

The Comprehensive Fiqh of Fasting

(Zaad Al-Mustaqni')

Transcribed from [classes](#) by Shaykh Ahmad Jibril

Visit OpenSourceIlm.Wordpress.Com for more transcripts of
Islamic talks and classes

Please send details of any errors to
OpenSourceIlm@Outlook.Com

TABLE OF CONTENTS

The Comprehensive Fiqh of Fasting (Zaad Al-Mustaqni’)	1
Class One	1
Introduction	1
What Is Fiqh?	2
Who Are Those ‘Assigned’?	2
The Importance of Fiqh	2
Zaad Al-Mustaqni’	3
The Wisdom Behind the Diverse Forms of Ibaadaat	4
The Author	5
The Popularity of the Book	6
Advice for Students of Knowledge	6
Why Are We Studying a Hanbali Book?	7
Kitaab As-Siyaam (The Chapter of Fasting)	8
Class Two	10
What is Fasting?	11
The Linguistic Definition	11
The Shar’ee Definition	12
You Must Have the Intention	12
The Ruling on Fasting in Ramadhaan	13
When Did Ramadhaan Become Obligatory?	16
The Stages of Fasting	16
Ramadhaan Becomes Obligatory When the Moon is Witnessed	17
Is All Fasting a Waajib?	18
The Three Categories of Waajib Fasting	18
The First Category	18
The Second Category	19
The Third Category.....	19
Class Three	19
Ramadhaan Becomes Obligatory When The Moon is Witnessed	19
Can You Say Ramadhaan or Must You Say The Month of Ramadhaan?	20
The Proof on this Issue.....	21
The Sighting of the Moon	22
Can You Use Binoculars or Telescopes or Similar Equipments To Sight The Moon? .	23
We Go by Sighting Even if it Goes Against Calculations	23
How Does Ramadhaan Start?	25
When the Moon is Not Seen on a Clear Night	25
Is it Permissible To Fast a Day or Two Before Ramadhaan?	27
The Wisdom Behind the Ruling.....	27
The Exception to the Ruling	28

Class Four	29
If You Cannot See the Moon on a Cloudy Night.....	29
The First Opinion.....	30
The Second Opinion.....	32
The Third Opinion	34
The Fourth Opinion.....	34
The Fifth Opinion	34
The Sixth Opinion.....	34
Summary.....	34
It is Waajib to Fast if it is Cloudy and the Moon is not Seen.....	35
If You See the Moon During the Day	36
The First Scenario.....	36
The Second Scenario.....	36
The Opinion of the 'Ulamaa.....	37
What if the Moon Disappears?.....	37
Class Five	38
If the People of a Country See the Moon then Everyone is Obligated to Fast	38
Do All Countries Have to Follow the Country that Confirmed the Moon Sighting?.....	39
The First Opinion.....	39
The Second Opinion.....	40
The Third Opinion	43
The Fourth Opinion.....	43
Conclusion.....	43
Class Six	45
Ramadhaan is Observed by the Sighting of One Just, Credible and Trustworthy Person .	45
.....	45
Do We Go by One Person's Sighting Even if He was With a Group Who Did Not See it?..	46
.....	46
The First Opinion.....	46
The Second Opinion.....	46
The Correct Opinion.....	46
What Does Mukallaf Mean?.....	46
What Does 'Adl Mean?	47
The Linguistic Definition	47
The Shar'ee Definition	47
Accepting the Testimony of an Alcoholic or One Involved in Similar Sins.....	48
Does One Have to Have Strong Eyesight?.....	49
How Many Witnesses Do We Need?	50
The First Opinion.....	50
The Second Opinion.....	51
The Third Opinion	52

Can a Woman or a Slave Testify?	52
Can a Young Boy Under the Age of Puberty Report the Sighting?	53
How Many Witnesses Are Needed to Testify to the End of Ramadhaan?	53
Class Seven	54
Determining the End of Ramadhaan	55
The First Issue	55
The Second Issue.....	55
The First Opinion.....	55
The Second Opinion.....	56
If a Person Sees the Moon for the Start of Ramadhaan Whilst Alone	57
If a Person Sees the Moon at the End of Ramadhaan Whilst Alone	58
The First Opinion.....	58
The Second Opinion.....	59
You Do Not Declare your Own Eid.....	60
The First Opinion.....	60
The Second Opinion.....	60
The correct opinion.....	61
If Two Credible People Saw the Moon but Did Not Inform the Leader.....	61
Do We Accept their Testimony if it is Rejected by the Judge?	62
Two People Who Do Not Know the Status of Each Other	62
One Who is in Prison or a Similar Situation	62
If One Finds Out Fifteen Days Out of Thirty Were in Sha’baan.....	63
Class Eight.....	65
Who is Obligated to Fast?	65
If One Embraces Islam on Eid	67
If He is a Murtad.....	68
If One Takes His Shahaadah at Dhuhr Time in Ramadhaan.....	69
Is Ramadhaan Waajib on a Kaafir?	69
Class Nine	75
Mukallaf	75
Children Under the Age of Puberty	76
Do Children Under the Age of Puberty get Reward for Fasting?.....	76
Are They Held Accountable?.....	77
One Should be Flexible with Children.....	77
One Must be Sane.....	78
You Have to be Able to Fast	79
She Must Be Pure.....	81
Class Ten.....	81
If it is Confirmed that it is Ramadhaan During the Day	82
The First Opinion.....	83
The Second Opinion	83

Do You Have to Make that Day Up?	84
The First Opinion.....	84
The Second Opinion.....	85
The Third Opinion	86
A Woman who Becomes Pure or a Traveller who Returns Home.....	86
Why Did the Author Say ‘And Likewise’?.....	87
Do They Have to Abstain for the Rest of the Day?	88
The First Opinion.....	88
The Second Opinion.....	89
Whoever Breaks His Fast for a Legitimate Reason	90
Class Eleven	90
If One Breaks His Fast Due to Old Age or an Incurable Illness	90
Do They Have to Feed a Poor Person for Every Single Day They Missed?.....	92
The First Opinion.....	92
The Second Opinion.....	93
How Much Do We Feed?.....	93
How Much Do We Give?	94
The First Opinion.....	95
Can Someone Make Up Fasts for Someone Who is Alive?	96
The First Opinion.....	96
The Second Opinion	96
Class Twelve	97
If Fasting is Harmful for One Who is Ill or Sick	97
Illness is Three Types From a Fiqh Perspective	98
The First Type.....	98
The Second Type.....	98
The Third Type	99
Who Judges the Illness?.....	102
A Person On A Journey.....	102
The Distance One is Permitted to Shorten His Salah.....	103
Is it Better to Fast or Not?.....	103
What if it is Not Difficult?.....	104
The First Opinion.....	104
The Second Opinion.....	105
The Third Opinion	106

THE COMPREHENSIVE FIQH OF FASTING (ZAAD AL-MUSTAQNI')

These classes were transcribed by a student and sent to us for the purpose of uploading them to [OpenSourceIlm.Wordpress.Com](https://OpenSourceIlm.wordpress.com).

CLASS ONE

INTRODUCTION

Alhamdulillah Allah privileged us with the blessings of reaching yet another Ramadhan. An opportunity like this that many or most take for granted, is an opportunity longed for by those you passed by and see in their graves. In these early moments of Ramadhan make a resolution and make a supreme and noble resolution. Make it your aim to attain entry to from all the gates of Jannah, through this Ramadhan. Let this Ramadhan be your means for that. Make your aim to attain Firdaws through this Ramadhan. Take advantage of it, work for it and rest assured that Allah subhaanahu wa ta'aala will never let you down. Last year we gathered doing a series, you all remember, today we're doing another series. Between this one and that one it's as if it was a hour of a day or even less, and that's how your life and our lives slips away. I ask Allah subhaanahu wa ta'aala to strengthen and to purify our hearts during this month in order to take full advantage of Ramadhan. May Allah subhaanahu wa ta'aala grant you all Barakah during your life time and especially during this month that you may fulfill it with deeds, may Allah accept from us all. Last year we did a daily spiritual, Imaanic series, which was later referred to as "The Gems of Ramadhan".

This Ramadhan and it's based on the suggestion and requests of many brothers and sisters locally and worldwide. We'll do a series of the Fiqh of Ramadhan and this is for everyone, just like that Imaanic series was for everyone, this is for everyone but slightly geared more towards Talabatul-'Ilm and in reality, nearly everything we learn or we will be learning in the Fiqh of Ramadhan, nearly, all of it is something every Muslim should know. We spoke previously on what type of 'Ilm constitute a Waajib and what constitute Sunnah, what's Waajib for you to know and what is Sunnah. Issues pertaining to you or those Allah entrusted you with, like your wife and your children in matters that are Waajib like Salah or Ramadhan, is Waajib for you know. A single man doesn't really need to know the rules of a woman on her menstrual cycle, it's Sunnah, you get a lot of reward for learning this but it not Waajib on you. Now, if you have a wife that needs to know matter pertaining to that or a daughter Allah entrusted you with, then you have to learn to inform her or she can go seek that Waajib knowledge without your permission. If she needs to know a Waajib knowledge on her, she has the right to go seek it.

This year we will study the Fiqh of fasting from the book that you have, Zaad Al-Mustaqni' Inshaa Allah. You either have the book or these pages and what we will be studying exactly, I mentioned it earlier but let me repeat it; is I can basically make an outline or study booklet or curriculum on the Fiqh of fasting, I could possibly make it more appealing to you, since I know the audience and I know what interests you and I know how to present it to you. However, the study of the classical work of our 'Ulamaa who proceeded us in Imaan, may Allah subhaanahu wa ta'aala have mercy on them, is essential for Talabatul-'Ilm. The structured classical style study of our 'Ulamaa, the lessons you get from those books, is what makes a person student of knowledge, and that's what generates 'Ulamaa. Just like Usool Ath-Thalaathah (The Three Fundamental Principles) we go through it line by line or nearly word by word and it's the classical work of a 'Aalim on Tawheed, even though that booklet is slightly more of a contemporary 'Aalim. For the Fiqh of Ramadhaan it was suggested and I agree very much with what was suggested, that we use the book called Zaad Al-Mustaqni'.

Zaad Al-Mustaqni' is a book that I would like to teach from cover to cover some day, if Allah subhaanahu wa ta'aala permits. Since it is Ramadhaan, it's wise and thoughtful to teach the chapter on fasting, which have is not the book, some of you have the book but what you have here is only the chapter on fasting. In Hajj season if someone is going to Hajj, we can possibly do the chapter on Hajj. That way when we go through the book from cover to cover, we can skip out the portions that we already covered.

WHAT IS FIQH?

Fiqh basically is Islamic jurisprudence, Fiqh figuratively or linguistically speaking means to understand, it's knowledge in something. Shar'ee meaning of it and that's what concerns us, is that is deriving religious rulings that proteins to the actions of those assigned, as it proteins to Haraam, Halaal, permissibility or disliking from the sources. Again, deriving religious rulings that proteins to the actions of those assigned, I'll mention of what I mean by those "assigned", it matters that proteins to Haraam, Halaal, permissibility, disliking from the sources.

WHO ARE THOSE 'ASSIGNED'?

Now the definition I said "the assigned" those assigned, who are those assigned? What we mean by that is: Muslim, sane, over the age of puberty and so on and in Ramadhaan, a woman who's on her menstrual cycle. That's what we mean by those 'assigned'.

THE IMPORTANCE OF FIQH

The most noble of 'Ilm is the 'Ilm of 'Aqeedah or Tawheed. That's why we started with the Usool Ath-Thalaathah (The Three Fundamental Principles), it's the difference between eternal hell or eternal Jannah. It's the major Fiqh, it's called by some 'Ulamaa 'al-Fiqh al-Akbar'. After Aqeedah and Tawheed in order of importance, is what we start off with today Inshaa Allah, it's Fiqh and it's also referred to as 'al-Fiqh al-Asghar'. Al-Fiqh al-Asghar is the Fiqh pertaining to Haraam and Halaal, the rules and regulation. It's literally to learn the rules and regulations of Islam. It's the knowledge on how do you make Salah? How do you purify before Salah? How you fast, the conditions, the rules of it, what voids it and so on and so forth. It's so important and it's so essential that some of the Salaf used to:

إِنَّ الْعَبْدَ قَدْ يَشِيبُ عَرِظَهُ وَلَمْ تُقْبَلْ لَهُ صَلَاةُ الْوَاحِدِ

A man or a Muslim may grow white hair into Islam, and not a single one of his Salah is accepted. Is he not making Salah? What are they talking about? He's making Salah. He's been doing it for forty years or eighty years, yet there is a deficiency for example in his Tahaarah. There may be a deficiency or errors in the salad, like the man the Messenger sallallahu 'alayhi wa sallam said:

إِرْجِعْ فَصَلِّ فَإِنَّكَ لَمْ تُصَلِّ

Go back and pray, you didn't pray. Even though that man made Salah, but it is as if he didn't make it.

So the rules and regulations are essential and likewise Siyaam. If a woman is on her menstrual cycle or if you travel, the details of it, making it up. All that is a glimpse of what Fiqh is about, that's Fiqh. Part of Fiqh is knowing usury (Riba) or business transaction, the difference between the two, what's Haraam and what's Halaal.

ZAAD AL-MUSTAQNI'

The usual classical work of the 'Ulamaa in Fiqh, is they usually write, the giants of Fiqh, they write a Matn (متن). A Matn is something very summarised and that's what you have, Zaad

Al-Mustaqni' is a Matn. Then they would have to the Matn a Sharh (شرح), an explanation to

that Matn. Then there would be Hawaashi (حواشي) which is commentary, commentary on

top of the explanation and the Matn. The term Hawaashi comes from when you write outside the framework, when you take notes and jot them down, comments on the

boarders of the book or the writings within that book. But it doesn't necessarily mean that, but that's where the word Hawaashi comes from.

So they have Matn which is super summarised, is very summarised text. Then they have explanation which is Sharh and then they have Hawaashi which is commentary on the explanation and the Matn. Zaad Al-Mustaqni' is a Matn and the point of the Matn is to give you a very summarised Fiqh opinions in the very simplest shortest ways and right to the point. It's very summarised and directly to the point. The rules and regulations of Siyaam are covered, I believe what you have here is about five pages. That is the section on Siyaam from Zaad al-Mustaqni', yet the entire book that you have is about three hundred pages. What I elaborate on or explain of this Zaad Al-Mustaqni' is what I learned from my Shuyookh, may Allah subhaanahu wa ta'aala grant them Firdaws as nearly most of them passed away and died. The other parts are taken from Shurooh (شروح) and Hawaashi that 'Ulamaa over time wrote on this book.

Then you need to know that 'Ulamaa usually or habitually start their Fiqh books, the classical Fiqh books with the Fiqh of Ibaadaat, meaning worships. The Ibaadaat the worships, like the pillars of Islam. Some of what we referred to as Fiqh of Ibaadaat are physical, like Salah is physical, Siyaam is physical. It is classified as physical even though you have to go by clothes to do your Salah, you have to spend money by clothes, you have to pay your water bill by water to make your Wudhu for Salah. But those aspects are not at the core of that Ibaadah, therefore is classified as a physical Ibaadah not a financial Ibaadah. Some Ibaadaat are financial like Zakah, you may have to physically drive to get the money and then pass it out but that's not at the core of Ibaadah. So it is classified as a monetary or financial Ibaadah. Some Ibaadaat are a combination between physical and financial like Hajj, you have to do both. Both are at the core of Ibaadah of Hajj.

THE WISDOM BEHIND THE DIVERSE FORMS OF IBAADAAT

A side issue, the wisdom behind the diverse forms of Ibaadaat and the choices that Allah gave us is that so one can enjoy his Ibaadah, so that you will elevate your rank in Jannah with an Ibaadah you love. From the mercy of Allah is that not only does He want to do the Ibaadah but he wants us to enjoy it while we do it. Some like to read Qur'an and prolong their reading their Qur'an, day and night whatever they are. While others like to make Sujood for hours at night, some people like to stand all night in their Qiyaam. Some can make hundred Rak'aat a day, yet cannot spend a penny in Zakah, of course I am not talking about the Fardh Zakah, the additional Zakah. Some are the opposite, they can spend millions but they can't do Nawaafil. So from the mercy of Allah is that He gave us Ibaadaat to choose from. Some of it is that you have to deprive yourself of what you love like Siyaam, you deprive yourself of food. Some of it you give what you love which is like Zakah you give wealth. Allah gave us too many chooses to suit our desire and what we like of Ibaadaat.

The point is that all those that I mentioned are considered Ibaadaat and that's what's called Fiqh Al-Ibaadaat. Fuqahaa' start with those types of Ibaadaat in their Fiqh books. Then they tend to proceed to Fiqh Al-Mu'amalaat after that, which is the Fiqh of dealings. Some of it pertains to financial dealings with each other like borrowing, giving gifts, partnerships, business transactions, all that is Fiqh Al-Mu'amalaat. Some of it pertains to marital relationships like marriage, divorce. Some of it pertains to transgressions of people against each other or against themselves, like drinking, fornications, accusations. Some of that pertains to judicial laws, that's all Fiqh. And some of it pertains to personal matters. So that is all Fiqh.

THE AUTHOR

Our book here, Zaad Al-Mustaqni' is a summary. The author is Sharafudeen Musa Ibn Ahmad Al-Hajjawi, he died nine hundred and sixty-eight years after the Hijrah. This book is not the work of the author Al Hajjawi. What Al Hajjawi basically did was merely summarise another book called Al Mughni. Al Mughni is by a more famous author that you all know of and that is Muwaffaq al-Din Ibn Qudamah, he is the author of the original book. What Al Hajjawi did here, he did nothing more than summarise that book by Ibn Qudamah. That book by Ibn Qudamah is a more in-depth book on Fiqh. Zaad Al-Mustaqni' is basically the summarised version and it adopts the Hanbali opinions. It usually selects the major opinions of the Hanbali Madhab, the authority opinions.

Since the author was in the ninth century, the Hijrah century, it's considered more like the authority opinions in the Hanbali Madhab. Because we have many 'Ulamaa, we have many opinions and overall the Madhahib that you know of are four Madhahib, but within these Madhab, each Madhab there's disputed opinions. That's why those who blindly follow a Madhab, saying: I am Hanbali, I am Maaliki, I am a strictly blind follower of this Madhab. Well okay, when there is a dispute within your own Madhab, and there is and all the Madhahib; which detour or rout do you take? I am not saying with the other Madhahib, within your own Madhab.

Abu Yusuf and Mohammed Ibn Hassan first generations students of Abu Hanifah had many opinions that were contrary to their Shaykh. You get questions sometimes: What did Imam Ahmad say on this? I only follow what Imam Ahmad said. You follow Imam Ahmad with no proof, you want that Hanbali opinions on that issue or the Maaliki opinion on that issue or the Shafi'ee or Hanafi on that issue, with no regards to proof. The problem for you is many issue within that Madhab was disputed, within that Madhab. That what's within that specific Madhab is that small circle, so imagine the dispute outside that circle with the other Madhahib? That's why the correct and safe route is to stick to proof. Of course there's some exemptions, you know someone who is illiterate, doesn't read, write, no resources and that's more in-depth talk that we need to get in to. But we don't neglect 'Ulamaa's opinions, that's why we study their books. But when it boils down to it, it's the proof that we go by.

THE POPULARITY OF THE BOOK

Next point that I want to talk about is this book, this particular book gained worldwide acceptance over the past centuries and actually today is probably among the most popular widespread summarised Matn in the Hanbali Madhab. The book is considered by as I mentioned, as a reference and what the official Hanbali Madhab settled on. Even though that is open to discussion and dispute. Many 'Ulamaa have explanation on this book, both classical and contemporary. Some actually tried to make this book into poetry, to make it easier for Talabatul-'Ilm to memorise. Many encouraging memorising this Matn.

ADVICE FOR STUDENTS OF KNOWLEDGE

Similar to what mentioned in Usool Ath-Thalaathah (The Three Fundamental Principles), because these Mutoon (متون) are very brief. However, because it's Ramadhaan we will try to make these classes like Khawaatir, meaning they will be short, so it will not take away from your Ibaadah, that way you can combine between Ibaadah which is what should occupy most of your time and this Ramadhaan and a little bit of 'Ilm. Study of 'Ilm is Ibaadah with the correct intention, it becomes Ibaadah as we pointed it out. It's true some 'Ulamaa used to cancel the classes during Ramadhaan while others continued to teach during Ramadhaan. There's no Sunnah foundation to say in Ramadhaan we do not have Halaqaat, it's more of a matter of personal preference. The emphasis of course should be on Qur'an and worship in the month of Qur'an.

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ... البقرة: ١٨٥ ﴿﴾

The month of Ramadhaan [is that] in which was revealed the Qur'an. (Surat al-Baqarah: 185)

However, realistically speaking we don't really read Qur'an twenty-four seven during Ramadhaan and one needs to change his Ibaadaat habits during Ramadhaan to avoid boredom and to reactivate one and to do more Ibaadaat. So any deeds completed in Ramadhaan gets you multiple folds in reward, then if you were to do it outside of Ramadhaan. Because of the sacredness of the month and possibly part of that, that you get multiple folds of reward in is the study of 'Ilm.

Let me say, I do not suggest using your time trying to memorise this book, especially in Ramadhaan or even the chapter on fasting that we going to Inshaa Allah cover. Spend your time with Qur'an in this month and if you don't have the Qur'an memorised completely, don't even start memorising this book. Spend your time memorising the Qur'an and at the

sometime understand this very, very, very well. After you completed the Qur'an and memorised the Qur'an, then you start memorising Usool Ath-Thalaathah and books like this and other books as well. I met some who Wallahil-'Adheem don't know Arabic nor have they finished maybe two to three Juz, yet they sit and memorising Mutoon that they don't understand. That's complete ignorance and a wrong strategy in seeking 'Ilm. Allah will not instruct you to recite Zaad Al-Mustaqni' and Usool Ath-Thalaathah and ascend to Jannah, He will tell you that about the Qur'an. However you have to understand this stuff. But memorising takes much longer time and that time if you do not know the Qur'an, is something you should be spending memorising the Qur'an. Some of this, like I said is Fardh 'Ayn for you to know, to understand and to know the ruling. The benefit however of memorising a book like this is that you have an outline of Fiqh in your mind.

We say to you – fasting, you automatically know the underline issues, the rulings, the explanations, the explanations you studied with your Shaykh or later on that you will read, they'll all come back to your mind when you memorise Mutoon like this. It is as if you have a Fiqh index in your mind. Or you memorised Usool Ath-Thalaathah is like you have Tawheed index in your mind. If you don't memorise it, it is not a problem at all just make sure you have a complete understanding of the issues that are mentioned.

Those of you who memorised the Qur'an and I know will memorise this and have memorised Usool Ath-Thalaathah, you'll going to find that this is slightly more difficult than Al-Usool Ath-Thalaathah.

WHY ARE WE STUDYING A HANBALI BOOK?

A Hanbali book, a book that is a Fiqh book on the Hanbali Madhab. I am not Hanbali and I have never ascribed myself to any Madhab, anytime of my life Alhamdulillah. May Allah subhaanahu wa ta'aala reward my father, as he taught me there from a very young age. I thank Allah subhaanahu wa ta'aala in abundance and I ask Allah subhaanahu wa ta'aala to reward my father with a very long life full of deeds and then Firdaws. The Manhaj that I am on and everything today, is what I was on five, six, seven, eight years old and throughout my teenage years and so on and so forth. Never Alhamdulillah did I change.

When I was a child for example, the looming conflict back then was the Madhab issue. I recall discussion as a kid among families and my father was involved in them, is how are we going to accept this person to marry our daughter when he is a Shaafi'ee and we are Maaliki? My father always taught me that the foundation is the proof with love and respect to our 'Ulamaa and their explanations. Just because we don't blind follow the 'Ulamaa, it does not diminish the love and respect we have for them and their opinions. We most definitely need the understanding of the 'Ulamaa, that's why we are studying this book and books like this. But our ultimate goal and the bottom line that we are obligated to go by is the proof as they, every single one of them said and taught us and wrote in their books.

This book is a Hanbali book, but had we had before us a Shaafi'ee or Maaliki or Hanafi, I would teach it the same exact way. I would like to teach Muwatta Maalik one day Inshaa Allah, which is on the Madhab of Imam Maalik. And if I were to teach that book, the opinions you learn throughout this Hanbali book would be exactly what I would be teaching in the Maaliki book. Meaning the substantive issues and conclusions on Fiqh matters would be the same on every issue. We would be mentioning the same issues, same underlying issues, subjecting them to proof and selecting what the proof backs, based on what the 'Ulamaa, the Muhaqqiqeen of 'Ulamaa went through and analysed and summarised for us and selected for us.

You will see many times in this book we will mention, if we get through it Inshaa Allah, that the opinion the author chose turns out to be the weakest opinion. Or that theres several opinions within the Hanbali Madhab or how the Hanabilah, the Imams of the Hanabilah Madhab responded to opinions within their own Madhab. Or it maybe, yes they adopted Hanbali Madhab or even the adopted opinions of Imam Ahmad himself, but other 'Ulamaa like Maalik or Abu Hanifah or ash-Shaafi'ee were the ones who were correcting that issue. In fact Ibn Taymiyyah is considered Hanbali Imaam. Some accuse him of being a hardcore Hanbali, and they say, "Look, Ibn Taymiyyah was a Hanbali, why are you not following a Madhab?" If you are the type of Hanbali that Ibn Taymiyyah was, we would have no problem at all.

Do you know that in the first section of Fiqh, which is purification, purification comes before Salah, it's usually the first section of Fiqh book. It's a very small section, an initial section introduction to Salah: Purification and Tahaarah. Before you start on Salah they mention purification. In a personal study I did years ago, Ibn Taymiyyah the Hanbali disagreed with the Hanbali Madhab on one forth or one fifth of the issues in that section itself. Is that blind following? That's just in the first subsection of Fiqh, he disagreed with his own Madhab on one forth or one fifth of the issue. You will see much of his disagreement with the Hanbali Madhab in this book. In fact you will see writings of Ibn Taymiyyah Rahimahullah the Hanbali that they say the Hanbali, where he sided with some of Imaam Maalik's Fiqh issues, not Fiqh issues but even in Usool and namely one of them is 'Amala Ahlul-Madina.

The book is like an outline or an index that we go out from, some of the opinions in it is correct opinions and some of the opinions of the other 'Ulamaa are the correct ones, and Inshaa Allah we will go through it sentence by sentence. In fact some of the opinions like I said was corrected by the Hanabilah themselves.

KITAAB AS-SIYAAM (THE CHAPTER OF FASTING)

Now the author starts off the section on Siyaam.

كِتَابُ الصِّيَامِ

The chapter on fasting. Kitaab (كتاب) means the book, the book because in reality this is a book on fasting. This could be an independent book on fasting, that's how Fuqahaa' used to break down their chapter. Kitaab is like a chapter – Kitaab as-Salah, Kitaab as-Siyaam, Kitaab Al-Hajj (the chapter on Salah, the chapter on Siyaam, the chapter on Hajj and so on). Now under Kitaab (كتاب), if they needed a subsection under Kitaab, it would be referred to as Baab (باب). Kitaab at-Tahaarah (the chapter on Taharah), then they'll talk about purification. Under the book on Tahaarah (purification), they'll have Baab an-Niyyah, Baab al-Maa' (the water), Baab al-Wudhu, Baab al-Ghusl. So under Kitaab, if there is a more detailed subsection needed it will be called Baab. If there is more subsections needed under Baad, they will referred to it as Fasl (فصل). So it's Kitaab, Baab and then Fasl – that's usually how they break down their subsections within a chapter.

Here the author mentions Kitaab as-Siyaam. Kitaab as-Siyaam means everything you need to know about Siyaam, The Book on Siyaam. Under Kitaab As-Siyaam, he mentions five subsections, and each is considered Baab. The first one that he mentions and so you get an overall of what we are studying, the first section is how Ramadhaan starts, meaning the sighting, how it starts and ends. The moon, the crescent, who must fast, who is exempted and the intention. Then the second Baab is what void fast when someone must do a Kaffarah and under that is a subsection (Fasl) on sexual intercourse during Ramadhaan. Then the third Baab is what is disliked and what is Sunnah during your fast and the ruling on making up fasting. Then the forth one is Baab of fasting, non obligatory fasting, the Sunnah type of fasting. The fifth Baab is on I'tikaaf.

This book Zaad al-Mustaqni' is a comprehensive book on all Fiqh, like I said. You can actually take out sections like Kitaab as-Salah and it will be as if it is an independent book on either Salah or Sawm, whichever section you take out. What we are doing now is teaching the section on fasting and it is all Kitaab if you take the fasting section out, it like we are doing an independent book on fasting.

