Al-Islam.org
Ahlul Bayt Digital Islamic Library Project
Published on *Al-Islam.org* (https://www.al-islam.org)

3. Siyam, Fasting

Fasting in the month of Ramadan is one of the `pillars' of the Islamic faith. No proof is required to establish its being obligatory (*wajib*) and one denying it goes out of the fold of Islam, because it is obvious like *salat,* and in respect of anything so evidently established both the learned and the unlettered, the elderly and the young, all stand on an equal footing.

It was declared an obligatory duty (*fard*) in the second year of the Hijrah upon each and every *mukallaf* (one capable of carrying out religious duties, i.e. a sane adult) and breaking it (*iftar*) *is* not permissible except for any of the following reasons:

1. *Hayd* and *nifas*: The schools concur that fasting is not valid for women during menstruation and puerperal bleeding.

2. Illness: The schools differ here.

● The Imamis observe: Fasting is not valid if it would cause illness or aggravate it, or intensify the pain, or delay recovery, because illness entails harm (*darar*) and causing harm is prohibited (*muharram*).

Moreover, a prohibition concerning an *`ibadah* (a rite of worship) invalidates it. Hence if a person fasts in such a condition, his fast is not valid (*sahih*). *A* predominant likelihood of its resulting in illness or its aggravation is sufficient for refraining from fasting. As to excessive weakness, it is not a justification for *iftar* as long as it is generally bearable. Hence the extenuating cause is illness, not weakness, emaciation or strain, because every duty involves hardship and discomfort.

● The four Sunni schools state: If one who is fasting (*sa'im*) falls ill, or fears the aggravation of his illness, or delay in recovery, he has the option to fast or refrain. *Iftar is* not incumbent upon him; it is a relaxation and not an obligation in this situation. But where there is likelihood of death or loss of any of the senses, *iftar is* obligatory for him and his fasting is not valid.

3. A woman in the final stage of pregnancy and nursing mothers.

● The four schools say: If a pregnant or nursing woman fears harm for her own health or that of her child, her fasting is valid though it is permissible for her to refrain from fasting. If she opts for *iftar,* the schools concur that she is bound to perform its make up (*qada'*) later. They differ regarding its substitute (*fidyah*) and atonement (*kaffarah*).

– In this regard the Hanafis observe: It is not at all *wajib.*

– The Malikis are of the opinion that it is *wajib* for a nursing woman, not for a pregnant one.

– The Hanbalis and the Shafi`is say: *Fidyah is wajib* upon a pregnant and a nursing woman only if they fear danger for the child; but if they fear harm for their own health as well as that of the child, they are bound to perform the *qada'* only without being required to give *fidyah.* The *fidyah* for each day is one *mudd,* which amounts to feeding one needy person (*miskin.*). 1

● The Imamis state: If a pregnant woman nearing childbirth or the child of a nursing mother may suffer harm, both of them ought to break their fast and it is not valid for them to continue fasting due to the impermissibility of harm. They concur that both are to perform the *qada'* as well as give *fidyah,* equalling one *mudd,* if the harm is feared for the child. But if the harm is feared only for her own person, some among them observe: She is bound to perform *qada'* but not to give *fidyah,* others say: She is bound to perform *qada'* and give *fidyah* as well.

4. Travel, provided the conditions necessary for *salat al-qasr,* as mentioned earlier, are fulfilled as per the opinion of each school.

● The four Sunni schools add a further condition to these:

● The journey should commence before dawn and the traveler should have reached the point from where *salat* becomes *qasr* before dawn. Hence if he commences the journey after the setting in of dawn, it is *haram* for him to break the fast, and if he breaks it, its *qada' will* be *wajib* upon him without a *kaffarah.*

● The Shafi'is add another condition, which is that the traveller should not be one who generally travels continuously, such as a driver. Thus if he travels habitually, he is not entitled to break the fast.

● In the opinion of the four Sunni schools, breaking the fast is optional and not compulsory. Therefore, a traveller who fulfils all the conditions has the option of fasting or *iftar.* This is despite the observation of the Hanafis that performing *salat* as *qasr* during journey is compulsory and not optional.

