

The Islamic Shari‘ah of Zakāh

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The Islamic *Sharī‘ah* of *Zakāh*

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And [in the daytime and at night] be diligent in the prayer and pay *zakāh* and [for the cause of your religion and state] lend to Allah a befitting loan, and [remember] whatever good you send forth for yourselves you shall find it with Allah better than before and greater in reward. (73:20)

In the verse quoted above, and at numerous other places in the Qur’ān, Muslims are directed to pay *zakāh* from their wealth. After the *ṣalāh* (the prayer), it is the second important worship ritual in Islam. Among the various mannerisms which man has generally adopted to worship deities, one is to present before them a part of his wealth, livestock and produce. In the religion of the prophets, this is the essence of *zakāh*, and on this very basis, it is has been regarded as a ritual of worship. The names like *ṣadqah* and *nadhr* are also used for it. The Qur’ān has used the word *ṣadqah* for it in various verses, and has explained that it should be paid with humility:

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Those who are diligent in the prayer, pay *zakāh* such that [their hearts] bow [down in humility]. (5:55)

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And those who whenever give, give such that their hearts are filled with awe knowing that they will have to return to their

Lord. (23:60)

Zakāh is a share imposed on one's wealth and has been reserved for Allah. The Qur'ānic directive: (give away what is due of them upon the harvest day, (6:141)) refers to this very aspect. The general custom about it has been that once it has been presented, it is taken from the place of worship and given to its keepers so that they are able to serve the needs of the worshippers from this money. In our *sharī'ah*, this practice has been discontinued. We have been directed to give this money to our rulers so that the needs of the state can be met; however, this change does not effect the essence of *zakāh*. It is reserved for the Almighty and when His servants pay it, the decision for accepting it also comes from Him. The Qur'ān says:

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Do they not know that God Himself accepts the repentance of His servants and takes their charities? (9:104)

The importance of this ritual of worship can be understood from the fact that like the prayer the Almighty has regarded it as a pre-requisite for a person to be a Muslim. The Qur'ān says:

(If they repent, become diligent in the prayer and pay *zakāh*, they are your brethren in religion, (9:11)). It is evident from the Qur'ān that after the prayer, it is the second manifestation of faith. It is apparent from the verses of *Sūrah Mu'minūn* and *Sūrah Ma'ārij*, which have been quoted earlier in the section on the prayer, that among righteous deeds, paying *zakāh* comes next to offering the prayer. Consequently, it is stated in the Qur'ān with this very status, and at one place while mentioning the idolaters the Almighty has said that they do not pay *zakāh*; for this very reason, they are the ones who are the real rejecters of accountability in the Hereafter:

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And woe betide the idolaters, who do not pay the *zakāh*, and it is these who reject the Hereafter. (41:6-7)

The Prophet (sws) has also delineated the importance of *zakāh*:

Abū Hurayrah (rta) narrates that the Prophet (sws) said: “He who was given wealth by the Almighty and he did not pay its *zakāh*, this wealth will be made into a bald snake for him, on whose eyes there will be two black dots, and on the Day of Judgement his neck shall be shackled with this snake. Then he will clasp his cheeks and say: ‘I am you wealth; I am your treasure’ ”.¹

Abū Dharr (rta) narrates that the Prophet (sws) said: “A person who has camels, cows and goats and he does not pay the right imposed them, then these [animals] will be brought before him on the Day of Judgement such that they will be very large and fat; they will stamp him below their feet and strike him with their horns. When the first will pass, the next will take its place. This will keep happening until the judgement is delivered for all the people”.²

It is stated in the Qur’ān that similar will be the case of those heads and instances in which wealth should be spent besides *zakāh* about which the Almighty directed people to spend money:

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And to those who hoard up gold and silver and spend it not in the way of Allah give them glad tidings of a dreadful punishment. The day when in Hell their treasures shall be heated, then their foreheads, sides, and backs branded with them: “These are the riches which you hoarded. Taste then what you were hoarding”.(9:34-35)

History of *Zakāh*

The history of *zakāh* is the same as that of the prayer. It is evident from the Qur’ān that like the prayer its directive always existed in the *sharī'ah* of the Prophets. When the Almighty

1. *Bukhārī*, No: 1338.

