Islamic Law of Obligatory Alms (Zakat)

A Teaching and Learning Manual

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Introduction

Aims and Objectives

The major goal of the Islamic law of obligatory alms (zakat) at postgraduate level is to introduce candidates to the Islamic religious taxation and legal foundations and basics of the subject. The Islamic law of obligatory alms or zakat law is law that includes legal aspects which regulate the imposition, calculation and subjects of taxation. The major function of the course therefore, is to provide a sound understanding of how zakat law evolved and developed, and to critically examine the significance of this law in the hierarchy of branches of Islamic law and Islamic state practices.

This manual has been designed for courses to be undertaken in both Muslim and non-Muslim jurisdictions. It does not come alone and is one part of a series of manuals which have been created for Islamic law modules. In order to maximise the use of this manual, it is therefore strongly recommended that it be used in conjunction with the companion Sources of Islamic Law manual. This will enable students to understand the background to the origins and sources of Islamic law. A Glossary of Arabic Terms is a useful manual to consult for those students who may not be familiar with the Arabic language as it facilitates the understanding of some of the basic concepts of Islamic legal tradition. Equally useful is Approaches to Teaching and Learning Islamic Law which should be read together with this manual.

The focus of the preliminary sections of the course, entitled General Introduction to Zakat Law and Basic Concepts of Zakat Law, is an introduction to the concept and nature of the legal discipline in the hierarchy of Islamic legal subjects. This will require a study of the history, theory and the sources of classic zakat law as well as its modern form. The study of Islamic law is interesting because it tends to deviate from the study of ‘conventional law’. Students are often required to think outside the box when considering the
different schools of Islamic law and their subsequent applications. Accordingly, a chapter has been particularly devoted to the Interpretations of Zakat law which have been put forward by prominent jurists belonging to the different Schools of Islamic law within both Sunni and Shi‘ite Islam. The application of the law may also vary depending upon the jurisdiction in which it is applied and this is considered in the chapter entitled the Application of Zakat Law in Modern Islamic, Muslim and Non-Muslim States.

Course Outline

There are a total of four topics that are considered to be a fundamental part of this manual. It is suggested that these may be taught over a period of 10 weeks; however this time period may fluctuate at the discretion of the lecturer. It is suggested that the teaching of zakat law to be divided into the following structure:

1. An introduction to zakat law, sources and early interpretation
2. The status of zakat in schools of Islamic law
3. The collection of zakat in particular Islamic states in medieval and pre-modern periods
4. The status of zakat in modern times.

Teaching Methods

This manual is intended to be used as a guide and enables the lecturer to exercise his discretion where it is considered appropriate. It may be used at both undergraduate and postgraduate level. Although this manual has been complied with a view to fit into a half module to be run for 10 lecture sessions in one term, this allocation of teaching tie is variable. In terms of seminars, it is recommended that a one hour weekly lecture session be in conjunction with a one hour seminar every fortnight.

In terms of assessment, it is suggested an examination comprising of 75% of the final mark and an essay of 3,500 words providing the remaining 25% of
the marks be employed. Should the lecturer which to make alterations to this recommendation then this is a matter for him as the manual can accommodate this.

In order to develop the understanding of students and to encourage them to assess the law critically, it is invaluable that they read the material listed throughout this manual. Amongst the material referred to is the companion *Glossary of Arabic Terms* which contains a comprehensive list of relevant Arabic terms. It is recommended that students be engaged as a whole when new Arabic terms are referred to in the lectures. One method would be repetition of the relevant word coupled with it being noted in writing. Perhaps the lecturer would find it useful if students were reminded of key terms during subsequent lectures.


In respect of the latter point mentioned above, the student who often encounters Islamic legal studies and particularly the law of obligatory alms often relates this area to the area of taxation, which in the modern perception is correct. However, in the context of Islamic law, is not wholly accurate. *Zakat* properly understood is a moral, spiritual and legal obligation for Muslims.
It is important that during the teaching of zakat law in class, one first familiarises students with a variety of texts written by Muslim scholars rather than non-Muslims, as Brockopp noted. However, it is equally important that analytical material compiled or written by non-Muslim authors are also present. It is submitted that it is not enough to study the Qur’an and Sunna alone in order to understand the nature of zakat law and the way it has evolved and developed through 1400 years of Islamic history. Therefore in order to create an accurate reflection, the secondary material ought to be read in conjunction with the primary sources.

It terms of general teaching methods, it should be noted that the approaches adopted in other areas of law are also relevant in teaching zakat law. Amongst them, the following methods are considered proper and relevant for teaching zakat law:

1. Weekly class contact which involves all course participants and facilitates an effective discussion
2. An encouragement for the thinking process and the exploration of ideas, particularly in respect of the primary and secondary sources.
3. Problem solving exercises are especially useful as it is a frequent practice within Islamic law for jurists to address specific problems and to interpret and find proper answers or fatwas to the same.
4. Balancing social and legal issues as this area of Islamic law deals with welfare issues and consideration of the same in a social context ought to assist with a proper understanding of zakat.
Assessment Methods

It is suggested that all candidates enrolled for this course be required to sit a three hour university examination and to submit one assessment essay. The examination may consist of a combination of essay and problem questions. As has been mentioned above, the examination could contribute towards 75% of the final assessment and the remaining 25% of the course may be examined by a compulsory assessment essay. It is recommended that the word limit for the essay be no more than 3,500 words.

Should the lecturer consider it appropriate, candidates may be given the option of taking unannotated materials into the examination. The following are suggested for this purpose:


And either:


Or:

Course Materials

**Required purchase**

**Primary sources and materials**


A. Hameed Siddiqi, Sahih Muslim, Islamic Book Service, India, 2005.


**Textbooks**


Recommended Purchase


Students should be introduced into the emergence and evolution of Islamic law of *zakat*. The following titles are designed to introduce student to a timeline within which *zakat* and the basic theory surrounding it developed.

**The Discourse of Islamic law of zakat**


**Zakat legislation during the life Prophet Muhammad**

Prepare: Qur’an: Surahs 2:43, 87:14, 23:4 and 9:60

Zakat in Prophetic Traditions
Prepare: Sahih Bukhari, Chapter on Zakat

Read: Sahih Muslim, Chapter on Zakat

Rec: Musnad ibn Hanbal, Chapter on Zakat

Zakat in early schools of law

Read: Shaybani’s Athar, Chapter on Zakat; Malik’s Muwatta, Chapter on Zakat

Rec: Abd al-Razzaq’s Musannaf, Chapter on Zakat

Zakat in schools of law
Prepare: Encyclopedia of Islamic law, Chapter on Zakat

Read: Marginani’s Hedaya, Chapter on Zakat

Rec: Ibn Rushd’s Bidayat al-Mujtahid

Zakat law in the modern period


Chapter One

Overview of Fundamental Basics of Zakat Law

Sessions One and Two (Week 1–3)

Objectives

- Understanding zakat as a subject
- Classification of goods on which zakat is payable
- Calculation of zakat
- Assessment of property subject to zakat

The preliminary stages of the initial lecture should start with a definition as to what zakat actually means. Zakat (Arabic: ﻗﺑائل zakāt or zakāh, meaning to 'grow', 'purify', or 'foster) or obligatory alms is one of the central pillars of the Islamic religion. In a legal context or in simplified terms, zakat is an obligation imposed on a Muslim to pay 2.5% of the income he earns during a calendar year. The payment of zakat can either be in the form of property he owns or in the monetary equivalent. The 2.5% is not a strictly fixed amount and may be modified depending on the property subject to zakat. Zakat should not be confused with the notion of charity as it is understood in the contemporary context, despite the fact that it is translated as an “obligatory” charity. It has parallels to other fellow religions such as Christianity and Judaism, however, it should be noted that in these religions the institution of obligatory charity is not a separate legal obligation as it is in Islam.
The importance of zakat has been emphasised in both the Qur’an and Sunna and has been widely discussed in almost all juris corpus and traditionem corpus of Islamic law. Despite its primary meaning of alms, zakat is obligatory on every Muslim considered eligible for its payment in accordance with Islamic law. Traditionally, zakat is said to have both a spiritual and economic effect. The imposition of zakat as an obligatory payment on every eligible Muslim has been discussed in detail throughout the entire history of Islam.

The purpose of the present manual inter alia is to explore and examine relevant rulings and judgements relating to zakat which have been produced so far by the founders of Islamic jurisprudence and all subsequent jurists. It seems to be appropriate therefore to start with the origins and evolution of zakat and then to turn to a discussion on the development of it as a separate branch of Islamic law.

**Qur’anic Law of Zakat**

Zakat is mentioned a significant number of times in the Qur’an. In terms of specific figures, reference to it has been made on a total of 32 occasions in isolation and 82 occasions in conjunction with the other pillars.

It is suggested that at this stage reference be made to some relevant verses of the Qur’an which relate to zakat. The central verse which could be cited where zakat has been prescribed is 2:43, which states:

“And be steadfast in prayer; practise regular charity; and bow down your heads with those who bow down (in worship).”
It is interesting to note that in this verse, zakat is connected to prayer, which is itself an obligatory act within Islamic law. But to whom is zakat to be allocated? This has been addressed in 9.60, which reads:

“Alms are for the poor and the needy, and those employed to administer the (funds); for those whose hearts have been (recently) reconciled (to Truth); for those in bondage and in debt; in the cause of God; and for the wayfarer: (thus is it) ordained by God, and God is full of knowledge and wisdom.”

The above verse ought to be considered in detail. Students may be asked to engage in a short simple exercise where they make a list of those who they think are entitled to zakat in accordance with this verse. The verse classifies the recipients of Zakat into eight classes which are as follows:

i) the poor; (ii) the needy; (iii) administrators of zakat; (iv) those who converted to Islam recently or are going to convert; (v) prisoners captured in the war; (vi) debtors (vii) soldiers who fought for the state or scholars who study in religion; (vii) travellers.

It should be noted that the meaning of ‘poor’ may attract a divergence of definitions. According to Benthall, the category ‘poor’ includes “orphans and foundlings, widows and divorcees, prisoners and their families, unemployed and homeless people, students who cannot afford to marry, disaster victims, and those in need of free medicines or dignified funerals”. (J. Benthall, Financial Worship: The Qur’anic Injunction to Almsgiving, The Journal of the Royal Anthropological Institute, Vol. 5, No. 1. (Mar., 1999) p. 31). The qualification of poor may vary depending on circumstances; therefore the list is not exhaustive.

The Qur’an does not expand in terms of detail as to who the recipients of zakat are and therefore the responsibility of fulfilling this task fell upon the shoulders of Muslim jurists. In order to illustrate the difficulties Muslim jurists
may have faced when addressing such issues, students may be asked to act as jurists and answer the following questions:

i. What if the orphan was born outside of marriage?
ii. What if the divorcee was male?
iii. Would it make any difference if the prisoner was imprisoned because he had committed a murder?
iv. What if the prisoner was estranged from his family?
v. What if a person makes himself voluntary unemployed?
vi. What if a disaster victim had jewellery on him that he could receive a tidy sum for?
vii. Can travellers include refugees?
viii. What if an administrator of zakat decides he needs to buy a car and mobile phone to deliver zakat effectively?
ix. What if a potential convert is considering converting and is at the moment merely sympathetic towards Islam and its cause?
x. What if a debtor finds himself so because he has a habit to spend on unnecessary items?
xi. Is there a distinction between ‘poor’ and ‘needy’ and does this make any difference to the entitlement to zakat?
xii. Can students be asked to think of any other further examples where a person would be entitled to zakat?

**Prophetic Law of Zakat**


Further details in respect of zakat are manifested in the Prophetic traditions which are contained in six canonical collections, affirmed by Muslim community and are known as hadith. For the purposes of clarification, the hadith referred to throughout this section is Sahih al-Bukhari.
Zakat should be paid from one-date fruit and the source of income should be legitimate and accordingly, the income derived from usury, the sale of wine and swine and robbery is excluded. Both those with an abundance of wealth and those with limited resources are required to pay zakat, providing that they satisfy the criteria that would make them eligible for payment. Women are also encouraged to pay zakat but without it effecting their husband’s property. It is required that a person who is not financially capable of paying zakat, should help the recipients of zakat. In respect of payment, it has been established that “the individual property of different people should neither be gathered together nor should joint property be divided in the assessment of zakat”. Furthermore, “if a property is equally owned by two partners, its zakat is to be paid as a whole, and each partner is to pay the same amount”.

Criteria for the Zakat Payer

A person is under an obligation to pay zakat if he is:

   i) Muslim

   It is not obligatory for a non-Muslim to pay zakat, which is considered to be an act of worship as he is not obliged to carry out such worship in Islam.

   ii) An adult

   Minors are not required to pay zakat because they are considered to lack legal capacity.

   iii) Sane

   Should a child be considered insane at the time he reaches maturity, he is exempt from the payment of zakat for the duration of his insanity. Liability however attaches to him from the time he regains his sanity and his zakat year is calculated from this date. Students may be asked what would happen in circumstances where a person is thought to be sane at the time of maturity but subsequently becomes insane. Should the duration of insanity last for a period of one year, the person is exempt from payment of zakat throughout
this period. If the insanity remains for one part of a year, he is liable for zakat for that year.

**Calculation of Zakat**

The term Sahib-un-nisaab ought to be addressed at this juncture before proceeding to details as to how zakat is calculated. In basic terms, this is considered to be the threshold at which zakat becomes obligatory.

The following tables have been compiled in order to illustrate the concept of proportions within zakat:

<table>
<thead>
<tr>
<th>No of Camels Owned</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 23</td>
<td>Exempt</td>
</tr>
<tr>
<td>24</td>
<td>1 sheep</td>
</tr>
<tr>
<td>25-35</td>
<td>1 year old she-camel</td>
</tr>
<tr>
<td>36-45</td>
<td>2 year old she-camel</td>
</tr>
<tr>
<td>46-60</td>
<td>3 year old she-camel</td>
</tr>
<tr>
<td>61-75</td>
<td>4 year old she-camel</td>
</tr>
<tr>
<td>76-90</td>
<td>2 year old she-camel x2</td>
</tr>
<tr>
<td>91-120</td>
<td>3 year old she-camel x2</td>
</tr>
<tr>
<td>120 plus every subsequent 40</td>
<td>2 year old she-camel x2</td>
</tr>
<tr>
<td>120 plus every subsequent 50</td>
<td>1 mature she-camel</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No of Sheep Owned</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 39</td>
<td>Exempt</td>
</tr>
<tr>
<td>40-120</td>
<td>1 sheep</td>
</tr>
<tr>
<td>121-200</td>
<td>1 sheep x2</td>
</tr>
<tr>
<td>201-300</td>
<td>1 sheep x3</td>
</tr>
<tr>
<td>301 plus every subsequent 100</td>
<td>1 sheep x3 plus 1 sheep</td>
</tr>
</tbody>
</table>
Seminar

A useful exercise will be to facilitate brainstorming in the form of a medieval dispute between class members acting as Muslim jurists. Over the centuries, the jurists became renowned for addressing particular points relating to Islamic law with extensive discussion. The aim of the tutorial is for the attendees to understand the thought processes involved by the jurists by recreating a similar environment of dialogue and discussion within the classroom. The following is suggested as a point of zakat law that may be openly discussed:

Method

Muhammad Shaybabi, an early co-founder of the Hanafi school of law, wrote section 89 on Zakat on Crops and Tenth, Issue 315 of ‘Kitab al-Anthar’:

“Muhammad said, “Abu Hanifa informed us saying, ‘Al-Haytham to us from Anas ibn Sirrin that Anas ibn Malik (eulogy) said that Umar ibn Khattab (eulogy) had sent Anas ibn Malik as a zakah collector to the people of Basra, and he (Anas ibn Sirrin) said, “And he (Anas ibn Malik) wanted me to act as his zakah agent, but I said, “No, not until you write down for me the contract that ‘Umar ibn al-Khattab (eulogy) wrote for you.” So he wrote for me that I should take a quarter of a tenth from the wealth of the Muslims, and a half of a tenth from the wealth of the People of the Book who had made the dhimmah treaty when they came and went there for trade, and a tenth from the wealth of the people who had come from the Abode of War (outside of rule of Islam).

