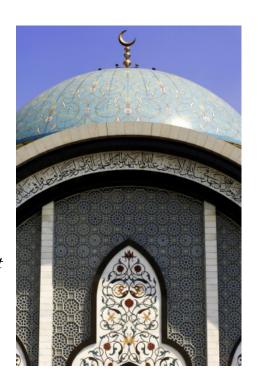
# THE FIQH OF FASTING (Shāfi'ī)

Abridged and translated from *Fiqh al-ʿibādāt* 'alā al-madhhab al-Shāfi'ī by Ḥājja Durriyya al-ʿAyṭa



### Types of Fasts:

Fasting is divided into four categories: obligatory fasts, recommended fasts, disliked fasts, and forbidden fasts.

#### I. OBLIGATORY FASTS

The obligatory fasts are further divided into two categories, the first being that of an intrinsic obligation (farḍ aṣāla) which is the fast of Ramaḍān and its makeup when needed. The second category of obligatory fasts is that incidental obligations (farḍ ʿarḍā) which are the fasts of oaths, atonement (kaffārāt) and expiation for acts during the pilgrimage. These notes will only cover the most common of obligatory fast, which is that of the first category. It is recommended to refer to the book for a more complete commentary when needed.

## A. Evidence for Fasting Ramadan in the Islamic Tradition

### 1) Qur'an:

شَهْرُ رَمَضَانَ ٱلَّذِى أُنزِلَ فِيهِ ٱلْقُرْءَانُ هُدًى لِلنَّاسِ وَبَيِّنَتٍ مِّنَ ٱلْهُدَىٰ وَٱلْفُرْقَانِ فَمَن شَهِدَ مِنكُمُ ٱلشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَلْهُدَىٰ وَٱلْفُرْقَانِ فَمَن شَهِدَ مِنكُمُ ٱلشَّهْرَ فَلْيَصُمْهُ وَمَن كَانَ مَرِيضًا أَوْ عَلَىٰ سَفَرٍ فَعِدَّةٌ مِّنَ أَيَّامٍ أُخَرَ يُرِيدُ ٱللَّهُ بِكُمُ ٱلْيُسْرَ وَلَا يُرِيدُ بِكُمُ ٱلْعُسْرَ وَلِا يُرِيدُ بِكُمُ ٱلْعُسْرَ وَلِا يُرِيدُ بِكُمُ ٱللَّهُ عَلَىٰ مَا هَدَاكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمُ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلَعَلَّكُمْ وَلِيهُ وَلَعُونَا اللَّهُ عَلَى اللهَ عَلَى اللهُ عَلَى اللهُ عَلَى اللهُ عَلَى اللهُ عَلَى اللهُ عَلَيْ اللهُ عَلَى اللهُ عَلَيْ اللهُ عَلَى اللهُ عَلَيْ اللهُ عَلَى اللهُ

"The month of Ramadan [is that] in which was revealed the Qur'an, a guidance for the people and clear proofs of guidance and criterion. So whoever sights [the new moon of] the month, let him fast it; and whoever is ill or on a journey - then an equal number of other days. Allah intends for you ease and does not intend for you hardship and [wants] for you to complete the period and to glorify Allah for that [to] which He has guided you; and perhaps you will be grateful." (Al-Baqara, 2: 185)

- 2) Sunna: Ibn 'Umar reports that the Messenger of God said: "Islam is built upon five: Testifying that there is no god but God and that Muḥammad is the Messenger of God, performing the prayer, paying zakāt, making the pilgrimage, and fasring Ramaḍān."
- By Consensus (ijmā') of the Muslim scholars.

# B. Conditions that Must Exist to Make Fasting Obligatory on an Individual

- 1) **Islam:** A non-Muslim is not obligated to fast.
- 2) **Sanity:** Fasting is not obligatory for any individual who is insane, unconscious, or drunk [for the whole day in the case of the latter two].
- 3) **Puberty:** Fasting is not obligatory upon a discriminating child, though it is valid. By analogy (*qiyās*) with the ruling on prayer, a seven year old child should be encouraged to fast if he can bear it and hit if he leaves it at the age of ten (provided he is physically able to do so).
- 4) **Ability:** This means the ability to fast without undue hardship.

