

Zakah: Purification of Wealth

From the Code of the Righteous series

Please Note: The bold paragraphs in these notes are a translation of the book being explained, Manhajus-slaikien, by Sh. Abdurahman as-Sa'dee. The rest of the notes in the different font are an explanation of that book prepared by the AbuIsmaeel Aslam Hussain. Last revised: 6th Oct, 2003

All Praise is for Allah and may the peace and blessings be on the Prophet, his followers and all those who follow him in his guidance till the Last Day.

Meaning of a few terms

Zakah in Arabic means namaa wa ziyaadah, i.e. growth and increase. When a person pays the zakah due on his or her wealth, their wealth infact grows in blessings and increases in the good that comes from it. Even the person who is paying the zakah grows spiritually and increases in their Iman (faith) and consequently in good righteous deeds. It makes the person less attached to the wealth that he worked so hard for such that he attaches himself increasingly to the eternal good of the Hereafter.

Another word used for Zakah more or less interchangeably in the Quran is Sadaqah. This word comes from the three letter root saad, daal and qaaf. Its root meaning centers on honesty. A person who gives sadaqah (charity) is proving his or her honesty in claiming faith and sincerity for Allah for at times none or few can see in order to reward the person paying charity to the poor from his hard earnt wealth – none except Allah.

Some of the wisdom in its rulings

From the mercy of Allah, zakah is due only on the wealth of a person that is increasing in profit and not on that which a person needs for his living. And this too is only after it had been with the person for a whole year without any decrease. So, zakah is not required on the house, car, furniture around the house etc. The Prophet (s.a.w) said, **“It is not (binding) on a Muslim to pay sadaqah in his slave or his horse.”** This was collected in

Sahih Bukhari and Muslim. Even then, the zakah that is payable after a whole year in savings is only on an amount (nisaab) that qualifies the person to be among those who can shoulder the communal responsibility of caring for others. The amount payable on zakah is one that is neither overbearing on the one paying it nor insignificant to the poor receiving it. Having made zakah so reasonable and moderate, Allah made it a duty binding on Muslims who qualify to pay it and prescribed strong punishments for the one who cheats and avoids it.

IMPORTANCE OF PAYING ZAKAH

Zakah is one of the five pillars of Islam according to Ijma (consensus) of the scholars and it is the third of the five pillars. The one who denies its obligation is not regarded a Muslim. Zakah and Salat (prayers) have been mentioned together in the Quran eighty two times and shows the importance of zakah. Those who refuse to pay it and separate zakah from salat (prayer) despite Allah and His Messenger (s.a.w) having regarded them together, such people were fought militarily by Abu Bakr (r.a) during his Khilafa and even Umar and others eventually agreed with this view.

Allah created human beings with different circumstances and abilities. Those whom Allah gave more owe to Allah before anyone else to share part of it on the poor whom Allah wants them to care for, otherwise it would be sheer ingratitude on their part. Allah, warned such people in the Quran, **“And those who hoard up gold and silver and do not spend from it in the way of Allah then give them the news of a painful chastisement; the day when that will be heated in the fire of hell and with it will be branded their foreheads, their flanks, and their backs, (and it will be said to them): ‘This is the treasure which you hoarded for yourselves. Now taste of what you used to hoard’.”** [Surah Tawbah: 33-34] But as we learn from an authentic hadith, a person who pays zakah on the gold and the silver is not regarded as having hoarded it up for he has paid the minimum that was due on it toward the poor as directed by the Allah Who made it possible for him to acquire it in the first place.

Those who pay zakah have been praised in many verses in the Quran. Paying zakah is included as one of the qualities of those believers that are successful as in surah Mu'minoon. Allah says therein, its translation, **“Successful indeed are the believers, those who offer their prayers with all solemnity and full submissiveness, and those who turn away from vain talk, and those who pay the zakah...these are indeed the**

inheritors who shall inherit the Firdaus (highest station in Paradise); they shall dwell therein forever.” [Surah Mu’minoan: 1-11]

WHO IS ZAKAH COMPULSORY ON?

It is compulsory (wajib) on every Free, Muslim who possesses the Nisaab (Nisaab is the minimum a person has to have before he is required to pay Zakah on that wealth). There is no Zakah to be paid on a wealth until a year (Hawl) passes (while that amount is still in savings). An exception to this is zakah on produce from earth and that which comes from the original or parent; such as the Nisaab increasing and profit on items for sale - for their time when it is due is when a year has passed on the original.

Zakah is required from Muslims and non-Muslims as the commands in the Quran are general to both. However, it is not accepted by Allah unless the person fulfills the most important condition for any worship to be accepted, Islam. Also, zakah, is only required from a free person as a slave doesn’t own any wealth of his own.

