



The *Fiqh* of Fasting

According to the School of Imam Abu
Hanifa



‘O you who believe, fasting is prescribed on you as it was prescribed for those before you so that you may attain piety.’ (Quran 2:183)

The Prophet (Allah bless him and give him peace) said, **‘Whoever fasts Ramadan with belief and anticipation of a reward, his past sins are forgiven.’** (al-Bukhari)



FASTING IS THE FOURTH PILLAR OF ISLAM

LEARNING OBJECTIVES

1. Review the five rulings of Shariah
2. Review the four types of authority in revealed texts
3. Understand the division of legal rulings in the Hanafi school
4. The definition of fasting
5. The types of fasts
6. When is Ramadan established? – Moon sighting vs. Calculation



REVIEW OF THE FIVE LEGAL RULINGS

- 1] Obligatory (*Wajib*)
- 2] Recommended (*Mustahabb*)
- 3] Neutral (*Mubah*)
- 4] Disliked (*Makruh*)
- 5] Unlawful (*Haram*)

THE FOUR LEVELS OF AUTHORITY IN REVEALED TEXTS

TRANSMISSION OF TEXT

1. *Qat'i al-Wurud* (Clear-cut transmission)
2. *Zanni al-Wurud* (Probabilistic transmission)

MEANING INDICATED IN TEXT

1. *Qat'i al-Dilala* (Clear-cut indication)
2. *Zanni al-Dilal* (Probabilistic indication)

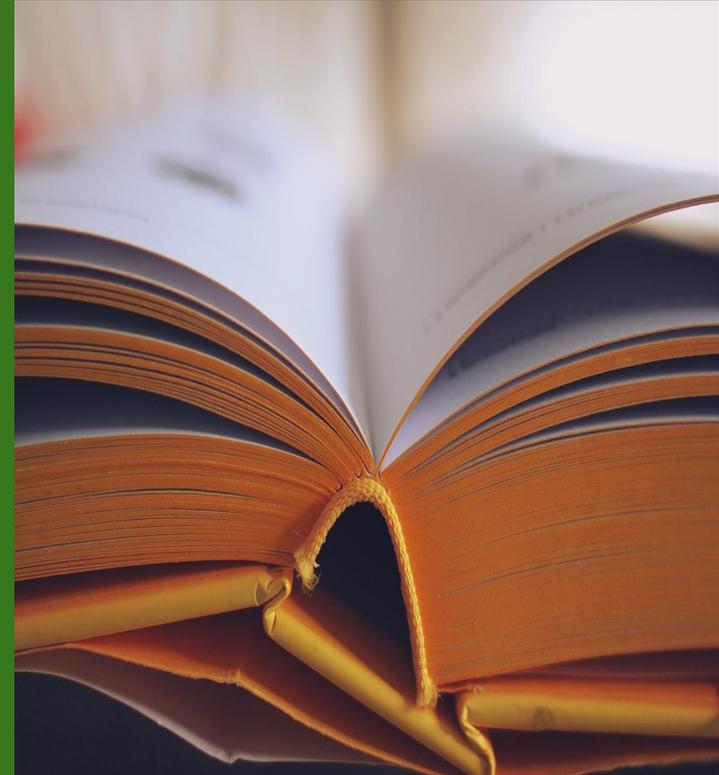
FOUR POSSIBILITIES WITH REVEALED TEXTS

- 1] Clear-cut transmission + Clear-cut indication = *qat'i*
- 2] Clear-cut transmission + Probabilistic indication = *zanni*
- 3] Probabilistic transmission + Clear-cut indication = *zanni*
- 4] Probabilistic transmission + probabilistic indication = *zanni*



LEGAL RULINGS IN THE HANAFI SCHOOL

- 1] The 'Five legal rulings' are broadly agreed upon by all.
- 2] In the Hanafi school, however, the jurists have a different division based on what is *Qat'i* and what is *Zanni* in its transmission (*wurud*) and indication (*dilala*)
- 3] This is important to know because it is reflected in the types of legal rulings covered in law according to the Hanafi school.



