

Al Jaami'u li Ahkaam is Siyaam

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First Edition

All praise is to Allah (swt) Lord of the worlds, Ar-Rahman Ar-Raheem, the Owner of the Day of Judgment and prayers and peace are upon the Messenger of Allah who was sent as a mercy to all mankind. May Allah's prayers and peace be on him and on his family and companions.

This is a book about the laws of fasting which I have named 'Al Jaami'u li Ahkaam As Siyaam' (A complete guide to the rules of fasting). It has been written as a follow up to the book 'Al Jaami'u li Ahkaam As Salaah' (A complete guide to the rules of prayer). I have followed the same methodology in this book. From the beginning of 'Ahkaam at Tahaarah' (rules of purification) I have followed and specified an effective model and methodology for the writing of Fiqh. The reader now has at his disposal two complete books of Fiqh representing a specific model.

This was my intention when issuing these two books and I believe that they are sufficient to act as a blueprint for the fuqahaa (jurists) and mujtahideen (Scholars) in their work without the need to expand the examples. I do not claim that I have produced for the reader a complete series on Islamic fiqh but I only aimed to present the most correct example and model for the presentation of fiqh. I believe these two books are sufficient to achieve this purpose.

This methodology that I have used to write fiqh achieves the following:

- 1) To present all of the texts from Al Quraan Al Kareem and the As Sunnah Ash Shareef which relate to an issue (mas'ala) form the issues of fiqh. I have done this without summarizing the evidences that are in accordance with the Jurist's own view and which support his Ijtihad whilst leaving out all other evidences like a great number of scholars from the past and present have done.
- 2) The use of Saheeh and Hasan Ahaadeeth only and leaving all others categories. This includes all weak forms of Hadeeth, and I mean those that the Muhaddithoon (Hadeeth Scholars) have agreed upon. These hadeeth are not allowed to be used by anyone in the deriving of Al Ahkaam Ash Sharee'a and not even in the merits of actions. As for Ahaadeeth which the Muhaddithoon have disagreed upon in terms of them being sound or weak, then if it was in agreement with other sound saheeh and hasan ahaadeeth or if it was alone in its section then I accepted it. However if it contradicted the saheeh or hasan hadeeth (in meaning) then it was rejected and left.
- 3) To show the opinions of the Fuqahaa, Ulamaa and A'immah in every mas'ala (issue) of the masaa'il to the greatest extent possible. This enriches the study and it displays the strength of the extracted Ahkaam (rules) in comparison to others. Its case is like the natural pearls displayed beside those which are artificial and manufactured and if the natural pearls would have be shown to people by themselves then the people

would not have been able to sense their beauty and excellence or appreciate their value.

- 4) To work with all the texts (evidences) related to an issue of the issues and not neglecting any. This is because the reality of the Nusoos (texts) is that they are not contradictory to each other in origin. There has never emanated from the Prophet (saw) ahaadeeth which are contradictory except and only in the very rare case of Nuskh (abrogation). As for what we see of ahaadeeth that are contradictory within most of the fiqhi issues then this goes back to the sanad (chain) and this requires us to look at and explain. The weak forms of ahaadeeth and by greater reason (baab awlaa) the ahaadeeth al mawdoo'a (missing link in sanad/chain of narration) need to be distanced. All the weak ahaadeeth that have no origin to them but have been spread in the books of fiqh, Usool ul Fiqh need to be separated from those which are sound i.e. saheeh and hasan.
- 5) Examining the texts and extracting the Ahkaam from them occurs only in three ways: By bringing of the texts one with another, by explaining one text with another text, and this is the strongest method to extract. Or by explaining a text in accordance with knowledge of the sharee'ah or thirdly with by explaining the evidence with firm knowledge of the Arabic language which is distant from weak and strange interpretations. A text is therefore understood by another text, or by knowledge of the sharee'ah or by submitting to a firm knowledge of language. In relation to the far off interpretations, regretful explanations and the process of making the texts agree with the opinion of an Imaam or madhhab, all of this has to be abandoned from the study of fiqh so that fiqh and sharee'ah maintains its honour or high status. This is to protect them against any alien or foreign intrusion or western infiltrations as we have seen in many books of fiqh particular from authors in our present time.
- 6) The origin for every Muslim is to be restricted in his actions by the hukm shar'i. He should commit to it with confidence and contentment and not to take it and act according it if he is doubtful in its correctness. In order to help the Muslim with this peace of mind in what he is following is hukm shar'i, we have proceeded with this methodology which incorporates the Ahkaam with its evidences, with proofs of its correctness and likewise proofs for the error in other opinions.
- 7) The Sahaabah (rah) used to receive/understand the texts of al-Quran al-Kareem and the as-Sunnah an-Nabawi in a natural way similar to how we receive speech between and amongst ourselves. This means that by just hearing the ayah or hadeeth they would understand the desired meaning straight from the Arabic and sharp intellect and as such rarely disagreed in the extraction of the Ahkaam. The taabi'oon and taabi'oon (first and second generations after the Sahaabah) followed this same methodology and after them came the period of the Fuqahaa after them. At that time the madhaahib of fiqh (schools of thought) were established and what accompanied that of partisanship and intolerance. Fiqh began to take a new orientation and progressively became distanced from the natural way to ways

that could be described as manufactured. This means that the manufactured means overcame/dominated the Fuqahaa in their istinbaat (extraction) process. This was the same for every Faqeeh who followed a Madhhab or Imaam. His efforts were directed to giving victory to his madhhab or Imaam. They became involved in forms of debate and 'ilm ul-Kalaam (scholastic debate) and were affected by it to a lesser or greater extent. In addition they placed down different Usooli principles, increasing its scope and complicity so fiqh became manufactured with nobody understanding its precise details except their respective specialists. With time the process of receiving/understanding the texts naturally stopped completely. The Istinbaat (extraction) of Ahkaam became limited to the new breed of fiqh and then even those who practiced it declined in number gradually until the doors of ijtihaad were closed.

In relation to this I say that the main reason for the closing of the doors of Ijtihaad and the disappearance of the mujtahidoon was due to the fact that fiqh became manufactured with its principles and Usool which were rarely understood and comprehended by those wishing to learn, let alone the ordinary people due to its complicated nature and ramifications. The Ulamaa of every madhhab proceeded to place Usooli principles (qawaa'id usooliya) specific to his madhhab with all of its branching and ramifications (additional problems/complications). As a result of the Usooli principles becoming over complicated, this had ramifications on ijtihaad and the resultant Ahkaam, to the point where a lot of these Ahkaam were outside of the realm of soundness.

So that fiqh returns to its natural way and away from these over complications and ramifications and so that the madhabi differences are lessened and what accompanies it of partisanship and in addition to create the path to increase the number of mujtahidoon, I have come up with this model/methodology which I believe is the most sound for the writing of fiqh. Inspired by the way that the Sahaabah (rah) received and understood fiqh and distancing myself from the over complications in understanding. Due to this the noble reader will find that the Usooli principles rarely appear in this model and what does appear of it is free of depth or complication.

The difference between the method of the Sahaabah (rah) and those who came after was that the Sahaabah (rah) use to place the text in front of them relying on what came to their minds from their understanding of the Arabic language. In addition to their knowledge and experience of how the texts lived in their surroundings and circumstances taking the text with simplicity without complication. As for those who invented the new way of fiqh, they placed the differing Usooli principles in front of them as their starting point with all of its branches, complicatedness and details. They then made the people subservient to these principles. From this many and diverse meanings sprung out linked to the difference branches and ramifications. This is where the biggest dispute occurred between them (new fiqh people) as every one of them held on tightly to a specific meaning/wording that he had understood, and with the hukm which he had

extracted according to what he had put down of the detailed principles specific to him. He strove to defend it and respond to it so as to seek victory for the madhhab of his Imaam. All of this led to a situation where the study of fiqh produced a lot of varied and different Ahkaam. This included the Saheeh (sound), Da'eef (weak) and Shaadh (rare/strange). If a reader looks at the vast quantity of opinions in every single matter it will give him a head ache. If someone would like examples of what I have stated then let him look up the fiqhi opinions in the following issues: When is Laylat ul Qadr?, Does sleep break the Wudoo?, What is the middle prayer (salaatul wustaa)? You will find in these issues and others like them huge and wide differences especially in the book Fathul Baari of Ibn Hajar Al Asqalaani and also in the Sharh (explanation) Saheeh Muslim by Imaam Nawawi.

- 8) In relation to getting rid of the manufactured method of extracting the Ahkaam Ash Sharee'ah and Ijtihad and the return to the natural method which was dominant in the first three generations, those of the Sahaabah, those who followed them and those that followed them. The only way is through the devotion/dedication to the texts of Allah's (swt) book al-Majeed and the noble ahaadeeth through reading, memorisation and explanation. This is a devotion and pursuit which is correctly described as the eternal living of the sharee'ah texts which continues years after years, until we have acquired the ability and knowledge which the Sahaabah (rah) of the prophet of Allah (saw) possessed. This requires a working relationship with the sharee'ah texts in understanding, extraction and indications in exactly the same way that we possess the ability that we work with speech amongst ourselves. We would therefore understand the texts as we understand our speech amongst ourselves and without this methodology the doors of Ijtihad will never be opened. If they were to be opened however then it would not lead to the correct form of Ijtihad which possesses the quality of endurance and continuance.

At this point I have a very important remark to make and that is that the Mujtahid can either be a Mujtahid Mutlaq or a Mujtahid in a Mas'ala as is known amongst the fuqahaa. There exists a great deal of benefit for fiqh and Muslims in both these forms of Mujtahid. As for the Mujtahid in the Madhhab, who proceeds with ijtihaad in accordance to the Usooli principles which were established by their Imaam? If this Mujtahid gives free reign to his mind and understanding in the extraction of Ahkaam and he doesn't restrict himself to what his Imaam arrived at then there is no problem in this and the benefit is like the other categories of Mujtahid. An example of this is Ibn Mundhir from the Shaafe'iyah. As for when this type of Mujtahid doesn't exit from the Ijtihad of his Imaam and his only aim and goal is to give victory to his Imaam and madhhab then this form is accused of being away from integrity and the true context and is in many situations veiled from the sound opinion and correct Hukm. At Tahaawiy from the Hanafiyyah is an example of this approach.

Here I have another important point and that is that the Muslims are in need of a radical thought revolution away from imitation in order to revive and remove from it its backwardness. Islamic fiqh is in need of this creative non-imitational revolution in

order to bring it back to life. This revolution will not take place however by widening the scope of education in the Islamic Sharee'ah faculties and universities and will never occur in this way. This is as long as they continue on their current methodology as they have, including Al Azhar University, adopted the manufactured approach and have stubbornly latched themselves to it. I sent my book ( al Jaami'u li Ahkaam is Salaah) to Al Azhar and received the response that this book is not according to our methodology!!

Therefore we do not find a university or college of sharee'ah that graduates Mujtahidoon or even Fuqahaa. They only graduate Muta'allimoon (people who have studied) and Mutafaqqihoon (students of fiqh). The difference between the Faqeeh and mutafaqqih is that the Faqeeh possesses a specific opinion of his own in the fiqhi issues whereas the mutafaqqih doesn't possess his own opinion and only possesses opinions from other fuqahaa. If we asked a question in a Mas'ala then he would only respond by saying what the madhhab of so and so says such and such in the issue. He vary rarely outweighs between two opinions and even if he attempts Tarjeeh (outweighing) then the opinion he outweighs isn't even his own opinion but an opinion of a Faqeeh from amongst the fuqahaa.

I view that the only real solution is to return to the way of the Sahaabah (rah) in the way of taking in (the texts) and deriving the rules. This could be if all of the universities, colleges and centers of sharee'ah adopted this method and made all curriculums established on its basis. As long as this does not happen then the situation will remain in a rigid and lifeless state.

I wanted to mention these eight main points so as to explain my model and define it as well as to elaborate its aim and need. My hope is that there will arise from this noble Ummah men who will tread the path of this methodology returning to the origins of the Islamic fiqh with its beauty and greatness. They will take the new matters, realities, actions and problems and derive for them the correct Islamic rulings.

In this book I have stated the number of each hadeeth as it has been established from its source something which did not occur in the previous book despite its precision and complete accuracy. This is therefore an additional benefit making it easier to return back to any hadeeth which the reader wishes to view its source.

I also committed to righting the name of the person whose speech was affirmed in the book in the introduction of the narrators in the case where there were many narrators. This is what I made reference to in the introduction of the book (al Jaami'u li Ahkaam is Salaah). In this book I have found it sufficient to cite the established hadeeth number as reference except in a few instances where there was a need to mention a secondary statement so I cited a further number.

You will find at the end of the book a reference of all the sources relied upon for this work. This includes some information so that any revision will be more efficient and that the truthfulness of the texts mentioned can be verified. In most of these

sources the ahaadeeth have been ordered as a series of numbers and in some cases according to the subject matter without citing the number series. So those that have been dealt with according to the first method I have established the series number (raqm mutasalsal) and for those of the second method I have cited the page number where the hadeeth is located. For example (250/4) means the fourth part (volume) page number 250. However in the case of Al Mu'jam Al Kabeer of Tabari and Al Musnad of Abi Ya'la Al Moosally the first number represents the part (volume) whilst the second represents the hadeeth number.

I ask Allah (swt) As Samee'u l Aleem to accept from me what I have spent in effort and what I have intended to achieve and that this book is met with the same acceptance as the first book. All praise belongs to Allah firstly and lastly.

Al –Khamees (Thursday) 28 Jumaada al Awwal 1423 hijri

8<sup>th</sup> August 2002

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## Part One

### Fasting of Ramadhaan – General Rules:

Sawm linguistically means refraining, silence, suspension and what is included in its meanings. Sawm has been mentioned with this meaning in Allah's (swt) noble book. Allah (swt) says:

{ فَكُلْ وَاشْرَبْ وَقَرِّ عَيْنًا فَامَّا تَرَيَنَّ مِنْ الْبَشَرِ أَحَدًا فَقُولِي إِنِّي نَذَرْتُ  
لِلرَّحْمَنِ صَوْمًا فَلَنْ أَكَلِمَ إِلَيْهِ وَمِنْ سِيِّئَاتِهِ }

<<So eat and drink and be glad. And if you see any human being, say: 'Verily, I have vowed a fast unto the Most Gracious so I shall not speak to any human being this day>> (Surah Maryam Ayah 26)

As for As Sawm in the sharee'ah terminology, it is refraining from those things that break the fast and they are: food, drink, sexual relations, excess water through mouth/nose and vomiting, with the intention of getting closer to Allah (swt) from Fajr of a day until its Maghrib. This Sharee'ah meaning of fasting has been mentioned in numerous noble ayaat and there is no need to bring them up here as they are well known amongst people who are knowledgeable of them.

### The Merits of As Sawm:

There are many Ahaadeeth that mention the merit of Fasting of which I will mention some: Narrated from Abu Hurairah (ra) that the Prophet (saw) said:

- 1) <Allah (swt) said: Every action of ibn Aadam (man) is for himself except for Fasting which is for me and I will reward for it. Fasting is a Shield (from hellfire). So, the fasting person should avoid all sexual relations, he should not behave foolishly, and if someone insults him or fights with him then he should say: I am a fasting person. And by Him in whose hand is my soul the smell coming from the mouth of the fasting person is better with Allah than the smell of Musk. The one fasting has two joys, one when he breaks his fast and when he meets his Rabb he will feel the joy for his fasting>

Narrated by Imaam Al Bukhaari (1904) and Muslim, Nisaa'i, Ibn Maajah and Ahmad. Also from Abu Hurairah (ra) that the Prophet (saw) said:

<Your Lord Tabaarak wa ta'aalaa said: Every action is Kafaarah (expiation) except for fasting, because it is for me and I will reward for it...>

Narrated by Abu Daawud At Tayaalissy (2485) and Ahmad.

And from Abu Hurairah (ra) that the Prophet (saw) said:

<Every one of the sons of Adam's actions is multiplies, a good action will have ten of it's like or up to seven hundred times and Allah Azza wa Jalla says: 'Except fasting because it belongs to me, and I reward it...>

Narrated by Muslim (2707), An Nisaa'i, Ad Daraami and Bayhaqi. Ahmad (9712) and Ibn Majah narrated it with the following words:

< Every one of the sons of Adam's actions is multiplies, a good action will have ten of it's like or up to seven hundred times to what Allah wills, Allah Azza wa Jalla says: Except for fasting, it is for me and I will reward for it...> The addition is ' to what Allah wills'.

- 2) On the authority of Sahl bin Sa'd (ra) that the Prophet (saw) said:

<There is a gate in Jannah called Ar-Raiyaan and those who observe fast will enter it on the Day of Judgement and none will enter from it except them. It will be said 'Where are those who use to observe Saum?' They will get up and none except them will enter it and after they have entered it will be locked and no one else we be able to enter through it>.

Narrated by Buhkaari (1896) and Muslim and Nisaa'i.

Ibn Maajah (1640) and Tirmidhi narrated it as following:

< So those who were from amongst the Saa'imteen (faster's) will enter, and whoever has done will never feel the quench of thirst again>.

- 3) On the authority of Abdullah Ibn Mas'ood (ra) that he said that the Prophet (saw) said:

<He who can afford to marry should do so because it will help him to lower his gaze and save his private parts. And whoever cannot marry then he should fast as it will diminish his desire (wijaa'a)>

Al Bukhaari (1905), Muslim, Daawud, Nisaa'i and Tirmidhi. Wijaa'a means to put pressure on the testicles or its veins so as to cut the desire.

- 4) On the authority of Hudhayfah bin Al Yaman (ra) that he heard the Prophet (saw) saying:

<The Fitnah (affliction) of a man is in his family, money and neighbours and As Salaah, As Saum and As Sadaqah are expiation for them> .

Al Bukhaari (1895) and Muslim.

Ibn Abi Shaibah (595:8) reported it with this wording:

<The Fitnah of a man is in his family, his money, his own self and his neighbour and fasting, sadaqah and ordering the right and forbidding the wrong are expiation for them>.

And also from Hudhaifah (ra) from the Prophet (saw):

<Who ends his final day (of life) and he fasted will enter Jannah>.

Narrated by Al Bazaar (1038) and Ahmed and Al Haythami said that its people (narrators) are trustworthy.

- 5) On the authority of Abdullah Ibn Umar (rah) that the Messenger (saw) said:  
<Fasting and the Quran will intercede for the servant on the Day of Judgment. Fasting will say: By my Rabb, I prevented him from food and desires during the day so let me intercede for him and the Quran will say: I prevented his sleep at night so let me intercede for him, Therefore they will both intercede>.  
Narrated by Ahmad (6626) and its sanad (chain) is Hasan. Tabaraani also narrated it in his Al Mu'jam Al Kabeer and Al Haakim narrated it and verified its soundness.
- 6) On the authority of Abu Umaamah (ra) who said:  
<I came to the Messenger (saw) so I said: 'Command me with an action which will cause me to enter Al Jannah'. He (saw) said: 'Alayka bis Saum (Fast), because there is nothing equal to it'. I came to him a second time and he said (again): 'Alayka bis Siyaam (Fast)'>.  
Narrated by Ahmad (22501) and Nisaa'i, ibn Hibbaan, ibn Khuzaimah, Ibn Abi Shaybah, and Tabaraani in Al Mu'jam Al Kabeer. And in another version from Ibn Hibbaan (3425) and Nisaa'i (Alayka bi sAum fa laa mithla lahu...) Fast as there is nothing comparable to it. Here 'mithla' is used instead of 'idla' in the previous version to mean 'the like of/equal to'.
- 7) On the authority of Abu Hurairah (ra) who said that the Messenger (saw) said:  
< There are three whose requests (du'aa) will not be turned down: The just ruler, the one who fasts until he breaks it and the one who is oppressed. Allah (swt) will raise them on the Day of Judgement without (al ghumaam) clouds and the doors of the heavens (skies) will be opened for them and He will say: With my Izza (glory) I gave you victory even if it was after a while>.  
Narrated by Ibn Maajah (1752).  
Al Gumaam has the same meaning as mentioned in the following Ayaat as Allah (swt) states:
- يَوْمَ تَشَقُّقُ السَّمَاءُ بِالْغَمَامِ
- And (remember) the day that the Heaven will be rent asunder by clouds.. (Al Furqaan: 25)
- هَلْ يَنْظُرُونَ إِلَّا أَنْ يَأْتِيَهُمُ اللَّهُ فِي ظُلُلٍ مِّنَ الْغَمَامِ
- Do they then wait for anything other than that Allah (swt) should come to them in the shadows of the clouds (Al Baqarah: 210).
- 8) On the authority of Othmaan ibn Abi Aas (ra) that he said: 'I heard the Messenger of Allah (saw) saying':  
<Sawm (fasting) is a shield (protection) from the fire just like the shield of one of you (protects you) in battle>.  
Narrated by Nisaa'i (2231), Ibn Maajah, Ahmad, Ibn Hibbaan and Ibn Abi Shaybah.
- 9) On the authority of jaabir ibn Abdillah (ra) that the Messenger of Allah (saw) said:  
< Our Rabb Azza wa Jalla said: Fasting is a shield (Junnah) the servant seeks to shield himself with it from the Naar (fire) and it (fasting) is for me, and I will reward/recompense for it>.

Narrated by Ahmad (14724) with a sanad (chain) which is Jayyid (good) and also narrated by Al Bayhaqi.

10) On the authority of Abi Ubaidah (ra) who said that he heard the Messenger of Allah (saw) say:

<Fasting is a shield for the one who does not violate it...>

Ahmad (1690/1700)

In a version of ad Daraami (1733):

<Fasting is a shield for the one who does not violate it, Abu Muhammad said, 'This means al Gheeba (back-biting).

Tabaraani narrated it in Al Mu'jam Al Awsat (4533) from Abi Hurairah (ra).

So how noble are the Fadaa'il (merits) of the Ibaadah of Fasting. Fasting is a shield, i.e. a guard and protection. It is a blocker of desires when one cannot marry and it expiates the sins in the time of affliction. It intercedes on behalf of its master on the Day of Judgement and for those who fast belongs the gate of Ar Rayyaan, the one who enters from it will never experience thirst again. It is sufficient alone to look at what came in the Hadeeth, 'Every one of the sons of Adam's actions is multiplies, a good action will have ten of it's like or up to seven hundred times to what Allah wills, Allah Azza wa Jalla says: Except for fasting, it is for me and I will reward for it'.

If there were no other ahaadeeth mentioning the merits of fasting then this would have been enough. It is true that there is no act equal to or like that of fasting as mentioned in the sixth hadeeth and the only result of this act is entering into Jannah as it came in the hadeeth reported by Hudhaifah (ra) and found with al Bazaar and Ahmad. Also as mentioned in the seventh hadeeth; it is the deserved right of the faster to be honoured by Allah (swt) and have his du'a responded to and answered.

The merits of Ramadhaan:

In relation to the merits of Ramadhaan the following ahaadeeth have been related:

- 1) On the authority of Abu Hurairah (ra) that the Prophet (saw) use to say:  
<The five prayers, and from one Jumu'ah to the next, and one Ramadhaan to the next count as a an expiation for all that is between them if the Kabaa'ir (major sins) are avoided>.  
Imaam Muslim (552), Ahmad and Al Bukhaari in his At Tareekh Al Kabeer.
- 2) And also from him (ra) that the Messenger of Allah (saw) said:  
<'Shame/pity (raghima Anf) on the man who when I am mentioned does not pray on me and pity on the man who enters into Ramadhaan and does not have all of his sins forgiven before its passing and pity on the man who when his parents reach an old age and they don't cause him to enter Jannah (because of his good treatment of them)' Rabi' said: 'I don't know it (the hadeeth) except that he said:' or one of the two (parents)'>.  
Imaam Ahmad (7444), Tirmidhi, Ibn Khuzaimah, al Haakim. Its Isnaad (chain) is jayyid (good).
- 3) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:

<When Ramadhaan begins the doors to Jannah are opened and those of Jahannam are locked and the Shayateen are chained up>.

Al Bukhaari (1899), Muslim, An Nisaa'i, Ahmad, Ibn Hibbaan, Ad Daarami with differences in some words.

- 4) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:  
<Whoever fasts Ramadhaan with Imaan and Ihtisaab (expecting reward from Allah) then all of his previous sins will be forgiven>.  
Al Bukhaari (38) Nisaa'i, Ibn Maajah, Ahmad, Ibn Hibbaan, and Ahmad (8989) and Nisaa'i in a second version stating 'all of his previous and forthcoming sins will be forgiven'. Al Mundhiri said the Isnaad is Hasan buy Hamaad had doubt in its connection or that the addition to the Hadeeth only goes back to one link in the chain from Qateebah bin Saeed from Sufyaan.
- 5) From ibn Abbaas (rah) that the Messenger of Allah (saw) said:  
<The performance of Umrah in Ramadhaan is equal to Hajj>.  
Ibn Maajah (2994), Nisaa'i, Ahmad. Ibn Maajah (2991), Ahmad and Tirmidhi narrated the Hadeeth with the same wording from Wahab bin Khanbash. Ahmad (14855) and Ibn Maajah also narrated it from Jaabir (ra). Al Bukhaari (1863) narrated from Jaabir (ra) and Muslim and Abu Daawud with the wording; 'Verily Umrah in Ramadhaan is like Hajj or Hajj with me>. Tabaraani in his Al Mu'jam Al Kabeer (364/25) and Abu Daawud, Ahmad on the authority of Mu'qal (ra) (she) said: <'I have become old and sick. Is there an action that can recompense me for my Hajj? He (saw) said: 'Umrah in Ramadhaan will recompense for it.'>
- 6) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:  
<On the first night of Ramadhaan the Shayaateen are tied up and (maradatul) Jinn, the doors to the fire (hell) are locked so that not one of its doors will be opened. The doors to Jannah will be opened and not one of its doors will be closed. A caller will call 'Oh desirer of Good (Aqbil) proceed! (come forward) and Oh desirer of evil (Aqsir) fall behind! And to Allah (swt) belongs those who are freed/saved from the fire. This will happen in every night (of Ramadhaan)>.  
Ibn Maajah (1642), Ibn Hibbaan and Bayhaqi. Al Haakim narrated it and verified its soundness (saheeh) and adh Dhahabi agreed. Ibn Khuzaimah (1883) narrated it with a slight difference and Tabaraani in Al Mu'jam al Kabeer (1586) an Nisaa'i narrated similar to it except on the way of Utbah bin Farqad (ra).

The significance of the above ahaadeeth are clear and do not require further explanation. If I add the ahaadeeth related to the merits of fasting in a complete manner to this topic then the merits of both fasting and Ramadhaan combined can be revealed in a perfect way. Ibn Abbaas (rah) said: 'The Messenger of Allah (saw) was the very best (most generous) of people, and he was at his best in Ramadhaan when he would meet with Jibreel (rha) and he would meet Jibreel every night and would go over (revise) the Quran. The messenger (saw) was even better in bringing Al Khair (goodness) than the fair winds'. (al Bukhaari (6), Muslim, Nisaa'i, Tirmidhi, Ahmad and Ibn Hibbaan).

When was the obligatory fast been legislated?

The Fuqahaa and Ulamaa differed in specifying the first obligatory fast on the Muslims. The Ahnaaf (Hanafi School) and Ibn Hajar from the Shaafi'een say that the first obligatory fast was the day of A'ashooraa. The Ahnaaf also said three days of every month which they said was abrogated with the legislation of Ramadhaan where the fasting person would refrain from after salaatul Isha until the sun sets (Maghrib) which was then abrogated by the statement of Allah (swt):

أَحَلَّ لَكُمْ لَيْلَةَ الْصِيَامِ الَّتِي كُنْتُمْ تُفْتَنُونَ فِيهَا لِبَاسٌ لَكُمْ وَأَنْ تَمْلَأُوا مِنْ لَيْلَتِكُمْ فِيهَا مَا كَانُوا يَكْفُرُونَ وَأَنْ تَقْرُبُوا نِسَاءَكُمْ وَأَنْ تَكُونُوا فِي حُلِيِّكُمْ وَأَنْ تَكُونُوا فِي حُلِيِّكُمْ وَأَنْ تَكُونُوا فِي حُلِيِّكُمْ...

<<It is made lawful for you to have sexual relations with your wives on the night of As-Sawm. They are libas (i.e. body cover, screen, or Sakan (i.e. you may enjoy pleasure of living with them)) and you are the same for them. Allah knows that you used to deceive yourselves, so He turned to you and forgave you. So now have sexual relations with them and seek that which Allah has ordained for you and eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your fast until the nightfall...>> Surah Al Baqarah 187

They also used the following Ahaadeeth to support their view:

1) From Abdur Rahman bin Abi Laylaa from Mu'aadth bin Jabal (ra) who said:

< 'The Salaah went through three stages just like fasting went through three'. So he mentioned the Hadeeth until he said, ' As for the stages of fasting, when the Messenger of Allah (saw) came to Al Madinah he made fasting three days of every month' and he said in addition: 'for nineteen months from Rabeel'ul Awwal until Ramadhaan, fasting was three days a month and the day of 'Ashooraa. Then Allah (swt) obligated fasting upon him when Allah (swt) revealed: <<O You who believe fasting has been prescribed for you as it was for those before you...>> until the ayah <<...as for those who find difficulty they have a choice to feed a miskeen (poor person)>> He said: 'So whoever wished to fast would do so and whoever wished to feed the poor would do so' that would be partitioned from him. He said: ' Then Allah (swt) revealed another ayaat; <<The month of Ramadhaan in which was revealed the Quran....>> until His statement <<....therefore whosoever witnesses the month should fast...>' He said: So Allah (swt) placed fasting on a firm standing (obliged it)

and gave a rukhsa (permission/lenience) to the sick and travelling and allowed the old who is unable to fast to give to the miskeen. These two represent two stages, he said: So they ate and drank and they approached their wives before sleeping but not after sleeping. He said: Then there was a man from the Ansaar called Sirma who remained fasting until the evening then he would go home to his family, pray Isha and then go to sleep. He did not eat or drink until he woke in the morning and remained in the state of fasting. He said: The Messenger of Allah (saw) saw him and he had expended a great deal of effort. He (saw) said: What's this, I have seen that you have indeed exerted a great deal of effort? He replied: I did yesterday, I came who when I did, I throw myself down so I slept and I awoke when I awoke and was (still) fasting. He (Mu'aadh) said: Umar had had relations with one of the women (slave or free) after sleeping so he approached the Messenger and informed him of it and Allah (swt) revealed: << It is Halaal for you or the night of fasting to have sexual relations with your women...>> until His (swt) saying <<...So complete the fasting until the night...>> He added: So he fasted 19 months from Rabee'ul Awwal until Ramadhaan>.

Imaam Ahmad (22475, Abu Daawud, Al Bayhaqi and Ahmad and Muslim narrated a similar hadeeth on the authority of Abdullah ibn Mas'ood.

- 2) On the authority of Naaf'i from (Abdullah) Ibn Umar (ra) who said:
 

<<The Prophet observed the fast on the 10<sup>th</sup> of Muharram ('Ashura), and ordered (Muslims) to fast on that day, but when the fasting of the month of Ramadan was prescribed, the fasting of the 'Ashura' was abandoned. Abdullah did not use to fast on that day unless it coincided with his routine fasting by chance>>.

Narrated by al Bukhaari (1892), Muslim, Ahmad and Bayhaqi. It also came in a different form in al Bukhaari (4501), Muslim, Abu Daawud and Ahmad <<The people of Jaahiliyah (pre-Islaam) used to fast the day of Ashura. When Ramadhaan was revealed whoever wished to fast would so so and whoever wished not to would refrain>>.
- 3) On the authority of Aisha (rah) who said:
 

<<The Quraysh used to fast the day of Ashura (10<sup>th</sup> Muharram) in Jaahiliyah and then the Messenger of Allah (saw) ordered its fasting until the time that Ramadhaan was made obligatory. The Messenger (saw) said then that whoever wished to fast could do so and whoever wished to could break it>>.

Al Bukhaari (1893), Muslim, Abu Daawud, Nisaa'i and at Tirmidhi. Bukhaari (4504), Muslim, Abu Daawud, an Nisaa'i, at Tirmidhi, Maalik, Ahmad and ad Daarami also narrated on the authority of Aisha (ra) that she said: << The Quraysh used to fast the day of Ashura in Jaahiliyah and the Prophet (saw) used to fast it. When he arrived in al Madinah he fasted it and ordered its fasting. When Ramadhaan was revealed it became an obligation and Ashura was left so whoever wanted to fast it did so and whoever did not want to could abstain>>.
- 4) On the authority of Alqamah from Abdullah ibn Mas'ood (ra) who said:
 

That Al-Ash'ath entered upon him while he was eating. Al-Ash'ath said, "Today is 'Ashura." I said (to him), "Fasting had been observed (on such a day) before (the order of compulsory fasting in) Ramadan was revealed. But when (the order of fasting in) Ramadan was revealed, fasting (on 'Ashura') was given up, so come and eat."

Al Bukhaari (4503), Muslim, Ahmad and al Bayhaqi.

- 5) On the authority of Ar Rubayyi' bint Mu'awidh who said:  
The Prophet sent a messenger to the village of the Ansar in the morning of the day of 'Ashura' (10th of Muharram) to announce: 'Whoever has eaten something should not eat but complete the fast, and whoever is observing the fast should complete it. She further said, "Since then we used to fast on that day regularly and also make our boys fast. We used to make toys of wool for the boys and if anyone of them cried, he was given those toys till it was the time of the breaking of the fast."  
Al Bukhaari (1960), Muslim, Ibn Khuzaimah, Ibn Hibbaan and al Bayhaqi.
- 6) Salamah bin Al Akwa' (ra) narrated that:  
<<The Prophet (saw) sent a man calling to people on the day of Ashura: 'Whoever has eaten should fast the rest of the day and whoever has not eaten should not eat (i.e. complete the fast)'>>.  
Al Bukhaari (1924), Muslim, An Nisaa'i, Ahmad, Ibn Hibbaan and ad Daarami.

The majority of Ulamaa including the most well known of the Shafi'iyyah opinions are of the view that no fast was obligated upon the Muslims before the fasting of Ramadhaan was revealed. They use as an evidence to support their view what was narrated by Humaid bin Abdir Rahmaan from Mu'aawiyah bin Abi Sufyaan (rah) when he stood on the Minbar on the day of Ashura in the year of Hajj stating: 'O People of Al Madeenah! Where are your Ulamaa (scholars)? I heard the Messenger of Allah (saw) saying: 'This is the day of Ashura, Allah (swt) did not prescribe its fasting but I am fasting so whoever wishes to can do so and whoever does not wish to then it is up to him''. Al Bukhaari (2003), Muslim, an Nisaa'i and Ibn Hibbaan. Ahmed bin Hanbal narrated (16992) in the wording, <'This is the day of Ashura, fasting was not prescribed on us so whoever wishes to fast can do so and I am fasting'. So the people fasted.>

In light of all of the above we say the following:

In relation to hadeeth number 1 narrated by Ahmad from Mu'aadh (ra), it contains a break in transmission between Abdur Rahmaan ibn Abi Layla and Mu'aadh. This is because Abdur Rahmaan did not come into contact with Mu'aadh like some Muhadditheen had mentioned and therefore the hadeeth is Munqat'i (has a link missing in the chain of narrators). The chain is therefore rejected and therefore so is the view of the Ahnaaf regarding the obligation of fasting three days before the month of Ramadhaan. Now we will begin the discussion of the Saheeh ahaadeeth:

The Ayah (2:187) does not contain any mention of the obligation of any fasting upon the Muslims before Ramadhaan and therefore this ayah is not correct to be used as evidence in this topic/issue. As for the Hadeeth of ibn Umar and that of Aisha recorded by Al Bukhaari, the wordings have come with one indication (meaning), that the Messenger of Allah (saw) ordered the fasting of Ashura before the obligation of Ramadhaan and did not order it after. This order comprises an evidence that the fasting of Ashura was an obligation on the Muslims for those who say and adopt the opinion that the command is waajib (obligatory). We say to them that we do not concur or affirm that the Amr (order) indicates wujoob (obligation) but we view that the command (amr) only establishes a request (talab). It is the qaraa'in (indications) that establish/define the form of request and if it is waajib (obligatory), Mandoob (recommended) or even Mubaah (permissible). So the Messenger (saw) ordered (requested) the fasting of Ashura, without a qareenah (indication/linkage) of obligation and this therefore does not lead to the fast of Ashura being obligatory (waajib). In addition to those who have stated its obligation we say: 'You (plural) do not say what you say in absolute terms but only say that the order implies obligation except if a qareenah changes its state to indicate that it is recommended for instance. Then (it should be asked) have you not searched or looked for a qareenah (in the texts) because it is (clearly) present in the texts in a way that cannot be hidden from any Faqeeh'?!'

The Hadeeth of Mu'aawiyah narrated by al Bukhaari and Imam Ahmad acts as a clear Qareenah (indication) that shifts the command (amr) of The noble prophet to that of nadb (recommendation). His (saw) statement: "Allah (swt) did not obligate fasting on you but I am fasting" or when he said "Its fasting was not obliged upon us so whoever wishes to fast amongst you then do so" act as a Qareenah that the noble Prophet's order (amr) to fast the day of Ashura was of the recommended type and not obligatory. As for it not being obligatory then this is clear from the Mantooq (spoken meaning) and as for it being recommended this is because the Messenger (saw) said to the Muslims "I am fasting" and he said to them 'so whoever wishes to fast from you then do so (fal yasum)". His announcement that he was fasting, his telling (ordering) those who wished to fast to do so and because the fast is an act of Ibaadah that brings you closer to Allah (swt) all represent a qareenah and evidence that the fast of Ashura is recommended.

As for relying on the hadeeth of Ar-Rubayyi' narrated by Al Bukhaari and the hadeeth from Salamah bin Al Akwa' also from Bukhaari, I say: The lafzh (wording) in terms of evidential meaning (dalaalah) is one, the first hadeeth says: "Whoever wakes up breaking his fast should complete the rest of the day and the one who wakes fasting should remain so" and the second hadeeth states: "Whoever has eaten should then complete/fast (from that time) and the one who hasn't eaten should not do so (i.e. complete his fast)". These two evidences do not come in a way that obligates the fast neither in Mantooq (meaning of words) or Mafhoom (wider understanding). In terms of the Mantooq this is clear. As for the Mafhoom; then the Messenger (saw) when he orders with an obligation (waajib) then he also guides us to how we should perform it. Likewise when we are ordered with a recommended act it is explained how it should be performed. The mentioning of how to perform the act is not however an indication to whether an action is obligatory or recommended but rather follows the origin of the rule of the action. If the action is obligatory then the manner to perform it becomes attached to it and is also therefore obligatory and likewise the manner of performing a recommended action follows its original ruling. There is no need to provide examples of what we have said because this understanding is well known and dispersed where no 'Aalim or Faqeeh can be hidden from it. In the above ahaadeeth it is mentioned how to perform the fast after the passing of part of the day however this description of how is not at all an indication of the obligation of this fast (Ashura).

As for the hadeeth of Abdullah ibn Mas'ood (ra) it does not add anything to the Hadeeth of ibn Umar and Aisha (rah). The hadeeth of Mu'aawiyah therefore remains with its textual meaning a striking evidence of denying the obligation of fasting the day of Ashura and as such it is necessary to rely on it and leave the other evidences (which have been used in this issue).

We also incline to distance ourselves from delving into this issue when a clear cut evidence can be found in the noble book of Allah (swt). Allah (swt) says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

<< O You who believe fasting has been written (obligated) for you like it was written for those before you so that you become fearful of Allah (Muttaqi)>> (Baqarah:183)

If you look at the wording of this ayah, in His (swt) statement 'Fasting has been written for you' the word fasting has come in a general ('Aam) and unrestricted (Mutlaq) way. The understanding is that fasting has become obligatory at that time and had fasting been made obligatory before then why did the expression (wording) come in this manner. This noble ayah came announcing the obligation of fasting and as such indicates that fasting was not obligatory before this revelation. This is the first point.

Secondly is His (swt) statement '...as it was written for those before you'. Had fasting been written for us before this ayah then why does it mention 'like those before you'. The Ayah

states: ‘...as it was written for those before you’ and not ‘as it was previously obliged upon you (like Ashura for example)’. This is an evident daleel (proof/evidence) that fasting had not been obliged upon the Muslims before the fast of Ramadhaan. May Allah (swt) forgive those that say other than that and these mistakes only come from the Ulamaa and Fuqahaa through the restriction to an evidence or a few evidences and leaving what is beside them. It’s as if Ijtihad is an issue of purifying the texts instead of taking the texts and working with all of them so that the weak evidences or those that oppose the strong evidences can be scrutinised and discarded.

Numerous hadeeth have expressed the obligation of fasting in the month of Ramadhaan whereas we have not found one evidence obligating the fast of Ashura. For example we bring the following Ahaadeeth:

- 1) From Talhah bin Ubaidullah (ra):  
<<An Arab (Bedouin) with dishevelled hair came to the Messenger (saw) and said: “O Messenger of Allah...Tell me what Allah (swt) has obliged on me in terms of fasting?” He (saw) replied: “The fast of Ramadhaan, other than that is recommended/extra”>>  
Al Bukhaari (1891), Muslim, Abu Daawud, An Nisaa’i and Ahmad.
- 2) From Ibn Umar (rah) that the Messenger of Allah (saw) said:  
<<Islam is built upon five: Shahaadah that there is no Ilah except Allah and that Mohammad is the Messenger of Allah, to establish the Salaah, to give the Zakaah, Hajj and fasting the month of Ramadhaan>>.  
Al Bukhaari (8), Muslim, An Nisaa’i, At Tirmidhi, Ahmad.  
Islam is not built upon anything that is not obligatory and indeed Islam is not built except on its Arkaan (pillars).

#### The Intention of the Fast:

It was the opinion of ibn Umar and Jaabir bin Zaid (rah) from the Sahaabah and also the opinion of Maalik, Al Layth and Ibn Abi dh’ib that it was necessary to make the intention for the fast in the preceding night in any part of it (the night). There is no difference between the obligatory and recommended fasts so the fast of Ramadhaan, the fast of an Nadhr (oath/vow), the obligatory fast of Kafaarah and the recommended extra fasts are all the same in the respect of the intention according to this view. However Imam Abu Haneefah, Imaam ash Shaafi’ and Ahmad viewed the niyah of the preceding night to be obligatory only for the obligatory fasts and not the supplementary.

Is it obligatory to make the intention for every day of fasting of Ramadhaan as the majority have stated or can one intention cover the whole month of fasting like Maalik, Ahmad and Ishaq have put forward? Also is it correct fasting in the month of Ramadhaan in the right of Al Muqem as Saheeh without an intention like some of the Ahnaaf, Ataa, Mujaahid and az Zuhry stated? Is it allowed to make the intention in the daytime of a supplementary fast which was the opinion of Ibn Abbaas, Ibn Mas’ood, Hudhayfah, Abu Hurairah, Abu ad Dardaa, Abu Talha, Abu Ayoob (rah) and Ahmad and Ash Shaafi’? Is the intention obligatory before Zawaal – before Zhohr - and there is no reward after that like has been reported from Ali Ibn Abi Taalib (ra) and from Abu Haneefah and one opinion attributed to Ash Shaafi’? Or is it acceptable to make the intention both before and after zhohr following the view of ibn Abbaas, Aa’isha and Hudhaifah (rah) and ash Shaafi’ in another view attributed to him?

In order to uncover the truth of these issues we need to examine the following texts:

- 1) From Hafsah (rah) the wife of the Prophet (saw) that He (saw) said:

<< Whoever has not joined the fast before al Fajr then there is no fast for him>>. Narrated bu Khuzaimah (1993). He added that 'ibn Abdil Hakam told him that Ibn Wahab told them the same thing, and he added: He told me that Maalik and al Layth said the same'. Ahmad, Ibn Hibbaan, Al Haakim and Ibn Hazm also narrated it and verified it as Marfoo' where An Nisaa'i and at Tirmidhy verified it stopping at Hafsah. Abd Daawud mentioned that Ma'mar, az Zubaydy, Ibn 'Ayyina and Younus al Ayly stopped the narration at Hafsah. Ibn Maajah, ad Daaramy also classified it as Marfou'. There is therefore a difference of opinion in relation to this Hadeeth where some have verified it as being Marfou' and others have stopped it at Hafsah.

2) On the authority of Aisha (ra) the Mother of Believers who said:

<< The Prophet (saw) entered one day and said: 'Have you got anything (to eat)?' So we said 'No'. He said 'In that case I am going to fast'. He came to us another day and we said: 'O Messenger of Allah we have been given a Hays (food) as a present' So he said 'Show it to me, I started the day fasting' and then he ate. Narrated by Muslim (2715), Abu Daawud, An Nisaa'i', At Tirmidhi and Ibn Maajah. Al Hays: It is a food from butter, cottage cheese and dates. Flour can replace the cheese. An Nisaa'i (2330), al Bayhaqi and ad Daaraqutni in a chain that Al Bayhaqi verified as Saheeh in the following wording: From Aa'isha (rah) Ummul Mu'mineen who said: The Messenger of Allah (saw) came one day and said, 'Do you have any food?' I said 'No' so he said 'Then I will fast. She said: 'He came another time' and I said: 'O Rasool Allah we have been given Hays' so he said, 'In that case I will break my fast and I had been (furidtu) fasting'.

3) On the authority of Anas bin Maalik (ra) that the Prophet (saw) said:

<< The fasting person has a choice between it and half of the day>>

Al Bayhaqi (277/4). He narrated similar to this from Abi Umaamah (ra).

4) From Ikramah from Ibn Abbaas (rah) that:

<< He use to be awake until zhohr and would then say: By Allah I awoke and I did not want to fast and yet I haven't eaten food or drank anything all day. I am therefore definitely going to fast this day!>>

Narrated by at Tahaawi in Sharh ma'aani al aathar (56/2).

5) From Abi al Ahwas from Abdullah ibn Mas'ood (ra) who said:

When you wake up then you have one of two options if you haven't eaten or drunk anything. If you wish you can fast and if you wish you can eat>>.

At Tahaawi (56/2) in Sharh al Ma'aani al Aathar and Al Bayhaqi similar to it (277/4).

6) On the authority of Abi Abdir Rahman

{ That Hudhaifah began his fast as long as the sun was still present }

Narrated by At Tahaawi in his Sharh Ma'aani al Aathar (56/2), Ibn Abi Shaybah and al Bayhaqi. Abdur Razzaaq (7780) and Sa'ad ibn Ubaidah said: {Hudhaifah said: Whoever feels like fasting after the zawaal of the Sun then he should/could do so}.

Fast at its sight and break fast at its sight:

At Tirmidhi said: (Based on this hadeeth (not mentioned) (the hadeeth of Ibn Abbaas shall be mentioned later) most of the people of knowledge have said: The witness (Shahaadah) of one person is accepted for fasting and this is what Ibn ul Mubaarak, Ash Shaafi' and Ahmad have said. Ishaq said: That there is no fast except with two men (as witnesses). And the people of knowledge have not disputed that it requires the witness of two men for the breaking of fast (Iftaar at end of Ramadhaan)).

Al Khitaabi said: I do not know any difference in opinion regarding the sufficiency of two just/reliable men top bear witness to the sighting of the new moon of Shawaal. The only difference is in relation to the witness (Shahaadah) of one man (at beginning of fast) but most of the Ulamaa do not accept less than two trustworthy/reliable witnesses.

The majority have gone with the opinion that one just witness is enough for the hilaal (new moon) of Ramadhaan and the start of fasting. Their opinion is that if one just/reliable Muslim sees the Hilaal of Ramadhaan then this makes fasting obligatory on all of the Muslims. Imaam Ahmad (ra) said: Even if it is a slave or woman. This is also an opinion of ash Shaafi'. The more relied upon opinion of Imaam Ash Shaafi' however is that the witness should be free and male. The Ahnaaf permitted the just witness even if it be a slave or female when the sky is cloudy. Al Maalikiyyah and Ishaq ibn Raahuwiyah opposed the majority opinion when they obliged two free male just and mature witnesses for the beginning of Ramadhaan or a large group who may not hold the above mentioned conditions i.e. male, free, just.

As for affirming and establishing the new moon of Shawaal and the end of fasting (Iftaar) then in this case the majority and the four Imaams have stated that two witnesses are necessary. The Ahnaaf have said that they should be free men and just or one free man and two free women. Abu Thawr and Ibn Mundhir from Ash Shaafi'iyyah and Ibn Rushd from the Maalikiyyah and Ash Shawkaani who permitted the witness of one just witness for the affirmation of the seeing of the Hilaal of Shawaal and the beginning of Iftaar i.e. the end of Ramadhaan.

We will now look at the evidences/texts related to this issue so that we may attain the correct opinion with the help of Allah (swt):

- 1) On the authority of Ibn Abbaas (ra) who said:  
<<An Arab came to the Prophet (saw) and said: 'I saw the Hilaal (of Ramadhaan)' He (saw) said: 'Do you bear witness that Laa Ilaaha illa Allah and that Muhammad is His slave and messenger?' He said 'Yes' So The Prophet (saw) said: 'Get up and announce to the people that we are fasting tomorrow'>>. Narrated by Ibn Khuzaimah (1923) and Ibn Hibbaan. Abu Daawud (2340) with the wording [... Verily I saw the Hilaal – Al Hasan said in this Hadeeth: meaning Ramadhaan...]. An Nisaa'i and At Tirmidhi and Ibn Abi Shaibah. Al Haakim and Adh Dhahabi verified it as Saheeh.
- 2) On the authority of Husein bin Al Haarith Al Jadaly from Judailah Qais that the Ameer of Makkah addressed the people saying:  
<<The Messenger of Allah (saw) obliged on us that we start dhul Hijjah with the sighting (of the Hilaal) and if we did not see it but two others bore witness to the sighting then we should (nunsuk) start dhul Hijjah on that... Then the Ameer said: Verily there are people amongst you who are more knowledgeable about Allah (swt) and His Messenger (saw) (i.e. the deen) than me, who have witnessed firsthand from the Messenger and he indicated with his hand a man (in the crowd). Husein said: So I said to the Shaikh who was beside me 'Who is this who the Ameer is indicating'? He said: 'It is Abdullah Ibn Umar (ra) and he told the truth as he (Abdullah) is more Knowledgeable about Allah (swt) than him (the Ameer). So he said: And this is what the messenger of Allah (saw) ordered us with>>. Narrated by Daawud (2338), Ad Daaraqutni who verified its soundness and Bayhaqi also narrated it.  
Nunsuk means we worship and here means make Hajj and the statement Nunsuk li ru'yah means the sighting of the Hilaal of Dhil Hijjah.
- 3) On the authority of Ibn Umar (rah) who said:  
<<The people showed me the Hilaal so I told the Messenger (saw) that I had seen it so he began the fast and ordered the Muslims to begin their fast>>. Abu Daawud (2342), Ad Daarami, Al Bayhaqi. Ibn Hibbaan, Al Haakim and Ibn Haazim narrated it and verified its soundness (saheeh).

In relation to the second Hadeeth regarding the Ameer of Makkah, it is not in the baab (chapter) of fasting. It is related to the baab of Hajj and remains belonging to it and as such we will leave it there. So now only the hadeeth of Ibn Abbaas and Ibn Umar (rah) remain in this issue. The first mentions that the Messenger of Allah (saw) affirmed the sighting of the new moon (hilaal) of Ramadhaan on the testimony of (only) one arab. The second hadeeth mentions how the Messenger of Allah (saw) affirmed the sighting of the new moon (hilaal) and the beginning of the fast from the testimony of Abdullah ibn Umar (ra) himself. These two hadeeth are (not) open to protest and they indicate in a way that does not accept interpretation that the confirmation of the Hilaal of Ramadhaan and the beginning of fasting is established by the witnessing of one witness. The opinion of those who stipulate and obligate two witnesses is therefore rejected such as the Maalikiyah and Ishaq ibn Rahuuyah. This issue is of the clarity that does not require any further delving in to or study.

Secondly, the texts and evidences linked to the sighting of the Hilaal of Shawaal

- 1) On the authority of Rabi'iy from a man from amongst the people (ashaab) of the Prophet (saw):  
 <<That the Prophet (saw) awoke (started his day) fasting to complete the thirty days of Ramadhaan when two arabs came and bore witness to Laa ilaaha illa Allah and that they had seen the new moon yesterday so the Prophet (saw) commanded the breaking of fast>>.
 

Ad Daaraqutni (168/2) and he said the Hadeeth is Saheeh. Also narrated by Abu Daawud, An Nisaa'i and Ahmad.
- 2) On the authority of Al Hussein from Al Haarith who said that I heard Abdur Rahmaan bin Zaid bin Al Khattaab saying:  
 <<We accompanied the companions of the Prophet (saw) and we learnt from them. They told us that the Messenger of Allah (saw) said: Fast at its sighting and break fast at its sighting, and if it is not visible (cloudy) so count (fast up to) to thirty days. If somebody who is just witnesses (the new moon) then fast, and break fast and perform your acts of worship>>
 

Ad Daaraqutni (167/2) , Ahmad and An Nisaa'i.

Ahmad (19101) narrated in the wording :  
 << Fast at its sighting and break fast at its sighting and stick to it and if it is not visible (cloudy) complete thirty and if two Muslim witnesses see it then begin your fast and break your fast>>.
- 3) From Al Haarith (ra) who said:  
 <<If two just men bear witness to thw sighting of the Hilaal then break your fast>>
 

Narrated by Ibn Abi Shaibah (482/2)
- 4) On the authority of Abi Umair ibn Anas ibn Maalik who said: My Uncles told me from the Ansaar from the companions of the Messenger (saw) that they said:  
 <<The Hilaal (new moon) of Shawaal was obstructed from us (not visible) so we started the day fasting. There then came riders from the other side of the river and they testified to the Prophet (saw) that they had seen the Hilaal the day before. So the Messenger (saw) ordered that the fast be broken and that they should go out for the eid (celebration) the following day>>.
 

Ibn Maajah (1653), Ahmad, An Nisaa'i, Ibn Hibbaan and At Tahaawi. Ad Daaraqutni said the Isnaad is Hasan and Al Bayhaqi that all of the named Sahaabah are just.
- 5) From Anas (ra):

<<A group of people testified to the Prophet (saw) the sighting of the Hilaal, the Hilaal of Shawaal, so he ordered that they break fast and begin their Eid the next day>>.

Narrated by Al Bazaar (972) and Abu Bakr Al Qutay'i on the Musnad of Al Imaam Ahmad. Al Haithami said in relation to the Hadeeth that its Rijaal (narrators) are Saheeh.

The second Hadeeth from Ad Daaraqutni and Ahmad was narrated by Al Hujjaaj and he is Da'eef so the (chain) sanad is abandoned. In relation to the Matn (text) and the addition 'If somebody who is just witnesses (the new moon) then fast, and break fast and perform your acts of worship' is not preserved and this is because the heart (main part) of this hadeeth is narrated from numerous saheeh paths and this addition is not in any of them. It is therefore rejected. As for the report of An Nisaa'i Al Hujjaaj is not in the chain and instead it includes Ibraaheem bin Ya'qoob. In his book Mizaan al i'tidaal Adh Dhahabi says about him that he is accused with lying so this Hadeeth from An Nisaa'i is also rejected.

As for the third Hadeeth it is from Al Haarith Al A'war and he is accused of lying so this hadeeth is rejected. So only the ahaadeeth 1,4 and 5 remain to be discussed.

The first Hadeeth (1) states that 'Two arabs came and bore witness to Laa Ilaaha illa Allah that they had seen the new moon the day before so they were ordered to break fast' and the fourth hadeeth (4) stated that 'Riders came from the other side of the river and they testified to th Prophet (saw) that they had seen the new moon the day before so the Messenger of Allah (saw) ordered them to break their fasts'. And the fifth hadeeth (5) states that 'A people or group testified to the Prophet (saw) that they had seen the new moon, the moon of shawaal so he (saw) ordered them to break their fasting'. A look at these three statements reveals one pattern and that is that what happened in each occasion was the reality of those that saw it (the new moon). The realities represented a coincidental occurrence without any conditions stipulated. The evidences do not contain any mention of a condition stipulating that there be two witnesses or that they are riders or a group of people but only that this is what occurred in each case i.e. it just occurred that two came, that riders came and that a group of people testified to the sighting of the new moon. These texts do not mean by language or Shar'a that it is not allowed to accept the witness of less than what they mention. For those that put forward this view (that two witnesses are required) bring and evidence that the Messenger of Allah (saw) rejected the witness of one person in the sighting of the Hilaal of Shawaal. It is also known that the witnessing by eye does not have understandings attached to it and no means of measurement and in this case there is no call to stick to the way it occurred. And if the witnessing was done by more than one man in these evidences this does not mean that the testimony of one person is not sufficient. The one who says one persons witness is enough will no doubt accept the witness of two, five, ten or even a hundred people. And an increase in number is better as people say 'more is better'. Indeed one person is sufficient to enter in to the crowd and achieve what is required. So in conclusion there is nothing in any of these texts that invite us to stipulate that two or more witnesses are required for the sighting of the new moon (hilaal) of Shawaal.

And I say to whoever views that these evidences indicate compulsion (to a given number) that: If you take the fourth and fifth hadeeth and stick to them according to this understanding then you would have to abandon the first hadeeth mentioning two witnesses only. Those who say these hadeeth restrict the number have awoken in confusion and have moved away from purity. This is because if they work with all three ahaadeeth then they would need to abandon the two witnesses as they are less than riders and a people. Or they may view them as opposing evidences and just take which ever they like from them like the stipulation of two witnesses whilst leaving the riders and people or the other way round!

Verily the Messenger of Allah (saw) said "Fast at its sighting and break fast at its sighting" and the sighting was stipulated in a general way for the sighting of the Hilaal of Ramadhaan and the sighting of the Hilaal of Shawaal. This hadeeth which has reached a high level of soundness (saheeh) did not differentiate between the fast (beginning of Ramadhaan) and the breaking of fast (end of Ramadhaan). It is therefore waajib to equalise between them by beginning our fast with the hilaals sighting and breaking/ending our fast with its sighting in its general form without finding what may specify or make different one sighting over the other. We have evidences that mention the acceptance of one witness for the beginning of fasting so this can act as a general evidence for the acceptance of one witness for the sighting of the new moon. The sighting of the moon of ramadhaan is the same as the sighting of the moon of Shawaal and if the sighting of one witness is enough for the confirmation of one then it is sufficient for the other. This is unless there has come a text that has made an exception of the general evidences and in this case there are absolutely none.

And here is an important point that I want to mention. The opinion of accepting the testimony of one witness for the Hilaal of Ramadhaan makes it necessary to break the fast at the end of the month based on this original sighting i.e. 29 or 30 days after it. This means that in this case the acceptance of the witness of this one person for the affirmation of the month of Shawaal.

With that it is apparent that the four Imaams have made a mistake in stipulating two witnesses for the ending of the fast and that Abi Thaur and his group who made both sightings equivalent to each other the correct opinion in this issue.

As for the branches mentioned earlier in this discussion related to the free person and slave, the male and female or one whose mind is clouded, all of these have to place here or any daleel (evidence) to support them. As for the slave then in today's reality he does not exist so we will not busy ourselves with him. As for the male and female then the just/reliable one from them is accepted as witness because justice is not restricted to either male or female in Islaam. If evidences have mentioned two men or man and two women then they are restricted to the subject areas they have come to address and cannot be generalised beyond them.

Extra Issue:

It is known that the State, or the Khaleefah or whoever has been delegated receives those who have sighted the new moons and then he makes a general declaration to the whole people about the beginning of Ramadhaan and its end. He does this after checking the reliability of those who have witnessed it and the question arises here: If one person was to see the new moon of ramadhaan or shawaal, testified in front of the Khaleefah or a deputy to him that he had seen it. And then his word was not accepted and his testimony rejected, then in this case does he stick to what he saw and begin fast alone or break fast alone or is he bound by the order of the Khaleefah?

Another question arises, maybe the one who saw is far from the Khaleefah or his deputy in order to ascertain his testimony, then in this case is he bound by his own sighting or by the declaration of the Khaleefah?

The four Imaams obliged the fast on the individual through the sighting of the Hilaal of Ramadhaan and they differed in the sighting of the Hilaal of Ash Shawaal. Abu Haneefah, Maalik and Ahmad held the opinion of continuing the fast and not making Iftaar through seeing the Hilaal of Shawaal himself. The Shaafi'iyah said and it is also one view attributed to the Maalikiyah that: That the breaking of fast is in accordance to the hadeeth 'And do not make Iftaar until you have seen it' but he should conceal it so that he is not accused (of making fitnah etc...). In relation to this I say the following,. And Allah (swt) is the one who reconciles the correct answer:

What the four Imaams have said about the obligation of fasting on the individual (who saw it) is correct and it is what the opinion is specified with. Fasting the last day of Sha'baan is permitted by the Shar'a and what has been narrated about forbidding advancing upon Ramadhaan then all of that directs to a dislike as shall be mentioned later. Then in this case it is obligatory on the one who saw the moon to begin his fast as the waajib has precedence over the Makrooh (disliked action). It became obligatory on the one who saw the Hilaal as the Messenger (saw) said 'Fast at its sight' to begin his fast because the sighting has happened upon him. Abdullah ibn Abi Moosa said: 'And I asked her ('Aisha (rah) about the day in which there was difference over Ramadhaan. She said: To fast a day of Sha'baan is more beloved to me than breaking a fast (eating) on a day of Ramadhaan. He said: So I went out and asked Ibn Umar and Abi Hurairah and both of them said: The wives of the Prophet (saw) are more knowledgeable about that than me' Narrated by Ahmad (25458), Sa'eed bin Mansoor and Al Bayhaqi. Al Haithami said: The Rijaaal (men/narrators) of Ahmad are Rijaaal of Saheeh.

As for the individual Iftaar based on the sighting of the moon of Shawaal then this is not permissible. This is what Abu Haneefah, Maalik and Ahmad are upon. This is because the Iftaar (ending of fast) means the beginning of Shawaal and this means the Day of Eid al Fitr and it is the role of Al Dawlah Al Khilaafah to specify this and it is not the right of the individual. This is due to the fact that all rituals of the deen related to the Jamaa'ah as a Jamaa'ah (collective body) are the responsibility of the Khaleefah alone to order, organise and specify its timing. It is not the right of an individual or a collection of individuals to undertake this responsibility for themselves otherwise it would cause frictions with the Jamaa'ah which is Haraam and not allowed.

So the individual is not allowed to do Eid except the Eid that is announced by Ad Dawlah Al Khilaafah so it is not allowed for an individual to announce Iftaar (the ending of fast) or specify the day of Eid. It is obligatory on him to refrain from eating and continue with his fast with Jamaa'ah of the muslims.

Indeed it came in the Hadeeth that we looked out a little time ago which was related by Rab'iy: 'Two arabs came and bore witness to Laa Ilaaha illa Allah and that they had seen the Hilaal the day before so he (saw) ordered them so they broke their fast'. Also in another hadeeth that we recently mentioned narrated by Abu 'Umair bin Anas 'Riders came from the other side of the river who testified to the Prophet (saw) that they had seen the moon the previous night and so the Messenger of Allah (saw) ordered them (the muslims) to break their fast'. And like these two the Hadeeth of Anas that came after them in our discussion. So it can be seen from the Hadeeth that the two Arabs inspite of having seen the Hilaal (the Hilaal of Eid) the night before continued with their fasting until they had been told by the Messenger (saw) of Allah to break their fast. The riders in the second hadeeth also remained fasting despite having seen the Hilaal of Shawaal (the Hilaal of Eid) until the end of the day when the Messenger (saw) commanded them to break their fast. The similar to this is evident in the Hadeeth of Anas. All of this indicates that the announcement or declaring of the time for Iftaar (end of fast) is the work and responsibility of the Dawlah (state) and that it is not the right of any one to make Iftaar before that announcement. So from this the opinion of the opinion of the three Imaams is correct and the opinion of Imaam Shaaf'i is incorrect. The conclusion to this is that the individual fasts with his own witness but does not break his fast except with the command of the Dawlah (state).

## Part One

### Fasting of Ramadhaan – General Rules:

Sawm linguistically means refraining, silence, suspension and what is included in its meanings. Sawm has been mentioned with this meaning in Allah's (swt) noble book. Allah (swt) says:

{ فَكُلْ لِي وَاشْرَبْ لِي وَقَرَّبْ لِي عَيْنًا فَإِمَّا تَرَىٰٓ أَنَّ مِنَ الْبَشَرِ آخِذًا فِقُولِي إِنِّي وَدَّعْتُ  
{ لَلرَّحْمٰنِ صَوْمًا فَلَنَأْكُلَ لَمَّ إِلَيَّ وَمِإْنُ سَيِّئًا }

<<So eat and drink and be glad. And if you see any human being, say: 'Verily, I have vowed a fast unto the Most Gracious so I shall not speak to any human being this day>> (Surah Maryam Ayah 26)

As for As-Sawm in the sharee'ah terminology, it is refraining from those things that break the fast and they are: food, drink, sexual relations, excess water through mouth/nose and vomiting, with the intention of getting closer to Allah (swt) from Fajr of a day until its Maghrib. This Sharee'ah meaning of fasting has been mentioned in numerous noble ayaat and there is no need to bring them up here as they are well known amongst people who are knowledgeable of them.

### The Merits of As Sawm:

There are many Ahaadeeth that mention the merit of Fasting of which I will mention some: Narrated from Abu Hurairah (ra) that the Prophet (saw) said:

11) <Allah (swt) said: Every action of ibn Adam (man) is for himself except for Fasting which is for me and I will reward for it. Fasting is a Shield (from hellfire). So, the fasting person should avoid all sexual relations, he should not behave foolishly, and if someone insults him or fights with him then he should say: I am a fasting person. And by Him in whose hand is my soul the smell coming from the mouth of the fasting person is better with Allah than the smell of Musk. The one fasting has two joys, one when he breaks his fast and when he meets his Rabb he will feel the joy for his fasting>

Narrated by Imaam Al Bukhaari (1904) and Muslim, Nisaa'i, Ibn Maajah and Ahmad. Also from Abu Hurairah (ra) that the Prophet (saw) said:

<Your Lord Tabaarak wa ta'aalaa said: Every action is Kafaarah (expiation) except for fasting, because it is for me and I will reward for it...>

Narrated by Abu Daawud At Tayaalissy (2485) and Ahmad.

And from Abu Hurairah (ra) that the Prophet (saw) said:

<Every one of the sons of Adam's actions is multiplies, a good action will have ten of it's like or up to seven hundred times and Allah Azza wa Jalla says: 'Except fasting because it belongs to me, and I reward it...>

Narrated by Muslim (2707), An Nisaa'i, Ad Daraami and Bayhaqi. Ahmad (9712) and Ibn Majah narrated it with the following words:

< Every one of the sons of Adam's actions is multiplied, a good action will have ten of its like or up to seven hundred times to what Allah wills, Allah Azza wa Jalla says: Except for fasting, it is for me and I will reward for it...> The addition is ' to what Allah wills'.

12) On the authority of Sahl bin Sa'd (ra) that the Prophet (saw) said:

<There is a gate in Jannah called Ar-Raiyaan and those who observe fast will enter it on the Day of Judgement and none will enter from it except them. It will be said 'Where are those who used to observe Saum?' They will get up and none except them will enter it and after they have entered it will be locked and no one else will be able to enter through it>.

Narrated by Bukhaari (1896) and Muslim and Nisaa'i.

Ibn Maajah (1640) and Tirmidhi narrated it as following:

< So those who were from amongst the Saa'imeen (faster's) will enter, and whoever has done will never feel the quench of thirst again>.

13) On the authority of Abdullah Ibn Mas'ood (ra) that he said that the Prophet (saw) said:

<He who can afford to marry should do so because it will help him to lower his gaze and save his private parts. And whoever cannot marry then he should fast as it will diminish his desire (wijaa'a)>

Al Bukhaari (1905), Muslim, Daawud, Nisaa'i and Tirmidhi. Wijaa'a means to put pressure on the testicles or its veins so as to cut the desire.

14) On the authority of Hudhayfah bin Al Yaman (ra) that he heard the Prophet (saw) saying:

<The Fitnah (affliction) of a man is in his family, money and neighbours and As Salaah, As Saum and As Sadaqah are expiation for them> .

Al Bukhaari (1895) and Muslim.

Ibn Abi Shaibah (595:8) reported it with this wording:

<The Fitnah of a man is in his family, his money, his own self and his neighbour and fasting, sadaqah and ordering the right and forbidding the wrong are expiation for them>.

And also from Hudhaifah (ra) from the Prophet (saw):

<Who ends his final day (of life) and he fasted will enter Jannah>.

Narrated by Al Bazaar (1038) and Ahmed and Al Haythami said that its people (narrators) are trustworthy.

15) On the authority of Abdullah Ibn Umar (rah) that the Messenger (saw) said:

<Fasting and the Quran will intercede for the servant on the Day of Judgment.

Fasting will say: By my Rabb, I prevented him from food and desires during the day so let me intercede for him and the Quran will say: I prevented his sleep at night so let me intercede for him, Therefore they will both intercede>.

Narrated by Ahmad (6626) and its sanad (chain) is Hasan. Tabaraani also narrated it in his Al Mu'jam Al Kabeer and Al Haakim narrated it and verified its soundness.

16) On the authority of Abu Umaamah (ra) who said:

<I came to the Messenger (saw) so I said: 'Command me with an action which will cause me to enter Al Jannah'. He (saw) said: 'Alayka bis Saum (Fast), because there is nothing equal to it'. I came to him a second time and he said (again): 'Alayka bis Siyaam (Fast)'>.

Narrated by Ahmad (22501) and Nisaa'i, ibn Hibbaan, ibn Khuzaimah, Ibn Abi Shaybah, and Tabaraani in Al Mu'jam Al Kabeer. And in another version from Ibn Hibbaan (3425) and Nisaa'i (Alayka bi saum fa laa mithla lahu...) Fast as there is nothing comparable to it. Here 'mithla' is used instead of 'idla' in the previous version to mean 'the like of/equal to'.

17) On the authority of Abu Hurairah (ra) who said that the Messenger (saw) said:

< There are three whose requests (du'aa) will not be turned down: The just ruler, the one who fasts until he breaks it and the one who is oppressed. Allah (swt) will raise them on the Day of Judgement without (al ghumaam) clouds and the doors of the heavens (skies) will be opened for them and He will say: With my Izza (glory) I gave you victory even if it was after a while>.

Narrated by Ibn Maajah (1752).

Al Gumaam has the same meaning as mentioned in the following Ayaat as Allah (swt) states:

يَوْمَ تَشَقُّقُ السَّمَاءُ بِالْغَمَامِ

And (remember) the day that the Heaven will be rent asunder by clouds.. (Al Furqaan: 25)

هَلْ يَنْظُرُونَ إِلَّا أَنْ يَأْتِيَهُمُ اللَّهُ فِي ظُلُلٍ مِّنَ الْغَمَامِ

Do they then wait for anything other than that Allah (swt) should come to them in the shadows of the clouds (Al Baqarah: 210).

18) On the authority of Othmaan ibn Abi Aas (ra) that he said: 'I heard the Messenger of Allah (saw) saying':

<Sawm (fasting) is a shield (protection) from the fire just like the shield of one of you (protects you) in battle>.

Narrated by Nisaa'i (2231), Ibn Maajah, Ahmad, Ibn Hibbaan and Ibn Abi Shaybah.

19) On the authority of jaabir ibn Abdillah (ra) that the Messenger of Allah (saw) said:

< Our Rabb Azza wa Jalla said: Fasting is a shield (Junnah) the servant seeks to shield himself with it from the Naar (fire) and it (fasting) is for me, and I will reward/recompense for it>.

Narrated by Ahmad (14724) with a sanad (chain) which is Jayyid (good) and also narrated by Al Bayhaqi.

20) On the authority of Abi Ubaidah (ra) who said that he heard the Messenger of Allah (saw) say:

<Fasting is a shield for the one who does not violate it...>

Ahmad (1690/1700)

In a version of ad Daraami (1733):

<Fasting is a shield for the one who does not violate it, Abu Muhammad said, 'This means al Gheeba (back-biting).

Tabaraani narrated it in Al Mu'jam Al Awsat (4533) from Abi Hurairah (ra).

So how noble are the Fadaa'il (merits) of the Ibaadah of Fasting. Fasting is a shield, i.e. a guard and protection. It is a blocker of desires when one cannot marry and it expiates the sins in the time of affliction. It intercedes on behalf of its master on the Day of Judgement and for those who fast belongs the gate of Ar Rayyaan, the one who enters from it will never experience thirst again. It is sufficient alone to look at what came in the Hadeeth, 'Every one of the sons of Adam's actions is multiplies, a good action will have ten of it's like or up to seven hundred times to what Allah wills, Allah Azza wa Jalla says: Except for fasting, it is for me and I will reward for it'.

If there were no other ahaadeeth mentioning the merits of fasting then this would have been enough. It is true that there is no act equal to or like that of fasting as mentioned in the sixth hadeeth and the only result of this act is entering into Jannah as it came in the hadeeth reported by Hudhaifah (ra) and found with al Bazaar and Ahmad. Also as mentioned in the seventh hadeeth; it is the deserved right of the faster to be honoured by Allah (swt) and have his du'a responded to and answered.

The merits of Ramadhaan:

In relation to the merits of Ramadhaan the following ahaadeeth have been related:

- 7) On the authority of Abu Hurairah (ra) that the Prophet (saw) use to say:  
<The five prayers, and from one Jumu'ah to the next, and one Ramadhaan to the next count as an expiation for all that is between them if the Kabaa'ir (major sins) are avoided>.  
Imaam Muslim (552), Ahmad and Al Bukhaari in his At Tareekh Al Kabeer.
- 8) And also from him (ra) that the Messenger of Allah (saw) said:  
<'Shame/pity (raghima Anf) on the man who when I am mentioned does not pray on me and pity on the man who enters into Ramadhaan and does not have all of his sins forgiven before its passing and pity on the man who when his parents reach an old age and they don't cause him to enter Jannah (because of his good treatment of them)' Rabiyy said: 'I don't know it (the hadeeth) except that he said:' or one of the two (parents)'>.  
Imaam Ahmad (7444), Tirmidhi, Ibn Khuzaimah, al Haakim. Its Isnaad (chain) is jayyid (good).
- 9) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:  
<When Ramadhaan begins the doors to Jannah are opened and those of Jahannam are locked and the Shayateen are chained up>.  
Al Bukhaari (1899), Muslim, An Nisaa'i, Ahmad, Ibn Hibbaan, Ad Daarami with differences in some words.
- 10) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:  
<Whoever fasts Ramadhaan with Imaan and Ihtisaab (expecting reward from Allah) then all of his previous sins will be forgiven>.  
Al Bukhaari (38) Nisaa'i, Ibn Maajah, Ahmad, Ibn Hibbaan, and Ahmad (8989) and Nisaa'i in a second version stating 'all of his previous and forthcoming sins will be

forgiven'. Al Mundhiri said the Isnaad is Hasan buy Hamaad had doubt in its connection or that the addition to the Hadeeth only goes back to one link in the chain from Qateebah bin Saeed from Sufyaan.

11) From ibn Abbaas (rah) that the Messenger of Allah (saw) said:

<The performance of Umrah in Ramadhaan is equal to Hajj>.

Ibn Maajah (2994), Nisaa'i, Ahmad. Ibn Maajah (2991), Ahmad and Tirmidhi narrated the Hadeeth with the same wording from Wahab bin Khanbash. Ahmad (14855) and Ibn Maajah also narrated it from Jaabir (ra). Al Bukhaari (1863) narrated from Jaabir (ra) and Muslim and Abu Daawud with the wording; 'Verily Umrah in Ramadhaan is like Hajj or Hajj with me>. Tabaraani in his Al Mu'jam Al Kabeer (364/25) and Abu Daawud, Ahmad on the authority of Mu'qal (ra) (she) said: <'I have become old and sick. Is there an action that can recompense me for my Hajj? He (saw) said: 'Umrah in Ramadhaan will recompense for it.'>

12) From Abu Hurairah (ra) that the Messenger of Allah (saw) said:

<On the first night of Ramadhaan the Shayaateen are tied up and (maradatul) Jinn, the doors to the fire (hell) are locked so that not one of its doors will be opened. The doors to Jannah will be opened and not one of its doors will be closed. A caller will call 'Oh desirer of Good (Aqbil) proceed! (come forward) and Oh desirer of evil (Aqsir) fall behind! And to Allah (swt) belongs those who are freed/saved from the fire. This will happen in every night (of Ramadhaan)>.

Ibn Maajah (1642), Ibn Hibbaan and Bayhaqi. Al Haakim narrated it and verified its soundness (saheeh) and adh Dhahabi agreed. Ibn Khuzaimah (1883) narrated it with a slight difference and Tabaraani in Al Mu'jam al Kabeer (1586) an Nisaa'i narrated similar to it except on the way of Utbah bin Farqad (ra).

The significance of the above ahaadeeth are clear and do not require further explanation. If I add the ahaadeeth related to the merits of fasting in a complete manner to this topic then the merits of both fasting and Ramadhaan combined can be revealed in a perfect way. Ibn Abbaas (rah) said: 'The Messenger of Allah (saw) was the very best (most generous) of people, and he was at his best in Ramadhaan when he would meet with Jibreel (rha) and he would meet Jibreel every night and would go over (revise) the Quran. The messenger (saw) was even better in bringing Al Khair (goodness) than the fair winds'. (al Bukhaari (6), Muslim, Nisaa'i, Tirmidhi, Ahmad and Ibn Hibbaan).

When was the obligatory fast been legislated?

The Fuqahaa and Ulamaa differed in specifying the first obligatory fast on the Muslims. The Ahnaaf (Hanafi School) and Ibn Hajar from the Shaafi'een say that the first obligatory fast was the day of A'ashooraa. The Ahnaaf also said three days of every month which they said was abrogated with the legislation of Ramadhaan where the fasting person would refrain

from after salaatul Isha until the sun sets (Maghrib) which was then abrogated by the statement of Allah (swt):

أَحَلَّ لَكُمْ لَيْلَةَ الصَّيَامِ الرَّفَثِ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ  
عَلِمَ اللَّهُ أَنَّكُمْ كُنْتُمْ تَخْتَانُونَ أَنْفُسَكُمْ فَتَابَ عَلَيْكُمْ وَعَفَا عَنْكُمْ فَالآنَ  
بَاشِرُوهُنَّ وَأَبْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ وَكُلُوا وَاشْرَبُوا حَتَّى يَتَبَيَّنَ لَكُمُ  
الْخَيْطُ الْأَبْيَضُ مِنَ الْخَيْطِ الْأَسْوَدِ مِنَ الْفَجْرِ ثُمَّ أَتُمُّوا الصَّيَامَ إِلَى اللَّيْلِ...

<<It is made lawful for you to have sexual relations with your wives on the night of As-Sawm. They are libas (i.e body cover, screen, or Sakan (i.e. you may enjoy pleasure of living with them)) and you are the same for them. Allah knows that you used to deceive yourselves, so He turned to you and forgave you. So now have sexual relations with them and seek that which Allah has ordained for you and eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your fast until the nightfall...>> Surah Al Baqarah 187

They also used the following Ahaadeeth to support their view:

7) From Abdur Rahman bin Abi Layla from Mu'aadth bin Jabal (ra) who said:

< 'The Salaah went through three stages just like fasting went through three'. So he mentioned the Hadeeth until he said, ' As for the stages of fasting, when the Messenger of Allah (saw) came to Al Madinah he made fasting three days of every month' and he said in addition: 'for nineteen months from Rabe'ul Awwal until Ramadhaan, fasting was three days a month and the day of 'Ashooraa. Then Allah (swt) obligated fasting upon him when Allah (swt) revealed: <<O You who believe fasting has been prescribed for you as it was for those before you...>> until the ayah <<...as for those who find difficulty they have a choice to feed a miskeen (poor person)>> He said: 'So whoever wished to fast would do so and whoever wished to feed the poor would do so' that would be partitioned from him. He said: ' Then Allah (swt) revealed another ayaat; <<The month of Ramadhaan in which was revealed the Quran....>> until His statement <<....therefore whosoever witnesses the month should fast...>' He said: So Allah (swt) placed fasting on a firm standing (obliged it) and gave a rukhsa (permission/lenience) to the sick and travelling and allowed the old who is unable to fast to give to the miskeen. These two represent two stages, he said: So they ate and drank and they approached their wives before sleeping but not after sleeping. He said: Then there was a man from the Ansaar called Sirma who remained fasting until the evening then he would go home to his family, pray Isha and then go to sleep. He did not eat or drink until he woke in the morning and remained in the state of fasting. He said: The Messenger of Allah (saw) saw him and he had expended a great deal of effort. He (saw) said: What's this, I have seen that you have indeed exerted a great deal of effort? He replied: I did yesterday, I came

who when I did, I throw myself down so I slept and I awoke when I awoke and was (still) fasting. He (Mu'aadh) said: Umar had had relations with one of the women (slave or free) after sleeping so he approached the Messenger and informed him of it and Allah (swt) revealed: << It is Halaal for you or the night of fasting to have sexual relations with your women...>> until His (swt) saying <<...So complete the fasting until the night...>> He added: So he fasted 19 months from Rabee'ul Awwal until Ramadhaan>.

Imaam Ahmad (22475, Abu Daawud, Al Bayhaqi and Ahmad and Muslim narrated a similar hadeeth on the authority of Abdullah ibn Mas'ood.

- 8) On the authority of Naaf'i from (Abdullah) Ibn Umar (ra) who said:  
<<The Prophet observed the fast on the 10<sup>th</sup> of Muharram ('Ashura), and ordered (Muslims) to fast on that day, but when the fasting of the month of Ramadan was prescribed, the fasting of the 'Ashura' was abandoned. Abdullah did not use to fast on that day unless it coincided with his routine fasting by chance>>.  
Narrated by al Bukhaari (1892), Muslim, Ahmad and Bayhaqi. It also came in a different form in al Bukhaari (4501), Muslim, Abi Daawud and Ahmad <<The people of Jaahiliyah (pre-Islaam) used to fast the day of Ashura. When Ramadhaan was revealed whoever wished to fast would so so and whoever wished not to would refrain>>.
- 9) On the authority of Aisha (rah) who said:  
<<The Quraysh used to fast the day of Ashura (10<sup>th</sup> Muharram) in Jaahiliyah and then the Messenger of Allah (saw) ordered its fasting until the time that Ramadhaan was made obligatory. The Messenger (saw) said then that whoever wished to fast could do so and whoever wished to could break it>>.  
Al Bukhaari (1893), Muslim, Abu Daawud, Nisaa'i and at Tirmidhi. Bukhaari (4504), Muslim, Abu Daawud, an Nisaa'i, at Tirmidhi, Maalik, Ahmad and ad Daarami also narrated on the authority of Aisha (ra) that she said: << The Quraysh used to fast the day of Ashura in Jaahiliyah and the Prophet (saw) used to fast it. When he arrived in al Madinah he fasted it and ordered its fasting. When Ramadhaan was revealed it became an obligation and Ashura was left so whoever wanted to fast it did so and whoever did not want to could abstain>>.
- 10) On the authority of Alqamah from Abdullah ibn Mas'ood (ra) who said:  
That Al-Ash'ath entered upon him while he was eating. Al-Ash'ath said, "Today is 'Ashura." I said (to him), "Fasting had been observed (on such a day) before (the order of compulsory fasting in) Ramadan was revealed. But when (the order of fasting in) Ramadan was revealed, fasting (on 'Ashura') was given up, so come and eat."  
Al Bukhaari (4503), Muslim, Ahmad and al Bayhaqi.
- 11) On the authority of Ar Rubayyi' bint Mu'awidh who said:  
The Prophet sent a messenger to the village of the Ansar in the morning of the day of 'Ashura' (10th of Muharram) to announce: 'Whoever has eaten something should not eat but complete the fast, and whoever is observing the fast should complete it. She further said, "Since then we used to fast on that day regularly and also make our boys fast. We used to make toys of wool for the boys and if anyone of them cried, he was given those toys till it was the time of the breaking of the fast."  
Al Bukhaari (1960), Muslim, Ibn Khuzaimah, Ibn Hibbaan and al Bayhaqi.
- 12) Salamah bin Al Akwa' (ra) narrated that:

<<The Prophet (saw) sent a man calling to people on the day of Ashura: ‘Whoever has eaten should fast the rest of the day and whoever has not eaten should not eat (i.e. complete the fast)’>>.

Al Bukhaari (1924), Muslim, An Nisaa’i, Ahmad, Ibn Hibbaan and ad Daarami.

The majority of Ulamaa including the most well known of the Shafi’iyyah opinions are of the view that no fast was obligated upon the Muslims before the fasting of Ramadhaan was revealed. They use as an evidence to support their view what was narrated by Humaid bin Abdir Rahmaan from Mu’aawiyah bin Abi Sufyaan (rah) when he stood on the Minbar on the day of Ashura in the year of Hajj stating: ‘O People of Al Madeenah! Where are your Ulamaa (scholars)? I heard the Messenger of Allah (saw) saying: ‘This is the day of Ashura, Allah (swt) did not prescribe its fasting but I am fasting so whoever wishes to can do so and whoever does not wish to then it is up to him’’. Al Bukhaari (2003), Muslim, an Nisaa’i and Ibn Hibbaan. Ahmed bin Hanbal narrated (16992) in the wording, <‘This is the day of Ashura, fasting was not prescribed on us so whoever wishes to fast can do so and I am fasting’. So the people fasted.>

In light of all of the above we say the following:

In relation to hadeeth number 1 narrated by Ahmad from Mu’aadh (ra), it contains a break in transmission between Abdur Rahmaan ibn Abi Layla and Mu’aadh. This is because Abdur Rahmaan did not come into contact with Mu’aadh like some Muhadditheen had mentioned and therefore the hadeeth is Munqat’i (has a link missing in the chain of narrators). The chain is therefore rejected and therefore so is the view of the Ahnaaf regarding the obligation of fasting three days before the month of Ramadhaan. Now we will begin the discussion of the Saheeh ahaadeeth:

The Ayah (2:187) does not contain any mention of the obligation of any fasting upon the Muslims before Ramadhaan and therefore this ayah is not correct to be used as evidence in this topic/issue. As for the Hadeeth of ibn Umar and that of Aisha recorded by Al Bukhaari, the wordings have come with one indication (meaning), that the Messenger of Allah (saw) ordered the fasting of Ashura before the obligation of Ramadhaan and did not order it after. This order comprises an evidence that the fasting of Ashura was an obligation on the Muslims for those who say and adopt the opinion that the command is waajib (obligatory). We say to them that we do not concur or affirm that the Amr (order) indicates wujoob (obligation) but we view that the command (amr) only establishes a request (talab). It is the qaraa’in (indications) that establish/define the form of request and if it is waajib (obligatory), Mandoob (recommended) or even Mubaah (permissible). So the Messenger (saw) ordered (requested) the fasting of Ashura, without a qareenah (indication/linkage) of obligation and this therefore does not lead to the fast of Ashura being obligatory (waajib). In addition to those who have stated its obligation we say: ‘You (plural) do not say what you say in absolute terms but only say that the order implies obligation except if a qareenah changes its state to indicate that it is recommended for instance. Then (it should be asked) have you not searched or looked for a qareenah (in the texts) because it is (clearly) present in the texts in a way that cannot be hidden from any Faqeeh’?!

The Hadeeth of Mu’aawiyah narrated by al Bukhaari and Imam Ahmad acts as a clear Qareenah (indication) that shifts the command (amr) of The noble prophet to that of nadb (recommendation). His (saw) statement: “Allah (swt) did not obligate fasting on you but I am fasting” or when he said “Its fasting was not obliged upon us so whoever wishes to fast amongst you then do so” act as a Qareenah that the noble Prophet’s order (amr) to fast the day of Ashura was of the recommended type and not obligatory. As for it not being obligatory then this is clear from the Mantooq (spoken meaning) and as for it being recommended this is because the Messenger (saw) said to the Muslims “I am fasting” and he said to them ‘so whoever wishes to fast from you then do so (fal yasum)’’. His

announcement that he was fasting, his telling (ordering) those who wished to fast to do so and because the fast is an act of Ibaadah that brings you closer to Allah (swt) all represent a qareenah and evidence that the fast of Ashura is recommended.

As for relying on the hadeeth of Ar-Rubayyi' narrated by Al Bukhaari and the hadeeth from Salamah bin Al Akwa' also from Bukhaari, I say: The lafzh (wording) in terms of evidential meaning (dalaalah) is one, the first hadeeth says: "Whoever wakes up breaking his fast should complete the rest of the day and the one who wakes fasting should remain so" and the second hadeeth states: "Whoever has eaten should then complete/fast (from that time) and the one who hasn't eaten should not do so (i.e. complete his fast)". These two evidences do not come in a way that obligates the fast neither in Mantooq (meaning of words) or Mafhoom (wider understanding). In terms of the Mantooq this is clear. As for the Mafhoom; then the Messenger (saw) when he orders with an obligation (waajib) then he also guides us to how we should perform it. Likewise when we are ordered with a recommended act it is explained how it should be performed. The mentioning of how to perform the act is not however an indication to whether an action is obligatory or recommended but rather follows the origin of the rule of the action. If the action is obligatory then the manner to perform it becomes attached to it and is also therefore obligatory and likewise the manner of performing a recommended action follows its original ruling. There is no need to provide examples of what we have said because this understanding is well known and dispersed where no 'Aalim or Faqeeh can be hidden from it. In the above ahaadeeth it is mentioned how to perform the fast after the passing of part of the day however this description of how is not at all an indication of the obligation of this fast (Ashura).

As for the hadeeth of Abdullah ibn Mas'ood (ra) it does not add anything to the Hadeeth of ibn Umar and Aisha (rah). The hadeeth of Mu'aawiyah therefore remains with its textual meaning a striking evidence of denying the obligation of fasting the day of Ashura and as such it is necessary to rely on it and leave the other evidences (which have been used in this issue).

We also incline to distance ourselves from delving into this issue when a clear cut evidence can be found in the noble book of Allah (swt). Allah (swt) says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِن قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

<< O You who believe fasting has been written (obligated) for you like it was written for those before you so that you become fearful of Allah (Muttaqi)>> (Baqarah:183)

If you look at the wording of this ayah, in His (swt) statement 'Fasting has been written for you' the word fasting has come in a general ('Aam) and unrestricted (Mutlaq) way. The understanding is that fasting has become obligatory at that time and had fasting been made obligatory before then why did the expression (wording) come in this manner. This noble ayah came announcing the obligation of fasting and as such indicates that fasting was not obligatory before this revelation. This is the first point.

Secondly is His (swt) statement '...as it was written for those before you'. Had fasting been written for us before this ayah then why does it mention 'like those before you'. The Ayah states: '...as it was written for those before you' and not 'as it was previously obliged upon you (like Ashura for example)'. This is an evident daleel (proof/evidence) that fasting had not been obliged upon the Muslims before the fast of Ramadhaan. May Allah (swt) forgive those that say other than that and these mistakes only come from the Ulamaa and Fuqahaa through the restriction to an evidence or a few evidences and leaving what is beside them. It's as if Ijtihad is an issue of purifying the texts instead of taking the texts and working with

all of them so that the weak evidences or those that oppose the strong evidences can be scrutinised and discarded.

Numerous hadeeth have expressed the obligation of fasting in the month of Ramadhan whereas we have not found one evidence obligating the fast of Ashura. For example we bring the following Ahaadeeth:

3) From Talhah bin Ubaidullah (ra):

<<An Arab (Bedouin) with dishevelled hair came to the Messenger (saw) and said: "O Messenger of Allah...Tell me what Allah (swt) has obliged on me in terms of fasting?" He (saw) replied: "The fast of Ramadhan, other than that is recommended/extra">>

Al Bukhaari (1891), Muslim, Abu Daawud, An Nisaa'i and Ahmad.

4) From Ibn Umar (rah) that the Messenger of Allah (saw) said:

<<Islam is built upon five: Shahaadah that there is no Ilah except Allah and that Mohammad is the Messenger of Allah, to establish the Salaah, to give the Zakaah, Hajj and fasting the month of Ramadhan>>.

Al Bukhaari (8), Muslim, An Nisaa'i, At Tirmidhi, Ahmad.

Islam is not built upon anything that is not obligatory and indeed Islam is not built except on its Arkaan (pillars).

#### The Intention of the Fast:

It was the opinion of Ibn Umar and Jaabir bin Zaid (rah) from the Sahaabah and also the opinion of Maalik, Al Layth and Ibn Abi dh'ib that it was necessary to make the intention for the fast in the preceding night in any part of it (the night). There is no difference between the obligatory and recommended fasts so the fast of Ramadhan, the fast of an Nadhr (oath/vow), the obligatory fast of Kafaarah and the recommended extra fasts are all the same in the respect of the intention according to this view. However Imam Abu Haneefah, Imaam ash Shaafi' and Ahmad viewed the niyah of the preceding night to be obligatory only for the obligatory fasts and not the supplementary.

Is it obligatory to make the intention for every day of fasting of Ramadhan as the majority have stated or can one intention cover the whole month of fasting like Maalik, Ahmad and Ishaq have put forward? Also is it correct fasting in the month of Ramadhan in the right of Al Muqeem as Saheeh without an intention like some of the Ahnaaf, Ataa, Mujaahid and az Zuhry stated? Is it allowed to make the intention in the daytime of a supplementary fast which was the opinion of Ibn Abbaas, Ibn Mas'ood, Hudhayfah, Abu Hurairah, Abu ad Dardaa, Abu Talha, Abu Ayoob (rah) and Ahmad and Ash Shaafi'? Is the intention obligatory before Zawaal – before Zhohr - and there is no reward after that like has been reported from Ali Ibn Abi Taalib (ra) and from Abu Haneefah and one opinion attributed to Ash Shaafi'? Or is it acceptable to make the intention both before and after zhohr following the view of Ibn Abbaas, Aa'isha and Hudhaifah (rah) and ash Shaafi' in another view attributed to him?

In order to uncover the truth of these issues we need to examine the following texts:

7) From Hafsah (rah) the wife of the Prophet (saw) that He (saw) said:

<< Whoever has not joined the fast before al Fajr then there is no fast for him>>.

Narrated by Khuzaimah (1993). He added that 'Ibn Abdil Hakam told him that Ibn Wahab told them the same thing, and he added: He told me that Maalik and al Layth said the same'. Ahmad, Ibn Hibbaan, Al Haakim and Ibn Hazm also narrated it and verified it as Marfoo' where An Nisaa'i and at Tirmidhi verified it stopping at Hafsah. Abd Daawud mentioned that Ma'mar, az Zubaydy, Ibn 'Ayyina and Yunus al Aily stopped the narration at Hafsah. Ibn Maajah, ad Daaramy also classified it as Marfoo'. There is

therefore a difference of opinion in relation to this Hadeeth where some have verified it as being Marfou' and others have stopped it at Hafsah.

8) On the authority of Aisha (ra) the Mother of Believers who said:

<< The Prophet (saw) entered one day and said: 'Have you got anything (to eat)?' So we said 'No'. He said 'In that case I am going to fast'. He came to us another day and we said: 'O Messenger of Allah we have been given a Hays (food) as a present' So he said 'Show it to me, I started the day fasting' and then he ate. Narrated by Muslim (2715), Abu Daawud, An Nisaa'i, At Tirmidhi and Ibn Maajah. Al Hays: It is a food from butter, cottage cheese and dates. Flour can replace the cheese. An Nisaa'i (2330), al Bayhaqi and ad Daaraqutni in a chain that Al Bayhaqi verified as Saheeh in the following wording: From Aa'isha (rah) Ummul Mu'mineen who said: The Messenger of Allah (saw) came one day and said, 'Do you have any food?' I said 'No' so he said 'Then I will fast. She said: 'He came another time' and I said: 'O Rasool Allah we have been given Hays' so he said, 'In that case I will break my fast and I had been (furidtu) fasting'.

9) On the authority of Anas bin Maalik (ra) that the Prophet (saw) said:

<< The fasting person has a choice between it and half of the day>>

Al Bayhaqi (277/4). He narrated similar to this from Abi Umaamah (ra).

10) From Ikramah about Ibn Abbaas (rah) that:

<< He use to be awake until zhohr and would then say: By Allah I awoke and I did not want to fast and yet I haven't eaten food or drank anything all day. I am therefore definitely going to fast this day!>>

Narrated by at Tahaawi in Sharh ma'aani al aathar (56/2).

11) From Abi al Ahwas from Abdullah ibn Mas'ood (ra) who said:

When you wake up then you have one of two options if you haven't eaten or drunk anything. If you wish you can fast and if you wish you can eat>>.

At Tahaawi (56/2) in Sharh al Ma'aani al Aathar and Al Bayhaqi similar to it (277/4).

12) On the authority of Abi Abdir Rahman

{ That Hudhaifah began his fast as long as the sun was still present}

Narrated by At Tahaawi in his Sharh Ma'aani al Aathar (56/2), Ibn Abi Shaybah and al Bayhaqi. Abdur Razzaaq (7780) and Sa'ad ibn Ubaidah said: {Hudhaifah said: Whoever feels like fasting after the zawaal of the Sun then he should/could do so}.

The third Hadeeth from Anas (ra) contains in the chain 'Awn bin 'imaarah al 'Anbari and the Riwaayah (report) of Abi Umaamah (ra) also includes him and he is weak as al Bayhaqi mentioned. The hadeeth is therefore rejected in these two chains/reports. The hadeeth of the mother of believers Hafsah (ra) is Marfou' and Mawqoof and some people (Ulamaa) have accepted the Marfou' and others have accepted the Mawqoof. I say: the increase of trust makes it acceptable, in this case the Hadeeth is Marfou' to the Messenger (saw) and it (this narration) has been accepted by many Muhadditheen. This Hadeeth is clear in its meaning that it is obligatory to have made the intention before Fajr in the preceding night. The expression and wording is 'Aam (general) for fasting so it applies in its generality except if ahaadeeth come to specify it. In this case the two reports from Aisha (ra) mention that the Messenger of Allah (saw) had made intention for fasting in the day time when he did not find any food at her house. Another time when he found food with her and he was in a state of fasting he broke his fast and ate of the food. All of this indicates the permission (jawaaz) of making the intention to fast during the day for those fasts that are Tattawu' (recommended/extra) because this was the reality behind the hadeeth. These Hadeeth are therefore sufficient to focus the Hadeeth of Hafsah (ra) to the obligatory fasts. So we say that the **obligatory fast requires an intention in the night before and that it is allowed to make an intention to fast the Tattawu' (extra) fasts during the day.** Therefore the first statement/opinion reported from Abdullah ibn Umar (ra), Jaabir (ra), Maalik, Al Layth

and ibn Abi dh'ib that the Mandoob also requires an intention in the night is rejected by the Hadeeth of Aisha (ra). In contrast the opinion of Imaam Abi Haneefah, Ash Shaafi' and Ahmad to make the intention in the preceding night only for the obligatory fasts is affirmed. As for the remaining reports 4,5 and 6 then I say the following: They all statements of the As Sahaabah (rah) and the statements of the Sahaabah and their actions are not a sharee'ah evidence or proof. They are Ahkaam Sharee'ah which are allowed to be adopted and imitated and especially if there has not been anything reported from another Sahaabi that contradicts it. Here I am not aware of any narration that contradicts with these statements/opinions.

The first Athar (report) explains how Ibn Abbaas (ra) had decided to fast in the day without having made an intention preceding that and he hadn't yet eaten food in that day. The second from Ibn Mas'ood (ra) states the same as Ibn Abbaas with different wording. He explains the permission/allowance to make the intention of fasting in the day time as long as nothing has been eaten or drunk. The third report mentions that Hudhaifah (ra) fasting after the zawaal of the sun in the day meaning that he made his intention to fast after Zhohr and he announced this to the people. These three are of the prominent Sahaabah and they have permitted the intention and convening of the fast in the day time and two of them restricted this to the person who had not eaten or drunk. Hudhaifah (ra) allowed it after Zhohr but this report has been rejected by those who have viewed it obligatory to convene the fast before Zhohr and not allowed it after. As for the statement and action of Hudhaifah (ra) its meaning is clear. The two Hadeeth of Ibn Abbaas and Ibn Mas'ood (rah) have come in an absolute (Mutlaq) form without restriction of time. There is no restriction (taqyeed) except for the consumption of food/drink before the niyah and the Mutlaq (unrestricted) continues as such unless there is something to restrict it. In this case there is no such restriction (i.e. before Zhohr or after it). The Hadeeth of Aisha (rah) in its two narrations also does not contain any time restriction so the first statement (The Prophet (saw) entered my quarters one day...) and in the second (The Prophet (saw) came one day) both do not contain any indication if it was the beginning, middle or end of day be referred to and as such the Mutlaq remains in its unrestricted form in the case.

