

Ruling on Women Attending the 'Īd Prayers

Question:

Salam Sheikh,

I have been reading different articles about Hanafi fiqh. There is a website run by Sh Faraz Rabbani with a lot of information. I read the following on there:

"The congregational Eid prayer is necessary (wajib) upon the same individuals who are obliged to attend the Friday congregational prayer. These individuals are:

- Sane, adult men, which excludes women and children
- Residents, which excludes travellers
- Those in good health, which excludes genuinely sick people

It should be noted that if women, children, travellers or sick individuals attend the Eid prayer, they are rewarded for their attendance. The aforementioned point is merely illustrating that it is not incumbent upon them to attend, which means that they are not sinful if they miss the prayer.

[Shurunbulāli, Marāqi al-Falāḥ; Ala al-Din Abidin, al-Hadiyya al-'Alaiyya; Shurunbulāli, Imdad al-Fattah]"

Here is the link to the article: <http://seekershub.org/ans-blog/2010/09/04/the-fiqh-of-eid-al-fitr-eid-al-adha/>

Is my understanding correct that because women get rewarded for attendance, it is being recommended by the above scholar? If this is the case then why do our Indian scholars always prohibit or discourage women from attending Eid? The writer even mentions scholars like Shurunbulāli and Ibn Abidin. Are these not Hanafi scholars? I am very confused now. Please explain.

(Question published as received)

الجواب باسم ملهم الصواب

According to the sharī'ah, a woman is required to stay at home and not emerge except for something the sharī'ah has sanctioned or some genuine need. This measure is put in place from the Divine Legislator (shāri') for preserving the sanctity and stature of women themselves.

Consider the following:

Allāh Ta'ālā states in the qur'ān:

وَقَرْنَ فِي بُيُوتِكُنَّ وَلَا تَبَرَّجْنَ تَبَرُّجَ الْجَاهِلِيَّةِ الْأُولَى...

“Remain in your homes, and do not display (your beauty) as it used to be displayed in the days of earlier ignorance (pre-Islāmic era) ...”

Qur'ān: 33:33

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ، قَالَ: الْمَرْأَةُ عَوْرَةٌ، فَإِذَا خَرَجَتْ اسْتَشْرَفَهَا الشَّيْطَانُ

‘Abdullāh ibn Mas‘ūd (raḍiyallāhu ‘anhu) narrated that the Prophet (ṣallallāhu ‘alayhi wa sallam) said: “The woman is ‘awrah, so when she goes out, shayṭān casts his gaze upon her [to tempt her and tempt others with her].”

Ḥadīth: al-Tirmidhī – 1173

One would be mistaken to describe a woman’s emergence to the ‘īd ṣalāh as being “encouraged.” According to the ḥanafī madhhab, women were once permitted to attend the ‘īd congregation, but this concession has now come to an end. The initial permissibility was sanctioned by the sharī'ah on the basis of some conditions. Since these conditions are no longer met (see below), the original permissibility no longer applies.

Let us look at what the erudite fuqahā' (jurists) of the ḥanafī madhhab have stated in regard to this:

Imām Muḥammad (raḥimahullāh) reports in al-Aṣl from the founding ḥanafī imāms (Imām Abū Ḥanīfah, Imām Abū Yūsuf and Imām Muḥammad himself) that they said in answer to the question: “Do you give concession for women to attend [the Eclipse Prayer]?”: “I give no concession for women for any kind of emergence, besides an old aged woman, as I give concession for her to come out to the two ‘īds and fajr and ‘ishā’ ṣalāh.” In answer to a similar question about women coming out to ‘īd, he reports: “A concession used to be given to them for that, but today I regard it to be reprehensible.”¹

‘Allāmah al-Kāsānī (d. 587 H) describes this reprehensibility (karāḥah) as one of impermissibility, stating, “It is not permissible for those that are not elderly (shawābb) from amongst [women] to come out to any ṣalāh”. Al-Kāsānī further states that there is consensus (ijmā‘) that there is no concession for women who are not elderly (shawābb) to emerge for any Ṣalāh.”²

He also states: “As for women, are they permitted to emerge for the two ‘īds? They (the fuqahā’) have unanimously agreed that non-elderly women are not permitted to emerge for jumu‘ah, the two ‘īds or for any ṣalāh due to the verse of Allāh Ta‘ālā, “And remain in your homes” [al-Aḥzāb: 33], because their emerging is a means of fitnah and fitnah is ḥarām¹, and that which leads to ḥarām is also ḥarām. As for old women, they are permitted to emerge for fajr, maghrib, ‘ishā’ and the two ‘īds. The jurists have disputed in regard to them emerging for zuhr, ‘aṣr and jumu‘ah. Imām Abū Ḥanīfah states, they shall not be permitted, whereas Imām Abū Yūsuf and Imām Muḥammad (ṣāhibayn) say, they will be permitted...This difference of opinion is with regard to [whether or not there is] leeway and permissibility. There is no difference of opinion with regard to the fact that the afḍal (most virtuous and superior) option is for women not to emerge [from their homes] due to what has been narrated from the Prophet (ṣallallāhu ‘alayhi wa sallam), “The ṣalāh of a woman performed in her courtyard is more rewarding than her ṣalāh performed in her [local] masjid; her ṣalāh performed in her home is more rewarding than her ṣalāh performed in

¹ “Means or cause of fitnah” is not always directly from women as some incorrectly presume. The real means of fitnah is the corruptness of hearts of people (men or women) who prey on any avenue to yield their worldly pleasure, even if the avenue is prohibited upon them. (See the discussion of Ibn Ḥajar al-Haytamī produced below). When chaste women are out of homes, they are more prone to attack from such evil. Likewise, women with malicious desire emerging alone from home have higher tendency to involve in sin. It is this evil which transforms into a fitnah. Sharī‘ah has provided a way to close the avenue which leads to this fitnah. This is why there is no harm for women to accompany their close ones (maḥārim) when they go out, since the maḥārim become a shield for corrupt individuals from advancing towards her.

her courtyard; and her ṣalāh performed in her bedroom is more rewarding than her ṣalāh performed in [the rest of] her home.”²

‘Alī ibn Abī Bakr al-Farghānī al-Marghīnānī (raḥimahullāh) (d. 593 H) states in al-Hidāyah: “It is makrūh for them (i.e. for non-elderly women) to attend the congregation due to fear of fitnah. There is no problem for elderly women to be present at fajr, maghrib, and ‘īshā’. This is according to Imām Abū Ḥanīfah. They (ṣāhibayn) say: They are permitted to emerge for all ṣalāhs since there is no fear of fitnah due to desire being absent for them, like they are permitted for ‘īd.”³

