

Charity Organisations in Islam

The Islamic Verdict

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Introduction

Before we can discuss the Islamic verdict of charities in Islam it is essential to comprehend the Islamic State, Khilafah, as a System of Life catering all of life affairs, including welfare.

The most fundamental role of the Khilafah is to manage and to look after the affairs of the Ummah and the subjects through implementing Islamic laws internally and by carrying Islam as a message and a way of life to the whole world externally. The Ummah does not appoint him or give him allegiance except for this purpose hence if he fails to do this it becomes obligatory to account him and Allah (SWT) makes the accountability of the Khalifah the divine right and duty of the Ummah. Therefore Islam has specified general responsibilities upon the ruler in such a way that there remains no room for doubt or confusion. Islam clarifies the ruler's responsibilities concerning himself and those relating to his subjects.

The most apparent characteristics concerning himself in relation to his behaviour in his capacity as a ruler are piety, kindness towards his citizens and a strong personality i.e. his mentality must be one of ruling and his behaviour that of a ruler.

If he is weak and does not have the mentality of a ruler nor his behaviour then he is not allowed to be in a position of a ruler, not even over only two people.

It is reported in Sahih Muslim upon the authority of Abu Zarr that the Messenger Muhammad (SAW) said: "*O Abu Zarr! you are a weak person (in relation to ruling) and I like for you what I like for myself, do not be in charge over two people or even a guardian over an orphan*".

Muslim also reported in his Sahih that Abu Zarr narrated:

"I asked the Messenger of Allah (SAW): "Oh Messenger of Allah! appoint me in a position of responsibility, make me an 'Aamil (i.e. a state job like a ruler or a collector of Zakat). He (SAW) tapped my shoulder and said:

"Oh, Abu Zarr! you are weak and this is a trust and a responsibility and in the hereafter there will be humiliation (if you fail to fulfil the duty) and you will be sorry except for those who earn the responsibility and fulfil their duties".

Muslim also narrated that Aisha (ra) said:

"I heard the Messenger say in my house: "O Allah! whoever is in charge over my Ummah and makes hardship for them, O Allah make hardship for him! and whoever is in charge of my Ummah and is gentle and kind to them, be gentle and kind to him!"

From the above evidences we can see clearly that gentleness, kindness, Taqwa and a strong personality are essential characteristics, amongst many others, for a ruler. As far as his relationship with the subjects is concerned the Shari'ah orders him to manage and to look after their affairs.

Overview of the Ruling System

The Five Principles Of The Ruling System:

Al-Hakimiyyah Lillah:

Supremacy is for Allah (SWT) only,

As-Siyadah Lil-Shari':

Sovereignty is for the Shari'ah only,

As-Sultan Lil-Ummah:

Authority is for the Muslims,

Al-Wehdah:

The Islamic state is one unitary state i.e. only one Khalifah or Imam,

Al-Qarar Wa At-Taa'ah:

The right of ruling, adopting Islamic law and order, and of obedience is for none but the Khalifah or Imam.

The evidences for the last above-mentioned principle highlight that managing the affairs of the Ummah and of the state internally and externally is restricted to the Khalifah and is one of the attributes of the state. The principle is extracted from the evidence for the following points:

Firstly: Obedience to the legitimate Muslim head of state is obligatory upon every Muslim and every citizen/subject.

Secondly: Looking after the affairs of the Muslims and subjects is obligatory upon the head of state (i.e. Khalifah).

Thirdly: Making decisions whether before or after consultation is an absolute right and duty of the head of state.

The first point emanates from the explicit Quranic verses which make obedience to the legitimate Waliyy-ul-Amr, who is ruling by Islam, as

obedience to Allah (SWT) and his Messenger (SAW) deserving reward if obeyed and punishment in this life and in the hereafter if we disobey him.

Allah (SWT) says:

"Oh believers, obey Allah and obey the messenger and those in charge over you (i.e. legitimate Muslim rulers) and if you dispute with them in any matter refer it back to Allah and his messenger if you believe in Allah and in the hereafter" [EMQ 4:59]

It is reported in Muslim and in Bukhaari upon the authority of Abu Hurairah that the Messenger Muhammad (SAW) said:

"Whoever obeys me he obeyed Allah and whoever disobeys me he disobeyed Allah and whoever obeys the ruler he obeyed me and whoever disobeys the ruler he disobeyed me."

Bukhaari further narrated upon the authority of Abdullah bin Omar that the Messenger Muhammad (SAW) said:

"... listening and obedience is obligatory upon the Muslims whether they like it or dislike it as long as they are not ordered to do Haram. If ordered to do Haram there is no listening and obedience."

Bukhaari also reported upon the authority of Ubaadah bin As-Saamit who said:

"We gave the pledge of allegiance to the Messenger of Allah (SAW) to listen and to obey in whatever we like or dislike; in hardship or in ease; whether in our favour or not; and not to dispute with those in charge except if we see clear explicit Kufr for which we have clear divine evidence as proof."

The above texts (i.e. Quran and Ahadeeth) are clear proof that obedience to the head of state, whether he be called Khalifah, Imam or Amir-ul-Momineen or Waliyy-ul-Amr (ruler) is obligatory because he is the Khalifah (ruler of all the Muslims) and this is the opinion of the classical scholars from among all Islamic schools of thought. Among them we quote the following:

Imam Shihab-ud-deen Al-Alussi Al-Baghdadi in his book *Ruh-ul-Ma'ani*, in his Tafsir of the Quran, in volume 5, at page 66, says: "*It is obligatory to obey the Imam (i.e. the Khalifah) in all his orders whether they are to do or to refrain from something*".

