Fasting (ṣiyaam)\(^1\) in Arabic linguistically means to restrain or abstain from. According to the Sharee'ah it means “abstaining from food, drink, sexual intercourse, and other acts mentioned in the divine law during the day in the prescribed way. It is followed by abstinence from foolish talk, obscenity, and other forms of prohibited and disliked speech, due to the narration of hadeeths forbidding them during fasting more so than at other times. [The abstinence should be] during a specified time, and under special conditions which are explained in the following hadeeths. The beginning of its obligation was in the second year after the Hijrah.\(^2\)

\[608\] - عَنْ أَبِي هَرْبَةَ رَضِيَ اللَّهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللَّهُ ﷺ: ((لا تَقْدُمُوا رَمَضَانَ بِصُومٍ يَوْمٍ وَلَا يَوْمَينَ، إِلاَّ رَجُلٌ كَانَ يَصُومُ صُوْمًا فَقِيضَةً. ))

[1] - Aboo Hurayrah narrated that Allaah’s messenger (ﷺ) said, “\textit{Do not fast one or two days just before Ramadaan, except in the case of a person who has been in the habit of fasting this way. He may fast on those days.}” Collected by al-Bukhaaree and Muslim.\(^3\)

Aboo Hurayrah’s quotation of Allaah’s Messenger (ﷺ) as saying, “\textit{Do not fast one or two days just before Ramadaan…}” contains evidence supporting the use of the term \textit{Ramadaan} as a general term for the month of Ramadaan. The \textit{hadeeth} of Aboo Hurayrah collected by Alhmad and others attributed to the Prophet (ﷺ),

((لا تَقْوِّلُوا جَاهَةً رَمَضَانَ إِنَّ رَمَضَانَ اسْتَمَتْ مِنْ أَسْمَاءِ اللَّهِ وَلْكَنْ قُوْلُوا جَاهَةٌ شَهْرُ رَمَضَانَ.))

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\(^1\) Sawm is a synonym for siyaam.

\(^2\) This commentary, \textit{Subulus-Salaam}, was made by Muhammad ibn Ismaa’eeel as-Saان’aانee (d. 1182)

\(^3\) \textit{Saabih Al-Bukhari}, vol. 3, pp. 75-6, no. 138 and \textit{Saabih Muslim}, vol. 2, p. 527, no. 2382.
“Don’t say: ‘Ramadaan has come,’ because Ramadaan is one of Allaah’s names. Instead, say, ‘The month of Ramadaan has come.’” is weak and cannot validly oppose what is found in the authentic [collections of al-Bukhaaree and Muslim].

“except in the case of a person who has been in the habit of fasting this way. He may fast on those days.”

The hadeeth is proof for the prohibition of fasting a day or two before Ramadaan. After narrating this hadeeth, at-Tirmithi said: “Doing this according to the people of knowledge was considered disliked (makrooh). They disliked that a person fast before the arrival of Ramadaan based on the very meaning of the term Ramadaan.” At-Tirmithi’s statement “based on the meaning of Ramadaan,” restricts the prohibition to precautionary fasts, and not fasting in general, like voluntary fasts, fasts due to vows, and other similar fasts. That restriction obviously implies that preceding Ramadaan by any other kind of fast is permissible. But that position is in conflict with the obvious meaning of the hadeeth which is general. Nothing is excluded from it except the fast of someone who regularly fasts fixed days and they coincide with the last days of Sha`baan. If the Prophet (ﷺ) had intended that the fast be limited by what at-Tirmithi mentioned, he would have said, “except one doing voluntary fasts,” or something similar. Prohibition of preceding Ramadaan with fasts was because the Lawgiver had linked the beginning of fasting the Ramadaan fast to the sighting of the crescent moon. One who precedes its sighting is in conflict with both the commands and prohibitions of the religious texts. The hadeeth also contains invalidation of the esoteric (Baatinites) practice of preceding the fast by one or two days prior to sighting the crescent moon of Ramadaan, and their claim that the particle preposition (laam) in the Prophet’s statement: صُومُوا ﷺ لِﺮُؤْﯾَﺘِﮫِ it means “greeting it”, because the hadeeth indicates that the laam

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4 In Sahih Al Bukhari, the Prophet (ﷺ) himself was reported to have said precisely what this narration prohibits:

أَبِي هِرْبَةُ أَنَّ الْبَيْيِ صَلَى اللهُ عَلَيْهِ وَسَلَّمَ فَالْمَرَائِيَ قَالَ إِذَا حَاجَ رَمَضَانٍ فَخَتَّمَ أَبْوَابُ الْحَيَابِةِ وَغَلَقَتْ أَبْوَابُ الْبَئِارِ وَصُفِّدَتْ الشَّيَاطِينُ

Aboo Hurayrah related that the Prophet (ﷺ) said, “When Ramadaan comes the gates of Paradise are opened, the gates of the Hellfire are locked and the devils are chained.”

5 The commentator here points out that in the manuscripts of Bulooqh al-Maraam two words were missing “if he was” and he mentions that in Sahih Muslim the phrase “إِلا رَحْلا” using the accusative (mansoob) is used. He further pointed out it was linguistically logical as it was a connected exception (istitthnaa muttasil) [of a man from the plural subject of verb taqaddamoo].
cannot be correctly interpreted according to this meaning even though it carries that meaning in other contexts. Some scholars took the position that the prohibition of fasting after the first half Sha’baan is from the sixteenth of Sha’baan based on the hadeth of Aboo Hurayrah from the Prophet (ﷺ) in which he said,

إذا التصْبَف شَعْيَان فَلاّ تَصْيْمَوْا

“Don’t fast after Sha’baan reaches its mid point.” Collected by the authors of the Sunan and others. It is said that it is disliked after the middle and forbidden one or two days before Ramadaan. Others held that it was permissible after the middle and forbidden one or two days before. The first was permissible because that was the basic ruling on fasting and Aboo Hurayrah’s hadeth was weak. Ahmad and Ibn Ma’een rated it objectionable (munkar). The prohibition of the second was based on the hadeth of this chapter. This was a good ruling.


Al-Bukhaaree recorded it without a chain (mu’allaq) and the five recorded it with its chain and it was authenticated by Ibn Khuzaymah and Ibn Hibaan.

The five connected it to ‘Ammaar and the author (Ibn Hajar) added in his commentary on al-Bukhaaree (Fat’ul-Baaree) that it also recorded by al-Haakim and that they connected it through ‘Amr ibn Qays from Aboo Is’haaq and its wording in their recording was:

See Module 6 Hadeeth no. 41 where it is authenticated by the commentator himself and the translator provides reference to Shaykh Albanee’s authentication of the same
We were with ‘Ammaar ibn Yaasir and a cooked sheep was brought so he said, ‘Eat!’ Some people refused and one said, ‘I’m fasting.’ So ‘Ammaar replied, ‘Whoever fasts…’ ” Ibn ‘Abdil-Barr said, “I had a chain according to them and they had no disagreement regarding it.” However, its text is mawqoof, although its ruling is marfoo‘ and its meaning is understood from the hadiths which prohibit meeting Ramadaan fasting and the hadiths containing the instruction to fast when the moon is sighted.

The Day of Doubt (yawmus-shakk) is the thirtieth of Sha‘baan if the crescent was not sighted the night before due to clouds or other similar factors. As a result, that day could be from Ramadaan or from Sha‘baan. This hadith and others carrying the same meaning indicate the prohibition of fasting that day. This was the position taken by ash-Shaafi‘ee and the companions of the Prophet (ﷺ) differed regarding it. Some permitted it and some prohibited it and considered it disobedience of Abul-Qasim. The proof is with those who prohibited it. What was collected by ash-Shaafi‘ee from Faatima bint Huseyn that ‘Alee – may Allaah be pleased with him – said, “To fast a day from Sha‘baan is more beloved to me than breaking fast on a day in Ramadaan.” It is a disjointed (munqatî) narration which does not address specifically the day of doubt. In fact, when a man bore witness to him that he saw the crescent, he fasted and instructed people to fast and said, “To fast a day…” Textual evidence in this regard can be found in the narration of Ibn ‘Abbaas:

“If clouds come between you and the crescent moon, complete the period of thirty and do not meet the month fasting.” This was collected by Ahmad and the compliers of the Sunan, Ibn Khuzaymah, Aboo Ya’laa, and at-Tayaalasee collected it with the following wording:

“Do not meet Ramadaan with a day from Sha‘baan.” This was collected by ad-Daraaqaatnee and authenticated by Ibn Khuzaymah in his Saheeh. Aboo Daawood collected from ‘Aa’ishah the following narration:
"Allaah’s Messenger (ﷺ) used to be more careful about [the beginning and end of] Sha‘baan than any other month. He would fast when the crescent for Ramadaan was sighted and if the sky was cloudy, he would count thirty days and then fast."

Aboo Daawood also collected the following narration from Huthayfah which he attributed to the Prophet (ﷺ):

"Don’t begin the month until you either seen the crescent moon or complete the count."

In this chapter there are many hadeeths which indicate the prohibition on fasting on the day of doubt. Among them is the following:

[610] - وَعَنِ عَبْدِ اللَّهِ رضي الله عنهما قَالَ: سَمِعت رَسُول اللَّه ِقَالَ: ((إِذَا رَأَيْتُمْهُ فَصُومُوا، وَإِذَا رَأَيْتُمْهُ فَافْتَرَأُوا، فَإِنَّ غَمَّ عَلَيْكُمْ فَأَقْدِرُوا لَهُ)) مَتَّفَقٌ عَلَيهِ. وَلَا نَسْلِمُ ((فَإِنَّ أَغْمَيْ عَلَيْكُمْ فَأَقْدِرُوا لَهُ ثَلَاثَيْنَ)). وَلِبَيْنَاهُ: ((فَأَكْمُلُوا العَدَّةَ ثَلَاثَيْنَ)).

[3] - Ibn ‘Umar reported that he heard Allaah’s messenger (ﷺ) say, “Fast when you see it (the new moon), and break your fast when you see it; but if the weather is cloudy, calculate when it should appear.”
Collected by al-Bukhaaree and Muslim. Muslim’s version has, “...if it is cloudy, calculate thirty days.” al-Bukhaaree has, “Complete the period as thirty.”

This hadeeth is evidence for the obligation of fasting Ramadaan based on sighting its crescent moon and ending the fast on the first day of Shawaal based on sighting its crescent moon. The obvious meaning of the hadeeth implies that sighting the crescent is conditional for everyone addressed. However, there is a consensus that it is not obligatory. Instead, the intended meaning is whatever will establish the legal ruling of information from a single just person or two, as there is some difference of opinion relating to this. Thus, the meaning of “when you see it,” is “if you find among yourselves a sighting.” This understanding indicates further that the sighting of a region is sufficient for all the people of that land and the obligation of fasting is applicable to them.

It is also said that this understanding is not to be considered, because the address was specifically for the people to whom it was addressed. And there are a number of opinions on this issue, none of which have solid evidence to support them. The most correct opinion is that the people of the land in which it was seen are obliged to fast along with those whose lands are connected to them which are similar to their lands.

In his statement “لَوْرَاهُنَّ بَيْنَكُمْ” based on its sighting contains proof that if a single person alone sees the crescent moon, he is obliged to fast and break his fast, which is the opinion of the Imaams of Ahlul-Bayt and the four math’habs regarding fasting. They differed regarding breaking the fast. Ash-Shaafi’ee held that he should break his fast secretly and the majority held that he should continue fasting as a precautionary measure. This is what Ibn Hajar said in his commentary. However, he previously said in the beginning of the chapter on the ‘Eed Prayers that only Muhammad ibn al-Hasan ash-Shaybaanee held that he should leave what he is certain about and follow the judgment of the masses, and

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8 This wording is found in al-Bukhaaree’s narration; Sahih Al-Bukhari, vol.3, p73, no.133.:
that the vast majority held that he must follow what he is certain of. He contradicted here what he said previously. The reason for this difference of opinion is due to the statement of Ibn ‘Abbaas to Kurayb that he would not follow the sighting of the crescent while in Syria. Instead, he would go along with the people of the city and fast on the thirty-first according to the Syrian sighting because it was their thirtieth day. And Ibn ‘Abbaas said that that was from the Sunnah. The hadeeth was mentioned previously. However, it is not a decisive text which may be used as evidence for what they use it due to it containing other possible meanings, as was discussed earlier. What is correct is that he should act according to what he is certain of whether fasting or breaking the fast. But it is better that he hide his decision in order to protect people from committing sin by thinking ill of him.

Muslim’s version has, “if it is cloudy, calculate thirty days.” al-Bukhaaree has, “Complete the period as thirty.” Meaning “break fast on the thirtieth and consider it the end of the month.” And that was the best explanation. There is another explanation narrated by Ibn Hajar which is beyond the obvious meaning of the hadeeth. Ibn Battaal said: “The hadeeth contains a rejection to the claims of the astrologers. Instead, the sighting of the crescent is to be depended upon and we have been forbidden from takalluf. Al-Baajee said in reply to those who say that it is permissible for calculators, astrologers and others to fast and break fast depending on the stars, “The unanimous opinion (Ijmaa’) of the early generation (salaf) is evidence against them.” Ibn Bazeezah said, “It is a false opinion. For the Sharee’ah has forbidden delving into astrology because it is guesswork and approximation, devoid of certainty. Ibn Hajar said, “The obvious answer to them is what al-Bukhaaree collected from Ibn ‘Umar in which the Prophet (ﷺ) said,

إِنَّا أَمْعِنْ أَمْيَةً لَا نَكْتَبُ وَلَا نَحْسِبُ الشَّهْرُ هَكَذَا وَهَكَذَا يُعْيَنُ مَرَّةً يِتْسَعُ وَعِشْرِينَ (وَمَرَّةً ثَلَاثِينَ).

“Indeed we are an unlettered nation. We do not write nor calculate. The month is like this and like this, meaning that it is twenty-nine sometimes and thirty sometimes.”

[611] - وَلَهُ فِي حَدِيثِ أَبِي هُرَيْرَةَ : (( فَأَكْمَلُوا عَدَدَ شَهْبَانَ ثَلَاثِينَ ))

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9 Sahih Al-Bukhari, vol.3, p.75 , no.137 , Kitaab: Sawm; Baab: Qawl an Nabee: Laa naktub
In a version from Aboo Hurayrah’s tradition, al-Bukharee also has, “Treat Sha‘baan as having thirty days.”

This is a clear statement of what was implied by the command to fast when the crescent is sighted and to complete the period if it is cloudy. These hadeeaths are textual evidences proving that fasting and breaking fast is only valid with the sighting of the crescent or the completion of the period.

Ibn ‘Umar said, “The people tried to see the new moon and I informed the Prophet (ﷺ) that I had seen it, so he fasted and commanded the people to observe the fast.”

Collected by Aboo Daawood; al-Haakim and Ibn Hibbaan declared it sound.

The hadeth is proof for acting on the information of a single narrator (khabar al-waahid) for entering the fast. It is the position of a group of the leading scholars. ‘Adaalah is a condition in it. The others held that there must be two witnesses because it is a witnessing and they used as evidence a narration collected by an-Nasaa’ee from ‘Abdur-Rahmaan ibn Zayd ibn al-Khattaab in which he [addressed the people on the day of doubt and] said,

“I sat with the companions of Allaah’s Messenger (ﷺ) and asked them and they informed me that Allaah’s Messenger said, “Fast when it is sighted and break fast

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10 Sahih Al-Bukhari, vol.3, p.73, no.133.

when it is sighted. If it is cloudy for you, complete Sha’baan’s period as thirty
days, except if two witnesses bear witness; fast and break your fast.”\(^{12}\)

This narration implies that a single witness is not sufficient. My reply to it is that
it is understood indirectly (mafhoom), while the stated understanding (manfoon)
in Ibn ‘Umar’s hadeeth and the following hadeeth of the Bedouin is stronger than
it and they indicate the acceptance of a single witness’s statement. Likewise, the
statement of a woman and a slave is acceptable. As for ending the month, the
obvious meaning is that fasting and breaking fast are equal with respect to the
sufficiency of a single witness. Regarding Ibn ‘Abbaas and Ibn ‘Umar’s hadeeth
that the Prophet (ﷺ) allowed a single witness for the crescent moon of Ramadaan,
but he did not allow witnessing for breaking the fast except that given by two
male witnesses, ad-Daaraqutnee declared it inauthentic (da’eeef) and said, “Hafs
ibn ‘Umar al-Aylee alone narrated it and he was unreliable [da’eeef].” Acceptance
of a single witness for beginning Ramadaan is also indicated by the following
narration:

[6] - Ibn ‘Abbaas stated that a desert Arab came to the Prophet (ﷺ) and said, “I
have seen the new moon.” He asked him, “Do you testify that there is
no god but Allaah?” He replied, “Yes.” He then asked him, “Do you
testify that Muhammad is Allaah’s messenger?” He replied, “Yes.”
He (ﷺ) said, “Announce to the people, Bilaal, that they must fast
tomorrow.”

