



The World Federation of KSIMC

Extracts from the new edition of

Islamic Laws

According to the Fatwas of His Eminence al-Sayyid Ali al-Husayni al-Sistani

Chapter Four: Fasting (*Sawm*)

and

Chapter Five: Spiritual Retreat (*I'tikāf*)

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CHAPTER FOUR

Fasting (*Şawm*)

‘Fasting’ means that one abstains from eight things – which will be mentioned later – from the start of the time of morning (*ṣubḥ*) prayers¹ until the time of *maghrib*,² in humility and obedience to the Lord of the worlds.

INTENTION (*NIYYAH*)

Ruling 1529. It is not necessary for one to make an intention in his heart to fast, or to say, for example, ‘I will fast tomorrow’; rather, it is sufficient for one to decide that in humility to the Lord of the worlds, from the start of the time of *ṣubḥ* prayers until the time of *maghrib* prayers, he will not do anything that invalidates a fast. In order to be certain (i.e. have *yaqīn*) that one has fasted throughout this time, he must begin abstaining from a short period before the time of *ṣubḥ* prayers, and he must also refrain from doing anything that invalidates the fast for a short period after *maghrib*.

Ruling 1530. On every night of the month of Ramadan, one can make the intention to fast the next day.

Ruling 1531. The latest time available for a conscious person to make the intention to keep a fast of Ramadan is at the time of *ṣubḥ* prayers. This means that, based on obligatory precaution (*al-iḥtiyāt al-wājib*), at the time of *ṣubḥ* his abstinence [from the eight things that invalidate a fast] must coincide with his intention to fast, albeit subconsciously.

Ruling 1532. [With regard to a recommended (*mustaḥabb*) fast,] if a person has not done anything that invalidates a fast, then at whatever time of the day he makes the intention to keep a recommended fast – even if there is a short period of time until *maghrib* – his fast is valid (*ṣaḥīḥ*).

Ruling 1533. If someone goes to sleep before the time of *ṣubḥ* prayers in Ramadan – or on any day which he assigned for keeping an

¹ In the original work, the term ‘morning call to prayer (*adhān*)’ is used, which practically speaking means the start of the time of the *ṣubḥ* prayer. The legal definition of *ṣubḥ* is stated in Ruling 728.

² For the legal definition of *maghrib* see Ruling 722.

obligatory (*wājib*) fast – without making the intention to fast, and he wakes up before midday (*ẓuhr*)³ and makes the intention to fast, his fast is valid. However, if he wakes up after *ẓuhr*, he must, as a precautionary measure, abstain [from the eight things that invalidate a fast] for the rest of the day with a general intention of attaining proximity to Allah (*qaṣd al-qurbah al-muṭlaqah*) [i.e. with the intention of attaining proximity to Allah without specifying any particulars about the fast], and he must also keep a *qaḍā'* fast for it [i.e. he must make up a fast for it after Ramadan].

Ruling 1534. If someone wants to keep a *qaḍā'* fast or a fast for recompense (*kaffārah*), he must specify it. For example, he must make the intention that 'I am keeping a *qaḍā'* fast', or 'I am keeping a *kaffārah* fast.' However, in the month of Ramadan, it is not necessary for one to make the intention that 'I am keeping a fast of the month of Ramadan.' In fact, if someone does not know or forgets that it is the month of Ramadan and makes the intention to keep some other fast, it will be considered a fast of the month of Ramadan. Similarly, for a fast of a vow (*nadh'r*) and suchlike, it is not necessary to make the intention of keeping a fast of a vow.

Ruling 1535. If someone knows that it is the month of Ramadan yet intentionally (*ʿamdan*) makes the intention to keep a fast other than that of Ramadan, the fast for which he made the intention will not be valid. Similarly, it will not be considered a fast of the month of Ramadan if that intention is something that is inconsistent with attaining proximity to Allah. In fact, even if it is not inconsistent with attaining proximity to Allah, based on obligatory precaution, it will not be considered a fast of the month of Ramadan.

Ruling 1536. If, for example, someone keeps a fast with the intention of the first day of the month of Ramadan and afterwards realises that it was the second or third of the month, his fast is valid.

Ruling 1537. If someone who makes the intention before the time of *ṣubḥ* prayers to fast the next day becomes unconscious, and during the day he regains consciousness, then based on obligatory precaution,

³ For the legal definition of *ẓuhr* see Ruling 717.

he must complete the fast of that day; and if he does not complete it, he must keep a *qaḍā'* fast for it.

Ruling 1538. If someone makes an intention before the time of *ṣubḥ* prayers to fast the next day and becomes intoxicated, and during the day he becomes sober, then based on obligatory precaution, he must complete the fast of that day and also keep a *qaḍā'* fast for it.

Ruling 1539. If someone makes the intention before the time of *ṣubḥ* prayers to fast the next day, goes to sleep, and wakes up after *maghrib*, his fast is valid.

Ruling 1540. If someone does not know or forgets that it is the month of Ramadan and becomes aware of this before *zuhr*, in the event that he has done something that invalidates a fast, his fast is invalid (*bāṭil*) and [he must act according to two instructions:] (1) for the rest of that day, he must not do anything else that invalidates a fast until *maghrib*, and (2) after Ramadan, he must keep a *qaḍā'* fast for it. If someone becomes aware after *zuhr* that it is the month of Ramadan, then based on obligatory precaution, he must fast with the intention of *rajā'* [i.e. with the intention of keeping the fast in the hope that it is desired by Allah]; and after Ramadan, he must also keep a *qaḍā'* fast for it. However, if he becomes aware before *zuhr* and he has not done anything that invalidates a fast, he must make the intention of fasting and his fast is valid.

Ruling 1541. If a child reaches the age of legal responsibility (becomes *bāliḡh*) before the time of *ṣubḥ* prayers in the month of Ramadan, he must fast. And if a child becomes *bāliḡh* after the time of *ṣubḥ* prayers, the fast of that day is not obligatory on him. However, if he had made the intention to keep a recommended fast, the recommended precaution (*al-iḥtiyāṭ al-mustaḥabb*) is that he should complete it.

Ruling 1542. If someone has been hired to keep the *qaḍā'* fasts of a dead person, or, if he has to keep a *kaffārah* fast of his own, there is no problem in him keeping a recommended fast of his own. However, if someone has to keep his own *qaḍā'* fasts of the month Ramadan, he cannot keep a recommended fast [until he has kept his own *qaḍā'* fasts]; and in the event that he forgets and keeps a recommended

fast and he remembers this before *zuhr*, his recommended fast is annulled and he can change his intention to an intention of keeping a *qaḍā'* fast. However, if he becomes aware after *zuhr*, then based on obligatory precaution, his fast is invalid, but if he remembers after *maghrib*, his fast is valid.

Ruling 1543. If it is obligatory on a person to keep an assigned [i.e. time-specific] fast other than the fast of the month of Ramadan – for example, he had made a vow that he would fast on a particular day – in the event that he intentionally does not make the intention to keep that fast until the time of *ṣubḥ* prayers, his fast is invalid. However, if he does not know that it is obligatory on him to fast on that day, or he forgets and remembers before *zuhr*, in the event that he has not done anything that invalidates a fast and consequently makes the intention to fast, his fast will be valid. However, if he remembers after *zuhr*, he must exercise the obligatory precautionary measure that was mentioned concerning the fast of Ramadan [in Ruling 1533, which stated that he must abstain for the rest of the day from the eight things that invalidate a fast with a general intention of attaining proximity to Allah, and that he must also keep a *qaḍā'* fast for it].

Ruling 1544. There is no problem if someone intentionally does not make the intention to fast until near *zuhr* for an obligatory fast that has not been assigned for a particular day, such as a fast for *kaffārah*. If a person decides not to fast or is indecisive as to whether he should fast or not, in the event that he has not done anything that invalidates a fast, he can make the intention before *zuhr* to fast and his fast will be valid.

Ruling 1545. If a disbeliever (*kāfir*) becomes a Muslim during the daytime in the month of Ramadan, and from the time of *ṣubḥ* prayers until the time he became a Muslim he did not do anything that invalidates a fast, then based on obligatory precaution, he must abstain [from the eight things that invalidate a fast] until the end of the day with the intention to fulfil whatever his legal obligation happens to be (*mā fi al-dhimmah*); and if he does not do this, he must keep a *qaḍā'* fast for it.

Ruling 1546. If in the middle of a day in the month of Ramadan a

sick person gets well before *zuhr* and until that time he did not do anything that invalidates a fast, then based on obligatory precaution, he must make the intention to fast and keep the fast on that day; and in the event that he gets better after *zuhr*, it is not obligatory on him to fast on that day but he must keep a *qaḍā'* fast for it.

Ruling 1547. If someone doubts (i.e. has a *shakk*) whether it is the last day of Sha'bān or the first day of Ramadan, it is not obligatory on him to fast on that day; and if he wants to fast on that day, he cannot do so with the intention of keeping the fast of Ramadan. However, if he makes the intention that if it is Ramadan then he is keeping the fast of Ramadan, and if it is not Ramadan then he is keeping a *qaḍā'* fast or another legitimate fast [including a recommended fast], the validity of the fast is not farfetched (*ba'īd*)⁴ [i.e. the fast will be deemed valid]. In this situation, it is better that he fasts with the intention of keeping a *qaḍā'* fast or another legitimate fast, and in the event that afterwards it becomes known that it was the first day of Ramadan, it will be counted as the fast of Ramadan. Furthermore, if a person makes the intention of fasting in general [i.e. with the intention of attaining proximity to Allah without specifying any particulars about the fast] and afterwards it becomes known that it was Ramadan, it is also sufficient.⁵

Ruling 1548. If there is doubt as to whether it is the last day of Sha'bān or the first day of Ramadan and someone keeps a fast with the intention of a *qaḍā'* fast or a recommended fast or suchlike, and if during the day he finds out that it is the month of Ramadan, he must make the intention of the fast of the month of Ramadan [and continue fasting].

Ruling 1549. If someone [having no legitimate excuse (*'udhr*)] is indecisive as to whether or not to invalidate an assigned [i.e. time-specific] obligatory fast – such as the fast of Ramadan – or decides to invalidate his fast [but does not do anything to break his fast] and he does not make the intention to fast again, his fast

⁴ For practical purposes, a legal opinion that is termed 'not farfetched' equates to a fatwa.

⁵ This ruling and the next concern a matter that is referred to as '*yawm al-shakk*' (day of doubt).

becomes invalid; and if he does make the intention to fast again, the obligatory precaution is that he must complete the fast of that day and afterwards keep a *qaḍā'* fast for it.

Ruling 1550. With regard to a recommended fast or an obligatory fast that does not have an assigned time – such as a fast for *kaffārah* – if someone decides to do something that invalidates a fast or is indecisive as to whether or not to invalidate it, then, in the event that he does not do so and makes the intention to fast again before *zuhr* in the case of an obligatory fast, and before sunset in the case of a recommended fast, his fast is valid.

THINGS THAT INVALIDATE A FAST

Ruling 1551. Eight things invalidate a fast:

1. eating and drinking;
2. sexual intercourse;
3. masturbation, meaning that a man – either with himself or by means of something – does something other than having sexual intercourse that results in ejaculation. How this applies to a woman was explained in Ruling 345;
4. based on obligatory precaution, ascribing false things to Allah, Prophet Muḥammad (S), and the successors of Prophet Muḥammad (S) [i.e. the Twelve Imams (A)];
5. causing thick dust to reach the throat, based on obligatory precaution;
6. remaining in a state of ritual impurity (*janābah*), menstruation (*ḥayḍ*), or lochia (*nifās*) until the time of *ṣubḥ* prayers;
7. applying liquid enema;
8. vomiting intentionally.

