



THE L LEGAL OBJECTIVES OF ZAKÂH A FOUNDATIONAL AND APPLIED STUDY

Compiled by
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The Legal Objectives of Zakâh
A Foundational and Applied Study

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All praise is due to my Lord, the Almighty, as it befits His majestic countenance and supreme sovereignty, for His guidance and mercy upon His humble servant, and for facilitating the completion of this work. All praise belongs to Him in this world and the Hereafter, a praise that is abundant, good, and blessed. To Him belongs all judgment, and to Him is our return.

May the peace and blessings be upon my greatest leader and my perfect role model, the Messenger of all humankind, Muḥammad (peace and blessings of Allah be upon him) and upon his companions and followers until the Day of Judgment.

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Introduction

All praise is due to Allah, who brings happiness and sorrow, gives life and death, causes laughter and tears, creates and annihilates, makes rich and poor, bestows and withholds, and is free from all needs while everything else is in need of Him. He has blessed some of His servants with goodness, showering them with His bounties, making those whom He wills self-sufficient, while testing others with poverty. He has made Zakâh the foundation of faith, linking it with prayer, which stands as the highest symbol of worship. This pairing highlights the significant status of Zakâh.

Zakâh is an obligatory act of worship that involves both a spiritual and a financial dimension. It carries immense importance in the Islamic faith because it encompasses a profound act of devotion as well as a critical financial and economic role. This dual nature makes it a noble act of worship whose benefits extend to the entire Muslim community, granting it a lofty status throughout Islamic history.

Given that human nature is inherently attached to wealth, with a deep-seated love and desire for it, there is a pressing need to explain the objectives of Zakâh. One of the primary outcomes of understanding these objectives is strengthening the certainty of faith in the hearts of believers, helping them fulfill their religious obligations. Human nature is inclined towards what it recognizes as beneficial and in its best interest. Thus, clarifying the Objective of Zakâh touches the hearts, encouraging them to fulfill Allah's due with a willing and joyful spirit.

Therefore, the Quranic discourse encouraging charitable spending is characterized by compassionate and considerate persuasion, embodying the utmost gentleness. Allah commanded His Prophet (peace and blessings of Allah be upon him) to collect Zakâh, urging purification and spiritual growth through Allah's statement:

{“Take from their wealth a charity by which you purify them and cause them increase.”}⁽¹⁾

(1) [At-Tawbah (Repentance): 103].

Allah also refers to Zakâh as a loan with the promise of multiple returns, stating:

{“Who is it that would loan Allah a goodly loan so He may multiply it for him many times over?”}⁽¹⁾

Moreover, Allah emphasizes the personal benefit of giving by showing that the ultimate benefit of charity returns to the giver:

{“Spend from what We have provided you before death approaches one of you.”}⁽²⁾

Then Allah informs us that whoever withholds Zakâh has in fact withheld from his own self.

The benefit of Zakâh goes to its giver as Allah is Self-Sufficient without need of His creation. He says:

{“Here you are - those invited to spend in the cause of Allah - but among you are those who withhold (out of greed). And whoever withholds only withholds (benefit) from himself; and Allah is the Free of need, while you are the needy.”}⁽³⁾

He further informs us that withholding wealth is not considered a wise action, even though human nature tends to cling to it, stating:

{“But whoever is protected from the stinginess of his soul, it is those who will be the successful.”}⁽⁴⁾

Allah has stated that He accepts from His servants while paying it to give what is beyond their needs, as He says:

{“They ask you what they should spend. Say: ‘The excess (beyond needs).’”}⁽⁵⁾

In essence, charity serves as a safeguard for wealth, protecting it from calamities, as Allah says:

{“And whatever you spend in good-He will fully replace it; and you will not be wronged.”}⁽⁶⁾

(1) [Al-Hadîd (Iron): 11].

(2) [Al-Munâfiqûn (The Hypocrites): 10].

(3) [Muhammad: 38].

(4) [Al-Hashr (The Gathering): 9]; and [At-Taghâbûn (Mutual Fraud): 16].

(5) [Al-Baqarah (The Cow): 219].

(6) [Al-Baqarah (The Cow): 272].

There is no discourse more compassionate than this Quranic address, filled with meticulous attention to the benefits of charity and the truths of its rewards.⁽¹⁾

On another level, as time has advanced, the complexities surrounding this obligation have increased, and the need for *Ijtihād* (Shariah-based-reasoning) has intensified. By Allah's mercy, He has made it easier for this Ummah to uncover the objectives of His legislations, giving them a spirit that guides actions,⁽²⁾ and serves as a compass for the *Mujtahids* (jurisprudential scholars). Whoever directs themselves towards any aspect of it, they have attained the truth.⁽³⁾

This is why mistakes among the *mujtahids* often occur when they overlook the objectives of the Shari'ah (Islamic Law).⁽⁴⁾ Neglecting these objectives leads to severe disagreements, while understanding and relying on them provides clear and accepted premises, which significantly reduce differences among scholars.⁽⁵⁾

After establishing that this noble act of worship is a financial obligation rather than a purely physical one, it is apparent to the observers that the knowledge of the objectives of Zakâh is manifest. Understanding its meanings and secrets is accessible to the *Mujtahids*, as the acts of worship that are not comprehensible to the human mind are typically classified by scholars as purely physical acts of worship.⁽⁶⁾ Those who study the textual evidence regarding Zakâh find that the lawgiver takes into account rational justifications quite clearly. Likewise, the discourse and *Ijtihād* of scholars on most of its rulings are based on apparent and understandable meanings and objectives, unlike purely physical acts of worship.

Judge 'Iyâd (may Allah have mercy on him) says after mentioning several meanings of Zakâh: "Due to these comprehensible meanings, scholars have agreed that Zakâh is not obligatory in an absolute sense; rather, its obligation depends on conditions that consider the state of the owner, the ownership, and the owned."⁽⁷⁾

(1) *Al-I'âm bimanâqib al-Islam* by Abû al-Hasan al-'Amirî, P. 148.

