

You don't just go to a Halaqah. You know, in universities, what you study in universities they tell you, you have to do five hours equivalent or so on of homework in your house to sink in and register. It's more than that with this Ilm. You just go and say; Wallahi I attended a Halaqah and that's it, you put your books at home and you don't open it until next day or until the following class. No you got to go over it and over it. You wouldn't find no 'Aalim, that used to go to a Halaqah and like many perceive or assume, he put his books away and the next day he wipes the dusts off them and go take the books to the next Halaqah. No in between that there's a lot of study going. Just like I told you don't spend your time memorizing but most definitely, if it is a Hadith try to memorize it if you can. But like I said the wordings of this book is difficult and focus more on trying to understand that. That's my advice to you.

CLASS EIGHT

We left off at the author's statement:

وَيَلْزَمُ الصَّوْمَ لِكُلِّ مُسْلِمٍ مُكَلَّفٍ قَادِرٍ

When you reflect on of the work of the 'Ulamaa who's book we, you see very well its structure and organised although it may not be not appears to be so. Not only do we learn the Fiqh of fasting with this type of work, we study the work of the classical 'Ulamaa, but you also learn how they structured their work. Which makes it easier for you to go through in the future and it is also makes it easier to go refer to it when you need it as a reference. That's all some of the bonuses you get on top of the knowledge you again from studying their work. Therefore pay attention to the organisation of the book just like you do to the substance of what we study. That's why everyone has to have their own copy. One needs to be very familiar with the books of the Ulamaa, very familiar. And you have to know where it is at, and how to get it and where to look for it. That's why we based and attach our study on their work.

WHO IS OBLIGATED TO FAST?

Notice the order here, after he mentions how Ramadhaan starts and the next issue would be who is the one that is going to fast? what type of people is going to fast? who must fast? he said:

وَيَلْزَمُ الصَّوْمَ لِكُلِّ مُسْلِمٍ مُكَلَّفٍ قَادِرٍ

He said: Wa Yalzamu (وَيَلْزَمُ). Yalzamu (يَلْزَمُ) is a word that the author used instead of Yajibu (يَجِبُ) meaning is obligatory. It can be used interchangeably to say that it must, it proscribed, it's obligatory, is a Fardh. But why did he use Wa Yalzamu instead of Fardh or Waajib? Really the reason he did that was to change the terms in his writing as an artistic way of keeping the reader attached and interested and thinking while he goes through his book and this is widespread among the Fuqahaa'. Sometime they use Wa Yalzamu instead of Yajibu, but you'll know that when he says Yalzamu, he is saying Yajibu. You know that also through the context of the sentence that he's stating.

He said fasting is waajib or Yalzamu, fasting is Waajib, is fard, is obligatory. Is all fasting waajib or is he talking some type of specific fasting? He's talking actually about a certain type of fasting, which is the Waajib type naming speaking; Ramadhaan. He didn't specify that, but he means; Ramadhaan. How do we know that? Because we said in Arabi and I went through it through it I believe in the Tawheed classes and also on these classes. AL ((ال

- the in As-Sawmu (الصَّوْمُ) refers to as:

العهد الظهلي

We took what Al'ahd Alzihli means. Al'ahd Alzihli in Arabic grammar means that it refers to that which you know. Meaning the fasting that is obviously on your mind, the fasting that is understood by common sense for one who is reading this. Meaning Al'ahd Alzihli that is automatically understood by the listener what I am trying to say, so there is no need to specify it. What fasting is he talking about that we really understand when we read it? He is talking about the fasting of Ramadhaan. So 'Al' in as-Sawmu is Al'ahd Aldhihli.

The author says:

وَيَلْزَمُ الصَّوْمُ لِكُلِّ مُسْلِمٍ

What is proscribed? He said; fasting Ramadhaan on every Muslim is proscribed. That is a very general and broad statement.

