

# The Shari'ah Rules Regarding Vinegar

*Some time ago, I heard an international forum discussion regarding vinegar from which I gauged that those affiliated to Halaal Certification Bodies are ignorant of the actual Shari'ah ruling regarding vinegar. It seems like they only had the rudimentary information and understanding which is found either in the various Halaal Standards or which they have read off the internet. The result is that, out of ignorance, each one was arguing his point according to his own logic which, in light of the Shari'ah, is a very dangerous thing to do because the Shari'ah has prohibited us from talking about that regarding which we have no knowledge. The Shari'ah has also explained the reason for this prohibition: no-one should unwittingly utter something which could endanger his imaan.*

*Due the above, we raised the issue in our weekly Fiqhi meeting and decided that a detailed research paper regarding the views of all four schools of Islamic juristic thought (mazaahib) should be prepared, so that each person – regardless of which school of thought he follows – can be fully aware of the view and proofs of his own school of thought.*

*Alhamdu Lillaah! This research paper is now complete and ready – May Allah ﷻ make it beneficial for all of us (aameen).*

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## The Shari'ah Rules Regarding Vinegar

There are numerous Ahadith in which Rasoolullaah ﷺ has mentioned and praised vinegar.

It has been narrated by Hazrat Jaabir bin Abdullaah ؓ that Rasoolullaah ﷺ once requested one of his wives to give him some gravy to eat. She responded saying that there was nothing besides vinegar which could serve as gravy. Rasoolullaah ﷺ asked her to give him the vinegar and started eating it with his food. He then said: "Vinegar is wonderful gravy! Vinegar is wonderful gravy!" (1)

There is another narration in which Hazrat Ibnu Abbaas ؓ relates from Hazrat Ummu Haani ؓ who said: "Rasoolullaah ﷺ came to our house and was very hungry. He asked me: 'Do you have anything to eat?' I replied: 'I only have a piece of dry bread and I feel too embarrassed to present it to you.' 'Bring it!' he said. I took the piece of bread, sprinkled some salt over it and presented it to Rasoolullaah ﷺ. 'Do you have any gravy?' he asked. 'I only have a little vinegar' I replied. 'Bring it!' he responded.

When I brought the vinegar, Rasoolullaah ﷺ poured some of it over the pieces of bread as gravy and started eating. When he was done, he praised Allah ﷻ and said: 'Vinegar is wonderful gravy! O, Ummu Haani! No-one will ever go hungry in a house that has vinegar.'" (2)

From the aforementioned Ahadith it has been established that vinegar is *Halaal*. In fact, it is not only *Halaal*, it has been called a source of blessings and an excellent gravy.

## The Various Methods of Making Vinegar from Wine and Their Rulings

**There are three methods by means of which one can make vinegar from wine:**

1. Wine automatically turns in to vinegar without any action or intent from man.
2. Wine turns into vinegar only through the action and intent of man, but without adding anything to the wine.
3. Through the action and intent of man, something is added to the wine to make it turn into vinegar.

**The Shari'ah ruling of each method is as follows:**

1. The vinegar which is produced through the first method is *Halaal* according to the unanimous opinion of all the jurists of all the schools of thought.

2. The vinegar which is produced through the second method is *Halaal* according to the unanimous opinion of all the jurists. However, there is a view in the Hambali school of thought which states that it is not permissible.
3. The vinegar produced by means of the third method is *Halaal* according to the jurisprudence of the Hanafi and Maaliki schools of thought. However, according to the Shaafi'i and Hambali schools of thought, it is NOT considered *Halaal*.

## A Detailed Discussion on the Rulings Regarding Each Method

**First Method:** Wine automatically turns in to vinegar without any action or intent from man.

When the wine turns into vinegar on its own without anyone intending for it to turn into vinegar and without anyone doing anything to the wine to facilitate the transformation, such vinegar will be *Halaal* according to all the jurists of all the schools of thought. This process is called “تَخَلُّلٌ” in Arabic. (3)

**Second Method:** Wine turns into vinegar only through the action and intent of man, but without adding anything to the wine.

