

# SUPPLEMENT FOR THE SEEKER OF CERTITUDE

Worship from  
*Zād al-Mustaḥṣin*<sup>c</sup>

Mūsā al-Ḥajjāwī al-Ḥanbalī



*Translation by*

MUSA FURBER

SUPPLEMENT FOR THE  
SEEKER OF CERTITUDE

*Worship from  
Zād al-Mustaqnī<sup>c</sup>*

By Mūsā al-Hajjāwī

MUSA FURBER

Supplement for the Seeker of Certitude: Worship from Zād al-Mustaqni‘

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

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

### المُصْطَلِحَاتُ

Readers should be familiar with the following terms:

- *Wājib*, *Farḍ* – something one is categorically censured for omitting. Throughout this translation, *wājib* and *farḍ* are usually rendered as “obligatory.” In some cases, *farḍ* may be rendered as “prescribed” or an obligation indicated as being “*farḍ*.”
- *Ḥarām* – something one is legally censured for, including utterances and acts of the heart. It is usually rendered as “unlawful” or “prohibited.”
- *Mandūb*, *mustaḥabb*, *sunnah*, *masnūn* – something one is categorically rewarded for performing, yet not punished for neglecting. It includes utterances and actions of the heart, and is usually rendered as “recommended.”
- *Makrūh* – is that which someone is praised for avoiding yet is not censured for performing. It is usually rendered as “offensive” or “disliked.”
- *Mubāh*, *ḥalāl* – something that in and of itself is free of praise and censure. It has been rendered as “lawful” or “permissible.”

## PREFACE

### المقدمة

In the Name of Allah, Most Merciful and Compassionate

The great Hanbalī scholar Imam Muwaffaq al-Dīn Ibn Qudāmah al-Maqdisī (541–620AH/1146–1223 CE) developed a program to take students from the very beginning of their studies to the very end: from having zero specialized knowledge in Islamic jurisprudence [*fiqh*] to being a *mujtahid* – someone qualified to deduce legal rulings from evidence. His program consisted of a series of books, moving the student toward the grand goal in stages.

The first book is *Al-Umdah* (“The Support”), a basic manual of *fiqh* for beginners. It covers the fundamental rulings that every Hanbalī needs, presenting only the predominant opinion for each issue without mentioning any variance. While Ibn Qudāmah did not concentrate on evidence in this work, he did tend to begin each section with a hadith that the student could then use to figure out many of the unmentioned branch issues.

The second book is *Al-Muqni'* (“The Convincer”), which adds to the above by mentioning the different opinions within the school for a given issue without informing the student of the predominant opinion, and by adding some branch issues.

The third book is *Al-Kāfi* (“The Sufficiency”), which introduces evidences for the positions in the school, enabling more advanced students to understand the underlying evidence and arguments for

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variance within the school and perhaps even practice a restricted form of *ijtihād* [independent legal reasoning].

The fourth book is *Rawḍat al-Nāẓir* (“Garden of the Contemplator”), a book on the fundamentals of jurisprudence [*uṣūl al-fiqh*]. It is a condensed version of Imam al-Ghazālī’s *Al-Mustaṣfā* that champions and argues Ḥanbali views (in contrast to al-Ghazālī’s Shāfi‘ī views).

The fifth and final book is *Al-Mughnī* (“The Freer From Dependency”), which builds upon the previous works by adding current and obsolete opinions from the other schools (namely Ḥanafī, Mālikī, and Shāfi‘ī) as well as from the Companions of the Prophet ﷺ and the early Imams (may Allah be well pleased with them). Ibn Qudāmah presents the divergent opinions within the Ḥanbali school with a particular emphasis on what was transmitted from Imam Aḥmad. He gives the evidence for the various positions and then puts forth a defense of the school’s predominant position, thus enabling the super-advanced student to engage in even broader forms of *ijtihād*. The book also contains quite a few minute branch issues.

Thus, *Al-Umdah* provides a novice student with a solid foundation for personal practice and future study; *Al-Muqni‘* gives beginning students a taste for variance within the school along with puzzles to ponder; *Al-Kāfi* adds more issues and evidence, enabling more advanced students to understand the underlying evidence and arguments for variance within the school – perhaps even able to do *ijtihād* within the school; and *Al-Mughnī* expands into other schools – perhaps enabling the super-advanced student to engage in even broader forms of *ijtihād*.

