

FIQH OF FASTING

from the Hanafi Manual

“Mukhtasar Al-Quduri”

with re-arrangement, and selected explanation and additional notes from other Hanafi texts

English Translation

© *S. Laher*

Permission is granted for use and reproduction of this material, provided that it is for personal use, and that no changes are made to the text.

DRAFT COPY, version 0.8, 5/13/2018

For use in conjunction with instruction from a qualified teacher.

Information is presented for informational purposes. The translator neither guarantees that this information is totally free from errors, nor that it is always suitable for acting upon or putting into practice. Religious decisions should be taken with due care and thought, after reading and investigating, but also after consulting with reliable people of knowledge – who are aware of one’s particular circumstances – and then pondering and exercising one’s conscience.

CONTENTS

1.0 THE OBLIGATION OF FASTING.....	3
2.0 SIGHTING THE CRESCENT.....	3
2.1 For Ramadan.....	3
2.2 For `Id.....	4
3.0 THE INTENTION.....	4
4.0 ACTIONS OF THE FASTING PERSON.....	5
4.1 Things that do not break the fast.....	5
4.2 Things that are Reprehensible for the Fasting Person.....	6
4.3 Things that Break the Fast and require Making up, but not Expiation.....	6
4.4 Things that Break the Fast and require Making up and Expiation.....	7
5.0 THOSE WHO DON'T FAST.....	7
5.1 Those who may Postpone Fasting.....	7
5.1.1 Making up Missed Fasts.....	8
5.2 Redemption (<i>Fidyah</i>).....	8
6.0 SECLUSION (<i>I`TIKAF</i>).....	9

1.0 THE OBLIGATION OF FASTING

1. The time for fasting is from the rising of the second [i.e. true] dawn until the setting of the sun.
2. Fasting is : abstention from eating, drinking and sexual intercourse by day with the intention [L: by someone whose intention is valid]
3. If within [L: the fasting hours of] Ramadan a child reached adulthood, or an unbeliever accepted Islam, they abstain [from things which invalidate fasting] for the remainder of that day, and fast that which comes thereafter. They do not make up what passed [L: of that first day, nor of preceding days]
4. If an insane person regained sanity with part of Ramadan [remaining], he makes up what passed of it.
5. If a traveller arrives [at his place of residence], [L: or an invalid recovers, or an insane person regains sanity] or a woman who is menstruating [L: or in post-partum bleeding] attains purity with part of the day [remaining], they [L: are required to] abstain from food and drink [L: and all other things that invalidate fasting] for the rest of that day.

2.0 SIGHTING THE CRESCENT

2.1 For Ramadan

1. It is imperative for the people to seek the new crescent on the twenty-ninth day of Sha`ban [L: and similarly for the start of Sha`ban]. Then, if they see it, they fast [the following day], but if it is obscured from them, they complete the counting of Sha`ban as thirty days and then fast [after that].
2. Whoever sights the new crescent of Ramadan alone fasts, even if the imam does not accept his testimony.
 - [L: If he does not fast, he is liable for making it up (*qada'*), but not for expiation.]
3. If there is some obstruction in the sky, the imam accepts the testimony of one upright [Muslim] - be that male or female, free-man or slave - for the sighting of the crescent [of Ramadan]
 - [L: he does not have to use the term 'testimony']
 - [L: 'upright' means one whose good deeds outweigh his sins, and including the *mas-tur* (someone about whom nothing negative is known, even if his character is not explicitly accredited by anyone). According to *zahir al-riwayah*, the sighting report of one who was lashed for *qadhif* is acceptable if he has repented.]

4. But, if there is no obstruction in the sky, [one individual's] testimony is not accepted until a large multitude sight [L: and report] it, by whose report [L: near-certain] knowledge is attained.

