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Dissenting Opinion to the Council's Position on Zakāh

A Jurisprudential Case for Restrained, Non-Clerical, and Holistically Accountable Zakāh Practice in North America

This rebuttal advances a reasoned objection to the council's endorsement of a zakāh fatwā that reorients zakāh from a bounded act of worship toward a standing funding mechanism for organizations. Such an approach exceeds juristic limits and undermines zakāh's legal and devotional integrity.

Zakāh occupies a distinctive position in Islamic law as a financial obligation whose legal essence is that of ritual worship (ʿibādah), even as it produces clear social and economic consequences. The Qurʾān consistently couples zakāh with ṣalāh as a defining marker of servitude to Allah: "Establish prayer and give zakāh" (Qurʾān 2:43; 9:11; 24:56). This repeated conjunction underscores that zakāh, like prayer, is governed by divinely fixed conditions rather than open-ended utilitarian reasoning. Classical jurists, including al-Ghazālī, consistently affirm that the presence of discernible human benefit does not displace zakāh's devotional character. Accordingly, a failure to discharge zakāh correctly constitutes, first and foremost, a deficiency in worship rather than merely a shortfall in charitable redistribution. This principle establishes a critical jurisprudential boundary: unlike transactional or administrative domains governed by expandable legal rationales (ʿilal), zakāh remains an act whose validity is contingent upon conformity to divinely prescribed limits rather than contextual utility.

The Qurʾān's explicit enumeration of eight zakāh recipients reinforces this boundary with exceptional clarity: "Zakāh expenditures are only for the poor, the needy, those employed to collect it, those whose hearts are to be reconciled, for freeing captives, for those in debt, in the path of Allah, and for the stranded traveler—an obligation ordained by Allah. And Allah is Knowing and Wise" (Qurʾān 9:60). The verse's restrictive particle (innamā), followed by the declaration farīḍatan min Allāh, establishes zakāh distribution as a fixed ordinance rather than a discretionary policy instrument. From a legal-theoretical standpoint, this enumeration signals intentional constraint. Zakāh is therefore not a general-purpose communal fund but a regulated act of worship whose distribution cannot be indefinitely broadened through appeals to public interest (maṣlaḥah) or necessity absent clear juristic warrant. Any expansive reinterpretation of categories such as fī sabīl Allāh must remain methodologically tethered to established

jurisprudential rules to avoid transforming zakāh from a bounded obligation into an open-ended institutional resource.

Contemporary North American zakāh practices reveal increasing tension between this juristic structure and institutional realities. While zakāh organizations offer logistical convenience, the institutionalization of zakāh has often coincided with a gradual detachment from its normative foundations—namely, its central role in poverty alleviation, distributive justice, and personal moral accountability. Empirical studies suggest that communal awareness of zakāh's legal categories and ethical objectives is diminishing, replaced by generalized assumptions of institutional permissibility and moral branding.

This shift is compounded by limited procedural transparency and weak governance mechanisms. Many zakāh organizations provide little publicly accessible justification for their allocation models, relying instead on broad fatāwā of permissibility that are insufficiently operationalized. Classical jurists warned against directing zakāh funds to centralized treasuries precisely because of the risk that administrative discretion could override recipient rights. These concerns are magnified in modern nonprofit ecosystems where conflicts of interest, professional incentives, reputational considerations may subtly influence zakāh allocation.

Particularly contentious is the contemporary invocation of discrimination and Islamophobia, political marginalization, and civil rights advocacy as justificatory grounds for allocating zakāh under expanded readings of fī sabīl Allāh. While the lived reality of Muslims as minorities—including organized anti-Muslim networks, legal discrimination, and digitally accelerated dehumanization—is undeniable, Islamic jurisprudence does not recognize the redress of all communal harms as an automatic claim upon zakāh funds. Even within semi-conservative frameworks of ijtihād, juristic restraint remains essential. Ijihād, in its technical legal sense, is exceptional, episodic, and costly; it does not constitute a perpetual entitlement to zakāh resources. During peacetime, the prevention and elimination of poverty remains zakāh's presumptive and dominant objective.

