

## Article

# The Use and Misuse of *Zakāh* Funds by Religious Institutions in North America

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**Abstract:** Despite being a foundational practice in Islam, deeply rooted in law and reflected in the theological and spiritual concepts of wealth and sustenance (*rizq*), discussions of applying obligatory alms (*zakāh*) rulings to majority non-Muslim countries are limited. The Muslim's spiritual attitude toward finances is informed by a theological view that all forms of wealth ultimately belong to God. Sunni Muslim theologians define *rizq* to be what one actually (not potentially) consumes and benefits from (not possesses), which, alongside plentiful verses and Prophetic traditions, continuously motivate philanthropic giving without fearing scarcity. This article aims to investigate some major issues resulting from the unregulated procedures of *zakāh* collection and disbursement as practiced by North American Muslim organizations and religious leaders. The article (1) doctrinally analyzes how North American practices diverge from the rules of Islamic law (*fiqh*) regarding *zakāh* distribution, (2) examines the ramifications of contemporary Eastern–Western legal opinions (*fatāwā*) expanding the eligibility of charitable institutions to receive *zakāh*, and (3) investigates the practices of administering *zakāh* resources.

**Keywords:** Islamic law; legal theory; fatāwā; zakāh



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## 1. Introduction

Despite being a foundational practice in Islam, deeply rooted in law and reflected in the theological and spiritual concepts of wealth and sustenance (*rizq*), discussions of applying obligatory alms (*zakāh*) rulings to majority non-Muslim countries are limited. The Muslim's spiritual attitude toward finances is informed by a theological view that all forms of wealth ultimately belong to God (Quran, 24:33). Sunni Muslim theologians define *rizq* to be what one actually (not potentially) consumes and benefits from (not possesses) (Al-Bājūrī 2002, pp. 312–13), which, alongside plentiful verses and Prophetic traditions, continuously motivate philanthropic giving without fearing scarcity. Moreover, misappropriation of charity funds is one of the major sins (*kabā'ir*) since it is both a transgression against the rights of God as well as the rights of the poor and vulnerable. In his work on *kabā'ir*, Ibn Hajar al-Haytamī (d. 974/1566) listed the misappropriation of charity (*al-khiyānah fi al-ṣadaqah*) as the 130th major sin (Al-Haytamī 1987, vol. 1, p. 146). He cited a *hadīth* in which the Prophet said:

Whosoever among you is appointed by us to a position and he conceals from us even a needle or less, it will amount to misappropriation and he will be called upon to restore it on the Day of Resurrection . . . Whosoever from you is appointed by us to a position, he should render an account of everything, big or small, and whatever he is given therefrom, he should take and he should desist from taking what is unlawful.

(Saḥīḥ Muslim, ḥadīth no. 1833)

Multiple Prophetic traditions emphasize the significance of charity administration and the gravity of its misappropriation to the extent that the Prophet equated the one who refuses to pay *zakāh* (*māni' al-zakāh*) with the one who misuses its funds (Al-Haytamī 1987, vol. 1,

p. 146). This framework governs the Islamic laws related to wealth and guides the spiritual discourse pertaining to financial contributions to the community.

The current North American *zakāh* culture seems to operate on two perceptions about the default nature of how *zakāh* is performed. First, it is an obligatory wealth tax that focuses on how much *zakāh* is owed rather than to whom it is owed. The lack of awareness on the eligibility of *zakāh* recipients among North American Muslims hinders their ability to fulfill their individual obligation of performing this pillar of Islam and communal obligation to investigate its distribution by their presumed representative institutions. Second, *zakāh* is to be entrusted to an institution (i.e., mosques, Islamic centers, Islamic schools, and relief organizations, either as agents for distribution or as recipients) rather than an individual. Given the state's historical role in collecting and distributing *zakāh* and the modern absence of a Muslim governance system, institutional involvement seems a viable alternative to contemporary North American Muslims. Nonetheless, *zakāh*, a determinant of one's faith identity, is an act of worship rather than a transactional relationship between individuals or entities. Institutional dominance over *zakāh* administration makes it difficult to investigate the Islamic legality, efficiency, and impact of how *zakāh* is distributed, and the lack of transparency thereof leads to potential mishandling of charity funds, institutional corruption, and abuse of spiritual power.

To date, there are no academic quantitative or qualitative studies on *zakāh* operations in the North American Muslim community. While some English writings on *zakāh* from different legal or economic aspects exist, which focus chiefly on poverty alleviation (Rini 2020, p. 156), social justice (Dhar 2013), and distributive justice (Ahmad et al. 2006; Ahmad and Hassan 2000; Kahf 1987), none are dedicated to how *zakāh* is managed or administered in the community. Some non-academic writings discuss *zakāh* rulings, narrate spiritual reflections and, recently, advocate against the misuse of *zakāh* in the American Muslim community.<sup>1</sup> This article aims to investigate some major issues resulting from the unregulated procedures of *zakāh* collection and disbursement as practiced by North American Muslim organizations and religious leaders. This article (1) doctrinally analyzes how North American practices diverge from the rules of Islamic law (*fiqh*) regarding *zakāh* distribution, (2) examines the ramifications of contemporary Eastern–Western legal opinions (*fatāwā*) expanding the eligibility of charitable institutions to receive *zakāh*, and (3) investigates the practices of administering *zakāh* resources.

#### Methodological Note

Contemporary *fatāwā* and institutional policies on *zakāh* do not confine themselves to only one school of law. Instead, they selectively draw on various opinions or amalgamate parts of different doctrines or opinions (*talfīq*) from multiple schools to create a modernized body of law or doctrine.<sup>2</sup> Traditional legal theory prescribes conditions for such processes of amalgamation to avoid doctrinal inconsistency and the creation of precedents composed of different opinions, while neglecting other corollary qualifications or conditions adopted by the relied-upon authorities. This article synthesizes the legal opinions argued for or referenced by contemporary *fatāwā* and policies of non-profits on the topic of *zakāh* and its distribution.

This analysis highlights the inconsistency resulting from improper *talfīq*, which mixes and matches legal opinions creating precedents on the rules of *zakāh* distribution, portions, agency, and payment timeline of which no school of law would independently approve. Establishing precedent is especially problematic when it is labeled as representing traditional doctrines without proper reasoning or adequate justification.

This article does not limit its analysis to a particular legal school. It, rather, shows how current approaches to providing modernized solutions sacrifice doctrinal coherence and adequate argument, in contrast with the objectives intended by the Lawgiver. In doing so, the article draws on the literature of the four Sunni legal schools. When referencing doctrinal opinions, the article cites traditionally authorized *fiqh* manuals as well as modern works that compile various classical and contemporary views. Contemporary sources are

important in tracing the modern discourse on revisiting traditional legal interpretations of *zakāh* textual evidence. While I do not privilege a particular school, I often reference Shāfi‘ī doctrines. The Shāfi‘ī school is known for adopting the strictest rules of *zakāh* distribution which, in my view, serves as being especially useful in highlighting the gap between the ideals such views represent and contemporary *fatāwā* and policies.

## 2. The Wisdom (*ḥikma*) vs. the Ratio Legis (*‘illah*) of the Obligation of Zakāh

Identifying the objectives of *zakāh* demands investigating the revelatory language describing its rules. Legal and hermeneutical principles designate the Quranic imperatives’ legislative scope and their association with the explicative role of the Sunnah regarding the laws of *zakāh*. Examining the textual authority of these laws helps address two fundamental issues. First, it illustrates how *zakāh* acquires a unique position between the rational and devotional realms, which may limit contemporary views of adjusting or changing its traditional applications. Second, it helps assess how much discretion or best-interest-based reasoning can be exercised in applying the laws of *zakāh* to new precedents.

The scholarly consensus of the obligation to pay *zakāh* is rooted in textual authority as found in the repeatedly recited verse “pay the *zakāh*” and others, such as “take [O Muḥammad] from their wealth a charity by which you purify and sanctify them” (Quran 9:103). While these Qur’ānic commands unequivocally mandate Muslims to pay *zakāh*, the details of performing this obligation are not found in the Qur’ān. Through one of three legal theory (*uṣūl al-fiqh*) tools, verses are interpreted to be (1) ambiguous (*mujmal*) which demands clarification; (2) unqualified (*muṭlaq*) which demands qualification, such as the amount due and the regularity of payment; or (3) universal (*‘ām*) which demands particularization, such as the default mandatory *zakāh* in any type of wealth except when excluded by other evidence (similar to the default permissibility of sales except what is stated to be forbidden) (Al-Ramlī 2012, vol. 2, p. 366; Al-Sharawānī and Al-‘Abbādī 2016, vol. 4, pp. 5–6).<sup>3</sup> The contrast between *zakāh* and sales is that *zakāh* is a legal phrase defined by the Legislator (i.e., God) while sale is a literal phrase whose definition is linguistically and conventionally known to the recipients of the revelation (i.e., humans). All three interpretive categories (*mujmal*, *muṭlaq*, and *‘ām*) necessitate the role of the Sunnah in providing further instructions on the application. This exclusive textual authority highlights the importance of the *zakāh*’s ritual character, restricts the legality of *zakāh* processes to the textual scope, and limits discretionary modifications of its laws.

A customary first step to examining the applicable scope of Shari‘ī laws is to investigate whether their objectives can be reasoned or whether they are prescribed for pure devotion. In defending the seemingly strict Shāfi‘ī positions on certain laws of *zakāh*, al-Ghazālī (d. 505/1111) comments that the purpose of any Shari‘ī law is one of the following: (1) for pure devotion without a perceived rational meaning, but rather as a trial to test the individual’s servitude (i.e., stoning Satan in pilgrimage); (2) for a rational benefit (i.e., repaying one’s debts); or (3) for a composite of both purposes (i.e., *zakāh*) (Al-Ghazālī 2011, vol. 2, pp. 26–29). The meanings and consequences of the first two are easily understood.

The first purpose restricts the applicability to its prescribed domain, functionally testing one’s submission to God. In describing how acts of worship (*ibādāt*) should be practiced as prescribed by Allah, al-Juwaynī (d. 478/1085) remarks:

Rituals are not acts of worship for their essence or substance, nor are they acts of worship for what they constitute of distinct qualities. Instead, they subsist as acts of obedience in terms of conforming to Allah’s commands in their respective times. [For example,] if the servant performs the obligatory prayer in the best manner of submissiveness, humility, and serenity (*khushū‘*) before its prescribed time, it will not be sufficient [to fulfill the obligation] . . . [Moreover,] if a person in a state of ritual impurity (*ḥadath*) performs [prayer], their act will be considered vile.

