

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

CLASS TWO

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

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

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

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

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

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

Next, the author starts off with:

كِتَابُ الصِّيَامِ

WHAT IS FASTING?

THE LINGUISTIC DEFINITION

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

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

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

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

فَلَنْ أَكَلَّمَ الْيَوْمَ إِنْسِيًّا

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

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

THE SHAR'EE DEFINITION

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

مساكم بني عن اشياء مقصودة في زمن معين من شخص مقصود

YOU MUST HAVE THE INTENTION

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

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

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

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

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

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

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

The Hadith, the famous everyone knows:

انما الاعمال بنيات

Verily actions are by intentions.

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

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

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

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

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

THE RULING ON FASTING IN RAMADHAAN

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

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

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

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

كُتِبَ

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

كَمَا كُتِبَ

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

لَعَلَّكُمْ تَتَّقُونَ

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

Another proof from the Qur'an:

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

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

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

فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ

ال للعهد الازهريه

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

فَلْيَصُمْهُ

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

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

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

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

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

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

WHEN DID RAMADHAAN BECOME OBLIGATORY?

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

THE STAGES OF FASTING

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

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

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

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

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

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

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

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

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

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

RAMADHAAN BECOMES OBLIGATORY WHEN THE MOON IS WITNESSED

The author said Rahimahullah:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هَالِهِ

Ramadan becomes obligatory when its moon is witnessed.

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

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

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

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

IS ALL FASTING A WAAJIB?

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

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

THE THREE CATEGORIES OF WAAJIB FASTING

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

THE FIRST CATEGORY

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

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

THE SECOND CATEGORY

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

THE THIRD CATEGORY

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

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

CLASS THREE

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

RAMADHAAN BECOMES OBLIGATORY WHEN THE MOON IS WITNESSED

The author Rahimahullah said:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هِلَالِهِ