

كتاب الصوم

ṢAWM – FASTING

Types of Fasting (Ṣawm)

الصوم ضربان : واجب ونفل، فالواجب ضربان : منه ما يتعلق بزمان بعينه كصوم رمضان والنذر المعين فيجوز صومه بنية من الليل فإن لم ينو حتى أصبح أجزاءه النية ما بينه وبين الزوال

Fasting (ṣawm) is of two types:

1. Obligatory and
2. Supererogatory.

The obligatory [type of fast] is of two types:

1. Of it is [that] which is connected to specific time, like the fasting of Ramadan and of specific vows (*nadhra*). Its fast is permitted with an intention formed during the night, and if one does not make the intention until the morning, the intention [made] between that [time] and the declination of the sun [from its meridian] is sufficient for him, and

والضرب الثاني : ما ثبت في الذمة كقضاء رمضان والنذر المطلق والكفارات فلا يجوز صومه إلا بنية من الليل وكذلك صوم الظهار والنفل كله يجوز بنية قبل الزوال

2. The second type [of fast] is [that] which becomes necessary to fulfil, like the *qaḍā'* of Ramadan, the unrestricted vow and [fasting for]

expiations (*kaffārāt*). The fasting of this [type], and likewise, the fast for *zihār*,²⁰⁴ is not permitted except with an intention [formed] during the night.

As to supererogatory [fasts], all of them are permitted with an intention [formed] prior to the declining [of the sun].

Ramadan Moonsighting

وينبغي للناس أن يلتصوا الهلال في اليوم التاسع والعشرين من شعبان فإن رأوه صاموا وإن غم عليهم أكملوا عدة شعبان ثلاثين يوماً ثم صاموا، ومن رأى هلال رمضان وحده صام وإن لم يقبل الإمام شهادته، وإذا كان في السماء علة قبل الإمام شهادة الواحد العدل في رؤية الهلال رجلاً كان أو امرأة حراً كان أو عبداً فإن لم يكن في السماء علة لم تقبل شهادته حتى يراه جمع كثير يقع العلم بخبرهم، ووقت الصوم من حين طلوع الفجر الثاني إلى غروب الشمس

It is incumbent upon people to seek the [new] crescent on the twentieth day of Sha'bān.²⁰⁵ If they see it, then they fast [the following day], but if it is concealed from them, they complete the period of Sha'bān as thirty days. Then they fast [Ramadan].²⁰⁶

Whoever sees the crescent of Ramadan by himself, is to begin fasting, even if the Imam²⁰⁷ does not accept his testimony.

If there is an obstruction in the sky, the Imam accepts the testimony of a single honest person for the sighting of the crescent [moon of Ramadan], be that person a man or a woman, freeman or slave, but if

²⁰⁴ Fasting because of having divorced a wife by the expressions that denote *zihār* divorce then wishing to take her back (See the section in the Chapter of *Talāq* - divorce).

²⁰⁵ Effectively, this constitutes the thirtieth night of Sha'bān, as the date starts at sunset.

²⁰⁶ Agreed upon by al-Bukhārī and Muslim.

²⁰⁷ "Imam" in the works of *fiqh* usually means the leader of the Muslims rather than the imam of the prayer, unless stated specifically. We only capitalise the former. Ed.

there is no obstruction in the sky, the testimony is not accepted unless a large group [of people] sees it,²⁰⁸ upon the reporting of which [definite] knowledge can be based.²⁰⁹

The timing of the fast is from the instance of the dawning of the second *fajr* until the setting of the sun.

والصوم هو: الإمساك عن الأكل والشرب والجماع نهار مع النية

The Meaning of Fasting

Fasting is:

1. Abstinence from:
 - i. Eating,
 - ii. Drinking, and
 - iii. Sexual intercourse,
2. During the day,
3. With intention.

فإن أكل الصائم أو شرب أو جامع ناسياً لم يفطر، فإن نام فاحتلم أو نظر إلى امرأته فأنزل أو ادهن أو احتجم أو اكتحل أو قبل لم يفطر

Miscellaneous Issues Pertaining to Fasting

If the person who is fasting (*ṣā'im*) eats, drinks or has sexual intercourse out of forgetfulness, he has not broken his fast. [Similarly,] if he sleeps and has a seminal discharge,²¹⁰ looks at a woman and ejaculates, applies oil [to his body], undergoes cupping, applies kohl, or kisses [a woman], he has not broken his fast.

فإن أنزل بقبلة أو لمس فعليه القضاء ولا كفارة عليه، ولا بأس

²⁰⁸ The new crescent of Ramadan.

²⁰⁹ The collective collaborating reports of a multitude of people generally form sound knowledge and are treated as factual evidence. Such reports are to be accepted by the Imam, i.e. the leader of the Muslims and, thereupon, his decision is based.

²¹⁰ Nocturnal emission due to a wet dream or otherwise.

بالقبلة إذا أمن على نفسه ويكره إن لم يأمن

If he ejaculates because of kissing or touching, then he is obligated to do *qadā'*, but is not obligated to expiate it. There is no harm in kissing if one is in control of oneself, and it is disapproved [to kiss] if not in control of oneself.