(Al-Juwaynī 2011, pp. 452–23)

In contrast, the second purpose grants room for legal analogy by expanding the applicability of the same ruling to other instances which share the same reasoning (i.e., extending the textual prohibition of drinking wine to other intoxicating substances). The third is somewhat ambiguous since it is, in itself, rational but also intended to test one's servitude.

In applying this framework to *zakāh*, its obligation belongs to the above third purpose of law, acquiring a unique position between the rational and devotional realms. The Qur'an enjoins the giving of *zakāh* as a "moral duty that combats both negative internal qualities and outward societal harm," (Harvey 2018, p. 132) reflecting obligations of pure devotion. At the same time, the *ḥadīth*, "*zakāh* is to be taken from the wealthy among them and given to the poor among them" (Saḥīḥ al-Bukhārī, ḥadīth no. 1395) illustrates that the rational purpose of *zakāh* is one of poverty alleviation.

Muslim scholars have provided empirical aspects of the wisdom of the obligation of *zakāh*. Al-Juwaynī stated that there is a consensus that its universal wisdom is to "transfer portions of the money of the rich to the needy Muslims" (Al-Juwaynī 2007, vol. 11, p. 533). Al-Rāzī (d. 606/1210) extrapolated 20 different points of wisdom, twelve benefitting the donor and eight benefitting the recipient (Al-Rāzī 1981, vol. 16, pp. 102–7), but ultimately commented that "only Allah knows the secrets and the wisdom of His rulings" (Al-Rāzī 1981, vol. 16, p. 107). In deducing the wisdom of the categories of eligible recipients, al-Ṭabarī (d. 310/923) stated that Allah legislated *zakāh* for two reasons: fulfilling the needs of Muslims (i.e., poor and needy) and supporting Islam and enhancing its establishment (jihad and those whose hearts are to be reconciled) (Al-Ṭabarī 2001, vol. 11, p. 523).

The concept of 'distributive justice' found in modern literature engages with the Islamic laws of *zakāh*, prompting a broader understanding of the wisdom of *zakāh* beyond poverty alleviation (Ahmad et al. 2006; Ahmad and Hassan 2000). Dimensions of Islamic economics establish "the priority of social justice, dignity for the poor, and the responsibilities of the wealthy in a discourse that unites pragmatic economic concerns with theological and ethical values" (Krawchuk 2016, p. 141). Nonetheless, *zakāh* is still neglected "as a potential tool for poverty alleviation" which drives scholarship to advocate for it as a revived policy instrument (Bullock and Daimie 2021; Kahf 1999). The absence of a unified paradigm for Islamic economics leads to numerous ways of channeling and administering *zakāh* resources.

In modern times, *zakāh* can be viewed as one of the multiple Islamic strategies for distributive justice, such as philanthropic endowments (*waqf*) and other social insurance mechanisms (*takāful*). These financial institutions collectively diffuse governmental authority over resources and empower the community to financially contribute in a decentralized structure. These strategies emphasize the devotional, social, and economic objectives of *zakāh*, empowering community members independent of formal authorities. Moreover, driven by the communal responsibility (*fard kifāyah*) framework (Wahb 2021), jurists regulate alternative venues for Muslims to counter the broad discretion vested in the executive authorities in managing the public treasury's resources (*bayt al-māl*) in cases of actual or suspicious corruption (Al-Zuhāilī 1985, vol. 2, pp. 2887–90).

The rational and spiritual domain of *zakāh* are reflected in the verse contrasting it from that of usurious gain (*ribā*): "And whatever you give for *ribā* to increase within the wealth of people will not increase with Allah. But what you give in *zakāh*, desiring the countenance of Allah—those are the multipliers" (Quran 30:39). Unlike the transfer of wealth from the poor to the rich in *ribā*, *zakāh* has the opposite worldly effect on wealth distribution. The rational and ritualistic purposes of satisfying the needs of the poor through moral devotion obligate the affluent to calculate and distribute *zakāh* obediently.

Discerning the wisdom and human benefit behind *zakāh* does not negate its purely ritualistic dimension of devotion. According to al-Ghazālī, *zakāh*'s evident purpose of human benefit should not diminish the importance of the purpose of devotion; if an individual does not properly fulfill its obligation, the harm primarily affects their devotion, not the prescribed share of the poor (Al-Ghazālī 2011, vol. 2, p. 27). Thus, unlike other financial transactions whose legal causes (*ilal*) can be extended through analogy (*qiyās*; expansion

of applicability) or best interest (*maṣlaḥa*; benefit-based assessment of applicability), the default wisdom for acts of worship, including *zakāh*, is being ordained by Allah.

### 3. North American Muslims' Practice of Zakāh

Statistics describing how and where North American Muslims implement their *zakāh* obligations are scarce. The recent research jointly reported by the Institute for Social Policy and Understanding and the Lake Institute on Faith and Giving in 2019 captures how 802 American Muslims perceive and practice philanthropy (Mahmood 2019). Although this report does not delineate between *zakāh* and other acts of charity (i.e., *ṣadaqa*), it showcases that the interviewees have contributed to the following causes: houses of worship (89%), domestic poverty (60%), education (60%), overseas relief efforts (54%), youth family services (49%), civil rights (48%), and research organizations that study religious community (28%) (Mahmood 2019, p. 13). Since some of these funds are reportedly motivated by religious duty (i.e., *zakāh*) (Mahmood 2019, p. 11), the diversity of causes demonstrates a re-interpretation of *zakāh* causes and a progressive understanding of jihad in the modern world, as detailed in the following sections.

Expectedly, the highest percentage of American Muslims reported contributing money toward their houses of worship. This reflects communal conceptions upholding mosques as quasi-official religious distributors of *zakāh* or as eligible recipients themselves. Admittedly, mosques and other Islamic institutions do not usually dispense all incoming donations toward one cause. It is in the sole discretion of these institutions' leadership how to divide between different causes. There is no current research outlining how such discretion is exercised.

Despite the reluctance to donate "back home" after 9/11 due to heightened scrutiny on community assets during the "war on terror" (Khan 2020), more than half of the American Muslim interviewees reported donating to overseas relief in 2019 (Mahmood 2019, p. 13).<sup>4</sup> This reflects the nature of diasporic communities living in a time of globalized Muslim world issues. Admittedly, several factors influence individual understanding of one's locality, including diasporic ties and racial and economic segregation. The general scheme of economic and educational disparities, coinciding with racial and ethnic differences, prompts Muslims to "follow the housing trends of the general population" (Mattson 2010, p. 14). The resulting separation between wealthy and poor neighborhoods of the same town makes the "poor people who many wealthy immigrant Muslims know best . . . the ones they have left behind in the countries from which they immigrated" (Mattson 2010, p. 14). The sense of obligation many immigrants have toward the poor and needy back home reflects a complex form of reciprocity for the educational, financial, and social support provided by their home countries. This deeply emotional and ethical sense of obligation coincides with a permanent sense of belonging beyond one's geographical location. Globalization and diaspora reshape modern Muslims' definitions of a community and, therefore, their religious commitments.

While the report indicates that American Muslims donate toward local efforts of alleviating poverty, most of it is unlikely to be *zakāh*, since the identified recipients of these efforts are largely non-Muslim (Mahmood 2019, p. 7),<sup>5</sup> and, unlike *ṣadaqa*, *zakāh* must be exclusively paid to Muslim recipients. Alarmingly, according to a 2017 study, nearly half of Muslim Americans live "below, at, or dangerously close to the poverty line" (Baydoun 2015).<sup>6</sup> Although federal poverty guidelines (Department of Health and Human Service 2016) are not necessarily a measure of *zakāh* eligibility, the rise of financial difficulties reveals a renewed importance of investigating the potential negligence of the local rights of the poor.

With respect to Canadian research, a recent qualitative study interviewed employees/volunteers from four Sunni Canadian organizations whose primary activity is *zakāh* collection and distribution. The findings, which have "barely scratched the surface" (Bullock and Daimee 2021), inform that *zakāh* "in Canada is still in its infancy" and that many community members, although generous, are not adequately educated on *zakāh* rulings

(Bullock and Daimee 2021). The 2019 report documenting the individual practices of American Muslim philanthropy alongside the 2021 study on the institutional practices of Canadian *zakāh* organizations collectively reveal the importance of institutionally systemizing *zakāh* work that is compliant with its Islamic laws and objectives, and individually furthering one's education on eligible recipients and rightful dispensation methods. While institutional assistance of dispensing charity is a realistic mechanism, the overarching Islamic view of *zakāh*, its prescribed need-based categories, its crucial role of distributional equity, and its individual experience of establishing social justice seem to gradually vanish from the community.

#### 4. Recipients of Zakāh: A Textual Analysis

The Qur'ān gradually revealed theories of charity contributing to the objectives of spiritual discipline and social responsibility of distributive justice, equity, and the common good. Jurists differed over the exact time when *zakāh* was obligated and, hence, conjoined with the other pillars of faith. Verses revealed in Mecca established the right of the categories of recipients of charity (i.e., needy, relatives, and orphans). However, no stipulation of amount or recurrence is provided in these verses; “[t]he word *zakāt* is used occasionally in a legally undefined, but not thereby voluntary, way” (Harvey 2018, p. 131). Verses revealed in Medina further organized *zakāh* by widening and refining “the categories of recipients in response to the new social needs” and developing “institutional structures in the Medinan Qur'ān from the discretionary moral roots laid down within the Meccan revelations” (Harvey 2018, p. 133). Thus, parallel to the evolution of the war booty system, Medinan *zakāh* developed over the gradual stages of further identifying recipients, establishing the obligatory amount owed, and collecting *zakāh* by officials and finalizing its eight classes of beneficiaries (Harvey 2018, p. 134).

