibition, breastfeeding an adult, and breastfeeding from a deceased woman.

Issue: The male's milk prohibits.

L36070

L36071 Issue 2015: The husband's milk kinship causes prohibition, as we previously explained: when a man's wife breastfeeds a male child, and his other wife breastfeeds a female child, marriage between the two children becomes unlawful.

L36072–36074 A group of the Salaf maintained that this does not prohibit anything, just as it is authentically established from 'Ā'ishah, the Mother of the Believers. - May Allah be pleased with her - We have narrated it via the chain of Abu Ubayd: I, Ismail ibn Ja'far, reported from Muhammad ibn Amr ibn Alqamah, from Abd al-Rahman ibn al-Qasim ibn Muhammad, from his father, from Aisha, the Mother of the Believers: that she would allow [as mahrams] those breastfed by her sisters and her brother's daughters, but would not allow those breastfed by the wives of her brothers and the sons of her brothers. A similar report is narrated via the chain of Malik: Abd al-Rahman ibn al-Qasim reported from his father that he related this from Aisha, the Mother of the Believers.

L36075 From the narration of Sa'id ibn Mansur: I am Abdul Aziz ibn Muhammad al-Darawardi, who said: Rabi'ah, Yahya ibn Sa'id, Amr ibn Abdullah, and Aflah ibn Humaid - all of them narrated to me, each transmitting from al-Qasim ibn Muhammad ibn Abi Bakr al-Siddiq - who said: Those breastfed by the daughters of Abu Bakr were permitted to enter upon Aisha, the Mother of the Believers (may Allah be pleased with her), while those breastfed by the wives of Abu Bakr were not permitted to enter upon her.

L36076 And from the chain of Abd al-Razzaq, from Sufyan al-Thawri, from Khusayf, from Salim ibn Abdullah ibn Umar, from his father, Abdullah ibn Umar, who said: "There is no harm in the milk of a stud animal."

L36077 And we have also narrated it through the chain of Jābir ibn ʿAbd Allāh.

[مَسْأَلَةٌ لَبَنُ الْفَحْلِ يُحَرِّمُ]

٢٠١٥ - مَسْأَلَةٌ: لَبَنُ الْفَحْلِ يُحَرِّمُ، وَهُوَ مَا ذَكَرْنَا آنِفًا: مِنْ أَنْ تُرْضِعَ امْرَأَةُ رَجُلٍ ذَكَرًا، وَتُرْضِعَ امْرَأَتُهُ الْأُخْرَى أُنْثَى: فَتَحْرُمُ إِحْدَاهُمَا عَلَى الْأُخْرَى.

وَقَدْ رَأَى قَوْمٌ مِنَ السَّلَفِ هَذَا لَا يُحَرِّمُ شَيْئًا -: كَمَا صَحَّ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - رُوِّينَاهُ مِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَلْقَمَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّهَا كَانَتْ تَأْذَنُ لِمَنْ أَرْضَعَتْهُ أَخَوَاتُهَا، وَبَنَاتُ أَخِيهَا وَلَا تَأْذَنُ لِمَنْ أَرْضَعَتْهُ نِسَاءُ إِخْوَتِهَا وَبَنِي إِخْوَتِهَا وَمِثْلُهُ مِنْ طَرِيقِ مَالِكٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ أَنَّ أَبَاهُ حَدَّثَهُ بِذَلِكَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ.

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ قَالَ: أَخْبَرَنِي رَبِيعَةُ، وَيَحْيَى بْنُ سَعِيدٍ، وَعَمْرُو بْنُ عَبْدِ اللَّهِ، وَأَفْلَحُ بْنُ حُمَيْدٍ، كُلُّهُمْ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ قَالَ: كَانَ يَدْخُلُ عَلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - مَنْ أَرْضَعَتْهُ بَنَاتُ أَبِي بَكْرٍ، وَلَا يَدْخُلُ عَلَيْهَا مَنْ أَرْضَعَتْهُ نِسَاءُ أَبِي بَكْرٍ.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ خُصَيْفٍ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ قَالَ: لَا بَأْسَ بِلَبَنِ الْفَحْلِ.

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ جَابِرِ بْنِ عَبْدِ اللَّهِ.

وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا إِسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ أَبِي عُبَيْدَةَ بْنِ عَبْدِ اللَّهِ بْنِ زَمْعَةَ بْنِ الْأَسْوَدِ: أَنَّ أُمَّهُ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ أَرْضَعَتْهَا أَسْمَاءُ بِنْتُ أَبِي بَكْرٍ الصِّدِّيقِ امْرَأَةُ الزُّبَيْرِ قَالَتْ زَيْنَبُ: فَأَرْسَلَ إِلَيَّ عَبْدُ اللَّهِ بْنُ الزُّبَيْرِ يَخْطُبُ ابْنَتِي أُمَّ كُلْثُومٍ عَلَى أَخِيهِ حَمْزَةَ بْنِ الزُّبَيْرِ وَكَانَ حَمْزَةَ ابْنَ الْكَلْبِيَّةِ، فَقُلْت لِرَسُولِهِ: وَهَلْ تَحِلُّ لَهُ؟ إِنَّمَا هِيَ بِنْتُ أَخِيهِ، فَأَرْسَلَ إِلَيَّ ابْنُ الزُّبَيْرِ إِنَّمَا تُرِيدِينَ الْمَنْعَ أَنَا وَمَا وَلَدَتْ أَسْمَاءُ إِخْوَتُك، وَمَا كَانَ مِنْ وَلَدِ الزُّبَيْرِ مِنْ غَيْرِ أَسْمَاءَ فَلَيْسُوا لَك بِإِخْوَةٍ فَأَرْسِلِي فَاسْأَلِي عَنْ هَذَا؟ فَأَرْسَلَتْ فَسَأَلَتْ، وَأَصْحَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُتَوَافِرُونَ وَأُمَّهَاتُ الْمُؤْمِنِينَ - فَقَالُوا: إِنَّ الرَّضَاعَةَ مِنْ قِبَلِ الرِّجَالِ لَا تُحَرِّمُ شَيْئًا؟ فَأَنْكَحَتْهَا إِيَّاهُ، فَلَمْ تَزَلْ عِنْدَهُ حَتَّى هَلَكَتْ.

L36078 Through the path of Abu ʻUbayd: Isma'il ibn Ja'far narrated to me from Muhammad ibn ʻAmr from Abu ʻUbaydah ibn ʻAbdullah ibn Zam'ah ibn al-Aswad: That his mother Zaynab bint Umm Salamah, the Mother of the Believers, was suckled by Asma bint Abi Bakr al-Siddiq, the wife of al-Zubayr. Zaynab said: "Then ʻAbdullah ibn al-Zubayr sent to me proposing marriage on behalf of his brother Hamzah ibn al-Zubayr - whose mother was al-Kalbiyyah - to my daughter Umm Kulthum. I said to his messenger: 'Is she lawful for him? She is merely his brother's daughter.' Ibn al-Zubayr then sent to me: 'You only seek to prevent this. I and those borne by Asma are your brothers, while those born to al-Zubayr from women other than Asma are not your brothers. Send to inquire about this.' She sent and inquired while the Companions of the Messenger of Allah—peace and blessings of Allah be upon him—were present in great numbers along with the Mothers of the Believers. They said: 'Suckling traced through male relations does not prohibit marriage.' She thus gave her daughter in marriage to him, and she remained with him until her death."

وَمِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ أَنَا حَمَّادُ بْنُ سَلَمَةَ أَنَا يَحْيَى بْنُ سَعِيدٍ الْأَنْصَارِيُّ أَنَّ حَمْزَةَ بْنَ الزُّبَيْرِ بْنِ الْعَوَّامِ تَزَوَّجَ ابْنَةَ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ وَقَدْ أَرْضَعَتْ أَسْمَاءُ بِنْتُ أَبِي بَكْرٍ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ بِلَبَنِ الزُّبَيْرِ، قَالَ يَحْيَى بْنُ سَعِيدٍ: وَكَانَتْ امْرَأَةُ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ قَدْ أَرْضَعَتْ حَمْزَةَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ فَوُلِدَ لِسَالِمِ بْنِ عَبْدِ اللَّهِ مِنْ امْرَأَةٍ أُخْرَى غُلَامٌ اسْمُهُ عُمَرُ فَتَزَوَّجَ بِنْتَ حَمْزَةَ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ.

L36079 From the chain of Al-Ḥajjāj ibn Al-Minhāl: I am Ḥammād ibn Salamah; I [relate] from Yaḥyā ibn Saʿīd Al-Anṣārī that Ḥamzah ibn Al-Zubayr ibn Al-ʿAwwām married the daughter of Zaynab, the daughter of Umm Salamah. Asmāʾ bint Abī Bakr had breastfed Zaynab, the daughter of Umm Salamah, with the milk of Al-Zubayr. Yaḥyā ibn Saʿīd said: "The wife of Sālim ibn ʿAbd Allāh ibn ʿUmar ibn Al-Khaṭṭāb had breastfed Ḥamzah ibn ʿAbd Allāh ibn ʿUmar. Then Sālim ibn ʿAbd Allāh had a son named ʿUmar from another wife, and this ʿUmar married the daughter of Ḥamzah ibn ʿAbd Allāh ibn ʿUmar."

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ أَخْبَرَنِي عَمْرُو بْنُ حُسَيْنٍ مَوْلَى قُدَامَةَ بْنِ مَظْعُونٍ: أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ زَوَّجَ ابْنًا لَهُ أُخْتًا لَهُ مِنْ أَبِيهِ مِنْ الرَّضَاعَةِ.

L36080–36081 And from the narration of Saʿīd ibn Manṣūr: I am ʿAbd al-ʿAzīz ibn Muḥammad al-Darāwardī. ʿAmr ibn Ḥusayn, the client of Qudāmah ibn Maẓʿūn, informed me: That Sālim ibn ʿAbd Allāh ibn ʿUmar gave his son in marriage to the son's sister through his father via breastfeeding.

L36082 And from the path of Abd al-Razzaq and Waki', Abd al-Razzaq said: From Sufyan al-Thawri from al-A'mash, and Waki' said: From Shu'bah from al-

Hakam ibn Utaybah, they both narrated: From Ibrahim al-Nakha'i who said: There is no harm in the milk of the male.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ، وَوَكِيعٍ، قَالَ عَبْدُ الرَّزَّاقِ: عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْأَعْمَشِ، وَقَالَ: وَكِيعٌ عَنْ شُعْبَةَ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ، قَالَا جَمِيعًا: عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: لَا بَأْسَ بِلَبَنِ الْفَحْلِ.

L36083 From the narration of Ḥammād ibn Salamah: I am Muḥammad ibn ʿAmr, from Yazīd ibn ʿAbd Allāh ibn Qusayṭ, who inquired of Saʿīd ibn al-Musayyib, ʿAṭāʾ ibn Yasār, Sulaymān ibn Yasār, and Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf. They all responded: "Prohibition through nursing (radāʿah) arises solely from the act on the part of women; no prohibition arises from what is attributed to men."

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ أَنَا مُحَمَّدُ بْنُ عَمْرٍو عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ: أَنَّهُ سَأَلَ سَعِيدَ بْنَ الْمُسَيِّبِ، وَعَطَاءَ بْنَ يَسَارٍ، وَسُلَيْمَانَ بْنَ يَسَارٍ، وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، قَالُوا كُلُّهُمْ: إنَّمَا يَحْرُمُ مِنْ الرَّضَاعَةِ مَا كَانَ مِنْ قِبَلِ النِّسَاءِ، وَلَا يَحْرُمُ مَا كَانَ مِنْ قِبَلِ الرِّجَالِ.

L36084 And from the chain of Abū 'Ubayd: from me, from Abū Mu'āwiyah - he is Muḥammad ibn Khāzim the Blind - from Muḥammad ibn 'Amr from Yazīd ibn 'Abdullāh ibn Quṣayṭ. Yazīd mentioned it on their authority and added among them Abū Bakr ibn Sulaymān ibn Abī Ḥathma. It was also reported from Makhūl and al-Sha'bī.

وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا أَبُو مُعَاوِيَةَ - هُوَ مُحَمَّدُ بْنُ خَازِمٍ الضَّرِيرُ - عَنْ مُحَمَّدِ بْنِ عَمْرٍو عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ فَذَكَرَهُ عَنْهُمْ، وَزَادَ فِيهِمْ أَبَا بَكْرِ بْنَ سُلَيْمَانَ بْنِ أَبِي حَثْمَةَ - وَرُوِيَ أَيْضًا عَنْ مَكْحُولٍ، وَالشَّعْبِيِّ.

L36085 And through the chain of Saʿīd ibn Manṣūr: I [received it] from Khālid ibn ʿAbdillāh al-Wāsiṭī, from Khālid al-Khaddāʾ, from Bakr ibn ʿAbdillāh, from Abū Qilābah, that he did not deem the milk of a stallion harmful.

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا خَالِدُ بْنُ عَبْدِ اللَّهِ الْوَاسِطِيُّ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي قِلَابَةَ أَنَّهُ لَمْ يَكُنْ يَرَى بِلَبَنِ الْفَحْلِ بَأْسًا.

L36086 And through the chain of Saʿīd ibn Manṣūr: I, ʿAbd al-ʿAzīz ibn Muḥammad, was informed by Aflaḥ ibn Ḥumayd, who said: I said to al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq: "A certain man from the family of Abī Farwah intends to marry off a male to his sister through paternal breastfeeding." Al-Qāsim said: "There is no harm in that."

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ أَخْبَرَنِي أَفْلَحُ بْنُ حُمَيْدٍ، قَالَ: قُلْت لِلْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ: إنَّ فُلَانًا مِنْ آلِ أَبِي فَرْوَةَ أَرَادَ أَنْ يُزَوِّجَ غُلَامًا أُخْتَهُ مِنْ أَبِيهِ مِنْ الرَّضَاعَةِ؟ فَقَالَ الْقَاسِمُ: لَا بَأْسَ بِذَلِكَ.

L36087 Others held the view of prohibition in this matter, as we have narrated through the chain of Abu 'Ubayd. I, Isma'il ibn Ja'far, report from Muhammad ibn 'Amr ibn 'Alqamah from Abu 'Ubaydah ibn 'Abd Allah ibn Zam'ah that his mother Zaynab bint Umm Salamah, the Mother of the Believers, was breastfed by Asma' bint Abi Bakr al-Siddiq, the wife of al-Zubayr ibn al-'Awwam. Zaynab said: "Al-Zubayr would enter upon me while I was comb-

وَذَهَبَ آخَرُونَ إلَى التَّحْرِيمِ بِهِ: كَمَا رُوِّينَا مِنْ طَرِيقِ أَبِي عُبَيْدٍ. أَنَا إسْمَاعِيلُ بْنُ جَعْفَرٍ عَنْ مُحَمَّدِ بْنِ عَمْرِو بْنِ عَلْقَمَةَ عَنْ أَبِي عُبَيْدَةَ بْنِ عَبْدِ اللَّهِ بْنِ زَمْعَةَ أَنَّ أُمَّهُ زَيْنَبَ بِنْتَ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ أَرْضَعَتْهَا أَسْمَاءُ بِنْتُ أَبِي بَكْرٍ الصِّدِّيقِ امْرَأَةُ الزُّبَيْرِ بْنِ الْعَوَّامِ قَالَتْ

ing my hair, take a lock from my head, and say: ‘Turn to me and converse with me, for I consider him my father, and his children are my brothers.’”

زَيْنَبُ: فَكَانَ الزُّبَيْرُ يَدْخُلُ عَلَيَّ وَأَنَا أَمْتَشِطُ فَيَأْخُذُ بِقَرْنٍ مِنْ قُرُونِ رَأْسِي يَقُولُ: أَقْبِلِي عَلَيَّ فَحَدِّثِينِي أَرَى أَنَّهُ أَبِي وَمَا وَلَدَ فَهُمْ إِخْوَتِي.

L36088–36090 And via the chain of Abī ʻUbayd: I, from ʻAbdur-Raḥmān ibn Mahdī from Mālik ibn Anas from Ibn Shihāb from Amr ibn al-Sharid reported from Ibn Abbas that he was asked about a man who had two wives, one of whom suckled a girl and the other a boy: “Is it permissible for the girl and the boy to marry each other?” Ibn Abbas replied: “No, the suckling is one.”

وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ مَالِكِ بْنِ أَنَسٍ عَنِ ابْنِ شِهَابٍ عَنْ عَمْرِو بْنِ الشَّرِيدِ عَنِ ابْنِ عَبَّاسٍ أَنَّهُ سُئِلَ عَنْ رَجُلٍ كَانَتْ لَهُ امْرَأَتَانِ أَرْضَعَتْ إِحْدَاهُمَا جَارِيَةً، وَالْأُخْرَى غُلَامًا، أَيَحِلُّ أَنْ يَتَنَاكَحَا؟ فَقَالَ ابْنُ عَبَّاسٍ: لَا، اللِّقَاحُ وَاحِدٌ.

L36091 And through the chain of Yaḥyā ibn Saʿīd al-Qaṭṭān: From ʿAbbād ibn Manṣūr: I asked al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq, Ṭāwus, ʿAṭāʾ ibn Abī Rabāḥ, and al-Ḥasan al-Baṣrī, saying, “My father’s wife breastfed a girl from among the people using my brothers’ milk. May I marry her?” Al-Qāsim replied: “No, your father is her father.” ʿAṭāʾ, Ṭāwus, and al-Ḥasan said: “She is your sister.”

وَمِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ أَنَا عَبَّادُ بْنُ مَنْصُورٍ: سَأَلْتُ الْقَاسِمَ بْنَ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، وَطَاوُسًا، وَعَطَاءَ بْنَ أَبِي رَبَاحٍ، وَالْحَسَنَ الْبَصْرِيَّ، فَقُلْتُ: امْرَأَةُ أَبِي أَرْضَعَتْ بِلِبَانِ إِخْوَتِي جَارِيَةً مِنْ عُرْضِ النَّاسِ أَلِيَ أَنْ أَتَزَوَّجَهَا؟ فَقَالَ الْقَاسِمُ: لَا، أَبُوكَ أَبُوهَا - وَقَالَ عَطَاءٌ، وَطَاوُسٌ، وَالْحَسَنُ: هِيَ أُخْتُكَ. وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ أَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ مُجَاهِدٍ، أَنَّهُ كَرِهَ لَبَنَ الْفَحْلِ. وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ، وَأَبِي عُبَيْدٍ، قَالَا: أَنَا هُشَيْمٌ أَنَّ عَبْدَ اللَّهِ بْنَ سَبْرَةَ الْهَمْدَانِيَّ إِنَّهُ سَمِعَ الشَّعْبِيَّ: يُكْرَهُ لَبَنَ الْفَحْلِ.

Through the chain of ʿAbd al-Raḥmān ibn Mahdī: From Sufyān al-Thawrī, from Manṣūr ibn al-Muʿtamir, from Mujāhid: He disliked the milk of the male progenitor.

Through the chain of Saʿīd ibn Manṣūr and Abū ʿUbayd: They said: From Hushaym, that ʿAbd Allāh ibn Sabrah al-Hamdānī heard al-Shaʿbī state: The milk of the male progenitor is disliked.

L36092 From the narration of Hammad ibn Salamah: Hisham ibn Urwah ibn al-Zubayr reported from his father regarding a man whose father’s wife breast-fed a woman who was not his mother—is she lawful for him to marry? Urwah said: She [the father’s wife] is not lawful for him.

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ أَنَا هِشَامُ بْنُ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ أَبِيهِ فِي رَجُلٍ أَرْضَعَتْ امْرَأَةُ أَبِيهِ امْرَأَةً وَلَيْسَتْ أُمَّهُ: أَتَحِلُّ لَهُ؟ قَالَ عُرْوَةُ: لَا تَحِلُّ لَهُ.

L36093 And via the chain of Mālik from Ibn Shihāb, who said: “Suckling from the mother’s side establishes prohibition (in marriage).”

وَمِنْ طَرِيقِ مَالِكٍ عَنِ ابْنِ شِهَابٍ قَالَ: الرَّضَاعَةُ مِنْ قِبَلِ الْأُمِّ تُحَرِّمُ.

L36094 And through the chain of Abu Ubayd: I am Abdullah ibn Idris al-Awdi, reporting from al-A’mash who said: Umara, Ibrahim, and our associates saw no harm in male camel’s milk until al-Hakam ibn Utaybah came to them

with Abu al-Qu'ays's report. Abu Muhammad said: This is how the people of knowledge act - not like those who say: "Where were so-and-so and so-and-so regarding this report?" This is the position of Sufyan al-Thawri, al-Awza'i, al-Layth ibn Sa'd, Abu Hanifa, Malik, al-Shafi'i, Abu Sulayman and their companions.

وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا عَبْدُ اللَّهِ بْنُ إِدْرِيسَ الْأَوْدِيُّ عَنْ الْأَعْمَشِ قَالَ: كَانَ عُمَارَةُ، وَإِبْرَاهِيمُ وَأَصْحَابُنَا: لَا يَرَوْنَ بِلَبَنِ الْفَحْلِ بَأْسًا، حَتَّى أَتَاهُمْ الْحَكَمُ بْنُ عُتَيْبَةَ بِخَبَرِ أَبِي الْقُعَيْسِ. قَالَ أَبُو مُحَمَّدٍ: هَكَذَا يَفْعَلُ أَهْلُ الْعِلْمِ، لَا كَمَنْ يَقُولُ: أَيْنَ كَانَ فُلَانٌ وَفُلَانٌ عَنْ هَذَا الْخَبَرِ؟ وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَالْأَوْزَاعِيِّ، وَاللَّيْثِ بْنِ سَعْدٍ، وَأَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ وَأَصْحَابِهِمْ.

L36095 Others refrained from issuing a ruling concerning it—as was narrated to us through the chain of Sa'īd ibn Manṣūr: **I** narrate from Ismā'īl ibn Ibrāhīm—he is Ibn 'Ulayyah—from 'Abbād ibn Manṣūr, who said: "I asked Mujāhid about a girl from among the people whom my father's wife had suckled. Do you deem it permissible for me to marry her?" He replied: "The jurists have differed concerning this matter, so I will not say anything." I then asked Ibn Sīrīn, and he said: "The same as Mujāhid's statement."

وَتَوَقَّفَ فِيهِ آخَرُونَ -: كَمَا رُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ - هُوَ ابْنُ عُلَيَّةَ - أَنَا عَبَّادُ بْنُ مَنْصُورٍ قَالَ: سَأَلْت مُجَاهِدًا عَنْ جَارِيَةٍ مِنْ عُرْضِ النَّاسِ أَرْضَعَتْهَا امْرَأَةُ أَبِي، أَتَرَى لِي أَنْ أَتَزَوَّجَهَا؟ فَقَالَ: اخْتَلَفَ فِيهَا الْفُقَهَاءُ، فَلَسْت أَقُولُ شَيْئًا - وَسَأَلْت ابْنَ سِيرِينَ فَقَالَ: مِثْلَ قَوْلِ مُجَاهِدٍ.

L36096–36098 Abu Muhammad said: We examined that matter and found—as we have narrated via the chain of Muslim ibn al-Hajjaj: I, Harmalah ibn Yahya al-Tujibi; I am Ibn Wahb, who informed me from Yunus ibn Yazid, from Ibn Shihab. From Urwah ibn Al-Zubayr, from Aisha, the Mother of the Believers, that she informed him: Aflah, the brother of Abu Al-Qu'ays, came to seek permission to visit her after the ordainment of hijab. Abu Al-Qu'ays was Aisha's milk father through breastfeeding. Aisha said: "By Allah, I will not permit Aflah until I seek permission from the Messenger of Allah (ﷺ), for Abu Al-Qu'ays was not the one who breastfed me - his wife breastfed me." When the Messenger of Allah (ﷺ) entered upon her, she said: "O Messenger of Allah, Aflah, the brother of Abu Al-Qu'ays, came to seek permission to visit me, and I was reluctant to permit him until I sought your permission?" The Prophet (ﷺ) said: "Permit him."

قَالَ أَبُو مُحَمَّدٍ: فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا - مَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ أَنَا حَرْمَلَةُ بْنُ يَحْيَى التُّجِيبِيُّ - أَنَا ابْنَ وَهْبٍ أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ «عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا أَخْبَرَتْهُ أَنَّهُ جَاءَ أَفْلَحُ أَخُو أَبِي الْقُعَيْسِ يَسْتَأْذِنُ عَلَيْهَا بَعْدَ الْحِجَابِ، وَكَانَ أَبُو الْقُعَيْسِ أَبَا عَائِشَةَ مِنْ الرَّضَاعَةِ قَالَتْ عَائِشَةُ: فَقُلْت: وَاَللَّهِ لَا آذَنُ لِأَفْلَحَ حَتَّى أَسْتَأْذِنَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِنَّ أَبَا الْقُعَيْسِ لَيْسَ هُوَ الَّذِي أَرْضَعَنِي، وَلَكِنْ أَرْضَعَتْنِي امْرَأَتُهُ، فَلَمَّا دَخَلَ عَلَيَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قُلْتُ يَا رَسُولَ اللَّهِ إنَّ أَفْلَحَ أَخَا أَبِي الْقُعَيْسِ جَاءَ يَسْتَأْذِنُ عَلَيَّ فَكَرِهْتُ أَنْ آذَنَ حَتَّى أَسْتَأْذِنَكَ؟ قَالَتْ: فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: ائْذَنِي لَهُ» .

L36099 Muhammad ibn Sa'id ibn Nubāt said: I am Ismā'īl ibn Isḥāq al-Naṣrī. I am 'Īsā ibn Ḥabīb al-Qāḍī. I am 'Abd al-Raḥmān ibn 'Abd Allāh ibn Muḥammad ibn 'Abd Allāh ibn Yazīd al-Muqrī. My grandfather Muḥammad ibn 'Abd

Allāh narrated to me: I am Sufyān ibn ʻUyaynah from al-Zuhrī and Hishām ibn ʻUrwah (both narrating from ʻUrwah from ʻĀ'ishah, the Mother of the Believers – one adding details the other omits). She said: "My uncle came after the hijab was instituted. He sought permission to enter upon me, but I refused. The Prophet – peace and blessings of Allah be upon him – arrived and said: 'Let him in, for he is your uncle.' I said: 'O Messenger of Allah, only the woman breastfed me, not the man.' He said: 'May your right hand be dusty! Let him in, for he is your uncle.'"

وَنا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ أَنَا إِسْمَاعِيلُ بْنُ إِسْحَاقَ النَّصْرِيُّ أَنَا عِيسَى بْنُ حَبِيبٍ الْقَاضِي أَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ بْنِ يَزِيدَ الْمُقْرِي حَدَّثَنِي جَدِّي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ أَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنِ الزُّهْرِيِّ وَهِشَامِ بْنِ عُرْوَةَ كِلَاهُمَا عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - يَزِيدُ أَحَدُهُمَا عَلَى صَاحِبِهِ قَالَتْ «جَاءَ عَمِّي بَعْدَ مَا ضُرِبَ الْحِجَابُ فَاسْتَأْذَنَ عَلَيَّ فَلَمْ آذَنْ لَهُ، فَجَاءَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ فَإِنَّمَا أَرْضَعَتْنِي الْمَرْأَةُ وَلَمْ يُرْضِعْنِي الرَّجُلُ قَالَ: تَرِبَتْ يَمِينُكِ ائْذَنِي لَهُ فَإِنَّهُ عَمُّكِ» .

L36100 Via the chain of Muslim: I am Abdullah ibn Muʿādh al-Anbari, from my father, from Shuʿbah, from al-Ḥakam ibn ʿUtaybah, from ʿIrāk ibn Mālik, from ʿUrwah, from ʿĀ'ishah, Mother of the Believers, who said: "Aflaḥ ibn Quʿays sought permission to enter upon me, but I refused to permit him. He sent me a message: 'I am your uncle - my brother's wife breastfed you.' So I refused to permit him. Then the Messenger of Allah—peace and blessings be upon him—came, and I mentioned this to him. He said: 'Let him enter upon you, for he is your uncle.'"

