

A

GUIDING LIGHT

ON

ISSUES OF MONETIZING ZAKATUL FITR

(نور الهدى في مسائل إخراج زكاة الفطر قيمة)

Written by:

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(May Allah Preserve Him)**

INTRODUCTION

Indeed, there are a lot of problems in this present Ummah, some of which Muslims themselves are the primary cause. Many of such problems are due to hatred, ignorance, lack of sincerity and other issues.

If a Muslim cannot differentiate between issues of Aqeedah (creed) and Fiqh (jurisprudence), then we have a big problem on our hands.

I do not know of any case where issues of Fiqh change/turn to Aqeedah issues, such that some ignorant and arrogant Muslims declare others as muftadi'een (heretics/innovators) and call them all sorts of bad names, all because of difference of opinions on Fiqh-related issues.

A self-acclaimed Salafee had claimed those who oppose him in his Fiqh stand are "oponu" (fools). A kindergarten Salafee also claimed today that anyone who opposes his stand on Fiqh-related issues is a muftadee (heretic, innovator). He said: "WAllahi, these people have no sense of reasoning. Their bid'ah no get rival".

A friend of his also said those who oppose them are "dolluna mudillun" (deviant people that deviate people).

”وَلَوْ شَاءَ رَبُّكَ لَجَعَلَ النَّاسَ أُمَّةً وَاحِدَةً وَلَا يَزَالُونَ مُخْتَلِفِينَ”

“And if your Lord had pleased He would certainly have made people a single nation, and they shall continue to differ”.

If there are no differences of opinion in Fiqh-related issues, I do not know where we should differ then; creedal fundamental issues?

When the Prophet (SAW) died and the Sahaabah spread out to various regions to teach the people Islam, there appeared many differences with regard to some matters of Fiqh, which arose at different times and in different places. Even when the Sahaabah differed, they never called each other names, labelled each other heretics, or broke into sects. As such, you already know the problem of this present Ummah.

The main issue is not intellectual discourse. It is "we must tackle them, we must oppose them even if they have predecessors". It is now Salafees vs Ikhwaanees. This is a big problem which has befallen this Ummah, which was caused by the sponsorship of a certain school of thought, while the ignorant students believe other schools of thought are wrong.

Fiqh is the human understanding of the Shariah. Whereas Shariah is considered immutable and infallible, Fiqh is considered fallible and

changeable, of which the issue of monetization of Zakatul Fitr is one.

The question: Is it permissible to give my Zakatul Fitr with money?

It will be abnormal and insincere to hide a view when scholars differed on views in issues of Fiqh, most especially when the view is beneficial and more convenient. You take the most correct view with evidences and leave others with evidences. You are not bound to go by others' views, while you also mustn't force your own view on others in Fiqh-related issues. It is also important to state that the opinion of some individuals can never represent the correct Islamic view. Tagging others who differ from you on Fiqh-related issues as *mubtadii'* (heretic) is a sign of intolerance and ignorance.

Discussing issues of Fiqh Muqaaranan (comparatively) with evidences from all sides which result in understanding the rulings of Islaam and not blind following of a verdict - no matter who the scholar is - is one of the qualities of a student of knowledge.

The issue of giving out money instead of food as Zakatul Fitr is not an issue of contemporary argument. The difference of opinion has existed since the era of the Sahaabah, the Taabi'een and those who came after them till this present era. The fitnah was less then because they understood the concept of dealing with other Muslims on Fiqh-related issues, which most Muslims fail

to understand today. Those are our righteous predecessors.

Paying Zakatul Fitr with money is not an "Ikhwaanul Muslimoon" verdict, even when I know many of many Muslim countries of the world which do not belong to the Dawah of Ikhwaanul Muslimoon that give out their Zakatul Fitr with money. Syria and Jordan are not far from us in this regard.

Yes, the fundamental basis of Zakatul Fitr is giving it with food, but during the era of some Sahaabah and Taabi'een, the reality opposed the fundamental, and had no negative effect on the fundamental.