The laws (*aḥkām*) relating to these will be explained in the following rulings (*masā'il*).

1. Eating and drinking

Ruling 1552. If a fasting person who is aware of the fact that he is

fasting intentionally eats or drinks something, his fast becomes invalid, irrespective of whether the thing he ate or drank was something normal – such as bread and water – or not – such as earth and the sap of a tree – and irrespective of whether it was a little or a lot. In fact, even if one takes a toothbrush out of his mouth and then puts it back into his mouth and swallows the moisture, his fast becomes invalid unless the moisture of the toothbrush becomes obliterated in his saliva in a way that it can no longer be regarded as external moisture.

Ruling 1553. If someone realises while eating that it has become *şubḥ*, he must take the food out from his mouth; and in the event that he intentionally swallows it, his fast is invalid; and in accordance with the rules that will be mentioned later, *kaffārah* also becomes obligatory on him.

Ruling 1554. If a fasting person eats or drinks something inadvertently (*sahwan*), his fast does not become invalid.

Ruling 1555. Injections and intravenous drips do not invalidate a fast even if the former is an energy injection and the latter a glucose-saline drip. Similarly, a spray that is used for asthma does not invalidate a fast provided that the medicine only enters the lungs; and applying medicine [such as drops] to the eyes and ears does not invalidate a fast either, even if its taste reaches the throat. Likewise, if medicine is applied in the nose, it does not invalidate a fast as long as it does not reach the throat.

Ruling 1556. If a fasting person intentionally swallows something that has remained in-between his teeth, his fast becomes invalid.

Ruling 1557. If someone wishes to keep a fast, it is not necessary for him to use a toothpick before the time of *şubḥ* prayers. However, if one knows that some food that has remained in-between his teeth will be swallowed during the day, he must use a toothpick to remove it.

Ruling 1558. Swallowing saliva does not invalidate a fast even though it may have collected in one's mouth as a result of thinking about food and suchlike.

Ruling 1559. There is no problem in swallowing the mucus of the head and chest as long as it has not entered the cavity of the mouth. However, if it has entered the cavity of the mouth, the recommended precaution is that one should not swallow it.

Ruling 1560. If a fasting person becomes so thirsty that he fears he may die of thirst, sustain some harm, or fall into hardship that he cannot bear, he can drink water to the extent that his fear of these things is averted; but in this case, his fast becomes invalid. In fact, in the case of fear of death and suchlike, it is obligatory on one to drink. And if it is the month of Ramadan, then based on obligatory precaution, the person must not drink an amount that is more than necessary, and for the rest of the day he must refrain from doing anything else that invalidates a fast.

Ruling 1561. Chewing food for feeding a child or a bird, and tasting food [for example, to check that the right amount of salt has been added] and suchlike – which usually does not cause the food to reach the throat – does not invalidate a fast even if the food happens to reach the throat accidentally. However, if one knows from the outset that such food will reach the throat, his fast becomes invalid and he must keep a *qadā'* fast for it and *kaffārah* is also obligatory on him.

Ruling 1562. One cannot break his fast on account of feeling weak. However, if one's weakness is to such an extent that normally it could not be endured, there is no problem in breaking the fast.

2. Sexual intercourse

Ruling 1563. Sexual intercourse invalidates a fast even if penetration is as little as the circumcised part of the penis, and even if there is no ejaculation.

Ruling 1564. If penetration is less than the circumcised part of the penis and there is no ejaculation, the fast does not become invalid. However, for a man who has not been circumcised, any amount of penetration – even if it is less than the circumcised part of the penis – invalidates his fast.

Ruling 1565. If someone intentionally decides to have sexual intercourse and then doubts whether or not there was penetration up to the circumcised part of the penis, the rule (*ḥukm*) concerning this matter can be found in Ruling 1549; and if he has not done anything that invalidates a fast, *kaffārah* is not obligatory on him.

Ruling 1566. If someone forgets that he is fasting and has sexual intercourse, or, if someone is forced to have sexual intercourse in a manner that it is not of his free will, his fast does not become invalid. However, in the event that during sexual intercourse he remembers [that he is fasting], or he is no longer forced to have sexual intercourse, he must immediately stop having sexual intercourse; and if he does not stop his fast is invalid.

3. Masturbation

Ruling 1567. If a fasting person masturbates (the meaning of masturbation was mentioned in Ruling 1551), his fast becomes invalid.

Ruling 1568. If a person ejaculates involuntarily, his fast does not become invalid.

Ruling 1569. Whenever a fasting person knows that if he goes to sleep during the day he will have a wet dream [become *muḥtalim*] – i.e. semen will be ejaculated in his sleep – it is permitted (*jāʿiz*) for him to go to sleep even if he will not encounter difficulty by not sleeping; and if he has a wet dream, his fast does not become invalid.

Ruling 1570. If a fasting person wakes up from sleep while ejaculation is taking place, it is not obligatory on him to stop the ejaculation.

Ruling 1571. A fasting person who has a wet dream can urinate even if he knows that by urinating some of the remaining semen will come out of his penis.

Ruling 1572. If a fasting person who has a wet dream knows that some semen has remained in his penis, and he knows that if he does not urinate before performing ritual bathing (*ghusl*) semen will be

discharged after *ghusl*, then the recommended precaution is that he should urinate before performing *ghusl*.

Ruling 1573. If someone intentionally indulges in courtship with the intention of ejaculating but he does not ejaculate and does not make another intention to fast, his fast is invalid; and if he makes the intention to fast, then based on obligatory precaution, he must complete his fast and also keep a *qaḍā'* fast.

Ruling 1574. If, for example, a fasting person indulges in courtship with his wife without the intention of ejaculating, in the event that he is confident (i.e. he has *iṭmi'nān*) that he will not ejaculate but does happen to ejaculate, his fast is valid. However, if he is not confident that he will not ejaculate and does ejaculate, his fast is invalid.

4. Ascribing something false to Allah, Prophet Muḥammad (S), and the Twelve Imams (A)

Ruling 1575. If a fasting person intentionally ascribes something false to Allah, Prophet Muḥammad (S), or the Twelve Imams (A) – whether he does this verbally, in writing, or by making a sign and suchlike – and even if he immediately says 'I have lied' or he repents, then based on obligatory precaution, his fast is invalid. The same applies, based on recommended precaution, to ascribing something false to Her Eminence [Fāṭimah] al-Zahrā' (A) and to the other Prophets and their successors.

Ruling 1576. If someone wishes to report a narration about which he does not have any evidence as to its authenticity, and he does not know whether it is true or false, then based on obligatory precaution, he must report it in such a way that he does not directly attribute it to Prophet Muḥammad (S) or to the Imams (A).

Ruling 1577. If someone quotes something as the word of Allah, Prophet Muḥammad (S), [or the Twelve Imams (A)] with the belief that it is true, and afterwards he realises that it was false, his fast does not become invalid.

Ruling 1578. If someone ascribes to Allah, Prophet Muḥammad (S),

[or the Twelve Imams (‘A)] something that he knows to be false, and afterwards he realises that what he said was true, and he knew that this act would invalidate his fast, he must, based on obligatory precaution, complete his fast and also keep a *qaḍā’* fast.

Ruling 1579. If someone intentionally ascribes to Allah, Prophet Muḥammad (Ṣ), or the Twelve Imams (‘A) something that has been fabricated by some other person, then as an obligatory precaution, his fast becomes invalid. However, if he simply narrates from the person who fabricated the falsehood without knowing it to be false, there is no problem [and his fast is valid].

Ruling 1580. If a fasting person is asked whether Prophet Muḥammad (Ṣ) [or Allah, or one of the Twelve Imams (‘A)] said such and such thing and he intentionally replies ‘Yes’ when he should say ‘No’, or he intentionally replies ‘No’ when he should say ‘Yes’, then based on obligatory precaution, his fast becomes invalid.

Ruling 1581. If someone correctly quotes the words of Allah, Prophet Muḥammad (Ṣ), [or the Twelve Imams (‘A)] and then says ‘I lied’, or at night he ascribes something false to them and on the following day when he is fasting he says ‘What I said last night is true’, then based on obligatory precaution, his fast becomes invalid unless his intention is to explain the state of his information [i.e. he means to assert that it is true that he *did* actually say that last night, not that *what* he said is true].

5. Causing dust to reach the throat

Ruling 1582. On the basis of obligatory precaution, causing thick dust to reach one’s throat invalidates a fast, whether the dust is of something that is lawful (*ḥalāl*) to eat, such as flour, or it is of something that is unlawful (*ḥarām*) to eat, such as soil.

Ruling 1583. Causing dust that is not thick to reach the throat does not invalidate a fast.

Ruling 1584. If thick dust appears by means of the wind, and a person – despite being aware and able to take care – does not take care and

the dust reaches his throat, then based on obligatory precaution, his fast becomes invalid.

Ruling 1585. The obligatory precaution is that a fasting person must not cause the smoke of cigarettes, tobacco, or something similar to reach his throat.

Ruling 1586. If someone does not take due care and dust, smoke, or suchlike enters his throat, in the event that he was certain or confident that it would not reach his throat, his fast is valid; but if he only supposed (i.e. had *ẓann*) that it would not reach his throat, it is better that he keeps a *qaḍā'* fast for it.

Ruling 1587. If someone forgets that he is fasting and does not take due care, or, if dust or something similar reaches his throat involuntarily, his fast does not become invalid.

Ruling 1588. Immersing the entire head in water does not invalidate the fast but it is highly disapproved (*makrūh*).

6. Remaining in a state of *janābah*, *ḥayḍ*, or *nifās* until the time of *ṣubḥ* prayers

Ruling 1589. If in the month of Ramadan a *junub*⁶ intentionally does not perform *ghusl* until the time of *ṣubḥ* prayers – or, if his duty is to perform dry ablution (*tayammum*) and he does not perform it – he must complete the fast of that day with the intention of *mā fī al-dhimmah* and he must also fast another day [after Ramadan]. And with regard to the fast on this additional day, as it is not known whether it is a fast of *qaḍā'* or of punishment, he must keep it with the intention of *mā fī al-dhimmah*, not with the intention of *qaḍā'*.

Ruling 1590. Whenever someone who wants to keep a *qaḍā'* fast of the month of Ramadan intentionally remains in the state of *janābah* until the time of *ṣubḥ* prayers, he cannot fast on that day; but if he does this unintentionally, he can fast on that day, although the recommended precaution is that he should not [fast on that day and

⁶ *Junub* is the term used to refer to a person who is in the state of ritual impurity (*janābah*). *Janābah* is explained in Ruling 344.

instead fast on another day].

Ruling 1591. With regard to obligatory or recommended fasts other than the fast of the month of Ramadan and their *qaḍā'*, if a *junub* intentionally remains in the state of *janābah* until the time of *ṣubḥ* prayers, he can fast on that day.

Ruling 1592. In the event that someone who is *junub* on a night of the month of Ramadan does not perform *ghusl* until the time remaining to *ṣubḥ* prayers becomes short, he must perform *tayammum* and keep the fast and his fast is valid.

Ruling 1593. If a *junub* in the month of Ramadan forgets to perform *ghusl* and remembers after one day, he must keep a *qaḍā'* fast for that day; and if he remembers after a few days, he must keep a *qaḍā'* fast for all the days that he is certain to have been *junub* on. For example, if he does not know whether he was *junub* for three or four days, he must keep *qaḍā'* fasts for three days.