This is a very brief introduction and I think I went over time already and each issue I mentioned today is really worthy of several lectures, but I kept it brief to coincide with the fact that is Ramadhaan so we can attempt to finish this book in Ramadhaan Inshaa Allah. Each point I mentioned today is worthy of several talks or at least one talk but it is very summarised here. I don't want you to get the idea that I spoke about everything in detail, for example; the issue of blind following of the Madhahib and our love and respect for 'Ulamaa, that needs a few talks in itself. Actually it has many details to it. The importance of

sticking to the classical work of the ‘Ulamaa, that’s worthy of a talk. The point about what Fiqh is and how the ‘Ulamaa structured their Fiqh books and the mother books on Fiqh, that’s worthy of several talks. That’s just a short summary that I gave to coincide with the time that we have. Tomorrow will start with the first sentence of this book. You need to bring it and follow along, so you won’t get lost.

CLASS TWO

This is our second class on the explanation on the Fiqh book Zaad al-Mustaqni’ – the Siyaam section. We left off yesterday talking about how Fiqh books are organised. We said where we left off is that, they usually name their chapters Kitaab like what we are doing here Kitaab as-Siyaam. The subsections under Kitaab would be Baab, then if they need subsections under Baab, it will be called Fasl. That’s where we left off.

The next point you need to know is usually Fiqh books go in the order of the of the well known Hadith Jibril alayhi salam in Bukhari and other books of Hadith, they also go by narration of the Hadith of Ibn Umar on the pillars of Islam. What do I mean? I mean they start the Fiqh books with of course, for example Salah and the prerequisites of Salah before that like purification. Then they move on Zakaah, then they move on to Siyaam, then they move on to Hajj or Hajj then Siyaam. A unique thing Ibn Umar like I said he has these Hadith radhiallahu ‘anhuma, he narrated some of these Hadith and he narrated from the Messenger sallallahu ‘alayhi wa sallam where he mentioned the pillars and he mentioned Hajj and then Siyaam, and in another he mentioned Siyaam and then Hajj. One time Ibn Umar radhiallahu ‘anhuma was teaching the Hadith and he said the pillars of Islam and he stated fasting then Hajj in that order. So a man stood up and corrected him, he said: “Ibn Umar, no it’s Hajj and then fasting.” Ibn Umar radhiallahu ‘anhuma said: “it’s fasting then Hajj. That’s how I heard it from the Messenger sallallahu ‘alayhi wa sallam.” How did Ibn Umar radhiallahu ‘anhuma correct this man in that way, when he himself Ibn Umar has another authentic narration stating the opposite order, like what the man said?

Now here what An-Nawawi Sharh Muslim said: “ It appears to me that Ibn Umar radhiallahu ‘anhuma heard it from the Messenger sallallahu ‘alayhi wa sallam twice with different orders, one with Hajj and then fasting, one with fasting and then Hajj. So what Ibn Umar was telling that man is that what I mentioned, the order that I mentioned is correct: Siyaam and then Hajj is correct. It’s not that Ibn Umar radhiallahu ‘anhuma was telling the man that your version is wrong, he is just saying: what I said is correct and that’s how I heard it from the Messenger sallallahu ‘alayhi wa sallam. I said like I heard it from the Messenger sallallahu ‘alayhi wa sallam, just to show the man that there is another narration.

That happens a lot, it happened actually in our Tawheed class. You give a lecture, you mention a Hadith and it has more than one narrations. A student of knowledge may not be familiar with the many narrations, so someone, a Shaykh may mention a Hadith in a

different narration and he gets corrected, thinking by that young person that's the only Hadith. Sometimes it happened in Salah where the Imaam is reading in a different Qiraa'ah and he gets corrected. They don't know that he is reading in a different Qiraa'ah. That I say that because that's basically what An-Nawawi was saying that, that happened to Ibn Umar. Ibn Umar was not denying the other narration, what he was doing is that he was informing the man that what I said is also correct.

A second scenario that An-Nawawi said that Ibn Umar radhiallahu 'anhuma possibly heard both narrations from the Messenger sallallahu 'alayhi wa sallam taught them, but when he was talking to this man, he must have forgotten about the other narration. Bukhari in his book, Sahih Bukhari, he mentions Hajj and then fasting and that's for one of two reasons and possibly both reasons reasons together. Why did he mention Hajj then fasting? He possibly used one of Ibn Umar's narrations of Hajj and then fasting, that's one reasons. Another reason is that because Hajj has more of a severe warning for those who abandon and leaving it, more than fasting. And that's another reason that he may have mentioned Hajj before fasting, for his reason of mentioning Hajj before fasting. Having said that, the order does not diminish the importance of fasting or Hajj, they're both important, they're essential and they're both pillars of Islam.

Next, the author starts off with:

كِتَابُ الصِّيَامِ

WHAT IS FASTING?

THE LINGUISTIC DEFINITION

The definition of fasting is the first thing that we will start off with. Lisan al-Arab linguistically, figuratively speaking it's to abstain like Maryam alayhis salaam said:

...إِنِّي نَذَرْتُ لِلرَّحْمَنِ صَوْمًا فَلَنْ أُكَلِّمَ الْيَوْمَ إِنْسِيًّا... ﴿مريم: ٢٦﴾

"Verily! I have vowed a fast unto the Most Beneficent (Allah) so I shall not speak to any human being this day." (Surat Maryam: 26)

It's to abstain from anything. Maryam said "I'm going to vow to abstain", what are you going to vow to abstain from? she said I am going to abstain; she meant from talking. How do we know she meant from talking, when she mentioned in her first sentence "I'm going to abstain, I vow to abstain"? Following sentence says:

فَلَنْ أَكَلَّمَ الْيَوْمَ إِنْسِيًّا

I vow not to speak to anyone. That explains what she abstains from. The Arabs used to say Saam al-Faras (صام الفرس) meaning the camel or the horse would abstain from eating or drinking or moving.

Ibn Qutayba said: everyone who abstains from eating or talking or walking is considered fasting, in the linguistic sense.

THE SHAR'EE DEFINITION

Now that is a linguistic but what's more important, what's essential to us is the Shar'ee meaning, the Shar'ee definition of what fasting is. If you open the books of Fiqh have numerous versions of what the definition of fasting is. Among two popular ones that I've chosen is; to worship Allah by abstaining from eating, drinking and other matters that voids your fast, from predawn to sunset. Or in another definition which is in the reference book, the Fiqh reference book Muntaha al-Iradat Ibn al-Najjar; he said, fasting is to abstain with the intention from specified matters, for specified time, by a specified person.

مساكم بني عن اشياء مقصودة في زمن معين من شخص مقصود

YOU MUST HAVE THE INTENTION

Let's taking sentence by sentence; it's to abstain with the proper intention. It's to abstain with the proper intention. You must have the intention, that's the first thing. Why must you have the intention? For two reasons.

Number one reason is; you need the intention is to distinguish between worships and traditions. Abstaining from food and water for the sake of Allah subhaanahu wa ta'aala is different than abstaining from food because one has a fever or too sick to eat or someone who is trying to go on a diet and lose weight. One who takes a shower in the summer to cool off is different than from one who has the intention to take a shower for the sake of Allah to purify himself from the major impurity, whether from intercourse or a woman has finished her menstrual cycle. The intention differentiates between what worship is and a tradition is. Is your intention to gain nearness to Allah by doing the act that He taught you.

The second reason is; to distinguish between worship themselves. Not only between worship and traditions as the first one, but between worships themselves. Dhuhr is four Asr is four, how do you know the difference? The intention. When you are traveling, Fajr is two,

if you are going to shorten Dhuhr is two, Asr is two and Isha is two you got four Salah that is two Rak'at each. What differentiates between those? The intention.

The proof for the intention is from the Qur'an the Sunnah and the Ijmaa'.

﴿وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ...﴾ البينة: ٥

And they were commanded not, but that they should worship Allah, and worship none but Him Alone (abstaining from ascribing partners to Him). (Surat al-Bayyinah: 5)

The Hadith, the famous everyone knows:

انما الاعمال بنيات

Verily actions are by intentions.

The intention is also proven by Ijmaa'; when we say Ijmaa', you are going to hear a lot in our class. It means the consensus of the Sahaabah or the 'Ulamaa, and the Ijmaa' is the source of proof for Ahlus Sunnah wal Jama'ah.

According the definition that we mentioned, intentions are only part of fasting. Then you got to follow it by something else, which is his second statement; from specified matters. Intention then you, then you got to refrain, abstain from specified matters. Those matters are eating, drinking, sexual relationship and other matters that voids the fast which we will study in this book. Then the definition goes on to say: for a specified time, the Sharee'ah specifies the time. Me and you can't just sit and make up when we going to fast from when.

It's from predawn also known as the second the second Fajr, the Fajr ath-Thaani (فجر

الثاني) until sunset. By a specified person meaning an adult over the age of puberty, who is sane, who is able, who is resident, if it is a woman it not on her menstrual cycle or post needle bleeding, we will study all the Insha Allah.

Keep in mind that the Waajib aspect of fasting Ramadhaan maybe Waajib in Ramadhaan and it maybe a Waajib outside of Ramadhaan. What do I mean by that? It's a Waajib Muslims in Ramadhaan, that's the majority of the situation. But if someone is travelling or someone was ill or a woman on her menstrual cycle, the Ramadhaan days of fasting becomes outside of Ramadhaan of the month of Ramadhaan. That's the definition of fasting.

THE RULING ON FASTING IN RAMADHAAN

Ramadhaan is a Fardh or Waajib and it's a pillar of Islam. I took in Tawheed classes the difference between Waajib and Fardh. Ramadhaan is also an action that is known from Islam by necessity. The fact that the obligatory fasting of Ramadhaan is a matter that is known from Islam by necessity, makes one who fully denies the obligation of Ramadhaan a Murtad if he denies it. Not only is there an Ijmaa' on fact that Ramadhaan is obligatory but there is a Ijmaa' (consensus) that who ever denies the obligation of fasting Ramadhaan is a Kaafir Murtad. Based on the famous well known rule: if a person denies any action from Islam that is known by necessity, he is a Murtad. The rule is if a person denies any action that is known from Islam by necessity, he is a Murtad and a Kaafir.

Now Ramadhaan is Waajib and it's proven by the Qur'an, Sunnah and from Ijmaa'.

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ
لَعَلَّكُمْ تَتَّقُونَ ﴿البقرة: ١٨٣﴾

O you who believe! Observing As-Sawm (the fasting) is prescribed for you as it was prescribed for those before you, that you may become Al-Muttaqoon (the pious). (Surat al-Baqarah: 183)

كُتِبَ

Means Fardh (فرض), meaning it's a Fardh, it's prescribed.

كَمَا كُتِبَ

The Kaaf (ك) in the Kamaa (كَمَا) is to liken to something else. Fasting is not a our specialty of the Ummah of Muhammad sallallahu 'alayhi wa sallam, it was prescribed upon those Umam before use. Some 'Ulamaa said it means the Christians and the Jews, but the more correct opinion is keep the meaning of the verse general as the verse is. So fasting is imposed or was imposed on the Umam before us, all of them, and that among them is the Jews and the Christians. Because the verse is general.

لَعَلَّكُمْ تَتَّقُونَ

Meaning so that you may attain Taqwa which is the fruit of fasting. That's one of proof.

Another proof from the Qur'an:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

So whoever of you is present at his home, meaning he is not a traveler, must observe the fasting of that month. The month, he must observe of that month which in Arabic is:

فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ

ال للعهد الازهريه

Al (ال) The month in the verse means the month that you know, the month that you know that we are talking about, the month of Ramadhaan. You know what month it is. That's what it means and in Arabic grammar that Al (ال) the , is called Al ilil 'ahdi thi thihrihi (ال الازهريه للعهد).

فَلْيَصُمْهُ

Means, that's an order and an order means you must accept, and you must follow, and adhere.

From the Sunnah the proof is for example, from the many Ahaadith on the pillars of Islam. That proves is Waajib or the Bedouin who came to the Messenger sallallahu 'alayhi wa sallam and asked him about the obligations of Islam and the the Messenger sallallahu 'alayhi wa sallam told him, fasting Ramadhaan is one of them. There is, in addition to that there is a Hadith to show the great reward for fasting.

كل عمل ابن آدم له إلا الصوم فإنه لي وأنا أجزي به

All the actions by the son of Adam are for Him, except fasting for verily it is for Me and I shall reward for it.

We spoke about that last year, in the series of last year, so there is no need to go over it. Or there is another Hadith:

Fasting is a shield. I remember that I spoke on that. These are Ahaadith also in addition to Hadith, to show that it's Waajib. These are Ahaadith to show the great reward for fasting. One can retrain and narrow down the passages of Shaytaan by controlling his food. When one doesn't retrain his eating and drinking, the body reclines to desires. That's why the scholars said, "Whoever eats excessively, drinks excessively, sleeps excessively and will lose plenty." So that is how Ramadhaan is a Waajib in the Qur'an, Sunnah and Ijmaa'.

WHEN DID RAMADHAAN BECOME OBLIGATORY?

When did Ramadhaan become obligatory, what year? Ibn Hajar Al-Haytami said, It became Waajib in the month of Sha'baan in the second year after the Hijrah. That means the Messenger sallallahu 'alayhi wa sallam fasted by Ijmaa' of the Islamic historians, he fasted nine Ramadhaans. And it happened to be that most of the Ramadhaan he fasted were twenty-nine day Ramadhans.

THE STAGES OF FASTING

The first stage of fasting is, the obligatory fasting, is fasting 'Ashoora. The second stage is some said that is obligatory to fast three days every single month, but that's a weak opinion. The second stage in reality was when Ramadhaan became obligatory by choice, meaning you either fast or you feed a poor person, is your choice. You can choose either way.

The wisdom behind giving the choice like that in that early stage, was to make it easier for people to accept the obligation of fasting Ramadhaan.

The third stage or level, was when Ramadhaan became obligatory to fast on every single person with no choice, there is no choice in it except those who are exempted and we will study those who are exempted.

There is an issue in Usool Al Fiqh that I want to go over that pertains to this. Here we mentioned three stages of fasting, 'Ashoora, then Ramadhaan by choice, and Ramadhaan without a choice, you have to fast it. So the Fardh of fasting Ramadhaan abrogated 'Ashoora. When 'Ashoora was abrogated by the fasting of Ramadhaan, that type of abrogation in Usool Al Fiqh is considered abrogation from something that is easy to something more difficult. Why I mentioned it? Some 'Ulamaa denies this type of abrogation. They said this doesn't even exist, but this is a prime example that it does exist. Allah subhaanahu wa ta'ala abrogated 'Ashoora and replaced it with fasting Ramadhaan, which one is more difficult? Fasting Ramadhaan. 'Ashore was once a year, one day a year and of course if you want to tag on a day before or after it. That is 'Ashoora. Now it been

abrogated by fasting not one day a year but twenty-nine or thirty days a year. The month, the entire month. It went from something easy to something difficult. That is the first type of abrogation.

The second type of abrogation in matters like this is something in similar matters, it's not more difficult nor is it something easier. I believe the best example would be changing the Qiblah, changing the direction of the Qiblah. From Baitul Maqdis to Makkah. The effort in me facing Baitul Maqdis or me facing Makkah is the same. So that's an example why matters were abrogated by something equivalent or similar to it.

The third form of abrogation is the opposite of the first one, abrogation from a difficult matter to something much more easier or something easier. A good example of that is standing firm in the face of the enemy in the battlefield. Allah subhaanahu wa ta'aala abrogated it to something easier, you have to stand in front of ten people.

الآن خَفَّفَ اللَّهُ عَنْكُمْ وَعَلِمَ أَنَّ فِيكُمْ ضَعْفًا... ﴿الأنفال: ٦٦﴾

Now Allah has lightened your (task), for He knows that there is weakness in you. (Surat al-Anfaal: 66)

It was reduced down to standing firm in front of only two people.

RAMADHAAN BECOMES OBLIGATORY WHEN THE MOON IS WITNESSED

The author said Rahimahullah:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هَالِهِ

Ramadan becomes obligatory when its moon is witnessed.

That's the statement. The author wanted to point out to two things here. The first thing the author wanted to point out here is Ramadhaan is Waajib or obligatory. The second thing that it's starts or it's triggered by sighting of the moon, that's how it starts. So let's take the first point that he wanted to teach us.

That Ramadhaan is Waajib or obligatory or a must; it's a Waajib. Even though all Waajib are obligatory, you have to do them, some of them are at different levels. Some Waajibs are at the level of Rukn like a pillar, a Waajib that is a pillar. Some Waajib are at a slightly lesser level. Those are usually Waajib that 'Ulamaa may have disputed or may not be considered a

Rukn which is a pillar, even though they're still a Waajib. So in Salah matters that are Rukn, they're Waajib, then there is other matter that are regular Waajib, both are Waajib. But one was a Rukn, Waajib has a higher status than a regular Waajib. If you miss a Rukn a pillar that is considered a Waajib, it's more severe than missing a regular Waajib. Even though both are Waajib.

So if the 'Ulamaa say it's Rukn of the Deen, it's a pillar of the Deen. Note Rukn of the "Deen", it's very difficult to find that 'Ulamaa disputed that. If it is a Rukn of Ibaadah, a pillar of Ibaadah it's Waajib. Like it's a Rukn of Salah, it's maybe disputed like for example suratul Fatiha in the Salah, it maybe disputed. Some of them are disputed and some of them are not, like Rukoo' and sujood are not disputed, the Fatiha is disputed. The point is that there are many Waajib and they are all Waajib, you must do that. However the status of them is slightly different at times. So now we know that fasting is Waajib.

IS ALL FASTING A WAAJIB?

No. Some of it is Waajib, some of it is Sunnah. Mondays and Thursdays that is a Sunnah. Waajib is like Ramadhaan. The author here means the fasting that is Waajib, meaning overall considered a Ibaadah that is a Waajib. In Arabic we call it Jinsil Ibaadah (جنس

العبادة). But there is some Sunnah fasting and the intention is what disguises between the two. But here overall the Ibaadah itself referred to as a Waajib Ibaadah, Jinsil Ibaadah is Waajib. Ramadhaan is all Waajib but there is other types of fasting that is Sunnah, and there is other types outside of Ramadhaan that is Waajib as well. Some fasting other than Ramadhaan that is Waajib is like for example Kaffarah (expiation) for example, whoever have intercourse in Ramadhaan with his wife or someone who does an accidental killing or fulfilling a vow, that's Waajib. So there is Waajib outside of Ramadhaan.

THE THREE CATEGORIES OF WAAJIB FASTING

Now Waajib in fasting is three categories and pay attention to this because it will help you know the categories of Waajib fasting and how to find them in Fiqh books. Waajib in fasting is three categories.

THE FIRST CATEGORY

The first category is Waajib due to a specified time, the example is Ramadhaan. And that's what the author means and he is referring to. A specific comes it becomes Waajib, Ramadhaan comes it Waajib. This you will usually find under Kitaab As-Siyaam like what we

are studying today. That's where you'll find it in the books of Fiqh and they'll tag possibly a few issues about Sunnah Siyaam with it. That's the first category.

THE SECOND CATEGORY

The second Waajib category is the category for a reason like for a Kaffarah (expiation), not everyone fast two month for accidental killing. It depends on the reason for it to become Waajib. Unlike the previous category where it depends on the timing, this one depends on the reason. If the reason happens, you have to do it. Not everyone goes through the circumstance, it may be Waajib for some and others. This is the Waajib fasting for a reason. Where will I find this in the books of Fiqh? You will find this category of Waajib fasting under not Kitaab As-Siyaam that we are studying, but under another Kitaab called al-Kafarat, The chapter on expiation.

THE THIRD CATEGORY

The third type of Waajib fasting is the one you make obligatory on yourself in which the Shari'ah did not obligatory on you, and that's what we call Al-Nadr or a Vow. O Allah I shall fast one month if you give me a good spouse or O Allah I'll fast a month if you let me pass this exam. The Shar'i didn't impose it on you, you imposed it on yourself. That's actually where we stopped off in our Tawheed class and we didn't continue. This you'll find it where in the book of Fiqh? In the chapter of Vows of Al-Nadr.

This is something you should take good note on because it shows you not only the category of fasting, but where to refer to them in the books of Fiqh.

CLASS THREE

This is our third Alhamdulillah on the explanation or elucidation of Zaad al-Mustaqni', yesterday we began with the first sentence. The first one was merely an introduction and then yesterday we began with the first sentence.

RAMADHAAN BECOMES OBLIGATORY WHEN THE MOON IS WITNESSED

The author Rahimahullah said:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هِلَالِهِ

Ramadhaan becomes obligatory when the moon is witness. Or more precisely worded when its moon is witness, the moon of Ramadhaan. The author we said wanted to point out two matters with this statement. The first one that Ramadhaan is obligatory, its Waajib and we finished and completed that yesterday. The second point that the author wanted to teach us in that statement is that Ramadhaan starts or is triggered by the sighting of the moon. And that's what we want to explain today.

يَجِبُ صَوْمُ رَمَضَانَ

Ramadhaan, the term Ramadhaan figuratively or linguistically comes from the term ar-Ramad, which something very hot. The linguistic scholars and the Fuqahaa' disputed why Ramadhaan was called that. Why was it derived from that? You got some opinions that say because Ramadan goes through some very hot weather and that's why it was named or derivative of ar-Ramad. Some said, another group said, No because Ramadhaan burns your sins, that's why it was referred it as that. A third group said, it comes from how the Arabs in Jaahiliyyah they used to in Ramadhaan heat and melt and prepare their weapons. Because in Ramadhaan they didn't fight, because it was sacred even in Jaahiliyyah. But they would prepare and heat and melt them and prepare them because the following month they would start fighting.

A fourth explanation and that was an explanation by Mujaahid. Mujaahid said that Ramadhaan is the name of Allah subhaanahu wa ta'aala, that's why he refused to call Ramadhaan, Ramadhaan. He said, if you want to mention the month of Ramadhaan you have to say The month of Ramadhaan. Then he went on to say that it is a special and a unique month because it's the honoured month that is mentioned in the Qur'an, there is no other month of the month that we have that is mentioned in the Qur'an outside of Ramadhaan. Now what Mujaahid said leads us to the next point.

CAN YOU SAY RAMADHAAN OR MUST YOU SAY THE MONTH OF RAMADHAAN?

It was an issue discussed by our 'Ulamaa, there's opinions on this matter. The first opinion is that is permissible to say Ramadan or to say The Month of Ramadhaan, there's no difference. You can see either, either one you choose. The author adopts this opinion, but he adopts this opinion but he doesn't specifically say so. How do we know that? How do we find out the author adopts this opinion. Look at his statement:

يَجِبُ صَوْمُ رَمَضَانَ

The author said, fasting Ramadhaan is obligatory. He didn't say fasting "The Month of Ramadhaan" is obligatory. Has he been among the opinion that it is Haraam to say Ramadhaan, he would have said "The Month of Ramadan" he didn't use that, he used Ramadan without the month.

THE PROOF ON THIS ISSUE

Allah in the Qur'an said:

شَهْرُ رَمَضَانَ... ﴿البقرة : ١٨٥﴾

The month of Ramadhaan... (Surat al-Baqarah: 185)

However The Messenger sallallahu 'alayhi wa sallam said in an authentic Hadith:

إِذَا جَاءَ رَمَضَانُ

The beginning of the Hadith says, if Ramadhaan comes The Messenger sallallahu alayhi wa sallam said it without saying The Month of Ramadhaan. Look at how it's worded:

إِذَا جَاءَ رَمَضَانُ

If the month of Ramadhaan comes. So once the Messenger sallallahu alayhi wa sallam said if Ramadhaan comes. You can't say it's Makrooh and Haraam because the Messenger sallallahu alayhi wa sallam doesn't do Makrooh or a Haraam. So that's the proof and it's very strong proof for the first opinion and it's the opinion that the author, we said adopts.

The second opinion is that, it's disliked to say Ramadhaan and some of it, the second opinion actually split; some say it's disliked and some say it's Haraam. You can't say Ramadhaan, you just have to say The Month of Ramadhaan. And there is a split among this group, some of them say it's disliked and some of them it's Haraam. And among those who adopts this opinion like we said is Mujaahid and those who say it's disliked was Ibn Taymiyyah Rahimahullah, he was among those who follow this opinion. And Ibn Qudaamah Rahimahullah partially adopted this opinion, he said if you speaking to people and your speech indicates you mean The Month of Ramadhaan, then there's no need to say The Month. You can go straight forward and say Ramadhaan. if there is no indication in your talk or in your writhing that you mean the month of Ramadhaan, then you should say The Month of Ramadhaan, you should add The Month of Ramadhaan.

So according to Ibn Qudaamah, if I am giving a talk today and we are talking about fasting and Ramadan, of course every time I mention Ramadhaan you know is the month of

Ramadhaan. So he said in a scenario like this I don't have to keep saying The Month of Ramadan, but if it is a sporadic talk it's not related to Ramadhaan and I want to say something about Ramadan where the other person won't know that it's the month of Ramadhaan, he said I should add The Month of Ramadan to it. They used, their proof is the Hadith: Don't say Ramadhaan as it is the name of Allah, say what Allah said - The Month of Ramadhaan. What that Hadith means what Allah said, say what Allah said:

شَهْرُ رَمَضَانَ... ﴿البقرة : ١٨٥﴾

In the Qur'an Allah said The Month of Ramadan. They said follow like that and say like that.

Now that would be clear decisive proof, that Hadith that I just mentioned had it been authentic. The only problem is weak and it's not strong enough to be any kind of proof for this for this opinion. The correct opinion is that saying Ramadhaan or The Month of Ramadhaan is the same, because the Hadith used by them is weak, that's the first point. Second is the Messenger sallallahu alayhi wa sallam in an authentic Hadith said

إِذَا جَاءَ رَمَضَانُ

If Ramadhaan comes, he didn't say The Month of Ramadhaan. So once he says that, the Messenger sallallahu alayhi wa sallam doesn't Makrooh or a Haraam.

THE SIGHTING OF THE MOON

So the author here said:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هِلَالِهِ

By sighting the moon of Ramadhaan it becomes Waajib, Ramadhaan becomes Waajib. Meaning he said by sighting it's moon, the moon of what? The moon of Ramadhaan. To indicate that Ramadhaan that Ramadhaan started. The author is trying to, like we said, draw our attention with this statement to two points. The point that we covered yesterday, that Ramadhaan is Waajib, and we finished that yesterday. Is that Ramadhaan is Waajib and we finished that yesterday. The point today is that he is trying to show that Ramadhaan starts by sighting the moon. The proof for sighting the moon is from the Qur'an, the Sunnah and Ijmaa'.

Allah said in the Qur'an:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

Whoever of you sights the moon on the first of the month, while he is present, meaning he is a resident, he is not travelling then he must observe fasting.

Then the Messenger sallallahu alayhi wa sallam said:

إِذَا رَأَيْتُمُوهُ فَصُومُوا

Among the numerous Ahaadith that he indicated about the sighting of the moon. He said, if you see Ramadhaan then fast. if you see it, meaning the moon of Ramadhaan. That indicates that Ramadhaan started.

In Arabic and in the Ahaadith that we have, you going to see that they refer to the moon by two terms, either Hilaal (هلال) or Qamar (قمر). Both of the refer to them refer to the moon. Hilaal in Arabic is the crescent, the new moon, the baby moon. In Arabic the term Hilaal refers to moon when it's three days or less old, that's what Al Johari Rahimahullah said and that's what a larger group of the 'Ulamaa adopt it. That if it is three days or less old we call it Hilaal (crescent). After the third days, the fourth, fifth, sixth we call it Qamar which is moon. There is a difference of opinions on this matter and the usage of these terms but what I mentioned and what I stated was popular, widely accepted opinion, because it's widely accepted opinion not only by the linguistic 'Ulamaa but also by the Fuqahaa'.

CAN YOU USE BINOCULARS OR TELESCOPES OR SIMILAR EQUIPMENTS TO SIGHT THE MOON?

Now the author is saying Ramadhaan becomes Waajib upon the sighting of the Hilaal, the new moon of Ramadhaan. We have a issue here upon the sighting, can you use binoculars or telescopes or equipment similar to that to sight the moon? From the author's statement it's sort of left broad it's sighting, so if one uses binoculars or telescopes or similar means, then it is permissible. However you cannot impose such means. You can't impose the usage of such equipment. Why is it permissible? Because it falls under the general term sighting, because you're using your eyes, its sighting.

WE GO BY SIGHTING EVEN IF IT GOES AGAINST CALCULATIONS

Now what's clear and what we don't go by is calculations. It's possible that they can calculate the day the Hilaal starts, the new Hilaal starts. However the Shard' was clear and specified saying, that's what we should stick to. It didn't say calculate, Islam based it clearly on sighting.