Imam Ibn Qayyim in his book *A'laam Al-Muw-raqi'eeyn*, in volume 1 at page 48 says: "*Allah makes obedience to the ruler part of obedience to the Messenger by stating that they will be obeyed the way we obey the Messenger*".

Imam Al-Ghazaali in his book *Al-Iqtisaad Fil-I'tiqaad*, in volume 1 at page 135 says "*The Islamic system of life which Al-Islam refers to will never be established or organised except by a Khalifah who is obeyed*".

Imam Al Baajouri in his book *Jowharat-ul-Tawheed*, in volume 2 at page 101 says: "*Obedience to the Khalifah is obligatory upon all subjects whether internally or externally*".

Imam Al-Sha'rani in his book *Al-Mizan* in volume 2 at page 157 says: "*The head of the state is the one who has the authority and the sole right to bind the Ummah in what he adopts from the Ahkaam (i.e. divine laws) and he must be obeyed*".

Imam Al-Abshihi in his book *Al-Mustatraf* in volume 1 at page 88 says: "*Obedience to the ruler will establish the pillars of the Deen and organise the affairs of the Muslims and disobedience to the ruler will demolish the pillars of the Deen and the highest level of happiness and reward which comes from obedience to the ruler from his protection from any Fitnah, trial or test; and by obedience to the Sultan the Hudood will be established, the obligations fulfilled, the honour will be protected and the public-highways will be secured*".

From the above evidences and quotes come the famous Shari'ah principles;

The command of the ruler removes any dispute, and

The command of the ruler will be executed internally and externally (openly and privately).

The ruler in Islam is the Khalifah or anyone he appoints for any task e.g. governors, deputies, judges, manager's, assistants and Zakat collectors. Obedience and authority for all the above emanates from the power which the Khalifah has, which emanates from the people who choose him to rule only by Islam.

As for the second point, the head of state has responsibility before the Ummah to manage her affairs since the Shari'ah makes him responsible to protect and manage the interests and affairs of the Muslims. The Ummah gives him its authority to rule by what Allah (SWT) has revealed, to ensure Islam is established practically inside the state and that it is carried to the whole world.

After the death of the Messenger of Allah Muhammad (SAW) the Muslims hurried to elect a Khalifah to take charge and lead them after him (SAW). The Prophet's (SAW) leadership was comprehensive for all Deen and worldly affairs whether in the sphere of politics, economics, socially, judicially or otherwise and he was the only one who had such authority in his capacity as the leader of the Islamic state (besides being a messenger of Allah). Naturally these responsibilities and duties shifted to the new leader and became a responsibility, duty and obligation upon him to the exclusion of anyone else. We can hence define the Khilafah as "the absolute highest authority for the Muslims world-wide to implement Islam internally and to carry it to the whole world." Managing the affairs, implementing Islam and removing disputes cannot be accomplished except by appointing a leader therefore this appointment becomes Fard (i.e. obligatory) because of the Shari'ah principle: "*..whatever is required to fulfil a Fard becomes Fard..*"

The evidence that managing the affairs of the people is the responsibility of the head of state is based on the Hadeeth narrated by Bukhaari, Muslim, Abu Daoud and Tirmizi upon the authority of Abdullah Ibn Omar who said that the Messenger Muhammad (SAW) said:

"You are all shepherds and for each of you are sheep to look after (i.e. each one of us has responsibilities to fulfil). The leader has responsibility and charge over the people and he alone has this responsibility. The Man has responsibility and charge over his household and he alone has this responsibility. The woman has responsibility for her husbands wealth and children and she alone has this responsibility. The servant (i.e. employee) has responsibility over his master's

(i.e. employer's) money and wealth and he alone has this responsibility. So you are all responsible and everyone of you has his own responsibilities."

The Fuqaha (jurists) from the various Islamic schools of thought agree that the responsibility to manage the affairs of the people is an obligation upon the neck of the leader of the Islamic state alone and on those he appoints. We quote the following among them:

Imam Al-Qalqashandi in his book *Ma'aathir ul-Inafa Fee Ma'aalim Al-Khilafah* in volume 1 at page 8 says: "*..the position of the Khalifah is a general authority and responsibility over the whole Ummah..*"

Imam As-Soyuti in his book *Al-Ashbaah wan- Nazaa'ir* at page 121 says "*.. Imam Al-Shaf'i said that the position of the Imam to the subjects is like that of the guardian to the orphan.*"

Imam Muslim in his book *Sahih Muslim* in volume 12 at page 213 says: "*...the guardian (i.e. leader of the Islamic state) is the trustee and supervisor committed to managing and handling whatever is within his sight.*"

Imam Al-Aieji in his book *Al-Mawaaqif* in volume 8 at page 349 says:"*...some of the main objectives of the Khilafah (Islamic state) are: to protect the faith, to judge between people, to remove disputes and to secure and fulfil the rights.*"

The above evidences and quotes from classical scholars have specified the head of state's responsibilities from the divine text leaving no room for the illiterate, ignorant or government preachers for any other interpretation, in fact it would be difficult to find another topic classified and explained in such fine detail as is the case with the responsibilities of the head of state.