So that was the program that Ibn Qudāmah set down. The school’s development did not end with Ibn Qudāmah, however (and how could it, given his program)? Soon after him, the madhhab had scholars like Majd al-Dīn Ibn Taymiyyah (d 652 AH) (c.f. *Al-Muḥarrar*) and his grandson Taqiya al-Dīn Ibn Taymiyyah (d 728 AH) (*the* “Ibn Taymiyyah”) who exercised their *ijtihād*. Their opinions had to conform to the overall corpus of the school and be assessed to see how they stood with respect to the principles of

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the school. Ibn al-Mufliḥ (d 763 AH) (c.f. *Al-Furūʿ*) and then ʿAlī al-Mārdāwī (d 885 AH) did this for the whole school in his commentary on Ibn Qudāmah’s *Al-Muqniʿ* titled *Al-Inṣāf*.

Since the school did not end with Ibn Qudāmah, it should not be surprising that later scholars adapted his works to match contemporary developments. Mūsā al-Ḥajjāwī (d 960 AH/1553 CE) was one of those scholars. His abridgment of *Al-Muqniʿ* adhered to the school’s official positions and was stripped of extraneous issues, although al-Ḥajjāwī did add a few necessary things. His book is known as *Zād Al-Mustaqniʿ fī Ikhtiṣār al-Muqniʿ*. Al-Ḥajjāwī’s book is extremely terse yet it still manages to present the core of the school’s positions along with issues rarely found in books twice its length. Scholars accepted the book to such an extent that some said that whoever has memorized it is fit to be a judge.

One of the indicators that a book has been well-received is that people write commentaries on it and continue to service the book in some way. That certainly is true for *Zād al-Mustaqniʿ*. Its most famous commentary is probably Maṣṣūr al-Bahūti’s (d 1051 AH) *Al-Rawḍ al-Murbiʿ*, which adds explanations, evidence, legal causes [*taʿlīl*], and additional rulings. This commentary itself has been so well-received that it has its own meta-commentaries and marginalia. *Zād al-Mustaqniʿ* has many other commentaries and continues to be commented on until today, with perhaps the most famous example being the late Ibn ʿUthaymīn’s (d 1431 AH) *Al-Sharḥ al-Mumtiʿ*.

That *Zād al-Mustaqniʿ* has such a wide-range of commentaries explaining, clarifying, supporting, and expanding on its text makes it an excellent choice for study. That the author of the primary commentary, Maṣṣūr al-Buhūti, wrote many other books that can be referenced whenever there are doubts about meanings in *Al-Rawḍ al-Murbiʿ*, makes it a natural choice for someone trying to comprehend what al-Ḥajjāwī intended.

\* \* \*

While in Damascus, I had the opportunity to study Ḥanbalī jurisprudence with one of the school’s authorized *muftīs* Abū Ismāʿīl Ibn Badrān – an expert in Islamic law who is authorized to issue

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fatwas [religious rulings]. I did it as a supplement to my Shāfiʿī studies – not as a replacement. I started reading with the Shaykh towards the end of 2000. After a year of reading, the Shaykh suggested that I begin teaching and transmitting what I was studying with him. I was already translating several books related to the Shāfiʿī school, so I figured that I should translate one for the Ḥanbalī school as well. At the time, I couldn't find mention of any Ḥanbalī books in English, so I figured that if I was going to do one, it had better be rock-solid and comprehensive and it would be a major bonus if it had a lot of related literature the reader could turn to in times of uncertainty. With its brevity, strength, and the existence of *Al-Rawḍ al-Murbiʿ*, along with al-Buhūti's other works – *Zād al-Mustaqniʿ* was the obvious choice.

I started work on it at the end of June 2001. Three weeks later, I had a complete first draft translation of the book. It was approximately 60,000 words long and in dire need of editing. I didn't have an opportunity to do anything with the translation until 2002 when I used it for teaching a small set of students. From 27 September 2002 through 10 September 2003, I used the text as I produced lessons covering all of the chapters of worship (including jihad), and the beginning of the book of marriage. Each lesson included the translation from *Zād al-Mustaqniʿ* with additional annotations from al-Buhūti's *Al-Rawḍ al-Murbiʿ* and *Kashshāf al-Qināʿ*, and from ʿAbd al-Qādir al-Taghlabī's *Nayl al-Maʿārib*; and comments based on my lesson notes and reading. I did what I could to make the text accessible and practical.

These lessons were never mature enough to be published: they were full of typographical errors and, more importantly, translation mistakes. This is the primary reason I never released the whole set of lessons or the translation to the general public. A second reason is that the lessons contained enough additional material that it would no longer be accurate to claim them as a translation, even though the additions were clearly identified. A third reason is that, over time, I came to realize that a less advanced text would be of more benefit to English readers – something like Ibn Balbān's *Akhṣār al-Mukhtaṣarāt*.

