

The Qur'an states:

"O you who believe, fasting is prescribed for you as it was prescribed for those who were before you, in order that you may learn *taqwa* (piety)." (al-Baqarah: 183).

The Prophet (PBUH) said, "(Allah said), "Every good deed of Adam's son is for him except fasting; it is for Me, and I shall reward (the fasting person) for it. Verily, the smell of the mouth of a fasting person is better to Allah than the smell of Musk." (Bukhari, volume 7, Hadith number 811).

Fasting

Fiqh – Law/rules

Hanafi Law

Compiled by:
Ebrahim Iqbal Lambat

Reviewed by:

Imam Uzair Akbar and **Mufti J Akbar**, Holland Park Mosque, Brisbane, Australia
Prior edition reviewed by: **Imam Y Patel** – Secretary, Jamiat-ul-Ulama, Mpumalanga
and **Imam M Ali**, Mpumalanga, South Africa



Rabbi Zidni Ilma

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P.O. Box 3437, South Brisbane BC, QLD 4101

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Fasting

1. INTRODUCTION

Fasting (*sawm*) is abstention from eating, drinking and sexual intercourse during the day whilst having made niyyat (intention) of fasting. The fasting day commences before sunrise and ends after sunset. The Quran states:and eat and drink until the white thread of dawn appear to you distinct from its black thread; then complete your fast till the night appears....(2:187).

“Fasting is called *sawm* in the Qur'an. The word *sawm* literally means "to abstain". According to Shari'ah (Islamic law), the word *sawm* means to abstain from all those things that are forbidden during fasting from the break of dawn to the sunset, and to do this with the intention of fasting.” (Dr. Muzammil H. Siddiqi, member of the Fiqh Council of North America)¹.

2. FASTING IS OBLIGATORY

In the second year of Hijrah, Muslims were commanded to fast in the month of Ramadan every year. The Qur'an states, "O you who believe, fasting is prescribed for you as it was prescribed for those who were before you, in order that you may learn *taqwa* (piety)." (al-Baqarah: 183). "The month of Ramadan is that in which was revealed the Qur'an, wherein is guidance for mankind and the clear signs of guidance and distinction. Thus whosoever among you witness the month must fast...." (al-Baqarah: 184).

The Prophet Muhammad (peace and blessings be upon him (PBUH)) stated that fasting in the month of Ramadan is one of the five pillars of Islamic belief. Narrated Ibn Umar: Allah's Apostle (PBUH) said: "Islam is based on (the following) five (principles):

- a) to testify that none has the right to be worshipped but Allah and Muhammad (PBUH) is Allah's Apostle;
- b) to offer the (compulsory congregational) prayers dutifully and perfectly;
- c) to pay zakat (i.e. obligatory charity);
- d) to perform Hajj (i.e. Pilgrimage to Mecca);
- e) to observe fast during the month of Ramadan."

(Bukari, volume 1, Hadith number: 7).

The Prophet (PBUH) also said, "There is zakaat applicable to everything, and the zakat of the body is fasting." (Mishkat)

3. BENEFITS OF FASTING

Dr. Muzammil H. Siddiqi, member of the Fiqh Council of North America states²: "Fasting is very pleasing to Allah. Allah loves the person who fasts. Allah loves a fasting person because he/she becomes more aware of Allah, becomes a better human being. The purpose of fasting is not to make us hungry and thirsty and to deprive us some of our comfort and conveniences. The real purpose of fasting is that we learn *taqwa* (piety)."

The Almighty has stated that all the good deeds you do whilst alive are for your benefit except fasting. You fast for the Almighty and the Almighty will reward you. Narrated Abu Huraira: The Prophet (PBUH) said, "(Allah said), "Every good deed of Adam's son is for him except fasting; it is for Me,

and I shall reward (the fasting person) for it. Verily, the smell of the mouth of a fasting person is better to Allah than the smell of Musk." (Bukhari, volume 7, Hadith number 811).

There are many other hadith exalting the virtues of fasting.

Narrated Abu Said: I heard the Prophet (PBUH) saying, "Indeed, anyone who fasts for one day for Allah's pleasure, Allah will keep his face away from the (Hell) fire for (a distance covered by a journey of) seventy years. (Bukhari, volume 4, Hadith number 93).

Narrated Sahl bin Sad: The Prophet (PBUH) said, "Paradise has eight gates, and one of them is called Ar-Raiyan through which none will enter but those who observe fasting." (Bukhari, volume 4, Hadith number 479).

4. YOUR BEHAVIOUR WHILST FASTING

Dr Yusuf Al-Qaradawi, Dean of the University of Qatar states: "Valid fasting is that which purifies one's soul and imbues goodness and righteousness into one's heart, so that one may ward off evil, as conveyed in the words of Allah, Exalted be He, Who says: **“O ye who believe! Fasting is prescribed for you, even as it was prescribed for those before you, that ye may ward off (evil).”** (Al-Baqarah: 183)

"Thus, whoever fasts in Ramadan is obliged to refrain from saying or doing anything that is contradictory to the elevated manners expected from a fasting Muslim so as not to lose Allah's reward for fasting and gain nothing but hunger, thirst, and deprivation, as explained in the Hadith: **"Fasting is a kind of protection. So, when anyone of you gets up in the morning in the state of fasting, he should neither use obscene language nor do any act of ignorance. And if anyone insults him or quarrels with him, he should say, 'I am fasting, I am fasting.'"** (Reported by Al-Bukhari and Muslim.)

"Allah's Messenger (PBUH) is reported to have said: **"Many a one who fasts obtains nothing from his fasting but hunger and thirst, and many a one who prays during the night obtains nothing from his night prayers but wakefulness."** (Reported by Al-Nasa'i, Ibn Majah, and Al-Hakim, and is said to be authentic on the condition of Al-Bukhari.)

