

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir on His "Fiqhi" Facebook page

Answer to Question

The Maximum Zakat Payable to those Eligible for Zakat

To: Shani Ayaz

(Translated)

Question:

Assalamu Alaikum shaikh, I have a question. Can you answer it if you have time, please?

How much money can a person receive in Zakat? For example, can a person get enough money to build a house if he has no house? Or is there a limit to how much a person can receive? JazakAllah

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh,

Your question is about the maximum amount payable to the one eligible for Zakat.

The answer to that is that there is no direct text in the Shariah that indicates the maximum amount of zakat that is due to those who are entitled to it, but from the verse of Zakat (Sadaqat) in which Allah (swt) says: **﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمَوْلَىٰ﴾** **“Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise”** [At-Tawba: 60].

It is possible to deduce (from this verse) the maximum amount that can be given to the person who is entitled to Zakat. This is because the Zakat recipients are mentioned in the verse with understandable descriptions indicating the reason for giving them Zakat, and this means that giving them Zakat is reasoned by their existing descriptions that make them entitled to Zakat. As long as the category for which Zakat is given is within the entitled description, then Zakat is given, but if the description is not matched then it is not given.

For example: the poor and the needy deserve zakat because of the description of poverty and being needy, so the maximum limit for what they are given from Zakat is what makes them needless for Zakat, i.e. to be given what enriches them so that they are not from those entitled to zakat, i.e. the payment of the zakat given to them remove from them the description of poverty and being needy. They may not be given more than that and this amount differs, of course, from one person to another and from one case to another.

For example, as for the collectors of Zakat (Al Amileen Alayha), they are given zakat because of their work, i.e. in exchange for their effort in collecting zakat, so the state can give them their wages according to the effort that they put in. If the state does not specify their wages, they will be given the reward of Al-Mithl (reward for effort) and not more, because Zakat is not a donation to them, but only in exchange for their efforts.

For example, Al Gharimoon (people with debt) are given zakat in a way that completely pays off their debt, and they are not given more than that because they are entitled to Zakat because of the debt. If this description changed and does not fit them, they are not entitled to Zakat.

Thus, this is relevant for all categories; they are given Zakat to remove the description they have that made them entitled to Zakat. If the description changes to which zakat is due, then they are no longer eligible for Zakat.

We have mentioned some of these meanings shown above in the book "Funds in the Khilafah State" in the chapter The Expenditure of Zakat, as follows:

1. The Poor (Al-Fuqaraa): These are those who don't receive enough money to suffice them to fulfil their basic needs that are food, clothing and shelter. Whoever receives less than what he needs to fulfil his basic needs is considered poor, so Sadaqah is Halal for him. He may take from it and he can be given enough Sadaqah to the limit that removes his need and poverty. Allah has prohibited the rich from taking Sadaqah. Ahmad and people of Sunnan narrated, from Abdullah b. Amr, he said: The Messenger of Allah (saw) said: «لا تحل الصدقة لغني، ولا لذي مرة سوي» **"Sadaqah is not Halal for the rich (person) nor the one of sound and strong body (Zu Mirra)." The Zu Mirra is the person of strength and acquiring ability. If he doesn't have the strength and ability, then he is considered poor. The rich person is the one who is independent of others such that he receives more than is required to fulfil his needs. There have come Ahadith clarifying who the rich person is. Abdulllah b. Masud said: The Messenger of Allah said: «ما من أحد يسأل مسألة، وهو عنها غني، إلا جاءت يوم القيامة كدوحاً، أو خدوشاً، أو خموشاً في وجهه. قيل: يا رسول الله، وما غناه، No person will ask for something while he is rich except he will come on the Day of Judgement with his face bitten, scratched or wounded." It was said: "O Messenger of Allah, what is his richness?" He said: "50 Dirhams or its equivalent in gold" (narrated by the five). Whoever owns 50 silver Dirhams equal to 148.75 grams of silver, or its equivalent in gold, in excess of his food, clothing, shelter and the expenses of his family, children and servant is considered rich and it is not allowed for him to take from the Sadaqah.**

2. The Paupers (Al-Masakeen): They are the ones who don't have anything so the want abated them and they do not beg people. From Abu Hurairah (ra), the Messenger of Allah said: «ليس المسكين الذي يطوف على الناس، ترذّه اللقمة واللقمتان، والتمرّة والتمرتان، ولكن المسكين الذي لا يجد غني يغنيه، ولا يفتن به فيتصدق عليه، ولا يقوم فيسأل الناس» **"The pauper is not the one who goes about the people, content with a morsel or two or a date or two. The pauper is the one who doesn't find any wealth to suffice him nor do people notice him so that they give him charity. Nor does he stand to beg people"** (agreed upon). The pauper is lesser than the poor person due to the saying of Allah (swt): ﴿أَوْ مِسْكِينًا ذَا مَتْرَبَةٍ﴾ **"Or a pauper with dust"** [Al-Balad: 16] i.e. covered with dust due to his nakedness and hunger. The Sadaqah is allowed for the pauper and he can take from it. He can be given from Sadaqah to the limit that his misery is removed and he is enabled to satisfy his basic needs.