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Unfortunately, several unauthorized versions of my lessons have been placed online. The most common one is a PDF created in 2009. My name and copyright notice have been removed from this version – though it refers to me by my first name (“notes added by Musa, the translator”). Anyone doubting the provenance of the PDF’s contents can compare its lesson 20 (pp 81–83) to an archived version of the lesson.<sup>1</sup>

In light of the above, I decided it was time to revise and correct my work. This volume includes the corrected contents from *Zād* that correspond to the lesson contents.

I relied on numerous editions of *Zād al-Mustaqni‘* and *Al-Rawḍ al-Murbi‘*. Material from *Al-Rawḍ al-Murbi‘* is placed between <...>. There are many instances where I replace pronouns with the commentary’s clarification without placing it between <...>. I have tried to keep my own additions to a minimum, placing them between [...].

When I originally translated the text, I took the liberty of adding titles to make it easier for readers to follow topic changes and to find material. The English titles do not match the Arabic titles so my additions appear between parentheses.

It is my hope that this translation – along with its future installments – serves English-speaking audiences as an introduction to intermediate-level Ḥanbalī *fiqh*. Students will benefit most if they read it with a qualified instructor, perhaps after reading *Ḥanbalī Acts of Worship* (Islamosaic, 2016).

I ask that whoever reads this text bears in mind that it is still an unfinished translation in need of copyediting and proofreading. These, *in shā’ Allāh*, are being done as part of the work required to publish the full text of *Zād al-Mustaqni‘*.

The quality of the text has been markedly improved by reader feedback and the Logical Progression’s reworking of an early draft. Of particular note is Khalid Gonçalves and his generous offer to edit the text.

May Allah reward the Imams, scholars, and students of the Ḥanbalī school past, present, and future. May He grant all who have been mentioned in this preface – and us – His mercy, and

1. <https://www.abc.se/home/m9783/ir/h/96.html>

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may He make us among those who benefit from this text. Where I have succeeded, it is only through the grace of Allah; where I have faltered it is from my own shortcomings. May Allah forgive the book's author, its owner, its readers, its listeners, and all Muslims – living and dead.

MUSA FURBER  
ABU DHABI  
NOVEMBER 11, 2016

## FASTING

## كِتَابُ الصِّيَامِ

يَجِبُ صَوْمُ رَمَضَانَ بِرُؤْيَةِ هَيْلَالِهِ.

Fasting the month of Ramadan becomes obligatory upon sighting the crescent moon.

فَإِنْ لَمْ يُرَ مَعَ صَاحِوِ لَيْلَةِ الثَّلَاثِينَ أَصْبَحُوا مُفْطِرِينَ.

If the crescent moon is not sighted on the night of the thirtieth of Sha‘bān, even though the sky is cloudless, then they do not being the day fasting. And it is offensive to fast [that day] since it is the Day of Doubt [*yaum al-shakk*] which is prohibited.

وَإِنْ حَالَ دُونَهُ غَيْمٌ أَوْ قَتْرٌ فَظَاهِرُ الْمَذْهَبِ يَجِبُ صَوْمُهُ.

If clouds or dust obscure the moon before the crescent moon of Ramadan [is sighted], the most apparent ruling [*zāhir*] of the Hanbalī school is that fasting is obligatory the following day.

وَإِنْ رُؤِيَ نَهَارًا فَهُوَ لِلَّيْلَةِ الْمُقْبِلَةِ.

If the crescent moon is sighted daytime even if before the sun reaches its zenith, it belongs to the following night.

وَإِذَا رَأَاهُ أَهْلُ بَلَدٍ لَزِمَ النَّاسَ كُلَّهُمُ الصَّوْمُ.

If the people of one land see it i.e., if the sighting is positively proven in one land, everyone are required to fast.

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وَيُصَامُ لِرُؤْيَةِ عَدَلٍ وَلَوْ أُتِيَ، فَإِنْ صَامُوا بِشَهَادَةِ وَاحِدٍ ثَلَاثِينَ يَوْمًا فَلَمْ يَرَ الْهَلَالَ  
أَوْ صَامُوا لِأَجْلِ غَنِيمٍ لَمْ يُفْطَرُوا.

One ‹obligatorily› fasts at the sighting of [the crescent moon by] an individual who is upright ‹and religiously responsible› – even if a woman ‹or a slave or someone who does not use the proper phrasing of testimony›.

If they fast thirty days based on an individual's testimony and the crescent moon is not sighted, or if they fasted due to clouds: they do not break their fast ‹since their fast was out of precaution, and the default is that Ramadan remains›.

وَمَنْ رَأَى وَحْدَهُ هَلَالَ رَمَضَانَ وَرَدَّ قَوْلَهُ أَوْ رَأَى هِلَالَ شَوَّالٍ صَامَ.