Besides the requirement to be a Muslim and free, there are two other conditions for zakah to be obligatory on a person.

- (a) **Nisaab:** This is to own a minimum amount of wealth on which zakah is payable. This minimum limit varies from one item to another. An example of that is to own five camels before zakah is payable on them (which is one sheep). Or to own twenty mithqaal or eighty five grams of gold before zakah of two point five percent becomes wajib on it.
- (b) **Hawl:** This refers to a period of one year. It means that an amount of the nisaab or more should be in savings with a person for one lunar year before zakah becomes obligatory on the person. The Prophet (s.a.w) said, **“There is no zakah in wealth until a year (hawl) passes on it.”** This was collected by Tirmidhi, Abu Dawud, Ibn Majah and others and Albani said it is Sahih. An exception to this is zakah on grain and fruits for that is due as soon as the grain becomes hard or the fruit becomes ripe. Allah said concerning the produce to give its zakah the day it is harvested, **“It is He who produces Gardens, with trellises and without, and dates, and**

tilth with produce of all kinds, and olives and pomegranates, similar and different: eat of their fruit in their season, but render the dues that are proper on the day that the harvest is gathered. But waste not by excess, for Allah loves not the wasters.” [Surah An’aam: 141]

WHICH ITEMS IS ZAKAH DUE ON?

Zakah is not due on anything except for four types (of wealth or property):

1. Livestock (camel, cattle, sheep) that grazes naturally
2. produce from the earth
3. currencies
4. goods for trade

Zakah is due on these four types of property according to an agreement of the scholars.

(A) Livestock referred to in Arabic as Baheematul-An-aam. This includes three types of animals: camels, cattle, and sheep. However according to a majority of the scholars this is only referring to those that grazed off natural means (at least for most of the year) as opposed to those that were fed by their owners. This is because of the specification of this type in a number of hadith such as, **“And in sheep, in the naturally grazed (saaimah) amongst it, in every forty there is one.”** This is part of a long hadith of Anas and Abu Bakr that will follow in the next section. Also, another condition for zakah to be wajib on these animals is mentioned in the narration of Ali ibn Abu Talib (r.a), he said, **“There is not Sadaqah in the work cattle.”** Ibn Qattan said it is authentic as a saying of the Prophet (s.a.w) whereas Ibn Hajar said the stronger opinion is that it is a saying of Ali. The reason it is not due on working animals but only on those that are for milk, meat etc, the reason is because zakah is due from property or wealth that grows for the owner so he is required to share some of it with the poor. As for that which doesn’t grow but is used for daily living usage, there is no zakah on it. The Prophet (s.a.w) said, **“It is not (binding) on a Muslim to**

pay sadaqah in his slave or his horse.” This was collected in Sahih Bukhari and Muslim.

(B) Produce from the Earth: This, according to most of the scholars, refers to grain and fruits that can be **(a)** stored (and some said staple) and **(b)** quantified with a Saa’ measurement (one saa’ is equivalent to four mudd; and one mudd is equivalent to the amount that can be held in two hands cupped together. One wasq is equal to sixty saa’). This is understood from the hadith, **“There is no sadaqah on dates or grain less than five awsuq.”** This was collected in Sahih Muslim. So, other grains like rice and wheat will be included in the obligation of zakah as with fruits such as sultana. Note that this for the crop when it is harvested because of the ayah mentioned earlier, **“and render its dues on the day it is harvested,”** and not for anyone who may buy some wheat or rice and have it in their house.

(C) Gold and silver or currencies: The Prophet (s.a.w) said, **“There is no sadaqah in gold less than twenty mithqaal nor silver less than two hundred dirham.”** This was collected by Daraqutni and Abu Ubaid and Albani said it is Sahih due to other similar narrations. In the earlier times, the currency used was gold and silver coins. Recently, these were replaced by paper notes and metallic coins. These took the place of Gold or silver depending of the currency and the notes that are used by the people represent the gold or silver held in the Reserve banks or elsewhere in its place. Therefore, zakah is payable even on the paper notes that are used today.

(D) Goods for trade (urood-u-tijaarah): Zakah is payable on the value of trade items that are kept by businesses or individuals for sale in order to make a profit if a hawl has passed on it. Ibn-ul-mundhir and Ibn Hubairah and others related that the scholars have an Ijma (consensus on these four types of wealth including trade items). Besides this, there are narrations from the Prophet (s.a.w) to support this meaning but one has an unknown person in the chain (which Imam Ahmed still used as a valid argument) while another has more than one.

As for vegetables there is no zakah on them. The Prophet (s.a.w) sent Mu’aadh ibn Jabal (r.a) to Yemen and directed him to collect zakah. In Yemen there were vegetables in abundance and yet he did not collect from vegetables but rather only from barley, wheat, sultana and dates. This was collected by Daraqutni and others in different reports and Baihaqi and Albani said this fact is authentic due to strengthening and combination of these narrations. Also, there is no mention in any hadith about an order to collect zakah from them nor that any companion did.

