

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Fiqhi Page

Answer to Question

Sadaqat Al-Fitr and Kafara (Expiations) in Monetary value

To Bakr Sa'id

(Translated)

Question:

Assalamu Alaikum Wa Rahmatullah Wa Barakatuh. I ask Allah that you are well and in good health.

What is the ruling on giving sadaqat Al-Fitr and Kaffara (expiations), such as an atonement for an oath and zihar, in monetary value? Can the money be given as the allocation given by Allah in the expiation (kaffara) of the oath: that it is given to 10 masakeen, and 60 in the expiation of zihar?

May Allah (swt) bless you

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

You are asking about two matters:

First: Is it sufficient to pay the value of zakat Al-fitr and kafara (expiation) instead of what is mentioned in the legal texts such as feeding and clothing and the like?

Second: Is the entire value given to one poor person if the texts mention giving a specific number of needy persons, or is it necessary to adhere to the number of poor persons mentioned in the texts, so the full value is not given to one poor person, but rather given to the stipulated number of poor persons?

1. As for the first question, the scholars differed in dividing the given value, i.e.,

Either as stated in the noble Hadiths: Extracted by Bukhari from Nafi' from Ibn Ummar (ra) that he said: «فَرَضَ رَسُولُ اللَّهِ ﷺ صَدَقَةَ الْفِطْرِ صَاعاً مِنْ شَعِيرٍ أَوْ صَاعاً مِنْ تَمْرٍ عَلَى الصَّغِيرِ وَالْكَبِيرِ وَالْحُرِّ وَالْمَمْلُوكِ» **“Allah's Messenger (saw) has made Sadaqat-ul-Fitr obligatory, (and it was), either one Sa' of barley or one Sa' of dates (and its payment was obligatory) on young and old people, and on free men as well as on slaves”**

It was extracted by Tirmidhi, who added: «عَلَى الذَّكَرِ وَالْأُنْثَى... قَالَ فَعَدَلَ النَّاسُ إِلَى نِصْفِ صَاعٍ مِنْ بُرٍّ» **“... upon male and female... He said: "The people considered that equivalent to half a Sa of wheat.”** So he gives it in the forms of objects mentioned.

Or by monetary value, i.e., by estimating the monetary equivalent for the forms of goods of Sadaqat Al-Fitr mentioned in the Hadiths.

The most correct opinion we have is what is mentioned in the book, *Funds in the Khilafah State*, regarding the permissibility of giving the value and that this is sufficient in zakat for the following evidence:

a. In the book, *Funds in The Khilafah State*, page 150-151 (Arabic word file) pages 140 (English PDF):

[It is permissible in the Zakat of crops and fruits to take their equivalent in currency or otherwise instead of taking the exact amount of crop or fruit. This is due to what Amru b. Dinar narrated from Tawus: «أَنَّ النَّبِيَّ ﷺ بَعَثَ مُعَاذًا إِلَى الْيَمَنِ فَكَانَ يَأْخُذُ الثِّيَابَ بِصَدَقَةِ الْحِنْطَةِ وَالشَّعِيرِ» **“The Prophet sent Muaz to Yemen and he used to take clothes for the Sadaqah of wheat and barley.”** Narrated by Abu Ubaid...

It has been narrated from Muadh in the same subject of Sadaqah that he would take goods instead; this is in his statement: “Give me a fifth or dress which I take from you instead of Sadaqah. It is easier for you and more beneficial for the Muhajirin in Madinah.” It is also found in the Sunnah that the Messenger of Allah and his companions would oblige a right in money then change it to something else easier for its giver to give than the original money. Of this is the book of the Prophet to Muaz in Yemen on Jizya: «أَنَّ عَلَى كُلِّ حَالِمٍ دِينَارًا أَوْ عِدْلَهُ مِنْ» **“Upon each mature person is a Dinar or its equivalent in clothes (Mu’afir).”** [Narrated by Abu Dawud]. So the Prophet took goods instead of taking the specific thing itself i.e. he took clothes instead of gold. Of this also is what he wrote to the people of Najran: «أَنَّ عَلَيْهِمْ أَلْفِي حُلَّةٍ فِي كُلِّ عَامٍ، أَوْ عِدْلُهَا مِنَ الْأَوْاقِي» **“Upon them two thousand garments every year or its equivalent in ounces of gold and silver.”** [Narrated by Abu Ubaid]. Ibn Qudama mentioned in ‘Al Mughni’: Umar (RA) used to take camels in Jizya instead of gold and silver, as Ali used to take needles, ropes and large needles in Jizya instead of gold and silver.] **End.**

b. In the book, *Funds in the Khilafah State*, [it is mentioned on page 159 (Arabic word file), page 147 (English PDF)]

[Zakat on gold is paid in gold, representative currency and reliable currency. Zakat on silver is paid in silver, representative currency and reliable currency. Similarly, Zakat on gold can be paid in silver and compulsory currency while Zakat on silver can be paid in gold and compulsory currency, as they are all currencies and prices. So some of them can take the place of others and some of them can be paid in the place of others for the objective is verified in this. It has been mentioned in the chapter of Zakat on crops and fruits the evidences for taking the value as a substitute for the property upon which Zakat is obliged.] **End.**

Based on this, I see the permissibility of paying Zakat Al-Fitr in monetary value or paying it with its forms of goods, as stated in the noble Hadiths.

c. For information, there are opinions of the jurists on this matter, including:

The Hanafis consider that the obligatory in sadaqat Al-Fitr is half a saa’ of wheat, its flour, grain, raisins, or a saa’ of dates or barley. As for its description: the obligation of what is stipulated on money is that the money has value in general, not as a specific object, so it may be given for all of that the value in dirhams, dinars, money, offers, or whatever he wants. Imam al-Sarakhsi said in Al-Mabsout (3/107-108): [If he gives the value of wheat, it is permissible for us; because what is considered is the attainment of wealth, and that is achieved by value as by wheat...] This is the Hanafi school of thought, they act on it and their fatwas are based on regarding all zakat, expiations, vows, tax, and others.

Omar bin Abdul Aziz was of the opinion that it is permissible to take out the value. On the authority of Wakee’, on the authority of Qurrah, he said: The letter of Umar bin Abdul Aziz came to us on the Sadaqat of Al-Fitr: “half a saa’ for each person or its value, which half a dirham.” These Athar narrations were narrated by Imam Abu Bakr bin Abi Shaybah in “Al-Musannaf” (398/2)

Accordingly, it is not necessary to adhere to the specifics of what the texts have mentioned, rather it is permissible to extract the value due to the Shariah evidence mentioned above.

2- As for the second question, the scholars differed on this issue as well, 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 أَهْلِيكُمْ 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 مَسْكِينًا﴾ **“...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﴾ **“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.

So, the maximum amount of zakat they can give, whether it is one or more, is what makes them in need of zakat, i.e., what enriches them so that they are not deserving of zakat, i.e., the zakat that is given to them removes the description of being poor from them... and it is not permissible to give them more than that... The amount, of course, varies from person to person and case to case.

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

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

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

<https://www.facebook.com/HT.AtaabuAlrashtah/posts/546519840368723>