

THE
ACCESSIBLE
CONSPECTUS

A Commentary on
Abū Shujā' al-Aṣfahānī's

Matn al-Ghāyat wa al-Taqrīb

MUSA FURBER

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لَا إِلَهَ إِلَّا اللَّهُ الْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ

*All praise is to Allah alone, the Lord of the Worlds
And may He send His benedictions upon
our master Muhammad, his Kin
and his Companions
and grant them
peace*



TRANSLITERATION KEY

ء	ʾ ⁽¹⁾	ر	r ⁽⁶⁾	ف	f
ا	ā, a	ز	z	ق	q ⁽¹³⁾
ب	b	س	s	ك	k
ت	t	ش	sh	ل	l
ث	th ⁽²⁾	ص	ṣ ⁽⁷⁾	م	m
ج	j	ض	ḍ ⁽⁸⁾	ن	n
ح	ḥ ⁽³⁾	ط	ṭ ⁽⁹⁾	ه	h ⁽¹⁴⁾
خ	kh ⁽⁴⁾	ظ	ẓ ⁽¹⁰⁾	و	ū, u, w
د	d	ع	ʿ ⁽¹¹⁾	ي	ī, i, y
ذ	dh ⁽⁵⁾	غ	gh ⁽¹²⁾		

1. A distinctive glottal stop made at the bottom of the throat.
2. Pronounced like the *th* in *think*.
3. Hard *h* sound made at the Adam's apple in the middle of the throat.
4. Pronounced like *ch* in Scottish *loch*.
5. Pronounced like *th* in *this*.
6. A slightly trilled *r* made behind the upper front teeth.
7. An emphatic *s* pronounced behind the upper front teeth.
8. An emphatic *d*-like sound made by pressing the entire tongue against the upper palate.
9. An emphatic *t* sound produced behind the front teeth.
10. An emphatic *th* sound, like the *th* in *this*, made behind the front teeth.
11. A distinctive Semitic sound made in the middle of the throat and sounding to a Western ear more like a vowel than a consonant.
12. A guttural sound made at the top of the throat resembling the untrilled German and French *r*.
13. A hard *k* sound produced at the back of the palate.
14. This sound is like the English *h* but has more body. It is made at the very bottom of the throat and pronounced at the beginning, middle, and ends of words.

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CONVENTIONS

المُصْطَلَحَاتُ

Readers should be familiar with the following terms:

- *wājib* – something which one is rewarded for performing and punished for omitting. It is synonymous with *farḍ* except in a *very* limited set of issues. Throughout this translation, it is usually rendered as “obligatory.”
- *sunnah* – something which one is rewarded for performing but *not* punished for omitting. It is synonymous with *mustahabb* and *mandūb*. It has been rendered as “recommended.”
- *mubāh* – something which one is neither rewarded nor chastised for performing or omitting. It has been rendered as “merely permissible.”
- *makrūh* – something which one is not punished for performing yet rewarded for omitting. It has been rendered as “offensive.”
- *ḥarām* – something which one is punished for performing and rewarded for omitting. It has been rendered as “unlawful.”

PREFACE

المقدمة

Since the earliest days of Islam, the preservation, explanation and dissemination of religious knowledge has been the task of living human beings. Though the Quran, hadith and other bodies of knowledge were recorded soon after the passing of the Prophet ﷺ, reliance has always been upon living humans who know and practice, not inanimate pages that statically record. When ‘Uthmān (may Allah be pleased with him) sent an official *muṣḥaf* (a compiled book of the Quran) to the various regions of Islam, each *muṣḥaf* was accompanied by someone who had been assigned the responsibility to teach the masses its proper recitation and meanings. While pages can record meanings, pages cannot recite or explain what they record; pages cannot teach others to recite or explain properly, nor test and – when needed – correct those who err or are mistaken.

Taking knowledge from living masters is nothing new. Before writing, it was impossible to learn from the distant or the dead. Nor is it outdated, as anyone who has qualified for a license or been awarded an educational degree or certificate can confirm. What may be unique to Islam, however, is the command that those who do not know ask those who do (Q16:43), along with keeping an explicit record of the people through which knowledge is transmitted (*isnād*).

Individual Muslims are required to learn the rulings for any action they perform in their daily lives. Children must learn ablution and how to pray. When they mature, they must learn about the purificatory bath and what necessitates it, and about fasting. If they have money, they need to learn about zakat and basic matters of

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commercial trade. When they decide to make Hajj or Umrah, or marry, they will need to learn the associated rulings. Matters beyond one's individual needs are considered community obligations; enough people must know them to meet the community's needs.