لِكُلِّ مُسْلِمٍ

He wants to tell us now who Ramadhaan is proscribed on. Who are the people must fast? The first condition for fasting that he is states, is one being Muslim, you must be a Muslim. When we say Islam is a condition for fasting or if you read it in other chapters of the Fiqh

books, you'll see that Islam is a condition for Salah. He is not trying to exempt a Kaafir from Salah, is telling you from a Fuqahaa' perspective that in order for you to fulfill the Salah or the Siyaam who have to be able a Muslim, is a condition. In order for the fast to be accepted it, it must be from a Muslim, that is what they're trying to tell you. I am going to elaborate on this point a little bit later on Inshaa Allah.

IF ONE EMBRACES ISLAM ON EID

So the issue, we have an issue here; for some example, we have some issues here, if one embraces Islam on the day of 'Eid does he need to make up that entire Ramadhaan? He comes on the 'Eid declares his Shahaadah in front of everyone. No, he doesn't make up his Ramadhaan. The day he took his Shahaadah was like the day he was born, free of his sins. He is on a fresh slate and a fresh beginning. That day it'll be with a clean slate with Allah subhaanahu wa ta'aala he doesn't have to make up any of the Ramadan that passed. It is considered by Ijmaa', by consensus that when a non-Muslim embraces Islam, takes his Shahaadah he does not make up the fasting of the previous Ramadhaan.

What's the proof on that? The is Ijmaa' and there is plenty there proof.

قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُغْفَرْ لَهُمْ مَّا قَدْ سَلَفَ... ﴿الأنفال: ٣٨﴾

Say to those who have disbelieved, if they cease (from disbelief) their past will be forgiven.
(Surat al-Anfaal: 38)

يُغْفَرُ لَهُمْ مَّا

Means everything in the pass will be forgiven. Including is the past Ramadhaan that they did not fast.

There is a Hadith when the tribe of Wafd-Thaqif, they came to the Masjid of the Prophet Muhammad sallallahu alayhi wa sallam and embraced Islam with the Messenger sallallahu alayhi wa sallam. They camped in the Masjid, they stayed in the Masjid the Hadith says; they fasted the remainder of that Ramadhaan, meaning they didn't fast what they missed in the early, in the first portion of Ramadhaan when they were not Muslim. After they became Muslim, they fasted the remainder part of that Ramadhaan. They started their fast after they became Muslim and the Messenger sallallahu alayhi wa sallam did not direct them to make up past Ramadhaan. If it was obligatory on him, he would have said after Ramadhaan is done, the day that missed of this Ramadhaan, make them up. But he didn't say that, sallallahu alayhi wa sallam.

If one became Muslim on the second day of Ramadhan for example; he starts fasting right after for the remainder of that month, whether twenty-seven or twenty-eight more days. There is no dispute, is Ijmaa' an original Kaafir who embraces Islam, takes his Shahaadah, he doesn't make up any of the previous Ramadhan or days of Ramadhan that he missed out on before his Shahaadah. His fasting during Kufr invalidates the fast. It not acceptable and his Islam is forgiveness for any Ramadhan or days of Ramadhan that he missed out on, along with of course all his previous sins. He is like a new born free and clear from his sins like a new born, a new start. Now that's the original Kaafir.

IF HE IS A MURTAD

The next issue we have here is, what if he is a Murtad? Murtad means an apostate, one who was Muslim and then left Islam. Some rulings that pertain to Murtad are different overall if you look at them there is many rulings that pertain to a Murtad that are different than a original Kaafir even though both are considered Kaafir. Both apostate and an original Kaafir fall under the term Kaafir, but there's some slight difference. A Murtad is much worse than original Kaafir.

Now there is a Murtad who came back to Islam, he was an apostate for some time and then he decided to come back to Islam, wal 'iyaadu billah that he left Islam and many who become Atheist and then the decide to come back to Islam. While, we said, an original Kaafir doesn't have to make up past Ramadhan after he embraces Islam by Ijmaa', no dispute. A Murtad an apostate is slightly different in this issue and that is disputed, whether he needs to make up previous Ramadhan that he missed while he was Murtad or not. So the only difference this man is slightly disputed for a Murtad. However the overall and majority says that an apostate does not need to make up the fast that he missed out on while he was a Kaafir, a non-Muslim.