3. Those employed over collecting it (Al-'Amileen 'alayha): These are the messengers and Sadaqah collectors appointed to collect Sadaqah from those whom it is obliged upon them, or they distribute it to its beneficiaries. They are given of the Sadaqat, even if they are wealthy, in exchange for collecting or distributing it. Abu Ubaid narrated from Ata'a b. Yasar, he said: The Messenger of Allah said: «لا تحل الصدقة لغني إلا لخمسة: عامل عليها، أو رجل اشتراها بماله، أو رجل له جار فقير تصدق عليه بصدقة فأهداها إليه، أو غاز، أو مغرم» **"Sadaqah is not allowed for the rich except for five: The one employed to collect it, a man who buys it with his wealth, a man who was given a Sadaqah and he donated it to his neighbour, the fighter or the debtor."** And from Busr b. Said that ibn Asa'di al-Maliki said: "Umar appointed me over the Sadaqa. When I finished and gave it to him, he

ordered some wage for me'. I said: 'I did it for the sake of Allah.' He said: 'Take what I give you for I was employed at the time of the Messenger of Allah . He employed me and I told him what you told me. The Messenger of Allah said: «إِذَا أُعْطِيَ شَيْئاً مِنْ غَيْرِ أَنْ تَسْأَلَ فَكُلْ وَتَصَدَّقْ» **"If you are given something without begging, eat (of it) and give charity"** (agreed upon).

4. Those whose hearts are to be reconciled (Al-muallafatu qulubuhum): These are types of leaders, chiefs, influential people or heroes whose beliefs are not yet settled, where the Khalifah or his governors see it fit to give them from the Zakat as reconciliation for their hearts, settling their beliefs, utilising them for the benefit of Islam and Muslims or to influence their communities. This is similar to what the Messenger gave to Abu Sufyan, Uyayna b. Hisn, Al-Aqr'a b. Habis, Abbas b. Mirdas and others. Amru b. Taghlib said «أن رسول الله صلى الله عليه وسلم أتى بمال، أو سبي فقسمه، فأعطى رجلاً، وترك رجلاً، فبلغه أن الذين ترك عتبوا، فحمد الله، ثم أتى عليه، ثم قال: أما بعد، فوالله إني لأعطي الرجل، وأدع الرجل، والذي أدع أحب إلي من الذي أعطي، ولكني أعطي **that some money or captives reached the Messenger of Allah and he distributed them. He gave to some men and left some others. He got the knowledge that those who were not given were full of blame. So he praised Allah and extolled Him, then he said: 'See! By Allah I give to a man and leave another. The one I leave is more beloved (to me) than the one I give. Rather, I give people whom I see in their hearts some fear and impatience, and I entrust some people with what Allah (swt) placed in their hearts of affluence and good.'**» [Bukhari]. Those to be reconciled are not given Zakat except if they are Muslims. If they are Kuffar, they are not given any Sadaqat as it is not given to the Kafir. This is due to the saying of the Messenger of Allah to Mu'az when he sent him to Yemen: «فأعلمهم أن الله افترض عليهم صدقة في أموالهم، تؤخذ من أغنيائهم، وترد على فقرائهم» **"Inform them that Allah obliged Sadaqah upon their wealth to be taken from their rich and given to their poor."** [Bukhari from Ibn Abbas]. Similarly they are not given from Zakat except if the reason ('illa) for which they are given is present. If the reason is not present, they are not given Sadaqah as Abu Bakr and 'Umar stopped paying it after Islam was strengthened and widespread.

5. Slaves "Ar-riqab": They are the slaves who are given of Zakat if they are contracted to free themselves, or they are purchased by Zakat funds and set free if they are not contracted. There are no slaves today.

