Fasting in the Madhab of Imam Malik as Related by The Righteous Guardian of Allahs Commands and Prohibitions Imam Ibn Abi Zayd al-Qayrawani

The Chapter of Fasting

The fast of the month of *Ramadhan* is an obligation.

Fasting is to commence with the first visible sighting of the new moon [1], and the fast is to end with the visible sighting of the next new moon, be that period thirty days or twentynine.

If the sighting of the new moon is obscured by low visibility, let the previous month last for thirty days, then fast the next day. Reckon the month of opening the fast be reckoned likewise.

Let the one fasting make the intention to fast in the night before its commencement. It is not necessary to make the intention again thereafter. [2] Fasting is to be completed until the entering of night. [3]

It is from the Sunnah to expedite the opening of the fast at its end. It is also such to delay

the pre-dawn meal until near dawn, however if there is some doubt as to the exact time of the impending dawn, one should not eat.

A day of doubt [as to whether or not Ramadhan has entered] is not to be fasted out of being cautious due to the possibility of its being part of Ramadhan. [4] Whoever fast it [i.e. the day of doubt], it does not count for him and even if it later becomes apparent that such a day was, in fact, one of the days of Ramadhan. However, whoever wishes to fast such a day as a general act of obedience [and not with the intention of fasting a day of Ramadhan or out of caution due to the possibility of that day being part of it], it is allowed.

If a person wakes up and has not eaten or drunk anything, then it becomes apparent to him that it is a day of *Ramadhan*, it [i.e. his abstention from the things that break the fast] do not suffice him [in making that a validly fulfilled fast day]. However, he must [by obligation] abstain from all thing which break the fast for the rest of the day, then make up that fast day [after *Ramadhan*].

If a traveler should arrive at the [end] destination of his travel, or the menses of a woman should end, during the day, it is permissible for them to eat for the rest of that day.

If one should intentionally break one's supererogatory fast, or begin a journey during such a fast and then break it, then it is incumbent upon him to make such a fast up. However, if one should do something to nullify a [supererogatory] fast, he does not have to make it up, unlike the case for a obligatory fast.

There is no harm in one fasting using a tooth-stick at any time of the day.

It is not offensive for one who is fasting to practice cupping [during his fast], except if <u>it</u> should cause him to be weak.

If one should vomit [while fasting] while in *Ramadhan*, he does not have to make up that fast day [and it is valid]. However, should one induce vomiting intentionally, then vomits, he must make up that fast day.

وَإِذَا خَافَتْ الْحَامِلُ عَلَى مَا فِي بَطْنِهَا أَفْطَرَتْ وَلَمْ تُطْعِمْ وَقِيلَ تُطْعِمُ وَلِلْمُرْضِعِ إِنْ خَافَتْ كَافِي وَلِذِهَا وَلَمْ بَطْنِهَا أَفْطَرَ وَتُطْعِمَ وَإِذَا خَافَتْ Should a pregnant woman fear for that which is in her womb[...]. Should a nursing-mother fear for her suckling child, and she is not able to find anyone who she can hire to nurse her child or the child does not accept the milk of anyone but its mother, she should break her fast and eat. [and make up that fast day later].

It is recommended that a person of advanced age [or anyone of a chronic excuse and is not expected to recover from it], should that person break a fast, feed [a needy Muslim] a mudd[5] for each day he is expected to make up.

Likewise one who neglected their due makeup fasts until the next *Ramadhan* is expected to feed [a needy Muslim one *mudd* for each fast day makeup neglected for such a long period].

فَرِيضَةً

Children are not required to fast; it is thus for a young boy until he has his first nocturnal seminal emission and for a young girl until she has her first menstrual period. It is with physical maturity that the religious duties incumbent upon the body are made obligatory.

Allah, glory to Him, Most High, said: "When children should reach physical maturity..."

If one should wake up in a state of major impurity [i.e. one which requires a ritual purificatory bath], or a woman's menses should end in the night before the arrival of true dawn, and such a person did not take a ritual purificatory bath until after the true dawn, that day's fast is still sufficient.

It is unlawful to fast on the Festival of Fast-opening [Eid al-Fitr] [6], or the Festival of Sacrifice [Eid al-Adhha or al-Nahr] [7].