(2) *Al-Muwâfaqât*, Vol. 3, P. 44.

(3) *Al-Radd 'alâ Man Akhlada ilâ al-Ardh*, P. 182.

(4) *Al-Muwâfaqât*, Vol. 5, P. 135.

(5) *Maqâsid al-Shari'ah al-Islâmiyyah* by Ibn 'Ashûr, Vol. 3, P. 5.

(6) *Al-Burhân fî Uṣûl al-Fiqh*, Vol 2, P. 80.

(7) *Ikmâl al-Mu'allim bi-Fawâ'id Muslim*, Vol. 3, P. 466.

This rational approach has led to opening the door of *Ijtihâd* (Shariah-based-reasoning) and *Qiyâs* (analogical deduction) in many rulings related to Zakâh, where wisdom and reasons have emerged and meanings have become clear.

Given the importance and urgency of the topic, I have sought guidance from Allah Almighty in exploring and deriving these benefits from the depths of books, and then explaining them and their effects in this research, which I have titled: ***“The Shari’ah Objectives of Zakâh: A Foundational and Applied Study.”*** I ask Allah alone for success and guidance.

Significance of the topic and reasons for being selected:

- 1- Significance of the obligation of Zakâh as it is the third pillar of Islam and one of the most important economic and political tools in the Islamic system.
- 2- Dual nature of Zakâh: Zakâh has both a ritual and financial aspect, which has influenced the differences in its Shari’ah rulings. One of the important sciences to clarify these differences is the science of the Shari’ah objectives (*Maqâsid*).
- 3- The abundance of unprecedented issues (*Nawâzil*) in this area, and there is no doubt that what helps the *Mujtahid* in striving to determine the correct rulings for these new issues is paying attention to the objectives.
- 4- Considering the financial nature of Zakâh fundamentally affects its rulings, as the devotional aspect - as is well known - is based on definitive ruling (*Tawqîf*). However, in the financial aspect, the primary approach is to focus on the underlying meanings and Objectives, as is the case with other financial transactions. This is due to its foundation on reasoning (*Ta’lîl*) and the intended interest (*Maslahah*) prescribed by the Shari’ah.
- 5- Despite the importance and pressing need for this topic, to the best of my knowledge, it has not received comprehensive collection and study. Numerous studies have addressed the branches of Zakâh and its contemporary issues, but no one has focused on compiling the related objectives of Zakâh, despite their significance.
- 6- The confusion in some academic circles between the Objectives of Zakâh

and the Sustainable Development Goals set by the United Nations necessitates a clear distinction between the two. This distinction is essential to preserve the unique characteristics and the noble, legitimate nature of this great obligation, keeping it distinct from other concepts that do not belong to the Sharī'ah of Allah.

Objectives of the topic:

- 1- Extracting and collecting objectives: To extract and collect the Sharī'ah objectives of Zakâh, explain them thoroughly, provide evidence, and illustrate their effect on Sharī'ah reasoning (*Ijtihâd*), including its Sharī'ah applications and contemporary issues.
- 2- Enriching Islamic scholarship: To enrich both the scientific and practical fields with the objectives of Zakâh and its applications, contributing to the Islamic library, and assisting those addressing contemporary Zakâh issues.
- 3- Differentiating Zakâh from human economic systems: Distinguishing the obligation of Zakâh and clarifying it from human-made economic systems designed to alleviate poverty, by detailing its Objectives and philosophy through a precise, comprehensive scientific study
- 4- Highlighting the miraculous aspect of legislation: To demonstrate the legislative miracles of Zakâh, especially in our current era where many financial systems are created to combat poverty, by showcasing the depth, wisdom, justice, and benevolence inherent in Zakâh.

Literature review:

After researching public library catalogs, available databases, search engines, and consulting experts, I found no specialized scientific studies directly related to the intended topic. The closest available research consists of some partial studies and articles that address the topic only partially, focusing on some of the spiritual, economic, or social objectives of Zakâh without detailing the methods of deriving these objectives, explaining and reasoning them, or discussing their effect on Sharī'ah branches. This research, however, is a foundational, exploratory, detailed, and analytical study aimed at extracting and compiling the objectives of Zakâh in an effort to clarify the Sharī'ah objectives of Zakâh from a foundational perspective, explain its concept, provide detailed reasoning, and show its effect on Sharī'ah branches.

Below is an overview of the most relevant studies:

- 1- ***“Al-Maqâsid Al-Iqtisâdiyyah Fî Tashrî‘ Al-Zakâh”***, by Dr. ‘Âmîr Yûsuf Muḥammad Al-‘Atûm. This is a research published within the Journal of Sharia Sciences of Qassim University, Issue 1. It was released in (43) pages in which the researcher addressed in the third treatise several economic objectives of Zakâh legislation, which are: The objective of Zakâh in reducing income inequality, the objective of Zakâh in increasing the level of overall consumption, the objective of Zakâh in preserving and growing wealth, the objective of Zakâh in combating the prohibited hoarding of wealth, the objective of Zakâh in increasing the rate of employment, and the objective of Zakâh in limiting economic recession.
- 2- ***“Al-Maqâsid Al-‘Âmmah Li Farîdat Az-Zakâh”***, by Dr. Aḥmed Al-‘Alawî. This is a number of articles published within the Journal Hady Al-Islam, Jordan, 2007 AD. They were released in (17) pages providing brief articles on some educational, social, and economic objectives of Zakâh.
- 3- ***“Maqâsid Tashrî‘ Al-‘Ibâdât Al-Arba‘ah (Salâh, Zakâh, Sîyâm, Hajj)”***, by Ibrâhîm Tanṭâwî Ibrâhîm. This is a research published within the Journal of Scientific Research in Arts, Faculty of Women, Ain Shams University, Issue 17, Part 3, 2016 AD. It was released in (20) pages outlining seven concise objectives of Zakâh.
- 4- ***“Masârif Az-Zakâh Wa Masârif Al-Mâl Al-‘Âm: Al-Maqâsid Wa Al-‘Ilâqât”***, i.e. by Prof. Dr. Muḥammad Na‘îm Yâsîn. This is a research published within the Sharia and Law Journal (The UAEU Law Journal) of College Law, United Arab Emirates University, Issue 60, 1435 AH. It was released in (67) pages in which the researcher mentioned in the first treatise: the objectives of the distribution of Zakâh and the objectives of the distribution of public funds, but he addressed them in a summary manner, without a detailed presentation, within the context of comparing them with public funds.
- 5- ***“Tadâkhkhul Ad-Dawlah Fî Tanzîm Az-Zakâh: Ath-Thimâr Wa Al-Maqâsid”***, by Dr. Muḥammad ‘Abdul-Ḥalîm Bîshî. This is a research published within the Islamic Sciences Journal of the University of Algeria, 2011 AD. It was released in (24) pages discussing briefly some objectives of Zakâh organization.

