

1. On Giving Obligatory Alms (*Zakat*)

Many Muslims believe that it is unacceptable to give obligatory alms (*zakat*) to people of other faiths. They regard it as a religious tax that should benefit only Muslims.

Is it permissible to give *zakat* to non-Muslims?

The Qur'an states, "*Alms are for the poor and needy, and those who are in charge thereof (to administer it), and those whose hearts are being reconciled, and for those who are in bondage, and those who are in debt, and in the cause of Allah, (and for) the wayfarer. This is an ordinance from Allah, and Allah is All-Knowing, Wise*" (Qur'an 9:60). This verse is the basis for the establishment of *Zakat* in Islam.

Muslim scholars unanimously agree that *Zakat* cannot be paid to non-Muslims that fight Muslims.¹ This is because financial help to enemies could be used against Islam or Muslims in one way or another. This *ijmā'* (consensus) is based on the verse:

"God only forbids you to turn in friendship towards such as fight against you because of (your) faith, and drive you forth from your homelands, or aid (others) in driving you forth..." (Qur'an 60:9)

However, non-hostile and peaceful people of other faiths are included in at least one of the categories of the recipients of *zakat* mentioned in Qur'an 9:60 quoted above. While prescribing laws for the distribution of *zakat*, the Qur'an includes among the recipients those "*whose hearts are being reconciled*" (in Arabic,

¹ *Al-Bahr az-Zakhkhar*, vol.2, p.195, Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.447

“*mu'allafat qulubuhum*”). The following hadith indicates how this category was treated by the Prophet (p).

Sa'id ibn al-Musayyib narrated that Safwan ibn Umayyah said, “By Allah, when the Prophet (p) gave to me, he was the person I hated most. He continued to give to me until he became the person I loved the most.”²

Qatadah said, “Those whose hearts are being reconciled were often polytheist bedouins whom the Prophet (p) used to reconcile through giving *zakat* in order to bring them to faith.”³

“From these and other accounts, *‘those whose hearts are being reconciled’* include ‘persons who have recently become Muslims or who need to strengthen their commitment to this faith, and individuals whose evil can be forestalled or who can benefit and defend Muslims’.”⁴

Some jurists are of the view that this clause is inoperative after the time of the Prophet (p).⁵ Their views are based on a precedent of ‘Umar ibn al-Khattab who cancelled the payment of *zakat* towards some recipients of this category.⁶ Some

² *Tafsir Ibn Kathir*, vol.2, p.325; Cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.377; *Sahih Muslim*, vol.4, hadith no. 1806 and *Ahmad*, vol.6, hadith no. 465 transmitted it, cited in *Tafsir Ibn Kathir (Abridged)*, Darussalam Publishers, Riyadh, vol.4, p.455

³ Al-Tabari, *Tafsir*, vol.14, p.314; cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.380

⁴ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.377

⁵ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.381

⁶ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.382

other prominent scholars of the past and present, however, are of the view that this injunction is operative even today.⁷ Shaykh Yusuf al-Qaradawi mentions that scholars that view the applicability of the verse as permanent include al-Zuhri, Abu Ja'far al-Baqir, Qadi Ibn al-'Arabi, al-Khattabi, Ibn Qudama, one group of Malikis, and the followers of the Hanbali, Zaydi and Ja'fari Schools of Thought.⁸

Ibn Qudama expounds:

"Allah mentions reconciliation of hearts among the categories of zakat-spending and the Prophet (p) used to give generously for reconciliation, as stated in famous reports. He continued to do this until he died. It is unacceptable to abandon the Book of Allah and the tradition of the Messenger (p) except by authentic annulment from Allah or His Messenger, and annulment is not confirmed by mere possibility. Moreover, such annulment could only take place during the life of the Prophet (p), because the texts required for annulment ceased to be revealed upon his death. A text in the Qur'an can only be annulled by another text in the Qur'an itself, and there is no such text. By what virtue is one asked to abandon Qur'an and Sunnah and revert to mere human opinion or the statements of a Companion? Scholars do not consider a statement of a Companion strong enough to stand in opposition to analogy, so how could such an opinion stand against the Qur'an and Sunnah? Al-Zuhri also says, "I know of nothing that annuls the category of those whose hearts are being reconciled." Lastly,

⁷ Abu 'Ala Mawdudi, *Tafhim al-Qur'an*, Delhi, 1983, vol.2, p.9; Rashid Rida, *Tafsir al-Qur'an al-Hakim*, 1354 A.H., vol.2, p.574

⁸ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.380-386

Umar's action does not contradict the Qur'an or Sunnah since, when Muslims do not need those individuals who were paid in the past, they may choose to cease such payment, and if the need arises in the future to pay the same individuals or others, that can be done. In reality, this principle applies to all categories. A category may not exist at a certain time, but that does not mean it is eliminated because it may exist at some later time.”⁹

In other words, according to al-Qaradawi, “Umar did not annul payment to *‘individuals whose hearts are being reconciled’* nor was there a consensus (*ijma*) on such annulment. He simply judged that there were none entitled in that category at that point in time. The statement of al-Hasan and al-Sha’bi that ‘today there are no individuals who are being reconciled’ is understood similarly as a fact of the age in which they lived. Abrogation of a ruling enacted by Allah can only be made by Allah through Revelation to His Messenger and can, therefore, only take place during the time of the Message. Abrogation is dictated only when two authentic texts of Qur'an or Sunna contradict one another and we know that one of them came after the other chronologically. In the case in hand, there is only one text which determines this category as a recipient of Zakat. There is no text contradicting the Qur’anic verse.”¹⁰

⁹ Ibn Qudama, *Al-Mughni*, vol.2, p.666; cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.385-386.

