# 499409 - Invalidated Her Fast Then Menstruation Began

**the question**

A woman fasted in Ramadan, then she broke the fast deliberately, then she got her period on the same day. What must she do? Should she make it up only, or offer expiation as well, or does she not have to do anything?

**Detailed answer**

Praise be to Allah.

I.

Breaking the fast during the day in Ramadan with no valid excuse is a major sin, because of the report that was narrated by Ibn Khuzaymah (1986) and Ibn Hibban (7491) from Abu Umamah al-Bahili, who said: I heard the Messenger of Allah (blessings and peace of Allah be upon him) say: “Whilst I was sleeping, [I saw in my dream] two men who came and took me by my arms and brought me to a rugged mountain. They said: Climb up. I said: I am not able to do that. They said: We will help you. So I climbed up until I reached the top of the mountain, and there I heard loud screams. I said: What are these screams? They said: This is the howling of the people of Hell. Then they took me further, and I saw some people who were suspended upside down by their Achilles’ tendons, and the sides of their mouths were torn and were pouring with blood. I said: Who are these people? He said: These are the people who broke the fast before the right time to break the fast came.”

Al-Albani classed it as sahih in *Sahih Mawarid az-Zam`an*, no. 1509.

II.

If the woman broke the fast deliberately during the day in Ramadan, then got her menses, she has

sinned by breaking her fast and she must make up that day. As for offering expiation, that is subject to further discussion.

1. If she broke the fast by having intercourse, she must offer expiation, which is freeing a slave. If that is not possible, then she must fast for two consecutive months, and if she is not able to do that, she must feed sixty poor persons.
2. If she broke the fast in a way other than having intercourse, such as if she broke it by eating or drinking, then there is a difference of scholarly opinion as to whether expiation is required. The view of ash-Shafa`i and Ahmad (may Allah have mercy on them both) is that expiation is only required in the case of intercourse.

Abu Hanifah and Malik (may Allah have mercy on them both) are of the view that expiation is required of one who breaks the fast with no excuse, whether he breaks it by having intercourse or by eating and drinking.

The correct view is that of ash-Shafa`i and Ahmad, which is that the matter is limited to what is mentioned in the texts, which is that expiation is obligatory for the one who has intercourse (whilst fasting).

It says in *Fatawa al-Lajnah ad-Da'imah* (10/300): I want to know what makes it obligatory to make up fasts and offer expiation in Ramadan. I previously researched the topic, and I found that there are two views: the first is that what makes it obligatory to make up the fast and offer expiation is intercourse and nothing else, and the evidence is well known in the Sunnah. The second view is that everything that reaches the stomach deliberately makes it obligatory to make up the fast and offer expiation, in addition to intercourse, but I could not find evidence for that in the Quran or Sunnah.

Therefore I hope that you can give me a definitive answer, supported with evidence from the Quran and Sunnah. May Allah reward you with all good on behalf of us and the Muslims.

Answer: The Prophet (blessings and peace of Allah be upon him) stated the ruling that expiation was obligatory for a Bedouin because he had intercourse with his wife deliberately during the day

in Ramadan when he was fasting...

That was the Prophet's explanation of the cause and reason for this ruling.

The jurists are agreed that the fact that he was a Bedouin was a mere detail that was irrelevant to and had no impact on the ruling, and expiation is also required of a Turk or a Persian who has intercourse with his wife (whilst fasting).

They are also agreed that the fact that the woman he had intercourse was his wife was irrelevant to and had no impact on the ruling, because expiation is also required of one who has intercourse with his concubine or commits zina.

And they are agreed that the fact that he came feeling remorse had no impact on expiation being obligatory, and is irrelevant to the reason for the ruling.

However, they differed regarding intercourse: is it the only action that makes expiation obligatory when fasting is invalidated by it, or is what matters violating the sanctity of Ramadan by spoiling the fast deliberately, even by eating or drinking?

Ash-Shafa`i and Ahmad stated the former view, whereas Abu Hanifah and Malik, and those who agreed with them, stated the latter view.

The reason for the difference of opinion between the two groups is the difference in what they thought was the reason for this ruling: is it the fact that the sanctity of the Ramadan fast is violated by deliberately having intercourse only, or is it violated by spoiling the fast deliberately, regardless of the way in which that is done, even if it is by eating and drinking?

The correct view is the former, based on the apparent meaning of the text, and because the basic principle is that a person is not obliged to offer expiation until it is proven that it has become obligatory on the basis of clear evidence.

`Abdullah ibn Ghadyan, `Abd ar-Razzaq `Afifi, `Abd al-`Aziz ibn `Abdillah ibn Baz. End quote.

For more information, please see the answer to question no. 189853.

III.

The view of the Hanafis, as noted above, is that expiation becomes obligatory if one eats deliberately, but if the woman who broke her fast got her menses or nifas (postpartum bleeding) later on the same day after she broke her fast, then the obligation to offer expiation is waived.

It says in *Maraqi al-Falah*, p. 250:

The expiation that becomes obligatory because of committing a deed that makes it required is waived if something happens later on, such as menses or postpartum bleeding, or sickness that makes it permissible not to fast, that is not brought about by the actions of the one who was obliged to offer that expiation before the valid excuse arose.

“On the same day” means on the same day that the fast was spoiled, as a result of which it became obligatory to offer expiation, because expiation is only required in the case of the type of fasting that is obligatory and is not divisible in terms of being either valid or invalid. Thus there developed doubt that it is required for the deliberate action that was done earlier, because of the valid excuse that arose later on.

But if the sickness was brought about by the person’s actions, such as if he wounded himself or threw himself down from a mountain or roof, then the correct view is that the expiation is not waived in his case. This was stated by al-Kamal. End quote.

It says in *Al-Mawsu`at al-Fiqhiyyah* (28/60): Among the things that make it obligatory to both make up the fast and offer expiation, according to the Hanafis and Malikis, are eating and drinking.

So if the fasting person eats whilst he is fasting in Ramadan, or he consumes a nutritional drink, or takes medicine, willingly and deliberately, and not by mistake or because he is forced to do that or because he forgot, then he has broken the fast and must offer expiation.

The guideline according to the Hanafis is when something that is essential to his physical well-being enters his stomach, as it is something that is usually consumed for the purpose of nourishment, medicine or pleasure, or it is something towards which one has a natural inclination

and the desire for food may be met by it, even if it is not good for his physical well-being and is, in fact, harmful.

They also stipulated in order for expiation to become obligatory that he should have intended to fast from the night before, he should not be forced to consume that thing, and no valid excuse should have arisen that allows him to break the fast that was not brought about by his own actions, such as sickness or menses.

The Malikis stipulated that [in order for the expiation to be required] the spoiling of the Ramadan fast, in particular, should be done on purpose and be a deliberate violation of the sanctity of the fast, for no valid reason that would make it permissible to break the fast. End quote.

Based on that, this woman must repent and make up the fast, but she is not obliged to offer expiation unless she broke the fast by having intercourse.

If she broke the fast by eating or drinking, she does not have to offer expiation according to the view of ash-Shafa`i and Ahmad, or according to the view of Abu Hanifah, because her menses came to her later on the same day.

And Allah knows best.