Most Muslims today trace their understanding of law back to schools founded by well-known Imams, who themselves trace their understanding back to the Prophet ﷺ. This body of Islamic law is known as 'fiqh', which is defined as knowledge of the legal status of individual actions, derived from their particular evidence. Its subject matter includes the actions of individuals who are legally responsible: whether an action is unlawful, obligatory, offensive, recommended, or completely optional. Knowing this allows one to carry out what one has been ordered to do while avoiding what one has been ordered to avoid, which results in happiness now and in the Afterlife. It is among the most important disciplines of the Islamic Sciences after the study of fundamental beliefs; it is the cream drawn from the Quran and Sunnah of the Prophet ﷺ. Subsequent generations of scholars continually adapted to the world around them by applying the Quran, the Sunnah of the Prophet ﷺ, scholarly consensus, and legal analogies.

Sunni Muslims follow four schools of fiqh still in practice today. Each school is named after its founder. These schools are:

- Ḥanafī named after al-Nuʿmān ibn Thābit ibn Zūṭā (80–150 AH/699–676 CE), known as Abū Ḥanifah al-Nuʿmān.
- Mālīkī named after Mālīk bin Anas (93–179 AH/ 711–795 CE), the great Madinan Imam. When the Caliph Hārūn al-Rashīd ordered him to come to relate hadith to him, Mālīk's reply was, "Knowledge is something that is sought, not brought." He authored *al-Muwattaʿa* in response to the Caliph Maṣṣūr's request for a book of Prophetic ḥadīth. Imam al-Shāfiʿī, who studied under him, praised him saying that "Mālīk is God's proof over His creation."
- Shāfiʿī named after Muḥammad ibn Idrīs ibn al-ʿAbbās, Abū ʿAbd Allāh al-Shāfiʿī (150–205 AH/767–820 CE). As a youth he was excellent in marksmanship, language, poetry, and the

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history of the Arabs. He was a direct student of Imam Mālik, and was a prodigy in fiqh and ḥadīth. He became qualified to give religious verdicts by the time he was fifteen years old. Imam Aḥmad praised him saying, “The likeness of al-Shāfi‘ī to other people is as the likeness of the sun to the earth.” His works include *al-Umm*, *al-Risālah*, *al-Musnad*, *Faḍā’il Quraysh*, *Ādāb al-Qāḍī*, and others. He died in Egypt.

- Ḥanbalī named after Aḥmad ibn Muḥammad ibn Ḥanbal, Abū ‘Abd Allāh al-Shaybānī (164–241 AH/780–855 CE), the epitome of ḥadīth masters, and champion of the Sunnah. He was a companion and student of Imam al-Shāfi‘ī, who praised him: “I have left no one in Baghdad with more understanding and knowledge, and more scrupulous and ascetic than Aḥmad ibn Ḥanbal.”

May Allah be pleased with them all.

For most people, knowledge of this scholarly lineage is limited to generalities: the name of the Imam whose eponymous school they follow, the name of a contemporary scholar, the names of a few notables within the school. Students, however, learn the details of their scholarly lineage, including the consecutive generations of scholars, and the relationships between scholars and between books.

Students of fiqh read through a series of texts with their instructors. The first text usually reads like a long set of lists of rulings covering the full breadth of the legal spectrum, but with little detail. Each book in the series adds more detail to the rulings. Along the way, evidence, variant opinions, and legal principles are included. Books towards the end of the series include detailed arguments for weighing the various opinions – teaching students how the living masters of fiqh thought.

One of the first names students of the Shāfi‘ī school learn is Abū Shujā‘. His conspectus is usually the first book in the Shāfi‘ī syllabus that covers the full breadth of legal topics. The book is known by several different titles: *Ghāyat al-Taqrīb*, *Ghāyat al-Ikhtisār*, and *Matn al-Ghāyat wa al-Taqrīb*. It is also dubbed *Matn Abī Shujā‘*. Students tend to read the book at several stages in their studies.