An individual who was the sole individual to sight Ramadan's new moon and whose report was rejected ‹is required to fast and adhere to all other rulings related to the month›.

Or ‹an individual who was the sole individual› to sight the Shawwal's new moon [and whose report was rejected] fasts.

وَيَلْزَمُ الصَّوْمُ لِكُلِّ مُسْلِمٍ مَكْلَفٍ قَادِرٍ.

Every responsible and able Muslim is required to fast.

وَإِذَا قَامَتِ اللَّيْلَةُ فِي أَثْنَاءِ النَّهَارِ وَجَبَ الْإِمْسَاكُ وَالْقَضَاءُ عَلَى كُلِّ مَنْ صَارَ فِي  
أَثْنَاءِ أَهْلًا لَوْجُوبِهِ، وَكَذَا حَائِضٌ وَنَفْسَاءٌ طَهَّرَتَا، وَمَسَافِرٌ قَدِمَ مُفْطَرًا.

When proof [that Ramadan has arrived] is presented during the day, it is obligatory to abstain ‹the remainder of the fast-broken day› and make up the day for everyone who became deserving of its obligation during the day. It is the same for a woman who became pure from menstruation or lochia, and a traveller who arrived while not fasting.

وَمَنْ أَفْطَرَ لِكَبِيرٍ أَوْ مَرَضٍ لَا يُرْجَى بُرُؤُهُ أَطْعَمَ لِكُلِّ يَوْمٍ مِسْكِينًا.

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Someone who breaks his fast out of old age or [due to] an unrecoverable illness feeds one poor person for each [missed] day.

وَسِنَّ لِمَرِيضٍ يَضُرُّهُ، وَلِمَسَافِرٍ يَقْصُرُ.

Breaking the fast is recommended for someone who is sick and for whom fasting is harmful, and for a traveler shortening prayers.

وَإِنْ نَوَى حَاضِرٌ صَوْمَ يَوْمٍ ثُمَّ سَافَرَ فِي أَثْنَائِهِ فَلَهُ الْفِطْرُ.

If a resident intends to fast a day and then travels during it, he may break the fast «upon passing the houses of his village and the like».

وَإِنْ أَفْطَرَتْ حَامِلٌ أَوْ مُرْضِعٌ خَوْفًا عَلَى أَنْفْسِهَا قَضَتْهُ فَقَطُّ، وَعَلَى وَكَلَدَيْهَا قَضَتْهَا وَأَطْعَمَتَا لِكُلِّ يَوْمٍ مَسْكِينًا.

If a pregnant or breastfeeding woman breaks her fast out of fear for herself, she only makes up that day. If «she breaks her fast» out of fear for her child, she makes it up and «the person responsible for the child's support» feeds a single poor person for each day.

وَمَنْ نَوَى الصَّوْمَ ثُمَّ جُنَّ أَوْ أُغْمِيَ عَلَيْهِ جَمِيعَ النَّهَارِ وَلَمْ يُفِقْ جِزَاءً مِنْهُ لَمْ يَصِحَّ صَوْمُهُ، لَا إِنْ نَامَ جَمِيعَ النَّهَارِ، وَيَلْزَمُ الْمُغْمَى عَلَيْهِ الْقَضَاءُ فَقَطُّ.

Someone who intends to fast and then becomes insane or loses consciousness for the entire daytime without regaining consciousness for part of it invalidates his fast. But if a [sane] person sleeps for the entire day, his fast is valid. Someone unconscious is only required to make up the missed day.

وَيَجِبُ تَعْيِينُ النِّيَّةِ مِنَ اللَّيْلِ لَصَوْمِ كُلِّ يَوْمٍ وَاجِبٍ، لَا نِيَّةَ الْفَرَضِيَّةِ.

It is obligatory to specify one's intention the night before each obligatory fasting day «by believing oneself to be fasting for Ra-

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madan, or making up a missed fast, or fasting for a broken oath, or as an expiation. But [one is not required to specify] that the fast is obligatory in the intention.

وَيَصِحُّ النُّفْلُ بِنِيَّةٍ مِنَ النَّهَارِ قَبْلَ الزَّوَالِ وَبَعْدَهُ.

Voluntary fasts are valid with an intention made during the day before or after the sun's zenith.

وَلَوْ نَوَىٰ إِنْ كَانَ غَدًا مِنْ رَمَضَانَ فَهُوَ فَرَضِيٌّ لَمْ يَجْزِهِ.

If one were to intend “If tomorrow is part of Ramadan then it is my obligatory fast,” it is not accepted due to the lack of certainty in his intention.