Out of the eight eligible recipients of *zakāh* explicated in the Qur'ān, “*zakāh* is only for the (1) poor and (2) the needy, and (3) those employed to collect it, and (4) those whose hearts are to be reconciled, and (5) to free the captives, and (6) the debtors, and (7) for the cause of Allah, and (8) the wayfarer” (Quran 9:60). These categories can be analyzed as four pairs, each fulfilling a particular need: subsistence, compensation, emancipation, and supply (Harvey 2018, p. 134). Before delving into the particulars of these categories, five premises on the verse's textual and contextual interpretation need to be understood.

First, the verse employs a restrictive linguistic style (*qaṣr*) by beginning with the particle of restriction (*innamā*) to emphasize the exclusivity (*ḥaṣr*) of alms to the enumerated categories. The verse was revealed in response to those who doubted the Prophet's integrity in charity distribution and claimed rights to it. The verse negated their accusations by stating that *zakāh* is not for those accusers but for the following categories. The word *innamā* both excludes those undeserving accusers and restricts *zakāh* to the eight explicitly listed categories (Ibn 'Ashūr 1884, vol. 10, p. 235). According to the Shāfi'ī exegete Abū Ḥayyān (d. 745/1344), even if the restriction to the eight categories is not understood from *innamā* by virtue of its default linguistic usage, the restriction will still be understood by the mere dictation of qualities because

Conjoining the applicability of a ruling and quality necessitates that the quality is the ruling's effective legal cause [*illah*]. Making something a *illah* means that [the ruling] is restricted to it. Hence, the alms recipients are ostensibly these categories [in the verse], and that conjunction (*ʿatf*) signifies variation—‘the poor’ are different from ‘the needy’. It is also apparent that every category is defined as what exists of the instances encompassed in its phrase. Disagreement [among scholars] exists in all these ‘apparent’ meanings.

(Al-Andalusī 1993, vol. 5, p. 58)

The syntax, rhetorical style, and context of the verse lay out default restrictive definitions and applications. When a man asked the Prophet for charity, the Prophet taught him that “Allah did not let a prophet or anyone else decide about charity. Rather, He has given a decision about them Himself. He has divided those entitled to them into eight categories,

so if you are one of those categories, I shall give you your right" (Sunan Abū Dawūd, ḥadīth no. 1630). Thus, (1) the categories are limited to eight, (2) the exclusivity of the eight denotes their delineated independent definitions, and (3) the categories do not overlap by default.

Second, *zakāh* is attributed to the first four categories by the particle "for" (*lām*), which is interpreted to indicate the exclusivity of right to its recipients (*istihqāq*) or indicate unrestricted ownership (*tamlīk*).<sup>7</sup> Individual capacity for ownership is a deduced prerequisite for *zakāh* eligibility as it is also understood by other verses stating "give *zakāh*"; "give" specifies a transfer of ownership as opposed to feeding or allowing access to resources (Al-Zuhailī 1985, vol. 2, p. 752). Both interpretations are complementary in understanding that *zakāh* is the right of only these and that, by default, is paid to them as individuals, not virtual entities. The application of the interpretive differences regarding the *lām* is in whether all categories must be given from one's *zakāh* and whether the distribution among them must be equitable.

Contrastingly, *zakāh* is attributed to the latter four categories with the preposition "in" (*fī*), which indicates that they are supposed to spend their *zakāh* portions on these causes; if it is not spent in this manner or if there is a surplus, they may be asked to return it. The reason that each two of the last four categories is independently conjoined with the particle of partnership "and" (*wāw*) is that captives and debtors receive *zakāh* to give it to others (i.e., masters and creditors), while the last two, for the sake of Allah and the wayfarer, take it to themselves (Al-Bājūrī 2016, vol. 2, p. 387; Al-Biqā'ī 1984, vol. 8, p. 505). Based on the different views of *tamlīk* to be absolutely stipulated or based on the category, there is a difference of opinions pertaining to the permissibility of directing *zakāh* funds toward expenses instead of transferring them directly to individuals.

Third, the verse's establishment of *tamlīk* for those categories indicates that *zakāh* must be paid immediately, according to the majority of jurists, provided that the payer is able to dispense it and that eligible recipients are available. Once *zakāh* is owed, "it becomes the property of the individuals within these categories—even if its specific owners have not yet been determined" (Furber 2018, p. 166). Deferring *zakāh* payment is permitted only in specific scenarios (i.e., giving it to relatives, neighbors, and needier people) as long as the available eligible recipients are not in a dire need for it.

Fourth, according to the Shāfi'ī school, conjoining categories with *wāw* indicates a stipulation of equality among them. Hence, "it is not permitted to deprive one of these categories or to give them less than the eighth" (Al-Sharawānī and Al-'Abbādī 2016, vol. 8, p. 400). As for the argument that the verse's purpose is to only identify the categories without reference to their proportions, Shāfi'ī jurists held it to be contrary to the default rules of grammar and, therefore, to lack verifiable legal evidence (Al-Sharawānī and Al-'Abbādī 2016, vol. 8, p. 400). This is because of the maxim of interpreting according to the rules of language in the absence of a legal conventional definition (Al-Sharawānī and Al-'Abbādī 2016, vol. 8, p. 400).

Moreover, the verse speaks of each category in the plural form. Since the minimum plural in Arabic is three, and the default interpretation of the verse is that no category is to be preferred over the other, the Shāfi'ī school strictly stipulates not only equating the amount distributed to each category but also giving no fewer than three recipients within each category. Some Shāfi'ī jurists viewed this as difficult to apply, prompting their late scholars to encourage following other schools in certain scenarios. Ibn 'Ujayl al-Yamanī (d. 690/1291) said that three *zakāh*-related issues should be practiced according to other schools: moving *zakāh* to other localities, giving it to one category, or giving it to one person (Al-Bujaramī 1996, vol. 3, p. 78).

However, the original Shāfi'ī theory of encompassing all categories and equating between them is of merit, not only for its textual interpretative analysis but also for enhancing social justice, public interest, and other spiritual purposes. Jurists from other schools, such as the early Mālikī jurist Asbagh b. al-Faraj (d. 225/967), acknowledged the value of following the Shāfi'ī view of encompassing all categories to preserve the knowledge of their

eligibility, join various interests together, fulfill different needs, support jihad, and assist with repaying debts (Al-Ṣāwī 1995, vol. 1, p. 430). Spiritually, encompassing all categories provides opportunities for supplication (*duʿā*) made to the giver by diverse individuals, which increases the chance of coinciding with one of them being a saint (*walyy*) whose *duʿā* is more likely to be accepted (Al-Ṣāwī 1995, vol. 1, p. 430).

Fifth, some aspects of *zakāh* are overarchingly considered a state responsibility (Al-Qaraḍāwī 1973, vol. 2, pp. 2887–88). This is evident in the statement of *zakāh* workers as a category in the verse, the Prophetic appointment and management of *zakāh* employees, and the practice of Muslim political leadership throughout history. Rationally, the government has access to details of individuals' financial records and has discretionary power to decide on the public interest of Muslims. The public shares the responsibility for *zakāh* with the government by collaborating with the system, if it is functioning justly, or individually dispensing their obligations to eligible recipients.

If the authorities are trustworthy, giving the *zakāh* to them may be preferable since they are well informed on who deserves it. Modern Muslim governments differ in their legislative and executive capacities for enacting and implementing *zakāh* laws (Kahf 1999, p. 26). Certain *zakāh* laws are implemented in an obligatory manner in countries including Saudi Arabia, Pakistan, Sudan, Libya, and Malaysia. Other countries, such as Kuwait, Jordan, Bangladesh, Bahrain, and Oman, enact laws of *zakāh* and establish *zakāh* institutions that are supported by the government but leave the payment of *zakāh* to these organizations to be voluntary (Kahf 1999, p. 26).

However, jurists across the different schools have extensively discussed individual responsibility in cases where the authorities are corrupt or unethical in dispensing public funds. This demonstrates the critical role of a functioning system in collecting and distributing *zakāh*, in contrast with the individual role, when the system is malfunctioning or when no system is in place at all. This also explains why the rulings of *zakāh* distribution are not always discussed within the *zakāh* topic in legal typology. Some scholars assign it an independent chapter following the chapters on the spoils of war and tributes since all three are historically administered by the imam (i.e., head of the state) (Al-Sharawānī and Al-ʿAbbādī 2016, vol. 8, p. 400; Al-Ansārī 2012, vol. 2, p. 502).

The aforementioned textual interpretation principles illustrate the limited discretion of jurists, governments, or community leaders in deciding on *zakāh* eligibility requirements. Since extending the number of categories through legal analogy is not possible by the verse's distinct numeration, all discussions or disagreements over the eligible recipients stem from definitional determinations. Three categories are most controversial for the purpose of this article. Ordered in terms of their relevance, these categories are "for the cause of Allah", "those whose hearts are to be reconciled", and "those employed to collect it". Suffering from current definitional manipulation, although being well-defined in classical Islamic law, these categories are the cornerstone of arguments justifying unrestricted discretion in handling some *zakāh* revenues. While the first (for the cause of Allah) is fluidly advocated to constitute a broad spectrum of "good causes", the second (those whose hearts are to be reconciled) is upheld to support *daʿwah* and new Muslims, and the third (those employed to collect it) is used to solicit institutional operational or overhead costs (e.g., maintenance, salaries, and rent). The following two sections will discuss some of the *zakāh* rules of distribution regarding these three categories and identify contemporary Islamic legal and procedural issues in applying them.

### 5. Fluidity and Irregularity of "For the Cause of Allah—*fī sabīl Allah*"

The common eligible *zakāh* categories today are four: the poor, the needy, those in debt, and the wayfarer (Al-Zuhāilī 1985, vol. 2, p. 868). The most contentious of the categories is "for the cause of Allah" (*fī sabīl Allah*) since it is invoked by many contemporary jurists and community leaders in Western countries to acquire inherent definitional flexibility. Despite the traditional consensus that the default meaning of *fī sabīl Allah* is jihad



(limited to voluntary warriors), the term is now commonly understood among Western Muslims to include various good causes.

