

ZAKĀT IN SHĪ‘A FIQH

Sayyid Muhammad Rizvi

Bismillāhir Raḥmānir Raḥīm
Allāhumma ṣalli ‘ala Muḥammadin wa Āl-i Muḥammad

INTRODUCTION

A sister from Toronto had sent questions to me in 1999 about zakāt and I had written a detailed response to her explaining the Shī‘ī perspective on zakāt. Recently an article appeared in *Federation Samachar* (Tanzania) on issue of poverty and it was critical of the Shī‘a jurists (*mujtahidīn*) for not making zakāt obligatory in all the wealth as it is done by the Sunnis. Since my 1999 response deals with the issues raised in that article, I have decided to publish it with revisions and additions for the benefit of the general audience.

A. THE ITEMS OF WĀJIB ZAKĀT

Question:

“Zakat as we Shia calculate is payable on 9 items only. These items were the measure of wealth in those times and therefore should we not apply the principle to our wealth in general, as the Sunnis do, and not just to those 9 items?”

The Islamic shari‘ah (code of laws) is based on a system within which they are formulated and worked out. In Shī‘a Islam, the two main sources of laws are the Qur’ān and the sunnah of the Prophet and Imams (may peace be upon them all).¹

The Qur’ān, while ordering us to pay zakāt, has not outlined the items on which zakāt is applicable. Interestingly, the case of ṣalāt is also the same. While the Qur’ān has ordered us to say the daily ṣalāt in more than 25 verses, nowhere does it tell us how to perform the daily ṣalāt. In these cases, we have to refer to the sunnah for further details.

When Shī‘a jurists refer to the sunnah, after studying and analyzing all the authentic aḥādīth on this subject,² they reach to the following two conclusion conclusions:

1. Zakāt is **wājib** (obligatory) on the following nine items:

Coins: silver; gold

Cattle: cows; sheep and goats; camels

Crops: wheat; barley; dates; raisins

2. Zakāt is **mustaḥab** (recommended) on other items that can be weighed or other things that grow from the earth.³

¹ For more details on the shari‘ah, see my *An Introduction to the Islamic Shari‘ah*.

² See, for example, the narrations by ‘Ubaydullāh bin ‘Alī al-Ḥalabi, Abū Baṣīr, al-Ḥasan bin Shahāb and Muḥammad aṭ-Ṭayyār in al-Ḥurr al-‘Āmili, *Wasā’ilu ‘sh-Shī‘ah*, vol. 6, p. 36 and also the narrations by ‘Alī bin Mahzyār, Muḥammad bin Muslim and Zurārah bin A‘yan on p. 39-40.

In conclusion, the jurist (*mujtahid*) is bound to follow the sources; if the sources clearly confine the items of compulsory zakāt to nine, then they cannot go by their personal inclination and extend that list. In order to extend that list, they need clear proof in the religious sources to suggest that these items were only applicable to those days and may be increased in future. But there are no such indications in the ahādīth.

One of the decisive ahādīth on this issue is presented here as an example in which Muḥammad aṭ-Ṭayyār asked Imam aṣ-Ṣādiq (a.s.) about the items on which zakāt is wājib.

The Imām (a.s.) listed the nine items as fixed by the Prophet himself and then said,

“The Messenger of Allāh (s.a.w.) exempted the zakāt from other items.”

A person then asked the Imam, “May Allāh protect you; we have abundance of a grain (not listed by you) with us.”

The Imām asked, “And what is that?”

The person replied, “It is rice.”

The Imam remarked, “Yes, it is plentiful (in your area).”

Then the person asked, “Is there zakāt in it (i.e., in rice)?”

Imām aṣ-Ṣādiq (a.s.) scolded him by saying: “I am telling you that verily the Messenger of Allāh (s.a.w.) has exempted the zakāt from other items and you are still saying ‘We have abundance of a grain; is there zakāt in it?’”⁴

The statement of Imam aṣ-Ṣādiq (a.s.) is clear that there were other items such as rice and other grains known to the people of that time and area as “wealth,” but still he insisted that you cannot include those in the list of items for wājib zakāt.

B. ZAKĀT IN THE QUR’ĀN

Question:

“When I read in Qur’ān I find great stress on ‘salat and zakat’ in many, many verses and so I feel afraid to advise my children to be conscientious about paying khums from their salary but not to pay zakat. May Allāh (swt) forgive me because I am not alim and not in a position to interpret Qur’ān and also as a Shí’a I have to do taqlid but my heart is not at peace about this matter of zakat.

