

IN DEFENCE OF THE SUNNĪ CREED AND MANHĀJ

*The Permissibility of
Fasting on behalf of the
Deceased*

Compiled, Translated and Annotated

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SALAFI RESEARCH INSTITUTE

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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THE PERMISSIBILITY OF FASTING ON BEHALF OF THE DECEASED

Compiled, Translated & Annotated

Abū Ḥibbān Malak & Abū Khuzaimah ḥ Imrān Masoom Anṣārī

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SALAFI RESEARCH INSTITUTE
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فہرست

Contents

Publishers Forward	5
-1- The Opening	8
-2- The People of Knowledge Have Differed	10
-3- The Weakness of the Addition in the Report of al-Bazzār	20
-4- The Position of the Ahl al-Hadīth and the Imāms on the Permissibility of Fasting on Behalf of the Deceased	24
-5- A Summary of the Discussion and the Various Opinions and Positions of the Scholars	31
-6- The Understanding and Explanation of the Ḥadīth of A'ishah	34
-7- An Evidence for Those who say to Feed the Poor on Behalf of the Deceased	51
-8- Reconciling This Narration Even if it was Authentic	56
-9- Further Evidences for Fasting on Behalf of the Deceased	58
-10- The Evidences of Those Who Say it is Not Obligatory	61
-11- The View of A'ishah (RadhiAllāhu Anhu)	66
-12- Understanding of the General Evidences	71
-13- The View of 'Abdullāh ibn 'Abbās (RaḍiAllāhu Anhumā)	73
-14- Looking at the Variations of the Ḥadīth of 'Abdullāh ibn 'Abbās (RaḍiAllāhu Anhumā)	74
-15- 'Abdullāh ibn 'Umar (RadhiAllāhu Anhu)	80
-16- The Mālikiyah and Ḥanafiyah	84
-17- The View of Some of the Scholars	88



PUBLISHERS FOREWORD

‘Audhu Billāhi min ash-Shayṭān al-Rajīm

Bismillāh al-Rahman al-Rahīm

Alhamdullilahi Rabbil A’lamīn, Waṣalatu Wasalam Ala Rasūlillahil Karīm, Wa Ala

Alihi Wa Ashabi Wa Man Tabiahum Bi-Ehsan Ila Yaum al-Din; Wa Ba’d

All Praise belongs and is directed to the Rabb of everything

that exists, Praise and Salutations be upon His

Final beloved Messenger, his revered family

and his noble Companions and upon

those who follow them in good

until the end of times,

To proceed

It is often repeated in various circles and gatherings the Ahl al-Ḥadīth do not have any fiqh or they have no heritage in Fiqh or *Uṣūl al-Fiqh*. We are living in times when the human mind tread paths of blind imitation without any regard for hermeneutics and exegesis which is indeed a travesty. Such vivid imaginations are also accompanied with abuse and poorly thought arguments which do not warrant any serious answers in reality because, it is not always necessary to answer everyone.

However, nonetheless at times even the most vocal of individuals or even a common repetitive baseless point needs to be answered. It is sufficient for the intelligent mind to ascertain the Scholars of Ḥadīth, the Muḥadīthin ie the Ahl al-Ḥadīth were in actual fact also scholars of Fiqh, which they would extract from the authentic Ḥadīth. The chapter headings in *Ṣaḥīḥ al-Bukhārī* are alone ample evidence and a radiant testimony to this established fact. If only you sincerely seek the truth. So we thought to address this issue in a different way from the usual norm.

We picked this issue as very little is written on it in the various books. Furthermore, we also asked ‘numerous’ students of knowledge who have graduated from numerous institutes pertaining to this issue and they all gave conflicting answers. Adding to the fact that observing fasts of behalf of the deceased is in itself an extremely important issue; whether the deceased missed any fasts of Ramadān or if they had made a vow to fast and then died. Another babble that is widely circulating amongst ‘Madhabists’ is that the Ahl al-Hadīth and Salafis are unable to go beyond *Tahārah* in the books of *Fiqh* when teaching and discussing them; exactly.....such a nonsense aspersion. Imām Shawkānī is known to be Ahl al-Hadīth and his primer *Durar al-Bahiyyah* on the *Fiqh* of Ahl al-Hadīth is well utilized and consulted in this regard. Whilst teaching, annotating and expanding on the discussions in it, we came to this issue and thus thought to reconstruct it into a research paper.

These were some of the reasons why this issue was chosen, with the aim of, In-shā²-Allāh bringing clarity and some closure to this issue. We have attempted remain impartial at most times during the discourse in order to discuss and debate the issue in hand. Yet however, the human mind; the nature of it may have led us to show some partiality at times and if this has come through then sincere apologies are in order. We first showed the differences between the madhabs and the various differing opinions and the views of the scholars on this issue. We have at times delved into a discourse showing both sides of the arugements which may make it difficult for the reader to discern the arguments and to follow the discussions. Essentially the complete discourse is explanation of just one point of *Fiqh* from Imām Shawkānī’s *Durar al-Bahiyyah Fi Masail al-Fiqhiyyah ‘Ala Madhab Ahl al-Hadīth*

We have cited ample statements of the scholars to the best of our ability and shown the positions of the Scholars of Hadīth despite the differences that exist amongst them on this issue. This research paper is by no means complete and Allāh willing more discourse and notes can be added. Lastly, the

discussions and discourse in this research paper is not binding on anyone and neither should anyone feel the need to change their views.

This is the legacy of the Ahl al-Hadīth, their characteristics and the features of their Madhab and the Fiqh of Ahl al-Hadīth

By the two weak slaves of Allāh who are in dire and constant need of your Du'ās

Abū Ḥibbān Malak

Abū Khuzaimah Imran Masoom Anṣārī

On behalf of

Salafī Research Institute

19th Muharram 1438H / Friday 21st October 2016

Birmingham, England.

-1-

The Opening

Imām Shawkānī said in his book of fiqh on the Madhab of Ahl al-Ḥadīth, ie *Durar al-Bahiyyah Fī Masā'il al-Fiqhiyyah*

“من مات وعليه صيام صام عنه وليه”

“Whoever died and he had pending fasts, then his guardian should fast on his behalf”¹

I. What is Meant by Guardian – Wali - Heir

Shaikh Abdullāh Āl-Bassām asserts ‘Wali’ in the Ḥadīth refers to the heirs of the deceased.² Imām Muḥammad bin Ismā‘īl Amīr al-Ṣan‘ānī said,

¹ Imām Shawkānī; *Durar al-Bahiyyah* [p.152], Imām Ṣiddiq Ḥasan Khān; *al-Rawdah al-Naḍhiyyah Sharḥ al-Durar al-Bahiyyah* [1:550].

² Shaikh ‘Abdullāh bin ‘Abdur Raḥmān ibn Ṣāleḥ Āl-Bassām; *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:525]

“*Walī* means every close relative. It has also been said that it means and refers to the heirs and the people of the tribe (or close clan ie larger extended family).”³

Ḥāfiẓ Ibn Ḥajr has also endorsed this view that even a stranger can fast on behalf of the deceased just as he can perform Ḥajj for the deceased.⁴ Shaikh Nawāb Ṣiddīq Ḥasan Khān has differed with this view and said only the actual guardian should fast on behalf of the deceased and not a stranger because the apparent meaning of the ḥadīth indicates this.⁵

³ Shaikh Muḥammad bin Ismā‘il Amīr al-Šan‘ānī; *Subl al-Salām Sharḥ Bulūgh al-Marām* [4:123-124]. *Subl al-Salām* with the notes of Shaikh al-Albānī [2:459]

⁴ Shaikh ‘Ubaidullāh Mubārakpūrī; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābih* [7:33]

⁵ Shaikh Nawāb Ṣiddīq Ḥasan Khān; *Fatḥ al-‘Alām Lisharḥ Bulūgh al-Marām* [p.409]

-2-

The People of Knowledge Have Differed

Once such difference is making up fasts for a person who died and whether they were physically able to fast the days of Ramadān or not. The scholars have differed with regards to making up fasts for a person who died before they were physically capable of fasting the month of Ramadān.

I. Views Regarding the one Who was Physically Unable to Make up the Fasts and Died.

There are three views in this regard. The first view is if the person was unable to fast due to a valid legal excuse for example illness travelling, old age and pregnancy and they were not physically capable of making them up and then they died, then there is nothing due upon him and the obligation of fasting is suspended from him neither is there any expiation. This is the view of Ibn ‘Abbās, Zuhri, the Ḥanafī’s,⁶ Shāfi‘ī’s and Ḥanbalī’s.⁷ The second view is that

⁶ Cf. Shaikh al-Marghinānī; *al-Hidāyah Sharḥ Bidāyah al-Mubtadī* [3:123]

⁷ Cf. Imām Ibn Qudāmah; *al-Mughnī* [3:142], Ḥāfiẓ al-Bahūtī; *Kashāf al-Qinā‘* [2:334], Imām Nawawī; *Majmū‘a Sharḥ al-Muhazzab* [6:368], Shaikh Shirbīnī; *Mughnī al-Muhtāj*>

the guardian should fast on behalf of the deceased and this was the view of the Mālikīs.⁸ The third view is the poor should be fed per day for every missed fast half a Sā‘a and this was the view of Ṭawūs and Qatādah.⁹ The people who adopt the first view use as evidence the āyah

“Allāh does not charge a soul except within its capacity. It will have what [good] it has gained, and it will bear what [evil] it has earned.”¹⁰

Aslo the narration of ‘Ubādah ibn Nusayr that the Messenger of Allāh (Sallalahu Alayhi Wasallam) said,

“If a person becomes ill during the month of Ramaḍān and remains ill until he dies, no expiation is due, but if he regains health and does not make up for it before he dies expiation is due upon him.”¹¹

The people with the second and third view in general use the following āyah

“So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days.”¹²

[1:438], Shaikh Ibn ‘Ābidīn; *Hāshiyah* [2:117], Shaikh Shurnublālī; *Nūr al-Idāh* [pp.169-170]

⁸ Shaikh al-Bājī; *al-Muntaqā Sharḥ al-Muwatṭa’* [2:63]

⁹ *al-Mughnī* [3:142], *Majmū‘a Sharḥ al-Muhazzab* [6:372]

¹⁰ Sūrah al-Baqarah:286

¹¹ *Muṣannaf Abd al-Razzāq* [4:257]

¹² Sūrah al-Baqarah:286

II. Views Regarding the one Who was Physically Able to Make up the Fasts but Died.

Again the scholars and jurists have differing views regarding this which can be essentially summarised as two views. The first view is that if a person died and he was able to make up the fasts he missed, then his heir can make up the fasts on his behalf. The scholars and people of knowledge have differed how these fasts should be made up. Imāms Ṭawūs, Ḥasan al-Baṣrī, Zuhrī, Qatādah, Ḥamād bin Abī Sulaymān and Abū Thawr are of the view that the heir should make up the missed fast which can be split over a number of people.

Imām Sa‘īd Ibn al-Musayyab is of the view that only the heirs can fast if they cannot atone for the fasts by feeding the poor. The Shāfi‘ī scholars have two views concerning this, the old view was that the heirs can fast on behalf of the deceased which is recommended or the heirs can expiate or atone for the fasts by feeding the poor. The later Shāfi‘ī’s adopted this view and it was also the view championed by Imām Nawawī as he asserts in his explanation of *Ṣaḥīḥ Muslim*¹³ and other works. Some of the Shāfi‘ī’s shave opposed this view.¹⁴ Imām Ibn Ḥazm asserted feeding the poor as atonement or expiation is impermissible and that it is compulsory upon the heirs to fast on behalf of the deceased and that the poor can only be fed if there are no heir by using the money from the deceaseds estate.¹⁵

The second view is, it is impermissible to fast on anyones behalf and rather the poor should be fed. This was the view of ‘Abdullāh Ibn ‘Umar, ‘Umar bin al-Khaṭṭāb, ‘Abdullāh Ibn ‘Abbās, A‘ishah, Laith ibn S‘ad, and one of the

¹³ Imām Nawawī; *al-Minhāj Sharḥ Ṣaḥīḥ Muslim bin al-Hajjāj* [1: 90, 8:24-25]

¹⁴ Ḥāfiẓ Badr al-Dīn al-‘Aynī; *‘Umdah al-Qārī* [11:59], Imām Shawkānī; *Nayl al-Awṭār* [4:250-252], *al-Mughnī* [3:143], *Majmū‘a Sharḥ al-Muhazzab* [6:368-372], Shaikh Shirbīnī; *Mughnī al-Muhtāj* [1:439-441],

¹⁵ Imām Ibn Ḥazm; *al-Muḥallā* [7:7-9]



views of Ḥasan al-Baṣrī and al-Zuhrī. The Ḥanafīs assert the poor should be fed on the condition the deceased made a bequest¹⁶ and the amount should not exceed one third of the estate. If the value exceeds one third, then the heirs are not obligated to observe the excess. The Mālikis and Ḥanbalis are generally on this opinion and according to one view the main position of the Shafī‘īs. Shaikh ‘Abdur Raḥmān bin Nāṣir al-Sa‘dī said the three Imāms say there is no atonement for the fasts on behalf of the deceased at all whether obligatory or fasts which have been vowed¹⁷.¹⁸

The former three madhabs and the Ḥanafīyyah are also not agreed in how much the poor should be fed as expiation and differ in the amount of food that should be given. In this regard they have also stipulated some conditions, for example dates, barley and or staple of the local area.¹⁹ The latter argue based on the āyah

“And that there is not for man except that [good] for which he strives”²⁰

¹⁶ Shaikh al-Marghinānī; *al-Hidāyah Sharḥ Bidāyah al-Mubtadī* [3:123], Cf. *al-Qudūrī* [p.195], *al-Jawharah al-Nirah Mukhtaṣar Sharḥ Qudūrī* [p.176]

¹⁷ Shaikh Sarakhsī; *al-Mabsūt* [3:89], Shaikh Kāsānī; *Badā‘a’ al-Ṣanā‘a’* [2:103], *al-Muntaqā* [2:83], Shaikh Ḥatṭāb; *Mawāhib al-Jalīl* [2:543], *Sharḥ al-Mahalli ‘Ala al-Minhāj* [2:85], Shaikh Shirbinī al-Khaṭīb *al-Iqnā‘* [2:395-396], *Hāshiyyah al-Ṣāwī ‘Ala al-Sharḥ al-Ṣaghīr* [1:580], *Minhāj al-Jalīl* [2:210], *Nihāyah al-Muhtāj* [6:92], *Tabyīn al-Haqā‘iq* [2:83], *al-Hidāyah Bisharḥihah Fath al-Qadīr wa'l ‘Anāyah* [3:146], *Rad al-Muhtār* [2:243]

¹⁸ Shaikh ‘Abdur Raḥmān bin Nāṣir al-Sa‘dī; *Sharḥ ‘Umdah al-Aḥkām* [p.352]

¹⁹ *al-Mughnī* [3:143-145], *Kashāf al-Qinā‘* [2:334-335], *Majmū‘a Sharḥ al-Muhazzab* [6:367], *Mughnī al-Muhtāj* [1:439-442], Ḥāfiẓ al-Qarāfī; *al-Farūq* [3:187], Ḥāfiẓ al-‘Aynī; ‘Umdah al-Qārī [11:60], Shaikh Ibn ‘Abidīn; *Hāshiyyah* [2:118], *Mawāhib al-Jalīl* [2:544], *al-Mabsūt* [3:89]

²⁰ Sūrah al-Najm:39

and the āyah

“And every soul earns not [blame] except against itself, and no bearer of burdens will bear the burden of another.”²¹

Qādī ‘Ayād mentions there is a consensus of the Muslim scholars that one cannot fast or pray on behalf of any one else and Imām al-Ḥaramain also said the same.²² Shaikh Ibn Ḥumām cites from Imām Mālik that he said he has not heard of any of the companion or successors in Madīnah who ordered anyone to fast or pray on someones behalf.²³ Ḥāfiẓ Ibn Ḥajr answers the claim of the Ijmā’ and said Ahl al-Ẓāhir and others opposed this view which renders the ijma’ null and void. This is further supported by the great level of disagreement between the people of knowledge and scholars of ḥadīth and fiqh on this issue and thus claiming ijma is very ambitious to say the least. As for the statement of Imām Mālik then it is understood to mean the obligatory fasts and prayers for someone who is alive, as we shall discuss later.

Another answer to the alleged Ijmā’ is, this is understood as observing the fasts and prayers on behalf of someone who is alive. This seems closer to the truth and coupled with the statement of Imām Baihaqī that he does not know anyone from the Ahl al-Ḥadīth who differs upon this, which is total opposite to what has been cited from Qādī ‘Ayād. Ḥāfiẓ Badr al-Dīn al-‘Aynī asserts the narration of ‘Ubaidullāh bin Abī Ja‘far ie the the ḥadīth of A‘ishah is munkar ie opposes more authentic narrations according to Imām Aḥmad bin Ḥanbal.²⁴

Yet again this a poor deduction as the ‘Ubaidullāh is a narrator of Ṣaḥīḥ al-Bukhārī and the Ummah has Ijmā’ on the authenticity of Imām Bukhārī’s al-

²¹ Sūrah al-An‘ām:164

²² Fath al-Bārī [4:193], Kashāf al-Qinā‘ [2:336],

²³ Shaikh Ibn Ḥumām; Fath al-Qadīr [2:84]

²⁴ Ḥāfiẓ al-‘Aynī; Umdah al-Qārī [11:60]

Şahîh. Imâm Nawawî has alluded to the authenticity of the Ḥadîth and says it is the correct position of Imâm Shâfi‘î ie a person can fast on behalf of the deceased. This is also in line with what Imâm Baihaqî relates from Imâm Shâfi‘î with a direct chain going back to him.²⁵ This is further supported to be the view of Imâm al-Shâfi‘î as his Fiqh is that any Ḥadîth to be authentic is his view.²⁶

Ḥāfiẓ Ibn al-Qayyim has also answered this and said there are various chains for this Ḥadîth and Ḥāfiẓ Ibn Ḥajr has referenced them²⁷ and they are also recorded by Imâms Bukhârî and Muslim. They have also been graded authentic by Imâms al-Shâfi‘î and Aḥmad bin Ḥanbal thus the argument it is unacceptable is null, void and no argument.²⁸ The Ḥadîth has also been transmitted by ‘Atâ, Mujâthid, Sa‘îd ibn Jubair and ‘Ikrimah from ‘Abdullâh Ibn ‘Abbâs (RadhiAllâhu Anhu) all in line with what ‘Ubaidullâh bin Abî Ja‘far narrates and therefore the claim of munkar is incorrect. Some of the Ḥanafî and Shâfi‘î scholars have understood the Ḥadîth to mean atonement in itself and that it has nothing to do with fasting.²⁹ This is also an abberant, lone and isolated view which can be easily overlooked.