As for zakah from honey when it is first acquired from bee hive, there are narrations from the Prophet (s.a.w) that he collected from some who did that a tenth. But the same narrations show that it was in exchange of that hilly area being reserved for the person who was tending to it on the hills and trading with it or else it would have gone to waste on the hills. Abu Dawud and Nasaee collected a hadith that, **“Someone from Banu Mut’aan came to the Messenger of Allah (s.a.w) with the tenth of the (honey from the) bees that he had; and he had asked him to protect for him a valley called Salbah, so the Messenger of Allah (s.a.w) protected it (set it aside for him). When Umar ibn Khattab (r.a) was ruling, Sufyan ibn Wahb wrote to Umar ibn Khattab asking him about that. Umar wrote to him, “If he gives you what he used to give to the Messenger of Allah (s.a.w) from the tenths of his bees, then protect it (and set it aside) for him the Salabah; or else it is in fact flies after rain - whoever wants to eats it.”** Albani said this chain is Sahih.

HOW MUCH

IS NISAAB AND AMOUNT OWED FROM EACH?

A. Livestock

As for the Livestock, its based on the hadith related by Anas (r.a) that “When Abu Bakr; sent me to (collect the Zakat from) Bahrein, he wrote to me the following:-- (In the name of Allah, the Beneficent, the Merciful). These are the orders for compulsory charity (Zakat) which Allah's Messenger had made obligatory for every Muslim, and which Allah had ordered His Messenger to observe: Whoever amongst the Muslims is asked to pay Zakat accordingly, he should pay it (to the Zakat collector) and whoever is asked more than that (what is specified in this script) he should not pay it; for twenty-four camels or less, sheep are to be paid as Zakat; for every five camels one sheep is to be paid, and if there are between twenty-five to thirty-five camels, one Bint Makhad (female camel completed one year of age) is to be paid; and if they are between thirty-six to forty-five (camels), one Bint Labun (female of two years) is to be paid; and if they are between

forty-six to sixty (camels), one Hiqqa (female, three years) is to be paid; and if the number is between sixty-one to seventy-five (camels), one Jadh'a (four years old female) is to be paid; and if the number is between seventy-six to ninety (camels), two Bint Labuns are to be paid; and if they are from ninety-one to one-hundred-and twenty (camels), two Hiqqas are to be paid; and if they are over one-hundred and-twenty (camels), for every forty (over one-hundred-and-twenty) one Bint Labun is to be paid, and for every fifty camels (over one-hundred-and-twenty) one Hiqqa is to be paid; and who ever has got only four camels, has to pay nothing as Zakat, but if the owner of these four camels wants to give something, he can. If the number of camels increases to five, the owner has to pay one sheep as Zakat. As regards the Zakat for the (flock) of sheep; if they are between forty and one-hundred-and-twenty sheep, one sheep is to be paid; and if they are between one-hundred-and-twenty to two hundred (sheep), two sheep are to be paid; and if they are between two-hundred to three-hundred (sheep), three sheep are to be paid; and for over three-hundred sheep, for every extra hundred sheep, one sheep is to be paid as Zakat. And if somebody has got less than forty sheep, no Zakat is required, but if he wants to give, he can. The separate are not to be combined nor the combined-together separated out of fear of sadaqah. Whatever was from two shareholders, they get back between themselves proportionately. An old animal is not given in sadaqah, nor a defective. For silver the Zakat is a quarter of the tenth (i.e. 2.5 percent); and if he didn't have except one hundred and ninety (dirham), there is no sadaqah except if its owner wanted to. And whoever had enough number of camel to be required to pay a jadh'ah but does not have that (age one) but has a hiqqa (younger than jadh'ah by a year), then the hiqqa is accepted from him instead and he puts with it an additional two sheep if the two are possible with him or else twenty dirhams (instead of the two additional sheep). Whoever had with him enough to

be required to pay sadaqah of hiqqa but he doesn't have a hiqqa but has a jadh'ah only then that is accepted from him and the sadaqah collector gives him back twenty dirham or two sheep." This was collected in Sahih Bukhari.

And in the hadith of Mu'aadh, "The Prophet (s.a.w) ordered that he should take from every thirty cows a tabee'a - male or female - and from every forty a musinnah." This was collected by the people of (four) Sunan.

From the above hadith and from others, the following can be summarized about zakah on livestock.

CAMEL:

Nisaab of camel is five.

