THE FIQH OF FASTING RAMADAN

According to the school of Imam Shafi'i



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INTRODUCTION

In the Name of God, the Merciful and Compassionate. No power is there, and no strength, but by God, the High, the Great. All praise belongs to God. We praise Him for all that the He has inspired and taught, and thank Him for all His grace and bounties. It is God we ask to whelm with His blessings and peace His most noble Prophet, most eminent Messenger, and greatest Beloved, who is our master and patron Muhammad, and his Family and Companions.

It is the custom in many Muslim countries to hold gatherings before and during Ramadan, in which the fiqh of Ramadan and related issues are reviewed and taught. This particular benefits the everyday people who have little time during the rest of the year for gaining knowledge. It is in this spirit and with this intention that this present work has been dedicated.

BACKGROUND

Allah, Exalted is He, tells us, "Ramadan is the month in which was sent down the Quran, as a guide to mankind, and clear signs for guidance and judgement. So every one of you who witnesses this month should spend it in fasting." [2:185]

The Messenger of God (blessings and peace be upon him), informed us: 'God the Exalted has said: "All good deeds of the son of Adam are multiplied ten to seven hundredfold, except fasting, for it is Mine, and I shall reward a man for it, for he has left his appetite, his food and drink for My sake." [Bukhari and Muslim]

Fasting, in a general fashion, has been prescribed in every revealed scripture. However, this particular manner of observing the fast during Ramadan is specific to the community of Muhammad (blessings and peace be upon him). A weaker opinion states that fasting during Ramadan had been prescribed on every past community except that they strayed from it.

Ramadan was legislated in the month of Sha'baan in the second year after the Hijra. The Prophet (blessings and peace be upon him) fasted nine months of Ramadan in

total; one of which was 30 days, and the remaining eight as 29 days. It is said that perhaps the wisdom behind this is to put the believer's heart at rest when Ramadan ends at 29 days, as he may feel in his heart that his Ramadan was not complete, or as a way of letting the ummah know that a 29 day month of Ramadan is equal in reward to a complete month of 30 days.

Imam al Haddad reminds us, "Increase your good works, specifically in Ramadan, for the reward of a supererogatory act performed during it equals that of an obligatory act performed at any other time. Ramadan is also a time when good works are rendered easy and one has much more energy for them than during any other month. This is because the soul, lazy when it comes to good works, is then imprisoned by hunger and thirst, the devils who hinder it are shackled, the gates of the Fire are shut, the gates of the Garden are open, and the herald calls every night at God's command: 'O you who wish for goodness, hasten! And O you who wish for evil, halt! You should work only for the hereafter in this noble month, and embark on something worldly only when absolutely necessary. Arrange your life before Ramadan in a manner which will render you free for worship when it arrives'.

Note: The rulings below represent the foremost opinion (s) in the Shafi'i school. Other opinions, which are valid but somewhat weaker, have been included for those who genuinely may need to take them. Otherwise, it is best to act upon the most reliable opinions as much as possible. If one feels they have to take a weaker opinion for a specific reason, then it is also good practice, if possible, to later on make up the act of worship, so as to 'cover oneself' as it were. You will also find the names of two Imams repeated often; Imam Ibn Hajr and Imam Ramli (may Allah have mercy on them both). These two imams represent the foremost opinions of the Shafi'i school and one may choose between any one of their opinions as they wish, though this should be done with God-fearingness and discrimination, and not purely out of caprice.

WHO IS OBLIGATED TO FAST DURING RAMADAN

The conditions of who must fast during Ramadan are four. That they are:

1. **Muslim**
2. **Reached puberty**
3. **Sane**
4. **Able to fast**

A child is ordered to fast at the age of seven, and at the ten is 'hit' if he does not, but on the condition that he is able to fast the full day. 'Hit' here means a very light hit, with a light stick or cloth, and not more than three times, and with the condition that the parent feels it would make a difference.

Note: Generally, the people of Tarim, including the scholars, introduce praying and fasting gradually in the early years (especially fasting) and without too much force on children, and this was the advice of Imam al Haddad.

'Able to fast' here means in terms of physical ability or legal ability. For example, an enfeebled person, or child (7-10 years old +) who can not bear the fast is exempt from fasting (physical inability), and a menstruating woman is prohibited from fasting (legal inability).

THE CONDITONS WHICH VALIDATE ONE'S FAST

The conditions which make ones fast valid are four:

1. **Islam**
2. **Sanity**
3. **Purity from menstruation or lochia**
4. **That the time one is fasting permits fasting**

These four conditions must be present throughout the whole fasting day.

1. Islam: If a person apostates (may Allah protect us) their fasting is nullified (just as their prayer would be nullified). They are still legally responsible to fast, though if they did fast while in a state of apostasy their fast is not valid. Were they to return to

the religion, they would have to make up the missed fast days as well as pay the expiation.

2. Sanity: If one loses their sanity during the fasting day, even for a moment - their fast is broken, regardless of whether the reason for losing one's sanity was intentional or unintentional, and even if the substance that caused the insanity was taken at night. However, someone who intentionally took something to lose his sanity must make up the fast, while someone who did not do something intentionally to become insane does not have to make up the fast (this includes someone who has to take medicine which may result in temporary losing one's sanity).

As for someone who is **unconscious** or suffers from **seizures** which results in **unconsciousness** (someone intoxicated takes the same ruling as well): If the unconsciousness was not intentional (they didn't bring it about on purpose, or they had to take a medicine out of necessity which caused this state) and it lasts the *whole* of the fasting day - then the fast is not valid and he must make that day up, but he has not sinned. If however, the unconsciousness does not last all the hours of fasting, but only *some* of it - even if he is conscious for only a second of the fasting day - his fast is valid (as long as he made the intention at night before becoming unconscious). As for someone who purposefully made themselves unconscious - it incurs a sin and their fast is nullified, even if their unconsciousness only lasts a second.

3. Purity from menstruation or lochia: If a woman menstruates, or begins a term of lochia, even for a second, her fast is nullified and she must make up those days.

It is not a condition that a woman actually bleeds after birth for the fast to be nullified, rather the birth itself breaks the fast.

It is prohibited for a menstruating woman or a woman in lochia to refrain from those things that break the fast *with the intention* she is fasting. However, it is not obligatory on her to do any of those things either (i.e. eat or drink).

