

## Annuling fast in order to rescue a drowning person

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

**Question:** A fasting person has seen in a certain beach a fisherman fighting against drowning. He considered himself unable to save him at that moment due to a certain physical weakness he felt, as he has eaten nothing that would make him stronger enough to save him, so, is it permissible to annul his fasting in order to save him?

**Answer:** If someone cannot save a person from death, drowning or other only by breaking the fast, it will become obligatory for him to break it in order to save him and he incurs sin if he does not save him. Moreover, he is required to make up (in case he breaks the fasting) for this day but he is not required to give Al-Fidyah<sup>1 2</sup>, as the one who saves a drowned person undergoes the same rulings as him, he is compared with the sick person and the traveller as regards the obligation of making up the missed days without giving Al-Fidyah in accordance with Allaah's تعالى saying:

فَمَنْ كَانَ مِنْكُمْ مَرِيضًا أَوْ عَلَى سَفَرٍ فَعِدَّةٌ مِنْ أَيَّامٍ أُخَرَ

[...but if any of you is ill or on a journey, the same number (should be made up) from other days.]<sup>3</sup>

Hereupon, it is worth mentioning that someone who is able to save a person from drowning, when there is the possibility and the means of doing so, like a boat, a rope or other things that he has the possibility to use, but refrains deliberately to save him, incurs sin for his abandonment and should pay Ad-Diya (blood money), according to the most correct of the two opinions of scholars ; since the fact of not performing an act is in itself an act - after investigation in this matter -, as it is mentioned in related books. Ash-Shanqeete رحمه الله has given many examples through the jurisprudential schools, he said: "Like preventing someone constrained from leftovers of food or drink until he dies, in case we consider that refraining from doing an act is in itself an act, he should pay Ad-Diya and if it is not the case, he is not required to pay it. Likewise, someone who prevents a person suffering from Al-Jaa'ifa (a penetrating thrust) from a thread which will be used for sewing the wound until he dies, or someone who prevents his neighbour from remaining water until his crops die, or

<sup>1</sup> See: "Al-Majmoo" by An-Nawawee (6/329).

<sup>2</sup> Fidyah: the fact of feeding a poor for each day not fasted by way of compensation. Translator's note.

<sup>3</sup> Soorah al-Baqarah [2:184]

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someone who prevents a person who has a wall he is afraid it falls from repairing it till it falls, or someone who withholds a document relative to a right until this right is lost.

In fact, these kind of examples are very common in jurisprudence, so if we consider the fact of not performing an act an act in itself, he should compensate in all the aforesaid cases"<sup>4</sup>.

The perfect knowledge belongs to Allaah. Our last prayer is all praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon our Prophet ﷺ, his Family, his Companions and Brothers till the Day of Resurrection.

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<sup>4</sup> See: "Mudhakat Usool Al-Fiqh" by Ash-Shanqeetee (39).