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Abstract

Praise be to Allah, the Lord of all worlds, and peace and blessings be upon our Prophet Muhammad, his family, and his companions. After this, in view of the esteemed scholarly position of the Hafiz Ibn Hajar al-Asqalani and the significance of his book "Fath al-Bari," this research titled "Fiqh Selections of Hafiz Ibn Hajar al-Asqalani in his book 'Fath al-Bari' through the Book of Fasting: 'Issues Related to What Does Not Invalidate the Fast' as a Model" has been undertaken. Its aim is to elucidate the fiqh selections of Ibn Hajar al-Asqalani concerning the issues of "what does not invalidate the fast" and study them in comparison with different juristic schools, using the book of fasting from his work "Fath al-Bari." This research consists of an introduction, two sections, and a conclusion. The conclusion presents the most important recommendations and findings derived from the study.

The first section, titled "The Qibla and Facing the Qibla for the Fasting Individual," includes a detailed examination and analysis of the issue. It then proceeds to present the selection of Hafiz Ibn Hajar al-Asqalani and compare it with the opinions of other juristic schools. As for the second section, titled "Eating and Drinking Forgetfully during Ramadan," it also provides a detailed examination and analysis of the issue. It then reaches the selection of Hafiz Ibn Hajar al-Asqalani and compares it with the opinions of other juristic schools.

Keywords: Hafiz Ibn Hajar al-Asqalani, fiqh selections, Ramadan, invalidates the fast, facing the qibla for the fasting individual.

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introduction:

Praise be to Allah, who possesses perfect attributes, bestows favors and blessings, and is benevolent throughout the nights and days. I praise Him abundantly, and His praise remains unchanging and everlasting. Undoubtedly, the choices made by jurists represent the preference that emerged from their scholarly examination among the various schools of thought. Such choices aim to determine the most preferable opinion concerning matters of disagreement among jurists, and to decisively settle the differences. Furthermore, these fiqh selections represent the results of the jurist's diligent effort in addressing the issues on which the jurists have previously expressed their views.

When one examines the works of our ancient scholars, they will find that within the depths of their books, they paid attention to fiqh selections and the process of preference among the differing issues among jurists. There is hardly a book in which its author did not touch upon this aspect, whether it is a book on jurisprudence, hadith, interpretation, or other specialized fields. This is because the majority of the early scholars of this Ummah were polymaths in their knowledge. We find that each of them was a scholar of Hadith and Jurisprudence, an exegete, and knowledgeable in the Arabic sciences. This is simply because they utilized their precious time in seeking knowledge with sincerity, seeking only the pleasure of Allah with their knowledge.

Indeed, Ibn Hajar al-Asqalani was among those scholars who excelled in various fields. He was a scholar of hadith, an exegete, a jurist, a linguist, and a historian. This is attested by numerous contemporary scholars who have recognized his expertise. His works serve as a testament to his wide-ranging knowledge.

Undoubtedly, his book "Fath al-Bari" deserves the attention of researchers. It is one of the sources from which every researcher can quench their thirst for fiqh and usul issues, as well as matters related to the sciences of hadith, interpretation, and other fields. Considering the significance of fiqh selections, as previously mentioned, and the esteemed position of Hafiz Ibn Hajar al-Asqalani and the importance of his book "Fath al-Bari," I have decided to focus my research, by the will of Allah, on his fiqh selections from the book "Fath al-Bari." I have specifically limited my study to the book on fasting, "Issues Related to What Does Not Invalidate the Fast," due to its relevance to the validity of Muslim fasting.

Significance of the Study:

- This research opens the door to further understanding of the fiqh selections made by Hafiz Ibn Hajar al-Asqalani in his book "Fath al-Bari" specifically regarding fasting and the issues related to what does not invalidate the fast.
- It highlights the methodology employed by Hafiz Ibn Hajar al-Asqalani in his fiqh selections, allowing for a deeper understanding of his approach through the studied issues in this research.
- It sheds light on a specific aspect of the scholarly exertion (ijtihad) of Hafiz Ibn Hajar al-Asqalani, which is the fiqh selections.
- This study brings to attention the existing differences among Islamic scholars regarding the issues of facing the qibla and directly facing it while fasting, as well as eating and drinking forgetfully during Ramadan. It aims to arrive at the most preferable opinion through comparing the different views presented on these matters, ultimately determining whether the selection of Hafiz Ibn Hajar al-Asqalani is the most preferable or not.

