220923 - Ruling on eating food made by the family of the deceased for the condolence gathering or the forty-day anniversary of the death

the question

In our country, people cook special food on the fortieth day after the death of their loved one. We regard this as haram, and therefore we do not go to such gatherings. But they – meaning our neighbours, the family of the deceased – sent the food to our house and give it to our children. Because I do not speak their language and I do not want to hurt their feelings, I took it and gave it to my paternal aunt, my husband's mother, and I told her that it is haram and that she has to get rid of it, either by giving it to her neighbours or by giving it back to those who made it. But instead of doing either of these things, she gave it to her husband who thinks that practising this custom is haram, but the food is not haram, so there is nothing wrong with eating it. I would like to know the ruling on the food itself: is it permissible to eat it or not? If it is not permissible to eat it, then what should we do with it? Is there any sin on me for giving it to someone else who ate from it?

Detailed answer

Praise be to Allah.

Firstly:

The Sunnah is for neighbours, relatives and friends to hasten to make food and give it to the family of the deceased, because it is proven from the Prophet (blessings and peace of Allah be upon him) that when news reached him of the death of his paternal cousin Ja'far ibn Abi Talib (may Allah be pleased with him) in the Mu'tah campaign, he said: "Make food for the family of Ja'far, for there has come to them that which is preoccupying them." Narrated and classed as hasan by at-Tirmidhi (998); also narrated by Abu Dawud (3132), and Ibn Majah (1610); classed as hasan by Ibn Kathir and Shaykh al-Albani.

Imam ash-Shafa'i said: I like for the neighbours of the deceased, or his relatives, to make for the family of the deceased on the day or night that he died food that will suffice them, because that is Sunnah and kind gesture, and it is the practice of good people before us and after us."(A*l-Umm* 1/317).

Ibn Qudamah said: It is recommended (mustahabb) to make food for the family of the deceased and send it to them, to help them and console them, for perhaps they are distracted by their calamity, and by those who come to offer their condolences, from making food for themselves."(A*l-Mughni* 3/496).

Secondly:

The majority of scholars regard it as disliked (makruh) for the family of the deceased to make food to offer to people, whether that is on the day of the death or the fourth day thereafter, or the tenth or fortieth day, or on the one-year anniversary of the death. All of that is blameworthy.

Ibn Humam al-Hanafi said: It is disliked [makruh] for the family of the deceased, to offer food, because that [offering food] is prescribed on happy occasions, not on sad occasions, and it is a reprehensible innovation."(*Fath al-Qadir* 2/142).

Al-Hattab al-Maliki said: With regard to the family of the deceased making food and people gathering to eat it, this is disapproved of by a number of scholars, who regarded it as an innovation, because there is no religious text that refers to that, and this is not an occasion for feasting."(*Mawahib al-Jalil fi Sharh Mukhtasar Khalil* 2/228).

An-Nawawi said: With regard to the family of the deceased making food and calling people together to eat it, nothing has been narrated concerning that [in the religious texts], and it is an innovation that is not approved of."(*Rawdat at-Talibin* 2/145).

Ibn Qudamah said: As for the family of the deceased making food for people, it is disliked, because it is a further burden on them in addition to their calamity and and it is a further preoccupation when they are already preoccupied with grief; moreover, it is similar to what the people of the

Jahiliyyah used to do. End quote from *al-Mughni* (3/497).

Shaykh al-Islam said: With regard to the family of the deceased making food and inviting people to eat it, that is not prescribed in Islamic teachings; rather it is an innovation. In fact, Jarir ibn ‘Abdillah said: We used to regard gathering with the family of the deceased and their making food for the people as coming under the heading of wailing. Rather what is recommended, if someone dies, is to make food for his family."(*Majmu‘ al-Fatawa* 24/316).

