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سفينة النجاة

في الفقه الشافعي

1. المعشرات Crops

يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الْأَرْضِ وَلَا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلَّا أَنْ تُغْمِضُوا فِيهِ وَاعْلَمُوا أَنَّ اللَّهَ عَزِيزٌ حَمِيدٌ

O you who have believed, spend from the good things which you have earned and from that which We have produced for you from the earth. And do not aim toward the defective therefrom, spending [from that] while you would not take it [yourself] except with closed eyes. And know that Allah is Free of need and Praiseworthy. [2:267]

You pay Zakah on the day of harvest.

The type of crop is everything which is food that can be stored. This is the strongest opinion.

Crops like berries, apples etc rot so it cannot be stored, unlike food like rice, barley, corn etc which can be stored.

Regarding honey the majority say you do not have to pay Zakah on it. The Hanabilah you say you do. The strongest opinion is that you don't have to.

أَنَّهُ سَمِعَ أَبَا سَعِيدٍ - رَضِيَ اللَّهُ عَنْهُ - يَقُولُ قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ " لَيْسَ فِيهَا دُونَ خَمْسِ أَوْاقٍ صَدَقَةٌ، وَلَيْسَ فِيهَا دُونَ خَمْسِ دَوْدٍ 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 Wasq equals 60 Sa's). {Al-Bukhari}

Calculations for the Nisāb of crops:

The singular of اَوْسُق (Awsuq) is وَسُق (Wasq).

One وَسُق (Wasq) is equal to 60 صَاع (Sā').

One صَاع (Sā') is equal to 4 مُد (Mudd).

One مُد (Mudd) is two handfuls (meaning both hands together).

مُد (Mudd) is not a measurement of weight but volume. So around 500 grams is 1 مُد (Mudd).

So 1 صَاع (Sā') is 2 litres/kilograms.

2 litres/kilograms times by 60 صَاع (Sā') is 120 litres/kilograms.

120 litres/kilograms times by 5 اَوْسُق (Awsuq) is 600 litres/kilograms.

That is the Nisāb for crops.

عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ، عَنْ أَبِيهِ، عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: { فِيمَا سَقَّتِ
السَّمَاءُ وَالْعُيُونُ، أَوْ كَانَ عَثَرِيًّا: الْعَشْرُ، وَفِيمَا سَقِيَ بِالنَّضْحِ: نِصْفُ الْعَشْرِ. } رَوَاهُ
الْبُخَارِيُّ

Salim bin 'Abdullah narrated on the authority of his father (RAA) that the Messenger of Allah (ﷺ) said: "A tithe is due as Zakah, on every plant watered by heaven (rain water), springs, or underground water (i.e. watered without effort). While half a tithe is paid on what is watered by irrigation (i.e. machines are used)." Related by Al-Bukhari.

If you have an open land with a river going through it, this waters the crops naturally. You have to pay 1/10th of the crops.

As for what you water yourself you only pay half of a tenth which is 1/20th or 5%.

If the crops are watered for half of the year naturally and half you water then you pay 1/15th or you work it out based on how much was watered by you and naturally.

وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أُكُلُهُ
وَالزَّيْتُونَ وَالرَّمَانَ مَتَّسَابِهًُا وَغَيْرَ مَتَّسَابِهُِ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَأَتُوا حَقَّهُ يَوْمَ حَصَادِهِ
وَلَا تُسْرِفُوا إِنَّهُ لَا يُحِبُّ الْمُسْرِفِينَ

*And He it is who causes gardens to grow, [both] trellised and untrellised, and palm trees and crops of different [kinds of] food and olives and pomegranates, similar and dissimilar. Eat of [each of] its fruit when it yields and **give its due [zakah] on the day of its harvest.** And be not excessive. Indeed, He does not like those who commit excess. [6:141]*

The Zakah of crops must be given on the day of harvest.

4. عَرُوضُ التَّجَارَةِ Merchandise

Wealth that has been prepared to be sold, for example books for sale.

You must pay Zakah on them if they reach the Nisāb.

When is wealth considered to be for sale? Two things must be present:

1. Intention to sell
2. The action of selling - by being put on the market or looking for buyers or a transaction being made etc

This is for an item that was not originally bought to be sold.

It was originally قُنْيَةٌ (Qunya) which is personal belongings. To make قُنْيَةٌ (Qunya) into عَرُوضُ التَّجَارَةِ (Merchandise) you must fulfil the two above conditions.