Therefore I say that the intention of the Tattawu' (non-obligatory) fast is permissible in the day, in any part of it, even if it is only one hour before the sun goes down because it is not allowed to restrict this except with a sound evidence which does not exist here. The mistake of those who made it obligatory before Zhohr has become apparent and the opinion of those who say that it is correct before and after Zhohr has been affirmed as correct. They are Abdullah Ibn Abbaas, Aisha, Hudhaifah (rah) and Ash Shaafi' in one of his statements.

As for the question: Is it obligatory to make an intention for every night of Ramadhaan or can it be made once for the whole month? The correct view is that it is necessary to make the intention every night as fasting every day is an independent act of Ibaadah from what was before or after it. The Iftaar separates every fast from the other at night and as long as every day is an independent act of Ibaadah then it is necessary to have an intention for each act to make it legitimate. This understanding is by way of understanding the reality (min baab tahqeeq al manaat).

What remains are the views of Zufar, Ataa, Mujaahid and az Zuhri: Fasting is correct in Ramadhaan in the right of the Muqeeem as Saheeh (resident) without an intention. The opinion of az Zuhri is found in the Sharh Fathul Qadeer of Ibn al Himaam al Hanafi [the sawm of Ramadhaan is performed without an intention is the right of al Muqeeem as Saheeh because Al Imsaak (abstention from eating) is on him. From many angle performing it means the intention falls from him]. May Allah's (swt) forgiveness be on Zufar and whoever said what he said. It is as if they did not know that every act of Ibaadah requires an intention. Did

they not hear the speech of the Prophet (saw) when He said narrated by Umar (ra) (Verily the actions are only by their intention) Al Bukhaari, (1/6689) and Muslim? So how can they say from any angle that by performing the action the intention falls from him? Meaning for instance that if he refrained from food with the intention of losing weight (dieting) that his action would be considered a legitimate act of Ibaadah? And what is the reasoning for adding the constraint ( the haqq (right) of the Muqem as Saheeh (resident))? Does that mean that the traveller and sick person require an intention whilst the resident does not? This opinion has reached such a level of weakness that it does not require any further regard.

Fast at its sight and break fast at its sight:

At Tirmidhi said:

(Working on this hadeeth – and the hadeeth of Ibn Abbaas shall be mentioned later – that most of the people of knowledge have said: The witness (Shahaadah) of one person is accepted for fasting and this is what Ibn ul Mubaarak, Ash Shaafi' and Ahmad have said. Ishaq said: That there is no fast except with two men (as witnesses). And the people of knowledge have not disputed that it requires the witness of two men for the breaking of fast (Iftaar at end of Ramadhaan)).

Al Khitaabi said: I do not know any difference in opinion regarding the sufficiency of two just/reliable men to bear witness to the sighting of the new moon of Shawaal. The only difference is in relation to the witness (Shahaadah) of one man (at beginning of fast) but most of the Ulamaa do not accept less than two trustworthy/reliable witnesses.

The majority have gone with the opinion that one just witness is enough for the hilaal (new moon) of Ramadhaan and the start of fasting. Their opinion is that if one just/reliable Muslim sees the Hilaal of Ramadhaan then this makes fasting obligatory on all of the Muslims. Imaam Ahmad (ra) said: Even if it is a slave or woman. This is also an opinion of ash Shaafi'. The more relied upon opinion of Imaam Ash Shaafi' however is that the witness should be free and male. The Ahnaaf permitted the just witness even if it be a slave or female when the sky is cloudy. Al Maalikiyyah and Ishaq ibn Raahuwiyah opposed the majority opinion when they obliged two free male just and mature witnesses for the beginning of Ramadhaan or a large group who may not hold the above mentioned conditions i.e. male, free, just.

As for affirming and establishing the new moon of Shawaal and the end of fasting (Iftaar) then in this case the majority and the four Imaams have stated that two witnesses are necessary. The Ahnaaf have said that they should be free men and just or one free man and two free women. Abu Thawr and Ibn Mundhir from Ash Shaafi'iyah and Ibn Rushd from the Maalikiyyah and Ash Shawkaani who permitted the witness of one just witness for the affirmation of the seeing of the Hilaal of Shawaal and the beginning of Iftaar i.e. the end of Ramadhaan.

We will now look at the evidences/texts related to this issue so that we may attain the correct opinion with the help of Allah (swt):

4) On the authority of Ibn Abbaas (ra) who said:

<<An Arab came to the Prophet (saw) and said: 'I saw the Hilaal (of Ramadhaan)' He (saw) said: 'Do you bear witness that Laa Ilaaha illa Allah and that Muhammad is His slave and messenger?' He said 'Yes' So The Prophet (saw) said: 'Get up and announce to the people that we are fasting tomorrow'>>. Narrated by Ibn Khuzaimah (1923) and Ibn Hibbaan. Abu Daawud (2340) with the wording [... Verily I saw the Hilaal – Al Hasan said in this Hadeeth: meaning Ramadhaan...]. An Nisaa'i

and At Tirmidhi and Ibn Abi Shaibah. Al Haakim and Adh Dhahabi verified it as Saheeh.

- 5) On the authority of Husein bin Al Haarith Al Jadaly from Judailah Qais that the Ameer of Makkah addressed the people saying:  
<<The Messenger of Allah (saw) obliged on us that we start dhul Hijjah with the sighting (of the Hilaal) and if we did not see it but two others bore witness to the sighting then we should (nunsuk) start dhul Hijjah on that... Then the Ameer said: Verily there are people amongst you who are more knowledgeable about Allah (swt) and His Messenger (saw) (i.e. the deen) than me, who have witnessed firsthand from the Messenger and he indicated with his hand a man (in the crowd). Husein said: So I said to the Shaikh who was beside me 'Who is this who the Ameer is indicating'? He said: 'It is Abdullah Ibn Umar (ra) and he told the truth as he (Abdullah) is more Knowledgeable about Allah (swt) than him (the Ameer). So he said: And this is what the messenger of Allah (saw) ordered us with>>. Narrated by Daawud (2338), Ad Daaraqutni who verified its soundness and Bayhaqi also narrated it.  
Nunsuk means we worship and here means make Hajj and the statement Nunsuk li ru'yah means the sighting of the Hilaal of Dhil Hijjah.
- 6) On the authority of Ibn Umar (rah) who said:  
<<The people showed me the Hilaal so I told the Messenger (saw) that I had seen it so he began the fast and ordered the Muslims to begin their fast>>. Abu Daawud (2342), Ad Daarami, Al Bayhaqi. Ibn Hibbaan, Al Haakim and Ibn Haazim narrated it and verified its soundness (saheeh).

In relation to the second Hadeeth regarding the Ameer of Makkah, it is not in the baab (chapter) of fasting. It is related to the baab of Hajj and remains belonging to it and as such we will leave it there. So now only the hadeeth of Ibn Abbaas and Ibn Umar (rah) remain in this issue. The first mentions that the Messenger of Allah (saw) affirmed the sighting of the new moon (hilaal) of Ramadhaan on the testimony of (only) one arab. The second hadeeth mentions how the Messenger of Allah (saw) affirmed the sighting of the new moon (hilaal) and the beginning of the fast from the testimony of Abdullah ibn Umar (ra) himself. These two hadeeth are (not) open to protest and they indicate in a way that does not accept interpretation that the confirmation of the Hilaal of Ramadhaan and the beginning of fasting is established by the witnessing of one witness. The opinion of those who stipulate and obligate two witnesses is therefore rejected such as the Maalikiyah and Ishaq ibn Rahuuyah. This issue is of the clarity that does not require any further delving in to or study.

Secondly, the texts and evidences linked to the sighting of the Hilaal of Shawaal

- 6) On the authority of Rabi'iy from a man from amongst the people (ashaab) of the Prophet (saw):  
<<That the Prophet (saw) awoke (started his day) fasting to complete the thirty days of Ramadhaan when two arabs came and bore witness to Laa ilaaha illa Allah and that they had seen the new moon yesterday so the Prophet (saw) commanded the breaking of fast>>. Ad Daaraqutni (168/2) and he said the Hadeeth is Saheeh. Also narrated by Abu Daawud, An Nisaa'i and Ahmad.
- 7) On the authority of Al Hussein from Al Haarith who said that I heard Abdur Rahmaan bin Zaid bin Al Khattaab saying:

<<We accompanied the companions of the Prophet (saw) and we learnt from them. They told us that the Messenger of Allah (saw) said: Fast at its sighting and break fast at its sighting, and if it is not visible (cloudy) so count (fast up to) to thirty days. If somebody who is just witnesses (the new moon) then fast, and break fast and perform your acts of worship>>

Ad Daaraqutni (167/2) , Ahmad and An Nisaa'i.

Ahmad (19101) narrated in the wording :

<< Fast at its sighting and break fast at its sighting and stick to it and if it is not visible (cloudy) complete thirty and if two Muslim witnesses see it then begin your fast and break your fast>>.

8) From Al Haarith (ra) who said:

<<If two just men bear witness to the sighting of the Hilaal then break your fast>>

Narrated by Ibn Abi Shaibah (482/2)

9) On the authority of Abi Umair ibn Anas ibn Maalik who said: My Uncles told me from the Ansaar from the companions of the Messenger (saw) that they said:

<<The Hilaal (new moon) of Shawaal was obstructed from us (not visible) so we started the day fasting. There then came riders from the other side of the river and they testified to the Prophet (saw) that they had seen the Hilaal the day before. So the Messenger (saw) ordered that the fast be broken and that they should go out for the eid (celebration) the following day>>.

Ibn Maajah (1653), Ahmad, An Nisaa'i, Ibn Hibbaan and At Tahaawi. Ad Daaraqutni said the Isnaad is Hasan and Al Bayhaqi that all of the named Sahaabah are just.

10) From Anas (ra):

<<A group of people testified to the Prophet (saw) the sighting of the Hilaal, the Hilaal of Shawaal, so he ordered that they break fast and begin their Eid the next day>>.

Narrated by Al Bazaar (972) and Abu Bakr Al Qutay'i on the Musnad of Al Imaam Ahmad. Al Haithami said in relation to the Hadeeth that its Rijal (narrators) are Saheeh.

The second Hadeeth from Ad Daaraqutni and Ahmad was narrated by Al Hujjaaj and he is Da'eef so the (chain) sanad is abandoned. In relation to the Matn (text) and the addition 'If somebody who is just witnesses (the new moon) then fast, and break fast and perform your acts of worship' is not preserved and this is because the heart (main part) of this hadeeth is narrated from numerous saheeh paths and this addition is not in any of them. It is therefore rejected. As for the report of An Nisaa'i Al Hujjaaj is not in the chain and instead it includes Ibraaheem bin Ya'qoob. In his book Mizaan al i'tidaal Adh Dhahabi says about him that he is accused with lying so this Hadeeth from An Nisaa'i is also rejected.

As for the third Hadeeth it is from Al Haarith Al A'war and he is accused of lying so this hadeeth is rejected. So only the ahaadeeth 1,4 and 5 remain to be discussed.

The first Hadeeth (1) states that 'Two arabs came and bore witness to Laa Ilaaha illa Allah that they had seen the new moon the day before so they were ordered to break fast' and the fourth hadeeth (4) stated that 'Riders came from the other side of the river and they testified to the Prophet (saw) that they had seen the new moon the day before so the Messenger of Allah (saw) ordered them to break their fasts'. And the fifth hadeeth (5) states that 'A people or group testified to the Prophet (saw) that they had seen the new moon, the moon of shawaal so he (saw) ordered them to break their fasting'. A look at these three statements reveals one pattern and that is that what happened in each occasion was the reality of those that saw it (the new moon). The realities represented a coincidental occurrence without any conditions stipulated. The evidences do not contain any mention of a condition stipulating that there be two witnesses or that they are riders or a group of

people but only that this is what occurred in each case i.e. it just occurred that two came, that riders came and that a group of people testified to the sighting of the new moon. These texts do not mean by language or Shar'a that it is not allowed to accept the witness of less than what they mention. For those that put forward this view (that two witnesses are required) bring an evidence that the Messenger of Allah (saw) rejected the witness of one person in the sighting of the Hilaal of Shawaal. It is also known that the witnessing by eye does not have understandings attached to it and no means of measurement and in this case there is no call to stick to the way it occurred. And if the witnessing was done by more than one man in these evidences this does not mean that the testimony of one person is not sufficient. The one who says one person's witness is enough will no doubt accept the witness of two, five, ten or even a hundred people. And an increase in number is better as people say 'more is better'. Indeed one person is sufficient to enter in to the crowd and achieve what is required. So in conclusion there is nothing in any of these texts that invite us to stipulate that two or more witnesses are required for the sighting of the new moon (hilaal) of Shawaal.

And I say to whoever views that these evidences indicate compulsion (to a given number) that: If you take the fourth and fifth hadeeth and stick to them according to this understanding then you would have to abandon the first hadeeth mentioning two witnesses only. Those who say these hadeeth restrict the number have awoken in confusion and have moved away from purity. This is because if they work with all three ahaadeeth then they would need to abandon the two witnesses as they are less than riders and a people. Or they may view them as opposing evidences and just take which ever they like from them like the stipulation of two witnesses whilst leaving the riders and people or the other way round! Verily the Messenger of Allah (saw) said "Fast at its sighting and break fast at its sighting" and the sighting was stipulated in a general way for the sighting of the Hilaal of Ramadhaan and the sighting of the Hilaal of Shawaal. This hadeeth which has reached a high level of soundness (saheeh) did not differentiate between the fast (beginning of Ramadhaan) and the breaking of fast (end of Ramadhaan). It is therefore waajib to equalise between them by beginning our fast with the hilaals sighting and breaking/ending our fast with its sighting in its general form without finding what may specify or make different one sighting over the other. We have evidences that mention the acceptance of one witness for the beginning of fasting so this can act as a general evidence for the acceptance of one witness for the sighting of the new moon. The sighting of the moon of ramadhaan is the same as the sighting of the moon of Shawaal and if the sighting of one witness is enough for the confirmation of one then it is sufficient for the other. This is unless there has come a text that has made an exception of the general evidences and in this case there are absolutely none.

And here is an important point that I want to mention. The opinion of accepting the testimony of one witness for the Hilaal of Ramadhaan makes it necessary to break the fast at the end of the month based on this original sighting i.e. 29 or 30 days after it. This means that in this case the acceptance of the witness of this one person for the affirmation of the month of Shawaal.

With that it is apparent that the four Imaams have made a mistake in stipulating two witnesses for the ending of the fast and that Abi Thaur and his group who made both sightings equivalent to each other the correct opinion in this issue.

As for the branches mentioned earlier in this discussion related to the free person and slave, the male and female or one whose mind is clouded, all of these have to place here or any daleel (evidence) to support them. As for the slave then in today's reality he does not exist so we will not busy ourselves with him. As for the male and female then the just/reliable one from them is accepted as witness because justice is not restricted to either male or female in

Islaam. If evidences have mention two men or man and two women then they are restricted to the subject areas they have come to address and cannot be generalised beyond them.

Extra Issue:

It is known that the State, or the Khaleefah or whoever has been delegated receives those who have sighted the new moons and then he makes a general declaration to the whole people about the beginning of Ramadhaan and its end. He does this after checking the reliability of those who have witnessed it and the question arise here: If one person was to see the new moon of ramadhaan or shawaal, testified in front of the Khaleefah or a deputy to him that he had seen it. And then his word was not accepted and his testimony rejected, then in this case does he stick to what he saw and begin fast alone or break fast alone or is he bound by the order of the Khaleefah?

Another question arises, maybe the one whop saw is far from the Khaleefah or his deputy in order to ascertain his testimony, then in this case is he bound by his own sighting or by the declaration of the Khaleefah?

The four Imaams obliged the fast on the individual through the sighting of the Hilaal of Ramadhaan and they differed in the sighting of the Hilaal of Ash Shawaal. Abu Haneefah, Maalik and Ahmad held the opinion of continuing the fast and not making Iftaar through seeing the Hilaal of Shawaal himself. The Shaafi'iyah said and it is also one view attributed to the Maalikiyah that: That the breaking of fast is in accordance to the hadeeth 'And do not make Iftaar until you have seen it' but he should conceal it so that he is not accused (of making fitnah etc...). In relation to this I say the following,. And Allah (swt) is the one who reconciles the correct answer:

What the four Imaams have said about the obligation of fasting on the individual (who saw it) is correct and it is what the opinion is specified with. Fasting the last day of Sha'baan is permitted by the Shar'a and what has been narrated about forbidding advancing upon Ramadhaan then all of that directs to a dislike as shall be mentioned later. Then in this case it is obligatory on the one who saw the moon to begin his fast as the waajib has precedence over the Makrooh (disliked action). It became obligatory on the one who saw the Hilaal as the Messenger (saw) said 'Fast at its sight' to begin his fast because the sighting has happened upon him. Abdullah ibn Abi Moosa said: 'And I asked her ('Aisha (rah) about the day in which there was difference over Ramadhaan. She said: To fast a day of Sha'baan is more beloved to me than breaking a fast (eating) on a day of Ramadhaan. He said: So I went out and asked Ibn Umar and Abi Hurairah and both of them said: The wives of the Prophet (saw) are more knowledgeable about that than me' Narrated by Ahmad (25458) , Sa'eed bin Mansoor and Al Bayhaqi. Al Haithami said: The Rijaaal (men/narrators) of Ahmad are Rijaaal of Saheeh.

As for the individual Iftaar based on the sighting of the moon of Shawaal then this is not permissible. This is what Abu Haneefah, Maalik and Ahmad are upon. This is because the Iftaar (ending of fast) means the beginning of Shawaal and this means the Day of Eid al Fitr and it is the role of Al Dawlah Al Khilaafah to specify this and it is not the right of the individual. This is due to the fact that all rituals of the deen related to the Jamaa'ah as a Jamaa'ah (collective body) are the responsibility of the Khaleefah alone to order, organise and specify its timing. It is not the right of an individual or a collection of individuals to undertake this responsibility for themselves otherwise it would cause frictions with the Jamaa'ah which is Haraam and not allowed.

So the individual is not allowed to do Eid accept the Eid that is announced by Ad Dawlah Al Khilaafah so it is not allowed for an individual to announce Iftaar (the ending of fast) or

specify the day of Eid. It is obligatory on him to refrain from eating and continue with his fast with Jamaa'ah of the Muslims.

Indeed it came in the Hadeeth that we looked out a little time ago which was related by Rab'iy: 'Two Arabs came and bore witness to Laa Ilaaha illa Allah and that they had seen the Hilaal the day before so he (saw) ordered them so they broke their fast'. Also in another hadeeth that we recently mentioned narrated by Abu 'Umair bin Anas 'Riders came from the other side of the river who testified to the Prophet (saw) that they had seen the moon the previous night and so the Messenger of Allah (saw) ordered them (the Muslims) to break their fast'. And like these two the Hadeeth of Anas that came after them in our discussion. So it can be seen from the Hadeeth that the two Arabs in spite of having seen the Hilaal (the Hilaal of Eid) the night before continued with their fasting until they had been told by the Messenger (saw) of Allah to break their fast. The riders in the second hadeeth also remained fasting despite having seen the Hilaal of Shawaal (the Hilaal of Eid) until the end of the day when the Messenger (saw) commanded them to break their fast. The similar to this is evident in the Hadeeth of Anas. All of this indicates that the announcement or declaring of the time for Iftaar (end of fast) is the work and responsibility of the Dawla (state) and that it is not the right of any one to make Iftaar before that announcement. So from this the opinion of the three Imaams is correct and the opinion of Imaam Shaafi is incorrect. The conclusion to this is that the individual fasts with his own witness but does not break his fast except with the command of the Dawlah (state).

Is it correct to use and work with astronomical calculations?

The majority have stated that it is not permissible to use calculations saying that: It would cause hardship on the people if they were burdened with it because its knowledge is only with some individuals and the Shar'a only requires people to know or obtain knowledge of what the majority and general masses can acquire. It has been reported from Ibn Suraij the opinion that working with calculations is allowed for those whom Allah (swt) has specified or gifted with its knowledge. He took his reasoning from the wording in the Hadeeth 'faqduroo lahu' which can mean estimate and that this is an address to those who have been given this special knowledge by Allah ta'ala and the statement (faAkmiloo al iddah:complete it's period) is an address to the general masses. This opinion has also been attributed to Mutraf Ibn Abdillah and Ibn Qutaibah.

By studying the text we find the wording 'Faqduroo lahu' mentioned in the Hadeeth having a different meaning to that which Ibn Suraij has claimed. On the authority of Ibn Umar (rah): That the Messenger of Allah (saw) mentioned Ramadhaan and said 'Do not fast until you see the Hilaal and do not break the fasting until you see the Hilaal and if it is not visible restrict to it (faqduroo laho). Narrated by Al Bukhaari (1906), Muslim, Ad Daarimi, Abu Daawud, An Nisaa'i and Ibn Maajah. This Hadeeth, all of it, has come to address all of the Islaamic Ummah because as Siyaam is for all and the sighting is for all and the Iftaar (breaking of fast) is for all. The wording 'faqduroo lahu' has come to address everyone as well and not for those who Allah has blessed with a specific scientific knowledge. This is as clear as the sun in the sky and to specify this wording to a specific group of people is a clear error.

The different ahaadeeth when put together explain each other. Other ahaadeeth have come to explain the above words in a manner different to Ibn Suraij. From them is the Hadeeth from Abu Hurairah (ra) that the Prophet (saw)(or Abu Al Qasim) said:

<<Fast at its sighting and stop fasting at its sighting and if it is not visible (the sighting) then complete (faAkmiloo) the period of Sha'baan to thirty>> (Al Bukhaari (1909), Muslim, An Nisaa'i, Ahmad, Ibn Hibbaan. And Muslim (2514) also narrated it with the wording <<If you

see the Hilaal (new moon) then fast, and if you see it (again) then stop your fast and if it is not visible then fast thirty days>>>.

The tafseer of 'faqduroo lahu' is therefore made clear and explained by the hadeeth which state 'then complete (faAkmiluu) the period of Sha'baan to thirty' and 'fast thirty days'. This explanation decisively cuts through the mistake of Ibn Suraij because completing the period of Sha'baan to thirty days does not require knowledge of astronomy (ilm ul Falaq) so that it can be restricted to its people but rather this address has come to the Muslim masses as a whole.

Indeed the most decisive proof and the clearest to deduct from is the hadeeth mentioned above narrated from Al Bukhaari (1906) on the authority of Ibn Umar (rah) 'Do not fast until you see the hilaal and do not stop your fast until you see it...' This evidence explains that we have not only be ordered to fast upon the sighting but also it has been forbidden to fast without a sighting and there is no doubt that fasting based on calculations is a fast based on other than sighting.

All of the above however does not mean that benefiting from astronomical calculations is not allowed and permissible and that there is no need for its knowledge. Our intention above has been to merely illustrate how the use of calculations is not the determining factor for the beginning or ending of the fast and that the shar'a has only obliged the visual sight as the means of determination without obliging anything else. This opinion and it alone is therefore obligatory to uphold.

As for the benefit of astronomical calculations, it comes in the form of the Ulamaa (scientists) of astronomy guiding us towards the hours and minutes which are most appropriate for the sighting of the new moons as well the most suitable locations. All of this aids those who are attempting to sight the moon to do their work. There is also no problem to make use of their tools in observation and sighting, for instance their large magnifying lenses. These visual tools are allowed and there is no problem utilising them to help the observers and those attempting to sight the new moon.

From another angle the statement (faqduroo lahu) has been explained in a manner obliging any other opinions to be dropped. The Hanafiyyah, Maalikiyah and Shaafi'iyah have all taken this explanation and similar to them the majority of the Salaf and Khalaf. This is the opinion that orders the completion of thirty days meaning to look to the beginning of the month i.e. the day it started and then calculate when 30 days have been completed. All of this has come as address to all of the Muslims.

Despite this clarity others hold the view that 'faqduroo lahu' means: to estimate underneath the clouds. This opinion obliges fasting the following day of the thirtieth night if the (expected) place of the sighting of the Hilaal has been obscured by clouds. This has been narrated from Ibn Umar (ra) and Ahmad bin Hanbal of what is most famously known from him and Taawuus also share this opinion. What caused them to fall in to error was the lack of looking at all of the evidences together and limiting their view to the narration which included 'Faqduroo lahu'. If they had put together all of the evidences in this issue then maybe they would have withdrawn their opinion.

Yes it is true that 'Uqdaroo' means 'Dayyiqoo' (restrict) linguistically and this came in the statement of Allah (swt) when he says:

لِيُنْفِقْ ذُو سَعَةٍ مِّنْ سَعَتِهِ وَمَنْ قُدِرَ عَلَيْهِ رِزْقُهُ فَلْيُنْفِقْ مِمَّا آتَاهُ اللَّهُ لَا يَكُلِفُ اللَّهُ نَفْسًا إِلَّا مَا آتَاهَا سيجعل الله بعدد غسره يسرا

Let the rich man spend according to his means, and the man whose resources are restricted, let him spend according to what Allâh has given him. (At Talaq:6)

And also in his statement

وَأَمَّا إِذَا مَا ابْتَلَاهُ فَقَدَرَ عَلَيَّ رِزْقَهُ فَيَقُولُ رَبِّي أَهَانَنِ

But when He tries him, by straitening (restricting) his means of life, he says: "My Lord has humiliated me!" (Al Fajr 16)

However this is not the only meaning that has come for this word linguistically or in the book of Allah Subhaanahu. Allah (swt) says:

...وَمَا قَدَرُوا اللَّهَ حَقَّ قَدْرِهِ

They (the Jews, Quraish pagans, idolaters) did not estimate Allâh with an estimation due to Him... (Al An'aam:91)

And Allah (swt) says:

...ضَرَبَ اللَّهُ مَثَلًا عَبْدًا مَمْلُوكًا لَا يَقْدِرُ عَلَى شَيْءٍ

Allâh puts forward the example, a slave (disbeliever) under the possession of another, he has no power of any sort... (An Nahl:75)

And He (swt) says:

...لَا يَقْدِرُونَ عَلَى شَيْءٍ مِمَّا كَسَبُوا ...

They are not able to do anything with what they have earned (Al Baqarah:264)

All of these different usages are not understood and explained with the meaning of 'Restricting/narrowing'. Explaining the wording in this hadeeth with 'Tadyeeq' (restricting) is only an explanation using one of its possible meanings and this is cut off from the indications and explanation that can be found in other evidences. Therefore limiting the word to this meaning is a clear error.

The issue of different Mataal'i (starting times and places for the fast of Ramadhaan):

The earlier fuqahaa and less so those of more recent times have disagreed on the issue of having different starting places for the beginning of Ramadhaan. Ikraamah, Al Qasim bin Muhammad, Saalim bin Abdillah bin Umar and Ishaq bin Raahuwiyah held the opinion of it not being obligatory for a people of one country to follow the sighting of the Hilaal (new moon) of another country or land. At Tirmidhi narrated this from the people of knowledge and this was all that he said and Maarwardi put this view forward as an opinion of the Shaafi'i Madhhab.

Abu Haneefah, Maalik, Ahmad, Al Layth bin Sa'ad held the opinion that the sighting of the new moon in one land obliged the Muslims of all lands to begin fasting. Ibn Mundhir mentioned this view from the majority of the Ulamaa (scholars) and he said some of the Shaafi'i. The Shaafi'iyah have therefore disagreed on this issue: They have said: If the lands are close to each other then in that case their rule is like one land but if they are distant from each other then there are two views. The most saheeh from Shaikh Abi Haamid, Shaikh ibn Ishaq, Al Ghazaali and the majority is that it is not obligatory for those of another land to fast. The second opinion held by Al Qaadi Abu At Tayyib and Rooyaani states that it is

obligatory. Mohammad ibn ul Mundhir said: It is clear in the Madhhab (Shaafi'), all of its people have chosen it and Al Baghawi narrated it directly from Ash Shaafi' himself.

Those who have differed based on closeness or farness have the following views: There are some who have obligated farness leading to different starting times in places like Al Hijaz, Al Iraq and Khuraasaan and that closeness does not lead to difference such as Baghdaad, Kuufa, Ray and Qazwain. Others have said: Its consideration is with the unity of the region and provinces or their differences. Others have put forward other views but they are not significant enough to bring up in this discussion.

As for the group that stated that the sighting in one land obliges the beginning of fasting in all lands, their opinion is extracted from the numerous ahaadeeth which order the fasting to begin and end with the sighting of the Hilaal. They argue the sighting of the Hilaal is the sabab (cause) for bring the fast into being and likewise the sighting of the moon (again) is the sabab for the end of fasting. If there exists a sabab (cause) then there also exists a Musabbab (the thing be caused to occur) and in this case this is the fasting and the ending of fasting. The words of the Messenger (saw) 'li ru'yathi' (to its sighting) is an added generic noun of kind (ism jins mudaaf) and as such is from the expressions which are general ('aam). Also his (saw) words 'hattaa taraw' and 'Idhaa ra'aytum' contain a Dameer (pronoun) of the plural form that goes back to the noun. This noun is plural so it (the sighting) returns to everyone and the plural form is of the expressions of generality so the dameers (pronoun) 'taraw' and 'ra'aytum' are from the expressions of generality. Based on this the sighting of the moon is general meaning the cause (sabab) is also general in form. Any sighting from any Muslim covers and generalises all muslims and hence fasting becomes obligatory by it on all. This is the opinion of this group, despite its well known complicated istinbaat (extraction). This is the correct opinion.

We now look to the others who advocate different fasting starts in different places and that people in one land do not fast with the sighting of the Hilaal in another land. They base their opinion on what was narrated on the authority of Kuraib:

'That Umm al Fadl bint Al Haarith sent him to Mu'aawiyah in Ash Shaam. He said: I arrived in Ash Shaam and attended to my needs/tasks. Whilst I was there Ramdhaan began and I saw the moon on the evening of Al Jumu'ah. I then arrived back in Al Madeenah at the end of the month and Abdullah ibn Abbaas (rah) asked me and I told him about the new moon. He (ibn Abbaas) said: When did you see the Hilaal? I said: We saw it on the night of Al Jumu'ah. He said: you saw it? I replied: Yes I saw it and the people and they fasted and so did Mu'aawiyah. He (ibn Abbaas) said: But we saw it on the night of As Sabt (Saturday) so we will continue to fast until 30 days have been completed unless we see it. So I said: Is the sighting and fasting of Mu'aawiyah not sufficient for you? So he replied: No, this is how the Messenger (saw) ordered us.'

Muslim (2528), Abu Daawud, At Tirmidhi and Ahmad.

They say: Ibn Abbaas's (rah) commitment to not find sufficient the sighting of the people of Ash Shaam is a commitment emanating from the order of the noble prophet (saw). With another meaning they understood from the statement of Ibn Abbaas a response to the question 'Is the sighting and fasting of Mu'aawiyah not sufficient for you?' with 'No, this is how the Messenger (saw) ordered us', that it was the Messenger of Allah (saw) himself who ordered the Muslims not to take the sighting of the moon in another land for themselves. They did not comprehend that this statement was the understanding from Ibn Abbaas (rah) to a command of the Messenger (saw). They confused the command of the Prophet (saw) with Ibn Abbass's understanding and in this case we view that Ibn Abbas is mistaken and those who have followed this opinion to likewise be in error.

Ibn Abbaas (ra) had heard the qawl (statement) of the Messenger (saw) 'Fast at its sight and end fasting at its sight' and understood from it that it was necessary for every group from amongst the Muslims to see the Hilaal and begin fasting and to see it again and break fast.

Added to this one sighting does not suffice another places sighting and this is why he stated what he did in the Hadeeth of Kuraib i.e. that this hadeeth does not cover all of the Muslims (as a whole unit) but rather every group (land) should take the task upon itself, and this is an incorrect understanding. So from this it can be seen that those who have advocated different starts in different places have taken their argument (hujja) from the understanding of Ibn Abbaas to a Hadeeth and not directly from a Hadeeth from the Prophet (saw) itself. And I do not want to discuss this error from more than the argument which has been already discussed of those who hold the opinion of the unity of the places and starting time for fasting and it's ending time.

The Islamic research Academy in Cairo issued the verdict in 1966 that: 'There is no basis in the differing of places and fasting times even if the lands are far apart on the condition that the lands all share part of the same night, and this is applicable to all the Arab countries'. Also the High Fatwa Council in Ad Diyaar Palestine issued a verdict adopting the unity of the places and the beginning and ending of fasting. Here I will stop in order to raise the following points:

Firstly:

I began this discussion by saying that: 'The Fuqahaa differed in the early times and less so in the recent times in relation to the Mataali' (starting times and places of ramadhaan). This was said as a clear indication that the majority of Ulamaa in our present time have abandoned the opinion of different Mataali' (starting time and place) and they have committed or nearly committed to the verdict of the Cairo Research Academy mentioned earlier and similar verdicts from other muslim lands. Now it is rare to here an Aalim discuss having different Mataali' amongst the muslims. Despite this unity in opinion amongst the Ulamaa we still see the current state and situation of the muslim states and how the Ulamaa can not agree upon any opinion and the Islaamic research centres and Islaamic Fatwaa councils do not issue (as a reminder) the verdict of the unity of the Mataali' (starting time for Ramadhaan). The Ulamaa who use to in origin have a powerful voice in this matter, have become isolated from the decisions of the Rulers in relation to the issuing of verdicts. And it is not hidden from any aware Muslim that the reason for this is the separation of the Deen from the Dawla (state) which is the current situation in all Muslim lands. The states have as such taken their verdicts far away from judging by the Ahkaam Ash Shaari' and the Fatawaa of the Ulamaa. When we examine what the states issue of Ahkaam we see that they seem to be from the Sharee'ah or in agreement with it or that these verdicts have come from the Fatawaa of the Ulamaa. The one who looks deeper finds that it is the states and rulers themselves who inniate thes Ahkaam for its own specific interests and purposes. It then orders the Ulamaa who work with it to present evidences that allow their pronouncements and not the opposite. So the rulers order and legislate and the Ulamaa agree and bring fatawaa to please these Rulers. If there are ever opposing views then it is the Ruler whose view is implemented.

Secondly:

The main problem in the Islamic world today is that each state regards itself complete in itself and not a part of the Islamic Ummah even if some of the country's constitutions have stated other than that. Every land proceeds taking its political and even deeny decisions without any regard for the remainder of the Muslims because it considers itself an independent entity from the rest of the Muslims and no Muslim outside of its entity has any right to interfere in its affairs. On this basis they announce the beginning and end of Ramadhaan so we see every state makings its own announcements as if there are no Muslims outside their borders. This therefore is the reason for the remaining differences between the states in the Islamic world in relation to the start and end of fasting and if these states regarded themselves as part of a whole then perhaps we would find unity in many of the situations and issues we face.

Thirdly:

If I add here the scenario to what was mentioned previously that north African states adopt the moon calculation method and this calculation may be in line with a sighting or it may not be line. It is no wonder then that differences remain in their homelands over the starting and ending of fasting in Ramadhān and these North African states continue to adopt the calculation method and do not pay attention to the opinions of the Ulamaa who have opposed the utilisation and working with this method.

Fourthly:

Based on this I say: That the Muslim in any place in the Muslim lands, all of which share the same one night, must fast when he hears the announcement from any state from amongst the Muslim states that the fasting has started. And it is also obligatory for him to end his fasting when he hears an announcement concerning the start of Iftaar (ending of fast). The exception to this are the lands that utilise the moon sighting calculation methodology and it is not correct to commit to what these states announce in terms of the start and end of fasting and the month of Ramadhān.

Fifthly:

Throughout the long history of the Muslims they have never known of institutions like the 'Majaalis al Iftaa' (Fatwa councils) or 'Islaamic research foundations' which have only arisen in recent times. It has come at a time when the muslims understanding of Islam has become weak and the Mujtahidoon have become few or faded away resulting from the closing of the doors of Ijtihad. So those who have called themselves Ulamaa gather in a Council or body or states gather them together under some name or institution and they issue collective Fatawaa without the Muslims even knowing who the issuer of the fatwa. The Muslim then carries this fatwa and follows it without knowing where or who it has come from which is contrary to the method designated by Islam for taqleed and the following of opinions from mujtahideen. It is correct and allowed for a Muslim to follow the opinion of a so and so from amongst the Fuqahaa or an announcement from the Ulamaa but it is not allowed from the Shar'a for him to follow a Fatwa council or make taqleed from an Islaamic Research center and there is no value or worth to what these bodie issue of Islaamic fatawaa.

Similar to the above is what some authors have written in terms of books of Ahkaam Ash Sharee'ah which are issued under a collective naming. It is absolutely incorrect to follow and imitate what has come in them and they contain no more than information for the reader.

This is one of the great calamities which has become dominant and widespread in the Islamic world. Readers and students in Universities, Centers and Schools are carrying Ahkaam in the Shar'i which are not attributable to its original people. They call people towards these rules and live according to them which is not allowed according to the Shar'a. It is important therefore for Muslims to watch out for and be aware of this Bid'a which has become widespread in the people and has even become unclear amongst students and those who are known as the Ulamaa.

Additional Issues:

We live in the time of secularism and this means that the laws and principles are taken from their intellect and knowledge without any regard for deen or religion. It can also be stated that 'ilmāniyah (secularism) means the cutting off of religion from the lives of the people and making life run according to what they have arrived at in their studies using their intellect and knowledge of principles and laws. People have been enchanted by this word 'secularism' and have taken it as a measurement for revival and progress. They have made the use of knowledge (science) and the human intellect holy and rejected any opinion or view or rule or legislation that has not been issued from the human mind or agrees with it.

What concerns us here in all this discussion relates to the use of (astronomical moon) calculations and its science ('ilm ul falak). People have become fascinated by it as a science for making calculations and Muslims have started to demand using it in their Ibaadah in relation to Hajj, fasting and the days of Eid. They have forgotten that the Sharee'ah can only be taken from its sources, Al Kitaab, As Sunnah, the Ijmaa' of the Sahaabah and Qiyaas (analogy) and that they cannot be taken from other than these sources whatever the situation or circumstances.

The Shar'a commanded the fasting of Ramadhaan and it legislated a tareeqah (methodology) to specify and determine its beginning and end. This is the visual (with eye) sighting of the Hilaal of Ramadhaan and the Hilaal (new moon) of Shawaal. The Shar'a did not stop there but distanced the use of calculations from interfering in this methodology. On the authority of Abdullah Ibn Umar (rah) that the Prophet (saw) said:

'We are an illiterate nation, we do not write or calculate the Month like this or like that, meaning one time 29 days and another 30'. Al Bukhaari (1910), Muslim, Abu Daawud, An Nisaa'i and Ahmad.

Here we have the messenger of Allah (saw) announcing to the Muslims that they do not write or calculate and he said this in the context of fasting and what is linked to determining the months. This makes using astronomical calculations in determining the beginning of months neither permissible nor required.

Since the revelation of "الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ" – 'Today I have perfected/completed your Deen' (Al Maa'idah: 3) the Deen of Islaam has been complete and whole. Islam is in no need for any knowledge from all of its forms and no product of any intellect from amongst the intellects in order to define its legislation (al Ahkaam Ash Sharee'ah) or its methodologies (taraa'iq). It is allowed to use this knowledge however in terms of styles, means and tools as long as they do not take the place or interfere with the Ahkaam Ash Sharee'ah and its methodology and as long as they do not change these rules even in the smallest of ways.

This is where Allah (swt) has legislated the Fasting of Ramadhaan as a Hukm Shar'i and the Shar'a has designated a specific method for defining its start and end times in the form of the visual sighting. It is in this case absolutely not permissible to take calculations as an alternative to the method designated by the Shar'a to determine the beginning and end times of fasting. On top of this it is absolutely not allowed for calculations to have any affect at all on the Sharee'ah method. To make this clearer in a more detailed way, I say the following:

Firstly:

Al-Hisaab Al-Falaky (calculations) did not come with a text from the Kitaab or the Sunnah or can Qiyaas or Ijmaa' of the Sahabah be used as an evidence for it. This makes it outside of the Sharee'ah and attempting to enter it in to the Shar'a is a flagrant violation of the Hukm Shar'i.

Secondly:

The knowledge of astronomical calculations concerning the birth of a new moon based on indications could make the Muslims of the vast and far western Islamic lands begin their fasting a day before the Muslims of the East. For example those in the West could fast on Tuesday and those in the east on Wednesday and this could happen if the new moon was born after zhohr (noon) on Monday for example. So according to Al Hisaab Al Falaky Tuesday would be considered the first day of Ramadhaan for those in the West whilst it would not be considered to be so in the East because the new moon would not have been born yet for them and hence would begin the fasting of Ramadhaan on Wednesday. The Hisaab al Falaky system therefore has the potential to split the Muslims into two separate parts or two different moon appearing zones. One would precede the other by a day in the case which is opposite to the Islaamic method that unifies the Muslims in the Islaamic world making their

beginning and ending of fasting and the month of Ramadhaan and Eid one. The sighting of one just witness in any region or part of the lands of Muslims is sufficient for all of the Muslims to proceed with their fasting and their breaking of fast at the end of Ramadhaan. It has been said that Al-Hisaab Al-Falaky is extremely precise. It is capable of determining the beginnings of the Months and their endings with perfect precision to the point of minutes and seconds. Also that it is capable of determining for years in advance completely cancelling out any potential error in determining the fast.

We say to those that: Allah (swt) did not command us to worship him through following the absolutely correct or in that case the Muslims would all be destroyed. Rather He (swt) has ordered us to worship Him Ta'aalaa by what we see as being correct. If we hit the absolute correct judgement then so be it and if we err then it is still accepted from us and we are still rewarded and there is no Hisaab (accountability for sin) for that. The acts of Ibaadah in Islaam are not issues of calculations where we must arrive at correctness through calculations and scientific knowledge. It is rather Sharee'ah and Ahkaam that we have been commanded to follow according to our understanding and Ijtihad and if we do that Allah (swt) accepts that from us whether or not we have hit the mark exactly in terms of being correct or in error.

An important point remains which those who call for the use of Al-Hisaab Al-Falaky rely upon or use in their defence. This is that Muslims use calculations to determine their prayer times so why can this process not be relied upon for determining the fast or Hajj or Eid? To answer this question or should I say Shubha (unworthy doubt) I say the following:

Verily the Shar'a Al-Haneef (upright) did not specify that the times of Salaah be determined by a visual sighting as its method (tareeqah). So if this method had been obligated upon us then we would have stuck to it and rejected Al-Hisaab Al-Falaky which is the opposite to the situation of both Al-Hajj and As-Sawm where the Shar'a Al-Haneef has specified the eye sighting as its method. The evidence clearly shows this: 'Fast at its sight and end fasting at its sight'. Al-Hajj has also been specified with the visual sighting as its method and we went through a Hadeeth a little while ago which stated:

'From Hussein bin Al-Harith Al-Jadaly from Judailah Qais that the Ameer of Makkah was making the Khutbah and then said: 'The Messenger of Allah (saw) made it binding on us to begin the worship (of Hajj) based on its sighting and if we did not see it but two just witnesses came and bore witness (to its sighting) then we would begin the rites (acts of worship of Hajj) based on their testimony'. Narrated by Abu Daawud (2338). Bayhaqi and Daaraqutni also narrated it and verified its soundness (that it's saheeh). This Hadeeth states 'We start the rites (nunsuk) based on its sighting'. The word nunsuk means here: We begin to perform the Hajj. And the sighting here is the Hilaal (new moon) of Dhul Hijjah.

So in conclusion the Shar'a has designated a method to determine the beginnings of the Fast and the Hajj which is the visual sighting and it did not specify this methodology for determining the times of as Salaah or anything else. All that it does in this regard is inform us of some of its signs relating to it and indicating its timings and after that it is upon us to make ijtihaad using these signs to determine the times. Therefore the Shar'a has differentiated between the Salaah on one hand and fasting and Hajj on the other so it is obligatory to hold fast to this differentiation and not to mix one in to the other. In addition it is not allowed to make qiyaas in the area of Ibaadaat except if it (the text) is accompanied by an Illah (legal shar'a reasoning) which is absent in all the related texts.

With that we say: It is not permissible to take Al-Hisaab Al-Falaky as a method in the place of the Sharee'ah method, which is the visual sighting. Allah (swt) will account us for what we know and not what is hidden from us so we fast and end the fast with the visual sighting whether or not the result is correct or wrong. This is because Allah (swt) has ordered us with this. In addition to the above it only remains to say that we should still seek help and aid

from the scientists of Al Falak and their knowledge as was previously discussed in the section 'Is it allowed to work with Astronomical calculations (Al-Hisaab Al-Falaky)?'

How long is the Hijri month?

It is well known that without any doubt that the Hijri lunar month is either twenty-nine or thirty days and not be less or greater than that. This limitation and specification has come in a number of ahaadeeth:

- 1) From 'Arwa from 'Aa'isha (ra) who said:  
<< When twenty-nine nights were over, which I had counted, the Messenger of Allah (saw) came to me (he came to me first of all). I said: Messenger of Allah, you had taken an oath that you would not come to us for a month, whereas you have come after twenty nine days which I have counted. Whereupon he said: The month may also consist of twenty-nine days>>. Imaam Muslim (2520), An-Nisaa'i, At-Tirmidhi, Ibn Maajah and Ahmad.
- 2) On the authority of Abdullah ibn Umar (rah) that the Prophet (saw) said:  
<<We are an illiterate Ummah (Nation), we do not write or calculate. The month is like this and this, meaning one time it is 29 days and another 30>>. Al-Bukhaari (1913), Muslim, Abu Daawud, An-Nisaa'i and Ahmad.
- 3) Abdullah Ibn Mas'ood (ra) said:  
<<We did not fast twenty-nine days with the Prophet (saw) more than we faster thirty>>. At-Tirmidhi (684), Abu Daawud, Ahmad, Al-Bayhaqi, Ad-Daaraqutni. Tabaraani reported it in al Mu'jam al-Awsat (5245) on the authority of 'Aa'isha (ra) and also from Jaabir (5441) may Allah be pleased with him.
- 4) From Al-Waleed who said:  
<<We fasted in the time of 'Ali 9Ra) twenty-eight days, so he ordered us to make up a day (qadaa)>> Al-Bayhaqi (251/4), The meaning of this Hadeeth is evident.

The Fuqahaa found a problem when they encountered the Hadeeth narrated on the authority of Abu Bakrah (ra) who said that the Prophet (saw) said:

<<Two months are not deficient (or do not decrease). The two months of Eid, Ramadhaan and Dhul Hijja>>.

Al-Bukhaari (1912), Muslim, At-Tirmidhi, Ibn Maajah and Ahmad.

At-Tirmidhi said that Ahmad said that: 'The meaning of this hadeeth – the two months of Eid are not deficient – he said: Is that these two months do not decrease together within the same year. If one is lessened then the other is completed to its full term'. Al Ishaq however said its meaning is that they are not deficient. If it is twenty-nine days then it is complete and not deficient and according to his (Ishaq's) madhab it is allowed for the two months to be less than thirty within the same year. It has been reported that Ishaq stated: They (the two months) are not decreased in merit whether or not they are twenty-nine or thirty days. Ibn Hibbaan mentioned two meanings for this Hadeeth: The first, what Ishaq had stated and the second that the two months are equal in merit. This is due to another Hadeeth 'There are no days in which deeds are better than the ten of Dhul Hijjah'. It has also been said that they do not decrease the year itself and that was the year in which the Prophet (saw) said this statement. It is said that it means that they are not decreased or deficient in relation to Ahkaam (rules) which was the view of Al-Bayhaqi and At Tahaawi. Also, that the reward of Dhul Hijjah is not decreased from the reward of Ramadhaan because it has the Manaasik (specific rites and acts of worship) which was the opinion of Al-Khitaabi. An-Nawawi stated:

The most correct opinion is that the rewards of these months are not made deficient even if their number in days maybe (meaning if the month only has twenty-nine days). My opinion and that which I find strongest is that Allah (swt) has determined for both of these months throughout all years and time an established reward which does not increase or decrease. This is whether or not the months reach twenty-nine or thirty days in length. This means that whoever has fasted twenty-nine days and stood for prayer in its nights then he will obtain the same reward as if he had done that for thirty days. The *Ajr* and *Thawaab* (reward) in the two months is the same even if one of them is shorter by a day than the other. Allah (swt) gives of his bounty to who he wills, and blesses whoever performs the pillars of *Islaam* with the most complete and bountiful of rewards. And there is no problem if I mention here that *'Ilm ul Falak* (astronomy) states that the lunar (moon) month comes in a fixed manner and does not increase or decrease and that it is approximately twenty-nine and a half days. With more precision it is said to be twenty-nine days and 53% of a day or twenty-nine days, 12 hours and 44 minutes. The lunar year is 354 days and 36% so it is approximately 11 days shorter than the sun (Gregorian) year.

The Fasting of the *Haa'id* and *Nufasaa'a* (Menstruating and Child birth bleeding woman):

Allah (swt) has removed the obligation of *As-Salaah* (prayer) from the *Haa'id* and *Nufasaa'a* and has removed the *takleef* (legal responsibility) so there is no *Salaah* for them in these two periods of menstruation and child birth bleeding. As such there is no *Qadaa* (making up) for the missed *Salawaat* which is not the same for fasting because the *takleef* is not taken away. Allah (swt) has delayed for them the performance after they have finished from these two states. Because the *Haa'id* and *Nufasaa'a* are required to make up their missed fasts then this is an evidence that the obligation of fasting has not been lifted from them like it has in the *Salaah*. The *takleef* (legal obligation) is not lifted and the performance of the fast has merely been delayed. Those who have not differentiated between the *Salaah* and Fasting and state that in both the cases of the *Haa'id* and *Nufasaa'a* the *takleef* has been lifted have strayed away from precision. It was *waajib* for them to say that Allah (swt) has obligated fasting upon the *Haa'id* and *Nufasaa'a* and has made the performance of the obligation after they have finished the period of bleeding.

As for why Allah (swt) did not make the *Salaah* and the *Sawm* the same in this issue in relation to the *Haa'id* and *Nufasaa'a*? The answer to this, is that both the *Salaah* and the *Sawm* are acts of *Ibaadah* (worship), and *Ibaadah* is not reasoned and reasoning is not sort in it and can (as a general rule) only be taken when a *sharee'ah* text comes with the *'Illa* (legal reason). In this issue an *'Illa* does not exist for this differentiation so we say that the difference is not reasoned and we are not permitted to bring our own reasoning's from our mind. For example it has been said that *Salaah* is a continuous action through the day and night for the entire lifespan. If the *Takleef* was removed for a few days then it would have little effect overall whereas fasting only comes once in the year in *Ramadh*aan. If a woman was to have child birth bleeding at the beginning of the month then she would miss the fast for the whole year and this could happen to her and be repeated in following years so she may end up missing many years of fasting. For this reason it has been said a woman has been ordered to make up her fasts and not her prayers. This type of argumentation and reasoning is a mistake and it is not permitted for any *Faqeeh* or anyone else to use. The issue of differentiation between the *Salaah* and *Sawm* in relation to the *Haa'id* and *Nufasaa'a* is agreed upon between the Muslims and only a group of *Khawaarij* and *Al-Haruuriyah* have viewed them as being the same in terms of *Takleef*. As a result they have also ordered the *Salaah* to be made up like the *Qadaa* of the *Sawm*. In this issue the following *Ahaadeeth* have been mentioned:

- 2) On the authority of Mu'aadha who said:  
 <<I asked 'Aa'isha (ra) and said: What is the thinking behind the Haa'id making Qadaa for the Sawm and not for the Salaah? She said: Are you from the Haruuriyah? I said: No, I was just asking. She said: We were afflicted by that so we were commanded to make the Qadaa for the fasting but we were not ordered to make Qadaa for the Salaah>>  
 Muslim (763), Al Bukhaari, Abu Daawud, An-Nisaa'i and At-Tirmidhi. The Haruuriyah refers to a group of Khawaarij that appeared in a village called Haruuraa' near Al-Kuufa in al-Iraq.
- 3) Abu sa'eed (ra) said: The Prophet (saw) said:  
 <<Is it not the case that when the woman menstruates she does not pray or fast? So this is (what is meant by) deficiency/shortcoming in her Deen>>.  
 Al-Bukhaari (1951) and Ibn Khuzaimah.
- 4) From 'Aa'isha (ra) who said:  
 <<We were menstruating whilst with the Prophet (saw) so he ordered us to make Qadaa of the fasts that we missed>>.  
 Ibn Maajah (1670). An-Nisaa'i (2318) narrated it with the following wording:  
 <<We use to menstruate in the time of the Prophet (saw) and then purify ourselves so he ordered us to make up (qadaa) our missed fasts but not our missed salawaat (prayers)>>.

The Haa'id and Nufasaa'a remain from fasting as long as blood is flowing in either of the two periods. If the blood stops before Fajr and then Fajr comes and she has not yet made ghusl then according to the Madhhab of the Ulamaa it is correct for her to fast. The exception to this is the view of al-Awzaa'iy and one of the views attributed to Imaam Maalik that states that the fasting is made Faasid if she has not made ghusl before its beginning. The correct view is the first. If the Haa'id or Nufasaa stop bleeding or the period of time has finished then they are no longer considered to be Haa'id or Nufasaa'a and fasting has become obligatory on them. It is not correct that the ghusl (full purifying wash) is what announces the end of the period of Hayd or Nifaas and that it is necessary to begin fasting. The correct view is that Allah (swt) has commanded the ghusl at the end of the Hayd and Nifaas but the ghusl is not the sign that indicates the ending of the two periods or is what declares the two periods to be over. The woman can make ghusl immediately after her blood has stopped or she can wait a few hours to wash. It is the stopping of blood that causes the end of the two periods and the obligation of ghusl is an altogether different issue. From this it can be said that when a woman's bleeding has ceased it becomes obligatory upon her to fast without there being any link between her fasting and the performance of ghusl.

The fasting of a person that becomes Junuban (impure):

The view of the majority is that the fast remains valid and there is no qadaa for it if the fasting person awakes in an impure state without any difference to whether the janaabah (state of impurity) arises from intercourse, dreaming or desire. An-Nawawi is firm in that the Ijmaa of the Ulamaa has settled on that. Ibn Al-Eid said that it has become an Ijmaa or like an Ijmaa. Ibn 'Abdil Birr reported from Al-Hasan bin Saalih and Ibraaheem An-Nakhi' the obligation of Qadaa in the obligatory (fard) but not extra recommended (Tattawu') fasts. Al-Mawardi reports that the difference is in the right of the impure person in relation to the one who has performed intercourse whilst in the case of ejaculation whilst dreaming there is consensus in that the fasting is valid. At-Tirmidhi said: A group of the taab'een said: If you wake up Junuban (impure) then you make qadaa for that day. This is the summary of

statements and opinions in this mas'ala (issue). In order to get to the correct opinion then it is necessary to examine the following Ahaadeeth that are related to it:

1) 'Aa'isha (ra) said:

<<I bear witness that the Messenger of Allah (saw) would definitely wake up and he was in the state of Janaabah after intercourse and not from dreaming and he fasted>>.

Al-Bukhaari (1831), Muslim, An-Nisaa'i, Ahmad and Ibn Hibbaan. Muslim (2591) also narrated from her (ra):

<<The Messenger of Allah (saw) would wake up in the state of Janaabah after intercourse and not from dreaming, he would then neither break his fast or make up (qadaa)>>.

Al- Bukhaari (1930) and Muslim also narrated from 'Aa'isha (ra) that:

<<Fajr came upon the Prophet (saw) and he was Junuban not from dreaming in the month of Ramadhaan so he made Ghusl and fasted>>. There is also narrated a Hadeeth with similar wording on the authority of Umm Salamah (ra).

2) From Abu Yunus the Mawla of 'Aa'isha (ra) reporting about her:

<<A man came to the Prophet (saw) asking for a verdict and she could hear from behind the door. He said: O Messenger of Allah, the time of Salaah came upon me and I was in a state of janaabah and I fast. So the Messenger of Allah (saw) replied: And I also am in a state of janaabah when the time of Salaah comes and I fast...>> Muslim (2593), Abu Daawud, An-Nisaa'i, Ahmad, Ibn Hibbaan and Ibn Khuzaimah.

3) From 'Aa'isha and Umm Salamah may Allah (swt) be pleased with them both:

The Messenger of Allah (saw) would be in a state of Janaabah from one of his wives even after the beginning of Fajr, he would then make Ghusl and fast...>>.

Al-Bukhaari, (1925-6), Muslim, At-Tirmidhi, Ahmad, Ibn Hibbaan and Ad-Daarami in a different wording.

These four narrations are Saheeh and they all mention that the Messenger of Allah (saw) was in a state of Janaabah when Fajr had began due to intercourse with his wives and not because of what occurred in his dream. The fifth report mentions that he would be in a state of janaabah at Fajr without specifying the circumstances. These narrations are clear in meaning to support the opinion of the majority and which nearly all of the Ulamaa and Fuqahaa have agreed with. These evidences are also a (conclusive) reply to those who hold another opinion.

As for what Abu Hurairah (ra) reported from the Messenger (saw):

<<If you are called to Salaah (i.e. Adhaan), the Salaah of Subh (fajr) and any of you are in the state of janaabah then do not fast on that day>>. Ahmad (8130).

In relation to this Abu Hurairah retracted his own verdict as Abi bin Abi Umayyah the brother of Umm Salamah (ra) reported that she told him: 'The Messenger of Allah (saw) used to wake up junuban and would then fast so Abu Hurairah withdrew his opinion'. Ibn Hibbaan (3500), Ahmad, Tabaraani, At-Tahaawi, Abu Daawud and At Tayalasi with a saheeh sanad (chain).

Abu Bakr bin Abdur Rahman said: 'I heard Abu Hurairah (ra) say when he was talking:

Whoever awakes in Janaabah should not fast. So I mentioned this to Abdur Rahman bin Al-Haarith (his father) and he rejected the verdict so we went together until we reached the residence of 'Aa'isha and Umm Salamah (ra). Abdur Rahman asked them about this issue. They both said: The Nabi used to wake junuban not due to dreaming (i.e. by intercourse) and would then fast. We then left until we reached Marwaan and Abdur Rahman mentioned the issue to him. Marwaan said: I have made it for you to go and respond to what he is saying. He said: So we came to Abu Hurairah, And Abu Bakr was present the whole time. He said: Abdur Rahman brought up the issue with him so he asked: Did those two ('Aa'isha and Umm

Salamah) say that to you? He said: yes. He replied: They are more knowledgeable and then he retracted what he had been saying to Al-Fadl ibn Abbaas on this issue and then he (Abu Hurairah) said: I heard that from Al-Fadl but I had never heard it from the Nabi (saw). Abu Hurairah (from that time) retracted from what he had been saying about that hadeeth. I asked Abdul Maalik: Did they ('Aa'isha and Umm Salamah) say it in Ramadhaan? He replied: Likewise (i.e. also in Ramadhaan) he used to wake up Junuban from other than dreaming and then fast'. Muslim (2589), An-Nisaa'i, ibn Maajah, Ahmad, Ibn Hibbaan. The Abu Bakr who narrates this hadeeth is Abu Bakr Abdur Rahman.

Also Muhammad ibn Abdur Rahman ibn Thawbaan said that he heard Abu Hurairah (ra) saying: Whoever ejaculates when he is dreaming or has intercourse with his wives and then fajr arrives upon him and he has not yet made ghusl, should not fast. After that I heard that he had withdrawn this opinion of his. An\_nisaa'i in As-Sunan Al-Kubraa (2940) and Ibn Abi Shaibah (494/2) narrated from Sa'eed Ibn ul-Musayyib who said: Abu Hurairah withdrew from his verdict that whoever wakes up Junuban should not fast.

With such proof that Abu Hurairah withdrew his opinion there doesn't remain any room for argument or doubt for those who have gone against the majority in this issue.

The sin of the one that breaks his fast in Ramadhaan without an excuse:

Fasting in Ramadhaan is a pillar from the five pillars of Islaam, so it is one of the five great pillars. As such the one who neglects this pillar or falls short in its performance is worthy of a painful punishment in the hereafter in addition to the punishment that he should receive in this life from the punishments imposed by the Khilafah state. Here is a collection of ahaadeeth and reports (aathaar) that warn against breaking fast in Ramadhaan:

1) Abi Umaamah (ra) said: I heard the Messenger of Allah (saw) saying:

<<Whilst I was asleep two men came with me and took me by my arm... He said: Then we saw a people hanging by their tendons, the corners of their mouths were cracked and blooded was flowing from them. I asked: Who are these people? They said: Those are the people who broke their fasts before its time...>>

An-Nisaa'i (3273) in his As-Sunan Al-Kubraa. Ibn Hibbaan, Ibn Khuzaimah, Al-Bayhaqi, Al-Haakim and At-Tabaraani in his Al-Mu'jam Al-Kabeer also narrated it. It has been verified as being saheeh by Al-Haakim, Adh-Dhahabi and Al-Haithami.

2) Ibn Mas'ood (ra) said:

<<Whoever breaks a day of fasting in Ramadhaan without a rukhsah (sharee'ah permission) he will meet Allah with it and even if he fasts the entire time after that, if Allah wills he will be forgiven and if he wills he will be punished>>.

At-Tabaraani in al-Mu'jam al-Kabeer (9575/9). Al-Haithami said that its people (narrators) are trust worthy. Ibn Hazm also narrated it with different wording and it was narrated by At-Tirmidhi (719), Abu Daawud, Ibn Maajah, Ahmad, Ad-Daaraqutni, Al-Bayhaqi and Ad-Daarami from Abu Hurairah (ra).

3) Abu Hurairah (ra):

<<A man broke his fast in the day of Ramadhaan so Abu Hurairah said: The fast of a year will not be accepted from him>>.

Ibn Hazm (184/6) in Al-Muhalla. In another narration also from Ibn Hazm (184/6):

<<Whoever (unlawfully) breaks a fast of Ramadhaan then no day from the days of the dunya can make up for it>>.

Ibn Abi Shaibah (516/2) narrated that Ali (ra) said:

<<Whoever misses or breaks his fast intentionally then the entirety of time will never make up for that>>.

4) On the authority of Abi Marwan:

<<Ali ibn Abi Taalib (ra) came upon An-Najaashi who had drunk alcohol in Ramadhaan so he lashed him eighty times. He then lashed him twenty times the following day saying: We lashed you twenty for your going against Allah and your breaking of fast in Ramadhaan>>.

Ibn Hazm in his Al-Muhalla (184/6) and At-Tahaawi and its sanad (chain) is Saheeh. An-Najaashi in this hadeeth refers to a poet called Qays ibn Al-Haarithi. 'Ali (ra) ordered his whipping so he fled to Mu'aawiyah.

Therefore the hadeeth and the three (or five) Aathaar (reports not from the Prophet (saw)) provide a clear indication and meaning of the great sin attributed to the one who breaks just one fast in the month of Ramadhaan. So what about the one who does not fast a whole month or many months??

The one who studies these 'Aathaar with precision will find from the wording used in them that they are unlikely to represent the understandings of the Sahaabah or their Ijtihadaat. Statements like this are very far away from the likelihood of originally being from them. With that said I do not regard them as evidences, but rather they are signs (indications) and Sharee'ah rules which are valid to be accepted and it is allowed to make taqleed (imitation and following) for the one who made the statement.

The Fasting of the young:

The majority hold the view that the fasting of those who have not yet reached the age of maturity (baaligh) to be not obligatory. A group of the Taabi'een including Ibn Sireen, Ibn Shihaab Az-Zuhri viewed it to be mustahabb (recommended). Imaam Ash-Shaafi' said: If the young person is capable then he is ordered to so that he can train/prepare himself upon it. His people defined it to the age of seven and ten like in the Salaah whilst Ishaq specified twelve years of age and Ahmad ten. Al-Awzaa'i said: If the young person can fast three days without weakening then he can bear the fasting (of Ramadhaan). The well known opinion in the Maaliki Madhhab states that fasting has not been legislated for them.

In light of the above, I say the following:

This is an issue in which there was no need for the Ulamaa and Fuqahaa to have different understandings. This is because it is known that the takaaleef Ash-Sharee'ah (i.e. the responsibility and obligation to abide by the sharee'ah and accountability) is established on the shart (condition) of buloogh (maturity). If he is mature then he is Mukallaf (responsible and accountable) and if he is not mature then he is not legally responsible. Therefore when the Shar'a has ordered someone below the age of Buloogh to perform an action or has ordered the Wali al-Amr (guardian) of the child to order him to fulfil an action, then in this case it is for the purpose of training and preparing only like Ash-Shaafi' said. It is not obligatory at all for the young to perform it even if he and his Wali al-Amr are rewarded for undertaking the actions and this therefore applies to the case of fasting. The Wali al-Amr orders his child to fast and encourages him but to the point where this encouragement does not lead to Ikraah and Ijbaar (compulsion and forcing). If the boy/girl acts in accordance to this then there is a blessing in it and if he/she refuses then there is no sin on them or the Wali al-Amr.

As for when the child should be asked to fast the Shar'a has not specified a specific age like it did in the case of As-Salaah. It is not correct to make qiyaas (analogy) in Ibadah so the Siyaam cannot be analogised with Salaah. The age therefore remains general and not specified and absolute and not restricted. The matter rests with the view of the Awliya-Al-Amr (guardian) in relation to the strength, health and physical ability of their children to undertake the fast.

We mentioned a hadeeth earlier that relates to this issue. Ar-Rubee' bint Mu'awwidh (ra) said:

<<The day following 'Aashoorah the Prophet (saw) sent a message to the villages of the Ansaar: Whoever woke up not fasting then let him stay like that and whoever has awoke and he is fasting then he should fast. She said: We use to fast and make our young ones fast. We made toys for them out of wool and if one of them would cry because of food we would give them the toy until the time of Iftaar (i.e. to distract them).

Al-Bukhaari (1960), Muslim, Ibn Hibbaan, Ibn Khuzaimah, Al-Bayhaqi and At-Tahaawi.

The subject of this narration is the recommended fast (at-tatawwu') as we ascertained earlier and the recommended fast is not obligatory on the adults so it can definitely not be so for the young. In regards to the children being amused with woollen toys at the time of the fast indicates that the Sahaabah use to train their young with fasting was most probably between five and seven as this is the age where children could be distracted from their fasting by this kind of toy. This age however does not require being committed to. Al-Bukhaari mentions in a comment i.e. without a sanad (chain) this (athar) report: 'Umar (ra) said to a Nishwaan in Ramadhaan: Woe to you for what you have done and (even) our children are fasting. He then beat him'. The meaning of this is that a man had been caught drinking in Ramadhaan and Nishwaan means Sukraan (drunk). So Umar (ra) reprimanded him and beat him saying: And our children are fasting? Meaning that you break your fast and also drink alcohol whilst our children are fasting? So in conclusion the origin of this issue is that Muslims get their young use to performing actions which they will be obliged to carry when they are older and this should be done according to the children's capability.

The fasting of the Pregnant (Haamil) and Breastfeeding (Murdi') woman:

The following has been reported on this issue:

- 1) Anas bin Maalik – a man from Bani Abdullah bin Ka'ab the brothers of Bani Qushair – said:

<<The messenger of Allah (saw) said: Sit down, I would like to talk to you about As-Salaah and As-Sawm. Allah (swt) has put aside half of the Salaah and As-Sawm from the Musaafir (traveller), the one who breast feeds and the pregnant, By Allah he either said both of them together or one of them...>>.

Abu Daawud (2408), An-Nisaa'i, Ibn Maajah and Ahmad. This is the lafzh (wording) in the version brought by An-Nisaa'i:

<<Verily Allah (swt) has lifted from the Musaafir half of the prayer and also from the one who breastfeeds or is pregnant>>.

At-Tirmidhi narrated it and verified it as a Hasan narration.

- 2) Anas Bin Maalik (ra) said:

<<The Messenger of Allah (saw) has given a Rukhsah (sharee'ah permission) to the pregnant woman to not fast if she fears for herself and also to the breastfeeding woman who fears for her child>>.

Ibn Maajah (1668) and Ibn 'Adi.

At-Tirmidhi stated: 'A section of the people of 'Ilm said: The pregnant (haamil) and the breastfeeding woman (Murdi') break their fast, and make Qadaa and feed other people (the poor) and this has been said by Sufyaan Ath-Thawri, Maalik, Ash-Shaafi' and Ahmad bin Hanbal. Some others have said: They break their fast and feed people but there is no Qadaa upon them and if they wished to make qadaa then there is no feeding obliged upon them'. Al-Hasan Al-Basri, 'Ataa, Ad-Dahaak, Ibraheem An-Nakh'i, Al-Awzaa'i, 'Ikramah, Rabee'a and the people of Ar-Rai (reason) all held the opinion that if the pregnant woman feared for herself (i.e. her health) and the Murdi' feared for the health of her child, she should break

her fast and not feed others because they are in the position of the ill person (al-Mareed) who breaks fast and then makes Qadaa for what he/she has missed. This is also the opinion of Abu 'Ubaid, Abu Thawr and Ibn Al-Mundhir. This is also the view of Maalik for the pregnant woman but in relation to the Murdi' (breastfeeding) he obliges the Qadaa and feeding of the poor. Ash-Shaafi' and Ahmad: They (both) break fast and make Qadaa if they fear for themselves only or for themselves and their children. As for when they fear for their children only then they have to make Qadaa and pay a fidyah (ransom) for every day that has passed.

In relation to this, and from Allah comes at-Tawfeeq, the following:

As for the permission for the Haamil and Murdi' to break their fast then there is no dispute amongst the Fuqahaa on this and this is correct. The first Hadeeth is a daleel (evidence) for this (That Allah (swt) has lifted...the fast from the Musaafir and pregnant and breastfeeding woman). Just as it is allowed for a Musaafir to not fast because travelling is a Rukhsah and excuse, it is also allowed for the Haamil and Murdi' to not fast. The pregnancy and breastfeeding are in this case the sharee'ah Rukhsah and 'Udhr (excuse). The first text came in a general way ('Aam) for the pregnant and breastfeeding woman whereas the second came with a specification that the pregnant woman fears for herself and the breastfeeding woman fears for her child and it is obligatory to take this takhses (specification). And I say the following:

If the pregnant lady fears for herself because of the pregnancy then she can break her fast and if the breastfeeding woman fears for her child because of the breastfeeding then she can also break her fast. If however there is no fear (of harm) then it is not allowed for the fast to be broken because the 'Aam (general) is always carried over the khaass (specific). The Qadaa of the missed fasts is a must and the view of Ishaq that she can make qadaa if she wished is incorrect. What has been narrated from Ibn Abbaas (ra) is also incorrect that the pregnant and breastfeeding woman do not make qadaa. This is what came in a narration collected by Ad-Daaraqutni (206/2) in his Sunun on the way of Sa'eed ibn Jubayr that: 'Ibn Abbaas said to a mother of a child who was pregnant or breastfeeding: You are of those who do not have to fast, you have the reward but not the obligation of Al-Qadaa'. Abu Daawud and al-Bazaar narrated it with its meaning. It is also not correct (saheeh) was has been reported from Qataadah and Ibn Umar (ra) with a statement that goes back to Ibn Abbaas (ra). It came in the Musannaf of Abd-ur-Razzaaq from Qataadah (7556) and from Ibn Umar (7558) that they (both) said that the pregnant and breastfeeding woman breaks her fast, feeds a poor person for every day missed and that there is no Qadaa upon her. Ad-Daaraqutni (207/2) narrated similar to this from Ibn Umar (rah).

In relation to the first Riwaayah (narration) from Ibn Abbaas and collected by Ad-Daaraqutni which says that there is reward but no Qadaa then this is contrary to the narration of Abd-ur-Razzaaq (7564) which states qadaa and no feeding. Due to this the report of Ibn Abbaas has doubt in it and should be therefore left. This is in addition to the fact that it is 'qawl Sahaabi' (the statement of a Sahaabi) and the statements of the Sahaabah are not (legitimate) evidences as we have mentioned on numerous occasions. The same can also be said about the statement that is attributed to Ibn Umar (ra).

As for the Sharee'ah evidence then this is the first Hadeeth mentioned. This gave one judgement to the Traveller, pregnant and breastfeeding woman and that is that Allah (swt) has lifted from the obligation of fasting. The hadeeth did not differentiate between them so those who do have made a mistake in the conclusions they have come to. So in the same way the Musaafir must make up his fast, then the Haamil and Murdi' likewise must do so and no consideration should be given to the opinion that al-Qadaa is not obligatory on them. As for the opinion that they should feed for the days that they miss then there exists no sharee'ah evidence for this view not in the Kitaab of Allah (swt) or the Sunnah of the Messenger of Allah (saw). These can only be viewed as opinions and Ijtihadaat of the

Sahaabah and the fuqahaa after them and we can only bind ourselves in our 'Ibaadah to what Allah (swt) and his Messenger (saw) have provided in legislation. Those who have said that there is no feeding are the Ahnaaf (madhhab of Imaam Abu Haneefah) and they hold the correct opinion in this issue.

There is no fasting for the one who is Majnoon (lost his mind) or Unconscious/passed out:

Imaam Abu Haneefah said: The fast of the one who loses consciousness/passes out is valid because his intention was valid. If he loses his senses after making his intention then this does not prevent the validity of the fast just like sleeping doesn't. Ash-Shaafi' said: If the junoon (loss of mind) occurs in a part of the day then this makes the fast faasid (invalid) because its state prevents the obligation of fasting like in the case of the menstruation. Ash-Shaafi' and Ahmad both said: Whoever passes out for the whole day without coming around for any part of it then his fast is invalid. In the book Ash-Sharh al-Kabeer of Shams-ud-Deen bin Qudaamah it is stated: We do not know of any difference in relation to the obligation of Qadaa on the one who has passed out because its time is usually short and he is not placed under guardianship. His situation in terms of Takleef (legal responsibility) is the same as the sleeping person however in the case of the Majnoon then there is no Qadaa for what has passed. This is the view of Abu Thawr and Ash-Shaafi' in his more recent opinion. Maalik said: The fast is made up (qadaa) even if years have passed and Ahmad and Ash-Shaafi' in his older opinion agree with this. Their reason is because the absence of mind (aql) does not prevent the obligation of fasting like passing out. Imaam Abu Haneefah said: If he is insane for the whole month then there is no Qadaa upon him and if he awakens from his loss of mind in the month then he will make Qadaa for what has passed because the loss of mind does not negate the fast. The evidence for this is that if he loses his mind in the middle of a fast it does not make the fast invalid so if it happens in the middle of the month he is required to make qadaa like the one who has passed out. He undertook a part of Ramadhaan and he was 'Aaqil (of sound mind) so fasting became compulsory just like if he had awoken in a part of the day.

In relation to the above and from Allah (swt) comes the truth, I say the following:

Indeed the Qalam (pen) meaning Takleef (legal responsibility) has been lifted from three: From the Majnoon until he regains his sanity, the boy until he reaches maturity and from the sleeping person until he awakens. This is like what has come in a hadeeth from Abu Daawud (4403), At-Tirmidhi and Ahmad from 'Ali (ra):

<<The Prophet (saw) said: The pen has been lifted from three: From the sleeping person until he wakes up, from the boy until he matures and from the Majnoon until he regains his mind>>. Al-Bukhaari mentions it in the book of at-Tallaaq mawqoofan. Ibn Maajah, Ad-Daarami and An-Nisaa'i narrated it from 'Aa'isha (ra).

In relation to the Takleef of fasting, then fasting is raised from the sleeper until he awakes, the boy until he is baaligh (mature) or the girl reaches the maturity of a woman and the one who has lost his mind until he awakens from that state or regains the faculties of his mind. So there is no fasting for the sleeping person or young or Majnoon as long as they remain in their condition. If they come out of that state then they become at once Mukallifoon (legally responsible). So on that if the Majnoon passes through a whole day or more than that without his mind returning then there is no Takleef on him or fast and there is no Qadaa upon him for what he has missed or any days which he missed and he was Majnoon. This is similar to the one who passes out, if he is unconscious for a whole day where a night and day has passed without him awakening. Then there is no fasting or Qadaa for him because both the Majnoon and the one who has passed out are not Mukallif (legally responsible) and it is upon those who stipulate Qadaa to bring an evidence from the Sharee'ah.

Fasting the month of Ramadhān is an act of Ibaadah (worship) that is repeated every day. Fasting is the abstention of those things that break it (food, drink, intimate relations etc...) and it is not correct to view the fasting of the whole month of fasting as a single act of 'Ibaadah which requires a single intention for its entire period. The correct view is that every day from the days of Ramadhān is a separate independent act of 'Ibaadah and therefore requires a specific niyah, which is obligatory every night before the coming of fajr. Every act of 'Ibaadah is tawqeefiyah meaning that each one of them has been established by an Ayah of Qur'an, Hadeeth or from the consensus (Ijmaa) of the Sahaabah. As such it is not allowed for 'Ibaadah to be established based on Qiyaas and the acts of 'Ibaadah are not reasoned except in the very rare case where there is a text with an 'Illa (sharee'ah reason). If there is a text then we take it as evidence but if it is absent then we reject any opinion without any regard to the number of its adherents.

Based on this I say: The Majnoon and unconscious have no Takleef or fast upon them and they have no obligation to make up for any fasts that they have missed, whether it is a day, many days or the entire month and this is clear. As for if someone made the intention to fast in the night, then after this he is struck by loss of sanity or he passes out for a part of the day and then he awakes, then he has fasted that day, there is no qadaa on him and he is like the one who has been asleep. If someone makes an intention at night and then sleeps for a part of the day whether for a long or small part of it, in the beginning, middle or end of the day then he has fasted that day. The loss of senses has not harmed his fast because the loss of the senses does not prevent the validity of the fast which is also the opinion of Imam Abu Haneefah.

Someone could say however: If the one who passes out is similar to the one who is asleep then why is it required for the one who is sleeping to make up what he has missed of his Salaah as soon as he awakes and it is not required of the one who passes out to do the same with his fast? The answer to this is linked to what we said earlier that the acts of 'Ibaadah are not reasoned but they are Tawqeefi (taken directly from the revelation as it is) and in addition one cannot be made analogy to the other and the Salaah cannot be analogised to the Sawm. An analogy also can't be made in respect to the Qadaa of fasting and the qadaa of the Salaah. For example the menstruating woman makes Qadaa for the fast but not for the Salaah. The sleeping person has been ordered to make up his Salaah when he awakens as Anas bin Maalik (ra) narrates: The messenger of Allah (saw) said:

<<If one of you missed his Salaah due to sleep or carelessness then he must pray as soon as he remembers. Verily Allah (swt) says: "...And perform the Salaah for my remembrance...">>. Muslim (1569), Ahmad, Al-Bayhaqi and Abu Na'eem.

It is a text related to Salaah and there is nothing similar for fasting and the legislation is not negligent or careless in legislating what it should. If making Qadaa was stipulated for the one who sleeps, loses consciousness or his mind then the Shar'a would have stated this but it didn't and as such it cannot be accepted by any Muslim and even more so by any Faqeeh. So if a man has lost his mind or senses for an entire day or many days then there is no fasting for him and no qadaa and similarly if he was in this state for a part of the day and he had made an intention the previous night then his fasting is accepted and there is no Qadaa required from him.

We would just like to mention here what was related from Naafi' who said:

<<Ibn Umar was fasting a recommended fast but passed out and did not break his fast>>. Al-Bayhaqi (235/4). He said: This indicates that passing out during the fast does not invalidate it.

The remaining issue deals with a person who loses his mind or consciousness at night without having made firm his intention for the following days fast. Then in the day he recovers so at that time he must refrain from anything that would break his fast and fast the

remaining part of the day and then make qadaa for that day on another day(after Ramadhaan). This is because the Niyah (intention) is a Rukn (pillar) and Shart (condition) of fasting and is not valid without it. His fast in this situation is therefore invalid and so Qadaa is obligatory. And because he has awoken in a part of the day then he is able to fulfil a part of this obligatory 'Ibaadah (worship) so he must abstain from all that would break his fast (Mufattiraat). A situation like this was reported by Abd-ur-Rahman bin Salamah from his Uncle:

<<That Aslama came to the Prophet (saw). He (saw) said: Did you fast this day of ours? They said: no. He said: Complete the rest of this day and then make Qadaa for it>>. Abu Daawud: This was concerning the fast of the day of 'Ashuura. Narrated by Abu Daawud (2447) and Al-Bayhaqi. The term Aslama means the tribe of Aslam. This hadeeth stated: 'Complete the rest of the day and then make Qadaa'. As for the text being related to the fast of 'Ashuura well this does not change anything as far as its significance.

From all of this it appears that the opinion of Maalik and Ahmad that Qadaa is necessary even if the period (of loss of mind/consciousness) lasts for years is a mistake. Also that the opinion of Imaam Abu Haneefah that even if he was Majnoon for the whole month then there would not be any Qadaa upon him but if he awoke during the month then there would be Qadaa for what had passed is also incorrect. His error came from regarding the month of Ramadhaan as a single act of 'Ibaadah. Had he regarded every day of fasting as a separate act of 'Ibaadah requiring a niyah he may have had a different view. The opinion of Abu Thawr and Ash-Shaafi' (his later opinion): As for the Majnoon then Qadaa is not obliged upon him for what has passed. This is the most correct opinion.

Sexual Intercourse is permitted in the nights of fasting:

Intercourse was forbidden in the nights of Ramadhaan in the beginning and it is said that it was forbidden after having slept but before sleep it was permissible. There are evidences which discuss both of these issues. This prevention was hard on some of the Sahaabah and they were tempted to break it and they fell into sin so Allah (swt) revealed an Ayah mentioning this and He (swt) raised the prohibition of intercourse in the nights of Ramadhaan.

Here is a selection of the evidences discussing this topic:

5)  
 أَجَلٌ لَكُمْ لَيْلَةَ الْصَّيِّمِ الرِّفَثُ إِلَى نِسَائِكُمْ هُنَّ لِبَاسٌ لَكُمْ وَأَنْتُمْ لِبَاسٌ لَهُنَّ عَلِمَ اللَّهُ أَنْكُمْ كُنْتُمْ تَخْتَبُونَ أَنْ تُسَكِّمُوا فَتَابَ عَلَيَّكُمْ وَعَفَا عَنْكُمْ فَالآنَ بَاشِرُوهُنَّ وَأَبْتَغُوا مَا كَتَبَ اللَّهُ لَكُمْ ...

*It is made lawful for you to have sexual relations with your wives on the night of As-Saum (the fasts). They are Libas [i.e. body cover, or screen, or Sakan, (i.e. you enjoy the pleasure of living with them - as in Verse 7:189) Tafsir At-Tabari], for you and you are the same for them. Allâh knows that you used to deceive yourselves, so He turned to you (accepted your repentance) and forgave you. So now have sexual relations with them and seek that which Allâh has ordained for you (offspring)...>>  
 (Baqarah:187).*

In this Ayah Rafath means Jumaa' (intercourse) and Takhtaanoon means to commit khiyaanah (betrayal).

6) Al-Baraa (ra) said:

<<It was the custom among the companions of Muhammad that if any of them was fasting and the food was presented (for breaking his fast), but he slept before eating, he would not eat that night and the following day till sunset. Qais bin

Sirma-al-Ansari was fasting and came to his wife at the time of Iftar (breaking one's fast) and asked her whether she had

anything to eat. She replied, "No, but I would go and bring some for you." He used to do hard work during the day, so he

was overwhelmed by sleep and slept. When his wife came and saw him, she said, "Disappointment for you." When it was midday on the following day, he fainted and the Prophet was informed about the whole matter and the following verses were revealed: "You are permitted To go to your wives (for sexual relation) at the night of fasting." So, they were overjoyed by it. And then Allah also revealed: "And eat and drink Until the white thread Of dawn appears to you Distinct from the black thread (of the night)." (2.187)>>.

Al-Bukhaari (1915), Abu Daawud, An-Nisaa'i, Ahmad, Al-Bayhaqi and At-Tabari.

7) Abu Ishaq said I heard Al-Baraa (ra) saying:

<<When Ramadhaan was revealed the women were not approached (for sexual relations) and the men were deceiving themselves. Then Allah (swt) revealed "...Allâh knows that you used to deceive yourselves, so He turned to you...".

Al-Bukhaari (4508), Ad-Daarami and An-Nisaa'i.

8) Ibn Abbaas (rah) said:

<<In relation to the speech of Allah (swt): "*It is made lawful for you to have sexual relations with your wives on the night of As-Saum (the fasts...)*". The Muslim in the month of Ramadhaan used to be forbidden from their wives and food and the like after they had prayed 'Ishaa. Then those who forgot from the Muslims use to eat and have relations with their wives after the prayer and from amongst them was Umar Ibn Al-Khattaab. He (ra) complained to the Prophet (saw) and Allah (swt) revealed: "*...Allah knows that you used to deceive yourselves, so He turned to you (accepted your repentance) and forgave you. So now have sexual relations with them and seek that which Allâh has ordained for you (offspring), and eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night)...*".

At-Tabari (165/2) and Ibn ul-Mundhir.

9) Ka'ab bin Maalik (ra) said:

<< In Ramadhaan the people it was prohibited for him to consume food, drink or have sexual relations with his women if he had already slept until the following day's breaking of fast. Umar ibn Al-Khattaab (ra) came back from the Prophet's (saw) house one night. He had stayed awake but his wife had slept and he wanted her (to have relations). She said: I have slept. He replied: You have not slept and then had relations with her... Umar (ra) went the following day to the Prophet (saw) and informed him and then Allah (swt) revealed: "*...Allah knows that you used to deceive yourselves, so He turned to you (accepted your repentance) and forgave you...*".

Imaam Ahmad (15888), At-Tabari, Ibn ul-Mundhir, Ibn Abi Haatim and its chain is Hasan (good and acceptable).

All of the above texts are clear in their meaning and as such do not require any explanation.

## Part 2

### Al-Fitr/Iftaar and As-Suhoor

#### Al-Fitr:

When does the Saa'im (fasting person) break his fast (yuftiru)?

In relation to the breaking of fast the following Ahaadeeth have been reported:

- 1) On the authority of Abdullah ibn Abi Awfi (ra) who said:  
<<We were travelling with the Messenger (saw) in the month of Ramadhaan and when the sun disappeared he said: Ya Fulaan (i.e. you there) get down and prepare a drink for us: He replied: Ya Rasoolullah there is still part of the day left. He (saw) said: get down and prepare the drink (a mix of water or milk and barley/wheat or something like it). So he got down (from his mount) and prepared it. He gave to him (saw) and the Prophet (saw) drank and then he said: If the sun disappears from here (indicating with his hand) and the night comes from here, then the Saa'im breaks his fast>>.  
Muslim (2559), Al-Bukhaari, Abu Daawud, An-Nasaa'i and Ahmad.
- 2) Umar ibn Al-Kattaab (ra) said that the Messenger of Allah (saw) said:  
<<When the night approaches from here and the day goes away from here and the sun has descended in the west, then the Saa'im breaks his fast>>.  
Al-Bukhaari (1954), Abu Daawud, An-Nasaa'i, Ahmad, At-Tirmidhi and Ad-Daarami.  
Muslim (2558) narrated it slightly differently:  
<<When the night comes, the day goes and the sun disappears the Saa'im breaks his fast>>.
- 3) On the authority of Sahl bin Sa'd (ra) that the Messenger of Allah (saw) said:  
<<The people will remain on the right path as long as they continue to hasten the breaking of fast>>.  
Al-Bukhaari (1957), Muslim, An-Nasaa'i, At-Tirmidhi, Ibn Maajah, Ad-Daarami and Ash-Shaafi'.
- 4) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:  
<< The deen will remain dominant/manifest as long as the people hasten to break their fast, the Jews and Christians use to delay>>.  
Ahmad (9809), Abu Daawud, An-Nasaa'i, Ibn Maajah and Ibn Hibbaan with a Hasan Sanad (chain). Al-Haakim and Adh-Dhahabi verified the correctness of the chain.
- 5) Sahl bin Sa'd (ra) said that the Messenger of Allah (saw) said:  
<<My Ummah will remain on my Sunnah as long as they do not wait to break their fast with the stars>>.  
Ibn Hibbaan (3510), Ahmad, Ibn Khuzaimah, Ad-Daarami and Al-Haakim with a Saheeh Sanad (chain).
- 6) Ibn Abbaas (ra) said: I heard the Messenger of Allah (saw) saying:  
<<Verily we the Prophets have been ordered to make haste with our Iftaar and to delay our Suhoor and to make our Imaan a characteristic of our Salaah>>.

At-Tabaraani in Al-Mu'jam al-Awsat (1905), Ibn Hibbaan< Abu Daawud and At-Tayaalissy. Al-Haithami said: Its people are of the people of Saheeh i.e. its narrators. At-Tabaraani (3053) also narrated it from Ibn Umar (ra).

- 7) Abu Hurairah said that the Messenger of Allah (saw) said:  
<<Verily one part of the seventy parts of prophet hood is the delaying of Suhoor and the early taking of Iftaar>>. Abd-ur-Razzaaq in his Musannif (7610).
- 8) 'Amru ibn Maymoon al-Azadi said:  
<<The companions of the Prophet were the quickest at breaking their fast and the slowest in stopping their Suhoor>>  
Al-Bayhaqi (238/4), At-Tabaraani, Ibn Abi Shaybah and Abd-ur-Razzaq (7591).
- 9) Abu Hurairah (ra) said that the Prophet (saw) said:  
<<Allah Azza wa Jalla says: Verily the most beloved of my servants are those who make haste with the Iftaar>>. Ahmad (7240), Ibn Hibbaan, Ibn Khuzaimah and Al-Bayhaqi. At-Tirmidhi also narrated it and classified it as Hasan Ghareeb.

The first and second Hadeeth although from different narrators came with one lafzh (meaning): That the coming of night from the east and the passing of the day from the west and the descent of the sun (also in the west) marks the time of Iftaar. This means that the mere going down of the sun in the west is sufficient for making Iftaar so there is no need to delay and no justification to wait more time in order for the Saa'im to break his fast like one group has said. It might be that the fifth hadeeth is even clearer than the first three: 'That my Ummah will remain on my Sunnah as long as they do not make Iftaar waiting for the stars (to appear)', and waiting for the stars means until the sky has become black and the stars are apparent and shining (in the darkness). This means delaying the Iftaar after the ghuroob (descending) of the sun by a minimum of fifteen minutes. So it was mentioned in the hadeeth that this delaying opposed the Sunnah of the Prophet (saw) but agreed with the ways of the Yahood and Nasaara (Jews and Christians) like the fourth hadeeth mentioned. Therefore it is not allowed to delay the Iftaar for any excuse or pretext. This is how the Sahaabah of the Messenger (saw) understood it and so they were the hastiest of people in breaking their fasts as was mentioned in the eighth reference. Also if making Iftaar early is what the Prophets (as) were ordered with, and it represents one part of the seventy parts of Prophet hood and that those who make haste are the most beloved of Allah's (swt) servants, then all of this acts as a very strong prophetic guidance emphasising the early taking of Iftaar and not making delay in it.

I would like to make a point here: It has become normal in our current time to make Iftaar upon hearing the Adhaan of Salaat-ul-Maghrib and it has also become normal to delay the adhaan of Maghrib a little after the going down of the sun. This has lead to those who are fasting to delay the Iftaar from its time and this delay is in opposition to the Sunnah of the Prophet (saw). It is therefore the responsibility of the fasting person to know the length of delay of the adhaan so as to correct the situation and if this means that he breaks his fast before the Adhaan then the Sunnah of the prophet (saw) is more worthy to be followed than what the people have become accustomed to follow in today's age.

What is recommended for the Saa'im to break his fast with?

It is Mustahabb (recommended) for the Saa'im to make Iftaar with Rutub (fresh, moist, ripe dates) and if he cannot find that then the recommendation moves towards Tamr (dry dates). If he does not have this then it is recommended to take mouthfuls of water and after that he can eat what he wishes. The texts do not come with a ta'leel (legal reasoning) for this order except for what came in the first Hadeeth that we will shortly mention that says that water is pure. As such it is not correct for people to delve into the reasons for choosing Rutub (wet dates) firstly, Tamr (dry dates) secondly and Maa (water) thirdly. We follow this in worship and obedience and it is incorrect to reason that Tamr should come first because they contain a plentiful quantity of sugar and that is what the Saa'im loses most of and a text has mentioned that the body should be compensated for what it has lost. Or the reasoning that the date is digested quickly, and it gives the nutrients that the fasting person needs and other reasons of the like that researches have suggested. None of these attempts bring anything in terms of advancement or decline in relation to this issue and if the upright Shar'a wanted to give a reason it would have done so and if it was silent on providing a reason then we must also be silent.

Here are a selection of Ahaadeeth that discuss this issue:

- 1) Salmaan ibn 'Aamir said: The Messenger of Allah (saw) said:

<<If one of you is fasting then he should make Iftaar with tamr and if he can't find any then water, because water is pure>>. Abu Daawud (2355), An-Nasaa'i, At-Tirmidhi, Ibn Maajah, Ahmad and Ad-Daarami. Ibn Hibbaan, Al-Haakim and Abu Haatim Ar-Raazi verified it as Saheeh and At-Tirmidhi said it is Hasan Saheeh.

- 2) Anas Bin Maalik (ra) said:

<<The Messenger of Allah (saw) used to break fast with Rutub before he would pray, and if he did not have any then he would use Tamr and if there wasn't any he would take sips (huswa) of water>>.

Abu Daawud (2356), At-Tirmidhi and he said it is a Hadeeth hasan ghareeb. Ahmad also narrated it and Ad-Daaraqutni verified its soundness (saheeh). Al-Haakim narrated it and verified it and Adh-Dhahabi also verified it.

Huswa with Dammah means 'sips of drink' and Haswah with a fathah means 'one time'.

- 3) Anas (ra) said:

<<I never once saw the Messenger of Allah pray before breaking his fast and even if it was just a drink of water>>.

Ibn Hibbaan (3504), Ibn Khuzaimah, Al-Bazaar, Al-Haakim, Al-Bayhaqi and At-Tabaraani in his Al'Mu'jam Al-Awsat and its chain in saheeh.

These three Hadeeth indicate that it is the Sunnah of Iftaar to hasten it and that it comes before the Salaah of Maghrib so the Saa'im does not pray until after he has taken his Iftaar.

What does the Saa'im say when he breaks his fast?

When the Saa'im finishes his Ibaadah of fasting and breaks his fast, then the Du'a that he makes at that time comes from the very mouth that refrained from food and drink for the

whole day in worship and obedience to Allah (swt). It comes from a mouth which has worshiped its Rabb (lord) with patience enduring hunger and thirst so in this case it deserves that Allah (swt) accepts and responds to the Du'a that comes from it. It is therefore on the Muslim at the end of this 'Ibaadah, and indeed after any act of 'Ibaadah to praise his Lord and make Du'a to him, and to be sincere in the Du'a because the Du'a at that time is accepted and responded to by the permission of Allah (bi idhnillah). Abdullah ibn Abi Mulaikah said: 'I heard Abdullah ibn 'Amru bin Al-'Aas (ra) say that the Messenger of Allah (saw) said: <<Verily at the time of Iftaar the Saa'im has a du'a that is not rejected>> Ibn Abi Mulaikah said: I heard Abdullah ibn 'Amru bin Al-'Aas say when he broke his fast: O Allah I ask by your mercy which is more expansive than everything to forgive me'. Ibn Maajah (1753) and its Sanad is saheeh and Al-Haakim. Abu Daawud and At-Tayaalissy also narrated it without mentioning the Du'a of Ibn 'Amru. The Dhikr (remembrance) and Du'a have been legislated to be made using any form but it is better to use those that have been mentioned in reports.

The following are some of the Dhikr and Ad'iyah (du'as) that have been mentioned in reports:

1) Abdullah Ibn Umar (ra) said:

<<When the Messenger of Allah (saw) used to break his fast he would say: The thirst has gone, the veins have been moistened and the reward has been confirmed by Allah's (swt) leave>>.

An-Nasaa'i in As-Sunun Al-Kubraa (3315), Abu Daawud, Al-Haakim and Al-Bayhaqi. Ad-Daaraqutni narrated it and said: Its Isnaad (chain) is hasan.

2) Abu Hurairah (ra) said:

<<When the Prophet (saw) fasted and broke his fast he would say: For you O Allah I have fasted and I have made Iftaar with your provision (rizq)>>.

Ibn Abi Shaibah (511/2), Abu Daawud (2358) and Al-Bayhaqi by way of Mu'aadh bin Zahra who said that he informed him that when the Prophet (saw) used to break his fast he would say: He then mentioned the wording of the hadeeth of Abu Shaibah. It is said that Mu'aadh was of the trustworthy Taabi'een.

3) Anas Bin Maalik (ra) said:

<< The Prophet (saw) used to say when he made Iftaar with the people: Those who were fasting have broken it at your house, and the Abraar (righteous) have eaten from your food and the Angels have descended upon you>>

Ad-Daarami (1773), Ibn Abi Shaibah, Al-Bayhaqi and Abd-ur-Razzaaq. In a second version from Al-Bayhaqi (240/4):...and the angels have prayed upon you (made du'a for you)...

It is therefore recommended for the one who breaks his fast to say:

اللهم لك صمت وعلى رزقك أفطرت ، ذهب الظمأ وابتلت العروق  
وثبت الأجر إن شاء الله

O Allah I have fasted for you and have broken my fast with your Rizq (sustenance). The thirst has gone and the veins have been moistened and the Ajr (reward) has been confirmed with the will of Allah.

After that he can also make Du'a with whatever he wishes to say. I am personally fond of the Du'a of Abdullah ibn Umar (ra): 'O Allah I ask you that by your most bountiful mercy to forgive me'. The faster can add it to his Du'a if he wishes.

The reward of the one who provides Iftaar for a Saa'im:

The one who provides a fasting person with Iftaar receives the same reward as the faster so he can attain two rewards in one day without reducing anything of from the fasting persons reward. In addition every reward is multiplied by Allah (swt) up to seven hundred times like the Hadeeth in the first part of this book indicated. There is no doubt then that anyone who realises this great multiplied reward would dedicate the utmost attention to inviting people to have their Iftaar at his residence. It has been narrated from Zid bin Khaalid al-Juhanni that the prophet (saw) said:

<<Whoever provides the Iftaar for a Saa'im then the same reward of the Saa'im is written for him without taking anything from him. And whoever prepares a Ghaazi (warrior) in the way of Allah or stays behind to look after his family then the reward of the Ghaazi is written for him without diminishing anything of the Ghaazi's reward>>.

Ahmed (17158), An-Nasaa'i, Ibn Maajah, Ibn Hibbaan, At-Tabaraani and at-Tirmidhi who said it was 'Hasan saheeh'. Ad-Daarami (1703) also narrated the first section of this hadeeth. Ibn Khuzaimah narrated it in the following wording:

<<Whoever prepares a Ghaazi or Haaji, or takes care of his family, or feeds a Saa'im, then all of them attain the same reward without taking away any of the others reward>> and its chain is Saheeh.

Umm 'Amaarah (ra) said: <<The messenger of Allah (saw) came to us and then we brought food to him and some of those with him were fasting. So the Messenger (saw) said: If a fasting person eats food in your residence (or from you) then the Angels have prayed (made Du'a) on them>>. Ibn Maajah (1748), Ahmad, Ibn Hibbaan and Ibn Khuzaimah. At-Tirmidhi (782), An-Nasaa'i and ad-Daarami narrated it in this wording: <<...The angels pray on the faster when people eat in his abode until they finish or maybe he said: until they are satisfied>> and he said this hadeeth is Hasan saheeh.

We mentioned a little while ago the Hadeeth of Anas (ra) collected by Abi Shaibah, Abd-ur-Razzaaq and Al-Bayhaqi which stated:

<< The fasting people have broken their fast in your place of abode, the righteous have eaten your food and the angels have prayed on you>>. In another narration: <<...and the angels descended on you...>> and another similar narration. So the prayers of the Angels over the one that provides Iftaar for another fasting person is another blessing added to the blessings and rewards already mentioned so the Saa'im pays great attention and effort to invite the Saa'im to take Iftaar with him. This is even if the Saa'im is Faqeer or Miskeen (poor) and does not have anything (substantial) to break his fast with.

