

فقه الصيام وزكاة الفطر

FIQH OF FASTING AND ZAKĀT AL-FITR

Including important rulings on modern issues

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**In the name of Allāh,
the Most Merciful, the Bestower of Mercy**

Definition of Ṣawm (fasting)

Linguistic definition: To abstain from something.

Islamic definition: Seeking closeness to Allāh by abstaining from food, drink and other actions which invalidate a person's fast, from true dawn to sunset.

The pillars of Ṣawm

Two pillars must be fulfilled otherwise the fast is invalid:

1. A sincere niyyah (intention).
2. Abstaining from anything which invalidates the fast.

The benefits of Ṣawm

1. It is pleasing to Allāh and develops Taqwa.
2. It increases self-control, whilst decreasing desires.
3. It is a prevention from committing sins.
4. It cultivates values of sincerity and piety.
5. It demonstrates patience and self-discipline.
6. It sprouts the seeds of mercy.
7. It protects the body from overeating thus preventing illness.
8. It develops mental strength and tolerance as well as reducing temperament and anger.
9. Fasting is an avenue to further goodness.
10. It strengthens a person's relationship with Allāh.

Why do we fast?

We fast in submission to the command of Allāh, to draw closer to Him, seeking His pleasure and as a means for our sins to be forgiven.

The different types of Ṣawm

1. Obligatory fasts: This includes the month of Ramaḍān, and fasting to fulfil expiations and vows.
2. Encouraged fasts: This includes the 6 days of Shawwāl, the day of 'Arafah, 'Ashūrah (the 10th of Muḥarram), every Monday & Thursday and

- fasting the days of the full moon.
3. Disliked fasts: To single out Friday or Saturday as a fast, unless it is due to a reason such as the day of ‘Arafah coinciding with a Friday or Saturday.
 4. Impermissible fasts: Fasting the days of ‘Eid, fasting consecutive days without Iftār, fasting the days of Tashrīq without reason, to specify the month of Rajab for special fasts and to fast a “day of doubt” i.e. fasting the last day of Sha’bān with the excuse that “perhaps Ramaḍān has entered”.

The Niyyah (intention)

For obligatory fasts, the niyyah must be made anytime before the Fajr prayer.

As for encouraged fasts, the intention is made at any time, as long as a person has not already eaten or done something which invalidates the fast; the reward is according to how early a person begins fasting. The intention is in the heart, and verbalising it is a Bid’ah.

Conditions of Ṣawm

1. Islām: Fasting is only accepted from a Muslim.
2. Intellect: A person who is mentally disabled is not obligated to fast.
3. Puberty: Fasting is obligated after the age of puberty. However, when a young child reaches Tamyīz - the age of distinction which is usually 7 years old - and is healthy enough, he/she is encouraged to fast.
4. Residence: Fasting is not obligated upon a person who is travelling, although it is better to fast as long as there is no difficulty upon him. Why?
 - i) The Prophet ﷺ often fasted whilst on a journey.
 - ii) The fast need not be made up at a later date.
 - iii) It is easier to fast during Ramaḍān.
5. Health: An ill or weak person does not need to fast.
6. Purity: Women have to be upon purity from menstruation and post-natal bleeding.

The beginning of Ramaḍān

It is determined by one of two ways:

1. The sighting of the new moon by an honest, reliable and trustworthy Muslim.
2. If the moon cannot be sighted due to clouds or bad weather, then by the completion of 30 days of the month of Sha'bān.

Encouraged acts during the fast

1. Delaying Suḥūr within its latest time.
2. Hastening to Iftār at its earliest time, without delay.
3. Breaking the fast with fresh dates and water; or dry dates. If there is no food, a fast can be broken with water. In the absence of both food and drink, the fast is broken with an intention.
4. Increasing in Du'ā and Dhikr especially before Iftār; reciting Qur'ān, giving charity and praying Tarāwīḥ.
5. Performing 'Umrah during Ramaḍān which equates to the reward of Ḥajj. [at-Tirmidhi]
6. Increasing in 'Ibādah during the last ten nights, hoping to attain the virtue of Laylat al-Qadr.
7. I'tikāf in the last ten days in the Masjid for both men and women.

Acts which invalidate the fast

1. Eating and drinking intentionally: If a person eats or drinks forgetfully, the fast is valid and should continue as normal.
2. Chewing gum: this invalidates the fast because the sugars and flavourings dissolve in the saliva and enter the stomach.
3. Sexual intercourse: If a person has sexual intercourse during an obligatory fast, a Kaffārah (expiation) must be undertaken in addition to sincere Tawbah:
 - i) Freeing a slave; if unable to do so,
 - ii) Fasting 2 consecutive months,
 - iii) If unable to do so, feeding 60 poor people.
4. Discharge of semen due to touching, kissing, or any other voluntary action out of desire.

5. Any form of nutritional therapy inc. injections containing nutrition, IV drips, vitamin drops or tablets etc.
6. Excessive bleeding: This could be due to cupping or other forms of excessive bleeding. [Fatāwa al-Lajnah ad-Dāima 10/263]
7. Vomiting intentionally i.e. inducing vomit. [Ibn Mājah]
8. Menstruation and post-natal bleeding.

