

The Fiqh of Fasting

QIman

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Introduction

In the name of Allah, the Most Gracious the Most Merciful. All praise be to Allah, the Lord of the universe. May the salutations and peace be upon his noble Messenger, and upon his family and upon his companions.

Fasting is the forth pillar of Islam, and is from amongst the most important actions that Allah the Exalted has decreed for the believer to perform. Its virtue is high and reward is vast. The Prophet ﷺ said; “by Him in Whose Hands is my soul, the scent emitted from the mouth of a fasting person is better with Allah than the scent of musk. Allah says about the fasting person, he has left his food, drink and desires for my sake. The fast is for Me. So I will reward him for it and the reward of good deeds is multiplied tenfold.”

This course, with the permission of Allah the All Knowledgeable, will outline the basic legal rulings pertaining to fasting.

A word of advice for the student intending to pursue the sacred knowledge of Islam. Abu Ḥāmid al-Ghazālī states in his book, ‘Bidāya tul-Hidāyah’:

You who are desirous of acquiring sacred knowledge, expressing yourself in a sincere longing and a passionate thirst for it, know that if your aim in seeking knowledge is to compete, show off, outdo your peers, garner attention and amass the debris of this world, then you are on your way to rendering your religion null and void, destroying yourself, and selling your eternal life for this present one.

Your transaction is empty, your business profitless. And the person who teaches you in this case is nothing less than an accomplice in your transgression, a partner in your loss. He can be compared to one who sells a sword to a highway robber, for as the Messenger of Allah ﷺ said; “Indeed, whoever helps with a sin by even half a word is a partner in it.”

But if, in seeking knowledge, your intention and aim, between Allah Most High and yourself, is to gain guidance, and not simply the transmission of information, then glad tidings be to you. The angels will spread their wings for you as you walk and the fish in the sea will ask forgiveness for you as you strive.

What is Fiqh

Linguistic Meaning: the term fiqh means to understand or discern. Thus it is synonymous with the Arabic word fahm. In the Quran Allah the Exalted uses the word in this meaning; "What has come to these people that they fail to understand a simple statement ."

Legal Meaning: It is the knowledge of the shar'i ahkām (legal rulings), pertaining to conduct, that have been derived from their specific evidences .

Sources of Law

Quran: The Quran is the word of Allah the Exalted, revealed to Prophet Muhammad ﷺ as waḥī through the archangel Gibreel, in the Arabic language, mass transmitted, without any doubt, preserved in the muṣḥaf, miraculous, as a form of worship, beginning with Fātiḥah and ending with Nās.

Sunnah: what was transmitted from the Messenger of Allah ﷺ of his words, acts and tacit approval.

Ijmā': The agreement of mujtahidūn (jurists) from amongst the ummah in a certain time, upon certain rulings after the death of the Prophet ﷺ.

Qiyās: The assignment of the ruling of an existing case found in the texts of the Quran, Sunnah or Ijmā' to a new case whose ruling is not found in these sources on the basis of a common underlying attribute called the 'illah of the ruling .

Legal Classifications

Wājib

Technical Definition:

1. An obligatory act.
2. Is an act whose commission is demanded by the Lawgiver.
3. It is an act which is obligatory on the responsible person .
4. If he performs this act then he will be rewarded, and omitting it without a legal excuse, will entail a penalty.

Hanafi Distinction:

- Fardh: [above definition] and it has been established through a دليل قطعي (definitive evidence). Such as the Quran or Mutawātir Hadith (mass transmitted narration). For example, five daily prayers, Zakat, Hajj.
- Wājib: [above definition] and it has been established through a دليل ظني (probable evidence). Such as a 'Single Narration'. For example, the two 'Eid prayers and the Witr prayer.

❓ Denying an obligatory act which has been established through a definitive evidence is kufr.

❓ Denying an obligatory act which has been established through a probable source is fisq.

Mandūb

Technical Definition:

1. A recommended Act.
2. Is a demand from the Lawgiver for the commission of an act without making it binding and without assigning any blame for its omission.
3. So if one does a Mandūb act, he will be rewarded for it, and if he omits it then he will not be penalised nor will he necessarily be blameworthy.