\(^{12}\) Sunan an-Nasaa’ee, vol.2, p.95, no.2115 , Kitaab: Siyaam, Baab; Qabool shahaadat rajul waahid
Collected by the five, Ibn Khuzaymah and Ibn Hibbaan authenticated it, but an-
Nasaa’ee said that it is missing the link to the Companions.¹³

This narration contains evidence, like the narration which preceded it, for the
acceptance of a single witness in fasting and an indication that the basic ruling on
Muslims is that they are “just” trustworthy ‘adaalah since the Prophet (ﷺ) did not
request anything from the Bedouin besides his declaration of faith. It also contains
evidence that the issue concerning the crescent moon is according to the
conveyance of information and not the bearing of witness. Furthermore, it
indicates that affirmation of the two declarations of faith are sufficient to establish
faith and that tabarree (disavowance) of all other religions is not necessary.

Ibn ‘Abbaas stated that a desert Arab came to the Prophet (ﷺ) and said, “I have seen the new moon.” He asked him, “Do you testify that there is no god but Allaah?” He replied, “Yes.” He then asked him, “Do you testify that Muhammad is Allaah’s messenger?” He replied, “Yes.” He (ﷺ) said, “Announce to the people, Bilaal, that they must fast tomorrow.”

Collected by the five, Ibn Khuzaymah and Ibn Hibbaan authenticated it, but an-Nasaa’ee said that it is missing the link to the Companions.1

This narration contains evidence, like the narration which preceded it, for the acceptance of a single witness in fasting and an indication that the basic ruling on Muslims is that they are “just” trustworthy ‘adaalah since the Prophet (ﷺ) did not request anything from the Bedouin besides his declaration of faith. It also contains evidence that the issue concerning the crescent moon is according to the conveyance of information and not the bearing of witness. Furthermore, it indicates that affirmation of the two declarations of faith are sufficient to establish faith and that tabarree (disavowance) of all other religions is not necessary.

[7] - Hafsah, the mother of the believers, narrated that the Prophet (ﷺ) said, “He who does not express his intention of fasting before the dawn is not credited with it.”

Collected by the five; at-Tirmithee and an-Nasaa’ee said that it is traced back just to the companions, not to the Prophet (ﷺ). Ibn Khuzaymah and Ibn Hibbaan declared it sound with a full chain of narrators.

Daaraqutnee has, “He who does not express his intention to fast the night before fasting is not credited with observing a fast.”

Scholars differed regarding whether it should be attributed to the Prophet (ﷺ) or to the companion. Ibn Hazm said, “The difference regarding it increases its strength, because those who narrated it from the Prophet (ﷺ) also narrated it from the companion. And at-Tabaraanee collected it with a different chain of narrators and said that its narrators were reliable. It indicates that fasting is not correct unless intention is made the night before. He should intend the fast in any portion of the night, beginning from sunset. The reason for this being that fasting is a deed and deeds are judged according to intentions. Furthermore, the periods of the day are not separated from the night by any actual divider. Thus, the intention is not realized unless it is made at some point during the night. Furthermore, it is conditional that the intention be made for every separate day which is the most well-known position of Ahmad ibn Hanbal. He also has a position that if he makes the intention at the beginning of the month it is acceptable. Ibn ‘Aqeel supported that position based on the Prophet’s statement, “Everyone will get according to what he intends,” and this person has made the intention to fast for the whole month. Furthermore, Ramadaan is like a single act of worship because

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breaking fast during its nights is also worship with which the person gets help to fast during the days. And he made an extensive argument indicating its strength.

The hadith is general, including obligatory and voluntary fasts, make-up fasts, and fasts for specific and general vows. However, there are differences of opinion regarding these issues and further details regarding them.

Those who hold that making the intention is obligatory the night before use as evidence the following hadith in Saheeh al-Bukhaaree:

Salamaah ibn al-Akwa related that the Prophet ( ﷺ) sent a man to announce among the people on the Day of ‘Aashooraa, that whoever had eaten may continue to eat or they may fast, and whoever had not eaten shouldn’t eat.3

They argued that it was originally obligatory to fast on ‘Aashooraa and it was later abrogated by Ramadaan, but the abrogation of its obligation did not nullify the remaining fasting rules. Thus, Ramadaan and other similar fasts, like specific and voluntary oaths may be compared to it. Thus, the generality in the statement, “He has no fast,” is specified by analogy (Qiyaas) and by the following hadith of ‘Aa’ishah which indicates that the Prophet ( ﷺ) used to fast voluntarily without making the intention the previous night. My reply is that the Fast of ‘Aashooraa is not equivalent to the Fast of Ramadaan so that an analogy could be made between them, as the Prophet ( ﷺ) made it a must to fast for one who had eaten and one who had not eaten. Therefore, it is clear that this is a special case and it is also a special case because ‘Aashooraa is rewarded without a prior intention. Thus, an analogy may be made with other practices, like that of one who sleeps until he awakens in the morning, that it is not necessary for the completion of abstinence and its obligation that it be a rewarded fast.

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3 Sahih Al-Bukhari, vol.3, p.81, no.147. , Kitaab: Sawm; Baab: Ithaa nawaa bin naahaar sawman
‘Aʾishah related that the Prophet (ﷺ) came to visit her one day and asked, “Do you have anything [to eat]?” We replied, “No.” He said, “Then I will fast.” When he came to us on another day, we told him, “We have been given a present of some Hāys⁴.” He said, “Show it to me, for I began the day fasting,” then he ate.

Collected by Muslim.⁵

The response to this hadeeth is firstly that it is more general than the issue of making the intention the night before, so it should be taken that he did make his intention prior. Because, what contains multiple possibilities should be referred back to the general statements and others similar, as some of the narrations of ‘Aʾishah’s hadeeth contain the statement, “I had woken fasting,” [instead of “Then I will fast.”] The result is that the basic ruling is according to the generality of the hadeeth on making the intention the night before, without distinction between the obligatory, the voluntary, the make-up and the vow. Nothing solid has been brought to cancel these fundamental principles. Therefore, it is required that they remain intact.

⁴ A mixture of dates and clarified butter.

⁵ Sahih Muslim, vol.2, p.560, no.2574.
[9] - Sahl ibn Sa’d reported that Allaah’s messenger (ﷺ) said, “The people will continue to prosper as long as they hasten to break the fast.”

Collected by al-Bukhaaree and Muslim.

Sahl ibn Sa’d ibn Maalik was from the Khazraj tribe of Madeenah. It is said that his name was originally “Huzn (sadness)” and the Prophet (ﷺ) renamed him “Sahl (easy)”. When the Prophet (ﷺ) died he was only fifteen years old. He was the last of the companions to die in Madeenah in he year 91AH (some said it was 88AH).

Ahmad’s collection had the addition:

(و أأخروا السحور) ((...and they delay the suhoor.)

Aboo Daawood’s narration had the addition:

(أنه وَالنصارى يأخرون الإفطار إلى إشباع النحووم)

“Because the Jews and Christians delay the breaking of the fast until the stars appear.”

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7 Musnad Ahmad, CD no. 20350.

8 Al-Albaanee declared it munkar because of the presence of Ibn Lahee’ah and its contradiction of other narrations without the addition. (Irwaa al-Ghaleel, vol. 4, p. 32, no. 917). Proof for its delayal can be found in Zayd ibn Thaabit’s narration in which he said, “We ate the early morning meal with the Prophet (ﷺ) then he stood up for the prayer.” He was asked, “How much time was there between the athaan and the suhoor?” He replied, “The time sufficient for reciting fifty verses.” (Sahih Al Bukhari, vol.3, p.79, no.144 , and Sahih Muslim)

Delaying the morning meal means that it has to be a light meal as the time would not be sufficient for a large meal. It was the Sunnah of the Prophet (ﷺ) to have a light early morning meal. This Sunnah allows those who fast to experience hunger and thirst and to learn the lessons of sympathy for those who suffer from hunger and thirst due to circumstances beyond their control.
In the commentary on *Mishkaat al-Masaabeeh* the author added, “It then became in our nation a symbol for the people of innovation and one of their characteristics.” The *hadeeth* is proof for the recommendation for hastening the breaking of the fast when it is confirmed that the sun has set by visual sighting or the informing of someone for whom it is permissible to act on his statement. He mentioned the reason, to be contrary to the Jews and Christians. Al-Muhallab said that the wisdom behind it is to avoid increasing the day by taking from the night and because it is more considerate for the fasting person and better to strengthen him for worship. Ash-Shaafii’ee said, “Breaking the fast early is recommended and delaying it is not disliked (*makrooh*), except for a person who deliberately delays it and considers it better.” In my opinion, there is in the Prophet’s permission to continue the fast until the morning, as in Aboo Sa’eed’s *hadeeth*, evidence that delaying the breaking of the fast is not disliked if it is a means to control the soul and repel its desires.9

8 The wording in *Sunan Abu Dawood*, vol.2, p.646, no.2346, Kitaab: Sawm; Baab: Maa yustahabb min ta’jeel al fitr and authenticated in *Saheeh Sunan Abu Dawood*, vol.2, p.58, no.2353 is as follows:

> عن أبي سلمة عن أبي هريرة عن النبي صلى الله عليه وسلم قال: لا يزال الدين ظاهرًا ما عجل
> الْتَأْضَيَّ يَنْطَرُ لَأُنَّ الْيَهُودَ وَالْخَرَاسِيَّاتُ يُؤْهَرُونَ

Aboo Hurayrah reported that the Prophet (ﷺ) said, “*The religion will remain prominent as long as people hasten to break the fast, because the Jews and Christians delay.*”

9 In *Sunan Abu Dawood*, vol.1, p.110, no.421, Kitaab: Salaah; Baab: Fee waqt al maghrib and authenticated in *Saheeh Sunan Abu Dawood*, vol.2, p.123, no.418, hastening to pray the sunset prayer was also recommended:

> عن مَرْثَد بن عبيد اللَّه—that’s incorrect—أبو أيوب غاربًا ومَعْقِبةً بِن عَامِر يوَمَينًا على مصر فأُخْرِجَ المَعْرَب فَقَامَ إِلَيْهِ أبو أيوب فقال له ما هذه الصَّلاةِ يا مَعْقِبةً فقال مَعْقِبةً قال أما سَمَعْتُم رَسُول اللَّه ﷺ صلى الله عليه وسلم يَقُولُ لا يَزَال أَمْبَيِّ يَخْتِبُ أوْ قال عَلِى النِّيَاقَةُ ما لَمْ يَؤْهَرُوا المَعْرَب إِلَى أَن تُشْتَبَكَ النَّجْوُ

Marthad ibn ‘Abdillaah related that when Aboo Ayyoob came to us during a military campaign while ‘Uqbah ibn ‘Aamir was the governor of Egypt and he delayed the Maghrib Prayer, Aboo Ayyoob got up and went to him and said, “What is this prayer, O ‘Uqbah?” He replied, “We were distracted.” He said, “Haven’t you heard Allaah’s Messenger (ﷺ) say, ‘*My nation will remain well as long as they don’t delay the Maghrib until the stars appear!*’”

Consequently, the breaking of the fast should be according to the Sunnah, with a few dates and water, and not a full meal which causes people to delay Maghrib prayer until the beginning of ‘Ishaa. The time for Maghrib prayer is the shortest of all the prayers, therefore great care must be taken to make it during its prescribed time. Furthermore, by breaking the fast lightly and delaying

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At-Tirmithi has this from the narration of Aboo Hurayrah that the Prophet (ﷺ) stated that, “Allaah, Who is Great and Glorious, has said, ‘Those of My servants who are quickest in breaking their fast are dearest to Me.’”

This hadith is evidence that breaking the fast early is more beloved to Allaah, Most High, than delaying it, and that continuing the fast until the early morning is not better than breaking the fast early. Or, the intent behind the phrase “My servants,” are those who plan to break their fasts and not those who intended to continue until the dawn. Allaah’s Messenger (ﷺ) is outside the generalization in this hadith based on his clear statement that he was not like them, as will come. He was the most beloved of those who fast to Allaah, Most High, even though he was not the quickest among them to break his fast because he was given permission to fast continually for days at a time.

Anas ibn Maalik stated that Allaah’s messenger (ﷺ) said, “Take a meal a little before dawn, for there is blessing in taking a meal at that time.”

Collected by al-Bukhaaree and Muslim.

the meal, the lessons in self control learned during the daylight hours of the fast are practically implemented.

10 It is in Saheeh Sunan at-Tirmithi, vol.1, p.214, no.563.

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Ahmad’s collection had the addition:

عن أبي سعيد الخدري قال قال رسول الله صلى الله عليه وسلم السحور أكلة بركة فلتأذوه ولو أن يحرج أحدهم جزءه من ماء فإن الله وملائكته أصلون على المتسحرين

Aboo Sa’eed al-Khudree quoted Allaah’s Messenger (ﷺ) as saying, “The early morning meal is a blessed meal, so do not neglect it, even if one of you only swallows a mouthful of water, for the angels pray for those who take the early meal.”¹²

The obvious meaning of this command indicates that the early morning meal is an obligation. However, it was shifted to a recommendation by what is confirmed from the Prophet (ﷺ) and his companions that they did continual twenty-four hour fasts (wisaal). Further discussion will come in the ruling on wisaal fasts. Ibn al-Munthir narrated a consensus among scholars that suhoor was recommended.

The blessing referred to in the hadeeth is following the Sunnah and being contrary to the People of the Scripture as indicated in Imaam Muslim’s hadeeth from the Prophet (ﷺ) in which he said:

عن عمرو بن العاص أن رسول الله صلى الله عليه وسلم قال فصلي ما بين صيامك وصيام أهل الكتاب أكلة السحَر

‘Amr ibn al-Aas related that Allaah’s Messenger (ﷺ) said, “The distinction between our fast and that of the People of the Scripture is the early morning meal.”¹³

Also it gives the fasting person strength for acts of worship and additional vigor, as well as being a cause for giving charity to those who beg at that time.

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¹² Musnad Ahmad, CD no. 10969.

¹³ Sahih Muslim, vol.2, p.533, no. 2413, Kitaab: Siyaam; Baab: Fadl as suhoor
[12] - Sulaymaan ibn ‘Aamir ad-Dabbee narrated that the Prophet (ﷺ) said, “When one of you breaks his fast, he should do so with dates; but if he cannot get any, he should break his fast with water, for it is purifying.”

Collected by the five and declared sound by Ibn Khuzaymah, Ibn Hibbaan and al-Haakim.

This hadeth is narrated from ‘Imraan ibn Husayn with a defect in it, and from Anas and collected by at-Tirmithee and al-Haakim authenticated it, and at-Tirmithee, an-Nasaa’ee and others narrated it from Anas as a practice of the Prophet (ﷺ) saying:

"Whoever of you breaks his fast should do so with dates. If they are not available, he should break his fast with water."

Anas ibn Maalik related that the Prophet used to break his fast before praying with fresh dates. If it was not with fresh dates, he would do so with a few dried dates. If not with a few dried dates, he would swallow some mouthfuls of water.

There are narrations which indicate that the number of dates were three.

