

Kissing and Fondling in Ramadhaan

Taken from *Silsalatul-Ahaadeeth As-Saheehah* (Vol. 1, Pp 430-437) of Shaykh Muhammad Naasir-ud-deen Al-Albaanee (may Allaah have mercy on him)

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Shaykh Muhammad Naasir-ud-deen Al-Albaanee (may Allaah have mercy on him) says:

219 - "He (Sallallaahu 'alayhi wa sallam) used to kiss me whilst he was fasting and whilst I was fasting i.e. 'Aishah."

Reported by Abu Daawud (1/374) and Ahmed (6/179) from two routes (of transmission) from Sufyaan from Sa'd Bin Ibraaheem from Talhah Bin 'Abdillaah i.e. Ibn 'Uthmaan Al-Qurashee, from 'Aishah, may Allaah be pleased with her, back to the Prophet (Sallallaahu 'alayhi wa sallam).

I say: This chain of narration is *Saheeh* (authentic) according to the condition of Al-Bukhaaree.

Again, Ahmed reported it (6/134, 175-176, 269-270) and likewise An-Nasaaee in *Al-Kubra (Qaaf 2/83)*, At-Tayaaleesee (1/187), Ash-Shaafi'ee in his *Sunan* (1/260), At-Tahaawee in *Sharh-ul-Ma'aanee* (1/346), Al-Baihaqee (4/223) and Abu Ya'la in his *Musnad* (2/215) from other routes (of transmission) from Sa'd Bin Ibraaheem with it, with the wording:

"The Messenger of Allaah (Sallallaahu 'alayhi wa sallam) wanted to kiss me so I said: 'Indeed I am fasting!' So he said: 'And I am fasting (too)!' Then he kissed me."

And in this hadeeth there is a refutation of the hadeeth narrated by Muhammad Bin Al-Ash'ath from 'Aishah that she said:

"He (sallallahu 'alaihi wa sallam) would not touch anything of my face whilst I was fasting."

And its chain of narration is *Da'eef* (weak) as I have explained in *Al-Ahaadeeth Ad-Da'eefah* (No. 962).

And Al-Haafidh has attributed the (above) hadeeth in *Al-Fath* (4/123) with the second wording to An-Nasaaee.

And the second part of it (the hadeeth) has another route (of transmission) from 'Aishah, may Allaah be pleased with her. It is narrated by Israaeel from Ziyaad from 'Amr Bin Maymoon from her ('Aishah) that she said:

"The Messenger of Allaah (Sallallaahu 'alayhi wa sallam) used to kiss me whilst I was fasting."

Reported by At-Tahaawee with a *Saheeh* (authentic) chain of narration. And Israaeel, he is Ibn Yoonus Bin Abee Ishaq As-Sabee'ee. As for Ziyaad, then he is Ibn 'Ilaaqah.

And indeed, Ahmed has reported it (6/258) by way of Shaibaan from Ziyaad Bin 'Ilaaqah from 'Amr Ibn Maimoon who said:

"I asked 'Aaishah about a man kissing whilst he is fasting. She said: 'Indeed, the Messenger of Allaah (Sallallaahu 'alayhi wa sallam) used to kiss whilst he was fasting.'"

I say: Its chain of narration is *Saheeh* (authentic), and Shaibaan, he is Ibn 'Abdur-Rahmaan At-Tameemee Al-Basree, and it (the chain of narration) is according to the condition of Muslim.

And indeed he (Muslim) has reported it in his *Saheeh* (3/132) from other routes (of transmission) from Ziyaad without the question (to 'Aaishah) and he added:

"...in Ramadhaan." And it is (also) a narration of Ahmed (6/130).

And in another (narration) of his [Ahmed] (6/296) by way of 'Ikrimah from her ('Aaishah):

"That the Prophet (Sallallaahu 'alayhi wa sallam) used to kiss whilst he was fasting, and in the Messenger of Allaah you have the best example."

And its chain of narration is *Saheeh* (authentic), and 'Ikrimah, he is Al-Barbaree, the freed slave of Ibn 'Abbaas and he heard from 'Aaishah.

