



The *Fiqh* of Fasting



According to the School of Imam Abu
Hanifa

LEARNING OBJECTIVES

- 1] The intention in fasting in general (Ramadan and other fasts)
- 2] The *Muftirat* (what breaks the fast) and their categories.
- 3] What does not break the fast.
- 4] What is disliked while fasting.
- 5] What is *Fidya*.
- 6] Miscellaneous issues in fasting.
- 7] *I'tikaf*
- 8] Spiritual dimension of fasting



What is Fasting?

Linguistically, the word fasting means **unconditional ‘restraint’** (*imsak*).

According to the Law, fasting is the act of:

‘Refraining from entering anything into the body cavity, whether deliberately or accidentally, or engaging in intercourse, from true dawn to the time the sun sets, accompanied with the intention of fasting from individuals who are permitted to fast.’

INTENTION

- The intention is the **determination one feels in the heart to do something**. It is not a condition to verbalize the intention.
- The intention is also to distinguish one act from another.
- Intention is required for all types of fasts.



INTENTION

1] **Fasts that require** a) intention; b) specifying the type of fast; c) forming it at night (*tabyit*):

A] Making up missed Ramadan fasts

B] Making up broken voluntary fasts

C] Expiation fasts

D] Unspecified vows (*nadhrr*)

INTENTION

2] **Fasts that require** a) intention; b) specifying the type of fast, but DO NOT REQUIRE; c) forming it at night (*tabyit*):

A] Current Ramadan fast

B] Specific vowed fasts (where a day has been chosen for it)

C] Voluntary fasts

INTENTION

FIRST TYPE:

- Make intention in the heart for the specific fast the night before the fast starts

SECOND TYPE:

- Make an intention in the heart for the specific fast the night before the fast starts (preferably), or at the latest by the Islamic mid-day (*al-Dahwa al-Kubra*), provided you have not engaged in any of the *Muftirat* (things that break a fast).

When is the Islamic Mid-day?

- To establish the *Dahwa kubra* (Islamic mid-day) calculate the halfway point between Fajr and Maghrib.
- Example: If Fajr enters at 5:00 AM and Maghrib enters at 7:00 PM, the *Dahwa kubra* is at 12 PM.
- Accordingly, a person who wakes up and has not eaten anything can formulate their intention by 12 PM at the latest.
- This only applies to the second type of fast: current Ramadan fasts, specific vowed fasts (where a day has been chosen for it), and voluntary fasts.
- **It is better – and easier – to avoid this and have an intention each night of Ramadan.**

Things That Break the Fast

TWO TYPES:

1. That which requires a makeup and expiation (*qada + kaffara*)
2. That which requires makeup only (*qada* only)



Makeup and Expiation

1. Eating or drinking something that humans would normally consume and this consummation nourishes, medicates, or pleases the body in some way.
2. Actual sexual intercourse regardless if one ejaculated or not.
3. Swallowing the saliva of one's spouse.

What is the Expiation?

The expiation is to fast sixty consecutive days in the year without any interruption. One must choose a time where one can fast these sixty days without the days of Eid or the three days after Eid al-Adha (*Ayyam al-Tashriq*) interrupting the fasts because of the prohibition of fasting on these days. If one does not fast them consecutively, then one must restart the 60 day period each time the continuity of the fasts is broken.

If Unable to Fast for Sixty Consecutive Days

If one is genuinely unable to perform the sixty consecutive fasts based on reasonable surety, then one must either:

- a. Feed the same sixty, poor people to their fill for two meals, or
- b. Feed one poor person to his fill for two meals a day for sixty days, or
- c. Give sixty poor people half a *sa'a** of wheat (or similar food grains) or its monetary value, or
- d. Give sixty poor people a *sa'a** of dates (or similar food grains) or its monetary value, or
- e. Give one poor person either **c** or **d** for sixty days.