Imam Al Quraafi in his book *Qawaa'id Al-Furouq* in volume 2 at page 206 states "*..whatever the Messenger Muhammad (SAW) did in his capacity as leader of the state is not allowed for anyone except by permission from the leader of the state himself.*"

As for sending the army of Jihad to fight the disbelievers (i.e. offensive Jihad), punishing the apostates and the rebels or those liable for

punishment, spending the money of the Bait-ul-Maal (e.g. the money of Zakat) to the eligible recipients, collecting Zakat from those liable to pay it, appointing judges and governors, dividing the booty or signing treaties and truces, these are all the responsibility of the Khalifah alone or his appointees and are not permitted for anyone else.

Imam Al Mawardi in his book *Al-Ahkam As-Sultaniyyah* at page 18 set out the responsibilities and the duties of the Imam. He says: "*The following 10 matters are obliged upon the leader...*"

1. Protecting the Deen from its firmly rooted and settled foundations in order to preserve it from any defect and to prevent the Ummah from going astray.
2. Executing the divine rules between disputing parties and settling the disputes between the people for justice to prevail. There will be no oppressors to transgress nor anyone weak who is oppressed.
3. Protecting the realm, that is the territory of the Islamic state (effectively called: Baidhat ul-Islam the "mother's nest" or "The Egg of Islam") and the subjects so that the people may live together, have relations and journey safely, secure from any threat to their lives or wealth.
4. To establish the Hudood (penal code) to ensure the prohibitions of Allah (SWT) are not violated and to secure the rights and property of the subjects from any threat or abuse.
5. Protecting the frontiers (expandable borders) of the state with strong military weapons and undefeatable forces in order not to let the enemy attack unexpectedly and thereby preventing them from killing or violating the blood of any citizen/subject whether Muslim or non-Muslim i.e. Zimmi.
6. Declaring Jihad against those who reject Islam after having been called to it and after having been requested to live under Islamic law and order in order to make Allah's Deen dominant over the whole world.
7. Collecting booties and Zakat and whatever Allah obliges upon him without fear or injustice.

8. Evaluating and distributing the wealth, grants and gifts to the subjects, including the money of Zakat to those eligible for it without extravagance or miserliness and making payments punctually neither before nor after their time.
9. Appointing Omana trustees , Wulaat governors, Umaraa rulers, Al-A'mileem A'liyha collectors of Zakat, Al-Jubaat distributors, Al-Nuqabaa Wa Al-Mudaraa managers, Al-Qudhaat judges and others responsible for the different departments of the state to ensure all departments have suitable professional people and that their affairs will be settled and the wealth safeguarded.
10. He must personally manage the affairs of the people and scrutinise the reports of his appointed rulers, governors and judges etc. in order to protect the Ummah and the Deen without complacency when dealing with his assistants and governors etc. and without being busy in pleasure-seeking or in ritual worship to ensure the trustees do not betray their trust and the trustworthy do not incline to dishonesty.

In confirmation of the fact that the responsibilities of the Khalifah should not be done except by those who have earned the position of Khalifah, Imam Mawardi adds on page 19: *"Although these are his obligations and duties obliged upon him, Islamically it is the duty and right of any ruler in the position of Khalifah politically since the Messenger Muhammad (SAW) said: "each one of you is responsible and each of you is responsible for his responsibilities.."*

In addition Imam Mawardi says: *"If the Imam fulfils the rights of the Ummah, as we have described above he will have fulfilled the right of Allah regarding their rights and duties in which case they will be liable to obey and support him as long as his situation does not change,"* i.e. the conditions of ruling (i.e. the Imam is eligible for these rights in return for fulfilling his liabilities).

Western Concepts

The Muslim Ummah has always been aware of and understood the responsibility of the Khalifah i.e. the state and always protected its presence ensuring its continuity and expansion until the Western disbelievers (Kufar) invaded the Ummah in the mid 18th century intellectually by raising doubts concerning its thoughts and concepts upon which the Islamic state was based in order to destroy it. They knew very well that the correct methodology to destroy an ideological state is to shake the confidence of its rulers, politicians, intellectuals, thinkers and the general public through their thought, concepts, principles and measurements which shape or form the entity and belief of the state. They succeeded to destroy the Islamic state in principle before destroying it practically and after, beside the intellectual defeat the Muslims suffered, there was the destruction and defeat politically, militarily and economically, eventually leading to the destruction of the Khilafah on the 3rd March 1924. The European countries then divided their new-found inheritance and spread their authority in all spheres of the Muslims' lives. The colonising countries brought their thought, culture and way of life to the Muslim countries resulting in a plethora of different thoughts, ideas and notions echoing those of the colonisers and contradicting those of Islam.

We list here just some of those western ideas which were spread among Muslims by other Muslims affected by and integrated with the Western culture:

1. The colonisers promoted the idea that the Islamic system is dictatorial because the leadership is with an individual since the Khalifah is the only one who has the absolute right to manage, to rule and to look after the affairs and interests of the state.
2. They claimed that Islam was spread by the sword and Jihad is to convert, by force, people to Islam.
3. They claimed Islam humiliates women, degrading her and abusing her rights through the permissibility of divorce, the obligation of the Khimar and Jilbab and the permissibility of more than one wife.

