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سفينة النجاة

في الفقه الشافعي

فصل: في أركان الصوم

Chapter: The pillars of fasting

1. Intention every night

When scholars speak about the intention of fasting they mean the night before.

There is a difference of opinion whether you need just one intention in the beginning of Ramadan or an intention every night.

The Shafi'iyah say every night a person must have an intention.

The correct opinion is that you only have to have one intention in the beginning of the month for the whole of Ramadan.

Intention is just based on knowledge so if you know what you are doing that is enough.

Intention is needed for the obligatory fasts and for the specific Sunnah fasts like the white days for example.

As for a general voluntary fast then this does not need a specific intention the night before. It is enough to wake up and make the intention.

Some scholars mention the time limit for this is until زَوَال (Zawāl).

2. To leave off everything which breaks the fast.

If you do something which breaks the fast then it is broken if it is done:

- Remembering it, if you forgot then is not broken.
- Voluntarily, you were not forced to do it or it was not by accident.

- Ignorantly, not knowing that it breaks the fast.

3. Fasting

This means that the person must be someone who is fasting.

According to some scholars this last pillar is not needed.

In Matn Abi Shujā' it mentions also knowing when it is the night and the day.

فصل: فيما يوجب القضاء والكفارة

Chapter: that which necessitates Qadhā and Kaffārah

A person who breaks their fast in Ramadān with sexual intercourse has specific rulings.

He must make up the fast, he must also do كَفَّارَةُ الْعُظْمَى (Kaffarah Al-'Udhma) which is either to free a slave, if you

cannot then fasting two months consecutively and if you cannot then feeding 60 people ½ of a صَاع (Sā').

He must also be punished by the Muslim leader by تَعْزِير (Ta'zīr).

التَّعْزِير (At-Ta'zīr) is a punishment that is at the discretion of the judge. It could be imprisonment, or some say a fine is allowed etc. The opposite of this is a حُدُّ (Hadd) which is a set punishment from Allah.

The person must also stay away from food and drink for the rest of the day.

فصل: ما يوجب القضاء والإمساك

Chapter: that which necessitates Qadhā and Imsāk

A person whose fast is invalid and he is still not allowed to eat and drink is of 6 situations:

1. In Ramadān not outside of it.

This is because they were not allowed to break it in the first place and also because it is a sign of a Muslim to not be eating and drinking in Ramadān.

Similarly a woman on menstruation should not eat and drink outside publicly, she should eat at home.

2. The one who did not do the intention in the night.

3. The one who did Suhūr believing it was night then it became clear that it was not.

The correct opinion is that the fast is correct because he based it upon certainty.

4. The one who broke his fast thinking the sun had set then it became clear it had not.

It is correct because it was based on certainty.

5. The one who finds out the 30th day of Sha'bān was actually the 29th.

If the ruler declares the moon was actually sighted on the 29th then everyone must make up the fast and they are not sinful.

6. The one who exceeds in putting water in his mouth while gargling and it goes in his throat.

This persons fast is broken because the Prophet ﷺ told us not to exceed in gargling when fasting.

There are four people who it is Sunnah for them to not eat and drink though they did not have to fast:

1. The one who reaches puberty on that day.
2. The insane who gains his sanity.
3. The disbeliever who becomes a Muslim.
4. The traveller who became a resident and the sick who became healthy.

The Shafi'yyah and the opinion of Imam Ahmad and Abu Hanifah is that it is disliked to use the Miswāk before زَوَال (Zawāl). The correct opinion is the opinion of Imam Malik and Ibn Taymiyyah that it is not disliked.

فصل: فيما يبطل الصوم

Chapter: Nullifiers of Fasting

1. Apostasy
2. Menstruation
3. Post-natal bleeding
4. Childbirth
5. Insanity even for a moment
6. Losing consciousness for the entire day.
7. Intoxication

The author does not mention 3 things which are: eating and drinking, intercourse and vomiting intentionally.

The Hanbali Madhab also says doing Hijāmah breaks the fast.

فصل: في حكم الإفطار في رمضان

Chapter: The rulings on breaking the fast in Ramadān

1. It is obligatory on the menstruating woman and the one in post-natal bleeding to break the fast.

2. It is permissible for the traveller and the sick person to break the fast.
3. It is prohibited to break the fast in Ramadan.

It is generally allowed to break a fast outside of Ramadan however if a person has to make up obligatory fasts and there are only enough days to make them up if he fasts every single day then it is Haram for him to break it.

4. The one who has no ruling which is the insane person, he breaks his fast and it does not count.

فصل: ما يترتب على الإفطار في رمضان

Chapter: the consequences of breaking the fast in Ramadān

1. In some situations breaking the fast obligates making it up as well as a فِدْيَة (Fidya) penalty:

- A person who breaks the fast out of fear for someone else.

For example the pregnant woman fearing for her child must pay فِدْيَة (Fidya) for every day.

However the correct opinion is that she does not have to pay فِدْيَة (Fidya).

- The one who breaks their fast and did not make up their fast till the next Ramadān came without an excuse.

2. The person who does not have to pay penalty and only makes up the fast like the one who breaks the fast by eating and drinking etc

3. The person who cannot fast due to a permanent illness or due to old age does not have to make up the fast but he pays فِدْيَةٌ (Fidya) for it.

The فِدْيَةٌ (Fidya) is paying one poor person for each day. It is allowed to pay them all in one day like Anas (r) did when he became old and was not able to fast.

فصل: فيما يصل إلى الجوف ولا يفطر

Chapter: Things which enter the mouth and do not break the fast:

1. That which enters the abdomen out of forgetfulness.

عَنْ أَبِي هُرَيْرَةَ - رَضِيَ اللَّهُ عَنْهُ - عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " إِذَا نَسِيَ فَأَكَلَ وَشَرِبَ فَلَيْتَمَّ صَوْمَهُ، فَإِنَّمَا أَطْعَمَهُ اللَّهُ وَسَقَاهُ " .

Narrated Abu Huraira: The Prophet (ﷺ) said, "If somebody eats or drinks forgetfully then he should complete his fast, for what he has eaten or drunk, has been given to him by Allah."

2. The one who does so out of ignorance not knowing it breaks the fast.

3. The one who is forced to eat something then his fast is valid.
4. Someone who swallows their saliva, it does not break the fast as long as it is inside his mouth.

If the saliva comes out of the mouth and then goes inside then it does break the fast.

5. Any dust in the road does not break the fast.
6. The leftover dust of flour is overlooked.
7. Swallowing a fly by accident.

The author ends the book and mentions حَبِيبُ اللَّهِ (Habīb-ullah) for the Prophet ﷺ. What is correct is to say خَلِيلُ اللَّهِ (Khalilullah) because it is a higher level.

The book ends here at the chapter of fasting then the chapter of Hajj was added on later.