6. Debtors "Al-Gharimeen": These are those who are indebted and bear debts upon themselves so they are paid to resolve disputes between people, pay blood-monies or to discharge their personal interests. As for those who bear debts to resolve disputes or to pay blood-monies, they are paid from the Zakat, whether they are poor or rich, the exact amount that they bear of debt without any excess. Anas narrated that the Prophet said: **"Begging is not allowed except for three (persons): The person of abject poverty, odious debt or painful blood."** Muslim, Abu Dawud, and Nasa'i from Qabeesa bin Mukhariq al-Hilali, he said: «تحملت حمالة، فأتيت رسول الله صلى الله عليه وسلم، أسأله فيها، فقال: أقم حتى تأتينا الصدقة، فنأمر لك بها، ثم قال: يا قبيصة، إن المسألة لا تحل إلا لأحد ثلاثة: رجل تحمل حمالة، فحلت له المسألة حتى يصيبها، ثم يمسك، ورجل أصابته جائحة اجتاحت ماله، فحلت له المسألة حتى يصيب قواماً من عيش، أو قال سداداً من عيش، ورجل أصابته فاقة حتى يقول ثلاثة من ذوي الحجا من قومه لقد أصابت فلاناً فاقة، فحلت له المسألة حتى يصيب قواماً من عيش، أو قال: سداداً من عيش، فما **I bore a burden so I went to the Messenger of Allah to beg for it. He said: 'Wait with us until a Sadaqah comes to us so that I give you of it.'** Then he said: **'O Qabeesa, begging is not allowed except for one out of three: A man bearing a burden so he is allowed to ask for a Sadaqah till he gets it then he holds from taking more; a man whose wealth suffered a calamity so he is allowed to beg until he attains what is enough of livelihood or he said what meets his livelihood; and a man who was struck by a poverty of which**

three wise men of his fold say that so and so person has been struck by a poverty so he is allowed to beg until he attains what is enough of livelihood, or he said what meets livelihood. Whoever begs other than these, O Qabeesa, he would eat illicit money (Suht).” As for those who bear debt to meet their personal interests, they are given of Zakat to repay their debts if they are poor, or not poor but unable to fulfil their debts. If they are rich and able to pay their debts, they are not given anything as it is not allowed for them.

7. In the way of Allah (Fi Sabeelillah): i.e. Jihad, whatever is necessary for it and what it depends upon, such as forming an army, establishing factories and manufacturing weapons. Whenever “Fi Sabeelillah” is mentioned in the Qur’an, it means nothing other than Jihad. Zakat is spent for Jihad and its essentials, and it is not limited to any amount. So it is allowed to spend all of the Zakat, or some of it, for Jihad according to what the Khalifah sees as beneficial for the Zakat beneficiaries. Abu Dawud narrated from Abu Said narrated: The Messenger of Allah (saw) said: « لا تحل الصدقة لغني إلا في سبيل الله... » “**Sadaqah is not allowed for the rich person except in the way of Allah...**” and in another narration: « ... أو لغارٍ في سبيل الله... » “**...or the fighter in the way of Allah.**”

8. The wayfarer (Ibn us-Sabeel): This is the one whose travel has been cut off such that he does not have enough money to allow him to reach his home. He is given from the Zakat the amount that will allow him to reach his destination, whether a little or a lot. Similarly, he is given the necessary expenses to allow him reach his destination, even if he is in fact rich where he lives, due to the Messenger’s saying: « لا تحل الصدقة لغني إلا في سبيل الله... » “**Sadaqah is not allowed for the rich person except in the way of Allah or a wayfarer or....**” [Abu Dawud] Zakat cannot be given to any other than these eight mentioned categories. It is not spent for building mosques, hospitals, charity facilities or any State or Ummah utility, because Zakat is the private property of the eight categories such that no one else shares it with them. The Khalifah is the one who is responsible to give it to these categories according to how he views achieving the benefit of these categories, as the Messenger of Allah and the Khulafa’a after him would supervise its payment. It is allowed for the Khalifah to distribute it among these eight categories as he may restrict its spending to some of these categories as he sees beneficial to these categories. If these categories are not found, the Zakat is preserved in Bait ul-Mal in the department of Sadaqat to spend it when there is a need for it by those who are entitled of it. Ibn Abbas said about Sadaqah: “If you spend it for one of these eight categories, it would be valid.” Ata’a and Al-Hassan said the same. Malik said: The matter of dividing Sadaqah in our view is that it is a matter of Ijtihad left to the governor so any category that has need and the number (of people) it is preferred (over others), according to how the governor views fit.”)

End of quotes from the Book Funds in the Khilafah State (**Al-Amwal fi Dowlat Al-Khilafah**)

I hope this is sufficient, and Allah is most Knowledgeable and most Wise

Your brother,

Ata Bin Khalil Abu Al-Rashtah

17 Sha’ban 1441 AH

10/4/2020 CE

The link to the answer from the Ameer’s Facebook page:

https://web.facebook.com/HT.AtaabuAlrashtah/posts/2612507538995254?_tn=K-R-R