190113 - Does Penetration Break the Fast?

the question

I am a young woman, recently married. I looked on the Islam Q&A website and I found out that penetration without ejaculation does not invalidate the fast, but it is essential to be careful when engaging in foreplay in Ramadan. I also found out that there is a difference of scholarly opinion concerning ejaculation without intercourse in Ramadan.

My husband and I engaged in foreplay during the day in Ramadan and there was penetration but my husband was careful not to ejaculate. Afterwards my husband said that he thought a very small amount had come out of him a short time after intercourse, and he does not know whether it was maniy or madhiy. I asked him to check to see if anything more came out and he did that.

What is the ruling on that? Do we have to make up that day and offer expiation? Please note that my husband does not know anything about this kind of expiation and that he controlled himself and nothing came out when I alarmed him. The amount of discharge was very little and he says that he could not tell whether it was madhiy or maniy because it was so little.

Summary of answer

1- Penetration is intercourse and it invalidates the fast and requires expiation according to scholarly consensus. 2-Ejaculation, even without intercourse, invalidates the fast according to the correct opinion. 3- It is essential to be cautious when engaging in foreplay during the day in Ramadan. 4- Ignorance of the consequences of a certain action is not an excuse, whereas ignorance of the ruling does count as an excuse.

Detailed answer

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Does penetration break the fast?

The questioner saying that she saw on the Islam Q&A website that penetration without ejaculation does not invalidate the fast is not correct. There is no such opinion on our website; rather what we say is the opposite of that, because penetration is intercourse, and it invalidates the fast and requires expiation according to scholarly consensus.

In the answer to question no. 148163 , it says: “The one who has intercourse during the day in Ramadan when he is fasting and not travelling has to offer a heavy expiation, which is to free a slave. If he cannot do that, then he must fast for two consecutive months. If he cannot do that, then he must feed sixty poor persons. He must also repent and make up that day.

The same applies to the woman if she did that willingly. It makes no difference whether ejaculation occurred or not . If intercourse – i.e., penetration – occurred then the expiation must be offered.”

It says in Al-Mawsu`ah Al-Fiqhiyyah, 35/55:

“There is no difference of opinion among the jurists concerning the view that expiation is required of the one who has intercourse in the vagina during the day in Ramadan, deliberately with no excuse, whether he ejaculates or not.”

Perhaps the questioner read something that said that intimacy or foreplay without ejaculation does not invalidate the fast , and she thought that what was meant by that was intercourse. But this is a misunderstanding, as we have mentioned, because what is meant by intimacy or foreplay is enjoyment of the wife without penetration in the vagina.

Does ejaculation without intercourse break the fast?

Ejaculation, even without intercourse, invalidates the fast according to the correct opinion. This is the view of the majority of scholars, and it was narrated that there was consensus.

An-Nawawi (may Allah have mercy on him) said:

“If he kisses or touches any part (of his wife’s body) apart from the vagina with his penis, or he touches the woman’s skin with his hand or otherwise, if he then ejaculates then his fast is rendered invalid, otherwise it is not. The author of Al-Hawi and others narrated that there is consensus that the fast is invalidated in the case of one who kisses or touches anything other than the vagina and ejaculates.” (Al-Majmu` Sharh Al-Muhadhdhab, 6/322)

Ibn Rushd (may Allah have mercy on him) said:

“All scholars say: the one who kisses then ejaculates has broken his fast.” (Bidayat Al-Mujtahid, 2/52)

Ibn Qudamah (may Allah have mercy on him) said:

“If he kisses then ejaculates… He has broken his fast and there is no difference of scholarly opinion that we know of.” (Al-Mughni, 3/127)

Be cautious when engaging in foreplay during the day in Ramadan

It is essential to be careful and cautious when engaging in foreplay during the day in Ramadan. The one who fears that he will not be able to control himself should refrain from that, so as to protect his religious commitment and his honour.

Ibn `Abd Al-Barr (may Allah have mercy on him) said:

“I do not know of any (scholar) who granted a concession allowing the fasting person to kiss (his wife) except he stipulated that he should be certain that he is safe from what that leads to; the one who knows that it will lead to that which will invalidate his fast must avoid it.” (Al-Istidhkar, 3/296)

Consuming something that breaks the fast due to ignorance

If a person had intercourse during the day in Ramadan when he was ignorant of the prohibition on doing so , the scholars differed concerning that. The view of the Hanbalis, which is the view favoured by the Standing Committee for Issuing Fatwas, is that he is obliged to make up that day and offer expiation.

But the more correct view is that the one who was unaware that this action is prohibited is excused and does not have to do anything.

It says in Hashiyat Ar-Rawd, 3/411:

“Ibn`Abd Al-Barr (may Allah have mercy on him) said: The correct view with regard to eating and having intercourse if one does that without being aware (of the prohibition) is that they do not invalidate the fast. This was stated by more than one of the scholars: intercourse is like eating with regard to doubt, compulsion and ignorance.”

But we should highlight here the difference between the one who was unaware of the ruling – who is the one who is excused, although there is a difference of difference concerning him, as stated above – and the one who knew the ruling but was unaware of the consequences. The one who knew that intercourse during the day in Ramadan is forbidden but he did not know that expiation is required for it, cannot be excused for his ignorance and he has to offer expiation.

Shaykh Ibn `Uthaymin (may Allah have mercy on him) was asked:

There is a man who had intercourse with his wife during the day in Ramadan, but he did not ejaculate. He was unaware of this ruling and the consequences, but he knew that intercourse with ejaculation is prohibited. What is the ruling?

He replied:

“The most correct view is that the one who does one of the actions that break the fast, or one of the actions that are forbidden when in Ihram, or one of the actions that render the prayer invalid, when he is unaware of that, is not to be blamed. If this man who had intercourse with his wife during the day in Ramadan was unaware of the ruling and thought that the intercourse that is forbidden is that in which ejaculation occurs, then there are no consequences for that.

But if he was aware that intercourse (during the day in Ramadan) is prohibited, but he did not know that expiation is required for it, then he has to offer expiation, because there is a difference between ignorance of the ruling and ignorance of the consequences. Ignorance of the consequences does not count as an excuse, whereas ignorance of the ruling does count as an excuse." (Al-Liqa' Ash-Shahri, 1/7)

And Allah knows best.