

المقدمة الحزمية
في فقه السادة الشافعية

The Fiqh of Fasting

from al-Muqaddimah al-Hadramiyyah

SOURCE:

<https://islamclass.wordpress.com/2015/06/01/the-fiqh-of-fasting-from-al-muqaddimah-al-hadramiyyah/>

Ramadan is almost upon us, and it is advisable to review the fiqh of fasting every year before it starts. What follows is a translation and commentary from al-Muqaddimah of Hadramiyyah by A. S. Gorin. The importance of the text, formally known as Masa'il al-Ta'lim, in the post-Shaykhayn period of the Shafi'i school is well attested and it has attracted a number of important commentaries and glosses. It is still studied across the Indian Ocean basin and further beyond in Syria and Kurdistan.

KEY

H: Ibn Hajar's commentary from al-Manhaj al-Qawim

T: al-Tarmasi's gloss on Ibn Hajar's commentary

B: Ba'Ishn's commentary from Bushra al-Karim

A: The translator's commentary



THE BOOK OF FASTING

Fasting Ramadan becomes obligatory upon the completion of the thirty days of Sha'ban, or by the sighting of the crescent moon by a trustworthy man.

If the crescent moon is sighted within a locality, then fasting is obligatory upon those who share the same moonrise.

The validity of one's fast rests on the following preconditions:

The first is the intention to fast for each day.

It is obligatory to initiate the intention before the beginning of the fast for an obligatory fast, unlike a supererogatory fast in which the intention can be performed before the zenith. It is obligatory to specify the type of fast, but not the obligation for an obligatory fast.

The second is abstaining from deliberate intercourse, and from masturbation.

The third is abstaining from vomiting deliberately.

It is harmless if one vomits without choice.

The fourth is abstaining from any substance entering one's body cavity (such as through one's auris interna or lactiferous duct) on the condition that it enters through an open passage.

It is harmless if anything enters via one's pores (such as oil, kohl, or whilst washing). If one eats or drinks out of forgetfulness or ignorance then one's fast is not invalidated, whether the quantity consumed is large or small.

The ignorant are unexcused unless he is new to Islam, or has been raised in a barren land far away from scholars.

One's fast is not invalidated by dust from the road (even if one deliberately opens one's mouth), nor by swallowing one's own clean saliva, (even if one sticks out one's tongue with saliva on it).

One's fast is invalidated by:

1. swallowing saliva with whatever is between one's teeth, due to the ability to desorb it;
2. swallowing phlegm;

3. water, with which one rinses one's mouth, reaching one's body cavity, if one is excessive in doing this for other than removing an impurity; or without excessiveness if one rinses for cooling; or as a fourth rinse; or without need;
4. it becoming clear that one's eating is during the day, but (one's fast is not invalidated) by eating under duress.

The fifth, sixth and seventh conditions are Islam; purity from menstruation and post-natal bleeding; and sanity for the entire duration of daytime.

It is harmless if one is unconscious or drunk, as long as one is awake for at least a moment during the daytime.

It is invalid to fast during:

1. the two Eid days;
2. the Appointed Days [A: the three days after Eid al-Adha];
3. the second half of Sha'ban except if it is one's habit, an oath, make-up, or atonement, or by joining the second half with that which was before it (i.e. by fasting the entire month).

On the Preconditions Which Obligate Fasting

The preconditions which obligate fasting Ramadan upon a person are:

1. sanity;
2. post-puberty;
3. Islam;
4. and physical ability.

A child is ordered to fast at the age of seven, and is hit for leaving it at the age of ten, if he is physically able.

On Valid Excuses for Breaking One's Fast

It is permissible to break one's fast due to:

1. an illness that permits ablution with earth (tayammum);
2. fear of severe harm;
3. overwhelming hunger or thirst;
4. traveling a long distance on a permissible journey, except if the journey begins after dawn.

Fasting during travel is better if one incurs no harm therein.