Ruling 1594. If on a night of the month of Ramadan someone knows that he will not have time to perform *ghusl* or *tayammum* and yet intentionally becomes *junub*, his fast is invalid and *qaḍā'* and *kaffārah* become obligatory on him [i.e. he must keep a fast after Ramadan and also give recompense].

Ruling 1595. If someone knows that he does not have time to perform *ghusl* and intentionally becomes *junub* and then performs *tayammum*, or, if despite having time, he intentionally delays performing *ghusl* until the time becomes short and then performs *tayammum*, in these cases, although he commits a sin his fast is valid.

Ruling 1596. If someone who is *junub* on a night of the month of Ramadan knows that if he goes to sleep he will not wake up until the time of *ṣubḥ* prayers, then as an obligatory precaution, he must not go to sleep without performing *ghusl*; and in the event that he chooses to go to sleep before performing *ghusl* and does not wake up until the time of *ṣubḥ* prayers, he must complete the fast of that day and *qaḍā'* and *kaffārah* become obligatory on him.

Ruling 1597. Whenever a *junub* goes to sleep on a night of the month of Ramadan, if when he wakes up he deems it probable that were he to go to sleep again he would wake up before the time of *ṣubḥ* prayers, he can go to sleep [without performing *ghusl*].

Ruling 1598. If someone is *junub* on a night of the month of Ramadan and is certain or confident that if he goes to sleep he will wake up before the time of *ṣubḥ* prayers, in the event that he decides to perform *ghusl* after waking up and goes to sleep with this decision, but he remains asleep until the time of *ṣubḥ* prayers, his fast is valid.

Ruling 1599. If someone is *junub* on a night of the month of Ramadan and is not confident that if he goes to sleep he will wake up before the time of *ṣubḥ* prayers, in the event that he is unmindful of the fact that he must perform *ghusl* after waking up, and he goes to sleep and remains asleep until the time of *ṣubḥ* prayers, then based on precaution, *qaḍā'* becomes obligatory on him.

Ruling 1600. If someone is *junub* on a night of the month of Ramadan and is certain or deems it probable that if he goes to sleep he will wake up before the time of *ṣubḥ* prayers, and if he wakes up but does not want to perform *ghusl*, and he goes back to sleep and does not wake up again before the time of *ṣubḥ* prayers, in such a case, he must complete the fast of that day and *qaḍā'* and *kaffārah* become obligatory on him. The same applies, based on obligatory precaution, if he is doubtful that he will perform *ghusl* after waking up.

Ruling 1601. If a *junub* on a night of the month of Ramadan goes to sleep, wakes up, and is then certain or deems it probable that if he sleeps again he will wake up before the time of *ṣubḥ* prayers, and he decides that he will perform *ghusl* after waking up, then, in the event that he goes to sleep again but does not wake up until the time of *ṣubḥ* prayers, he must keep a *qaḍā'* fast for the fast of that day. Furthermore, if he wakes up from the second sleep and goes back to sleep for a third time but does not wake up until the time of *ṣubḥ* prayers, he must keep a *qaḍā'* fast for the fast of that day; and based on recommended precaution, he should also give *kaffārah*.

Ruling 1602. A sleep in which a wet dream has taken place is

considered to be the first sleep. Therefore, if after waking up from this first sleep someone goes back to sleep and does not wake up until the time of *şubḥ* prayers, then as it was stated in the previous ruling, he must keep a *qaḍā'* fast for the fast of that day.

Ruling 1603. If someone who is fasting has a wet dream during the day, it is not obligatory on him to perform *ghuṣl* immediately.

Ruling 1604. Whenever someone in the month of Ramadan wakes up after the time of *şubḥ* prayers and finds that he has had a wet dream, then even if he knows that he had a wet dream before the time of *şubḥ* prayers, his fast is valid.

Ruling 1605. If someone who wants to keep a *qaḍā'* fast of Ramadan wakes up after the time of *şubḥ* prayers and finds that he has had a wet dream, and if knows that he had this wet dream before the time of *şubḥ* prayers, he can fast on that day with the intention of keeping a *qaḍā'* fast of the month of Ramadan.

Ruling 1606. If a woman's *ḥayḍ* or *nifās* stops on a night of the month of Ramadan before the time of *şubḥ* prayers and she intentionally does not perform *ghuṣl*, or, if her duty is to perform *tayammum* and she does not do so, she must complete the fast of that day and also keep a *qaḍā'* fast for that day. Furthermore, with regard to a *qaḍā'* fast of the month of Ramadan, if she intentionally does not perform *ghuṣl* or *tayammum* before the time of *şubḥ* prayers, then based on obligatory precaution, she cannot fast on that day.

Ruling 1607. If a woman whose *ḥayḍ* or *nifās* stops on a night of the month of Ramadan intentionally does not perform *ghuṣl* until the time before *şubḥ* prayers becomes too short to perform *ghuṣl*, she must perform *tayammum* and the fast of that day is valid.

Ruling 1608. If a woman's *ḥayḍ* or *nifās* stops before the time of *şubḥ* prayers in the month of Ramadan but she does not have time to perform *ghuṣl*, she must perform *tayammum*; however, it is not necessary for her to remain awake until the time of *şubḥ* prayers. The rule is the same for a *junub* in the event that his duty is to perform *tayammum*.

Ruling 1609. If a woman's *ḥayḍ* or *nifās* stops near the time of *ṣubḥ* prayers in the month of Ramadan but she does not have time to perform *ghuṣl* or *tayammum*, her fast is valid.

Ruling 1610. If a woman's *ḥayḍ* or *nifās* stops after the time of *ṣubḥ* prayers, she cannot fast on that day. Furthermore, if she experiences *ḥayḍ* or *nifās* during the day while she is fasting, then even if it is near the time of *maghrib* prayers, her fast is invalid.

Ruling 1611. If a woman forgets to perform *ghuṣl* for *ḥayḍ* or *nifās* and remembers after a day or after a few days, the fasts that she has kept are valid.

Ruling 1612. If a woman's *ḥayḍ* or *nifās* stops before the time of *ṣubḥ* prayers in the month of Ramadan but she is negligent in performing *ghuṣl* until the time of *ṣubḥ* prayers, and if in the short time remaining she does not perform *tayammum* either, then as it was mentioned previously, she must complete the fast of that day and keep a *qadā'* fast. However, in the event that she is not negligent – for example, she waits for the public bath to become accessible to women only [or, she cannot access the bathroom due to a legitimate reason] – then even if she sleeps three times and does not perform *ghuṣl* until the time of *ṣubḥ* prayers, her fast is valid provided that she is not negligent in performing *tayammum*.

Ruling 1613. If a woman has excessive *istiḥāḍah* and does not perform the *ghuṣls* in accordance with the laws of *istiḥāḍah* mentioned in Ruling 394, her fast is valid. Similarly, if a woman has medium *istiḥāḍah* and does not perform *ghuṣl*, her fast is valid.

Ruling 1614. Someone who has touched a corpse – i.e. he has brought a part of his own body into contact with the corpse – can fast without performing the *ghuṣl* for touching a corpse (*mass al-mayyit*). Furthermore, if one touches a corpse while fasting, his fast does not become invalid.

7. Applying enema⁷

Ruling 1615. Applying liquid enema – even if one is obliged to or for the purposes of treatment – invalidates a fast.

8. Vomiting

Ruling 1616. Whenever a fasting person intentionally vomits, his fast becomes invalid even if he vomited out of necessity or because of illness or suchlike. However, if he vomits unintentionally or involuntarily, there is no problem [and his fast remains valid].

Ruling 1617. If at night one eats something that he knows will cause him to vomit unintentionally during the day, his fast is valid.

Ruling 1618. If a fasting person feels sick and the cause of this is something natural [as opposed to him having made himself feel sick], then even if he can restrain himself from vomiting, it is not necessary for him to do so.

Ruling 1619. If a fly enters a fasting person's throat and goes down to such an extent that were he to then swallow it, it could not be called 'eating', it is not necessary for him to bring it out and his fast is valid. However, if the fly does not go down to that extent, he must bring it out even if this requires vomiting, unless vomiting is harmful or excessively difficult (*mashaqqah*) for him; and in the event that he does not vomit it but instead swallows it, his fast becomes invalid; similarly, if he brings it out by vomiting, his fast also becomes invalid.

Ruling 1620. If a person unintentionally swallows something and remembers that he is fasting before it reaches his stomach, and if it goes down to such an extent that were he to then make it enter his stomach it could not be called 'eating', it is not necessary for him to bring it out and his fast is valid.

Ruling 1621. If a person is certain that by burping, something will come out of his throat, and were he to burp it would be in a manner

⁷ The injection of water or other fluid into the large intestine by way of the rectum.
[Author]

that could be called ‘vomiting’, he must not burp intentionally. However, there is no problem [in him burping] if he is not certain about this.

Ruling 1622. If someone burps and something comes up in his throat or mouth, he must spit it out; and if he swallows it involuntarily, his fast is valid.

LAWS OF THINGS THAT INVALIDATE A FAST

Ruling 1623. If a person intentionally and voluntarily does something that invalidates a fast, his fast becomes invalid; and in the event that he does not do it intentionally, there is no problem [and his fast remains valid]. However, if a *junub* goes to sleep and – as per the details mentioned in Ruling 1600 – he does not perform *ghusl* until the time of *ṣubḥ* prayers, his fast is invalid. Furthermore, in the event that one does not know that some of the things mentioned previously invalidate a fast, and he has not been negligent in not knowing, and nor does he doubt [that a particular thing may invalidate his fast], or he trusts in something that is legally authoritative (*al-ḥujjah al-shar‘iyyah*) [for example, the statement of a reliable person], and he does that thing, in such a case, his fast does not become invalid except in the case of eating, drinking, and sexual intercourse.

Ruling 1624. If a fasting person inadvertently does something that invalidates a fast and with the belief that his fast has become invalid, he intentionally does one of those things again, then the rule in the previous ruling will apply to him.

Ruling 1625. If something is forced down a fasting person’s throat, his fast does not become invalid. However, if he is forced to break his fast by eating, drinking, or having sexual intercourse – for example he is told, ‘If you do not eat food, we will inflict some financial or physical harm on you’ – and he eats something in order to prevent the harm from being inflicted, his fast becomes invalid. Furthermore, based on obligatory precaution, his fast also becomes invalid if he is forced to do any of the other things that invalidate a fast.

Ruling 1626. A fasting person must not go to a place where he knows something will be poured down his throat or where he will be forced to break his fast; and if he goes to such a place and he is compelled to do something that breaks his fast, his fast becomes invalid. The same applies, based on obligatory precaution, if something is poured down his throat.

THINGS THAT ARE DISAPPROVED (*MAKRŪH*) FOR A FASTING PERSON TO DO

Ruling 1627. Some things are disapproved for a fasting person to do, including:

1. putting medication in the eyes and applying collyrium in a way that the taste or smell of it reaches the throat;
2. doing anything that causes weakness, such as giving blood or taking a shower;
3. putting medication in the nose, if one does not know that it will reach the throat; and if one knows that it will reach the throat, it is not permitted;
4. smelling aromatic plants;
5. for women, to sit in water;
6. using a suppository;
7. making the clothes that are on the body wet;
8. having teeth extracted or doing anything that causes blood to come out of the mouth;
9. brushing the teeth with a wet piece of wood;
10. putting water or any other fluid in the mouth without due cause;
11. immersing the entire head in water.

It is also disapproved for someone to kiss his wife or to do something that arouses him without intending to ejaculate.

