

476499 - Is it permissible to give some of the 'aqiqah meat as expiation for breaking an oath or a fidyah for not fasting in Ramadan?

the question

We intend, in sha Allah, to slaughter the 'aqiqah for our daughter, may Allah bless her. My husband does not fast for health reasons; is it permissible to take some of the 'aqiqah meat and use it to feed poor people for the days on which my husband does not fast in Ramadan?

Detailed answer

Firstly

The sick person for whom there is no hope of recovery should not fast, and he should feed one poor person for each day.

As for the sick person for whom there is the hope of recovery, he may not fast, but he must make up the days he missed when he recovers, and he does not have to offer any fidyah.

An-Nawawi (may Allah have mercy on him) said in *al-Majmu'* (6/261): The sick person who is unable to fast because of sickness from which he hopes to recover does not have to fast at present, but he must make up the fasts later on. This applies if he will face real hardship when fasting. End quote.

So if your husband's sickness is one from which there is no hope of recovery, it is permissible for him to feed one poor person for each day.

Secondly:

It is permissible to take some of the meat of the 'aqiqah and use it for the fidyah for not fasting, for two reasons:

1.. Because only a small part of the 'aqiqah is to be given in charity, then the one who offered it may dispose of it by eating it himself or otherwise.

It says in *al-Mawsu'ah al-Fiqhiyyah* (5/103): Ash-Shafa'i said: After slaughtering an obligatory sacrifice (udhiyah) in fulfilment of a vow, the person must give all of it in charity.

As for the non-obligatory sacrifice, he must give some of the raw meat in charity, and it should not be something that is of no value. The Hanbalis added that if he does not give any of it in charity until it is all gone, then he is liable for giving to the poor the price of the least of it in value that is not regarded as being worthless. End quote.

It also says (6/116): With regard to the 'aqiqah (which is that which is sacrificed on behalf of the newborn), the ruling on whether it is recommended (mustahabb) to eat some of it and feed others with some of it is the same as the ruling on the udhiyah (sacrifice).

2.. It is permissible to sell the meat of the 'aqiqah, because it does not go out of the individual's ownership when he specifies that this is an 'aqiqah and slaughters it, in contrast to the udhiyah, as it is not permissible to sell any part of the latter. As it does not go out of his ownership, then he has the right to dispose of it in whatever way he likes.

It says in *Matalib Uli an-Nuha* (2/492): It does not go out of his ownership by being slaughtered, so he may sell it, in contrast to the udhiyah, because there is a similarity between the udhiyah and the 'aqiqah, which is that they are both acts of worship. But the 'aqiqah is prescribed on a happy occasion, so it is more akin to the walimah (wedding feast). End quote.

Conclusion: It is permissible to take some of the meat of the 'aqiqah and offer it as fidyah for not fasting, or as expiation for breaking an oath (kaffarat yamin) and so on, because it is meat that belongs to the one who offered it, so it is permissible for him to dispose of it.

And Allah knows best.