Problem Statement:

Since the study focuses on examining the fiqh selections of Hafiz Ibn Hajar al-Asqalani in his book "Fath al-Bari," specifically in the section on fasting titled "Issues Related to What Does Not Invalidate the Fast," the problem statement addresses a fundamental question: What are the

matters that invalidate the fast and those that do not? Furthermore, it explores the opinions of scholars regarding these matters, through addressing a set of sub-questions:

- Does facing the qibla and directly facing it while fasting in Ramadan invalidate the fast?
- Does eating and drinking forgetfully during Ramadan also invalidate the fast?

The Methodology:

Given the nature and title of the topic, I have adopted a descriptive-analytical methodology and an investigative approach with comparative analysis. This methodology involves investigating and analyzing the issues under study through a sound scientific methodology.

The Outline:

The research is divided into an introduction, two main sections, and a conclusion, as follows:

Introduction: It provides a general definition of the research topic, its problem statement, significance, methodology, and outline.

First Section: Facing the qibla and directly facing it while fasting.

Second Section: Eating and drinking forgetfully during Ramadan.

Conclusion: It summarizes the most important findings obtained through this research.

First Section: kissing While Fasting.

- Aisha (may Allah be pleased with her) reported: "The Messenger of Allah (peace be upon him) used to kiss and embrace some of his wives while he was fasting, and then she would laugh.¹ "

- Aisha (may Allah be pleased with her) reported: "The Prophet (peace be upon him) used to kiss and embrace his wives while fasting, and he had the most control among you over his desires.² "

Opinions of the Jurists regarding the ruling on facing the qibla and directly facing it while fasting:

The jurists have differed regarding the ruling on facing the qibla and directly facing it while fasting, and their opinions can be categorized into four views:

First Opinion: Permissibility of kissing for those who have self-control and do not fear falling into ejaculation or sexual intercourse. However, if one does not have self-control and their desires are stirred, it is disliked (makruh) in this case.

Hafiz Ibn Hajar inclined towards this opinion, and this is the view he chose. He stated: "It has been established explicitly from Aisha that it is permissible, as mentioned earlier. So, her statement encompasses both this opinion and her previous statement, that everything is permissible except for sexual intercourse. The prohibition mentioned here indicates dislike (karaha) due to emphasizing the avoidance, and it does not negate permissibility³. " The Hanafi school of thought⁴, as well as the Shafi'i⁵ and Hanbali⁶ schools, adopt this view.

Second Opinion: The disapproval of facing the Qibla and engaging in direct physical contact is absolute, and this is the viewpoint of the Maliki school ⁷.

Third Opinion: The disapproval of facing the Qibla and engaging in direct physical contact is considered disliked (makruh tanzihi) for those whose desires are stirred. However, for those whose desires are not stirred, it is not recommended to abandon it. This is the preferred opinion in the Shafi'i school ⁸.

Fourth Opinion: It is recommended (mustahabb) to kiss and engage in direct physical contact for the fasting person, and this is the view of the Zahiri school ⁹.

Reason for the disagreement:

Ibn Rushd stated: They disagreed regarding kissing and engaging in direct physical contact for the fasting person. Some of them permit it, some disapprove of it, and some completely dislike it. Those who permit it rely on the narrations from Aisha and Umm Salamah that the Prophet (peace be upon him) used to kiss while fasting¹⁰. Those who disapprove of it do not consider these narrations sufficient evidence¹¹. As for those who consider it recommended, they base their opinion on the general principle of the Prophet's actions (peace be upon him) and that it implies recommendation.