In *Fatawa al-Lajnah ad-Da’imah* (9/145) it says: With regard to the family of the deceased making food for people and taking that as a custom, that is unknown in what we know [of what was narrated] from the Prophet (blessings and peace of Allah be upon him) and the Rightly Guided Caliphs who succeeded him. Rather it is an innovation, and should be abandoned, because it adds to the burden on the family of the deceased, and because of what it involves of imitating the actions of the people of the Jahiliyyah and turning away from the Sunnah of the Messenger (blessings and peace of Allah be upon him) and the Rightly Guided Caliphs who succeeded him (may Allah be pleased with them). End quote.

And they said: As for what the family of the deceased do nowadays, of offering dinner and commemorating the fortieth day after the death, there is no basis for that. If they want to give charity on behalf of the deceased by offering food, they should not allocate a specific day for that, and if they give charity to the poor in the form of cash, that is better for them, because it is further removed from showing off, it is more beneficial for the poor, and it is further removed from imitating non-Muslims."(*Fatawa al-Lajnah ad-Da’imah* 9/149).

The view that it is makruh (disliked) is the view of the four imams, as we have quoted their views above. Some of the scholars are of the view that it is haram.

Ibn Muflih said: It was said that it is haram. Ahmad regarded it as disliked (makruh) and said: I do not like it. Ja‘far narrated: He did not grant them a concession allowing it. Al-Marrudhi narrated: It is one of the actions of the Jahiliyyah, and he emphatically denounced it."(A*l-Furu‘* 3/408).

The view that it is haram becomes more certain if the price for the food is taken from the wealth of

orphans and minors [i.e., their share of the estate].

Shaykh Muhammad ibn Ibrahim Al ash-Shaykh said: The jurists (may Allah have mercy on them) stated that it is disliked for the family of the deceased to make food for people, and that this is food offered to those who come to give their condolences, which is prohibited.

If the food is paid for from the estate of the deceased, and among the heirs there are minors, or people who are absent, or people who did not approve of that, then it is haram, because it comes under the heading of disposing of someone else's wealth without lawful permission."(*Fatawa wa Rasa'il ash-Shaykh Muhammad ibn Ibrahim* 2/232).

Shaykh Muhammad al-Mukhtar ash-Shinqiti said: To expect the family of the deceased to go to the trouble of making food is contrary to the Sunnah and is more akin to innovation. In fact, it may be haram if it is paid for from the wealth of the orphans and minors, as some ignorant people do, when they approach the estate of the deceased, to which orphans and widows have rights, and take money from it to spread rugs and carpets, and pay for the costs of the condolence gathering, as if a wedding is taking place, so they go to the trouble of organising that and harm the family of the deceased. Therefore this food comes under the heading of consuming orphans' wealth wrongfully, and Allah says of those who do that: { Indeed, those who devour the property of orphans unjustly are only consuming into their bellies fire. And they will be burned in a Blaze} [an-Nisa' 4:10]. We ask Allah to keep us safe and sound."(*Sharh Zad al-Mustaqni'* 86/15).

And he said: As for the family of the deceased making food as charity on behalf of the dead and the like, which some people unfortunately do nowadays, this is something of which the scholars said that it is not prescribed, and if it is done using the orphans' wealth, then it is even more prohibited, and the guardian of the orphans' wealth should be made liable for the money that he spent. If he spent the orphan's wealth on such matters, then he must be made liable for it, because the orphan is not responsible for this food and it is not permissible to use his wealth for this expense which is not prescribed according to Islamic teachings. So the one who spent it must be made liable for the money and must offer compensation."(*Sharh Zad al-Mustaqni'* 86/17).

Thirdly:

An exemption is made from the ruling that it is disliked (makruh) in the case of making food for guests who come to stay with them, if the food is made by way of honouring the guests, and not because of the death.

Ibn Qudamah said: If there is a need for that, it is permissible, for perhaps people have come to attend the funeral from other cities and distant places and stayed overnight with them, and they have no option but to show them hospitality."(A*l-Mughni* 3/497).

