

# Who qualifies to receive zakat?

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## 1. Who qualifies to receive zakat?

The Quran states:

Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in the debt; in the cause of Allah; and for the wayfarer; (thus is it) ordained by Allah, and Allah is Full of Knowledge and Wisdom. (9:60).

The Quran specifies those who qualify to receive zakat.

Whilst not specifically mentioning zakat, scholars interpret the above verse in the narrow context of zakat only. Charity other than zakat can be given to a broader spectrum as codified in the Sunnah (practice) of the Prophet (PBUH).

The Quran identifies the needy in the above verse as follows:

- a) the poor and needy (*Fuqaraa* and *Masakeen*). Scholars identify three types of poor and needy:
  - those who do not own any assets at all;
  - those who do not own any property or assets in excess of basic necessities (basic necessities include a house, furniture, clothing, etc.);
  - those who own property in excess of basic necessities but below the value of nisaab.
- b) persons who are appointed for the collection of zakat (*Al Aamileen*). These persons are not themselves needy but they are collecting on behalf of a fund from where allocations will be made to those who qualify.
- c) persons (*Muallafatul Quloob*) who have recently accepted Islam and are in need of basic necessities as they have either lost the support of their family and friends or are being persecuted by their former

Only a Muslim qualifies to receive zakat

- associates and require assistance. The intention is not to bribe new Muslims but help them feel the spirit of Islam by aiding them (if aid is required).
- d) slaves (*Ar-Riqaab*).
  - e) persons who are in debt (*Gharimeen*) and do not possess any other wealth or goods with which they could repay what they owe. Some scholars are of the opinion that a person will only qualify as a *Gharimeen* if the person's net wealth is below the nisaab. The person's basic necessities of life (house, furniture, etc.) will not be taken into account.
  - f) persons who are struggling and striving in Allah's cause (*Fi-Sabeelillah*).
  - g) a traveller (*Ibnus-sabeel*) who whilst wealthy at his residence is stranded and is in need of assistance, may be given zakat.

Some scholars are of the opinion that zakat should be given to each of the above eight. However, most scholars are of the view that you should make enquiries to ascertain who is the neediest and distribute your zakat accordingly. You can give all your zakat to any one or more of the categories above.

## 2. Zakat should be paid to qualifying persons only

You need to ensure that you pay zakat to qualifying persons only. Dr. Muzammil Siddiqi, President of the Fiqh Council of North America states<sup>1</sup>: "It is the duty of the person who gives zakat to make sure that his/her zakat reaches the deserving people according to the rules of the Shari'ah. If knowingly or due to negligence the zakat is given to a person who does not deserve it, then the zakat is not paid and one has to pay it again. However, if the mistake was not deliberate then the zakat is paid. When paying zakat through zakat collecting agencies, relief organisations or Islamic centers, one should make sure that they distribute it according to Islamic principles. Once the zakat is given through reliable and trustworthy institutions it is considered paid."

Mufti Desai, a leading South African Fiqh scholar reiterates the need for you to ensure that any zakat given to zakat organisations is distributed correctly<sup>2</sup>: "You should give out your zakat personally to the poor and needy who are eligible to accept zakat. If you choose to give your zakat to an organisation make sure that there are competent Ulama there who are well versed in the laws of zakat. You should not give your zakat to an organisation where there are no reliable Ulama and the organisation is not well versed in the laws of zakat. If they did not discharge your zakat according to Shariah, your zakat obligation will not be fulfilled."

## 3. Where to pay your zakat?

Some scholars are of the opinion that zakat can be paid to persons in other cities and countries, whilst others are of the opinion that you should first

The onus is on you to ensure that zakat is paid to qualifying persons only.

ensure that the poor and needy in your locale have been catered for, prior to benefiting persons in other cities/countries<sup>3</sup>.

#### 4. Can zakat be paid to Non-Muslims?

Generally non-Muslims cannot receive zakat. Some scholars are of the opinion that non practising Muslims and persons inclined

The four jurists (Hanifa, Hanbal, Malik and Shafi) were unanimous that zakat could not be paid to non-Muslims. Sheikh `Atiyyah Saqr, former head of Al-Azhar Fatwa Committee, states<sup>4</sup>: "The majority of scholars are of the view that non-Muslims should not be given of the money of zakat. The prohibition of giving them of the zakat money is based on the hadith of Mu`adh Ibn Jabal when he was sent by the Prophet to Yemen: **"It (zakat) is to be taken from the rich among them and given to the poor among them,"** i.e. the rich among Muslims and the poor among them. (Reported by Al-Bukhari and Muslim). Ibn Al-Mundhir says: "All people of knowledge we know are unanimous on the fact that a *Dhimmi* cannot be given of the Zakah on properties."

Some scholars are of the opinion that zakat can be given to Muslims that are not practising and to non-Muslims who are inclined towards Islam. Dr. Muzammil Siddiqi, a member of the Fiqh Council of North America states<sup>5</sup>: "...a non-Muslim can receive some zakat, if there is a hope that he/she can be guided to the truth of Islam. Similarly, if you think that by giving zakat, you can win the heart of a misguided Muslim and bring him back to Islam, then zakat can be given to him. According to some jurists, such people also come under the category of *mu'allafati qulubuhum* or those whose hearts are to be reconciled. You help him with zakat and remind him to follow his religion. Perhaps by this good treatment he will come back to Islam. Very often, we Muslims give *da`wah* to others, but we do not take care of their physical and financial needs. Poverty sometimes pushes people to neglect their faith. The Prophet (peace and blessings be upon him) is reported to have called poverty **"an evil that sometimes makes people forget Allah."** (Reported by At-Tirmidhi)."