There are 2 views with regards to this method. The first view (permissibility) is held by the majority of the jurists, while the second view (impermissibility) is that of (some) Hambali Jurists.

**The View of the Majority of the Jurists – Hanafi, Maaliki and Shaafi'i:**

When wine is moved from shade and placed in direct sunlight, or vice versa; and such wine turns in to vinegar, it will be *Halaal* and permissible according to the jurists of the Hanafi, Maaliki and Shaafi'i schools of thought, despite the fact that the wine was moved with the express intention of turning it into vinegar. However, according to the preferred view of the Hanafi school of thought, if the wine can come into direct contact with sunlight without being moved from its place, it will not be permissible to move it in order to make it vinegar.

### Proofs:

The majority of the jurists present those narrations in which vinegar has unconditionally been declared *Halaal* and a source of blessings as their main argument and proof.

One may object to the view of the Shaafi'i scholars in this method because, if they do not agree with the third method, how can they agree with the second method whereas man's action and intent play a major role in both. The Shaafi'i scholars answer thus:

In the second method, the property of intoxication which was found in the wine and which rendered it both *Haraam* and *najis*, was removed without adding anything to the liquid. As a result, both the container and all its contents became pure and *Halaal* at once. The same does not occur when one adds something to the contents (as will be explained later).

### **The View of the Hambali Jurists:**

As far as this second method is concerned, the Hambali jurists opine that; if the wine was moved from one place to another due to which it turned into vinegar, whereas there was no intention of turning the wine into vinegar in the first place – it was transferred by-the-way and the change occurred spontaneously – this vinegar will be pure and *Halaal*. The reason for this is that it changed naturally and automatically without the action or intention of man. However, if the wine was transferred from one place to another with the express intention of turning it into vinegar, two divergent rulings could be applied.

Firstly, it could be regarded as pure and *Halaal* because the only difference between the two is the intention behind it and intention does not lead to *hurmat* in the physical properties of anything. Conversely, it could be regarded as both *Haraam* and impure because, even if there was no intention behind it, the action of man brought about the change from wine to vinegar. This is the same as adding something to the liquid in order to change it. (4)

**Third Method: Through the action and intent of man, something is added to the wine to make it turn into vinegar.**

This is called “تَخْلِيل” in Arabic – when one adds something to the wine in order to change it into vinegar. This includes the action and intention of man, as well. As far as this method is concerned, the Shaafi'i and Hambali jurists hold one view while the Hanafi and Maaliki jurists hold the opposite view. Both views have been mentioned below, together with the relevant arguments and proofs.

## **1. The Shaafi'i and Hambali View:**

According to the jurists of both these schools of thought, it is not permissible for a person to intentionally and, by one's own action, add something to the wine in order to make it vinegar. This includes adding a little vinegar, onion, salt or any other ingredient to wine. It also includes converting the wine into vinegar without adding anything to it, but by means of a specific process. The above-mentioned scholars regard the vinegar produced by either of the two methods as impure and impermissible.

## Proofs:

In the Noble Quran, Allah ﷻ has instructed us to stay far from wine. In both the above-mentioned methods, instead of staying away from the wine, one has to stay in physical contact with it. Furthermore, one is attempting to change something impure and *Haraam* into something valuable, which is contrary to the Shari'ah.

