

Paper on Distribution of Zakat

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The main two key evidences from the Quran and Hadith are as follows:

A. Verse 60: Surah *al-Tawba*.

**“Alms are for the poor and the needy, and those employed to administer the (funds):
For those whose hearts have been reconciled (To Truth);
for those in bondage and in debt;
in the cause of Allah;
and for the wayfarer:
(Thus is it) ordained by Allah. And Allah is full of knowledge and Wisdom.”**

B. The Hadith of Mu’ad Bin Jabal when he was sent to the people of Yemen by the Prophet (S.A.W).

He was told to invite them to believe in Allah; and if they accept, to pray five times daily; and if they accept tell them that Allah has made obligatory upon them a Sadaqa to be taken from their wealthy people and be given to their poor people. (*Bukhari*)

According to the above Hadith, the element of poverty is to be considered in all the categories to which Zakat is distributed except for “Those who work for its collection” as they deserve it in lieu of work.

The eight categories mentioned in the Verse of Surah *Al-Tawba* are to be explained as follows:

1. **Fuqara:** (Poor people)- Those who are in a dire need for the basic requirements.
2. **Masakeen** (needy). Those people who may have some earnings of their own but they are not enough to meet their expenses.

These two categories cover the following persons provided that they are found to be poor or needy, without any efficient source of income or any guardian to look after them.

- a. Orphans till the age of sixteen.
- b. Widows.
- c. Divorcees.
- d. Old people above the age of sixty.
- e. Invalid people.
- f. Severely ill people.
- g. People with low income who are not able to find any other job to raise their income.
- h. Boarding students of Islamic Knowledge.
- i. Unemployed people who could hardly find a job.
- j. Families of the prisoners.
- k. Families of persons considered to be lost either because of war or any other similar reason.

Dealing with any of the above cases, young men able to do a job should always be discouraged as the following two Hadith suggest:

- i. Abdullah bin Adi bin al-Khiyar (RA) reported that two men came to the Prophet (S.A.W) during the farewell Hajj asking him for some Sadaqa. The Prophet (S.A.W) glanced to their faces and found them to be two strong persons. He said: “If you like, I may help you but there is no such portion in Sadaqa for a rich person or a strong one who can earn.” (*Ahmad-Tabrani*).
- ii. Abu Haraira (RA) reported that the Prophet (S.A.W) said: “Sadaqa is not allowed for a young man or the one who can earn.” (*Tabrani*)

3. Collectors of Zakat

All those persons who are engaged for the collection and distribution of Zakat. If the institution has any other source of income for its annual budget, they should not be given their Wages from Zakat monies.

4. Those whose hearts are to be won

They include:

- a. The newly converted persons to Islam with less than one year since they accepted Islam.
- b. Those who are found to be interested in Islam and a little help could attract them to accept Islam.
- c. Non Muslims affected by a calamity.

5. To set the slaves free

At present times, an amount of Zakat could be spent to secure the release of Muslim captives.

6. For those who are in debt

They include:

- a. Those who committed themselves to certain amounts either to pay blood-money on behalf of someone else or to pay an amount of money undertaken by them in order to reconcile two disputing parties.
- b. Those who are in debt because of any valid indispensable need.
- c. To pay off the debt of a deceased person. (*Ibn Taimiya*)

7. In the way of Allah

A detailed discussion follows on this particular issue.

8. The wayfarer

Following persons could be helped out of Zakat:

- i. One who is away from his home town.
 - ii. his travelling is for a valid need.
 - iii. he is short of money to go back to his home town.
 - iv. he does not find someone who could lend him while he is quite capable to pay off the loan.
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“In The way Of Allah”

A lot of discussion has been made by Muslim Scholars about this issue. Following is a summary of all such opinions:

1. During the early centuries of Islam, the term included one type of people and they were the “Mujahideen” who were defending the Muslim territories or were engaged in actual Jihad against the non-Muslims.

The following Hadith reported by Abu Saeed Al-Khudri supports this view:

The Prophet (S.A.W) said:

“The Sadaqa is not allowed for rich person except for the one who works for it, or the one who buys an object of Sadaqa, or a person in debt, or a fighter (Gazi) in the way of Allah or a Miskeen who received a Sadaqa and then gifted it to a rich person.” (Abu Dawud, Ibn Maja, Muwatta, Al-Hakim)

The most prominent exegetes of the Quran like ibn Jarir Al-Tabari, Qurtubi, ibn Khathir, Al-Shaukani have mentioned this meaning only.

2. A pilgrim (Haji) who is separated from his caravan and is need of support to continue with his Hajj journey. Imam Ahmad and Muhammed bin Al-Hasan (among Hanafi scholars) hold this view.

This opinion is supported by the Hadith of Umm Ma’qal who complained to the Prophet (S.A.W) that she wanted to proceed for Hajj but her husband did not allow her to ride his camel. When the Prophet (S.A.W) asked him, he said that he had devoted the camel in the way of Allah. The Prophet (S.A.W) replied that Hajj was also in the way of Allah. So she could use the camel. (Abu Dawud)

3. Iman Fakhuriddin Razi (d.606 AH) quoted in his Tafsir, the statement of Al-Qaffal who quoted some unknown jurists saying that “fi sabil Allah” could cover all charitable ways like shrouding the dead, constructing the forts and the Mosque etc.

This view was strongly criticised by Al-Kasani and Sarkhasi (among Hanafi Scholars), Al-Kharshi (Maliki), the author of Fath ul Mueen (Shaf’i), ibn Quadama (Hanbali) and ibn Hazm (Zahiri).