Discussion and Evidence:

First Opinion's Evidence:

1. Aisha (may Allah be pleased with her) reported: "The Prophet (peace be upon him) used to kiss and engage in physical intimacy while fasting, and he had the most control among you over his desires. "

Relevance of the Evidence: This narration indicates the permissibility of facing the Qibla and engaging in direct physical contact for the fasting person as long as it does not harm the fast and does not stimulate one's desires.¹²

2. Aisha (may Allah be pleased with her) reported: "I inclined towards the Prophet (peace be upon him) for him to kiss me while I was fasting, so I said, 'Indeed, I am fasting.' He replied, 'And I am fasting too,' and then he kissed me.¹³ "

Relevance of the Evidence: This narration is evidence for the permissibility of kissing for those who are not affected by physical intimacy and kissing ¹⁴.

3. Umar (may Allah be pleased with him) narrated: "Once, I kissed while fasting and then went to the Prophet (peace be upon him) and said, 'Today, I did something significant; I kissed while fasting.' He asked, 'What if you rinse your mouth (perform the act of mouthwash) while fasting?' I replied, 'There is no harm in that.' He said, 'Then, what is the difference?'¹⁵ "

Relevance of the Evidence: This narration highlights that rinsing the mouth (mouthwash) does not invalidate the fast, and it is the first act of drinking and its key. Similarly, kissing is an action

of physical intimacy and its key. Just as it is established among them that the initial act of drinking does not invalidate the fast, likewise, the initial act of physical intimacy does not invalidate it¹⁶.

4. Aisha (may Allah be pleased with her) reported that the Messenger of Allah (peace be upon him) permitted kissing for an elderly person while fasting but prohibited it for a young person, saying, "The elderly person has more control over his desires, while the young person's fast would be invalidated."¹⁷

5. Ibn Abbas (may Allah be pleased with them both) reported that the Messenger of Allah (peace be upon him) permitted an elderly person to kiss while fasting but forbade it for a young person¹⁸.

6. Abu Hurairah (may Allah be pleased with him) reported: "A man asked the Prophet (peace be upon him) about engaging in physical intimacy while fasting, and he permitted it for him. Then another man came to him, and he prohibited it for him. This permission was granted to the elderly man, while the prohibition was for the young man."¹⁹

The point of evidence from these narrations is that the Companions (may Allah be pleased with them) understood from the Prophet's (peace be upon him) explanation that the ruling is applicable when desires are not stimulated. The expression used regarding the elderly person and the young person reflects the conditions of the elderly person's weakened desires and the young person's stronger desires. If the situation were reversed, the ruling would also be reversed²⁰.

The prohibition for the young person and permission for the elderly person indicate that it is not permissible to kiss for someone who fears that their desires will overpower them and believes that they cannot control themselves during kissing²¹.

Therefore, if one is confident in controlling their desires, kissing is permissible for them.

Second Opinion's Evidence:

1. Aisha (may Allah be pleased with her) reported: "The Prophet (peace be upon him) used to kiss and engage in physical intimacy while fasting, and he had the most control among you over his desires."²²

Relevance of the Evidence: Aisha's statement implies that caution should be exercised in kissing, and one should not assume that they are like the Prophet (peace be upon him) in allowing it. The Prophet (peace be upon him) had self-control and could prevent the occurrence of ejaculation, desire, or agitation of the soul resulting from kissing, while others cannot guarantee that. Therefore, your path is to refrain from it²³.

It is evident from this that Aisha (may Allah be pleased with her) believed that this was specific to the Prophet (peace be upon him), and the meaning of it being exclusive to him is that it is not permitted for others to engage in such actions²⁴.

It is debated that Aisha's (may Allah be pleased with her) fatwa (legal opinion) on the permissibility of kissing for the fasting person is evidence that it is permissible for anyone who is confident in preserving their fast from being invalidated. She narrated the hadith and knew its context²⁵.

2. Abu Hurairah (may Allah be pleased with him) reported: "The Messenger of Allah (peace be upon him) forbade a man from kissing while fasting ²⁶."

Relevance of the Evidence: The default ruling for this prohibition is prohibition itself. However, it is established that the Prophet (peace be upon him) used to kiss while fasting, so the prohibition here implies dislike, combining the evidence.

It is debated that this hadith is weak.