4. They claimed Islam is the enemy of freedom.
5. They claimed Islam is a mixture between politics and religion and permits political parties based on religion to be established.
6. They claimed Islam cannot match material development because it keeps you backward whilst material development wants you to progress.
7. They claimed Islam cannot put solutions for contemporary issues such as insurance and letters of credit and it forbids usury which is the backbone of the economic system in the modern world.

Unfortunately Muslims affected by Western thought and culture came forward to defend Islam and were led by trying to reconcile the European thought and culture with the Islamic thought and culture. Due to the strong tide of European culture coming into the Muslim countries they changed the facts, took matters out of context and interpreted the divine texts in a way so that it fitted with the Western culture. They tried to defend Islam with their weak defeated mentality and their defence turned out to be worse than the distortion and attack of the enemy. The answer they gave to the above claims were:

1. Islam is not a dictatorial system but a collective leadership based on the principle of Shura (consultation) and sovereignty and authority are for the people.
2. Jihad is only used for defending oneself.
3. Divorce in Islam is originally prohibited or at least disliked or prevented. Multiple wives is a permit in only very tough social situations in particular when the number of men is less than the number of women.
4. Islam calls for freedom and protects it. Muslims are free to believe what they wish.
5. There is no Deen in politics and no politics in the Deen. It is not allowed to establish political parties on the basis of the Deen and the

scholars and clergymen are like those of the church having no relationship with politics, their organisations and gatherings are not political but charitable.

6. Islam encourages us to take human Western civilisation and it always adopts and changes with any time, developments and fashion.
7. Islam permits insurance and the interest of the bank is called profit of trade and investment.

In other words defeated Muslims continued to find excuses and interpreted Islam to reconcile it with non-Islam i.e. Kufr. Unfortunately they have continued to regurgitate these same views even today! Consequently this century has become the century of Capitalism, of Riba, of benefit, of profit, of democracy, of freedom, of humanity, of peace and of liberalism. Those same defeated Muslims have an up-hill struggle nowadays still trying to reconcile Islam with all the requirements and demands of this century for fear of people accusing Islam of being backwards. This disease has reached proportions that it has even affected those considered to be scholars and intellectuals. The capitalist wind has swept away, like a hurricane, all the Islamic laws. Freedom, liberalism, and democracy (i.e. ruling and sovereignty for the people) has thrown against the wall sovereignty and rule for Allah, the Lord Most High. Usury has crept even into Zakat with the excuse that it is benefit for the poor people!!

Muslims with their slave mentality continue to talk about benefit and interest and continue to distort the Maliki school of thought and its adoption of Al-Masaalih Al-Mursalah. Many "moderate" scholars and government preachers spend much time and effort making research, looking for reasons to justify interests for the Muslims but fail to come up with anything more than excuses for e.g. the interest of banks, some permitting it outright whilst others permit for it to be given to the poor (claiming that there is however no reward for giving it away). Others still, claim that poor people have a right to the money of Riba and call for people to therefore withdraw it and to give it to the poor and charity organisations!

The Kufr regimes in Muslim countries have risen to write and distribute millions of booklets containing these corrupted fatwas since it agrees

with their interests and those of the capitalist century of usury, even if the fatwas contradict with divine definite text which has clear-cut meaning or with what is known from Islam by necessity. If one looks deeper at the situation and reality of those who are brave enough to abuse and violate Allah's commands, permitting what Allah has forbidden and claiming it to be in the interests of the Muslims we find that they neglect many other genuine interests of the Muslims.

If the interests of the Muslims was their sole concern they would never neglect such issues. Do any of them, for example, engage in Jihad with their body and wealth on the battlefield in order to liberate Muslim countries rather than calling US forces to occupy them? Do any of them sacrifice their lives and money in the struggle against the kufr regimes in order to establish the Khilafah rather than finding excuses for the rulers and their butchering and imprisonment of Muslim youth and scholars? How could they make these sacrifices when they can't even sacrifice a job in the Muslim World League or Al-Azhar or other charitable organisations? Instead you find them competing and struggling for these dubious jobs which are under the control of kufr regimes.

How could they sacrifice their lives and wealth when instead of taking the hand of the Muslim Ummah along the safe path to revive its unique personality and to attach their lives firmly to the Aqeedah and the rules which emanate from it to make them strong and instead of doing what they are supposed to as inheritors of the Prophethood, as He (SAW) said: "The scholars are the heirs of the Prophets..", they overload the Ummah with their corruption and increase the obstacles in their way until they become (i.e. the charities and the scholars) a burden upon the Ummah and an obstacle in its path towards revival. They overload the Ummah with thoughts and rules (or rather juristic fabrications), with excuses of being more practical and beneficial making thereby the divine rules merely theoretical and imaginary since they claim these are not practical. All this instead of trying to find the cause which prevents the Islamic laws being practical and to remove such causes i.e. the Kufr law and order dominating the world. These so-called scholars changed the Aqeedah of the Ummah from a practical one to a philosophical theory, from a unique system to the patch-work of charitable organisations. At the same time the Kufar continue to sit on the Ummah's chest occupying their land, exploiting their wealth, exposing their honour and keeping their land divided.

