



الإسلامية العامة للشؤون الإسلامية
إدارة العلاقات العامة بالمسجد الحرام

اللغة الإنجليزية

PREPARING FOR FASTING



Shaikh Dr. Fahd Yahya Al-Ammary

Judge at the Court of Appeal
Makkah al Mukarramah

Translated By
Dr. Adnaan Ali







زَادَ الصَّالِمُ

PREPARING FOR FASTING

فَهْدَى يَحْيَى الْعَبْدِيُّ
القاضي بمحكمة الاستئناف بمكة المكرمة

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INTRODUCTION



In the name of Allah, the Beneficent, the Merciful

All praise is due to Allah alone and may He extol and send perfect peace and security upon the last Prophet.

To proceed:

Among the great favours which Allah has bestowed upon his servants after that of His Messengers and Prophets is the scholars – the inheritors of the Prophets – who are guides like the brilliant stars and shining planets above.

Allah knows them as helpers to His call

And the people know them as helpers to the truth

What brings great happiness to one's heart is that, despite all the efforts being made against Islam, people are still so eager to hold fast onto it, to worship Allah and to learn the Sunnah (way) of their Prophet ﷺ thus bringing them closer to their Lord and ultimately helping them to reach His Paradise and pleasure. This occurs through accepting the scholars who are true and who nurture, and through asking

them questions to attain their knowledge. You should seek out their statements which are closer to the evidence and to the Sunnah so that you fulfill the duty which is upon you. This is particularly important in these times when differing is commonplace and when any ignorant person can claim knowledge. Unfortunately, you may often see people feigning knowledge who in reality are confused or use false intellectual or philosophical principles to counter the religion.

People will continue to be upon good so long as they take knowledge from their trustworthy senior (scholars). Through this the truth will become clear as day compared to falsehood as which is layer upon layer of darkness.¹

O Muslims:

If you look at people nowadays you'll see that they strive and compete to succeed in this worldly life using every means and trick at their disposal and criticizing anyone who avoids doing this. They teach each other their ways, having conferences and starting projects and investments in this field. However, do we strive to reach such excellence in and preparation for the next life? Do we study this field in breadth and depth so as to benefit in the most complete manner? Do you see a father admonishing his children or friends one to another for letting opportunities related to this passing by? Do people advise and contact one another

¹ Many people don't differentiate between the scholar and the student of knowledge, caller/admonisher, Imam of a mosque, muadhhdhin (muezzin, or caller to prayer), thinker, reader, someone who does ruqya, presenter (of Islamic shows), student in a college of sharee`ah, personality, or an Islamic poet. They put them all at the same level in terms of knowledge, giving rulings and guiding the Ummah.

and establish conferences and projects to help our progress with regards to the next life just as we do for this worldly life?

You see him upset at the loss of a dirham

Yet he is not bothered by the loss of his religion.

O Brothers:

Indeed the greatest endeavor which begins from the time someone comes of age up until he leaves this world is what you embark on for the sake of Allah. This should be what concerns the believer all the time, at every moment whether at home or on the go. He should always be between fear and hope, with his hand on his heart, uneasy with any setback or shortcoming, and he should be resolved to continually renew and improve his efforts. He should always be thinking about where he is headed and not knowing if his endeavor will be successful or not. His tongue should not tire from making supplication morning and evening, asking for success. He should sleep only a little on some nights from concern regarding his final outcome. Some days he may need to miss out his food and drink – all this so that he may achieve a great success and avoid a great loss. This is the difference between the bankrupt one who invests in this world only compared to the believers who invest in the next and who are truly successful.

If this world leaves does not touch someone's religion

Then anything he loses out on in it is not really a loss.

O you who wish to invest (in the next life): In the coming days an opportunity to avail the blessings of the next life is coming upon us with a great profitable exchange with Allah the Great, the Most High. Every believer who is true and pure in his intention will savour its sweetness, despite any difficulties, in a state of grace and happiness.

Indeed it is the month and fasting and praying the night, the month of good deeds and obedience, the month when tears are shed, the month when good deeds and rewards are multiplied, the month when people will be freed from the Fire, blessed with Paradise and above all gain the pleasure of ar-Rahman (the Most Merciful), the month when the souls are purified and directed to that which will please al-Malik (the King) al-Quddus (the Pure and Holy), the month when you travel with your heart to the One who knows everything that is hidden, the month of mercies, fragrances and gifts, the month of racing, competing and rushing to avail oneself of good deeds, the month of striving and patience, the month of the worshipers, the righteous, the humble, those fearful of Allah – how beautiful, great and special this is!

It is a time to know your soul and its strengths and the heights of your heart, to taste the sweetness of seclusion, to improve and purify yourself and to strive to reach the pleasure of Allah, to rise in ranks in Paradise and to be freed from the Fire.

Indeed the intelligent person wonders at the hearts which are

hard, icy and heedless, straying away from Allah during this great month despite all the reminders around you, the crowds of people who are fearful of Allah and turned towards Him, despite all this they are not moved towards their Lord. Even during these days when there are so many means which facilitate turning to Allah and improving oneself rather than distancing oneself and wasting such golden opportunities. So we must turn to Allah and to His Book, and we must strive to actualize being mindful of Him and making true repentance. We should take account of ourselves and stay well away from sinning and disobedience so that we may achieve success and be freed from the Fire.

I have written this book on the rulings of fasting – seeking to please Allah and follow the way of the Prophet ﷺ, cooperating upon righteousness and mindfulness of Allah, fulfilling the rights of my brothers, having love for them and hoping to spread knowledge and benefit.

I have titled it: “Preparing for Fasting”. It comprises under 200 points. I have made it brief and succinct and easy to understand. I have tried to make it such that the fasting person can find out what he wants and needs to know from it easily. I have compiled the points based on the books of the Sunnah and their explanations, the statements of the Companions, the Followers (i.e. the generation after the Companions) and the four Imams: Abu Hanifah, Malik, ash-Shafi`I and Ahmad, their followers and other Imams of Islam and lights of guidance (may Allah have mercy

on them² and may He reward them with good on behalf of Islam and the Muslims). I have tried to select those opinions which are closest to the proofs according to the justifications of the verifying scholars, with the permission of Allah. Allah the Most High said: *﴿And if you disagree over anything, refer it to Allah and the Messenger﴾* [4:59].

Whoever wants more information then they should look into the books of the scholars.

We ask Allah that this be from the best of preparations for the Day of final return, and that He protects us from shortcomings and mistakes in our speech and actions, and that He grants us benefit, correctness and acceptance. He is the best One whom we should ask and put our hope in.

We ask Allah that He make this a righteous action in this

2 Dear reader: you will see in the book the following phrase: "the majority of fiqh scholars. As I'm sure you are aware there are four accepted madhhabs (schools of thought), those of Abu Hanifah, Malik, ash-Shafi`i and Ahmad. It will not be hidden from you that they differed between themselves and between their followers in the subsidiary matters of fiqh (Islamic jurisprudence). So when two or three of them agreed on something as against one of the others then this would be considered the majority. The phrase: "a group of the fiqh scholars" refers to the opinion of one or two of the madhhabs in opposition to two other madhhabs. The phrase: "a group of fiqh scholars" refers to the statement of scholars outside the four main schools of thought or to some scholars within a particular madhhab. We should open our hearts to differing and use the correct manners of differing. It should not be the case that the followers of a particular madhhab should show blind partisanship, splitting and enmity between the Muslims. The Imams did not make statements in order that people should be blindly partisan to them instead of following the evidence. They all said, "If the hadith is authentic then take it and leave alone my saying."

life, rewarded after death for me and my parents and my family on the Day when good deeds are brought out.

O you in every place who fast: I greet you with the best of greetings from Makkah, the land of the Haramain (the two sanctuaries, Makkah and Madinah), the land of Islam and the Qur'an, the birthplace of the Messenger of Allah ﷺ as greetings open up the hearts. And I present this as a gift to you as a way to the heart. So what an excellent thing it is to connect to knowledge, remembrance and the Book.

No Muslim can give a better gift to his brother than a wise word through which Allah increases him in guidance or through which He turns him back from destruction.





Firstly:
Concerning the conditions
of fasting, its obligations and the rulings
upon those who may break their fast



Chapter 1: Concerning the conditions of fasting, its obligations and the rulings upon those who may break their fast

[1]: Fasting is obligatory on every Muslim who:

- has come of age
- is of sound mind
- is capable (of fasting)
- is resident (meaning not a traveller)
- is not prevented (due to menstruation or post-partum bleeding).

[2]: Whoever doesn't fast, denying its obligation, then he has disbelieved, because he has denied one of the pillars of Islam. Whoever doesn't fast through laziness and taking the matter lightly then he has committed a major sin and is in grave danger.

[3]: If a disbeliever embraces Islam or a child comes of age during the course of Ramaḍaan, then they must fast for the remainder of the month. However, they do not need to make up the preceding days which they missed (of Ramaḍaan) by consensus.

[4]: If a disbeliever embraces Islam or a child comes of age during the day (during Ramaḍaan) then they must withhold from eating and drinking etc. for the remainder of the day without having to make up that fast at a later date. This is the opinion of the majority of the fiqh scholars due to

the conditions of fasting coming into effect, namely the disbeliever embracing Islam and the child coming of age.

[5]: It is not permissible to fast the day immediately preceding Ramaḍaan unless it is someone's habit to fast certain optional days in accordance with the Sunnah, such as on Mondays and Thursdays, or if he has a day to make up (from last year). He ﷺ said *“One should not precede Ramaḍaan by fasting a day or two days immediately before it, unless it is someone's usual habit to do so, in which case he may fast that day.”* [al-Bukhari 1914 and Muslim 1082].

[6]: Everyone should follow the sighting of their own country for the start and end of the month. If there is no specific sighting arranged for where they live, then they should follow the nearest Muslim country in sighting (the new moon).

The Muslims in one particular country should not become divided or disagree in this matter. Agreeing upon the start and end dates for fasting fulfills a very important goal of the sharee'ah. In a matter where there is scope for multiple differing interpretations, then adopting a weaker position which leads to unity and togetherness may be better than adopting a technically stronger position which leads to splitting and disagreement.