Types of Mandoob:

- Sunnah Mu'akkadah (emphasised Sunnah): is an act which the Prophet ﷺ performed persistently and rarely omitted it. If one performs such an act then he will be rewarded, whilst omitting it is worthy of blame. For example, the two raka' before the Fajar prayer, the four before Zuhar and the two after it, the two after Maghrib and the two after 'Ishā'.
 - o If one abandons a Sunnah which is a Sha'aa'ir (symbol) of Islam, such as Adhān and congregational prayer, then his blame is greater, such that his testimony in court will not be considered.
- Sunnah Ghair Mu'akkadah (non-emphasised Sunnah): is an act which was not performed persistently by the Prophet ﷺ, he performed it several times and at other times he did not. One who omits such an act will not be subject to blame. For example, the four raka' before 'Asr and 'Ishā', or ṣadaqah to the poor.
- Sunnah Zawāhid (extra Sunnah): Those acts which one does out of love for the Prophet ﷺ, such as the way he dressed, how he ate, or how he sat and slept. One who performs such an act will be rewarded, whilst omitting it is not subject to blame in anyway.

Harām

Technical Definition:

1. A prohibited act.
2. Is an act whose omission is required by the Lawgiver
3. It is an act which is prohibited on the responsible person.
4. Committing such an act will result in punishment.

Hanafi Distinction:

- Harām: [above definition] and it has been established through a دليل قطعي (definitive evidence). Such as the Quran or Mutawātir Hadith (mass transmitted narration). For example, murder or eating carrion (dead meat).

- Makrūh Al-Tahrīm: [above definition] and it has been established through a دليل ظني (probable evidence). Such as a ‘Single Narration’. For example, promising to give something to someone when one has promised to give it to someone else.

Further Classification:

- Ḥarām li-dhātihi (prohibited in and of itself): Is an act which is inherently ḥarām. For example, drinking alcohol, theft and murder.
- Ḥarām li-gharihi (prohibited due to an external factor): An act which is initially either wājib or mandūb or permissible but then due to an external factor it becomes ḥaraam. For example, fasting outside the month of Ramdan is mandūb or mustahab, however if one fasts on the day of Eid, it becomes Ḥaraam.

Makrūh

Technical Definition:

1. A disapproved act.
2. Is an act whose omission is demanded by the Lawgiver.
3. Committing such an act may be blameworthy.

❓ For example, sale/trade at the time of the Friday congregational prayer.

❓ The above definition is termed as Makrūh Tanzīh by the Hanafi school, whilst a more severe disapproved act is Makrūh Al-Taḥrīm, which is closer to ḥarām and has been discussed in the section of ḥarām.

Mubāh

Technical Definition:

1. A permissible or ḥalāl Act.
2. Is an act in which the Lawgiver has granted a choice of commission or omission, without blame or praise.
3. If one performs such an act, then there is no necessary reward nor is it liable to penalty or punishment

❓ A mubāh act may be rewarded if someone makes the intention to perform it for the sake of another action of reward. For example, someone makes the intention to sleep (which is a mubāh action), but he does so for the sake of rejuvenating his energy to continue the worship of Allah the Exalted the next day, now his sleep would also incur reward.

❓ Equally, a mubāh action may become ḥarām (as discussed in ḥarām li-gayrihi above) if it leads to that which is prohibited. For example, the choice of eating and not eating, or when to eat and not to eat is completely mubāh, however overeating may destroy his health and not eating may kill him too, therefore it is important to keep the balance, as preservation of life is impetrative in Islam.

The Chapter of Fasting

Definition

Linguistic meaning: Şaum means to restrain or abstain a speech or an action .

Legal meaning: it is to prevent oneself from acting upon carnal desire intentionally, and entering anything into the stomach either intentionally or mistakenly; from true dawn till sunset; for the sake of worship towards Allah the Exalted, seeking to fulfil the obligation of His command and obedience towards Him.

Obligation of Fasting

To fast in the lunar month of Ramadan is obligatory. Allah the Exalted has stipulated its obligation through verses in absolute clarity free from any speculation.

Allah the Exalted says; “Oh you who believe, prescribed for you is fasting, as it was prescribed for those before you, perhaps you would gain god-consciousness.”

Allah the Exalted also says; “The month of Ramadan is the one in which the Quran was revealed as a source of guidance for mankind, and clear proofs as guidance, and the criterion. So whomsoever amongst you witnesses the month [of Ramadan] so let him fast during it.”

Fasting in the month of Ramadan is the fourth pillar from amongst the pillars of Islam. In a narration, the Prophet ﷺ said; “Islam is built upon five; bearing witness that there is no God except for Allah the exalted, and that Muhammad ﷺ is the messenger of Allah; and the establishment of prayer; and the giving of zakāh; and the Hajj of the House; and the fast of Ramadan.”

The ‘Ummah at large is upon the consensus that the fast of Ramadan is farḍ ‘ayn, upon every individual who is mukallaf. No Muslim has ever questioned the obligation of the fast of Ramadan.