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This book is an English commentary of Abū Shujā‘ al-Aṣfahānī’s text that aims to present Abū Shujā‘’s book to students who have little or no prior knowledge of fiqh. The commentary includes a complete translation of Abū Shujā‘’s book. Readers may want to purchase *The Ultimate Conspectus* (Islamosaic, 2013) which presents the basic text on its own, since in this book the basic text and commentary are often woven together into unified prose. Although I use type styles to differentiate **Abū Shujā‘’s words** from my own words, the contrast is not always readily apparent.

The first draft of this commentary was recorded in 2004–2005 while I was living in Cairo, Egypt. I based the first draft on the books that I was most familiar with: Ibn Qāsim al-Ghazzī’s *Fatḥ al-Qarīb* with Muḥammad al-Jāwī’s *Qūt al-Ḥabīb al-Gharīb*; Sheikh al-Islām Zakhariyyā al-Anṣārī’s *Fatḥ al-Wahhāb* and *Tuḥfat al-Tullāb*; Ibn Naqīb’s *‘Umdat al-Sālik*; al-Ḥiṣnī’s *Kifāyat al-Akhyār*; al-Shirbinī’s *Iqnā‘*; al-Milibārī’s *Fatḥ al-Mu‘in* with al-Dumyātī’s *I‘yānat al-Ṭālibīn*. Those are the main sources for the contents of this commentary. Readers interested in the basic legal matter of my commentary should start with those books (especially the first four).

I did not work on the book again until 2015. In the next chapter you can read why I dug up the original recordings and rewrote them into what we have now.

It is my hope that this commentary serves English-speaking audiences as an introduction to the full range of basic topics within the Shāfi‘ī school of law. Students will benefit most from the book if they read it with a qualified instructor, perhaps after first reading Imam al-Nawawī’s *Al-Maqāṣid* (Amana Publications, 2003) or Aḥmad ibn Zayn al-Ḥabashī’s *The Encompassing Epistle* (Islamosaic, 2016). It is also my hope that this book will prepare readers for the more advanced contents of *The Reliance of the Traveller* (Amana Corporation, 1997) or for reading Ibn Qāsim’s *Fatḥ al-Qarīb* in Arabic.

The people who helped me with this project are too numerous to mention. I owe a great debt to the Shāfi‘ī sheikhs with whom I had the honor to study: Sheikhs Abdullah al-Kadi, Haytham, Muṣṭafā al-Turkmānī, ‘Abd al-‘Aziz al-Khaṭīb, ‘Abd al-Qādir al-Khaṭīb, Ali

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Gomaa, ‘Imād ‘Iffat, and most of all: Sheikhs Ḥusayn Darwish and Muḥammad Ṣulṭān Jād. (May Allah protect and have mercy with them one and all.) I also owe a great debt to the many people who have reviewed drafts and offered innumerable corrections, encouragement, and advice. The following merit special mention: Anaz Kollapal, Annisa Rochadiat, Asif Butt, Edgar Hopida, Hashem Meriesh, Ilyas, Nuh, Shaik Abdul Khafid, and Zacharia al-Khatib. Last but not least, I owe much to my wife and children for their constant support and sacrifice throughout the years.

May Allah grant all who have been mentioned in this book – and us – His mercy, and may He make us among those who benefit from this noble text. Where I have succeeded, it is only through the grace of Allah; where I have faltered it is from my own shortcomings.

MUSA FURBER
ABU DHABI
APRIL 20, 2016

FASTING

كِتَابُ الصِّيَامِ

Fasting is one of the pillars of Islam mentioned in the well-known hadith narrated by ‘Umar bin al-Khaṭṭāb (may Allah be pleased with him): the Messenger of Allah ﷺ said, “Islam is based on five pillars: testifying that there is no deity except for Allah and that Muḥammad is the Messenger of Allah ﷺ, establishing prayer, offering zakat, performing Hajj, and fasting Ramadan.”¹

The Arabic word for “fasting” is “*sawm*.” Its basic linguistic meaning is abstention. Its technical meaning in the books of fiqh is to restrain oneself from things that invalidate the fast, while having a specific intention for doing so, for the entire duration of the daylight hours of a day on which it is valid to fast, by a Muslim who is of sound mind and free from menstrual and post-natal bleeding. This chapter will flesh out the details of what was mentioned in this technical definition.