[7]: One must have the intention to fast an obligatory fast from the night before, due to his ﷺ statement **“Whoever does not make his intention to fast from the night before,**

prior to fajr, then there is no fast for him”.³ It is sufficient to make the intention once at the beginning of the month according to the more correct of the two opinions of the scholars. However, if one needs to stop fasting (for some days) due to illness or travelling, then one should renew one’s intention when resuming fasting. This is the opinion of a number of scholars. Some scholars say that one should have the intention to fast the night before each fast, which is the opinion of the majority of fiqh scholars (i.e. scholars of Islamic rulings). However, the more correct opinion is the first because everyone will intend to fast the whole month at the beginning of the month. So, the intention will be there, and they will have fulfilled the required Islamic ruling, even if it is not explicitly made (every night).

[8]: One should form one’s intention in the heart. Verbalizing the intention is not legislated and is not a condition (for it to be valid). This is based on the fact that (verbalizing) is not reported in the Sunnah of the Messenger ﷺ nor in the example of the Companions.

[9]: It is valid to intend a voluntary fast at any time either during the night before or during the day of the fast itself. This is the opinion of the majority of fiqh scholars based on the report of `Aa-ishah, Mother of the Believers (may Allah be pleased with her) who said: the Prophet ﷺ entered upon

³ *an-Nasaaee 2332, declared authentic and raised to the level of being a statement of the Prophet by al-Bayhaqi, ad-Daaraqutni, al-Khaaabi, `Abd-ul-Haqq and ibn-ul-Jawzi and only to the level of being a statement of a Companion by at-Tirmidhi and Aboo Haatim*

me one day and said **“Do you have anything (to eat)?”** So we said **“No.”** He said **“Then I am fasting.”**⁴

[10]: His reward for this voluntary fast will begin from the time he made his intention. This is the opinion of a number of scholars, because ‘actions are in accordance with their intention’.

[11]: Eating *suhoor* (a pre-dawn meal) or dinner indicate one’s intention to fast, because one eats this meal as a preparation for the fast, and one can make the intention to fast at any point during the night before the fast.

[12]: Someone who is unconscious could be in one of two situations:

- a) Someone who was unconscious for part of the day. His fast would be valid. This is the opinion of the majority of fiqh scholars, as this person would have caught the act of worship (i.e. the fast) during its time period.
- b) Someone who was unconscious from night-time until sunset the next day. His fast would be invalid whether he intended to fast or not. This is the opinion of the majority of fiqh scholars due to the fact that his intellect was absent for the duration of the fast. This would also apply to people who are unconscious as a result of an accident or surgical procedure etc.

4 Muslim 1154

[13]: Someone who was unconscious for the whole month of Ramadaan, regaining consciousness after that - it is obligatory for him to make up the month. This is the opinion of the four Imams. This is because (unconsciousness) is considered to be an illness, so once you recover from this then you must make up your fasting.

[14]: Someone who is very old, or ill and unable to fast or to make up his fast, then he should feed a poor person for every day he missed. He should feed them to their fill with cooked or uncooked food. There is no proof for which specific type of food should be given to them, according to the more correct of the two scholarly opinions. There is no textual proof for specifying a particular type of food, so therefore the matter goes back to what people customarily do. This is also the position of a number of the tafsir scholars (i.e. scholars who explain the Qur'an). They must be fed rather than being given money. This is the opinion of the majority of fiqh scholars as this constitutes sticking to the Islamic texts, (giving them their due and acting in accordance with them), and also not going against the Companions (namely `Umar, `Ali, ibn `Umar and ibn `Abbaas, may Allah be pleased with them) in this matter.

[15]: The above compensation for missed fasts should be given to the *faqeer* and *miskeen* (poor and needy). However, it should not be given to the other categories of those people eligible to receive zakaat. This is according to the texts of the Qur'an, and is the opinion held by the majority of fiqh scholars.

[16]: When someone unable to fast goes on a journey, then he still must give compensation for his missed fast. This is based on the absence of any evidence to indicate otherwise and is the more correct of the two positions of the scholars.

[17]: It is not correct to feed (people as compensation for missed fasts) before the start of the month of Ramaḍaan; there is no difference of opinion about this. Nor is it correct to do this at the start of the month (as compensation for missing) the whole month, nor for a particular day before the day itself. This is because it would make the expiation precede its cause. It is however permissible to give it after the day has passed.

Also: If a person were to feed (people as compensation) every day, every ten days or at the end of the month etc., then this would all be correct.

[18]: Whoever is unable to feed, he is still obliged to give expiation (for the missed fasts) once he becomes able to. However, if he were to die without having been able to, then there would be nothing due. This is the opinion of a number of fiqh scholars.

[19]: It is correct, as an act of charity, to feed on behalf of someone who is unable to do so himself, with his permission. This is the opinion of the majority of the fiqh scholars.

[20]: If he becomes able to fast after having given compensation, then does he have to fast and make up his fasts? There are two scenarios:

- a) If he became able to fast on the same day on which he gave compensation, then he is not required to fast for that day nor make it up later. This is the position of the majority of fiqh scholars, because the time it was due was covered by his compensation, so he is considered to have fulfilled what was due.
- b) If he gave compensation before the fast, but became able to fast later on, then he would be obliged to fast. This is because the default with regards to expiating a fast is that this should be done for each day, according to the more correct of the two positions of the scholars as was mentioned above.

[21]: If someone hasn't yet fed someone (as a compensation for his fast) and actually became able to fast, then he must fast. This is because he became able to fast before switching (to the option of compensation).

[22]: If he became able to fast during the month, then he must fast for the remaining days of Ramadaan from the point of his become able (to fast), as he no longer has an excuse.

[23]: An elderly senile person who doesn't know what's going on around him, or someone who, for most of the time, is not of sound mind, then he neither has to fast nor feed (as compensation). This is because he is not accountable. This is because being accountable is based upon being of sound mind.

[24]: What type of illness allows you to break your fast?

That which would make fasting difficult, or which fasting would make worse or prolong your recovery. This is the position of the four (fiqh) schools of thought. This is because the allowance to break the fast applies if fasting is difficult or burdensome.

[25]: Categories of people who are ill:

- a) Someone who is expected to recover – he should break his fast and make it up later.
- b) Someone who is not expected to recover – he should break his fast and feed someone (as compensation) as mentioned above.
- c) Someone whose condition is unclear (i.e. whether or not he will recover) - so the default for him is that he should break his fast and wait until he is cured and then make up the fasts. However, if he were to die then we will explain the ruling in that situation below (in the Chapter on Rulings on Making up Fasts)

[26]: Types of difficulty one may experience (while fasting):

- a) Difficulty which one would normally be able to tolerate such as a headache or toothache and so on – this would not allow you to break your fast.
- b) Difficulty which would not normally be tolerable – this would allow you to break your fast.

[27]: Psychiatric patients would fall under the following categories:

- a) If he requires continual treatment which does not allow him to fast then he would be the same as someone who is ill but not expected to recover.
- b) If he intermittently suffers from episodes of psychiatric illness then he should fast. However, if and when he needs treatment then he should break his fast and make it up later.
- c) If he is unconscious then the ruling of someone who is unconscious applies to him as mentioned above.
- d) If he takes treatment and as a result sleeps for the whole day, then his fast would be valid by consensus.
- e) If the psychiatric patient is insane / psychotic or if he has a condition such as Down's syndrome or autism etc. then the following situations may apply:
 - i) He has lost his mind and cannot correctly comprehend things, and he is not expected to recover – then he is not obliged to make up his fast or feed others as compensation as he is not accountable.
 - ii) He hasn't lost his mind and can still comprehend things then fasting is obligatory upon him. If he is unable to fast then he must feed as compensation as discussed above.
 - iii) If he was insane but then recovered during

the month of Ramadaaan then he does not have to fast the days he missed. However, he must fast for the remainder of the month. This is the position of all of the scholars of fiqh as his mind and comprehension have returned.

- iv) If he has lost his mind for the whole month then he does not need to make up the fasts. This is the position of the majority of fiqh scholars as such a person is not accountable.
- v) If he is insane for an entire day, then fasting (that day) would not be obligatory upon him. In fact it wouldn't count even if he did fast. This is the position of the majority of fiqh scholars as such a person is not accountable. Likewise he would not be required to make up the fasts, and this is the opinion of a group of the fiqh scholars as mentioned above.
- vi) If he comes to his senses for part of the day then he must fast (for the rest of the day) and he does not need to make it up. This is the opinion of a group of the fiqh scholars because such a person would have returned to the state of being accountable.

[28]: Pregnant or breast-feeding women fall under the following 3 categories:

- a) If fasting is difficult for them then they should make up the fasts later and not feed (as compensation). This is the position of the four Imams.
- b) If she fears for her fetus or child (only) then the correct of two positions of the scholars in this matter is that she must make up the fasts later. This is the opinion of some of the *tabi'un* (students of the Companions) like 'Aṭaa, an-Nakha'i and az-Zuhri and a group of the fiqh scholars due to Allah's statement: *«And whoever is ill or on a journey - then an equal number of other days.»* [2:185]. As for what is reported from ibn 'Abbas and ibn 'Umar (may Allah be pleased with them)⁵ that they should feed only without making up the fasts, then the response is as follows:

This should be understood as referring to something which is recommended, or should be considered as an *ijtihad* (scholarly judgment) which cannot overrule a text, or that it refers to feeding along with the obligation of making up the fast. This is because the obligation to make up the fast cannot be nullified unless there is a clear explicit proof. The default state is that one should make up the fast. This cannot be negated by evidence which is unclear or ambiguous particularly as

5 Reported by ad-Daraqutni with an authentic chain (2382, 2388)

fasting is one of the pillars of Islam. If they held that feeding as compensation was enough on its own then this would have been well-known to the Companions and they would have stated this clearly and unequivocally without any room for misunderstanding as this issue would be a common problem. So if she were to feed as compensation along with making up the fast later then this would be good as it would avoid the difference of opinion in the matter. This is what ibn ‘Umar and some of the *tabi’un* (students of the Companions) like Mujahid, al-Hasan and an-Nakha`I said.⁶

- c) If she fears for herself and her child (i.e. the pregnant woman and her fetus or the breast-feeding woman and her child) then the ruling upon her is as in b) (above) according to the correct position.

Note that:

- a) The rules for feeding are as mentioned above – i.e. that it is a compensation for someone who is incapable of fasting.
- b) The number of people to be fed / number of meals to be given should be in accordance with the number of fasts not the number of children or fetuses. This is because feeding is in place of the fast.
- c) The father should arrange the feeding (of meals),

⁶ Reported by ‘Abd-ur-Razzaaq in his *Muṣannaf* (7558) and in the *Tafsir of ibn Abi Ḥatim* (1/308)

not the mother, according to the correct position as he is obliged to spend on his wife.