#### 5. Can you give zakat to your family?

You are encouraged to give zakat to your family.

However, you cannot give zakat to those whose maintenance you are responsible for.

The Prophet (PBUH) said, "The one who gives zakat to kith and kin shall get double reward; one for fulfilling the rights of kith and kin, and the other for paying the zakat." (Bukhari). All the schools are of the opinion that you can give zakat to your kith and kin, you cannot give zakat to those whose maintenance you are responsible for. Sheikh Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada, states<sup>6</sup>: "General scholarly consensus is that one must not pay zakat to one's dependants, i.e. those he is obligated to take care of, if they cannot take care of themselves. One's parents and grandparents as well as children and grandchildren belong to this category. It is one's duty to take care of them, and this includes paying their legitimate debts as well."

Dr. Muzammil Siddiqi, former president of the Fiqh Council of North America, states<sup>7</sup>: "...all non-dependant relatives such as brothers, sisters, uncles, aunts, nephews, nieces etc. can receive the zakat if they are poor and need help. The person who gives the zakat must

make an intention that the amount he/she is giving is for the purpose of zakat. The recipient does not have to be informed about it.”

## 6. Can zakat be given to Religious Organisations?

Most scholars are of the opinion that possession of zakat must be taken by a qualifying person, and therefore cannot be given (for example) for the construction of Mosques etc. A person must receive direct benefit. Mufti Ebrahim Desai, a leading South African scholar, states<sup>8</sup>: “In principle, the prerequisite for discharging zakat is tamleek (making the needy owners of the zakat). (Hidaayah). Zakat must be given to the poor and needy. Zakat cannot be used directly for constructing a madrassa or an orphanage.” The leading Pakistani jurist, Mufti Taqi Usmani concurs.

However, Dr. Muzzamil Siddiqi, states that in certain circumstances zakat can be given for the construction of mosques and dawah work<sup>9</sup>: “Since in public and social welfare projects no one becomes the owner, so, according to their interpretation the zakat should not be used for this purpose. Thus you will find in the books of Fiqh statements emphasizing that the money should not be used to build the *Masajid*, schools, hospitals, hostels etc. because this money belongs to the poor and it should be given to them. There are some jurists who still hold this strict opinion concerning zakat.

“However, there are a number of jurists of this century, such as Sheikh Muhammad 'Abduh, Rashid Rida, Maulana Mawdudi, Amin Ahsan Islahi, Yusuf Al-Qaradawi and some Fatwa organisations in Kuwait and Egypt, that are of the opinion that the phrase ‘in the cause of Allah’ covers a broad category and it should not be restricted to Jihad only. It is a general term and it should be applied in all those situations where there is a need to serve Islam and Muslims.

“Those scholars consider it permissible to use the zakat money to finance the *Da'wah* and public welfare programs. They say that the expression ‘for the poor and needy’ can also mean ‘for the benefit of the poor and needy’.

“In his famous book *Fiqh Az-Zakah*, Sheikh Yusuf Al-Qaradawi, has thoroughly discussed this subject. His Fatwa is that in non-Muslim countries it is permissible to use zakat funds to build Mosques, schools and hospitals.

“Zakat is basically for the poor and needy and most of it should be used to take care of their needs. I believe that for the Mosque constructions Muslims should make extra charity and should give from funds other than zakat. However, it is not forbidden for Muslims to give their zakat money for the building of Mosques and schools, especially in non-Muslim countries.”

This is an issue that you need to decide on.

Generally zakat must be given to an individual. Some contemporary scholars are of the opinion that zakat can be given to causes that serve Islam and Muslims.

## 7. Should the recipient be informed that they are receiving zakat?

A recipient does not have to be informed that they are receiving zakat.

Dr Ahmad Kutty, a senior lecturer at the Islamic Institute of Toronto, Ontario, Canada, states<sup>10</sup>: "Generally speaking, it is not at all considered necessary to tell anyone that what you are paying him/her is from zakat. What is required of you is simply to ascertain that the person you are paying belong to the deserving categories of zakat; once you have determined that, you don't have to mention anything to him or her. In reply to someone who asked him, "Shall I tell someone that I am giving him zakat?" Imam Hanbal replied, "Give, and remain silent; would you like to insult people?"

In this regard the Quran states: "If you disclose your charity, it is well, but if you conceal it and make it reach to those who are in need that is best for you. It will remove from you some of your sins and Allah is well-acquainted with what you do." (Al-Baqarah 271).

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<sup>1</sup> Making Sure *Zakah* Reaches Its Due Recipients – 25 June 2002

<sup>2</sup> Abaligh – Mufti Desai – 24 November 2002

<sup>3</sup> Sabiq: *Fiqh-us-Sunnah* – section 3.81

<sup>4</sup> Giving *Zakah* to Non-Muslims – Islamonline – 13 September 2003

<sup>5</sup> Can a Poor Non-Practicing Muslim Receive *Zakah*? – Islamonline – 4 December 2002

<sup>6</sup> Can I Pay my Father's Debts from *Zakah*? – Islamonline – 12 October 2002

<sup>7</sup> Giving Charity: Should I Inform the Recipient That It's *Zakah* Money? – Islamonline – 29 July 2004

<sup>8</sup> Abaligh – Mufti Desai – 24 November 2002

<sup>9</sup> Can *Zakah* Be Given to Construct Mosques and Islamic Centers? – Islamonline – 14 June 2002

<sup>10</sup> Giving Charity: Should I Inform the Recipient That It's *Zakah* Money? – Islamonline - 29 July 2004