### 5.1. *fi sabīl Allah in Legal and Exegetical Tradition*

Mālik b. Anas (d. 179/795) said, “causes of Allah are numerous, but I do not know of any disagreement that the meaning of ‘the cause of Allah’ here [in the *zakāh* context] is jihad [*ghazw*]” (Al-Zuhāilī 1985, vol. 2, p. 875). Interestingly, traditional scholars have not only limited the definition to the scope of jihad but have also explicitly excluded a long list of good causes from qualifying for *zakāh*. The overwhelming majority of jurists agreed that *fi sabīl Allah* does not include

... building mosques, bridges, barrages, and waterwheels, dredging rivers or maintaining roads, shrouding the dead [funeral expenses], re-paying debts ... or preparing the means to jihad such as manufacturing warships or buying weapons, or any other good deeds which Allah did not mention that is not eligible for ownership.

(Al-Zuhāilī 1985, vol. 2, p. 875)

Ibn al-Athīr (d. 630/1233) affirmed, “the term [*fi sabīl Allah*] has become, due to its much common usage in that [context] exclusive to it [the meaning of jihad]” (Al-Athīr 1904, vol. 2, p. 156). Indeed, jurists consistently applied their definitions of the term to non-*zakāh* issues, such as interpreting a *waqf* deed endowed for ‘the cause of Allah’ to be for warriors. This legal delineation of the term is based on several reports in which *fi sabīl Allah* refers to the meaning of jihad. For example, the Prophet stated *zakāh* “may not be given to a rich man, except for five classes: ... and one who fights *fi sabīl Allah* ...” (Sunan Abū Dawūd, ḥadīth no. 1635). Two traditional opinions marginally expand *fi sabīl Allah* to include (i) pilgrimage (*hajj*) and (ii) the pursuit of sacred knowledge.

#### 5.1.1. *Hajj as fi sabīl Allah*

By including *hajj* as an intended *fi sabīl Allah* cause, the Ḥanbalī school did not deny the default interpretation of the term to be limited to jihad. Instead, they bore the onus of providing textual evidence for its permissibility. Adopting companions’ opinions (*qawāl al-sahābī*) as a secondary source of law, they cited some companions, as well as implicit *ḥadīths* from the Prophet, in which *hajj* was referenced to be *fi sabīl Allah* and, hence, deserving of charity. Furthermore, Ḥanbalī jurists stipulated that the pilgrim is unable to afford the *hajj* expenses and others added that the *hajj* must be obligatory and not recommended (Ibn Qudāmāh 1997, vol. 9, p. 328). The dissenting Ḥanbalī jurist Ibn Qudāmāh (d. 620/1233) argued against the inclusion of *hajj*, “all mentions of *fi sabīl Allah* in the Qur ān reference jihad except for a few occasions” (Ibn Qudāmāh 1997, vol. 9, p. 328). Relating his argument to the higher objectives of *zakāh*, he adds

*Zakāh* is due exclusively to two individuals; one who is in need of it, such as the poor, the needy ... and one whom Muslims need, such as the *zakāh* worker, warriors ... *hajj* of a poor person does not benefit Muslims; neither Muslims nor that poor person needs it ... The performance of *hajj* by the poor does not benefit the Muslims; they do not need it and the poor does not need it too since it is not obligatory on him ... Hence, directing this portion [of *zakāh*] toward those of need from the rest of the categories or toward the interest of Muslims is a higher priority.

(Ibn Qudāmāh 1997, vol. 9, p. 329)

Additionally, direct transfer of ownership to the individuals is upheld by the Ḥanbalīs, who stipulated direct giving to the warriors, not endowing horses or properties on the causes of *hajj* or jihad (Al-Buhūtī 1993, vol. 1, p. 458). This delimits the modern discourse’s reliance on the Ḥanbalī inclusion of *hajj* to justify funding institutional operations.

### 5.1.2. Students of Knowledge as *fi sabīl Allah*

To recognize issues of financial dependency and prioritize education over earning a living, many jurists included students of sacred, or communally needed, knowledge whose dedication to education may hinder them from earning a sufficient living (i.e., potential poverty) in the needy categories of *zakāh*. The opinions of some Ḥanafīs and a few Mālikīs, which included students of knowledge as a form of jihad (Al-Ṣāwī n.d., vol. 2, p. 144; Al-Ju'fī 2007, p. 195; Ibn 'Ābidīn 2003, vol. 3, pp. 285–86 and 289–90), are often misquoted and misinterpreted when applied to divergent contemporary scenarios.

In the authoritative Ḥanafī text *sharḥ tanwīr al-abṣār*, al-Ḥaskafī (d. 1088/1677) references different exegetical interpretations of *fi sabīl Allah* to include students of knowledge, *hajj*, and even other good causes (Al-Ḥaskafī 2002, p. 137). However, al-Ḥaskafī references these interpretations in the context of variant *tafsīr* views outside of the particular laws of *zakāh* and then explicitly points out that the application of these different views lies in other legal issues, such as interpreting a *waqf* statement or deed that dedicate the endowment to *fi sabīl Allah*. Ibn 'Ābidīn (d. 1252/1836) considered this remark of al-Ḥaskafī to indicate that the difference of opinion “is only over the exegetical meaning of the verse, not the applicable ruling” (Ibn 'Ābidīn 2003, vol. 3, pp. 289–90). Additionally, the interpretive disagreement was deemed semantic (*lafzī*) by Ibn Nujaym since “there is an agreement that all categories, except *zakāh* workers, are to be given only if they are in need” (Ibn 'Ābidīn 2003, vol. 3, p. 290). Although the school did not stipulate actual poverty as an eligibility requirement for students of knowledge, they were culturally acknowledged to struggle with financial resources. Ḥanafī jurists justified the validity of dedicating an endowment to students of knowledge by recognizing that “poverty is prevailing among students of knowledge” (Ibn 'Ābidīn 2003, vol. 6, pp. 558–89).

The Mālikī statement which considered students of knowledge to be warriors (*mu-jāhidun*) is found in al-Ṣāwī (d. 1241/1825)'s gloss on *Tafsīr al-Jalālyn* but not in his other legal authoritative texts, such as his gloss on al-Dardīr's (d. 1201/1786) commentary on *Aqrab al-Masālik*. This confirms an implied distinction, found in different legal schools, between exegetical interpretations and legal applications which abide by a consistent set of laws and procedures. After listing the eight recipients as mentioned in the verse, al-Dardīr said, “[*zakāh*] is not allowed to be given to other than these categories such as [building] a wall or ships for purposes other than the jihad for the sake of Allah, purchasing books of knowledge, a house to be occupied, or an estate to be endowed for the poor” (Ibn 'Ābidīn 2003, vol. 6, pp. 558–59). In the commentary on the same text, al-Ṣāwī cites al-Kharshī (d. 1101/1690) to have added jurists, judges, and imams to the aforementioned examples of building walls and ships (Ibn 'Ābidīn 2003, vol. 6, pp. 558–89).

Nonetheless, such opinions which expand *fi sabīl Allah* to include students of knowledge or pilgrims are restricted in their application, which counteracts any potential misuse of *zakāh* funds. The Ḥanafīs strictly require the transfer of wealth to individual recipients pursuant to their broad framework of absolute *tamlīk* in *zakāh*. The requirement that the recipient of *zakāh* be able to own money limits the applicability of even the broadest meaning of *fi sabīl Allah*, because, as Ibn 'Ābidīn explained, *zakāh* cannot “be spent on building mosques . . . maintaining roads . . . *hajj* or jihad, nor on any other property that does not assume ownership” (Ibn 'Ābidīn 2003, vol. 3, p. 291). Similarly limiting the application of the broadened interpretation of *fi sabīl Allah*, the Mālikīs stipulate the absence or exhaustion of governmental or *waqf* funds for students of knowledge to be eligible for *zakāh* (Ibn 'Ābidīn 2003, vol. 3, p. 291 and Al-Ju'fī 2007, p. 195).

Thus, across the four schools of law, the default meaning of *fi sabīl Allah* is physical jihad. When some jurists expanded it to include other instances, they enforced restrictive prerequisites, such as the financial incapacity to perform *hajj*, the recipient's capacity to own, or the absence of other student funds. Moreover, a general limiting principle on spending *zakāh* on jihad is that only the necessities (*maṣāliḥ al-jihād*) are funded. Indeed, jurists heavily regulated warriors' voluntary enrollment and participation in the war, as well as their eligibility for other governmental benefits, and required those unable to make

it to jihad to return the *zakāh* money. Despite claiming to be backed up by traditional opinions, many current *zakāh* practices handpick opinions that seem to support a flexible interpretation of *fi sabīl Allah* but lack doctrinal consistency in application. Notably, the traditional rules of *tafīq* of legal opinions preclude the mix and match of opinions, creating a new precedent that no school of law would independently approve.

### 5.2. *fi sabīl Allah* in Late-Modern Scholarship

The eloquence of Qur'ānic speech transcends meaningless repetition and necessitates that each prescribed category of recipients denotes a distinct definition. However, the category of *fi sabīl Allah* has evolved to become a vague catch-all category void of clear definitional standards that would otherwise connect it to traditional precedent. Some modern *iftā'* bodies and numerous scholars issued *fatāwā* expanding this category of recipients by (1) widening the traditional definition of jihad beyond the physical meaning to include intellectual jihad (i.e., *da'wah*; presenting and defending Islam intellectually) or (2) widening the meaning of *fi sabīl Allah* itself to include any good cause. Collectively, the opinions rely on two main arguments: (1) the inconspicuous opinions of a few scholars of the past who propounded the flexibility of the term to include other good causes, and (2) the contextual reality of modern Muslims and the alleged unprecedented need to fund other means of jihad.

*Tafsīr* and *hadīth* scholarship are the most cited references permitting an expansive meaning of *fi sabīl Allah* in contrast with legal treatises. This scholarship can be divided into two camps: those which merely cite or acquiesce to early exegetical opinions, and late-modern scholarship which actively advocates for a broader interpretation. A chronology of these latter explicit views can be summarized as follows:

1. Al-Ṣan ānī (d. 1181/1768) included individuals appointed for the public services of judgeship, *iftā'*, and teaching as practicing a kind of jihad (Al-Ṣan ānī 2003, p. 145);
2. Ṣiddīq Khān (d. 1307/1890) denied the limitation of jihad to physical war and included all causes for the sake of Allah, especially religious scholars (Khān 1984, vol. 2, pp. 206–7);
3. Rashīd Ridā (d. 1353/1935) supported directing funds toward the collective public interest of Muslims that enhances their religion and government, not individual interests (Ridā 1947, vol. 10, pp. 558–79). Mustafā al-Marāghī (d. 1364/1945) stated the same opinion in almost the same verbatim (Al-Marāghī 1953, vol. 10, p. 145).