[29]: Whoever breaks their fast on account of someone else then they take the same ruling as the pregnant or breast-feeding woman when she breaks her fast for the benefit of her fetus or child only. This would be like someone who had to save a person who was drowning or ill etc. This is the position of a group of the fiqh scholars.

[30]: Whoever breaks his fast on account of someone else then he is not required to fast for the remainder of the day according to the correct of the two scholarly positions as there would be no benefit and as there is no strong evidence to obligate them to continue the fast.

[31]: If a woman becomes pure from her menses during the day then she does not have to fast for the remainder of the day according to the correct of the two scholarly positions. This is the opinion of a group of the fiqh scholars as explained in the point above.

[32]: If she becomes pure (from her menses) before fajr (dawn) and performs *ghusl* (ritual bathing of the whole body) after fajr then her fast is correct according to the majority of fiqh scholars.

[33]: If she knows that her menses are irregular and is unsure if her period has started then she shouldn't intend to break her fast. She must continue to intend to do her fast. Then if she wakes up and finds that she is on her

menses then she should break her fast; if not then she may continue her fast. She should not be in a state of doubt regarding her intention whether to fast or not.

[34]: *Istihadah* (irregular bleeding) does not prevent a woman from *salah* (prayer) or fasting by consensus. The proofs in this matter are well-known.

[35]: If a woman has brownish or yellowish (vaginal) discharge then one of the following scenarios may apply:

- a) Before the time of her menses – then she should not break her fast.
- b) During the time of her menses – then it takes the same ruling as menstruation.
- c) At the end of her menses, before she has become fully pure - then it takes the same ruling as menstruation.
- d) After becoming pure – then she should not break her fast, due to the hadith of Umm `Atiyyah (may Allah be pleased with her) who said, “We did not give any consideration to the brownish or yellowish discharge after we had become pure.”⁷

[36]: Diving or taking part in a swimming competition – one of the following two scenarios may apply:

- a) If he feels sure that water won't reach his stomach via his mouth or nose and he takes care while

⁷ Reported by Abu Dawud (307), and the original hadith in is in al-Bukhari without mention of the word “pure”.

swimming not to break his fast, then it is permissible for him and it takes the ruling of bathing with cool water. This is the position of the four Imams.

- b) If he thinks it's likely that he will swallow water due to swimming or diving then it is not permissible for him to do so. Swimming or diving would be forbidden for him in Ramaḍaan as it would be like jeopardizing or deliberately breaking his fast.

[37]: If he enters a swimming pool and unintentionally swallows water then his fast is still valid according to the correct of the two scholarly positions and it is the position of a group of scholars.





Secondly:
Concerning the time
of starting or breaking the fast



Chapter 2: Concerning the time of starting or breaking the fast

Note that: many people, if they wake up just before dawn, they eat and drink before checking whether dawn has broken despite this being something easy to do. So one must check before doing so.

[38]: Using modern means of communication to determine the start and end times of the fast falls under two categories:

- a) If these are precise, like mobile phones or live television and radio broadcasts so that their timing is accurate then it's permissible to use them just as it is permissible to rely on hearing the adhan (call to prayer) from a reliable muadhhdhin (muezzin, or caller to prayer).
- b) However, if these are imprecise, such as a mobile phone whose timing is not accurate, or a radio or television show which is recorded rather than live, then it is not correct to rely on them just as it would be incorrect to rely on an unreliable muadhhdhin.

Note that it is permissible to use phone apps etc. for this purpose so long as the company making them is known to be reliable, accurate and in conformity with established timetables and schedules while checking that the devices' settings are correct. This applies when one is unable to

ascertain the timings using a means which is ‘live’, like as the adhan.

[39]: It is not permissible to eat or drink water while the muadhdhin is calling the adhan for fajr (the dawn prayer). It is obligatory to stop with the adhan. As for the hadith: **“If one of you hears the call (for fajr prayer) while he is holding a vessel (for food or drink) in his hand, then he should not put it down until he has fulfilled his need from it.”**⁸

Then this is responded to as follows:

- a) It is not correct to consider the narration as being *marfu`* (attributed) to the Messenger ﷺ.

If the hadith were authentic then perhaps this only applied during the early part of Islam or only for someone who was surprised by the adhan and didn't know or was unsure of the time of fajr. As for someone who knows what time fajr is due and hears the adhan then goes ahead and drinks, then the hadith doesn't apply in this context. If a particular understanding clashes with a proof, then this understanding should not be applied because it is considered to be of doubtful authenticity and ambiguous in meaning. So, this should not be given precedence to over an evidence which is authentic

⁸ Reported by *Ahmed* (9474) and *Abu Dawud* (2350). *Bayan al-Wahm wal-Iham* (2/282) explains the defect in the hadith reported by *ibn Abi Hatim* (2/235) and in *as-Sunan al-Kubraa* of *al-Bayhaqi* (4/368)

and clear in meaning. Doubt should not be given precedence to over certainty – which in this case is his ﷺ statement: **“Indeed Bilal calls the adhan at night, so eat and drink until you hear the adhan of ibn Umni Maktum.”**”

[40]: Whoever eats or drinks while thinking it is still night time, then discovers that fajr has already begun, then what is the ruling on his fast? This is a point of differing between the scholars (may Allah have mercy on them):

- a) The first opinion: he should fast for the remainder of the day and also make up the fast at a later stage. This is the position of Abu Saeed al-Khudhri and ibn Mas`ud (may Allah be pleased with them both),¹⁰ and it is the position of the four Imams.
- b) The second opinion: His fast is correct and he does not have to make it up. This is the position of Mujahid and al-Hasan.

The safer position to follow is the first particularly these days when it is easy to determine the time and when certain people may be quite neglectful as was mentioned in the point above. However, if someone genuinely made a mistake then his fast would be correct, due to the hadith of Sahl ibn Sa`d who said, *«And eat and drink until the white thread ... becomes distinct to you from the black thread»* [2:187] was revealed without the phrase *«of dawn»*.

⁹ Reported by al-Bukhari (2656) and Muslim (1092)

¹⁰ At-Tafsir min as-Sunan of Saeed ibn Mansur (279 & 281)

So there were some people who, when they wanted to fast then one of them would tie a white and black thread to his leg. So he would keep on eating until he could visually distinguish between them. So then Allah send down: ﴿*of dawn*﴾ [2:187] so they realized that this referred to the night and the day.”¹¹ So they were not required to make up their fasts as they were ignorant (of the correct understanding).

[41]: Whoever ate while he was unsure as to whether the sun had set and is unclear whether it was the right time, then he must make up the fast, and there is no differing on this point, because it is not permissible to break the fast based on uncertainty.

[42]: Whoever ate while he was unsure as to whether the sun had set, but later it became clear to him that he did in fact eat after the sun had set then he does not need to make anything up, and there is no differing on this point.

[43]: If someone ate thinking that the sun had set, however later it became clear to him that it hadn't – should he make up the fast? This is a point of differing between the scholars:

- a) He should make up the fast – this is the position of the four Imams.
- b) He should not make up the fast – this is the position of al-Hasan, `Aṭaa and some of the fiqh scholars.

The more correct and safer position is that he should make up the fast. The texts on this matter apparently conflict.

¹¹ Reported by al-Bukhari (1916) and Muslim (109)

Asmaa bint Abi Bakr aṣ-Ṣiddeeq (may Allah be pleased with both of them) said: “We broke our fast during the time of the Prophet ﷺ on a cloudy day, then the sun became apparent.” It was said to Hisham: ‘So they were told to make up the fast?’ He said, ‘They must make it up.’ Ma`mar said, ‘I heard Hisham saying: ‘I don’t know if they made up the fast or not.’¹² There is also differing in the reports from `Umar (may Allah be pleased with him) as to whether one should make up the fast – most of the reporters say that he said to make it up. So, the safer position is that one should make up the fast, particularly these days when it is easy to work out the timings of the fast.

Note: what is the difference between being unsure (as to whether the sun has set) or thinking that it (likely) has.

Being unsure/doubtful: both options are equally likely, and one is unsure as to which one is the case as there is no clear proof or sign to support one of the two possibilities.

Thinking that it is likely: one of the two possibilities is more likely (though not necessarily definite) due to some evidence or sign to support it.

[44]: In countries where there is night and day, then it is obligatory to fast for the whole day, even if the day is long, and there is no differing on this point. This is due to his ﷺ statement: **“When the night appears from here, and the day leaves from here, and when the sun has set then you**

may break your fast.”¹³ This is also the ruling of current-day scholars. However, if someone fears that he may come to harm through fasting for long daylight hours then it is permissible for him to break his fast due to this excuse and instead make it up later. This is so long as he doesn't take the matter lightly (and seek to take the concession too readily).

[45]: In countries where night and day cannot be distinguished, such that it is day for the full 24 hours or night for the full 24 hours then the time for the night and day should be estimated or calculated or one may follow the nearest country which has a distinct day and night.





Thirdly:

**Those things which break the fast
(and new circumstances which
have arisen in this context)**



Chapter 3: Those things which break the fast (and new circumstances which have arisen in this context)

Know, may Allah have mercy on me and you, that the principles that I follow regarding new matters/things which may break the fast are as follows:

- a) Any liquid which reaches the stomach in the usual manner via the nose or mouth, whether or not it provides nourishment, then it breaks the fast.
- b) Anything which enters the body via an unusual route and provides nourishment, then this breaks the fast.

[46]: Food and drink ingested via the nose or mouth etc. breaks the fast by consensus.

[47]: Menstruation and post-natal bleeding (break the fast) by consensus.

[48]: Vomiting deliberately breaks the fast. However, doing so involuntarily does not break it. This is the position of the majority of fiqh scholars and some say there is consensus upon this. This is due to his ﷺ statement: **“Whoever is overcome and vomits while fasting then he doesn’t need to make it up. However, if he makes himself vomit then he should make it up.”**¹⁴

¹⁴ Reported by Abu Dawud (2380), at-Tirmidhi (720). Imam Ahmad considered it weak in Masa'il Abi Dawud p387.

[49]: Bleeding from a wound or from the nose does not break the fast. This is the position of the majority of fiqh scholars as there is no evidence (to suggest that it does).