In order to prove that this vinegar is impure, the scholars in question cite the proof that when one adds something pure to the wine in order to make it vinegar, the pure ingredient becomes impure the moment it touches the wine. Although outwardly it seems that all the contents became pure when it turned into vinegar, however, since the pure ingredient became impure when it came into contact with the wine, everything once again becomes impure. Thus, the vinegar is impure. (5)

Another proof which they cite is that, when the verse of Surah Maaidah was revealed in which wine was declared *Haraam*, the Sahaabah ﷺ were also given the instruction to destroy all the wine in their possession. (6)

Furthermore, Hazrat Abu Talhah ﷺ asked Rasoolullaah ﷺ regarding the wealth of some orphans who had inherited wine. Rasoolullaah ﷺ told him to destroy the wine. Hazrat Abu Talhah ﷺ asked if he could rather just add vinegar to it (thereby making everything vinegar). Rasoolullaah ﷺ said "No." (7)

In a Hadith narrated by Hazrat Ibnu Abbaas ﷺ it has been mentioned that someone gave a earthen jug of wine as a gift to Rasoolullaah ﷺ. Rasoolullaah ﷺ asked him: "Don't you know that Allah ﷻ has made wine *Haraam*?" The man responded in the negative. Thereafter, someone who was standing next to the man whispered something in his ear. Rasoolullaah ﷺ asked: "What did he tell you?" The man replied: "He advised me to sell the jug of wine." Rasoolullaah ﷺ said: "The Being who made the consumption of wine *Haraam* has also made selling it *Haraam*." Upon hearing this, the man opened both outlets of the container and allowed all the contents to run out. (8)

In light of the above-mentioned Ahadith, the jurists of the Shaafi'i and Hambali schools of thought state that Rasoolullaah ﷺ never stopped the man from pouring all the wine out in front of him. Had it been permissible to just make vinegar out of the wine, Rasoolullaah ﷺ would never have allowed the man to pour out and waste the wine. Had it been permissible, he would have simply instructed the man to make vinegar out of it. Therefore, the prohibition of converting the wine into vinegar (by adding something to it) which is found in this Hadith clearly points to the fact that it is *Haraam* to do so. This is further supported by the fact that it would not have been permissible to waste the wine if there was a permissible way of salvaging or rectifying it in the Shari'ah and Rasoolullaah ﷺ would have definitely pointed it out. This is especially so when the issue was regarding the wealth and possessions of orphans and the Shari'ah has made it *Haraam* to squander the wealth of orphans. (9)

The jurists of the Shaafi'i and Hambali schools of thought have also supported their view by citing consensus of the Sahaabah ؓ as proof. They state that Hazrat Umar ؓ once sat on the mimbar and said: "Do not eat vinegar which has been made from wine!" And Hazrat Umar ؓ issued this instruction when it was already *Halaal* to eat vinegar.

These scholars opine that Hazrat Umar's ؓ statement was publicised among the general masses because he sat on the mimbar and made this statement as though announcing a decree and none of the Sahaabah ؓ objected to his instruction (which clearly proves consensus). (10)

## 2. The Hanafi and Maaliki View:

The jurists of the Hanafi and Maaliki schools of thought are of the opinion that it is completely *Halaal* and permissible to add something to the wine and convert it into vinegar. (11)

### Proofs:

The scholars of the Hanafi and Maaliki schools of thought state that converting wine into vinegar does not constitute benefiting from wine directly. Instead, it is an attempt to salvage the *Haraam* wine and change it into something useful. It is permissible to bring about this kind of change in something *Haraam*. For example: The skin and of a dead animal is *Haraam* and impure and the Shari'ah has instructed us to stay away from carrion. However, by tanning the skin, it becomes pure and clean and one is now able to derive benefit from it.

This is proven from the Hadith of Rasoolullaah ﷺ in which he is reported to have said: "Whichever skin is tanned becomes pure." In another Hadith, Rasoolullaah ﷺ is reported to have said: "Tanning a skin purifies it just like vinegar purifies wine." The latter Hadith clearly indicates that it is permissible to convert wine into vinegar. (12)

There is also another Hadith which proves that it is permissible to do this. Rasoolullaah ﷺ said: "The best vinegar is that which is made from wine." In another narration, Rasoolullaah ﷺ is reported to have said: "Vinegar is a wonderful gravy!" In the aforementioned Ahadith, vinegar has unconditionally been declared *Halaal* without any differentiation made between that vinegar which was deliberately made out of wine and that which became vinegar of its own accord. (14)