Research procedures:

First: Special procedures:

- 1- Identify the objective: Present the objective as discussed by scholars.
- 2- Document the objective: Validate the objective through various sources including jurisprudence and its fundamentals, books of jurisprudential principles, interpretations, *hadith* commentaries, and fatwas.
- 3- Explain alternative terms: Describe other terms used to express the objective.
- 4- Explain the meaning of the objective.
- 5- Discuss differences: Analyze any existing disagreements about the objective and study them according to the methodology for researching contentious issues.
- 6- Provide evidence: Present evidence supporting the objective and explain the reasoning behind it.
- 7- Discuss effect: Explain the effect of considering the objective on Sharî'ah branches and jurisprudential reasoning by citing specific Sharî'ah applications as much as possible.

Second: General procedures:

- 1- Conduct a comprehensive review of sources related to the issue, including both historical and contemporary references.
- 2- Rely on primary sources for each issue.
- 3- Provide an introduction to the issue if needed to clarify it.
- 4- Follow the outlined methodology for studying definitions pertinent to the research as follows:
 - (a) Linguistic definition:
 - Includes the following aspects: morphological aspect, derivational aspect, and the linguistic meaning of the term.
 - (b) Terminological definition: This one includes mentioning the most important definitions by scholars and comparing them to arrive at the chosen definition with explanation. This should be limited to

definitions relevant to the core of the research; but for other terms I only provide a brief definition.

(c) I mention the connection between the linguistic definition and the terminological definition.

5- For terms not central to the research, I will provide a brief definition.

6- I will follow the following approach in examining controversial issues:

(a) Clarify the point of contention.

(b) Mention the opinions on the issue, who holds each opinion, and specify the method the researcher will use to organize the opinions based on the nature of the disagreement in each case.

(c) Mention the evidence for each opinion, and clarify the reasoning from the evidence.

(d) Address any critiques and objections to the evidence, and provide responses.

(e) Determine and justify the stronger position.

(f) Identify the type of disagreement: is it verbal or conceptual? Indicate any practical implications if it is conceptual.

(g) Mention the reason for the disagreement, if possible.

7- Pay attention to providing examples and strive to include new examples not commonly found in foundational texts, with appropriate guidance.

8- Write the research information in my own words, rather than verbatim, unless the context requires direct quotation.

9- Acknowledge the contributions of others in presenting an idea, providing evidence, or discussing and clarifying an example or opinion, either within the research itself or by referencing the source in the footnotes, even if not quoted directly.

10- Clearly indicate the numbers of the verses and attribute them to their respective *Surahs*.

11- Method for citing *hadiths* and traditions:

(a) Identify the source of the *hadith* or tradition using the exact wording

found in the research. If the exact wording is not found, cite the closest wording available. If neither the exact nor similar wording is available, mention the meaning conveyed in the available texts.

- (b) Reference the source of the *hadīth* or tradition by specifying the book and chapter, followed by the volume, page number, and the *hadīth* or tradition number if provided in the source.
 - (c) If the *hadīth* is found verbatim in both *Sahīh al-Bukhārī* and *Sahīh Muslim* or in one of them, then limit the citation to these sources.
 - (d) If the *hadīth* is not found in either of the two collections, then cite it from other reliable sources, including the opinions of *hadīth* scholars regarding its authenticity.
- 12- Attribute scholars' texts and opinions directly to their original works, and avoid indirect citations unless the primary source is inaccessible.
 - 13- Accurately reference the opinions attributed to various schools of thought by consulting the authoritative books for each school.
 - 14- Validate linguistic meanings from trusted dictionaries, with citations including the root word, volume, and page number.
 - 15- Verify technical meanings in the research using specialized terminological dictionaries or the works of experts in the relevant field.
 - 16- When citing a source directly, include the author's name, volume, and page number. For paraphrased citations, precede the reference with "see..." to indicate an indirect quotation.

Research structure:

The research plan is organized into an introduction, a preface, two chapters, a conclusion, and indexes.

Introduction: This section includes: the preamble, announcement of the topic and its scope, its importance, reasons for choosing it, objectives, previous studies, research procedures, and its divisions.

Preface: Definition of the key terms of the title, the authenticity of the objectives, and their methods. It consists of three treatises:

First Treatise: Definition of the Key Terms of the Title, with two Topics:

1- Definition of the Sharî'ah Objectives (*Maqâsid*).

2- Definition of Zakâh.

Second Treatise: The Authenticity of the Objectives (*Maqâsid*).

Third Treatise: Methods of Uncovering the Objectives (*Maqâsid*).

