312556 - Ruling on neighbours who are poor exchanging zakat al-fitr because the state has imposed three times the value of zakat al-fitr

the question

There is a question that has come from Yemen: the state has imposed on them zakat al-fitr at three times its real value. They live in a poor village and their circumstances are very difficult, so they have decided to exchange zakat al-fitr among themselves, for all of them are in need. The question is: is it permissible for someone to give something as zakat al-fitr to his neighbour who is poor like him, and for his neighbour to give him zakat al-fitr too, meaning that the neighbours will exchange zakat al-fitr among themselves, with one person taking something from another, and the other in turn will give him zakat al-fitr. Is that permissible?

Detailed answer

Praise be to Allah.

Zakat al-fitr is obligatory upon every Muslim, young or old, male or female, if he or she possesses one saa‘ of foodstuff surplus to what he and his dependents need of staple food for the day and night of Eid.

It is to be given to the poor and needy, and the amount required is one saa‘ of foodstuff.

It does not matter what the state imposes that is different to that, such as imposing more than a saa‘ or requiring payment of more than the value of a saa‘, according to the view that it is permissible to give the value instead, which is the view of Abu Haneefah (may Allah be pleased with him) and differs from the view of the majority of scholars.

It was narrated that Ibn ‘Umar (may Allah be pleased with him) said: The Messenger of Allah (blessings and peace of Allah be upon him) enjoined zakaat al-fitr, a saa‘ of dates or a saa‘ of barley, upon slave and free, male and female, young and old, among the Muslims, and instructed

that it be given before the people go out to the (Eid) prayer.” Narrated by al-Bukhaari (1503) and Muslim (984).

Secondly:

If a person is required to give zakat al-fitr, and is also poor, it is permissible for him to accept it from someone else if he gives it to him, so long as that is not a trick to avoid giving anything, meaning that he gives it to someone else and stipulates that he must give it back to him on behalf of himself.

If a person is required to give zakat al-fitr, yet he is poor, it is permissible for him to accept it from someone else if he offers it to him, so long as that is not a trick to avoid giving anything, whereby he stipulates that he should return it to him on behalf of himself.

It says in *Kashshaaf al-Qinaa‘* (2/254): A poor person may give zakat al-fitr and zakaah on behalf of himself to the one from whom they are received, because he is giving it back for a new reason. This is similar to the case in which it comes back to the giver through inheritance [if the recipient dies].

So long as it is not a trick – such as stipulating when giving it that he must give it back to him on behalf of himself. End quote.

It says in *Mataalib Ooli an-Nuha* (2/114): A poor person may give zakat al-fitr and zakaah to the one who gave it to him, so he returns them to him after receiving them, to the one from whom he received them, as part of what it is obligatory for him to give, because when the ruler or a poor person receives zakaah, it no longer belongs to the giver and it m ay be returned to him for a different reason. This is similar to the case in which it comes back to him through inheritance…

The commentator said: That is so long as that is not a trick to avoid giving zakaah, because that is not allowed, like any other trick that is used to do something haraam. End quote.

Based on that:

If the people of the village are poor, but one of them owns a saa‘ of foodstuff that is surplus to what he and his dependents need, he may give his zakaah to another poor person in the village, and if any of that zakaah comes back to him, he may accept it, provided that he did not make any stipulations, and if nothing comes back to him, then at least he has given what was required of him, and Allah will provide for him from His bounty.

And Allah knows best.