2. *Bukhārī*, No: 1391.

asked the Muslims to pay it, it was not something unknown to them. All the followers of the religion of Abraham (sws) were fully aware of it. For this very reason the Qur'ān has called it

(a specified right, (70:24)). Thus it was a pre-existing Sunnah which the Prophet (sws), with necessary reformations, gave currency at the behest of the Almighty. The Qur'ān says that just as the Prophet Ishmael (sws) directed his family to offer the prayer, he also directed them to pay *zakāh*:

(He would instruct his family to pray and to give *zakāh* and his Lord was pleased with him, (19:55)). The Almighty pledged a promise with the Israelites in the words:

(I am with you if you are diligent in the prayer and pay *zakāh*, (5:12)). About the Prophets that belong to the progeny of Isaac (sws) and Jacob (sws), the *Qur'ān* says:

(And We sent them inspiration to do good deeds and to be diligent in the prayer and pay *zakāh*, (21:73)). The Prophet Jesus (sws) said about himself:

(And God has directed me offer the prayer and pay *zakāh* as long as I live, (19:31)). The Almighty says in the Qur'ān:

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And [those among them] who were given the Book [before] became divided only after such a clear sign had come to them. And [in this Book also] they have been directed to worship Allah, obeying Him exclusively with sincere devotion and to be diligent in the prayer and to pay *zakāh* [and the truth is that] this is the religion of the Upright Nation. (98:4-5)

It is recorded in Leviticus:

A tithe of everything from the land, whether grain from the soil or fruit from the trees, belongs to the LORD; it is holy to the LORD. If a man redeems any of his tithe, he must add a fifth of the value to it. The entire tithe of the herd and flock –

every tenth animal that passes under the shepherd's rod – will be holy to the LORD. (27:30-31)

It is recorded in Numbers:

The LORD said to Moses, Speak to the Levites and say to them: When you receive from the Israelites the tithe I give you as your inheritance, you must present a tenth of that tithe as the LORD's offering. (18:25-26)

It is recorded in Deuteronomy:

Be sure to set aside a tenth of all that your fields produce each year. (14:22)

At the end of every three years, bring all the tithes of that year's produce and store it in your towns, so that the Levites (who have no allotment or inheritance of their own) and the aliens, the fatherless and the widows who live in your towns may come and eat and be satisfied, and so that the LORD your God may bless you in all the work of your hands. (14:28-29)

When you have finished setting aside a tenth of all your produce in the third year, the year of the tithe, you shall give it to the Levite, the alien, the fatherless and the widow, so that they may eat in your towns and be satisfied. (26:12)

Jesus (sws) while referring to it said:

Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices—mint, dill and cummin. But you have neglected the more important matters of the law—justice, mercy and faithfulness. You should have practiced the latter, without neglecting the former. You blind guides! You strain out a gnat but swallow a camel. (Mathew 23:23-24)

The Objective of *Zakāh*

The objective of *zakāh* can be determined from its very name. The root of the word *zakāh* in Arabic has two meanings: "purity"

and “growth”. It thus means the wealth given in the way of Allah to obtain purity of heart. It is evident from this that the objective of *zakāh* is the same as that of the whole of Islam. It cleanses the soul from the stains that can soil it because of love for wealth, infuses blessings in the wealth and is instrumental in increasing the purity of the human soul. *Zakāh* is the minimum financial obligation on a person of spending his wealth in the way of God; thus it does not win what spending in the way of God beyond it wins, and which has already been discussed in an earlier article; however, merely paying *zakāh* is enough to attach a person's heart with the Almighty and greatly does away with indifference to the Almighty which so often comes in a person because of love for this world and its resources. In the words of the Prophet Jesus (sws): “For wherever your treasure is, your heart will also be”.³ This claim needs no arguments. One can experience it by spending his wealth anytime in the way of God.