"The Prophet (PBUH) is also reported to have said: **"Whoever does not give up false speech (telling lies and the like) and acting upon it, Allah is not in need of his leaving his food and drink (i.e. Allah will not accept his fasting)."** (Reported by Al-Bukhari, Ahmad, and others.)

"Jabir `Abdullah Al-Ansari said: "When you fast, your eyes, ears, and tongue should abstain from falsehood and sins. You should avoid hurting your servant. Refrain from anything demoralizing, and portray a picture of tranquility while fasting for the day, your behavior on the day you are fasting should be better than other days." "

5. PERSONS REQUIRED TO FAST

Fasting is compulsory on any sane Muslim who has attained puberty. The age of fifteen is the limit between childhood and manhood (Bukhari, volume three, Hadith number 832). You should encourage your children to commence fasting before they attain the age of puberty so that they are prepared for their obligations.

6. PERSONS EXEMPT FROM FASTING

The Quran and the Hadith of the Prophet (PBUH) make concessions for persons who cannot fast. The Quran states:

"(Fasting) for a fixed number of days; but if any of you is ill or on a journey the prescribed number (should be made up) from days later. For those who can do it (with hardship) is a ransom the feeding of one that is indigent. But he that will give more of his own free will it is better for him and it is better for you that ye fast if ye only knew." (2:184).

Persons who are ill and cannot fast during Ramadan should fast later to make up for the days not fasted in Ramadan. The same applies to persons who are travelling. Those who cannot fast at all (the Quran warns that it is better for you to fast than not to fast) the poor should be fed for every fast missed.

Islam does not seek to cause any hardship or burden you beyond your capabilities. Easiness and facilitation are among the main characteristics of Islam. The Quran states: "Allah intends every facility for you He does not want to put you to difficulties. (He wants you) to complete the prescribed period and to glorify Him in that He has guided you; and perchance ye shall be grateful." (Al-Baqarah 185).

Illness

The Holy Quran identifies two types of people that are exempt:

- (a) those that are not capable of fasting during the month of Ramadan and should fast in lieu of the fasts missed;
- (b) those who are not capable of fasting at all and should feed the poor in lieu of the fasts missed.

Exemption due to illness in the month of Ramadan – not terminally ill

The four schools concur that if a person falls ill, or fears the aggravation of his/her illness, or delay in recovery, then he/she is exempt from fasting. It is at the person's discretion as to whether he/she wants to fast. If the person elects not to fast then he/she must fast in lieu of the fasts missed.

Exemption due to permanent ailment or old age:

Scholars state that the exemption from fasting only applies to persons who are only able to fast with great difficulty. Such persons are required to feed the poor. The Hanafi school are of the opinion that for a person to qualify for the exemption he/she must be "so weak and aged as to be unable to keep sawm (fast)³." If the person later regains sufficient strength to fast, the person will be liable to fast in lieu of the fasts missed.

Medication:

If a person is required to take medication and "...he can take the medication before fasting and that would be sufficient and would not interfere with his health, then he can continue fasting. If, however, he must take medication during the day at all times without fail, then it is advisable for him not to fast. In this case he needs to offer *fidya* by feeding a poor person for every single day of fast he has missed; he does not need to make up for the fast he has missed if his sickness remains with him forever." (Sheikh Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada).

Travelling

Dr. `Abdur-Rahman Al- `Adawi, Professor of Fiqh at Al-Azhar University, states the following⁴:

"Almighty Allah says, **"... and whosoever of you is sick or on a journey, (let him fast the same) number of other days."** (2:185).

In this verse, Almighty Allah makes it lawful for the traveller to not fast in Ramadan. The Prophet (PBUH) is reported to have said, **"Allah has exempted the traveller from the obligation of fasting."**

"Consequently... not fasting certain days of Ramadan...is allowed for the traveller, but if someone finds that he is capable of fasting, fasting would be better, as Hamzah Al-Aslami once asked the Prophet (PBUH), "O Messenger of Allah, I feel able to fast when travelling, will I be sinful (if I fast while travelling)?" The Prophet (PBUH) said: **"It is a dispensation from Allah, he who makes use of it does good and he who likes to fast, there is no blame on him."** (Reported by Muslim)

"The dispensation for not fasting is the same as that for shortening the prayer (Qasr salaah), that is the distance of travelling should be (at least) 85 km. Besides, someone is not regarded as a traveller unless he goes beyond the inhabited area of the location where he lives. So, someone who intends to travel but neither starts the journey nor goes beyond his area is not permitted to miss the fast."

Menstruation

Scholars concur that fasting is not permitted for women during menstruation. In his book *Fiqh-As-Sunnah*, the late Egyptian scholar Sheikh Sayyed Sabiq states⁵: "Scholars have unanimously agreed that it is mandatory for menstruating women and women who had post childbirth bleeding to break their fast and to make up for the days they missed later on (after Ramadan). Al-Bukhari and Muslim record that `A'ishah (may Allah be pleased with her) said: **"When we would have our periods during the lifetime of the Prophet (peace and blessings be upon him), we were ordered to make up for the days of fasting that we had missed but were not ordered to make up for the prayers we had missed."**

Scholars also concur that if a woman who is fasting experiences a menstrual flow, then she must break her fast immediately. She is not permitted to continue fasting and if she does so she still needs to re-perform the fast (Qazaa).

