

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 Kaffaarah (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 بِرُؤْيَا هِلَالِهِ

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

يَجِبُ صَوْمُ رَمَضَانَ

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

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

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

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

يَجِبُ صَوْمُ رَمَضَانَ

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

THE PROOF ON THIS ISSUE

Allah in the Qur'an said:

شَهْرُ رَمَضَانَ... ﴿البقرة : ١٨٥﴾

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

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

إِذَا جَاءَ رَمَضَانُ

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

إِذَا جَاءَ رَمَضَانُ

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

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

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

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

شَهْرُ رَمَضَانَ... ﴿البقرة : ١٨٥﴾

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

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

إِذَا جَاءَ رَمَضَانُ

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

THE SIGHTING OF THE MOON

So the author here said:

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَا هِلَالِهِ

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

Allah said in the Qur'an:

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

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

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

Then the Messenger sallallahu alayhi wa sallam said:

إِذَا رَأَيْتُمُوهُ فَصُومُوا

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

In Arabic and in the Ahaadith that we have, you going to see that they refer to the moon by two terms, either Hilaal (هلال) or Qamar (قمر). Both of the refer to them refer to the

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

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

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

WE GO BY SIGHTING EVEN IF IT GOES AGAINST CALCULATIONS

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

صُومُوا لِرُؤْيَيْهِ ، وَأَفْطَرُوا لِرُؤْيَيْهِ

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

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

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

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

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

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

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

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

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

فَإِنْ غُمَّ عَلَيْكُمْ فَاقْدُرُوا ثَلَاثِينَ

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

فَإِنْ غُمَّ عَلَيْكُمْ الشَّهْرُ فَعُدُّوا ثَلَاثِينَ

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

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

HOW DOES RAMADHAAN START?

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

WHEN THE MOON IS NOT SEEN ON A CLEAR NIGHT

Now the author goes on to say:

فَإِنْ لَمْ يُرَ مَعَ صَحْوِ لَيْلَةِ الثَّلَاثِينَ أَصْبَحُوا مُفْطَرِينَ

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

مَعَ صَحْوٍ

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

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

Imam Ahmad said:

الْقِيَامُ قَبْلَ الصَّيَامِ

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

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

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

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

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

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

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

لا تقدموا رمضان بصوم يوم ولا يومين

Clear proof.

Another proof for that is 'Ammar radhiallahu 'anhu.

من صام اليوم الذي يشك فيه فقد عصى أبا القاسم

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

THE WISDOM BEHIND THE RULING

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

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

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

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

THE EXCEPTION TO THE RULING

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

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

لَا تَقْدَمُوا رَمَضَانَ يَوْمٍ وَلَا يَوْمَيْنِ إِلَّا رَجُلٌ كَانَ يَصُومُ صَوْمًا فَلْيَصُمْهُ

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

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

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

The author here says:

مع صَحْوٍ

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

CLASS FOUR

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

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

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

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

IF YOU CANNOT SEE THE MOON ON A CLOUDY NIGHT