[50]: Smoking breaks the fast according to the four (fiqh) schools of thought and this is the position of the scholars in general (on this matter). This is because he has deliberately inhaled smoke.

[51]: Angina tablets which are placed under the tongue do not break the fast unless some is deliberately allowed to pass to the stomach, then it does break it. However, if some accidentally does so then his fast is still correct.

[52]: Types of drops:

- a) Eye and ear drops do not break the fast because they do not reach the stomach, and even if a minimal amount inadvertently did so then his fast is still valid just as is the case from the minimal left over water after rinsing your mouth and sniffing water up your nose (during wudhu). This is the position of a group of fiqh scholars.
- b) Nose drops break the fast if some is deliberately allowed to enter the stomach. This is the position of the four Imams. However, if some inadvertently does so then his fast is still valid just as is the case for the minimal left over water after rinsing your mouth and sniffing water up your nose (during wudhu).

[53]: Oxygen gas and aerosols such as asthma sprays, then one of the following two scenarios apply:

- a) They do not contain liquid or powder, then they do not break the fast because they are not considered (equivalent to) food.
- b) They contain liquid or powder ingredients then they break the fast because they will reach the stomach. If a minimal amount or some inadvertently passes to the stomach then his fast is correct just as is the case for the minimal left over water after rinsing your mouth and sniffing water up your nose (during wudhu).

[54]: For injections, then then one of the following scenarios apply:

- a) If they provide nourishment then they break the fast because they take the place of food.
- b) If they are to provide medical treatment then they do not break the fast because they do not take the place of food.
- c) If they are for cosmetic purposes then they do not break the fast, as in the preceding point.

Regarding x-ray contrast (dye) which is a term for a type of medical injection which is utilized to delineate the womb, then this does not break the fast as it is not food.

[55]: Dialysis (the two types): if nutritious substances are mixed with the blood such as sugar solution etc. then it

breaks the fast. However, if it is purely to cleanse the blood without adding substances to it then it does not break the fast. Some consider blood returning to the body to break the fast, which is a debatable point, in which case the safer option is to delay the dialysis to night-time.

[56]: Inserting something in the front or back passages (i.e. into the vagina or anus/rectum) like suppositories, a swab or to something cleanse oneself etc. then this does not break the fast. This is the position of the Fiqh Council, because such things are not food and they do not reach the stomach.

[57]: Using toothpaste does not break the fast, in accordance with what has been mentioned above.

[58]: Manufactured chewing gum breaks the fast as contains sugary ingredients, fruity flavors and natural or artificial/chemical dyes which you would ingest with your saliva.

[59]: If someone undergoes endoscopy of the stomach (gastroscopy) then one of two scenarios may apply:

- a) If this does not involve administration of any medicinal substances then it does not break the fast, according to the correct out of the two positions of the scholars on this matter, as this is not considered food.
- b) If it does, however, then it breaks the fast as these will reach the stomach.

[60]: sing kohl (eye cosmetics) comes under one of two situations:

- a) Putting kohl in your eyes does not break your fast even if its taste reaches your throat. This is a position of a group of the fiqh scholars, because it does not reach the stomach and is not food.
- b) Putting kohl around or outside your eyes does not break your fast by consensus, because it has not entered the eye at all.

[61]: Henna does not break the fast, just as kohl doesn't, as detailed above.

[62]: Medicine patches are of various types:

- a) Nicotine patches break the fast like smoking does. This is the preferred position of the Fiqh Council. Some say that they do not break the fast as it is not food or drink. The issue is debatable, and it is best to avoid them to be on the safe side.
- b) Contraceptive patches do not break the fast as they do not constitute food and do not reach the stomach.
- c) Appetite suppressant patches do not break the fast according to the correct position as above, as it only modifies how you feel but is not food as such.
- d) Contact lenses do not break the fast, whether they come with some solution or not, as this does not reach the stomach and is not food.

[63]: Liquid perfume does not break the fast as its smell has no substance to it (i.e. is not carried by particles) and because it does not reach the stomach and is not food.

[64]: Perfume sprays or incense do not break the fast according to the correct of the two positions of the scholars, as they are not food and generally do not reach the stomach even if some (is breathed in) through the mouth. If some did happen to reach here then it would be only a minimal unintentional amount.

[65]: Smoke or pollution emitted from factories and restaurants: if this is inhaled by someone who is fasting then the above point applies.

[66]: Taking blood – one of two scenarios may apply:

- a) If this is for a blood test then this does not break the fast, because generally it is a small amount.
- b) If it is for blood donation then the safer approach is to delay this until night-time so as to avoid getting into a matter which is differed over. This is because it is similar to cupping and this is something the scholars differ over:
 - i) The first position is that it does not break the fast. This is the position of the majority of the fiqh scholars and of the *Zaahiris* (literalist school of thought).
 - ii) The second position is that it breaks the fast, and this is the opinion of al-Hasan and a group of the fiqh scholars.

The reason for this differing is because the authenticity of the hadiths reported on this topic is disputed. Also, there is disagreement as to whether cupping breaking the fast is considered a defect in the hadith or not.

[67]: Bleeding due to an injury or cutting a vessel etc. for medical purposes etc. does not break the fast according to the correct of the two positions of the scholars, and this is the position of the majority of fiqh scholars as there is no proof (to suggest that it does break the fast).

[68]: A nosebleed whether caused deliberately or not so long as the blood does not reach your throat, then this does not break the fast by consensus. Even if some did then this would not break the fast according to the correct position. This is the opinion of a group of the fiqh scholars as it is something done unintentionally and which you can't help.

[69]: Taking chemotherapy for cancer patients does not break the fast as this is an intravenous injection/infusion and in general they are not able to fast.

[70]: Blood transfusions: some say that they break the fast and other say that they do not – the latter is more correct and is the position of the Fiqh Council. These do not provide nutrition in place of food and drink. They may require these but it still needs food and drink. This matter is nuanced/debatable and the safer option is to delay such injections until night-time.

[71]: Using skin creams and moisturizing lotions do not break the fast as they are not food or drink and they do not reach the stomach.

[72]: Anesthetic agents taken in through the mouth or nose do not break the fast. If someone is unconscious for the whole day then he should make up the fast. However, if it is for only part of the day then his fast is still valid as detailed above.

[73]: Taking samples or biopsies for analysis from various parts of the body whether by needle, endoscopy or by an incision then these do not invalidate the fast. They do not constitute food so long as nothing reaches the stomach via the nose or mouth. If this did happen, however, then the fast would be invalidated.

[74]: Swallowing phlegm or sputum does not break the fast under any circumstances according to the correct of the two scholarly positions on the matter. This is the opinion of a group of fiqh scholars, because in reality these are bronchial secretions not in any sense food or nourishment. However, trying to avoid swallowing them is better.

[75]: Swallowing one's saliva does not break the fast, whether it accumulates (in the mouth) or not, even if it reaches the lips. This is the positions of the majority of fiqh scholars as this is not food or drink.

[76]: Swallowing the minimal left over water after rinsing your mouth out (during wudhu) does not break the fast

according to the more correct of the two positions of the scholars, and it is the opinion of the majority of fiqh scholars, as it is something difficult to avoid and it is allowed when you rinse out your mouth.

[77]: If someone were excessive in rinsing out his mouth and sniffing water up his nose (during wudhu) such that he took some water in, then this would not spoil his fast according to the more correct of the two positions of the scholars as it would be something done unintentionally. However, if he did this intentionally then his fast would be broken by consensus.

[78]: Gargling with something for medical reasons etc. does not break the fast so long as the liquid does not reach the stomach. If it did reach his stomach unintentionally then there's nothing upon him.

[79]: Using a syringe to apply topical treatments to clean the teeth etc. does not break the fast as it does not reach the stomach and is not food.

[80]: Extracting implants, pulling out teeth, liposuction, taking biopsy samples for testing or culture – these do not break the fast, so long as they do not require general anesthetic which make you unconscious for the whole day as discussed above.

[81]: Wet-dreams do not invalidate the fast, by consensus.

[82]: Emission of pre-ejaculatory fluid (madhi) may occur in one of the following scenarios:

- a) If it is emitted as a result of a first glance (i.e. looking at an uncovered woman unintentionally) – this does not invalidate the fast. This is the opinion of the majority of fiqh scholars based on the report from ibn Buraidah from his father who said: the Messenger of Allah ﷺ said to `Ali: **“O `Ali do not look a second time (deliberately). You are excused for the first glance, but not allowed to look again.”**¹⁵ and because it is not possible to stop oneself from the first unintentional glance and also because of what is detailed below.
- b) If it is emitted as a result of repeatedly looking (at an uncovered woman) – this does not invalidate the fast according to the correct of the two scholarly opinions. This is the position of the majority of fiqh scholars as detailed below.
- c) If it is emitted as a result of kissing or touching (foreplay) etc. – this does not break the fast (as above). This is the opinion of the majority of fiqh scholars as there is no evidence to say that pre-ejaculatory fluid (madhi) breaks the fast. It is not correct to use the analogy of ejaculate (mani) (to say that it breaks the fast) as the two have different rulings and because it is difficult to completely avoid.

[83]: Emission of ejaculate (mani) may occur in one of the following scenarios:

¹⁵ Reported by Ahmad (1373), Abu Dawud (2149) and at-Tirmidhi (2777) who considered it weak.

- a) If it is emitted as a result of a first glance (i.e. looking at an uncovered woman unintentionally) – this does not invalidate the fast according to the correct position as detailed above for madhi (point ‘a’).
- b) If it is emitted as a result of repeatedly looking (at an uncovered woman) – this does break the fast according to the more correct of the two scholarly opinions. This is the position of a group of the fiqh scholars, because repeatedly (looking) means that the emission is a result of a deliberate act.
- c) If it is emitted as a result of kissing or touching (foreplay) etc. – this breaks the fast by consensus.
- d) If it is emitted as a result of masturbation – this breaks the fast. This is the opinion of the majority of fiqh scholars due to the hadith qudsi (which includes a statement of Allah): **‘Allah the Mighty and Majestic said: “the Fast is for me and I shall reward for it – he gives up his desires and food and drink for My sake.”’**¹⁶ ‘Desire’ refers to ejaculation, and it was mentioned alongside food and drink which both break the fast.

[84]: If someone is kissed by his wife, not by his choice, and this results in him ejaculating then this does not invalidate his fast. This is the position of the four Imams as this would have not been deliberate on his part.