● The Imamis say: If the conditions required for praying *qasr* are fulfilled for a traveler, his fast is not acceptable. Therefore, if he fasts, he will have to perform the *qada'* without being liable to *kaffarah.* This is if he starts his journey before midday, but if he starts it at midday or later, he will keep his fast and in the event of his breaking it will be liable to the *kaffarah* of one who deliberately breaks his fast.

And if a traveler reaches his hometown, or a place where he intends to stay for at least ten days, before midday without performing any act that breaks the fast, it is *wajib* upon him to continue fasting, and in the event of his breaking it he will be like one who deliberately breaks his fast.

5. There is consensus among all the schools that one suffering from a malady of acute thirst can break his fast, and if he can carry out its *qada'* later, it will be *wajib* upon him without any *kaffarah,* in the opinion of the four schools. In the opinion of the Imamis, he should give a *mudd* by way of *kaffarah.* The schools differ in regard to acute hunger, as to whether it is one of the causes permitting *iftar,* like thirst.

● The four schools say: Hunger and thirst are similar and both make *iftar* permissible.

● The Imamis state: Hunger is not a cause permitting *iftar* except where it is expected to cause illness.

6. Old people, men and women, in late years of life for whom fasting is harmful and difficult, can break their fast, but are required to give *fidyah* by feeding a *miskin* for each fast day omitted: similarly a sick person who does not hope to recover during the whole year. The schools concur upon this rule excepting the Hanbalis, who say: *Fidyah is mustahabb* and not *wajib.*

7. The Imamis state: Fasting is not *wajib* upon one in a swoon, even if it occurs only for a part of the day, unless where he has formed the *niyyah* of fasting before it and recovers subsequently, whereat he will continue his fast.

Disappearance of the Excuse

If the excuse permitting *iftar* ceases--such as on recovery of a sick person, maturing of a child, homecoming of a traveller, or termination of the menses--it is *mustahabb* in the view of the Imamis and the Shafi`is to refrain (*imsak*) from things that break the fast (*muftirat*) as a token of respect. The Hanbalis and the Hanafis consider *imsak* as *wajib,* but Malikis consider it neither *wajib* nor *mustahabb.*

Conditions (Shurot) of Fasting

As mentioned earlier, fasting in the month of Ramadan is *wajib* for each and every *mukallaf.* Every sane adult (*al-baligh al-`aqil*) *is* considered *mukallaf.* Hence fasting is neither *wajib* upon an insane person in the state of insanity nor is it valid if he observes it. As to a child, it is not *wajib* upon him, though valid if observed by a *mumayyiz.*

Also essential for the validity of the fast are Islam and *niyyah* (intention). Therefore, as per consensus, neither the fast of a non-Muslim nor the *imsak* of one who has not formed the *niyyah is* acceptable. This is apart from the afore-mentioned conditions of freedom from menses, puerperal bleeding, illness and travel.

As to a person in an intoxicated or unconscious state:

● The Shafi`is observe: His fast is not valid if he is not in his senses for the whole period of the fast. But if he is in his senses for a part of this period, his fast is valid, although the unconscious person is liable to its *qada',* whatever the circumstances, irrespective of whether his unconsciousness is self-induced or forced upon him. But the *qada' is* not *wajib* upon an intoxicated person unless he is personally responsible for his state.

● The Malikis state: The fast is not valid if the state of unconsciousness or intoxication persists for the whole or most of the day from dawn to sunset. But if it covers a half of the day or less and he was in possession of his senses at the time of making *niyyah* and did make it, becoming unconscious or intoxicated later, *qada' is* not *wajib* upon him. The time of making *niyyah* for the fast in their opinion extends from sunset to dawn.

● The Hanafis, an unconscious person is exactly like an insane one in this respect, and their opinion regarding the latter is that if the insanity lasts through the whole month of Ramadan, *qada'* is not *wajib* upon him, and if it covers half of the month, he will fast for the remaining half and perform the *qada'* of the fasts missed due to insanity.

● The Hanbalis observe: *Qada' is wajib* upon a person in a state of unconsciousness as well as one in a state of intoxication, irrespective of whether these states are self-induced or forced upon them.