The hadeth indicates that breaking fast with what was mentioned is the Sunnah. Ibn al-Qayyim said, “This is from the fullness of the Prophet’s compassion and pity on his nation and his good advice, because giving nature something sweet on an empty stomach makes it more acceptable, and more beneficial to the body’s powers, especially the power of sight which is strengthened by it. As for water, the liver develops a kind of dryness, and if it is

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moistened with water, its benefit from food following it becomes complete. Along with what special characteristics dried dates and water have in repairing the heart, known only to the doctors of the heart.”
Abu Hurayrah related that Allaah’s Messenger (ﷺ) forbade uninterrupted fasting. A man among the Muslims said, “O Messenger of Allaah! But you fast uninterruptedly.” Allaah’s Messenger, (ﷺ) replied, “Which of you is like me? During the night my Lord gives me food and drink.” When they refused to stop the uninterrupted fasting, he observed an uninterrupted fast along with them for two days, and then they saw the new moon. He then said, “If the new moon had not appeared, I would have made you fast more (in this way).” He (ﷺ) behaved as one who wanted to punish them when they refused to stop.

Collected by al-Bukhaaree and Muslim.¹

This hadeeth is collected by both al-Bukhaaree and Muslim from Abu Hurayrah, Ibn ‘Umar, ‘Aa’ishah and Anas, and alone by al-Bukhaaree² from Abu Sa’eed, and it is evidence for the prohibition of continual fasting (wigaal) because it is the basic meaning of a command to abstain from doing an act (nahy). However, continual fasting until the early morning (sahr) was permitted in the hadeeth of Abu Sa’eed

² The printed text mentions Muslim as the lone collector.
Aboo Sa’eed related that he heard the Prophet (ﷺ) say, “Don’t make uninterrupted fasts. If any of you wishes to fast continually, he should do so until the early morning.”

This hadith of Aboo Sa’eed contains evidence that fasting through part of the night is considered wisaal. It refutes those who claim that the night is not the place for fasting and therefore it would not be valid to make one’s intention at night.

The main hadith also indicates that continual uninterrupted fasting is among the unique practices of the Prophet (ﷺ). Scholars differed with regard to others doing it. Some held that it was absolutely forbidden. Others held that it was forbidden for those who found it very difficult and permissible for those who did not. The first opinion of absolute prohibition was that of the majority. Those who held it permissible used as evidence the fact that the Prophet (ﷺ) continued along with them. For, if his prohibition meant that it were haram, he would not have affirmed their practice. Instead, it indicates that it was disliked as a mercy for them and a lightening of responsibility on them. Aboo Dawood also collected the following narration:

‘Abdur-Rahmaan ibn Abee Laylah narrated that one of the Prophet’s companions informed him that Allaah’s Messenger (ﷺ) prohibited cupping and uninterrupted fasting, but did not do so permanently for his companions. Its chain of narrators is sound and al-Bazzaar and at-Tabaraanee in al-Awsat collected from Samurah a hadith in which he said that the Prophet (ﷺ):

Evidence can also be found in the fact that the companions also did uninterrupted fasting. Ibn Abee Shaybah collected with a sound chain of narrators that Ibn az-Zubayr used to fast continually for fifteen days. He also mentioned that a group of other companions used to do the same. If they had understood that uninterrupted fasting was haraam they certainly would not have done it. Also indicating its permissibility is a narration from the Prophet (ﷺ) collected by Ibn as-Sakan in which he said,

"Indeed, Allaah did not ordain fasting at night. So whoever wishes can follow me, but he will not have any reward."

They further stated that giving the reason that it was among the practices of the Christians does not necessitate it being haraam.

The majority excused the fact that the Prophet continued fasting with his companions by stating that it was a punishment/recompense for them and that it may have been permissible for the benefit of emphasizing his discouragement, because if they actually did it, the wisdom behind its prohibition would be come obvious to them. So that made [his prohibition] more easily acceptable due to the consequence of weariness in worship and deficiency in what is more important than the ritual religious assignments.

The Prophet’s statement, “Which of you is like me?” is a rhetorical question containing a reprimand. It means, “Which of you has my characteristics and my status with my Lord?”

The scholars differed regarding his statement, "During the night my Lord gives me food and drink." Some held that it was to be taken literally, that he was fed and given drink by Allaah. However, others replied that if that was literally the case, he was not fasting uninterruptedly. My reply to their objection is that what is from the food of Paradise is a means of honour and does not contradict responsibility and would not have the same ruling as food of this world. Ibn al-Qayyim said, “What is intended is the knowledge which Allaah feeds him and the sweetness which is poured on his heart as a result of his communication with his Lord, the pleasure his eyes witness from closeness to Allaah, his enjoyment from
his love of Him and his desire to meet Him, and the results of that from the states which are the food of the heart and pleasure of the souls, gratification of the eyes, spiritual bliss. It is the greatest and best and most beneficial nourishment for the heart and soul and could become so strong that it replaces the need for physical nourishment for a period of time, as mentioned in the following stanza of poetry:

They have stories which commemorate you that distract them
From drinking and entertain them from [thinking about their] provision

One who has a minimum amount of understanding or desire is aware of the body’s lack of need for physical food when the heart and soul are nourished, especially for one who is happy or delighted, who has achieved what he sought, whose eyes are pleased to see what he loves, and [whose soul is] thrilled to be in close proximity to what it loves and is happy with.” He mentioned this meaning and chose this opinion regarding feeding and providing drink.

As regards continual fasting until the early morning, the Prophet (ﷺ) permitted it as mentioned in the hadeeeth of al-Bukhaaree from Aboo Sa’eed that he heard the Prophet (ﷺ) say, “Don’t make uninterrupted fasts. If any of you wishes to fast continually, he should do so until the early morning.”

The following hadeeeth of ‘Umar narrated from the Prophet (ﷺ) and found in the authentic collections of al-Bukhaaree and Muslim seems to contradict uninterrupted fasting or continual fasting until the early morning:

ٌعَنْ عَمَّرَ بُنَ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ إِذَا أَقْبَلَ اللَّيْلُ مِنْ هَٰذَا هُنَا وَأَدْبِرَ الْيَّاهْرُ مِنْ هَٰذَا هُنَا وَغَرِيبَ السَّمْسَرَ فَقِدْ أَفْطَرَ الصَّاهِمُ

‘Umar ibn al-Khattaab quoted Allaah’s Messenger (ﷺ) as saying, “If the night approaches from here and the day leaves from here, and the sun sets, the fasting person has broken his fast.”

However, this narration does not contradict these practices because what is meant by “breaking the fast” here is the entrance of the time for breaking the fast, not that he literally breaks his fast, as has been claimed [by some]. If he actually broke his fast, neither encouragement for hastening to break the fast nor prohibition from uninterrupted fasting would have been necessary, nor would the permission for continued fasting until the early morning have any meaning.

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5 Sahih Al-Bukhari, vol.3, p.100, no.175, Kitaab: sawm, Baab: mataa yahillu fatr as saa’im and Sahih Muslim, vol.2. Kitaab: siyaam; Baab: bayaan waqt inqidaa as sawm wa khurooj an nahaar
Aboo Hurayrah reported that Allaah’s Messenger (ﷺ) said, “If one does not abandon false statements and acts, and foolishness; Allaah has no need that he should abandon food and drink.”

Collected by al-Bukhaaree and Aboo Daawood; the wording is the latter’s.\(^6\)

This hadeeth is evidence for the prohibition of lying and acts based on lies and foolish behavior for a fasting person, both of which are prohibited on those who are not fasting also. Except that their prohibition for the fasting person is more emphatic, like the prohibition of adultery on the old man and pride on the poor.

The intended meaning of “Allaah has no need,” is that He has no wish (for such a fast). It demonstrates the seriousness of committing these acts and that such a person’s fast is equivalent to no fast at all. Ibn Bat\’aal mentioned that the literal meaning of this phrase has no relevance here because Allaah has no need for anyone or anything. He is free of all need, may He be glorified. It was also said that it was a metaphor indicating non-acceptance, like when an angry person returns something to someone saying, ‘I have no need for this.’ Others said that it meant that the reward for the fast becomes nothing in the scale in comparison to the punishment he deserves for doing what was mentioned. The following is also mentioned in another hadeeth

- Aboo Huryarah narrated from the Prophet (ﷺ) that he said, “If any of you ends up fasting one day, he should avoid lewdness and foolishness. And if a man curses him or fights with him, let him tell him, ‘I am fasting. I am fasting.’”\(^7\)

Thus, one should neither begin cursing others nor respond to the curses of others.

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\(^7\) Sahih Al Bukhari, vol. 3, p. 71, no. 128.
Scholars held that this hadeeth meant that people should avoid kissing and not imagine that they are similar to the Prophet (ﷺ) for whom it was permissible, because he was in control of himself and was safe from a kiss causing ejaculation, or sexual desire, or overwhelming emotions, and similar reactions, while most people are not safe from that. So, for them, the way [to handle this matter] is to restrain oneself from that. In an-Nasaa’ee’s” narration by way of al-Aswad:

“Did Allaah (ﷺ) fondle [his wives] while fasting?"

She replied, “Yes. But he had the more control over his desires than any of you.”

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8 Sahih Al-Bukhari, vo.3, p.82, no.149 and Sahih Muslim, vol.2, p.538, no.2439.

9 The narration mentioned by the author was not found in an-Nasaa’ee but in Musnad Ahmad, CD no. 23817. A similar narration can also be found in Sahih Muslim, vol.2, p.537, no.2438. Kitaab: siyaam; Baab: bayaan annal qublah fis sawm laysat muharramah

Al-Aswad said: Masrooq and I went to ‘Aa’ishah and we asked her, ‘Did Allaah’s Messenger (ﷺ) fondle [his wives] while fasting?’ She replied, ‘Yes. But he had the more control over his desires than any of you.’ ”
Al-Aswad ibn Yazeed said, “I asked ‘Aa’ishah, ‘Can a fasting person fondle his wife?’ She replied, ‘No.’ I asked, ‘Didn’t Allaah’s Messenger (ﷺ) fondle [his wives] while fasting?’ She replied, ‘Allaah’s Messenger (ﷺ) had more control over his desires than any of you.’”

The obvious meaning of this narration is that ‘Aa’ishah believed that [the concession of fondling] was special for the Prophet (ﷺ). Al-Qurtubee said, “It was her ijtihaad.” Others said that the obvious meaning was that she considered kissing disliked (makrooh) for others besides the Prophet (ﷺ), strongly disliked (kiraahat tanzeeh) and not prohibited as indicated by her statement, “He had more control of his desires than any of you.” [There is a narration] in Kitaab as-Siyaam of Aboo Yoosuf al-Qaadee by way of Hammaad ibn Salamah, [in which he said,] “I asked ‘Aa’ishah about a fasting person fondling his wife and she disliked it.”

The obvious meaning of the main hadeeth indicates the permissibility for a fasting person to kiss and fondle [his wife] due to the evidence of following the Prophet (ﷺ) and because ‘Aa’ishah mentioned the narration in response to one who asked about kissing while fasting and her answer rules permissibility based on what the Prophet (ﷺ) did. There are other opinions concerning this issue.

The first is that of the Maailikites who held that it is generally disliked.

The second is that it is haraam based on the Almighty’s statement:

قَالَ الَّذِينَ بَاَشِرُوهُنَّ

“Now you may have direct sexual contact,” as it prohibits direct sexual contact during the daylight hours. My reply is that the contact mentioned in the verse is sexual intercourse and the Prophet’s actions have clarified that as indicated by the main hadeeth. Some said that kissing was forbidden and that one who did so invalidated his fast.

The third is that it is permissible (mubaah) and some of the Zaahirites held that it was recommended (mustahabb).

The fourth distinguished saying that it was disliked for youths and permissible for older men. That was narrated from Ibn ‘Abbaas whose evidence was the following incident collected by Aboo Daawood

عَنْ أَبِي هُرَيْرَةَ أَنَّ رَجُلًا سَأَلَ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ عَنِ الْمِيَاشِرَةِ لِلضَّائِمِ فَرَخَصَ نَّهُ وَأَنَاَ أَخْرُ فَسَأَلَهُ فَتَنَاهَا فَإِذَا الَّذِي رَخَصَ لِهُ شَيْخَهُ وَالَّذِي تَنَاهَا شَابٌ
Aboo Hurayrah related that a man asked the Prophet (ﷺ) about a fasting person fondling [his wife] and he allowed it for him. Another asked him and he forbade it. The one who he permitted was an old man and the one he forbade was a young man.\(^{10}\)

The fifth was that it was permissible for one who was in control of himself; otherwise it was not permissible. This opinion was narrated from ash-Shaafi’ee and he used ‘Umar ibn Abee Salamah’s hadeeth as evidence

‘Umar ibn Abee Salamah related that he asked Allaah’s Messenger (ﷺ): “Can a fasting person kiss?” The Messenger of Allaah replied, “Ask Umm Salamah that.” She told him that Allaah’s Messenger (ﷺ) used to do that, so he said, “O Messenger of Allaah! Allaah has forgiven your future and past sins.” Allaah’s Messenger replied, “By Allaah! I am more conscious of Allaah and fear him more than any of you.”\(^{11}\)

This indicated that there was no difference between a young man and an old man, otherwise the Prophet (ﷺ) would have clarified it to ‘Umar, especially since ‘Umar was at the beginning of puberty.

It is clear from the above that permissibility is the strongest opinion and that is supported by ‘Umar ibn al-Khattaab’s hadeeth collected by Ahmad and Aboo Daawood:

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\text{عَنْ عُمَّرَ بْنِ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ قالَ : هَسَّنَتْ يَوْمًا فَقَبَّلَتْ وَأَنَا صَامِمُ فَأَتَيْتُ البُيُوتَ صلى الله عليه وسلم فَقَبَّلَتْ صَنَعْتُ الْيَوْمَ أمَّا عَظِيمًا فَقَبَّلَتْ وَأَنَا صَامِمُ فَقَالَ رَسُولُ}
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\(^{11}\) *Sahih Muslim*, vol.2, p.538, no.2450, Kitaab: Sawm; Baab: bayaan anna al qublah fis sawn laysat muharramah

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‘Umar ibn al-Khattāb said, “I felt desire one day and kissed [my wife] while fasting. So I went to the Prophet (ﷺ) and said, “I have done a grave act today! I kissed while fasting.” Allaah’s Messenger (ﷺ) replied, “Do you know [the ruling] if you gargled with water while fasting?” I replied, “There is nothing wrong with it.” Allaah’s Messenger (ﷺ) said, “Likewise.”12

The [scholars] differed also regarding if as a result of kissing, gazing or fondling, fluid was ejaculated or emitted. Ash-Shaafi’ee and others were of the opinion that he must make up the day if he ejaculated due to other than looking, and that there was no need to make up [the day] if prostatic fluid was emitted. Maalik was of the opinion that he must make up the day and expiate (kaffaarah) for all of those cases, except in the case of prostatic fluid, he only has to make up the day. And there were other differences, the most distinct being that no day needs to be made up and no expiation is required except in the case of sexual intercourse.

**Point of Note:** Her statement “While he was fasting,” is not evidence that he kissed her while she was fasting. Ibn Hibbaan collected in his authentic collection from ‘Aa’ishah the following narration:

كان يقبل بعض نساءه في الغريضة والتطوع

“He used to kiss some of his wives during compulsory and voluntary fasts…”

Then he mentioned the following narration using the same chain

أن النبي لا يمس وجهها وهي صائمة

“That the Prophet didn’t touch her face while she was fasting.”13

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12 *Musnad Ahmād*, CD no. 132, and *Sunan Abu Dawud*, vol.2, p.653, no.2379 ; Kitaab: sawm ; Baab: al qublah lis saa’im, and authenticated in Saheeh Sunan Abu Dawood, vol.2, p.64, no.2385,

13 *Silsilah al-Ahaadeeth ad-Da’eefa*, no. 962. Shaykh Naasir mentioned 9 authentic narrations confirming that the Prophet (ﷺ) kissed ‘Aa’ishah while she was fasting (See *Irwaa al-Ghaleel*, vol. 4, pp. 82-4).
And he mentioned that there was not any contradiction between the two narrations because he used to control his desire and he informed with his action that this was permissible for one who was in a state similar to his and that he would not do so if the woman was fasting based on his knowledge about female weakness in some things they face.