¹⁶ Reported by al-Bukhari (7492)

[85]: Wadi (penile discharge) does not break the fast. This is the position of a group of the fiqh scholars because the default rule is that the fast is considered valid as there is no evidence to indicate that it is broken.

NB: The reason for differing over whether numerous things from the past or present may or may not break the fast is related to the question – what causes the fast to be broken?

Is it everything which enters your body or only that which enters your stomach? Is it that the substance has entered through a normal route like the mouth and nose or is it even if it enters via an unusual route like via the ear etc.? Does it have to be nutritive like food or drink or can anything you take in break your fast? There is also differing over the authenticity or weakness of certain hadiths, or the validity of applying qiyas (analogy between similar scenarios) – all of these are causes for differing. Also new medical discoveries have clarified that certain parts of the body are not linked together (unlike the understanding of the fiqh scholars in the past), so we know now that the ear, eye and front and back passages are not connected to the stomach. Also some scholars are quite strict and limited in what they consider to break the fast, whereas others include many more things.

[86]: Deliberately swallowing a small amount of food breaks the fast. However, if done accidentally then his fast is still correct. This is the position of the majority of fiqh scholars as it is difficult to avoid this.

[87]: Swallowing what's between the teeth – its ruling is as the point above.

[88]: Sexual intercourse during the day in Ramaḍaan breaks the fast by consensus, whether or not it results in ejaculation. The proofs regarding this are well known. Related to this there are some further points:

[89]: Expiation for intercourse is: to free a slave; if this is not possible then he should fast for two month consecutively; if he is not able to then he should feed 60 poor people. These options should be done in that order, it's not up to him to choose which option he wants to do. This is the opinion of the majority of fiqh scholars and is based on what is reported from Abu Hurairah (may Allah be pleased with him) who said: while we were sitting with the Prophet ﷺ a man came who said: 'O Messenger of Allah, I am destroyed.' He said **“What's the matter?”** He said: 'I had intercourse with my wife whilst I was fasting.' The Messenger of Allah ﷺ asked: **“Could you find a slave you could set free?”** He said, 'No.' He asked, **“Are you able to fast for two consecutive months?”** He said, 'No.' He asked, **“Can you feed sixty poor persons?”** He said, 'No.' The Prophet ﷺ fell silent. Whilst we were (sitting) like that, the Prophet ﷺ was brought a big basket full of dates. He said, **“Where is the one who was asking?”** The man said, 'I (am here).' He said, **“Take these and give them in charity.”** The man said, 'Who is poorer than I, O Messenger of Allah? There is no household between the two lava fields (i.e., in Madeenah) that is poorer than my

household.’ The Prophet ﷺ smiled broadly and then said: **“Feed it to your family.”**¹⁷

[90]: If one is unable to free a slave, as is the case nowadays, then one should move on to the next option which is to fast, rather than giving charity according to the correct position. This is in accordance with the four (fiqh) schools of thought because the hadith explicitly states that he moved onto the next option if he was unable to do the one mentioned before, and to go straight to the option of giving charity would go against the text.

[91]: If someone had to break his fast during the two consecutive months of fasting due to an excuse such as illness, travelling, menstruation or post-partum bleeding or if he did so by mistake or forgetfully then this is not a problem. This is the position of a group of fiqh scholars as the person has a valid excuse.

***NB:** whoever is obliged to fast two months consecutively but is unable to do them one after the other, but could do them separately, then he should fast and break his fast for a period when he has an excuse, as mentioned above.*

[92]: Whoever is unable to fast due to illness or old age then he should feed 60 poor people, whether male or female or even a child who is able to eat. (This feeding) may be all on one go or split up over a number of days such that a total of 60 poor people are fed. It is not correct to give one

person this whole amount, whether on one day or split up over 60 days. This is the position of the majority of fiqh scholars due to what is apparent from the Prophetic text.

[93]: The quantity of food to be fed per person is something which is differed over – the reason for this is that there are a number of narrations which mention different amounts and there is differing over the authenticity of these hadiths and also differing over making analogy with other types of expiation. Some say that it should be 15 saa`,¹⁸ with each poor person receiving a *mudd*. Others say 30 saa`, with each poor person receiving half a saa`. Each of these opinions has a number of scholars supporting them. Yet another opinion is that each poor person should be fed to his fill, which is the opinion of some of the scholars in the absence of a proof which specifies the amount and due to the resultant differing. The most correct position is the third because he ﷺ ordered the person who had intercourse to start with food and he did not specify a set amount. If had wished to, he would have clarified this as he did for other expiations. It should be given as food which is commonly eaten in that country and not given out in the form of money.

[94]: It is acceptable to feed these people breakfast, lunch or dinner as long as the correct number of poor people are fed. This is the position of a group of the Salaf (earliest scholars – the Companions and those after them) and fiqh

¹⁸ A saa` is equal to 4 *mudds*. A saa` is equivalent to 3 kg, so therefore one *mudd* is equivalent to 750 g.

scholars. Should this be a set amount of food or should they be fed to their fill? This discussion is addressed in the preceding points.

NB: Food distribution and charity centers who give food on behalf of those who are unable to do so, with their permission – the ruling upon them has been mentioned above.

Note that the level of excuse required to go from fasting (for 60 days) to feeding – this is a matter between the person and Allah. Everyone knows himself – so it is not permissible to go for the option of feeding on account of slight difficulty which is tolerable.

[95]: If someone is unable to expiate then this obligation does not fall away from him. Rather it remains due upon him, and whenever he becomes able to give out food then he must do so. If he were to die without having been able to do this then there would be nothing upon him. However, if he left behind a legacy then it should be taken from this. This is the position of the majority of fiqh scholars.

[96]: Must the wife give an expiation? There are two possible scenarios:

- a) If she was forced into it then there is no expiation due upon her by consensus.
- b) If she was happy to go along with it then she too must give expiation. This is the position of the majority of fiqh scholars, because whatever

applies to men also applies to women and there is no evidence to suggest that the latter be treated any differently.

[97]: Should he make up the fast of the day he had intercourse on?

Yes, he must make up this fast. This is the position of the four Imams because the Messenger ﷺ ordered the man who had had intercourse to make it up: **“And make up a day in its place.”**¹⁹ Analogy can also be made with the person who deliberately vomits that he must make up the fast. The default is that one must make up the fast and there is no evidence to say that the obligation of the fast itself has fallen away. If something is (obligatory) upon you then you have to either carry it out, or make it up, and you are responsible for this until you have done so. This is what the principles indicate.

[98]: If someone, and Allah’s refuge is sought, were to commit zina (fornication/adultery) then he must expiate. This is the position of the majority of fiqh scholars, just as he would have to do so if he had intercourse with his wife. This is due to the sanctity of the month being violated by a prohibited act – so in fact it is even more the case that he must expiate.

¹⁹ Reported by Abu Dawud (2393) and al-Bayhaqi (8057). Ibn Hajr said that this (ḥadīth) has a basis in *Fat-h ul-Bari* (4/172). (Also reported by) *al-Irshad lil-Khalili* (1/344), *al-Aḥkam al-Wuṣṭā* (2/231), *Tahdhib us-Sunan of Ibn ul-Qayyim* (1/447).

[99]: If someone broke his fast in order to have intercourse then he is also sinful and he must expiate. This is the position of the majority of fiqh scholars. This is because claiming that there is no expiation due upon him would entail a kind of trickery, and the shari'ah does not allow trickery in this manner.

[100]: If someone ate food forgetfully and thought that he had broken his fast then had intercourse, then there would be no expiation upon him. This is the position of the majority of fiqh scholars. This is because someone who is ignorant of his situation is like someone who is ignorant of the ruling upon a matter. So, he should just make up the fast.

[101]: Having intercourse repeatedly – one of the following scenarios may apply:

- a) If he did this during one day without having expiated for the first instance, then he should expiate once, by consensus.
- b) If he did this during one day having expiated for the first instance, then this one expiation suffices. This is the position of the majority of fiqh scholars, as the subsequent acts did not occur during a valid fast.
- c) If he did this over two days and expiated for the first day only, then he must also do a separate expiation for the second day.
- d) If he repeatedly had intercourse over a number of

days without having done any expiation then this an issue which is differed over (by the scholars). The correct position is that he must do multiple expiations in accordance with the number of days (which intercourse occurred on). This is the opinion of the majority of the fiqh scholars, because each day is counted as a separate act of worship. If someone were to say based on the incident of the man who had had intercourse (mentioned in the hadith above) that the Messenger ﷺ did not ask him how many days he had done this over – the response is that there is a narration which specifies this which is: he said ‘I had intercourse with my wife one day during the month of Ramaḍaan.’ He said **“Free a slave.”**²⁰

[102]: Does withdrawal take the same ruling as intercourse?

Withdrawal is when a man withdraws his penis immediately from intercourse when the muadhdhin (muezzin) calls the adhan or when the time for fajr prayer begins.

Its ruling: this does not carry the same ruling as intercourse. So his fast would still be valid according to the more correct of the two positions of the scholars.

This is the position of ibn `Umar²¹ and of the majority of the fiqh scholars, because he would have stopped this action and did not continue once the time (for fasting) had begun.

²⁰ Reported by al-Bayhaqi in *al-Kubraa* (8048) and *ad-Daraqutni* (2303) who declared it authentic.

²¹ Reported by ibn Abi Shaybah (9578).

[103]: If a man is having intercourse with his wife before fajr and continues, thinking that fajr hasn't started, but then realizes that the time for fasting has begun, then this scenario is a point of differing between the scholars (may Allah have mercy on them) as follows:

- a) He does not need to make up the fast or do any expiation. This is the position of a group of the Salaf like Sa`eed ibn Jubeir, Mujahid, al-Hasan and Is-haq.
- b) His fast is invalid, but he does not need to expiate. This is the position of a group of the fiqh scholars.
- c) It is obligatory upon him to make up the fast and expiate as well. This is the position of a group of the fiqh scholars.

The correct position is the first, as there is no blame on someone who was ignorant just as there is no blame upon one who forgot.

[104]: Whoever had intercourse during the night then withdrew but ejaculated after the start of fajr, then his fast is correct by consensus, because ejaculation in itself does not break the fast.

[105]: Whoever was having intercourse during the night and continued after fajr started then his fast is invalid and he must make up the fast and expiate. This is the position of the majority of fiqh scholars because he was in the act of intercourse during the time of fasting.