If you claim Zakatul Fitr mustn't be monetized and the concept of giving it with food is Ta'budiyyah (Divine), then you are not getting the concept of Ta'budiyyah right, and will you deny the fact that past predecessors of this Ummah differed on this issue? Or are they innovators and misguided fellows too?

Fine, let us agree (لو سلمنا جدلاً) that Zakatul Fitr is Ta'budiyyah, which should only be strictly text-based as some Muslims claimed, why again did they oppose the same principle in application by extending Zakatul Fitr produce beyond only the mentioned items in the Hadith text? The Hadith of the Prophet (SAW) has specifically indicated the four items for Zakatul Fitr.

Abu Sa'eed al-Khudri (may Allaah be pleased with him) said: "We used to pay as Zakaat al-Fitr a saa' of food or a saa' of barley or a saa' of dates or a saa' of aqit (dried yoghurt) or a saa' of raisins."

Even though this Hadith is mauquuf, it has the ruling of marfuu' according to some scholars of Hadith.

However, not all the Ahadith on Zakatul Fitr are authentic. Even the Hadith of Abu Saeed Al-Khudri has various riwayat. In some, he mentioned just three items, in others he mentioned food and he listed the four food items as stated above, so the authenticity of some riwayat is doubtful.

This is the riwayat of Imam Bukhari, which is most appropriate. The riwayat of Ibn Umar listing the items is also in Bukhari and Muslim.

Ibn Umar narrates that the Messenger of Allah (SAW) made it incumbent on all the slaves or free Muslims, male or female, to pay one Sa'a of dates or barley as Zakatul Fitr.

The chapter on Zakatul Fitr in Bukhari and Muslim only aims to authenticate the textual items.

And the evidence for value (monetizing) is even in some of the riwayat of Ibn Umar, because Ibn Umar reported in other narration that his father (Umar) gives the value of a product, and half of another. You can read more on this also in "Tahqeeq Al-Aamal" (attached).

We first need to sieve the authentic report from the weak versions, and to establish the basis of the Ta'budiyyah theory in the Hadith texts.

This same philosophical answer of Sh Albani (where he opined that monetizing goes against the ta'budiyyah (divine) can also be used to refute those who say rice, beans, garri or any other staple food can be given as Zakatul Fitr. One could as well say giving rice, beans or garri has two errors;

1. It is against the exact text, and the issue is an act of worship that is text-based.
2. The second is even grievous, because one is claiming that for Allah not to have mentioned rice, it means He knows not what is good for the poor.

But alas, Islamic Fataawa are not philosophically derived.

Also, their claim of Ta'budiyyah is deceptive. Ta'budiyyah that are strictly sourced are based on what is called Al-Ibadatu Al-Mahdah (العبادة المحضة), which is strictly text-based, but the other Ibadah are those one can do Tahlilul Ahkam of, of which Zakat or Sadaqah is inclusive.

This aspect of Fiqh is what is causing the callousness and rigidity of those who are Zahiri-inclined and they fail to grasp the difference. You will just hear some Salafi brother say it is Ibadah, and so Tawqifiyyah without grasping the essence and nature of the Ibadah. Certainly, eating is a form of Ibadah for a Muslim also, but it is not Ibadah Mahdah. If you don't understand the principles, you need to enroll for "Usool Fiqh" class, if Usool Fiqh isn't a heretic subject to you.

Be that as it may, if there is an issue that is equally subscribed to by the Salaf and noble scholars of old based on Maqasid Shariah, it does not behoove any latter day scholar to sanctify his own view as the only representation of the Shariah.

If these our brothers are convinced of their Tawqifiyyah theory, why then do they include rice, garri, beans and other food stuff outside the text.

In fact, Ibn Hazm the Zahiri in his Mahallah (V. 4) argued against going

against the textually listed items using the same Tawqifiyyah theory. You can check Al Mahalla.

Or is Ibn Hazm also an Ikhwaanee?