Evidence for the Third Opinion:

The proponents of this opinion use the same evidence as the proponents of the first opinion, but they say that kissing and physical intimacy are disliked (makruh tahrim) for those who cannot control themselves and know that it stimulates their desires. However, for those whose desires are not aroused, it is permissible, although it is preferable for them to ²⁷.

Evidence for the Fourth Opinion:

1. Allah says in the Quran: "There has certainly been for you in the Messenger of Allah an excellent pattern for anyone whose hope is in Allah and the Last Day and [who] remembers Allah often." (Quran 33:21)

Relevance of the Evidence: This verse indicates that the Prophet (peace be upon him) is our role model in all his actions. It is established that he used to kiss his wives while fasting, which indicates the desirability of following him in this act.

It is debated that the Prophet (peace be upon him) did not explicitly mention the desirability of kissing; rather, he only stated its permissibility.

2. Aisha (may Allah be pleased with her) narrated: "I inclined towards the Prophet (peace be upon him) for him to kiss me, so I said, 'I am fasting,' and he said, 'And I am fasting too,' and he kissed me."²⁸

They also use the same collection of narrations used by the proponents of the first opinion.

Relevance of the Evidence: Kissing is established from the actions of the Prophet (peace be upon him), indicating its desirability because it is one of his actions.

Ibn Hazm said, "It is valid that kissing is commendable (mustahabb), a Sunnah among the traditions, and a means of drawing closer to Allah, following the example of the Prophet (peace be upon him), and adhering to his verdict on the matter."²⁹

This statement can be discussed from the following perspectives:

- The Prophet (peace be upon him) did not explicitly mention the desirability in all the narrations; rather, he only stated the permissibility of kissing.
- None of the early scholars explicitly stated this ruling.

- The default ruling for kissing does not imply seeking closeness to Allah and obedience, so it does not have the ruling of desirability but rather permissibility.

Based on the presentation of evidence and its discussion, the opinion that kissing and physical intimacy are disliked (makruh) for those who cannot control themselves and have their desires stimulated is stronger, Allah knows best. However, for those who can control themselves and do not have their desires aroused, it is permissible for them. This is due to the strength of the evidence supporting this opinion, its consistency, and the abundance of narrations indicating that the Prophet (peace be upon him) used to engage in kissing and issue verdicts on it.

Section Two: Inadvertent Eating/Drinking during Ramadan

- Abu Hurairah (may Allah be pleased with him) reported that the Prophet (peace be upon him) said: "If a person forgets and eats or drinks, then let them complete their fast, for it is Allah who has provided them with food and drink."³⁰

The opinions of the jurists regarding the ruling on eating or drinking forgetfully during fasting:

The jurists have differed regarding whether it is obligatory to make up for the fast or not. There are two opinions:

1. The first opinion is that the fast remains valid and there is no need to make up for it. This is the chosen opinion of the scholar Ibn Hajar, where he said: "The answer to all of this is what Ibn Khuzaymah, Ibn Hibban, Al-Hakim, and Ad-Daraqutni reported from Abu Hurairah, with the wording 'Whoever breaks their fast in the month of Ramadan forgetfully, there is no makeup or expiation for them'.³¹' So, the month of Ramadan is specified, and it is explicitly stated that making up for the fast is waived."³²

The majority of jurists from the Hanafi³³, Shafi'i³⁴, Hanbali³⁵, and Literalists³⁶ (Dhahiri) schools of thought hold this opinion.

The second viewpoint states that the fast is invalid, and only the makeup (qada) is required without the atonement (kaffarah). This is the position of the Malikis³⁷.

Reason for the disagreement:

The reason for their difference regarding making up missed fasts lies in their opposition to relying on analogy (qiyas). Analogy in this context would equate a person who forgets to fast with a person who forgets to pray, and thus, based on the obligation of making up missed prayers due to the textual evidence, it would mandate making up missed fasts. However, the opposing narration (athar) challenges this analogy, as it is reported by both Bukhari and Muslim on the authority of Abu Hurairah that the Prophet Muhammad (peace be upon him) said: "Whoever forgets while fasting and eats or drinks, let him complete his fast, for it is only Allah who has provided sustenance and drink for him."^{38,39}

Evidence and Discussion for the First Viewpoint:

Evidence for the first viewpoint:

1. Narrated by Abu Hurairah (may Allah be pleased with him) that the Prophet (peace be upon him) said: "If anyone forgets and eats or drinks, let him complete his fast, for it is only Allah who has provided sustenance and drink for him."⁴⁰ "

Argument derived from the evidence:

This narration indicates that the action of eating or drinking was taken away from the person and attributed to Allah. This implies that anything that occurs without the person's intentional action does not necessitate making up the fast⁴¹.

