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ZAKAH THE PILLAR OF ISLAM

Zakah, definition: Zakah or alms tax can be defined as that portion of a man's wealth which is designated for the poor. The term is derived from the Arabic verbal root meaning "to increase," "to purify," and "to bless." It finds its origin in Allah's command to: "Take sadaqah (charity) from their property in order to purify and sanctify them" [at-Taubah 103]. That is why this kind of sadaqah is called zakah, for by paying it, one is aspiring to attain blessing, purification, and the cultivation of good deeds.

Taking into account its very nature, it is no wonder that zakah constitutes one of the five pillars of Islam. It is associated with prayer (salah) in eighty-two Qur'anic verses. Allah, the Exalted One, prescribed it in His Book (The Qur'an), His Messenger corroborated it by his (sunnah), and the community (ummah) by consensus upheld it. Ibn 'Abbas reported that when the Prophet, upon whom be peace, sent Mu'adh ibn Jabal to Yemen (as its governor), he said to him: "You are going to a people who are People of the Scripture. Invite them to accept the shahadah: that there is no god but Allah and I am His Messenger. If they accept and affirm this, tell them that Allah, the Glorious One, has enjoined five prayers upon them during the day and night. If they accept that, tell them also that He has enjoined sadaqah upon their assets which will be taken from the rich of the (Muslim) community and distributed to the poor. If they accept that, refrain from laying hands upon the best of their goods and fear the cry of the oppressed, for there is no barrier between Allah and it."

At-Tabarani relates in al-'Awsat and as-Saghir, on the authority of 'Ali, that the Prophet said: "Allah has enjoined upon rich Muslims a due to be taken from their properties corresponding to the needs of the poor among them. The poor will never suffer from starvation or lack of clothes unless the rich neglect their due. If they do,

Allah will surely hold them accountable and punish them severely." According to at-Tabarani: "It was reported only by Thabit ibn Muhammad az-Zahid." Of Thabit's credibility, al-Hafiz in turn says: "Thabit was an honest and trustworthy person. Al-Bukhari and others related from him, and the rest of the narrators in the chain are considered as accepted authorities."

Exhortation to Give Zakah in the Qur'an

In reference to the life hereafter, Allah reveals: "Lo! Those who keep from evil will dwell amid gardens and water springs, taking that which their Lord gives them. For they were before doers of good. They used to sleep but little of the night, and in the hours of the early dawn they prayed for forgiveness... In their wealth, the beggar and the outcast had due share" [adh-Dhariyat 15-19]. Allah views beneficence and righteousness as exclusive qualities of the pious. It is because of their beneficence that they pray at night and ask Allah's forgiveness at dawn as a way of worshipping and approaching Him. Their beneficence is likewise in their giving to the needy their share of mercy and sympathy. Allah further confirms: "And the believers, men and women, are protecting friends of one another; they enjoin the right and forbid the wrong, they perform prayer and pay the zakah, and they obey Allah and His Messenger. Upon them, Allah will have mercy" [at-Taubah 71].

Such are the people blessed by Allah and given His mercy-- those who believe in Him, who take care of each other through support and love, who exhort fairness and restrain lewd behavior, who have strong ties with Allah through prayer, and who strengthen their mutual relations through zakah.

Finally, these people, as reflected in al-Hajj 41, are: "Those who, if we give them power in the land, perform prayers and pay zakah, and enjoin kindness and forbid inequity."

Giving zakah is, therefore, one of the reasons for which the righteous are given authority on earth.

Exhortation to Give Zakah in the Hadith

At-Tirmidhi relates from Abu Kabshah al-Anmari that the Prophet, upon whom be peace, said: "I swear upon three (things) and ask you to memorize my words: Sadaqah taken from a property never decreases it; a man who suffers injustice and is patient with it, Allah will grant him strength; a man who starts begging, Allah will cause him to be poor."

