

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ



باب الزكوة The Chapter of Zakat

Zakat linguistically: means ‘increase’ الزيادة, ‘growth’ للنماء, and ‘purity’ للطهارة.

Zakat in the Shariah: means ‘a specific percentage of wealth taken from a specific type of wealth when it reaches a particular sum spent in designated areas.’

Zakatable Wealth:

1. Money (العین) – What is meant by *money* is gold and silver. Despite the fact that paper money has replaced gold and silver as the universal currency, the value of the zakatable minimum (*niṣāb*) of gold or silver in dollars has to be used as the basis for determining the number of dollars required before the payment of *Zakat* is considered an obligation on a person.¹

In the opinion of some scholars, like *Sheikh Yusuf Al-Qaradawi*, the value of the zakatable minimum of **gold** should be used to determine the minimum number of dollars required before *Zakat* is considered obligatory on one’s wealth. In other words, once someone possesses a number of dollars equal to the value of 85 grams of **gold**, *Zakat* becomes an obligation for one to pay. As for other scholars – such as *Sheikh Muhammad At-Tawil* of Fez, Morocco - they believe that a person should use the value of 595 grams of **silver** as the basis for determining the required number of zakatable dollars owned. Part of this argument is that the zakatable minimum for **gold** was determined through an analogy made with the established zakatable minimum of **silver**. And since it would require an additional analogy to determine a zakatable minimum for **paper money**, such an analogy would have to be made with **silver** in light of a rule established by the scholars of the Fundamentals of Islamic Jurisprudence (*Usul al-Fiqh*) that states: “It isn’t permissible to make an analogy on what itself has been established by analogy”.

لا يجوز القياس على ما ثبت بالقياس

2. Farm Produce (**الحرث**) – Land produce are of two types:
 - Dried Fruits²
 - Grains
3. Livestock (**الماشية**) – Zakatable livestock is of three types:
 - Camels
 - Cows
 - Small livestock (i.e. sheep and goat)

Zakatable Minimum of Each Form of Wealth (النصاب):

Zakat is not considered an obligation for one to pay until one possesses a surplus of wealth that remains in one's possession for a complete lunar year. The surplus must be in the amount of at least what is known as the zakatable minimum or *niṣāb*. The *niṣāb* differs according to the specific kind of wealth being paid out. What follows represents the different categories of zakatable wealth with their respective zakatable minimums:

I. Money

- a. Gold = 20 *Dinārs*³ or 85 grams of its equivalent dollar value
- b. Silver = 200 *Dirhams*⁴ or 595 grams⁵ of its equivalent dollar value⁶

II. Farm Produce

- a. Fruits⁷ = 1263.6 liters or 610 kilograms
- b. Grains = 1263.6 liters or 610 kilograms

III. Livestock (The *niṣāb* of each type of animal and the number to be given in zakat are listed in the charts below)

Percentage Paid on Each Form of Wealth:

² Only those fruits that can be a source of sustenance and can be stored away for a considerable period – like dates and raisins - are subject to *zakat*.

³ A *dinār* is the name given to the gold currency circulated in the Islamic Empire before its collapse and before the institution of the modern-day economic system.

⁴ A *dirham* is the name of the silver currency in circulation before the modern-day economic institution.

⁵ Some say that it should be 624.3 grams.

⁶ If the amount one possesses after a year has passed is less than the *zakatable* minimum (*niṣāb*), there is no *zakat* due on one's wealth.

⁷ *Zakat* is only due on those fruits that can sustain one's life and can be stored for a considerable period of time without spoiling (**المقتات المدخر**) like dates and raisins. Vegetables are not subject to *zakat* at all in the Maliki School.

1. Cash = 2.5 %
2. Fruits and Grains = 10% if land is irrigated by rain or natural springs, etc. and 5% if land is irrigated by machinery and technology
3. Livestock = According to the type of livestock and their number. Their proportions are outlined below.