If a child becomes pubescent, or a traveler returns home, or an ill person recovers, whilst they are fasting, then it is forbidden for them to break their fast. Otherwise (if they are not fasting upon the occurrence of these events), it is recommended that they abstain.

All who break their fast for a valid excuse or otherwise are obliged to make-up their fast after they are able, except for:

1. a child;
2. one insane;
3. and an original disbeliever.

It is recommended to make-up the fast in succession and as soon as possible. It is obligatory (to do so) if the fast was broken without a valid excuse.

It is obligatory to abstain in Ramadan [H: for the remainder of the day, due to the sanctity of the time] for:

1. one who left the intention;
2. one who broke his fast therein;
3. and on the day of doubt, if it becomes clear that it is actually the first day of Ramadan (in which case it is also obligatory to make up that day immediately)

On the Recommendations of Fasting

It is recommended to:

1. hasten to break one's fast if sunset is certain;
2. break one's fast with three [H: preferably rutab i.e. moist, ripe] dates; if incapable, then one date; if incapable, then water;
3. say [upon breaking fast]: "O Allah! For You I have fasted and with Your provision I have broken my fast;"
4. provide food and drink for others who are fasting;
5. eat with others who are fasting;
6. have a pre-dawn meal and delay it for as long as there is no doubt;
7. and perform the ritual bath, if obliged, before dawn.

It is highly emphasized that one abandons lying and backbiting whilst fasting. It is also recommended to leave [H: permissible] desires. If another abuses one, one should remember [H: in one's heart] that one is fasting.

It is recommended that one abandon:

1. cupping;
2. chewing;
3. tasting food;
4. kissing and caressing, which are forbidden if one is afraid of ejaculation;
5. and brushing one's teeth after the zenith.

It is [T: emphatically] recommended in Ramadan to be particularly generous to one's dependants; and to show excellence [B: in one's speech, deeds, and wealth] to relatives and neighbors; and to increase in charity, recitation, collective study of the Quran, and spiritual retreat (especially) in the last ten days, which contains the Night of Decree wherein one says, "O Allah! Indeed You pardon, and love to pardon, so pardon me!"

If one sees the Night of Decree one [H: regretfully] conceals it [T: by not mentioning it to others, as al-Subki said seeing it is a miracle and miracles should be concealed by the agreement of the People of the Path, and not revealed except for a legitimate purpose] and one should enliven its night [H: with worship] and likewise its day like it's night.

It is impermissible to extend one's fast into the night.

On Expiation Due to Intercourse

Expiation is obligatory upon whoever corrupts a fast of Ramadan with sexual intercourse, even if in another's rear or with a beast.

[A: Expiation is] not [A: obligatory] upon:

1. the [A: participating] woman;
2. one who engaged in intercourse forgetfully or under compulsion;
3. whoever corrupts a fast besides that of Ramadan;
4. one who breaks the fast with other than intercourse;
5. a traveller or an ill person, even if they commit forbidden intercourse;
6. nor on one who thinks it is night, but it becomes apparent that it is actually daytime.

The expiation is to free a believing slave, free from any defects that prevent work. If one cannot find [A: a slave to free, as in our times], then one must fast two consecutive months. If one is incapable, then one must feed sixty needy people; each one with a mudd (see appendix on weights and measurements).

The expiation is removed if one is suddenly afflicted with madness or death during that daytime, but not by illness, travel or difficulty [A: in carrying out the expiation].

There is expiation for each that was corrupted.

On Compensation

It is obligatory to give a mudd of the local staple diet to be distributed to the poor and needy, for every day, to be taken from the inheritance of the one who dies and has yet to make up an [B: obligatory] fast of Ramadan or other [H: such as an oath or expiation], whilst he had the possibility to make it up [H: yet did not] or he transgressed with his breaking of the fast [H: even if he did not have the possibility to make it up]. Alternatively, a relative can fast on his behalf, or to whom the heir or the deceased has given permission.