4. That the time one is fasting permits fasting: This means the day one is fasting on is a day that it is legally permitted for one to fast. Examples of days which it is **prohibited** to fast are:

- **The two Eids:** It is not permitted to fast any type of fast on the two days of Eid, not even make up fasts. If one fasts on these days, it is not valid. What is meant by Eid here is the first day of each celebration, not the second or third days.

- **The three days following Eid al Adha (Tashreeq):** It is not permitted to fast during these three days.

- **The last 15 days of Sha'baan** (the month before Ramadan - the prohibition starting on the 16th of Sha'baan as the 15th is considered as being from the first half of the month): It is **prohibited** to fast after the 15th of Sha'baan to the beginning of Ramadan, **unless**:

- One has a previous habit (wird) of fasting (such as every Monday, or every other day etc, even if they only performed the habit once previously. For example, someone intends in the beginning of the year to fast every Monday. They fast on Monday but then do not fast again after that. Months later, on the 17th of Sha'baan for example, he decides to re-start his 'wird' of fasting, and therefore is permitted to fast on a Monday even though it is after the 15th Sha'baan).
- One made a vow to fast and the fast incidentally fell on these day (as opposed to purposefully choosing those days - in which the fast is invalid and incurs a sin).
- One has make up fasts to perform.
- One has an expiation (kaffarah) to offer.
- One began fasting before the 16th (even if they only started on the 15th of Sha'baan) - then it is permitted to continue after the 16th.

- **The day of uncertainty:** The day of uncertainty refers to the day on which it is uncertain whether it is the 30th of Sha'baan or the 1st of Ramadan. Uncertainty occurs when someone who does not fulfil the criteria of a witness mentions having seen the new moon (causing doubt). One can not fast on this day as a day of

Ramadan, but may do so as a make up or a vow. Voluntary fasts can only be done if the above reasons are present (see fasting 'the last 15 days of Sha'baan' above).

THE INTEGRALS OF FASTING

The integrals of fasting are three:

1. **The intention**
2. **Refraining from those things that nullify the fast**
3. **The person fasting**

1. The intention for an obligatory fast

The intention is obligatory to say in the heart and recommended to say with the tongue. To say in the heart is to simply 'know' in the heart, or 'run' the intention through in one's mind.

The intention for a fast in Ramadan must:

- **Be made at night**
- **Consist of the type of fast intended (Ramadan)**

E.g. "*I intend to fast tomorrow for Ramadan*"

The most complete formula for the intention is:

"I intend to fast tomorrow as a current performance of the obligation of Ramadan of this year for Allah most High".

This optimal formula is valid by consensus and in all schools.

- **Be made at night:** This means the intention for an obligatory fast must be made at night, anytime between Maghrib and Fajr. It is valid to make the intention just after Maghrib has come in, and before one has actually broken the current days fast (for example, at the adhan of Maghrib and before eating your first date).

This must be done each night for each obligatory fasting day, as each day is considered a separate act of worship.

Note: The above condition of intending the fast does not apply to the intention for supererogatory fasts which can be made anytime after Maghrib and before Dhur (on the condition the person has not done already anything that would normally break the fast, such as eating, or having sexual intercourse).

It is not obligatory to say in the intention that it is an 'obligatory/fard' fast (as there are no voluntary fasts in Ramadan).

Note: As for making up a missed day of Ramadan, it is not obligatory to say 'of Ramadan' in the intention, as it automatically defaults to the make-up fast (unless one intends something else).

It is recommended on the night of the first day of Ramadan to make the intention for the next day (as a Shafi'i), but also to make the intention to follow the Maliki school and intend to fast the 'whole of Ramadan,' just in case one forgets to make the intention in any of the coming days of Ramadan. Whilst this does not change the necessity of making up the missed day in our school (because of having forgotten the intention), inwardly, the fast is validated through Imam Malik's opinion.

It is recommended for someone who forgets to make the intention at night (which means his fasting is not counted in our school) to nevertheless make the intention before Dhur with the intention of following the Hanafi school, for the same reasons explained above (and as long as he hasn't done anything that breaks the fast).

Scenarios of doubt in the intention

(Scenarios (1) and (2) are not common scenarios and only apply in exceptional situations when one can not find out whether Fajr has come in or not, which for most people can be easily worked out by daylight or access to information).

1. If one is certain of making the intention, but ***after*** making it, becomes unsure if Fajr has come in or not: his fast is valid. This is because he is certain of the intention and unsure of whether Fajr has come in or not. The default is that the night still remains. For example: Zaid wakes up and it is still dark. He makes the intention to fast. Just after making the intention he becomes unsure if Fajr has come in or not (so

becomes unsure if his intention was made before or after Fajr). Zaid's fast is valid because he had certainty whilst making the intention that it was before Fajr, and there is nothing to say Fajr had come in. However, should he find out later that Fajr had indeed come in before he made the intention, his prayer would be not valid.

2. If one is certain that he made the intention (without considering whether it is Fajr or not), and is certain that Fajr has definitely come in, but later becomes unsure if the intention was made before or after Fajr (doubts the time of making the intention) - the foremost opinion is that his fasting is not valid. This is because the default is that one did not make the intention first (before Fajr). Another opinion is that it is valid because the default is that the night still remains. For example: Zaid makes his intention to fast (without considering whether it is Fajr or not). After making the intention he goes back to sleep and doesn't wake up for Fajr. Later on in the day (well after Fajr) he becomes unsure and asks himself, 'Did I make the intention before or after Fajr came in?' In this scenario, despite Zaid being certain he made the intention, and being certain that Fajr had come in, he is unsure of when the actual intention was made. (This is different to example (1) above, in which the doubt is in whether the time (Fajr) has come in or not, whereas in this example (2), the doubt is in when the actual intention was made).

3. If at the same time of making the intention one is unsure if Fajr has come in or not - then his fast is not valid. This is because at the time of making the intention he is uncertain about the validity of it. For example, Zaid wakes up late at night. He decides to make his intention to fast but is confused, 'Has Fajr come in or not?' In this situation, Zaid is still making his intention whilst at the same time doesn't know whether it is still night or if day has entered (Compared to examples (1) and (2) where he was certain he had already made the intention but became unsure about the time or when his intention was made. Here (example 3) he is still making his intention and is unsure of the time). A second opinion states that even in this scenario the fast is valid because the default is that the night still remains.

4. If one makes the intention at exactly the same time as Fajr comes in - his fast is not valid. A weaker opinion states it is valid.