Acts which do not invalidate the fast

1. Eating or drinking forgetfully. [al-Bukhāri & Muslim]
2. Swallowing saliva. [Fatāwa al-Lajnah ad-Dāima 10/270].
3. Tasting a tiny amount of food during cooking. [Ibn Abbās in al-Bayhaqi]
4. To take a shower, wear perfume, use cosmetics, use Miswāk, or brush teeth using toothpaste - however the latter should not be excessive.
5. A discharge of small amount of blood such as a nose bleed or cut; or a discharge of a small amount blood for analysis. [Ibn 'Uthaymīn in Fatāwa Arkān al-Islām p. 478]
6. Using eye or ear drops; as for nose drops & sprays, it is better to avoid them during the fast as the nose is an opening to the throat. [Majmū' Fatāwa Ibn Bāz 15/260]
7. Using mouthwash does not invalidate the fast as long care is taken for it to not enter the throat. [al-Muntaqā min Fatāwa al-Fawzān 3/121]
8. Being in a state of Janābah before beginning the fast, or having a wet dream whilst fasting. Wuḍū is not a condition for fasting.
9. Cutting hair or clipping nails.
10. Any non-nutritional injection such as anaesthetics. [Fatāwa Ibn Bāz 15/258]
11. Artificial oxygen [Majallat Majma' al-Fiqh al-Islāmi 10/2/96, 454]
12. Insulin injections for diabetes due to a need; if insulin can be delayed until the night, that is better. [Fatāwa al-Lajnah ad-Dāima 10/252].

Impermissible acts during the fast

These actions are impermissible, but do not invalidate:

1. Swallowing phlegm excessively. [Ibn 'Uthaymīn in Liqā al-bāb al-maftūḥ #153]
2. Spouses in their youth kissing each other, as this may lead to further actions.
3. Evil speech such as lying, back biting, slandering, swearing etc.
4. Bad behaviour, oppression, violence and a lack of tolerance towards others.

How does an ill person make up fasts?

1. If a person is suffering from a chronic illness for which a recovery is not expected, is weak or old and unable to fast, there is no obligation to fast. Instead, a poor person must be fed for each day missed. Each poor person must be given the staple food of the locality such as wheat or rice to the measure a half a Ṣā' (approx. 1.5kg). A poor person(s) can either be given the raw food, or be invited to consume the food cooked.
2. If a person is suffering from a temporary illness, or a woman is menstruating or bleeding due to child birth, the missed fasts are simply made up at a later date according to the number of days missed.
3. A pregnant or breastfeeding woman who fears for her health, is unable to breastfeed or fears for her child, is permitted to miss fast and make up the missed fasts up at a later date. However, if fasting does not impact her, she must fast.

[Fatāwa al-Lajnah ad-Dāima 10/220]

Making up missed days

Missed days of fasting should be made up immediately after the day of 'Eid, however they can be delayed to shorter days to make it easier if need be.

It is prohibited to delay making up missed fasts until the next Ramaḍān enters. If this was done without a valid excuse, the fasts have to be made up

as well as a poor person fed for each day delayed. If the fasts were delayed due to a valid excuse, they have to be made up without the expiation. [Fatāwa al-Lajnah ad-Dāima 10/157]

Relatives of a deceased person can make up for any missed days on behalf of the deceased. [al-Bukhāri & Muslim]

ZAKĀT AL-FIṬR

This is charity paid by Muslims at the end of Ramaḍān on the day of Eid.

The obligation of Zakāt al-Fiṭr

It is an obligation upon every Muslim, young and old, male and female who possesses excess food. [al-Bukhāri & Muslim]

Upon whom is the obligation of Zakāt al-Fiṭr?

The head of the family should give Zakāt al-Fiṭr for himself and his family members who are under his responsibility. It is recommended for it to be given on behalf of the foetus in the womb of the mother. [Fatāwa Ibn Bāz 14/200]

Wisdom behind Zakāt al-Fiṭr

It purifies a person's fast from any false and idle speech that may have emanated from him, as well as enabling the poor to enjoy 'Eid without having to worry about food.

Why do Muslims give Zakāt al-Fiṭr?

To display gratitude to Allāh for the blessing of Ramaḍān, and hoping for any deficiencies to be expiated.

Time for its donation:

1. Permitted time: Before 'Eid by one or two days.
2. Recommended time: Before the 'Eid Prayer, after Fajr.

Delaying the Zakāt al-Fiṭr until after 'Eid

The virtue of it being Zakāt has been missed, and instead it is counted as ordinary charity.

The amount to be donated

A person should donate one Ṣā' (3kg approx.) of the staple food of one's country, such as barley, wheat or rice.

Can money be donated instead of food?

It is not permitted to donate money of its value, but money can be given to a person or a charity who will buy food on their behalf and distribute it.

Where should the food be distributed?

It should be distributed to poor people within one's locality, unless there is a greater benefit in it being distributed elsewhere. [Ibn Bāz in Liqā al-bāb al-maftūḥ #460]

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