وَمَنْ نَوَىٰ الْإِفْطَارَ أَفْطَرَ.

Anyone who intends to break his fast has broken it i.e., it has become as though he never intended it due to interrupting his intention... Outside of Ramadan, one could intend to fast the rest of the day as a voluntary fast.

### *What Invalidates the Fast and Requires an Expiation*

بَابُ مَا يُفْسِدُ الصَّوْمَ وَيُوجِبُ الْكَفَّارَةَ  
مَنْ أَكَلَ أَوْ شَرِبَ أَوْ اسْتَعَطَّ أَوْ اِحْتَقَنَ أَوْ اِكْتَحَلَ بِمَا يَصِلُ إِلَى حَلْقِهِ، أَوْ أَدْخَلَ إِلَى  
جَوْفِهِ شَيْئًا مِنْ أَيِّ مَوْضِعٍ كَانَ غَيْرِ إِحْلِيلِهِ، أَوْ اسْتَفَاءَ أَوْ اسْتَمْنَى أَوْ بَاشَرَ فَأَمْنَى أَوْ  
أَمْدَى أَوْ كَرَّرَ النَّظَرَ فَأَنْزَلَ أَوْ حَجَمَ أَوْ اِحْتَجَمَ وَظَهَرَ دَمٌ عَامِدًا ذَاكِرًا لِّلصَّوْمِ فَسَدَ،  
لَا نَاسِيًا أَوْ مُكْرَهًا، أَوْ طَارَ إِلَى حَلْقِهِ ذَبَابٌ أَوْ عُبَارٌ، أَوْ فَكَّرَ فَأَنْزَلَ أَوْ اِحْتَلَمَ أَوْ  
أَصْبَحَ فِيهِ طَعَامٌ فَلَفَظَهُ، أَوْ اِغْتَسَلَ أَوْ تَمَضَّمَصَ أَوْ اسْتَنَثَرَ أَوْ زَادَ عَلَى ثَلَاثٍ أَوْ  
بَالَغَ فَدَخَلَ الْمَاءُ حَلْقَهُ لَمْ يُفْسِدْ.

Someone has spoiled his fast if, while remembering his fast, he deliberately:

## FASTING

- [1] eats, drinks, uses snuff;
- [2] injects something into his anus;
- [3] applies *kohl* around his eyes and it[s taste] reaches the throat;
- [4] inserts something into a body cavity from any location other than urethra;
- [5] induces vomiting [and vomits];
- [6] masturbates ‹and ejaculates or releases pre-ejaculate [*madhī*›;
- [7] fondles ‹something other than the genitals, or kisses or touches› and ejaculates or releases pre-ejaculate; or,
- [8] ejaculates from looking repeatedly-letting or having it performed and the blood appears.

But [the fast is] not [spoiled] by:

- [1] forgetting [that one is fasting and performing one of the actions above];
- [2] being forced [to perform any of the actions listed above];
- [3] a fly or dust flying into the throat;
- [4] ejaculating as a result of thinking;
- [5] having a wet dream;
- [6] waking in the morning with food in one's mouth if one immediately spits it out; and,
- [7] making the purification bath, rinsing the mouth, rinsing the nose, doing so more than three times, or performing them so vigorously that the water reaches the throat.

وَمَنْ أَكَلَ شَاكًّا فِي طُلُوعِ الْفَجْرِ صَحَّ صَوْمُهُ، إِلَّا إِنْ أَكَلَ شَاكًّا فِي غُرُوبِ الشَّمْسِ  
أَوْ مُعْتَقِدًا أَنَّهُ لَيْلٌ فَبَانَ نَهَارًا.

The fast is valid from someone who ate while doubting the sun has risen.

But not if one ate while doubting the sun has set, or while believing that it is nighttime and it turns out to be daytime.

**Expiating a Fast Invalidated by Lovemaking**

(فصلٌ) وَمَنْ جَامَعَ فِي نَهَارِ رَمَضَانَ فِي قُبُلٍ أَوْ دُبُرٍ فَعَلَيْهِ الْقَضَاءُ وَالْكَفَّارَةُ.

Whoever has vaginal or anal intercourse in the daytime of Ramadan must make up that day's [fast] and perform an expiation.

وَإِنْ جَامَعَ دُونَ الْفَرْجِ فَأَنْزَلَ أَوْ كَانَتْ الْمَرْأَةُ مَعْدُورَةً أَوْ جَامَعَ مَنْ نَوَى الصَّوْمَ فِي سَفَرِهِ أَفْطَرَ وَلَا كَفَّارَةَ.