If one doubts if one made the intention at all, or whether if it was made in the evening or morning, but then remembers that he did, or was at night, before Maghrib (according to Imam Ibn Hajr), or even after days (according to Imam Ramli) - then his fast is valid (provided of course he didn't do anything that breaks the fast).

If one fasts the whole day, then after Maghrib becomes uncertain whether he had made the intention or not, or whether his intention was at night or not - his fast is valid. This is because the act of worship has finished, and as a general rule doubts do not nullify an act of worship once the act has been completed (as opposed to doubt *during* an act of worship).

2. Refraining from those things that nullify the fast

Note: There is a difference between forgetting that something is haram and forgetting one is fasting. Someone who knows/remembers he is fasting but does something that breaks the fast because he forgot its prohibition - his fast is nullified. Someone who forgets he is fasting and mistakenly does something that breaks the fast - his fast is still valid.

Note: It is prohibited to intentionally nullify any personally obligatory acts of worship, while disliked (though permissible) to nullify voluntary acts of worship.

Someone who is ignorant of what breaks the fast and does it - his fast is nullified, unless he is new to the religion and/or still actively learning or he lives far away from Muslims and scholars.

If one sees someone else doing something that breaks the fast, such as eating - if it is someone who is known to be upright and pious, then it is sunnah for one to not remind him he is fasting, as it is Allah that has fed and quenched the thirst of his slave out of His bounty. As for someone who is fasting but is known to be impious and takes a relaxed approach to the fast, then it is sunnah to remind him that he is fasting (or should be fasting), providing it does not entail a bad consequence for the person telling him.

The following things break one's fast:

Sexual intercourse

For sexual intercourse to break one's fast it has to made intentionally and voluntarily (not if someone forgets he is fasting or is coerced). The fast breaks regardless of whether penetration occurs in the front passage or the back, inside a human or animal, and regardless if one ejaculates or not.

It is a condition (for the fast to be nullified) for the person penetrating that the entire head of the male organ enters (disappears) inside the orifice. If only part of the head enters it does not break his fast. However, in regards the person being penetrated, it is not a condition that the entire head of the male organ enters the orifice, but rather even if a part of the head enters the passage their fast is nullified. This is because they have entered something into an open orifice (as opposed to the nullifying reason being sexual intercourse).

Emission of semen

Emission of semen breaks one's fast if emission occurs intentionally, regardless of whether it involves direct skin contact or not, and regardless if by one's hand or by the hand of another, or if one intentionally touches or kisses the skin of a mehram or non-mehram with desire (and he has an emission of semen).

Emission of semen that occurs unintentionally after directly touching or kissing a non-mehram (no barrier between the skin), including one's wife, also breaks the fast, even without desire. As for the emission of semen that occurs unintentionally after touching a mehram directly on the skin, such as out of normal familial closeness, e.g. hugging or touching the skin of a sister or aunt (as opposed to with desire) - then this does not break the fast.

Emission that occurs unintentionally, with a barrier between the skins does not break the fast.

Looking at something or thinking about something which brings about ejaculation (without touching skin) - does not break the fast, even if repeatedly done intentionally

(and even if the thing being watched or thought about is haram - which itself is a major sin). However, a very strong opinion in our school, and one which should be taken seriously, holds that if one knows that it will result in emission and does ejaculate - the fast is nullified, he must observe imsaak, and must make up the day.

If someone has a severe itch in their private part and by accident ejaculates, then the fast is not broken, unless one knew from previous experience that this would happen, or he could have been patient and not itched to such an extent.

If there is orgasm with no emission of semen, such as in retrograde ejaculation, then this does not break the fast, though the act of onanism (masturbation) itself is haram.

Wet dreams, erections (with no emission), or emissions of fluids *other* than semen do not break one's fast.

Kissing and touching one's spouse is generally best to avoid during fasting hours, as one is meant to leave all desires during the day.

Vomiting intentionally

Vomiting breaks one's fast only if:

- Done intentionally (such as sticking one's fingers down one's throat)
- One knows he is fasting

If it is done for no valid reason, then he has sinned. If done for a valid reason, such as when someone feels he must force himself to throw up due to a sickness for example, then his fast is still nullified (and must be made up later) but there is no sin.

Specific to vomiting intentionally during the fast, some scholars say that most common folk are ignorant of this being something that breaks the fast, and they (ordinary people) may be excused.

Vomiting unintentionally does not break ones fast, unless when or after vomiting some part of it returned back into a cavity (see below for definition) and one was able to prevent it from happening (though if one was not, it does not invalidate the fast).

The entrance of a substance into a body cavity through an open passage

The entrance of a substance into a body cavity through an open passage breaks the fast, regardless of whether the substance is small or large, edible or inedible, nourishing or not, a sharp or blunt instrument, medicinal or not, or stabbed by oneself or by another with one's permission (otherwise it does not break the fast). It only breaks the fast when entered knowingly, intentionally, and voluntarily. A weaker opinion holds that for the fast to break, the substance must be something that either nourishes the body or heals the body.

It also breaks the fast if it entered by itself (involuntary) but one was able to stop it entering a cavity but didn't. For example, if someone's tooth spontaneously fell out in one's mouth, and one is able to spit it out, but doesn't, and it gets swallowed.

The inside of a body cavity is defined as that which is not visible when the part is moved. Bodily cavities include: the inside of the ear, the sinus cavities, the mouth down to the stomach, the milk holes in the nipple, the cranial cavity, the vagina, the urethra (male and female), and the anus, though substances must pass through the initial opening the urethra, and slightly more past the initial opening of the anus, to break the fast.

The eye socket is not considered a cavity.

Things that enter the middle of the flesh, without going into the cavity, such as a knife stabbed into the thigh (not a cavity), or into the stomach (the peritoneum cavity) but not passing through the peritoneum lining, do not break the fast.

Non-substances do not break the fast. These include smells, tastes, and smoke, even if one opens his mouth on purpose to take it in. However, the scholars state that smoke from cigarettes or cigars break the fast because it results in substances forming (e.g. tar).

'Substances' only refer to things from this world. As for substances from the next world, they do not break one's fast. Therefore, if one was granted a saintly miracle and sent food from the heavens and ate it during one's fast - it would not break one's fast.

This is because it is a type of reward, and saintly miracles do not nullify acts of worship.

