

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 Bulooah 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.

Now keep in mind, the rule that a minor is not accountable for fasting does not mean is not accepted or rewarded if he does it. It's not Waajib on him, he is not held accountable for it. But he may get reward just as a parent may get reward if they teach him and if he doesn't. there is a difference between today's condition on fasting and the one we took yesterday. We took Islam which the opposite is Kufr. One who is a Kaafir is different in that fasting is not accepted from him. Here is not Waajib on him, he is not held accountable for fasting. But if he does it he may get reward, while as a Kaafir does not get reward.

CHILDREN UNDER THE AGE OF PUBERTY

Another important point to know about minors is that children under the age of puberty are considered two categories; one of two categories is matters of Usool; Minors who are able to distinguish and minors who not able to distinguish. What's the age or the line where minors are referred to or classified as those who are able to distinguish and those who not able to distinguish. In Arabic is called; Mumayyiz Wa Ghayra Mumayyiz. It is disputed among the 'Ulamaa.

Some 'Ulamaa says, the first two opinions is that they should be quizzed and tested. That's how we know if they are Mumayyizeen or not, because children mature at different ages, and is better to quiz them and ask the then to go by age. Some said if you ask them the difference between a donkey and a mule. If they know the difference and they specify that particular question, they are considered Mumayyizeen, if they don't know the difference they are not considered Mumayyizeen. A third opinion said that we go by the age of seven for Tameez because is in the Hadith where the Messenger sallallahu alayhi wa sallam ordered the parents to order the children to perform Salah at the age of seven. That's probably strong because is taken from a Hadith.

DO CHILDREN UNDER THE AGE OF PUBERTY GET REWARD FOR FASTING?

Now having said that, what's based on that matter? Whether a child or minor is Mumayyiz he can distinguish or he can't distinguish, what's based on that for our purpose here today? If a child is under the age of seven under what constitute Tameez meaning he is under the age where he distinguishes, then his Salah is classified from a Fiqh prospective as vain, there is not a reward in it. Don't get me wrong, you encourage your children to make Salah, but we're talking from Fiqh prospective, do they get reward and ajar?

My father tells me when I was crawling I used to drag up prayer carpet next to him, pile it up next to him and join him in his Salah, may Allah grant him a long life full of deeds and then Firdaws. My father took us to Madinah when we were at the age of seven when he went to study, we were around the age of seven. And I remember for a fact that we fasted at least two years prior to that, full Ramadhaan. So it's encouraged for a parent to teach their kids but there is no reward for children under the age of Tameez as the Fuqahaa' said.

Now over the age of Tameez, the Salah and fasting he gets rewards for it. Why? Because for an Ibaadah to be an Ibaadah you must have knowledge of that Ibaadah, and knowledge follows intentions. So you have to have knowledge and intention. You need knowledge and intention. Does one who crawls have the intention and knowledge so that it may constitute an Ibaadah? Someone under the age of Tameez he can't comprehend that. While someone over the age of Tameez, although he may not have a full comprehensive knowledge of the Salah like an adult, he will have the general understanding of the basic and essentials of Salah and he will definitely know the intention. That's the difference.

ARE THEY HELD ACCOUNTABLE?

Another issue, whether one is under the age of Tameez or over they're not held, as long as they're minor, they're not held accountable until they reach the age of puberty. That's by the overwhelming majority of the 'Ulamaa, including a large group of the Hanabilah. There is another opinion by the Hanabilah that he's held accountable. They said if a person a minor reaches the age of Tameez even though he's under the age of puberty. Meaning to them is age seven, he is able to fast then he must fast. That's a weak opinion. Their proof on that, his comparing fasting at the age of seven to Salah at the age of seven, they did Qiyaas. And he responds to that is; first of all look into the Hadith of the order of the Messenger sallallahu alayhi wa sallam is for the parent, ordering the parents to order the kids. It was for parent to order the kids at the age of seven.

ONE SHOULD BE FLEXIBLE WITH CHILDREN

The second issue is; the Messenger said orders them to do Salah at the age of seven and hit them at the age of ten. Doing analogy of Siyaam and Salah is disputed because fasting is much more difficult than Salah. In order to do Qiyaas it has to be very similar. So fasting is much more difficult than Salah so he Qiyaas on it and also is different in that Salah, when one leaves Salah he is a Kaafir. While leaving Siyaam, as long as one not deny he is not a Kaafir. And the clearest most direct proof on this matter is the Hadith; The pen has been lifted from three; and one of them is a minor until he reaches the age of puberty. that Hadith doesn't leave for that Hanbali opinion that a minor over the age of Tameez which is seven is obligated to fast. he has his preferable to teach them, to raise them from as early as you can on Salah and Siyaam, as young as possible.

The Sahaabah used to raise their children on that, and used to when their children would get hungry to get them to forget that they would either take them to the Masjid and buy them toys to get their minds of food. As my father tells me, he said; teaching the children at that young age is like tying a knot that will never get loose. The point is one should be flexible with them, especially in fasting because it is more difficult than Salah. One fact is that it is not Waajib on them and that is the incorrect opinion in the Hanbali Madhab.

ONE MUST BE SANE

Now, moving on to the next condition of fasting which is; being sane. That's the next condition. Is that in your book? Is not in your book, you won't see that in your book. Where did we get that from? We said that Mukallaf means that one is over the age puberty and we just finished that. And number two is that he's sane. So a Majnoon, someone who's insane, mentally ill is like a child and that they're both not held accountable. One who's insane, regardless of whether that is temporarily insanity or permanent one, he is exempted from the accountability of fasting. For one temporarily insane is only during the time that he is insane in them.