If you bought something with the intention to sell it then you do not have to fulfil the conditions because they were bought with the intention to sell and it was never قُنْيَةٌ (Qunya).

The original and default state of items is to be owned and not sold.

If you bought it to sell it then you intend to make it قُنْيَةٌ (Qunya) do you have to take it off the market? All you need is the intention to keep it as قُنْيَةٌ (Qunya) to become قُنْيَةٌ (Qunya).

The conditions for Zakah on عَرُوضُ التَّجَارَةِ (Merchandise):

- You must have it for one year.

This means your intention to sell it must remain throughout the year.

- It must reach the Nisāb which is the same Nisāb as Gold and Silver.

How do you calculate it? On the day the Zakah is due, you work out the value of the items you have based on the price on that day. Then if it reaches the Nisāb you pay 2.5%.

5. الرِّكَاز Buried Treasure

This is a category of wealth which is not necessarily owned but found.

It is defined as دِفْنُ الْجَاهِلِيَّةِ (Difnul-Jāhiliyyah) which is wealth that is treasure that has been found and known to be from pre-islamic times.

It is known it is pre-islamic because it has clear signs on it. For example in the Arabian Peninsula there may be idols made of gold etc.

It varies from region to region based on when Islam came to the area.

What if there is treasure after Islam came to that land? Then it is considered to be lost wealth so it must be given back to its rightful owner. So you announce it for a year and if no one collects it then you can keep it.

You must give $\frac{1}{5}$ of it in Zakah straight away just once and then it becomes a part of your wealth.

If you do not have the money to give Zakah for it then you must sell it and give $\frac{1}{5}$ th in Zakah.

6. **المعدن Precious metals**

This is referring to precious metals taken from the earth.

The Shafieeyyah say the only thing you pay on is gold and silver, not on oil, salt or anything else.

The other opinion is you pay on anything that is worth money.

There are 2 conditions:

1. It must be gold or silver.
2. It must reach the Nisāb.

You do not wait a year but pay it straight away.

You must pay 2.5% on it.

زكاة الفطر Zakatul-Fitr:

This is the Zakah you pay at the end of Ramadān.

Who must pay it? Any Muslim who sees the sun set on the last day of Ramadān.

This means that a baby is included (paid by the guardian), a person who becomes Muslim before the sunset must pay it.

A person must pay it on behalf of themselves and for everyone they provide for or are responsible for.

The Ahnāf say everyone pays it on behalf of themselves.

Those who they are responsible for must have the intention if the one providing is paying for them.

You pay if you have enough food to eat for the day for you and for those you provide for.

You have to pay one صاع (Sā') of the food from the locality.

You must pay it before the Eid Salah. This means that the food **must** reach the poor person before the Salah.

It is permissible to pay it abroad but it is better to be in the locality.

The Shafiee Madhab says if you are able to pay it for the poor people in your area but you give it abroad then it is not valid.

The Hanabilah say it is not allowed but it is still valid.

مَصَارِفُ الزَّكَاةِ *Who receives Zakah? 8 groups of people:*

They have all been mentioned in one verse:

إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ
وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ

Zakah expenditures are only for the poor and for the needy and for those employed to collect [zakah] and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allah and for the [stranded] traveler - an obligation [imposed] by Allah. And Allah is Knowing and Wise. [9:60]

Memorise this verse!

The verse has the word إنما which shows that these are the only groups of people Zakah can be given to.

The Shafieeyah say that Zakah must be given to at least 3 groups but the correct opinion is that any one of them suffices.

1. الْفُقَرَاءُ The Poor

It is the plural of the word فقير which is a person who has no income, and is not able to get an income and does not have the basic necessities for living.

The necessities of life are:

- Food and Drink
- Clothing
- Shelter - a place to live
- Basic needs for living - like gas and electricity etc

The Malikiyyah and the *لَجْنَةُ الدَّائِمَةِ* and Shaykh Ibn Bāz and Shaykh Khalid Al-Mushayqih include Nikah in this meaning you can give Zakah to pay for the Mahr (dowry) and the needs of the marriage like housing.

Nothing else, so this does not include the Walimah because it is Sunnah and not obligatory according to the stronger opinion.

2. *المَسَاكِين* The Needy

The singular of *المَسَاكِين* (Al-Masākīn) is *المِسْكِين* (Al-Miskīn)

He has income but it is not enough for his needs.

So he is earning money but it is not enough to cover his expenses. Zakah is given to cover the rest of his expenses which he cannot pay for.