وَمِنْ طَرِيقِ مُسْلِمٍ أَنَا عَبْدُ اللَّهِ بْنُ مُعَاذٍ الْعَنْبَرِيُّ أَنَا أَبِي أَنَا شُعْبَةُ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ عِرَاكِ بْنِ مَالِكٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «اسْتَأْذَنَ عَلَيَّ أَفْلَحُ بْنُ قُعَيْسٍ، فَأَبَيْتُ أَنْ آذَنَ لَهُ فَأَرْسَلَ إِلَيَّ: إِنِّي عَمُّكِ أَرْضَعَتْكِ امْرَأَةُ أَخِي، فَأَبَيْتُ أَنْ آذَنَ لَهُ فَجَاءَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرْتُ ذَلِكَ لَهُ فَقَالَ: لِيَدْخُلْ عَلَيْكِ فَإِنَّهُ عَمُّكِ» .

L36101 This is an authentic report that must not be contradicted, and it goes beyond what is in the Quran.

فَكَانَ هَذَا خَبَرًا لَا تَجُوزُ مُخَالَفَتُهُ وَهُوَ زَائِدٌ عَلَى مَا فِي الْقُرْآنِ.

L36102–36104 As for the Ḥanafīs and Mālikīs, they contradicted themselves here in the gravest manner, since both groups... The jurists state: If a Companion narrates a ḥadīth from the Messenger of Allah (peace and blessings be upon him), and a narration contrary to what he narrated is transmitted from that same Companion, this indicates the abrogation of the first narration. They articulated this principle in several cases:

وَأَمَّا الْحَنَفِيُّونَ، وَالْمَالِكِيُّونَ، فَتَنَاقَضُوا هَاهُنَا أَقْبَحَ تَنَاقُضٍ؛ لِأَنَّ كِلْتَا الطَّائِفَتَيْنِ تَقُولُ: إِذَا رَوَى الصَّاحِبُ خَبَرًا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَرُوِيَ عَنْ ذَلِكَ الصَّاحِبِ خِلَافُ مَا رَوَى، فَهُوَ دَلِيلٌ عَلَى نَسْخِ ذَلِكَ الْخَبَرِ، قَالُوا ذَلِكَ فِي مَوَاضِعَ :-

L36105 Among them is what was narrated from Jabir concerning the child of a female *mudabbara* (a slave designated for posthumous emancipation): that he is emancipated by virtue of her emancipation and enslaved by virtue of her

enslavement. They asserted this contradicts what was narrated from Jabir, from the Prophet (peace and blessings of Allah be upon him), who "sold a male *mudabbar* (a slave designated for posthumous emancipation)."

L36106 What is astonishing is that this does not contradict the reported rulings; rather, it is consistent with the ruling on selling a *mudabbar* (a slave granted conditional manumission), for in such a sale, the slave is returned to enslavement due to her existing status as an enslaved person.

L36107 Abu Muhammad said: This is a narration transmitted from the Messenger of Allah—may Allah bless him and grant him peace—by none other than ʿĀ'ishah alone. Yet an authentic narration from her contradicts it. They adopted her transmitted narration but abandoned her opinion, without stating: "She only opposed it due to the superior knowledge they [women] possess." Instead, they said: "We do not know why the one whom her brothers' wives had breastfed was not permitted to be in seclusion with her."

L36108 Abu Muhammad said: This was truly astonishing, as established from her—as we desired—that those nursed by the wives of Abu Bakr, the wives of her brothers, and the wives of her paternal nephews did not enter upon her, according to the most authentic chains of transmission. Yet those nursed by her sisters and her nieces entered upon her. Is there any interpretation possible here except that those she allowed to enter, she viewed them as her mahram relatives, while those she did not allow, she did not view them as her mahram relatives? But they feel no shame in publicly proclaiming falsehood and repelling the truth with every trivial and feeble argument that flows from their tongues—and we seek refuge in Allah from misguidance.

L36109 Some of them said: "A woman may veil herself from whomever she wishes among her prohibited relatives." We responded: This is permissible for her, except that her specification—may Allah be pleased with her—to veil specifically from those nursed by her father's wives, her brothers' wives, and the wives of her sisters' sons, while not veiling from those nursed by her sisters and her sisters' daughters, can only be justified by the reasoning we mentioned. This is particularly evident given Ibn al-Zubayr's explicit statement—

مِنْهَا - مَا رُوِيَ عَنْ جَابِرٍ فِي وَلَدِ الْمُدَبَّرَةِ أَنَّهُ يُعْتَقُ فِي عِتْقِهَا وَيُرَقُّ فِي رِقِّهَا - فَادَّعُوا أَنَّ هَذَا خِلَافٌ لِمَا رُوِيَ عَنْ جَابِرٍ عَنْ «النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَاعَ مُدَبَّرًا» .

وَالْعَجَبُ أَنَّهُ لَيْسَ خِلَافًا لِمَا رُوِيَ، بَلْ هُوَ مُوَافِقٌ لِبَيْعِ الْمُدَبَّرِ؛ لِأَنَّ فِيهِ يُرَقُّ بِرِقِّهَا.

قَالَ أَبُو مُحَمَّد: وَهَذَا خَبَرٌ لَمْ يَرْوِهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا عَائِشَةُ وَحْدَهَا، وَقَدْ صَحَّ عَنْهَا خِلَافُهُ، فَأَخَذُوا بِرِوَايَتِهَا وَتَرَكُوا رَأْيَهَا، وَلَمْ يَقُولُوا: لَمْ تُخَالِفْهُ إلَّا لِفَضْلِ عِلْمٍ عِنْدَهُنَّ، وَقَالُوا: لَا نَدْرِي لِأَيِّ مَعْنًى لَمْ يَدْخُلْ عَلَيْهَا مَنْ أَرْضَعَتْهُ نِسَاءُ إخْوَتِهَا.

قَالَ أَبُو مُحَمَّد: فَكَانَ هَذَا عَجَبًا جِدًّا يَثْبُتُ عَنْهَا، كَمَا أَرَدْنَا: أَنَّهُ كَانَ لَا يَدْخُلُ عَلَيْهَا مَنْ أَرْضَعَتْهُ نِسَاءُ أَبِي بَكْرٍ، وَنِسَاءُ إخْوَتِهَا، وَنِسَاءُ بَنِي إخْوَتِهَا بِأَصَحِّ إسْنَادٍ، وَأَنَّهُ كَانَ يَدْخُلُ عَلَيْهَا مَنْ أَرْضَعَتْهُ أَخَوَاتُهَا، وَبَنَاتُ أَخَوَاتِهَا، فَهَلْ هَاهُنَا شَيْءٌ يُمْكِنُ أَنْ يُحْمَلَ هَذَا عَلَيْهِ؟ إلَّا أَنَّ الَّذِينَ أَذِنَتْ لَهُمْ رَأَتْهُمْ ذَوِي مَحْرَمٍ مِنْهَا، وَأَنَّ الَّذِينَ لَمْ تَأْذَنْ لَهُمْ لَمْ تَرَهُمْ ذَوِي مَحْرَمٍ مِنْهَا - وَلَكِنَّهُمْ لَا يَسْتَحْيُونَ مِنْ الْمُجَاهَرَةِ بِالْبَاطِلِ، وَمُدَافَعَةِ الْحَقِّ بِكُلِّ مَا جَرَى عَلَى أَلْسِنَتِهِمْ مِنْ غَثٍّ وَرَثٍّ - وَنَعُوذُ بِاَللَّهِ مِنْ الضَّلَالِ.

وَقَالَ بَعْضُهُمْ: لِلْمَرْأَةِ أَنْ تَحْتَجِبَ مِمَّنْ شَاءَتْ مِنْ ذَوِي مَحَارِمِهَا؟ فَقُلْنَا: إنَّ ذَلِكَ لَهَا إلَّا أَنَّ تَخْصِيصَهَا - رَضِيَ اللَّهُ عَنْهَا - بِالِاحْتِجَابِ عَنْهُمْ مَنْ أَرْضَعَتْهُ نِسَاءُ أَبِيهَا، وَنِسَاءُ إخْوَتِهَا، وَنِسَاءُ بَنِي أَخَوَاتِهَا، دُونَ مَنْ أَرْضَعَتْهُ أَخَوَاتُهَا، وَبَنَاتُ أَخَوَاتِهَا، لَا يُمْكِنُ إلَّا

he being closest to her—that "the father's milk does not establish prohibition through breastfeeding," and Al-Qāsim ibn Muḥammad issued a fatwa affirming this. Thus, the contradiction in their statements became manifest, and all praise is due to Allah, Lord of the worlds.

L36110 Our argument regarding the two groups is that both object to the authenticated report concerning wiping over the turban and the case of Salim's breastfeeding, claiming these to be additions beyond the Qur'an. There is no doubt that the prohibition through the male's milk constitutes an addition to the Qur'an, yet it has not been transmitted through tawatur - thus their contradiction in this matter also becomes evident.

L36111–36113 Our covenant with the two groups that assert: "A solitary report is not accepted regarding matters of widespread occurrence," while they sought through this objection to challenge the established report stating that no sale exists between the two parties to the sale (buyer and seller) until they separate, and the milk... [text breaks off] The male camel—a matter involving frequent tribulation—was opposed by the Companions, the Mothers of the Believers collectively, Ibn al-Zubayr, Zaynab bint Umm Salamah, al-Qāsim, Sālim, Saʿīd ibn al-Musayyab, ʿAṭāʾ ibn Yasār, Sulaymān ibn Yasār, Abū Salamah ibn ʿAbd al-Raḥmān ibn ʿAwf, Abū Bakr ibn Sulaymān ibn Abī Ḥathmah, Ibrāhīm al-Nakhaʿī, Abū Qilābah, Makhūl, and others. Why do they not say here: "Had this been authentic, it would not have been unknown to these individuals," given it is among matters involving frequent tribulation, just as they said regarding the report of separation in sale? We know of no instance where this was unknown to any Companion or Successor except Ibrāhīm al-Nakhaʿī alone. Thus, the corruption of their invalid principles—which we mentioned—is exposed, proving their meaninglessness and that they constitute nothing but rejecting the truth with falsehood. We seek refuge in Allah from being forsaken.

L36114 **Case: A man married two women, and a woman breastfed both wives with breastfeeding that established a prohibited maternal kinship bond (maḥram).**

L36115 2016 – Issue: If a man marries two women and a woman breastfeeds

لِلْوَجْهِ الَّذِي ذَكَرْنَا، لَا سِيَّمَا مَعَ تَصْرِيحِ ابْنِ الزُّبَيْرِ - وَهُوَ أَخَصُّ النَّاسِ بِهَا - بِأَنَّ لَبَنَ الْفَحْلِ لَا يُحَرِّمُ، وَأَفْتَى الْقَاسِمُ بِذَلِكَ، فَظَهَرَ تَنَاقُضُ أَقْوَالِهِمْ - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

وَعَهْدُنَا بِالطَّائِفَتَيْنِ تَعْتَرِضُ كِلْتَاهُمَا عَنْ الْخَبَرِ الثَّابِتِ بِالْمَسْحِ عَلَى الْعِمَامَةِ وَعَلَى رَضَاعِ سَالِمٍ بِأَنَّهَا زِيَادَةٌ عَلَى مَا فِي الْقُرْآنِ، وَلَا شَكَّ فِي أَنَّ التَّحْرِيمَ بِلَبَنِ الْفَحْلِ زِيَادَةٌ عَلَى مَا فِي الْقُرْآنِ، وَلَمْ يَجِئْ مَجِيءَ التَّوَاتُرِ - فَظَهَرَ أَيْضًا تَنَاقُضُهُمْ هَاهُنَا.

وَعَهْدُنَا بِالطَّائِفَتَيْنِ تَقُولَانِ: إنَّ مَا كَثُرَ بِهِ الْبَلْوَى لَمْ يُقْبَلْ فِيهِ خَبَرُ الْوَاحِدِ، وَرَامُوا بِذَلِكَ الِاعْتِرَاضِ عَلَى الْخَبَرِ الثَّابِتِ: مِنْ أَنَّ الْبَيِّعَيْنِ لَا بَيْعَ بَيْنَهُمَا حَتَّى يَتَفَرَّقَا وَلَبَنُ الْفَحْلِ مِمَّا تَكْثُرُ بِهِ الْبَلْوَى، وَقَدْ خَالَفَتْهُ الصَّحَابَةُ، وَأُمَّهَاتُ الْمُؤْمِنِينَ هَكَذَا جُمْلَةً، وَابْنُ الزُّبَيْرِ، وَزَيْنَبُ بِنْتُ أُمِّ سَلَمَةَ، وَالْقَاسِمُ، وَسَالِمٌ، وَسَعِيدُ بْنُ الْمُسَيِّبِ وَعَطَاءُ بْنُ يَسَارٍ، وَسُلَيْمَانُ بْنُ يَسَارٍ، وَأَبُو سَلَمَةَ بْنُ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَأَبُو بَكْرِ بْنُ سُلَيْمَانَ بْنِ أَبِي حَثْمَةَ، وَإِبْرَاهِيمُ النَّخَعِيُّ، وَأَبُو قِلَابَةَ، وَمَكْحُولٌ، وَغَيْرُهُمْ، فَهَلَّا قَالُوا هَاهُنَا: لَوْ كَانَ صَحِيحًا مَا خَفِيَ عَلَى هَؤُلَاءِ، وَهُوَ مِمَّا تَكْثُرُ بِهِ الْبَلْوَى، كَمَا قَالُوا فِي خَبَرِ التَّفَرُّقِ فِي الْبَيْعِ، وَمَا نَعْلَمُهُ خَفِيَ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ، وَالتَّابِعِينَ، إلَّا عَنْ إبْرَاهِيمَ النَّخَعِيِّ وَحْدَهُ - فَظَهَرَ بِهَذَا فَسَادُ أُصُولِهِمْ الْفَاسِدَةِ الَّتِي ذَكَرْنَا، وَأَنَّهَا لَا مَعْنَى لَهَا، وَإِنَّمَا هِيَ اعْتِرَاضٌ عَلَى الْحَقِّ بِالْبَاطِلِ - وَنَعُوذُ بِاَللَّهِ مِنْ الْخِذْلَانِ.

[مَسْأَلَةٌ تَزَوَّجَ امْرَأَتَيْنِ فَأَرْضَعَتْهُمَا امْرَأَةٌ رَضَاعًا مُحَرِّمًا]

them both with breastfeeding that establishes prohibition, they both become forbidden to him, and their marriages are annulled. This is because the breastfeeding renders them sisters, or a paternal aunt and brother's daughter, or a maternal aunt and sister's daughter, or a mahram of his wife. Since the prohibition applies to both of them simultaneously, neither one has a greater right to annulment than the other.

L36116–36118 Similarly, if he consummates the marriage with both wives and one breastfeeds the other in a manner that establishes a prohibited relationship, the ruling remains unchanged. If he has not consummated the marriage with them and one breastfeeds the other in a manner that establishes a prohibited relationship, the marriage of the woman who became a mother to the other is annulled, while the marriage of the one who became her daughter remains valid. This is because Allah the Exalted said: "And your stepdaughters under your guardianship from your wives with whom you have consummated marriage—but if you have not consummated marriage with them, there is no blame upon you" [Quran 4:23]. So, the daughter of his wife (whom he has not consummated the marriage with and who is not under his guardianship) retains a confirmed marriage, while the other becomes one of the mothers of his wives, thereby being entirely forbidden—and in Allah, the Exalted, do we seek support.[27]

L36119 ## The Issue: The Attributes of Prohibitive Breastfeeding

L36120 2017 – Issue: As for the definition of breastfeeding that establishes prohibition, it is only what the suckling infant draws directly from the breast of the nursing woman.

L36121 As for one who was given a woman's milk to drink from a vessel, or it was milked into his mouth and he swallowed it; or was fed it in bread, or in food, or it was poured into his mouth, nose, ear, or administered as an enema—none of these actions establish a prohibition, even if this were his sole nourishment throughout his entire lifetime.

[27] **Qur'an references (L36116):** Qur'an 4:23 (An-Nisa).

٢٠١٦ - مَسْأَلَةٌ: وَلَوْ أَنَّ رَجُلًا تَزَوَّجَ امْرَأَتَيْنِ فَأَرْضَعَتْهُمَا امْرَأَةٌ رَضَاعًا مُحَرِّمًا حُرِّمَتَا جَمِيعًا وَانْفَسَخَ نِكَاحُهُمَا، إذْ صَارَتَا بِذَلِكَ الرَّضَاعِ أُخْتَيْنِ، أَوْ عَمَّةً وَبِنْتَ أَخٍ، أَوْ خَالَةً وَبِنْتَ أُخْتٍ، أَوْ حَرِيمَةَ امْرَأَةٍ لَهُ؛ لِأَنَّهُمَا مَعًا حَدَثَ لَهُمَا التَّحْرِيمُ، فَلَمْ تَكُنْ إحْدَاهُمَا أَوْلَى بِالْفَسْخِ مِنْ الْأُخْرَى.

وَكَذَلِكَ لَوْ دَخَلَ بِهِمَا فَأَرْضَعَتْ إحْدَاهُمَا الْأُخْرَى رَضَاعًا مُحَرِّمًا وَلَا فَرْقَ، فَلَوْ لَمْ يَدْخُلْ بِهِمَا فَأَرْضَعَتْ إحْدَاهُمَا الْأُخْرَى رَضَاعًا مُحَرِّمًا انْفَسَخَ نِكَاحُ الَّتِي صَارَتْ أُمًّا لِلْأُخْرَى وَبَقِيَ نِكَاحُ الَّتِي صَارَتْ لَهَا ابْنَةً صَحِيحًا، لِأَنَّ اللَّهَ تَعَالَى قَالَ: {وَرَبَائِبُكُمُ اللاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللاتِي دَخَلْتُمْ بِهِنَّ فَإِنْ لَمْ تَكُونُوا دَخَلْتُمْ بِهِنَّ فَلا جُنَاحَ عَلَيْكُمْ} [النساء: ٢٣] فَصَارَتْ بِنْتَ امْرَأَتِهِ الَّتِي لَمْ يَدْخُلْ بِهَا، وَلَا هِيَ فِي حِجْرِهِ، فَثَبَتَ نِكَاحُهَا، وَصَارَتْ الْأُخْرَى مِنْ أُمَّهَاتِ نِسَائِهِ، فَحُرِّمَتْ جُمْلَةً - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

[مَسْأَلَةُ صِفَةُ الرَّضَاعِ الْمُحَرِّمِ]

٢٠١٧ - مَسْأَلَةٌ: وَأَمَّا صِفَةُ الرَّضَاعِ الْمُحَرِّمِ، فَإِنَّمَا هُوَ: مَا امْتَصَّهُ الرَّاضِعُ مِنْ ثَدْيِ الْمُرْضِعَةِ بِفِيهِ فَقَطْ.

فَأَمَّا مَنْ سُقِيَ لَبَنَ امْرَأَةٍ فَشَرِبَهُ مِنْ إنَاءٍ، أَوْ حُلِبَ فِي فِيهِ فَبَلَعَهُ، أَوْ أُطْعِمَهُ بِخُبْزٍ، أَوْ فِي طَعَامٍ، أَوْ صُبَّ فِي فَمِهِ، أَوْ فِي أَنْفِهِ، أَوْ فِي أُذُنِهِ، أَوْ حُقِنَ بِهِ: فَكُلُّ ذَلِكَ لَا يُحَرِّمُ شَيْئًا، وَلَوْ كَانَ ذَلِكَ غِذَاءَهُ دَهْرَهُ كُلَّهُ.

L36122 The evidence for that is the statement of Allah, the Exalted: {Your mothers who suckled you and your sisters through suckling} [4:23], and the Messenger of Allah—peace and blessings be upon him—said: "What is prohibited due to lineage is also prohibited due to suckling."[28]

L36123 Neither Allah the Exalted nor His Messenger—may Allah's peace and blessings be upon him—prohibited any marriage in this sense except through suckling, nursing, or breastfeeding alone. It is not termed "suckling" unless the nursing woman places milk from her breast into the child's mouth. It is expressed as: "She suckled him," "she suckles him," or "suckling."

L36124 It is not termed "radāʿan" or "irḍāʿan" except by the nursed infant taking the breast into their mouth and suckling from it. You say: "raḍiʿa" (he suckled), "yarḍaʿu" (he suckles), "radāʿan" (suckling) and "radāʿatan" (a suckling instance).

L36125–36127 As for all matters beyond what we have mentioned, none of them are termed *irḍāʿ* (lactation), *raḍāʿah* (nursing relationship), nor any equivalent designation. Breastfeeding is indeed milking, food, a water skin, drinking, eating, swallowing, enema, nasal administration, and dripping. Allah, the Mighty and Majestic, has not prohibited anything by this means.

L36128 If they say: We have analogized that upon suckling and lactation?

L36129 We said: All analogical reasoning (qiyas) is invalid, and were qiyas valid, this would epitomize invalidity. By necessity, every person of understanding knows that suckling from an ewe more closely resembles suckling from a woman, for both are suckling: one via enema and another via nasal administration. Yet they do not consider anything prohibited except through women—thus exposing their contradiction in their corrupt qiyas, and their religious legislation of what Allah the Almighty never permitted. Abu Muhammad said: People have differed concerning this—:

L36130 Al-Layth ibn Saʿd said: Nasal instillation with a woman's milk does not

[28] **Qur'an references (L36122):** Qur'an 4:23 (An-Nisa).

بُرْهَانُ ذَلِكَ: قَوْلُ اللَّهِ عَزَّ وَجَلَّ: {وَأُمَّهَاتُكُمُ اللاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ} [النساء: ٢٣] ، وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «وَيَحْرُمُ مِنْ الرَّضَاعِ مَا يَحْرُمُ مِنْ النَّسَبِ» .

فَلَمْ يُحَرِّمْ اللَّهُ تَعَالَى وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي هَذَا الْمَعْنَى نِكَاحًا، إلَّا بِالْإِرْضَاعِ وَالرَّضَاعَةِ وَالرَّضَاعِ فَقَطْ - وَلَا يُسَمَّى إرْضَاعًا إلَّا مَا وَضَعَتْهُ الْمَرْأَةُ الْمُرْضِعَةُ مِنْ ثَدْيِهَا فِي فَمِ الرَّضِيعِ - يُقَالُ أَرْضَعَتْهُ تُرْضِعُهُ إرْضَاعًا.

وَلَا يُسَمَّى رَضَاعَةً، وَلَا إرْضَاعًا إلَّا أَخْذُ الْمُرْضَعِ، أَوْ الرَّضِيعِ بِفِيهِ الثَّدْيَ وَامْتِصَاصُهُ إيَّاهُ - تَقُولُ: رَضِعَ يَرْضَعُ رَضَاعًا وَرَضَاعَةً.

وَأَمَّا كُلُّ مَا عَدَا ذَلِكَ مِمَّا ذَكَرْنَا فَلَا يُسَمَّى شَيْءٌ مِنْهُ إرْضَاعًا، وَلَا رَضَاعَةً وَلَا رَضَاعًا، إنَّمَا هُوَ حَلْبٌ وَطَعَامٌ وَسِقَاءٌ، وَشُرْبٌ وَأَكْلٌ وَبَلْعٌ، وَحُقْنَةٌ وَسَعُوطٌ وَتَقْطِيرٌ، وَلَمْ يُحَرِّمْ اللَّهُ عَزَّ وَجَلَّ بِهَذَا شَيْئًا.

فَإِنْ قَالُوا: قِسْنَا ذَلِكَ عَلَى الرَّضَاعِ وَالْإِرْضَاعِ؟

قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، وَلَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، وَبِالضَّرُورَةِ يَدْرِي كُلُّ ذِي فَهْمٍ أَنَّ الرَّضَاعَ مِنْ شَاةٍ أَشْبَهَ بِالرَّضَاعِ مِنْ امْرَأَةٍ؛ لِأَنَّهُمَا جَمِيعًا رَضَاعٌ مِنْ الْحُقْنَةِ بِالرَّضَاعِ، وَمِنْ السَّعُوطِ بِالرَّضَاعِ، وَهُمْ لَا يُحَرِّمُونَ بِغَيْرِ النِّسَاءِ - فَلَاحَ تَنَاقُضُهُمْ فِي قِيَاسِهِمْ الْفَاسِدِ، وَشَرْعُهُمْ بِذَلِكَ مَا لَمْ يَأْذَنْ بِهِ اللَّهُ عَزَّ وَجَلَّ. قَالَ أَبُو مُحَمَّدٍ: وَقَدْ اخْتَلَفَ النَّاسُ فِي هَذَا -:

create a prohibition, nor does administering her milk to a child as medicine. This is because it is not رَضَاع (breastfeeding), for رَضَاع is only what is sucked directly from the breast.

فَقَالَ اللَّيْثُ بْنُ سَعْدٍ: لَا يُحَرِّمُ السَّعُوطُ بِلَبَنِ الْمَرْأَةِ وَلَا يُحَرِّمُ أَنْ يُسْقَى الصَّبِيُّ لَبَنَ الْمَرْأَةِ فِي الدَّوَاءِ، لِأَنَّهُ لَيْسَ بِرَضَاعٍ، إِنَّمَا الرَّضَاعُ مَا مُصَّ مِنْ الثَّدْيِ.

L36131 This is the explicit statement of al-Layth; this is our position, and it is the position of Abu Sulayman and our companions.

هَذَا نَصُّ قَوْلِ اللَّيْثِ، وَهَذَا قَوْلُنَا، وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ، وَأَصْحَابِنَا.

L36132 From the narration of ʿAbd al-Razzāq, from Ibn Jurayj, who said: I sent a message to ʿAṭāʾ to ask him about administering milk as nasal drops to a minor and applying it as kohl—does that invalidate [the fast]? He said: I have not heard that it invalidates.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ: أَرْسَلْت إلَى عَطَاءٍ أَسْأَلُهُ عَنْ سَعُوطِ اللَّبَنِ لِلصَّغِيرِ وَكُحْلِهِ بِهِ أَيُحَرِّمُ؟ قَالَ: مَا سَمِعْت أَنَّهُ يُحَرِّمُ.

L36133 Abū Ḥanīfah and his companions said: Does using milk in kohl for a child not render the kohl unlawful, nor pouring it into the eye or ear, nor administering an enema with it, nor treating a penetrating wound with it, nor a cranial wound with it, nor instilling it into the urethra?

وَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: لَا يُحَرِّمُ الْكُحْلُ لِلصَّبِيِّ بِاللَّبَنِ، وَلَا صَبُّهُ فِي الْعَيْنِ أَوْ الْأُذُنِ، وَلَا الْحُقْنَةُ بِهِ، وَلَا مُدَاوَاةُ الْجَائِفَةِ بِهِ، وَلَا الْمَأْمُومَةِ بِهِ، وَلَا تَقْطِيرُهُ فِي الْإِحْلِيلِ؟

L36134 They said: If food were cooked with a woman's milk until it became a fully cooked broth, and the milk was apparent in it, dominating it in both color and taste, and someone fed it to an infant, this would not prohibit him from marrying the woman whose milk it was, nor her daughters.

قَالُوا: فَلَوْ طُبِخَ طَعَامٌ بِلَبَنِ امْرَأَةٍ حَتَّى صَارَ مَرَقَةً نَضِجَةً، وَكَانَ اللَّبَنُ ظَاهِرًا فِيهَا غَالِبًا عَلَيْهَا بِلَوْنِهِ وَطَعْمِهِ، فَأَطْعَمَهُ صَغِيرًا لَمْ يُحَرِّمْ ذَلِكَ عَلَيْهِ نِكَاحَ الَّتِي اللَّبَنُ مِنْهَا، وَلَا نِكَاحَ بَنَاتِهَا.

L36135 Similarly, if bread were crumbled into a woman's milk for him and he ate all of it, no prohibition would arise from that whatsoever. But if he were to drink the mixture, it would be prohibited, as with suckling.

وَكَذَلِكَ لَوْ ثُرِدَ لَهُ خُبْزٌ فِي لَبَنِ امْرَأَةٍ فَأَكَلَهُ كُلَّهُ لَمْ يَقَعْ بِذَلِكَ تَحْرِيمٌ أَصْلًا فَلَوْ شَرِبَهُ كَانَ مُحَرِّمًا كَالرَّضَاعِ.

L36136 As for the disagreement regarding this matter, Abū Ḥanīfah, Mālik, and Al-Shāfiʿī maintained that nasal drops and ear drops both prohibit marriage eligibility in the same manner as breastfeeding.

وَأَمَّا الْخِلَافُ فِي ذَلِكَ فَإِنَّهُ قَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ: السَّعُوطُ وَالْوَجُورُ يُحَرِّمَانِ كَتَحْرِيمِ الرَّضَاعِ.

