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ZAKÃT IN SHÍʿA FIQH

Sayyid Muhammad Rizvi

Bismillãhir Ramãnir Raḥim
Allãhumma ṣalli ʿala Muḥammadin wa Ãl-i Muḥammad

INTRODUCTION

A sister from Toronto had sent questions to me in 1999 about zakãt and I had written a detailed response to her explaining the Shīʿī perspective on zakãt. Recently an article appeared in *Federation Samachar* (Tanzania) on issue of poverty and it was critical of the Shīʿa jurists (*mujtahidīn*) for not making zakãt 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 WÃJIB ZAKÃT

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 *sharíʿah* (code of laws) is based on a system within which they are formulated and worked out. In Shíʿa Islam, the two main sources of laws are the Qur'ãn and the *sunnah* of the Prophet and Imams (may peace be upon them all).[1]

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

1 For more details on the sharíʿah, see my *An Introduction to the Islamic Sharíʿah.*

When Shīʿa jurists refer to the *sunnah*, after studying and analyzing all the authentic *aḥãdīth* on this subject,[2] they reach to the following two conclusion conclusions:

1. Zakãt is **wãjib** (obligatory) on the following nine items:
   Coins: silver; gold
   Cattle: cows; sheep and goats; camels
   Crops: wheat; barley; dates; raisins
2. Zakãt is **mustaḥab** (recommended) on other items that can be weighed or other things that grow from the earth.[3]

In conclusion, the jurist (*mujtahid*) is bound to follow the sources; if the sources clearly confine the items of compulsory zakãt 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 *aḥãdith*.

One of the decisive *aḥãdith* on this issue is presented here as an example in which Muḥammad aṭ-Ṭayyãr asked Imam aṣ-Ṣãdiq (a.s.) about the items on which zakãt is wãjib.

The Imãm (a.s.) listed the nine items as fixed by the Prophet himself and then said, "The Messenger of Allãh (s.a.w.) exempted the zakãt from other items."

A person then asked the Imam, "May Allãh protect you; we have abundance of a grain (not listed by you) with us."
The Imãm asked, "And what is that?"

2 See, for example, the narrations by ʿUbaydullãh bin ʿAlī al-Ḥalabi, Abū Baṣīr, al-Ḥasan bin Shahãb and Muḥammad aṭ-Ṭayyãr in al-Ḥurr al-ʿÃmili, *Wasã'ilu 'sh-Shīʿah*, vol. 6, p. 36 and also the narrations by ʿAlī bin Mahzyãr, Muḥammad bin Muslim and Zurãrah bin Aʿyan on p. 39-40.

3 An in-depth analysis of these *aḥãdith* can be seen in Shaykh Murtaza al-Burûjardi, *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 zakãt from the business merchandise as a recommended zakãt. However, Ayatullah Sistãni has made that *ihtiyãt-e wãjib* (obligatory based on precaution). See Ayatullah as-Sistãni, *Minhãju 's-Sãlihiyn*, vol. 1. p. 367; also see *Islamic Laws*, p. 350.

The person replied, "It is rice."
The Imam remarked, "Yes, it is plentiful (in your area)."

Then the person asked, "Is there zakãt in it (i.e., in rice)?"
Imãm aṣ-Ṣãdiq (a.s.) scolded him by saying: "I am telling you that verily the Messenger of Allãh (s.a.w.) has exempted the zakãt from other items and you are still saying 'We have abundance of a grain; is there zakãt in it?'"[4]

The statement of Imam aṣ-Ṣãdiq (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 wãjib zakãt.

B. ZAKÃT IN THE QUR'ÃN

Question:

> "When I read in Qur'ãn 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 Allãh (swt) forgive me because I am not alim and not in a position to interpret Qur'ãn 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?"

First of all, the **repeated occurrence** of an item in the Qur'ãn 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 zakãt. Similarly, the order of going for hajj and fasting during the month of Ramadhãn has occurred only once respectively even though both are part of the five *arkãn* (pillars) of Islamic

4 See footnote no. 2.

teachings.[5] Or, for example, there are more verses that describe the spiritual aspect (intention and sincerity) of giving recommended charity (*ṣadaqa*) than the verses on how to pay zakãt. This does not diminish the importance of wãjib zakãt.

Secondly, the **term "zakãt"** as used in the Qur'ãn does not necessarily mean the same as the "zakãt" listed in the *furu'-e dín* or the five pillars of Islamic teachings. Majority of our people read the Qur'ãnic term "zakãt" in the light of what they have been taught about "zakãt" as one of the wãjib taxes in Islam. The reality is otherwise.

