182393 - Ruling on giving zakah to non-Muslims, and the view of `Umar ibn `Abd al-`Aziz on this issue

the question

Is it permissible to give zakah to non-Muslims if there are no poor Muslims who are in need of this zakah, that is, if there are no poor people in the Muslim community? Because I heard that the Muslim state in the past was rich, and everyone was well off, and on one occasion, the governor of Libya and Tunisia wrote to the caliph `Umar ibn `Abd al-`Aziz, telling him that they could not find any poor person to give zakah to, so he said to them: Give it to the poor among the Christians and Jews. The governor said to him: No one would accept zakah, and we could not find anyone among them who was in need. So the caliph instructed him to put the zakah in the marketplace and tell the people that anyone who wanted anything of the zakah could take it. But no one took anything, so at that time the caliph `Umar ibn `Abd al-`Aziz issued instructions that slaves should be bought with that wealth, then manumitted for the sake of Allah, may He be Glorified and Exalted. What is your view? Is it permissible to give zakah to non-Muslims?

Detailed answer

Praise be to Allah.

Firstly:

The scholars differed regarding the ruling on giving zakah to non-Muslims who are poor, needy, debtors and wayfarers. There are two views:

The first view: the majority of scholars are of the view that it is not permissible to give the obligatory zakah to non-Muslims, and that the one who gives his zakah to a non-Muslim has not discharged his duty, and it is still an obligation that he owes to Muslims of the categories who are entitled to receive zakah. In fact, some of the scholars narrated that there was consensus on this

matter.

Ibn al-Mundhir (may Allah have mercy on him) said: The scholars are unanimously agreed that the dhimmi [non-Muslim living under Muslim rule] is not to be given anything of zakah.

End quote from *Al-Ijma`*, p. 8.

Ibn Qudamah (may Allah have mercy on him) said: We do not know of any difference of opinion among the scholars regarding the fact that zakah cannot be given to any disbeliever or slave.

End quote from *Al-Mughni*, 2/487.

The evidence for that is the hadith of Ibn `Abbas (may Allah be pleased with him), when the Prophet (blessings and peace of Allah be upon him) sent him to Yemen and said to him: "…inform them that Allah has enjoined on them charity (zakah) to be taken from their rich and given to their poor." Narrated by al-Bukhari, 1395; Muslim, 19.

The words "their poor" refer to the poor among the Muslims.

Imam an-Nawawi (may Allah have mercy on him) said:

This indicates that zakah is not to be given to a disbeliever.

End quote from *Sharh Muslim*, 1/197.

The second view: it is permissible to give the obligatory zakah to deserving non-Muslims, and the one who gives it to them has discharged his duty. This is the view of az-Zuhri, Ibn Sirin and Zufar among the Hanafis.

Al-`Imrani ash-Shafa`i (d. 558 CE) narrated that there was a difference of opinion among some of the early generations regarding this matter, as he said: Az-Zuhri and Ibn Sirin said: It is permissible to give it to polytheists.

End quote from *Al-Bayan fi Madhhab ash-Shafa`i*, 3/441.

They quoted several texts as evidence for that:

(1)

Ibn Abi Shaybah narrated in *Al-Musannaf* (2/402): Yazid ibn Harun narrated to us: Habib ibn Abi Habib told us, from `Amr ibn Haram, from Jabir ibn Zayd, who was asked about zakah: to whom should it be given? He said: To the poor and needy among the Muslims and the non-Muslims living in Muslim lands [ahl adh-dhimmah]. And he said: The Messenger of Allah (blessings and peace of Allah be upon him) used to give something from the zakah and khums to the non-Muslims who were living in Muslim lands.

This is an authentic (sahih) isnad, but it is mursal. Jabir ibn Zayd is one of the Tabi`in; he died in 93 AH and it is not known who the narrators between him and the Prophet (blessings and peace of Allah be upon him) are.

(2)

Ibn Abi Shaybah narrated in Al-Musannaf (4/288): Abu Mu`awiyah told us, from `Umar ibn Nafi`, from Abu Bakr al-`Absi, from `Umar, that he said regarding the verse {Zakah expenditures are only for the poor} [at-Tawbah 9:60]: They are the chronically ill among the people of the Book.

Abu Yusuf narrated in *Al-Kharaj* (p. 139) a longer version of this report, which speaks of `Umar's fair treatment of the Jewish man who was living under Muslim rule, and his saying to him: We would not be fair if we took jizyah from him when he was young and abandoned him when he grew old.

At-Tabari narrated a similar report in *Jami` al-Bayan* (14/308), from the *Tafsir* of `Ikrimah.

We say: But it is a weak isnad. Adh-Dhahabi (may Allah have mercy on him) said: The scholars do not know anything about Abu Bakr al-`Absi who narrated from `Umar.

End quote from *Mizan al-I`tidal* (4/499). See also: *Al-Jarh wat-Ta`dil* by Ibn Abi Hatim, 9/341.

(3)

The report narrated by al-Baladhuri (d. 279 AH) in *Futuh al-Buldan*, where he said: Hisham ibn `Ammar narrated to me that he heard the shaykhs saying that when `Umar ibn al-Khattab came to al-Jabiyah, near Damascus, he passed by some Christian lepers, and issued orders that they should be given something from the charity, and that they should be provided with staple food.

