297351 - In the case of expiation for breaking an oath (kafarat al-yameen), is it acceptable to give a food basket or a “Ramadan bag”?

the question

Some charities distribute food baskets to one family throughout the month, for a certain cost. Is it permissible to intend the donation of food baskets as expiation for breaking an oath? If it is permissible to intend it as expiation for breaking an oath, is it permissible to have the intention of offering more than one expiation? How should it be divided?

Detailed answer

Praise be to Allah.

Firstly:

Allah, may He be exalted, explained the expiation for breaking an oath in the verse (interpretation of the meaning):

“Allah will not impose blame upon you for what is meaningless in your oaths, but He will impose blame upon you for [breaking] what you intended of oaths. So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them or the freeing of a slave. But whoever cannot find [or afford it] - then a fast of three days [is required]. That is the expiation for oaths when you have sworn. But guard your oaths. Thus does Allah make clear to you His verses that you may be grateful” [Al-Maa’idah 5:89].

See the answer to question no. 45676.

Secondly:

With regard to feeding a needy or poor person, it is sufficient to give a mudd of rice and the like,

according to the majority of scholars. That is equivalent to approximately 750 grams. The Hanbalis differentiated between wheat and other foodstuffs; one mudd is sufficient in the case of wheat, but with regard to foodstuffs other than wheat, it is essential to give half a saa‘, which is approximately one and a half kilograms.

It is acceptable to give bread and meat, or rice and meat, or rice and chicken, or bread and ghee, and the like, if that is the average type of food he eats, because Allah enjoined feeding the poor, but He did not mention specific amounts. So with regard to how much to give, reference is to be made to custom. If he feeds them lunch or dinner, then that is acceptable. It is also acceptable if he gives them uncooked food, so that poor or needy person may take whatever will suffice him for his lunch or dinner, such as a serving of rice and half or quarter of a chicken, whatever is the average type of food that he eats. It is well-known that this average would vary from one person to another.

Sa‘eed ibn Mansoor narrated in the chapter on tafseer in his Sunan (794) that al-Hasan said regarding the expiation for breaking an oath: A mudd of dates, or a mudd of wheat. If he invites them and feeds them bread and meat, or bread and olive oil, or bread and ghee, or bread and yogurt, that will be acceptable. Its isnaad was classed as saheeh by the commentator on as-Sunan, Shaykh Sa‘d al-Humayd.

Shaykh al-Islam Ibn Taymiyah (may Allah have mercy on him) said: If he chooses to feed ten poor persons, that he may do that.

With regard to the amount he gives them to eat, is it to be based on religious texts, or local custom? There are two scholarly views concerning that.…

The second view is that it is to be estimated on the basis of local custom (‘urf), not religious texts. So the people of each land should give the average type of food that they give to their own families, in terms of amount and quality.

This is essentially the view of Maalik. Ismaa‘eel ibn Ishaaq said: Maalik thought that with regard to the expiation for breaking an oath, the mudd was acceptable in Madinah. Maalik said: With regard

to other countries, they have kinds of food that are different to ours, so I think that they should offer expiation by offering the average type of their own food, because Allah, may He be exalted, says (interpretation of the meaning): “from the average of that which you feed your [own] families or clothing them”.

This is the view of Dawood and his companions.

This view is also what is narrated from most of the Sahaabah and Taabi‘een. Hence they used to say: The average is bread and yogurt, bread and ghee, bread and dates, and the best is bread and meat.

We have discussed in detail elsewhere the reports from them on this topic, and we explained that this view is the correct view, as indicated by the Qur’an and Sunnah and proper understanding. This is in accordance with the madhhab of Ahmad, because in principle, with regard to that which the Lawgiver did not specify, reference should be made to custom (‘urf). The Lawgiver did not specify here, so reference should be made concerning it to custom, especially as Allah, may He be exalted, said: “from the average of that which you feed your [own] families”.

If the individual brings together ten poor persons and gives them bread or condiment for their dinner, of the average type of food that he feeds his own family, that is acceptable according to the majority of the salaf. This is the view of Abu Haneefah and Maalik, and of Ahmad according to one of the two reports narrated from him, and of others. It is the view that has the stronger evidence, because Allah, may He be exalted, enjoined feeding poor persons."(Majmoo‘ al-Fatawa 35/349-352).

Based on that, if the food basket contains enough food to feed ten poor persons, even if it contains different types of food – such as rice, lentils, meat, ghee and olive oil – then it is acceptable as expiation. The same applies if it contains a quarter of a kilogram of rice and a quarter of a chicken for each poor person, for example.

It must be given to ten poor persons, even if they are all from one family, or two families.

Items such as sugar, tea and soap do not count, because these do not come under the heading of food.

If the basket contains enough to suffice twenty poor persons, then it is acceptable as two expiations, on condition that it be distributed to at least ten poor persons, as mentioned above.

There is nothing wrong with one poor person taking two shares from two expiations, or taking three shares from three expiations, and so on.

What appears to us to be the case is that it is better not to give these baskets as expiation, because if food that is sufficient for ten people is put in them, it may not be given to ten poor persons; it may be given to one family of only five persons.

If it is given as expiation, then the individual concerned should distribute it himself, so that he will be certain that it has been given to ten poor persons.

Or he may ask the charity to give it to ten poor persons, if those who are in charge of the organization are trustworthy and honest.

And Allah knows best.