In many places, the Qur'ãn uses the term "*ṣadaqa*" for the wãjib zakãt, and conversely it uses the term "zakãt" for recommended charity.

"ṣadaqa" in the meaning of wãjib zakãt:

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

As you see in this verse, the words "*ṣadaqa* and *ṣadaqãt*" refer to the wãjib zakãt, and the word "*ṣalli* and *ṣalãt*" refer to *du'ã* and not to the daily prayers.[6]

2. While describing the causes for which wãjib zakãt is to be used, the Qur'ãn says: "The *ṣadaqãt* are only for the poor, the needy, their collectors, those whose hearts are conciliatory (towards Islam), the emancipation of slaves, the debtors, in Allãh's way, and the stranded traveler." (9:60)

5 A famous *ḥādíth* of our Imams (a.s.) says: "The religion is based on five pillars: *ṣalãt*, *sawm*, *zakãt*, *hajj* and *wilayah* of us the Ahlul Bayt."

6 See Aṭ-Ṭabrisi, *Majma'u 'l-Bayãn*, vol. 5, p. 68; at-Tabãtabã'i, *al-Mizãn*, vol. 9, p. 397; also see the famous Sunni tafsīr of Fakhru 'd-Din ar-Rãzi, *at-Tafsír al-Kabír*, vol. 16, p. 141.

Based on this verse, all the Muslim scholars have outlined the causes for which the wãjib zakãt is to be utilized.[7]

"Zakãt" in the meaning of recommended charity (i.e., ṣadaqa):

1. The famous incident in which Imam ʿAlī (a.s.) gave charity to the beggar while he was in the position of rukūʿ has been described in the Qur'ãn as follows:
   "Your master is only Allãh, His Messenger, and those who believe: those who establish the prayer and pay the *zakãt* while they are in rukūʿ." (5:55)

The commentators of the Qur'ãn say that the last phrase of this verse refers to Imam ʿAlī bin Abi Ṭãlib (a.s.) when he gave the ring from his finger to the beggar while he was in rukūʿ.[8]

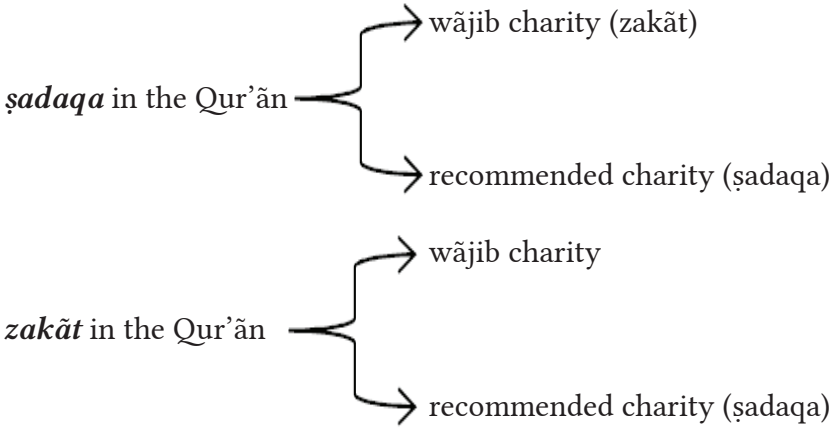
It is worth noting that none of the schools of law in Islam enlist the ring or personal jewelry as an item for wãjib zakãt.[9]

2. Wherever the Qur'ãn quotes the pre-Islamic prophets talking about "zakãt," it is surely not talking about the wãjib zakãt as defined in the Islamic laws. In the historical context of those prophets, the Qur'ãn uses the term "zakãt" in meaning of charity. For example:
   Prophet ʿIsa (a.s.): "…and He has enjoined on me prayer (ṣalãt) and charity (zakãt) for as long as I live…" (19:31)
   Prophet Ismãʿíl (a.s.): "And he enjoined on his family prayer (ṣalãt) and charity (zakãt)…" (19:55)
   Referring to other prophets: "…and We revealed to them the doing of good, the establishing of prayer (ṣalãt) and the giving of charity (zakãt)…" (21:73)

7 *Majmaʿu 'l-Bayãn*, vol. 5, p. 41; *at-Tafsír al-Kabír*, vol. 16, p. 91.

8 *Majmaʿu 'l-Bayãn*, vol. 3, p. 210; also see the Sunni author's *at-Tafsír al-Kabír*, vol. 12, p. 23.