In every respect I feel Shí’a are superior to Sunni but on this matter I am confused. How come all of them (Sunni) who have any wealth have the honour of fulfilling this duty whereas we do not?”

³ An in-depth analysis of these ahādīth can be seen in Shaykh Murtaza al-Burūjardi, *Mustanadu ‘l-Urwati ‘l-Wuthqa* (transcript of the lectures of the late Ayatullah al-Khū’ī), vol. 1, p. 138-142. Majority of jurists consider the payment of zakāt from the business merchandise as a recommended zakāt. However, Ayatullah Sistāni has made that ihtiyāt-e wājib, (obligatory based on precaution). See Ayatullah as-Sistāni, *Minhāju ‘s-Sālihiyn*, vol. 1. p. 367; also see *Islamic Laws*, p. 350.

⁴ See footnote no. 2.

First of all, the repeated occurrence of an item in the Qur’ān does not mean that it is more important than the other orders that have been mentioned fewer times.

For example, the laws of inheritance have been mentioned only once. That one occurrence does not make the laws of inheritance any less important than zakāt. Similarly, the order of going for hajj and fasting during the month of Ramadhān has occurred only once respectively even though both are part of the five *arkān* (pillars) of Islamic teachings.⁵ Or, for example, there are more verses that describe the spiritual aspect (intention and sincerity) of giving recommended charity (*sadaqa*) than the verses on how to pay zakāt. This does not diminish the importance of wājib zakāt.

Secondly, the term “zakāt” as used in the Qur’ān does not necessarily mean the same as the “zakāt” listed in the furū’-e dīn or the five pillars of Islamic teachings. Majority of our people read the Qur’ānic term “zakāt” in the light of what they have been taught about “zakāt” as one of the wājib taxes in Islam. The reality is otherwise.

In many places, the Qur’ān uses the term “*sadaqa*” for the wājib zakāt, and conversely it uses the term “zakāt” for recommended charity.

“Sadaqa” in the meaning of wājib zakāt:

1. While ordering the Prophet to take the zakāt from the people, Allāh (s.w.t.) says: “Take from their wealth the *sadaqa*, you would cleanse them and purify them thereby, and pray (*ṣalli*) for them; surely your prayer (*ṣalāt*) is a relief to them; and Allāh is Hearing, Knowing. Do they not know that Allāh accepts the repentance from His servants and takes the *sadaqāt*. And surely Allāh is the Forgiving, the Merciful.” (9:103-104)

As you see in this verse, the words “*sadaqa* and *sadaqāt*” refer to the wājib zakāt, and the word “*ṣalli* and *ṣalāt*” refer to du‘ā and not to the daily prayers.⁶

2. While describing the causes for which wājib zakāt is to be used, the Qur’ān says: “The *sadaqāt* are only for the poor, the needy, their collectors, those whose hearts are conciliatory (towards Islam), the emancipation of slaves, the debtors, in Allāh’s way, and the stranded traveler.” (9:60)

Based on this verse, all the Muslim scholars have outlined the causes for which the wājib zakāt is to be utilized.⁷

⁵ A famous hadīth of our Imams (a.s.) says: “The religion is based on five pillars: salāt, sawm, zakāt, hajj and wilayah of us the Ahlul Bayt.”

⁶ See Aṭ-Ṭabrisi, *Majma‘u ‘l-Bayān*, vol. 5, p. 68; at-Tabātabā‘i, *al-Mizān*, vol. 9, p. 397; also see the famous Sunni tafsīr of Fakhru ‘d-Dīn ar-Rāzi, *at-Tafsīr al-Kabīr*, vol. 16, p. 141.

⁷ *Majma‘u ‘l-Bayān*, vol. 5, p. 41; *at-Tafsīr al-Kabīr*, vol. 16, p. 91.