In these difficult times some so-called scholars form the Muslim World league, Al Azhar and "moderate" Islamic organisations appear not with swords, shields and banners the way the classical scholars came for Jihad and for struggle but rather as charitable organisations separating the Deen from life's affairs whilst doing some patch-work and offering at the same time their research and Fatawa permitting every strange transaction in the name of benefit and welfare and reconciliation with the current times. If they spent this money and effort or even their ink for the sake of Islam and for the revival of the Muslims it would be better for them.

On issues such as taking interest from banks, insurance, usurious loans, sharing power with Kufr regimes or voting for Kufr parties (such as Labour or Conservative in the UK) they usually retort "But what is the alternative?" Upon deeper analysis it materialises that the alternative they have in mind is the one acceptable to them permitting them to keep their jobs, to maintain their interests and their benefits without disruption. The businessmen among them want an alternative which blesses their credit facilities and does not prevent them gaining interest from the bank. The scholars among them want an alternative which allows them to hold onto their prohibited jobs and the charities among them want an alternative which will allow them to continue to operate, to represent the wishes of the Kufr regimes and the payment of moneys to themselves from those Kufr regimes and governments overseas.

In other words their question about the alternative is not to change the reality nor is it to please Allah (SWT) but rather to find a Fatwa permitting justification of the status quo and reconciling it with their antics. Obviously, any alternative whose aim is not the pleasure of Allah (SWT), to follow His (SWT) commands and to refrain from His (SWT) prohibitions has no value if it is not based on the Quran and Sunnah.

From the moment the Islamic state was destroyed until today we have heard some very strange Fatawa and opinions far removed from Islam and legitimate Ijtihad and contradicting clear-cut text. They number many, sometimes permitting peace with Israel, sometimes allowing Western forces and the US to enter Muslim land and to bomb our Muslim brothers and sister, sometimes forbidding the establishment of Islamic movements, sometimes prohibiting politics in Islam and sometimes

permitting charitable organisations to look after the affairs of the people by taking over the role of the state, for example, collecting Zakat with the lame excuse that we must find a practical alternative whilst the Khilafah is absent. And when an alternative is offered involving one to commit themselves practically to establish the Khilafah and to leave the patchwork (let alone what is prohibited and the obstacles set up in the way of this noble cause) and to start to carry Da'wah to the people culturing them to fulfil their duties and obligations such as Salat, Siam, Zakat and Hajj without establishing charitable groups doing the job of the Khilafah e.g. collecting Zakat, there is no doubt that they will face hardship. Hardship in paying Zakat directly, hardship in protecting their children from Kufr education, hardship in managing their own affairs but this will push us to work for real change and will help us to think deeply through our suffering to find the real solution which is to implement Islam i.e. to work to establish the Khilafah. However, this divine alternative is an obligation which challenges and threatens the interests of the beneficiaries of and those defeated and stunned by the West and its culture, particularly the interests and benefits of the leaders of those charitable organisations and groups. You will see them united together as one body, not for the sake of Jihad and the liberation of Muslim land or the establishment of the Khilafah, but to defend their charitable work and benefit such as their salaries, cars, houses, reputations and positions as if their charitable work is an obligation upon them. They say: "We should find a practical solution and alternative which fits with our situation" knowing full well that the situation is a dire and corrupted one which must be changed and that the solution must be one that changes the reality and situation rather than accepting it. The most loathsome and ugly illness for the daa'ie is that which makes them take the corrupted reality as a source for their thoughts, judgements and solutions rather than the Shari'ah which guides us to study the reality and look to it alone (i.e. the Shari'ah) for the solutions.

Managing the Affairs or Doing Good Deeds?

Managing the affairs is the responsibility of the state which involves a Khalifah being in charge over the Ummah in accordance with the Shari'ah. The difference between establishing a political Islamic party or group to look after the interests of the people through Da'wah to Islam, commanding good and forbidding evil and the management of the people's affairs is that the latter is the sole responsibility of the Khalifah, as mentioned in the aforementioned Ahadith, an obligation upon the Khalifah for which the Ummah chose him and granted him their allegiance.

As for good deeds, these are recommended in Islam for every Muslim, for example to build mosques, schools or hospitals or to feed the needy (Faqeer and Miskeen) etc.. The recommendation is based on many evidences from the Quran and Sunnah requesting us to do good deeds and these are known among the fuqaha as A'maal Al Birr because Allah (SWT) says "*Co-operate in the righteousness and piety (Al-Birr and Al-Taqwa) not in sin and transgression (Al-Ithm and Al-Udwan)*".

The fuqaha define Al-Birr using the principle 'Al-Birr is comprehensive for all good deeds except for what has been specified by Shari'ah for a particular person (e.g. the Imam)' and it is recommended i.e. if the individual fulfils the request he will get reward but if he does not do them there is no sin. Good deeds are the work of individuals and do not require a group.

