

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Study of the book

FIQH US-SUNNAH

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Almsgiving

الزكاة

ZAKAH

- *Monetary holdings subject to Zakah*
 - Zakah on Gold and Silver
 - Zakah on Debt
 - Zakah on Jewelry
 - Zakah on Women's Dowry
 - Zakah on House Rent
 - Zakah on Contemporary Matters (Mortgages, Banknotes, Stocks and Bonds, 401K, Social Security)

ZAKAH ON GOLD AND SILVER

■ وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ
وَالْفِضَّةَ وَلَا يُنْفِقُونَهَا فِي
سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ
أَلِيمٍ

“...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”

[Surat at-Taubah 9:34]



Zakah is prescribed for **gold and silver as long as the amount owned constitutes:**

- A Nisab
- A period of one year has passed
- Debts are settled
- And/or basic needs have been satisfied from it

THE NISAB OF GOLD

- 'Ali reported that the Prophet said: "There is nothing upon you in gold, until it reaches twenty dinars. Thus, if you have twenty dinars at the end of the year, then there is half a dinar levied on it [as zakah]. Any additional amount will be calculated in this manner. There is no zakah on property until it has been owned for one year." [Ahmad, Abu Dawud, and al-Baihaqi]

➔ *Based on this the Nisab of gold is 85 grams of (pure) gold.*

THE NISAB OF SILVER

- 'Ali reported that the Prophet said: "I exempt you from paying zakah on horses and slaves. Pay, then, zakah on silver, one dirham for each forty dirhams. Zakah is not due on ninety or one hundred dirhams of silver. If it reaches two hundred dirhams, five dirhams are to be paid." [Related by the authors of as-Sunan]

➔ ***Based on this the Nisab for silver is 595 grams of fine silver***

COMBINING GOLD & SILVER

If a person owns gold and silver, but neither of them on its own constitutes a nisab, he SHOULD NOT combine the two in order to obtain a nisab.

- This is because they are not of the same kind.
- The basic rule is that no category can be combined with another.
- It is the same for cows and sheep and other Zakatable items. For example, if someone has 199 dirhams and nineteen dinars, he is not supposed to pay zakah on them.

ZAKAH ON DEBT

Debts are of two kinds:

- 1) A debt which is acknowledged by the debtor with the willingness to pay it off, and
- 2) A debt which is not acknowledged either because the borrower is insolvent or its payment is deferred.

In the first case, scholars have formed the following views::

The first view:

- The creditor should pay zakah on the debt, provided he has received it from the debtor, in that zakah will be payable retroactively. (*'Ali, ath-Thauri, Abu Thaur, the Hanafiyyah, and the Hanbaliyyah*)

The second view:

- The creditor should pay zakah on the value of a debt owed on time, even though he did not receive it yet, since he is eventually going to receive it and use it. It is similar to the zakah of any deposited amount. (*'Uthman, Ibn 'Umar, Jabir, Tawus, anNakha'i, al-Hasan, az-Zuhri, Qatadah, and ash-Shafi'i*)

The third view:

- No zakah is due on debt since it does not grow. It is similar to the case of acquired assets. (*'Ikrimah, 'Aishah, and Ibn 'Umar*)

The fourth view:

- Zakah should be paid for one year if the debt is returned to the creditors. (*Sa'id ibn al-Musayyab and 'Ata ibn Abu Rabah*)

For the second case

First view

- Zakah is not compulsory on this type of debt, since the creditor cannot benefit from it. (*Qatadah, Ishaq ibn Abu Thaur, and the Hanifiyyah*)

Second view

- Upon receipt (of it) the creditor should pay its zakah retroactively since it his and he may use it at his own free will, like the zakah on the debt of a rich person. (*Ath-Thauri and Abu 'Ubayd*)

Third view

- He should pay zakah on it for only one year when he receives it. (*Ash-Shafi'i, 'Umar ibn 'Abdulaziz, alHasan, al-Layth, al-Auza'i and Malik*)



ZAKAH ON JEWELRY

Scholars agree that no Zakah has to be paid on diamonds, pearls, sapphires, rubies, corals, chrysolite, or any kind of precious stones unless they are used for trade.

However, there is a difference in opinion over whether women's gold or silver jewelry is exempt from paying Zakah.

Abu Hanifah and Ibn Hazm

■ Zakah is compulsory on gold and silver jewelry provided they constitute a nisab.

- "Two women with gold bracelets on their wrists came to the Prophet, upon whom be peace. The Prophet said: 'Do you want Allah to make you wear bracelets of fire on the Day of Judgment?' They answered: 'No.' He said: 'Then pay the zakah which is due on what you wear on your wrists.' "
- Asma' bint Yazid reported: "My aunt and I, while wearing gold bracelets, went to the Prophet, upon whom be peace. He asked: 'Did you pay their zakah?' She related that they had not. The Prophet said: 'Do you not fear that Allah will make you wear a bracelet of fire? Pay its zakah.' "
[Ahmad]
- 'Aishah narrated: "The Messenger of Allah came to me and saw me wearing silver rings. Thereupon, he asked: 'What is this, 'Aishah?' I replied: 'I made them to adorn myself for you, O Messenger of Allah.' He said: 'Did you pay their zakah?' I said: 'No, or what Allah wishes.' Then he said: 'Their punishment in Hell is enough for you.' " [Abu Dawud, ad-Daraqutni, and al-Baihaqi]

Malik, ash-Shafi'i, and Ahmad ibn Hanbal

■ There is no Zakah on women's jewelry regardless of its value.

- Al-Baihaqi relates that Jabir ibn 'Abdullah was once asked if jewelry was subject to Zakah. He replied that it was not, even if its value exceeded one thousand dinars.
- Al-Baihaqi also narrates the case of Asma': "Asma' bint Abu Bakr used to adorn her daughters with gold. Although its value was around fifty thousand dinars, she did not pay Zakah on it."
- It is related in al-Muwatta' from 'Abdurrahman ibn al-Qasim from his father that 'Aishah used to take care of her nieces, who were orphans under her protection, and adorned them with jewelry without paying its zakah.
- Also in al-Muwatta' it is related that 'Abdullah ibn 'Umar used to adorn his daughters and slave girls with gold without paying zakah.

ZAKAH ON A WOMAN'S DOWRY

Abu Hanifah

- 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-Shaf'i

- A woman must pay Zakah on her dowry at the end of one year, even if it is before the wedding.

The Hanbaliyyah

- 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 consummation of marriage. If a woman receives half of her dowry (in the case of her divorce before consummation), 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 HOUSE RENT

Abu Hanifah and Malik

- The rent is not payable to the landlord at the time of the contract but at the expiry of the renting period. The landlord who rents out a house should pay the Zakah on his house rent, provided the fixed amount meets the following conditions: receiving of the money and completion of nisab at the end of the year.

The Hanbaliyyah

- Once the contract is concluded, the landlord is entitled to have rent. Thus, if someone leases his house, the Zakah is due upon its fixed rate reaching a nisab at the end of the year. This is so because the landlord has the right to spend the rent the way he wants to. The possibility of cancelling the lease does not invalidate the obligation to pay Zakah. This case is similar to the case of dowry before the consummation of a marriage.

ZAKAH ON CONTEMPORARY MATTERS

- Mortgages
- Banknotes
- Stocks and Bonds
- 401K
- Social Security

QUESTIONS

Jazakum Allah Khayran

May Allah SWT increase our knowledge!
AMEEN