# C. Conditions that Must be Met in Order for the Fast to be Considered Valid

Intention: Muslim relates on the authority of 'Umar that the Messenger of God said: "Deeds are by intention and to each person is what he intends." Intention to fast must be made each day because each day's fast is regarded as an independent integral of worship. Thus according to the Shāfi'īs, if you intend to fast the whole of Ramaḍān on the first day of Ramaḍān, this intention only counts for the first fast and must be repeated for every new fast. The Mālikis regard the intention made to fast all of Ramaḍān at the beginning of the month to be valid and not requiring daily renewal. It is recommended to also make the intention to fast the entire month during the beginning of Ramaḍān so that if one day one forgets to intend to fast the next day, they will still be covered by the Māliki opinion. Otherwise, the fast will

have to be made up later. It is important that in doing so however, one is aware of the differences of judicial opinion and intends to follow the opinion of another school so as to avoid haphazardness in worship which is impermissible.

#### The intention to fast also has three conditions:

- a) The intention must be made at night. It narrated on the authority of Ḥafṣa that the Messenger of God said: "There is no fasting for one who does not intend to fast before dawn."

  Hence, the intention can be made anytime between sunset and dawn. However, if the intention takes place at dawn or after then one's fast is invalid and must be made up.
- b) This intention must be made with decisiveness, certainty and without conditions attached to it. For example, if one says "I will fast tomorrow if so-and-so is willing" or "if I am able to do so," then one has attached a condition or sense of uncertainty to one's intention and thus their intention is considered invalid. If one says on the last days of Sha'bān that they intend to fast the next day if it is the first day of Ramaḍān and either not fast or perform a voluntary fast if it is not Ramaḍān, then the intention (and therefore fast) will likewise be invalid.
- c) The type of fast one intends to perform must be specified. It is not sufficient to intend to fast but one must specify the type of fast such as fast of atonement, performing or making up an obligatory Ramaḍān fast etc. based on the words of the Prophet , "...and to each is what he intends..." in the aforementioned hadith.

The place of the intention is the heart. Intention is achieved by making the will to fast (abstain from that which invalidates the fast throughout the day) in one's heart. It is not sufficient to articulate the intention on one's tongue if it is not accompanied by the intention in the heart. However, it is recommended to pronounce it so that the tongue will assist the heart in forming its intention. The minimum that one must say in Ramaḍān is "I intend to fast Ramaḍān," or "I intend to fast a day of Ramaḍān." It is not obligatory to add other specifications such as "tomorrow" or "for the sake of God."

It is not obligatory to make the intention for a non-obligatory (*nafl*) fast at night. It is sufficient to do so before the sun reaches its zenith (shortly before noon) provided that one has not partaken in anything that breaks the fast. This is based on the hadith narrated by Muslim on the authority of 'Ā'isha which states, "The Prophet came one day and said: 'Do you have anything (to eat)?' We said, 'No.' He said, 'Then I am fasting.' He came to us another day we said, 'O Messenger of God, we have been presented with some dates.' He said, 'Let me see it for I woke up fasting,' and he ate from it."

If one is fasting a non-obligatory fast that is recommended for a specific occasion such as the day of 'Arafa, 'Ashūra, the six days of Shawwal etc. then one must specify in their intention that they are fasting for these days in order to get the reward associated with them.

2) Abstaining from sexual intercourse or contact. The fast is broken by the secretion of sexual fluid caused by sexual contact, even without intercourse. Therefore contact is forbidden if one is aroused by it. Secretion not caused by sexual contact does not break the fast.

- Abstaining from deliberately inducing oneself to vomit. This breaks the fast even if one is certain that nothing has returned to the stomach. However, unintentional vomiting does not break the fast as long one does not swallow anything. If one willfully swallows some of it then his fast is broken. Al-Tirmidhī relates on the authority of Abū Hurayra, "If one of you is overcome with vomiting then he does not have to make up (the fast) and if he vomits intentionally then he should make up his fast."
- 4) Abstaining from allowing any substance to enter the body through any natural cavity. This includes cigarette and water pipe ("hookah" or "nargile") smoke which breaks the fast due to its leaving a visible trace.

