



370014 - He wants to pay the penalty (fidyah) for not fasting, on behalf of his deceased father, in the form of cash, to his sister

the question

My father (may Allah have mercy on him) died in 2001, in Ramadan. He was sick, and I used to give charity on his behalf whenever I was able to, but this time I realised that he used not to fast, and it is most likely that the reason was that he was sick, so I thought that I should pay the penalty (fidyah) on his behalf for not fasting the month of Ramadan in cash. Can I divide the amount in half, and give one half to a needy person and the other half to my sister, as she needs to go to the doctor, and I want to pay the cost of the visit for her directly to the doctor, but after Ramadan. Is that permissible?

Detailed answer

Praise be to Allah.

I.

If someone is sick with no hope of recovery, he may not fast and must feed one needy person for each day (that he does not fast). If he dies without having fed needy people, the cost of that should be taken from his estate, as it comes under the heading of debts that are to be paid before working out shares of inheritance. If one of his heirs, or someone else, volunteers to feed needy people on his behalf, then there is nothing wrong with that.

However, if he was sick but was expected to recover, it is not valid for him to feed needy persons [to compensate for not fasting] during his lifetime; rather he must make up those fasts. If he dies before he is able to make up the fasts because he died during his sickness, then he does not owe anything, whether fasting or anything else.

If he died after he had recovered, and was able to make up the fasts but he did not do that, then



what is required is to feed needy persons on his behalf, feeding one person for each day that he did not fast, and his heir can fast on his behalf.

Ibn Qudamah (may Allah have mercy on him) said: To sum up, if someone dies owing fasts from Ramadan, then it must be one of two scenarios:

The first scenario is that he died before he became able to fast, either because there was not enough time, or because he had an excuse such as sickness, travel or being unable to fast. In this case, he does not owe anything according to most of the scholars...

The second scenario is that he died after becoming able to fast. In this case one needy person must be fed on his behalf for each day. This is the view of most of the scholars; it was narrated from `A'ishah and Ibn `Abbas, and it was the view of Malik, al-Layth, al-Awza'i, ath-Thawri, ash-Shafa'i, al-Hasan ibn Hayy, Ibn `Ulayyah and Abu `Ubayd, as was narrated in sound reports from them.

Abu Thawr said: The fasts must be observed on his behalf. This is the view of ash-Shafa'i, because of the report narrated from `A'ishah, that the Prophet (blessings and peace of Allah be upon him) said: "Whoever dies owing any (obligatory) fasts, one of his relatives may make them up on his behalf." (Al-Bukhari and Muslim). A similar report was also narrated from Ibn `Abbas.

End quote from *Al-Mughni*, 3/39.

An-Nawawi (may Allah have mercy on him) said: If someone dies owing makeup fasts for Ramadan or part of Ramadan, there are two possible scenarios:

The first scenario is that he had an excuse for not fasting, and that excuse continued until he died, such as one whose sickness, travel, coma, menses, postpartum bleeding, pregnancy, breastfeeding and the like continued until they died in that state. In this case, nothing is required of their heirs or their estate, whether fasting or feeding the needy, and there is no difference of scholarly opinion regarding that, in our view.

The second scenario is that he could have made it up before he died, whether the fast was missed



for a valid excuse or some other reason, but he did not make it up before he died. There are two well-known views regarding this; the more well-known view, which is more correct in the view of the author and the majority of scholars, and it is the later view, is: the cost of feeding the needy must be taken from the estate, one mudd of staple food for each day, and it is not valid for his heir to fast on his behalf.

The latter is the earlier view; it is the correct view according to a number of the scholars of our madhhab, and it is the view that we favour: it is permissible for his heir to fast on his behalf, and that is valid, and it will suffice instead of feeding the needy, and that will discharge the duty of the deceased. But the heir is not obliged to fast; rather it is his choice.

He said: This earlier view is the correct one according to a number of the scholars of our madhhab who combined the study of jurisprudence and hadith. They quoted several authentic hadiths as evidence for that, including the hadith of `A'ishah from the Prophet (blessings and peace of Allah be upon him): "Whoever dies owing fasts, his heir may fast on his behalf." Narrated by al-Bukhari and Muslim.

And it was narrated that Ibn `Abbas said: A man came to the Prophet (blessings and peace of Allah be upon him) and said: O Messenger of Allah, my mother has died and she owed one month's fasting. Shall I make it up on her behalf? He said: "Don't you think that if your mother owed a debt, you would pay it off on her behalf?" He said: Yes. He said: "The debt owed to Allah is more deserving of being paid off." Narrated by al-Bukhari and Muslim.

It was also narrated from Ibn `Abbas: A woman came to the Messenger of Allah (blessings and peace of Allah be upon him) and said: O Messenger of Allah, my mother has died and she owed a fast that she vowed to observe; shall I fast it on her behalf? He said: "Don't you think that if your mother owed a debt and you paid it off, would that settle the matter on her behalf?" She said: Yes. He said: "Then fast on behalf of your mother." Narrated by al-Bukhari and Muslim.

It was narrated that Buraydah said: Whilst I was sitting with the Messenger of Allah (blessings and peace of Allah be upon him), a woman came to him and said: I gave a slave woman in charity to



my mother, then she died. He said: "Your reward is assured, and she (the slave woman) has been returned to you as an inheritance." She said: O Messenger of Allah, she owed one month's fasting, should I fast on her behalf? He said: "Fast on her behalf." She said: She never went for Hajj, should I do Hajj on her behalf? He said: "Do Hajj on her behalf." Narrated by Muslim.

End quote from *Al-Majmu`*, 6/414.

II.

In the case of feeding the needy, for each day, one and a half kilograms of rice must be given. So for the whole month, forty-five kilograms of rice and the like may be given to one needy person or a number of needy persons. And it is permissible to give the needy cooked food, one meal for each day.

As for giving that in the form of cash, that is not valid according to the majority of scholars of the Malikis, Shafa`is and Hanbalis. So it is not valid to give your sister or anyone else cash as expiation for not fasting.

Please see the answer to question no. [93243](#).

III.

If you used to give the expiation from your wealth, and not from the estate, then you may give the food to your sister, if she is in need and you would not inherit from her in the event of her death because she has a male child.

But if you would inherit from her, it is not permissible to give her that which you give from your own wealth as expiation on behalf of yourself or anyone else, because you are obliged to spend on her maintenance if you are able to do so.

See also the answer to question no. [66138](#).

And Allah knows best.