The Zakat Collectors & Distributors

Al-'aamileen A'liyha is the plural of the word 'Aamil. The Shari'ah definition of the Al-'aamileen A'liyha is "*The collectors (As-Su'aat) and the distributors (Al Musaddikoun) of Zakat who are appointed by the Khalifah or his deputies, in order to collect Zakat from those who are liable to pay it and to distribute it to those who are eligible for it.*"

Moreover Al-'aamileen A'liyha are eligible for some of what they collect even if they are rich in return for their efforts in collection and distribution. It is reported on the authority of 'Ataa' bin Yasaar that the Messenger of Allah Muhammad (SAW) said "*The Zakat money is not allowed for the rich except for five, first the collectors of Zakat, or a man who bought it with his money, a poor person who receives it and gives it as a gift to a rich person or a Mujaahid or the one who has a debt.*"

It is reported (on the authority of Bisr Ibn Sa'eed) that Ibn As-Sayed Maliki said "*Omar bin al Khattab appointed me as an 'Aamil i.e. collector of Zakat, when I finished from collecting it and delivering it to him he offered me some money as a salary for the work. I said I did this for the sake of Allah. Omar replied "Take what has been given to you, by Allah the Prophet appointed me to do the same thing and I said exactly what you said to him and he said to me, 'If you've been given something without asking for it, take it, eat from it and donate it, if you wish'"*

Sheikh Taqi-uddeen An-Nabhaani, the founder of Hizb-ut-Tahrir, in his book *The Wealth (Al-Amwaal) in the Khilafah State* says: "*Zakat, whether it is cattle, crops or money (i.e. gold and silver) or wealth from trade and business will be paid to the Khalifah or to those he appoints as collectors or governors or the ones who assist them because Allah (SWT) says "Take from their wealth Zakat to purify them and cleanse them."* Allah (SWT) ordered his Messenger Muhammad (SAW) in this verse to take Zakat from the businessmen or those with wealth and he (SAW) used to appoint governors, assistants and collectors in order to take it from those who had wealth as well as appointing Al-Kharisseen i.e. evaluators of crops. The people at the time of the Prophet (SAW) used to pay Zakat to him (SAW) or to those he appointed and this was the situation after him

(SAW) as well. Therefore we must pay Zakat to the Khalifah, his governors and his collectors even if they are oppressors, as long as they rule by Islam and even if there is mis-implementation in their ruling."

The False Collectors and Distributors of Al-Zakat

Allah (SWT) restricted those who are eligible for Al-Zakat to eight types of Muslim. Allah (SWT) says:

" The only Muslims who are eligible for Al-Zakat are: Al-Fuqaraa poor Muslims, Al-Masakeen needy Muslims, Al-'Aamileen A'liyha those genuine Collectors and distributors of the funds, Al-Mu'alafati Qolubouhum new Muslims, Fil-Riqaab Slave Muslims who wish to free themselves, Al-Gharimeen Muslims who have lawful debts and/or blood-money to pay, Fi-Sabeelillah Muslims fighters i.e. Al-Mujahideen and Ibn Al-Sabeel the wayward Muslim travelers and this is an Obligation from Allah for He is Al-A'leem Al-Hakeem" [EMQ 9:60].

The verse is clear as to who we are obliged to pay Zakat. The False 'Aamileen A'liyha, the so-called collectors from charitable organisations such as Muslim Aid and Islamic Relief, are not included in the above verse nor are they Al-'Aamileen A'liyha i.e. those appointed by Al-Khalifah to collect and distribute Al-Zakat.

The Fuqaha (jurists) from the various Islamic schools of thought e.g. Hanafi, Maliki, Shafi'e, Hanbali, Zaahiri, Hadawi and Ja'fari etc. agree that collecting and distributing Al-Zakat is the responsibility of the leader of the Islamic state alone and on those he appoints. We quote the following among them:

Imam Al-Sarkhasi Al-Hanafi in his book Al-Mabsout volume 2 page 162 says: *"Al-Zakat is a divine right of Allah (SWT) and is to be collected and distributed by Al-Khalifah or his deputies(only) and whoever pays his Zakat to anyone else, as a collector of Zakat not appointed by the Khalifah, will not remove the burden of paying Zakat from his neck."*

Imam Al-Maliki in his book Al-Muwatta' at page 225 says: *"The Khalifah alone is to distribute the Zakat in accordance with his own Ijtihad ... and It is not*

allowed for the collector of Al-Zakat to get any share from Al-Zakat except what the Khalifah has specified for him."

Imam Al-Shafi'e in his book Al-Umm in volume 2 at page 84 says: *"Al-'Aamileen A'liyha are those appointed by Al-Khalifah to collect and to distribute Al-Zakat."*

Imam Ahmad in the book of As-Sharih Al-Rabbani Li-Musnad Ahmad in volume 8 at page 190 says: *"The Khalifah alone has the authority and responsibility to collect and to distribute Zakat whether by himself or through those he appoints and has the authority and responsibility to fight those who reject to pay it."*

Imam Ibn Hazim in his book Al-Muhalla in volume 5 at page 268 says: *"Al-Mussaddiq is the one appointed by Al-Khalifah to collect Al-Sadaqaat"* he added in the same book in volume 6 at page 44 : *"Al-'Aamil is the collector of Al-Zakat and his situation can be one of two: either a) he is appointed by Al-Khalifah or his deputy who we are obliged to obey or b) he is sent to us by one who we are not obliged to obey . If the collector has been appointed by anyone different than the Khalifah or his deputy we are not obliged to obey him nor are we allowed to pay him our Zakat for Allah (SWT) and his Messenger did not permit others to collect Al-Zakat, nor we are allowed to hand it to them and whoever pays them any money he/she is sinful and does not remove the burden from his/her neck and must pay Al-Zakat again. Those who pay Al-Zakat to a false collector i.e. one not appointed by Al-Khalifah, are aggressors, commit an act of aggression and a prohibited deed because the Messenger Muhammad (SAW) said: "Any deed not based on our command is prohibited".*