In page 909, 910 and 911 of Volume 2 of Al-Fiqh Al-Islamiy Wa Adillatuha of Sh. Wahbah Az-Zuhayliy, he made mention of the sayings of the 4 Imams of Fiqh.

The Hanafiyyah say: Zakatul Fitr is only compulsory with the 4 kinds of food (barley, dates, raisins and zabiib), using the same Ta'budiyyah concept, even though the Hanafiyyah permit monetizing.

The Maalikiyah: Made mention of 9 foods and say including a 10th food is not acceptable (e.g. rice, beans, garri, etc.) and is not inclusive, using the same Ta'budiyyah theory also.

The Shafi'iyah say: The most eaten food of the city is permissible for Zakatul Fitr (rice, beans, garri inclusive)

The Hanabilah say: It is not permissible to give out Zakatul Fitr except with these foods established in the Sunnah, applying the same Ta'budiyyah concept.

However, no Muslim will argue the fact that the foods in their land during the Prophet's (SAW) was more than 4, 5, or even 20, but the 3 of the 4 Madhaa'ib also applied the Ta'budiyyah theory as Ibn Azm did.

As such, the Salafees are evidently not getting the Ta'budiyyah (divine) concept right.

Some others evidences (apart from those mentioned above) denoting the permissibility of monetizing the Zakatul Fitr

1. The allowance has been given by the Fuqaha, especially in the Hanafi Madhab, for one to pay his Zakaatul Fitr in the form of money. This is recorded in many books of the Hanafi Fiqh.

For example, in the famous Ad-Durrul Mukhtar, it is written that:

"And giving of the value i.e. dirhams (money) is preferable than giving of the items themselves". (Chapter on Sadaqatul Fitr)

While commenting on this, Allama Shami has mentioned that it is stated in Tatar Khaniyah from Al-Muheet that one can give the value of wheat, barley or dates (as Zakaatul Fitr). (Raddul Mukhtar Vol 2 pg. 366)

As mentioned in Ad-Durrul Mukhtaar, the act of giving money (the value) in Zakaatul Fitr is preferred when there is ease and affluence/plenty. However, if there is hardship/adversity, then giving the items like wheat, barley, dates etc. is preferable. (Chapter on Sadaqatul Fitr)

2. The Hanafiyyah school of thought permitted giving Zakaatul Fitr in monetary form, when they said: “The compulsion is إغناء الفقير feeding the poor for the word of Prophet (SAW):

(أغنوهم عن المسألة في مثل هذا اليوم)

“Enrich them (the poor) against asking/begging on days like this.”

And enrichment will take place by monetizing. Rather it is the most appropriate and easiest because it is closer to caring for their needs.

This is established in most of the books of Hanafiyyah on Zakaatul Fitr, and also mentioned in page 909 V. 2 of Sh Wahbah Az-Zuhayli's Fiqh Islaamiy.

3. Also, the principle of Usool Fiqh says:

"الحكم يدور مع علته لا مع حكمته وجودا او عدما "

"The ruling rotates with the reason Sharia legislated it and not with the wisdom,

whether the wisdom is found or not".

This principle means; we base rulings on the reasons behind their legislation, for there is no ruling in Islam without it having a reason(s) it has been legislated by the Shariah.

The reason behind giving out Zakatul Fitr was established in the saying of the Prophet (SAW) narrated by Ibn Abbas, where the Prophet said: " **طعمة للمساكين و طهرة للصائمين**", that the reason behind Zakatul Fitr is "to enrich/feed the poor/needful and to purify the fasting".

For the one who gives out rice, garri, beans or maize (while he doesn't have the means to add money) to the poor, when he/she has no ingredients and other means to prepare the food, then, have you fulfilled the reason behind the legislation? Definitely not, because you haven't made the poor happy.

And the fact is that not all the poor/needful are in need of food. Some need clothes, some cooking materials/ingredients on that day ('Eid). If the Zakatul Fitr is monetized and given to such persons, wouldn't they buy with it what will make them have a pleasant 'Eid, and by that you the giver would have fulfilled the reason behind the legislation?