“*Zakāt*” in the meaning of recommended charity (i.e., *ṣadaqa*):

1. The famous incident in which Imam ‘Ali (a.s.) gave charity to the beggar while he was in the position of rukū‘ has been described in the Qur’ān as follows:

“Your master is only Allāh, His Messenger, and those who believe: those who establish the prayer and pay the *zakāt* while they are in ruku‘.” (5:55)

The commentators of the Qur’ān say that the last phrase of this verse refers to Imam ‘Ali bin Abi Ṭālib (a.s.) when he gave the ring from his finger to the beggar while he was in ruku‘.⁸

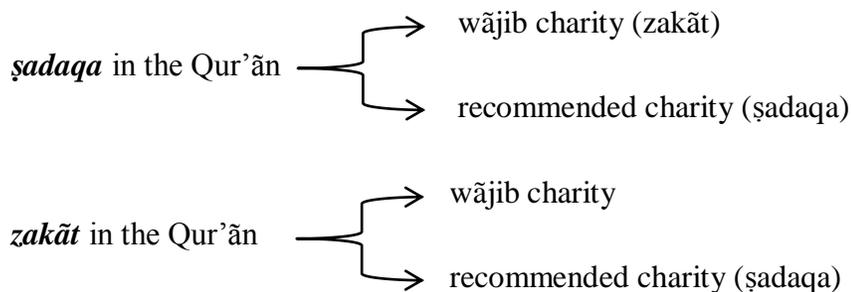
It is worth noting that none of the schools of law in Islam enlist the ring or personal jewelry as an item for wājib zakāt.⁹

2. Wherever the Qur’ān quotes the pre-Islamic prophets talking about “*zakāt*,” it is surely not talking about the wājib zakāt as defined in the Islamic laws. In the historical context of those prophets, the Qur’ān uses the term “*zakāt*” in meaning of charity. For example:

Prophet ‘Isa (a.s.): “...and He has enjoined on me prayer (*salāt*) and charity (*zakāt*) for as long as I live...” (19:31)

Prophet Ismā‘īl (a.s.): “And he enjoined on his family prayer (*salāt*) and charity (*zakāt*)...” (19:55)

Referring to other prophets: “...and We revealed to them the doing of good, the establishing of prayer (*salāt*) and the giving of charity (*zakāt*)...” (21:73)



Thirdly, now that the variety in the meaning of *zakāt* as used in the Qur’ān is clear, let us deal with the question that: **Why does the Qur’ān mention “*salāt* and *zakāt*” so many times?**

In majority of the cases where “*salāt*” and “*zakāt*” are mentioned together, the word “*zakāt*” covers all forms of financial obligations that we have upon one another in a Muslim society. “*Salāt*” represents God’s rights upon us and “*zakāt*” represents the rights of other people that God has placed upon us. By combining “*zakāt*” with “*salāt*,” we are being constantly reminded that Islam is not a religion that only gives importance to fulfill

⁸ *Majma‘u ‘l-Bayān*, vol. 3, p. 210; also see the Sunni author’s *at-Tafsīr al-Kabīr*, vol. 12, p. 23.

⁹ See Jawād al-Mughniyya, *The Five Schools of Islamic Law*, p. 149.

the rights that God has upon us, it also gives importance to the rights that other human beings have upon us.

In this sense, the word “zakāt” (just like the term “*infāq*”) encompasses all the rights of other people including khums, fitra, anfāl, etc. For example, in the very beginning of Chapter Two of the Qur’ān, when Allāh (s.w.t.) describes the qualities of the righteous people, He says: “Those who believe in the unseen, who establish the prayer, and who give in charity (*yunfiqūn*, verb form from *infāq*) out of what We have given them...”

Finally, there is no need to feel that others are more superior to us. No one has stopped any Shí‘a from paying 2.5% (or, for that matter, from paying 10%) from his or her salary as the “zakāt” in the meaning of recommended charity (*ṣadaqa*). But you cannot make something that is not wājib as wājib by your own whim and desire!

Why should a Shí‘a think of himself as inferior by paying khums which has been mentioned once in the Qur’ān? Does its occurrence only once make it a lesser obligation? Should we not be questioning the other Muslims who have totally suspended the obligation of khums even though it has been mentioned—even if once—in the Qur’ān?¹⁰ They should be asked why they have suspended khums whereas all Islamic schools of law believe that zakāt cannot be given to someone who is from the Banu Hashim, the family of the Prophet.

The Shí‘as have not suspended the zakāt; we from day one have believed that zakāt is wājib in the nine items and recommended in other items that can be weighed or that grows from the earth, and have not suspended that law that all!