TIMES WHEN IT IS OBLIGATORY (WĀJIB) TO BOTH MAKE UP (QAḌĀʿ) AND GIVE RECOMPENSE (KAFFĀRAH)

Ruling 1628. If someone invalidates a fast of the month of Ramadan by eating, drinking, having sexual intercourse, masturbating, or remaining in the state of *janābah* until the time of *ṣubḥ* prayers, in the event that he did one of these things intentionally and voluntarily – and he was not compelled and forced to – then as well as *qaḌāʿ*, *kaffārah* also becomes obligatory on him [i.e. he must keep a fast after Ramadan and also give recompense]. As for someone who invalidates a fast by means other than those mentioned, the recommended precaution is that in addition to *qaḌāʿ*, he should also give *kaffārah*.

Ruling 1629. If someone performs one of the things mentioned [in the previous ruling] while believing with certainty that it would not invalidate his fast, *kaffārah* is not obligatory on him. The same applies to someone who does not know that fasting is obligatory on him, such as a child in the early stages of legal responsibility (*bulūgh*).

RECOMPENSE (KAFFĀRAH) OF A FAST

Ruling 1630. The *kaffārah* for breaking a fast (*iftār*) unlawfully in the month of Ramadan is that the person must free a slave, or fast for two months in accordance with the instructions that will be mentioned in the next ruling, or feed sixty poor people or give each one of them a *mudd* – which is approximately 750 grams – of food, i.e. wheat, barley, bread, or suchlike. In the event that none of these are possible for the person, he must give charity to the extent that he can. If this is not possible either, he must seek forgiveness from Allah; and the obligatory precaution is that he must give *kaffārah* whenever he is able to.

Ruling 1631. Someone who wants to fast for two months for the *kaffārah* of the month of Ramadan must fast one complete month and one day from the next month continuously; and similarly, based on obligatory precaution, he must fast the rest of the next month continuously;

and if an obstacle arises that would commonly be considered to be a legitimate excuse, he does not have to fast that particular day, and once his legitimate excuse expires he must resume his fasts.

Ruling 1632. Someone who wants to fast for two months for the *kaffārah* of a fast of Ramadan must not start at a time when he knows a day on which fasting is unlawful – such as Eid al-Aḍḥā⁸ – will fall within the one month and one day period, nor must he fast at a time when he knows a day on which fasting is obligatory [such as a day that he had assigned in a vow] will fall within that period.

Ruling 1633. If someone who must fast continuously does not fast one of the days without a legitimate excuse, he must start the *kaffārah* fasts all over again.

Ruling 1634. If during the days that someone must fast continuously a legitimate excuse arises – such as *ḥayḍ*, *nifās*, or a journey on which he has to go – then once the excuse expires, it is not obligatory on him to start the fasts all over again; rather, he will continue the rest of the fasts after the excuse has expired.

Ruling 1635. If a person invalidates his fast by means of something unlawful – whether that thing is fundamentally unlawful, like wine or adultery; or something that has become unlawful due to a particular reason, like eating lawful food that is in a general sense harmful for him, or having intercourse with his wife when she is in the state of *ḥayḍ* – in these cases, giving one *kaffārah* is sufficient. However, the recommended precaution is that he should give the ‘total *kaffārah*’, i.e. free one slave, fast for two months, and feed sixty poor people or give each one of them one *mudd* of wheat, barley, bread, or suchlike. In the event that all three are not possible for him, he should do the ones that are possible for him.

Ruling 1636. If a fasting person intentionally attributes a lie to Allah, Prophet Muḥammad (S), [or the Twelve Imams (A)], it is not obligatory on him to give *kaffārah*. However, the recommended precaution is that he should give *kaffārah*.

⁸ The 10th of Dhū al-Ḥijjah.

Ruling 1637. If on several occasions on a day of the month of Ramadan a person eats, drinks, has sexual intercourse, or masturbates, giving one *kaffārah* is sufficient for all of them.

Ruling 1638. If a fasting person does something that invalidates a fast – other than having sexual intercourse or masturbating – and afterwards he has sexual intercourse with his lawful partner, then giving one *kaffārah* is sufficient for both actions.

Ruling 1639. If a fasting person does something that is lawful but which invalidates a fast – for example, he drinks water – and afterwards he does something else that is unlawful and which invalidates a fast – for example, he eats unlawful food – then giving one *kaffārah* is sufficient.

Ruling 1640. If a fasting person burps and something comes up in his mouth, then based on obligatory precaution, if he intentionally swallows it, his fast is invalid and he must keep a *qaḍā'* fast and give *kaffārah*. And if eating that thing is unlawful – for example, when burping, blood or some food-like substance that has lost the form of food reaches his mouth and he intentionally swallows it – it is better that he gives the 'total *kaffārah*' [as defined in Ruling 1635].

Ruling 1641. If someone keeps a vow that he will fast on an assigned day, in the event that he intentionally invalidates his fast on that day, he must give *kaffārah*. The *kaffārah* for this will be mentioned in the laws relating to vows.

Ruling 1642. If a fasting person breaks his fast based on the statement of someone who says it is *maghrib*, despite the fact that he was not confident in the statement being true, and afterwards he finds out that it was not *maghrib*, or, if afterwards he doubts whether it is *maghrib* or not [but still breaks his fasts], in these cases, *qaḍā'* and *kaffārah* become obligatory on him; and if he was of the belief that the person's statement is authoritative, only *qaḍā'* is necessary.

Ruling 1643. If someone intentionally invalidates his fast and travels after *ẓuhr*, *kaffārah* is not waived. Similarly, if he intentionally invalidates his fast and then travels before *ẓuhr* in order to escape *kaffārah*

[i.e. if he thinks that by being considered a traveller that day, he will have a legitimate excuse for not fasting and so he will not have to give *kaffārah* for intentionally invalidating his fast], again *kaffārah* is not waived. In fact, even if it becomes necessary for him to travel before *zuhr*, *kaffārah* remains obligatory on him.

Ruling 1644. If a person intentionally breaks his fast and afterwards a legitimate excuse arises – such as *ḥayḍ*, *nifās*, or an illness – the recommended precaution is that he should give *kaffārah*, especially if some medication or other such means brought about the *ḥayḍ* or illness.

Ruling 1645. If a person is certain that it is the first day of the month of Ramadan and he intentionally invalidates his fast, and afterwards it becomes known that it was actually the last day of Sha'bān, *kaffārah* is not obligatory on him.

Ruling 1646. If a person doubts whether it is the last day of Ramadan or the first of Shawwāl and he intentionally invalidates his fast, and afterwards it becomes known that it was the first of Shawwāl, *kaffārah* is not obligatory on him.

Ruling 1647. If a fasting man in the month of Ramadan has sexual intercourse with his wife who is fasting, in the event that he had compelled his wife to do so, he must give *kaffārah* for invalidating his fast; and based on obligatory precaution, he must give *kaffārah* for invalidating his wife's fast as well; and if his wife consented to having sexual intercourse, one *kaffārah* becomes obligatory on each of them.

Ruling 1648. If a woman compels her fasting husband to have sexual intercourse with her, it is not obligatory on her to give *kaffārah* for invalidating her husband's fast.

Ruling 1649. If a fasting man in the month of Ramadan compels his wife to have sexual intercourse with him and during the intercourse his wife consents, one *kaffārah* becomes obligatory on each of them; and the recommended precaution is that the man should give two *kaffārahs*.

Ruling 1650. If a fasting man in the month of Ramadan has sexual intercourse with his fasting wife while she is asleep, one *kaffārah* becomes obligatory on him. Furthermore, the fast of his wife is valid and *kaffārah* is not obligatory on her.

Ruling 1651. If a man compels his wife or a wife compels her husband to do something that invalidates a fast – other than having sexual intercourse – *kaffārah* is not obligatory on either of them.

Ruling 1652. A man who does not fast due to travelling or illness cannot compel his fasting wife to have sexual intercourse with him; however, if he does compel her, *kaffārah* is not obligatory on him.

Ruling 1653. One must not be negligent in giving *kaffārah*; however, it is not necessary to give it immediately.

Ruling 1654. If *kaffārah* becomes obligatory on someone and he does not give it for a few years, nothing is added to it.

Ruling 1655. If someone who must feed sixty poor people as the *kaffārah* for one day has access to all sixty people, he cannot reduce the number of poor people to feed even if he gives the same amount of *kaffārah*. For example, he cannot give two *mudds* to thirty people and suffice with that. He can, however, give a poor person one *mudd* of food for each of the poor person's family members even if they are minors (*ṣaghīr*) and the poor person accepts this by way of agency (*wikālah*) for his family, or by way of guardianship (*wilāyah*) if they are minors. And if he cannot find sixty poor people but, for example, he finds thirty people, he can give two *mudds* of food to each of them. However, based on obligatory precaution, whenever he can he must give one *mudd* of food to another thirty poor people.

Ruling 1656. If after *ẓuhr* someone who is keeping a *qaḍā'* fast of Ramadan intentionally does something that invalidates his fast, he must give one *mudd* of food to ten poor people, and if he cannot, he must fast for three days.

TIMES WHEN IT IS OBLIGATORY (WĀJIB) TO ONLY MAKE UP (QAḌĀ') A FAST

Ruling 1657. In some cases – other than those that were indicated previously – only *qaḍā'* is obligatory on a person and *kaffārah* is not obligatory:

1. one is *junub* on a night of the month of Ramadan and – as per the details mentioned in Ruling 1601 – he does not wake up from the second sleep until the time of *ṣubḥ* prayers;
2. one does not do anything that invalidates a fast but does not make the intention to fast, or pretends to fast, or intends not to fast; and the same applies if he intends to do something that invalidates a fast, as per the details explained in Ruling 1549;
3. in the month of Ramadan, one forgets to perform *ghuṣl* of *janābah* and in the state of *janābah* he fasts one day or several days;
4. in the month of Ramadan, one does not investigate whether or not the time for *ṣubḥ* prayers has set in and does something that invalidates a fast, and afterwards it becomes known that the time of *ṣubḥ* prayers had set in;
5. someone says the time of *ṣubḥ* prayers has not set in, and based on his statement one does something that invalidates a fast, and afterwards it becomes known that the time of *ṣubḥ* prayers had set in;
6. someone says it is *ṣubḥ* but a fasting person does not have certainty about the validity of the person's statement, or he thinks that the person who made the statement is joking, and he does not investigate, and he does something that invalidates a fast, and afterwards it becomes known that it really was *ṣubḥ*;
7. one breaks his fast based on the statement of someone whose statement is legally (*shar'an*) authoritative for him [for example, someone whose word he trusts] who tells him it is *maghrib* – or he mistakenly believes that his report is authoritative – and afterwards it becomes known that it was not *maghrib*;
8. one is certain or confident that it is *maghrib* and breaks his fast, and afterwards it becomes known that it was not *maghrib*. However, if he breaks his fast because the weather was cloudy

that day and suchlike, and he supposed it had become *maghrib*, and afterwards it becomes known that it was not *maghrib*, the obligation of *qaḍā'* in this instance is based on obligatory precaution;

9. someone who gargles – i.e. he circulates water in his mouth – due to thirst and unintentionally swallows the water. However, if the person forgets that he is fasting and swallows the water, or, he gargles for reasons other than thirst – as in cases when gargling is recommended, such as in *wuḍū'* – and he unintentionally swallows the water, then there is no obligation on him to keep a *qaḍā'* fast;
10. someone who breaks his fast due to compulsion, necessity, or *taqiyyah*;⁹ and if he breaks his fast due to compulsion or *taqiyyah*, then *qaḍā'* is due only if he was required to eat, drink, or have sexual intercourse. The same applies, based on obligatory precaution, if he was required to break his fast by means other than eating, drinking, or having sexual intercourse.