[106]: If a traveller comes home while not fasting, or if a menstruating woman becomes pure (during the day) then they do not have to withhold (from eating or drinking for the rest of the day) according to the correct position. So if either of them were to have intercourse then they would not have to expiate. This is the position of the majority of fiqh scholars as there is no responsibility upon one who has an allowance.

[107]: If someone had intercourse (during the night) then performed *ghusl* (ritual bathing of the whole body) after fajr, then his fast is correct. This is based on the hadith of Umm Salamah (may Allah be pleased with her) who said ‘that the Prophet ﷺ would sometimes wake up in the morning *junub* (in a state of major ritual impurity) due to sexual intercourse, and he would perform *ghusl* and fast.’²² And in another narration ‘and he did not make up the fast (on a later date).’²³

[108]: Collecting ejaculate for medical testing may occur in one of two scenarios:

- a) If this is done using a surgical procedure then this does not break the fast because it does not entail masturbation – i.e. there is no physical stimulation / desire.
- b) If this is done using some sort of stimulating device then this breaks the fast, because it is similar to masturbation as it involved physical stimulation and desire.

22 Reported by al-Bukhari (1931) and Muslim (1109).

23 Reported by Muslim (1109).

[109]: Artificially inseminating a woman for the purposes of testing or treatment does not break the fast. This is because it is not intercourse and does not carry its ruling.

[110]: It is correct/legislated to use the *siwak* (small stick the tip of which is softened by chewing and is used to clean the teeth) before noon, by consensus, and also after noon. This is the position of the majority of the fiqh scholars due to the generality of evidences which support use of the *siwak* and the absence of any authentic text which prohibits it.²⁴

[111]: Swallowing the flavor / fluid from the *siwak* does not break the fast according to the correct position, as for the preceding point.

[112]: It is disliked to taste food (without swallowing it) without a need. However, it is allowed if there is a need for it. This is the position of the majority of fiqh scholars.

[113]: Kissing and touching/embracing falls under one of the following three categories:

- a) Without desire – this is permissible by consensus.
- b) With desire leading to ejaculation – this is forbidden by consensus.
- c) With desire while being sure that it won't lead to ejaculation – this is permissible. This is the position of a group of the fiqh scholars due to his ﷺ practice.

[114]: Conditions for breaking the fast:

- a) Knowledge. The opposite of this is being ignorant. This is the position of the majority of fiqh scholars.
- b) Remembering. The opposite of this is forgetting. This is the position of the majority of fiqh scholars.
- c) By choice. The opposite of this is being forced. This is the position of the majority of fiqh scholars.

So, whoever does something to break his fast, knowing (that this breaks the fast), remembering (i.e. not out of forgetfulness) and by choice (i.e. not being forced to), then his fast is invalidated. Whoever does this out of forgetfulness, ignorance or by accident, then his fast is not invalid due to the generality of the proofs which remove blame from someone who is ignorant, forgetful, or who does something by accident or due to being coerced.

[115]: If someone deliberately breaks his fast (not through having intercourse) then he is not required to perform the strict form of expiation (i.e. he is not required to free a slave, fast for two months or feed 60 poor people). This is the correct out of the two positions of the scholars and it is the position of a group of the fiqh scholars due to the proof for this (form of expiation) being limited to being for sexual intercourse only.

[116]: Knowing that it is forbidden to have intercourse (while fasting) but being ignorant of how to expiate does not absolve someone of having to expiate. What is

important is knowing that it is wrong not how to expiate for this, with no differing on this point between the scholars. This is based the incident of the man who had had intercourse (may Allah be pleased with him).

[117]: Does sinning invalidate the fast? This is a point of differing between the scholars, may Allah have mercy on them, as follows:

- a) This does not invalidate the fast although it lowers its status/reward. This is the position of the majority of fiqh scholars as there is no evidence to say that this actually invalidates the fast.
- b) This does invalidate the fast. This is the position of Awzaa`i and an-Nakha`ee.

The correct position is the first. One of the Salaf would say: ‘If backbiting broke the fast then none of us would have fasted.’ May Allah protect and preserve our fasting and our limbs (from sinning).

[118]: If someone ate out of forgetfulness and then thought that his fast is broken so then deliberately ate some more, then his fast would not be correct. This is the position of the majority of fiqh scholars as the second instance of breaking the fast was deliberate.

[119]: Is it permissible for someone who has a job which entails heavy work to break his fast if he fears that he may be harmed (from fasting)?

If it is possible to request a break from work then this would be best. Otherwise if he is unable to do so then the scholars have clarified that it is permissible (to break his fast). This is based on the generality of texts which allow removal of hardship and which show that difficulty permits concessions.

[120]: It is obligatory to break the fast in order to save or rescue someone, if there's no way to do this other than by breaking his fast. This is because whatever is required to establish an obligation, then it too is obligatory. This also applies to workers who work in rescue operations, doctors and so on.

[121]: Stopping your intention to fast during an obligatory fast invalidates the fast. This is the position of the majority of fiqh scholars. This is because part of the day would end up not being intended as a fast.

[122]: If someone decided to stop his intention to fast during a supererogatory fast without actually breaking it, then he resumed his intention – then his fast would be valid. This is because one does not need to have the intention for fasting during the whole day for a supererogatory fast.

[123]: If someone is thinking of breaking his fast (but not definite) and didn't actually break his fast, then it is still valid, as it remains upon the initial intention which was to fast.

[124]: If someone intended to do something which breaks the fast like eating or drinking without actually doing it, then his fast is still valid because he hasn't actually done something which breaks the fast. However, it is not permissible to firmly intend such a thing without a legislated excuse. This is because it would be resolving to do a sin.

[125]: If you see someone eating or drinking out of forgetfulness then you should remind him. This is cooperating upon good and righteousness.

[126]: It is permissible for a woman to take something to prevent her menses so that she can fast. However, it is better to avoid taking such tablets if it will result in irregular bleeding which stops and starts. She is excused from fasting (when she is menstruating) and is still rewarded and she may make remembrance of her Lord, supplicate to Him, recite Qur'an without touching (a copy of the Qur'an), by using a phone etc.





Fourthly: Fasting while travelling



Chapter 4: Fasting while travelling

[127]: Breaking you fast while travelling falls under one of the following scenarios:

- a) Ramadaan begins while you are travelling - then he is allowed to not fast, with no differing between the scholars on this point.
- b) If he is travelling during the night and will continue to travel till the next day – then his allowed to not fast according to the scholars in general.
- c) If he leaves his town on a journey then intends to fast for one day while he is on his journey, then to break his fast – then he is allowed to do so. This is a position of a number of scholars due to what is reported from Jabir ibn `Abdullah (may Allah be pleased with him) that the Messenger of Allah ﷺ set out during the Year of the Conquest towards Makkah in Ramadaan. So he fasted until he reached Kuraa` al-Ghamim, and the people were also fasting. Then he asked for a cup of water and raised it up so the people could see, then he drank. Afterwards it was said to him that some of the people are still fasting. So he ﷺ said **“These people are the disobedient ones; these are the disobedient ones.”**²⁵
- d) If he leaves his town before fajr having intended to fast, then during his journey he decided to break

his fast, then this is a point of differing between the scholars. The correct opinion is that he is allowed to break his fast. This is the opinion of a group of the fiqh scholars as he is a traveller and the concession applies to travellers in all contexts whether he made the intention to fast while resident or on a journey, just as is the case for someone who is ill.

- e) If he travels before fajr without having made the intention to fast, then it is permissible for him to break his fast as he hadn't intended it in the first place.

[128]: Which is better for a traveller, to fast or break his fast? This is a point of differing between the scholars, may Allah have mercy on them, as follows:

- a) It is better to break the fast. This is the opinion of ibn al-Musayyib, Mujahid and a group of the fiqh scholars.
- b) It is better to fast. This is the opinion of the majority of fiqh scholars.
- c) Whichever is easier for him. This is the opinion of a group of the fiqh scholars.
- d) He may choose whatever he would like to do. This is what is reported from a group of the Companions (may Allah be pleased with them).

The correct position is the first (i.e. point 'a'), due to the hadith of Hamza ibn `Amr al-Aslami (may Allah be please with him) that he said: 'O Messenger of Allah, I feel that I am able to fast while travelling so would there be any sin upon

me?’ So the Messenger of Allah ﷺ said “**It is a concession from Allah, so whoever takes this (concession) then that it good. And whoever wishes to fast then there is no sin upon him.**”²⁶

[129]: It is better for a traveller to fast `Ashura (10th Muharram) and `Arafah (9th Dhul-Hijjah) when on a journey. This is the position of some of the fiqh scholars because these days cannot be made up. This was what was reported from ibn `Abbas (may Allah be pleased with him)²⁷ and az-Zuhri.²⁸

[130]: It is permissible for the traveller to break his fast during any type of journey whether done for the purposes of sinning, hunting, or an outing/picnic etc. This is the position of a group of the fiqh scholars, because, as a traveller it is permissible for him to take the concessions which apply to travelling.

[131]: Truck and train drivers, pilots, ship captains and sailors etc. come under one of the following two scenarios:

- a) If they live in a particular city with accommodation there, then it is permissible for them to break the fast during their journey
- b) If they do not have any place of accommodation and they are always travelling with their family and

26 Reported by Muslim (1121).

27 Reported by ibn Abi Shaybah in al-Muṣannaf (9338).

28 Reported by al-Bayhaqi in Shu`ab al-Eemaan (3518).

belongings then they should not shorten their prayers nor breaks their fast as they are not travellers, rather their vessels are their place of residence. This is the opinion of the majority of fiqh scholars.

[132]: Whoever travels in order that he may break his fast, then his journey is forbidden and he is not allowed the concessions of travelling. This is the position of the majority of fiqh scholars because he is using a type of trickery to get around the limits and rules of Allah. So he is treated in a manner opposite to what he intended (i.e he should not be allowed to get away with this). It was reported from Abu Hurairah (may Allah be pleased with him) who said that the Messenger of Allah ﷺ said: **“Do not do what the Jews did – i.e. that they used lowly tricks to circumvent the prohibitions of Allah.”**²⁹

[133]: If someone as a resident had intercourse (while fasting) then set off on a journey then it would be obligatory upon him to make expiation for this. This is the position of the majority of fiqh scholars, because he would have done this while resident, and this is not permissible for him.