POSITIVE COMMAND (*AMR*)

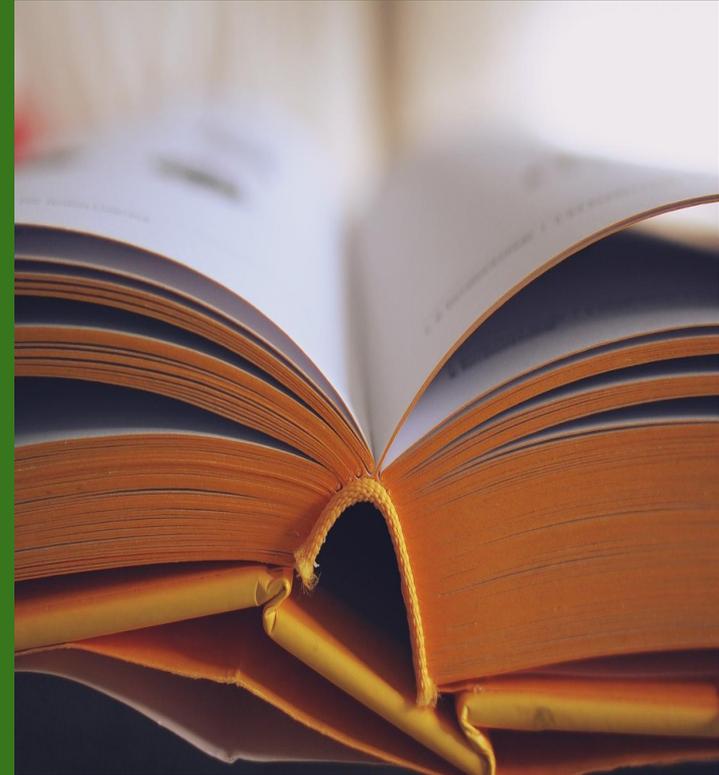
MANDATORY:

- a) *Fard*—text and meaning are definitive (*qat'i*).
- b) *Wajib*—text or meaning is not definitive (*zanni*).

VOLUNTARY:

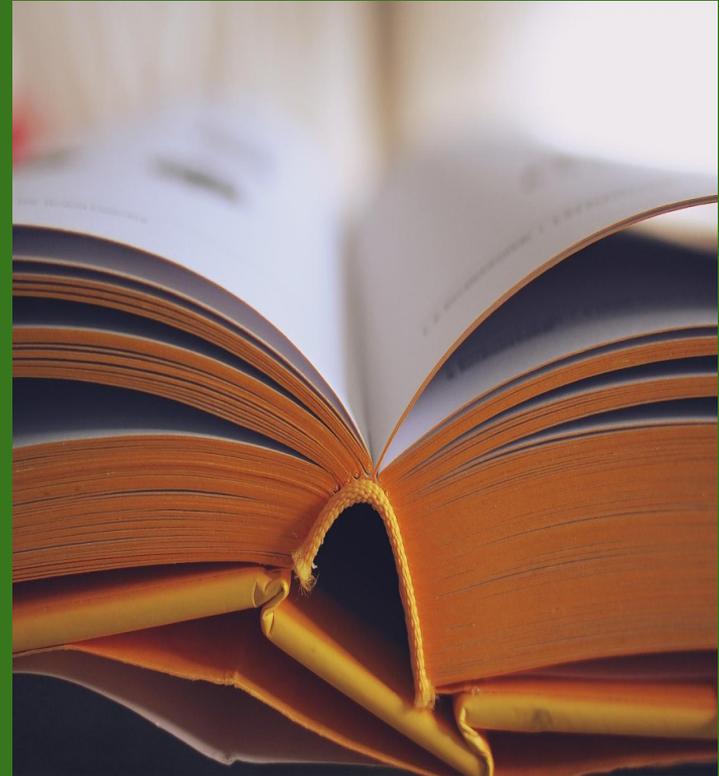
Sunna

- Mu'akkada* (highly emphasised)
- Ghayr Mu'akkada* (not highly emphasized)
- Nafl* (voluntary/superagatory)
- Mustahabb* (recommended)



PROHIBITION (*NAHY*)

- 1] *Haram* – clear-cut text and transmission.
- 2] *Makruh Tabrimi* (prohibitively disliked) – when the text establishing it is not *qat'i*.
- 3] *Makruh Tanzihi* (mildly disliked).



What is Fasting?

Linguistically, the word fasting means **unconditional ‘restraint’** (*imsak*).