It is also unlawful to fast on the two days after the Festival of Sacrifice, except for the one who intends to sacrifice and is not able to carry it out; he then does not fast the fourth day [the day after the one day of *Eid* and the two days after that] as an act of supererogatory worship.

However one who vowed to fast it, or is observing a necessarily consecutive fast from the time before it, must fast it.

وَمَنْ أَفْطَرَ فِي نَهَارِ رَمَضَانَ نَاسِيًا فَعَلَيْهِ الْقَضَاءُ فَقَطْ

Whoever should break their fast on a day of *Ramadhan* through forgetfulness is only required to make such a day up [as opposed to being required to make the day up as well as make a total expiation for breaking it intentionally][8].

Likewise, one who [intentionally] breaks his fast out of necessity due to illness. Whoever should [begin a] journey in which he is expected to shorten his prayers [9] is allowed to break his fast, even if he is not forced to by necessity, and such a person must make that day up.

We prefer that such a person [upon whom the difficulty of travel does not present a need to break the fast,] fast.

Should a person travel less than four *burud*, and thinking that it is permissible to do so, breaks his fast, it is not necessary for him to perform the complete expiation; rather he must simply make up that fast day. Whoever should [mistakenly] open their fast early, such a person is not obligated to make the complete expiation [either, rather they must simply make up that fast day also].

Indeed, the complete expiation is not incumbent upon anyone, except one who breaks his fast intentionally through eating, drinking or sexual relations. [In addition to the expiation, in such a case,] also incumbent is a makeup of that fast day.

The complete expiation in such a case is [either one of three options]: to feed sixty unfortunate [free[10] Muslims], which [is the option] we prefer.

Or he can also expiate by freeing a slave, or by fasting for two months, consecutively.

One who should intentionally break a makeup fast day [performed as a make up] for Ramadhan is not obliged to perform the expiation.

One who should be unconscious in the night and does not come back to his senses until after the ascent of true dawn, must make up that fast day, but he is not obliged to make up any of the prayers he missed, except the one...

It is becoming of one who is fasting to guard his tongue[, heart] and limbs [from all things which displease the Creator, glory to Him, Most High],

and that he should magnify those things in *Ramadhan* which Allah, glory to Him, Most High, magnified.

وَلَا بَأْسَ أَنْ يُصْبِحَ جُنُبًا مِنْ الْوَطْءِ

وَمَنْ الْتَذَّ فِي نَهَارِ رَمَضَانَ بِمُبَاشَرَةٍ أَوْ قُبْلَةٍ فَأَمْذَى لِذَلِكَ فَعَلَيْهِ الْقَضَاءُ وَإِنْ تَعَمَّدَ ذَلِكَ حَتَّى أَمْنَى فَعَلَيْهِ الْكَفَّدَةُ

وَمَنْ قَامَ رَمَضَانَ إِيمَانًا وَاحْتِسَابًا غُفِرَ لَهُ مَا تَقَدَّمَ مِنْ ذَنْبِهِ وَإِنْ قُمْت فِيهِ بِمَا تَيَسَّرَ فَذَلِكَ مَرْجُوُّ فَضْلُهُ وَتَكْفِيرُ الذُّنُوبِ بِهِ

وَالْقِيَامُ فِي مَسَاجِدِ الْحَمَاعَاتِ بِإِمَامٍ وَمَنْ شَاءَ قَامَ فِي بَيْتِهِ وَهُوَ أَحْسَنُ لِمَنْ قَوِيَتْ نِيَّتُهُ وَحْدَهُ وَكَانَ السَّلَفُ الصَّالِحُ يَقُومُونَ فِيهِ فِي الْمَسَاجِدِ بِعِشْرِينَ رَكْعَةً ثُمَّ يُوتِرُونَ بِثَلَاثٍ

وَيَفْصِلُونَ بَيْنَ الشَّفْعِ وَالْوِتْرِ بِسَلَامٍ ثُمَّ صَلَّوْا بَعْدَ ذَلِكَ سِتَّا وَثَلَاثِينَ رَكْعَةً غَيْرَ الشَّفْعِ وَالْوِتْرِ وَكُلُّ ذَلِكَ وَاسِعٌ وَيُسَلِّمُ مِنْ كُلِّ رَكْعَتَيْنِ