Abū ‘l-Faḍl Majd al-Dīn al-Mawṣilī (raḥimahullāh) (d. 683 H) states in al-Ikhtiyār: “It is makrūh for women to attend the jamā‘ah due to the ḥadīth of Rasūlullāh (ṣallallāhu ‘alayhi wa sallam), ‘Their homes are better for them,’ and also due to fear of fitnah. This (ruling) is by consensus for non-elderly women. As for the elderly women, they may attend Fajr, Maghrib, and ‘īshā’. However, the preferred opinion in our times is that even that is not permissible due to the corruption of the times and due to immorality being rampant.”⁴

‘Allāmah al-Shurunbulālī al-Ḥanafī (raḥimahullāh) (d. 1069 H) states in Marāqī al-Falāḥ: “It is makrūh for women to make jamā‘ah with one of them (i.e. behind a female Imām) and they should (also) not attend the (main) congregation due to fitnah.” He further states, “They are not permitted to attend (the congregation).”⁵

He also states in his marginalia of “Durar al-Ḥukkām Sharḥ Ghurar al-Aḥkām”: “As for his statement—‘It is mentioned in al-Kāfī, the fatwā today is of undesirability for all ṣalāhs...’—Others have said: The later mashāyikh (scholars) have issued fatwā of impermissibility for elderly women to attend any ṣalāh. It is mentioned in al-Kāfī: When it is makrūh for women to attend the maṣjid for ṣalāh, then it is more so makrūh to attend the gatherings of knowledge and advice by these ignorant ones who have adorned themselves as scholars, as stated by Fakhr al-Islām (raḥimahullāh)”⁶

² The wording of the Ḥadīth recorded in Sunan Abī Dāwūd 1/426 (570) is: “The ṣalāh of a woman performed in her home is more rewarding than her ṣalāh performed in her courtyard, and her ṣalāh performed in her bedroom is more rewarding than her ṣalāh performed in [the rest of] her home.” The Ḥadīth is graded by Shaykh Shu‘ayb al-Arna‘ūṭ (raḥimahullāh) (d. 1438 AH) as Ḥasan.

‘Allāmah Ibn Nujaym al-Ḥanafī (rahimahullāh) reiterates the same ruling in al-Baḥr al-Rā’iq. He further mentions that a husband can only permit his wife to emerge for those things which are necessary. If he allows her to emerge more than that, then they both will be sinful.⁷

It is clear from the above-cited references that classical scholars of ḥanafī fiqh, from the early and later generations, have given fatwā that it is makrūh taḥrīmī (impermissible) for women to attend the ‘īd ṣalāh. In light of all the references provided, we feel that the respected ustādhah in question has erred in presenting the correct ḥanafī stance on which fatwā is given.

We also understand the following points from the above discussion:

- The classical fuqahā’ did not permit non-elderly women to attend any ṣalāh, be it the 5 daily prayers, jumu‘ah or ‘īd, due to fear of fitnah.
- There is some difference of opinion amongst the early and later ḥanafī scholars in regard to elderly women emerging for ṣalāh. However, the precautionary opinion is that even they should not emerge, as the ‘illah of fitnah is now applicable to them due to the hypersexual climate we live in.

Note: The ḥanafī fuqahā’ do not dismiss the narrations wherein Rasūlullāh (ṣallallāhu ‘alayhi wa sallam) permitted women to attend the ‘īd prayers or likewise the practice of women coming for ṣalāh in the time of Rasūlullāh (ṣallallāhu ‘alayhi wa sallam). However, the ruling has changed due to a change in the times. The explanation of this is as follows:

Some Aḥādīth clearly put the condition of not applying fragrance for the emergence of women for ṣalāh. The general purport of this condition is that women’s emergence for ṣalāh is premised on the absence of temptation (fitnah). This condition is not met in later times; hence a general rule of prohibition applies.

Qāḍī ‘Iyāḍ said: “The Prophet (ṣallallāhu ‘alayhi wa sallam) forbade women from emerging for the masājid when they are perfumed and fragranced on account of men being tempted by their

nice scent ... Included in the purport of fragrance is the appearance of adornment, fine clothing and the sound of bangles and jewellery.” (Ikmāl al-Mu‘lim, 2:355)

The major late shāfi‘ī authority, Ibn Ḥajar al-Haytamī (909 – 973 H), quotes a lengthy statement from one of the later scholars of his madhhab explaining this. Part of what this late scholar said is:

“If you ask: Do you advocate banning women from coming out to the masājid, conventions, visiting graves besides the grave of the Prophet (Allāh bless him and grant him peace)? I say: How can I not say this when this has become agreed-upon due to the absence of the condition of the permissibility of coming out in his time (Allāh bless him and grant him peace), which is piety and chastity... [Al-Ghazālī] said: ‘It is necessary to ban women from attending the masājid for ṣalāh and the gatherings of remembrance when temptation on their account is anticipated.’ These are statements of the ‘ulamā’ on the ruling on this having changed because of a change in the times. Those who made these pronouncements are the majority of the ‘ulamā’ from the mujtahids and the proficient imāms and the righteous jurists, who are the experts, so it is necessary to accept their statements, as they are the guides of the ummah, and their choice for us is better than our preference for ourselves, and whoever opposes them is following his desire...[The earlier jurists who said attendance was permissible or makrūh tanzīhī, their intent] was when the anticipation of temptation is not consequential upon their emergence. When it is consequential, then it is ḥarām without doubt...The intent of ‘temptation’ (fitnah) is unlawful intercourse (zinā) and its precursors like (lustful) glances, solitude, touching and the like of that.” Al-Haytamī then comments: “How brilliant is this statement and how worthy of being correct!” (al-Fatāwā al-Fiqhiyya al-Kubrā, 1:202-3)

As for the concession that has been given to old women, it should be understood that it is referring to those old women who are extremely elderly (mutafāniyāt) as explained by al-Kamāl ibn al-Humām in Fath al-Qadīr.

وَقَالَ الْكَمَالُ وَالْمُعْتَمِدُ مَنْعُ الْكُلِّ فِي الْكُلِّ إِلَّا الْعَجَائِزَ الْمُتَفَانِيَاتِ فِيمَا يَظْهَرُ لِي دُونَ الْعَجَائِزِ الْمُتَبَرِّحَاتِ وَذَوَاتِ الرَّمَقِ
وَاللَّهُ سُبْحَانَهُ وَتَعَالَى أَعْلَمُ.

Please note that based on the quotations above from the leading imāms of the ḥanafī madhhab, from its inception right until later times, it would be absurd to claim that only Deobandī-Ḥanafī scholars prohibit women from coming to the masjid.