Thus the people of knowledge have differed with regards to fasting on behalf of the deceased person, whether it is the obligatory fasting or the optional vowed fasts. Some of the scholars have opined that a person cannot fast on behalf of the deceased person entirely whether they are the obligatory or the optional fasts. Nonetheless we intend to discuss the issue whether a person is to fast on behalf of the deceased if he or she had any pending obligatory fasts or whether the ruling applies only to the vowed fasts which the deceased may have intended. Imâm Tirmidhî said,

²⁵ Imâm Baihaqî; *Muktaṣar al-Khilâfiyât* [2:388]

²⁶ Imâm Nawawî; *Sharh Şâhih Muslim* known as *al-Minhâj Sharh Şâhih Muslim bin al-Hajjâj* [8:25], *Majmû‘a Sharh al-Muhazzab* [6:369-370]

²⁷ Cf. Ḥāfiẓ Ibn Ḥajr al-‘Asqalânî; *Taglîq al-Ta‘lîq ‘Ala Şâhih al-Bukhârî* [3:189-191]

²⁸ Ḥāfiẓ Ibn Qayyim; *Kitâb al-Rûh* [pp.220-221],

²⁹ *Majmû‘a Sharh al-Muhazzab* [6:369], *Fath al-Qadîr* [2:85]

“The people of knowledge differ on this issue. Some of them say a person is to fast on behalf of the deceased and this is the view of Aḥmad and Ishāq. They said when the deceased made a vow to fast then someone is to fast on their behalf and if he has to make up a fast from Ramadān then a poor person is to be fed on his behalf. Mālik, Sufyān and Shāfi‘ī said, “No one can fast on anyones behalf”³⁰

Imām Nawawī said

“The scholars have differed about the obligatory pending fasts of Ramadān, fasts that need to be atoned or those which have been vowed and thus if anyone should atone them on their behalf. al-Shāfi‘ī has two famous statements concerning this and that which is well known from him is that no one should fast on the deceaseds behalf neither should anyone fast the obligatory fasts on their behalf. His second view was that it is recommended to fast on behalf of the deceased and thus it is correct to fast on their behalf. This alleviates the deceased from the duty and therefore there is no need to feed the poor. This is the correct view with precedence and the one that we take. It is also the view our researching and verifying companions have regarded as the most correct and the compilers of our Fiqh and Ḥadīth have taken this view due to the authentic clear aḥadīth.”³¹

Hāfiẓ Ibn Ḥajr said

³⁰ *Tirmidhī* [after no.718]

³¹ Imām Nawawī; *Sharḥ Ṣaḥīḥ Muslim* known as *al-Minhāj Sharḥ Ṣaḥīḥ Muslim bin al-Hajjāj* [8:24-25]

“The Salaf have differed over this issue, the Ashābil al-Ḥadīth have permitted the fasting on behalf of the deceased. al-Shāfi‘ī has an old statement in view of this based on the Ḥadīth being authentic as Baihaqī has cited in al-Ma‘rifah. This is also the view of Abū Thawr and a group of the scholars of Ḥadīth from the Shāfiyyah”³²

Then he goes onto cite the statement of Imām Baihaqī from *al-Khilāfiyāt* which will be cited later and Al-Shāfi‘ī’s position if the Ḥadīth was authentic and not to do taqlīd of him. Ḥāfiẓ Ibn Ḥajr then goes onto say the later view of al-Shāfi‘ī, Mālik and Abū Ḥanifah was not to fast on behalf of the deceased and that the view of Laith, Aḥmad, Ishāq and Abū ‘Ubaid were of the view that one cannot fast on behalf of the deceased accept fasts which have been vowed.³³ Shaikh Zubair ‘Alī Za‘ī mentions the statement of Imām Qurṭubī who said

“This is the view of Aḥmad, Laith and Abū ‘Ubaid who specified this Ḥadīth (ie the Ḥadīth of A‘ishah) to mean fasts which have been vowed.”³⁴

Shaikh ‘Abdur Raḥmān Mubārakpūrī after citing this says,

“Note well; Tirmidhī has only cited two positions in this chapter but there is also a third view that it is permissible to fast on behalf of the deceased if they had pending fast irrespective of the type (ie obligatory or vowed).”³⁵

³² *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* [4:193]

³³ *Fath al-Bārī* [4:193]

³⁴ Imām Qurṭubī; *al-Mufham Sharḥ Ṣaḥīḥ Muslim* [3:208 no.1014] cited from al-Ḥadīth, [Issue no.87, [p.12]

³⁵ Shaikh ‘Abdur Raḥmān Mubārakpūrī; *Tuhfah al-Ahwādī Bisharḥ Jām‘e al-Tirmidhī* [3:335]. He goes onto mention the statement of Ḥāfiẓ Ibn Ḥajr and Imām Baihaqī.

Shaikh ‘Ubaidullāh Mubārakpūrī said,

“The Salaf have differed over this issue whether it is permissible to fast on behalf of the deceased.”³⁶

Imām Shawkānī based this issue of fiqh on the following ḥadīth as narrated by A‘ishah (*RadhiAllāh Anha*) that the Messenger of Allāh ﷺ said

“Whoever died and they had pending fasts, then his guardian should fast on his behalf”³⁷

³⁶ *Mirāh al-Mafātīh Sharḥ Mishkāt al-Maṣābiḥ* [7:28]

³⁷ *Bukhārī* [no.1952], *Muslim* [no.1147], *Abū Dawud* [no.2400], *Nasā’ī* in *Kubrā* [no.2931], *Aḥmad* [6:69 no.24401], *Ibn Khuzaimah* [3:271 no.2052], *Dāraqutnī* [2:175 no.2310-2311. 2312], Imām Dāraqutnī said the chain is authentic and then cited the other narrators who transmitted the ḥadīth. Imām Baihaqī; *Sunan al-Kubrā* [4:255], ‘Atā Edn. [4:425 no.8221], *Sunan al-Sugrā* [no.1376], *Ma‘rifah Sunan wa’l Athār* [6:310 no.8827] Qādī Abū Ya‘la; *Musnad* [no.4417], *Ibn al-Jārūd* [no.943], *Ibn Ḥibbān* [no.3569], Ḥāfiẓ al-Haithamī; *Majma‘a al-Zawā’id wa Manb‘a al-Fawā’id* [3:315 no.5069], Ḥāfiẓ Ibn Ḥajr; *Fath al-Bārī* [4:192], *Hidayah al-Ruwāh Ilā Takhrij Aḥadīth al-Maṣābiḥ wa’l Mishkāt* [2:335 no.1975] with Shaikh al-Albānī’s *Takhrij*, Ḥāfiẓ Ibn Daqīq al-‘Eīd, *al-Ilmām* [no.672], Ḥāfiẓ Ibn Abdul Hādī; *al-Muharar* [no.639], Ḥāfiẓ Walī al-Dīn Ṭabrizī; *Mishkāt al-Maṣābiḥ* [2:231 no.2033], al-Albānī; *Mishkāt al-Maṣābiḥ* [2:631] Albānī graded this as *Ṣahīḥ*. *Bulūgh al Marām* [no.679] al-Faḥl Edn., Ḥāfiẓ al-Haithamī; *Kashf al-A’stār ‘An Zawā’id al-Bazzār ‘Alā al-Kutub al-Sittah* [1:481-482 no.1023], *Muntaqā al-Akhbār* [no.1701], Imām Shawkānī; *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:251 no.1696], Shaikh ‘Ubaidullāh Mubārakpūrī; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābiḥ* [7:27], Shaikh Fu‘ad ‘Abdul Baqī; *Lulū wa’l-Marjān* [no.704], Shaikh Muḥammad ‘Abdullāh al-‘Azamī (well known as Ḏiyā’); *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣahīḥ al-Shāmil* [4:811], *Tuhfah al-Ashrāf* [12:21]

which he himself brings in explanation of this point of fiqh in his own explanation of the *al-Durar*, namely *al-Darārī al-Mudhiyyah Sharḥ al-Durar al-Bahiyyah*.³⁸ Shaikh Nawāb Ṣiddiq Ḥasan Khān confirms this by citing the explanation of Imām Shawkānī verbatim in his explanation of the *al-Durar* by bringing the very same ḥadīth in his explanation of this point.³⁹

³⁸ Imām Shawkānī; *al-Darārī al-Mudhiyyah Sharḥ al-Durar al-Bahiyyah* (pp.271-272)

³⁹ Shaikh Nawāb Ṣiddiq Ḥasan Khān; *Rawdah al-Nadiyyah* [1:550]. In fact Shaikh Nawāb Ṣiddiq Ḥasan Khān used Imām Shawkānī's explanation of the *al-Durar* ie *al-Darārī* extensively in his *Rawdah al-Nadiyyah* which is as we all know also an explanation of the very same book. Most of the time Shaikh Ṣiddiq Ḥasan Khān cites Imām Shawkānī verbatim. This is an interesting point for some readers however, Shaikh Khān employed an excellent methodology in his explanation because it is well known a speaker explains his own statement better and so with this in mind Shaikh Khān uses Imām Shawkānī's statement and then brings his own explanation in the *al-Rawdah*. This is evident as the *al-Rawdah* is considerably a larger work and explanation than the *al-Darārī*.



-3-

The Weakness of the Addition in the Report of al-Bazzār

There is an addition to the narration of A‘ishah (RadhiAllāh Anha) which was cited and transmitted by Imām al-Bazzār which is,

“In Shā Allāh (If he wishes to do so i.e. fast on their behalf).”⁴⁰

Prior to delving into the arguments and discussions regarding this issue, it is pertinent to cite the conclusion and gradings of the scholars of ḥadīth about the addition Imām al-Bazzār transmits. Ḥāfiẓ Ibn Ḥajar al-‘Asqalānī said,

“And transmitted by al-Bazzār through the route of Ibn Lahiyya^{‘h} from ‘Ubaidullāh bin Abī Ja‘far who added at the end “In Shā Allāh (if he wishes to do so)” this addition is rejected.”⁴¹

⁴⁰ Ḥāfiẓ Nūr al-Dīn ‘Alī bin Abī Bakr al-Haithamī; *Kashf al-A’sṭar ‘An Zawā’id al-Bazzār ‘Ala al-Kutub al-Sittah* [1:481-482 no.1023], *Mukhtaṣir* [no.727]

⁴¹ Ḥāfiẓ Ibn Ḥajar al-‘Asqalānī; *Tagħiż al-Taqliq ‘Ala Ṣaḥiħ al-Bukhārī* [3:191]

Ḩāfiẓ Ibn Ḥajr graded it weak due to the chain containing Ibn Lahiyya[ؑ] and he also alludes to this in his *Fath al-Bārī*.⁴² He clarifies the reason for the weakness and says,

“It is weak due to coming via the route of Ibn Lahiyya[ؑ].”⁴³

Imām Haithamī after citing the ḥadīth of A‘ishah (RadhiAllāhu Anhu) says,

“I say; It is in the ṣaḥīḥ except the words, “If he wishes to do so.”⁴⁴

He goes onto say,

“Transmitted by al-Bazzār and its chain is Ḥasan - Isnāduhu Ḥasan”⁴⁵

Ḩāfiẓ al-Haithamī further said that Imām al-Bazzār said,

“We do not know this from A‘ishah except from the ḥadīth of ‘Ubaidullāh and Yaḥya ibn Ayūb and Ibn Lahiyya[ؑ] also transmit from him.”⁴⁶

However, and rather the contrary is closer to the truth as we have already ascertained that Ibn Lahiyya[ؑ] in in the chain who is both rejected and alone

⁴² Ḩāfiẓ Ibn Ḥajr al-‘Asqalānī; *Fath al-Bārī* [4:194] Cf. Shaikh al-‘Aynī; *‘Umdah al-Qārī* [11:59-60]

⁴³ Ḩāfiẓ Ibn Ḥajr al-‘Asqalānī; *Talkhiṣ al-Ḥabīr* [6:457]

⁴⁴ Ḩāfiẓ al-Haithamī; *Majma‘a al-Zawā’id* [3:315], Cf. Ḩāfiẓ al-Haithamī; *Kashf al-Aṣṭār ‘An Zawā’id al-Bazzār ‘Ala al-Kutub al-Sittah* [1:482]

⁴⁵ Ḩāfiẓ al-Haithamī; *Majma‘a al-Zawā’id* [3:315].

⁴⁶ *Kashf al-Aṣṭār* [1:482]

in reporting it. He further opposes ‘Amr bin al-Hārith⁴⁷ and Yaḥya bin Ayūb⁴⁸ with regards to what has been transmitted from them in the other books of ḥadīth.⁴⁹ Shaikh ‘Ubaidullāh Mubārakpūrī also graded this addition to be weak due to the Ibn Lahiyyaḥ, he said

“The chain contains Ibn Lahiyyaḥ, who although was truthful but he became forgetful after his books got burnt and its difficult to ascertain whether he narrated this ḥadīth before or after his books got burnt. And thus is it not correct to use him as evidence.”⁵⁰

Sayyid Sābiq also cites this addition from al-Bazzār and says in the footnotes,

“The chain is Ḥasan.”⁵¹

Shaikh al-Albānī said in his notes to the *Fiqh al-Sunnah*,

“I say; absolutely not rather this addition is weak and abandoned because it rests on Ibn Lahiyyaḥ who is weak. He is also alone in reporting it as Ḥāfiẓ has indicated in al-Fath and he said al-Talkhīs, “It is weak due to the route of coming from Ibn Lahiyyaḥ.” The author has relied on the grading of Ṣiddīq Khān in his al-Rawḍah

⁴⁷ *Bukhārī* [no.1952], *Fath al-Bārī* [4:192], *Tagliq al-Ta‘liq* [3:189-191], *Muslim* [no.1147], *Baihaqī* [4:425 no.8221],

⁴⁸ Imām Baihaqī; *al-Sunan* [4:425 no.8222], *Fath al-Bārī* [4:192] as does Imām Dhuhalī Cf. *Tagliq al-Ta‘liq* [3:191]

⁴⁹ *Tagliq al-Ta‘liq* [3:190]. Cf. *Majma‘a al-Zawā‘id* [3:315].

⁵⁰ *Mirāḥ al-Mafātīḥ Sharḥ Miskhāt al-Maṣābiḥ* [7:28]

⁵¹ Shaikh Sayyid Sābiq; *Fiqh al-Sunnah* [1:329]

and he in turn relied on al-Haithamī in his al-Majma‘a and this is their mistake and weakness.”⁵²

Imām al-Albānī graded it weak elsewhere and said this is not the case in response to Ḥāfiẓ Haithamī’s “*Isnāduhu Ḥasan*” due to Ibn Lahiyah being alone in reporting it.⁵³

⁵² Shaikh Muḥammad Nāṣir al-Dīn al-Albānī; *Tamām al-Minnah Fī Ta‘liq ‘Ala Fiqh al-Sunnah* [p.427-428]

⁵³ Shaikh Muḥammad Nāṣir al-Dīn al-Albānī; *T‘aliqāt al-Radiyyah ‘Ala al-Rawdah al-Nadiyyah* [2:23]. Cf. *Kashf al-A’sṭār ‘An Zawā’id al-Bazzār ‘Ala al-Kutub al-Sittah* [1:481-482 no.1023]

-4-

The Position of the Ahl al-Hadīth and the Imāms on the Permissibility of Fasting on Behalf of the Deceased.⁵⁴

Imām Shawkānī said,

“This is what the People of Ḥadīth [Ashabil Ḥadīth], some of the Shāfiyyah, Abū Thawr, al-Ṣādiq, Nāṣir, Mu‘aidbillāh, al-Awzā‘ī and Aḥmad ibn Ḥanbal say (ie the guardians fast on behalf of the deceased) are upon.”⁵⁵

Shaikh Nawāb Ṣiddīq Ḥasan Khān said,

“This is what the People of Ḥadīth [Ashabil Ḥadīth], some of the Shāfiyyah, Abū Thawr, al-Awzā‘ī and Aḥmad ibn Ḥanbal say.”⁵⁶

⁵⁴ Shaikh ‘Ubaidullāh Mubārakpūrī has summarized this discussion succinctly; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābih* [7:28]

⁵⁵ Imām Shawkānī; *al-Darārī al-Muḍīyyah Sharḥ al-Durar al-Bahiyyah* [p.272], in another version [p.249] with *Kawkab al-Dānī Fi Tahkrij al-Tahqiq al-Darīr*. Cf. *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:251]

⁵⁶ *Rawḍah al-Nadiyyah* [1:550]

Imām Baihaqī said in his *al-Khilāfiyāt*⁵⁷

“This is an established Sunnah and I do not know anyone who has differed with its validity from amongst the Ahl al-Ḥadīth (i.e. that the guardian should fast on their behalf)”⁵⁸

There are two views from Imām Shāfi‘ī and this is why the scholars of Ḥadīth amongst the Shāfiyyah are split over this. Imām Shafī‘ī’s former view was that it was permissible to observe a fast on behalf of the deceased (obligatory or vowed)⁵⁹ which later changed to no fasting on behalf of the deceased at all.⁶⁰ This was based on what the Shāfi‘ī Scholars of Ḥadīth have stated from him based on if the ahadīth were authentic.⁶¹ This is also what Imām Baihaqī transmits on his behalf.⁶² This is why some of the Shāfi‘ī scholars of Ḥadīth hold this position as the Ḥadīth are authentic. This is further supported by the words of Imām Baihaqī when he quotes Imām Shāfi‘ī with a chain going back to him,

⁵⁷ Imām al-Baihaqī; *Muktaṣir al-Khilāfiyāt* [2:388].

⁵⁸ *Fath al-Bārī* [4:193], *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:251-252], *Rawdah al-Nadiyyah* [1:550], *al-Darārī al-Muḍīyyah Sharḥ al-Durar al-Bahiyyah* [p.272], in a separate version [p.249-250] with Kawkab al-Dani Fī Tahkrīj al-Tahqīq al-Darīr. Cf. *Tuhfah al-Ahwādī* [3:335], *Mir‘ah al-Mafātīh* [7:28]

⁵⁹ Ḥāfiẓ Suyūtī has also mentioned this from Imām Shāfi and the view of Imām Aḥmad in his explanation of al-Nasā‘ī [7:16]

⁶⁰ *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣāḥīḥ al-Shāmīl* [4:812]

⁶¹ *Tawdīh al-Āḥkam Min Bulūgh al-Marām* [3:526]. Shaikh Ḫalīl Bāssām quotes Imām Baihaqī as saying, “If Shāfi‘ī was aware of all the different routes for the ahadīth he would not have differed with this position In sha’ Allāh.” Cf. *Taysir al-‘Alām Sharḥ ‘Umdah al-Āḥkām* [1:434]

⁶² Imām Baihaqī; *Ma‘rifah Sunan wa’l Athār* [6:310-311]

“Concerning everything that I have said, if something different is reported from the Prophet (peace and blessings of Allāh be upon him) and it is Ṣahīḥ, then follow the Ḥadīth and do not do taqlid of me.”⁶³

This is why Ḥāfiẓ Ibn Qayyim also said,

“If al-Shāfi‘ī had encountered all of the various routes (of the different ahadīth) he would have looked into it further and would not have opposed this (view), in shā’ Allāh.”⁶⁴

Shaikh Sayyid Sābiq said,

“The well known view adopted by the Shāfiyyah that it is recommended for the guardian to fast on behalf of the deceased.”⁶⁵

Imām Aḥmad held the opinion that the guardian can fast on behalf of the deceased⁶⁶ however this applies only for the vowed fast i.e. the guardian can only perform those fasts that were vowed by the deceased not the obligatory fasts. Ḥāfiẓ Ibn Qayyim cites the statement of Imām al-Athram where he asked Imām Aḥmad about this issue, he said,

“I asked concerning a man who died and he had a month of pending fasts he vowed and fasts pending from Ramadān?” He replied, “As

⁶³ Imām Baihaqī; *Muktaṣir al-Khilāfiyāt* [2:388].