Breaking your fast due to forgetfulness:-

The Scholars Imaam Abu Haneefah, Imaam Ash-Shaafi' and Imaam Ahmad Bin Hanbal held the opinion that if a fasting person breaks his fast due to forgetfulness he has not broken his fast and nothing is required from him. This is the same whether he ate a lot or a little. Al-Hasan al-Basri, Mujaahid, Ishaq bin Raahuwiyah, Abu Thawr, Daawud bin 'Ali, 'Ataa, Al-Awza'i and Al-Laith all held this sam opinion. Rabe'e'a and Imaam Maalik said: The fast is

made faasid by eating and drinking through forgetfulness and Qadaa is required. The correct view is the first and this is supported by the following evidences:

- 1) Abu Hurairah (ra) said that the Prophet of Allah (saw) said:  
<<Whoever eats out of forgetfulness and he is fasting then he should complete his fast because verily it is Allah who has given him food and drink>>. Al-Bukhaari (6669), Muslim, Abu Daawud, At-Tirmidhi and Ad-Daarami. The lafzh (wording version) of Muslim (2716) is: <<Whoever forgets that he is fasting and then eats or drinks something then he should complete his fast for verily it is Allah who has given him food and drink>>
- 2) Also from Abu Hurairah (ra) that the Prophet (saw) said:  
<<Whoever breaks his fast in Ramadhaan out of forgetfulness then neither Qadaa nor Kafaarah are not required of him>>. Ibn Hibbaan (3521) and its Sanad is hasan. Ibn Khuzaimah, Ad-Daaraqutni, Al-Bayhaqi and Al-Haakim reported it and verified its soundness (saheeh). Also Ibn Khuzaimah (1990) and At-Tabaraani in Al-Mu'jam al-Awsat mentioned another (similar) hadeeth with the following wording: <<Who ever eats or drinks in Ramadhaan out of forgetfulness then there is no Qadaa or Kafaarah required of him>>. Its Sanad 9chain) is Hasan.
- 3) Abu Hurairah (ra) said:  
<<A man approached the Prophet (saw) and said: O Messenger of Allah, I ate and drank forgetfully and I was fasting. He (saw) responded: Verily Allah provided you with food and drink>>. Abu Daawud (2398), An-Nasaa'i, Ad-Daaraqutni and At-Tirmidhi said it is a Hasan, Saheeh Hadeeth.
- 4) On the authority of Umm Hakeem bint Deenaar from her mistress Umm Ishaq (ra): <<That she was at the residence of the Messenger (saw) when some porridge was brought so she eat and Dhul Yadayn was with him. The messenger took a bone with a little meat and said: O Umm Ishaq, take some of this. Then I remembered that I had been fasting, so I prevented my hand from moving forward or back. He (saw) asked: What's wrong? She said: I was fasting but I forgot. Then Dhul Yadayn said: Now you say this after satisfying yourself? Then the Prophet (saw) said: Complete your fasting because this was Rizq (sustenance) that Allah provided for you>>. Ahmad (27609), At-Tabaraani in Al-Mu'jam Al-Kabeer.

These evidences provide ample clear proof that the one who breaks his fast out of forgetfulness does not have to make Qadaa or Kafaarah (expiation). This is the same in regard to the obligatory fast of Ramadhaan or any non-obligatory (tatawwu') fasts. It also does not matter if a little was eaten or drunk or it reached the level of satisfaction. I have not been able to find an evidence for Maalik's view which is contrary to these evidences. I did not find anything in his most famous recorded works except the verdict that eating and drinking makes the fast faasid. May Allah Ta'aalaa forgive him (in this issue).

As-Suhoor:

The merits of As-Suhoor (pre-dawn food):

The following Ahaadeeth have been reported in relation to the merits of Suhoor:

- 1) Anas bin Maalik (ra) said that the Prophet (saw) said:  
<<Make Suhoor because verily in As-Suhoor is Barakah (blessing)>>. Al-Bukhaari (1923), Muslim, An-Nasaa'i, At-Tirmidhi, Ibn Maajah and Ad-Daarami.
- 2) Abdullah ibn Al-Haarith said that one of the companions of the Prophet (saw) said: <<I entered the abode of the Prophet (saw) and he was having Suhoor and he said: Verily it is a Barakah that Allah has bestowed upon you (all) so do not neglect it>>. An-Nasaa'i (2162) and Ahmad.
- 3) Al-Miqdaam Bin Ma'dy said that the Prophet (saw) said: <<You should take the meal of Suhoor because verily it is the blessed meal (al-Mubaarak)>>. Ahmad (17324), An-Nasaa'i and its chain is Saheeh. It was reported in Al-Mu'jam al-Awsat of At-Tabaraani (505) on the authority of Ibn Abbaas (ra) that he said: <<Umar ibn Al-Khattaab called for me and invited me for As-Suhoor and he said: Verily the Messenger of Allah (saw) called this the blessed meal>>. Its sanad (chain) is Jayyid (good).
- 4) Ibn Umar (ra) said that the Messenger of Allah (saw) said: <<Verily Allah (swt) and His Angels pray on those who take Suhoor>>. Ibn Hibbaan (3468) and its chain is hasan. Abu Na'eem and at-Tabaraani recorded it in Al-Mu'jam al-Awsat. Ahmad narrated it from Sa'eed Al-Khudri (ra).
- 5) Abu Hurairah (ra) said that the Prophet (saw) said: <<How good (blessed) is taking the Suhoor with Tamr (dates)>>. Ibn Hibbaan (3475), Abu Daawud and Al-Bayhaqi. Al-Bazaar (978) narrated it from Jaabir (ra) with slightly different wording.
- 6) Abdullah ibn 'Amru (ra) said that the Messenger of Allah (saw) said: <<Make Suhoor even if it just with a sip/gulp of water>>. Ibn Hibbaan (3476) and its sanad is hasan. Abd-ur-Razzaq also narrated it from a group of the Sahaabah (rah). Ibn Abi Shaibah reported it from a man from amongst the Sahaabah using another Arabic word for sip.
- 7) 'Amru bin al-'Aas (ra) said that the Messenger of Allah (saw) said: <<The difference between our fasting and that of the people of the book is the taking of As-Suhoor>>. Muslim (2550), Abu Daawud, An-Nasaa'i, At-Tirmidhi, Ahmad and Ad-Daarami with slightly different wordings.

So the Suhoor is a blessing that Allah (swt) has bestowed upon us and when we take it Allah (swt) and His Angels pray upon us. It is recommended to take the Suhoor with Rutub (fresh dates), then Tamr (drier dates) and the blessing is also attained just from a sip of water. It is also what separates our fast from that of the people of the book. If there was no benefit from taking the Suhoor except the prayers of Allah (swt) and the angels then that would be sufficient. Imam Ahmad has narrated a Hadeeth that mentions all of the merits of Suhoor together on the authority of Sa'eed Al-Khudri (ra) who said that the Messenger of Allah (saw) said:

<<The food of Suhoor is Barakah so don't leave it and even if one of you only has a sip of water for verily Allah (swt) and His Angels make prayers upon those who take their Suhoor>>.

The Saa'im will therefore endeavour his utmost to take the food of Suhoor so that he can obtain these benefits.

The Hukm (ruling) of As-Suhoor:

An-Nawawi and Ibn ul-Mundhir state that the Suhoor is Mustahabb (recommended) by Ijmaa (consensus) and not obligatory. Al-Bukhaari said: 'The chapter of the blessing of Suhoor without obligation: This is because the Prophet (saw) and his companions would continue without mentioning the Suhoor'. In Al-Mughni of Ibn Qudaamah says: 'In relation to it being recommended he does not know of any difference in the issue'. This is the truth and the evidences which discuss its merits indicate that it is recommended.

The timing of As-Suhoor:

It is the opinion of the four Imaams and the other great Ulamaa that the Suhoor lasts until the beginning of Fajr or it is said until the Mu'adhdhin calls the call to prayer. This view is also attributed to Umar ibn Al-Khattaab and Ibn Abbaas (rah). It was reported from Al-'Aamash and Ishaq the permission to eat and drink until the sun has risen but Imaam An-Nawawi has doubts in this reporting.

The Ulamaa have also put forward that the one who is eating, drinking or even engaged in sexual relations can continue until the beginning of Fajr. If he has doubt that Fajr has arrived then he can continue until he is sure that Fajr has begun. This is due to the saying of Allah azza wa jalla, "Until you ascertain the white thread from..." Ibn ul-Mundhir mentioned in Al-Ishraaf that Abu Bar As-Siddeeq, Abdullah ibn Umar and Ibn Abbaas all permitted this. This is also reported to be the view of 'Ataa, Al-Awzaa'i, the people of Ra'i, Ahmad and Abu Thawr. Maalik is alone in his view that it is haraam, the eating at the time of doubt and obliges Qadaa upon it. The correct view which is held by the Ulamaa and Imaams is that eating, drinking and sexual relations are permitted until the beginning of Fajr has been fully verified and Maalik's view is therefore incorrect. This is due to the following evidences.

- 1) Allah (swt) says: "...and eat and drink until the white thread (light) of dawn appears to you distinct from the black thread (darkness of night), then complete your Saum (fast) till the nightfall..." (187 Surah Al-Baqarah)
- 2) Sahl Ibn Sa'd (ra) said:  
<< "...eat and drink until the white thread appears to you distinct from the black thread" was revealed and 'min al-Fajr' (of fajr) had not yet been revealed so men when they wanted to fast would tie a white and black thread around their legs until they could see the difference. When 'min al-Fajr' was revealed they realised that the night and day was intended by the meaning.  
Al-Bukhaari (1917), Muslim, An-Nasaa'i, Al-Bayhaqi and Ibn ul-Mundhir.
- 3) 'Adi bin Haatim (ra) said:  
<<When the ayah "the white thread appears to you distinct from the black thread" was revealed I took two (hair) strings, one black and the other white, and kept them

under my pillow and went on looking at them throughout the night but could not make anything out of it. So, the next morning I went to Allah's Apostle and told him the whole story. He explained to me, "That verse means the darkness of the night and the whiteness of the dawn."

Al-Bukhaari (1916), Abu Daawud, Ibn Hibbaan and At-Tabaraani in Al-Mu'jam Al-Kabeer. Al-Bukhaari (4510) also narrated from 'Adi the following wording:

<<I asked: O Allah's Apostle! What is the meaning of the white thread distinct from the black thread? Are these two threads?" He said, "You are not intelligent if you watch the two threads." He then added, "No, it is the darkness of the night and the whiteness of the day">>. Also from Al-Bukhaari (4509) from 'Adi: <<...Then your pillow is too wide/spacious if the white thread (of dawn) and the black thread (of the night) are underneath your pillow! >>.

4) Abu 'Atiyah said:

<<I said to 'Aa'isha (ra): Amongst us are two men from the companions of the Prophet (saw). One of them hastens the Iftaar and delays the Suhoor and the other delays the Iftaar and hastens the Suhoor. She asked: Who is that hastens the Iftaar and delays the Suhoor? I replied: Abdullah ibn Mas'ood. She said: And this how the Messenger of Allah (saw) use to do it">>.

An-Nasaa'i (2158) and Ahmad.

5) 'Aa'isha (ra) said:

<<Bilal was making the Adhaan in the night and the Messenger of Allah (saw) said: Eat and drink until the son of Ibn Umm Maktoom makes the Adhaan again and he didn't make the Adhaan again until the coming of Fajr...>>.

Al-Bukhaari (1919/1918), Muslim, An-Nasaa'i, Ahmad, Ibn Hibbaan and Ibn Khuzaimah. Muslim narrated this hadeeth from Ibn Mas'ood and Ibn Umar also. Ahmad also narrated it from Ibn Umar and Al-Bazaar from Anas bin Maalik. At-Tabaraani narrated it from Sahl bin Sa'd.

6) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<If any of you hear the call (to prayer) and he has a vessel (bowl) in his hand, then let him not put it down until he has fulfilled his needs from it">>.

Abu Daawud (2350), Ahmad, Ad-Daaraqutni. Al-Hakim verified it as Saheeh and Adh-Dhahabi concurred.

7) 'Amru bin Maymoon said:

<<The companions of the Prophet (rah) were the hastiest at breaking their fasts and the slowest at finishing As-Suhoor">>.

Al-Bayhaqi (238/4), At-Tabaraani in the book al-Mu'jam al-Kabeer and Ibn Abi Shaybah. Al-Haithami said its people (narrators) are trustworthy.

8) Abdullah ibn Mas'ood (ra) said that the Prophet (saw) said:

<< The Adhaan pronounced by Bilal should not stop you from taking Suhoor, for he pronounces the Adhaan at night, so that the one offering the late night prayer (Tahajjud) from among you might hurry up and the sleeping from among you might wake up. It does not mean that dawn or morning has started." Then he (the Prophet) pointed with his fingers and raised them up (towards the sky) and then lowered them (towards the earth) like this (Ibn Mas'ood imitated the gesture of the Prophet). Az-Zuhair gestured with his two index fingers which he put on each other and then stretched them to the right and left. These gestures illustrate the way real dawn appears. It spreads left and right horizontally. The dawn that appears in the high sky and lowers down is not the real dawn">>.

Al-Bukhaari (621), Muslim and Ahmad.

9) Ibn Abbaas (ra) said that the Messenger of Allah (saw) said:

<<We the Prophets have been commanded to speed up the Iftaar and to delay the Suhoor, and to put our Imaan as a characteristic of our Salaah>>.

Abu Daawud At-Tayaalissy (2654), At-Tabaraani in Al-Mu'jam al-Awsat. Al-Haithami said its narrators were trustworthy and Ibn Hibbaan also verified it as saheeh. We have already mentioned this Hadeeth in the section concerning when the Saa'im should make Iftaar.

10) 'Ataa said that Ibn Abbaas (ra) said:

<<Allah (swt) has made Halaal for you drinking in what you have doubted until you have no doubt>>

Abd-ur-Razzaq (7367) and Al-Bayhaqi with a saheeh chain.

11) Saalim bin 'Ubaidillah said:

<<I was in the room of Abu Bakr As-Siddeeq. He parayed that night what he had wanted to pray and then said: Go out and see if Fajr has come? He (saalim) said: So I went out and returned saying: White has risen in the sky. So he prayed what he wanted to pray and then said: Go out and see if Fajr has come? So I went out and then returned saying: There is red in the sky so he said: Come here and bring me my Suhoor>>.

Ad-Daaraqutni (166/2) and he said that the Isnaad is saheeh. He also narrated a similar version.

12) Zirr said:

<<We asked Hudhaifah: What time did you make Suhoor with the Messenger of Allah (saw)? It was the day except the sun had not yet risen>>.

An-Nasaa'i (2152), Ibn Maajah, Ahmad, At-Tahaawi and Abd-ur-Razzaq. Ibn Hajar verified it as Saheeh.

13) Samrah bin Jundub (ra) said: That the Messenger of Allah (saw) said:

<< The Adhan of Bilal may not mislead you with regard to your food at the commencement of the fast, nor the vertical (streaks) of whiteness in the horizon (for it is an indication of false dawn). You should stop eating (food) till (the whiteness) spreads like it. Hammad narrated it and with the gesture of his band he explained, the horizontal position (of the streaks of light)>>.

Muslim (2546), Abu Daawud, An-Nasaa'i, At-Tirmidhi and Ahmad.

14) Anas (ra) said:

<<Zaid bin Thaabit (ra) told him that they had Suhoor with the Prophet (saw) and then performed the Salaah. I asked: How long was between the two? He said: Around fifty or sixty (meaning ayaat)>>.

Al-Bukhaari (575), Muslim, An-Nasaa'i, At-Tirmidhi, Ibn Maajah, Ahmad and ad-Daarami.

15) On the authority of Abu Dharr (ra) that the Prophet (saw) said to Bilaal:

<<Bilaal you make the Adhaan when the morning is shining in the sky. That isn't the time of morning though. The morning is like this lying across. He then called for his (saw) Suhoor and ate. He (saw) would say: My Ummah will remain well as long as delays the Suhoor and hastens the Iftaar>>.

(Ahmad (21839).

The following is taken and understood from the above Ahaadeeth:

- 1) The noble Ayah mentioned in band 1 uses the wording: 'until it appears distinct'. This wording negates Maalik's view that the food of Suhoor ends when you suspect (have doubt) that it has ended. Appears distinct is the opposite to appearing distinct (clear) and the Hadeeth from Sahl bin Sa'd (2) and that of 'Adi bin Haatim (3) explain this Ayah. They explain that the one who is making Suhoor continues to take it the

dark of the night has dissipated and the white of day has taken its place. At this point there remains no doubt so consuming of the food and drink ceases.

- 2) The Sunnah of the Prophet dictates that the one taking his Suhoor should delay it until it is close to the time of Fajr i.e. delaying it until fifteen minutes or so before fajr so that he can finish eating and drinking what he requires. He therefore leaves enough time for himself to take his Suhoor before the adhaan of fajr and he doesn't take his Suhoor an hour or hours before the Adhaan of Fajr. This is what a lot of people do in our current time. They take Suhoor and take more Suhoor (i.e. they eat and eat) until they get tired or feel sleepy before midnight or a little after making food their main aim so they eat and then sleep. This action which is widespread in our current time is in opposition to the Sunnah and verily we have in the Messenger of Allah (saw) the best example and he delayed the Suhoor as is seen in Hadeeth 4 and also in 9.
- 3) Bilaal (ra) used to make the Adhaan when there was light shining in the highest part of the horizon at the time of the deceitful fajr (not the real fajr). Or he would do it when the white (horizontal) line appeared towards the top of the sky at the time when Ibn Umm Maktoom would make the Adhaan when the white would rise up and spread filling the two sides of the horizon, i.e. it would appear in the left and right not just shining at the top and this Al-Fajr As-Sadiq (the true fajr). The guidance of the Prophet (saw) is that we continue to eat until the Adhaan of Ibn Umm Maktoom, i.e. until the Adhaan of Salaat-ul-Fajr is made by him and not before. Now we make two Adhaans: We do not pray at the first but at the second. The first is like the Adhaan of Bilaal and this does not prevent us from taking the Suhoor and it is only the second Adhaan that prevents us which is like the Adhaan of Ibn Umm Maktoom. The difference between these two Adhaans at present is ten minutes and Suhoor can be taken in the ten minutes between these two Adhaans. This is the best time to take the Iftaar as indicated by the Ahaadeeth 5, 8, 13 and 15. There is no problem however if you complete your Suhoor before this by some minutes as indicated in hadeeth 14.
- 4) And now I say to the one who is afraid of delaying his Suhoor: If he hears the second Adhaan and he has in his hand some food or drink then he should eat it and drink it. This is because the adhaan does not mean the cut off limit for the eating and drinking and this is even if the Adhaan is hastened out of precaution and this has been indicated in hadeeth number 6.
- 5) The Sahaabah (rah) used to delay the Suhoor, holding firm to the recommended and seeking the (best) reward. It is not known of them that they would eat their Suhoor in the middle of the night or after it by an hour or two like the people do currently. This delay of the Sahaabah (rah) was Due to their acting upon the guidance of the noble Prophet (saw). The Aathaar (reports) 7, 10, 11 indicate this even if the Athar in 11 contains a little bit of exaggeration in relation to the delay of Suhoor. As for the delaying of Suhoor being Mandoob, then this is due to the evidences mentioned firstly and the statement of the Messenger of Allah (saw) mentioned in 15 secondly which states: 'My Ummah will remain well as long as delays the Suhoor and hastens the Iftaar'.
- 6) The Hadeeth 12 is all that remains to be discussed. It seems to me that this Hadeeth is what Al-'Aamash and Ishaq relied upon for their opinion that the Suhoor can last until the sun has risen. It is true that this text is not decisive in this meaning. The one who looks in detail see that it is harmonious and compatible with all the other Ahaadeeth within this issue and not in contradiction with them. It says: 'It was day except that the sun had not yet risen' and we have said previously that the

preceding Ahaadeeth indicate the legislative continuation of food and drink until the appearance of the light of the day. This is found in 3: 'That is only the black of night and the white of day'. So this hadeeth is in complete harmony with this hadeeth and does not contradict any others.

## Part Three

### Fasting in Travel (Safar):

It was the opinion of most of the Sahaabah (ra), the Taabi'een and those who followed them including the four A'immah (Imaams) that it was allowed to fast or break the fast in travel. However they differed in deciding which was of the two was better. Imaam Abu Haneefah, Maalik, Ash-Shaafi' and Ath-Thauri that fasting in the state of travel is better for the one who has the capable and it won't cause harm or hardship. This was also narrated to be the view of Anas bin Maalik, 'Uthmaan ibn abi Al-'Aas and Hudhaifah bin al-Yaman from amongst the Sahaabah (rah). As it has been reported to be the view of 'Urwah bin Zubair, Sa'eed bin Jubair, Abdullah ibn Mubbarak and Ibraheem an-Nakhi'i.

It is the opinion of Imaam Ahmad, Ishaq ibn Raahuwiyah and al-'Awzaa'i that breaking the fast while travelling is preferable as it is a Rukhsah. It has been narrated that Ibn Abbaas, and Ibn Umar (rah) both held this opinion from amongst the Sahaabah (rah) and Sa'eed ibn Al-Musayyib, 'Aamir ash-Sha'bi and Ibn ul-Maajshoon (from those that followed). 'Umar ibn Abdul-Azeez and Ibn ul-Mundhir viewed that the most preferable is the easiest based on the statement of Allah (swt): "...Allah wishes for you the Yusra (easy thing)...". It has also been reported from 'Umar ibn Al-Khattaab, his son Abdullah, Abd-ur-Rahman ibn 'Auf and Abu Hurairah from amongst the Sahaabah and Ibn Shihaab Az-Zuhri from the Taabi'een that it is not allowed to fast while travelling. Also that whoever has fasted Ramadhann whilst in a state of travel then it is waajib to make Qadaa for it.

In order to arrive at the truth and correct opinion in this issue we must first examine the texts which relate to it:

- 1) The wife of the Prophet 'Aa'isha (ra) said:  
<<Hamza ibn 'Amru Al-Aslami asked the Prophet (saw): Do I fast whilst in travel (safar)? He (saw) replied: Fast if you wish and break fast if you wish>>. Al-Bukhaari (1943), An-Nasaa'i, Ahmad and Ad-Daarami.
- 2) Abu Muraawih reported from Hamza ibn 'Amru al-Aslami (ra) that he said:  
<<O Messenger of Allah (saw), I find that I have the strength to fast whilst I am travelling. Is there a problem in that? He (saw) replied: It (breaking fast) is a Rukhsah (permission) from Allah, so whoever takes it then it is good. And whoever prefers to fast then there is no problem in that>>. Muslim (2629), An-Nasaa'i and Ibn Hibbaan.
- 3) Hamzah ibn 'Amru Al-Aslami (ra) said:  
<<I said to the Messenger of Allah (saw): I have a back that I treat. I travel upon it and honour it and this may occur in this month (Ramadhann) however I have strength and I am young and have found that fasting in it (whilst travelling) is less upon me than if I delayed it and it became a debt. Is it greater in terms of my Ajr (reward) if I fast Ya Rasoolullah or if I break it? He (saw) replied: Any which one you wish Ya Hamza>>. Abu Daawud (2403) and Al-Haalim.
- 4) From 'Aa'isha (ra) that Hamza Ibn Amru Al-Aslami asked the Prophet (saw):  
<<Ya Rasollullah (saw), I am a man that likes to continue his fast so I fast in travel? He (saw) said: Fast if you wish and break fast if you wish>>.

Muslim (2626), An-Nasaa'i and Ahmad.

- 5) Abu Sa'eed Al-Khudri (ra) said:

<<We went on an military expedition (Ghazwah) with the Messenger of Allah (saw) and sixteen days had passed from Ramadhaan. From amongst us were those who fasted and those who broke their fast. The one who fasted did not see fault in the one who broke his fast and the one who broke his fast did not find fault in the one that continued to fast>>.

Muslim (2615), An-Nasaa'i, At-Tirmidhi, Ahmad and Ibn Hibbaan.

- 6) Anas bin Maalik (ra) said:

<<We were travelling with the Prophet (saw) and the one who was fasting did not find fault in the one who broke his fast and the one who broke his fast did not find fault in the one who fasted>>.

Al-Bukhaari (1947), Muslim, Abu Daawud, Maalik and Al-Bayhaqi.

- 7) Abu Ad-Dardaa (ra) said:

<<We went out with the Prophet (saw) on one of our travels and it was a hot day where the man would place his hand over his head because of the severity of the heat. None of us were fasting except the Prophet (saw) and Ibn Rawaahah>>.

Al-Bukhaari (1945), Muslim, Abu Daawud, Ibn Maajah and Ahmad.

- 8) Jaabir ibn Abdullah (ra) said:

<<Allah's Apostle was on a journey and saw a crowd of people, and a man was being shaded (by them). He asked, "What is the matter?" They said, "He (the man) is fasting." The Prophet said, "It is not righteousness that you fast on a journey>>.

Al-Bukhaari (1946), Muslim, Abu Daawud, Ad-Daarami and Ahmad. An-Nasaa'i (2260) narrated similar that he (saw) said: <<It is not righteousness to fast whilst travelling, you should take the Rukhsah from Allah Azza wa Jalla and accept it (take hold of it)>>. At-Tabaraani also narrated it in Al-Mu'jam Al-Kabeer and the following statement was narrated:<<It is not from Al-Birr (righteousness) to fast whilst travelling>>. This was reported from Abdullah Ibn Umar (ra) with Ibn Maajah (1665), Ibn Hibbaan, At-Tabaraani and At-Tahaawi with A saheeh sanad (chain). Ibn Maajah (1664) narrated it from K'ab bin 'Aasim Al-Ash'ari as well as At-Tabaraani, An-Nasaa'i, Ahmad, Ad-Daarami and At-Tahaawi. Ahmad (24079) and At-Tabaraani in Al-Mu'jam Al-Kabeer also narrated it with slightly different wording from K'ab in the Yemeni dialect. This is because K'ab Al-Ash'ari was Yemeni and they use the harf (letter) meem instead of Alif Laam for Ta'reef (the definite article). Al-Bazaar (985) and At-Tabaraani in his Al-Mu'jam Al-Kabeer have recorded this narration from Abdullah Ibn Abbaas (ra). Al-Haithami has said that the narrators of Al-Bazaar are trustworthy (saheeh).

- 9) Ibn Abbaas (ra) said:

<<There is no fault on the one who fasts or the one that breaks his fast. The Messenger of Allah (saw) used to fast and break his fast in travel>>.

Muslim (2609), Ahmad and Ibn Khuzaimah. Abu Daawud At-Tayaalissy (2677) reported from Ibn Abbaas that he said:

<<Verily the Prophet (saw) used to fast and break fast when he was travelling>>.

- 10) Abu Tu'mah said:

<<I was in the presence of Ibn Umar when a man came and he said: O Abu Abd-ur-Rahman I am stronger with my fasting in travel. Ibn Umar replied: I heard the messenger of Allah (saw) say: The one who does not accept the Rukhsah of Allah Azza wa Jalla then he has the sin like the mountain of Arafah>>.

Ahmad (5392) and At-Tabaraani in Al-Mu'jam Al-Kabeer with a chain the Al-Haithami has verified as Hasan.

11) Abu Sa'eed Al-Khudri (ra) said:

<<We were making a military expedition with the Messenger of Allah (saw) in Ramadhaan. Some of us fasted and some were not. The faster did hold anything against the non-faster and vice versa. They saw that whoever had the strength (capability) to fast then that was all well and good and whoever found himself weak would refrain from fasting and that was also all well and good>>.

Muslim (2618), At-Tirmidhi, An-Nasaa'i, Ahmad, Ibn Hibbaan and Ibn Khuzaimah.

12) From Qaza'ah who said that Sa'eed al-Khudri (ra) said:

<< We travelled with the Messenger of Allah (may peace be upon him) towards Mecca and we had been observing fast. We halted at a place. There the Messenger of Allah (saw) said: You are nearing your enemy and breaking of fast would give you greater strength, and that was a concession (given to us). But some of us continued to observe the fast and some of us broke it. We then got down at another place and he (the Holy Prophet) said: You are going to encounter the enemy in the morning and breaking of the fast would give you strength, so break the fast. As it was a point of stress, so we broke the fast. But subsequently we saw ourselves observing the fast with the Messenger of Allah (saw) on a journey>>.

Muslim (2624), Ahmad, Abu Daawud, Al-Bayhaqi and At-Tahaawi.

13) Anas (ra) said:

<< We were with the Apostle of Allah (saw) on a journey. Some of us had been observing the fast and some of us had not been fasting. We got down at a place on a hot day. Most of us had the cloth for shelter. There were also those amongst us who sheltered (themselves against the rays of the) sun with the help of their hands. The observers of the fast fell down (on account of weakness). Those who had not observed it got up and pitched tents and watered the mounts. Thereupon the Messenger of Allah (saw) said: The breakers of the fast have taken away the reward today>>.

Muslim (2622), An-Nasaa'i, Ibn Khuzaimah and Ibn Hibbaan.

14) Ibn 'Umar (ra) reported that the Messenger of Allah (saw) said:

<<Verily Allah (swt) loves to give his Rukhas (permission of leniency) like he loves to give his resolutions>>

Ibn Hibbaan (3568), Al-Bazaar and At-Tabaraani. Ibn Hibbaan (2742) and Ahmad narrated it with the wording that:

<<Verily Allah (swt) loves to give his Rukhas like he hates to give an act of disobedience>>

15) Abu Umayyah Ad-damri (ra) said:

<<I approached the Messenger of Allah (saw) and gave my salaam after returning from travel. When I was leaving he (saw) said: Wait for the meal Ya Abu Umayyah. I replied: I am fasting Ya Nabi Allah. He (saw) said: Come here and I will inform you

about the traveller. Verily Allah (sawt) has lifted the fast from him and half of his salaah>>. An-Nasaa'i (2269), Al-Bukhaari in his book of history, Ad-Daarami and At-Tahaawi. On the authority of Anas bin Maalik – Al-Ka'bi – (ra) recorded by Abu Daawud (2408), An-Nasaa'i, Ibn Maajah, Ahmad and At-Tirmidhi said:  
<<Allah (swt) has lifted half of the Salaah and the fast from the traveller as well as the breast feeding and pregnant woman. By Allah, he said them together or one of them...>>. At-Tirmidhi verified it as Hasan. There is also another version from An-Nasaa'i (2274):  
<<Verily Allah (swt) has lifted from the traveller half of the Salaah and the (whole) fast and also from the breastfeeding and pregnant woman>>.

With Tawfeeq from Allah (swt) in relation to the above evidences I say the following:

The one who takes a good look at the above texts will find that they make evident that fasting in travel is equal to breaking fast in it. This is without one having any preference over the other and the Messenger (saw) explained this equality in many of the texts. This was despite the many different questions that were posed to him and the different situations the questioners found themselves in. This means that the equal merit between fasting and breaking fast remains as it with no regard for different situations and circumstances. This reinforces the equality between the two.

The first hadeeth says 'If you wish fast and if you wish break your fast', the second hadeeth says 'it is a Rukhsah from Allah so whoever takes it then this is good and whoever wishes to fast then there is no problem in that', the third hadeeth says 'Any one of the two you wish Ya Hamzah', the tenth hadeeth says 'The one who does not accept (take) the Rukhsah of Allah Azza wa Jalla then he has the sin on him like the Mountain of Arafah' and the eleventh hadeeth says 'They saw that whoever found the strength would fast and that was all well and good, and whoever found weakness would break fast and that was also good'.

Hamzah Al-Aslami (ra) put forward his questions from a number of different realities or circumstances: In the first hadeeth the question was general and the response came to equalise between the two (fast and breaking fast in travel). In the second hadeeth he said: 'I find the strength to fast while travelling so is there anything wrong in this?' as if he wanted the fast to be preferable over its breaking but the response was again to make complete equality between the two actions. In the third hadeeth he stated 'I have strength and youth and I find to fast is less on me than if I delay it and it becomes a debt' so here he increases his argument for the preference of fasting and yet again the answer came which gave complete equality between the two actions. In the fourth Hamzah (ra) came with a new argument that 'he likes to keep the fast continuous' and he did not receive from the messenger of Allah (saw) except the answer: 'Fast if you wish and break it if you wish'. All of this indicates that keeping the fast whilst travelling is the same and equivalent in reward to breaking the fast and that neither has anything over the other and if we look at the rest of the texts we will find that the equality between the two is established.

It is therefore clear in an evident way that it is equally permitted to fast or break fast during travel without the existence of any preference of one over the other. This therefore shows the mistake in the views that fasting is better than breaking fast or breaking fast is better than fasting in travel. And it also makes clear in an even more evident manner the error of

those who did not permit fasting whilst in travel and that whoever fasted would need to make Qadaa.

I see that the correct opinion is that which is attributed to 'Umar ibn Abdul Azeez and Ibn ul-Mundhir who said that the easiest of the two is the best without specifying that any one of them is better than the other. This is firstly because of the Ayah, "...Allah wishes for you ease..." and secondly because the Messenger of Allah (saw) would choose the easier of two (equal) choices, where no sin was involved. Al-Bukhaari (3560), Muslim, Abu Daawud, Maalik and Ahmad narrated a Hadeeth from 'Aa'isha (rah):

<<The Messenger of Allah (saw) did not choose between two issues except that he would take the easier of the two as long as there was no sin because he was the most far way of the people from sin>>.

In this situation there is a choice between two issues without the presence of sin so the taking of the easier is also the taking of the noble guidance of the Prophet (saw).

A question however remains that needs to be answered and that is how do we interpret the saying of the Messenger (saw), 'It is not from al-Birr (righteousness) to fast whilst in travel'? Does this not indicate the preference of breaking the fast? This can be answered from a number of angles:

Firstly: The command to do something does not necessarily mean the prohibition of the opposite action just like the prohibition of an action does not necessarily mean the command of its opposite. We therefore say that the denial of Birr (righteousness) from the fasting in travel does not mean that it only exists in only in the Fitr (breaking of fast).

Secondly: Before we can answer this question it is first required to understand the meaning of Al-Birr from the language and Shar'a. The people of language and the Fuqahaa have both differed in defining Al-Birr and there are a number of opinions: Imaam Ash-Shaafi' said: It is very possible that the Birr mentioned here is not the obligatory Birr which if left is sinful. The negation of Birr can be carried to the one who rejects the acceptance of the Rukhsah. An-Nasaa'i (2260) reports the Hadeeth: That Jaabir bin Abdullah said that the Messenger of Allah (saw) said: 'It is not from Al-Birr the fasting in travel; you should take the Rukhsah of Allah Azza wa Jalla and accept it'. At-Tahaawi said: The Birr here means the complete Birr which is the highest level and it does not mean that fasting in travel takes you outside of Birr. Others have said that it is all that brings you closer to Allah Azza wa Jalla. It is also interpreted to mean Sidq (truthfulness) and it also has been used to mean the keeping of oaths/testimony and not committing perjury. It also has the meaning of obedience, like Birr al-Waalidain (obedience to parents) as well as the meanings of uprightness and goodness. Al-Birr is therefore a word that contains many meanings all of them indicate goodness. So al-Birr is goodness and for it to be Shar'i then the Shar'a needs to request it and order with it. It can be Amr Jaazim (decisive command) in which case it would be Fard (obligatory) or ghair jaazim (indecisive) in which case it would be Mandoob (recommended). Al-Birr or Al-Khair (goodness) cannot be except one of these two categories of action. It cannot fall in the Mubaahaat in which there is an equal choice to take or leave the action and in which there is no specified reward or sin. Al-Birr can therefore only fall under the Furood and Mandoobaat and nothing else. It is therefore obligatory to understand Al-Birr in the hadeeth in this way. Its meaning is that fasting in travel is not obligatory on you nor is it recommended. This is the meaning that is apparent and repeated in all the Hadeeth we have previously

mentioned; 'Fast if you wish and break fast if you wish' i.e. it is a choice between Mubaahaat which are equal if performed or left.

Therefore fasting whilst in travel is neither Fard nor Mandoob and it is only Mubaah. So whoever wishes to fast can do so and whoever wishes break the fast can do so. This understanding is supported by the Ahaadeeth like 'It is not from Al-Birr to fast whilst in travel' which means it is not obligatory or Mandoob to fast whilst in travel. This very same meaning is found in the statement of the Messenger of Allah (saw) in number 15 he said: 'Come here, I will inform you about the traveller: Verily Allah (swt) has lifted from him the (obligation of) fasting...' i.e. he has put aside its command and the one who leaves it enters into the category of Mubaahaat. So in this issue we have put together all the evidences and using all of them is better than neglecting one or some as has been established in Usool ul-Fiqh.

Another question remains regarding how to understand hadeeth 8 'You should take the Rukhsah of Allah Azza wa Jalla, so accept it' and number 10 'Whoever does not take the Rukhsah of Allah Azza wa Jalla then he will have the sin on him like that of the Mountain of Arafah'? Do these two not indicate a command to make Iftaar and that it is preferable to keeping the fast?

The answer is that this Amr (command) is linked to the acceptance of the Rukhsah and not a command to make Iftaar and there is a difference between the two. What is meant by the acceptance of the Rukhsah here is to remove the understanding that fasting should be kept to whilst in travel whether it is obligatory or recommended. The Rukhsah has come to cancel the commitment to fasting and leave it to the Mubaahaat. The Hadeeth in 8 clearly supports this as it says: 'It is not from Al-Birr to fast whilst in travel; you should take the Rukhsah of Allah Azza wa Jalla and accept it'. The meaning is that fasting in travel is not obligatory or recommended, and it wasn't like that because of a Rukhsah from Allah Azza wa Jalla. It is therefore obligatory to take this understanding and act according to it and leave the understanding of obligation or recommendation which was present before the Rukhsah. The Hadeeth in 10 indicates the same meaning; it is a severe warning to whoever insists on remaining on the opinion of the obligation of fasting or its preference (nadb) whilst travelling and therefore has not accepted the Rukhsah of Allah which has abrogated (nasakha) the obligation and recommendation. So these two hadeeth (8 and 10) are consistent with and reinforce the other evidences that we have gone through (in this issue) which all indicate the choice between fasting and breaking fast whilst in travel. This is how the Sahaabah (rah) understood it like the hadeeth in 5 indicated, 'The fasting person did not lay fault on the breaker of fast, and the breaker of fast did not find fault in the one fasting'. The Ahaadeeth 6, 9 and 11 mention the same meaning. As for Hadeeth 14; 'Verily Allah (swt) loves to give his Rukhas (permission of leniency) like he loves to give his (azeeemah) resolutions>> it indicates the same as the preceding Ahaadeeth in the sense of equating, between the fast and its breaking. You love the Rukhsah like you love the 'Azeemah with equal love, one does not possess a quality over the other. This supports and reinforces the meanings of the previous Ahaadeeth which make the sawm and Iftaar of equal standing whilst in Safar.

There is another point that can be gained from this hadeeth which is hard to see and hidden from many. This is that Allah (swt) has given the choice between the two actions and made it fall in the category of the Mubaahaat. This does not mean however that someone chooses

one of these choices on a permanent basis and leaves the other choice likewise on a permanent basis even if this is permitted for him to do. Rather Allah (swt) loves that the man alternates between the two, doing one at one time and doing another at a different time. The Hadeeth mentions 'he loves' however this does not reach to the level of obligation and commitment. This means that although the fasting has been waived from the traveller in the obligatory and nafl (recommended) fasts, this does not mean that he leaves it (fasting) completely and sticks to not eating in travel. It rather means that he has the choosing which Allah loves. This is to perform one of these two actions once or a number of times and also do the other once or a number of times, all of this without commitment or compulsion. The Amr (order) remains one of choice in hukm and action and this explains what came in hadeeth 7, 'There was not amongst any who were fasting except for the Prophet (saw) and Ibn Rawaahah' and what came in hadeeth 9, 'The Messenger of Allah (saw) use to fast in travel and break his fast'. So he (saw) who brought to us the information of Allah's Azza wa Jalla love for this form of choosing use to act in accordance with this where he use to fast sometimes and break his fast sometimes, alternating without sticking or committing to one or the other.

Here we will stop to examine the hadeeths in 12 and 13. We say:

In relation to Hadeeth 12:

The Messenger of Allah (saw) was fasting whilst travelling from Al-Madeenah to Makkah and his companions were also fasting. When they got closer to the enemy the Messenger of Allah (saw) reminded them of the Rukhsah of Allah Azza wa Jalla which makes equal (the reward) between breaking the fast and keeping it so he reminded them of the Fitr (breaking of fast) as an alternative to fasting. He also explained that al-Fitr was better (in terms of strength and power) for them and that they were in a state of preparation for battle. The fighting would require the preparation of strength which includes the physical body strength. He did this without ordering them to break their fast but sufficed with a reminder. This represents the hukm Shar'i in these types of situations and circumstances which is that the Saa'im would make Iftaar if he found himself in weakness and if he found strength he would continue his fast. If he did not have it (the strength) then he could take the Rukhsah which carries the same weight (in reward). However before the battle due to the physical strength that was required in the battle he (saw) ordered them to prepare this power by breaking their fasts. All of them therefore broke their fasts in accordance to the hukm shar'i in this situation and this situation does not affect the equality between fasting and breaking fast whilst in travel. It is rather a different situation which is related to fighting and what is required of a Mujaahid to do at that time. There is therefore nothing in this Hadeeth that indicated the preference of making Iftaar over the keeping of the fast whilst in travel.

In relation to Hadeeth 13:

The Messenger of Allah (saw) was travelling with the companions and some were fasting and others were not. This is a natural situation and reflects the equality between the Saum and Fitr. The heat then became severe and the Saa'im would fall from his weakness which made it necessary for them to break their fasting. Had they continued fasting in these circumstances then this would not have meant the equality between fasting and breaking fast but rather the preference of fasting which is not correct. The Noble Prophet (saw) therefore intervened and reminded them of the hukm of equality and choice. This means that the one who continues his fast despite the level of hardship and weakness that he has

reached has not taken the Rukhsah which Allah Azza wa Jalla loves. He (saw) said with clarity; 'Those who were not fasting have taken the reward today' meaning that at this time the fitr was better and that whoever had made Iftaar had gained reward for taking the Rukhsah of Allah Azza wa Jalla – 'When we saw those who were not fasting making the shelters and feeding the horses/camels' – all of this was acts of obedience and closeness to Allah (swt). We can understand that those who broke their fast had a greater reward, the reward of Iftaar by taking the Rukhsah in the time of severity and the reward of pitching the tents (shelter) and feeding the horses.

In conclusion it can therefore be clearly seen that all of the evidences support and reinforce one another in the opinion that fasting and breaking fast carry the same value (reward) whilst travelling and that neither is preferential over the other.

The evidences of those that say it is obligatory to make Iftaar whilst in Safar:

Now we will take a look at the opinion of those who make Al-Fitr obligatory and do not permit fasting whilst travelling from their evidences and semblance of evidences:

1) Allah (swt) said:

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

""...So whoever from amongst you is sick or travelling then (he should make them up on a) number of other days..."" (Al-Baqarah 184)

2) Ibn Abbaas (ra) said:

<< The Messenger of Allah (saw) went out during the month of Ramadan in the year of Victory (when Mecca was conquered) and was fasting till he reached Al-Kadeed (a canal/spring situated at a distance of forty-two miles from Mecca) and he then broke the fast. And it was the habit of the Companions of the Messenger of Allah (saw) to follow him in every new thing (or act). So they followed him also (in this matter)>>.

Ad-Daarami (1709), Muslim, Ibn Khuzaimah and Ibn Abi Shaybah.

3) Jaabir bin Abdullah (ra) said:

<<The Messenger of Allah (saw) went out in the year of the Fath (opening of Makkah) in Ramadhaan towards Makkah. He fasted until he reached Kraa' Al-Ghameem and the people were also fasting. He called for a drinking vessel containing water and raised it so that the people could see and then drank. It was said to him after that: Verily some of the people were fasting so he (saw) said: They are the disobedient, they are the disobedient>>.

Muslim (2610), At-Tirmidhi and Ibn Hibbaan. An-Nasaa'i (2263), Ahmad and Al-Bazaar narrated the flowing version:

<<...So the people fasted. It reached him (saw) that the people were facing hardship in their fasting so he called for a vessel of water and after the time of Asr he drank and the people were watching>>. In another narration collected by Muslim (2611) it was said:

<<...It was said to him (saw): The fasting is causing hardship for the people and they are looking to what you have done so he (saw) called for a vessel containing water after Asr>>.

4) Jaabir Ibn Abdullah (ra) said:

<<Allah's Messenger (saw) was on a journey and saw a crowd of people, and a man was being shaded (by them). He (saw) asked, "What is the matter?" They said, "He (the man) is fasting." The Prophet (saw) said, "It is not righteousness that you fast on a journey">>.

Al-Bukhaari (1946), Muslim, Abu Daawud, An-Nasaa'i, Ad-Daarami and Ahmad.

- 5) Abd-ur-Rahman ibn 'Auf (ra) said that the Messenger of Allah (saw) said:

<<The one who fasts whilst travelling in Ramadhān is like the one who makes Iftaar when not travelling>>.

Ibn Maajah (1666), An-Nasaa'i (2284 – Mauqoofan).

- 6) Anas bin Maalik (Al-Ka'bi) said:

<<I came to the Messenger of Allah (saw) ....and he was eating, he (saw) called me to join him and I said that I was fasting. He said: Come closer and I will inform you about that, verily Allah (swt) has lifted (the obligation of) fasting from the traveller and half of the Salaah>>.

An-Nasaa'i (2276), Abu Daawud, Ibn Maajah, Ahmad and At-Tirmidhi who verified it as Hasan. A similar hadeeth was mentioned under 15 in the last section.

As for the noble Ayah they say that its meanings are numerous and the obligation(s) upon it are many. The Ayah indicates that the traveller breaks his fast and makes up from other days and there was no mention in it of fasting. So I say: The focus is on breaking fast a number of days and the ayaah has come mostly in a general manner. It did not come to deny the fast or confine itself to Iftaar (breaking the fast) so there is no indication or understand that supports their opinion (regarding the obligation to break fast whilst travelling).

As for the second evidence, it has two parts to it. The first is the statement of Ibn Abbaas (ra) that <<The Messenger of Allah (saw) went out in the year of Al-Fath (opening of Makkah), he fasted and the people fasted until they reached Al-Kadeed where he broke his fast and the people also broke their fast>>. This evidence does not support their opinion and agrees with the meaning of the many Ahaadeeth that we mentioned previously and in particular what was mentioned in 9.

As for the second part, <<They (ra) would follow him (saw) in every new thing that he did>> This statement was added by Shihaab Az-Zuhri like Al-Bukhaari affirmed in the book/section Al-Jihaad (It was his statement and it was the end of two matters). This addition is also found in the narration collected by Muslim. Then the Prophet (saw) after this narration of events as reported in 12 in the previous section 'Then we saw ourselves fasting with the Messenger of Allah (saw) after that whilst we were in travel>>. Firstly the previously mentioned addition is the statement of Az-Zuhri and is therefore not a legitimate daleel. Ibn Khuzaimah (2035) commented on this hadeeth: 'Sufyaan said: I do not know if this is from the statement of Ibn Abbaas, Ubaidullah or Az-Zuhri). This shows that there is doubt in this statement. The addition is also in opposition to the hadeeth of Sa'eed Al-Khudri in 12 and others evidence and so in conclusion no regard should be given to it.

As for the third hadeeth (They are the disobedient ones, they are the disobedient ones' then this is in relation to the situation where fasting has become a hardship upon them and at the time of hardship the Rukhsah is taken. So they refused to take the Rukhsah and they refrained from emulating the Messenger of Allah (saw) when he called for and drank from the vessel containing water in front of them. In this situation they were disobedient by

keeping to their fast and hadeeth in 10 of the previous section refers to this: (Whoever does not take the Rukhsah of Allah Azza wa Jalla then he has the sin like the mountain of 'Arafah on him).

As for the fourth Hadeeth (It is not from Al-Birr to fast whilst travelling) then we have explained its indications and meanings (in detail) in the previous section.

In regards to the fifth hadeeth (The one who fasts whilst travelling is like the one who breaks his fast whilst resident (not travelling)). Whether part of it is marfou'an or mawqoofan (hadeeth terminology regarding the chain of transmitters) it does not matter because the hadeeth is munqti'an (cut off). Al-Bukhaari and Yahya bin Mu'een said that Abu Salamah Abd-ur-Rahman did not hear anything from his father. The chain of Ibn Maaajah in addition to be Munqati' contains a Raawi (narrator called Usaamah bin Zaid and his weakness has been agreed upon. Abu Ishaq said that this hadeeth does not hold value. The hadeeth is therefore very weak and must be abandoned.

As for hadeeth 6 (Verily Allah has lifted (the obligation) of the fast from the traveller and half of the Salaah) we have explained its meaning and indications previously so there is no need to repeat that. In conclusion it can be said that although these have been presented as Adillah (evidences) to support their opinion, in reality they are no more than semblances of doubtful evidences which do not support their opinion (regarding the obligation of breaking fast whilst in travel).

As for the opinion of many who have said that fasting is better than breaking fast and others who have preferred the breaking of fast over its continuance, then (I say) that each group has taken from the evidences that which supports their view. They have not made the effort to look at all the evidences together. For example, some have said that the Fitr is better because of the Rukhsah found in the Ahaadeeth and with the statement; 'It is not from Al-Birr to fast whilst travelling'. Others have said that fasting is better using evidence 7 from the previous section 'There was not amongst us any one who was fasting except the Prophet (saw) and Ibn Rawaahah, also the hadeeth 12 'Then after that we found ourselves fasting with the Messenger of Allah (saw) whilst in travel' and the hadeeth we only recently mentioned 'They (ra) would follow him (saw) in every new thing that he did'. Ijtihad is not correct and not allowed to be undertaken unless the Mujtahid looks at all of the texts related to the issue and includes them in his study. It is not allowed to take the collection of Hadeeth that he views to indicate his opinion and leave the other evidence that don't.

The distance required for making Iftaar in travel:

The people of opinion (Ashaab Ar-Ra'i), Maalik, Ash-Shaafi', Al-'Awzaa'i, Yahyah Al-Ansaari, Ibraheem An-Nakhi'i, Az-Zuhri and Makhool held the opinion that when a resident makes the intention to fast and then travels then it is not allowed for him to break his fast and must therefore continue with it. As for the Musaaafir (traveller) then if he made the intention to fast at night and then wished to break his fast, then he is allowed to do that. Ahmad, Ishaq ibn Raahuwiyah, Al-Hasan Al-Basri, Al-Muzni, Daawud bin 'Ali, 'Aamir Ash-Sha'bi, Ibn ul-Mundhir, Ash-Shawkaani and 'Ataa also permitted that.

Ahmad, Ishaq, 'Ataa and Al-Hasan said: It is allowed for him to break his fast whilst he is in his house in his land before he leaves and that has been taken from Anas (ra). Ibn Hazm and Azh-Zhahaariyah that it is allowed for somebody to break their fast after travelling one mile

only. It was narrated from Abdullah Ibn 'Umar (rah) and Abdullah Ibn Abbaas (rah) that it is allowed to break fast in what is more than four Burud, i.e. more than forty-eight miles.

We will now look at the evidences that solve this Mas'ala:

- 1) Kulaib bin Dhuhlin Al-Hadrami said that 'Ubaid bin Jubair said:

<<I travelled with Abu Basrah Al-Ghifaari by boat from Fustaat in Ramadhaan. He brought food and invited me to join him. I asked: Do you not see the houses? Abu Basrah replied: Do you like to distance yourself from the Sunnah of the Messenger of Allah (saw)? >>.

Ad-Daarami (1714), Abu Daawud, Ahmad and Al-Bayhaqi. Ibn Khuzaimah narrated it (2040) and said: 'I do not know of either Kulaib bin Dhuhlin or 'Ubaid bin Jubair and the deen does not accept from those whose trustworthiness cannot be known or ascertained'.

- 2) Muhammad bin ka'b said:

<<I came to Anas bin Maalik (ra) in Ramadhaan and he wanted to travel. He had prepared his provisions and was wearing his travel clothes. He then called for food and ate. I asked him: Is this the Sunnah? He replied: Yes, it's the Sunnah and then rode off'.

At-Tirmidhi (796) and said that the Hadeeth is hasan. In the Isnaad (chain of narrators) is Abdullah ibn Ja'far and Mo'een classified him as weak and Abu Haatim said: The Hadeeth is greatly rejected. His son 'Ali ibn Al-Madeeni classified the hadeeth weak as did Al-Jawzaani who said it is weak. An-Nasaa'i also said that it is rejected therefore the Hadeeth is very weak despite At-Tirmidhi saying that it is Hasan.

- 3) Mansoor Al-Kalbi said:

<<Dihyah bin Khaleefah went out from his village in Damascus in Ramadhaan to the distance of 'Uqbah village of Fustaat which was three miles. He then broke fast with the people and the others disliked that he was breaking his fast with them. When he returned to his village he said: By Allah today I saw something that I never thought that I would see; a people who disliked following the guidance of the Messenger (saw) and his companions. He said that to those who were fasting and then said: O Allah take me to you>>.

Abu Daawud (2413), Ahmad, Ibn Khuzaimah, Al-Bayhaqi and At-Tahaawi. Mansoor Al-Kalbi is unknown. This was said by Al-Madani, Al-Khattaabi and Ibn Khuzaimah so this narration is da'eef.

- 4) Al-Lajlaaj said:

<<We were travelling with 'Umar (ra) a distance of three mile and he allowed the prayer and broke his fast>>.

Ibn Abi Shaibah (436/2). In the chain of narrators is Al-Jareeri whose name is Sa'eed ibn Iyaas and three years before his death he suffered confusion (loss of mind) and the Muhaddithoon rejected him at that point.

- 5) Naafi' said:

<<Ibn Umar used to go out to the Al-Ghaabah and he would neither shorten his prayer nor break his fast>>.

Abu Daawud (2414), Al-Bayhaqi. Al-Mundhiri was silent over this. Al-Ghaabah is a place one Bareed (four faraasikh or approximately twelve miles) away from Al-Madinah.

The first four Aathaar (reports) are all weak so they are rejected and left. Some have tried to give strength to these evidences claiming that they give strength to another when viewed collectively. This is not the correct as the Da'eef cannot give strength to another Da'eef but rather would only make it weaker, so no regard can be given to this principle. Only the report linked to Ibn Umar is left which states that he went out of Al-Madeenah twelve miles to Al-Ghaabah and he did not break his fast or shorten his prayer. In regards to this I say: Firstly: This action of Ibn Umar (rah) is not a daleel Shar'i (legitimate Islamic evidence) but rather it is a Hukm Shar'i (Islamic ruling) which can be followed by someone who wishes to make taqleed to the opinion of Ibn Umar in this issue. Our concern here however is not related the issue of making taqleed.

Secondly: The fact that Ibn Umar did not make Iftaar does not mean (in any way) that he forbade it or otherwise and this is because the Musaafir has the permission (Rukhsah) to break the fast. He has also the right and choice to fast as we discussed earlier so if a person breaks his fast or continues with it then both are permitted and the presence of one of them does not indicate the prohibition or prevention of the other.

In conclusion, it appears that there is not a Saheeh or Hasan text which specifies the distance that allows the making of Iftaar from the fast. All that we have on this issue is the statement of Allah (swt), "...and (for) him who is sick among you, or on a journey, (the same) number of other days..." This is an unrestricted travel which did not specify a short or long distance so whatever is described with the name of travel then it is allowed for the Saa'im to make Iftaar and not fast.

As for the Ahaadeeth that were mentioned in 2 and 3 that the Messenger of Allah (saw) broke his fast in the year of the opening of Makkah (al-Fath) when he travelled towards Makkah from Al-Madeenah and reached the well Al-Kadeed which was forty-eight miles away from Makkah or when he reached Kuraa' Al-Ghameem (a valley in front of 'Usfaan, eight miles away from it and more than fifty miles from Makkah). These were evidences used by those who have said that breaking fast is obligatory in travel but there is no indication in them at all which relate to this present issue because:

Firstly: These distances are 'Waqaa'i Aa'yaan' (realities of perception) and Waqaa'i Aa'yaan are not used as an evidence for generality as has been established by the rules of Usool.

Secondly: These evidences have provided the distance of the making of Iftaar from Makkah and not from Al-Madeenah which was where they were travelling from. This shows that these evidences did not come to explain the distance the Messenger of Allah (saw) travelled in order to make Iftaar so that it can be (somehow) linked to this issue.

And with that it has become evident that those who have stipulated a specified distance for making Iftaar in travel are mistaken in their view because it is not supported by the Shar'i, the Noble Quran or Prophetic Sunnah.

We will sum up the preceding discussion with the following words: It is the right of the Musaafir to break his fast if he is travelling on a day without any impediment to that. The Shar'a did not specify a specific distance as a reason allowing the Musaafir to make Iftaar from fasting. The fact that he is travelling is the reason for his being able to make Iftaar from fasting. The Mutlaq (unrestricted) remains as such and it is not allowed to restrict it not even

by the reported act or statement of a Sahaabi or Taab'i or Faqeeh. Anything which carries the description of Safar therefore permits the breaking of fast and if the term travel is not a suitable description then Iftaar is not permissible. Also those who have allowed the making of Iftaar before the leaving of the house have also made an error because the Niyah of Safar is not the act of Safar itself. The travel (Safar) itself is the 'Udhr (reason/excuse) for breaking fast and not the intention. Also those who have specified a specific distance before Iftaar can be made whether one mile or four Burud have also erred in their specification. This is because there is no strong or sound evidence for their view so it only remains for us to say that travel is the reason and therefore whoever is actually in the state of travel can break his fast.

We still need to know when the leaving from our house is travelling and when it is not considered to be. So I say the following: **For the going out to be considered travelling which permits the making of Iftaar, then the person should leave his land (town) which he is attached to (citizenship) and enter the land of another country (town) without regard for the distance between them. Therefore the person who is in his own land is not Musaafir.** The farmer who is a number of miles away from the town his land is attached to is not a Musaafir (traveller). He will not be considered a Musaafir unless he leaves his country (town?) and the lands of his country (town?) and then he will be allowed to make Iftaar whether it is with food, drink or sexual intercourse.

As for Ashaab Ar-Rai (the people of opinion – Iraqi/Koofi scholars), Imaams Maalik, Ash-Shaafi' and other than them who viewed that the resident once he has made his intention cannot not then make Iftaar in his travels and must remain fasting arguing that As-Sawm is Ibaadah which differs in respect to the resident and traveller. If they come together (the states of residency and travel) then the state of residency takes precedence like in the Salaah. Ash-Shaafi' said: Whoever becomes a traveller from his state of residency (in a town) then he does not make Iftaar except if the Hadeeth of the Prophet (saw) making Iftaar on the day of Al-Kadeed is affirmed. I will respond to this view with the following words: Firstly: The Hadeeth about the Messenger of Allah (saw) breaking his fast at Al-Kadeed had been affirmed and has been reported by Ad-Daaram, Muslim and other than them as mentioned in the section entitled 'The evidences of those that say making Iftaar is obligatory in travel' under number 2. This is in addition to what Muslim and others collected concerning the breaking of his (saw) fast in Kuraa' Al-Ghameem mentioned in number 2. Muslim narrated (2608) from Ibn Abbaas (ra) who said: <<The Messenger of Allah (saw) travelled in Ramadhaan, he fasted until he reached 'Usfaan and then called for a container of something to drink. He then drank openly so that the people would see (take notice) and he continued in his breaking of fast until he reached Makkah...>>. These three Ahaadeeth are all verified and not just one so it is necessary for the followers of Ash-Shaafi' to give up their opinion on this issue.

Secondly: As for as-Sawm being Ibaadah which differs in respect to the resident and traveller and if they come together then the resident dominates as it does in the Salaah. I find this view to be very strange and it does not require a response except to say that the rule of any command is that it remains and continues unless there is found an excuse/reason which allows its leaving at which time the Hukm ceases to apply. This is without any regard for whether the excuse is brought forward or delayed or if there is a clash with the original rule

and one prevails in this clash!! The origin according to this principle is of the obvious matters.

So I say that if the resident has made the intention to fast then he must do so and if (later) he enters upon the excuse of travelling then the obligation of fasting is stopped and he can act upon the 'Udhr (excuse). If this was not the case then there would be no value in the existence of the 'Udhr (excuse) or any other excuses in any other issue!! And may Allah (swt) forgive us all.

## Part 4

### The Qadaa of Fasting:

#### Firstly: The Qadaa of fasting for yourself

##### a) The Qadaa of the obligatory fast:

This relates to and includes the sick, traveller, menstruating and child birth bleeding woman, the one who vomits intentionally, the one who breaks his fast early thinking wrongly that the time had arrived, the one who lost his mind, consciousness but awoke from the state in the day time of Ramadhaan, the pregnant and breast feeding woman if they fear for themselves or child, the boy and the disbeliever if they become Mukallif (legally responsible) in the day of Ramadhaan.

##### 1) The Qadaa of fasting for the Mareed (sick) and Musaafir (traveller):

It is obligatory upon the sick person and traveller to make Qadaa for what he has missed of the obligatory fasting. This is a Hukm (ruling) that is agreed upon and no Faqeeh has opposed it. Its evidence is the speech of Allah (swt):

يٰۤاَيُّهَا الَّذِيْنَ ءَامَنُوْا كُتِبَ عَلَيْكُمُ الِّصِّيَامُ كَمَا كُتِبَ عَلٰى الَّذِيْنَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُوْنَ (۱۸۳) (اَيُّهَا الَّذِيْنَ ءَامَنُوْا كُتِبَ عَلَيْكُمُ الِّصِّيَامُ كَمَا كُتِبَ عَلٰى الَّذِيْنَ مِنْ قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُوْنَ) (تَعَلَّقُوْنَ) (۱۸۴)

O you who believe! Observing As-Saum (the fasting) is prescribed for you as it was prescribed for those before you, that you may become Al-Muttaqûn (183) [Observing Saum (fasts)] for a fixed number of days, but if any of you is ill or on a journey, the same number (should be made up) from other days. And as for those who can fast with difficulty they have (a choice either to fast or) to feed a Miskîn (poor person) (for every day). But whoever does good of his own accord, it is better for him. And that you fast, is better for you if only you know. (184) (Al-Baqarah 183-184)

His (swt) statement: "...if any of you is ill or on a journey, the same number (should be made up) from other days..." means that the sick or travelling person must make up for fasts that are missed in other days (i.e. after Ramadhaan). We have previously highlighted where a difference of opinion has arisen amongst the Ulamaa in the Tafseer of this part of the Ayah. This was mentioned in the section 'Evidences of those that say it is obligatory to make Iftaar when travelling' and in the chapter 'Fasting whilst travelling'.

##### 2) The Qadaa for the Haa'id (menstruating woman) and Nufasaa (child birth bleeding woman):

It is obligatory for these two categories to make Qadaa for the fasts that they missed during the period of their bleeding and this is a Hukm which is agreed upon with no differences amongst the Fuqahaa. Ibn Qudaamah said in Al-Mughni 'The people of knowledge have agreed that fasting is not Halaal for the Haa'id or Nufasaa and that they make Iftaar in Ramadhaan and then (later) make Qadaa for what they missed. If they did fast (in their state) they would not be rewarded for it'. These are the evidences for this issue:

a) Mu'aadh said:

I asked Aa'isha (ra): What is behind the woman having to make Qadaa for her fasting but not her Salaah (prayers)? She asked: Are you from amongst the Haruuriyah? I replied: I am not from them but was only asking. She said: We were afflicted by it (bleeding) so we were ordered to make up the fasting but not the prayers.

Muslim (763), Al-Bukhaari, Abu Daawud, An-Nasaa'i and At-Tirmidhi. This evidence has been discussed in the section 'The fasting of the Haa'id and Nufasaa' in the chapter 'The fasting of Ramadhaan – Its general rules'.

b) 'Aa'isha (ra) said:

We used to menstruate whilst we were with the Prophet (saw) so he ordered us to make Qadaa for the fasts (that we missed).

Ibn Maajah (1670). An-Nasaa'i (2318) mentioned the following lafzh (wording): We menstruated at the time of the Prophet (saw) and would then purify ourselves. So he (saw) ordered us to make up (qadaa) for our missed fasts but not for our missed prayers.

Again this evidence has been previously discussed in the section 'The fasting of the Haa'id and Nufasaa' in the chapter 'The fasting of Ramadhaan – Its general rules'.

### **3) The Qadaa for the one who vomited intentionally:**

Ibn ul-Mundhir said: A consensus has occurred concerning the invalidity (negation) of a fast due to intentional vomiting. However it has been reported from Ibn Battaal from Ibn Abbaas and Ibn Mas'ood (rah) that: It does not break the fast at all and this is one of the two views attributed to the people of Imaam Maalik. Ibn ul-Mundhir also reported a consensus (of Ulamaa) concerning the negation of Qadaa for the one who was sick unintentionally with the exception of one opinion attributed to Al-Hasan al-Basri. He said: It has been said that Ibn 'Umar, Zaid bin Arqam, 'Alqamah, Az-Zuhri, Maalik, Ahmad, Ishaq and Ashaab Ar-Ra'i viewed that: There is no Kafaarah on it but only Qadaa. This has also been reported to be the opinion of Abu Haneefah and Imaam Ash-Shaafi'. Ash-Shaafi' said: Whoever vomits whilst fasting then he must (waajib) make Qadaa and whoever unintentionally does so is not required to make Qadaa. And this is what Naafi' and Ibn 'Umar told us. (Al-Bayhaqi 219/4). He then mentioned the Hadeeth: Whoever is overcome by vomiting then there is no Qadaa upon him and whoever deliberately vomits must make Qadaa. 'Ataa and Abu Thawr said: The one who deliberately vomits must make Qadaa and Kafaarah (expiation).

The correct view is that if someone is overcome against his will by vomiting then his fast is correct and Qadaa is not required from him. However the person who has been sick on purpose then he has broken his fast by that action and Qadaa is obligatory on him. What was reported from Ibn Abbaas Ibn Mas'ood that the one who vomits with or without his will does not make Iftaar (i.e. break his fast) then this is incorrect as the following evidences will indicate. The following texts do not tie anything to the one who deliberately vomits except the making of Qadaa and with that the view of 'Ataaa and Abu Thawr which obliges Kafaarah (expiation) in addition to the Qadaa is also incorrect.

The following are the evidences:

a) Ma'daan bin Talhah said:

<<Abu Dardaa told him that the Messenger of Allah (saw) was sick and then broke his fast (Aftara). (Later) I met the Thawbaan the Mawla (servant) of the Messenger of Allah (saw) in the Damascus Masjid and I said to him: Ab Dardaa told me that the Messenger of Allah (saw) was sick and then made Iftaar. He replied: He told the truth and I was the one who poured the water for his (saw)'s Wuduu>>.

Abu Daawud (2381), Ahmad, An-Nasaa'i Ad-Daarami, At-Tirmidhi and Ibn Hibbaan. Ibn Munid said: Its chain is Saheeh and Mutassal (connect). At-Tirmidhi and Ahmad said: This is the most Saheeh narration in this chapter (subject area).

b) Khaalid ibn Ma'daan said that Abu Dardaa said:

<<The Messenger of Allah (saw) made himself sick so he broke his fast and then water was brought for him to make Wuduu'>>.

Abd ur-Razzaaq (7548), An-Nasaa'i, Ahmad and its chain is Saheeh.

c) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<Whoever is overcome by sickness when he is fasting is not obliged with Qadaa but if it is intentional then he must make it up>>.

Abu Daawud (2380), Ad-Daarami, An-Nasaa'i, ibn Maajah, Ahmad, Al-Bayhaqi and Al-Haakim. Adh-Dhahabi verified it as Saheeh. At-Tirmidhi said: It Is Hasan Ghareeb. Al-Bukhaari and Ahmad said it was weak. At-Tirmidhi said: ...The people of knowledge who work with this hadeeth say that the one who vomits unintentionally is not required to make Qadaa whilst the one who deliberately vomits must do so. This is the view of Ash-Shaafi', Sufyaan Ath-Thawri, Ahmad and Ishaq.

The first hadeeth (He was sick and then made Iftaar) is explained by the second Hadeeth (The messenger of Allah (saw) was deliberately sick so he broke his fast). There is no more correct way of explaining a hadeeth other than with another hadeeth that explains its meaning. So sick (qi) in the first hadeeth means (Istiqaa) being sick intentionally. These two hadeeth therefore indicate that whoever is deliberately sick has indeed broken his fast so they mean that Qadaa is a confirmed necessity. The third hadeeth verifies this rule when it says: (If he deliberately vomits then he must make Qadaa) as well as the Hadeeth of Ibn 'Umar which we recently mentioned (Whoever makes himself sick must make Qadaa). The classifying of this Hadeeth as being weak by Al-Bukhaari and Ahmad does not prevent its use as an

evidence because firstly others (Muhaddithoon) have verified it as sound and secondly because its meaning conforms to that of the other Ahaadeeth which are more sound than it. Thirdly, this hadeeth reinforces and supports the hadeeth of Ibn 'Umar and as such from all three points the dispute over its soundness does not pose any problems. In conclusion, the one who vomits intentionally must (waajib) make Qadaa but not Kaffaarah as the evidences have only pointed to the obligation of Qadaa without mentioning Kaffaarah.

- 4) The Qadaa of fasting for the one who made Iftaar thinking (wrongly) that the sun had already gone down:

Mujaahid bin Jabr, Al-Hasan Al-Basri, Ishaq ibn Raahuwiyah, Ibn Khuzaimah and Ahmad bin Hanbal in a report held the view that Qadaa is not required from the one who breaks his fast early before the sun has descended thinking that it already had done. To support this they use the evidence reported by Zaid bin Wahb who said: <<The pots were being taken out of the house of Hafsah and the sky was cloudy so they thought the sun had descended and made Iftaar. When the clouds cleared they saw the sun shining so Umar said: We did not incline towards sin>>. Ibn Shaibah (440-441/2), Abd ur-Razzaaq and Al-Bayhaqi. In a version from Abd ur-Razzaaq (7395):

<<....they said: we shall make up for this day so Umar replied: And why? Because by Allah we did not incline towards sin (i.e. we did not do it deliberately)>>.

The majority however have obliged the making of Qadaa and Ibn Hajr said: 'If the Hilaal of Ramadhaan is obscured and the people do not fast and then they realise afterwards that it was Ramadhaan then Qadaa is obligatory with agreement so in this holds also in this case (i.e. someone who mistakenly breaks his fast)'. They used the following evidences to support their view:

- a) Faatimah said that Asmaa bint Abi Bakr said:

<<We broke our fast in the days of the prophet (saw) in a cloudy and then the sun appeared. It was said to Hisham: Were they ordered to make Qadaa? He replied: Qadaa is inevitable and Ma'mar said: I heard Hisham saying: I don't know whether they made Qadaa or not>>.

Al-Bukhaari (1959), Abu Daawud, Ahmad and Al-Bayhaqi. Ibn Maajah narrated (1672) (...there is no escaping from it... (the qadaa)).

- b) Bishr Bin Qais said about Umar ibn Al-Khattaab (ra):

<<I was at his house to eat and it was a cloudy day. It was thought that the sun had gone down so Umar drank and gave me something to drink. They then saw it (the sun's rays) on the foot of the mountain so Umar said: So be it. By Allah we will make Qadaa for it on another day>>. Al-Bayhaqi (217/4). Imaam Ash-Shaafi' in his book Al-Umm (96/2) reported from Khaalid bin Aslama that Umar said: 'the issue is of ease). Imaam Maalik (256/1) narrated it and added: (We made Ijtihad). Abdu r-Razzaaq (7392) added: (We will make Qadaa for a day). In another narration recorded by Abd ur-Razzaaq (7394) from Bishr bin Qais: (Umar said: Continue your fast for this day and then make Qadaa for it another day).

The correct view is that of the majority because the report in (a) (There is no question about making Qadaa) is a clear evidence that they had been ordered to

make Qadaa. As for the statement of Ma'mar that: (he heard Hisham saying: I don't know whether they made Qadaa for that day or not?) it does not negate or cancel the first part. This is because the first provides Ithbaat (confirmation) and the second provides Shakk (doubt) and the Ithbaat always dominates over the doubt. Hisham reported that they were ordered to make Qadaa and this is the Hukm that we were looking for and if a statement comes after that saying that he did not know whether or not they did make Qadaa then this does not negate (affect) the hukm. This is because the peoples acting or lack of action on a ruling does not affect the establishing of that Hukm. Establishing a Hukm is one thing and the peoples acting according to it is another thing altogether. The report in (b) removes any obscurity if any doubts remain when Umar (ra0 said: (By Allah we will make up for it from another day) and his statement: (Complete the fasting of this day and then make Qadaa for it (another day)). This Mantooq (textual meaning) is qatai' (definite) in meaning. So Qadaa is established from the statement of Umar and he said this in front of the Sahaabah and it is not known of any who differed to this view. As for the Athar (report) of Zaid bin Wahb narrated by Ibn Abi Shaibah, Abd ur-Razzaaq and Al-Bayhaqi who understood from it that Qadaa was not necessary then Al-Bayhaqi commented on this narration by saying: (Ya'qoob bin Sufyaan Al-Faarisi brings a difference with Zaid bin Wahb in this narration in relation to preceding narrations. Zaid is trustworthy but a mistake occurring from him is not certain). In light of this and the established evidences which contradict it and affirm the making of Qadaa, it can be said that this report should be left (outweighed).

**5) The Qadaa of the Majnoon or the one who has lost consciousness but then regains his senses or mind in the daytime of Ramadhaan**

If the Majnoon or the one who has passed out and he failed to wake at night and make his intention and then work up in the day; then he must fast the remainder of the day and make qadaa for it later. This issue was discussed in the section (There is no fasting on the Majnoon and the one who has lost consciousness) in the chapter (Fasting of Ramadhaan – Its general Rules).

**6) The Qadaa of the pregnant and breastfeeding woman if they make Iftaar (abstain from fasting):**

This issue has been covered in the section (The fasting of a pregnant and Breastfeeding woman) in the chapter (Fasting of Ramadhaan – Its general Rules).

**7) The Qadaa of the boy/girl or disbeliever if they become Mukallif (legally responsible) in the day-time of Ramadhaan:**

If a Sabi (child) reaches maturity in the daytime of Ramadhaan or a disbeliever becomes a Muslim they at this time enter the sphere of the Mukallifeen (legally responsible people). Imsaak (refraining from eating, drinking, intercourse... etc) becomes obligatory from the time that this occurs and Qadaa is made for that day. This is the opinion of Abu Haneefah, Ath-Thawri, Al-Awzaa'i, Al-Hasan bin Saalih and Al-'Anbari. There is not a specific evidence in this issue so we return to the general evidences. The general evidences stipulate that the boy/girl becomes legally

responsible once they are Baaligh (mature) and likewise the Disbeliever who embraces Islaam becomes Mukallif at that time and because the Sawm (fasting) is part of that Takleef then it becomes obligatory upon them to perform the very moment that their situation changed. Because the Niyah is a Shart (condition) of fasting and is necessary for the acceptance of the Sawm then as they were unable to do that due to them become Mukallifeen in the daytime then it becomes obligatory for them to make this day up.

The above represents the eleven categories of person that are required to make up their obligatory fasts.

**(b) The Qadaa of the non-obligatory fasts:**

Abu Haneefah holds that the Saa'im must continue the recommended fast to completion and is not allowed to cut it short except with a (legal) excuse. If he breaks his fast with a (legitimate) reason then he must make Qadaa but is not sinful and if he breaks his recommended fast without reason then he must make Qadaa and is sinful. At-Tirmidhi spoke of a group of the Sahaabah regarded it obligatory to make Qadaa if the fast is broken and this is the view of Maalik bin Anas and another narration is reported from Maalik that states: There is no Qadaa if the Iftaar was made for a legitimate reason/excuse.

Sufyaan Ath-Thawri, Ash-Shaafi', Ahmad, Ishaq ibn Raahuuyia and the majority of the people of knowledge held the opinion that breaking the recommended fast is permissible especially when being invited to eat with someone and they viewed the Qadaa as being Mustahabb (recommended). This has also been reported to be the view of 'Umar Ibn Al-Khattaab, 'Ali bin Abi Taalib, Abdullah ibn Mas'ood, Abdullah ibn Umar, Abdullah ibn Abbaas and Jaabir bin Zaid, may Allah's pleasure be on them and all of the Sahaabah as a whole.

Those who said that the Qadaa was obligatory in the recommended fasts relied upon the following evidence:

a) 'Aa'isha (rah) said:

<<Hafsah and I were fasting. We were presented with food and we desired to eat it so we did so and then the Prophet (saw) came. Hafsah then beat me to him and she was the daughter of her father and said: O Messenger of Allah we were fasting today and then food was presented top us, we desired it and ate so he (saw) said: Make Qadaa for it from another day>>.

Ahmad (26797), Abu Daawud, An-Nasaa'i, At-Tirmidhi, Maalik and At-Tahaawi. Ibn Hibbaan (3517) recorded a version <...Hafsah and I were fasting a recommended fast and we were given food as a gift so we broke our fasts. The Messenger (saw) told us to fast another day to make up for that day>>. In another narration from Ahmad (25607) it was said: <<...exchange a day in place of the one missed>>.

b) Abu Sa'eed (ra) said:

<<I prepared food for the Messenger of Allah (saw). He came with his companions and when I placed the food down one of the people said: I am fasting so the Messenger of Allah (saw) said: Your brother has invited you and made effort for you and then said: Break your fast, and fast another day in its place if you wish>>.

Al-Bayhaqi (279/4), At-Tabaraani in al-Mu'jam al-Awsat, Ad-Daaraqutni and Abu Daawud At-Tayaalissy with a chain that Ibn Hajar verified as Hasan.

c) Allah (swt) said:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَلَا تُبْطِلُوا أَعْمَالَكُمْ

O you who believe obey Allah and obey the messenger and do not render your actions invalid

(Surah Mohammad: 33)

Those who viewed the making of Qadaa for a recommended fast as recommended (Mustahabb) relied on the following evidences:

a) Umm Haani (ra) said:

<<The Messenger of Allah (saw) drank a drink and he took it so that she could drink. She said: I am fasting but I dislike turning away the remainder of your drink. So he (saw) said: If the fast was from Ramadhaan then make Qadaa for it from another day and if it was a recommended fast then if you wish make Qadaa for it and if you wish do not make Qadaa for it>>.

Ahmad (27449), Ad-Daarami, An-Nasaa'i, At-Tirmidhi, Al-Bayhaqi and Ad-Daaraqutni. At-Tirmidhi said: There is a Maqaal in the Isnaad of the Hadeeth of Umm Haani. In another Riwaayah from At-Tirmidhi (728) the following Lafzh is used:

<<...So the Messenger of Allah (saw) said: The one who is fasting a recommended fast then he is responsible (in charge of) for himself; if he wishes he can fast or not fast>>

b) The Hadeeth of Abu Sa'eed mentioned above supporting the view of those who claim the obligation of Qadaa: (Break your fast and fast in its place another day if you wish).

By examining the above evidences we find the following:

The hadeeth of 'Aa'isha (ra) narrated by Imaam Ahmad and others and says: (Make up another day) has been classified as Da'eef by Al-Bukhaari, An-Nasaa'i and Ahmad. Al-Khallaal classified it as weak and said: The Huffaazh (scholars of hadeeth) have conveyed that the Hadeeth of Aa'isha is weak. At-tirmidhi said: (...It has been narrated from Ibn Juraij that he said: I asked Az-Zuhri saying: Did Urwah narrate to you from Aa'isha? He replied: I did not hear anything from 'Urwah. I did however hear in the Khilafah of Suleyman ibn Abd ul-Maalik from people that some of them had questioned 'Aa'isha about this hadeeth>>. The Hadeeth is Munqati'i and is not suitable to be used as a proof and is therefore left.

As for the hadeeth of Umm Haani narrated by Ahmad amongst others which says: (And if it was a recommended fast then you make Qadaa if you wish or don't make Qadaa if you wish) it is also weak and is not suitable as a proof. In the chain (isnaad) is Simaak bin Harb and the Muhadditheen have classified him as weak in addition to the one narrating directly from Umm Haani is unknown. Onetime he is called Haroon bin ibn Umm Haani and another time he called Haroon Ibn Bint Umm Haani and Haroon is unknown. Ibn ul-Qitaan said: He is not known and Al-Haafizh Ibn Hajar said in At-Taqreeb said: He is unknown. This hadeeth is therefore also abandoned.

As for the noble Ayah: <<...And do not render your actions invalid>> it is general ('Aam) and is not related to fasting. The 'Aam is worked with as long as it is not specified and in that case the specification will be carried forward. In this issue the Saa'im has been permitted to break his recommended fast as found in the hadeeth of Abu Sa'eed and many other Saheeh Ahaadeeth. This is specific to fasting and must therefore be implemented over the general meaning of the Ayah. I do not feel the need to mention all of the Hadeeth and find it sufficient to mention one saheeh hadeeth. It is what has been related from 'Aa'isha Umm Al-Mu'mineen (ra) who said: The Prophet (saw) entered upon us one day and said: Do you have anything (to eat/drink)? We replied in the negative so he (saw) said: In that case I am fasting. He came to us on another day and we said: O Messenger of Allah we have been gifted Hais (milk, fat date mixture). He asked for it to be shown and said: Indeed I started this day fasting and then he ate (i.e. he broke his fast). Muslim (2715), Abu Daawud, An-Nasaa'i, At-Tirmidhi and Ibn Maajah. Many Ahaadeeth have been reported supporting the view of the permissibility of breaking the recommended fast and they have come with our mentioning an excuse/reason ('Udhr). It is therefore not allowed in light of these Ahaadeeth for anyone to forbid the breaking of the non-obligatory fasts or to restrict it with an 'Udhr (excuse). Therefore the statement of Abu Haneefah (It is obligatory for the one fasting the recommended fast to commit himself to it and not to break it except with an excuse) is incorrect and refuted by the Saheeh texts.

As for making Qadaa for a recommended fast that was broken then this is not waajib and there is no Saheeh or Hasan evidence that commands it in an obliging manner. Its ruling is therefore the same as the original ruling of the recommended fast itself. The hukm of the extra fasting is Mandoob (recommended) and therefore the Qadaa of this fast takes its ruling which is Nadb (recommendation). So the statement of the Messenger of Allah (saw) in the Hadeeth of Abu Sa'eed (Break your fast and make up for it on another day if you wish) indicates the permission to break the fast and that the Qadaa is based on the will of the one who broke it and neither of these indicates an obligation or commitment. Also the statement of Maalik recorded in another report: (There is no Qadaa on it if the Iftaar was done based on a (legal) 'Udhr (excuse)) has no justification or evidence to support it. Therefore only remains the opinion of Sufyaan Ath-Thawri, Ash-Shaafi', Ahmad and those who agreed with them that it is permissible to cut the non-obligatory fast and the making of Qadaa for it is recommended. This is the sound opinion which the evidences indicate to.

### **Secondly: Making Qadaa for the fasts of those who have passed away:**

Taawoos, Al-Hasan Al-Basri, Az-Zuhri, Qataadah, Abu Thawr, Ibn Hazm and An-Nawawi held that it is recommended (Mustahabb) for the Wali of the dead to fast on their behalf. Al-Laith bin Sa'd, Ishaq and Abu 'Ubaid limited this application to the fast of An-Nadhr (vow) only. Abu Haneefah, Maalik and the majority held that there is no fasting on behalf of the dead, not for An-Nadhr or any other fast. Ibn ul-Mundhir reported this to also be the view of 'Aa'isha, Ibn Umar and Ibn Abbaas (rah) and this report was from Al-Hasan and Az-Zuhri.

An-Nawawi said: (The people of knowledge have differed in this; some have said that you fast on behalf of the dead like Ahmad and Ishaq. They say: If the dead has a fast linked to a Nadhr (vow) then it can be fasted on his behalf and if the fast is from Ramadhaan then you can feed for it. Maalik, Sufyaan and Ash-Shaafi' said: Nobody can fast on somebody else's behalf).

In order to approach the correct opinion we will mention the evidences which are related to this issue and then we will proceed with the process of Istinbaat (deduction and extraction of the Hukm):

- 1) 'Aa'isha (rah) said that the Messenger of Allah (saw) said:  
<<Whoever dies and still has fasts (to complete) then his Wali fasts on his behalf  
Al-Bukhaari (1952), Muslim, Abu Daawud, An-Nasaa'i, Ahmad and Ibn Hibbaan. Al-Bazaar (1023) narrated it with the addition: 'If he wishes'.
- 2) Ibn Abbaas (ra) said:  
<<A man approached the Prophet of Allah (saw) and said: O Messenger of Allah my mother died and she had a month of fasting remaining so shall I make Qadaa on her behalf? He replied: Yes, because a debt to Allah has a right to be made up...>>  
Al-Bukhaari (1953), Muslim, Ahmad, Abu Daawud and Al-Bayhaqi. Al-Bukhaari narrated this hadeeth in a number of different reports and in one of them the following was said:  
<<A woman said to the Prophet (saw): Verily my mother died and she still had (on her neck) the fasting of Nadhr...>>
- 3) Buraidah (ra) said:  
<<When I was sitting with the Messenger of Allah (saw) a woman approached and said: I had gifted to my mother a maid-servant, and now she (the mother) has died. Thereupon he (the Holy Prophet) said: There is a definite reward for you and she (the maid-servant) has been returned to you as an inheritance. She (that woman) again said: Fasts of a month (of Ramadan) are due upon her; should I observe them on her behalf? He (the Holy Prophet) said: Observe fasts on her behalf. She (again) said: She did not perform Hajj, should I perform it on her behalf? He Said: Make Hajj on her behalf>>.  
Muslim (2697), Abu Daawud, At-Tirmidhi and Ahmad.
- 4) Ibn Abbaas (ra) said:  
<<A woman journeyed on the sea and made an oath that if Allah Saved her that she would fast for a month. Allah saved her and did not fast that month before she died. Her daughter or sister came to the Messenger of Allah (saw) and he requested from her to fast on her behalf>>.  
Abu Daawud (3308), An-Nasaa'i, Ahmad, Abu Daawud At-Tayaalissy and Ibn Khuzaimah with a difference in the wording.
- 5) Jaabir ibn Abdullah (ra) said:  
<<A woman approached the Messenger of Allah (saw) and said: My mother has passed away and she still had fasting of Nadhr remaining and died before she could make them up? The Messenger of Allah (saw) said: Let her Wali fast on her behalf>>.  
Ibn Maajah (2133) with a chain that includes Abdullah ibn Lahi'ah who is Da'eef. It is said that he is a person who adds (exaggerates). Some other Muhadditheen have however entered his hadeeth in the category of Hasan.

6) Ibn Abbaas (ra) said:

<<He woman came to the Prophet (saw) and said: My sister has died and she had two consecutive months of fasting obliged upon her. He (saw) said: If your sister had a debt would you fulfil it for her? She replied: Yes so He (saw) replied: Well the Haqq (right) of Allah is greater and has more right>>.

At-Tirmidhi (712) and said that the hadeeth of Ibn Abbaas is Hasan Saheeh. Also narrated by An-Nasaa'i, Ibn Maajah, Ahmad, Ibn Hibbaan, Ad-Daaraqutni and Ibn Khuzaimah.

The Hadeeth in (5) is weak according to some and Hasan according to others which is not important because the other hadeeth are sufficient without it. The first Hadeeth from 'Aa'isha (ra) and the second from Ibn Abbaas (ra) are both of the highest level of being Saheeh agreed upon by Al-Bukhaari and Muslim and what these two Shaikhs agree upon holds no doubt (translators note: expression of strength does not mean they are Qat'i). The first states: 'Whoever dies leaving fasts then his Wali fasts on his behalf' and the second 'Yes because the debt to Allah has more right to be made up for'.

The first Hadeeth is general for every fast and the second hadeeth came general in one version and linked to Nadhr in another report so we say it came linked to An-Nadhr. The third saheeh hadeeth included the command to fast for the dead: (He (saw) said: Fast on her behalf) and this came generally to fasting and it is not correct to restrict it to Nadhr. I have followed up the reports of this hadeeth in the maion books of hadeeth and have not found any indication of a link to Nadhr. The Hadeeth therefore remains 'Aam (general) like the first hadeeth. The fourth hadeeth is like the second and has come related to the fast of Nadhr (oaths/vows) in a clear way. The six hadeeth has come specifically related to Kaffaaraat (expiations) '...and she was obliged with two consecutive months...' The statement 'consecutive' is an indication/linkage (qareebah) that it is a fast of Kaffaarah. There is however a very distant/weak possibility that it is talking about a fast of Nadhr.

So the first and third hadeeth came in generally related to fasting, the second and fourth were specified to the fast of An-Nadhr and the sixth came specifically for kaffaaraat with a possibility that it could also be linked to Nadhr. The first and second came in a general wording for the making Qadaa of fasting which includes the fast of Ramadhaan which is the most famous and distinguished of fasts and there is nothing that abrogates or restricts these evidences and therefore remain in their general import. The second and fourth are restricted to An-Nadhr (oaths) i.e. the Qadaa of the fast of An-Nadhr and there is no abrogation or anything that changes this and therefore remain restricted and specified as is hadeeth six which can be joined to them.

We therefore say that if someone dies and he has obligatory fasts remaining like those of Ramadhaan, or those related to oaths or Kaffaaraat then his/her Wali can fast them on his/her behalf. This has come in the strongest of Hadeeths and there is no hadeeth of the level of Saheeh or Hasan that disagrees with them so the hadeeth must be taken and acted upon. It is not allowed to go against it under any pretext or excuse so there is no weak hadeeth, statement from the Sahaabah or Ijtihad from the Fuqahaa that can abrogate (replace) this solid Hukm Shar'i under any circumstances. Therefore what some Fuqahaa have relied upon in terms of the following texts and reports which oppose this ruling are

Baatil (invalid) and the Ijtihad on clear text is not allowed. The following are the evidences which they have used to support their view:

a) Ibn Abbaas (ra) said:

<<If a man was ill during Ramadhaan and he dies without fasting the feed on his behalf and there is no Qadaa on him. If a Nadhr remained obliged upon him then his Wali can make Qadaa on his behalf>>.

Abu Daawud (2401), Ad-Daaraqutni, Al-Bayhaqi and Abd ur-Razzaaq. Al-Bukhaari left it. Abd ul-Haqq and Ibn Hajar said: There is nothing related about feeding that is sound, meaning it is marfoo'.

b) Ibn Abbaas (ra) said:

<<Nobody fasts on behalf of another but rather feeds (in its place)>>. Al-Bayhaqi (257/4). An-Nasaa'i reported in As-Sunan Al-Kubraa (2930) the following wording: <<Nobody prays on behalf of another and nobody fasts for another. Rather he feeds on his (the dead person) behalf a portion of wheat for every day missed>>. Az-Zeela'i said the report is (Ghareeb marfoo').

c) 'Ubaadah bin Nusayy said that the Prophet (saw) said:

<<Whoever is ill in Ramadhaan and remains ill until he dies feeding is not done on his behalf. If he gets well and does not make Qadaa for the missed fasts before he dies then feeding can be done on his behalf>>.

Abdu r-Razzaaq (7635). In the chain of narrators is Hujjaaj bin Artaa and he is Da'eef (weak) and also al-Aslami who has been classified as a Kadhdhaab (liar) according to Ibn Hazm.

d) It reached Maalik that:

<<Abdullah ibn 'Umar was asked: Can someone fast on behalf of someone else or pray on someone's behalf? So he said: No person fasts for another or prays for another>>.

Immam Maalik (256/1).

e) Ibn Abbaas (ra) said:

<<If somebody dies whilst having fasts still obliged on him and he does not get his health back before his death then there is nothing obliged on him. If he did recover then feeding can be done on his behalf of half a Saa' of wheat for every day missed>>.

Ibn Hazm (7/7) and he verified it as Saheeh. Abdu r-Razzaaq and Ad-Daaraqutni also narrated it.

f) 'Umar ibn Al-Khattaab said:

<<If a man dies and he owes the fasting of Ramadhaan feeding can be done on his behalf of half a Saa'a of wheat for every day (missed)>>.

Abd ur-Razzaaq (7644) and Ibn Hazm.

g) Mymoon bin Mahraan said that Ibn Abbaas (ra) said:

<<It was asked about a man who died whilst the fasting of Ramadhaan and additional month had been obliged upon him? So he said: Feed on his behalf for Ramadhaan and fast on his behalf for the Nadhr (the additional month)>>.

Ibn Hazm (7/7) and he verified it as saheeh.

h) Ibn Umar (ra) said that the Messenger of Allah (saw) said:

Whoever dies and he has upon him a month of fasting then feed on his behalf a Miskeen (poor person) for every day missed>>.

Ibn Maajah (1757) and At-Tirmidhi said: We do not know this Hadeeth Marfoo'an (i.e. The prophet said or I heard from the prophet ...) except here (this report) and the truth is that Ibn Umar is Mawqoof (where the hadeeth stops).

As for Hadeeth (c) it is very Da'eef so it is left. It is incorrect to say that (h) goes back to the Prophet (saw) but rather it is the statement of Ibn Umar (ra). After this, there is no Prophetic hadeeth remaining from this series of reports. They are all no more than statements (opinions) of the Sahaabah. It is well known that the Aqwaal (statements) of the Sahaabah are not (sharee'ah) evidences in addition to the fact that they (the reports) contradict the Ahaadeeth of the Prophet (saw) in this issue. So I say in this regard: Verily these reports (Aathar) are not suitable to stand up against the noble prophetic Ahaadeeth and are therefore abandoned for this reason. None of these reports were collected by the two Shaikhs (Al-Bukhaari and Muslim) together or individually. They are therefore of a much lower level in terms of chain compared to the Hadeeth we have mentioned. Al-Bayhaqi said: 'The Ahaadeeth (related to this issue) which are Marfoo'an (i.e. include: The prophet said or I heard from the prophet...) are stronger in terms of Isnaad (chain), its people (narrators) are better known and the keepers of the Saheeh (Al-Bukhaari and Muslim) recorded them. If Imaam Ash-Shaafi' (Rahimahullah) had approached this issue with all of its aspects, details and manifestations then he would not have gone against it (the correct view) Insha'Allah'. Al-Bayhaqi who recorded the Athar of Ibn Abbaas added: 'I have noticed that some of our companions (i.e. Muhadditheen) have classified the Hadeeth of Ibn Abbaas as Da'eef...' Like this Athar there is nothing that stands against the Saheeh Ahaadeeth that pronounce the fasting on behalf of the dead. Ibn Abbaas (ra) himself narrated Saheeh Ahaadeeth which support the making of Qadaa (2, 4 and 6) then how can reports be attributed to him that contradict them (a, b, e and g)? Is it possible for a fair minded man to believe that Ibn Abbaas (ra) made Fatawaa (verdicts) which opposed the statements of the Messenger of Allah (saw) which he himself narrated? As for the Athar of Maalik (d) it is either Munqati' (has a linkage missing) or Mu'dil (mysterious, problematic). It says: (It reached me that Abdullah ibn 'Umar was questioned...) and it does not mention the person or people who reported to him the statement of Ibn 'Umar. The Hadeeth is therefore Da'eef and can not be correctly used as a proof.

The issue that remains from these reports is that related to feeding. 'Umar ibn Al-Khattaab, his son and Ibn Abbaas (rah) have all got reports coming from them that include the ruling of feeding. Some Ulamaa viewed that this view cancelled and negated the Qadaa and this is not correct at all. The Qawl (view) of feeding is found in the text like the Qawl related to Qadaa so they are at the level of Takhyeer (choice). So just as it is allowed for a Wali to fast on behalf of his dead he is also allowed to feed on his behalf instead of fasting. They are both allowed and one does not oppose or contradict the other. This is our view, we say that the Wali fasts on behalf of the dead and it is recommended for him to do so or he can feed (the poor) in the place of making Qadaa. It is therefore a choice between making Qadaa and feeding (the poor). There is nothing in the statements of 'Umar, his son or Ibn Abbaas (ra) which instruct the feeding that contradicts what has come in the Prophet Ahaadeeth that request the making of Qadaa.

In conclusion to what we have discussed in this issue we say that the person who dies and he has remaining (as a debt upon him) the fast of Ramadhaan, An-Nadhr or Kaffaarah then it is allowed for his Wali to fast on his behalf just as it is allowed for him to feed on his behalf. Therefore the opinion of Imaam Abu Haneefah, Maalik and the majority that: 'There is no fasting on behalf of the dead for the reason of Nadhr or any other reason' is an incorrect opinion which is completely undone and refuted by the Saheeh Prophetic Ahaadeeth that have permitted it.

I do not find it necessary to go into depth in to the opinion of those who have interpreted the Ahaadeeth regarding Qadaa that: The intended meaning is that the Wali feeds on his behalf. This ta'weel (interpretation is extremely weak and in fact it is completely invalid to come up with such an interpretation.

As for the claims from the Maalik scholars that the Ahaadeeth about fasting on behalf of the dead contain clashes then this is not correct. Rather there are no clashes and it is possible to bring together in understanding all of the perceived differences. Clashes in hadeeth is one thing and differences is another thing altogether.

What remains is the statement of Al-Laith, Ahmad Ishaq and Abu 'Ubaid which restricts the Qadaa of fasting to that of An-Nadhr. So I say the following: The permission to make Qadaa for the fast of An-Nadhr (oaths) is sound in the Saheeh Ahaadeeth so it is a correct view but limiting the Qadaa to it alone is a mistake. This mistake came from them by carrying over the general ahaadeeth about making Qadaa and putting them in line with those that mentioned An-Nadhr which lead them to come out with their opinion.

The correct view is that the Ahaadeeth talking about making Qadaa in a general manner cannot be specified or restricted by the Ahaadeeth that mention An-Nadhr when the Ahaadeeth that order the Qadaa in the case of An-Nadhr did not come to specify the Ahaadeeth that discuss Qadaa generally. Rather they came to mention a circumstance or situation from amongst the different situations where Qadaa was applicable. They came to mention a case from amongst the general cases and did not come to specify. So the fasting for the dead is Jaa'iz (permissible) and this is a general speech (Qawl Aam) and under this generality comes the case of An-Nadhr in addition to the situation of the Kaffaraat (expiations). There is a difference between mentioning a case from amongst the cases of generality and the specification of a general ruling. Ibn Hajar said: (Al-Laith, Ahmad, Ishaq and Abu 'Ubaid said: There is no fasting on another's behalf except in the case of An-Nadhr submitting the general hadeeth of 'Aa'isha to the restriction in the hadeeth of Ibn Abbaas. However there is no contradiction between them and they can be combined together. The hadeeth of Ibn Abbaas reflects an independent issue where he was asked by somebody who had faced that issue (i.e. of An-Nadhr). As for the hadeeth of 'Aa'isha (ra) then this establishes a general principle and the hadeeth of Ibn Abbaas fits into this generality where even he said in another report: 'The Debt to Allah is more worthy for Qadaa to be made for it'). With that it has been made clear that the rule of fasting Qadaa on behalf of the dead is not restricted to the situation of An-Nadhr and the correct view is that it is unrestricted and general for every fast.

**How and when is the Qadaa for missed fasts made?**

It is correct to make Qadaa for missed fasts in a consecutive manner just as it is allowed to do it in a way that spreads the fasts out and neither has been given preference over the other. It is correct (allowed) to make up missed fasts from Ramadhaan as soon as Eid is over just as it is allowed to wait for the month of Sha'baan before the following Ramadhaan. Both are allowed and rewarded with no sin is involved. The evidence for this is the speech of Allah (swt):

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

(So whoever is ill or on a journey then for him is (qadaa) from other days (after))

Baqarah:184

This Ayaah states 'From other days' without specifying this or restricting it. So the Qadaa remains 'Aam without Tahksees (specification) and Mutlaq (unrestricted) without Taqyeed (restriction). In whichever way it is fulfilled is rewarded and valid.

Imaam Abu Haneefah said: The obligation of Qadaa is wide without restriction and even if it's delayed to the next Ramadhaan. At-Tahaawi said: Consecutive and spread out is the same and the majority said: Qadaa is allowed in the whole year except for the two days of Eid and the days of Tashreeq. This therefore means the permission to delay until Sha'baan. The four Imaams, Al-Awzaa'i, Ath-Thawri, Ishaq and Abu Thawr agreed on permitting Tafreeq (separating/spreading out) the fasts and recommended the Tattaabi' (consecutive) fasting. This has also been reported to be the view of Mu'aadh, Ibn Abbaas, Anas and Abu Hurairah (ra). All of these views (statements) are correct except for the view of Imaam Abu Haneefah: Even if it enters the next Ramadhaan.

In contrast Abdullah Ibn 'Umar, 'Aa'isha, 'Urwah bin Az-Zubair, Al-Hasan Al-Basri, Ibraheem An-Nakh'i and Daawud bin 'Ali Azh-Zhaahiri hold the opinion that it is obligatory to fast consecutively so that their is not break in the days of fasting the Qadaa fasts. It has also been reported from Daawud the view that it is obligatory to make up for fasts immediately at all times. Muhammad bin -Al-Mundhir said: We reported from 'Ali Ibn Abi Taalib (ra) that he disliked to make in Dhul-Hijja and Al-Hasan Al-Basri and Ibn Shihaab also said this.