And Allah Ta‘ālā knows best

(Mufti) Bilal al-Mahmudi

22 Dhu l-Ḥijjah 1438 / 13 September 2017

Checked and Approved by,

Mufti Faisal al-Mahmudi (with the following comments):

I concur with the answer prepared by Mufti Bilal. There is no dispute that there is indeed some discussion on the difference of opinion in regard to allowing elderly women for such congregations. However, an objective view of the situation will reveal that just as changes had occurred between the time of Rasūlullāh ﷺ and the times of the early fuqahā’, similarly, a lot has changed since then to now.

Those few factors (also highlighted in this article) which led to giving some leeway for women to attend ‘īd ṣalāh need an honest re-evaluation. A couple of those points include:

- a. ‘īd ṣalāh used to be in grounds whereas in our time it has become like a jumu'ah gathering. In most localities, an ‘īd ṣalāh gathering is held in a local masjid and not in grounds. Even the halls and auditoriums which are booked only cater for bare minimum segregation. So much so that a general mingling becomes inevitable. So, even if we were to take the dispensation of Imām Abū Ḥanīfah, we will have to apply the ruling he gave for jumu'ah congregation, which is of impermissibility due to the crowd bumping into each other and causing fitnah.

- b. Another factor which Imām Abū Ḥanīfah discusses while giving relaxation for ‘īd ṣalah was that ṣulaḥā’s haybah (gravitas) overpowers the fitnah of fussāq. The reality in our time is reverse. ṣulaḥā’ are more worried of their own ‘izzah and honour while making nahy ‘anil munkar to intermingling youth of opposite sexes. While the youth mingle, talk flagrantly, take selfies using these venues as a platform to make evening plans, the elders and ṣulaḥā’ choose to save their own honour, lest the youth talk back and create a scene.
- c. The dispensation given earlier was also with the motive of either gaining rewards or showing kathrah (abundance) of Muslims in the land. Whereas in our times, our women attend ‘īd venue for the sake of rejoice. This is why they choose to overlook the severity of not applying perfumes and adornment when emerging from homes, rather ‘īd venues become a bazaar filled with flagrant display of glamour.

Any objective mind can realise these characteristics do not reflect the reasons and temperament of the earlier fuqahā’. Effort towards rectification of the masses is the prime duty of any faqīh, and hence the dispensation for such venues cannot be given, despite the desire for contextualising this issue to our contemporary era.

The second important comment I wish to make is that Mufti Bilal has represented the ḥanafi stance on this issue. In today’s time it is important to differentiate between an authoritative ḥanafi stance (muftā bihi) and a contemporary fatwā from a ḥanafi muftī.

Finally, I wish and desire that seekers and students who ask these questions instil the mind-set of seeking an idealist position in the sight of Allāh Ta‘ālā. It has always been easy to find a fatwā which suits one’s ease and follow it to please one’s desire. But the challenge is to seek what is best in the sight of Allāh, and follow it despite the discussions of differences in opinion. It is for this reason, the ṣaḥābiyyāt (raḍiyallāhu ‘anhunn) would choose the inner portions of their homes to pray, despite knowing well that dispensation had been given for them to go to the Ḥaram. Sometimes, what seems most virtuous to us is not the most virtuous in the court of Allāh. Finding and opting for the latter is the hallmark of a mu’min.

Mufti Faisal al-Mahmudi

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Checked and Approved by,

Mufti Zameelur Rahman (with the following comments on the subject of ikhtilāṭ - unnecessary mixing of non-elderly men and women):

As the “human being has been created weak” (Qur’ān, 4:28) and “no temptation (*fitnah*) is greater for men than women” (*Ṣaḥīḥ al-Bukhārī*, 5096), the sharī‘ah has placed strict safeguards against men and women interacting. One of these safeguards is the prohibition of unnecessary mixing (*mukhālaṭah*, *ikhtilāṭ*, *imtizāj*, *ijtimā’*) between non-elderly men and women, a position upheld by the vast majority of the classical jurists. Mixing refers to there being no segregation between men and women, that is, men and women are together in the same place, and don’t have their own areas or seating places. Unfortunately, due mainly to influences of non-Islāmic systems of morality, many Muslims have become very relaxed with regards to this ruling. Some even oppose and ridicule it.

Ḥijāb primarily means to screen women from men but also has the secondary meaning of being fully covered when a woman’s person is exposed to onlookers due to some need, e.g. on the streets, in the markets or during ḥajj. The obligation of ḥijāb began towards the end of the 5th year of Hijrah with the revelation of verses in Sūrat al-Aḥzāb. From this time onward, care was taken to ensure non-elderly men and women do not unnecessarily intermingle or mix.

The incident of slander (*ifk*) referred to in verses of Sūrat al-Nūr occurred in the 6th year of Hijrah, after the revelation of ḥijāb. Thus, while explaining its background, ‘Ā’ishah (raḍiyallāhu ‘anhā) said: “I had come out with the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) after ḥijāb was revealed and thus I was carried in a hawdaj and put down in it.” (*Ṣaḥīḥ al-Bukhārī*, 4750; *Fatḥ al-Bārī*, Dār Ṭaybah, 10:386) ‘Ā’ishah’s person was completely concealed in the hawdaj. Ibn Ḥajar explains: “That is, after the command of ḥijāb was revealed, meaning the concealment of women from men looking at them, while before that they were not forbidden [from this]. She said this as an explanation for why she was concealed in the hawdaj, to the point that this led to them [later on in the journey] carrying it when she was not inside it while they believed she was

inside it; as distinguished from before the ḥijāb, as it may have been that women then rode on the backs of the saddles without a hawdaj.” (ibid. 10:395)

When later in the journey ‘Ā’ishah (raḍiyallāhu ‘anhā) returned from searching for her misplaced necklace to find the caravan had left, she explains: “I headed towards my position where I was, and I assumed that they would find me missing and come back for me. While I was sitting at my place, my eyes overcame me and I slept. Safwān ibn al-Mu‘aṭṭal al-Sulamī al-Dhakwānī was behind the army, and he proceeded in the morning to where I was resting, and saw the shape of a person sleeping. He came to me and recognised me when he saw me, as he had seen me before ḥijāb. I woke up when he said *innā lillāhi wa innā ilayhi rāji‘ūn* upon recognising me, so I covered my face with my jilbāb, and by Allāh he did not say to me a word and nor did I hear from him anything besides *innā lillāhi wa innā ilayhi rāji‘ūn...*” (*Ṣaḥīḥ al-Bukhārī*, 4750; *Faṭḥ al-Bārī*, Dār Taybah, 10:387) This demonstrates that after the revelation of ḥijāb, extreme care was taken to ensure men did not see women in general circumstances, while in cases of necessity she was covered fully.