Ruling 1658. If a person puts something other than water in his mouth and unintentionally swallows it, or, if he puts water in his nose and unintentionally swallows it, *qaḍā'* is not obligatory on him.

Ruling 1659. Gargling a lot is disapproved for a fasting person, and if after gargling one wants to swallow his saliva, it is better to spit out the saliva three times [before swallowing].

Ruling 1660. If a person knows that by gargling, water will unintentionally or forgetfully enter his throat, he must not gargle; however, if in this case he does gargle but water does not enter his throat, then based on obligatory precaution, *qaḍā'* is necessary.

Ruling 1661. If in the month of Ramadan, after investigating, it is not known to someone that the time of *ṣubḥ* prayers has set in, and he does something that invalidates a fast, and afterwards it becomes known that it was *ṣubḥ*, *qaḍā'* is not necessary.

Ruling 1662. One cannot break his fast if he merely doubts whether

⁹ *Taqiyyah* refers to the discretionary concealment of one's beliefs under duress.

it is *maghrib* or not. However, if one doubts whether it is *ṣubḥ* or not, he can do something that invalidates a fast even before investigating.

LAWS OF A LAPSED (QAḌĀ') FAST

Ruling 1663. If an insane person becomes sane, it is not obligatory on him to make up the fasts that he did not keep when he was insane.

Ruling 1664. If a disbeliever becomes a Muslim, it is not obligatory on him make up the fasts that he did not keep when he was a disbeliever. However, if a Muslim becomes a disbeliever and then becomes a Muslim again, he must make up the fasts that he did not keep while he was a disbeliever.

Ruling 1665. One must make up a fast that he did not keep due to intoxication, even if he consumed the intoxicating thing for the purposes of treatment.

Ruling 1666. If someone does not fast for a few days due to a legitimate excuse and afterwards doubts when his excuse expired, it is not obligatory on him to fast more days than what he deems probable as having missed. For example, someone who travelled before the month of Ramadan and who does not know whether he returned on the fifth of Ramadan or the sixth; or, he travelled in the last few days of the month of Ramadan and returned after Ramadan but does not know whether he travelled on the twenty-fifth of Ramadan or the twenty-sixth; in both cases, he can keep *qaḍā'* fasts for the lower figure – i.e. five days – although the recommended precaution is that he should keep *qaḍā'* fasts for the higher figure, i.e. six days.

Ruling 1667. If someone has *qaḍā'* fasts left over from a number of previous Ramadans, it does not matter which Ramadan he keeps *qaḍā'* fasts for first. However, if the time for the *qaḍā'* of the last Ramadan is short – for example, he has to keep five *qaḍā'* fasts from the last month of Ramadan and only five days remain until the beginning of the next Ramadan – it is better that he keeps the *qaḍā'* fasts for the last Ramadan first.

Ruling 1668. If a person has to keep *qaḍā'* fasts for a number of Ramadans and he does not specify in his intention which month of Ramadan he is keeping a *qaḍā'* fast for, it will not be regarded as the *qaḍā'* fast for the last year such that the *kaffārah* for delaying its *qaḍā'* be waived.¹⁰

Ruling 1669. One can invalidate the *qaḍā'* fast of Ramadan before *zuhr*. However, if the number of days left for him to keep his *qaḍā'* fasts [before the start of Ramadan] are few, it is better that he does not invalidate them.

Ruling 1670. If a person has kept a *qaḍā'* fast for a dead person, it is better that he does not invalidate it after *zuhr*.

Ruling 1671. If someone does not fast in Ramadan due to illness, *ḥayḍ*, or *nifās*, and he dies before the passing of a period of time in which he could have made up those fasts, then those fasts do not have to be made up.

Ruling 1672. If due to illness one does not fast in Ramadan and his illness continues until the Ramadan of the following year, it is not obligatory on him to make up the fasts he did not keep; and for each day he must give one *mudd* (approximately 750 grams) of food – i.e. wheat, barley, bread, or suchlike – to a poor person.¹¹ However, if one does not fast because of another legitimate excuse – for example, he was travelling – and his excuse remains valid until the following Ramadan, he must make up the fasts that he did not keep; and the obligatory precaution is that for each day, he must also give one *mudd* of food to a poor person.

Ruling 1673. If due to illness one does not fast in Ramadan, and after Ramadan his illness is cured but another legitimate excuse arises such that he cannot make up the fasts until the following Ramadan, he must make up the fasts he did not keep; and based on obligatory precaution, he must also give one *mudd* of food to a poor person for every missed fast. The same applies if in the month of Ramadan one has another legitimate excuse – other than illness – and after

¹⁰ See Ruling 1678.

¹¹ This type of compensative payment is known as *fiḍyah*.

Ramadan that excuse expires and until the Ramadan of the following year he cannot fast due to illness.

Ruling 1674. If in the month of Ramadan one does not fast due to a legitimate excuse and after Ramadan that excuse expires but he intentionally does not make up the fasts until the following Ramadan, he must make them up and also give one *mudd* of food to a poor person for each day.

Ruling 1675. If a person is negligent in keeping *qaḍā'* fasts until the time [before the next Ramadan] becomes short, and in the shortage of time a legitimate excuse arises, he must make them up; and based on obligatory precaution, he must also give one *mudd* of food to a poor person for each day; and the same applies if after the excuse expires he decides to make up his fasts but before he does so, a legitimate excuse arises in the short time [remaining before Ramadan].

Ruling 1676. If a person's illness continues for some years, he must make up the fasts for the last Ramadan after he gets better; and for each missed day of the previous years, he must give one *mudd* of food to a poor person.

Ruling 1677. Someone who must give one *mudd* of food to a poor person for each missed fast can give the *kaffārah* of several days to one poor person.

Ruling 1678. If a person delays keeping the *qaḍā'* fasts of the month of Ramadan for a few years, he must make them up; and for the first year's delay, he must give one *mudd* of food to a poor person for each missed fast [as *kaffārah*]; however, for the delay in the later years, there is no obligation on him.¹²

Ruling 1679. If a person intentionally does not keep the fast of Ramadan, he must make them up; and for each missed fast he must fast for two months, or give food to sixty poor people, or free one slave; and in the event that he does not make them up until the next

¹² For example, if someone has to make up one fast and he delays making it up for three years, he must give one *kaffārah* [i.e. one *mudd* of food] to a poor person, not three *kaffārah*s.

Ramadan, then based on obligatory precaution, he must also give one *mudd* of food as *kaffārah*.

Ruling 1680. If a person intentionally does not keep a fast of Ramadan, and in the day he repeatedly has sexual intercourse or masturbates, *kaffārah* is not repeated. Similarly, if one does something else that invalidates a fast a number of times – for example, he eats food a number of times – then giving one *kaffārah* is sufficient.

Ruling 1681. After a father's death, the eldest son must, based on obligatory precaution, keep his father's *qaḍā'* fasts of the month of Ramadan as per the details mentioned in Ruling 1370 concerning prayer. Instead of fasting each day, he can give 750 grams of food to a poor person even from the property of the deceased if the heirs consent to it.

Ruling 1682. If a father had not kept obligatory fasts other than the fasts of Ramadan – for example, he had not kept a fast that had become obligatory on account of a vow – or, if he had been hired to fast on behalf of someone else but had not done so, it is not obligatory on the eldest son to make up such fasts.

LAWS OF FASTING FOR A TRAVELLER

Ruling 1683. A traveller must not fast if his obligation on a journey is to perform the four unit (*rak'ah*) prayers as two *rak'ahs* [i.e. in *qasr* form]. A traveller who performs his prayer in its complete (*tamām*) form – such as someone whose work is travelling, or someone whose journey is a sinful one – must fast on his journey.

Ruling 1684. Travelling during the month of Ramadan is not forbidden. However, travelling in order to escape fasting is disapproved. Similarly, travelling in general in the month of Ramadan is disapproved except for *'umrah*¹³ or because of necessity.

Ruling 1685. If an assigned [i.e. time-specific] fast – other than the fast

¹³ *'Umrah* refers to the pilgrimage to Mecca that has fewer rituals than the hajj pilgrimage. It is sometimes referred to as the 'minor pilgrimage'.

of the month of Ramadan – is obligatory on a person, in the event that it has become obligatory because he has been hired by someone to fast and suchlike, or it is the third fast of the days of spiritual retreat (*i'tikāf*),¹⁴ he cannot travel on that day; and if he is on a journey and it is possible, he must make an intention to stay in a place for ten days and fast on that day. However, if the fast of that day has become obligatory on account of a vow, the apparent (*zāhir*)¹⁵ ruling is that travelling is permitted on that day and it is not obligatory to make an intention to stay, although it is better not to travel if one is not obliged to, and if he is on a journey it is better to make an intention to stay. However, if it has become obligatory on account of an oath (*qasam*) or a covenant (*'ahd*), then based on obligatory precaution, one must not travel, and if he was on a journey, he must make an intention to stay.

Ruling 1686. If a person makes a vow to keep a recommended fast but does not assign the day, he cannot keep that fast on a journey. However, in the event that one makes a vow that he will fast on a particular day on a journey, he must keep that fast on a journey. Furthermore, if one makes a vow to fast on a particular day whether he is travelling or not, he must fast on that day even if he is travelling.

Ruling 1687. A traveller can keep recommended fasts in Medina for three days for the fulfilment of wishes [i.e. for particular needs (*hājāt*) of his to be granted]; and the obligatory precaution is for those three days to be Wednesday, Thursday, and Friday.

Ruling 1688. If someone who does not know that a traveller's fast is invalid fasts on a journey and finds out the ruling during the day, his fast becomes invalid; and if he does not find out until *maghrib*, his fast is valid.

Ruling 1689. If a person forgets that he is a traveller or that a traveller's fast is invalid and fasts on a journey, then based on obligatory precaution, his fast is invalid.

¹⁴ *I'tikāf* refers to the act of staying in a mosque under particular conditions with the intention of worshipping Allah. The laws of *i'tikāf* are stated in the next chapter.

¹⁵ For practical purposes in jurisprudential rulings, expressing an apparent ruling equates to giving a fatwa.

Ruling 1690. If a fasting person travels after *zuhr*, he must, based on obligatory precaution, complete his fast; and in such a case, it is not necessary for him to make up that fast; and if he travels before *zuhr*, then based on obligatory precaution, he cannot fast on that day, particularly if he had made the intention to travel the night before. In any case, he must not do anything that invalidates a fast before reaching the permitted limit (*hadd al-tarakhkhus*),¹⁶ otherwise *kaffarah* becomes obligatory on him.

Ruling 1691. If a traveller in the month of Ramadan – whether he travelled before sunrise or he was fasting and then travelled – reaches his home town (*watan*)¹⁷ or a place where he intends to stay for ten days before *zuhr*, in the event that he did not do anything that invalidates a fast before reaching that place, he must, based on obligatory precaution, fast on that day and it is not obligatory on him to make it up; and if he did something that invalidates a fast before reaching that place, the fast of that day is not obligatory on him and he must make it up.

Ruling 1692. If a traveller reaches his home town or a place where he intends to stay for ten days after *zuhr*, then based on obligatory precaution, his fast is invalid and he must make it up.

Ruling 1693. It is disapproved for a traveller, and indeed anyone who has a legitimate excuse for not fasting, to have sexual intercourse or to eat and drink to his full during the day in the month of Ramadan.

THOSE ON WHOM FASTING IS NOT OBLIGATORY (WĀJIB)

Ruling 1694. Fasting is not obligatory on someone who cannot fast on account of old age or who finds it excessively difficult to fast. However, in the latter case, for each day [that he does not fast] he must give one *mudd* of food – i.e. wheat, barley, bread, or suchlike – to a poor person.