Ahmad and at-Tirmidhi relate (and the latter graded it sahih) from Abu Hurairah that the Messenger of Allah, upon whom be peace, said: "Allah receives charity by His right hand, and then He causes it to grow for each of you. Just as you raise a horse, colt, foal, or young weaned camel, so that morsel becomes as large as the Mount of 'Uhud." Of this hadith's content, Waki' says: "This is sanctioned by the Qur'an: 'Do they not know that it is Allah alone who can accept the repentance of His servants and is the (true) recipient of whatever is offered for His sake - and that Allah alone is an acceptor of repentance, a dispenser of grace?' [at-Taubah 104]. 'Allah deprives usurious gains of all blessing, whereas He blesses charitable deeds with manifold increase.' [al-Baqarah 276]."

Again, Ahmad relates, with a sound chain of narrators, that Anas said: "A man from the tribe of Tameem came to the Messenger of Allah, upon whom be peace, and said: 'O Messenger of Allah! I have plenty of property, a large family, a great deal of money, and I am a gracious host to my guests. Tell me how to conduct my life and how to spend.' The Messenger of Allah, upon whom be peace, replied: 'Pay zakah out of your property, for truly it is a purifier which purifies you, and be kind to your relatives, and acknowledge the rights of the poor, neighbors, and beggars.'"

Punishment in the Qur'an for the Delinquents of Zakah Allah says: "O you who believe! Most surely many of the doctors of law and the monks eat away the property of men falsely and turn them from Allah's way; and as for those who hoard treasures of gold and silver and do not spend them for the sake of Allah--warn them of grievous sufferings [in the life to come]. On the Day when that [hoarded wealth] shall be heated in the Fires of Hell and their foreheads and their sides and their backs branded with it, [it will be said to them:] 'These are the treasures which you have hoarded for yourselves. Now taste of what you used to accumulate!' [at-Taubah 34-35]." He also says: "And they should not think--they who avariciously cling to all that Allah has granted them out of His bounty--that this is good for them. No, it is bad for them, for that which they hoard will be hung about their necks on the Day of Judgment" [al-Imran 180].

Punishment in the Hadith for the Delinquents of Zakah Ahmad, al-Bukhari, and Muslim relate from Abu Hurairah that the Messenger of Allah, upon whom be peace, said: "No owner of a treasure who does not pay zakah will be spared, for his treasure will be heated in the Fires of Hell and then made into plates. His flanks and his forehead will be branded with them until Allah pronounces judgment on His servants during a day lasting fifty thousand years.

Al-Bukhari and Muslim relate from Abu Hurairah that the Prophet, upon whom be peace, said: "Whoever is made wealthy by Allah and does not pay zakah on his wealth, on the Day of Judgment it will become a bald-headed, poisonous, male snake with two black spots over his eyes. The snake, on the Day of Judgment, will encircle his neck, and bite his cheeks and say: 'I am your treasure, I am your wealth.' " Then he [the Prophet] recited this 'ayah: " 'And let not those who hoard up that which Allah has bestowed upon them of his bounty...' [al-Imran 180]."

Judgment on the Zakah Refrainer : As an obligation upon Muslims, zakah is one of the essential requirements of Islam. If somebody disputed its obligation, he would be outside of Islam, and could legally be killed for his unbelief unless he was a new Muslim and could be excused for his ignorance. If some people refrain from paying zakah knowing that it is due and that they can afford to pay, they should be fought until they yield and pay. Al-Bukhari and Muslim report that Ibn 'Umar heard the Prophet say: "I have been ordered to fight people until they say that none has the right

to be worshipped but Allah, and that Muhammad is His Messenger, and they uphold the prayers, and pay the zakah. If they do this, their lives and properties will be safe, except for what is due to Islam, and their accounts are with Allah."

Who is Obligated to Pay Zakah : Zakah must be paid by every Muslim who has a nisab, which is the minimum of one's holdings liable to zakah. The nisab is conditioned by the following:

1. Zakah should be paid on any amount of money remaining after meeting the expenses for such necessities as food, clothes, housing, vehicles and craft machines.
2. A complete year of Islamic calendar should pass, starting from the very day of the nisab's possession, without any decrease during the year. In case of its decrease (being less than nisab), the year count (hawli) starts from the day of the nisab completion.