¹⁰ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.383, emphasis added.

It must be noted here that the share of those belonging to this category is not on account of their inability to meet their material needs but for “reconciliation” of their hearts.¹¹

The majority of Muslim scholars believe that with the exception of “*those whose hearts are being reconciled*”, *zakat* should not be given to any non-Muslim.¹² This majority view is founded on the hadith narrated by Mu’adh, that the Prophet (p) instructed him, “Allah prescribed *zakat* on their wealth to be taken from the rich among them and rendered to the poor among them,” in which the word “them” is interpreted to refer to Muslims. This hadith is agreed upon as authentic.¹³

However, in the view of other scholars,

“...this hadith does not clearly exclude the non-Muslim poor since it may simply mean that *Zakat* should be collected and distributed in the same area. This hadith is often quoted to support the policy of non-transportation of *Zakat* from one land to another.”¹⁴

Indeed, the manner in which the narrator, Mu’adh, implemented the Prophet’s instruction indicates that he interpreted the word “them” to mean everyone in the

¹¹ An example of this occurring after the time of Caliph Umar was recorded by *Ibn Sa’d*, (vol.8, p.260, 272) who wrote that “Umar ibn Abdul Aziz ordered during his caliphate that non-Muslim subjects, taken prisoner by an enemy, should as much be ransomed and liberated on government expenses as any Muslim subjects”. (Cited in Sa’id Ramadan, *Islamic Law: Its Scope and Equity*, Macmillan, London, 1961, p.133.)

¹² Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

¹³ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.451.

¹⁴ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

region, and not just the Muslims. Sheikh Yusuf al-Qaradawi notes, “Mu’adh implemented this instruction by dividing Yemen into regions in such a way that *zakat* was collected and distributed within each region autonomously. He wrote letters to the effect that *zakat* be distributed within the same clan from which it was collected.”¹⁵

In addition to this, it is reported that Umar bin al-Khattab interpreted the word “*masakin*” in the verse (Qur’an 9:60) - “*Alms are for the poor (fuqarah) and the needy (masakin)...*” – as the needy among non-Muslims.¹⁶ Ibn Abi Shayba also cites Umar’s comment that the verse includes People of the Pledge (“*Ahl al-‘Ahd*”)¹⁷ who are chronically ill.¹⁸ Al-Tabari reports that Ikrimah understood the word “needy” to refer to the poor among the People of the Book.¹⁹ Other scholars who allowed the paying of *zakat* to non-Muslims include Ibn Sirin and Al-Zuhri.²⁰ Zafar, a student of Abu Hanifa, also sanctioned it for People of the Pledge.²¹

¹⁵ Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, p.511, citing Imam al-Shawkani (n.d.) *Nayl al-Awtar*, Al-Halabi Publishers, vol.2, p.161.

¹⁶ Abu Yusuf, *Kitab al-Kharaj*, 1382 AH, p.144

¹⁷ The “People of the Pledge” are “the People of the Book, and all who like them live within Muslim society, pledging their sincerity to the state and obeying its laws” (Yusuf al-Qaradawi, *Fiqh al-Zakat.*, Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.448)

¹⁸ Ibn Abi Shayba, *Musannaf*, vol.4, p.40; cited in Yusuf al-Qaradawi, *Fiqh al-Zakat.*, Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.450

¹⁹ *Tafsir al-Tabari*, vol.14, p.308; cited in Yusuf al-Qaradawi, *Fiqh al-Zakat.*, Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.451

²⁰ *Al-Majmu’*, vol.6, p.228; cited in Yusuf al-Qaradawi, *Fiqh al-Zakat.*, Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.450

²¹ Al-Sarakhsi, *Al-Mabsut* (n.d.); cited in Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr. Monzer Kahf, Dar al-Taqwa, London, 1999, p.449.

There are some reports which suggest that the needy among non-Muslims were helped from the collective Zakat funds during the early days of Islam.²² It is recorded that 'Umar even ordered the payment of a monthly allowance from the treasury to a Jew when he saw him begging from door to door, on the grounds that he was covered by the categories of Qur'an 9:60.²³

In addition, some past and present-day scholars still also hold the view that the poor and destitute (and not just "those whose hearts are to be reconciled") among non-Muslims may be helped out of the Zakat funds.²⁴

²² Abu 'Ubaydah al-Qasim bin Salam, *Kitab al-'Amwal*, Dar al-Hady al-Nabawy, Cairo, 1353 A.H., pp.611-612

²³ Abu Yusuf, *Al-Kharaj* (n.d.), p.126

²⁴ See a more detailed discussion on this by Yusuf al-Qaradawi, *Fiqh al-Zakat*. Trans. from Arabic by Dr Monzer Kahf, Dar al-Taqwa, London, 1999, pp.447-452