But it is a weak isnad because the shaykhs who narrated from `Umar are unknown. Moreover, the words “they should be given something from the charity” may be understood as referring to that charity which is recommended, and not zakah which is obligatory.

(4)

As-Sarkhasi al-Hanafi (may Allah have mercy on him) said:

Zakah is not to be given to a disbeliever except according to the view of Zufar (may Allah have mercy on him), as he regarded it as permissible to give it to a non-Muslim living under Muslim rule (dhimmi). But this is an idea that is based on rational thinking, because the aim is to give the poor and needy person what he needs for the purpose of drawing closer to Allah, and that can be achieved by giving it to a non-Muslim. End quote from *Al-Mabsut* (2/202). Then he refuted that by quoting the hadith which the majority quote as evidence to support their view.

The correct view is that of the majority of scholars among the jurists of the known madhhabs, because of the correct way in which they quoted the hadith in support of their view, and because of the weakness of the evidence quoted by those who hold the other view. The view of the majority is more prudent and makes it more certain that duty has been fulfilled. It is also the regular fatwa that has been issued by the jurists throughout Islamic history, and it is the fatwa that they adopted and followed.

On our website there are some more questions having to do with this topic. Please see questions no. 21384, 39655 and 106541.

Secondly:

If it so happens that there are no Muslims who are entitled to receive zakah, then it is permissible

to give it to non-Muslims, following the other view that has been narrated from the scholars. So if it is too difficult to find a Muslim who is entitled to receive zakah, then it may be given to a non-Muslim who can be easily found, because the situation when you have few options is different from the situation when you have many options. Ibn Abi Shaybah narrated in *Al-Musannaf* (2/401): Jarir narrated to us, from Layth, from Mujahid, who said: Do not give zakah to a Jew or Christian unless you cannot find anyone else to give it to.

The Shafa`i jurists are of the view that zakah should be kept in the event of finding no Muslims who are entitled to receive it, and you should wait until you can find someone (a poor Muslim) to take it.

Al-Khatib ash-Sharbini (may Allah have mercy on him) said: If there is no poor and needy person in the land where the zakah is or anywhere else, it should be kept until poor and needy people can be found. If such people are found but they refuse to accept it, the ruler should force them to accept it, as Sulaym ibn Mujarrad said, because accepting it is a communal obligation, and it is not valid for those who are entitled to receive zakah to let off the one who wants to give it to them.

End quote from *Mughni al-Muhtaj*, 4/189.

We think that researching this hypothetical issue is pointless, because it can hardly be imagined that poverty might be completely erased. Hence there is no need to indulge in discussion of hypothetical issues, except for that which was narrated from the time of `Umar ibn `Abd al-`Aziz (may Allah have mercy on him); they said that a man would take out the zakah of his wealth at the time of `Umar ibn `Abd al-`Aziz and would not find anyone to accept it.

End quote from *Tarikh Wasit*, p. 184.

Ibn `Asakir narrated in *Tarikh Dimashq* (37/388) with his isnad from Sulayman ibn Dawud al-Khawlani that he told him – and `Abdah ibn Abi Lubabah had sent him one hundred and fifty dirhams and instructed him to distribute them among the poor of the regions – he said: I came to al-Majishon and asked him about them, and he said: By Allah, I do not know of anyone among them who is in need today, for `Umar ibn `Abd al-`Aziz has made them independent of means, as

he turned his attention to them when he was appointed caliph and made sure that there was no one among them whose needs were not covered.

Thirdly:

As for the story of `Umar ibn `Abd al-`Aziz and his attitude regarding this matter, we searched in many books that speak about his life, including the following:

1. *Sirat `Umar ibn `Abd al-`Aziz `ala ma Warahu al-Imam Malik wa As-habuhu* by Ibn `Abd al-Hakam (d. 214).
2. *Akhbar Abi Hafs `Umar ibn `Abd al-`Aziz*, based on reports by Abu Bakr al-Ajurri (d. 360 AH) and Ibn Bishran (d. 430 AH).
3. *Sirah wa Manaqib `Umar ibn `Abd al-`Aziz*, by Ibn al-Jawzi (d. 597 AH).
4. *Minhaj `Umar ibn `Abd al-`Aziz fil-Islah al-Iqtisadi*, by Dr. `Ali Jumu`ah ar-Rawahinah.

But we did not find anything to indicate that `Umar ibn `Abd al-`Aziz gave obligatory zakah to the Jews and Christians; rather these books say that he manumitted slaves with that wealth.

Yahya ibn Sa`id said:

`Umar ibn `Abd al-`Aziz put me in charge of the zakah of Ifriqiya (North Africa), so I collected it and I started to look for poor people so that we could give it to them, but we could not find any poor person or anyone to take it from me, for `Umar ibn `Abd al-`Aziz had covered the needs of the people. So I bought some slaves with it and manumitted them, and their loyalty (wala') is to the Muslims.

End quote from *Sirat `Umar ibn `Abd al-`Aziz `ala ma Warahu al-Imam Malik wa As-habuhu* by `Abdullah ibn `Abd al-Hakam (d. 214), p. 59. There is nothing in this report to indicate that they were non-Muslim slaves, except for the phrase "and their loyalty (wala') is to the Muslims", but this phrase is not sufficient to prove that they were non-Muslims; rather they may have been Muslims, and their loyalty was to the Muslims in general.

And Allah knows best.