Chapter One: General Objectives Related to the Legislation of Zakâh, containing sixteen treatises:

- 1- Worship and Drawing Closer to Allah.
- 2- Zakâh Is a Financial Provision from the Wealthy to the Poor.
- 3- Preservation and Support of Religion.
- 4- Preservation of Lives.
- 5- Preservation of Wealth.
- 6- Preservation of Intellect.
- 7- Preservation of Lineage and Honor.
- 8- Preservation of the Order and Well-Being of the Nation.
- 9- Refinement of Souls.
- 10- Removal of Hardship.
- 11- Precise Regulation and Definitive Ruling.
- 12- Removal of Harm.
- 13- Obligation of Zakâh on the Most Beneficial Wealth for the People, and from Every Wealth Its Noblest and Highest.
- 14- Justice.
- 15- Mercy, Kindness, and Solidarity.
- 16- Precaution for Rights.

Chapter Two: Specific Objectives Related to the Legislation of Zakâh, containing six treatises:

First Treatise: Objectives Related to the Person Obligated to Pay Zakâh, with three topics:

- 1- Purification and Improvement of the Payer.

- 2- Gratitude for the Blessing of Wealth.
- 3- Leniency Towards the Owner and Ease for Them.

Second Treatise: Objectives Related to the Nation, with four topics:

- 1- Strengthening the Bonds of Islamic Brotherhood.
- 2- Strengthening the Ties of Kinship.
- 3- Preventing Wealth from Circulating Exclusively Among the Rich.
- 4- Preventing Hoarding (of Wealth).

Third Treatise: Objectives Related to Zakatable Wealth, with four topics:

- 1- Growth and Purification of Wealth.
- 2- Wisdom in Legislating Zakâh on Money and Commodities: Their Monetary and Intrinsic Value, and Other Beneficial Aspects.
- 3- Objective of Legislating Zakâh on Crops and Fruits: Sharing Basic Foods and Nurturing the Land.
- 4- Wisdom in Varying the Required Amount: Considering Cost and Burden.

Fourth Treatise: Objectives Related to the Beneficiaries of Zakâh, with thirteen topics:

- 1- Assistance in Obedience to Allah.
- 2- Objective of Sharī'ah in Categories Like Freeing Slaves, Aiding the Indebted, and in the Path of Allah: Fulfilling Needs Rather Than Ownership.
- 3- Enriching the Poor and Fulfilling Their Needs.
- 4- Blocking the Means of Showing Favor and Condescension to the Poor.
- 5- Objective of Sharī'ah in the Category of Workers: Compensation and Strengthening.
- 6- Objective of Sharī'ah in the Category of Those Whose Hearts Are to Be Reconciled: Honoring Islam, Encouraging it, and Affirming It.
- 7- Objective of Sharī'ah in the Category of Freeing Captives: Liberating Humans from Slavery and Imprisonment.
- 8- Objective of Sharī'ah in the Category of the Indebted for Themselves:

Rescuing the Indebted and Securing People Against Calamities.

- 9- Objective of Sharî'ah in the Category of the Indebted for Others: Encouraging Reform and Righteousness.
- 10- Objective of Sharî'ah in the Category of "In the Path of Allah": Supporting the Religion of Allah and Raising His Word.
- 11- Objective of Sharî'ah in the Category of the Wayfarer: Assisting the Stranded Traveler and Those Undertaking Permissible Journeys.
- 12- Considering the Best Interest of the Poor.
- 13- Ownership Transfer.

Fifth Treatise: Objectives related to the collection and distribution of Zakâh, with six topics:

- 1- Precise Regulation of Zakâh Collection and Distribution with Justice.
- 2- Objective of Sharî'ah in the Beneficiaries Generally: To Distribute to Those in Need Among the Muslims or to Those Whom the Muslims Need.
- 3- The People of the Locality Have the Most Right to Their Zakâh.
- 4- Balancing Benefits and Spreading Welfare.
- 5- Considering the Interests of the Beneficiaries in Distribution.
- 6- Sharing the Poor in the Tangible Assets of the Zakâh Payer's Wealth.

Sixth Treatise: Objectives related to *Zakâtul-Fitr*, with three topics:

- 1- A Purification for the Fasting Person.
- 2- A Food for the Poor and Enriching Them on the Day of Eid.
- 3- Expanding the Circle of Those Obligated to Pay Zakâh.

Conclusion: This includes the most prominent findings and key recommendations.

Bibliography and References.

Subject Indexes.



Preface

It includes three treatises:

First Treatise: Definition of the Key Terms of the Title

Second Treatise: The Authenticity of the Objectives (*Maqâsid*)

Third Treatise: Methods of Uncovering the Objectives (*Maqâsid*)

First Treatise

Definition of the Key Terms of the Title

Topic (1): Definition of the Sharî'ah Objectives (*Maqâsid*)

First: Definition of Zakâh as an additive compound

Linguistically, the term "*Maqâsid*" is the plural of "*Maqsad*," which is a noun derived from the verb "قَصَدَ" (*qasada*). It is said "قَصَدَ" (*qasada*) meaning "to aim" or "intend." Thus, "قَصْدَ" (*qasd*) and "مَقْصَدَ" (*maqṣad*) both mean the same thing: intent or Objective.

Linguists have noted that the word "قَصَدَ" (*qasada*) in Arabic can have several meanings⁽¹⁾:

- 1- First Meaning: Intention, Aim, and Direction: To aim for something, intend it, or approach it. For example, "قَصَدَهُ" (*qasada*) means he intended it, or aimed towards it. Similarly, "أَقْصَدَهُ السَّهْمُ" (*aqṣadah al-sahm*) means the arrow hit him directly, implying a lack of deviation from the target.⁽²⁾
- 2- Second Meaning: Straightness or Uprightness of a Path: As in the phrase from the Qur'an, "وَعَلَى اللَّهِ قَصْدَ السَّبِيلِ" "**And upon Allah is the direction of the [right] way.**"⁽³⁾, as explained by Ibn Jarir: "قَصْدَ" (*qasd*) refers to a straight path without any crookedness.⁽⁴⁾
- 3- Third Meaning: Moderation, Justice, and Avoidance of Excess: For example, in the Quranic verse "وَأَقْصِدْ فِي مَشْيِكَ" (*Waqsid fî mashyik*)⁽⁵⁾, meaning to walk with moderation, and the Prophet's saying "وَالْقَصْدُ وَالْقَصْدُ بَلُّغُوا" ("**Stick to qasd (moderation), you will achieve your goals.**").⁽⁶⁾

(1) Refer to the term "*qasad*" in: Kitâb Al-'Ayn Vol. 5, P. 54, Lisân Al-Arab, Vol. 3, P. 353, Al-Mu'jam Al-Wasîṭ, Vol. 2, P 738.