[623] - وعَنْ أبِي عَبْدِ اللَّهِ عَامِرَةَ السَّيِّدَةَ بَنتِ السَّيِّدِ عَمْرُو بنِ يَسِيرٍ رضِيَ اللهُ عنهُما، أنَّ النَّبِيَّ ﷺ احْتَجَّمَ وَهُوَ مَحْرُومٌ، وَاحْتَجَّمَ وَهُوٰ صَامٌّ، رُوِىَ الْبَخارِيُّ.

[16] - Ibn ʿAbbaas related that the Prophet (ﷺ) had himself cupped\textsuperscript{14} when he was wearing the Ihraam (during pilgrimage) and also when he was fasting.

Collected by al-Bukhaaree.\textsuperscript{15}

It is said that its obvious meaning is that both acts mentioned occurred on different occasions. He was cupped while he was fasting and also while he was in ihram, but they did not occur at the same time because he was not fasting while in ihraam and that was during the farewell pilgrimage and not in Ramadaan nor was he in ihraam during his journey during Ramadaan, in the Year of the Conquest of Makkah, nor in any of his ‘Umrahs, though it is possible that he was doing a voluntary fast, except that was unknown, and the hadeeth has a number of chains. Ahmad said that the companions of Ibn ʿAbbaas did not mention “fasting”. Aboo Haatim said that Shurayk made a mistake, instead he was cupped and gave the cupper his wage and Shurayk narrated it from his memory which was bad. Based on that, what is certain is the cupping.

‘Aaʾishah said, “Allaah’s Messenger (ﷺ) used to kiss me while he and I were fasting.” (Sunan Abu Dawud, vol.2, p.653, no.2378, and authenticated in Saheeh Sunan Abu Dawood, vol.2, p.64, no.2384, Kitaab:sawm, Baab: qublah lis saaʾim)

\textsuperscript{14} Extraction of blood using a vacuum cup.

\textsuperscript{15} Sahih Al-Bukhari, vol.3, p.91, no.159.
The *hadeeth* could be informing about each sentence separately and that the intent is that he was cupped while in *ihraam* at one time and was cupped while fasting at another time, and the contextual evidence supports the understanding that his *ihraam* and fasting did not occur at the same time. As for declaring Shurayk in error in including the fasting phrase, it is highly unlikely. It is more appropriate to assume the correctness of the statement of his narration while reconciling it.

The [scholars] differed concerning one who is cupped while fasting. The majority of leading scholars held that it does not break the fast and that it abrogated the following *hadeeth* of Shaddaad ibn Aws.

[17] - Shaddaad ibn Aws reported that the Prophet (ﷺ) came across a man who was being cupped in the Baqee’ graveyard during Ramadaan and said, “The one who cups and the one who is cupped have broken their fast.”

Collected by the five, excluding at-Tirmithee; Ahmad, Ibn Khuzaymah and Ibn Hibbaan declared it sound.16

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[18] - Anas ibn Maalik narrated that the first time that cupping was prohibited for one who is fasting was when Ja‘far ibn Abee-Taalib had himself cupped when he was fasting and the Prophet (ﷺ) came across him and said, “These both have broken their fast.” Afterwards, the Prophet (ﷺ) allowed cupping for one who is fasting. Anas used to have himself cupped when he was fasting.

Collected by Daaraquutnee who declared it sound.

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[19] - ‘Aa’ishah said that the Prophet (ﷺ) applied kuhl (collyrium) in Ramadaan when he was fasting.

Collected by Ibn Maajah through a weak chain of narrators. At-Tirmithiee said, ‘Nothing on this subject is sound.’

The people of knowledge differed concerning the use of kuhl by a fasting person. Some of them disliked it, which was the opinion of Sufyaan, Ibn al-Mubaarak, Ahmad, and Is’haaq, while others permitted its use, which was the opinion of ash-Shaafi‘ee. Ibn Shubrumah and Ibn Abee Laylaa differed from these opinions and held that it breaks the fast based on the Prophet’s statement:

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17 It is authenticated in Irwaa al-Ghaleel, vol. 4, pp. 72-3, no. 931.

The fast is broken by what enters and not by what exits.”

And if its taste is found, it has entered. My reply to this is that we do not accept that it has entered because the eye is not entrance. Instead it reached by way of the pores (masaam). For a person may rub his feet with hanzalah and find its taste in his mouth and it does not break his fast. Furthermore, the hadeth “The fast is broken by what enters,” was mentioned mu’allaq (suspended) by al-Bukhaaree from Ibn ‘Abbaas, and Ibn Abee Shaybah connected it. As for what Aboo Daawood collected from the Prophet (ﷺ) regarding Athmad “The fasting person should avoid it,” Aboo Daawood related that Yahyaa ibn Ma’een informed him that it was munkar.

Abuu Hurayrah related that Allaah’s Messenger (ﷺ) said, “Whoever forgets that he is fasting and eats or drinks, should complete his fast, for it is Allaah who has fed him and given him drink.”

Collected by al-Bukhaaree and Muslim.

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19 Sahih Al Bukhari, vol.3, p.90, no.32, Kitaab: Sawm; Baab: hijaamah, qayy lis saa’im
20 Ibn Taymiyyah (Haqeeqat as-Siyaam) and Ibn al-Qayyim (Zaadul-Maad) both held that such substances did not break the fast even if they produced a taste in the throat. Al-Bukhaaree mentioned that Anas ibn Maalik, al-Hasan al-Bagheer and Ibraheem an-Nakha’ee did not see any harm in the use of kuhl by a fasting person. (Fasting in Ramadaan, Saleem al-Hilaalee and ‘Alee Hasan, pp. 48-9).
[21] - Al-Haakim has, “Whoever breaks his fast due to forgetfulness in Ramadaan neither makeup nor expiation is required of him.” It is sound.\textsuperscript{22}

The phrase, “Whoever forgets,” includes sexual intercourse. Food and drink were specifically mentioned because they are the majority of cases of forgetfulness according to Ibn Daqeeq al-Eed. Thus, the hadith is proof that whoever forgets that he is fasting and eats, drinks or has sexual relations does not break his fast according to what is indicated by the phrase, “\textit{he should complete his fast},” as he is fasting in reality, according to the opinion of the majority, Zayd ibn ‘Alee, al-Baaqir, Ahmad ibn ‘Eesaa and Imaam Ya‘ya. Others held that it does break the fast because abstaining from what breaks the fast is a fundamental pillar (\textit{rukn}) of fasting, so his situation is like one who forgets a fundamental pillar of formal prayer. He is required to redo the prayer, even though he forgot. They interpreted “\textit{he should complete his fast},” to mean that he should complete his abstinence from what breaks the fast. My reply is that the statement, “\textit{Neither makeup nor expiation is required of him},” is clear in confirming the correctness of his fast and absence of makeup. Ad-Daaraqhtnee collected narrations containing the absence of makeup from Aboo Raafi', Sa'eed al-Maqbaree, al-Waleed ib ‘Abdir-Rahmaan, ‘Ataa ibn Yasaar, all of them from Aboo Hurayrah. And a group of the companions gave this ruling, including ‘Alee, Zayd ibn Thaabit, Aboo Hurayrah, Ibn ‘Umar according to al-Munthir and Ibn Hazm. Regarding the dropping of making up there are a number of narrations which strengthen each other and make them suitable for use as evidence. As for the use of \textit{qiyaas} (analogy), it is invalid because it is being used in the presence of a clear text. Considering that it is an argument over fundamentals, Ahmad has collected from a freed female slave of some of the female companions that she was with the Prophet (\textit{N}) and a bowl of \textit{thareed} was brought and she ate from it, then she remembered that she was fasting. Thul-Yadayn said to her, “Now, after you have eaten your fill?” The Prophet (\textit{N}) told her, “Complete your fast, for it was provision which Allaah brought for you.” ‘Abdur-Razzaaq narrated that a person came to Aboo Hurayrah and said, “I was fasting and I ate.” He replied, “No problem.” He then said,

\textsuperscript{22} It is authenticated in \textit{Irwaal al-Ghaleel}, vol. 4, pp.86-7, no.938.
“Then I went to visit someone and forgot and ate?” Aboo Hurayrah replied, “You are someone not used to fasting.”

[22] - Aboo Hurayrah stated that Allaah’s Messenger (ﷺ) said, “If one has a sudden attack of vomiting (while he is fasting) he is not required to repeat the fast, but he who vomits intentionally must repeat the fast on another day.”

Collected by the five; Ahmad declared it defective, but Daaraqutnee declared it sound.23

Al-Bukhaaree stated that he did not consider it to be mahfooz. It has been narrated from many sources none of which has an authentic chain of narrators and Ahmad labeled it munkar saying that it was valueless. Al-Khattaabee said that he meant that it was not mahfooz but others said it was authentic according to the conditions of al-Bukhaaree and Muslim.

The hadeeth contains evidence that vomit which is involuntary does not break the fast based on his statement, “he is not required to repeat the fast,” as the non-requirement for repetition is a condition for validity. The attempt at forced vomiting does break the fast even if vomit is not expelled based on his instructions that the fast be repeated. Ibn al-Munthir narrated a consensus of opinion regarding deliberate vomiting breaking the fast. However it has been narrated from Ibn ‘Abbaas, Malik, Rabee‘ah, and al-Haadee that vomit does not break the fast at all, unless some of it is swallowed again, in which case it will break the fast. Their evidence is in a narration collected by at-Tirmithi and al-Bayhaqee with a defective chain, “Three things do not break the fast: vomit, cupping and wet dreams.” This evidence is responded to by saying that it refers to

one overcome by vomit in order to reconcile the evidences and explaining the general according to the specific, considering that the general is not authentic and the specific has a stronger chain of narrators, working with it is more appropriate even if it contradicts the maxim of basic innocence (baraa’a asliyyah).
Jaabir ibn `Abdullaah reported that Allaah’s Messenger (ﷺ) went off to Mecca in Ramadaan in the year of the conquest (8AH), and he fasted with the people until he came to Kuraa’ al-Ghameem. He then called for a cup of water which he raised until the people looked at it, and then he drank. He was told afterwards that some of the people had continued to fast. He said, “Those are the disobedient ones; those are the disobedient ones.”

A wording has, he (ﷺ) was told, “The people have been distressed owing to fasting and they are waiting for what you do.” He then called for a cup of water after the afternoon prayer and drank.

Collected by Muslim.

The hadith contains proof that the traveler may fast or break his fast, and that he may break his fast even if he has fasted most of the day. Daawood⁴ and the

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1 A valley in front of ‘Asfaan.
2 Sahih Muslim, vol. 2, pp. 543-4, no. 2472.
3 Sahih Muslim, vol. 2, p. 544, no. 2473.
4 Daawood ibn ‘Alee az-Zaahiri, was born in Kufah in the year 815 CE. His early Fiqh studies were under Imaam ash-Shaafi’ee’s students, but he later inclined towards the study of Hadeeth and joined the Hadeeth circle of Imaam Ahmad ibn Hambal. He continued to study under Ahmad.
Imaamites disagreed with the first option and held that the traveler is not allowed to fast based on the Almighty’s statement:

until he was expelled from Ahmad’s classes because he voiced the opinion that the Qur’aan was *Muhdath* (newly existent) and therefore created. After his expulsion, he took an independent path of reasoning based on the obvious and literal meanings (*Zaahir*) or the texts of the Qur’aan and the Sunnah. Because of this approach, his *Madh-hab* was called *Zaahiri Madh-hab* and he became known as Daawood az-Zaahiri.

5 The Twelver Shi’ites. *Shee’ah* (commonly spelled Shia’ or Shi’ites): At the beginning of Yazeed ibn Mu’awiyah’s reign, Husayn, son of the fourth Caliph ‘Alee ibn Abeel Taalib, rose in revolt against his leadership. ‘Alee ibn Abeel Taalib’s followers in Iraq have invited Husayn to Iraq to lead the revolt, but they later deserted him and caused his death at the hands of Yazeed’s soldiers at Karbala (680 CE). In their anguish, many of those who considered themselves to be followers of ‘Alee, deviated from the mainstream of Islaam. They became excessive in expressing their love for ‘Alee and their hatred for all who opposed him. They declared the first three Caliphs, Abu Bakr, ‘Um and ‘Uthmaan to be *Kaafirs* (disbelievers) who had stolen the office of Imaam from ‘Alee. All of *Saahabah* [companions of the Prophet three Caliphs’ caliphate and only Salmaan al-Faarisee, Abu Dharr al-Ghi фаeет and Miqdaad ibn al-Aswad al-Kindee (some accounts give a few more names) were spared this grave accusation, because they were supposed to have championed ‘Alee’s right to caliphate on the death of the Prophet (r). To support this claim, *Hadeeths* were invented in which the Prophet (r) made all of his followers and companions swear an oath of allegiance to ‘Alee that he would be their leader after the Prophet’s (r) death. This incident was supposed by them, to have taken place at *Ghadeer Khum* on the way back to Makkah from Makkah after the farewell *Hajj* on the 18th Dhul-Hijaah, 10 A.H. They also claimed that only certain blood descendants of the Prophet Muhammadian (r) by way of his cousin ‘Alee and the Prophet’s daughter, Faatimah, had the right to be the leader (*Imaam*) of all Muslims. They even went so far as to attribute to these descendants, whom they entitled *Imaams*, some of God’s unique qualities and elevate them above the Prophets of God. Aayatullah Roohullah Khomenin expressed these beliefs as follows: “The Imaam has an exalted position, and elevated rank and a creational vicegerency (caliphate) to whose sovereignty and dominion all of the atoms of the universe yield and obey. And, among the basic tenets of our *Madh-hab* (*Shee’ah*) is that the Imaams have a station which can not be attained by either an angel close (to God) or a commissioned Prophet. And furthermore, based on the narrations and *Hadeeths* which we have, the greatest Prophet (Muhammad) (r) and the (Twelve) Imaams existed before this world (was created) as lights which Allaah made encircle His throne.”5 However, in the designation of each new Imaam, new Shi’ite sects emerged among the followers who were displeased and rejected the choice. Hence, historically, there were many Shi’ite sects holding innumerable beliefs. And it should be noted that most of the heretical sects which split off from Islaam had their origins in one or another of the Shi’ite sects. For example, the *Nusayree* sect founded by Muhammad ibn Nusayr who claimed in the year 855 CE that ‘Alee was a manifestation of God,5 the *Druze* sect founded by Muhammad ibn Ismaa’eel ad-Durzee who claimed that the Faatimid Shi’ite Caliph of Egypt, al-Haakim bi
“Then a number of other days.” (Soorah al Baqarah 2:184)

And the Prophet’s statement, “Those are the disobedient ones,” and his statement:

“Fasting while travelling is not a part of righteousness.”

The majority disagreed with them and held fasting is rewarded based on the Prophet’s own action and the fact that the verse does not contain evidence that fasting would not be rewarded. Furthermore, the Prophet’s statement, “Those are the disobedient ones,” was only due to their contradicting his instruction to break fast, and thus it was specific to them. Also, the hadith did not contain a command to them to break their fast. It only becomes complete if it is held that the Prophet’s action indicates obligation. As regards his statement, “Fasting while travelling is not a part of righteousness,” he said that regarding one who found difficulty in fasting. The use of evidence for prohibition of fasting during travel becomes complete for one who finds it difficult. For, the Prophet (ﷺ) broke his fast due to their statement that fasting had become difficult for them. He described those who fasted after that as being disobedient. As for the permissibility of breaking fast after fasting most of the day, the majority held that and ash-Shaafi’ee made it dependent on the authenticity of the hadith. This was if the traveller intended fasting while travelling. In the case where he begins the fast while being a resident, then travelled during the day of his fast, the majority held

Amrillah (966-1021 CE) was the last manifestation of God in human form, and the Bahai sect formed by ‘Alee Muhammad Ridaa (the Baab) who claimed prophethood and his disciple Husayn ‘Alee (Bahaa-ullaah) who claimed that he was the awaited Christ and that Allaah was manifest in him.