Flies, mosquitoes, road dust, and flour do not break one's fast if they enter the nose or mouth due to the undue hardship associated with avoiding them. If there were particles of food between one's teeth and one could not help swallowing them then one's fast is not broken unless one was able to spit them out.

If phlegm reaches the part of the palate from which the "kh" sound is pronounced and it is willfully swallowed then the fast is broken. But if the post nasal drip is beyond this point in the palate then it does not break the fast. Pure unmixed saliva that reaches the stomach directly from the salivary glands does not break the fast. However, impure saliva such as that mixed with blood does break the fast unless one is afflicted with bleeding gums, for which it is forgiven (*maʿfu ʿanhu*). Swallowing saliva that does not directly come from the salivary glands such that which is collected on the lips breaks the fast. Saliva collected on the tongue does not break the fast if swallowed.

Water used in rinsing the mouth or clearing the nose during ritual ablutions  $(wud\bar{u}')$  does not break the fast if it is unintentionally swallowed. Similarly, if water enters the body as a result of a required *ghusl* or even a recommended

one such as that of Friday, the fast is not broken. However, the fast is broken if water enters the body due to exaggeration in washing the mouth and/or nose during ritual ablutions or *ghusl*. Exaggeration in washing the mouth and nose is prohibited while fasting. This is based on the hadith narrated by al-Tirmidhī on the authority of Laqīt b. Ṣābira saying, "I said, 'O Messenger of God, tell me about  $wud\bar{u}$ .' He said, 'Perform  $wud\bar{u}$ ' thoroughly, wash between your fingers and exaggerate your rinsing of the nose unless you are fasting." Exaggeration includes washing the mouth more than three times. If water enters the mouth as a result of washing the nose or mouth more than three times then the fast is broken. If water from a non-obligatory or recommended *ghusl* enters a body cavity, such as showering for cleanliness or to cool off, then the fast is broken.

The body cavity includes all of the natural openings of the body. This means the insertion of a suppository or a tampon breaks the fast. If these types of objects are inserted before the beginning of the fast at dawn, then the fast is not broken. Similarly, scratching the inner part of the ear with a hard object until it reaches the ear canal breaks the fast. The insertion of one's finger does not break the fast because it does not reach the inner cavity of the ear. Ear and nose drops also break the fast whereas eye-drops do not since the eye is not considered a natural body cavity. Similarly muscular intravenous injections do not break the fast, even if taken for nourishment.

Finally, if one eats or drinks out of absentmindedness or compulsion, then his fast is not broken. This is based on the hadith related by Ibn Māja on the authority of Ibn 'Abbās saying that the Prophet said, "God has forgiven my nation for mistakes, [actions performed out of] forgetfulness, and what they are coerced to do."

If one is coerced to eat or drink, then his fast is still valid. If a fasting person realizes that dawn has broken while he was still eating, then he should repeat the fast for that day. If one still has some food in one's mouth when the dawn breaks, then he should spit out. If he swallows it, then his fast is broken. If one attempted to spit the food out immediately but some was still inadvertently swallowed, then the fast is not broken.

- 5) Islam is another condition for the validity of the fast. In other words, the fasting person must be Muslim during his period of fasting.
- either of these states is another condition for the validity of the fast. By scholarly consensus, fasting while is in either of these states is forbidden. If a woman becomes ritually pure from menstruation or post-natal bleeding before dawn, then her fast is valid even if she does not perform the obligatory *ghusl* before dawn. If she becomes pure from menstruation or post-natal bleeding after dawn, then her fast will not be valid but it is recommended that she abstain from eating for the rest of the day (*imsāk*) out of veneration for the sanctity of the month of Ramaḍān. If a man or woman is in a state of major ritual impurity (*janāba*) before dawn, his or her fast is valid even if the obligatory *ghusl* is performed after dawn.
- 7) Sanity throughout the entire day is another condition of a valid fast. If one loses sanity during the day, even briefly, then the fast is broken. This is dissimilar to drunkenness or unconsciousness whereby if either occurs the fast is still valid unless it occurs for the entirety of the day. Sleeping does not break the fast, even one sleeps the entire day as long as one has intended to fast this day beforehand.