2. Also narrated by Abu Hurairah (may Allah be pleased with him) that a man came to the Messenger of Allah (peace be upon him) and said, "O Messenger of Allah, I ate and drank while I was fasting." The Prophet (peace be upon him) said: "Allah has given you food and drink."⁴² "

Argument derived from the evidence:

In this narration, the Prophet (peace be upon him) did not command the man to make up the fast despite his ignorance of the ruling regarding his action. This indicates that the man's fast was still valid. Furthermore, the command to complete the fast implies that he did not break his fast⁴³.

Counter-argument:

It can be argued that the apparent specificity in attributing the sustenance and drink to Allah implies that deliberate actions are not within Allah's jurisdiction. This implies the absence of sin, not the absence of making up the fast⁴⁴.

3. Allah says in the Quran (interpretation of the meaning): "Allah does not impose blame upon you for what is unintentional in your oaths, but He imposes blame upon you for what your hearts have earned. And Allah is Forgiving and Forbearing." (Quran 2:225)

"Allah will not call you to account for that which is unintentional in your oaths, but He will call you to account for that which your hearts have earned. And Allah is Oft-Forgiving, Most-Forgiving"⁴⁵.

4. Allah says in the Quran (interpretation of the meaning): "Call them by [the names of] their fathers; it is more just in the sight of Allah. But if you do not know their fathers - then they are [still] your brothers in religion and those entrusted to you. And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allah Forgiving and Merciful." (Quran 33:5)

5. The Prophet (peace be upon him) said: "Verily, Allah has overlooked for my Ummah mistakes, forgetfulness, and what they are coerced into doing."⁴⁶ "

Argument derived from the evidence:

This evidence indicates that forgetfulness is not considered a sin and is lifted from the Ummah (Muslim community). Therefore, no obligation (qada) is required for the one who forgets⁴⁷. It is argued that forgetfulness is not part of the intentional actions of the heart, and thus, it does not require making up missed fasts⁴⁸.

Counter-argument:

It can be argued that forgetfulness is a type of excuse (udhr), and yet it does not prevent fasting from being invalidated by committing what is prohibited in its essence (i.e., eating). It is answered that the claim that deliberate actions and forgetfulness are the same is refuted by the fact that Abu Hurairah did not mandate making up the fast for the one who ate while forgetting. Hence, Abu Hurairah's opinion is evidence that distinguishes between deliberate actions and forgetfulness.

6. Narrated by Abu Sa'id Al-Khudri (may Allah be pleased with him): "Whoever eats during the month of Ramadan due to forgetfulness, there is no obligation (qada) upon them."⁴⁹

Argument derived from the evidence:

This hadith explicitly states the exemption from making up the fast.

Counter-argument:

It is argued that the chain of narration (isnad) for this hadith is weak (da'if).

Response:

Although the chain of narration may be weak, it is still acceptable for further reliance. The minimum level of hadith strength for this purpose is Hasan (good), which makes it suitable for argumentation⁵⁰. Moreover, it is supported by the fact that a group of companions issued a fatwa based on it without any opposition from them⁵¹.

Evidence for the second viewpoint:

1. Hadith narrated by Abu Hurairah (may Allah be pleased with him) from the Prophet (peace be upon him): "If a person forgets and eats or drinks, then let them complete their fast, for it is Allah who has provided them with food and drink."⁵²

Argument derived from the evidence:

The apparent meaning of this hadith, which specifically attributes the sustenance during forgetfulness to Allah, implies that intentional actions have no basis for Allah's involvement. This suggests the negation of sin, not the negation of making up the fast (qada)⁵³.