It is also obligatory, [A: to distribute to poor and needy] a mudd, upon:

1. whoever is unable to fast due to old age or a [A: chronic] illness which unlikely to be cured;
2. on a pregnant or breast-feeding women, if they broke their fast fearing for the child, with the make-up;
3. one who broke fast to save an animal on the brink of destruction;
4. and one who delayed making-up till the next Ramadan without a valid excuse.

On Voluntary Fasts

Voluntary fasting is recommended; and consists of three types:

1. Those which recur annually: fasting of the day of 'Arafa (for other than the pilgrim or traveler); the ten days of Dhu al-Hijjah; the tenth, ninth and the eleventh days of al-Muharram; and six days of Shawwal – which are recommended to be consecutive and connected to the Eid.
2. Those which recur monthly: the white days, which are the 13th, 14th and 15th of every lunar month; and the black days, which are the 28th and the two following it.
3. Those which recur weekly: Monday and Thursday.

It is recommended to fast the Sacred Months: Dhu al-Qa'dah, Dhu al-Hijjah, al-Muharram and Rajab; as is fasting Sha'ban [A: which is not a Sacred Month]. The best is al-Muharram, then the remaining sacred months, then Sha'ban. It is detested to single out [A: for fasting] Friday, Saturday, or Sunday.

The [T: absolutely] best of all fasting is to fast one day and not fast the next day [A: and so on.]

The Book of Spiritual Retreat

Spiritual retreat is emphatically recommended. It has seven preconditions:

1. Islam;
2. sanity;
3. purity from menses and post-natal bleeding;
4. that one is not in a state of major ritual impurity;
5. that one remain [B: still] for more than the period of repose in prayer [A: i.e. a moment];
6. that it is done in a mosque, preferably a congregation mosque,
7. and that one intends spiritual retreat.

It is obligatory to intend the obligation if one swore an oath [A: to go into spiritual retreat]. [B: In such a case one says, 'I intend the obligation of spiritual retreat].

One should renew one's intention when exiting [H: the mosque, even if to attend to a need], if one did not intend to return [B: but returns and wants to perform spiritual retreat again, because the second spiritual retreat is new and requires a new intention, [H: in contrast to one who intended to return]].

If one has specified a period [A: in the oath], then one renews [B: the obligatory intention] if one exits for other than attending to one's need.

If one is performing [H: spiritual retreat] consecutively, one renews it if exiting for something which cuts the continuity [T: such as insanity, intoxication, or unconsciousness [H: in contrast to what does not cut the continuity, such as fulfilling one's need or eating.]]

If one specifies in one's oath a [A: particular] mosque, one may spiritually retreat in another, except [A: if one specifies] the Three Mosques [H: i.e. al-Masjid al-Haram [A: in Makkah]; al-Masjid al-Madinah [A: i.e. al-Nabawi]; and al-Masjid al-Aqsa [A: in Jerusalem.]]

It is forbidden [H: for a woman or slave to perform spiritual retreat] without the permission of the husband or master [H: but permissible if they go to a mosque with them].

On the Invalidators of Spiritual Retreat

Spiritual retreat is nullified by:

1. intercourse;
2. foreplay [H: and masturbation] if it results in ejaculation;
3. insanity;
4. loss of consciousness;
5. major ritual impurity;
6. apostasy;
7. and intoxication.

If one makes an oath to spiritually retreat for a consecutive period, one must do it.

The consecutiveness is broken by:

1. intoxication;
2. disbelief;
3. intentionally engaging in intercourse;
4. and intentionally exiting the mosque.

[A: Consecutiveness is] not [A: broken by leaving the mosque for]:

1. relieving one's self;
2. eating [H: even if possible in the mosque];
3. drinking [H: and doing obligatory ablution], if water is absent in the mosque [H: in contrast to when water is available in the mosque [T: in which case leaving breaks the consecutiveness]];
4. illness, if it becomes difficult for one to remain in it, or one fears polluting it (and similar in this is insanity and loss of consciousness);
5. and being forced – without right – to exit.

Menstruation does not break [T: the continuity of the spiritual retreat] if the period of purity is not wide.