وإن ذرعه القيء لم يفطر وإن استقاء عامداً ملاً فمه فعليه القضاء ومن ابتلع الحصى أو الحديد أو النواة أفطر وقضى

If vomiting overwhelms him,²¹¹ his fast is not broken, but if he deliberately induces vomit such as fills his mouth, then *qadā'* is [due] upon him.

Whoever swallows a pebble, a [piece of] metal or a pit,²¹² has broken his fast and makes up [the fast by way of] *qadā'*.

ومن جامع عامداً في أحد السيلين أو أكل أو شرب ما يتغذى به أو يتداوى به فعليه القضاء والكفارة

Whoever deliberately:

1. Has sexual intercourse in either of the two passages, or
 2. Eats or drinks that by which nourishment is acquired or by which his medical requirement is achieved,
- is obligated to [make up the fast by] *qadā'* as well as expiate it.

والكفارة: مثل كفارة الظهر

The expiation [of fasts] is like the expiation of *zihār*.²¹³

ومن جامع فيها دون الفرج فأنزل فعليه القضاء ولا كفارة عليه

Whoever has sexual intercourse in other than the vaginal passage

211 Being a mouthful or more.

212 The stones of fruits such as cherries, peaches or plums.

213 This is injurious comparison by the husband of his wife to his mother, which makes her unlawful to him (See Chapter of *Zihār* – Injurious Comparison).

(*farj*),²¹⁴ and ejaculates, then *qadā'* is due upon him but no expiation is due upon him.

وليس في إفساد الصوم في غير رمضان كفارة

There is no expiation for violating a fast outside of [the fast] of Ramadan.

ومن احتقن أو استعطأ أو أقطر في أذنه أو داوى جائفة أو آمة بدواء رطب فوصل إلى جوفه أو دماغه أفطر

Whoever takes an enema,²¹⁵ sniffs [something through his nostrils], pours drops into his ear, treats a body cavity or a wound with moist medicine and it reaches his stomach or his brain, has invalidated his fast.²¹⁶

وإن أقطر في إحليله لم يفطر عند أبي حنيفة ومحمد رحمهما الله تعالى وقال أبو يوسف رحمه الله تعالى: يفطر

If one pours drops [of medicine] into his urethra, he does not break his fast, according to Abū Ḥanīfah and Muḥammad, may Allah, exalted is He, have mercy on them, but Abū Yūsuf, may Allah, exalted is He, have mercy on him, said that he does break the fast.

ومن ذاق شيئاً بضمه لم يفطر ويكره له ذلك، ويكره للمرأة أن تمضغ لصببها الطعام إذا كان لها منه بد، ومضغ العلك لا يفطر الصائم ويكره

Whoever tastes something with his mouth, does not break his fast, but it is disapproved for him.

It is disapproved for a woman to chew food for her child, if there is

214 Vaginal intercourse.

215 Administration of a medicine via the anus.

216 Hypodermic, intramuscular, and intravenous injections do not invalidate the fast.

[another] way out for her.

The chewing of gum does not make the one who is fasting break the fast, though it is disapproved.

ومن كان مريضا في رمضان فخاف إن صام إزداد مرضه أفطر وقضى، وإن كان مسافرا لا يستضر بالصوم فصومه أفضل وإن أفطر وقضى جاز، وإن مات المريض أو المسافر وهما على حالهما لم يلزمهما القضاء، وإن صح المريض أو أقام المسافر ثم ماتا لزمهما القضاء بقدر الصحة والإقامة

Whoever is ill in [the month of] Ramadan, and fears [that], if he fasts, his illness will intensify, should not fast and [he] performs it as *qaḍā'*.

If one is a traveller, who is not harmed by fasting, then that he fast is better, but it is permitted for him not to fast but to delay the performance [of the fast].

If the ill person or the traveller dies, and they were both in that state [of illness or journey], *qaḍā'* is not binding upon them. If, however, the ill person recovers [from his illness], or the traveller becomes a resident and, thereafter, they die, *qaḍā'* is binding upon them to the extent of the duration of their becoming well or adopting residence [respectively].²¹⁷

وقضاء رمضان إن شاء فرقه وإن شاء تابعه فإن آخره حتى دخل رمضان آخر صام رمضان الثاني وقضى الأول بعده ولا فدية عليه

[With regards to] the *qaḍā'* of [the fasts of] Ramadan, one may separate them, if he wants, or if he wants, he may perform them successively. If one delays [the *qaḍā'*] until the following Ramadan begins, he should fast the second Ramadan and perform the first [Ramadan's missed fasts] by way of *qaḍā'* after it, and there is no redemption (*fiḍyah*) due from him.

²¹⁷ This is due to there being no valid excuse for them to abstain from fasting during their days of good health, if one was ill prior to that, and during their days of residence, if one was travelling prior to that.