Substances that enter into the pores of the skin do not break the fast, such as water, oil, or kohl, even if they ultimately enter a cavity, or one finds that his mucus has been tinted with the colour of it.

In regards **mucus / phlegm**: Swallowing it does not break the fast, regardless whether it comes from the sinus cavities or from the respiratory tract. However, this is on the condition that it remains within the 'inner parameter' (hadd al baatin) and it does not pass into the 'outer parameter' (hadd al dhaahir). What is meant by 'inner parameter' here is what is below the exit point for the sound of the letters Haa (light) and Hamza. 'Outer parameter' means here what is from the exit point for the sound of the letters Haa (strong) and Khaa, and out towards the mouth, while the 'outer parameter' of the nose is; from the beginning of the sinus cavity down to the nostrils. If the mucus/phlegm passes into these outer limits, then one must spit or blow it out if able. If one sucks it back into the inner limits - then his fast is broken. If it goes back on its own or due to coughing or sneezing or any other reason one can not control, then it does not break the fast.

As for phlegm / mucus passing through one part of the inner limit to another, without going into the outer limits - this does not break one's fast. For example, mucus that slides directly from the nasal cavity down the back of the throat and into the chest.

As for **saliva**, it does not break the fast regardless of whether it passes the outer limits or not, even if one were to have saliva on the tip of one's tongue, then stick one's tongue out fully, and then stick it back in the mouth, and regardless whether one is able to spit it out or not. However, this is on two conditions:

1. That the saliva does not leave the tongue when outside of the body or separate from the body totally. For example, if the saliva passes the lips and stays on the upper lip, then one licks the lip and swallows the spit - the fast is nullified. Likewise, if one licks his glasses or phone screen for cleaning purposes (as is evidently custom in some

countries!), and then while it is still wet with his saliva, re-licks it - his fast is broken if the saliva enters into his mouth and gets swallowed.

2. That the saliva is pure saliva and not mixed with gastric juices from the stomach, or anything else from the teeth or mouth, including blood from one's gum. Otherwise it breaks one's fast. If the saliva has been mixed, then it becomes obligatory to spit it out if able to at the point that it may go into the cavity. If he is not able to, then it does not break the fast. A second opinion holds that if the saliva is mixed with blood from the gum it does not break the fast, regardless of whether one can spit it out or not, but providing the saliva does not change in quality (colour, smell, taste).

Note: One should be careful that one's saliva is not mixed with toothpaste at the beginning of one's fast. Likewise, that one's saliva does not become mixed with another's saliva, such as if one kissed one's spouse during the fast and saliva mixed, and then swallowed.

Note: One should be careful after relieving oneself and washing with water that no water enters the orifice when cleaning (especially so with the hose), and that one's fingers do not enter any of the passages. Also one should not use suppositories, though if one put it in at night and it remains there in the daytime - it does not nullify the fast, even if it comes out during the day.

If one is in doubt whether water had gone into a passage, or any other body cavity - one's fast is still valid.

Wudu and ghusl: When one washes one's mouth and nose during an obligatory wudu or sunnah wudu (such as wudu before making dhikr), or ears in an obligatory bath (such as from major ritual impurity), or a sunnah ghusl (such as on Friday), or when doing a part of the wudu or ghusl which is obligatory or sunnah (such as the first wash of a limb in wudu (obligatory) and the second and third wash of the limb (sunnah) - one must make sure that no water gets swallowed, enters the sinus cavity, or goes too far into the ear cavity (see below).

If water does enter one of these cavities then it breaks the fast if the person 'exaggerated' in their mouth/nose/ear rinsing. 'Exaggerating' means here: washing with an abundance of water (which is unnecessary). If there is no 'exaggeration' and water still enters the cavity, then the fast is not broken. If one forgets that he is fasting and exaggerates, or one does not know that rinsing the mouth and nose is a sunnah (and not obligatory) then it also does not break the fast.

In terms of washing the ear in ghusl (such as in major ritual impurity) in which it is obligatory to wash the visible inside part of the ear even if one is fasting, the limit that water can go into (before breaking one's fast) is the same limit that one's index finger can go should one insert it into the ear. Beyond that, the fast is broken. For this reason, it is recommended to make one's purificatory bath before Fajr.

As for non-obligatory or non-sunnah wudu and baths (such as for hygiene or to cool down), or whilst performing an obligatory or sunnah wudu or ghusl but the wash itself is not obligatory or sunnah (such as rinsing the mouth a fourth or fifth time in wudu, or pouring water over oneself a fourth or fifth time in ghusl), and the water enters the cavities, even without exaggeration - the fast is nullified.

If one had filth in one's mouth, nose or ear and when washing it water goes into a cavity, then this does not break the fast even if one was to exaggerate (because when washing away filth a lot of water is recommended).

If one puts water in their mouth for no reason, then accidentally swallows it - his fast is broken. But if he swallows it forgetting that he is fasting then it does not nullify his fast. If he puts it in his mouth for a reason, such as to cool down or moisten his mouth, and the water goes into the cavity without his doing it intentionally, or he forgets he is fasting - it does not break the fast.

Intramuscular and subcutaneous injections do not nullify one's fast. There is a difference of opinion as to whether intravenous injections break one's fast. While some argue it does break ones fast, many scholars state it does not.

Asthma pumps, inhalers etc do nullify one's fast, but if taken out of necessity then it is permissible to take (no sin), but one must make up the missed day later.

Nasal solutions, like water, breaks one's fast if they pass into the sinus cavity.

Eye solutions do not break one's fast as the eye is not considered an open cavity.

Note: Imam al Ghazali, sharing the medical stance, held the opinion that the ear canal is not an open cavity and therefore any substance entering it does not break one's fast.

Food and drink

If Fajr comes in and one has food in his mouth and then spits it out - his fast is valid, even if in the process of doing that some of the food accidentally gets swallowed. The same applies to someone who merely holds the food in his mouth (though disliked), as long as no food gets swallowed. Likewise, someone who is making love to his spouse at the time Fajr sets in, if he withdraws immediately - his fast is valid. If he continues, or does not withdraw immediately - his fast is nullified. 'Immediately' means here as soon as he realises and before one could finish saying 'Subhanallah'.

If one is unsure if Fajr has set in, it is not haram to continue eating, though if he finds out later that Fajr had set in, his fast is not valid.