The obligation to fast Ramadan comes from the Quran, Sunnah, and consensus. The Quran initially mentioned a general obligation to fast without restricting it to a particular time. Allah Most High says, “O you who have believed, decreed upon you is fasting, as it was decreed upon those before you, that you might become righteous,” [Q2:183]. Later, another verse clarified that the obligation is specific to Ramadan. Allah Most High says, “The month of Ramadan [is that] in which was revealed the Quran, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the new moon of] the month, let him fast it...,” [Q2:185]. The evidence from the Sunnah includes the hadith mentioned above.

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The integrals of fasting are: the intention, abstention from things that invalidate the fast, and the fasting person.

5.1 Conditions Obligating the Fast

وَشَرَايِطُ وُجُوبِ الصَّيَامِ أَرْبَعَةٌ أَشْيَاءٌ: الْإِسْلَامُ، وَالْبُلُوغُ، وَالْعَقْلُ، وَالْقُدْرَةُ عَلَى الصَّوْمِ.

Fasting the month of Ramadan is **obligatory** when **four conditions are met**. They are that the person be a **Muslim; mature; of sound mind; and able to fast**.

An individual who meets these conditions is required to fast. He is not required to fast if a single condition is absent. So an individual is not required to fast if he is a non-Muslim; immature; insane, in a coma, or unconscious for the entire day; or unable to fast.

The reasons for someone being unable to fast include old age, pregnancy, and sickness.

An individual who meets all of these conditions on a day of Ramadan has a personal obligation to fast that day. While this usually means that they must perform a fast that same day, there are situations that require them to perform it later on or which allow them to perform it at a later date. For example, a short-term intense illness and menstruation each require deferring the fast to a later date; and while journeying one has the option to defer.

In addition to the conditions related to a fast being a personal obligation, there are also conditions related to the validity of its performance. The conditions for a fast being valid are that the person performing it should be a Muslim, have discernment, be free from menstruation and post-natal bleeding, and that the day of performance is one wherein fasting itself is valid.

We notice several important things when we look at these two lists of conditions together. The first is that non-Muslims are not required to fast Ramadan. Someone who enters Islam is not required to compensate for the Ramadans before they entered Islam. (This ruling does not apply to an apostate who returned to Islam, as they must make up any days of fasting that occurred during their

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apostasy. They must also make up the days even if they abstained from food and drink during them since being Muslim is a condition for the fasts to be valid.)

A second thing we notice is that young children are not required to fast though it is valid for them to do so once they reach the age of discernment. Indicators that a child has reached this age include him being able to clean, dress, and feed himself. Before this age, a child is not required to fast, and their fast would not be considered valid or praiseworthy. A child who can do these things is still not obligated to fast. But if he does, its performance is considered valid and praiseworthy.

A third thing we notice is that there may be days when fasting is both unlawful and invalid. And it turns out that this is indeed the case. The days of Eid al-Fiṭr, Eid al-Aḍḥā, and the three days after Eid al-Aḍḥā are days of celebration and feasting. It is unlawful and invalid to fast these days. This will be covered in more detail later in this chapter.

A fourth thing we notice is that a fast can be obligatory and valid even if the individual needs to take the purificatory shower.

5.2 *Obligatory Actions*

وَفَرَائِضُ الصَّوْمِ أَرْبَعَةٌ أَشْيَاءٌ: النَّيَّةُ، وَالْإِمْسَاكُ عَنِ الْأَكْلِ وَالشُّرْبِ وَالْجِمَاعِ،
وَتَعَمُّدِ الْقِيَاءِ.

There are four obligatory actions of fasting.

The first obligatory action is **intention**. When the fast is obligatory, an individual needs to make their intention sometime during the night before the time for the Dawn Prayer arrives. When making the intention, one must also have in mind that they will be carrying out an obligatory fast. During Ramadan, one can formulate his intention with something like “Tomorrow, I will carry out an obligatory fast of this year’s Ramadan for the sake of Allah Most High.” If it is a makeup fast, he can formulate it with something like “Tomorrow, I will carry out an obligatory fast of a missed day of Ramadan for the sake of Allah Most High.”

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Each day of Ramadan requires a separate intention. It is not sufficient to make a single intention at the beginning of Ramadan.

Fasts that are not obligatory are a bit different. When the fast is not obligatory, the individual can declare an intention at any time before the onset of the Noon Prayer provided that he has not done anything that invalidates the fast. Suppose someone woke up at 10 o'clock in the morning without consuming anything since before the Dawn Prayer, and he decides that he wants to fast that day as a voluntary fast. Since it is a non-obligatory fast and it is before noon, he can make an intention to fast and then fast the rest of the day. But this only works with non-obligatory fasts.