Muhammad said: “We adhere to all of this. As for what is taken from the Muslims that is zakah and it is put to the use of zakah for the needy and the bereft and those Allah has named in His Book. What is taken from the people who have made the dhimmah treaty and from the people at war (with Muslims) is put along with the kharaj in the bayt al-mal for combat".
The tradition as is cited above is a classical example of Islamic law and has been confirmed as the correct position by the Hanafi School. The students could however be divided into groups and asked to undertake the role of jurists from different schools in order to produce an opinion that:

1. Agrees in its entirety with the Hanafi opinion
2. Partially agrees with the Hanafi opinion
3. Disagrees with the Hanafi opinion.

Each group only needs to study the basic aspects of zakat law as set out in their respective schools and then submit a legal argument on their behalf. This could be in verbal or written form or a combination of the two. It should be noted that the purpose of this exercise is not to determine who is right and who is wrong but rather to facilitate and improve the knowledge of the students in zakat law and to enable them to dispute a particular point with conviction.

Core Reading


Supplementary Reading


Sahih Muslim, Chapter on Zakat

Rec: Musnad ibn Hanbal, Chapter on Zakat
Chapter Two

Interpretation of Zakat in Schools of Islamic Law

Sessions Three and Four (Weeks 4 – 6)

Objectives

- An overview of the different schools of Islamic law
- The status of zakat in Sunni schools
- Consideration of Hanafi Maliki Shafi‘i and Hanbali law
- Status of zakat in Shi‘ite schools
- Consideration of Zaydi, Jafari (Imami), Ismaili (sabiun) and Ibadi law

What follows below is a brief discussion on the status of zakat law as a result of rulings made by traditional schools of Islamic law. They have been extracted from single and multiple sources alike. The purpose of this section is not to discuss zakat law comprehensively but rather to introduce students to the practical aspects of zakat law, as portrayed in the works of prominent Islamic jurists.
Hanafi Law of Zakat


A person considered obligated to pay the zakat must:

i) Be free
ii) Be sane,
iii) Have reached the age of puberty
iv) Be Muslim
v) Be in full possession of the property

Zakat is to be paid on an annual basis. Should a mentally ill person recover prior to the lapse of a full year, then he ought to pay zakat. However, this is conditional upon him having suffered zakat for the greater part of the year.

Students may be informed that zakat is not imposed on those who have debts when those debts are equal to the total amount of his property or more. However should the property exceed the amount of debt owed then that person is liable for the excess.

Is zakat imposed on items that are used for the primary needs of a person? It appears not and this includes clothes, house rent, and animals whose purpose is to be consumed immediately in the house.

Can zakat be imposed upon property whose origin is doubted or illegal? Even though there are numerous disagreements between Hanafi jurists on this issue the general consensus is that it cannot. If a person is to become bankrupt as a consequence of payment of zakat, his property is nevertheless subject to zakat.
If a person intends to use any property for merchandise then such property automatically becomes subject to *zakat*. It equally applies when a person gains property as inheritance or as a gift or dowry in marriage but has an intention to use it for the purpose of merchandise.

Should a situation arise where a property subject to *zakat* is accidentally perished or destroyed, the owner of property is exempt from *zakat*. However, if the property has been destroyed partially, the owner only has to pay for the part that has not been destroyed and on the basis that this part is above the minimum level before which *zakat* becomes payable.

One of the important requirements for the validity of *zakat* is the existence of an intention. If a person has no intention to pay *zakat* from his property, any subsequent payments to charity do not constitute ‘*zakat*’.

**Animals**

*Hanafi* law defines *zakat* from animals as including such animals as camels, cattle, sheep, goats and others. The following tables can be used to illustrate the proportion of *zakat* payable.

<table>
<thead>
<tr>
<th>No of Camels Owned</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>Exempt</td>
</tr>
<tr>
<td>5-9</td>
<td>1 goat</td>
</tr>
<tr>
<td>10-14</td>
<td>2 goats</td>
</tr>
<tr>
<td>15-19</td>
<td>3 goats</td>
</tr>
<tr>
<td>20-24</td>
<td>4 goats</td>
</tr>
<tr>
<td>25-35</td>
<td>1 year old she-camel</td>
</tr>
<tr>
<td>36-45</td>
<td>2 year old she-camel</td>
</tr>
<tr>
<td>46-60</td>
<td>4 year old she-camel</td>
</tr>
<tr>
<td>61-75</td>
<td>4 year old she-camel</td>
</tr>
<tr>
<td>76-90</td>
<td>2 year old she-camel x2</td>
</tr>
<tr>
<td>91-120</td>
<td>4 year she-camel x2</td>
</tr>
<tr>
<td>121 plus</td>
<td>4 year she-camel x4</td>
</tr>
</tbody>
</table>
Hanafi law stipulates that zakat should be paid by female camels and not by male since the latter is equal only to its cost.

<table>
<thead>
<tr>
<th>No of Cows or Bulls Owned</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-29</td>
<td>Exempt</td>
</tr>
<tr>
<td>30-39</td>
<td>1 year old calf</td>
</tr>
<tr>
<td>40 plus</td>
<td>2 year old calf</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No of Goats Owned</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-40</td>
<td>Exempt</td>
</tr>
<tr>
<td>41-120</td>
<td>1 goat</td>
</tr>
<tr>
<td>121-200</td>
<td>2 goats</td>
</tr>
<tr>
<td>201-399</td>
<td>3 goats</td>
</tr>
<tr>
<td>400 -500</td>
<td>4 goats</td>
</tr>
<tr>
<td>500 plus every subsequent 100</td>
<td>4 goats plus 1</td>
</tr>
</tbody>
</table>

It should be noted that Hanafi law establishes one year of age as a minimum age for sheep and goats.

Hanafi law also establishes zakat on horses but unlike other animals, zakat should be paid in money rather than in horses or any other form of animal. It explicitly states that £10, which is the equivalent of one dinar, is due on each horse. However there is disagreement on whether zakat should be paid on horses between prominent Hanafi jurists. Abu Yusuf and Zufar state that no zakat is to be paid on horses based on Prophetic traditions. Abu Hanifa by contrast submits that Prophetic tradition concerned horses for military purposes only and did not extend to ordinary horses. As for donkeys and mules, no zakat is paid on them unless they are intended for merchandise purposes. Animals which are intended for transportation purposes are not subject to zakat. It should be noted that a zakat collector may not demand a tender of the best animal or property as zakat.
If a person owns a minimum property required for zakat, but acquires additional property during the year and the amount is equal to the original property, then his zakat is calculated by combining the two properties. Thus should a person who owns five camels already acquire a further five camels during the same year, he is required to pay one goat as opposed to two goats paid from two sets of five camels each.

**Precious Metals**

As for zakat on gold and silver, Hanafi law establishes that the minimum upon which zakat becomes due is 97 grams of gold and 641 grams of silver. The amount of zakat is calculated at 2.5% of the value of the relevant item.

Hanafi law establishes that zakat is also paid from personal movable property. The value of the property should be equal to the minimum of gold or silver subject to zakat. Should the value of the property in question be above the minimum at the beginning of the fiscal year and again towards the end, but fall below the minimum at any point during the same year, then a person is still liable for zakat.

**Shafi’i Law of Zakat**

(Sarakhsi, al-Mabsut, Cairo 1324 A.H. Vol:X)

Shafi’i law defines zakat as “growth, blessings, and an increase in good, purification, or praise”. Zakat is defined as being a particular amount of property that must be paid to certain kinds of recipients and under certain conditions. The conditions state that a person who is considered to be under an obligation to pay zakat must:

1. Be Muslim
2. Be free, irrespective of whether he is male, female or child
3. Posses a sufficient amount of property to pay zakat
4. Pay the obligatory zakat once a lunar year
Shafi’i law specifically stipulates that a non-Muslim is not obliged to pay zakat. This also includes apostate. However should an apostate return to Islam, he is liable for that amount of zakat during which he was out of Islam. The law also asserts that subsequent to the death of an apostate, his property is not subject to zakat since it automatically becomes the property of the Islamic state.

In circumstances where property belongs to a child or mentally disabled person, his guardian is obliged to pay zakat due on that property. Should his guardian fail to pay zakat at the relevant period, the child upon reaching puberty or the insane upon becoming same is required to compensate that which has been previously neglected.

The following types of goods are subject to zakat: (i) livestock, which includes a house, animals such as camels, cattle, sheep and goats; (ii) some food crops, which include staple types that are cultivated, dried and stored such as wheat, barley, millet, rice, lentils, chickpeas, broad beans, grass peas and as well as raw dates and grapes; (iii) gold and silver; (iv) trade goods; (v) mined wealth, which is restricted only to valuable metals such as gold and silver; (vi) wealth from treasure troves.

With the exception of zakat that is paid on an annual basis, Shafi’i law as well as the other schools has established that zakat is to be paid at ‘Eid al-Fitr’. This should be paid by every free Muslim who has sufficient funds to pay zakat and must be paid between the night before and on the day of ‘Eid al-Fitr’. A person who pays such zakat should also pay zakat to those who are dependent upon him. In circumstances where a husband is considered to be poor and by contrast his wife rich, the latter is not obliged to pay for her husband.

Should a person not pay zakat for one year and thereafter delay payment for several years, he is obliged to pay on what he ought to have paid during the first year for each year he avoided payment. If the property perishes or is
destroyed for the period in which zakat would otherwise become due, he is exempt from payment. However if only a part of the property has been destroyed or perished, then he is proportionally liable for that part that is intact. Accordingly, he will be liable to pay 2.5% of the value of the remaining property and not of the whole property in general. If however the property subject to zakat perishes or is destroyed subsequent to a neglect to pay zakat, then zakat is due on the property as a whole.

A person is not liable for zakat payment if his ownership ceases during any period of a year or if he dies. If a person deliberately gives up or relinquishes his property in order to avoid the payment zakat, then such a deed is considered offensive. Where a person sells part of his property that is subject to zakat and remains in ownership of another, upon which zakat is not payable, his sale is deemed invalid. By contrast, if he were to only sell that part that is not subject to zakat then his sale is considered to be valid.

Students may be asked whether a person should be obliged to pay zakat in respect of property that has previously:

i) Been wrongfully seized from him
ii) Been stolen
iii) Been lost
iv) Fallen into the sea
v) Been loaned to someone who is tardy for payment; however he recovered them at the moment of payment.

Interestingly, Shafi’i law obliges a person to pay zakat even for the duration that the property was out of his possession. It does however stipulate that where the value of the property diminishes whilst it has been absent, the owner is free from any obligation to pay. Should a person fail to regain his property for reasons beyond his control, he is not liable for payment of zakat.
What happens if a person pays a lump sum when he has the option to pay in installments? An example to illustrate this would be the tenant who pays the rent for the entire duration of his stay in advance. Here the landlord will be separately responsible for the payment of zakat for the first and second year of the tenancy agreement. Thereafter the obligation to pay the zakat lies on the tenant, although it is unclear as to why this onus is transferred after a period of two years.

*Shafi’i* law also obliges a person to pay zakat on property even though he may have debts that are equal to the property. It is somehow paradoxical since state funds which are formed from zakat payments are also intended to help a person who has debts.

**Animals**

Livestock as has been defined by *Shafi’i* law is only restricted to certain types of animals that are used for agricultural purposes. This category however does not extend to work animals, out of whose labour benefit is gained in terms of support or assistance in order to increase work. If those animals that are subject to zakat payment are fed only with fodder, without which they would not survive, zakat is not obligatory on them. An interesting point to note is that in this regards, *Shafi’i* lawyers urge people to follow *Maliki* law since the latter obliges payment of zakat on any animal, irrespective of whether it is used for work purposes, diet or open pasturage. It seems that *Shafi’i* lawyers are keen to avoid making any unintended mistake in their interpretation of the law and they therefore refer to *Maliki* law as they consider this source more reliable in this area.
In order to determine the amount owed in respect of animals, the calculations are generally based on Prophetic traditions. The following illustrates the position of animals in *Shafi’i* law:

<table>
<thead>
<tr>
<th>No of Cattle (Cows and Bulls)</th>
<th>Zakat Payable</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to 29</td>
<td>Exempt</td>
</tr>
<tr>
<td>30-39</td>
<td>1 male yearning</td>
</tr>
<tr>
<td>40-59</td>
<td>2 year old female yearning</td>
</tr>
<tr>
<td>60</td>
<td>Male yearning x2</td>
</tr>
</tbody>
</table>

It should be noted that *Shafi’i* law deviates slightly from tradition as it states that a male yearling should be prescribed in some circumstances. It is not entirely clear as to why *Shafi’i* law explicitly stipulates a male animal. By contrast, the other traditions either directly specify a female animal or remain silent on this subject.

In respect of sheep and goats, *Shafi’i* law establishes a minimum of 40 heads upon which *zakat* is due in amount of a one year old sheep or two year old goat. In *Shafi’i* law, a term of shah is used to indicate either former or latter type of animals. Should a number of animals reach one hundred and twenty then a person is obliged to tender two *shahs* i.e. either two one year old sheep or two a two year old goats. Consequently on a number of two hundred one it increases to three *shahs*, on four hundred to 4 *shahs* and after four hundred, for every hundred one *shah* is due. Besides if a number of animals are between two number upon which *zakat* is due then *zakat* is not obligatory.

The new born offspring of either sheep or goat, irrespective of the fact that mother died or not, they are subject to *zakat* payment as their mothers. If sheep or goats are all female or mixed then only female might be tendered as *zakat* payment. However if these animals are all male then a male sheep or goat is tendered as *zakat*. If sheep or goats are below the age then one of them is given as *zakat* anyway, however if they are of mixed ages the one which is appropriate age is tendered as *zakat*. 
Crops

As for the zakat on crops, Shafi’i law establishes the following crops upon which zakat is payable: wheat, barley, millet, rice, lentils, chickpeas, broad beans, grass peas but excludes grains and legumes as well as fruits, vegetables and seasonings except grapes and dates. A person is liable for zakat only once he harvests the crops or if the crops are ready for harvesting.