If one is unsure if Maghrib has come in, it is haram to break one's fast. If he makes ijtihad (with it's conditions) he may break it, though it is better to be certain. If later it turns out that he ate before Maghrib - his fast is invalid. If it turns out he broke his fast after Maghrib - his fast remains valid. If one jumps in and eats without making any ijtihad - his fasting is considered invalid unless he can be certain he broke it after Maghrib.

Anecdote: This is a joke some scholars like to tell: A not very observant Muslim, who doesn't have much patience for fasting, is listening to a music station on the radio during the lunch time call-in hour when people can request the station to play any

song they want. So he decides to call in. The station takes his call and asks him what track he wants played. He pleads, 'Please play me the adhan of Maghrib!'

3. The person fasting

The person fasting is considered an integral of fasting because without him/her there can be no concept of fasting in one's mind. This is in contrast to the prayer, the person praying not being counted as an integral of the prayer, because prayer is a concept that can be imagined outside of someone actually praying i.e. a person can make sujud, ruku, stand etc outside of prayer as well as in it. There is no concept of 'fasting' outside of imagining a person fasting (!).

WHO IS ENTITLED TO ABSTAIN FROM FASTING or BREAK THEIR FAST

The following people may choose to not fast, or break their fast but must make up missed fasts:

A sick person: If one is very sick, and fasting would cause considerable harm, increase their sickness, or delay recovery, then they are entitled not to fast. This is so, even if the person caused the sickness on purpose (though this entails a sin). Likewise, someone who must take their medicine during the fasting hours and can not wait until night may also break their fast by taking the medicine. This may be due to a chronic illness or a severe acute illness, such as an extremely unbearable earache (not minor or bearable illnesses). They must make these missed fast days up another time.

Note: A valid fatwa exists (though permissible to act on for oneself, it should be noted it is weak, and not in agreement with the foremost opinions of the school) that if one has an unbearable earache (or similar) that will not go unless one puts a medicine in the ear such as oil and cotton wool, and he is certain that if he were to do this the pain would stop, because a doctor told him so or he knows from previous experience, then it would be permissible to do so and his fast remains valid (Fataawah Baahuwayrath).

A traveller: A traveller may choose not to fast if his travel is a) long enough to combine prayers, and b) the intention of travel is permissible, even if he had made the intention to fast before travelling. This dispensation for the traveller is on the condition that he becomes considered a 'traveller' before Fajr sets in.

If he makes the intention to fast and then travels, but then becomes unsure of whether he became a traveller before or after Fajr - his fast is valid and it is not permissible for him to break it.

It is recommended to observe the fast even during travel if doing so will not cause him harm, whether this harm is immediate or in the future. If it will cause harm then not fasting (or breaking one's fast) while travelling is not only recommended, but actually obligatory.

Someone who travels with the sole reason of avoiding the fast is not entitled to the traveller's dispensation and must fast. The same applies to someone who vows (nadhr) to fast their whole life (As taking the 'traveller' dispensation is on the presumption one will make up the missed days after he stops travelling, while a person who takes such a vow will never be able to make them up).

The intention for one who breaks his fast for a valid reason during a Ramadan
If someone wants to break his fast for one of the valid reasons above, it is obligatory for him to make an intention (at the point of breaking it) that he is breaking it as a dispensation. This is to differentiate his valid reason for breaking his fast from an invalid reason (where there is no valid excuse).

If one was fasting - but then the original dispensation for not fasting finishes - and one has not already done something that breaks the fast - then one continues fasting and it is prohibited to break the fast. Examples: If a pre-pubescent child is fasting (he made the intention at night) and then attains to puberty during the fasting day, and he has not already done anything that would break the fast (such as eating), then upon the onset of puberty (during the fasting hours), he must continue fasting and is no longer entitled to break it. Similarly, when a traveller ceases to be a traveller, or a sick person recovers (and they were fasting, and did not already do something which

would break the fast) then upon their arrival or recovery they must continue fasting and are no longer entitled to the dispensation. Their fast is counted as a fasted day of Ramadan. If one of these people were to have intercourse (after the reason for dispensation has ceased) they would have to pay the Kaffarah (expiation).

If, however, they were not fasting already, or they had already broken it (e.g. ate before arriving/recovery), then it is not obligatory to remain fasting. It is recommended though to refrain from those things that break the fast (Imsaak), out of respect for the sanctity of the fasting hours. This last recommendation of imsaak also applies to women who come off their menses during the fasting day, though not to newly-pubescents, or people who have converted to Islam (on a day of Ramadan).

A general rule of refraining (Imsaak)

1. Whoever had a valid reason for not fasting (those mentioned above) and then the reason ceases to exist, then it is recommended to refrain from anything that breaks the fast, but not obligatory (excluding newly-pubescents and new converts).

2. Whoever does <u>not</u> have a valid reason for not fasting, such as someone who forgot to make the intention at night, or one who broke their fast on purpose, then imsaak is obligatory.

<u>Breaking one's fast due to fear of another's welfare</u>

Someone who does not fast, or breaks their fast, for the **<u>sole</u>** reason that they fear over someone else's welfare - it is permitted not to fast, but must make up the missed day and pay the expiation (Fidia- discussed later). If fasting entails a serious and real problem to the third party then not fasting or breaking one's fast becomes obligatory. Examples include:

- A pregnant woman who does not fast or breaks her fast **<u>solely</u>** out of concern for the welfare of her child, such as she fears a premature birth if she were to fast.
- A nursing mother who does not fast or breaks her fast **<u>solely</u>** out of concern for the welfare of her nursing child, such as she fears her milk will decrease if she fasts.

Note: A very strong opinion in our school states that even if a pregnant or nursing woman doesn't fast **solely** out of the concern for the child - she does not need to pay the Fidia (expiation).

- Someone who breaks their fast in order to save a life or someone's limb (human or animal, excluding swine and dogs in our school), and there is no other way of doing so other than to break one's fast, such as diving into the sea.

As for someone who doesn't fast (or breaks their fast) out of concern for their own welfare (only), or out of fear of another's welfare but this is joined with the fear of one's own welfare as well - then the missed fast has to made up but there is no expiation. An example of the latter is a pregnant woman who fears for the sake of her child but also her own health.

The upshot of this scenario is:

- **All must make up their missed days of fast, regardless of reason**
- **If one abstains from fasting solely out of concern for another - they must also pay the expiation.**
- **If they fear for their own welfare *and* another's welfare - there is no expiation.**

Making up missed fasts after Ramadan

Whoever misses a day of Ramadan must make up the missed day. This is the case whether someone missed a day for a valid reason or not, and regardless of whether the day fasted was a long or short day (i.e. a short winter day can make up for a long summer day missed previously and vice versa). This also applies to fasts missed due to menstruation and lochia.