Imam Ahmad in his one of two opinions said he needs to make up. The correct opinion of those two opinions is that apostates are like an original Kaafir. The same Hukm applies to him, the same rulings applies to him. They don't have to make up missed Ramadhan. Why? Same verse applies to him, they fall under the same categories, same term.

قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُغْفَرْ لَهُمْ مَّا قَدْ سَلَفَ... ﴿الأنفال: ٣٨﴾

Say to those who have disbelieved, if they cease (from disbelief) their past will be forgiven.
(Surat al-Anfaal: 38)

That Kufr, the term Kaafir in that verse is broad, and it encompasses both original Kaafir who is a Kaafir and an apostate who falls under the term Kaafir as well. So there is no room or no need to distinguish between the two in this matter. Had we have specific proof on that, then yes we would distinguish between the two in this matter, but there is no specific proof

on that issue. A Murtad or an apostate is a branch of Kufr, just like an original Kaafir is another branch of Kufr. Is merely a different branches to Kufr. So once a Kaafir embrace his Islam or an apostate returns, he does not need to make up any missed Ramadhaan, Allah will forgive their past Inshaa Allah.

IF ONE TAKES HIS SHAHAADAH AT DHUHR TIME IN RAMADHAAN

Another issue or rather a scenario. We said a Kaafir does not make up past Ramadhaan and we said and an apostate follows along with that and the correct of two opinions on that matter. The day they embrace Islam Allah forgives all.

... إِنَّ اللَّهَ يَغْفِرُ الذُّنُوبَ جَمِيعًا... ﴿الزمر: ٥٣﴾

Verily Allah forgives all sins. (Surat az-Zumar: 53)

What if a Kaafir, a non-Muslim takes his Shahaadah at Dhuhr time in one of the days of Ramadhaan? We said he doesn't make up past Ramadhaan or past days while he wasn't Muslim, he doesn't have to do that. No matter how many days or years if he became Muslim when he was sixty years old he doesn't have to do single day or years from the past ones. But now he is one his second day of Ramadan he comes to the Masjid at Dhuhr time or Asr time and he says; I want to declare my Shahaadah. Previous days they first day of that Ramadhaan he doesn't have to make it up, previous Ramadhaan he doesn't have to make up. That particular day that he became Muslim does he need to make it up on not?

This is a very, very close dispute among the 'Ulamaa. The overwhelming majority the Jamhooor, he on that day for sure he abstains from anything that voids fast. From the point that he became Muslim. Like he does no longer after he become Muslim, he doesn't eat, drink or have intercourse with his wife for the rest of that day. But since he became Muslim on that day, they said; is safer for him to make up that day after Ramadhaan. That's probably the best opinion, there is no proof either way on that so the Jamhooor rational is probably closes to being right.

IS RAMADHAAN WAAJIB ON A KAAFIR?

Now there is an issue, the author said; Ramadhaan is Waajib on a Muslim. Is the author here trying to imply or when you read this in Fiqh books, all over. Are they trying to imply that Ramadhaan is not Waajib on a Kaafir? This goes back to a major issue in Usool. That major issue is; are detailed obligations of Islam prescribed upon a Kaafir? Tawheed is directed and prescribed on a Kaafir. But what about the details of Islam like; hajj, fasting, not dealing in usury or not committing Zina? Do the orders of Allah like fasting encompass a Kaafir? Or is it just major Tawheed that they're directed with?