And indeed, Ahmed has narrated (6/291) from Umm Salamah similar to the first hadeeth of 'Aaishah and its chain of narration is *Hasan* (good) with respect to the supporting narrations

And the hadeeth is a proof for the permissibility of the one who is fasting to kiss his wife in Ramadhaan. And indeed, the scholars have differed over that with more than four sayings. The strongest in proof is the (saying of its) permissibility, provided that the condition of the one who is kissing be taken into consideration, whereby if indeed he was a youth who feared for himself that he will get into the situation of having that sexual intercourse which corrupts his fast, then he keeps away from that. And to this did Sayyidah 'Aaishah, may Allaah be pleased with her, indicate towards in the coming narration from her: *"....and which of you can control his desire."*

Rather, that has been narrated from her clearly, for indeed At-Tahaawee has reported (1/346) by way of Hareeth Bin 'Amr from Ash-Sha'bee from Masrooq from her ('Aaishah) that she said:

"Sometimes the Prophet (Sallallaahu 'alayhi wa sallam) used to kiss me and fondle me whilst he was fasting. As for you, then it is no problem for the old man who is weak."

And this Hareeth, Ibn Abee Haatim mentioned him (2/2/263) and he did not mention about him any disparagement or any praise. However, this (narration) has come *marfoo'an* (a form which is traced back to the Prophet (Sallallaahu 'alayhi wa sallam) from routes (of transmission) from the Prophet (Sallallaahu 'alayhi wa sallam) which strengthen each other), one of them from 'Aaishah herself. And a mention of some of them (the routes) will come in (hadeeth) number 1606.

And that which supports it (this issue), is his (Sallallaahu 'alayhi wa sallam) saying:

*"Leave that which makes you have doubt for that which does not make you doubt."*¹

However, it is necessary that it be known that the mentioning of the old man is not for restricting (it to him only). Rather, the intended meaning (of the above narration) is a portrayal of that which is prevalent in old men from the weakness of (sexual) desire, otherwise, the general principle in that is (related to) the strength of the (sexual) desire and its weakness or the weakness of the intent (to have sex) and its strength.

And with this elaboration, the different narrations from 'Aaishah, may Allaah be pleased with her, are harmonised. For indeed, some of them are clear from her in the permissibility (of kissing and fondling) in general, like this hadeeth of hers, especially when indeed there emanated a reply from the question of 'Amr Bin Maimoon to her in some of these narrations and she said:

*'For you in the Messenger of Allaah you have the best example.'*²

And some of them show the permissibility (of kissing and fondling) even for the youth, due to her saying: *"...whilst I was fasting,"* for indeed, the Messenger of Allaah (Sallallaahu 'alayhi wa sallam) passed away from her and her age was eighteen.

And similar to it is what 'Aaishah Bint Talhah narrated from 'Aaishah the wife of the Prophet (Sallallaahu 'alayhi wa sallam), (that) her husband 'Abdullaah Bin 'Abdir-Rahmaan Bin Abee Bakr As-Siddeeq entered upon her and he was fasting. So 'Aaishah said to him:

"What prevents you from getting close to your wife and kissing her and fondling her? So he said: I should kiss her whilst I am fasting?! She ('Aaishah) said: Yes."

¹ And it is checked in Al-Irwaa (2074) and Ghaayatul-Maraam (179)

² Al-Ahzaab:21

Reported by Maalik (1/274) and from him At-Tahaawee (1/327) with a *Saheeh* (authentic) chain of narration.

Ibn Hazm said (6/211):

'Aaishah Bint Talhah was the most beautiful of the women of the people of her time, and during the days of 'Aaishah (the wife of the Prophet Sallallaahu 'alayhi wa sallam), she and her husband were two young people in the prime of youth.'

And this (narration) and that which is similar to it, is taken to mean that she ('Aaishah) felt safe for them (from having sex during the day). And due to this, Al-Haafidh said in *Al-Fath* (4/123) after he mentioned this hadeeth by way of An-Nasaaee (which is): "...So he said: 'and I am fasting (too)!' Then he kissed me."

'And this supports what we have stated before that the (correct) view regarding that, is that it is with respect to the one who is not affected by the fondling and kissing, (and) not (as) a distinction between the youth and the old man because 'Aaishah was a youth. Yes, since the youth is the most likely person where the agitation of (sexual) desire is to be found, (then) those (from the scholars) who made the distinction (between the old man and the youth), made (this) distinction.'

220 - "He (Sallallaahu 'alayhi wa sallam) used to kiss whilst he was fasting and he used to fondle whilst he was fasting and he had the most control over his desire (الإرْبَة) [li irbihi] from amongst you".

Reported by Bukhaaree (4/120 -121 *Fath*), Muslim (3/135), Ash-Shaafi'ee in his *Sunan* (1/261), Abu Daawud (2/284 - 'Awn), At-Tirmidhee (2/48 *Tuhfah*), Ibn Maajah (1/516, 517), At-Tahaawee (1/354), Al-Baihaqee (4/230) and Ahmed (6/42, 126) from routes (of transmission) from 'Aaishah with it.