Hawl: one year

How much zakah: If a person had five camels at least for a whole year, he pays one sheep as zakah; two on ten camels...up to twenty five camels when he pays the zakah in baby camels as described in the hadith of Anas about the letter of Abu Bakr (r.a). Between five and ten camels is called waqs and no zakah is increased in the waqs. So if a person had six, seven, eight or nine camels he still pays one sheep in zakah. Likewise with eleven, twelve to fourteen he pays only two sheep.

Cattle:

Nisaab is thirty.

Hawl: one year

How much zakah: for every multiples of thirty, one male or female tabee (completed one year of age); and for every multiples of forty, one female musinnah (completed two years of age).

Sheep:

Nisaab is forty

Hawl: one year

How much zakah: for forty sheep onwards up to 120 one sheep; then from that to two hundred two sheep; from two hundred and one to three hundred three sheep; from 301 to 400 four sheep and so on.

Khulatah (partnership): This is when the livestock of two people or more is put together in one and same place such that they all feed the same, rest in the same place and everything is the same for the whole pack but a known number belongs to each of the people; then in such a case, the whole

livestock there is regarded as the property of one person. If it reaches the nisaab for one person then zakah is removed from it according to the number of animals there. The number of animals paid in zakah is divided between and subtracted from the shareholders. This is based on the long hadith with the letter of Abu Bakr (r.a). Towards the end of that letter it has, **“The separate ones are not combined nor the combined ones separated out of fear of sadaqah; and whatever is from two shareholders, they go back between them equally.”** Some contemporary scholars based on this principle the manner of taking out zakah from a company’s profit all at once before the profit is divided between each of its shareholders.

The first part of the section of the hadith, **“The separate ones are not combined nor the combined ones separated out of fear of sadaqah;”** shows that if a person has his livestock part of it in one area and the rest of it in another town and both live and feed separately, then he treats them as two different people’s wealth in all respects and he should not split them up or combine them for the purpose of avoiding extra zakah. So, if a person had a hundred and thirty sheep in one area and in another town he had another hundred and forty. He has to pay two sheep from each of the two lots taken individually. So he gives four in sadaqah altogether. But he should not try to combine them all before the year finishes avoiding zakah such that he has a total in one place of two hundred and seventy sheep for which only three sheep are due. This is not permissible and vice versa.

Note that if a baby is born to a zakah animal during the hawl, it is regarded as part of the batch and included for that hawl as it is born into it and not something added externally only then.

B. Currencies: gold and silver

As for the Sadaqah (Zakah) of currencies, nothing for zakah is due from them until the total reaches two hundred dirham (equal to 595grams of silver) for thereafter the zakah due on it is a quarter of tenth (i.e. two point five percent).

This is based on many hadith such as, **“There is no sadaqah in gold less than twenty mithqaal nor silver less than two hundred dirham.”** This was collected by Daraqutni and Abu Ubaid and Albani said it is sahih due to other narrations. Twenty mithqaal or twenty dinar of gold is equal to eighty five grams of gold.

Jabir ibn Abdullah (r.a) reported from the Messenger of Allah (s.a.w) that he said, **“In less than five Ouqiyah of silver there is no sadaqah.”** Sahih Muslim. Five Ouqiyah of silver is same as twenty dirham which is equal to five hundred and ninety five grams of silver.

Aisha and Ibn Umar (r.a) related that the Messenger of Allah (s.a.w) used to take from every twenty mithqal half a mithqal (mithqal is a weight of gold). This was collected by Ibn Majah and others with similar narrations and Albani classed it as sahih.

Anas (r.a) related from the Messenger of Allah (s.a.w) that he said, “And in silver is a quarter of the tenth.” This was recorded in Sahih Bukhari and Muslim.

So, for Gold and Silver:

Nisaab: twenty mithqaal (85 grams) of gold
200 dirham (595 grams) of silver

Hawl: one year

How much zakah to pay: two point five percent of the savings over the year

That is one in forty parts.

With the currency, the way to calculate the nisaab is to see whichever of the two values of nisaab for gold and silver is the lesser according to the current value of the paper currency that becomes its nisaab. This is because the purpose of zakah is to help the poor without overburdening the one paying; and in that small discrepancy, the good of the poor is cared for.

Different purity of Gold

Gold on its own wont be hard the way we know it unless it is an alloy mixed with something else to harden it. Therefore, a little amount of such substance mixed with it does not affect the weight calculations for nisaab or for paying zakah as even at the time of the Prophet (s.a.w) the gold would have been an alloy in the same way and he simply said a mithqaal – a weight of that gold. He did not direct to make any calculations to determine the amount of its purity to such minute figures and deduct it as the shariah by nature pardons such small discrepancies.

Zakha on rental property

There is no zakah due on rental property be it a house, land or car etc due to the hadith that preceded about no rent on a persons slave or horse – i.e. things of personal use. Also, there is no evidence from the texts to necessitate zakah on anything except those listed in this section. However,

zakah is due on the rent which is included in the rest of the currency and calculated along with it.