As to why women are exempt, **Dr. Muhammad M. M. Abu Laylah**, Professor of the Islamic Studies & Comparative Religions at Al-Azhar University, states⁶: "Part of the logic behind exempting menstruating women from fasting and prayer, is that upon the onset of the period the woman becomes very weak and experiences weakness and fatigue in her whole body, and that is why Allah, the Most Merciful, exempts her from fasting and prayer in order not to add to her weakness."

Only menstrual and post natal bleeding exempts fasting. A woman experiencing any other form of bleeding must seek an exemption under illness. Dr. `Abdul-Fattah `Ashoor, professor of Exegesis of the Qur'an at Al-Azhar University, states⁷: "A Muslim woman is exempted from prayer, fasting and circumambulating around the Ka`bah only if she experiences menstruation or post-natal bleeding. Other kinds of bleeding that might be caused as a result of operations do not prevent women from either prayer or fasting. Therefore, operations that are carried out in the uterus and may result in bleeding do not prevent the woman from either prayer or fasting. Such operations resemble other normal operations that may cause bleeding in other body organs."

Pregnancy and breast feeding

The schools concur that if a pregnant woman or a woman breast feeding fears harm to her own health or that of her child, she is exempt from fasting. Ibn Abbas (companion of the Prophet (PBUH) stated that the concession was made to women who were pregnant or breast feeding, if they “apprehended harm (to themselves).” (Source: Abu Dawud).

In his answer to a question on breast feeding, Dr. Muhammad M. Abu Laylah, professor of Islamic studies at Al-Azhar University, states⁸:

“Dear sister in Islam, if there is any harm to your baby if you stop breast-feeding him during the daytime or during the fasting hours, then you are allowed to break your fast and make up for what you miss of fast days whenever your circumstances allow. This rule is based on the fact that Islam cares about the health of the children as well as protecting them against any harm or disease.”

7. COMMENCING THE FAST**Niyyat (Intention)**

A person must state his intention to fast. Remaining without food and drink for the entire day will not render such abstention a fast.

Sheikh Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada, states⁹: “Intention is an extremely crucial and integral aspect of worship in Islam; this is true of Prayer, fasting, zakah and Hajj; it also applies to all of the acts of devotion and good works that we perform. In the case of any act of worship (*‘ibadah*), the intention means first to cleanse and purify our motivation, or to put it differently, to make sure that we do what we do purely for the sake of Allah and not for any other worldly purpose or objective.”

Dr. Rif at Fawzi, Professor of Shari`ah at Cairo University states¹⁰: “It is sufficient to make intention in one’s heart. In other words, the fasting person is not required to express his intention to fast in explicit words. Everyone who knows that tomorrow is one of the days of Ramadan and wills to fast, this is considered a valid intention even if he does not express the intention to fast in explicit words. Also, when one gets up to take *suhur* (pre-dawn meal) or even intends to get up but was overcome by sleep, this is considered a valid intention to fast.”

It is recommended that the niyyat be made before dawn of the day the Ramadan fast is being kept. According to the Hanafi School, the niyyat may be made at any time before mid-day. According to Imams Shafi, Hanbal and Malik it is wajib for the niyyat of a Ramadan fast to be made before dawn.

The niyyat confirms one’s intention. It does not have to be in any particular format and can be said in any language.

Should the niyyat/intention be said each day?

Under Hanafi law, you are required to make your intention on a daily basis. In his response to a question on this issue, Dr. Ahmad Taha Rayan, Professor of Comparative Jurisprudence at Al-Azhar University, states¹¹:

“The Shafi`is, Hanafis and a group of Hanbali jurists...are of the opinion that one has...to make the intention to fast for each day of Ramadan separately. They gave as reasoning for their point of view that fasting each day of Ramadan is a separate deed of its own. If one has forgotten to make the intention to fast a day in the preceding night until the dawn has come, one is to continue fasting the day but is to make up for it later.

“They cite also as evidence of their view in that regard the hadith reported on the authority of Hafsa, (may Allah be pleased with her), that the Prophet (peace and blessings be upon him) said: **“He who has not made the intention to fast a day in the preceding night his fast is invalid.”** There is also another hadith reported on the authority of `A'ishah, (may Allah be pleased with her), that the Prophet (peace and blessings be upon him) said: **“He who has not made the intention to fast a day before the dawn his fast is invalid.”**”

Suhur (Sehri)

Suhur is the act of arising from sleep during the course of the night to partake of some food or drink in anticipation of a fast.

The performance of suhur is a Sunnah.

Narrated Anas bin Malik: The Prophet (PBUH) said, “Take Suhur as there is a blessing in it.”

Allah’s Messenger (PBUH) said: “The difference between our fasting and that of the people of the Book is eating shortly before dawn.” (Muslim).

As a Sunnah, it is not necessary to awake for suhur – although it is highly recommended. It assists in ensuring a person has the required energy to fast for the day.

When should one awake for suhur?

Suhur should take place just prior to the Fajr prayer.

Narrated Anas: Zaid bin Thabit said, “We took the Suhur with the Prophet. Then he stood for the prayer.” I asked, “What was the interval between the Suhur and the Adhan?” He replied, “The interval was sufficient to recite fifty verses of the Quran.” (Bukhari, volume 3, Hadith number 144).

It is sunnah to delay the suhur for as long as possible. “The preferred time to stop eating is ten minutes before Fajr time. However, the permitted time for *suhur* can extend up to the time of Fajr.” (Sheikh Kutty¹²).

8. BREAKING THE FAST (IFTAR)

The Sunnah is to break the fast as soon as the sun has set - the Prophet (PBUH) always broke his fast as soon as he ascertained the sun had set. He (PBUH) said, “When night falls from this side and the day vanishes from this side and the sun sets, then the fasting person should break his fast.” (Bukhari, volume 3, Hadith number 175).