The fast is broken but there is no expiation if:

- [1] the man stimulates himself outside of woman's private parts <even if intentional> and ejaculates <or released pre-ejaculatory fluids>;
- [2] the woman <who the intercourse was with> is excused <by ignorance, forgetfulness, or being forced>; or,
- [3] someone intending to fast during his journey has intercourse.

وَإِنْ جَامَعَ فِي يَوْمَيْنِ أَوْ كَرَّرَهُ فِي يَوْمٍ وَلَمْ يُكْفِرْ فَكَفَّارَةٌ ثَانِيَةٌ.

A second expiation is owed if he has intercourse on two days, or repeats it during the same day before paying an expiation.

وَكَذَلِكَ مَنْ لَزِمَهُ الْإِمْسَاكُ إِذَا جَامَعَ.

It is the same for anyone required to abstain if he has intercourse.

وَمَنْ جَامَعَ وَهُوَ مُعَافٍ ثُمَّ مَرِضَ أَوْ جُنَّ أَوْ سَافَرَ لَمْ تَسْقُطْ.

The expiation is not dropped for someone who has intercourse while healthy and then becomes sick, insane, or travels.

وَلَا تَجِبُ الْكَفَّارَةُ بغيرِ الْجَمَاعِ فِي صِيَامِ رَمَضَانَ، وَهِيَ عِتْقُ رَقَبَةٍ، فَإِنْ لَمْ يَجِدْ فَصِيَامَ شَهْرَيْنِ مُتَتَابِعَيْنِ، فَإِنْ لَمْ يَسْتَطِعْ فإِطْعَامُ سِتِّينَ مِسْكِينًا، فَإِنْ لَمْ يَجِدْ سَقَطَتْ.

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The expiation is obligatory only for sexual intercourse while fasting Ramadan.

The expiation is freeing a «Muslim» slave «free of defects which hamper work» or, in its absence, fasting consecutively for two months. Whoever is unable can feed sixty poor. In he finds nothing «to feed the poor», the expiation is dropped.

### *Offensive and Recommend Measures During the Fast. Make-Up Fasts*

بَابُ مَا يُكْرَهُ وَيُسْتَحَبُّ وَحُكْمُ الْقِضَاءِ  
يُكْرَهُ جَمْعُ رِيْقِهِ فَيَبْتَلِعُهُ.

It is offensive to gather one's spit and swallow it [while fasting].

وَيَحْرُمُ بَلْعُ النَّخَامَةِ وَيُفْطِرُ بِهَا فَقَطُ إِن وَصَلَتْ إِلَى فَمِهِ.

It is unlawful to swallow phlegm as it breaks the fast if it reaches his mouth. [However, swallowing saliva does not break one's fast].

وَيُكْرَهُ ذَوْقُ طَعَامٍ بِلَا حَاجَةٍ، وَمَضْغُ عِلْكِ قَوِيٍّ، وَإِنْ وَجَدَ طَعَمَهَا فِي حَلْقِهِ أَفْطَرَ.

It is offensive to taste food without need, or to chew gum. The fast is broken if its taste reaches the throat.

وَيَحْرُمُ الْعِلْكَ الْمُتَحَلَّلُ إِنْ بَلَغَ رِيْقَهُ.

Dissolved gum is unlawful if one swallows one's saliva and it contains juice from the gum. «Otherwise it is not.»

وَتُكْرَهُ الْقُبْلَةُ لِمَنْ تَحَرَّكَ شَهْوَتَهُ.

Kissing «and what leads to intercourse» is offensive for someone who will become aroused by it.

وَيَحِبُّ اجْتِنَابُ كَذِبٍ وَغِيْبَةٍ وَشْتَمٍ.

It is «unconditionally» obligatory to avoid lying, gossiping, «tale-

bearing,› and verbal abuse [but especially when fasting].

وَسُنُّ لِمَنْ شُتِمَ قَوْلُهُ : «إِنِّي صَائِمٌ»، وَتَأْخِيرُ سُحُورٍ وَتَعْجِيلُ فِطْرِ عَلَى رُطْبٍ، فَإِنْ عُدِمَ فَتَمَّرٌ، فَإِنْ عُدِمَ فَمَاءٌ، وَقَوْلُ مَا وَرَدَ.

The following are recommended for a person who is fasting:

- [1] to say: “I am fasting” if they are verbally abused;
- [2] to delay the pre-dawn meal;
- [3] to hasten to break fast using unripe dates, dates (in their absence), or water (in their absence);
- [4] to say what has been narrated ›including:

*“Allāhumma laka ṣumtu wa ‘alā rizqika aftartu, subḥānaka allāhumma wa bi-ḥamdika, Allāhumma taqabbal minni innaka anta al-samī‘u al-‘alīm”*

(“O Allah, for Your sake I fasted, and upon Your sustenance I break it. O Allah, accept it from me. Indeed, You are All-Hearing, All-Knowing”›).