There are many forms of insanity, the exemption is for those who are insane and it includes a variety of types of insanity. For example; Alzheimer's is one, those in a coma are considered like those insane, those who lost their mind within their life, those who were born like that, and those are variety of insanity that they exempted. One insane is like a minor, is that they are not obligated to fast.

Now there is an issue, in one of two opinions by Imam Ahmad that's unusual he state that; an insane person makes up his fast. When we say one of two opinions means that he has two opinions on this matter. The followers of his Madhab try to explain this, in responds or explain this issue. And try to do in two ways, some of them said this is a weak opinion that could not and should not be attributed to Imam Ahmad. Why did they say that? They said it's clearly goes against the Hadith:

رُفِعَ الْقَلَمُ عَنْ ثَلَاثَ

The pen has been lifted of three; and one of them is:

عَنِ الْمَجْنُونِ حَتَّى يُفِيَقَ

One who's insane until he returns to his sanity. Just like we don't tell a child to make up your fast for the fifteen years or thirteen years or fourteen years while you were under the age of puberty, we don't tell someone who's insane; make up your fast while you were insane. That's why it's a weak opinion and it conflicts with the direct wording of the Hadith. The one in Sunan Abu Dawud that is in authority of this matter.

Other followers, another one, other followers of the Hanbali Madhab said, no. making up the fast for the insane according to Imam Ahmad was meant for those who are in a temporarily insanity. There's permanent insanity and then there is temporary insanity, comes and goes, sometimes for a few weeks or months, for years, sometimes within the day. They'd be insane part of the day and sane at part of the day. They said what Imam

Ahmad meant is that; if a person goes for an hour of the day and he's cured within that day, that's what Imam Ahmad Rahimahullah meant. They tried justifying the opinion of Imam Ahmad Rahimahullah by saying; he means temporarily insanity, meaning if he's cured within that particular day.

This issue is actually very similar to one who is in a coma, one who is in a coma and he wakes up in between two Salah. If someone insane returns to his normal statues or one who's in coma wakes up between two Salah, during the coma or insanity they're not held accountable. Now if he wakes up after Dhuhr, does he have to have to make that Dhuhr? Is he held accountable for that Dhuhr? Or he says; ok next Salah I'll start, I'll start on that next Salah. If he wakes up or his mind returned to him between the Salah before the ending of the timing for the Salah which an average person can make Wudhu and Salah, that's when he must start and that's when his first Salah begins and he's held accountable to it.

Let me give you an example to clear that up; if he wakes up one minute before Dhuhr is over or three minute before Dhuhr is over meaning he wakes up three minute for Asr because that's when is over. He's not required to make Dhuhr, he's not held accountable for that, because one to three minute is not enough for an average person to make Wudhu and Salah. If he wakes up or his mind returns to him ten to fifteen minute before Asr, then he has to make Dhuhr, because an average person is able to make Wudhu and Salah within ten to fifteen minutes.

So far we took, the condition of Islam which was yesterday, today we took Mukallaf which means over the age of puberty and it means sane.

YOU HAVE TO BE ABLE TO FAST

The next one that the author mentions is:

قَادِرٍ

This is something nearly all the 'Ulamaa agree on, the ability to fast, you have to be able to fast. Islam orders those who are able to do that which that they are able. Islam does not have any orders that are impossible, or one can't endure. That's why one cannot endure fasting, for example, for an illness he doesn't have to fast. Islam does not order something that's impossible;

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا... ﴿البقرة: ٢٨٦﴾

Allah burdens not a person beyond his scope. (Surat al-Baqarah: 286)

فَاتَّقُوا اللَّهَ مَا اسْتَطَعْتُمْ... ﴿التَّغَابُنُ : ١٦﴾

So keep your duty to Allah and fear Him as much as you can. (Surat at-Taghaabun: 16)

And the Messenger sallallahu alayhi wa sallam said:

إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأَتُوا مِنْهُ مَا اسْتَطَعْتُمْ

When I command you do the best of your ability and capacity. if one is not able to fast we say is not Waajib on him. He's not able to fast, is not Waajib on him. What falls under this is; one who's traveling, some who you know are travelling, some who are ill, and some who are old or some who have incurable disease. There's a difference between one who's ill, if he has for example; a cold or a flu or his leg is broken and he need pain medication, that falls under;

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

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

Whoever ill or his on a journey the same number of days which he did not fast, he did not observe his fast, he has to make them up. If he breaks his fast.

One who's permanently unable to fast or he's very old or with a permanent disease or illness, he does Fidyah, expiation for every single day. We will talk about those issues in much more detail that the author has statement pertaining to those matters that we'll go over. That's why I'm going to discuss them now in detail.

We mentioned now so far yesterday; Muslim, today we said Mukallaf. A) Above the age of puberty. B) sane, then the third one is; Qaadirin which is ability. There's the fourth one, which the author didn't mention here, because he actually included it in his other statements, which is being a residents not a traveller. One who's travelling has the option to break his fast by the Ijmaa' of Ulamaa', it is clear in the verse:

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

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

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

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

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

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

SHE MUST BE PURE

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

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

CLASS TEN

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