There are narrations of ṣaḥābah drinking wine in the time of the Prophet (ṣallallāhu ‘alayhi wasallam) or engaging in mut‘ah marriage. These narrations obviously cannot be advanced as evidence as they occurred before the prohibition of these acts. Similarly, it will be mistaken to use incidents before the revelation of ḥijāb as proof for the permissibility of unnecessary mixing. Likewise, incidents in which elderly women are in reference are not evidence that this would be allowed for non-elderly women. For example, Sahl ibn Sa‘d (raḍiyallāhu ‘anhumā) explained that the young ṣaḥābah came to eat at a woman’s house after Jumu‘ah, and in one version, it is clarified that she was an elderly woman (‘ajūz). (*Ṣaḥīḥ al-Bukhārī*, 6248)

The congregational ṣalāh that would take place in the time of the Prophet (ṣallallāhu ‘alayhi wasallam) would not entail mixing. Some narrations indicate that women were only permitted to emerge for ṣalāh in the night (i.e. for Fajr and ‘Ishā’). (*Ṣaḥīḥ al-Bukhārī*, 865; *Faṭḥ al-Bārī*, 3:109-10) ‘Ā’ishah said: “The Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) would pray Fajr,

and women from the believers would attend with him wrapped up in their cloaks, and then they would return to their houses while no-one recognised them.” (*Ṣaḥīḥ al-Bukhārī*, 372; *Fatḥ al-Bārī*, 2:89) Note, these women would return immediately after the ṣalāh and were not recognised by anyone.

Measures were taken for men and women not to mix. Umm Salamah (raḍiyallāhu ‘anhā) said: “[The Prophet (ṣallallāhu ‘alayhi wasallam)] would make salām, and the women would turn away and enter their houses before the Messenger of Allāh (ṣallallāhu ‘alayhi wasallam) [and the male companions] turned away.” (*Ṣaḥīḥ al-Bukhārī*, 850; *Fatḥ al-Bārī*, 3:89) Al-Zuhrī, a narrator of this ḥadīth, explains: “This was so that the women turn back before the men catch up with them.” (*Ṣaḥīḥ al-Bukhārī*, 875) Ibn Ḥajar comments that this ḥadīth shows “the reprehensibility of men mixing with women on the roads, let alone in homes.” (ibid. 3:92-3) The Prophet (ṣallallāhu ‘alayhi wasallam) said: “The best rows of men are the first and the worst of them are the last, and the best rows of women are the last and worst of them the first.” (*Ṣaḥīḥ Muslim*) Again, this is to show that men and women are to be separate from one another. One narration even indicates that there was a separate entrance for women in the time of the Prophet (ṣallallāhu ‘alayhi wasallam). (*Sunan Abī Dāwūd*, 460; *Badhl al-Majhūd*, Dār al-Bashā’ir al-Islāmiyyah, 3:186) Women’s emergence for ṣalāh was premised on such principles being adhered to. Once these principles were not maintained, and decadence became the norm amongst people, the ruling changed (as explained in the above answer).

Female companions complained to the Prophet (ṣallallāhu ‘alayhi wasallam) that “the men have overpowered us with you, so arrange a day for us...” (*Ṣaḥīḥ al-Bukhārī*, 101) This shows men and women would not gather together in the same sitting – otherwise, there would be no reason the women could not attend with the men.

A governor of Makkah from the early part of the second century Hijrah, Muḥammad ibn Hishām, stopped women completely from making ṭawāf when men were making ṭawāf, i.e. they had completely separate times for making ṭawāf. (*Fatḥ al-Bārī*, 4:548-9) ‘Aṭā’ ibn Abī Rabāḥ (26 –

114), the great scholar of Makkah, questioned this, stating that the wives of the Prophet (ﷺ) made ṭawāf when there were men present. His well-known student, Ibn Jurayj (80 – 150 H), at this, asked: “How was it that [women] were mixing with the men [in ṭawāf]?” He said: “They would not mix, ‘Ā’ishah would perform ṭawāf screened from the men, not mixing with them.” (*Ṣaḥīḥ al-Bukhārī*, 1618) In other words, even in ṭawāf, in the blessed era of the Salaf, men and women would keep separate from one another. Al-Fākihī (ca. 210 – 275 H) reports with his chain to Ibrāhīm al-Nakha‘ī: “Umar forbade men from making ṭawāf with women. He once saw a man making ṭawāf with the women and he struck him with a whip.” (*Akḥbār Makkah*, Dār Khaḍīr, 1:252)

Ibn Ḥibbān narrates in his *Ṣaḥīḥ* that the Prophet (ﷺ) said: “Women do not have [a share in] the middle of the path.” Ibn Ḥibbān explains that when a woman comes out for a need, she should not walk in the middle of the path. This is because men walk in the middle, and doing so may result in men and women coming in very close proximity to one another. This is the teaching of Islām in the case of the road, so it would be even more emphasised in the case of closed environments.

‘Ā’ishah (raḍiyallāhu ‘anhā), perhaps the greatest female teacher amongst the ṣaḥābah, would teach from behind a screen (ḥijāb/sitr) as mentioned in *Ṣaḥīḥ al-Bukhārī* and *Ṣaḥīḥ Muslim*. Aḥmad ibn Hanbal narrated that a group of students of ḥadīth came to the great muḥaddith, Abu l-Ashhab (70 – 165 H), and did not know which ḥadīth to ask of him, until his daughter informed them from behind a screen of a ḥadīth to learn from him. (*Musnad Aḥmad*, 33:401) From the blessed time of the Salaf, immense care would be taken to avoid intermingling – and this was despite the fact that their hearts were infinitely purer than ours. The Qur’ān says that if men (i.e. the male ṣaḥābah) are to ask something of the wives of the Prophet (ﷺ), they are to do so “from behind a screen” because “that is purer for your hearts and their hearts”. (Qur’ān, 33:53) If the purest of hearts, that of the male companions and the wives of the Prophet, are affected by such interactions, people after them are in far greater need of such measures.