Shafi’i law establishes the minimum quantity of crops at 609.84 kilograms net dried weight, free of husks or chaff. For rice, the minimum is 1219 kilograms dried weight. Where a person owns two fields but harvests the same crops on both of them, he is liable to pay zakat as if they were on the same field. However when crops are being harvested at the same time but they are of different years, they are assessed on an individual basis as opposed to being grouped together.

Following Prophetic Traditions, Shafi’i law also distinguishes between crops watered by natural means such as rain and those watered by artificial efforts such as human irrigation. The amount of zakat on both of them varies: regarding of the former it is 10% of the value of the entire crops whereas in respect of the latter it is 5%. If irrigation occurs as a result of a mixture of the two sources, the amount of zakat is calculated respectively and proportionally.

Should an owner who stores his crops in a warehouse for a number of years pay zakat? It appears that the owner will discharge himself of any obligation to make payment in these circumstances. The person who grows crops is not permitted to consume or sell the same unless the crops have been assessed for the purposes of zakat payment by the zakat administrators. If he does so, he is obliged to make a payment of zakat in respect of the part that he consumed or sold.
Precious Metals

In respect of zakat for gold, silver and other valuable stones or money, Shafi’i laws have established a minimum: (i) gold – 84.7 grams; (ii) silver – 592.9 grams; (iii) money – it is equivalent of 592.9 grams of silver (£10.2213 per gram, or £5929 per annum). It is interesting to note that Shafi’i law does not establish zakat on any form of gold, silver or other valuable stone that is used for the purposes of jewelry.

Shafi’i law has further established rules for gold and silver discovered during the mining process. If a person discovers gold or silver or any other valuable stone on land and he has been authorised by the state to carry out the mining work, then he is liable to pay zakat on such property at a rate of 2.5%. A person is only obliged to pay zakat once an ore discovered on land has been refined into precious metal.

By way of contrast to the amount of zakat imposed on previous items, zakat on treasure troves is imposed at a rate of 20%. Shafi’i law does however restrict zakat payment only to that treasure which was buried in pre-Islamic times or by non-Muslims. In all other circumstances zakat is not be imposed. If a person finds treasure on land that belongs to another, he is not liable to pay zakat as the owner of the land is considered to be the owner of the discovered treasure.
**Maliki Law of Zakat**


**Maliki** law establishes that in order for payment of *zakat* to become obligatory, a person must be:

i) Muslim  
ii) Free  
iii) The owner of the property sufficient for *zakat* (not a debtor)

There is some disagreement amongst **Maliki** lawyers on whether the liability to pay *zakat* extends to non Muslims. Al-Qayrawani for instance, establishes that a major pre-condition for the eligibility of payment of *zakat* is an affiliation with the Islamic religion. Others assert that a non-Muslim is liable for *zakat*. Muwatta, an influential figure within the **Maliki** School remains silent on this matter.

**Maliki** law does not require a person to be either sane or to be at the age of puberty in order to pay *zakat*. The guardian of an insane person or minor is considered to be responsible for this payment.

According to the **Maliki** tradition, property is said to include the produce of ploughed land or crops, gold and silver, and livestock. **Maliki** law explicitly stipulates that there is no *zakat* on property intended for personal use. The law provides that there is not *zakat* on servants, horses, house, goods for
personal and jewelry. However it provides that *zakat* must be paid on jewelry that has been rented.

If a person inherits property on which *zakat* has already been paid, then *zakat* is not due until the following *zakat* year. The same rule is applicable where a person sells property that has been inherited.

Payment should be strictly on an annual basis and *zakat* should be paid after one full year from the day the previous *zakat* has been paid. Where a person has a constant turnover of goods and does not keep goods or money with him, then he should pay *zakat* based on an assessment of the whole income gained during the year. It is at his discretion to pay money later when cash or goods are available to him.

*Maliki* jurists also assert that certain type of goods are to assessed on the basis of the value of gold and this includes brocade, cotton garments, delicate cloth and real estate. Some other goods are to be assessed on the value of silver and this includes coarse garments and daily wear.

**Animals**

By way of contrast to the other traditions discussed thus far, *Maliki* law does not stipulate details in respect of *zakat* on livestock. It simply provides that the calculations for *zakat* applicable to other forms of property similarly apply to livestock. It does assert in particular that the only condition upon which *zakat* on offspring is paid is that their mothers are kept with the owner throughout the year.

**Crops**

*Maliki* law establishes that crops include the following: wheat, barley, sulphur-barley, rice, millet and sorghum as well as legumes: lentils, beans, broad beans, chick peas, lupines, peas, grass peas, oil seeds, sesame, cartham, olives and raisins. There is no *zakat* imposed on cottons seeds. The minimum of quantity of crops, established by *Maliki* law, upon which *zakat* becomes due is 609.84 kg.
*Maliki* law is specific on the imposition of zakat on such crops as barley and sult barley and states that they are to be considered as falling within the same category for the purposes of zakat. Accordingly, when zakat is imposed upon them, the amount of zakat is calculated jointly and not separately. The same approach is applicable to pulses. Students should be informed that rice, sorghum and millet are considered in separate categories for the purposes of calculating zakat.

An interesting point to note is that this tradition does not impose zakat on any type of fruit.

**Debt**

In respect of debt, *Maliki* law states that a person who has debt that is equal to the amount of zakat, is not obliged to pay the same. However, should he own other assets which are not affected by zakat at the same time he has debt then he is required to pay zakat. Where his assets are not enough to cover his zakat, then the difference between the value of his debt and value of his assets is calculated. If the difference obtained through this calculation is enough to make up the minimum for zakat, payment of zakat becomes due.

Interestingly, *Maliki* jurists do not apply the above principle in cases where a person is in possession of two or more zakatable properties. He who owns two or more zakatable properties and has debt on one of them is nevertheless liable for zakat on any other property on which he does not owe debt.

A person who has debt on zakatable property is not obliged to pay zakat until he repays his debt. This rule is applicable irrespective of the length of time the debt remains and equally applies to gold. An example to illustrate the latter is where a significant amount of gold is stored in a warehouse. The owner is not obliged to pay zakat on the gold until he sells it in exchange for money.

A person who inherited debt or expects money from the sale of inherited goods is only liable for the payment of zakat after he either settles the debt or
receives payment from the sale. The same is applicable to gifts. Accordingly, if a person expects to receive a gift but it remains with the giver for a considerable period of time, he is only liable to pay zakat once he is in receipt of that gift.

Precious Metals

*Maliki* law establishes a minimum upon which zakat on gold becomes due. This is 20 dinars and each dinar is equivalent to 4.25 grams of 22-carat gold. A person who owns a minimum gold equivalent of 20 dinars is obliged to pay half a dinar i.e. 2.125 grams of gold or quarter of the total amount of gold.

The minimum amount upon which zakat on silver becomes due is 200 dirhams, one dirham of which is equal to 3.207 grams of silver. A person who owns the minimum required by law has to pay 5 dirhams, which is approximately 16 grams of silver.

Students ought to have by now recognized that *Maliki* law establishes almost similar rules for zakat in respect of gold, silver and other precious metals extracted as other schools of law. The minimum property subject to zakat payment is 85 grams of gold upon which 0.25% of zakat is deducted.

Trade and Investment

With regards to goods involved in trade, *Maliki* law explicitly establishes that zakat is not paid on goods unless they are intended for commerce or trade. Accordingly, goods intended for personal use are not subject to zakat. By contrast, goods such as real estate, land, clothes, wheat, all grains, fruit and animals are subject to zakat payment providing they meet the minimum criteria for zakat to become due.

*Maliki* law stipulates that several conditions should be complied with in order for the goods to become qualified for zakat payment. They are: intention, location, ownership through payment, payment for goods and length of time. There should be an intention by the owner to use the goods for merchandise and those goods intended for merchandise should be located in the market
until a time when good profit is gained from them. A person who pays zakat on property should have acquired it through an ordinary sale transaction and not by inheritance or other means that excludes a financial exchange in order to qualify for zakat for that year. However, pursuant to the lapse of a year from the day the goods were received, zakat become due. A person who sells goods should sell them for money and if he fails to do so, the goods are not qualified for zakat.

What is the position of the Maliki jurist when considering investments? What would happen where a person for example has £1000 pounds in his possession which he keeps throughout the year for a total of eleven months, however he then invests the £1000 and gains £6000? In this case he pays zakat on his income, irrespective of the fact that he had been keeping a non-zakatable amount of money for the majority of the year.

**Hanbali Law of Zakat**


In order for a person to quality for the payment of obligatory zakat, he must:

1) Be a Muslim
2) Have a clear intention to pay zakat

It should be noted from the above criteria that Hanbali law does not require a person to be either sane or to have reached the age of puberty for the purpose of obligatory zakat. The property of the minor or insane person is
subject to zakat with the condition that the guardian of such a person is liable for payment of zakat in respect of that property.

Zakat in Hanbali law is imposed on both property and individuals. This tradition has established that zakat is generally due on livestock, goods and precious metals.

A person who owns property should have complete ownership of it so as to be able to dispense of the same at his own discretion. Zakat in Hanbali law is paid on an annual basis, which is based on a full lunar year.

Animals

Like other schools of law, Hanbali law stipulates that zakat is to be paid on camels, cattle, sheep and goats. It further states however, that no zakat is to be paid on horses, mules and donkeys, unless they form part of merchandise. The rules of calculation of zakat on camels and other livestock that are mainly based on Prophetic Traditions and are similar to those previously discussed in this chapter.

Hanbali law also establishes that if a person owns a mixture of livestock and if each type of livestock falls below the minimum zakatable amount, but collectively the number is higher than the stipulated threshold, zakat is not due. An example to illustrate this is that a person who has 35 sheep and 3 camels does not pay zakat on any of them even though jointly they may satisfy the minimum for the purposes of zakat.

Precious Metals

The minimum threshold of gold for the purposes of zakat totals 4.8 grams. Silver by contrast is 2.52 grams. Should the minimum requirement be satisfied, the payment of zakat is calculated at 2.5% of the total value of the relevant metal.

There is no requirement for a minimum period of ownership for either gold or silver. An interesting point for students to note is that there appears to be no
consensus as to whether zakat might be imposed on jewelry that has been made from both gold and silver. This is because jewelry is primarily used for personal use. However, should it be sold in bulk then it is counted as merchandise and logically considered for zakat payment. Hanbali jurists also rule that zakat is not due on bank notes, unless they are converted into gold or silver.

Crops

With regard to zakat on crops and fruit, Hanbali law also distinguishes between those crops irrigated naturally and those irrigated by artificial means. If crops are grown on land that is irrigated artificially, the rate of zakat is 5%. If however natural irrigation is employed, this figure increases to between 10-17%.

Hanbali law establishes that the minimum weight of crops upon which zakat is payable is 910kg. Hanbali jurists do not differentiate between fruit and crops in terms of zakat as they opine that zakat is due on everything that might be weighed and stored.

Goods Intended for Sale

Hanbali law takes the view that goods which are subject to zakat should be either acquired or intended for sale. There is however disagreement on whether goods gained through inheritance and subsequently intended for sale are also considered to be fit for the purposes of zakat payment. Further, Hanbali law explicitly establishes that goods intended for merchandise are subject to zakat. The rate of zakat imposed on such goods amounts to 2.5% of the total value.
Jafari (Ithnaashari) Law of Zakat

(Musnad Imam Ahmad Bin Muhammad Bin Hanbal: Codification According to the Subject Heading, Noor Foundation-Intl (Jan 2004))

In order for the payment of zakat to become obligatory, Jafari law stipulates that the relevant person must:

1. Be free
2. Be sane
3. Have reached the age of puberty.

In a situation where a person does not possess his sanity for a year or any duration within this period, he is exempt from paying zakat for the entire year. This should be contrasted with the situation where a person either remains unconscious or intoxicated for the whole year or any part thereof. In this situation, there is an obligation on such a person to pay zakat, payable through a guardian.

In respect of the age of puberty, the law requires that a period of 11 months must elapse from the time puberty has been reached before there is an obligation to pay zakat.

Jafari law establishes that zakat is paid on the following items: wheat (ii) barley (iii) palm dates (iv) raisins (v) gold (vi) silver (vii) camels (viii) cows (ix) sheep and goats.

Remarkably Jafari jurists distinguish between, camels, cows, sheep and goats, without integrating them into one group; the similar applies to crops that have been divided into several categories.

Similar to the other laws discussed thus far in this chapter, Jafari law requires an amount of property to reach a specified minimum in order for it to become subject to zakat. There is a requirement of a minimum of 11 months during
which a person should remain in possession of zakatable items and on the twelfth month the property should be assessed.

Should property be taken unlawfully from a person, he is not liable to pay zakat. If a person borrows zakatable items from another person and it remains with the former for the duration of a year then he is liable to pay zakat and the latter person becomes exempt from making payment. If a person dies prior to the commencement of the zakat payment, his heir or heirs amongst whom his property is distributed, are liable to pay zakat on his behalf.

**Animals**

In terms of zakat on animals, Jafari law establishes two additional conditions that should be met when zakat is deducted: (i) the animal should not have been used as a transportation vehicle; (ii) the animal grazes on that which animals are fed.

As for the minimum amount of animals (including camels, cattle, sheep and goats) the rules are similar to the other schools of law, only with some deviation in the rise of the proportion of zakat as the number of animals increase.

**Crops**

The minimum weight of crops and fruit established by Jafari law upon which zakat is due to be paid amounts to 847 kg. Zakat is only imposed on crops and fruit once they have ripened. During the course of a year, should a person either consume some of his crops or fruit, or give the same to another person as voluntary charity but not as zakat, he is liable to pay zakat on the part that he consumed or gave away.

If the weight of wet fruit changes once it dries and accordingly falls below the required minimum, then zakat is not due on it. By contrast, should a person consume part of a fruit with the result that means the weight of the subsequently dried fruit falls below the minimum value, zakat is due. Should a
person purchase crops or fruit but doubts whether zakat is to be paid on these items, he is not liable for zakat.

*Jafari* tradition makes the same distinction as the other schools of law with regards to the amount of zakat payable being influenced by the source of irrigation. Where the source of irrigation is natural, the relevant amount is 10% of the total value and where an artificial method is employed, the relevant figure is 5%. However *Jafari* law reserves a stipulation that should the source of irrigation be a combination of the two, the amount of zakat totals 7.5%. This rule is equally applicable in circumstances where an individual is unsure as to whether the source of irrigation is natural or artificial.

**Precious Metals**

In respect of gold, Jafari law establishes 85 grams as a minimum upon which 0.25% zakat should be paid. If however the amount of gold increases to 63.5 grams then 2.5% should be paid. In terms of silver, the minimum is 445 grams upon which 2.5% zakat becomes due. However, if the amount of silver increases to 80 grams 0.25% zakat should be paid.
Ismaili (Saba‘i) Law of Zakat


Interestingly, the first point to note is that Ismaili law does not establish a set of criteria that a person must satisfy in order for him to pay zakat. It holds a silent view in respect of the physical condition, age and status of an individual. The law does state that zakat is to be imposed on every member of family, be he the head of the family or dependant. Interestingly, it also obligates a person to pay zakat on behalf of his slave irrespective of whether the latter is Christian or Jewish.