⁶⁴ Ḥāfiẓ ibn al-Qayyim; *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:27]

⁶⁵ Sayyid Sābiq; *Fiqh al-Sunnah* [1:329]

⁶⁶ Shaikh Mulla ‘Alī Qārī; *Mirqāt al-Mafātiḥ Sharḥ Mishkāt al-Maṣābiḥ* [4:528]

for the fasts of Ramadān then feed someone on his behalf and observe the fasts he had vowed on his behalf.”⁶⁷

Shaikh al-Albānī said,

“The Ḥanābillah have used this Ḥadīth (ie of A‘ishah) as evidence for the guardian to fast on behalf of the one who has made a vow.”⁶⁸

Ḥāfiẓ Ibn Qayyim said,

“Those whose opinion was that one can fast on behalf of the deceased include, Ṭawūs, al-Ḥasan al-Baṣrī, Zuhrī and Qatādah and Baihaqī from his last statement.”⁶⁹

Imām Abū Hanifah and Imām Mālik on the other hand opined that no fasts can be kept on behalf of the deceased under any circumstances⁷⁰ and rather a poor person should be fed instead and they made analogical reasoning⁷¹ with the Ṣalāh.⁷² This was also the position of A‘ishah (RadhiAllāh Anha) and Ibn ‘Abbās. Some of the people of knowledge opined that vowed fasts can be kept and that

⁶⁷ *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:27]

⁶⁸ Shaikh al-Albānī; *Tamām al-Minnah* [p.428]

⁶⁹ *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:27]

⁷⁰ Ḥāfiẓ Ibn Ḥajr; *Fath al-Bārī Sharḥ Ṣahīḥ al-Bukhārī* [4:193], *Mirqāt al-Mafātih Sharḥ Mishkāt al-Maṣābiḥ* [4:528]

⁷¹ This appears contradictory and shows an unclear position because claim the obligatory fasts are like the prayer and one cannot offer them on someones behalf and yet the same time they bring the legal edict of Imām Muḥammad who said you can offer fidyah for the missed prayers of the deceased by making Qiyās with the fidayah offered for the missed fasts by the deceased!!!

⁷² Shaikh Muḥammad ‘Abdullāh al-‘Azamī; *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣahīḥ al-Shāmil* [4:812]

this cannot apply to the fasts of Ramadān. It should be noted that there are no clear evidences to support this as we shall discuss later.

We have shown above that some scholars and people of knowledge have differed with regards to the permissibility of fasting on behalf of the deceased. Some have stated that it is impermissible with the exception of the vowed fasts and as for those who stated that it is permissible differed further in terms of whether it was obligatory or recommended. Everyone has put their arguments forward some representing their own viewpoint and others representing their school of thought.⁷³ Shaikh ‘Abdullāh Āl-Bassām summarises this and says the scholars differed over this issue and thus there 3 positions.

The First position

There is no atonement for the pending fasts of the deceased. This was the position of three Imāms. Abū Hanifah, Malik and one opinion of Shāfi‘ī.⁷⁴

⁷³ Cf. Ḥāfiẓ Suyūtī; *al-Ḥāwī* [3:452], Imām Ibn Qudāmah; *al-Mughni* [4:399] and in *al-Kāfi* [p.122] Imām Shāfi‘ī; *al-Umm* [2:144], Ḥāfiẓ Kasānī; *Badā‘i’ al-Ṣanā‘i’* [2:103], Shaikh Sarkhasī; *al-Mabsūt* [3:89], Ḥāfiẓ al-Mardawī; *al-insāf Fī M‘arifah al-Rājih Minal Khilāf‘Ala Madhab al-Imām al-Mubajjal Aḥmad* [3:334], *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:252], Shaikh al-Shirbinī; *Mughnī al-Muḥtāj Ilā Ma‘rifah al-Ma‘anī Alfaż Sharḥ al-Minhāj* [1:438], *al-Muhazzab* [1:187], *al-Lubāb* [1:17], Ḥāfiẓ Ibn al-Humām; *Fatḥ al-Qadīr* [2:83-85], Ḥāfiẓ Ibn Rushd; *Bidāyah al-Mujtahid* [2:184-185], Shaikh al-Hajāwī; *Kashāf al-Qinā‘a ‘An Matn al-Iqnā‘a* [2:36], *al-Qawānīn al-Fiqhiyyah* [p.121], *al-Fiqh al-Islāmī wa Adillatuhū* [2:681] and others.

⁷⁴ Cf. Shaikh Sayyid Sābiq; *Fiqh al-Sunnah* [1:329]



The Second Position

Only the vowed fasts can be atoned on behalf of the deceased but the obligatory fasts eg Ramadān. This was the position of Aḥmad, Laith Ibn S‘ad, Ishāq, Abū ‘Ubaid⁷⁵ and this is the position Ibn al-Qayyim supported.

The Third Position

You fast both the obligatory and vowed fasts on behalf of the deceased. This was the position of Abū Thawr, The Ahl al-Ḥadīth and the view supported by Ibn Ḥazm and a group of the scholars of ḥadīth from the Shāfiyyah and they commented this is the view of Imām Shāfi‘ī if the ḥadīth is authentic.⁷⁶ Imām ‘Abdur Raḥmān Mubārakpūrī with regards to the third position said this was the position of al-Laith and Abū ‘Ubaid and they used as evidence the ḥadīth of Ibn ‘Abbās (in the chapter of Tirmidhī) and the ḥadīth in Aḥmad when the women vowed to fast one month if she reached safety during journey. So they take the generality of the ḥadīth of A‘ishah and as Tirmidhī has indicated and they restrict its meaning from the ḥadīth of Ibn ‘Abbās.⁷⁷ Imām Shawkānī also said,

⁷⁵ Cf. *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* [4:193]

⁷⁶ Shaikh Abdullāh bin ‘Abdur Raḥmān ibn Ṣāleḥ Āl-Bassām; *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:526 no.564]. The Shaikh also says the same with a very slight variation in *Taysir al-‘Alām Sharḥ ‘Umdah al-Aḥkām* [1:433]

⁷⁷ Shaikh ‘Abdur Raḥmān al-Mubārakpūrī; *Tuhfah al-Ahwādī Bisharḥ Jām‘e al-Tirmidhī* [3:334]

“The position of the majority of the jurists is that it is not obligatory for the guardian to fast on behalf of those he is the guardian of.”⁷⁸

This can be understood in a number of ways; the first, it is not obligatory but rather recommended as this was the position of some of them. Secondly Imām Shawkānī used the word Jamhūr al-Fuqahā' and thus possible he was referring to the Ahnāf as this is supported by what he said earlier ie referring to the position of the People of Ḥadīth. Thirdly it can also be understood that although it is not obligatory to fast on behalf of deceased- fasting is permissible contrary to those who say it is impermissible. In light of what has been presented so far, we find that a wali or guardian can fast on behalf of the deceased and representing him/her. We find the evidence from the Sunnah indicates fasting on behalf of the deceased is clear and established.

⁷⁸ Imām Shawkānī; *al-Darārī al-Mudīyyah Sharḥ al-Durar al-Bahiyyah* [p.272], in a separate version [p.249-250] with *Kawkab al-Dānī Fī Tahkrīj al-Taḥqīq al-Darīr*. Shaikh Ṣiddiq Ḥasan Khān also cites this verbatim. *Rawḍah al-Nadiyyah* [1:550]



-5-

A Summary of the Discussion and the Various Opinions and Positions of the Scholars

So thus far the discussion can be summarised as follows

1. Whether it is **permissible** to fast on behalf of the deceased, irrespective of the type of fast.
2. Whether it is **obligatory** or **recommended** to fast on behalf of the deceased whether they are the fasts of Ramadān or vowed fasts.
3. What is the compensation for the missed fasts by the deceased?

The first point has been addressed and now we shall look at the third point which is essentially linked to the second point. Imām Ibn Qayyim said,

“It is authentically established from the Messenger of Allāh (Sallalahu Alayhi Wasallam) “Whoever died and he had pending fasts, then his guardian should fast on his behalf.” A group has taken a general understanding of this and said this includes the vowed and obligatory fasts. Another group has said the opposite that there is no fasting (on behalf of the deceased) not the vowed nor the obligatory ones. Another group said the vowed fasts can be kept on

their behalf but not the inherent obligatory ones and this is the position of Ibn ‘Abbās and his companions as well as Imām Aḥmad and his companions. (Ibn Qayyim goes onto say...) And this is what is correct⁷⁹ because the obligatory fasts are like the Ṣalāh and just as an individual can not pray on someones behalf or just as someone cannot proclaim Islam on someone elses behalf the same applies to the fasts. Vows are taken as binding something on yourself as a debt and a guardian’s compensation is accepted (on behalf of the deceased) just as his payment for the deceaseds debt is accepted. This is mere fiqh and it also expels Ḥajj and Zakah on his behalf except if he was late due to a valid reason. He may feed the poor on his behalf for the Ramadān fast he missed due to a valid reason. There is no compensatory fast on behalf of the one who missed the fast without a real valid reason and neither will it benefit him (if someone was to fast on his behalf) because the command of Allāh was upon him, he was the one who was tested and tried, not the guardian. The repentance of a person will not benefit another person, nor the Islam of another, nor the observance of prayer nor will the other obligatory acts which Allāh obligated upon us, if he did not observe them due to negligence until he died and Allāh knows best.”⁸⁰

Ḥāfiẓ Ibn Qayyim also says something similar in his explanation of *Sunan Abī Dawūd*.⁸¹ Shaikh Faiṣal bin ‘Abdul ‘Aziz Āl Mubārak has also summarised most of the points above in his explanation of the ‘Umdat al-Aḥkām and mentions

⁷⁹ Ie the position of the last group

⁸⁰ Ḥāfiẓ Ibn Qayyim; *Ilām al-Mūwaqqi‘īn ‘An Rabb al-‘Ālamīn* [4:319-320]

⁸¹ *Tahdhīb al-Sunan with A‘un al-Ma‘būd* [7:27-28]

the statements of Ḥāfiẓ Ibn Ḥajar, Imām Baihaqī and the differing views on this matter.⁸²

⁸² Shaikh Faiṣal bin ‘Abdul ‘Aziz Āl Mubārak; *Khulāṣah al-Kalām Sharḥ ‘Umdah al-Aḥkām* [pp.116-117]

-6-

The Understanding and Explanation of the Ḥadīth of A‘ishah

A critical point that should be noted here is that the words (وَعَلَيْهِ صِيَامٌ) “he had pending fasts” does not refer to the optional fasts or supererogatory fasts rather it refers to fasts that are obligatory such as Ramadān or fasts which have been vowed.

Imām Bukhārī transmits this Ḥadīth under the following chapter heading,

‘Chapter: Whoever died and they had Pending Fasts.’⁸³

The Indian Ḥadīth Master and scholar, Shaikh Muḥammad Dāwūd Rāz who authored an explanation of Bukhārī in (d.1387/1965) said,

“The Madhab of the Ahl al-Ḥadīth is on the Ḥadīth upon the chapter that the heir should fast and this is the old view of Shāfi‘ī. Imām Baihaqī has transmitted from Imām Shāfi‘ī with an authentic chain that he said, when you find an authentic Ḥadīth and my statement

⁸³ Bukhārī; [chapter 30; The Book of Fasting]

contradicts the Ḥadīth and then act on it and do not do taqlīd of me.

Imām Mālik and Abū Ḥanifah have adopted a view contrary to this Ḥadīth that no one can fast on someone else's behalf.”⁸⁴

It appears Imām Bukhārī was also of this view. He brings the Ḥadīth of A‘ishah (RadhiAllāhu Anhu) followed by the variant ahadīth of ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu).⁸⁵ The readers may argue the chapter heading is general and the Ḥadīth of A‘ishah (RadhiAllāhu Anhu) is also general, so then how have you come with the conclusion that Imām Bukhārī was also in support of this view?

Volumes and volumes can be authored with regards to the understanding of the chapter headings and their interpretation and this is certainly not the place for it. Imām Bukhārī from his deep and profound understanding of fiqh, brings a ta‘līq ie a note from Imām Ḥasan al-Baṣrī who said,

“If thirty (30) people fast on his behalf for one day, then is permissible.”⁸⁶

It is very interesting to note the usage of the number 30 people which is essentially referring to 30 fasts. This suggests Imām Ḥasan al-Baṣrī’s understanding and view seems to lean towards the heir fasting on behalf of the deceased for the obligatory fasts ie Ramaḍān. Ḥāfiẓ Ibn Ḥajr in his notes to Bukhārī transmits a variation of this report through Imām Dāraqutnī that al-Ḥasan al-Baṣrī said,

⁸⁴ Shaikh Muḥammad Dāwūd Rāz; *Sharḥ Ṣaḥīḥ Bukhārī* [3:205]

⁸⁵ These ahadith will be discussed later.

⁸⁶ *Bukhārī* [just before no.1952]

“Whoever has 30 days of fast, 30 men should get together and fast for one day (on his/her behalf) and this should suffice on his behalf (compensation).”⁸⁷

Imām Bukhārī then adds a futher note after the Ḥadīth of A‘ishah (RadhiAllāhu Anhu),

“(Mūsā) is supported by Ibn Wahb narrating from Amr (bin al-Harith) and Yahya ibn Ayūb narrating from Ibn Abī Ja‘far.”⁸⁸

This is Imām Bukhārī’s way of showing there are other chains for the very same Ḥadīth in case people attempt to spread aspersions. Imām Abū Bakr ibn Muḥammad bin Ishāq Khuzaimah also establishes a chapter heading for the Ḥadīth of A‘ishah indicating the guardian should fast on behalf of the deceased and he did not restrict the Ḥadīth to the fasts of vows as other scholars have done.⁸⁹

Hāfiẓ Ibn Ḥajr discusses this issue and Ḥadīth at length in his explanation of *Ṣaḥīḥ al-Bukhārī*. He says those who say it is not obligatory nor permitted to fast on behalf of the deceased except if the fast were vowed. They argue and take the Ḥadīth of A‘ishah on its generality and the Ḥadīth of Ibn ‘Abbās restricts it and there is no contradiction between the two Ḥadīth thus there is no need to reconcile them. The Ḥadīth of Ibn ās shows the question was regarding a specific and particular situation and the Ḥadīth of A‘ishah is a general principle and the Ḥadīth of Ibn ‘Abbās also has an indication of it being

⁸⁷ Hāfiẓ Ibn Ḥajr al-‘Asqalāni; *Tagliq al-Ta‘liq ‘Ala Ṣaḥīḥ al-Bukhārī* [3:189] and references it to Imām Dāraqutnī’s book *Kitab al-Mudabbaj*. Hāfiẓ has reproduced this in the *Fath al-Bārī* [4:193] and with a chain back to Imām Dāraqutnī. Cf. Hāfiẓ Badr al-Dīn al-‘Aynī; *‘Umdah al-Qārī* [11:160]

⁸⁸ *Bukhārī* [just after no.1952]

⁸⁹ Imām Ibn Khuzaimah; *Ṣaḥīḥ Ibn Khuzaimah* [3:270 Chapter 118]

general therefore a poor person should be fed on behalf of the deceased for their pending fasts.

The Mālikiyah have answered this and said the Ḥadīth does not conform to the action of the people of Madīnah. Qurṭubī said the Ḥadīth is mixed up. This is answered and it is said this claim is not established and the Ḥadīth of A‘ishah is not mixed up. al-Qurṭubī has used the additional wording of Ibn Lahiyyah as evidence ie keep the fast if you want to indicating that it is not compulsory.

The Ḥanafiyah have used the legal edict of A‘ishah (RadhiAllāhu Anhu) and Ibn ‘Abbās (RadhiAllāhu Anhu) where they said feed the poor instead of fasting and both of them have narrated the Ḥadīth of fasting on behalf of the deceased and thus opposing what they narrated with their legal edicts. Hāfiẓ Ibn Ḥajr answers this and said this is not a well known principle and furthermore, both reports have speech concerning them. The reports do not prohibit fasting on behalf of the deceased which has been transmitted by A‘ishah (RadhiAllāhu Anhu) as it is very weak and what they have narrated is reliable.⁹⁰ Imām Taqī al-Dīn ibn Daqīq al-‘Eid said,

“This (Ḥadīth) is an evidence from its generality for the heir to fast on behalf of the deceased as there is representation of the deceased in fasting. A nation has leaned towards this view and this is also the old position of Shāfi‘ī. The current day Shāfiyyah which is most of them, do not consider representation as it is worship of the body.”⁹¹

Hāfiẓ Ibn Qayyim said,

⁹⁰ *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* [4:193-194],

⁹¹ Imām Ibn Daqīq al-‘Eid; *Ihkām al-Aḥkām Fī Sharḥ ‘Umdah al-Aḥkām* [no.191 p.222]. Cf. Shaikh ‘Ubaidullāh Mubārakpūrī; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābih* [7:27]

“This is a text for the permissibility to fast on behalf of the deceased.”⁹²

Shaikh Nawāb Ṣiddīq Hasan Khān said in another work,

“The Ḥadīth in this chapter and other aḥadīth with a similar meaning elucidate the guardian should fast on behalf of the deceased.”⁹³

Shaikh ‘Abdullāh Ḥal-Bassām said,

“It is apparent from the Ḥadīth that it is obligatory to atone the fasts on behalf of the deceased whether they the obligatory fasts or if they were vowed. The generality of the Ḥadīth includes all fasts.”⁹⁴

Shaikh Ḥal-Bassām also said the same in his explanation of the ‘Umdah al-Aḥkām adding opposing the specification or restriction placed by Imām Abū Dawūd.⁹⁵

Shaikh Muḥammad bin Ismā‘il Amīr al-Ṣan‘ānī said

“This Ḥadīth is an evidence that when a person dies and they had pending obligatory fasts, the guardian should fast on their behalf which will compensate the fasts. This report is in the form of a command. Meaning that the guardian should fast on the deceaseds behalf and the asal or default is of obligation ie wujub although

⁹² Hāfiẓ Ibn al-Qayyim; *Tahdhīb al-Sunan* with *A‘un al-Ma‘būd* [7:26]

⁹³ Shaikh Nawāb Ṣiddīq Hasan Khān; *Fatḥ al-‘Alām Lisharḥ Bulūgh al-Marām* [p.409]

⁹⁴ *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:525 no.564], he also argues this on behalf of those who hold this view. Cf. *Taysir al-‘Alām* [1:434]

⁹⁵ Shaikh Abdullāh bin ‘Abdur Raḥmān ibn Ṣāleḥ Ḥal-Bassām; *Taysir al-‘Alām Sharḥ ‘Umdah al-Aḥkām* [1:433 no.187]

there has been a claim of consensus in it being recommended.....