All of these statements (views) are incorrect because the Noble Ayaah obliged the Qadaa without restriction or specifying that it should be consecutive or occur immediately or not be undertaken (disliked/forbidden) in Dhul-Hijja. There are no Prophetic Ahaadeeth Saheehah that support these views and whoever wishes to restrict something must come with an evidence to do so. All that we have are Aathaar (reports) from the Sahaabah and Fuqahaa which show their differences and Ijtahaadaat. The Sahaabah (rah) and Fuqahaa are not capable to restrict the unrestricted or make the general specific because the specification and restriction are legislated matters and only the Shar'a can come with them.

For example Al-Bayhaqi (25804) narrated from 'Aa'isha, Ibn Abbaas, Abu 'Ubaidah 'Aamir bin Al-Jaraah, Mu'aadh ibn Jabal, Abu Hurairah, Anas bin Maalik and Raafi' bin Khadeej (rah) reports that allow the Tafreeq (separating) the Qadaa fasts of Ramadhaan. For example: (Count the number (of missed fasts) and fast them as you wish), (There is no problem in making Qadaa spread out), (Whoever has something on him (Qadaa fasts) then separate between them). Also Ibn Abi Shaibah reported (428-447/2) the view permitting the separation of fasts from Ibn Abbaas, Abu Hurairah, Anas, Mu'aadh bin Jabal, Raafi' bin Khadeej, Ubaid bin 'Umair, Abu Muhayreez and many other Taabi'een (rah). Abd -Ur-Razzaaq (243-244/4) also recorded the same from Ibn Abbaas, Abu Hurairah and Ibn

Muhayreez. Ad-Daaraqutni (192-3/2) narrated the same opinion from Abu 'Ubaidah bin Al-Jarraah, Mu'aadh bin Jabal, Abu Hurairah, Ibn Abbaas and Raafi' (rah).

In opposition to this Al-Bayhaqi reported two reports (259/4) from 'Ali (ra) that he said consecutive and Abd ur-Razzaq narrated it and said: (He did not see a problem with it being spread out/separated). It has been narrated about Ibn 'Umar (ra) that he did not separate the Qadaa of fasts missed from Ramadhaan. IbnShaibah and Abd ur-Razzaq narrated this also. Ad-Daaraqutni narrated the view of consecutive fasts from 'Aa'isha (ra) and said that its Isnaad (chain) was Saheeh.

The correct view is the first and its evidence is the Noble Ayah that came in a Mutlaq way. As for the decisive response to the opinion of making fasts up immediately then this comes from what has been reported by Ibn Khuzaimah (2051), At-Tirmidhi, and Ahmad on the authority of 'Aa'isha (ra) who said:

<<I did not make up anything of my fasts that I owed from Ramadhaan except in Sha'baan, until the Messenger of Allah (saw) was taken>>.

It is very unlikely that 'Aa'isha (ra) could have done this in the house of the Prophet (saw) without it being brought to his attention and is allowing of it. This text is suitable to be used as an evidence to indicate that the last time for making up fasts from Ramadhaan is the month of Sha'baan. Meaning that the Qadaa has to take place before the beginning of the next Ramadhaan otherwise it would have exceeded the bounds. If it was correct to delay the Qadaa until after the beginning of Ramadhaan then what benefit would 'Aa'isha's statement have brought. The opinion of the obligation of completing the Qadaa from a previous Ramadhaan before the beginning of another has been agreed upon by the Fuqahaa with the exception of what has been attributed to Abu Haneefah.

Just as it is allowed to fast consecutively or spread out in your own Qadaa fasts it is likewise permitted to do so for the dead. So the Wali of the dead fasts on his behalf in a row or separated without any difference between them and there is nothing in the texts that differentiates between fasting yourself and fasting on behalf of the dead in this issue.

As for delaying the Qadaa of the dead for more than a year then this is permitted. This is a difference with fasting for yourself which is waajib on him himself whereas fasting on behalf of the dead is permissible and not waajib on him. As long as it is a permitted action then he can undertake it as he wishes and delay if he wishes. It is even permitted for him not to do it at all. The obligation for the Wali to make the Qadaa within a year is therefore negated and not applicable to him.

As for the Wali and who he is? Well in the Arabic language the word Wali can have many meanings (lafzh mushtarak), for instance it can mean friend and it can mean ally. It can also mean a relation through marriage or neighbour, or following or obedient. It has come to mean the one who makes the decision amongst other meanings. There has not come a text that specifies the meaning of Wali in relation to the one who prays on behalf of the dead and due to this the Fuqahaa have differed in their interpretations of its meaning. It has been said a relative (unrestricted), or an inheritor or from his clan. My view however is that the term Wali refers to the one who is closest to the dead like the son or father or son. It is allowed for this Wali to fast the Qadaa fasts of what his dead has missed of fasts and he is rewarded two times for his action and the sin is removed from the dead with the pardon of Allah Al-Afu Al-Ghafoor.

Finally I say that if someone has missed two Ramadhaans or more then it is obligatory for him to make up all of his fasts. It is not enough for him to make up for the last Ramadhaan missed only because the obligation of making Qadaa does not fall from the person after the passing of more than a year on the fast that he missed. He will be sinful for his delaying and the obligation of responsibility will remain on him and there is no question that he must perform it.

## Part 5

### The Recommended Fasts (Siyaam At-Tatawwu')

#### Firstly: General Rulings

##### Fasting of a woman and the permission of her husband:

What concerns us here is the recommended fasting as there is no khilaaf (difference) amongst the Muslims that the woman does not need to ask the permission of her husband to perform the obligatory fasts or has he a right to prevent her. The Jumhoor (majority) have said: It is Haraam for a woman to fast a recommended fast and her husband is present except with his permission. Some of the Shafi'iyah said: It is very makrooh (strongly disliked) but not forbidden. An-Nawawi said: The correct view is the first, the view of the majority. He added: If she fasts without the permission of her husband then her fast is still valid even if the fasting was Haraam. It's being forbidden is linked to another matter than the fast itself and it is like the Salaah in the land which has been taken away (occupied). Ibn Hajar Al-Asqalaani said: If she fasted and her husband approached during the fast then he can invalidate her fast without it being disliked or in another meaning that he is ill and he is unable to engage in intercourse. Imaam Maalik said concerning the woman that fasts without seeking the permission of her husband: This issue differs; there are men who need their family and the woman would know about this so he does not like that she fasts without his permission and other women know that he is not in need of her so then in that case there is no harm for her to fast when she wishes.

The following evidences have been narrated in this issue:

13) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<It is not Halaal for a woman to fast whilst her husband is present except with his permission, and she is not allowed (to) in his house without his permission>> Al-Bukhaari (5195), Muslim and Ibn Maajah (1761), At-Tirmidhi, Ibn Hibbaan, Ahmad and Ibn Khuzaimah with the following wording:  
<<A woman does not fast a day whilst her husband is present without his permission except for the month of Ramadhaan>>. At-Tirmidhi said the hadeeth is Hasan Saheeh. Ad-Daarami (1721) and Abd-ur-Razzaq narrated:  
<<A woman does not fast Tatawwu'an (recommended fast) in other than Ramadhaan except with her husband's permission>>.

14) Abu Sa'eed Al-Khudri (ra) said:

<<The Messenger of Allah (saw) forbade the women from fasting except with the permission of their husbands>>  
Ibn Maajah (1762) with a Saheeh Sanad (chain). And also from him (Abu Sa'eed) that:  
<<...The Messenger of Allah (saw) said: The woman does not fast except with the permission of her husband>>.  
Abu Daawud (2459) extracted from a long hadeeth. Also collected by Ibn Hibbaan, Ahmad, At-Tahaawi and Al-Haakim verified it as Saheeh and Adh-Dhahabi agreed. Ibn Hajar Al-Asqalaani also verified it as Saheeh.

If we only had Hadeeth 1 which is Saheeh, it would be sufficient for us as it states: <It is not Halaal for a woman to fast whilst her husband is present except with his permission>. The wording 'it is not Halaal' means that it is Haraam. The wording 'whilst her husband is present except with his permission' has come in a general (Aam) manner in relation to seeking the permission of the husband so it cannot be said that this is linked to his need for his family because this is a specification without something that has caused it to be so (without evidence) which is not allowed. A specification did come however in relation to it being linked to other than the month of Ramadhaan, meaning the recommended fasts. The Ahaadeeth say: <...a day whilst her husband is present except for in Ramadhaan> and <The woman does not fast recommended fasts in other than Ramadhaan whilst her husband is present without his permission>. So we say that is not Halaal for a woman to fast a recommended fast except with her husband's permission. As for the obligatory fast, then she does not require her husband's permission.

### **The recommended fast and an invitation to eat:**

If someone is invited to eat with somebody whilst they are fasting a recommended fast then it has been legislated for them to accept the invitation. The fact that he is fasting does not prevent him from accepting, rather he goes then if he wills he can break his fast and eat and if he wills he can remain fasting and inform the host that he is fasting and make Du'a for him.

This is a selection of Ahaadeeth that relate to this matter:

16) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<If one of you is invited (for food) then respond and if you are fasting then make Du'a and if you are not fasting then eat>>.

Muslim (3520), Abu Daawud and At-Tirmidhi. There is a similar narration from An-Nasaa'i (10059) in his Sunan Al-Kubraa on the authority of Abdullah ibn Mas'ood (ra):

<<If one of you is invited (for food) then respond. If you are not fasting then eat and if you are fasting make du'a for blessings>>.

17) Also from Abu Hurairah (ra) that the Prophet (saw) said:

<<If one of you is invited to food whilst you are fasting then say: I am fasting>>.

Muslim (2702), An-Nasaa'i, At-Tirmidhi, Abu Daawud, Ibn Maajah and Ad-Daarami.

18) Anas (ra) said:

<<The Prophet (saw) entered upon Um Sulaim and she brought out dates and fat. He (saw) said: return the butter and dates to their containers because I am fasting. He then went over to the corner of the house and prayed a non-obligatory prayer and made Du'a fro Um Sulaim and the people of her household...>>

Al-Bukhaari (1982), Ahmad and Ibn Sa'd in At-Tabaqaat Al-Kubraa.

The meaning of these Ahaadeeth are clear.

We shall now examine the following Hadeeth on the authority of Abu Juhaifah who said:

<<The Prophet (saw) made Salmaan and Abu Dardaa brothers so Salmaan visited Abu Dardaa and saw Umm Dardaa dressed without effort and asked her what the matter was. She replied: Your brother Abu Dardaa does not have a concern for

anything of this Dunya. Abu Dardaa then came and Salmaan had some food for him. He (Salmaan) said: Eat. He replied: I am fasting. He (Salman) said: I am not going to eat until you eat. He said: Ok I will eat. When night came Abu Dardaa came to pray Qiyaam (tahajjud) and Salmaan told him to go back to sleep. He slept and then returned and again he was told to sleep. When the last part of the night came Salmaan said: Now stand for prayer and they both prayed. Salmaan then said: Verily your Rabb (lord) has a right over you, you have a right over yourself and your family has a right over you so give to everyone its due right. The Prophet (saw) came and what happened was mentioned to him and he said: Salmaan spoke the truth>>.

Al-Bukhaari (1968), At-Tirmidhi, Ibn Khuzaimah and At-Tabaraani.

Ad-Daaraqutni (176/2) and Al-Bayhaqi narrated the following version:

<<...Verily your brother stands the (whole) night in prayer and fast the day and he has no need for the women of this Dunya. Abu Dardaa came, Salmaan welcomed him and brought food close to him. Salmaan told him to eat. He replied: I am fasting. He said: I have sworn that you will break your fast and said: I will not eat until you eat, so he ate with him...>>

This Hadeeth indicates a number of Ahkaam (rulings): Firstly, that it is allowed to break a recommended fast and this has been discussed in the section (The Qadaa of the recommended fast). Also it demonstrates that moderation is legislated in Ibaadah (acts of worship) like those related to fasting and Qiyaam ul-Lail. It also demonstrates that attending to the rights of your wife comes before the recommended fasts and night prayers. Finally it shows that it is allowed for the one inviting to encourage (urge) the one being invited to eat with him and break his fast.

### **Fasting In Winter:**

It is well known that the Shar'a Al-Haneef has legislated ease on the worshippers as a mercy for them and a favour from Allah (swt). It is therefore recommended for the Muslim to take the easier option from amongst issues unless sin could be involved in which case he would refrain from it. 'Aa'isha (ra) said: <<There was not an issue of choice except that the Messenger (saw) took the easier of the two as long as no sin involved because he was the furthest of people from committing a sin...>>.Al-Bukhaari (3560), Muslim, Abdu Daawud, At-Tirmidhi, Malik and Ahmad.

Based on this a Muslim if he wishes to can choose to fast the colder and shorter days i.e. choose to fast in the winter season and not to cause himself to suffer hardship by choosing to fast in the hot and long days of the summer season under the pretext of the (greater) reward due to hardship like some of the obstinate people have done and said in issues of the deen. 'Aamir bin Mas'ood Al-Jumahi said that the Messenger of Allah (saw) said: <<The fasting in winter is like a cold booty (prize)>>. Reported by Ahmad (19167), At-Tirmidhi, At-Tabaraani and Ibn Khuzaimah. At-Tirmidhi said: This Hadeeth is Mursil. People have disagreed in regards to 'Aamir bin Mas'ood whether he is a Sahaabi or Taabi'i. Al-Bukhaari, At-Tirmidhi and Ibn Mo'een consider him a Taabi'i and Ibn Mundih, Ibn Abd ul-Barr and Ibn Hibbaan have recorded his name with the Sahaabah so his case is disagreed upon. What the Muhadditheen have differed on is allowed to be used as an evidence and legal text.

### **Fasting whilst in Jihaad:**

Verily Jihaad is the highest peak of Islaam, its reward is great and its goodness is vast. If this action is brought together with that of Fasting with what it brings of hardship, then the reward becomes increased to the point where Allah (swt) causes the one who does it to be distanced seventy years from the fire. A part of Jihaad is the Ribaat (guarding the frontiers) in the way of Allah and therefore fasting in it is like the reward of fasting whilst in Jihaad. The following Ahaadeeth have been reported which illustrate the merits of fasting whilst in Jihaad:

13) Abu Sa'eed Al-Khudri (ra) said that he heard the Messenger of Allah (saw) say:  
<<Whosoever fasts one day fee sabeel lillah (in the way of Allah in Jihaad) then Allah distances his face seventy Autumns away from the fire>>.

Al-Bukhaari (2840), Muslim, An-Nasaa'i, At-Tirmidhi, Ibn Maajah and Ahmad. Ibn Maajah also reported (1718) with An-Nasaa'i, At-Tirmidhi and Ahmad the hadeeth on the authority of Abu Hurairah. It was reported by Abu Shaibah (572/4) on the authority of Anas (ra). An-Nasaa'i (2252) reported it also on the authority of 'Uqbah bin 'Aamir (ra) and At-Tabaraani (2194) in Al-Mu'jam al-Awsat on the authority of Jaabir (ra) and in it (the chain) is Buqyah bin Al-Waleed.

14) On the authority of Abu Dardaa who said that the Messenger of Allah (saw) said:  
<<Whosoever fasts whilst in the way of Allah (in Jihaad) then Allah places between him and the fire a trench which is like what is between the heaven and the earth>>. Narrated by At-Tabaraani in Al-Mu'jam As-Sagheer (449) and al-Mu'jam Al-Awsat with an Isnaad (chain) which al-Haithami and Al-Mundhiri classified as Hasan. At-Tirmidhi narrated the Hadeeth from the authority of Abu Umaamah (ra) and said that this hadeeth is Ghareeb.

It is worth pointing attention to the fact that if a hadeeth is said to be Ghareeb this does not mean that it is Da'eef (weak) as some have alluded to. Ghareeb is a name/term that is shared across Saheeh, Hasan and Da'eef so it could be said that a hadeeth is Saheeh Ghareeb, hasan Ghareeb or Da'eef Ghareeb. Ghareeb is a hadeeth that has one unique reporter in its chain. If this Raawi (narrator) is just and trustworthy then the hadeeth is Saheeh, and if he is honest and no problem is found with him then it is Hasan. If the Raawi is suspected or accused in his trustworthiness and justness then the Hadeeth is Da'eef and is abandoned.

15) 'Uqbah bin 'Aamir (ra) said that the Messenger of Allah (saw) said:

<<Whosoever fasts a day in the way of Allah Azza wa Jall Allah distances him a distance of one hundred years from Janahannam (hellfire)>>.

An-Nasaa'i (2254). Abd ur-Razzaq (9684) and At-Tabaraani in his Mu'jam Al-Awsat and Al-Kabeer related it on the authority of 'Amru bin Abasah (ra). Al-Haithami said: Its people (narrators) are trustworthy. Al-Mundhiri: Said that the Isnaad has no problem/fault with it. Abd ur-Razzaq (9683) narrated a version from Abu Umaamah: <<Whosoever fasts a day in the way of Allah, Allah will distance his face a distance of a hundred years from the fire, galloping the fast lean horse>>.

General texts have come in relation to fasting covering the obligatory and recommended fasts. The issue regarding the recommended fasting is apparent but the obligatory fast if it is in the situation of travelling or similarly Jihaad in the way of

Allah then its performance has not been specified. It is correct to break the fast in this case. Then evidences have come encouraging the fast of its kind in the situation of Jihaad in the way of Allah and it is not correct restrict these texts to the obligatory fasts.

As for the statement 'in the way of Allah' then wherever it is found it refers to Jihaad i.e. the fighting of Kuffar and is not taken away from this meaning except with a Qareenah (linkage) and in this issue a qareenah to another meaning is absent. It therefore remains on its original meaning which is Jihaad.

### **It is correct (allowed) to cut short the recommended fast:**

It is allowed for the one who fasts a recommended fast to break it or cut it short when he wishes for a reason or excuse or without one. We have already mentioned the Ahaadeeth that mention this in the section: (The Qadaa of the recommended fast) in the chapter (The Qadaa of fasting). In that section we said: Verily the permission to cut short the recommended fast has come in many Ahaadeeth and have come without mentioning a reason linked to it. It is therefore not allowed for anyone in accordance with these Ahaadeeth to prohibit the cutting short or breaking of the recommended fast or to restrict it to an excuse. Whoever wishes to can go back and revise or refresh the topic.

### **Fasting in the days of the week:**

It is valid to fast a recommended fast in any day of the week. The fasts of Monday and Thursday have been mentioned in the texts as we mentioned earlier. Fasting has also been linked to all other days of the week except for isolating the days of Jum'ah (Friday) and Saturday. This means that whoever wishes to fast Friday or Saturday is required to fast a day before or after them. He can pray Friday and Saturday, Thursday and Friday or Saturday and Sunday. This is unless the day of Arafah or A'ashooraa falls on any of these days in which case it is permissible to fast them in isolation to other days. This is because these fasts have been legislated within another context.

The following are a selection of Ahaadeeth related to this issue:

- 7) On the authority of Umm Salamah (ra) the wife of the Prophet (saw) who said:  
<<The Messenger of Allah (saw) used to fast Saturday and Sunday more than other days and would say these are the two days of Eid celebrated by the Mushrikeen (idol worshippers) and I like to oppose them>>.  
Ahmad (26750), Al-Bayhaqi and At-Tabaraani in Al-Mu'jam Al-Awsat. Ibn Khuzaimah, Ibn Hibbaan and Al-Haakim narrated it and verified it as Saheeh. Just as Ibn Hajar and Adh-Dhahabi also verified it as Saheeh.
- 8) 'Ubaidullah bin Muslim Al-Qarashi narrated that his father said:  
<<I asked or the Prophet (saw) was asked about Siyaam Ad-Dahr? He said: Verily in your family you have a right. Fast Ramadhaan and the one that follows it and every Wednesday and Thursday. Then you would have fasted the fast of Ad-Dahr>>.  
Abu Daawud (2432), An-Nasaa'i in As-Sunan Al-Kabraa and Al-Bukhaari in the book 'At-Tareekh Al-Kabeer. At-Tirmidhi narrated it and said it was Ghareeb.
- 9) Kaithamah said that 'Aa'isha (ra) said:

<<The Messenger of Allah (saw) used to fast from a month the days of Saturday, Sunday and Monday and from another month Tuesday, Wednesday and Thursday>>.

Narrated by at-Tirmidhi (743) who said it was Hasan.

This third Hadeeth includes weakness but At-Tirmidhi classified it as Hasan so it is allowed to take it and especially because in this issue it does not contradict a Saheeh Hadeeth. As for what 'Abdullah bin Busr narrated when he said that the Messenger of Allah (saw) said: <<Do not fast Saturday unless it is obligatory and if one of you does not find except a grape vine or vein of a tree then suck from it>>. Ibn Maajah (1726), An-Nasaa'i and Ahmad. Ibn Hibbaan and Al-Haakim both narrated it and verified it as Saheeh as did As-Sakan and At-Tirmidhi classified it as Hasan. At-Tahaawai however said that this Hadeeth is Shaadh (out of place) and Ahmad and Maalik classified it as Da'eef. Abu Daawud narrated (2421) from the sister of Abdullah that he said at the end of it (the Hadeeth) that this Hadeeth has been abrogated. There is no doubt therefore that this Hadeeth contains weakness but I do not say that the Hadeeth is weak. If this hadeeth contradicted the first Saheeh hadeeth and it was not possible to reconcile between them then it must inevitably be rejected. If it does not contradict it and reconciliation is possible between them then it is allowed to take it and use it as an evidence.

By examining this issue we can say that it is possible to bring these evidences together easily and work with both. I say that the prohibition of fasting Saturday in this Hadeeth is directed to isolating it. As for fasting it with the day before or after then that goes outside of this prohibition. What supports this view, is his (saw)'s request to the one who wants to fast Jum'ah to fast the Saturday after it or Thursday before it. Bringing evidences together when possible is better than saying that one has been abrogated or must be rejected.

In relation to fasting the day of Jum'ah the following has been reported:

10) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<< None of you should fast the day of Jum'ah unless you fast the day before or after it>>.

Muslim (2683), Al-Bukhaari, Abu Daawud, Ahmad and Ibn Hibbaan. Muslim (2684) and An-Nasaa'i also narrated: <<Do not specify the night of Jum'ah (Thursday night) for standing in prayer from amongst the nights and (similarly) do not single out the day of Jum'ah for fasting from amongst the days except if they were accustomed to fasting on dates that co-incide>>.

11) Muhammad ibn 'Ubaad (Abbaas) said:

<<I asked Jaabir (ra): Did the Prophet (saw) forbid fasting the day of Jum'ah? He replied: Yes. Other narrators added, "If he intends to fast only that day">>.

Al-Bukhaari (1984), Muslim, An-Nasaa'i, Ibn Maajah and Ahmad.

12) Juwairiyah Bint Al-Haarith (ra) narrated that:

<<The Prophet visited her (Juwairiya) on a Friday and she was fasting. He asked her, "Did you fast yesterday?" She said, "No." He said, "Do you intend to fast tomorrow?" She said, "No." He said, "Then break your fast">>.

Al-Bukhaari (1984), An-Nasaa'i, Ahmad, Ibn Hibbaan and At-Tahaawi.

13) Basheer ibn Al-Khasaasiyah (ra) said:

<<He asked the Prophet (saw): I fast the day of Jum'ah and I don not speak to anyone on that day? The Prophet (saw) replied: Do not fast Jum'ah except if it is amongst other days...>>

Ahmad (22300) and its chain is Saheeh..

14) Abdullah Ibn Mas'ood (ra) said:

<<The Messenger of Allah (saw) used to fast three days from the beginning of every month and would rarely break his fast (not fast) on the day of Jum'ah>>.

An-Nasaa'i (2368), At-Tirmidhi, Ibn Maajah, Ahmad, Ibn Hibbaan, Ibn Khuzaimah and Al-Bayhaqi. Tirmidhi said that it is Hasan Ghareeb and Ibn Hazm verified it as Saheeh.

15) Abu Hurairah (ra) said:

<<It was not me who prohibited fasting on the day of Jum'ah. Rather it was Muhammad (saw) and the Lord of the Ka'bah who forbade it>>.

Ibn Hibbaan (3609), Ahmad, Ibn Khuzaimah and Abd-ur-Razzaaq and its chain is Saheeh.

16) 'Aamir bin Ludain Al-Ash'ari (ra) said: I heard the Messenger of Allah (saw) saying:

<<The day of Jum'ah is your Eid so do not fast on it unless you fast what is before it or after it>>.

Al-Bazaar (1069) with a Sanad that Al-Haithami said was Hasan. Ahmad and Al-Haakim reported from the authority of Abu Hurairah (ra).

We have said that the prohibition was concerning the singling out (isolation) of the day of Jum'ah for fasting. We also said that whoever wished to fast it should add to it the fast of the day before it or after. Hadeeth 4,5,7 and 10 are evidences supporting this ruling, and the meaning of the text in each is clear. We also say that hadeeth 6 guides to this ruling, Jurairiyah (ra) was fasting on the day of Jum'ah and the Messenger of Allah (saw) wanted to know if she had singled out Jum'ah or that she had fasted Thursday when he said: (Did you fast yesterday?). When he knew that she had not fasted Thursday he asked her if she intended to fast Saturday when he said: (To you want to fast tomorrow?). When he had ascertained that she did not intend to fast Saturday and that she had singled out (isolated) Jum'ah for fasting then he ordered her to break it, which means that he forbade her from fasting Friday (Jum'ah) alone. As for the Hadeeth number 8 narrated by Ibn Mas'ood (ra) then it carries that the Messenger of Allah (saw) had fasted Jum'ah with what was before or after it. This was where the Messenger (saw) fasted a lot and the day of Jum'ah entered amongst the days he was fasting and this Hadeeth does not indicate that the Messenger (saw) would single out the day of Jum'ah for fasting. As for Hadeeth number 9 then there is no doubt that the prohibition in it is applied on the singling out of Jum'ah for fasting and with this understanding we have made all the Ahaadeeth work together and have removed any apparent contradictions.

Therefore I say that the recommended fast is valid in any day of the week without Shuroot (conditions). This is with the exception of Friday (Jum'ah) and Saturday (Sabt) as they have the condition that they are not fasted in isolation but rather joined to the fast of the day before or after.

Now let us look at the following Hadeeth which is away from the area of Istidlaal and research narrated by Alqamah: << I asked 'Aisha "Did Allah s Apostle, use to choose some special days (for fasting)?" She replied, "No, but he used to be regular (constant) (in his service of worshipping). Who amongst you can endure what Allah's Apostle used to endure? >>.

Al-Bukhaari (1987), Muslim, Abu Daawud and Ahmad.

Amongst those who have prevented the isolated fasting on the day of Jum'ah are Ahmad Bin Hanbal, a section of the Shaafi'iyah and Ibn Hazm. It has also been reported from 'Ali, Abu

Hurairah, Salmaan and Abu Dharr (rah). Ibn Hazm said: We do not know of any Sahaabah that differed with this view.

Abu Haneefah, Maalik, his people and a section of the Shaafi'iyyah viewed that it was not disliked to single out Jum'ah for fasting. The Ahnaaf used the Hadeeth of Ibn Mas'ood (8) as an evidence. Al-Muzni reported from Ash Shaafi' that it is not disliked except if his fast weakens him from his Ibaadah. Ad-Daawudi said: It could be that the prohibition did not reach Maalik.

The majority have held to the view of forbiddance, that this forbiddance is for purifying i.e. for something disliked. The correct opinion is the view of the majority as we have illustrated.

## **Secondly: The different types of Recommended fasts**

### **Fasting what is easy (maa tayassara) from every month:**

This is what the Messenger of Allah (saw) used to do and there was not a month that passed except that he would fast some days from it. It is also not known from him that he fasted a complete month in its entirety except for the month of Ramadhaan.

Abdullah Bin Shaqeeq said: <<I said to 'Aa'isha (ra): Did the Messenger of Allah (saw) fast a complete month? She replied: I am not aware of him fasting an entire month except for Ramadhaan and he did not abstain from fasting an entire month except that he fasted from it until he went on his way (saw)>>.

Muslim (2718), An-Nasaa'i and Ahmad.

Abu Salamah (ra) said: <<I asked 'Aa'isha (ra) about the fasting of the Messenger of Allah (saw). She said: He used to fast until we would say that he fasted and would abstain until we would say he has abstained. And I have not seen him fast more in a month than what he fasted in Sha'baan, he used to fast all of Sha'baan, all of Sha'baan except a little>>.

Muslim (2722), Al-Bukhaari, Abu Daawud, An-Nasaa'i, Ibn Maajah, Ahmad and Ibn Hibbaan.

Ibn Abbaas (ra) said: <<The Messenger of Allah (saw) did not ever fast an entire month except for Ramadhaan. He used to fast in a manner where someone would say: By Allah he doesn't break his fast and then he would break his fast for a period until someone would say that he doesn't fast>>

Muslim (2724), Ad-Daarami. Also narrated by At-Tirmidhi (765) on the authority of 'Aa'isha (ra).

### **Fasting day after day (consecutively):**

The best form of recommended fasting is to fast a day and leave a day and this is what the Prophet of Allah Daawud (as) would do. There is no fast better than it except the obligatory fast. The Muslim should not do more than this, but stops at that and does not exceed it under any circumstances. There are many texts that mention and explain its merit and forbid increasing upon it. I will mention a selection of evidences that show this:

7) Abdullah Ibn 'Amru (ra) said:

<<Allah's Apostle said to me, "The most beloved fasting to Allah was the fasting of Daawud (as) who used to fast on alternate days. And the most beloved prayer to Allah was the prayer of Daawud (as) who used to sleep for (the first) half of the night and pray for 1/3 of it and (again) sleep for a sixth of it>>.

Al-Bukhaari (3420), Muslim, Abu Daawud, An-Nasaa'i, Ahmad, Ad-Daarami and Ibn Maajah.

8) Abdullah Ibn 'Amr said:

<<Allah's Apostle was informed that I had taken an oath to fast daily and to pray (every night) all the night throughout my life (so Allah's Apostle came to me and asked whether it was correct): I replied, "Let my parents be sacrificed for you! I said so." The Prophet said, "You cannot do that. So, fast for few days and give it up for few days, r ray and sleep. Fast three days a month as the reward of good deeds is multiplied ten times and that will be equal to one year of fasting." I replied, "I can do better than that." The Prophet said to me, "Fast one day and give up fasting for a day and that is the fasting of Prophet Daawud (as) and that is the best fasting." I said, "I have the power to fast better (more) than that." The Prophet said, "There is no better fasting than that">>.

Al-Bukhaari (1976), Muslim, Abu Daawud, An-Nasaa'i and Ahmad. In another narration from Al-Bukhaari (1980), Muslim and An-Nasaa'i <<...There is no fasting above the fasting of Daawud (as) throughout the ages. Fasts a day and break fast a day>>. And in a version collected by Ahmad (6867): <<...He said: Fast the fast of the Prophet of Allah Daawud (as) and do not add upon it. I said: O Messenger of Allah: What was the fasting of Daawud (as)? He used to fast one day and then break fast the next day>>.

9) Abdullah Ibn 'Amr said:

<<My father got me married to a lady of a noble family, and often used to ask my wife about me, and she used to reply, "What a wonderful man he is! He never comes to my bed, nor has he approached me since he married me." When this state continued for a long period, my father told the story to the Prophet who said to my father, "Let me meet him." Then I met him and he asked me, "How do you fast?" I replied, "I fast daily," He asked, "How long does it take you to finish the recitation of the whole Quran?" I replied, "I finish it every night." On that he said, "Fast for three days every month and recite the Qur'an (and finish it) in one month." I said, "But I have power to do more than that." He said, "Then fast for three days per week." I said, "i have the power to do more than that." He said, "Therefore, fast the most superior type of fasting, (that is, the fasting of (prophet) David who used to fast every alternate day; and finish the recitation of the whole Qur'an In seven days." I wish I had accepted the permission of Allah's Apostle as I have become a weak old man...>>.

Al-Bukhaari (5052), An-Nasaa'i, At-Tahaawi and Ibn Hibbaan. Ahmad (6477) narrated a version. His statement that 'if only I had taken/accepted the Rukhsah of Allah' reflects that when Abdullah became old and weaker he began to find it very difficult in hardship to fast and break fast every other day respectively. He wished that he would have accepted one of the lighter options provided to him by the Messenger of Allah (saw). This can be further explained by this report from Muslim (2729): <<...He said fast a day and then leave a day and that is the fast of Daawud (as). It is the best fast. He said: I said: I am capable of doing more than that and the Messenger of Allah (saw) said: There is nothing better than that. Abdullah ibn 'Amr said: <<If only I had accepted the three days that the Messenger of Allah (saw) mentioned, then this would have been more beloved to me than my family and money (combined)>>.

These texts show with greatest amount of clarity that the best fast is that of Daawud (as), it is the most beloved to Allah, nothing is better than it and there is no fast above it with the command of the Noble Prophet not to exceed it. Abu Haamid Al-Ghazaali held the view that

the Sawm of Ad-Dahr (every day continuously) is better than the fast of Daawud (as). This is because it is more action and thus more reward. This opinion has no basis. It is like saying ten or twenty circuits of the Ka'bah in Hajj is better than seven, and that staying in Mina for more than three days is better, or the Sa'iy between Safaa and Marwaa twenty times is better. If we were to do this then we would open a door from amongst the doors of Ash-Shaytaan (the devil). We would drown in an abyss and in excess, we would become completely removed from the noble Prophetic guidance and would be completely distanced from what Allah (swt) has legislated in terms of Ahkaam and Ibaadaat. In response Ibn Hazm has said: When the Messenger (saw) informs that there is nothing better than it then it becomes true that whoever fasts more than that has diminished the merits (rewards). If the merits have diminished then there is no doubt that the increase has no worth and the action will have no reward. In fact it will negate the reward and it is true that is not Halaal in origin.

### **Fasting three days of the month:**

Amongst the recommended fasts that have been legislated is the fast of three days every month. Texts have come mentioning it and encouraging its performance and that whoever fasts it is as if he has fasted the whole of time. This is because the reward of it is ten times more so three days is equal to thirty days which is a complete month. Whoever does this continuously every month then it is as if he has fasted all of the months and the entire year which is the fast of Ad-Dahr. In addition to the rewards of this action fasting three days in the month also cleans the breasts and hearts from its filth and disease like whispers, maliciousness, spite and aggression and their like. A Muslim therefore pays great attention to fasting it so that he can extract its goodness in this Dunya and the goodness of the Aakhirah. The following are a selection of evidences that mention these merits:

10) Abu Hurairah (ra) said:

<<My companion advised me with three things that I should not abandon until I died: Fasting three days of every month, the Duhaa prayer and sleeping upon Witr>>.

Al-Bukhaari (1178), Muslim, Abu Daawud, An-Nasaa'i, At-Tirmidhi, Ahmad and Ad-Daarami.

11) Abu Hurairah (ra) said that he heard the Messenger of Allah (saw) saying:

<<The month of Sabr (patience) and three days from every month are the fasting of Ad-Dahr>>.

An-Nasaa'i (2408), Ahmad, Ibn Hibbaan and Abu Daawud At-Tayaalissy. The month of patience means Ramadhaan.

12) Abdullah Ibn 'Amru (ra) said that the Messenger of Allah (saw) said to him:

<<... If You suffice to fast three days of every month then you will have for every Hasanah (good deed) ten of its kind, then that will be entirely equal to the fasting of Ad-Dahr...>>

Al-Bukhaari (1975). Ibn Hibbaan and At-Tahaawi with a different wording.

13) Abdullah ibn 'Amru (ra) said:

<< The Messenger of Allah (saw) was informed that I had taken an oath to fast daily and to pray (every night) all the night throughout my life (so Allah's Apostle came to me and asked whether it was correct): I replied, "Let my parents be sacrificed for you! I said so." The Prophet said, "You cannot do that. So, fast for few days and give

it up for few days, r ray and sleep. Fast three days a month as the reward of good deeds is multiplied ten times and that will be equal to one year of fasting (Siyaam ad-Dahr)" ...>>

Al-Bukhaari (1976), Muslim, Abu Daawud, An-Nasaa'i and Ahmad. This Hadeeth was previously mentioned in the section (Fasting consecutively).

- 14) 'Uthmaan bin Abi Al-'Aas (ra) said that he heard the Messenger of Allah (saw) saying: <<A good fast is three days of every month>>.

An-Nasaa'i (2411), Ahmad, Ibn Hibbaan, Ibn Khuzaimah and Ibn Abi Shaibah.

- 15) Abu Dharr (ra) said that the Messenger of Allah (saw) said:

<<Whoever fasts three days of every month then that is the fasting of ad-Dahr (the whole year). Allah Azza wa Jalla revealed and affirmed this in his book: Whoever comes with a Hasanah then he has ten of its kind. And one day is therefore equal to ten days>>.

Ibn Maajah (1708). At-Tirmidhi reported it and verified it as Hasan. Ahmad, Ibn Hibbaan and Abu Daawud at-Tayaalissy also recorded it with variations and As-Suyooti said it was Hasan.

- 16) Mu'aawiyah Bin Qurrah repoted from his father Qurrah ibn Iyyaas that the Prophet (sa) said:

<<He said that the fasting of three days in a month equals the fasting of Ad-Dahr and its Iftaar>>.

Ahmad (16357), Al-Bazaar and At-Tabaraani in al-Mu'jam al-Kabeer. Al-Haithami said: the narrators of Ahmad are Saheeh. The meaning of 'the fast of ad-Dahr and its Iftaar' is that in spite of the Muslim not fasting the whole month i.e. being in the state of Iftaar he will still have the Siyaam of Ad-Dahr (the whole month) written for him (in reward).

- 17) Yazeed bin Abdullah bin Ash-Shikhkhair from al-'Aaraabi who said that he heard the Messenger of Allah (saw) say:

<<Fasting the month of As-Sabr (Ramadhaan) and three days of every month causes the cleansing of the ailments of the chest (heart)>>.

Ahmad (23458), Ibn Hibbaan, Al-Bayhaqi and At-Tabaraani in Al-Mu'jam Al-Kabeer. Al-Bazaar (1057) narrated a version from Ibn Abbaas (ra) and An-Nasaa'i (2385) narrated from a man from amongst the Sahaabah of the Prophet (saw) the following: <<...Shall I not inform you what will get rid of the ailments of the heart? Fasting three days from every month>>. The fact that the Sahaabi is unknown does not cause harm because all of them are trustworthy.

These Ahaadeeth indicate that fasting three days of every month is recommended. This is what all of the Fuqahaa have agreed upon despite disagreeing on the specifying of the three days. The opinion of Abu Haneefah, his two companions, Ash-Shaafi and his followers, Ahmad, Ishaq bin Raahuwiyah and Ibn Habeeb from the Maalikiyyah is that these days are the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> of the month. This is also the view of 'Umar Ibn Al-Kattaab, Abdullah Ibn Mas'ood, Abu Dharr and many of the Taabi'een. Maalik viewed it disliked to appoint or designate days for it and that the Sunnah is to fast three days which are not specified. Al-Hasan Al-Basri recommended three days from the beginning of the month and Ibraheem An-Nakh'i recommended three from the end of the month. Ibn Sha'baan from the Maalikiyyah

recommended the first day of the month along with the 11<sup>th</sup> and 20<sup>th</sup> days. Others have said it is recommended to focus on Monday and Thursday. Al-'Iraaqi held this view.

The correct view is that it is better to fast these days in one of two possible ways: Either fast them in the days of Al-Beed al-Ghurr which are the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> of the month or fast the days on Monday and Thursday. There are evidences that support both of these so it is recommended to choose these days to fast the three from and there is no preference of one choice over the other.

Those who have restricted the recommendation to one of these alone has made an error, just as the one who disliked specifying a day made an error or who came up with other than these two possibilities. I have not found one Faqeeh in my reading that has placed these two possibilities at the same level or with the same regard. I will now mention the evidences that encourage fasting the three days of the month on the days of Al-Beed Al-Ghurr (13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>) and then those that encourage fasting the three days on Monday and Thursday:

**Firstly: The evidences that encourage the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> (Ayaam Al-Beed Al-Ghurr):**

8) Jareer Ibn Abdullah (ra) said that the Prophet (saw) said:

<<Fasting three days of every month is the fast of Ad-Dahr (continuous), the days of Al-Beed the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>>>.

An-Nasaa'i (2420) with a Saheeh Isnaad. At-Tabaraani also recorded it in Al-Mu'jam As-Sagheer as well as Abu Ya'la and Al-Bayhaqi in Ash-Shu'ab.

9) Milhaan Al-Qaisi said:

<<The Messenger of Allah (saw) used to order us to fast Al-Beed, the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>. He said: They are like Ad-Dahr>>.

Abu Daawud (2449), An-Nasaa'i, Ibn Maajah, Ahmad, Ibn Hibbaan and Al-Bayhaqi.

10) Abu Dharr (ra) said:

<<The messenger of Allah (saw) used to command us to fast from the month the three days of Al-Beed: the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>>>.

An-Nasaa'i (2423) and At-Tirmidhi who verified it as Hasan.

11) Moosa bin Talhah reported from Abu Hurairah (ra):

<<An Arab (Bedouin) came to the Messenger of Allah (saw) with a rabbit that he had grilled and presented it to him between his hands. The Messenger of Allah (saw) took it but did not eat from it and ordered the people to eat. The Arab refrained from eating so the Prophet (saw) asked him: What has prevented you from eating? He replied: I am fasting three days from the month. He (saw) said: If you are fasting them then fast Al-Ghurr>>.

Narrated by An-Nasaa'i (2421), Ibn Hibbaan and Ahmad with a Saheeh Sanad. An-Nasaa'i (2428) also collected from Moosa Bin Talhah the following version:

<<...So the Prophet (saw) asked: What's wrong? He replied: I am fasting so the Prophet (saw) said to him: Use the three of Al-Beed, the 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>>>. This acts as the Tafseer (explanation) of the previous narration when it said 'Fast Al-Ghurr'. An-Nasaa'i has in fact recorded a number of similar ahaadeeth to this one.

**Secondly: The evidences that encourage fasting the three days on the two days of Monday and Thursday**

5) Abdullah Ibn Amr (ra) said:

<<The Messenger of Allah (saw) used to fast three days from every month. A Monday from the beginning of the month, then the Thursday that followed it and then the following Thursday>>.

Recorded by An-Nasaa'i (2414) with a Jaiyyid (good) Sanad. Ahmad (5643) narrated the following Lafzh (wording/version):

<<The Prophet (saw) used to fast three days from every month: Thursday from the beginning of the month, the Monday that followed it and then the Monday that followed that>>.

6) Umm Salamah (ra) said:

<<The Messenger of Allah ordered the fasting of three days: The first Thursday and then the following two Mondays>>.

An-Nasaa'i (2419) and Ahmad.

7) Umm Salamah (ra) said:

<<The Messenger of Allah (saw) used to fast three days from every month: The Monday and Thursday from this Jum'ah (i.e.this week) and then the following Monday>>.

An-Nasaa'i (2365).

8) Hunaidah Al-Khuza'i narrated from her mother that:

<<I entered upon Umm Salamah and asked her about fasting. She said: The Messenger of Allah (saw) used to tell me to fast three days from every month. The first of them on Monday and Thursday>>.

Abu Daawud (2452) and Al-Bayhaqi. Imam Ahmad (27013) reported the following Lafzh:

<<The Messenger of Allah used to order me to fast three days from every month. The first of them Monday and (then) Friday and Thursday>>.

9) Hafsa the wife of the Prophet (saw) said:

<<That the Prophet (saw) used to fast three days from every month: Monday, Thursday and then the Monday from another Jum'ah (week)>>.

Ahmad (2699), Abu Daawud and Al-Bayhaqi.

Whoever chooses to fast the three days in the middle of the month (13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup>) then this is the best and whoever chooses to fast them on the two days of Monday and Thursday then this is also the best. These evidences are a reply to Maalik who viewed dislike in specifying the days and I have not seen a Shubhah Daleel (an evidence to give validity) except for what Muslim (2744), Ibn Maajah, At-Tirmidhi, Ahmad, Ibn Hibbaan, Ibn Khuzaimah and Al-Bayhaqi reported from Mu'aadhah Al-'Adawiyah that she asked 'Aa'isha (ra) the wife of the Prophet (saw):

<<Did the Messenger of Allah (saw) use to fast three days from every month? She replied: Yes. She (then) asked: Which days of the Month did he fast? She replied: I did not pay attention which days of the month he would fast>>.

This Hadeeth and final word from Aa'isha (ra) can be understood to be a description of the fasting of the Messenger of Allah (saw) in what was normal and well known for him to do. And what was normal and well known for him was to fast more than three days in a month so the statement of 'Aa'isha was a description of his fasting in general and not restricted to describing how or the days he would fast the three days. When he fasted ten days in a month he would not stick to the days of Al-Beed or Mondays and Thursdays and would fast

any day he wished to choose. This Hadeeth is therefore not strong enough to oppose the previous Ahaadeeth and in fact does not oppose them but has rather come in a general way about the recommended fasts. The previous Ahaadeeth have however come in a specific way related to the fasting of three days in a month.

### **Fasting Mondays and Thursdays:**

This is the third kind of recommended fasting and whoever performs this fast would fast eight days from the month. Two days a week for the four weeks of the month. These two days were recommended by the Messenger of Allah (saw) because these are the days in which the actions of the servants are brought forth. The doorways to Jannah are opened in them and every Muslim is forgiven except for the Mutakhaasimaini and Mutahaajizaini and Monday was the day that Al-Mustafaa (saw) was born and the day in which the Quran was revealed. The Muslim is therefore very eager for his actions to go forth to his Rabb Azza wa Jalla whilst he is fasting these two days so that he can better achieve the forgiveness of Allah. Here is a selection of Noble Ahaadeeth which mention these points:

3) 'Aa'isha (ra) said:

<<The Prophet (saw) used to pinpoint the days of Monday and Thursday for fasting>>.

At-Tirmidhi (745), Ibn Maajah and Ibn Khuzaimah. In another report from An-Nasaa'i (2186), Ahmad and Ibn Hibbaan also from 'Aa'isha (ra):

<<The Messenger of Allah (saw) use to fast the whole of Sha'baan and would look out for Mondays and Thursdays for fasting>>.

4) Usaamah Bin Zaid (ra) said:

<<The Prophet (saw) use to fast Monday and Thursday and so he was asked about that? So he said: Verily the actions of the servants are brought forth on Monday and Thursday>>.

Abu Daawud (2436), Ahmad, Ad-Daarami, Ibn Khuzaimah and al-Bayhaqi. Al-Bayhaqi mentioned that Usaamah was the questioner. Ad-Daarami (1752) also reported it from Abu Hurairah (ra).

5) Abu Qataadah Al-Ansaari (ra) said:

<<The Messenger of Allah (saw) was asked about the fasting of Monday? So he said: On that day I was born and on that day I was revealed upon>>.

Muslim (2750) and Al-Bayhaqi. Ibn Hibbaan (3642) narrated a longer version and Ibn Khuzaimah (2117) reported the following Lafzh:

<<Whilst we were in the company of the Messenger of Allah (saw) Umar approached us and said: O Prophet of Allah (tell me) about the fasting of Monday? He replied: It is the day in which I was born and the day in which I will die>>.

6) Abu Hurairah (ra) said:

<<The Prophet (saw) use to fast Mondays and Thursdays so it was said: O Messenger of Allah (why do) you fast Mondays and Thursdays? He replied: On Monday and Thursday Allah (swt) forgives every Muslim except for the Mutakhaasimaini (two disputing parties) and Mutahaajiraini (two abandoning parties). He said: Until they make up or reform>>.

Ibn Maajah (1740) and Ahmad. At-Tirmidhi narrated the following Lafzh:

<<The doorways to Jannah are opened on Monday and Thursday so whoever does not associate with Allah will have his sins forgiven except for Al-Mutahaajiraini. He said: These two will be rejected until they make up>>. He said that this hadeeth is Hasan Saheeh. Muslim (6544) narration a similar version and Ibn Hibbaan (3644) narrated: The doors to Jannah are opened every Monday and Thursday and the actions are sent forth (displayed) every Monday and Thursday>>. In another report from Muslim (6547): <<The actions of Man are brought forth twice in every Jum'ah (week): Monday and Thursday so every believer will be forgiven except for a servant who has a grudge with his brother. It was said: Leave them or delay them until they make up>>.

### **Fasting Six Days from Shawaal:**

It is recommended for the Muslim that after he has finished the fasting of Ramadhaan and broken his fast for Eid al-Fitr to resume fasting again in Shawaal. He fasts six days from it and whoever does that every year then it is equal to fasting the Saum of Ad-Dahr (continuous). This is because the Hasanah is multiplied by ten and one day is like ten days. Ramadhaan is equal to ten months and six days is equal to sixty days (two months) therefore the fasting of Ramadhaan and the six days of Shawaal are equal to the fasting of twelve months which is an entire year.

It is not obligatory to fast these days as soon as Eid has passed just as it is not obligatory to fast them as a continuous block. All that has been confirmed is that six days from the month of Shawaal are required meaning (any) six from the month as a whole. The following are a collection of Ahaadeeth that deal with this issue:

- 7) Abu Ayub Al-Ansaari (ra) said that the Messenger of Allah (saw) said:

<<Whoever fasts Ramadhaan and then follows that with six from Shawaal it is like he has prayed Siyaam Ad-Dahr (the continuous fast)>>.

Muslim (2758), Abu Daawud, Ahmad, At-Tirmidhi, Ibn Maajah, Ibn Hibbaan and Ad-Daarami. Al-Bazaar (1060) narrated it from Abu Hurairah (ra).

- 8) Thawbaan said that the Messenger of Allah (saw) said:

<<The fasting of Ramadhaan is equal to ten months and six from Shawaal equal two months so together they are equal to a year of fasting>>.

An-Nasaa'i (2873) in As-Sunan Al-Kubraa. Ibn Maajah, Ahmad, Ad-Daarami, Ibn Hibbaan and Al-Bayhaqi narrated it. The Lafzh of Ibn Maajah (1715) is:

<<Whoever fasts six days after Eid ul-Fitr has completed the year, whoever performs a Hasanah will get ten times its worth>>. It's chain is Saheeh.

The meanings of these narrations are completely clear and Ash-Shaafi', Ahmad and Daawud view the fasting of six days in the month of Shawaal as Mustahabb (recommended). This has also been reported from Ash-Sha'bi and Maymoon Bin Mahraan.

In contrast Abu Haneefah and Maalik have viewed the fasting of these six days to be Makrooh (disliked). In Al-Muwatta' the following is stated: (Verily he – Imaam Maalik – did not see anyone from amongst the people of knowledge and fiqh fasting it. It did not reach me from any of the Salaf (predecessors) and that the people of knowledge dislike it and fear its innovation (bid'a). To attach something to Ramadhaan which is not part of it is from the people of ignorance. If there had been a Ruksha with the people of knowledge you would have seen them doing it).

I find the view that fasting six days from Shawaal is disliked held by the two Imaams Abu Haneefah and Maalik surprising due to the strikingly clear texts that make its performance recommended. As for the views of Maalik regarding that he had not seen the people of knowledge performing it and that maybe people of ignorance had attached it to Ramadhaan and what both Abu Haneefah and Maalik viewed about it being disliked and that maybe people has thought that it was obligatory. All of these statements and views are in opposition to the texts and therefore no attention can be given to them. This argument is weak and easy to repel and therefore does not require further time. May Allah forgive these two great Imaams.

#### **Fasting in the Sacred Months (Ashhur Al-Hurum):**

The sacred months are Muharram, Rajab, Dhul Qa'dah and Dhul Hijjah. The commands of the Prophet (saw) have come containing an encouragement to fast in these months. Abu Mujeebah Al-Baahily said from his father or uncle that he said:

<<I approached the Prophet (saw) and said: O Messenger of Allah I am the man who came to you in the first year. He (saw) said: What's the matter, I see that your body has become thin? He Replied: O Messenger of Allah I have not eaten food in the day time but only at night. He (saw): What's the matter with you that you torture yourself? I said: O Messenger of Allah I am stronger (i.e. capable) He (saw) said: Fast the month of As-Sabr (Ramadhaan), three days after that and the sacred months>>.

Ibn Maajah (1741). Abu Daawud (242\* narrated: <<...fast from the sacred (months) and then leave

, fast from the sacred and then leave it, fast from the sacred and then leave it. He said it whilst putting three fingers together and then separating them>>. Imaam Ahmad (20589) narrated the following Lafzh (wording): <<...He said: I said: I find that I have the strength and I love to increase upon myself: He (saw): then (fast) from al-Hurum (sacred months) and then leave it>>.

#### **10) The fasting in the month of Muharram:**

Whoever would like to fast the best fast after that of the month of Ramadhaan then let him fast in the month of Allah Al-Muharram. Fasting one day in this month is better than any day of the days of the year. This does not mean that it cancels or renders invalid any of the fasting that the Shar'a has made preferential but rather it is an acknowledgment of it and its merits. It does not take anything from the fasting of three days in a month, the fasting of Monday and Thursday or the day of Arafah on the 9<sup>th</sup> of Dhul-Hijjah for example.

Acknowledging a thing does not necessarily mean that it is at the expense of something else. Our statement that the fasting in Muharram is the best Siyaam means that the Month of Muharram is the best month from amongst the months to fast in and the other fasts remain as they are in terms of merit. In the 10<sup>th</sup> day of this month specifically is the day of 'A'ashooraa and fasting it is expiation (Kaffaarah) for the whole year preceding it. The following is a collection of evidences that mention the merits of fasting in this month:

d) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<The best fast after Ramadhaan is the month of Allah Al-Muharram...>>

Muslim (2755), Abu Daawud, An-Nasaa'i, Ad-Daarami, At-Tirmidhi, Ibn Maajah and Ahmad. At-Tabaraani (1695/2) in Al-Mu'jam Al-Kabeer narrated the Hadeeth from Jundub bin Sufyaan.

e) Abu Hurairah (ra) said:

<<He said: It was asked: Which Salaah is the best? And which fast is best after the month of Ramdhaan? So he said: The best Salaah after the obligatory fasts is the prayer in the depths of the night and the best fast after Ramadhaan is the fasting in the month of Al-Muharram>>.

Muslim (2756), An-Nasaa'i and Ahmad.

f) Nu'maan bin Sa'd narrated from 'Ali (ra) who said:

<<A man asked him so he said: Which month to you order me to fast after Ramadhaan? He replied: If you are fasting after Ramadhaan then fast the month of Al-Muharram because it is Allah's month and in it is a day that His Taubah is over a people (nation) and theirs is over other people>>.

At-Tirmidhi (738) He said it is a Hasan Ghareeb hadeeth and Al-Mundhiri agreed that it is Hasan. Ahmad narrated (1335) the following Lafzh:

<<From 'Ali who said: A man came to the Prophet (saw) and said: O Messenger of Allah, tell me of a month that I can fast after Ramadhaan? The Messenger of Allah (saw) said: If you are going to fast a month after Ramadhaan then fast Al-Muharram, because it is the month of Allah and in it is a day where His Taubah is over a people (nation) and theirs is over others>>. Ad-Daarami narrated it a slightly different version.

g) Abu Qataadah (ra) said:

<<The fasting of 'Aashoorah is an expiation (kaffaaarah) for the preceding year and the fasting of #Arafah is Kaffaarah for two years: The year before and the year coming>>.

An-Nasaa'i (2809) in As-Sunan Al-Kubraa, Ibn Abi Shaibah, Abu Daawud, Ahmad, Al-Bayhaqi and Ibn Hibbaan.

More explanation will be provided later with Allah's will in a section about the fasting of 'Aashoorah.

### 5) Fasting nine from Dhul Hijjah:

In relation to fasting the first nine days of Dhul Hijjah then Al-'Amal As-Saalih (the righteous action) of which fasting is included is better in this nine days than Jihaad in the way of Allah except that a Mujaahid expends his body and wealth in it. Allah (swt) has sworn by the ten nights of Dhul Hijjah in the first four ayaat of Surah Al-Fajr:

(وَأَلْفَجْر) ١ (وَلَيْلِ الْغَشْرِ) ٢ (وَأَلْشَّفْعِ وَالْوَتْرِ) ٣ (وَأَلَّيْلِ إِذَا يَسْر) ٤

By the Dawn (1) And ten nights, (2) And the Even and the Odd, (3) And the night when it departs(4)

Imaam Ahmad (14565), An-Nasaa'i, Al-Bazzaar, At-Tabari, Ibn ul-Mundhir, Al-Bayhaqi and Al-Haakim who verified it as Saheeh narrated from Jaabir (ra) that the Prophet (saw) said:

<<Verily the ten are the ten of Al-Ad'haa (Dhul Hijjah), the Witr (odd) is the day of 'Arafah and the Shaf'i (even) is the day of slaughtering>>.

The following are a collection of Hadeeth that encourage the increase of good actions in it including As-Sawm:

c) Ibn Abbaas (ra) said that the Messenger of Allah (saw) said:

<<There are no days in which the righteous acts are more beloved to Allah than in these days, meaning the ten (of Dhul Hijjah). They asked: O Messenger of Allah (saw), not even Jihaad in His (swt) way? He (saw) replied: Not even Jihaad in the way of Allah except for the man that goes out with his life and his money and does not return with either of them>>.

Ibn Maajah (1727), Abu Daawud, Ahmad, Ad-Daarami and Al-Bayhaqi. At-Tirmidhi said that this hadeeth is: Hasan Ghareeb Saheeh. At-Tabaraani (1777) in al-Mu'jam Al-Awsat narrated it from Ibn Mas'ood (ra) and (4398) from Abu Qataadah (ra).

d) Hunaidah bin Khaalid narrated from his wife from some of the wives of the Prophet (saw):

<<That the Messenger of Allah use to fast nine from Dhul Hijjah, the day of 'Aashoorah and three days from every month: The first Monday and the following two Thursdays>>.

An-Nasaa'i (2417). Imaam Ahmad (26991) narrated the following Lafzh: That Hafsaah (ra) said:

<<There are four actions that the Prophet (saw) did not leave: the fast of 'Aashoorah, the ten (days of Dhul Hijjah), three days from every month and two Rak'ah before al-Ghadaa>>.

Abu Daawud (2437) narrated: <<The Messenger of Allah (saw) would fast the nine days of Dhul Hijjah, the day of 'Aashoorah, three days from every month: the first Monday of the month and Thursday>>.

In relation to what was narrated from 'Aa'isha (ra) that: <<I did not see the Messenger of Allah (saw) fasting in the ten (days of Dhul Hijjah) at all>> recorded by Muslim (2789), Abu Daawud, An-Nasaa'i, At-Tirmidhi, Ibn Maajah and Ahmad. Then this reflects the extent of the knowledge of 'Aa'isha (ra) in this issue. Her statement is negating whereas the other Ahaadeeth are affirming and the affirmation (Ithbaat) is always stronger than the negation (Nafy). The one who saw and knew about a thing has a proof over the one who did not see or know about it and therefore this hadeeth cannot abrogate the Ahaadeeth which affirm the fasting in these ten days.

## **6) Fasting in Rajab:**

Rajab is one of the sacred months and due to this fasting is Mandoob (recommended) in it and we have previously mentioned the evidences that call for and encourage fasting in the sacred months and Rajab is one of them. As for those Ahaadeeth that have been reported indicating that it is Mandoob to fast in Rajab and others that say that it is forbidden all of these are Da'eef and weak not deserving any regard. For instance it was reported that Ibn Abbaas (ra) said: <The Prophet (saw) forbade the fasting in Rajab> narrated by Ibn Maajah (1743). The Isnaad (chain) includes Daawud bin 'Ataa and his weakness has been agreed upon. Also by example, it has been narrated from Kharasha bin Al-Hurr who said that Umar (ra) punished those who fasted in Rajab and said: Rajab is the month which the people of Jaahiliyah use to make great and when Islaam came it was left>. Narrated by At-Tabaraani in al-Mu'jam al'Awsat (7632) and Al-Haithami said: In this chain is Al-Hasan Bin Hablah and I have not found any mention of him> and therefore the Isnaad contains a Majhool (unknown) narrator. There is also what was narrated from Abu Hurairah (ra) that: <The Messenger of Allah (saw) did not complete a month of fasting after Ramadhaan except for Rajab and Sha'baan> which was also narrated by At-Tabaraani (9418) in Al-Mu'jam Al-Awsat and Al-Haithami said: This Hadeeth includes Yousuf Bin 'Atiyah As-Saffaar and he is weak. There are many other Ahaadeeth related to fasting in Rajab like these but all of them are weak and are not suitable to be relied upon.

#### **7) Fasting in Dhul Qa'dah:**

Fasting in Dhul Qa'dah is Mandoob due to the Ahaadeeth that encourage fasting in the sacred months of which Dhul Qa'dah is one of them. There are no Ahaadeeth which are Saheeh, Hasan or Da'eef that specifically encourage the fasting in this month.

#### **Fasting the day of 'Arafah:**

'Arafah is the 9<sup>th</sup> day of Dhul Hijjah and fasting on this day is better than fasting any other day of the year with the only exception being the fasts of Ramadhaan. It is a Kaffaarah (expiation) for the year before it and the year after it and there is no doubt that this is a great favour and source of bountiful goodness. All of the Fuqahaa and 'Ulamaa have said that it is Mustahabb (recommended) and none have contradicted this view. This recommendation is only related to those who are not performing Hajj and as for the Hujjaaj there are two different opinions in relation to them: Imaam Abu Haneefah, Maalik, Ash-Shaafi' and Sufyaan Ath-Thawri held the view that it is recommended for those at 'Arafah to refrain from Fasting. This opinion has also been attributed to Abu Bakr, 'Umar, 'Uthmaan and Ibn 'Umar (rah). However Imaam Ahmad, Al-Hasan Al-Basri, Qataadah and Al-Khitaabi and Al-Mutawali from the Shaafi'i madhhab held that it is recommended for the one performing Hajj to fast if he has the capability and this does not weaken or distract from the required concentration on making Du'a and Dhikr. It has been reported that 'Aa'iasha,

Usaamah bin Zaid and 'Abdullah ibn Zubair all fasted the day of 'Arafah whilst they were Hujjaaj. At-Tabari said: <The Messenger of Allah (saw) only broke his fast (abstained from fasting) on the day of 'Arafah to show the choice of the Haaji in Makkah so that he is not weakened from making the Du'a and Dhikr that is required at 'Arafah>.

The following are a selection of evidences which relate to this issue:

5) Abu Qataadah (ra) said:

<<A man came to the Prophet (saw) and asked him: How do you fast? So the Messenger of Allah (saw) became angry by his words... – and the Hadeeth then mentions – Then the Messenger of Allah (saw) said: Three days from every month, Ramadhaan to Ramadhaan and this is equal to the Siyaam Ad-Dahr (the continuous fasting), the fasting of the day of 'Arafah which Allah counts as Kaffarah for the preceding and coming year and fasting the day of 'Aashoorah which is Kaffarah for the previous year>>.

Muslim (2746), Abu Daawud, An-Nasaa'i and At-Tirmidhi. Ahmad (22958) reported the following version: <...the fast of Arafah is Kaffarah for two years, the past year and the future one and the fast of 'Aashoorah is a Kaffarah for one year>.

6) Sahl bin Sa'd said that the Messenger of Allah (saw) said:

<<Whoever fasts the day of Arafah his sins for two continuous years are forgiven>>.

At-Tabaraani in Al-Mu'jam Al-Kabeer (5923/6), Ibn Abi Shaibah and Abu Ya'laa. Al-Haithami said: The people of Abu Ya'laa are Saheeh.

7) Abu Hurairah (ra) said:

<<The Messenger of Allah forbade the fasting of Arafah at Arafah>>.

An-Nasaa'i (2843), Abu Daawud, Ibn Hibbaan, Ibn Maajah and Ahmad. Ibn Khuzaimah and Al-Haakim narrated it and verified it as Saheeh. The Isnaad includes Mahdi Al-'Abdi and Ibn Mo'een said: He is unknown to him. Ibn Hibbaan mentioned his name in the Thiqaat (trustworthy people) and Ibn Khuzaimah finds narrations from him sound and therefore this hadeeth can be used as an evidence.

8) Umm Al-Fadl (ra) said:

<<The companions of the Messenger of Allah (saw) had doubt concerning fasting the day of 'Arafah and we were with him on that day. I sent him a cup of milk and he was halting at 'Arafah, and he drank that>>.

Muslim (2635), Ibn Hibbaan, Abu Daawud and Ahmed. There is another similar narration from Muslim (2632) and Al-Bukhaari (1998): < I sent a cup of milk to him while he was riding his camel at 'Arafah, and he drank it>.

9) Maymoonah (ra) said:

<<People had doubt about the fasting of Allah's Messenger (saw) on the day of 'Arafah. I sent him a cup of milk and he was halting at a place and he drank it and the people were watching>>.

Al-Bukhaari (1989), Muslim, Ibn Hibbaan and Al-Bayhaqi. Maymoonah is the daughter of Al-Haarith the wife of the Messenger of Allah (saw), the aunty of Ibn Abbaas and sister of his mother Umm Al-Fadl who narrated the previous Hadeeth. In relation to this Ibn Hibbaan said: In the farewell pilgrimage the wives of the Prophet (saw) were accompanying him along with a group of relatives and it was likely that Maymoonah and Umm Al-Fadl were together when the container of milk was sent to the Prophet so that in one narration it was attributed to one and in another it was attributed to the other.

10) 'Ubaid ibn 'Umair said:

<<'Umar use to forbid the fasting of the day of 'Arafah>>.

An-Nasaa'i in As-Sunan Al-Kubraa (2845).

11) Naaf'i said:

<<Ibn 'Umar (ra) was asked concerning the fast of 'Arafah and he said: The Prophet (saw) did not fast the day of 'Arafah or Abu Bakr, Umar and Uthmaan (rah)>>.

Ahmad (5080) and An-Nasaa'i in As-Sunan Al-Kubraa.

12) Abu Najeeh said:

<<Ibn 'Umar was asked concerning the fast of 'Arafah? He said: I made Hajj with the Prophet (saw) and he did not fast it. I made Hajj with Abu Bakr and he did not fast it, with 'Umar and he did not fast it and 'Uthmaan who did not fast it. And I do not fast it and I do not order people or forbid people from doing it>>.

At-Tirmidhi (748) and he said it is Hasan, Ibn Hibbaan, Ad-Daarami, An-Nasaa'i in As-Sunan Al-Kubraa, Abd-ur-Razzaaq and At-Tahaawi. Abu Naheej's name is Yassaar Al-Makki the Mawla of Thaqeef.

13) Ibn Abbaas (ra) said:

<<His brother invited 'Ubaidullah on the day of 'Arafah for food and he said: I am fasting. He said: You are the Imaams and we are bound by your judgment. Indeed I saw the Messenger of Allah (saw) call for a container of Milk on this day and he drank from it- Yahya Murrah said – We are bound by the people of the House>>.

Ahmad (3239) with a Jayyid (good) sanad. At-Tabaraani in Al-Mu'jam Al-Awsat (9182) narrated the following Lafzh:

<...Al-Fadl invited on the day of 'Arafah...the people (are bound to) follow their way (Sunnah)>.

The first two Hadeeth mention the merit of fasting 'Arafah and that it is Kaffarah for two years and this meaning has been agreed upon without any differing opinion and what is intended here is the fasting of the one who is not on Hajj. What the fuqahaa have disagreed on is related to fasting the day whilst performing Hajj and the correct view which is indicated by the seven following evidences is that abstaining from fasting for the one at Hajj is Mustahabb (recommended) and not fasting. The opinion that it is recommended for the one in Hajj on the day of 'Arafah at 'Arafah to fast is incorrect because the Messenger of Allah (saw) forbade its fasting (The Messenger of Allah (saw) forbade fasting the day of 'Arafah whilst at 'Arafah). There has not been reported a abrogation to this Hadeeth or anything that disagrees and opposes it in meaning and therefore the Hukm of prohibition has been established and it is not correct for there to be disagreement. The remaining evidences all support and firmly establish this Hukm (judgment). The Prophet (saw) followed his speech with action when he broke his fast (or ate) on the day of 'Arafah so his (saw) action and statement reinforce and support each other. There does not remain any proof for those who say that the fasting of 'Arafah is Mustahabb (recommended).

If we consider in our minds that the fasting of the day of 'Arafah expiates (the sins) for two years and that the Messenger of Allah (saw) did not fast it and his Sahaabah Abu Bakr, 'Umar and 'Uthmaan likewise did not fast it then together this directs us to the fact that abstaining from fasting is specified for the one on Haaj and that it is recommended. And it was not for the Messenger of Allah (saw) to make Haraam or prevent the Muslims from the Khair of this fast if this action had been one of Takhyeer (choice). In that case which from amongst the Sahaabah would have chosen to abstain from fasting and leave the reward of two years of Kaffarah for their sins had abstaining really been a real choice and had it not been Mustahabb and better for them! And when did the Messenger of Allah (saw) and the Sahaabah (rah) collectively leave a Mandoob action, only if perhaps with a greater Mandoob?! Therefore the Messenger of Allah (saw) and his Sahaabah (rah) would not have abstained from fasting except if this Iftaar (abstention) carried the weight of being recommended and not the performance of the fast.

As for the opinion that says fasting is better except for those who will be weakened by that in their performance of making Du'a and Dhikr on the day of 'Arafah in which case it is better to refrain, it has no daleel (evidence) to support it. It is an interpretation (ta'weel) and reasoning (ta'leel) that has no text to support it and therefore has no value or regard. So in conclusion I say: The fasting of the day of 'Arafah for the one not on Hajj is Mandoob and abstaining on the day of 'Arafah for the one on Hajj is Mandoob.

### **The fasting of 'Aashoorah:**

This fast is in the next in position and standing after that of 'Arafah. This is because the fast of 'Arafah is a Kaffarah for two years whilst the fast for 'Aashoorah is an expiation for one

year. The expiation of one year of sins in doubt brings a lot of good and is a great favour which the Muslim will make great efforts to fast so that his sins that he had committed for a year could be erased. This is especially so in our present time where the Deen has made Hijrah and become strange and all types of disobediences, evil and ugly things have become widespread. This has reached the point where the one who wishes to stick to his Deen can hardly find a place on this earth where he can find comfort and tranquillity and preserve his Deen finding security from evil and sins.

'Aashoorah has been mentioned in the following reports:

d) Abu Qataadh (ra) reported from the Messenger of Allah (saw) that he said:

<<The fast of 'Aashoorah is a Kaffarah for the past year and the fast of 'Arafah is a Kaffarah for two years, the past and the future>>.

An-Nasaa'i in As-Sunan Al-Kubraa (2809), Ahmad, Al-Bayhaqi, Abu Daawud and Ibn Hibbaan. Ibn Maajah (1738) and Abd ur-Razzaaq narrated: < The fasting of 'Aashoorah which I expect that Allah expiates for it the preceding year>. At-Tirmidhi (749) narrated it and said: Ahmad and Ishaq go with the Hadeeth of Abu Qataadah. Previously we mentioned a hadeeth from Abu Qataadah recorded by Muslim and others and is found in Band 1 in the subject of 'fasting the day of 'Arafah'. It includes in it: <...And the Fasting of 'Aashoorah which I expect that Allah expiates the preceding year for it>.

e) Ibn Abbaas (ra) said:

<<I have not seen the Messenger of Allah (saw) pursue any day for fasting that he preferred except for this day, the day of 'Aashoorah, and this month, meaning the month of Ramadhaan>>.

Al-Bukhaari (2006), Muslim, An-Nasaa'i and Ahmad.

'Aashoorah is the tenth day of the month of Allah Al-Muharram according to the Saheeh. This is what the majority of the Ulamaa have gone with and not the ninth which a few have viewed. The word 'Aashoorah means the tenth day following the root naming and the ninth day is called 'Taasu'aa'a'. The hadeeth indicates this from Abdullah ibn Abbaas (ra) when he said: <The Messenger of Allah (saw) ordered the fasting of 'Aashoorah, the tenth day>. At-Tirmidhi (752) narrated it and said the Hadeeth of Ibn Abbaas is Hasan Saheeh. And 'Aa'isha (ra) said: <That the Prophet (saw) ordered the fasting of 'Aashoorah, the tenth day> and this was recorded by Al-Bazaar (1051) and Al-Haithami said its people (narrators) are amongst the Saheeh. These two Hadeeth indicate by their Mantooq (textual meaning) that 'Aashoorah is the tenth day. And Ibn Abbaas also said: That the Messenger of Allah (saw) said: <<If I remain (i.e. am still alive) the coming year I will indeed fast the ninth>> and in a narration from Abu Bakr (ra) he said: Meaning the day of 'Aashoorah. Muslim (2667), Ahmad and Al-Bayhaqi recorded this hadeeth. Muslim also recorded (2666) along with Abu Daawud from him: <<...They said: O Messenger of Allah, this is a day that the Jews and Christians make great so the Messenger of Allah (saw) said: And when it comes to the following year

we will InshaAllah fast the ninth day. He said: The following year did not come until after the passing of the Messenger of Allah (saw)>>. This Hadeeth also indicates that 'Aashoorah is the tenth day and not the ninth like some of the Fuqahaa have imagined. This is because the Messenger of Allah (saw) us to fast the day of 'Aashoorah like the Nusoos (tests) have established and this hadeeth says that the Messenger of Allah (saw) intended to fast the ninth except that he passed away before he could do so. He therefore did not fast it which indicates in a powerful and clear manner that the tenth was the day which the Messenger of Allah (saw) use to fast. The Messenger of Allah (saw) did not fast the ninth Mutlaqan (at all). Ibn Maajah (1736) came with the following Lafzh explaining the 'illa (reason) explaining fasting the ninth day of the following year: <If I (saw) remain until next year I will fast the ninth. Abu Ali said: Ahmad reported it from Ibn Abi Dh'ib with the addition: Fearing that 'Aashoorah will be missed>. So he Alaihi As-Salaam intended to fast the ninth also only as a precaution. As for what Al-Hakam bin Al-Aaraj narrated from Ibn Abbaas (ra) that he said: <When you see the moon of Al-Muharram then begin to count (the days) and on the ninth awake fasting. He said: Is this how the Messenger of Allah (saw) fasted it? He replied: Yes>. Muslim (2664), An-Nasaa'i, Abu Daawud, At-Tirmidhi, Ahmad, Ibn Hibbaan and Ibn Khuzaimah narrated it. If we take it in its literal and manifest form without interpretation then we would say that it contradicts many Ahaadeeth. However ta'weel (interpreting) in this situation is better if it leads to not rejecting any of them so based on ta'weel we say:

Ibn Abbaas (ra) also narrated that the Messenger of Allah (saw) had intended to also fast the ninth of the month and he (saw) passed away before fulfilling his intention and so it became the understanding of Ibn Abbaas that the fasting of 'Aashoorah begins on the ninth and that this is what had become legislated by the Messenger (saw) and therefore from this time he would give his verdict in line with that understanding. In this 9Last) hadeeth Ibn Abbaas gave a verdict (fatwa) with this Hukm (ruling) : <If you see the moon of Al-Muharram start counting (the Days), and wake on the ninth fasting>. There is nothing in this verdict which is different from what we all say. However the questioner wanted to make sure that it was not just an Ijtihad from Ibn Abbaas but a prophetic legislation. So He asked: is this how the Messenger of Allah (saw) fasted it? And He meant by this that he (saw) legislated it and so the answer came from Ibn Abbaas: Yes. The problem here has arisen from the questioner saying 'his fast' and if he had said 'commanded its fast' or 'legislated its fast' then there would not have been a problem. And with this interpretation we have been able to work with all of the evidences together and have removed from what there appeared to be in terms of contradiction and difference.

Just as fasting the ninth was legislated as a precaution as mention in the report of Ibn Maajah, the legislation came with another 'Illah (reason) which could possibly be said to be the basis (of the ruling) and more significant. This is that the Jews use to fast the day of 'Aashoorah and the explanation of that will come shortly and the Messenger of Allah (saw) use to always encourage the Muslims to be different from the Jews and Christians. He therefore wanted to fast a day before it or after it in order to complete the difference. Ahmad (2154) and Al-Bayhaqi narrated from Ibn Abbaas (ra) who said that the Messenger of Allah (saw) said: <<Fast the day of 'Aashoorah and be different from the Jews in it, fast a day before it or a day after it>>. So the legislation to fast the ninth came only as a point of

difference with the Jews and not for its own significance and it not come that this day was 'Aashoorah and if it had then there would not have been a dispute. This hadeeth therefore strengthens our understanding that the tenth day has been particularly specified and that the ninth day has been added to it. Reconciling these Hadeeth that seem to be in opposition to each other provides comfort to the hearts and opens the breasts. Wal Hamdu Lillahi Rabbil 'Aalameen.

As for the reason for the legislating of the day of 'Aashoorah for fasting, it has been mentioned in a number of Ahaadeeth of which we have selected the following:

7) Ibn Abbaas (ra) said:

<<The Prophet (saw) arrived in Al-Madinah and he saw the Jews fasting the day of 'Aashoorah and asked: What is this? They said: This is a righteous day, the day in which Allah saved Bani Israa'eel from their enemy and Moosa use to fast it. He (saw) said: I am closer to Moosa than all of you so he fasted it and ordered the Muslims to fast it>>.

Al-Bukhaari (2004), Muslim, Abu Daawud, Ibn Maajah, An-Nasaa'i, Ahmad and Ad-Daarami.

8) Abu Moosa (ra) said:

<<The people of Khaibar use to fast 'Aashoorah, they treated it as an Eid where the women would dress up with jewellery so the Messenger of Allah (saw) said: You should fast it>>.

Reported by Muslim (2661). Al-Bukhaari narrated the following Lafzh (2005) : <The Jews use to count the day Of 'Aashoorah as an Eid and the Prophet (saw) told us to fast it>.

The Messenger (saw) legislated for us the fasting of the day of 'Aashoorah because Allah (swt) saved his Prophet Moosa on this day from Fir'awn. Moosa fasted it as Shukr (thanks and gratitude) so the Messenger (saw) also ordered us to fast it.

### **The Fasting of Sha'baan:**

It is not known about the Messenger of Allah (saw) that he fasted more in a month outside of Ramadhaan than in Sha'baan. Verily he used to fast virtually the whole of the month so it is recommended on the Muslims to make extra fasts in this month.

Here is a selection of Hadeeth that deal with this issue:

5) Umm Salamah (ra) said:

<<I have not seen the Messenger of Allah (saw) fast two consecutive months except that he would join Sha'baan with Ramadhaan>>.

An-Nasaa'i in As-Sunan Al-Kubraa (2496), Abu Daawud, At-Tirmidhi, Ibn Maajah and Ahmad all narrated it.

6) Abu Salamah said:

<< I asked 'Aa'isha (ra) about the fasting of the Messenger of Allah (saw)? She said: He use to fast until we would say that he has fasted and would abstain until we would say he has abstained and I have never once seen him fast in a month more than in Sha'baan. He would fast the whole of Sha'baan, the whole month except a little>>.

Muslim (2722), Al-Bukhaari, Abu Daawud, An-Nasaa'i, Ibn Maajah and Ahmad all recorded this Hadeeth.

7) 'Aa'isha (ra) said:

<<The most beloved of months to the Messenger (saw) for fasting was that of Sha'baan, he would connect it to Ramadhaan>>.

An-Nasaa'i (2666), Ahmad and At-Tabaraani in Al-Mu'jam Al-Kabeer.

8) Usaamah bin Zaid (ra) said:

<<The Messenger of Allah (saw) use to fast the days continuously until it was said: He does not abstain. He would then abstain from fasting so that he maybe only fasted two days from a week if they were from his fasting he would fast them. He did not fast as much in the months as he did in Sha'baan so I asked: O Messenger of Allah: Verily you fast as if you will not break it and abstain until it seems like you don't fast except for two days which if they enter upon your fast you would have fasted them. He asked: Which two days? I responded Monday and Thursday. He (saw) said: These are the two days in which the actions and deeds are displayed to the Lord of the worlds and I love that my actions are sent forth whilst I am fasting. I said: I do not see you fasting in the months as much as you do in Sha'baan? He (saw) said: This is the month that the people are neglectful (careless) of between Rajab and Ramadhaan and it is the Month in which the actions are raised up to the Lord of the worlds so I love that my actions are raised whilst I am fasting>>.

Recorded by Ahmad (22096) and by Abu Shaibah (514/2) with a slight variation :<...I love that my actions are raised only when I am fasting>.

The Fuqahaa have disagreed in relation to the ruling concerning fasting the second half of the month of Sha'baan. The majority of the Ulamaa have permitted the fasting in the second

half of Sha'baan, even if it wasn't prepared and it didn't join with the first half, and this was not disliked except for the fasting of the day of Shakk (doubt). Many of the followers of the Shaafi' Madhhab however viewed it forbidden to fast recommended fasts in the last half of the month and this prevention starts on the 16<sup>th</sup> of the month.

Those who forbade it relied on the evidence of what was reported from 'Alaa bin Abdur Rahman bin Ya'coob from his father Abu Hurairah (ra) who said that the Messenger of Allah (saw) said: <<When it reaches the half way point of Sha'baan then do not fast (again) until Ramadhāan comes>>. Collected by Ibn Maajah (1651), An-Nasaa'i, Abu Daawud, At-Tirmidhi, Ibn Hibbaan, Ahmad and Ad-Daarami. Ibn Hazm, At-Tirmidhi and Ibn Abi al-Birr verified that it is Saheeh. The response to this view is the following:

- 16) This Hadeeth has only been mentioned from 'Alaa bin Abdur Rahman and Ibn Mo'een has said that he is weak (Da'eef) when he said that: His Hadeeth are not a proof (legal evidence) and also: He does not have strength and Abu Daawud said: Based on 'Alaa they have negated the fasting of Sha'baan. On the other hand Ibn Hibbaan, An-Nasaa'i and Ahmad find him trustworthy so his status as a narrator is differed upon.
- 17) This Hadeeth in itself has been viewed as Da'eef by Ahmad and Yahya bin Mo'een with their statement that the Hadeeth is Munkar (rejected) just as al-Bayhaqi, At-Tahaawi and Abd ur Rahman bin Mahdi also viewed it as weak.
- 18) This hadeeth opposes many other saheeh Ahaadeeth which state that the Messenger of Allah (saw) use to fast most of Sha'baan and that he would join Sha'baan with Ramadhāan and we have mentioned many of these and it is not possible to reconcile and join them with the meaning of this hadeeth.

So in the case of a hadeeth like this where a narrator who has not been agreed upon in terms of his soundness and what he has come with goes against the meaning of many other Saheeh Ahaadeeth then the ruling on it is rejection and not using it as an evidence. Based on this the ruling allowing recommended fasting in the second half of Sha'baan has been affirmed with no difference between it and the first half of the month.

As for the statement of the Ulamaa that 'it is not disliked except on the day of Shakk (doubt)' then what is meant here is the day in which doubt exists in regard to whether it is the last day of Sha'baan or the first day of Ramadhāan. We will present a greater discussion on the issue of fasting on the day of Shakk later in the chapter 'The forbidden fasting that is not allowed'.

**Fasting 1, 2, 4, 7, 9 and 11 days in the month:**

We have already discussed the fasting of three days in a month as well as the fasting of Mondays and Thursdays which combine to make eight days, and the alternative day fasting which equals fifteen fasts in the month and now we will mention texts that have mentioned other numbers of days in a month:

- 5) Abdullah Ibn 'Amru (ra) said that the Messenger of Allah (saw) said to him:

<<Fast a day then you will have reward for what remains. He said: I have the capability to do more than that. He (saw) replied: Fast two days and then you will have the reward of what remains. He said: I can do more than that so he (saw) said: Fast three days and you will have the reward for what remains. He said: I can do more than that. He (saw) said: Fast four days and you will have the reward for what remains and He said: I can do more than that so He (saw) replied: Fast the best fast in the sight of Allah (swt), the fast of Daawud (as). He use to fast a day and then break fast a day>>.

Narrated by Muslim (2742) and An-Nasaa'i.

- 6) Also from Abdullah Ibn 'Amru:

<<The Messenger of Allah (saw) was informed about my fasts, and he came to me and I spread for him a leather cushion stuffed with palm fires, but he sat on the ground and the cushion remained between me and him, and then he said, "Isn't it sufficient for you to fast three days a month?" I replied, "O Allah's Apostle! (I can fast more)." He said, "Five?" I replied, "O Messenger of Allah (saw)! (I can fast more)." He said, "Seven?" I replied, "O Allah's Apostle! (I can fast more)." He said, "Nine (days per month)?" I replied, "O Allah's Apostle! (I can fast more)" He said, "Eleven (days per month)?" And then the Prophet said, "There is no fast superior to that of the Prophet David it was for half of the year. So, fast on alternate days."

Recorded by al-Bukhaari (1980), Muslim, Ibn Hibbaan and An-Nasaa'i. There have come many versions of this Hadeeth and the word Layaal (nights) was frequently used and the Arabs use to use the word nights to mean days.

- 7) And also from Abdullah ibn 'Amru (ra):

<<The Messenger of Allah (saw) was informed that he could stand up for (prayer) throughout the night and observe fast every day so long as he lived. Thereupon the Messenger of Allah (saw) said: Is it you who said this? I said to him: Messenger of Allah. it is I who said that. Thereupon the Messenger of Allah (saw) may peace be upon him) said: You are not capable enough to do so. Observe fast and break it; sleep and stand for prayer, and observe fast for three days during the month; for every good is multiplied ten times and this is like fasting for ever. I said: Messenger of Allah. I am capable of doing more than this. Thereupon he said: Fast one day and do not fast for the next two days. I said: Messenger of Allah, I have the strength to do more than that. The Holy Prophet (saw) said: Fast one day and break on the other day. That is known as the fasting of Dawood (as) and that is the best fasting. I said: I am capable of doing more than this. Thereupon the Messenger of Allah (saw) said: There is nothing better than this. 'Abdullah b. 'Amr (ra) said: Had I accepted the three days (fasting during every month) as the Messenger of Allah (saw) had said, it would have been more dear to me than my family and my property>>

Reported by Muslim (2729) and An-Nasaa'i reported the following version (Lafzh):

<<The Messenger of Allah (saw) said: It has reached me that you stand the nights in prayer and fast the days? I said: O Messenger of Allah (saw) I did not want anything

from doing this except Khair (goodness. He (saw) said: The one who fasts without stopping has not fasted but I will guide you to the fast of Ad-Dahr (the continuous fasting): Three days of every month. I said: o Messenger of Allah (saw): I am capable of doing more than that. He (saw) said: Fast five days. I said: I can do more than that. He replied: Fast ten. I said: I can do more so he said: Fast the fast of Daawud (as). He used to fast a day and then abstain from fasting a day>>.

The first Hadeeth mentions the order to fast one day and two days and three and four and the fast of Daawud (as) which is fifteen days (half a month). The second Hadeeth came with the order to fast three, five, seven, nine and eleven days. The third Hadeeth mentions three days, ten days (fast one day and leave two) as well as fifteen days (fast and break fast). In the report from An-Nasaa'i it mentions three, five, ten and fifteen days.

From all of these Ahaadeeth we can say that the Messenger of Allah (saw) ordered the fasting of one, two, three, four, five, seven, nine, ten, eleven and fifteen days in a month. In addition we have previously mentioned the eight days of combining Mondays and Thursdays.

So it is upon you O Brother to choose for yourself from amongst these options combining the search for goodness and based on capability and Allah (swt) multiplies the good deed up to seven hundred times.

## Part Six

### The Haraam Fasting that is not permissible:

#### Fasting the day of doubt (shakk):

What we mean here is the day that has doubt concerning it whether it is the last day of Sha'baan or the first day of Ramadhaan? In relation to this we say the following: If in the night that follows the twenty-ninth day of Sha'baan the moon is obstructed or hidden due to cloud or fog then it is waajib upon the Muslims to complete thirty days of Sha'baan and not fast that day in which there is doubt as a precaution to Ramadhaan and not to begin fasting Ramadhaan unless the moon had been sighted (on 30<sup>th</sup> night). If somebody had been fasting before that and wanted to continue his fast and then fasted it as a fast of Sha'baan then there is no problem in that. At-Tirmidhi said: (The people of Knowledge would dislike that a man would hasten to fast before the beginning of Ramadhaan with the meaning of Ramadhaan...). The following texts have treated this Mas'ala in a clear and complete way:

- 8) Abu Hurairah (ra) said that the Prophet or Abu Al-Qaasim (saw) said:  
<<Fast at its sighting and break fast at its sighting and it is clouded over then complete thirty days of Sha'baan>>. This hadeeth was recorded by Al-Bukhaari (1909), Muslim, An-Nasaa'i, Ahmad, Ibn Hibbaan and Ad-Daarami. And in another version from Muslim (2516): <<...If its obscure (cloudy) then calculate thirty>> and another similar Lafzh from Bukhaari <<...If it is obscure the complete the number of thirty>> which was reported on the authority of Ibn 'Umar (ra).
- 9) Ibn Abbaas (ra) said that the Messenger of Allah (saw) said:  
<<The Prophet (saw) said: Do not fast one day or two days just before Ramadan except in the case of a man who has been in the habit or observing a fast (on that day); and do not fast until you sight it (the moon). Then fast until you sight it. If a cloud appears on that day (i.e. 29th of Ramadan) then complete the number thirty (days) and then end the fasting: a month consists of twenty-nine days>>. Abu Daawud (2327) and Al-Bayhaqi recorded this hadeeth. An-Nasaa'i (2129) and Ahmad recorded the following: <<Fast at its sight and break fast at its sight but if clouds come between you and it (the new moon) then complete the period and do not seek to begin the month early>>. At-Tayaalissy recorded the following Lafzh: <<Fast at its sighting and break fast at its sighting and if clouds or fog come between you and it (the Hilaal) then complete the month of Sha'baan with thirty days and do not receive Ramadhaan with a fast of a (single) day of Sha'baan>>.
- 10) Muhammad bin Ka'b al-Qurazhi (ra) said:  
<<I entered upon the place of Anas bin Maalik at Asr time on a day in which there was doubt about the start of Ramadhaan. I wanted to say Salaam to him and he invited me to eat with him. I ate and said: This is in accordance to the Sunnah and he replied: Yes>>. At-Tabaraani (9039) recorded this in his Mu'jam al-Awsat. Al-Haithami said: The narrators are Saheeh.
- 11) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:  
<<Ramadhaan is not preceded by the fast of one or two days except for a man who use to fast (many or continuous preceding) fasts in which case he can fast it>>. Muslim ("518), Al-Bukhaari, An-Nasaa'i, At-Tirmidhi, Ibn Maajah, Ahmad and Ad-Daarami reported this hadeeth.
- 12) Silah Bin Zafr said:

<<We were in the company of ‘Ammaar bin Yaasir (ra) and he requested a roasted sheep and said: Eat but some of the people refrained and said: I am fasting so ‘Ammaar said: Whoever fasts the day of Shakk (doubt) has disobeyed Abul Qaasim (saw)>>.

Recorded by Al-Haakim (424/1) and Adh-Dhahabi affirmed it and verified it as Saheeh. At-Tirmidhi said: The hadeeth is Hasan Saheeh. An-Nasaa’i, Abu Daawud, Ibn Maajah, Ad-Daarami, Ibn Khuzaimah, Ibn Hibbaan and Al-Bayhaqi also reported it. Ad-Daaraqutni narrated it and said its Isnaan (chain) was Hasan Saheeh. Ibn Abdul Birr said: The Musnad is Marfoo’un and they do not disagree with that. This means that it takes the Hukm of Raf’ attributable to the Messenger of Allah (saw) due to the saying (then you would have disobeyed Abul Qaasim (saw)). This was therefore not the understanding of ‘Ammaar (ra) or his own Ijtihad.

The first hadeeth is clear in meaning. The second and fourth hadeeth add to the meaning of the first hadeeth by stating that a man who had been fasting before Ramadhaan in a continuous way then there was no harm for him to fast that day because he had only fasted days from Sha’baan. This fast does not go against the meaning and requirements of the other Ahaadeeth because they had forbidden fasting the end of Sha’baan to receive the coming of Ramadhaan. This means that it is not allowed to join the last day of Sha’baan with the beginning of Ramadhaan as a precaution that it might actually be the first day of Ramadhaan (Translators note: i.e. deciding to fast a day early just in case it might be Ramadhaan). If however it is fasted as a day of Sha’baan and from amongst its fasts then there is no problem in that. As for the fifth hadeeth states that fasting the day of Shakk – the day after the moon was not sighted – is Haraam and not allowed and this statement negates the view of dislike (karaahah) only. So in conclusion, fasting the end of Sha’baan and joining it to Ramadhaan as a precaution is Haraam and not only Makrooh. The third hadeeth establishes that abstaining from fasting on the day of Shakk is a legislated Sunnah in Islaam.

As for what was narrated from Abdullah ibn Abi Moosa and it is also said Abdullah ibn Abi Qais who said:

<...And I asked her – i.e. ‘Aa’isha (ra) – about the day in which people differ over the beginning of Ramadhaan? She said: That I fast a day of Sha’baan is dearer to me than if I break a fast in the month of Ramadhaan. He said: I left and then asked Ibn ‘Umar and Abu Hurairah and both of them said: The wives of the Prophet (saw) know better in this than us>>. Ahmad (25458), Sa’eed al-Mansoor and Al-Bayhaqi recorded this narration. (I say) that this is her own Ijtihad which contradicts the evidences and is therefore not taken and it does not have sway over the evidences that prevent joining the last of Sha’baan with Ramadhaan.

Abu Haneefah and Maalik said that fasting the day of Shakk as part of Ramadhaan is Haraam and that it is allowed in other than that. This is the correct view and what the texts have guided to. The majority of Ulamaa and Ash-Shaafi’ viewed the forbiddance of its fasting. Ibn Abdul Bar said: From those who it has been narrated that they disliked the fasting of the day of Shakk is ‘umar ibn Al-Khattaab, ‘Ali Ibn abi taalib, ‘Ammaar Ibn Yaasir, Abdullah Ibn Mas’ood, Hudhayfah, Ibn Abbaas, Abuu Hurairah and Anas bin Maalik (rah).

We have seen how ‘Ammaar Bin Yaasir (ra) mentioned in hadeeth five what indicates a prohibition and not only dislike. I would like to add here that the expression (‘So and so dislikes (kariha Fulaan)) has been found on the lips of some Fuqahaa when they are in fact implying Tahreem (it being forbidden). So when dislike is mentioned it does not always mean Makrooh so the reader should be aware of this. An example of this is what At-Tirmidhi said after narrating the Hadeeth of ‘Ammaar (ra) which included (‘then he has disobeyed Abul Qaasim). At-Tirmidhi said: ‘Most of the people of knowledge and the Ashaab of the Prophet (saw) worked along the meaning of this (hadeeth) and after them the Taabi’een. It is also the Qawl (opinion) of Sufyaan Ath-Thawri, Maalik bin Anas, Abdullah ibn Al-Mubaarak, Ash-Shaafi’, Ahmad and Ishaq that they all Karihoo (disliked) that a man

would fast on the day of Shakk (doubt)...’ Here he said Kariha (dislike) but meant karaahah Tahreem (that it was forbidden).

#### **Sawm Ad-Dahr:**

And we mean here by the Sawm Ad-Dahr the fasting of all the days of the year with the exception of the five days in which fasting is forbidden. These are the two days of Eid Al-Fitr and Eid Al-Adhaa and the three days of At-Tashreeq which will be discussed later.

The majority of Ulamaa have allowed the fasting of Ad-Dahr for the one who is capable (has the strength) and it does not cause a Haqq (right) to be missed (neglected). If it causes a Haqq to be harmed or missed then it is Makrooh. An-Nawawi mentioned in Al-Majmoo’ some of the names of the earliest generations and those that came after them who used to fast Ad-Dahr and from amongst them were ‘Umar Ibn Al-Khattaab, his son Abdullah, Talhah Al-Ansaari, Abu Umaamah and his wife ‘Aa’isha, Sa’eed bin Al-Musayyib, Al-Aswad bin Yazeed and Sa’eed Ibn Ibraheem bin Abdur Rahman bin Auf. Ahmad said: I expected that there would not be a problem in that. Similar this was reported from Maalik and The Madhhab of Ash-Shaafi’ saw that the continuous fasting, Siyaam Ad-Dahr was not disliked but rather recommended as long as it did not bring with it harm or lead to the neglect of a right. The people of the Zhaahir (literal) school, Ibn ul-Arabi from the Maalikiyah, Ishaq bin Raahuwiyah and Ahmad in another report all viewed it to be disliked. Ibn Hazm was alone in saying it was Haraam and in order to reach the correct ruling we must first examine the texts and evidences related to this matter:

10) Abdullah Ibn ‘Amr (ra) said that the Prophet (saw) said to him:

<<You fast continuously and stand up the (whole) night? So I said: Yes. He said: If you were to do this then your eyes would become worn and strained and your body/soul will become tiresome (fed up). There is no fast for the one who fasts Ad-Dahr the continuous fasting>>. Narrated by Al-Bukhaari (1979), Muslim, An-Nasaa’i, Ibn Maajah, Ahmad, Ibn Abi Shaibah and Al-Bayhaqi. In another narration from Al-Bukhaari (1997) he (saw) said: <...There is no fast for the one who fasts Siyaam al-Abad (continuous), two times>.

11) Also from Abdullah Ibn ‘Amru (ra):

<<The Messenger of Allah (saw) was informed about my fasts, and he came to me and I spread for him a leather cushion stuffed with palm fronds, but he sat on the ground and the cushion remained between me and him, and then he said, "Isn't it sufficient for you to fast three days a month?" I replied, "O Messenger of Allah! (I can fast more)." He said, "Five?" I replied, "O Messenger of Allah! (I can fast more)." He said, "Seven?" I replied, "O Messenger of Allah! (I can fast more)." He said, "Nine (days per month)?" I replied, "O Messenger of Allah! (I can fast more)" He said, "Eleven (days per month)?" And then the Prophet (saw) said, "There is no fast superior to that of the Prophet David it was for half of the year. So, fast on alternate days>>.

Recorded by Al-Bukhaari (1980), Muslim, An-Nasaa’i and Ibn Hibbaan and this Hadeeth was discussed earlier in the section (The fasting of a day, two days...) in the Chapter (The recommended fasts). In another Hadeeth recorded by Al-Bukhaari and narrated by Abdullah Ibn Amr it said: <<...I said: "Messenger of Allah! I have power." The Prophet (saw) said, "Fast like the fasting of the Prophet Daawood and do not fast more than that." I said, "How was the fasting of the Prophet of Allah, Daawood (as)?" He said, "Half of the year," (i.e. he used to fast on every alternate day). Afterwards when 'Abdullah became old, he used to say, "It would have been better for me if I had accepted the permission of the Prophet (which he gave me i.e. to fast only three days a month)>> and we have also previously mentioned this narration. Muslim (2729) recorded a Hadeeth with the following Lafzh: <<...Fast a day and break a day and this is the fast of Daawood (as) and this is the best fast. I said: I am able to do more than that so the Messenger of Allah (saw) said: There is nothing better than that...>>.

12) Abdullah Ibn Sikhkhair said that the Prophet (saw) said:

<<Whoever fasts al-Abad (continuously) then he has not fasted or made Iftaar>>.

Recorded by Ibn Maajah (1705), An-Nasaa'i, Ahmad, Ad-Daarami, Ibn Hibbaan, Ibn Khuzaimah, Al-Haakim and Ibn Abi shaibah. Its Isnaad (chain) is Saheeh.

- 13) Abu Moosa Al-Ash'ari (ra) narrated that the Prophet (saw) said:  
<<Whoever fasts Ad-Dahr (continuously) then Jahannam (hellfire) will constrict him like this and he grasped his hands together>>.

Recorded by Ahmad (19951), Ibn Hibbaan, An-Nasaa'i and Ibn Khuzaimah. Its Sanad is Jayyid (good).

- 5) 'Imraan Bin Husain (ra) said :

<<It was said to the Messenger of Allah (saw): That someone does not break his fast throughout the day continuously until the night so He(saw) said: He has not fasted or made Iftaar>>.

Reported by Ibn Hibbaan (3582), An-Nasaa'i, Ahmad, Ibn Khuzaimah and Al-Haakim. Al-Haakim verified it as Saheeh and Adh-Dhahabi agreed.

- 13) Abu 'Amr Ash-Shaibaani said:

<<It reached 'Umar that a man fasted Ad-Dahr (continuously...(He beat him) and he would say: Eat Ya Dahr! Eat Ya Dahr>>.

Reported by Ibn Abi Shaibah (492/2) and Ibn Hazm recorded and verified it as Saheeh and Ibn Hajar also said the Isnaad is Saheeh.