L36137 And they have contradicted [themselves/one another] in this, concerning what we will mention after this—if Allah, the Exalted, wills.

وَقَدْ تَنَاقَضُوا فِي هَذَا عَلَى مَا نَذْكُرُ بَعْدَ هَذَا - إنْ شَاءَ اللَّهُ تَعَالَى.

L36138 It has been narrated to us from al-Shaʿbī that nasal drops and ear drops render the fast invalid.

وَرُوِّينَا عَنْ الشَّعْبِيِّ: أَنَّ السَّعُوطَ وَالْوَجُورَ يُحَرِّمَانِ.

L36139–36140 Abu Muhammad said: The proponents of this view argued by citing what is

authentically reported from the Messenger of Allah, may Allah bless him and grant him peace, that he said: “Breastfeeding is only [valid] from hunger.”

قَالَ أَبُو مُحَمَّد: احْتَجَّ أَهْلُ هَذِهِ الْمَقَالَةِ بِأَنْ قَالُوا: صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «إنَّمَا الرَّضَاعَةُ مِنْ الْمَجَاعَةِ» .

L36141 When he—peace and blessings be upon him—defined prohibitive breastfeeding as that which is used to ward off hunger, is that [condition] present in suckling and eating?

قَالُوا: فَلَمَّا جَعَلَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - الرَّضَاعَةَ الْمُحَرِّمَةَ مَا اُسْتُعْمِلَ لِطَرْدِ الْجُوعِ كَانَ ذَلِكَ مَوْجُودًا فِي السَّقْيِ وَالْأَكْلِ؟

L36142 Therefore, we said: This provides no valid argument for your position for two reasons.

فَقُلْنَا: هَذَا لَا حُجَّةَ لَكُمْ فِيهِ لِوَجْهَيْنِ:

L36143 One of them is that the meaning you mentioned does not apply to snuffing, since it alleviates nothing of hunger. If they insist and say, “Rather, it repels [it].”

أَحَدُهُمَا - أَنَّ الْمَعْنَى الَّذِي ذَكَرْتُمْ لَا يُوجَدُ فِي السَّعُوطِ؛ لِأَنَّهُ لَا يُرْفَعُ بِهِ شَيْءٌ مِنْ الْجُوعِ، فَإِنْ لَجُّوا وَقَالُوا: بَلْ يُدْفَعُ.

L36144 We said to the disciples of Abū Ḥanīfah: If the ruling for nasal administration with milk is exactly the same as applying kohl with milk or dripping milk into the eye, since all these reach the throat and enter the internal cavity, why do you distinguish between using milk for kohl and using it for nasal administration?

قُلْنَا: لِأَصْحَابِ أَبِي حَنِيفَةَ: إنْ حَظَّ السَّعُوطِ مِنْ ذَلِكَ كَحَظِّ الْكُحْلِ وَالتَّقْطِيرِ فِي الْعَيْنِ بِاللَّبَنِ سَوَاءٌ بِسَوَاءٍ، لِأَنَّ كُلَّ ذَلِكَ وَاصِلٌ إلَى الْحَلْقِ إلَى الْجَوْفِ، فَلِمَ فَرَّقْتُمْ بَيْنَ الْكُحْلِ بِهِ وَبَيْنَ السَّعُوطِ بِهِ؟

L36145 You say: “If one drips some oils into his ear while fasting, he breaks his fast. Similarly, if he uses an enema that reaches the stomach”—yet they did not prohibit this in the case of milk used for enemas or eye kohl, even if it does not reach the stomach. So why do you invalidate the fasting person’s fast through this? This is undeniably frivolous play.

هَذَا وَأَنْتُمْ تَقُولُونَ: إنَّ مَنْ قَطَّرَ شَيْئًا مِنْ الْأَدْهَانِ فِي أُذُنِهِ وَهُوَ صَائِمٌ فَإِنَّهُ يُفْطِرُ، وَكَذَلِكَ إنْ احْتَقَنَ فَإِنْ كَانَ ذَلِكَ يَصِلُ إلَى الْجَوْفِ فَلَمْ يُحَرِّمُوا بِهِ فِي اللَّبَنِ يُحْقَنُ بِهَا أَوْ يُكْتَحَلُ بِهِ - وَإِنْ كَانَ لَا يَصِلُ إلَى الْجَوْفِ - فَلِمَ فَطَّرْتُمْ بِهِ الصَّائِمَ؟ وَهَذَا تَلَاعُبٌ لَا خَفَاءَ بِهِ.

L36146 Imam Mālik said: If a woman’s milk is mixed into food and cooked, and the milk disappears, or poured into water and the water is predominant, then the child drinks that water or eats that food, the prohibition is not established.

وَقَالَ مَالِكٌ: إنْ جُعِلَ لَبَنُ الْمَرْأَةِ فِي طَعَامٍ وَطُبِخَ وَغَابَ اللَّبَنُ أَوْ صُبَّ فِي مَاءٍ فَكَانَ الْمَاءُ هُوَ الْغَالِبَ فَسُقِيَ الصَّغِيرُ ذَلِكَ الْمَاءَ أَوْ أُطْعِمَ ذَلِكَ الطَّعَامَ لَمْ يَقَعْ بِهِ التَّحْرِيمُ.

L36147 Moreover, they prohibit even a single drop that reaches his stomach—which, according to them, does not alleviate the slightest hunger—thereby revealing their contradiction of the report they ambiguously cited as evidence.

وَأَيْضًا - فَإِنَّهُمْ يُحَرِّمُونَ بِالنُّقْطَةِ تَصِلُ إلَى جَوْفِهِ وَهِيَ لَا تَدْفَعُ عِنْدَهُمْ شَيْئًا مِنْ الْمَجَاعَةِ فَظَهَرَ خِلَافُهُمْ لِلْخَبَرِ الَّذِي مَوَّهُوا بِأَنَّهُمْ يَحْتَجُّونَ بِهِ.

L36148 The second aspect is that this report constitutes evidence for our position,

because the Prophet—peace and blessings be upon him—only established prohibition through breastfeeding that counters hunger, and he did not prohibit anything by other means. Thus, no prohibition applies to what counters hunger—whether through eating, drinking, injustice, or other means—unless it involves breastfeeding, as the Messenger of God said: "Whoever transgresses God's boundaries—such are the wrongdoers" [Al-Baqarah 2:229].[29]

L36149–36151 If they obscured [the narration] with what was transmitted to us through the chain of ʿAbd al-Razzāq: Ibn Jurayj: ʿAbd al-Karīm: that Sālim ibn Abī al-Jaʿd, the freedman of al-Ashjaʿī, narrated to him that his father informed him he had asked ʿAlī ibn Abī Ṭālib, who said: "Indeed I..." I intended to marry a woman who gave me her milk to drink as treatment when I was an adult? Ali said to him: "Do not marry her," and forbade him from her. Ali ibn Abi Talib would state: "If a man's wife feeds him from his concubine's milk, or his concubine feeds him from his wife's milk, intending to render the other woman forbidden to him, that does not render her forbidden."

L36152 Abu Muhammad said: This is against them, not in their favor, because it contains the concept of adult breastfeeding and the resultant prohibition—which they do not uphold—and because it states that breastfeeding between co-wives does not establish prohibition according to Ali's position, while they reject this ruling.

L36153 **Issue: If a minor or adult suckled the milk of a deceased, insane, or intoxicated woman five sucklings.**

L36154 2018 – Issue: Abū Muḥammad said: If a minor or an adult suckles milk from a deceased, insane, or intoxicated woman in five sucklings, the prohibition of marriage takes effect, for this constitutes valid suckling.

L36155 Al-Shafiʿi said: "Breastfeeding does not establish kinship through the milk of a dead animal, because it is impure."

[29] **Qur'an references (L36148):** Qur'an 2:229 (Al-Baqarah).

وَالْوَجْهُ الثَّانِي -: أَنَّ هَذَا الْخَبَرَ حُجَّةٌ لَنَا، لِأَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - إنَّمَا حَرَّمَ بِالرَّضَاعَةِ الَّتِي تُقَابَلُ بِهَا الْمَجَاعَةُ وَلَمْ يُحَرِّمْ بِغَيْرِهَا شَيْئًا فَلَا يَقَعُ تَحْرِيمٌ بِمَا قُوبِلَتْ بِهِ الْمَجَاعَةُ مِنْ أَكْلٍ أَوْ شُرْبٍ أَوْ وَجُورٍ أَوْ غَيْرِ ذَلِكَ، إلَّا أَنْ يَكُونَ رَضَاعَةً كَمَا قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَأُولَئِكَ هُمُ الظَّالِمُونَ} [البقرة: ٢٢٩] .

فَإِنْ مَوَّهُوا بِمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ أَنَا عَبْدُ الْكَرِيمِ أَنَّ سَالِمَ بْنَ أَبِي الْجَعْدِ مَوْلَى الْأَشْجَعِيِّ حَدَّثَهُ أَنَّ أَبَاهُ أَخْبَرَهُ أَنَّهُ سَأَلَ عَلِيَّ بْنَ أَبِي طَالِبٍ فَقَالَ: إنِّي أَرَدْت أَنْ أَتَزَوَّجَ امْرَأَةً وَقَدْ سَقَتْنِي مِنْ لَبَنِهَا وَأَنَا كَبِيرٌ تَدَاوَيْت بِهِ؟ فَقَالَ لَهُ عَلِيٌّ: لَا تَنْكِحُهَا وَنَهَاهُ عَنْهَا. وَكَانَ عَلِيُّ بْنُ أَبِي طَالِبٍ يَقُولُ: إنْ سَقَتْهُ امْرَأَتُهُ مِنْ لَبَنِ سُرِّيَّتِهِ، أَوْ سَقَتْهُ سُرِّيَّتُهُ مِنْ لَبَنِ امْرَأَتِهِ لِتُحَرِّمَهَا عَلَيْهِ فَلَا يُحَرِّمُهَا ذَلِكَ.

قَالَ أَبُو مُحَمَّدٍ: هَذَا عَلَيْهِمْ لَا لَهُمْ، لِأَنَّ فِيهِ رَضَاعَ الْكَبِيرِ وَالتَّحْرِيمَ بِهِ - وَهُمْ لَا يَقُولُونَ بِذَلِكَ، وَفِيهِ أَنَّ رَضَاعَ الضَّرَائِرِ لَا يُحَرِّمُ عِنْدَ عَلِيٍّ وَهُمْ لَا يَقُولُونَ بِهَذَا.

[مَسْأَلَةٌ ارْتَضَعَ صَغِيرٌ أَوْ كَبِيرٌ لَبَنَ مَيِّتَةٍ أَوْ مَجْنُونَةٍ أَوْ سَكْرَى خَمْسَ رَضَعَاتٍ]

٢٠١٨ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: وَإِنْ ارْتَضَعَ صَغِيرٌ أَوْ كَبِيرٌ لَبَنَ مَيِّتَةٍ أَوْ مَجْنُونَةٍ أَوْ سَكْرَى خَمْسَ رَضَعَاتٍ فَإِنَّ التَّحْرِيمَ يَقَعُ بِهِ، لِأَنَّهُ رَضَاعٌ صَحِيحٌ.

وَقَالَ الشَّافِعِيُّ: لَا يَقَعُ بِلَبَنِ الْمَيِّتَةِ رَضَاعٌ، لِأَنَّهُ نَجِسٌ؟

L36156 Ali said: “This is exceedingly strange—to declare the milk of a believing woman impure, when it has been authentically reported from the Prophet (peace be upon him) that he said: ’The believer is not impure.’ We know that the believer, whether in life or death, remains the same; he is pure in both states. A woman’s milk is a part of her, and a part of a pure entity is itself pure—unless a definitive text excludes it from purity, in which case one must adhere strictly to that text.”

L36157 Then he deems the milk of a disbelieving woman ritually pure yet forbids it, and it is part of her. Allah, the Exalted, says: “Indeed, the polytheists are ritually impure” (Quran 9:28). And a part of the ritually impure is itself impure without doubt.[30]

L36158 If it is objected: “You assert that the milk of a female disbeliever is undoubtedly impure, yet you permit her to be employed as a wet nurse despite this?”

L36159–36160 We said: Because Allah the Exalted permitted us to marry women of the People of the Book, obligated the mother to breastfeed her child, and Allah the Exalted had known that we would have children from them: {And your Lord is not forgetful} [Maryam 64].[31]

L36161 However, we say: It is not permissible for us to have a woman not from the People of the Book breastfeed, because she is not among those whom we are permitted to take as wives or seek offspring from; thus her milk remains entirely ritually impure. And success is from Allah, the Exalted.

L36162 Then we say: If the nursing woman’s milk mixes with visible blood from the nursling’s mouth or other prohibited matters, it would be prohibited in the same manner as milk untainted by such things. This is because we have clarified in the “Book of Purity” in this work of ours and others that when pure, lawful substances mingle with impure or unlawful ones, the pure remains pure, the impure remains impure, the lawful remains lawful, and the unlawful remains unlawful. Thus, the prohibition applies specifically to the milk itself, not to the unlawful or impure matters that mixed with it - for

قَالَ عَلِيٌّ: هَذَا عَجَبٌ جِدًّا أَنْ يَقُولَ فِي لَبَنِ مُؤْمِنَةٍ: إنَّهُ نَجِسٌ وَقَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «الْمُؤْمِنُ لَا يَنْجَسُ» وَقَدْ عَلِمْنَا أَنَّ الْمُؤْمِنَ فِي حَالِ مَوْتِهِ وَحَيَاتِهِ سَوَاءٌ، هُوَ طَاهِرٌ فِي كِلْتَا الْحَالَتَيْنِ، وَلَبَنُ الْمَرْأَةِ بَعْضُهَا، وَبَعْضُ الطَّاهِرِ طَاهِرٌ، إلَّا أَنْ يُخْرِجَهُ عَنْ الطَّهَارَةِ نَصٌّ فَيُوقَفُ عِنْدَهُ -

ثُمَّ يَرَى لَبَنَ الْكَافِرَةِ طَاهِرًا يُحَرِّمُ، وَهُوَ بَعْضُهَا، وَاَللَّهُ تَعَالَى يَقُولُ: {إنَّمَا الْمُشْرِكُونَ نَجَسٌ} [التوبة: ٢٨] وَبَعْضُ النَّجِسِ نَجِسٌ بِلَا شَكٍّ.

فَإِنْ قِيلَ: فَأَنْتُمْ تَقُولُونَ: إنَّ لَبَنَ الْكَافِرَةِ نَجِسٌ بِلَا شَكٍّ وَأَنْتُمْ تُجِيزُونَ مَعَ ذَلِكَ اسْتِرْضَاعَ الْكَافِرَةِ؟

قُلْنَا: لِأَنَّ اللَّهَ تَعَالَى أَبَاحَ لَنَا نِكَاحَ الْكِتَابِيَّةِ، وَأَوْجَبَ عَلَى الْأُمِّ رَضَاعَ وَلَدِهَا، وَقَدْ عَلِمَ اللَّهُ تَعَالَى أَنَّهُ سَيَكُونُ لَنَا أَوْلَادٌ مِنْهُنَّ: {وَمَا كَانَ رَبُّكَ نَسِيًّا} [مريم: ٦٤] .

إلَّا أَنَّا نَقُولُ: إنَّ غَيْرَ الْكِتَابِيَّةِ لَا يَحِلُّ لَنَا اسْتِرْضَاعُهَا، لِأَنَّهَا لَيْسَتْ مِمَّا أُبِيحَ لَنَا اتِّخَاذُهُنَّ أَزْوَاجًا وَطَلَبُ الْوَلَدِ مِنْهُنَّ فَبَقِيَ لَبَنُهَا عَلَى النَّجَاسَةِ جُمْلَةً -، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

ثُمَّ نَقُولُ: لَوْ خَالَطَ لَبَنُ الْمُرْضِعَةِ دَمٌ ظَاهِرٌ مِنْ فَمِ الْمُرْضَعِ، أَوْ غَيْرُ ذَلِكَ مِنْ الْمُحَرَّمَاتِ كَمَا يُحَرِّمُ الَّذِي لَمْ يُخَالِطْهُ شَيْءٌ مِنْ ذَلِكَ، لِأَنَّا قَدْ بَيَّنَّا فِي " كِتَابِ الطَّهَارَةِ " مِنْ كِتَابِنَا هَذَا وَغَيْرِهِ أَنَّ النَّجِسَ، وَالْحَرَامَ إذَا خَالَطَهُمَا الطَّاهِرُ الْحَلَالُ فَإِنَّ الطَّاهِرَ طَاهِرٌ، وَالنَّجِسَ نَجِسٌ، وَالْحَلَالَ حَلَالٌ، وَالْحَرَامَ حَرَامٌ، فَالْمُحَرَّمُ هُوَ اللَّبَنُ لَا مَا خَالَطَهُ مِنْ حَرَامٍ أَوْ نَجِسٍ وَلِكُلِّ شَيْءٍ حُكْمُهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[30] **Qur’an references (L36157):** Qur’an 9:28 (At-Tawbah).
[31] **Qur’an references (L36160):** Qur’an 19:64 (Maryam).

each entity retains its distinct ruling. And success is attained only by Allah, the Most High.

L36163 The milk of a polytheist woman is indeed impure, as is she herself, due to her impure religion. If she were to embrace Islam, she would become entirely pure. Therefore, her breastfeeding is subject to the rulings of breastfeeding in prohibition, based on what we have mentioned—and success is from Allah, the Most High.

L36164 ****Issue:** Prohibition [in marital relations] is only established by five breastfeedings.**

L36165 2019 – Issue: Prohibition through breastfeeding is established only by five distinct sucklings, each separated from the others; or five separate single suckles; or five instances, each being either a single suckle or a full feeding, distinct and separate from one another. This applies if the single suckle suffices to alleviate hunger; otherwise, it is insignificant and establishes no prohibition.

L36166 This is a matter regarding which the Salaf differed - it has been reported from a group that prohibition is established only by ten instances of suckling, and no fewer than that.

L36167 As we have narrated through the chain of Malik from Nafi' that Salim ibn Abdullah ibn Umar informed him: Aisha, the wife of the Prophet (peace be upon him), sent him to her sister Umm Kulthum, daughter of Abu Bakr al-Siddiq, who was nursing. She said: "Suckle him ten times so he may enter my presence." Salim said: "She suckled me three times, then Umm Kulthum fell ill and did not nurse me. Thus I did not enter upon Aisha, Mother of the Believers, because Umm Kulthum had not completed ten sucklings for me."

L36168–36170 And via the chain of Mālik from Nāfi‘ from Ṣafiyyah bint Abī ‘Ubayd, that she informed him that Ḥafṣah Umm... Among the believers, [a woman] sent

وَلَبَنُ الْمُشْرِكَةِ إِنَّمَا يَنْجُسُ هُوَ وَهِيَ بِذَلِكَ؛ لِدِينِهَا النَّجِسِ، فَلَوْ أَسْلَمَتْ لَطَهُرَتْ كُلُّهَا، فَلِإِرْضَاعِهَا حُكْمُ الْإِرْضَاعِ فِي التَّحْرِيمِ؛ لِمَا ذَكَرْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا خَمْسُ رَضَعَاتٍ]

٢٠١٩ - مَسْأَلَةٌ: وَلَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا خَمْسُ رَضَعَاتٍ، تُقْطَعُ كُلُّ رَضْعَةٍ مِنْ الْأُخْرَى - أَوْ خَمْسُ مَصَّاتٍ مُفْتَرِقَاتٍ كَذَلِكَ - أَوْ خَمْسُ مَا بَيْنَ مَصَّةٍ وَرَضْعَةٍ، تُقْطَعُ كُلُّ وَاحِدَةٍ مِنْ الْأُخْرَى - هَذَا إِذَا كَانَتْ الْمَصَّةُ تُغْنِي شَيْئًا مِنْ دَفْعِ الْجُوعِ، وَإِلَّا فَلَيْسَتْ شَيْئًا وَلَا تُحَرِّمُ شَيْئًا.

وَهَذَا مَكَانٌ اخْتَلَفَ فِيهِ السَّلَفُ -: فَرُوِيَ عَنْ طَائِفَةٍ: أَنَّهُ لَا يُحَرِّمُ إِلَّا عَشْرُ رَضَعَاتٍ لَا أَقَلُّ مِنْ ذَلِكَ.

كَمَا رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ أَخْبَرَهُ أَنَّ عَائِشَةَ زَوْجَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْسَلَتْ بِهِ إِلَى أُمِّ كُلْثُومٍ أُخْتِهَا بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ وَهِيَ تُرْضِعُ فَقَالَتْ: أَرْضِعِيهِ عَشْرَ رَضَعَاتٍ حَتَّى يَدْخُلَ عَلَيَّ قَالَ سَالِمٌ: فَأَرْضَعَتْنِي ثَلَاثَ رَضَعَاتٍ، ثُمَّ مَرِضَتْ أُمُّ كُلْثُومٍ فَلَمْ تُرْضِعْنِي، فَلَمْ أَكُنْ أَدْخُلُ عَلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ مِنْ أَجْلِ أَنَّ أُمَّ كُلْثُومٍ لَمْ تُتِمَّ لِي عَشْرًا مِنْ الرَّضَعَاتِ.

Asim ibn Abdullah ibn Sa'd to her sister Fatimah bint Umar to nurse him ten times, so he could become her mahram (non-marriageable kin) while he was young. She did so, and he was thereafter permitted to be in her private company.

وَمِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ عَنْ صَفِيَّةَ بِنْتِ أَبِي عُبَيْدٍ أَنَّهَا أَخْبَرَتْهُ أَنَّ حَفْصَةَ أُمَّ الْمُؤْمِنِينَ أَرْسَلَتْ عَاصِمَ بْنَ عَبْدِ اللَّهِ بْنِ سَعْدٍ إِلَى أُخْتِهَا فَاطِمَةَ بِنْتِ عُمَرَ تُرْضِعُهُ عَشْرَ رَضَعَاتٍ لِيَدْخُلَ عَلَيْهَا - وَهُوَ صَغِيرٌ - فَفَعَلَتْ، فَكَانَ يَدْخُلُ عَلَيْهَا.

L36171 Abū Muḥammad said: ʿĀṣim ibn ʿAbd Allāh ibn Saʿd—client of ʿUmar ibn al-Khaṭṭāb—narrated to us: Aḥmad ibn Muḥammad al-Ṭalamankī → Ibn Mufarrij → Aḥmad ibn Firās → Muḥammad ibn ʿAlī ibn Yazīd → Saʿīd ibn Manṣūr → ʿAbd al-ʿAzīz ibn Muḥammad al-Darāwardī → Ibrāhīm ibn ʿUqbah, who said: I asked ʿUrwah ibn al-Zubayr about breastfeeding. He replied: ʿĀ'ishah held that fewer than ten breastfeedings had no legal effect; only ten or more [sessions] established milk kinship.

قَالَ أَبُو مُحَمَّدٍ: عَاصِمُ بْنُ عَبْدِ اللَّهِ بْنِ سَعْدٍ هَذَا هُوَ مَوْلَى عُمَرَ بْنِ الْخَطَّابِ -: ثنا أَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيُّ أَنَا ابْنُ مُفَرِّجٍ أَنَا أَحْمَدُ بْنُ فِرَاسٍ أَنَا مُحَمَّدُ بْنُ عَلِيِّ بْنِ يَزِيدَ أَنَا سَعِيدُ بْنُ مَنْصُورٍ أَنَا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ قَالَ: سَأَلْتُ عُرْوَةَ بْنَ الزُّبَيْرِ عَنْ الرَّضَاعِ فَقَالَ: كَانَتْ عَائِشَةُ لَا تَرَى شَيْئًا دُونَ عَشْرِ رَضَعَاتٍ فَصَاعِدًا.

L36172 This indicates that it is the juristic opinion of Urwah, for he responded with it to the one who sought his fatwā.

فَدَلَّ هَذَا عَلَى أَنَّهُ قَوْلُ عُرْوَةَ؛ لِأَنَّهُ أَجَابَ بِهِ الَّذِي اسْتَفْتَاهُ.

L36173 It has also been reported regarding seven breastfeedings: Ahmad ibn Qasim narrated to us, from his father Qasim ibn Muhammad ibn Qasim, from his grandfather Qasim ibn Asbagh, from Ahmad ibn Zuhayr ibn Harb, from Ubaydullah ibn Umar al-Qawariri, from Muadh ibn Hisham al-Dastuwa'i, who said: My father narrated to me from Qatadah, from Abu al-Khalil Salih ibn Abi Maryam, from Yusuf ibn Mahak, from Abdullah ibn al-Zubayr, from Aisha, the Mother of the Believers, that she said: "Only seven breastfeedings cause prohibition."

وَقَدْ رُوِيَ أَيْضًا: سَبْعَ رَضَعَاتٍ -: كَمَا حَدَّثَنَا أَحْمَدُ بْنُ قَاسِمٍ أَنَا أَبِي قَاسِمُ بْنُ مُحَمَّدِ بْنِ قَاسِمٍ أَنَا جَدِّي قَاسِمُ بْنُ أَصْبَغَ نا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ أَنَا عُبَيْدُ اللَّهِ بْنُ عُمَرَ الْقَوَارِيرِيُّ أَنَا مُعَاذُ بْنُ هِشَامٍ الدَّسْتُوَائِيُّ حَدَّثَنِي أَبِي عَنْ قَتَادَةَ عَنْ أَبِي الْخَلِيلِ صَالِحِ بْنِ أَبِي مَرْيَمَ عَنْ يُوسُفَ بْنِ مَاهَكَ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ: إِنَّمَا يُحَرِّمُ مِنْ الرَّضَاعِ سَبْعُ رَضَعَاتٍ.

L36174 Abu Muhammad said: "The first from her is more authentic, and this has been narrated by one more precise in memorization than Abi al-Khalil and than Yusuf ibn Māhak."

قَالَ أَبُو مُحَمَّدٍ: الْأَوَّلُ عَنْهَا أَصَحُّ، وَهَذَا قَدْ رَوَاهُ مَنْ هُوَ أَحْفَظُ مِنْ أَبِي الْخَلِيلِ، وَمِنْ يُوسُفَ بْنِ مَاهَكَ.

L36175 As we have narrated through the chain of ʿAbd al-Razzāq from Maʿmar from Ibrāhīm ibn ʿUqbah that he asked ʿUrwah ibn al-Zubayr about a child who drank a small amount of a woman's milk. ʿUrwah replied: "'Ā'ishah used to say, 'It does not cause prohibition with fewer than seven or five breastfeed-

ings.' And a scholarly faction maintained the opinion of five breastfeedings, as we ourselves have stated."

كَمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ إبْرَاهِيمَ بْنِ عُقْبَةَ أَنَّهُ سَأَلَ عُرْوَةَ بْنَ الزُّبَيْرِ عَنْ صَبِيٍّ شَرِبَ قَلِيلًا مِنْ لَبَنِ امْرَأَةٍ فَقَالَ لَهُ عُرْوَةُ: كَانَتْ عَائِشَةُ تَقُولُ: لَا تُحَرِّمُ دُونَ سَبْعِ رَضَعَاتٍ أَوْ خَمْسٍ، وَطَائِفَةٌ قَالَتْ: بِخَمْسِ رَضَعَاتٍ كَمَا قُلْنَا نَحْنُ.

L36176–36178 As it has been narrated to us through the chain of Abd al-Razzaq from Ma'mar from al-Zuhri from Urwah ibn al-Zubayr from Aisha, the Mother of the Believers—may Allah be pleased with her—that she said: "Prohibition [of marriage] is not established by fewer than five distinct breastfeedings." Abu Muhammad said: "This is based on her adopting ten breastfeedings as the standard for herself and five for others." Muhammad ibn Sa'id ibn Nubat → Ahmad ibn Abd al-Basir → Qasim ibn Asbagh → Muhammad ibn Abd al-Salam al-Khushani → Muhammad ibn al-Muthanna → Muhammad ibn Abi Adi from... Hanzalah ibn Abi Sufyan al-Jumahi reported from Salim ibn Abdullah ibn Umar from Zayd ibn Thabit, who said: One breastfeeding, two breastfeedings, or three breastfeedings do not result in the prohibition of marriage...