صُومُوا لِرُؤْيَيْتِهِ ، وَأَفْطَرُوا لِرُؤْيَيْتِهِ

Fast for the sighting of the moon and break your fast at the sight of the moon. The Hadith specifically said sighting, that puts an end to the issue of calculations. We go by sighting even if it goes against calculations. Why? Because we are ordered to go by sighting. We go by sighting, even if it goes against calculations. Some 'Ulamaa said, to justify that we go by sighting; they said that calculations could be wrong. They're right that we don't go by calculations but the rationale right there is sort of weak. Yes we don't go by calculations you're definitely right about that, but that reason is in a way weak. Because the reality of the matter is that calculations maybe accurate at time, it's possible.

The issue is that this is a Ibaadah and our Sharee'ah did not tell us to use that means. In fact it told us what precisely what means to use, we have to stick to it. This is a matter of worship, we go strictly by that which was specified to us. our eloquent Messenger sallallahu alayhi wa sallam who was given the miracles of Jawami' al-Kalim, the miracle of stating summarised sentences that contains comprehensive meaning, he said go by sighting. He could have he was given the miracle of Jawami' al-Kalim, he could have worded it in a way that encompasses calculations, but he didn't.

Some contemporary 'Ulamaa that the proof for using calculation is in a Hadith. What Hadith is this? They say, ok we can use calculations and there's a part of a Hadith that says we can. The Hadith goes like this;

“Do not fast until you see it(the moon), and do not stop your fasting until you see it(moon) and you cannot see it due to cloudiness then work it out.”

That's English translations of it. Their proof is that last statement right there: work it out. The Hadith in Arabic goes like this:

لَا تَصُومُوا حَتَّى تَرَوْهُ وَلَا تُفْطَرُوا حَتَّى تَرَوْهُ فَإِنْ غَمَّ عَلَيْكُمْ فَاقْدِرُوا لَهُ

They said Faqduru Lah (فاقدرُوا له) means calculate. Faqduru Lah which is translated in

English, I don't know if any better translation than that, it not an accurate translation but it's close enough. They said Faqduru Lah means calculate, which in English translated as work it out. However, Faqduru Lah in some narrations is left as Faqduru Lah, work it out and that's it, period that's the end of the Hadith. Yet there is other narrations and numerous other

narrations that examples what Faqduru Lah means. It doesn't mean to go by calculations, it means to finish the month as thirty days, it means to finish Sha'baan as thirty days.

Other clearly defines it as so. In other one narration:

فَإِنْ غُمَّ عَلَيْكُمْ فَأَقْدِرُوا ثَلَاثِينَ

Work it out here in this Hadith, in this narration, it says work it out meaning count Sha'baan as thirty. So it clearly defined what it means. In another narration:

فَإِنْ غُمَّ عَلَيْكُمْ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ

If it is cloudy then count it as thirty. So there's other narrations that clearly define Faqduru Lah, meaning finish the month of Sha'baan to its full, which is thirty days.

In fact Ibn Abbaas, Ibn Taymiyyah, Ibn Hajar and al-Baji narrated or stated that there's an Ijmaa' that it is not permissible to declare Ramadhaan based on calculations. Because the Hadith is clear, that we must base it on sighting. Calculation is much different like for example using telescopes or equipment that makes the sighting easier Although you can't impose the usage of such equipment like we stated, you really can't say it is Haraam. Why? Because it falls under sighting. Some of the contemporary 'Ulamaa that I studied with Rahmatullahi 'Alayhim, the sort of disliked it, some said it's permissible. However is totally different calculation, it falls under the name sighting. The equipment falls under sighting, because it may help you sight the moon better. Whereas calculations it's something totally different; it's called calculation. Worst case scenario, the usage of those equipment of telescopes or whatever other similar equipment they have to sight the moon, it maybe disliked. While Ibn Taymiyyah, Ibn Abbaas, al-Baji and Ibn Hajar said it's not permissible to go by calculation and they said that's by Ijmaa' by consensus.

HOW DOES RAMADHAAN START?

Ramadhaan starts by sighting the moon on the twenty-ninth day of Sha'baan, which is the thirtieth night of Sha'baan after Maghrib. The thirtieth night of Sha'baan, if we sight the moon then that following day is Ramadhaan. The second method, if we don't sight it on the twenty-ninth day which is the thirtieth night of Sha'baan, if we don't sight it then we complete Sha'baan thirty days. Then after thirty days the following day is first day of Ramadhaan. Those are the two ways that Ramadhaan starts.

WHEN THE MOON IS NOT SEEN ON A CLEAR NIGHT

Now the author goes on to say:

فإن لم يُر مع صَحْوِ لَيْلَةِ الثَّلَاثِينَ أَصْبَحُوا مُفْطِرِينَ

When you don't see the moon on a clear night, you don't see the moon, you happen not to see the moon and he said it on a "clear night", you don't fast the following day. What this statement says is that, if the moon is not seen on a clear night:

مع صَحْوِ

And he specified clear night, then the next day you are not allowed to fast. The next day is not Ramadhaan and you're not allowed to fast.

Keep in mind in Fiqh when I say, the night of the thirtieth it means it starts at Maghrib, our day start at Maghrib. The twenty-ninth of Sha'baan after Maghrib turns to be the night of the thirtieth. The first day of Ramadhaan starts at Maghrib the night before. That's why we start Taraweeh the night before, that's why we don't perform Taraweeh on the last night of Ramadhaan. Because after Maghrib the last day of Ramadhaan, at Maghrib that's when 'Eid starts. When it hits Maghrib, that Maghrib belongs to the following day. That's why we start our day, that why we start our Taraweeh before the first day of Ramadhaan.

Imam Ahmad said:

القيام قبل الصيام

Imam Ahmad said, Qiyaam comes before fasting. Meaning Qiyaam starts the night before the first day of Ramadhaan. Why? because that night before the first day of Ramadhaan belongs to the first day. The author is saying here, we are in the month of before Ramadhaan, we're in Sha'baan. It's the twenty-ninth day of Sha'baan, at Maghrib we call it the night of the thirtieth day of Sha'baan.

Now that night right there, that's the night we go out to seek and pursuit the moon. If the sky is clear he says and you don't see the moon, then the following day is the thirtieth of Sha'baan and it is not the first day of Ramadhaan. You can't and you shouldn't fast it, so it's not Ramadhaan and you can't fast it. The author said, if we don't the Hilaal we wake up to a non-fasting day. The author in that statement saying you wake up to a non-fasting day was trying to deter from fasting the day, the thirtieth day of Sha'baan, because it's what we call the day of doubt. The Messenger sallallahu alayhi wa sallam deterred from fasting, the day of doubt, is either the day before Ramadhaan or two days before Ramadhaan. Either one or two days before Ramadhaan. Now that leads us to the next point.

IS IT PERMISSIBLE TO FAST A DAY OR TWO BEFORE RAMADHAAN?

Which are referred to as the days of doubt or the day of doubt. There's opinions on that, the first opinion is the Madhab of the Hanabilah and that it's disliked, it's Makrooh. It's Makrooh to fast the day or two before Ramadhaan. Why? What's their proof? They took the proof, which I'm going to mention in a second, they took the proof that deters from fasting a day or two before Ramadhaan, the days of doubt to be Makrooh. To be disliked and not at the level of Haraam, they took it to be Makrooh. That's the first opinion.

The second opinion is by Asma Bint Abu Bakr and 'Aishah radhiallahu 'anhuma said that you can fast the day of doubt. The 'Ulamaa got them and found them an excuse saying that they must not have known about the Hadith that deter from fasting the day of doubt. They had not heard of the Hadith or they did not know about.

The third opinion is that is Haraam to fast the day of doubt, not Makrooh but it's Haraam. What's their proof on that? The first proof on that is a Hadith:

"None of you should fast a day or two before the beginning of the month. None of you should fast the day or two before the beginning of the month of Ramadhaan."

لا تقدموا رمضان بصوم يوم ولا يومين

Clear proof.

Another proof for that is 'Ammar radhiallahu 'anhu.

من صام اليوم الذي يشك فيه فقد عصى أبا القاسم

In Sunan Abu Dawud and At-Tirmidhi, Ammaar says: Whoever observes fasting the day of doubt has in fact disobeyed Abul Qaasim which is the Kunyah of the Messenger sallallahu alayhi wa sallam. That's what the 'Ulamaa said we take it to the level of Haraam. Because first of all, it's deterred by the Messenger sallallahu alayhi wa sallam and then there's a strong firm statement by a Sahaabi. Such strong terms that they wouldn't use it in a matter that is disliked or Makrooh. It's worded so strongly that is a matter severe and Haraam, otherwise 'Ammar would not have worded it like that.

THE WISDOM BEHIND THE RULING

Why are we not supposed to fast a day or two before Ramadhaan, the days of doubt? What's the wisdom behind that? Many 'Ulamaa talked about it and some of them has

opinions on it, and one of those is a gate to close extremism in 'Ibaadah. Because that may lead if you fast a day or two as doubt, that may lead to people getting extreme in their 'Ibaadah. That's one opinion.

Other 'Ulamaa said is to deter from imitating the people of the book, so Muslims would not imitate the people of the book. How? Because the people of the book were at one time obligated to fast certain days, what they did is they tagged on days of doubt to those regular days that they were suppose to fast. So Islam came and said, don't fast the days of doubt in order not to be similar to the people of the book.

A third opinion is that some 'Ulamaa said is to eliminate Waswaas by fasting the days of doubt, just like we said earlier it may open the door to extremism in 'Ibaadah. It's opens the door to the Waswasa of the Shaytaan, the whims of the Shaytaan. By prohibiting us from fasting it close a very big gate of the Shaytaanic Waswaas.

THE EXCEPTION TO THE RULING

Now having said that, there is an exception to fasting the days of doubt. That proteins to fasting the a day or two before Ramadhaan, there's an exception to that. In both Sahih Al Bukhari and Muslim, the Messenger sallallahu alayhi wa sallam said:

None of you should fast a day or two before the beginning of the month of Ramadhaan, unless, and here is our point in this issue there is an exception, unless it's a day on which one is in the habit of fasting.

لَا تَقَدَّمُوا رَمَضَانَ بِيَوْمٍ وَلَا يَوْمَيْنِ إِلَّا رَجُلٌ كَانَ يَصُومُ صَوْمًا فَلْيَصُمْهُ

Meaning the exception is, someone who has a voluntary fasting that happens to coincide with that day, right before Ramadhaan, then go ahead and fast. For example, someone fast every Mondays and Thursdays and the day before Ramadan turns out to be a Monday. He always fasts Mondays and Thursdays, the day before Ramadhaan turns out to be Monday, his intention of fasting is habitual of fasting Mondays and Thursdays. He's not intended to fast as the day of doubt, it just coincided that it is on that day, then he can go ahead and fast.

For example, someone decided to fast all of Sha'baan, he wanted to fast the whole month. Then he can continue fasting even to include the days of doubt.

Another example, someone has several days to make up for illness or travel or if she is a woman she was on her menstrual cycle, she has days to make up. She left them to the very end, and those day of doubt she has to use them or he has to use them to make up his days of fasting. Because you suppose to make them up before the beginning of the next Ramadhaan, then they can go ahead and fast. So those are exception.

The author here says:

مع صَحْوٍ

There is a keyword in the statement of the author here. It appears from the statement the author is saying, if it is a clear night, not a cloudy night. He said it's clear Ma'a Sahwih means it's clear, and you can't see the moon then you don't fast the next day and it's not Ramadhan next day. We complete the next day the thirtieth of Sha'baan and the following day will be Ramadhan. The word he said clear sky implies that if it not a clear sky there is some other rule applies, and then some other rule will be taken to consideration. Which is exactly what he meant and what ash-Shawakani Rahimahullah indicated as well. We'll clear up and mention and that issue tomorrow Bi'ithnillah Ta'aala.

CLASS FOUR

This is our fourth class on the explanation on the chapter on Siyaam, from the book Zaad al-Mustaqni'. So far we left off yesterday, we discussed and we said there's two means or methods to know the start and the end of Ramadhan. Not only Ramadhan, it's actually our Islamic months. The first one is by sighting the moon, if you see the moon then the next day is Ramadan or the new month. If not whether is clear or cloudy, we finish the month off and we can't see the moon, we finish the month off to thirty days then the following day is the beginning of the new month. That's all the methods that we follow that are backed by proof and how Ramadhan begins and ends.

However, we left off yesterday saying that, it's appears that the author of this book is trying to hint or make a distinction between when the sky is clear and when it's cloudy. Why? Where did we get that from? Where's the hint at? The statement that we left of yesterday said:

"If you go and sight the moon on a clear sky, a clear sky and you don't see it, then you don't fast the following day nor is it Ramadhan."

Which is a good statement, but he said Ma'a Sahwih (مع صَحْوٍ), he specified if the sky is clear at night, you don't see the moon you don't fast the next day. That's considered the thirtieth day of Sha'baan, then the following day after that is the first day of Ramadhan. It's clear, it's to the point and it's backed by proof.

IF YOU CANNOT SEE THE MOON ON A CLOUDY NIGHT

Now our next sentence that we want to do today, is where there's a problem.

وَأَنْ حَالِ دُونِهِ غَيْمٌ أَوْ قَتْرٌ فِظَاهِرِ الْمَذْهَبِ يَجِبُ صَوْمُهُ

The author is saying, if you can't see the moon on a cloudy night or there's a sandstorm or other reason, then the next day you must fast. He mentions in his statement, he said Ghaymun (غَيْمٌ) which means if it is cloudy and then he mentions Qatarrun (قَتْرٌ) which is something like a sandstorm.

Did we see the moon? The first means of how we learn the month begins, we didn't see the moon. Did we finish off Sha'baan thirty days? No. So why are we fasting then? It appears like the author developed a third way of how Ramadhaan begins, and we said there's only two ways. This statement by the author is not accurate, even though a statement, scholarly statement and a lot of 'Ulamaa adopted it. But it is not accurate, and it's not backed by proof. In fact the proof goes against this statement. There are several opinions on this matter, first two are the major and most important ones and the ones we need to know. Let me repeat the issue before I discuss. Because if you don't know the issue root, the underline issue that we're talking about, you're not going to understand the opinions.

The twenty-ninth day of Sha'baan after Maghrib it's the thirtieth night of Sha'baan, we explained that. That's the night we go out to look for the moon. We go out, it's cloudy, it's foggy, there's a sandstorm, there's a barrier between us the moon somehow. The author said since the sky is not clear, then we must fast the next day, even if we don't sight the moon. We didn't sight the moon, we didn't complete the month of thirty day, he said because it's not a clear sky, we have to fast the next day. Which is in reality the thirtieth day of Sha'baan.

THE FIRST OPINION

Now let's go through the opinions. The First opinion, the overwhelming majority of the 'Ulamaa. I say the overwhelming majority that means it's beyond even the four Imams, it's more than that. Among them in this opinion is Abu Haneefah, Malik, Shaafi'ee and one of two opinions by the Hanbali Madhab. This is the correct opinion: If we don't see the moon on the twenty-ninth day which is the thirtieth night of Sha'baan, we don't fast the following day. We go and try sight the moon on the thirtieth night of Sha'baan, whether is cloudy, whether is foggy, whether is rainy, whether there's a sandstorm, whether is clear if we don't see the moon we don't fast the next day that's the end of it. The next day will be thirtieth day of Sha'baan because we didn't see the moon. Regardless the sky is clear or not and then after the thirtieth day, it will be the first day of Ramadan after that. And Like I said, it doesn't matter whether the sky is clear or not clear we try seeing the moon. If we don't see it, then the following day is the thirtieth day of Sha'baan.

Ibn Taymiyyah Rahimahullah adopted this opinion and he said this is the opinion of the Hanbali Madhab, he attributed that to the Hanbali Madhab. Even though like I told you that some claim that this book is the authority on the Hanbali Madhab. Ibn Taymiyyah said in this issue is that we don't distinguish between a clear or unclear sky, and then he said there is no foundation that Imam Ahmad distinguishes between a clear or unclear sky. I remember maybe two decays or so ago I had a report that I had to do and I researched this matter, in the mother books of the Hanbali Madhab. I really couldn't find a clear statement by Imam Ahmad himself saying that is Waajib to fast the thirtieth day of Sha'baan when it's a cloudy night.

Now what's their opinions? Yes it's the majority opinion. Keep in mind we don't go by majority opinion, just because it's the majority opinion. In this matter they happened to be correct, they happened to have strong proof. There's many opinions in Fiqh where the majority of the 'Ulamaa take the wrong opinion and the minority are on the correct opinion. However over here like we said the majority opinion is what the 'Ulamaa stated and mentioned.

What's their proof? The first proof is what we took yesterday. These people are saying that you are fasting the day of doubt and the Messenger sallallahu alayhi wa sallam said,

لا تقدموا رمضان بصوم يوم ولا يومين

Remember the Hadith we took? None of you should fast a day or two before Ramadhaan. Unless of course what we said it's a day and this is part of the Hadith; unless it's a day where one has a habitual fasting. Voluntary fasting that happens to coincide with that day, or those last two days of Sha'baan. This is a Hadith in Bukhari and Muslim, so when you tell people they're say, the majority of the 'Ulamaa are saying; when you telling people to fast the day before Ramadhaan it's cloudy, you're in reality telling them to fast the day of doubt. Because the moon hasn't been sighting, you don't know if the moon is there or not. You're in doubt and then you are telling them to fast the day of doubt. This boils down to being the day of doubt that we spoke about yesterday, and we said the selected opinion on the day of doubt it is Haraam to fast it. The author is saying, you must fast it, in this kind of circumstances situation. He is not saying you must fast the day of doubt, he is saying when the sky is cloudy and you can't see the moon then you have to fast it.

So the second proof is the Hadith in Bukhari by 'Ammar Ibn Yasir when he said, whoever fast the day of doubt has disobeyed Abul Qasim the Kunya of the Messenger sallallahu alayhi wa sallam, that's the second proof. The third proof is in Bukhari and it says : If it is cloudy, look at that, if it is cloudy and you can't see the moon then complete the month thirty days. Look how clear that Hadith is, this is solid, Bukhari, and it's clear and it can't be put in anymore clear words in regards to this issue. Not only is it a day of doubt, like the first two proofs that we mentioned, but it is actually going against this clear Hadith where the

Messenger sallallahu alayhi wa sallam said if it is cloudy, complete the month of Sha'baan for thirty days. Did the Messenger sallallahu alayhi wa sallam say, if it is cloudy go fast the next day as the day of doubt? No, he said if it is cloudy complete the month thirty days, clear.

Now the fourth proof is the majority of the 'Ulamaa said the Hadith:

أَلَا هَلَكَ الْمُتَنَطِّعُونَ

Let the extremist perish, and the Messenger said it three times. The 'Ulamaa here are saying it is too extreme to be ordering people to fast because it merely a cloudy day. While we are not even sure if that day is Ramadhaan or not. So they say, that's too extreme, and that's going too extreme in Ibaadah.

The fifth proof, the rule in Usool is that you don't go from that which you are sure about in Yaqeen to that which you are in doubt in. What are we sure about and what are we in doubt in? We know for sure that we are in Sha'baan, we are for sure we are in Sha'baan. There's doubt, there's a possibility tomorrow maybe Ramadhaan because the sky is cloudy. You don't leave that which you are sure in, which is the month of Sha'baan to that which you are in doubt in. After we finish the thirtieth day then we are for sure done with Sha'baan and Ramadhaan starts. That's the first opinion, with their five proofs.

THE SECOND OPINION

The second opinion is what the author adopted here and notice the first opinion is a Hanbali Madhab opinion. And the second opinion is the Hanbali Madhab opinion, in fact like we said this is considered by some an authority book on the Hanbali Madhab. This is like a final book on the Hanbali Madhab in which the opinions are the adopted opinions on the Hanbali Madhab. So those who blind follow the Hanbali Madhab, which one are you going to take? There's two opposite contradicting opinions within the Hanbali Madhab. If you are a blind follower which one of the two opinions you take?

Now this is the opinion selected by the author. He is saying, if you don't see the moon on the twenty-ninth day which is the thirtieth night of Sha'baan, he said if it is cloudy, the cloud prevents us from seeing the moon and it turns out to be cloudy, then we fast the next day. They included in that not if it just cloudy in his statement in the book, he also stated if it is a sandstorm. But also the Madhab, some of the scholars of the Madhab also stated if it is foggy or someone supposedly in a cave and he can't see the moon or someone is in prison and he can't see the moon, someone happens to be blindfolded they all fall under category. They said what you do is you fast the thirtieth day of Sha'baan which in reality amounts like we said to nothing more than fasting the day of doubt. If it turns out to be a day of

Ramadan they said then that's good, you are in good shape. And if turns out not to be a day of Ramadhaan then you got reward. That's exactly what the day of doubt is.

What's their proof? They didn't come out and say we are going to fast the day of doubt. They didn't say that, but in reality their opinion means that. They also have proof because these are 'Ulamaa. Their proof over here is number one, if you can't see the moon then work it out, in Arabi is:

فَاقْدِرُوا لَهُ

And that was an issue and a different opinion that we already took. They went to the linguistic definition of Faqduru Lah. Faqduru they looked it up linguistically, they said Faqduru means limit or tighten or shorten. They said, the Messenger sallallahu alayhi wa sallam said if you don't see the moon Faqduru Lah – shorten. So because it's unclear, the sky is cloudy, we will shorten. We will go to the linguistic definition and we will shorten Sha'baan to be twenty-nine days. How do we respond to that? The response to that is very simple. Even if we assume the linguistic definition is good, we will give you that. We will say Faqduru Lah means to shorten or limit. We don't need to resort to linguistic definitions when the Messenger sallallahu alayhi wa sallam defined it in many other different narrations. There are many Hadith that we went over already where the Messenger taught us what Faqduru Lah means. It means to complete Sha'baan thirty days. There's many other Hadith where the Messenger sallallahu alayhi wa sallam explained that. That's the first proof.

The second that they use is actually a stronger proof. They said in Musnad Ahmad and Sunan Abu Dawud, Ibn Umar radhiallahu 'anhuma on days when the sky would be cloudy, if it is the thirtieth night of Sha'baan and it is cloudy, he would fast the following day. So their opinion is supported by the action of Ibn Umar radhiallahu 'anhuma. Now to the response to the action of Ibn Umar radhiallahu 'anhuma is, that the action of Ibn Umar radhiallahu 'anhuma goes against the Hadith he himself narrated. What's that Hadith? The Hadith that I mentioned you, the third one which is the third proof for the first opinion. If it is cloudy and you can't see the moon, then finish off Sha'baan as thirty days. The narrator of that Hadith is on the authority of Ibn Umar radhiallahu 'anhuma, however Ibn Umar radhiallahu 'anhuma adopted the opinion to fast the day of, which will be defined as the day of doubt, when it's cloudy.

Take this rule, when there's a conflict and you'll see that a lot in Fiqh, when there's a conflict between a narrator's action like here and his narration that he narrated, we go by what he narrated. The precedence is to what he narrated, we go by what he narrated. In fact the Sahaabah through their actions supported the narration of Ibn Umar, they didn't support the act of Ibn Umar. Through their method, they supported what Ibn Umar narrated. Ibn

Umar radhiallahu 'anhuma did it as a precaution. The 'Ulamaa of the first opinion said, he is not to be followed in a matter like this where there is clear proof against what he did. In fact the proof is narrated by he himself. Just like Ibn Umar radhiallahu 'anhuma used to do precaution in wash the inside of his eyes, which eventually resulted in the lost of his eyesight toward the end of his life. The 'Ulamaa don't follow him on that, they don't follow him and do as a precaution and wash their inside of their eyes when the make Wudhu. So he is not followed on this matter. In a matter like this, the 'Ulamaa of the first opinion said, we follow what he narrated not what he did. And if anyone claims to fast the day of doubt when it's cloudy, as a precaution they claim to fast the day of doubt on a cloudy night due to precaution. Then the answer to that is, precaution in a matter like that is to leave that kind of precaution. Precaution in a matter like that is to leave that sort of precaution.

THE THIRD OPINION

We took two opinions, now the third opinion is also a weak opinion. They said it is permissible or Sunnah to fast but it is not Fardh. The author in this book said is Fardh. The third opinion said, no we will say it is not Fardh but rather is permissible or Sunnah.

THE FOURTH OPINION

The fourth opinion is they said is dislike but it is not Haraam. It is disliked but it is not Haraam to fast it. That's the, and we discussed already whether it's dislike or Haraam to fast the day of doubt.

THE FIFTH OPINION

Some said we go according to what the Imam Khaleefah state. Actually that's in reality a solution to many of our problems and problems like this. If there was a Khaleefah and he declared and choice a certain opinion in matter like this, it is within his discretion and the Ummah should obey him in matters like this. Now that's the fifth opinion.

THE SIXTH OPINION

Some said we go back and check, we'll go back two years and check. If the last two years were thirty days and we fasted the last years thirty days and the year thirty days, we will declare this year twenty-nine days. That's some rational but that's six opinions and the most important ones is the first and the second because each one has proof.

SUMMARY

The correct opinion is that, it is Haraam, it is prohibited to fast the day before Ramadhaan because you claim is cloudy and you are not sure the moon is there or not. You can't fast

that day, that's considered the day of doubt. We mentioned five proofs for the first opinion and in the second opinion we responded to their proofs. We've stated there are strong proof, the strongest proof is the action of Ibn Umar and we said we go by what Ibn Umar narrated and not by what he did in a matter like this. In simple and clear terms the signs of Ramadhaan start by sighting the moon, if we don't see the moon we complete Sha'baan thirty days regardless of whether the sky is cloudy or not. That right there is the summary of what we took.

IT IS WAAJIB TO FAST IF IT IS CLOUDY AND THE MOON IS NOT SEEN

The author goes on to say:

فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ

He concludes on this issue saying:

فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ

He is saying, it appeared from the Madhab that it is Waajib to fast if it is cloudy even if we don't sight the moon. The author himself here worded that end, that conclusion on this matter in a very unusual way. He said:

ظَاهِرُ الْمَذْهَبِ

It's apparent or seems apparent from the Madhab that you have to fast that. And it's a statement that he rarely uses; Dhahirul Madhab. The 'Ulamaa said he worded it like this because this as we said a summarised Matn, short, brief, and he can't elaborate, this is not a book to elaborate. So he wanted to indicate and hint that there's a strong dissent on this matter within the Madhab. So the author is basically in a way admitting to a dissent within the own Madhab on this issue. Many tried to find excuses for the author and those who follow this opinion, on making it obligatory to fast a day which in reality is defined as the day of doubt when the sky is not clear. They tried to find excuses by saying, he didn't mean or they didn't mean is Waajib that you must do. They just meant it's recommended or it's permitted or it's better, but they didn't mean it's Waajib. And the reason they tried to find excuses, is because this is somewhat dangerous for 'Ulamaa to declare a day of fasting to be Waajib, when the Messenger sallallahu alayhi wa sallam in reality considered it Haraam.

I have spent a little bit of time on this and elaborated on this because it's good to see how the 'Ulamaa think and how they dispute. How they go back and forth with their proof. It's also a detailed matter on fasting, the day of doubt. When it's cloudy that issue right there it may be simple, it may seem clear actually when we look and analyse the proof but believe it or not actually books written on this matter. Abu Ya'la wrote on it and 'Abdil-Haadi did, Ibn al-Jawzi in fact wrote about it too. So it's important issue and it gets you to understand how Fiqh is.

IF YOU SEE THE MOON DURING THE DAY

Now the author went on to say:

وَأَنْ رُئِيَ نَهَارًا فَهُوَ لَيْلَةُ الْمُقْبَلَةِ

If you see the moon during the day, then that's to declare the following day the first of Ramadhaan. If you see it during the day. Scientifically speaking, it's clear that the moon can be seen during the day. Science talks about it and it happens. And you yourself by experience could of probably seen the moon certain times during the day. This is something not only proven scientifically but it's also discussed in the books of the 'Ulamaa centuries ago; that what if you see the moon during the day?

The scenarios like for example, I am leaving the Masjid or I am walking outside in the daytime after Dhuhr or Asr and I see them, it's possible. Does that twenty-ninth day that I seen the moon on become the official day of Ramadhaan?

THE FIRST SCENARIO

Do we say since I seen it during the day it was there the night before, yet we didn't see it. So in reality today marks the first day of Ramadhaan. That's the scenario. So what do we do? We abstain from food and water for the rest of the day in respect to Ramadhaan but then we have to make it up after Ramadhaan, since we didn't have the intention. That's the first scenario. Is that the correct way?

THE SECOND SCENARIO

Do we say that moon that I seen belongs to the next day? The author is saying, that moon that you've seen during the day means the following day is the first day of Ramadhaan. You've seen the moon during the day, if it is night time we already the answer to that, but we are saying if you seen it during the day. If you seen it during the day, the following day is Ramadhaan. That moon even though you saw during the day, it's to declare the following day of the first day of Ramadhaan. If you see the moon on the twenty-ninth day of Sha'baan

during the day and we say the moon was there night before, that means you are on the twenty-ninth day Sha'baan. You are saying that moon was there the night before, that makes that month of Sha'baan twenty-eight days and we don't have twenty-eight days in our calendar. We only have twenty-nine and thirty days. That's what the author was trying to refute by his statement.