There are differences in this issue, the People of Ḥadīth ie Ashāb al-Ḥadīth, Abū Thawr and a group (jam‘ah) said a guardian fasting on behalf of the deceased is compensatory based on this authentic Ḥadīth.⁹⁶ Whereas group from al-Aal, Mālik and Abū Ḥanifah that you cannot fast behalf of the deceased and what is obligatory is its expiation as Tirmidhī has transmitted from the Ḥadīth of Ibn ‘Umar (RadhiAllāhu Anhu) in Marfū form, “Whoever died and they had pending fasts,⁹⁷ a poor person should be fed per day on their behalf.”⁹⁸ He (Tirmidhī) stated after it, “Gharib, we do not know this Ḥadīth of Ibn ‘Umar to be marfu except this route and what is correct is that it is mawquf to Ibn ‘Umar.”⁹⁹

Shaikh ‘Abdur Raḥmān Mubārakpūrī said whilst reconciling between the Ḥadīth of A‘ishah and Ibn ‘Abbās (RadhiAllāhu Anhu) when a woman asked the Messenger of Allāh (Sallalahu Alayhi Wasallam) about her sister who had two consecutive months to fast and these fasts were fasts which were vowed. The Shaikh said,

“There is no contradiction between the Ḥadīth of Ibn ‘Abbās and A‘ishah except they can be reconciled. The Ḥadīth of Ibn ‘Abbās is concerning a specific incident that occurred and she about it and as for the Ḥadīth of A‘ishah it is a report that is a general principle. What

⁹⁶ Ḥāfiẓ Ibn Rūsd; *Bidāyah al-Mujtahid* [2:184-185] with the verification of Shaikh Subhī Ḥasan al-Hallāq

⁹⁷ The wording Imām Ṣan‘ānī cites is missing the word ‘month.’

⁹⁸ Tirmidhī [no.718], Ibn Mājah [no.1757], Ibn Khuzaimah [3:273 no.2056].

⁹⁹ Shaikh Muḥammad bin Ismā‘il Amir al-Ṣan‘ānī; *Subl al-Salām Sharḥ Bulūgh al-Marām* [4:124]. Cf *Subl al-Salām* with the notes of Shaikh al-Albānī [2:459-460], Shaikh Nawāb Ṣiddiq Ḥasan Khān; *Fatḥ al-‘Alām Lisharḥ Bulūgh al-Marām* [p.409] where this is quoted verbatim.

further indicates towards this generality is what occurred in the Ḥadīth of Ibn ‘Abbās when he said at the end that Allāh’s debts has more right to be paid.”¹⁰⁰

Shaikh Muḥammad Ismā‘il Salafī said,

“Aḥmad and Abū Dawūd also transmitted this Ḥadīth. This Ḥadīth is an evidence for the walī to fast on behalf of the deceased if they had any pending obligatory fasts. This will then alleviate him from the obligation of the fast and this is the correct madhab and also the famous statement of Imām Shāfi‘ī. Imām Mālik and Imām Abū Hanifah do not hold the view the fast should be atoned (based on) the following Ḥadīth of feeding the poor on their behalf. Then firstly this Ḥadīth is not authentic and even if we were to accept its authenticity it will lead to both actions being permitted whether someone fasts or feeds the poor.”¹⁰¹

Shaikh Muḥammad ibn Ṣāleḥ al-‘Uthaymīn said,

من Here is a word for condition and مات is the action for the condition. The answer to the condition is صام عنه وليه and وعليه صيام is a phrase of situation indicator. From the apparent of the Ḥadīth it refers to the obligatory fasts which include the fasts of expiation, vows and fasts of Qadā. This is therefore general yet absolute. The fasts are necessary when someone is unable to fast despite having the capability. For example, someone did not observe the fasts of Ramadān and then he died in Sha‘bān, then the fasts remain obligatory upon him because he could have kept the

¹⁰⁰ *Tuhfah al-Ahwādī* [3:334]

¹⁰¹ Shaikh Muḥammad Ismā‘il Salafī; *Sharḥ Mishkāt al-Maṣābiḥ* [2:311-312 no.498]

fasts if he wanted to. This is because optional fasts cannot be described with ‘Ala because ‘Ala is used in the context of obligation. صام عنه وليه this part is an answer to the condition and is a phrase of information ie khabariyyah however in terms of meaning it is a command. Thus this phrase will be upon the meaning of falyasum and this command is of recommendation ie istihbāb and not for obligation. If the command was because it was an obligation and the family members did not observe the fast on behalf of the deceased they would be held to account for sinning, which is contrary to this legilasted principle, Allāh said “**and no bearer of burdens will bear the burden of another.**”¹⁰² The issue discussed in this Ḥadīth is that if an individual had pendings fasts of expiation, vowed or Qaḍā of Ramadān and he had the capability to fast but he failed to keep them and he passed away then his guardian should fast on his behalf. (He goes onto say) Fasting on the deceaseds behalf is permissible and this is the view of most precedence whereas some scholars have mentioned a person cannot fast on someones behalf. Another view is only the fasts which have been vowed can be kept on behalf of the deceased but not the missed fasts of Ramadān. This leads to three (3) views

- (i) The missed fasts of Ramadān can be kept on behalf of the deceased.
- (ii) No fasts can be kept on behalf of the deceased not the obligatory ones nor ones which have been vowed.
- (iii) The vowed fasts can be kept but not the obligatory fasts on behalf of the deceased.

The people of with the second view use the following Ḥadīth as evidence, “No one should pray on behalf of someone nor should

¹⁰² Sūrah al-An‘ām:164

anyone fast on someones behalf”¹⁰³ so the aforementioned Ḥadīth (ie of A‘ishah) is abrogated¹⁰⁴ according to these people.¹⁰⁵

Shaikh Muḥammad Luqmān Salafī said in explanation of this Ḥadīth that,

“It is apparent from the text of the Ḥadīth that keeping fasts on behalf of the deceased is obligatory on the pretext that the deceased had any pending obligatory fasts, however the ummah has unanimous agreement that this is only recommended a claim which is made also fasting and performing Ḥajj of the deceased is allowed as a representative and the family members are to keep the fasts on behalf of the deceased.”¹⁰⁶

Shaikh Ṣafī ur Rahmān al-Mubārakpūrī argues,

“The words (وَعَلَيْهِ صِيَامٌ) i.e. they had pending fasts, meaning they had obligatory or mandatory fasts incumbent upon them because على is used to denote an act of obligation i.e. obligatory. This Ḥadīth is also evidence for the guardian/Walī to fast on behalf of the deceased and representing him. As for those who states that there is no representation in fasting of the deceased then they have no worthy or reliable evidence and thus that which has precedence is that there is representation in fasting. The general scholars of

¹⁰³ Imām Nasā‘ī; *Sunan al-Kubrā* [no.2917, 2918]

¹⁰⁴ Shaikh Muḥammad bin Ṣaleḥ al-‘Uthaymīn said in another place, “As for the statement that it is abrogated ie the Ḥadīth of A‘ishah is weak (weak statement) and that is not a real abrogation.” [Sharḥ Ṣaḥīḥ Muslim [4:109]

¹⁰⁵ Shaikh Muḥammad bin Ṣaleḥ al-‘Uthaymīn; *Fath Zhil Jalāl wa'l Ikrām Bisharḥ Bulūgh al-Marām* [3:253-255]. Cf. *Sharḥ Ṣaḥīḥ Muslim* [4:107-111]

¹⁰⁶ Shaikh Muḥammad Luqmān Salafī; *Tuhfat al-Kirām Sharḥ Bulūgh al-Marām* [pp.362-363]



Hadīth have deduced from this Hadīth that representation of the deceased in fasting is correct just as making hajj on their behalf. Imām Abū Ḥanifah and Imām Mālik said there is no fasting on behalf of the deceased but rather they should be fed. This is also the verdict of A‘ishah (RadhiAllāhuanha) and ‘Abdullāh ibn ‘Abbās (RadhiAllāhanhu). Yet this clear and authentic ḥadīth elucidates there is representation of the deceased in fasting and it is also permissible and this is what is precedent. It also elucidates the wali or guardian should fast on behalf of the deceased however it is not obligatory as another person can fast on their behalf like they can for Hajj. The ḥadīth mentions wali on the basis of their being many of them from Subl al-Salām.¹⁰⁷

They also say the wording of the ḥadīth are general and therefore incorporates all types of fasts, obligatory and vowed fasts.¹⁰⁸ Some of the scholars have explained this ḥadīth refers to vowed fasts as other ḥadīth explain the well-known principle. So whoever vowed to fast and then died then the guardian should fast on his behalf. This was the position and view of Imām Aḥmad, Imām Ibn Taymiyyah, Ḥāfiẓ Ibn Qayyim and Shaikh al-Albānī which be dicussed later.¹⁰⁹

Shaikh ‘Abdul Mannān Nūrpūrī was once asked that a man had fallen ill during Ramaḍān and also the subsequent Ramaḍān. This meant he was unable to fast during this period and also unable to make-up those of the previous year. In light of this should someone fast on his behalf, feed 30 poor people, or cook food for 30 people and distribute accordingly?

¹⁰⁷ Shaikh Ṣafī ur Rahmān al-Mubārakpūrī; *Ittiḥāf al-Kirām Sharḥ Bulūgh al-Marām* [1:500]

¹⁰⁸ *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:526-527]

¹⁰⁹ Shaikh Ḥussain bin Awḍah; *Mauassah al-Fiqiyyah al-Maisarah* [3:300], Shaikh al-Albānī; *Aḥkām al-Janā’iz* [p.215],

Shaikh ‘Abdul Manan responded Allāh said in the Qur’ān “and whoever is ill or on a journey – then an equal number of other days.”¹¹⁰ This āyāt highlights that the ill person is to fast those days which have been missed and this would include Ramadān or any other day. If this ill person does not recover and dies in the state of illness, then whatever fasts he was unable to keep should be kept by his walī/Guardian. It is mentioned in Ṣaḥīḥ al-Bukhārī “وَمَنْ مَاتَ وَعَلَيْهِ صُومٌ صَامَ عَنْهُ وَلِيَهُ” “Whoever died and they had pending fasts, then his guardian should fast on his behalf” This statement of the messenger of Allāh ﷺ and the aforementioned ayah are absolutely and manifestly clear in their understanding and comprehension. If an ill person with the intention of reward and virtuous deeds wants to feed the poor people he may also do so as Allāh said “And whoever volunteers good, then indeed Allāh is appreciative and knowing.”¹¹¹,¹¹²

It is evident from the Shaikhs speech that he believes and understands the Ḥadīth that the guardians should fast on behalf of the deceased even for the missed fasts of Ramadān and also for the previous Ramadān. The Shaikh mentioned the same in regards to a number of other questions, he clearly says that the guardians should fast on behalf of the deceased and he based his understanding on the Ḥadīth of A‘ishah (RadhiAllāhanha)¹¹³

Imām Shawkānī has stated in his explanation of the *Durar al-Bahiyyah* in which the Ḥadīth of A‘ishah (RadhiAllāhanha) is presented along with the weak narration from al-Bazzār. He elaborates by stating

“al-Bazzār transmits his narration with additional wordings of “if he wishes to do so” and majma‘a al-zawārid states “and its chain is ḥasan”. Various people of Ḥadīth are in agreement with this latter

¹¹⁰ Sūrah al-Baqarah:185

¹¹¹ Sūrah al-Baqarah:158

¹¹² Shaikh ‘Abdul Mannān al-Nūrpūrī; *Aḥkām Wa Masā'il* [1:289]

¹¹³ *Aḥkām Wa Masā'il* [2:424-425]

statement namely Abū Thawr, al-Şādiq, Nāṣir, Mu‘aidbillāh, al-Awzā‘ī and Aḥmad ibn Ḥanbal. Baihaqī said in al-Khilāfiyyāt “This is an unestablished Sunnah and I do not know anyone who has differed with this from the Ahl al-Ḥadīth in this being correct”. The position of majority of the jurists is that it is not obligatory for the guardian to fast on behalf of those they are the guardians of.”¹¹⁴

It is difficult to ascertain if Imām Baihaqī was referring to the obligatory fasts which were pending or the permissibility of general fasting for the deceased. It is likely that the former case is true because Imām Abū Hanifah and Imām Mālik (rahimahullah) did not hold the view that a wali may fast on behalf of the deceased i.e. نابيئه. It would therefore suggest based on this approach that Imām Baihaqī was referring to the obligatory fast. The statement of Imām Baihaqī is at the very least questionable in the context of understanding it. Further to the point above Shaikh Ṣiddīq Ḥasan Khān is his explanation of *al-Durar al-Bahiyyah* i.e. *Rawdah al-Nadiyyah* cites Imām al-Shawkānī from his works of *al-Darārī al-Muḍiyyah* verbatim¹¹⁵

The scholar from the Indian subcontinent Shaykh Aḥmad bin Ḥasan Dehlawī (d.1338H) stated in his explanation of the ḥadīth in his explanatory notes in *Bulūgh al-Marām* with regards to the wording of *al-Bazzār*

“his guardian should fast on his behalf” Majma‘a al-Zawā‘id states that its chain is Ḥasan. Thus we find “صام” is a khabar which here means and is taken as a command. This hadeth demonstrates that if a

¹¹⁴ āl-Darārī al-Muḍiyyah Sharḥ al-Durar al-Bahiyyah [pp.271-272], in a separate version [pp.249-250] with Kawkab al-Dānī Fī Tahkrij al-Taḥqiq al-Darrī, Cf. Nayl al-Awtār [4:251-252]

¹¹⁵ Shaikh Nawāb Ṣiddīq Ḥasan Khān; al-Rawdah al-Nadiyyah Sharḥ al-Durar al-Bahiyyah [1:550]

person dies whilst he had owed pending fasts then the subsequent guardians should fast on his behalf. This is irrespective of the nature of the fast. The people of Ḥadīth (Ashābil Ḥadīth) such as Imām Aḥmad bin Ḥanbal and Imām Shafī'i made the same statement. The definition of wali or guardian in this context means someone close. Some scholars have mentioned that it is not necessarily the responsibility of the wali to fast on behalf of the deceased. If a non-relative wishes to fast, then this would be deemed as valid too. This point can be stemmed from the fact that the Messenger of Allāh ﷺ compared pending fasts to debt. As we know that repaying debt can be repaid by any individual and not necessarily relatives. Tirmidhī transmits from Ibn ‘Umar “*if a person dies and he has pending fasts then a needy or poor person should be fed every day on his behalf.*” It should be noted that whilst this Ḥadīth is mawqūf it does not contradict the marfū Ḥadīth in this chapter. Allāh knows best.”¹¹⁶

Shaikh Sayyid Abi'l Wazīr Aḥmad Ḥasan Muḥaddith Dehlawī also said in explanation of this Ḥadīth,

“It has also been transmitted by Aḥmad, Abū Dawūd and al-Bazzār. And it evidences a guardian to fast on behalf of the deceased if they had any pending fasts which were obligated upon them. The Khabar is in terms of obligation ie observe the fast and the in al-Bazzār it mentions fast if you wish to do so which disconnects it from the command of obligation and takes it into recommended. There is more detail to this which will lengthen the discussion so refer to Nayl, Subl and Kashf.”¹¹⁷

¹¹⁶ Sharḥ Bulūgh al-Marām [pp.247-248].

¹¹⁷ Shaikh Aḥmad Ḥasan Dehlawī; Tanqīḥ al-Ruwāḥ Ila Takhrij Aḥadīth Mishkāt [2:38]

Shaikh al-Albānī also said صَام is a khabar meaning a command which is understood as an obligation or mandatory by some of the Ahl al-Zāhir contrary to the majority and this is position the explainer has gone towards (ie Shaikh Nawāb Ṣiddīq Ḥasan Khān)¹¹⁸ Imām Shawkānī also said it is a khabar meaning a command.¹¹⁹ Shaikh Muḥammad ‘Abdullāh al-‘Azamī (well known as Ḏhiyā’¹²⁰) said,

“The apparent text of the ḥadīth elucidates and evidences that the heir or guardian should fast on behalf of the deceased whether it is the fast of Ramaḍān or a fast which has been vowed...”¹²⁰

Shaikh Muḥammad Ḏhiyā’ (‘Abdullāh) al-‘Azamī also cited this is the position and view of the Ahl al-Ḥadīth as Hāfiẓ Ibn Ḥajar¹²¹ and others have asserted.¹²² Shaikh Muḥammad Nāṣir al-Dīn al-Albānī brings a ḥadīth in his monumental *Silsilah Aḥadīth al-Ṣaḥīḥah* and expands on the discussion. He brings the ḥadīth,

“Transmitted al-Ṭayālī in his *Musnad* (no.2630) narrated Shu‘bah from al-‘Amash who said he heard Muslim al-Buṭain narrate from Sa‘īd bin Jubair from Ibn ‘Abbās who narrated a woman came to the Messenger of Allāh (Sallalahu Alayhi Wasallam) and mentioned he sister vowed to fast one month but she died during a sea journey

¹¹⁸ Shaikh al-Albānī; *Ta‘līqāt al-Radiyyah ‘Ala al-Rawdah al-Nadiyyah* [2:25].

¹¹⁹ Imām Shawkānī; *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:251]

¹²⁰ Shaikh Muḥammad ‘Abdullāh al-‘Azamī (well known as Ḏhiyā’); *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣaḥīḥ al-Shāmil* [4:812]

¹²¹ *Fath al-Bārī* [4:193]

¹²² *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣaḥīḥ al-Shāmil* [4:812]

and unable to fast. The Messenger of Allāh (Sallalahu Alayhi Wasallam) said, “Fast on behalf of your sister.”