● In the opinion of the Imamis, *qada' is* only *wajib* upon a person in an intoxicated state, irrespective of its being self-induced or otherwise; it is not *wajib* upon an unconscious person even if his loss of consciousness is brief.

Muftirat

The *muftirat* are those things from which it is obligatory to refrain during the fast, from dawn to sunset. They are:

2. Eating and drinking (*shurb*) deliberately. Both invalidate the fast and necessitate *qada'* in the opinion of all the schools, though they differ as to whether *kaffarah is* also *wajib.* The Hanafis and the Imamis require it, but not the Shafi`is and the Hanbalis.

A person who eats and drinks by an oversight is neither liable to *qada'* nor *kaffarah,* except in the opinion of the Malikis, who only require its *qada'.* Included in *shurb* [drinking] is inhaling tobacco smoke

2. Sexual intercourse, when deliberate, invalidates the fast and makes one liable to *qada'* and *kaffarah,* in the opinion of all the schools.

The *kaffarah is* the manumission of a slave, and if that is not possible, fasting for two consecutive months; if even that is not possible, feeding sixty poor persons. The Imamis and the Malikis allow an option between any one of these; i.e. a *mukallaf* may choose between freeing a slave, fasting or feeding

the poor. The Shafi'is, Hanbalis and Hanafis impose *kaffarah* in the above-mentioned order; i.e. releasing a slave is specifically *wajib,* and in the event of incapacity fasting becomes *wajib.* If that too is not possible, giving food to the poor becomes *wajib.*

The Imamis state: All the three *kaffarahs* become *wajib* together if the act breaking the fast (*muftir*) *is* itself *haram,* such as eating anything usurped (*maghsub*), drinking wine, or fornicating. As to sexual intercourse by oversight, it does not invalidate the fast in the opinion of the Hanafis, Shafi`is and Imamis, but does according to the Hanbalis and the Malikis.

3. Seminal emission (*al-'istimna'*): There is consensus that it invalidates the fast if caused deliberately. The Hanbalis say: If *manhy is* discharged due to repeated sensual glances and the like the fast will become invalid:

- The four schools say: Seminal emission will necessitate *qada'* without *kaffarah.*

- The Imamis observe: It requires both *qada'* and *kaffarah.*

4. Vomiting: It invalidates the fast if deliberate, and in the opinion of the Imamis, Shafi`is and Malikis, also necessitates *qada'.* The Hanafis state: Deliberate vomiting does not break the fast unless the quantity vomited fills the mouth. Two views have been narrated from Imam Ahmad. The schools concur that involuntary vomiting does not invalidate the fast.

5. Cupping (*hijamah*) *is muftir* only in the opinion of the Hanbalis, who observe: The cupper and his patient both break the fast.

6. Injection invalidates the fast and requires *qada'* in the opinion of all the schools. A group of Imami legists observe: It also requires *kaffarah* if taken without an emergency.

7. Inhaling a dense cloud of suspended dust invalidates the fast only in the opinion of the Imamis. They say: If a dense suspended dust, such as flour or something of the kind, enters the body the fast is rendered invalid, because it is something more substantial than an injection or tobacco smoke.

8. Application of kohl invalidates the fast only in the opinion of the Malikis, provided it is applied during the day and its taste is felt in the throat.

9. The intention to discontinue the fast: If a person intends to discontinue his fast and then refrains from doing so, his fast is considered invalid in the opinion of the Imamis and Hanbalis; not so in the opinion of the other schools.

10. Most Imamis state: Fully submerging the head, alone or together with other parts of the body, under water invalidates the fast and necessitates both *qada'* and *kaffarah.* The other schools consider it inconsequential.

11. The Imamis observe: A person who deliberately remains in the state of *janabah* after the dawn during the month of Ramadan, his fast will be invalid and its *qada'* as well as *kaffarah will* be *wajib* upon him. The remaining schools state: His fast remains valid and he is not liable to anything.

12. The Imamis observe: A person who deliberately ascribes something falsely to God or the Messenger (S) (i.e. if he speaks or writes that God or the Messenger said so and so or ordered such and such a thing while he is aware that it is not true), his fast will be invalid and he will be liable to its *qada'* as well as a *kaffarah.*

A group of Imami legists go further by requiring of such a fabricator the *kaffarah* of freeing a slave, fasting for two months, and feeding sixty poor persons. This shows the ignorance or malice of those who say that the Imamis consider it permissible to forge lies against God and His Messenger (S).