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - أَنَّهَا قَالَتْ: لَا تُحَرِّمُ دُونَ خَمْسِ رَضَعَاتٍ مَعْلُومَاتٍ. قَالَ أَبُو مُحَمَّدٍ: هَذَا يَخْرُجُ عَلَى أَنَّهَا كَمَا كَانَتْ تَأْخُذُ لِنَفْسِهَا بِعَشْرِ رَضَعَاتٍ، وَلِغَيْرِهَا بِخَمْسِ رَضَعَاتٍ -: أَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ أَنَا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ أَنَا قَاسِمُ بْنُ أَصْبَغَ أَنَا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ أَنَا مُحَمَّدُ بْنُ الْمُثَنَّى أَنَا مُحَمَّدُ بْنُ أَبِي عَدِيٍّ عَنْ حَنْظَلَةَ بْنِ أَبِي سُفْيَانَ الْجُمَحِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ زَيْدِ بْنِ ثَابِتٍ قَالَ: لَا تُحَرِّمُ الرَّضْعَةُ وَالرَّضْعَتَانِ وَالثَّلَاثُ -

L36179 And it is the opinion of al-Shāfiʿī and his companions.

وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَصْحَابِهِ.

L36180 A group held that fewer than three sucklings do not establish prohibition—this is the view of Sulaymān ibn Yasār, Saʿīd ibn Jubayr, Aḥmad ibn Ḥanbal, Isḥāq ibn Rāhawayh, Abū ʿUbayd, Abū Thawr, Ibn al-Mundhir, Abū Sulaymān, and all the scholars of our school.

وَطَائِفَةٌ قَالَتْ: لَا يُحَرِّمُ أَقَلُّ مِنْ ثَلَاثِ رَضَعَاتٍ - وَهُوَ قَوْلُ سُلَيْمَانَ بْنِ يَسَارٍ، وَسَعِيدِ بْنِ جُبَيْرٍ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَإِسْحَاقَ بْنِ رَاهْوَيْهِ، وَأَبِي عُبَيْدٍ، وَأَبِي ثَوْرٍ، وَابْنِ الْمُنْذِرِ، وَأَبِي سُلَيْمَانَ، وَجَمِيعِ أَصْحَابِنَا.

L36181 Some people held the view that this ruling encompasses what we transmitted through the isnād of Ahmad ibn Shu'ayb: From Ahmad ibn Harb al-Mawlā, from Abū Mu'āwiyah al-Ḍarīr, from Hishām ibn 'Urwah, from his father, from 'Ā'ishah the Mother of the Believers and 'Abdullāh ibn al-Zubayr - both jointly stated: "One suckling act does not establish prohibition, nor do two suckling acts."

وَظَنَّ قَوْمٌ أَنَّهُ يَدْخُلُ فِي هَذَا الْقَوْلِ مَا رُوِّينَاهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا أَحْمَدُ بْنُ حَرْبٍ الْمَوْلَى أَنَا أَبُو مُعَاوِيَةَ الضَّرِيرُ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، وَعَبْدِ اللَّهِ بْنِ الزُّبَيْرِ، قَالَا جَمِيعًا: لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ.

L36182 And from the transmission of Saʿīd ibn Manṣūr: ʿAbd al-ʿAzīz ibn Muḥam-

mad al-Darāwardī narrated to us from Ibrāhīm ibn ʿUqbah, who said: I asked Saʿīd ibn al-Musayyab about breastfeeding? He replied: I do not say as ibn ʿAbbās and ibn al-Zubayr say. They both used to say: Neither a single suckle nor two suckles establish prohibition.

وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ ثنا عَبْدُ الْعَزِيزِ بْنُ مُحَمَّدٍ الدَّرَاوَرْدِيُّ عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ قَالَ: سَأَلْت سَعِيدَ بْنَ الْمُسَيِّبِ عَنْ الرَّضَاعِ؟ فَقَالَ: لَا أَقُولُ كَمَا يَقُولُ ابْنُ عَبَّاسٍ، وَابْنُ الزُّبَيْرِ، كَانَا يَقُولَانِ: لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ.

L36183 Abū Muḥammad said: None of this indicates that they ever practiced finalizing divorce through three declarations.

قَالَ أَبُو مُحَمَّدٍ: كُلُّ هَذَا لَيْسَ فِيهِ بَيَانٌ أَنَّهُمْ كَانُوا يُحَرِّمُونَ بِالثَّلَاثِ.

L36184 A group said: Suckling does not establish prohibition except what stimulates the bowels and sustains the body's growth—as we have narrated through the chain of Aḥmad ibn Shuʿayb. ʿAbd al-Wārith ibn ʿAbd al-Ṣamad ibn ʿAbd al-Wārith ibn Saʿīd al-Tannūrī reported to us, through his father ʿAbd al-Wārith, who narrated from Ḥusayn the Teacher, who narrated from Makhūl via ʿUrwah ibn al-Zubayr, from ʿĀ'ishah, the Mother of the Believers, who said: "There is no harm in a single suckling instance or two. Prohibition arises only from suckling that stimulates the bowels."

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إلَّا مَا فَتَقَ الْأَمْعَاءَ، وَأَخْصَبَ الْجِسْمَ -: كَمَا رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ: أرنا عَبْدُ الْوَارِثِ بْنُ عَبْدِ الصَّمَدِ بْنِ عَبْدِ الْوَارِثِ بْنِ سَعِيدٍ التَّنُّورِيُّ، حَدَّثَنِي أَبِي - يَعْنِي عَبْدَ الْوَارِثِ - أَنَا حُسَيْنٌ - هُوَ الْمُعَلِّمُ - أَنَا مَكْحُولٌ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: لَيْسَ بِالْمَصَّةِ وَلَا بِالْمَصَّتَيْنِ بَأْسٌ، إنَّمَا الرَّضَاعُ مَا فَتَقَ الْأَمْعَاءَ.

L36185 And through the chain of ʿAbd al-Razzāq who said: I [heard] from Ibn Jurayj, from Thawr - he is Abū Zayd - from ʿAmr ibn Shuʿayb, that Sufyān ibn ʿAbd Allāh wrote to ʿUmar ibn al-Khaṭṭāb asking: "What causes prohibition through breastfeeding?" He wrote to him that the following do not cause prohibition: ḍirār, ʿufāfah, and maljah.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ عَنْ ثَوْرٍ - هُوَ أَبُو زَيْدٍ - عَنْ عَمْرِو بْنِ شُعَيْبٍ أَنَّ سُفْيَانَ بْنَ عَبْدِ اللَّهِ كَتَبَ إلَى عُمَرَ بْنِ الْخَطَّابِ يَسْأَلُهُ: مَا يُحَرِّمُ مِنْ الرَّضَاعِ؟ فَكَتَبَ إلَيْهِ أَنَّهُ لَا يُحَرِّمُ مِنْهَا: الضِّرَارُ، وَالْعُفَافَةُ وَالْمَلْجَةُ.

L36186 It is impermissible [ḍirār] for a woman to breastfeed two children in order to establish a mahram relationship (prohibiting marriage) between them.

وَالضِّرَارُ - أَنْ تُرْضِعَ الْمَرْأَةُ الْوَلَدَيْنِ كَيْ تُحَرِّمَ بَيْنَهُمَا.

L36187 Al-ʿUfāfah—the small thing of milk remaining in the breast after weaning.

وَالْعُفَافَةُ - الشَّيْءُ الْيَسِيرُ الَّذِي يَبْقَى فِي الثَّدْيِ.

L36188 Al-Muljah is a woman's act of stealthily taking another's child and placing him at her breast to suckle.

وَالْمُلْجَةُ - اخْتِلَاسُ الْمَرْأَةِ وَلَدَ غَيْرِهَا فَتُلْقِمُهُ ثَدْيَهَا.

L36189–36191 Ibn Jurayj said, "Muhammad ibn 'Ajlan reported to me that 'Umar ibn al-Khattab brought a young servant." They intended to arrange a marriage between a young girl and a man when they already knew that a woman had breastfed one of them. Umar said to her, "How did you breastfeed the other?" She replied, "I passed by him while he was crying, so I breastfed him," or she

قَالَ ابْنُ جُرَيْجٍ: وَأَخْبَرَنِي مُحَمَّدُ بْنُ عَجْلَانَ أَنَّ عُمَرَ بْنَ الْخَطَّابِ أُتِيَ بِغُلَامٍ وَجَارِيَةٍ - أَرَادُوا أَنْ يُنَاكِحُوا بَيْنَهُمَا - قَدْ عَلِمُوا أَنَّ امْرَأَةً أَرْضَعَتْ أَحَدَهُمَا؟ فَقَالَ لَهَا عُمَرُ: كَيْفَ أَرْضَعْتِ

said, “I breastfed him.” Umar then declared, “Proceed with their marriage, for breastfeeding is the kinship-establishing act.”

الْآخَرَ؟ قَالَتْ: مَرَرْتُ بِهِ وَهُوَ يَبْكِي فَأَرْضَعَتْهُ أَوْ قَالَتْ: فَأَمْصَصْتُهُ، فَقَالَ عُمَرُ: نَاكِحُوا بَيْنَهُمَا، فَإِنَّمَا الرَّضَاعَةُ الْخَصَابَةُ.

L36192 From the chain of Abd al-Razzaq: Ma’mar and Ibn Jurayj both narrated from Hisham ibn Urwah ibn al-Zubayr, from his father, from al-Hajjaj ibn al-Hajjaj al-Aslami - that he sought a legal ruling from Abu Hurayrah. Abu Hurayrah said: “Nothing establishes prohibition except what splits the intestines” - meaning in the context of breastfeeding.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا مَعْمَرٌ، وَابْنُ جُرَيْجٍ، قَالَا جَمِيعًا: أَنَا هِشَامُ بْنُ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ أَبِيهِ عَنْ الْحَجَّاجِ بْنِ الْحَجَّاجِ الْأَسْلَمِيِّ: أَنَّهُ اسْتَفْتَى أَبَا هُرَيْرَةَ؟ فَقَالَ لَهُ أَبُو هُرَيْرَةَ: لَا يُحَرِّمُ إلَّا مَا فَتَقَ الْأَمْعَاءَ - يَعْنِي مِنْ الرَّضَاعِ.

L36193 And through the narration of Waki‘ from Ismā‘īl ibn Abī Khālid from Abū ‘Amr al-Shaybānī from ‘Abdullāh ibn Mas‘ūd, who said: “Breastfeeding does not establish prohibition except for that which produces flesh and strengthens the bone”—and this is the opinion adopted.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ إسْمَاعِيلَ بْنِ أَبِي خَالِدٍ عَنْ أَبِي عَمْرٍو الشَّيْبَانِيِّ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إلَّا مَا أَنْبَتَ اللَّحْمَ وَأَنْشَزَ الْعَظْمَ - وَبِهِ يُؤْخَذُ.

L36194 Abū Muḥammad said: The wording of the hadith is as follows—from Muḥammad ibn Sa‘īd ibn Nubāt, from Aḥmad ibn ‘Abd al-Baṣīr, from Qāsim ibn Aṣbagh, from Muḥammad ibn ‘Abd al-Salām al-Khushanī, from Muḥammad ibn al-Muthannā, from ‘Abd al-Raḥmān ibn Mahdī, from Sufyān al-Thawrī, from Abū Ḥuṣayn, from Abū ‘Aṭiyyah al-Wādi‘ī: Ibn Mas‘ūd stated, “Suckling that establishes kinship is only what nourishes the growth of flesh and bone.” When this reached Abū Mūsā al-Ash‘arī, he said, “Do not ask me about anything so long as this scholar remains present among you.”

قَالَ أَبُو مُحَمَّد: هَكَذَا نَصَّ الْحَدِيثُ -: أَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نُبَاتٍ أَنَا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ أَنَا قَاسِمُ بْنُ أَصْبَغَ أَنَا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ أَنَا مُحَمَّدُ بْنُ الْمُثَنَّى أَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ أَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي حُصَيْنٍ عَنْ أَبِي عَطِيَّةَ الْوَادِعِيِّ: أَنَّ ابْنَ مَسْعُودٍ قَالَ: إنَّمَا الرَّضَاعُ مَا أَنْبَتَ اللَّحْمَ وَالْعَظْمَ، فَبَلَغَ ذَلِكَ أَبَا مُوسَى الْأَشْعَرِيَّ فَقَالَ: لَا تَسْأَلُونِي عَنْ شَيْءٍ مَا دَامَ هَذَا الْحَبْرُ بَيْنَ أَظْهُرِكُمْ.

L36195 Through the transmission of Mālik from Yaḥyā ibn Sa‘īd al-Anṣārī: that he heard Sa‘īd ibn al-Musayyab say: There is no breastfeeding except that which brings about the growth of flesh and blood.

وَمِنْ طَرِيقِ مَالِكٍ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ: أَنَّهُ سَمِعَ سَعِيدَ بْنَ الْمُسَيِّبِ يَقُولُ: لَا رَضَاعَ إلَّا مَا أَنْبَتَ اللَّحْمَ وَالدَّمَ.

L36196 A group of scholars maintained that prohibition applies concerning any amount, whether small or large—even a drop—. This has been authentically reported from Ibn ‘Umar and Ibn ‘Abbās in one of his two opinions.

وَذَهَبَتْ طَائِفَةٌ إلَى التَّحْرِيمِ بِمَا قَلَّ أَوْ كَثُرَ - وَلَوْ بِقَطْرَةٍ - صَحَّ ذَلِكَ عَنْ ابْنِ عُمَرَ، وَعَنْ ابْنِ عَبَّاسٍ فِي أَحَدِ قَوْلَيْهِ -.

L36197 It has been narrated from Ali ibn Abi Talib and Ibn Mas’ud through a chain with a missing link that does not reach them.

وَرُوِيَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، وَابْنِ مَسْعُودٍ مُنْقَطِعًا دُونَهُمَا.

L36198 And likewise also from Jābir ibn ‘Abdullāh.

وَعَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ كَذَلِكَ أَيْضًا.

L36199 It has been validated from Saʿīd ibn al-Musayyib in one of his two positions.

وَصَحَّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ فِي أَحَدِ قَوْلَيْهِ.

L36200 And it has also been established from ʿAṭāʾ, ʿUrwah, and Ṭāwūs.

وَصَحَّ أَيْضًا عَنْ عَطَاءٍ، وَعُرْوَةَ، وَطَاوُسٍ.

L36201 It has been narrated from Al-Ḥasan, Al-Zuhrī, Makhūl, Qatādah, Rabīʿah, Al-Qāsim, Sālim, and Qabīṣah ibn Dhuʾayb.

وَرُوِيَ عَنْ الْحَسَنِ، وَالزُّهْرِيِّ، وَمَكْحُولٍ، وَقَتَادَةَ، وَرَبِيعَةَ وَالْقَاسِمِ، وَسَالِمٍ، وَقَبِيصَةَ بْنِ ذُؤَيْبٍ.

L36202 This is the opinion of Abū Ḥanīfah, Mālik, al-Awzāʿī, al-Layth ibn Saʿd, and Sufyān al-Thawrī.

وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالْأَوْزَاعِيِّ، وَاللَّيْثِ بْنِ سَعْدٍ، وَسُفْيَانَ الثَّوْرِيِّ.

L36203–36204 We therefore examined the evidence cited by those who hold the opinion of seven sucklings but found no valid basis for this view, so it is dismissed.

فَنَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ ذَهَبَ إلَى سَبْعِ رَضَعَاتٍ، فَلَمْ نَجِدْ لِهَذَا الْقَوْلِ مُتَعَلَّقًا، فَسَقَطَ.

L36205 Then we examined the evidence cited by those who hold the opinion of ten breastfeedings, and found them referencing the document sent to Abū al-Murājjā ʿAlī ibn ʿAbdullāh ibn Zarwāz: I am Abū al-Ḥasan Muḥammad ibn Ḥamzah al-Raḥabī, I am Abū Muslim al-Kātib, I am Abū al-Ḥasan ʿAbdullāh ibn Aḥmad ibn al-Mughallis. ʿAbdullāh ibn Aḥmad ibn Ḥanbal said: I am my father. I am Yaʿqūb ibn Ibrāhīm al-Zuhrī, I am Ubayy—who is Ibrāhīm ibn Saʿd—from Ibn Isḥāq. He said: I am al-Zuhrī from ʿUrwah from ʿĀʾishah, Mother of the Believers, that Sahlah bint Suhayl came to the Prophet—peace and blessings of Allah be upon him—and said: "Salim was among us as you know—we counted him as a son. He used to enter upon me. But when Allah—Exalted and Majestic—revealed concerning him and his similars, I noticed disapproval on Abū Ḥudhayfah's face when he saw him entering upon me." The Prophet said: "Breastfeed him ten breastfeedings, then let him enter upon you as he wishes, for he is indeed your son."

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ ذَهَبَ إلَى عَشْرِ رَضَعَاتٍ فَوَجَدْنَاهُمْ يَذْكُرُونَ مَا كُتِبَ بِهِ إلَى أَبُو الْمُرَجَّى عَلِيُّ بْنُ عَبْدِ اللَّهِ بْنِ زَرْوَازٍ: أَنَا أَبُو الْحَسَنِ مُحَمَّدُ بْنُ حَمْزَةَ الرَّحَبِيُّ أَنَا أَبُو مُسْلِمٍ الْكَاتِبُ أَنَا أَبُو الْحَسَنِ عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ الْمُغَلِّسِ قَالَ أَنَا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: أَنَا أَبِي أَنَا يَعْقُوبُ بْنُ إبْرَاهِيمَ الزُّهْرِيُّ أَنَا أُبَيٌّ - هُوَ إبْرَاهِيمُ بْنُ سَعْدٍ - عَنْ ابْنِ إسْحَاقَ قَالَ: أَنَا الزُّهْرِيُّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّ سَهْلَةَ بِنْتَ سُهَيْلٍ أَتَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ لَهُ: إنَّ سَالِمًا كَانَ مِنَّا حَيْثُ عَلِمْت كُنَّا نَعُدُّهُ وَلَدًا، وَكَانَ يَدْخُلُ عَلَيَّ، فَلَمَّا أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ فِيهِ وَفِي أَشْبَاهِهِ: أَنْكَرْتُ وَجْهَ أَبِي حُذَيْفَةَ، إذْ رَآهُ يَدْخُلُ عَلَيَّ قَالَ: فَأَرْضِعِيهِ عَشْرَ رَضَعَاتٍ ثُمَّ لِيَدْخُلْ عَلَيْك كَيْفَ شَاءَ، فَإِنَّمَا هُوَ ابْنُك.

L36206 Abu Muhammad said: This is a sound chain of transmission, but it necessarily falls into one of two interpretations—there being no third possibility.

L36207 One of the two possibilities is that Ibn Isḥāq erred in this matter, for this

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا إسْنَادٌ صَحِيحٌ، إلَّا أَنَّهُ لَا يَخْلُو مِنْ أَحَدِ وَجْهَيْنِ لَا ثَالِثَ لَهُمَا -:

report has been narrated from al-Zuhrī by someone more reliable in memorization than Ibn Isḥāq—namely Ibn Jurayj—who stated in it: "Breastfeed him five times," as we will present later, if God the Majestic and Almighty wills.

أَحَدُهُمَا - أَنْ يَكُونَ ابْنُ إِسْحَاقَ وَهِمَ فِيهِ، لِأَنَّهُ قَدْ رَوَى هَذَا الْخَبَرَ عَنِ الزُّهْرِيِّ مَنْ هُوَ أَحْفَظُ مِنِ ابْنِ إِسْحَاقَ - وَهُوَ ابْنُ جُرَيْجٍ - فَقَالَ فِيهِ: أَرْضِعِيهِ خَمْسَ رَضَعَاتٍ - عَلَى مَا نُورِدُهُ بَعْدَ هَذَا إِنْ شَاءَ عَزَّ وَجَلَّ.

L36208 Or it is preserved, such that the narration of Ibn Isḥāq is authentic and the narration of Ibn Jurayj is authentic, thus constituting two reports. If that is the case, then the ten acts of suckling are abrogated, as we will mention after this (if Allah, the Exalted, wills), which has invalidated this report, since it must necessarily be either a mistake or abrogated—one of the two is unavoidable.

أَوْ يَكُونُ مَحْفُوظًا فَتَكُونُ رِوَايَةُ ابْنِ إِسْحَاقَ صَحِيحَةً وَرِوَايَةُ ابْنِ جُرَيْجٍ صَحِيحَةً فَيَكُونَانِ خَبَرَيْنِ اثْنَيْنِ، فَإِذَا كَانَ ذَلِكَ، فَالْعَشْرُ الرَّضَعَاتُ مَنْسُوخَاتٌ عَلَى مَا نُورِدُ بَعْدَ هَذَا - إِنْ شَاءَ اللَّهُ تَعَالَى - فَسَقَطَ هَذَا الْخَبَرُ، إِذْ لَا يَخْلُو ضَرُورَةً مِنْ أَنْ يَكُونَ وَهْمًا، أَوْ مَنْسُوخًا، لَا بُدَّ مِنْ أَحَدِهِمَا.

L36209 Then we examined the evidence cited by those who prohibit based on three breastfeedings (and not fewer), and found them invoking the well-known report transmitted through various chains of narration.

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ حَرَّمَ بِثَلَاثِ رَضَعَاتٍ لَا بِأَقَلَّ فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِالْخَبَرِ الْمَشْهُورِ مِنْ طُرُقٍ شَتَّى.

L36210–36211 Among them is what we have narrated through the chain of Muslim: Narrated by Muhammad ibn Abdullah ibn Numayr, narrated by Isma'il ibn Ibrahim - that is, Ibn Ulayyah - narrated by Ayyub al-Sikhtiyani, narrated by Ibn Abi Mulaykah, narrated by Abdullah ibn al-Zubayr, narrated by Aishah, the Mother of the Believers, who said: The Messenger of Allah (peace and blessings of Allah be upon him) said: "Neither one suckle nor two make (a relationship) prohibited."

مِنْهَا - مَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ نُمَيْرٍ أَنَا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ - هُوَ ابْنُ عُلَيَّةَ - عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنِ ابْنِ أَبِي مُلَيْكَةَ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ» .

L36212 Similarly, the students of Shu'bah narrated from Shu'bah, from Ayyub al-Sakhtiyānī, from Ibn Abi Mulaykah, from 'Ā'ishah, the Mother of the Believers, from the Prophet, the Messenger of Allah (peace be upon him), who said: "Neither one nor two instances of suckling establish prohibition."

وَهَكَذَا رَوَاهُ أَصْحَابُ شُعْبَةَ عَنْ شُعْبَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنِ ابْنِ أَبِي مُلَيْكَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ» .

L36213 Abu Muhammad said: Ibn Abi Mulaykah met the Mother of the Believers and heard [the narration] from her, as well as from Ibn al-Zubayr—who reported it on her authority. He transmitted it in the same manner, for he was trustworthy, reliable, and renowned.

قَالَ أَبُو مُحَمَّدٍ: ابْنُ أَبِي مُلَيْكَةَ أَدْرَكَ أُمَّ الْمُؤْمِنِينَ فَسَمِعَهُ مِنْهَا، وَمِنِ ابْنِ الزُّبَيْرِ عَنْهَا، فَحَدَّثَ بِهِ كَذَلِكَ، وَهُوَ الثِّقَةُ الْمَأْمُونُ الْمَشْهُورُ.

وَمِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ بَزِيعٍ أَنَا يَزِيدُ - هُوَ ابْنُ زُرَيْعٍ - أَنَا سَعِيدٌ - هُوَ ابْنُ أَبِي عَرُوبَةَ - عَنْ قَتَادَةَ قَالَ: كَتَبْنَا إِلَى إِبْرَاهِيمَ النَّخَعِيِّ نَسْأَلُهُ عَنْ الرَّضَاعِ؟ فَكَتَبَ: إِنَّ أَبَا الشَّعْثَاءِ الْمُحَارِبِيَّ حَدَّثَنَا أَنَّ عَائِشَةَ أُمَّ الْمُؤْمِنِينَ حَدَّثَتْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَقُولُ: «لَا تُحَرِّمُ الْخَطْفَةُ وَلَا الْخَطْفَتَانِ» .

L36214 From the chain of Aḥmad ibn Shuʿayb: Muḥammad ibn ʿAbdillāh ibn Bazīʿ, from Yazīd—that is, Ibn Zuraʿ—from Saʿīd—that is, Ibn Abī ʿArūbah—from Qatādah, who said: We wrote to Ibrāhīm al-Nakhaʿī inquiring about breast-feeding. He wrote: Abū al-Shaʿthāʾ al-Muḥāribī narrated to us that ʿĀʾishah, the Mother of the Believers, reported to him that the Messenger of Allah—peace and blessings be upon him—used to say: “Neither a single suckle nor two establish prohibition.”

وَمِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَخْبَرَنِي عُبَيْدُ اللَّهِ بْنُ فَضَالَةَ بْنِ إِبْرَاهِيمَ النَّسَائِيّ أَنَا مُسْلِمُ بْنُ إِبْرَاهِيمَ أَنَا مُحَمَّدُ بْنُ دِينَارٍ أَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ أَبِيهِ عَنْ ابْنِ الزُّبَيْرِ عَنْ الزُّبَيْرِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ وَلَا الْإِمْلَاجَةُ وَلَا الْإِمْلَاجَتَانِ» .

L36215 From the path of Ahmad ibn Shu’ayb, who informed me: Ubayd Allah ibn Fadalah ibn Ibrahim al-Nasa’i → Muslim ibn Ibrahim → Muhammad ibn Dinar → Hisham ibn Urwah → his father → Ibn al-Zubayr → al-Zubayr → the Prophet, peace and blessings of Allah be upon him, who said: “A single instance of suckling does not establish a prohibition, nor do two instances; nor does a single drawing of milk establish a prohibition, nor do two instances.”

وَمِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَخْبَرَنِي شُعَيْبُ بْنُ يُوسُفَ النَّسَائِيّ عَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ هِشَامِ بْنِ عُرْوَةَ أَخْبَرَنِي أُبَيٌّ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ» .

L36216 And through the chain of Aḥmad ibn Shuʿayb: Shuʿayb ibn Yūsuf al-Nasāʾī narrated to me from Yaḥyā ibn Saʿīd al-Qaṭṭān from Hishām ibn ʿUrwah, who reported from Ubayy, from ʿAbdullāh ibn al-Zubayr, from the Prophet—peace and blessings of Allah be upon him—: “A single suckling does not make unlawful, nor do two sucklings.”

قَالَ أَبُو مُحَمَّد: ابْنُ الزُّبَيْرِ سَمِعَ أَبَاهُ، وَخَالَتَهُ أُمَّ الْمُؤْمِنِينَ، فَرَوَاهُ عَنْ كُلِّ وَاحِدٍ مِنْهُمَا، وَلَهُ أَيْضًا صُحْبَةٌ، وَإِلَّا فَلْيُخْبِرْنَا الْمُقْدِمُ عَلَى نَصْرِ الْبَاطِلِ، وَدَفْعِ الْحَقِّ، وَمُؤْثِرُ رَأْيِهِ عَلَى مَا ثَبَتَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - مَنْ يَتَّهِمُ مِنْ رُوَاةِ هَذِهِ الْأَخْبَارِ؟ .

L36217–36219 Abu Muhammad said: Ibn al-Zubayr heard his father and his maternal aunt, the Mother of the Believers, and transmitted from each of them. He was also a Companion. If not, then let the one who dares to support falsehood, suppress the truth, and give precedence inform us. His opinion rests on what is authentically transmitted from the Messenger of Allah—peace and blessings be upon him and his family—: who accuses among the narrators of these narrations?

وَقَدْ صَحَّ أَيْضًا: مِنْ طَرِيقِ أَبِي هُرَيْرَةَ، كَمَا رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ مَنْصُورٍ الطُّوسِيُّ أَنَا يَعْقُوبُ هُوَ ابْنُ إِبْرَاهِيمَ بْنِ سَعْدٍ - أَنَا أَبِي عَنْ مُحَمَّدِ بْنِ إِسْحَاقَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ الزُّبَيْرِ عَنْ الْحَجَّاجِ بْنِ الْحَجَّاجِ الْأَسْلَمِيِّ عَنْ أَبِي

L36220 It has also been authentically established through the chain of Abū Hurayrah—as narrated to us via Aḥmad ibn Shuʿayb: Muḥammad ibn Manṣūr al-Ṭūsī → Yaʿqūb—that is, the son of Ibrāhīm ibn Saʿd—→ his father → Muḥammad ibn Isḥāq → Hishām ibn ʿUrwah → his father → ʿAbdullāh ibn al-Zubayr → al-Ḥajjāj ibn al-Ḥajjāj al-Aslamī → Abū Hurayrah—who said: The Messenger of Allāh—peace and blessings be upon him—said: “Neither

a single instance of suckling nor two instances of suckling cause prohibition through breastfeeding. Nothing causes prohibition except that which nourishes the intestines from the milk."

هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تُحَرِّمُ مِنْ الرَّضَاعِ الْمَصَّةُ وَلَا الْمَصَّتَانِ وَلَا يُحَرِّمُ مِنْهُ إِلَّا مَا فَتَقَ الْأَمْعَاءَ مِنْ اللَّبَنِ» .

L36221 It has also been authenticated through the chain of Umm al-Faḍl, mother of ʿAbd Allāh ibn al-ʿAbbās - as we were narrated via Muslim's chain: I am Isḥāq (Ibn Rāhwayh), Yaḥyā ibn Yaḥyā, and ʿAmr al-Nāqid (the Evaluator), all transmitting from al-Muʿtamir ibn Sulaymān al-Taymī. The wording is from Yaḥyā, who reported: Al-Muʿtamir ibn Sulaymān said: "I transmit from Ayyūb al-Sikhtiyānī, from Abū al-Khalīl Ṣāliḥ ibn Abī Maryam, from ʿAbd Allāh ibn al-Ḥārith ibn Nawfal ibn al-Ḥārith ibn ʿAbd al-Muṭṭalib, from Umm al-Faḍl, that the Messenger of Allāh, peace and blessings of Allāh be upon him, said: 'A single suckle or two do not establish prohibition.'"

وَصَحَّ أَيْضًا مِنْ طَرِيقِ أُمِّ الْفَضْلِ أُمِّ عَبْدِ اللَّهِ بْنِ الْعَبَّاسِ -: كَمَا رُوِّينَا مِنْ طَرِيقِ مُسْلِمٍ أَنَا إِسْحَاقُ - هُوَ ابْنُ رَاهْوَيْهِ - وَيَحْيَى بْنُ يَحْيَى، وَعَمْرٌو النَّاقِدُ كُلُّهُمْ عَنْ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ - وَاللَّفْظُ لِيَحْيَى - قَالَ: أَنَا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ عَنْ أَيُّوبَ - هُوَ السِّخْتِيَانِيُّ - عَنْ أَبِي الْخَلِيلِ - هُوَ صَالِحُ بْنُ أَبِي مَرْيَمَ - عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ - هُوَ ابْنُ نَوْفَلِ بْنِ الْحَارِثِ بْنِ عَبْدِ الْمُطَّلِبِ - عَنْ أُمِّ الْفَضْلِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَلَا الْإِمْلَاجَتَانِ» .

L36222 And through the chain of Imam Muslim: from Abu Bakr ibn Abi Shaybah, from Abdah ibn Sulayman, from Sa'id ibn Abi Arubah, from Qatadah, from Abi al-Khalil, from Abdullah ibn al-Harith, that Umm al-Fadl narrated to him that the Messenger of Allah (may Allah bless him and grant him peace) said: "Neither one nor two instances of breastfeeding, nor one nor two instances of suckling, result in prohibition."

وَمِنْ طَرِيقِ مُسْلِمٍ أَنَا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ عَنْ عَبْدَةَ بْنِ سُلَيْمَانَ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ أَبِي الْخَلِيلِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ أَنَّ أُمَّ الْفَضْلِ حَدَّثَتْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تُحَرِّمُ الرَّضْعَةُ وَلَا الرَّضْعَتَانِ، وَلَا الْمَصَّةُ وَلَا الْمَصَّتَانِ» .

L36223 We have also narrated it through the chain of Muslim: Ibn Abī ʿUmar → Bishr ibn as-Sarī → Ḥammād ibn Abī Salamah → Qatādah → Abū al-Khalīl aḍ-Ḍuʿabī → ʿAbdullāh ibn al-Ḥārith ibn Nawfal → Umm al-Faḍl that the Messenger of God - may God bless him and his family and grant him peace - said: "A single instance of suckling does not make it unlawful, nor do two instances of suckling."

وَرُوِّينَاهُ أَيْضًا - مِنْ طَرِيقِ مُسْلِمٍ أَنَا ابْنُ أَبِي عُمَرَ أَنَا بِشْرُ بْنُ السَّرِيِّ أَنَا حَمَّادُ بْنُ أَبِي سَلَمَةَ عَنْ قَتَادَةَ عَنْ أَبِي الْخَلِيلِ الضُّبَعِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ عَنْ أُمِّ الْفَضْلِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَلَا الْإِمْلَاجَتَانِ» .

L36224–36226 Ḥumām ibn Aḥmad said: I am ʿAbbās ibn Aṣbagh; I am Muḥammad ibn ʿAbd al-Malik ibn Ayman; I am Jaʿfar ibn Muḥammad aṣṢā'igh; I am ʿAffān ibn Muslim Wuhaib ibn Khalid narrated from Ayyub al-Sakhtiyānī, from Salih Abu al-Khalil al-Duba'i, from Abdullah ibn al-Harith, from Umm al-

وَنَاهُ حُمَامُ بْنُ أَحْمَدَ أَنَا عَبَّاسُ بْنُ أَصْبَغَ أَنَا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ أَنَا جَعْفَرُ بْنُ مُحَمَّدٍ الصَّائِغُ أَنَا عَفَّانُ بْنُ مُسْلِمٍ أَنَا وُهَيْبُ بْنُ خَالِدٍ أَنَا أَيُّوبُ السِّخْتِيَانِيُّ عَنْ صَالِحٍ

Fadl, that the Messenger of Allah (peace and blessings be upon him) said: “Neither one suckle nor two suckles make marriage unlawful.”

أَبِي الْخَلِيلِ الضُّبَعِيِّ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ عَنْ أُمِّ الْفَضْلِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا تُحَرِّمُ الْإِمْلَاجَةُ وَلَا الْإِمْلَاجَتَانِ» .

L36227 They said: These are authentic narrations reported by Umm al-Mu’minīn, Umm al-Faḍl, al-Zubayr, Abū Hurayrah, and Ibn al-Zubayr—all of them from the Messenger of Allah, peace and blessings be upon him—attaining the status of recurrent transmission. They said: Thus, it is excepted from the generality of the verse of Allah, the Exalted and Majestic: “And your mothers who breastfed you and your sisters through breastfeeding” [al-Nisā’ 4:23], and what lies beyond the prohibited degrees remains.[32]

قَالُوا: فَهَذِهِ آثَارٌ صِحَاحٌ رَوَاهَا أُمُّ الْمُؤْمِنِينَ، وَأُمُّ الْفَضْلِ، وَالزُّبَيْرُ، وَأَبُو هُرَيْرَةَ، وَابْنُ الزُّبَيْرِ كُلُّهُمْ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَجَاءَتْ مَجِيءَ التَّوَاتُرِ قَالُوا: فَهِيَ مُسْتَثْنَاةٌ مِنْ عُمُومِ قَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَأُمَّهَاتُكُمُ اللاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ} [النساء: ٢٣] وَبَقِيَ مَا زَادَ عَلَى التَّحْرِيمِ.

L36228 Abū Muḥammad said: They spoke truthfully in affirming its utmost soundness. But had nothing else been reported besides it, the opinion would have been as they asserted. However, other than this has been transmitted, which we shall now mention—if Allah, Exalted and Majestic, so wills.

قَالَ أَبُو مُحَمَّدٍ: صَدَقُوا فِي أَنَّهَا فِي غَايَةِ الصِّحَّةِ، وَلَكِنْ لَوْ لَمْ يَرِدْ غَيْرُهَا لَكَانَ الْقَوْلُ مَا قَالُوا لَكِنْ قَدْ جَاءَ غَيْرُ هَذَا مِمَّا سَنَذْكُرُهُ الْآنَ إِنْ شَاءَ عَزَّ وَجَلَّ.

L36229 Then we examined the evidence cited by those who restrict nursing prohibition to cases satisfying hunger. We found them invoking the report transmitted via Muslim’s Ṣaḥīḥ through this chain: Hannād ibn al-Sarri → Abū al-Aḥwaṣ → Ashʿath ibn Abī al-Shaʿthāʾ → his father → Masrūq → ʿĀʾishah, Mother of the Believers, that Allah’s Messenger—peace be upon him and his progeny—said to her: “O women, be mindful of your nursing brothers, for only breastfeeding that alleviates hunger establishes prohibition.”

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ لَمْ يُحِدَّ الْمُحَرِّمَ مِنَ الرَّضَاعِ إِلَّا بِمَا أَغْنَى مِنَ الْجُوعِ فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ أَنَا هَنَّادُ بْنُ السَّرِيِّ أَنَا أَبُو الْأَحْوَصِ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ عَنْ أَبِيهِ عَنْ مَسْرُوقٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَالَ لَهَا: انْظُرْنَ مِنْ إِخْوَتِكُنَّ مِنَ الرَّضَاعَةِ فَإِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ» .

L36230 We have also narrated it through the narration of Shuʿbah, Sufyān al-Thawrī, and Zāʾidah—all of them from Ashʿath ibn Abī al-Shaʿthāʾ, from his father, from Masrūq, from ʿĀʾishah, the Mother of the Believers, from the Prophet (peace be upon him): “Suckling is only from hunger.”

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ شُعْبَةَ، وَسُفْيَانَ الثَّوْرِيِّ، وَزَائِدَةَ، كُلِّهِمْ عَنْ أَشْعَثَ بْنِ أَبِي الشَّعْثَاءِ عَنْ أَبِيهِ عَنْ مَسْرُوقٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّمَا الرَّضَاعَةُ مِنَ الْمَجَاعَةِ» .

L36231 We have also cited earlier in this work through the chain of transmission from Abū Hurayrah that the Prophet—peace be upon him and his family—

وَقَدْ أَوْرَدْنَا أَيْضًا قَبْلُ مِنْ طَرِيقِ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَنَّهُ «لَا يُحَرِّمُ مِنَ الرَّضَاعِ إِلَّا مَا فَتَقَ الْأَمْعَاءَ» .

[32] **Qur’an references (L36227):** Qur’an 4:23 (An-Nisa).

said: “Nothing establishes a prohibition through breastfeeding except that which nourishes and sustains [the child].”[33]

L36232–36233 We have also narrated it via the chain of Shurayḥ ibn Nuʿmān from Ḥammād ibn Salamah from Hishām ibn ʿUrwah from his father from al-Ḥajjāj ibn al-Ḥajjāj al-Aslamī from Abū Hurayrah from the Prophet (may Allah bless him and his family and grant him peace).

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ شُرَيْحِ بْنِ النُّعْمَانِ عَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ الْحَجَّاجِ بْنِ الْحَجَّاجِ الْأَسْلَمِيِّ عَنْ أَبِي هُرَيْرَةَ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -.

L36234 Abu Muhammad said: These two narrations are of the utmost authenticity, and the evidence based on them is established.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَانِ أَثَرَانِ فِي غَايَةِ الصِّحَّةِ، وَالْحُجَّةُ بِهِمَا قَائِمَةٌ.

L36235 Then we examined the evidence of those who asserted: “Less than five breastfeedings do not cause prohibition.” We found what we narrated through Hammad ibn Salamah’s chain from Yahya ibn Saʿid al-Ansari and ʿAbd al-Rahman ibn al-Qasim ibn Muhammad ibn Abi Bakr al-Siddiq – both relating from ʿAmrah from ʿA’ishah, the Mother of the Believers, who said: “The Quran was revealed stating that nothing causes prohibition except ten breastfeedings, then afterward, ‘and five specified feedings’ were revealed.” These are Yahya ibn Saʿid’s exact words. ʿAbd al-Rahman’s version states: She said, “Among what was revealed in the Quran and later omitted was: ‘Breastfeeding does not cause prohibition except ten breastfeedings,’ then afterward, ‘and five specified feedings’ were revealed.”

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ قَالَ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ أَقَلُّ مِنْ خَمْسِ رَضَعَاتٍ؟ فَوَجَدْنَا مَا رُوِّينَاهُ مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، وَعَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، كِلَاهُمَا عَنْ عَمْرَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: نَزَلَ الْقُرْآنُ أَنْ لَا يُحَرِّمَ إلَّا عَشْرُ رَضَعَاتٍ، ثُمَّ نَزَلَ بَعْدُ وَخَمْسٌ مَعْلُومَاتٌ هَذَا لَفْظُ يَحْيَى بْنِ سَعِيدٍ. وَلَفْظُ عَبْدِ الرَّحْمَنِ: قَالَتْ " كَانَ مِمَّا نَزَلَ مِنْ الْقُرْآنِ ثُمَّ سَقَطَ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إلَّا عَشْرُ رَضَعَاتٍ، ثُمَّ نَزَلَ بَعْدُ وَخَمْسٌ مَعْلُومَاتٌ ".

L36236 Narrated by Al-Qaʿnabi from Malik from ʿAbdullāh ibn Abī Bakr ibn ʿAmr ibn Ḥazm from ʿAmrah bint ʿAbd al-Raḥmān from ʿĀ’ishah, the Mother of the Believers, that she said: “Among what was revealed in the Quran were ten breastfeedings that cause prohibition. These were later abrogated by five specified instances that cause prohibition. The Messenger of Allah (peace and blessings be upon him) passed away while they were still recited as part of the Quran.”

وَمِنْ طَرِيقِ الْقَعْنَبِيِّ عَنْ مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ أَنَّهَا قَالَتْ " كَانَ فِيمَا نَزَلَ مِنْ الْقُرْآنِ عَشْرُ رَضَعَاتٍ يُحَرِّمْنَ، ثُمَّ نُسِخْنَ بِخَمْسٍ مَعْلُومَاتٍ يُحَرِّمْنَ، فَتُوُفِّيَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُنَّ مِمَّا يُقْرَأُ مِنْ الْقُرْآنِ ".

L36237 And it was also narrated to us—its meaning via the chain (isnād) of Imam Muslim: from Al-Qaʿnabi and Muhammad ibn Al-Muthanna. Ibn Al-Muthanna said: I narrate from ʿAbd al-Wahhab ibn ʿAbd al-Majid al-Thaqafi, while Al-Qaʿnabi said: I narrate from Sulayman ibn Bilal. Then their narrations converged—both transmitting from Yahya ibn Saʿid al-Ansari, from

وَرُوِّينَا أَيْضًا - مَعْنَاهُ مِنْ طَرِيقِ مُسْلِمٍ أَنَا الْقَعْنَبِيُّ، وَمُحَمَّدُ بْنُ الْمُثَنَّى، قَالَ ابْنُ الْمُثَنَّى أَنَا عَبْدُ الْوَهَّابِ بْنُ عَبْدِ الْمَجِيدِ الثَّقَفِيُّ، وَقَالَ الْقَعْنَبِيُّ: أَنَا سُلَيْمَانُ بْنُ بِلَالٍ، ثُمَّ اتَّفَقَ سُلَيْمَانُ، وَعَبْدُ الْوَهَّابِ كِلَاهُمَا عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ عَمْرَةَ عَنْ عَائِشَةَ

[33] **Hadith references (L36231):** Mishkat al-Masabih 3173.

‘Amrah, from ‘Aishah, the Mother of the Believers, who said: “When the revelation concerning ten specified sucklings was decreed in the Quran, another revelation concerning five specified sucklings was subsequently decreed.”

أُمِّ الْمُؤْمِنِينَ قَالَتْ: لَمَّا نَزَلَ فِي الْقُرْآنِ عَشْرُ رَضَعَاتٍ مَعْلُومَاتٍ، ثُمَّ نَزَلَ أَيْضًا خَمْسٌ مَعْلُومَاتٌ.

L36238–36240 And through the chain of ʿAbd al-Razzāq: I [Ibn Jurayj] heard from Ibn Shihāb, who was informed by ʿUrwah ibn al-Zubayr, who reported from… Aisha, the Mother of the Believers, narrated that Abu Hudhayfah adopted Salim, who was the freed slave of a woman from the Ansar, just as the Messenger of Allah—peace and blessings be upon him and his family—had adopted Zaid. In the Age of Ignorance, when someone adopted a person, people would attribute him to the adopter, and the adopted would inherit from the adopter’s estate until Allah the Exalted revealed: *“Call them by [the names of] their fathers; that is more just in the sight of Allah. But if you do not know their fathers, they are your brothers in religion and your clients”* [Al-Ahzab: 5]. Thus, they were reverted to their biological fathers. Whoever’s father was unknown became a client and a brother in religion. Sahlah then came and said, “O Messenger of Allah, we used to regard Salim as a son who lived with me and Abu Hudhayfah, and he sees my private areas. Allah has revealed about him what you know?” The Messenger of Allah—peace and blessings be upon him and his family—replied, “Breastfeed him five times.” Consequently, he became legally regarded as her child through breastfeeding.[34]

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ أَنَا ابْنُ شِهَابٍ أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ «أَنَّ أَبَا حُذَيْفَةَ تَبَنَّى سَالِمًا وَهُوَ مَوْلَى امْرَأَةٍ مِنْ الْأَنْصَارِ كَمَا تَبَنَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - زَيْدًا، وَكَانَ مَنْ تَبَنَّى رَجُلًا فِي الْجَاهِلِيَّةِ دَعَاهُ النَّاسُ إلَيْهِ وَوَرِثَ مِنْ مِيرَاثِهِ حَتَّى أَنْزَلَ اللَّهُ عَزَّ وَجَلَّ: {ادْعُوهُمْ لِآبَائِهِمْ هُوَ أَقْسَطُ عِنْدَ اللَّهِ فَإِنْ لَمْ تَعْلَمُوا آبَاءَهُمْ فَإِخْوَانُكُمْ فِي الدِّينِ وَمَوَالِيكُمْ} [الأحزاب: ٥] فَرُدُّوا إلَى آبَائِهِمْ فَمَنْ لَمْ يُعْرَفْ لَهُ أَبٌ فَمَوْلَى وَأَخٌ فِي الدِّينِ، فَجَاءَتْ سَهْلَةُ فَقَالَتْ: يَا رَسُولَ اللَّهِ إنَّا كُنَّا نَرَى سَالِمًا وَلَدًا يَأْوِي مَعِي وَمَعَ أَبِي حُذَيْفَةَ وَيَرَانِي فُضْلًا، وَقَدْ أَنْزَلَ اللَّهُ فِيهِ مَا قَدْ عَلِمْتَ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَرْضِعِيهِ خَمْسَ رَضَعَاتٍ» فَكَانَ بِمَنْزِلَةِ وَلَدِهَا مِنْ الرَّضَاعَةِ.

L36241 Abu Muhammad said: These are two reports at the peak of authenticity, marked by the eminence and trustworthiness of their narrators, and it is impermissible for anyone to deviate from them.

قَالَ أَبُو مُحَمَّد: وَهَذَانِ خَبَرَانِ فِي غَايَةِ الصِّحَّةِ وَجَلَالَةِ الرُّوَاةِ وَثِقَتِهِمْ، وَلَا يَسَعُ أَحَدًا الْخُرُوجُ عَنْهُمَا.

L36242 This report from the narration of Ibn Jurayj clarifies the error in Ibn Isḥāq’s narration of this report, as he mentioned ten breastfeedings or its abrogation. For it is possible that the Prophet (peace and blessings be upon him) issued her a legal ruling concerning ten breastfeedings before the prohibition concerning five was revealed, then issued her a legal ruling concerning five after its revelation, and there may have been only a portion of an hour between the two rulings.

وَهَذَا الْخَبَرُ مِنْ رِوَايَةِ ابْنِ جُرَيْجٍ يُبَيِّنُ وَهْمَ رِوَايَةِ ابْنِ إسْحَاقَ لِهَذَا الْخَبَرِ، فَذَكَرَ فِيهِ عَشْرَ رَضَعَاتٍ أَوْ نَسْخَهُ، إذْ قَدْ يُمْكِنُ أَنْ يَكُونَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَفْتَاهَا بِالْعَشْرِ قَبْلَ أَنْ يَنْزِلَ التَّحْرِيمُ بِالْخَمْسِ، ثُمَّ أَفْتَاهَا بِالْخَمْسِ بَعْدَ نُزُولِهَا، وَقَدْ لَا يَكُونُ بَيْنَ الْأَمْرَيْنِ إلَّا بَعْضُ سَاعَةٍ.

[34] **Qur’an references (L36238):** Qur’an 33:5 (Al-Ahzab).

L36243 Then we considered the evidence cited by those who held that prohibition arises from both a small amount of breastfeeding and a large amount. We found them invoking Allah's words, Exalted and Majestic is He: {Your mothers who suckled you and your sisters through breastfeeding} [al-Nisā': 23]. They argued: "Allah, Exalted and Majestic is He, stated this universally without specification."[35]

ثُمَّ نَظَرْنَا فِيمَا احْتَجَّ بِهِ مَنْ رَأَى أَنَّ التَّحْرِيمَ بِقَلِيلِ الرَّضَاعَةِ وَكَثِيرِهَا؟ فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَأُمَّهَاتُكُمُ اللاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ} [النساء: ٢٣] قَالُوا: فَعَمَّ اللَّهُ عَزَّ وَجَلَّ وَلَمْ يَخُصَّ.

L36244 Then they cited authentic narrations such as his saying (peace and blessings be upon him) regarding Hamza's daughter, "Indeed, she is the daughter of my brother through milk kinship."

ثُمَّ ذَكَرُوا آثَارًا صِحَاحًا -: مِثْلَ «قَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فِي بِنْتِ حَمْزَةَ: إِنَّهَا ابْنَةُ أَخِي مِنْ الرَّضَاعَةِ» .

L36245 And his statement—may the peace and blessings of Allah be upon him—regarding the daughter of Abū Salamah: "She is the daughter of my milk brother."

«وَقَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي بِنْتِ أَبِي سَلَمَةَ: إِنَّهَا ابْنَةُ أَخِي مِنْ الرَّضَاعَةِ» .

L36246 "And his statement (peace and blessings be upon him) to Aisha, the Mother of the Believers, regarding her uncle through milk kinship: 'He is your uncle; let him enter upon you,' and in the case of Hafsa, the Mother of the Believers, when he said: 'I see so-and-so' - referring to her uncle through milk kinship."

«وَقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لِعَائِشَةَ أُمِّ الْمُؤْمِنِينَ فِي عَمِّهَا مِنْ الرَّضَاعَةِ: إنَّهُ عَمُّكِ فَلْيَلِجْ عَلَيْكِ، وَفِي عَمِّ حَفْصَةَ أُمِّ الْمُؤْمِنِينَ: أَرَى فُلَانًا - يَعْنِي عَمَّهَا مِنْ الرَّضَاعَةِ» .

L36247–36248 And based on the authentic report in the matter of Sālim, the client of Abū Ḥudhayfah.

وَبِالْخَبَرِ الثَّابِتِ فِي أَمْرِ سَالِمٍ مَوْلَى أَبِي حُذَيْفَةَ.

L36249 We have narrated it through the chain of Sufyan ibn 'Uyaynah and Sufyan al-Thawri, from Abd al-Rahman ibn al-Qasim ibn Muhammad, from his father, from Aisha, the Mother of the Believers.

وَرُوِّينَاهُ مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ وَسُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ.

L36250 And from the chain of Ayyub al-Sikhtiyānī and Ibn Jurayj, from Ibn Abi Mulaykah, from al-Qasim ibn Muhammad, from Aisha, the Mother of the Believers.

وَمِنْ طَرِيقِ أَيُّوبَ السِّخْتِيَانِيِّ، وَابْنِ جُرَيْجٍ عَنْ ابْنِ أَبِي مُلَيْكَةَ عَنْ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ.

L36251 And through the chain of Mālik ibn Anas, Yūnus ibn Yazīd, and Jaʿfar ibn Rabīʿah, all of them from al-Zuhrī, from ʿUrwah, from ʿĀ'ishah, Mother of the Believers.

وَمِنْ طَرِيقِ مَالِكِ بْنِ أَنَسٍ، وَيُونُسَ بْنِ يَزِيدَ، وَجَعْفَرِ بْنِ رَبِيعَةَ، كُلِّهِمْ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ.

[35] **Qur'an references (L36243):** Qur'an 4:23 (An-Nisa).

L36252 From the chain of Shu‘bah, from Humaid ibn Nāfi‘, from Zainab—daughter of Umm Salamah (the Mother of the Believers)—from ‘Ā’ishah, the Mother of the Believers: all of them mentioned only “breastfeed him,” without specifying a number.

وَمِنْ طَرِيقِ شُعْبَةَ عَنْ حُمَيْدِ بْنِ نَافِعٍ عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، كُلِّهِمْ لَمْ يَذْكُرُوا إِلَّا " أَرْضِعِيهِ " فَقَطْ دُونَ ذِكْرِ عَدَدٍ.

L36253 They mentioned his saying—peace and blessings be upon him—“Suckling [as a basis for prohibition] is only due to hunger, and no prohibition results from suckling except what splits the bowels.” They said: Yet he—peace and blessings be upon him—did not mention any specific number in all of that.

وَذَكَرُوا قَوْلَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «إِنَّمَا الرَّضَاعَةُ مِنْ الْمَجَاعَةِ وَلَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا مَا فَتَقَ الْأَمْعَاءَ» قَالُوا: فَلَمْ يَذْكُرْ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فِي كُلِّ ذَلِكَ عَدَدًا.

L36254 They mentioned, concerning matters devoid of benefit: a report we narrated through the chain of Ibn Wahb from Maslamah ibn ‘Ali from some scholars from ‘Abdullah ibn al-Harith ibn Nawfal from Umm al-Fadl bint al-Harith, who said: “The Messenger of Allah—may Allah bless him and his family and grant him peace—was asked about what establishes prohibition due to breastfeeding. He replied: ’One feeding or two.’”

وَذَكَرُوا مِمَّا لَا خَيْرَ فِيهِ -: خَبَرًا رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ مَسْلَمَةَ بْنِ عَلِيٍّ عَنْ رِجَالٍ مِنْ أَهْلِ الْعِلْمِ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ عَنْ أُمِّ الْفَضْلِ بِنْتِ الْحَارِثِ قَالَتْ «سُئِلَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - عَمَّا يُحَرِّمُ مِنْ الرَّضَاعَةِ؟ فَقَالَ: الرَّضْعَةُ وَالرَّضْعَتَانِ» .

L36255 Abū Muḥammad said: As for this report, it is a vile fabricated report. Maslamah ibn ʿAlī is discredited - no narration is transmitted from him. People condemned Ibn Wahb for narrating from him. Then he mentioned it from someone he did not name, so there is no point in concerning oneself with falsehood.

قَالَ أَبُو مُحَمَّد: أَمَّا هَذَا الْخَبَرُ، فَخَبَرُ سُوءٍ مَوْضُوعٌ، وَمَسْلَمَةُ بْنُ عَلِيٍّ فَسَاقِطٌ لَا يُرْوَى عَنْهُ، قَدْ أَنْكَرَ النَّاسُ عَلَى ابْنِ وَهْبٍ الرِّوَايَةَ عَنْهُ، ثُمَّ ذَكَرَهُ عَمَّنْ لَمْ يُسَمِّهِ، فَلَا مَعْنَى لِأَنْ يُشْتَغَلَ بِالْبَاطِلِ.

L36256–36258 As for the authenticated narrations we previously mentioned and the cited verse, all of that is valid. However, when the narration from the trustworthy transmitters we referenced was established—stating that neither one nor two breastfeedings cause prohibition, and that only five breastfeedings cause prohibition—these narrations became additional to what is contained in that verse and those narrations, and they were... The narration of Ibn Jurayj in the hadith of Abu Hudhayfah—“Suckle him five sucklings”—constitutes an addition to the transmissions of those we mentioned. Ibn Jurayj is trustworthy, and it is impermissible to reject his unique addition, which he solely transmitted.

وَأَمَّا الْأَخْبَارُ الثَّابِتَةُ الَّتِي ذَكَرْنَا قَبْلُ وَالْآيَةُ الْمَذْكُورَةُ، فَإِنَّ كُلَّ ذَلِكَ حَقٌّ، لَكِنْ لَمَّا جَاءَتْ رِوَايَةُ الثِّقَاتِ الَّتِي ذَكَرْنَا بِأَنَّهُ لَا تُحَرِّمُ الرَّضْعَةُ وَلَا الرَّضْعَتَانِ، وَأَنَّهُ إِنَّمَا يُحَرِّمُ خَمْسُ رَضَعَاتٍ: كَانَتْ هَذِهِ الْأَخْبَارُ زَائِدَةً عَلَى مَا فِي تِلْكَ الْآيَةِ، وَفِي تِلْكَ الْأَخْبَارِ، وَكَانَتْ رِوَايَةُ ابْنِ جُرَيْجٍ فِي حَدِيثِ أَبِي حُذَيْفَةَ " أَرْضِعِيهِ خَمْسَ رَضَعَاتٍ، هِيَ زَائِدَةً عَلَى رِوَايَةِ مَنْ ذَكَرْنَا، وَابْنُ جُرَيْجٍ ثِقَةٌ لَا يَجُوزُ تَرْكُ زِيَادَتِهِ الَّتِي انْفَرَدَ بِهَا.