Ismali law is similar to the other traditions previously mentioned in that it establishes that zakat ought to be paid on: (i) livestock; (ii) crops and fruits; and (iii) gold and silver.

The law stipulates that zakat is payable on an annual basis. Interestingly, Ismaili law also allows the collection of zakat one month before the date it is officially due, despite this being prohibited by the other schools of law.

A rather controversial point of this tradition is that zakat can be extracted from a person with the use of force, should this be deemed necessary. Moreover, Ismaili law establishes that zakat should be paid directly to the authorities and it discourages paying zakat to the poor.

Animals

Ismaili law generally establishes that payment of zakat on an animal should be by another of the same species. The only exception to this general principle is in respect of camels. In such circumstances, sheep are to be paid as zakat. A person may however, pay money, gold or silver equivalent to the value of that animal as zakat.
The notion of a minimum threshold being satisfied before *zakat* is imposed exists in a similar fashion to the other traditions discussed thus far. Variation does however exist in terms of proportions. *Ismaili* law stipulates that different types of animals which are subject to *zakat* should not be considered collectively for the purposes of assessing the amount of *zakat* owed. The exception to this rule is when different types of animals have been shepherded by the same person, irrespective of whether the animals themselves are owned by different persons. In this situation, *zakat* is deducted proportionally and the owners make a separate payment each.

Although *Ismaili* law does impose *zakat* on horses, mules and donkeys and quotes Prophetic tradition as a source for this decision, it excludes any form of *zakat* payment on camels, cattle and sheep.

**Crops**

Items such as grains, rice, lentils, chickpeas, beans and other cereals are subject to grain payment. Ismaili law states that *zakat* should be paid on the day of harvesting and not before. Unlike other schools of law, *Ismaili* law imposes *zakat* on everything that is cultivated on the land without discrimination. It does not make a distinction in terms of *zakat* payment between the methods of irrigation adopted. It imposes *zakat* at a rate of 10% of the whole amount of harvest. Students may be interested to note however, that a decision of this school has emerged which states that if a field is to be irrigated artificially, *zakat* to the value of 10% of the whole amount of harvest is to be imposed and if irrigation has occurred by natural means then this value is 5%.
Seminar

One of the main aims of the seminar is to involve students in a lively discussion and for them to think about the application of the law in various situations. An interesting method to employ would be to divide members of the group into jurists belonging to each of the Islamic schools of law discussed in this chapter. They could be asked to provide answers in accordance with the tradition to which they belong in respect of the following scenarios:

1. An owner of 173 sheep has just discovered that there has been an outbreak of foot-and-mouth disease amongst some of his cattle. The zakat collector is due to assess his assets in the morning. You are required to offer advice to the owner in respect of any obligations he has to pay zakat.

2. An owner of racehorses has been informed by his neighbour that he is under an obligation in Islam to pay zakat because he owns both the horses as well as the stables in which the horses are housed? Is this true?

3. A man provides his wife with silver earrings. The earrings belonged to his late mother. He gives them on the condition that she returns them to him should he wish them back. Are any of them obligated to pay zakat?

4. A zakat collector has based his calculation on the amount of zakat payable on harvest, which has not been collected as yet. The zakat collector notices that there is no visible form of water nearby and bases his calculation of zakat on this. The owners insist that the well situated adjacent to their lands has been used
throughout the year to water the crops. Your task is to make a favourable submission on behalf of the owners.

Assessment Essay Question

Describe and evaluate the socio economic significance of zakat on poverty reduction and income inequality in contemporary societies.

Core Reading


G. de Zayas, The Law and Institution of Zakat, Islamic Book Trust, 2007

Supplementary Reading


Sahih Bukhari, Chapter on Zakat

Sahih Muslim, Chapter on Zakat

Rec: Musnad ibn Hanbal, Chapter on Zakat
Chapter Three

Zakat in Modern States

Sessions Four and Five (Weeks 7–10)

Objectives

- The application of zakaţ in Islamic states and any deviations from the primary sources
- Consideration of the relevant laws applied in Saudi Arabia and Pakistan
- An evaluation of the application of zakaţ law in Muslim states
- Consideration of the difficulties surrounding the implementation of zakaţ in non-Islamic states
Save for a few exceptions, zakat as an obligatory tax is not imposed in modern Islamic states. In Saudi Arabia zakat is compulsory and deducted according to the rules interpreted by Hanbali scholars. In the majority of modern Islamic states however, zakat is voluntary and is deducted by special zakat organizations or committees. In Muslim-majority countries such as Jordan and Palestine there are zakat committees, however in Muslim-minority countries as the US, UK and Europe this role is given to charitable organizations.

The development of the legal framework for zakat in an Islamic state is dependent upon the school of law which is adopted as an official school in that particular state. In the majority of Islamic states, it is the Hanafi School which is predominant and its rules are recommended for application. Yet, there are also countries that adhere to Jafari, Hanbali, Ibadi and Zaydi schools and apply the rulings of their respected schools. Often as is demonstrated in the previous chapters, the rulings are similar except in some calculations.

A good example of the application of the zakat institution in modern legislation is the Zakat Ordinance of 1980 of Islamic Republic of Pakistan. This law specified that the funds obtained through zakat are mainly utilized for social welfare purposes. The law itself was enacted as a part of an Islamisation program of Pakistan’s legislation. The Pakistani legislature incorporated zakat rulings in the Hanafi interpretation, yet it seems they have not only stressed on a particular school but applied the general Qur’anic and Prophetic rules for zakat. The Constitution of Saudi Arabia also has legalized zakat and according to Article 21 of the same “Zakat is to be levied and paid to legitimate recipients”. (Article 21 of the Constitution of Kingdom Saudi Arabia). Zakat is a usual feature of the majority of Islamic states but its legal nature varies from country to country.
Conclusion

The Islamic law of *zakat*, as it has been established, is a product of long legal disputes and interpretation. The major sources such as the *Qur’an* and *Sunna* had a decisive impact on the evolution and development of the law; however a major contribution was also made by the Islamic jurists after the ninth century.

The disagreements and disputes between schools of law on some issues of *zakat* are due to a diversity of sources within those schools. In general, all schools of law agree on the fundamental basics of *zakat* but can differ in the application of some detail.

The Islamic law of *zakat* is easily predicted since the main body of the law is based upon common known Prophetic traditions. It is therefore difficult to trace the development of any legal concept beyond this context.

The major modifications to the law of *zakat* have been made by *Hanafi* as well as *Shafi’i* jurists who have attempted to elaborate on detail in the law. This has enabled on occasion the flexibility in answers that had previously been decided by their by their predecessors.

One who attempts to study or at least initiate the study of *zakat* law, should mainly consult major *juris corpuses* belonging to one of schools of Islamic law, depending on his or her affiliation. It is also strongly encouraged to study the *Qur’an* as well as Prophetic Traditions, but without the proper study of juristic works, one may not be able to grasp substantial characteristics of *zakat* law.
Recommended Bibliography


Abu Saud, M., (1988), *About the Fiqh of Zakat*, Cincinnati (Ohio, USA), Zakat and Research Foundation, p. 44.


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Documentary Appendix

The present documentary appendix provides selected excerpts from canonical collections of Prophetic Traditions. The majority of traditions have been omitted as they are not directly relevant to the substantive law of zakat. Attention should be given to the fact that the proceeding excerpts are in the form of raw material as opposed to the legal opinion of jurists. The list of narrators (isnad) has been deliberately omitted both for the sake of brevity and the absence of necessity of such lists. The number situated before each tradition denotes number of the volume, the number of chapter in the volume and the number of tradition in the chapter. An example to illustrate this is that, for instance, 2.24.487. means Volume No. 2, Chapter (Book) No. 24 and Tradition No. 487.
Appendix A


2.24.487. By Abu Said: Allah's Apostle (p.b.u.h) said, "No Zakat is due on property mounting to less than five Uqiyas (of silver), and no Zakat is due on less than five camels, and there is no Zakat on less than five Wasqs." (A Wasqs equals 60 Sa's) & (1 Sa=3 K gms App.)

2.24.488. By Zaid bin Wahab: I passed by a place called Ar-Rabadha and by chance I met Abu Dhar and asked him, "What has brought you to this place?" He said, "I was in Sham and differed with Muawiya on the meaning of (the following verses of the Qur'an): 'They who hoard up gold and silver and spend them not in the way of Allah.' (9.34). Muawiya said, 'This verse is revealed regarding the people of the scriptures.' I said, It was revealed regarding us and also the people of the scriptures." So we had a quarrel and Mu'awiya sent a complaint against me to 'Uthman. 'Uthman wrote to me to come to Medina, and I came to Medina. Many people came to me as if they had not seen me before. So I told this to 'Uthman who said to me, "You may depart and live nearby if you wish." That was the reason for my being here for even if an Ethiopian had been nominated as my ruler, I would have obeyed him.

2.24.491. By Abu Huraira Allah's Apostle said, "If one give in charity what equals one date-fruit from the honestly-earned money and Allah accepts only the honestly earned money. Allah takes it in His right
(hand) and then enlarges its reward for that person (who has given it), as anyone of you brings up his baby horse, so much so that it becomes as big as a mountain.

2.24.496. By Abu Masud: When the verses of charity were revealed, we used to work as porters. A man came and distributed objects of charity in abundance. And they (the people) said, "He is showing off." And another man came and gave as a (a small measure of food grains); they said, "Allah is not in need of this small amount of charity." And then the Divine Inspiration came: "Those who criticize such of the believers who give in charity voluntarily and those who could not find to give in charity except what is available to them." (9.79).

2.24.497. By Abu Masud Al-Ansar: Whenever Allah's Apostle (p.b.u.h) ordered us to give in charity, we used to go to the market and work as porters and get a Mudd (a special measure of grain) and then give it in charity. (Those were the days of poverty) and to-day some of us have one hundred thousand.

2.24.498. By 'Adi bin Hatim: Heard the Prophet saying: "Save yourself from Hell-fire even by giving half a date-fruit in charity."

2.24.502. By Abu Huraira: Allah's Apostle (p.b.u.h) said, "A man said that he would give something in charity. He went out with his object of charity and unknowingly gave it to a thief. Next morning the people said that he had given his object of charity to a thief. (On hearing that) he said, "O Allah! All the praises are for you. I will give alms again." And so he again went out with his alms and (unknowingly) gave it to an adulterous. Next morning the people said that he had given his alms to an adulterous last night. The man said, "O Allah! All the praises are for you. (I gave my alms) to an adulterous. I will give alms again." So he went out with his alms again and (unknowingly) gave it to a rich person.
(The people) next morning said that he had given his alms to a wealthy person. He said, "O Allah! All the praises are for you. (I had given alms) to a thief, to an adulterous and to a wealthy man." Then someone came and said to him, "The alms which you gave to the thief, might make him abstain from stealing, and that given to the adulteress might make her abstain from illegal sexual intercourse (adultery), and that given to the wealthy man might make him take a lesson from it and spend his wealth which Allah has given him, in Allah's cause."

2.24.511. By Ibn Abbas: The Prophet went out for the 'Id prayer on the 'Id day and offered a two Rakat prayer; and he neither offered a prayer before it or after it. Then he went towards the women along with Bilal. He preached them and ordered them to give in charity. And some (amongst the women) started giving their fore-arm bangles and earrings.

2.24.518. By 'Aisha: Allah's Apostle said, "When a woman gives in charity from her husband's meals without wasting the property of her husband, she will get a reward for it, and her husband too will get a reward for what he earned and the store-keeper will have the reward likewise."

2.24.520. By 'Aisha: The Prophet said, "If a woman gives in charity from her husband's house..." The Prophet (p.b.u.h) also said, "If a lady gives meals (in charity) from her husband's house without spoiling her husband's property, she will get a reward and her husband will also get a reward likewise. The husband will get a reward because of his earnings and the woman because of her spending."

2.24.521. By 'Aisha: The Prophet said, "When a woman gives in charity from her house meals in Allah's Cause without spoiling her husband's
property, she will get a reward for it, and her husband will also get the reward for his earnings and the storekeeper will get a reward likewise."

2.24.524. By Abu Burda: From his father from his grandfather that the Prophet said, "Every Muslim has to give in charity." The people asked, "O Allah's Prophet! If someone has nothing to give, what will he do?" He said, "He should work with his hands and benefit himself and also give in charity (from what he earns)." The people further asked, "If he cannot find even that?" He replied, "He should help the needy who appeal for help." Then the people asked, "If he cannot do that?" He replied, "Then he should perform good deeds and keep away from evil deeds and this will be regarded as charitable deeds."

2.24.526. By Abu Sa’id Al-Khudri: Allah's Apostle said, "There is no Zakat on less than five camels and also there is no Zakat on less than five Awaq (of silver). (5 Awaq is equal to 22 Fransa Riyals of Yemen or 200 Dirhams.) And there is no Zakat on less than five Awsuq. (A special measure of food-grains and one Wasq equals 60 Sa’s.) (For gold 20, Dinars i.e. equal to 12 Guinea English. No Zakat for less than 12 Guinea (English) of gold or for silver less than 22 Fransa Riyals of Yemen.)"

2.24.528. By Anas: Abu Bakr wrote to me what Allah had instructed His Apostle (p.b.u.h) to do regarding the one who had to pay one Bint Makhad (i.e. one year-old she-camel) as Zakat, and he did not have it but had got Bint Labun (two year old she-camel). (He wrote that) it could be accepted from him as Zakat, and the collector of Zakat would return him 20 Dirhams or two sheep; and if the Zakat payer had not a Bint Makhad, but he had Ibn Labun (a two year old he-camel) then it could be accepted as his Zakat, but he would not be paid anything.
2.24.530. By Anas: Abu Bakr wrote to me what was made compulsory by Allah's Apostle and that was (regarding the payments of Zakat): Neither the property of different people may be taken together nor the joint property may be split for fear of (paying more, or receiving less) Zakat.

2.24.531. By Anas: Abu Bakr wrote to me what Allah's Apostle has made compulsory (regarding Zakat) and this was mentioned in it: If a property is equally owned by two partners, they should pay the combined Zakat and it will be considered that both of them have paid their Zakat equally.

2.24.532. By Abu Said Al-Khudri: A Bedouin asked Allah's Apostle about the emigration. The Prophet (p.b.u.h) said, "May Allah have mercy on you! The matter of emigration is very hard. Have you got camels? Do you pay their Zakat?" The Bedouin said, "Yes, I have camels and I pay their Zakat." The Prophet said, Work beyond the seas and Allah will not decrease (waste) any of your good deeds."