Jaabir ibn ‘Abdillaah reported that Allaah’s Messenger saw a crowd and a man who was being shaded so he asked, “What is that?” They replied, “He is fasting,” so he said, “Fasting while travelling is not a part of righteousness.”
that he was not allowed to break his fast. But Ahmad and Is’haaq and others permitted it. The obvious meaning of the texts supports them because he is a traveller. As regards what is more meritorious, the Haadawiyyah. Aboo Haneefah and ash-Shaafi’ee held that fasting was better if it is not difficult for him and there was no harm. If it is harmful, then breaking fast is better. Ahmad, Is’haaq and the others held that breaking fast was better under all conditions and they used as evidence the same hadithe used by those who prohibited fasting for travellers. While those hadithe indicate prohibition, Hamzah ibn ‘Amr’s hadith which is coming,

\[
(ْوَمَنْ أَحْبَبَ أَنْ يَصُومَ فَلاَ جِنَّاحٌ عَلَيْهِ).
\]

"There is no sin on whoever wishes to fast."\(^8\)

indicates by its negation of sin that there is nothing wrong in fasting, not that it is prohibited, or better. Those who held that fasting was better used as evidence the

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\(^7\) The Zaidite Shi’ite school of law. This Madh-hab traces its origin to one of ‘Alee ibn Abee Taalib’s great grandsons through his son al-Husayn. Imaam Zayd’s father. ‘Alee Zayn al-Aabideen, was well known for his great legal knowledge and his narration of Hadeeths. Born in al-Madeenah in the year 700 CE, Zayd ibn ‘Alee soon became one of the foremost scholars of the ‘Alawee family. He narrated Hadeeths from all of his relatives including his older brother, Muhammad al-Baaqir.\(^7\) Zayd expanded his knowledge by travelling to the other major centers of learning in Iraq, Kufah, Basrah and Wasit, where he sat and exchanged views with his contemporaries like Abu Haneefah and Sufyaan ath-Thawree.

The Umayyad caliph, Hishaam ibn ‘Abbdul-Malik (reign 724-743 CE) never missed an opportunity to degrade and humiliate the ‘Alawee family and Zayd ibn ‘Alee was often singled out for abuse. He was not allowed to leave the city of Madeenah without the permission of its governor and his requests for permission were often turned down repeatedly. Eventually, Zayd became the first of ‘Alee’s descendants to try to wrest the caliphate from the Umayyads after the catastrophe at Karbalaa. He travelled secretly to Kufah where he was joined by the Shi’ites of Iraq, Wasit and other places, and made preparation to do battle with the Umayyads. A number of his relatives warned him against depending on the Kufans, as it was their betrayal of Imaam Husayn which led to his untimely death, but he did not heed their warnings. Before his preparations were complete, disputes arose among his new followers when they found out that he did not consider the first caliphs, Abu Bakr and ‘Umar, to be apostates who stole the caliphate from his grandfather. The majority of his followers broke away from him and declared his nephew, Ja’far as-Saadiq, to be the Imaam of the time instead of Zayd. Hishaam’s army took advantage of the confusion and made a surprise attack on Kufah. Only a little more than four hundred followers rallied to Imaam Zayd’s side and he was killed during the fighting which ensued.\(^7\)

fact that it was the most common practice of the Prophet (ﷺ) in his travels. But it is not hidden that there must be evidence to prove that it was the most common practice, and they interpreted the narrations of prohibition for those who found difficulty in fasting. Others held that fasting and breaking fast were equal based on the hadiths on both sides being equal and it was the obvious meaning of Anas’ hadiths,

Anas ibn Maalik said, “We travelled with Allaah’s Messenger (ﷺ) and he did not favour the one who fasted over the one who broke his fast nor the one who broke his fast over the one who fasted.”

[630] - وَعَنْ حَمَّزَةَ بْنِ عُمَرَ الْأَسْلَمِيِّ رَضِيَ اللَّهُ عَنْهُ قَالَ: يَا رَسُولَ اللَّهِ، إِنِّي أَحْدَى فِي قُوَّةِ عَلَى الْصَّيْامِ فِي الْسَّفَرِ، فَمَنْ أَحْدَى عَلَى الْصَّيْامِ؟ فَقَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم: "هِيَ رَحْصَةُ مِنِّ اللَّهِ، فَمَنْ أَحْدَى بِهَا فَحَسَنَ وَمَنْ أَحْبَبَ أَنْ يَصُومَ فَلاَ جَنَاحُ عَلَيْهِ." روَاهُ مَسْلِمٌ. وَأَصْلُهُ فِي المَنْفَعِ عِلْمِهِ مِنْ حُدَّيثٍ عَالِيَةٍ أَنْ حَمَّزَةَ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ، وَأَصْلُهُ فِي المَنْفَعِ عِلْمِهِ مِنْ حُدَّيثٍ عَالِيَةٍ أَنْ حَمَّزَةَ بْنِ عُمَرَ رَضِيَ اللَّهُ عَنْهُ،

[25] - Hamzah ibn ‘Amr al-Aslamee said, “O Messenger of Allaah! I find myself strong enough to fast while traveling, would it be wrong for me to do so?” Allaah’s Messenger (ﷺ) replied, “It is an allowance given by Allaah, so that if anyone is not capable he has done no wrong, and if anyone wishes and is able to fast he would not be guilty of sin.”

Collected by Muslim. Its origin can be found in al-Bukhaaree and Muslim’s narration from ‘Aa’ishah’s that Hamzah ibn ‘Amr had asked.10

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9 Sahih Al Bukhari, vol.3, p.95, no.168, Kitaab: sawm ; Baab: lam ya’ib ashaab an nabee and Sahih Muslim.

Ibn ‘Abbaas stated that permission to break the fast was given to the elderly, and in that case they must provide food for a poor person for every day [they missed], and they were not required to make up the days.

Collected by Daaraqutnee and al-Haakim and both of them authenticated it.\(^\text{11}\)

Scholars differed regarding the verse:

\[\text{وَعَلَى الَّذِينَ يُطَفِقُونَهُ فَدِيَةً طَعَامٍ مُسْكِنٍ} \]

“For those who could handle it substitution by feeding a poor person.”

(\textit{Soorah al Baqarah 2:184}) What is well known is that it is abrogated and that it was at the beginning of the obligation of fasting and that whoever wished could feed a poor person and break his fast and whoever wished could fast. Then it was abrogated by the Almighty’s statement:

\[\text{وَأَنَّ تَصُوْهَا خَيْرًا لَّكُمَّ} \]

“To fast is better for you.”

Or some said it was abrogated with the verse:

\[\text{فَمَنْ شَهِدَ مَنْ شَهَّرَ فَلْيَصُمُّ} \]

“Whoever among you witnesses the month should fast.”

Some held that it was not abrogated, among them was Ibn ‘Abbaas as in the narration above. It was narrated that he used to recite the verse:

\(^{11}\) It is authenticated in \textit{Irwaal-Ghaleel}, vol. 4, pp.17-25 no. 912. This narration is also found in \textit{Sahih Al Bukhari}. Ibn al-Munthir reported in his book, \textit{al-Ijmaa’} (The Consensus), no. 129, that there was a consensus of scholars on this point. [See \textit{Fasting in Ramadaan}, p. 54]
For those who find difficult substitution by feeding a poor person.

He held that the verse was for elderly males and females which is what is narrated from him by those mentioned by the author. In the Sunan ad-Daaraqutnee from Ibn ‘Abbaas:

For those who could handle it substitution by feeding one poor person and whoever volunteers it is better.” Ibn ‘Abbaas said, “Whoever adds another poor person, it is better for him.” He said, “It is not abrogated. It was a concession for old men unable to fast.” The chain of narrators is sound and reliable. In the Sunan also is his statement, “Only the elderly unable to fast or the chronically ill are excused in this matter.” Ad-Daaraqutnee said that this was also a sound narration and that the amount of food was specified as half Saa’ of wheat. He also collected from Ibn ‘Abbaas and Ibn ‘Umar regarding a pregnant woman and a breast-feeding woman that they could break their fast without any substitution (qadaa). He collected the ruling concerning both from a group of the companions that they should feed a poor person for each day missed. He also collected from Anas ibn Maalik that one year he became too weak to fast so he prepared a large dish of thareed and invited thirty poor people who came and ate their fill. There was a difference of opinion among the salaf on this issue. The majority held that feeding the poor was obligatory for one unable to fast due to old age and abrogated for others. A group of the salaf held that feeding was abrogated and for the elderly unable to bear the fast feeding was not required. Maalik held that feeding was recommended. There were other opinions. What is most obvious is the opinion of Ibn ‘Abbaas. What was meant by the elderly is those unable to fast.

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12 Sunan ad-Daaraqutnee, vol. 2, no. 207. Aboo Hurayrah said, “Whoever reaches old age and is unable to fast the month of Ramadaan should give a mudd (half Saa’) of wheat for each day.” (vol.2, no. 208).

13 Anas ibn Maalik said, “A detachment of Allaah’s Messenger’s cavalry attacked us, so I went to Allaah’s Messenger (ﷺ) [to complain] and found him eating and he said, ‘Come and eat.’ I said, ‘I’m fasting.’ He said, ‘Come! I will inform you about fasting. Indeed, Allaah, the Blessed and Most High, remitted half the prayer for the traveler, and fasting for the pregnant and breast-feeding woman.’” By Allaah, the Prophet (ﷺ) said either both of them or one of them. But, I am sorry that I didn’t eat from the Prophet’s food.” (Sunan Abu Dawud, vol.2, p.660, no.2402, and authenticated in Saheeh Sunan Abu Dawood, vol.2, p.70, no.2407, Sunan al-Nasai, Sunan Ibn-i-Majah Sunan at-Tirmidhee).

14 Sunan ad-Daaraqutnee, vol. 2, no. 270.
What is obvious is that his narration is mawqoof (his opinion). It is possible that what was meant was “the Prophet (ﷺ) permitted,” and the statement was changed due to his knowledge of that. For permission is by revelation. It is also possible that Ibn ‘Abbaas understood this from the verse, which is most likely.

[632] - And in the opinion of ‘Abbaas he is the Messenger of Allaah. However, I was fasting. He said, 

"What has led you to ruin?" He replied, "I have had intercourse with my wife in Ramadaan (while I was fasting)."

The Prophet (ﷺ) then asked, 

"Can you fast two consecutive months?"

He replied, 'No.' He asked, "Can you provide food for sixty poor people?"

He replied, "No." He then sat down. A large pan containing dates was brought to the Prophet (ﷺ). He (ﷺ) said, "Give this as charity." The man replied, "Am I to give it to one who is poorer than I am? There is no poorer family than mine between the two lava plains of Madeenah." The Prophet (ﷺ) thereupon laughed such that his eye-teeth became visible and said, "Go and give it to your family to eat."

[27] - Aboo Hurayrah related that a man came to the Prophet (ﷺ) and said, "O Messenger of Allaah! I am ruined." the Prophet (ﷺ) asked him, 

"What has led you to ruin?" He replied, "I have had intercourse with my wife in Ramadaan (while I was fasting)."

Then he sat down. A large pan containing dates was brought to the Prophet (ﷺ). He (ﷺ) said, "Give this as charity." The man replied, "Am I to give it to one who is poorer than I am? There is no poorer family than mine between the two lava plains of Madeenah." The Prophet (ﷺ) thereupon laughed such that his eye-teeth became visible and said, "Go and give it to your family to eat."
Collected by the seven; the wording is Muslim’s.\textsuperscript{15}

\[633\] - وَعَنْ عَائِشَةَ وَأَمَّ سَلَمةَ رَضِيَ اللَّهُ عَنْهُمَا أَنَّ النَّبِيَّ ﷺ كَانَ يُصْبِحُ جَنَّةً مَنْ جَمَاعٍ، ثُمَّ يَغْتَسِلُ وَيَصُومُ. مَتَفَقَ عَلَيْهِ، وَزَادَ مُسْلِمٌ فِي حَدِيثِ أَمَّ سَلَمةَ: وَلَا يَفْضِي

\[28\] - ‘Aa’ishah and Umm Salamah reported that the morning would sometimes catch the Prophet (ﷺ) in a state of major ritual impurity due to sexual intercourse and he would then bathe and fast.

Collected by al-Bukhaaree and Muslim. Muslim added in Umm Salamah’s narration, “He would not make up for his fast.”\textsuperscript{16}

This hadeth contains proof that the fast of one who awakens in the morning in a state of major ritual impurity is valid and this was the opinion of the majority of scholars. An-Nawawee said that there was a consensus on that. However, he was contradicted by what was collected by Ahmad and Ibn Hibbaan from Aboo Hurayrah who quoted Allaah’s Messenger (ﷺ) as saying:

إِذَا نُودِيَ لِلصَّلَاةِ صَلَاةُ الصَّحِيحِ وَاحْدَكُمْ جَنَبَ فَلاَ يَصِمُّ يَوْمَ هَذَا.

“If the call for the morning prayer is given and one of you is in a state of major impurity, he should not fast that day.”

The majority replied that this narration was abrogated and that Aboo Hurayrah went back on this opinion when ‘Aa’ishah and Umm Salamah’s hadeth was narrated to him and he ruled according to their opinion. Also indicating abrogation is what Muslim, Ibn Hibbaan and Ibn Khuzaymah narrated from ‘Aa’ishah:


“That a man came to the Prophet (ﷺ) asking for a ruling which she heard from behind a curtain. He said, ‘O Messenger of Allaah! The morning prayer catches me while I am junub?’ The Prophet (ﷺ) replied, ‘The morning prayer catches me while I am junub also, and I fast.’ He said, ‘But you are not like us, O Messenger of Allaah! Allaah has forgiven your previous and future sins.’ He replied, ‘By Allaah, I hope to be the most God-fearing of you and most knowledgeable about how to fear Him.’ ”

Ibn al-Munthir, al-Khattaabee and others held the opinion of abrogation and this hadeeth refutes those who claim that this was unique to the Prophet (ﷺ). Al-Bukhaaree refuted Aboo Hurayrah’s hadeeth by arguing that the chain of ‘Aa’ishah’s hadeeth was more sound. Ibn ‘Abdil-Barr said, “It is sound and narrated by a large group on all levels (mutawaatir). As for Aboo Hurayrah’s hadeeth, most of its narrations mentioned that he used to make that ruling and the narrations attributed to the Prophet (ﷺ) were fewer, and where contradiction exists the narrations of it being his ruling should be given precedence due to the stronger channels of narration.

[635] - وعن عائشة رضي الله تعالى عنّها أن النبى ﷺ قال: "من مات
وعلى صيام صام عنه ولده متفق عليه.

[29] - ‘Aa’ishah narrated that the Prophet (ﷺ) said, “If anyone dies and he owes some days of fasting, his heir[s] should fast on his behalf.”

Collected by al-Bukhaaree and Muslim

This hadeeth contains proof that the dead can be rewarded for his heir fasting on his behalf, if he died owing an obligatory fast. This narration is in an imperative form meaning that the heir should fast and the basic meaning implies obligation, except that it has been claimed that there is a consensus (ijmaa’) that it has been shifted to a recommendation. The intent behind heir is every relative. Some said it is specific to his inheritors and some limited it to male inheritors.
There is a difference of opinion on this issue. The hadith scholars, Aboo Thawr and a group of others held that the relatives fast for the dead is rewarded based on this hadith. A group among the Shi’ites, Maalik and Aboo Haneefah held that fasting cannot be done for the dead. Instead, what is obligatory is atonement based on what at-Tirmithee collected from Ibn ‘Umar from the Prophet (ﷺ):

“Whoever dies owing fasts, two poor people should be fed for every day.” Except that he said after narrating it, it is ghareeb (strange) and is only known to us from this route and what is correct is that it is the opinion of Ibn ‘Umar.