According to a group of the imāms, it is recommended to stand behind the bier as it is being carried to its burial place. However, al-Ṭaḥāwī recorded from ‘Umar ibn al-Khaṭṭāb (raḍiyallāhu ‘anhu) and his student, al-Aswad ibn Yazīd, that they would at times walk in front of the bier because women were following it from behind. This was done in order to avoid mixing with them. (*Sharḥ Ma‘ānī al-Āthār*, 1:485) Al-Ṭaḥāwī says: “[The students of Ibn Mas‘ūd] would discourage [walking in front of the bier] and then would do it for an excuse, as that is better than mixing with women when they are close to the bier.” (ibid.) Badr al-Dīn al-‘Aynī al-Ḥanafī adds in his commentary: “because mixing (*mukhālaṭah*) with non-related women is ḥarām, while going ahead of the bier is permissible.” (*Nukhab al-Afkār*, 7:268)

Abū ‘Abdillāh al-Ḥalīmī (338 – 403 H), one of the major early Shāfi‘ī mujtahids, said: “Allāh says: ‘O you who believe, protect yourselves and your families from the Fire.’ Included in the totality of this is that a man protects his wife and daughter from mixing with men and conversing with them and being alone with them.” (*al-Minhāj fī Shu‘ab al-Imān*, 3:398)

Al-Māwardī (364 – 450 H), another major early Shāfi‘ī authority, said: “A woman is forbidden from mixing with men and is ordered to stay in the house [when there is no need to come out].” (*al-Ḥāwī al-Kabīr*, 2:51) Abū Ishāq al-Shīrāzī (393 – 476 H), another major Shāfi‘ī authority, states: “[Jumu‘ah] is not obligatory on a woman because of what Jābir (raḍiyallāhu ‘anhu) narrated...and because she may mix with men and that is ḥarām.” (*al-Muhadhdhab*, Dār al-Qalam, 1:358)

Imām al-Ghazālī (450 – 505 H) said: “When the speaker is a non-elderly man (*shābb*), attractive to women in dress and appearance, with plenty of poems, allusions and movements, and women attend his gathering, this is an abomination (*munkar*) which must be prevented, since the corruption in this is greater than the benefit...It is obligatory to erect a screen/barrier between men and women that prevents seeing [one another], as that is also an anticipated cause of corruption. Norms bear testimony to these abominations.” (*Iḥyā’ ‘Ulūm al-Dīn*, Dār al-Minhāj, 4:639) Note, al-Ghazālī wrote this more than nine-hundred years ago.

Some refer to the statement of Imām Mālik in his *Muwaṭṭa'* on a woman eating with her husband or brother along with their male companions who are unrelated to her. However, an early Mālikī authority from 'Irāq, Abū Bakr Muḥammad ibn al-Jahm (d. 329 H), explains that Imām Mālik is here referring to an elderly woman (*'ajūz/mutajāllah*). (*al-Jāmi' fi l-Sunan wa l-Ādāb wa l-Maghāzī wa l-Tārīkh*, 214) This is consistent with Imām Mālik's other remarks, as he clearly opposes intermingling and makes distinctions between elderly and non-elderly women. It is narrated in the *'Utbīyyah* that Imām Mālik said: "I believe the ruler is to head towards workers on account of women sitting with them, and I believe he is not to leave a non-elderly woman sitting by these workers; as for an elderly woman and a lowly slave, who would not be suspect for sitting, and nor would the one sitting next to her be suspect, I see no problem with that." (*al-Nawādir wa l-Ziyādāt*, 8:243; *al-Bayān wa l-Taḥṣīl*, 9:335) Ibn Rusḥd al-Mālikī (450 – 520 H) comments on this passage from *al-'Utbīyyah*: "Indeed the Messenger of Allāh (Allāh bless him and grant him peace) said: 'I did not leave a temptation more harmful for men than women,' and he said: 'Create distance between the persons of men and women.'" (ibid. 9:336) Furthermore, Imām Mālik states, as reported in the *Muwaṭṭa'*, that a man may give salām to an elderly woman, but not to a non-elderly woman.

As detailed in the answer above, Imām Abū Ḥanīfah and his students did not allow non-elderly women emerging for ṣalāh, let alone another activity not sanctioned in Sharī'ah and not based on genuine need. The reason for this is to prevent men and women interacting or being tempted by one another to engage in the impermissible (e.g. looking with desire, speaking unnecessarily, touching etc.).

Some people argue that since mixing is not *khalwah* (being in solitude with a woman), it is not a sin. But *khalwah* is a separate, graver, sin, while mixing and intermingling is also a sin, though of a lesser category. The fact that intermingling does not necessarily entail *khalwah* does not mean it is not sinful.

In short, it is not permissible for non-elderly men and women to remain unnecessarily in a place where each gender is not designated their own separate area/space. Difficulties encountered in adhering to this principle does not negate its importance. Those engaged in this sin should try to eliminate it from their lives, or at minimum reduce it as far as possible, and constantly turn to Allāh in tawbah and ask Him to make for them a means to leave it completely. The corruption in the present time and the prevalence of such immoral practices and attitudes does not justify becoming lax or complacent about these matters. Rather, because of this prevalence, it would be a greater necessity to draw attention to its prohibition.

In this respect, I end with this fitting quote from the great Mālikī imām, Ibn al-Ḥājj (ca. 657 – 737 H), who lived more than seven-hundred years ago:

“[The learned man] should teach [his womenfolk] the Islāmic teaching (sunnah) of coming out when she is compelled to do so. It has been transmitted that a woman comes out in the lowliest and roughest of her clothing, dragging her cloak behind her [to the length] of one hand span or an arm’s length...The Islāmic teaching (sunnah) has stipulated that her walking should be along the walls...Look, Allāh have mercy on us and you, at these teachings (sunan), how they have been erased in our time, to the point that they have come to be like something unknown, because of what [women] do of the opposite of these Shar‘ī states. Thus, a woman sits at home as is known of her normal manner, with lowly garments and avoiding adornment...and then when she wishes to come out, she becomes clean and adorned, looks to the finest clothing and jewellery she possesses and wears it, and then comes out on the road as if a bride that has appeared; and she walks in the middle of the road, mixing with men, and they have a way of walking – to the point that the men, I mean the righteous amongst them, retreat to the walls to make space for them on the road; while others mix with them...All of this is caused by not looking to the sunnah and its principles, and what the Salaf of this ummah (Allāh be pleased with them) have passed upon. When a learned person draws attention to this and its likes, these holes are closed, and the blessing of that would be hoped for everyone. Those who turn back from what ought not be, this is an excellent destination, and those who do not turn back will know that he/she is engaging in

sin and so will remain broken hearted due to that. The goodness in being broken is known, and it is hoped the one who is broken will repent and turn back.” (*al-Madkhal*, 1:244-5)

Mufti Zameelur Rahman

www.darulmaarif.com

Addendum

Question:

Assalamu alaykum.

I read your answer on women attending the eid prayers

I have a few questions regarding it, I hope you can provide me with an answer.