Commenting on the issue, an-Nawawi said: "In our view and the views of Malik, Ahmad, and the majority of scholars, the amount of property liable for payment of zakah, such as gold, silver, or cattle, is tied to the completion of nisab through the turn of a whole year. If the nisab decreases in any time of the year, [the counting of] the year discontinues. Later, if the nisab is completed, the year count is resumed from the time of its completion."

On the same subject, Abu Hanifah holds: "What matters is the availability of nisab at the beginning and end of the year. Its decrease at any time in between does not matter, even though the zakah payer had two hundred dirhams and he lost all but one dirham during the year, or if he had forty sheep, all of which died except for one during the year. If, at the end of the year, he had two hundred dirhams, or forty sheep, then he must pay zakah on all of that. This condition is not applicable to the zakah of plantations and fruits, for their zakah should be paid on the harvest day. Allah, the Exalted One, says: 'And pay the due thereof upon the harvest day' [al-Araf 142]."

Al-'Abdari elaborated that: "The holdings subject to zakah are of two kinds. The first kind grows by itself: crops and fruits. The second kind is used for growing and production: money, merchandise, and cattle. In the former case, zakah should be paid at the time of harvest. In the latter case, it should be paid at the end of the haul. This was the opinion of all jurists as reported in an Nawawi's al-Majru'."

Zakah on the Holdings of Infants and Mentally Retarded People : The guardian of a child or of a mentally retarded person must pay zakah on his behalf from his property if it constitutes a nisab. 'Amr ibn Shu'aib reported from his father backed up by a chain of sources going back to 'Abdullah ibn 'Amr that the Messenger of Allah, upon whom be peace, said: "One who becomes the guardian of an orphan with property must trade on his behalf and not leave it passive in order to avoid depletion of the property by sadaqah." However, this hadith has a weak link. Still, al-Hafiz affirms that: "There is a similar hadith of the mursal type in the compilation of ash-Shafi', who confirmed that it is considered a sound one. 'Aishah used to set aside zakah for the orphans who were under her protection."

The Insolvent Debtor : Whoever has property must pay its proper zakah. If the property is indebted, he may first pay off his debt, then in case the remainder is enough to constitute a nisab, he must pay zakah. If he does not hold the nisab, he does not have to pay it since he is poor. The Messenger of Allah, upon whom be peace, said: "Only the wealthy are required to give charity." This hadith is related by Ahmad and al-Bukhari. The latter records it in mu'allaq form. The Prophet also said: "Zakah is levied on the rich and paid to the poor." It is all the same, whether he is indebted to Allah or to man, because one hadith states: "Allah's debt is more deserving of fulfillment."

Zakah Owed by a Deceased Person : If a person dies before he pays zakah, then it must be taken from his estate. According to ash-Shafi', Ahmad, Ishaq, and Abu Thaur, it is obligatory that zakah be paid from the property of the deceased, and this payment receives preference over debt, legacy, and inheritance for Allah says: "... after payment of legacies and debts is what you leave ..." [an-Nisa' 12]. Zakah is a debt payable to Allah.

A man came to the Messenger of Allah, upon whom be peace, and said: "My mother died while she still had to make up one month of fasting. Shall I make it up for her?" The Prophet replied: "If there was any debt upon your mother, would you pay it off for her?" The man answered: "Yes." The Prophet then observed: "A debt to Allah is more deserving to be paid off." This is related by al-Bukhari and Muslim.

The Niyyah (Intention) : Since the payment of zakah is an act of worship, its validity depends upon the expression of one's intention. That is, the zakah payer should pay it for the sake of Allah; he should make up his mind, with all of his

heart, that zakah is an obligation to be discharged. Allah says: "And they are commanded no more than this: to worship Allah, sincere in their faith in Him alone" [al-Bayyinah 5]. It is related in al-Bukhari and Muslim that the Prophet, upon whom be peace, said: "The value of [one's] deeds is determined by [one's] intentions; and thus for each shall be according to his intentions." Malik and ash-Shafi'i say that the intention is to be made at the time of rendering zakah. Abu Hanifah holds that the intention must be present at the time of payment or when zakah is being set aside from one's assets. Ahmad's view is that it is permissible to express the niyyah a little earlier before payment.