**Sa'a*: About 2.2 kg.

What Requires Makeup Only (No Kaffara)

1. Eating or swallowing anything like the following: raw rice, flour, a mouthful of salt, or toothpaste.
2. Accidentally swallowing water during *wudu*' or a shower.
3. Eating on purpose after you ate forgetfully.
4. Breaking your fast because you mistakenly thought the sun had set.
5. An orgasm that results from rubbing, kissing, or touching.
6. Smoking or inhaling smoke that you produced (such as incense-burning).
7. Eating a pea sized amount of food that was stuck in your teeth.



What Does Not Break the Fast

- Eating or drinking something forgetfully (not accidentally).
- Eating what is between the teeth if it is less than the size of a chickpea.
- Chewing on a sesame seed without swallowing it, if its taste doesn't reach the throat.
- Dust or smoke (including smoke from incense) entering one's throat without one's doing.
- A mosquito, fly, or any other object entering one's throat without one's doing.
- Swallowing the wetness that remains after washing one's mouth for *wudu* or *ghusl*.
- Swallowing one or two drops of sweat or tears that enter the mouth and mixes with one's saliva, on the condition that one cannot taste its saltiness.



What Does Not Break the Fast

- Swallowing one's own saliva.
- Swallowing one's own phlegm after clearing the throat.
- Swallowing vomit that emerges in the mouth without one's doing, even if it is a mouthful.
- Deliberately vomiting less than a mouthful, regardless if one swallows it or not.
- Using a miswak or toothbrush.
- Wetting one's lips with one's saliva while speaking and swallowing it.
- Swallowing blood that exits from the gums and does not preponderate over the saliva on the condition one cannot taste it.
- Backbiting (*haram*, but does not break the fast).



What Does Not Break the Fast

- Sniffing up mucus that is in the nose and it descends to one's throat.
- Applying kuhl in the eyes, even if one finds its taste in the throat or its color in the saliva or phlegm.
- Dripping eye drops or contact solution into the eyes.
- Water entering the ears from a bath.
- Rubbing oil or cream on the body or hair.
- Applying deodorant.
- Withdrawing blood, such as in a blood test.
- Blood cupping.



Things Disliked While Fasting

- Tasting or chewing something without an excuse, provided that its flavor is not swallowed.
- Chewing flavorless gum.
- Kissing with desire in which one fears falling into sexual intercourse or ejaculation, on the condition one did not swallow the other's saliva.
- Gathering saliva in the mouth and then swallowing it.
- To gargle excessively when making wudu or ghusl for fear of breaking the fast.
- To sniff water excessively when cleaning the nose in wudu or ghusl for fear of breaking the fast.
- Doing things that would weaken one while fasting, like cupping or withdrawing blood.
- Brushing the teeth with toothpaste or using mouthwash, on the condition one does not swallow it.



Who is Excused from Fasting in Ramadan?

1. Menstruating women.
2. Women in state of lochia (post-natal bleeding).
3. Sick people who fear that the illness will worsen or be prolonged.*
4. Breastfeeding or pregnant women—when it is a genuine difficulty and there is real fear.*
5. Travellers (beyond 81 km, who has initiated the journey at the onset of fajr—if resident when fajr enters, he must fast that day. Cannot break the fast once started).

*This is determined either by the advice of an upright, skilled Muslim doctor or by your own previous experiences, not merely by assuming that it will be difficult.

What is *Fidya*?

Fidya is an '**expiatory payment**'; a special form of charity given to a poor person where one has to pay for each day of missed fasts during Ramadan.

For every day of missed fasting one has to pay the value of approximately 2.2 kg of wheat.

In the Hanafi-school, the expiatory payment for Ramadan is only paid by a **person who is not able to fast at all**.

Those who:

1. Cannot fast in Ramadan and
2. Cannot make up for the missed fasts at any other time of the year and
3. Are not expected to ever regain the ability to make up for the missed fasts.

*should such a person recover, the days have to be made up.



Recommended Acts

- To eat the pre-dawn meal (*subur*) before Fajr time enters.
- To delay the pre-dawn meal closer to the time before Fajr enters.
- To hasten to break one's fast at the entering of Maghrib.