The following are exempt from this rule so do not have to make up missed days of Ramadan:

- **A pre-pubescent child who attains to puberty**
- **An insane person who becomes sane** (on the condition his insanity was not caused intentionally)
- **And a non-Muslim who becomes Muslim**

However, it is sunnah for a pubescent child to make up missed days of fasting from when he was a pre-pubescent child at the age of full age of discrimination (around 7-8 years old and upwards, depending on the individual child), and for a new Muslim to make up the day he converted to Islam (if it falls on a day of Ramadan), though this is not obligatory on either.

When to make up the missed days of Ramadan

Someone who missed a day of Ramadan because of a valid excuse (including someone who forgot to make the nightly intention) - must make the day up after the excuse for not fasting ceases to exist. For example, a sick person who misses the whole of Ramadan due to his illness makes up all the fasts once he recovers, even if that is a long time after Ramadan.

It is recommended for such a person to make up the fasts as early as possible, and consecutively, but it is not obligatory to make them up straight away. However, if one delays making up the prayers until only the same amount of days are left before the next Ramadan arrives, then it becomes obligatory to make them up. For example, if someone had missed 5 days of Ramadan, it is permissible (though disliked) to leave making them up until only 5 days remain before the next Ramadan, at which point it becomes obligatory.

As for someone who missed a fasting day without a valid reason - they must make up their fasts immediately, without delay.

RECOMMENDED ETIQUETTES OF RAMADAN

The following are sunnah, or the recommended etiquettes during Ramadan:

- To break the fast (by eating or drinking) as soon as possible once Maghrib has definitely set in, and one gets rewarded for hastening to it (separate to the reward of actually breaking it).

One may ask, does this sunnah/reward apply to all manners of breaking one's fast (other than eating and drinking), such as intercourse or poking a stick in one's ear?

Some scholars state it does, while others state that while it breaks the fast, it is not rewarded for the sunnah of hastening to break it. The reason being that the intention in taking food and drink is to nourish and strengthen oneself, and this can not be said for the other ways to break one's fast.

It is recommended (to achieve the optimal sunnah) to break one's fast on three fresh dates, and if not unavailable, then three dry dates, and if not three, then one. If one has no dates, then water. However, in terms of getting the basic reward of breaking the fast, this is attained by eating or drinking anything (permissible).

Note: All scholars agree on fresh dates being the first in order but some scholars give a different order after the fresh dates (though the above order is by far the most accepted and practiced opinion), among them: to have anything sweet before water (after fresh dates), or to drink Zamzam water before the dry dates (and after fresh dates), or to drink a handful of fresh river water before dry dates, as fresh river water is most remote from any doubt.

- To say the recommended supplications when breaking the fast. The duas for breaking the fast are many, but the most common one's are:

اَللّٰهُمَّ اِنِّیْ لَكَ صُمْتُ وَبِكَ اٰمَنْتُ وَعَلٰی رِزْقِكَ اَفْطَرْتُ

Allah, I have fasted for You, and I have believed in you, and from the sustenance given by You, I break the fast.

One may add:

ذَهَبَ الظَّمَـأُ ، وَابْتَلَّـتِ الْعُـرُوقُ ،
وَثَبَتَ الأَجْرُ إِنْ شَاءَ اللَّهُ.

The thirst has gone and the veins are moist, and reward is assured, if Allah wills.

One may further add:

اللَّهُـمَّ إِنِّـي أَسْـأَلُكَ بِرَحْمَتِـكَ الَّتِـي
وَسِعَتْ كُلَّ شَيْءٍ أَنْ تَغْفِرَ لِي.

Allah, I ask You by Your mercy which envelops all things, that You forgive me.

- It is recommended to intend to fast (the next day) when breaking one's current fast, to ensure one does not forget later. It is also recommended to remake the intention after having the pre-dawn meal (suhoor).

- It is a sunnah to provide others with means to break the fast, even if it is with one date or some water, though a meal is optimal. It is recommended to invocate for the person who has provided one with food to break the fast, by saying:

أَفْطَـرَ عِنْدَكُـمْ الصَّـائِمُونَ وَأَكَـلَ
طَعَـامَكُمُ الأَبْـرَارُ ، وَصَلَّـتْ عَلَيْكُـمُ
الْمَلائِكَةُ.

With you, those who are fasting have broken their fast, you have fed those who are righteous, and the angels recite their prayers upon you.

It is sunnah to eat with those whom you provide food, though if one knows they would be embarrassed to eat in front of the host, the host may leave them to eat.

- **The pre-dawn meal (suhoor):** It is sunnah to take the pre-dawn meal, and there is reward and blessings in it. The time for the pre-dawn meal enters in the middle of the night (not necessarily midnight, the night must be calculated to find the middle).

The wisdom behind the pre-dawn meal is that it inculcates piety, and is a point of divergence from the People of the Book. Imam Ibn Hajr states that one should partake in it even if one is already full-up. The order of food is the same as when

breaking the fast; fresh dates, then dry dates, then water. If one is going to eat more than this, one should start with these first.

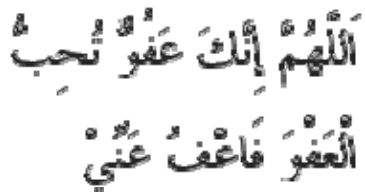
The pre-dawn meal should be left as late as possible (opposite to breaking the fast), unless one becomes uncertain if Fajr has come in or not.

- One should ensure that they have brushed their teeth / rinsed their mouth before Fajr enters.

- If one is obligated to take a bath (such as after intercourse, or after menstruation) then they should take it before Fajr, not only to make sure no water reaches a cavity, but also to start the fasting day in a state of purity.

- It is encouraged to be **generous** and **increase in excellence** in one's dealings with family and neighbours, even if they are not in need, and to increase in voluntary charity to those in need.

- One should increase their **recitation of the Quran**, as well as reciting it with one another. One should also increase one's remembrance (dhikr), and asking for forgiveness (istighfaar), one of the best dhikr in Ramadan being:



O Allah! You are The One Who forgives greatly, and loves to forgive, so forgive me

- It is recommended to make the intention of **Itikaaf** (Spiritual retreat) as much as possible. One can do this by intending each time they go to the mosque, and before entering, 'I intend Itikaaf for the duration I remain in this mosque'.