Transmitted Ahmād (1:338) narrated from Muḥammad bin Ja‘far who narrated from Shu‘bah and then the same chain. I say; This chain is Ṣahīḥ ie authentic on the conditions of the two Shaikhs, who have transmited via another route through al-‘Amash with the word, his mother. However Bukhārī has transmitted in ta‘liq form, “and it is mentioned from Abī Khālid {He is al-Āhmār} who narrates from al-A‘mash from al-Ḥakam and Muslim al-Buṭain and Salamah ibn Kuhail from Sa‘īd bin Jubair and ‘Atā’ and Mujāhid from Ibn ‘Abbās who said a woman said to the Prophet (Sallalahu Alayhi Wasallam), “My sister died.” And Muslim (3:156) has also introduced another route without this wording. Other include the likes of al-Nasā’ī in al-Kubrā (4:42:2) and Tirmidhī (1:138) said, “Hasan Ṣahīḥ,” al-Nasā’ī said, “Two consecutive months” This Ḥadīth has the same meaning as the statement of the Messenger of Allāh (Sallalahu Alayhi Wasallam). “Whoever died and they had pending fasts their guardians should fast on their behalf.” Agreed upon from the Ḥadīth of A‘ishah (RadhiAllāhu Anhu). The Wālī can be the son or the sister. This fasts in this Ḥadīth are also understood as the fasts which have been vowed as Ibn al-Qayyim has concluded in Tahdhīb al-Sunan¹²³ so refer to it.”¹²⁴

Shaikh Muḥammad Waṣīllāh ‘Abbās said,

“A‘ishah (RaḍiAllāhu Anha) narrated that The Messenger of Allāh (ﷺ) said: "Whoever dies while he still has some fasts to make up (of

¹²³ Cf. Hāfiẓ Ibn al-Qayyim: *Tahdhīb al-Sunan* [3:279-282], Cf. *Tahdhīb al-Sunan* on the marginalia of *A‘un al-Ma‘būd* [7:25-28]

¹²⁴ Shaikh Muḥammad Nāṣir al-Dīn al-Albānī; *Silsilah al-Āḥadīth al-Ṣahīḥah* [4:590-591 no.1946]

the days of Ramadān), then his heir (any of them) should fast on his behalf.” [Agreed upon]. When a person dies, then first of all, if he has an outstanding loan which needs to be paid, the amount shall be deducted from his wealth, and then the remaining wealth will be shared between the inheritors. With regards to the (obligatory) fasts, Allāh has right over him, but who will fast after his death? His inheritors will. If the guardians inherits half of the inheritance and if for instance there are ten outstanding fasts, then he must observe five fasts. This is how the scholars have explained this affair. The point is, since one (inheritor) is benefiting from the deceased’s wealth then he must also fast on his behalf. This is a general narration, but another narration explains its by stating this is specific and in relation to fasts which have been vowed. If someone vows ie takes an oath to fast but was unable to do so, the responsibility transfers to the guardians in this regard. There is however no ruling for the general fasts. Although this being said, the person will be sinful if he had an opportunity to fast but failed to do so. If however, he does not get the chance to fast then the ayah applies “Allāh burdens not a person beyond his scope.” [al-Baqarah 2:286]. If he continued to remain ill for consecutively for months, the compensation will entail feeding the poor without the need for anyone to fast on his behalf. The guardians will only need to fast on behalf of the deceased if he made a vow or took an oath to fast.¹²⁵

Imām Khaṭṭābī said in this Ḥadīth the fasts which is referred to is the fast which was obligatory on the deceased whether it was vowed or of Ramadān.¹²⁶

¹²⁵ Shaykh Muḥammad Waṣiullāh ‘Abbās; *Sharḥ Bulugh al-Marām*, Lesson no.89 <https://www.youtube.com/watch?v=zcPuQAbZn38>, Translated by Arshan Umar Ansari, taken from his translation of the Shaikhs *Bulūgh al-Māram* series with our amendments.

¹²⁶ Imām al-Khaṭṭābī, *Mu‘allim al-Sunan* [2:122-123], Cf. *A‘un al-Ma‘būd* [7:25]

Shaikh Zubair ‘Alī Za’ī was of the opinion this Ḥadīth refers to the fasts which have been vowed.¹²⁷

¹²⁷ Shaikh Zubair ‘Alī Za’ī; al-Ḥadīth Monthly Journal, Ramadān 1432-August 2011, Issue no.87, [p.10]



-7-

An Evidence for Those who say to Feed the Poor on Behalf of the Deceased

We find that some people have opined that the poor should be fed on behalf of the deceased, however the narration they have presented as evidence to substantiate their position is weak.

They have cited as evidence the narration of ‘Abdullāh Ibn ‘Umar (RadhiAllāhanhu) that the Messenger of Allāh ﷺ said,

“Whoever died and he had a month of pending fasts, a poor person should be fed per day on their behalf”¹²⁸

¹²⁸ *Tirmidhī* [no.718], *Ibn Mājah* [no.1757], *Ibn Khuzaimah* [3:273 no.2056], *Mishkāt Maṣābiḥ* [2:231 no.2034], Ḥāfiẓ Ibn Ḥajr al-‘Asqalānī; *Hidāyah al-Ruwāḥ Ila Takhrij Aḥadīth al-Maṣābiḥ wa’l Mishkāt* [2:335 no.1976]. Shaikh al-Albānī; *Mishkāt al-Maṣābiḥ* [2:632], Shaikh Ahmad Ḥasan Dehlawī; *Tanqīḥ al-Ruwāḥ Ila Takhrij Aḥadīth Mishkāt* [2:39], *Mirāḥ al-Mafātīḥ* [7:32]. There is another narration in *Ibn Khuzaimah* [3:273 no.2057] and in *Sunan al-Kubrā* [4:424 no.8217] of Baihaqī which has the words whoever died and they had pending fasts of Ramaḍān and they did not atone for it then they should feed people on his behalf half a Ṣā‘a everyday. The chain is however

Imām Tirmidhī stated after it,

*“We do not know this Ḥadīth of Ibn ‘Umar to be marfū except this route and what is correct is that it is mawqūf to Ibn ‘Umar.”*¹²⁹

Imām Nawawī also stated that the narration of Ibn ‘Umar (RādiAllāhu Anhumā) that it is not established i.e. authentic.¹³⁰ Ḥāfiẓ Ibn Ḥajr has also alluded to this by mentioning the problem of the narrator making a mistake in changing the name of the narrator. Imām Dāraqutnī was also of the view that it is mahfuẓ mawqūf and Baihaqī also supported this.¹³¹ Shaikh Ibn al-Mullaqin said,

*“This Ḥadīth has been transmitted by Tirmidhī and Ibn Mājah with a weak chain.”*¹³²

Ḥāfiẓ Zailaī also indicated its weakness by citing ‘Abdul Ḥaq weakened it and that Imām Dāraqutni said in *al-E’llal* that is known known as *mawqūf*.¹³³ Imām

weak according Shaikh Muḥammad Muṣṭafā al-‘Azamī. Imām Ibn Khuzaimah has himself indicated its weakness in the chapter heading.

¹²⁹ *Tirmidhī* [no.718]

¹³⁰ Imām Nawawī; *Sharḥ Ṣaḥīḥ Muslim* [4:479]

¹³¹ Ḥāfiẓ Ibn Ḥajr; *Talkhiṣ al-Ḥabīr* [6:457], *al-Dirāyah Fī Takhrīj Āhadīth al-Hidāyah* [1:283 no.375] Cf. *Tuhfah al-Ahwādī* [3:333-334], *Mirāh al-Mafātīh* [7:33]

¹³² *Mirqāt Sharḥ Mishkāt* [4:530]. Cf. *Tuhfah al-Ahwādī* [3:334], *Mirāh al-Mafātīh* [7:33]

¹³³ Ḥāfiẓ al-Zailaī; *Naṣb al-Rāyah* [2:464]

Baihaqī said this Ḥadīth is not authentic¹³⁴ and Muḥammad bin Abī Layla was very forgetful.¹³⁵ Shaikh Aḥmad Ḥasan Dehlawī said,

“Baihaqī has also transmitted it in Mawqūf form and Dāraqutnī said it is (mawqūf) preserved. Nasā‘ī has followed this up with something similar to it from Ibn ‘Abbās in mawqūf form and its chain is authentic. This is not an issue as it does not contend with the clear authentic Ḥadīth which has preceded and the Sunnah is established and we do not leave what some, most or all of the people have abandoned as Nawawī said, refer to Nayl, Subl and Dirāyah.”¹³⁶

Shaikh Muḥammad Ismā‘il Salafī graded this narration to be weak. He said this Ḥadīth has been transmitted by Baihaqī and Dāraqutnī in *mawqūf* form and such a report can not compete with an authentic-*Ṣahīh marfū* Ḥadīth.¹³⁷ Shaikh ‘Ubaidullāh Mubārakpūrī also considered it to be weak.¹³⁸ Shaikh al-Albānī graded the narration weak.¹³⁹ Shaikh Thanāullāh Madnī bin ‘Isā Khān also grades this narration to be weak. He further says

¹³⁴ *Mirāh al-Mafātīh* [7:33] from his *al-Ma‘rifah*. Shaikh ‘Ubaidullāh discusses the chain and the narrators in more detail whilst citing statements from Baihaqī from his *Sunan* [4:424-425 no.8217], Ibn Turkamānī in his *al-Jawhar*, Shaikh Badr al-Dīn al-‘Aynī from his *‘Umdah al-Qāri* [11:59-60] and al-Ḥāfiẓ al-Mizzī, let the interested reader refer to it. Cf. *Tuhfah al-Ahwādī* [3:334],

¹³⁵ *Naṣb al-Rāyah* [2:464], Shaikh Thanāullāh Madnī bin ‘Isā Khān; *Jā’izah al-Ahwādī Fī al-Ta‘liqāt ‘Ala Sunan al-Tirmidhī* [2:86]

¹³⁶ *Tanqīh al-Ruwāh Ila Takhrij Aḥadīth Mishkāt* [2:39]

¹³⁷ *Sharḥ Mishkāt al-Maṣābiḥ* [2:312 no.499]

¹³⁸ Shaikh ‘Ubaidullāh al-Mubārakpūrī; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābiḥ* [7:28]

¹³⁹ Imām al-Albānī; *Da‘if Ibn Mājah* [no.389]

“The Ḥadīth has also weakened by al-Shaikh al-Albānī and others also and it contains A’shaṭ bin Suwār who is weak as cited in *Taqrīb*.¹⁴⁰

Shaikh Muḥammad Ṣubḥī Ḥasan Ḥallāq also grades it weak.¹⁴¹ Shaikh Muḥammad al-‘Azamī also graded the chain to be weak and then goes onto mention the words of Imām Tirmidhī.¹⁴² Shaikh Muḥammad Ṣādiq Khalīl also graded it weak. He said the weakness is due to Muḥammad bin Abī Layla present in the chain, he had many mistakes and suffered from a weak memory.”¹⁴³

Shaikh Muḥammad Ḏhiyā'-Abdullāh al-‘Azamī also graded it weak.¹⁴⁴ He goes onto explain the issues is with Muḥammad bin Abī Layla who is in the chain three (3) routes have come from him. Tirmidhī says via Ibn ‘Abdur Raḥmān bin Abī Layla, Ibn Mājah said via Ibn Sirīn and al-Mizzī and others have highlighted this and Ibn Khuzaimah attributes it to ‘Abdur Raḥmān bin Abī Layla and this is correct.¹⁴⁵ The chain is weak due to Muḥammad bin ‘Abdur Raḥmān bin Abī Layla¹⁴⁶ who had a bad memory. Furthermore, A’shaṭ bin Suwār narrates it from him and he is also weak. Ibn Khuzaimah said he A’shāṭ

¹⁴⁰ *Jā'izah al-Ahwādī Fī al-Ta'liqāt 'Ala Sunan al-Tirmidhī* [2:86]

¹⁴¹ in his notes to *Rawdah al-Nadiyyah* [1:551, note no.99] he supports his position by citing Shaikh al-Albānī’s grading. He also said the same in his verification of *Subl al-Salām* [4:124]

¹⁴² Ṣahīḥ Ibn Khuzaimah [3:273] with the verification of Shaikh Muḥammad Muṣṭafā al-‘Azamī

¹⁴³ Shaikh Muḥammad Ṣādiq Khalīl; *Sharḥ Mishkāt al-Maṣābiḥ* [2:231 no.2034]

¹⁴⁴ Shaikh Muḥammad ‘Abdullāh al-‘Azamī (well known as Ḏhiyā'); *al-Jām'e al-Kāmil Fī al-Hadīth al-Ṣahīḥ al-Shāmil* [4:812]

¹⁴⁵ Ibn Khuzaimah [3:273], Imām Ibn Khuzaimah says whilst transmitting the chain, “And he is Ibn Abī Layla”

¹⁴⁶ *Tirmidhī* [no.718]



bin Suwār got mixed up due to his bad memory¹⁴⁷.¹⁴⁸ Imām Ibn Khuzaimah further said,

“Abū Bakr (ie referring to himself), he according to me is Muḥammad bin ‘Abdur Raḥmān bin Abī Layla the Qaḍī of al-Kūfah.”¹⁴⁹

Shaikh ‘Abdul Raḥmān and Shaikh ‘Ubaidullāh Mubārakpūrī said something similar in their respective explanations with regards to the interchanging of the narrators.¹⁵⁰ Shaikh ‘Alī bin Ḥasan al-Ḥalabi also graded the narration due to Muḥammad bin ‘Abdur Raḥmān bin Abī Layla who is weak just like A’sha’t bin Suwār.¹⁵¹

¹⁴⁷ Ibn Khuzaimah [3:273] and Imām Ibn Khuzaimah mentions this in the chapter heading, Chapter 122.

¹⁴⁸ *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣaḥīḥ al-Shāmil* [4:812-13]

¹⁴⁹ *Ṣaḥīḥ Ibn Khuzaimah* [3:273]

¹⁵⁰ *Tuhfah al-Ahwādī* [3:333-334], *Mir‘ah al-Mafātih* [7:27-28]

¹⁵¹ Ḥāfiẓ Ibn Ḥajar al-‘Asqalāni; *Hidāyah al-Rāwah Ila Takhrij Aḥadīth al-Maṣābiḥ wa'l-Mishkāt* [2:336]

-8-

Reconciling This Narration Even if it was Authentic.

Shaikh Shāh Walīullāh Dehlawī also mentioned that there is no apparent report highlighting a contradiction between the Ḥadīth of A‘ishah (RađiAllāh Anha) and the narration which speaks of feeding the poor on a daily basis, this has also been transmitted by Ibn ‘Umar (RađiAllāha Anhumā). Its full wording is “*Whoever died while he had a month to fast then a needy person should be fed on his behalf of everyday.*” It may be that both commands are permissible...¹⁵²

Shaikh Shāh Walīullāh Dehlawī’s point that there is no apparent contradiction for the above two narrations is not relevant nor applicable, this is because the latter ḥadīth is weak and therefore to stand by this argument would not serve the intended purpose.

The narration can not be utilised as evidence because it is weak and even if it was authentic a possible reconciliation has been put forth. Some scholars have presented other answers in order to reconcile between the two ḥadīths. The first being that the walī should fast on behalf of the deceased and feed the poor. Another answer is that fasting on one’s behalf is not mandatory

¹⁵² Shaikh Shāh Walīullāh Dehlawī; *al-Hujjatullāh al-Bāligha* [2:54], Shaikh Nawāb Ṣiddīq Ḥasan Khān; *al-Rawḍah al-Naḍīyyah Sharḥ al-Durar al-Bahiyyah* [1:550-551].

but rather a recommended act, this means one can fast or feed the poor. Ḥāfiẓ Ibn Qayyim said,

“As for those who prohibit fasting on behalf of the deceased then this needs to be looked at because the marfu’ ie raised a ḥadīth with authentic chains, with well known and famous narrators have been transmitted by the authors of the two ṣahīḥs.”¹⁵³

¹⁵³ Ḥāfiẓ Ibn al-Qayyim; *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:27]

-9-

Further Evidences for Fasting on Behalf of the Deceased

Shaikh ‘Abdullāh Ḥal-Bassām¹⁵⁴ present this as another evidence on behalf of those who hold the view it is obligatory to fast on behalf of the deceased. ‘Abdullāh Ibn ‘Abbās (RaḍiAllāhu Anhu) narrates,

“A man came to the Prophet (ﷺ) and said, "O Allāh's Messenger (ﷺ)! My mother died and she ought to have fasted one month. Shall I fast on her behalf?" The Prophet (ﷺ) replied in the affirmative and said, "Allāh's debts have more right to be paid.”¹⁵⁵

Shaikh ‘Abdullāh Ḥal-Bassām presents further evidences in support this view, a view which he adopted.¹⁵⁶ There are numerous ḥadīths present with regards to fasting on behalf of the deceased. ‘Abdullāh bin Buraidah (RaḍiAllāhu Anhu) reports from his father,

¹⁵⁴ Shaikh Ḥal-Bassām; *Taysir al-‘Alām* [1:434]

¹⁵⁵ *Bukhārī* [no.1953], *Muslim* [no.1148], *Ibn Mājah* [no.1758]. This ḥadīth will be repeated later to bring more clarity and comprehension of this issue.

¹⁵⁶ Shaikh Ḥal-Bassām; *Tawdīh al-Aḥkām* [3:527]

“When we were sitting with the Messenger of Allāh ﷺ, a woman came to him and said I had gifted to my mother a maid-servant and now she has died (i.e. the mother). The Messenger of Allāh ﷺ said There is a definite reward for you and she (the servant) has been returned to you as inheritance. The woman again said Fasts of one month were due upon her, should I observe them on her behalf? He said observe fasts on her behalf, she again she did not perform Hajj, should I perform it on her behalf? He said ﷺ perform Hajj on her behalf”¹⁵⁷

Some scholars have utilised this Ḥadīth as evidence and they argue that the woman asked about fasting and Hajj, implying that she was asking about Hajj which was obligatory upon her as well as the fast of one month that were upon her too i.e. the fasting of Ramaḍān. In light of this we can understand the woman asked about 2 separate acts of worship which were obligatory upon her mother. We can therefore deduce and emphasise that this is the understanding of the Ḥadīth based on the questions directed at the Messenger of Allāh ﷺ. Contrary to this understanding, one may argue that the woman may have been referring to voluntary fasts which can be potentially taken from the general wording of the Ḥadīth.

However, we must look at the context and order of the questions and we can see that it is very likely referring to the obligatory fasts, Allāh knows best. An interesting point to be made is that Imām Muslim transmits 5 Ḥadīth in his Ṣahīḥ from Buraidah (RađiAllāhu Anhu) three (3) of them mention one (1) month of fasting whilst two (2) Ḥadīth mention two (2) months of fasting.¹⁵⁸

If such is the case, then it seems that she was referring to fasts that were possibly vowed. One month of vowed fasts and one month of obligatory fast.

¹⁵⁷ *Muslim* [no.1149], *Abū Dawūd* [no.2877, 3309], *Tirmidhi* [no.667], *Ibn Mājah* [no.1759]

¹⁵⁸ *Muslim* [no.1149+ Chapter 27: Making up fasts on behalf of the deceased]

The other side present their understanding and say the mother may have two (2) years of fasting of the month of Ramadān ie including the previous years.



-10-

The Evidences of Those Who Say it is Not Obligatory

Some have argued that the guardians do not need to fast on behalf of the deceased and rather feed the poor on their behalf and they explain the Ḥadīth of A‘ishah (RadhiAllāhu Anhu) and say it refers to fasts that have been vowed which shall be discussed later. They generally present the āyah¹⁵⁹ as mentioned by Shaikh ‘Abdullāh Āl-Bassām¹⁶⁰

“And that there is not for man except that [good] for which he strives”¹⁶¹

They also use the narration of ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) which is acts as his legal edict in which he says,

“No one should pray on behalf of someone nor should anyone fast on someones behalf but rather he should feed people on his behalf

¹⁵⁹ Cf. Mawlāna Ahmād Yār Khān Nā‘aimī Barelwī; *Mi’rah al-Manājih Sharḥ Miskhāt al-Maṣābiḥ* [3:177].