Upon whom is the fast of Ramadan obligatory

The fast of Ramadan, its performance as well as its qaḍā’ is obligatory upon every individual who fulfils all of the following conditions:

1. Muslim; fasting is not obligatory upon non-Muslims.
2. Sexual maturity; fasting is not obligatory upon children.
3. Sanity; fasting is not obligatory upon the mentally insane.
4. Know the necessities of fasting.

Upon whom is the performance of fasting obligatory

The performance of fasting is obligatory upon:

1. The resident; thus its performance will not be obligatory upon the traveller.
2. The one who is physically fit; not one who is ill.

3. The woman, when she is pure from menstruation and post-natal bleeding; thus a woman who experiences either, it will not be permissible for her to fast.

When will the performance of fasting be valid

The performance of a fast will be valid when the following conditions are met:

1. To intend to fast within the time in which the intention would be valid.
2. For the woman to be pure from menstruation or post-natal bleeding.
3. That the fasting person abstain from anything that would invalidate his/her fast; such as eating, drinking, intercourse, or that which is in the ruling of any of these.
4. There is no condition stipulated for the validity of the fast that requires the fasting person to be free from major ritual impurity.

Types of fasting

1. Farḍ
2. Wājib
3. Masnūn
4. Mandūb
5. Makrūh
6. Mūharram

Farḍ Fasting:

To fast in the month of Ramadan.

Wājib Fasting:

- i. The qaḍā' of a voluntary fast which was invalidated
- ii. The fast of Vow; is a fast which one vowed to fast
- iii. The expiation fast; a fast imposed as a penalty
- ☐ The expiation fast will become wājib in the following scenarios
 - a. When one intentionally breaks a fast of Ramadan without any legal excuse.
 - b. To have sexual intercourse in Ramadan during the day.
 - c. For the expiation for dhihār.
 - d. For the expiation of breaking an oath
 - e. To perpetrate some of what is forbidden in the state of iḥrām.
 - f. For the mistaken killing of another, or that which is under its ruling.

Masnūn Fasting:

To fast on the day of 'āshūrā' accompanied by one either before it or after it; this is to fast on the 10th of Muḥarram accompanied by either fasting on the 9th or the 11th of Muḥarram.

Mandūb Fasting:

- i. To fast three days of every month, no matter which of these days one fasts.
- ii. To fast on the al-ayyām ul-bīḍ (the white days); the 13th, 14th and 15th of every lunar month.
- iii. To fast on the Monday and the Thursday of every week
- iv. To fast six days in the month of Shawwāl.
- v. To fast on the day of ‘Arafah; for the one who is not performing Hajj.
- vi. The fast of the Prophet David (pbuh); to fast every other day .

Makrūh Fasting:

- i. To fast on the day of ‘āshūrā’ only; i.e. not to accompany it with a fast on either the 9th or 11th of Muḥarram.
- ii. To fast on a Saturday only.
- iii. To fast continuously; this is when one does not break his fast after sunset and continues his fast to the next day.

Muḥarram Fasting:

- i. To fast on the day of ‘Eīd ul-Fiṭr; this is the 1st of Shawwāl.
- ii. To fast on the day of ‘Eīd ul-‘ḍḥā’; this is the 10th of Dhul Hijjah.
- iii. To fast during the days of Tashreeq; these are the 11th, 12th and 13th of Dhul Hijjah.

Making an intention of fasting

A fast will not be valid without an intention.

An intention is something that occurs in the heart.

The fasts whose intention would be valid from the night before till the zenith of the next day:

1. Fasts of Ramadan
2. Specified fasts of vow
3. Voluntary fasts

The above three types of fasting will be valid with either an unspecified intention or with the intention of a voluntary fast.

The fasts whose intention would need to be specified and would only be valid from the night before till true dawn (the Fajar) of the next day:

1. The qaḍā’ of a voluntary fast which was invalidated
2. Fasts of expiation
3. Non-specified fasts of vow

Sighting of the moon

The Prophet ﷺ said; “Fast till you see it (the new moon) if it is overcast then complete Sha’bān with thirty days.”

Ramadan will be established either by sighting the new moon on the night of the 29th of Sha’ban, or if the sky is overcast and the moon is not visible then to assume the month of Sha’bān to be thirty days and then the next day will most definitely be the 1st of Ramadan.

In order to establish the commencement of Ramadan the testimony of one man or one women would suffice. Whilst the establishment of ‘Eīd ul-Fiṭr (the 1st of Shawwāl) requires the testimony of either two men or one man and one women; when there would be any sign of overcast, clouds or clouds of smoke in the sky.