They also said that because the ruling for feeding was narrated from Ibn ‘Abbaas and ‘Aa’ishah, and it agrees with the remainder of the acts of worship whereby no one can do them for others, with the exception of Hajj. My reply is that the narrated opinions of rulings of ‘Aa’ishah and Ibn ‘Abbaas cannot overrule an authentic hadith. As for the issue of someone doing acts of worship on behalf of others, it is established in the case of Hajj by an authentic text, therefore it should be in the case of fasting with a similar text. Therefore, there is no excuse for not applying it. And the excuse of the Maalikites that Madeenites did not do it is based on the claim that their non-application of a hadith is proof, which is not the case as is known in Usool al-Fiqh. Likewise, the excuse of the Hanafites that the ruling of the narrator contradicted what he narrated is an unacceptable excuse as the key is according to what he narrated and not what opinion he held as is known in Usool also.

Those who held that the fast for the dead is rewarded differed as to whether it is only for relatives or not. Some held that it was not specific and that if a non-relative fasted based on his instruction it would be rewarded as in the case of Hajj. The heir was mentioned in the hadith because it is the most common. Some held that it is rewarded even if a non-relative did it without the dead person’s instruction because the Prophet (ﷺ) compared it to a debt when he said, “Allaah’s debt has more right to be paid.” Thus, as debts may be paid by non-relatives, so can fasting. And a relative may seek others to do it in his stead.

The complete text of the hadith is as follows:

غنَّانِا أَبِي عَبَّاسِ رَضِيَ اللَّهُ عَنْهُمَا قَالَ جَاءَ رَجُلٌ إِلَى الْبَنِيَّةِ صَلِّي اللهُ عَلَيْهِ وَسَلَّمَ فَقَالُوا يَا رَسُولَ اللَّهِ إِنَّ أَميَ مَاتَ وَعَلَيْهَا صَمْوُ شَهْرِ أَفَأَغْضَبْتَ عَنْهَا قَالَ تَعَمَّمَ قَالُوا فَأَنْسَى اللَّهُ أَحْقَهُ أَنْ يُغْضِبَ

Ibn ‘Abbaas said that a man came to the Prophet (ﷺ) and said, “O Messenger of Allaah! My mother died and she had the responsibility of a month of fasting. Should I do it on her behalf?” He replied, “Yes. A debt to Allaah has more right to be paid.” (Sahih Al Bukhari vol.3, p.99, no.174,
Kitaab: Sawm; Baab: Man maata wa alayhi sawm, a similar narration about a woman and her mother can also be found in Sahih Muslim, Kitaab: Siyaam; Baab: Qadaa as siyaam an al mayyit)
Voluntary Fasting and Days when Fasting is Prohibited

[635] - عَنْ أَبِي قَتَادَةَ الأَنصَارِيِّ رَضِيَ اللهُ تَعَالَى عَنْهُ، أنَّ رَسُولَ اللهِ ﷺ سُلِّمَ عَنْ صُوْمِ يَوْمٍ عَرْفَة. فَقَالَ: "يَكْفِرُ السَّنَةُ المَاضِيةَ وَالباقِيَةَ" وَسُلِّمَ عَنْ صُوْمِ يَوْمٍ عَاَشْوَارَاء. فَقَالَ: "يَكْفِرُ السَّنَةُ المَاضِيةَ" وَسُلِّمَ عَنْ صُوْمِ يَوْمِ الأَثْنَىَنِينِ، فَقَالَ "ذَلِكَ يَوْمٌ وُلِدَتْ فِيهِ، وَبَعْثُتْ فِيهِ وَأَنْزُلَ عَلَيْهِ فَيهُ" رَوَاهُ مُسْلِمًا.

[30] - Aboo Qataadah al-Ansaaree stated that Allaah’s Messenger (ﷻ) was asked about fasting on the day of ‘Arafah and he replied, “It atones for the sins of the preceding and the coming year.” He was asked about fasting on the day of ‘Aashooraa and he replied, “It atones for the sins of the preceding year.” When he was asked about fasting on Monday he said, “On this day, I was born, given prophethood, and the revelation first came to me.” Collected by Muslim.

The atonement for what has not yet occurred, in this case - sins of the coming year, could be considered problematic. I answer it by pointing out that the intent of it is that the person will be blessed / guided to not do those sins and it was called atonement in order for it to match the treatment of past sins, or it meant that if he falls into sin he would be guided to do what would atone for it.

As for fasting on the Day of ‘Aashooraa (the tenth of al-Muharram), according to the opinion of the majority, it used to be obligatory (waajib) before the fast of Ramadaaan was made obligatory, then it became recommended (mustahabb).

1 Sahih Muslim, vol.3, p.568, no.2603.
The *hadeeth* indicates that fasting on the Day of ‘Arafah is better than fasting on the Day of ‘Aashooraa. The Prophet (ﷺ) explained that the reason behind the legality of fasting on Mondays is that he was born on that day and received prophethood on that day.

The *hadeeth* contains evidence that one should fast and increase one’s awareness of Allaah on the day on which Allaah has blessed his servant. It was mentioned in Umaamah’s *hadeeth* that the reason for fasting Mondays and Thursdays was “That it is the day on which deeds are presented, and he liked that his deeds be presented while he was fasting.” There is no contradiction between the two reasons.

[636] - وَعَنِ أَبِي أُيُوبَ الْأَنْصَارِيِّ رَضِيَ اللهُ تَعَالَى عَنْهُ أَنَّ رَسُولَ اللَّهُ ﷺ

قالَ: "مِنْ صَامِ رَمَضَانِ نَمْ أَتِبَعُهُ سَيْتَ مِنْ شَوَالِ كَانَ كَصِيَامِ الْذَّهْرِ" رَوَاهُ مُسْلِمٌ.

[31] - Aboo Ayyoob al-Anṣaaree related that Allaah’s Messenger (ﷺ) said, “If anyone fasts during Ramadaan, then follows it with six days in Shawwaal, it will be like a perpetual fast.”

Collected by Muslim.⁴

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² The text as collected by at-Tirmithi is as follows:

عن أبي هريرة أن رسول الله صلى الله عليه وسلم قال تَغْضَبَ ابْنَ عَمِّي وَأَنَا صَابِرٌ

Aboo Hurayrah related that Allaah’s Messenger said, “Deeds are presented on Mondays and Thursdays so I like that my deeds be presented while I am fasting.” (Kitaab: Sawm, Baab: Maa jaa’a fee sawm ithnayn wa khamees and authenticated in Saheeh Sunan at-Tirmithi vol.1, p.395,no.747)

³ The commentator mentioned the grammatical point that the number, *sittan*, was in the masculine form in spite of the fact that what was numbered was masculine (*aayyaam*) because, when the numbered item is deleted, the number may be mentioned in either the feminine or masculine form as clearly stated by grammarians. (Subulus-Salaam, p. 340)

The hadith contains proof for the recommendation of fasting six days of Shawwaal which is the position of a group among the Aal5 of Ahmad and ash-Shaafii. Maalik disliked fasting these days because he did not see any people of knowledge fasting them and also in order that they not be considered obligatory. However, what is obligatory is that after a text is confirmed authentic to that effect, explanations and interpretations have no value. What Ibn ‘Abdil-Barr said [regarding Imam Maalik’s position] was excellent, [he suggested] that the hadith of Muslim [probably] did not reach Maalik.

It should be noted that the reward for fasting [the six days] will be given to whoever fasts them, whether separately or continually, immediately after ‘Eed or during the month. In Sunan at-Tirmithi [it is reported] from Ibn al-Mubaarak that he preferred [the fast to be] six days from the beginning of the month of Shawwaal. It was also narrated from Ibn al-Mubaarak that he said, “Whoever fasts six days from Shawwaal separately is permissible.” My opinion is that there is no evidence for choosing them from the beginning of Shawwaal, as whoever does them in any days of Shawwaal can be described as having followed Ramadaan with six days from Shawwaal.

The Prophet (ﷺ) compared [following Ramadaan with six days from Shawwaal] to fasting the year because each good deed is equal to ten times its value, thus Ramadaan is equivalent to ten months (300 days) and six days of Shawwaal is equivalent to two months.

The hadith does not contain evidence for fasting the whole year and this will be explained at the end of the chapter.

It should also be noted that at-Taqee as-Subkee said, “Some without understanding have criticized this hadith, fooled by at-Tirmithi’s statement that it is hasan regarding the narration of Sa’d ibn Sa’eed al-Ansaree, the brother of Yahyaa ibn Sa’eed.” I say that the aspect of being fooled is that at-Tirmithi did not describe it as saheeh, but only as hasan according to the manuscript with as-Subkee. What we have seen in Sunan at-Tirmithi is that after mentioning this hadith the statement: Aboo ‘Eesaa said: hadith Aboo Ayyoob is hasan saheeh. As-Subkee then said: “And Sa’d ibn Sa’eed is the brother of Yahyaa ibn Sa’eed al-Ansaree. Some scholars of hadith have spoken negatively about Sa’d ibn Sa’eed’s power of memorization.” I say that Ibn Dihyah quoted Ahmad ibn Hambal as saying: “Sa’eed’s hadiths are weak,” and an-Nasaa’ee said: “He is not strong,” and Aboo Haatim said: “Using the hadiths of Sa’d ibn Sa’eed is impermissible.” Ibn as-Subkee then said: “Our Shaykh, Aboo Muhammad ad-

5 The Zaidite Imaams.
Dimyaaṭee, concerned himself with gathering its channels and he traced it through twenty plus narrators from Sa’d ibn Sa’eed and most of them were reliable expert memorizers (ḥuffaaz thiqaat) including the two Sufyaans. Also Sa’d’s brother Yahyaa, ‘Abdu Rabbih, Sa’faan ibn Saleem and others had narrations from the Prophet (ﷺ) through Thawbaan, Aboo Hurayrah, Jaabir, Ibn ‘Abbaas, al-Barraa ibn ‘Aazib and ‘Aa’ishah which agreed with Sa’d’s narration. [For example,] the wording of Thawbaan’s narration from the Prophet (ﷺ) was:

“Whoever fasts Ramadaan, his month is equivalent to ten, and whoever fasts six days after breaking the fast, that will make a year of fasting.”

Collected by Ahmad⁶ and an-Nasaa’ee⁷.

⁶ Musnad Ahmad, no. 21378. The wording is as follows:

"وَمَنْ صَامَ رَمَضَانَ فَشَهْرُهُ بِعَشَرَةٍ وَمَنْ صَامَ سَبَعَةً أَيَامٍ بَعْدَ الْفِطْرِ فَذَلِكَ صِيَامُ السَّنَةِ"

Thawbaan reported that the Prophet (ﷺ) said, “Whoever fasts Ramadaan, it is a single month equivalent to ten. And the fast of six days after the Festival of Breaking the Fast completes a year of fasting.”

⁷ I could not find any narration in Sunan an-Nasaa’ee as claimed by the author, however there is a narration from Thawbaan in Sunan Ibn-i-Majah, vol.3, p.38, no.1715, Kitaab: Siyaam; Baab: siyaam sitt ayyaam min shawwal and authenticated in Saheeh Sunan Ibn-i-Majah, vol.2, p.77, no.1402,. The wording is as follows:

"وَمَنْ صَامَ رَمَضَانَ فَشَهْرُهُ بِعَشَرَةٍ وَمَنْ صَامَ سَبَعَةً أَيَامٍ بَعْدَ الْفِطْرِ فَذَلِكَ صِيَامُ السَّنَةِ"

Thawbaan, the freed slave of Allaah’s Messenger (ﷺ), related that the Messenger of Allaah (ﷺ) said, “Whoever fasts six days after the Festival of Breaking the Fast completes the reward of a year, for whoever brings a good deed gets [the reward of] ten similar.”
[637] - وَعَنْ أَبِي سَعْيَدِ الْخُدْرِيِّ رَضِيَ اللهُ تَعَالَى عَنْهُ قَالَ: قَالَ رَسُولُ اللهُ ﷺ: "مَا مِنْ عَبْدٍ يَصُومُ يَوْمًا فِي سَبِيلِ اللَّهِ إِلَّا بَاعَدُ اللَّهِ بِذَلِكَ الْيَوْمِ عَنْ وَجْهِهِ النَّارِ سِبْعَينَ خَرِيفًا" مُثْقَفٌ عَلَيْهِ وَالْفُظْ لِمُسْلِمٍ.

[32] - Aboo Sa’eed al-Khudree reported that Allaah’s Messenger (ﷺ) said, “Allaah will distance the Hell-Fire from the face of any servant of Allaah who fasts for a day in the Path of Allaah seventy years for that day.”

Agreed upon and the wording is that of Muslim.

“**In the Path of Allaah,**” means *Jihaad* when used generally. The *hadeeth* contains evidence for the superiority of fasting while engaging in *Jihaad* as long as it does not cause the person to become too weak to fight the enemy. It is superior because it combines struggling (*jihaad*) with one’s enemy and struggling with one’s self regarding food, drink and sexual desires. He metaphorically used “**Allaah will distance the Hell-Fire from his face seventy years,**” to indicate that he would be safe from its punishment.

[638] - وَعَنْ عَائِشَةَ رَضِيَ اللهُ تَعَالَى عَنْهَا قَالَتْ: كَانَ رَسُولُ اللهُ ﷺ يَصُومُ حَتَّى نَقُولَ لا يَفْطَرُ، وَيُفْطِرُ حَتَّى نَقُولَ لا يَصُومُ، وَمَا رَأِيَتْ رَسُولُ اللهُ ﷺ إِسْتَكْمَلَ صِيَامَ شَهْرٍ فَطَّ إِلَّا رَمَضَانٍ، وَمَا رَأِيَتْهُ فِي شَهْرٍ أَكْثَرُ مِنْهُ صِيَامًا فِي شَيْبٍ. مُثْقَفٌ عَلَيْهِ وَالْفُظْ لِمُسْلِمٍ.

[33] - ‘Aa’ishah narrated that Allaah’s Messenger (ﷺ) used to fast to such an extent that we thought he would never stop fasting, and he would go without fasting to such an extent that we thought he would

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8 *Sahih Al-Bukhari*, vol.4, pp.66-7, no.93 and *Sahih Muslim* vol.2, p.560, no.2570.
never fast. I never saw Allaah’s Messenger (ﷺ) fast a complete month except in Ramadān and I never saw him fast more in any month than in Sha‘baan.

Collected by al-Bukhaaree and Muslim. The wording is that of Muslim.⁹

The hadeeth contains evidence that the Prophet’s fasting was not restricted to one month and not another and that he would sometimes continue his fasting and at other times continue not fasting. Perhaps he used to do whatever his circumstances required; when he was free from work he would continue his fasts and when it was the opposite he would continue not to fast.

It also contains evidence that he choose Sha’baan to fast more than other months and ‘Aa’ishah took note about the reason for that. At-Tabaraanee collected from her that,

“He used to fast three days in every month, and sometimes he would delay it and the fast of the year would come together, and he would fast Sha‘baan.” Ibn Abee Laylaa is in its chain and he is weak. It is said that he used to fast Sha’baan to glorify Ramadān as collected by at-Tirmithī in the hadeeth of Anas and others:

“Allaah’s Messenger (ﷺ) was asked, ‘Which fast is best?’ and he said, ‘Sha‘baan to glorify Ramadān.’ ” At-Tirmithī said that Šadaqah ibn Moosaa was in its chain and he was not strong (laysa bi qawee).

It was also said that he used to fast it, “because it is a month neglected by people between Rajab and Ramadān,” as collected by an-Nasaa’ee and Aboo Daawood and authenticated by Ibn Khuzaymah from Usaamah ibn Zayd:

I said, “O Messenger of Allaah! I haven’t seen you fast in any of the months as much as you fast in Sha‘baan?” He replied, “That is a month which people neglect between Rajab and Ramadān and it is a month in which deeds are raised up to the Lord of all worlds. So I like to have my deeds raised up while I am fasting.”¹⁰

¹⁰ Also authenticated by Shayh Albanee in Sahīh Sunan an-Nasā‘ee vol.2, p.153, no.2356
The Author said, “It is possible that he fasted it for all of these reasons.