However, some of the poor are also in need of food in some other places and not all will need money; we aren't denying such facts.

If you cannot understand this also, you need to learn Usool Fiqh.

4. **Qarah said:** “We received a letter from Umar bin Abdul Azeez (a Sahaabah) on Zakatul Fitr directing that half of Sa’a be given on every person, *or its monetary value which is half a dirham.*”

Al-Hasan said: It is right to give dirhams in Zakatul Fitr.

Abu Ishaq said: “I met them giving Zakatul Fitr in dirhams equivalent to the value of the food.”

Their proofs: The basis of charity in Islam is money. Allah says: “Take, [O, Muhammad], from their wealth a charity” (9: 103).

They added that the elucidation of the Prophet (SAW) was to remove difficulty and not as a restriction of obligation. Because the Bedouins and nomads value money so much, they fall under those who are to pay zakat, therefore for them to give zakat out of their cattle or produce which is readily available seems easier for them.

Also, consider that the Prophet declared that on five camels a sheep is due as

zakat, whereas a sheep is never found among camels, thus the word 'sheep' was only used to demonstrate the required worth.

5. Imam Zarkhasy wrote in *Al-Mabsut* (Vol. 3, pp. 107-8) that; "It is permissible in our school to pay the equivalent value of wheat, since the objective of zakat is to fulfill the needs of the people and this is met by either paying it in cash or in the form of wheat grain."

Imam Al-Shafi'i (may God have mercy upon him) contends otherwise and the reason for these differences of opinion is because Zakat had been originally prescribed to be paid in kind.

6. **Al-Hasan Al-Basri:** He was reported to have said; "There is no objection to paying Zakatul Fitr in dirhams."

- **Abu Ishaq Al-Suba'i:** Zuhair reported that he heard Abu Ishaq say, "I was present at the time of the Companions and they paid the cash value of Zakatul Fitr."
- **'Umar Ibn 'Abdul-'Aziz:** Waqi' narrated through Qura who said, "We received a letter from 'Umar Ibn 'Abdul-'Aziz concerning Zakatul Fitr. It said, 'Half a sa` for each person or its equivalent of half a dirham.' "

These non-prophetic traditions were reported by Imam Abu Bakr Ibn Abu Shayba in *Al-Mussanaf* (Vol. 2, p. 398). *Al-Thawri* and *Ishaq Ibn Rahwiya* likewise maintained the same opinion, citing the permissibility of giving *Zakatul Fitr* in cash, though they restricted this permissibility to cases of necessity as mentioned by Imam *An-Nawawi* in *Majmou' Sharh Al-Muhadhdhab* (Vol. 6, p. 112).

The Hanbali scholar, *Sheikh Taqiy ad-Din Ibn Taimiya*, likewise maintained its permissibility in cases of need and overriding public welfare.

He wrote in *Majmu' Al-Fatawa* (Vol. 25, pp. 25-83): "The apparent opinion is that it is not permissible to pay the equivalent value of *Zakat* without there being a need or interest therein. Otherwise, there is no harm."

The opinion maintaining that the obligation of *Zakatul Fitr* is fulfilled by giving out the equivalent value in cash was mentioned in a report from *Imam Ahmad* which *Al-Mawardi* cited in *Al-Insaf* (Vol. 3, p.182).

The opinion we choose for fatwa which, in our view, meets the objectives of Islamic law and is compatible with the interests of the people, is the permissibility of paying *Zakatul Fitr* in cash. This is the opinion of Hanafi

scholars and the opinion implemented in their school concerning Zakat in general, Kaffarat, vows, land tax and so forth. As previously mentioned, it is likewise the opinion of a group from among the Successors.

