75307 - It is obligatory to pay zakaah on the wealth of minors and the insane

the question

Is it obligatory to pay zakaah on the wealth of a minor, even though he is not mukallaf (accountable)?.

Detailed answer

Praise be to Allah.

The majority of scholars are of the view that it is obligatory to pay zakaah on the wealth of minors and the insane. This is the view of Imam Maalik, Imam al-Shaafa'i and Imam Ahmad. They quoted as evidence a number of texts.

1 – Allaah says (interpretation of the meaning):

"Take Sadaqah (alms) from their wealth in order to purify them and sanctify them with it"

[al-Tawbah 9:103]

Zakaah is obligatory and must be paid from one's wealth. It is a financial act of worship which becomes obligatory once its conditions are met, such as owning wealth that reaches the minimum threshold (nisaab), and the passage of one full (hijri) year.

2 – The Prophet (peace and blessings of Allaah be upon him) said to Mu'aadh ibn Jabal when he sent him to Yemen: "Tell them that Allaah has enjoined upon them charity from their wealth, to be taken from their rich and given to their poor." Narrated by al-Bukhaari, 1395. So zakaah is enjoined upon the rich; this is general in meaning and includes minors and the insane if they have wealth.

3 – al-Tirmidhi (641) narrated from ‘Amr ibn Shu’ayb, from his father, from his grandfather that the Prophet (peace and blessings of Allaah be upon him) addressed the people and said: “Whoever becomes the guardian of an orphan who has wealth, let him do trade with it and not leave it lest it be consumed by zakaah.” This is a da’eef (weak) hadeeth which was classed as such by al-Nawawi in al-Majmoo’ (5/301), and by al-Albaani in Da’eef al-Tirmidhi.

But this was proven in the words of ‘Umar (may Allaah be pleased with him), as narrated from him by al-Bayhaqi (4/178). He said: Its isnaad is saheeh. This was confirmed by al-Nawawi, as stated in al-Majmoo’.

4 – This was also narrated from ‘Ali, Ibn ‘Umar, ‘Aa’ishah, al-Hasan ibn ‘Ali and Jaabir (may Allaah be pleased with them).

Abu Haneefah (may Allaah have mercy on him) was of the view that zakaah is not obligatory for a minor, just as other acts of worship, such as prayer and fasting, are not required of him. But he stated that zakaah of crops and zakaat al-fitr are required of him.

The majority responded to that by noting that prayer and fasting are not required of a minor because these are physical acts of worship, and the body of a minor is not able for them. As for zakaah, it is a financial duty, and financial duties are required of minors; if a minor were to destroy a person’s property then he is required to pay compensation from his own wealth, and he is obliged to spend on his relatives if the conditions of that being obligatory are met.

They also said that there is no difference between regarding zakaah on crops and zakaat al-fitr as being obligatory for a child, and the zakaah of other things such as gold, silver and cash. If zakaah is required of him in the case of crops then it is required of him in the case of all kinds of wealth, and there is no difference.

The guardian of a minor or an insane person should pay zakaah on their behalf from their wealth each time one full hijri year passes; he should not wait until the minor reaches puberty.

Ibn Qudaamah said in al-Mughni:

Once this is established – i.e., that zakaah must be paid on the wealth of a minor or an insane person – then the guardian must pay it on their behalf from their wealth, because it is an obligatory zakaah which must be paid, like the zakaah of a sane adult. The guardian acts in his stead when paying what he is obliged to pay. This is a duty that is required of the minor or insane person, so the guardian must perform it on their behalf, like spending on relatives. End quote.

Al-Nawawi said in al-Majmoo' (5/302)

In our view, zakaah is required on the wealth of minors and the insane, and there is no difference of opinion on this point. The guardian must pay it from their wealth just as he pays from their wealth compensation for any damage they may cause (to the property of others), maintenance of relatives, and other duties that they may be obligated to fulfil. If the guardian does not pay the zakaah, then the child or insane person must pay zakaah for past years after attaining puberty or after recovering, because this is an obligation upon their wealth. But the guardian is sinning if he delays it and what he has neglected cannot be waived. End quote.

It was narrated from Ibn Mas'ood and Ibn 'Abbaas that zakaah is obligatory upon a minor but he does not have to pay it until he reaches puberty. But this view is da'eef (weak) and is not valid. It was classed as da'eef by al-Nawawi in al-Majmoo', 5/301.

Shaykh Ibn Baaz (may Allaah have mercy on him) was asked:

A man died and left behind wealth and orphans. Is zakaah due from this wealth? If that is the case, who should pay it?

He replied:

Zakaah must be paid on the wealth of orphans, whether it is money, trade goods, livestock of an'aam animals (camels, cattle, sheep and goats) or grains and produce on which zakaah is due. The guardian of the orphans must pay it on time… the year is to be calculated from the death of their father, because when he died, the wealth came into their possession. And Allaah is the Source of strength. End quote.

Fataawa Ibn Baaz, 14/240

The scholars of the Standing Committee were asked:

Is zakaah due on the wealth of orphans and the insane?

They replied:

Zakaah is due on the wealth of orphans and the insane. This is the view of ‘Ali, Ibn ‘Umar, Jaabir ibn ‘Abd-Allaah, ‘Aa’ishah, and al-Hasan ibn ‘Ali, as narrated from them by Ibn al-Mundhir. The guardian should pay it on their behalf. The fact that it is obligatory is indicated by the general meaning of the evidence that zakaah is obligatory, as mentioned in the Qur’aan and Sunnah. When the Prophet (peace and blessings of Allaah be upon him) sent Mu’aadh to Yemen and told him what to say to them, one of the things he said was: “Tell them that they must give zakaah, to be taken from their rich and given to their poor.” Narrated by the group. The word “rich” includes minors and the insane, as does the word “poor”. Al-Shaafa’i narrated in his Musnad from Yoosuf ibn Maahik that the Prophet (peace and blessings of Allaah be upon him) said: “Trade with the wealth of orphans and do not let it be lost or consumed by zakaah.” This is mursal. Maalik narrated in al-Muwatta’ that he heard that ‘Umar ibn al-Khattaab (may Allaah be pleased with him) say: Do trade with the wealth of orphans and do not let it be consumed by zakaah. ‘Umar said that to the people and enjoined it upon them, which implies that it was a rule that was followed and accepted as the correct ruling. Maalik also narrated in al-Muwatta’ from ‘Abd al-Rahmaan ibn al-Qaasim that his father said: ‘Aa’ishah used to take care of me and a brother of mine, who were orphans under her care, and she used to pay zakaah from our wealth. End quote.

Fataawa al-Lajnah al-Daa’imah, 9/410

The view that zakaah is due from the wealth of minors and the insane was also favoured by Shaykh Ibn ‘Uthaymeen (may Allaah have mercy on him), as stated in al-Sharh al-Mumti’, 6/14.