Is there Zakah on jewelry?

Some scholars said there is no zakah on jewelry that is in use by women. They based it on the understanding of the hadith, The Prophet (s.a.w) said, **“It is not (binding) on a Muslim to pay sadaqah in his slave or his horse.”** This was collected in Sahih Bukhari and Muslim. So they said, the jewelry that is for personal use is similar to the two things mentioned in the hadith for personal use and therefore no zakah due on it either. Likewise they used a narration from Jabri (r.a) that, “there is no zakah on jewelry.” However this is not authentic as Albani pointed out.

Rather, the authentic hadith are to the contrary. Once a woman came to the Prophet (s.a.w) with her daughter who had two pieces of gold jewelry in her hands, so he said to her, “Do you give zakah on this?” She said, “No.” He said, “Does it please you that Allah circle you with it on the day of resurrection with two circles of fire?” So she threw the two of them. This was collected by Abu Dawud, Tirmidhi and Nasa’ee. Although there is a difference of opinions amongst the scholars in this hadith but it is at least hasan and it was classed as authentic by Ibn Hajar, Albani and others.

Regardless of that hadith, the following one which is clearly authentic proves that zakah is due also on gold and silver jewelry used for wearing. Aisha (r.a) said, “The Messenger of Allah (s.a.w) entered upon me and saw jewelry of silver. He said, “What is this O Aisha?” She said, “I did it to make up for you O Messenger of Allah.” He said, “Do you pay zakah of those?” I said, “No.” or what Allah willed of that. He said, “It is sufficient for you for hell”.’ This was collected by Abu Dawud and Hakim and he said it is authentic as did Albani and others.

These two hadith and others like them show clearly that gold and silver jewelry that is in use by women still is included in the rest of the gold and silver that zakah must be paid on. She can either sell some of it and pay from it or give part of it in zakah or someone else may pay its zakah from other money on behalf of her.

C. Produce from Earth

As for the Sadaqah (Zakah) on produce from the earth be it grains or fruits, the Prophet (s.a.w) said, "There is no sadaqah on dates less than five awsuq." This hadith was agreed upon its authenticity by Bukhari and Muslim. One Wasq is sixty Saa' (one saa' is four times the amount that a cupped hand of an average person holds). So, the Nisaab (limit when zakah becomes due) for grains and fruits would be three hundred Saa' of the Saa' of the Prophet (s.a.w). And the Prophet (s.a.w) also said, "In that which was irrigated (naturally) by the sky, springs or collected water by the trees, the due amount is a tenth. And in that which was irrigated by watering (by humans) is half of the tenth." This hadith was collected in Sahih Bukhari. And Sahl ibn Abi Hathmah said, "The Messenger of Allah (s.a.w) ordered us, 'When you estimate (the amount when determining zakah quantity), leave out a third; and if you were not going to leave out a third, then leave out a quarter (i.e. leave out a quarter from the total amount that you estimated due to it being dropped or eaten by birds etc as a mercy from Allah)'." This was collected by the people of Sunan.

Note: Some scholars regarded this last hadith to be daeef.

So, with the produce from the earth:

Nisaab: five awsuq = 300saa'

Hawl: The zakah is to be given as described earlier when it is harvested.

How much zakah to give: If its water etc from natural sources then a tenth

If it is irrigated by humans, zakah is half of a tenth.

D. Trade items

As for the trade items - and that is anything that has been prepared for buying and selling to get a profit - then its value (or price then) ought to be estimated when a year passes on it. This estimation ought to be done with either gold or silver equivalent depending on whichever of the two estimations gives more for the poor. A quarter of the tenth (two point five percent) is compulsory (wajib) to be paid in zakah from that.

With Trade Items:

Nisaab: equal to 85 grams of gold or 595grams of silver whichever is lesser.

Hawl: One year

How much zakah to pay: the value of the items is estimated according to the market value at the end of the year and a two point five percent is given in zakah.

Hawl of Profits

Some scholars said that any profit that is acquired on it during the hawl is regarded as part of the whole amount and a new hawl is not started on it as it is difficult to calculate for every little amount. Other scholars said that the profit is newly acquired and should have its own hawl. This seems the stronger of the two opinions as this money is newly acquired one just like any other and needs a hawl to pass on it in keeping with the general meaning of the hadith on zakah. Allahu a'alam.

ZAKAH ON DEBTS

Whoever had wealth or debt owed to him by someone else but it is not expected to be returned such as the debt due from one who delays on and on or is in hardship who is not paying, then there is no zakah in it; or else there is zakah in it.

There are two issues to do with debt:

- (a) zakah on money that is owed to the person
- (b) zakah on money that the person owes to others.