2.24.533. By Anas: Abu Bakr, wrote to me about the Zakat which Allah had ordered His Apostle to observe: Whoever had to pay Jahda (Jahda means a four-year-old she-camel) as Zakat from his herd of camels and he had not got one, and he had Hiqqa (three-year-old she-camel), that Hiqqa should be accepted from him along with two sheep if they were available or twenty Dirhams (one Dirham equals about 1/4 Saudi Riyal) and whoever had to pay Hiqqa as Zakat and he had no Hiqqa but had a Jadha, the Jadha should be accepted from him, and the Zakat collector should repay him twenty Dirhams or two sheep; and whoever had to pay Hiqqa as Zakat and he had not got one, but had a Bint Labun (two-year-old she-camel), it should be accepted from him along with two sheep or twenty Dirhams; and whoever had to pay Bint Labun and had
a Hiqqa, that Hiqqa should be accepted from him and the Zakat collector should repay him twenty Dirhams or two sheep; and whoever had to pay Bint Labun and he had not got one but had a Bint Makhad (one-year-old she camel), that Bint Makhad should be accepted from him along with twenty Dirhams or two sheep.

2.24.534. By Anas: 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 Apostle had made obligatory for every Muslim, and which Allah had ordered His Apostle 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 is to be paid; and if they are between thirty-six to forty-five (camels), one Bint Labun is to be paid; and if they are between forty-six to sixty (camels), one Hiqqa is to be paid; and if the number is between sixty-one to seventy-five (camels), one Jadh'a 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 whoever 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. For silver the Zakat is one-fortieth of the lot (i.e. 2.5%), and if its value is less than two-hundred Dirhams, Zakat is not required, but if the owner wants to pay he can.

2.24.535. By Anas: Abu Bakr wrote to me what Allah had ordered His Apostle (about Zakat) which goes: Neither an old nor a defected animal, nor a male-goat may be taken as Zakat except if the Zakat collector wishes (to take it).

2.24.537. By Ibn Abbas: When Allah's Apostle (p.b.u.h) sent Muadh to Yemen, he said (to him), "YOU are going to people of a (Divine) Book. First of all invite them to worship Allah (alone) and when they come to know Allah, inform them that Allah has enjoined on them, five prayers in every day and night; and if they start offering these prayers, inform them that Allah has enjoined on them, the Zakat. And it is to be taken from the rich amongst them and given to the poor amongst them; and if they obey you in that, take Zakat from them and avoid (don't take) the best property of the people as Zakat."

2.24.538. By Abu Said Al-Khudri: Allah's Apostle said, "No Zakat is imposed on less than five Awsuq of dates; no Zakat is imposed on less than five Awaq of silver, and no Zakat is imposed on less than five camels."

2.24.542. By Abu Huraira: Allah's Apostle said, "There is no Zakat either on a horse or a slave belonging to a Muslim".
2.24.543. By Abu Huraira: The Prophet said, "There is no Zakat either on a slave or on a horse belonging to a Muslim.

2.24.547. By Abu Huraira: Allah's Apostle (p.b.u.h) ordered (a person) to collect Zakat, and that person returned and told him that Ibn Jamil, Khalid bin Al-Walid, and Abbas bin 'Abdul Muttalib had refused to give Zakat." The Prophet said, "What made Ibn Jamil refuse to give Zakat though he was a poor man, and was made wealthy by Allah and His Apostle? But you are unfair in asking Zakat from Khalid as he is keeping his armor for Allah's Cause (for Jihad). As for Abbas bin 'Abdul Muttalib, he is the uncle of Allah's Apostle (p.b.u.h) and Zakat is compulsory on him and he should pay it double."

2.24.557. By Abu Huraira: Allah's Apostle said, "The poor person is not the one who goes round the people and ask them for a mouthful or two (of meals) or a date or two but the poor is that who has not enough (money) to satisfy his needs and whose condition is not known to others, that others may give him something in charity, and who does not beg of people."

2.24.559. By Abu Humaid As-Sa'idi: We took part in the holy battle of Tabuk in the company of the Prophet and when we arrived at the Wadi-al-Qura, there was a woman in her garden. The Prophet asked his companions to estimate the amount of the fruits in the garden, and Allah's Apostle estimated it at ten Awsuq (One Wasaq = 60 Sa's and 1 Sa' = 3 kg. approximately). The Prophet said to that lady, "Check what your garden will yield." When we reached Tabuk, the Prophet said, "There will be a strong wind to-night and so no one should stand and whoever has a camel, should fasten it." So we fastened our camels. A strong wind blew at night and a man stood up and he was blown away to a mountain called Taiy, The King of Aila sent a white mule and a sheet for wearing to the Prophet as a present, and wrote to the Prophet
that his people would stay in their place (and will pay Jizya taxation.) (1) When the Prophet reached Wadi-al-Qura he asked that woman how much her garden had yielded. She said, "Ten Awsuq," and that was what Allah's Apostle had estimated. Then the Prophet said, "I want to reach Medina quickly, and whoever among you wants to accompany me, should hurry up." The sub-narrator Ibn Bakkar said something which meant: When the Prophet (p.b.u.h) saw Medina he said, "This is Taba." And when he saw the mountain of Uhud, he said, "This mountain loves us and we love it. Shall I tell you of the best amongst the Ansar?" They replied in the affirmative. He said, "The family of Bani-n-Najjar, and then the family of Bani Sa'ida or Bani Al-Harith bin Al-Khazraj. (The above-mentioned are the best) but there is goodness in all the families of Ansar."

2.24.560. By Salim bin 'Abdullah: From his father, The Prophet said, "On a land irrigated by rain water or by natural water channels or if the land is wet due to a nearby water channel Ushr (i.e. one-tenth) is compulsory (as Zakat); and on the land irrigated by the well, half of an Ushr (i.e. one-twentieth) is compulsory (as Zakat on the yield of the land)."

2.24.561. By Abu Said Al-Khudri: The Prophet said, "There is no Zakat on less than five Awsuq (of dates), or on less than five camels, or on less than five Awaq of silver." (22 Yemeni Riyals Faransa).

2.24.563. By Ibn 'Umar: The Prophet had forbidden the sale of dates till they were good (ripe), and when it was asked what it meant, the Prophet said, "Till there is no danger of blight."

2.24.564. By Jabir bin 'Abdullah: The Prophet had forbidden the sale of fruits till they were ripe (free from blight).
2.24.565. By Anas bin Malik: Allah's Apostle forbade the selling of fruits until they were ripe. The Prophet (p.b.u.h) added, "It means that they become red."

2.24.566. By 'Abdullah bin 'Umar: Umar bin Al-Khattab gave a horse in charity in Allah's Cause and later he saw it being sold in the market and intended to purchase it. Then he went to the Prophet and asked his permission. The Prophet said, "Do not take back what you have given in charity." For this reason, Ibn 'Umar never purchased the things which he had given in charity, and in case he had purchased something (unknowingly) he would give it in charity again.

2.24.567. By 'Umar: Once I gave a horse in Allah's Cause (in charity) but that person did not take care of it. I intended to buy it, as I thought he would sell it at a low price. So, I asked the Prophet (p.b.u.h) about it. He said, "Neither buy, nor take back your alms which you have given, even if the seller were willing to sell it for one Dirham, for he who takes back his alms is like the one who swallows his own vomit."

2.24.569. By Ibn Abbas: The Prophet saw a dead sheep which had been given in charity to a freed slave girl of Maimuna, the wife of the Prophet. The Prophet said, "Why don't you get the benefit of its hide?" They said, "It is dead." He replied, "Only to eat (its meat) is illegal."

2.24.570. By Al-Aswad: 'Aisha intended to buy Barira (a slave-girl) in order to manumit her and her masters intended to put the condition that her Al-wala would be for them. 'Aisha mentioned that to the Prophet who said to her, "Buy her, as the "Wala" is for the manumitted." Once some meat was presented to the Prophet and 'Aisha said to him, "This (meat) was given in charity to Barira." He said, "It is an object of charity for Barira but a gift for us."
2.24.574B. By Abu Huraira: The Prophet said, "A man from Bani Israel asked someone from Bani Israel to give him a loan of one thousand Dinar and the later gave it to him. The debtor went on a voyage (when the time for the payment of the debt became due) but he did not find a boat, so he took a piece of wood and bored it and put 1000 diners in it and threw it into the sea. The creditor went out and took the piece of wood to his family to be used as fire-wood."

2.24.575. By Abu Huraira: Allah's Apostle said, "There is no compensation for one killed or wounded by an animal or by falling in a well, or because of working in mines; but Khums is compulsory on Rikaz."

2.24.576. By Abu Humaid Al-Sa‘idi: Allah's Apostle (p.b.u.h) appointed a man called Ibn Al-Lutbiya, from the tribe of Al-Asd to collect Zakat from Bani Sulaim. When he returned, (after collecting the Zakat) the Prophet checked the account with him.


2.25.579. By Ibn Umar: Allah's Apostle enjoined the payment of one Sa' of dates or one Sa' of barley as Zakat-ul-Fitr on every Muslim slave or free, male or female, young or old, and he ordered that it be paid before the people went out to offer the 'Id prayer. (One Sa’ = 3 Kilograms approx.)

2.25.580. By Ibn 'Umar: Allah's Apostle made it incumbent on all the slave or free Muslims, male or female, to pay one Sa' of dates or barley as Zakat-ul-Fitr.
2.25.581. By Abu Said: We used to give one Sa’ of barley as Sadaqat-ul-Fitr (per head).

2.25.582. By Abu Said Al-Khudri: We used to give one Sa’ of meal or one Sa’ of barley or one Sa’ of dates, or one Sa’ of cottage cheese or one Sa’ of Raisins (dried grapes) as Zakat-ul-Fitr.

2.25.583. By ‘Abdullah bin ‘Umar: The Prophet ordered (Muslims) to give one Sa’ of dates or one Sa’ of barley as Zakat-ul-Fitr. The people rewarded two Mudds of wheat as equal to that.

2.25.584. By Abu Sa’id Al-Khudri: In the life-time of the Prophet we used to give one Sa’ of food or one Sa’ of dates or one Sa’ of barley or one Sa’ of Raisins (dried grapes) as Sadaqat-ul-Fitr. And when Muawiya became the Caliph and the wheat was (available in abundance) he said, "I think (observe) that one Mudd (of wheat) equals two Mudds (of any of the above mentioned things).


2.25.586. By Abu Said Al-Khudri: In the life-time of Allah's Apostle, we used to give one Sa’ of food (edible things) as Sadaqat-ul-Fitr (or Sadaqa-Ramadan) to the poor. Our food used to be either of barley, raisins (dried grapes), cottage cheese or dates.

2.25.587. By Nafi’: Ibn ‘Umar said, "The Prophet made incumbent on every male or female, free man or slave, the payment of one Sa’ of dates or barley as Sadaqat-ul-Fitr (or Sadaqa-Ramadan)." The people then substituted half Sa’ of wheat for that. Ibn ‘Umar used to give dates (as Sadaqat-ul-Fitr). Once there was scarcity of dates in Medina and Ibn ‘Umar gave barley. ‘And Ibn ‘Umar used to give
Sadaqat-ul-Fitr for every young and old person. He even used to give on behalf of my children. Ibn 'Umar used to give Sadaqat-ul-Fitr to those who had been officially appointed for its collection. People used to give Sadaqat-ul-Fitr (even) a day or two before the 'Id.

2.25.588. By Ibn 'Umar: Allah's Apostle has made Sadaqat-ul-Fitr obligatory, (and it was), either one Sa’ of barley or one Sa’ of dates (and its payment was obligatory) on young and old people, and on free men as well as on slaves.
Appendix B


Book 3. Zakat

3.1554. Narrated By AbuSa'id al-Khudri: The Prophet (pbuh) said:
There is no zakat payable (on grain or dates) on less than five camel-loads. The wasq (one camel-load) measures sixty sa' in weight.

3.1556. Narrated By Imran ibn Husayn: Habib al-Maliki said: A man said to Imran ibn Husayn: AbuNujayd, you narrate to us traditions whose basis we do not find in the Qur'an. Thereupon, Imran got angry and said to the man: Do you find in the Qur'an that one dirham is due on forty dirhams (as Zakat), and one goat is due on such-and-such number of goats, and one camel will be due on such-and-such number of camels? He replied: No. He said: From whom did you take it? You took it from us, from the Apostle of Allah (pbuh).He mentioned many similar things.

3.1557. Narrated By Samurah ibn Jundub: The Apostle of Allah (pbuh) used to order us to pay the sadaqah (zakat) on what we prepared for trade.

3.1558. Narrated By Abdullah ibn Amr ibn al-'As: A woman came to the Apostle of Allah (pbuh) and she was accompanied by her daughter who wore two heavy gold bangles in her hands. He said to her: Do you pay zakat on them? She said: No. He then said: Are you pleased that Allah may put two bangles of fire on your hands? Thereupon she took them
off and placed them before the Prophet (pbuh) saying: They are for Allah and His Apostle.

3.1559. Narrated By Umm Salamah, Ummul Mu'minin: I used to wear gold ornaments. I asked: Is that a treasure (kanz), Apostle of Allah? He replied: whatever reaches a quantity on which zakat is payable is not a treasure (kanz) when the zakat is paid.

3.1563. Narrated By Abdullah ibn Umar: The Apostle of Allah (pbuh) wrote a letter about sadaqah (zakat) but he died before he could send it to his governors. He had kept it with his sword. So Abu Bakr acted upon it till he died, and then Umar acted upon it till he died.

It contained: "For five camels one goat is to be given; for ten camels two goats are to be given; for fifteen camels three goats are to be given; for twenty camels four goats are to be given; for twenty-five to thirty-five camels a she-camel in her second year is to be given. If the number exceeds by one up to seventy camels, a she-camel in her fourth year is to be given; if they exceed by one up to seventy-five camels, a she-camel in her fifth year is to be given; if they exceed by one up to ninety camels, two she-camels in their third year are to be given; if they exceed by one up to one hundred and twenty, two she-camels in their fourth year are to be given. If the camels are more than this, a she-camel in her fourth year is to be given for every fifty camels, and a she-camel in her third year is to be given for every forty camels.

For forty to one hundred and twenty goats one goat is to be given; if they exceed by one up to two hundred, two goats are to be given. If they exceed by one up to three hundred, three goats are to be given; if the goats are more than this, one goat for every hundred goats is to be given. Nothing is payable until they reach one hundred. Those which are in one flock are not to be separated, and those which are in separate flocks are not be brought together from fear of sadaqah.
(zakat). Regarding that which belongs to two partners, they can make claims for restitution from each other with equity. An old goat and a defective one are not to be accepted as sadaqah (zakat)."

Az-Zuhri said: When the collector comes, the goats will be apportioned into three flocks: one containing bad, the second good, and the third moderate. The collector will take zakat from the moderate. Az-Zuhri did not mention the cows (to be apportioned in three flocks).

3.1567. Narrated By Ali ibn AbuTalib: Al-Harith al-A'war reported from Ali. Zuhayr said: I think, the Prophet (pbuh) said: "Pay a fortieth. A dirham is payable on every forty, but you are not liable for payment until you have accumulated two hundred dirhams. When you have two hundred dirhams, five dirhams are payable, and that proportion is applicable to larger amounts.

"Regarding sheep, for every forty sheep up to one hundred and twenty, one sheep is due. But if you possess only thirty-nine, nothing is payable on them." He further the tradition about the sadaqah (zakat) on sheep like that of az-Zuhri.