¹⁶ The permitted limit is explained in Ruling 1304.

¹⁷ Rulings 1314–1318 explain what is legally considered to be one's home town.

Ruling 1695. If someone who has not fasted on account of old age is able to fast after the month of Ramadan, the recommended precaution is that he should make up the fasts that he did not keep.

Ruling 1696. If someone has an illness that makes him very thirsty and he cannot bear being thirsty, or it is excessively difficult for him to bear it, then fasting is not obligatory on him. However, in the second case, he must give one *mudd* of food to a poor person for each missed fast; and in the event that he is able to fast afterwards, it is not obligatory on him make them up.

Ruling 1697. Fasting is not obligatory on a pregnant woman approaching the time of delivery if it is harmful for her or for the unborn child. Such a woman must give one *mudd* of food to a poor person for each missed fast, and she must make up the fasts she did not keep.

Ruling 1698. If fasting is harmful for a woman who is breastfeeding her child and who has little milk – whether she is the child’s mother or wet nurse, or someone who is breastfeeding the child without getting paid – or, if fasting is harmful for the child that she is breastfeeding, it is not obligatory on her to fast and she must give one *mudd* of food to a poor person for each missed fast and she must make up the fasts she did not keep. However, based on obligatory precaution, this rule only applies to the case where giving milk to the child is limited to this way. Therefore, if there is another way of giving milk to the child – for example, a number of women participate in breastfeeding the child, or the child is fed with the aid of a bottle – then affirming this rule is problematic (*maḥall al-ishkāl*) [i.e. based on obligatory precaution, it is not permitted for such a woman to not fast].¹⁸

WAYS OF ESTABLISHING THE FIRST OF THE MONTH

Ruling 1699. The first of the month is established in four ways:

1. a person sees the moon himself;

¹⁸ As mentioned in Ruling 6, the term ‘problematic’ (*maḥall al-ishkāl*) amounts to saying the ruling is based on obligatory precaution.

2. a group of people from whose statement one derives certainty or confidence say that they have seen the moon. Similarly, [the first of the month is established] by means of anything that one derives certainty from, or a rational source that one derives confidence from;
3. two just (*ādil*) men say that they have seen the moon at night. However, if they describe attributes of the crescent that contradict one another, the first of the month is not established. Similarly, the first of the month is not established by the testimony of two just men if one is certain or confident about them having made a mistake, or if their testimony is affected by a countervailing argument (*mu'ārid*), or by something that comes under the rule of a countervailing argument. For example, if a large group of the city's people go to sight the moon but no more than two just people claim to have sighted the moon; or, if a group of people go to sight the moon and two just people from among them claim to have sighted the moon and others do not sight it, while amongst those others there are two other just people who are as good in knowing the position of the crescent and are as sharp-sighted as the first two just people, and furthermore, the sky is clear and for those two there is no probable obstacle to seeing the moon; in these cases, the first of the month is not established by the testimony of two just people;
4. thirty days from the first of the month of Sha'bān pass, by means of which the first of the month of Ramadan is established; and thirty days from the first of the month of Ramadan pass, by means of which the first of the month of Shawwāl is established.

Ruling 1700. The first of the month is not established by the ruling of a fully qualified jurist (*al-ḥākim al-shar'ī*) unless by means of his ruling, or the first of the month being established in his view, one derives confidence in the moon having been sighted.

Ruling 1701. The first of the month is not established by the predictions of astronomers unless one derives certainty or confidence from their statements.

Ruling 1702. The moon being high or setting late is no evidence that the night before was the first night of the month. Similarly, if the moon has a halo, it is no evidence that it is the second night.

Ruling 1703. If the month of Ramadan is not established for someone and he does not fast, and afterwards it is established that the previous night was the first of the month, he must make up the fast for that day.

Ruling 1704. If the first of the month is established in a city, the first of the month will also be established in other cities that are united with it in the horizon. The meaning of ‘unity of horizon’ here is that if the moon is seen in the first city, it would also be seen in the second city if there were no obstacles, such as clouds. This brings about confidence in the case where the second city – if it is to the west of the first city – has a latitudinal position close to that of the first city; and if it is to the east of the first city, then in addition to closeness in latitudinal position, there must not be a large difference in the longitudinal position either.

Ruling 1705. If a person does not know whether it is the last day of Ramadan or the first of Shawwāl, he must fast on that day. However, if during the day he finds out that it is the first of Shawwāl, he must break his fast.

Ruling 1706. If a prisoner cannot be certain about whether or not it is the month of Ramadan, he must act according to his supposition. However, if he can find a stronger supposition, he cannot act on the weaker supposition and he must endeavour to attain the strongest probability; and if there is no other way, he must as a final resort draw lots (*qur‘ah*) if this results in strengthening his inclination; and if acting according to supposition is not possible, he must fast a month that he deems is probably the month of Ramadan. However, he must bear that month in mind and in the event that he finds out afterwards that it was indeed the month of Ramadan, or it was after it, there is no obligation on him. However, if it becomes known that it was before the month of Ramadan, he must make up the fasts of the month of Ramadan.

UNLAWFUL (*ḤARĀM*) AND DISAPPROVED (*MAKRŪH*) FASTS

Ruling 1707. Fasting on Eid al-Fiṭr¹⁹ and Eid al-Aḍḥā²⁰ is unlawful. Furthermore, if one does not know whether it is the last day of Sha'bān or the first day of Ramadan and fasts with the intention of it being the first day of Ramadan, it is unlawful.

Ruling 1708. If a recommended fast of a woman conflicts with the conjugal rights of her husband, it is unlawful for her to keep it. Similarly, with regard to a fast that is obligatory but the day on which it must be kept has not been assigned – for example, a vow that [has been made to keep a fast, but the day of the fast] has not been assigned – if it conflicts with the conjugal rights of her husband, then based on obligatory precaution, the fast is invalid and it does not fulfil the vow. The same applies, based on obligatory precaution, if her husband forbids her to keep a recommended fast or an obligatory fast for which a day has not been assigned even if it does not conflict with his rights. And the recommended precaution is that she should not keep a recommended fast without his permission.

Ruling 1709. If a recommended fast kept by a child is a source of annoyance for his father or mother due to their compassion for him, it is unlawful for the child to keep it.

Ruling 1710. If a child keeps a recommended fast without the permission of his father or mother and during the day his father or mother forbid him to continue keeping his fast, in the event that the child's opposition may annoy the parent due to the parent's compassion for his or her child, the child must break his fast.

Ruling 1711. Someone who knows fasting will not cause him significant harm – even though a doctor says it is harmful for him to fast – must fast; and someone who is certain or supposes that fasting will cause him significant harm – even though a doctor says that it will not harm him – is not obliged to fast.

¹⁹ The 1st of Shawwāl.

²⁰ The 10th Dhū al-Ḥijjah.

Ruling 1712. If a person is certain or confident that fasting will cause him significant harm, or he deems this probable, and the probability creates fear in him, in the event that his deeming it probable would be considered by rational people to be reasonable, it is not obligatory on him to fast. In fact, if that harm would result in him dying or losing a limb, then fasting is unlawful; otherwise, if he fasts with the intention of *rajā'* and afterwards he realises that it did not cause him any significant harm, his fast is valid.

Ruling 1713. If someone who believes that fasting does not harm him fasts and after *maghrib* he finds out that fasting has caused him significant harm, then based on obligatory precaution, he must make it up.

Ruling 1714. Apart from the fasts mentioned here, there are other unlawful fasts that are mentioned in more detailed books.

Ruling 1715. Fasting is disapproved on the Day of 'Āshūrā²¹ and on the day that one doubts whether it is the Day of 'Arafah²² or Eid al-Adḥā.²³

RECOMMENDED (*MUSTAḤABB*) FASTS

Ruling 1716. Fasting on any day of the year – apart from the days on which fasting is unlawful or disapproved, which were mentioned previously – is recommended; and it has been recommended more to fast on some days, such as:

1. the first and last Thursday of each month, and the first Wednesday after the tenth of the month; and if someone does not fast on these days, it is recommended that he makes them up; and in the event that one cannot fast at all [on these days], it is recommended that he gives for each day one *mudd* of food

²¹ The 10th of Muḥarram.

²² The 9th of Dhū al-Ḥijjah.

²³ The 10th of Dhū al-Ḥijjah.

- or 12.6 *nukhuds*²⁴ of minted silver²⁵ to a poor person;
2. the 13th, 14th, and 15th of each month;
 3. the entire month of Rajab and Sha‘bān, or at least some days of these two months, even if only one day;
 4. the Eid of Nawrūz;²⁶
 5. from the 4th to the 9th of Shawwāl;
 6. the 25th and 29th of Dhū al-Qa‘dah;
 7. from the 1st to the 9th of Dhū al-Ḥijjah (until and including the Day of ‘Arafah); however, if due to weakness from fasting one cannot recite the supplications (*du‘ā’s*) of the Day of ‘Arafah, then fasting on that day is disapproved;
 8. the auspicious day of Eid al-Ghadīr (the 18th of Dhū al-Ḥijjah);
 9. the day of Mubāhalah (the 24th of Dhū al-Ḥijjah);
 10. the 1st, 3rd, and 7th of Muḥarram;
 11. the joyous birthday of the most noble Messenger (Ṣ) (the 17th of Rabī‘ al-Awwal);
 12. the 15th of Jamādi al-Awwal;
 13. the day of Maba‘th of His Eminence the most noble Messenger (Ṣ) (the 27th of Rajab).

If someone keeps a recommended fast, it is not obligatory on him to complete it. In fact, if a fellow believer invites him to eat, it is recommended for him to accept the invitation and to break his fast during the day, even if it is after *zuhr*.

TIMES WHEN IT IS RECOMMENDED (*MUSTAḤABB*) FOR ONE TO ABSTAIN FROM THINGS THAT INVALIDATE A FAST

Ruling 1717. It is recommended for five types of people – even if they are not fasting – to abstain from things that invalidate a fast in the month of Ramadan:

²⁴ A *nukhud* is a measure of weight equal to approximately 0.195 grams. Therefore, 12.6 *nukhuds* is equivalent to approximately 2.46 grams.

²⁵ In the present time, when minted silver is not prevalent, the silver does not have to be minted (*Tawḍīḥ al-Masā’il-i Jāmi‘*, vol. 1, p. 587, Ruling 2122).

²⁶ The day of the spring equinox.

1. a traveller who has done something that invalidates a fast and who reaches his home town or a place where he intends to stay for ten days before *zuhr*;
2. a traveller who after *zuhr* reaches his home town or a place where he intends to stay for ten days;
3. a sick person who gets better after *zuhr*; and similarly, if he gets better before *zuhr* and has done something that invalidates a fast. And in case he has not done anything that invalidates a fast, then based on obligatory precaution, he must fast on that day;
4. a woman whose *ḥayḍ* or *nifās* stops during the day;
5. a disbeliever who becomes a Muslim and who had done something that invalidates a fast before becoming a Muslim.

Ruling 1718. It is recommended for a fasting person to perform *maghrib* and '*ishā'* prayers before breaking his fast. However, if someone is waiting for him or he is very drawn to food – such that he cannot pray with presence of heart – it is better that he first breaks his fast. However, as much as he possibly can, he should perform the prayers within their prime time (*waqt al-faḍīlah*).²⁷

²⁷ This refers to the early period of the prescribed time for a prayer during which there is more reward for performing it.