Imam Al-Nawawi in his book Al-Majmou' in volume 6 at page 167 says: *"It is Obligatory upon the Khalifah to appoint and to send the collectors of Al-Zakat because the Messenger Muhammad (SAW) and the Khaleefs after him used to do so. This matter is well known and confirms what has been reported by Sahih Al-Bukhari and Sahih Muslim upon the authority of Abou Hurairah that "The Messenger Muhammad (SAW) appointed Omar Bin Al-Khattab to collect Al-Zakat". Moreover it has been reported by Sahih Al-Bukhari and Sahih Muslim upon the authority of Sahel Bin Sa'ed that "The Messenger Muhammad (SAW) appointed Ibn Al-Litbiyah to collect Al-Zakat."*

Imam Ibn Qudama Al-Hanbali in his book Al-Mughni volume 2 page 446 says: *“Al-Zakat is a delegatable duty and the Khalifah has the right to fight for it and whoever pays his Zakat to anyone else, as a collector of Zakat not appointed by the Khalifah, will not remove the burden of paying Zakat from his neck.”*

Imam Al-Sana’ni in his book Subul Al-Salam volume 2 page 634 says: *“What we mean by the income of the collectors is what is allocated from Al-Zakat by the Khalifah to those he has appointed.”*

Imam Al-Hadawi in his book Uyoun Al-Azhaar fi Fiqh Al-Aimmah Al-Atthaar at page 137 says: *“The responsibility of the collection of Zakat is a duty upon Al-Imam externally and internally and whoever pays it to anyone else will not remove the burden from his neck, even if he is ignorant, because it is a matter known by necessity.”*

Imam Al-Kohajie in his book Zaad Al-Muhtaaj volume 1 page 494 says: *“The Khaleefs after the Messenger Muhammad (SAW) used to appoint the collectors of Zakat . Moreover it is better if a person himself pays his Zakat to the Khalifah directly.”*

Imam Ibn A’bideen Al-Hanafi in his book Al-Hashiyyah volume 2 page 3 says: *“Al-Zakat will be collected by the collector who Al-Khalifah appoints even if it has to be collected by force because Al-Khalifah or his ‘Aamil are those acting as delegates Al-Wakeel for any Muslim who is liable to pay Zakat.”*

Duties of Individuals, Groups & The State

The continuous management of the affairs of the Muslim Ummah e.g. to govern them by Islam, implement the penal system, impose judgments on them, declare offensive Jihad, enter into treaties, build motorways, hospitals and schools, collect and distribute Zakat or tax etc... is the duty of the Khalifah alone i.e. the Islamic State. It is therefore prohibited for any individual or group to involve themselves in any of the Islamic State's responsibilities or they will fall into sin.

The capitalist democratic system on the other hand permits, to certain extent, organisations or individuals to involve themselves in the state's responsibilities since their principle of a state is a set of institutions or departments which together form a representative body, a concept alien to Islam which stresses that the state is one unitary body manifesting itself through the khalifah and his deputies.

Concern about the affairs of Muslims and involvement in good deeds are recommended in Islam upon individuals and groups on a voluntary basis e.g. helping local people to build a mosque, a school, a clinic or a well, helping needy people locally, accepting delegation for the delivery of money for needy people or for Jihad etc.. It is reported in Sahih Bukhari and Muslim that the Messenger Muhammad (SAW) said:

"If the Ash'arieen (a Muslim tribe) have widows or face a shortage of food in their village collect in Madina from among yourselves what you can in one blanket and divide it among them equally for they are of me and I am from them"

NB: We must differentiate between managing the affairs of the Ummah which is the responsibility of the State and managing the affairs of a family, group or company etc. which is the responsibility of the head of the family, the director of that company or the Ameer of the group in accordance with the Islamic conditions.

The Islamic Verdict

The Islamic verdict on individuals or groups involving themselves in any of the responsibilities of the Khalifah (Islamic State):

The fatwa or divine rule regarding any individual or group, whether charitable or political organisations, involving themselves in any of the Islamic state's responsibilities is that it is Haram, they are committing a sin and must stop such prohibited deeds immediately, and whosoever works for them, deals with them, donates to them or pays his/her Zakat to them is also sinful.

This is a fatwa which emanates from the Quran, the Sunnah and Ijma' As-Sahaba (from the scholars of truth Ulama Al-Haqq who have nothing to do with any government or state nor do they work in any government departments nor are they government preachers).

The Misconceptions

People think wrongly that if it is prohibited to pay our Zakat to a charitable organisation such as Muslim Aid or Islamic Relief and no Islamic state exists today we are excused from paying Zakat until the Khalifah is established.

This is incorrect since the duty of paying Zakat is obligatory upon every Muslim, adult or newborn (i.e. upon the baby's guardian), on his/her wealth if it has reached the divine limit i.e. Al-Nisab Al-Shari'e and on a yearly basis, whether we have an Islamic State or not. In addition Zakat is known in the Science of Usul Al-Fiqh as Fardh Naa'eb i.e. an obligation we can delegate to the Khalifah if the Islamic State is present or to any individual Muslim if the Islamic State is absent on the condition that the individual delegated must not be part of any organisation involving themselves in the duties of the Islamic State e.g. to be involved in collecting the money of Zakat for remuneration.