- [L: There is no specific number specified for 'a large multitude,' rather it is left to the discretion of the judge.]
- [L: Hasan ibn Ziyad transmitted a view from Abu Hanifah that the testimony of two upright witnesses is acceptable, even if there is no obstruction in the sky. Ibn Nu-jaym endorsed this view, given that by his time few people would try to sight the crescent.]

2.2 For `Id

1. Someone who alone sights the crescent for ending the fast does not stop fasting [L: out of caution, due to the possibility of his having been mistaken]

- [L: If he does stop fasting, he is liable for making it up, but not for expiation.]

2. When there is some obstruction in the sky, only the testimony of two men, or one man and two women, is accepted for [sighting of] the crescent for ending the fast [L: because it entails benefit to people]. But, if there is no obstruction in the sky, only the testimony of a large multitude -- by whose report [near-certain] knowledge is attained -- is accepted.

- [L: the same applies to the crescent for Dhul-Hijjah, according to the sounder view]

[Is one sighting enough for the entire world?]

[What about calculations?]

3.0 THE INTENTION

Fasting is of two sorts : obligatory and supererogatory (*nafl*).

1. The obligatory is of two sorts :

- One type is that which is attached to a specific time, such as the fast of Ramadan, and a [L: temporally] specified vow.
 - The fasting of [this category] is valid with an intention from the night [L: and this is preferable], but if one did not intend until the morning, the intention suffices him between [dawn] and noon. [L: the sounder view is: before the middle of the day, so that the intention is present for most of the fast's duration.]
- The second sort is that which becomes obligatory to fulfil [but without any time specification], such as the make-up [fasts] of Ramadan, [L: invalidated optional fasts], unrestricted vows, and atonements.

- [These] are not valid without a specific intention from the night.
2. All of the *nafl* [L: including the reprehensible] is valid with an intention before noon. [L: the sounder view, once again, is: before the middle of the day.]
 3. [L: The intention [in all cases] is that one know with one's heart which fast one is undertaking.]
 4. Someone who lost consciousness in Ramadan does not make up the day on which the loss of consciousness occurred, but he makes up that which came after it.

4.0 ACTIONS OF THE FASTING PERSON

4.1 Things that do not break the fast

1. If the fasting one ate, or drank, or had sexual intercourse out of forgetfulness [that he was fasting], his fast is not broken.
 - [DM: If one forgetfully engaged in sexual intercourse, then withdrew immediately upon realizing, but ejaculated after that, the fast is not broken]
2. If he slept and then had a wet dream, or looked at [L: or fantasized about] a woman and ejaculated, or oiled [his head], or underwent cupping, or used collyrium [in his eyes], or kissed [L: without ejaculating], his fast is not broken
 - [DM: Similarly, the fast is not broken if he swallowed the traces of water remaining after rinsing the mouth in *wudu'*, or accidentally swallowed a piece of food that was lodged between his teeth provided it was smaller than a chick-pea, or masturbated without ejaculating (even though it is reprehensible to do so)]
3. If one is overcome by vomiting [L: even if it be a lot], his fast is not broken.
 - [L: But if it was at least a mouthful and he intentionally swallowed it, then his fast is broken]
 - [L: induced vomiting that is less than a mouthful does not invalidate the fast according to Abu Yusuf, and this is the preferred view]
4. [Other Non-invalidating Entries]
 - If he applied drops [L: of water or oil] inside his urethra, his fast is not broken according to Abu Hanifah. Abu Yusuf said : his fast is broken.
 - [SL: Substances entering the brain do not invalidate the fast, because there is no direct pathway from the brain to the digestive tract (contrary to the assumption of medieval jurists)]
 - [L: Water entering into the ears does not invalidate the fast, according to the preferred view, although many consider it does invalidate if done deliberately]