The hadeeth

“Indeed fasting in Sha‘baan is the best fast after Ramadaan,” is contradicted by a narration from Aboo Hurayrah collected by Muslim:

((أَفْضَلُ الصَّيْامِ بَعْدَ رَمَضَانِ شَهْرٍ للَّهِ الْمُحْرَمُ.))

“The best fast after Ramadaan is the fast of al-Muharram.”

If it was the best, he would have guarded fasting most of it and ‘Aa’ishah’s hadeeth indicates that he fasted the most in Sha‘baan. I reply by saying that the superiority of the fast of Muḥarram is relative to the Consecrated Months (al-ash‘hur al-Hurum) while the superiority of Sha‘baan was unrestricted. As for his not frequently fasting in al-Muharram, an-Nawawee said, “That was because he learned that at the end of his life.”

[639] - وَعَنِ أَبِي ذَرِّ رضي الله تعالى عنَّهُ قال: أَمِرتُ رَسُولُ اللَّهِ ﷺ: "أن نَّصُومَ مِنَ الشَّهْرِ تَلََٰثَ يَاقِامَانِ: ثَلَاثَ عَشَرَة، وَأَرْبَعَ عَشَرَةَ، وَخَمْسَ عَشَرَةَ" رَوَاهُ النَّاسِيُّ وَالْتَّمْرِدُيُّ وَصَحَحَهُ أَبُو حَبَّانُ

[34] - Aboo Dharr related that Allaah’s Messenger (ﷺ) instructed us to fast three days in every month: on the thirteenth, fourteenth and

11 Sahih Muslim, vol. p., no., The complete hadeeth is as follows:

عَنْ أَبِي ذَرِّ رضي الله تعالى عنَّهُ قال: قَالَ رَسُولُ اللَّهِ ﷺ مَن فَسَلَّمَ وَعَلَى اللَّهِ ﷺ مُصَلِّي اللَّهِ ﷺ ( أَفْضَلُ الصَّيْامِ بَعْدَ رَمَضَانِ شَهْرِ اللَّهِ الْمُحْرَمُ وَأَفْضَلُ الصَّلاةِ بَعْدَ الْفَرْضِيَّةِ صَلاَةٌ اللَّهِ ﷺ).

Aboo Hurayrah quoted Allaah’s Messenger (ﷺ) as saying: “The best fast after Ramadaan is the fast of al-Muharram and the best formal prayer after the obligatory prayers is the night prayer.”
fifteenth. Collected by an-Nasaa’ee and at-Tirmithee. Ibn Hibbaan declared it to be sound.\textsuperscript{12}

This \textit{hadeeth} has been narrated through many channels; from Aboo Hurayrah with the following wording:

\begin{displayquote}
“If you fast, adhere to the bright days of the full moon; the thirteenth, fourteenth and fifteenth.”\textsuperscript{14}
\end{displayquote}

\textsuperscript{12} It is authenticated in \textit{Saheeh Sunan at- Tirmithee}, vol. 1, p. 230, no. 608.

\textsuperscript{13} \textit{Musnad Ahmad}, CD no. 8204, \textit{Da’eeef Sunan an-Nasaa’ee}, p.74, no.2420. The complete text of the narration is as follows:

Aboo Hurayrah related that a Bedouin came to Allaah’s Messenger (ﷺ) with a grilled rabbit and placed it in front of him. The Messenger of Allaah (ﷺ) refrained from eating but instructed the people to eat. The Bedouin also refrained. So the Prophet (ﷺ) said to him, “What prevents you from eating?” He replied, “I’m fasting three days of the month.” He said, “If you are fasting, fast the days of the full moon.”

\textsuperscript{14} Narrated from Aboo Tharr in \textit{Da’eeef Sunan an-Nasaa’ee}, p.75, no.2426.
Ibn Milhaan al-Qaysee related from his father that he said, “The Messenger of Allaah (ﷺ) used to instruct us to fast the days of the full moon, the thirteenth, fourteenth and fifteenth. And he said, ‘They are like the year.’”

“Fasting three days of every month is like the whole year,”


35] - Aboo Hurayrah reported that Allaah’s Messenger (ﷺ) said, “It is not allowable for a woman to fast when her husband is present without his permission.” Collected by al-Bukhaaree and Muslim. The wording is that of al-Bukhaaree. Aboo Daawood added, “Other than in Ramadaaan.”1

This *hadeeth* contains evidence that fulfilment of the marriage rights takes precedence over voluntary fasting. In the case of Ramadaaan, it is obligatory on the wife even if the husband is displeased. The same ruling can be applied by analogy to making up for missed obligatory fast. If she fasts a voluntary fast without his permission, she would be doing a forbidden act.

[36] - Aboo Sa‘eed al-Khudree stated that Allaah’s Messenger (ﷺ) forbade fasting on two days: the day of breaking the fast of Ramadaaan and the Day of Sacrifice [the two Eid days]. Collected by al-Bukhaaree and Muslim.2

Contained in this narration is proof for the prohibition of fasting on those two days because the original meaning of a prohibition implies *haraam*. The majority

1 *Sahih Al-Bukhari*, vol.7, pp.92-3, no. 120 and *Sahih Muslim*, vol.2, p.491, no.2238.

of scholars held that fasting on those days is haraam. If a person made an oath to fast on those two days, his oath would not be valid according to what is most obvious, because he made an oath of disobedience. Some said he should fast two other days in their place.

[642] - وَعَنْ نُبِيَّةَ ابْنِ الْمُذْهَبِ رَضِيَ اللَّهُ عَنْهُ تَعَالَيْ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ: "يَاَيَامُ التَّشَرِيقِ يَأَيَامُ أَكْلٍ وَشَرْبٍ وَذِكْرُ اللَّهِ عَزَّ وَجَلَّ رَوْاهُ مُسْلِمٌ."

[37] - Nubayshah al-Huthalee narrated that Allaah’s Messenger (ﷺ) said, “The days of Tashreeq are days of eating, drinking and remembrance of Allaah Who is Great and Glorious.” Collected by Muslim.

Muslim also collected from Ka‘b ibn Maalik, Ibn Hibbaan from Aboo Hurayrah, an-Nasaa’ee from Bishr ibn Suhaym, the compilers of the Sunan from ‘Uqbah ibn ‘Aamir, and al-Bazzaar from Ibn ‘Umar:

("يَأَيَامُ التَّشَرِيقِ يَأَيَامُ أَكْلٍ وَشَرْبٍ وَذِكْرُ اللَّهِ عَزَّ وَجَلَّ فلا يَصُومُ فِيهَا أَحَدٌ")

“The Days of Tashreeq are days of eating, drinking and formal prayers. So no one should fast in them.”

Aboo Daawood collected from Ibn ‘Umar in his story:

("رَأَيْنَا كَانَ يَأْمُرُهُمْ بِإِفْطَارِهَا وِيِبَاءُهُمْ عَنْ صِيَامِهَا")

“That the Prophet (ﷺ) used to instruct them to break fast in them and prohibit them from fasting them,” that is, the Days of Tashreeq.

3 Sahih Muslim, vol.2, p.554, no.2539.
4 Sunan Abu Dawud, vol.2, p.663, no.2412, Kitaab: Fasting; Baab: Fasting the Days of Tashreeq, and authenticated in Saheeh Sunan Abu Dawood, vol.2, p.73, no.2418. The complete text is as follows:
Ad-Dara’qutni collected from ‘Abdullaah ibn Huthaafah as-Sahamee:

(النَّاسُ الْمُتَنَزِّهُونَ) آيَاتُ التَّشْرِيقِ أَيَامٌ أَكْلُ وَشَرْبٌ وَبَعْلاَجٌ

“The Days of Tashreeq are days of eating, drinking and copulating.”

The hadeeth and what we have mentioned carrying a similar meaning indicate that fasting on the Days of Tashreeq is prohibited. The scholars differed as to whether it was a banning prohibition or one of dislike (tanzeeh). A group of scholars of the salaf and others ruled that it was an absolute prohibition, and it was the most well-known position of ash-Shafi‘ee. They held that even the person doing Hajj Tamattu and others should not fast them. They made this hadeeth the specific exception for the Almighty’s statement:

(فَمَّن نُقِيمَ بِالأَعْمَرَةِ إِلَى أَحْجِمَ فَمَا أَسْتَيْسَرَ مِنْ أَهْلِهِ فَمَنْ لَمْ يَجِدْ فَصِيَامُ

“Whoever performs ‘Umrah in the months of Hajj, before (performing) the Hajj, he must slaughter a sacrificial animal according to what he can afford, but if he cannot afford it, he should fast three days during the Hajj and seven days after his return, making ten days in all.” (Soorah al-Baqarah, 2: 196)

They did so because this verse is general, covering what is before the Day of Sacrifice and after it. The hadeeth is specific to the Days of Tashreeq, though it is general relative to the days of Hajj and others. Considering them specific is more likely as it is what was intended by the evidence that they are not the place for fasting. It is as if the days themselves are contradictory to fasting, relative to what they are suited for.

The Haadawites held that the person doing Hajj Tamattu unable to find a sacrificial animal should fast them as indicated by the context of the verse and a narration to that effect from ‘Alee (peace be upon him). They said that one doing

"All of these days which Allaah’s Messenger (ﷺ) used to instruct us to break our fasts and he used to prohibit us from fasting them.” Maalik said, “They are the Days of Tashreeq.”
Hajj Qiraan and one held back (muhsar) should not do it if they could not find a sacrificial animal. The others held that the person doing Hajj Tamattu‘ and whoever could not find a sacrificial animal, whether he was doing Hajj Qiraan or he was held back, could fast them based on the general meaning of the verse and the implications of the following hadeeth.

[643] - وَعَنْ عَائِشَةُ وَأَبِي عُمَرَ رَضِيَ اللَّهُ عَنْهُمَا قَالَتْ: لَمْ يَرَحَصُ فِي أَيَامِ التَّشِرِيقِ أَنْ يُصَمَّمْ إِلَّا لِمُنْ لَمْ يَجِدِ الْهَدَيِّ رَوَاةُ الْبَحَارِيُّ.

[38] - ‘Aa’ishah and Ibn ‘Umar stated that no concession for fasting was given during the Days of Tashreeq except for one who could not find a sacrificial animal [to slaughter]. Collected by al-Bukhaaree.

This hadeeth indicates that fasting the Days of Tashreeq is a permissible concession for whoever could not find a sacrificial animal while doing Hajj Tamattu‘, Qiraan, or was held up, based on the general implications of the hadeeth based on the fact that the person giving the concession was Allaah’s Messenger (ﷺ) and that it is attributed to him, and there are three positions concerning that. The third of them is that if it is attributed to the Prophet’s era it becomes evidence, otherwise it is not. The person giving the concession was clearly mentioned in a narration collected by ad-Daaraqutnee and at-Tahaawee, except that its chain of narration was weak. Its wording is:

“(The Messenger of Allaah (ﷺ) gave a concession to one doing Hajj Tamattu‘ who could not find a sacrificial animal to fast the Days of Tashreeq.”

Except that it specifies the one doing Hajj Tamattu‘ and thus could not be used as evidence for those holding this view. It has been reported as the act of ‘Aa’ishah, Aboo Bakr and the ruling of ‘Alee (peace be upon him).

A group of scholars took the position that it was a prohibition of dislike and that it was permissible for anyone to fast these days. But it is a position which has no evidence to support it.

Abu Hurayrah reported that the Prophet (ﷺ) said, “Do not choose Thursday night as a particular night for prayer, and do not choose Friday as a particular day for fasting, unless it occurs during a fast one of you is observing.” Collected by Muslim.

The hadith is evidence for the prohibition of specifying Friday night for worshipping with formal prayer and recitation and other similar acts, not usually done, except what is mentioned in a legal text regarding that. For example, the recitation of Soorah al-Kahfi, as there is narrated the specification of Friday night for its recitation and for other chapters there are narrated specifications but scholars have spoken negatively about them.

The general meaning of this text indicates that Salaatul-Raghaa’ib done on the first Friday night of Rajab is contrary to the Shari’ah. If the hadith concerning it were authentic, it would have exempted it from the general prohibition. But, the scholars have spoken against its hadith and declared it fabricated.

It also indicates that voluntary fasting only on that day is also forbidden. Ibn al-Munthir said, “The prohibition of fasting on Friday is authentically established as it is on the day of ‘Eed.” Abu Ja’far at-Tabaree said, “The difference between ‘Eed and Jumu’ah is that there is a confirmed consensus (Ijmaa’) on the prohibition of fasting on ‘Eed day, even if a person fasted a day before it or after it.” The majority of scholars held that the prohibition on singling out Friday for fasting is one of dislike based on the following hadith of Ibn Mas’ood:

\[
(\text{Kaan rasoolullahu yasoom min kulli shahr takhtal-aham} \quad \text{wali min yafatrum yomsajmah})
\]

6 Sahih Muslim, vol.2, p.555, no.2546.
“Allaah’s Messenger (ﷺ) used to fast three days of every month and he would rarely not fast on Fridays.”

At-Tirmithi collected it and declared it hasan (fairly sound). So his (ﷺ) action is the context indicating that the prohibition is not one of banning.

My response to that is that it is possible that he used to fast a day before or a day after and, “with a possibility to the contrary, evidence becomes incomplete” (ma’al-ihtimala laa yatimmul-istidlaal).

The [scholars] differed concerning the reason for the prohibition of fasting. The clearest position is that it is the Day of ‘Eed as narrated in the following hadeeth of Aboo Hurayrah, ascribed to the Prophet (ﷺ):

(( يَوْمُ الْجَمِيعَةِ يَوْمُ عِيدَ كُمْ ))

“Friday is your day of festivities.”

Ibn Abee Shaybah collected in a fairly sound chain from ‘Alee (peace be upon him) that he said:

(( مَنْ كَانَ مِنْكُمْ مُتَطَوِّعًا مِنَ الْشَّهَرِ فَلْيَصِمْ يَوْمَ الْخَمْيسِ وَلَا يَصِمْ يَوْمَ الْجَمِيعَةَ فَإِنَّهُ يَوْمُ طَعَامٍ وَشَرَابٍ وَذِكْرٍ ))

“Whoever among you wishes to do voluntary fasts monthly, let him fast on Thursday and not on Friday because it is a day for food, drink and remembrance of God.”

This is also among the evidence for the prohibition of fasting on that day. It does not necessarily have to be like the ‘Eed in all aspects, for the prohibition of fasting on it is lifted by fasting a day before or after it, as indicated by the following statement.

\[\text{7 Saheeh Sunan at-Tirmithi, vol.1, p.393, no.742. Al-Muzhir said, “Its explanation is that he used to fast it along with the day before or the day after, or that it was special for the Prophet (ﷺ) like continual fasting (wiṣaḥ).” Maalik and Aboo Haneefah held that it was not disliked based on this hadeeth. Ibn Hajar in Fat’ul-Baaree said, “This hadeeth does not contain proof for their position, because it contains the possibility that it meant that he would not deliberately break fast on that day if it fell in the days that he habitually fasted. And it does not contradict the dislike for fasting on that day, if the two hadeeths are combined.” (Tuhfatul-Alwaath)}\]
Abu Hurayrah stated that Allah’s Messenger (ﷺ) said, “None of you must fast on a Friday unless he also fasts the day before or the day after it.” Collected by al-Bukhaare and Muslim. 

This indicates that the prohibition for fasting on that day is removed for a reason whose wisdom is unknown to us. If a person fasted on that day alone, he would be obliged to break his fast, as indicated by what was collected by Ahmad, al-Bukhaare and Aboo Daawood from Juwayriyyah’s following hadeeth:

Juwayriyyah related that the Messenger of Allah (ﷺ) came to her on a Friday in which she was fasting and said to her, “Did you fast yesterday?” She replied, “No.” He said, “Will you fast tomorrow?” She replied, “No.” He said, “Then break your fast.”

The basic meaning of the imperative is obligation.