- 14) Naafi' said:

<<'Umar (ra) use to fast continuously before his death and Naafi' (also) said: Abdullah Ibn 'Umar would fast continuously in his later life>>.

Reported by Al-Bayhaaqi (301/4). The chain includes Mu'aawiyah bin Saalih, some people said he was trustworthy whilst Yahya Bin Sa'eed, Yahya Bin Mo'een and Abu Ishaq Al-Fazaari said that he is Da'eef (weak). It also contains Zur'ah Bin Thawb and Adh-Dhahabi said in his book of weak narrators that he is Majhool (unknown). According to this the Hadeeth is Matrook (left/abandoned).

The first Hadeeth states that: (There is no fast for the one who fasts Ad-Dahr (continuously)) and in another version the fast of 'Al-Abad' and the second Hadeeth says that (There is no fast above the fast of Daawood) and in another Lafzh (Then fast the fast of the Prophet of Allah, Daawood (as) and do not increase upon it) and in a third version (Lafzh) it is said (There is nothing better than that). The third Hadeeth says (Whoever fasts Al-Abad has not fasted or made Iftaar) and the fourth says (Whoever fasts Ad-Dahr then Jahannam is constricted upon him) and the Fifth Hadeeth says (He did not fast or make Iftaar) and the Athar (report) in number six says (...He(beat him) and he would say eat Ya Dahr!) and in the Athar in seven it was said that ('Umar (ra) use to fast continuously and Abdullah Ibn Umar use to fast continuously).

So what do all of these texts indicate?

The one who studies does not find it difficult to deduce the ruling of Tahreem (prohibition) for the fasting of Ad-Dahr. The first hadeeth contains the potential of A du'a from the Messenger (saw) on the one who fasts Ad-Dahr just as it holds the potential for negating it. If we compare it with the third and Fifth Hadeeth we can outweigh that the first hadeeth alludes to Nafy (negation) jaust as the third and fifth indicate negation. The meaning of An-Nafi (negation) is that the Messenger of Allah (saw) described the one who fasted Ad-Dahr as someone who had not fasted. This means that this fast does not have a reality and is not accepted, in the context that it is an act of Ibaadah (worship) and the Ibaadaat are Tawqeefiyah (revealed as they are in the way they are) and the mind can not enter into their remit. We then judge that an act of Ibaadah that is negated by the Shar'a, i.e. that it has no existendce in the Shar'a and is not accepted by it, is Haraam and a legislation outside of Allah's Shar'a. These three Ahaadeeth are sufficient to indicate that the fasting of Ad-Dahr is Haraam. If we add to it the second Hadeeth that states (There is no fasting beyond or above that of Daawood (as)) then we can say that it has been confirmed in a way that does not contain the potential of error that the fasting of Ad-Dahr has been negated by the Shar'a and not affirmed. We can also add to what we

have just mentioned the narration (So fast the fast of the Prophet of Allah, Daawood (as) and do not increase upon it) and by doing so we have added to the repeated negation (Nafy) the Nahy (prohibition) to this form of fasting. The Nafy (negation) is supported by the Nahy (prohibition) so that each acts as a Qareenah (supporting indicative evidence) for the other, which leads to Al-Jazm (decisiveness). The meaning of the fourth Hadeeth becomes clear now, and that is that whoever fasts Ad-Dahr which the Shar'a has negated and forbidden then he has gone away from obedience to Allah and entered into disobedience and therefore his only recompense for this is Jahannam. These texts indicate a meaning which contains no confusion or ambiguity in that the Siyaam of Ad-dahr is not lawful, acceptable or valid and in addition that it is Haraam and not permissible. 'Umar (ra) would not have hit and punish people over an action which was not Haraam like what was reported in the Athar (report) under heading six.

As for the Athar under seven which stated that 'Umar and his son fasted continuously then it is not correct to understand from this that they were fasting Ad-Dahr but rather it implies that they fasted a lot and use to join prayers and fast many days in a row. This is permitted and there is nothing forbidden in it. Following and continuing the fast does not mean fasting all of the days of the year and it is common in the usage of the Arabic language to use expressions which indicate continuity whilst this intended to mean that something was done a lot. This occurs many times in the texts of the Noble Qur'aan and the Honourable Sunnah which is so well known and happens so numerously that there is no need to mention examples.

Despite all of these evidences which have not been abrogated or contradicted and opposed the majority of Ulamaa have however permitted the fasting of Ad-Dahr and have used the hadeeth of 'Aa'isha (ra) to support their view which narrates from her from Hamza Ibn Amr Al-Aslami who asked the Prophet (saw) saying: <O Messenger of Allah I am a man that continues his fast so should I fast whilst travelling? He (saw) replied: Fast if you wish and break fast if you wish>. This hadeeth was recorded by Muslim (2626) and Al-Bukhaari and we mentioned it in the section about fasting in travel. They also used reports 'Aathar from the Sahaabah which state that some of them use to continue their fasts which was recorded by Al-Bayhaqi in his fourth part on page 301. The error that they fell in is that they (Ulamaa) interpreted the continuous fast to mean the fast of Ad-Dahr and they did not translate it as the continuance and following of fasts. Had these interpreted this correctly then they would not have fallen into such error.

As for the statements of the Sahaabah then they are in origin not considered as (Sharee'ah) evidences let alone stand up to opposing or specifying the Prophetic Ahaadeeth that indicate prohibition. Even if we were to understand and interpret the meaning to be the sawm of Ad-Dahr we would still reject these statements and not take notice of them. They are the Ijithadaat of the Sahaabah which we are not obliged to commit to and especially if they contradict the evidences of the Kitaab and Sunnah. And in relation to the hadeeth from 'Aa'isha (ra) from Hamzah ibn 'Amr then this also does not support their view either. In fact it indicates the opposite to what they have said. Hamzah said: I am a man who continues his fast (sarada) so the Messenger of Allah (saw) replied: Fast if you like and abstain if you like. This formation of words implies that the continuous fast was not the fast of Ad-Dahr. Had Hamzah been fasting Ad-Dahr then why did he ask the Messenger of Allah (saw) the question (Should I fast whilst travelling?) because in this condition he would not be in need of posing this question. In addition if Hamzah was fasting Ad-Dahr and the Messenger of Allah (saw) knew this and consented to it then why did he say (Fast if you like and make Iftaar if you like)? (If he had consented to and understood that the questioner was talking about Ad-Dahr) He would have said something like 'You must keep your fasting whilst in travel' or 'Fasting does not prevent your fasting' or 'travel does not invalidate the fasting of Ad-Dahr. As for his saying: (Fast if you wish and make Iftaar if you wish) indicates that the question was not concerning the fast of Ad-Dahr but rather only concerning the frequent fasting and the continuous fasting (for many days) but not more than this.

The Hadeeth that was narrated by Usaamah Bin Zaid (ra) reported by Ahmad (22096) indicates emphatically that the continuous (sarada) fasting does not mean the Sawm of Ad-Dahr (fasting everyday of the year) but rather reflects the frequent fasting and that which is done with days following each other in a continuous way. The wording of the hadeeth is: <The Messenger of Allah (saw) use to fast the days (sarada) continuously until it was said (of him) that he does not (ever) abstain from fasting and then he would abstain for such a number of days that it would be said that he does not fast...> and it was mentioned previously in the section ('The recommended Fasts') in the sub-section ('Fasting of Sha'baan). So the Hadeeth mentions : (He would (sarada) continue days until it was said that he does not abstain and he would abstain from fasting days until...) and therefore it brings together As-Sard (continuing) and Al-Iftaar (abstaining) and had As-Sard meant the continuous all year round fast (Ad-Dahr) then how could they be brought together (and co-exist). May Allah's (swt) mercy be on At-Tirmidhi who was able to comprehend that the fasting of As-Sard meant the following together of fasts and not Ad-Dahr and he dedicated a chapter to this distinction under the heading (What has been mention in relation to Sard As-Sawm) and he mentioned the following Hadeeth from 'Abdullah Bin Shaqeeq: << I asked 'Aa'isha (ra) about the fasting of the Prophet (saw)? She said: He would fast until we would say he has fasted and make Iftaar until we would say that he has been in a state of Iftaar and the Messenger of Allah (saw) did not fast a whole month except for the month of Ramadhaan>>. Two other Hadeeth were mentioned after this which did not contain any mention to the fasting of Ad-Dahr which indicates that the term sarada sawm was understood to only mean the frequent fasting or fasting a lot. This is a situation where some hadeeth give tafseer and explanation to the meaning of others. Our previously mentioned hadeeth are all suitable to explain the Hadeeth of Hamzah in that it is talking about the fasting of days that follow each other in the situation where fasting everyday of the year (sawm ad-dahr) was forbidden for him.

As for the opinion of the majority of Ulamaa and Ash-Shaafi' that fasting Ad-Dahr was allowed or recommended (Mustahabb) with the condition that it is not associated with a harm or take away from a right then the response and rebuttal to that is that this Shart (condition) can not be perceived to be attained or achieved because harm and the falling short in the Huqooq (rights) will inevitably happen as a result of fasting Ad-Dahr. The first Hadeeth says: <verily you fast Ad-Dahr and stand in prayer the (whole) night? So I said: Yes. He (saw) said: If you have done this then you have shrivelled up your eyes and worn yourself out>. This Hadeeth therefore establishes that the fasting of Ad-dahr leads to harm unless it is the view of the majority, Ash-Shaafi' and his people that these two are not indicative of Darar (harm)? If we add to this what the following hadeeth establishes in relation to fasting two-thirds of Ad-Dahr and that nobody can bare it and therefore (by greater reason) no person is capable of performing the complete fasting of Ad-Dahr then we can understand the error which these (Ulamaa) fell in: Abu Qataadah (ra) said: <A man asked the Prophet (saw) about his fasting? Then he became angry so 'Umar said: I am pleased (content) and said: We are content with Allah (swt) as our Rabb (lord) and Islaam as our Deen (He (Abu Qataadah said: I do not know except that he said) and with Muhammad (saw) as a Messenger and with the Bay'ah (pledge of allegiance) we have made. He said: Then 'Umar stood or someone else and said: O Messenger of Allah (saw) What about the man who fasts Al-Abad (forever)? He said: He does not fast or make Iftaar or he hasn't fasted or made Iftaar. He said: What about fasting two days and leaving one day? He (saw) replied: And who is capable of doing that?...>. This Hadeeth was reported by Ahmad (22904), Muslim, Abu Daawud, An-Nasaa'i, Ibn Maajah and Al-Bayhaqi with differences in their versions. So his statement regarding fasting two days and abstaining one day i.e. two-thirds of Ad-Dahr when he said: (And who can bare that (capable of that)?) is a question indicating rebuke and rejection which indicates a clear meaning that nobody can bare the fasting of Ad-Dahr.

Indeed we have with us a hadeeth that is even stronger in proof and clearer in meaning that shows that the fasting of Ad-Dahr is not within ones capability and we previously mentioned in in the section (Consecutive day fasting) in the chapter (The Recommended fasts). On the authority of 'Abdullah Ibn

'Umar (ra) who said: <<The Messenger of Allah (saw) was informed that I said: By Allah. I will fast the day(s) and make Qiyaam in the night(s) as long as I live. I told him that by my Mother and Father I had said this. He (saw) said: Verily you are not able to do this...>. This hadeeth was reported by Al-Bukhaari (1976), Muslim and by others. After all of this there are still some that say that it is permissible to fast Ad-Dahr as long as it does not harm its performer!!

I would like to bring at this juncture the Hadeeth reported by Imaam Al-Bukhaari (5063), Muslim, An-Nasaa'i, Ad-Daarami and Ahmad narrated by Anas Bin Maalik (ra):<<A group of three men came to the houses of the wives of the Prophet asking how the Prophet worshipped (Allah), and when they were informed about that, they considered their worship insufficient and said, "Where are we from the Prophet as his past and future sins have been forgiven." Then one of them said, "I will offer the prayer throughout the night forever." The other said, "I will fast throughout the year and will not break my fast." The third said, "I will keep away from the women and will not marry forever." Allah's Apostle came to them and said, "Are you the same people who said so-and-so? By Allah, I am more submissive to Allah and more afraid of Him than you; yet I fast and break my fast, I do sleep and I also marry women. So he who does not follow my tradition in religion, is not from me (not one of my followers)>>. Is there not contained in this Hadeeth that which would prevent the opinion of allowing the fast of Ad-Dahr let alone the statement that it is recommended (Mustahabb)?! Have they not heard the statement of the Messenger of Allah (saw) in relation to the one who stands for prayer Ad-Dahr and fasts Ad-Dahr and who leaves marriage Ad-Dahr when he said: <The one who seeks other than my Sunnah is not from me>?

As for those who have said that Ad-dahr is Makrooh (dislikeable) then this is a lesser error unless they mean the Makrooh of Tahreem (forbidding). The truth which can not be avoided is that the fasting of Ad-Dahr is Haraam and not yajooz (permissible) and this is the opinion of Ibn Hazm.

#### **Fasting the days of Al-Fitr and Al-Adhaa:**

The Fuqahaa of the Salaf and Khalaf have agreed that fasting the two days of Al-Fitr and Al-Adhaa are Haraam and not permissible and it is not known of anyone who has disputed this. The following is a selection of evidences related to this Mas'alah (issue):

18) Abu 'Ubaid the servant of Ibn Azhar said:

<<I witnessed 'Eid with 'Umar Ibn Al-Khattaab (ra) and he said: The Messenger of Allah (saw) forbade the fasting of these two days, the day of Fitr from your fasting(in Ramadhaan) and the day that you eat from your sacrifices/rituals (Al-Adhaa)>>.

Collected by Al-Bukhaari (1990), Muslim, Abu Daawud, An-Nisaa'i, At-Tirmidhi, Maalik, Ahmad and Ibn Maajah.

19) 'Aa'isha (ra) said:

<<The Messenger of Allah (saw) forbade fasting two days: The day of Al-Fitr and the day of Al-Adhaa>>.

Collected by Muslim (2676) and Ibn Abi Shaibah.

20) Abu Hurairah (ra) said:

<<That the Messenger of Allah (saw) forbade fasting two days: The day of Al-Adhaa and the day of Al-Fitr>>.

Collected by Muslim (2672), Al-Bukhaari, Maalik, Ahmad and Al-Bayhaqi.

21) Abu Sa'eed Al-Khudri (ra) said:

<<The Prophet (saw) forbade fasting Al-Fitr and An-Nahr (day of sacrifice)>>.

Collected by Al-Bukhaari (1991), Muslim, Abu Daawud, At-Tirmidhi, Ahmad and Ibn Maajah.

22) Abu Sa'eed Al-Khudri said that the Prophet (saw) said:

<<...And there is no fasting in two days: Al-Fitr and Al-Adhaa...>.

Collected by Al-Bukhaari (1995), Muslim and Ad-Daarami. Ahmad (11368) reported another version <<...and there is no fasting on the day of Al-Fitr or the day of Al-Adhaa>>. Ibn Hibbaan (3599) reported it as <<There is no fast on the day of 'Eid>>.

23) Also from Abu Sa'eed Al-Khudri who said that he heard the Messenger of Allah (saw) saying: <<It is not valid to fast two days, the day of Al-Adhaa and the day of Al-Fitr attached to Ramadhaan>>.

Collected by Muslim (2673), Al-Bukhaari, Abu Daawud and At-Tirmidhi. The first five Ahaadeeth forbid fasting the two days of 'Eid using the wording 'Nahaa' (forbid) and also with wording 'There is no fast' and the reality of this is that it Nahy (forbidding) only without it being known whether this is a decisive forbidding which is Tahreem or not decisive in which case it would be a Nahy pertaining to Karaahah (Makrooh/disliked). We must therefore examine the Qareenah (legislative indication) to ascertain which of the two Hukm's (rulings) is intended. We find this Qareenah in the sixth Hadeeth in the wording 'Laa Yuslih' (not valid) which indicates that the Nahy here is Jaazim (decisive) and is one of Tahreem (prohibition) so this Hadeeth contains a Qareenah in it which provides a decisive forbidding making the ruling Haraam (and not Makrooh). This Hadeeth is similar to the hadeeth reported by Muslim (1199), An-Nasaaa'i, Ahmad and Ad-Daarami from Mu'aawiyah bin Hakam As-salami (ra) which says: <<...Verily this Salaah (prayer) does not Yuslih (find valid) in it anything of the speech of man...>> and a Hadeeth reported from Abu Daawud (930) explains this hadeeth: <<...Verily this Salaah does not allow (make Halaal) in it anything from the speech of man...>>. Therefore the report of Abu Daawud explains the report from Muslim where 'La Yuslih' has been explained with 'La Yuhill' (not Halaal). So where it says 'The Fasting Laa Yuslih (is not valid/correct)' in the sixth Hadeeth, then this is explained to mean 'The fasting La Yuhill' (Not Halaal). I have mentioned in full the narrations of Muslim and Abu Daawud in the section (Al-Qanoot) in chapter seven of the second part of my book 'Al-Jamee' LiAhkaam As-Salaah' (The comprehensive guide to the Rules of As-Salaah).

### **Fasting the Days of At-Tashreeq:**

It is the opinion of Maalik and Al-Awzaa'i and Ahmad and Ishaq bin Rahuuwiyah in a report attributed to them both that fasting the days of At-Tashreeq is Haraam with the exception of the the Haaji Al-Mutamatti' that does not have a sacrifice. This has also been reported from 'Aa'isha, Ibn 'Umar, 'Urwah Bin Zubair and 'Ubaid Ibn 'Umair (rah. On the other hand Abu Haneefah, Ahmad (in the stronger of views attributed to him), Ash-Shaafi'(in a famous opinion of his), Daawud Bin 'Ali, Ibn Hazm, Ibn Al-Mundhir, Al-Laith Bin Sa'd, Al-hasan Al-Basri and 'Ataa Bin Abi Rabaah have all said that it is Haraam Mutlaqan (absolutely with no restriction). This has also been reported and attributed to 'Ali Bin Abi Taalib and 'Abdullah Ibn 'Umar (rah). The followers of Ash-Shaafi' however have allowed fasting in the day of At-Tashreeq if there was a reason: an oath, Kaffarah or Qadaa only and if there was no (legitimate) reason then it is not allowed and there is no disagreement upon this. And it has also been reported from Az-Zubair Bin Al-'Awaam, Talhah, Abdullah Ibn 'Umar, Al-Aswad Bin Yazeed and Ibn Sireen that its fasting is permissible Mutlaqan. In order for us to ascertain the correct Hukm (ruling) in this Mas'alah with Allah's permission then we need to examine the following texts:

11) An-Nubaishah Al-Hudhali said that the Messenger of Allah (saw) said:

<<The days of At-Tashreeq are days of eating and drinking>>.

Collected by Muslim (2677), Al-Bayhaqi and At-Tahaawi. Ahmad (20997) recorded the following Lafzh (worded version): <<The days of At-Tashreeq are days of eating and drinking and making Dhikr (remembrance) of Allah Azza wa Jall>>. The days of At-Tashreeq are the three days following the day of Al-Adhaa.

12) Ka'b Bin Maalik (ra) said:

<<That the Messenger of Allah (saw) sent for him and Aus Bin Al-Hadathaan in the days of At-Tashreeq and he called: Verily no one will enter Al-Jannah except a Mu'min (believer) and the days of Mina are days of eating and drinking>>.

Reported by Muslim (2679), An-Nasaa'i, Ibn Maajah and Ahmad.

13) Umm Mas'ood bin Al-Hakam (rah) said:

<<As I was looking at 'Ali Bin Abu Taalib upon the white mule of the Messenger of Allah (saw) he said: O people verily the Messenger of Allah (saw) said: Indeed the days of At-Tashreeq are for eating and drinking and not days for fasting>>.

Reported by An-Nasaa'i (2901) in As-Sunan Al-Kubraa, Ahmad, Ibn Khuzaimah, Al-haakim and Abu Ya'laa.

14) 'Aasim Bin Suleymaan from Al-Mutallab said:

<<A Bedouin was invited to food, and that was the day after An-Nahr (Al-Adhaa). The Bedouin said: I am fasting. So he said: I heard 'Abdullah Ibn 'Umar saying: I heard the Messenger of Allah (saw) forbidding that these days be fasted>>.

Reported by Ibn Khuzaimah (2148), An-Nasaa'i and Abd Ur-Razzaaq. An-Nasaa'i (2914) mentioned another Lafzh in his Sunan Al-Kubraa: <<The days of At-Tashreeq are days for eating and drinking and praying so none of you should fast>>.

15) Sa'd Abi Waqqaas (ra) said:

<<The Messenger of Allah (saw) ordered me to call the days of Mina: That they are days for eating and drinking and that there is no fasting in them, meaning the days of At-Tashreeq>>.

Recorded by Ahmad (1456). Al-Bazaar recorded this Hadeeth (1067) without the statement (There is no fasting in them). Al-Haithami said: Its narrators are Saheeh (trustworthy).

16) Umm 'Amru Bin Saleem Az-Zarqi (rah) said:

<<We were in Mina when 'Ali Bin Abi Taalib was on a camel saying: Verily the Messenger of Allah (saw) said: Verily these days are for feeding and drinking and none of you should fast. So the people Followed (obeyed)>>.

Reported by Ahmad (824) and Ash-Shaafi'.

17) Habeebah Bint Shareeq (rah) said:

<<That she was with her daughter Al'Ajamaa in the days of Hajj in Mina .It was said: Badeel Bin Waraqaa approached on the ride of the Messenger of Allah (saw) and called out: Verily the Messenger of Allah (saw) said: Whoever is fasting then he should make Iftaar (break the fast) because these are days for eating and drinking>>.

Recorded by Al-Haakim (250/2) and At-Tabaraani in Al-Mu'jam Al-Awsat.

18) Abu Murrah the servant of Umm Haani' said:

<<He entered along with 'Abdullah Ibn 'Amru the quarters of his father 'Amru Bin Al-'Aas so he brought food in front of them and said: Eat. He said: I am fasting then 'Amru said: Eat, because these are the days in which the Messenger of Allah (saw) ordered us to make Iftaar and forbade us from fasting it. Malik said: And they are the days of At-Tashreeq>>.

Collected by Abu Daawud (2418), Ibn Khuzaimah, Ad-Daarami, Ahmad, Al-Haakim, Al-Bayhaqi and Ibn ul-Mundhir. Al-Haakim and Ibn Khuzaimah verified it as Saheeh.

19) 'Uqbah Bin 'Aamir (ra) said that the Messenger of Allah (saw) said:

<<The day of 'Arafah, the day of An-Nahr and the days of At-Tashreeq are our 'Eid the people of Islaam and they are days of eating and drinking>>.

Narrated by Abu Daawud (2419), An-Nasaa'i, At-Tirmidhi, Ahmad, Ad-Daarami, Ibn Hibbaan and Ibn Khuzaimah.

20) Abu Sha'thaa said:

<<Ibn 'Umar came to us in the middle day of the days of At-Tashreeq and said: I have come with food so the people approached and a son of his came forward. He said: Then he said to him: Come close and I will give you food. He said: So he replied: I am fasting. He said: Then

he said: Did you not know that the Messenger of Allah (saw) said: These are the days of food and Dhikr (remembrance of Allah)>>.

Narrated by Ahmad (4970), Al-Haithami said: Its Narrators are Saheeh (trustworthy).

In examining these Ahaadeeth we find that the first, second and seventh have mentioned that the days of At-Tashreeq are days for eating and drinking, The fourth came with the addition of Prayer/Supplication (Salaah) in the narration of An-Nasaa'i and the tenth came with the addition of Dhikr (remembrance of Allah). So these Ahaadeeth have described the days of At-Tashreeq as days for eating, drinking, Salaah and Dhikr.

A number of Ulamaa have deduced from the fact that the Ahaadeeth have mentioned that the days of At-Tashreeq are for eating and drinking that fasting in them is Haraam and not permitted. The truth is however that this deduction is incorrect because the mere description of the days of At-Tashreeq being days of eating and drinking is not sufficient enough as evidence to say that fasting is Haraam. However these evidences are not restricted to this description and the negation and forbidding of fasting these days has also been mentioned. In the third hadeeth it was said: (They are not days of fasting) and in the fourth Hadeeth in the Riwaayah (report) of An-Nasaa'i and also in the sixth Hadeeth it is mentioned: (So no one should fast them) and in the fifth Hadeeth the statement: (So there is no fasting in it). Then there came a spoken prohibition in Hadeeth four and eight: (He forbade fasting these days) and (He forbade us from fasting them). The opinion of prohibition can be proven because the statement in the fourth hadeeth (So no one should fast them) and Hadeeth six: (so no one should fast them) have both come in the form of Tawkeed (confirmation) and this form indicates resolution, determination and compulsion. So it is correct based on these Ahaadeeth to deduce that the Nahy (forbidding) contained in them amounts to a decisive prohibition which establishes Tahreem (prohibition). So when we find in the seventh Hadeeth: (So whoever is fasting should break it) we understand and it becomes really affirmed to us that the forbidding of fasting is a decisive forbidding that establishes Tahreem (prohibition). This is because ordering the one fasting to break his fast would not be valid or allowed if the fasting had been allowed and acceptable. This would not in fact have been valid unless the fasting was not allowed and it was obligatory to cut it short with Iftaar. Similar to this is Hadeeth eight where 'Amru Bin Al-'Aas ordered his son to eat in these days and to break his fast and when his son refrained from breaking his fast 'Amru did not hesitate to raise the issue with his son a second time for him to break his fast using as evidence that the Noble Messenger (saw) use to order those who were fasting at that time to make Iftaar and forbade them from fasting and the tenth hadeeth is similar to this in implication. So these three Ahaadeeth the third, eighth and tenth are suitable Qaraa'in (indications) and evidences that forbid fasting the days of At-Tashreeq and can only indicate a decisive forbidding establishing Tahreem (prohibition).

What remains in this issue is related to the Haaji who made 'Umrah before Hajj and he has not found a Hady (sacrificial lamb) i.e. he does not have a lamb to slaughter, or has found one but does not have enough money. Is it allowed for him to fast the three days of Al-hajj in the days of At-Tashreeq?

Before answering this question we must first take a look at the texts which are related to the issue:

9) Allah (swt) said:

فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَنْ لَمْ يَجِدْ  
فَصِيَامًا ثَلَاثَةَ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةً إِذَا رَجَعْتَ تُمِّتْكَ عَشْرَةَ كَامِلَةً

(...whosoever performs the 'Umrah in the months of Hajj, before (performing) the Hajj, (i.e. Hajj-at-Tamattu' and Al-Qirân), he must slaughter a Hady such as he can afford, but if he cannot afford it, he should observe Saum (fasts) three days during the Hajj and seven days after his return (to his home),

making ten days in all...)

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10) 'Aa'isha (ra) and Ibn 'Umar (rah) said:

<<A Rukhsah (permission) has not been given for fasting the days of At-Tashreeq except for the one that does not find a sheep to sacrifice>>.

Reported by Al-Bukhaari (1997-1998), Ad-Daaraqutni, Al-Bayhaqi, Ibn Abi Shaibah and At-Tabari.

11) 'Ali (ra) said:

<<As for fasting three days in Hajj (they are:) the day before Tarwiyah, the day of Tarwiyah and the day of 'Arafah>>. Reported by Al-Bayhaqi (25/5), At-Tabaraani, Ibn Abi Shaibah and Abd ur-Razzaaq.

12) Ibn 'Umar (ra) said:

<<The Siyaam of three days in Hajj are the day before Tarwiyah, the day after Tarwiyah and the day of 'Arafah and if these are missed then they are fasted in the days of Mina>>.

Reported by Ibn Jareer At-Tabari (247/2), Muhammad Bin Al-Mundhiri, Ad-Daaraqutni, Al-Bayhaqi and Ibn Abi Shaibah.

13) Ibn 'Umar (ra) said:

<<Fasting for those who perform ,Hajj-at-Tamattu (in lieu of the Hadi which they cannot afford) may be performed up to the day of Arafat. And if one does not get a Hadi and has not fasted (before the Eid) then one should fast of the days of Mina. (11, 12 and 13th of Dhul Hijjah)>>.

Reported by Al-Bukhaari (1999), Maalik, Ash-Shaafi and Al-Bayhaqi.

14) Ibn Abbaas (ra) said:

<<His (swt) statement ((Whoever performs the 'Umrah before the Hajj)) until ((And seven if you have returned)) then this is upon the one who has preceded Hajj with 'Umrah (Al-Mutamtti') if he does not find a sacrificial sheep/lamb. It is then upon him to fast three days in Hajj before the day of 'Arafah and if the day of 'Arafah was the third then he has completed his fast and seven if he returns back to his family (homeland)>>.

Reported by Ibn Jareer At-Tabari (248/2).

His (swt) statement in the noble Ayaat ((So fast three days in Hajj)) has been explained/interpreted by 'Ali, Ibn 'Umar and Ibn Abbaas (rah) in the reports 3,4 and 6 in which they say the fasting should be performed before 'Arafah or the last day of the three being 'Arafah. This means that they are not performed on the days of At-Tashreeq and this is (also) due to the forbidding of fasting the days of At-Tashreeq. However as these three fasts are obligated by the Shar'a and also that the last days of Hajj are the days of At-Tashreeq, then in this case it is allowed for the one who has not fasted the days in its right time to fast them in the forbidden days i.e. the days of At-Tashreeq.

There is therefore a Rukhsah for the one who has missed the previous days to fast the days of At-Tashreeq and this is what came in the second Hadeeth: (There is no Rukhsah to fast the days of At-Tashreeq except for the one who could not find a Hady (Sacrificial sheep)). This Rukhsah has been restricted also to the one who was not able to accomplish the fasts before and not an unrestricted ruling and this is due to the original rule being to fast the three days before the days of At-Tashreeq and this meaning has been mentioned in the fourth Hadeeth: (And if he missed them then he should fast the days of Mina) and also in the fifth Athar (report): (So if he has not found a sacrificial sheep and has not fasted then he fasts the days of Mina). And the Aathaar are statements of the Sahaabah, they are not (Sharee'ah) evidences, but they are Islaamic rulings (Ahkaam Ash-Sharee'ah) and it is allowed to make Taqleed to them and follow them. Here the statements of the Sahaabah explain and interpret the Noble Ayah so it is correct (valid) to accept this explanation and interpretation especially because they are the most able of the Muslims in understanding the Ayaat and explain their meanings.

Therefore we say that the first group were correct when they said that it was forbidden to fast in the days of At-Tashreeq except for the one performing Hajj Al-Tamattu' and did not find the means for a

sacrificial sheep/lamb. And I add to their statement (And he who missed the fasts (before At-Tashreeq) and this is an addition which must be made. As for the people of Ash-Shaafi would have been (completely) correct in their view had they had linked the reason to the missing of the three days before the days of At-Tashreeq and they were incorrect for linking the reasons of An-Nadhr (fasts for broken oaths), Kafaaraat (expiations) and the Qadaa fasts because the texts did not indicate except a single reason which is the missing of performing these fasts before the days of Mina. The Nadhr, Kafaarah and Qadaa have not been made a Rukhsah by the Shar'a here and the origin is that the Muslim is restricted by the Nusoos and especially in the 'Ibaadaat.

#### **Sawm Al-Wisaal (Fasting continuously day and through the night after Maghrib):**

Al-Wisaal is the continuance of fasting through a day and night or more than that without making Iftaar. It is the opinion of Ahmad, Ishaq, Muhammad Bin Al-Mundhir from the Shafi'iyah, Ibn Khuzaimah, Ibn Hajar and a group from amongst the Maalikiyah that Al-Wisaal is permitted until the late ours of the night (As-Sahr) i.e. fasting the day and the following night until its last part or end. Muhammad Bin Al-Mundhir related that Al-Wisaal was viewed as Makrooh by Maalik, Sufyaan Ath-Thawri, Ash-Shaafi', Ahmad and Ishaq and this is the view of Ibn Qudaamah. Ibn Hajar said: The majority have said that Al-Wisaal is Haraam and there are two views attributed to Ash-Shaafi': Tahreem (prohibition) and Karaahah (dislike) and An-Nawawi has restricted it. In Al-Umm (famous Shaafi book on Fiqh) Ash-Shaafi' states that Al-Wisaal is Mahzhoor (Haraam) and Ibn Hazm declared it Haraam. In contrast it was permitted by 'Abdullah Bin Az-Zubair, his son 'Aamir, the sister of Abu Sa'eed, Abu Al-Jawzaa and Ibraheem At-Taimi. So that we can reach the correct Hukm in this issue then it necessary to examine the evidences which are related to it:

17)'Aa'isha (ra) said:

<<The Messenger of Allah (saw) forbade Al-Wisaal and a mercy for them (the Muslims). They said to him: You perform Al-Wisaal? He (saw) said: I am not like you in form, Verily my Rabb feeds me and provides me with drink>>.

Reported by Al-Bukhaari (1964), Muslim An-Nasaa'i.

18)Ibn 'Umar (ra) said:

<<Verily the Prophet (saw) forbade Al-Wisaal. They said: You perform Al-Wisaal? He replied: I am not like you (in form), verily I am fed and provided with drink>>.

19)Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<Beware of Al-Wisaal! They said: (But) You perform Al-Wisaal O Messenger of Allah? He (saw) replied: Verily you are not like me in this, verily I remain while my Rabb feeds me and provides me with drink>>.

Reported by Muslim (2567). Ibn Khuzaimah (2071), Ahmad, Maalik and Ibn Abi Shaibah recorded the same except <<Beware of Al-Wisaal>> was repeated three times and in a version narrated by Ad-Daarami (1704) and Ibn Hibbaan the statement was repeated twice.

20)Anas (ra) narrated from the Prophet (saw) that he said:

<<Do not perform Al-Wisaal. They Said: (But) You perform Al-Wisaal? He (saw) replied: I am not like any one of you, verily I am fed and provided with drink or verily I remain at night being provided with food and Drink (from Allah)>>.

Recorded by Al-Bukhaari (1961), Ahmad, Ibn Hibbaan, Ibn Abi Shaibah and Ad-Daarami. At-Tirmidhi narrated it and said: Based on this Hadeeth some of the people

of knowledge have karihoo (disliked) Al-Wisaal in fasting. It has been reported that 'Abdullah Ibn Zubair use to make Al-Wisaal for days without making Iftaar>>.

21) Laylah the wife of Basheer – Bin Al Kasaasiyah – said:

<<I wanted to fast two days continuously but Basheer prevented me and said: Verily the Messenger of Allah (saw) forbade it and he said: This is what the Nasaaraa (Christians) do...>>.

Narrated by Ahmad (22301), At-Tabaraani in Al-Mu'jam Al-Kabeer, Sa'eed Bin Mansoor and Abdu Bin Hameed with an Isnaad (chain) which has been verified to be Saheeh by Ibn Hajar.

22) Abu Hurairah (ra) said:

<<The Messenger of Allah (saw) used to continue his fast until As-Sahar (the last part of the night) so some of the companions would do this also so he forbade them. They said: O Messenger of Allah you perform it? He (saw) replied: You are not like me, I remain with my Rabb whilst he feeds me and provides drink for me>>.

Reported by Ibn Khuzaimah (2072) with a Saheeh chain.

23) Abu Dharr (ra) said:

<<The Prophet (saw) continued his fast two days and a night so Jibreel (as) came to him and said: Verily Allah Azza wa Jalla has accepted your continuing fast (Al-Wisaal) but it is forbidden for anyone other than you and that is because Allah Tabaarak wa Ta'aalaa has said: ((And complete the fasts until the night)) and there is no fasting after the night (has begun) and he has ordered me with Al-Witr after Fajr>>.

Recorded by At-Tabaraani in Al-Mu'jam Al-Awsat (3162). In the chain is Abdul Maalik and Al-Haithami says: I have not known Abdul Maalik. Ibn Hajar said: The Isnaad (chain of narrators) is not Saheeh and it carries no weight as a proof/evidence.

24) Samurah Bin Al-Jundub (ra) said:

<<The Messenger of Allah (saw) forbade us to continue our fasts and not in/for Al-Azeemah>>.

Recorded by Al-Bazaar (1024), At-Tabaraani in Al-Mu'jam Al-Kabeer. Al-Haithami said: Its Isnaad is Da'eef.

25) 'Ali (ra) said:

<<The Messenger of Allah (saw) use to make Al-Wisaal until As-Sahar (last part of the night)>>.

Recorded by Ahmad (700), Ibn Shaibah and At-Tabaraani in Al-Mu'jam Al-Kabeer. Al-Haithami said: Its narrators are Saheeh (trustworthy). Abd ur-Razzaaq recorded it from the authority of Muhammad Bin 'Ali with the wording: <<The Prophet (saw) use to make Al-Wisaal from Sahar to Sahar>>.

26) Abd ur-Rahman Bin Abi Laylaa said that a man from amongst the Sahaabah told him:

<<The Messenger of Allah (saw) forbade Al-Hujaamah (cupping) and Al-Muwaasalah (continuing the fast) but did not make them Haraam as a preservation for his Sahaabah. It was said to him: O Messenger of Allah you continue your fasts until the last part of the night (As-Sahar)? He (saw) said: I do continue until As-Sahar and my Rabb provides me with food and drink>>.

Narrated by Abu Daawud (2374), Ahmad, Abd ur-Razzaaq and Ibn Abi Shaibah. Ibn Hajar said it was Saheeh in its Isnaad and said: This is of the best that has been narrated on this subject.

27) Abu Sa'eed (ra) said that he heard the Prophet (saw) saying:

<<Don't continue your fasts, and if anyone wants to make Al-Wisaal then he should do it until As-Sahar. They said: (But) You make Al-Wisaal O Messenger of Allah? He replied: I am not like you in form, I spend the night and I have a feeder to feed me and someone who provides me with drink>>.

(Recorded by Al-Bukhaari (1963), Abu Daawud, Ahmad and Ibn Hazm. Ibn Hazm said: We have narrated this also with a Saheeh chain from 'Aa'isha (ra), Anas, Abu Hurairah and Ibn 'Umar, all of them from the Messenger of Allah (saw).

28) Abu Hurairah (ra) said:

<<The Messenger of Allah (saw) forbade Al-Wisaal. So one of the Muslims said: (But) You O Messenger of Allah do make Al-Wisaal? The Messenger of Allah (saw) said: I spend the night and my Rabb provides me with food and drink. So when they refused to stop Al-Wisaal they continued day after and then they saw the Hilaal (new moon). He said: Had only the moon be delayed I would have increased for you, as a punishment or warning for them due to refusing to stop>>.

Reported by Al-Muslim (2566), Al-Bukhaari, An-Nasaa'i, Ahmad, Ibn Hibbaan, Ibn Hazm and Ad-Daarami. In another narration from Muslim (2570), Ahmad, Ibn Khuzaimah the following wording was reported: <<...He said: The Messenger took to performing Al-Wisaal and that was at the end of the month so some of the companions did likewise so the Prophet (saw) said: What sense or reasoning do those who perform Al-Wisaal have? You are not like me By Allah if the month had been lengthened I would continued to let those who have been following to become completed absorbed (to be punished or feel the consequences of their actions)>>.

The two hadeeth 7 and 8 are Da'eef and are left and not used as a proof. The forbidding came in three worded forms (Alfaazh): (He forbade the performance of Al-Wisaal) in Ahaadeeth 1,2,5,10 and 12 and (beware of Al-Wisaal) in hadeeth 3 and (Do not make Al-Wisaal) in hadeeths 4 and 11. This forbidding in its three forms is a response to those who say that Al-Wisaal is allowed and have said that it is Mubaah (permissible). It only remains to be seen whether it is Makrooh or Haraam so we need to examine the evidence or Qareenah that will specify for us which of these two Hukms has been legislated.

The fourth Hadeeth recorded by Ibn Khuzaimah in which he said: (Beware of Al-Wisaal, He said it three times) so he (saw) said: (Beware of Al-Wisaal, Beware of Al-Wisaal, Beware of Al-Wisaal) and we do not see the Messenger of Allah (saw) being so strong in forbidding Al-Wisaal with this strength except because it is Haraam and not permissible so the repetition acts as a Qareenah (indication) that this is a decisive forbidding. Then came the twelfth hadeeth that mentioned that the Prophet (saw) had (nearly) punished those who continued their fasts and refused to stop Al-Wisaal i.e. refused the forbidding of Al-Wisaal and described the punishment as Tankeel (punishment) when they refused to stop. And all of this only guides towards the forbidding being decisive (Jaazim) and a prohibition (Tahreem). If it had not been decisive then why would the Messenger of Allah (saw) seek to punish and warn them (teach them a lesson). So the Hadeeth is sufficient an evidence to say the Hukm of Al-Wisaal is Tahreem. It is also sufficient as a Qareenah for the forbidding in the previously mentioned Ahaadeeth and that is that it is a decisive prohibition without doubt.

After this is the second report from Muslim which confirms the decisiveness and commitment when the Messenger of Allah (saw) said: (By Allah if the month had been lengthened I would continued to let those who have been following to become completed absorbed (to be punished or feel the consequences of their actions)) so he described those who were performing Al-Wisaal as the who had been absorbed or become extreme and threatened making the Wisaal long as a punishment for them until they commit to the prohibition and leave Al-Wisaal. Therefore the threat of punishment is a Qareenah and the description given to them is a second Qareenah that the prohibition of Al-Wisaal mentioned in the Ahaadeeth is one of Tahreem and not Karaahah (dislike) only.

As for the threat of punishment this is apparent and as for their description of being extreme (ta'ammuq) then this condition is Haraam and (Mahzhoor) prohibited by the Shar'a.

'Abdullah Ibn Mas'ood (ra) said that the Messenger of Allah (saw) said: <<Perished are the Mutantti'oon, he said it three times>> as recorded by Muslim (6784), Abu Daawud and Ahmad. Al-Mutanitti'oon is from At-Tanattu' and this has the same meaning as At-Ta'ammuq (extremity). This has been said by the author of Mukhtaar As-Saheeh, Asaas Al-Balaaghah, Lisaan Al'Arab and other than them so At-Tanattu' in the arabic language is the same as At-Ta'ammuq. When he (saw) said in the Hadeeth: (The Mutanatti'oon are destroyed/perished) then this means the Muta'ammiqoon are perished/destroyed and this could not be said unless possessing this description was Haraam.

Finally comes Hadeeth number five that describes Al-Wisaal as an action of the Christians and this is one of the most clear worded forms showing the intention of Tahreem and that is because imitating the Kuffaar (disbelievers) in issues of the Deen is Haraam and not permitted.

Fasting is 'Ibaadah (act of worship) and in order for Ibaadah to be valid and allowed to be performed then it is necessary for it to be present in the Shar'a so if it is not present in the Shar'a then it is not valid to perform it because in that case it would not in origin be an act of 'Ibaadah. So this is correct in the case of the continuous fast (Al-Wisaal) where for it to be considered a legal act of 'Ibaadah then there must be a Shar'a basis. If it is in the Shar'a then we can do it and if not we stay away from it and if we do not then we have attempted to worship Allah (swt) with other than what he has legislated which is Haraam and not permitted. So where is the evidence permitting Al-Wisaal?

So if someone was to say: the Messenger of Allah (saw) performed Al-Wisaal we would respond with his (saw) words: (I am not like you (in form)), (You are not like me in this (matter)), (I am not like any one of you), (You are not like me) and (Which of you are like me?). This form of wording is of the clearest forms indicating that Al-Wisaal is of the matters which is specific to the Messenger (saw) and not allowed for any one else to perform or to claim that it is legislated for any other than him (saw). So the matters that are specific (Khasaa'is) to the Messenger of Allah (saw) are not legislated for the Muslims and only legislated and legal (valid) for him. They are issues which are restricted to him alone and this is well known in the Shar'a of Allah to every Faqeeh Scholar of Fiqh) and one who has knowledge of Fiqh.

And if somebody says: The first hadeeth explains that the forbidding of Al-Wisaal is as a Rahmah (mercy) for the people and that the tenth Hadeeth says: (He forbade Al-Hujaamah (cupping) and Al-Wisaal and he did not make them Haraam as a preservation (safeguard) for his companions) and this represents an 'Illah (reasoning) for the forbidding of Al-Wisaal and

the 'Illah (reason) is linked to the issue being reasoned in presence and absence. The Hukm exists in the presence of the 'Illah (legal reason) and does not in its absence. So the person if he is capable of performing Al-Wisaal then the 'Illah of Rahmah has been negated for him? We will answer this with the following explanation:

The reasoning of Rahmah linked to Al-Wisaal and the preservation upon the people was mentioned in the speech of 'Aa'isha (ra) in the first Hadeeth and was a statement of a Sahaabi in tenth hadeeth. It is not from the words of the Messenger of Allah (saw). 'Aa'isha (ra) mentioned that the forbidding from the Messenger (saw) was only as a Rahmah for the people and the Sahaabi mentioned that it was for the well keeping of the people. It is possible to except this reasoning if it hadn't been rejected by the clear texts that have forbidden Al-Wisaal absolutely so due to this the reasoning has to be abandoned and attention not payed to it.

Our Noble Messenger (saw) prohibited Al-Wisaal based on two matters: The first because it was from his Khasaa'is (i.e. issues/rules which are specific for him and nobody else) and we have already explained this and secondly because of At-Ta'ammuq (excessiveness) in the Deen and the issue of Rahmah or for the well being of the people does not come into it. We therefore restrict ourselves to what the Messenger (saw) explained and we leave what 'Aa'isha (ra) and the Sahaabi (ra) thought or mentioned.

And in respect to the tenth Hadeeth from the Sahaabi in which it was said: (He forbade Al-Hujaamah (cupping) and Al-Wisaal but he did not make it Haraam). Even though the first part of the Hadeeth is considered Marfoo'an to the Messenger and should be accepted the second part (But he did not make them Haraam) should be considered as the Ijtihad and understanding of this Sahaabi in what he has transmitted. We are not bound by the Ijtihad of the Sahaabi or his understanding especially when texts have come which oppose and contradict this Ijtihad and understanding.

It could also be said that the eleventh Hadeeth has legislated Al-Wisaal for the Muslims until As-Sahar so in that case Al-Wisaal is legal. So we say to this: It is a Takhsees (specification) to an 'Aam (generality) and the Shar'a permits the specifying of the general without doubt. Therefore the Shar'a that forbade Al-Wisaal generally took out Al-Wisaal until the Sahar from this generality so this means that it allowed Al-Wisaal until As-Sahar but did not allow other or greater than this. It not specify any thing else and did not abrogate the general rule so the general rule remains in place and this is clear in the eleventh Hadeeth itself because its beginning says: (Do not perform Al-Wisaal) without restriction. It then said: (So whoever of you wants to perform Al-Wisaal then he should do that until As-Sahar) and the second statement for sure does not abrogate the first so the first part remains and the second statement also remains and both of them are legislated and neither one cancels out or abrogates the other.

So we say that Al-Wisaal for more than a day until As-Sahar (i.e. the time of Sahoor) is Haraam and not permissible. The Haraam and sin increases the longer the fast is continued past the point legislated by Allah (swt) and commanded by Him.

From this it becomes apparent that what the majority have said in making Al-wisaal Haraam is the correct view and opinion. Also it is apparent that the view of Karaahah (dislike) is an error let alone the opinion which has said that it is permissible.

**The fasting of the Haa'id (Menstruating woman) and Nufasaa (Childbirth bleeding woman):**

It is not permissible for the Haa'id and Nufasaa to fast while they are in these two states and this issue has been discussed in the chapter (Fasting of Ramadhaan – General rules).

**The recommended fasting of a woman without the permission of her husband:**

It is not Halaal for a woman to fast recommended fasts except after taking permission from her husband and we have also discussed this completely previously under the title : (The fasting of the woman with the permission of her husband) in the chapter: (Recommended fasts – Firstly: General rules).

## Chapter Seven – Al-Kaffaaraat (Expiations)

### a)Al-Kaffaaraat with Fasts

#### Fasting two consecutive months:

##### Firstly: Fasting of Azh-Zhihaar:

Azh-Zhihaar is the saying of the husband to his wife: 'You are like the back of my Mum', or similar to this like 'the back of my sister, paternal, maternal aunt or any other Mahram female who it is forbidden to marry'. The purpose of this speech is to say that he has forbidden sexual relations with his wife.

The Kaffaarah (expiation) for Azh-Zhihaar is firstly (in origin) the freeing of a slave and since there are no longer slaves today the first course of action becomes fasting two consecutive months and this is for the one who has the strength (capability). If he is not capable due to illness, old age or weakness and frailty (skinniness) then he must feed sixty Miskeen one meal each.

The Kaffaarah is obligatory on the husband if he wants to return to sexual relations with his wife. Before completing the Kaffaarah she is not Halaal for him, said in another way the Kaffaarah is obligatory when he wants to retract his statement of forbidding sexual relations between them to a situation where it is Halaal for him. When he says that his wife is Halaal for him, then at that time the Kaffaarah becomes obligatory upon him before they re-engage in marital relations.

These Ahkaam (rules) are not part of the rules of Fasting but I wanted to give a summary if the matter without delving into the evidences for the benefit of the noble readers in the case where it had a link to the subject of fasting. The evidence for the Kaffaarah of Azh-Zhihaar being fasting two consecutive months is the speech of Allah (swt):

الذِينَ يُظَاهِرُونَ مِنْكُمْ مِنْ نِسَائِهِمْ مَا مِنْ أُمَّهَاتِهِمْ إِنْ أُمَّهَاتُهُمْ إِلَّا اللَّائِي  
O وَلَدْنَهُمْ وَإِنَّهُمْ لَيَقُولُونَ مُنْكَرًا مِنَ الْقَوْلِ وَزُورًا وَإِنَّ اللَّهَ لَعَفُوفٌ غَفُورٌ  
والذِينَ يُظَاهِرُونَ مِنْ نِسَائِهِمْ ثُمَّ يَعُودُونَ لِمَا قَالُوا فَتَحْرِيرُ رَقَبَةٍ مِنْ  
فَمَنْ O قَبَّلَ أَنْ يَتَمَسَّكَ ذَلِكَ تَوَعَّظُونَ بِهِ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ  
لم يَجِدْ فَصِيحًا شَهْرَيْنِ مُتَتَابِعَيْنِ مِنْ قَبْلِ أَنْ يَتَمَاسَّ فَمَنْ لَمْ  
يَسْتَطِعْ فِإِطْعَامُ سِتِينَ مِسْكِينًا ذَلِكَ لِتُؤْمِنُوا بِاللَّهِ وَرَسُولِهِ وَتِلْكَ  
حُدُودُ اللَّهِ وَلِلَّهِ الْفَرْقَانُ الْعِزَّةُ الْأَيْمُ

<<Those among you who make their wives unlawful to them by (Zhihaar) (i.e. by saying to them "You are like my mother's back.") they cannot be their mothers. None can be their mothers except those who gave them birth. And verily, they utter an ill word and a lie. And verily, Allah is Oft-Pardoning, Oft-Forgiving. (2) And those who make unlawful to them their wives by Zhihaar and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other. That is an admonition to you (so that you may not repeat such an ill thing). And Allah is All-Aware of what you do. (3) And he who finds not (the money for freeing a slave) must fast two successive months before they both touch each other. And he who is unable to do so, should feed sixty Miskeen (poor). That is in order that you may have perfect Faith in Allah and His Messenger. These are the limits set by Allah. And for disbelievers, there is a painful torment>>

(Ayaat 2-4 Surah Al-Mujaadilah)

### **Secondly: Fasting of the accidental killer**

When somebody kills an innocent person by mistake (accident) then it is obligatory firstly for him to free a slave and pay Diah (blood money) to the victims family. He does not pay it from his own money but rather his clan (family, people) pay from their wealth. Due to the absence of slaves then the one who has killed a Nafs (person) by mistake must fast two consecutive months and his clan must pay Diah (Blood money) to the family of the killed person.

As for the fasting of two months then it is necessary for the days to be consecutive without any breaks in this except due to illness or menstruation and child birth bleeding if the killer was a woman. At-Tabari narrated in his Tafseer that Sa'eed Ibn Al-Musayyib, Al-Hasan, 'Ataa, 'Amru Bin Deenaar and 'Aamir Ash-Sha'bi viewed that who ever fasts two consecutive months and breaks the fast (at any point) due to a legitimate excuse like illness then he will (after that) continue and complete his fast and add the days that were missed. This is the correct view.

In Al-Muwatta' (of Imaam Maalik) (254/1) it is mentioned: (Yahya said: I heard Maalik saying: The best of what I have heard concerning the fasting of two consecutive months of the mistaken killing or Azh-Zhihaar and the one who has been exposed to illness and is overcome by it so that he breaks his fast. He should after recovery from illness and the regaining of strength resume the fast and not delay it and increase according to what he has missed of fasts. Similarly a woman if she must fast two consecutive months as a result of mistaken killing and then menstruates within her obliged fasting, then when she has purified herself she must delay to resume her fasting and increase the period of days according to what she has missed. It is not allowed for any one who has been obliged with two consecutive months of fasting to break it except due to illness and menstruation and it is not allowed to travel and break his fast). This is a sound explanation.

The evidence for the fasting of two consecutive months for the non-intentional killer is the statement of Allah (swt):

وما كان لمؤمن أن يقتل مؤمناً إلا خطأ ومَنْ قَتَلَ مُؤْمِناً خَطَأً فَتَحْرِيْرُ  
 رَقَبَةٍ مُؤْمِنَةٍ وَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ إِلَّا أَنْ يَصَدَّقُوا فَإِنْ كَانَ مِنْ قَوْمٍ عَدُوٍّ  
 لَكُمْ وَهُوَ مُؤْمِنٌ فَتَحْرِيْرُ رَقَبَةٍ مُؤْمِنَةٍ وَإِنْ كَانَ مِنْ قَوْمٍ بَيْنَكُمْ وَبَيْنَهُمْ  
 مِيثَاقٌ فَدِيَةٌ مُسَلَّمَةٌ إِلَىٰ أَهْلِهِ وَتَحْرِيْرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ  
 شَهْرَيْنِ مُتَتَابِعَيْنِ تَوْبَةً مِنَ اللَّهِ وَكَانَ اللَّهُ عَلِيْمًا حَكِيْمًا

<<It is not for a believer to kill a believer except (that it be) by mistake, and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood money, i.e. Diyah) be given to the deceased's family, unless they remit it. If the deceased belonged to a people at war with you and he was a believer; the freeing of a believing slave (is prescribed), and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood money - Diyah) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allah. And Allah is Ever All-Knowing, All-Wise>>.

(Ayah 92 Surah An-Nisaa)

### **Thirdly: The fasting of the one who has sexual relations with his wife during the day time of Ramadhaan**

It is not permitted for a man to have sexual relations with his wife except after Iftaar at night and if he has relations with her whilst fasting then he has broken his fast. It then becomes obligatory for him to free a slave and if he does not have one to free as is the situation today then he must in this case fast two consecutive months. If he does not possess the capability due to illness or inability then he must feed sixty Miskeen (poor people). The evidences for this are the following:

14) Abu Hurairah (ra) said:

<<A man approached the Messenger of Allah (saw) and said: O Messenger of Allah (saw) I am destroyed. He said: Woe to you (why?). He said: I had relations with my wife during Ramadhaan. He replied: Free a slave. He said: I do not possess one. He replied: Fast two consecutive months. He said: I am not capable. He replied: Then feed sixty poor people. He said: I do not have it (the financial means). He (saw) gave him a basket (of food with a quantity of 15 Saa'an) and said: Take it and give it as Sadaqah. He said: O Messenger of Allah (saw) should I give it to other than my family? He (saw) replied: By the one in whose hand is my soul there is no one within the two sides of Al-Madeenah who is more destitute and in need than me. The Prophet (saw) laughed until his back teeth showed and said: Take it (i.e. distribute the Sadaqah to yourself/family)>>.

Reported by Al-Bukhaari (6164), Muslim, Abu Daawud, An-Nisaa'i, At-Tirmidhi, Ahmad and Ad-Daarami.

15) Also on the authority of Abu Hurairah who said:

<<The Prophet (saw) ordered a man who broke his fast in Ramadhaan to free a slave or fast two months or feed sixty Miskeen>>.

Recorded by Muslim (2599), Abu Daawud, Ahmad, Maalik and Al-Bayhaqi.

The second hadeeth came 'Aam (in a general form) with the words (A man broke his fast in Ramadhaan) and the first Hadeeth came specifically for the one who broke his fast by having sexual relations. The 'Aam hadeeth, the second can be carried on to the Khaass (specific) of the first hadeeth. So we say that whoever has broken the fast due to sexual intercourse in Ramadhaan then he must perform two consecutive months of fasting, if he is able to do this, and if not then he must feed sixty poor.

As for how to fast these two months then the hadeeth stipulates (Two consecutive months) and this is what all of the Fuqahaa and Ulamaa have gone with the exception of what was narrated from Ibn Abi Laylaa in a weak Hadeeth recorded by Maalik in which he permitted to separate and spread out the fasts. The majority of Fuqahaa have made it a condition that Ramadhaan is not one of the two months and that they do not include Haraam days for fasting like the two 'Eids and days of At-Tashreeq. The Ahnaaf and Shaafi'iyah say that the consecutiveness is disrupted (broken) even if broken due to a reason with the exception of the Haa'id and Nufasaa as they do not disturb the following. Al-Maalikiyah said that the consecutiveness of the fast is broken if the fast is broken or Iftaar made deliberately before the completion of the two months.

In this regard I say the following:

As for the view of Ibn Abi Ya'laa it is Shaadh (irregular) and no attention is given to it and it is not allowed to be used because it is in opposition and contradiction to the Ahaadeeth that stipulate consecutiveness. As for the view of the majority that Ramadhaan should not be one of the months then this is clearly correct and an obvious point. As for their view that the months should not include prohibited days of fasting as well as the view of the Ahnaaf and Shaafi'iyah that the consecutiveness of the fasts is broken even if there is a reason except for the menstruating and child birth bleeding woman, is not precise and not entirely correct. As for it not being entirely correct this is because the statement that the fasts do not include prohibited days is not correct and due to the statement of the Ahnaaf and Shaafi'iyah that the fast is broken by making Iftaar even with a reason except for the Haa'id and Nufasaa then this is not precise and this is because the Shar'a has not specified the months for fasting. This means that any two consecutive months from amongst the twelve months with the obvious exception of Ramadhaan are suitable for fasting the Kaffaarah. So whoever prohibits the fasting in the month of Dhul Hijjah does not have an evidence for this and similarly the month of Shawaal. Also the fasting is not disturbed or broken legally if there is an excuse that prevents the fast. Al-Hayd and An-Nifaas is a reason, stopping the two days of Eid and those of At-Tashreeq is a reason and illness is also a reason if it makes the one fasting unable to fast and none of these reasons or excuses are any less significant than the other so as to differentiate between them. These excuses do not cancel the consecutiveness

if they come within the two months and the consecutive fasting stands and remains and is rewarded.

As for the excuse of travelling specifically, then it is an excuse not equal to the others and likewise is the illness which does not prevent the fast. In my view these excuses break the consecutive fast because Allah (swt) allowed the fasting in travel and did not making travel a prevention for fasting in contrast to the situation and excuses attached to the two Eids, the Haa'id, Nufasaa and those without capability. So based on this I say that it is not permitted to break the consecutiveness of the fast for the reason of travel and it is obligatory to continue the fast whilst he is travelling in this case

What remains is the issue related to the one who has had relations with his wife more than once in the month of Ramadhaan and what the Kaffaarah (expiation) should be?

Abu Haneefah, Maalik and Ash-Shaafi' have viewed that whoever has had relations with his wife more than once on the same day then he is obliged to make one Kaffaarah for the first act even if he had expiated for the first or not. Ahmad said: If his second act was after his making Expiation (intention) for the first then he has to make a second Kaffaarah because he made illegal intercourse and is similar to the first one. This is specific to the one who has had intercourse two times or more in one day.

As for if the act was spread in two or more days of Ramadhaan, the Abu Haneefah, Az-Zuhri and Al-Awazaa'i have said that if a man does it in the second day before he has made Kaffaarah for the first day then making one Kaffaarah (for both) is sufficient. If he has made Kaffaarah after the first day then there are two reports attributed to Abu Haneefah: Maalik, Ash-Shaafi', Al-Laith, 'Ataa, Makhool, Ibn Al-Mundhir and Ahmad ion the strongest of two reports attributed to him and Daawud Bin 'Ali say that it is Waajib to make Kaffaarah for every day whether he had made Kaffaarah on the first day or not. So I say the following:

As for the repetition of intimate relations in one day then one Kaffaarah (expiation) is sufficient for him and it became obligatory with the first act and it is not obligatory to make Kaffaarah for what is after that and this is because the Kaffaarah is obligatory for the one who breaks his Iftaar with sexual relations and who has broken the sanctity of fasting with this act. He had done that with the first act so it is not needed to perform another Kaffaarah upon a second act because he has already committed the act and broken his fast. Therefore the view of Abu Haneefah, Maalik and Ash-Shaafi' is the correct view. If he committed the act in a day and broke his fast then the Kaffaarah has become compulsory then if he did the same on a second day then he has broken his fast again and therefore must make another Kaffaarah. If it is repeated, he must make Kaffaarah for everyday in which he has had sexual relations. These Kaffaaraat cannot be merged into one another because each fast of Ramadhaan is an independent act of worship standing on its own. What corrupts (invalidates) the fast of one day does not invalidate another days fast. Even if Ramadhaan is considered as one act of 'Ibaadah then would corrupting one day's fast corrupt and invalidate the whole month? And nobody has ever said this. So in the case where every day is a separate independent act of 'Ibaadah from other days, then each act (or day of fasting) has to be viewed in its own right and does not contain or include other than it. So whoever has committed sexual relations then he has corrupted the fasting of that day and is required to perform Al- Kafaarah and the remaining fasts are not faasid (corrupted). If he returns to

this act and corrupts another days fast then he needs to make another Kafaarah and this is necessary. This is irrespective to whether he had made Kafaarah from the previous day or not. Therefore the view of Maalik, Ash-Shaafi and Ahmad is correct in this issue.

This Kaffaarah is only required for the one who has broken the fasting of Ramadhaan and does not include the one who has broken the fast of An-Nadhr (oaths), the Qadaa fast or the recommended fasts. This is the opinion of the majority of Ulamaa and is correct and in contrast to the view of Qataadah who obligated Al-Kaffaarah for corrupting (breaking/invalidating) the Qadaa fasts of Ramadhaan.

### **Fasting ten days:**

This concerns the Haaji Al-Mutamatti' (followed 'Umrah with Hajj) who does not possess a sacrificial lamb/sheep. In order to explain this issue I say the following: The Hajj is of three types: Hajj Al-Ifraad and this is where the Haaji makes intention for the Hajj alone, so 'Umrah does not enter upon it. Secondly, Hajj Al-Qiraan, which is where the Haaji makes the intention of Hajj and 'Umrah together i.e. linked to each other. And thirdly Hajj At-Tamattu', where he makes intention for the 'Umrah first, then after performing it he releases the Ihraam, waits until the day of 'Arafah or the day of At-Tarwiyah before it and then makes the Ihraam making intention for Hajj alone. Al-hajj At-Tamattu' obliges slaughtering a sacrificial animal, and if he does not possess (or can afford to possess) a sacrifice then it becomes obligatory on him to fast ten days, three in the days of Hajj and seven when he returns to his home (land) and family (people). The evidence for this is:

1. Allah (swt) says:

وَأَتِمُّوا الْحَجَّ وَالْعُمْرَةَ لِلَّهِ فَإِنْ أُخْصِرْتُمْ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ وَلَا تَحْلِقُوا رُؤُوسَكُمْ حَتَّىٰ يَبْلُغَ الْهَدْيُ مَحَلَّهُ فَمَنْ كَانَ مِنْكُمْ مَّرِيضًا أَوْ بِهِ أَذًى مِنْ رَأْسِهِ فَفِدْيَةٌ مِنْ صِيَامٍ أَوْ صَدَقَةٍ أَوْ نُسُكٍ فَإِذَا أُمِنْتُمْ فَمَنْ تَمَتَّعَ بِالْعُمْرَةِ إِلَى الْحَجِّ فَمَا اسْتَيْسَرَ مِنَ الْهَدْيِ فَمَنْ لَمْ يَجِدْ فَصِيَامٌ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ تِلْكَ عَشْرَةٌ كَامِلَةٌ ذَلِكَ لِمَنْ لَمْ يَكُنْ أَهْلُهُ حَاضِرِي الْمَسْجِدِ الْحَرَامِ وَاتَّقُوا اللَّهَ وَاعْلَمُوا أَنَّ اللَّهَ شَدِيدُ الْعِقَابِ

(And perform properly the Hajj and 'Umrah for Allah. But if you are prevented, sacrifice a Hady (sacrificial animal) such as you can afford, and do not shave your heads until the Hady reaches the place of sacrifice. And whoever of you is ill or has an ailment in his scalp, he must pay a Fidyah (ransom) of either observing fast or giving Sadaqah or offering a sacrifice. Then if you are in safety and whosoever performs the 'Umrah in the months of Hajj, before (performing) the Hajj, (i.e. Hajj-at-Tamattu' and Al-Qirân), he must slaughter a Hady such as he can afford, but if he cannot afford it, he should observe Saum (fasts) three days during the Hajj and seven days after his return (to his home), making ten days in all...)

(Surah: Baqarah Ayah: 196)

1. 'Abdullah Ibn 'Umar (ra) said:

<<The Messenger of Allah (as) in the Hijjat Al-Wadaa (The farewell pilgrimage) performed At-Tamatt'u, 'Umrah to Hajj. He mentioned the Hadeeth until he said: The Prophet (saw) said: ... Whoever does not find a sacrificial animal, then he should fast three days in Hajj and seven when he returns to his people (family...>>.

Recorded by Al-Bukhaari (1691) and Muslim. We have covered more on this issue in the subject (Fasting the days of At-Tashreeq) in the chapter (The prohibited fasts that are not permitted).

### **Fasting three days:**

#### **Firstly: The fasting of Al-Haanith fee Yameenih (The one who breaks his oath)**

Whoever breaks his oath must feed ten Masaakeen (poor people) or clothe them, or free a slave. If he does not have sufficient funds or own a slave like what is normal in our present day then in this case it is obligatory to fast three days. Al-Half/Hilf (swearing an oath) is only allowed using Allah's name, his names and attributes and it is not Halaal to make an oath in other than this. So it isn't allowed to make an oath on the prophet, or in Islaam or Father or honour or anything except for Allah, his names and attributes alone.

If the person making an oath is not sure that he will be able to fulfil it then it is possible for him to make a precaution for himself by saying InshaAllah when he makes the oath and in this case he would not be obliged to fulfil the oath and there would be no Kaffarah obliged upon him.

These are the evidences:

21)Allah (swt) says:

لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَئِنْ كُنْتُمْ تُؤَاخِذُونَ  
عُقُوبَتَكُمْ أَلَيْسَ لَكُمُ اللَّهُ بِكَافٍ إِذْ عَصَيْتُمْ أَوْ كَسَبْتُمْ أَوْ تَحَرَّيْتُمْ رِقَبَةً فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ  
أَيَّامٍ ذَلِكَ كَفَّارَةٌ لَكُمْ إِذَا حَلَفْتُمْ وَاحْفَظُوا أَيْمَانَكُمْ كَذَلِكَ يُبَيِّنُ  
اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَشْكُرُونَ

Allah will not punish you for what is unintentional in your oaths, but He will punish you for your deliberate oaths; for its Kaffarah (expiation) feed ten Masaakeen (poor), on a scale of average of that which you feed your own families, or clothe them or manumit a slave. But Whosoever cannot afford (that), then he should fast three days. That is the expiation for the oaths when you have sworn, And protect your oaths. Thus Allah makes clear to you his Ayaat (proofs, signs, lessons) that you may be grateful.

1. 'Abdullah Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) reached 'Umar ibn Al-Khattaab while riding and making an oath on his father. So he (saw) said: Verily Allah (swt) has forbidden that oaths are sworn with the names of your fathers so whoever wishes to swear and oath must do so with Allah's (swt) name or keep silent>>.

Reported by Al-Bukhaari (6646), Muslim, Ad-Daarami and Al-Bayhaqi. An-Nasaa'i and Al-Haakim reported it without the last part.

2. Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<Do not swear oaths on your fathers, and not your mothers, or (false) rivals. And do not swear oaths except with Allah and do not swear with Allah unless you are Saadiqoon (truthful)>>.

Reported by Abu Daawud (3248), An-Nasaa'i, Al-Bayhaqi and Ibn Hibbaan.

3. Ibn 'Umar (ra) reached the Prophet (saw) and he said:

<<Whoever swears an oath and he says InshaAllah then he he has made an exception>>.

Recorded by Abu Daawud (3261), An-Nasaa'i, At-Tirmidhi, Ahmad, Ad-Daarami, Al-Haakim and Ibn Hibbaan. The wording of At-Tirmidhi (1570) is: <Whoever swears an oath and says InshaAllah then he has not broken (violated) an oath>. The Lafzh of Ad-Daarami (2340) and Al-Haakim is: <Whoever swears an oath and then says InshaAllah then he has a choice, If he wishes he can perform it and if he wishes he can leave it>.

May the one who says that I have strayed a little from our study here pardon me, as I have put down something of Ahkaam that have no direct link with the topic of fasting.

### **Secondly: The fasting of Al-Haanith fee Nadhrihi (the one who breaks/violates his vow/pledge)**

Just as the one who breaks his oath (Yameen) fasts three days as Kaffarah, the one who breaks his vow (Nadhr) also must fast three days as Kaffarah (expiation).

The evidence for this is the following:

- 29)'Uqbah Bin 'Aamir (ra) said that the Messenger of Allah (saw) said:

<<The Kaffarah of An-Nadhr is the Kaffarah of Al-Yameen>>.

Recorded by Muslim (4253), Abu Daawud, An-Nasaa'i, Ibn Maajah and Ahmad.

- 2) Also from 'Uqbah (ra):

<<That he asked the Prophet (saw) about a sister of his who took a vow to perform Hajj barefooted and bareheaded. So he (saw) said: Command her to cover her head and to ride and to fast three days>>.

Recorded by Abu Daawud (3293) and Ibn Maajah. At-Tirmidhi said that: The hadeeth is Hasan and some of the people of Knowledge work with it and this is the view of Ahmad and Ishaq.

These evidences are clear in meaning and do not require further explanation.

I would like to bring attention to the matter that the one making the vow may have vowed to fast many or few days and in this situation he must fulfil his vow and fast the days that he has vowed. This fasting however falls into the category of Vows and not the Baab (category) of fasting and I wanted to bring attention to this here without the need of presenting a specific separate section or discussion on the matter.

### **Fasting which has not been specified and this is the killing of hunting prey whilst in a state of Ihraam (in Hajj etc...)**

At-Tabari (7/57) reported from Ibn Abbaas (ra) that he said: <(Or an equivalent to that in fasting) He said:: If a Muhrim kills anything of As-sayd (hunted prey) then he will be judged according to it. If he killed a gazelle or similar to that the he should slaughter a sheep in Makkah, if he cannot then he should feed six Masaakeen and if he cannot then he should fast three days. If he killed a Stag (big deer) or similar to that, then he must slaughter a cow, and if he cannot then feed twenty miskeen and if he cannot then he must fast twenty days. If he has killed an ostrich or a zebra or similar to that then he must sacrifice the fat part of a camel, if he cannot then feed thirty poor and if he cannot then he should fast thirty days and the food should be measured Muddun Muddun (a quantity of measurement) to satisfy them>. So Ibn Abbaas mentioned in one case fasting three days, in another twenty and another thirty in the third case. The fasting prescribed is therefore quantified according to the size of animal that has been killed in the hunt.

In summary I say: The live value of the killed prey is valued according to the price of general food or wheat and then he fasts for every Mudd (measurement of food) one day (if he cannot feed the poor or sacrifice a suitable animal). The Messenger of Allah (saw) made the Mudd of wheat equal to fasting a day in the Kaffarah of the one who has relations with his wife in Ramadhaan. The hunted prey which is meant here is every animal with the exception of the crow, buzzards (kite), rats, scorpions and voracious dog , because these animals are fawaasiq (beasts) and there is no punishment or penalty for killing them whilst in the state of Ihraam.

The evidence for this is:

1. The saying of Allah (swt)

يَا أَيُّهَا الَّذِينَ آمَنُوا لَآتَقْتُلُوا الصَّيِّدَ وَأَنْتُمْ حُرْمٌ وَمَنْ قَتَلَهُ مِنْكُمْ  
مَتَعَمَّداً فَجَزَاءٌ مِّثْلُ مَا قَتَلَ مِنَ النَّعَمِ يَحْكُمُ بِهِ ذَوَا عَدْلٍ مِنْكُمْ هَدْيًا

بِالْعَمَلِ الْكَعْبَةِ أَوْ كَفَّارَةً طَعَامُ مَسْكِينٍ أَوْ عَدْلُ ذَلِكَ صِيَامًا لِيَذُوقَ  
وَبِالْأَمْرِ عَفَا اللَّهُ عَمَّا سَلَفَ وَمَنْ عَادَ فَيَنْتَقِمُ اللَّهُ مِنْهُ وَاللَّهُ عَزِيزٌ  
ذُو انْتِقَامٍ

(O you who believe! Kill not the game while you are in a state of Ihraam (For Hajj or 'Umrah) and whosoever of you kills intentionally, the penalty is an offering, brought to the Ka'bah, of an edible animal equivalent to the one that he killed, as adjudged by two just men from amongst you; or, he should feed Masaakeen (poor), or its equivalent in fasting, that he may taste the heaviness (punishment) of his deed. Allah has forgiven what is past, but whoever commits it again, Allah will take retribution from him. And Allah is All-Mighty, All-Able of retribution)

Surah Al-Maa'idah Ayaah 95

2. 'Abdullah (ra) said: I heard the Prophet (saw) saying:

<<Five are the beasts for killing which there is no sin for the Muhrim: crow, kite (buzzard), scorpion, rat and voracious dog>>.

Narrated by Muslim (2873). The Kite is a bird that snatches chickens. And from 'Aa'ishah in another version from Muslim (2862) she narrates: <<There are five harmful things that should be killed in the state of Ihraam or otherwise: snake, speckled crow, rat, voracious dog and kite>>. She mentions the snake in the place of scorpion. Al-Bukhaari also narrated it.

### **(B) Al-Kaffaraat bil-Fidyah (Ransom):**

Here we will only discuss Al-Fidyah in what is related to fasting:

#### **Firstly: Muujibaat Al-Kaffarah (conditions/requirements):**

##### **1 – Inability to fast:**

The one who is incapable of fasting is the elderly man or woman, the ill person who is incapable of fasting due to the illness and does not hope that he will be free of it and those who are similar to this. Allah (swt) says:

يَا أَيُّهَا الَّذِينَ آمَنُوا كُتِبَ عَلَيْكُمُ الصِّيَامُ كَمَا كُتِبَ عَلَى الَّذِينَ مِنْ  
قَبْلِكُمْ لَعَلَّكُمْ تَتَّقُونَ

O you who believe! Observing As-Saum (the fasting) is prescribed for you as it was prescribed for those before you, that you may become Al-Muttaqun

[Observing Saum (fasts)] for a fixed number of days, but if any of you is ill or on a journey, the same number (should be made up) from other days. And as for those who can fast with difficulty, (e.g. an old man), they have (a choice either to fast or) to feed a Miskin (poor person) (for every day). But whoever does good of his own accord, it is better for him. And that you fast is better for you if only you know.

Suraah Al-Baqarah Ayah 183-4

The word Al-Fidyah means recompense and exchange/replacement.

The Mufassiroon and Fuqahaa and even the Sahaabah (rah) have differed in respect to whether Ayah 184 has been abrogated or not. Salamah Bin Akwa' (ra) said: <When (...and as for those who can fast with difficulty they have (choice to fast or) to feed a Miskeen) was revealed, there was those who wanted to break their fast and pay the Fidyah until the Ayah that came after it abrogated it>. Narrated by Al-Bukhaari (4507), Muslim, Abu Daawud, An-Nasaa'i and At-Tirmidhi. Naafi' related from Ibn 'Umar (ra) that: <He read (Fidyatun Ta'aamu Miskeen/Fidyah to feed a poor person) he said: Mansookhah (abrogated)>. Recorded by Al-Bukhaari (4506), At-Tabari and Al-Bayhaqi. And Saheeh Al-Bukhaari (39) in the chapter [and as for those who can fast with difficulty they have (choice to fast or) to feed a Miskeen] mentions that Ibn Abi Layla told us: the companions of Muhammad (saw) told us <Ramadhaan came and there were differences. Some use to feed a Miskeen in place of fasting although he was able to fast, and they had a Rukhsah in this and then it was abrogated with (And that you fast is better for you) So they were ordered to fast>.

These three reports (Aathaar) mention the statement of Allah (swt) (...and as for those who can fast with difficulty they have (choice to fast or) to feed a Miskeen) as being Mansookh (abrogated by the Ayah that came after it (The month of Ramadhaan...so whoever of you witnesses the month should fast it). Ibn Umar did not specify the abrogating Ayah and the companions of Muhammad explained that it was the last part of the Ayah itself that was the abrogator (...And that you fast is better for you).

Then we see that 'Ataa narrated from Ibn Abbaas (ra) <He said: (..For those who can then there is a ransom (Fidyah) of feeding a Miskeen (poor person) 2:184). Ibn Abbaas said: This is not Mansookhah (abrogated). It is for the elderly man and woman who are not able to fast so they feed a Miskeen for everyday that they miss>. Reported by Al-Bukhaari (4505) and Abu Daawud. An-Nasaa'i (2638) narrated it in As-Sunan Al-Kubraa and Ad-Daaraqutni with the wording: <...He said: (the one who can/is able) afford to pay the Fidyah of feeding one person (the one who wants to do more/extra) then he can increase the feeding of the Miskeen. The ayah (..To fast is better for you) is not Mansookhah (abrogated and there is no permission (for Fidyah) except for the elderly man and woman who cannot cope with the fasting as well as the sick person who has not recovered>. Ad-Daraaqutni said: The chain of this is Saheeh.

In light of this Ikhtilaaf (difference) in relation to the noble Ayah (And those who are able should feed a Miskeen as Fidyah) as to if it is abrogated or not. Both parties have deduced that the elderly man and woman who are incapable of fasting should feed a Miskeen for everyday that they did not fast. As for the deduction of Ibn Abbaas and those who share his view that the Ayah is not Mansookhah then this meaning is clear (i.e. permission to feed Miskeen in place of fasting). In relation to those who have said that the Ayah has been abrogated, they have made an exception of the obligation of Fidyah upon the old person not capable of fasting. An example of this exception is reported by At-Tabari in his Tafseer (2/134) from Ibn Shihaab – Az-Zuhri – who said: <Allah (swt) said: (...Fasting has been commanded for you as it was commanded upon those before you...> Ibn Shihaab said: Allah (swt) prescribed fasting upon us, then people use to make Fidyah in place of fasting despite their ability to fast, if they were ill or well or travelling. People were upon that then Allah

(swt) obligated that whoever saw the month should fast, so the one who was well was able and the Fidyah was abandoned for him. The one who was travelling or ill then he would make up (Qadaa) from other days. He said: The Fidyah after that (only) remained upon the elderly who is unable to fast or the person who is exposed to an excuse/defect that does not allow him the capability to fast>.

We then see that Ibn Jareer At-Tabari recorded from Sa'eed Bin Al-Musayyib (2/137) and he was the Shaikh (knowledgeable person) of the Taabi'een that he said: <In the statement of Allah (swt) (A fidyah of feeding a Miskeen) he said: This includes the old who use to fast, but became old an incapable and the pregnant woman who is not obliged to fast. For each of them they are required to feed a Miskeen, a Mudd of wheat for everyday that they miss from Ramadhaan>. This has taken a different direction to what was previously deduced from this Ayah, he explained it with an addition word (Kabaroo) (to get old) after the word (yuteeqoonahu) (to be able) as if the Ayah has an implicit missing word in meaning and this implicitness includes (the one who gets old). This is a clear and nice interpretation except that I do not find (a sufficient) support with the view that a word is absent but implied in meaning in this case.

In respect to this issue and with Tawfeeq and As-Sadaad from Allah I say the following:

We do not start talking about abrogation except when the ayaat cannot be brought together and that they are in opposing meaning that can't be reconciled and in that case we can bring in the issue of Nuskh (abrogation). In this case the two Ayaat can be brought together and had they not been then why was this then hidden (unknown) to Ibn Abbaas (who is so knowledgeable in these matters related to the Quran. This Ummah says that there is no Nuskh (abrogation), and it is obligatory in this situation to leave the view of abrogation and stick to the view that these two Ayaat remain standing (as they are without abrogation) and that there is no abrogation in any one of them.

From here, the view of a hidden implicit word as suggested by Sa'eed Bin Al-Musayyib is not suitable to be referred to without an evidence in the Quraanic methodology. Here there is no Daleel (evidence) and no Shubhah (even weak form or based on weak Usool) Daleel indicating that an intending wording had been removed but remained implicit in the meaning. It is therefore obligatory to leave this view without hesitation. And where the Ayaah says: (...And those who are capable then make a Fidyah of feeding a Miskeen) it is not abrogated but Muhkamah (remains standing). Its explanation and interpretation must combine and be merged with what came before it and what came after it from the Ayaat. As for what is before it is the Ayah [2:183]: (O You who believe fasting has been prescribed upon you as it was prescribed on those before you so that you may be of the Muttaqoon (those who fear Allah in obedience to him). This statement (Fasting has been prescribed upon you) is obligatory not to be understood to indicate choice between fasting and breaking fast like has been mentioned in many reports. This would mean that Kutiba (prescribed) would have a different meaning to Furida (obligated) in relation to fasting. The statement of choice is in complete contradiction to this blatantly clear Ayah that states that the fast is Maktoob (written/prescribed) meaning Mafrood (obligated). Therefore the opinion of choosing to fast or not is rejected irrespective of the many reports that indicate it. As for the Ayah that follows it: [2:185]] (The month of Ramadhaan in which was revealed the

Quraan, Guidance for mankind, and proofs of the guidance and a criterion so whoever from among you witnesses the month then he should fast). This Noble Ayah has come completing the view of the obligation of fasting ( so whoever from among you witnesses the month then he should fast) so it confirms and supports the first Ayah.

So in the case where the first noble Ayah mentions that the fasting is obligatory and the third noble Ayah mentions that the fasting is obligatory with a clear meaning. Therefore the Ayaah in between them cannot and it is not permissible to say that it came with choice. It can only be and is waajib to say that it came as another with obligation and that is so that it remains in line with the Quraanic methodology and so that it does not contain any contradiction or clash. Based on this introduction which was necessary I say the following:

The middle Ayah that came to explain the (legal) excuses for leaving the obligatory fast did not come to give a choice between fasting and making Iftaar (i.e. abstaining from fasting). It mentioned the excuse of illness and the excuse of travelling and explained that those who break their fast in these two situations should make Qadaa. **فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ** (Make up from days after) then it said: (and for those who can, should feed a miskeen). Those who are capable has been preceded by a joining letter, harf ul Atf (waw -And) joining it to what was mentioned before it, the ill person and traveller. This Waw (harf ul-Atf) only comes to bring together everything in the subject together which in this case is the allowed excuses for making Iftaar. If they were not connected there would not be a harf ul-Atf. So the excuses are: illness, travel and reaching or capability/strength. This means that the sick person, traveller and one who has the strength, they can make Iftaar from fasting. However the one who has his strength is different from the sick and traveller because the Ayah did not mention him with them. It is not therefore said for example that the sick, traveller and one who has the strength should ' Make up the days (missed) from others). This is where the preciseness of the Quranic methodology has obliged that the one who has the capability should be added amongst those who are excused due to the 'Atf of the Harf (letter) Waw linking it to the ill person and traveller and at the same time has obliged that it is not included with what has been obliged upon them in terms of Qadaa of the fasts missed. The Noble Ayah has come mentioning the difference between the first two excuses and the third excuse (the old person or incapable person). The Ayah said (in relation to the third excused category): (To make Fidyah of feeding a Miskeen) and it mentioned specifically in relation to the first two who have been excused from fasting i.e. the traveller and sick person that (They should make up from other days). With this differentiation the Noble Ayah has negated from the third excuse the Qadaa of fasting and came with a new Hukm which is not required from the ill and sick person which is the act of giving a Fidyah.

As for the process of how we just explained this noble Ayah we say the following: In relation to the statement of the Ayah (And on those who have the capability) it should not be explained to mean: Those who are capable of doing it (i.e. making a Fidyah) because if this was true then (nearly) everyone would fall into this category including the Ill person and traveller, because it is more than likely that they are capable of performing the fast as well. It is waajib to only explain or interpret it to mean that those who if they fast they exhaust their strengths or become almost completely incapable of fasting in reality. Said in a different way, they are the group from amongst the people that cannot fast and complete it

except where they extend their absolute strength and capability where they are close to not being able to complete it. So the Ayah came to excuse those people and exempt them from the obligation of fasting just as it exempted them from the obligation of Qadaa because the performance of Qadaa in relation to them is the same hardship as its performance in the original case, it would make them exhaust their utmost strength and capabilities. So it (the Ayah) came with what they are capable of performing and does not require n of them to extend all of their powers and strengths to perform and this is the Fidyah, i.e. paying an amount of money for everyday not fasted. And what bears witness to this understanding is what I found in the Tafseer of Mujaahid Bin Jabr who is from amongst the Shuyookh of the Mufasssiroon of the Noble book of Allah and in it is the following report (Page 97 from the first volume) from 'Ataa from Ibn Abbaas (ra) concerning the statement (...And those who are capable...) he said: <They can afford it but they cannot perform it (Feeding a Miskeen who doe extra then this is good), so feed another Miskeen (and it is good for him) and it is not abrogated...>. So Ibn Abbaas (ra) explained the word (Yateeqoonahu – Has the power/capability) with (Is not capable of doing it) and this is close to our Tafseer (explanation).

With this Tafseer, or let's say with this Ta'weel (interpretation) we have kept harmony between the three Ayaat and denied from them the presence of abrogation or suspension. And with this explanation we have extracted with evidence that the 'Aajiz (incapable) person in reality and in ruling is excused from fasting and pays a Fidyah. This indicates that the elderly man and woman break their fasting and feed a miskeen in place of everyday that they have missed.

As for the ill person whose illness makes him incapable of fasting, then if it is hoped that his illness will be cured then he will fall under the category found in the statement of Allah (swt) <<...So whoever of you is ill or travelling then he should make up from other days (for what is missed)...>> from Ayah 184 in Surah Al-Baqarah. So in this case he breaks his fast (when ill) and makes Qadaa later. However if it is not hoped that the illness/condition will not improve or be cured then we attach him to the third category (Those who are capable (with the greatest difficulty)) i.e. like the man and woman who are advanced in years and who would find great hardship in performing the fast, so he would in this case feed a miskeen for everyday that he has missed. You will find further examination of this issue in section 3.

## **2 – The man who dies whilst he still owes fasts:**

In relation to this category his Wali chooses between fasting on his behalf what he has missed of fasts and feeding a Miskeen in exchange for everyday that he missed of his fasts. Fidyah on behalf of the dead person is therefore allowed and not obligatory upon the Wali and it has been reported from Al-Farooq Umar Ibn Al-Khattaab, his son 'Abdullah and 'Abdullah Ibn Abbaas (rah) that it is allowed to feed on behalf of the dead although nothing has been reported directly from the Prophet (saw). Abdul Haqq and Ibn Hajar said: Nothing in relation to feeding can be said correctly to be Marfoo'an (i.e. linked to the Prophet).

In a situation where these statements narrated from the Sahaabah (rah) do not contradict with the Sharee'ah texts, it is valid to imitate and follow them. And have completed the

study of this issue in the subject (The Qadaa of the Saum of the Mayyit (dead)) in the chapter (Qadaa of Saum) so it can be referred back to.

### **3 – The man who has intercourse with his wife in the day of Ramadhaan and is ‘Aajiz (incapable) of completing two consecutive months of fasting:**

This man feeds sixty Miskeen (poor people). This is where the man has relations with his wife intentionally aware of the fast, but if he does it out of forgetfulness then there is no sin and no Kaffarah. Al-Bukhaari said: <Al-Hasan and Mujaahid said: The one who has intercourse out of forgetfulness then there is nothing upon him>. Abdur Razzaq mentioned this statement just as he mentioned (7375) from Mujaahid the statement: <If a man has intercourse with his wife and he is fasting out of forgetfulness in Ramadhaan then there is nothing upon him>. And from ‘Ataa (7376) the statement <He must make Qadaa> so Kaffarah has not been obliged upon him. Similar to the statement of ‘Ataa is the view of Al-Awzaa’i, Al-Laith Bin Sa’d, Maalik, Ahmad and one of two views attributed to the Shaafi’iyyah. I have not known of a Faqeeh who has said that it is obligatory for the one who forgot that he was fasting whilst having relations with his wife to make Kaffarah. Indeed it has been reported from ‘Aamir Ash-Sha’bi, Sa’eed Bin Jubair, Ibraheem An-Nakh’i and Qataadah that there is no Kaffarah upon him in the case of corrupting the fast at all in any case and this without doubt is a (strange/abnormal) opinion and no attention should be given to it due to its contradiction with the clear evidences concerning Kaffarah.

The Fuqahaa have differed in respect to the women whose husband has approached her in terms of whether Kaffarah is due upon her or not in relation to freeing a slave or fasting two consecutive months or feeding sixty Miskeen? Ash-Shaafi’i in the stronger of two views, Al-Awzaa’i, Al-Hasan Al-Basri and Ahmad in a report attributed to him have all said that there is no Kaffarah upon the woman and it is only obligatory upon the man. Al-Awzaa’i said: If the Kaffarah was with fasting then two consecutive months of fasting would be upon both of them. Abu Haneefah, Maalik, Abu Thawr, Ibn Al-Mundhir have said that the woman has another Kaffarah and this is a report from Ahmad. Al-Ahnaaf and Maalikiyyah said that the Kaffarah is obligatory upon the women if she chose the action (did it willingly) but if was compelled upon her then the Kaffarah is only upon her husband.

The correct opinion is that of the Ahnaaf and Maalikiyyah where Kaffarah is obligatory upon her if she was a willing participant and not coerced. This is because the sexual relations which oblige the Kaffarah upon the man include her participation so there is no meaning in pardoning her from the Kaffarah. And in relation to the view of the Shaafi’iyyah and those of similar view that they have never heard of the Messenger (saw) ordering the wife to perform the Kaffarah, this is not sufficient to pardon/excuse the wife from Kaffarah or the sin. This could only be if the texts were only addressing the male which is incorrect because both male and female are addressed equally which is the general case with all legislation and texts. If the text wanted to address the woman specifically then it would have mentioned them with a clear wording and this is a well known Sharee’ah and linguistic principle. So the woman is included in the general address of the legislator and legislative texts except where they have been exempted with an exception so for this reason there is no proof or argument for what the Shaafi’iyyah have stated.

As for when the husband has compelled his wife to have relations and the wife is unable to repel him, then there is nothing upon her and this is because the Messenger of Allah (saw) has lifted from his Ummah the mistake, forgetfulness and what has been compelled upon it with coercion. The one who has been compelled is not sinful or punished. If someone was to say that a woman does not possess the money to free a slave or feed sixty poor people we answer that the woman may have the financial capability to do that. And in the case where she does not have the means then the fasting of two consecutive months is specified upon her and if she does not have the capability to fast or have sufficient funds then the Kaffarah is lifted from her.

Finally, the sexual relation that obliges the Kaffarah is the insertion of the penis into the vagina even if ejaculation does not take place. Kaffarah is not obligatory if ejaculation occurs without penetration through kissing and fondling and it's like.

**There is no Fidyah for the one who delays the Qadaa of Ramadhaan without a legal excuse until the beginning of the next Ramadhaan:**

The Fuqahaa have differed in relation to a person who has Qadaa fasts due upon him from Ramadhaan and then delays performing them until the coming of the next Ramadhaan: Abu Haneefah and his people, Ibraheem An-Nakh'i, Al-Hasan Al-Basri, Al-Muzani and Daawud Bin 'Ali have all obligated the Qadaa only. The majority however have obligated the Qadaa and the feeding of a Miskeen for every day missed and this has been reported from Ibn 'Abbaas, Ibn 'Umara nd Abu Hurairah (rah). Al-Bukhaari said: <...Ibraheem said: If he does not perform them until the coming of the next Ramadhaan, he fasts them and feeding is not viewed upon him, and he mentioned from Abu Hurairah Mursalan and from Ibn 'Abbaas that he fed>.

The correct view is that of the Ahnaaf. This is because obliging Fidyah upon those who delay the Qadaa until the coming of another Ramadhaan requires a text from the Shar'a and there is no such text here and therefore it is not correct to legislate such a Hukm. As for what is reported from Ibn Abbaas, Ibn 'Umar and Abu Hurairah and what At-Tahaawi reported from Yahya bin Aktham who said: <I found it (the view) among six of the companions and do not know of any opposition>. These reports from the Sahaabah are not affirmed where they have been reported in weak ways (Turuq da'eefah) and are therefore rejected and it is not allowed to imitate them and follow them.

A number of the Fuqahaa were confused with what had been reported from the Sahaabah that the one who was ill and did not fast Ramadhaan until the next cam and fed poor people for the missed Ramadhaan for every fast missed. They were confused in this view by the previously mentioned weak reports, so they said it was obligatory to feed in an absolute manner. The truth is that the reports which have stated the feeding upon the ill person are correct to be used as evidence in what is in agreement with the book of Allah (swt). We have just previously explained that the ill person who is incapable of fasting should feed and these reports mention that an ill person was incapable of fasting throughout the entire year. That he did not get better through the year until the following Ramadhaan came and this year in which he was ill in was the time in which the Qadaa of the previous Ramadhaan was meant

to have been performed. He was unable to make the Qadaa in its correct time and nothing remained except for him to feed. You will find this study present and complete in the first section from this chapter and it is not part of our (overall) subject.

### **Secondly: Measuring the Fidyah:**

The companions of the Messenger (saw) have disagreed in defining the quantity and measurement of Fidyah and it has been narrated from them explanations which mention that the Fidyah is one Mudd, two Mudd (i.e. half of a Saa'), Four Mudd (i.e. one Saa'). I will mention here a number of them:

c) 'Ataa said that Abu Hurairah (ra) said:

<<Whoever reaches old age and is not able to fast Ramadhaan then a Mudd of wheat is (obliged) upon him for every day missed>>. Ad-Daaraqutni (2/208).

d) Mujaahid narrated from Abu Hurairah (ra) that he said:

<<The one who is present fasts, the others make Qadaa, and feed for every day (missed) a Miskeen>>. Al-Bayhaqi (4/253). He said: It was narrated by Ibn Jurayj from 'Ataa from Abu Hurairah who said: Muddan of wheat for every Miskeen.

e) Ibn 'Abbas (ra) said:

<<If an old man is not capable of fasting then he should feed for every day (missed) Muddan Muddan (i.e. a Mudd for each Miskeen)>>. Ad-Daaraqutni (2/204) with a Saheeh Isnaad.

f) Al-Bayhaqi, Abdur Razzaaq narrated from Ibn 'Umar (ra) (4/254) that the measure of feeding was a Mudd of wheat.

g) Abdur Razzaaq narrated from 'Umar Ibn Al-Khattaab (ra) (7629) that the feeding was a Mudd of wheat for every Miskeen.

So all of these Sahaabah: Abu Hurairah, Ibn Abbaas in a narration from him, 'Umar Ibn Al-Khattaab and his son 'Abdullah all mentioned that the Fidyah was a single Mudd, i.e. one quarter of a Saa'.

h) Mujaahid narrated from Ibn 'Abbaas (ra) that:

<< (And those who are capable should make Fidyah of feeding a Miskeen) was recited and he said: The old man who is not capable of fasting should make Iftaar and feed for every day a Miskeen, half a Saa' of wheat>>. Ad-Daaraqutni ((2/207).

In this second narration from Ibn 'Abbaas (ra) he mentions half a Saa' which is two Mudd of wheat.

i) Saa'ib Bin Qais (ra) said:

<<The person who makes Fidyah in the month of Ramadhaan feeds a Miskeen for every day so feed a Miskeen every day Saa'...>>. Al-Haithami in Majma' Az-Zawaa'id (4953) attributed this to At-Tabaraani in Al-Mu'jam Al-Kabeer and said: Its narrators

are trustworthy. I have expended all my effort to find this in the Mu'jam of At-Tabaraani but have not found it.

So these narrations mention a Saa' i.e. four Mudd. These are all Sahaabah and they disagreed on specifying the amount of Fidyah due and with these differences the Taabi'een and Fuqahaa that came after them also disagreed and held differences, The Ahnaaf have said: Half a Saa' of wheat or what is equal to that and have measured it along the lines of the Sadaqah of Al-Fitr. The majority have said: One Mudd is sufficient i.e. a quarter of a Saa'.

All of these views are Ijtihadaat and are not Sharee'ah texts. The Shar'a did not specify the amount of Fidyah, it did not stipulate how much the Miskeen should be fed and what they have viewed is only Ijtihadaat based on understanding the reality (Tahqeeq Al-Manaat) of the Sharee'ah texts i.e. the reality of feeding one poor person so as a result there views were disparate. Had those Sahaabah (rah), the Taabi'oon and Fuqahaa perceived our current time they may have changed their estimations because the customs, people and times which people live in have an influence and effect in the specification of the amount that a single Miskeen should be provided with. Due to this we are not committed to the measurements of the Sahaabah which have preceded us and we stick to the statement of Allah (swt) (A Fidyah of feeding a Miskeen) and we leave specifying the Fidyah and what should be presented to the Miskeen to the people to decide what they see to be sufficient to feed a Miskeen. This is especially so because presenting a Mudd, two Mudds or four Mudds of wheat or dates will not today benefit the Miskeen and what has become acceptable in our current age is to provide cooked meals or paying an amount of money that fulfils the need.

And for the purpose of knowledge only I say: Abu 'Ubaid in his book Al-Amwaal (1602) said the following: <As for the people of Hijaz they do not differ amongst themselves that a Saa' for them is five Artaal and a third (a measurement between 300g and 3kg approx depending on which area/region). The educated and uneducated are well aware of this. They trade in the markets and this knowledge is passed down from generation to generation (1603) And Ya'qoob – father of Abu Yousef the Qaadi – use to in the past say what his companions said and then reverted to the view of the people of Al-Madeenah>. And he said (1623) also: <We have explained the Saa' from the Sunnah and this is as has been mentioned five Artaal and a third and a Mudd is a quarter of it which is one Ratl and a third and our Ratl its weight is equal to one hundred and twenty eight Dirham...>.

And with appreciation to what has occurred in terms of modern measurements we say the following: The Mudd is equal to 544 grams so a Saa' is equal to 2176 i.e. Two kilograms, one hundred and seventy six grams.

## Chapter Eight

### What causes the Fast to be broken?

#### 1 – Breaking of the Niyah of the fast:

Fasting is 'Ibaadah (act of worship) and therefore requires an intention from beginning to end. If the Niyah is broken then the fast is also (by default) broken.

#### 2 – Eating and drinking intentionally:

This reason does not require going into as it is well known to the knowledgeable and the one who has no knowledge alike.

#### 3 – Menstruation and post Childbirth bleeding (Hayd and Nifaas):

This is also well known and its study was examined in the chapter: (Fasting of Ramadhaan – General rules).

#### 4 – Intentional vomiting:

Muhammad Ibn Al-Mundhir said: An Ijma' (consensus) has been agreed that the Fast is made invalid (Baatil) by the intentional vomiting. However Ibn Bataal reported from Ibn 'Abbaas and Ibn Mas'ood (ra) that: (It does not break the fast at all), and this is one of the reports from the people of Maalik. 'Ataa Bin Abi Rabaah and Abu Thawr said: The one who intentionally vomits must make Qadaa and Kaffaarah. It has been narrated from 'Ali, Ibn 'Umar, Zaid Bin Arqam, Maalik, Ath-Thawri, Al-Awzaa'i, Ahmad, Ishaq Bin Raahooiyah, Ash-Shaafi' and Ashaab Ar-Rai (scholars of Iraq, Kufa) that they said that the one who is overcome by sick, i.e. he is sick unintentionally then this does not invalidate (make Baatil) his fast. Ibn Al-Mundhir said an Ijma' (consensus) which means a consensus from amongst the 'Ulamaa - that the Qadaa is lifted from the one who is overcome by vomiting and did not intend it except in one report attributed to Al-Hasan Al-Basri.