[134]: If a traveller made the intention to fast but then entered his city, it would not then be permissible for him to break his fast. This is the position of the majority of fiqh scholars, as his concession would no longer apply.

[135]: If someone is travelling and he knows that he will return to his city during the day-time then he may break his

²⁹ Part of *Ibtaal ul Hijal* by ibn Battah (p46). Ibn Kathir considered its chain to be good – refer to his tafsir (3/493).

fast. This is the position of the majority of fiqh scholars as he is a traveller.

[136]: If someone boards a plane during the day while fasting then he should not break his fast until the sun is no longer apparent to him. If he boarded the plane even a few minutes before sunset and the day persisted (due the direction of travel of the plane) then he should not break his fast until the sun actually set.

[137]: If someone passes over a town where the people have broken their fast yet the sun is still apparent to him the in sky, then he should not break his fast. However, he should break his fast when he arrives at a town where the sun has set. This is due to the Messenger's ﷺ statement: **“When the night arrives from here and the day departs from here and the sun has set, then the fasting person should break his fast.”**³⁰

NB: If someone is travelling during the day towards the East then the day will end up being shorter for him, and if he were to travel towards the West then the day would end up being longer for him. So what counts is the location where the traveller actually is when fajr starts and when the sun sets irrespective of whether the day ends up being longer or shorter.

[138]: If someone had a confirmed booking on a flight departing from an airport outside his city and therefore he

broke his fast upon leaving his city but then the plane was delayed or he couldn't travel that day due to some other reason then him breaking his fast is still correct. He does not have to stop eating or drinking for the rest of the day as what he did was in accordance with the sharee'ah. He should make up his fast later.

[139]: If a traveller wishes to break his fast then he should not do so until he has gone beyond the outermost buildings of his city (the 'city limits'). Al-Mundhiri, Ibn 'Abd-il-Barr, an-Nawawi and Ibn Qudaamah reported consensus on this point. As for the hadeeths reported from Abu Basrah and Anas which mention breaking the fast before passing beyond the outermost buildings then they are weak or their authenticity is disputed.

[140]: If someone were fasting while on a journey then it would be permissible for him to have intercourse whether or not he ate beforehand and whether or not he specifically intended to break his fast, according to the correct position. This is the opinion of the majority of fiqh scholars as it is permissible for him to break his fast when on a journey whether this is done by having intercourse or eating/drinking etc.

[141]: If someone returned to his city from a journey having broken his fast then he does not have to refrain from eating or drinking for the rest of the day according to the correct of the two positions of the scholars on this matter. This is the opinion of the majority of fiqh scholars

as there is no proof to say otherwise and because there would be no benefit in that (i.e. in him refraining for the rest of the day).

[142]: If someone were travelling during Ramaḍaan then it would not be permissible for him to fast for some other reason (besides Ramaḍaan) such as to make up fasts, or as an expiation or supererogatory fasts. This is the position of the majority of fiqh scholars because if he does not wish to avail the concession given to him, then he must fulfil the obligation of the time (i.e. Ramaḍaan).

[143]: If there is differing in the sighting of the new crescent moon for the start and end of Ramaḍaan in two different countries, then one of the seven possible scenarios would apply:

- a) If someone were travelling somewhere at the end of Sha`baan where the people were not fasting then he returned to his city where they had seen the crescent moon and were preparing to fast, then he should fast along with them.
- b) If someone were travelling somewhere, fasting with the people there, and then just before `Eid he returned back to his city and found that they were still fasting, then this is an issue of differing between the scholars:
 - i) He should fast with them until they stop fasting (for `Eid), even if he ends up fasting more than 30 days. This is the position of a group of the fiqh scholars.

- ii) He should break his fast in secret, so as not to fast more than 30 days. This is the position of a group of the fiqh scholars. The more correct position is that he should break his fast as explained below.
- c) If someone were travelling in a city where they saw the crescent moon of Shawwaal then he returned to his city and they hadn't seen the crescent moon, then this is an issue of differing between the scholars (may Allah have mercy upon them) similar to that detailed above.

The more correct position is that it is not permissible for him to fast. Instead he should break his fast in secret. This is because it is obligatory upon him to fast 29 or 30 days. Doing extra is not permissible, and from his perspective the month of Ramaḍaan has finished. If someone were to say that this could be supererogatory, then how could this be considered obligatory?

One may respond to his ﷺ statement: **“One should start to fast the day when the people fast and one should break the fast (for `Eid) the day when the people break the fast and celebrate `Eid-ul-Adḥaa the day when the people offer their sacrifices.”**³¹ as follows:

³¹ Reported by at-Tirmidhi (697) and he said it is *ḥasan gharib*, and it was considered authentic by al-Albaani and ad-Daraqutni considered it to be an authentic statement of `Aaishah, see al-`Ilal (3893).

This is not authentically traced back to the Prophet ﷺ, and if it were authentic then ‘fasting when the people fast’ refers to when this concurs with the sharee`ah. Also the hadeeth is in the context of the start and end of the month of Ramaḍaan. As for the person described above then for him the month is considered to have finished for him and for the initial place he was at. He is not like someone who saw the crescent moon himself but his testimony was not accepted. He has done what was upon him and going above and beyond this would be overburdening himself in a way which is not legislated by Allah.

The reason for the differing in the above two scenarios is because – should he follow the first country he was in initially, or the second which he travelled to?

- d) If someone were travelling from a city where they were fasting towards the end of Ramaḍaan, then he returned to his city where they had sighted the new crescent moon of Shawwaal then he should break his fast with them even if he ends up fasting less than 29 days, in which case he should make up this day later.
- e) If someone were fasting in a city and stopped his fasting for `Eid having fasted 29 days then returned to his city, one of the following must apply:
 - i) Both the city he travelled to and his home city fasted 29 days – then the 29 days are sufficient for him.

- ii) The city he travelled to fasted 29 days and he stopped fasting for `Eid and attended the `Eid celebration with them, whereas his home city fasted 30 days – then these 29 days are sufficient for him (even if he fasted some days in his home town) as he would be following the city he travelled to where he stopped his fasting for `Eid.
 - iii) Both cities fasted for 30 days but he ended up fasting for 29 days as he stopped his fasting for `Eid in the city which he travelled to whereas his hometown started fasting a day late. Some of the modern-day scholars say that his fasting these 29 days is sufficient as the month can be either 29 or 30 days in length. The safer thing though is to make up this day as both the cities fasted for a total of 30 days.
- f) If the people of someone’s city started fasting Ramadan but on the first day he travelled to another city where the people hadn’t started to fast and he stayed there – then one of the following two scenarios apply:
- i) If he stays there until `Eid and celebrates with them having fasted for 29 days, then he should make up the first day.
 - ii) If he stayed in the city which he travelled to and celebrated `Eid with them and they fasted for 30 days then he still needs to make

up the first day. So should he fast this such that he ends up fasting 31 days, or does the obligation fall away as a month can be only 30 days at the most? This is something which is considered (a reasonable) position. However, the safest position is that he should make it up.

[144]: And is it correct to make up a fast on the 30th day?

It is not permissible for the traveller or sick person to fast for another reason during the month of Ramaḍaan. This is the position of the majority of fiqh scholars because it is a focussed obligation and it cannot accommodate other things (types of fast).

- g) If someone left his city having broken his fast (for travelling) on the 30th day while the people there were fasting, then he travelled to another city where they had broken their fasts for `Eid, then he would still have to make up that fast to fulfill what was due upon him.





Fifthly:
Making up fasts and
supererogatory fasting



Chapter 5: Making up fasts and supererogatory fasting

[145]: It is good to make up any fasts from Ramaḍaan promptly, ideally not delaying this unless there is a particular need, because one never knows what issues or troubles may affect him.

[146]: It is obligatory to make up the fasts before next Ramaḍaan. This is the position of the majority of fiqh scholars as `Aa'ishah (may Allah be pleased with her) would not delay making up the fasts beyond that, and that is the safest position.

[147]: You do not have to make up the days one after the other. It is permissible to separate the days according to the more correct of the two positions of the scholars. This is the positions of Anas and Abu Hurairah (may Allah be pleased with them)³² and the four Imams due to His the Most High's statement: *«the same number (should be make up) from other days.»* [2:184].

[148]: If someone delays making up the fasts of Ramaḍaan until next Ramaḍaan has started then one of the following two scenarios apply:

- a) If he delayed them due to a valid excuse – then he should make them up without having to give compensation, by consensus.

32 Tafsir ibn Abi Ḥatim (1/306)

- b) If he delayed it without a valid excuse then it is obligatory on him to make up the fasts and give compensation as well for each day. This is the position of the majority of fiqh scholars based on the ruling of six Companions (may Allah be pleased with them) who said that one must give compensation.³³

[149]: If he were to delay making up the fast over a period of more than one year he would not have to make multiple expiations according to the correct of the two positions of the scholars. This is the position of the majority of fiqh scholars as there is no evidence to suggest otherwise.

NB: The rulings on feeding (as compensation/expiation) are the same as that detailed above for when someone who is unable to fast gives compensation in place of his fasts.

[150]: If someone deliberately broke his fast in Ramaḍaan without an excuse then he must repent and make up this fast. This is the position of the four Imams as the responsibility to do these fasts would remain upon him as detailed above.

[151]: If you are making up a fast from Ramaḍaan it is allowed to break this fast for a valid excuse, but not without an excuse – and there is no differing on this point. This is because making up a fast is just the same as doing the original fast. The same applies to other obligatory fasts such as fasts for expiation.

33 *Al-Istidhkar* (3/366), *as-Sunan al-Kubraa* of al-Bayhaqi (8211) and the *Muṣannaf* of `Abd-ur-Razzaaq (7620).

[152]: If someone were making up a fast (from Ramadaan) and then broke it, then he only needs to make up that one day, not two days (i.e. not the original day of Ramadaan plus the second day which he broke the fast). This is according to the more correct of the two positions of the scholars on this issue and it is the position of the majority of fiqh scholars as there is no proof to suggest that you need to do this.

[153]: It is allowed to do supererogatory fasts before making up fasts from Ramadaan. This is the position of the majority of fiqh scholars because there is plenty of time to make up the fasts.

