

## Paying Zakaat by error to people other than due recipients

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

In the name of Allaah, the Most Merciful, the Bestower of Mercy

**Question:** Is the person exempt from Zakaat if he has paid it by error, and gave it out to people other than its due recipients? Particularly if its payment is based on the fatwa of some Imams of mosques? We would like you to clarify and detail the answer as much as possible and may Allaah reward you.

**Answer:** All praise is due to Allaah, the Lord of the Worlds. Peace and blessing be upon whom Allaah sent as a mercy to the Worlds, upon his Family, his Companions and his Brothers till the Day of Resurrection.

It is incumbent upon the Muslim to be sure about the payment of Zakaat. Yet, If he paid his Zakaat to a person thought to be a due recipient and he gave it out to him by error while he did not know his reality and contented himself with estimating him by his appearance, or being recommended by someone who knows his circumstances; but after that, it appeared that he is not a due recipient of Zakaat, then -in this case- the person is exempt from the duty of paying Zakaat, according to the hadeeth of Ma'n Ibn Yazeed رضي الله عنهما who said: "My grandfather, my father and I gave the pledge of allegiance to Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ. The Prophet got me engaged and then got me married. One day, I went to the Prophet with a complaint. My father Yazeed had taken some gold coins for charity and kept them with a man in the mosque (to give them to the poor), but I went and took them and brought them to him (my father). My father said: By Allaah! I did not intend to give them to you", I took (the case) to Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ. Upon that Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said: **'O Yazeed! You will be rewarded for what you intended. O Ma'n! Whatever you have taken is yours'**<sup>1</sup>. Al-Bukhaaree devoted a chapter entitled: "Chapter concerning: if a person gives charity unintentionally to his son"<sup>2</sup>, and according to the hadeeth of Aboo Hurairah رضي الله عنه that Allaah's Messenger صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ said: **"A man said that he would give something in charity. He went out with his object of charity and unknowingly gave it to a thief. Next morning the people said that he had given his object of charity to a thief. (On hearing that) he said: 'O Allaah! All the praises are for You. I will give charity again.'** And so he again went out with his charity and (unknowingly) gave it to an adulteress. Next morning the people said that he had given his charity to an adulteress last night. The man said: **'O Allaah! All the praises are for You. (I gave my charity) to an adulteress. I will give charity again.'** So he went out with his charity again and (unknowingly) gave it to a rich person. (The people) next morning said that he had given his charity to a wealthy person. He said: **'O Allaah! All the praises are for You. (I had given charity) to a thief, to an**

<sup>1</sup> Reported by Al-Bukhaaree (1422) on the authority of Ma'n Ibn Yazeed رضي الله عنهما.

<sup>2</sup> See: "Saheeh Al-Bukhaaree with the explanation of Fath Al-Baaree" (3/291).

## Paying Zakaat by error to people other than due recipients

adulteress and to a wealthy man.' Then someone came and said to him: 'The charity that you gave to the thief, might make him abstain from stealing, and that given to the adulteress might make her abstain from adultery, and that given to the wealthy man might [make him take a lesson from it and] spend his wealth which Allaah has given him in Allaah's Cause.'<sup>3</sup> Al-Bukhaaree devoted, concerning this hadeeth, a chapter entitled: "***If a person gives charity to a rich person without a prior knowledge of his richness***"<sup>4</sup>, i.e., his charity is accepted<sup>5</sup>.

This being said, the ruling is the same if the fatwa that a Muftee has issued for him as regards the validity of giving the Zakaat to some categories; so he (the payer of Zakaat) gave it according to the fatwa. Then he learnt that he had given it to the wrong person; therefore, he is exempt from the duty of paying Zakaat, and he is not required to pay it again, contenting with the predominant conjecture and he has what he intended, according to his saying صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ: "**...and every person will get the reward according to what he has intended**"<sup>6</sup>. Conversely, the one who already knows that the asker (of Zakaat) is not a due recipient, this one is required to pay it [again] and is therefore bound up with the obligation of paying Zakaat to its due recipients, according to what was reported by Aboo Dawood and others that: "Two men came to the Prophet صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ when he was at the Farewell Pilgrimage while he was distributing charity and asked him for some of it. [They said] He looked us up and down, and seeing that we were robust, he said: '**if you wish, I shall give you, but neither a rich man nor a person who is strong and able to earn has a share of it**'"<sup>7</sup>.

The perfect knowledge belongs to Allaah عَزَّ وَجَلَّ; and our last prayer is all the praises and thanks are to Allaah, the Lord of the Worlds, and prayers of Allaah are to Muhammad and his Family, Companions and Brothers until the Day of Resurrection.

Algiers on Jumaadaa Al-Oolaa the 16th, 1429 H Corresponding to May the 21st, 2008 G.

<sup>3</sup> Reported by Al-Bukhaaree (1421) and by Muslim (1022), from the hadeeth of Aboo Hurairah رَضِيَ اللهُ عَنْهُ.

<sup>4</sup> See: "Saheeh Al-Bukhaaree with the explanation of Fath Al-Baaree" (3/290).

<sup>5</sup> See: "Fath Al-Baaree" (3/291) by Ibn Hajar (3/290).

<sup>6</sup> Reported by Al-Bukhaaree (1) and by Muslim (1907), from the hadeeth of 'Umar Ibn Al-Khattaab رَضِيَ اللهُ عَنْهُ.

<sup>7</sup> Reported by Aboo Dawood (1633) and by An-Nasaa'ee (2598), from the hadeeth of 'Ubaydallaah Ibn 'Adiy Ibn Al-Khiyaar that two men informed him. Ibn 'Abd Al-Haadee in "At-Tanqeeh" said: "It is an authentic hadeeth and its narrators are trustworthy". Al-Imaam Ahmad -May Allaah be pleased with him- said: "What a good hadeeth with the best chain of narration" [See: "Nasb Ar-Raaya" by Az-Zayla'ee (2/401)], and the hadeeth is judged authentic by Al-Albaanee in "Al-Irwa'" (3/381).