

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

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

وَأَنْ حَالَهُ دُونَهُ غَيْمٌ أَوْ قَتَرٌ فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ

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

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

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

THE FIRST OPINION

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

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

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

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

لا تقدموا رمضان بصوم يوم ولا يومين

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

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

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

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

أَلَا هَلَكَ الْمُتَنَطِّعُونَ

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

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

THE SECOND OPINION

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

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

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

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

فَاقْدُرُوا لَهُ

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

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

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

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

THE THIRD OPINION

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

THE FOURTH OPINION

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

THE FIFTH OPINION

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

THE SIXTH OPINION

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

SUMMARY

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

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

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

The author goes on to say:

فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ

He concludes on this issue saying:

فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ

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

ظَاهِرُ الْمَذْهَبِ

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

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

IF YOU SEE THE MOON DURING THE DAY

Now the author went on to say:

وَأَنْ رُئِيَ نَهَارًا فَهُوَ لَيْلَةُ الْمُقْبَلَةِ

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

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

THE FIRST SCENARIO

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

THE SECOND SCENARIO

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

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

THE OPINION OF THE 'ULAMAA

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

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

WHAT IF THE MOON DISAPPEARS?

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

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