

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

الحمد لله رب العالمين والصلوة والسلام على رسوله الأمين محمد بن عبد الله وعلى آله وصحبه أجمعين

ربنا افتح لنا أبواب التفقه في دين نبيك محمد ﷺ آمين

The following is a translation of the chapter of *Sawm* from the book

الأجوبة الجليلة عن الأسئلة الشرعية في مذهب السادة الشافعية

“The Clear Answers to Legal Questions in the School of the Shafi’i Masters”

By

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المتوفي 1331 هـ رحمه الله تعالى

Muhammad b. ‘Abd Allah al-Jurdani al-Dimyati (d. 1331 Hijri)

May Allah have mercy upon him

Translated by

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غفر الله له

A Clarification of Sawm

Q: What is Sawm?

A: It is withholding from those things which break the fast (*muftirat*) throughout the day with a certain intention.

Q: What is the legal ruling of Sawm?

A: It is compulsory during the month of Ramadan, and when one has made an oath or when one is performing an expiation. [Otherwise] it is recommended.

Q: How is the month of Ramadan established?

A: It is established by the sighting of the crescent moon, or by completing thirty days of the month of Sha'ban.

A Clarification of the Conditions of Fulfilling a Compulsory Fast

Q: What are the conditions for fulfilling a compulsory fast?

A: They are three: (1) being in one's homeland [not being in a state of travel], (2) being able to fast [not being exempt], and (3) not being in a state of menstruation or post-partum bleeding.

Thus, it is permissible for the one travelling a long distance on a permissible journey not to fast, even if the journey is not difficult, with the condition that the journey begins before the fast, i.e., the journey begins before Fajr. It is compulsory to make up the fast [after Ramadan] once the traveler returns to their homeland.

It is also permissible to not fast for the one who is unable to fast, i.e., fasting would cause them considerable harm due to old age, sickness, pregnancy, or nursing. A compensation (*fidya*) must be paid by those unable to fast due to advanced age or due to medical exemption (such that they are pronounced medically unable to fast) and it (the *fidya*) is a handful of food [one meal] from the staple food of their land for every day (they are unable to fast).

The person [who does not fast] who has a recoverable illness makes up their fast after Ramadan, and likewise the pregnant or nursing woman who fears for her own health as well as the health her child. However, if the pregnant or fasting woman does not fast out of fear for only her child, then she must pay a compensation as well as make up the fast later.

As for the menstruating woman or a woman who has post-partum bleeding, they cannot fast during those times and must make up the missed fasts when they are able to do so.

A Clarification of the Conditions of a Correct Fast and its Integrals, Superogatory Acts, and Disliked Acts

Q: What are the conditions of a correct fast?

A: They are four: (1) that the one fasting is Muslim, (2) mentally fit, (3) not undergoing menstruation or post-partum bleeding for any portion of the day, and (4) that the person does not lose consciousness or become inebriated during any portion of the day.

Q: What are the integrals (arkan) of fasting?

A: They are two: (1) intention, and (2) abandoning those things which break the fast (*muftirat*) from [the *adhan* of] Fajr until sunset.

Q: What is the time of the intention?

A: The intention can be made at any point in the [previous] night for a compulsory fast [during Ramadan]. It cannot be made during the daytime, such that if one forgets to make it at night and the time of Fajr arrives and they still have not made their intention, that day's fast does not count for them. However, they must still withhold from eating, drinking, and relations, and they must make up that fast after Ramadan.

For a compulsory fast, the person must also specify [within their intention] that it is a *Fard* fast, such as for the month of Ramadan, or fulfilling an oath, or performing an expiation.

As for superogatory fasts, the intention may be made at any part during the [previous] night or in the daytime before the Sun's initial movement away from the zenith [*Zawal*], but only if they did not do anything which has already invalidated the fast. The person does not need to specify [that it is a superogatory fast].

If a person has a doubt whether they made the intention to fast after breaking their fast at Maghrib, it does not invalidate the fast. However, if a person has a doubt during the daytime if they made the intention to fast or not, it invalidates the fast.

Q: What are the things which break the fast (muftirat)?

A: They are four things: (1) vomiting, (2) intercourse whether penetrating the vagina or anus, (3) ejaculation such as through masturbation or by touching [the opposite gender] with arousal, (4) any visible substance entering the body, whether through the mouth, ear, nose, or any other opening of the body.

