22938 - A man had intercourse with his wife during the day in Ramadan without ejaculating

the question

A man had intercourse with his wife without ejaculating during the day in Ramadan. What is the ruling on that? What does his wife have to do if she was unaware of that ruling?

Detailed answer

Praise be to Allah.

The one who has intercourse during the day in Ramadan when he is fasting and is not traveling has to offer a serious expiation, which is to free a slave; if he cannot do that then he has to fast for two consecutive months; if he cannot do that then he has to feed sixty poor persons.

The same applies to the woman if that happened with her consent, but if she was forced to do it then she does not have to do anything. If they were traveling then there is no sin on them and they do not have to offer expiation, and they do not have to refrain from eating or drinking for the rest of the day. However, they do have to make up that day, because fasting is not obligatory for them. The same applies if he broke his fast for an essential reason, such as saving the life of someone whose life is protected according to sharee'ah; if he has intercourse on that day when he broke his fast for an essential reason, there is no sin on him, because he has not violated an obligatory fast.

If a person who is fasting in his homeland and who is obliged to fast has intercourse, there are five things that result from that:

1-He is guilty of a sin

2-His fast is broken

3-He has to refrain from eating and drinking for the rest of the day

4-He has to make that day up

5-He has to offer expiation (kafaarah)

The evidence that he has to offer expiation was narrated in the hadith of Abu Hurayrah about the man who had intercourse with his wife during the day in Ramadan. This man could not fast or feed the poor, so the obligation of offering expiation was dropped, because Allah does not burden a soul beyond its scope, and there is no obligation when one is unable to fulfil it. It makes no difference whether he ejaculated or not, so long as intercourse took place, in contrast with one who ejaculates without having intercourse – in that case there is no expiation to be offered. Rather in this case it is a sin and he has to refrain from eating or drinking for the rest of the day, and make up his fast later on.