Another proof is that converting the wine into vinegar is synonymous to pouring out and destroying the wine (because the outcome is the same whether you get rid of the wine by pouring all the contents out or by changing it into vinegar). (14) (15)





## How Should Wine Turn into Vinegar:

When wine starts changing into vinegar, there is a detailed discussion in Hanafi jurisprudence as to whether it is a condition for all the contents to change into vinegar, whether partial conversion will suffice or whether the conversion of the majority of the wine is necessary.




### 1. Imam Abu Hanifah's view:


According to Imam Abu Hanifah , it is a necessary for all the attributes of the wine – especially the bitterness – to completely change into the sharp, acidic flavour of vinegar. If there is even slight bitterness left in the vinegar, it will be impermissible to use it.

#### Proof:

According to Imam Abu Hanifah , wine does not become vinegar until all the attributes of wine change into the attributes of vinegar. Similarly, he does not consider grape juice to be wine until all the attributes of wine are found in the juice. In short, according to Imam Abu Hanifah , a 100% conversion from wine to vinegar is a condition for the vinegar to be *Halaal*. (16)

### 2. The View of Imam Abu Yusuf and Imam Muhammad :

Imam Abu Yusuf  and Imam Muhammad  (Saahibayn) hold the view that it is not a condition for all the attributes of the wine to change into the sharp, acidic flavour of vinegar. Instead, if even slight acidity becomes apparent, the wine would be considered vinegar and it will be permissible to use it. Similarly, according to them, the moment the slightest effects of wine become apparent in grape juice, it will be treated as wine. In short, Saahibayn  say that it is not necessary for a 100% conversion to occur. This view is the preferred view in the Hanafi school of thought and the fatwa is according to this view. (17)

Modern science also confirms Saahibayn's  view because, according to the latest studies, it is very difficult to determine whether the alcohol (ethanol) has changed completely or not. Furthermore, even after the wine has turned into vinegar, there is still a 0.5% alcohol content. This miniscule amount has been waived and ignored in accordance with the rule: “القليل كالمعدوم” (It is so little that it is treated as non-existent).

#### Note: Keeping Wine with the Intention of Making Vinegar

There is a difference of opinion among the jurists with regards to the permissibility of keeping wine with the intention of turning it into vinegar. It is permissible according to the Hanafi and Shaafi'i scholars and, accordingly, the resulting vinegar will be *Halaal*. However, according to the Hambali

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jurists, it is *Haraam* to keep wine in order to make vinegar out of it. However, they also agree that it will be permissible for someone who trades in vinegar to keep wine which has already been made, in order to turn it into vinegar so as to protect himself from losing money. (18)

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## References

### 1 صحيح مسلم (3/ 1622)

باب فضيلة الخل والتأدم به

(2052) حدثنا يحيى بن يحيى، أخبرنا أبو عوانة، عن أبي بشر، عن أبي سفيان، عن جابر بن عبد الله، أن النبي صلى الله عليه وسلم سأل أهله الأدم، فقالوا: ما عندنا إلا خل، فدعا به، فجعل يأكل به، ويقول: «نعم الأدم الخل، نعم الأدم الخل»

### 2 المستدرک علی الصحيحین للحاکم (4/ 59)

عن ابن عباس، عن أم هانئ بنت أبي طالب، رضي الله عنها قالت: قال لي رسول الله صلى الله عليه وسلم: «هل عندك طعام آكله؟» وكان جائعا، فقلت إن عندي لكسرا يابسة، وإني لأستحي أن أقرها إليك، فقال: «هلميه» فكسرتها ونثرت عليها الملح فقال: «هل من إدام؟» فقالت: يا رسول الله، ما عندي إلا شيء من خل قال: «هلميه» فلما جئته به صبه على طعامه فأكل منه ثم حمد الله تعالى، ثم قال: «نعم الإدام الخل يا أم هانئ، لا يفقر بيت فيه خل»

