315645 - A breastfeeding woman did not fast and she fed needy people without making up the fasts, based on the view of Ibn `Abbas, then she adopted the view that missed fasts should be made up. What must she do now?

the question

Six years ago, my wife did not fast the month of Ramadan in full because she was breastfeeding. At that time, we gave the expiation only, without her making up the fasts, following the view which says that that is allowed. We did not do that by way of looking for the easier option; rather we were convinced of the evidence for this view. I had heard Shaykh al-Albani (may Allah have mercy on him) in an audio recording saying that this was the fatwa of `Abdullah ibn `Abbas (may Allah be pleased with him), and he is the interpreter of the Quran who understood its meanings, and knew what abrogates and what is abrogated. I also saw a video clip of a shaykh who was commenting on the view of Ibn `Abbas; he said that it is a view that carries weight and no one among the Sahabah held a different view. A few days ago, when reviewing fatwas having to do with this issue and the evidence for each view, I found myself becoming more convinced of the view that the fasts should be made up without offering expiation, especially when I came to know that a great Sahabi, namely `Ali ibn Abi Talib (may Allah be pleased with him), said that, as is mentioned in your answer to question no. 49794.

My question is about the month that my wife did not fast and we gave the expiation based on a fatwa that we thought was correct, but we do not think that now. Should she make up those fasts or not?

Detailed answer

Praise be to Allah.

I.

The view that if the woman who is pregnant or breastfeeding does not fast, she should feed needy persons and not make up the fasts, is the view of Ibn `Abbas and Ibn `Umar (may Allah be pleased with them), and it is the view of Is-haq. Some contemporary scholars also favoured this view, such as Shaykh al-Albani (may Allah have mercy on him).

It was narrated by Ibn al-Jarud in *Al-Muntaqa* (381) and by al-Bayhaqi in *As-Sunan* (8077), that Ibn `Abbas (may Allah be pleased with him) said: A concession was granted to old men and old women, who are the ones who are able to fast but with great difficulty, allowing them not to fast if they wish, and to feed one needy person for each day, and they do not have to make up the fast. Then that was abrogated in the following verse: {So whoever is present [at his home] during the month let him fast it} [Al-Baqarah 2:185]. But the ruling remains applicable to old men and women if they are unable to fast. It also applies to pregnant and breastfeeding women: if they fear harm, they are allowed not to fast and they must feed one needy person for each day.

Ad-Daraqutni narrated in his *Sunan* (2385) that Ibn `Abbas, or Ibn `Umar, said: Pregnant and breastfeeding women may not fast, and they do not have to make up the fasts.

Ad-Daraqutni (2388) narrated from Nafi`, from Ibn `Umar, that his wife asked him when she was pregnant, and he said: Do not fast, and feed one needy person for each day, and do not make up the fast.

Ad-Daraqutni (2389) also narrated that Nafi` said: A daughter of Ibn `Umar was married to a man of Quraysh, and she was pregnant and became thirsty during Ramadan, so Ibn `Umar told her to break the fast, and to feed one needy person for each day.

But al-Bayhaqi (8097) narrated from him that he clearly stated that it is obligatory to make up the fast.

He said: Anas ibn `Iyad narrated from Ja`far ibn Muhammad, from Ibn Labibah or Ibn Abi Labibah, from `Abdullah ibn `Amr ibn `Uthman, that a woman fasted when she was pregnant, and she

became thirsty during Ramadan. Ibn `Umar was asked about her, and he instructed her to break the fast and to give a mudd of food to one needy person for each day, but that was still not enough, so when she recovered, she had to make up the fasts.

Abu `Ubayd narrated that in *Kitab al-Nasikh wal-Mansukh* from Ibn Abi Maryam, from Anas ibn `Iyad.

This is the view of Mujahid: she may break her fast, feed the poor, and make up the fasts later on. End quote.

Ibn Hazm and Ibn Qudamah attributed to Ibn `Umar (may Allah be pleased with him) the view that it is not required to make up the fasts.

See: *Al-Muhalla* (4/411) and *Al-Mughni* (3/150).

In the answer to question no. 49794, we stated that the view that is more likely to be correct regarding this matter is that it is obligatory to make up the fasts and there is no need to feed needy persons, and this is the view of Abu Hanifah (may Allah have mercy on him).

II.

There is no blame on one who follows the view of Ibn `Abbas (may Allah be pleased with him) and those who followed him in this view, because this is one of the matters concerning which there is a considerable difference of scholarly opinion, and each view has some evidence to support it.

Based on that, your wife does not have to make up those days for which she only fed the needy on the basis of this view, even if she now follows the view which says that missed fasts must be made up.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) was asked about some business transactions that some people use as a trick to deal in riba, and some scholars issued fatwas stating that that is permissible. He mentioned the evidence for the prohibition on riba, then he said:

Whatever a man acquires of wealth through such dealings concerning which the scholars have different views – like these dealings that are being asked about here and others, which are due to some misunderstanding regarding the matter and belief that it was permissible based on what the individual worked out, or because he was imitating some people who did that, or he was following one of the scholars, or a scholar gave him a fatwa to that effect and the like – he does not have to get rid of the wealth that he acquired on that basis, even if he becomes convinced after that that those people who did that were wrong, or that the one who gave him that fatwa was mistaken, because he acquired it on the basis of misinterpretation and misunderstanding...

But if they hear the correct fatwa, they must repent from engaging in these riba-based transactions…

End quote from *Majmu` al-Fatawa*, 29/443-445.

And Allah knows best.