7. Sufyan Thaoriy said: “Using dates or barley is not a condition in Zakatul Fitr. Rather, if the monetary value which is most beneficial for the poor is used, it is permissible, because the aim is to enrich the poor against begging, as well as satisfy his need on this day (of Eid)”

8. Expositions and reality mustn't be denied in Fiqh-related issues. There are some countries whereby the poor and needy are found, but they aren't in need of your foods. Rather, with money, they will be happy on Eid day. In some states in the USA, UK, Jordan, etc., they monetize their Zakatul Fitr and pay into the Sunduuq (box) of Zakah, and the ministry distributes such to the needy and poor African countries and students of knowledge, because many of the eateries and mosques on the day of Eid will be full with species of foods. Poverty is not lack of food in many countries and states.

9. Imam Bukhari: What is most surprising is that Imam Bukhari, who disagreed with Imam Abu Haneefah and the Hanafiyah on most Fiqh issues, agreed with them on monetization of Zakatul Fitr.

Imam Bukhari had a chapter "باب العروض في الزكاة" in his Sahih collection. And in the Sharh Fatih Bari by Ibn Hajar Asqalani, he explained further that Imam Bukhari agreed with the Hanafis because of the preponderance of Dalil.

Similarly, Imam Ibn Abi Shaibah, who was also a major critic of Ahlu Ra'yi, agreed with Imam Abu Haneefah on the subject matter. The Masanaf of Ibn Abi Shaybah was compiled to subtly criticize the Fiqh of Abu Haneefah. Again, Ibn Abi Shaybah had to agree on the legality of monetizing Zakatul Fitr and he had a chapter specifically on the subject matter in his Musanaf.

And someone asked: How much is the Zakatul Fitr per person?

The monetary value of a thing in the literal sense is the equivalent price. The value in the technical understanding of the Fuqahaa is of several definitions.

In the definition of Ibn Hazm: "Value is the worth with which traders sell their goods, which is not exceeded except with a reason."(Al-Muhalla).

Ibn Hajar said: "The value of a thing is where the desire ends." (Fathul Baari)

Al - 'Adawiy describes it as; “the price with which people buy.”

Scholars who permitted monetization of Zakatul Fitr include Abu Haneefah, Imam Bukhari, Umar Abdul Aziz, Hassan Al-Basari, Ibn Taemiyah(during Haajah), Sh Mustapha Zarqa, Sh Al-Ashqar, Sh Al-Qaradawee, Sh Wahbah Az-Zuhayli and many others we can't mention their names.

Sh Ibn Taymiyah’s clause is during Haajah (need) and not Doruurah. The clause; “either Haajah or Doruurah” is no more relevant. If Ibn Taemiyah could have said so almost 800 years ago, then in the modern world it has become more pertinent.

I only restricted the evidences to the Salaf (the best 3 generations). If we are to add evidences of contemporary scholars, I don't know how many minutes we will use in reading this epistle.

Then, are the Salaf (the 3 best generations: Sahaabah, Taabi’oon,...) also innovators? Also misguided fellows? Also Ikhwanul Muslimoon?

You have to check yourself and stop giving yourself unnecessary headache on Fiqh issues.

Our Salafi friends have been perpetually bound to the Fatwa of their teachers, which is reminiscent of the attitude of the Madhabi Fiqh they have been criticizing. They are attacking the old and Orthodox Madhab to replace it with their modern Madhab, disguised as Fatwa.

No money during the era of the Prophet (SAW)?

This is an argument of one who has deficiency in Fiqh and is inclined towards literalism. The same people saying was there no money during the time of the Prophet (SAW) are the same people claiming Zakatul Mal is not given on paper currency of trade.

Some scholars went to the extreme of literalism (Zahiriyah) by insisting that there is no Zakatul Mal on paper currency, since the notes recognized by the Nass (text) is gold and silver.

We collect money from you and buy foods with it

This is even deceitful. Leave me, let me give my money to the poor/needly myself, the giver who gives with money already monetized while you the buyer of foods only did the job of running errands, same as our brethren at Zakat and Sadaqah Foundation do.

Which is the best; giving foods or monetizing?

The best is the easier and the more beneficial to the poor (either food or money).

May Allah grant us sound knowledge of His religion (Amin).

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