The Prophet (PBUH)’s Sunnah is to hasten to break the fast as soon as the sun has set – to delay the breaking of the fast is contrary to the Sunnah. Narrated Abu Huraira: The Prophet (PBUH) said: Allah, the Lord of honour and glory, says: “Of my servants I love most those are foremost in breaking their fasts.” (Mishkat).

One need not wait for the Adhaan (call for prayer) of the Magrib prayer to commence or end prior to eating – if the sun has set, the fast should be broken.

Before breaking the fast, a person should use whatever means available to ensure that the sun has indeed set. In cities, the use of timetables greatly assists in this regard.

Intention to break fast:

At the time of Iftar it is Sunnah to break the fast with a dua (supplication). In his well-known book, *Fiqh As-Sunnah*, the late Sheikh Sayyed Sabiq states¹³:

“Ibn Majah reported from `Abdullah ibn `Amr ibn al-`Aas that the Prophet (peace and blessings be upon him) said: **“A fasting person, upon breaking his fast, has a**

supplication that will not be rejected.” When `Abdullah broke his fast he would say: "O Allah, I ask of You, by Your mercy that encompasses everything, to forgive me.

“It is confirmed that the Prophet (peace and blessings be upon him) would say: **“The thirst has gone, the veins become wet and, Allah willing, the reward is confirmed.”**

“In another (*mursal*) narration, it is reported that he (peace and blessings be upon him) would say: **“O Allah, for You I have fasted and with Your provisions do I break my fast.”**

“At-Tirmidhi reported that the Prophet (peace and blessings be upon him) said: **“Three people will not have their supplications rejected: a fasting person until he breaks his fast, a just ruler, and an oppressed person.”**”

A common dua is:

“O Allah! I have fasted for You. I believe in You. I have trust in You and I make Iftar with the rizq (food) provided by You.”

What to eat:

A fast can be terminated with any permissible food or drink. The Prophet (PBUH) recommended that a fast be broken with dates or water.

Narrated Salman ibn Amir: The Prophet (PBUH) said, “When one of you is fasting, he should break his fast with dates; but if he cannot get any, then (he should break his fast) with water, for water is purifying.” (Abu Dawud).

Nutritional Value of Dates

By Karima Burns, MH, ND

“The nutritional value of the relatively easy-to-store date fruit is high in sugar - comprising up to 70% of the fruit. (In most varieties the sugar component consists of glucose and fructose.) Dates are also good sources of iron, potassium (150mg in 100g), magnesium (important for use of voluntary muscles), sulphur, copper, calcium and phosphorus (important in building muscles and neuro-tissues), along with various vitamins, including thiamine, riboflavin, biotin, folic and ascorbic acid. Water is 13.8% and proteins are about 3%.

One kilogram of dates gives the body 3470 calories shortly after eating it. This energy will satisfy your appetite, which is very important especially while breaking your fasting.”

9. CIRCUMSTANCES WHEN A FAST IS NOT BROKEN

Whilst this section focuses on actions that do not break a fast, it does by inference cover those acts that do break a fast.

Eating, drinking or engaging in sexual relations forgetfully

Eating, drinking or engaging in sexual relations forgetful of the fact that you are fasting does not break a fast. Narrated Abu Huraira: The Prophet (PBUH) said, “If somebody eats or drinks forgetfully then he should complete his fast, for what he has eaten or drunk, has been given to him by Allah.” (Bukhari, volume 3, Hadith number 154).

Al-Hassan and Mujahid said, “If one has sexual intercourse forgetfully, then no penalty will be imposed on him.” (Bukhari, volume 3, page 85).

If one continues eating etc. after recalling the fast, the fast is broken.

Vomiting

Involuntary vomiting:

Involuntary vomiting does not break a fast. Narrated Abu Huraira: The Prophet (PBUH) said, "If one has a sudden attack of vomiting while one was fasting, no atonement is required of him, but if he vomits intentionally he must make atonement." (Abu Dawud).

Induced/intentional vomiting:

If one who has vomited intentionally swallows a mouthful, his fast is broken. Hanafi jurists differ on whether a fast is broken if a mouthful or small amount is swallowed unintentionally. If nothing is swallowed or a small amount is swallowed unintentionally, then the fast is not broken.

A pregnant woman's fast is not broken if she suffers from 'morning sickness'.

Applying ointment or drops to the eye

Narrated Anas ibn Malik: Anas told of a man coming to the Prophet (PBUH) and saying, "I have a complaint in my eyes, so may I apply collyrium while I am fasting?" He replied, "Yes." (Mishkat). The logic is that any medication applied to the eye will not enter the throat. A leading commentator on Fiqh in South Africa, Mufti Ebrahim Desai states¹⁴: "Using eye drops in the state of fasting is permissible. It does not invalidate the fast."

Ear Drops/water in the ears

Dr Yusuf Al-Qaradawi, Dean of the University of Qatar and a prominent author on Islamic fiqh has the following opinion¹⁵:

"As far as putting kohl on the eyes during the days of Ramadan - or putting medicine in the ears and or having anal injections' is concerned, all these are things in which some of them might reach the stomach. But they would not reach the stomach by natural means, would not provide nourishment, and would not stimulate people.

"The scholars of the past and present have differed regarding this issue. Some scholars judge that these things nullify the fast. Others say that these things do not reach the stomach through natural ways therefore they do not nullify the fast.