Payment of Zakah in Due Time : Zakah must be paid immediately at its due time. Deferring payment of zakah is prohibited, unless the payer for some valid reason cannot pay it on time. In such a case, he may wait until he is able to pay it. It is related by Ahmad and al-Bukhari that 'Uqbah ibn al-Harith said: "Once I performed the 'asr prayer with the Prophet, upon whom be peace. When he concluded the prayer, he hurriedly went to his house and returned immediately. Noticing the amazed faces, he said: 'I left at home a piece of gold which was meant for sadaqah, and I did not want to let it remain a night in my house, so I ordered it to be distributed.'"

Zakah on Gold and Silver : Says Allah concerning zakah on gold and silver: "... As for those who hoard treasures of gold and silver and do not spend them for the sake of Allah--warn them of grievous suffering [in the life to come]" [at-Taubah 34]. Thus, zakah is prescribed for gold and silver--whether they are in the form of coins, ingots, or dust--as long as the amount owned constitutes a nisab, a period of a year has passed, debts are settled, and/or basic needs satisfied from it.

Zakah on a Woman's Dowry : Abu Hanifah is of the opinion that there is no zakah on the dowry of a woman until she comes to possess it. At the same time, the dowry must constitute the nisab at the end of the year. The position, however, will be different if the woman has accumulated a nisab other than the dowry. In such a case, any amount she receives should be added to the nisab, and zakah should be paid at the end of a year of possession. Ash-Shafi'i holds that a woman must pay zakah on her dowry at the end of one year, even if it is before the wedding. The probability of its restitution because of nullification, or its

fifty percent refund because of divorce, does not exempt her from paying it. The Hanbaliyyah are of the opinion that dowry is a credit for women and that it is similar to debts. If the recipient of a dowry is rich, the payment of its zakah is obligatory. If the recipient is insolvent, or does not acknowledge it, then, according to al-Khiraqiyy, the zakah is obligatory regardless of the consumation of marriage. If a woman receives half of her dowry (in the case of her divorce before consumation), she should pay zakah only on the received half. However, if all of the dowry is cancelled before she receives it (in the case of nullifying the marriage on her behalf), she is under no obligation to pay its zakah.

Zakah on Trade : The majority of scholars among the companions, the followers, the generation after them, and the jurists who came subsequently held that zakah on merchandise is compulsory. Abu Dawud and al-Baihaqi relate that Samurah ibn Jundub reported: "The Prophet, upon whom be peace, used to command us to pay sadaqah from [the goods] we had for sale." Ad-Daraqutni and al-Baihaqi relate that Abu Dharr reported the Prophet, upon whom be peace, saying: "There is sadaqah on camels, sheep, cows, and house furniture." Ash-Shafi'i, Ahmad, Abu 'Ubaid, ad-Daraqutni, al-Baihaqi, and 'Abd ur-Razzaq relate that Abu 'Amr ibn Hammas reported from his father that he said: "I used to sell leather and containers. Once, 'Umar ibn al-Khattab passed by me and said: 'Pay the sadaqah due on your property.' I said: 'O Commander of the Faithful, it is just leather.' He replied: 'Evaluate it and then pay its due sadaqah.'"

What Should Not Be Included in Zakah : The rights of property owners must be considered when their properties are subjected to zakah. The best items are not to be taken as zakah unless the owners freely permit it. Likewise, the rights of the poor should be considered. A defective animal should not be taken as zakah unless all of the other animals are defective. In such a case, zakah is due on the average of that property. Some proofs for this view are:

1. In the letter of Abu Bakr: "Neither an old or a defective animal nor a billy goat may be taken as zakah."
2. Sufyan ibn 'Abdullah ath-Thaqafi reported: "Umar forbade the zakah collector to levy zakah on the following: barren ewes (al-akulah), a sheep kept at home for milk (ar-rahy), a pregnant ewe (al-rnakhid), or a ram used for breeding (fahl al-ghanam)."
3. 'Abdullah ibn Mu'awiyah al-Ghadiri reported that the Prophet, upon whom be

peace, said: "Whoever performs these three acts will have had (savored) a taste of belief ('irnan): He who worships Allah alone, and [believes] that there is no god but Him; he who good-heartedly offers the zakah on his property which will repay him every year; and he who does not offer a very old sheep, a mangy sheep, a sick sheep, a mean and low sheep, or a ewe which produces only a small amount of milk. You should offer one from the average. Verily, Allah asks you to offer neither the best nor the worst." It was related by Abu Dawud and at-Tabarani with a good transmission.