This same demand for restraint applies with equal force to al-muʾallafatu qulūbuhum, a category frequently invoked—often implicitly—to justify zakāh allocations toward public relations, advocacy, or influence-building efforts. Properly understood, taʾlīf al-qulūb does not dilute zakāh's limits; it exemplifies them. Classical jurists consistently treated this category as conditional, situational, and evidentiary. Eligibility hinged on identifiable individuals whose reconciliation was plausibly linked to concrete assistance for the Muslim community, whether through neutralizing hostility, securing protection, or facilitating daʿwah. The category was thus personal and targeted, not abstract or institutional.

Significantly, no classical school conceptualized al-muʾallafatu qulūbuhum as a standing response to generalized social animus or reputational harm. The category addressed specific circumstances, not enduring structural conditions. Even jurists who affirmed its continued

validity after the Prophet ﷺ emphasized its exceptional nature, while others—including leading Companions—suspended its application when its underlying conditions were no longer present. This juristic hesitation underscores a critical principle: taʾlīf al-qulūb is episodic rather than permanent, and tactical rather than programmatic.

Applied to the contemporary North American context, this distinction is decisive. Discrimination, political exclusion, and media bias—however real—are diffuse, systemic, and ongoing phenomena. By contrast, al-muʾallafatu qulūbuhum presumes identifiable recipients, a reasonable expectation of proximate benefit, and the absence of adequate non-zakāh alternatives. Where influence, persuasion, and legal redress are regularly pursued through salaries, grants, coalitions, litigation, and philanthropic funding, claims of zakāh-level necessity (ḍarūrah) are substantially weakened. Zakāh cannot be converted into a perpetual subsidy for advocacy infrastructures without collapsing a narrowly defined juristic exception into a general entitlement.

Moreover, invoking taʾlīf al-qulūb to justify institutional zakāh collection exacerbates the very governance concerns that attend expanded readings of fī sabīl Allāh. Because the category requires individualized judgment and contextual discernment, it resists bureaucratization. No organization, council, or scholarly body can legitimately position itself as the enduring agent of taʾlīf al-qulūb without transforming juristic interpretation into institutional self-interest. Classical application assumed political authority accountable to the community—not religious professionals embedded within zakāh-collecting nonprofits.

At a more fundamental level, zakāh's nature as an individual act of worship imposes an additional and often overlooked limitation: it is not the domain of clerical control or institutional capture. Zakāh is owed by individuals, discharged by individuals, and validated by individual intention (niyyah). While jurists historically clarified zakāh's rules, they did not administer or monopolize it as a clerical function. Excessive involvement of religious authorities, councils, or scholars in directing zakāh flows risks converting a personal devotional obligation into a managed religious commodity. From a jurisprudential perspective, such interference threatens the integrity of ʿibādah, which is premised on minimal mediation and maximal sincerity.

This does not negate the advisory role of scholars in clarifying eligibility criteria; rather, it circumscribes their authority. Juristic scholarship defines the law—it does not own the act of worship. When scholars or clergy become embedded within zakāh-collecting institutions without clear accountability, disclosure, or operational limits, the risk arises that interpretive authority becomes entangled with institutional interest. This dynamic undermines both public trust and the principle that zakāh is a direct obligation owed to Allah before it is a social mechanism.

The contemporary zakāh landscape in North America thus suffers from two interlocking failures. First is a failure of legal restraint: the dilution of zakāh's ritual character, the elastic expansion of recipient categories, and the overreliance on juristic permissibility divorced from operational

specificity. Second is a failure of governance: insufficient transparency, inadequate communal oversight, and blurred boundaries between scholars, institutions, and beneficiaries.

In jurisprudential terms, entrusting zakāh to an organization constitutes a limited agency relationship (wakālah muqayyadah), not a transfer of religious authority. The institution acts on behalf of the individual payer and must therefore adhere strictly to the payer's legal and devotional obligations. This agency is conditional upon transparency, competence, and fidelity to divinely mandated limits. Where these conditions are absent, the moral and legal validity of institutional zakāh mediation is seriously compromised.