Multiple later scholars held the same opinions with slight differences in the qualifications of good causes or limitations to the quantity of *zakāh* they can receive.

Outside the commentarial Qur'ān or Ḥadīth works, the first digitally documented institutional *fatwā* permitting the giving of *zakāh* to general good causes is the 1941 Egyptian Dar al-Iftā' 's *fatwā* issued by Sh. 'Abdulmajīd Selīm (d. 1374/1954) (Selīm 1941). In 1983, the Islamic Economy Forum held in Amman solicited multiple research papers on the topic and issued the sixth recommendation on expanding the meaning of *fi sabīl Allah* in *zakāh* to include "other good causes" (Al-Khulayfī 2007, pp. 54–83). In 1986, the Kuwaiti Zakat House issued similar multiple *fatāwā* (Al-Zakāh 2005, pp. 115–17). In 1985, the fourth decision of the eighth conference of the Islamic Fiqh Council voted for the same opinion with an absolute majority (Al-Mujamma' al-Fiqhī al-Islāmī n.d., pp. 185–88).<sup>8</sup> In 1989, the Permanent Fatwa Committee of Saudi Arabia issued a similar *fatwā* (Al-Khulayfī 2007, pp. 46–53).

These Middle Eastern institutions created precedent for *fatwā* institutions in non-Muslim majority countries, such as the Assembly of Muslim Jurists of America (AMJA) and the European Council of Fatwa and Research, to follow similar positions. However, attributing the broader meaning of *fi sabīl Allah* to early scholars, such as the Shāfi'ī jurist al-Qaffāl al-Kabīr (d. 365/970), the Ḥanafī jurist al-Kāsānī (d. 587/1191), the Mālikī jurist al-Qādī 'Iyād (d. 544/1149), as well as the Prophet's companion Anas ibn Mālik, and the successor (*tābi'ī*) al-Ḥasan al-Basrī, suffers from ambiguity, misrepresentation of opinions, or misquotation.

Al-Qaffāl's opinion is reportedly attributed to his non-extant *tafsīr*. Most references to his view are found in *tafsīr* works, the earliest by al-Rāzī (d. 606/1210), followed by al-Naysābūrī (d. 850/1446), al-Biqā'ī (d. 885/1480), and Muhyī al-Dīn Zādah (d. 951/1544). Another reference to "some scholars" without naming al-Qaffāl was made by al-Khāzin (d. 741/1341). In these works, al-Qaffāl is cited for saying that "some jurists" permitted "giving *ṣadaqāt* to all righteous aspects, such as shrouding the dead and maintaining mosques" (Al-Rāzī 1981, vol. 16, p. 115 and Al-Naysābūrī 1995, vol. 4, p. 491). Neither al-Qaffāl nor the scholars who cited him identify those jurists. Notably, despite al-Qaffāl's prominent status, his view was not recognized by the Shāfi'ī nor any other school.

More importantly, it is not clear whether al-Qaffāl used the word *ṣadaqāt* to refer to the obligatory payment of *zakāh* or the broader meaning of charity, including both mandatory and recommended donations. In the same context, both al-Rāzī and al-Naysābūrī stated that the term *ṣadaqāt* in the *zakāh* recipients' verse can be interpreted to either specifically mean the obligatory *zakāh* or generally mean any charity. If the former interpretation is adopted, *zakāh* is exclusive to the explicit meaning of the eight categories. If the latter is adopted, then it is permitted to pay *ṣadaqāt* to build mosques, schools, and other similar causes (Al-Rāzī 1981, vol. 16, p. 116; Al-Naysābūrī 1995, vol. 3, p. 492). This holistic reading of the verse and its context is often neglected when discussing the potential of expanding the meaning of *fi sabīl Allah* in the obligatory *zakāh* context. All in all, it is impossible to definitively attribute this opinion to al-Qaffāl while his *tafsīr* is non-extant, and the phrases reported from it by others are, to say the least, ambiguous.

The Ḥanafī jurist al-Kāsānī provided an interpretation of *fi sabīl Allah*, which is different from the authorized view of the school, to be a general concept that includes everyone who strives to obey God and perform good causes. However, the completion of al-Kāsānī's sentence, often missed by those quoting him, is "if that individual [who strives to perform these causes] is in need" (Al-Kāsānī 2003, vol. 2, p. 471). In the same passage, while opposing the Shāfi'ī opinion that warriors in jihad can be given *zakāh* even if they are not poor, al-Kāsānī comments that paying *zakāh* "in our school is not allowed except when there is a [financial] need" (Al-Kāsānī 2003, vol. 2, p. 472). As noted above, the Ḥanafī school requires the transfer of wealth at the individual scale. Thus, if one is to follow the alleged dissenting Ḥanafī view of al-Kāsānī, they cannot pay *zakāh* to institutions but must pay it to the recipients themselves. While many modern *fatāwā* cite al-Kāsānī as a proponent of widening the scope of jihad and *zakāh*, very few recognize the frequently reproduced misrepresentation of his statement and its alignment with the rest of the *zakāh* scheme according to Ḥanafī *fiqh* (Ṣaqr 2010, p. 575).

Ibn Qudāmāh attributed the general interpretation of *fi sabīl Allah* to the Prophet's companion Anas ibn Mālīk and to al-Ḥasan al-Basrī. Ibn Qudāmāh's reference phrase begins with, "we do not know of a disagreement among the people of knowledge that *zakāh* is only permitted to be paid to these [eight] categories, except what was reported from . . ." (Ibn Qudāmāh 1997, vol. 9, p. 306). In addition to his disapproval of this reported exception based on some of the aforementioned Qur'ānic hermeneutics, scholars verified that the referenced opinion "is a misattribution caused by a misunderstanding of Abū 'Ubayd's transmission from both of them [Anas and al-Ḥasan] in his book *al-Amwāl*" (Ṣaqr 2010, p. 575).

Another reference to a broad interpretation of *fi sabīl Allah* is the Mālīkī jurist al-Qādī 'Iyād's mention of the term to mean "all good causes" and "jihad", with "the former being stronger and more evident" (Al-Ṭībī 1997, vol. 5, p. 154). 'Iyād's view is not directly quoted but merely referenced by al-Ṭībī (d. 743/1342) in his *al-Kāshif 'an Ḥaqā'iq al-Sunan*, as well as by al-Suyūṭī (d. 911/1505) and al-Sindī (d. 1138/1725) in their glosses on Sunan al-Nasa'ī. Importantly, it is not clear if 'Iyād included *zakāh* in the meaning of his statement since he was commenting on a *ḥadīth* that describes the reward of recommended *ṣadaqa*, ". . . Whoever is from the people of *ṣadaqa* will be called [to enter paradise] from the gate of *ṣadaqa*." (Saḥīḥ Al-Bukhārī, *ḥadīth* no. 1897). Al-Ṭībī, who did not provide any comments

on the reference, is cited among those who permit the inclusion of all good causes in *fi sabil Allah* (Al-Khulayfi 2007, pp. 90–91; Al-Hajj 2021).

Interpreting *fi sabil Allah* as good causes seems to be the predominant practice in the North American community. The fluidity in characterizing good causes contradicts the Qur'anic identification of *zakāh* eligible categories since this general meaning subsumes most, if not all, of the other prescribed categories. In investigating the contemporary *fatāwā* discourse on the eligibility of charitable institutions to receive *zakāh*, attributions made to early scholars inaccurately or incompletely represent the views of earlier scholars.

Many questions remain unanswered by contemporary *fatāwā*. What was the context of issuing these *fatāwā*? Are they intended to be universal or circumstantial? Does their brevity impose a legal or ethical responsibility on institutions to regulate their procedures and consider the social justice elements of *zakāh*, such as maintaining an equitable distribution among the categories of recipients? What is each individual's moral responsibility for investigating institutional policies? What is the communal obligation to ensure institutional accountability? These concerns and others critically extend the discussion beyond competing over traditional mainstream representation or reducing the issue to a mere 'difference of opinion' (*ikhtilāf*).

## 6. Eligibility of Institutions as Recipients and/or Distributors of *Zakāh*

Measuring the threshold of institutional misuse of *zakāh* depends on the legal capacity of the organization collecting it and the characterization of its role. Aside from the debate over the legal personhood of corporations (Al-Būfi 2009), the contractual relationship between donors and these organizations is complex. Organizations that solicit *zakāh* in North America can be categorized into three categories: (1) *zakāh*-specialized organizations that collect and distribute *zakāh* for external causes and/or individuals and deduct a portion for themselves as “*zakāh* workers”; (2) organizations that use *zakāh* for internal functions as a *fi sabil Allah* cause or for “those whose hearts are to be reconciled”; and (3) organizations that assume a combined role of both external distribution and internal use. Collectively, all three have questionable practices, raising issues related to recipient eligibility, permissible expenses (processing fees and fundraising costs), and agency (*wakālah*) contractual rights and obligations. Although tremendous scholarship and *fatwā* literature on *wakālah* of institutions and their qualification as *zakāh* workers exist in Arabic, little attention is given to the duality of an institution being both an authorized *wakīl* as well as an eligible recipient of *zakāh* itself in the North American context.

Since it is their primary mandate, *zakāh*-specialized organizations usually publicize a policy for their distribution schemes, however brief. Most are *zakāh*-calculation-focused tools in the form of guidebooks instructing donors rather than detailing internal operations of received funds.<sup>9</sup> A few provide clear policies of the adopted rules and methods of their internal operations, which are publicly declared (National Zakat Foundation n.d.a). However, only one declares the school of law (Ḥanafī) it adopts in distributing *zakāh* (National Zakat Foundation n.d.a, p. 3). Organizations falling in the second (organizations that accept *zakāh* for internal operations as a *fi sabil Allah* cause) and third (dual organizations of accepting *zakāh* for themselves as well as for others) categories are also prone to institutional flaws.