(2) *Maqâ'yis Al-Lughah*, Vol. 5, P 95.

(3) Al-Nahl (The Bees): 9.

(4) *Tafîr al-Tabarî*, Vol. 17, P. 174.

(5) Luqmân: 19.

(6) Reported by Al-Bukhârî, No. 6463.

Jâber Ibn Samurah, may Allah be pleased with him, reported: “I used to pray with the Prophet, and his prayer was *qasd* (moderate), and his sermons were *qasd* (moderate).”⁽¹⁾

- 4- Fourth Meaning: Breaking: It is used in a broader sense, as in “فَصَدْتُ الْعُودَ قَصْدًا” meaning “I broke the stick.”

Ibn Jinni said: “The root of the term *قصد* (*qasd*) and its usages in the Arabic language include: intention, direction, and striving towards something, whether it be upright or skewed. This is its primary meaning in reality, even though it may sometimes specifically refer to the intention of straightness without deviation. Do you not see that you sometimes intend injustice just as you intend justice? Thus, intention and direction encompass both cases entirely.”⁽²⁾

Ibn Jinnî considered the first meaning as the primary one, with the second and third meanings being included within it. The meaning that aligns with the technical definition is the first one, which encompasses concepts such as intention, reliance, and direction toward something. The second and third meanings are not outside of this, as previously mentioned. However, the fourth meaning does not align with the technical definition.⁽³⁾ As for the term “*Sharî‘iyyah*” in *Sharî‘ah* terminology, it refers to the Islamic *Sharî‘ah* (*Sharî‘ah*). The term “*Sharî‘ah*” in Arabic originates from the root “*shar‘a*” (شَرَعَ), which means to set forth or prescribe. It encompasses meanings such as religion, creed, methodology, path, and *Sunnah*.⁽⁴⁾

In the Arabic language, the term “*Sharî‘ah*” initially referred to a water source or a watercourse, derived from its function of providing nourishment and purification. The term has been metaphorically extended to represent the divine laws and guidelines in religion, similar to how a water source nourishes and purifies.⁽⁵⁾

“*Lisân al-‘Arab*” describes “*Sharî‘ah*,” “*shiraa*,” and “*mashra‘ah*” as places from which water flows. This original meaning relates to the concept of di-

(1) Reported by Muslim, No. 866.

(2) *Al-Muhkam wa Al-Muhît Al-A‘zham*, Vol. 6, P 187.

(3) *Maqâsid Al-Sharî‘ah Al-Islamiyyah wa ‘Alaqtuhâ bil Adillah*, by Al-Yûbî, P. 28.

(4) Entry (*Shara‘a*) in *Maqâyis Al-Lughah*, Vol. 3, P. 262, *Mukhtâr Al-Sihâh*, P. 163, *Lisân Al-Arab*, Vol. 8, P. 174.

(5) *Maqâyis Al-Lughah*, Vol. 3, P. 262, *Al-Mufradât fî Gharîb Al-Qur‘an*, P. 450.

vine guidance that provides sustenance and purification, akin to how religious laws provide spiritual nourishment.

The term “Sharī‘ah” has been used to denote the divine laws and practices established by Allah, which include acts of worship such as fasting, prayer, Hajj, and Zakâh, and all other righteous deeds. The term can also be associated with “*kura*,” meaning a watering place or source. And from this is Allah’s saying, “*Then We placed you [O Muhammad] upon a clear legislation*”.⁽¹⁾ And His saying, “*For every one of you We have appointed a law and a way*.”⁽²⁾⁽³⁾ The term “Sharī‘ah” in the context of Sharī‘ah and religious terminology means the clear and established way that leads to salvation. It includes the divine laws and practices prescribed by Allah for His servants, such as fasting, prayer, Hajj, and Zakâh. According to reports from Ibn Abbâs, Al-H_uṣṣan, and others, “Sharī‘ah” in this context means the *sunnah* and guidance.⁽⁴⁾

In general Sharī‘ah terminology, “Sharī‘ah” refers to “the religion and the religious followed way”.⁽⁵⁾ This term encompasses everything Allah has prescribed, including beliefs and actions.⁽⁶⁾ Thus, Sharī‘ah includes what Allah, the Exalted, has legislated for His servants, as well as what He made obligatory upon them through His Prophet (peace and blessings of Allah be upon him) and through the Prophets before him.⁽⁷⁾

Second: Definition as a specific field of knowledge

The early scholars did not provide a clear definition of “*Maqâsid al-Sharī‘ah*” (Objectives of Sharī‘ah), but they simply mentioned some of its objectives or categorized its types.⁽⁸⁾ For example, Al-Ghazâlî mentions the objectives of Sharī‘ah as follows: “The Objective of Sharī‘ah for humanity is to preserve their religion, life, intellect, lineage, and property. Anything that ensures the preservation of these five fundamentals is considered a benefit (*maslaha*), and

(1) Al-Jāthiyah (Kneeling): 18.

(2) Al-Mā‘dah (The Table): 48.

(3) *Lisân Al-Arab*, Vol. 8, Ps. 175-176.

(4) *Al-Jām‘ li-Ahkâm al-Qur‘an*, Vol. 6, P. 211.

(5) *Al-Tahrîr wa Al-Tanwîr*, Vol. 25, P. 348.

(6) *Majmû‘ Al-Fatâwâ*, Vol. 19, P. 309.