The Various Kinds of Fasts

The legists of various schools classify fasts into four categories: *Wajib, mustahabb* (supererogatory), *muharram* (forbidden), and *makruh* (reprehensible).

Obligatory fasts

All the schools concur that the *wajih* fasts are those of the month of Ramadan, their *qada',* the expiatory fasts performed as *kaffarah,* and those performed for fulfilling a vow. The Imamis add further two, related to the Hajj and solitude in masjid (*i`tikaf*). We have already dealt in some detail with the fast of Ramadan, its conditions and the things that invalidate it. Here we intend to discuss its *qada'* and the *kaffarah* to which one who breaks it becomes liable. Other types of obligatory fasts have been discussed under the related chapters.

Qada' of the Ramadan Fasts

1. The schools concur that a person liable to the *qada' of* Ramadan fasts is bound to perform it during the same year in which the fasts were missed by him, i.e. the period between the past and the forthcoming Ramadan. He is free to choose the days he intends to fast, excepting those days on which fasting is prohibited (their discussion will soon follow). However it is *wajib* upon him to immediately begin their *qada'* if the days remaining for the next Ramadan are equal to the number of fasts missed in the earlier Ramadan.

2. If one capable of performing the *qada'* during the year neglects it until the next Ramadan, he should fast during the current Ramadan and then perform the *qada' of* the past year and also give a *kaffarah* of one *mudd* for each day in the opinion of all the schools except the Hanafi which requires him to perform only the *qada"* without any *kaffarah.*

And if he is unable to perform the *qada'*--*such* as when his illness continues throughout the period between the first and the second Ramadan--he is neither required to perform its *qada'* nor required to give *kaffarah* in the opinion of the four schools, while the Imamis say: He will not be liable to *qada'* but is bound to give a *mudd* as *kaffarah* for each fast day missed.

3. If one is capable of performing the *qada'* during the year but delays it with the intention of performing it just before the second Ramadan, so that the *qada'* fasts are immediately followed by the next Ramadan, and then a legitimate excuse prevents him from performing the *qada'* before the arrival of Ramadan, in such a situation he *will* be liable only to *qada'* not to *kaffarah.*

4. One who breaks a Ramadan fast due to an excuse, and is capable of later performing its *qada'* but fails to perform the *qada'* during his lifetime:

● The Imamis observe: It *is wajib* upon his eldest child to perform the *qada'* on his behalf.

● The Hanafis, Shafi`is and Hanbalis state: A *sadaqah* of a *mudd* for each fast missed will be given on his behalf.

● According to the Malikis, his legal guardian (*wali*) *will* give *sadaqah* on his behalf if he has so provided in the will; in the absence of a *will* it is not *wajib.*

5. In the opinion of the four schools, a person performing the *qada'* of Ramadan can change his intention and break the fast both before and after midday without being liable to any *kaffarah* provided there is time for him to perform the *qada'* later.

The Imamis observe: It is permissible for him to break this fast before midday and not later, because continuation of the fast becomes compulsory after the passing of the major part of its duration and the time of altering the *niyyah* also expires. Hence if he acts contrarily and breaks the fast after midday, he is liable to *kaffarah* by giving food to ten poor persons; if he is incapable of doing that, he will fast for three days.

Fasts of Atonement (Kaffarah)

The fasts of atonement are of various kinds. Among them are atonement fasts for involuntary homicide, fasts for atonement of a broken oath or vow, and atonement fasts for *zihar.* These atonement fasts have their own rules which are discussed in the related chapters. Here we shall discuss the rules applicable to a person fasting by way of *kaffarah* for not having observed the fast of Ramadan:

● The Shafi`is**,** Malikis and Hanafis say: It is not permissible for a person upon whom fasting for two consecutive months has become *wajib* consequent to deliberately breaking a Ramadan fast to miss even a single fast during these two months, because that would break their continuity. Hence, on his missing a fast, with or without an excuse, he should fast anew for two months.