At-Tirmidhee said:

'The Hadeeth is Hasan Saheeh.'

And her intent, may Allaah be pleased with her, is that the Prophet (Sallallaahu 'alayhi wa sallam) used to be dominant over his desire.

And *Al-Irb*, it is with a *fatha* on the *hamza* or with a *kasra* on it. Ibn-ul-Atheer said:

'And it has two meanings: one of them is that it is the need (to have sex) and the second is that she intended the organ of the body, and she meant from the organs of the penis in particular. And it is an indirect expression for sex.'

And he said in *Al-Mirqaat*:

'And as for the mention of the (word) penis, then it was not appropriate for the female (to say), especially in the presence of men.'

So return to the completion of the discussion in it (*Al-Mirqaat*).

And in this hadeeth there is another benefit in addition to the hadeeth which is before it, and it is the permissibility for the one who is fasting to fondle (his wife). And it (fondling) is something which is more than kissing. And indeed they (the scholars) have differed about the intended meaning of it here. So, Al-Qaari said:

'It is said: It is the touching of the wife by the husband with respect to that which is other than the private parts. And it is said: It is kissing and touching with the hand.'

I say: without doubt, kissing is not the intended meaning of fondling here because the *waw* (و) [the word 'and' in this hadeeth] conveys the meaning of a difference (between two things). So, there does not remain anything except that the intended meaning of it is either the first saying or the touching with the hand. And the first is stronger in proof due to two reasons:

The first (reason): The other hadeeth of 'Aishah where she said:

"When one of us (the wives of the Prophet Sallallaahu 'alayhi wa sallam) was menstruating and the Messenger of Allaah (Sallallaahu 'alayhi wa sallam) wanted to fondle her, he ordered her to put on a waist-wrapper (firmly) in the beginning of her menses and then he would fondle her. She ('Aishah) said: And which of you can control his desire (like the Prophet (Sallallaahu 'alayhi wa sallam) would control his desire)."

Narrated by Bukhaaree (1/320), Muslim (1/166 and 167) and other than them.

So, the fondling here is the (same) fondling as in the hadeeth of fasting, for indeed the wording is one, the meaning is one and the narrator is also one.

In fact, there is indeed out there that which supports the aforementioned meaning and it is the **other reason**, and it is that Sayyidah 'Aishah, may Allaah be pleased with her, explained fondling with that which indicates this (aforementioned) meaning, and it is her saying in a narration from her:

221 - "He (Sallallaahu 'alayhi wa sallam) used to fondle whilst he was fasting and then he used to place between him and her, a cloth i.e. (between him and) the private parts."

Reported by Imaam Ahmed (6/59) (who said): Ibn Numair narrated to us from Talhah Bin Yahya who said: 'Aishah Bint Talhah narrated to me from 'Aishah that the Messenger of Allaah (Sallallaahu 'alayhi wa sallam) used to...

And Ibn Khuzaimah reported it in his Saheeh (1/201/2).

I say: This chain of narration is Jayyid (good). Its narrators are all reliable, the narrators of Muslim. And were it not that there is some slight speech about this Talhah with respect to his memory, I would have said: Indeed it is Saheeh (authentic) in its chain of narration. However, some of them have spoken about him and Al-Haafidh said in At-Taqreeb:

'He is trustworthy (but) makes mistakes.'

I say: And in this hadeeth there is an important benefit, and it is the explanation of fondling being the touching of the woman in that which is (everything) except the private parts. So, it supports the explanation whose conveyance from Al-Qaari has proceeded. And even if he (Al-Qaari) related it in a form which is infirm ('It is said...'), then this hadeeth shows that it is a saying which is authorised and there is nothing in the proofs of the Sharee'ah which contradict it. Rather, we have indeed found in the sayings of the Salaf that which increases it in strength. From them, is the narrator of the hadeeth, 'Aaishah herself, may Allaah be pleased with her, for At-Tahaawee has narrated (1/347) with a Saheeh (authentic) chain of narration from Hakeem Bin 'Aqaal that he said:

"I asked 'Aaishah: What is unlawful for me with respects to my wife whilst I am fasting? She said: Her private parts."

And this Hakeem, Ibn Hibbaan has declared him to be reliable. And Al-'Ajalee said (about him):

'From Basra, a Taabi'ee (a student of the companions), reliable.'