¹⁶⁰ *Taysir al-‘Alām* [1:434], *Tawdīh al-Aḥkām* [3:526]

¹⁶¹ Sūrah al-Najm:39

(of the deceased) everyday one mudd of wheat (per every day missed).”¹⁶²

Such is the case that there are similar narrations from A‘ishah (RadhiAllāhu Anhu) elucidating this view and it is known that A‘ishah (RadhiAllāhu Anhu) also issued legal edicts supporting this view, that the guardian does not need to fast on behalf of the deceased with regards to the missed fasts on Ramadān. Ḥāfiẓ Ibn Qayyim has alluded that some people were also of the view that this narration was weak, he says,

“I see that some of our companions weaken this ḥadīth of Ibn ‘Abbās.”¹⁶³

And after saying they also say the narration of A‘ishah is also weak (of feeding the poor), Ḥāfiẓ Ibn Qayyim answers and says they have not mentioned the reason why these ahadīth are weak and whoever permits fasting on behalf of the deceased they also permit feeding the poor on their behalf.¹⁶⁴

¹⁶² Nasā‘ī; *Sunan al-Kubrā* [2:175 no.2918]. Cf. *Ibn Abī Shaybah* [no.15122], *Baihaqī* [4:425], *Mushkil al-Athār* [3:141]. In the verification and notes to *Fath Zhil Jalāl wa'l Ikrām Bisharh Bulūgh al-Marām* [3:254], Ṣubḥī bin Muḥammad Ramadān and Umm Isra' bint ‘Arfah said the chain is authentic and that it from the statement of ‘Abdullāh ibn ‘Abbās (RaḍiAllāhu Anhu) as Ibn Ḥajr said in *al-Talkhiṣ* [2:109], Cf. Naṣb al-Rāyah [2:463], and Ibn Ḥajr authenticates the chain it in in *al-Dirāyah Fi Takhrij Āhadith al-Hidāyah* [1:283 no.375]. Shaikh Zubair ‘Alī Za‘ī also authenticates this narration. [al-Ḥadīth, Issue no.87, [p.11].

¹⁶³ *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:26]

¹⁶⁴ *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:26-27]

Shaikh Muḥammad ibn Ṣaleḥ al-‘Uthaymīn answers this narration and says firstly it is weak¹⁶⁵ and even if were to accept its authenticity then it will still be understood as a general Ḥadīth where as the Ḥadīth of A‘ishah specifies it. The words *nor should anyone fast on someones behalf* refers the person who is alive. So if a man comes and says to someone I know you are obligated to fast and so I will fast on your behalf then this is impermissible. Whereas the affair of death is specific (ie a specific state). So the Ḥadīth of A‘ishah specifies the narration of Ibn ‘Abbās (RaḍiAllāhu Anhu).¹⁶⁶ Shaikh ‘Ubaidullāh Mubārakpūrī said,

“As for the fatāwa of the companions then they do not compete with the marfū ie raised authentic Ḥadīth which is also the Sunnah. It is authentically established from the Messenger of Allāh (Sallalahu Alayhi Wasallam) that he is more deserving and has the right to be followed and treasure lies in every statement of his.”¹⁶⁷

Ḩāfiẓ Ibn Qayyim provides further answers and says,

“This report of Ibn ‘Abbās refers to the actual obligatory fasts and as for the fasts which have been vowed should be observed on the deceaseds behalf as Ibn ‘Abbās himself has clarified and thus there is no contradiction in what he has issued a legal edict on and what he has narrated.”¹⁶⁸

¹⁶⁵ He also said, “*This Ḥadīth is not authentically transmitted from the Messenger of Allāh (Sallalahu Alayhi Wasallam).*” [Sharḥ Ṣaḥīḥ Muslim [4:109]

¹⁶⁶ Shaikh Muḥammad bin Ṣaleḥ al-‘Uthaymīn; *Fath Zhil Jalāl wa'l Ikrām Bisharḥ Bulūgh al-Marām* [3:255]

¹⁶⁷ *Mirāḥ al-Mafātīḥ Sharḥ Miskhāt al-Maṣābiḥ* [7:29]

¹⁶⁸ *Tahdhib al-Sunan with A‘un al-Ma‘būd* [7:27]

Shaikh ‘Ubaidullāh goes onto cite the answer of Imām Ibn Ḥazm where he answers these claims and said,

“Allāh has obligated upon us that we follow the statements of the companions transmitted from the Messenger of Allāh (Sallalahu Alayhi Wasallam) and that Allāh has not obligated upon following the opinion of anyone.”¹⁶⁹

Imām Ibn Ḥazm has penned down other outstanding answers from them is that the Ṣahābī might have forgot what they narrated as they narrated such long narrations and so many of them and thus they may have issued a verdict contrary to what they narrated.¹⁷⁰ Imām Shawkānī cites the words of Ḥāfiẓ Ibn Ḥajr where he says in response to the claim that the narrator is more aware of the narration he narrates, he says

“This principle of theirs is well known however there is some talk concerning the report of A‘ishah and Ibn ‘Abbās as they do not prohibit fasting on behalf of the deceased and as the report from A‘ishah is very weak anyway.”¹⁷¹

He goes onto say,

¹⁶⁹ Shaikh ‘Ubadiullāh Reḥmānī al-Mubārakpūrī; *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābiḥ* [7:30]

¹⁷⁰ *Mirāh al-Mafātīh Sharḥ Miskhāt al-Maṣābiḥ* [7:30]

¹⁷¹ Imām Shawkānī; *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:252]

“The truth of the matter is that there is reliance on the narration of the narrator and not on his opinion and such speech is well documented amongst the principles.”¹⁷²

¹⁷² *Nayl al-Awṭār* [4:252]

-11-

The View of A'ishah (RadhiAllāhu Anhu)

A'mrah narrates that her mother died and she had some pending fasts of Ramadān that she had missed. She asked A'ishah (RadhiAllāhu Anha) if she should atone them on her behalf ie do *Qaḍa*. A'ishah (RadhiAllāhu Anha) said no, rather in *Qaḍa* of them give *sadaqah* on her behalf of a half of *Sā'a* of wheat to a poor person.¹⁷³ This clearly shows the first ḥadīth of A'ishah (RadhiAllāhu Anha) refers to the fast that have been vowed and not the missed fasts of Ramadān because the narrator is more aware and understands his or her narration better than anyone else, especially since A'ishah and 'Abdullāh Ibn 'Abbās (RadhiAllāhu Anhumā) are the very same companions who transmit the ahadīth supporting and favouring the other view of fasting.¹⁷⁴

Shaikh Zubair 'Alī Za'ī said,

¹⁷³ Imām Tāhawī; *Mushkil al-Athār* [3:142], Imām Ibn Hazm; *al-Muḥalla* [7:3,4], and the chain is authentic with a slight variation in the wording. Shaikh Ibn Turkamānī in *Jawhar al-Naqī* [4:257], authenticated it but Imām Baihaqī; *Sunan al-Kubrā* [4:429] and Ḥafiz Ibn Hajar al-'Asqalānī weakened it *Fath al-Bārī* [4:195]. Cf. *Aḥkām al-Janāzah* [p.215]. Shaikh 'Abdur Raḥmān Mubārakpūrī also graded it weak. [*Tuhfah al-Ahwādī* [3:335]. Shaikh Zubair graded it ḥasan. [al-Ḥadīth Issue no.87, [p.11]

¹⁷⁴ Shaikh Āl-Bassām; *Tawdīh al-Aḥkām* [3:526], *Taysir al-'Alām* [1:434]

“It is apparent from the legal edict of the narrator of the Ḥadīth that general fasts (of Ramaḍān) should not be observed on behalf of the deceased but rather it is only permissible to observe fasts which have been vowed..”¹⁷⁵

Imām Abū Dawūd has also transmitted this Ḥadīth that A‘ishah (RadhiAllāhu Anha) narrates the Messenger of Allāh (Sallalahu Alayhi Wasallam) said

“If anyone dies when some fast are due from him, his heir must fast on his behalf. Abū Dawūd said, This applies to the fast which a man vows and this is the opinion of Ahmad ibn Ḥanbal.”¹⁷⁶

The same view of Imām Ahmad’s has been categorically transmitted by Imām Abū Dawūd in a separate treatise outlining his preferences in issues of jurisprudence.¹⁷⁷ It has also been transmitted from Imām Ahmad by other authors.¹⁷⁸ Ḥāfiẓ ‘Abdul Ghānī al-Maqdisī mentions the statement of Imām Abū Dawūd in his ‘Umdat al-Aḥkām directly after transmitting the Ḥadīth of A‘ishah thereby alluding that he also understood the Ḥadīth of A‘ishah to refer to fasts which had been vowed.¹⁷⁹

Shaikh Zubair ‘Alī Za‘ī cites Imām Ahmad and Imām Ishaq ibn Rāhawayh both saying if the deceased had outstanding fasts which were vowed, they should be observed on his behalf and the poor people should be

¹⁷⁵ al-Ḥadīth, [Issue no.87, [p.11]

¹⁷⁶ Abū Dawūd [after no.2400, 3311].

¹⁷⁷ Abū Dawūd; al-Imām Ahmad bi-Riwayah Abī Dawūd [no.96]

¹⁷⁸ Cf. al-Sharḥ al-Kabīr [3:83], al-Inṣāf [3:336], Maṭālib Awla al-Nahi [2:210-211]

¹⁷⁹ ‘Umdat al-Aḥkām [p.117 no.7]

fed on his behalf if he had pending fasts of Ramadān.¹⁸⁰ Imām Abū Dawūd brings this Ḥadīth under the following chapter headings,

“Chapter: Regarding whoever died and some fasts were still due upon him.”¹⁸¹

And

“Chapter: If A Person Dies Owing Fasts, His Heir Should Fast On His Behalf.”¹⁸²

This therefore shows Imām Abū Dawūd’s understanding of what has meant by pending fasts or fasts still due upon the deceased as he establishes the chapter headings based on the wording of the Ḥadīth and then transmits the Ḥadīth under the chapter heading. He further elaborates and concludes with his understanding of the Ḥadīth. Finally, he supports his view by saying it was also the opinion of Imām Aḥmad bin Ḥanbal. Ḥāfiẓ Ibn Daqiq al-‘Eid answers this and says,

“And the Ḥadīth does not evidence the specification or restriction for the fast to be the fasts of vows as Abū Dawūd has mentioned from Aḥmad bin Ḥanbal although yes this has been transmitted in some narrations for those those vowed to keep fasts and they died,

¹⁸⁰ Tirmidhī [no.718], *Masā'il Aḥmad wa Ishāq Riwāyah Ishāq bin Mansūr al-Kausaj* [1:288 no.679] cited from al-Ḥadīth, [Issue no.87, [p.12]

¹⁸¹ *Abū Dawūd* [Book no.14, The Book of Fasting, Chapter 41]

¹⁸² *Abū Dawūd* [Book no.22, The Book Oaths and Vows (*Kitāb al-Ai'man Wa'l Nużūr*), Chapter 26]

therefore, this is not the case that (this Ḥadīth) can be restricted to the fasts which have been vowed.”¹⁸³

Shaikh ‘Abdullāh Āl-Bassām explains the viewpoint of the position of the people who say it is not permitted to fast on behalf of the deceased regarding the obligatory fasts of Ramadān. They argue that the Ḥadīth of A‘ishah and ‘Abdullāh ibn ‘Abbās are specific and pertain to the fasts of vows which was supported by Ibn al-Qayyim. They also say the reports of ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu), that no one should fast on someones behalf refers to the obligatory fasts. This is how they understand and reconcile the narrations.

Shaikh Āl-Bassam answers these points and argues the fasts of vows is something a person makes incumbent upon themselves but the obligatory fasts are mandatory from the very beginning.¹⁸⁴ Imām Muḥammad bin Ismā‘il Amir al-Ṣan‘ānī whilst explaining rhetorically says,

“They also say there are legal edicts from Ibn ‘Abbās and A‘ishah (RaḍiAllāhu Anhumā) that one should feed the poor. Further that this is similar to other acts of worship in that one responsible person cannot bear the responsibility of another person and that the issue of Ḥajj is specific. [In answer] we say as for the legal edicts transmitted from A‘ishah and Ibn ‘Abbās they do not compete or contend with the authentic Ḥadīth. As for someone being responsible for another person in affairs of Ibādah ie Ḥajj then this is established from a text just like fasting is and there should be no excuse not to act upon it. As for the excuse of the Mālikiyah saying the people of Madīnah did not act on this and the Ḥadīth is ḥujjah ie evidence for us, however this is not the case as we know from the usul ie principles. As for the excuse of the Ḥanafiyah, the narrators

¹⁸³ Ḥāfiẓ Ibn Daqīq al-‘Eid *Ihkām al-Aḥkām Fi Sharḥ ‘Umdah al-Aḥkām* [p.222]

¹⁸⁴ *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:527]

have issued a verdict contrary to what they narrated, then this excuse is also unacceptable because the narration will be relied upon and not the verdict/opinion which is also known [from the *Uṣūl*].”¹⁸⁵

¹⁸⁵ Shaikh Amir al-Šan‘ānī; *Subl al-Salām* [4:124]. Cf. *Subl al-Salām* with the notes of Shaikh al-Albānī [2:460]. Shaikh ‘Ubaidullāh Mubārakpūrī presents the same answers in *Mirāh al-Mafātīh* [7:31]



-12-

Understanding of the General Evidences¹⁸⁶

The Ḥadīth of A‘ishah which is no doubt general is further specified by the following Ḥadīth which is narrated ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) that S‘ad bin ‘Ubadah asked Allāh's Messenger (ﷺ) saying,

"My mother died and she had an unfulfilled vow." The Prophet (ﷺ) said, "Fulfill it on her behalf."¹⁸⁷

We have already mentioned the argument is presented that the narrator understands the Ḥadīth he narrated better than others and thus in this regard ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu) was asked about a person who had

¹⁸⁶ There is another report from narrated by ‘Abdullāh ibn Jābir (RadhiAllāhu Anhu) "That a woman came to the Messenger of Allāh (ﷺ) and said: "My mother has died, and she had made a vow to fast, but she died before she could fulfill it. The Messenger of Allāh (ﷺ) said: 'Let her guardian fast on her behalf.' [Ibn Mājah [no.2133]. This is however weak see Shaikh al-Albāni checking of Ibn Mājah. However it supports the permissibility of fasting on behalf of the deceased.

¹⁸⁷ Bukhārī [no.2761], Muslim [no.1638+], Abū Dawūd [no.3307]. Ibn Mājah [no.2132], Shaikh al-Albāni graded is authentic Ṣaḥīḥ Abū Dawūd [no.2828]

pending fasts which he vowed, he informed them, fast the fasts he vowed on his behalf.¹⁸⁸

Ḥāfiẓ Ibn Ḥajr has also cited this in his *Fath al-Bārī* and to his notes on the notes of *Bukhārī* and references it to Abū Bakr ibn Abī Shaybah.¹⁸⁹ Ḥāfiẓ Ibn Ḥajr brings another report from Ibn ‘Abbās where he was asked about a woman who vowed to perform *Ei‘tikāf* for 10 days but she died, Ibn ‘Abbās said perform the *Ei‘tikāf* on behalf of your mother.¹⁹⁰

This also answers the fatwa they present where ‘Abdullāh ibn ‘Abbās said no one should fast on anyones behalf as have preceded. So the previous report is a clear and manifest evidence that one should and can fast on behalf of the deceased generally, with the contention being the obligatory fasts. So they say if a person died and they had pending fasts of Ramaḍān, then a person is not to fast on their behalf but rather half a sa‘a or one mudd of wheat should be given in charity by the guardians according to the report from of A‘ishah (RadhiAllāhu Anhu).

¹⁸⁸ Imām Abū Bakr Ibn Abī Shaybah; *Muṣannaf Ibn Abī Shaybah* [4:163]

¹⁸⁹ Ḥāfiẓ Ibn Ḥajr al-‘Asqalani; *Fath al-Bārī Sharḥ Ṣaḥīḥ al-Bukhārī* [11:584], *Taglīq al-Ta‘līq ‘Ala Ṣaḥīḥ al-Bukhārī* [5:203]

¹⁹⁰ *Fath al-Bārī* [11:584], *Taglīq al-Ta‘līq* [5:204]



-13-

The View of ‘Abdullāh ibn ‘Abbās (RađiAllāhu Anhumā)

‘Abdullāh ibn ‘Abbās (RađiAllāhu Anhumā) was also of the same opinion and he also issued legal edicts based on this. He narrates,

“If a man falls ill during Ramađān and he dies while he would not keep the fast, food will be provided to the poor on his behalf, there is no atonement (ie Qadā) due from him. If there is a vow which he could not fulfil his heir or guardian should atone ie offer Qadā on his behalf ie fast on his behalf.¹⁹¹

This is the explicit view of ‘Abdullāh ibn ‘Abbās (RađiAllāhu Anhumā) and it is in line with the view of A’ishah (RadhiAllāhu Anha) and they explain the Ḥadīth they have both narrated. Fasting on behalf of the deceased for the fasts they had vowed is well evidenced and documented and in this regard the guardian should fast on their behalf.

¹⁹¹ *Abū Dawūd* [no.2401]. *Muḥalla* [7:7]. Imām Ibn Ḥazm and Shaikh al-Albānī graded it Ṣahīḥ, Cf. *Aḥkām al-Janāzah* [p.215]

-14-

Looking at the Variations of the Ḥadīth of ‘Abdullāh Ibn ‘Abbās (RaḍiAllāhu Anhumā)

Imām Bukhārī brings all of the variations of this Ḥadīth collectively whilst transmitting the different words of the Ḥadīth with the different chains under the same chapter as the Ḥadīth of A‘ishah (RaḍiAllāhu Anhu),¹⁹²

"A man came to the Prophet (ﷺ) and said, "O Allāh's Messenger (ﷺ)! My mother died and she ought to have fasted one month Shall I fast on her behalf?" The Prophet (ﷺ) replied in the affirmative and said, "Allāh's debts have more right to be paid." In another narration a woman is reported to have said, "My sister died..." Narrated Ibn ‘Abbās: A woman said to the Prophet (ﷺ) "My mother died and she had vowed to fast but she didn't fast." In another narration Ibn ‘Abbās is reported to have said, "A woman said to the

¹⁹² Ḥāfiẓ Ibn Ḥajar meticulously details and references all of the variant ahadith and routes in his *Tagliq al-Taqliq ‘Ala Ṣaḥīḥ al-Bukhārī* [3:189-194]



Prophet, "My mother died while she ought to have fasted for fifteen days."^{193 194}

Shaikh Muḥammad Dawud Rāz said,

"The intent of Imām Bukhārī transmitting these chains was to indicate and highlight the differences and apparent conflict in this Ḥadīth. Someone said the questioner was a man, someone said she was a woman, someone said fasts of a month, someone said fasts for fifteen (15) days, and someone said they were fasts which were vowed. This is why Imām Aḥmad and Laith (ibn S̄ad) permitted fasting on behalf of the deceased but not the fasts of Ramadān. Whereas this statement is incorrect because it is necessary to observe the other fasts on their behalf. I say the differences and apparent conflict in the ahādīth does not warrant any defects in them since all of the narrators are trustworthy. It is thus also apparent they maybe different incidences with different people asking the question."¹⁹⁵

Imām Muslim transmits that ‘Abdullāh ibn ‘Abbās (RaḍiAllāhu Anhumā) reported,

"A woman came to the Messenger of Allāh (Sallalahu Alayhi Wasallam) and said, "My mother died and fasts of a month are due from her. Thereupon he said, "Do not you that if a debt was due upon her, would you not pay it? She said, "Yes." He the Messenger

¹⁹³ Cf. Ibn Khuzaimah [3:271 no.2053], Ḥāfiẓ Ibn Ḥajr; *Fath al-Bārī* [4:196], Imām Baihaqī; *Sunan al-Kubrā* [4:428 no.8230]. Shaikh Muḥammad Muṣṭafā al-‘Azamī grades the chain weak.

