175179 - She caused a traffic accident that led to her mother’s death

the question

I caused a car accident last Ramadan, which led to my mother’s death. The reason was that I misjudged the distance when overtaking, and the driver of the truck that I was overtaking did not let me do that, because he increased his speed deliberately, then he fled when the accident happened.

My question is: do I have to offer expiation? Can I delay it until after ‘Eid al-Adha, so that I will not interrupt my fasting because of the days of ‘Eid? Or must I start straightaway, and not fast on the days of ‘Eid (according to what I know, it is obligatory to not fast on the day of ‘Eid and the two following days)?

Detailed answer

Praise be to Allah.

Firstly:

From the question, it seems that the questioner caused her mother’s death by mistake, because of her misjudgment whilst overtaking. Moreover, if it is true that the other driver deliberately increased his speed, which led to the accident happening, then what appears to be the case is that the blame for killing is shared between both of you [you and the driver of the truck]. In such cases the matter should be referred to experts. If they determine that the accident was caused by the mistake in overtaking, then you must pay the diyah (blood money) in full and offer expiation. If they determine that the blame is to be shared, then you must offer expiation and part of the diyah, commensurate with the extent to which you were to blame.

For example, if the specialists determine that the blame was 50% yours and 50% that of the truck driver, then you must pay half of the diyah, and if they determine that the blame was fully yours

and that what you say is not to be accepted, then you must pay the diyah in full. For more information, please see the answer to question no. 85426.

For more information on the rulings on diyah (blood money) and expiation, please see the answer to questions no. 52809 and 106516.

Secondly:

The scholars differed with regard to the expiatory fast and whether it is to be done immediately or may be deferred. But undoubtedly to be on the safe side and to discharge one’s duty, it is better to hasten to do the expiatory fast when one is able to and there is nothing to prevent one from doing it.

If it so happens that the days when you are going to fast will include the days of the two Eids or the days of at-tashreeq, which are the three days following Eid al-Adha, and not just two days as mentioned in the question, then breaking the fast on these days will not spoil the continuity which is required for this expiation, because there is a legitimate shar‘i excuse.

For more information, please see the answer to question no. 124817

And Allah knows best.