L36259 The dissenters against us have done similar things—in contexts where it is obligatory and where it is not—such as their abandoning the Qur’an’s

generality in the cutting off of the thief due to an invalid narration concerning ten dirhams and a sound narration concerning a quarter of a dinar.

وَقَدْ فَعَلَ الْمُخَالِفُونَ لَنَا مِثْلَ هَذَا حَيْثُ يَجِبُ أَنْ يُفْعَلَ، وَحَيْثُ لَا يَجِبُ أَنْ يُفْعَلَ -: كَتَرْكِهِمْ عُمُومَ الْقُرْآنِ فِي قَطْعِ السَّارِقِ لِرِوَايَةٍ فَاسِدَةٍ فِي الْعَشَرَةِ الدَّرَاهِمِ وَلِرِوَايَةٍ صَالِحَةٍ فِي رُبُعِ الدِّينَارِ.

L36260 And among the additions of the Malikis is rubbing the body during the ritual bath based on the Quran without explicit textual evidence, and among the additions of the Hanafis is performing ablution with nabīdh (fermented date drink), and due to nosebleeds and vomiting, based on narrations of the utmost weakness.

وَكَزِيَادَةِ الْمَالِكِيِّينَ التَّدَلُّكَ فِي الْغُسْلِ عَلَى مَا فِي الْقُرْآنِ لِغَيْرِ نَصٍّ، وَكَزِيَادَةِ الْحَنَفِيِّينَ الْوُضُوءَ بِالنَّبِيذِ، وَمِنْ الرُّعَافِ، وَالْقَيْءِ لِرِوَايَاتٍ فِي غَايَةِ الْفَسَادِ.

L36261 Abandoning the addition narrated by the just narrator constitutes an invalid error, for it is an authentic narration from the Messenger of Allah—peace and blessings be upon him and his household. Thus, whoever contradicts it has contradicted his command—peace and blessings be upon him and his household—and this is impermissible.

وَتَرْكُ الزِّيَادَةِ الَّتِي يَرْوِيهَا الْعَدْلُ خَطَأٌ لَا تَجُوزُ، لِأَنَّهَا رِوَايَةٌ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - ثَابِتَةٌ فَمَنْ خَالَفَهَا فَقَدْ خَالَفَ أَمْرَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - فَهَذَا لَا يَجُوزُ.

L36262 They objected by citing the reports specifying five sucklings as prohibition-establishing, as we narrated from Ṭāwus, who said: For the Prophet's wives—may God bless him and his family and grant him peace—sucklings established prohibition, while for all other women, there were a specified number of sucklings. This was later discontinued.

وَاعْتَرَضُوا بِالْآثَارِ الَّتِي جَاءَتْ بِخَمْسِ رَضَعَاتٍ مُحَرِّمَاتٍ بِمَا رُوِّينَاهُ عَنْ طَاوُسٍ أَنَّهُ قَالَ: كَانَ لِأَزْوَاجِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - رَضَاعَاتٌ مُحَرِّمَاتٌ، وَلِسَائِرِ النِّسَاءِ رَضَاعَاتٍ مَعْلُومَاتٍ، ثُمَّ تُرِكَ ذَلِكَ بَعْدُ.

L36263 And that he was asked about the statement of those who say: "Breastfeeding does not establish prohibition with less than seven feedings," then he revised it to five. Tawus said: "That had been the case, but afterward a matter arose that brought the prohibition - a single instance suffices to establish prohibition."

وَأَنَّهُ سُئِلَ عَنْ قَوْلِ مَنْ يَقُولُ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ دُونَ سَبْعِ رَضَعَاتٍ ثُمَّ صَارَ إلَى خَمْسٍ - وَقَالَ طَاوُسٌ: قَدْ كَانَ ذَلِكَ فَحَدَثَ بَعْدَ ذَلِكَ أَمْرٌ جَاءَ بِالتَّحْرِيمِ الْمَرَّةُ الْوَاحِدَةُ تُحَرِّمُ.

L36264 Abu Muhammad said: This is the statement of Tawus, who did not attribute it to a Companion, much less the Messenger of Allah (peace be upon him and his family). Such a statement does not constitute a proof, nor is it permissible to definitively affirm abrogation based on the conjecture of a Follower.

قَالَ أَبُو مُحَمَّدٍ: هَذَا قَوْلُ طَاوُسٍ لَمْ يُسْنِدْهُ إلَى صَاحِبٍ فَضْلًا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - وَمِثْلُ هَذَا لَا تَقُومُ بِهِ حُجَّةٌ، وَلَا يَحِلُّ الْقَطْعُ بِالنَّسْخِ بِظَنِّ تَابِعِيٍّ.

L36265 They also said: Is the narrator's statement - "He died (peace be upon him) while it was among what was recited from the Quran?" - a reprehensible

statement and a crime against the Quran? Is it impermissible for anyone to permit the omission of anything from the Quran after the death of Allah's Messenger (peace be upon him and his family)?

وَقَالُوا أَيْضًا: قَوْلُ الرَّاوِي: فَمَاتَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَهُوَ مِمَّا يُقْرَأُ مِنْ الْقُرْآنِ؟ قَوْلٌ مُنْكَرٌ، وَجُرْمٌ فِي الْقُرْآنِ، وَلَا يَحِلُّ أَنْ يُجَوِّزَ أَحَدٌ سُقُوطَ شَيْءٍ مِنْ الْقُرْآنِ بَعْدَ مَوْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ -؟ .

L36266–36268 So we said: It is not as you assumed. Rather, the meaning of ʿAbdullāh ibn Abī Bakr's statement in his narration concerns what you mentioned. The Prophet (peace and blessings be upon him) died while there remained variant readings involving prepositions recited alongside the Quran—where some particles were substituted for others—and Quranic verses that were no longer written in the codices though their rulings remained valid, such as the stoning verse in its entirety. Thus their aforementioned objection became invalid.

فَقُلْنَا: لَيْسَ كَمَا ظَنَنْتُمْ إنَّمَا مَعْنَى قَوْلِ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ فِي رِوَايَتِهِ لِمَا ذَكَرْتُمْ، ثُمَّ - إنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - مَاتَ وَهُوَ مِمَّا يُقْرَأُ مَعَ الْقُرْآنِ بِحُرُوفِ الْجَرِّ يُبْدَلُ بَعْضُهَا مِنْ بَعْضٍ، وَمِمَّا يُقْرَأُ مِنْ الْقُرْآنِ الَّذِي بَطَلَ أَنْ يُكْتَبَ فِي الْمَصَاحِفِ، وَبَقِيَ حُكْمُهُ، كَآيَةِ الرَّجْمِ سَوَاءً سَوَاءً - فَبَطَلَ اعْتِرَاضُهُمْ الْمَذْكُورُ.

L36269 They objected to the authentic report stating "A single suckle, two suckles, a single breastfeed, or two breastfeeds do not establish prohibition" by claiming it is a report with an inconsistent chain - sometimes narrated from 'Ā'ishah and sometimes from al-Zubayr?

وَاعْتَرَضُوا عَلَى الْخَبَرِ الثَّابِتِ الَّذِي فِيهِ «لَا تُحَرِّمُ الْمَصَّةُ وَلَا الْمَصَّتَانِ وَلَا الرَّضْعَةُ وَلَا الرَّضْعَتَانِ» بِأَنْ قَالُوا: هُوَ خَبَرٌ مُضْطَرِبٌ فِي سَنَدِهِ، فَمَرَّةً عَنْ عَائِشَةَ، وَمَرَّةً عَنْ الزُّبَيْرِ؟

L36270 So we said: Then what was it? This demonstrates the strength of the report that it is narrated through multiple chains of transmission. None objects to this in the narrations except one who is ignorant of what is required in the report of an established transmission, for it is an objection without any evidence for its validity at all; it is merely an invalid claim.

فَقُلْنَا: فَكَانَ مَاذَا؟ هَذَا قُوَّةٌ لِلْخَبَرِ أَنْ يُرْوَى مِنْ طُرُقٍ، وَمَا يَعْتَرِضُ بِهَذَا فِي الْآثَارِ إلَّا جَاهِلٌ بِمَا يَجِبُ فِي قَوْلِ النَّقْلِ الثَّابِتِ؛ لِأَنَّهُ اعْتِرَاضٌ لَا دَلِيلَ عَلَى صِحَّتِهِ أَصْلًا، إنَّمَا هُوَ دَعْوَى فَاسِدَةٌ.

L36271 What is utterly astonishing is that they criticize the authentically established narrations for being transmitted once from one companion and another time from another, yet the Ḥanafīs do not reflect on their acceptance of the ḥadīth of Ayman concerning the amputation of the thief's hand—a ḥadīth that is rejected and exhibits the most severe inconsistency.

وَالْعَجَبُ كُلُّهُ أَنَّهُمْ يَعِيبُونَ الْأَخْبَارَ الثَّابِتَةَ بِنَقْلِهَا مَرَّةً عَنْ صَاحِبٍ، وَمَرَّةً عَنْ آخَرَ، ثُمَّ لَا يُفَكِّرُ الْحَنَفِيُّونَ فِي أَخْذِهِمْ بِحَدِيثِ أَيْمَنَ فِيمَا تُقْطَعُ فِيهِ يَدُ السَّارِقِ، وَهُوَ حَدِيثٌ سَاقِطٌ مُضْطَرِبٌ فِيهِ أَشَدُّ الِاضْطِرَابِ.

L36272 The Malikis do not consider using the Hadith of the quarter-dinar in their analysis of that matter.

وَلَا يُفَكِّرُ الْمَالِكِيُّونَ فِي أَخْذِهِمْ فِي ذَلِكَ بِحَدِيثِ رُبُعِ الدِّينَارِ.

L36273 And concerning Zakāt al-Fiṭr through Abū Saʿīd's narration - both are more

inconsistent than the narration about two breastfeedings - yet they adhere to what was feasible for them.

وَفِي الصَّدَقَةِ فِي الْفِطْرِ بِخَبَرِ أَبِي سَعِيدٍ، وَكِلَاهُمَا أَشَدُّ اضْطِرَابًا مِنْ خَبَرِ الرَّضْعَتَيْنِ، وَلَكِنَّهُمْ يَتَعَلَّقُونَ بِمَا أَمْكَنَهُمْ.

L36274 They said: Urwah ibn al-Zubayr is one of the narrators of that report, and it has been narrated from him that a small or large amount of breastfeeding does not create a prohibition? We responded: What does that signify? The authority lies in his narration, not his opinion. We dedicated a separate section in our book known as *al-Iʿrāb* to the conflict between the two groups regarding this matter, their adoption of the narrator's report, and their dismissal of his opinion when it contradicts his narration.

وَقَالُوا: عُرْوَةُ بْنُ الزُّبَيْرِ أَحَدُ رُوَاةِ ذَلِكَ الْخَبَرِ، وَقَدْ رُوِيَ عَنْهُ: أَنَّ قَلِيلَ الرَّضَاعِ وَكَثِيرَهُ لَا يُحَرِّمُ؟ فَقُلْنَا: فَكَانَ مَاذَا؟ إِنَّمَا الْحُجَّةُ فِي رِوَايَتِهِ لَا رَأْيِهِ، وَقَدْ أَفْرَدْنَا فِي كِتَابِنَا الْمَعْرُوفِ بِـ " الْإِعْرَابِ " اضْطِرَابَ الطَّائِفَتَيْنِ فِي هَذَا الْمَعْنَى، وَأَخْذَهُمْ بِرِوَايَةِ الرَّاوِي وَتَرْكَهُمْ لِرَأْيِهِ فِي خِلَافِهِ لِمَا رَوَاهُ.

L36275 They also mentioned objections—of utmost invalidity and shallowness—whose collapse is not hidden from a person of understanding, their foundation being what we have mentioned—and with Allah, the Exalted, lies all success.

وَذَكَرُوا أَيْضًا - اعْتِرَاضَاتٍ فِي غَايَةِ الْفَسَادِ وَالْغَثَاثَةِ، لَا يَخْفَى سُقُوطُهَا عَلَى ذِي فَهْمٍ، عُمْدَتُهَا مَا ذَكَرْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ -.

L36276 It became obligatory to adhere to these narrations. Since the Prophet—peace and blessings be upon him—stated, "Neither one full suckling, two full sucklings, one light suckling, nor two light sucklings prohibit," we understood that light suckling differs from full suckling. Therefore, we ruled: A single full suckling occurs when the infant completely drains both breasts in one continuous feeding. Light suckling does not prohibit unless we confirm it has satisfied a measure of hunger and it is not certain that it reaches the intestines. A negligible amount that neither satisfies a measure of hunger nor is confirmed to reach the intestines does not prohibit anything at all—and success is from Allah, the Exalted.

فَوَجَبَ الْأَخْذُ بِهَذِهِ الْأَخْبَارِ، وَلَمَّا كَانَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - قَدْ أَخْبَرَ أَنَّهُ «لَا تُحَرِّمُ الرَّضْعَةُ وَلَا الرَّضْعَتَانِ وَلَا الْمَصَّةُ وَلَا الْمَصَّتَانِ» عَلِمْنَا أَنَّ الْمَصَّةَ غَيْرُ الرَّضْعَةِ، فَمِنْ ذَلِكَ قُلْنَا: إِنَّ اسْتِنْفَادَ الرَّاضِعِ مَا فِي الثَّدْيَيْنِ مُتَّصِلًا رَضْعَةٌ وَاحِدَةٌ، وَأَنَّ الْمَصَّةَ لَا تُحَرِّمُ، إِلَّا إِذَا عَلِمْنَا أَنَّهَا قَدْ سَدَّتْ مَسَدًّا مِنْ الْجُوعِ وَلَا يُوقَنُ بِوُصُولِهَا إِلَى الْأَمْعَاءِ، وَأَنَّ الْيَسِيرَ مِنْ ذَلِكَ الَّذِي لَا يَسُدُّ مَسَدًّا مِنْ الْجُوعِ، وَلَا يُوقَنُ بِوُصُولِهِ إِلَى الْأَمْعَاءِ لَا يُحَرِّمُ شَيْئًا أَصْلًا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

An issue: Breastfeeding an adult is forbidden.

[مَسْأَلَةٌ رَضَاعُ الْكَبِيرِ مُحَرِّمٌ]

L36277–36278

L36279 Issue: The breastfeeding of an adult person is prohibited—even if he is an elderly man, it prohibits—just as the breastfeeding of a minor prohibits. Is there no distinction?

مَسْأَلَةٌ: وَرَضَاعُ الْكَبِيرِ مُحَرِّمٌ - وَلَوْ أَنَّهُ شَيْخٌ يُحَرِّمُ - كَمَا يُحَرِّمُ رَضَاعُ الصَّغِيرِ وَلَا فَرْقَ؟

L36280 This is an issue regarding which people have differed. One group held that nursing during infancy establishes prohibition through kinship, while

nursing during adulthood does not establish prohibition—without defining specific limits for this. As transmitted through Malik's chain from Ibn Shihab via Urwah ibn al-Zubayr: the Prophet's wives (peace and blessings be upon him and his family)—all except Aisha alone—considered the nursing of Salim, the freed slave of Abu Hudhayfah, to apply exclusively to him. This indicates their view that only nursing during infancy establishes prohibition, not nursing during adulthood, though no defined limit was transmitted from them. Through Malik's chain from Abdullah ibn Dinar: when a man asked Ibn Umar about nursing an adult, he replied: "Umar ibn al-Khattab said: 'Nursing is only the nursing of a small child.'" Through Malik's chain from Nafi' via Ibn Umar: "No nursing kinship exists except what occurs during infancy, and no nursing kinship applies to an adult." Another group maintained that prohibition through nursing only applies if it occurs in the cradle. As transmitted through Abu Dawud's chain: Ahmad ibn Salih narrated to me from Anbasah from Yunus ibn Yazid from Ibn Shihab via Urwah ibn al-Zubayr: "The Prophet's wives (peace and blessings be upon him) refused to permit anyone's entry to their quarters through nursing kinship unless the nursing occurred in the cradle."

وَهَذَا مَكَانٌ اخْتَلَفَ النَّاسُ فِيهِ -: فَطَائِفَةٌ قَالَتْ: يُحَرِّمُ مِنْ الرَّضَاعِ فِي الصِّغَرِ وَلَا يُحَرِّمُ فِي الْكِبْرِ، وَلَمْ يَحُدُّوا حَدًّا فِي ذَلِكَ -: كَمَا رُوِّينَا مِنْ طَرِيقِ مَالِكٍ عَنْ ابْنِ شِهَابٍ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ أَنَّ أَزْوَاجَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - حَاشَ عَائِشَةَ وَحْدَهَا كُنَّ يَرَيْنَ رَضَاعَ سَالِمٍ مَوْلَى أَبِي حُذَيْفَةَ خَاصَّةً لَهُ فَدَلَّ ذَلِكَ عَلَى أَنَّهُنَّ كُنَّ يَرَيْنَ: لَا يُحَرِّمُ إلَّا رَضَاعُ الصَّغِيرِ، لَا رَضَاعُ الْكَبِيرِ، دُونَ أَنْ يَرِدَ عَنْهُنَّ فِي ذَلِكَ حَدٌّ. وَمِنْ طَرِيقِ مَالِكٍ عَنْ عَبْدِ اللَّهِ بْنِ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ عُمَرَ - وَقَدْ سَأَلَهُ رَجُلٌ عَنْ رَضَاعِ الْكَبِيرِ - فَقَالَ لَهُ ابْنُ عُمَرَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: إنَّمَا الرَّضَاعَةُ رَضَاعَةُ الصَّغِيرِ. وَمِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ كَانَ يَقُولُ: لَا رَضَاعَةَ إلَّا مَا أُرْضِعَ فِي الصِّغَرِ، وَلَا رَضَاعَةَ لِكَبِيرٍ. وَقَالَتْ طَائِفَةٌ: لَا يَلْزَمُ مِنْ الرَّضَاعِ إلَّا مَا كَانَ فِي الْمَهْدِ -: كَمَا رُوِّينَا مِنْ طَرِيقِ أَبِي دَاوُد حَدَّثَنِي أَحْمَدُ بْنُ صَالِحٍ حَدَّثَنِي عَنْبَسَةُ حَدَّثَنِي يُونُسُ - هُوَ ابْنُ يَزِيدَ - عَنْ ابْنِ شِهَابٍ حَدَّثَنِي عُرْوَةُ بْنُ الزُّبَيْرِ أَبَى أَزْوَاجُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَنْ يَدْخُلَ عَلَيْهِنَّ بِالرَّضَاعَةِ أَحَدٌ حَتَّى رَضَعَ فِي الْمَهْدِ.

L36281–36282 From the chain of ʻAbd al-Razzāq, from Sufyān ibn ʻUyaynah, from Yaḥyā ibn Saʻīd al-Anṣārī, from Saʻīd ibn al-Musayyib, who said: "No breastfeeding is recognized [as valid] except what occurs during infancy."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ قَالَ: لَا رَضَاعَ إلَّا مَا كَانَ فِي الْمَهْدِ.

L36283 A group has stated: Only suckling that occurs before weaning causes prohibition, while after weaning it does not. As narrated through the chain of Ḥammād ibn Salamah from Hishām ibn ʿUrwah from Yaḥyā ibn ʿAbd al-Raḥmān ibn Ḥāṭib: Umm Salamah, the Mother of the Believers (may Allah be pleased with her), was asked: Does suckling after weaning cause prohibition? She replied: There is no suckling after weaning. Through the chain of ʿAbd al-Raḥmān ibn Mahdī from Sufyān al-Thawrī from Abu Ḥuṣayn from Abu ʿAṭiyyah al-Wādiʿī: A man sucked from his wife's breast, and milk entered his

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إلَّا مَا كَانَ قَبْلَ الْفِطَامِ، وَأَمَّا بَعْدَ الْفِطَامِ فَلَا -: كَمَا رُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ يَحْيَى بْنِ عَبْدِ الرَّحْمَنِ بْنِ حَاطِبٍ: أَنَّ أُمَّ سَلَمَةَ أُمَّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - سُئِلَتْ: هَلْ يُحَرِّمُ الرَّضَاعُ بَعْدَ الْفِطَامِ؟ قَالَتْ: لَا رَضَاعَ بَعْدَ فِطَامٍ. وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ

throat. He asked Abū Mūsā al-Ashʿarī about this, and Abū Mūsā said: Your wife has been forbidden to you. He then asked Ibn Masʿūd about it. Abu ʿAṭiyyah said—while we were present with him: Ibn Masʿūd stood up, and we rose with him until he reached Abū Mūsā al-Ashʿarī. He said: Do you regard this as suckling? Suckling is only what nourishes flesh and bone. Abū Mūsā replied: Do not ask me about anything so long as this scholar remains among you. Thus, it becomes clear here that prohibition applies only during the period when the infant is sustained by milk through suckling.

الثَّوْرِيِّ عَنْ أَبِي حُصَيْنٍ عَنْ أَبِي عَطِيَّةَ الْوَادِعِيِّ أَنَّ رَجُلًا مَصَّ مِنْ ثَدْيِ امْرَأَتِهِ فَدَخَلَ اللَّبَنُ فِي حَلْقِهِ فَسَأَلَ أَبَا مُوسَى الْأَشْعَرِيَّ عَنْ ذَلِكَ؟ فَقَالَ لَهُ أَبُو مُوسَى: حُرِّمَتْ عَلَيْكَ امْرَأَتُكَ، ثُمَّ سَأَلَ ابْنَ مَسْعُودٍ عَنْ ذَلِكَ، قَالَ أَبُو عَطِيَّةَ - وَنَحْنُ عِنْدَهُ -: فَقَامَ ابْنُ مَسْعُودٍ وَقُمْنَا مَعَهُ حَتَّى أَتَى أَبَا مُوسَى الْأَشْعَرِيَّ فَقَالَ: أَرَضِيعًا تَرَى هَذَا؟ إِنَّمَا الرَّضَاعُ مَا أَنْبَتَ اللَّحْمَ وَالْعَظْمَ؟ فَقَالَ أَبُو مُوسَى: لَا تَسْأَلُونِي عَنْ شَيْءٍ مَا دَامَ هَذَا الْحَبْرُ بَيْنَ أَظْهُرِكُمْ. فَتَبَيَّنَ هَاهُنَا أَنَّهُ إِنَّمَا يُحَرِّمُ مُدَّةَ تَغَذِّي الرَّضِيعِ بِاللَّبَنِ.

L36284–36286 From the path of Abd al-Razzaq, from Sufyan al-Thawri, from Juwaybir, from al-Dahhak, from al-Nazzal—he is Ibn Sabrah—from Ali ibn Abi Talib, who said: "There is no nursing after the weaning period." From the path of Abd al-Razzaq, from Sufyan al-Thawri, from Amr ibn Dinar, from someone who heard [a report] from Ibn Abbas, who said: "There is no nursing after the act of weaning." From the path of Abd al-Razzaq, from Ma'mar, from al-Hasan, al-Zuhri, and Qatadah, who said: "There is no nursing after the weaning period." Ma'mar said: "I was informed by someone who heard Ikrimah say that, and he said: 'Nursing after the act of weaning is like water that is drunk.'" Al-Awzaʿi also holds this view and said: "If a child is weaned at one year old and the weaning was sustained, then he nurses again..." This second breastfeeding did not establish any legal prohibition during the two years. He stated: If breastfeeding continues and the child is not weaned before the completion of the two years, then whatever occurred within this period establishes prohibition, while whatever occurs after the two years does not establish prohibition—even if breastfeeding persists. Another scholarly group maintained: Only breastfeeding that nourishes the intestines establishes prohibition—as transmitted through the chain of Saʿīd ibn Manṣūr, who said: Sufyān ibn ʿUyaynah narrated to us from Hishām ibn ʿUrwah from his father from al-Ḥajjāj ibn al-Ḥajjāj al-Aslamī from Abū Hurayrah, who said: "Breastfeeding does not establish prohibition unless it nourishes the intestines."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ جُوَيْبِرٍ عَنْ الضَّحَّاكِ عَنْ النَّزَّالِ - هُوَ ابْنُ سَبْرَةَ - عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: لَا رَضَاعَ بَعْدَ الْفِصَالِ. وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَمْرِو بْنِ دِينَارٍ عَمَّنْ سَمِعَ مِنْ ابْنِ عَبَّاسٍ يَقُولُ: لَا رَضَاعَ بَعْدَ الْفِطَامِ. وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الْحَسَنِ، وَالزُّهْرِيِّ، وَقَتَادَةَ، قَالُوا: لَا رَضَاعَ بَعْدَ الْفِصَالِ - قَالَ مَعْمَرٌ: وَأَخْبَرَنِي مَنْ سَمِعَ عِكْرِمَةَ يَقُولُ ذَلِكَ، وَيَقُولُ: الرَّضَاعُ بَعْدَ الْفِطَامِ مِثْلُ الْمَاءِ يَشْرَبُهُ. وَبِهِ يَقُولُ الْأَوْزَاعِيُّ وَقَالَ: إِنْ فُطِمَ وَلَهُ عَامٌ وَاحِدٌ وَاسْتَمَرَّ فِطَامُهُ ثُمَّ رَضَعَ فِي الْحَوْلَيْنِ لَمْ يُحَرِّمْ هَذَا الرَّضَاعُ الثَّانِي شَيْئًا، وَقَالَ: فَإِنْ تَمَادَى رَضَاعُهُ وَلَمْ يُفْطَمْ قَبْلَ الْحَوْلَيْنِ، فَإِنَّهُ مَا كَانَ فِي الْحَوْلَيْنِ، فَإِنَّهُ يُحَرِّمُ، وَمَا كَانَ بَعْدَهُمَا، فَإِنَّهُ لَا يُحَرِّمُ وَإِنْ تَمَادَى الرَّضَاعُ. وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا مَا فَتَقَ الْأَمْعَاءَ -: كَمَا رُوِّينَا مِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ أَنَا سُفْيَانُ - هُوَ ابْنُ عُيَيْنَةَ - عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ عَنْ الْحَجَّاجِ بْنِ الْحَجَّاجِ الْأَسْلَمِيِّ عَنْ أَبِي هُرَيْرَةَ قَالَ: لَا رَضَاعَ إِلَى مَا فَتَقَ الْأَمْعَاءَ.

L36287 A group stated that nothing causes prohibition from breastfeeding except

what occurs within three years, and as for what is suckled after three years, it does not cause prohibition – and this is the opinion of Zufar ibn al-Hudhayl.

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا مَا كَانَ فِي ثَلَاثَةِ أَعْوَامٍ، وَأَمَّا مَا رُضِعَ بَعْدَ الثَّلَاثَةِ الْأَعْوَامِ فَلَا يُحَرِّمُ - وَهَذَا قَوْلُ زُفَرَ بْنِ الْهُذَيْلِ.

L36288 A group held that no prohibition arises from breastfeeding except for what occurs within two years and six months, for whatever occurs after that period does not establish prohibition. This is the opinion of Abū Ḥanīfah.

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَى مَا كَانَ فِي عَامَيْنِ وَسِتَّةِ أَشْهُرٍ فَمَا كَانَ بَعْدَ ذَلِكَ فَإِنَّهُ لَا يُحَرِّمُ - وَهُوَ قَوْلُ أَبِي حَنِيفَةَ.

L36289 A group said: Breastfeeding only causes prohibition if it occurs within two years and two months, and whatever occurs after that does not cause prohibition, and this is the opinion of Mālik.

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا مَا كَانَ فِي عَامَيْنِ وَشَهْرَيْنِ، فَمَا كَانَ بَعْدَ ذَلِكَ لَمْ يُحَرِّمْ - وَهَذَا قَوْلُ مَالِكٍ.

L36290 These three statements—those of Abu Hanifah, Zufar, and Malik—: we do not know of any scholar who espoused any of them prior to the aforementioned, nor alongside them, save those who blindly emulated them in adherence to their desires. And we seek refuge in Allah from trials and tribulations.