¹⁹⁴ *Bukhārī* [no.1953]

¹⁹⁵ Shaikh Muḥammad Dawud Raz; *Sharḥ Ṣaḥīḥ Bukhārī* [3:207]

of Allāh (Sallalahu Alayhi Wasallam) said, “The debt of Allāh deserves its payment more.”¹⁹⁶

Imām Muslim transmits another Ḥadīth directly after with a slightly different wording,

“A man came to the Messenger of Allāh (Sallalahu Alayhi Wasallam). My mother died in a state that she had to observe fasts of a month, should I complete them on her behalf. The Prophet (Sallalahu Alayhi Wasallam) said, “Would you not pay the debt if your mother had lived.” He said, “Yes.” The Messenger of Allāh (Sallalahu Alayhi Wasallam) said, “The debt of Allāh deserves more than it should be paid.”¹⁹⁷

Then he says about the third Ḥadīth,

“This Ḥadīth has been narrated on the authority of Ibn ‘Abbās (RadhiAllāhu Anhu) from the Messenger of Allāh (ﷺ).”¹⁹⁸

Then he transmits the fourth Ḥadīth again from ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) who mentions

“A woman came to the Messenger of Allāh (ﷺ) and said: Messenger of Allāh, my mother has died and there is due from her a fast of vow; should I fast on her behalf? Thereupon he said: You see that if your mother had died in debt, would it not have been paid on her behalf?

¹⁹⁶ *Muslim* [no.1148a], *Abū Dawūd* [no.3310]

¹⁹⁷ *Muslim* [no.1148b]

¹⁹⁸ *Muslim* [no.1148c]

She said: Yes. He (the Holy Prophet) said: Then observe fast on behalf of your mother.”¹⁹⁹

Therefore, three (3) Ḥadīth mention a month of fasts and with two (2) saying a woman came and the other two (2) stating a man came.

The aforementioned ahadīth come under the chapter heading which Imām Nawawī established as,

“Chapter: Making up Fasts on Behalf of the Deceased.”²⁰⁰

Imām Tirmidhī also transmits two (2) Ḥadīth from ‘Abdullāh Ibn ‘Abbās (RađiAllāhu Anhu) but in both narrations it mentions a woman came to the Messenger of Allāh (Sallalahu Alayhi Wasallam) and asked about her sister,

"A woman came to the Prophet and said: 'My sister died while she had two consecutive months of fasting due.' So he said: 'Do you not see that if there was a debt due from your sister then you would have to pay it?' She said: 'Yes.' He said: 'Then the right of Allāh is more appropriate.'"²⁰¹

Imām Abū Dawūd transmits that ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu) reports

“A woman came to the Prophet (ﷺ) and said (to him) that one

¹⁹⁹ *Muslim* [no.1148d], *Abū Dawūd* [no.3310], *Tirmidhī* [no.816-817], *Ibn Mājah* [no.1758], *Ibn Hibbān* [no.3570], *Ibn Khuzaimah* [2:271 no.2053]

²⁰⁰ *Muslim*; [Book no.13, The Book of Fasting, Chapter 27]

²⁰¹ *Tirmidhī* [no.716, 717], Book 8; The Book of Fasting, Chapter 22; What Has Been Related About Fasting On Behalf Of The Deceased]. *Ibn Khuzaimah* [3:272 no.2055]

month's fast was due from her mother who had died. May I fulfill them on her behalf? He asked: Suppose some debt was due from your mother, would you pay it? She replied: Yes. He said: So the debt due to Allāh is the one which most deserves to be paid.”²⁰²

Imām Ibn Mājah transmits from ‘Abdullāh Ibn ‘Abbās (RađiAllāhu Anhumā) that he reports

“A woman came to the Prophet (ﷺ) and said: ‘O Messenger of Allāh, my sister has died and she owed a fast of two consecutive months.’ He said: ‘Do you not think that if your sister owed a debt, you would pay it off for her?’ She said: ‘Of course.’ He said: ‘The right of Allāh is greater.’”²⁰³

All of the Ḥadīth of ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu) mention either a woman or man came, they mention either the mother or sister had pending fasts, they mention one month or two months of fasts. It is therefore possible the incidences and events are different and it may not be possible to treat them as general. Some of these fasts could have been the obligatory fasts of Ramadān or they could have been fasts which had been vowed.

There is another Ḥadīth from ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) which further explains the reason why some of the ahadīth may refer to fasts which had been vowed and this supports the view of those who say only the vowed fasts should be observed on behalf of the deceased. The Ḥadīth mentions,

“A woman made a voyage and vowed that she would fast one month if Allāh made her reach her destination with peace and

²⁰² Abū Dawūd [no.3310]

²⁰³ Ibn Mājah [no.1758]

security. Allāh made her reach her destination with security but she died before she could fast. Her daughter or sister (the narrator doubted) came to the Messenger of Allāh (ﷺ). So he commanded to fast on her behalf.”²⁰⁴

In conclusion some the variant Ḥadīth of ‘Abdullāh Ibn ‘Abbās (RaḍiAllāhu Anhumā) can be understood to relate to the fasts which have been vowed however, some of them mention one (1) fast, some mention fifteen (15) days, some mention thirty (30) days and some mention two months which all indicate the vast understanding of this issue and the differing views.

Speaking to Shaikh ‘Abdullāh Nāṣir Rehmānī on the 2nd of July 2016, he also said if you look at all of the Ḥadīth collectively regarding this issue as well as the reports from the companions then what we will find is that the guardian does not need to fast on behalf of the deceased but rather he feeds the poor on their behalf as fidyah.²⁰⁵

²⁰⁴ *Abū Dawūd* [no.3308], *Nasā‘ī*; *al-Sughrā* [7:16 no.3816], *Aḥmad* [1:216], *Ibn Khuzaimah* [3:272 no.2054]. Shaikh al-Albānī graded it Ṣaḥīḥ, *Ṣaḥīḥ Abū Dawūd* [no.2829], as does Shaikh Zubair ‘Alī Za’ī; *al-Ḥadīth Monthly Journal*, Ramaḍān 1432-August 2011, Issue no.87, [p.11]

²⁰⁵ Saturday 2nd July 2016 12pm

-15-

‘Abdullāh ibn ‘Umar (RadhiAllāhu Anhu)

There is report which Imām Mālik cites as a Balāgh ie it reached him or he heard that ‘Abdullāh ibn ‘Umar (RađiAllāhu Anhu) was asked can someone fast or pray on someones behalf. He would reply and say no one can fast on someones behalf nor can anyone pray on anyones behalf.²⁰⁶ They answer this report and say it is not problematic as if you look at the general meaning of it is correct as we know that an individual can not fast or pray on someones behalf and this is how they understand the report. If the report is taken on its apparent meaning, then it will contradict the view of fasting the fasts which have been vowed as this is included in the generality of the report and we know this is incorrect as it also opposes the authentic ḥadīth.

²⁰⁶ *Muwaṭṭa’ Imām Mālik* [no.675], Chapter vow in fasting and fasting instead of the dead, Chapter no.16, no.44]. Cf. *Mishkāt al-Maṣābih* [2:232 no.2035], Shaikh al-Albānī; *Mishkāt* [2:632], *Mirāh al-Mafātīh* [7:34], *Tanqīh al-Ruwāh Ila Takhrij Aḥadīth Mishkāt* [2:39], *Hidāyah al-Ruwāh Ila Takhrij Aḥadīth al-Maṣābih wa'l Mishkāt* [2:336 no.1977]. Shaikh ‘Alī bin Ḥasan al-Ḥalabī said the chain is disconnected however there is an authentic chain in Baihaqī’s *al-Sunan* [4:424 no.8215]. Cf. *Muṣannaf ‘Abd al-Razzāq* [9:8 no.16657]

Shaikh Zubair ‘Alī Za’ī said Imām Mālik has cited this report with additional words without a chain in his Muwaṭṭā and its chain is weak.²⁰⁷ Imām Abūl Jahm al-‘Alā’ bin Musā bin ‘Aṭiyyah al-Bāhilī al-Baghdādī said that Laith ibn Sād narrates from Nāfīe from ‘Abdullāh ibn ‘Umar (RaḍiAllāhu Anhumā) who said that no one should fast on behalf of someone nor should any one perform Ḥajj on behalf of someone else.²⁰⁸ Shaikh Zubair add the words he should not perform Ḥajj on behalf of someone else is problematic as this established from authentic marfū‘ aḥadīth. Shaikh ‘Abdur Raḥmān Mubārakpūrī said after citing this report,

“I say; what has been transmitted from Ibn ‘Umar opposes and contradicts what Bukhārī has mentioned Ta‘liqan ie in note form which is coming. There is also a difference on opinion if his statement is mawqūf or not and the authentic ḥadīth are more worthy to be followed.”²⁰⁹

Shaikh ‘Abdur Raḥmān Mubārakpūrī answers all three narrations of A‘ishah, ‘Abdullāh ibn ‘Abbās and ‘Abdullāh Ibn ‘Umar (RaḍiAllāhu Anhumā). He says as for the legal edicts from them which contradict the narrations they have transmitted then these deductions are weak. It is authentically reported from Ibn ‘Abbās himself that he was asked about a person who had pending fasts which he vowed, he informed them, fast the fasts he vowed on his behalf.²¹⁰ He also authenticates the chain.²¹¹ Shaikh Aḥmad Ḥasan Dehlawī said,

²⁰⁷ al-Ḥadīth, [Issue no.87, [p.13]

²⁰⁸ Juz’ Abī al-Jahm [no.24] from al-Ḥadīth, [Issue no.87, [p.13] and Shaikh Zubair graded the chain to be authentic.

²⁰⁹ Shaikh Abū ‘Ala ‘Abdur Raḥmān al-Mubārakpūrī; *Tuhfah al-Ahwādī Bisharḥ Jām‘e al-Tirmidhī* [3:335]

²¹⁰ *Muṣannaf Ibn Abī Shaybah* [4:163]

²¹¹ *Tuhfah al-Ahwādī* [3:335]

“‘Abdur Razzāq and Nasā‘ī have also transmitted something similar on the authority of Ibn ‘Abbās with an authentic chain with a similar statement as has preceded and this report also does not contend with the clear authentic Ḥadīth which has preceded in the first chapter on the authority of A‘ishah. Refer to Nayl al-Awṭār and Dirāyah.”²¹²

Shaikh Zubair ‘Alī Za‘ī grades the report in *Muṣannaf ‘Abd al-Razzāq* as weak due to the tадlis of Imām ‘Abd al-Razzāq.²¹³ As for the report from ‘Abdullāh Ibn ‘Umar (RađiAllāhu Anhumā) above then it is also contradictory from him in terms of the legal edicts from him because Imām Bukhārī brings in his *Sahīh ta‘liq* form,

“Ibn ‘Umar gave a verdict to a lady whose mother had died, leaving an unfulfilled vow, that she would offer Ṣalāh (prayer) in Qubā’ (a masjid in Madīnah). Ibn ‘Umar said to the lady, “Offer Ṣalāh on her behalf.” Ibn ‘Abbās said the same.”²¹⁴

Shaikh Mubārakpūrī thus cites Ḥāfiẓ In ‘Abdul Barr saying there is confusion on what has been transmitted from Ibn ‘Abbās. Ḥāfiẓ Ibn Ḥajr has attempted to reconcile between the two statements and said it is possible the affirmation of fasting on behalf of someone is when they have passed away and negated it for then one who is alive. The first report of A‘ishah does not prohibit fasting and as for the second report then it is very weak as Ḥāfiẓ Ibn

²¹² Shaikh Aḥmad Ḥasan Dehlawī; *Tanqīḥ al-Ruwāḥ Ila Takhrij Aḥadīth Mishkāt* [2:39]

²¹³ al-Ḥadīth, [Issue no.87, [p.13]

²¹⁴ *Bukhārī* [just before no.6698], Book 83 the Books of oaths and Vows, Chapter 30; Whoever Died and they had a Pending Vow. Cf. Ḥāfiẓ Ibn Ḥajr; *Fath al-Bari* [11:583] and Ḥāfiẓ Ibn Ḥajr; *Taglīg al-Ta‘liq* [5:203]

Ḩajr has clarified. Secondly it has more precedence to give the companions narrations more reliance than their opinion.²¹⁵ Shaikh Muḥammad Ismā‘īl Salafī said

“This ḥadīth has also been transmitted by ‘Abd al-Razzāq and Nasā‘ī and it is however also a mawqūf report such a report can not compete with an authentic-Ṣahīḥ ḥadīth.”²¹⁶

Ḩāfiẓ Ibn Ḥajr said about the narration, “*No one should fast on behalf on anyone nor pray on anyones behalf*” that he could not find it in marfū‘ form. He further said the ḥadīth of A‘ishah (RadhiAllāhu Anhu) is marfū‘.²¹⁷ Shaikh Mulla ‘Alī Qārī said in explanation of this narration that an heir can not pray the missed prayers on behalf of someone nor fast on their behalf. However, it is well established with the Ahnāf that a person can pray an optional prayer, keep an optional fast or perform supererogatory Hajj and then transfer the reward to the deceased.²¹⁸

This questions the idea of transferring reward to the deceased especially since they deny fulfilling the obligations that were mandatory on them yet they permit transferring reward by observing supererogatory actions, this is contradictory, conflicting and questionable.

²¹⁵ *Tuhfah al-Ahwadī* [3:335]

²¹⁶ Shaikh Muḥammad Ismā‘īl Salafī; *Sharḥ Mishkāt al-Maṣābiḥ* [2:312 no.500]

²¹⁷ Ḩāfiẓ Ibn Ḥajr al-‘Asqalānī; *al-Dirāyah Fī Takhrij Aḥadīth al-Hidāyah* [1:283 no.375]

²¹⁸ Shaikh Mulla ‘Alī Qārī; *Mirqāt al-Mafātiḥ Sharḥ Mishkāt* [4:530]. Cf. Shaikh Muḥammad Quṭb al-Dīn Khān Dehlawī; *Maz̄hahir al-Ḥaq Sharḥ Mishkāt* [2:378] who said the Ahnāf permitted transferring reward for actions to the deceased whatever the action is!!!

-16-

The Mālikiyah and Ḥanafiyah

The Ahnāf however say whilst opposing the position of ‘Abdullāh Ibn ‘Abbās and A‘ishah (RadhiAllāhu Anhu) that,

“The walī can not fast the vowed fasts on behalf of the deceased.”²¹⁹

A deobandī Ḥanafī explainer of *Sunan Abī Dawād* said fasting on behalf of the deceased was only the position of Imām Aḥmad.²²⁰ We know this is incorrect because one such opinion was transmitted from Imām Shafī‘ī, his older view. Furthermore, Imām Baihaqī clarified on behalf of Imām Shafī‘ī that he said if the ḥadīth is authentic then what will be his position and this has already preceded. The same deobandī Ḥanafī explainer remains conveniently silent directly after the following report ie of Ibn ‘Abbās (RadhiAllāhu Anhu) where he clearly says if a person vowed to fast and he died then his heirs should fast

²¹⁹ Shaikh al-Marghinānī; *al-Hidāyah Sharḥ Bidāyah al-Mubtadī* [3:123] Cf. *al-Bināyah* [3:698]

²²⁰ *Tuhfa al-Mas‘ūd Sharḥ Sunan Abū Dawūd* [2:224 no.628 Ch.219]

on his belhaf. So why is not this the position of the Aimah Thalātha not in line with this as he ascerted in the previous Ḥadīth.²²¹

The Aḥnāf answer the view of the Ḥanābillah and since the Ḥanābillah only permit the fasts of vows it is interesting to note they even answer them on this. They say the heir fasting on behalf of the deceased does not necessarily mean they keep the fasts but rather they should look at all of the ahadīth and whilst reconciling them they should make arrangements to atone for the fasts and such an arrangement is paying the fidyah.²²²

The second answer they present is that the Ḥadīth of A‘ishah (RadhiAllāhu Anhu) is abrogated and mawqūf in light of the other ahadīth.²²³ Here the Aḥnāf answer the position of Imām Aḥmad. They offer all kind of answers, they say if the deceased had willed that fidyah should be given for his missed fast then it should be given and becomes mandatory for the heirs to do this from the deceased estate. If, however the deceased does not have sufficient funds then nothing is binding upon the heirs. They also use the Fatwa of Imām Muḥammad to say a person can pay fidyah for the prayers missed by a person and this is due to making Qiyās on the issue of fasting on behalf of the deceased.²²⁴

They say their understanding of this issue is that if the deceased willed that his fasts should be atoned by paying fidyah then it is obligatory for the heirs to fulfil this. They say the fidyah amount should be taken from one third of the estate and it is not obligatory if the amount of fidyah exceeds one third of the estate. He will show kindness to the deceased if he took from more than a third and this will be ruled as permitted. They say this is all pertaining to when the deceased could make atonements for the fasts himself but failed to do so

²²¹ *Tuhfa al-Mas‘ūd* [2:224-225]

²²² Cf *Mazhahir al-Haq* [2:376]

²²³ *Tawdīhāt* [3:626-627]

²²⁴ Mawlāna Faḍal Muḥammad Yusuf Za‘ī, *Tawdīhāt Sharḥ Mishkāt al-Maṣābiḥ* [3:626]

as for the individual who passed away before he could make any atonements then nothing is binding upon him. They cite an ijmā^c on this except that Imām Ṭawūs and Imām Qatādah²²⁵ said it is obligatory to either five fidyah or to fast on their behalf.²²⁶

They say about the narration “Whoever died and he had a month of pending fasts, a poor person should be fed per day on their behalf”²²⁷ also applies to the prayers missed by the deceased. They also say this is the narration that abrogates the Ḥadīth of A‘ishah (RadhiAllāhu Anhu). They also answer the claim of it being mawqūf and not marfū that the ruling is marfū and hence it not permissible to say something based on the intellect.²²⁸ The Barailwī Ḥanafī, Mawlāna Aḥmad Yār Khān N̄aimī said something similar before acknowledging the report being mawquf is correct.²²⁹

The Mālikiyah also claim the Ḥadīth of ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) is muḍtarib ie mixed up, however Ḥāfiẓ Ibn Ḥajr has answered this. The Ḥanafiyah say the Ḥadīth of A‘ishah is weak!!! Again this has been thoroughly answered and neither of them hold any weight.²³⁰ Shaikh Thanāullāh Madanī bin ‘Isā Khān whilst bringing the statement of Imām Tirmidhī from his Sunan that Mālik, Shāfi‘ī, Sufyān and al-Shāfi‘ī said no one can fast on someones behalf....