CHAPTER FIVE

Spiritual Retreat (*I'tikāf*)

Ruling 1719. *I'tikāf* is one of the recommended (*mustahabb*) ritual acts of worship (*'ibādāt*) that becomes obligatory (*wājib*) by means of a vow (*nadhr*), covenant (*'ahd*), oath (*qasam*), or suchlike. A valid *i'tikāf* is when one stays in a mosque with the intention of attaining proximity to Allah (*qaṣd al-qurbah*); and the recommended precaution (*al-iḥtiyāt al-mustahabb*) is that the stay should take place with the intention of performing ritual acts of worship, such as prayers (*ṣalāh*), and supplications (*du'ā's*).

Ruling 1720. There is no particular time for performing *i'tikāf*; rather, whenever it is correct to keep a fast (*ṣawm*) during the year, performing *i'tikāf* at that time is also correct. The best time for performing *i'tikāf* is the blessed month of Ramadan, more so during the last ten nights of Ramadan.

Ruling 1721. The minimum length of time for *i'tikāf* is two nights and three days; less than that is not correct (*ṣaḥiḥ*). There is no maximum limit. There is no problem in including the first or the fourth night in the intention of *i'tikāf*. If a person is a *mu'takif* [the term given to someone who is performing *i'tikāf*] for five full days, he must also be a *mu'takif* on the sixth day.

Ruling 1722. The starting time for *i'tikāf* is the time of morning (*ṣubḥ*) prayers on the first day, and, based on obligatory precaution (*al-iḥtiyāt al-wājib*), the finishing time for *i'tikāf* is the time of *maghrib* prayers on the third day. For a valid *i'tikāf* to take place, a period of time equivalent to three days will not suffice; i.e. one cannot be a *mu'takif* after the time of *ṣubḥ* prayers on the first day [and stay in the mosque until the same time on the fourth day] even if he compensates the time lost from the first day on the fourth day; for example, he stays in the mosque from the time of afternoon prayers (*zuhr*) of the first day until the time of afternoon prayers on the fourth day.

CONDITIONS FOR THE VALIDITY OF *I'TIKĀF*

Ruling 1723. The following are the conditions for a valid *i'tikāf*.

- i. The *mu'takif* must be a Muslim.

- ii. The *mu'takif* must be sane (*'āqil*).
- iii. *I'tikāf* must be performed with the intention of attaining proximity to Allah.

Ruling 1724. A *mu'takif* must have the intention of attaining proximity to Allah in the same manner that was mentioned with regard to ablution (*wuḍū'*),¹ and *i'tikāf* must be performed from start to finish with a sincere intention to attain proximity to Allah.

- iv. The duration of the *i'tikāf* must be a minimum of three days.

Ruling 1725. The minimum duration of *i'tikāf* is three days; less than three days is incorrect. However, there is no maximum limit, as mentioned in Ruling 1721.

- v. A *mu'takif* must fast during the days of *i'tikāf*.

Ruling 1726. A *mu'takif* must fast during the days of *i'tikāf*. Therefore, *i'tikāf* performed by someone who cannot [legally] fast [during those days] – such as a traveller who does not intend to stay for ten days, a sick person, a woman in menstruation (i.e. a *ḥā'id*) and a woman who is experiencing lochia (*nifās*) – is not correct. Furthermore, on the days of *i'tikāf*, it is not necessary to fast *especially* for performing *i'tikāf*; rather, it is acceptable for one to keep any fast during *i'tikāf*, even a fast that one has been hired to keep (*istijāri*), or a recommended fast, or a lapsed (*qaḍā'*) fast.

Ruling 1727. While a *mu'takif* is fasting – i.e. from the time of *ṣubḥ* prayers until the time of *maghrib* prayers – everything that invalidates (i.e. makes *bāṭil*) a fast also invalidates *i'tikāf*. Therefore, a *mu'takif* must refrain from intentionally (*'amdan*) doing the things that invalidate a fast.²

- vi. *I'tikāf* must be performed in one of 'the four mosques' or in a *jāmi'* mosque.

Ruling 1728. It is correct to perform *i'tikāf* in Masjid al-Ḥarām, Masjid

¹ See the sixth condition for the validity of *wuḍū'* and Ruling 281.

² See Ruling 1551 for a list of the things that invalidate a fast.

al-Nabī (S), Masjid al-Kūfah, and Masjid al-Başrah. Similarly, it is correct to perform *i'tikāf* in the *jāmi'* mosque of every town, except when the religious leadership (*imāmah*) of that mosque is in the hands of a person who is not just (*ādil*), in which case, based on obligatory precaution, *i'tikāf* is not correct. A *jāmi'* mosque is one that is not particular to people of a specific locality or area, nor to a specific group; rather, it is a place where people of different areas and localities of the town gather and frequent. The legality (*mashrū'iyah*) of *i'tikāf* performed in any mosque other than a *jāmi'* mosque is not established; however, there is no problem in performing *i'tikāf* in other mosques with the intention of there being a probability of it being a desirable act. As for performing *i'tikāf* in a place that is not a mosque – for example, in a place that is a *ḥusayniyyah*³ or only a prayer room – it is not correct and has no legal basis.

vii. *I'tikāf* must take place in one mosque.

Ruling 1729. It is necessary that *i'tikāf* be performed in one mosque. Therefore, one *i'tikāf* cannot be performed in two mosques, whether they are separate from each other or joined together, unless they are joined together in a manner that they are commonly considered to be one mosque.

viii. *I'tikāf* must be performed with the permission of one whose permission is legally (*shar'an*) required.

Ruling 1730. *I'tikāf* must be performed with the permission of one whose permission is legally required. Therefore, if a woman's staying in a mosque is unlawful (*ḥarām*) – for example, because she has left her house without the permission of her husband – her *i'tikāf* is invalid; and in case a woman's staying in a mosque is not unlawful but performing *i'tikāf* conflicts with her husband's rights, the validity of her *i'tikāf* – if performed without her husband's permission – is problematic (*maḥall al-ishkāl*) [i.e. based on obligatory precaution, it is not valid].⁴ Similarly, if *i'tikāf* disturbs and annoys one's parents due to their compassion and sympathy for him, it is necessary for him

³ A *ḥusayniyyah* is a congregation hall for Shia ceremonies.

⁴ As mentioned in Ruling 6, the term 'problematic' (*maḥall al-ishkāl*) amounts to saying the ruling is based on obligatory precaution.

to obtain their permission; and if it does not annoy them, the recommended precaution is that he should still obtain their permission.

ix. A *mu'takif* must refrain from doing the unlawful acts of *i'tikāf*.

Ruling 1731. Someone who is performing *i'tikāf* must refrain from doing the unlawful acts of *i'tikāf*, which are as follows:

1. using fragrance;
2. having sexual intercourse with one's spouse;
3. masturbating, having sexual contact with one's spouse by means of touching, and lustfully kissing (based on obligatory precaution);
4. altercating (*mumārah*) and disputing (*mujādalah*) with others;
5. conducting a transaction.

Doing these things invalidates one's *i'tikāf*. In the case of an *i'tikāf* that is not an assigned obligation (i.e. it is not *al-wājib al-mu'ayyan*),⁵ the obligation to refrain from these things – apart from having sexual intercourse – is based on obligatory precaution.⁶

Ruling 1732. It is not permitted (*jā'iz*) for a *mu'takif* to smell perfumes in any circumstance – whether he derives pleasure from smelling them or not – and neither is it permitted for him to smell fragrant plants and flowers if he derives pleasure from doing so; however, there is no problem if he does not derive pleasure from smelling them. Similarly, a *mu'takif* can use perfumed personal cleansing products, such as liquid soap or a bar of soap, shampoo, and toothpaste that has a pleasant smell. It is not permitted, however, to smell the perfume that people who are not performing *i'tikāf* usually apply when they

⁵ An assigned obligation is an act of worship that must be performed at one distinct time. One way that an *i'tikāf* could become an assigned obligation is by means of a vow.

⁶ This means that, with regard to an *i'tikāf* that is not an assigned obligation, the obligation to refrain from having sexual intercourse is a fatwa, whereas the obligation to refrain from the other things is based on obligatory precaution (see Ruling 6 for the distinction between a fatwa and a ruling based on obligatory precaution). As for an *i'tikāf* that is an assigned obligation, the obligation to refrain from those things is a fatwa, except for the third, which as stated in brackets in the ruling itself, is based on obligatory precaution.

come to mosques, but, apparently, merely having a sense of the fragrant smell is not a problem, nor is it necessary for one to hold his nose.

Ruling 1733. While one is performing *i'tikāf*, it is not permitted for him to have sexual intercourse with his spouse – even if it does not result in ejaculation – and doing so intentionally invalidates *i'tikāf*.

Ruling 1734. Based on an obligatory precaution, a *mu'takif* must not intend to ejaculate (even by lawful means), and he must refrain from having sexual contact with his spouse by means of touching, and he must also refrain from lustfully kissing her. Looking lustfully at one's spouse during *i'tikāf* does not invalidate one's *i'tikāf*, but the recommended precaution is that one should refrain from doing so.

Ruling 1735. Disputing about worldly or religious matters while one is performing *i'tikāf* is unlawful if it is done with the intention of defeating the other person or showing off one's virtues and superiority. However, if it is done with the intention of making evident what is right, clarifying what is true, and resolving an error or mistake made by the other side, not only is it not unlawful but it is one of the best forms of worship. Therefore, the criterion [of whether such action is unlawful or not] is the intention of the *mu'takif*.

Ruling 1736. Conducting transactions while one is performing *i'tikāf* is unlawful; and based on obligatory precaution, any type of business transaction – such as hire (*ijārah*), silent partnership (*muḍārabah*),⁷ exchange (*mu'āwadah*) etc. is also unlawful, although the transaction that is conducted is valid.

Ruling 1737. Whenever a *mu'takif* is compelled to conduct a transaction in order to procure food and drink or other necessary items, and he cannot find someone else who is not a *mu'takif* to do this on his behalf by way of agency (*wikālah*), and it is not possible for him to procure the aforementioned items without conducting a transaction – for example, by way of receiving them as a gift or borrowing them

⁷ This refers to a commercial association whereby an investor entrusts capital to an agent who trades with it and shares with the investor a pre-determined proportion of the profits.

– in such a case, there is no problem in him conducting a transaction.

Ruling 1738. If a *mu'takif* intentionally commits an unlawful act of *i'tikāf* despite knowing the religious law (*al-ḥukm al-shar'ī*), his *i'tikāf* becomes invalid.

Ruling 1739. If a *mu'takif* inadvertently (*sahwan*) or forgetfully commits an unlawful act of *i'tikāf*, it does not invalidate his *i'tikāf* in any circumstance.

Ruling 1740. If a *mu'takif* commits an unlawful act of *i'tikāf* on account of not knowing the ruling about this, in the event that he was culpably ignorant (*al-jāhil al-muqaṣṣir*),⁸ his *i'tikāf* becomes invalid; and if he was inculpably ignorant (*al-jāhil al-qāṣir*), his *i'tikāf* is valid and it will be ruled as inadvertence [which as mentioned in the previous ruling, does not invalidate one's *i'tikāf* in any circumstance].

Ruling 1741. If a *mu'takif* invalidates his *i'tikāf* by doing one of things that renders an *i'tikāf* invalid – which were mentioned in the previous rulings (*masā'il*) – and if the *i'tikāf* is an assigned obligation,⁹ then based on obligatory precaution, he must make up the *i'tikāf* [i.e. he must perform it belatedly as *qada'*]; and if the *i'tikāf* is not an assigned obligation – for example, one makes a vow to perform *i'tikāf* without assigning a time for it – it is obligatory that he starts the *i'tikāf* all over again; and if it is a recommended *i'tikāf* and one invalidates his *i'tikāf* after the completion of the second day, then based on obligatory precaution, he must make up the *i'tikāf*; and if one invalidates a recommended *i'tikāf* before the completion of the second day, there is no obligation on him and he does not have to make it up.

