



## **106531 - If he breaks the fast by eating during the day in Ramadaan so that he can have intercourse with his wife then he has to offer the expiation**

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### **the question**

A man wanted to have intercourse with his wife during the day in Ramadaan, so he broke the fast by eating before having intercourse, then he had intercourse. Does he have to offer any expiation or not?.

### **Detailed answer**

Praise be to Allah.

The scholars are unanimously agreed that whoever breaks the fast during the day in Ramadaan by having intercourse must offer expiation.

But they differed concerning one who breaks the fast in a manner other than having intercourse, such as eating and drinking. Imam Abu Haneefah and Imam Maalik (may Allaah have mercy on them both) were of the view that he also has to offer the expiation. Imam al-Shaafa'i and Imam Ahmad were of the view that he does not have to offer the expiation.

But this applies to one who breaks the fast in a manner other than having intercourse, then he does not have intercourse that day. As for the one who breaks the fast in a manner other than having intercourse and then has intercourse on the same day, the majority of scholars (including Abu Haneefah, Maalik and Ahmad, may Allaah have mercy on them) are of the view that he must offer expiation. This is the only view according to which fatwas should be given. The fact that it is valid is indicated by a number of things:

1 - The one who breaks the fast in Ramadaan with no excuse, whether he breaks it by eating, drinking or otherwise, is obliged to refrain from eating and drinking etc for the rest of the day. If he has intercourse then he has done so on a day when it was obligatory for him to refrain, so he has



to offer expiation, just as if a pilgrim in ihraam for Hajj spoils his ihraam, he must still go ahead with his Hajj, and refrain from the things that are forbidden whilst in ihraam, and if he does any of them, then he is subject to the same rulings and penalties as if his ihraam was still valid.

2 - He has sinned by breaking his fast first of all, then he sinned again by having intercourse, so he has sinned twice, so expiation is more essential in his case.

3 - If expiation was not required in such a case, that would lead to expiation not being required of anyone, because anyone who wanted to have intercourse during the day would be able to eat first and then have intercourse; rather eating would give him strength to achieve his aims.

How can expiation be required if he has intercourse before eating, but if he and his wife eat first and then have intercourse, no expiation is required?! This is a reprehensible notion and sharee'ah does not prescribe any such thing. It is established on the basis of reason and in all religions, the worse the sin the greater the punishment.

And Allaah knows best.