Abu Hurayrah narrated that Allah’s Messenger (ﷺ) said, “When the middle of Sha‘baan comes do not fast.”

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9 Musnad Ahmad, CD no. 25530.
Collected by the five, but Ahmad declared it to be a narration from a weak transmitter which disagrees with what is generally reported.

Ibn Hibbaan and others authenticated it. Ahmad rejected it because it was from the narrations of al-Ulaa ibn ‘Abdir-Rahmaan. I say that he is among the narrators of Muslim. The author [Ibn Hajar] in at-Taqreeb declared him sadooq (truthful) with some errors.

The hadeeth is proof for the prohibition of fasting in the second half of Sha‘baan, however it is limited by the earlier mentioned hadeeth:

(( إلاَّ أنِّ يَوَافِقَ صَوْمًا مُّعَتَّدًا ))

“Unless it coincides with an habitual fast.”

The scholars differed concerning this. Many Shafi’ites held that it was forbidden based on this prohibition. Others held that it was disliked, except for a day or two before Ramadaan which are forbidden. Yet others held that it was not disliked and others that it was recommended and that the hadeeth is explained to refer to those weakened by the fast. It is as if they used as evidence the following hadeeth:

(( أنَّهُ كَانَ يَصِلُ شَعْبَانَ بِرَمَضَانٍ ))

“He used to join Sha‘baan to Ramadaan.”

However, it is obvious that if his statement contradicts his action, his statement is given precedence.

[647] - وَعَنِ الصَّمَّامِينَ نَسْتُ بُسْتِرُ رَضْيِ اللهِ عَنْهُمَا أَنَّ رَسُولَ اللهِ ﷺ قَالَ: “لاَ تَصْوَهُمَا يُوَّمُّ السَّبْتُ، إِلاَّ فِي مَا أَفْتَرَضَ عَلَيْكُمْ، فَإِنَّ لَمْ يَجِدَ أَحَدُكُمْ إِلَّا لحَاءَ عَنْبَ، أوْ عُودَ شَجَرَةً فَلِيَمْضِعُها” رَوَاهُ الأخْمَسَةُ، وَرَجَالُهُ نَتَائِجُ، إِلاَّ أَنَّهُ مُضْطَرَبٌ، وَقَدْ أَنْكَرَهُ مَالِكٌ وَقَالَ أَبُو داَوْدٍ: هُوَ مَسْئُوحٌ.

[42] – As-Samaa, daughter of Busr, reported that Allaah’s Messenger (ﷺ) said, “Do not fast on Saturday except during what has been prescribed for you; and if one of you cannot get anything but a grape skin or a piece of wood from a tree to chew on, he should chew on it.”

Collected by the five; and its transmitters are authoritative, but it is a jumbled narration with regards to its first link of narrators. Maalik said that it is a narration from a weak transmitter and disagrees with what is generally reported. Aboo Dawood said, “It is abrogated.”

As regards the jumbling of its narration, it is because ‘Abdullah ibn Busr narrated it from his sister as-Samaa. It is also said that ‘Abdullaah narrated it, and there is no mention of his sister. It is also said that this is not a damaging fault because he was a companion. It is said that it was narrated from him from his father, Busr. It is said from as-Samaa from ‘Aa’ishah. An-Nasaa’ee said: “This hadeeth is jumbled (mudtariib).” The author, Ibn Hajar, said, “It is possible that it could be with ‘Abdullaah from his father and from his sister, and with his sister from another source. This path is authentic and ‘Abdul-Haqq followed ad-Daaraquqnee and favored the first path. However these variations in a single hadeeth with a single chain of narrators from a single source implies a lack of precision unless it is from well-known prolific narrators known to gather the paths of a single hadeeth in which case it is not indicative of lack of precision. But that is not the case here. There are differences concerning the narrator who transmitted the hadeeth from ‘Abdullaah ibn Busr.

As for Maalik’s rejection of it, Aboo Daawood quoted him as saying, “This is a lie.” As for Aboo Daawood’s claim that it is abrogated, perhaps he meant that that it was abrogated by the following narration:

[648] - وَعَنْ أَمْ سَلَّمَةَ رَضَيْنَا اللهُ عَلَيْهَا، أَنَّ رَسُولَ اللهِ ﷺ كَانَ أَكْثَرَ مَا يَصُومُ مِنَ الْآيَاتِ يَوْمَ الْجُوعِ، وَيَوْمَ الْبُسْتِ، وَيَوْمَ الْأَحْدِ، وَكَانَ يَقُولُ: "إِنَّمَا يَوْمَا عَيْدٌ

http://www.islamiconlineuniversity.com 11
[43] - Umm Salamah related that Allaah’s Messenger (ﷺ) used to fast on Saturdays and Sundays more than on any other days, and he used to say, “They are festive days for the polytheists, and I want to act contrary to them.”

Collected by an-Nasaa’ee. Ibn Khuzaymah declared it sound and this is his wording.12

The prohibition on fasting them was in the beginning when he used to like to agree with the People of the Scriptures. Then his final instructions were to be contrary to them as clearly stated in this hadith. It is said that the prohibition was for fasting on those days by themselves, and not if one fasted a day before it or after it.

At-Tirmithi collected a narration from ‘Aa’ishah in which she said:

“Allaah’s Messenger (ﷺ) used to fast every month, Saturday, Sunday and Monday; and in another month Tuesday, Wednesday and Thursday.”

The hadith of the chapter indicates that fasting on Saturdays and Sundays is recommended to be contrary to the People of the Scripture. The obvious meaning implies fasting each day by itself or together.

[649] - وَعَنْ أُبُيِّ هَرْبَةِ رَضِيَ اللَّهُ عَنْهَا أَنَّ النَّبِيَّ ﷺ نَهَى عَنْ صَوْمِ يَوْمٍ عَرَفَةَ بِعَرَفَةِ. رَوَاهُ الْخَمْسَةُ عِيْبَ الْتَّمْرَمْدِيُّ، وَصَحَّحَهُ أَبُو حُرَيْمَةَ وَالْخَاَكِمُ وَاسْتَنْكَرَهَا الْعَقِبِيُّ.

12 It is authenticated in Sahih Ibn Khuzaymah, vol. 3, p. 318, no. 2167.
[44] - Aboo Hurayrah narrated that the Prophet (ﷺ) prohibited fasting on the day of ‘Arafah at ‘Arafah.

Collected by the five excluding at-Tirmithee. Ibn Khuzaymah and al-Haakim declared it sound; but al-‘Uqaylee declared it to be a narration from a weak transmitter which disagrees with what is generally reported.⁺¹³

[45] - ‘Abdullaah ibn ‘Umar stated that Allaah’s Messenger (ﷺ) said, “May he who observes a perpetual fast never fast.” Collected by al-Bukhaaree and Muslim.⁺¹⁴

[46] - Muslim⁺¹⁵ has this wording from Aboo Qataadah’s narration, “May he neither fast nor break his fast.”

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⁺¹³ Sunan Abu Dawud, vol. 2, p. 671, no. 24, 34 and rated inauthentic in Da‘eef Sunan Abee Daawood, vol.1, p. 241, no. 528. However In Saheeh al-Bukhaaree it is narrated from Maymoonah (may Allaah be pleased with her) that the people were not sure whether the Prophet (ﷺ) was fasting on the day of ‘Arafah, so she sent him some milk when he was standing in ‘Arafah, and he drank it whilst the people were looking on. From this scholars have drawn the conclusion that it is not Sunnah for the one on Hajj to fast on the day of ‘Arafah. See Majmoo’ Fataaawa Ibn ‘Uthaymeen (part 20, question no. 404)


⁺¹⁵ Sahih Muslim, vol.2, pp.566-7, no.2602.
Seclusion in the Mosque
and Night Prayers in Ramadaan

[652] - ʿعَنَّ أُبِيِّهِ رَحِيمَةٍ رَضِيَ اللهُ عَنْهُ أَنَّ رَسُولَ اللهِ ﷺ قَالَ: "مَنْ قَامَ
رَمَضَانَ يَمَانًا وَاحْتِسَابًا غُفْرَ لَهُ ما تَقْدِمَ مِنْ ذِلِّي" مُتَفَقٌ عَلَيهِ.

[47] - Aboo Hurayrah related that Allaah’s Messenger (ﷺ) said, “He who prays during the nights of Ramadaan faithfully and seeking his reward from Allaah will be forgiven his past sins.”
Collected by al-Bukhaaree and Muslim

[653] - وَعَنْ عَائِشَةِ رَضِيَ اللهُ عَنْهَا قَالَتْ: كَانَ رَسُولُ اللهِ ﷺ إِذَا دَخَلَ
الْعَشَرُ - أَيِّ الْعَشَرُ الْأَخْرَىُ مِنْ رَمَضَانَ - شَدُّ مَتَزَرَّ، وَأَحْيَا لِبَلَدِهِ، وَأَيْقَظَ
أُهْلِهِ. مُتَفَقٌ عَلَيْهِ.

[48] - ‘A’ishah narrated that Allaah’s Messenger (ﷺ) stayed awake at night, and awoke his family on the last ten nights of Ramadaan.
Collected by al-Bukhaaree and Muslim.

[654] - وَعَنْهَا رَضِيَ اللهُ عَنْهَا أَنَّ النَّبِيَّ ﷺ كَانَ يَعْتَكِفُ الْعَشَرُ الأَوَّلَ إِرْوَىٰ
رَمَضَانَ، حَتَّى نُقُوَّاهُ اللهُ عَزَّ وَجَلَّ، ثُمَّ اعْتَكِفَ أَزْوَاجُهُ مَنْ بَعْدَهُ. مُتَفَقٌ عَلَيْهِ.

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[49] - ‘Aishah reported that the Prophet (ﷺ) used to seclude himself in the mosque during the last ten days of Ramadaan until Allaah, Who is Great and Glorious, took his soul, and then his wives followed this practice after his death.

Collected by al-Bukhaaree and Muslim.

This hadeeth contains evidence that seclusion in the mosque (i’tikaaf) is Sunnah which Allaah’s Messenger (ﷺ) did continually and his wives did after him. Aboo Daawood narrated from Ahmad that he said, “I do not know from any scholar a difference of opinion regarding seclusion being from the Sunnah.”

As regards the intent for seclusion, it is focusing the heart on Allaah, Most High, through seclusion along with emptying the stomach and turning to the Almighty, taking pleasure from remembering Him and turning away from everything else besides Him.

[50] - ‘Aa’ishah narrated that whenever the Prophet (ﷺ) intended to seclude himself in the mosque; he prayed the dawn prayer and then entered his place of seclusion.

Collected by al-Bukhaaree and Muslim.

This hadeeth contains proof that the beginning of the time for seclusion is after the morning prayer (salatul-fajr), as is evident from the text. This hadeeth is contradicted by those who say that he should enter the mosque after the beginning

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4 Sahih Muslim, vol.2, pp.566-7, no.2602.

of the time for Fajr if he is going into seclusion during the day, and after sunset if he is going into seclusion during the night. They interpret this hadeeth to mean that Fajr would begin while he was in the mosque and after he prayed the morning prayer, he would seclude himself in the place which he prepared for i’tikaaf. I say that its being far fetched is obvious, for it was his habit not to leave his home except at the time of the iqaamah.

[Aa’ishah said,] **[51]** “Allaah’s Messenger (ﷺ) would sometimes lay his head on my lap, when he was in the mosque, and I would comb his hair for him. When he was secluded in the mosque he would not enter his house unless it was for a dire need.

Collected by al-Bukhaaree and Muslim. The wording is that of al-Bukhaaree.

[Aa’ishah said that the Sunnah for one who is secluded in a mosque is not to visit the sick, nor attend a burial, nor fondle his wife, nor go out for anything except for what was an absolute necessity. ] **[52]**
Seclusion in a mosque is not valid without fasting, and it must be carried out in a congregational mosque.

Collected by Aboo Daawood and its transmitters are authentic, but the strongest opinion is that the last part was the personal opinion of ‘Aa’ishah.\(^6\)

The phrase “the last part,” above refers to the text following, “Seclusion in a mosque is not valid without fasting…” The author said that ad-Daaraqûnees insisted that the portion of the hadeeth which was ‘Aa’ishah’s own words was “he did not go out for anything except for what was an absolute necessity,” and the rest was from those after her according to Fat’hul-Baaree. Here he said: The last part of it was the opinion of ‘Aa’ishah (mawqoof).

It indicates that the person in seclusion should not leave the mosque for the things mentioned in this narration and that he should also not leave to attend Jumu’ah and that if he did any of these things it would invalidate his seclusion. There is a major difference of opinion on this issue, however, the evidence supports what I mentioned. There is a difference concerning fasting being a condition for seclusion. This limited hadeeth indicates that it is a condition. There are narrations which negate the condition of fasting and others which affirm it, but all of them do not reach the level of evidence. Except that seclusion is known from the Prophet’s action and he only went into seclusion while fasting. As for his seclusion in the first ten days of Shawwaal, what is obvious is that he fasted them and he did not go into seclusion except on the second of Shawwaal because the day of ‘Eed he was busy with the ‘Eed prayer, sermon and his going out to jabaanah, except that his action alone is not sufficient to establish a condition. As for the condition that it be in a mosque, the majority are in agreement, except for some scholars. The intent behind it being a “congregational mosque” is that the five daily prayers are done there, which was the opinion of Ahmad and Aboo Haneefah, while the majority held that it could be done in any mosque except for one obliged to make Jumu’ah. Ash-Shaaﬁ’e preferred it in the congregational mosque and it is similar to the fast in that the Prophet (ﷺ) only made seclusion in his mosque which was a congregational mosque.

Among the hadeeths which indicate that fasting is not a condition is the following:

Ibn ‘Abbaas narrated that the Prophet (ﷺ) said, “Fasting is not incumbent on one who is observing a period of private devotion, but it is up to him to fast or not place it on himself.”

Collected by ad-Daraqutnee and al-Haakim, and the strongest opinion is that it was also the opinion of Ibn ‘Abbaas.7

Ibn ‘Umar reported that some of the Prophet’s (ﷺ) companions dreamt that Laylatul-Qadr was among the last seven nights (of Ramadaan), so Allaah’s Messenger (ﷺ) said, “I see that your dreams agree regarding the last seven nights, so if anyone seeks it, he should do so during the last seven nights.”

Collected by al-Bukhaaree and Muslim.8

7 Rated inauthentic in Da‘eef al-Jaami’ as-Sagheer, vol. 1, p.707, no. 4896
Mu‘aawiyah ibn Abee Sufyaan related that regarding Laylatul-Qadar, the Prophet (ﷺ) said, “It is the twenty-seventh night.”

Collected by Aboo Daawood⁹ and the strongest opinion is that it was Mu‘aawiyah’s opinion. Ibn Hajr said “There are forty different sayings about which night Laylatul-Qadr is, and I made mention of them in Fat’hul-Baaree.

‘Aa’ishah said, “I said, ‘O Messenger of Allaah! What prayers should I say if I know which night is Lailatul-Qadr?’” He said, “Say, O Allaah, You are Forgiving and You love forgiveness, so forgive me.”

Collected by the five excluding Aboo Daawood. At-Tirmithe and al-Haakim declared it sound.¹⁰

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[662] - وَعَنْ أَبِي سَعْيْدٍ الحُذَّرِيٍّ رَضِيَ اللهُ عَنْهُ قَالَ: قَالَ رَسُولُ اللهُ ﷺ:
"لا تُشْتَدُّ الرِّحَالُ إِلَّا إِلَى ثَلَاثَةِ مَسَاجِدٍ: الْمَسْجَدِ الْحَرَامِ، وَالْمَسْجِدِ هَذِهِ،
وَالْمَسْجِدِ الأُقْصَى". مَتَّى عَلَيْهِ.

[57] - Abee Sa’eed al-Khudree quoted Allaah’s Messenger (ﷺ) as saying, “Only for prayer in three mosques should animals be saddled: The Sacred Mosque, this mosque of mine, and the Aqsa Mosque.” Collected by al-Bukhaaree and Muslim.\(^\text{11}\)