1. According to my understanding, you are claiming that it is not permissible for women to come for Eid salah or any other salah. Is this correct?
2. In my city, we have the Eid salah taking place in the park. I have noticed that many women attend the Eid salah dressed attractively in their Eid clothes. Though the Eid salah facility is separated, but men and women see each other in the park before and after Eid salah. So, is it better for me to pray my Eid salah there or go a local masjid?
3. Why are women not allowed to come to the masjid for the 5 daily salahs, jumu'ah and Eid, but they can come to the masjid for bayans, jalsahs and fundraising events?

Jazakallahu Khayran

(Question published as received)

الجواب باسم ملهم الصواب

1. Your understanding is correct.
2. You should not perform your ṣalāh where the disobedience of Allāh Ta‘ālā is taking place. Such places are devoid of barakah. If you have the option of performing your ‘īd ṣalāh at a local masjid, you should perform it there.
3. There is a vast difference between prohibiting women from coming to the masjid for the 5 daily ṣalāhs, jumu‘ah and ‘īd and allowing them to attend infrequent spiritual programmes or talks. It is incorrect to compare one to the other. The fuqahā’ have categorically prohibited women from coming to the masjid for ṣalāhs. However, they have expressed leeway in women attending infrequent spiritual programmes as long as certain conditions are met. The reason for this leeway is the need for women to gain Islāmic education and tarbiyah.

According to Muftī Rashīd Aḥmad Ludhyānwī, the permissibility of attending spiritual talks will only be in effect if the following guidelines are followed:

- a) The scholars of the time trust the knowledge, piety and the method of spiritual reformation of the speaker.
- b) The talks emphatically speak against the innovations and incorrect practices that are prevalent in society.
- c) The effect of the talks is such that they instil within listeners the concern to become good Muslims and assist others in becoming good Muslims. It also causes people to abandon evil practices.

- d) The programme should be fully segregated. There should be no intermingling even at the entrance of the masjid. (Separate entrance should be arranged for women)
- e) Women should not attend the programme wearing attractive, embroidered, colourful and scented clothing.
- f) There should be a good distance between the seating area of men and women, such that the male speaker's voice should not be heard in the ladies' section without the microphone.
- g) The talk should not be held on more than a weekly basis.

Such pious 'ulamā' who abide by the above conditions are very rare in our times. There are many speakers out there who hold talks for women, but they violate the clear injunctions of Islām. It will not be permissible to attend their talks. The fuqahā' refer to such speakers as "juhāl" (ignorant) and very firmly mention the reprehensibility of attending their talks.³ Nowadays, talks of 'ulamā' can be listened to online ⁴ or over a receiver, an option that women should avail themselves of so as to avoid unnecessarily coming out of their homes.

We were unable to find any scope for attending fundraising events.

In conclusion, it is not permissible for women to come to the masjid for any ṣalāhs. However, they may attend infrequent segregated programmes of knowledge and spiritual reformation (iṣlāḥ). These programmes should be held by reliable, pious 'Ulamā' of the community and not by those who are merely 'Ulamā' by name - who advocate intermingling of sexes, violation of the

³ قَالَ الْمُصَنِّفُ فِي الْكَافِي وَالْفَتَاوَى الْيَوْمُ عَلَى الْكَرَاهَةِ فِي الصَّلَاةِ كُلِّهَا لِظُهُورِ الْفَسَادِ وَمَتَى كُرِهَ حُضُورُ الْمَسْجِدِ لِلصَّلَاةِ فَلَا يُكْرَهُ حُضُورُ مَجَالِسِ الْوَعظِ خُصُوصًا عِنْدَ هَؤُلَاءِ الْجُهَّالِ الَّذِينَ تَحَلَّوْا بِحِلْيَةِ الْعُلَمَاءِ أَوْلَى. ذَكَرَهُ فَخْرُ الْإِسْلَامِ

⁴ For example, Mawlana Dawood Seedat Saheb (<http://www.taqwa.co/>) and Mawlana Saleem Dhorat Saheb (idauk.org)

injunctions of Islām (e.g. excessively trimming the beard, dismissing the shar‘ī niqāb) and other evils.

And Allāh Ta‘ālā knows best

(Mufti) Bilal al-Mahmudi

21 Ramaḍān 1439 / 05 June 2018

Concurred by Mufti Zameelur Rahman with the following comment:

There are two Shar‘ī reasons the Fuqahā’ have mentioned for why a woman’s attendance to any place outside the home would be restricted:

1. Khurūj (coming out of the boundaries of the home) on one’s own is not in general allowed for women, unless there is a genuine reason or need (e.g. going to the lavatory, visiting a relative, acquiring necessary items when no one is available to do so etc.). Sometimes the genuine reason is premised on some conditions, and only if these conditions are met, is it permissible for her to leave the house. An example is attending the masjid for ṣalāh, which the Sharī‘ah has stipulated as a genuine reason for a woman to leave the house, but is conditional on right practice and right conditions. Since the right practice and conditions are no longer found, the general prohibition of leaving the house applies even for attending the masjid. This has been the case from the time of the imāms of the Ḥanafī madhhab until today, and if anything, has only become worse.

2. Fitnah (men being tempted by women to engage in lustful glances, touching etc.) and other impermissible consequences that would arise as a result (e.g. unrestricted intermingling [ikhtilāṭ]).

On the question of infrequent gatherings of wa‘z (advice), scholars have expressed different opinions, premised on the level of need and whether the right conditions are being met. If the guidelines Muftī Rashīd Aḥmad Ludhyānwī has outlined (*Aḥsan al-Fatāwā*, 8:61) are followed,

there would be scope for women to attend infrequent gatherings of wa'z. (On female madrasahs and institutes of religious education, see: ibid. 8:59-60)

قال في الهندية: وليس للزوج أن يمنع والديها وولدها من غيره وأهلها من النظر إليها وكلامها في أي وقت اختاروا هكذا في الهداية في مجموع النوازل فإن كانت قابلة أو غسالة أو كان لها حق على آخر أو لآخر عليها حق تخرج بالإذن وبغير الإذن على هذا وما عدا ذلك من زيارة الأجنب وعيادتهم والوليمة لا يأذننها ولا تخرج ولو أذن وخرجت كانا عاصيين وتمنع من الحمام كذا في فتح القدير ولو أذن لها في الخروج في مجلس الوعظ الخالي عن البدع لا بأس به ولا تسافر مع عبدها ولو خصيا ولا مع ابنها المجوسي ولا بأخيها رضاعا في زماننا ولا بامرأة أخرى. (الفتاوى الهندية ج ١، ص ٥٥٧. دار الفكر)