Fiqh al-Maʾālāt (Jurisprudence of Consequences)

A proper application of fiqh al-maʾālāt—the jurisprudence of foreseeable outcomes—does not license the expansion of zakāh categories beyond their textual and juristic limits; rather, it reinforces the obligation of restraint. Classical jurists invoked maʾālāt to prevent legally permissible acts from producing outcomes that undermine the objectives of the Sharīʿah, not to override explicit textual constraints. In the case of zakāh, the foreseeable consequences of institutional overreach are neither speculative nor benign. The normalization of flexible interpretations risks entrenching bureaucratic dependency, diverting zakāh away from its primary recipients, eroding public trust, and gradually reconstituting a fixed act of worship into a discretionary funding stream. From a maʾālāt-based perspective, the long-term harms of such transformations—juristic dilution, governance opacity, and devotional erosion—outweigh short-term strategic gains. Thus, fidelity to fiqh al-maʾālāt demands not expansive permissibility, but heightened caution, especially where alternative funding mechanisms exist and where deviation threatens to permanently alter the character of a divinely ordained obligation.

Accordingly, the Muslim community is not only justified but obligated to reclaim zakāh from institutional overreach. Zakāh is neither a discretionary charity nor a general-purpose communal budget. It is an act of worship whose integrity depends on restraint, clarity, and accountability. Preserving zakāh's role as an ummatic institution requires resisting both clerical monopolization and institutional instrumentalization, while reaffirming its primary function: the just and dignified redistribution of wealth as commanded by Allah.

Addendum: Clarification on Intent, Trust, and the Scope of Discrimination and Islamophobia Response

It is necessary to clarify that the foregoing argument is not an indictment of any particular organization, nor a judgment on the sincerity, integrity, or communal value of groups and institutions. On the contrary, these organizations have played—and continue to play—a meaningful role in defending civil liberties, providing legal advocacy, amplifying Muslim voices, and responding to documented instances of discrimination. Their contributions are recognized, appreciated, and trusted by large segments of the Muslim community.

This rebuttal does not question the legitimacy of such work, nor does it deny the reality, severity, or persistence of discrimination against Muslims. Discrimination is a real and multifaceted phenomenon, manifesting through surveillance, discriminatory legislation, media misrepresentation, social hostility, and episodic violence. Addressing it is a moral and communal imperative.

Rather, the argument advanced here is categorically fiqhī in nature. It concerns the limits of zakāh as a legal category, not the worthiness of causes, the good faith of institutions, or the urgency of combating injustice. The central claim is that not every legitimate communal need constitutes a zakāh-eligible need, and that collapsing this distinction ultimately harms both zakāh and the causes it is meant to serve.

Relatedly, this addendum emphasizes that electoral politics and policy advocacy—while important—represent only a narrow dimension of the broader discrimination challenge. Discrimination is not reducible to voting patterns, lobbying, or legal outcomes alone. It is also cultural, theological, psychological, digital, educational, and intra-communal. Treating it primarily through the lens of electoral engagement risks flattening a complex problem into a single strategy and, in the context of zakāh, encourages overextension of juristic categories beyond their intended scope.

A genuinely holistic response to discrimination and Islamophobia should therefore involve a wider constellation of actors: scholars grounded in usūl al-fiqh and maqāṣid, community leaders with lived experience, educators, mental health professionals, youth organizers, and media specialists. Such an approach allows for diversified funding models, ethical clarity, and strategic depth—without placing disproportionate pressure on zakāh to function as a catch-all solution.

In this light, the position articulated in this rebuttal should be read as an effort to protect zakāh from instrumentalization, not to delegitimize advocacy or civil rights work. Maintaining clear boundaries between acts of worship and public-interest initiatives ultimately strengthens both. Zakāh retains its integrity as a divinely constrained obligation, while advocacy efforts are free to pursue broader strategies, funding sources, and coalitions appropriate to their scope and mission. The intent, therefore, is not exclusion but juristic precision, not distrust but conceptual clarity, and not disengagement but a call for more holistic, ethically grounded, and structurally sound communal responses to real and pressing challenges. Allah knows the best. والله أعلم

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