● The Hanbalis observe: If he misses a fast due to a legitimate excuse, the continuity is not broken.

● The Imamis state: It is sufficient for the materialization of continuity that he fast for a full month and then a day of the next month. After that he can skip days and then continue from where he had left. But if he misses a fast during the first month without any excuse, he is bound to start anew; but if it is due to a lawful excuse, such as illness or menstruation, the continuity is not broken and he/she will wait till the excuse is removed and then resume the fasts.

Furthermore:

● The Imamis further observe: One who is unable to fast for two months, or release a slave or feed sixty poor persons, has the option either to fast for 18 days or give whatever he can as *sadaqah.* If even this is not possible, he may give alms or fast to any extent possible. If none of these are possible, he should seek forgiveness from God Almighty.

● The Shafi'is, Malikis and Hanafis state: If a person is unable to offer any form of *kaffarah,* he will remain liable for it until he comes to possess the capacity to offer it, and this is what the rules of the Shari'ah require.

● The Hanbalis are of the opinion that if he is unable to give *kaffarah,* his liability for the same disappears, and even in the event of his becoming capable of it later, he will not be liable to anything.

The schools concur that the number of *kaffarahs will* be equal to the number of causes entailing it. Hence a person who breaks two fasts will have to give two *kaffarahs.* But if he eats, drinks or has sexual intercourse several times in a single day:

● The Hanafis, Malikis and Shafi`is observe: The number of *ka ffarahs will* not increase if *iftar* occurs several times, irrespective of its manner.

● The Hanbalis state: If in a single day there occur several violations entailing *kaffarah,* if the person gives *kaffarah* for the first violation of the fast before the perpetration of the second, he should offer *kaffarah* for the latter violation as well, but if he has not given *kaffarah* for the first violation before committing the second, a single *kaffarah* suffices.

● According to the Imamis, if sexual intercourse is repeated a number of times in a single day, the number of *kaffarahs will* also increase proportionately, but if a person eats or drinks a number of times, a single *kaffarah* suffices.

Prohibited Fasts

All the schools except the Hanafi concur that fasting on the days of *`Id al-Fitr* and *`Id al-Adha is* prohibited (*haram*)*:*

● The Hanafis observe: Fasting on these two *`Ids is makruh* to the extent of being *haram.*

● The Imamis say: Fasting on the days of *Tashriq is* prohibited only for those who are at Mina. The days of *Tashriq* are the eleventh, twelfth and thirteenth of Dhu al-Hijjah.

● The Shafi`is are of the opinion that fasting is not valid on the days of *Tashriq* both for those performing Hajj as well as others.

● According to the Hanbalis, it is *haram* to fast on these days for those not performing Hajj, not for those performing it.

● The Hanafis observe: Fasting on these days is *makruh* to the extent of being *haram.*

● The Malikis state: It is *haram* to fast on the eleventh and the twelfth of Dhu al-Hijjah for those not performing Hajj, not for those performing it.

All the schools excepting the Hanafi concur that it is not valid for a woman to observe a supererogatory fast without her husband's consent if her fast interferes with the fulfillment of any of his rights. The Hanafis observe: A woman's fasting without the permission of her husband is *makruh,* not *haram.*

The Doubtful Days

There is consensus among the schools that *imsak is* obligatory upon one who does not fast on a "doubtful day" (*yawm al-shakk*) that later turns out to be a day of Ramadan, and he is liable to its *qada'* later.

Where one fasts on a doubtful day that is later known to have been a day of Ramadan, they differ as to whether it suffices without requiring *qada':*

● The Shafi'i, Maliki and Hanbali schools observe: This fast will not suffice and its *qada' is wajib* upon him.

● In the opinion of the Hanafis, it suffices and does not require *qada'.*

● Most Imamis state: Its *qada'* is not *wajib* upon him, except when he had fasted with the *niyyah* of Ramadan.

Supererogatory Fasts

Fasting is considered *mustahabb* on all the days of the year except those on which it has been prohibited. But there are days whose fast has been specifically stressed and they include three days of each month, preferably the `moonlit' days (*al-'ayyam al-bid*), which are the thirteenth, fourteenth and fifteenth of each lunar month.