قال في البريقة المحمودية: وَعَنْ الْبِرَازِيَّةِ وَلَوْ أَدْنَى لَهَا بِالْخُرُوجِ إِلَى مَجْلِسِ الْوَعظِ الْخَالِي عَنِ الْبِدَعِ لَا بَأْسَ بِهِ وَلَا يَأْذَنُ بِالْخُرُوجِ إِلَى الْمَجْلِسِ الَّذِي يَجْتَمِعُ فِيهِ الرِّجَالُ وَالنِّسَاءُ وَفِيهِ مِنَ الْمُنْكَرَاتِ كَالْتَّصُدِيَّةِ وَرَفْعِ الْأَصْوَاتِ الْمُخْتَلِفَةِ وَاللَّعِبِ مِنَ الْمُتَكَلِّمِ بِالْقَاءِ الْكَمِّ وَضَرْبِ الرَّجْلِ عَلَى الْمِنْبَرِ وَالْقِيَامِ وَالصُّعُودِ وَالنُّزُولِ عَنْهُ فَكُلُّهُ مِنَ الْمَذْكُورِ مَكْرُوهٌ وَلَا يَحْضُرُ وَلَا يَأْذَنُ لَهَا وَلَوْ فَعَلَ يَتُوبُ إِلَى اللَّهِ تَعَالَى أَنْتَهَى. (البريقة المحمودية في شرح الطريقة المحمدية: ج ٥، ص ٢٠٤)

المستفاد من أحسن الفتاوى: ج ٨، ص ٦١. سعيد

1

قلت: أرايت النساء هل ترخص لهن أن يحضرن ذلك؟ قال: لا أرخص للنساء في شيء من الخروج إلا العجوز الكبيرة، فإني أرخص لها في الخروج في العيدين وفي صلاة الفجر والعشاء. (الأصل: ج ١، ص ٣٦٥. دار ابن حزم)

قلت: أرايت النساء هل عليهن خروج في العيدين؟ قال: قد كان يرخص لهن في ذلك، فأما اليوم فإني أكره لهن ذلك. (الأصل: ج ١، ص ٣٢٣. دار ابن حزم)

2

ولا يباح للشباب منهن الخروج إلى الجماعات. (بدائع الصنائع: ج ١، ص ٦٦٨. دار الكتب العلمية)

أجمعوا على أنه لا يرخص للشباب منهن الخروج في الجمعة والعيدين وشيء من الصلاة. (بدائع الصنائع: ج ٢، ص ٢٣٧. دار الكتب العلمية)

ويكره لهن حضور الجماعات "يعني الشواب منهن لما فيه من خوف الفتنة" ولا بأس للعجوز أن تخرج في الفجر والمغرب والعشاء " وهذا عند أبي حنيفة رحمه الله " وقالوا يخرجن في الصلوات كلها " لأنه لا فتنة لقلّة الرغبة إليها فلا يكره كما في العيد وله أن فرط الشبق حامل فتقع الفتنة غير أن الفساق انتشارهم في الظهر والعصر والجمعة أما في الفجر والعشاء فهم نائمون وفي المغرب بالطعام مشغولون والجبانة متسعة فيمكنها الاعتزال عن الرجال فلا يكره. (الهداية شرح بداية المبتدي: ج ١، ص ٨٦. دار احياء التراث

(العربي)

(وَيُكْرَهُ لِلنِّسَاءِ حُضُورَ الْجَمَاعَاتِ) لِقَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «بَيُّوْهُنَّ خَيْرٌ لَّهُنَّ» وَلِمَا فِيهِ مِنْ خَوْفِ الْفِتْنَةِ وَهَذَا فِي الشَّوَابِّ بِالْإِجْمَاعِ. أَمَّا الْعَجَائِزُ فَيَخْرُجْنَ فِي الْفَجْرِ وَالْمَغْرِبِ وَالْعِشَاءِ. وَقَالَ: يَخْرُجْنَ فِي الصَّلَوَاتِ كُلِّهَا لَوْ قُوعِ الْأَمْنِ مِنَ الْفِتْنَةِ فِي حَقِّهِنَّ. وَلَهُ أَنَّ الْفُسَّاقَ يَنْتَشِرُونَ فِي الظُّهْرِ وَالْعَصْرِ وَفِي الْمَغْرِبِ يَشْتَعِلُونَ بِالْعِشَاءِ، وَفِي الْفَجْرِ وَالْعِشَاءِ يَكُونُونَ نِيَامًا، وَلِكُلِّ سَاقِطَةٍ لَاقِطَةٌ، وَالْمُخْتَارُ فِي زَمَانِنَا أَنْ لَا يَجُوزَ شَيْءٌ مِنْ ذَلِكَ لِفَسَادِ الزَّمَانِ وَالتَّظَاهِرِ بِالْفَوَاحِشِ. (الاختيار لتعليل المختار: ج ١، ص ٥٩. مطبعة

الحلبي - القاهرة)

"و" كره جماعة "النساء" بواحدة منهن ولا يحضرن الجماعات لما فيه من الفتنة والمخالفة

ثم يصف "النساء" إن حضرن وإلا فهن ممنوعات عن حضور الجماعات كما تقدم. (مراقي الفلاح شرح نور الإيضاح: ص ١١٦.

المكتبة العصرية)

(قَوْلُهُ وَفِي الْكَافِي الْفَتْوَى الْيَوْمَ عَلَى الْكِرَاهَةِ فِي كُلِّ الصَّلَوَاتِ إِلَى آخِرِهِ) قَالَ غَيْرُهُ وَأَفْتَى الْمَشَائِخُ الْمُتَأَخَّرُونَ بِمَنْعِ الْعَجُوزِ مِنْ حُضُورِ الْجَمَاعَاتِ كُلِّهَا هـ. وَهُوَ أَوْلَى كَمَا لَا يَخْفَى. وَقَالَ فِي الْكَافِي وَمَتَى كُرِهَ حُضُورُ الْمَسْجِدِ لِلصَّلَاةِ لِأَنَّ يُكْرَهُ حُضُورَ مَجَالِسِ الْوَعظِ خُصُوصًا عِنْدَ هَوْلِ الْجُهَالِ الَّذِينَ تَحَلَّوْا بِحِلْيَةِ الْعُلَمَاءِ أَوْلَى، ذَكَرَهُ فَخْرُ الْإِسْلَامِ - رَحِمَهُ اللهُ. (حاشية الشرنبلالي على درر

الحكام شرح غرر الأحكام. ج ١، ص ٨٦. دار إحياء الكتب العربية)