4.2 Things that are Reprehensible for the Fasting Person

1. If someone tastes something with his mouth [provided nothing reaches the throat], his fast is not broken, but it is reprehensible for him to do that [L: because of exposing himself to the possibility of swallowing some of it and thereby breaking the fast]
 - It is reprehensible for a woman to chew the food for her infant if she has some alternative [L: such as having a menstruating woman or child chew it]
2. Chewing gum does not break the person's fast [provided the gum contains no flavor, sugar or other substance that reaches the throat], but it is reprehensible.
3. [DM: It is reprehensible to backbite, or to remain the entire day in a state of *janabah*], [RM: or to needlessly undergo cupping or any other action that would weaken the body to the extent that it would make the fast difficult]

4.3 Things that Break the Fast and require Making up, but not Expiation

1. If he ejaculated on account of a kiss or touch [DM: or masturbation], then making up [the fast] (*qada'*) is due upon him.
 - There is no objection to kissing if he feels himself safe [L: from ejaculating, and from proceeding to penetrative intercourse] but it is reprehensible if he does not feel safe.
2. If someone has [non-penetrative] intercourse in other than the private parts [L: such as intercrurally, or similarly if one has penetrative intercourse with an animal or a corpse] and [consequently] ejaculates, then he must make up [the fast], but [he is] not [required to perform] expiation.
3. If one deliberately made himself vomit a mouthful then makeup is due upon him.
4. If someone swallows pebbles or iron [L: or anything else that is not customarily eaten] then his fast is broken.
5. If someone ate *suhur* thinking the dawn had not [yet] risen, or broke his fast thinking the sun had set, and then it turned out that the dawn had risen, or that the sun had not set, [L: is required to abstain from food, drink, etc. that day and also] makes up that day, but there is no expiation due on him.
 - [DM: Swallowing water by mistake while performing *wudu'* invalidates the fast, and requires *qada'* but he is not sinful]
6. If a woman menstruates, she stops fasting and makes up [fasting for the days of menstruation, including that day].
7. Whoever enters into an optional fast, or an optional prayer, and then invalidates it, makes it up [and it is required to do so].

- [L: it is permissible to break an optional fast with a valid reason, including the excuse of accepting an invitation to eat. There is disagreement over whether it is permissible to break it without a valid reason.]

4.4 Things that Break the Fast and require Making up and Expiation

1. Making up [the fast] (*qada'*) and expiation (*kaffarah*) [for it] are due on someone who:
 - deliberately has [penetrative] sexual intercourse [L: with a live human being] in one of the two passageways [L: regardless of whether ejaculation occurs]
 - or: eats or drinks something that provides nutrition or is used for treatment
2. [DM: If someone thought their fast was invalidated by their having forgetfully eaten/drank/etc and therefore deliberately ate after that, there is no *kaffara* due, only *qada'*]
3. If someone had an anal enema, or applied nose-drops, or ear-drops, or treated a torn belly or a skull-fracture with medicine such that it reached his body cavity or his brain, then his fast is broken [L: according to Abu Hanifah. The Two said: it does not invalidate the fast unless one is certain the medicine reached into the stomach or brain]
 - [Rafi': 'body cavity' refers to the digestive tract: throat, stomach and intestines. If a discernible physical substance enters any of these (through the mouth, nose, anus, or deep abdominal injury), and independently remains there, then the fast is invalidated, unless it was unavoidable, or done out of forgetfulness that one is fasting]
 - [SL: If the substance has nutritive or medicinal value, then both *qada* and *kaffara* are required, but if not nutritive or medicinal value then only *qada* is required]
4. The expiation is like the expiation for *zihar*.
 - [The expiation is: To free a slave. If one is unable to free a slave, then to fast two consecutive months. If one is unable to do that too, then to feed sixty poor people.]
5. There is no expiation for spoiling a fast in other than Ramadan.

5.0 THOSE WHO DON'T FAST

5.1 Those who may Postpone Fasting

1. Someone who is sick in Ramadan, and fears [L: based on past experience, or the word of a qualified and pious Muslim physician] that if he fasts his sickness will increase [L: or his recovery will be delayed], breaks his fast and makes [it] up [later].