The amount of zakah given to a poor person: Zakah aims at supporting the poor by satisfying their needs. A specified amount is therefore given to them on a continuous basis to alleviate their state of poverty. This amount differs depending on circumstances and individuals. 'Umar reported: "If you happen to give [alms], you should give to satisfy one's needs." Qadi 'Abdulwahhab says that Malik never stipulated a limit to the amount that can be given. To him, zakah may even be given to one who has a house, a servant, and a mount to ride, provided he is in need. The import of the preceding hadith is clear-- that is, asking for help is permissible for a person who is poor until he gets what he needs for his livelihood and is freed from his needs.

Sadaqah for the Cause of Allah : Fee sabil lillah means for the sake of Allah--that is, making use of knowledge and deeds to attain Allah's pleasure. Most scholars understood this phrase as fighting for the cause of Allah. Part of zakah designated for the cause of Allah is given to volunteer fighters, especially those who are not on the payroll of the state, regardless of their financial status. The hadith of the Messenger of Allah, stated elsewhere, also confirms it: "Sadaqah is not permitted to the rich except to the following five: the warrior (ghuzi) for the cause of Allah . . . and so on." As to the pilgrimage (hajj, it does not fall under the zakah designated for the cause of Allah because it is an obligation for one who can afford it. Commenting on the issue, the authors of al-Manar say: "Spending of this portion on securing the routes of the pilgrimage and for providing water, food, and health services for the pilgrims is permissible if funds from other sources are not available." Included in the share designated "for the cause of Allah" are those spendings in the interest of the common good that pertain to both religious and secular matters. The foremost is the preparations for war, including buying arms,

food supplies for soldiers, means of transportation, and equipment for warriors. However, the supplies for warriors are to be returned to the treasury after the war. This applies especially to unconsumable items such as weapons, horses, and so on. A warrior does not always possess such items, for he uses them in the cause of Allah only when necessary. This is not the case, however, with other recipients of zakah, such as zakah collectors, debtors, people who received money under the expense account "reconciliation of hearts," and the wayfarers. They do not have to return the zakah, even if they are no longer entitled to it. Also included in the expense account "for the cause of Allah" are projects such as establishing military hospitals, paved and unpaved roads, the extension of military (not commercial) railway lines, and the building of cruisers, warplanes, fortresses, and trenches. An important item in this category could be the preparation of Muslim missionaries and sending them to non-Muslim countries to spread Islam, just as non-Muslim missionaries are now spreading their religions in Islamic countries. Also falling under this heading would be school expenses to prepare adequate courses in religious sciences and in other areas of public interest. Teachers involved in such programs should be given sadaqah as long as they continue to perform their assigned jobs without resorting to other means of income. Scholars who are rich should not be paid for their work, despite their obvious benefits to the people.

Who has Priority? The distribution of Zakah to those who are eligible, as mentioned in the ayah from Surah At-Taubah: "As-Sadaqât (here it means Zakât) are only for the Fuqarâ (poor), and Al-Masâkin (the poor) and those employed to collect (the funds); and for to attract the hearts of those who have been inclined (towards Islâm); and to free the captives; and for those in debt; and for Allâh's Cause (i.e. for Mujâhidîn), and for the wayfarer (a traveller who is cut off from everything); a duty imposed by Allâh. And Allâh is All-Knower, All-Wise.9:60

People Forbidden for Zakah : We have discussed so far the distribution of zakah and the categories of people eligible to receive it. Now we will talk about those who are forbidden to receive it. They are:

Unbelievers and Atheists : The jurists agree that unbelievers and atheists are not to be given zakah. In the hadith which says: "Zakah is taken from the rich and given back to the poor," "the rich" refers to rich Muslims while "the poor" indicates poor Muslims. Ibn al-Mundhir said that all scholars agree that the free non-Muslim

subject (dhimmi) is not entitled to zakah. Exceptions to the rule are those people whose hearts are leaning toward Islam. However, it is permissible to give a dhimmi from the nonobligatory charity (tatawwu'). Alluding to the characteristics of the believers, the Qur'an says: "And for His love, they feed the indigent, orphan, and captive" (ad-Dahr: 8.. This is also supported by the following hadith: "Be kind to your mother." The woman in this case was an unbeliever.