And indeed Al-Bukhaaree has reported it in a suspended form which is firm (3/120):

'Chapter: Fondling for the one who is fasting, and 'Aaishah may Allaah be pleased with her said: "Her private parts are unlawful for him".'

And Al-Haafidh said:

'At-Tahaawee connected it by way of Abee Murrah the freed slave of 'Aqeel from Hakeem Bin 'Aqaal...and its chain of narration to Hakeem is Saheeh (authentic), and its meaning leads to what 'Abdur-Razzaaq has narrated with a Saheeh (authentic) chain of narration from Masrooq (who said):

"I asked 'Aaishah: What is lawful for a man with respects to his wife whilst fasting? She said: Everything except sex."

I say: And Ibn Hazm mentioned it (6/211) using it as a proof against the one who disliked fondling for the fasting person.

Then, a return to the copy of Ath-Thiqaat in the library of Adh-Dhaahireeyah was made easy for me and I saw that he (Ibn Hibbaan) said about him (1/25):

'He narrates from Ibn 'Umar, Qataadah narrates from him, Hakeem heard from 'Uthmaan Bin 'Affaan.'

And I found that one of the Muhaditheen (scholars of hadeeth) had indeed written in its margin:

'Al-'Ajalee (said): He is from Basra, a Taabi'ee, reliable'.

I say: Indeed a group from amongst the reliable narrators other than Qataadah have (also) narrated from him, as I have explained in my new book which is still under compilation, may Allaah make its completion easy: 'Tayseer-ul-Intifaa' Al-Khullaan bi-Kitaab Thiqaat Ibn Hibbaan' (Facilitating benefit for the close friends with the book Ath-Thiqaat of Ibn Hibbaan) .

Furthermore, Ibn Hazm mentioned from Sa'eed Bin Jubair:

"That a man said to Ibn 'Abbaas: Indeed I have married the daughter of my paternal uncle who is beautiful and I have consummated the marriage in Ramadhaan. So, is there for me - may my father and mother be ransomed for you - a way to kiss her? So Ibn 'Abbaas said to him: Can you control yourself? He said: Yes. He (Ibn 'Abbaas) said: Kiss (her). He (the man) said: May my father and mother be ransomed for you, is there a way for me to fondle her? He (Ibn 'Abbaas said): Can you control yourself? He said: Yes. He (Ibn 'Abbaas) said: Then fondle (her). He (the man) said: Is there a way for me to put my hand on her private parts? He (Ibn 'Abbaas said): Can you control yourself? He said: Yes. He (Ibn 'Abbaas) said: Put (your hand on her private parts)."

Ibn Hazm said:

'And this is the most authentic route (of transmission) from Ibn 'Abbaas'.

He said:

'And by way of authentic narrators from Sa'd Bin Abee Waqqaas that he was asked:

"Do you kiss whilst you are fasting? He said: Yes, and I grasp her private parts."

And from 'Amr Bin Sharhabeel that Ibn Mas'ood used to fondle his wife in the middle of the day whilst he was fasting. And this is the most authentic route (of transmission) from Ibn Mas'ood.'

I say: This narration of Ibn Mas'ood has been reported by Ibn Abee Shaybah (2/167/2) with a Saheeh (authentic) chain of narration according to their condition (i.e. Bukhaaree and Muslim) and the narration of Sa'd is with him (Ibn Abee Shaybah) with the wording:

"He said: Yes, and I take hold of her private parts."

And its chain of narration is Saheeh (authentic) according to the condition of Muslim.

And the narration of Ibn 'Abbaas is also with him (Ibn Abee Shaybah), however it is summarised with the wording:

"So he (Ibn 'Abbaas) allowed for him (the man), kissing, fondling and the placing of the hand (on the private parts of his wife) as long as it did not exceed the bounds to that which is other than it (i.e. sex)."

And its chain of narration is according to the condition of Bukhaaree.

And Ibn Abee Shaybah has narrated from 'Amr Bin Harim that he said:

"Jaabir Ibn Zaid was asked about a man who looked at his wife in Ramadhaan and then ejaculated sperm because of a desire for her, should he break his fast? He said: No, and he should complete his fast."

Its chain of narration is Jayyid (good) and Al-Bukhaaree has reported it in a suspended form from 'Amr which is firm. And Al-Haafidh was silent about it (4/151).

And Ibn Khuzaimah has interpreted the hadeeth with his saying:

'Chapter: The allowance of fondling, which is other than (actual) sex, for the one who is fasting, and the proof that one name can occur with respect to two actions, one of them permissible and the other forbidden.'