C. ZAKĀT ON CURRENCY

The Sunni schools of Islamic law believe that zakāt is wājib on any kind of gold and silver, whereas the Shí‘a school believes that zakāt is wājib on gold and silver only if they are in form of coins.

As for currencies, three of the four Sunni schools say that it is wājib to pay zakāt on currencies provided they reaches to the minimum value (equivalent to 4.8 grams of gold) and provided they were under one’s continuous possession for a year.

The fourth Sunni school (Hanbali) believes that it is not wājib to pay zakāt on currencies unless one converts them into gold or silver.¹¹ This position is closest to the Shí‘a position that believes that zakāt on currencies will become wājib only when one converts them into gold or silver *coins*.

The Shí‘a school believes that it is not wājib to pay zakāt on currencies. There is a very logical explanation for why zakāt is not wājib in currencies:

¹⁰ For more information on the Qur’ānic basis of khums and how the Sunni jurists have dealt with it, see my *Khums: An Islamic Tax*. There you will see that the issue of khums was suspended in order to deprive the Ahlul Bayt and the Prophet’s descendants of their right.

¹¹ *The Five Schools of Islamic Laws*, p. 153.

1. If a person says that “**the currencies or bank notes represent the gold or silver coins that are in the government’s treasury,**” we would still say that zakāt is not wājib on them. Why? Because a person who possesses the currencies does not possess the gold or silver coins, he just possesses the right to ask the government for gold or silver coins. For zakāt to become wājib, one must possess the actual coins for a whole year.

2. If a person says, “**the currencies or bank notes represent the gold or silver ingots that are in the government’s treasury,**” we would still say that zakāt is not wājib on them. Why? Zakāt becomes wājib on silver and gold only in form of coins.

3. If a person says that “**the currencies or bank notes are like promissory notes that prove the indebtedness of the government to that person for certain number of gold or silver coins that are in its treasury,**” we would still say that zakāt is not wājib on them. Why? What a person has given to someone else as loan is not deemed to be in his possession and therefore it is not liable for zakāt.¹²

Moreover, there was a time when the value of US dollar, the main paper currency of our time, was fixed to an ounce of gold based on the gold reserves in the US Federal Reserve. But the costly Vietnam War drained US gold reserves and so, in August 1971, Nixon broke the Bretton Woods agreement, and refused to redeem dollars for gold since he had not enough gold to give. The US dollar is now fixed only to the printing press of the Treasury and Federal Reserve.

I hope this clarifies the issue of zakāt in the Qur’ān and the way the Shī‘as have believed in it.

* * *

D. FINAL COMMENTS

By looking at the tone of the article published in *Federation Samachar* and the conclusions that some readers have derived, it is necessary to make the following remarks:

First of all, I am really surprised that when it comes to their personal issues, people in our community always seek “expert advice;” but when it comes to religious issues, it becomes a plain field for everyone to make their decisions and even allow themselves to judge others’ motivations and think of it as “*sazish/conspiracy*” by the ‘ulamā when they don’t like what they hear! It is implied that the majority of our jurists were sayyids, therefore they promote khums and ignore zakāt!¹³ Such people don’t realize that such

¹² For the arguments on bank notes, I am indebted to the late Ayatullah Shaykh Husayn al-Hilli. See transcript of his lectures by ‘Izzu ‘d-Din Bahru ‘l-‘Ulūm, *Buhūth Fiqhiyya* (Beirut: Daru ‘z-Zahrā’, 1973).

¹³ It is interesting to review Shī‘a history during the ghaybat and see that the vast majority of our mujtahidīn have been non-sayyids: starting from the four special representatives during the ghaybat-e sughra to later times: al-‘Ummāni, Ibn Junayd, Ṣadūq, Muḥīd, Ṭūsi going on to the era of Ibn Idrīs, Muḥaqqiq al-Ḥilli, ‘Allāmah al-Ḥilli, Shahīd al-Awwal, Muḥaqqiq Karakī, Shahīd Thāni on to the time of Waḥīd Bahbahāni, Kāshiful Ghiṭā’, Muḥammad Ḥasan an-Najafī, Shaykh Murtaza al-Anṣārī, Mirza Shīrāzi, Akhund Khurāsāni, Mirza Nā’inī – all were non-sadaat. The presence of sadaat in the last generation’s senior mujtahidīn (Ḥakīm, Khū‘ī, Khumayni, Gulpaygāni, Najafī) was exception to the

thoughts eventually lead to accusing the Prophet of Islam himself of promoting his descendants! On this judgmental attitude, even the publishers are responsible for allowing this article to be published without getting it checked with the experts in the field for accuracy or at least allowing a response to it on the same issue.