وَيُسْتَحَبُّ الْقِضَاءُ مُتَابِعًا.

وَلَا يَجُوزُ إِلَى رَمَضَانَ آخَرَ مِنْ غَيْرِ عُدْرٍ، فَإِنْ فَعَلَ فَعَلَهُ مَعَ الْقِضَاءِ إِطْعَامُ مَسْكِينٍ لِكُلِّ يَوْمٍ، وَإِنْ مَاتَ، وَلَوْ بَعْدَ رَمَضَانَ آخَرَ. وَإِنْ مَاتَ وَعَلَيْهِ صَوْمٌ أَوْ حَجٌّ أَوْ اعْتِكَافٌ أَوْ صَلَاةٌ نَذْرٌ اسْتُحِبَّ لَوْلِيَّهِ قِضَاؤُهُ.

It is recommended to make up missed fasts consecutively.

It is unlawful to delay making up fasts until the next Ramadan without excuse. If one does ›delay without an excuse›, then – along with the make up – one feeds a poor person for each day, even if he dies even after another Ramadan.

If someone dies having vowed to perform a fast, a Hajj, a spiritual retreat [*i‘tikāf*] or a prayer, it is recommended that his guardian make it up on his behalf.

## FASTING

### *Voluntary Fasting*

بَابُ صَوْمِ التَّطَوُّعِ  
يُسْنُ صِيَامَ أَيَّامِ الْبَيْضِ، وَالْاِثْنَيْنِ وَالْخَمِيسِ، وَسِتِّ مِنْ شَوَّالٍ، وَشَهْرِ الْمُحَرَّمِ -  
وَأَكْذِهِ الْعَاشِرُ ثُمَّ التَّاسِعُ - وَتِسْعَ ذِي الْحِجَّةِ، وَيَوْمَ عَرَفَةَ لِغَيْرِ حَاجِّ بِهَا.

It is recommended to fast on:

- [1] the white days [the 13-15th of every lunar month];
- [2] Mondays;
- [3] Thursdays;
- [4] six days of Shawwāl «it is recommended for one to fast them consecutively and immediately after Eid»;
- [5] the month of Muḥarram – with the tenth then the ninth being most emphatic days;
- [6] the [first] nine days of Dhi l-Hijjah, and – for individuals not performing Hajj – the Day of ‘Arafah [the 10th].

وَأَفْضَلُهُ صَوْمُ يَوْمٍ وَفِطْرُ يَوْمٍ.

The best fast is to fast every other day.

وَيُكْرَهُ إِفْرَادُ رَجَبٍ وَالْجُمُعَةِ وَالسَّبْتِ وَالشُّكِّ.

It is offensive to single out «as times for fasting»:

- [1] Rajab;
- [2] Friday;
- [3] Saturday; and,
- [4] the Day of Doubt.

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وَيَحْرُمُ صَوْمَ الْعِيدَيْنِ وَلَوْ فِي فَرَضٍ، وَصِيَامَ أَيَّامِ التَّشْرِيقِ إِلَّا عَنِ دَمٍ مُتَعَةٍ وَقِرَانٍ.

It is unlawful to fast:

- [1] the two days of Eid even [if one needs to make up] an obligatory [*farḍ*] fast; and,
- [2] the Days of Tashrīq [*Ayyāmu Tashrīq*; 11–13 Dhi l-Hijjah] – unless one is making a blood sacrifice for performing Umrah and then Hajj [*tamattuʿ*] or performing them.

مَنْ دَخَلَ فِي فَرَضٍ مُوسِعٍ حَرَمَ قَطْعَهُ.

It is unlawful to interrupt an obligatory [*farḍ*] act ‹whether it is fasting or something else› which allows for multiple performances within its valid time [*farḍ muwassaʿ*].

وَلَا يَلْزَمُ فِي النِّفْلِ، وَلَا قَضَاءٍ فَاسِدِهِ إِلَّا الْحُجُّ.

It is not required to complete a voluntary act. ‹Though it is offensive to inexcusably exit it.›

Neither is it required to make up a voluntary act that has been invalidated – except for a supererogatory Hajj or Umrah.

وَتُرْجَى لَيْلَةُ الْقَدْرِ فِي الْعَشْرِ الْآخِرِ مِنْ رَمَضَانَ، وَأَوْتَارُهُ أَكْثَرُ، وَلَيْلَةُ سَبْعٍ وَعِشْرِينَ أْبْلَغُ، وَيَدْعُو فِيهَا بِمَا وَرَدَ.