As discussed below, most policies vaguely define eligible recipients, especially with respect to the *fi sabil Allah* and those whose hearts are to be reconciled categories. Almost all organizations from this category assume their automatic eligibility for the category of *zakāh* collection workers to solicit a percentage of *zakāh* funds as administrative fees. Collection workers is another contentious *zakāh* category that necessitates certain qualifications for the workers and their authorizing entity. The overlap between *wakālah* and the rules of “those employed to collect it” category results in inconsistent applications of Islamic substantive and procedural laws. There is usually no clear layout of *wakālah* Islamic laws and procedures pertaining to contractual obligations, stipulations, and liability, as well as the intention of the giver and the agent.

Little publicly available research is conducted by these organizations to support their ongoing operational precedents or fundamental principles. Instead, most of the institutional decisions seem to be the result of internal deliberations, which are inaccessible except, possibly, through personal requests, and simply adopt a *fiqh* council's general *fatāwā* of permissibility without guidance on their particular operations. The following subsections attempt to analyze the categories of *fi sabil Allah*, *zakāh* workers, and those whose hearts are to be reconciled as applied by North American organizations.

### 6.1. *Fī sabil Allah*

*Zakāh*-specialized organizations define the categories of eligible donees as a means to self-regulate their operations, with *fi sabil Allah* being the most vaguely defined. For example, a Canadian organization defines it as “the people who are striving in the path of Allah far away from their homes”, describing that *zakāh* may “help them achieve a better living” (Penny Appeal Canada n.d.). The American counterpart of the same organization does not describe the use of the funds but merely defines *fi sabil Allah* as “in the way of God” (Penny Appeal US). Another crowdfunding platform “with thousands of entities raising funds” defines it to include “any attempt to proliferate Islam” but refers its campaigns’ eligibility decisions to listed “Zakat experts” (LaunchGood n.d.). Some organizations limit their *zakāh* work to non-controversial categories and uphold the concept of individual ownership, stating “Zakat is given to eligible applicants directly as a cash transfer or in kind . . . We do not use Zakat to raise funds. We do not use Zakat to cover core costs” (National Zakat Foundation n.d.a, p. 4).

The breadth of the modern concept of *fi sabil Allah* is implausible to establish on a solid traditional ground, let alone on a well-identified opinion of a developed school of law. New opinions pertaining to a well-established ritual adopted by most legal schools and practiced by Muslims for centuries must be closely examined. In the *zakāh* context, the efficiency of the new opinion may be examined by asking: (1) what qualifies as intellectual jihad or good causes, and (2) what procedural restrictions should limit the overuse of this new category?

By relying on the generality of the previously described 1985 Islamic Fiqh Council's *fatwā*, AMJA declared the permissibility of building Mosques using *zakāh* funds: “In the US and in the west in general, the Islamic work is sponsored by the Muslim community only and not by any governmental grants or any financial support in many cases. Consequently, building and maintaining Masajid is a legitimate Zakah recipient according to this approach” (Al-Qudāh 2009). Another *fatwā* permitted giving *zakāh* to “Islamic centers that are in need for that, whether to help running them or paying their debts”; however, if such centers are “free of want” by means of endowments or become under the charge of governments or any other bodies, they are not allowed to take *zakāh* (AMJA Resident Fatwa Committee 2004).

In responding to an inquiry from an American Muslim organization serving people with disabilities, AMJA stated that *zakāh* can be paid to the “jihad of *daʿwah*” to cover the expenses of printing braille Qurʾāns and providing sign language services and “all other ‘*daʿwah* and educational programs” (AMJA Resident Fatwa Committee 2020). Similarly, in response to an inquiry from a multi-service organization (offering Qurʾānic programs, job training, scholarships, rehabilitation, women shelter, mental health services, food pantry, printing and distributing Qurʾān and *daʿwah* materials, interfaith functions, and organizing marches and protests for refugee rights), AMJA stated that “*daʿwah* activities and what assists with them are considered *fi sabil Allah*” and that this includes “spending on students of knowledge, especially sacred knowledge, distributing Qurʾān copies and pamphlets which introduce Islam to others” (AMJA Resident Fatwa Committee 2021). While preferring the use of *ṣadaqa* to organize marches or protests for refugees, AMJA extended the potential use of *zakāh* funds if there is a dire need for it.

Islamic organizations are abstract entities that do not automatically fall under any *zakāh* categories. The non-profit framework for many Islamic organizations may be mis-

leadingly understood as beyond a mere tax designation to refer to an ongoing state of need for their causes (Shakfeh 2020). These issues trigger individual responsibility by Muslims to ensure that their *zakāh* reaches its deserving recipients immediately and that the organization is not using *zakāh* to benefit itself openly or secretly (Karamali 2020).

Intellectual jihad seems to be a fluid concept championed by many contemporary Muslim figures and institutions to cover many aspects of *daʿwah*, including educational programs, teaching and learning expenses, publishing materials, and training individuals, as well as establishing think tanks, research institutions, and media outlets. Almost every aspect of these relies on *zakāh* funds as a main source of operational sustainability. In contrast with the juristic strictness when it comes to spending on jihad, most proponents of extending *fi sabīl Allah* to good causes do not provide any procedural guidance or demand transparency in dispensing *zakāh*. Surveying the web presence of non-*zakāh*-specialized organizations soliciting *zakāh* for their internal operations reveals that they do not provide publicized policies on how they administer *zakāh*.

Some institutions solicit *zakāh* toward their operations while others play a double role of representing the community in distributing it and taking portions toward their functions. Indeed, limits need to be set in place with regard to salaries, construction, operational costs, utilities, *daʿwah*, and events, in addition to tuitions or scholarships in the case of Islamic schools. Moreover, clear accounting measures must be enforced to separate *zakāh* funds from regular donations and ensure the immediate, or *maṣlaḥa*-based deferral, dispensation of the money. The neglect of such limits and measures re-counts the reasons why traditional scholars warned against paying *zakāh* to *bayt al-māl* in fear of mismanagement or corruption (Al-Qaraḍāwī 1973, vol. 2, pp. 784–91). The absence of procedural rigor and communal accountability risks the abuse of a ritualistic foundation of Islam and the misappropriation of the poor’s money granted to them by God prior to any discretionary transactions or institutional medians.

Following the semi-conservative view of broadening the meaning of jihad, only a few North American Muslim organizations have attempted to delimit the understanding of intellectual jihad toward the effective resistance against racism, Islamophobia, and dehumanization of Muslims. Extrapolating the accessible *zakāh* policies shows that the number of institutions which are dedicated to such intellectual engagement or which collect *zakāh* only for this purpose is scarce. Undeniably, living as a minority in a society that is largely hostile or unfriendly to Muslims presents serious issues, such as the organization of well-funded Islamophobic networks and the hijacking of the cyber-world to accelerate Islamophobia, creating a new reality for sources of violence against Muslims (many recent vicious attacks against Muslims came from individuals who are radicalized through the internet and social media). Since jihad, as engaging in warfare, is not possible for Muslims in North America, this lived reality provides an argument for intellectual jihad to be the most viable alternative.

Nonetheless, such legitimate considerations are often proclaimed in rhetorical arguments that fall short of proper characterization aligning with the traditional rules of jihad without falling into invalid *tafīq* or creating uncharted discretion. Jihad—when used in the technical sense of waging a just war—is a costly enterprise that does not constantly exist nor demand *zakāh* funds. Eliminating actual and potential poverty remains the primordial cause of *zakāh* during peacetime. The repeated assertion of the change of time and meaning of jihad is flawed since the historical Muslim community experienced similar situations in which no physical jihad was undertaken while countless good causes and *daʿwah* projects existed. Throughout history, classical *fiqh* has never been viewed as impeding *daʿwah* but seems to be perceived as one in today’s community work.

## 6.2. Those Employed to Collect It (Zakāh Workers)

In employing the category of *zakāh* workers to *zakāh* organizations in North America, three defining characteristics of the category need to be reassessed. First, the traditional requirement for *zakāh* workers to be appointed by the state (or at least the community) is

not factored into the self-regulated nature of *zakāh* corporations. Second, the traditionally permitted costs are extended from individual worker wages to unprecedented operational fees and overhead costs. Third, the traditional job of *zakāh* workers is reduced to merely receiving and distributing digitized money transfers, making their salary more for the remuneration of the time spent than for the laborious accounting or physical inventory of different types of assets.

#### 6.2.1. Zakāh Organizations as Quasi-State Zakāh Workers

Since no Islamic governance or official authority exists in North America, some modern opinions empower the Muslim community to legitimize *zakāh* workers' recipients. Of the contemporary *fatāwā* offering flexibility for quasi-state appointment of *zakāh* workers, the fourth forum of "Zakāh Modern Issues" held in Bahrain in 1994 qualified organizations which are recognized, or delegated, by the Muslim community (Bayt Al-Zakāh al-Hay'ah al-Shar'iyya 2020, p. 7). In a 2012 *fatwā*, AMJA briefly stated the permissibility of establishing a mock *Bayt al-Māl* by Muslim minorities in the form of non-profit organizations to administer communal charity funds (AMJA Resident Fatwa Committee 2012). Despite upholding communal recognition and delegation, such *fatāwā* do not offer procedural guidance on establishing or running such institutions. Communal acknowledgment should involve a discussion on how many representatives the community needs, the qualifications of the individuals leading them, and how they should operate.

In addition to communal recognition, some *fatāwā* provide additional conditions that quasi-state *zakāh* workers ought to follow. For example, in the 27th meeting in 2020, the same "Zakāh Modern Issues" forum confirmed its position and re-iterated the following conditions:

1. The portion of this category may not exceed one-eighth (12.5%) of the total *zakāh* funds collected.
2. No salary bonuses or gifts are allowed to be paid from the *zakāh* funds.
3. It is not allowed to use *zakāh* funds on media announcements and promotions.
4. By the end of the fiscal year, the surplus of this category must be directed toward the other categories.
5. *Zakāh*-funded account must be independent of any other charity accounts (Bayt Al-Zakāh al-Hay'ah al-Shar'iyya 2020, p. 8).