Banu Hashim : This includes the families of 'Ali, Ja'far, al'Abbas, and al-Harith. Ibn Qudamah says there are no two opinions on the ineligibility of Banu Hashim to receive zakah. The Prophet, upon whom be peace, declared: "Indeed, sadaqah ought not to be given to the family of Muhammad ..." Muslim related it. Abu Hurairah reported that when al-Hasan took one date from the sadaqah dates, the Prophet, upon whom be peace, said to him: "Nay, spit it out! Don't you know that we cannot eat from charity?" Scholars agree on the authenticity of this hadith.

Fathers and Sons : The jurists agree that it is not permissible to give zakah to one's father, grandfather, mother, grandmother, son, grandson, daughter, and her children because the zakah payer is obligated to take care of all such people anyway. In case of their poverty, they should draw upon his largesse because it is their right. Thus, if he pays them zakah, he benefits himself and avoids the obligation of supporting them. Malik exempts the grandfather, grandmother, grandsons, and granddaughters because one does not have an obligation to support them if they are poor. However, if they are well-off and fought voluntarily for the cause of Allah, the zakah payer may give them some of the zakah designated for those fighting in the cause of Allah. He may also give them some of the share meant for debtors, though he is not obligated to pay off their debts. He may also give them a portion of the amount set aside for zakah collectors, provided they are in this category.

The Wife : Ibn al-Mundhir says that all scholars agree that a man is not obligated to give his wife zakah, the reason being that adequate support for her is already enjoined upon him, unless she is in debt. In that case, she may be given from the debtor's share to pay off her debt.

The Distribution of Zakah in Order to Grow Nearer to Allah : It is not permissible to distribute zakah so as to grow nearer to Allah other than what Allah, the Exalted One, mentions in the 'ayah: "The alms are only for the poor and the needy" (at-Taubah 60). Thus, zakah cannot be paid

for establishing mosques, bridges, road repair, hospitality, shrouding the dead, and so on. Abu Dawud witnesses: "I heard Ahmad while he was asked whether spending part of the zakah on shrouding the deceased was permissible. He said: 'No. Nor can it be used to pay the debt of the dead.'" He also said: "One can pay the debt of a living person from the zakah but not that of the deceased. For a person who dies, there is no debt." Ahmad was also asked what would happen if it had been given to help them redeem their debt. He answered: "Yes, for his family it is all right."

The Preferability of Giving Zakah to Good People : Zakah is given to a Muslim provided he is eligible to receive it. Whether he is good or sinful does not matter. If, however, it is known that he will use it to perpetuate what Allah has forbidden, it should be denied to him. It is preferable that one who pays zakah should give it to the pious, the knowledgeable, and those of kind disposition. It is related from Abu Sa'id al-Khudri that the Prophet, upon whom be peace, said: "The likeness of a believer and the likeness of belief are similar to the horse that, tied to its post, walks around and then comes back to its post. The believer may forget, but he returns to his belief. Thus, give your food to the righteous people and entrust your favors to the believers." This is related by Ahmad with a good chain and as-Suyuti authenticated it. Ibn Taimiyyah says that the needy who discards his salah will not be given anything until he repents and offers salah again because neglecting salah is a grave sin. It is not right that one who commits this sin should be financially helped until he repents to Allah. Included along with those who neglect salah are offenders who are not ashamed to commit sinful acts and remain unrepentant. Also, one whose conscience is corrupted has an innate character which is distorted and a sense of good which is virtually dead. Such a person is not given zakah unless doing so will turn him in the right direction and help him reform.

Editorial

Assalamu Alakium

Dear Readers!

Thank you very much for your comments & questions.

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