### 3 الموسوعة الفقهية الكويتية (5/ 27)

أثر تخلل الخمر وتخليلها:

33 - إذا تخللت الخمر بنفسها بغير قصد التخليل يحل ذلك الخل (1) بلا خلاف بين الفقهاء. (2) لقوله صلى الله عليه وسلم: {نعم الأدم الخل}. (3)

(1) الخل معروف، والجمع خلول، سمي بذلك؛ لأنه اختل منه طعام الخلاوة، يقال: اختل الشيء: إذا تغير واضطرب (ر: المصباح المنير).

(2) المحلى 1 / 117، والبحر الزخار 4 / 351 وما بعدها، والروضة البهية 2 / 290.

(3) وفي لفظ: "نعم الإدام الخل" رواه مسلم وأحمد وأصحاب السنن الأربعة عن جابر بن عبد الله، وأخرجه مسلم عن عائشة، ورواه الحاكم والبيهقي عن آخرين (نصب الراية 4 / 310، والمقاصد الحسنة للسخاوي ص 447).

### 4 الموسوعة الفقهية الكويتية (5/ 29)

تخليل الخمر بنقلها، أو بخلطها بخل:

35 - إذا نقلت الخمر من الظل إلى الشمس، أو بالعكس، ولو بقصد التخليل، فتخللت يحل الخل الحاصل عند الحنفية والمالكية والشافعية. والصحيح عند الحنفية: أنه لو وقعت الشمس على الخمر بلا نقل، كرفع سقف كان فوقها، لا يحل نقلها. وعلل الشافعية

الحل بقولهم: لأن الشدة المطرية (أي الإسكار) التي هي علة النجاسة والتحريم، قد زالت من غير أن تعقب نجاسة في الوعاء، فتطهر. وقال الحنابلة: إن نقلت الخمر من موضع إلى آخر، فتخللت من غير أن يلقى فيها شيء، فإن لم يكن قصد تخليلها حلت بذلك، لأنها تخللت بفعل الله تعالى، وإن قصد بذلك تخليلها احتمل أن تطهر، لأنه لا فرق بينهما إلا القصد، فلا يقتضي تحريمها. ويحتمل ألا تطهر، لأنها خللت بفعل، كما لو ألقى فيها شيء. (1)

(1) مغني المحتاج 1 / 81، وحاشيتي قليوبي وعميرة على شرح المحلى 1 / 72، والمغني 8 / 319، وكشاف القناع 1 / 187، والمبسوط 24 / 2، 7، 20، والبدائع 5 / 112 - 114، ونتائج الأفكار تكملة فتح القدير 8 / 155، 166، وتبيين الحقائق للزيلعي 6 / 44، 48، والفتاوى الهندية 2 / 410، والدر المختار وحاشية ابن عابدين عليه 5 / 319، ومختصر الطحاوي ص 279، والخرشي مع خليل 1 / 88، والخطاب 1 / 97 - 98، والدسوقي 1 / 52.

## 5 الموسوعة الفقهية الكويتية (5/27)

تحليل الخمر بعلاج:

34 - قال الشافعية والحنابلة، وهو رواية عن مالك لا يحل تحليل الخمر بالعلاج كالخل والبصل والملح، أو إيقاد نار عندها، ولا تطهر حينئذ، لأننا مأمورون باجتنابها، فيكون التحليل اقترباً من الخمر على وجه التمول، وهو مخالف للأمر بالاجتناب، ولأن الشيء المطروح في الخمر يتنجس بملاقاها فينجسها بعد انقلابها خلا،

## 6 الموسوعة الفقهية الكويتية (5/28)

ولأن الرسول صلى الله عليه وسلم أمر بإهراق الخمر بعد نزول آية المائدة بتحريمها.