The other three obligatory actions are **abstaining from eating and drinking, intercourse, and inducing vomit.**

5.3 *Things that Invalidate the Fast*

وَالَّذِي يُفْطِرُ بِهِ الصَّائِمُ عَشْرَةَ أَشْيَاءَ: مَا وَصَلَ عَمْدًا إِلَى الْجَوْفِ وَالرَّأْسِ،
وَالْحُقْنَةَ فِي أَحَدِ السَّبِيلَيْنِ، وَالْقَيْءُ عَمْدًا، وَالْوَطْءُ عَمْدًا فِي الْفَرْجِ، وَالْإِنْزَالُ عَنِ
مُبَاشَرَةٍ، وَالْحَيْضُ، وَالنَّفَاسُ، وَالْجُنُونُ، وَالرَّدَّةُ.

The fast is invalidated if any of the following ten things occur.

The first three are **anything intentionally reaching a body cavity; insertion of something into the anus, urethra or vagina.** The fast is invalidated whenever a substance is introduced into the body through one of its openings and then reaches a body cavity. The natural openings are the mouth, the nostrils, the ears, the urethra, the vagina, and the anus. The body cavities are the chest, abdomen, and head.

Introducing something into the body through another opening does not invalidate the fast.

The fast is not broken if the substance is introduced through the eyes or absorbed through the skin. It is also not broken if someone takes an injection or draws blood, and the location of the insertion is in the arm or the leg. But it would break the fast if the location

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of the insertion was the abdomen or the chest. (Yes: gynecological exams and pap smears do break the fast.)

The fourth through sixth invalidators of the fast are **intentional vomiting; intentional intercourse; and ejaculation resulting from skin contact.**

The seventh and eighth invalidators are **menstruation; and postnatal bleeding.**

If a woman's period starts while she is fasting, she must make up that entire day because her fast has been invalidated.

If her period or post-natal bleeding ends sometime before dawn, she must fast that day. Her fast is valid even if she had not yet made a purificatory shower. It is obligatory and valid for her to fast since the condition here for the fast to be valid is the absence of menstruation and post-natal bleeding – not that she has made the purificatory shower. If her period or postnatal bleeding ends after dawn, it is recommended (though not obligatory) for her to refrain from things that invalidate the fast.

The ninth is **insanity.** The tenth is **apostasy** (may Allah protect us!), which was discussed earlier in section 5.1.

5.4 Recommended Actions

وَيُسْتَحَبُّ فِي الصَّوْمِ ثَلَاثَةٌ أَشْيَاءَ: تَعْجِيلُ الْفِطْرِ، وَتَأْخِيرُ السَّحُورِ، وَتَرْكُ الْمُهْجَرِ
مِنَ الْكَلَامِ.

There are three recommended actions of fasting.

The first recommended action is that one should **hasten to break the fast** once one is sure that the time for the Sunset Prayer has begun and the time for fasting has ended. It is best to break the fast on a few dates or on water. It is also recommended to supplicate when breaking the fast, such as with the well-known supplication of “*Allāhumma laka ṣumtu wa ‘alā rizqika aftaru*” (“O Allah, for your sake I fasted, and upon your sustenance I break it”).

One should also hasten to **delay the pre-dawn meal prior to fasting.** It is best to eat something soon before commencing a fast. It

FASTING

is recommended to do this even if with only a few sips of water or a morsel of food.

The third recommended action is to **avoid repulsive speech**. Repulsive speech is unlawful even if one is not fasting. But it is more emphatically unlawful while fasting.

5.4a Days When it is Unlawful to Fast

وَيَحْرُمُ صِيَامَ خَمْسَةِ أَيَّامٍ: الْعِيدَانِ، وَأَيَّامِ التَّشْرِيقِ الثَّلَاثَةِ. وَيُكْرَهُ صَوْمُ يَوْمِ الشَّكِّ
إِلَّا أَنْ يُوَافِقَ عَادَةً لَهُ.

As mentioned earlier, there are some days when it is unlawful and invalid to fast. **It is unlawful and invalid to fast on five days: the two Eids; and the three Days of Tashrīq.** These days include the two Eid Prayers (Eid al-Aḏḥā and Eid al-Fiṭr), and the three days immediately after Eid al-Aḏḥā.

Someone who wishes to make up days missed during Ramadan or to fast the recommended six days of Shawwāl, can do so immediately after the day of Eid al-Fiṭr.