THE OPINION OF THE 'ULAMAA

The overwhelming majority of the 'Ulamaa and among them is the four Imams is that they adopt the opinion that the author here selected. Whether you see the moon during the day or after Maghrib of that night, then it's to declare the following day the first day of Ramadhaan. That's the point that you have to understand. That's the opinion of the four Imams.

The second point is the overwhelming of the 'Ulamaa with the slight depute. with the other one it doesn't have any dispute that I know but this one, the second point here has a slight dispute. They said it doesn't matter if it's seen before noon or afternoon with the slight dispute in that issue. So The bottom line is sighting the moon during the daylight hours of the twenty-ninth day of Sha'baan, whether it's noon or after noon or anytime during the day or after Maghrib, means the following day after that is the first day of Ramadhaan.

WHAT IF THE MOON DISAPPEARS?

There's an important issue though, what if we seen it during the day after Dhuhr, after Asr. Then after Maghrib we go and pursue it and look and see it, it vanishes, it's not there? We for some reason can't see it no longer after Maghrib, we've seen it during the day but after Maghrib, all night long we could no longer see it. The rule is we can't continue to see it after Maghrib, then it is as if we didn't see it at all during the day. Meaning basically, that sighting you've seen the day is cancelled. Why? Because we were directed to pursue and watch and look at the moon after Maghrib. We were supposed to look at it and see it after Maghrib, we didn't see it after Maghrib. So that means a sighting that we go by, it's not a Shar'ee sighting that we go by. Because the considered sighting is the one that is after Maghrib. So if we seen during the day and then after Maghrib we can no longer see it then that is as if we didn't see it during the day. The next day would be considered the thirtieth day of Sha'baan.

The author here should have worded the statement more carefully by saying, if we see during the day and it's still there after Maghrib, then it's belongs to the next day. The next day meaning, is the first day of Ramadhaan. H e should have added some kind of statement saying, while its still seen after Maghreb because that's a very important condition that the 'Ulamaa mentioned.

CLASS FIVE

This is our fifth class on the explanation of Zaad al-Mustaqni' and we spoke yesterday about the moon sighting. And that if it is cloudy night or a clear night, it doesn't really affect the sighting. Meaning we go by sighting whether is cloudy or not, it doesn't have no effect. If we don't see it on a clear or unclear sky, on a night where the sky is clear or unclear it doesn't matter. If we see it, the following day is Ramadhaan. If we don't see it, then Sha'baan will continue for thirty days, then the day after that is Ramadhaan. That in reality summarises most of what we took yesterday. But a student of knowledge takes it in-depth and wants to understand and think and see how the 'Ulamaa think.

IF THE PEOPLE OF A COUNTRY SEE THE MOON THEN EVERYONE IS OBLIGATED TO FAST

We stop off on the last sentence of the first paragraph. Where the author says:

وَأَنْ رَأَاهُ أَهْلُ بَلَدٍ لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمُ

If the people of a town see the moon, everyone is obligated to fast. If a people of a country, of a town see the moon everyone is obligated to fast. What he means is if a country officially declares Ramadhaan by sighting the entire globe must follow along.

لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمُ

If one country, that's the meaning go what he is saying, declares the sighting; the official sighting, everyone has to fast. That's of course a very general statement and he didn't mean to include when he said, everyone has to fast. He didn't mean to include that a woman on her menstrual cycle or seven year old boy or insane person must fast. What he meant is if a country declares that it's the beginning of Ramadan is official and they did it the proper way, the world must follow along and declare Ramadhaan based on the sighting of that one country. What's not disputed here is that if a country sights the moon and it's confirmed, that entire country or vicinity must fast by Ijmaa', there's no dispute right there. There is not dispute on that matter. You don't need to say, oh I see the moon myself, you don't personally need to see the moon yourself. Because Allah said:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

Whoever of you is present at his home and witnesses the month, he must fast. Look at that:

شَهِدَ مِنْكُمْ الشَّهْرَ

Witnesses the month. Allah subhaanahu wa ta'aala didn't say you need to personally witness the moon. He said if you witness the month, which is a difference. You fast if you witness the month, meaning if a country declares it, if your vicinity declares it and they are doing it the proper way you go along. You have no excuse to say, oh I didn't personally see the moon. There's an Ijmaa' of 'Ulamaa that it is Waajib to fast Ramadhaan by the people who reside in a country after it has been confirmed by credible witnesses in a credible way. That's clear there. There is also a near Ijmaa' that close vicinities, nearby countries should follow along with that country that has declared the sighting.

DO ALL COUNTRIES HAVE TO FOLLOW THE COUNTRY THAT CONFIRMED THE MOON SIGHTING?

What's disputed now, those are matters that are not disputed. What's disputed is if one country sees it and they confirmed the sighting; what about other countries worldwide who has not confirmed the sighting? Must all the country follow that one country that confirmed the moon sighting? There are four opinions on this matter.

THE FIRST OPINION

The first opinion is what the author adopts, the author adopted the opinion that if one country confirmed the sighting of the moon, all other countries follow along in every part of the globe with no exception. As long of course they hear about it, if they didn't hear about it that's a different story. But if they hear about it, they should follow along.

The proof for that is in Sahih Muslim they said. What's your proof? They said:

صُومُوا لِرُؤْيَيْهِ وَأَفْطَرُوا لِرُؤْيَيْهِ

Observe fast on sighting on the new moon and break the fast on the sighting on the new moon. How is that proof all the countries got to follow along? They said, this is a general order from the Messenger sallallahu alayhi wa sallam. General, broad and it is directed to the entire Ummah; Sham, Masr, Andalus, The United States, they all should go along with whatever country declares it, if they sighted the moon, if it reaches them. The point of that Hadith is they are saying, is that the order of the Messenger sallallahu alayhi wa sallam

stating to fast Ramadhaan based on sighting is regardless of any boundaries or any countries. As soon as one country officially declares it, then every other country follows along. The Messenger sallallahu alayhi wa sallam didn't specify a continent or a country or a certain areas, it was broad for everyone. That's the first proof.

Then their second proof is:

لَا تَصُومُوا حَتَّى تَرَوْهُ ، وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ

Don't fast until you see it, and don't break your fast until you see it; of course about the moon. Again over here they are using the same rational, they say this is a statement that is broad from the Messenger sallallahu alayhi wa sallam and it is to the entire Ummah, regardless of any boundaries or any countries. That's the second proof.

Their third proof is to keep the Ummah united - unity. That method they said preserves unity among the Muslim Ummah. Even though unity is not a goal within in itself. Especially on the account of the truth, what we mean. If unity opposes the truth we don't go by unity, we go by what the truth is. In matters like this the 'Ulamaa take unity into consideration, especially when the issue at hand is backed by some proof. This opinion and it's the official Hanbali opinion and it's the one the author adopted states, if one country sees the moon, the entire globe follows along. And we mentioned their proof. They said the general statement of the Prophet sallallahu alayhi wa sallam to sight the moon were for the entire Ummah. That, according to them is even if there is distances between the countries. Meaning not just Makkah and Madinah that are next to each other; meaning if it is in Makkah and they declare it, then people in Andalus or in Africa if they get the news of that, they should go and follow along. That's the first opinion.

THE SECOND OPINION

The second opinion is what Ibn Taymiyyah adopted and notice Ibn Taymiyyah is an Imam of the Hanbali Madhab. The first opinion is a Hanbali Madhab and this is also opinion of Ibn Taymiyyah who's a Hanbali. Ibn Taymiyyah and the second opinion is that, when a country sights the moon, it's sufficient for that country. They don't need to follow each other. So for every country is its own sighting, every country has its own sighting. Meaning if they have in Sham their own sighting and in Andalus they don't have to follow along. Every country has its own separate sighting. Of course, this second opinion is the opposite of the first opinion. What's your proof?

Number one:

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... ﴿البقرة: ١٨٥﴾

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

The verse in the Qur'an Allah said, you must fast if you witness the month. We didn't the moon they said, our country did not sight the moon. Your country sighted the moon, our country didn't sight it. So we did not witness the month. That's their first proof.

The second proof is:

صُومُوا لِرُؤْيَيْهِ ، وَأَفْطِرُوا لِرُؤْيَيْهِ

Observe fast for the sighting of the new moon and break your fast for the sighting of the new moon. How is that proof for you? They said another country may have sighted the moon and they may have a confirmed sighting somewhere else. The Messenger said, observe the fast on the sighting of the new moon. We over here in our country didn't sight the moon, so they took it to mean that every country is independent.

They also used their third proof Qiyaas (analogy). They said people throughout the globe, all over the world they start their predawn and end their fast at sunset at different times. For example, when it is Maghrib in one country and they're breaking their fast, they're maybe preparing to fast in another country. So the analogy (Qiyaas) is because we accept the fact that the world has different timing, when they start and when they end their fast. We should accept the fact that within the world, there's a difference in sighting of the moon. Just like every country starts differently their predawn and their sunset, they also have the right to Ramadhaan and end Ramadhaan and end Ramadhaan at different times.

Now, their fourth proof and it is actually their strongest proof. In 'Ikrimah Rahimahullah adopted this opinion because of this proof. He said, this is a Hadith:

Kuraib said, Um Fadl sent me to Mu'awiyah to do some errand for her in As-Sham. So he left Madinah and headed to Ash-Sham. Kuraib said, when I got to Ash-Sham and completed everything she asked me to do, I completed her errands. Then the new crescent of was sighted while I was in Ash-Sham. He said, I saw and the people saw the new crescent on the night of Friday. They've seen the new moon on the night of Friday. Then I came back to Madinah, he ended what he had to do and he came back to Madinah. When he reached Madinah Abdullah Ibn Abbaas asked them about the sighting of moon where he was at in Ash-Sham.

He (Abdullah) said, did you see it? He (Kuraib) said, I've seen it on the night of Friday. Ibn Abbaas said, you saw it on the night of Friday? He (Kuraib) said, yes I've seen it on the night of Friday. They started the fast on Friday because you seen it on the night of Friday, then the following day is the first day of Ramadhaan. Ibn Abbaas said, but we saw it on the night of Saturday, meaning we didn't see it on the night of Friday, we saw it on the night of

Saturday. Ibn Abbaas said, we'll continue fasting until we have completed thirty days or we see it. Kuraib then asked the follow up question to Ibn Abbaas, will you not be content or happy or take the sighting of Mu'awiyah radhiallahu 'anhu and his companions? They've seen it in Ash-Sham on the night of Friday, a day before Madinah . So the moon was there Friday but you guys didn't fast on Friday, there's only one moon. Kuraib said to Ibn Abbaas, shouldn't we go by their sighting as well? Ibn Abbaas said no, Ibn Abbaas said no. Then, look note and note how I am saying this, then Ibn Abbaas made a statement and he said, this is what the Messenger sallallahu alayhi wa sallam enjoined upon us.

Kuraib was in Ash-Sham, they started their fast in As-Sham on Friday because they seen the moon the night before. Ibn Abbaas was in Madinah, they started on Saturday because they've seen the moon the night before. Ibn Abbaas said to Kuraib, we are not going to the sighting of Mu'awiyah radhiallahu 'anhu. Ibn Abbaas can easily get up, give a speech and say, we started late we missed a day. People of Ash-Sham has seen it for us, so we going to go according to them. We were wrong we must follow Ash-Sham because they've seen it before us. The moon is a moon, it's only one moon, they've seen it the day before us so we made a mistake. And After Ramadhaan everybody make up that one day that we made an error on.

Ibn Abbaas said, No we are not going according to their sighting. Then he commented and said, this is what the Messenger sallallahu alayhi wa sallam enjoined upon us. The point of the Hadith is Ibn Abbaas is a Sahaabi and Ibn Abbaas did not go by the sighting of another country which is Ash-Sham. That's clear, that right there, that fact is clear. Ibn Abbaas himself his Ijtihad was that, Ash-Sham has their own sighting, we down here in Madinah we have our own sighting.

Now the response to this proof is; first of all, it's clear Ibn Abbaas adopts that every country has their own sighting from the wording of the Hadith, that's his Ijtihad. The second thing is, the key statement at the end he said "this is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us". When one reads it and he is overlooking the Hadith, he assumes that the statement of Ibn Abbaas, "this is what the Messenger enjoined upon us", when you read that you assumes or you think that he means every country has its own sighting. But what ash-Shawkani Rahimahullah and I find it very strong, ash-Shawkani and others stated that, is that statement by Ibn Abbaas was referring to the statement of the Messenger sallallahu alayhi wa sallam, "Don't fast until you see the moon, and don't your fast until you see the moon." That's what it was referring to. Ash-Shawkani said, Ibn Abbaas didn't mean by his statement "this is what the Messenger enjoined upon us", he didn't mean that every country has its own sighting. He wasn't saying that, that's what the Messenger enjoined upon us, that's not what he was talking about. He meant that the Messenger enjoined upon us that we don't fast until we see the moon, and we don't break the fast until we see the moon. You understand the difference? And what the final statement of Ibn Abbaas was referring to?

What it's boils down to is, has the statement of Ibn Abbaas "this is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us" has it been referring to the different sightings, has he said the Messenger enjoined upon us and he meant by that statement that the Messenger enjoined upon us different sighting for different countries, that would have pretty much ended the dispute in this matter. The different sightings for different countries was a Ijtihad by Ibn Abbaas radhiallahu 'anhuma, that's his personal Ijtihad. "This is what the Messenger sallallahu alayhi wa sallam ordered or enjoined upon us" means we go by sighting and we end by sighting. It meant something totally different.

THE THIRD OPINION

Now there is a third opinion on this matter; if the Khaleefah orders something we go according to what the Khaleefah ordered. That's a correct opinion, in many like I said, in many of these matters because the Khaleefah has a lot of discretion and a authority and the Muslims should adhere to him in these matters. Also, not only is it the power of the Khaleefah, there is also a Hadith indicates that:

الصوم يوم يصوم الناس والفطر يوم يفطر الناس

That's the third opinion, is that according to what the Khaleefah declares.

THE FOURTH OPINION

The fourth opinion is that whoever gets the news anywhere and as you know back then the news moved very slowly. Whoever gets the news anywhere, that a country has declared and confirmed the sighting, everyone should follow along with that country as long as they get the news about that. This is actually similar to the first opinion, in fact is actually in reality a part of the first opinion but some 'Ulamaa have it as an independent opinion.

CONCLUSION

The conclusion on this matter, matters like this are merely disputed, it's a close dispute. Both opinions, of the opinion of unification of sighting according to the first opinion and the opposing opinion that each country has its own sighting as Ibn Abbaas radhiallahu 'anhuma stated; both of these opinions have giants of 'Ilm that backs them. Not any ordinary people but I am saying giants of 'Ilm. In fact some of them have Sahaabah that backed them. However personally I lean more towards the first opinion and that's really ideal situation and it's backed by proof. When country declares the sighting, the ideal scenario is that the world follows along. Why? Because that Hadith that points to fasting based on sighting are general, there are broad, like we said and we mentioned the proof. When the Messenger sallallahu alayhi wa sallam said:

صُومُوا لِرُؤْيَيْهِ

Fast to the sighting of them moon.

وَلَا تُفْطِرُوا حَتَّى تَرَوْهُ

Don't break your fast until you see the moon.

These are general statement to everyone, for everybody in every country. So once it's declared and confirmed in the proper way, then everyone follows along. Because these statements are broad. The order to fast based on sighting down have boundaries restricting them, that's the issue here. That's like the order to perform prayers, Allah in the Qur'an said:

وَأَقِيمُوا الصَّلَاةَ وَآتُوا الزَّكَاةَ... ﴿البقرة: ٤٣﴾

And perform As-Salat (Iqamat-as-Salat), and give Zakah. (Surat al-Baqarah: 43)

He ordered us not to deal in interest and usury:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَأْكُلُوا الرِّبَا... ﴿ال عمران : ١٣٠﴾

O you who believe! Eat not Riba (usury). (Surat Aali 'Imraan: 130)

He ordered us not to commit fornication:

وَلَا تَقْرُبُوا الزَّوْنَى... ﴿الاسراء : ٣٢﴾

And come not near to the unlawful sexual intercourse. (Surat al-Israa': 32)

All these orders, perform your prayers, give your Zakah, don't deal in usury or interest, don't go near adultery or fornication, all these orders - they apply to everyone everywhere. Do you ever see anyone saying these orders apply to some people some places? This applies to everyone everywhere in every country. And likewise, the Messenger's order about sighting should apply to everyone everywhere. They're general, they're broad we should keep them as that.

Ibn Abbaas had his personal Ijtihad, radhiallahu 'anhuma. As I broke it down to you, he had his opinion that every country had its own sighting. But ash-Shawkani Rahimahullah responded to that and he said, the general proof of the Messenger sallallahu alayhi wa sallam ordering everyone to fast indicates it's for everyone and everywhere. This is the

wording of ash-Shawkani, once the moon is sighted in one place or one part of the world, everyone must follow along and fast. If Masr declares it, the Arabian Peninsula and the rest of the world should fast. If Makkah declares it, the rest of the world should fast. If in Andalus they happened to confirm it the rest of the world follows along. Why? Because the Hadith are general. The general Ahaadith and the fact that Ibn Abbaas radhiallahu ‘anhuma statement was his opinion, it was his Ijtihad not the statement of the Messenger sallallahu alayhi wa sallam . With this we have concluded Alhamdulillah the first paragraph of your Kitaab as-Siyaam. Tomorrow Inshaa Allah we beginning of the second paragraph.

CLASS SIX

RAMADHAAN IS OBSERVED BY THE SIGHTING OF ONE JUST, CREDIBLE AND TRUSTWORTHY PERSON

This is our Six Class, Alhamdulillah that we reached this far. We left off at the author’s statement:

وَيُصَامُ لِرُؤْيَا عَدْلٍ مُّكَلَّفٍ وَلَوْ أَنْتَى

Now the author here where we left off yesterday, he’s going to tell us who can testify to the sighting of the moon. Whose testimony we accept, whose sighting we accept and issues surrounding and pertaining that. He said Ramadhaan is observed by the sighting of one just, credible person.

عَدْلٍ

‘Adlin, means in Arabic means credible, trustworthy.

مُكَلَّفٍ

Mukkalaf, means say over the age of puberty, even if it is a female he said. At the end of his statement, the author said, even if it is a female. Once a person comes forth with these qualities we observe the month of Ramadhaan, Ramadhaan starts. So long as it is an honest trustworthy credible person, he comes forth and announces that he seen the moon or she seen the moon, the Hilaal, then the start of Ramadhaan begins.

DO WE GO BY ONE PERSON'S SIGHTING EVEN IF HE WAS WITH A GROUP WHO DID NOT SEE IT?

Let's discuss some the issue that pertains to this matter. Let's assume first of all that there was a group, they went to the outskirts for the purpose of sighting the moon or just a gathering or a picnic. They were in an area where they seen the moon. One of the people there seen the moon, yet the others didn't. Do we go by one person sighting, even though he was with a group who didn't see it? By the way going out to the outskirts to sight is an abandoned Sunnah, so if you can do that in the future, it's good to do that.

THE FIRST OPINION

The answer to that is; yes we go by what one person said according to the Hanbali Madhab and the majority opinion, even if the rest didn't see it. Those who didn't see it, they are not ruling out that it wasn't there, they just happened that they didn't see it. Not seeing is not ruling out there was a moon. They just happened not to see it. The one who was trustworthy and happened to see it we take his word on that matter because the condition applies to him; he is trustworthy, he is credible, he is Mukallaf, he is 'Adlin, we take his word. One who confirms the sighting in such matters, he is given president over those who didn't see it.

THE SECOND OPINION

The second weaker opinion is that if one is in a group and he didn't see it we don't take his testimony because it not likely that one out of the group who seen it and the others missed it.

THE CORRECT OPINION

The correct opinion and strong opinion is that of the majority and included in them is the Hanbali Madhab is that, and it what the author adopted is that; if we see, if one person see the moon out of the group; he is just, credible the condition are there, we go by what he said.

WHAT DOES MUKALLAF MEAN?

The author said Mukallaf (مُكَلَّف) means one who is obligated to do the command of Islam, that is from, that is the definition from a Fiqh perspective, and it contains two qualities. So when you read it in a book, you know that is one who is obligated to do the command of

Islam; number one he has to be sane, number two over the age of puberty. That's taken from the Hadith the pen has been lifted from three.

WHAT DOES 'ADL MEAN?

THE LINGUISTIC DEFINITION

Then next issue, the author said; is Mukallaf then he said 'Adlin (عَدْلٍ), it mean in English; trustworthy, credible, just person. That's what 'Adlin means.

لِرُؤْيَةِ عَدْلٍ

What constitutes a credible trustworthy person from a Sharee'ah perspective? Fiqh perspective? Figuratively speaking, the word 'Adlin in Arabic comes from the region of being straight which is the opposite of something crooked. And that is why is called that, because the person who is labelled as an 'Adlin has a straight life. Or overall a straight life, that's why the word was take from that.

THE SHAR'EE DEFINITION

The Shar'ee Fiqh meaning for us and what's essential for us, there is many definition, but the comprehensive one and adopted by the majority of the 'Ulamaa is it is very comprehensive is; he is the one who does the ordains, refrains from the major sins and does not persisted on minor sins. What do we mean by doing the ordains? Doing the ordains is life a Fardh, like Salah. Doing the Salah, refraining from sins, is like fornication, murder, adultery, but it is not only that, as some may assume. Spreading gossip among the two Muslim, major sin. Backbiting is a major sin. If one is caught backbiting once and it confirmed that he didn't repent, that is a major sin and we don't take the testimony until he repents and fulfils the conditions of repentance.

Imam Ahmad has a higher status than this definition. He didn't except the testimony of one who was known not to perform his Witr Salah. He rejected someone testimony if he leaves an essential Ibaadah. Essential Ibaadah like Witr is not obligatory but Imam Ahmad held people at a higher standard. If you don't do that I don't except your testimony.

So do we take Imam Ahmad's high scrutiny of who he except or testimony in matters like this? The 'Ulamaa of the Hanbali Madhab said no, because Imam Ahmad had a higher standard in who is except their testimony, in financial matter. He rejected their testimony in financial matters if they didn't do Witr because it requires a higher scrutiny. Because in

financial dealings they incentive to lie whether for yourself or someone else. You may get a gain out of it. There is a big incentive to lie. If you are testifying about yourself or to yourself, you may gain something. If you testifying for someone different, you may also gain some wealth out of it. In the sighting of the moon that is not the same, unless sometimes there appear to be an incentive for one to gain by reporting the sighting of the moon then will resort to the standard of Imam Ahmad. That would be like countries who even today they may gave at times the reward for sighting the moon. That makes it an incentive for one to lie. Unlike where someone will go and report and he doesn't expect or get anything. So there is an incentive we will resort to the definition or the method of Imam Ahmad went by.

Some 'Ulamaa said; if we go by the original definition I mention, one who does the ordains, and refrain from the major sins, he does not persist on minor sins, he said if we really, really, go by that? There is no one who fits that category because everyone is a sinner. If we use the scrutiny of Imam Ahmad, that's even impossible. Why? Because everyone has a slip of a tongue or he may have said something about someone backbit, Ilaa man rahimallah, that is a major sin. And that diminishes credibility, then we can't take his testimony.

Therefore the 'Ulamaa said; an Imam or a Khaleefah or of course now in Islamic centres a Shaykh, if you go to him with the sighting. They said; they can analysis the overall person the credibility in circumstances surrounding that person to come with a decision as to whose testimony is accepted and whether they will take his sighting. Because they said, Allah said:

... فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ مِمَّن تَرْضَوْنَ مِنَ الشُّهَدَاءِ

... ﴿البقرة : ٢٨٢﴾

And if there are not two men (available), then a man and two women, **such as you agree for witnesses.** (Surat al-Baqarah: 282)

Those who you accept or agree to as a witness. Meaning the definition I just mentioned is just an overall general guideline or the judge or the Khaleefah or a Shaykh or someone in their position has some discretion in whose testimony they accept.

ACCEPTING THE TESTIMONY OF AN ALCOHOLIC OR ONE INVOLVED IN SIMILAR SINS

If one is an alcoholic or has a similar sin, then he came in his twenties we was caught fornicating, he came to testify. Do we take his testimony? If he repented and he applied the rule of repentance, we accept his testimony. Because if we deny the testimony of major sins who repented, there is no one credible, they repented. They are no longer sinners in that

matter. After they repented, they become credible and trustworthy. That's as long as they followed the rule of repentance.

DOES ONE HAVE TO HAVE STRONG EYESIGHT?

The next point is:

لِرُؤْيَةِ عَدْلٍ

'Adlin the 'Ulamaa said is one condition but including in that, one for this matter has to have strong eyesight. They even criticise the author in this book, saying that he should've added that in addition to 'Adlin he should have a strong eyesight. Because that's the condition essential to this particular task that he is testifying to. So they criticised the author for not adding the condition in addition to 'Adlin they said he should've also added that he should have strong eyesight.

Other Ulamaa defended the author here and said; when he is a credible person and trustworthy, is included in that that he has to have strong eyesight. Because he is credible trustworthy, he would never testify to that which he didn't see. Therefore it's included under the term 'Adlil (just, credible , and trustworthy).

The argument was then rebutted by saying; he may be credible, trustworthy, but his weak eyesight may cause him to suspect or to see that which he didn't see. And that has nothing to do with the credible issue. So it must be an additional factor that the author should've stated. Some contemporary 'Ulamaa went to the extent, of contemporary that I studied with, they said; they would reject the testimony of who wears glass. That may go to an extreme because glass or contacts compensate for the loss of sight, Allahu A'lam, that may be a little extreme.

Now what's the proof that you need to have strong eyesight for matter like this. Is in the story of Musa alayhi salaam. When Musa alayhi salaam went to the man of Madyan who later became his father in law. One of the daughters of that man said:

... يَا أَبَتِ اسْتَأْجِرْهُ ۖ إِنَّ خَيْرَ مَنِ اسْتَأْجَرْتَ الْقَوِيُّ الْأَمِينُ ﴿٢٦﴾ القصص :

﴿٢٦﴾

"O my father! Hire him! Verily, the best of men for you to hire is the strong, the trustworthy." (Surat al-Qasas: 26)

Did she say just trustworthy? She said:

القَوِيُّ الْأَمِينُ

Strong and trustworthy. She said those two factors, for the task that they needed him for; trustworthy and strong.

Likewise the second factor we need for moon sighting is; trustworthy, yes. In addition to trustworthy you need strong eyesight. Likewise additional proof 'Ifreet the jinn who brought the palace of the queen from Saba' said:

...وَإِنِّي عَلَيْهِ لَقَوِيٍّ أَمِينٌ ﴿النمل: ٣٩﴾

I am indeed strong, and trustworthy for such work. (Surat an-Naml: 39)

The task that he sent out for needs two characteristics; he needs to be trustworthy and he needs to be strong at the same time. So trustworthiness is not enough, because one must have strong eyesight. Some said the author included it in being trustworthy, some said no the author should have mentioned it separate.

HOW MANY WITNESSES DO WE NEED?

THE FIRST OPINION

According to this book and the Hanbali Madhab as well and the opinion of Imam Ahmad and the selected opinions of Imam Ash-Shafi'ee and Ibn al-Mundhir and Tirmidhi and the people of Kufaaah and Nawawi and the saying of Umar and Ali and Ibn Umar, Ibn Mubarak and many others, the opinion they'd adopted is; one. One person. Their proof for that is the Hadith in Abu Dawud and others and is authenticated by Ibn Hibban, al-Haakimi, Ibn Hazm and others; where Ibn Umar radiya Allahu anhumaa said, the people went out to pursuit the moon so I informed the Messenger sallallahu alayhi wa sallam. That I have seen it. He said the Messenger sallallahu alayhi wa sallam order that everyone fast. Based on the sighting of Ibn Umar that everyone fast. This Hadith is not Sahih Muslim. Some disputed on its authenticity but it is authentic. In fact a lot of the 'Ulamaa compared the men of the chain to that which is Sahih Muslim.

The second proof is the one in Sunan Abu Dawud on the authority of Ibn Abbaas radhiyallahu anhumaa that a Bedouin came to the Messenger sallallahu alayhi wa sallam, and I told the Messenger I sighted moon. The Messenger sallallahu alayhi wa sallam said do you testify la ilaaha illallah, he said; yes I do. He sallallahu alayhi wa sallam said; do you testify that the

Messenger sallallahu alayhi wa sallam is the messenger of Allah, he said; yes. He said Bilal go up and call that Ramadhaan has begun.

This Hadith of the Bedouin some 'Ulamaa like Ibn Khuzaymah and Ibn Hibban consider it authentic, while others consider it weak or Mursal. I believe been weak and Mursal is the stronger opinion. So it is somewhat weak. But the first one the one on Ibn Umar is not. But these Hadith specified that one person was sufficient for Ramadhaan. The Messenger took the word of Ibn Umar by himself to announce and declare Ramadhaan. That's the first opinion, that's correct opinion.