## 7 الموسوعة الفقهية الكويتية (5/28)

وعن {أبي طلحة أنه سأل النبي صلى الله عليه وسلم عن أيتام ورثوا خمرًا، فقال: أهرقها، قال: أفلا أحللها؟ قال: لا} (1)

(1) حديث: "سأل أبو طلحة النبي صلى الله عليه وسلم عن أيتام ورثوا خمرًا. . . " أخرجه أحمد وأبو داود والدارمي من حديث أنس بن مالك رضي الله عنه: قال شعيب الأرنؤوط: إسناده قوي. وأصله في صحيح مسلم من حديث أنس رضي الله عنه بلفظ: "أن النبي صلى الله عليه وسلم وعون المعبود 3 / 366، ط 367، الهند، وسنن الدارمي 2 / 118 نشر دار إحياء السنة النبوية، وشرح السنة للبغوي بتحقيق شعيب الأرنؤوط 8 / 32 نشر المكتب الإسلامي. وأجاب الطحاوي عن الحديث بأنه محمول على التغليظ والتشديد؛ لأنه كان في ابتداء الإسلام، كما ورد ذلك في سؤر الكلب. يعني أن ذلك المعنى قد انعدم في زماننا لاستقرار التحريم، فلا يحتمل ال

## 8 الموسوعة الفقهية الكويتية (28 / 5)

وعن ابن عباس {أهدى رجل لرسول الله صلى الله عليه وسلم راوية خمر، فقال له رسول الله صلى الله عليه وسلم: أما علمت أن الله حرمها؟ فقال: لا، فسار به رجل إلى جنبه، فقال: بم ساررت؟ فقال: أمرته أن يبيعها، فقال له رسول الله صلى الله عليه وسلم: إن الذي حرم شرها حرم بيعها، ففتح الرجل المزدتين حتى ذهب ما فيهما } . (2)

(2) حديث ابن عباس "أهدى رجل. . . . " رواه مالك في الموطأ وأحمد ومسلم والنسائي (نيل الأوطار 8 / 169، والمنتقى على الموطأ 3 / 153) والرواية: المزايدة من ثلاثة جلود ويوضع فيها الماء. والمزايدة: جلود يضم بعضها إلى بعض، يوضع فيها الماء.

## 9 الموسوعة الفقهية الكويتية (28 / 5)

فقد أراق الرجل ما في المزدتين بحضرة النبي صلى الله عليه وسلم ولم ينكر عليه، ولو جاز تحليلها لما أباح له إراقتها، ولنبهه على تحليلها. وهذا نهي يقتضي التحريم، ولو كان إلى استصلاحها سبيل مشروع لم تجز إراقتها، بل أرشدهم إليه، سيما وهي لأيتام يحرم التفريط في أموالهم.

## 10 الموسوعة الفقهية الكويتية (28 / 5)

واستدلوا أيضا بإجماع الصحابة - كما يقولون - فقد روى أسلم عن عمر رضي الله عنه أنه صعد المنبر فقال: لا تأكل خلا من خمر أفسدت، حتى يبدأ الله تعالى إفسادها، وذلك حين طاب الخل، ولا بأس على امرئ أصاب خلا من أهل الكتاب أن يبتاعه ما لم يعلم أنهم تعمّدوا إفسادها فعند ذلك يقع النهي. (1) وهذا قول يشتهر بين الناس لأنه إعلان للحكم بين الناس على المنبر، فلم ينكر أحد. وبه قال الزهري.

(1) أثر عمر رواه أبو عبيد في كتاب الأموال بنحو من هذا المعنى ص 104 وما بعدها (المغني 8 / 330).

## 11 الموسوعة الفقهية الكويتية (28 / 5)

وظاهر الرواية عند الحنفية، والراجح عند المالكية أنه يحل شرها، ويكون التحليل جائزا أيضا، (2)

(2) البدائع 5 / 114، وابن عابدين 1 / 290، والمنتقى على الموطأ 3 / 153 - 154، وبداية المجتهد 1 / 461، والقوانين الفقهية ص 34.