وَهَذِهِ الْأَقْوَالُ الثَّلَاثَةُ -: قَوْلُ أَبِي حَنِيفَةَ، وَزُفَرَ، وَمَالِكٍ: مَا نَعْلَمُ أَحَدًا مِنْ أَهْلِ الْعِلْمِ قَالَ بِشَيْءٍ مِنْهَا قَبْلَ الْمَذْكُورِينَ، وَلَا مَعَهُمْ، إِلَّا مَنْ قَلَّدَهُمْ اتِّبَاعًا لِهَوَاهُمْ - وَنَعُوذُ بِاَللَّهِ مِنْ الْفِتْنَةِ.

L36291 A group has stated: No breastfeeding establishes marital prohibition except that which occurs within two years, and breastfeeding after them does not create impediment—as we have been narrated through the narration chain of al-Ḥajjāj ibn al-Minhāl: from Abū ʿAwānah, from al-Mughīrah ibn Miqsam, from Ibrāhīm al-Nakhaʿī, from Ibn Masʿūd who said: "No breastfeeding establishes prohibition after two years." And through the narration chain of Abū ʿUbayd: from Sufyān ibn ʿUyaynah, from ʿAmr ibn Dīnār, from Ibn ʿAbbās who said: "No breastfeeding establishes prohibition except within two years."

وَقَالَتْ طَائِفَةٌ: لَا يُحَرِّمُ مِنْ الرَّضَاعِ إِلَّا مَا كَانَ فِي الْحَوْلَيْنِ، وَأَمَّا الرَّضَاعُ بَعْدَهُمَا فَلَا يُحَرِّمُ -: كَمَا رُوِّينَا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ أَنَا أَبُو عَوَانَةَ عَنْ الْمُغِيرَةِ بْنِ مِقْسَمٍ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ ابْنِ مَسْعُودٍ قَالَ: لَا رَضَاعَ بَعْدَ حَوْلَيْنِ. وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ: أَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: لَا رَضَاعَ إِلَّا فِي الْحَوْلَيْنِ.

L36292–36293 And through the chain of Mālik from Ibrāhīm ibn ʻUqbah: He asked Saʻīd ibn al-Musayyib and ʻUrwah ibn al-Zubayr about breastfeeding. They both said: "Whatever occurs within the two years – even a single drop – establishes a prohibition. What occurs after the two years is merely food consumed [with no legal implications]."

وَمِنْ طَرِيقِ مَالِكٍ عَنْ إِبْرَاهِيمَ بْنِ عُقْبَةَ أَنَّهُ سَأَلَ سَعِيدَ بْنَ الْمُسَيِّبِ، وَعُرْوَةَ بْنَ الزُّبَيْرِ عَنْ الرَّضَاعَةِ؟ فَقَالَا جَمِيعًا: كُلُّ مَا كَانَ فِي الْحَوْلَيْنِ وَإِنْ كَانَتْ قَطْرَةً وَاحِدَةً فَهِيَ تُحَرِّمُ، وَمَا كَانَ بَعْدَ الْحَوْلَيْنِ فَإِنَّمَا هُوَ طَعَامٌ يَأْكُلُهُ. وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ أَنَا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ قَالَ: سَمِعْت الشَّعْبِيَّ

Through the chain of Abū ʻUbayd: From ʻAbd al-Raḥmān ibn Mahdī from Sufyān al-Thawrī from Abū Isḥāq al-Shaybānī, who said: "I heard al-Shaʻbī

say: 'Any substance introduced via the nose, force-feeding via pouring, or breastfeeding within the two years establishes a prohibition. What occurs after the two years does not establish any prohibition.'"

This is the position of Ibn Shubrumah, Sufyān al-Thawrī, al-Shāfiʿī, Abū Yūsuf, Muḥammad ibn al-Ḥasan, Abū Sulaymān, and our school's scholars.

L36294 Ibn Wahb narrated it from Malik, then he returned to what we mentioned before because it is the transmitted report from him in his *Muwatta'*, which was read to him until his death.

L36295 Abu Muhammad said: A group held that breastfeeding an older child or a minor creates a prohibition [of marriage], as we previously cited on the authority of Abu Musa, even though he later retracted this view.

L36296–36298 From the narration of Abd al-Razzaq: I am Ibn Jurayj. Abdul Karim informed me that Salim ibn Abi al-Jaʿd, the client of al-Ashjaʿi, reported his father's account of asking Ali ibn Abi Talib: "I wished to marry a woman who gave me her milk to drink as an adult for medicinal treatment." Ali replied: "Do not marry her," and forbade him from marrying her.

From the narration of Malik: "From Ibn Shihab that he was asked about adult suckling. He said: Urwah ibn al-Zubayr informed me of the incident where the Messenger of Allah—peace and blessings be upon him—commanded Sahlah bint Suhayl to breastfeed Salim, the client of Abu Hudhayfah, five times—while he was an adult—so she did. Thus, she regarded him as her son. Urwah said: Aisha, the Mother of the Believers, adopted this practice for any man she wished to allow entry into her presence. She would instruct her sister-in-law Umm Kulthum and her brother's daughters to breastfeed any man she desired to permit entry."

From the narration of Abd al-Razzaq: I am Ibn Jurayj. I heard Ata ibn Abi Rabah when a man asked him, saying: A woman gave me her breast milk to drink after I had become a grown man. Can I marry her? ʿAṭāʾ said: "No." Ibn Jurayj said: I asked him: "Is that your opinion?" He said: "Yes. ʿĀʾisha used to order her brother's daughters to do that," and that is the opinion of al-Layth ibn Saʿd. Abū Muḥammad said: As for the opinion of Abū Ḥanīfa,

يَقُولُ: مَا كَانَ مِنْ سَعُوطٍ، أَوْ وَجُورٍ أَوْ رَضَاعٍ فِي الْحَوْلَيْنِ فَهُوَ يُحَرِّمُ، وَمَا كَانَ بَعْدَ الْحَوْلَيْنِ لَمْ يُحَرِّمْ شَيْئًا. وَهُوَ قَوْلُ ابْنِ شُبْرُمَةَ، وَسُفْيَانَ الثَّوْرِيِّ، وَالشَّافِعِيِّ، وَأَبِي يُوسُفَ، وَمُحَمَّدِ بْنِ الْحَسَنِ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِنَا.

وَرَوَاهُ ابْنُ وَهْبٍ عَنْ مَالِكٍ ثُمَّ رَجَعَ إِلَى الَّذِي ذَكَرْنَا قَبْلُ؛ لِأَنَّهُ هُوَ الْمَأْثُورُ عَنْهُ فِي مَوْطِئِهِ الَّذِي قُرِئَ عَلَيْهِ إِلَى أَنْ مَاتَ.

قَالَ أَبُو مُحَمَّد: وَقَالَتْ طَائِفَةٌ إرْضَاعُ الْكَبِيرِ وَالصَّغِيرِ يُحَرِّمُ كَمَا ذَكَرْنَا قَبْلُ عَنْ أَبِي مُوسَى وَإِنْ كَانَ قَدْ رَجَعَ عَنْهُ.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ أَخْبَرَنِي عَبْدُ الْكَرِيمِ: أَنَّ سَالِمَ بْنَ أَبِي الْجَعْدِ مَوْلَى الْأَشْجَعِيِّ أَخْبَرَهُ أَنَّ أَبَاهُ أَخْبَرَهُ أَنَّهُ سَأَلَ عَلِيَّ بْنَ أَبِي طَالِبٍ فَقَالَ: إنِّي أَرَدْت أَنْ أَتَزَوَّجَ امْرَأَةً وَقَدْ سَقَتْنِي مِنْ لَبَنِهَا وَأَنَا كَبِيرٌ تَدَاوَيْت بِهِ؟ فَقَالَ لَهُ عَلِيٌّ: لَا تَنْكِحُهَا وَنَهَاهُ عَنْهَا.

وَمِنْ طَرِيقِ مَالِكٍ «عَنْ ابْنِ شِهَابٍ أَنَّهُ سُئِلَ عَنْ رَضَاعِ الْكَبِيرِ؟ فَقَالَ: أَخْبَرَنِي عُرْوَةُ بْنُ الزُّبَيْرِ بِحَدِيثِ أَمْرِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَهْلَةَ بِنْتَ سُهَيْلٍ بِأَنْ تُرْضِعَ سَالِمًا مَوْلَى أَبِي حُذَيْفَةَ خَمْسَ رَضَعَاتٍ - وَهُوَ كَبِيرٌ - فَفَعَلَتْ، فَكَانَتْ تَرَاهُ ابْنًا لَهَا، قَالَ عُرْوَةُ: فَأَخَذَتْ بِذَلِكَ عَائِشَةُ أُمُّ الْمُؤْمِنِينَ فِيمَنْ كَانَتْ تُحِبُّ أَنْ يَدْخُلَ عَلَيْهَا مِنْ الرِّجَالِ فَكَانَتْ تَأْمُرُ أُخْتَهَا أُمَّ كُلْثُومٍ، وَبَنَاتِ أَخِيهَا يُرْضِعْنَ مَنْ أَحَبَّتْ أَنْ يَدْخُلَ عَلَيْهَا مِنْ الرِّجَالِ.» وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ أَنَا ابْنُ جُرَيْجٍ قَالَ: سَمِعْت عَطَاءَ بْنَ أَبِي رَبَاحٍ وَسَأَلَهُ رَجُلٌ فَقَالَ: سَقَتْنِي امْرَأَةٌ مِنْ لَبَنِهَا بَعْدَ مَا كُنْت رَجُلًا كَبِيرًا أَفَأَنْكِحُهَا؟ قَالَ عَطَاءٌ: لَا، قَالَ ابْنُ جُرَيْجٍ فَقُلْتُ لَهُ: وَذَلِكَ رَأْيُك؟ قَالَ: نَعَمْ، كَانَتْ عَائِشَةُ تَأْمُرُ بِذَلِكَ

Zufar, and Mālik, the invalidity of their rulings is undeniable - except by those who claim in broad daylight “This is night!” through willful denial and support of falsehood.

بَنَاتِ أَخِيهَا - وَهُوَ قَوْلُ اللَّيْثِ بْنِ سَعْدٍ. قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ أَبِي حَنِيفَةَ، وَزُفَرَ، وَمَالِكٍ، فَلَا خَفَاءَ بِفَسَادِهَا، إِلَّا عَلَى قَوْلِ مَنْ يَقُولُ فِي النَّهَارِ: إِنَّهُ لَيْلٌ، مُكَابَرَةً وَنَصْرًا لِلْبَاطِلِ.

L36299 Among the marvels of the world is the statement of some misguided individuals: When Allah the Exalted said, *“Mothers shall breastfeed their children for two complete years”* [Al-Baqarah: 233], they claim this implies there are two incomplete years here, and that He indicated their count by the sun.[36]

وَمِنْ عَجَائِبِ الدُّنْيَا قَوْلُ بَعْضِ الْمَفْتُونِينَ: لَمَّا قَالَ اللَّهُ تَعَالَى: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ} [البقرة: ٢٣٣] دَلَّ ذَلِكَ عَلَى أَنَّ هَاهُنَا حَوْلَيْنِ نَاقِصَيْنِ، وَأَشَارَ إِلَى عَدَدِهَا بِالشَّمْسِ.

L36300 Abu Muhammad said: This statement combines defiance of Allah, the Mighty and Majestic, and rejection of observable reality. As for defiance of Allah, the Mighty and Majestic, He says: “Indeed, the number of months ordained by Allah is twelve months in the Book of Allah [as decreed] from the day He created the heavens and the earth. Among these are four sacred. That is the upright system” [al-Tawbah 9:36].[37]

قَالَ أَبُو مُحَمَّدٍ: فَجَمَعَ هَذَا الْقَوْلُ مُخَالَفَةَ اللَّهِ عَزَّ وَجَلَّ، وَمُكَابَرَةَ الْحِسِّ: أَمَّا مُخَالَفَةُ اللَّهِ عَزَّ وَجَلَّ فَإِنَّهُ يَقُولُ: {إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَاوَاتِ وَالأَرْضَ مِنْهَا أَرْبَعَةٌ حُرُمٌ ذَلِكَ الدِّينُ الْقَيِّمُ} [التوبة: ٣٦] .

L36301 He, the Exalted, has explicitly decreed that the number of months ordained by Him includes four sacred ones, and that this [ordinance] is in the Book of Allah on the day He created the heavens and the earth, and that this constitutes the upright religion. The sacred months can only exist within the Arabic lunar months. Whoever opposes this opposes the upright religion and attributes falsehood to Allah, the Exalted, by claiming that He commanded the observance of two years through non-Arabic systems.

فَنَصَّ تَعَالَى عَلَى أَنَّ عِدَّةَ الشُّهُورِ عِنْدَهُ هِيَ الَّتِي مِنْهَا أَرْبَعَةٌ حُرُمٌ، وَأَنَّهُ فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَوَاتِ وَالْأَرْضَ، وَأَنَّ ذَلِكَ هُوَ الدِّينُ الْقَيِّمُ، وَلَا يُمْكِنُ أَنْ تَكُونَ الْأَشْهُرُ الْحُرُمُ إِلَّا فِي الْأَشْهُرِ الْعَرَبِيَّةِ الْقَمَرِيَّةِ، فَمَنْ خَالَفَ ذَلِكَ فَقَدْ خَالَفَ الدِّينَ الْقَيِّمَ، وَنَسَبَ إِلَى اللَّهِ تَعَالَى الْكَذِبَ مِنْ أَنَّهُ أَمَرَ أَنْ يُرَاعَى عَدَدَ الْحَوْلَيْنِ بِالْعَجَمِيَّةِ.

L36302 As for the defiance of manifest evidence—between the two non-Arab solar years reckoned by the sun and their determination of celestial orbits, and the two Arab lunar years reckoned by the moon, there is only a difference of twenty-two days. Any increase beyond that to complete two months—we are unaware of its origin. Issuing definitive rulings regarding prohibition and permissibility in the religion of Allah, the Almighty and Majestic, based on such grounds is unlawful.

وَأَمَّا مُكَابَرَةُ الْعِيَانِ - فَإِنَّهُ لَيْسَ بَيْنَ الْحَوْلَيْنِ الْأَعْجَمِيَّيْنِ الْمَعْدُودَيْنِ بِالشَّمْسِ وَقَطْعِهِمَا لِلْفُلْكِ وَبَيْنَ الْحَوْلَيْنِ الْعَرَبِيَّيْنِ الْمَعْدُودَيْنِ بِالْقَمَرِ إِلَّا اثْنَانِ وَعِشْرُونَ يَوْمًا، فَالزِّيَادَةُ عَلَى ذَلِكَ إِلَى تَمَامِ شَهْرَيْنِ لَا نَدْرِي مِنْ أَيْنَ أَتَتْ، وَالْقَطْعُ بِالتَّحْرِيمِ وَالتَّحْلِيلِ فِي دِينِ اللَّهِ عَزَّ وَجَلَّ بِمِثْلِ هَذَا لَا يَحِلُّ.

[36] **Qur’an references (L36299):** Qur’an 2:233 (Al-Baqarah).
[37] **Qur’an references (L36300):** Qur’an 9:36 (At-Tawbah).

L36303 As for those who define that limit as what occurs during infancy, this assertion too has no valid evidence to support it—neither from the Qur'an, the Sunnah, Consensus, Analogy, nor a weak narration—and thus, this opinion is invalidated.

وَأَمَّا مَنْ حَدَّ ذَلِكَ بِمَا كَانَ فِي الْمَهْدِ - فَكَلَامٌ أَيْضًا لَا تَقُومُ بِصِحَّتِهِ حُجَّةٌ لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ، وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ رِوَايَةٍ ضَعِيفَةٍ - فَسَقَطَ هَذَا الْقَوْلُ.

L36304 As for those who define this limit based on what pertains to minority—for minority legally extends until the attainment of puberty, since prior to that, Hudud penalties and religious obligations are not binding upon him—this constitutes a ruling not mandated by the Qur'an or Sunnah.

وَأَمَّا مَنْ حَدَّ ذَلِكَ بِمَا كَانَ فِي الصِّغَرِ - فَإِنَّ الصِّغَرَ يَتَمَادَى إلَى بُلُوغِ الْحُلُمِ، لِأَنَّهُ قَبْلَ ذَلِكَ لَا تَلْزَمُهُ الْحُدُودُ، وَلَا الْفَرَائِضُ - وَهَذَا حَدٌّ لَا يُوجِبُهُ قُرْآنٌ وَلَا سُنَّةٌ.

L36305–36306 As for those who define that period as weaning, they base their argument on the words of Allah the Exalted: {If they both decide on weaning by mutual consent and consultation, there is no blame on them} [Al-Baqarah: 233]. Abu Muhammad said: This contains no evidence for them regarding the prohibition due to breastfeeding, for this verse makes no mention of prohibition. Their mutual agreement on weaning does not constitute a prohibition—because if the child were to breastfeed after that period, the prohibition would still apply if the child breastfeeds. The verse only addresses the termination of the father's obligatory financial obligation for breastfeeding, not the child's need for breastfeeding. The prohibition arising from breastfeeding (if the child breastfeeds) does not cease merely because the child's need for breastfeeding ceases—since no Quranic verse or Sunnah has mentioned such cessation.[38]

وَأَمَّا مَنْ حَدَّ ذَلِكَ بِالْفِطَامِ - فَإِنَّهُمْ احْتَجُّوا بِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {فَإِنْ أَرَادَا فِصَالا عَنْ تَرَاضٍ مِنْهُمَا وَتَشَاوُرٍ فَلا جُنَاحَ عَلَيْهِمَا} [البقرة: ٢٣٣] قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ فِي التَّحْرِيمِ إذْ لَيْسَ لِلتَّحْرِيمِ فِي هَذِهِ الْآيَةِ ذِكْرٌ، وَلَا فِي تَرَاضِيهِمَا بِالْفِصَالِ تَحْرِيمٌ؛ لِأَنْ يَرْتَضِعَ الْوَلَدُ بَعْدَ ذَلِكَ، إنَّمَا فِيهَا انْقِطَاعُ النَّفَقَةِ الْوَاجِبَةِ عَلَى الْأَبِ فِي الرَّضَاعِ، وَلَيْسَ بِانْقِطَاعِ حَاجَةِ الصَّبِيِّ إلَى الرَّضَاعِ يَنْقَطِعُ التَّحْرِيمُ بِرَضَاعِهِ - إنْ رَضَعَ - إذْ لَمْ يَأْتِ بِذَلِكَ قُرْآنٌ، وَلَا سُنَّةٌ.

L36307 They cited as evidence a report we narrated through the chain of Ahmad ibn Shu'ayb: from Qutaybah ibn Sa'id, from Abu 'Awanah, from Hisham ibn 'Urwah, from Fatimah bint al-Mundhir, from Umm Salamah, the Mother of the Believers, who said: The Messenger of Allah—peace and blessings be upon him—said, "Nothing causes prohibition through breastfeeding except what nourishes the intestines from the breast, provided it occurs before weaning."[39]

وَاحْتَجُّوا بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ أَحْمَدَ بْنِ شُعَيْبٍ أَنَا قُتَيْبَةُ بْنُ سَعِيدٍ أَنَا أَبُو عَوَانَةَ أَنَا هِشَامُ بْنُ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ عَنْ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَا يُحَرِّمُ مِنْ الرَّضَاعِ إلَّا مَا فَتَقَ الْأَمْعَاءَ فِي الثَّدْيِ، وَكَانَ قَبْلَ الْفِطَامِ» .

L36308 Abu Muhammad said: This is a disconnected report because Fāṭimah bint

قَالَ أَبُو مُحَمَّد: هَذَا خَبَرٌ مُنْقَطِعٌ؛ لِأَنَّ فَاطِمَةَ بِنْتَ الْمُنْذِرِ لَمْ تَسْمَعْ مِنْ أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ؛ لِأَنَّهَا كَانَتْ أَسَنَّ مِنْ زَوْجِهَا هِشَامٍ بِاثْنَيْ عَشَرَ عَامًا وَكَانَ مَوْلِدُ هِشَامٍ سَنَةَ

[38] **Qur'an references (L36306):** Qur'an 2:233 (Al-Baqarah).
[39] **Hadith references (L36307):** Mishkat al-Masabih 3173.

[٦٠ هـ] سِتِّينَ، فَمَوْلِدُ فَاطِمَةَ عَلَى هَذَا سَنَةَ [٤٨ هـ] ثَمَانٍ وَأَرْبَعِينَ، وَمَاتَتْ أُمُّ سَلَمَةَ سَنَةَ [٥٩ هـ] تِسْعٍ وَخَمْسِينَ، وَفَاطِمَةُ صَغِيرَةٌ لَمْ تَلْقَهَا، فَكَيْفَ أَنْ تَحْفَظَ عَنْهَا، وَلَمْ تَسْمَعْ مِنْ خَالَةِ أَبِيهَا عَائِشَةَ أُمِّ الْمُؤْمِنِينَ شَيْئًا - وَهِيَ فِي حِجْرِهَا - إِنَّمَا أَبْعَدُ سَمَاعِهَا مِنْ جَدَّتِهَا أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ - رَضِيَ اللَّهُ عَنْهُمْ -.

al-Mundhir did not hear from Umm Salamah, the Mother of the Believers. She was twelve years older than her husband Hishām. He was born in 60 AH (sixty AH), making Fāṭimah's birth year 48 AH (forty-eight AH) by this calculation. Umm Salamah died in 59 AH (fifty-nine AH), while Fāṭimah was still young and had not met her. How, then, could she have narrated from her? She also did not hear anything from her father's maternal aunt, ʿĀ'ishah, the Mother of the Believers, despite being under her guardianship. The most remote source of her hearing would be her grandmother Asmāʾ bint Abī Bakr al-Ṣiddīq—may Allah be pleased with them.

وَمَوَّهُوا أَيْضًا - بِخَبَرَيْنِ سَاقِطَيْنِ -: أَحَدُهُمَا - مِنْ طَرِيقِ مَعْمَرٍ عَنْ جُوَيْبِرٍ عَنْ الضَّحَّاكِ عَنْ النَّزَّالِ بْنِ سَبْرَةَ عَنْ عَلِيٍّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا رَضَاعَ بَعْدَ الْفِصَالِ» .

L36309 They also camouflaged—with two rejected narrations—one of which is narrated through the chain of Maʿmar from Juwaybir from al-Ḍaḥḥāk from al-Nazzāl ibn Sabrah from ʿAlī from the Prophet (peace and blessings of Allah be upon him), "There is no breastfeeding after weaning."

وَالْآخَرُ - مِنْ طَرِيقِ مَعْمَرٍ أَيْضًا عَنْ حَرَامِ بْنِ عُثْمَانَ عَنْ عَبْدِ الرَّحْمَنِ وَمُحَمَّدٍ ابْنَيْ جَابِرِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِمَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ كَلَامًا كَثِيرًا وَفِيهِ: وَلَا رَضَاعَ بَعْدَ الْفِطَامِ.

L36310 The other – also through Maʿmar from Ḥarām ibn ʿUthmān, from ʿAbd al-Raḥmān and Muḥammad, the two sons of Jābir ibn ʿAbd Allāh, from their father, from the Messenger of Allah (peace be upon him) – who narrated much speech, including: "There is no breastfeeding after weaning."

وَهَذَانِ خَبَرَانِ لَا يَجُوزُ التَّشَاغُلُ بِهِمَا؛ لِأَنَّ جُوَيْبِرًا سَاقِطٌ، وَالضَّحَّاكَ ضَعِيفٌ وَحَرَامَ بْنَ عُثْمَانَ هَالِكٌ بِمُرَّةٍ - فَسَقَطَ كُلُّ مَا تَعَلَّقُوا بِهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L36311–36312 These two reports must not be engaged with, for Juwaybir is discarded, al-Dahhak is weak, and Haram ibn Uthman is utterly dismissed—thereby invalidating all they relied upon—and success comes from Allah, the Exalted.

وَسَقَطَتْ الْأَقْوَالُ كُلُّهَا إلَّا قَوْلَ مَنْ رَاعَى الْحَوْلَيْنِ، وَقَوْلَ مَنْ لَمْ يُرَاعِ فِي ذَلِكَ حَدًّا أَصْلًا، فَنَظَرْنَا فِيمَنْ رَاعَى الْحَوْلَيْنِ فَوَجَدْنَاهُمْ يَحْتَجُّونَ بِقَوْلِ اللَّهِ عَزَّ وَجَلَّ: {وَحَمْلُهُ وَفِصَالُهُ ثَلَاثُونَ شَهْرًا} [الأحقاف: ١٥] . وَبِقَوْلِهِ عَزَّ وَجَلَّ: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ} [البقرة: ٢٣٣] .

L36313 All opinions were discarded except the view of those who uphold the two-year period and the view of those who observe no specific limit in that regard whatsoever. We examined the position of those upholding the two-year period and found them invoking the words of Allah the Almighty: *"The gestation and weaning period is thirty months"* [al-Aḥqāf 15], and His words the Almighty: *"Mothers shall breastfeed their children two complete years for whoever wishes to complete the breastfeeding"* [al-Baqarah 233].[40]

وَبِقَوْلِهِ عَزَّ وَجَلَّ: {حَمَلَتْهُ أُمُّهُ وَهْنًا عَلَى وَهْنٍ وَفِصَالُهُ فِي عَامَيْنِ} [لقمان: ١٤] .

L36314 His mother carried him in weakness upon weakness, and his weaning is in

[40] **Qur'an references (L36313):** Qur'an 46:15 (Al-Ahqaf); Qur'an 2:233 (Al-Baqarah).

two years [Luqman: 14].[41]

L36315 They said: Allah, the Mighty and Majestic, has decreed that the weaning of an infant is to be completed within two years, and that breastfeeding lasts two full years for whoever wishes to complete it.

فَقَالُوا: قَدْ قَطَعَ اللَّهُ عَزَّ وَجَلَّ أَنَّ فِصَالَ الرَّضِيعِ فِي عَامَيْنِ، وَأَنَّ رَضَاعَهُ حَوْلَانِ كَامِلَانِ، لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ.

L36316 They said: Therefore, breastfeeding after two years is not considered at all, because the breastfeeding has been completed. When breastfeeding ceases, its legal rulings—such as prohibition and other related matters—cease.

قَالُوا: فَلَا رَضَاعَ بَعْدَ الْحَوْلَيْنِ أَصْلًا؛ لِأَنَّ الرَّضَاعَةَ قَدْ تَمَّتْ، وَإِذَا انْقَطَعَ الرَّضَاعُ انْقَطَعَ حُكْمُهُ مِنَ التَّحْرِيمِ، وَغَيْرِ ذَلِكَ.

L36317–36319 Abu Muhammad said: Allah, the Exalted, has spoken the truth, and we must adhere to the boundaries He has established. Even if no other explicit text beyond this existed, these scriptural texts alone would provide sufficient basis. However, regarding this matter, what we have narrated has come - as transmitted through Muslim's chain: ʿAmr al-Nāqid and Ibn Abī ʿUmar both said: We are Sufyān ibn ʿUyaynah, from ʿAbd al-Raḥmān ibn al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq, from his father, from ʿĀ'ishah, Mother of the Believers, who said: Sahlah bint Suhayl came to the Prophet (peace and blessings be upon him) and said: "O Messenger of Allah, I see the face of my father [...]" Hudhayfah [narrated]: "What about preventing Salim from entering while he is his successor?" The Messenger of Allah (peace be upon him) said, "Breastfeed him." She said, "How can I breastfeed him when he is a grown man?" The Messenger of Allah (peace be upon him) smiled and said, "I knew he was a grown man."

قَالَ أَبُو مُحَمَّدٍ: صَدَقَ اللَّهُ تَعَالَى وَعَلَيْنَا الْوُقُوفُ عِنْدَ مَا حَدَّ عَزَّ وَجَلَّ، وَلَوْ لَمْ يَأْتِ نَصٌّ غَيْرُ هَذَا لَكَانَ فِي هَذِهِ النُّصُوصِ مُتَعَلَّقٌ، لَكِنْ قَدْ جَاءَ فِي ذَلِكَ -: مَا رُوِّينَاهُ مِنْ طَرِيقِ مُسْلِمٍ أَنَا عَمْرٌو النَّاقِدُ، وَابْنُ أَبِي عُمَرَ، قَالَا جَمِيعًا: أَنَا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلٍ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: يَا رَسُولَ اللَّهِ إِنِّي أَرَى وَجْهَ أَبِي حُذَيْفَةَ مِنْ دُخُولِ سَالِمٍ وَهُوَ خَلِيفُهُ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْضِعِيهِ، فَقَالَتْ: وَكَيْفَ أُرْضِعُهُ وَهُوَ رَجُلٌ كَبِيرٌ؟ فَتَبَسَّمَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَالَ: قَدْ عَلِمْتُ أَنَّهُ رَجُلٌ كَبِيرٌ» .