However, when there is no sign of overcast, cloud or cloud of smoke in the sky, then the commencement of Ramadan and ‘Eīd ul-Fiṭr (the 1st of Shawwāl) will not be established except when a large group resolutely confirms that the new moon has been sighted.

The sighting of the new moon for the rest of the months of the lunar calendar will be established with the testimony of either two upright men or one man and two women; those who have the legal capacity to bear witness .

When the sighting of the new moon has been established in one region from amongst a group of areas, then fasting will become obligatory on the rest of the neighbouring regions.

Whomsoever sights the moon of the commencement of Ramadan independently but his testimony is not accepted, it will however become obligatory upon him/her to fast. However, if they sight the moon of ‘Eīd independently, then they will continue to fast like the rest .

The ruling of fasting in the day of doubt

The day of doubt, is the day that follows the 29th of Sha’bān; because there is no surety whether the new moon will be sighted or not.

It is disliked to fast on the day of doubt; with the intention of a farḍ fast, or with an intention whereby one is uncertain as to whether it is an obligatory fast or a voluntary fast.

It is not disliked if one were to fast with the intention of a voluntary fast on the day of doubt, whereby he/she is certain that the intention is solely for a voluntary fast.

Whomsoever is uncertain between fasting and ‘Eid ul-fiṭr, then his fast will be invalid.

It is incumbent for the Mufti to order the general public in the day of doubt to wait till just before the zenith (midday) without the intention to fast, then when the timeframe of intention expires and the circumstance has not been specified, he will command them to break their fasts.

Whomsoever fasts on the day of doubt, with the intention of fasting a voluntary fast, then it appears that it is the day of Ramadan, it will suffice them, and a qaḍā' will not be necessary.

That which will not invalidate the fast

The fast will not be nullified in the following circumstances:

- i. To eat forgetfully
- ii. To drink forgetfully
- iii. To have sexual intercourse forgetfully
- iv. To put oil on the hair
- v. When kohl is applied and the taste occurs in the throat
- vi. To have cupping performed
- vii. To slander or backbite another person
- viii. If one intends to break his fast prematurely but does not actually carry it out
- ix. If dust enters the throat which is non-nourishing, even if it be dust of the mill
- x. If smoke enters the throat which is non-nourishing
- xi. If a fly enters the throat
- xii. If one enters into the state of major ritual impurity
- xiii. If one dives into a river and water enters his/her ears
- xiv. If nasal mucus appears in the nostrils and one sniffs it intentionally, or swallows it
- xv. If vomit overcomes him and he swallows it when it is non-nourishing, it is the same whether it be a little or a lot
- xvi. If one intentionally vomits and the vomit is less than a mouthful and he/she swallows it when it is non-nourishing
- xvii. If one eats something which was dislodged from between his/her teeth, and it is smaller than the size of a chickpea
- xviii. If one chews something like a sesame seed between his teeth until it melts away, and no taste occurs in the throat
- xix. The fast will not be invalidated by inserting an injection into the skin or the vein/artery
- xx. If one cleans his ear with an earbud, stick or twig; and wax or dirt is extracted, then he inserts the ear bud continuously in the ear

That which incurs a penalty and qaḍā'

The fast will be invalidated in the following scenarios and the individual in question will incur a penalty and qaḍā':

- i. If one consumes something which is a satiating nourishment that satisfies hunger

- ii. If one consumes medicine without a legal excuse
- iii. If one drinks water or any other drinking liquid
- iv. If one has sexual intercourse
- v. If one swallows rain water entering his mouth
- vi. If one consumes wheat whilst chewing on it
- vii. If one swallows a seed/kernel of wheat without chewing on it
- viii. If one swallows a kernel of sesame
- ix. If one consumes a little bit of salt
- x. If one smokes cigarettes, or water pipe
- xi. If one consumes clay/soil, whilst he habitually consumes clay; if he/she do not habitually consume clay, then to consume whilst fasting will not incur a penalty

Conditions that incur a penalty

A penalty will not be incurred except when the following conditions have been met:

- i. If one eats or drinks during a fast of Ramadan
- ii. If one eats or drinks intentionally
- iii. If one does not consume mistakenly
- iv. If one does not consume out of compulsion of poverty
- v. If one does not consume out of coercion by another

The nature of the penalty

The penalty which is incurred as a result of violating any of the conditions of fasting are as follows:

1. To free a slave , if he cannot free a slave then;
2. To fast for two months consecutively , if one is not able to then;
3. To feed sixty destitute people an average meal .