The last ten days of Ramadan are an emphasised sunnah for doing itikaaf, for the reason that **Lailat al Qadr** is widely believed as being in the last ten days.

- **Tarawih prayers:** The Tarawih prayers consist of twenty rakats and may be prayed in congregation or individually.

Note: Make up prayers during Ramadan: Making up prayers should be done in order (i.e. as they were missed), but this is not obligatory. It is disliked to make them up without this order as some scholars state it is obligatory. The question often arises as to whether one can or should make up prayers while praying Tarawih in congregation. The answer is, according to the foremost opinion, that one can make them up intending each one as a Fajr make-up (if one has many Fajr make-ups for example). Otherwise one should make their prayers up at home instead, preferably in the order missed.

LAILAT AL QADR

The Night of Power is named as such because of its tremendous station and weightiness, as well as Allah Most High decrees in it whatever He wishes.

It is stated that Lailat al Qadr occurs during the last ten days of Ramadan. Some say the odd nights, some the last three odd nights, and many hold (and the most famous) is the 27th as being the Night of Power. Others hold that it is on the middle night of the month, all of Ramadan, and the whole year. Imam Shafi'i inclined towards it being on the 21st or the 23rd of Ramadan. Others amongst the Shafi'ite scholars have said that each year it changes from one night amongst the last ten nights, and this opinion unites the opinion of Imam Shafi'i and others. Imam Bajuri indicates that it falls on an odd numbered night of Jumuah in the last half of Ramadan. The opinions as to when Lailat al Qadr occurs reach to about 40 opinions!

The wisdom behind the ambiguous date of Lailat al Qadr is to encourage the Muslims to 'bring alive' and adorn their nights with worship during the last ten nights of Ramadan, as it is a specific attribute of our ummah, and will remain as such until the Final Day (as opposed to the sects who claim that the Night of Power will or has been lifted and is no more).

The works done in Lailat al Qadr are better than 1000 nights in which there is no Lailat al Qadr.

The minimal of what is meant by 'bringing alive' one's night is to pray Isha in congregation, and this fulfils the meaning and there is a tremendous reward just in this. One should also 'bring alive' the day of Lailat al Qadr with worship (the day following the night of Lailat al Qadr) just as one did on the night of it.

While it is recommended to stay up the whole night in worship during the last ten days of Ramadan, it is disliked, and some actually consider it a reprehensible innovation, to stay up the whole of the night of every night of Ramadan, unless it is the usual habit of one to stay up in worship at nights (in which case there is no dislike in it). And Allah knows best.

The Signs of Lailat al Qadr

The Signs of Lailat al Qadr are that:

- It will be a night in which the temperature is moderate (neither hot or cold)
- The sun will rise white in colour on the day of Lailat al Qadr (the day following the night of Lailat al Qadr), and it will not have many rays (because of the light of the angels ascending and descending, the light of the angels overtaking the light of the sun)
- That no baby will be *conceived* to a disbeliever on this night
- The wonders of the angels are more likely to be disclosed to humans on this night though how much is disclosed differs between individuals.

Whoever sees a wonder of the Night of Power should say to themselves the invocation mentioned previously:

اَللّٰهُمَّ إِنَّكَ عَفُوٌّ تُحِبُّ
الْعَفْوَ فَاعْفُ عَنِّيْ

And they should say this to themselves because seeing a wonder of the Night of Power is a saintly miracle (karama), and it is not becoming to disclose saintly miracles

by consensus of all true spiritual paths unless there is a specific reasons justified by the shariah, such as to make firm the heart of a student, or to curtail a disbeliever.

THINGS ONE SHOULD LEAVE DURING RAMADAN:

- One should leave lying, backbiting, and tale-bearing (in that it is more emphasised during Ramadan, otherwise it is sinful and obligatory to leave all the time). If one lies or backbites during a fasting day - he incurs a sin, he loses all reward for the fast (even if he repents afterwards), but his fast is valid. Other's held that it actually breaks the fast, which concurs with the Hanbali school.

- One should try to leave all forms of permissible desire during the fasting hours (impermissible desires go without saying) such as perfume, expensive or fancy clothes, smelling or looking at flowers, entertainment. This is because the wisdom in fasting is to break one's desire.

- One should leave insulting and cursing. If one is insulted one should a) remember in one's heart that one is fasting as way of both rebuking and suppressing his own ego, and 2) say as such with his tongue ('I am fasting'), as a way of suppressing the one insulting him and answering back with that which is better, so long as he does not sense a sense of ostentation in him doing so.

- One should leave off having cupping (blood/wet cupping) done or doing it on someone else, as some scholars state it breaks the fast.

- Chewing gum (lubaan) is disliked as it makes one thirsty as well as if mixed with saliva and swallowed, nullifies the fast.

- It is disliked to taste food for no reason. However if there is a valid reason, and there is no other non-fasting person who can do it, then it is not dislike - such as softening bread for a child to eat, or doing tahneek. However, one should be careful and spit out any saliva that may become mixed.

- Touching or kissing one's spouse on the mouth, or anywhere else, is best not to do (Khilaaf al Oula), even if one feels certain there is no chance of ejaculation. If one feels desire when kissing or touching - then it is disliked (makrouh). As for one who fears they might ejaculate from touching or kissing, even if an old person - then it is haram. This all applies to obligatory fasts, and not voluntary, where there is no prohibition, though disliked.

It is disliked to use the toothstick (siwak) after Dhur and up until sunset (i.e. should not be used for the Dhur prayer or Asr prayer). Imam al Nawawi held that it is disliked only after the Asr prayer (therefore permissible in all prayers).

It is prohibited to fast continuously, such as two days or more in a row, without breaking them in between (by *eating* or *drinking* something that nourishes one), regardless if the fast is an obligatory fast or voluntary, or one is able and strong enough to do so or not, as the Prophet (peace be upon him) clearly forbade it. As for a *non-fasting* person not eating for days, there is no prohibition in it as long as there is no harm involved to the individual.

EXPIATIONS

Fidia

Fidia consists of one mudd of the main staple food (a dry measure consisting of a medium handful, amounting to approximately 0.51 litres) of the place the person is in at the point making up the fast becomes possible for him. One mudd must be paid for each day missed.