(7) *Al-Ihkâm fî Usûl al-Ahkâm*, by Ibn Hazm, Vol. 1, P. 46, and *Al-Nihâya fî Gharîb al-Hadîth*, Vol. 2, P. 460 with some modifications.

(8) *Maqâsid Al-Sharī‘ah Al-Islamiyyah wa ‘Alaqatuhâ bil Adillah*, by Al-Yûbî, P.33.

anything that compromises these is a harm (*mafsada*), and repelling it would be a benefit.”⁽¹⁾

Al-Shâtibî, however, did not define *Maqâsid* despite his extensive attention to the subject, as he considered the matter clear and not requiring a definition. He also wrote his book for scholars well-versed in the sciences of Sharî‘ah, and he did not wish to delve into the details of boundaries and definitions, but preferred to approximate the understanding to the audience.⁽²⁾

However, some researchers inferred a definition of *Maqâsid* from his words. He stated that the objectives of the Lawgiver include: “The Lawgiver intended with legislation to establish the worldly and otherworldly benefits in a way that does not disrupt the system, neither in totality nor in part.”⁽³⁾ He also stated regarding the objectives of the responsible (*mukallaf*): “The Sharî‘ah’s intent with its establishment is to take the responsible individual out of the dictates of his own desires so that he becomes a willing servant of Allah, just as he is compelled to be.”⁽⁴⁾ From this, they derived a definition of *Maqâsid Ash-Sharî‘ah* according to Al-Shâtibî as: “Establishing the benefits of the responsible in the worldly and otherworldly on a system by which they become willing servants of Allah as they are compelled to be.”⁽⁵⁾

However, this inferred definition, upon closer examination, does not exceed mentioning some general objectives of Sharî‘ah.

The later scholars exerted effort to define *Maqâsid Ash-Sharî‘ah*, providing several close definitions, among which are:

- Ibn ‘Ashûr defined the general objectives of legislation as: “The meanings and wisdoms considered by the Lawgiver in all or most of the cases of legislation, in a way that these observations are not limited to a specific type of rulings in Sharî‘ah.”⁽⁶⁾ He also stated: “This includes the descriptions of Sharî‘ah, its general goals, and the meanings that are

(1) *Al-Mustasfâ*, P. 174.

(2) *Maqâsid Al-Sharî‘ah Al-Islamiyyah wa ‘Alaqatuhâ bil Adillah*, by Al-Yûbî, P.33.

(3) *Al-Muwafaqat*, Vol. 2, P. 62.

(4) *Ibid*, Vol. 2, P. 289.

(5) *Maqâsid al-Sharî‘ah al-Khâssa bil-Tasarrufât al-Mâliyyah*, by Dr. ‘Izz al-Dîn Ibn Zughaybah, P. 15.

(6) *Maqâsid al-Sharî‘ah al-Islamiyyah*, by Ibn ‘Ashûr, Vol. 3, P. 165.

invariably considered in legislation, as well as meanings from the wisdom that are not observed in all kinds of rulings, but in many types.”⁽¹⁾

However, this definition is specific to the general objectives of Sharī‘ah and does not cover all levels of objectives, whether they are general, specific, or partial.

- Al-‘Illâl al-Fâsî defined it as: “The intended objectives of Sharī‘ah are its ultimate Objectives and the secrets placed by the Lawgiver in every ruling.”⁽²⁾ This definition is inclusive of both general and specific objectives.
- Al-Zuhaylî defined it as: “The meanings and objectives considered in all or most of its rulings, or it is: the ultimate goal of Sharī‘ah and the secrets the Lawgiver placed in every ruling.”⁽³⁾
- Al-Khâdimî defined it as: “The meanings observed in the rulings of Sharī‘ah and resulting from them, whether those meanings are partial benefits or comprehensive ones, or ornamental characteristics, all of which converge under one aim, which is the estimation of servitude to Allah and the benefit of humans in both worlds.”⁽⁴⁾

The definitions of contemporary scholars are all closely related, allowing us to define Maqâsid Ash-Sharī‘ah as⁽⁵⁾:

The rulings, Objectives, and meanings that the Lawgiver considered in legislation and took into account both generally and specifically In order to achieve benefits.

Topic (2): Definition of Zakâh

Linguistically: The term “*Zakâh*” is a verbal noun derived from the root letters “زك” (z-k) and follows the pattern “فَعْلَةٌ” (*fa‘alah*) similar to “صدقة” (*sadaqah*). Originally, it was “زَكْوَةٌ” (*zakuwah*); however, when the “و” (waw) moved and the letter preceding it opened, it was transformed into “زَكَاةٌ”

(1) Ibid.

(2) *Maqâsid al-Sharī‘ah al-Islamiyyah wa Makâremha*, P. 3.

(3) *Usûl al-Fiqh al-Islâmî*, Vol. 2, P. 1017.

(4) *Al-Ijtihâd al-Maqâsidî: Hajiyatuh wa Dawabituh*, by Dr. Nûr al-Dîn al-Khâdimî, P. 52.

(5) This is the definition by Al-Yûbî in his book “*Maqâsid Al-Sharī‘ah Al-Islamiyyah wa ‘Alaqatuhâ bil Adillah*”, P. 36, with modifications.