"Regarding cattle, a yearling bull calf is payable for every thirty, and a cow in her third year for forty, and nothing is payable on working animals.

Regarding (the zakat on) camels, he mentioned the rates that az-Zuhri mentioned in his tradition. He said: "For twenty-five camels, five sheep are to be paid. If they exceed by one, a she-camel in her second year is to be given. If there is no she-camel in her second year, a male camel in its third year is to be given, up to thirty-five. If they exceed by one a she-camel in her third year is to be given, up to forty-five. If they exceed by one, a she-camel in her fourth year which is ready to be covered by a bull-camel is to be given." He then transmitted the rest of the tradition like that of az-Zuhri.

He continued: If they exceed by one, i.e. they are ninety-one to hundred and twenty, two she-camels in their fourth year, which are ready to be
covered by a bull-camel, are to be given. If there are more camels than that, a she-camel in her fourth year is to be given for every fifty. Those which are in one flock are not to be separated, and those which are separate are not to be brought together. An old sheep, one with a defect in the eye, or a billy goat is not to be accepted as a sadaqah unless the collector is willing.

As regards agricultural produce, a tenth is payable on that which is watered by rivers or rain, and a twentieth on that which is watered by draught camels."

The version of Asim and al-Harith says: "Sadaqah (zakat) is payable every year." Zuhayr said: I think he said "Once a year".

The version of Asim has the words: "If a she-camel in her second year is not available among the camels, nor is there a bull-camel in its third year, ten dirhams or two goats are to be given."

3.1568. Narrated By Ali ibn AbuTalib: The Prophet (pbuh) said: "When you possess two hundred dirhams and one year passes on them, five dirhams are payable. Nothing is incumbent on you, that is, on gold, till it reaches twenty dinars. When you possess twenty dinars and one year passes on them, half a dinar is payable. Whatever exceeds, that will be reckoned properly."

(The narrator said: I do not remember whether the words "that will be reckoned properly" were uttered by All himself or he attributed them to the Prophet (pbuh).

No zakat is payable on property till a year passes on it.

But Jarir said: Ibn Wahb (sub-narrator) added to this tradition from the Prophet (pbuh): "No zakat is payable on property until a year passes away on it."

3.1569. Narrated By Ali ibn AbuTalib: The Prophet (pbuh) said: I have given exemption regarding horses and slaves; with regard to coins,
however, you must pay a dirham for every forty (dirhams), but nothing is payable on one hundred and ninety. When the total reaches two hundred, five dirhams are payable.

3.1570. Narrated By Mu’awiyah ibn Haydah: The Apostle of Allah (pbuh) said: For forty pasturing camels, one she-camel in her third year is to be given. The camels are not to be separated from reckoning. He who pays zakat with the intention of getting reward will be rewarded. If anyone evades zakat, we shall take half the property from him as a due from the dues of our Lord, the Exalted. There is no share in it (zakat) of the descendants of Muhammad (pbuh).

3.1571. Narrated By Mu’adh ibn Jabal: When the Prophet (pbuh) sent him to the Yemen, he ordered him to take a male or a female calf a year old for every thirty cattle and a cow in its third year for every forty, and one dinar for every adult (unbeliever as a poll-tax) or cloths of equivalent value manufactured in the Yemen.

3.1574. Narrated By Someone who accompanied the collector of the Prophet : Suwayd ibn Ghaflah said: I went myself or someone who accompanied the collector of the Prophet (pbuh) told me: It was recorded in the document written by the Apostle of Allah (pbuh) not to accept a milking goat or she-camel or a (suckling) baby (as zakat on animals); and those which are in separate flocks are not to be brought together, and those which are in one flock are not to be separated. The collector used to visit the water-hole when the sheep went there and say: Pay the sadaqah (zakat) on your property. The narrator said: A man wanted to give him his high-humped camel (kawma’). The narrator (Hilal) asked: What is kawma’, AbuSalih? He said: A camel a high hump.

The narrator continued: He (the collector) refused to accept it. He said: I wish you could take the best of my camels. He refused to accept it. He
then brought another camel lower in quality than the previous one. He refused to accept it too. He then brought another camel lower in quality than the previous one. He accepted it, saying: I shall take it, but I am afraid the Apostle of Allah (pbuh) might be angry with me, saying to me: You have purposely taken from a man a camel of your choice.

3.1576. Narrated By Sa’r ibn Disam: Muslim ibn Shu‘bah said: Nafi’ ibn Alqamah appointed my father as charge d'affaires of his tribe, and commanded him to collect sadaqah (zakat) from them. My father sent me to a group of them; so I came to an aged man called Sa’r ibn Disam. I said: My father has sent me to you to collect zakat from you. He asked: What kind of animals will you take, my nephew? I replied: We shall select the sheep and examine their udders. He said: My nephew, I shall narrate a tradition to you. I lived on one of these steppes during the time of the Apostle of Allah (pbuh) along with my sheep. Two people riding a camel came to me. They said to me: We are messengers of the Apostle of Allah (pbuh), sent to you so that you may pay the sadaqah (zakat) on your sheep. I asked: What is due from me for them? They said: One goat. I went to a goat which I knew was full of milk and fat, and I brought it to them. They said: This is a pregnant goat. The Apostle of Allah (pbuh) prohibited us to accept a pregnant goat. I asked: What will you take then? They said: A goat in its second year or a goat in its third year. I then went to a goat which had not given birth to any kid, but it was going to do so. I brought it to them. They said: Give it to us. They took it on the camel and went away.

saying: He who performs three things will have the taste of the faith. (They are:) One who worships Allah alone and one believes that there is no god but Allah; and one who pays the zakat on his property agreeably every year. One should not give an aged animal, nor one suffering from itch or ailing, and one most condemned, but one should give animals of medium quality, for Allah did not demand from you the best of your animals, nor did He command you to give the animals of worst quality.

3.1578. Narrated By Ubayy ibn Ka'b: The Apostle of Allah (pbuh) commissioned me as a collector of zakat. I visited a man. When he had collected his property of camels, I found that a she-camel in her second year was due from him.

I said to him: Pay a she-camel in her second year, for she is to be paid as sadaqah (zakat) by you.

He said: That one is not worthy of milking and riding. Here is another she-camel which is young, grand and fat. So take it.

I said to him: I shall not take an animal for which I have not been commanded. The Apostle of Allah (pbuh) is here near to you. If you like, go to him, and present to him what you presented to me. Do that; if he accepts it from you, I shall accept it; if he rejects it, I shall reject it.

He said: I shall do it. He accompanied me and took with him the she-camel which he had presented to me. We came to the Apostle of Allah (pbuh). He said to him: Prophet of Allah, your messenger came to me to collect zakat on my property. By Allah, neither the Apostle of Allah nor his messenger has ever seen my property before. I gathered my property (camels), and he estimated that a she-camel in her second year would be payable by me. But that has neither milk nor is it worth riding. So I presented to him a grand young she-camel for acceptance as zakat. But he has refused to take her. Look, she is here; I have brought her to you, Apostle of Allah. Take her.
The Apostle of Allah (pbuh) said: That is what is due from you. If you give voluntarily a better (animal) Allah will give a reward to you for it. We accept her from you. She is here, Apostle of Allah; I have brought her to you. So take her. The Apostle of Allah (pbuh) then ordered me to take possession of it, and he prayed for a blessing on his property.

3.1590. Narrated By AbuHurayrah: The Prophet (pbuh) said: No sadaqah is due on a horse or a slave except that given at the breaking of the fast (at the end of Ramadan).

3.1595. Narrated By Mu'adh ibn Jabal: When the Apostle of Allah (pbuh) sent him to the Yemen, he said (to him): Collect corn from the corn, sheep from the sheep, camel from the camels, and cow from the cows.

3.1597. Narrated By Abdullah ibn Amr ibn al-'As: Banu Shababah were a sub-clan of the tribe Fahm. (They used to pay) one bag (of honey) out of ten bags. Sufyan ibn Abdullah at-Thaqafi gave them two woods as protected lands. They used to give as much honey (as zakat) as they gave to the Apostle of Allah (pbuh). He (Sufyan) used to protect their woods.

3.1599. Narrated By Attab ibn Usayd: The Apostle of Allah (pbuh) commanded to estimate vines (for collecting zakat) as palm-trees are estimated. The zakat is to be paid in raisins as the zakat on palm trees is paid in dried dates.

them leaving a third, and if you do not leave or find a third, leave a quarter.

3.1602. Narrated By 'Aisha, Ummul Mu'minin: Describing the conquest of Khaybar 'Aisha said: The Prophet (pbuh) used to send Abdullah ibn Rawahah to the Jews of Khaybar, and he would make an estimate of the palm trees when the fruit was in good condition before any of it was eaten.

3.1603. Narrated By Sahl ibn Hunayf: The Apostle of Allah (pbuh) prohibited to accept ja'rrur and habiq dates as zakat. Az-Zuhri said: These are two kinds of the dates of Medina.

3.1605. Narrated By Abdullah ibn Abbas: The Apostle of Allah (pbuh) prescribed the sadaqah (alms) relating to the breaking of the fast as a purification of the fasting from empty and obscene talk and as food for the poor. If anyone pays it before the prayer (of 'Id), it will be accepted as zakat. If anyone pays it after the prayer, that will be a sadaqah like other sadaqahs (alms).

3.1610. Narrated By Abdullah ibn Umar: The people during the lifetime of the Apostle of Allah (pbuh) used to bring forth the sadaqah at the end of Ramadan when closing the fast one sa' of barley whose straw is removed, or of raisins. Abdullah said: When Umar (Allah be pleased with him) succeeded, and the wheat became abundant, Umar prescribed half a sa' of wheat instead of all these things.

3.1614. Narrated By AbuSa'id al-Khudri: I shall always pay one sa'. We used to pay during the lifetime of the Apostle of Allah (pbuh) one sa' of dried dates or of barley, or of cheese, or of raisins. This is the version of Yahya. Sufyan added in his version: "or one sa' of flour." The narrator
Hamid (ibn Yahya) said: The people objected to this (addition); Sufyan then left it.

3.1615. Narrated By Tha'labah ibn Su'ayr: The Apostle of Allah (pbuh) said: One sa' of wheat is to be taken from every two, young or old, freeman or slave, male or female. Those of you who are rich will be purified by Allah, and those of you who are poor will have more than they gave returned by Him to them. Sulayman added in his version: "rich or poor"

3.1616. Narrated By Tha'labah ibn Su'ayr: The Apostle of Allah (pbuh) stood and gave a sermon; he commanded to give sadaqah, at the end of Ramadan when the fasting is closed, one sa' of dried dates or of barley payable by every person. The narrator Ali added in his version: "or one sa' of wheat to be taken from every two." Both the chains of narrators are then agreed upon the version: "payable by young and old, freeman and slave."

3.1618. Narrated By Abdullah ibn Abbas: Al-Hasan said: Ibn Abbas preached towards the end of Ramadan on the pulpit (in the mosque) of al-Basrah. He said: Bring forth the sadaqah relating to your fast. The people, as it were, could not understand. Which of the people of Medina are present here? Stand for your brethren, and teach them, for they do not know.

The Apostle of Allah (pbuh) prescribed this sadaqah as one sa' of dried dates or barley, or half a sa' of wheat payable by every freeman or slave, male or female, young or old. When Ali came (to Basrah), he found that price had come down. He said: Allah has given prosperity to you, so give one sa' of everything (as sadaqah).

The narrator Humayd said: Al-Hasan maintained that the sadaqah at the end of Ramadan was due on a person who fasted.
3.1620. Narrated By Ali ibn AbuTalib: Al-Abbas asked the Prophet (pbuh) about paying the sadaqah (his zakat) in advance before it became due, and he gave permission to do that.

3.1621. Narrated By Imran ibn Husayn: Ibrahim ibn Ata, the client of Imran ibn Husayn, reported on the authority of his father: Ziyad, or some other governor, sent Imran ibn Husayn to collect sadaqah (i.e. zakat). When he returned, he asked Imran: Where is the property? He replied: Did you send me to bring the property? We collected it from where we used to collect in the lifetime of the Apostle of Allah (pbuh), and we spent it where we used to spend during the time of the Apostle of Allah (pbuh).

3.1622. Narrated By Abdullah ibn Mas'ud: The Prophet (pbuh) said: He who begs (from people) when he is affluent will come on the Day of Resurrection with scrapes, scratchings, or lacerations on his face. He was asked: What constitutes affluence, Apostle of Allah? He replied: It is fifty dirhams or its value in gold. The narrator Yahya said: Abdullah ibn Sufyan said to Sufyan: I remember that Shu'bah does not narrate from Hakim ibn Jubayr. Sufyan said: Zubayr transmitted to us this tradition from Muhammad ibn AbdurRahman ibn Yazid.

3.1624. Narrated By AbuSa'id al-Khudri: The Prophet (pbuh) said: If anyone begs when he has something equivalent to an uqiyah in value, he has begged immoderately. So I said: My she-camel, Yaqutah, is better than an uqiyah. The version of Hisham goes: "better than forty dirhams. So I returned and did not beg anything from him." Hisham added in his version: "An uqiyah during the time of the Apostle of Allah (pbuh) was equivalent to forty dirhams."
3.1626. Narrated By Ziyad ibn al-Harith as-Suda’i: I came to the Apostle of Allah (pbuh) and swore allegiance to him, and after telling a long story he said: Then a man came to him and said: Give me some of the sadaqah (alms). The Apostle of Allah (pbuh) said: Allah is not pleased with a Prophet's or anyone else's decision about sadaqat till He has given a decision about them Himself. He has divided those entitled to them into eight categories, so if you come within those categories, I shall give you what you desire. (Reference to Qur’anic categories of zakat beneficiaries)

3.1628. Narrated By AbuHurayrah: The Apostle of Allah (pbuh) said something similar as mentioned in the preceding tradition. This version adds: But the poor man (miskin) who abstains from begging from the people is one (according to the version of Musaddad who does not get enough so that he may not beg from the people, nor is his need known to the people, so that alms be given to him. This is the one who has been deprived.

Musaddad did not mention the words "one who avoids begging from the people."

3.1630. Narrated By Abdullah ibn Amr ibn al-'As: The Prophet (pbuh) said: Sadaqah may not be given to a rich man or to one who has strength and is sound in limbs.

3.1631. Narrated By Ata ibn Yasar: The Prophet (pbuh) said: Sadaqah may not be given to rich man, with the exception of five classes: One who fights in Allah's path, or who collects it, or a debtor, or a man who buys it with his money, or a man who has a poor neighbour who has been given sadaqah and gives a present to the rich man.

3.1635. Narrated By Samurah ibn Jundub: The Prophet (pbuh) said: Acts of begging are lacerations with which a man disfigures his face, so
he who wishes may preserve his self-respect, and he who wishes may abandon it; but this does not apply to one who begs from a ruler, or in a situation which makes it necessary.