Some of these scholars (like Hanafi) based their argument upon the meaning of “Lam” (ل) in the verse. (انما الصدقات للفقراء)

To them it implies ownership i.e. by giving Zakat to a poor or needy you make him the owner of that amount. Such ownership cannot be achieved in general charity work like building Mosques or bridges or forts.

An early scholar Ubaid Qasim bin Salam (d225 A.H) also said that Zakat could not be spent on building the Mosque or paying off the loan on behalf of a deceased person.

4. By the end of the first millennium, we witness Scholars like Al-San’ani who held a broader view of the term “fi sabil Allah”. He included in it the Scholars, Teachers, Mufti’s, Qadhi’s, and the students of Islamic knowledge.

Nawabe Siddiq Hasan Khan of the last century supported this view vehemently. Rashid Radia adds the preachers (Du’at) in this list.

5. A more broader view is held by the Scholars of this century which is as follows:

a) Every good and religious cause. (Sulaiman Nadwi, Seerat un Nabi 5:237).

- b) All matters in the interest of Islam like the preachers, construction of the Mosque, preparation for Jihad, charitable hospitals, schools of Islamic Knowledges and their teachers. (*Mahmud Shaltut; Fatawa p119*).
- c) "The term is very general" (*Islahi, Tadabbur 2:593*)
- d) It includes Jihad of Dawa as well. So it covers different ways of Dawa like setting Islamic centres, publishing an Islamic paper or magazine or books, preachers devoting all their times for Dawa. (*Al-Qardawi: Fiqh ul Zakat*).
- e) The Fatwa of Majma'ul Fiqh al-Islami, Makkah in 1405 AH/1985 under the presidency of Sheikh Ibn Baz. This Fatwa includes all works related to Dawa to Allah or support it. One of the evidences given is the Hadith of the Prophet (S.A.W): "*Do Jihad against the Mushrikin by your money, your souls and your tongues*".
- f) Students of different sciences, like medicine, engineering, flying etc. are also eligible for Zakat because the Ummah needs people of different skills in each walk of life as it needs Islamic Knowledges provided that their families are not able to maintain them. They should be helped on priority basis without any squandering of money or reducing it a lot. (*Fatwa committee, The Ministry of Endowment & Islamic affairs, Kuwait, Fatwa number 8:p82*).
- g) Some Scholars say that Zakat Monies could be spent in all such avenues either in a non-Muslim country or a Muslim country which cannot afford to carry out such activities.

The views of the opponents:

In face of this broader approach, a great number of Scholars in present times do not approve such a broader application of this term.

Their evidences and reservations are as following:

1. The verses of Surah *Al-Tawba* gives eight categories specifically. This is understood by the word (اِذَا) in the beginning which is used for specification.

By taking a very broad meaning of "fi sabil Allah", there should have been no need to specify the other seven categories because they could be covered by this term alone. It is better to stick to the original meaning (i.e. Jihad) as understood by the early generations of Islam.

It is reported by Ziyad bin Harith al-Suda'i that a man asked the Prophet (S.A.W) from the funds of Sadaqa. The Prophet (S.A.W) said to him:

"Allah is not pleased to leave a Prophet or someone else to judge about Sadaqa until he gave his own judgement and made them in eight parts. If you are one of them, I would give you, your right." (*Abu Dawud*)

2. If more then one interpretation of a particular verse is found among the companions, we should not try to introduce any new one. As for this term is concerned, only two meanings are reported i.e. Jihad and Hajj.
3. All other charitable works should be covered by general Sadaqa (apart from Zakat) as Allah Almighty encourages the believers a lot on spending generously towards charitable causes.
4. It is quite expensive to build the Mosques or Madrasas in the western countries. If Zakat monies are used for such projects, nothing would be left for the poor and the needy. It is a well known fact that Mosques and Madrasas are being built every where with generous donations by the Muslims while Zakat funds are left for the poor and needy.

Summary of the above

As the word “fi Sabil Allah” is used in the Quran for various meanings and in various contexts, a broader view which does not conflict with the original meaning of Jihad could be acceptable. The term “Jihad” is used for Dawah primarily as suggested by the verse 52 of Surah *Al-Furqan*:

“Therefore listen not to the unbelievers, but strive against them with the utmost strenuous (Jihad Kabir) with the Quran”

This Surah is a Makkan Surah, and the biggest Jihad with Quran in hand was none but Dawah.

Accordingly, the most appropriate interpretation of the verse would be the one supported by the Fatwa of Makkah Fiqh Council as mentioned above. It supports all works related to Dawah work such as:

- Establishing Islamic Centres.
- Publishing Islamic books, papers, magazines.
- Helping institutions of Fatwa or Qada.
- Establishing and running institutions for teaching Islamic Knowledge.
- Constructing Mosques, especially in non-Muslim countries with a minimum cost provided that the local Muslim population was found unable to raise enough funds.

Under alleviation of poverty, such projects as follows could be considered:

- Clinics, hospitals (free of charge totally).
- Sewing centres for widows, women with no one to maintain them.
- All other ways to alleviate poverty such as providing equipment needed for any skill.

References:

Apart from the Quran, books of Hadith and Fiqh quoted in the above paper following three books are found to be very useful in this subject:

1. Majallah Fiqh Islamic (Urdu) by Mujahid Al-Islam Qasimi: V.5.
2. Al-Murshid fi Ahkam al-Zakat (Arabic) by Ahmad Abdul Aziz Al-Muzaini.
3. Fiqh ul Zakat by Yusuf al-Qardawi.