The Qur'ān has stated this objective of *zakāh* in the following very appropriate words:

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Take *zakāh* from their wealth [O Prophet!] in order to purify them with it. (9:103)

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And that which you give as *zakāh*, seeking Allah's countenance, it is these people who will increase their wealth [in the Hereafter]. (30:39)

The Law of *Zakāh*

Irrespective of the differences of the jurists in understanding the concept of *zakāh*, if the details of this directive which have reached us through the consensus of the Companions of the Prophet (sws) and their perpetual adherence, and which now stand validated through the consensus of the *ummah* are studied as regards their bases in the *sharī'ah*, then they can be stated as:

3. Mathew, 6:21; Luke, 12:34.

1. Nothing except the tools of production, personal items of daily use and a fixed quantity called *niṣāb* are exempt from *zakāh*. It shall be collected annually on wealth of all sorts, livestock of all types and produce of all forms of every Muslim citizen who is liable to it.

2. Following are its rates:

(a) *Wealth*: 2 ½ % annually

(b) *Produce*: (i) 5 %: on all items which are produced by the interaction of both labor and capital, (ii) 10 % on items which are produced such that the basic factor in producing them is either labor or capital and (iii) 20 % on items which are produced neither as a result of capital nor labor but actually are a gift of God.

(c) *Livestock*

(i) CAMELS

- From 5 to 24 (camels): one she-goat on every five camels
- From 25 to 35: one one-year old she-camel or in its absence, one two-year old camel
- From 36 to 45: one two-year old she-camel
- From 46 to 60: one three-year old she-camel
- From 61 to 75: one four-year old she-camel
- From 76 to 90: two two-year old she-camels
- From 91 to 120: two three-year old she-camels
- Over 120: one two-year old she-camel on every forty camels and one three-year old on every fifty camels

(ii) COWS

- one one-year old calf on every thirty cows and one two-year old calf on every forty cows

(iii) GOATS

- From 40 to 120: one she-goat
- From 121 to 200: two she-goats
- From 201 to 300: three she-goats
- Over 300: one she-goat on every hundred goats

3. The heads in which *zakāh* is to be spent were never unclear. It was always spent on the poor and needy and on the collective requirements of the Muslims. However, when the Hypocrites in the time of the Prophet (sws) raised certain doubts about these heads, the Qur'ān unequivocally stated them:

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Zakāh is only for the poor and the needy, and for those who are 'āmil^s over it, and for those whose hearts are to be reconciled [to the truth], and for the emancipation of the slaves and for those who have been inflicted with losses and for the way of Allah and for the welfare of the wayfarers. This is an obligation decreed by the Almighty, the All-Knowing and the Wise. (9:60)

Here are some details of the heads of *zakāh* mentioned in this verse:

- (a) (*al-fuqarā wa al-masākīn*): The poor and the needy.
- (b) (*al- 'āmilīna 'alayhā*):⁴ the salaries of all employees of the state.
- (c) (*al-mu'allafat-i-qulūbuhum*): all political expenditure in the interest of Islam and the Muslims.
- (d) (*fī al-riqāb*): for liberation from slavery of all kinds.
- (e) (*al-ghārimīn*): for helping people who are suffering economic losses, or are burdened with a fine or a loan.
- (f) (*fī sabīlillāh*): for serving Islam and for the welfare of the citizens.
- (g) (*ibn al-sabīl*): for helping travelers and for the construction of roads, bridges and rest houses for these travelers.