Secondly, the reason why religious speakers talk more about some issues and less about some other issues has nothing to do with the so-called “sazish.” It all depends on what is relevant to the people in that time and area. Khoja community at large –in Africa and the West– are not in agriculture or raising cattle or in keeping gold/silver coins, and therefore these issues are not discussed that frequently or in detail just as judiciary matters or rules of the minor jihād are not discussed because they are not relevant to the community in these parts of the world.

The same can be said about discussion on khums. Khums is wajib on seven items but even when I wrote the book on that subject, I only dealt with two of the seven items. The others items (mines & minerals; precious stones obtained from sea by diving; treasures; land that a dhimmi kāfir buys from a Muslim; the spoils of war) have not been discussed. Why? Those items were not discussed simply because they are not relevant to our times and our locations.

Finally, what is even more disturbing is a trend seen among some of those who like to promote a good cause, they always try to contrast it with something else even though the two would be unrelated. Obvious examples that come to mind of such artificial contrast between issues are niyaz versus charity, ‘azadari versus namaz, khums versus zakat, rituals versus socio-political activism. One can always promote charity without attacking niyaz; stopping niyaz is not going to divert that money towards the poor relief. One can always encourage the obligation of doing namaz without putting down ‘azadari; instead of creating that contrast, use ‘azadari to promote namaz. One can always urge people to give more in charity without putting down khums; highlight the importance of giving ṣadaqa which has been greatly emphasized in Islam and by the Ahlul Bayt. One can always impress upon people the importance of participation in socio-political issues without putting down rituals. By creating unnecessary tension or contrast between two unrelated issues, one achieves nothing but failure in the actual cause that he is promoting.

However, this mentality is not new; it reminds me of an interesting discussion during the reign of ‘Umar ibn Khaṭṭab. Someone mentioned to ‘Umar the issue of the excess of the ornaments that were donated for the Ka‘bah and proposed that he should use those ornaments for financing the needs of the Muslim army. “What would the Ka‘bah do with the ornaments?” Indeed a very progressive idea! ‘Umar liked this idea, but then he turned to Imam ‘Ali and asked his opinion on it. Imam ‘Ali (a.s.) said:

norm—and probably that has been taken by some as the norm among the Shī‘as ‘ulamā’! Even in the following generation of senior mujtahidīn, you will see that the majority are from the non-sadaat: Waḥīd Khurasāni, Nāṣir Makārim, Ṣāfi Gulpaygani, Jawād Tabrizi, Fāzil Lankarāni (all in Qum); and Shaykh Fayyāz and Bashīr Najafī (in Najaf).

“When the Qur’ān descended upon the Prophet (s.a.w.), the wealth was of four types:

1. The property of the Muslims which he distributed among the heirs according to the fixed shares [in the Qur’ān].
2. The tax (*fay’*) which he distributed among those who were deserving of it.
3. The khums which Allah has fixed the way of its disposal.
4. The charities (*ṣadaqāt*) whose disposal also was fixed by Allah.

“The ornaments of the Ka‘bah did exist in those days but Allāh left them as they were, and He did not leave them out of omission nor were they unknown to Him.

Therefore, you should leave them where Allāh and His Messenger have placed them.”

‘Umar left the ornaments of Ka‘bah as they were and said to Imam ‘Ali: “If it had not been for you, we would have been humiliated.”¹⁴

Let us not exercise the *ijtihād* of ignorance in religious matters and not impose our views on the views of the Prophet (s.a.w.) and his Ahlul Bayt (a.s.). Always remember the message of Almighty Allah:

O you who believe!

*Do not venture ahead of Allāh and His Messenger,
and be wary of Allah. Indeed Allah is All-Hearing, All-Knowing.*

O you who believe!

*Do not raise your voices above the voice of the Prophet,
and do not speak aloud to him as you shout to one another,
lest your good deeds should become futile while you are unaware of it.*

(49:1-2)

* * * * *

Rajab 1430 / July 2009

¹⁴ See *Nahju 'l-Balāgha*, saying no. 270.