If *zakāh* organizations are considered *zakāh* workers, such conditions must be enforced alongside other rules applicable to *zakāh* workers by virtue of their Islamic vested authority (*wilayāh*). Determining the kind of *wilayāh* (i.e., delegation/*tafwīd* or otherwise) which applies to *zakāh* organizations is necessary to inform their structure, conditions of appointment, and job descriptions. In the absence of Muslim governance, organizations may not legitimately self-appoint themselves to occupy the space of state-appointed *zakāh* workers—they must have some form of communal acknowledgment and follow Islamic administrative rules applicable to all *zakāh* workers. Since there are no geographical and jurisdictional limits to what constitutes a community and there is, arguably, no truly effective and functional community beyond individual mosques and institutions in North America, such acknowledgment only comes from individuals who contribute to a particular institution and support its causes. In an era when Muslim religious organizations are increasingly adopting corporate mentalities, and individual Muslims are forming numerous hubs of collective representation, these discussions need to be at the forefront of their operations.

#### 6.2.2. Operational Fees and Overhead Costs as Zakāh Worker Expenses

Even if a *zakāh*-specific organization meets the requirements of a *zakāh* worker, not all of its expenses in administering *zakāh* are automatically deductible from the collected funds. The specific permissibility of compensating *zakāh* workers' wages from *zakāh* money is not directly translated to permit deducting *zakāh* organizations' overhead costs from *zakāh* money. Some *fatāwā* neglect this framing of *zakāh* workers. For example, the European Council of Fatwa and Research allows *zakāh*-focused organizations to take up to one-eighth



of the collected *zakāh* for “operational fees” without explicating what these fees entail ([European Council of Fatwa and Research 2018](#)).

The excessive logistical costs of fundraising (i.e., booking venues, key-note speaker honorariums, dinners, decorations, and promotion materials) are often unclearly expensed from a combined *ṣadaqa* and *zakāh* pool of funds. Rarely do these organizations inform the audience of the relevant *zakāh* rules, nor do they announce the division of costs between general donations and *zakāh*. The most controversial of these expenses is the traditionally unprecedented North American practice of providing fundraising speakers with predetermined honorariums as a percentage of the collected donations. While covering these costs from *zakāh* qualifies for misappropriation, even using general donations instead remains questionable.

Nonetheless, most current *zakāh*-specific organizations deduct operational costs from the received *zakāh* money without defining what constitutes operations. For example, an organization declaring itself to be a *zakāh* worker broadly permits itself “to use up to 12.5% of donations made to zakat-specific funds for core work, including administrative and operational functions” (Islamic Relief US) Another organization used “11 cents per Zakat dollar on average as designated Zakat administrators working to collect and distribute your Zakat”. The organization boldly assures donors not only that these 11 cents per dollar are still legitimate *zakāh*, but also suggests that *zakāh* workers, such as themselves, may be more deserving recipients of *zakāh* than other categories of recipients:

the 11 cents per dollar goes to purifying your wealth and fulfilling your Zakat obligation. All of it counts as Zakat . . . Zakat Workers are the third of the eight categories of divinely designated Zakat recipients, with some scholars saying that the Quran’s list of Zakat designees appears in order of Zakat priority, and it is the Zakat collectors and distributors that make the institution of Zakat possible.

([Zakat Foundation of America 2022](#))

No reference is made to those scholars who allegedly prioritized *zakāh* workers over the subsequently listed categories, and, similar to other organizations, their administrative costs are not specified. In the case of a crowdfunding platform, the administrative cost is limited to “no more than 12.5% of gross Zakat funds collected in a given year” and specifically covers “paying those employed in administering and distributing Zakat” (Launch Good). Because “it is difficult to verify compliance with the 12.5% limitation” in crowdfunding campaigns, this platform refers campaigns to “a Zakat expert for verification” ([LaunchGood n.d.](#)). While case-by-case assessment of fundraising practices is praiseworthy, it is not the common practice among organizations.

Even those that announce they take 0% for their own administrative costs nonetheless permit their “implementation partner on the ground to allocate a maximum of 10% towards the administrative cost of the program” ([Penny Appeal Canada n.d.](#)). This setup is similar to the American branch of the same organization which admits that “a portion of the zakat we collect does go towards paying for administrative costs which enable us to collect zakat, distribute zakat, and monitor the programs we fund” (Penny Appeal US). In a seemingly accommodative framework, many organizations offer donors the choice to choose whether they want their *zakāh* to be used for administrative costs. For example, one organization states the following:

We give choice to the giver as to how they would like to contribute to the cost of receiving the donation, verifying applicants and distributing their Zakat to people in need. Givers may cover the contribution from Zakat or ‘make their Zakat 100%’ by covering it from an additional contribution of Sadaqah instead. Either way, we limit the contribution to no more than 10% of the value of a giver’s Zakat, unless a giver voluntarily chooses a higher amount.

([National Zakat Foundation n.d.a](#), p. 3)

However, organizations employing this method still problematically allocate percentages of collected *zakāh* money to cover administrative costs (collecting, distributing, and moni-

toring programs, core work, and operational functions) without verifying the permissibility of such expenses on a case-by-case basis.

Notably, *zakāh* funds primarily compensate workers for their local administration of *zakāh*. Expensing the accumulative transfer and wiring costs from what would otherwise be workers' compensation is problematically heightened by today's overemphasis on targeting overseas relief. To protect the interests of the needy recipients, these costs can be covered by the assigning party (*muwakkil*) or by general non-*zakāh* donations. It should be noted that across all schools of law, jurists agree on the restricted permissibility of moving *zakāh* outside of their locality. Specifically, if there are local eligible recipients whose needs are not fulfilled, most jurists consider sending *zakāh* funds outside that locality to be prohibited (*harām*) or, at least, reprehensible (*makrūh*). Such prohibition or reprehension is religiously binding while nonetheless legally valid (the actor is rendered sinful while the act suffices for the obligation). In limited circumstances, considerations of fulfilling equal or superior priorities in other localities may be justified by some jurists to be permissible (Al-Qaraḍāwī 1973, vol. 1, pp. 809–20).

A series of questions are triggered when quasi-state (communally appointed) *zakāh* workers are distributing funds internationally: Which community are they representing? What are the geographical boundaries of their distribution? Does their work automatically assume moving funds internationally by the mere wishes of donors, or does it necessitate the wishes of the organization's community?

### 6.2.3. Reducing the Labor of Zakāh Workers to Mere Wakālah

The traditional definition of *zakāh* workers is limited to those employed by the government and falls within two general types of professions: audit related (i.e., accountants) and distribution related (i.e., suppliers). Both have detailed job descriptions outlining their required educational and experiential background (Al-Qaraḍāwī 1973, vol. 2, pp. 579–93). The first type of *zakāh* workers was historically granted access to private agricultural properties to assess, count, and weigh produce and livestock to determine payer obligations. The second type of *zakāh* workers was akin to social workers who identified the socioeconomic status of community members to determine recipient eligibility. In the current digitized North American financial context, the role of *zakāh* workers is largely reduced to soliciting and distributing *zakāh* funds.

The different context makes today's organizations only slightly resemble *zakāh* workers and more closely resemble Islamic law's framework of *wakālah* volunteering to distribute *zakāh* on behalf of donors. *Wakālah* is a bilateral contract in which an agent (*wakīl*) takes the place of a principal (*muwakkil*) in performing an authorized permissible act. When this act is dispensing *zakāh*, the *wakīl* is the organization and the *muwakkil* is the individual payer of *zakāh*. The overlapping framework for characterizing *zakāh* distributors is not a novel one. Al-Nawawī stated, "if the distributor of *zakāh* is the owner or his *wakīl*, the worker's portion is discarded and it [the *zakāh*] must be [re-]distributed to the rest of the seven categories if found, or to whoever is available" (Al-Nawawī 1980, vol. 6, p. 185).

*Wakālah* in today's *zakāh* work is operationally critical. Many jurists held that it is better for an individual to pay their *zakāh* than commissioning others to dispense it on their behalf (Al-Nawawī 1980, vol. 6, p. 138). In pre-modern societies, *zakāh* payers personally knew the people in need—there was a relationship that made the payment of *zakāh* from one to the other an act of communal solidarity. Moreover, the local community was a limited geographical area determined by measurements of distances (i.e., *masāfat al-qasr* and *masāfat al-'adwā*).<sup>10</sup> However, in today's economy, people are often segregated by financial status, making many wealthy Muslims unaware of local, eligible *zakāh* recipients. Modern social dynamics also impose new considerations pertaining to the dignity of the recipients upon the direct one-off encounter with the payer. Hence, institutional *wakālah* in today's *zakāh* work is always viewed as indispensable.

When organizations assume the characterization of *wakālah*, heightened responsibilities apply to both the agent and the principal. If the *muwakkil* identifies no specific donating

cause, the *wakīl* is obligated to exercise caution since it is the property of others, analogous to the endowment supervisor, minors, or orphan guardians. In addition to ritualistic rulings regarding the intention (*niyyah*) of the principal, agent, or both, the *muwakkil* is responsible for selecting what they believe to be the most trustworthy organization to dispense their *zakāh* on their behalf. Some organizations vaguely respond to a commonly asked question by donors about which project they should direct their *zakāh* toward: “You may make your zakat contributions toward any of our funds or projects. It is your intention that counts in this case. However, if your contribution is specifically made to our zakat fund, then we will follow specific zakat guidelines” (Islamic Relief USA n.d.; Penny Appeal USA n.d.).

If stipulating recipients or dedicating portions is needed to guarantee the *zakāh* is paid to the rightfully deserving recipients, donors are responsible for doing so. Some jurists stipulated the uprightness (*adālah*) of the agent commissioned to dispense it (Al-Mirdāwī 1856, vol. 3, p. 197). For an agent to be upright, they are to work for the benefit of the principal who appointed them, know the rules of *zakāh*, and implement them in a manner that would not invalidate the principal’s *zakāh*. If the agent does not properly dispense the *zakāh*, the principal is still responsible for making it up (Al-Nawawī 1980, vol. 6, p. 165).

The legitimization of applying the category of *zakāh* workers to institutions collecting *zakāh* is not without question. Administrative rules about wages, overhead costs, fundraising logistics, and backlogged undistributed *zakāh* resources must be made clear, especially in the case of *zakāh*-specific organizations. As for organizations that use *zakāh* for internal purposes, the absence of a developed *zakāh* policy in many mosques, schools, educational programs, and *da‘wah* institutions makes the administration of *zakāh* funds dependent on the discretionary decisions by individual imams or board members. Often, no regular consultation is made with scholars of *zakāh* research institutions to guarantee compatibility with best practices. This diffuse and unregulated authority not only enables misuse of funds but also dismisses accountability: Who is responsible for mismanagement? Is it the board, other community members, the imam, or someone else? How are conflicts of interest prevented when the same individuals determine both the *zakāh* portions distributed and the portions funding operational costs and salaries? Some organizations simultaneously assume three roles: (1) being *zakāh* eligible as a *fi sabīl Allah* cause, (2) being *zakāh* eligible as a *zakāh* worker, and (3) acting as an agent representing the community in dispensing *zakāh*. The conflicts of interest in such a scenario, especially without detailed policies, could not be more apparent.