The correct opinion on this matter is that; the word of Allah, the speech of Allah, the commands of Allah is directed to Kuffaar (non Muslims) in both the principle (which is the Tawheed) and also in the detailed orders of Islam. Some of the 'Ulamaa I've read, narrated an Ijmaa' on this issue, but there is a dispute. How can there be a dispute when there is an Ijmaa'? The 'Ulamaa justified that, early on there was an Ijmaa' and that's should be sufficient. But a dispute developed later on over time. The fact that there is an Ijmaa' should not have left any room for any dispute after that. Tawheed is directed to a Kaafir no doubt, no one disputes that. But for example, let's take for example fasting, is he obligated to fast as a Kaafir? Is the command of Allah, the speech of Allah ordering to fast include a Kaafir? Yes, the author's statement fasting is waajib upon a Muslim, does not mean fasting is not waajib on a kaafir, that's not what he is saying. It means fasting is Waajib on a Muslim which means it's not accepted from a Kaafir in his status of Kufr, whether he is an original Kaafir or an apostate. The order of fasting in other commands are directed to a Kaafir as well, and he is obligated to fast. But to do so, first he needs to fulfill the condition of embracing Islam.

Therefore for he's not saying that fasting is not obligatory on him, he is saying fasting is not accepted. So when the Fuqahaa' say that they saying that fasting is not accepted while there on the status of Kufr. Fulfill that condition before you fast.

Allah said:

وَمَا مَنَعَهُمْ أَنْ تُقْبَلَ مِنْهُمْ نَفَقَاتُهُمْ إِلَّا أَنَّهُمْ كَفَرُوا بِاللَّهِ وَبِرَسُولِهِ...

﴿التوبة : ٥٤﴾

And nothing prevents their contributions from being accepted from them except that they disbelieved in Allah and in His Messenger (Muhammad sallallahu 'alayhi wa sallam). (Surat at-Tawbah: 54)

Nothing prevents their contribution, their charity from being accepted from them except that they disbelieved in Allah and His messenger. They disbelieving in Allah and the Messenger deprived their charity of being accepted. Charity is not accepted due to their Kufr. Likewise fasting is not accepted due to their Kufr. Join Islam, become Muslim so that it will be accepted. The author is trying enlighten us that fasting of a non-Muslim who abstains from predawn to sunset while he is a Kaafir is rejected, that's what the author is trying to say. He didn't fulfill the first rule of fasting, the first condition of fasting, which is Islam. Just like abstaining from food from predawn to sunset is a condition, a condition of fasting in Islam. And Islam is a condition pertains to that person. Just like purification is a condition for your Salah to be accepted, Islam is a precondition for fasting to be accepted.

The order of Allah to fasting is directed to a non-Muslim and a Muslim. The author's statement only and merely means that before he needs to fulfill the first condition of being a Muslim in order for that fast to be accepted. And why I point out this, is because this you'll find it all throughout the Fiqh books, they're going to tell you, your Salah; the first condition for your Salah for example is a Muslim, Hajj as Muslim, they are not trying to exempt a non-Muslim from the command. There just trying to say that, that's the condition.

What's the proof that details of Islam are directed to a non-Muslim and they're obligated to follow them? Among that is the broad general speech:

يَا أَيُّهَا النَّاسُ اعْبُدُوا رَبَّكُمُ... ﴿البقرة : ٢١﴾

O mankind! Worship your Lord (Allah). (Surat al-Baqarah: 21)

He said mankind meaning Muslims and non Muslims, which include U'budoo (اعْبُدُوا) which is Tawheed and it includes other aspect of worship. So he is tell everybody, Muslims and non-Muslims embrace Tawheed, which is the main Ibaadah and then included in that is other types of worships. So he was directing his speech to everybody.

أَلَمْ أَعْهَدْ إِلَيْكُمْ يَا بَنِي آدَمَ أَنْ لَا تَعْبُدُوا الشَّيْطَانَ... ﴿يس : ٦٠﴾

Did I not ordain for you, O Children of Aadam, that you should not worship Shaytaan (Satan). (Surat Yaseen: 60)

O Sons of Aadam – that's everybody, Muslims and non-Muslims.

وَأَقِيمُوا الصَّلَاةَ... ﴿البقرة : ٤٣﴾

Perform your Salah; general. Does it say only to the Muslims? For Muslims and non-Muslims.

In fact when the Kuffaar are asked in Jahannam; why are you in Jahannam?