## D. Cases of Not Fasting During Ramadan

### 1) The Ruling Regarding Not Fasting During Illness and Travel

a) During illness: It is generally permissible to break the fast during illness. If the illness is overwhelming then it is permissible to abandon the intention to fast. However, if the illness is intermittent where it comes and goes, then if the illness is present at the time fasting should begin it is permissible to abandon the intention to fast. Otherwise, one should make the intention of fasting and if his illness returns it is permissible to break it.

The legal ruling for not fasting during illness varies in accordance with severity of the illness:

- i) If one is certain that fasting will cause harm to a degree that tayammum becomes permissible, then it is forbidden for him to fast and he must break his fast.
- ii) If one suspects or fears that fasting may cause him harm to a degree that would make *tayammum* permissible, then it is *makrūh* (disliked) for him to fast and permissible for him to break the fast.
- iii) If one is afflicted with a light illness and fasting will not cause one to reach a level of hardship that will make *tayammum* permissible, such as one who has a headache, toothache, or earache then it is not permissible for him to break the fast as long as he does not fear a worsening of his ailment.
- **b) During Travel:** A person who sets out before the dawn for a permissible journey that allows the shortening of prayers is permitted not to fast

irrespective of whether he anticipates difficulty or ease in his travel. It is not permissible to break the fast if one starts traveling after the dawn.

# II. FASTS THAT ARE RECOMMENDED, DISLIKED, AND FORBIDDEN

### A. Recommended Fasts

1) Evidence for recommended fasts: Muslim relates on the authority of Abū Saʿīd al-Khuḍrī saying that the Messenger of God said: "Never did a person fast a day for the sake of God except that God distanced his face as a result of that day from the fire a distance of seventy years."

### 2) Types of Recommended Fasts:

### a. Those that recur annually:

- i) Fasting on the Day of 'Arafa unless one is a pilgrim or traveler.

  Muslim relates on the authority of Abū Qatāda saying that
  the Prophet said: "Fasting the Day of 'Arafa makes amends
  for the sins of the year before it and the year after it."
- ii) Fasting the first ten days of *Dhul Ḥijja*. Al-Tirmidhī relates on the authority of Ibn 'Abbās saying that the Prophet said: "There are no days in which good deeds are more beloved to God than these ten days.' They said: 'O Messenger of God, not even striving for the sake of God?' The Messenger of God said: 'Not even striving for the sake of God?' The

Messenger of God said: 'Not even striving for the sake of God, except for a man who set out for (*jihad*) with his soul and money and came back with neither.'"

- iii) Fasting the ninth and tenth days of the month of Muḥarram.
- iv) Fasting six days of Shawwal. Muslim relates on the authority of Abū Ayyūb al-Anṣārī saying that the Messenger of God said: "Whoever fasts Ramaḍān and follows it with fasting six days from Shawwal, [will have the reward] as fasting a lifetime."
- v) Fasting in the Sacred Months which are: Dhul Qa'ida, Dhul Hijja, Muḥarram, and Rajab. In addition to the month of Sha'bān. Muslim relates on the authority of Abū Hurayra saying that the Messenger of God said: "The best fasting after the month of Ramaḍān is the month of Muḥarram, and the best prayer after the obligatory prayer is the prayer of the night." It is reported that the Messenger of God did not fast an entire month outside of Ramaḍān except for the month of Sha'bān. Al-Nasā'ī also relates on the authority of Usāma b. Zayd saying the Messenger of God said: "I said, 'O Messenger of God, I never saw you fast in any month as much as I saw you fast in Sha'bān.' He said: This is a month between Rajab and Ramaḍān that people overlook and it is a month in which deeds are raised to the Lord of the worlds, and I like my deeds to be raised while I am fasting.'"

### b. Fasts that recur monthly

- i) These are the "white days" which are the thirteenth, fourteenth, and fifteenth of every lunar month. They are known by this name because of the brightness of the moon. Al-Tirmidhī relates on the authority of Abū Dharr saying, "The Messenger of God said: 'O Abū Dharr, if you fast three days of a month then make them the thirteenth, fourteenth, and fifteenth.'"
- ii) The "black days" which are the twenty-eighth, twentyninth, and thirtieth of each lunar month. They are called so because the moon is concealed.