2. If one is a traveller who is not harmed by fasting, then for him to fast is preferable, but if he does not fast and makes it up [later] it is permissible [L: because travel always entails some degree of difficulty].
3. The pregnant or nursing woman, if they fear for their children [L: whether biological children or not], [L: or for themselves], do not fast and make it up, and there is no redemption due upon them.

5.1.1 Making up Missed Fasts

1. The makeup of Ramadan may be performed separately if one wishes, or consecutively if one wishes [L: but it is preferable to fast them consecutively, in order to be free of the obligation as soon as possible]
2. If one delayed it until another Ramadan entered, he fasts the second Ramadan, and makes up the first after it, and there is no redemption due upon him.
 - [L: Similarly, it is valid for one to fast optional fasts while one still has make-up fasts to discharge]
3. If the invalid or the traveller dies while they are in that condition, makeup is not incumbent upon them. But, if the invalid recovers, or the traveller takes up residence, and then they die, makeup is incumbent upon them for the number of days of health or residence.
 - [L: This has implications for whether they are required to bequeath money for redemption (see below)]

5.2 Redemption (*Fidyah*)

1. The aged man [L: or woman] who is not [physically] capable of fasting [and similarly someone with a chronic illness that prevents them from fasting and is not expected to be get better] does not fast, and for every day he feeds a poor person [one day's worth of food], just as one feeds in expiations.
 - [L: But if s/he later becomes capable of fasting, the redemption is invalidated, she s/he must make up the missed days]
2. If someone died with makeup [fasts] of Ramadan due upon him, and wrote it into his will [L: it is obligatory that] his executor, on his behalf, feed for every day one poor person : half a sa` of wheat, or one sa` of dates, or one sa` of barley [L: but the amount should not exceed one third of the deceased's estate.]
 - [L: If s/he did not leave a bequest to that effect, the heirs are not required to do anything in this regard. However, if they voluntarily donate the amount needed to pay the redemption, it is valid. The same rulings apply to zakat that remained unpaid by the time of death.]

6.0 SECLUSION (*I`TIKAF*)

1. Seclusion is praiseworthy.

- [L: Seclusion is of three categories:
 - *Wajib*: if one vowed it
 - *Sunna Mu'akkada*: for the last ten nights of Ramadan
 - *Mustahabb*: in all other cases]

2. It comprises remaining in the mosque [L: that has an *imam* and *mu'adhdhin*, with some Hanafis stipulating that a mosque in which the five daily prayers are regularly offered], with fast and the intention of seclusion.

- [L: Fasting is a *shart*, and remaining in the mosque is a *ruk'n*]
- [L: Fasting is not stipulated for the *nafl* seclusion, according to *zahir al-riwaya*]

3. It is prohibited for the *mu`takif*:

- to have sexual intercourse
- to touch [with lust]
- to kiss

If *mu`takif* one had sexual intercourse, by night or day [L: whether knowingly or out of forgetfulness, regardless of whether or not ejaculation occurred], his seclusion is invalidated.

- [L: if he ejaculated through non-penetrative sexual acts, then the seclusion is invalidated. If these sexual acts did not lead to ejaculation, the seclusion is not invalidated, but he is sinful.]

4. He should not exit from the mosque except for

- a human need [L: such as urinating or defecating], or
- [L: an unavoidable need, such as the mosque becoming destroyed, or being dragged out by an oppressor, or fearing for his life or property, in which case he should resume the seclusion in another mosque as soon as possible]
- [L: a religious need, such as for] *Jumu`ah* [or `Id prayers], [L: but he should not remain away longer than is necessary]

5. There is no harm in his buying or selling [L: essential items like food and drink] in the mosque without bringing the goods there.

6. He should speak only well, but [intentional] silence is reprehensible for him [L: if he believes it to be an act of devotion]

7. Whoever obligated upon himself seclusion for [L: two or more] days is obliged to to seclude himself for them along with their nights, and [the days] are consecutive, even if he did not stipulate consecutiveness.