406326 - What is the ruling if penetration occurs accidentally during foreplay during the day in Ramadan?

the question

When engaging in foreplay whilst fasting, penetration occurred [accidentally] with my wife and madhiy (prostatic fluid) was emitted, without me intending to do that or doing it deliberately. Does this invalidate our fast? What is the ruling for us?

Detailed answer

Praise be to Allah.

Firstly:

If someone has intercourse during the day in Ramadan because he forgot or was unaware of the ruling, or made a mistake, it does not invalidate the fast, because of the report narrated by al-Bukhari (6669) and Muslim (1155) from Abu Hurayrah (may Allah be pleased with him), who said: The Prophet (blessings and peace of Allah be upon him) said: “Whoever forgets that he is fasting and eats or drinks, let him complete his fast, for it is Allah Who has fed him and given him to drink.”

An-Nawawi said in *Sharh Muslim* (8/35): This is evidence for the view of the majority, which is that if the fasting person eats or drinks or has intercourse because he forgot he was fasting, it does not break his fast. Among those who held this view were ash-Shafa‘i, Abu Hanifah, Dawud and others. End quote.

The one who is unaware of the ruling and the one who makes a mistake are like the one who forgets, because of the verse in which Allah, may He be exalted, says (interpretation of the meaning): {Our Lord, do not impose blame upon us if we have forgotten or erred} [al-Baqarah 2:286]. And Allah, may He be exalted, has said: “I have granted that.” Narrated by Muslim (126).

And Allah, may He be exalted, says (interpretation of the meaning):

{And there is no blame upon you for that in which you have erred but [only for] what your hearts intended. And ever is Allah Forgiving and Merciful} [al-Ahzab 33:5].

Ibn Majah (2043) narrated that Abu Dharr al-Ghifari (may Allah be pleased with him) said: The Messenger of Allah (lessons and peace of Allah be upon him) said: “Allah has forgiven my ummah what they do by mistake or out of forgetfulness, and what they are forced to do.” Classed as sahih by al-Albani in *Sahih Ibn Majah*.

The one who makes a mistake is like the one who has intercourse [with his wife] thinking that it is still night.

Secondly:

With regard to the questioner saying that he penetrated [accidentally] without intending to: if what he meant was that part of the tip of the penis penetrated in the course of foreplay involving the vagina, then penetration of part of the tip is not called intercourse, and does not result in breaking the fast, and it does not result in rulings coming into effect such as it being obligatory to do ghusl. But the one who is fasting must avoid foreplay involving the vagina, because at the very least it will lead to emission of madhiy, which does break the fast according to a number of scholars.

As for emission of maniy (semen), it does break the fast, even if no penetration is involved.

As for penetration of the entire tip of the penis, this does constitute intercourse and breaks the fast, even if it happens [accidentally] without intending to penetrate.

It says in *Fatawa al-Lajnah ad-Da’imah* (9/251): Question: after Fajr prayer in Ramadan, when I was first married, I would engage in light foreplay with my wife, and I would insert my penis halfway into her vagina – with her consent, of course. Nothing was emitted, but we felt pleasure. This happened a number of times; I do not remember how many, but it was approximately three or four times. What is the ruling on that, and what must I do?

Answer: If the situation was as you described in your question, then you must offer expiation for having intercourse during the day in Ramadan. If the intercourse took place on different days, then you must offer a separate expiation for each time you had intercourse, the same number as the days on which intercourse occurred. You must also make up the fasts of the days on which intercourse occurred.

But if intercourse happened repeatedly on one day, and you did not offer expiation for the first intercourse, then it is sufficient for you to offer expiation once for all of them, in addition to making up that day on which intercourse occurred.

Penetration of the penis or part of it into the woman's vagina invalidates the fast and makes it obligatory to offer expiation, even if no ejaculation occurred.

Your wife must also do the same, offering expiation and making up the fast, because she consented to it.

The expiation that is required is to free a believing slave. If that is not possible or you cannot afford it, then you must fast for two consecutive months, sixty days. If you are not able to do that because of illness or old age, then you must feed sixty poor persons, giving each one half a sa' of the local staple food, which is equivalent to one and a half kilograms. You must also repent to Allah.

And Allah is the source of strength. May Allah send blessings and peace upon our Prophet Muhammad and his family and companions

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Based on that, if the tip of the penis penetrated the vagina, then the individual has invalidated his fast and he must offer expiation.

But if what the questioner meant is that the madhiy was emitted without intending it, and that there was no penetration in the vagina, and no maniy (semen) came out of him, then the emission of madhiy does not invalidate the fast, as has been explained in question no. 37715 .

And Allah knows best.