3.1656. Narrated By AbuHurayrah: I heard the Apostle of Allah (pbuh) as saying something similar to this tradition. He (the narrator) said to AbuHurayrah: What is due on camels? He replied: That you should give the best of your camels (in the path of Allah), that you lend a milch she-camel, you lend your mount for riding, that you lend the stallion for covering, and that you give the milk (to the people) for drinking.

3.1714. Narrated By AbuHurayrah: The Prophet (pbuh) said: He who hides a stray camel shall pay a fine, and a like compensation with it.

3.1716. Narrated By Al-Mundhir ibn Jarir: I accompanied Jarir at Bawazij. The shepherd brought the cows. Among them there was a cow that was not one of them. Jarir asked him: What is this? He replied: This was mixed with the cows and we do not know to whom it belongs. Jarir said: Take it out. I heard the Apostle of Allah (pbuh) say: No one mixes a stray animal (with his animals) but a man who strays from right path.
Appendix C

Sahih Muslim by Imam Muslim, Abdul Hamid Siddiqui, Kitab Bhavan, India
(31 Dec 2000)

Book 5. Zakat.

5.2134. Abu Sa'id al-Khudri reported Allah's Messenger (way peace be upon him) as saying: No sadaqa (zakat) is payable on less than five wasqs of (dates or grains), on less than five camel-heads and on less than five uqiyas (of silver).

5.2136. 'Umara reported: I heard Abd Sa'id al-Khudri as saying that he had heard Allah's Messenger (may peace be upon him) make (this) observation with a gesture of his five fingers, and then he the hadith as transmitted by 'Uyaina (hadith 2134).

5.2137. Abu Sa'id al-Khudri reported Allah's Messenger (may peace be upon him) as saying: Sadaqa (zakat) is payable on less than five wasqs of (dates or grains), on less than five camel-heads, and on less than five uqiyas (of silver).

5.2138. Abu Sa'id al-Khudri reported Allah's Messenger (may peace be upon him) as saying: No Sadaqa is payable on less than five wasqs of dates or grains.

5.2139. Abu Sa'id al-Khudri reported Allah's Messenger (may peace be upon him) as saying: No Sadaqa is payable on the grains and dates till it (comes to the Weight) of five wasqs, or less than five heads of camels, or less than five uqiyas (of silver).
5.2142. Jabir b. 'Abdullah reported Allah's Messenger (may peace be upon him) as saying: No Sadaqa is payable on less than five fiqiyas of silver, and on less than five heads of camels, and less than five wasqs of dates.

5.2143. Jabir b. Abdullah reported Allah's Messenger (may peace be upon him) as saying: A tenth is payable on what is watered by rivers, or rains, and a twentieth on what is watered by camels.

5.2144. Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: No Sadaqa is due from a Muslim on his slave or horse.

5.2147. Abu Huraira reported Allah's Messenger (may peace be upon him) as saying: There is no Sadaqa on a slave except Sadaqat-ul-Fitr.

5.2148. Abu Huraira reported that the Messenger of Allah (may peace be upon him)sent Umar for (collecting) Sadaqa (zakat), and it was said that Ibn Jamil, Khalid b. Walid and ‘Abbas the uncle of the Messenger of Allah (may peace be upon him), refused (to pay it). Upon this the Messenger of Allah (may peace be upon him) said: Ibn Jamil is taking revenge but for this that he was destitute and Allah made him rich. As regards Khalid, you are unjust to Khalid, for be reserved his armours and weapons for the sake of Allah, and as for ‘Abbas, I shall be responsible for it and an equal amount along with it. And he again said: 'Umar, bear this in mind, the uncle of a person is like his father.

5.2149. Ibn Umar said that Allah's Messenger (way peace be upon him) prescribed the payment of Zakat-ul-Fitr (on breaking the fast) of Ramadan for people, for every freeman, or slave, male and female among the Muslims-one sa' of dried dates, or one sa' of barley.
5.2153. Ibn Umar reported that the Messenger of Allah (may peace be upon him) prescribed Zakat-ul-Fitr of Ramadan one sa’ of dates or one sa’ of barley for every individual among the Muslims (whether) free man or slave, male or female, young or old.

5.2154. Sad b. Abu Sarh heard Abu Sa'id al-Khudri as saying: We used to take out as the Zakat of Fitr one sa’ of grain, or one sa’ of barley or one sa’ of dates, or one sa’ of cheese or one sa’ of raisins.

5.2155. Abd Sa'id al-Khudri reported: We, on behalf of every young or old, free man or slave (amongst us), used to take out during the lifetime of the Messenger of Allah (may peace be upon him) as the Zakat of Fitr one sa’ of grain, or one sa’ of cheese or one sa’ of raisins. And we continued taking out these till Mu'awiya b. Abu Sufyan came to us for pilgrimage or 'Umra, and addressed the people on the pulpit and said to them: I see that two mudds of zakat out of the wheat (red) of Syria is equal to one sa’ of dates. So the people accepted it. But Abu Sa'id said: I would continue to take out as I used to take out (before, i.e. one sa’) as long as I live.

5.2156. Sa'd b. Abu Sarh heard Abu Sa'id al-Khudri as saying: We, on behalf of young or old, free or slave, used to take out the Zakat of Fitr while the Messenger of Allah (may peace he upon him) was among us, in three kinds, one sa’ of dates, one sa’ of cheese, or one sa’ of barley, and we continued to take that out till the time of Mu'awiya, for he saw that two mudds of wheat were equal to one sa’ of dates. Abu Sa'id said: I would continue to take that out as before (i.e. one sa’ of wheat).

5.2157. Abu Sa'id al Khudri reported: We used to take out the Zakat of Fitr in three kinds, cheese, dates and barley.
5.2158. Abu Sa'id al-Khudri reported that when Mu'awiya prescribed half a sa' of wheat equal to one sa' of dates, he (Abu Sa'id al-Khudri) objected to it, and said: I would take out (Sadaqat-ul-Fitr) but that which I used to bring forth during the lifetime of the Messenger of Allah (may peace be upon him) one sa' of dates, or one sa' of raisins, or one sa' of barley, or one sa' of cheese.

5.2162. This hadith has been by Zaid b. Aslam with the same chain of transmitters except that he said: "None among the owners of camels who does not pay their due," but did not say "their due (Zakat) out of them." and he make a mention: "He did not miss a single young one out of them." and he said: "Their sides, their foreheads and their backs would be cauterized."

5.2172. Abu Huraira reported that the Prophet (may peace be upon him) said: Nothing is more delighting to me than this that Uhud should be of gold for me, and no dinar is left with me out of it before three nights pass except a dinar which I would set aside for the repayment of debt upon me.

5.2220. The Labourer should give charity out of his wages and it is severely forbidden to belittle one who contributes less. This hadith has been on the authority of Mandhir through another chain of transmitters. And the hadith transmitted by Ibn Mu'adh contains an addition: "He then observed the noon prayer and then gave the sermon."

5.2231. Abu Musa reported Allah's Apostle (may peace be upon him) as saying: The honest Muslim trustee who spends (sometimes he said "who gives") what he is commanded to do and he gives that in full with his heart overflowing with cheerfulness and he gives it to one to whom he is ordered, he is one of the givers of charity.
5.2257. Miskin (poor man) is one who does not find enough to satisfy
him and the people do not consider him (needy) as to give him charity.
Mu’awiyah reported Allah’s Messenger (may peace be upon him) as
saying: Do not beg importunately, for, I swear by Allah, none of you
who asks me for anything and manages to get what he asks for when I
disapprove of it will he be blessed in that which I give him.

5.2271. Qabisa b. Mukhariq al-Hilali said: I was under debt and I came
to the Messenger of Allah (may peace be upon him) and begged from
him regarding it. He said: Wait till we receive Sadaqa, so that we order
that to be given to you. He again said: Qabisa, begging is not
permissible but for one of the three (classes) of persons: one who has
incurred debt, for him begging is permissible till he pays that off, after
which he must stop it; a man whose property has been destroyed by a
calamity which has smitten him, for him begging is permissible till he
gets what will support life, or will provide him reasonable subsistence;
and a person who has been smitten by poverty, the genuineness of
which is confirmed by three intelligent members of this peoples for him
begging is permissible till he gets what will support him, or will provide
him subsistence. Qabisa, besides these three (every other reason) for
begging is forbidden, and one who engages in such consumes that
what is forbidden.

5.2275. Ibn al-Sa’di Maliki reported: ‘Umar b. Khattab (Allah be pleased
with him) appointed me as a collector of Sadaqa. When I had finished
that (the task assigned to me) and I handed over that to him (to ‘Umar),
he commanded me to (accept) some remuneration (for the work). I
said: I performed this duty for Allah and my reward is with Allah. He
said: Take whatever has been given to you, for I also performed this
duty during the time of the Messenger of Allah (may peace be upon
him). He assigned me the task of a collector and I said as you say, and the Messenger of Allah (may peace be upon him) said to me: When you are given anything without your begging for it, (then accept it), eat it and give it in charity.

5.2348. Rabi'a b. Harith b. 'Abd al-Muttalib and Abbas b. 'Abd al-Muttalib said to Abd al-Muttalib b. Rabi'a and Fadl b. Ibn Abbas: Go to the Messenger of Allah (may peace be upon him), and the rest of the hadith is the same (but with this addition): "'Ali spread his cloak and then lay down on it and said: I am the father of Hasan, and I am the chief. By Allah, I would not move from my place till your sons come back to you with the reply to that for which you sent them to the Messenger of Allah (may peace be upon him). And he then also said: Verily these sadaqat are the impurities of people, and they are not permissible for Muhammad (may peace be upon him), and for the family of Muhammad. And he also said: The Messenger of Allah (may peace be upon him) also said to me: Call Mahmiya b. Jaz', and he was person from Banu Asad and the Messenger of Allah (may peace be upon him) had appointed him as a collector of khums.
Appendix D: Modern Zakat System

Articles and Reviews

Zakat and Ushr System in Pakistan
Khalid Nazir
Islamic Studies 35: 3 (1996) pp.333-343

This article is mainly a review of the system of Zakat and ‘Ushr in Pakistan after the enactment of the Zakat and ‘Ushr Ordinance of 1980. The article lays foundation with Qur’anic verses (9: 103, 17: 26, 70: 24, 25) making Zakat a compulsory ritual for the wealthy in favour of the poor. Literally meaning ‘growth’ or ‘purity’, Zakat not only alleviates poverty in society but also purifies the wealth out of which it is extracted.

The Ordinance was borne out of Article 31 of the Pakistani Islamic Republic Constitution enjoining the state “to secure the proper organization of Zakat, Ushr, auqaf and mosques” as respects the country’s Muslims. The collection and disbursement of Zakat and Ushr according to the dictates of the Shari’ah were provided for in the Ordinance. To administer the processes, there was established Zakat and ‘Ushr division in the Federal Ministry of Finance; a 16-member Central Zakat Council chaired by a serving or retired Supreme Court Justice; the country divided into 12 Regions (for disbursement and receiving complaints); 115 District Zakat and Ushr committees; 5450 Area committees (to verify eligibility for receiving Zakat or Ushr); 40,000 Local Zakat committees (to identify widows, orphans, the disabled, victims of natural disasters, sick persons and indigent students deserving Zakat).

For the purpose of collection, the Ordinance classified assets into two – those on which a compulsory 2.5% of their value as at valuation date (1st of Ramadan every year) is extracted (11 listed in the First Schedule including savings bank account, shares, annuities, provident funds, etc.), and those
(specified in the Second Schedule) on which the amount due could be paid to a Zakat Fund or directly to deserving persons (Mustahiqqin) based on self-assessment. Between 1980 and 1996, a total of Rs. 30714.16 million was collected the highest being Rs. 3086.00 in 1996. An amendment to the Ordinance in 1987 empowering the government to exempt any class of asset from compulsory Zakat led to low collections between 1990 and 1995.

Compulsory collection of ‘Ushr is at the rate of 5% of the share of the produce of the land of landowner, grantee, allottee, lessee, lease-holder, or land-holder. ‘Ushr is payable only if the share is up to 5 Wasqs (948 kgs) of wheat or its equivalent in value in case of other crops. Assets like tenant’s share of the produce are not subject to compulsory ‘Ushr. The collection of ‘Ushr has been lower than that of Zakat over the years.

Disbursement of Zakat Fund is done from the Central Zakat Fund through the District Zakat Fund to the Local Zakat Fund. The system has positive impact on the society as over one million persons are benefiting from it especially that only 40% of conventional government budgetary provisions reach the poor in Pakistan. 60% of the total funds realized from the system every year is allocated for direct payment to individual needy persons through the Local Zakat Committees. The remaining 40% is spread (unevenly) among students, vocational training, treatment of indigent patients, defraying the expenses of marrying poor girls, etc. Between 1980 and 1996, a total of Rs. 11221.468mn was disbursed to individual Mustahiqqin as subsistence allowance; Rs. 2878.816mn on natural calamities; Rs. 1709.586mn on religious education; Rs. 1869.342mn on general education; Rs. 981.579mn on Medicare; and Rs. 415.191mn on social welfare.

The article concludes by calling for a greater utilization of the Zakat system as rate of poverty is still high in the country especially in the rural areas with women and children being the most affected. The system should be strengthened by permanenting the organizational structure of its administration; transfer of certain assets from Second Schedule to the First
Schedule of the Ordinance; obtaining correct data about *mustahiqqin*; ensuring regular payments of subsistence allowance; and striving towards a collective realization of *Zakat* objectives by Muslim countries.

**Some Accounting Issues Relation to Zakat**  
Muhammad Akram Khan  

There is consensus that *Zakah* is one of the pillars of Islam and the state is responsible for its implementation. Some states have legislation in this regard but there remain ambiguities due to the fact that the original law on *Zakah* related to the 7th century Arabia. With new forms of wealth and methods of creating it, traditional interpretation of the law either leaves some gaps or leads to anomalies.

‘*Ulama* insist that the rules cannot be changed because *Zakah*, like the obligatory prayers, is a ritual ‘*ibadah*. But every other human act (even enjoyment of oneself) provided it is lawful is ‘*ibadah*. Thus conceiving *Zakah* along these lines, there should not be any obstacles to *ijtihad* at least on its aspects that are not explicitly stated in the Qur’an or *Hadith*.

Some of the issues that need to be reconsidered include the *Nisab* because its traditional view may tax the poor in favour of the rich. For instance, the orthodox view is that *nisab* is 85 grams of gold or 595 grams of silver. During the Prophet’s time the quantities were equal in value. Now the exchange rates have varied and they keep on varying. A person having 80 grams of gold, value of which is Rs. 35,000, will not be required to pay *Zakah* since 80 grams of gold is below the *nisab*. Instead, he is entitled to receive *Zakah*. Another person having 600 grams of silver, which is valued at Rs. 4,800 is due to pay *Zakah*. There is therefore need for *ijtihad* to redefine *nisab* because the
The objective of the *Sharia* in *Zakah* is for the rich to help the poor and not the other way round.

Similarly, the *nisab* of 10% on agricultural produce irrigated by rainfall and 5% on artificial irrigation need to be reconsidered if the costs of fertilizers, pesticides and machinery are factored-in otherwise farmers would be left with nothing.