We will now mention a selection of Ahaadeeth and Aathaar that relate to this topic:

16) On the authority of Ma'daan Bin Talhah that Abu Dardaa (ra) said to him:

<<The Messenger of Allah (saw) vomited and so broke his fast. Then (later) I met Thawbaan the servant of the Messenger of Allah (saw) in the Masjid of Damascus. So I said to him 'Abu Dardaa told me that the Messenger of Allah (saw) vomited and as such broke his fast. He replied: He told the truth and I would pour the water for his (saw) Wudoo>>.

Narrated by Abu Daawood (2381), An-Nasaa'i, Ibn Hibbaan, Ad-Daarami. At-Tirmidhi and Ahmad narrated it and said: This is the most Saheeh thing in this subject/chapter. Ibn Mandah said: Its Isnaad is Saheeh Mutassil.

17) Khaalid Bin Ma'daan reported from Abu Dardaa that he said:

<<The Messenger of Allah (saw) sought to vomit or vomited and broke his fast. Water was then brought to him and he made Wudoo>>.

Narrated by Abdur Razzaaq (7548), An-Nasaa'i and Ahmad and its chain is Saheeh.

18) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<Whoever is overcome by vomiting whilst fasting there is no Qadaa for him and if he vomits intentionally then Qadaa is obliged upon him>>.

Narrated by Abu Daawood (2380), At-Tirmidhi, Ibn Maajah, Ahmad, Ad-Daarami, Al-Bayhaqi and Ibn Hibbaan. At-Tirmidhi said: The Hadeeth is Hasan Ghareeb. Adh-Dhahabi and Al-Haakim verified it as Saheeh. Al-Bukhaari said: I do not see it preserved. Ahmad said: There is nothing in it. An-Nasaa'i in As-Sunan Al-Kubraa (3117) reported the following Lafzh: <<If someone vomits unintentionally then there is to Iftaar for him and if he vomits then there is Qadaa>> and said: 'Ataa stopped this (the report) with Abu Hurairah. The meaning of dhara'a عذرا means to be overcome by. (This word has been used in the reports to indicate the unintentional breaking of the fast).

19) 'Umar Bin Al-Hakam Bin Thawbaan:

<Abu Hurairah (ra) heard: If you vomit there is no Iftaar, it only exits but does not interpose and it is mentioned about Abu Hurairah that he broke his fast and the first (statement) is more correct and Ibn 'Abbaas and 'Ikramah said that the fast is affected by what goes in and not what comes out...> Al-Bukhaari mentioned this in the introduction of the chapter: 'Al-Hujaamah (cupping) and Qay' (vomiting) in relation to the one fasting'.

20) Naafi' said that Ibn 'Umar (ra) said:

<Whoever is overcome by vomiting there is no Qadaa for him, and the one who makes himself sick must make Qadaa>.

Narrated by Al-Bayhaqi (219/4) and Maalik (p48 in the book of fasting).

21) Ibn 'Abbaas (ra) said that the Messenger of Allah (saw) said:

<<There are three which do not break the fast of the one fasting: Vomiting, cupping and wet dreams>>.

Recorded by Al-Bazaar (1016). Al-Haithami said: This has come with two chains and one of them is Saheeh, and this it being Saheeh is apparent. Others have said that it is weak. Ad-Daraqutni (183/2), At-Tabaraani in hi Mu'jam al-Awsat narrated it from the way of Abu Sa'eed Al-Khudri.

In the first Hadeeth it mentions (He was sick and he broke his fast) which is explained by the second Hadeeth (The Messenger of Allah sought to vomit (intentional) and made Iftaar) and the third Hadeeth which mentions (And if he vomits intentionally then he should make Qadaa). The expression used to indicate deliberate vomiting has come in two forms: Istiqaa and Taqiya. In relation to the third Hadeeth which Al-Bukhaari and Ahmad have said is not preserved, Al-Haakim and Adh-Dhahabi have verified it as Saheeh and as At-Tirmidhi also said that it was Hasan then this is enough to accept it. These Prophetic Ahaadeeth have therefore mentioned that the one who Istiqaa or Taqiya i.e. vomited intentionally, he has broken his fast and it is Waajib (obligatory) for him to make Qadaa. I have not found one hadeeth which is Marfoo' (goes back to the prophet (saw)) that contradicts these texts so they must be worked with and used and it is therefore said that the intentional vomiting is one of the actions that breaks the fast. The report of Ibn 'Umar (5) also agrees and affirms with what we have said.

As for what was reported from Abu Hurairah (ra) then we are presented with two contradictory views. In the third Hadeeth 'Ataa mentions that the hadeeth stops at Abu Hurairah and if we are to suppose the correctness of what 'Ataa said then we would say that Abu Hurairah said: (If you are sick intentionally (Taqiya) then Qadaa is necessary) and also (If you are sick intentionally (Istiqaa) then you must make Qadaa) meaning that if the vomiting is intentional the fast is made invalid and he has broken it (made Iftaar).

As for what Al-Bukhaari reported from Abu Hurairah its form has come in a general manner (If he vomits there is no Iftaar) (About Abu Hurairah that he made Iftaar). The first narration is outweighed so we take the narration from him (If he vomits there is no Iftaar). This narration does not differentiate between the intentional and unintentional vomiting but rather came generally and we do not deny that the unintentional vomiting does not cause the Iftaar of the fast. The two narrations from Abu Hurairah therefore mean to us that: The first specifies that the intentional vomiting breaks the fast and the second generalises vomiting to say that it does not break the fast. We therefore take the narration that specifies that the intentional vomiting breaks the fast and we carry over the other general narration to all that is beside that (i.e. the unintentional act). We therefore have affirmed the specific statement that came in the third Hadeeth which is in agreement with the Ahaadeeth that go back to and originate from the Prophet (saw).

Now we arrive at the Athar (report) from Ibn 'Abbaas recorded by Al-Bazaar: Al-Bazaar mentions two chains from Ibn 'Abbaas with one wording, and in both chains is Muhammad Ibn Abdul Azeez – he is Abu Abdullah Ar-Ramli well known as Ibn Al-Waasity as has been mentioned by Ibn Hajar in 'Tahdheeb At-Tahdheeb'. This transmitter/narrator has been described by Abu Zur'a as: Not strong.

Abu Haatim said: There are strangeness concerning him and he was not of those praised. Weakness is attached to him. Even though Ibn Hibbaan judged him as trustworthy – it is well known about him that he is lenient in affirming trustworthiness to narrators. He said – It is possible that he is inconsistent. As for what Al-Haithami said about him: That one of the two chains was Saheeh, he means here that Al-Bazaar himself had verified one of the two chains, and even this statement is not precise and this is because Al-Bazaar after narrating the two reports said: ( And this is the better of the two narrations and the more correct and this is because Muhammad Bin Abdul Azeez was not one who preserves). This statement does not mean that the Isnaad (chain) is Saheeh, it only means that it is more correct than the other. Then Al-Bazaar says in relation to Muhammad Ibn Abdul Azeez (He is not one who preserves). So this Hadeeth has in it weakness and similar to that is the report from Ad-Daaraqutni from Abi Sa'eed because it has Hisham Bin Sa'd who has been classified as Da'eef by An-Nasaa'i, Ahmad and Yahya Bin Mo'een. Ibn 'Adee viewed him as pliant (not strong) and said: And even with his weakness his Hadeeth are recorded. Abdul Haqq said: His hadeeth are recorded but not used as a proof. In contrast Muslim used his Hadeeth as a proof and Al-Bukhaari for witnessing. With the presumption that this Hadeeth is viable as a proof and for deduction, then we say about it the same as what we said in relation to the reports of Abu Hurairah in terms of the specific and general. This is because the hadeeth of Ad-Daaraqutni and Al-Bazaar have come in a general unspecified way (Al-Qay –Vomiting) without clarifying if it is intentional or unintentional so it is therefore specified by the previously quoted Ahaadeeth that state that the one who vomits intentionally breaks his fast. So in conclusion we say that the intentional vomiting is of the actions that breaks the fast and we have discussed more on this topic in the subject (The Qadaa of the one who intentionally vomits) in the chapter (The Qadaa of Fasting).

#### **5 – Sexual relations:**

Intercourse breaks the fast, and this is known from the Deen by necessity (Daroorah) and the study of its various aspects and realities is discussed in the subject: (Sexual relations are permissible on the nights of Fasting) in the chapter: (The fasting of Ramadhaan – General Rules). It is also covered in the topic: (The fasting of the one who has sexual relations with his wife during the day in Ramdhann) in the chapter (Kaffaaraat – Expiations) and also under the topic: (The man who has sexual relations with his wife in the day of Ramadhaan and is incapable of fasting two consecutive months) in the chapter: (Kaffaaraat) and these can be referred back to.

#### **6 – As-Su'oot: Snuffing/inhaling through the nose**

This is also called and known as Nushooq and Nushoogh and it means to put a substance in your nose and inhale it. The medicine that is inhaled/snuffed is called As-Sa'oot with a Fat'hah over the letter Seen.

As-Su'oot has been quoted in many Ahaadeeth as medicine but none of them have mentioned it within the context of fasting. Because of this we do not find the Muhaddithoon of the Prophetic Ahaadeeth mentioning it under this chapter (of Siyaam) with the exception of what was narrated by Luqayt Bin Sabrah (ra) who said: << I said: O Messenger of Allah (saw) tell me about the Wudoo'? He (saw) said: Perform the Wudoo' properly/completely and exaggerate in Al-Istinshaaq (inhaling/snuffing of water) except if you are fasting>. Recorded by Ibn Maajah (407), Abu Daawood, An-Nasaa'i, At-Tirmidhi and Ahmad. Al-Istinshaaq in Wudoo' here falls under the chapter (subject area) of Su'oot.

The 'Ulamaa have differed in respect to As-Su'oot, is it lawful for the fasting person and does not break his fast or is it of the actions that break the fast? Al-Bukhaari (1934) said: [Al-Hasan said: There is no problem in relation to fasting and As-Su'oot as long as it does not reach the throat and Yaktahil]. Ibn Abi Shaibah mentioned it connected (Mawsoolan) with a close wording. Ibn Abi Shaibah reported (462/2) from Al-Qa'Qaa' who said: [I asked Ibraheem – An-Nakhi' – about As-Su'oot with Aloe for the

fasting person and he did not regard anything (a problem) in it]. In another report [He said: There is no problem with As-Su'oot for the Saa'im]. The majority (however) have said that snuffing (something) breaks the fast.

They (the 'Ulamaa) have differed in relation to the Istinshaaq (snorting) of water in Wudoo' whilst fasting and it reaches the throat without intention: The Hanafiyah, Maalikiyah and Shaafi'yah in one of two opinions that it makes the fast Faasid (corrupts/spoils it). Ahmad, Ishaq Bin Raahuwiyah, Al-Awzaa'i and the people of Ash-Shaafi' that it makes the fast Faasid if the fast is not obligatory. In light of this I say the following:

The Hadeeth reported by Ibn Maajah on the authority of Ibn Sabrah is not correct to be used in the issue of As-Su'oot and this is because As-Su'oot is the entering of a substance into the nose and with its sniffing a part or all of it enters into the lungs, so this is the reality of As-Su'oot. As for the entering of water or medicine in the nose as a treatment for a inflamed nose condition for example without the medicine or water reaching the lungs then this is not As-Su'oot. Therefore Istinshaaq of water in Wudoo' is not rightly considered in the area of As-Su'oot. The prohibition has come in the exaggerating in its performance whilst fasting as a barrier or prevention for the water to reach the throat and then into the gullet and stomach. This is what Al-Hasan meant and what Al-Bukhaari mentioned. So in conclusion I say that in this Mas'ala there are no prophetic Ahaadeeth that mention it.

As for what was reported from 'Aa'isha (ra) that she said: <<The Messenger of Allah (saw) entered and said: O 'Aa'isha is there a Kisrah, so I gave it to him with a Qirs and then he placed it on his mouth and said: O 'Aa'isha did any of it enter my stomach? It is like the kiss of a fasting person, the fast is only broken with what enters and not with what exits (comes out)>>. Recorded by Abu Ya'la (4954/8). Al-Haithami said: It was narrated by Abu Ya'laa and it includes someone I don't know. In the chain of narrators is Majhool (unknown, so he is Da'eef and it indicates that the narrator of the Hadeeth is alleged to be Salmaa from the tribe of Bakr Bin Waa'il and she is unknown and unheard of so this hadeeth is left (rejected).

After this only the Aathaar (reports) of the Sahaabah (rah) remain to be discussed. We have found that Abdur Razzaaq (7518) reported from 'Abdullah Ibn Mas'ood (ra) that he said: [Fasting only (relates) to what enters and not what exits and the Wudoo' with what exits and not what enters] and we find that Ibn Abi Shaibah (467/2) and Al-Bayhaqi have narrated from 'Abdullah Ibn 'Abbaas (ra) that he said: [In relation to cupping (Al-Hujaamah) and the fasting person: Breaking fast is related to what enters and not to what exits]. Al-Bukhaari commented on this and these two reports are Saheeh. In relation to them I say:

The wording in these two reports is general ('Aam) without explaining whether what enters goes to the chest, stomach or even the skull (meaning the brain) and it is far off to presume that these great Sahaabah's had meant the skull or brain as this meaning is far from expectation. The one who desired or was driving towards this meaning then it is obligatory to make plain this meaning or if not to go to what the mind would logically understand which is that it is referring to what enters the chest and stomach and not what enters the brain. Due to this view of Fuqahaa who have said that what reaches the mind breaks the fast based on and deduced from these two reports is incorrect. It is strange that Fuqahaa believed that As-Su'oot reaches to the brain and as a result of this have said that what reaches the brain breaks the fast.

The truth – which is knowledge which arrives in a definite and decisive way – is that As-Su'oot is what a person inhales which enters the lungs, passes through the gullet i.e. into the chest and not the brain. The study must therefore be approached on this basis and with that I say: It has been agreed upon by the Muslims in past and recent times that the entering of something into the throat and its swallowing, i.e. its entering into the Gullet/Oesophagus breaks the fast without any stipulation that it reaches the stomach or lungs. So the descent of anything into the Gullet breaks the fast and this is obliged by the language because language dictates that whoever swallows a solid entity has eaten or

if it is liquid has had something to drink. So the descending of anything into the Gullet is considered eating or drinking and eating and drinking are breakers of the fast, so if anything is swallowed the fast is broken. It is also agreed amongst the Muslims in the past and present except for what is considered a far off and strange opinion, that the entering of any item into the gullet breaks the fast whether it is nutritious or not like a pebble or handful of dirt.

It remains for us to know the description of this vessel, so I say if this vessel enters as a whole in one go then there is no difference in that it breaks the fast like a morsel (of meat), chick pea, sip of water or medicine and this has been agreed upon by the Muslims from the earlier times to the recent. So if someone came to try and get around the fast through deceit and crushes a chick pea or medicinal tablet into powder, and then gradually enters it into him either by swallowing it with saliva or breathing it in with air then in these cases he has broken the fast. His tricks at trying to get around will not benefit him because the result is the same in both cases which is that something has descended into the gullet and then the lungs in the chest or to the stomach. It does not make any difference if the vessel enters in its normal state, enters through being crushed into powder and swallowed with saliva so that it reaches the stomach or if it is breathed in with the air so that it reaches the lungs.

Therefore anything that enters into the path of the Gullet breaks the fast without consideration of the way that it entered, because the reality of all these methods is that it is still one and the same action.

As for what can enter the Gullet but does not have a material sensed form such as perfume and other smells whether they are pure or dislikeable they do not break the fast and enter through the sense of smell without intention or purpose. At-Tabaraani in Al-Mu'jam Al-Awsat (4449) and in Al-Mu'jam As-Sagheer (614) related from Anas Bin Maalik (ra) that he said: <<The Messenger of Allah (saw) was asked: Can the fasting person kiss? He replied: And what is wrong with that, (Its like) the smelling of a flower>>. Its chain is Hasan. Here the Messenger of Allah (saw) compared in like the kiss with smelling a flower and this indicates that the smelling of a flower does not break the fast like a kiss doesn't. So what enters into the chest or stomach through the throat and Gullet breaks the fast with no difference to whether it enters as a solid unit or as powder ingested with saliva or in a form of material that is in the air and turns into a sensed (congealed) form once inside. The first two situations contain nothing hidden and therefore do not require from us to provide examples of them however in relation to the third situation it does require examples to be brought forward to show its reality:

A – As-Su'oot, It is a type of Tobacco that is crushed, sniffed and it enters into the lungs.

B – The smoking of Tobacco and the smoke of incense

C – Steam from water or medicine

D – Inhaler

These four types enter through the throat, gullet into the lungs and chest and then congeal into masses and forms. With As-Su'oot it enters completely into the lungs passing through the Gullet like a crushed chick pea or tablet would and enters with the saliva into the stomach. The smoking of tobacco with cigarettes, pipes and hookah's forms masses in the chest of tar and nicotine amongst other substances which has been clearly identified and can even be clearly witnessed with clothes or material that have come in contact a lot with the fumes. As for the steam of water and medicine then its reality is that it is water and medicine and therefore can never be breathed in under any situation. In relation to the inhaler then its reality is that it is medicine, it is like a spray that enters the mouth and then goes into the Gullet, a part of it mixes with the saliva and goes to the stomach and another part goes with the air into the lungs. The principle here is that any body/form that enters into the gullet breaks the fast irrespective of how it enters, be it through smoke, spray or steam and then shapes into or congeals into a form once inside the body.

All of this concerns the willing actions of man, if he has done As-Su'oot, smoked, intentionally inhaled fumes, left water or medicine boiling so as to breathe in the steam for treatment or otherwise, or

sprayed an inhaler into his mouth. The reality of all of these is that they enter a body or entity (substance) into Gullet/Oesophagus and the fast is broken by any of these means.

However if any of this happened against the will of the person then it does not break the fast because Allah (swt) does not bring to account the action of the man which was against his will so whoever sits next to a smoker or burning incense sticks and something entered into his chest unintentionally and not wilfully then he remains fasting and has not broken it. Also if the weather situation and humidity meant that there were water particles in the air or in a bathroom due to steam from hot water and the one fasting breathes this in without any desire to do so, intention or wish, then he has not broken his fast. Similar to this is the dust/sand in the air which occurs in cyclones and storms so if any of this is breathed in it does not break the fast and nothing breaks the fast except for what enters with somebody's own will and intention.

What is clear from the above is that the opinion of the majority who said that As-Su'oot breaks the fast and obliges Qadaa is correct and any other view is mistaken. Also that the reports of Ibn Mas'ood and Ibn Abbaas (ra) where it was mentioned: (The fast is related to what enters) and (Breaking of fast is related to what enters), the first means that the person fasts or stops anything from going into his stomach and the second means that anything that enters the stomach breaks the fast. Therefore the entering of anything into the Gullet which includes As-Su'oot causes the fast to be broken.

#### **Medical applications/realities:**

Building upon what we have already discussed I would like to mention a selection of Medical applications or realities that are linked to our subject area, so as to bring the Hukm Shar'i for them and explain which cause the fast to be broken and which do not:

- 15) The entering of a cable or scope into the body of a patient by a doctor or surgeon, either for treatment related to the unblocking or treating of arteries or for examination only. In this case it needs to be seen where the scope enters: If it goes in through the nose or mouth then it breaks the fast as it does if it enters through the skin and reaches the lungs, stomach or intestines. However if it enters through the skin and goes to the heart for example, or liver or bladder and does not reach the lungs or digestive system (organs) then it does not break the fast of the fasting person.
- 16) EEG (electrical testing of the brain) and ECG (electrical testing of the heart) procedures which include the putting of cables onto the skin do not break the fast.
- 17) X-Ray or Radiotherapy which is sometimes used for lithotripsy operations in the kidneys, or in the ureter and bladder or for the treatment of cancer does not lead to the breaking of the fast. Similar to this is the use of the MRI procedure as the rays which are omitted in the MRI do not form bodies or entities so their entering into the body does not break the fast in any situation.
- 18) Percolation in the man's penis or urethra as the Fuqahaa have named it and they mean by this the insertion of a fluid into the penis. This does not break the fast as the fluid does not reach the lungs or organs of the digestive system. This is similar to the insertion of a cable or scope into the penis to examine the bladder of kidneys as well as a similar procedure to examine the woman's womb and all of this does not break the fast.
- 19) Enemas and medical suppositories that lower the temperature do break the fast because they reach the rectum and large intestine which are parts of the digestive system as is well known. The opinion of Imaam Ahmad that an Enema breaks the fast is correct.
- 20) Vaccines of the skin do not break the fast but those through the mouth do.
- 21) Internal examination procedures of a woman and what is related in terms of the insertion of instruments and substances does not break the fast because the womb is not part of the digestive or respiratory system.

- 22) What is excreted from a woman's genitalia is examined: If it is menstruation or Childbirth blood then we have already stated that this breaks the fast. If however it is blood that has come from a cut vein then it does not break the fast. The excretion of any blood from any part of the body does not break the fast and we will cover this further in the section (Al-Hujaamah) in the following chapter (What does not break the fast). As for fluids other than blood like natural secretions or secretions resulting from an infected genital tract, all of these do not break the fast.
- 23) The wound or surgery that reaches the body's cavity and that which reaches the thin skin that surrounds the brain. The latter does not break the fast as inserting anything into the skull does not have any effect on fasting as for the wound that goes into the body's cavity then it needs to be further examined: If it enters into the inside of the lungs or digestive system organs then it breaks the fast and if it does not reach then it does not cause the fast to be broken in a situation for example where it reaches, the heart, liver or bladder.
- 24) The sniffing of any drug like Ammonia (smelling salts) breaks the fast. It and As-Su'oot are the same action in reality and share the same Hukm (ruling). We covered the subject of Su'oot a little while ago.
- 25) The opening up or splitting of the chest or stomach for the entering of instruments for surgery then in this case if the opening reaches the insides of the lungs or digestive system then the fast is broken. If it does not reach these parts then it does not break the fast like a hernia operation, or kidney transplant or implanting a battery (pacemaker) in the rib cage to regulate the heart beat. All of this not break the fast at all. It would only be broken in these cases if the procedures were accompanied by the entering of materials/substances into the lungs or digestive system.
- 26) The X-Raying of any part of the body, or by CT and MRI scans which are accompanied by an intravenous injecting of substances does not break the fast. If however the materials (coloured substances) are entered through the mouth or anus then it in that case it does break the fast.
- 27) Knee and hip operations that may include the inserting of medical screw to strengthen the limbs do not break the fast.
- 28) The needle of a doctor does not at all break the fast whether it is for medical treatment, to give nutrients/supplements, blood or anaesthesia and whether it is in the veins. This is all as long as no substances or medicines enter directly into the respiratory and digestive systems and their organs.

In summary I say: The insertion of any solid or liquid material/substance or tool or it's like into the body, and then if it enters into the respiratory or digestive systems then it breaks the fast and anything other than this does not.

Here doubt may arise, this is because the fasting is abstaining from food and drink which is the abstention of taking in nutrients, then in this case why is it permitted to insert nutrients into the body through a doctors needle and it is not considered to invalidate the fast? Is one not like the other? The response to this doubt is that the one fasting prohibits for himself food and drink in as far as food and drink are understood to be referring to and this is what has come in the texts. The texts have not come once ordering the faster to abstain from nutrients and due to this if he swallows a handful of sand or small pebbles/pills then his fast has broken irrespective if they were nutritious or not. The key element here is related to the process of eating and drinking and not with the intake of nutrients. There is no question that the taking of nutrients or blood through the skin is definitely not eating or drinking and therefore do not break the fast.

In conclusion I say that the fast can take nutrients and it does not break his fast if it done without eating and drinking or without the entering of any substance into the digestive system and organs. It can be done by entering the substance or blood into the skin by a medical needle.



## Chapter Nine

### Actions that do not break the fast

#### Al-Qublah and Al-Mubaasharah (The kiss and fondling) –

By Al-Mubaasharah we mean the touching of the wife and lying with her without insertion i.e. intercourse. At-Tirmidhi said: [The people of knowledge from the companions of the Prophet and others have differed in respect to the kissing of a fasting person. Some have permitted it for the older person and not for the young fearing for the safety of his fast and they are stricter with Al-Mubaasharah. Some of the people of knowledge have said: The kiss reduces the reward but does not break the fast and they viewed that if a person can control himself that he can kiss but if he is not secure in himself then he should leave the kiss to preserve his fast and this is the view of Sufyaan Ath-Thawri and Ash-Shaafi’].

Al-Maalikiyah have said that Al-Qublah and Al-Mubaasharah are Makrooh (disliked) for the one fasting. Maalik said: Whoever fondles and kisses and becomes erect/aroused – i.e. has movement in his penis – then his fast is invalid even without Madhi (secretion due to arousal) or ejaculation and must make Qadaa. Abdullah Ibn Shubumah one of the Kufan Fuqahaa said that the kisses breaks the fast. Ibn Hazm and the Zhaahiriyah have said kissing whilst fasting is recommended on the other hand. Abu Hurairah permitted the kiss and fondling absolutely as well as Sa’eed and Sa’d Ibn Abi Waqqaas (rah). Ibn ‘Abbaas (ra) differentiated between the old and young, he made it dislikeable for the young and permitted for the old. Ibn Hajar said: Whoever’s desire is agitated by the kiss then it is Haraam in itself according to the most correct view.

Before we can reach the correct opinion it is first necessary to present the following texts (evidences):

- f) ‘Aa’isha (rah) said:  
<<The Messenger of Allah (saw) would kiss me whilst we were both fasting>>. Narrated by Abu Daawood (2384), Ahmad, Al-Bayhaqi and At-Tahaawi. An-Nasaa’i (3038) reported it in As-Sunan Al-Kubraa with the following Lafzh (wording): <<The Prophet (saw) desired to kiss me and I said: I am fasting. He replied: I am fasting and then kissed me>>. Its Sanad is Jayyid (good).
- g) And also from ‘Aa’isha (rah) that she said:  
<<The Messenger of Allah (saw) use to kiss some of his wives whilst he was fasting and then she laughed>>. Narrated by Al-Bukhaari (1928), Muslim, An-Nasaa’i, Ibn Maajah and Ahmad. Ahmad also narrated something similar to this from Hafsaah and Umm Habeebah the wives of the Messenger of Allah (rah).
- h) ‘Aa’isha (ra) also said:  
<<The Messenger of Allah (saw) would kiss whilst he was fasting and he would fondle whilst he was fasting but he was the most capable of you in controlling his limbs/desires/wants>>. Narrated by Muslim (2576), Al-Bukhaari, Abu Daawood, An-Nasaa’i, Ibn Maajah and Al-Bayhaqi.
- i) ‘Aa’isha (ra) also said:  
<<The Prophet (saw) would kiss whilst fasting in Ramadhaan>>. Narrated by Muslim (2584) and Ahmad.
- j) Abu Salamah narrated that ‘Aa’isha (rah) said:  
<<The Messenger of Allah (saw) would kiss some of his wives (women) while he was fasting. I said to ‘Aa’isha: Was it in the obligatory or recommended fasts? ‘Aa’isha (ra) said: In both of these, in the obligatory and recommended>>. Narrated by Ibn Hibbaan (3545), An-Nasaa’i in As-Sunan Al-Kubraa, Ahmad, Abdur Razzaaq and At-Tahaawi. The chain (sanad) is Saheeh.
- k) ‘Aa’isha Bint Talhah said that ‘Aa’isha (rah) said:

<<The Messenger of Allah (saw) use to fondle/touch his wives whilst he was fasting and he would put between him and them a cloth, covering the private parts>>.

Narrated by Ahmad (24818) with a Jyyid (good) sanad. Ibn Khuzaimah also recorded it.

l) On the authority of Masrooq:

<<I asked 'Aa'isha: What is permitted to am man from a woman whilst fasting? She said: Everything except for intercourse>>.

Recorded by Abdur Razzaaq (7439) and its chain is Saheeh. At-Tahaawi (95/2) recorded similar to it from Hakeem Bin Uqaal that he said: <<I asked 'Aa'sha (ra): What is Haraam upon me from my wife whilst I am fasting? She said: Her genitalia>>.

m) Abu Sa'eed (ra) said:

<<The Prophet (saw) permitted the kiss for the fasting person and also permitted cupping for him>>.

Recorded by An-Nasaa'I (3224) in As-Sunan Al-Kubraa. Ad-Daaraqutni narrated it and said that its narrators are trustworthy. Ibn Khuzaimah narrated it Mawqoofan and Marfoo'an and verified it as Saheeh.

n) 'Amr Bin Abi Salamah (ra) said:

<<He asked the Messenger of Allah (saw) about kissing whilst fasting? The Messenger of Allah (saw) said to him: Ask this question to Umm Salamah so she told him that the Messenger of Allah (saw) did this himself (i.e. kiss his wives). So he said: O Messenger of Allah, verily Allah has forgiven your past and future sins so the Messenger of Allah (saw) said: Verily I have the most taqwaa and fear of Allah than (all of) you>>.

Recorded by Muslim (2588), Ibn Hibbaan and Al-Bayhaqi.

I will now say the following:

Any one of these ten hadeeth is sufficient to show the permissibility of kissing whilst fasting so what about all of them together? There is no doubt in this issue and disputing it is not allowed that the male and female fasting person are allowed to be kissed and be kissed in the obligatory and recommended fasts just as it is allowed to fondle his wife as long as it does not go as far insertion into the vagina. This is the correct opinion which the evidences have alluded to.

When Umm Salamah told 'Amr Bin Abi Salamah that the Messenger of Allah (saw) would kiss whilst fasting, he ('Amr) thought that kissing was Haraam and that the Messenger of Allah (saw) had done it and had been forgiven. In response to this the Messenger of Allah (saw) denied this and said that he has the most Taqwa and fear of him and that he does not perform the Haraam. So after understanding the meaning of this Hadeeth it adds to the others as a clear evidence permitting kissing whilst fasting.

Despite the strength of these evidences and deduction there are still some who view kissing as a Haraam and that it breaks the fast! There are also those that say kissing and fondling are Makrooh! These looked at the texts and found in the Hadeeth (No. 3) narrated by 'Aa'isha (ra) that she said: <But he is more able to control his desires than you>. From this statement they made an opening for two issues:

Firstly: That the permission to kiss is only permitted to the Messenger of Allah (saw) alone.

Secondly: Other than the Messenger of Allah do not possess the control or will power over their desires and as a result of this kissing and fondling become Makrooh in their own right. It has been added that kissing is Makrooh for the young person and permitted from the old. They explained this by saying that the kiss stimulates the young person's desires and they came with a Hukm that it is forbidden for arousal (or the desire to be agitated/stimulated) to occur as was the view of Maalik and Ibn Hajar. They came with a selection of evidences to support their view:

22) 'Umar Ibn Al-Khattaab (ra) said:

<<I was in a good mood and I kissed whilst fasting so I came to the Messenger of Allah (saw) and said: I have committed a great thing (a bad thing) today. He (saw) said: What was it? I

said: I kissed whilst fasting so the Messenger of Allah (saw) said: How would you see it if you rinsed your mouth (Madmada in Wudoo') with water? I said: So there is no harm in it? He replied: Yes (i.e. no harm)>.

Recorded by Ibn Hibbaan (3544), Abu Daawood, Ahmad, Ad-Daarami, Al-Bayhaqi, Al-Haakim, At-Tahaawi and Ibn Khuzaimah. At-Tahaawi, Ibn Kuzaimah and Ibn Hibbaan verified it as Saheeh whilst An-Nasaa'i rejected it and Ahmad and Ibn Hazm said it was Da'eef.

23) 'Abdullah ibn 'Amru Al-'Aas said:

<<We were in the company of the Messenger of Allah (saw) when a young man came and said: O Messenger of Allah is it ok to kiss whilst fasting? He (saw) said: No, and then an old man came and asked the same and he (saw): Yes. We looked at each other (in bewilderment) and then the Messenger of Allah (saw) said: I know why you have looked at each other in this way. The Sheikh (old man) can maintain control over himself>>.

Reported by Ahmad (6739), At-Tabaraani in Al-Mu'jam Al-Kabeer. In the chain is 'Abdullah Bin Luhay'ah and there is something to be said about him.

24) Abu Hurairah (ra) said:

<<A man asked the Prophet (saw) about fondling whilst fasting so he permitted it for him and then he was asked by someone else and he prohibited it for him. He permitted it for the Sheikh (old) man and prohibited it for the Shaab (young man)>>.

Narrated by Abu Daawood (2387) and Al-Bayhaqi.

25) Maymoonah – the daughter of Sa'eed – the servant of the Prophet (saw) said:

<<The Messenger of Allah (saw) was asked about a man who kissed his wife whilst he was fasting. He (saw) said: He has broken his fast>>.

Recorded by Ahmad (28177), Ibn Maajah and Ad-Daaraqutni.

26) 'Umar (ra) said:

<<I saw the Prophet (saw) in my sleep. I saw that he would not look at me so I said: O Messenger of Allah what is wrong? He replied: Are you not the one that kissed whilst you were fasting? Si I said: By the one in whose hand is my soul, I have never kissed while I am fasting>>.

Recorded by Al-Bazaar (1018) and Al-Bayhaqi.

27) Sa'eed Al-Musayyib said that : <'Umar forbade kissing whilst fasting>. Recorded by Ibn Abi Shaibah (476/2)/ At-Tabaraani reported it in Al-Mu'jam Al-Awsat with a different wording.

28) 'Abdullah Ibn Tha'labah Bin Su'air Al-'Udhri said: The Messenger of Allah (saw) was wiping over his face and the companions of the Messenger of Allah saw this. He said:

<<They were forbidden from kissing out of fear that it would lead to something greater than that, then the Muslims today were forbidden from it and one of them said: Verily the Messenger of Allah (saw) has got protection from Allah which no one else has>>.

Reported by Ahmed (24069) and its narrators are trustworthy.

In light of the above evidences I say the following:

The first Hadeeth has been differed upon, some have made it Saheeh, others Da'eef and it has also been denied/rejected. It is allowed to be used as an evidence and worked with. The second hadeeth includes 'Abdullah bin Luhay'ah and many have said that his reports are Da'eef, some have said that they are Hasan so we can accept the hadeeth whilst recognizing the weakness in it. The third Hadeeth includes Israa'eel who has been classified as Da'eef by Ibn Hazm, Yahya Al-Qattaan, 'Ali Bin Al-Mudaini and Abd Ur-Rahman Bin Mahdi. It also includes Abu Al-'Anbas who is unknown as said by Ibn Hazm. Adh-Dhababi said that he is unknown. So this Hadeeth is left/abandoned. Ad-Daaraqutni says in relation to the fourth hadeeth: Its narrator is unknown and not verifiable. Al-Buuseeri said in Zawa'id Ibn Maajah: Its chain is Da'ef, none are above Zaid Bin Jubair in weakness and his Shaikh Abi Yazeed Ad-Dinni. Az-Zubairi said: Hadeeth Munkar (rejected) and Abu Yazeed is unknown. It also contains Israa'eel who has been classified as Da'eef by Ibn Hazm, Al-Qataan and 'Ali Bin Al-Mudaini.

So this hadeeth is very weak and is therefore left/abandoned. In relation to the fifth Hadeeth Al-Bazaar said: We do not know this from 'Umar except from this statement and this wording and the opposite of this has been narrated from 'Umar himself from the Prophet (saw). Al-Bayhaqi said: This has been singled out to 'Umar Bin Hamzah. This 'Umar is classified as Da'eef by Yahya Bin Mo'een and Ar-Raazi amongst others. On top of this hadeeth contradicts what the Messenger of Allah (saw) has said to 'Umar in relation to the permitting of kissing, so in conclusion this hadeeth is rejected. The sixth hadeeth has a break between Sa'eed Bin Al-Musayyib and 'Umar ibn Al-Khattaab in addition to it being a report (Athar) and not a Hadeeth of the Prophet (saw) so there is no proof in it. The narrators in the seventh are classified as Saheeh but it is an Athar and not a Hadeeth of the Prophet so again there is no evidential proof in it. So what remains to be discussed are only the first and second hadeeths even with some weakness which is within them:

As for the first hadeeth it indicates the permissibility of kissing more than it indicates a dislike for it as the comparison between it and Madmadah (taking water in mouth in Wudoo') is an evidence that it is permissible because Madmadah is permissible during fasting. It should have been enough for them to have stopped at this clear understanding however they did not stop here and said: Just as it is possible for water from Madmadah to descend into the throat it is also possible for a kiss to lead to arousal or stimulation of desire. Unfortunate interpretations such as these are so weak that they do not warrant any effort to respond to them.

As for the second hadeeth when the Messenger of Allah (saw) said that the (Sheikh is capable of controlling himself (self-restraint)), this is similar to what 'Aai'sha (ra) said: (But he is more capable at controlling (restraining) his desire than any of you) and both these evidences are alluding to the fear that intercourse would take place and not merely that the desire will be stimulated or arousal takes place. Therefore the one that fears that by kissing this will lead to intercourse then he is prevented from it and the one who does not fear that then there is no problem in kissing and it is allowed for him. As for causing arousal, it is very or most likely that kissing will lead to this and had the sexual arousal been the 'Illah (legal reason) for the prohibition then kissing would have been made illegal for everyone which is in opposition to the many Ahaadeeth that have clearly permitted it. Therefore there is nothing within these seven Ahaadeeth that supports the view that kissing is Makrooh or Haraam as well as not containing anything that indicates that the causing of arousal is Haraam. Now I will turn to two points we mentioned a little while ago and in relation to them we say the following:

As for the claim that kissing is from amongst the Khusoosiyat (actions specific to the Messenger (saw)) then this is rejected completely in its whole and details. This is because a kiss is an action which two people take part in so the view that it is specific to the Messenger of Allah (saw) would oblige including his wives into this Khusoosiyah where we would say that kissing whilst fasting was specific only to the Messenger (saw) and his wives. This has no basis at all and nobody has ever claimed or said this. To respond to the claim that kissing is specific to the Prophet (saw) it is enough to see that the first Hadeeth says: (He kissed me whilst he was fasting and I was fasting), (So I said: I am fasting and he said: I am (also) fasting and kissed me) and the statement of 'Aa'isha is blatantly clear in number 7: (What is Halaal for a man from his woman whilst fasting? She replied: Everything except for Intercourse). So the claims that this is from the actions that are specific to the Messenger of Allah (saw) are invalid and false claims.

As for the second point which says that none other than the Messenger of Allah (saw) have the capability to keep control over their desires then the response to this is all of the Ahaadeeth that indicate that kissing is permissible. This is because had it not been possible for anyone except the Messenger of Allah (saw) to be able to restrain or control themselves then this was have mandated the prohibition upon them and everyone. In conclusion I say that kissing is permissible for the fasting person, it does not break the fast even if it stirs the desire or causes arousal. Also Al-Mubaasharah

(fondling etc...) is allowed for the fasting person and it does not break the fast even if it leads to arousal.

What remains in this subject is related to seeking to ejaculate or ejaculation, does this break the fast? The majority of 'Ulamaa have said that if this occurred from the deliberate action of the man then it breaks the fast but if it were to happen unintentionally then it does not break the fast for instance if a man looked at or thought about the body of his wife and he ejaculated then this does not break his fast just as ejaculation whilst sleeping does not break his fast. An-Nawawi said: The one who kisses and ejaculates then his fast is broken. Ibn Qudaamah in Al-Mughni said: If he kisses and ejaculates then he invalidates his fast and there is no dispute on this. Maalik said: Whoever fondles and kisses and becomes erect but does not emit fluid or ejaculates he has still made his fast invalid and must make Qadaa. From this and for greater reason (Baab Awlaa) Maalik's statement would be understood to mean that ejaculation would break/invalidate the fast. Many Fuqahaa have said that if the man emits Madhi (secretion due to excitement) then his fast is invalid!! And this is the view of Maalik, Ibn Qudaamah and Ishaq. In contrast to all of these is what Ibn Hazm said in that ejaculation does not break the fast whether the action that led to it was intentional or not.

The truth is that this issue is not (specifically) mentioned in the texts of the book of Allah or the Sunnah of the Messenger of Allah (saw) or even in the statements of the Sahaabah (ra). It is from the branches of the Fuqahaa and Ulamaa with the exception of what Al-Bazzaar (7452) narrated from Hudhaifah (ra): <Whoever ponders over the creation or form of a woman whilst fasting has invalidated it>. This Athar (report) has been classified as Da'eef (weak) by Ibn Hajar in addition to that all of the Ahaadeeth refute this view. So those who have invalidated the fast by the emission of Mani (sperm) have made analogy between it and intercourse and given it the same Hukm. Shams Ud-Deen Ibn Qudaamah said in his Ash-Sharh Al-Kabeer: (To ejaculate breaks the fast without disagreement and we know this from what we mentioned of two reports, and because the direct ejaculation resembles the ejaculation in intercourse without the female genitalia>.

We have said more than once that the 'Ibaadah is not reasoned (with an 'Illah) and that the 'Illah has to be found in the text. Therefore there is no Qiyaas in 'Ibaadah as a general rule and as such making analogy between the ejection of Mani and intercourse is an error and it is incorrect to make analogy here and from there provide a legal judgment/ruling. It is therefore clear that in relation to ejaculation and its ruling there is no sharee'ah text connected to it.

Fasting is 'Ibaadah which has been discussed in the texts, what invalidates the fast has been included in its Baab (chapter/section) and it is necessary for this to be mentioned in the texts. In this case we do not find the ejection of Mani included in the subject area of what breaks the fast so it is not correct to include it there with a clear mind and Qiyaas (analogy) is invalid. If the Noble Sharee'ah has been silent over the emission of Mani as being from amongst the actions that invalidates the fast then it is also obligatory for us to remain silent in relation to it and that we refrain from entering it into the chapter of those things/actions that break the fast.

### **Al-Hujaamah:**

Al-hujaamah is the splitting/opening of the skin in the head with a tool called a Mihjam or Mihjamah followed by the Haajim (one performing al-Hujaamah) extracting the blood from the opening when there is an abundance of blood in the body. Al-Hujaamah is mostly done on the head and 'Abd Ur-Rahman Al-A'araj said that Buhainah said: <That the Prophet (saw) had Al-Hujaamah done in the middles of his head whilst he was a Muhrim on his way to Makkah>. Narrated by Muslim (2886). The Fuqahaa and the Sahaabha before them have differed on whether Al-Hujaamah breaks the fast or not? Muhammad Seereen, Al-Hasan Al-Basri, 'Ataa, Ahmad Bin Hanbal, Ishaq Ibn Raahuwiyah, Abu Thawr, Al-Awazaa'l, Ad-Daawudi of the Maalikiyah, Muhammad Bin Al-Mundhir, Ibn Khuzaimah, Ibn Hibbaan from the Shaafi'iyah all viewed that Hujaamah breaks the fast of the one performing it and

the one it is performed on and that Qadaa is obliged on both. 'Ataa in addition to Qadaa obliged Kaffarah upon them which is a Shaadh (extremely far off from the norm) opinion. This opinion has also been attributed to 'Ali Bin Abi Taalib, Abu Moosa Al-Ash'ari, 'Abdullah Ibn 'Umar, Abu Hurairah and 'Aa'isha (rah) from amongst the Sahaabah.

On the other hand Sa'eed Bin Al-Musayyib, 'Urwah Bin Az-Zubair, Ash-Sha'bi, Ibraheem An-Nakh'l, Abu Haneefah, Maalik, Ash-Shaafi' and Ath-Thawri all held the opinion that Al-Hujaamah does not break the person's fast. This opinion has also been attributed to Umm Salamah, 'Abdullah Ibn 'Abbaas, Abu Sa'eed Al-Khudri, Anas Bin Maalik, Abdullah Ibn Mas'ood, Sa'd Ibn Abi Waqqaas and from 'Aa'isha and Abdullah Ibn 'Umar in another narration from both of them.

So that we can know which of these two Hukms is correct, we need to first bring forth the evidences related to the issue:

30) Thawbaan (ra) said that the Prophet (saw) said:

<<The one who performs Al-Hujaamah and the one who it is performed on have broken their fast>>.

Narrated by Abu Daawood (2367), An-Nasaa'i, Ibn Maajah, Ahmad, Ibn Hibbaan, Ad-Daarami and Ibn Khuzaimah. Its Isnaad (chain of narrators) is Saheeh according to the conditions of Al-Bukhaari.

31) Shiddaad Bin 'Aus (ra) said:

<<The Messenger of Allah (saw) came to a man in Al-Baqee' and he was performing Al-hujaamah and eighteen days had passed from Ramadhaan. He (saw) said: The one who performs Al-Hujaamah and the one who it is performed on have broken their fast>>.

Reported by Abu Daawood ((2369), Ahmad, An-Nasaa'i, Ibn Maajah and Ad-Daarami. Ibn Hibbaan (3534) and Al-Bayhaqi reported it with the following beginning:<I was with the Messenger of Allah (saw) at Al-Baqee' at the time of Al-Fath...>.

32) Raafi' Bin Khadeej (ra) said that the Messenger of Allah (saw) said:

<<The Haajim (the one performing it) and Mahjoom (the one who it is performed on) have broken their fast>>.

Reported by Ibn Hibbaan (3535), At-Tirmidhi, Ahmad, Ibn Khuzaimah, Al-Bayhaqi, At-Tabaraani and Al-Haakim. Ibn Al-Mudaini verified it as Saheeh. Ibn Khuzaimah and Al-haakim mentioned that. At-Tirmidhi said: It is Hasan Saheeh and Ahmad said: The Hadeeth of Shiddaad is the most Saheeh in this subject area (Baab) and the Isnaad of the Hadeeth from Raaf'i is Jayyid (good). He also said: The Hadeeths of Thawbaan and Shiddaad are both saheeh. Ibn Qudaamah said: This has been narrated from the Prophet (saw) by fourteen people.

33) 'Abdullah Ibn Abbaas (ra) said:

<<The Prophet (saw) had Al-Hujaamah performed whilst he was a Muhrim, and also whilst he was fasting>>.

Narrated by Al-Bukhaari (1938), Abu Daawood, An-Nasaa'i, At-Tirmidhi and Ibn Maajah. Ahmad (1943) and Al-Bayhaqi narrated it with the following wording: <The Messenger of Allah (saw) had Al-Hujaamah performed on him between Makkah and Al-Madeenah while he was a Muhrim and fasting>.

34) Thaabit Al-Bunaani said:

<<Anas bin Maalik was asked: Did you use to dislike Al-Hujaamah whilst fasting? He said: No, except for the reason of weakness (body strength)>> Al-Bukhaari (1939), Abu Daawood and Al-Bayhaqi.

Al-Bayhaqi (268/4) and Ad-Daaraqutni narrated from Thaabit Al-Bunaani that Anas Bin Maalik (ra) said: <Firstly there was a dislike for Al-Hujaamah for the one fasting, Ja'far Ibn Abi Taalib (ra) had it done whilst fasting and the Prophet (saw) passed by him and said: These two break the fast. The Prophet (saw) then later gave permission for Al-Hujaamah whilst fasting and Anas use to do it whilst fasting>.

35) Ibn 'Abbaas (ra) said that the Messenger of Allah (saw) said:

<<The fast is not broken for three: The one who vomits, the one who has Al-Hujaamah performed and the one who has an emission whilst dreaming/sleeping>>.

Narrated by Al-Bazaar (1016) and Ad-Daraqutni (183/2) and At-Tabaraani in Al-Mu'jam Al-Awsat reported the narration from the authority of Abu Sa'eed Al-Khudri (ra).

36) Abu Sa'eed (ra) said:

<<The Prophet (saw) permitted the kiss for the fasting person and also Al-Hujaamah>>.

Reported by An-Nasaa'i (3224) in As-Sunan Al-Kubraa, Ad-Daraqutni and At-Tabaraani in Al-Mu'jam Al-Awsat. Al-Bazaar narrated (1012) narrated the following Lafzh: <The Prophet (saw) permitted Al-Hujaamah for the one fasting>. Its narrators are Saheeh. Ibn Hazm narrated it and verified it as Saheeh and Ibn Khuzaimah said it was Saheeh but that it stopped at Sa'eed.

In relation to these evidences I say the following:

There is no doubt that the first three Ahaadeeth are suitable to be used as evidence and proof. The evidence is suitable to demonstrate that the pure Sharee'ah had forbidden the fasting person to perform Al-Hujaamah and that it was of those actions that invalidated the fast. Any interpretation that goes against these very clear texts is rejected like the one that says: The one performing and the one having Al-Hujaamah performed were backbiting whilst fasting and therefore this was said about them. Even Imaam Ash-Shaafi' said: In this interpretation what is aimed at by the breaking of their fasts is the losing of reward. Similar to this is what Al-Khitaabi mentioned that they have been exposed to breaking their fast, so the one who is having it done may fall in to trouble or hardship due to the loss of blood and so breaks his fast and the one performing it then it possible that if blood comes in contact with his lips that it will go inside him and break his fast. There are other (erroneous) interpretations in addition to these and the least that can be said about them is that they are invalid (Baatil). As for the first view then its rejection is from many angles:

Firstly: Backbiting does not break the fast according to the most correct opinion.

Secondly: The ahaadeeth which stated 'Aftara Al-Haajim Wal-Mahjoom' (The one performing and the one performed on have broken their fast) have been narrated in many different situations/circumstances and it cannot be imagined that in all of them was the presence of Gheebah (backbiting), in addition to that all of the evidences do not contain any mention of Gheebah, so from where did they come up with this interpretation?

Thirdly: This type of interpretation is not valid and cannot be used for further interpretation or a basis for further interpretation because of its essential weakness and lack of validity. So to use the interpretation that they broke their fast due to backbiting and then base on this the interpretation that what is meant here is that their reward has been lost (i.e. like backbiting) is (completely) incorrect.

As for the second statement mentioned by Al-Khitaabi and that they have been exposed to (the possibility) of breaking their fast, he explains this by the possibility of the Hujaamah leading to hardship and weakness (due to loss of blood) or the possibility of the blood somehow reaching the insides of the Haajim (one performing it). The answer to this is that Fiqh is not built upon possibilities and especially in this case where the possibility is not very possible or probable!! As for it not being probable because this understanding would lead us to say that rinsing our mouth in Wudoo' would break our fast with the possibility of water entering inside us so should the rinsing of the mouth be removed or dropped from the fasting person?!

On the other hand we find Fuqahaa who say that Al-Hujaamah (itself) breaks the fast standing by these three texts and others similar to them without looking at and reading what came after them and if they had read what came after then they gave them interpretations. This is like what they said concerning the Hadeeth number 4 that stated that the Prophet (saw) had Al-Hujaamah performed whilst he was a Muhrim, i.e. going to perform Hajj, and that he was travelling and the traveler does

not fast and that many narrations have confirmed that the Messenger of Allah (saw) broke his fast whilst travelling!! They are saying that when the Messenger of Allah (saw) performed Al-Hujaamah in travel he was not fasting! Like this they dispel this Hadeeth with such simplicity and ease and they turn their eyes away from hadeeths 5 and 6 due to the difficulty of interpreting them (according to their own view).

Many of the disputes and differences that occur amongst the Fuqahaa is a result of them taking collections of texts in a single issue whilst leaving/ignoring another grouping of texts. They would take the general Ahaadeeth and leave those that specify or take the preceding Ahaadeeth and leave the connected abrogating Ahaadeeth, or they make analogy between issues even when analogy is not required or they drown themselves in bringing all the meanings of expressions as they are found in the dictionaries of language and then take a meaning that they need to fit their view. There are from the Ulamaa and in particular from the later and modern times who look for the Maslahah (public interest/benefit) and the general calamity and as a result make permissible what Allah (swt) and His Messenger (saw) have made Haraam. I have found all this myself through reading the books of Fiqh and how these Fuqahaa and Ulamaa have agreed to a large extent to leave all that went before them to limit and make small the differences between them. In relation to what we have presented we say: The first three Ahaadeeth mention that Al-Hujaamah breaks the fast however these are not the only Ahaadeeth in this Mas'alah (issue). We also have the fourth evidence that the Prophet (saw) had Al-Hujaamah performed on him whilst he was fasting and this was mentioned in a Saheeh Hadeeth. Even if this was the only hadeeth in our hands among the other three mentioned Ahaadeeth our understanding of this issue would have differed due to the clear contradiction between them. However by looking at all of the texts related to this single issue the difference would be prevented as we have mentioned. The fifth Hadeeth came to mention that Al-Hujaamah was at first a cause for the breaking of the fast and then after that came the permission and the seventh Hadeeth reaffirms this meaning with the wording 'Rakhkhasa' i.e. to be permitted. It is known that the Lafzha (word/expression) 'Rakhkhasa' does not appear ordinarily except after a prohibition and is not used to indicate an original ruling. The word in itself indicates that before it the thing was not allowed. As such it is necessary after having examined all of the texts to say that Nuskh (abrogation) has occurred in this issue (Mas'alah) i.e. the ruling extracted from the first three Ahaadeeth has been abrogated. It could be said that the Hadeeth from Shiddaad (2) occurred at the time of Al-Fath, and this the Fath (opening) of Makkah was in the eighth year of Hijrah and this therefore means that the statement concerning the breaking of fast of both the Haajim and Mahjoom came late and could not be abrogated? We answer this by saying that Ibn 'Abbaas (ra) who was the narrator of the fourth Hadeeth had accompanied the Prophet (saw) in the farewell pilgrimage (Hijjatul Wadaa') and did not accompany him in a state of Ihraam for Hajj before that and this occurred in the tenth year of Hijrah. It occurred two years after the opening of Makkah so the timing of the fourth hadeeth is later than that of the second by two years and this by itself is sufficient to rebut those who have said this. After this comes the sixth hadeeth that reinforces the opinion that Al-Hujaamah does not break the fast. As for the hadeeth five which is reported by Al-Bukhaari, which mentions the Karaahah (dislike) of Al-Hujaamah and mentions that the reason for this Hukm (judgment) is what the person suffers from weakness as a result of the loss of blood through Al-Hujaamah. It is possible here for somebody to say: The Hukm of Karaahah (and the Fuqahaa have used this term to indicate Tahreem (prohibition)) remains and is not abrogated because the legal reason ('Illa) revolves around the issue being reasoned in presence and absence. In this hadeeth the 'Illa is present and firm because the weakness that befalls the Mahjoom does not fall behind, It is therefore waajib to work with this 'Illah and therefore the ruling (hukm) of Karaahah and Tahreem? We respond and repel this view from a number of angles:

Firstly: Firstly this statement was from Anas Bin Maalik and was not a statement Marfoou'an (going back to) the Messenger of Allah (saw) in order for it to be considered a Sharee'ah evidence which is obligatory to hold fast to.

Secondly: The reasoning of the Karaahah (disliking/prohibition) of Al-Hujaamah being linked to weakness applies to the Mahjoom (one having cupping performed on him) and does not apply to the Haajim (the person performing it). It is possible for the Mahjoom to become weak from the loss of blood but not the Haajim so how can this Karaahah apply to both of them? This situation creates doubt that this statement can actually be attributed to Anas (ra) and we can have even greater doubt that this can be attributed to the Messenger of Allah (saw).

Thirdly: The reason for a person performing Al-Hujaamah is linked to the feeling of excess blood and the strength of its pressure and what is linked to that of upset or disturbance in his health so he has Al-Hujaamah performed to relieve this and give his body rest from what it is suffering. So how can it be said in light of this that Al-Hujaamah makes the body weak which leads to the breaking of fast or its invalidation?

Fourth: As for the view that the 'Illah (legal reason) remains and that it is correct to make analogy upon it then this is a correct view but this can only be the case if the Hukm (ruling) is Muhkaman (clear) and firm and not abrogated. In this issue this cannot be said because the ruling is Mansookh (abrogated).

Due to these four arguments we say: This hadeeth cannot be looked at as it is in contradiction with the view of permitting Al-Hujaamah and with that our opinion of permitting Al-Hujaamah for the fasting person is made firm.

Building on what has preceded, meaning the permissibility of Al-Hujaamah for the Saa'im which is the extraction of blood from the body we say the following:

- 22) The process of donating blood in our present time is in reality the extraction of blood from the body and where the extraction of blood is permissible and does not break the fast we therefore can say that donating blood also does not break the fast.
- 23) That the wound and what accompanies it ordinarily of external bleeding whether this has resulted from fighting in the way of Allah, from a car accident, or a shooting at a wedding or argument, or falling from a high place or any other situation or circumstance all of this does not break the fast.
- 24) That the process of dialysis which is the extraction of the blood from the body in a purifying process and then the returning of this purified blood into the body, does not break the fast. This is because the extraction of blood in this process is like its extraction in Al-Hujaamah and they are the same action so what is applicable to one in judgment is wholly applicable to the other.
- 25) The extraction of blood with a needle in order for it to be examined in a laboratory is permitted and does not break the fast.
- 26) The sucking of blood by leeches (used as treatment) does not break the fast.

So the exiting of blood from the body does not break the fast whatever the reasons and causes might be for this extraction.

#### **Al-Ikthhaal (Application of Kohl (charcoal) around the eyes):**

The Fuqahaa have differed in relation to the Hukm (ruling) on Ikthhaal and whether it is permissible for the fasting person, disliked or Haraam and therefore invalidates the fast? Ibn Shubramah, Ibn Abi Laylah, Mansoor Ibn Al-Mu'tamir and Suleymaan At-Taimi have viewed that Ikthhaal invalidates the fast and this has been mentioned by Ibn Al-Mundhir. Maalik, Ahmad, Sufyaan Ath-Thawri, 'Abdullah Ibn Mubaarak and Ishaq have said that it is Makrooh (disliked). Maalik and Ahmad said: If the Kuhl reaches the throat then it breaks the fast. Abu Haneefah, Ash-Shaafi', Abu Thawr, Al-Awzaa'l,

Daawood Bin 'Ali, 'Ataa, Al-Hasan Al-Basri, Ibraheem An-Nakhi' and Ibn Shahaab Az-Zahri all viewed it to be permissible and that it does not break the fast at all. This has also been reported from 'Abdullah Ibn 'Umar, Anas Bin Maalik and Ibn Abi 'Auf from among the Sahaabah (rah).

The correct view on this issue is so clear that it does not require a long explanation and that Ikhtihal is permissible for the fasting person and that it does not break the fast under any situation. This is because there has not been narrated a single Saheeh or Hasan hadeeth from the Messenger of Allah (saw) or from any of the Sahaabah (rah) which has prohibited Ikhtihal for the fasting person, neither a decisive or indecisive forbidding. Similarly there has also not been narrated any Hadeeth Saheeh or Hasan that has permitted it for the fasting person so the texts have not included it into the subject area of those actions or things that invalidate or break the fast. This indicates that it is from the permitted actions of the fast. As for what has been narrated of Ahaadeeth that have permitted or forbidden Ikhtihal, they are all weak or rejected and are absolutely not suitable for use as a legal evidence or proof. As an example I will mention some of them:

29) On the authority of Abdur Rahman Bin An-Nu'maan Bin Ma'bad Bin Hawdhah from his father from his grandfather that the Prophet (saw) said:

<<That he ordered the application of Kohl and Musk at the time of sleep. He said: It protects the fasting person>>.

Recorded by Abu Daawood (2377). Ad-Daarami (1734) and Al-Bayhaqi with the wording: <<Do not put on Kohl in the day whilst fasting but apply it at night because it makes the sight plain and the hair grow>>.

30) Abu Raaf'i said:

<<The Messenger of Allah (saw) use to apply Kohl whilst he was fasting>>.

Narrated by At-Tabaraani in Al-Mu'jam Al-Kabeer (939/1) and Al-Bayhaqi. Al-Haithami said: The narration includes Hibbaan Bin 'Ali from Muhammad Bin 'Ubaidullah Bin Abi Raafi, they have been verified as trustworthy but there has been a lot said about them.

31) Az-Zubaidy reported that Hisham Bin 'Urwah narrated from his father from 'Aa'isha (ra) that she said:

<<The Messenger of Allah applied Kohl while he was fasting>>

Reported by Ibn Maajah (1678), Al-Bayhaqi and Ibn 'Adi.

After Abu Daawood narrated the first hadeeth he said: Yahya Bin Mo'een said: This Hadeeth is Munkar (rejected), meaning the Hadeeth about Al-Kohl. It is therefore not suitable as evidence or legal proof. This Hadeeth is linked to Ibn Shubrumah and his group in relation to the view of the invalidation of the fast by the application of Al-Kohl and therefore with the negation of this hadeeth this view is also negated. As for the second hadeeth which indicates that applying Kohl is permitted for the fasting person it is a weak (Da'eef) narration, indeed a very weak narration. Al-Haithami here as disillusioned the reader with what he said. Al-Bukhaari said in his At-Taareekh Al-Kabeer concerning Muhammad Bin 'Ubaidullah: The hadeeth is rejected. Yahya Bin Mo'een said about him: There is nothing in him and his son is Mu'mar. Ibn Al-Jawzi reported from Ad-Daaraqutni that he is weak. Ar-Raazi said about him: They hadeeth has gone. Al-Bayhaqi said: He does not hold strength. As for Hibbaan Bin 'Ali, even if some have said that he is trustworthy Ibn Abi Khaithamah said about him: His Hadeeth are not worth anything. Abu Daawood said: I do not narrate from him or his brother. 'Ali Bin Al-Mudaini said: I do not write his Hadeeth. Abu Zur'ah said: Hibban is weak. Abu Haatim said: His hadeeth are recorded but not used as evidence. So this Hadeeth is also very weak and is therefore left and rejected. In regards to the third Hadeeth then Az-Zubaidi and his name is Sa'eed Bin Abdul Jabbaar is weak and Al-Bayhaqi mentioned that he is of the remaining unknown Sheikhs, unique in what is not followed from him so his Hadeeth is rejected. The same can be said about any other hadeeth in this issue, all of them are Da'eef (weak) or Munkar (rejected/denied) and do not bring any benefit.

What remains are the many Saheeh Ahaadeeth that permit Iktihal in a general and absolute form and therefore it stays in this absolute and general form as being permitted in all situations and circumstances which includes the situation of fasting. As for the view that if the Kohl reaches the throat then it breaks the fast then I do not find a need to respond to this with more than to say that these are statements that do not deserve any attention or importance given to them.

So the application of Kohl is permitted, whether in the form of coal, another solid material or a liquid form (mascara) which is used in our present day or if it is applied with a brush, pen or otherwise. All of this is permitted and there is no evidence to prohibit it.

And what I have said in respect to Kohl I also say in regards to eye drops. There is no Daleel from the Shar'a that it breaks the fast and only evidences that establish its permissibility and this is because it is like the reality of water when performing Wudoo' or Ghisl and what enters the eye in terms of water or medicine does absolutely not break the fast. As for what some Fuqahaa have said regarding eye drops reaching the throat, this is an absurd view that requires no attention given to it. Similar to eye drops are ear drops in that they both do not break the fast because their reality is similar to the entering of water when performing ghisl and Wudoo' which do not ever cause the fast to be broken. As for nose drops, if the fluid reaches the throat and is swallowed then it breaks the fast, if however it reaches the mouth and he spits it out then his fast is not broken. This is because it is well known that the nose is different from the eye and ear in that it is directly connected to the mouth.

#### **As-Siwaak:**

Abu Haneefah, Maalik, Ash-Shaafi' said that performing Siwaak was permitted for the fasting person the beginning of the day and end of it or before Zhohr and after it. Ahmad and Ishaq have permitted it in the first part of the day and have said it is Makrooh after Zawaal (Sun at Zenith) i.e. after Zhohr. It is also well known that The Shaafi'iyah have disputed in relation to what has been reported from Ash-Shaafi' in this issue.

There has also been dispute concerning Siwaak, the use of (specific) damp/wet stick and a toothbrush with toothpaste on it. Karaahah (dislike) of using this has been reported from Ahmad, Qataadah, 'Aamir Ash-Sha'bi, Al-Hakam, Ishaq and Maalik in one report attributed to him. It has been permitted however by Imaam Maalik in another report, Mujaahid, Ath-Thawri, Al-Awzaa'i, Abu Haneefah and 'Urwah. This has also been reported to be the view of 'Ali Bin Abi Taalib and 'Abdullah Ibn 'Umar may Allah be pleased with them both.

Those who have permitted it use have used the following evidences to arrive at their view:

24) 'Aamir Bin Rabee'a (ra) said:

<<I saw the Messenger of Allah (saw) performing Siwaak whilst he was fasting, (so many times that it could not be counted)>>.

Recorded by Abu Daawood (2364) and At-Tirmidhi verified it as Hasan. Ahmad, Ibn Khuzaimah, Al-Bayhaqi, Abu Daawood At-Tayaalisi, Ad-Daaraqutni and Al-Bazaar also narrated it. Al-Bukhaari said: [It has been mentioned that the Prophet (saw) performed Siwaak whilst fasting and Ibn 'Umar said: He performed it at the beginning of the day and the end of it and he would not swallow his saliva....].

25) Mujaalid narrated from Ash-Sha'bi from Masrooq from 'Aa'isha (ra) that she said that the Messenger of Allah (saw) said:

<<As-Siwaak is of the best qualities attached to fasting>>

Narrated by Ibn Maajah (1677), Ad-Daaraqutni and At-Tabaraani in Al-Mu'jam Al-Awsat.

26) There are also Ahaadeeth that have come concerning Siwaak in a restricted way like the hadeeth reported by Abu Hurairah (ra) that the Messenger of Allah (saw) said:

<<If I had not wanted hardship to be upon my Ummah (or people) I would have ordered the Siwaak with every prayer>>.

Narrated by Al-Bukhaari (887), Muslim, Abu Daawood, An-Nasaa'i, At-Tirmidhi, Ibn Hibbaan and Ahmad.

So in light of these I say:

The first Hadeeth has been classified as weak by some but At-Tirmidhi classified it as Hasan and Al-Bukhaari mentioned it and commented upon it and it is well known how strict he is with the classification of Hadeeth which he narrates and speaks about. It is therefore correct to use this Hadeeth for Istidlaal (as a Sharee'ah evidence). As for the second Hadeeth it is Da'eef due to the weakness of Mujaalid. Al-Bukhaari said: Yahyah Bin Sa'eed classified him as Da'eef and Ibn Mahdi did not narrate from him and Ahmad did not see any value in him. Ibn Mo'een said: His hadeeth are not used as a legal proof and Abu Haatim said something similar so this Hadeeth is left and cannot be used. As the third Hadeeth which is Saheeh it is sufficient in itself to be used as an evidence that the fasting person performs Siwaak because the command of performing Siwaak at the time of every Salaah includes Ramadhaan as it includes other than it. The Hadeeth is general and is not specified and absolute and not restricted and is therefore suitable to be used as an evidence in this issue. Al-Bukhaari said: [Abu Hurairah said from the Prophet (saw): If I did not want hardship on my Ummah I would have ordered them with the performance of Siwaak at every Wudoo'. Similar to this has also been reported from Jaabir and Zaid Bin Khaalid from the Prophet (saw) and the fasting person has not been specified from anyone else...].

So Siwaak is recommended and a Sunnah for the fasting person and at any time, whether it is before Zawaal or after it. The one who has specified it for before Zawaal or disliked it in general, then they need to bring forth a Sharee'ah Daleel for this and there isn't one. As for the claim of Al-Khuloof (the changing of the smell of the mouth due to fasting) and that it should not be removed with Siwaak until the end of the day due to the Ahaadeeth that have mentioned that this smell is better to Allah than the smell of Misk (sweet perfume/Atar smell). So it is said that it is preferable to keep this smell and that is disliked to remove it, then this cannot be considered an evidence for the dislike of performing Siwaak whilst fasting.

As for what is related to the wetness or dryness and the view that it is disliked to use a wet Miswak then firstly there is no Daleel for this and also the reality cannot make allow such a conclusion. This is because if a dry Miswak is placed in the mouth it then becomes wet with saliva and has the same effect as a wet Miswak, the case is one and the same and the Hukm is therefore also the same. However the using of Siwaak in two cases obliges that attention be paid to what can gather in the mouth from using it and that it does not get swallowed, and what may (unintentionally) get past this precaution is pardoned.

The entering of any material into the mouth whether it is edible or not is permitted for the fasting person with the condition that it is not swallowed or anything that comes from it as degradable/disolvable is swallowed. This is similar to when we make Wudoo' whilst fasting and make efforts to prevent any of the water to enter into the throat and Gullet.

#### **Mas'alah (Further linked issue):**

What applies to what can be absorbed from the material of Siwaak also applies to what can be absorbed from chewing gum. It is allowed for the fasting person to chew gum on the condition that he notices and pays regard to what can build up of the material in his mouth. This is if the gum is degradable however if it is not then there is no harm for the faster in chewing it. And of those who have reported the permission of chewing gum is 'Aa'isha (ra) the mother of believers, Ibraheem An-Nakh'l, 'Aamir Ash-Sha'bi and 'Ataa Ibn Abi Shaibah mentioned this (453/2).

Most of the Ulamaa have permitted the chewing of gum if it is not degradable (i.e. something comes out from it that can be ingested). If it is degradable and swallowed then the majority have said that this breaks the fast and this is the correct view. In contrast the people of Ra'l and Ash-Shaafi' have

said that the chewing of gum is disliked (Karaahah). Al-Bayhaqi (269/4) reported from Umm Habeebah the wife of the Prophet (saw) that she said: 'The fasting person does not chew gum'. Ibn Abi Shaibah (454/2) and Abdur Razzaaq reported that a number of the Taabi'oon viewed the chewing of gum with Karaahah (dislike). Ibn Abu Shaibah said there were some who viewed it as permissible and I have not seen anyone who has said that chewing gum is Haraam and that it breaks the fast. As for the opinion of Karaahah (dislike), this has come from them due to the possibility of swallowing something from material or substance that has come from the gum. We respond to this by saying that even if possibility was suitable to be used as an evidence or a basis to form the opinion of Karaahah (dislike) we would then have to say the same thing in relation to the use of Siwaak or the putting of water in the mouth in Wudoo' because all of these reflect the same reality.

#### **Mas'alah (related issue):**

As we have said that the entering of anything in the mouth does not break the fast and that the use of Siwaak and Madmadah in Wudoo' which are both permitted support this view. The general principle (Al-Qaa'idah Al-'Aamah) therefore is: The entering of any material in the mouth does not break the fast except if a material or substance that is emitted or comes off it is swallowed and it was possible to guard from it. However if it was not possible to guard from it, like a very small insignificant amount then there is no problem with this (i.e. it does not break the fast).

So established on this principle it is permissible to taste food and the placing of a thermometer in the mouth is also allowed. Also that dentistry work is allowed and does not break the fast as long as nothing reaches the throat of substances or materials and is swallowed.

As for the remnants of food which may be stuck in between the teeth, then if they remain where they are then there is no difference in that it does not break the fast and there is no harm if a little of it was digested as the Shar'a has pardoned a little of what cannot be prevented or guarded from occurring. If however this food forms some kind of solid body and is swallowed i.e. it has to actually be swallowed and does not go down in the saliva without sensation. If this is in the mouth it has to be noticed and removed and if it is swallowed then it breaks the fast just as if a lentil (or chick pea) was swallowed. Muhammad Ibn Al-Mundhir said: They have reached a consensus – The Ulamaa of the Muslims – that the swallowing of anything from what was in the teeth and could not be removed in the saliva does not have any effect on the fasting person's fast. Abu Haneefah used to say: If he had between his teeth meat and he eats it intentionally then there is no Qadaa upon him. In this view he has gone against the majority because this is counted as eating. The correct view is the opinion of the majority, that the intentional eating of meat that is caught between the teeth and it is possible to remove it, breaks the fast.

As for what a person with a heart illness or has suffered a stroke places under his tongue of pills which melt gradually as a remedy when the condition is intensified, then this breaks the fast. This is because there is no difference between swallowing a pill in one go and swallowing it gradually. This is similar to medicinal drops in the mouth and inoculation drops against paralysis as they all break the fast. So what enters into the mouth does not break the fast except for what enters into the gullet meaning what has been swallowed. The fasting person must take care and guard his fast and beware of breaking his fast if he did not intend it.

#### **False, ignorant and backbiting speech to and about others:**

The majority have said that backbiting does not break the fast. Ahmad Bin Hanbal said: And who is safe from backbiting? Had Al-Gheebah (backbiting) broken the fast there would have been no fasting for us. Ash-Shaafi' said the breaking of fast with Gheebah is carried over to mean the loss of the fasting persons reward. This is similar to the saying of the Messenger (saw) concerning the one that

speaks during the Khutbah of Jum'ah when he said: <There is no Jum'ah for you> without ordering that the action is repeated or made up for. This indicates that he meant the loss of reward which was said by As-Sin'aani the author of Subul As-Salaam. Al-Awzaa'i, Ibn Hazm and a narration from 'Aa'isha (ra) have however stated that Al-Gheebah breaks the fast.

In order to reach the correct view in this issue it is necessary to examine the evidences that are related to it:

- 15) Abu Hurairah (ra) said that The Prophet (saw) said:  
<<Whosoever does not leave false speech and acting upon it, then Allah has no need of him to leave his food and drink>>.  
Reported by Al-Bukhaari (1903), Abu Daawud, An-Nasaa'i, At-Tirmidhi and Ahmad. Ibn Maajah (1689) recording the following Lafzh: <Whosoever does not leave false speech, ignorance and acting upon it then Allah is in no need of him to leave his food and drink>.
- 16) Anas Bin Maalik (ra) said that the Messenger of Allah (saw) said:  
<<Whosoever does not leave obscenity and lying then Allah (swt) has no need for them to leave their food and drink>>.  
Recorded by At-Tabaraani in Al-Mu'jam As-Sagheer (472) and Al-Mu'jam al-Awsat. Ibn Hajar said: Its narrators are trustworthy and in contrast Al-Haithami said: There is in the chain of narrators someone who I do not know.
- 17) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:  
<<Fasting is a shield. So do not be obscene or ignorant. And if someone fights you or insults you then say: I am fasting, two times...>>.  
Narrated by Al-Bukhaari (1894), Muslim, Abu Daawood, An-Nisaa'i, Ibn Maajah and Ahmad.
- 18) Also from Abu Hurairah (ra) that the Prophet (saw) said:  
<<Do not seek to insult whilst you are fasting, and if someone insults you say 'I am fasting' and if you were standing the sit>>.  
Recorded by An-Nasaa'i (3246) in As-Sunan Al-Kubraa. It has also been reported by Ibn Hibbaan, Ahmad and Ibn Khuzaimah and its chain is Saheeh.
- 19) Abu 'Ubaidah Bin Al-Jarraah (ra) said: I heard the Messenger of Allah (saw) say:  
<<Fasting is a shield from what doesn't violate it. Abu Muhammad said: He means with Al-Gheebah (backbiting)>>.  
Recorded by Ad-Daarami (1733), An-Nisaa'i and Ahmad. At-Tabaraani (4533) narrated it in Al-Mu'jam Al-Awsat from Abu Hurairah: <<Fasting is a shield from what does not violate it. It was said: And what violates it? He Said: Lying and backbiting>>.
- 20) Anas (ra) said that the Messenger of Allah (saw) said:  
<<The one who keeps eating the flesh of man (backbiting) has not fasted>>.  
Narrated by Ibn Abi Shaibah (423/2). Abu Daawood At-Tayaalissi (2107) reported in part of a long narration: <...And how has he fasted the one that continues to eat the flesh of his brother?...>.

This last Hadeeth is very weak, it was narrated by Yazeed Bin Abaan Ar-Raqaashi who was classified as Da'eef by Ibn Sa'd and Yahya Bin Mo'een. Shu'bah said about him that his speech was bad. An-Nisaa'i and Al-Haakim Abu Ahmad said: The Hadeeth is left/rejected. Ahmad said the same so the Hadeeth is rejected.

The fourth Hadeeth contains no evidence for our issue. It cannot even be counted to prohibit the faster from insulting but rather guides to how you should behave if you are a victim of an insult. The third hadeeth is similar to the fourth Hadeeth in not relating to our issue which is about whether backbiting and ignorant speech causes the fast to be broken or not.

What remains with us are Ahaadeeth 1,2 and 5 and if we combine 1 and 2, we can say that false speech and acting upon it, and ignorance and acting upon it, and obscenities and lying are all obligatory to be left by the one who is fasting. If he does not then Allah (swt) is in no need for him/her

to leave their food and drink. It is like the two Hadeeth are one Hadeeth as they mention what is prohibited of the person whilst fasting so we were with these Hadeeth on this basis and say the following:

Verily Allah (swt) has ordered the fasting person to leave a number of prohibited actions and built on this is that if he does not leave them then Allah (swt) is in no need for him to leave his food and drink. Said in another way: Whoever does not leave these forbidden things then Allah (swt) is in no need of him to fast, where the two Hadeeth refer to the fast by mentioning eating and drinking.

These Hadeeth therefore establish that the fasting is the leaving of the food and drink, and requests that the one who leaves them – i.e. the fasting person – to abandon false speech amongst other things. So whoever is fasting it is obligatory for him to leave these forbidden things. This means that the leaving of these forbidden things is not fasting itself and fasting is what occurs with the abstaining from food and drink. If fasting has commenced then it is required with it to leave all of these forbidden acts.

With this it appears that there is a difference between leaving food and drink on one hand and leaving false speech etc... on the other. The leaving of food and drink are what bring fasting into being whereas the leaving of false talk and it's like is merely what is forbidden to do whilst fasting. It therefore becomes very clear that false speech and it's like is not the same as consuming food or drink and on this difference we present the Hukm that: The false talk and what is similar to it does not break the fast and invalidate it and it is simply (reflects) a prohibition only which a fasting person must leave and there is a clear difference between acts that invalidate the fast and those that are (merely) forbidden.

The fifth Hadeeth that says (Fasting is a shield for that which does not violate/tear it) with the mention that backbiting and lying are what violate/tear it, all this indicates what we have already said. And that is that violating the shield, does not mean that it is completely turned upside down but rather means that it has been attached to some kind of deficiency or harm in it. This means that Al-Gheebah and Al-Kadhib (lying) cause a deficiency in the fast just as holes and tearing causes a deficiency and harm to a shield. This is without it reaching the point of invalidating or completely destroying it.

From this it appears that the correct view is that which is attributed to the majority, which is that Al-Gheebah and what has been mentioned with it does not break the fast. And I would add that Al-Gheebah and what has been mentioned with it takes away some of the reward of the fasting person without making it collapse completely like what Ash-Shaafi' has indicated. The fasting person loses from the reward of his fast by the scale at which he commits sins.

As for why these hadeeth came with the expression (Then Allah is in no need of him to leave his food and drink)? The answer to this is that what is meant here, and Allah knows best, is that this is a very severe prohibition and strong warning for the one who perpetrates the sin of Al-Gheebah and what has been mentioned with it whilst in the state of fasting. This is an important point that every Muslim should stop at and understand.

In relation to this point, the Shar'a when it orders an act of 'Ibaadah it does so for the sake of the gaining of reward. If a Muslim commits an act of disobedience during this 'Ibaadah then in this case he has torn at the very purpose of the act and had not paid attention to what its aim was. In that case instead of gaining the reward he has gathered sins and therefore cancels out the reason and purpose of the act. Therefore the Sharee'ah text has come warning the Muslim not to gather the sin at the time when he should be harvesting the rewards so that this time can remain one in which only rewards are gained.

## Chapter Ten

### Qiyaam (Standing for prayer) in Ramadhaan and Laylat-ul-Qadr

The merits of Qiyaam in Ramadhaan and Laylat-ul-Qadr:

The favours or merits of Qiyaam in Ramadhaan are mentioned generally in the Prophetic Ahaadeeth and the merits of Laylat-ul-Qadr are mentioned specifically. From them I mention the following:

37) Abu Hurairah (ra) said that the Messenger of Allah (saw) said:

<<Whoever stands (in prayer) in Ramadhaan with Imaan and the anticipation (of reward) then all of his past sins will be forgiven>>.

Recorded by Al-Bukhaari (37), Muslim, Abu Daawood, An-Nasaa'i, and At-Tirmidhi.

The Lafzh of Muslim (1780) and An-Nasaa'i is: <<The Messenger of Allah (saw) use to encourage the performance of Qiyaam in Ramadhaan without ordering them to do it as a lightening for them. So he (saw) said: Whoever stands (in prayer) in Ramadhaan with Imaan and the anticipation (of reward) then all of his past sins will be forgiven. The Messenger of Allah (saw) died whilst this was the order>>. Al-Bukhaari (2009) mentioned at the end: <...And the people were upon that>.

38) Abu Salamah Ibn Abd-ur-Rahman Bin Auf from his father Abd-ur-Rahman Bin Auf (ra) said that the Messenger of Allah (saw) said:

<<Verily Allah Tabaarak wa Ta'Aalaa obliged Siyaam (fasting) upon you and its Qiyaam has been made Sunnah for you. Whoever fasts it (i.e. Ramadhaan) and performs Qiyaam with Imaan and anticipation (of reward) his sins will come off him as if it was the day his mother gave birth to him>>.

Narrated by An-Nasaa'i (2210), Ibn Maajah and Ahmad.

39) Abu Hurairah (ra) said that the Prophet (saw) said:

<<Whoever fasts Ramadhaan with Imaan an anticipation (of reward) then his past sins have been forgiven and whoever does Qiyaam on Laylat-ul-Qadr with Imaan and anticipation his past sins will be forgiven>>.

Narrated by Al-Bukhaari (2014), Muslim, Abu Daawood, An-Nasaa'i, Ad-Daarami and Ibn Hibbaan.

40) Anas Bin Maalik (ra) said:

<<Ramadhaan began so the Messenger of Allah (saw) said: Verily this month has arrived upon you and in it is a night that is better than 1000 months. The one who is deprived of it has been deprived of all Goodness and only the deprived person is deprived of it>>.

Narrated by Ibn Maajah (1644). Also narrated by Ahmad and An-Nasaa'i from Abu Hurairah (ra).

What is mentioned in the first and second Hadeeth: (Whoever performs Qiyaam in Ramadhaan Imaan and Ihtisaaban (anticipation of reward) his past sins will be forgiven) is an explanation of the merit of performing Qiyaam in Ramadhaan and is there anything better for a Muslim than his sins being forgiven? Verily the son of Adam makes mistakes often and if his sins were applied upon him he would enter the fire so he is therefore in the greatest need of that which will wipe out his sins and lead to his forgiveness so that he can be saved from the fire and enter Jannah. So Allah (swt) has bestowed his favour on him with

the performance of Qiyaam in Ramadhaan so that his sins can be wiped and cleansed and that he can become from amongst the people of Jannah.

The statement in the two Hadeeth: (Whoever performs Qiyaam in Ramadhaan Imaan and Ihtisaaban (anticipation of reward) his past sins will be forgiven) includes a restriction that the Qiyaam in Ramadhaan is performed with Imaan and Ihtisaab and that the order of Qiyaam has not come in a Mutlaq (absolute) manner, so that those who perform it are informed that it is not sufficient to stand for prayer in the blessed month of Ramadhaan alone for show or so people may hear of it or that it is performed as an employment and job like the situation with many Imaams in our present time or that it (the Salaah) is performed for the sake of it with the performance of Salaah has no care in it and the point of its end is eagerly anticipated. The above categories and there like are not waiting for their sins to be forgiven and they do not understand or suppose that the speech of the Noble Prophet (saw) is applicable to them which makes obligatory the Imaan and Ihtisaab. That their Imaan pushes them to stand in prayer with a desire, truthfulness and sincerity hoping to have this on their side on the day of account, anticipating and desiring its acceptance from Allah Al-'Ali Al-'Azheem. So let those who are performing Al-Qiyaam pay heed to this extremely critical point.

In the month of Ramadhaan and its night Allah (swt) has made Laylat-ul-Qadr (The night of power) particularly special and the fact that it has been singled out within this great month and its nights is a great reflection of its favour and high merit. In relation to its favour there are many Ahaadeeth that mention it and we have chosen from them two Hadeeths, the third and fourth (mentioned above) as models or standpoints illustrating the merits of performing Qiyaam in it as well as the Khair that exists in it. This is so the Muslims increase in it their prayers, Du'a, Sadaqah etc... and the doors to goodness are various. It is better than one thousand months and a number of Ayaat have been revealed about it:

12) Allah (swt) said:

حَمَّ وَالْكِتَابِ الْمُبِينِ إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ مُبَارَكَةٍ إِنَّا كُنَّا  
مُنذِرِينَ فِيهَا يُفْرَقُ كُلُّ أَمْرٍ حَكِيمٍ أَمْراً مِّنْ عِنْدِنَا إِنَّا كُنَّا  
مُرْسَلِينَ رَحْمَةً مِّنْ رَبِّكَ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ

Hâ-Mîm (1) By the manifest Book (this Qur'ân) that makes things clear, (2) We sent it (this Qur'ân) down on a blessed night in the month of Ramadân Verily, We are ever warning (3) Therein (that night) is decreed every matter of ordainments. (4) As a Command (or this Qur'an or the Decree of every matter) from Us. Verily, We are ever sending (the Messengers), (5) (As) a Mercy from your Lord. Verily! He is the All-Hearer, the All-Knower. (6)

(Surat-ud-Dukhaan 1-6)

13) Allah (swt) says:

إِنَّا أَنْزَلْنَاهُ فِي لَيْلَةِ الْقَدْرِ وَمَا أَدْرَاكَ مَا لَيْلَةُ الْقَدْرِ لَيْلَةُ الْقَدْرِ  
خَيْرٌ مِّنْ أَلْفِ شَهْرٍ تَنْزِيلُ الْمَلَائِكَةِ وَالرُّوحِ فِيهَا بِإِذْنِ رَبِّهِمْ مِّن  
كُلِّ أَمْرٍ سَلَامٌ وَهِيَ حَتَّىٰ مَطْلَعِ الْفَجْرِ

Verily, We have sent it (this Qur'ân) down in the night of Al-Qadr (Decree)[] (1) And what will make you know what the night of Al-Qadr (Decree) is? (2) The night of Al-Qadr (Decree) is better than a thousand months (i.e. worshipping Allâh in that night is better than worshipping Him a thousand months, i.e. 83 years and 4 months) (3) Therein descend the angels and the Rûh [Jibril (Gabriel)] by Allâh's Permission with all Decrees, (4) (All that night), there is Peace (and Goodness from Allâh to His believing slaves) until the appearance of dawn. (5)

(Surat-ul-Qadr 97 1-5)

In the fourth Ayah of Soorah Ad-Dukhaan it is said:(Therein (that night) is decreed every matter of ordainments) meaning that every great affair is decided and established on Laylat-ul-Qadr for the year that follows it. So it is the night where affairs are decreed with Allah Azza wa Jalla and there is no doubt concerning the lofty standing and high station of Laylat-ul-Qadr.

As for Soorat-ul-Qadr then the merit of this night stands out clearly with complete clarity in every Ayah of it. In the first Ayah is the explanation the Quran was revealed in this night, the second Ayah brings attention to its greatness and merits, the third Ayah says that it is better than a thousand months, where a month consists of thirty days meaning that this night is better than thirty thousand days. The fourth Ayah describes how the Angels (Mala'ikah) descend with Jibreel (as) on this night with every ordinance and decree from Allah (swt) and in the final Ayah is the description that this night is peace, i.e. peace from evil until the dawn of the morning. The fourth Hadeeth illustrates the loss of this greatness attached to the night by saying that: <That done deprives its goodness except for the deprived one>. O Allah do not deprive us of this night whilst we are still alive, and provide for us from your favour its goodness Ya Rabbil 'Aalameen, Ameen.

Ahmad (25898), An-Nasaa'i, At-Tirmidhi and Ibn Maajah narrated from 'Aa'isha (ra) that she said: <<O Prophet of Allah (saw) if I make contact with Laylat-ul-Qadr what should I say? He (saw) said: You say: Allahumma Innaka 'Afuwun tuhibbul 'Afwa fa'fu 'Anni (O Allah you are the pardoner, you love to pardon, so pardon me)>>. At-Tirmidhi said: This Hadeeth is Hasan Saheeh.

#### **The descriptions and characteristics of Laylat-ul-Qadr:**

The Noble Ahaadeeth have provided a number of descriptions about the Night of Power, from them is that it is a night which is pleasant and clear, not hot or cold. That the sun comes out in the morning white without beams and that there are no meteor showers (shooting stars), and also that it is quiet and calm. The following are a collection of Ahaadeeth that mention some of its characteristics and signs:

- c) Ibn 'Abbass (ra) said that the Messenger of Allah (saw) said:  
<<It is pleasant and clear, neither hot nor cold, the sun rises in the morning with a weak red (colour)>>.  
Recorded by Abu Daawood At-Tayaalissi (2680) and Al-Bazzaar. Ibn Khuzaimah (2192) narrated it as: <A pleasant night, neither hot nor cold, the sun in the morning

is a weak red>. Note: The second Hadeeth indicates that the arabic description in the first Hadeeth means weak in terms of the red colour of the sky.

- d) Zir Bin Hubaish said: I heard Ubay Bin Ka'b (ra) saying:  
<Laylat-ul-Qadr is the twenty seventh, It is the night which the Messenger of Allah (saw) informed us about that the sun will rise in a gushing white colour>.  
Narrated by Ibn Abi Shaibah (489/2), Muslim, Abu Daawood, Ahmad and Al-Bayhaqi.  
The wording of Muslim (2777) is:
- e) Ubaadah bin Saamit (ra) reports that he asked the Prophet (saw) about "Laylatul Qadr". He replied: "It is in Ramadhan, during the last ten days, on the unevenly numbered nights, either the 21st 23rd, 25th, 27th, 29th or the last night of Ramadhan. Whosoever stands in "Ibaadah" on this night, with sincere faith and with genuine hopes of gaining reward, his previous sins will be forgiven. Among the signs of this night is that it is a serene, quiet, shining night, neither hot, nor cold but temperate as if a moon is shining clear, and no meteors are shot at the "Shayateen" on that night; it lasts until the break of the dawn. Another sign is that at morn, the Sun rises without any radiant beams of light, appearing rather like the moon in it's fullness. On that day, Allah prohibits the "Shayateen" from rising up with the Sun." Reported by Ahmad (23145) and Al-Haithami said that the transmitters are trustworthy.
- f) Jaabir Ibn 'Abdullah (ra) said that the Messenger of Allah (saw) said:  
<<I was shown Al-Laylat-ul-Qadr and then forgot it. It is in the last ten nights and it is a night that is clear and bright neither hot nor cold>>.  
Narrated by Ibn Khuzaimah (2190).
- g) Jaabir Bin Samurah (ra) said that the Messenger of Allah (saw) said:  
<<The Night of Power falls in the last ten of Ramadhaan, I had seen it but was caused to forget it and it is a night of rain and wind or he said rain and wind>>.  
Reported by Al-Bazaar (1031). At-Tabaraani recorded it in Al-Mu'jam Al-Kabeer (1962/2) with the same wording except he added 'thunder' and it was also narrated by 'Abdullah Bin Ahmad Bin Hanbal. Al-Haithami said that its transmitters are Saheeh.

The above represent what has been mentioned in the Ahaadeeth that are suitable for use as an evidence in relation to the description of Laylat-ul-Qadr and have excluded weak narrations or statements like: (No Shaytaan is sent out in it and no illness occurs) from Ibn Abi Haatim or (That the trees fall to the ground and then return to their roots and everything prostrates in it) from At-Tabari or (That the salty water becomes pure in that night) from Al-Bayhaqi. All of these and others beside them are not Saheeh in addition to the contradiction they bring to the reality.

So Laylat-ul-Qadr comes when the temperature is mild in both summer and winter meaning that the day before it and after it are not the same in respect to moderateness. Also that it is calm, quiet and bright as if the full moon was shining without wind, storms, fog, dust clouds or falling meteors. It is therefore a night where the souls can find peace, comfort and the dangers are calmed as a mercy from Allah (swt) to his worshippers on that noble blessed night. This description is consistent except for what was mentioned in hadeeth 5: (A night of rain and wind) and inspite of Al-Haithami saying that its transmitters are Saheeh I do not find peace of mind with it as the Saheeh Ahaadeeth do not contradict and oppose each other

normally. By returning to the chain of the Hadeeth which is: 'Abdullah reported Muhammad Bin Abi Ghaalib told me, 'Abd-ur-Rahmaan Bin Shareek told us my father told me it from Simaak from Jaabir Bin Samurah. In this chain I found the following:

Firstly: 'Abd-ur-Rahmaan Bin Shareek said about Abu Haatim: A weak (transmitter) of Hadeeth. Ibn Hibbaan mentioned him in Ath-Thiqaat (Trustworthy transmitters) and said that he could have made a mistake. Ibn Hajar mentioned this in 'Tahdheeb At-Tahdheeb' and nobody has mentioned him and verified him as trustworthy or said good about him. This reporter is therefore weak.

Secondly: Imam Ahmad said about Simaak – Bin Harb – that: the Hadeeth is confused. Sha'bah said he was Da'eef. 'Aamir said: They say that he was in error and they differ in regards to his Hadeeth and Ath-Thawri judged him to contain weakness. Ibn Mubaarak said: Simaak is Da'eef in Hadeeth and Ibn Hibbaan said in Ath-Thiqaat: He makes many mistakes. An-Nasaa'i said: Perhaps he was prompted and as this is unique in origin then it cannot be a proof. Ibn Hajar Al-Asqilaani mentioned all of this in Tahdheeb At-Tahdheeb and in spite of Ibn Hajar mentioning from a number less than praise for him, there is no doubt that this narrator is not from amongst those who are Saheeh and I regard him as Da'eef and the statement of An-Nasaa'i is sufficient: If it is unique in origin then it is not a proof and here he was unique in the report about the attributes of Laylat-ul-Qadr which contradicted the valid reports. In conclusion this Hadeeth is Da'eef so it is rejected and as such the description mentioned in it is also rejected.

As for the description of the morning sun of Laylat-ul-Qadr in that it is bright with no rays and that it is a weak red and white that ripples. This is not a description of the night but rather a sign that appears at the expiration of the Night of Power.

In relation to this sign I say: The sun at that time shines light red, the rays are like those that are suspended at the time of its setting. It is easy to look at it because its rays are weak and do not harm the eyes and there is no doubt that the weakness of these rays at that time arise from the condition of the weather, either due to high humidity, or the spread of light clouds or fog which covers most of the rays. Allah sends these things at this time so that the condition of the sun is a sign of Laylat-ul-Qadr as the sun ordinarily is consistent and does not change meaning that the morning sun of that night would be like any other morning in relation to its nature, brightness and rays but weather conditions in that night cause the sun to appear with the description which has been mentioned. If the sun had appeared in the morning of Laylat-ul-Qadr in other than its natural way then the Muslims and non-Muslims would have noticed. This would lead to determining the day in a decisive way which is against the reality and against the many Saheeh Ahaadeeth which obscured the specifying of the night as we will explain in the coming section with the help of Allah.

As for what we find in the books of the Soofiyah and ascetics and what some of the Fuqahaa have said in relation to the meanings of Laylat-ul-Qadr and specifying it and the visual sighting of the opening of the sky and the coming out of it of bright lights that immerses the creation and other than that of sights and supernatural affairs. All of these claims find no support for them in the Saheeh Ahaadeeth, they are from amongst the stories and tales that are passed from ascetics and their like and a number of Fuqahaa without evidence and if only one Saheeh or Hasan hadeeth could be brought which mentions the occurrence of any of these sights. 'Ibaadah in the Shar'a requires a text and if there is no (legal) text here so these are issues which are outside the Shar'a and had these sights occurred then they would

have happened at the time of the Sahaabah (rah) and this would have passed on to the people and spread and became famous and they are without doubt better than those that came after them but nothing of this has ever been reported from them.

Worse than this is that they have maybe relied on this issues from what they have seen in their dreams like one of them would say: I saw in my sleep that the gates or doors of the sky opening and bright shining lights shone from it and filled all sides of creation or one would say: I saw the Messenger (saw) in that night and he informed me that it was Laylat-ul-Qadr. These people consider visions and dreams as Sharee'ah evidences from which they take Ahkaam (legal rulings) so one of them may say: Them Messenger of Allah (saw) came to me in the night and ordered me to do this and that and what the Messenger has ordered has become obligatory upon me. They make equal the statements of the Prophet (saw) which have been narrated in Saheeh Ahaadeeth and what they say they have heard from him in their dreams. They consider both these statements to be Shar'i as if the Shar'a has an endless number of sources for it that do not run out or end. These are without doubt nets or traps from Shaytaan and Allah (swt) says:

الايوم أكملت لكم دينكم (...)

(...Today I have perfected/completed your Deen...) (Al-Maa'idah Ayah: 3)

However they ignore this and view that the Deen can continue to be added to by these Ahaadeeth that they hear in their dreams as if the Deen for them has not yet been completed and this is without doubt is Kufr without any blurriness.

Yes it is true that the sighting of the Messenger of Allah (saw) whilst dreaming is the truth as has been mentioned in the Ahaadeeth however this sighting is based on the condition that he is seen (saw) in his normal condition and description without change in that. And who from amongst these people has stood by his condition and descriptions all of them so that he can be absolutely sure that the person who he saw was really the Messenger of Allah (saw)? Even if we were to suppose that we were able to obtain the knowledge of the condition and descriptions and that these were found in the person that was seen in the dream, then (it still must be known that) the speech of the Messenger (saw) in the dream is not from the Shar'a and his statements in it are not from the Sharee'ah evidences. They are not obligatory to be obeyed or implemented and they are not considered of that which gives comfort to the soul or refines it. They are signs of goodness specific to the one who saw and Allah (swt) says:

أَلَا إِنَّ أَوْلَىٰ آءَاءَ اللَّهِ لَأَخْوَفُ عَلَىٰ هِمِّ وَلَا هُمْ يَحْزَنُونَ (٦٢) أَلَّذِينَ  
 ءَامَنُوا وَكَانُوا يَتَّقُونَ (٦٣) لَهُمُ الْبُشْرَىٰ فِي الْحَيَاةِ الدُّنْيَا  
 وَفِي الْآخِرَةِ ۗ لَّا تَبْدِيلَ لِكَلِمَاتِ اللَّهِ ۚ ذَٰلِكَ هُوَ الْقَوْرُ الْعَظِيمُ

٦٤()

Lo! verily the friends of Allah are (those) on whom fear (cometh) not, nor do they grieve?  
 (62) Those who believe and keep their duty (to Allah). (63) Theirs are good tidings in the life  
 of the world and in the Hereafter - There is no changing the Words of Allah - that is the  
 Supreme Triumph. (64)

(Surah Younus Ayaat: 62-64)

The Bushraa (Good tidings) here is the Ru'yah Saalihah (true vision) which the believer sees or shown to him as is mentioned in the Prophetic Ahaadeeth.

### **When is Laylat-ul-Qadr?**

Ibn Hajar said the following in Al-Fath-ul-Baari: [The Ulamaa have differed greatly in respect to Laylat-ul-Qadr and as a result we have from the Madhaahib more than forty statements similar to what occurred in respect to the time of Jum'ah and both share in being hard to attain and requires seriousness in obtaining them]. He mentions forty-six views and I will now mention those which have stood out and most well known and I invite whosoever wishes to take a look at all of them to find this in the famous book Al-Fath-ul-Baari (of Ibn Hajar Al-Asqilaani).

The fourth view: That it is possible in the entire year and this opinion is famous amongst the Hanafiyyah...

**The fifth view:** It is specific to Ramadhaan and can occur in any of its nights. This is the opinion of Ibn Umar (ra) which has been narrated by Ibn Abi Shaibah with a Saheeh chain... and also in Ash-Sharh Al-Hidaayah Al-Jazm Bihi from Abu Haneefah. Ibn ul-Mundhir, Al-Mahaamali and some of the Shaafi'een also viewed this and As-Sabaki outweighed this opinion to be true in his Sharh Al-Minhaaj and Ibn ul-Haajib told it in a narration. As-Surooji said in Sharh Al-Hidaayah: Abu Haneefah said that it passes through the whole of Ramadhaan and his two companions (students Abu Yousuf, Shaibaani) that it is in a specific night which is obscure and An-Nasafi said similar to this.

**The tenth view:** That it is the twenty-seventh night of Ramadhaan. Ibn Abi Shaibah and At-Tabaraani recorded a Hadeeth from Zaid Bin Arqam who said: <I do not doubt that it is the twenty-seventh night of Ramadhaan, the night the Quraan was revealed (descended)>. Abu Daawood also extracted this from Ibn Mas'ood (ra).

**The eleventh view:** It is unclear falling in the middle ten days of Ramadhaan as told by An-Nawawi and attributed by At-Tabaraani to 'Uthmaan Bin Abi Al-'Aas and Al-Hasan Al-Basri. It was also the view of some of the followers of Ash-Shaafi'.

**The thirteenth view:** It (Laylat-ul-Qadr) falls on the nineteenth which Abd-ur-Razzaaq attributed to 'Ali and At-Tabaraani attributed this view to Yazeed Bin Thaabit and Ibn Mas'ood and it reached At-Tahaawi from Ibn Mas'ood.