"In fact, I am in favour of the opinion that these things - using kohl, eye drops, ear drops, creams on the buttocks for those who have haemorrhoids, and anal injections (sometimes used for those with constipation) - do not nullify the fast. This is also what Ibn Taymiyyah preferred in his '*Fatawa*', saying: What has more support is that none of these things nullify the fast because it is something from the religion of Islam in which knowledge of its general and specific aspects are a must. If these things are from that which Allah and His Messenger (PBUH) prohibited during the fast, then this would have been made clear by the Messenger (PBUH). Concerning this, nobody from the people of knowledge have transmitted any hadith whether authentic, weak, etc. The narrated hadith about kohl is weak, and Yahya ibn Mu`een said: 'This hadith is rejected.'"

South African Fiqh scholar Imam Motala states¹⁶: "Of note is the fact that the medical profession has a slight disagreement with the (traditional jurists) with regards to:-

- The ear: whilst some Jurists considered the outer ear to have a direct pathway to the throat, subsequently reaching the stomach, the E.N.T experts are of the opinion that there is no link. Their view is that the only time when any liquid will pass through from the outer ear to the middle ear is when the tympanic membrane

(eardrum) is perforated. Regarding this difference, contemporary Jurists like Mufti Rafi Uthmani (D.B) strongly advise that the views of the E.N.T experts of our time be accepted, since there is no certainty with regards to the ear having a passage to the throat. We should therefore refer this matter to the medical experts. (Refer to Dhaabitul-mufattiraat fi majaanit-tadaawi p.g 54)

- The eyes: the medical profession clearly state that a narrow duct links up the eye cavity with the throat via the nose. Regarding this difference Hazrat Mufti Rafi Uthmani Saheb explains that: Ahadith have proven that the use of surma and/or eye drops does not nullify the fast. (One should bear in mind that after something is clearly proven from the Quran or the Ahadith, one is obliged to accept it whether it makes sense to him or not) additionally, this duct is so narrow that whatever passes through it from the eye is (insignificant and) negligible.”

Bathing while fasting

Bathing whilst fasting does not break the fast.

Narrated Abu Bakr: A man who narrated his tradition to me said: “I have seen the Apostle of Allah in al-Arj pouring water over his head while he was fasting, either because of thirst or because of heat.” (Abu Dawud).

Cleaning teeth

A miswak (a stick) may be used to clean teeth even though it is fresh and has a taste. Narrated Amr bin Rabia, “I saw the Prophet (PBUH) cleaning his teeth with Siwak (miswak) while he was fasting so many times as I can’t count.” Narrated Abu Huraira: The Prophet (PBUH) said, “But for my fear that it would be hard for my followers, I would have ordered them to clean their teeth with Siwak on every performance of ablution.” (Bukhari, volume three, page 86).

Scholars are divided on the use of toothpaste. Dr Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada, states¹⁷: “It is absolutely fine to brush one’s teeth in the morning with toothpaste while fasting so long as one takes care not to swallow the paste.”

Dr. Muhammad Abu Laylah, professor of the Islamic Studies & Comparative Religions at Al-Azhar states¹⁸: “Islam urges its followers to be clean, decent, and pleasant in their appearance and smell. In this respect, you can have a mouthwash and gargle it but be careful not to allow the water to go into your stomach as best as you can. During the Prophet's lifetime, he and his Companions used to use *siwak* (tooth-stick) to keep their mouth fresh and clean.”

Certain scholars are of the opinion that using toothpaste makes your fast makrooh (that is, the reward of the fast is reduced). South African Mufti Ebrahim Desai states: “It is permissible to make miswak while fasting. To use toothpaste in the state of fasting is Makrooh (disliked). The minimum taste in the miswak is unlike the strong taste in the paste. Furthermore the paste is a solid substance and liquidifies more in the mouth thereby having the potential of going down the throat.”

Breast feeding a baby – does not break a fast.

Swallowing saliva and slime

A fast is not broken if a person swallows his/her own saliva, or when some moisture remains on the tongue after gargling and it is swallowed with his/her own spit or saliva. It is a requirement that water be spat out after gargling. However, it is not a requirement to spit out to the extreme so as to remove all moisture from the mouth¹⁹.

The Hanafi school are of the opinion that swallowing mucus or phlegm at the back of the mouth, whether intentionally or unintentionally does not nullify a fast.

Swallowing a particle less than the size of half a pea

Under Hanafi law, if a person swallows any residue remaining between his teeth (provided the particle is less than the size of half a pea) the fast is valid. If the particle is larger, the fast is broken.

Blood Tests/Donating Blood

Mufti Ebrahim Desai states²⁰: "It is permissible for a fasting person to have a blood test. That does not invalidate the fast." The Mufti adds: "Donating blood does not invalidate the fast. However, one should consider one's health if one wishes to do so."

Swallowing water whilst gargling and water in the nose

Sheikh Muhammad Al-Hanooti, member of the North American Fiqh Council, states²¹: "Rinsing the mouth and the nose during *wudu'* (ablution) is either classified as a Sunnah act of the Prophet (peace and blessings be upon him), according to Abu Hanifah, Malik, and Ash-Shafi'i, or as an obligation, according to Imam Hanbal who considers it to be a part of washing the face. In both cases, one should not abandon rinsing them when making *wudu'* whether fasting or not.

"It is noteworthy that a fasting person should not exaggerate in doing it. Here, we recall the Prophetic hadith that reads: **"When you rinse your nose, overdo it except if you are observing fasting."**

"Accordingly, if one rinses his mouth or nose in *wudu'* while fasting and some water goes down his throat without intending or overdoing it, his Fast remains valid. This is similar to the case when dust from the roadway or a fly enters the throat, which is regarded as a mistake, for which this nation will not be held accountable, even if some scholars differ regarding them.

"Also, rinsing the mouth for other aims than *wudu'* will not invalidate one's Fasting as long as none of the water goes down the throat."