Another issue has to do with new businesses like leasing, financial services, professional consultancy and others involving fixed capital such as land, buildings, machineries which were unknown during the Prophet’s time. If the principle that in a business only cash and stock in trade are zakatable, then a large number of rich people who would not have much cash or stock in trade would not be paying *Zakah*.

The condition that a year should elapse before wealth attracts *Zakah* also raises ambiguity. If the lapse of a year will have to be counted on each Rupee saved, it will mean maintaining detailed accounts to determine when one year had lapsed on each Rupee. Here, the editor of the journal notes that the author’s point misunderstands the rule. The correct rule is that once a person becomes liable to pay *Zakah* and spends a year in constant possession of the *nisab*, one will pay *Zakah* on one’s entire savings if one had remained a *sahib al-nisab* throughout the year. So even that amount which came to possession for less than one year would attract *Zakah*.

The author continues to give some basic premises which should underlie efforts to reform the rules of *Zakah* starting with *Zakah* on cash, cash-equivalents and other assets. There is consensus that cash or its equivalent are subject to *Zakah* at 2.5% of the capital value. It is only cash which is liable to *Zakah* as it is; in other assets, it is the yield that is liable. Perhaps the *Sharia* by this rule discourages holding unproductive cash. Any other asset which is unproductive or leads to loss is not subject to *Zakah*. This means that while calculating *Zakah* of a business, fixed (like machinery) or current (like cash and bank balances in a business) assets except loans and advances or
pre-payments the benefits of which will accrue after more than one year shall be taken into account. Cash balances of a business are however not subject to Zakah on their capital value. They will only be included in calculating the net worth of the business as is done in other assets.

Loans or advances obtained are treated as source of funds from which some yield can accrue except if they are repayable within the coming Zakah year in which case they will be treated as short term liability and deducted from the total assets. Loans or advances given for a long-term are also deducted from the total assets as their benefit will not accrue to the assessee in the coming year. All loans recoverable in the coming year (even if it is on the next day of calculation) are taken into account. This is to avoid evasion. But loans taken for consumption purposes do not form part of one’s assets no matter the length of period. Even though interest on loan is unlawful, it will be part of one’s wealth if recoverable within a year, the offender left to be accountable in the Hereafter.

He agrees with Mahmoud Abu Saud that nisab should be equal to the financial resources sufficient to live reasonably for a year but disagrees with his suggestion that in calculating Zakah, nisab should first be deducted from the net yield of assets or cash balance and before applying the rate of Zakah. There is no Sharia support for this opinion though it may have some appeal on rational grounds. The period of one year is calculated provided the person had nisab at the beginning and at the end of the year. The fact that he ceased to be sahib al-nisab at a point in-between is immaterial. Similarly, a person who got his agricultural income deducted from his assets in a year because he has paid ushr on it will have it included the following year (if deposited) because his closing balance for last year is his opening balance for the next year.

On rates of Zakah, he identifies four types of rates: 1. 2.5% of capital value applicable to cash, jewellery, and business stock in trade, 2. 10% of rainwater-fed agricultural produce or 5% of produce irrigated artificially, 3. The
regressive rates on sheep, cows and camels, and 4. 20% on wealth found as treasure-trove. In the third category, the rates get lower with increase in wealth. Abu Saud indicated that since they are not provided in the Qur’an, and the Prophet’s letter in which they were provided was never issued, they are not of a binding nature. They were levied in the context of the then Arabia. Now that cattle are reared at expense, the cost should not be ignored. This should be subject of *ijtihad*.

Similar argument could be extended in the case of the second category. Because the provision has in itself recognised human input, the rate should be applied to *net income* instead of *gross yield*. This can be applied across the board so that the rate on the yield of assets with no human effort will be 10% and 5% if human effort is involved. This will mean that the rate on the net income of business, salaries, or professional practice will be 5% and the rate on income from *mudarabah*, dividends, rents, interests on deposits, etc. will be 10%.

But what is net income? It traditionally means total assets less total equity plus reserves and provisions plus total liabilities. Valuing assets is the problematic issue due to depreciation, amortization of intangible assets, and bad debts. He proposes a current cash equivalent method by which profit or loss means any increase or decrease in the current cash equivalent of assets at the end of the accounting period over its beginning. Whatever the method applied, an adjustment which minuses value of long-term loans, investment in stocks and shares, and long term liabilities adding reserves and retained incomes is necessary.

What is the *Zakah* on capital gain? Determining capital gain is difficult due to changes in price levels between time of purchase and time of sale. If a durable asset is sold therefore, its *Zakah* depends on the way the proceeds are handled: if deposited in bank account, it becomes part of cash balance; if invested in income-generating business, the net income is subject to *Zakah*; if
invested in another durable asset, it remains exempt until it becomes productive.

Provisions for depreciation, bad debts, provident fund, social security, pension benefits, etc. made by business firms from profits are treated depending on whether they are put back into business or created as separate fund. In the former case, they should be added back in the net worth calculations like long-term liabilities in the same way amortized value of asset earmarked for research and development is treated. In the latter, they should be treated as a separate entity.

Intangible assets like goodwill, patents, copyrights, etc. are treated depending on whether they are considered as expense or capital. It is in the latter case that they are treated as part of the total assets in calculating Zakah. Foreign currency balances and accounts on the date of balance sheet are translated at the prevailing market rate of exchange. Money spent to hedge against any future losses is treated as expense. In calculating Zakah on assets of foreign subsidiaries, the author suggests the use of an all-current method whereby all assets and liabilities are translated at the current rate of exchange on the date of balance sheet.

Finally, how should Zakah be treated in the accounts of a business by government, financial institutions, and shareholders? The author’s opinion is that it should not be treated as expense. To do so will mean it is recoverable from customers through prices of the business’s product thereby converting Zakah into an indirect tax. Rather it should be treated as part of appropriation account directly paid by the business.
The Disbursement of Zakah
Al-Tayib Zein Al-Abdin

Making reference to the Qur’an (9:11) and a Hadith (where the Prophet asked Mu’adh to tell the people of Yemen about the obligation of Zakah on the rich in favour of the poor) the author introduces the article with the position of Zakah as the third pillar of Islam meant for the alleviation of poverty in society. Poverty though a social problem which could lead one to sin or crime, is one of the ways by which one’s allegiance to God is tested (Qur’an 2: 155). The Muslim society has a role in the alleviation of poverty and Zakah is one of the ways to achieve that. While the system has been entrenched in Islam for long, it was only in the first quarter of the 20th century that the West contemplated setting up a social security system.

The Qur’an (9: 60) mentions 8 persons entitled to receive Zakah: the poor (al-`fuqara’), the needy (al-masakin), Zakah administrators, new converts, those in bondage, debtors, Allah’s cause (e.g. jihad or da’wah), and the wayfarer. The provision confirms a Hadith that the primary target in the disbursement of Zakah should be the poor because of the 8 persons, three are genuinely poor (al-`fuqara’, al-masakin, and slaves).

There are different definitions of al-`fuqara’ and al-masakin. Some ‘ulama said the two are the same, but the majority view is that they are two types belonging to the same category of the needy. Al-Tabari said al-faqir is the needy who begs for help and al-miskin is the one who does not beg. Sheikh al-Qaradawi divided the two into 3 categories: those who have neither property nor a source of income; those having some property or income but less than half of their basic needs; and those having some property or income covering half of needs but not all. The Maliki and Hambali schools speak of the needs of the poor in terms of one year, while Shafi’i school speaks in terms of a whole life-time. ‘Needs’ include accommodation, food, books for a student, an animal for transport, and a servant if a person’s status demands
that. The level of poverty is higher here than that specified by the international agencies.

The Sudanese Zakah law defines al-fuqara’ to include those who do not have food for one year, or those who do not have enough income to support family, or full-time student who cannot meet the expenses of his studies. Al-masakin includes the needy who does not have enough for nutrition, the disabled, the sick who cannot shoulder medicinal expenses, and the victims of natural disasters. Under Libyan law, Faqir means one who does not possess nutrition for one year, and miskin one who possesses nothing. Pakistani law uses general purposes for which Zakah shall be utilized. In Kuwait and Egypt, Zakah shares of al-fuqara’ and al-masakin are distributed to orphans, widows, the aged, the sick, families of missing or jailed guardians, poor students, and those with low income. Generally, disbursements are made by local committees having knowledge of deserving people in the locality.

There is no specific provision in either the Qur’an or Sunnah on the disbursement of Zakah. Opinions are divided among ulama as to whether it is necessary to cover all the 8 recipients or not. An opinion says Zakah can be given to even one group of the 8. Al-Qaradawi’s view is that all the 8 should be considered when funds are abundant and the degree of their needs is similar. Equality of shares is not necessary. Each according to number and needs. The Human Development Report 2002 indicates the prevalence of poverty in many Muslim countries. The poor should get more shares then and particularly that the Qur’an and Sunnah emphasise them. Pakistan gives 90% of its collected Zakah to the poor. The Zakah administrators are paid by government so they are excluded. Allocation to the poor in Sudan is 50%, in Kuwait and Egypt more than 85%. Kuwait, Saudi Arabia and United Arab Emirates make disbursements outside their countries.

How much should be given to the poor? Except for practical reasons, the majority view is that the poor should get what will end their poverty. Some ulama say they should be given what is sufficient for them for one year. Since
the funds are not sufficient, Muslim countries adopt middle-of-the-road approach: immediate limited help and continuous subsistence allowance. Pakistan allocates 45% of local committee funds to monthly allowances. Sudan gives 65% of the share of the poor as immediate help and the remaining 35% for purchasing means of production. Kuwait and Egypt follow a similar pattern.

The practice of Zakah among early Muslims led to elimination of poverty in their societies. For instance, it got to a stage in Yemen when the Governor had to send the entire Zakah collected to Caliph Umar as there was none to receive Zakah there. Now there is poverty among Muslims and the institution of Zakah is least utilised. Of the 57 OIC members as at 2002, only 14 countries provided governmental mechanism for the collection of Zakah. Collections are not made from all sources. None of the countries collects up to 1% of her GDP while studies show that 3% or more could be collected. The practice of transferring Zakah surplus from rich countries to poor ones has reduced. Yet the impact of Zakah is felt in countries like Pakistan, Sudan and Egypt.

The paper concludes by pointing at the prospects of eliminating poverty in Muslim countries if Zakah is properly collected and disbursed. It is estimated that only 3% of total consumption of the developing world is needed to lift everybody above the poverty line and the potential of Zakah is far higher than that. Since Zakah in some Muslim countries like of sub-Saharan Africa cannot be adequate, there is need for world Muslim solidarity. It has been stated that Zakah surplus from Kuwait, Saudi Arabia and United Arab Emirates for the year 1988 was equivalent to foreign Western aid to seven Muslim countries put together. The author therefore calls for the establishment of an international organisation on Zakah under the OIC to assist countries to establish Zakah system and to co-ordinate transfer of surplus from rich to poor countries.
Mushfiqur Raman: Zakat Calculation: Primarily Based on Fiqh Uz-Zakat by Yusuf Al-Qaradawi (Book Review)
Muhammad Akram Khan

The reviewer introduces the book and says that the author based it on the orthodox interpretation of Zakah rules. The book retains the orthodox nisab limits but proposes a deduction of cost of living (of the assessee) from the value of the assets before determining whether the balance is up to the nisab limit. The reviewer discusses some of the difficulties created by the author’s adherence to the orthodox position as follows:

He advocates for deduction of cost of living in case of assets without mentioning whether same principle could be applied on agricultural produce and salaries. Had nisab been modified to include cost of living, according to the reviewer, this difficulty wouldn’t have arisen.

The author’s typology of assets, exempting some and including others in the zakatable category led to problems like that of valuation: should they be taken at cost or market value? How do you value businesses with intangible assets like newspapers or TV channel providers? These problems could have been avoided if he had taken business as business so that Zakah is levied on its income at the rate of 10% (if assessee is passive) or 5% (if active) after deducting cost of living.

The author’s worry about the period for which assets (like shares or land) were held to take care of the one year condition would be uncalled for if all investments are treated as business so that on sale, 10% or 5% (depending on whether assessee is passive or active in the business) of the net profit is payable as Zakah.
Similarly, the difficulty of handling the issue of payable and receivable debt separately could have been avoided if he were to treat a business as a business so that Zakah should be calculated on net income.

Determining reasonable cost of living deductible from the value of assets led the author into questions like prudent spending, reasonable patterns of consumption, etc. The person concerned should have been left to determine what is reasonable for his living.

The reviewer sees the author’s suggestion that contribution for pension should not be deducted from salary as too harsh. Charging 10% from any lump retirement benefit and 10% from monthly pension less cost of living would have been better.

The author’s view that interest on loan should not be zakatable is not a good one in a society where the practice is in vogue. Interest should be subject to Zakah now leaving the offenders to face God in the Hereafter.

In determining nisab, the author treads the classical position that all types of assets should treated separately. The reviewer however sees this position not congruent with the objective of the Sharia which is sparing a bare minimum for the basic needs of a person before his wealth is subjected to Zakah. The reviewer suggests aggregating the different types of assets, deducting the nisab, and then subjecting the surplus to Zakah.

Khalid Nazir. The Zakat Law (Book Review)
Muhammad Tahir Mansoori

Zakah is important as an instrument of social security. Contemporary Muslim scholars are paying attention to the institution. Khalid Nazir’s The Zakat Law which evaluates the Pakistani experience is one of such efforts. The book
touches on the rules of Zakah in classical Islamic jurisprudence followed by a survey of Zakah implementation efforts in Pakistan between 1947 and 1980. It studies the provisions of Zakat and Ushr Ordinance, 1980 dealing with the persons liable to pay Zakah, nisab, deductible assets, mode of collection, establishment of Zakah funds and their disbursement, etc.

The Ordinance’s jurisprudential provisions dealing with assets liable to Zakah, Zakah on paper currency and its nisab, agricultural produce and their nisab, etc. have also been dealt with. The Ordinance is based on an eclectic choice from the various fiqh schools. E.g. it adopted the Shafi‘i position of treating the assets of a private company in the same way as those of an individual, a view Al-Qaradawi has supported. In holding that all kinds of agricultural, horticultural and forest products are liable to Zakah without requiring them to be stable diet (as required by the Shafi‘is) or storable and weighable (as in the Hambalis), the Ordinance followed the Hanafi school.

The book also deals with the amendments to the ordinance up to 1997 and their implications. These include exemptions from compulsory deduction of Zakah on the basis of affiliation to certain sect (Shi‘a are exempted here); exclusion of foreign currency accounts from compulsory deduction (assets acquired or maintained in foreign currency are exempted here); bonds or certificates issued by the Federal Government or Statutory Corporations are also exempted from compulsory deduction. The book discusses the compatibility or otherwise of the amendments with the Sharia and concludes by condemning many of them as politically motivated.

The book finally makes a comparative analysis of the Pakistani Zakah system with other Muslim countries having similar laws. The reviewer commends the author’s efforts and hopes that subsequent edition of the book will contain a study of the impact of Zakah on the alleviation of poverty in Pakistan.