### c. Fasts that Recur Weekly

- i) Mondays and Thursdays. Al-Tirmidhī reports on the authority of 'Ā'isha saying, "The Prophet used to do his best to fast each Monday and Thursday." Al-Tirmidhī also relates on the authority of Abū Hurayra saying that the Messenger of God said: "Deeds are presented [to God] on Monday and Thursday, and I like for my deeds to be presented while I am fasting."
- ii) Fasting on a day in which one cannot find anything to eat.
- relates on the authority of 'Abd Allāh b. 'Amr saying, "The Messenger of God said: "Fast one day and break

the fast the next, for that is the fasting of Dāwūd and it is the best fast."

It is permissible for someone who is fasting a non-obligatory fast to break his fast and it is recommended that it be made up. However, it is superior to complete the non-obligatory fast and not break it without an excuse so as to adhere to God's words, "And do not undo your deeds [Muḥammad, 33]" as well as to avoid contradicting the opinions of scholars who do not permit breaking the non-obligatory fast.

### B. Disliked (Makrūh) Fasts

- 1) It is disliked to single out Friday to fast. Al-Bukhārī relates on the authority of Abū Hurayra saying, "I heard the Prophet saying: 'Do not fast on Friday unless you fast a day before it or after it."
- 2) It is disliked to single out Saturday or Sunday to fast unless one fasts a day before or after.
- 3) It is disliked to fast one's lifetime (daily) if one fears the inability to carry out all of one's obligations.
- 4) It is disliked to fast a non-obligatory fast when one still has to make up an obligatory fast.
- 5) It is disliked for the ill, traveling, the pregnant, the breast-feeding, or old to fast during Ramaḍān or otherwise if they fear excessive hardship.

- 6) It is disliked to fast the "day of uncertainty" which is the day Ramaḍān may or may not have begun.
- 7) It is disliked to fast the second half of Shaʿbān. Al-Tirmidhī relates on the authority of Abū Hurayra saying that, "The Messenger of God said: 'If half of Shaʿbān is left then do not fast.'" However, it is not disliked to fast on days one habitually fasts, for a vow, penance, or to make up a missed fast.

### C. Forbidden Fasts

- 1) It is forbidden to fast the days of 'Id al-Fiṭr and 'Id al-Aḍḥā. Al-Bukhārī relates on the authority of Abū Saʿīd saying, "The Prophet forbade fasting the Day of Fiṭr and the Day of Nahr (sacrifice)." It is also forbidden to fast the second, third, and fourth days of 'Id al-Aḍḥā known as the days of tashrīq. Muslim relates on the authority of Nubaysha al-Hudhalī saying, "The Messenger of God said: 'The days of tashrīq are days of eating, drinking, and the remembrance of God."
- 2) It is forbidden for a woman to fast a *non-obligatory* fast if her husband is present without his approval. Al-Bukhārī relates on the authority of Abū Hurayra saying, "The Messenger of God said: 'A woman should not fast while her husband is present without his approval." This is because one's marital responsibilities are an obligation that should not be abandoned for non-obligatory worship. A non-obligatory fast while a woman's husband is away is permissible due to the absence of the reason for its prohibition.

#### III. RECOMMENDED ACTS DURING FASTING

- 1) To hasten to break the fast once one is certain that the sun has set. Al-Bukhārī narrated on the authority of Sahl b. Sa'īd saying, "The Messenger of God said, 'People will remain on the right path as long as they hasten the breaking of the fast.'"
- 2) It is recommended that one break the fast with three fresh dates, otherwise with three dry dates, otherwise with water. Al-Tirmidhī relates on the authority of Anas b. Mālik saying, "The Messenger of God used to break [his] fast before praying with fresh dates. If not, then with dry dates. If not, then he would drink a few sips of water."
- 3) To say immediately after breaking the fast, "O God, I have fasted for You, and with Your bounty I have broken my fast, and in You I believed, and to You I have surrendered, and in You I trust. The thirst is gone and the veins are wet and the reward is certain if God is willing. O You who is Most-Forgiving, forgive me. Thanks be to God who helped me fast and granted me sustenance to break my fast. O God, guide us to [perform] fasting, and help us during it to stand for prayer, and assist us in performing it when people are asleep, and allow us to enter peacefully into Paradise."
- 4) To partake in the pre-dawn eating (suḥūr). Al-Bukhārī relates on the authority of Anas b. Mālik saying, "The Prophet said, "Eat suḥūr for there is a blessing in suḥūr. Also Ibn Māja relates on the authority of Ibn 'Abbās saying, "The Messenger of God said, 'Seek assistance in suḥūr for the fast and seek assistance in a midday nap (qaylūla) for the night prayer (qiyām)."