### 6.3. Those Whose Hearts Are to Be Reconciled

After the death of the Prophet, jurists debated over both the continued functionality of this category and whether non-Muslims are included in the scope of reconciling hearts. So long as there is a public interest in doing so, Ḥanbalīs and Mālikīs are more lenient on including non-Muslims, with Ḥanbalīs being the leading authority on the continued existence of this category after the time of the Prophet.<sup>11</sup> In examining how this category is applied in North America, the following issues arise: (1) what are the Ḥanbalī school’s definitions and conditions of those eligible individuals? and (2) how can this category be applied without an official Muslim authority deciding the scope of recipients under this category?

Briefly, “those whose hearts are to be reconciled” are defined as “leaders who are obeyed by their peoples and clans” (Ibn Qudamāh 1997, vol. 9, p. 317) and classified into Muslims and non-Muslims based on the practice of the Prophet and his companions. *Zakāh* to non-Muslim leaders includes those embracing Islam (as encouragement) and those who are anti-Islam (to deter them from harming Muslims). *Zakāh* to Muslim leaders includes those with social influence (to encourage their peers to become Muslim or to remain steadfast in Islam), those with authority (to strengthen their faith and prompt their assistance in jihad), those living near borders with non-Muslim regions (to support their defense of Muslim lands), and those who will pressure individuals who withhold from paying *zakāh*

(Ibn Qudamāh 1997, vol. 9, pp. 317–18). These six sub-categories of recipients under the category of those whose hearts are to be reconciled are not only strictly defined by detailed juristic conditions for recipient eligibility but are also supposed to be governed by Islamic authority.

Multiple contemporary scholars and *fatwā* institutions have furthered the Ḥanbalī's position of maintaining the category's existence and advocated for its utilization in the modern world through building state allies or supporting the integration of new Muslim communities to combat missionaries (Al-Qaraḍāwī 1973, vol. 2, pp. 609–10; Farūq and Al-Zinkī 2020, pp. 413–16). However, there is no overarching argument for the proposition that individual Muslims can direct their *zakāh* to people they assume fit within a category of those whose hearts are to be reconciled. To enable the use of this category in non-Muslim lands, some have propounded that communal representation can substitute for absent official authorities but limited its scope to primarily Muslim recipients (Al-Qaraḍāwī 1973, vol. 2, p. 609).

Theoretically, the category of those whose hearts are to be reconciled is framed within a broader socio-political context. According to one *zakāh*-focused organization, this category is a 'soft power' that influences and persuades without force and coercion (National Zakat Foundation n.d.b). Influence under this soft power "is achieved by building networks and communicating compelling narratives. The result is Tamkin (firm establishment), influence and power. This gives rise to greater stability and self-determination" (National Zakat Foundation n.d.b). Accordingly, recipients may include "individuals helping the wider community to have more positive perceptions of Islam and Muslims; those who may pose harm to Muslims; and those new to the faith in order to deepen their sense of belonging and commitment" (National Zakat Foundation n.d.b). In the context of Muslim minority communities, this category is interpreted as a "constructive social and political engagement with the aim of achieving a more conducive environment for Muslims to practice their faith" (National Zakat Foundation n.d.b). While these definitions may not necessarily reflect the on-the-ground applications of *zakāh*-focused organizations, they represent the current North American understanding of eligible recipients as presented to the community.

In practice, *zakāh*-focused organizations define this category as "[t]hose that incline their hearts towards good. Zakat may be used to soften the hearts of those who are non-Muslims so they can become Muslims or allies of Muslims" (Penny Appeal Canada n.d.). Hence, "[a]ny act that would preserve a person's Islam or prevent Islam from being disparaged, would fall into this category" (LaunchGood n.d.). This widely includes "[d]awah for non-Muslims, new Muslim support and care programs, programs for at-risk population, and campaigns for those who have social and economic restrictions (shelter for women and children)" (LaunchGood n.d.). For institutions and mosques which solicit *zakāh*, this category is frequently used to support new Muslims. Assuming their valid representation of official Muslim authorities, it is unclear whether these organizations ensure the compatibility of the individual recipients to have the afore-described social or political influence and whether *zakāh* funds will be used to further those identified goals.

Some new Muslims face serious social problems of being abandoned or disowned by their families and overall support groups, qualifying them for the need-based *zakāh* categories. These needs are crucial to adjusting converts to new social realities, such as providing food and housing (potentially near Islamic institutions or Muslim neighborhoods). However, the reality is that many institutional services for new Muslims broadly apply the category of those whose hearts are to be reconciled to developing or purchasing *da'wah* materials or providing Qur'ān translations for new Muslims, which is outside of even the farthest interpretation of this category. These expenses are often flexibly accepted as being *zakāh* eligible without discussing the six sub-categories above or recognizing the need to assume the role of official authorities to assess *maṣlaḥa* or strategize public interest funds for those whose hearts are to be reconciled. In addition to the questionable legitimacy of these institutional practices, this ongoing improper classification often confuses *fi sabil Al-*

*lah* with the category of those whose hearts are to be reconciled. Blurring these boundaries and miscategorizing *zakāh*-eligible causes risk trivializing the Qur'ānic text, something that no believer should intend to do.

## 7. Conclusions

The ritualistic purpose of *zakāh* limits the analogical extension of its prescribed categories to unprecedented categories or causes. Even some of those modern *fatāwā* which permit *zakāh* to fund general good causes condition their permission on not exceeding the rights of the rest of the categories (Al-Khulayfi 2007, p. 83). Misinterpreting and misclassifying the categories of *fi sabīl Allah*, *zakāh* workers, and those whose hearts are to be reconciled neglect other deserving categories of recipients.

The objective of this paper is not to limit the *zakāh*-eligible causes but to raise our standards in assessing their eligibility. Indeed, there are other categories of *zakāh* that are underserved. For example, the wayfarer category is a unique Islamic temporary financial assistance for those who have issues reaching their homelands or acquiring a suitable shelter. Multiple scenarios can reasonably fall under this category, including refugee support for those who suddenly lose access to their wealth.<sup>12</sup> The 2018 report issued by the United Nations High Commissioner for Refugees shows that almost two-thirds of the world's refugees come from Muslim countries (The UN Refugee Agency 2018). Another example is that of debt relief. Islamic law provides venues for covering personal loans (those qualifying for a legitimate *shar'ī* cause) to combat the exploitation of financial needs or profiting from interest-based loans. The *zakāh* scheme for those in debt offers a type of social insurance against unforeseeable conditions without prior individual contributions or discrimination against eligible recipients (Al-Qaraḍāwī 1973, vol. 2, pp. 623–24).

The current state of *zakāh* work in North America suffers from multifaceted issues that, when left unidentified, risk potential mismanagement of scarce resources and abuse of power, even if unintentional, entrusted to institutions. The issues raised throughout this paper can be grouped into two overarching themes: (1) the lack of religious legitimacy and legal consistency (not emphasizing the religious obligation of individuals as *zakāh* payers and/or *muwakkils*, not enforcing *zakāh* workers' qualifications or *wakālah* rules on institutions, and flexibly broadening *zakāh*-eligible causes), and (2) the lack of procedural transparency and organized communal accountability (unspecific policies without structures for communal representation in situations otherwise requiring Islamic governance, and without rules preventing conflicts of interest for service providers who are also beneficiaries).

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## Notes

<sup>1</sup> See, for example, (Karamali 2020; Shakfeh 2020).

<sup>2</sup> For a discussion on *talfīq* in modern Muslim nations' legislation, see (Hallaq 2009, pp. 117 and 178).

<sup>3</sup> The preponderant opinion in the Shāfi'ī school is that it is *mujmal*, see (Al-Sharawānī and Al-'Abbādī 2016, vol. 4, pp. 5–6).

<sup>4</sup> In some situations, the reluctance is much heightened given the Patriot Act's criminalization of providing material support to a wide range of foreign "terrorist" organizations, as designated by Congress, even if only intending to support nonviolent ends. 18 U.S.C. § 2339B. The government is entitled to deference in designating an entity as a foreign terrorist organization. See Holder v. Humanitarian Law Project, 561 U.S. 1, 5 (2010) (the majority holding that the requisite mental state for prosecution under the material support clause does not depend on one's intention to promote an organization's violent ends.).

<sup>5</sup> "a higher percentage of Muslims spend on domestic poverty outside their faith community (81%) than spend on domestic poverty relief within their faith community (60%)" (Mahmood 2019, p. 7).

<sup>6</sup> Baydoun cited the Pew Research Centre (2017) on Muslim American demographics.

<sup>7</sup> For more detail on the concept of *tamlīk* in *zakāh*, see (Al-Jammal 2020).

- <sup>8</sup> In 1986, during the 9th conference, the 5th decision stated a similar conclusion, see (*Al-Mujamma' al-Fiqhī al-Islāmī n.d.*, pp. 213–17).
- <sup>9</sup> See for example, *Islamic Relief USA (n.d.)*; *Islamic Relief Canada (n.d.)*; *Penny Appeal Canada (n.d.)*; *Penny Appeal USA (n.d.)*; and *LaunchGood (n.d.)*.
- <sup>10</sup> *Masāfat al-qaṣr* is the distance at which one is allowed to shorten a four-unit (*rak'ah*) prayer to two. *Masāfat al-'adwā* is an estimated distance beyond which one can expect a response upon a cry of help.
- <sup>11</sup> Some inter-madhab discussions exist in other schools as well. (*Al-Qaraḍāwī 1973*, vol. 2, pp. 598–99).
- <sup>12</sup> Various juristic qualifications may apply to individuals traveling for lawful causes or those who are temporarily unable to access their resources. (*Al-Qaraḍāwī 1973*, vol. 2, pp. 678–85).

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