It is offensive to fast the Day of Doubt [*yaum al-shakk*], unless fasting it coincides with an individual's habitual fast. The Day of Doubt is the 30th of Sha'bān when the previous night was cloudy and no one reported sighting the new moon; or people speak about it being seen, but the witnesses do not meet the necessary conditions for giving testimony. It is offensive to fast this day.

If someone fasts this day because they believed an individual who claimed to have seen the moon and it later turns out that the day was indeed the first of Ramadan, their fast would be considered valid for that day of Ramadan. (And Allah knows best.)

5.5 *Making Up and Expiations*

This section addresses what someone should do if they have invalidated a fast or missed a day of fasting.

وَمَنْ وَطِئَ فِي فِي نَهَارِ رَمَضَانَ عَامِدًا فِي الْفَرْجِ فَعَلَيْهِ الْقَضَاءُ وَالْكَفَّارَةُ وَهِيَ عَتُقُ
رَقَبَةٍ مُؤْمِنَةٍ، فَإِنْ لَمْ يَجِدْ فَصِيَامُ شَهْرَيْنِ مُتَتَابِعَيْنِ، فَإِنْ لَمْ يَسْتَطِعْ فَاطْعَامُ سِتِّينَ
مِسْكِينًا لِكُلِّ مِسْكِينٍ مُدًّا.

Anyone who has intentional vaginal intercourse in the daytime during Ramadan must make up the fast-day and perform an expiation. This ruling applies whether the intercourse was vaginal or anal. Both parties must make up that day of fasting because it has been invalidated. The person who performs the penetration must perform an expiation if he was legally responsible at the time.

The expiation is emancipating a Muslim slave. If a slave is not found, one fasts consecutively for two months. If one is unable to do this, he feeds 60 of the poor, giving each one *mudd* of food. One *mudd* of food is approximately 0.51 liters.

وَمَنْ مَاتَ وَعَلَيْهِ صِيَامٌ مِنْ رَمَضَانَ أُطْعِمَ عَنْهُ لِكُلِّ يَوْمٍ مُدًّا. وَالشَّيْخُ إِنْ عَجَزَ
عَنِ الصَّوْمِ يُفْطِرُ وَيُطْعِمُ عَنْ كُلِّ يَوْمٍ مُدًّا. وَالْحَامِلُ وَالْمَرْضِعُ إِذَا خَافَتَا عَلَى
أَنْفُسِهِمَا أَفْطَرَتَا وَعَلَيْهِمَا الْقَضَاءُ، فَإِنْ خَافَتَا عَلَى أَوْلَادِهِمَا أَفْطَرَتَا وَعَلَيْهِمَا الْقَضَاءُ
وَالْكَفَّارَةُ عَنْ كُلِّ يَوْمٍ مُدًّا، وَهُوَ رَطْلٌ وَثُلُثٌ بِالْعِرَاقِيِّ. وَالْمَرِيضُ وَالْمَسَافِرُ سَفَرًا
طَوِيلًا يُفْطِرَانِ وَيَقْضِيَانِ.

If someone dies while still owing fast-days from Ramadan, one *mudd* (0.51 liters) of food for each fast-day missed is given on his behalf.

That covers what to do if a fast was missed without an excuse for missing it.

The obligation to fast is sometimes tempered due to circumstances. How it is tempered depends on the severity of the circumstances: whether they are expected to be permanent or temporary, and

FASTING

whether they pertain to the person fasting or to someone else.

As a rule of thumb: fasting ceases to be obligatory whenever it would be harmful to the individual or present an extraordinary difficulty. If the reason prompting the excuse is not expected to end (such as with old age, chronic asthma, diabetes, and hypoglycemia), the individual's obligation transfers from fasting to giving food for each day missed. If the reason is expected to end (such as flu), the individual's obligation to fast remains – although it is deferred to when they can carry it out. And if the reason is not out of harm or hardship to oneself, but rather out of harm to another person, they may be required to give food in addition to making up the fast.

Someone who is elderly and unable to fast gives one *mudd* (0.5 l liters) of food for each fast-day missed. It is the same for someone who has a chronic medical condition that prevents them from fasting without harm or extraordinary inconvenience. If they experience a miraculous recovery, they are not required to make up the missed days if they have already given food.