- 5) It is recommended that if one needs to perform *ghusl* for major ritual impurity, he do so at night so that one is in a state of ritual purity at the beginning of his fast.
- 6) It is recommended to increase in the recitation of the Qur'an and its collective study.
- 7) It is recommended to be generous with one's family and increase in goodness to one's neighbors and relatives.
- 8) It is recommended to give charity in abundance. It is related by al-Bukhārī on the authority of Ibn 'Abbās saying, "The Prophet was the most generous amongst people and he used to most generous during Ramaḍān." In general, it is *sunna* to be abundant in performing good deeds during Ramaḍān because the reward for good actions performed in this month is multiplied.
- 9) It is recommended to invite those who are fasting and break their fast, even if they are not needy. It is also recommended to eat with them even if one is not fasting since the since the sins of those who are fasting are forgiven and perchance the sins of those in their vicinity may be forgiven as well. Al-Tirmidhī relates on the authority of Zayd b. Khālid al-Juhanī saying, "The Messenger of God said: 'Who breaks the fast of a fasting person, earns an equal reward as the one fasting without diminishing any of his own reward." If one is unable to offer a meal, he can offer a date or a sip of milk or water.
- 10) It is recommended to perform *i'tikāf* (spiritual retreat) during Ramaḍān, and even more so during the last ten days of this month. It is related by Muslim on the authority of 'Ā'isha saying: "The Messenger of God used to

strive harder in the last ten days of Ramadān than any other time." In these ten days is the Night of Power (*Laylat al-Qadr*) that is one of the privileges bestowed on the (Muslim) community until the Day of Resurrection. In it every affair of wisdom is made distinct (*fīhā yufraq kullu amrin ḥakīm, al-Dukhān: 4*). It is recommended to seek it out. Al-Bukhārī relates on the authority of Abū Hurayra saying the Prophet said: "He who stands [in worship] on the Night of Power out of faith and anticipation [of its reward] will be forgiven for his sins that preceded." If one witnesses the Night of Power, he should say as 'Ā'isha relates: "I said 'O Messenger of God, what if I recognized which night is the Night of Power, what should I say in it?' He said: 'Say O God, You are the most-forgiving and most-generous. And You love forgiveness, so forgive me (*Allāhumma innaka 'afuwwun karīm. Tuḥibbu al-afwu fa-'afu 'annī*)."

### IV. DISLIKED (MAKRŪH) ACTS DURING FASTING

- 1) Foul Speech: It is incumbent upon the one fasting to guard his tongue from lying, backbiting, slander and the like.
- 2) To look at what is normally permissible to look at out of enjoyment such as exotic flowers and the like. It is similarly [disliked] to smell varieties of perfume in order to avoid stimulating a desire for enjoyment of worldly delights and a weakening of a sense of will-power to practice abstaining from what is normally permissible during the month of fasting. There is also in this a sense of indulgence in material luxuries that undermine many of the principles associated with fasting.
- 3) Cupping (ḥajāma) or by analogy drawing blood without a necessity as it may weaken the body and require breaking the fast.

- 4) Tasting food except out of dire necessity because of the risk of it being swallowed.
- 5) To chew unflavored gum because it stimulates the secretion of saliva and causes thirst. If the gum is of the type that part of it may disintegrate in the mouth, then it is forbidden to chew and breaks the fast if swallowed.
- 6) Kissing one's spouse. However, if the kiss may stir desire then it is forbidden.
- 7) Using *siwāk* after the sun has reached its zenith.
- 8) To intentionally delay breaking the fast.
- 9) Taking a bath or shower without a religious necessity if one fears water may enter one of his body cavities. Otherwise, it is not disliked.
- 10) It is forbidden to connect two or more days of continuous fasting which was a privilege reserved for the Prophet .