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



Thirdly, now that the variety in the meaning of zakãt as used in the Qur'ãn is clear, let us deal with the question that: **Why does the Qur'ãn mention "ṣalãt and zakãt" so many times?**

In majority of the cases where "ṣalãt" and "zakãt" are mentioned together, the word "zakãt" covers all forms of financial obligations that we have upon one another in a Muslim society. "Ṣalãt" represents God's rights upon us and "zakãt" represents the rights of other people that God has placed upon us. By combining "zakãt" with "ṣalãt," we are being constantly reminded that Islam is not a religion that only gives importance to fulfill 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 "zakãt" (just like the term "*infãq*") encompasses all the rights of other people including *khums*, *fitra*, *anfãl*, etc. For example, in the very beginning of Chapter Two of the Qur'ãn, when Allãh (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 *infãq*) 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 Shi'a from paying 2.5% (or, for that matter, from paying 10%) from his or her salary as the "zakãt" in the meaning of

recommended charity (*ṣadaqa*). But you cannot make something that is not wãjib as wãjib 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'ãn? 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'ãn?[10] They should be asked why they have suspended khums whereas all Islamic schools of law believe that zakãt cannot be given to someone who is from the Banu Hashim, the family of the Prophet.

The Shī'as have not suspended the zakãt; we from day one have believed that zakãt is wãjib 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. ZAKÃT ON CURRENCY

The Sunni schools of Islamic law believe that zakãt is wãjib on any kind of gold and silver, whereas the Shí'a school believes that zakãt is wãjib 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 wãjib to pay zakãt 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 wãjib to pay zakãt on currencies unless one converts them into gold or silver.[11] This position is closest to the Shí'a position that believes that zakãt on currencies will become wãjib only when one converts them into gold or silver coins.

10 For more information on the Qur'ãnic 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.

The Shí'a school believes that it is not wãjib to pay zakãt on currencies. There is a very logical explanation for why zakãt is not wãjib in currencies:

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 zakãt is not wãjib 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 zakãt to become wãjib, 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 zakãt is not wãjib on them. Why? Zakãt becomes wãjib 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 zakãt is not wãjib 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 zakãt.[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.

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-'Ulúm, *Buhúth Fiqhiyya* (Beirut: Daru 'z-Zahrã', 1973).

I hope this clarifies the issue of zakãt in the Qur'ãn and the way the Shí'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 'ulamã 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 *zakãt*![13] Such people don't realize that such 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

13 It is interesting to review Shī'a history during the *ghaybat* and see that the vast majority of our *mujtahdīn* have been non-sayyids: starting from the four special representatives during the *ghaybat-e-sughra* to later times: al-'Ummãni, Ibn Junayd, Ṣadūq, Mufīd, Ṭūsi going on to the era of Ibn Idrīs, Muḥaqqiq al-Ḥlli, 'Allãmah al-Ḥlli, Shahīd al-Awwal, Muḥaqqiq Karakī, Shahīd Thãni on to the time of Waḥīd Bahbahãnī, Kãshiful Ghiṭã', Muḥammad Ḥasan an-Najafī, Shaykh Murtaza al-Anṣãri, Mirza Shīrãzi, Akhund Khurãsãni, Mirza Nã'inī – all were non-sadaat. The presence of sadaat in the last generation's senior *mujtahidīn* (Ḥakīm, Khū'ī, Khumayni, Gulpaygãni, Najafi) was exception to the norm — and probably that has been taken by some as the norm among the Shī'as 'ulamã'! Even in the following generation of senior *mujtahidīn*, you will see that the majority are from the non-sadaat: Waḥid Khurasãni, Nãṣir Makãrim, Ṣãfi Gulpaygani, Jawãd Tabrizi, Fãzil Lankarãni (all in Qum); and Shaykh Fayyãz and Bashīr Najafi (in Najaf).

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 jihãd 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 kãfir 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 thought the two would be unrelated. Obvious examples that come to mind of such artificial contrast between issues are niyaz versus charity, ʿazadari versus namaz, *khums* versus *zakãt*, 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 ʿazadari; instead of creating that contrast, use ʿazadari 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 ʿUmar ibn Khaṭṭab. Someone mentioned to ʿUmar 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 'Alī and asked his opinion on it. Imam 'Alī (a.s.) said:

"When the Qur'ãn 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'ãn].
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 (*ṣadaqãt*) whose disposal also was fixed by Allah.

"The ornaments of the Ka'bah did exist in those days but Allãh 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 Allãh and His Messenger have placed them."

'Umar left the ornaments of Ka'bah as they were and said to Imam 'Alī: "If it had not been for you, we would have been humiliated."[14]

Let us not exercise the *ijtihãd* 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 Allãh 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)

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

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