An example: Aisha is pregnant, and currently lives in Jordan. Ramadan falls on the second month of Aisha's pregnancy. She decides not to fast the whole month solely out of concern for the child. In the following months after Ramadan, Aisha has not been able to make up the missed days of fast due to her own poor health, during which she travels to the UK for the birth, which is then followed by 40 days of lochia. After the lochia term, she feels rested and healthy. She remains in the UK for a further two weeks before travelling back to Jordan. In this example, making up the fasts only became possible in the UK, and therefore she must pay one mudd of the

staple grain of the people in the UK for each day of Ramadan missed (and not Jordan, even though that is where the original fasts were missed). If, however, Aisha was still poorly after her lochia term and unable to make up the fast, and then travelled back to Jordan, after which she started to recover and finally regained health (feeling that she can now make up the fasts should she wish) - she must pay one mudd of the staple grain of the people in the Jordan for each day of Ramadan missed.

A second opinion states that one can pay the fidia anywhere abroad (including online payments with the intention it is fidia for one's missed fasts)

The mudd(s) must be distributed to the poor and the needy. It is permissible to give many mudds to one person, but not one mudd between two or more people. Nor can one give one and a bit to one person, and the same to others.

The following people must pay the Fidia for the days they missed, as well as making up the fast:

- Someone who did not fast or broke his fast without a valid legal excuse
- A pregnant woman who does not fast or breaks her fast ***solely*** out of the concern for the welfare of her child (according to the foremost opinion)
- A nursing mother who does not fast or breaks her fast ***solely*** out of the concern for the welfare of her nursing child (according to the foremost opinion)
- Someone who breaks their fast in order to save a life or someone's limb (human or animal), and there is no other way of doing other than to break one's fast (according to the foremost opinion)
- Someone who did not fast or broke his fast for a valid reason but did not make them up before the next Ramadan while he was able to (but not if he was unable).

The following people must pay the Fidia for the days they missed, but do not have to make up the fast:

- Someone who is not able to fast due to sickness or enfeeblement, and there is no hope of recovery

The obligation of paying the mudd repeats each year. This means that for each year delayed, each day mounts up by one mudd. There is a strong opinion in the school that it does not repeat, so one would only pay one mudd for each day, even if he delayed making them up for years.

Kaffarah

Kaffarah is due on anyone who nullified a day of Ramadan through sexual intercourse (whether vaginal or anal, human or animal, with one's spouse or illicit). However, the kaffarah is not due on the woman made love to (because her fast first broke due to a substance entering an orifice and not because of sexual intercourse). Nor is it on the man who has been entered (though his fast breaks). Someone who has sexual intercourse, forgetting he is fasting (or coerced) does not have to pay expiation as his fast is still valid.

Kaffarah is due for each day nullified, and not for each act of intercourse. So if one was to break their fast through intercourse, and then later has intercourse again on the same day - only one kaffarah is due for that day.

Kaffarah is <u>not</u> due on someone who breaks his fast by:

- Sexual intercourse on fasting days *outside* of Ramadan even if it is a make up of Ramadan.
- Emission of semen (even if he has intercourse afterwards)
- A traveller or a sick person who has sexual intercourse (even if illicit)
- Someone who thought it was night time, so had intercourse, then later found it was daytime
- Someone who has intercourse and does another thing that breaks the fast at exactly the same moment, such as eating
- The woman made love to or the man entered into (though they would have to pay the fidia expiation if done intentionally and voluntarily).

The kaffarah due, in order (of availability or ability, not choice) are:

1. **Freeing a believing slave**, free from defects
2. **Fasting for two consecutive months**: if one takes a break during any day within these two months - one must start the two months again. This is regardless of whether the break is taken for a valid reason or not, though someone in a state of long term unconsciousness (such as a coma) does not have to start from the beginning.
3. **Feeding 60 people** a mudd of the main staple food: Each person must get one mudd. It is not permissible to give one person 60 mudd. One can give 60 mudd all in one go to 60 people. 'Feeding' here means giving the recipients the staple as possession they own (not cooked). It can not be given to one's own family, even if they are deserving recipients.

In regards to this order, there is some leeway in the school, as the scholars state that fasting two months continuously with the possibility of having to restart if one has to take a break is extremely hard on most people, and therefore the reliable opinion is that one can forego the fasting and feed 60 people instead.

FASTING THE SIX DAYS OF SHAWWAL

The six days of Shawwal (The month after Ramadan) are the days that immediately follow the first day of Eid al Fitr (2nd - 7th Shawwal). It is recommended to fast the first six days of Shawwal, as the Prophet (blessings and peace be upon him) gave the glad tidings that "Whoever fasts Ramadhan, then follows it with six days from Shawwal, it is like they fasted the entire year." [Muslim]

The reward of fasting the six days of Shawwal brings about the above reward. The Sunnah of fasting them consecutively is a separate reward. One may separate the six days anytime during Shawwal, but it is better to fast them consecutively (if one is able to) as hastening to worship is always recommended and by not doing so, one forgoes the (separate) reward of fasting them consecutively.

The reward of these six days is as if one had fasted obligatory fasts. Therefore, were one to fast the six days of Shawwal with Ramadan every year; it would be as if they observed obligatory fasts their whole life!

Both these rewards apply even if one had not fasted all the days of Ramadan, though Imam Ibn Hajr states that this does not extend to those who broke their fast without a valid excuse (though if he made up the fasts, and was still able to fast six days within the month of Shawwal (e.g. he had 15 days to make up and does so straight after Eid, then fasts 5 days of Shawwal consecutively) - he gets the 'basic' reward of the sunnah for having fasted six days in the month Shawwal, but he loses the added reward of it being like an obligatory fast and equal to a whole year, or for fasting consecutively).

Can one combine the intention for make up fasts and the six days of Shawwal?
It is valid to combine one's intention, such as a make-up fast with the six days of Shawwal. Imam Ramli even states that if one did not make an intention for the voluntary act of worship (e.g. the six days) and it coincided with the obligatory worship (e.g. make-up), the person receives both rewards. However, both Imam Ibn Hajr and Imam Ramli agree that one only receives the 'basic' reward of the voluntary worship, and not the complete reward, such as it being as if one fasted an obligatory fast and equal to a whole year. For this reason, (as well as that some scholars have held it to be invalid to combine intentions) it is preferable to not combine the two fasts, in order to receive the full reward.

All praise and thanks is due to Allah, Lord of Worlds





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