Breaking the fast occurs when there is (1) intent, (2) knowledge, and (3) choice [otherwise if any element is missing, the person continues to fast and does not need to make it up]. If a person breaks their fast for any of the above reasons (except intercourse), [their fast is invalidated though they must continue withholding from eating, drinking, etc., and] they must make up their fast after Ramadan. [For the person who breaks their fast through intercourse] they must perform an expiation as well as make up their fast after Ramadan.

Q: What is the expiation [for the one who breaks their fast through intercourse]?

A: It is freeing a healthy Muslim slave, and if unable to do so then fasting two months straight [and if one misses a day, they must start over], and if unable to do so they must feed sixty poor or indigent people a handful of food [one meal] from the staple food of their land. All of this must be done with the intention of performing an expiation.

Q: What are the superogatory elements of the fast?

A: They are three things:

(1) to not delay in breaking the fast [*iftar*] after [they are sure that] the sun has fully set; It is better to break the fast before praying Maghrib if the meal is small, and it is better [if the fast is broken, in order] on ripe dates, or dry dates, or water, or [if none of these are available] something sweet.

(2) eating the *suhur* meal after half of the night has elapsed, with the intent of strengthening oneself for the fast; this is done by eating or drinking something small, and it is best if the [food of] *suhur* resembles the *iftar*, and to delay it so that is closer to the time of Fajr [rather than the middle of the night]; however, there should be some time between [the completion of the] *suhur* meal and [the *adhan* of] Fajr, approximately five degrees of solar movement [20 minutes].

(3) Restraining the tongue from [speaking on] that which does not concern oneself and restraining the soul from acting upon its base desires (*shahawat*).

Q: What are the disliked acts (*makruhat*) of the fast?

A: They are five things:

(1) chewing something like frankincense [or anything else with a strong smell] and if such a thing were to crumble and the person swallowed it with their spit, the fast would be broken.

(2) tasting something without swallowing the actual substance; if it is swallowed, the fast would be broken.

(3) entering a bathhouse/spa (*hammam*) because it is considered luxurious and not fitting for [the state of] fasting.

(4) using a *miswak* from right after the zenith up until sunset because it removes the odor of the mouth which one should keep [as it is stated in a *hadith* to be pleasing to Allah].

(5) kissing, hugging, or touching [one's spouse], even if there is no fear of [arousal and] further acts, and if there is [fear of these things], then it becomes forbidden (*haram*) during a compulsory fast.

A Clarification of the Ruling of Delaying Making Up the Fast of Ramadan or [the State of] One Who Dies Before Making Up Fasts

Q: What is the ruling of delaying in making up missed fasts from one Ramadan until the next?

A: If the delay is without a valid reason, then the person must pay a compensation (one handful of food, i.e., one meal) for every day they did not make up. This must be made up for any previous years with missed fasts which were not made up.

Q: What is the ruling of someone who passes away before being able to make up their missed fasts?

A: If a person dies without making up their fasts, their kin (*waliyy*) must perform the fast on their behalf. Otherwise [if the *waliyy* cannot perform the fast], they pay a handful of food (one meal) for each missed day if they are making up missed fasts from the previous Ramadan. However, if they delay making up the missed fasts until another Ramadan arrives, then their kin must pay two handfuls of food (two meals) for each missed day from the previous Ramadan: one for delaying the missed fast until Ramadan, and the other as the [original] compensation for the missed fast.

A Clarification of When it is Forbidden to Fast and When it is Superogatory

Q: On what days is it forbidden to fast?

A: It is forbidden to fast on Eid al-Fitr, Eid al-Adha and the three days following it [the Days of Tashriq], the Day of Doubt [when one is unsure if the month of Ramadan has begun, or when it has ended, due to being unable to see the crescent], unless they are able to arrive [to a conclusion] due to [the number of] days elapsed before it.

Q: On what days should one perform a superogatory fast?

A: There are many: Monday and Thursday from each week; the days of the full moon from each month [the 13th, 14th, and 15th days of each lunar month]; six days from the month of Shawwal each year; the Day of Arafah [the 9th day of Dhul Hijjah; unless one is performing the Hajj]; and the Day of Ashura' [the 10th day of Muharram], the fasting of which erases two years of sins (the previous year and the following year), or one year of sins (the previous year) respectively.