Camels

# Of Camels	# Of Livestock per # of Camels
5	1 ewe ⁸ of 1 year شاة
10	2 ewes of 1 year شاتان
15	3 ewes of 1 year شياه
20	4 ewes of 1 year شياه
25 - 35	1 camel of 1 year بنت للمخاض
36 – 45	1 camel of 2 years بنت لبون
46 – 60	1 camel of 3 years حقة
61 – 75	1 camel of 4 years جذعة
76 – 90	2 camels of 2 years بنتا لبون
91 – 120	2 female camels of 3 years حقتان
121 – 129	3 female camels of 2 years بنات لبون or 2 camels of 3 years حقتان
130 – up	1 female camel of 3 years in every 50, and 1 female camel of 2 years in every 40 ⁹

⁸ An ewe is a female sheep. But one should not think that this ruling applies only to sheep. One may give goats instead of ewes in *zakat*.

⁹ An example of this is if someone owns 130 camels. He then owes 1 female camel of 3 years on 50 of the 130 camels and 2 female camels of 2 years on 80 (40×2) of the 130 camels a total of 3 camels. And as the number increases one will owe 1 female camel of 3 years in every 50 camels in ones possession, and 1 female camel of 2 years in every 40 of whatever number it may be.

Cows¹⁰

# Of Cows	# Of Livestock per # of Cows
30 – 39	1 calf of 2 years تبيع
40 – 59	1 female calf of 3 years مسنة
60 – 69	2 calves of 2 years تبيعان
70 – 79	1 calf of 2 years تبيع and 1 female calf of 3 years مسنة
80 – 89	2 female calves of 3 years مستن
90 – 99	3 calves of 2 years ثلاث تبيعات
100 – 109	2 calves of 2 years تبيعان and 1 female calf of 3 years مسنة
110 – 119	1 calf of 2 years تبيع and 2 female calves of 3 years مستن
120 – 129	4 calves of 2 years أربع مسنات or 3 female calves of 3 years ثلاث تبيعات

¹⁰ The rule with regard to cows is that in every 30 cows that one owns he must give away 1 calf of 2 years, and in every 40 cows that one owns he must give 1 female calf of 3 years.

Small Livestock

# Of Small Livestock	# Of lambs per animal
40 –120	1 ewe ¹¹ of one year
121 – 200	2 ewes of one year
201 – 399	3 ewes of one year
400 – 499	4 ewes of one year
500 – 599	5 ewes of one year
600 – 699	6 ewes of one year
In every one hundred	Add another ewe of one year

Those Entitled to Zakat

Those who qualify as recipients of *Zakat* are of 8 different categories:

- 1 – The Poor (الفقير): The فقير is defined as ‘the one with has an insufficient means of subsistence’. Or as some define it ‘the one who has insufficient means of subsistence for the year.’¹²
- 2 – The Indigent (المسكين): The مسكين is ‘he who has no means of subsistence,’ or ‘one who doesn’t have sufficient means of subsistence for the day.’¹³ So the مسكين is in more dire straits than the فقير.

¹¹ These same rules apply if one owns only goat. And if one owns both goat and sheep, he is to add the number as if they are all of one kind.

¹² If a person claims to be poor, he should be given from the *zakat* unless his outward state indicates the contrary. This means that the person suspected of making a false claim of poverty – like one who is known to be wealthy - isn’t to be given from the *zakat* until he brings clear proof of his impoverished state. Add to this that, being wealthy and poor are to be defined by the Islamic Shariah definitions of these two terms, not by the popular definition understood in each particular country.

¹³ Before giving *zakat* to the poor (الفقير) and the indigent (المسكين), the following four conditions must exist in the recipient in order for it to be valid:

- That he be a freeman or woman (i.e. not a slave)
- That he be a Muslim
- That providing for him is not an obligation of another who is well-to-do