(a) Zakah on a debt that is owed to the person by someone else

There are no hadith on this matter from the Messenger of Allah (s.a.w). There are a number of sayings among the scholars for different situations.

Most of the scholars including Imams Abu hanifah, Malik, Shaf'ee and Ahmed have said that the zakah is due on that wealth for all the years it has belonged to its owner. This is because the verses and hadith refer to paying zakah on wealth that is owned by a person. Examples of this include the verse of the Quran, **“Take from their wealth sadaqah; cleanse them, purify them and pray for them.”** [Surah Tawbah] Also, hadith such as, **“in every forty sheep is one sheep (due).”** Sahih Bukhari. So the zakah is due on wealth that a person owns even if he had temporarily loaned to someone else because it is still his and it is up to him to profit with it as he likes – in this life and the Hereafter.

Many of them said that, although it is compulsory for each year he owns it, he may pay the zakah when he gets it back for the years that he owned it while it was in someone else's use. This is because although he owns that and should pay zakah on it, the zakah he pays on it is from that wealth so he doesn't need to pay it from that wealth till he has it in his possession. Some other scholars said if it is on someone who is able and ready to pay whenever he asks even before the term is due, such a person must pay every year when the year draws to an end because he is able to and that is what counts. However, it is more in keeping with the way of the shariah that this is permissible but not compulsory till he takes possession of it again as mentioned earlier.

The first opinion mentioned here which is stronger of the two opinions is also in conformity with the sayings of the companions.

Aisha (r.a) said, **“There is no zakah in the debt until he takes possession.”** This was collected by Ibn Abi Shaibah. Sheikh Albani said in Irwaa-l-ghalil it is daeef but hasan due to numerous chains.

Ali ibn Ali Talib (r.a) elaborated, that the debt that is uncertain whether the person will pay it back or not, he said, **“If he is honest, leave him; when he gains possession of it (he will pay) for all the (years that) passed.”** This was collected by Abu Ubaid, Baihaqi and Albani said its chain is sahih and moreover has other chains too.

Some scholars made an exception to this and differed about the one who is denying owing anything at all. They said if the debt is owed by someone who is unable to pay and is refusing that he has any debt that he owes to

this person at all, in such a case of refusal to pay it is as though the owner has lost that wealth for that period. He therefore does not pay zakah on such money owed to him unless and until he regains its possession. This is a strong argument and makes this exception valid for that situation.

Then he pays for one year only as an approximation for the days that he did have acknowledged ownership of it. Some other scholars of this opinion differed slightly and said that in such a case he pays zakah after one year of regaining possession as with any other wealth that is acquired.

So, if a person has loaned wealth to others, he still has to pay zakah on it for each year although he doesn't have to do that until he regains possession of the wealth he has owned all along. If however, the person who owes the debt denies having to pay it at all or is unable and will not pay it, then in that case if the person ever returns to pay off the debt, then the owner pays zakah on this new found wealth like any other if it stays in his possession for a year thereafter. Unless, if the wealth was lost (and forgotten its location) and he didn't know where it was for that period, then when he regains possession, he pays for one year only as an approximation for the days he did know and have it. And Allah knows best.

(b) zakah on money that the person owes to others

If a person owes a debt to other people and the sum of money that he owes is more than that which he has with him at the time of paying zakah – more than the nisaab and a year has passed on it – then does he pay zakah on that money that is with him even though he owes that much or more in debts? Or, the debt may be equal to part of what he has in his possession at that time, does he remove that much from the total that he pays zakah on?

One of the opinions of the scholars for this situation is that, he does not pay zakah on the amount that he owes and deducts that from what he has in his possession and pays zakah on the rest if there is any remaining. This they argued is because he effectively has no ownership of the amount he owes for he has to pay it to someone else. He is himself poor effectively so how can he be expected to help others? Also, they argued that Uthman ibn Affan, one of the righteous guided khalifa said in the presence of the sahaba, “This is your month of zakah; so whoever owed a debt, and let him pay it off such that you can give zakah from your wealth.” This was collected by Malik and others and Albani classed it as sahih. So, they argued the debt first had to be removed before paying zakah.

Another opinion of the scholars is that despite the debts, zakah is due on the wealth that can be seen openly such as livestock and produce. This they argued because the people who the Prophet (s.a.w) used to send out to

collect zakah, there was no direction from the Prophet (s.a.w) to them nor a report of them having asked the people if they had any debts such that the amount on which zakah is payable can be decreased. As for the wealth hidden in the houses, it carries the possibility that the people of the first saying argued.