## 12 الموسوعة الفقهية الكويتية (5/ 28)

لأنه إصلاح، والإصلاح مباح، قياسا على دبع الجلد، فإن الدباغ يطهره، لقوله صلى الله عليه وسلم: {أما إهاب دبغ فقد طهر} (1) وقال عن جلد الشاة الميتة: {إن دباغها يحله كما يحل خل الخمر} (2) فأجاز النبي صلى الله عليه وسلم التخليل،

(1) حديث: "أما إهاب دبغ فقد طهر" أخرجه النسائي بهذا اللفظ (7 / 173 - ط المكتبة التجارية) ورواه مسلم (1 / 277 ط الحلبي) بلفظ: "إذا دبغ الإهاب فقد طهر"  
(2) حديث: "إن دباغها يحله كما يحل خل الخمر" (يعني جلد الشاة الميتة). أخرجه الدارقطني (4 / 266 - ط دار المحاسن) وقال: تفرد به فرج بن فضالة وهو ضعيف.

## 13 الموسوعة الفقهية الكويتية (5/ 29)

كما ثبت حل الخل شرعا، بدليل قوله صلى الله عليه وسلم أيضا: {خير خلکم خل خمرکم} (2) وبدليل قوله الذي سبق ذكره أيضا: {نعم الأدم الخل}، فإنه لم يفرق بين التخلل بنفسه والتخليل، فالنص مطلق. (3)

(2) حديث: "خير خلکم خل خمرکم" أخرجه البيهقي في المعرفة وقال: تفرد به المغيرة بن زياد وليس بالقوي (نصب الراية للزيلعي 4 / 311 - ط المجلس العلمي بالهند). ويلاحظ أن أهل الحجاز يسمون خل العنب الخمر.  
(3) تبين الحقائق للزيلعي 6 / 48

## 14 الموسوعة الفقهية الكويتية (5/ 29)

ولأن التخليل يزيل الوصف المفسد، ويجعل في الخمر صفة الصلاح، والإصلاح مباح، لأنه يشبه إراقة الخمر.

## 15 الموسوعة الفقهية الكويتية (5/ 29)

وفي رواية ثالثة عن مالك - وهي المشهورة - أنه على سبيل الكراهة.

## 16 الموسوعة الفقهية الكويتية (5/ 27)

ويعرف التخلل بالتغير من المرارة إلى الحموضة، بحيث لا يبقى فيها مرارة أصلا عند أبي حنيفة، حتى لو بقي فيها بعض المرارة لا يحل شربها، لأن الخمر عنده لا تصير خلا إلا بعد تكامل معنى الخلوية فيه. كما لا يصير العصير خمرا إلا بعد تكامل معنى الخمرية.

## 17 الموسوعة الفقهية الكويتية (5/ 27)

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وقال صاحبان: تصير الخمر خلا بظهور قليل من الحموضة فيها، اكتفاء بظهور الخلية فيه، كما أن العصير يصير خمرا بظهور دليل الخمرية، كما أشرنا في بيان مذهبهما.

## 18 الموسوعة الفقهية الكويتية (5/ 29)

إمساك الخمر لتخليها:

36 - اختلفوا في جواز إمساك الخمر بقصد تخليها. فذهب الحنفية والشافعية إلى جوازه، وهذا الخل عندهم حلال طاهر. وذهب الحنابلة إلى تحريم إمساك الخمر بقصد تخليها، لكن يحل عندهم للخلل إمساك الخمر ليتخلل، لئلا يضيع ماله. (2)

(2) البدائع 6 / 2937، والهندية 5 / 410، والدسوقي 1 / 52، والخطاب 1 / 97، ومغني المحتاج 1 / 81 - 82، والمغني 8 / 319، وكشاف القناع 1 / 187.