مَا سَلَكَكُمْ فِي سَقَرٍ ﴿٤٢﴾ قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ ﴿٤٣﴾

﴿المدثر﴾

“What has caused you to enter Hell?” They will say: “We were not of those who used to offer their Salah (prayers).” (Surat al-Muddathir: 42-43)

The first thing they say is:

لَمْ نَكُ مِنَ الْمُصَلِّينَ

We were not among those who used to offer Salah. Look at what they say.

﴿المدثر: ٤٤﴾ وَلَمْ نَكُ نَطْعُمُ الْمِسْكِينِ

“Nor we used to feed Al-Miskeen (the poor).” (Surat al-Muddathir: 44)

And we didn't not feed the poor, we did not give charity, we didn't give the Miskeen their rights.

﴿المدثر: ٤٥﴾ وَكُنَّا نَخُوضُ مَعَ الْخَائِضِينَ

“And we used to talk falsehood (all that which Allah hated) with vain talkers.” (Surat al-Muddathir: 45)

Look at these matters that they saying caused them entry to Hellfire, wal 'iyaadu billah.

نَخُوضُ مَعَ الْخَائِضِينَ

Means falsehood – everything that Allah disliked and prohibited and included in that is vain talk as well.

﴿المدثر: ٤٦﴾ وَكُنَّا نَكْذِبُ يَوْمَ الدِّينِ

“And we used to belie the Day of Recompense.” (Surat al-Muddathir: 46)

The reasons they're saying that they're in Jahannam is leaving Salah, talking falsehood and not giving charity. The main reasons that they're in Jahannam is due to their Kufr. That's why they're really in Jahannam. But the torment is worsened on top of the punishment of Kufr, why? For leaving the details of Islam out as well. They clearly stated four reasons from the details of Islam. They didn't make their Salah, they didn't give the poor their rights, their charity, they spoke evil and falsehood and that which Allah dislikes and they disbelieved in the Day of Judgment.

So in addition they're saying; in addition to their Kufr they're being punished for these matters which are matters that are not Tawheed and Shirk. If they were not being punished for these details then it would be feral to mention them. They mentioned those details

because those are details of Islam that they are being punished for. Therefore they are being punished for details of Islam that they didn't do and the principle of Islam which is Tawheed. Because the Tawheed in the details of Islam are both commanded upon them. The original and main reason for their punishment is due to their Shirk, no doubt. But it gets multiplied on top of that for the details of Islam that they did not do.

These are among the proofs that 'Ulamaa used that the non-Muslims are commanded by the details of Islam.

الَّذِينَ كَفَرُوا وَصَدُّوا عَنْ سَبِيلِ اللَّهِ زِدْنَاهُمْ عَذَابًا فَوْقَ الْعَذَابِ...

﴿النحل: ٨٨﴾

Those who disbelieved and hinder (men) from the Path of Allah, for them We will add torment over the torment. (Surat an-Nahl: 88)

زِدْنَاهُمْ عَذَابًا فَوْقَ الْعَذَابِ

So the torment over the torment they get punished for is torment for the Kufr, refusing the principle and then on top of that torment they're going to be tormented for the secondary matters of Islam, which is in this verse hindering people from the right path.

وَالَّذِينَ لَا يَدْعُونَ مَعَ اللَّهِ إِلَهًا آخَرَ وَلَا يَقْتُلُونَ النَّفْسَ الَّتِي حَرَّمَ اللَّهُ إِلَّا بِالْحَقِّ وَلَا يَزْنُونَ وَمَنْ يَفْعَلْ ذَلِكَ يَلْقَ أَثَامًا ﴿٦٨﴾ الفرقان

And those who invoke not any other Ilaah (god) along with Allah, nor kill such life as Allah has forbidden, except for just cause, nor commit illegal sexual intercourse and whoever does this shall receive the punishment. (Surat al-Furqaan: 68)

The torment will be doubled to him Day of Judgment and he will be in hell disgraced. Allah says; they get tormented for three sins, for their shirk which is the principle, and then he mentioned killing, unjustly killing someone. Another one they'll be tormented for is illegal sexual relationship, and the second two are secondary matters of Islam. The first one of course is the principle, so that means they'll be punished for matters are secondary matters of Islam, just like they'll be will be punished for the original Kufr.