Another opinion of the scholars is an extension of this second opinion and the opposite of the first. They said that zakah is due on any wealth that a person has in his possession and disposes off with complete ownership even though he has debts that he owes to others. This is because the wealth he has in possession is his own wealth with complete ownership and that is why his sales transactions with it are valid or else they would not have been valid. And zakah is due on wealth that a person owns as seen from the message of verses in the quran and hadith such as the verse, **“Take from their wealth sadaqah; cleanse them, purify them and pray for them.”** [Surah Tawbah] Also, hadith such as, **“in every forty sheep is one sheep (due).”** Sahih Bukhari.

Furthermore, the Prophet (s.a.w) dispatched people to collect zakah and there is not a single record that he directed them to first enquire if the people had a debt that they owed to others. If they did and that was common, then such a direction would require them to demand proof from a witness for every debt they owed or a written contract. Debts are so common, had there been such an exception there would have been a direction or a record of a companion who went to collect tax made that exception or a direction from the Prophet (s.a.w) to the people about their hidden wealth of gold and silver on how to calculate given debts owed by them. But there is not a single record of this.

The saying of Uthman ibn Affan (r.a) actually supports this saying as he directed the people wherever they that the month to pay zakah is due and whoever has any wealth they owe as a debt to someone else then let them pay it off or else it would be left with the rest of the money and zakah would have to be taken by the collectors from it along with the rest in their possession. If this was not the case, there was no need for Uthman (r.a) to advise the people to pay off their debts at that particular time, they merely would have had to remove that wealth from the wealth they paid zakah on. The fact that Uthman (r.a) advised them to pay it off first, shows that if they didn't pay off the debts then, that amount would have stayed with the rest and zakah ought to have been paid from it too.

Otherwise, the richer a person is the higher loans he is able to get from people given his assets, and if such a person was not required to pay zakah on what is in his possession and owns it, then the richer people would be

paying lesser zakah than others, especially in the contemporary socio-economic framework.

Due to all these arguments, the strongest of the opinions of the scholars is that a person pays zakah from whatever is in his possession and he is entitled to spend from as a full owner of it regardless of the debt. He is advised to remove the debt first in order to lessen the amount for zakah, but if he chooses not to, then it is for his own benefit that he is doing given that he stands to give out more. This opinion is in conformity with the meanings of the general texts, there isn't anything from the hadith that contradicts this and moreover it is in keeping with the way things seemed to be done at the time of the Prophet (s.a.w) and the zakah collectors worked in his society and thereafter without demanding proofs and covenants etc.

Allahu a'lam.

WHAT QUALITY OF WEALTH IS TAKEN FOR ZAKAH?

When someone is paying zakah from wealth, it ought to be taken out from the average quality of that which is present and it is not enough to do so from the poorest quality of the available one. It is not needed to take out from the best quality available unless if the owner wanted to.

This is because we learn in the long hadith with the letter of Abu Bakr (r.a) with the directions of the Prophet (s.a.w), he wrote, **"...and in the sadaqah, the old is not taken out or defective..."** In the hadith of Mu'aadh as he was sent to Yemen, the Prophet (s.a.w) directed him not to take the best of the range either, **"And beware of taking the best of their wealth."** Sahih Bukhari and Muslim.

ZAKAH ON DISCOVERED TREASURES (RIKAZ)

In the hadith of Abu Hurairah related from the Prophet (s.a.w), "And in Rikaaz (wealth discovered buried in ground from long ago) is a fifth." This was agreed upon (its authenticity by Bukhari and Muslim).

This is referring to gold or silver that belonged to the people before the time of Islam and was buried in the earth from long time ago. If someone comes across it, he ought to pay a fifth from it and keep the rest. If he found

buried treasure of Muslims, then it is same as lost and found property and should be announced and the owners searched for.

Chapter: Zakatul-Fitr

Ibn Umar (r.a) said, "The Messenger of Allah (s.a.w) prescribed zakatul-Fitr: one Saa' from dates or from barley (to be paid on behalf of every) slave and free person; and male and female; and young and old from among the Muslims. And he ordered that it be given before people go out for the prayer." This was agreed upon its authenticity by Bukhari and Muslim.

Zakatul-Fitr is compulsory on oneself and on behalf of all those whose living expenses one is obliged to undertake. This is so if he has with him surplus above the staple needs for a day or and night. The due for this is one Saa' of dates, barley, dried yoghurt, sultanas or wheat.

The best in this is (to give) that which is the most useful; and it is not permissible to delay it beyond the day of eid.

The Messenger of Allah (s.a.w) prescribed it as purification for the fasting person from vain (talk) and obscenities; and to feed the poor. "So whoever gives it before the prayer (of Eid), it is an accepted zakah (of Fitr). And whoever gave it after the prayer, it is just another of the sadaqah (charities)." This was collected by Abu Dawud and Ibn Majah. And the Prophet (s.a.w) said, "Seven (types of people) Allah will shade them in His shade the day there is not shade except his shade: a just imam (leader), a youth who rose in obedience of Allah, a man whose heart is attached to the mosques, two men who love each other for Allah - gather together and separate away for it - a man who was called by a woman of status and beauty (for fornication) and he said, 'I fear Allah', and a man who gave charity and hid it such that even his left hand would not know

what his right spent, and a man who remembered Allah in seclusion and his eyes watered." This was agreed upon its authenticity.