Swallowing blood in saliva

Scholars are of the opinion that blood in the saliva will not break the fast if the blood is less than the saliva. If the taste of blood is discernible then the fast is broken.

However, the late Saudi scholar Sheikh Muhammad Al-'Uthaymeen²² was of the opinion that unintentional blood swallowing does not break the fast irrespective of whether the blood can be tasted: "unintentional bleeding is not among the things that invalidate the fast. So, whoever bleeds by accident or unintentionally does not need to make up for that day of fasting." Mufti Desai is of the opinion that gum bleeding and nose bleeding do not break a fast²³.

Smelling fragrance

Smelling anything fragrant, provided that there are no vapours, is permissible.

Smoke, dust, etc. which is inhaled unintentionally, not by one's volition or conscious action

– does not break a fast.

Using an inhaler

Dr. Muzammil Siddiqi, a member of the Fiqh Council of North America, states²⁴: "The use of an inhaler during fasting is permissible because the inhaler only provides some

moisture; it doesn't involve the taking in of any liquid or food through the mouth. Even when we take a breath, we take in some moisture into our throats and that doesn't break our fast. Therefore, in any similar way, the use of an inhaler is permissible."

The late Saudi scholar Sheikh Abdul-`Azeez Ibn Baz, said in one of his fatwas²⁵: "It is permissible because it does not resemble food or drink; it is similar to undergoing a blood test or taking non-nutritional injections."

Both Mufti Ebrahim Desai and Imam Naeem Motala from South Africa are of the opinion that the use of medicated inhalers by asthma sufferers breaks the fast. Mufti Desai²⁶: "The inhaling of the asthma pump invalidates the fast. There is no difference between the ingestion and inhaling of medication. The inhaler contains medication (salbutamol)."

Examinations/Injections

The opinion of Islamic scholars is that any injection of medicine into the body will not break the fast provided that the medicine does not reach the brain or the stomach. Sheikh `Atiyyah Saqr, former head of Al-Azhar Fatwa Committee, states:

"Fasting is not broken by vaginal examination, examination of piles or tonsils using a spoon or things of the sort. An enema does not invalidate fasting unless the tool reaches the stomach.

"Fasting is not invalidated by intravenous, intra-muscular or subcutaneous injections, since they do not provide one with food or drink that satisfies hunger or quenches thirst.

"Nutritive injections, such as glucose injections and the like, are conventionally regarded as food that does break one's fast. Whoever takes nutritive injections can do without food for a long time as they satisfy hunger the way food does. This is in effect because when food is digested and absorbed, it is circulated in the blood to the entire body to meet its needs. Alternatively, nutrition could be directly injected into the blood without necessarily passing through the alimentary canal."

With regards to vaginal examinations, Mufti Ebrahim Desai states: "If no medication has been inserted into the vagina, the fast will not be broken. If any gel or other substance was inserted into the vagina, the fast will break. Ultrasound scanning does not invalidate the fast." With regards to injections, the Mufti states: "It is permissible to take an injection during fasting. The injection does not nullify the fast. (Ahsanul Fataawa vol.4 pg.432)."

Tasting Food

It is permissible for a fasting person to taste the food, if necessary, and his/her fast is still valid so long as he/she does not deliberately swallow anything of it. Sheikh M. S. Al-Munajjid, a prominent Saudi Muslim lecturer and author, adds²⁷: "There is nothing wrong with a fasting person tasting the food if he needs to, as long as he tastes it with the tip of the tongue and then spits it out without swallowing anything. But if the fasting person forgets and swallows it by mistake, there is no sin on him, and he should complete the fast. This is because the general rule of Shari`ah is that the person who forgets is excused."

10. SEXUAL RELATIONS

Permission to have sexual relations with your spouse

You are permitted to have sexual relations with your spouse during Ramadan nights. The Quran states: "Permitted to you on the night of the fasts is the approach to your wives. They are your garments. And ye are their garments."

Having sexual intercourse whilst fasting

Sexual relations whilst fasting is forbidden and will break the fast.

Narrated Aisha (Prophet's wife): "A fasting person is forbidden to have sexual intercourse." (Bukhari, volume three, page 82). Any sexual intercourse breaks the fast even if there is no emergence of semen in the male. For a female the slightest penetration will break the fast.

Making *ghusl* after having sexual relations before dawn

A common misconception is that a person who has sexual relations before suhur (or the commencement of the fast) has to perform *ghusl* (bath) before he/she can fast. All the schools concur that if a person has had sexual intercourse during the evening, his/her fast is acceptable even if *ghusl* has not been performed. All the schools encourage the performance of the *ghusl* as soon as possible. The Prophet (PBUH) said: "I am in a state of Janub, and I observe fast (in that very state)." (Muslim).

In response to a question on this issue Mufti Ebrahim Desai states²⁸: "It is not necessary to take ghusal before sehri. The bath may be taken after sehri before the fajr prayer."

Wet Dreams

Wet dreams do not invalidate a fast.

Masturbation

Sheikh Hamed Al-Ali, instructor of Islamic Heritage at the Faculty of Education, Kuwait and Imam of Dahiat As-Sabahiyya Mosque, states²⁹: "Masturbation during the daytime of Ramadan breaks the fast, based on the Hadith that a fasting Muslim gives up eating, drinking, and sexual desire for the sake of Allah. Since masturbation is a kind of sexual desire, a fasting Muslim must avoid it. The Prophet's (peace and blessing be upon him) mention of "sexual desire" after "eating and drinking" is evidence that it breaks the fast if one does fulfill his or her sexual desire during the daytime of Ramadan. Therefore, masturbation does invalidate the fast, as it is one of the sins that if someone does it he or she would be violating the sanctity of this month."