وَقَالَتْ عَائِشَةُ رَضِيَ اللَّهُ عَنْهَا ، مَا زَادَ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فِي رَمَضَانَ وَلَا فِي غَيْرِهِ)عَنْ اثْنَتَيْ عَشْرَةَ رَكْعَةً بَعْدَهَا الْوِتْرُ

بَابٌ فِي الإعْتِكَافِ وَالِاعْتِكَافُ مِنْ نَوَافِلِ الْخَيْرِ وَالْعُكُوفُ الْمُلَازَمَةُ

وَلَا اعْتِكَافَ إِلَّا بِصِيَامٍ وَلَا يَكُونُ إِلَّا مُتَتَابِعًا وَلَا يَكُونُ إِلَّا فِي الْمَسَاجِدِ كَمَا قَالَ اللَّهُ سُبْحَانَهُ { وَتَعَالَى { وَأَنْتُمْ عَاكِفُونَ فِي الْمَسَاجِد

فَإِنْ كَانَ بَلَدٌ فِيهِ الْخُمُعَةُ فَلَا يَكُونُ إِلَّا فِي الْجَامِعِ إِلَّا أَنْ يَنْذِرَ أَيَّامًا لَا تَأْخُذُهُ فِيهَا الْخُمُعَةُ وَإِلَّا أَنْ يَنْذِرَ أَيَّامًا لَا تَأْخُذُهُ فِيهَا الْخُمُعَةُ وَإِلَّا أَنْ يَنْذِرَ أَيَّامًا لَا تَأْخُذُهُ فِيهَا الْخُمُعَةُ وَأَقَلُ مَا هُوَ أَحَبُ إِلَيْنَا مِنْ الِاعْتِكَافِ عَشْرَةُ أَيَّامٍ

وَمَنْ نَذَرَ اعْتِكَافَ يَوْمٍ فَأَكْثَرَ لَزِمَهُ وَإِنْ نَذَرَ لَيْلَةً لَزِمَهُ يَوْمٌ وَلَيْلَةٌ

وَمَنْ أَفْطَرَ فِيهِ مُتَعَمِّدًا فَلْيَنْتَدِئُ اعْتِكَافَهُ وَكَذَلِكَ مَنْ جَامِع فِيهِ لَيْلًا أَوْ نَهَارًا نَاسِيًا أَوْ مُتَعَمِّدًا

وَإِنْ مَرِضَ خَرَجَ إِلَى بَيْتِهِ فَإِذَا صَحَّ بَنَى عَلَى مَا تَقَدَّمَ وَكَذَلِكَ إِنْ حَاضَتْ الْمُعْتَكِفَةُ وَحُرْمَةُ الِاعْتِكَافِ عَلَيْهِمَا فِي الْمَرَضِ وَعَلَى الْحَائِضِ الْحَيْضِ الْحَيْضِ

فَإِذَا طَهُرَتْ الْحَائِضُ أَوْ أَفَاقَ الْمَرِيضُ فِي لَيْلٍ أَوْ نَهَارٍ رَجَعَا سَاعَتَئِذٍ إِلَى الْمَسْجِدِ وَلَا يَخْرُجُ الْمُعْتَكِفُ مِنْ مُعْتَكَفِهِ إِلَّا لِحَاجَةِ الْإِنْسَانِ

وَلْيَدْخُلْ مُعْتَكَفَهُ قَبْلَ غُرُوبِ الشَّمْسِ مِنْ اللَّيْلَةِ الَّتِي يُرِيدُ أَنْ يَبْتَدِئَ فِيهَا اعْتِكَافَهُ

وَلَا يَعُودُ مَرِيضًا وَلَا يُصَلِّي عَلَى جِنَازَةٍ وَلَا يَخْرُجُ لِتِجَارَةٍ

وَلَا شَرْطَ فِي الإعْتِكَافِ

وَلَا بَأْسَ أَنْ يَكُونَ إِمَامَ الْمَسْجِدِ وَلَهُ أَنْ يَتَزَوَّجَ أَوْ يَعْقِدَ نِكَاحَ غَيْرِهِ

