

FATWA

Questions concerning Fidyah.

Q. Can the Fidyah I am using to pay for the salaah and fast of my parents be used for the following:

1. To write off bad cheques for prisoners for their release.
2. To help poor family members to build a house. They also pay Zakaat but cannot afford to build a house.
3. To send students abroad for non Islamic studies (e.g. university) whose parents can't afford to send them.
4. Make down payment for other muslims to buy homes.
5. Give to Madaaris or students of Madaaris.
6. To allow people to make Hajj.
7. What is a principle or guideline that I can use with regards to the disposal of such money. What can I do or not do with it?

A. Fidyah, which is known as a redemption, when used for that which is given for missed fast and salaah refers to a stipulated amount of food or grains which must be given to the poor and needy.

The Holy Quraan has highlighted this allowance and the teachings of the Prophet (S.A) has also explained it.

The amount to be given for each missed fast or salaah is the amount given as Sadaqatul fitr. This may be given in the form of a meal, grains or in kind (i.e. cash etc.) The amount to be given is either 3 1/2 lbs (1.6 kg) of wheat OR 7 lbs (3.2 kg) of barley or the equivalent of the above in cash or kind.

The above has been established from the traditions of the Holy Prophet (S.A).

From the sources and evidences, which speaks about fidyah and those to whom it is given, two important points should be noted, they are:

1) Fidyah, (as used in this context) refers to an act of giving something through which, it is hoped that one who has failed in certain obligations to Allah can be forgiven and be absolved of any sin and wrongdoing. Hence, it is about helping one make up for acts of worship which he / she did not complete.

This understanding goes to show that the essence of 'Ibadah' and worship is to be found in this concept of 'fidyah' and it should not be treated as 'mere money' which can be given to any person or any situation. In this regard the Scholars have treated it in a similar manner of Zakaat and Sadaqatul Fitr.

2) All the evidences regarding the permissibility of Fidyah show that it is an amount which must be given to a miskeen, i.e. a poor or needy person. Based on this, it is evident that the deserving recipient be one who is deserving, that is, 'Miskeen', poor or needy.

The Holy Quraan, has itself specified that the fidyah is 'feeding the poor and needy one'.

The traditions recorded also informs that the fidyah is that a person should feed a poor or needy person.

The books of Islaamic Jurisprudence, in a like manner highlights the fact that fidyah should be given to a poor or needy person.

Hence based on these evidences it can be concluded that the person to whom fidyah is given must be a

poor or needy person.

In the Shariah, a poor / needy person refers to someone who does not possess the Nisaab of Zakaat or Sadaqatul Fitr.

In addition to this, the Scholars of Fiqh have written that fidya cannot be given to non-muslims.

With this explanation, the following are answers to the questions which were asked:

1) It will not be permissible to use the fidya to write off bad cheques for prisoners for their release. The reason being that the people to whom the cheque is written may be:

- (i) Non muslims
- (ii) If they are muslims, they are not poor and needy.
- (iii) Releasing prisoners cannot be treated as releasing slaves.

2) When muslims are in a position to pay Zakaat, it means that they are not poor / needy, hence they do not qualify to receive Fidya. It will therefore be impermissible to use fidya to build houses for such family / non family members who must pay Zakaat.

3) Fidya, as highlighted in the Quraan and Sunnah is prescribed to be given to the Miskeen, (the poor / needy). This is a manner which Allah has instituted so that starvation, hunger, poverty and want will be eliminated from the poor and needy muslims. If people are in a position to take admission in Universities for non-Islaamic education, it means that they do not belong to the above category. There is no substance of poverty, hunger, starvation and want in these cases, as such they do not fall into the category of Miskeen and would therefore not be entitled to receive fidya.

4) The same shall be the reason for not using fidya for making down payments for muslims to buy homes. If any such person / persons are found to be poor, needy, then the fidya must be given to them, where they become its owners. Upon receiving it they may do whatever they wish. It is not permissible to use it for a cause where the poor, needy are not made the owners of the fidya sum.

5) Due to the fact that poor and needy students are to be found in a Madrasa, who have devoted themselves for the service of Islam, it is permissible to give them fidya. It can be given to the madaaris so that it may be passed on to the poor and needy students.

6) In light of what has been recorded in the Holy Quraan and the Sunnah regarding the recipients of Fidya, it would not be proper to give it to people to perform Hajj. Here again, if someone is found to be poor or needy, the fidya should be given to him / her so that he / she becomes its owner, then he is at liberty to use it in whatever manner seems good to him. It cannot be given for 'a cause' or 'to a cause' where the poor and the needy has not received it to be its owner. We must know that a person's responsibility is to give the Fidya. He should not be concerned as to how it is used or where it is used. Allah has only commanded him / her to feed the poor and nothing more than this.

7) As a general principle, one should remember that fidya, is a redemption which Allah has allowed so that the shortcomings which have occurred in a person's acts of worship may be forgiven. It is not Zakaat nor is it Sadaqatul Fitr. Although its usage may be used in likeable ways and the amount to be given is the same as that of Sadaqatul Fitr, the Quraan and the Sunnah have explained only one category of people to whom it may be given, and that is the 'Miskeen' (poor and needy). In contrast to this, recipients and deservers of Zakaat are divided into a few categories to whom Zakaat may be given and so too is the case of Sadaqaat. As such, when Fidya is given, one must always take into consideration that the person to whom it is given is a Muslim who is poor and needy (in a manner that he / she does not possess the Nisaab of Zakaat). Due to the fact that the Quraan and Sunnah have specifically mentioned that fidya is 'food (meals) given to the poor / needy', it shows that fidya (if given in kind) must be given directly to the poor and needy in a manner that they become its owner. Giving it in a way that they may benefit from it like that of paying their loans, paying off for homes, or studies or making a business for them are all unacceptable since there is no direct ownership in these cases. The same is applicable to Zakaat funds.

Those who wish to do acts of goodness like those which are mentioned in the questions, may do so from other funds. However, fidya should be used in the manner prescribed in the Quraan and Sunnah, as explained above.

And Allah knows best.

Mufti Waseem Khan