

231840 - Flexibility in paying the fidyah for an elderly person who cannot fast; it may be paid at the beginning or end of the month, or after the month has ended

the question

My grandmother is not able to fast, because she has diabetes and other diseases of old age. My question is: everyone in my country follows the Hanafi madhhab. Is it permissible to pay the fidyah for not fasting after Ramadan has ended?

Detailed answer

Firstly:

The scholars differed concerning the ruling on hastening to pay the fidyah of an elderly person who is not able to fast, which means paying for the entire month at the beginning of the month or in the middle of the month. There are two views:

The first view:

It is permissible to hasten to pay it at the beginning of the blessed month, but not before. This is the view of the Hanafis. Ibn 'Aabideen (may Allah have mercy on him) said:

An old man who is unable to fast may break the fast, and it is obligatory for him to pay a fidyah, even if that is on the first of the month. In other words: he has the choice between paying it at the beginning of the month or at the end.

End quote from ad-Durr al-Mukhtaar wa Haashiyat Ibn 'Aabideen (2/427).

The second view:

It is not permissible to pay the fidyah two or more days in advance, but it is permissible to pay it one day in advance only. This is the view of the Shaafa'is. Al-Khateeb ash-Sharbeeni (may Allah have mercy on him) said:

They [the elderly], pregnant women and breastfeeding women do not have the right to pay the fidyah two days or more in advance, just as it is not permissible to give zakaah two years in advance, in contrast to the case where the people mentioned pay the fidyah one day in advance or on the day in question; that is permissible.

End quote from Mughni al-Muhtaj (2/176).

See also: Asna al-Mutaalib (1/430).

The view that is most likely to be correct concerning this matter is the first view, which says that it is permissible to pay the fidyah at the beginning of the month of Ramadan. The fidyah is an alternative that is meant to make things easier, and it is a must for the old and the chronically sick; what is appropriate for this alternative is to make it easy to pay it, and not to impose restrictions or be stringent.

Shaykh Ibn Baaz (may Allah have mercy on him) said:

This expiation (fidyah) may be given to one person or more than one, at the beginning of the month or in the middle or at the end.

End quote from Majmoo' Fataawa Ibn Baaz (15/203).

Shaykh Saalih al-Fawzaan (may Allah preserve him) said:

It is permissible to give charity (fidyah) for days in Ramadan on which a person did not fast because of chronic illness or old age. It is permissible to offer expiation for the entire month in advance, at the beginning of the month; and it is permissible to delay doing so until the end of the month; and it is permissible to pay the fidyah in the middle of the month. It is permissible to give it all in one go and it is also permissible to give it piecemeal. End quote.

Secondly:

The fuqaha' differed concerning the deadline before which an elderly person who is unable to fast may pay the fidyah. There are two views:

The first view:

There is no deadline for payment, and the end of Ramadan is not the deadline. There is no blame on one who pays the fidyah that he owes after the end of Ramadan.

That is because Allah, may He be glorified and exalted, says (interpretation of the meaning):

“And as for those who can fast with difficulty, (e.g. an old man, etc.), they have (a choice either to fast or) to feed a Miskeen (poor person) (for every day)”

[al-Baqarah 2:184].

No specific time is mentioned, so the fidyah becomes due and is owed by the individual with no deadlines; he must pay it whenever he can afford it. Even if he pays it many years afterwards, there is no sin on him. This is what was stated by the Hanafi and Shaafa'i fuqaha'.

Imam al-Kaasaani (may Allah have mercy on him) said:

All expiations are obligatory and must be paid, but there is no deadline. This is the correct view according to our companions, and that is with regard to an issue where the religious texts do not mention any deadline for payment. So a person would not be sinning even if he delays it the first time he can afford it; in that case he is still regarded as paying it on time and it is not regarded as making it up (qadaa').

What is meant by there not being any particular deadline is that it must be paid at some point during his life, which is not specified. It could become specified if the religious text stated a specific time, or at the end of his life, such as if he delays it until a time when he thinks that if he does not pay it, he will miss paying it. Then if he does it, he will have discharged his duty, but if he does not do it until he dies, then he is a sinner, because he left it too late.

End quote from Badaa'i' as-Sanaa'i' (5/96).

He mentioned some types of fidyah as examples of this principle.

Al-'Allaamah Zakariyya al-Ansaari (may Allah have mercy on him) said:

There is no blame on the old man if he delays paying the fidyah (for not fasting), if he delays it until the following year.

End quote from Asna al-Mataalib (1/430)

Al-Khateeb ash-Sharbeeni (may Allah have mercy on him) said:

There is no blame on one who is elderly, or one who is chronically sick, or one for whom fasting is too hard, if they delay paying the fidyah until the following year.

End quote from Mughni al-Muhtaaj (6/17)

Ash-Shihaab ar-Ramli (may Allah have mercy on him) said:

(A person in this situation) has the option between delaying the fidyah, paying it on the same day or the next day.

End quote from Fataawa ar-Ramli (2/74).

Az-Zarkashi said:

When the fidyah becomes obligatory, it may be paid whenever one chooses (and there is no deadline).

End quote from al-Manthoor fi'l-Qawaa'id al-Fiqhiyyah (3/22).

The second view:

The fidyah must be paid immediately and it is not permissible to delay it. This is the view of the Hanbalis.

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

What appears to be their view concerning this issue is that food must be offered immediately, because it has become due, and that is more proper.

End quote from al-Furoo' (4/448).

Al-Mirdaawi commented on that by saying:

What was narrated from Imam Ahmad is that immediate fulfilment is required in the case of a vow that was not connected to any specific time and in the case of expiation (fidyah); what is under discussion here is fidyah.

End quote from al-Insaaf (3/291).

The more correct view concerning this issue, in sha Allah, is the first view, because that is what is indicated by the apparent meaning of the verse. In order to set a specific deadline, there should be proof for that, but there is no proof to that effect.

Thus it becomes clear that the Hanafi view concerning this issue is more likely to be correct, which is that there is flexibility in paying the fidyah; it may be done at the beginning of the month, or at the end, or after the month is over.

There is no blame on your grandmother for following the Hanafi view in any case.

I put this question to our shaykh, 'Abd ar-Rahmaan al-Barraak (may Allah preserve him), and he replied:

It is permissible to delay the fidyah until after Ramadan, but to be on the safe side it may be done at the end of the month. End quote.

And Allah knows best.