- 3 – The Collectors and Distributors (العلمل عليها): Those who collect and dispense the *zakat* to those who qualify also have a right to a share even if they are well-to-do. Such a person must be male, at the age of maturity, and not a member of the Prophet’s family – may Allah bless and grant him peace.
- 4 – Those whose hearts are to be reconciled (المؤلفة قلوبهم): A special portion of wealth was allotted to the people of Mecca, the former enemies of Islam, who entered the fold of Islam en masse after the capture of the city and “whose hearts were to be reconciled.”¹⁴
- 5 - Emancipation of Slaves (عتق الرقاب): *Zakat* is also used to free slaves even though slavery as an international system no longer exists. However, there still may be areas in the world where slavery is still practiced as an institution. Even if we were to say that this part of the verse is no longer applicable, one would not be allowed to extend its application to what is known as ‘the mental slave.’
- 6 – Debtors (الغارمون): People who incur debts through *halal* business practices and interpersonal relationships may be given from the *zakat* for the debts.
- 7 – Military Preparations (في سبيل الله): *Zakat* can also be spent on those who are waging war and for the purchase of weapons, munitions, their maintenance, etc. except that the combatant is only given from the *zakat* when he is involved in a particular military campaign or in preparation for one.¹⁵
- 8 – The Wayfarer (إين السبيل): The wayfarer or traveler can be given from the *zakat* enough that will help him to return to his homeland or to continue his journey as long as it isn’t a journey with the aim of committing a forbidden act. It doesn’t matter if the person is rich or poor. And he doesn’t have to repay the money when he returns to his homeland.¹⁶

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- That he not be from the family of the Prophet – may Allah bless and grant him peace. And they are the believers from *Banu Hashim*.

¹⁴ This ruling still applies today. Non-Muslims who are much inclined toward Islam but who fear the loss of wealth for accepting the faith may be given from the *zakat* if it is believed that it may bring them into the fold. And Allah knows best.

¹⁵ The popular view in the Maliki school is that the money of *zakat* cannot be used to build a fence, a mosque, a sports complex or the like, just as it can’t be used to pay the ransom for those in captivity.

¹⁶ However, there is difference of opinion as to whether or not the wayfarer can be given from the *zakat* if he is able to borrow the money from someone.

The Prerequisites for Paying Zakat

The prerequisites for paying *Zakat* are of two types:

- 1 – Prerequisites for the *obligation* of paying *Zakat* known as **شروط الوجوب**.
- 2 – Prerequisites for the *valid distribution* of *Zakat* called **شروط الاداء**.

a. *The Prerequisites of Obligation*

The prerequisites for its obligation may vary according to the specific category of wealth that *Zakat* is due on. However, there are a four of them that are shared between all types of zakatable wealth:

- **Islam:** That is, before *zakat* becomes an obligation on a person, he must first be a Muslim.
- **Freedom:** That is, *zakat* is not an obligation on a Muslim slave if he happens to possess wealth, since his freedom to spend or handle it is limited.
- **Niṣāb:** Wealth must reach a zakatable minimum before it is considered an obligation.
- **Ownership:** Wealth must also be in the full and complete possession of its owner before it becomes an obligation to pay *Zakat* on it.

These prerequisites apply to all zakatable wealth: *money, farm produce, and livestock*. As for the other prerequisites for the obligation of payment that apply to specific types of wealth, they are:

- **The Passing of a Complete Lunar Year¹⁷:** This applies to money and livestock. *Zakat* is due on farm produce on the day of the harvest or as soon as the fruit or grains ripen¹⁸.
- **The Visit of the Tax Collector:** If the authorities have assigned someone to collect the *Zakat*, it must be given to them. This applies only to livestock. Livestock is to only be given to the tax collector if there is one. If not, one is to give the *zakat* to those who are entitled to it.

b. *The Prerequisites for Valid Payment*

¹⁷ Abu Hanifah, Shafii, and Ahmad consider it permissible for one to pay the *Zakat* due on ones wealth before the year is complete. Malik forbids it.

¹⁸ This also doesn't apply to gold and silver that is discovered in mines. *Zakat* is to be paid on them immediately even if it doesn't reach a zakatable minimum. The person is to pay 1/5 of the amount uncovered. This will be talked about further.

The prerequisites for valid payment are four:

- **Intention:** In order for the *Zakat* to be considered valid, one must have an intention when paying it¹⁹.
- **Spending the Wealth on those who are Entitled to it:** That is, *Zakat* has to be given to someone from one of the 8 categories mentioned above.
- **Paying it after it is due:** One can only pay *Zakat* after it becomes an obligation upon them to do so. That is, after it has reached the *niṣāb*, after a year has passed if it is money or livestock, and after it has ripened if it is grain or dried fruits. Add to that, that it is only obligatory if one is both a Muslim and a non-slave.
- **Paying it to the Just Imam:** The Imam in this case is a reference to the supreme Islamic governing authority (*Khalifah*) or his designee. If there is one and he is just and fair, paying *Zakat* to him to ensure that it is properly dispensed with is obligatory. However, if the Imam is not just and is known for his tyranny and oppression, there is no longer an obligation to pay the *Zakat* to him. Rather, every Muslim is to pay his *Zakat* to those who are entitled to it by law.