[154]: Fasting the Days of Tashriq (i.e. 13-15th of the month of Dhul-Hijjah) may occur in one of two scenarios:

- a) It is legislated for someone who is performing Hajj Tamattu' or Qiran to fast these days if they are unable to offer a sacrifice.
- b) It is not permissible for anyone else who is not performing Hajj whether it is an obligatory or supererogatory fast. This is the position of the majority of fiqh scholars to the (textual) prohibition.³⁴

[155]: It is permissible to make up fasts from Ramadaan on Fridays and Saturdays. This is the position of the four Imams, as you are not singling out these particular days for fasting. As for the hadeeth which forbids fasting on Saturday then this is weak as detailed below.

34 Reported by al-Bukhari (1997) and Abu Dawud (2418).

[156]: If someone died while having fasts to make up, then one of the following scenarios would apply:

- a) If it was because of a long-term illness and he hadn't fed people (as compensation), then they should be fed on his and his inheritors behalf using his money, if he left some behind or otherwise other people should do this on his behalf as a form of charity.
- b) If it was because of an illness which he was expected to recover from, however the illness persisted until he died and he was unable to make up the fasts, then there is nothing due upon him or his inheritors. This is the position of the four Imams as he still had a valid excuse and because he has not been negligent.
- c) If he no longer had an excuse (i.e. he recovered) but he didn't make up the fast out of laziness up until he died then his inheritors should feed people as compensation using his money if he left any, or otherwise other people should do this on his behalf as a form of charity. This is the position of the majority of fiqh scholars, as the obligation of these fasts remains upon him. Some of the scholars allowed the fasts to be made up on his behalf.

[157]: Is it correct for the relatives of the deceased to collectively fast one day to make up multiple fasts which are due upon him? There are two possible scenarios:

- a) If it is for fasts which don't have to be made up consecutively like making up fasts for Ramaḍaan then it would be correct for a number of his relatives to make up the fasts on one day, or for one relative to make them up over several days.
- b) If it is for fasts which do need to be made up consecutively like the expiation for manslaughter or having intercourse during the day in Ramaḍaan then the person making up the fasts (on his behalf) must be one individual.

Some do say that it is correct for a group of people to make up the fasts (in this latter context also). Both opinions are held by a group of scholars and it is an issue of valid differing.

[158]: Fasting concurrently (i.e. the same fast done for two reasons) may occur in one of the following situations:

- a) Fasting concurrently for two obligations like Ramaḍaan and expiation – this is not correct by consensus.
- b) Fasting concurrently for obligatory and supererogatory fasts may occur in one of the following scenarios:
 - i) When one should follow the other. So fasting the six days of Shawwaal, for example, while making up fasts of Ramaḍaan – this would not be correct as the reward (for the six days) is consequential upon finishing the fasts of Ramaḍaan as explained below.

ii) When they are separate – then the correct approach is that there are two possible scenarios:

a. A general unrestricted sunnah, fasted with an obligatory fast, such as fasting Monday and Thursday and the 10 days of Dhul-Hijjah concurrently while making up fasts or fasts as an expiation – then this is correct. This is like praying the (two rak`ah prayer to) greet the mosque concurrently with an obligatory prayer. This is the position of the four Imams.

b. A fixed specified sunnah fasted with an obligatory fast, such as fasting `Arafah or `Ashura concurrently with while making up fasts or fasts as an expiation – then the safer position is to not intend to do both. This is because both acts of worship are independent, like the regular sunnah prayers and the obligatory prayers – they cannot be done concurrently. This is the position of the four Imams. Also the baseline rule is that one should not do such things concurrently.

Some say that this is correct, and it is the opinion of a group of the fiqh scholars.

- c) Fasting two sunnah fasts concurrently may occur in one of the following scenarios:
- i) A general unrestricted sunnah, like fasting the first 10 days of Dhul-Hijjah or three days every month along with fasting Mondays and Thursdays – so it is correct to do these concurrently combining them with one intention, like combining the intention to pray the prayer for wudhu with the prayer to greet the mosque.
 - ii) A fixed specified sunnah like fasting the six days of Shawwaal along with fasting the ‘white days’ - 13th-15th days of the Hijri month – (for those who consider the latter specified), then it would not be correct to combine their intentions as each is a separate specified sunnah.

Some say that it is correct to do this, as the issue is debatable.

- iii) Sunnahs which are general / unrestricted and fixed / specified, such as the six days of Shawwaal and like `Arafah or `Ashura along with Mondays and Thursdays or the three days of each month – then it is correct to do them concurrently like, for example,

praying the prayer to greet the mosque along with the the regular sunnah prayers or the duḥaa (morning) prayer.

[159]: It is encouraged to fast six days from the month of Shawwaal – the virtue of this is too well-known to have to mention. If someone has fasts from Ramaḍaan to make up then he should do these first. This is the position of a group of the fiqh scholars due to the apparent wording of the hadeeth. Some say that it is correct to fast the six days before making up the fasts from Ramaḍaan – this is the opinion of the majority of fiqh scholars. However, the correct position is the first, because doing the six fasts before making up the fasts from Ramaḍaan contradicts the condition mentioned in the hadeeth (i.e. that you have to have completed your fasts for Ramaḍaan). You cannot fasts these (six) fasts after Shawwaal according to the correct of the two positions of the scholars, because their timing would have passed. If someone were unable to fast them (during Shawwaal) due to a legitimate excuse then it is hoped that they will still get the reward.

[160]: Fasting the day of `Arafah occurs in one of two situations:

- a) For those not doing Hajj – in which case fasting is recommended by consensus. Its virtue is too well known to need to mention.
- b) For those doing Hajj – they should not fast. This is the position of the majority of fiqh scholars, so that they may be free for worship and supplication

The correct position is that if fasting would be difficult and make him weaker and less able to make remembrance (of Allah) and supplication then breaking the fast would be better for him. This is because the virtue of Hajj is greater than fasting `Arafah. If fasting didn't make him weaker and less able to do the above then he may fast. This is the opinion of a group of the fiqh scholars. It is reported that `Aa'ishah, Usaamah ibn Zaid, az-Zubair, and `Uthmaan ibn Abil-`Aas (may Allah be pleased with them) and al-Hasan, Qatadah and `A_{taa} fasted it.³⁵ It is incorrect to prohibit fasting on this day,³⁶ and even if this prohibition were correct it would only be to the level of it being disliked or if it caused difficulty as there is nothing reported from him ﷺ commanding the pilgrims to break their fast unlike the hadeeth of Jabir ibn `Abdillah (may Allah be pleased with them both) that the Messenger of Allah ﷺ set out for Makkah on the year of the Victory during Rama_{da}an so he fasted until he reached Kuraa` al-Ghamim, and the people were also fasting. Then he asked for a cup of water and raised it up so the people could see, then he drank. Afterwards it was said to him that some of the people are still fasting. So he ﷺ

35 Reported by Malik in *al-Muwatta* (1390), the *Muṣannaf* of ibn Abi Shaybah (13395, 9219) and *Fat-h-ul-Bari* (4/238).

36 Reported by Abu Dawud (2440), *al-Badr al-Munir* (5/749), declared weak by al-`Uqaili, ibn Hazm and an-Nawawi.

said “**These people are the disobedient ones; these are the disobedient ones.**”³⁷ In a narration “fasting has become hard for the people”. The scholars understood this to refer to those who were weakened by fasting during the journey or because he commanded them to break the fast for the benefit of being stronger in the face of the enemy which was a great and important reason. So they didn’t do this until he ﷺ adjured them to.

[161]: It is encouraged to fast the day of `Ashura even if it coincides with Saturday. This is the position of the majority of fiqh scholars. It is the 10th of Muḥarram, and it is recommended to fast the 9th along with it. Its virtue is too well-known to mention. The best month to fast in after Ramaḍaan is the month of Allah, Muḥarram³⁸ and it is recommended to fast plentifully in the month of Sha`ban as he ﷺ used to do so.³⁹ As for the forbiddance of fasting on Saturday then it is not authentic.⁴⁰

37 Reported by Muslim (1114).

38 Reported by Muslim (202).

39 Reported by al-Bukhari (1969) and Muslim (1156).

40 Malik said it is false, an-Nasa'i, az-Zuhri, ibn al-`Arabi, ibn al-Mu-laqqin and others declared it weak.

[162]: Collective fasting in order to relieve a difficulty which is affecting the Ummah or a city or an individual etc. is something which is not legislated as there is no proof for this and it is not reported from the Companions nor those after them. The basic rule with regards to acts of worship is that one should not do them unless there is a specific proof to do so.





Sixthly:
Issues related
To Zakat-ul-Fitr



Chapter 6: Issues related to Zakat-ul-Fiṭr

[163]: Zakat-ul-Fiṭr is given out in the form of one *saa`* of the staple food of that country a day or two before the `Eid prayer. This is the position of a number of fiqh scholars acting in accordance with the practice of the Companions may Allah be pleased with them.⁴¹

[164]: If someone delayed giving out Zakat-ul-Fiṭr until after the `Eid prayer due to a legitimate excuse, then he may distribute it then and there will be no sin upon him. However, if this was without an excuse then he should still distribute it but would be sinful and should repent. This is the opinion of the majority of the fiqh scholars.

[165]: If someone is due to pay Zakat-ul-Fiṭr while on a journey then he should do so in the city where he is. This is the position of a number of fiqh scholars as the obligation of Zakat-ul-Fiṭr still applies to someone wherever he is. If he entrusts someone to give it out on his behalf in his city then this is allowed, and this was the preferred position of a group of fiqh scholars.

[166]: If someone travelled to a city then he may give out Zakat-ul-Fiṭr in that city on behalf of his family even though they're not with him. This is the position of the majority

of fiqh scholars because they follow on from him. If they, however, distribute it themselves in their own city then this would be allowed. This is the position of a group of the fiqh scholars.

Conclusion

O Allah! Grant us the ability to perfect our fasting and praying in the night and do not deprive us of the virtues of this month and its blessings. Grant us unblemished hearts and that we protect our fasts and limbs (from sinfulness). Guide us, our children and our wives and grant us firmness (upon what is right) until we die and protect us from any evils and trials and grant help and honour to the Muslims wherever they may be.

Fahd ibn Yahya al-'Ammari

Judge at the Court of Appeal

25/3/1439

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الإسلامية العامة وشؤون المسلمين في الحرام والممنوع في المدينة
إدارة العلاقات العامة بالمسجد الحرام
اللغة الإنجليزية



زَادَ الصَّالِمُ



فَهْدَانِي بِحَبْلِ الْعَبَّاسِي

القاضي بمحكمة الاستئناف بمكة المكرمة