Embracing your wife while fasting

Narrated Abu Huraira: A man asked the Prophet (PBUH) whether one who was fasting could embrace (his wife) and he gave him permission; but when another man came to him, and asked him, he forbade him. The one whom he gave permission was an old man and the one whom he forbade was a youth. (Abu Dawud).

The implication in the Hadith is obvious. If a man embraces his wife and an emission occurs, the fast is broken. If a man has an emission by just looking at his wife, his fast is not broken.

Said Jabir: "A person who gets discharge after casting a look (on his wife) should complete his fast." (Bukhari, volume three, Hadith number 149).

The Prophet (PBUH) used to embrace and kiss his wives while fasting:

Narrated Aisha: "The Prophet (PBUH) used to kiss and embrace his wives while he was fasting, and he had more power to control his desires than any of you." (Bukhari, volume three, Hadith number 149).

Sheikh Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada, states³⁰: "Hugging your spouse in itself does not invalidate the fast; we read in the sources that the Prophet (peace and blessings be upon him) used to kiss his wife while fasting. We also read that once a person asked the Prophet (peace and blessings be upon him) "Am I allowed to kiss my wife while fasting?" He replied, "Yes." Hugging is comparable to kissing.

“Having said this, however, I must caution you to abstain from such acts if you find yourself unable to control your desire, for as Muslims we must keep away from all such acts that may inadvertently lead to invalidating our fasts. This is why we read in another hadith that the Prophet told another person not to kiss his spouse. In explaining the discrepancy between the two reports, Ibn `Abbas said, “The man he permitted was an older person, while the man he prohibited was a young man.” Therefore, if you have any doubt or fear of being unable to control yourself, then you should simply abstain from such actions altogether in order to save your fast. This is why the Prophet’s wife `A’ishah (may Allah be pleased with her) asked a person, “Who among you is capable of restraining himself as the Prophet (peace and blessings be upon him) had been?”

13. WHAT TO DO WHEN FASTS ARE BROKEN OR MISSED

Fasts Broken Or Missed

Dr Yusuf Al-Qaradawi, an author and prominent Muslim scholar, states³¹: “It is generally known that no days are equivalent to the days of Ramadan except the days of another Ramadan. At the same time, all days of Ramadan are originally fast-days, so that one can never make up the missed fast-days of Ramadan during another Ramadan. That is why Abu Hurairah, may Allah be pleased with him, said: **“Whoever did not observe fast for one day of Ramadan for no legal excuse or on account of a disease can never make it up later.”** (Narrated on the authority of Abu Hurairah, by Al-Tirmidhi, Abu Dawud, An- Nasa’i, Ibn Majah, Ibn Khuzaimah, and Al-Bayhaqi, and the quoted version is At-Tirmidhi’s.) However, one of its narrators is weak.

“It was also narrated, on the authority of Abu Hurairah, that a man did not observe fast in Ramadan deliberately with no legal excuses. Hence, Abu Hurairah said: **“Even if he fasts for a whole year, he will still not have made up for that day.”** It was also narrated, on the authority of Ibn Masu`d, that the Prophet, peace and blessings be upon him, said: **“If anyone breaks his fast one day in Ramadan without a concession granted to him by Allah, a perpetual fast will not atone for it.”**

“Whoever breaks his or her fast for one day of Ramadan deliberately without any legal concession, then even if he observed fast for life, it would not compensate for that day.” Abu Bakr and `Ali Ibn Abi Talib were also reported to have said words with the same meaning.

“Therefore, a Muslim must fear Allah and keep from deviating from the right path by observing the fast of Ramadan. He must have the ability to resist his desires, for whoever is defeated by hunger can never be victorious.”

If a person either breaks or misses a fast for a valid reason, then a fast in lieu of the one broken or missed must be kept. Similarly if a person breaks his/her fast by mistake, then a fast in lieu of the one broken must be kept.

Scholars summarise the following circumstances in which a fast can be broken:

- The need to take medicine failing which the person will be harmed.
- A pregnant woman fearing for either her safety or the safety of her child.
- If the milk of a woman who is breast feeding dries up.
- If a person’s life is endangered if the fast is not broken.
- A person experiences severe hunger or thirst.

Re-Performing Fasts Or Fasting In Lieu Of Those Missed

The fasts in lieu of those missed can be kept at any time after Ramadan. One fast needs to be kept per fast missed. Scholars are of the opinion that any nawafil (voluntary) fasts should only be kept once all the Ramadan fasts missed have been made up.

According to the Hanafi school, the missed fasts can be made up intermittently or consecutively.

If a person did not fast in lieu of fasts missed and the next Ramadan has commenced, then the person should fast the new month of Ramadan. Ibrahim said: "If somebody did not fast in lieu of the missed days of Ramadan till the next Ramadan came, then he should fast the present Ramadan and then the missed days of the previous Ramadan." (Bukhari, volume 3, Hadith number 40).

Kaffarah

The Prophet (PBUH) stated that kaffarah should be performed if a fast is broken deliberately through a sexual act.

Under Hanafi law, kaffarah becomes wajib under the following circumstances:

- Deliberately breaking a fast by eating (without a valid reason);
- Breaking a fast by a sexual act; and
- Missing a fast without a good reason (not accepted by all Hanafi scholars).

If the fast is broken through sexual activity, both parties need to perform kaffarah.

Performance of kaffarah is based upon the following Hadith of the Prophet (PBUH).