¹⁹ An exception to this rule is the person who refuses to pay *Zakat*. The Islamic authorities have the right to take it from him by force. In this case, his *Zakat* is considered valid. Another example is one who dies before paying *Zakat* on his wealth. Despite the difficulty of ascertaining whether or not he was planning or had the intention to pay *Zakat*, the *Zakat* is taken from his legacy in the form of a debt. As for Imam Abu Hanifah, such a person is no longer obliged to pay *Zakat*. The same scenario exists with regard to the insane person. Malik, Shāfi'i, and Ahmad say that *Zakat* is obligatory on whatever wealth he may possess. As for Abu Hanifah, *Zakat* is not obligatory.

Additional Zakatable Items

Mined Minerals

Mined minerals are of three types:

- Solid combustible minerals that can be melted and fashioned, like gold, silver, iron, and copper. When someone discovers any of them, it is his obligation to pay 1/5 of the amount discovered immediately even if it doesn't reach a *niṣāb* and without waiting until a year has passed.
- Solid incombustibles that cannot be melted and fashioned, like sapphire, emeralds, or crystals. Whoever finds them acquires rightful ownership of them.
- Liquid minerals like petroleum and oil. It also belongs to whoever finds them.

Gold jewelry

Gold jewelry worn or lent out by Muslim women isn't subject to *Zakat* unless rent is taken for it.

Trade Goods

The conditions determined for *Zakat* on trade goods differ according to the type of trade. The type of trade that renders goods subject to *zakat* is of two types:

- 1 – Transactional Trade (تجارة الإدارة): That is buying goods for quick resale, even if at a loss.
- 2 – Speculative Trade (تجارة الاحتكار): It is buying goods to sell when the market price rises.

The Conditions for Zakat on Transactional Trade Goods:

- That the merchant or person selling them gains possession of them through a substitute of either monetary value or subject to having its value appraised.
- That he intends to sell them.
- That the good intended for sale has a monetary origin such as gold or silver, or a trade good.
- That he appraises the value of the goods sold at the end of every year, and then pays *zakat* from that amount.²⁰

²⁰ The person who appraises the value of his goods at the end of the year isn't obliged to pay *zakat* on the value until he has in his hand hard cash. This means that if one doesn't have hard cash at the end of the year due to selling goods for goods as opposed to cash until the year has elapsed, he doesn't have to pay

The Conditions for Zakat on Speculative Trade Goods:

In addition to the conditions mentioned for transactional trade goods, the following conditions must be fulfilled before *zakat* is due on speculative trade goods:

- That the person intending to sell them actually does so.
- That the person sells them in exchange for cash.
- That he takes possession of that cash.

Zakat on Debts

Zakat is also due for trade debts when the following conditions are fulfilled:

- That the debt has a valid source, like money lent or a trade good.
- That the source of the debt be in the possession of the lender at the time it was lent.
- That the source of the debt was either cash or a trade good.

These conditions apply to both the debts owed to traders who operate on the basis of transactional or speculative trade. But the following additional conditions are to be fulfilled if the lender happens to be involved in speculative trade:

- That he takes hold of the debt owed to him.
- That the debt be paid in cash.
- That the debt repaid reach a *zakatable* minimum by itself or once it is affixed with other wealth owned by the person.
- That a complete lunar year has passed before the debt is taken hold of.²¹

zakat on the cost of the goods until he obtains the cash. So if it happens that a year and two months have passed without paying *zakat* on the goods but after the two additional months one obtains the hard cash to pay, *zakat* is paid from it, and the new year for appraising starts from the day the person came into possession of hard cash.

²¹ After these conditions have been fulfilled the lender pays *zakat* once after a year has passed over the source of the debt, and the time that it remained in the possession of the debtor isn't considered.