**The fourteenth view:** That it is the first night from the last ten, Ash-Shaafi' inclined towards this view and a group of his followers bound themselves to it however As-Sabaki said: It is not decisive for them.

**The fifteenth view:** Similar to the previous view except that if the month is complete and then it would fall on the twentieth night and if it was short by a day then it would be the twenty-first night. It is like this for the whole month and this is the view of Ibn Hazm...

**The seventeenth view:** That it is the twenty-third night. Muslim narrated from 'Abdullah Ibn Unais in a Marfoo' hadeeth: <I was shown Laylat-ul-Qadr and then caused to forget (so he mentioned like what was in the Hadeeth of Abi Sa'ed) and then said: The twenty-third night instead of the twenty-first... [Ibn Hajar mentioned narrations with this from Mu'aawiyah, Ibn 'Umar, Ibn 'Abbaas, Sa'eed Bin Al-Musayyib, 'Aa'isha and Makhool (rah)].

**The eighteenth view:** That it's the twenty-fourth night... [Ibn Hajar indicated a Hadeeth attributed to Ibn 'Abbaas in this section and mentioned the Hadeeth of Abi Sa'eed and that has been narrated from Ibn Mas'ood, Ash-Sha'bi, Hasan and Qataadah. Ibn Hajar mentions a narration of Ahmad from Bilaal (ra): They sought Laylat-ul-Qadr on the twenty-fourth night].

**The twenty-first view:** That it is the twenty-seventh night and this is the view of the Madhhab of Ahmad and reported from Abu Haneefah and Ubay Bin Ka'ab who bound himself to it as extracted by Muslim. Muslim also narrated on the authority of Abu Haazim

from Abu Hurairah (ra) who said: <We were mentioning between ourselves about Laylat-ul-Qadr so the Messenger of Allah (saw) said: <<Which of you remembers the time the Moon rose like a split bowl?>. Abu-I-Hasan Al-Farasi said: Which night is the twenty-seventh, because the moon rises in it with this description. At-Tabaraani narrated from Ibn Mas'ood (ra): <<The Messenger of Allah (saw) was asked about Laylat-ul-Qadr so he said: Which of you remembers the night of As-Sahbaawaat? I said: I do, it was the twenty-seventh night>>. Ibn Abi Shaibah narrated this from 'Umar, Hudhaifah and a group of the Sahaabah (rah). In the chapter related to Ibn 'Umar (ra) Muslim recorded: A man saw Laylat-ul-Qadr on the twenty-seventh night. And Ahmad has a Hadeeth which is Marfoo' which states: The night of power is the twenty-seventh night. Ibn ul-Mundhir said: Whoever was seeking it then he should seek it on the twenty-seventh night. Similar to this came from Jaabir Bin Sumarah recorded by At-Tabaraani in Al-Awsat. Also from Mu'aawiyah recorded by Abu Daawood as well as the author of Al-Hilyah from the Shaafi'iyyah saying that this was the opinion of the majority of Ulamaa.

**The twenty-fifth view:** It is in the odd nights of the last ten, this is based on the hadeeth of 'Aa'isha (ra) and other than her in this section and this is the most likely (or strongest) of opinions and Abu Thawr, Al-Muzzani, Ibn Khuzaamah and many of the Ulamaa from the Madhaahib.

**The twenty-seventh view:** It includes all of the last ten days. This is the view of Abu Qulaabah and has been stated by Maalik, Ath-Thawri, Ahmad and Ishaq. Al-Mawardi claimed that this view had been agreed upon as is he took this from the Hadeeth of Ibn Abbaas that the Sahaabah agreed that it fell in the last ten nights and then disagreed in specifying which day from amongst the ten... [Ibn Hajar mentioned other Ahaadeeth which support this view].

**The twenty-eighth view:** Imaam Ash-Shaafi' said: (Arjaahu)I have found the strongest the twenty-first night.

After Ibn Hajar mentioned all of these views (forty-six in total) he remarked: [...And the most likely/correct of all of them (the opinions) is that it falls in the odd (nights) of the last ten. This view is what has been understood by the ahaadeeth in this subject area (Baab), and the most correct is the odd nights of the last ten, and from these the twenty-first for Imaam Ash-Shaafi' and the twenty-seventh for the majority (of Ulamaa), and I have already presented the evidences for these views...].

The truth is that this is a tricky issue, due to the contradicting and clashing of texts related to it. Every group has taken a text or texts and extracted from them an opinion and was not able to reconcile between all of the evidences or explain the error in any other deductions or opinions.

What I want to lay down here is that most of the differences which occur between the Madhaahib and Ulamaa are a result of weak Ahaadeeth in the main part and due to the holding on to one specific text or two and neglecting those that remain. Had the fuqahaa abandoned the weak Ahaadeeth and looked at the texts which are valid and suitable for Istidlaal (seeking an opinion from an evidence) with an impartial and equal view as well as not sticking to just one or two texts to extract the ruling then the differences between them would have gone away and been reduced to a level close to zero.

Said in another way: Most of the differences/disputes between the Fuqahaa and A'immah (Imaams) either occurred as a result of using weak Ahaadeeth (and these are often very contradictory to one another) or due to not extending sufficient effort to reconcile the Ahaadeeth As-Saheehah and limiting themselves to one or two evidence which a Faqeeh thought sufficient to extract a Hukm from. He saw that a number of other Saheeh texts could be set aside.

In this book just as in the previous book (Al-Jaami' LiAhkaam-is-Salaah) I deliberately abandoned all weak Ahaadeeth meaning those which had been agreed upon by the Muhaddithoon to be Da'eef. As for those in which they disputed then I would accept them or reject them based on the agreement or disagreement with the meanings contained in the Ahaadeeth which are valid evidences. I also bound myself to accepting the Saheeh and Hasan Ahaadeeth and placing them together for use and if I found a clear contradiction between them then I bound myself to exerting the utmost effort to work with all the evidences (without rejecting any) with the use of Ta'weel (interpretation) if necessary as this is better than neglecting or abandoning any of them. Now I will return to our subject and will discuss the specification of Laylat-ul-Qadr and the differences which occurred between the Fuqahaa and A'immah in it:

Firstly: Many opinions from the Fuqahaa are based on evidences that do not have a Sanad (supporting chain). They have been relied on despite the Saheeh evidences that deal with this issue being in abundant supply. From amongst these is the fourth opinion mentioned above: that it is possible to fall in the entire year although they do not have a single Shariah evidence which supports this view. Rather they used a statement of Ibn Mas'ood which says: <Whoever stands the whole year in prayer will hit Laylat-ul-Qadr>. Narrated by Muslim from Zir Bin Hubaish. They relied on this and left tens of Saheeh and Hasan Prophetic Ahaadeeth. I do not think that they were ignorant of the fact that the statements of the Sahaabah are not Sharee'ah evidences and are only Ijtihadaat of the Sahaabah unless they all agree upon one ruling in which case it becomes an Ijmaa' Sahaabah which is a Sharee'ah evidence.

Another of these type of opinions is the tenth view where those who have upheld it have used as evidence what was reported by Ibn Abi Shaibah and At-Tabaraani from the statement of Zaid Bin Arqam whilst neglecting and putting aside the Saheeh and Hasan Ahaadeeth. May Allah forgive them and in addition to this Hadeeth of Zaid Bin Arqam being from a narration of Al-Hoot Al-Khizaa'i of whom Al-Bukhaari said: His Hadeeth are rejected and Al-Hoot is Da'eef amongst the Muhadditheen.

The eleventh opinion is also of this type and relies upon the statement of Abi Al-'Aas and Hasan Al-Basri as if their statements are legal evidences. They did not just follow the statements of the Sahaabah and Taabi'oon which do not count as Sharee'ah texts, which is weakness in itself, but rather and may Allah forgive and pardon them went against the correctly paved method – the method of the Sharee'ah texts – and they trod a hard, rugged and difficult path. Had I mentioned all forty-six opinions you would have found astonishment in them and how they were deduced.

Secondly: Another of the issues which caused differences among the Fuqahaa was carelessness sometimes of not putting the Khaass (specific) in front of the 'Aam (general) and the Muqayyid (restricted) in front of the Mutlaq (unrestricted). Sometimes you will find them sticking to a general text despite the existence of a text that is Khaass and specifies it. For example the fifth view: It specifies that all nights of Ramadhaan are possible for Laylat-ul-Qadr to occur relying on the statement of Ibn 'Umar which was reported by Ibn Abi Shaibah which is a general statement. This is even if we suppose that the statement of Ibn 'Umar is a Sharee'ah evidence which it is not and this view ignores the many texts that restrict Laylat-ul-Qadr to the last ten nights of Ramadhaan.

The twenty-seventh opinion is similar where it states that it occurs in the last ten nights all of them. Notice here the wording 'all of them'. They have relied here on the statement of Ibn 'Abbaas that the Sahaabah had agreed that it was in the last ten nights. This statement is also 'Aam (general) although the texts had restricted it to the odd nights of the last ten and therefore there is no meaning to the wording 'all of them' in light of this.

Thirdly: Another issue that caused many differences amongst the Fuqahaa was the manner in which they interpreted the wording of the texts and sometimes by giving meanings that are not present despite the presence of many texts which contained clear meanings (in the

Mantooq) which required no further interpretation or need for it. This is similar to the twenty-first view: That it is the twenty-seventh night only relying on what was reported by Muslim (2779) from Abu Hurairah (ra): <We were mentioning about Laylat-ul-Qadr whilst in the company of the Messenger of Allah (saw) and he said: Which of you remembers when the moon rose and it was like a split bowl?> i.e. like half a bowl. They then went to the explanation of Abu Al-Hasan Al-Faarisy for this text so he said: It means the twenty-seventh night because the moon came out with this description. It is as if none except him knew this description?! And I do not know what they say in relation to the Hadeeth recorded by Al-Imaam Ahmad (23517) from Abu Ishaq that he heard Abu Hudhaifah talking about a man from amongst the companions of the Prophet (saw) who heard from the Prophet (saw): (I looked at the moon in the morning of Laylat-ul-Qadr and I saw it as if it was a split bowl. Abu Ishaq said: The moon was like this on morning of the twenty-third night). So in light of the above two explanations which one should we take the Tafseer of Abu Al-Hasan Al-Faarisy or that of Abu Ishaq?

Fourthly: May the reader pardon me if I have taken a long time in this issue, but this issue in which there has occurred a wide difference amongst the Fuqahaa deserves time given to it, indeed it deserves a whole book to be written concerning it. This is for the one who finds interest and importance diminishing the differences between the Madhaahib and Fuqahaa. So I continue and say the following:

From amongst the reasons for why the Madhaahib and Ulamaa had vast differences in addition to what has preceded is due to the combining of statements which appear to them to be contradictory on what level in terms of deduction without outweighing between them. An example of this is the twenty-seventh opinion: That the night of power moves within the last ten nights, so it comes one year on the twenty-third, another on the twenty-fifth and comes on a third year on the twenty-seventh. They have established this by combining all the texts on one level without outweighing them. They say that the Night of Power moves despite the texts absolutely not mentioning that it moves or transfers but rather mentioned that each one of these nights is Laylat-ul-Qadr in itself.

Fifthly: The outweighing of one evidence over the other, which are equal in correctness (Saheeh) without explaining the reasons for this outweighing. This opened a wide area for differences to occur between them in the case where outweighing was not stipulated or conditions placed for explaining the reasons. Every Faqeeh was able to go towards a text from amongst the texts and outweighed it over the others and relied on it alone for deduction. This opened a wide door for taking all of the texts despite their great number and contradictions between them so the opinions of the Fuqahaa became many and contradictory to an equal number as there were opinions. An example of this is the thirteenth opinion that stated that it was the nineteenth which was outweighed by those who proposed it without any explanation of the reasons for this. The fourteenth opinion and eighteenth are also examples of this, the outweighing in these has occurred without explaining the reasons so that others are not prevented from refuting them and coming up with their own outweighed conclusions and opinions.

So that we can arrive at the truth and correct view in this issue then it is necessary to examine the evidences that are related to it although there are many and contradictory:

A – Collection of Abu Sa'eed Al-Khudri:

21) Abu Sa'eed Al-Khudri (ra) said:

<<Once we were in I'tikaf with Allah's Apostle in the middle ten days of (Ramadhaan) and we came out of it in the morning of the twentieth, and Allah's Messenger - delivered a sermon on the 20th (of Ramadan) and said, 'I was informed (of the date) of the Night of Qadr but had forgotten it. So, look for it in the odd

nights of the last ten nights of the month of Ramadhan. I saw myself prostrating in mud and water on that night (as a sign of the Night of Qadr). So, whoever had been in I'tikaf with Allah's Apostle should return for it.' The people returned to the mosque (for I'tikaf). There was no trace of clouds in the sky. But all of a sudden a cloud came and it rained. Then the prayer was established (they stood for the prayer) and Allah's Apostle prostrated in mud and water and I saw mud over the forehead and the nose of the Prophet>>.

Narrated by Al-Bukhaari (2016), (2018), (2036), (2040) and Muslim (2769), (2772).

22) Abu Sa'eed Al-Khudri (ra) said:

<<The Messenger of Allah (saw) used to practice I'tikaf in the middle ten days of Ramadan and once he stayed in I'tikaf till the night of the twenty-first and it was the night in the morning of which he used to come out of his I'tikaf. The Prophet said, "Whoever was in I'tikaf with me should stay in I'tikaf for the last ten days, for I was informed (of the date) of the Night (of Qadr) but I have been caused to forget it. (In the dream) I saw myself prostrating in mud and water in the morning of that night. So, look for it in the last ten nights and in the odd ones of them." It rained that night and the roof of the mosque dribbled as it was made of leaf stalks of date-palms. I saw with my own eyes the mark of mud and water on the forehead of the Prophet (i.e. in the morning of the twenty-first)>>.

Narrated by Al-Bukhaari (2027), Muslim, Maalik, Abu Daawud and Al-Bayhaqi.

23) Abu Sa'eed Al-Khudri (ra) said:

<<The Messenger of Allah (saw) observed i'tikaf in the middle ten days of Ramadan to seek Lailat-ul-Qadr before it was made manifest to him. When (these nights) were over, he commanded to strike the tent. Then it was made manifest to him that (Lailat-ul-Qadr) was in the last ten nights (of Ramadhan), and commanded to pitch the tent (again). He then came to the people and said: O people, Lailat-ul-Qadr was made manifest to me and I came out to inform you about it that two persons came quarrelling with each other and there was a devil along with them and I forgot it. So seek it in the last ten nights of Ramadan. Seek it on the ninth, on the seventh and on the fifth...>>.

Narrated by Muslim (2774). Abu Sa'eed explained that the ninth was the twenty-first night, the seventh was the twenty-third night and the fifth referred to the twenty-fifth night.

24) Abu Sa'eed Al-Khudri (ra) said:

<<The Messenger of Allah (saw) observed i'tikaf (confined himself for devotion and prayer) in the first ten (days) of Ramadan; he then observed i'tikaf in the middle ten (days)... he (the Holy Prophet (saw)) said: I observed i'tikaf in the first ten (nights and days) in order to seek that night (Lailat-ul-Qadr). I then observed i'tikaf in the middle ten days. Then (Wahy) was sent to me and I was told that this (night) is among the last ten (nights). He who among you likes to observe i'tikaf should do so; and the people observed it along with him, and he (the Holy Prophet) said: That (Lailat-ul-Qadr) was shown to me on an odd (night)...>>.

Narrated by Muslim (2771).

B – Collection of 'Abdullah Ibn 'Umar (ra):

27) 'Abdullah Ibn 'Umar (ra) said:

<<Some men amongst the companions of the Prophet (saw) were shown in their dreams that the night of Qadr was in the last seven nights of Ramadan. Allah's Apostle said, "It seems that all your dreams agree that (the Night of Qadr) is in the

last seven nights, and whoever wants to search for it (i.e. the Night of Qadr) should search in the last seven (nights of Ramadan)."

Narrated by Al-Bukhaari (2015), Muslim, Ahmad, Ad-Daarami and Ibn Hibbaan.

28) 'Abdullah Ibn 'Umar (ra) said:

<<Search for Laylat-ul-Qadr in the last seven (nights)>>.

Narrated by Muslim (2762), Maalik, Ahmad, Ibn Hibbaan, Al-Bayhaqi and Ad-Daarami.

29) 'Abdullah Ibn 'Umar (ra) said:

<<A Man saw (in his dreams) that Laylat-ul-Qadr was on the twenty-seventh night so the Prophet (saw) said: I see your vision falls in the last ten so seek it in the odd nights from them>>.

Narrated by Muslim (2763)

30) 'Abdullah Ibn 'Umar (ra) said:

<<Search for it in the last ten – meaning Laylat-ul-Qadr – and if one of you becomes weak then don't let this overcome him in the remaining (last) seven>>.

Narrated by Muslim (2765), Ibn Khuzaimah, Ibn Hibbaan and Al-Bayhaqi. Imaam Ahmad Bin Hanbal (1111) from 'Ali (ra) recorded the wording: <<Seek Laylat-ul-Qadr in the last ten (nights) of Ramadhān. If you become overcome (tired, weak) then don't let this happen in the last/remaining seven>>.

31) 'Abdullah Ibn 'Umar (ra) said that the Messenger of Allah (saw) said:

<<Whoever has been looking (for it) then he should look on the twenty-seventh night. He said: Look for it on the twenty-seventh night means Laylat-ul-Qadr>>.

Narrated by Ahmad (4808).

#### C - Collection of 'Abdullah Ibn 'Abbaas (ra):

j) 'Abdullah Ibn 'Abbaas (ra) said that the Prophet (saw) said:

<<Look for the Night of Qadr in the last ten nights of Ramadhān, ' on the night when nine or seven or five nights remain out of the last ten nights of Ramadan (i.e. 21, 23, 25, respectively)>>.

Narrated by Al-Bukhaari (2021), Abu Daawood, Ahmad and Al-Bayhaqi. Al-Bazzaar (1029) narrated it from Anas (ra). Abu Daawood At-Tayaalissy(881), Ahmad and At-Tirmidhi narrated it with a different wording from Abu Bakrah: <...with nine remaining or seven remaining, or five remaining or three remaining or the last remaining night>. Just as Abu Daawood At-Tayaalissy (2166) narrated from Sa'eed Al-Khudri (ra): <Look for it with seven remaining or five remaining or three remaining>.

k) 'Abdullah Ibn 'Abbaas (ra) said:

<<I had been sleeping when it was said to me that it was Laylat-ul-Qadr. He said: I got up and I was drowsy and I was attached to the breadth of the tent of the Messenger of Allah (saw). He said: He was praying so I found out that this night was the twenty-third>>.

Narrated by Ahmad (2547), At-Tabaraani in Al-Mu'jam Al-Kabeer and Ibn Abi Shaibah.

l) 'Abdullah Ibn 'Abbaas (ra) said:

<<A man came to the Prophet (saw) and said: O Prophet of Allah, I am an old sick man and standing in Qiyaam is hard for me so order me with a night so that Allah will reconcile it with me, Laylat-ul-Qadr. So he (saw) said: You should focus on the seventh>>.

Narrated by Ahmad (2149) and Al-Bayhaqi.

D – The Collection of Zirr Bin Hubaish from Abi Bin Ka’b (ra):

- 32) Zirr Bin Hubaish said:  
<<Zirr (b. Hubaish) reported: I heard from Ubayy b. Ka'b a statement made by 'Abdullah b. Mas'ud in which he said: He who gets up for prayer (every night) during the year will hit upon Lailat-ul-Qadr. Ubayy said: By Allah I there is no god but He, that (Lailat-ul-Qadr) is in Ramadhan (He swore without reservation: ) By Allah, I know the night; it is the night on which the Messenger of Allah (may peace be upon him) commanded us to pray. It is that which precedes the morning of twenty-seventy and its indication is that the sun rises bright on that day without rays>>. Narrated by Muslim (2777) and Ahmad. In another version from Muslim (2778) it states: <Ubayy b Ka'b reported: By Allah, I know about Lailat-ul Qadr and I know it fully well that it is the twenty-seventh night (during Ramadan) on which the Messenger of Allah (may peace be upon him) commanded us to observe prayer>. This was also narrated by Ibn Khuzaimah, Ibn Hibbaan, Al-Bayhaqi with differences in the expressions.
- 33) Zirr Bin Hubaish said that I heard Ubayy Bin Ka’b (ra) saying:  
<<The twenty-seventh night is the night that the Messenger of Allah (saw) informed us of: That the sun rises white rippling>>. Recorded by Ahmad (21510) and Ibn Abi Shaibah.
- 34) From Zirr from Abi Ubayy Bin Ka’b (ra) that he said:  
<<The companions of The Messenger (saw) were mentioning and discussing amongst ourselves about Laylat-ul-Qadr so Ubayy said: I and by the one who there is no God beside, I know which night it is. It is the night which the Messenger of Allah (saw) informed us of, the twenty-seventh night that has passed from Ramadhaan and the sign for that is that the sun that rises the next morning from that night ripples and does not have rays. Salamah Bin Kuhail claimed that Zirr informed him that he had observed for three years from the first to last day of Ramadhaan and he saw that following the twenty-seventh night the sun rose rippling without rays>>. Narrated by Ahmad (21509), Abu Daawood and Al-Bayhaqi.
- 35) Zirr said: If it wasn't for the foolish I would have placed my hands to my ears and called out: Laylat-ul-Qadr is the twenty-seventh night. This is news for the one who did not lie to me from someone who did not lie about it, meaning Ubayy Bin Ka’b from the Prophet (saw)>>. Narrated by Ibn Khuzaimah (2187). This has been related with the same meaning from Ahmad Bin Hanbal, Ibn Hibbaan and Daawud At-Tayaalissy.

E – Collection from Abu Dharr (ra):

- o) Abu Dharr (ra) said:  
<<I said: O Messenger of Allah, tell me about Laylat-ul-Qadr. Is it in Ramadhaan or other than it? He replied: It is indeed in Ramadhaan. I said: O Messenger of Allah, Does it remain as long as the Prophets are present and when they pass away it is taken with them or does it remain until the day of judgement? He answered: Indeed it is until the day of Judgement. I asked: O Messenger of Allah, which part of Ramadhaan does it fall? He Replied: Look for it in the first and last ten nights. Then the Messenger of Allah (saw) was talking (on another topic) and then I took a chance and asked: O Messenger of Allah (saw), which part from these twenty (nights)? He replied: Look for it in the last ten and do not ask me about this again after this. Then the Messenger of Allah (saw) was talking until I sensed another opportunity (to ask) so I asked: O Messenger of Allah, I took an oath that you would tell me – or when

you have told me - in which part of the last ten is it? Then he became angry with me with more anger than I had seen against before or after and said: If Allah had willed he would have informed you of its timing. Search for it in the last seven nights>>. Narrated by Al-Haakim (437/1) and Adh-Dhahabi concurred with it and verified it as Saheeh. Ahmad, An-Nasaa'i and Al-Bazaar also narrated it.

p) Abu Dharr (ra) said:

<<We were fasting with the Messenger of Allah (saw) in Ramadhaan and he did not make Qiyaam with us in any of the month until there remained seven. He then made Qiyaam with us until a third of the night had passed and then on the fourth night he did not perform it with us and then performed it with us in the following night until half of the night had passed approximately. He said: So we said: O Messenger of Allah, what if we made Naafilah (Qiyaam) for the remainder of the night? He replied: A man if he stands in prayer with the Imaam until he leaves then it counts for the remainder of the night. He then did not stand with us in prayer on the sixth and then stood with us on the seventh. He (saw) said: He called for his family and gathered the people and we stood in prayer until we feared that we would miss (al-Falah) Suhoor>>.

Narrated by Ahmad (21778).

q) Abu Dharr (ra) said:

<<We stood in prayer with the Messenger of Allah (saw) on the twenty-third night of Ramadhaan for a third of the night in its first part and he said: I do not think that what you are searching for (Laylat-ul-Qadr) is behind you (i.e. has passed). We then prayed for half of the twenty-fifth night and he said: I do not think that what you are searching for is behind you. We then stood in prayer on the twenty-seventh until the morning and then he was silent>>.

Narrated by Imaam Ahmad (21899) with a Jyyid Sanad (chain).

F – The collection of 'Ubaadah Bin As-Saamit (ra):

29) 'Ubaadah Bin Saamit (ra) said that the Messenger of Allah (saw) said:

<< Laylat-ul-Qadr is in the remaining (last) ten, whoever performs Qiyaam in it seeking its reward then Allah Tabaaraka wa Ta'Alaa will forgive his past and future sins. It is in the odd nights: nine (from the end i.e. 21<sup>st</sup>) or seven or five or three or the last night. And the Messenger of Allah (saw) said: The sign of Laylat-ul-Qadr is that it is clear as if the moon was shining brightly, calm and quiet not hot and not cold and a meteor cannot be thrown out in it until the morning. Also from its signs is that the sun in the morning after comes out on the horizon without any rays like the moon when it is full and it is not allowed for the Shaytaan to exit with it on that day>>.

Narrated by Ahmad (23145) and it has been previously mentioned in the sub-section (The descriptions of Laylat-ul-Qadr).

30) 'Ubaadah Bin Saamit (ra) said that the Messenger of Allah (saw) said:

<<Look for it in the ninth, seventh and fifth meaning Laylat-ul-Qadr>>.

Narrated by Ahmad (23043). And in another narration from Ahmad from 'Ubaadah (23090/23089) with the following wording: <<...So look for it in the last ten and it is in the odd (nights), on the twenty-first, twenty-third, twenty-fifth, twenty-seventh or twenty-ninth or in the last night>>.

31) 'Ubaadah bin Saamit (ra) said:

<<The Prophet (saw) came out to tell us about Laylat-ul-Qadr (i.e. when it was) then there were two men from amongst the Muslims quarrelling so he said: I came out to inform you about Laylat-ul-Qadr and so and so and so and so were quarrelling so it

was lifted (i.e. knowledge of it was taken away) and it may be that there will be goodness in this for you. So search for it in the ninth, seventh and fifth>>.

G - Various other Ahaadeeth on the issue:

h) 'Aa'isha (ra) the wife of the Prophet (saw) said:

<<That the Prophet (saw) used to perform I'tikaaf in the last ten of Ramadhaan until Allah (swt) raised him then his wives continued to perform I'tikaaf after him>>.

Narrated by Al-Bukhaari (2025), Muslim, Abu Daawud, An-Nasaa'i and Ahmad.

i) 'Aa'isha (ra) said:

<<The Messenger of Allah (saw) used to exceed the norm (in terms of 'Ibaadah) in the last ten of Ramadhaan and would say: Look for Laylat-ul-Qadr in the last ten of Ramadhaan>>.

Narrated by Al-Bukhaari (2020) and At-Tirmidhi. Muslim (2782) narrated it split up as <The Messenger of Allah (saw) used to make I'tikaaf in the last ten of Ramadhaan> and (2776) <She said: that the Messenger of Allah (saw) said: Look for Laylat-ul-Qadr in the last ten of Ramadhaan>.

j) Umm Salamah (ra) said:

<<That the Prophet (saw) made I'tikaaf in the first ten of the first year, he then performed the middle ten and then the last ten and said: I saw Laylat-ul-Qadr and was then caused to forget it and the Messenger of Allah (saw) continued making I'tikaaf in them (the last ten) until the Messenger of Allah passed away>>.

Narrated by At-Tabaraani (994/23). Al-Haithami said that the Isnaad (chain is Saheeh).

k) Mu'aawiyah (ra) and may Allah pardon him said that the Prophet (saw) said:

<<Laylat-ul-Qadr is the twenty-seventh night>>.

Narrated by Ibn Hibbaan (3680), Abu Daawood, Al-Bayhaqi, At-Tabaraani and Ibn Abi Shaibah.

l) Abu Hurairah (ra) said that the Messenger of Allah (saw) said in regards to Laylat-ul-Qadr:

<<It is (either) the twenty-seventh or twenty-ninth night. The number of Malaa'ikah (angels) in that night are greater in number than can be counted>>.

Narrated by Abu Daawood At-Tayaalissy (2545) and Ibn Khuzaimah. It has also been narrated by Ahmad, At-Tabaraani in Al-Mu'jam Al-Awsat and Al-Bazzaar. Al-Haithami said that its transmitters are trustworthy.

m) 'Umar Ibn Al-Khattaab (ra) said:

<<...Verily the Messenger of Allah (saw) said in relation to Laylat-ul-Qadr what they have known. Look for it in the odd nights of the last ten, so in any odd night you see>>.

Narrated by Al-Imaam Ahmad (85), Al-Bazzaar and Abu Ya'laa. Al-Haithami said the transmitters of Abu Ya'laa are trustworthy.

n) Busr Bin Sa'eed narrated from 'Abdullah Bin Unais from the Messenger of Allah (saw) that he said:

<<I was shown Laylat-ul-Qadr and then caused to forget it and I was shown the morning in which I will make Sujood (prostration) in water and mud. He said: It rained upon us on the night of the twenty-third so the Messenger of Allah (saw) prayed with us and then left and he had the markings of water and mud on his face and ear. He said: 'Abdullah Ibn Unais was saying that it was the twenty-third>>.

Narrated by Muslim (2775) and Ahmad and Al-Bayhaqi. Ahmad (16142) also narrated: <<...So we said to him: O Messenger of Allah when will we find this Blessed night? He (saw) replied: Look for it in this night and he said: that was the

twenty-third night...>>. And Al-Bayhaqi (309/4) narrated: <<...So he ordered us – i.e. the Messenger of Allah (saw) – with the twenty-third night...>>.

o) Abu Hurairah (ra) said that the Messenger of Allah (saw) said: <<How much has passed from the month? They said: twenty-two days and eight remain so He (saw) said: Indeed twenty have passed and seven remain: Seek it tonight>>.

Narrated by Al-Bayhaqi (310/4) and Ahmad.

p) Nu'maan Bin Basheer(ra) said whilst on the Minbar of Homs: <<We performed Qiyaam with the Messenger of Allah (saw) on the twenty-third night of Ramadhaan for a third of it, then we prayed on the twenty-fifth with him for half the night and then we stood in prayer with him on the twenty-seventh night until we thought that we would miss the Suhoor. He said: We used to call out for our Suhoor al-Falaah and as for us we say: the seventh night is the twenty-seventh and you say it is the twenty-third so who is more correct: Us or you?>>.

Narrated by Ahmad (18592), An-Nasaa'i and Ibn Khuzaimah.

q) 'Abdullah Ibn Mas'ood (ra) said:

<<The Prophet (saw) was asked concerning Laylat-ul-Qadr? So he said: I was informed about it and then (this knowledge) was moved away from me so seek it in the seventh with surety/conviction (yaqeen) or the third with yaqeen (conviction)>>.

Narrated by Al-Bazaar (1028) and Al-Haithami said its transmitters are trustworthy.

r) Anas (ra) said that the Prophet (saw) said:

<<Look for it in the last ten: in the ninth, seventh and fifth>>.

Narrated by Al-Bazaar (1029). Al-Haithami said the transmitters are Saheeh.

s) Jaabir Bin Samurah (ra) said that the Messenger of Allah (saw) said:

<<Search for the night of Laylat-ul-Qadr on the twenty-seventh night>>.

Narrated by At-Tabaraani (285) in Al-Mu'jam As-Sagheer.

So I say and Allah is the one who reconciles the truth:

Firstly: There are Saheeh Ahaadeeth that Al-Bukhaari and Muslim agree upon and there are Ahaadeeth which are unique to Al-Bukhaari, Muslim and other than them. When Ahaadeeth have been agreed upon by Al-Bukhaari and Muslim then they are the peak of evidential deduction (Istidlaal) and have precedence in a situation of contradictions or opposing evidential meanings. There are also other Saheeh and Hasan Ahaadeeth so whatever agrees is suitable for Istidlaal (use as an evidence for deduction) and whatever disagrees then the Saheeh are taken and Hasan are dropped.

Secondly: By looking at the mentioned texts which are more than thirty we find this text agreed upon which has been narrated by Al-Bukhaari and Muslim that: (I was shown Laylat-ul-Qadr and then caused to forget it). This wording is at the peak in terms of suitability and correctness and there is no other text that contradicts its meaning or is equal to it in terms of correctness and viability and contradicts it. Any contradictory evidence that has come can only be viewed in terms of its position and rank in relation to the position of this text (i.e. from Al-Bukhaari and Muslim) especially as none of them have included an explanation of the later timing of one to the other or linked to an occasion so as to claim the occurrence of abrogation. All of these evidences have come on an equal footing in terms of timing so there is no abrogation in this issue at all.

Thirdly: If there is a Prophetic statement issued in a Mas'ala (issue) and there are also statements of the Sahaabah in the same issue, then the statements of the Sahaabah are not looked at (i.e. they do not hold value) and in this issue the Prophet statement is present, indeed there are many Noble Prophetic statements which have been issued in this Mas'ala. Due to this there is no need or is it essential to mention the statements of the Sahaabah in this issue so I have left them altogether. Whoever wishes to look into these statements then

they have been recorded in the Musannaf of Ibn Abi Shaibah as examples in pages 488-490 in the second volume.

Fourthly: When the Messenger of Allah (saw) orders us with a matter or forbids us from it, then it becomes obligatory upon to obey and comply and if he (saw) informs us with a news or information then we believe it (Tasdeeq) and it is not allowed ever to deny it. Here he (saw) has informed us through an evidence which is agreed upon (Mutaffaq Alaihi) that he had known the night of Laylat-ul-Qadr and then forgot it or it is more correct to say that he was caused to forget it meaning that Allah (swt) caused it to be forgotten. There is no text that has informed us that the Messenger of Allah (saw) had remembered it again (after forgetting it) and where this Saheeh Khabar (report) is of the highest level of legal texts and where no alternative has been given to it or change been reported then it is obligatory on every Faqeeh and non-Faqeeh to accept this information and it isn't Halaal to have a view that contradicts it and differs from it. So for example it isn't allowed to say that the Messenger of Allah knew the night of power throughout his life but kept it hidden from the Muslims so that they would exert themselves more in the last nights of Ramadhaan and not only in one night. This opinion is not allowed for a Muslim Faqeeh and non-Faqeeh to hold because it contradicts with the statement of the Messenger of Allah that states that he was shown the night and then caused to forget it, and the issue remained like that. And worse than this is when a Muslim whatever the degree of his knowledge and Fiqh claims that he knows when Laylat-ul-Qadr is. It is like he is claiming with this view that he knows something that the Messenger of Allah (saw) did not know or that his knowledge is above that of the Messenger of Allah (saw).

Fifthly: A number of the Sahaabah in what has been related from them and a number of Fuqahaa have attempted to specify Laylat-ul-Qadr using the texts and evidences that I have presented. I say: If they have based their specification on the signs that the Messenger of Allah (saw) had informed them of then this specification does not reach the level of definitive knowledge (al-'Ilm al-Yaqeeni) but is rather speculative (Zhanny) knowledge which could be correct and could be mistaken. Built upon this I say that all of the specifications attributed to the Sahaabah and Taabi'oon and Fuqahaa are all based on Zhann (doubt/speculation) only or Ghalabat Azh-Zhann (preponderant speculation) and is not under any circumstance regarded as definitive and unquestionable. An example of this is what has been narrated from the Noble Sahaabi Ubayy Bin Ka'b (ra) in what has been mentioned in the collection of Zirr Bin Hubaish (Then they united without exception on the twenty-seventh night). He took his knowledge for specifying the night from the signs which were heard from the Messenger of Allah (saw) only and he didn't claim to take this knowledge (about the date) from the statements of the Messenger (saw). So he said: (With the sign/indications that the Messenger of Allah (saw) informed us of that it (the sun) would rise that day without any rays shining from it). The same can be said about all of the Ahaadeeth that have been reported from him so Ubayy Bin Ka'b heard the signs and indications from the Messenger of Allah (saw) and then made his own Ijtihad in applying those signs onto the reality and as a result concluded that Laylat-ul-Qadr was the twenty-seventh night. So this specifying is an Ijtihad from him and not news that has been passed to us which it is obligatory to accept and take. As for the statement (We united without exception) then this does not negate that it is his Ijtihad and the fact that there was a unity does not take away from the fact that the conclusion was based on an Ijtihad based on the signs of the night and therefore does not substantiate definite knowledge. So Ijtihad in the signs does not lead to definitiveness in defining, specifying or in knowledge generally unless the Sahaabah all agreed with the view of Ubayy and indeed that all of the Muslims agree with the huge abundance of signs that they have in front of them.

Sixthly: Some of the Fuqahaa thought that the statement of the Messenger of Allah (saw): (Look for it in the ninth, seventh and fifth) or (look for it in the last odd ten) indicates that he

(saw) knew the specific date. It would be possible for this understanding to be correct had the text concerning the Messenger being caused to forget the night not existed. His statement therefore negates any understanding from this approach so the Muslims should (despite their love for Ijtihad in the matters of 'Ibaadah) to stop their study on this matter of specifying the night of Laylat-ul-Qadr) and to place the issue with the Messenger of Allah (saw) who has informed them that he does not know when it is.

Seventhly: As an evidence that the signs lead to mistakes is what has occurred with the Noble Sahaabah (rah): Abu Sa'eed Al-Khudri and 'Abdullah Ibn Unais (rah). As for Abu Sa'eed Al-Khudri he had heard from the Messenger of Allah (saw) that he saw himself prostrating in the morning of the night in water and mud as was reported in a number of narrations and when Abu Sa'eed saw the Messenger of Allah prostrating in the Fajr prayer after the twenty-first night in water and mud then from this it was understood by him that Laylat-ul-Qadr was on the twenty-first night so he spread this view which he had trust in so many of the A'immah (scholars) and Fuqahaa took this view based on that. As for 'Abdullah Ibn Unais (ra) he heard from the Messenger of Allah (saw) what was quoted in Hadeeth number 7 from the 'Various other Hadeeth' section that: (And I was shown its morning and I was prostrating in water and mud, He ('Abdullah) said: It rained on the night of the twenty-third and the Messenger of Allah (saw) prayed with us and then left and the marks of water and mud were upon his face and nose). So when 'Abdullah Ibn Unais saw that the Messenger of Allah had prostrated in water and mud on the morning after the twenty-third night he understood from this sign that Laylat-ul-Qadr was the twenty-third night, so he spread his view and a number of Fuqahaa took this view. This indicates an area of doubt where understandings differ in terms of deducing the signs and deducing with them (the signs) does not provide the necessary level of knowledge but remains in the sphere of Zhann (speculation and doubt) or Ghalabat Azh-Zhann (preponderant speculation). I would like to bring attention here to the point that claims of definitive knowledge are Haraam in this Mas'ala (fiqhi issue) because they go beyond the knowledge of the Messenger of Allah (saw).

Eighthly: If we examine the narrations from Abu Sa'eed in what is related to the signs which have been relied upon: Al-Bukhaari has related four of them (2016), (2018), (2036) and (2040) which mention the sign in an absolute way like: (And I saw myself prostrating in water and mud). These texts do not restrict themselves to the morning of Laylat-ul-Qadr. Imaam Muslim two reports with the same wording: (2769) and (2772) where Al-Bukhaari has only reported one which includes a restriction: (I was shown that I prostrate in water and mud in its morning) and Muslim reports two that limit it to the morning: (2771) and (2775).

So here we have six narrations from two people which have not specified the morning of Laylat-ul-Qadr and only three that have specified the sign to the morning. I outweigh the six reports over the three as it is not beyond me that the mention (of the morning) happened as a result of the falling of the occurrence of water and mud in the morning of that night so this specification was attributed to the Messenger (saw) as a result. This is a possible interpretation or explanation so that we can reconcile between the Ahaadeeth especially as the unrestricted evidences are more numerous than those that have come with a restriction because they have more strength in the process of deduction. We can then incorporate this explanation and understanding so that we can reconcile these restricted reports with the reports of 'Abdullah Ibn Unais mentioned in seven in the 'Various other Ahaadeeth' section. These mentioned that the sign occurred on the twenty-third night and without this interpretation it would then be necessary to reject either the narrations of Abu Sa'eed or 'Abdullah Ibn Unais (rah) and working with all the evidences is always better than neglecting or rejecting some (if possible). And with our statement that the Messenger of Allah (saw) did not restrict himself to making Sujood (prostration) in water and mud with any restriction but rather made a Mutlaq (unrestricted) statement and then rain fell on the twenty-first night and again on the twenty-third night. As a result Abu Sa'eed thought that the sign had

occurred on the twenty-first night and 'Abdullah Bin Unais thought that the sign applied to the twenty-third night. As a result the two views differed and due to our interpretation we have worked with all the narrations without the need of rejecting any of them.

Verily the Messenger of Allah (saw) said two separate statements: He saw Laylat-ul-Qadr and then he was made to forget and he saw himself prostrating in water and mud and neither of the two are linked to each other. The link occurred as it seems came from the understanding of the narrators as a result of the falling of rain on the morning of these two nights and with this understanding and interpretation we have worked (and reconciled) all of these evidences.

Someone could come and say: If the texts are Saheeh and if an addition came in one of them then this addition is acceptable because an addition from the trustworthy is acceptable, so then why is not the statement (of its morning) not accepted and other narrations carried over upon its meaning?

The answer to this is that the difference between Abu Sa'eed and 'Abdullah Bin Unais in what they related makes us not accept this addition and had there not been a difference we would have accepted both of them. So the pardon is established for us upon rejecting the addition and the most correct view is what we have gone with which is that the Messenger of Allah (saw) after informing the Muslims that he had been shown the Night of power and then caused to forget it. He told them of new information which was not connected with what was before it that he saw himself prostrate in water and mud and his statement came to happen in the two nights in which the rain descended. There is nothing mentioned from him (saw) that makes his Sujood in water and mud a sign for the occurrence of Laylat-ul-Qadr. Following on from this, Abu Sa'eed and 'Abdullah Bin Unais both made an error in determining Laylat-ul-Qadr and this mistake came from the connection between the two pieces of information which were not connected to each other in origin.

With this interpretation we can continue to a conclusion which is that these two Hadeeths with their numerous narrations do not benefit us in determining Laylat-ul-Qadr and it is not correct to infer from them any specification to the Night of Power and what came to us firstly of information that (I was shown the Night of Power and then caused to forget it) in sufficient for us.

With that we have a firm truth which is that the Messenger of Allah (saw) did not know himself when Laylat-ul-Qadr was after Allah (swt) caused its knowledge to be forgotten. This is what Allah (swt) wanted and this brings Khair (goodness) to the Muslims as was mentioned in the Hadeeth of 'Ubaadah Bin As-Saamit (Number 3) which said: (So it was raised (the knowledge of it) and maybe this will be good for you). As long as there is Khair in the fact that the determination of Laylat-ul-Qadr has been lifted then why would the Fuqahaa exert themselves in trying to specify and determine it? Why would they reject the Khair for themselves and the rest of the Muslims!? Also why did they not stop at the statement of the Messenger of Allah (saw) which was narrated by Abu Dharr (ra) (Number 1 in his collection quoted earlier) that: (If Allah had willed He would have made you aware of it)?! Then after the will of Allah (swt) is known, does there remain a right or place left for the will of one of his creation!?

Ninthly: We will now look at the narrations reported from 'Abdullah Ibn 'Umar (ra) which have been recorded by Al-Bukhaari and Muslim: (...So search for it in the last seven) and from Muslim (I see your vision in the last ten so seek it in the odd thereof) and (Look for it in the last ten...and don't be overcome in the last seven). These evidences do not settle between the last ten and seven nights and do not specify a specific night for Laylat-ul-Qadr and this confirms what is widespread and known nearly to the point of Tawaatur that Laylat-ul-Qadr falls in the last ten nights. The Messenger of Allah performed I'tikaaf throughout the last ten days and nights of Ramadhaan seeking the Night until he passed away to Allah Ta'Alaa which was highlighted in the Hadeeth of 'Aa'isha (ra) (Number 1 in the various

Hadeeth collection) which indicates clearly that this Hukm (judgement) continued without being abrogated.

Al-Bukhaari (2015) has one narration from Ibn 'Umar (ra) and Muslim has four narrations from him (2762), (2765), (2766), (2767) and none of these come specifying Laylat-ul-Qadr. We then find Ahmad with two narrations from him (4808) and (6474) which specify Laylat-ul-Qadr to be on the twenty-seventh night. By reviewing the Musnad of Al-Imaam Ahmad we find two other reports from Ibn 'Umar (5430) and (5932) which request searching for Laylat-ul-Qadr in the last seven without specifying the twenty-seventh. All of these Hadeeth from Ahmad have been reported from 'Abdullah Ibn Deenaar from Ibn 'Umar so can this contradiction be made sense of? In the book 'Tahdheeb at-Tahdheeb' of Ibn Hajar we find the following statement from Al-'Uqaili: In the reports of the Scholars about him – 'Abdullah Ibn Deenaar – it is said: 'inconsistent'. So the Ahaadeeth from the two Shaikhs (Al-Bukhaari and Muslim) are taken as well as those from Ahmad that request searching for Laylat-ul-Qadr in the last ten or the last seven nights and the two narrations from Imaam Ahmad that specify the searching to the twenty-seventh is left especially as all of these Ahaadeeth came from 'Abdullah Ibn 'Umar (ra).

So we have combined the Saheeh narrations of Abu Sa'eed and 'Abdullah Ibn 'Umar (rah) which call for searching for Laylat-ul-Qadr in the last ten or the last seven and this is the strongest of what has been reported in the Saheeh Ahaadeeth.

As for the collection of Ibn 'Abbaas (ra), the first Hadeeth has come in agreement with the collections of Abu Sa'eed and Ibn 'Umar so is included with them. As for the second that specifies the twenty-third as Laylat-ul-Qadr then this is a vision of Ibn 'Abbaas which he saw and not a report from the Messenger of Allah (saw) and we do not seek to worship Allah (swt) with our visions or anybody else's with the exception to those of the Messenger (saw) or a Ru'yah (vision) of a Sahaabi if he (saw) confirms it. In this Hadeeth the vision of Ibn 'Abbaas has not been confirmed by the Messenger of Allah (saw) and is therefore not a legal proof for us and this is in relation to the Matn (the written text of the Hadeeth).

As for the Sanad (chain) this Hadeeth was related from Simaak from 'Ikraamah from Ibn 'Abbaas and Simaak is Da'eef (weak) amongst the narrators so this Hadeeth is rejected Matnan and Sanadan (By text and chain). As for the third Hadeeth then amongst its transmitters is Mu'aadh Bin Hishaam who has been classified as Da'eef by Al-Humaidy, Yahya Bin Mo'een and Abu Daawood and is therefore also rejected.

As for the collection of Zirr Bin Hubaish or rather the collection of Ubayy Bin Ka'b, we have already shown the weakness in all of them as they were all based on Ijtihad on the signs of the Night of Power, and these signs cannot be understood from one angle especially when there are other narrations which indicate different understandings and conclusions to these very same signs as occurred with the Hadeeth of 'Abdullah Ibn Unais which we have previously mentioned.

As for the collection of Abu Dharr (ra), then the first Hadeeth is in agreement with the majority of Saheeh Ahaadeeth which guide to the last ten and last seven nights. As for the second Hadeeth, it does not contain a mention of Laylat-ul-Qadr but rather indicates the merits of performing Qiyaam on the twenty-third, twenty-fifth and twenty-seventh nights. This is an issue in which there is no dispute and it fits with the view that Laylat-ul-Qadr should be sought in the odd nights of the last seven. As for the third Hadeeth; it has Zaid Bin Al-Hubaab in its chain and Ahmad Bin Hanbal said about him: He was truthful and precise in his words from Mu'aawiyah Bin Saalih but made a lot of mistakes. Ibn Hibbaan mentioned him in Ath-Thiqaat and said: He made errors. His Hadeeth are considered if they are narrated from those who are well known but if they are unknown they contain a lot of what is rejected. He is therefore not of the level of the Saheeh narrators and this is especially the case if what he comes with is in contradiction to what the Saheeh narrators have come with.

As for the collection of 'Ubaadah Bin As-Saamit (ra) then they are in agreement with the Saheeh Ahaadeeth that order the searching for Laylat-ul-Qadr in the odd nights of the last ten or seven. As for the 'Various Hadeeth Collection', then the narrations of 'Aa'sha, Umm Salamah, 'Umar Ibn Al-Khattaab, Anas Bin Maalik (rah) all mention the last ten or seven and the odd nights within them.

In relation to the narration of Mu'aawiyah from Ibn Hibbaan (Number 4) which stated that 'Laylat-ul-Qadr falls on the twenty-seventh night' it has in this report 'Ubaidullah Bin Mu'aadh bin Mu'aadh and Yahya Bin Mo'een said: Ibn Sameenah, Shabbaab and 'Ubaidullah Bin Mu'aadh are not people of Hadeeth, they (or their words) hold no value. This Hadeeth is therefore rejected in its Sanad even if some of the Muhadditheen have classified him as trustworthy, then trust in a person is one thing and the correctness of Hadeeth is something else. It could be that the narrator is trustworthy, upright and truthful but not Daabit (accurate) or Haafizh (can remember well) and therefore due to this reason is not a suitable narrator of Hadeeth and 'Ubaidullah Bin Mu'aadh falls into this category.

The narration of Abu Hurairah (Number 5) its Sanad as collected by Abu Daawood At-Tayaalissy is: [Younus said: Abu Daawood told us: 'Imraan told us from Qataadah from Abu Maymoonah from Abu Hurairah]. Abu Maymoonah has been judged competent by a number of Muhadditheen and has been described as Al-Faarisy. Ad-Daaraqutni is amongst those who have verified him however the Abu Maymoonah in this Hadeeth is not Abu Maymoonah Al-Faarisy who has been described with trust, uprightness and truthfulness and Ad-Daaraqutni brought attention to this difference. He said: Abu Maymoonah from Abu Hurairah from Qataadah is unknown (Majhool) and is therefore left (i.e. not accepted). This Hadeeth is therefore weak and rejected.

As for Hadeeth 8 from Al-Bayhaqi it includes Ahmad Bin Abdul-Jabbaar and Ibn Hajar said concerning him in Tahdheeb At-Tahdheeb: [Ibn Abi Haatim said: He has been written about and his narrations have been held back due to the amount of talk concerning him. Mateen said: He used to lie. Abu Ahmad Al-Haakim said: He is not strong with them and Ibn Aqdah left him (and his narration). Ibn 'Adi said: I saw the people of Al-'Iraq reach a consensus about his weakness and Ibn 'Aqdah did not relate from him...]. So Ahmad Bin Abdul-Jabbaar is classified as weak with the majority of 'Ulamaa and therefore this Hadeeth is also rejected.

In respect to the Hadeeth of Jaabir Bin samurah (Number 12) which was reported by At-Tabaraani in Al-Mu'jam As-Sagheer it includes in the report Simaak Bin Harb and he is Da'eef which we have made clear already more than once so it is rejected. The Hadeeth of Nu'maan Bin Basheer (Number 9) we say in respect to it what we have said for Hadeeth Number 2 from the collection of Abu Dharr in that it does not include in it a mention of Laylat-ul-Qadr.

As for the Hadeeth of 'Abdullah Ibn Mas'ood (ra) it includes in the report 'Abdullah Bin Al-Jahm and Abu Zur'ah said about him: I saw him and did not write or report from him and he was truthful. Abu haatim said: I saw him and did not write from him. He used to spread/circulate (speech). Amongst the transmitters is also 'Amru Bin Abi Qais Az-Zaari and Al-Aajiry said from Abu Daawood: In his Hadeeth there is a mistake. 'Uthmaan Bin Abi Shaibah said: There is no problem in him, he used to be a little obscure in some Hadeeth. So in this Hadeeth there is flexibility and weakness and can therefore not stand up against the Saheeh Ahaadeeth ever. On top of this the Hadeeth did not specify Laylat-ul-Qadr with a specific night but rather moved between the twenty-third and twenty-seventh night.

We sum up what preceded by saying that the Messenger of Allah (saw) knew at the beginning when Laylat-ul-Qadr was, then Allah Al-'Aleem Al-Khabeer caused this knowledge to be forgotten. This remained the situation until he (saw) passed away and as long as the Messenger of Allah (saw) did not know its time then it is not allowed for any of the Sahaabah or other than them to specify the night. It is obligatory on all of the Muslims, the 'Ulamaa and other than them to be satisfied and find it sufficient to search and look for Laylat-ul-Qadr in the last ten or seven nights of Ramadhaan within its odd nights. It will not then fall in

other than the twenty-first, twenty-third, twenty-fifth, twenty-seventh or twenty-ninth night like has been mentioned in the Hadeeth reported by Abu Daawood At-Tayaalissy, number 1 in the collection of 'Abdullah Ibn Abbaas on the way of Abu Bakrah with the wording: (...with nine remaining, or seven remaining, or five remaining, or three remaining or the last night).

## Chapter 11

### Al-I'tikaaf

Definition of Al-I'tikaaf:

Al-I'tikaaf is the sticking, devoting and keeping to something where he commits to it and confines himself upon it. I'tikaaf has been mentioned with this meaning in a number of Ayaat of Qur'aan. Allah (swt) says:

وَجَوَزْنَا بِبَنِي إِسْرَائِيلَ الْبَحْرَ فَأَتَوْا عَلَىٰ قَوْمٍ يَعْكُفُونَ عَلَىٰ  
أَصْنَانٍ لَهُمْ قَالُوا يَا مَوْسَىٰ أَجْعَلْ لَنَا إِلَهًا كَمَا لَهُمْ آلِهَةٌ قَالَ إِنَّكُمْ قَوْمٌ  
تَجْهَلُونَ

<<And We brought the Children of Israel (with safety) across the sea, and they came upon a people devoted to some of their idols (in worship). They said: "O Mûsa (Moses)! Make for us an ilâh (a god) as they have âlihah (gods)." He said: "Verily, you are a people who know not>>

(Al-A'araaf 138)

And He (swt) said:

قَالَ فَأَذْهَبْ فَإِنَّ لَكَ فِي آلِ حَيَوَةٍ أَنْ تَقُولَ لِي مَا سَأَلْتُ وَإِنَّ لَكَ مَوْجِدًا لَنْ  
تُخْلَفَهُ وَأَنْظُرْ إِلَىٰ إِلَهِكَ الَّذِي ظَلْتَ عَلَيْهِ عَاكِفًا لَنْ نَحْرُقَنَّهُ ثُمَّ  
لَنْ نَسْفَنَّهُ فِي آلِ حَيَمٍ نَسْفًا

<Mûsa (Moses) said: "Then go away! And verily, your (punishment) in this life will be that you will say: "Touch me not and verily you have a promise that will not fail. And look at your ilâh (god), to which you have been devoted. We will certainly burn it, and scatter its particles in the sea>.

(Ta-Ha 97)

And He Azza Wa Jalla said:

وَلَقَدْ آتَيْنَا إِبْرَاهِيمَ رُشْدَهُ مِنْ قَبْلُ وَلَكُنَّا بِهِ عَالِمِينَ (٥١) إِذْ قَالَ  
لِأَبِيهِ وَقَوْمِهِ مَا مَلِكُهُمْ أَن يَتَّبِعُوا آلِيكَ وَالْيَهُودَ وَنَحْنُ نَعْبُدُ اللَّهَ الَّذِي كَفَرْنَا بِهِ نَكُونُونَ

And indeed We bestowed aforetime on Ibrâhim (Abraham) his (portion of) guidance, and We were Well-Acquainted with him (as to his Belief in the Oneness of Allâh). (51) When he said to his father and his people: "What are these images, to which you are devoted?"

(Al-Anbiya 51-2)

And:

هُمُ الَّذِينَ كَفَرُوا وَصَدُّوكُمْ عَنِ الْمَسْجِدِ الْحَرَامِ وَالْمَدِينَةِ مَا يَكُونُ لَكُمْ عِلْمٌ بِمَا يُصَلِّونَ  
يَبْئُتُ عَمَلَهُ

They are the ones who disbelieved (in the Oneness of Allâh — Islâmic Monotheism), and hindered you from Al-Masjid-al-Harâm (at Makkah) and detained the sacrificial animals, from reaching their place of sacrifice

(Al-Fath 25)

There are other Ayaat that mention I'tikaaf and all of them hold the same meaning which is compelling yourself to something and confining yourself to it. This is the linguistic meaning of Al-I'tikaaf.

As for the Shar'a (meaning), Al-I'tikaaf is defined as staying in the Masjid for a specific period with the intention of getting closer to Allah Subhaanahu. It has the same meaning as the word Al-Jiwaar or Al-Mujaawarah. Al-Bukhaari (4922), Muslim and Ahmad reported from Jaabir Bin 'Abdullah (ra) that the Messenger of Allah (saw) said: << I was secluded in the cave of Hiraah and when I finished my seclusion (Jiwaari) I descended...>>. Al-Bukhaari (2020) reported from 'Aa'isha (ra) who said: <<The Messenger of Allah (saw) used to seclude (yujaawiru) himself in the last ten of Ramadhaan and he said: Look for Laylat-ul-Qadr in the last ten of Ramadhaan>>. Muslim (2770) reported from Sa'eed Al-Khudri (ra) who said: <<The Messenger of Allah (saw) used to seclude himself (yujaawiru) in Ramdhaan the ten days that were in the middle of the month...>>.

As such it is not correct to differentiate between Al-I'tikaaf and Al-Mujaawarah or Al-Jiwaar like Abdur-Razzaaq (8003) reported from 'Ataa Bin Abi Rabaah in his statement: [Al-I'tikaaf is what is inside the Masjid whereas Al-Jiwaar means at the door of the Masjid or inside it]. This differentiation is clearly mistaken and clearly weak and even in the Arabic dictionaries Al-Jiwaar and Al-Mujaawarah hold the same meaning as I'tikaaf so in Lisaan-ul-'Arab, Mukhtaar-us-Saheeh and Al-Qamoos Al-Muheet it is said: Al-Mujaawarah: Al-I'tikaaf in the Masjid.

The Hukm (ruling) of I'tikaaf:

The following Ahaadeeth have been mentioned in relation to Laylat-ul-Qadr:

- 1) 'Aa'isha (ra) the wife of the Prophet (saw) narrated: <<That the Prophet (saw) used to make I'tikaaf in the last ten of Ramadhaan until Allah (swt) caused him to pass away and then his wives made I'tikaaf after him>>. Narrated by Al-Bukhaari (2025), Muslim, Abu Daawood, An-Nasaa'i and Ahmad.
- 2) Ubayy Bin Ka'b (ra) said: <<That the Messenger of Allah (saw) used to perform I'tikaaf in the last ten of Ramadhaan. He travelled one year so did not perform I'tikaaf and the following year he performed I'tikaaf for twenty (days)>>. Narrated by An-Nasaa'i (3330) in As-Sunan Al-Kubraa, Abu Daawood, Ibn Maajah, Ahmad, Ibn Hibbaan and Ibn Khuzaimah.
- 3) Abu Sa'eed Al-Khudri (ra) said: <<That the Messenger of Allah (saw) observed i'tikaf (confined himself for devotion and prayer) in the first ten (days) of Ramadan; he then observed i'tikaf in the middle ten (days) in a Turkish tent with a mat hanging at its door. He (the Holy Prophet) took hold of that mat and placed it in the nook of the tent. He then put his head out and talked with people and they came near him, and he (the Holy Prophet) said: I observed i'tikaf in the first ten (nights and days) in order to seek that night (Lailat-ul-Qadr). I then observed i'tikaf in the middle ten days. Then (an angel) was sent to me and I was told that this (night) is among the last ten (nights). He who among you likes to observe i'tikaf should do so; and the people observed it along with him>>. Narrated by Muslim (2771), Al-Bukhaari, Ahmad, Maalik, Abu Daawood and An-Nasaa'i.
- 4) 'Amarah Bint Abd-ur-Rahmaan from 'Aa'isha (ra):

<<The Messenger of Allah used to practice I'tikaf every year in the month of Ramadan. And after offering the morning prayer, he used to enter the place of his I'tikaaf. 'Aisha asked his permission to let her practice I'tikaaf and he allowed her, and so she pitched a tent in the mosque. When Hafsa heard of that, she also pitched a tent (for herself), and when Zainab heard of that, she too pitched another tent. When, in the morning, Allah's Apostle had finished the morning prayer, he saw four tents and asked, "What is this?" He was informed about it. He then said, "What made them do this? Is it righteousness? Remove the tents, for I do not want to see them." So, the tents were removed. The Prophet did not perform I'tikaaf that year in the month of Ramadan, but did it in the last ten days of Shawwal>>.

Reported by Al-Bukhaari (2045), Maalik, Ahmad, Ibn Hibbaan and Ibn Khuzaimah.

By examining these four Ahaadeeth we find that the Messenger of Allah (saw) was consistent in making I'tikaaf in the last ten days of Ramadhaan until his passing away and if due to travel was not able to perform it then in place of that he would make I'tikaaf for twenty days in the following year and all of this confirms to us that I'tikaaf is an act of (Qurbah) gaining closeness to Allah (swt).

Al-Qurbah is either obligatory (waajib/fard) or Sunnah (Mandoob) and the third and fourth evidences have come with a Qareenah (indication) that I'tikaaf is a Mandoob Qurbah and not an obligatory one. The third Hadeeth says: <So whoever from amongst you would like to perform I'tikaaf then perform I'tikaaf so the people performed it with him> so the Hadeeth attaches the performance of I'tikaaf to the wish of the people and this is a clear evidence that it is not obligatory so what remains is recommendation. Similar to this is the fourth Hadeeth which says: <I wasn't in I'tikaaf so I returned and when I had broken (finished) the fast I made I'tikaaf in ten days of Shawaal> and the Messenger of Allah (saw) would not leave a Qurbah if it had been obligatory.

This Issue, that the Hukm (ruling) of it is recommendation (Nadb) was not differed upon with the exception of a few of the school (madhhab) of Maalik and they said that I'tikaaf was permissible and not recommended. Ibn al-'Arabi who was Maaliki rejected this saying that it is a Sunnah Mu'akkadah. Ibn Battaal said: The persistence of the Prophet (saw) (in this action) indicates that it is Mu'akkad (confirmed/consistent). Ibn Hajar said: [Abu Daawood said from Ahmad: I do not know of any of the Ulamaa that differ in that it is Sunnah].

As for the doubt that some of the followers of Maalik relied upon it was the statement of Maalik: [I have thought about I'tikaaf and the fact that the Sahaabah left it despite their strict following of the Athar (Hadeeth) and it occurred to me that it was like Wisaal and I saw that they strongly left that]. This was mentioned by Ibn Hajar in Fath-ul-Baari and I searched for it in the Muwatta' (of Maalik) but could not find reference to it so this doubt contains a lot of weakness. Then if you look at the Muwatta' you find that Imaam Maalik has stated that I'tikaaf is Sunnah in more than one expression so in part one in page (267) the following was stated: [Maalik said: I have not heard of anyone from the people of knowledge imposing a condition on I'tikaaf and verily I'tikaaf is only an action from amongst the actions like prayer, fasting and Hajj and what is similar to those of actions of which are obligatory or recommended, so whoever enters anything of them then he has acted from what remains from the Sunnah actions. He should not invent something which the Muslims had not already done, and not impose conditions or innovate. The Messenger of Allah (saw) indeed

performed I'tikaaf and the Muslims were aware of the Sunnah of I'tikaaf]. Therefore I'tikaaf is Sunnah and this Sunnah is affirmed in the last ten (days and nights) of Ramadhaan.

Where is I'tikaaf performed?

Many Ahaadeeth have been mentioned in this Mas'ala and there is no need to present all of them here. It is enough for us to look at a number of them because they contain a rich benefit:

1) Allah (swt) says:

وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ  
تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرَبُوهَا كَذَلِكَ يُبَيِّنُ  
اللَّهُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ

And do not have sexual relations with them (your wives) while you are in I'tikâf in the mosques. These are the limits (set) by Allâh, so approach them not. Thus does Allâh make clear His Ayât to mankind that they may become Al- Muttaqun.

(Al-Baqarah 187)

2) 'Aa'isha (ra) said:

<< The Prophet used to (put) bend his head (out) to me while he was in I'tikaaf in the Masjid during my monthly periods and I would comb and oil his hair>>.

Related by Al-Bukhaari (2028), Abu Daawood, Ibn Maajah and Ahmad with differences in the wording.

3) 'Ali Bin Al-Husein related from Safiyah (ra) the wife of the Prophet (saw) that she told him:

<<She approached the Messenger of Allah (saw) making a visit to him whilst he was in I'tikaaf in the Masjid in the last ten of Ramadhaan. She spoke to him for an hour then went to leave and he (saw) accompanied her...>>.

Narrated by Al-Bukhaari (2035), Muslim, Abu Daawood, An-Nasaa'i, Ibn Maajah and Ahmad.

4) Abu Sa'eed Al-Khudri (ra) said:

<<The Messenger of Allah (saw) made I'tikaaf in the Masjid. He heard them reciting aloud, he uncovered the curtain and said: Verily all of you are conversing with your lord, so do not let one of you impede the other, and don't raise your voices above each other in your recitation or he said in your Salaah>>.

Narrated by Abu Daawood (1332), Ahmad, Ibn Khuzaimah and Al-Bayhaqi. An-Nawawi verified it as Saheeh.

5) Abu Sa'eed Al-Khudri (ra) also said:

<<Once we were in I'tikaaf with the Messenger of Allah (saw) in the middle ten days of (Ramadan) and we came out of it in the morning of the twentieth, and the Messenger of Allah (saw) delivered a sermon on the 20th (of Ramadan) and said, 'I was informed (of the date) of the Night of Qadr (in my dream) but had forgotten it. So, look for it in the odd nights of the last ten nights of the month of Ramadan. I saw myself prostrating in mud and water on that night (as a sign of the Night of Qadr). So, whoever had been in I'tikaaf with Allah's Apostle should return for it.' The people

returned to the mosque (for I'tikaaf). There was no trace of clouds in the sky. But all of a sudden a cloud came and it rained. Then the prayer was established (they stood for the prayer) and the Messenger of Allah (saw) prostrated in mud and water and I saw mud over the forehead and the nose of the Prophet>>.

Narrated by Al-Imaam Al-Bukhaari (2036), Muslim, Ahmad, Maalik, Ibn Hibbaan and Al-Bayhaqi.

And from the Aathaar (narrations of the companions, followers) the following has been mentioned:

1) Hudhaifah (ra) said:

<...I'tikaaf is only in these three Masaajid: Masjid Al-Haraam, Masjid Al-Madeenah and Masjid Al-Aqsa>.

Reported by Abd-ur-Razzaaq (8014), At-Tabaraani, Al-Bayhaqi, Ibn Abi Shaibah and Sa'eed Bin Mansoor. Al-Haithami said: [Its transmitters are Saheeh].

2) From Muhammad Bin Shihab Az-Zuhri that he said:

<There is no I'tikaaf except in a Masjid of Jamaa'ah (congregation)>.

Related by Abd-ur-Razzaaq (8017) and Ibn Abi Shaibah.

3) From 'Ataa Bin Abi Rabaah who said:

<There is no I'tikaaf except in the Masjid of Makkah and the Masjid of Al-Madeenah>.

Related by Abd-ur-Razzaaq (8020).

4) Sa'eed Bin Al-Musayyib said:

<Whoever vows to perform I'tikaaf in the Masjid of Eeliyaa and then performs it in the Masjid of the Prophet (saw) in Al-Madeenah then it replaces it and whoever vows to make I'tikaaf in the Prophets Masjid (saw) in Al-Madeenah and then performs it in Al-Masjid Al-Haraam then it replaces it>.

Abd-ur-Razzaaq (8025).

Ibn Hajar says: [The 'Ulamaa have agreed upon the condition of performing I'tikaaf in the Masjid, except for Muhammad Ibn Lubaabah Al-Maaliky who permitted it in any place and the Hanafiyah permitted the woman to perform I'tikaaf in the Masjid of her house, the place in the house where Salaah is performed, there is and Shaafi' view supporting this view as well some of his and Maalik's followers with the reasoning that performing the extra actions (prayers) is better in the house. Abu Haneefah and Ahmad have specified the Masjid in which the prayers are offered. Abu Yousuf specified it for the Waajib only and any Masjid for the Nawaafil. The Majority in general allowed any Masjid except for the one who is compelled with Jum'ah, so Ash-Shaafi' recommended the congregational Masjid and Maalik stipulated it because Jum'ah interrupts the I'tikaaf according to them. So it is obligatory for Maalik and a group of the Salaf like Az-Zuhri specified it to the congregational Masaajid absolutely. Ash-Shaafi' inclined to this in an older view and Hudhaifah Bin Al-Yamaan specified it to the three Masaaji, 'Ataa to the Masjids of Makkah and Al-Madeenah and Ibn ul-Musayyib to Al-Madeenah].

After displaying the views of the Fuqahaa as they were quoted by Ibn Hajar in Al-Fath-ul-Baari we find that as per usual they barely agree upon a Hukm (legal ruling). They delve in to branches and extractions without regard for the clear texts and what they guide to until the people pass the statement amongst each other: [Ikhtilaaf Ummati Rahmah] (The difference

in my Ummah is a mercy) as if it is a Prophetic Hadeeth, which it isn't and has no basis for it. Also the statement: [Ikhtilaaf Ashaabi lakum Rahmah] (There is Rahmah for you in the differences from my companions) and that it is a Prophetic Hadeeth, although it is not Saheeh. It has been narrated by Al-Bayhaqi, At-Tabaraani, Ad-Daylami amongst others from Ibn Abbaas with a Sanad (chain) which is Munqati' (interrupted) so it is not Saheeh. And what has led them prevented them when they have found between their hands the texts (evidences) that solve the issues to stop at them and what they guide to. These differences which became deeply rooted in the Muslims are enough for us to deal with; they spread like they were different or separate legislations and may Allah forgive everyone.

All of the texts either from the Noble Quran or the Prophet Sunnah do not mention other than the Masjid or Masaajid. They have come without explaining if the Masaajid are for congregation (Jamaa'ah) or otherwise, or that they are three, or that they are the Masaajid in which Jum'ah is performed or not or that the I'tikaaf in them is Waajib like the vow or Naafil and Mandoob. It therefore seems clear that a lot of the branches and details found in the books of Fiqh on this matter are not backed up or supported by the Shar'a.

The truth and correct view is that I'tikaaf is not performed except in the Masjid, a place which Muslims have specified for Salaah and there is no difference between the three (great) Masaajid and other than them or the congregational Masaajid and other than them. Whatever has been named as a Masjid it is therefore allowed to make I'tikaaf in it. As for what has been said that it is necessary to be where Jum'ah is performed or otherwise the I'tikaaf will be interrupted by the person leaving the Masjid of I'tikaaf to go to the Masjid of Jum'ah then the response to this will come Bi Idhnillah when we discuss what it is permitted for the one in I'tikaaf to do. As for the statement that I'tikaaf is allowed to be performed in any place then this is a view that has no evidence, rather the existent evidences oppose this view so this view has no value.

It could be said that the mention of Masaajid in the texts does not indicate a condition and only came as information about what occurred and what comes to us as information (about circumstances) is not considered a condition? We respond to this by saying that the Ayaah ended by saying:

تلك حدود الله فلا تقربوها كذلك يبين الله  
آياته للناس لعلهم يتقون

(These are the limits of Allah so don't go near them and like this Allah explains his signs so that you may become Al-Muttaqoon)

This negates the view that what is contained in the main part of the Ayaah is just information which one is not bound with so the statement of Allah (swt):

ولا تبأشروهن وأنتم عاكفون في المساجد

(Do not have sexual relations with them (wives/women) whilst you are performing I'tikaaf in the Masaajid)

This enters in to the statement: (These are the limits of Allah so don't go near them...). It is not correct to include it into the last part of the statement if the sexual relations for example were in other than the Masjid or that the actions inside the Masjid did not reach the level of

Sexual relations (intercourse). This is like what Al-Bayhaq reported (321/4), Abd-ur Razzaaq, Ibn Abi Shaibah and Ibn Jareer At-Tabari from Ibn Abbaas (ra) that he said: <'And do not have intercourse with your wife whilst you are in I'tikaaf in the Masaajid'. He said: Al-Mubaasharah (fondling), touching are all (part of) intercourse) but Allah Azza wa Jalla names how he wishes to name>. Ibn ul-Mundhir reported that there existed an Ijmaa' (consensus) that Al-Mubaasharah in this Ayah meant intercourse so the mention of intercourse and the mention of Masaajid are two necessary matters which are not separate which negates that this is merely information.

Then let us now examine the fifth Hadeeth: (So, whoever had been in I'tikaaf with Allah's Apostle should return for it.' The people returned to the mosque (for I'tikaaf)). So this is a command from him (saw) for those who had been performing I'tikaaf to return to the Masjid and had the Masjid not been the place of I'tikaaf then why was command issued by the Prophet (saw) like this.

As for the reports (Aathar) from the Sahaabah and Taabi'oon they do not count for more than their own personal Ijtihaadaat. As for the statement of Ibn ul-Musayyib (Number 4) it does not oppose with some reconciliation what we have already said in terms of the obligation of I'tikaaf being in the Masjid and it is an explanation to the preference of these Masaajid some over others.

When is Al-I'tikaaf?

It is correct and valid to perform I'tikaaf in any day or night throughout the year without exception. This is because there has not been mentioned in it any restriction or specification and it came Mutlaq (unrestricted) without Taqyeed (restriction) and 'Aam (general) without takhsees (specification). What came in relation to it in terms of the mentioning of the last ten of Ramadhaan this only came from the angle of preference and recommendation and did not come as an obligatory condition. We will now look at the texts that are related to this issue to extract a ruling from them:

1) 'Abdullah Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) performed I'tikaaf in the last ten of Ramadhaan>>

Narrated by Al-Bukhaari (2025), Muslim, Abu Daawood and Ibn Maajah.

2) Abu Hurairah (ra) said:

<<The Prophet (saw) use to make I'tikaaf for ten days in every Ramadhaan, on the year in which he (saw) was taken (passed away) he made I'tikaaf for twenty days>>.

Narrated by Al-Bukhaari (2044), Abu Daawood, An-Nasaa'i, Ibn Maajah, Ahmad, Ibn Khuzaimah and Ad-Daarami.

3) Umm Salamah (ra) said:

<<That the Prophet (saw) made I'tikaaf in the first year in the first ten days, then the middle ten and then the last ten and he (saw) said: I was shown Laylat-ul-Qadr and

then caused to forget it so the Messenger of Allah (saw) continued making I'tikaaf in them (the last ten) until the Messenger of Allah (saw) passed away>>.

Narrated by At-Tabaraani in the book Al-Mu'jam Al-Kabeer (994/23). Al-Haithami said: Its Isnaad is Hasan and we mentioned it earlier in the chapter: [Standing for Qiyaam in Ramadhaan and in Laylat-ul-Qadr.

4) 'Amrah Bint Abd-ur-Rahmaan related from 'Aa'isha (ra) that she said:

<<That the Messenger of Allah (saw) mentioned that he made I'tikaaf in the last ten of Ramadhaan, 'Aa'isha sought permission and he permitted her and Hafsa asked 'Aa'isha to seek permission for her so she did so and when Zainab Bint Jahsh saw that she ordered that a tent be put up for her. She said: When the Messenger of Allah (saw) used to pray he would go to his place and he saw the tent and asked: What's this? They said: The buildings (tents) of 'Aai'sha, Hafsa and Zainab so the Messenger of Allah (saw) said: Did they intend righteousness by this? I am not making I'tikaaf (now), so he returned and when he had finished the fasting he make I'tikaaf in ten days of Shawaal>>. Narrated by Al-Bukhaari (2045), Maalik, Ahmad, Ibn Hibbaan and Ibn Khuzaimah and it has been mentioned by us previously. The ten of Shawaal here refers to the first ten as was mentioned in the narration from Muslim (2285), Abu Daawood and Al-Bayhaqi. On the authority of 'Aa'isha (ra) that she said: <<'Aa'isha (Allah be pleased with her) reported that when the Messenger of Allah (may peace be upon him) decided to observe i'tikaf, he prayed in the morning and then went to the place of his i'tikaf, and he commanded that a tent should be pitched for him, and it was pitched. He (once) decided to observe i'tikaf in the last ten days of Ramadan. Zainab (the wife of the Holy Prophet) commanded that a tent should be pitched for her. It was pitched accordingly. And some other wives of Allah's Apostle (saw) commanded that tents should be pitched for them too. And they were pitched. When the Messenger of Allah (saw) offered the morning prayer, he looked and found (so many) tents. Thereupon he said: What is this virtue that these (ladies) have decided to acquire? He commanded his tent to be struck and abandoned i'tikaf in the month of Ramadan and postponed it to the first ten days of Shawwal>>. However the ten from Shawaal according to the narration from Al-Bukhaari is the last ten so in Al-Bukhaari (2041) from 'Aa'isha (ra) that she said: <<...So when the Messenger of Allah (saw) left from performing Fajr he saw four tents and said: Tell me about what's going on with them (i.e. about the wives setting up tents). He said: What provoked them to do this? Piety? Take them down so that I don't see them. They were taken down and he (saw) did not make I'tikaaf in Ramadhaan until he made I'tikaaf in the last ten of Shawaal>>.

5) Ibn 'Umar (ra) said:

<<That 'Umar asked the Prophet (saw): He said: I made a vow in Jaahiliyah that I would make I'tikaaf for a night in Masjid Al-Haraam? He (saw) said: Fulfil your vow>>.

Narrated by Al-Bukhaari (2032), An-Nasaa'i, Abu Daawood and Ad-Daaraqutni. Al-Bukhaari (2042) also narrated from Ibn 'Umar: <<...So the Prophet (saw) said to him: Fulfil your vow: So he made I'tikaaf for a night>>.

These texts make clear what we have already said in the main part of this discussion that I'tikaaf is correct and valid in any day of the year and what has been mentioned in the texts about the occurrence of I'tikaaf in the last ten days of Ramadhān has only come to indicate the preference and Nadb (recommendation) and not more than that. This is because the second and third Hadeeth mentioned other than the last ten so in the second Hadeeth it mentions twenty days and in the third it mentioned the first ten and the middle ten and then the last ten. However it is the fourth Hadeeth that has made clear in what it indicates in relation to the permission of performing I'tikaaf in other than the last ten and indeed in other than Ramadhān. And this is because the Messenger of Allah (saw) performed I'tikaaf in Shawāal with a difference in the narrations, one mentioning the first ten days of Shawāal and the other mentioning the last ten. Both these narrations indicate that I'tikaaf is permitted in other than Ramadhān. As for the fifth Hadeeth it has come in the most absolute (Mutlaq) way, where it has not restricted I'tikaaf to any time, which indicates with a confirming meaning that I'tikaaf is permitted in any day from the days of the year. However I return to say that I'tikaaf in Ramadhān is better than any other time and that performing I'tikaaf in the last ten of Ramadhān is better than any other time. As for the preference of I'tikaaf in the last ten this is due to the seeking of Laylat-ul-Qadr and what a Muslim can gain by seeking it and Allah (swt) granting it to him then there is a benefit to him that has no equal in terms of reward (and blessings).

When does Al-I'tikaaf begin?

We mean here the time that the one performing I'tikaaf enters into the place where he will perform it and not the time that he departs.

The Fuqahāa have two different opinions regarding the beginning of I'tikaaf: Ishaq Ibn Raahuwaih, Al-Awzaa'i, Al-Laith and Ahmad in a report from him have said that if someone wants to perform I'tikaaf, he prays Fajr and then enters the place in which he will stay for I'tikaaf. The others who include the three Imaams and Ahmad in a second report that if someone wants to perform I'tikaaf then he enters the place in which he will stay before the sun sets (i.e. Maghrib). At-Tirmidhi said: [Working upon this (view) some of the people of knowledge said: If someone wishes to perform I'tikaaf he prays Fajr and then enters the place of his I'tikaaf and this is the view of Ahmad Bin Hanbal and Ishaq Bin Ibraaheem. Some have said: If someone wants to perform I'tikaaf then he sits in his place after the sun sets of the night in which he wants to make I'tikaaf for the next day and this is the view of Sufyaan Ath-Thawri and Maalik Bin Anas].

The first group deduced their view from the Hadeeth of 'Aa'isha (ra) when she said: <<The Prophet (saw) used to perform I'tikaaf in the last ten of Ramadhān, I would pitch a tent for him and after praying Fajr he would enter it>>. Recorded by Al-Bukhaari (2033). Muslim (2785), An-Nasaa'i in As-Sunan Al-Kubraa, Abu Daawood, At-Tirmidhi, Ibn Maajah and Ahmad recorded it with the following wording: <<The Messenger of Allah (saw) used to

when he wanted perform I'tikaaf pray Fajr and then enter the place in which he would stay...>>.

As for the second group, including the three Imaams and Imaam Ahmad in one view attributed to him they said: The one performing I'tikaaf (al-Mu'takif) enters his place of I'tikaaf (Mu'takaf) before the sun sets if he wants to perform I'tikaaf for a month, or ten days and they interpreted the Hadeeth of 'Aa'isha (ra) by saying that the Prophet (saw) entered his place of I'tikaaf and then interrupted it and then went into isolation after the morning prayer and that he had been already staying in the Masjid in I'tikaaf before the sun had set!! Ash-Shaaf'i said in his book Al-Umm: [Whoever obliges upon himself I'tikaaf for a month then he enters into it before the setting of the sun and exits from it when the sun sets at the end of the month].

And by taking a closer look at these two views it is possible to reconcile between them. The second view of entering before the setting of the sun can be restricted to if the Mu'takif wants to specify the day or ten days or month for example that he intends for his I'tikaaf. As Muslims view the beginning of the day with the coming of the night after Maghrib. So the beginning of the day or beginning of the month begins without doubt at the coming of the night so their statement that the Mu'takif enters his Mu'takaf before the setting of the sun of the preceding day is correct without doubt. And I do not believe that the first group contradicts this view and the only real difference or dispute is in relation to the reliance on the action of the Messenger of Allah (saw), did he begin his I'tikaaf at the beginning of the night or after the morning prayer?

The correct view which is necessary to go towards is that the Messenger of Allah (saw) had begun his I'tikaaf after the Salaah of Fajr (Subh) and this came literally in the text and there is no proof for opposition to it with interpretations which are far off. The Hadeeth says clearly: <So he prayed As-Subh (fajr) and then entered it> and he said <If he wanted to perform I'tikaaf he prayed As-Subh and then entered his Mu'takaf>. This Mantooq (literal text) that says that I'tikaaf begins after Fajr is not possible to be interpreted with other than what it guides to and says. This would be possible if instead it was said: (When he prayed Subh he returned to his Mu'takaf) or (Then he led the Muslims in Salaat-us-Subh and entered upon his Mu'takaf again). If it had come in this way then it could have been an evidence for their claims however if it didn't come in this way and rather came in a completely clear speech: <If he wanted to perform I'tikaaf he prayed As-Subh and entered his Mu'takaf (place of staying in I'tikaaf)>, then in this case it is necessary to stop at these words and do not oppose its meanings with far off interpretations.

And I say here at this point the following: It is necessary not to understand from this that I'tikaaf is only correct if begun after Salaat-ul-Fajr or before sunset. Rather just as it is correct and valid to begin I'tikaaf after the Fajr prayer or after the sun has set it is also correct and valid to start at any time in the night and day. As for what preceded and what we have discussed of evidences then this has only been in response to the opinions of the A'immah and Fuqahaa and their process of deduction and not more than this. Because the discussion reached the conclusion that the Messenger of Allah (saw) made I'tikaaf at the end of Fajr does not indicate that it is compulsory or that it is a Shart (condition) because there is no Daleel (evidence) or Qareenah (indication) that has come indicating compulsion or obligation.

The time period of I'tikaaf:

The A'immah and Fuqahaa have agreed that there is no upper limit time period for performing I'tikaaf and only differed in its lower or lowest permitted limit: Al-Hanafiyah said that there was a minimum time of a day, Al-Maalikiyah said a day and night and Ash-Shaafi', Ahmad and Ishaq ibn Raahuwaih said: The minimum is what is included in the word Labth (staying) without stipulation of Qu'ood (sitting). This last opinion is correct and other than this of specifying does not have a Daleel from the Shar'a where there is no text present that specifies the period of I'tikaaf, neither a maximum period nor minimum limit so the order remains in its absolute form without restriction.

As for what has appeared in the Ahaadeeth in relation to the Messenger of Allah (saw) having performed I'tikaaf for ten days of Ramadhaan or Shawaal or twenty days, these do not account for more than just describing what occurred of realities (due to circumstances) and there is not Mafhoom (understanding) connected to this and it is not obligatory to bind to this or is it correct and valid to place any restriction.

Al-Bukhaari (2032), Abu Daawood, An-Nasaa'i and Ad-Daaraqutni narrated from Ibn 'Umar (ra) that he said: <<That 'Umar (ra) asked the Prophet (saw) saying: I vowed to make I'tikaaf for a night in Masjid Al-Haraam in the time of Jaahiliyah? He (saw) responded: Fulfil your oath>>. In another narration from Al-Bukhaari (2042) it was said: <<...So the Prophet (saw) said to him: Fulfil your oath, so he ('Umar) performed the I'tikaaf>>. This is a Saheeh evidence that negates the opinion of Al-Hanafiyah that the minimum period for I'tikaaf is a day because a day includes the daytime and night. It also repudiates the opinion of the Maalikiyah when they say a day and a night. With that in mind we say that this evidence does not allow us to limit it to less than a night because again this was linked to a specific circumstance and reality. Ibn Abi Shaibah reported (501/4) from a Sahaabi Ya'laa Bin Umayyah (ra) that he was saying to his companion: < Lets go to the Masjid and let us make I'tikaaf for an hour> and Abd-ur-Razzaaq (8006) and Ibn Hazm reported: <I am going to stya in the Masjid for an hour and I do not stay except to perform I'tikaaf>.This is an Athar (not Hadeeth) which can be accommodated.

In light of this I say: I'tikaaf is not specified to a time span so it is valid to make I'tikaaf for a month or two months just as it is valid to do it for one or two hours and as long as this is the case then it is allowed to begin it in the morning, Zhohr time, at Asr or after Salaat-ul-'Ishaa or at Fajr time without any problem in this or any Shar'i prevention. There is no need to stick to the group that says that it begins at sunset or after Salaat-ul-Fajr. So I'tikaaf as we understood in the beginning is: [The staying in the Masjid for a period of time with a specific description with the intention of getting closer to Allah (swt)]. It is a clear definition as it declares a 'period' without having placed any restriction on it.

The statement of Ibn Hazm comes to my mind here when he said: [Abu Haneefah said: It is not permissible for somebody to perform I'tikaaf for less than a day. Maalik said: Les than a day and night and then took this back and said: There is no I'tikaaf for less than ten days and also he has the view (attributed to him) that it is not less than seven days from Jum'ah to Jum'ah. And all of these are opinions without a Daleel (evidence)]. Ibn Hazm has indeed said the truth that all of these views are without a Daleel.

Is fasting a condition for the correctness and validity of I'tikaaf?

It has been reported that Ibn ‘Abbaas, Ibn ‘Umar and ‘Aa’isha (rah) stipulated fasting as a condition of I’tikaaf and Maalik Bin Anas, Al-Awzaa’i, Ath-Thawri and Ahmad in a report from him agreed with this opinion. Abu Haneefah agreed with them but only in the situation of an obligatory I’tikaaf made with a Nadhr (vow) and other than these did not make fasting a Shart (condition) of I’tikaaf. It was reported from ‘Ali and Ibn Mas’ood (rah) that fasting is not a condition for I’tikaaf and Ash-Shaafi’, Al-Hasan Al-Basri, Ishaq Bin Raahuwaih and Ahmad in another report attributed to him agreed with this view. They said fasting in I’tikaaf is recommended (Mustahabb) only and not obligatory with the meaning that fasting is not a condition for the validity of I’tikaaf. In order to make clear the correct view in this issue we will first present the evidences connected to it:

1) Allah (swt) said:

ثُمَّ أَتَمُّوا الصِّيَامَ إِلَى اللَّيْلِ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ

Then complete your fasting until the nightfall and do not have sexual relations with them whilst you are in I’tikaaf (Al-Baqarah:187)

2) ‘Aa’isha (ra) said:

<<That the Messenger of Allah (saw) used to perform I’tikaaf in the last ten of Ramadhaan until Allah caused him to pass away and then his wives made I’tikaaf after him>>.

Related by Al-Bukhaari (2025), Muslim, Abu Daawood, An-Nasaa’i and Ahmad.

3) ‘Aa’isha (ra) also reported that the Prophet (saw) said

<<There is no I’tikaaf except with fasting>>.

Reported by Ad-Daaraqutni (200/2), Al-Haakim, Al-Bayhaqi and Ibn Abi Shaibah.

4) Ibn ‘Umar (ra) said:

<<That he asked the Prophet (saw) about I’tikaaf upon him so he (saw) ordered him to make I’tikaaf and fast>>.

Reported by Ad-Daaraqutni (200/2), Al-Bayhaqi, Abu Daawood and Ibn Hazm.

5) Ibn ‘Umar (ra) also reported:

<<That ‘Umar (ra) had made a vow to make I’tikaaf whilst a Mushrik)(before his Islaam) and to fast so he asked the Prophet (saw) after becoming Muslim so he (saw) said: Fulfil your oath>>.

Narrated by Ad-Daaraqutni (201/2) and he verified the Sanad (chain) as Hasan.

6) Ibn ‘Umar (ra) said:

<<That ‘Umar (ra) asked the Prophet (saw) saying: I made a vow in Al-Jaahiliyah that I would make I’tikaaf for a night in Al-Masjid Al-Haraam. He (saw) said: Fulfil your oath>>.

Narrated by Al-Bukhaari (2032), Abu Daawood, An-Nasaa’i and Ad-Daaraqutni. In a second report collected by Al-Bukhaari (2042) from Ibn ‘Umar he reported: <...So the Prophet (saw) said to him: Fulfil your oath. So he (‘Umar) made I’tikaaf for a night>.

7) Ibn ‘Abbaas (ra) said that the Prophet (saw) said:

<<Fasting is not upon the Mu’takif (one performing I’tikaaf, except if he has made it obligatory upon himself (i.e. by a vow)>>.

Related by Ad-Daaraqutni (199/2) and Al-Haakim verified it as Saheeh Marfou'an. Al-Bayhaqi narrated it and verified it as Saheeh but stopped it at Ibn Abbaas saying that it being Mar'foo' (raised to the Prophet (saw)) is unsubstantiated.

- 8) The Hadeeth of 'Amarah Bint Abd-ur-Rahmaan from 'Aa'isha (ra) which has been previously quoted as number 4 in the section: (When is I'tikaaf?) states:  
<<...So the Messenger of Allah (saw) said: Did they seek piety (good) from this? I am not performing I'tikaaf (now) so he returned. After he had finished his fasting (in Ramadhaan) he made I'tikaaf in ten from Shawaal>>.  
Narrated by Al-Bukhaari (2045) and other than him.

The first group used as the first five evidences for their opinion that fasting is a condition for I'tikaaf. This group said that the statement of Allah (swt):

ثُمَّ أَتَمُّوا الصَّيَّامَ إِلَى اللَّيْلِ وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ  
عَاكِفُونَ فِي الْمَسَاجِدِ

Then complete your fasting until the nightfall and do not have sexual relations with them whilst you are in I'tikaaf (Al-Baqarah: 187)

In this Ayah there is a mention of I'tikaaf with fasting and a connection between the two. In regards to the second evidence they say that the fact that the Messenger of Allah (saw) used to make I'tikaaf in the last ten of Ramadhaan, then this indicates that I'tikaaf is inherently linked to fasting because the last ten of Ramadhaan is when Muslims are fasting. As for the third, fourth and similarly the fifth evidences they say that their textual meaning is clear in making fasting a condition (shart) of I'tikaaf.

As for the second group they support their opinion of fasting not being a condition of I'tikaaf on the following evidences: The Hadeeth number 6 which contains in its wording the order of making I'tikaaf without the order to fast, and that the night is not the time for fasting and despite this the order came to 'Umar to: Fulfil your oath.

Hadeeth number 8 says: (He performed I'tikaaf in ten from Shawaal) and Shawaal is not a month of fasting. Hadeeth number 7 denies the obligation of fasting except when it has been made obligatory by oneself, which is a statement of Ibn 'Abbaas and therefore not a (shar'a) evidence. The truth is that the opinion held by these is correct and that is due to the following:

The Noble Ayah does not include anything that indicates the presence of a bind between the fast and I'tikaaf and that one is a condition for the occurrence of the other, so the view of these two being bound together is incorrect. This is because the Ayah discusses the fast and permission to have sexual relations in the nights of Ramadhaan and that eating in the night stops when those fasting can see that Fajr has come. After having stated that it is permitted to have sexual relations in the night the Ayah then comes with a prohibition upon him (the fasting person) whilst he is in I'tikaaf which indicates the continuance of the permission (to have sexual relations) in other than this case. So this Ayah has mentioned a number of Ahkaam (rulings) which are related to fasting and I'tikaaf, each Hukm (ruling) is different to the other without the appearance of any binding link or relationship in the legislating of these Ahkaam.

As for their second evidence it indicates the preference of Al-I'tikaaf in the last ten of Ramdhaan, and this especially so when we know that he (saw) used to search and look out for Laylat-ul-Qadr in the last ten and this attempt to find Laylat-ul-Qadr is recommended and not obligatory and there is nothing in the Hadeeth that indicates the restricting of I'tikaaf to these ten days. Hadeeth number 8 is an evidence for what we have said because he (saw) mad I'tikaaf in Shawaal although Laylat-ul-Qadr does not fall in Shawaal and fasting is not obligatory in it. They have said (claimed) that he (saw) fasted in these days of Shawaal but we have said that the texts have not mentioned fasting and making this addition to the text (without evidence) is not permitted. As for the third Hadeeth: (There is no I'tikaaf except with fasting) then Ad-Daaraqutni who recorded it has said: [This was unique (or alone in being reported) from Suwaid from Sufyaan Bin Husain] and Al-Bayhaqi who also narrated it said: [Suwaid is Da'eef and what is unique to him is not accepted]. Al-Haakim who recorded the Hadeeth as well said: [The two Sheikhs (Al-Bukhaari and Muslim) did not use Sufyaan Bin Husain as a legal (reliable) source]. Ahmad classified him as Da'eef saying Matrook (left/abandoned) and Al-Bukhaari said: He is looked in to. So the Hadeeth is Da'eef and rejected.

As for the fourth Hadeeth (So he ordered him to make I'tikaaf and to fast) Ad-Daaraqutni who related it said: [Ibn Badeel is alone in reporting this fro 'Amru, and he is a Da'eef reporter of Hadeeth]. Abu Bakr An-Naisaboory said: This Hadeeth is rejected and added that Ibn Badeel is a weak (da'eef) transmitter. Ibn hazm said: [This report if not Saheeh]. This Hadeeth is therefore Da'eef and abandoned.

As for the fifth Hadeeth (He made a vow to perform I'tikaaf whilst being a Mushrik and to fast). Ad-Daaraqutni classified it as Hasan but Al-Bayhaqi said: [The mention of making a vow to fast is Ghareeb (strange) which has been reported alone from Sa'eed Bin Basheer from 'Ubaidullah]. Abd-ul-Haqq said: This is unique (alone) to Sa'eed Bin Basheer and he differed upon. Ibn ul-Jawzi calssified this Hadeeth as weak due to him and Abu Ashar and Ibn Numair said: The Hadeeth is rejected just as Ahmad and An-Nasaa'i classified it as Da'eef. So this Hadeeth is also weak and rejected. This in addition to the fact that Al-Bukhaari in his two narrations (about this incident) did not contain a mention about fasting so the word (fasted) has not been preserved in the Ahaadeeth As-Saheehah and is therefore abandoned. In conclusion, we say that it is not correct to say or is there any considerable evidence that makes fasting a Shart (condition) for the validity and correctness of I'tikaaf. With that the face of truth has been made clear in this Mas'ala which is that I'tikaaf is a separate act of 'ibaadah from that of fasting and is valid with or without it.

What the Mu'takif can do and what he can't do (whilst in I'tikaaf):

The 'Ulamaa have agreed that it is permitted for the Mu'takif to leave the Masjid to perform a necessary need, which includes using the toilet, vomiting, performing Ghusl and Wudoo' and what is similar to this and if he was to do this it would not invalidate the I'tikaaf. They disagreed however in other than his: Ath-Thawri, Ash-Shaafi' and Ahmad in a report attribute to him viewed that the Mu'takif could leave to visit the sick and attend a Janaazh if he had stipulated it at the beginning of his I'tikaaf whether the I'tikaaf was waajib like the I'tikaaf made upon a vow or not waajib. Ishaq agreed to this if I'tikaaf was not obligatory but not if it was obligatory in which case it would not be valid. Maalik and Al-Awzaa'i said: There

is no condition attached to I'tikaaf and Sa'eed Ibn Jubayr, Al-Hasan Al-Basri, An-Nakh'i and Ahmad in another report attributed to him have said that the Mu'takif can visit the sick and attend the Janaazah without any previous stipulation and this has also been attributed to 'Ali (ra). Ibn Hazm said: Every obligation of a Muslim, the I'tikaaf does not prevent him from exiting it to perform it and it does not harm the I'tikaaf. Similar to this is what Ibn Qudaamah said: He can go out to that which Allah (swt) has obliged upon him. He permitted the exit to obtain food and drink if there is nobody who can bring it to him. Abu Haneefah, Maalik and Ash-Shaafi' said: It is not permitted for the Mu'takif to leave Mutlaqan (absolutely) because his leaving invalidates the I'tikaaf even if it was little. Abu Yousuf and Muhammad ibn-ulHasan the two (famous) students of Imaam Abu Haneefah said: It does not corrupt the I'tikaaf as long as it is not for longer than half a day because (seeking) the ease is pardonable.

Similarly they also differed in whether the Mu'takif can leave to perform As-Salaat-ul-Jum'ah if Jum'ah is not performed in the Masjid in which he is making I'tikaaf. Abu Haneefah, Maalik and Ahmad held the opinion that he leaves to perform Jum'ah and by doing so it does not invalidate his state of I'tikaaf. There are two opinions to Ash-Shaafi' and the most correctly attributed view of his: His I'tikaaf is invalidated by going out to perform Jum'ah unless he had previously stipulated it and then resumes his I'tikaaf.

As for inside the Mu'takaf (place of I'tikaaf) i.e. inside the Masjid, most of the 'Ulamaa have agreed that the Mu'takif is not allowed to conduct trade or earn from his efforts absolutely whilst in I'tikaaf. Ash-Shaafi'i said there is no problem if the Mu'takif buys and sells and sews clothing. Ibn Qudaamah reported the view of Ahmad: No buying or selling except for what is necessary.

The correct opinion which it is necessary to take is the view that it is permitted for the Mu'takif to go out to fulfil his needs which are necessary for him with restricting them whether he had stipulated them or not, and his I'tikaaf is not corrupted by this. There is no need to list all of these essential needs because they are not fixed and differ from one person to another, and one time to the next so if the Mu'takif goes out one cold day to bring something to warm him up or goes out on a hot day to bring a fan then this would not cause his I'tikaaf to be negatively affected, and it is surely a right of the Mu'takif indeed an obligation (wajib) to go out to perform As-Salaat-ul-Jum'ah. His I'tikaaf is not invalidated by it and if he hears news that his son (for example) has been in a car accident and needs to be transported to the hospital, then he can leave for that reason and does not invalidate his I'tikaaf and what is similar to this... As for the exiting from the Masjid without an urgent need then there is no doubt that this invalidates the I'tikaaf.

As for inside the Masjid, then whatever is (normally) forbidden to take place in it is likewise forbidden for the Mu'takif and what isn't forbidden for him then the Mu'takif can do it without that having an effect on the validity of his I'tikaaf and we say this again without listing the permitted actions because they are more than can (easily) be enumerated or written on one or two pages. The following are a collection of texts that are connected to this Mas'ala (issue):

- 1) Allah (swt) says:

وَلَا تُبَاشِرُوهُنَّ وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِدِ  
تِلْكَ حُدُودُ اللَّهِ فَلَا تَقْرَبُوهَا كَذَلِكَ يُبَيِّنُ  
اللَّهُ آيَاتِهِ لِلنَّاسِ لَعَلَّهُمْ يَتَّقُونَ

And do not have sexual relations with them while you are making I'tikaaf in the Masaajid, these are the limits of Allah so do not approach them. In this way Allah makes plain his Ayaat to men so that they may attain Taqwa (Al-Baqarah: 187)

2) 'Aa'isha (ra) said:

<<The Messenger of Allah (saw) used to lean his head out whilst in I'tikaaf and I would comb (his hair) whilst I was in my menses>>.

Reported by Al-Bukhaari (2028), Abu Daawood, Ibn Maajah and Ahmad with differences in the expressions/wording.