4. One form of *zakāh* is the *ṣadqah* of *fiṭr*. It is the food of a person that he consumes in a day and is obligatory on every person whether young or old, and is given at the end of *ramaḍān* before the *'id* prayer is offered. As per a narrative of Ibn 'Abbās,

4. A little deliberation on the expression shows state employees in reality are (those who collect *zakāh* and disburse it in its heads). Consequently, this is a very subtle expression the Qur'ān has adopted here to convey its purport. No doubt, generally people have not been able to comprehend this expression; however the construction I have referred to above unfolds this meaning upon very little deliberation.

the purpose of the Prophet (sws) in making this mandatory for every Muslim was to cleanse the fasts from the effects of lewd and nonsensical talk and to provide food to the poor on *ʿīd* day.⁵ In the time of the Prophet (sws), it was generally given in the form of grain. Consequently, he had fixed its quantity at one *sa'* which is equivalent to about 2.5 kg:

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The Prophet has regarded the *ṣadqah* of *fiṭr* as obligatory on every Muslim. It is one *sa'* of dates or one *sa'* of barley for every individual whether he is a free man or slave, man or woman, old or young and directed Muslims that it should be paid before people go out for the prayer. (*Bukhārī*, No: 1432)

If a state takes *zakāh* from its Muslim citizens, then there will be those who would collect it and those who would be its recipients. The Prophet (sws) has given advice to both: the recipients should try to please collectors who come to them even if they are subjected to some excess⁶ and the collectors should not embezzle the money⁷ and instead of calling the recipients to them, should go to them and collect *zakāh*⁸; moreover, they should not try to extract the best things owned in wealth and should save themselves from the wailing of the oppressed because there is no barrier between it and the Almighty.⁹

This is all as far as the *sharī'ah* regarding *zakāh* is concerned. However, since there exist some general misconceptions about it, the following points must remain in consideration:

Firstly, there is no basis in the Qur'ān and *sunnah* for the condition of (personal-possession) imposed by our jurists. Therefore, just as *zakāh* can be given in the personal

5. *Abū Dā'ūd*, No: 1609.

6. *Muslim*, No: 989; *Abū Dā'ūd*, No: 1589.

7. *Muslim*, No: 1833.

8. *Abū Dā'ūd*, No: 1591.

9. *Muslim*, No: 19.

possession of an individual, it can also be spent on projects of his welfare¹⁰.

Secondly, the reason for the Prophet's (sws) prohibition for receiving *zakāh* for himself was that a portion from the *fay* wealth was reserved for him and his family. This portion remained reserved for this purpose for a long period after him; however, such an arrangement could not have been forever nor was there any need for it to be forever. Consequently, the needs of the indigent and the poor of the Banū Hāshim can now also be fulfilled without any hesitation with the *zakāh* money.

Thirdly, a state can exempt certain things from *zakāh* keeping in view the circumstances. It also has the authority to fix a statutory exemption (*niṣāb*) on things on which it collects *zakāh*. It is evident from various narratives that the Prophet (sws) exempted horses and slaves from *zakāh* and fixed a *niṣāb* for it in wealth, produce and livestock.

This *niṣāb* is as follows:

- (a) *Wealth*: 5 *uqiyahs* / 642 grams of silver
- (b) *Produce*: 5 *wasas* / 653 kilograms of dates
- (c) *Livestock*: 5 camels, 30 cows, 40 goats

He is reported to have said: (I have exempted *zakāh* on horses and slaves)¹¹. He has similarly reported to have said:

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There is no *zakāh* below five *wasas* of dates; there is no *zakāh* below five *uqiyahs* of silver and there is no *zakāh* below five camels. (Mu'aṭṭā, No: 578)

Fourthly, if the basis of the directive is taken in consideration, industrial produce of all forms, production of all forms based on various skills, rent of various items or buildings of all forms, salaries (reward for labor) and fees of all forms obtained in

10. For a detailed discourse on this topic, see Amīn Aḥsan Iṣlāḥī, *Tawḍīḥāt*, 1st ed. (Lahore: Islamic Publications, 1956), 107-173.

11. *Abū Dā'ūd*, No: 1574.

various ventures must be classified as produce and not as wealth; therefore, the *zakāh* imposed on them should be based on the rates specified by the *sharī'ah* for land produce.

Fifthly, according to the above mentioned principle, *zakāh* on leased-out houses, properties and other rented items should be that which is levied on produce, and if they are not rented out, its rate should be that which is levied on wealth.