Laylat al-Qadr is expected during the last ten days of Ramadan. It is more confirmed to [occur] during the odd days, with the 27th being the most likely.

One supplicates [much] during Laylat al-Qadr, using what has been transmitted:

﴿Allāhumma innaka ʿafwun tuhibbu l-ʿafwa fa-ʿfu ʿanniʾ﴾

(“O Allah, You are Most Forgiving, and You love forgiveness; so forgive me”).

## FASTING

### *Spiritual Retreat*

بَابُ الْعِتْكَافِ  
هُوَ لُزُومُ مَسْجِدٍ لَطَاعَةَ اللَّهِ تَعَالَى مَسْنُونٌ.

Spiritual Retreat [*i'tikāf*] is confining oneself to a mosque for the sake of worshiping Allah Most High.

It is recommended.

وَيَصِحُّ بِلا صَوْمٍ وَيَلْزَمَانِ بِالْتَّنْذِرِ.

It is valid to perform a spiritual retreat without fasting. The two «i.e., spiritual retreat and fasting» are required if an oath has been made to perform them.

وَلَا يَصِحُّ إِلَّا فِي مَسْجِدٍ يُجْمَعُ فِيهِ إِلَّا الْمَرْأَةُ فَفِي كُلِّ مَسْجِدٍ سِوَى مَسْجِدِ بَيْتِهَا.

It is not valid unless it is performed with the intention and in a mosque where congregational prayers are held. [However, it] is valid «for someone who is not required to attend congregational prayers, such as» a woman. [She can perform it in any] mosque except for the «mosque» in her home «i.e., the place in her home where she normally prays».

وَمَنْ نَذَرَهُ أَوِ الصَّلَاةَ فِي مَسْجِدٍ غَيْرِ الثَّلَاثَةِ - وَأَفْضَلُهَا الْحَرَامُ، فَمَسْجِدُ الْمَدِينَةِ،  
فَالْأَفْضَى - لَمْ يَلْزَمْهُ فِيهِ، وَإِنْ عُيِّنَ الْأَفْضَلُ لَمْ يُجْزَ فِيهَا دَوْنَهُ، وَعَكْسُهُ بَعْكَسِهِ،

One is not required to performing a vowed spiritual retreat or prayer in the mosque specified in one's intention, unless it is one of the three mosques, which are [in order of superiority]:

- [1] *Masjid al-Haram* [in Mecca];
- [2] *Masjid al-Madīnah* [Medina]; and then,
- [3] *Masjid al-'Aqṣā* [Jerusalem].

If one specified [in one's vow] the most superior mosque, nothing less suffices. If one specified either of the other two mosques, any

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superior mosque will suffice. <Thus, it is acceptable for someone who vowed to perform a spiritual retreat or prayer in *Al-Masjid al-Nabawi* or in *Masjid al-'Aqṣā* to perform it in *Masjid al-Haram*.>

وَمَنْ نَذَرَ زَمَانًا مُعَيَّنًا دَخَلَ مُعْتَكِفَهُ قَبْلَ لَيْلَتِهِ الْأُولَى وَخَرَجَ بَعْدَ آخِرِهِ.

If an oath is made for a specific period of time, it begins on the day before its first night and exits it on the day after its final night.

وَلَمْ يُخْرَجِ الْمُعْتَكِفُ إِلَّا لِمَا لَا بُدَّ مِنْهُ، وَلَا يَعُودُ مَرِيضًا، وَلَا يَشْهَدُ جَنَازَةً إِلَّا أَنْ يَشْتَرِطَهُ.

Someone performing a spiritual retreat does not leave it except for unavoidable circumstances <such as:

- [1] bringing food and drink when there is no one else to bring it to him;
- [2] a sudden need to vomit, urinate, or defecate;
- [3] making an obligatory purification;
- [4] someone in a state of major ritual impurity [*janābah*] leaving to make an obligatory purificatory bath;
- [5] going to a Friday Prayer; or,
- [6] making an obligatory testimony.>

One does not visit someone who is sick nor attend a funeral prayer unless it was stipulated <in the beginning of the spiritual retreat>.

وَإِنْ وَطِئَ فِي فَرْجٍ فَسَدَّ اعْتِكَافَهُ.

One's spiritual retreat is invalidated if he has intercourse <or ejaculates from non-genital touching>.

وَيُسْتَحَبُّ اشْتِغَالُهُ بِالْقُرْبِ واجْتِنَابُ مَا لَا يَعْنِيهِ.

It is recommended to busy oneself with acts of worship and to avoid whatever does not concern one.

## FASTING

⟨Whoever visits the mosque should intend spiritual retreat for the duration of his visit, especially if he is fasting.⟩

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