والحامل والمرضع إذا خافنا على أنفسهما أو ولديهما أفطرتا وقضتا ولا فدية عليهما

When a pregnant woman and a breastfeeding woman are apprehensive for themselves or [for] their child, they break the fast, and fast by way of *qaḍā'*, and there is no redemption due from them.

والشيخ الفاني الذي لا يقدر على الصيام يفطر ويطعم لكل يوم مسكينا كما يطعم في الكفارات

The decrepit old person who is not able to fast should not fast. He should [instead] feed one needy person for each day [of missed fasting] just like one would feed for expiations.

ومن مات وعليه قضاء رمضان فأوصى به أطعم عنه ولية لكل يوم مسكينا نصف صاع من بر أو صاعا من تمر أو شعير

Whoever dies and the *qaḍā'* of Ramadan was due from him, and he had put it in his will, his executor (*walī*) should feed on his behalf one destitute person for each day [missed] a half *ṣā'* of wheat or a *ṣā'* of dates or barley.

ومن دخل في صوم التطوع ثم أفسده قضاءه
Whoever begins a voluntary fast and then violates it, should make it up by way of *qaḍā'*.

وإذا بلغ الصبي أو أسلم الكافر في رمضان أمسكا ببقية يومها وصام ما بعده ولم يقضيا ما مضى

When a minor attains [the age of] majority or a non-Muslim becomes Muslim in Ramadan, they abstain [from things that nullify the fast] for the rest of [that] day of theirs, and they fast after that [day]. They do not make up by way of *qaḍā'* whatever [fasts] have passed.²¹⁸

²¹⁸ This is because the commands of the *sharīḥ* only apply to those who possess the

ومن أغمي عليه في رمضان لم يقض اليوم الذي حدث فيه الإغماء
قضى ما بعده وإذا أفاق المجنون في بعض رمضان قضى ما مضى
نه و صام ما بقي

Whoever is overcome by unconsciousness during Ramadan does not make up as *qadā'* [the fast of] the day in which the unconsciousness took place, but he should make up as *qadā'* whatever [fasts] come after it. When the insane person recovers [from his insanity] for a part of Ramadan, [after Ramadan] he should make up by way of *qadā'* whatever [fasts] have passed, and he should fast whatever [days] remain [in the month].

وإذا حاضت المرأة أو نفست أفطرت وقضت إذا طهرت

When a woman menstruates or enters the postnatal period, she should break her fast²¹⁹ and make it up by way of *qadā'* when she becomes pure.

وإذا قدم السافر أو طهرت الحائض في بعض النهار أمسكا عن
الطعام والشراب بقية يومهما

When a traveller arrives [at his destination], or a menstruating woman attains purity during [any] part of the day, they should abstain from food and drink for the remainder of [that] day of theirs.

ومن تسحر وهو يظن أن الفجر لم يطلع أو أفطر وهو يرى أن
الشمس قد غربت ثم تبين أن الفجر كان قد طلع أو أن الشمس
لم تغرب قضى ذلك اليوم ولا كفارة عليه

required legal capacity (*ahliyyat al-wujūb*) which was absent in both these cases prior to attaining majority and becoming Muslim. The minor and the non-Muslim do not possess legal capacity unless they attain majority or accept Islam, respectively.

²¹⁹ This is with regards to the menses beginning whilst she is fasting. If, however, she is menstruating before she has begun her fast, she does not fast whilst in that condition.

Whoever wakes up for the pre-dawn meal and believes that *fajr* has not yet dawned or breaks his fast believing that the sun has set, and then it becomes evident [to him] that the *fajr* had already dawned or that the sun had not yet set, should perform [one fast] as *qadā'* for that day, but there is no expiation due from him.

'Īd al-Fitr Moonsighting

ومن رأى هلال الفطر وحده لم يفطر، وإذا كانت بالسما علة لم
يقبل الإمام في هلال الفطر إلا شهادة رجلين أو رجل وامرأتين وإن
لم تكن بالسما علة لم يقبل إلا شهادة جماعة يقع العلم بخبرهم

Whoever alone sees the crescent of the [*īd* of] *fiṭr*, should not break his fast.

When there is an impediment in the sky [which hinders the sighting of the moon], the Imam should not accept for [the sighting of] the crescent of the [*īd* of] *fiṭr* anything but the testimony of two men, or one man and two women. However, if there is no obstruction in the sky, he should not accept anything except the testimony of a group by whose reporting [definite] knowledge comes about.

باب الاعتكاف

I'TIKĀF – SECLUSION

الاعتكاف مستحب، وهو اللبث في المسجد مع الصوم ونية
الاعتكاف

I'tikāf is a recommended [act],²²⁰ and it is [defined as] staying inside the mosque,²²¹ with fasting and [with] the intention of *i'tikāf*.

²²⁰ During the last ten days of Ramadan *i'tikāf* is a communal (*kifāyah*) *sunnah mu'akkadah*. For days outside of this period it is a recommended (*mustahabb*) act.

²²¹ Women may perform *i'tikāf* in the home in their normal location of prayer. If there is no specific location where she offers her prayer, she may specify a spot where she will perform the *i'tikāf*.