407711 - She realised that she had been breaking the fast in Ramadan half an hour before sunset because there was no adhan; What must she do?

the question

There is a sister who is living in France, and there is no public adhan there, as is well known. In the last few days, she discovered that from the start of Ramadan, she has been breaking the fast half an hour before Maghrib. What must she do?

Summary of answer

She must repent to Allah, may He be Exalted, from her negligence and she must make up these days, working out the number of days that she is sure will cover all the missed fasts even if it is a little more, to be on the safe side, and she should not underestimate it, because what she did was clearly negligence regarding an act of worship that is one of the pillars of Islam.

Detailed answer

Praise be to Allah.

I.

It is permissible for the Muslim to break the fast when he thinks it most likely that the sun has set, and it is not stipulated that he should be absolutely certain about that.

Al-Bahuti (may Allah have mercy on him) said in *Ar-Rawd al-Murbi`* (3/433):

He may break the fast if he thinks it most likely that the sun has set. End quote.

Ibn Qasim (may Allah have mercy on him) said in his commentary: The four imams are agreed on that. End quote.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) said:

If someone were to say: Can I break the fast based on what I think most likely to be the case; in other words, if I think it most likely that the sun has set, can I break the fast?

The answer is: Yes, and the evidence for that is the soundly narrated report in *Sahih al-Bukhari* from Asma bint Abi Bakr (may Allah be pleased with her), who said: We broke the fast at the time of the Prophet (blessings and peace of Allah be upon him) on a cloudy day, then the sun came out. Obviously, they did not break the fast on the basis of certain knowledge, because if they had broken the fast on the basis of certain knowledge, the sun would not have come out. Rather they broke the fast based on their thinking it was most likely that the sun had set, then the clouds lifted and the sun came out.

End quote from *Ash-Sharh al-Mumti`*, 6/436.

II.

If a Muslim breaks the fast on the basis of what he thinks is most likely, then realises that he was wrong, what is the ruling on his fast?

Most of the scholars are of the view that his fast is not valid and that he must make it up. This view was favoured by Shaykh `Abd al-`Aziz ibn Baz (may Allah have mercy on him) and by the scholars of the Permanent Committee for Issuing Fatwas.

See: *Fatawa ash-Shaykh `Abd al-`Aziz ibn Baz*, 14/290; *Fatawa al-Lajnat ad-Da'imah*, 10/290.

Some of the scholars are of the view that his fast is valid and he does not have to make it up and that he is excused for his mistake. That was soundly narrated from `Umar ibn al-Khattab (may Allah be pleased with him), and it was the view of `Urwah ibn az-Zubayr and Is-haq ibn Rahawayh. It was one view narrated from Imam Ahmad, and was the view favoured by Shaykh al-Islam Ibn Taymiyah. Among contemporary scholars, Shaykh Ibn `Uthaymin thought it most likely to be the correct view.

Ibn Qudamah (may Allah have mercy on him) said:

If he ate thinking that dawn had not yet broken, when it had in fact broken, or he broke his fast thinking that the sun had set, when it had not yet set, then he must make up that fast.

This is the view of most of the scholars, jurists and others.

It was narrated from `Urwah, Mujahid, al-Hasan and Is-haq that they do not have to make it up, because of the report narrated by Zayd ibn Wahb, who said: I was sitting in the mosque of the Messenger of Allah (blessings and peace of Allah be upon him) in Ramadan, at the time of `Umar ibn al-Khattab, and some vessels containing drinks were brought in from the house of Hafsah and we drank, as we thought that it was still night. Then the clouds lifted and we saw that the sun had already risen.

He said: The people started saying: We have to make up this day.

But `Umar said: By Allah, we will not make it up, because we did not intend to fall into sin.

That is because he did not intend to eat whilst fasting, so he was not required to make up the fast, as in the case of one who forgets (and eats while fasting by mistake).

However, in our view he chose to eat, knowing that it was a day of fasting, so he broke the fast, the same as if he ate on the “day of doubt” (the day when it is not certain whether Ramadan has begun or not). The fact that he was unaware of the time to start fasting is no excuse, like one who is unaware of whether it is the first day of Ramadan, and because it is possible for him to avoid ignorance (by finding out). So he is like one who ate deliberately, knowing that it is Ramadan, and he is different from one who forgets, because it is not possible to avoid forgetfulness.

As for the report, it was narrated by al-Athram: `Umar said: Whoever ate, let him make up that day.

Malik narrated in *Al-Muwatta’* that `Umar said: It is not a difficult matter, because it is easy to make it up.

Hisham ibn `Urwah narrated from his wife Fatimah, that Asma' said: We broke the fast at the time of the Messenger of Allah (blessings and peace of Allah be upon him) on a cloudy day, then the sun came out.

It was said to Hisham: Were they instructed to make up that day? He said: Is it a must to make it up? Narrated by al-Bukhari. End quote from *Al-Mughni*, 4/389.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said:

It is soundly narrated in *Sahih al-Bukhari* that Asma' bint Abi Bakr said: We broke the fast on one day in Ramadan when it was cloudy, at the time of the Messenger of Allah (blessings and peace of Allah be upon him), then the sun came out. This indicates two things, the first of which is that it is not appropriate, when it is cloudy, to delay breaking the fast until one is certain that the sun has set, because they did not do that and the Prophet (blessings and peace of Allah be upon him) did not instruct them to do that. The Sahabah are more knowledgeable of the Sunnah of their Prophet and more obedient to Allah and His Messenger than those who came after them.

The second thing is that it is not obligatory to make up that day, because if the Prophet (blessings and peace of Allah be upon him) had instructed them to make it up, that would have been widely known among them (and would have been narrated in the hadith texts), just as it is narrated that they broke the fast. As there is no narration to that effect, this indicates that he did not instruct them to make it up.

If someone were to raise the point that Hisham ibn `Urwah was asked: Were they instructed to make up that day? And he said: Is it a must to make it up?

The response to that is: Hisham said that on the basis of his own opinion, and he did not narrate that in the hadith. What indicates that he had no knowledge of that is the fact that Ma`mar narrated from him, saying: I heard Hisham say: I do not know whether they made it up or not. Al-Bukhari narrated both this and the other report from him.

Hisham narrated the hadith from his mother Fatimah bint al-Mundhir, from Asma', and he narrated

from his father `Urwah that they were not instructed to make it up, and `Urwah was more knowledgeable than his son. This is the view of Is-haq ibn Rahawayh. End quote from *Majmu` al-Fatawa*, 25/231.

See also: *Ash-Sharh al-Mumti`*, 6/397.

III.

This is the analysis of this issue, and this discussion is applicable in the case where people break the fast when it is cloudy, or a few minutes before the time to break the fast.

As for breaking the fast half an hour ahead of time, this is clearly negligent, even if the one who breaks the fast in this manner says: I thought it most likely that the sun had set. This is speculation based on negligence, especially if that continued for many days, and did not just happen once or twice.

If there is no public adhan in the city where the fasting person lives, the best is for him to take precautions to safeguard his worship and find out the correct time for his fasts and prayers. This is something that is easy to do and is accessible to everyone, as there are apps that give the precise times, and they are available on cell phones and other devices. If there is no public adhan in the city, and she did not search for the prayer times on these apps and the like, then how does this sister pray?

She must repent to Allah, may He be Exalted, from her negligence and she must make up these days, working out the number of days that she is sure will cover all the missed fasts even if it is a little more, to be on the safe side, and she should not underestimate it.

And Allah knows best.