3) 'Aa'isha (ra) said:

<<The Messenger of Allah (saw) used to let his head in while he was in the Masjid and I would comb his hair. When he was in I'tikaaf he would not enter the house except in the case of a need (Haajah)>>.

Narrated by Al-Bukhaari (2029), Muslim, Abu Daawood, An-Nasaa'i, Ahmad and At-Tirmidhi.

4) 'Ali Bin Husain reported from Safiyah the wife of the Prophet (saw) that she told him:

<<That she approached the Messenger of Allah (saw) to visit him when he was in I'tikaaf in the Masjid in the last ten days of Ramadhaan, she spoke with him for an hour then stood to leave so the Prophet (saw) stood with her and accompanied her>>.

Narrated by Al-Bukhaari (2035), Muslim, Abu Daawood, An-Nasaa'i, Ibn Maajah and Ahmad.

5) 'Aa'isha (ra) said:

<<The Prophet (saw) used to pass by the sick whilst he was in I'tikaaf. He would pass by like he would and would not stop to ask about him>>.

Recorded by Abu Daawood (2472) and Al-Bayhaqi.

6) 'Aa'isha (ra) said:

<<If I enter the house for a need and there is a sick person there, then I do not ask about him except as I am passing. She said: The Messenger of Allah (saw) did not enter the house except for a need, when they were in I'tikaaf>>.

Recorded by Ibn Maajah (1776) and Ahmad, Al-Bayhaqi and Ibn Khuzaimah with differences in the wording.

7) 'Aa'isha (ra) said:

<<The Sunnah for the Mu'takif is that he does not visit the sick, attend the Janaazah (funeral) or touch, fondle and have relations with his wife, and not to leave except to fulfil a need which is necessary. That there is no I'tikaaf except with fasting and there is no I'tikaaf except in a Jaami' Masjid>>.

Related by Abu Daawood (2473).

In relation to the Tafseer of the Noble Ayah (number 1) Ibn 'Abbaas (ra) said: [Al-Mubaasharah (fondling), Al-Mulaamasah (touching) and Al-Mass (touch) all mean sexual intercourse, and Allah gives names to things as he wishes] as recorded by Al-Bayhaqi and others beside him. We have discussed this evidence previously in the section (Where is I'tikaaf performed?). Ibn ul-Mundhir reported that there was a consensus that sexual intercourse is what is meant here by Al-Mubaasharah.

The second and third Hadeeth are similar both illustrating that the Mu'takif exited his head from the Masjid in order to tidy up and comb the hair and in another narration from Al-Bukhari (2031): <<And I washed it whilst I had menses>> which indicates the permissibility for washing, cleaning and to tidy the appearance. The third Hadeeth is clear in meaning that it is permitted to leave for a need and it is agreed upon here that the Haajah (need) means using the toilet and its like.

As for the fourth Hadeeth indicates the permission to meet the Mu'takif, sit and talk and then walk with them to say goodbye. His (saw) statement: <So the Prophet (saw) stood and accompanied her> meant that he walked with her in her return home from meeting him. As for the fifth Hadeeth narrated by Abu Daawood it includes Laith Bin Abi Saleem who Ahmad, Yahya Bin sa'eed, Abu Haatim, Ibn Mo'een, Ibn ul-Madani and other than them have classified as weak, so this Hadeeth is left and abandoned.

As for the sixth Hadeeth it indicates the permission to leave for a need (Haajah) and Ibn Shihaab explained it with using the toilet. Ibn Hajar said: There as an agreement about their exclusion (Bawl and Ghaa'it (urine and excrement)) but they have disagreed in other than that.

As for the seventh Hadeeth Abu Daawood said after reporting it: [No one other than Abd-ur-Rahman bin Ishaq said: She said: As-Sunnah. Abu Daawood said: He made this a statement of 'Aa'isha]. Ad-Daaraqutni said: [It is from the Sunnah of the Mu'takif...This is not a statement of the Prophet (saw) and it is from the speech of Az-Zohri and whoever includes it in the Hadeeth is deluded, And Allah Knows (best). And Hisham Bin Suleymaan has not been mentioned]. So this is to be considered the statement of 'Aa'isha (ra) and her statements are not a Sharee'ah Daleel which it is obligatory to take especially as many of the Sahaabah have given Fatawa which are opposite to her statement. Ibn Abi Shaibah (500/4) reported from 'Ali (ra) the statement: <If a man makes I'tikaaf, he can attend Jum'ah, visit the sick, attend the Janaazah and do get his family to order them with a need whilst he is there>. And if the statements of the Sahaabah are contradictory or differ then this indicates that they are their own understandings and Ijtihadaat and it is not obliged to take them except and only if we wish to make Taqleed to their opinion, so whoever wishes to make Taqleed (imitation and adoption) to 'Aa'isha or 'Ali can do so.

So I see that the truth is visiting the sick and attending the Janaazah are not of the obligatory essential needs (Haajaat Darooriyah) which allow the Mu'takif to exit for and they are only recommended (Mandoobaat) actions which it is not allowed for the Mu'takif to leave for. As for what has been forbidden to do inside the Masjid then it is possible to refer to my book (Al-Jaami' LiAhkaam-is-Salaah) in the second part in the study of [The manners of the Masjid] in chapter two.

Making Ijtihad (utmost effort) in the last ten of Ramadhaan:

It has been mentioned in the following Ahaadeeth:

- 1) 'Aa'isha (ra) said:  
<<The Messenger of Allah (saw) would exert his utmost (itahada) for the last ten days like he did not do in anything else>>.  
Reported by Muslim (2788), An-Nasaa'i, At-Tirmidhi, Ibn Maajah and Ahmad.
- 2) 'Aa'isha (ra) said:  
<<When the Messenger of Allah (saw) would enter into the last ten he would stay awake at night, wake his family, increase his seriousness and isolate the women>>.  
Narrated by Muslim (2787), Al-Bukhaari, Abu Daawood, An-Nasaa'i, Ibn Maajah and Ahmad.
- 3) 'Ali (ra) said:  
<<The Messenger of Allah (saw) would when entering into the last ten wake up his family and raise the Mi'zaar. It was said to Abi Bakr Bin 'Ayaash (one of the narrators): What is Al-Mi'zaar? He replied: He isolated the women>>.  
Narrated by Ahmad (1103), Ibn Abi Shaibah, Al-Bayhaqi and Abu Ya'la. At-Tirmidhi narrated it and said: [This Hadeeth is Hasan saheeh].

So these Noble Ahaadeeth indicate that Ijtihad (exerting ones utmost effort) in 'Ibaadah (acts of worship) in the last ten days of Ramadhaan has been legislated as well as to stay awake and to encourage the family to wake up in order to obtain and reap what Allah (swt) has promised to his servants of goodness and reward in them.

The I'tikaaf of women:

The following Ahaadeeth have been recorded related to this issue:

- 1) 'Aa'isha (ra) said:  
<<The Messenger of Allah (saw) used to make I'tikaaf in the last ten of Ramadhaan until Allah caused him to pass away. Then his wives made I'tikaaf after him>>.  
Narrated by Al-Bukhaari (2025), Muslim, Abu Daawood, An-Nasaa'i and Ahmed. We mentioned this Hadeeth earlier in the section of (The Hukm (ruling) of I'tikaaf), hadeeth number 1.
- 2) 'Aa'isha (ra) said:  
<<One of the wives of the Messenger of Allah (saw) made I'tikaaf with him, she saw red and yellow (discharge) so we could have placed a dish under her when she was praying>>.  
Narrated by Al-Bukhaari (2037), Abu Daawood, An-Nasaa'i, Ibn Maajah and Ahmad. And in another version from al-Bukhaari (309) from 'Aa'isha (ra): <<Once one of the wives of the Prophet (saw) made I'tikaaf with him and she was getting bleeding in between her periods. She used to see blood and perhaps place a dish under her for the blood>>.
- 3) 'Amarah Bint Abd-ur-Rahman reported from 'Aa'ish (ra) that she said:  
<<The Messenger of Allah (saw) mentioned that he would make I'tikaaf in the last ten of Ramadhaan, so I sought his permission (to also perform it) and he allowed me. Then Hafsa asked 's'isha to seek permission for her so she did so and when Zainab Bint Jahsh saw this she ordered that a tent be erected for her. She said: The

Messenger of Allah (saw) used to go to his tent (place of I'tikaaf) after praying Fajr and then he saw the tents and said: What's this? They said: The tents of 'Aa'isha, Hafsa and Zainab. So the Messenger of Allah (saw) said: Were they seeking righteousness with this act? I am not making I'tikaaf (now) so he returned and when he had finished fasting he made I'tikaaf in ten of Shawaal>>.

Narrated by Al-Bukhaari (2045), Maalik, Ahmad, Ibn Hibbaan and Ibn Khuzaimah and we have previously mentioned it in the section: [The Hukm (ruling) of I'tikaaf] hadeeth number 4.

These three texts indicate the permissibility of women performing I'tikaaf, and for sure in a place that is isolated from the men in the Masjid and the third Hadeeth indicates that the woman does not perform I'tikaaf except after seeking her husband's permission. If she were to do it without his permission then he can make her leave and even if he has allowed her he can still cause her to leave by revoking his permission and this is what the majority have said and it is correct. This is because I'tikaaf is Mandoob (recommended) and if it had been obligatory then why is it allowed for the husband to prevent her. It is incorrect what Ahl-ur-Ra'i (the people of Ra'i) have said: If the husband has allowed her to perform I'tikaaf then he is sinful if he then prevents her, and this is also an opinion attributed to Maalik.

The Hanafiyah have stipulated the condition that the woman should perform I'tikaaf in the Masjid of her house for it to be correct and this opinion is rejected by the third Hadeeth. Ahmad said in a report attributed to him: She can perform I'tikaaf in the Masjid with her husband and this is an opinion which no one has disagreed with and this did not come in the form of a Shart (condition) meaning that it didn't come saying: That she can perform I'tikaaf in the Masjid on the condition that it is with her husband. So the opinion that says it is conditional is mistaken and does not have a Daleel to support it and the third Hadeeth rejects this because the wives of the Messenger of Allah (saw) had erected tents specifically for themselves. And the first hadeeth says: (Then his wives made I'tikaaf after him (after his death (saw))) which meant that they did this by themselves without their husband the Messenger of Allah (saw). As for the second Hadeeth it indicates in its literal text and meaning (Mantooq) that the Mustahaadah (the one who has bloody discharge outside of here menses due to illness etc...) is permitted to perform I'tikaaf and attached and included to this is the 'continuing occurrence' like someone who leaks urine (uncontrollably), or has a wound that discharges as long as she does not become impure by it or makes the Masjid impure.

In our current time the I'tikaaf of the woman has virtually completely stopped so we no longer see women performing I'tikaaf and indeed we have seen that men have virtually stopped this practice in our current time and we do not see it in a clear way except in the Night of Laylat-ul-Qadr and that may only be for one or two hours i.e. staying in the mosque with the intention of I'tikaaf and this continues to happen due to its ease. And I say that if the woman is a wife or if she has small children then none other than her bears the responsibility of serving them so her I'tikaaf is left due to this responsibility and not allowed for her. This is because when the obligation clashes with the recommended action it becomes obligatory to perform the waajib and leave the mandoob and there is no doubt that serving the needs of her husband and children is obligatory upon a woman and is therefore prioritised over the recommended act of I'tikaaf.



## Chapter Twelve

### Zakaat-ul-Fitr:

It is also called 'Sadaqat-ul-Fitr'; the two names have appeared in the Noble Ahaadeeth and become widespread in the books of Fiqh. Sadaqat-ul-Fitr or Zakaat-ul-Fitr is a Zakaah like the other obligatory Zaakawaat and it is a type from amongst the types of Zakaah and has therefore been placed by the Fuqahaa in the chapter of Zakaah. I have however preferred to place it here in the chapter of As-Sawm due to its connection with it just as I have included a number of other topics which have a relationship to fasting despite there being placed in different chapters of Fiqh ordinarily. I have done this as can be seen from the title of this book I wanted to collect all of the specific Fiqh related to fasting so this book 'Al-Jaami' LiAhkaam-is-Siyaam' was intended to be comprehensive in dealing with the Ahkaam of Siyaam, including all of its rules with the aim of helping the reader to be able to view all of the Ahkaam from one sources.

Sadaqat-ul-Fitr or Zakaat-ul-Fitr has been indicated in the Noble Book of Allah (swt) and it is included in all of the Ayaat that use the term Zakaah. At-Tabari narrated in his Tafseer (156/3) from Abu Khaldah that he said: [I entered upon Abu 'Aaliyah and he said to me: When you go out for 'Eid tomorrow pass by me. He said: So I passed by him and He said: Have you eaten anything? I replied: Yes. He said: Have you had water? I replied: Yes. He said: So tell me what did you do in regards to your Zakaah? I said: I addressed it (I gave it out). He said: I only wanted you for this then he read: (قد أفلح من تزكى وذكر اسم ربه) (فصلي). (Verily the one who purifies himself (with Zakaah) has been successful and remembers the name of his Lord and prays). And he said: The people of Al-Madinah have not seen a Sadaqah better than it, and the drinking of water]. Ibn Al-Qudaamah said in Al-Mughni: [Sa'eed Bin Al-Musayyib and 'Umar Ibn Abd-il-Azeez said in relation to the Ayah: (قد أفلح من تزكى) It concerns Zakaat-ul-Fitr.

It has been named Zakaat-ul-Fitr because the Fitr (breaking of fast) after the Fast is its Sabab (cause) or because it becomes obligatory upon the Fitr.

The Hukm (ruling) of Zakaat-ul-Fitr:

Ibn ul-Mundhir said that it has been reported from the people of knowledge that Zakaat-ul-Fitr is Fard (obligatory). This statement is not precise and what Ishaq said is more accurate: The obligation of Al-Fitr is like an Ijmaa'. This is because it has been reported from some of the later followers of Imaam Maalik, Daawood and some of the Shaafi'iyah that it is Sunnah and they interpreted what has been found in the Ahaadeeth that the word Farada (to obligate) means Qaddara (to estimate) taken from its original Arabic meaning. The Majority have said (however) that Zakaat-ul-Fitr is Fard.

The truth is that Zakaat-ul-Fitr is Fard (obligatory), firstly because it is a Zakaah from the forms of Zakawaat, secondly because the text has made it obligatory so when the word (farada) comes in an evidence it is then obligatory to take its Sharee'ah meaning which is Waajib and not to go to its linguistic meaning. What has been established (in meanings) by the Shar'a dominates linguistic considerations so any wording used in the texts must first be explained by its Shar'a meaning.

19) 'Abdullah Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) enjoined (Farada) the payment of one Saa'a of dates or one Saa'a of barley as Zakaat-ul-Fitr on every Muslim slave or free, male or female, young or old, and he ordered that it be paid before the people went out to offer the 'Eid prayer. (One Saa'a = 3 Kilograms approx.)

Narrated by Al-Bukhaari (1503), Muslim, Abu Daawood, An-Nasaa'i, At-Tirmidhi, Ibn Maajah and Ad-Daarami with differences in the wording (Alfaazh).

20) Ibn 'Umar (ra) said:

<<The Prophet (saw) made incumbent on every male or female, free man or slave, the payment of one Saa'a of dates or barley as Sadaqat-ul-Fitr (or said Sadaqa-Ramadan)." The people then substituted half Saa'a of wheat for that...>>.

Narrated by Al-Bukhaari (1511), Ahmad and Ibn Khuzaimah.

21) Ibn 'Abbaas (ra) said:

<<The Messenger of Allah (saw) prescribed (Farada) Zakaat-ul-Fitr as a purification for the fasting person from empty and obscene talk and for feeding the poor. If anyone pays it before the prayer (of 'Eid), it will be accepted as Zakaah. If anyone pays it after the prayer, that will be a sadaqah like other Sadaqaat>>.

Narrated by Abu Daawood (1609), Ibn Maajah and Ad-Daaraqutni. Al-Haakim related it (409/1) and classified it as Saheeh and Adh-Dhahabi confirmed this.

22) 'Amru Bin Shu'aib from his father from his grandfather (ra):

<<That the Prophet (saw) sent a caller calling out into the crowds of Makkah: Verily Sadaqat-ul-Fitr is obligatory (waajib) on every Muslim: Male or female, free or slave, young or old. Two Mudd of wheat or equivalent to a Saa'a of food>>.

Narrated by At-Tirmidhi (669) and he said: [This Hadeeth is Hasan Ghareeb]. Ad-Daaraqutni narrated it and was silent from it.

These Saheeh Ahaadeeth which are valid legal proofs mention that Sadaqat-ul-Fitr is obligatory saying that it is 'Fard' in the first three and 'Waajib' in the fourth Hadeeth. Indeed the third Hadeeth says: <Whoever disposes of it before the Salaah then it is accepted as Zakaah and whoever disposes of it after the Salaah then it is a Sadaqah from amongst the Sadaqaat>. This statement is of the most clear to indicate that Zakaat-ul-Fitr is obligatory. Some of the Fuqahaa have latched on to a Hadeeth narrated by Qaisd Bin Sa'd which they say indicates that Zakaat-ul-Fitr is no longer obligatory after it had been for a period of time, that it indicates that the obligation has been abrogated.

This is the Hadeeth: Qais Ibn Sa'd (ra) said: <<The Messenger of Allah (saw) commanded us with Sadaqat-ul-Fitr before the revelation of Zakaah so after it Zakaah had been revealed he did not order us or forbid us (from giving Al-Fitr) and we gave it (anyway)>>.

Narrated by Ibn Maajah (1828), An-Nasaa'i, Ahmad, Ibn Khuzaimah and Al-Bayhaqi in a Saheeh chain. So we say to those (who have used this evidence) the following:

This Hadeeth is not a proof for you more than it is a proof for our view. The Hadeeth indicates in its Mantooq (literal clear meaning) that the Messenger of Allah (saw) had ordered it before the (rules of Zakaah) were revealed and this Hadeeth compares it with Zakaah to indicate that it is Zakaah and would therefore take its ruling. They would not oppose it, as long as it takes the Hukm of Zakaah and is included under the Hukm of the Wujoob (obligation) of Zakaah without any dispute amongst the Muslims. For this Hukm to be nullified it requires a text and the text (evidence) they have used here does not indicate

the abrogation that they have claimed. The Hadeeth: <So when Az-Zakaah was revealed he did not order us or forbid us and we performed it> indicates that the Hukm remained and that no change occurred in terms of ordering or forbidding with the continuation of acting according to it by the Muslims. As for the claims of Nuskh (abrogation) they are Baatilah (false and invalid) and had Nuskh been intended the Hadeeth would have been worded (something like): We had been forbidden, or he did not oblige upon us, or whoever of you wishes then he can do so or leave it. When he (saw) did not say anything and the situation remains as it was in terms of acting in accordance to it, then this is of the clearest indicated meanings that the Hukm remains upon Wujoob (obligation). This is when it is known (as a clear and basic understanding) that it is not obligatory (or necessary) upon the Prophet (saw) to repeat his legislative statements from time to time.

So Az-Zakaah is Mafroodah and Waajibah and the Hanafiyyah have said that it is Waajibah but not Mafroodah due to the Qaaidah (principle) they have to distinguish between the Fard and Waajib. This obligation has continued from its beginning until this day based on the well known Usooli Qaa'idah of Al-Istihab and there is no proof of any value for those who say that it has been abrogated or that it is recommended.

The time of its obligation:

As for the time of its obligation, it begins at the setting of the sun in the last of the days of Ramadhaan or at the beginning of Laylat-ul-Fitr (The night of Fitr). This is because this Zakaah is Zakaat-ul-Fitr and Fitr begins at the end of fasting and fasting ends when the sun sets in the last of the days of Ramadhaan. This is the opinion of Maalik in one report, Ash-Shaafi', Ahmad, Ath-Thawri and Ishaq Bin Raahuwaih. It is correct for the one who specifies this opinion and acts according to it which is different to the opinion of Abu Haneefah, Al-Laith Bin Sa'd, Abu Thawr and Maalik in another report attributed to him. They say that the obligatory time begins at the rising of the sun (Fajr) of the day of 'Eid with the claim that Al-Fitr does not occur until that time and that Al-Fitr does not occur at night because it isn't time for fasting. In light of this I say the following:

This issue is of such clarity that it is not necessary for there to exist any dispute in relation to it. We fast the month of Ramadhaan at the end of the month and make Iftaar (Fitr) at the end of it and the end of the month happens when the sun sets in its last day. Therefore we the Muslims consider that the day, any day, begins with the setting of the sun on the day that has preceded it so we consider that the night precedes the day in calculating the days so the day of Jum'ah for example begins when the sun sets on Thursday (Al-Khamees) so when the sun goes down on Thursday, Friday (Jum'ah) begins. Therefore any opinion that goes against this way of calculating is not considered. Based on this the month of Ramadhaan finishes when the sun sets on its last day and Shawaal begins which is the beginning of Fitr and due to this Salaat-ul-t-Taraaweeh is not prayed in that night because it is not from Ramadhaan. As such it becomes evident that the Fitr which is the cause of the Zakaah occurs at the time of the sun setting on the last day of Ramadhaan.

As for the view that Al-Fitr does not occur without the rising of the sun at Fajr on the day of 'Eid, it carries no proof for our issue because Al-Fitr has occurred with the beginning of Shawaal, meaning that the cause of Az-Zakaah has occurred which is the occurrence or coming of Al-Fitr. The view of the occurrence of Al-Fitr or the non-occurrence of it does not

have an effect on the actual occurrence of Al-Fitr and does not affect the presence of the sabab for giving Az-Zakaah which is the occurrence of Al-Fitr in itself, so the important thing is ascertaining the existence of Al-Fitr and it has been confirmed and ascertained with the ending of the fast and the month of fasting ends at the moment in which Shawaal begins. In conclusion attaching the giving of Az-Zakaah to the appearance of Al-Fitr is a clear mistake which is necessary to move away from.

The time of extracting/giving it (Zakaat-ul-Fitr):

The four A'immah and others have disagreed in defining the time for extracting it in the following way: Abu Haneefah has permitted to extract the Zakaat-ul-Fitr in advance, before Ramadhaan and even if two years before. Maalik said it is not permitted to advance this Zakaah from its time and it is obligatory to give it in its time similar to Salaah. Ash-Shaafi' said that it is allowed to extract it from the first day of Ramadhaan. Ahmad said it is allowed before the day of 'Eid by one or two days. The majority have said: It is recommended to extract it before the Salaah of 'Eid and it is permitted to extract it at the end of the day of 'Eid.

All have agreed that the obligation does not fall by delaying it and remains a debt until it is paid and it is not allowed to delay it past the day of 'Eid with the exception of what was reported from Muhammad Bin Seereen and Ibraheem An-Nakh'i that it is allowed to delay it past the day of 'Eid. Ahmad said: I expect that there would be no problem in that. Ibn Ruslaan said: It is Haraam with agreement because it is Zakaah so it is obligatory that sin occurs with its delay just as it would do if Salaah was prayed outside of its time.

In order that we can make clear the correct verdict in this issue of ours it is necessary to present and bring forth the texts (evidences) that are related to it:

14) 'Abdullah Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) enjoined (Farada) the payment of one Saa'a of dates or one Saa'a of barley as Zakaat-ul-Fitr on every Muslim slave or free, male or female, young or old, and he ordered that it be paid before the people went out to offer the 'Eid prayer. (One Saa'a = 3 Kilograms approx.)>>.

Narrated by Al-Bukhaari (1503), Muslim, Abu Daawood, An-Nasaa'i, At-Tirmidhi, Ibn Maajah.

15) Ibn 'Umar (ra) said:

<<That the Messenger of Allah (saw) ordered that the Sadaqat-ul-Fitr should be paid before the people go out for prayer>>.

Narrated by Muslim (2289), Abu Daawood, At-Tirmidhi, Ahmad and Ad-Daarami.

16) Ibn 'Abbaas (ra) said:

<<It is from the Sunnah that Sadaqat-ul-Fitr is given before the Salaah>>.

Narrated by Ibn Abi Shaibah (60/3) and Ad-Daaraqutni.

17) Naafi' reported from Ibn 'Umar (ra) that he said:

<<That the Messenger of Allah (saw) ordered the giving of Zakaat-ul-Fitr should be performed before the going out (to the Masjid) of the people and that 'Abdullah use to give it before that by a day or two>>.

Ibn Hibbaan (3299) and Ad-Daaraqutni.

18) Naafi' said:

<<That 'Abdullah Ibn 'Umar used to give Zakkat-ul-Fitr to those who gathered by him before Al-Fitr by two or three days>>.

Narrated by Imaam Maalik (238/1). Ibn Abi Shaibah (115/3) used the following wording: <He used to give Zakaat-ul-Fitr to those who needed it for a day or two and did not see a problem with that>.

19) Abu Ma'shar reported from Naafi' from Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) made Zakaat-ul-Fitr Fard (obligatory): Provide (enrich) them in this day>>.

Narrated by Ad-Daaraqutni (153/2). Al-Bayhaqi in part of a long hadeeth (175/4) reported:<...Provide for them so they do not have to go out (looking for it (provision)) on this day>. Ibn Sa'd narrated from Muhammad Ibn 'Umar Al-Waaqidi.

20) Ibn 'Abbaas (ra) said:

<<The Messenger of Allah (saw) obliged (farada) Zakaat-ul-Fitr as a purification for the fasting person from false and vile speech and also as feeding for the poor (Masaakeen). Whoever performs it before the Salaah then it is acceptable Zakaah and whoever gives it after the Salaah then it is a Sadaqah from amongst the Sadaqaat>>.

Narrated by Abu Daawood (1609), Ibn Maajah, Ad-Daaraqutni and Al-Bayhaqi.

Related by Al-Haakim (409/1) and verified by him and Adh-Dhahabi conformed it.

21) 'Abdullah Ibn Tha'labah Bin Su'air Al-'Udhri said:

<<The Messenger of Allah (saw) addressed is speech two days before Al-Fitr saying: Give a Saa'a of Burr or Qamh (wheat) between two or a Saa'a of Tamr (dates, or a Saa'ah of Sha'eer (barley) and this (obligation) is upon every free man, slave, young and old>>.

Related by Ahmad (24063), Abu Daawood, Ad-Daaraqutni, At-Tabaraani and At-Tahaawi with a chain (isnaad) with trustworthy transmitters. Ad-Daaraqutni also reported it from another party saying: From 'Abdullah Bin Tha'labah Bin Su'air from his father.

The third Hadeeth is of the reports of Hujjaaj Bin Artaa who has been classified as Da'eef by many and is therefore left. The sixth Hadeeth is from Ma'shar as related by Ad-Daaraqutni and Al-Bayhaqi and from Muhammad Bin 'Umar Al-Waaqidi according to Ibn Sa'd in his Tabaqaat (list of reports) and they are both very weak (Da'eef) and the Hadeeth is rejected (left) from both reporters. So there remains with us six Ahaadeeth that are suitable to be used as a (legal) proof and for making deductions.

These Ahaadeeth have explained the time for giving the Zakaah, which is before the Salaah or before the exiting of the people to the place of Salaah without the Ahaadeeth having mentioned that this is the beginning time for handing out the Zakaah. All of the Ahaadeeth have mentioned the end time for handing out the Zakaah which is the Salaah of 'Eid-ul-Fitr but did not mention its beginning time. We therefore say that it is obligatory (wajib) on every Muslim to hand out his Zakaah before he prays the 'Eid Salaah and not to pray until he has given his Zakaat-ul-Fitr. As for handing it out a long time before the Salaah or a short time then this has not been specified by the Ahaadeeth and in the case where a text has not mentioned it then it is left for the Muslim himself to decide the time. He can therefore

distribute it just before the Salaah, the night of 'Eid (before the Salaah) and he can also give it before that by a lot and a little so the room here is wide.

As for what was mentioned in the fourth Hadeeth (That 'Abdullah used to give it before that by a day or two) this is not a limitation or specifying to the earliest time of distributing it but rather this only reflects the choice of Ibn 'Umar to do so at this time. So just as it was a right of Ibn 'Umar to choose this time then it is also allowed for someone to choose a time that is before or after this.

The fifth Hadeeth that says: (That Ibn 'Umar distributed Zakaat-ul-Fitr to those who gathered around him before (the day of) Al-Fitr by two or three days) narrated by Maalik and from Ibn Abi Shaibah that: (That he would give the Zakaat-ul-Fitr a day or two days (before Al-Fitr) to those who sat with him and he did not see a problem in that). What is indicated that the Muslims would gather and receive the Zakaat-ul-Fitr two or three days before the Salaah (of 'Eid Al-Fitr), the meaning of this in the description given is not binding upon anyone. There is no indication and meaning in this description (of what Ibn 'Umar did) that contains compulsion and rather represents what is allowed to do in organising the giving of the Zakaat and what is required in terms of organising its time and performance. It does not indicate more than this, so whoever wants to organise the distribution of Zakaah then there is no doubt that he needs to choose a time for this but this does not mean that this time becomes the time that has been legislated. If we look at the statement of Ibn 'Umar (And he did not see a problem with that) it indicates in a clear meaning that the specification of a time for the taking of Zakaah is not legislated and binding otherwise the statement of Ibn 'Umar would have no meaning, indeed how would this statement be permissible?

The eighth Hadeeth that mentions: (The Messenger of Allah (saw) addressed us two days before Al-Fitr saying: Give Saa'an of wheat...) also is not counted as a text that specifies the beginning of the time for the giving of the Zakaah. It rather only mentions the time in which the Messenger of Allah (saw) legislated Zakaat-ul-Fitr and there is a big difference between a text about the time of the obligation and that concerned with the time of announcing the ruling (Hukm). So the Messenger of Allah (saw) explained the ruling of Zakaat-ul-Fitr and ordered its giving and this occurred two days before the day of Al-Fitr. Meaning that he ordered the giving of Zakaat-ul-Fitr and chose the time for announcing this Hukm two days before Al-Fitr and that this text does not indicate any specification at all for the beginning of distributing the Zakaah, which is not hidden from the aware and precise person. In conclusion all of the (Sharee'ah) texts have not specified the time for extracting and giving Zakaat-ul-Fitr and the ruling is as a result wider (not constrained) so that the Muslim can choose the suitable time for himself to give this Zakaah.

Finally I say that Zakaat-ul-Fitr is Zakaah and its Ahkaam (rules) are the same except for where an exception has been mentioned and it has been mentioned general in Salaah that it is permitted generally to advance it. It has been narrated by 'Ali (ra): << That Al-'Abbaas asked the Messenger of Allah if he could give his Zakaah before its time in advance and so he (saw) permitted him to do this>>. Narrated by At-Tirmidhi (673), Abu Daawood, Ibn Maajah, Ahmad and Ad-Daaraqutni and no exception or abrogation has been mentioned that effects the generality of this text and therefore remains general. At-Tirmidhi (673) said in relation to the reporting of this Hadeeth: [The people of knowledge (Ahl-ul-'Ilm) have disagreed in relation to advancing the giving of Zakaah before its time. A group of the people of knowledge said that it is not allowed to advance it and this is the view of Sufyaan Ath-

Thawri. He said: It is better that it is not advanced (given early). Most of the Ahl-ul-'Ilm however have said that advancing it before its time is sufficient and this is what Ash-Shaaf'i, Ahmad and Ishaq said>>. And where Sadaqat-ul-Fitr is considered as Zakaah then this opinion in relation to Zakaah also applies to it.

As for the Ahaadeeth that say that the Zakaah should be given before the exiting of the people for Salaah then there is no doubt that it is specifying clearly and making binding the last time for extracting or giving it out. The wording of the seventh Hadeeth is: <Whoever discharges it before the Salaah then it is Zakaah Maqboolah (accepted) and whoever discharges it after the Salaah then it is a Sadaqah from among the acts of Sadaqah>. This is abundantly clear in specifying the final or last time for disposing (of the Zakaah) and so as to explaining the binding nature of this and obligation (Wujoob) it comes with the statement that 'whoever discharges it after the Salaah then it is (just) a Sadaqah from amongst the acts of Sadaqah, meaning that it just becomes a recommended and extra act and does not count as the obligatory Zakaah. Therefore for the Zakaat-ul-Fitr to remain in the status of the obligatory Zakaah then it is not valid to delay it to after the time of As-Salaat-ul-'Eid and this Ta'kheer (delay) is sinful. Built upon this the view of delaying it until the day of 'Eid or the last day of 'Eid is invalid and incorrect which reflects the opinion of the majority.

As for the statement that the Fuqahaa have agreed that the obligation of the Zakaah does not fall due to delaying and that it remains a debt until it is fulfilled, I do not regard it as correct as the seventh Hadeeth relates and responds to this. How is it possible to perform this obligatory Zakaah after Salaat-ul-'Eid with a non-obligatory Sadaqah? This is because the seventh Hadeeth says in a clear form: <...Whoever performs it after the Salaah then it is Sadaqah from amongst the acts of Sadaqah>. This means that after the Salaah the giving is no longer considered Zakaat Al-Fitr and is rather only considered a Sadaqah like any other giving of Sadaqah. So is the dispensing of a non-obligatory Sadaqah at this time considered as the giving of the obligatory Zakaat-ul-Fitr?

Based on what has been said previously we say that the Shar'a has determined the end time for dispensing of the Zakaat-ul-Fitr which is Salaat-ul-'Eid and has not determined its beginning time so that the Muslim can choose the time that he views best for giving this Zakaah. He can therefore dispose of it two days before 'Eid or a week or even by a month and there is no harm in any of this. Yes had the sixth Hadeeth been Saheeh we could have extracted an 'Illah (legal reasoning) for advancing the dispensing of the Zakaah by a few days from the Salaah so that the Zakaah does not get implemented amongst the Masaakeen on the day of 'Eid (itself), however this Hadeeth is very weak and it is not valid to be used as a legal evidence.

Who is Zakaat-ul-Fitr obligatory upon?

Zakaat-ul-Fitr is obligatory upon every Muslim without exception, so it is obligatory upon the rich and poor, the old and young, the male and female, the free and slave and the one who fasted and didn't fast. So it is Waajib on every Muslim and Muslimah and there is no exception for this within the texts and not restriction to this general and unrestricting Hukm (ruling). Here are a collection of the evidences that explain this Hukm:

7) Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) obliged Zakaat-ul-Fitr of a Saa'a of dates or barley upon the slave and free person, the male and female as well as the young and old from amongst the Muslims...>>.

Narrated by Al-Bukhaari (1503) and others. This Hadeeth has been previously mentioned in the section: [The Hukm of Zakaat-ul-Fitr].

8) Abu Sa'eed (ra) said:

<<We use to take the Zakaat-ul-Fitr whilst the Messenger of Allah (saw) was amongst us from every young and old person and every free person and slave...>>.

Narrated by Al-Imaam Muslim (2285), Al-Bukhaari and Ad-Daarami.

9) Mu'mar related from Az-Zuhri from Abd-ur-Rahman Al-A'araj from Abu Hurairah that he said:

<<Zakaat-ul-Fitr is upon every free person and slave, male and female, young and old, rich and poor. A Saa'a of dates (Tamr) or half a Saa'a of wheat (Qamh). Mu'mar said: It reached me from Az-Zuhri that it (the Hadeeth) was Marfoo'an>>.

Reported by At-Tahaawi (45/2), 'Abd-ur-Razzaaq and Al-Bayhaqi. Ahmad (7710) narrated the following Lafzh (wording): <From Abu Hurairah in relation to Zakaat-ul-Fitr: From every free person and slave, male and female, young and old, poor and rich, a Saa'ah of Tamr (dates) or half a Saa'a of Qamh (wheat). Mu'mar said: It has reached me from Az-Zuhri that this was Marfoo'an to the Prophet (saw)>. Its Sanad (chain) is Saheeh.

10) Related from 'Amru Bin Shu'aib, from his father from his grandfather (ra) that he said:

<< That the Prophet (saw) sent a caller out to the Hujjaaj of Makkah (calling): Verily Sadaqat-ul-Fitr is Waajib (obligatory) on every male and female Muslim, free and slave, young and old. Two Mudd of Wheat or its equivalent Saa'a of food>>.

Narrated by At-Tirmidhi (669) and he said: [This Hadeeth is Ghareeb Hasan]. Ad-Daaraqutni narrated it and was silent upon it.

The textual meaning (Dalaalah) of these Ahaadeeth is clear. Only the statement: (and it is obligatory upon who has fasted and who has not) requires a short review. I say: This statement is extractable from all of the Ahaadeeth when they mention the female in generality and the female breaks her fast due to her Nifaas (child-birth bleeding) and despite this she still must pay Zakaah. Also when the Ahaadeeth mention the Kabeer (older person) generally this includes the one who has not fasted but fed (Masaakeen) in its place and Zakaah is obligatory upon him just as when it mentions the Sagheer (young) which includes the baby and not yet mature who do not fast or may not fast and yet the Zakaah is obligatory upon them. All of this therefore indicates in certain meaning that Az-Zakaah is obligatory upon the one who has fasted and the one who has not and therefore the Zakaah is obligatory upon every Muslim without any exception.

As for what has been reported from Abu Haneefah, Ath-Thawri, Ishaq, An-Nakh'i and 'Ataa that: Zakaat-ul-Fitr is obligatory upon the Kaafir (disbeliever) if he is a slave, and Kaafirah (disbelieving woman) who is married to a Muslim. This opinion is a mistake and the texts reject it and they have only relied upon some texts (for their opinion) which are:

25) 'Araak Bin Maalik said: I heard Abu Hurairah saying that the Messenger of Allah (saw) said:

<<There is no sadaqah upon the slave except Sadaqat-ul-Fitr>>.

Narrated by Muslim (2276), Ahmad and Ibn Khuzaimah.

26) Ibn 'Abbaas (ra) said that the Messenger of Allah (saw) said:

<<Sadaqat-ul-Fitr is taken from every young and old, male and female, jew and Christian, free and slave. Half a Saa'a of Burr (wheat) or a Saa'a of Tamr (dates) or a Saa'a of barley (Sha'eer)>>.

Reported by Ad-Daaraqutni (150/2).

27) The ahaadeeth that was just mentioned earlier: <upon the slave and free person>, number 1 and <from every young and old and free and slave>, number 2 and <from every free and slave> number 3 and <free and slave> number 4.

May Allah forgive them, they used as evidence Ahaadeeth that came in the general form and did not take notice of the specification of this form and it is well known as an obvious matter that the specific works with it (the general 'Aam) and that the 'Aam is carried over the Khaass (specific) so in the first Hadeeth there was a specification: <from the Muslims> and in the fourth Hadeeth: <Upon every Muslim Male and female, free and slave> and this specification is as clear as the Sun in the sky. So the slave if he is Muslim is obliged with the Zakaah and the wife also as an example if she is a Muslimah is obliged with this Zakaah and therefore the non-muslim slave and wife are excluded from this. In addition Zakaah is an act of 'Ibaadah (worship) and 'Ibaadah is not valid from a Kaafir (disbeliever) because its Shart is Islaam (i.e. being a Muslim). So the slave that is mentioned (included) here is the Muslim slave carrying the 'Aam over the Khaas.

As for the second Hadeeth it is a strong proof for their opinion, that is if it was Saheeh or Hasan however it is not a valid Hadeeth to be used as a proof to be worked with. Ad-Daaraqutni the narrator of the Hadeeth said: [Salaam At-Taweel is rejected in hadeeth and it (the hadeeth) is not linked to other than him]. An-Nasaa'i said: [The Hadeeth is rejected] and Yahya Bin Mo'een said: [I do not record his hadeeth]. Ibn -ul-Mudaini classified it as very weak and Ibn ul-Jawzwi considered it fabricated. Based on this, where is there Ijtihad for what they have put forward in this opinion? Did they apply this Ijtihad in front of the Hadeeth which was narrated by Ibn 'Umar (ra) when he said: <<That the Messenger of Allah (saw) made the Zakaat-ul-Fitr of Ramadhaan obligatory upon every person of the Muslims, the free and slave, the man and woman, the young and old. A Saa'a of Tamr or a Saa'a of Sha'eer (Barley)>> which was narrated by Muslim (2282), Ibn Khuzaimah, Ibn Hibbaan, Al-Bayhaqi and Ad-Daaraqutni. And the proof here is decisive and irrefutable.

In relation to what was reported from Muhammad Bin Al-Hasan Ash-Shayaati, a companion of Abu Haneefah, his opinion that As-Sadaqah is not obligatory upon the young and the opinion of Hasan Al-Basri, 'Aamir Ash-Sha'bi and Sa'eed Bin Al-Musayyib that the Zakaah was obligatory only upon the one who had fasted using as an evidence the Hadeeth we mentioned previously in the section [the time of extracting/dispensing it] number 7 which said: <...Zakaat-ul-Fitr is a purification for the fasting person from false and dirty talk...> which was narrated by Abu Daawood (1609) and others. Then in respect to these two views all of the Ahaadeeth reject them, as the 'young' has been mentioned blatantly in many Ahaadeeth and it is not allowed to hold a view which contradicts that. And in relation to Zakaat-ul-Fitr being purification for the fasting person, then this is excluded and overcome otherwise all of the Ahaadeeth that mention the person who is not fasting would be rejected, and these people are not saying that.

As for the obligation itself then who does it fall upon? Maalik, Ash-Shaafi', Ahmad, Al-Laith Ibn Sa'd, Ishaq Bin Raahuwaih say that the obligation falls upon the husband for his wife whereas Abu Haneefah, Ath-Thawri and Ibn-ul-Mundhir from the Shaafi'yah say that the obligation falls upon the wife.

The correct view is that Zakaat-ul-Fitr is the extraction of money or the spending of money, and Infaaq (spending) falls upon the husband of the wife just as it does in respect to a man and his young son and his elderly father as well as all of those who he is obliged to spend upon from his family, wives and children. Zakaat-ul-Fitr is from amongst these Nafaqaat (spending) and it falls upon the one who supports his dependents without a regard to their types. However this is not the place to delve into this issue and we will suffice ourselves to mention a number of Ahaadeeth that guide to what we are saying:

h) The Ahaadeeth which mention the 'Slave' and the 'Young', and these two cannot give the Zakaah, either due to the slave not possessing money or due to the ignorance of the young and because he is not legally responsible before the Sharee'ah (Mukallaf).

i) Naafi' narrated from Ibn 'Umar (ra) that he said:

<<The Prophet (saw) made incumbent on every male or female, free man or slave, the payment of one Saa'a of dates or barley as Sadaqat-ul-Fitr (or said Sadaqa-Ramadan)." The people then substituted half Saa'a of Burr (wheat) for that. Ibn 'Umar used to give dates (as Sadaqat-ul-Fitr). Once there was scarcity of dates in Medina and Ibn 'Umar gave barley. 'And Ibn 'Umar used to give Sadaqat-ul-Fitr for (on behalf of) every young and old person. He even used to give on behalf of my children. Ibn 'Umar used to give Sadaqatul-Fitr to those who had been officially appointed for its collection. People used to give Sadaqat-ul-Fitr (even) a day or two before the 'Eid>>.

Narrated by Al-Bukhaari (1511), Ahmad and Ibn Khuzaimah. An-Nasaa'i (4615) narrated the first part of it only. Here Ibn 'Umar (ra) used to give on behalf the young and the old to the extent that he even gave on behalf of Naafi's children the narrator of this Hadeeth and Naafi' had previously been a slave of Ibn 'Umar and this action of Ibn 'Umar is for the one who has been given permission to do it.

j) 'Ayaad Bin Abdillah reported from Abu Sa'eed Al-Khudri (ra) that he said:

<<When the Messenger of Allah (saw) was amongst us we used to take out Zakaat-ul-Fitr on behalf of the every young and old, free and slave, a Saa'a of food...>>.

Narrated by Muslim (2284), Abu Daawood, Ibn Maajah, At-Tirmidhi and Ibn Khuzaimah. His statement: (from (on behalf of every young and old, free and enslaved person) is clear in meaning and it doesn't say: That the young and old free and enslaved (themselves) gave the Zakaah.

k) Abu Hurairah (ra) said (previously mentioned):

<<Zakaat-ul-Fitr from every free and slave, male and female, young and old, rich and poor, Saa'a of Tamr, or half a Saa'a of Qamh (wheat)...>>.

Related by At-Tahaawi (45/2) and other than him. So the wording ('an) 'from' every free and enslaved etc... and not saying ('Alaa) 'upon' every free and enslaved... is also clear in meaning and the texts that do mention ('Alaa) 'Upon' do not harm or take away from this understood meaning as they mention who the obligation falls

upon and we do not deny this but rather only say that the obligation of discharging it falls upon the one who is financially responsible for those he is charged with.

l) 'Urwah narrated:

<<Asmaa Bint Abi Bakr (rah) told him that in the days of the Messenger of Allah (saw) she used to give on behalf of her family, the free from amongst them, the slaves with two Mudds of Hintah(wheat) or a Saa'a of Tamr by Mudds or with a Saa'a of what could be traded with>>.

Narrated by At-Tahaawi (43/2) and the meaning here is clear and strong.

The question remains: Is it a condition that the one who gives out the Zakaah to be rich or is it obligatory upon every Muslim poor or rich and also what is the limit of wealth that obliges them with its giving/paying? Abu Haneefah said: It is a condition for the one who gives the Zakaah to be Ghani (rich/wealthy) according to the Shar'a (definition). Maalik, Ash-Shaafi', Ahmad, Ishaq and 'Ataa said: That he must be in possession of food for a day and night. Abu Haneefah and his followers made analogy between Zakaat-ul-Fitr and Zakaah and therefore obliged what is stipulated upon the giver of Zakaah to the one who gives Zakaat-ul-Fitr in terms of the existence of wealth and possession of the Nisaab (amount of wealth stipulated to give Zakaat). As for Maalik, Ash-Shaafi' and Ahmad Bin Hanbal they relied upon the Hadeeth of Sahl Bin Al-Hanzhaliyah where the Messenger of Allah (saw) said: <<...The one who asks (begs) and he has what is sufficient for him then he only seeks increase from the coals of Jahannam (hellfire). They asked: O Messenger of Allah what is sufficient for him? He replied: If he has of food for lunch and dinner>>. Here 'Waw' (and) is used and not 'Aw' (or). So they said: It is a condition that he has enough food for the day and night.

The truth however is that they all missed the correct view. Abu Haneefah and his people's view is rejected by the Hadeeth of Abu Hurairah that we mentioned earlier in the heart of our discussion. It mentions: <Zakaat-ul-Fitr (is taken) from every free person and slave, male and female, young and old, rich and poor...> and this is a Saheeh Hadeeth and it is not allowed to contradict it with a Hukm based on reasoning or analogy where as it is well known that there is no ijtihaad in place of a text so the poor is from amongst those upon who Zakaat-ul-Fitr is obliged to be taken from based on the text so there is no justification for Qiyaas upon the one who gives Zakaah.

As for Maalik, Ash-Shaafi' and Ahmad and who is with them in this issue then their view is also rejected where this Hadeeth obliges Zakaat-ul-Fitr upon the poor without defining the limit of poverty. The Hukm therefore came in a general ('Aam) way and it is not allowed to specify it with the 'Aql (reason) or with Qiyaas upon the one who asks the people and begs as they are two different issues.

From another angle I say that the Hadeth of Sahl Bin Al-Hanzhaliyah has mentioned that the one who possess food for lunch and dinner is Ghani (rich/sufficient) and said in another way that the person who has food for lunch and dinner is rich. So their opinion that it is obligatory upon the one who has food for a day and night to give Zakaat-ul-Fitr means in effect that they have obliged Zakaat-ul-Fitr upon the rich and not upon the poor in a situation where the text has obliged it upon the poor (Faqeer) as it has upon the rich, so what are they saying? So their view that obliges it upon the one that has food for a day and night – someone who is Ghani – is in opposition to the text that obliges it also upon the poor. Had the text only mentioned the rich and not the poor then their study would have

been in the right place and correct in nature but as the text did not exclude the poor person (Faqeer) then it is not in the case correct or valid to exclude him.

Then there is the Hadeeth of Shu'aib from his father from his grandfather which At-Tirmidhi narrated which was mentioned in the heart of our discussion in this issue which says: <Indeed Sadaqat-ul-Fitr is obligatory upon every Muslim...>. And the Hadeeth of Ibn 'Umar which was related by Muslim amongst others and was also mentioned earlier that says: <Verily the Messenger of Allah (saw) obliged Zakaat-ul-Fitr or Zakaat-ur-Ramadhaan upon every one of the Muslims, the free and enslaved...>. These affirm what we have said and therefore the Faqeer is included in the text because he is from amongst the Muslims therefore whoever has made an exception of the Faqeer from the obligation of Zakaat-ul-Fitr then he has done so from texts that are general without a legal Shar'a standing to support it. So in conclusion I say that Zakaat-ul-Fitr is 'Ibaadah (act of worship) related to the worshipper himself and not like the other forms of Zakaah linked to wealth where the poor and rich are distinguished so any Muslim who has a body Zakaat-ul-Fitr is obliged upon him without any specification or restriction.

As for the one who does not have the amount of Zakaat-ul-Fitr it is correct that he is pardoned due to his lack of ability, and the obligation is lifted from him. This however is a different issue to the circumstances that they have talked about and this is because the Messenger of Allah (saw) said: <...If I have ordered you with a thing then perform it to the best of your capability>> as narrated by Al-Bukhaari (7288), Muslim and others from Abu Hurairah (ra). So whoever has (owns) the amount of Zakaat-ul-Fitr then it is obligatory for him to give it out and whoever does not then there is nothing obliged upon him.

The categories (of food etc...) that can be given as Zakaat-ul-Fitr:

Firstly there is no question that those categories that have been mentioned in the Ahaadeeth are permissible to be given (as Zakaat-ul-Fitr). The first and foremost type is Tamr (dates), many Ahaadeeth have mentioned it and made it the main type that is given out for Zakaat-ul-Fitr. By looking at all of the Ahaadeeth we find the following categories (Asnaaf) have been mentioned: Tamr (dates), Sha'eer (barley), Hintah or Qamh or Burr (wheat), Zabeeb (raisins, dried grapes, Aqit (cottage cheese), Saweeq (mush of wheat, barley with sugar and dates), Sult (segment of peeled Barley), Daqeeq (flour) mentioned in a few reports and Ta'aam (food) in its generality. These are the categories that have been mentioned in the Ahaadeeth and we will now present a number of Ahaadeeth that are linked to this issue:

32) Ibn 'Umar (ra) said:

<<The Messenger of Allah (saw) made Zakaat-ul-Fitr obligatory, a Saa'a of Tamr or a Saa'a of Sha'eer upon the slave and free, the male and female and young and old from the Muslims...>>.

Narrated by Al-Bukhaari (1503) and others and it has already been quoted in the section: (The Hukm of Zakaat-ul-Fitr).

33) Abu Sa'eed Al-Khudri (ra) said:

<<We used to give out for Zakaat-ul-Fitr a Saa'a of food (Ta'aam) or a Saa'a of Sha'eer (barley), or a Saa'a of Tamr, or a Saa'a of Aqit (type of cheese) or a Saa'a of Zabeeb (dried grapes)>>.

Narrated by Al-Bukhaari (1506), Muslim, At-Tahaawi and Ad-Daarami.

- 34) 'Ayaad Bin 'Abdullah Bin Abi Sarh said that he heard Abu Sa'eed Al-Khudri (ra) saying:  
 <<In the time of the Messenger of Allah (saw) we did not give out except for a Saa'a of Daqeeq (flour), or a Saa'a of Tamr, or a Saa'a of Sult (peeled Barley), or a Saa'a of Zabeeb (dried grapes), or a Saa'a of Sha'eer, or a Saa'a of Aqit (cottage cheese). Abu-ul-Fadl said: 'Ali al-Mudaini had said to him whilst he was with us: O Abu Muhammad. One of them did not mention Daqeeq (flour). He replied: Indeed it is in it (i.e. mentioned in the Hadeeth)>>.  
 Narrated by Ad-Daaraqutni (146/2) and Ahmad used it as a legal proof.
- 35) Ibn 'Abbaas used to say:  
 <<The Sadaqah of Ramadhaan is a Saa'a of food. Who comes with wheat it is accepted from him, who comes with barley it is accepted from him, who comes with dates it is accepted from him, who comes with peeled Barley it is accepted from him, who comes with dried grapes it is accepted from him and I believe he said: And who comes with Saweeq (a wheat or barley mix mushy mix with sugar/water) or flour it is accepted from him>>.  
 Narrated by Ibn Khuzaimah (2417) and its chain is Saheeh and Ad-Daaraqutni also recorded it.
- 36) Mu'mar related from Az-zuhri from Abd-ur-Rahman Al-A'araj from Abu Hurairah who said:  
 <<Zakaat-ul-Fitr is taken from (or on behalf of) every free and slave, male and female, young and old, rich and poor, a Saa'a of Tamr or half of a Saa'a of Qamh (wheat)>>.  
 Narrated by At-Tahaawi (45/2), Abd-ur-Razzaaq and Al-Bayhaqi. Ahmad (7710) narrated it as: <<From Abu Hurairah in relation to Zakaat-ul-Fitr: upon every free and slave, male and female, young and old, poor and rich. A Saa'a of Tamr or half a Saa'a of Qamh (wheat). Mu'mar said: It reached me that Az-Zuhri used to raise this up to the Prophet (saw) (i.e. Hadeeth Marfoo'an). Its chain is Saheeh and we have previously quoted it.

These are the categories that the Muslims in the time of the Messenger of Allah (saw) and the times of the Sahaabah and those that followed them (the Taabi'oon) used to give from in terms of Zakaat-ul-Fitr. We will now raise a few points:

- 16) The giving out of Burr and Qamh (wheat) came after that of the other categories because the situation of the Muslims in the beginning was needy and weak so there food was generally Sha'eer (barley) and Tamr. When Allah opened the situation for them wheat became plentiful and they began to use it for Zakaat-ul-Fitr. Naafi' narrated from Ibn 'Umar (ra) that he said: <<The people used to give out Zakaat-ul-Fitr in the time of the Messenger of Allah (saw) a Saa'a of Sha'eer (barley) or Tamr, or Sult (skinned Barley) or Zabeeb (dried grapes). He said: 'Abdullah said: In the time of 'Umar (ra) Hintah (wheat) became plentiful and 'Umar made half a Saa'a of Hintah equivalent to a Saa'a of the other items>>. Narrated by Abu Daawood (1614) and Ad-Daaraqutni. An-Nasaa'i reported the beginning part of this narration.
- 17) In a number of texts the word Ta'aam (food) has been mentioned, from among them is the Hadeeth number 2 from the narrated by Abu Sa'eed Al-Khudri and Hadeeth 4 the statement of Ibn 'Abbaas. This expression also came in the Hadeeth narrated by Al-Bukhaari (1508), Ahmad and At-Tahaawi from Abu Sa'eed Al-Khudri

(ra): <<We used to give it in the time of the Prophet (saw) in the form of a Saa'a of Ta'aam (food), or a Saa'a of Tamr, or a Saa'a of Sha'eer, or a Saa'a of Zabeeb. When Mu'aawiyah came and As-Samra'a came he said: I see that a Mudd of this equals to Mudd (i.e. a Saa'a)>>. Samra'a is Hintah (wheat) which was cultivated in Ash-Shaam (Syria, Lebanon etc...).

18) If we examine the types mentioned we find that these were what the Muslims found available to them at that time in terms of foodstuffs so the texts have not excluded any type of foodstuff in terms of being permitted to give them out as Zakaat-ul-Fitr. Said in another way, the Muslims used to give Zakaat-ul-Fitr from the foodstuffs they had available. The types of food have not come in the Ahaadeeth in a way of restriction as some have thought so Al-Qamh (wheat) or let's say Samra'a which is Qamh (wheat) from Ash-Shaam had come much later in the time of 'Umar Ibn Al-Khattaab and Mu'aawiyah (ra) and at that time Muslims went about taking and giving Zakaat-ul-Fitr from it which indicates with a clear meaning that the types or categories that have come (in the texts) are not what we are restricted to. Rather they are simply a mention of the types of foodstuffs that were available to the people at that time and they were able to choose between them as they wished. What gives strength to this understanding is the Hadeeth narrated by Ad-Daraqutni (140/2) from 'Ali Bin Moosa Ar-Ridaa from his father from his grandfather who was Ja'far As-Sadiq from his father: <That the Prophet (saw) obligated (farada) Zakaat-ul-Fitr upon the young and the old, the male and female from your provisions or supplies>. It is not said here that the fathers in this Hadeeth have come as Majhool (unknown) because the Muslims are aware of these fathers and they are Muhammad Bin 'Ali, 'Ali Bin Al-Husain, Husain Bin 'Ali and 'Ali Bin Abi Taalib and all of these are trustworthy. The two Shaikhs (Al-Bukhaari and Muslim) have taken from Ja'far and Ibn Hibbaan has classified him as trustworthy. The Hadeeth is therefore used as a legal evidence and proof and it is clear in supporting our opinion. What gives us greater peace of mind is that Hadeeth that has been recorded by Ad-Daraqutni (141/2) and At-Tirmidhi from 'Amru Bin Shu'aib from his father from his grandfather (ra): <That the prophet (saw) sent a caller out calling to the Hujjaaj of Makkah: Verily Zakaat-ul-Fitr is obligatory upon every Muslim, upon every male and female, free and enslaved, young and old, two Mudds of Qamh or a Saa'a of what is equal to it in food (Ta'aam)>. And we mentioned this Hadeeth earlier in the section: (Upon who is Zakaat-ul-Fitr obligatory?) with the report from At-Tirmidhi. In relation to the statement: (Two Mudds of Qamh (wheat) or a Saa'ah equal to it of food (Ta'aam)) came in a general form of expression so any food that people eat is included within it.

Upon all of this we say the following:

15) Just as it is allowed to give Qamh, Tamr, Sha'eer, Zabeeb, Aqit, Sult and even Daqeeq (flour) and Saweeq it is also permissible to give any food which people feed themselves with as Zakaat-ul-Fitr. So in our present time rice, beans, chickpeas, green beans, peas and lentils are foods which we eat so they have become that which we are allowed to give as Zakaat-ul-Fitr and this is a rejection to those who say that we must bind ourselves to the types that have been mentioned and say it is not allowed to give from other than them. Indeed they have differed in relation to

some of these types of food so Abu Haneefah for example did not allow Aqit (cottage cheese) and Maalik and Ash-Shaafi' both said that Daqeeq (flour) and Saweeq were not allowed. The Hanbaliyah said that whoever is able to give from Tamr, Burr, Sha'eer or Aqit is then not allowed to give from other than them. It has been reported from Maalik the view: That he did not permit what the texts have not stated in the Ahaadeeth and what falls under their meaning. In return it has been mentioned that the Shaafi'iyah have said: Everything in which the Ushr (crop tax) is obligatory is valid as Zakaat-ul-Fitr like rice, corn, pearl millet, chickpeas, lentils and beans and their like. Al-Hanbaliyah have said: From every fruit and seed that you eat from. Al-Maalikiyah made analogy between the types mentioned in the texts with that which is found with the people of every land like pulses and their like.

- 16) Just as it is allowed to use any foodstuff which people eat then it is also allowed to use the value of one of these types for Zakaat-ul-Fitr. So the value of the thing is equated with it, with no preference of one over the other. Abu Haneefah and Ath-Thawri said that is allowed to extract its value and Al-Hasan Al-Basri said: [There is no problem to give Daraahim (money) as Zakaat-ul-Fitr] narrated by Ibn Abi Shaibah (64/3) from the way of Hishaam. Just as Ibn Abi Shaibah narrated (64/3) from Qurrah who said: [We came across in the book of 'Umar Ibn Abdul Azeez that every person should give half of a Saa'a for Sadaqat-ul-Fitr or its value of half a Dihram]. It has been reported from some of the Maalikiyah the opinion of extracting the value but with dislike (Karaahah).

In order to reach the correct view in this issue let us examine a number of texts that are related to it:

- r) Naafi' related from Ibn 'Umar (ra):  
 <<The Prophet made Sadaqat-ul-Fitr (or sadaqat of Ramadhaan) obligatory upon the male and female, the free and enslaved, a Saa'a of Tamr (dates) or a Saa'a of Sha'eer (barley) so the people made half a Saa'a of Burr equal to them...>>. Narrated by Al-Bukhaari (1511), Ahmad, Ibn Khuzaimah and An-Nasaa'i.
- s) 'Ayaad Bin Abdillah related that Abu Sa'eed Al-Khudri said:  
 <<Whilst the Messenger of Allah (saw) was with us we would extract Zakaat-ul-Fitr from every young and old, free and enslaved a Saa'a of Ta'aam (food), or Saa'a of Aqit (cheese) or a Saa'a of Sha'eer (barley) or a Saa'a of Tamr, or a Saa'a of Zabeeb. We used to continue giving from these until Mu'aawiyah came for Hajj or 'Umrah. He addressed the people from the Minbar and part of what he said was: I view that two Mudds of the Samraa (wheat) of Ash-Shaam being equal to a Saa'a of Tamr so the people adopted this. Abu Sa'eed said: As for me I continued and even up until now only giving Zakaat-ul-Fitr as I had done before (i.e. previous to what Mu'aawiyah brought)>>. Related by Muslim (2284), At-Tirmidhi, Abu Daawood, Ibn Maajah, Ibn Khuzaimah, Ibn Hibbaan and Ad-Daarami. In another narration recorded by Imaam Muslim (2285) and Al-Bukhaari it said: <...Until Mu'aawiyah came and he viewed that two Mudds of wheat equalled a Saa'a of Tamr>. Related by Abu Sa'eed Al-Khudri (ra).
- t) The Hadeeth of Ibn 'Umar (ra) recorded by Abu Daawood (1614), Ad-Daaraqutni and An-Nasaa'i which we previously mentioned under a) which contained: <...So when

'Umar came and Hintah (wheat) became plentiful, 'Umar made half a Saa'a of Hintah in place of the other types>.

The statement in Hadeeth a) says: (So the people equated with it half a Saa'a of Burr (wheat)) and in b): (I see two Mudds of the Samraa (wheat) of Ash-Shaam as being equal to a Saa'a of Tamr, so the people adopted this) and in c): ('Umar made half a Saa'a of Hintah in place of the other types). These three Ahaadeeth have mentioned equalising between two things and equalising does not take place except between two things that are similar in value otherwise there can be no equalising, this is one point.

The second point here is that the equalising has taken place between an item that has been mentioned in the texts and an item that has not been mentioned like what came in the second Hadeeth concerning the Samraa of Ash-Shaam (or wheat of Ash-Shaam) which has not been mentioned in any Hadeeth. This Hadeeth came equalising with something that has been mentioned in the texts which is Tamr (dates) which indicates that equalising does not necessarily have to be between two items that have been mentioned in the texts. Indeed equalising cannot be imagined in what is existent in the texts and this is because if the texts wanted to mention two things it would have mentioned them together with the form of 'waw' (and) or 'aw' (or) so the thing which is mentioned in the text is required in the text and it does not require equating with other than it. So equalising can either be between two things one mentioned in the text and the other not or between two mentioned things where one is preferable to the other. So equalising came with differences in quantity and outside of these two situations there did not come any mention of equalising and its presence is not imaginable.

'Umar Ibn-ul-Khattaab and Mu'aawiyah Bin Abi Sufyaan understood the issue of tying and equalising between two things where one was mentioned in the text and the other was not and they adopted this approach. The people then adopted this as the Aathaar (reports) stated and the people here are the Sahaabah (companions) of the Messenger of Allah (saw) and there is nothing in the fact that a small number went against this adoption like what happened with Abu Sa'eed Al-Khudri. This is because in the Shar'a the equalising and tying (between different things) did not come in the way of compulsion or even in a way of recommendation (nadb) and is only regarded as Mubaah (permissible) and allowed. The Mubaah and Jaa'iz (allowed) do not prevent going against it and not adopting it so tying two things together is allowed and permissible. Ibn ul-Mundhir said: [We do not know a firm report from the Prophet (saw) in relation to Qamh (wheat) that is relied upon and Al-Burr (wheat) was not present in Al-Madeenah at that time except in a negligible form. When it became plentiful in the time of the Sahaabah they saw that half a Saa'a of it could stand in the place of Sha'eer (barley) and they are the A'immah (knowledgeable scholars)...].

Based upon all that we have mentioned above and also upon our understanding of equating and tying (between things) we say: The extraction of the value is permitted, meaning that giving out Danaaneer (i.e. money like pounds/dollars etc...) and Quroosh (pence) is allowed and this is not allowed except when it is equated with something which the text has mentioned, otherwise it would not be tied or equated upon anything and carry no value. The opinion that it is allowed to give Deenars and Quroosh in an unrestricted way without equating them with items which the texts have mentioned is not acceptable so if a Faqeeh comes and says it is allowed to give out this much or that much in an absolute way we say to him that this view of yours is not permitted and what not become permissible until equating

and tying (the money value) with what the texts have mentioned has taken place by equating between a certain money amount and one of the items that has been mentioned in the text.

Abu Haneefah and those who held the same opinion were correct in allowing the giving of a money equivalent on the condition of it being equated and measured upon those items that the texts have mentioned. We say: A Saa'a of Tamr can be given or a Deenaar can be given if a Saa'a of Tamr is equal to a Deenaar according to the value and price in the market and we say giving eighty Qirsh (pence) or a Sa'a of Daqeeq (flour) if this flour is worth eight Qirsh in the market and so forth.

As for equalising with the modern forms of food that are available in our present time, it is the same as equalising through giving a value meaning that it is obligatory when giving Fool (beans) for example or rice that we do not take a Saa'a as a measurement for them making them attached (in ruling) to those items that the texts have mentioned. We rather work with them according to the principle of equalising in the same way as the Sahaabah of the Messenger of Allah (saw) did with Qamh (wheat). They estimated and measured it through equalising it as double (in value) to the mentioned types so when we wish to give beans or rice for example we judge it according to dates or barley. So if the beans or rice are more expensive than dates and barley then half a Saa'a or two thirds of a Saa'a would be allowed for Zakat-ul-Fitr. On the other hand if the price of beans and rice were cheaper in comparison to dates and barley then it is obligatory in this instance to give out two Saa'a or a Saa'a and a half of them to equalise. In other words we perform a process of equalisation based on their prices in the market.

One point remains: Which items do we use as a measure and to equalise with? Do we compare the modern types with dates or barley or dried grapes? The correct view which it is necessary to adopt is to take the food type which is most widespread in usage in our current time in order to make the measurement. If we look at the evidences we find that it mentioned the types in an absolute way and restricted them many times to dates. Dates in that time were the most common food and they measured new foodstuffs by it and Abu Sa'eed narrated the speech of Mu'aawiyah in the Hadeeth that was collected by Muslim (2284), Abu Daawood, At-Tirmidhi, Ibn Maajah, Ibn Khuzaimah and Ibn Hibbaan: <...I view that two Mudds of the Samraa (wheat) of Ash-Shaam is equal to one Saa'a of dates, and so the people adopted this...>. Also in the Hadeeth narrated by Muslim (2285) and Al-Bukhaari: <...Until Mu'aawiyah came and saw that two Mudds of Burr (wheat) were equal to one Saa'a of Tamr (dates)>.

So I say the following in relation to this:

In the situation where wheat (Qamh) is the main food in our current time and not dates then I see that it is obligatory when extracting the monetary value or modern foodstuffs to make measurement and equalising against Qamh and not to use dates, dried grapes or barley as a yardstick of measurement. The important thing is how widespread the food type is so when dates were the main food in the time of the Prophet (saw) and the time of the Sahaabah (rah) they measured wheat against it. So where wheat is the main food in our current time it is necessary to use it and take it as a measurement when extracting a monetary value or when giving Zakaat-ul-Fitr from the modern food types.

As for in South East Asia, in the Indian continent the main food type is rice and not wheat so in that case the Muslims who reside there must take rice as the standard for measurement to extract an equivalent monetary value or an equivalent amount from a modern food type.

Measuring the amount of Zakaat-ul-Fitr:

The Sahaabah (rah) and the Fuqahaa have differed in specifying the amount of Qamh (wheat) that should be given as Zakaat-ul-Fitr into two opinions and they have agreed in respect to all of the other (mentioned) food types. So from the Sahaabah Abu Bakr As-Siddeeq, 'Umar Ibn –ul-Khattaab, 'Uthmaan Bin 'Affaan, 'Ali Bin Abi Taalib, 'Abdullah Ibn 'Abbaas, 'Abdullah Bin Mas'ood, Jaabir Bin 'Abdullah, Abu Hurairah, 'Abdullah Bin Az-Zubair, his mother Asmaa Bint Abu Bakr and Abu Qulaabah (rah) all held the opinion that half a Saa'a of wheat (Qamh) was permitted for Zakaat-ul-Fitr. This was also the view of Sa'eed Bin Al-Musayyib, Sa'eed Bin Jubayr, Sufyaan Ath-Thawri, 'Abdullah Bin Mubaarak, 'Urwah Bin Az-Zubair, 'Ataa, Taawoos, Mujaahid and 'Umar Ibn 'Abdul 'Azeez and Imaam Abu Haneefah. Ibn ul-Mundhir has reports (verifying these views) from 'Uthmaan, 'Ali, Abu Hurairah, Jaabir, Ibn 'Abbaas, Ibn Az-Zubair and Asmaa Bint Abi Bakr (Ibn Hajar said they (the reports) are Saheehah (true)) that they viewed that half a Saa'a of Qamh (wheat) was given as Zakaat-ul-Fitr. Abd-ur-Razzaaq has quoted the statements of Ibn Az-Zubair, Ibn Mas'ood, Jaabir bin 'Abdullah, 'Ali Bin Abi Taalib, Abu Qulaabah that Zakaat-ul-Fitr is two Mudd of Qamh (wheat) (i.e. half of a Saa'a) or one Saa'a of everything else. Ibn Abi Shaibah mentioned similar statements from Ibn Az-Zubair, Ibn Mas'ood, 'Ali, 'Uthmaan and Abu Qulaabah. On the other hand Abu Sa'eed Al-Khudri, Abu ul-'Aaliyah, Abu ash-Sha'taa (rah) said that a Saa'a of Qamh is required for Zakaat-ul-Fitr and this was also the view of Al-Hasan Al-Basri, Jaabir Bin Zaid, Maalik, Ash-Shaafi', Ahmad, Ishaq Bin Raahuwaih and Ash-Shawkaani. At-Tirmidhi said: [That some of the people of knowledge view that it is a Saa'a for everything, and this is the opinion of Ash-Shaafi', Ahmad and Ishaq. And some of the people of knowledge from amongst the Sahaabah of the Prophet (saw) and other than them have a viewed that it is a Saa'a in everything except for Burr (wheat), which they permit the giving of half a Saa'a. This is the opinion of Sufyaan Ath-Thawri, Ibn ul-Mubaarak and the people of Koofah view that Burr (wheat) is half a Saa'a]. So that we can attain the correct Hukm (ruling) in this issue it is first necessary to present the evidences relied upon by the two groups:

14) The evidences used by those who say that the permitted amount of Zakaat-ul-Fitr is a Saa'a of Qamh (wheat):

9) 'Ayaad Bin Abdillah related that Abu Sa'eed Al-Khudri said:

<<Whilst the Messenger of Allah (saw) was with us we would extract Zakaat-ul-Fitr from every young and old, free and enslaved a Saa'a of Ta'aam (food), or Saa'a of Aqit (cheese) or a Saa'a of Sha'eer (barley) or a Saa'a of Tamr, or a Saa'a of Zabeeb. We used to continue giving from these until Mu'aawiyah came for Hajj or 'Umrah. He addressed the people from the Minbar and part of what he said was: I view that two Mudds of the Samraa (wheat) of Ash-Shaam being equal to a Saa'a of Tamr so the people adopted this. Abu Sa'eed said: As for me I continued and even up until

now only giving Zakaat-ul-Fitr as I had done before (i.e. previous to what Mu'aawiyah brought)>>.

Related by Muslim (2284), At-Tirmidhi, Abu Daawood, Ibn Maajah, Ibn Khuzaimah and Ibn Hibbaan.

10) Ibn 'Umar (ra) said:

<<The Prophet (saw) made incumbent on every male or female, free man or slave, the payment of one Saa'a of dates or barley as Sadaqat-ul-Fitr (or said Sadaqa-Ramadan)." The people then substituted half Saa'a of wheat for that...>>.

Narrated by Al-Bukhaari (1511), Ahmad and Ibn Khuzaimah.

11) Ibn Seereen narrated from Ibn 'Abbaas (ra) that he said: He mentioned in regards to Sadaqat-ul-Fitr saying:

<<A Saa'a of Burr (wheat) or a Saa'a of Tamr, or a Saa'a of Sha'eer (barley) or a Saa'a of Sult (peeled barley)>>.

Recorded by An-Nasaa'i (2509), Ibn Khuzaimah and Al-Bazaar with differences in the wordings.

12) Zaid Bin Thaabit (ra) said:

<<The Messenger of Allah (saw) addressed us and said: Whoever has food from amongst you then give it in Sadaqah, a Saa'a of Burr (wheat), or a Saa'a of Sha'eer (barley), or a Saa'a of Tamr, or a Saa'a of Daqeeq (flour), or a Saa'a of Zabeeb (dried grapes) or a Saa'a of Sult (peeled barley)>>.

Narrated by Al-Haakim (411/1-412) and Adh-Dhahabi was silent in regards to it.

15) The evidences used by those who have said that Zakaat-ul-Fitr is half of a Saa'a of Qamh (wheat):

9) 'Abdullah Bin Tha'labah Bin Su'air Al-'Udhri said:

<<The Messenger of Allah (saw) addressed the people two days before Al-Fitr ('Eid) and said: Give a Saa'a of Burr or Qamh between two, or a Saa'a of Tamr or a Saa'a of Sha'eer (Barley), upon very free person and slave, young and old>>.

Reprted by Ahmad (24063), Abu Daawood and Abd-ur-Razzaaq with a chain of trustworthy transmitters. Ad-Daaraqutni (148/2) narrated it from a number of paths with the wording – From 'Abdullah Bin Tha'labah Bin Su'air from his father – so its chain became linked and continuous and it was related like this from Ibn Khuzaimah – from his father – (2410).

10) 'Amru Bin Shu'aib related from his father from his grandfather (ra):

<<That the Prophet (saw) sent a caller to the people performing Hajj in Makkah saying: Verily Sadaqat-ul-Fitr is Waajib (obligatory) upon every Muslim, male and female, free and enslaved, young and old, two Mudds of Qamh or in other than that a Saa'a of food (Ta'aam)>>.

Narrated by At-Tirmidhi (669) and Ad-Daaraqutni. At-tirmidhi said: [The Hadeeth is Ghareeb Hasan].

11) Naafi' related from 'Abdullah Ibn 'Umar (ra) who said:

<<The people used to give out Sadaqat-ul-Fitr in the time of the Messenger of Allah (saw): a Saa'a of Sha'eer or Tamr or peeled barley or Zabeeb (dried grapes). He said

that 'Abdullah said: So when in the time of 'Umar Hintah (wheat) became plentiful 'Umar made half a Saa'a of Hintah take the place of a Saa'a of the other types>>. Recorded by Abu Daawood (1614), An-Nasaa'i and Ad-Daaraqutni.

12) Abu Hurairah (ra) said in relation to Zakaat-ul-Fitr:

<<It is upon every free and enslaved person, male and female, small and young, poor and rich. A Saa'a of Tamr (dates) or half a Saa'a of Qamh (wheat). Mu'mar said: It reached me that Az-Zuhri used to raise this to the Prophet (saw)>>.

Narrated by Ahmad (7710) with a Saheeh chain. At-Tahaawi, Abd-ur-Razzaaq and Al-Bayhaqi also collected it.

13) Faatimah Bint Al-Mundhir related from Asmaa Bin Abi Bakr (ra) that she said:

<<We used to give Zakaat-ul-Fitr in the time of the Messenger of Allah (saw) two Mudds of wheat and with a Mudd of what you feed yourselves with>>.

Related by Ahmad (27475) and At-Tahaawi.

14) Also the many Aathaar that have been narrated from the Sahaabah of the Messenger of Allah (saw) which I previously mentioned being reported by Ibn ul-Mundhir, Abd-ur-Razzaaq and Ibn Abi Shaibah that say: Zakaat-ul-Fitr is half a Saa'a of Qamh (wheat) or two Mudds.

By examining the evidences of the first group, we find that the third Hadeeth was narrated from Ibn Seereen from Ibn 'Abbaas (ra) and it is well known that Ibn Seereen did not (ever) hear anything from Ibn 'Abbaas so the Hadeeth becomes Munqati' (broken) and Da'eef (weak). Ahmad, 'Ali bin Al-Mudaini, Yahya Bin Mo'een and Al-Bayhaqi said: Muhammad Bin Seereen did not hear anything (directly) from Ibn 'Abbaas. So this Hadeeth is rejected (as evidence).

As for the fourth Hadeeth narrated by Al-Haakim it contains amongst its narrators Suleymaan Bin Arqam and Ahmad said in relation to him: Suleymaan Bin Arqam has no value. Ibn Mo'een said: He has no value not even a penny's worth and Al-Bukhaari and Abu Daawood said: They left him (i.e. did not take from him) whilst Abu Haatim and At-Tirmidhi said: He is rejected in Hadeeth. Therefore this Hadeeth is rejected. So we are therefore left with two Saheeh Hadeeths: The Hadeeth of Abu Sa'eed and the Hadeeth of Ibn 'Umar. The following was mentioned in the Hadeeth of Abu Sa'eed: < A Saa'a of Ta'aam (food), or a Saa'a of Aqit (cheese) or a Saa'a of Sha'eer (barley) or a Saa'a of Tamr (dates) or a Saa'a of Zabeeb (dried grapes)> and there is no proof in this evidence for what they have arrived at in their opinion:

Firstly: It did not mention any of the words for wheat (Qamh, Burr or Hintah) at all and there is not even a Shubhah Daleel (semblance of an evidence) except the words: (A Saa'a of Ta'aam (food)) so that they say that Ta'aam (food) refers to Qamh (wheat). We respond to this by saying that we do not accept that the expression Ta'aam when it is said that it means wheat and this is because Tamr, Sha'eer, Zabeeb, Aqit and others also fall under this expression so there is no justification to limit its expression to meaning 'Wheat'.

Secondly: The majority of food that was available to the Muslims in the time of the Prophet (saw) consisted of dates and barley, and less of it was Aqit (cheese) and Zabeeb (dried grapes) and they did not eat Qamh (wheat) except rarely due to its scarcity at that time. In this case how can it be claimed that the expression Ta'aam refers only to wheat? Let's look at what came in the Hadeeth narrated from Abdullah Ibn 'Umar (ra): <The Messenger of Allah (saw) obligated Zakaat-ul-Fitr, a Saa'a of Tamr or a Saa'a of Sha'eer upon every slave

and free, male and female and young and old from the Muslims...> as recorded by Al-Bukhaari (1503), Abu Daawood, Muslim, An-Nasaa'i, At-Tirmidhi and Ibn Maajah. Also in another narration from him (Ibn 'Umar) : <The Prophet (saw) ordered us with Zakaat-ul-Fitr. A Saa'a of Tamr or a Saa'a of Sha'eer so the people made this equal to two Mudds of (Hintah) wheat>> as recorded by Al-Bukhaari (1507), Muslim, At-Tirmidhi, Ibn Maajah and Ad-Daarami. These two narrations both mention that the food that the Muslims used to extract Zakaat-ul-Fitr from in that time consisted of dates and barley (Tamr and Sha'eer). There did not come a mention of Qamh (wheat) except from the angle of the Muslims after the time of the Prophet (saw) performing the process of equalising as it is not imaginable that they would have done this in the time of the Prophet (saw). We mentioned earlier that the process of equalising was from amongst the actions of 'Umar and Mu'aawiyah and that the people adopted this. Indeed we say that the phrase Hintah or Qamh has not been mentioned in any Saheeh report from Ibn 'Umar which mention the types from which Zakaat-ul-Fitr is extracted from. There has been numerous reports by the way of Abu Sa'eed which mention the types and their isn't a mention of Qamh at all and the same can be said about the reports originating from Ibn 'Abbaas, 'Amaar Bin Sa'd and Abu Hurairah (rah). And read what Ibn Khuzaimah (2406) related with a Saheeh chain from Naafi' from Ibn 'Umar (ra) who said: << Sadaqah in the time of the Messenger of Allah (saw) was only in Tamr, Zabeeb and Sha'eer and it did not include Hintah>>. And also what An-Nasaa'i (2518) reported from 'Ayaad Bin 'Abdullah Bin Sa'd that Abu Sa'eed Al-Khudri (ra) told him saying: <<We used to extract (give from) in the time of the Messenger of Allah (saw) a Saa'a of Tamr or a Saa'a of Sha'eer or a Saa'a of Aqit and we did not give from other than these>>. So these two testimonies from these two Sahaabah are completely clear in showing that Qamh (wheat) was not included in the types which the Muslims use to give their Zakaat-ul-Fitr from in the time of the Messenger of Allah (saw). In light of this how could they explain the expression 'food' (Ta'aam) mentioned in the Ahaadeeth as meaning Qamh (wheat)? Thirdly: 'Ayaad Bin 'Abdullah Bin Sa'd reported from Abu Sa'eed Al-Khudri (ra) that: << We used to give in the time of the Messenger of Allah (saw) on the day of Fitr a Saa'a of Ta'aam (food) and Abu Sa'eed said: And our food consisted of Barley (Sha'eer), dried grapes (Zabeeb), cottage cheese (Aqit) and dates (Tamr)>> as recorded by Al-Bukhaari (1510). So here Abu Sa'eed who himself related the Hadeeth that they use explains the expression 'Ta'aam' (food) in a way that cuts any doubt with certainty by explaining that its meaning (Ta'aam) meant Barley, dried grapes, cottage cheese and dates according to their own understanding i.e. the very same types of food mentioned in the Hadeeth they used mentioning Ta'aam (food) so the Hadeeth explains itself. We therefore carry the Hadeeth they use with this Hadeeth and we say as a result that the Hadeeth had mentioned the 'Aam (general) and then went on to mentioned the specific (i.e. the types of food) and this style is well known to anyone who comprehends the language of the Arabs. Fourthly: Those who say that the expression 'Ta'aam' means Qamh and that the Messenger of Allah (saw) had himself obligated a Saa'a of Ta'aam i.e. Wheat (Qamh) then how do they explain that Mu'aawiyah made half a Saa'a of Qamh equal to a Saa'a to the other type? Do they accuse Mu'aawiyah of go against a command of the Prophet (saw) and that people would have agreed to this including Sahaabah? Furthermore how do they explain that 'Umar made half a Saa'a of Qamh (wheat) equal to a Saa'a of the other types? Could they have imagined that when the Messenger of Allah (saw) had obliged a Saa'a of Qamh (wheat) as

they claimed that 'Umar and Mu'aawiyah would have then come whist the Sahaabah were numerous and said that two Mudds (i.e. half a Saa'a) were sufficient? Ibn Khuzaimah said: [The mention of Hintah (wheat) in the report of Abu Sa'eed is not preserved...Had Abu Sa'eed told them that they used to give in the time of the Messenger of Allah (saw) a Saa'a of Hintah then how would the statement of the man: Or two Mudds of Qamh hold meaning] and then the Muslims accepted and acted upon this statement!!

Based on these four points I say that there is no proof for the opinion they have arrived at from this Hadeeth but rather this Hadeeth is a proof against them and not for them.

As for the second Hadeeth that they used: (The Prophet (saw) obligated Sadaqat-ul-Fitr...a Saa'a of Tamr or a Saa'a of Sha'eer so the people equated (with them) half a Saa'a of Burr (wheat)). I am astounded about their claims that this text is an evidence for Sadaqat-ul-Fitr being a Saa'a of Burr (wheat)!! Neither the Mantooq (literal meaning) nor Mafhoom (understood meaning) supports their opinion and indeed this evidence is more of a proof against their view than a proof to support it. The Hadeeth has mentioned that the Prophet (saw) obligated a Saa'a of Tamr or Sha'eer and it did not mention that he obligated a Saa'a of Qamh and the reason for this was that Qamh was not in plentiful supply at that time and this situation remained until Allah (swt) opened up for the Muslims new lands and regions afterwards and at that time Qamh became readily available and plentiful. At that time the people equated between a Saa'a of Tamr (dates) or Sha'eer (barley) with half a Saa'a of Qamh (wheat) so what proof does this Hadeeth provide them with?

As for the statement of Ibn Qudaamah in his book Al-Mughni: [ And because it (Qamh/wheat) was a type that was extracted as Sadaqat-ul-Fitr then its measure is a Saa'a like all the other types]. This is a Qiyaas (analogy) with something different which is not valid in addition to it being in opposition to the texts which mention half a Saa'a of Qamh. We will now move to presenting the Ahaadeeth that those who have said that half a Saa'a of Qamh is permitted as Sadaqat-ul-Fitr have used to extract their opinion. So we say the following: The first Hadeeth, the Hadeeth of Tha'labah is reported from many paths one of which is from An-Nu'maan Bin Raashid and recorded by Ahmad (24064) in the following way: ['Afaan told us saying: I asked Hammad Bin Zaid about Sadaqat-ul-Fitr, so he narrated to me from Nu'maan Bin Raashid from Az-Zuhri from Tha'labah Bin Abi Su'air that the Messenger of Allah (saw) said:...] and then he mentioned the Hadeeth. Abu Daawood also reported with this chain (1619). The author of Al-Mughni (Ibn Qudaamah) responded to this Hadeeth saying: [The Hadeeth of Tha'labah is only narrated from An-Nu'maan Bin Raashid] and he rejected the Hadeeth on the basis that An-Nu'maan Bin Raashid is Da'eef (weak) in the eyes of the majority of the Muhadditheen. So I say as I mentioned above that this Hadeeth has been reported from many paths and I quoted the Hadeeth (24063) from Imaam Ahmad and this is its Sanad (chain): [Abd-ur-Razzaaq told us that Ibn Juraih told us: Ibn Shihaab said: 'Abdullah Bin Tha'labah Bin Su'air Al-'Udhri said] and then he mentioned the Hadeeth. We can see that this Hadeeth does not mention An-Nu'maan Bin Raashid and the transmitters are classified as trustworthy. In addition Abu Daawood (1621) and Abd-ur-Razzaaq (5785) narrated it. Therefore the Hadeeth from this path is valid to be used as evidence and as a legal proof based upon its Sanad (chain).

As for the second Hadeeth it contains in its Sanad (chain) Saalim Bin Nooh who was classified as Da'eef (weak) by Yahya Bin Mo'een, Abu Haatim Ar-Raazi and Ibn 'Adi whereas he was classified as sound by Ibn Hibbaan and Abu Zur'ah and Ahmad Bin Hanbal accepted him. He

is therefore disagreed upon and therefore it is valid to use the evidence as long as its meaning and text does not contradict or oppose what is contained in the Saheeh texts. If it contradicted then it is rejected.

As for the third Hadeeth it contains 'Abdul 'Azeez Bin Abi Ruwaad who was classified as Da'eef by Al-Mundhiri, Ibn ul-Jawzi and Ibn Hibbaan but was classified as trustworthy by Yahya Al-Qataan, Yahya Bin Mo'een and Abu Haatim Ar-Raazi and therefore this Hadeeth is also disagreed upon. Again it is valid for Istidlaal (use as legal evidence) as long as it doesn't contradict the texts and meanings contained in the Saheeh Ahaadeeth in which case it would be rejected.

As for the fourth Hadeeth it has a Saheeh Isnaad however it is a statement from Abu Hurairah (ra) and is not Marfoo' (raised) to the Messenger of Allah (saw). It is a Mawqoof Hadeeth (stops before reaching the Prophet (saw)) and is following that an Athar (speech of Sahaabi, Taabi' etc...) so we place it along with the Aathaar indicated to in under number 6. As for the statement of Mu'mar: (It reached me that Az-Zuhri raised it to the Prophet (saw)) he said this without mentioning the name of the Raawi (transmitter) who told him this statement and therefore the chain in this situation i.e. chain reaching the Prophet (saw) is Da'eef (weak) because it contains an unknown transmitter and is therefore Munqati' (missing a chain) and therefore this speech is not used or worked with. From this it has become apparent that this Hadeeth is only a Qawl (statement) of Abu Hurairah.

As for the fifth Hadeeth it includes in its chain 'Abdullah Bin Lahay'ah and the majority of Muhadditheen regard his narrations as Da'eef and he is accused that his papers which he used to speak from for a period of time had been damaged and he began to speak from his memory and fell into error and so they considered his narrations as Da'eef. Ahmad Bin Hanbal who recorded this Hadeeth said: What 'Abdullah Ibn Lahay'ah narrates is not a proof and I write a lot of what I write in consideration of him. This Hadeeth is therefore rejected. What remains therefore is the first Hadeeth, the second and third with leniency in their chain (sanad) in addition to the Aathaar mentioned under number six/ The first and second Hadeeth alone link the mention of Qamh (wheat) to the Messenger of Allah (saw) and this is despite it being established by many Saheeh Ahaadeeth that we recently mentioned, that Qamh was not from amongst the foods of the people at the time of the Prophet (saw). Also that the mention of Qamh (wheat) was not present in these many Saheeh Ahaadeeth and these Ahaadeeth negated the extracting of Qamh as Zakaat-ul-Fitr. The result of this is that the literal text of these two Hadeeth opposes and contradicts the literal meanings of the text in many Saheeh Ahaadeeth which deny the presence of Qamh and deny its mention as a type from which Zakaat-ul-Fitr can be extracted. The two hadeeth are therefore rejected by the textual meaning and the numerous Saheeh Ahaadeeth outweigh them.

The third Hadeeths textual meaning agrees with the many Saheeh Ahaadeeth and is therefore accepted and worked with. Its meaning is clear concerning equating between Qamh (wheat) and the other types which 'Umar (ra) did which occurred without doubt after the time in which the Prophet (saw) lived. It is therefore correct and valid to join this with the Aathaar under number 6. Ibn ul-Mundhir said: [We do not know in relation to Qamh a firm report that the Prophet (saw) relied upon it, and Burr (wheat) was not present in Al-Madeenah in that time except a very little amount. So when it became plentiful in the time of the Sahaabah (rah) they viewed that half a Saa'a would stand in the place of a Saa'a of

Sha'eer (barley), and they (the Sahaabah) are the A'imma (leaders in knowledge) so it is not permitted to go away from their opinion to those others].

As a result of this only the Aathaar under number 6 (reports and statements of the Sahaabah and Taabi'oon) remain supporting that the amount of Zakaat-ul-Fitr for Qamh (wheat) is equal to half a Saa'a in addition to those of 3 and 4 that we have attached to them. The first is the action of 'Umar Bin Al-Khattaab (ra) and the second is the statement of Abu Hurairah (ra). So there isn't a Prophetic Hadeeth to support their view or which is valid as a legal proof to support that Zakkat-ul-Fitr is half a Saa'a of Qamh.

These Aathaar indicate that the majority of the Sahaabah acted upon making half a Saa'a of wheat equal to a Saa'a of other than it from amongst the food types that the texts mentioned and it is not known that there was any disagreement to this with the exception of Abu Sa'eed Al-Khudri (ra). Also I do not know if Abu Ash-Sha'thaa is a nickname for Waabisah Bin Ma'bad the Sahaabi or he is a transmitter of Hadeeth from the Taabi'een. He is the one who mentioned a Saa'h of Qamh (wheat) and even if Abu Ash-Sha'thaa was the Sahaabi then these two Sahaabis contradicted all of the other Sahaabah and therefore their view barely undermines the consensus except in terms of theory. It is therefore valid to take the view of the majority of the Sahaabah that half a Saa'a of Qamh (wheat) is sufficient for Zakaat-ul-Fitr.

Whoever wishes to study the statements of the Sahaabah of the Messenger of Allah (saw) then he should read the following narrations: (5766), (5769), (5772), (5773) from the Musannaf (written work) of Abd-ur-Razzaaq, (61/3) from the Musannaf of Ibn Abi Shaibah, (45/2) from the book 'Ma'aani Al-Aathaar' of At-Tahaawi amongst other books of Hadeeth and Fiqh in addition to what we mentioned under 3 and 4 (above).

We summarise this presentation by saying that it is obligatory to take the opinion of half a Saa'a of Qamh being acceptable as Zakaat-ul-Fitr and this extracted Hukm (ruling) strengthens and supports our view in relation to the permissibility of equating and not sticking solely to the food types that have been mentioned in the texts in the Ahaadeeth. As such it supports and strengthens our view permitting the giving of a monetary value or from amongst the food types which people use today such as lentils, rice, beans, chickpeas amongst others so all of this is permitted by the Shar'a and allowed.

The measurement of the Prophetic Saa'a:

m) 'Abdullah Bin 'Umar (ra) said that the Prophet (saw) said:

<<The measure is by the measuring of the people of Al-Madeenah and weighing is by the weighing of the people of Makkah>>.

Narrated by An-Nasaa'i (2520), At-Tabaraani and Al-Bayhaqi. Abu Daawood (3340) reported: <<The weighing is by the weighing of Makkah and the measuring is by the measurement of the people of Al-Madeenah>>. Its chain is Saheeh. Ibn Hibban (3283), Al-Bayhaqi also narrated it from 'Abdullah Ibn 'Abbaas (ra).

n) As-Saa'ib Bin Yazeed said:

<<The Saa'a in the time of the Prophet (saw) a Mudd and a third according to (the value of) your Mudd of today. It was therefore increased in the time of 'Umar Ibn 'Abdul 'Azeez>>.

Reported by Al-Bukhaari (6712) and An-Nasaa'i.

o) Al-Husain Bin Al-Waleed said:

<Abu Yusuf came to us from Hajj and said: I wish to open to you a door to knowledge which was important to me and I investigated it. I entered Al-Madeenah and I asked about the Saa'a. They Said: This Saa'a of ours is the Saa'a of the Messenger of Allah (saw). I said to them: What is your proof in that? They said: We will bring you proof tomorrow so when I woke up around fifty Sheiks from amongst the Ansaar and al-Muhaajiroon came to me each one of them had a Saa'a under their robe. Every man said that they were told by their father or people from their household that this was a Saa'a according to the Messenger of Allah (saw). I examined them and found them the same. He said: I found it equal to five Artaal (monetary measurement) and a third minus a little. So I discovered something great, so I abandoned the opinion of Abu Haneefah and adopted the opinion of the people of Al-Madeenah>>.

Narrated by Al-Bayhaqi (171/4) and its Sanad is Jayyid (good).

p) Abu 'Ubaid said in his book 'Al'Amwaal' (Funds) (1602) the following: [As for the people of Al-Hijaz there does not exist any difference between them in it, it is known that a Saa'a is five Artaal and a third which is known by their knowledgeable and unknowledgeable people and it is sold in their markets upon that and this knowledge is passed on from generation to the next]. He added (1603): [Ya'qoob (Abu Yousuf the Judge) used to in the past say the same as his people but then changed his view to that of the people of Al-Madeenah] and also (1623): [ We have explained the Saa'a by the Sunnah and this is as I have made known five Artaal and a third and the Mudd is a quarter of it which is a Ratl and a third and this according to our Ratl which is weighed at one hundred and twenty-eight Dirham...] So I say the following:

Firstly: The first Hadeeth with its different narrations establishes that the Mikyaal (measure) is by the measure of the people of Al-Madeenah and the most famous measurements are a Saa'a which is equal to four Mudds, Al-Faraq which equals three Saa'a or two, Al-'Araq which equals fifteen Saa'a, Al-Makkook which is equal to two Saa'a and a half and Al-Wasaq which is equal to sixty Saa'a. Therefore these measurements must be taken from the people of Al-Madeenah and it is not valid to take from other than them. What concerns us most in this study is the Saa'a and its parts as split into Mudds.

Secondly: The Zakaat-ul-Fitr is half of a Saa'a of Qamh (wheat) or a Saa'a of the other types and a Saa'a is equal to four Mudds and a Mudd is an amount equal to two medium fistful grabs of wheat. Based on this understanding the knowledge of a Mudd and Saa'a according to modern scales makes the extracting of the Zakaat-ul-Fitr easier. The people of expertise using modern scales have concluded that a Saa'a of Qamh (wheat) is equal to two Kilos and 175 grams and if we divide that into four we find that a Mudd of wheat is equal to 543 grams. So where Zakaat-ul-Fitr is half a Saa'a or two Mudds of wheat then Zakaat-ul-Fitr of wheat is equal to one kilo and 86 grams and the other types are equal to two kilos and 175 grams.

Thirdly: As for what has been mentioned about 'Umar Ibn 'Abdul 'Azeez in number 2 that he increased upon the Saa'a and what occurred from Al-Hajjaaj in the time of 'Abdul Maalik as has been reported in many reports in the books of Fiqh and what Hishaam Bin 'Abdul Maalik did in terms of altering the Saa'a then all of this does not concern us or take us away from

the Prophetic Saa'a. The mistake of Abu Haneefah therefore becomes apparent when he adopted a larger Saa'a in Al-'Iraq making it equal to eight Artaal and left the Saa'a of Al-Madeenah which equalled five and a third Artaal.

To whom is Zakaat-ul-Fitr paid?

Sadaqat-ul-Fitr is a form of Zakaah and therefore takes its ruling in everything except for what the evidences have made an exception of. Looking at the legal texts meanings we do not find that those to whom it should be given are mentioned so due to this Zakaat-ul-Fitr is paid to the same eight categories that Allah (swt) mentions:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ  
عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ  
وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ

<<As-Sadaqât (here it means Zakât) are only for the Fuqarâ'[] (poor), and Al-Masâkin[] (the poor) and those employed to collect (the funds); and to attract the hearts of those who have been inclined (towards Islâm); and to free the slaves/captives; and for those in debt; and for Allâh's Cause (i.e. for Mujâhidûn - those fighting in the holy battle), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allâh. And Allâh is All-Knower, All-Wise>>. (Surah At-Tawbah Ayah 60).

As for the categories of 'attracting the hearts' or 'freeing slaves' and even 'those employed to collect' they are non-existent in the reality of our current age after the ending of the rule of Islaam in the Muslim lands and where there does not remain even one state that implements the Shar'a of Allah as He Subhaanahu commanded.

The remaining categories are the Fuqaraa (destitute), Masaakeen (poor), Ghaarimeen (indebted), Fee Sabeel lillah (Jihaad for Allah's sake) and Ibn us-Sabeel (wayfarer). So there only remains these five categories today and in addition it is noted that the indebted is not given to unless he is unable to pay off his debt so trade in our current time that works with a lot of cheques and deeds that are linked to debt, then those traders involved in this are not included into the category of Ghaarimeen and are not recipients of Zakaat. The categories that are most significant for receiving Zakaah are the Fuqaraa and the Masaakeen and there has been found a mention of this in the Hadeeth narrated by 'Abdullah Ibn 'Abbaas (ra): <<The Messenger of Allah (saw) made Zakaat-ul-Fitr Fard (an obligation) as a purification for the fasting person from false and filthy speech and also as feeding for the Masaakeen (poor)...>> as narrated by Abu Daawood (1609) and others. This Hadeeth was mentioned in its entirety earlier in the section: [The time for giving it (Zakaat-ul-Fitr)].

The fact that it (Masaakeen) is mentioned here does not mean that this indicates a restriction to it. It should also not be understood to be an encouragement of this category over the others otherwise the giver of Zakaah would neglect all the other categories. Similar to this is what has come in the Hadeeth narrated by Ibn 'Abbaas (ra): << The Messenger of Allah (saw) said to Mu'aadh when he sent him to Yemen, "You will go to the people of the Scripture. So, when you reach there, invite them to testify that none has the right to be worshipped but Allah, and that Muhammad is His Apostle. And if they obey you in that, tell

them that Allah has enjoined on them five prayers in each day and night. And if they obey you in that tell them that Allah has made it obligatory on them to pay the Zakat which will be taken from the rich among them and given to the poor among them. >>. Similarly this does not indicate that the Fuqaraa should be given the Sadaqah to the exclusion of the other categories.

It is valid to give Zakaat-ul-Fitr to one or two or all of the categories with no difference existing between them. As for the view of Ash-Shaafi' and 'Ikramah that: [That it is obligatory to divide the Zakaah between all categories of the six that are present with a fixed share and that each share for each type is not less than three or more and if you do not find except one category then the share of that category is given to it]. This view of splitting and dividing has no Daleel (evidence) or valid legal argument from the Shar'a to support it and the correct view is that it is permitted to give to one category just as it is allowed to give to more than one and this is the opinion of 'Umar Bin Al-Khattaab, 'Abdullah Ibn 'Abbaas and Hudhaifah from amongst the Sahaabah (rah) as well as it being the view of Sa'eed Bin Jubair, Al-Hasan Al-Basri, 'Ataa, Ath-Thawri, Abu Haneefah and Ibn Qudaamah.

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