

Answer to Question

Expiation of Breaking the Oath (Kafarat ul-Yameen)

To: Гаджимурад Гамзатов

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

Our honorable Sheikh,

Can the expiation for breaking an oath (kafarat ul yameen) be given for a young infant child who does not eat food and who only drinks breast milk or infant formula? If the expiation is given and the person forgets about this situation (it is given to an infant), should the person repeat giving the kafara to a poor person?

And another question related to the expiation for breaking an oath: Is it sufficient to feed the poor once, or is it necessary to feed him twice (lunch and dinner?)

And the third question: a person who lives in Europe and gave expiation for the oath to the poor in Ukraine by following the amount of expiation for the oath in Ukraine. Was it necessary for him to follow the amount of expiation in Europe, or was it sufficient to follow the amount in the country to which it was sent to?

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

1- The basic principle regarding expiation for an oath (kafarat ul yameen) is the words of the Allah (swt): **﴿لَا يُؤَاخِذُكُمُ اللَّهُ بِاللَّغْوِ فِي أَيْمَانِكُمْ وَلَكِنْ يُؤَاخِذُكُمْ بِمَا عَقَّدْتُمُ الْأَيْمَانَ فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَوْ هَلِيئِكُمْ أَوْ كِسْوَتُهُمْ أَوْ تَحْرِيرُ رَقَبَةٍ فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ ذَلِكَ كَفَّارَةُ أَيْمَانِكُمْ إِذَا حَلَفْتُمْ وَاحْفَظُوا أَيْمَانَكُمْ كَذَلِكَ يُبَيِّنُ اللَّهُ لَكُمْ آيَاتِهِ لَعَلَّكُمْ تَشْكُرُونَ﴾** **“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.³ Thus does Allah make clear to you His verses [i.e., revealed law] that you may be grateful”** [Al-Ma'idah: 89]. Feeding ten poor people is one of the options mentioned in the verse: **﴿فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَوْ هَلِيئِكُمْ﴾** **“So its expiation² is the feeding of ten needy people from the average of that which you feed your [own] families”** [Al-Ma'idah: 89].

2- It is understood from the noble verse that the number ten is binding, i.e., ten needy persons must be fed, so it is not correct to feed one poor person ten times, for example. We explained previously this in the Answer to a Question on 29/4/2022 CE, in which the following was stated:

[and the opinion that I see more correct is that if the text is mentioned with a certain number of poor people, such as **﴿فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَوْ هَلِيئِكُمْ أَوْ كِسْوَتُهُمْ﴾** **“So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families or clothing them”** [Al-Ma'ida: 89] **﴿فَمَنْ لَمْ يَسْتَطِعْ فِإِطْعَامِ سِتِّينَ مِسْكِينًا﴾** **“...and he who is unable - then the feeding of sixty poor persons.”** [Al-Mujadila: 4]. In this case, the aforementioned number (ten, sixty) must be adhered to, whether the giving is in kind or in

value, because the number is intended, it is a necessary restriction, but if the text requires giving poor people without mentioning a number, it is permissible to give one poor person because there is no restriction on the number, and it may be given to more than one poor person, as Allah (swt) says regarding zakat: **﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبِهِمْ﴾** **“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise”** [At-Tawba: 60]. So it is permissible for the one who pays Zakat to give his zakat to one poor person, and it is permissible to divide it among many poor people, because there is no specific number in the verse, rather the term “poor people” is mentioned like this without a number... But he takes into account that they are eligible to zakat because they are described as poor.]

3- Accordingly, the completion of the expiation requires feeding ten poor persons with the average food, and this means that the poor person who is given the expiation is the one who can eat the average food. As for the breastfed child, I do not think that he is included in this concept, and therefore he is not counted among the poor who are fed in the expiation for an oath. If a man got up and sent food to a poor family consisting of ten members, including a baby, then this expiation is incomplete; it is like feeding nine and not ten, because the baby does not come under the concept of those who are being fed. This is what I see most correct and is what I am content with. Therefore, he must complete it by feeding another poor person in addition to those he fed to complete the expiation of ten poor people. This is in contrast to the child who eats food, such as a boy with distinguishing mind and the like, for these are counted in the expiation. If there were children in the poor family like these, then the expiation is valid by feeding them, because they enter into the concept of those who are fed.