According to the Law, fasting is the act of:

‘Refraining from entering anything into the body cavity, whether deliberately or accidentally, or engaging in intercourse, from true dawn to the time the sun sets, accompanied with the intention of fasting from individuals who are permitted to fast.’

Types of Fasts

1. Obligatory (*Fard*)

2. The current Ramadan (*ada'*)
 - a) Makeup fasts from previous Ramadans (*qada'*).

2. Mandatory (*Wajib*)

- a) *Kaffara* – fasts that are expiations
- b) *Nadhr* – vowed fasts
- c) Makeup of broken voluntary (*nafl*) fast

3. *Sunna*

- a) 'Ashura along with either the 9th or 11th (*makruh* to only fast the 10th)

4. *Mustahabb/Mandub*

- a) Three days a month (13th, 14th, 15th a separate recommended aspect)
- b) Mondays and Thursdays
- c) Six days in Shawwal, either consecutively or spread out in month

Types of Fasts

5. **Voluntary (*nafl*)** – any other day as long as it's not disliked

6. **Prohibitively disliked (*makruh tabrimi*)**

- a) Days of Eid
- b) Days of *Tashriq* (three days after Eid al-Adha)

7. **Mildly disliked (*makruh tanzibi*):**

- a) Singling out:
 - Friday
 - Saturday
 - Nayruz* (a Persian spring holiday)
 - Mahrajan (a Persian autumn holiday)... [*this would apply to other non-Muslim holidays*]
- b) Consecutive fasting (*wisal*) –fasting two or more days without eating in between
- c) Perpetual fasting (*sawm al-dahr*) – fasting for the entire year

Upon Whom is Fasting in Ramadan Obligatory?

Fasting the month of Ramadan is obligatory upon every Muslim, male and female, who is **sane** and **pubescent**.



When Does Fasting Become Obligatory?

فَمَنْ شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ

'So whoever among you witnesses it, let him fast...'

The beginning of Ramadan is established by:

- A] The sighting of the crescent moon, or;
- B] The completion of thirty days of Sha'ban.

(It is disliked to fast on the 'Day of Doubt' (*Yawm al-Shakk*), i.e., the day after the 29th of Sha'ban).



MOONSIGHTING ISSUES

Beginning of Ramadan

- a) Cloudy: One upright person is enough.
- b) Clear: Multiple witnesses required.

End of Ramadan

- a) Cloudy: Two free males or one male and two females
- b) Clear: Large body of people (determined by Qadi)

**If one person sees it on a cloudy day and the Qadi rejects his testimony, he still fasts.*



MOONSIGHTING ISSUES

- 1] The beginning of Ramadan is not a private matter for people to decide. Possible sightings are raised to the Qadi who will then consider to accept or reject the sighting.
- 2] This is why there is rarely a disagreement among people in a Muslim country over the start date.
- 3] The process of establishing and announcing the date ensures the communal objective of Ramadan.
- 4] As religious minorities without authorities (the Wild Wild West), each community will either:
 - a) Go with local sighting
 - b) Go with global sighting
 - c) Follow astronomical calculations
- 5] Each of these methods has a basis within the four schools of law:
 - **Astronomical calculations** – a strong view in the Shafi'i school (but not as most think!)
 - **Global sighting** – held as strongest view in the Hanafi and Hanbali school, and a view in the Maliki school.
 - **Local sighting** – the strongest view in the Shafi'i school and a view in the Maliki school.

What is Fasting?

'Refraining from entering anything into the body cavity, whether deliberately or accidentally, or engaging in intercourse, from true dawn to the time the sun sets, accompanied with the intention of fasting from individuals who are permitted to fast.'

1. Refraining from entering anything into the body cavity...
2. Whether deliberately or accidentally...
3. Or engaging in intercourse...
4. From true dawn to the time the sun sets...
5. Accompanied with the intention of fasting...
6. From individuals who are permitted to fast.

NEXT CLASS

- 1] The intention in fasting in general (Ramadan and other fasts)
- 2] The *Muftirat* (what breaks the fast) and their categories.
- 3] What does not break the fast.
- 4] What is disliked while fasting.
- 5] What is *Fidya*.
- 6] Menstruation issues in fasting.
- 7] Modern issues in fasting
- 8] *I'tikaf*
- 9] Spiritual dimension of fasting