(*Zakâh*). The plural form is “زكوات” (*zawât*). It is used to indicate both growth and purification.⁽¹⁾

According to Ibn Fâris, the root letters “ز” (*zay*), “ك” (*kaf*), and the vowel “و” (*waw*) relate primarily to the meanings of growth and increase. He mentions that “*Zakâh*” also refers to purification of wealth. Thus, the term “*Zakâh*” linguistically encompasses these meanings: growth and purity.⁽²⁾

So, in summary, Zakâh in language refers to:

- 1- **Growth:** The term comes from the verb “*zaka*” (زكا), meaning “to grow” or “increase.” In classical usage, when they say “*zaka al-zar'*” (زكا الزرع) it means “the crop has grown” or “the crop increased.” The verb “*azka*” (أزكى), which includes the letter “*alif*,” has the same connotation. The noun derived from this root is “*zaki*” (زكي) or “*zakka*” (زكى), referring to something that is pure or has grown. Essentially, anything that increases or grows tangibly is said to “*zaka*” (زكا), with the term carrying the extended meaning of growth or purification through the use of “*madd*”
- 2- **Purification:** This concept includes the idea of cleansing the soul (تزكية النفس), which is achieved by increasing good deeds and purifying it from vices. This is reflected in the Quranic verse: “*He has succeeded who purifies it.*”⁽³⁾ and “*He has succeeded who purifies himself.*”⁽⁴⁾ Purification originally refers to the removal of impurities, but in this context, it also extends to the meaning of enhancing virtues, making it a complementary aspect of the original meaning of increase.⁽⁵⁾
- 3- **Barakah** (Blessing)⁽⁶⁾: By giving Zakâh, Allah places blessings in the wealth and in the person who is giving it.

In Islamic terminology, Zakâh is defined as giving wealth in a manner of devotion.⁽⁷⁾ This concept was not known among the Arabs before, and it is one of the Islamic terms. Ibn Fâres said: “The Arabs only knew Zakâh in terms of

(1) *Al-Nihâyah fî Gharîb al-Hadîth wa al-Athar*, Vol. 2, P. 307.

(2) The entry “Zakâh” in “*Maqâyîs al-Lughah*”, Vol. 3, PS. 17-18.

(3) Ash-Shams (The Sun):9.

(4) Al-A`lâ (The Most Exalted): 14.

(5) *Maqâyîs Al-Lughah*, Vol. 3, Ps. 17-18.

(6) *Lisân al-Arab*, Vol. 14, P. 358.

(7) *Al-Mughnî*, Vol. 2, P. 427.

growth, and the Sharī‘ah added more to it.”⁽¹⁾

Sheikh al-Islam Ibn Taymiyyah says: “Zakâh is the name of what purifies the soul; and the purification of the soul is to increase its goodness and remove its evil. Doing good to others is one of the greatest forms of purification of the soul. The essence of Zakâh is in the declaration of monotheism and sincerity of faith to Allah. The Prophet (peace and blessings of Allah be upon him) clarified the obligatory amount and called it “obligatory Zakâh”; thus, when the term Zakâh is defined with the Arabic (*Al*), i.e., “the,” then it specifically refers to this obligatory charity.”⁽²⁾

The Term “Zakâh”: The term “Zakâh” is a polysemous word, functioning both as a noun and a verb. As a noun, it denotes a specific portion of wealth that is extracted for the sake of religious devotion (قربة). As a verb, it signifies purification and the act of extracting or giving. For instance, the expression “زَكَّى مَالَهُ” (*zakka mâlahu*) linguistically means “he purified his wealth,” implying the act of performing Zakâh.⁽³⁾

The usage of the term “Zakâh” in the language to refer to giving wealth as an act of devotion is realized from several aspects:

First: That the purification of wealth is hoped for through it, meaning its increase and growth, as is indicated by His saying (glorified be He): “*And whatever you spend of anything [in charity], He will compensate it.*”⁽⁴⁾ The tangible decrease by giving out Zakâh is not actually decrease because of the tangible and intangible increase that brings the wealth back to what it was before⁽⁵⁾, a meaning that aligns with the aim of growing and purifying wealth.⁽⁶⁾

Second is that the reward for it is expected to grow,⁽⁷⁾ as indicated by Allah’s saying: “**Who is it that will lend Allah a good loan, so that He may multiply it**

(1) *Al-Sâhibi fî Fiqh al-Lugha al-‘Arabiyya wa Masâ’ilaha wa Sunan al-Arab fî Kalamaha*, P. 46.

(2) *Majmû‘ al-Fatâwâ*, Vol 7, P. 299.

(3) *Al-Nihâyah fî Gharîb al-Ḥadîth*, Vol 2, P. 307, *Lisân al-Arab*, Vol. 14, P. 358.

(4) *Saba’ (Sheba)*: 39.

(5) *Al-Muqaddimât Al-Mumahhidât*, Vol. 1, P. 271, *Iḥkâm Al-Aḥkâm Sharḥ ‘Umdat Al-Aḥkâm*, Vol. 1, P. 375.

(6) Its explanation will be provided in the third section of the second chapter.

(7) *Sharḥ al-Nawawî ‘alâ Muslim*, Vol. 7, P. 48, *Iḥkâm al-Aḥkâm Sharḥ ‘Umdat al-Aḥkâm*, Vol 1, Ps. 374-375.

for him and he will have a noble reward?..."⁽¹⁾ "The Prophet (peace and blessings of Allah be upon him) said: *'If anyone gives as Sadaqa from good earning - and Allah only accepts the good -, the Lord would accept it with His Right Hand, and even if it is a date, it would foster in the Hand of the lord, as one of you fosters his colt, till it becomes bigger than a mountain.'*"⁽²⁾ This meaning get along with purpose of cleansing the Zakâh giver and increasing his wealth.⁽³⁾

Third: By doing it, the person's status is elevated before Allah; this is evident from Allah's words: **"Take from their wealth a charity to purify them and cleanse them with it"**⁽⁴⁾, and as Ibn Rushd said: "This is clearly evident, and I haven't seen any predecessor speaking on this meaning."⁽⁵⁾ This meaning fits the Objective of the Zakâh giver and his purification.⁽⁶⁾

Fourth: It increases and uplifts the poor. Al-Azharî said: "It is called Zakâh because it purifies and grows the poor" "He said, and regarding Allah's words: **"Take from their wealth a charity by which you purify them and cause them to increase"**⁽⁷⁾, it means: 'You purify those who give (the Zakâh) and purify the poor (who receive it).'⁽⁸⁾

Fifth: It is only taken from wealth that is meant to grow, not from possessions kept for personal use.⁽⁹⁾

Sixth: Its giver grows in goodness among the Muslims and in status with the authorities, in terms of testimony and leadership. Hence, the Quranic ayah that reads: **"Indeed, he who purifies it has succeeded."**⁽¹⁰⁾, which also aligns with the Objective of purifying the giver and granting them increase.⁽¹¹⁾

(1) Al-Hadîd (Iron): 11.