THE SECOND OPINION

The second opinion is by 'Uqma radiya Allah 'anhu, Maalik, al-Awza'i, al-Layth, and others they said that and others, you need two for the start of Ramadhaan. Their proof is:

وإن شهد شاهدان ذوا عدل فصوموا وأفطروا

The Hadith says: If two witness come forth then fast and break your fast to their sighting.

The first opinion response to that is:

وإن شهد شاهدان

"If" two witnesses come forth, he didn't say that you "need" two witnesses. That's the first response. He didn't say you have to have two witnesses. He said "if" two witnesses. You may infer that he meant two only but that's not explicit in the Hadith. What the Hadith is saying; if it so happens two comes forth, then except it. That's not to say if one comes reject it. You may infer that but it is not explicit in the Hadith. The Hadith used here if two come forward general. The previous two Hadith the one of Ibn Umar of the Bedouin and clearly accepting the testimony of one and especially the Hadith of Ibn Umar Hadith, because that is the authentic one, it clearly except one. In a scenario like this the rule Usool is that there is a specific Hadith and that's the Hadith used by the first group where the Messenger accepted the testimony of one, that's specific. Then there is a general or non-explicit Hadith which is the Hadith used by the second opinion, If two people come forward. The issue that the Messenger sallallahu alayhi wa sallam accepted a single man's testimony is direct and specific.

The rule is the Usool rule is; if there is a conflict among a specific Hadith and a general one, we try to combine. If combining is not possible then we give president based on an additional factor. Now what's the additional factor in this situation that we in? the additional factor that we're in is that the is one Hadith Ibn Umar specific and one that is

general which is if two people come forward. The specific Hadith of the Messenger sallallahu alayhi wa sallam in this issue is; excepting the testimony of Ibn Umar radiya Allahu anhumah alone. Keep in mind that is not only general verses specific. The Hadith, the second group you used, is not even clear on accepting two as a requirement. It just merely said “if” two come forward. Those are the two opinions on how many are requested to declare Ramadhaan, in the beginning of Ramadhan, and we said the correct opinion is one.

THE THIRD OPINION

There is a unique third opinion. Some books of Fiqh don't stated but it is unique. Abu Haneefah said; during cloudy days we go by what the Hanabilah said; one is enough. If it's a clearly day we need more than one. It sounds inconsistent if you take it face value like that, what on earth is Abu Haneefah Rahimahullah saying? But Abu Haneefah Rahimahullah said; because if it is cloudy then it obvious not many are going to see it, so if one comes forth, that's you know, understandable and that is sufficient. On the other hand when it is a clear day, there are many that are going to see it. So basically what he is trying to say is; I can't imagine one person seeing the moon on a clear day, therefore we need more than one. While on a cloudy day, yes, because it's cloudy. If one person comes, we'll accept it.

CAN A WOMAN OR A SLAVE TESTIFY?

Now the next issue is the author says:

وَلَوْ أَنَّثَى

Even if it is a female. In attached to that or tagged along with that is a slave. Meaning don't get the impression that the author is saying, is only male. If a female reports the sighting of the moon with the condition we stated, then we take her testimony. The issue, is that really true? Can a woman or a slave testify to the reporting of the moon sighting. There is a dispute and the dispute is; based on; does one informing of the sighting of the moon, fall under, the Shahaadah or Iqbaar? A woman or a slave reporting of a matter, that is called Iqbaar, that is something called reporting, which is not at the level of testimony. If a woman or a slave for example, teachers a Hadith, is called reporting, that is called narrating. We except it even if it is one, that is called Iqbaar, that is called reporting, that is called relating information, that is called passing on information. That not testimony, we have examples where a woman in the chains of Hadith, reporting a Hadith. No one ever said bring me a Hadith two women for this chain.

Is sighting the moon Iqbaar? If it is then a woman and a slave can report it and we don't need any more than that. Now if it is considered testimony, which called in Arabi

Shahaadah, then a woman or a slave alone are not accepted. The scrutiny is higher, a woman and a slave are not accepted.

Ibn Hazm, Imam Ahmad, Ash-Shafi'i in one or two opinions, they considered this Iqbaar, reporting, testimony, relating information, so a woman and a slave and a male are at the same in this matter. Just like if they were to relate or convey a Hadith.

Another matter pertaining to this is since this is Iqbaar, not Shahaadah, it's reported, conveying information not testimony, there is no need for the ruler to announce it. You can fast based on by a credible person reporting, because it's not testimony. Testimony must be brought before a ruler or a judge to decide. Now however, these days due to the ignorance in the moon sighting and its conditions, it should be presented to 'Ulamaa to make sure the conditions of the sighting were met. That is to avoid the Fitn and ignorance in this issue. The point is though, since it's considered Iqbaar relaying information, not testimony as we said, it does not need the ruling of a ruler or a judge for one to except. You can go by the sighting of one who sighted it if they are credible and over the age of puberty and sane.

CAN A YOUNG BOY UNDER THE AGE OF PUBERTY REPORT THE SIGHTING?

Another issue, if a young boy under the age of puberty reports a sighting, it's not accepted by overwhelming majority of 'Ulamaa because the author said:

عَدْلٌ مُكَلَّفٌ

A young boy is not Mukallaf – he is not obligated to do commands of Islam. He is under the age. He is not obligated to do the commands of Islam. So the stronger of two opinions, is rejecting the testimony of someone who's under the age of puberty.

HOW MANY WITNESSES ARE NEEDED TO TESTIFY TO THE END OF RAMADHAAN?

Another issue, for the departing of Ramadhaan, the end of Ramadhaan, and all other months and after that you must have two. There must be two male witnesses. What we mentioned was merely an exception for the start of the Ramadhaan. What we mentioned was exception for the start of Ramadhaan. This is the opinion like I said the overwhelming majority of 'Ulamaa except Abu Dhur; he said at the end of Ramadhaan, Shawwaal, the moon for Shawwaal, one person is accepted just like the beginning of Ramadhaan. He used analogy he used Qiyaas, he compared the end of the Ramadhaan to beginning of

Ramadhaan. He said if we accept one for the start of Ramadhaan, then we should accept one at the end of Ramadhaan. He used analogy, Qiyaas. The response to Abu Dhur Rahimahullah is that the proof on this matter is clear, there is no need for Ijtihad. Qiyaas, analogy is good when we don't have proof. But on this matter we have proof. Tirmithi said there is no dispute that the end of Ramadhaan and every other month other than the beginning of Ramadan we need two to testify.

By the way, side issue, Abu Dhur Rahimahullah is not a simple scholar many have not heard of him, but he is an 'Aalim and he is actually at the status of Imam Maalik Rahimahullah in 'Ilm. He is at the status and knowledge of Imam Maalik. However it was said; that is was the faults of his students of his student that his knowledge didn't spread because they didn't really preserve his knowledge and spread it and convey it and gather it. That is why sometimes, the failure of 'Ulamaa is from themselves, a lot of the times. Some get for example get fed up with dealing with people and how people treat and they say; you what? Why do I have to deal with this. Let me get a peaceful life, close my door and go on my own.

And sometimes it's the students who are the failures. Failures in how? In preserving knowledge. Failures for example in spreading their knowledge and gathering their knowledge and helping the 'Ulamaa. Like now for example, some are so stingy they wouldn't even retweet for an 'Aalim that they study with, and they claim day and night, this is an 'Aalim that we study with. Spread his knowledge if you really , really believe that person is a trustworthy 'Aalim, spread his knowledge. You get Ajr for that, you preserve the knowledge and Inshaa Allah it will stay the knowledge until judgment in one way or another, stay until judgment day we get continue to get reward. Abu Dhur Rahimahullah was among the unfortunate is the student's failures who didn't preserve knowledge, his knowledge and help him. And that is why they said wasn't as famous as Imam Maalik, even though they were at the same status.

Back to the Ramadhaan issue, the only reason the 'Ulamaa, exempted this situation of having two to testify in the beginning of Ramadhaan is because there is a specific Hadith on that. So they said; in the beginning of Ramadhaan what we need is one, while at the end of Ramadhaan every other month, we need two.

CLASS SEVEN

We stopped off at the statement by the author and he said:

فَإِنْ صَامُوا بِشَهَادَةِ وَاحِدٍ ثَلَاثِينَ يَوْمًا فَلَمْ يَرَ الْهَلَالَ ، أَوْ صَامُوا الْأَجَلَ
غَيْمٍ لَمْ يُفْطَرُوا

He combined between two issues, pay close attention. He said in this statement; there two issues. And you got to go over this again and again, take good notice, pay attention and go over them so we can understand.

DETERMINING THE END OF RAMADHAAN

THE FIRST ISSUE

If we fast based on the sighting of one man in the beginning of Ramadhaan and then at the end of Ramadhaan we are on the thirtieth day and we don't sight Ramadan. That is the first issue.

THE SECOND ISSUE

The second issue, if we fast in the beginning of Ramadan based on the day of doubt, remember we talked about that issue? According to the wrong opinion of this author that if it's cloudy we fast that day. He adopts that we should fast that day that amounts to in reality the day of doubt if it's cloudy, when we go for sighting. What we do at the end of Ramadhaan, when there is no confirmative sighting, now we are at the end of Ramadhaan, there is no confirmed sighting at the end of Ramadan and it's those two scenarios that Ramadan started with then what he is saying; if we are at the thirtieth day of Ramadan, there is no sighting and Ramadan started off by the sighting of one person or started off on the day of doubt, then he says; we continue on and fast thirty-one days.

THE FIRST OPINION

First of all, let's take it in detail. If two testified to the start of Ramadhaan and now we are on the thirtieth day of the month, at the end of Ramadhaan, the next day is Eid and that is agreed by the 'Ulamaa. That is not even an issue, if Ramadhaan started with the testimony of two. However the author makes a problem, and pay close attention to this; he is saying over here, if one person testified and confirmed the sighting at the beginning of Ramadhaan, he said the official Hanbali Madhab is that we fast the thirty-first day of Ramadhaan, continue and fast the thirty-first day of Ramadhaan, and then the 'Eid is after that. Why? They based the decision of the end of Ramadhaan and how we end Ramadhaan based on how Ramadhaan was initially confirmed. They based the decision of the end of Ramadhaan on how Ramadan was initially confirmed. When there was no sighting at the end of Ramadhaan, they went to how Ramadhaan was confirmed in the beginning. They said must end by two witnesses.

Here at the of Ramadhaan is the thirtieth day, they said we should go on to fast thirty-one. We don't have any witnesses to testify. Why? They said if we end Ramadhaan at thirtieth, we basically and reality are going based on the testimony of one man, that man, who is that man? The man who testified in the start of Ramadhaan. We need two witnesses to end Ramadhaan, they said if we say that this Ramadhaan completes at thirtieth day then, only one testify to that. In reality we are taking the word of one man to the end of Ramadhaan. The man who in reality testified to the start of Ramadhaan. We need two we don't have two, so what we'll do is continue and we'll fast thirty-one days. Basically they tied the end of Ramadhaan to the sighting in the beginning. They said; we going to go for thirty-one days. Why? Because we don't have no sighting, we don't have two witnesses and we can't go by thirty days because that means we take the testimony of one. Who is that one? The one initially told us Ramadhaan started. That's the opinion in the Hanbali Madhab.

THE SECOND OPINION

Another opinion in the Hanbali Madhab the opinion of Imam Ahmad and this is the correct one and it's the opinion Ash-Shaafi'ee'i and Abu Haneefah. If it's at thirty days, Ramadhaan reaches thirty days we don't have anyone sighting, we don't have two witnesses then we finish thirty days the next day is the 'Eid. Which is the obvious simple answer. Simple easy answer. We don't go by that thirty-one day opinion. We don't relate and tie that to Ramadhaan to how Ramadhaan started, as the first opinion claims to do. There is no relationship between the two. Why? We started Ramadhaan on the testimony of one in according to the Sunnah of the Messenger sallallahu alayhi wa sallam. We did that, it's over and done with. Now we are at the end of Ramadhaan, there is a totally new procedure here. The new procedure is how we end Ramadhaan it has nothing to do with the beginning of Ramadhaan. We go seek the moon on the thirtieth night of Ramadhaan. If we don't see it we complete Ramadhaan thirty days, that's the way we do it, it has nothing to do with how Ramadhaan was confirmed in the beginning. This is clearly the correct, simple, easy opinion.

The first opinion they in a way trying to tie the end of the Ramadhaan to the beginning. They said, ok it's the end of Ramadhaan we don't have two witness if we say we'll go by thirty days that means we in reality took the word of that man in the beginning, the one who confirmed the sighting. That is wrong and weak rational and many 'Ulamaa responded to that.

The second issue is the same:

أَوْصَامُوا الْأَجَلَ غَيْمٍ لَمْ يُفْطِرُوا

The second opinion the author says if we are on the thirtieth day of Ramadhaan there is no sighting, we don't have two witnesses. But this scenario is different than the one I just

mentioned, where they said the beginning of Ramadhaan started with one man. Over here they are saying; if Ramadhaan started because of fasting the day of doubt where the sky wasn't clear. Remember that's the issue we discussed in which the author adopted the wrong opinion of fasting when the sky is not clear, which we said is Haraam and that in reality amounts to the day of doubt. Now he is basing in the end of Ramadhaan on that.

Let's assume Ramadhaan started by fasting that day of doubt. What do we do? He said; we fast thirty-one days just like the previous scenario. Why? He said because we were unsure. They may be correct that they need to fast thirty-one days since the start of Ramadhaan based on doubt and we said that's the improper and even Haraam way to start. But this is not a scenario we even deal with, this one, this statement of the author. It's not even a scenario we even deal with. Why? They should not have started Ramadhaan like we said earlier based on fasting that day of doubt because they said; if it is unclear sky we are going to start our fast. They shouldn't even do that to start off with. The method used to start Ramadhaan that they used was wrong. Now at the end of Ramadhaan like the previous scenario, it doesn't connect and tie to the beginning of Ramadhaan. You started Ramadhaan wrong that's the whole issue there. Now it's the end of Ramadhaan, either we sight the moon or complete thirty days without anything to do with the start of Ramadhaan. And keep in mind like we said, this is not even a scenario that we shouldn't we even be dealing with because we said early on that the scenario of fasting the day when it's cloudy, based on doubt it's a wrong opinion.

IF A PERSON SEES THE MOON FOR THE START OF RAMADHAAN WHILST ALONE

وَمَنْ رَأَى وَخْدَهُ هِلَالَ رَمَضَانَ وَرَدَّ قَوْلَهُ، أَوْ رَأَى هِلَالَ شَوَّالٍ صَامَ

In this statement, if a person, the author goes on to say, if a person sees the moon for the start of Ramadan alone. He is alone and he sees the moon. Or if he goes to the judge or the Khaleefah and they rejected his testimony, that's one. B, if the person sees the moon at the end of Ramadhaan, in both of those scenarios I just mentioned he continues to fast.

Let's break that down. Someone sights the moon, he is alone. Somewhere in the world he is alone he sight the moon, he must fast. Because we said for the beginning of Ramadan all you need is one. He himself, one, he witness Ramadan, all you need is one, you start. That's the first one.

Or the author is saying, if one person sights the moon he goes to the Khaleefah, he goes to the judge, he goes to the Shaykh, and they refused his testimony. Maybe he has credibility

issue, maybe the Shaykh or the judge rejected him for his eyesight or for any other reasons. His rejected, he must begin to fast Ramadan on his own. For him Ramadhaan began.

So in summary, if a Muslim sees the moon on his own, he must fast. Whether it maybe he is some part of the globe alone by himself, he's travelling all by himself or the Shaykh, the judge, the Khaleefah rejected his testimony and either scenario he sighted the moon, he fast.

IF A PERSON SEES THE MOON AT THE END OF RAMADHAAN WHILST ALONE

That's the first part of the statement. Then the author says; if a person sees the moon for the end of Ramadhaan which is the moon for Shawwaal, he sees the moon at the end of Ramadhaan, he sees it by himself. Does he continue to fast or declare 'Eid on his own? We say; if he sees the moon in the start of Ramadan he got to fast, even if alone. Now at the end of Ramadhaan he sees the moon for the end of Ramadhaan. We say he can't break his fast at the end of Ramadhaan. Why? Are you being inconsistent? We said for the end of Ramadhaan, how many do we need? Two. For the beginning of Ramadhaan, how many do we need? One.

Now let me repeat that statement like the author said it and you'll understand very well. Here how the author said it. If sees the moon for the start of Ramadhaan alone or his testimony is rejected or if a person sees the moon for the end of Ramadan, he fast in both scenario. That is exactly how the author worded.

THE FIRST OPINION

Now let's go and back track a little bit the statement in a little bit more detailed. I sight the moon alone or I sight the moon and the leader says; you're rejected we are not going to take your testimony. The author said; I should fast, my Ramadan begins even the rest of the Ummah didn't start. That is for the beginning. This is the opinion of the majority of 'Ulamaa and among them is Imam Ahmad, Maalik, Ash-Shafi'ee, Ahlur-Ray and Ibn al-Mundhir and others, he must fast on his own even the Ummah didn't fast. He sighted the moon and all it takes is one to sight the moon and he himself is one, that's it.

What is the proof on that?

...فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ... البقرة: ١٨٥

So whoever of you sights (the crescent on the first night of) the month (of Ramadan i.e. is present at his home), he must observe Sawm (fasts) that month. (Surat al-Baqarah: 185)

Whoever witness the month must fast. They may have no one confirmed to testify or witness to it, you yourself once you seen it, you witnessed the month. They haven't witnessed it but you witness it. So this verse applies to you, you must start your Ramadhaan.

Also proof:

صُومُوا لِرُؤْيَيْتِهِ ، وَأَفْطِرُوا لِرُؤْيَيْتِهِ

Like the verse he said, fast for the sighting of the new moon and break your fast for the sighting of the new moon. To you who've seen it is confirmed, you've seen it, you've sighted it, you follow along you fast. For them they didn't its not confirmed the testimony is rejected.

The third proof on this matter is that, to that person that person, to that individual, Ramadan been confirmed by his own sighting. He witness Ramadhaan based on his own sighting. To the others since the testimony was rejected or he's alone, it's still Sha'baan and that is how we go by.

THE SECOND OPINION

The second opinion and it's an opinion attributed to Imam Ahmad Hanbal, is what Ibn Taymiyyah adopts, al-Hassan al-Basri, Ibn Sireer and others adopts. But it's not the official Hanbali Madhab. The official Hanbali Madhab is the first opinion I mentioned. This opinion the said; the person should reject his own testimony; he should start Ramadhaan on his own. Their proof for that the Ummah needs to start Ramadhaan as an Ummah.

صَوْمُكُمْ يَوْمَ تَصُومُونَ

You fast the day people fast, the Hadith says. You slaughter the day people slaughter. The Hadith means the Ummah as a whole fast together. If the conditions are met, that's true, the Ummah fast as an Ummah. The problem is this person sighted the moon on his own or he was rejected, so Ramadhaan been confirmed to this person individually. The Hadith:

صَوْمُكُمْ يَوْمَ تَصُومُونَ

Meaning it implies the Ummah should fast together. Yes that's in general circumstance, however here there is an exceptional situation where the individual has confirmed the beginning of Ramadhaan based on his own sighting.

The 'Ulamaa of the second opinion told the 'Ulamaa of the first opinion, you're telling this man, to fast on his own? Are you saying that if he sights the moon for Dhul Hijjah on his own. If you sight, if this man sights the moon for Dhul Hijjah, the start of Dhul Hijjah on his own. Yet the Ummah fast another day, does he go, since it Dhul Hijjah, does he go in al-Arafaat by himself and then the next day the Hujaaj go, and then Minah on the different day of the Ummah or he goes to stone the Shaytaan on different day of the Ummah? The Hujaaj are doing one thing and he is doing another thing because he seen the moon on his own. The first go and responded back and they say; no, you got it wrong. The month we allow the testimony of one, is only the start of Ramadhaan. The end of Ramadhaan, every other month including Dhul Hijjah need the testimony of two, so your rational is unfounded.

Ibn Taymiyyah who's part of the people who took the second opinion used to adopt the special opinion, that many disagreed with and the crescent the Hilaal is not really considered a Shar'ee Hilaal unless it becomes widespread known and popular among the people. He considered that as an additional restriction. Many of the 'Ulamaa disagreed with him on that rational.

As to the Hadith that implies fasting the Ummah or the group, the fasting is the fasting of the group, the second opinion, that is an overall general situation. That's how it usually is, but there's exceptions because if one confirms the sighting on his own he witness Ramadan on his own. But the overall situation is that the Ummah of course fasts as a whole.

YOU DO NOT DECLARE YOUR OWN EID

The next point:

أَوْ رَأَى هِلَالَ شَوَّالٍ صَامَ

This individual sees the crescent of the end of Ramadhaan, which is the Hilaal that belongs to Shawwaal, he sees it on his own. Someone sees the moon that starts off the month of Shawwaal, which is the month after Ramadhaan, that means Ramadhaan is over. Doesn't he go and fast on his own? No, we already said that. Why?

THE FIRST OPINION

The majority opinion; Hanafiyyah, Malikiyyah, Haanabilah, and of course the author of this book adopted; if you see the Hilaal the crescent for the end of Ramadhaan alone, you don't declare your own 'Eid, nor do you break your fast, you have to fast the next day. Why? Because he's one man, the rule of the end of Ramadhaan we need two.

THE SECOND OPINION

Now a second opinion, Malikiyyah, Shafi'iyah, Ibn 'Aaqil and Ibn Hazam said he breaks his fast, but he doesn't do so publicly so to avoid the Fitnah or the accusation. Why? Why does he do in secrecy? Because for example a woman on her menstrual cycle or a traveller who is excused, they're exempted from fasting. But they shouldn't be walking around eating out of respect to the month of Ramadhaan, out of respect to Muslims, and more importantly to avoid of being accused. In fact some narrated Ijmaa' that if one is allowed to break his fast, if someone allowed to break his fast during the month of Ramadhaan for an excuse, it should be don't in secrecy.

THE CORRECT OPINION

The correct opinion of those two opinions is that; he does not break his fast if he sees the moon for the end of Ramadhaan. Why? They said he could be mistaken, that's OK. But the more important reason is because we know by proof that to end Ramadhaan or every other month be it beginning and end it requires two witnesses. Someone will say you're inconsistent, you say in the previous statement of the author that if one individual sights the moon of Ramadhaan and his Imam rejects him, he fast on his own. Which is correct. Then you're trying to tell me at the end of Ramadhaan he sights the moon for the end of Ramadhaan, he should not break his fast? He should not declare 'Eid on his own? Or at least break his fast? You're being inconsistent they're say. Notice how delicate Fiqh is.

We need by proof one to confirm the start of Ramadhaan. If he seen the crescent, the moon for Ramadhaan he was rejected he must fast, because all it takes is one. We have the proof on that, we're people who follow proof. To him it became obligated to fast. Whereas the end of Ramadhaan we're not being in consistent because the proof tells us that for the end of Ramadhaan and every other month other than the beginning of Ramadhaan, you need two for the beginning and end. And he is one alone so he doesn't break his fast.

IF TWO CREDIBLE PEOPLE SAW THE MOON BUT DID NOT INFORM THE LEADER

Let's assume that two people seen the crescent, they're credible, they didn't go to the leader for some reason. Do we listen to them? First of all, he does not need to go to the leader or a judge to declare as a condition for him? Why? Because it falls under, we said, reporting or informing, in falls under Iqbaar. Not Shahaadah which is testimony. If it is Iqbaar, is like reporting or informing or narrating Hadith, or calling the Athaan, is like relating information. The Shahaadah is different, is testimony, the Shahaadah is to go the judge to declare it. Looking into the situation and then declare it. Ibn Qudaamah and Al Mughni said if two credible has seen the Hilaal the moon of Ramadan, they can break their

fast, because the testimony of each other. As well as anyone else who knows these two people knows they're are credible.

فَإِنْ شَهِدَ شَاهِدَانِ ، فَصُومُوا وَأَفْطَرُوا

Sunan an-Nasa'i, the Hadith says if two witnesses testify, then break you fast, according to their sighting. This is not considered a testimony which needs the judge to scrutinize it. Al Mughni said if those two see the crescent of Ramadhann, they can break their fast for each other's testimony. Others in the Madhab of Ahmad disputed that but that's the correct opinion because that is what the Hadith implies.

DO WE ACCEPT THEIR TESTIMONY IF IT IS REJECTED BY THE JUDGE?

Another scenario, they go to the imam and judge two of them. They inform the judge that they've seen the moon. While walking out words spreads that two people seen the moon. Do we go by their testimony if their testimony gets rejected by the judge? The answer to that is it depends on why the judge rejected their testimony. If he rejected their testimony because the status of their credibility is unknown, then the judge didn't really rule on that, just doesn't know if their trustworthy. Those who hear and know those two people and know their credible, can they follow each other's testimony. And those who know them can break their fast based on these guys testimony. The judge didn't rule because he doesn't know their status. That's the first scenario.

If the judge rejected them because they are Faasiq, is confirmed to the judge one of them or both of them, then you cannot use the testimony because the Imam ruled based on what he has of knowledge of these people.

TWO PEOPLE WHO DO NOT KNOW THE STATUS OF EACH OTHER

Another scenario, if two people say we seen we we've seen the moon, they meet up in a Masjid. One man says, I've seen the moon and the other says, oh I did too. But they don't know the status of each other. Do they break their fast and declare 'Eid? Because each one of them said oh I've seen the moon and the other said, I've seen? No, why? Because they each independently confirmed the sighting, but they don't know the status of each other. He could be credible, he could be a Faasiq. So you don't take the other persons one if you don't his status.

ONE WHO IS IN PRISON OR A SIMILAR SITUATION

Another scenario, someone maybe in prison or in some kind of situation, any Allah subhaanahu wa ta'aala protect you and guard you from that. Someone doesn't know if it is Ramadhan, if it has started or not. He's in prison, if he's in a solitary, he doesn't know what month it is. That actually happened to me, my first night in prison I woke up to the Eid. I was in a solitary, the first night I woke up and it was Eid. There is no phone, there is no communication, no one is going to talk to you and tell you. Some are held in prison where they may not know the entire month. If this is Ramadan, if this is Muharam? They may lose tracks of weeks or month not just days.

What do they do? Simple, you do Ijtihad. Ijtihad the best way you can. That's like facing the Qiblah, you are in a place where you don't know where Qiblah is. You must face the Qiblah to make your Salah. But you are not good at directions, east, west and north, you're not good at it. You don't have the App on your phone, you can't ask. You do Ijtihad the best way you can and you make your Salah. The same is for the start and end of Ramadhan for one who's in prison and lost communication with the world and he can't ask or seek or pursuit that matter.

Take a scenario based on that, if he found out during Ramadan is Ramadan and he guessed and his Ijtihad his good, he's good. That's the first scenario. The second one is he found out that what he fasted turned out to be after Ramadhan, that's good because is like the statues of someone who made up Ramadhan. There is no problem with that. He fasted August and Ramadan turned out to be in June. Is as if he made up Ramadhan, that's good, his Ijtihad is good, he did the best he could.

The third scenario he fasted a month, then suddenly he gets a letter from his family telling him in two days Ramadhan is going to start. Or the guard or chaplain or someone tells him in a few days Ramadhan is going to start. He already fasted the month. What does he do? What he did, he did in the wrong timing, he gets Ajr but Ramadhan he must fast again. That's like for example making Asr, someone made Asr, they go visit friends and friends say, Yalla lets go to the Masjid and make Asr. He says; what you are guys talking about, I made Asr about an hour ago. My phone was wrong, the timing of my phone was wrong or maybe he was listening to the Qur'an radio station in Makkah, they called the Athaan, and he thought it was his App on his phone, it was that Athaan but it was really the Athaan for another Salah in Makkah and he prayed Asr an our ago. Does he say; ok you guys go to the Masjid I already made it? No, got to do it again.

IF ONE FINDS OUT FIFTEEN DAYS OUT OF THIRTY WERE IN SHA'BAAN

These types of scenarios they can go on and on. Let's take another one, final one. If one for example if one fasted thirty days and he found out fifteen of those turned out to be of Sha'baan, the month before Ramadan and fifteen was part of Ramadan. The fifteen before Ramadan he needs to make them up. He did them before the proper time. That's like one who prayed Asr before its time. Or similar to that if he fasted thirty days and he finds out days he fasted where days of Eid of Dhul Hijjah or the 'Eid of Ramadhaan, the three days of Dhul Hijjah or the 'Eid of Ramadhaan, some of the days that he was fasting thinking that Ramadhaan turned out to be 'Eid, the Eid of Dhul Hijjaah, which is three days or the 'Eid of Ramadhaan. What does he do? He must make up those days its Haraam to fast those days.