There is also the assumption that if there is no Islamic State we can help ourselves by doing what the state must do. This is prohibited as mentioned in the above fatwa. This is the situation of many Islamic movements and groups involving themselves in prohibited actions e.g. collecting the money of Zakat, signing treaties with governments on behalf of Muslims, implementing the Islamic penal system, killing the apostate etc.. instead of involving themselves in the duties which Allah has allocated for them. Allah (SWT) says: "***... let there arise from among you group(s) calling Society to Islam and commanding good to the society and forbidding the evil of the society....***" [EMQ 3:103]. There is no doubt that Man-made law (kufr law) is one of the greatest evils of any society today, and calling for Islam as a belief and as a system of life is one of the highest Mar'rouf or good deeds.

Those groups who ignore the fundamental duty upon them of establishing the Islamic state and involve themselves instead with doing the States duties are refraining from their specified duties in order to engage in unlawful charitable activities and they make many secular Muslims feel content with merely donating instead of giving up their kufr concepts of secularism. These so-called charitable activities have become

political tools for the groups to collect the money of Zakat and to send it abroad to Pakistan, Bangladesh, Lebanon and Palestine for their supporters to get more votes in elections so that they may participate in those kufr regimes under the notion that 'if you cant get it all get as much as you can.' These activities are prohibited and sinful acts because they defuse the anger and the emotions of the Muslim Ummah and keep them busy refraining from their responsibility to make Allah's Deen dominant. There is a well known Islamic principle that the means to Haram is Haram.

There is another misconception that to register a charitable organisation is Haram. This claim is false because a prohibition is not derived from the reality of charitable organisations but from Quran and Sunnah. This claim has arisen due to such organisations becoming very common and the majority of the charitable organisations involving themselves with jobs the Shari'ah has specified for the Khalifah. It is wrong to say 'to register charities is Haram because the majority of them are involved in Haram deeds'. We should say that it is sufficient Fardh(Fardh Al-Kifayyah) upon Muslims wherever they reside to have among them group(s) who respond to the call of Allah in the Qu'ran [3:104] whether they register themselves as a charitable or political organisation or not as long as they are not involved in prohibited actions or do what has been specified for the Islamic state alone.

It may also be suggested that since there is no Islamic state today we need to do as much as we can in the meantime. This is nonsense since we have a Hadith of the Prophet(saw) that he said: " *Each one of you has his own responsibility etc....*" Moreover if we accept the suggestion and keep doing the Khalifah's job where is the need for him? It is akin to saying that those women whose husband's are absent in Jihad can have responsibilities towards them e.g. to sleep with them and to socialise with them and comfort them, fulfilled in their husband's absence under the absurd notion of doing 'as much as we can'. The same applies to the duties of the khalifah.

Another assumption is that these charitable organisations, who are involved in taking the responsibilities of the Khalifah, are doing good deeds and are devoted to helping the needy. Upon deeper analysis it become clear that their staff are in fact earning prohibited income from the money collected in the name of Al-'Aamileen A'liyha and in the name of

charity! There remains therefore little to separate these people from someone in the business of selling shoes or potatoes except that the income of the latter is lawful whereas the earnings of the former are prohibited since they are doing the job of the Zakat collectors Al-'Aamileen A'liyha, and they are not the genuine collectors of Zakat because the Shari'ah definition of the Al-'aamileen A'liyha is "*The collectors (As-Su'aat) and the distributors (Al Musaddikoun) of Zakat who are appointed by the Khalifah or his deputies, in order to collect Zakat from those who are liable to pay it and to distribute it to those who are eligible for it.*"

A brief glimpse at the accounts of these charitable organisations, who grieve and shed tears for needy Muslims in return for remuneration, reveals that, for example Muslim Aid or Islamic Relief and others collect millions of pounds and spend more than a third of it on their own premises, administration and staff salaries! Which is Haram for them to collect in the first place let alone to use it for their huge salaries and expenses! And yet they still have the courage to condemn sincere movements who do good deeds and work towards the establishment of Al-Khilafah (the Islamic State) and the liberation of occupied Muslim land. While these prohibited charitable organisations and their paid staff adopt titles like "people of Taqwa" and "hands of khair " by helping the needy not from their pockets but from other Muslim's pockets, they are injecting the Ummah with poisonous secular ideas such as by saying "we are a charitable body and do not involve ourselves in politics or Jihad. Aouzobillah! It is time to realise the dangers of sincerity with ignorance and of a secular mentality. May Allah (SWT) guide us all to His Deen. Ameen.

NB: Nowadays, in the absence of the Islamic State every Muslim is obliged to pay his/her Zakat directly to the categories which have been mentioned in the verse [EMQ 9:60] except to the genuine collectors i.e. Al-'aamileen A'liyha because the cause of their existence is the existence of the Islamic state and the cause of their absence is the absence of the Islamic State. However Zakat is a delegatable duty which means that it is allowed to delegate an individual Muslim to pay it on behalf of you to those who are eligible as long as they are not charitable or political organisations involved in collecting Zakat as their duty, whether voluntarily or involuntarily, because their existence is prohibited.