When a woman who is pregnant or nursing fears for herself, she breaks her fast and must make up the fast-day. If she fears for the child only, she must make up the fast-day and offer an expiation for each day missed. The expiation is one *mudd*.

Someone who is ill or making a long journey is not required to fast, but must make up the fast-days. Whenever there is an expiation, it should be given to individuals who are poor or impoverished.

Whenever there is a day to make up, it should be made up before the next Ramadan. If it is not made up before the next Ramadan, we ask whether the individual had an excuse for the delay. If the person did (such as an illness that is non-fatal and from which they are expected to recover), all they need to do is make up the fast day. If they did not have an excuse, then in addition to performing that day some time in the future, they will need to pay one additional *mudd* of food to the poor and impoverished for each year that they delay without having an excuse to do so. So if someone missed a single day of fasting and they inexcusably delayed making it up for three years, he will need to fast the day itself and to give three *mudds* of food.

5.6 *Spiritual Retreat*

(فَصَلِّ) وَالْإِعْتِكَافُ سُنَّةٌ مُسْتَحَبَّةٌ. وَلَهُ شَرْطَانِ: النَّيَّةُ، وَاللُّبُثُ فِي الْمَسْجِدِ. وَلَا يُخْرَجُ مِنَ الْإِعْتِكَافِ الْمَنْذُورِ إِلَّا لِحَاجَةِ الْإِنْسَانِ، أَوْ عُذْرٍ مِنْ حَيْضٍ، أَوْ مَرَضٍ لَا يُمَكِّنُ الْمَقَامَ مَعَهُ. وَيَبْتَطُلُ بِالْوَطْءِ.

The integrals of spiritual retreat are: the person performing the retreat, the place of the retreat, remaining in that place, and the intention.

Spiritual retreat [*i'tikāf*] is a recommended sunnah. It has two conditions: intending it, and remaining in the mosque. It is not a requirement that the retreat be performed for 24 hours or more, nor that one be fasting. The minimum duration is being in the mosque long enough for it to be said that the person has stayed or remained in the mosque and did not merely enter or pass through. In practice, it is enough to repose, just as one must repose during praying.

It is recommended that we make an intention to perform spiritual retreat whenever we enter a mosque even if we plan to stay for a few minutes. At the entrance to many mosques in Damascus there is a small sign that reads “*nawaytu al-i'tikāf fi hādha al-masjid mā dumtu fīhi*,” (“I intend to perform spiritual retreat in this mosque so long as I remain”), which is there to remind people to make the intention for *i'tikāf*. We should get in the habit of making this intention whenever we enter the mosque.

The spiritual retreat is recommended during the last ten days of Ramadan. If someone vows to make a retreat, it becomes obligatory for them to fulfill it. (Vows are the subject of section 15.3.) If he specified a certain duration of time, he must stay in the mosque for that duration to fulfill his vow.

One does not prematurely exit a spiritual retreat one has vowed to make except for the sake of a human need (such as going to the lavatory), **or an excuse** (such as menstruation or sickness) **which prevents one from remaining in the mosque.**

Intercourse invalidates a spiritual retreat.

NOTES

التَّيَقَّات

AUTHOR'S INTRODUCTION

1. Bukhārī (71, 3116, 7312); and Muslim (1037 #100, #175).

1 PURIFICATION

1. Tirmidhī (69) – *ḥasan ṣaḥīḥ*; Nasāʾī (59, 332); and Ibn Mājah (386).
2. Bukhārī (1); Muslim (1907 #155).
3. Muslim (1757).
4. Starting with sales and other transactions, the commentary mentions the integrals or essential elements (*arkān*, plural of *rukn*) for various acts. Integrals are infrequently mentioned for acts of worship so they have not been included in the main body of the commentary. But they are still mentioned in the notes for the sake of thoroughness. The integrals or essential elements of performing dry ablution are intending it, conveying earth with something, and wiping the face and hands up to the elbows with tapping the source of the conveyed earth two times.
5. Muslim (279 #91).
6. A *wird* is a selection of recitation, invocation, reading, or some other action.

2 PRAYER

1. Bukhārī (8); Muslim (16).
2. Muslim (8 #1).
3. Bukhārī (46); Muslim (11).
4. Bukhārī (645); Muslim (650 #249).
5. Muslim (686).
6. Muslim (865).
7. Muslim (901 #6).
8. Bukhārī (1014); Muslim (897 #8).
9. Bukhārī (1012); Muslim (894).

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