93525 - Should zakaah be paid on haraam wealth?

the question

A man has acquired a great deal of wealth (which reaches the nisaab or minimum threshold at which zakaah becomes due) by means of haraam ways, such as selling alcohol, music or drugs. Does he have to pay zakaah?.

Detailed answer

Zakaah is not due on haraam wealth, nor is it
valid, because it does not really belong to the one who in whose possession
it is, and one of the conditions of zakaah is that the wealth should belong
to the person. And Allaah is Good and accepts nothing but that which is
good. The Prophet (peace and blessings of Allaah be upon him) said:
"O people, Allaah is Good
and only accepts that which is good. Allaah commanded the pious to follow
the same commandments as He gave to the Messengers. He says (interpretation
of the meaning):

'O (you)
Messengers! Eat of the Tayyibaat [all kinds of Halaal (lawful) foods which
Allaah has made lawful (meat of slaughtered eatable animals, milk products,
fats, vegetables, fruits)] and do righteous deeds. Verily, I am
Well-Acquainted with what you do' [al-Mu'minoon 23:51]

'O you who
believe (in the Oneness of Allaah — Islamic Monotheism)! Eat of the lawful
things that We have provided you with' [al-Baqarah 2:172]

Then he mentioned
a man who has travelled on a long journey and is

dishevelled and

covered with dust; he stretches forth his hands to the heaven, (saying) "O

Lord, O Lord", but his food is haraam, his drink is haraam, all his

nourishment is haraam, so how can he du'aa' be accepted?" Narrated by Muslim

(1015).

What he should do is get rid of that haraam wealth. He should

return it to its owners if it was stolen or seized by force, and he should

donate it to charity if it came from selling drugs, alcohol, music and the

like.

It says in al-Mawsoo'ah al-Fiqhiyyah (23/248): Haraam

wealth, such as that which is taken by stealing, seizing by force, bribery

or riba etc does not really belong to the one in whose possession it is, and

he does not have to pay zakaah on it, because zakaah is due on things that

actually belong to a person. And zakaah is a purification for the one who

pays it and for the wealth of the one who pays it, because 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]

And the Prophet (peace and blessings of Allaah be upon

him) said: "Allaah does not accept zakaah from any haraam wealth." So haraam

wealth is all impure and cannot be purified.

What should be done with regard to haraam wealth is returning

it to its owner if it is possible to find out who he is, otherwise it should

all be given away so as to get rid of it, not so as to give it in charity.

This is agreed upon among all madhhabs.

The Hanafis say: If the ill-gotten wealth reaches the nisaab, zakaah is not required from the one in whose possession it is, because he is obliged to give all of it, so there is no point in saying that he must give some of it in charity.

In al-Sharh al-Sagheer by al-Dardeer, who is a Maaliki, it says: Zakaah is required from the one who owns the nisaab, and it is not required of one who is not the owner, such as one who took it by force or the one who is keeping it for someone else.

The Shafaa'is say –as was narrated by al-Nawawi from al-Ghazaali, and he also confirmed it – that if a person does not possess anything but purely haraam wealth, he does not have to do Hajj or pay zakaah, and he does not have to offer expiation in the form of wealth.

The Hanbalis say that use of wealth that was seized unlawfully for shar'i purposes is haraam and is not valid. This is like doing wudoo' with water that was seized unlawfully or praying in a garment that was seized unlawfully or in a place that was seized unlawfully, and it is like paying zakaah from wealth that was seized unlawfully or doing Hajj with such wealth. Any transaction involving this (haraam) wealth, such as selling, renting etc, is invalid.

End quote.

See also question no. 78289 and 26.

And Allaah knows best.