يُضَاعَفْ لَهُ الْعَذَابُ يَوْمَ الْقِيَامَةِ وَيَخْلُدْ فِيهِ مُهَانًا ﴿٦٩﴾ الفرقان

The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace. (Surat al-Furqaan: 69)

His sin is multiplied over on top of the shirk. Why? For secondary matters that he was commanded with; Zina and killing.

Even more clear than that:

...وَوَيْلٌ لِّلْمُشْرِكِينَ ﴿٦﴾ الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ وَهُمْ بِالْآخِرَةِ هُمْ كَافِرُونَ

﴿٧﴾ فَصَلتْ

And woe to Al-Mushrikoon (the disbelievers in the Oneness of Allah, polytheists, idolaters, etc). Those who give not the Zakah and they are disbelievers in the Hereafter. (Surat al-Fussilat: 6-7)

Had the speech of the details of Islam not been directed to non-Muslims it would be, the verse would go like; woe to the Mushrikeen - period, or woe to the Mushrikeen for their shirk, but here it says;

“Woe to the Mushrikeen” for their shirk?

الَّذِينَ لَا يُؤْتُونَ الزَّكَاةَ

Those who do not give the Zakah and they are disbelievers in the hereafter. Who are they? The one who don't give the Zakah and they're disbelievers in the hereafter. He said, woe to their Mushrikeen for their shirk? No that's obvious, that's the first part, that's definite. But in this verse he said for not paying Zakah and not believing in the judgment day. They're going to be held accountable for the details of Islam and for the principle foundation of Tawheed. That's a matter like I said many 'Ulamaa said there was a Ijmaa' early on and there shouldn't never been a dispute after, even though there is. You will see a dispute on this issue.

How does this tie to our study? Did we get off track? No we didn't. It's important and it's important to know in Fiqh books because the author said:

لِكُلِّ مُسْلِمٍ

The fasting is obligatory on every Muslim. He said Ramadhaan is Waajib on a Muslim. You don't want to get the wrong impression. The statement seems to imply that a Kaafir is exempted from fasting Ramadhaan or the obligation upon him of that or that he will not be

punished for that. A Kaafir is included in the order of fasting like the other orders of Islam, but the statement of the author and the Fuqahaa' when they use it in such context, it does not mean to exclude a Kaafir. It means he is exempted.

When they say Ramadhaan is Waajib, or the Salah is Waajib on a Muslim or Hajj is Waajib on a Muslim. That's the first condition that you are going to find in those matters. When they say that it doesn't mean a non-Muslim is exempted from those obligations or that those orders do not encompass him. The Fuqahaa' in such a statements mean; fulfill your condition of Islam so that the order that you were commanded with will be accepted, the order of Siyaam.

CLASS NINE

MUKALLAF

The first condition we took yesterday was Muslim, today the second condition is Mukallaf.

لِكُلِّ مُسْلِمٍ مُكَلَّفٍ

Meaning someone accountable. Mukallaf or accountability in Fiqh means as we went over already is contains two aspects; Number one; is that the person is sane, 'Aaqil or 'Aql. Number two; Is that is over the age of puberty Bulooch or Baaligh.

This exempts one, who is insane and children who are under the age of puberty from the obligation of fasting. A minor under the age of puberty is fully exempted by the overwhelming majority of Ulamaa. In fact it's near Ijmaa'(consensus) that he is exempted until he reaches the age of puberty.

رفع القلم عن ثلاثة وذكر منهم عن الصبي حتى يحتلم وفي ريواي حتى

يقبر وفي روى حتى يتلق

The pen has been lifted from three, one of them is insane until he becomes back to senses and a sleeper until he wakes up and a minor until he reaches the age of puberty.

That Hadith in Sunan Abu Dawud is in authority on this matter. The signs of puberty are three, three for a male and four for a female. One is they both share is reaching the age of fifteen or number two; the growing of pubic hair. Number three; a wet dream. And a female has an addition sign which is the start of her menstrual cycle.