Shaykh Ibn Baz said: But if guests come to stay with the family of the deceased at the time of offering condolences, there is nothing wrong with them making food for them for the sake of offering hospitality. Similarly, there is nothing wrong with the family of the deceased inviting whomever they wish of neighbours and relatives to eat with them the food that has been given to them."(*Fatawa ash-Shaykh 'Abd al-'Aziz ibn Baz* 9/325).

In *Fatawa al-Lajnah ad-Da'imah* (8/378) it says: With regard to the family of the deceased making food for people, that is contrary to the Sunnah and is in fact an objectionable deed … unless a guest is staying with them, in which case there is nothing wrong with it. End quote.

Shaykh Muhammad al-Mukhtar ash-Shinqiti said: Here there is an issue which is, unfortunately, widespread; it is the issue of a guest who stays with the family of the deceased. If there are guests, especially if they are relatives – such as cousins and siblings – who have come from afar and are staying with the person, and they are guests who are entitled to hospitality, so the host slaughters an animal to feed them, and does not do that because of the death or to give charity on behalf of the deceased; rather he does it by way of honouring his guests, there is nothing wrong with that, because this is something different from the matter we are discussing here. It has nothing to do with the offering of condolences; rather it comes under the heading of honouring guests, as enjoined by Allah and His Messenger. So he should honour his guest, and there is nothing wrong with that."(*Sharh Zad al-Mustaqni'* 86/15).

Fourthly:

Just as it is disliked for the family of the deceased to make food for those who come to offer their condolences, it is also disliked to eat from the food that they have prepared for this purpose, and if the food was made using the money that belongs to heirs who are minors, then eating from it is haram.

Al-Bahuti said: It is disliked to eat from their food, and if it was paid for from the estate when there are among the heirs one who cannot dispose of his own wealth or those who did not give permission for that, then it is haram to make it and haram to eat from it, because it was paid for from the wealth of one who does not yet have any authority to dispose of it or from the wealth of someone else, without his permission."(*Kashshaaf al-Qina‘* 2/149).

Ibn Hajar al-Haytami said: What is customary of the family of the deceased making food in order to invite people to come and eat it is a reprehensible innovation, as is accepting such an invitation. End quote from *Tuhfat al-Muhtaj* (3/207).

In *al-Fawakih ad-Dawani* (1/285) it says: No one should eat from that food unless the one who made it was one of the heirs and was an adult of sound mind, in which case there is nothing wrong with eating from it.

In *al-Mawsu‘ah al-Fiqhiyyah* (16/44) it says: The jurists are unanimously agreed that it is disliked for the family of the deceased to host others, because that is prescribed on happy occasions, not on sad occasions…. The Hanbalis stated that it is disliked to eat from the food provided by the family of the deceased, and that if it was paid for from the estate and among those who are entitled to it is one who cannot dispose of his own wealth, then it is haram to make that food or to eat from it.

The Hanbalis and Shafa‘is stated that it is haram to prepare food for women who wail [for the deceased], because that is helping in sin. The Hanafis stated that it is disliked to prepare food on specific days, such as the first day, the third day, and one week after the death. End quote.

Conclusion:

It is disliked for the family of the deceased to make food for those who come to offer condolences to them, and it is disliked for the one who attends the condolence gathering to eat from that food. In fact, it is haram if the food was made using the wealth of orphans and minors.

As for the food that was given to you by the family of the deceased, you should have advised them and not accepted it, by way of deterring them from doing such a thing again. As you have accepted it, there is nothing wrong with you eating from it or giving it in charity to someone who needs it, because this food – even though it was disliked to make it – is not haram in and of itself, as it is not meat that was slaughtered unlawfully or any other kind of haram food. It is only disliked because of what is mentioned above about it being an innovated custom. As for the one to whom it was given, he did not participate in the innovation mentioned above.

And Allah knows best.