L36320 Through the chain of Muslim: It was Isḥāq ibn Ibrāhīm – he being Ibn Rāhawayh – and Muḥammad ibn Abī ʿUmar – the wording is his – who said: It was ʿAbd al-Wahhāb al-Thaqafī from Ayyūb – he being al-Sakhtiyānī – from Ibn Abī Mulaykah, from al-Qāsim ibn Muḥammad ibn Abī Bakr, from ʿĀ'ishah the Mother of the Believers: That Sālim, the freed slave of Abū Ḥudhayfah, was living with Abū Ḥudhayfah and his family in their home. Then she came [i.e., Sahlah bint Suhayl] to the Prophet – peace and blessings of Allah be upon him – and said: "Sālim has reached the maturity of men and comprehends as they do. He enters upon us, and I suspect there is something

وَمِنْ طَرِيقِ مُسْلِمٍ. أَنَا إِسْحَاقُ بْنُ إِبْرَاهِيمَ - هُوَ ابْنُ رَاهْوَيْهِ - وَمُحَمَّدُ بْنُ أَبِي عُمَرَ - وَاللَّفْظُ لَهُ - قَالَ: أَنَا عَبْدُ الْوَهَّابِ الثَّقَفِيُّ عَنْ أَيُّوبَ - هُوَ السِّخْتِيَانِيُّ - عَنِ ابْنِ أَبِي مُلَيْكَةَ عَنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ «عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ: أَنَّ سَالِمًا مَوْلَى أَبِي حُذَيْفَةَ كَانَ مَعَ أَبِي حُذَيْفَةَ وَأَهْلِهِ فِي بَيْتِهِمْ فَأَتَتْ - يَعْنِي سَهْلَةَ بِنْتَ سُهَيْلٍ - إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَتْ: إِنَّ سَالِمًا قَدْ بَلَغَ مَا يَبْلُغُ الرِّجَالُ، وَعَقَلَ مَا عَقَلُوا، وَأَنَّهُ يَدْخُلُ

[41] **Qur'an references (L36314):** Qur'an 31:14 (Luqman).

in Abū Ḥudhayfah's mind regarding this?" The Prophet – peace and blessings of Allah be upon him – said to her: "Breastfeed him so he becomes forbidden to you, thereby dispelling what troubles Abū Ḥudhayfah's mind."

L36321 From the narration of Muslim: Muhammad ibn al-Muthannā narrated to us, Muhammad ibn Ja'far narrated to us, Ghundar narrated to us, Shu'bah narrated to us from Ḥumayd ibn Nāfi' from Zaynab bint Umm Salamah, who reported that her mother, Umm Salamah, said to 'Ā'ishah—may Allah be pleased with them—"Does the adolescent boy—whom I do not like to enter upon me—enter upon you?" 'Ā'ishah replied, "Do you not have in the Messenger of Allah—peace and blessings of Allah be upon him and his family—an exemplary model? The wife of Abū Ḥudhayfah (Sahlah bint Suhayl) said, 'O Messenger of Allah, Sālim enters upon me—and he is a man—while Abū Ḥudhayfah harbors resentment toward him?' The Messenger of Allah—peace and blessings of Allah be upon him and his family—said, 'Breastfeed him until he enters upon you.'"

From the narration of 'Abd al-Razzāq, from Ma'mar, from al-Zuhrī, from 'Urwah ibn al-Zubayr, from 'Ā'ishah, the Mother of the Believers, who said: Sahlah bint Suhayl ibn 'Amr came to the Prophet—peace and blessings of Allah be upon him and his family—and said, "Sālim is called the son of Abū Ḥudhayfah, yet Allah has revealed in His Book: *Call them by [the names of] their fathers* [Al-Aḥzāb: 5]. He enters upon me while I am in a state of undress, and we reside in a confined space?" The Prophet—peace and blessings of Allah be upon him and his family—said to her, "Breastfeed Sālim, and he will become forbidden to you."

Al-Zuhrī said: Some wives of the Messenger of Allah—peace and blessings of Allah be upon him and his family—remarked, "We do not know—perhaps this was a concession specific to Sālim." Al-Zuhrī added: 'Ā'ishah continued to issue rulings that breastfeeding after weaning results in prohibition until her death.[42]

L36322–36323 Abu Muhammad said: These reports dispel the difficulty and clarify the intent of Allah, the Almighty, in the aforementioned verses - that breastfeeding

[42] **Qur'an references (L36321):** Qur'an 33:5 (Al-Ahzab).

عَلَيْنَا، وَإِنِّي أَظُنُّ أَنَّ فِي نَفْسِ أَبِي حُذَيْفَةَ مِنْ ذَلِكَ شَيْئًا؟ فَقَالَ لَهَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْضِعِيهِ تَحْرُمِي عَلَيْهِ وَيَذْهَبُ الَّذِي فِي نَفْسِ أَبِي حُذَيْفَةَ» .

وَمِنْ طَرِيقِ مُسْلِمٍ أَنَا مُحَمَّدُ بْنُ الْمُثَنَّى أَنَا مُحَمَّدُ بْنُ جَعْفَرٍ أَنَا غُنْدَرٌ أَنَا شُعْبَةُ عَنْ حُمَيْدِ بْنِ نَافِعٍ عَنْ زَيْنَبَ بِنْتِ أُمِّ سَلَمَةَ، قَالَتْ: «قَالَتْ أُمُّ سَلَمَةَ لِعَائِشَةَ - رَضِيَ اللَّهُ عَنْهُمَا - إِنَّهُ يَدْخُلُ عَلَيْكِ الْغُلَامُ الْأَيْفَعُ الَّذِي مَا أُحِبُّ أَنْ يَدْخُلَ عَلَيَّ؟ فَقَالَتْ عَائِشَةُ: أَمَا لَكِ فِي رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُسْوَةٌ حَسَنَةٌ؟ إِنَّ امْرَأَةَ أَبِي حُذَيْفَةَ قَالَتْ: يَا رَسُولَ اللَّهِ إِنَّ سَالِمًا يَدْخُلُ عَلَيَّ - وَهُوَ رَجُلٌ - وَفِي نَفْسِ أَبِي حُذَيْفَةَ مِنْهُ شَيْءٌ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَرْضِعِيهِ حَتَّى يَدْخُلَ عَلَيْكِ» وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: «جَاءَتْ سَهْلَةُ بِنْتُ سُهَيْلِ بْنِ عَمْرٍو إلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - فَقَالَتْ: إنَّ سَالِمًا كَانَ يُدْعَى ابْنَ أَبِي حُذَيْفَةَ، وَإِنَّ اللَّهَ قَدْ أَنْزَلَ فِي كِتَابِهِ {ادْعُوهُمْ لآبَائِهِمْ} [الأحزاب: ٥] وَكَانَ يَدْخُلُ عَلَيَّ وَأَنَا فُضْلٌ وَنَحْنُ فِي مَنْزِلِ ضَيِّقٍ؟ فَقَالَ لَهَا النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - أَرْضِعِي سَالِمًا تَحْرُمِي عَلَيْهِ.» قَالَ الزُّهْرِيُّ: قَالَ بَعْضُ أَزْوَاجِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا نَدْرِي لَعَلَّ هَذِهِ كَانَتْ رُخْصَةً لِسَالِمٍ خَاصَّةً - قَالَ الزُّهْرِيُّ: فَكَانَتْ عَائِشَةُ تُفْتِي بِأَنَّهُ يُحَرِّمُ الرَّضَاعُ بَعْدَ الْفِصَالِ حَتَّى مَاتَتْ.

قَالَ أَبُو مُحَمَّدٍ: فَهَذِهِ الْأَخْبَارُ تَرْفَعُ الْإِشْكَالَ، وَتُبَيِّنُ مُرَادَ اللَّهِ عَزَّ وَجَلَّ فِي الْآيَاتِ الْمَذْكُورَاتِ أَنَّ الرَّضَاعَةَ الَّتِي تَتِمُّ بِتَمَامِ الْحَوْلَيْنِ، أَوْ بِتَرَاضِي الْأَبَوَيْنِ قَبْلَ الْحَوْلَيْنِ، إذَا

which becomes binding either upon completion of two full years or through parental agreement before two years, provided they see benefit for the infant, is specifically what obligates maintenance to the nursing mother. Both parents are compelled to fulfill this obligation, whether they are willing or reluctant.

رَأَيَا فِي ذَلِكَ صَلَاحًا لِلرَّضِيعِ أَنَّهَا هِيَ الْمُوجِبَةُ لِلنَّفَقَةِ عَلَى الْمُرْضِعَةِ، وَالَّتِي يُجْبَرُ عَلَيْهَا الْأَبَوَانِ أَحَبَّا أَمْ كَرِهَا.

L36324 By my life, the verse itself suffices in this regard, for the Exalted says: "Mothers may breastfeed their children for two full years—for those who wish to complete the nursing [period]. And the father of the child is responsible for their provision and clothing in a fair manner" [Al-Baqarah: 233].[43]

وَلَعَمْرِي لَقَدْ كَانَ فِي الْآيَةِ كِفَايَةٌ فِي هَذَا، لِأَنَّهُ تَعَالَى قَالَ: {وَالْوَالِدَاتُ يُرْضِعْنَ أَوْلَادَهُنَّ حَوْلَيْنِ كَامِلَيْنِ لِمَنْ أَرَادَ أَنْ يُتِمَّ الرَّضَاعَةَ وَعَلَى الْمَوْلُودِ لَهُ رِزْقُهُنَّ وَكِسْوَتُهُنَّ بِالْمَعْرُوفِ} [البقرة: ٢٣٣] .

L36325 The Exalted commanded mothers to breastfeed the child for two years. This does not indicate a prohibition of breastfeeding after that period, nor does it mean the prohibition ceases upon the completion of two lunar years.

فَأَمَرَ تَعَالَى الْوَالِدَاتِ بِإِرْضَاعِ الْمَوْلُودِ عَامَيْنِ، وَلَيْسَ فِي هَذَا تَحْرِيمُ الرَّضَاعَةِ بَعْدَ ذَلِكَ، وَلَا أَنَّ التَّحْرِيمَ يَنْقَطِعُ بِتَمَامِ الْحَوْلَيْنِ.

L36326 The statement of Allah, the Exalted: "And your mothers who breastfed you and your sisters through breastfeeding" [An-Nisa: 23]—the Exalted did not mention "two years" or "a time less than another time," as found in other verses. As a general principle, it is impermissible to specify it except through a text that clarifies it is a specification, not through conjecture nor through a probable interpretation lacking clarification.[44]

وَكَانَ قَوْلُ اللَّهِ تَعَالَى: {وَأُمَّهَاتُكُمُ اللاتِي أَرْضَعْنَكُمْ وَأَخَوَاتُكُمْ مِنَ الرَّضَاعَةِ} [النساء: ٢٣] وَلَمْ يَقُلْ تَعَالَى فِي حَوْلَيْنِ وَلَا فِي وَقْتٍ دُونَ وَقْتٍ زَائِدًا عَلَى الْآيَاتِ الْأُخَرِ، وَعُمُومًا لَا يَجُوزُ تَخْصِيصُهُ إِلَّا بِنَصٍّ يُبَيِّنُ أَنَّهُ مُخَصِّصٌ لَهُ لَا بِظَنٍّ، وَلَا بِمُحْتَمَلٍ لَا بَيَانَ فِيهِ.

L36327 These reports were transmitted through successive transmission. They were narrated by the wives of the Messenger of Allah—peace and blessings be upon him and his family—as we have cited, and Sahlah bint Suhayl—one of the female emigrants—and Zaynab bint Umm Salamah.

وَكَانَتْ هَذِهِ الْآثَارُ قَدْ جَاءَتْ مَجِيءَ التَّوَاتُرِ رَوَاهَا نِسَاءُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - كَمَا أَوْرَدْنَا، وَسَهْلَةُ بِنْتُ سُهَيْلٍ مِنْ الْمُهَاجِرَاتِ وَزَيْنَبُ بِنْتُ أُمِّ سَلَمَةَ.

L36328 He narrated it from the Successors: al-Qāsim ibn Muḥammad, ʿUrwah ibn al-Zubayr, and Humayd ibn Nāfiʿ.

وَرَوَاهُ مِنْ التَّابِعِينَ الْقَاسِمِ بْنِ مُحَمَّدٍ، وَعُرْوَةُ بْنُ الزُّبَيْرِ، وَحُمَيْدُ بْنُ نَافِعٍ.

L36329 And he narrated it from these: al-Zuhri, Ibn Abi Mulaykah, Abdur-Rahman ibn al-Qasim, Yahya ibn Sa'id al-Ansari, and Rabi'ah.

وَرَوَاهُ عَنْ هَؤُلَاءِ الزُّهْرِيِّ، وَابْنِ أَبِي مُلَيْكَةَ، وَعَبْدُ الرَّحْمَنِ بْنُ الْقَاسِمِ، وَيَحْيَى ابْنُ سَعِيدٍ الْأَنْصَارِيُّ، وَرَبِيعَةُ.

[43] **Qur'an references (L36324):** Qur'an 2:233 (Al-Baqarah).
[44] **Qur'an references (L36326):** Qur'an 4:23 (An-Nisa).

L36330 It was narrated from these: Ayyūb al-Sakhtiyānī, Sufyān al-Thawrī, Sufyān ibn ʿUyaynah, Shuʿbah, Mālik, ibn Jarīr, Shuʿayb ibn Abī Ḥamzah, Yūnus ibn Yazīd, Jaʿfar ibn Rabīʿah, Sulaymān ibn Bilāl, Maʿmar, and others.

وَرَوَاهُ عَنْ هَؤُلَاءِ أَيُّوبُ السِّخْتِيَانِيُّ، وَسُفْيَانُ الثَّوْرِيُّ، وَسُفْيَانُ بْنُ عُيَيْنَةَ، وَشُعْبَةُ، وَمَالِكٌ، وَابْنُ جَرِيرٍ، وَشُعَيْبُ بْنُ أَبِي حَمْزَةَ، وَيُونُسُ بْنُ يَزِيدَ، وَجَعْفَرُ بْنُ رَبِيعَةَ، وَسُلَيْمَانُ بْنُ بِلَالٍ، وَمَعْمَرٌ، وَغَيْرُهُمْ.

L36331 And it was narrated from these people by Al-Jammā' al-Ghafīr, thus it is a transmission by all, in whose authenticity neither an agreeing scholar nor a dissenting one differs. There remains no objection except that someone might say: "It is specific to Sālim," as some of the wives of the Messenger of Allah (peace be upon him) stated. Let whoever cites this know it is mere conjecture by those among them who speculated (may Allah be pleased with them).

وَرَوَاهُ عَنْ هَؤُلَاءِ النَّاسِ: الْجَمَّاءُ الْغَفِيرُ، فَهُوَ نَقْلُ كَافَّةٍ لَا يَخْتَلِفُ مُؤَالِفٌ وَلَا مُخَالِفٌ فِي صِحَّتِهِ فَلَمْ يَبْقَ مِنَ الِاعْتِرَاضِ إِلَّا أَنْ يَقُولَ قَائِلٌ: هُوَ خَاصٌّ لِسَالِمٍ كَمَا قَالَ بَعْضُ أَزْوَاجِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلْيَعْلَمْ مَنْ تَعَلَّقَ بِهَذَا أَنَّهُ ظَنٌّ مِمَّنْ ظَنَّ ذَلِكَ مِنْهُنَّ - رَضِيَ اللَّهُ عَنْهُنَّ -.

L36332–36333 Similarly, it is mentioned in the hadith that the women said: "We do not see this except as specific to Salim, and we do not know—perhaps it is a concession for Salim." Then behold, it was conjecture without any doubt, for assumption is not countered by the established traditions. He, the Exalted, said: "Indeed, assumption avails nothing against the truth" [Yunus (Jonah): 36].[45]

وَهَكَذَا جَاءَ فِي الْحَدِيثِ أَنَّهُنَّ قُلْنَ: مَا نَرَى هَذَا إِلَّا خَاصًّا لِسَالِمٍ، وَمَا نَدْرِي لَعَلَّهُ رُخْصَةٌ لِسَالِمٍ، فَإِذْ هُوَ ظَنٌّ بِلَا شَكٍّ، فَإِنَّ الظَّنَّ لَا يُعَارَضُ بِالسُّنَنِ قَالَ تَعَالَى: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦] .

L36334 What a stark contrast between the argument of Umm Salamah—may Allah be pleased with her—based on her personal choice, and the argument of ʿĀ'ishah—may Allah be pleased with her—rooted in the established Sunnah, when she said to her: "Do you not have in the Messenger of Allah—peace and blessings be upon him—an excellent example?" Umm Salamah's silence indicates her return to the truth after abandoning her precautionary stance.

وَشَتَّانَ بَيْنَ احْتِجَاجِ أُمِّ سَلَمَةَ - رَضِيَ اللَّهُ عَنْهَا - بِاخْتِيَارِهَا وَبَيْنَ احْتِجَاجِ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - بِالسُّنَّةِ الثَّابِتَةِ، وَقَوْلُهَا لَهَا: أَمَا لَك فِي رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أُسْوَةٌ حَسَنَةٌ؟ وَسُكُوتُ أُمِّ سَلَمَةَ يُنْبِئُ بِرُجُوعِهَا إِلَى الْحَقِّ عَنْ احْتِيَاطِهَا.

L36335 Among the most astonishing wonders is that our opponents here say: "The mursal is equivalent to the musnad." We have indeed received a narration through Abd al-Razzaq's chain from Ma'mar that when the Prophet's wives—peace and blessings be upon him—breastfed an adult male, he became permitted to marry them, and this ruling was exclusively designated for them.

وَمِنْ أَعْجَبِ الْعَجَائِبِ أَنَّ الْمُخَالِفِينَ لَنَا هَاهُنَا يَقُولُونَ: إِنَّ الْمُرْسَلَ كَالْمُسْنَدِ، وَقَدْ رُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ أَنَّ أَزْوَاجَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِذَا أَرْضَعْنَ الْكَبِيرَ دَخَلَ عَلَيْهِنَّ، فَكَانَ ذَلِكَ لَهُنَّ خَاصَّةً.

L36336 Others said: This is abrogated by the abrogation of adoption.

وَقَالَ آخَرُونَ: هَذَا مَنْسُوخٌ بِنَسْخِ التَّبَنِّي.

[45] **Qur'an references (L36333):** Qur'an 10:36 (Yunus).

L36337 Abu Muhammad said: This is undeniably false, for it is impermissible for anyone to declare an established text abrogated except through another established text that is explicit, unambiguous, and not susceptible to ambiguity. How then [could this apply], when Sahlah's statement—may Allah be pleased with her—to the Messenger of Allah (peace and blessings be upon him), "How can I breastfeed him when he is a grown man?" constitutes a manifest clarification? For we know with absolute certainty that after the revelation of the aforementioned verses, had this ruling been specific to Salim or related to adoption—which was abrogated—the Prophet (upon him be prayers and peace) would have clarified it, just as he clarified to Abu Burda regarding the yearling ewe when he said, "It suffices for you, but will not suffice anyone after you."

قَالَ أَبُو مُحَمَّد: وَهَذَا بَاطِلٌ بِيَقِينٍ، لِأَنَّهُ لَا يَحِلُّ لِأَحَدٍ أَنْ يَقُولَ فِي نَصٍّ ثَابِتٍ: هَذَا مَنْسُوخٌ، إِلَّا بِنَصٍّ ثَابِتٍ مُبَيَّنٍ غَيْرِ مُحْتَمَلٍ، فَكَيْفَ وَقَوْلُ سَهْلَةَ - رَضِيَ اللَّهُ عَنْهَا - لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: كَيْفَ أُرْضِعُهُ وَهُوَ رَجُلٌ كَبِيرٌ؟ بَيَانٌ جَلِيٌّ، لِأَنَّهُ بَعْدَ نُزُولِ الْآيَاتِ الْمَذْكُورَاتِ وَبِالْيَقِينِ نَدْرِي أَنَّهُ لَوْ كَانَ خَاصًّا لِسَالِمٍ، أَوْ فِي التَّبَنِّي الَّذِي نُسِخَ لَبَيَّنَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - كَمَا بَيَّنَ لِأَبِي بُرْدَةَ فِي الْجَذَعَةِ إِذْ قَالَ لَهُ تُجْزِئُك وَلَا تُجْزِئُ أَحَدًا بَعْدَك.

L36338 Some who show no fear of Allah Almighty in their speech have said: How can it be lawful for an adult man to suckle from the breast of an unrelated woman? Abu Muhammad responded: This is mere opposition to the Messenger of Allah (peace be upon him) who ordained this ruling. The one making this objection feels no shame in claiming that a female slave may pray uncovered with people seeing her breasts and midriff, nor in asserting that a free woman may deliberately expose an area equivalent to a Baghli dirham from her private parts while praying - visible to those entering and exiting among the group in the mosque - or that she may similarly expose less than a quarter of her abdomen. We seek refuge with Allah from shamelessness and lack of religious commitment.

وَقَالَ بَعْضُ مَنْ لَا يَخَافُ اللَّهَ تَعَالَى فِيمَا يُطْلِقُ بِهِ لِسَانَهُ: كَيْفَ يَحِلُّ لِلْكَبِيرِ أَنْ يَرْضِعَ ثَدْيَ امْرَأَةٍ أَجْنَبِيَّةٍ؟ قَالَ أَبُو مُحَمَّد: هَذَا اعْتِرَاضٌ مُجَرَّدٌ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي أَمَرَ بِذَلِكَ، وَالْقَائِلُ بِهَذَا لَا يَسْتَحْيِي مِنْ أَنْ يُطْلِقَ: أَنَّ لِلْمَمْلُوكَةِ أَنْ تُصَلِّيَ عُرْيَانَةً يَرَى النَّاسُ ثَدْيَيْهَا وَخَاصِرَتَهَا، وَأَنَّ لِلْحُرَّةِ أَنْ تَتَعَمَّدَ أَنْ تَكْشِفَ مِنْ شَفَتَيْ فَرْجِهَا مِقْدَارَ الدِّرْهَمِ الْبَغْلِيِّ تُصَلِّي كَذَلِكَ وَيَرَاهَا الصَّادِرُ وَالْوَارِدُ بَيْنَ الْجَمَاعَةِ فِي الْمَسْجِدِ، وَأَنْ تَكْشِفَ أَقَلَّ مِنْ رُبُعِ بَطْنِهَا كَذَلِكَ - وَنَعُوذُ بِاللَّهِ مِنْ عَدَمِ الْحَيَاءِ وَقِلَّةِ الدِّينِ.

L36339 Abu Muhammad said: The statement of the Messenger of Allah (peace be upon him), "Suckling is only valid to alleviate hunger," constitutes a clear proof for us. For suckling serves to repel hunger for the adult in the same manner as it does for the infant. Thus, it is a universal principle applying to all instances of suckling once they amount to five feedings, as the Messenger of Allah (peace be upon him) instructed.

قَالَ أَبُو مُحَمَّد: وَقَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّمَا الرَّضَاعَةُ مِنْ الْمَجَاعَةِ» حُجَّةٌ لَنَا بَيِّنَةٌ، لِأَنَّ لِلْكَبِيرِ مِنْ الرَّضَاعَةِ فِي طَرْدِ الْمَجَاعَةِ نَحْوَ مَا لِلصَّغِيرِ، فَهُوَ عُمُومٌ لِكُلِّ رَضَاعٍ إذَا بَلَغَ خَمْسَ رَضَعَاتٍ كَمَا أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L36340–36341 Ali said: It is established that Aisha—may Allah be pleased with her—would be visited by an elderly man if a sister of hers (through breastfeeding) had breastfed him during his old age, creating a prohibited breastfeeding relationship. We bear witness by Allah's testimony—the Almighty and Majestic—and

قَالَ عَلِيٌّ: فَصَحَّ أَنَّ عَائِشَةَ - رَضِيَ اللَّهُ عَنْهَا - كَانَ يَدْخُلُ عَلَيْهَا الْكَبِيرُ إذَا أَرْضَعَتْهُ فِي حَالِ كِبَرِهِ أُخْتٌ مِنْ أَخَوَاتِهَا الرَّضَاعَ الْمُحَرِّمَ، وَنَحْنُ نَشْهَدُ بِشَهَادَةِ اللَّهِ عَزَّ وَجَلَّ

affirm with certainty that He—Exalted is He—would never permit the private affair of the Messenger of Allah—peace and blessings of Allah be upon him—to be violated by one who has no lawful right to it, in light of His Exalted's statement: {And Allah protects you from the people} [Al-Ma'idah: 67].[46]

L36342 We are certain and affirm that the suckling of an adult results in prohibition, and there is nothing objectionable in the refusal of the remaining women regarding someone entering upon them through this suckling, for it is permissible for them that those lawfully permitted to enter upon them do not enter—and success is from Allah, the Exalted.

L36343 **A juridical case: A woman became pregnant by one entitled to paternal attribution of her child, and her milk thereafter flowed naturally.**

L36344 **Issue 2021:** If a woman whose child's lineage is ascribed to her husband becomes pregnant, her milk begins to flow, she delivers, and her husband divorces her, dies, leaves her, she marries another, or she was an enslaved woman and another acquires ownership of her—the child she breastfeeds is ascribed through milk kinship to the first husband, not the second. If she conceives from the second and the lactation persists, the ruling remains with the first unless the milk changes and then stabilizes. If it changes, the legal ruling for the first is invalidated and transfers to the second. And all praise is due to Allah, Lord of the worlds.

[46] **Qur'an references (L36341):** Qur'an 5:67 (Al-Ma'idah).

وَنَقْطَعُ بِأَنَّهُ تَعَالَى لَمْ يَكُنْ لِيُبِيحَ سِرَّ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَنْتَهِكُهُ مَنْ لَا يَحِلُّ لَهُ مَعَ قَوْلِهِ تَعَالَى: {وَاللَّهُ يَعْصِمُكَ مِنَ النَّاسِ} [المائدة: ٦٧] .

فَنَحْنُ نُوقِنُ وَنَبُتُّ بِأَنَّ رَضَاعَ الْكَبِيرِ يَقَعُ بِهِ التَّحْرِيمُ، وَلَيْسَ فِي امْتِنَاعِ سَائِرِهِنَّ مِنْ أَنْ يَدْخُلَ عَلَيْهِنَّ بِهَذِهِ الرَّضَاعَةِ شَيْءٌ يُنْكَرُ، لِأَنَّ مُبَاحًا لَهُنَّ أَنْ لَا يَدْخُلَ عَلَيْهِنَّ مَنْ يَحِلُّ لَهُ الدُّخُولُ عَلَيْهِنَّ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ حَمَلَتْ امْرَأَةٌ مِمَّنْ يَلْحَقُ وَلَدُهَا بِهِ فَدُرَّ لَهَا اللَّبَنُ]

٢٠٢١ - مَسْأَلَةٌ: وَإِنْ حَمَلَتْ امْرَأَةٌ مِمَّنْ يَلْحَقُ وَلَدُهَا بِهِ فَدُرَّ لَهَا اللَّبَنُ، ثُمَّ وَضَعَتْ فَطَلَّقَهَا زَوْجُهَا، أَوْ مَاتَ عَنْهَا فَتَزَوَّجَهَا آخَرُ، أَوْ كَانَتْ أَمَةً فَمَلَكَهَا آخَرُ، فَمَا أَرْضَعَتْ فَهُوَ وَلَدٌ لِلْأَوَّلِ لَا لِلثَّانِي، فَإِنْ حَمَلَتْ مِنَ الثَّانِي فَتَمَادَى اللَّبَنُ فَهُوَ لِلْأَوَّلِ إِلَّا أَنْ يَتَغَيَّرَ، ثُمَّ يَعْتَدِلُ، فَإِنَّهُ إِذَا تَغَيَّرَ فَقَدْ بَطَلَ حُكْمُ الْأَوَّلِ وَصَارَ لِلثَّانِي [وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ] .