(قَوْلُهُ وَلَا يَحْضُرْنَ الْجَمَاعَاتِ) لِقَوْلِهِ تَعَالَى { وَفَرَنْ فِي بَيُّوتِكُنَّ } [الأحزاب: ٣٣] وَقَالَ - صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ - «صَلَاتُهَا فِي فَعْرِ بَيْتِهَا أَفْضَلُ مِنْ صَلَاتِهَا فِي صَحْنِ دَارِهَا وَصَلَاتُهَا فِي صَحْنِ دَارِهَا أَفْضَلُ مِنْ صَلَاتِهَا فِي مَسْجِدِهَا وَبَيُّوتِهَا خَيْرٌ لَهَا» وَإِنَّهُ لَا يُؤْمَنُ

الْفِتْنَةُ مِنْ خُرُوجِهِنَّ أَطْلَقَهُ فَسَمِلَ الشَّابَّةَ وَالْعَجُوزَ وَالصَّلَاةَ النَّهَارِيَّةَ وَاللَّيْلِيَّةَ قَالَ الْمُصَنِّفُ فِي الْكَافِي وَالْفَتْوَى الْيَوْمَ عَلَى الْكِرَاهَةِ فِي الصَّلَاةِ كُلِّهَا لظُهُورِ الْفَسَادِ وَمَتَى كُرِهَ حُضُورُ الْمَسْجِدِ لِلصَّلَاةِ فَلَأَنْ يُكْرَهَ حُضُورُ مَجَالِسِ الْوُعُظِ خُصُوصًا عِنْدَ هَؤُلَاءِ الْجُهَالِ الَّذِينَ تَحَلَّوْا بِحِلْيَةِ الْعُلَمَاءِ أَوْلَى. ذَكَرَهُ فَخْرُ الْإِسْلَامِ اهـ

وَفِي فَتْحِ الْقَدِيرِ الْمُعْتَمَدُ مَنَعَ الْكُلَّ فِي الْكُلِّ إِلَّا الْعَجَائِزَ الْمُتَفَانِيَةَ فِيمَا يَظْهَرُ لِي دُونَ الْعَجَائِزِ الْمُتَبَرِّجَاتِ وَدَوَاتِ الرَّمَقِ. اهـ
وَقَدْ يُقَالُ هَذِهِ الْفَتْوَى الَّتِي اعْتَمَدَهَا الْمُتَأَخَّرُونَ مُخَالَفَةً لِمَذْهَبِ الْإِمَامِ وَصَاحِبِيهِ فَإِنَّهُمَا نَقَلُوا أَنَّ الشَّابَّةَ تُنْمَعُ مُطْلَقًا اتِّفَاقًا، وَأَمَّا الْعَجُوزُ فَلَهَا حُضُورُ الْجَمَاعَةِ عِنْدَ أَبِي حَنِيفَةَ فِي الصَّلَاةِ إِلَّا فِي الظُّهْرِ وَالْعَصْرِ وَالْجُمُعَةِ، وَقَالَ يَخْرُجُ الْعَجَائِزُ فِي الصَّلَاةِ كُلِّهَا كَمَا فِي الْهَدَايَةِ وَالْمَجْمَعِ وَغَيْرِهِمَا فَالْإِفْتَاءُ بِمَنَعِ الْعَجُوزِ فِي الْكُلِّ مُخَالَفٌ لِلْكُلِّ فَالْاعْتِمَادُ عَلَى مَذْهَبِ الْإِمَامِ، وَفِي الْخُلَاصَةِ مِنْ كِتَابِ النِّكَاحِ يَجُوزُ لِلزَّوْجِ أَنْ يَأْذُنَ لَهَا بِالْخُرُوجِ إِلَى سَبْعَةِ مَوَاضِعَ: زِيَارَةَ الْوَالِدَيْنِ وَعِيَادَتُهُمَا وَتَعَزُّيْتُهُمَا أَوْ أَحَدِهِمَا وَزِيَارَةَ الْمَحَارِمِ، فَإِنْ كَانَتْ قَابِلَةً أَوْ غَسَّالَةً أَوْ كَانَ لَهَا عَلَى آخَرَ حَقٌّ تَخْرُجُ بِالْإِذْنِ وَبِغَيْرِ الْإِذْنِ وَالْحَجَّ عَلَى هَذَا، وَفِيمَا عَدَا ذَلِكَ مِنْ زِيَارَةِ غَيْرِ الْمَحَارِمِ وَعِيَادَتِهِمْ وَالْوَلِيمَةِ لَا يَأْذُنُ لَهَا وَلَا تَخْرُجُ، وَلَوْ أِذْنًا وَخَرَجَتْ كَانَا عَاصِيَيْنِ وَسَيَّئِي تَمَامُهُ إِنْ شَاءَ اللَّهُ تَعَالَى

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قَوْلُهُ وَقَدْ يُقَالُ هَذِهِ الْفَتْوَى (إِلخ) قَالَ فِي النَّهْرِ فِيهِ نَظَرٌ بَلْ مَاخُودٌ مِنْ قَوْلِ الْإِمَامِ وَذَلِكَ أَنَّهُ إِنَّمَا مَنَعَهَا لِقِيَامِ الْحَامِلِ وَهُوَ فَرَطُ الشَّهْوَةِ غَيْرَ أَنَّ الْفَسَقَةَ لَا يَنْتَشِرُونَ فِي الْمَغْرِبِ؛ لِأَنََّّهُمْ بِالطَّعَامِ مَشْغُولُونَ وَفِي الْفَجْرِ وَالْعِشَاءِ نَائِمُونَ فَإِذَا فُرِضَ انْتِشَارُهُمْ فِي هَذِهِ الْأَوْقَاتِ لِعَلْبَةِ فِسْقِهِمْ كَمَا هُوَ فِي زَمَانِنَا بَلْ تَحَرَّيْتُمْ بِهَا خَوْفَ التَّرَائِي كَانَ الْمَنَعُ فِيهَا أَظْهَرَ مِنَ الظُّهْرِ وَإِذَا مُنِعَتْ عَنْ حُضُورِ الْجَمَاعَةِ فَمَنَعَهَا مِنْ حُضُورِ الْوُعُظِ وَالْإِسْتِسْقَاءِ أَوْلَى وَأَدْخَلَهُ الْعَيْنِيُّ - رَحِمَهُ اللَّهُ - فِي الْجَمَاعَاتِ وَمَا قُلْنَاهُ أَوْلَى. (البحر الرائق شرح كنز الدقائق ومنحة الخالق وتكملة الطوري: ج ١، ص ٣٨٠)

وما علينا الا البلاغ