222485 - Expiation for a woman who had intercourse with her husband during the day in Ramadan and is unable to fast

the question

What is the ruling for a woman in regard to expiation for breaking her fast in Ramadan by having intercourse with her husband if she cannot fast for two months consecutively due to menses and weakness?

Detailed answer

Praise be to Allah.

Firstly:

Intercourse during the day in Ramadan is one of the gravest things that break the fast. The one who does that must pray for forgiveness and repent, make up that day, and offer expiation.

The expiation for that, in order of precedence is: freeing a slave; if that is not possible, then it is fasting for two consecutive months; if one is not able to do that, then he must feed sixty poor persons.

It is not permissible to move from one expiation to the next option, except if one is unable to do it.

For more information, please see the answer to question no. 106532.

Secondly:

If the woman had an excuse at the time of having intercourse, such as if she was forced, or she forgot, or she was unaware of the prohibition on intercourse during the day in Ramadan, then there is no sin on her and she does not have to offer expiation.

There was a difference of scholarly opinion regarding the soundness of her fast on the day on

which she was forced to have intercourse. But if she chooses to make up that day to be on the safe side, and paying attention to those scholars who say that this is obligatory, then that is a good thing.

But if she willingly obeyed her husband in having intercourse, and she had no excuse, then she must make up that day and offer expiation. This is the view of the majority of scholars.

For more information concerning this issue, please see the answer to question no. 106532.

Thirdly:

If a woman is unable to fast because of a considerable health problem, then expiation in her case is to feed sixty poor persons. She may either give this food herself, or delegate her husband to give it on her behalf.

The scholars of the Permanent Committee for Ifta' said: The expiation for having intercourse during the day in Ramadan is in the order mentioned above. So a person should not move to the option of fasting, for example, unless he is unable to free a slave; and he should not move to the option of feeding poor persons unless he is unable to fast. If he moves to the option of feeding the poor because he is unable to free a slave or fast, it is permissible for him to give iftaar to sixty poor Muslims who are fasting, giving them enough to satisfy them of the local staple food, once on his own behalf and a second time on behalf of his wife; or he may give to sixty poor people sixty saa's on behalf of himself and his wife, giving each one of them a saa', which is equivalent to approximately 3 kg.

End quote from Fataawa al-Lajnah ad-Daa'imah (9/245).

Fourthly:

Getting one's menses after having started the fast does not cancel the sequence of expiatory fasts; rather the woman should stop fasting when her menses comes, then when it ends, she should carry on from where she left off fasting, until she completes the two months. That is because menses is something that Allah has decreed for the daughters of Adam, and she has no

control over it. There is scholarly consensus on this point.

For more information, please see the answer to question no. 82394.

Based on that, the mere fact that the period comes every month, or the fear of hardship, does not count as an excuse for moving to the option of feeding the poor; rather she must fast even if she knows that she will have her period, and fasting is not waived unless one is unable to do it.

And Allah knows best.