وَمَنْ اعْتَكَفَ أَوَّلَ الشَّهْرِ أَوْ وَسَطَهُ حَرَجَ مِنْ اعْتِكَافِهِ بَعْدَ غُرُوبِ الشَّمْسِ مِنْ آخِرِهِ وَإِنْ اعْتَكَفَ بِمَا يَتَّصِلُ فِيهِ اعْتِكَافُهُ بِيَوْمِ الْفِطْرِ فَلْيَبِتْ لَيْلَةَ الْفِطْرِ فِي الْمَسْجِدِ حَتَّى يَغْدُو مِنْهُ إِلَى . الْمُصَلَّى

^[1] It is important to note that although Islam is, like the erudite *Hafidh* Iftikhar Shafi mentioned, never in conflict with reality. That being said, it is one of fixed the rituals of Islam, that each locality not begin the fast of *Ramadhan* nor end it, except through the sighting of the first visible sliver of the new moon of the months of *Ramadhan* and *Shawwal* respectively. This position of *Ikhtilaf al-Mutali*' is the relied upon position of the Maliki school as reported to me by the righteous Shaykh Muhammad bin Muhammad al-Amin bin 'Abd al-Rahman bin al-Shaykh bin Fahfu, may Allah have mercy on them, and sanctify their that which their innermost souls carried in the way of righteousness. The alternative which has found much acceptance in the minds of the Muslims of *Ittihad al-Matali*' or the global moon sighting fails to take into account the fact that the visibility curve of the moon from earth actually allows for the sighting to be visible on the same night from some places and not others. Of course, none of the *Sahabah*, may

Allah be well pleased with them were privy to this technical detail, nevertheless it comes in Sahih Muslim:

"Kuraib reported that Umm Fadl, daughter of Harith, sent him (Fadl, i. e. her son) to Mu'awiya in Syria. I (Fadl) arrived in Syria, and did the needful for her. It was there in Syria that the month of Ramadan commenced. I saw the new moon (of Ramadan) on Friday. I then came back to Medina at the end of the month. Abdullah b. 'Abbas (Allah be pleased with him) asked me (about the new moon of Ramadan) and said: When did you see it? I said.: We saw it on the night of Friday. He said: (Did) you see it yourself? –I said: Yes, and the people also saw it and they observed fast and Mu'awiya also observed fast, whereupon he said: But we saw it on Saturday night. So we would continue to observe fast till we complete thirty (lasts) or we see it (the new moon of Shawwal). I said: Is the sightidg of the moon by Mu'awiya not valid for you? He said: No; this is how the Messenger of Allah (may peace be upon him) has commanded us."

[2] It is important to note that if for some reason the continuous chain of fast days is broken for a lawful reason such as illness or travel or an unlawful reason such as intentional breaking of the fast or failure to even make the intention to fast on an obligatory fast day, that this initial intention which suffices the slave for the rest of the days of *Ramadhan* must be made again, and it will thenceforth be valid for him until the end of the month. It is recommended that one make intention to fast every night of *Ramadhan* before the dawn on the fast day intended.

- [3] Sunset
- [4] Neither is it lawful, nor is the fast valid as a fast if performed in such conditions.
- [5] *Mudd* is the amount that fills up two hands cupped together. The *mudd* referred to here is that of the Messenger of Allah, may Allah bless him and give him peace, which Shaykh Nuh Keller estimates in his *Reliance of the Traveller* to be .51 liters.
- [6] *Shawwal* 1.
- [7] Dhul-Hijjah 10.
- [8] This is to me, not that my opinion in the matter is worth anything, the biggest difference of opinion between the Malikis and their brothers from the Hanafi and Shafi'i *madhabs*: as narrated Abu Huraira: the Prophet said, "If somebody eats something forgetfully while he is fasting, then he should complete his fast, for Allah has made him eat and drink." Sahih Bukhari *Volume 8, Book 78, Number 662.* When I took this ruling from my beloved Shaykh Muhammad, may Allah perpetuate his *barakah* amongst us and give him the patience to suffer many more years of teaching me, I immediately mentioned this hadith. He calmly countered that this hadith proves that there is no sin upon the one who forgetfully should eat or drink during the fast; it says nothing about the validity of the fast nor the necessity or lack thereof of making such a fast day up.

- [9] A journey of 48 miles or more.
- [10] As the feeding of a slave is not a charity because it is already a duty that the slave's master is obliged to perform.