Among them is the day of `Arafah (9th of Dhu al-Hijjah). Also emphasized is the fasting of the months of Rajab and Sha'ban. Fasting on Mondays and Thursdays has also been emphasized. There are other days as well which have been mentioned in elaborate works. There is consensus among all the schools that fasting on these days *is mustahabb.*

Reprehensible (Makrah) Fasts

It is mentioned in *al-Fiqh `ala al-madhahib al-'arba`ah* that it is *makruh* to single out Fridays and Saturdays for fasting. So is fasting on the day of Now Ruz (21st March) in the opinion of all the schools except the Shafi`i, and fasting on the day or the two days just before the month of Ramadan.

It has been stated in Imami books on fiqh that it is *makruh* for a guest to fast without the permission of his host, for a child to fast without the permission of its father, and when there is doubt regarding the new moon of Dhu al-Hijjah and the consequent possibility of the day being that of *`Id.*

Evidence of the New Moon

There is a general consensus among Muslims that a person who has seen the new moon is himself bound to act in accordance with his knowledge, whether it is the new moon of Ramadan or Shawwal.

Hence it *is wajib* upon one who has seen the former to fast even if all other people don't, 2 and to refrain from fasting on seeing the latter even if everyone else on the earth is fasting, irrespective of whether the observer *is `adil* or not, man or woman. The schools differ regarding the following issues:

1. The Hanbalis, Malikis and Hanafis state: If the sighting (*ru'yah*) of the new moon has been confirmed in a particular region, the people of all other regions are bound by it regardless of the distance between them; the difference of the horizon of the new moon is of no consequence. The Imamis and the Shafi`is observe: If the people of a particular place see the new moon while those at another place don't, in the event of these two places being closeby with respect to the horizon, the latter's duty will be the same; but not if their horizons differ.

2. If the new moon is seen during day, either before or after midday, on 30th Sha'ban, will it be reckoned the last day of Sha'ban (in which case, fasting on it will not be *wajib*) or the first of Ramadan (in which case fasting is *wajib*)*?* Similarly, if the new moon is seen during the day on the 30th of Ramadan, will it be reckoned a day of Ramadan or that of Shawwal? In other words, will the day on which the new moon is observed be reckoned as belonging to the past or to the forthcoming month?

The Imamis, Shafi`is, Malikis and Hanafis observe: It belongs to the past month and not to the forthcoming one. Accordingly, it is *wajib* to fast on the next day if the new moon is seen at the end of Sha'ban, and to refrain from fasting the next day if it is seen at the end of Ramadan.

3. The schools concur that the new moon is confirmed if sighted, as observed in this tradition of the

Prophet (S):

صوموا لرؤيته وأفطروا لرؤيته

(`Fast on seeing the new moon and stop fasting on seeing it').

They differ regarding the other methods of confirming it.

● The Imamis observe: It is confirmed for both Ramadan and Shawwal by *tawatur* (i.e. the testimony of a sufficiently large number of people whose conspiring over a false claim is impossible), and by the testimony of two *`adil* men, irrespective of whether the sky is clear or cloudy and regardless of whether they belong to the same or two different nearby towns, provided their descriptions of the new moon are not contradictory. The evidence of women, children, *fasiq* men and those of unknown character is not acceptable.

● The Hanafis differentiate between the new moons of Ramadan and Shawwal; they state: The new moon of Ramadan is confirmed by the testimony of a single man and a single woman, provided they are Muslim, sane and *`adil.* The Shawwal new moon is not confirmed except by the testimony of two men or a man and two women. This is when the sky is not clear. But if the sky is clear--and there is no difference in this respect between the new moon of Ramadan and Shawwal--it is not confirmed except by the testimony of a considerable number of persons whose reports result in certainty.

● In the opinion of the Shafi`is, the new moon of Ramadan and Shawwalis confirmed by the testimony of a single witnesss provided he is Muslim, sane, and *`adil.* The sky's being clear or cloudy makes no difference in this regard.

● According to the Malikis, the new moon of Ramadan and Shawwalis not confirmed except by the testimony of two *`adil* men, irrespective of the sky's being cloudy or cloudless.