There are some scenarios that may come in handy in future or give you broaden lightening your mind as to how the 'Ulamaa think and actually these scenarios can go on and on and we don't want to go beyond our time.

HOMEWORK

What I advice however is you take this and the notes you taking, go over them again and again. You have to do homework on your own, to be a Fiqhy you have to do homework on your own. Go over this again and again and you may want to listen to the audio again, possibly that's even as good as going over your notes. Listen to the audio several times. Then you are going to realise that what we saying is going to sink in. Why? For two reasons; the start of this book is somewhat difficult, I am trying to break it down as easy as I can and I ask Allah subhaanahu wa ta'aala to aid me in that but the start of this booklet is slightly difficult. You know these issues are slightly difficult and also you're in a beginning of a new knowledge this is Fiqh. Like in Tawheed the beginning some were having difficulty in understanding but as time goes on, after ten classes, then twenty classes, Alhamdulillah I think we went beyond thirty if I am not mistaken. People find it easier, the same with this. After a while you are going to learn how the 'Ulamaa think and how they go back and forth in their proof and its going to become much easier, so it's difficult that the substance of what we study in the first part of this book this matter of this book is much practical for you as an individual.

The sighting and that you know someone will say that's not practical but that's part of Fiqh and we have to go by the curriculum, but it's slightly difficult. It's slightly difficult and that the substance of what we study is difficult. Also it's difficult in that most of you are in the process of starting the learning of Fiqh which is part of new knowledge. So you got to take your and gradually break in to understanding the Fiqh. That's why I advise you to go over your notes several times, go over the audio. You get Ajr for that, you sitting at home you want to understand this Fiqh, and you want to understand this 'Ilm. That is an Ibaadah. You purify your intention.

You don't just go to a Halaqah. You know, in universities, what you study in universities they tell you, you have to do five hours equivalent or so on of homework in your house to sink in and register. It's more than that with this Ilm. You just go and say; Wallahi I attended a Halaqah and that's it, you put your books at home and you don't open it until next day or until the following class. No you got to go over it and over it. You wouldn't find no 'Aalim, that used to go to a Halaqah and like many perceive or assume, he put his books away and the next day he wipes the dusts off them and go take the books to the next Halaqah. No in between that there's a lot of study going. Just like I told you don't spend your time memorizing but most definitely, if it is a Hadith try to memorize it if you can. But like I said the wordings of this book is difficult and focus more on trying to understand that. That's my advice to you.

CLASS EIGHT

We left off at the author's statement:

وَيَلْزَمُ الصَّوْمَ لِكُلِّ مُسْلِمٍ مُكَلَّفٍ قَادِرٍ

When you reflect on of the work of the 'Ulamaa who's book we, you see very well its structure and organised although it may not be not appears to be so. Not only do we learn the Fiqh of fasting with this type of work, we study the work of the classical 'Ulamaa, but you also learn how they structured their work. Which makes it easier for you to go through in the future and it is also makes it easier to go refer to it when you need it as a reference. That's all some of the bonuses you get on top of the knowledge you again from studying their work. Therefore pay attention to the organisation of the book just like you do to the substance of what we study. That's why everyone has to have their own copy. One needs to be very familiar with the books of the Ulamaa, very familiar. And you have to know where it is at, and how to get it and where to look for it. That's why we based and attach our study on their work.

WHO IS OBLIGATED TO FAST?

Notice the order here, after he mentions how Ramadhaan starts and the next issue would be who is the one that is going to fast? what type of people is going to fast? who must fast? he said:

وَيَلْزَمُ الصَّوْمَ لِكُلِّ مُسْلِمٍ مُكَلَّفٍ قَادِرٍ

He said: Wa Yalzamu (وَيَلْزَمُ). Yalzamu (يَلْزَمُ) is a word that the author used instead of Yajibu (يَجِبُ) meaning is obligatory. It can be used interchangeably to say that it must, it proscribed, it's obligatory, is a Fardh. But why did he use Wa Yalzamu instead of Fardh or Waajib? Really the reason he did that was to change the terms in his writing as an artistic way of keeping the reader attached and interested and thinking while he goes through his book and this is widespread among the Fuqahaa'. Sometime they use Wa Yalzamu instead of Yajibu, but you'll know that when he says Yalzamu, he is saying Yajibu. You know that also through the context of the sentence that he's stating.

He said fasting is waajib or Yalzamu, fasting is Waajib, is fard, is obligatory. Is all fasting waajib or is he talking some type of specific fasting? He's talking actually about a certain type of fasting, which is the Waajib type naming speaking; Ramadhaan. He didn't specify that, but he means; Ramadhaan. How do we know that? Because we said in Arabi and I went through it through it I believe in the Tawheed classes and also on these classes. AL ((ال

- the in As-Sawmu (الصَّوْمُ) refers to as:

العهد الظهلي

We took what Al'ahd Alzihli means. Al'ahd Alzihli in Arabic grammar means that it refers to that which you know. Meaning the fasting that is obviously on your mind, the fasting that is understood by common sense for one who is reading this. Meaning Al'ahd Alzihli that is automatically understood by the listener what I am trying to say, so there is no need to specify it. What fasting is he talking about that we really understand when we read it? He is talking about the fasting of Ramadhaan. So 'Al' in as-Sawmu is Al'ahd Aldhihli.

The author says:

وَيَلْزَمُ الصَّوْمُ لِكُلِّ مُسْلِمٍ

What is proscribed? He said; fasting Ramadhaan on every Muslim is proscribed. That is a very general and broad statement.

لِكُلِّ مُسْلِمٍ

He wants to tell us now who Ramadhaan is proscribed on. Who are the people must fast? The first condition for fasting that he is states, is one being Muslim, you must be a Muslim. When we say Islam is a condition for fasting or if you read it in other chapters of the Fiqh

books, you'll see that Islam is a condition for Salah. He is not trying to exempt a Kaafir from Salah, is telling you from a Fuqahaa' prospective that in order for you to for fulfill the Salah or the Siyaam who have to be able a Muslim, is a condition. In order for the fast to be accepted it, it must be from a Muslim, that is what they're trying to tell you. I am going to elaborate on this point a little bit later on Inshaa Allah.

IF ONE EMBRACES ISLAM ON EID

So the issue, we have an issue here; for some example, we have some issues here, if one embraces Islam on the day of 'Eid does he need to make up that entire Ramadhaan? He comes on the 'Eid declares his Shahaadah in front of everyone. No, he doesn't make up his Ramadhaan. The day he took his Shahaadah was like the day he was born, free of his sins. He is on a fresh slate and a fresh beginning. That day it'll be with a clean slate with Allah subhaanahu wa ta'aala he doesn't have to make up any of the Ramadan that passed. It is considered by Ijmaa', by consensuses that when a non-Muslim embraces Islam, takes his Shahaadah he does not make up the fasting of the previous Ramadhaan.

What's the proof on that? The is Ijmaa' and there is plenty there proof.

قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُغْفَرْ لَهُمْ مَّا قَدْ سَلَفَ... ﴿الأنفال: ٣٨﴾

Say to those who have disbelieved, if they cease (from disbelief) their past will be forgiven.
(Surat al-Anfaal: 38)

يُغْفَرُ لَهُمْ مَّا

Means everything in the pass will be forgiven. Including is the past Ramadhaan that they did not fast.

There is a Hadith when the tribe of Wafd-Thaqif, they came to the Masjid of the Prophet Muhammad sallallahu alayhi wa sallam and embraced Islam with the Messenger sallallahu alayhi wa sallam. They camped in the Masjid, they stayed in the Masjid the Hadith says; they fasted the remainder of that Ramadhaan, meaning they didn't fast what they missed in the early, in the first portion of Ramadhaan when they we not Muslim. After they became Muslim, they fasted the remainder part of that Ramadhaan. They started their fast after they became Muslim and the Messenger sallallahu alayhi wa sallam did not direct them to make up past Ramadhaan. If it was obligatory on him, he would have said after Ramadhaan is done, the day that missed of this Ramadhaan, make them up. But he didn't say that, sallallahu alayhi wa sallam.

If one became Muslim on the second day of Ramadhan for example; he starts fasting right after for the remainder of that month, whether twenty-seven or twenty-eight more days. There is no dispute, is Ijmaa' an original Kaafir who embraces Islam, takes his Shahaadah, he doesn't make up any of the previous Ramadhan or days of Ramadhan that he missed out on before his Shahaadah. His fasting during Kufr invalidates the fast. It not acceptable and his Islam is forgiveness for any Ramadhan or days of Ramadhan that he missed out on, along with of course all his previous sins. He is like a new born free and clear from his sins like a new born, a new start. Now that's the original Kaafir.

IF HE IS A MURTAD

The next issue we have here is, what if he is a Murtad? Murtad means an apostate, one who was Muslim and then left Islam. Some rulings that pertain to Murtad are different overall if you look at them there is many rulings that pertain to a Murtad that are different than a original Kaafir even though both are considered Kaafir. Both apostate and an original Kaafir fall under the term Kaafir, but there's some slight difference. A Murtad is much worse than original Kaafir.

Now there is a Murtad who came back to Islam, he was an apostate for some time and then he decided to come back to Islam, wal 'iyaadu billah that he left Islam and many who become Atheist and then the decide to come back to Islam. While, we said, an original Kaafir doesn't have to make up past Ramadhan after he embraces Islam by Ijmaa', no dispute. A Murtad an apostate is slightly different in this issue and that is disputed, whether he needs to make up previous Ramadhan that he missed while he was Murtad or not. So the only difference this man is slightly disputed for a Murtad. However the overall and majority says that an apostate does not need to make up the fast that he missed out on while he was a Kaafir, a non-Muslim.

Imam Ahmad in his one of two opinions said he needs to make up. The correct opinion of those two opinions is that apostates are like an original Kaafir. The same Hukm applies to him, the same rulings applies to him. They don't have to make up missed Ramadhan. Why? Same verse applies to him, they fall under the same categories, same term.

قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُغْفَرْ لَهُمْ مَّا قَدْ سَلَفَ... ﴿الأنفال: ٣٨﴾

Say to those who have disbelieved, if they cease (from disbelief) their past will be forgiven.
(Surat al-Anfaal: 38)

That Kufr, the term Kaafir in that verse is broad, and it encompasses both original Kaafir who is a Kaafir and an apostate who falls under the term Kaafir as well. So there is no room or no need to distinguish between the two in this matter. Had we have specific proof on that, then yes we would distinguish between the two in this matter, but there is no specific proof

on that issue. A Murtad or an apostate is a branch of Kufr, just like an original Kaafir is another branch of Kufr. Is merely a different branches to Kufr. So once a Kaafir embrace his Islam or an apostate returns, he does not need to make up any missed Ramadhaan, Allah will forgive their past Inshaa Allah.

IF ONE TAKES HIS SHAHAADAH AT DHUHR TIME IN RAMADHAAN

Another issue or rather a scenario. We said a Kaafir does not make up past Ramadhaan and we said and an apostate follows along with that and the correct of two opinions on that matter. The day they embrace Islam Allah forgives all.

إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعًا... ﴿الزمر: ٥٣﴾

Verily Allah forgives all sins. (Surat az-Zumar: 53)

What if a Kaafir, a non-Muslim takes his Shahaadah at Dhuhr time in one of the days of Ramadhaan? We said he doesn't make up past Ramadhaan or past days while he wasn't Muslim, he doesn't have to do that. No matter how many days or years if he became Muslim when he was sixty years old he doesn't have to do single day or years from the past ones. But now he is one his second day of Ramadan he comes to the Masjid at Dhuhr time or Asr time and he says; I want to declare my Shahaadah. Previous days they first day of that Ramadhaan he doesn't have to make it up, previous Ramadhaan he doesn't have to make up. That particular day that he became Muslim does he need to make it up on not?

This is a very, very close dispute among the 'Ulamaa. The overwhelming majority the Jamhoo, he on that day for sure he abstains from anything that voids fast. From the point that he became Muslim. Like he does no longer after he become Muslim, he doesn't eat, drink or have intercourse with his wife for the rest of that day. But since he became Muslim on that day, they said; is safer for him to make up that day after Ramadhaan. That's probably the best opinion, there is no proof either way on that so the Jamhoo rational is probably closes to being right.

IS RAMADHAAN WAAJIB ON A KAAFIR?

Now there is an issue, the author said; Ramadhaan is Waajib on a Muslim. Is the author here trying to imply or when you read this in Fiqh books, all over. Are they trying to imply that Ramadhaan is not Waajib on a Kaafir? This goes back to a major issue in Usool. That major issue is; are detailed obligations of Islam prescribed upon a Kaafir? Tawheed is directed and prescribed on a Kaafir. But what about the details of Islam like; hajj, fasting, not dealing in usury or not committing Zina? Do the orders of Allah like fasting encompass a Kaafir? Or is it just major Tawheed that they're directed with?

The correct opinion on this matter is that; the word of Allah, the speech of Allah, the commands of Allah is directed to Kuffaar (non Muslims) in both the principle (which is the Tawheed) and also in the detailed orders of Islam. Some of the 'Ulamaa I've read, narrated an Ijmaa' on this issue, but there is a dispute. How can there be a dispute when there is an Ijmaa'? The 'Ulamaa justified that, early on there was an Ijmaa' and that's should be sufficient. But a dispute developed later on over time. The fact that there is an Ijmaa' should not have left any room for any dispute after that. Tawheed is directed to a Kaafir no doubt, no one disputes that. But for example, let's take for example fasting, is he obligated to fast as a Kaafir? Is the command of Allah, the speech of Allah ordering to fast include a Kaafir? Yes, the author's statement fasting is waajib upon a Muslim, does not mean fasting is not waajib on a kaafir, that's not what he is saying. It means fasting is Waajib on a Muslim which means it's not accepted from a Kaafir in his status of Kufr, whether he is an original Kaafir or an apostate. The order of fasting in other commands are directed to a Kaafir as well, and he is obligated to fast. But to do so, first he needs to fulfill the condition of embracing Islam.

Therefore for he's not saying that fasting is not obligatory on him, he is saying fasting is not accepted. So when the Fuqahaa' say that they saying that fasting is not accepted while there on the status of Kufr. Fulfill that condition before you fast.

Allah said:

وَمَا مَنَعَهُمْ أَنْ تُقْبَلَ مِنْهُمْ نَفَقَاتُهُمْ إِلَّا أَنَّهُمْ كَفَرُوا بِاللَّهِ وَبِرَسُولِهِ...

﴿التوبة : ٥٤﴾

And nothing prevents their contributions from being accepted from them except that they disbelieved in Allah and in His Messenger (Muhammad sallallahu 'alayhi wa sallam). (Surat at-Tawbah: 54)

Nothing prevents their contribution, their charity from being accepted from them except that they disbelieved in Allah and His messenger. They disbelieving in Allah and the Messenger deprived their charity of being accepted. Charity is not accepted due to their Kufr. Likewise fasting is not accepted due to their Kufr. Join Islam, become Muslim so that it will be accepted. The author is trying enlighten us that fasting of a non-Muslim who abstains from predawn to sunset while he is a Kaafir is rejected, that's what the author is trying to say. He didn't fulfill the first rule of fasting, the first condition of fasting, which is Islam. Just like abstaining from food from predawn to sunset is a condition, a condition of fasting in Islam. And Islam is a condition pertains to that person. Just like purification is a condition for your Salah to be accepted, Islam is a precondition for fasting to be accepted.

The order of Allah to fasting is directed to a non-Muslim and a Muslim. The author's statement only and merely means that before he needs to fulfill the first condition of being a Muslim in order for that fast to be accepted. And why I point out this, is because this you'll find it all throughout the Fiqh books, they're going to tell you, your Salah; the first condition for your Salah for example is a Muslim, Hajj as Muslim, they are not trying to exempt a non-Muslim from the command. There just trying to say that, that's the condition.

What's the proof that details of Islam are directed to a non-Muslim and they're obligated to follow them? Among that is the broad general speech:

يَا أَيُّهَا النَّاسُ اعْبُدُوا رَبَّكُمُ... ﴿البقرة : ٢١﴾

O mankind! Worship your Lord (Allah). (Surat al-Baqarah: 21)

He said mankind meaning Muslims and non Muslims, which include U'budoo (اعْبُدُوا) which is Tawheed and it includes other aspect of worship. So he is tell everybody, Muslims and non-Muslims embrace Tawheed, which is the main Ibaadah and then included in that is other types of worships. So he was directing his speech to everybody.

أَلَمْ أَعْهَدْ إِلَيْكُمْ يَا بَنِي آدَمَ أَنْ لَا تَعْبُدُوا الشَّيْطَانَ... ﴿يس : ٦٠﴾

Did I not ordain for you, O Children of Aadam, that you should not worship Shaytaan (Satan). (Surat Yaseen: 60)

O Sons of Aadam – that's everybody, Muslims and non-Muslims.

وَأَقِيمُوا الصَّلَاةَ... ﴿البقرة : ٤٣﴾

Perform your Salah; general. Does it say only to the Muslims? For Muslims and non-Muslims.

In fact when the Kuffaar are asked in Jahannam; why are you in Jahannam?

مَا سَلَكَكُمْ فِي سَقَرٍ ﴿٤٢﴾ قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ ﴿٤٣﴾

﴿المدثر﴾

“What has caused you to enter Hell?” They will say: “We were not of those who used to offer their Salah (prayers).” (Surat al-Muddathir: 42-43)

The first thing they say is:

لَمْ نَكُ مِنَ الْمُصَلِّينَ

We were not among those who used to offer Salah. Look at what they say.

﴿المدثر: ٤٤﴾ وَلَمْ نَكُ نُطْعِمُ الْمِسْكِينَ

“Nor we used to feed Al-Miskeen (the poor).” (Surat al-Muddathir: 44)

And we didn't not feed the poor, we did not give charity, we didn't give the Miskeen their rights.

﴿المدثر: ٤٥﴾ وَكُنَّا نَخُوضُ مَعَ الْخَائِضِينَ

“And we used to talk falsehood (all that which Allah hated) with vain talkers.” (Surat al-Muddathir: 45)

Look at these matters that they saying caused them entry to Hellfire, wal 'iyaadu billah.

نَخُوضُ مَعَ الْخَائِضِينَ

Means falsehood – everything that Allah disliked and prohibited and included in that is vain talk as well.

﴿المدثر: ٤٦﴾ وَكُنَّا نَكْذِبُ يَوْمَ الدِّينِ

“And we used to belie the Day of Recompense.” (Surat al-Muddathir: 46)

The reasons they're saying that they're in Jahannam is leaving Salah, talking falsehood and not giving charity. The main reasons that they're in Jahannam is due to their Kufr. That's why they're really in Jahannam. But the torment is worsened on top of the punishment of Kufr, why? For leaving the details of Islam out as well. They clearly stated four reasons from the details of Islam. They didn't make their Salah, they didn't give the poor their rights, their charity, they spoke evil and falsehood and that which Allah dislikes and they disbelieved in the Day of Judgment.

So in addition they're saying; in addition to their Kufr they're being punished for these matters which are matters that are not Tawheed and Shirk. If they were not being punished for these details then it would be feral to mention them. They mentioned those details

because those are details of Islam that they are being punished for. Therefore they are being punished for details of Islam that they didn't do and the principle of Islam which is Tawheed. Because the Tawheed in the details of Islam are both commanded upon them. The original and main reason for their punishment is due to their Shirk, no doubt. But it gets multiplied on top of that for the details of Islam that they did not do.

These are among the proofs that 'Ulamaa used that the non-Muslims are commanded by the details of Islam.

الَّذِينَ كَفَرُوا وَصَدُّوا عَنِ سَبِيلِ اللَّهِ زِدْنَاهُمْ عَذَابًا فَوْقَ الْعَذَابِ...

﴿النحل: ٨٨﴾

Those who disbelieved and hinder (men) from the Path of Allah, for them We will add torment over the torment. (Surat an-Nahl: 88)

زِدْنَاهُمْ عَذَابًا فَوْقَ الْعَذَابِ

So the torment over the torment they get punished for is torment for the Kufr, refusing the principle and then on top of that torment they're going to be tormented for the secondary matters of Islam, which is in this verse hindering people from the right path.

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا ﴿٦٨﴾ الفرقان : ٦٨

And those who invoke not any other Ilaah (god) along with Allah, nor kill such life as Allah has forbidden, except for just cause, nor commit illegal sexual intercourse and whoever does this shall receive the punishment. (Surat al-Furqaan: 68)

The torment will be doubled to him Day of Judgment and he will be in hell disgraced. Allah says; they get tormented for three sins, for their shirk which is the principle, and then he mentioned killing, unjustly killing someone. Another one they'll be tormented for is illegal sexual relationship, and the second two are secondary matters of Islam. The first one of course is the principle, so that means they'll be punished for matters are secondary matters of Islam, just like they'll be will be punished for the original Kufr.

يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَانًا ﴿٦٩﴾ الفرقان : ٦٩

The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace. (Surat al-Furqaan: 69)

His sin is multiplied over on top of the shirk. Why? For secondary matters that he was commanded with; Zina and killing.

Even more clear than that:

...وَوَيْلٌ لِّلْمُشْرِكِينَ ﴿٦﴾ الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ وَهُمْ بِالْآخِرَةِ هُمْ كَافِرُونَ

﴿٧﴾ فَصَلتْ

And woe to Al-Mushrikoon (the disbelievers in the Oneness of Allah, polytheists, idolaters, etc). Those who give not the Zakah and they are disbelievers in the Hereafter. (Surat al-Fussilat: 6-7)

Had the speech of the details of Islam not been directed to non-Muslims it would be, the verse would go like; woe to the Mushrikeen - period, or woe to the Mushrikeen for their shirk, but here it says;

“Woe to the Mushrikeen” for their shirk?

الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ

Those who do not give the Zakah and they are disbelievers in the hereafter. Who are they? The one who don't give the Zakah and they're disbelievers in the hereafter. He said, woe to their Mushrikeen for their shirk? No that's obvious, that's the first part, that's definite. But in this verse he said for not paying Zakah and not believing in the judgment day. They're going to be held accountable for the details of Islam and for the principle foundation of Tawheed. That's a matter like I said many 'Ulamaa said there was a Ijmaa' early on and there shouldn't never been a dispute after, even though there is. You will see a dispute on this issue.

How does this tie to our study? Did we get off track? No we didn't. It's important and it's important to know in Fiqh books because the author said:

لِكُلِّ مُسْلِمٍ

The fasting is obligatory on every Muslim. He said Ramadhaan is Waajib on a Muslim. You don't want to get the wrong impression. The statement seems to imply that a Kaafir is exempted from fasting Ramadhaan or the obligation upon him of that or that he will not be

punished for that. A Kaafir is included in the order of fasting like the other orders of Islam, but the statement of the author and the Fuqahaa' when they use it in such context, it does not mean to exclude a Kaafir. It means he is exempted.

When they say Ramadhaan is Waajib, or the Salah is Waajib on a Muslim or Hajj is Waajib on a Muslim. That's the first condition that you are going to find in those matters. When they say that it doesn't mean a non-Muslim is exempted from those obligations or that those orders do not encompass him. The Fuqahaa' in such a statements mean; fulfill your condition of Islam so that the order that you were commanded with will be accepted, the order of Siyaam.

CLASS NINE

MUKALLAF

The first condition we took yesterday was Muslim, today the second condition is Mukallaf.

لِكُلِّ مُسْلِمٍ مُكَلَّفٍ

Meaning someone accountable. Mukallaf or accountability in Fiqh means as we went over already is contains two aspects; Number one; is that the person is sane, 'Aaqil or 'Aql. Number two; Is that is over the age of puberty Bulooah or Baaligh.

This exempts one, who is insane and children who are under the age of puberty from the obligation of fasting. A minor under the age of puberty is fully exempted by the overwhelming majority of Ulamaa. In fact it's near Ijmaa'(consensus) that he is exempted until he reaches the age of puberty.

رفع القلم عن ثلاثة وذكر منهم عن الصبي حتى يحتلم وفي ريواي حتى

يقبر وفي روى حتى يتلق

The pen has been lifted from three, one of them is insane until he becomes back to senses and a sleeper until he wakes up and a minor until he reaches the age of puberty.

That Hadith in Sunan Abu Dawud is in authority on this matter. The signs of puberty are three, three for a male and four for a female. One is they both share is reaching the age of fifteen or number two; the growing of pubic hair. Number three; a wet dream. And a female has an addition sign which is the start of her menstrual cycle.

Now keep in mind, the rule that a minor is not accountable for fasting does not mean is not accepted or rewarded if he does it. It's not Waajib on him, he is not held accountable for it. But he may get reward just as a parent may get reward if they teach him and if he doesn't. there is a difference between today's condition on fasting and the one we took yesterday. We took Islam which the opposite is Kufr. One who is a Kaafir is different in that fasting is not accepted from him. Here is not Waajib on him, he is not held accountable for fasting. But if he does it he may get reward, while as a Kaafir does not get reward.

CHILDREN UNDER THE AGE OF PUBERTY

Another important point to know about minors is that children under the age of puberty are considered two categories; one of two categories is matters of Usool; Minors who are able to distinguish and minors who not able to distinguish. What's the age or the line where minors are referred to or classified as those who are able to distinguish and those who not able to distinguish. In Arabic is called; Mumayyiz Wa Ghayra Mumayyiz. It is disputed among the 'Ulamaa.

Some 'Ulamaa says, the first two opinions is that they should be quizzed and tested. That's how we know if they are Mumayizeen or not, because children mature at different ages, and is better to quiz them and ask the then to go by age. Some said if you ask them the difference between a donkey and a mule. If they know the difference and they specify that particular question, they are considered Mumayizeen, if they don't know the difference they are not considered Mumayizeen. A third opinion said that we go by the age of seven for Tameez because is in the Hadith where the Messenger sallallahu alayhi wa sallam ordered the parents to order the children to perform Salah at the age of seven. That's probably strong because is taken from a Hadith.

DO CHILDREN UNDER THE AGE OF PUBERTY GET REWARD FOR FASTING?

Now having said that, what's based on that matter? Whether a child or minor is Mumayyiz he can distinguish or he can't distinguish, what's based on that for our purpose here today? If a child is under the age of seven under what constitute Tameez meaning he is under the age where he distinguishes, then his Salah is classified from a Fiqh prospective as vain, there is not a reward in it. Don't get me wrong, you encourage your children to make Salah, but we're talking from Fiqh prospective, do they get reward and ajar?

My father tells me when I was crawling I used to drag up prayer carpet next to him, pile it up next to him and join him in his Salah, may Allah grant him a long life full of deeds and then Firdaws. My father took us to Madinah when we were at the age of seven when he went to study, we were around the age of seven. And I remember for a fact that we fasted at least two years prior to that, full Ramadhaan. So it's encouraged for a parent to teach their kids but there is no reward for children under the age of Tameez as the Fuqahaa' said.

Now over the age of Tameez, the Salah and fasting he gets rewards for it. Why? Because for an Ibaadah to be an Ibaadah you must have knowledge of that Ibaadah, and knowledge follows intentions. So you have to have knowledge and intention. You need knowledge and intention. Does one who crawls have the intention and knowledge so that it may constitute an Ibaadah? Someone under the age of Tameez he can't comprehend that. While someone over the age of Tameez, although he may not have a full comprehensive knowledge of the Salah like an adult, he will have the general understanding of the basic and essentials of Salah and he will definitely know the intention. That's the difference.

ARE THEY HELD ACCOUNTABLE?

Another issue, whether one is under the age of Tameez or over they're not held, as long as they're minor, they're not held accountable until they reach the age of puberty. That's by the overwhelming majority of the 'Ulamaa, including a large group of the Hanabilah. There is another opinion by the Hanabilah that he's held accountable. They said if a person a minor reaches the age of Tameez even though he's under the age of puberty. Meaning to them is age seven, he is able to fast then he must fast. That's a weak opinion. Their proof on that, his comparing fasting at the age of seven to Salah at the age of seven, they did Qiyaas. And he responds to that is; first of all look into the Hadith of the order of the Messenger sallallahu alayhi wa sallam is for the parent, ordering the parents to order the kids. It was for parent to order the kids at the age of seven.

ONE SHOULD BE FLEXIBLE WITH CHILDREN

The second issue is; the Messenger said orders them to do Salah at the age of seven and hit them at the age of ten. Doing analogy of Siyaam and Salah is disputed because fasting is much more difficult than Salah. In order to do Qiyaas it has to be very similar. So fasting is much more difficult than Salah so he Qiyaas on it and also is different in that Salah, when one leaves Salah he is a Kaafir. While leaving Siyaam, as long as one not deny he is not a Kaafir. And the clearest most direct proof on this matter is the Hadith; The pen has been lifted from three; and one of them is a minor until he reaches the age of puberty. that Hadith doesn't leave for that Hanbali opinion that a minor over the age of Tameez which is seven is obligated to fast. he has his preferable to teach them, to raise them from as early as you can on Salah and Siyaam, as young as possible.