Chapter: People to whom zakat can or cannot be paid

ZAKAH IS ONLY PAID TO EIGHT CATEGORIES

Zakah is not paid to anyone except eight categories of people whom Allah mentioned in the verse of the Quran, "Verily the charity (zakah) is for the destitute, the poor, workers on it (collecting it etc), whose hearts are sought to be drawn (to Islam), (freeing a) slave, indebted, one is way of Allah and the traveler; a duty prescribed by Allah and Allah is all-Knowing and Wise." [Surah Tawabah: 60]

The word used in the beginning of this verse, innamaa, is to limit the ruling to only those mentioned in the part following that word. That is why zakah cannot be given to any one except these eight categories of people. As for the non-obligatory zakah, it can be given to anyone and even to a financially well off person.

1. Destitute or faqir is referring to a person who has half or less of what he needs to suffice (kifaayah).
2. Poor or miskin is one who has from a half up to what is sufficient (kifaayah), so these two categories can be given till they have what is sufficient for their living.
3. Workers collecting zakah are to be given from zakah as their wages for the work; and this is even if they are financially sufficient.
4. Whose hearts are sought to be drawn to Islam: these are new Muslims who are influential leading figures, new in Islam and not yet firm for these are given from zakah if needed to make it easier for them to accept and be accustomed to the new life which may be so much more difficult for them and make them relaxed with Muslims and Islam.
5. Freeing a slave: it is encouraged to free a person from slavery and is regarded as a big act of worship that is pleasing to Allah.

6. One in debt: this person may be heavily in debt due to personal circumstances or tried to make peace between two sets of people and spent his money in doing so and got into debts; such a person is paid from zakah till he can come out of the debts.
7. Fee sabilillah: this is for the mujahid who is doing jihad in the way of Allah; he cannot work for his own living back home nor his family and yet he is guarding the frontiers of Islam and Muslims and every one owes to them after Allah, their religion, security and peace.
8. Traveler who is stranded away from home and his money has finished, this one is helped out from zakah to get back to his home town.

It is permissible to limit (to giving it to) only one of those categories due to the saying of the Prophet (s.a.w) to Mu'aadh, "If they obey you in it then teach them that Allah has enjoined on you charity that is taken from the wealthy among you and returned to the poor among you." This hadith was agreed upon by Bukhari and Muslim in its authenticity.

From this same hadith many scholars also said that the zakah is to be taken from the rich of a place and given to the poor of that place. If there is a reason or a need however, to give it elsewhere at a particular time, then it can be taken elsewhere for that need.

Zakah is not permissible to be given neither to a rich (self-sufficient) person nor to a strong one able to earn a living. Likewise, it is not permissible to be given to the family of Muhammad (s.a.w) which includes the Banu Hashim and their Mawlaa. Also, it is not permissible for someone to pay zakah to another person who he is obliged to look after the living expenses at the time of its being paid; nor is zakah permissible to be paid to a kafir.

Ubaid ibn Adiy ibn Khiyaar said that two men related to him that they came to the Messenger of Allah (s.a.w) asking him for sadaqah. He moved his eyes (back and forth) on them and said and found them both strong. So he said, **"If you two wanted; and there is no share in it for the rich or the earning strong one."** This was collected by Abu Dawud, Nasa'ee and Ahmed and Ibn Hajar said Ahmed found it to be strong (i.e. authentic).

A number of hadith show that zakah is not befitting of the Messenger of Allah (s.a.w) or his family nor is it permissible to be given to them. One of these hadith is his saying, "And it is not permissible for Muhammad or the family of Muhammad." This was collected in Sahih Muslim.

Also, a person is not allowed to give from his zakah money to those that he is obliged to look after as he is only paying himself in that case.

SUPEREROGATORY CHARITY

As for the supererogatory charity, it is permissible to be given to these categories of people as well as others besides them. But the more it is beneficial in a specific or general way the more complete. The Prophet (s.a.w) said, "Whoever asked the people their wealth to increase his own, then he is merely asking for a live coal! So let him have little (and be independent) or let him try to increase!" This was collected in Sahih Muslim. And he said to Umar (r.a), "Whatever came to you of this wealth while you are neither looking for it nor asking, take it; and whatever is not so, do not let yourself follow after it." This was collected in Sahih Muslim.

*Wa lillahil-Hamd
Wa-Salaatu Wa-salaamu alaa Rasulillah*