MISCELLANEOUS ISSUES

- If a person gets sick in Ramadan and missed fasts, then dies, he isn't required to give a *wasiyya* that *fidya* is paid on his behalf. If he gets sick and then gets better and doesn't make up the days, then dies, his family pays *fidya* on his behalf
- You can split up your *qada*, but doing them all at once is better.
- If you take too long, you fast the next Ramadan and then do *qada* later—no *fidya*. (Other *madhahib* require *fidya* for not getting *qada* in before next Ramadan.
- Those who are to receive the *fidya* are the same as those who can receive zakat (*Masarif al-fidya masarif al-zakat*).
- It can be given to one person or many.

MISCELLANEOUS ISSUES

- If you start a nafl fast and break it, you have to make it up. In origin it's recommended, but making it up is *wajib*.
- If a child reaches puberty, or someone takes shahada in the daytime, they stop eating, and there is no make up for that day.
- If someone is unconscious in day time, they don't make up that day, but make up subsequent days they remain unconscious.
- If an insane person gains sanity they make up the days of Ramadan missed due to insanity and fast the rest.

MISCELLANEOUS ISSUES

- Injections—they do not break the fast because they don't enter a recognized orifice.
- Inhalers—using an inhaler **breaks the fast** because it enters the throat.
- Nicotine patches—they do not break the fast because they don't enter a recognized orifice.

‘That which reaches the body cavity [i.e., stomach] (*jawf*) or the brain through normal channels such as the nose, ears and backside, in that one snuffed [something through the nose], entered something through the rear hole or infused drops in the ear, and it reached the stomach or the brain, then one's fast will be invalidated.’

– Imam al-Kasani, *Bada'i al-Sana'i* 2:93

What Does a Woman Do if Her Period Starts or Ends in Ramadan?

If it Starts During the Night:

If her menstruation starts in Ramadan during the night (i.e., any time from the entering of Maghrib to before the entering of Fajr), then she refrains from fasting the following day and for the duration that she is menstruating.

What Does a Woman Do if Her Period Starts or Ends in Ramadan?

If it Starts During the Day:

If her menstruation starts in Ramadan during the day (i.e., any time from the entering of Fajr to the entering of Maghrib), then her fast is broken and it does not count. She must make up this day after Ramadan has ended in a time when she is able. She must refrain from fasting for the duration that she is menstruating.

What Should She Do When Her Menstruation Stops?

Stops During the Night:

If her menstruation stops in Ramadan during the night (i.e. any time from the entering of Maghrib to before the entering of Fajr), then she performs a purificatory bath (*ghusl*), begins her obligatory worship, and she is obliged to fast the following day and the remainder of Ramadan.



What Should She Do When Her Menstruation Stops?

Stops During the Day:

If her menstruation stops in Ramadan during the day (i.e., any time after the entering of Fajr up to the entering of Maghrib), then she performs a purificatory bath (*ghusl*), begins her obligatory worship **and she acts like a fasting person until the Maghrib time enters due to the sacredness of the month of Ramadan.** It is necessary for her to abstain from eating and drinking for the remainder of the day. She is sinful if she does not do so. However, this day of acting like a fasting person does not count as a fast. She must make up this day after Ramadan has ended in a time when she is able. She is obliged to fast the following day and the remainder of Ramadan.



I'tikaf

Three types:

1. Mandatory: when one makes a vow
2. Emphasized communal Sunna (last ten nights of Ramadan)
3. Recommended: any other I'tikaf



I'tikaf Rulings

- Fasting is a condition for vowed I'tikaf
- One may not leave I'tikaf area except for need (call of nature, emergency, etc.)
- Only valid in Masjid.
- Permissible to eat and drink in Masjid.



The Spiritual Dimensions of Fasting

1. Fasting with eyes.
2. Fasting with ears.
3. Fasting with one's tongue.
4. Fasting with one's heart.