The Sahaabah used to raise their children on that, and used to when their children would get hungry to get them to forget that they would either take them to the Masjid and buy them toys to get their minds of food. As my father tells me, he said; teaching the children at that young age is like tying a knot that will never get loose. The point is one should be flexible with them, especially in fasting because it is more difficult than Salah. One fact is that it is not Waajib on them and that is the incorrect opinion in the Hanbali Madhab.

ONE MUST BE SANE

Now, moving on to the next condition of fasting which is; being sane. That's the next condition. Is that in your book? Is not in your book, you won't see that in your book. Where did we get that from? We said that Mukallaf means that one is over the age puberty and we just finished that. And number two is that he's sane. So a Majnoon, someone who's insane, mentally ill is like a child and that they're both not held accountable. One who's insane, regardless of whether that is temporarily insanity or permanent one, he is exempted from the accountability of fasting. For one temporarily insane is only during the time that he is insane in them.

There are many forms of insanity, the exemption is for those who are insane and it includes a variety of types of insanity. For example; Alzheimer's is one, those in a coma are considered like those insane, those who lost their mind within their life, those who were born like that, and those are variety of insanity that they exempted. One insane is like a minor, is that they are not obligated to fast.

Now there is an issue, in one of two opinions by Imam Ahmad that's unusual he state that; an insane person makes up his fast. When we say one of two opinions means that he has two opinions on this matter. The followers of his Madhab try to explain this, in responds or explain this issue. And try to do in two ways, some of them said this is a weak opinion that could not and should not be attributed to Imam Ahmad. Why did they say that? They said it's clearly goes against the Hadith:

رُفِعَ الْقَلَمُ عَنْ ثَلَاثَ

The pen has been lifted of three; and one of them is:

عَنِ الْمَجْنُونِ حَتَّى يُفِيْقَ

One who's insane until he returns to his sanity. Just like we don't tell a child to make up your fast for the fifteen years or thirteen years or fourteen years while you were under the age of puberty, we don't tell someone who's insane; make up your fast while you were insane. That's why it's a weak opinion and it conflicts with the direct wording of the Hadith. The one in Sunan Abu Dawud that is in authority of this matter.

Other followers, another one, other followers of the Hanbali Madhab said, no. making up the fast for the insane according to Imam Ahmad was meant for those who are in a temporarily insanity. There's permanent insanity and then there is temporary insanity, comes and goes, sometimes for a few weeks or months, for years, sometimes within the day. They'd be insane part of the day and sane at part of the day. They said what Imam

Ahmad meant is that; if a person goes for an hour of the day and he's cured within that day, that's what Imam Ahmad Rahimahullah meant. They tried justifying the opinion of Imam Ahmad Rahimahullah by saying; he means temporarily insanity, meaning if he's cured within that particular day.

This issue is actually very similar to one who is in a coma, one who is in a coma and he wakes up in between two Salah. If someone insane returns to his normal statues or one who's in coma wakes up between two Salah, during the coma or insanity they're not held accountable. Now if he wakes up after Dhuhr, does he have to have to make that Dhuhr? Is he held accountable for that Dhuhr? Or he says; ok next Salah I'll start, I'll start on that next Salah. If he wakes up or his mind returned to him between the Salah before the ending of the timing for the Salah which an average person can make Wudhu and Salah, that's when he must start and that's when his first Salah begins and he's held accountable to it.

Let me give you an example to clear that up; if he wakes up one minute before Dhuhr is over or three minute before Dhuhr is over meaning he wakes up three minute for Asr because that's when is over. He's not required to make Dhuhr, he's not held accountable for that, because one to three minute is not enough for an average person to make Wudhu and Salah. If he wakes up or his mind returns to him ten to fifteen minute before Asr, then he has to make Dhuhr, because an average person is able to make Wudhu and Salah within ten to fifteen minutes.

So far we took, the condition of Islam which was yesterday, today we took Mukallaf which means over the age of puberty and it means sane.

YOU HAVE TO BE ABLE TO FAST

The next one that the author mentions is:

قَادِرٍ

This is something nearly all the 'Ulamaa agree on, the ability to fast, you have to be able to fast. Islam orders those who are able to do that which that they are able. Islam does not have any orders that are impossible, or one can't endure. That's why one cannot endure fasting, for example, for an illness he doesn't have to fast. Islam does not order something that's impossible;

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا... ﴿البقرة: ٢٨٦﴾

Allah burdens not a person beyond his scope. (Surat al-Baqarah: 286)

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ... ﴿التَّغَابُنُ : ١٦﴾

So keep your duty to Allah and fear Him as much as you can. (Surat at-Taghaabun: 16)

And the Messenger sallallahu alayhi wa sallam said:

إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ

When I command you do the best of your ability and capacity. if one is not able to fast we say is not Waajib on him. He's not able to fast, is not Waajib on him. What falls under this is; one who's traveling, some who you know are travelling, some who are ill, and some who are old or some who have incurable disease. There's a difference between one who's ill, if he has for example; a cold or a flu or his leg is broken and he need pain medication, that falls under;

...وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ... ﴿البقرة : ١٨٥﴾

And whoever is ill or on a journey, the same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

Whoever ill or his on a journey the same number of days which he did not fast, he did not observe his fast, he has to make them up. If he breaks his fast.

One who's permanently unable to fast or he's very old or with a permanent disease or illness, he does Fidyah, expiation for every single day. We will talk about those issues in much more detail that the author has statement pertaining to those matters that we'll go over. That's why I'm going to discuss them now in detail.

We mentioned now so far yesterday; Muslim, today we said Mukallaf. A) Above the age of puberty. B) sane, then the third one is; Qaadirin which is ability. There's the fourth one, which the author didn't mention here, because he actually included it in his other statements, which is being a residents not a traveller. One who's travelling has the option to break his fast by the Ijmaa' of Ulamaa', it is clear in the verse:

...وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ... ﴿البقرة : ١٨٥﴾

And whoever is ill or on a journey, the same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

Whoever is ill or his on a journey the same number of days that he did not observe his fasting, he has to make them up. Some 'Ulamaa went to the extent, to the radical extend of saying; one is not permitted to fast on a journey because that resembles fasting before the proper timing. And fasting before the proper timing is not accepted. Like someone saying; I want to do Ramadhaan two month ago, you can't do that. They took the verse to mean fast is delayed; the timing of his fast is delayed until he returns. That's actually an extreme and wrong weak opinion.

The Messenger sallallahu alayhi wa sallam fasted during his journeys and so did some of the Sahaabah and those who fasted flaw those who didn't. And those who did not fast, did not flaw those who fasted.

In Sahih al-Bukhari: Amr-ul Asalami asked the Messenger sallallahu alayhi wa sallam; I'm going to travel during Ramadhaan. The Messenger sallallahu alayhi wa sallam said; if you wish to fast, fast. if you wish to break your fast then break it.

The point for now, we have a lot more details to discuss on that issue Inshaa Allah, but for now for this to coincide with what we are covering now is; that one who's travelling is not obligated to fast, it's his chose. However, he must make it up and just like an ill person has to make it up unless is an incurable illness.

SHE MUST BE PURE

Fifth condition of fasting is special for a woman, and that is she'd be pure from her menstrual cycle or post-natal bleeding. And it's by Ijmaa' that fasting of a woman who's on her menstrual cycle or post-natal bleeding is not accepted and that she needs to make it up. Those are the five conditions that one must have to have an accepted fast.

Islam, Takleef which is sanity and over the age of puberty, ability, a residents he not be travelling and a woman who's not on her menstrual cycle or post needle bleeding. There are details, again I'm going to repeat there are details on some of those issues that I didn't mention because the author has future statements on them. So it's best to coincide with the explanations, we'll do it then.

CLASS TEN

Previously we took how Ramadhaan starts and ends. Then we took the condition of one who fasts which is the matters we took like; Muslim, Mukallaf able, and a resident and a woman who is on her menstrual cycle or post-natal bleeding.

IF IT IS CONFIRMED THAT IT IS RAMADHAAN DURING THE DAY

Now the author comes with a new statement:

وَإِذَا قَامَتِ الْبَيِّنَةُ فِي أَثْنَاءِ النَّهَارِ وَجَبَ الْإِمْسَاكُ وَالْقَضَاءُ عَلَى كُلِّ مَنْ
صَارَ فِي أَثْنَاءِ أَهْلًا لِرُجُوبِهِ

If the start of Ramadhaan is proven to an individual, if it's confirmed and witnessed to an individual. That's what means when we say:

وَإِذَا قَامَتِ الْبَيِّنَةُ

If it's established that it is Ramadhaan, and how do we know Ramadan starts or ends? One of the two ways that we've already took; the moon was sighted or we complete the previous month thirty days. That's the only two ways that a month for Fiqh Islamic prospective starts and ends. He said that if it is confirmed to someone that it is Ramadhaan during the day, he must abstain from eating, drinking, sexual intercourse and all that which voids the fast for the remainder of the day.

عَلَى كُلِّ مَنْ صَارَ فِي أَثْنَاءِ أَهْلًا لِرُجُوبِهِ

If he is among those who's fasting is obligated upon. Who are those fasting who's fasting is obligated upon? Those who we studied the previous couple classes; sane, Muslim, over the age of puberty, the matters that we discussed and studied in detail. You notice how this sentence, this rule that we're studying today is based on what we took in the previous classes. It ties into each other and that's why is very well organised. He said; if Ramadan is confirmed to you, how is Ramadan confirmed? We already spent some classes on that; the moon sighting or we complete thirty days. Then the next sentence he said;

If you're among those who fasting is obligated upon. Who are those who's fasting is obligated upon? We took that in the previous two classes. Very well organised and structured. Although it may not appear so, but in reality when you study the substances of Fiqh its very well organised and structured. Our 'Ulamaa took a lot of time to write this.

The statement saying over here we are trying to discuss is; if you sleep not knowing is Ramadhaan. You went to sleep you don't know if the next day is Ramadhaan. You forgot, you didn't know, you didn't pray Isha at the Masjid. You go the Masjid the next day for Dhuhr, Asr and one of your friends tells you is Ramadhaan today. From that point on the

author is saying; you must abstain from food, water, intercourse and everything that voids your fast. It doesn't matter what part of the day. If you went to the Masjid at Fajr and after Fajr your friend told you; you know today is Ramadhaan? You abstain there. If it was after Dhuhr, if it was after Asr you abstains for the remainder of the day from all that voids and nullifies a fast. Here he says; if the proof is been established that Ramadhaan began, you do Imsaak, which means you abstains from eating drinking and intercourse.

THE FIRST OPINION

The first opinion we have is; from the moment that it's been confirmed to you that this day is Ramadhaan, you abstain from eating, drinking, intercourse and that which voids a fast. This is the opinion of the overwhelming majority of 'Ulamaa, Ibn Taymiyyah strongly advocated for this opinion. In fact some 'Ulamaa consider this opinion an Ijmaa'. Ijmaa' is consensus means its agreed upon. Ibn `Abd al-Barr Rahimahullah said the only person I know who disagreed with this opinion is 'Adhaa Rahimahullah. So if it's not an Ijmaa', is so close to an Ijmaa'. That's the first opinion, and it is actually the correct opinion.

THE SECOND OPINION

The second opinion is what 'Adhaa Rahimahullah said and it was one of two opinions by Imam Ahmad. They said one is not obligated to abstain for the remainder of the day when he finds out if it is Ramadhaan. I could not any Fiqh books that has this opinion of the mother Fiqh books who stated this opinion by other than 'Adhaa Rahimahullah and of course one of two opinions by Imam Ahmad Ibn Hanbal. Knowing everything, nearly everything is disputed in Fiqh and this is if not an Ijmaa like I said but very close to an Ijmaa'.

عن سلمة بن الاكوع رضي الله عنه قال : امر النبي صلى الله عليه وسلم
رجل من اسلم ان ازفن الناس ان من كان اكله فليصم بقيت يومن ومن لم
ياكل فليصم فن اليوم يوم عاشوراء

Salamah Ibn al-Akwa' said; the prophet sallallahu alayhi wa sallam ordered a man from a tribe from Bani Aslam; make an announcement. The announcement was what the Messenger sallallahu alayhi wa sallam specifically told him to say;

ان من كان اكله فليصم بقيت يومن

This is a message for those who did not know that day was 'Ashoora. He told his messenger go announce that whoever has already eaten should fast from this day on, fast from this point on.

ومن لم يأكل فليصم فن اليوم يوم عاشوراء

Whoever has not eaten should continue his fast. Today is the day of 'Ashoora. Everyone was ordered to abstain from eating, drinking meaning fast for the rest of the day. If you ate, fast from now on. If you didn't eat fast from now on.

Why are we comparing 'Ashoora to Ramadhaan in this Fiqh issue? Because if you remember all this is tied to each other. If you remember in the start of the class maybe I think is the second class, we said that 'Ashoora was Waajib. 'Ashoora was the replacement of Ramadhaan, 'Ashoora was Fardh, Waajib back the like Ramadhaan is today. It was abrogated by Ramadhaan. However the rule that those who didn't know, it was 'Ashoora that day when the Messenger sallallahu alayhi wa sallam made the announcement, told his messenger to make the announcement. Applies to those who didn't know? Is a Ramadhaan day by analogy and Qiyaas. You are in the same statues as those who found out that 'Ashoora, back in the days when it was Waajib. You don't say; you know what I have to make this day up, so I'm just going to continue eating and drinking for the rest of the day. You do what the messenger of the Messenger Muhammad sallallahu alayhi wa sallam said; you abstain, you fast from eating and drink and all that which void fast. You fast for the remainder of the day when you found out that today is the day of Ramadhaan. That's pretty much a very clear issue.

DO YOU HAVE TO MAKE THAT DAY UP?

The next issue is slightly more disputed. You found out during the day, you went to the Masjid your friend told you; you know today is Ramadhaan? You didn't know. You abstain, you fast from that point on. The next issue do you have to make that day up? The author here says:

وَالْقَضَاءُ

You abstain and you make it up.

THE FIRST OPINION

Now the first opinion and that's the opinion of the Hanabilah, Shafi'yah and it is what the author of this book choose when he said:

And it is the opinion of the vast majority of the ‘Ulamaa. They say that one must make that day up after Ramadhaan. He abstains and he makes that day up. Why? Simply put, it’s a day of Ramadhaan that person in reality didn’t fast. As a rule you must have intention before Fajr, we spoke on that. You must have intention before Fajr. This person didn’t have that intention. The fact that he abstain and fasted the rest of the day does not mean he does not make up that day after Ramadhaan.

They went on to say that; fasting has a physical aspect to it or characteristic, which means to abstain from that which voids the fast. It has a second characteristic which is; to have the intention before Fajr. That makes a lot of sense it seems like its strong, but look at the second opinion.

THE SECOND OPINION

The second opinion is they said is Waajib to make it up. The second opinion is by Ibn Taymiyyah, Maalikiyyah and small group of ‘Ulamaa is a minority opinion. That whoever abstains from the remainder of the day and he didn’t know it was Ramadhaan, he doesn’t have to make up that day.

What’s their proof? Their proof is in the Hadith of ‘Ashoora that I mention earlier. When the Messenger ordered sallallahu alayhi wa sallam his messenger to make an announcement to abstain from eating, drinking and that which voids the fast for the remainder of the day. He didn’t tell his messenger and also tell them make up that day.

The second proof; those who didn’t know they ate for a portion of the day not knowing it was Ramadhaan, it was by error and mistake. They ate, they possibly had intercourse with their spouses, this was before it was confirmed to them that it was the day of Ramadhaan, they didn’t violate the month. They were merely ignorant that Ramadhaan has started, so they fall under what is exempted of forgetfulness and error.

... رَبَّنَا لَا تُؤَاخِذْنَا إِنْ نَسِينَا أَوْ أَخْطَأْنَا... ﴿البقرة: ٢٨٦﴾

“Our Lord! Punish us not if we forget or fall into error.” (Surat al-Baqarah: 286)

So they said this falls under what’s exempted of error and forgetfulness.

A third proof that he used is Qiyaas (analogy). They compared this scenario to someone who mistakenly thought it was sun down at Maghrib but it wasn’t. He broke his fast and thought it was sun down but it wasn’t. we’ve mentioned a Hadith on this before and was the Hadith in Bukhari where they said; we broke our fast during the lifetime of the Messenger sallallahu

alayhi wa sallam on a cloudy day and then the sun appeared. They broke their fast because it was very cloudy. It got dark they thought it was Maghrib, they thought it was sun down. Its turns out it was a cloud passing by. The sun resurface after the cloud went away. They broke their fast think it was sundown during the Messenger sallallahu alayhi wa sallam life. Then they found out it was still not Maghrib. They were not ordered by the messenger sallallahu alayhi wa sallam to make up that day. They said someone who after the day of Ramadhaan starts, he does not know is Ramadhaan, then he finds he abstain when he finds out for the rest of the day. He fast for the rest of the day, is just like that scenario, he doesn't have to make it up.

A fourth proof is they say, which is really in response, they say; this person didn't have the Niyah the night before. That's true, because he didn't know it was Ramadan. Ibn Taymiyyah responded to this, he said; this person did not have the Niyah (the intention) because he didn't know it was Ramadhaan. What that person is ignorant of is not under his control, therefore they're exempted. Ibn Taymiyyah said; if someone knows the next day is Ramadhaan and he delayed his Niyah until after Fajr knowing that the next day is Ramadhaan, is not going to be accepted. But these people they didn't know the next day is Ramadhaan. You can see even though this second opinion is a minority opinion, they're really is very strong in there proves.

THE THIRD OPINION

A third opinion by Imam Ahmad and notice the Hanbali Madhab has three opinions on the situation, three conflicting opinions on this situation. Third opinion is that; they don't have to abstain nor make it up. The correct opinion in between the first and the second opinion, the correct opinion is something one of my Shuyookh Rahmatullah 'Alayh taught me, when he said that opinion, those opinions, he said; my heart leans to the second opinion. However is safer to make that day up. His heart leans to the second opinion that you really don't have to make it up, he said; but it's safer to make it up. He said I would go as far as saying is Waajib to make it up like the first opinion. So it's really somewhere between the first and second opinion. I actually believe that and I encourage and if someone were to ask me, I would say; make up that day.

A WOMAN WHO BECOMES PURE OR A TRAVELLER WHO RETURNS HOME

The author goes on to say:

وَمُسَافِرٌ قَدِمَ مُفْطِرًا ، وَكَذَا حَائِضٌ وَنَفْسَاءُ طَهَّرَتَا

The author goes on to say; and likewise a woman on her menstrual cycle or a woman in her post-natal bleeding and a traveller who returned home while he has broken his fast. What's all this mean? He said; and likewise. If a person found out that it was Ramadhaan during the day, we already said; he abstains for the rest of the day, he fast for the rest of the day. We said it's a near Ijmaa' on that. He is saying now; and likewise if a woman is on her menstrual cycle becomes pure during the day, she must abstain for the rest of the day, she must fast for the rest of the day. If a woman on her post-natal bleeding becomes pure during that day, she has to abstain for the rest of the day, of that Ramadhaan day. If a traveller, he travelled he went out he decided to break his fast because he was exempted he was on his journey, he returned home before the sunset, the fasting hours of the day, he has to abstain for the rest of the day when he returns home.

WHY DID THE AUTHOR SAY 'AND LIKEWISE'?

First of all the author didn't include these three categories; woman on her menstrual cycle, woman on her post-natal bleeding, and a traveller, he didn't include these in the first sentence. He separated them from the previous sentence from those who found out during the day of Ramadhaan that today is the day of Ramadhaan, he separated those two sentences likewise:

وَكَذًا حَائِضٌ وَنَفْسَاءُ

Why didn't he include them altogether in one sentence? He could have, it could have been more eloquent to do so. He separated them with the word Wakadhaa (وَكَذًا). The answer to that is these matters are greatly disputed. There is a trend and many of the Fiqh books where they usually mention issues where they have Ijmaa' (consensus) on them first or close to an Ijmaa'. Like an overwhelming majority of Ulamaa' supporting that opinion or a near Ijmaa'. Then they follow that with issues that may be widely disputed by saying; likewise Wakadhaa, the tag them on with Wakadhaa.

The man or woman who found out during the day that its Ramadhaan must abstain, fast for the rest of the day, that's near Ijmaa'. We stated Ibn Abdil Barr the only one I know of who disagreed with this was 'Aadhah. That's as close to an Ijmaa' as you can get. But then a woman on her menstrual cycle who becomes pure and clean that day or a traveller or a woman on her post-natal bleeding date, these three issues that the author mentions here after he mentions Wakadhaa - and likewise, they're widely disputed unlike the first matter. So the author separated them from the first matter by the sentence Wakadhaa – and likewise. He separated those three conditions from one who finds out during the day that it's Ramadhaan by saying Wakadhaa because these three issues are widely disputed.

Now let's talk about these three categories issues; a woman on her menstrual cycle, a woman after her post-natal bleeding and a traveller who returns home. A woman on her menstrual cycle or post-natal bleeding becomes pure at Dhuhr. Dhuhr she's finished, the bleeding is done and she takes a shower and she is clean. She has to make up that day and all the days that she missed while she was on her days on her menstrual cycle or post-natal bleeding. There is no questions that they have to make up the missed days.

... وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ... ﴿البقرة : ١٨٥﴾

And whoever is ill or on a journey, the same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

Whoever is ill and on a journey they same number of days which they didn't observe in Siyaam, he must make up. That's for a traveller.

And as for a woman who's Haaidh or Nufasa'a, by Ijmaa' in the Hadith in Sahih Muslim:

كُنَّ نُوْمِرُ بِقَضَاءِ الصَّوْمِ وَلَا نُوْمِرُ بِقَضَاءِ الصَّلَاةِ

'Aishah said; we were commanded to not make up the prayer but we were commanded to make up the fasting.

DO THEY HAVE TO ABSTAIN FOR THE REST OF THE DAY?

The question is do these categories, we know we have to make it up, do these categories that I mentioned have to abstain the day that they became clean and pure or the day the traveller returned home? That's the issue at hand, the issue of making that day up that's an ijmaa'. The traveller or a woman her menstrual cycle or post-natal they have to make up those days.

THE FIRST OPINION

Now the first opinion according to Abu Haneefah and one of two opinions by Imam Ahmad chosen by the author of this book and the Madhab of the Maalikiyyah, is a woman on her menstrual cycle or post-natal bleeding day when she becomes pure of that. She has to fast for the remainder of that day and on of that day, since she could not do an entire Waajib which is fast the entire day. She can do a partial Waajib by fasting the remainder of the day when she is pure. They also said; the woman or a traveller who's exempted from fasting that day for an excuse, the excuses is no longer there, so they must abstain. That's their rational behind it.

THE SECOND OPINION

The second opinion is one of two opinions by Imam Maalik and one of two opinions by Imam Ahmad. And it's the opinion of Imam Ash-Shafi'ee; that a woman does not need to fast or abstain for the remainder of that day when she becomes pure. As long as of course what we mentioned before she doesn't do it publicly. This opinion said first of all; they were permitted to eat in the start of the day so they can eat and continue eating for the rest of the day. Also they said there is no benefit in them abstaining for the rest of the day, fast rest of the day.

Someone who didn't know who didn't know it was Ramadan and they found out and he fasted some 'Ulamaa say when he fast the rest of the day he doesn't need to make it up, we said its safer to make it up. Here a woman on her menstrual cycle or post-natal bleeding or a traveller who returned home, there's no dispute that says; they don't make it up. It's by Ijmaa' that they must make it up. So they 'Ulamaa here are saying; there's no benefit in them fasting the rest of the day. The fact that she needs to make up that day regardless and the fact that the traveller who returned home needs to make up that day regardless, makes fasting for the remainder of the day feral and useless.

A third, a strong proof is what is narrated in Abi Shaybah that Ibn Mas'ood radhiallahu 'anhu said:

من أكل أول النهار فليأكل آخره

Ibn Mas'ood said; whoever eats in the start of the day like these scenarios that we mentioned, then he can throughout the day or to the end of the day.

This is the correct opinion, a woman who's on her menstrual cycle or post-natal bleeding becomes pure during that day at Dhuhr, Asr or right before Maghrib, she does not have to abstain or fast for the rest of the day. A traveller who returns during the fasting hours to his home and family, he decided on his journey to break his fast. Now that his home he doesn't have to abstain for the rest of the day. Of course we stated before that this should be done in secrecy and in respect to Ramadhaan and to Muslims and also to avoid of being accused.

So for example a scenario that I can give you; if a husband returns from a journey, a journey he broke is fast on. He decided to break his fast because he is excused. A wife at home that day became Taahirah (pure) from her menstrual cycle, they can have sexual intercourse that day of Ramadhaan. It Halaal there is no Kaffaarah. I read a rule some Fuqahaa' stated which I very much like on this matter and they said; whoever breaks their fast for any legitimate reason, then that reason has happens to go away during the hours of fasting, they don't have to abstain for the remainder of that day after the reason that they were allowed to break their fast for goes away. Whoever breaks his fast for any legitimate Islamic, Fiqh

reason, then that reason happens to go away during the day then they don't have to abstain the rest of day, they don't have to fast for the rest of the day.

WHOEVER BREAKS HIS FAST FOR A LEGITIMATE REASON

A last point, in addition to a woman on her menstrual cycle and a woman on her post-natal bleeding and a traveller that the author gave, there's other similar reasons that the author did not mention. For example; a nursing mother breaks her fast so she can nurse her infant and care of her infant, she's excused. Her infant happens to be die that day, she broke her fast to nurse him. Her infant, her son happens to die that day, she doesn't have to abstain for the rest of that day.

Another scenario, the reason is whoever breaks his fast for legitimate reason then that reason goes away during that day, they don't have to abstain for the rest of the day, the rule that I gave you.

Another scenario more practical and that the author I'm not sure why he didn't mention it, a person who's ill he broke his fast because he's ill, he is exempted. After Asr he is as healthy as can be, the fever or whatever he had went away. He doesn't have to abstain for the rest of the day. Why? We told; whoever break his fast for a legitimate reason then that reason goes away during the day. Now he's cured he doesn't have to abstain. And we mentioned to you the statement that Ibn Mas'ood radhiallahu 'anhu stated in Musannaf Ibn Abi Shaybah. So that the on this matter.

CLASS ELEVEN

IF ONE BREAKS HIS FAST DUE TO OLD AGE OR AN INCURABLE ILLNESS

We left off at the author's statement:

وَمَنْ أَفْطَرَ لِكَبَرٍ أَوْ مَرَضٍ لَا يُرْجَى بُرُؤُهُ أَطْعَمَ لِكُلِّ يَوْمٍ مَسْكِينًا

It's a very simple statement, whoever breaks his fast because he is unable to fast due to age, weakness of the age, he is an old man or incurable illness. One who is too old, too weak to fast; that is not reversible. People don't go back to their youth. Or someone who has some type of incurable disease, incurable illness where he can't fast. Malignant tumor, cancer, a bad case of diabetes or those who go under kidney dialysis and those who have polio or

Ebola or like that is aids, the last stages of aids for example. Those kind of diseases, the first issue is the author is saying, it's not disputed whatsoever that when they are not able to fast, they don't have to. Remember the conditions that we took, this all ties into each other , we said Muslim, second one is Mukallaf - sane over the age of puberty, third one we said is Qaadirin - ability. He can't fast, he is not able to fast. He doesn't expect to be cured, the old man doesn't expect to go back to his youth. So they don't have to fast, they are enable to fast.

Allah said:

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا لَهَا... ﴿البقرة : ٢٨٦﴾

Allah burdens not a person beyond his scope. (Surat al-Baqarah: 286)

The same proof that we used that when we talked about Qaadirin - ability, is the same proof we used today.

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ... ﴿التغابن : ١٦﴾

So keep your duty to Allah and fear Him as much as you can. (Surat at-Taghaabun: 16)

So the author goes on to say; let's break it down a little bit more:

وَمَنْ أَفْطَرَ لِكَبْرٍ

If one breaks his fast due to old age in weakness, one breaks his fast due to old age in weakness.

أَوْ مَرَضٍ لَا يُرْجَى بُرُؤُهُ

Or an incurable illness. Some type of incurable disease, whatever it maybe. The author specified those two conditions here because they're different than one who is ill with a curable illness. That's going to be our next topic after this Inshaa Allah. What's the ruling on those? The author said:

أَطْعَمَ لِكُلِّ يَوْمٍ مِسْكِينًا

He feeds a poor person for every single day that he missed. The ruling is they can break their fast, but since they can't make it up in the future, they have to feed a poor person for each

day. We said there is no dispute among the ‘Ulamaa that you can break your fast in such conditions, that’s by Ijmaa’. The dispute is whether they must feed a poor person for each day that they missed.

DO THEY HAVE TO FEED A POOR PERSON FOR EVERY SINGLE DAY THEY MISSED?

