

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

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

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

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

SHE MUST BE PURE

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

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

CLASS TEN

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

IF IT IS CONFIRMED THAT IT IS RAMADHAAN DURING THE DAY

Now the author comes with a new statement:

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

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

وَإِذَا قَامَتِ الْبَيِّنَةُ

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

عَلَى كُلِّ مَنْ صَارَ فِي أَثْنَاءِهِ أَهْلًا لِرُجُوبِهِ

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

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

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

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

THE FIRST OPINION

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

THE SECOND OPINION

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

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

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

ان من كان اكله فليصم بقيت يومن

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

ومن لم يأكل فليصم فن اليوم يوم عاشوراء

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

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

DO YOU HAVE TO MAKE THAT DAY UP?

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

وَالْقَضَاءُ

You abstain and you make it up.

THE FIRST OPINION

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

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

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

THE SECOND OPINION

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

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

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

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

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

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

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

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

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

THE THIRD OPINION

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

A WOMAN WHO BECOMES PURE OR A TRAVELLER WHO RETURNS HOME

The author goes on to say:

وَمُسَافِرٌ قَدِمَ مُفْطِرًا ، وَكَذَا حَائِضٌ وَنُفْسَاءُ طَهَّرَتَا

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

WHY DID THE AUTHOR SAY 'AND LIKEWISE'?

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

وَكَذًا حَائِضٌ وَنَفْسَاءُ

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

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

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

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

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

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

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

كُنْ نُوْمِرُ بِقَضَاءِ الصَّوْمِ وَلَا نُوْمِرُ بِقَضَاءِ الصَّلَاةِ

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

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

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

THE FIRST OPINION

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

THE SECOND OPINION

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

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

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

من أكل أول النهار فليأكل آخره

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

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

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

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

WHOEVER BREAKS HIS FAST FOR A LEGITIMATE REASON

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

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

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

CLASS ELEVEN

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

We left off at the author's statement:

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

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