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# سفينة النجاة

في الفقه الشافعي

## فصل: فيما تجب فيه الزكاة

# Chapter: That which necessitates Zakah

Zakah is one of the 5 pillars of Islam.

وَحَدَّثَنَا سَهْلُ بْنُ عُمَانَ الْعَسْكَرِيُّ، حَدَّثَنَا يَحْيَى بْنُ زَكَرِيَاءَ، حَدَّثَنَا سَعْدُ بْنُ طَارِقٍ، قَالَ حَدَّثَنِي سَعْدُ بْنُ عُبَيْدَةَ السُّلَمِيُّ، عَنْ ابْنِ عُمَرَ، عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ " بُنِيَ الْإِسْلَامُ عَلَى خَمْسٍ عَلَى أَنْ يُعْبَدَ اللَّهُ وَيُكْفَرَ بِمَا دُونَهُ وَإِقَامِ الصَّلَاةِ وَإِيتَاءِ الزَّكَاةِ وَحَجِّ الْأَيْتِ وَصَوْمِ رَمَضَانَ " .

*It is narrated on the authority of ('Abdullah) son of 'Umar, that the Prophet (may peace of Allah be upon him) said (The superstructure of) al-Islam is raised on five (pillars), i. e. Allah (alone) should be worshipped, and (all other gods) beside Him should be (categorically) denied. Establishment of prayer, the payment of Zakat, Pilgrimage to the House, and the fast of Ramadan (are the other obligatory acts besides the belief in the oneness of Allah and denial of all other gods).*

Zakah is established from the Quran, Sunnah and Ijmā' so anyone who denies its obligation has left the fold of Islām because he has rejected something which is known in the religion by necessity.

الزكاة لغة: النمو والزيادة

*Zakah linguistically: to increase*

Zakah is to give charity to a certain type of people.

The wealth which Zakah is required upon is 6 types:

**1. النعم Livestock - Cows, camels and sheep.**

Other animals you do not need to give Zakah for.

These 3 animals including everything in their family like goats, calfs etc.

These animals must reach a certain amount before Zakah becomes obligatory.

The Nisāb for cows is 30 cows. When a person has 30 cows then he has to pay Zakah and the Zakah is a تبع (Tabī') which is a cow which is 1 years old.

It is called that because it follows around its mother from the word تبع (to follow).

If a person has 40 cows they give a مسنة (Musinnah) which is a cow that has reached the age of 2 years old.

In the past, the leader would send out the ساعي who would collect the Zakah from people. If the person had to pay a تبع (Tabī') but only had a مسنة (Musinnah) then he would give that and get the difference in return.

The Nisāb for camels is 5 camels, that is the minimum a person must have for Zakah to become obligatory.

The Zakah is one sheep that is at the age of 1 or a goat which is 2 years old.

If you have 10 camels you give 2 sheep.

If you have 15 camels you give 3 sheep.

If you have 20 camels you give 4 sheep.

When there are 26 camels you give a بنت مخاض (Bint Makhād) which is a 1 year old camel.

When the camels reach 36 a بنت لبون (Bint Labūn) is given which is a 2 year old camel.

When the camels reach 46 you give a حقة (Hiqqah) which is a 3 year old camel.

When there are 61 camel you give a جذعة (Jadha'ah) which is a 4 year old camel.

When there are 76 you give بنتا لبون (Bintā Labūn) two 2 year old camels.

When there are 91 camels you give حقتان (Hiqqatān) 2 three year old camels.

When there are 121 camels you give 3 بنت لبون (Bint Labūn).

Then every 40 camels you add a بنت لبون (Bint Labūn) and every 50 camels you had a حقة (Hiqqah)

For example: 170 camels - you give بنت لبون on top of 2 بنت لبون and a حقة.  $(40+40+40+50=170)$

The Nisāb of sheep is 40 sheep. For 40 sheep you have to pay one sheep which is 1 years old for Zakah.

When there are 121 sheep you give two sheep.

When there are 201 sheep you give 3 sheep.

When you reach 400 you give 4 sheep.

After that every 100 sheep you give a sheep.

In the Shariah there is something known as the *حول* which means you must own these animals for a whole lunar year for Zakah to become an obligation.

You do not have to give Zakah the first day you own the animals but after one lunar year has passed.

## 2. النقدان Gold and Silver

Zakah is given on them because they are commodities so the money we use today comes under the ruling of them.

أَنَّهُ سَمِعَ أَبَا سَعِيدٍ - رَضِيَ اللَّهُ عَنْهُ - يَقُولُ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَيْسَ فِيهَا دُونَ خَمْسِ أَوْاقٍ صَدَقَةٌ، وَلَيْسَ فِيهَا دُونَ خَمْسِ دَوْدِ صَدَقَةٌ، وَلَيْسَ فِيهَا دُونَ خَمْسِ أَوْسُقٍ صَدَقَةٌ ". {البخاري}

*Narrated Abu Sa`id: Allah's Messenger (ﷺ) (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.) {Al-Bukhari}*

The **أَوَاقٍ** (Awāq) is equal to 20 gold coins at the time of the Prophet (s).

In modern day times it is equal to 85g of gold.

The Nisab for silver is equal to 595g which is 200 Dirhams. A dirham is a silver coin.

So to work out the Nisab, you check the price of silver/gold per gram on the day and times it by the grams of Nisāb it is equal to.

You must have the amount of money above Nisab for a whole lunar year.

يَسْأَلُونَكَ عَنِ الْأَهْلِ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ وَلَيْسَ الْبِرُّ بِأَنْ تَأْتُوا الْبُيُوتَ مِنْ ظُهُورِهَا وَلَكِنَّ الْبِرَّ مَنِ اتَّقَى وَأْتُوا الْبُيُوتَ مِنْ أَبْوَابِهَا وَاتَّقُوا اللَّهَ لَعَلَّكُمْ تُفْلِحُونَ

*They ask you, [O Muhammad], about the new moons. Say, "They are measurements of time for the people and for Hajj." And it is not righteousness to enter houses from the back, but righteousness is [in] one who fears Allah. And enter houses from their doors. And fear Allah that you may succeed. [2:189]*

Whenever the Shariah mentions a year it is referring to a lunar year.

If you have had the amount for a lunar year then you will give 2.5% of that in Zakah. It must not have fallen below the Nisāb during the year. Otherwise the year restarts again.

Do you have to pay on gold and silver jewellery? The majority of scholars say that there is no Zakah on gold and

silver jewellery. This was the opinion of Aisha (r) and others.

If the jewellery is Harām then Zakah must be paid on it like a gold ring belonging to a man.

Zakah is paid on the exact date when a lunar year has passed after reaching Nisāb and delaying it is a sin. It is allowed to be paid earlier.

If a person has a debt then he does not have to pay Zakah if the debt encompasses the money he has.