

# Giving While Living

Do Muslim Americans know why giving while living is more worthwhile?

BY M. YAQUB MIRZA AND FIRAS BARZINJI

**T**HE PROPHET (SALLA ALLAHU 'alayhi wa sallam), once asked about which charity was the most superior in reward, replied, "The charity which you practice while you are healthy, niggardly [miserly] and afraid of poverty and wish to become wealthy. Do not delay it to the time of approaching death and then say, 'Give so much to such and such, and so much to such and such.' And it has already belonged to such and such (as it is too late)" (Narrated by Abu Huraira; Sahih Bukhari; Vol. 2, Book 24, No. 500).

This Hadith strongly supports the cause of giving while living. Why? Giving while living provides an opportunity to see the effects of the gift. While living, the donor can direct or redirect the use of the contributions. If a supported project does not succeed, the donor has the opportunity to refine or even contribute to another one.

Imagine what would happen if no one gave while living and only willed, upon death, a portion of their wealth (up to one-third of their estate, according to Islamic law)

to the poor or needy and non-inheritors. Perhaps, then the needy would be praying for death of the givers. Instead, once the loved ones are provided for and zakah has been paid, one should give back (sadaqah) to the community during one's lifetime.

Abu Sa'id al-Khudri reported the Prophet as saying, "It is better for a man to give a dirham as sadaqah (charity) during his lifetime, than to give a hundred at the time of his death" (see Dawud, "Readings on Charity and Kindness in Islam," ISNA Development Foundation, 2002, p.19).

Gifts can be made in favor of a living person capable of holding property. However, unless you use your lifetime exemption, under IRS rules, gifts per person per year that exceed the gift tax exemption (\$14,000 in 2013) are taxable. While unlimited personal gifts can be made to a mosque, a community center, a school, or any charitable institution (as well to your spouse, provided your spouse is an American citizen).

At the time of making a will such questions often arise if a trustworthy administra-

tor could be found, how will the inheritance be distributed, and would the administer do exactly as willed. In order to avoid such issues, one should distribute most, if not all assets to his or her spouse, children and to various charities while living, only keeping some reserves to live on.

This can be accomplished by using the lifetime exemption (\$5 million in 2013) to give to anyone one desires, including children, siblings, friends, charities, etc.

However, the Prophet established the upper limit of what one can be willed to non-inheritors. When a person insisted on giving virtually all his wealth to the poor, the Prophet advised him to bequeath only one-third of it to the needy, and leave at least two-thirds for the dependents. The Prophet said, "Leaving your dependents well off is better than leaving them poor as they are looking up not to the mercy of others. Every expenditure which you expend on your dependents is a sadaqah (charitable expenditure), and therefore meritorious" (Ahmad, al-Tirmidhi, ibn Majah, and Abu Da'ud).

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an equal share to each of them. "Each one of you is a caretaker (*ra'iy*), and is responsible for those under his care. Wasting the sustenance of his dependents is sufficient sin for man" (Abu Daoud, al-Nisai, and al-Hakim).

While you are living, you can freely give equally among your children, irrespective of their gender. It is only upon one's death that the Shari'ah schedule of distribution applies.

While living, we may want to give to charity, or gift to deserving non-inheritors, and distribute the rest equally among the children, leaving little to nothing for the inheritance. However, one should remember the Prophet's guidance: "Leaving your heirs free from want, is better than they should be begging to other people."

Also, if a person wants to give more than one-third of the inheritance to non-inheritors or to a charity (or charities), he or she can do so with the inheritors' consent. A child with special needs can also be taken care of this way. Additionally, an inheritor can gift or forego his or her share in favor of someone else.

"Giving While Living" is not a uniquely Muslim or Islamic concept. Andrew Carnegie in his famous 1889 essay, "Wealth," argued that the wealthy have a duty to give back and help their communities during their lifetime, and not merely in death. He strongly referred to those who mainly give away wealth after death: "men who leave vast sums in this way may fairly be thought men who would not have left it at all, had they been able to take it with them."

It is an obligation on the wealthy to support their communities and to focus on giving back while living. We also know that the Prophet taught that giving charity would not in any way decrease our wealth. Consider Captain Levy, a pious Philadelphian, asked how he could give so much to the Lord's work and still possess great wealth, replied, "Oh, as I shovel it out, He shovels it in, and the Lord has a bigger shovel" (Frank R. Shivers, *Christian Basics 101: A Handbook on Christian Growth*, p. 103; 2009, Columbia, S.C.). Thus, we have no excuse not to give

while we are living, as the benefits are many and the negatives are non-existent.

In giving while living, we can see the benefits of our efforts immediately, especially when we know where it is going. We can also be instrumental in ensuring that our wealth is put to good use. Moreover, we know that no matter how much we give, God will not decrease our wealth. And though we are limited to giving only up to one-third of our wealth in death, we have no such limitations during our lifetime. It is time to start giving! ■

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There appear to be lingering questions within the Muslim community about the distribution of wealth among one's children. Importantly, all children, male or female, must be treated equally (i.e., upbringing, clothing, education, cars, marriage, and travel) while the parents are alive. However, necessary provision must be made for a special needs child. A hadith which supports this principle is where, the Prophet asked a man who had given a gift to his son: "Do you have other children besides this one?" He said, 'Yes.' The Prophet asked, 'Have you given a gift like this to all of them?' The man said, 'No.' The Prophet said, 'I am not going to bear witness to this act of injustice'" (Sahih al-Muslim, Book of Gifts, No. 3965).

The Prophet taught that it is obligatory for a father to treat his children equally, especially in the matter of giving gifts. The hadith forms the argument of scholars ('ulama') who maintain that a person distributing his property among his children during his lifetime, should not discriminate among his male and female progeny and should give



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