4- The jurists differed in determining the amount of food for each poor person in expiation for breaking an oath (kafarat ul yameen), and in the type of the food from which the expiation is given etc., and I quote something about this from the Kuwaiti Encyclopedia of Fiqh

[“Second: In terms of the amount”

- The Malikis, Shafi’is, and Hanbalis are of the view that it is a condition that each poor person be given one *mudd* (a measure of weight) from most of the country’s staple food, and it is not permissible to give the value of the food in accordance with the text of the verse: **﴿فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسْكِينٍ﴾** **“So its expiation is the feeding of ten needy people”** [Al-Ma’idah: 89]. It is a condition that the shares should not be reduced, so it is not permissible to give twenty poor people ten *mudd*; to each one of them half a *mudd* unless he completes for ten of them what was lacking. It is also required that the feeding be for the ten, so the fabrication is not valid, so if he fed five and clothed five, it is not permitted. It is also required that a *mudd* be given to each of the ten on the basis of ownership, and it is not permitted according to the Malikis to repeat giving to one. The Hanafis hold the view that it is a condition that each poor should be given half a *saa’* (measure of weight) of wheat, or a *saa’* of dates or barley, or the value of that in money or trade offers, because the purpose is to pay the need, and that can be achieved by the value.

As for the amount of permissible food for them: two meals that are satiating, that is, it is required that each poor person has lunch and dinner, and likewise if he gives them dinner and suhur, or he gives them two lunches and so on, because they are two intended meals.

But if he gives one person lunch and another one dinner, that is not valid, because he would have divided the food of the ten over twenty, which is not valid.

They also stipulate that he does not give the entire expiation to one poor person in one day at once or separately over ten times. But if he fed one poor person for ten days, lunch and dinner, or gave one poor person for ten days every day half a *saa’*, that is permissible

because the need is renewed every day making him like another poor person, as if he spent the value on ten poor people.

“Third: In terms of type”

- The Hanafis held the opinion that what is sufficient in feeding is wheat, or barley, or dates, the flour of each one as its original by measure, that is, half a saa' in wheat flour and a saa' in barley flour, and it was said: What is considered in the flour is the value, not the measure, and it is permissible to extract the value from other than these types. The Malikis went to the fact that feeding is from wheat if they ate it, so it is not acceptable from any other of barley or corn or other than that. If they ate other than wheat, then what equals it in satiety, not measure (is given). The Shafi'is held the opinion that feeding is from the grains and fruits on which zakat is due, because the bodies are established by it, and it is required that it be from the majority of the country's food. The Hanbalis went to stipulate that the feeding should be from wheat, barley and their flour, dates and raisins, and nothing else is permitted, even if it was the food of his country, unless those foods are not available.] End

5- What I see most correct regarding feeding for the ten poor is that they are given two meals to be true to the meaning of the verse: ﴿فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ﴾ **“So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families”** [Al-Ma'idah: 89]. Feeding the family is twice a day, so that it can be called feeding, such as lunch and dinner; otherwise, he has not completed feeding his family, and similarly with regard to the poor in the expiation, he must feed them twice a day until the expiation is complete, so if he suffices with lunch without dinner, or with dinner without lunch it is not acceptable, and also, the Shariah has made the food in Ramadan two meals: the pre-dawn meal and the iftar meal, so complete feeding is with them or the same.

6- As for your question: (a person who lives in Europe and gave expiation for the oath to the poor in Ukraine by following the amount of expiation for the oath in Ukraine. Was it necessary for him to follow the amount of expiation in Europe, or was it sufficient to follow the amount in the country to which it was sent to?) the answer to that and what I am confident about is that the amount spent is according to the average food in the country in which the person who is given the expiation resides, and that is because the noble verse says: ﴿فَكَفَّارَتُهُ إِطْعَامُ عَشْرَةِ مَسَاكِينَ مِنْ أَوْسَطِ مَا تُطْعَمُونَ أَهْلِيكُمْ﴾ **“So its expiation is the feeding of ten needy people from the average of that which you feed your [own] families”** [Al-Ma'idah: 89]. This makes him feel that feeding is according to the place in which the person is in, because what is required is to feed ten poor people from the average of what he feeds his family. If he fed, for example, in Ukraine with ten dollars, then this may be sufficient to feed ten poor people there, but it is not sufficient to feed ten poor people according to the situation in Europe. For example, he has to feed for one hundred dollars so that he would have fed from the average of what he feeds his family. Therefore, I think that it is better and more prudent to give the amount of feeding ten poor people in the country in which he resides.

This is what I see most correct, and Allah Knows Best, He is Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

1 Dhul Hijjah 1444 AH

19/6/2023 CE

The link to the answer from the Ameer's Facebook page:

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/817609653259739>