²²⁵ Cf. Imām Ibn Qudāmah; *al-Mughnī* [3:142] and *Miṣraḥ al-Mafātīḥ Sharḥ Miskhāt al-Maṣābiḥ* [7:34]

²²⁶ *Mazhahir al-Haq* [2:377]

²²⁷ *Tirmidhī* [no.718], *Ibn Mājah* [no.1757], *Ibn Khuzaimah* [3:273 no.2056], *Mishkāt Maṣābiḥ* [2:231 no.2034], Shaikh al-Albānī; *Mishkāt al-Maṣābiḥ* [2:632]

²²⁸ *Mazhahir al-Haq* [2:377]

²²⁹ Mawlāna Aḥmad Yār Khān N̄aimī; *Miṣrah al-Manājīḥ Sharḥ Miskhāt al-Maṣābiḥ* [3:177]

²³⁰ Cf. *Miṣraḥ al-Mafātīḥ Sharḥ Miskhāt al-Maṣābiḥ* [7:29-30]

“This is the view of the al-Hanafiyah who deduce evidence from the aforementioned Ḥadīth of Ibn ‘Umar which has preceded in this chapter and it has also preceded that it is preserved as being mawqūf and their ijtihād in this regard is somewhat feeble due to the deduction being incorrect.”²³¹

²³¹ Shaikh Thanāullāh Madanī bin ‘Isā Khān; *Jā’izah al-Ahwādī Fī al-Ta‘liqāt ‘Ala Sunan al-Tirmidhī* [2:87]

-17-

The View of Some of the Scholars

We have already mentioned the position of the earlier scholars who said a person can fast on behalf of the deceased whereas some of them said one cannot. Imām Ibn Qudāmah said,

“If a person delays making up his missed fasts and he dies then nothing is due upon him. If it was due to not having a valid reason ie no excuse then one poor person should be fed per day on his behalf unless it was a fast the (dead) person vowed and if such is the case, someone should fast on his behalf.”²³²

Imām Ibn Ḥazm said it was obligatory to fast on behalf of the deceased (including the fasts of Ramaḍān).²³³ Imām Ibn Qudāmah was also of the opinion that a heir or guardian should and can fast on behalf of the deceased who had

²³² Imām Ibn Qudāmah; ‘Umdat al-Fiqh [p.42] cf. Shaikh ‘Abdullāh bin ‘Abdur Raḥmān bin Ṣāleḥ Āl-Bassām; ḥāfiyyah ‘Ala ‘Umdat al-Fiqh [p.72]

²³³ Imām Ibn Ḥazm; al-Muḥalla [7:2].

made a vow.²³⁴ Imām Ibn Taymiyyah was also of the view that a person can fast on behalf of the deceased.²³⁵ This was also the view and position of Imām Muḥammad bin Ismā‘īl ‘Amir San‘ānī.²³⁶ Shaikh Ṣiddīq Ḥasan Khān was also of the opinion that it is obligatory to fast on behalf of the deceased, he said,

“I say; it is apparent - Allāh knows best that it is obligatory for the guardian to fast on behalf of a close relative who died if they had any pending fasts whether they vowed them or not (ie the fasts of Ramaḍān) just as the ḥadīth elucidates and whoever thinks otherwise then let him bring evidence that supports his position.”²³⁷

This was also the position of Imām ‘Abdur Raḥmān ibn Nāṣir al-Sa‘dī²³⁸ who declared this was the position supported by Shaikh al-Islām Imām Ibn Taymiyyah.²³⁹²⁴⁰ Shaikh Abdul Raḥmān Mubārakpūrī was also of the opinion that it is permissible to fasts on behalf of the deceased obligatory and fasts which have been vowed. He said after the ḥadīth of ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) in Tirmidhī,

²³⁴ Imām Ibn Qudāmah, *al-Mughnī* [4:399]

²³⁵ Imām Ibn Taymiyyah; *al-Ikhtiyārāt* [p.64]

²³⁶ Shaikh Muḥammad bin Ismā‘īl ‘Amir Ṣan‘ānī; *Subl al-Salām Sharḥ Bulūgh al-Marām* [4:123]

²³⁷ *al-Rawdah al-Nadiyyah Sharḥ al-Durar al-Bahiyyah* [1:551], Cf. Shaikh Nawāb Ṣiddīq Ḥasan Khān; *Fath al-‘Alām Lisharḥ Bulūgh al-Marām* [p.409].

²³⁸ Cf. Sharḥ ‘Umdah al-Aḥkām [pp.352-353], *Tafsīr Sa‘dī* [1:133], *al-Mawāhib al-Rabāniyyah Min al-Āyāt al-Qur’āniyyah*: part of *Majmū‘a al-Kāmilah of al-Sa‘dī* [5:13]

²³⁹ Cf. *Majmū‘a al-Fatāwā* [24:311]

²⁴⁰ As cited by Shaikh ‘Abdullāh bin ‘Abdur Raḥmān Āl-Bassām, *Taysir al-‘Alām* [1:434], *Tawdīh al-Aḥkām* [3:526]

“The Ḥadīth evidences and is a proof that the guardian should fast on behalf of the deceased if they had any pending fasts, this is the view of the Aṣḥāb al-Ḥadīth and this is the view of precedence.”²⁴¹

He further said at the end of his explanation,

“I say; this third view which the Ahl al-Ḥadīth are upon is the view of precedence and this is the view I take. The Ḥadīth of Ibn ‘Abbās, the Ḥadīth of Buraidah and the Ḥadīth of A‘ishah evidence and elucidate this view and all three have preceded and mention in the aforementioned chapter.”²⁴²

Shaikh Shams al-Ḥaq al-‘Azīmābādī was also of this opinion ie fasting on behalf of the deceased based on the statements he cites in his explanation of Sunan Abī Dawūd.²⁴³ The Pākistānī Ḥadīth Master and Shaikh al-Ḥadīth, Shaikh Muḥammad Ṣādiq Khalīl said in explanation of the Ḥadīth of A‘ishah (RadhiAllāhu Anhu),

“Fasting is also Ibādah ie worship and representing someone in Ibādah is impermissible except in affairs and acts which are established in the Sharī‘ah and this should be accepted. Whenever it is not established ie praying on someones behalf, then representing someone in such affairs is not permissible and Allāh knows best.”²⁴⁴

²⁴¹ Shaikh ‘Abdur Raḥmān al-Mubārakpūrī; *Tuhfah al-Ahwādī Bisharḥ Jām‘e al-Tirmidhī* [3:332]

²⁴² *Tuhfah al-Ahwādī Bisharḥ Jām‘e al-Tirmidhī* [3:335]

²⁴³ Shaikh Muḥammad Shams al-Ḥaq al-‘Azīmābādī; *A‘un al-Ma‘būd Sharḥ Sunan Abī Dawūd* [7:25-28]

²⁴⁴ *Sharḥ Mishkāt al-Maṣābiḥ* [2:231 no.2033], Bab al-Qaḍā’



Shaikh ‘Abdullāh Ḥal-Bassām said,

“And what is precedent is that this ḥadīth (of A‘ishah (RadhiAllāhu Anha) is general and it leads to the obligation of fasting the obligatory and the fasts of vows. As for the aḥadīth and reports those oppose this ḥadīth they do not offer anything contrary neither are they suitable.”²⁴⁵

Shaikh Abū'l Ḥasan ‘Ubaidullāh ibn ‘Abdul Salām Mubārakpūrī was also of the view that fasting on behalf of the deceased was obligatory.²⁴⁶ Shaikh Faiṣal bin ‘Abdul ‘Aziz Ḥal-Mubārak said the poor should be fed on behalf of the deceased and some have said the guardian has a choice whether to fast or to feed the poor.²⁴⁷ The debator of the Ahl al-Ḥadīth, Shaikh Thanāullāh Amritsarī was of the opinion the poor should be fed on behalf of the deceased for any outstanding fasts ie give Fidyah.²⁴⁸ Shaikh Abū Sa‘īd Sharf al-Dīn Dehlawī added a note to the fatwa of Shaikh Thanāullāh Amritsarī and said,

“This is incorrect. After an individual regains his health should observe the fasts and if he passes away before he regains his health then his guardian is to observe the fasts on his behalf [and then cites the ḥadīth of A‘ishah]. As for giving Fidyah due to a person being weak in terms of health has no evidence. There is however a narration which mentions the guardian should feed the poor on behalf of the deceased and even that is not marfū‘ but mawqūf [and then cites the narration of Ibn ‘Umar (RadhiAllāhu Anhumā)] as

²⁴⁵ *Tawdīh al-Aḥkām Min Bulūgh al-Marām* [3:527]

²⁴⁶ Shaikh Abū'l Ḥasan ‘Ubadiullāh bin ‘Abdus Salām al-Mubārakpūrī; *Mirāḥ al-Mafātīḥ Sharḥ Miskhāt al-Maṣābiḥ* [7:28]

²⁴⁷ Shaikh Faiṣal bin ‘Abdul ‘Aziz Ḥal-Mubārak; *Khulāṣah al-Kalām Sharḥ ‘Umdah al-Aḥkām* [p.117]

²⁴⁸ *Ahl al-Ḥadīth newspaper*; 4th Dhul Hijjah 1338H from *Fatāwa Thanā’iyyah* [1:657-658]

narrated by Tirmidhī who said what is correct is that is Mawqūf from Ibn ‘Umar, end. See Mishkāt [1:178] (Abū Sa‘īd Sharf al-Dīn).”²⁴⁹

Shaikh Abūl Barkāt, the teacher of the Ahl al-Ḥadīth was of the view it is permissible for the guardian to fast on behalf of the deceased and it is established from the Ḥadīth. He said if a person regains health after being ill during Ramaḍān and has pending fasts then they are upon him and the guardian can fast them on his behalf.²⁵⁰

It appears Shaikh ‘Abdullāh Rauparī was of the view of making up the missed fasts on behalf of the deceased if they had regained health from an illness and then later died.²⁵¹ He mentions his view based on two different answers to a question. However, the discussion was based on the questioner mentioning the deceased had not regained health from their illness and therefore under such circumstances there is no atonement. Atonement is only when the deceased has regained health from their illness and remained alive and healthy. This is a slightly different issue which has been discussed already.

Shaikh Shams al-Ḥaq ‘Azimabādī cites Ḥāfiẓ al-Khaṭṭābī saying the people of knowledge are agreed there is no atonement upon the deceased if they died, whether they were ill or on a journey and they had tried their utmost best to compensate for the fast but died and neither do they need to pay Fidyah.²⁵² Shaikh ‘Abdul ‘Aziz ibn ‘Abdullāh Ibni Bāz has a very clear

²⁴⁹ *Fatāwa Thanā’iyah* [1:658]

²⁵⁰ Shaikh Abūl Barakāt; *Akhbār Ahl al-Ḥadīth* Vol.1 Issue.47, 11th of Shawāl 1390] Cf. Cf. Shaikh Abūl Ḥasanāt ‘Alī Muḥammad Sa‘īdī; *Fatāwa Ulamā’ Ahl al-Ḥadīth* [6:442] 1397/1977.

²⁵¹ Shaikh ‘Abdullāh Rauparī; *Fatāwa Ahl al-Ḥadīth* [2:219-222] in 1358H, Cf. *Fatāwa Ulamā’ Ahl al-Ḥadīth* [6:440-442]

²⁵² Imām al-Khaṭṭābī, *Mu‘allim al-Sunan* [2:122-123], Cf. *A‘un al-Ma‘būd* [7:25]

position on this issue and he explains and expounds on it very succinctly. He says in answer to a question,

Questions: What is the ruling regarding person who was ill and they were not able to fast the month of Ramadān and then died after Ramadān, so is here atonement on his behalf or are the poor to be fed?

Answer: If a Muslim dies whilst in a state of being ill after Ramadān, then there is no atonement nor are the poor to be fed on his behalf as he is excused in the Sharī‘ah. The same applies to the one who is a traveller and he dies whilst travelling or he died immediately after returning from the journey, then also upon him there is no atonement for the fast nor does he need to feed the poor as he is also excused in the Sharī‘ah. If on the other hand an ill person regains health and slacks in making atonements for the missed fasts and then dies or if after returning from a journey and becoming a resident and he also is lenient in making up the fasts and then dies then it is upon his guardians or heirs to atone them on his behalf because the Messenger of Allāh (Sallalahu Alayhi Wasallam) said, “Whoever died and they had pending fasts then let his guardian fast on his behalf.” And its authenticity is agreed upon. If the guardians are not upto this then the poor should be fed per fast from the deceaseds estate which is approximately half a Sā‘a which is equivalent to 1.5 kilograms, just as the case for an old person who is unable to fasts and the one who has a terminal illness, this has preceded in question no.9. The same applies to women who are menstruating or in the post partum phase and they slacked without making up their fasts and died. If they do not have anyone to fast on their behalf then a poor person should be fed per day. If the individual does not even have any money from an estate then there is nothing incumbent upon him because Allāh

said, “Allāh does not charge a soul except within its capacity.”²⁵³

And he also said, “So fear Allāh as much as you are able.”²⁵⁴ And Allāh grants success.²⁵⁵

It is clear from the words of Shaikh ‘Abdul ‘Aziz ibn ‘Abdullāh Bāz his view was for the guardian to fast on behalf of the deceased if they had missed the fasts of Ramadān or for the poor to be fed for everyday missed by the deceased and that the money to feed the poor should be utilised from the deceaseds estate. Imām al-Albānī’s position was that it is not obligatory for the guardian to fast on behalf of the deceased.²⁵⁶ He said,

“Neither can anyone fast the obligatory fasts on behalf of anyone. This was also the position of the two transmitters of the Ḥadīth ie A‘ishah and ‘Abdullāh ibn ‘Abbās (RadhiAllāhu Anhu) and I have collated their statements in *Aḥkām al-Janā’iz* under discussion [no.106] and this is what the principles of the Shari‘ah require. Ibn al-Qayyim has championed this view in his *Tahdhīb al-Sunan*²⁵⁷ and in his *I‘lām al-Muwaqi‘in* and I have cited his statements in the discussion I have alluded to, which is beneficial so refer to it.”²⁵⁸

Shaikh al-Albānī discusses this issue in some length in another work and essentially says it is permissible to fast on behalf of the deceased only when it

²⁵³ Sūrah al-Baqarah:286

²⁵⁴ Sūrah al-Taghābun:16

²⁵⁵ Shaikh ‘Abdul ‘Aziz ibn ‘Abdullāh Ibn Bāz; *Tūhfa al-Ikhwān Bi-Ajwibah Muhimma Tatallaq Bi-Arkān al-Islām* [pp.173-174]

²⁵⁶ Shaikh Muḥammad Nāṣir al-Dīn al-Albānī; *Ta‘līqat al-Rādiyyah ‘Ala al-Rawdah al-Nādiyyah* [2:25].

²⁵⁷ Cf. Ibn Qayyim; *Tahdhīb al-Sunan* [3:279-282], *Tahdhīb al-Sunan* on the marginalia of *A‘un al-Ma‘būd* [7:27]

²⁵⁸ *Tamām al-Minnah ‘Ala Ta‘līq Fiqh al-Sunnah* [p.428]

has been vowed but not the obligatory fasts.²⁵⁹ Shaikh Thanāullāh Madanī bin ‘Isa Khān also seems to be on the same view of Shaikh al-Albānī, he says

“The people of knowledge have differed over this issue, some of them have said that one can fast on behalf of the deceased and this is the view of Aḥmad and Ishāq who said if the deceased vowed some fasts then then observe the fasts however as for the fasts of Ramaḍān then feed poor people on his behalf. This is the view of A‘ishah and Ibn ‘Abbās, Laith Abū ‘Ubaid. This is also the view taken by Ibn al-Qayyim and the view chosen by our Shaikh al-Allāmah al-Albānī who used as evidence the Ḥadīth of Ibn ‘Abbās which has preceded in this chapter.”²⁶⁰

Shaikh Muḥammad Ibn Ṣāleḥ al-‘Uthaymīn was of the view that the correct view is that without a doubt the guardians can fast on behalf of the deceased whether the fasts were obligatory in the Sharī‘ah (ie Ramaḍān) or vowed fasts which are also obligatory.²⁶¹ His position is that the guardian should fast but the fasting is not obligatory rather it is recommended because if this was the case and guardian did not fast, he would be held liable and thus committing a sin however this cannot be the case because of the ayah from Sūrah al-An‘ām:164 and al-Najm:39.²⁶² Shaikh ‘Abdur Raḥmān bin Nāṣir al-Sa‘dī mentions something similar in his explanation of the ‘Umdah al-Aḥkām.²⁶³ Shaikh Abū Ṭāhir Zubair ‘Alī Za‘ī said,

²⁵⁹ Shaikh Muḥammad Nāṣir al-Dīn al-Albānī; *Aḥkām al-Janā‘iz* [p.213-216]

²⁶⁰ *Jā’izah al-Ahwādī Fī al-Ta‘liqāt ‘Ala Sunan al-Tirmidhī* [2:86]. Shaikh Thanāullāh Madanī then goes onto cite the words of Shaikh al-Albānī from his *Aḥkām al-Janā‘iz*.

²⁶¹ Shaikh al-‘Uthaymīn; *Fatḥ Zhil Jalāl wa’l Ikrām Bisharḥ Bulūgh al-Marām* [3:255].

²⁶² Shaikh Muḥammad bin Ṣāleḥ al-‘Uthaymīn; *Sharḥ Ṣaḥīḥ Muslim* [4:108], *Fatḥ Zhil Jalāl wa’l Ikrām Bisharḥ Bulūgh al-Marām* [3:255]

²⁶³ *Sharḥ ‘Umdah al-Aḥkām* [p.352]

“The Ḥadīth of Ibn ‘Abbās, the legal edicts of the narrators of the Ḥadīth and the understanding of the Salaf prove the initial Ḥadīth (ie of A‘ishah) means the guardian can fast on behalf of the deceased only when there are outstanding fasts they had vowed. As for the fasts of Ramadān, they are not to be observed on behalf of the deceased but rather fidyah is to be offered in terms of feeding (the poor) as compensation for every missed fast.”²⁶⁴

Shaikh Muḥammad ‘Abdullāh al-‘Azamī (well known as Ḏhiyā’); takes the view of Imām Aḥmad and says this opinion is what has precedence and adopted that fasting of behalf of the deceased is only on the fasts which have been vowed and the poor people are to be fed based on the remaining fasts of Ramadān. As is the statement of ‘Abdullāh Ibn ‘Abbās (RadhiAllāhu Anhu) which Abū Dawūd has transmitted²⁶⁵ Furthermore, there is no harm in the heir or guardian fasting on behalf of the deceased from the generality of the Ḥadīth.²⁶⁶ The majority opinion suggests that it is recommended to fast on behalf of the deceased.²⁶⁷

All complete praise and glory belongs to Allāh, the sustainer and controller of the universe. May there be abundant salutations, peace and blessings upon the Noble Prophet, the best of mankind
Muhammad (Sallalahu Alayhi Wasallam),
his family and his companions.

²⁶⁴ Shaikh Zubair ‘Alī Za’ī; al-Ḥadīth Monthly Journal, Ramadān 1432-August 2011, Issue no.87, [p.12]

²⁶⁵ Abū Dawūd [no.2401].

²⁶⁶ *al-Jām‘e al-Kāmil Fī al-Ḥadīth al-Ṣaḥīḥ al-Shāmil* [4:812]

²⁶⁷ Imām Shawkānī; *Nayl al-Awṭār Min Āḥadīth Sayyid al-Akhyār Sharḥ Muntaqā al-Akhbār* [4:252]

By the weak slaves of Allāh,
Abū Ḥibbān Malak
Abū Khuzaimah Imran Masoom Anṣārī
Birmingham, England.