Counter-argument:

It is argued that the Prophet (peace be upon him) did not command Abu Hurairah to make up the fast, but rather instructed him to continue and complete his fast, indicating that his fast was valid and did not require making up⁵⁴.

Response:

It is stated that this argument is based on a weak and questionable opinion that contradicts the established analogy and principle regarding fasting. The principle is that breaking the fast is the opposite of fasting, and abstaining from food and drink is an essential component of fasting.

Therefore, if someone forgets a unit of prayer, they are obligated to repeat it even if it was due to forgetfulness⁵⁵.

Counter-response:

It is argued that this opinion is weak and outweighed by the authentic and explicit hadiths from the two Sahih collections (Bukhari and Muslim) that clearly instruct the completion and continuation of the fast, as well as the narrations by Ibn Khuzaymah, Ibn Hibban, Al-Hakim, and Ad-Daraqutni⁵⁶ that specify the validity of fasting in Ramadan without making up missed fasts. Rejecting this hadith due to its contradiction with a single analogy does not hold strong ground, as it is an independent principle in fasting, unlike the analogy applied to prayer. Opening the door to rejecting authentic hadiths based on similar arguments would leave us with very few remaining hadiths⁵⁷.

Preference:

The first viewpoint, asserting the permissibility of fasting for someone who unintentionally consumes food or drinks, is deemed more probable, and Allah knows best. This is supported by the robustness of their evidence and its explicit indication that making up for the missed fast is not obligatory.

Conclusion:

All praise be to Allah, through whose blessings righteous deeds are perfected. May peace and blessings be upon our Prophet Muhammad, his family, and his righteous companions, as well as those who follow their guidance until the Day of Judgment. With regard to the finalization of this research:

I have arrived at several findings and recommendations, among which the following are noteworthy:

Findings:

1. The essence of jurisprudential choices lies in ascertaining the most plausible opinions in matters where scholars differ, while disregarding less plausible alternatives.
2. Al-Hafiz Ibn Hajar al-Asqalani exemplifies the diligent scholars who base their deductions on textual evidence from the Quran and Sunnah, devoid of bias towards any particular opinion or school of thought. His approach to making choices is well-defined, without adherence to any specific methodology.
3. Ibn Hajar's selections pertaining to the two issues under scrutiny align with the teachings of the Shafi'i school of thought, even though it should be noted that Al-Hafiz Ibn Hajar is associated with this particular school.
4. Based on our study, it is deemed more likely that facing the Qibla and direct physical contact should be discouraged for individuals lacking self-control, whereas it remains permissible for those who possess self-restraint.

5. Our study leans towards the validity of fasting for individuals who inadvertently consume food or drinks, supported by compelling evidence that explicitly negates the obligation of making up for the missed fast.

Recommendations:

1. Intensify studies and research on the works of Ibn Hajar al-Asqalani and present them in various aspects within different fields such as jurisprudence, principles of Islamic law, hadith, tafsir (Quranic exegesis), and other related sciences.

2. I recommend myself first, as well as students of knowledge and researchers, to follow the footsteps of this subject of research. It is a broad topic rich in comparative jurisprudence. They should continue studying Ibn Hajar's book "Fath al-Bari" and extract the abundant benefits it contains across various disciplines.

3. Benefit from Ibn Hajar's choices in different jurisprudential topics within his book "Fath al-Bari." As previously mentioned, he was not a blindly biased follower of opinions, but rather a diligent scholar who determined rulings based on the evidence he found most compelling.

4. Work on completing the understanding of Ibn Hajar al-Asqalani's jurisprudence in "Fath al-Bari" by covering the remaining jurisprudential chapters.

5. Study the methodologies of scholars in their preferences and choices, as understanding their approaches makes it easier for researchers to discuss their opinions and discern their accuracy or errors.

6. I also recommend myself, as someone who may fall short, and then extend this advice to students of knowledge in general and Islamic law in particular, to exert effort and diligence in seeking knowledge with sincere intentions solely for the sake of Allah Almighty. They should strive to gain proficiency in every field of knowledge available to them.

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