THE FIRST OPINION

The first opinion is that of Imam Ahmad, Abu Haneefah, ash-Shaafi’ee in one of two opinions Rahimahullah Jamee’an. They said the old or woman who are too weak to fast because of their age or someone with an incurable illness they break their fast but they must feed a poor person for every single day that they missed.

What’s your proof? They said it’s the statement by Ibn Abbaas that has a narration in Sahih Bukhari and other narrations in Sunan al-Daraqutni and Abu Dawud and other of Sunan, they worded it a little bit slightly different but they mean the same thing. Where ‘Aadha said, that he heard Ibn Abbaas radhiallahu 'anhuma reciting the verse

...وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةٌ طَعَامُ مِسْكِينٍ... ﴿البقرة : ١٧٤﴾

And as for those who can fast with difficulty, (e.g. an old man, etc.), they have (a choice either to fast or) to feed a Miskeen (poor person) (for every day). (Surat al-Baqarah: 184)

We took this before, so if you keep reviewing what you have, you will understand this very clearly. Those who can fast they have a choice either fast or feed a poor person, in Surat al-Baqarah. Ibn Abbaas said this verse is not abrogated but it is meant for an old man or old woman who has no strength to fast, they should feed one poor person for each day instead of fasting. Ibn Abbaas his point is very strong, not only because of the understanding he had of it but also because he is a Sahaabi who specialises in Tafseer. A man who the Messenger sallallahu alayhi wa sallam made Du’aa for him. He had a deep understanding of this verse.

The verse is the verse that we mentioned in the start of our classes. It’s the one that pertains to the second level of fasting. We said the first level of fasting was 'Ashoora then it was abrogated. It was abrogated by the second level of fasting which was Ramadhaan by choice. You have the choice, you either fast or pay a poor person a meal per day that you missed. Then the deep understanding from that of Ibn Abbaas was in the early days, people has the right to choose between fasting and feeding a poor person. Now that ruling has been abrogated by the fact that everyone must fast, that’s the final stage. However he is saying that verse in that early stage considered feeding a poor person a replacement to

fasting. It was a replacement and it's equal to fasting. He said now this person is too old does not expect to be a youth again, so the replacement to fasting in his condition is feeding a poor person, one per day that he missed.

There are many narrations to Ibn Abbaas' statement radhiallahu 'anhuma. One narration was that when 'Ikrimah asked Ibn Abbaas if an old man can't fast, what should he do? Ibn Abbaas said, he breaks his fast, he doesn't have to fast and he feeds a poor person for every single day. A Madd he feeds a poor person a Madd per day, and we will talk about what a Madd is.

Another proof on that is in al-Daraqutni, where he narrated that Anas radhiallahu 'anhu became weak toward the end of his life. He made a meal and invited thirty people to compensate for the Ramadhaan that he missed.

THE SECOND OPINION

The second opinion on this, Maalik, Ash-Shaafi'ee and his second opinion because previously we said he had two opinions. Ash-Shaafi'ee in his second opinion said that an older person or one with an incurable disease my break their fast, as we said that's not disputed, but they said they don't even have to compensate by feeding a poor person for every day that they missed. Why Maalik? Maalik Rahimahullah says, if a person get sick in the middle of Ramadhaan, look at this scenario, if a person get sick in the middle of Ramadan on the fifteenth, sixteenth day of Ramadhaan whatever, and his illness continues for another fifteen day after Ramadhaan until he dies. He said we all agree in a scenario like that, that one does not have to pay a poor person for a day nor does his family need to take out his inheritance for that nor is he held accountable to that, we all agree on that he said. We don't request that he pays a poor person per day.

Those are the two opinions, you see the proofs and rationale for each. In this matter it's really the first opinion that would be much stronger because it's the understanding of more than one Sahaabi. The argument and the way Ibn Abbaas drew that rational was very strong and very deep. The bottom line is they must feed a poor person each day that they break their fast.

HOW MUCH DO WE FEED?

First of all, Hanabilah have an opinion that you must give a poor person the food, you have to hand it to them. You have to gain ownership and position of it. Meaning you can't invite them to your house for dinner, they eat and you say that's it, I fed a poor person. You have to have ownership and position of that food. The argument is weak and it weak because we have proof of what I stated earlier in al-Daraqutni that Anas radhiallahu 'anhu became old and fasting was too difficult for him, so he fed thirty people. He invited them all to his house

and he fed them. So understanding of the Sahaabah on a matter like that is given president in such matters.

HOW MUCH DO WE GIVE?

The author didn't say, possible because like we said this is a Matn, it is very summarised, but other mentions.

مد منبر ونفس صاع من غيره

Madd means one handful with your hands put together, this is what a Madd is. Madd is one fourth of Saa', that is nearly three fourths of a kilogram. What's a Saa'? Saa' is a measurement commonly used by the people of Madinah during the Messenger sallallahu alayhi wa sallam time. So if you were to go to the market back then, they didn't have printed banks telling the weight on them. Instead a comment method to measure they would sale you rice or whatever it is by putting in a bucket like, you know something like a bucket, It was called a Saa' back then.

And it's mentioned in a Hadith by the Messenger sallallahu alayhi wa sallam which is authentic:

اللهم بارك لنا في مكننا ، اللهم بارك لنا في مدينتنا ، اللهم بارك لنا في
شامنا ، و بارك لنا في صاعنا ، و بارك لنا في مدنا

As-Saa' is four Madd. A Madd is a handful like that, and that's equal to two point four or two point five kilograms. By the way a Saa' of rice is a measurement you are obligated to give at the end of Ramadhaan for Zakat al-Fitr. So you know a Saa' is four of this (both hands together). It is 2.4 kilograms or five point two nine or so pounds. A Madd is one fourth of that, this is a Madd (both hands together), a Saa' is four of this.

How much does a person who terminally ill or permanently ill to fast give?

مد منبر ونفس صاع من غيره

If you are giving wheat you give a Madd which is one fourth of a Saa'. Or if you choose to give other than wheat you give double that, you give two of these (both hand together). Two of these (both hand together) is half a Saa', which is like dates, raisin, rice. Half a Saa' is two Madds (both hands together), because we said a Saa' is four Madds. A Saa' is two point

four kilos that's approximately one point two kilos that you give of dates or rice or raisins something of that nature. How do we know these calculations, did we make them up?

THE FIRST OPINION

The first opinion on that is that it's something that we know by 'Urf (عرف). 'Urf is something that is common amongst people, what's widespread amongst people. It what people commonly know it's sufficient for average person's meal. This means when you go by 'Urf, it changes, it may change over time. Some people over time may it more or less, so it changes. However it's really a higher status than what is referred to as 'Urf. Because Ibn Abbaas radhiallahu 'anhuma specifically mentioned this measurement one of his narrations. He said in the narrations in al-Daraqutni:

... وَعَلَى الَّذِينَ يُطِيقُونَهُ فِدْيَةً طَعَامُ مِسْكِينٍ ... ﴿البقرة : ١٧٤﴾

And as for those who can fast with difficulty, (e.g. an old man, etc.), they have (a choice either to fast or) to feed a Miskeen (poor person) (for every day). (Surat al-Baqarah: 184)

It's a Shaykh, it's an older man or older woman who are unable to fast, they should feed for every day a half a Saa'. Two of these (both hands together) - two Madds. There is another narration also a Hadith pertaining to feeding a poor person, not about Ramadhaan but about matters in Hajj but we use it.

Ka'b bin 'Ujra said, he was ill during Hajj, they carried him to the Messenger sallallahu alayhi wa sallam because lice falling of head on his face. In Hajj you can't shave, if you shave you got to pay a person, you got to compensate. He said he was too ill with lice that the Messenger sallallahu alayhi wa sallam said, I have never thought that your ailment has reached to this extent. He need to shave his hair for the problem he had with lice during Hajj, it was a very bad one. Whoever does that has to paid Fidyah (compensate). The Messenger sallallahu alayhi wa sallam asked him; can you afford a sheep? He said negative, I can't do that, I can't afford a sheep. That's what you got to do if you shave your hair in the Ihraam, during your Hajj. He said then fast three day or feed six person each with a half of Saa' of food. Each with half a Saa', that's our point right there.

You see what he said? He said feed six people each with a half a Saa' of food, so he specified. The Hadith specified the quantity a person must feed when he must feed a poor person for something that he did in Hajj. Whether it's a Hajj illness or Ramadhaan illness that's not the issue here. The point that we have and we take from that Hadith is that the Messenger sallallahu alayhi wa sallam specified an amount that is to be given to a poor person when you are supposed to give them.

That's the foundation of proof of a half of Saa', two of these (both hand together) for the poor. The Prophet sallallahu alayhi wa sallam said half a Saa'. But if someone wants to give wheat, we said he gives one fourth of a Saa'. Where did that one fourth come from? They said it's because wheat is in high demand and it is much more expensive back then. Therefore it should be a little bit, in order to be fair, it got to be less than that. So regular food like dates, rice is a half a Saa', the Messenger sallallahu alayhi wa sallam stated that, Ibn Abbaas and his narrations confirmed that. If it is wheat, due to its higher price and demand, then they did the educated guess Ijtihad that it's one fourth of a Saa'. Keep in mind that Kaffarah and the details that we mentioned, because this comes up in many other issues of Fiqh. If we continue to study Fiqh, it will come up many other issues in Fiqh. Let's move on.

CAN SOMEONE MAKE UP FASTS FOR SOMEONE WHO IS ALIVE?

Someone is terminally ill or they are too old to fast. A son or a daughter goes to their mum or dad or a student of that person or a Muslim volunteered and says, you know what? You have fifteen days of missed Ramadhaan or you have a whole month Ramadhaan, I will fast that for you. There is two opinions on that.

THE FIRST OPINION

The first one is the weaker of the two opinions which is Ibn Taymiyyah Rahimahullah said, you can make up the fast of another person. You can fast, you can voluntary fast while they are alive, it permissible because he compared it to paying another person's debt. He basically said the same way you can pay another person's debt, you can also fast instead of him. That's not really that accurate.

THE SECOND OPINION

The second opinion which is the overwhelming majority of the 'Ulamaa and it's really the correct opinion. They say that fasting is a physical worship where Islam did not allow delegation like Salah, Islam did not delegate Salah, I can't make Salah for another person. An-Nawawi Zakariyya al-Ansari said, it's by Ijmaa' that one can't make up the fast of another person who is alive. You can't delegate in 'Ibaadah of fasting. You can't delegate in 'Ibaadah. The origin is that you can't delegate, meaning a person can't do on behalf of another unless there is proof. You can't do any 'Ibaadah on behalf of another person unless there is proof. Delegation in 'Ibaadah is an exception that need a specific proof.

At-Tirmidhi Rahimahullah said, Charity, Hajj, 'Umrah, Salah you can do it on behalf of another person, you can delegate someone to do it on your behalf, with some restriction

and rules to it. That's very accurate. Keep in mind if someone were to read this at-Tirmidhi's opinion you might go and say, look at-Tirmidhi said you can do Salah on behalf of another person. He said Salah, but he didn't mean independent Salah on behalf of another person. He means Salah that is part of 'Umrah and Hajj, other than that you can't because when you Tawaaf seven times you have to make Salah. If you are doing Hajj or 'Umrah on behalf of someone else then that Salah is on the behalf of someone else. But not an independent Salah. So when one person is alive, you cannot fast on their behalf. Even if they're terminally ill or because of an old age and their weakness.

CLASS TWELVE

We left off yesterday talking about those who are weak and at an older age and they can't fast or those with an incurable terminal illness.

IF FASTING IS HARMFUL FOR ONE WHO IS ILL OR SICK

Today the author moves on to matters where one expects recovery and he expects to be cured, a temporary illness. He said:

وَسَنُّ لِمَرِيضٍ يَضُرُّهُ

Now he mentions those who have a hope of being cured.

وَسَنُّ

Means it's Sunnah, it's Sunnah to break the fast of one who is ill or sick. Does that mean any illness?

That's when he adds the stipulation in the sentence:

يَضُرُّهُ

If fasting harms him. We will explain the levels of harm. If it harms him, the author said it is not only permissible but it is actually Sunnah. He has the right to do it and on top of that the author adopts the opinion that it is Sunnah. Sunnah here means that he gets reward for breaking his fast if he is ill in that fasting may harm him. It's by Ijmaa', by consensus no 'Ulamaa disagree overall, that when one is ill he has the right to break his fast.

...فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ...

﴿البقرة : ١٨٤﴾

But if any of you is ill or on a journey, the same number (should be made up) from other days. (Surat al-Baqarah: 184)

If any of you are ill or on a journey then they should make up the number of days that they missed after Ramadhaan.

وَسَنْ لِمَرِيضٍ يَضرُّهُ

The author said Yadhuruh (يَضرُّهُ) means, if fasting is harmful. If it causes him harm, due to his illness. Now illness is different types, some may affect person's fast and some does not. That's why the author added the stipulation Yadhuruh. Now we need to understand here, what's the standard for an illness that permits one to break his fast.

ILLNESS IS THREE TYPES FROM A FIQH PERSPECTIVE

THE FIRST TYPE

If one fears if fasting will cause his illness to worsen or it may slow the recovery or progress, then it's Sunnah to break that fast. This is what the author was talking about. This is the category that he meant it is Sunnah to break your fast. Actually this is the opinion of a great vast majority of the 'Ulamaa.

THE SECOND TYPE

Is when fasting may cause someone to reach the level of danger, something like death or close to death or extreme hardship. Now in this one is not only Sunnah to break your fast but it is Waajib upon you to break your fast. It's the mercy of The Most Merciful Allah subhaanahu wa ta'ala that he obligated fasting and he also obligated that one breaks his fast if the fasting puts his illness at danger. Someone with a Kidney failure, diabetic, if he puts his life in danger thinking he is doing good he has in reality sinned. May gets sins because of it

...وَلَا تَقْتُلُوا أَنْفُسَكُمْ... ﴿النساء : ٢٩﴾

And do not kill yourselves (nor kill one another). (Surat an-Nisaa': 29)

Don't kill yourselves. The verse don't kill yourself applies to circumstance and situations like this. In a Hadith in Sunan Abu Dawud, Amr Ibn Al -'Aas said I was in the battle on the journey of The Battle of Dhat al-Salaasil and I had a sexual dream in one of the nights. He said I was afraid to wash myself with water because it was cold, it was freezing. So he said I performed Tayammum, instead of washing and taking a shower with water, he did Tayammum with dirt. Not only he made Salaatul Fajr but he led Salaatul Fajr. So the Companions when they reach Madinah they went to the Messenger sallallahu alayhi wa sallam. They said Amr Ibn Al -'Aas had a sexual dream and he didn't take a shower, rather he did Tayammum. The Messenger sallallahu alayhi wa sallam said, Amr you led your Companions while you were impure (the major impurity)?

Amr Ibn Al -'Aas explained to the Messenger sallallahu alayhi wa sallam what had happened, and he was afraid that it might cause extreme hardships to him. Then he told the Messenger sallallahu alayhi wa sallam and I heard Allah say:

...وَلَا تَقْتُلُوا أَنْفُسَكُمْ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿النساء : ٢٩﴾

And do not kill yourselves (nor kill one another). Surely, Allah is Most Merciful to you. (Surat an-Nisaa': 29)

Don't kill yourself, verily Allah is Merciful with you. This is Amr explaining to the Messenger sallallahu alayhi wa sallam. The Messenger sallallahu alayhi wa sallam began to laugh and didn't say anything. When the Messenger laughs, he didn't say anything that implies approval, that's approval. Had he been silent that would have been approval. When he laughed, that's additional confirmation of the approval. Not only did he approve what he did, but he approved his usage of the verse, Don't kill yourself in circumstances like that. Using Tayammum of dirt instead of water when he fears that it may cause him some kind of harm.

THE THIRD TYPE

The third type of illness is that which does not affect a person. Like a little pain you got in your finger, a toothache, a little head, a cough or some mild form of allergy. If it is something that has no affect with fast, it does not affect your fast the 'Ulamaa disputed if one can break his fast in this type or not.

The majority of the Fuqahaa' say, the illness in the verse that exempts one from fasting is not any type of illness. It's an illness that has to be in category one or category two that we mentioned. Something like this category is Haraam to break your fast for.

Number two opinions, some of the Salaf disagreed. They said one can break his fast even if it is a small pain on the tip of your finger or a little toothache.

Their proof is that, the main proof that they use is; when Allah subhaanahu wa ta'aala said:

...فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ...

﴿البقرة : ١٨٤﴾

But if any of you is ill or on a journey, the same number (should be made up) from other days. (Surat al-Baqarah: 184)

They said it is not specified that it has to extreme illness. So any type of illness is sufficient.

Al-Adharidi said, I entered up Muhammad Ibn Sirin when he was eating in Ramadhaan. It appears from the story that it did look like Ibn Sirin was ill, otherwise he wouldn't have asked him. Al-Adharidi asked Ibn Sirin, why are you eating in Ramadhaan? Muhammad Ibn Sirin Rahimahullah said, because I hurt my finger. Al-Qurtubi the 'Aalim, the Mufassir, the Fiqhih. Al-Qurtubi commenting on this and says; this is the best opinion on this matter in this situation. A little tiny pain in his finger. Now Ibn Jurayj also said I asked 'Aadha, what illnesses can I break my fast for? 'Aadha said, any type of illness. This was actually the opinion of Bukhari Rahimahullah. He said I was ill in Nisabur and Ishaq Ibn Rahway came in. He (Ishaq Ibn Rahway) asked, did you break you fast? Bukhari said, yes. He said that's good because I thought you wouldn't take the Rukhsah meaning I didn't think you wouldn't take the permission of Allah excusing you and allowing you to break your fast.

Another proof is they said the traveller and ill are combined in the Ayah. Just like one can break is fast for any type of travel, they can break their fast for any type of illness.

...وَمَنْ كَانَ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ... ﴿البقرة : ١٨٥﴾

And whoever is ill or on a journey, the same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

And then they said, in the verse:

﴿البقرة : ١٨٥﴾ ... يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ ...

Allah intends for you ease, and He does not want to make things difficult for you. (Surat al-Baqarah: 185)

The other 'Ulamaa responded to this. They said just like we don't consider a short travel a reason for you to break your fast, a minor illness is also not a reason to break your fast. A short journey from a Fiqh perspective is not considered a journey, they said. And likewise a minor illness an illness from a Fiqh perspective.

So as you see there is two opinions on this matter, an illness which is considered minor illness. However is probably safer and closer to the truth not to adopt the opinion that any illness constitutes an exemption from fasting. Yes, the verse is broad and it's mentioned just illness but that illness is tied to a reason, which is making it easy for you. If it is not making it easier for you then it probably more correct to say it is Haraam to break your fast. The excuse for the ill should only be what falls under the first two categories. If one fears that fasting will make his illness worst or slow the recovery or progress then that's Sunnah. If it causes extreme hardship something like death or near death or very extreme hardships then it's Waajib upon you and you must break your fast.

Normal day to day illness will not affect your fast and therefore one should not break his fast. In fact the correct opinion that I believe is Haraam. However one must know that, that opinion, the opinion of the little pain in your finger or your tooth is adopted by giants of the 'Ulamaa and the Salaf and that's why it should be respected. Like we said Ibn Sirin, Bukhari and others.

One matter worthy of noting is that Ibn Hazm adopted the opinion and he said, that if one is ill, under category one or two, it's Haraam for him to fast and his fasting is rejected, because Allah said;

﴿البقرة : ١٨٥﴾ ... فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ ...

The same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

So he considered first of all Haraam, it's sinful but also it's not valid, because a sick person according to him should not be fasting in Ramadhaan.

That's of course an extreme opinion, some said also the timing of the fast for one who is ill is not even in Ramadhaan, if you are sick and you are in Ramadhaan, you are not supposed to be fasting because that's not the timing.

Allah said:

...فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ... ﴿البقرة : ١٨٥﴾

The same number [of days which one did not observe Sawm (fasts) must be made up] from other days. (Surat al-Baqarah: 185)

Make up from other days. That's like me praying before the time, I get up before Asr ten, fifteen minutes and I make the Asr. They said the timing of one who is ill is not during Ramadhaan, he fast after Ramadhaan if he's ill.

WHO JUDGES THE ILLNESS?

Some matter they are obvious, you can judge for yourself. You know your illness yourself. Sometimes it's a doctor who can advice you and tell you because sometimes you may not even feel it and they can tell you there is something wrong. It can even be the 'Ulamaa said a Kaafir doctor.

A PERSON ON A JOURNEY

Then he mentions after this:

وَلِمُسَافِرٍ يَّقْصِرُ

After the person who is ill, he said a person on a journey.

That's in the same verse:

...فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِّنْ أَيَّامٍ أُخَرَ...

﴿البقرة : ١٨٤﴾

But if any of you is ill or on a journey, the same number (should be made up) from other days. (Surat al-Baqarah: 184)

The proof is in the same verse. He said it's Sunnah to break the fast for one who's travelling, the distance that he is permitted to shorten his prayer. Notice he said for a traveler who travels the distance of one who is allowed to shorten his prayer.

The term Safar (سفر) in Arabic means linguistically, one who clears away from his city. One who leave his vicinity or city and clears away from it he is called a Musaafir. Just like a Mufassir comes from the same root word. A Mufassir clears the meaning of the Qur'an for us and a Musaafir clears away from his town or vicinity. That's the linguistic, figurative meaning of Safar.

The author said you can break your fast if the distance of your journey is the distance of one who is allowed and permitted to shorten his Salah.

THE DISTANCE ONE IS PERMITTED TO SHORTEN HIS SALAH

If we know that distance, that's the type of journey one is allowed to break his fasting. This is a greatly disputed issue and it is not the core of our fasting and it would take more than double this Halaqah to explain the opinions with proves. Some specified a wide range of distances like eighty-three kilometers, a little bit less or a little bit more and they went by the distance. Some went by days and they said three days, a little bit less than that, some said more than that. Some when by the distances of night and day, this was large group of 'Ulamaa because the Hadith:

لا يحل لامرأة تسافر مسؤ مسافة يومًا وليلةً إلا مع ذى محرم

The Messenger said a woman can't travel in distances of night and day without a Mahram. And he called night and day Safar (journey), so they adopted that.

Ibn Taymiyyah adopted the opinion that, the correct opinion on this is based on 'Urf. If one leaves his area, vicinity and what's commonly widespread and known as travel, then that's travel. I love that opinion and that's what I go by. Many who I studied with also like that opinion, but when they'll be asked they would go by eighty or eighty-five kilometers to be safe.

Now keep in mind, breaking fast is your right even if there's no hardship. Even if there's no Mashaqah, that's not a condition. So if you are travelling First Class on a journey and there's no hardship, you can still break your fast if it is considered travel.

IS IT BETTER TO FAST OR NOT?

There's numerous Ahaadith that the Messenger sallallahu alayhi wa sallam and the Sahaabah fasted in their journey. And there's other Ahaadith where the Messenger sallallahu alayhi wa sallam and the Sahaabah broke their fast while they were travelling. Now let go through the details of it.

The first one is if you are on a journey and if you were to fast on that journey would cause severe hardship or death, this is similar to what we took just moments ago in the second category of someone who fast while he is ill and it causes severe hardship or death. It would be Haraam because the Hadith of Amr Ibn Al -'Aas radhiallahu 'anhu and the understanding of the verse:

...وَلَا تَقْتُلُوا أَنْفُسَكُمْ... ﴿النساء : ٢٩﴾

And do not kill yourselves (nor kill one another). (Surat an-Nisaa': 29)

In fact the Messenger sallallahu alayhi wa sallam when he left to Makkah during the year of conquest, it was in Ramadhaan, he was fasting. And he and the people fasted until they reached a town on their way there. From the mercy of the Messenger sallallahu alayhi wa sallam is that he must have seen the Sahaabah were in a hardship and yet they didn't want to break their fast. So he went and asked for a cup of water and then he elevated it so people could see and then he began to drink. He was informed later on some refused or continued to fast, they continued their fast. So the Messenger sallallahu alayhi wa sallam said- those who continued to fast: those are the disobedience ones, those are the disobedience ones.

أولئك هم العصاة ، أولئك هم العصاة

That's the ruling if it is difficult or causes one harm.

WHAT IF IT IS NOT DIFFICULT?

Assume you journey is not difficult. Here are the opinions on that.

THE FIRST OPINION

The first opinion according to this book and it is the opinion of the Hanbali Madhab and it is also the opinion of Ibn Umar, Ibn Abbaas, Sa'eed Ibn Al-Musayyib, ash-Shabi, al-Awza'i that it is better not to fast. The Messenger sallallahu alayhi wa sallam seen people gathered around the a man. So he asked them what was happening. They said it's a man who exhausted because of his fasting.

The Messenger sallallahu alayhi wa sallam said, it's not righteousness to fast when travelling:

لَيْسَ مِنَ الْبِرِّ الصِّيَامُ فِي السَّفَرِ

This Hadith applies to the previous scenario when fasting is exhausting to that point, where he must have passed out.

However, this group took what the Messenger sallallahu alayhi wa sallam said:

لَيْسَ مِنَ الْبِرِّ الصِّيَامُ فِي السَّفَرِ

It is not righteousness for one fast while he is travelling.

Imaam Ahmad Rahimahullah said Ibn Umar and Abu Hurairah the opinion that if one were to fast while he is travelling, then he needs to make it up. That's another way of saying that his Siyaam while travelling is invalid. It is said that Ibn Umar also adopted that opinion. Ibn Hazm Rahimahullah said al-Zuhri narrated that Abdur-Rahman Ibn 'Awf radhiallahu 'anhu said, one who fast while he is travelling on a journey it's like one who break his while he is at home. You know are sinful it is for some to be sitting at home and break his fast, while he has no excuse. Abdur-Rahman Ibn Awf said he gets the same amount of sin for one who travels and fast.

THE SECOND OPINION

It is by the majority of the 'Ulamaa. They said it is permissible to fast while you are travelling unless of course it falls under the category of being exhaustive or causes extreme hardship or death. Ibn Abdul Barr responded to the previous opinion, like that of which Abdur-Rahman Ibn Awf said and others said, we will considered it prohibited or invalid to fast while you are travelling; Ibn Abdul Barr said is this opinion been abandoned by the 'Ulamaa. That it is Haraam or in valid to fast while you are travelling and it has been by the Hadith in Bukhari and Muslim. Where a man asked the Messenger sallallahu alayhi wa sallam; shall I fast while travelling?

He said sallallahu alayhi wa sallam, if you would like to fast, fast. And if you would like to break your fast, break it.

إِنْ شِئْتَ فَصُمْ ، وَإِنْ شِئْتَ فَأَفْطِرْ

That's the answer to this matter. That's the correct opinion. If you wish then fast, and if you wish then don't fast. That's the opinion on this matter. In another narration in Sunan al-Nisa'i that man who asked was Amr Al-Aslami, he said O Messenger of Allah if I am able, if I

am able to fast while I am travelling, can I fast? He said, if you wish then fast and if you wish don't fast.

More so in Bukhari and Muslim Anas Ibn Maalik said we travelled with the Messenger sallallahu alayhi wa sallam during the month of Ramadhān. Those who observe the fast found not fault with the breaker of the fast and those who broke their fast found no fault with the one who observe the fast.

So the first opinion is that is Haraam to fast even if it is not difficult. The second opinion is a matter of preference.

THE THIRD OPINION

The third opinion is that by Abu Haneefah, Maalik, Ash-Shaafi'ee, Anas, Uthman Ibn Abi al-'As, 'Umar Ibn 'Abdul Aziz, Mujahid, Qutaadah and others. They said it is better to fast while you are on your journey.

The correct opinion on this what Qutaadah Rahimahullah said. He said the best choice for one traveling, it's what's easier for him because Allah said:

﴿... يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ...﴾ البقرة : ١٨٥ ﴿...﴾

Allah intends for you ease. (Surat al-Baqarah: 185)

The hardship and it is not that difficult then it is a matter of preference. Some who likes to fast to get it over with in Ramadhān. They don't feel good about delaying Ramadhān or making up days, they'd rather fast it in Ramadhān, then the can do it in Ramadhān while they are traveling. Some don't like to miss days of Ramadhān because they're a blessing and if they travel they don't want to take off days of Ramadhān day. They're blessed days, they're cherished days, so they like to do it in Ramadhān. They don't want to the make up day. Some it may be easier for them to fast in Ramadhān because everyone is fasting in whatever Muslim country that you go to. Wherever you have relative they're all fasting. So it is easier to do it in Ramadhān. When the Messenger sallallahu alayhi wa sallam ordered them, it was because of a hardships.

What it boils down to is as long as one doesn't cause him some harm, then it is a matter of preference. Ibn Abdul Barr Rahimahullah said and he responded to those who consider it invalid or Haraam, he said that's been an opinion that has been abandon by the Fuqahaa' for the Hadith in Bukhari and Muslim where the Messenger gave Al Aslami the choice between fasting or not when he said he is able to fast if he travels.