If he intends to pay the destitute in the form of grains, then he must pay for each destitute person half a sā' of wheat or its flour; or the value of half a sā' of wheat; or 1 sā' of barley, or dates; or the value of 1 sā' of barley, or dates.

That which incurs qaḍā' without a penalty

The fast will be invalidated in the following circumstances, a qaḍā' of the fast will become obligatory, however no penalty will be incurred:

- i. If one breaks his fast for a legal excuse, such as;
 - a. Travelling
 - b. Illness
 - c. Pregnancy
 - d. Breast feeding
 - e. Menstruation
 - f. Post-natal bleeding
 - g. Losing consciousness
 - h. Insanity

- ii. If one eats something that is not usually eaten, which does not satiate the hunger; like medicine when he/she consumes it for a legal excuse such as;
 - a. Flour
 - b. Dough
 - c. A lot of salt all at once
 - d. Cotton
 - e. Paper
 - f. Date seed/stone
 - g. Clay/earth
- iii. If one swallows something from the following:
 - a. Pebble
 - b. Iron
 - c. Rock
 - d. Gold
 - e. Silver
 - f. Copper
 - g. Anything similar to the above
- iv. If one is coerced into breaking his/her fast by eating or drinking
- v. If one is compelled, out of poverty, to eat or drink
- vi. If one eats or drinks mistakenly
- vii. If one gargles or sniffs and water enters the food pipe
- viii. If one intentionally vomits and it is mouthful
- ix. If rainwater or snow/ice enters his throat and he does not swallow it while it is nourishing.
- x. If one invalidates a fast other than Ramadan
- xi. If smoke enters the throat which is nourishing
- xii. If one eats something which was dislodged from between his/her teeth, and it is equivalent to the size of a chickpea, or larger
- xiii. If one eats intentionally thinking his fast is broken after eating forgetfully
- xiv. If he eats after intending the day whilst he did not intend the night
- xv. If one travels, then he intends to become a resident then he eats
- xvi. If one travels after becoming a resident, then he eats
- xvii. If one refrains from eating and drinking throughout the day without the intention of fasting nor the intention of breaking the fast.
- xviii. If one drops oil/water in his/her ear
- xix. If one enters medicine into his/her nose
- xx. If one treats a wound on the abdomen or a wound on the head and the medicine enters a cavity which benefits from nourishment

That which invalidates the fast during Ramadan, due to one of the cause stated above, it will be incumbent upon him to refrain from eating and drinking for the rest of the day, in order to preserve the sanctity of the month of Ramadan.

That which is disliked for the fasting person

The following circumstances are makrūh (disliked) for the person who is fasting, and it is incumbent for him to avoid these, so as not to reduce the reward of his fast.

- i. Chewing something, or tasting something without any need
- ii. To gather saliva in the mouth and then to swallow it
- iii. Anything that will cause one to become weaker, like venesection or cupping

That which is not disliked for the fasting person

The following are not disliked for the person who is fasting:

- i. To oil the moustache or beard
- ii. To apply kohl
- iii. To bath in order to cool oneself
- iv. To wrap oneself in wet clothes in order to cool himself/herself
- v. To gargle or wash the nostrils for other than wudu
- vi. To use siwāk

What is recommended for the fasting person

The following are recommended for the fasting person:

- i. To conduct suḥūr
- ii. To delay the suḥūr; however, it is better to stop eating or drinking a little before fajr to avoid doubt.
- iii. To hasten iftār after the sun has set
- iv. To perform ghusl before fajr if one is in the state of major ritual impurity.
- v. To preserve one's tongue from lying, backbiting, slander or abuse.
- vi. To cease the opportunity of Ramadan, and occupy oneself with the recitation of the Quran and supplication and remembrance.
- vii. To refrain from becoming angry and losing one's temper over trivial matters
- viii. To preserve oneself from lustful desire, even if it is permissible

Legal excuses to break one's fast

Islam is the religion of fiṭrah and does not expect from its followers that which they are incapable of bearing. Allah is known as the laṭīf, i.e. the one who is Kind, towards his servants. Thus he has permitted breaking one's fast and redoing them as qaḍā' in other days, for those who are afflicted with harm or difficulty during fasting. Thus it would be permissible to break one's fast in the following:

- i. For the ill, when fasting would cause them harm or increase their illness
- ii. For a traveller who intends to travel on a long journey

- iii. For the one who suffers from such level of hunger or thirst that he/she believes they will perish if they do not break their fast
- iv. For the pregnant women if she fears fasting may harm her or her foetus