- x. A *mu'takif* must remain in the place of *i'tikāf* and must not leave it except in cases where leaving is legally permitted.

Ruling 1742. In cases where it is permitted for a *mu'takif* to leave the mosque, he must not stay outside the mosque for longer than it is necessary for him to attend to the matter in question.

⁸ The terms 'culpably ignorant' and 'inculpably ignorant' are explained in footnotes pertaining to Ruling 12.

⁹ See the first footnote pertaining to Ruling 1731 for an explanation of this term.

LEAVING THE PLACE OF I‘TIKĀF

Ruling 1743. Leaving the place of *i‘tikāf* for necessary and unavoidable matters – such as going to the toilet – is permitted. Leaving the mosque in order to perform ritual bathing (*ghusl*) for ritual impurity (*janābah*) is also permitted; indeed, it is obligatory. Similarly, it is permitted for women to leave in order to perform the *ghusl* for irregular blood discharge (*istiḥāḍah*); and if a woman who is experiencing *istiḥāḍah* and who must perform *ghusl* does not do so, the validity of her *i‘tikāf* is not affected.

Ruling 1744. Leaving the place of *i‘tikāf* in order to perform ablution (*wuḍū’*) for an obligatory prayer within its prescribed time (*adā’*) is permitted, even if the time for the prayer has not yet set in; and leaving in order to perform *wuḍū’* for an obligatory *qadā’* prayer – in case there is ample time for performing it – is problematic [i.e. based on obligatory precaution, one must not leave in this case].

Ruling 1745. In the event that there are facilities for performing *wuḍū’* inside the mosque, a *mu‘takif* cannot leave the mosque in order to perform *wuḍū’*.

Ruling 1746. If it becomes obligatory on a *mu‘takif* to perform *ghusl*, in case the *ghusl* is one of the *ghusls* that is not permitted to be performed in a mosque – such as the *ghusl* for *janābah*, which would require staying in the mosque while in the state of *janābah* or would cause the mosque to become impure – he must leave; otherwise, his *i‘tikāf* becomes invalid; and in case there is no problem in performing *ghusl* in the mosque – such as the *ghusl* for touching a corpse (*mass al-mayyit*) – and it is possible to perform *ghusl*, then based on obligatory precaution, it is not permitted to leave the mosque.

Ruling 1747. Leaving the place of *i‘tikāf* in order to perform recommended *ghusls* – such as the Friday *ghusl* or the *ghusl* for performing the rituals (*a‘māl*) of Umm Dāwūd¹⁰ – and similarly, leaving in

¹⁰ The rituals of Umm Dāwūd are a recommended set of acts of worship that are usually performed in the middle of the month of Rajab. See, for example, Shaykh ‘Abbās al-Qummi’s *Mafātiḥ al-Jinān*, in the section on the recommended acts for Rajab.

order to perform a recommended *wuḍūʿ*, is problematic [i.e. based on obligatory precaution, one must not leave in order to perform them]. Generally speaking, leaving a mosque for ‘supererogatory matters’ (i.e. those that are religiously preferred to be done rather than not done) – excluding matters that are commonly considered to be necessary – is problematic, and precaution must be observed [i.e. based on obligatory precaution, one must not leave the mosque for ‘supererogatory matters’]. However, a *muʿtakif* can leave the place of *iʿtikāf* for the purposes of attending a funeral procession (*tashyīʿ al-janāzah*), preparing a corpse for *ghuṣl*, prayers, burial (*dafn*), and suchlike; [he can also leave for] visiting the sick and attending the Friday prayer (*ṣalāt al-jumuʿah*).

Ruling 1748. Based on obligatory precaution, it is not permitted for a *muʿtakif* to leave the mosque in order to attend congregational prayers (*ṣalāt al-jamāʿah*) that are being held outside the place of *iʿtikāf* unless one is a *muʿtakif* in the holy city of Mecca, in which case he can leave the mosque in order to perform congregational prayers or to perform prayers on his own (*furādā*); furthermore, he can perform these prayers wherever in Mecca he wants.

Ruling 1749. A *muʿtakif* cannot leave the mosque in order to bring things that he needs if he can instruct someone who is not a *muʿtakif* to bring them for him.

Ruling 1750. A *muʿtakif* can leave the place of *iʿtikāf* in order to sit secondary school, university, or *ḥawzah* (Islamic seminary) examinations in the event that it is commonly considered to be necessary. However, he must not stay outside the mosque for a long time such that the form of the *iʿtikāf* is lost; up to two hours, for example, is no problem.

Ruling 1751. If a *muʿtakif* leaves the mosque in order to attend to some urgent matter but stays outside for a long time such that the form of his *iʿtikāf* is lost, his *iʿtikāf* is invalid even if he was compelled or forced to leave, or he left because of necessity or due to forgetfulness.

Ruling 1752. If a *muʿtakif* leaves the place of *iʿtikāf* – intentionally, of his own choice, and while knowing the religious law – for a matter

that is not necessary, nor one for which a *mu'takif* is permitted to leave, his *i'tikāf* becomes invalid.

Ruling 1753. If a *mu'takif* leaves the place of *i'tikāf* – on account of not knowing the ruling (*mas'alah*) and being ignorant of the religious law – for a matter that is not necessary, nor one for which a *mu'takif* is permitted to leave, his *i'tikāf* becomes invalid.

Ruling 1754. If a *mu'takif* leaves the mosque due to forgetfulness, his *i'tikāf* becomes invalid; and if a *mu'takif* leaves the mosque because he was compelled or forced to leave, his *i'tikāf* does not become invalid unless he stays outside for a long time such that the form of *i'tikāf* is lost, in which case his *i'tikāf* becomes invalid.

Ruling 1755. If it is obligatory for a *mu'takif* to leave the place of *i'tikāf* – for example, in order to pay a debt that is obligatory on him, and the time to repay it is due, and he has the ability to repay it, and the lender wants it to be repaid; or, in order to accomplish something else that is obligatory on him and which requires him to leave – in these cases, if he acts contrary to his duty and does not leave, he commits a sin but his *i'tikāf* does not become invalid.

Ruling 1756. A *mu'takif* must not stay outside the mosque for longer than is necessary; and while he is outside, if possible, he must not sit under a shade. However, there is no problem if he sits under a shade while he is outside in order to empty his bowels and/or bladder; and based on obligatory precaution, after he has emptied his bowels and/or bladder, he must not sit at all unless it is necessary for him to do so.

Ruling 1757. A *mu'takif* can walk under a shade outside the mosque, although the recommended precaution is that he should avoid doing so.

Ruling 1758. Based on obligatory precaution, it is necessary for a *mu'takif* to take the shortest route when he leaves the place of *i'tikāf* or returns to it. However, if by using a longer route he would end up staying outside the mosque for a shorter time, he must choose that longer route [i.e. the route could be longer in distance but quicker to traverse due to it being, say, less busy].

MISCELLANEOUS RULINGS ON *I'TIKĀF*

Ruling 1759. When one makes the intention to perform an *i'tikāf* that is not an assigned obligation,¹¹ he can stipulate a condition from the outset that if a problem arises, he will leave the *i'tikāf*.¹² Therefore, by stipulating such a condition, one can leave the *i'tikāf* if a problem arises, and there is no problem in doing so even on the third day. However, if a *mu'takif* stipulates a condition that he will stop his *i'tikāf* even if no particular reason arises, the validity of such a condition is problematic [i.e. based on obligatory precaution, it is not a valid condition]. It is worth mentioning that stipulating the aforementioned condition (i.e. the condition of leaving the *i'tikāf* in the middle of it if a problem arises) before or after the *i'tikāf* has started is not correct; rather, it must be stipulated at the time of making the intention to perform *i'tikāf*.

Ruling 1760. A valid *i'tikāf* is not conditional on one having reached the age of legal responsibility (*bulūgh*), and *i'tikāf* performed by a child who is able to discern between right and wrong (*mumayyiz*) is also correct.

Ruling 1761. If a *mu'takif* sits on a usurped (*ghaṣbī*) carpet and he is aware of the fact that it is usurped, he commits a sin but his *i'tikāf* does not become invalid; and if someone gets to a place first and reserves it, and a *mu'takif* takes his place without his consent, then although he commits a sin his *i'tikāf* is valid.

Ruling 1762. If at the time of making the intention for an obligatory *i'tikāf* one stipulates a condition of returning (i.e. a condition of leaving the *i'tikāf* in the middle of it if a problem arises) – the details of which were mentioned in Ruling 1759 – in the event that he does something that is unlawful for one to do during *i'tikāf*, it is not necessary for him to make up the *i'tikāf* nor to start it all over again.

Ruling 1763. If a woman who is performing *i'tikāf* becomes *hā'id* after the completion of the second day of *i'tikāf*, it is obligatory on her to leave the mosque immediately; and based on obligatory precaution,

¹¹ See the first footnote pertaining to Ruling 1731 for an explanation of this term.

¹² Such a condition is known as 'a condition of returning (*rujū'*)'.

it is necessary for her to make up the *i'tikāf*, unless from the outset she had stipulated a condition of returning (i.e. a condition of leaving the *i'tikāf* in the middle of it if a problem arises), the details of which were mentioned in Ruling 1759.

Ruling 1764. Performing an obligatory *qaḍā' i'tikāf* is not an immediate obligation (*al-wājib al-fawrī*).¹³ However, making it up must not be delayed to such an extent that it would be regarded as being careless in accomplishing the obligation; and the recommended precaution is that it should be made up immediately.

Ruling 1765. If a *mu'takif* dies in the middle of an *i'tikāf* that has become obligatory on account of a vow, oath, covenant, or the passing of two days of *i'tikāf*, it is not obligatory on his guardian (*wālī*) (i.e. the eldest son) to make up the *qaḍā' i'tikāf*, although the recommended precaution is that a *qaḍā' i'tikāf* of a deceased person should be performed. Of course, in the event that a *mu'takif* had stipulated in his will that, in such a case, someone must be hired from the one-third of his estate¹⁴ to perform *i'tikāf* for him, then the deceased *mu'takif's* will must be followed.

Ruling 1766. If a *mu'takif* intentionally invalidates his *i'tikāf* by having sexual intercourse – be it during the day or at night – it is obligatory on him to give recompense (*kaffārah*). As for [intentionally invalidating one's *i'tikāf* by performing] other unlawful acts, there is no *kaffārah*, although the recommended precaution is that one should give *kaffārah*.

The *kaffārah* for invalidating an *i'tikāf* is the same as the *kaffārah* for invalidating a fast of the month of Ramadan – i.e. one has the choice of either fasting for sixty days or feeding sixty poor people – although the recommended precaution is that one should observe the sequence in giving *kaffārah*, meaning that one should first fast for sixty days, and if he cannot, he should then feed sixty poor people.

Ruling 1767. It is not permitted to change from one *i'tikāf* to another,

¹³ This is an obligation that must be performed as soon as it is possible to do so, and delaying its performance is not permitted.

¹⁴ This refers to the maximum amount of one's estate over which he has discretion in a will for it to be disposed of in accordance with his wishes after his death.

whether both *i'tikāfs* happen to be obligatory, like when a person has made one of them obligatory on account of a vow, and the other on account of an oath; or, both are recommended; or, one is obligatory and the other recommended; or, one is to be performed for himself and the other on behalf of someone else (*niyābah*) or he is being hired to perform it for someone else; or, both are to be performed on behalf of someone else.

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