Narrated Abu Huraira: While we were sitting with the Prophet (PBUH) a man came and said, "O Allah's Apostle (PBUH)! I have been ruined." Allah's Apostle (PBUH) asked him what was the matter with him. He replied, "I had sexual intercourse with my wife while I was fasting." Allah's Apostle (PBUH) asked him, "Can you afford to manumit a slave?" He replied in the negative. Allah's Apostle (PBUH) asked him, "Can you fast for two successive months?" He replied in the negative. The Prophet (PBUH) asked him, "Can you afford to feed sixty poor persons?" He replied in the negative. The Prophet (PBUH) kept silent and while we were in that state, a big basket full of dates was brought to the Prophet. He asked, "Where is the questioner?" He replied, "I (am here)." The Prophet (PBUH) said (to him), "Take this (basket of dates) and give it in charity." (Bukhari, volume three, Hadith number 157).

Based on the above hadith, kaffarah is performed as follows:

- A slave must be freed. This does not apply in today's society.
- Fast for sixty consecutive days without missing any day in between. If a day is missed then the fasts kept to date will be invalid and the entire process recommenced. Under Hanafi an exception is made for a woman in her menstrual cycle. Should a day be missed, the entire two month cycle must be re-started.
- If a person is unable to fast due to old age or ill health, the person should feed 60 poor persons.

If a person opts to feed a poor person for 60 consecutive days and in that period the reason for being unable to fast is resolved, then the person should start the fast for 60 consecutive days. Any payments and feeding to date will be viewed as voluntary charity.

According to Imam Hanifa, if a person deliberately does not fast, that person is not required to make kaffarah. Imams Abu Yusuf and Mohammed (Hanafi jurists) were of the opinion that kaffarah was wajib in such a case.

Under Hanafi law, "A distinction will have to be made between the two acts necessitating kaffarah. If the kaffarah became wajib a number of times and it was due to sex, then a new

kaffarah has to be given every time the sex act is committed. But if the act which necessitated a kaffarah was due to eating intentionally, then the number of kaffarahs do not increase, but one kaffarah will suffice.”³²

Fidiya

The Holy Quran states: For those who can do it (with hardship) is a ransom the feeding of one that is indigent.

Those who due to old age, permanent disabilities or ill health who cannot fast must feed the poor for each fast not kept.

The fidiya amount for each compulsory fast not kept is the same as Sadaqah Fitr (refer to the section on broken and missed fasts), its cash equivalent or the feeding of a poor person for one day (two meals).

A person who has not paid fidiya, should include a clause in their will stating that all outstanding fidiya should be paid. If it is not so included, the payment can only be made from the one-third portion of the estate that qualifies not to be subject to Quranic allocations.

14. MISCELLANEOUS PROVISIONS ON FASTING

Students not fasting

Sheikh `Atiyyah Saqr, former head of Al-Azhar Fatwa Committee, states³³:

"Concerning the legal excuses that allow one not to observe the fast of Ramadan, Allah, Exalted be He, says: **“And whoever of you is sick or on a journey, (let him fast the same) number of other days; He desireth not hardship for you.”** (Al-Baqarah: 185) Sickness (referred to in this verse) that is considered a legal excuse for not observing the fast of Ramadan is that which occurs, becomes urgent, or is aggravated, as a result of fasting.

“The same ruling applies to one whose work requires hard labour, so that he cannot observe fast during his work hours, and, at the same time, he has no other means to earn his living. For instance, a baker works in the daytime where it is so hot that fasting becomes unbearable.

“However, one must bear in mind that legal excuses - such as illness and hard labour - must be actually found, and not just imagined or expected.

“As for students, they are not obliged to study during the daytime; they can strike a balance between their assignments and the available time. So, when Ramadan is in summer, when days are long and hot, students may study their lessons at night and they are not allowed to break the fast-days of Ramadan for the sole reason that they prefer studying during the daytime. Anyway, not observing the fast of Ramadan is by no means permissible, unless fasting entails serious problems, whether physically or mentally. When there is no such excuse, one must not even consider refraining from fasting in Ramadan.

Students may be allowed to break the fast-days of Ramadan if their examination is held during the daytime when it is very hot, i.e. between noon and sunset, in case hunger and thirst affect their concentration.

But, beware, all this applies only to a student who actually feels tiredness while taking his examination, but so long as he does not feel actual tiredness, he is never allowed to break the fast-days of Ramadan.

I therefore advise students who are sitting for/have exams during Ramadan to be pious and conscious of Allah, as the honourable verse goes, "**And whosoever keepeth his duty to Allah, He maketh his course easy for him.**" (At-Talaq: 4)"

Eating in the presence of one who is fasting.

Narrated Umm Umarah: The Prophet (PBUH) visited Umm Umarah and she put some food before him. He asked her to eat also. She said: I am fasting. Thereupon he observed: Angels call down blessings on a person who is fasting when other people eat in his presence till they finish (or till they have eaten their fill). (Mishkat).

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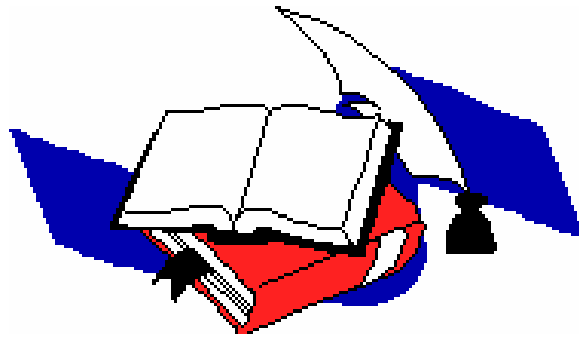
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- (3) Extra-special fasting means fasting of the heart from unworthy concerns and worldly thoughts, in total disregard of everything but Allah Most High."

Professor Sa'id Hawwa