● The Hanbalis say: The new moon of Ramadan is confirmed by the testimony of an *`adil* man or woman, while that of Shawwalis only confirmed by the testimony of two *`adil* men.

4. There is consensus among the schools, excepting the Hanafi, that if no one claims to have seen the new moon of Ramadan, fasting will be *wajib* after the thirtieth day allowing thirty days for Sha'ban. According to the Hanafis, fasting becomes *wajib* after the twenty-ninth day of Sha'ban. This was with respect to the new moon of Ramadan. As to the new moon of Shawwal:

● The Hanafis and the Malikis observe: If the sky is cloudy, thirty days of Ramadan will be completed and *iftar will* be *wajib* on the following day. But if the sky is clear, it is *wajib* to fast on the day following the thirtieth day by rejecting the earlier testimony of witnesses confirming the first of Ramadan regardless of their number.

● The Shafi`is consider *iftar* as *wajib* after thirty days even if the setting in of Ramadan was confirmed by the evidence of a single witness, irrespective of the sky's having been cloudy or clear.

● According to the Hanbalis, if the setting in of Ramadan was confirmed by the testimony of two *`adil* men, *iftar* following the thirtieth day is *wajib,* and if it was confirmed by the evidence of a single *`adl,* it is *wajib* to fast on the thirty-first day as well.

● In the opinion of the Imamis, both Ramadan and Shawwal are confirmed after the completion of thirty days regardless of the sky's being cloudy or clear, provided their beginning was confirmed in a manner approved by the Shari`ah.

The New Moon and Astronomy

This year (1960) the governments of Pakistan and Tunisia have decided to rely upon the opinion of astronomers for the confirmation of the new moon with a view of putting an end to confusion 3 and the general inconvenience resulting from not knowing in advance the day of `Id, which at times comes as a surprise, and at other times is delayed despite all the preparations.

This decision of the two governments has become an issue of heated controversy in religious circles. The protagonists of the move observe that there is nothing in the religion that disapproves of reliance on the opinion of astronomers; rather it is supported by this verse of Surat *al-Nahl:*

وَعَلامَاتٍ وَبِالنَّجْمِ هُمْ يَهْتَدُونَ

"...And way marks; and by the stars they are guided." (***16. 16***)

The antagonists state: The decision contradicts the above-mentioned prophetic tradition-

صوموا لرؤيته وأفطروا لرؤيته

That, because the word *ru'yah* (sighting) implies sighting the moon with the eyes, which was common among the people during the time of the Prophet (S). As to using a telescope or relying on astronomical calculations, they are inconsistent with the literal import of the tradition, they point out.

In fact, none of the sides has advanced sound reasons, because `guidance by the stars' implies determination of land and sea routes with the help of the stars, and not determination of days of months and new moons. As to the tradition, it does not contradict sound scientific knowledge, because `seeing' is a means for acquiring knowledge and not an end in itself, as is the case with any means that helps confirm facts.

However, in my opinion, the judgment of astronomers do not lead to certain knowledge, nor do they remove all doubts as removed by vision, because their judgments are based on probability not on certainty. This is evident from their divergent judgments about the night of the new moon as well as the time of its occurrence and the period that it remains (above the horizon).

If a time comes when the astronomers attain accurate and sufficient knowledge, so that there is consensus among them and they repeatedly prove to be right to the extent that their forecasts become a certainty like the days of the week, then it will be possible to rely upon them. Rather, then it will be obligatory to follow their judgments and to reject everything that goes against them. 4

1. Approximately 800 grams of wheat or something similar to it.
2. But the Hanafis observe: If he testifies before a qadi who rejects his testimony, it is wajib upon him to perform its qada' without liability to kaffarah (al-Fiqh `ala al-madhahib al-'arba`ah).
3. In 1939 the `Id al- Adha was observed on Monday in Egypt, on Tuesday in Saudi Arabia, and on Wednesday in Bombay.
4. Refer to the discussion on this issue in the first volume of our book Fiqh al-'Imam Jafar al-Sadiq (`a), the section on the proof of the new moon at the end of section on fasting bab al-sawm.

Source URL:
https://www.al-islam.org/five-schools-islamic-law-muhammad-jawad-mughniyya/3-siyam-fasting#comment-0