(2) *Agreed upon: Sahîh al-Bukhârî, Kitâb al-Zakâh, Bâb al-Sadaqa min Kasb Tayyib li-Qawli-hi Ta'alâ: "Wa yurbî al-Sadaqât", Vpl. 2, P.108, No. (1410), Sahîh Muslim, Kitâb al-Zakâh, Bâb Qabûl al-Sadaqa min al-Kasb al-Tayyib wa Tarbiyatihâ, Vol. 2, P. 702, No. (1014).*

(3) It will be explained in the first treatise of the second chapter. Top of Form Bottom of Form

(4) *Al-Tawbah* (Repentance): 103.

(5) *Al-Muqaddimât Al-Mumahhidât*, Vol. 1, P. 271-272.

(6) It will be explained in the first treatise of the second chapter.

(7) *Al-Tawbah* (Repentance): 103.

(8) *Al-Matla'*, P. 155.

(9) *Al-Muqaddimât Al-Mumahhidât*, Vol. 1, P. 271-272.

(10) *Al-A'la'* (The Most Exalted): 14.

(11) *Al-Masâlik fî Sharh Muwatta' Mâlik*, Vol 4, P 9, and this statement is attributed to Ibn 'Arafa Al-Nahwî.

For it is said of it: “He purifies it with it,” and the perceived reduction due to what is given in charity does not result in an actual decrease, but in the growth and increase of wealth.

And as for the purification aspect, it is achieved by giving Zakâh in two ways:

First: It is a purification of the soul and cleansing for it, as indicated by Allah’s words: “*The one who gives his wealth to purify himself.*”⁽¹⁾, and the ayah that reads: “*Take from their wealth a charity by which you purify them and cause them to increase.*”⁽²⁾

Second: It is a purification of what remains of the wealth and a cleansing of it from the possibility of any injustice.⁽³⁾ This is indicated by the *hadîth* of the Prophet where he says: “*It is nothing but the filth of people.*”⁽⁴⁾ Despite both meanings being relevant to Zakâh in the Sharî‘ah, some interpreters have leaned towards the purification meaning. Al-Tabarî said: “This interpretation of Zakâh as purification of wealth is more preferable to me than the first, although both meanings are appropriate in the Sharî‘ah.”⁽⁵⁾

Ibn al-‘Arabî said about the meaning of purification: “Purification is more deeply rooted in it than the growth (of wealth), even though both meanings are included. What makes is more acceptable is that is more supported by the Arabic lexicons.”⁽⁶⁾

As for blessing, Zakâh does not deviate from the meaning of growth; the essence of Zakâh is “the growth resulting from the blessing of Allah, which is reflected in both worldly and otherworldly matters. Hence, Zakâh is that which a person gives from what belongs to Allah to the poor, and it is named as such because of the hope for blessing it brings, or for purifying the soul, i.e., growing it with goodness and blessings. Both are present in it.”⁽⁷⁾ Therefore, the blessing from Allah through giving Zakâh is the reason for the growth that occurs in wealth, whether it is physical or spiritual.

(1) *Al Layl* (the Night): 18.

(2) *Al Tawbah* (Repentance): 103.

(3) *Tafsir Al-Tabarî* Vol 1, P 574.

(4) Related by Muslim (*Hadîth* No. 1072).

(5) *Tafsir Al-Tabarî* Vol 1, P 574.

(6) *Al-Masalik Fî sharh Muwatta’ Mâlik* Vol 4, P10.

(7) *Al-Mufrâdat fî Gharîb Al-Qur’an* P. 381.

Upon reflection, the concept of purification-considered closer by some scholars-may, in its general sense, lead to growth. In this case, it serves as a means, while growth itself is the ultimate goal. With the purification of the soul and wealth, the barriers to growth are removed, and with the removal of these barriers, growth inevitably occurs, and blessing is bestowed upon both the giver and their wealth, causing no contradiction.

Therefore, Ibn Taymiyyah says regarding the comprehensive meaning in the ayah that reads: "Successful is the one who gives Zakâh, and mentions the name of their Lord."⁽¹⁾: "Indeed, purification is the act of cleansing and seeking blessings by abandoning sins, which results in the purification of the soul... Therefore, Zakâh is sometimes interpreted as growth and increase, and sometimes as cleanliness and removal of impurities. The truth is that Zakâh combines both aspects: removing evil and increasing good, which is righteous action and benevolence. This can only be achieved through sincerity to Allah and worshiping Him alone, which is the essence of faith. This is supported by the verse: '*Successful is the one who gives Zakâh and remembers the name of their Lord*'⁽²⁾."

These three may be likened to the three that Allah combines in the Qur'an in various verses, such as in the beginning of Surah Al-Baqarah: "*This is the Book about which there is no doubt, a guidance for those conscious of Allah.*"⁽³⁾

And similarly in other verses: "But if they should repent, establish prayer, and give Zakâh, let them [go] on their way."⁽⁴⁾ And in another verse: "But if they repent, establish prayer, and give Zakâh, then they are your brothers in religion."⁽⁵⁾ (6)

And as for the Sharī'ah terminology, scholars of Fiqh have mentioned similar definitions for Zakâh. I will suffice with mentioning one definition from each Sharī'ah school:

- From the *Hanafi* definitions: "Transferring ownership of money from a Muslim who is neither Hashemite nor his freed slave of, with the condition of benefiting the owner from all aspects for the sake of Allah the Almighty."⁽⁷⁾

(1) Al A`lâ (The Most Exalted): 13-14.

(2) Al-A`lâ (The Most Exalted): 13.

(3) Al Baqarah (The Cow): 2-3.

(4) Al Tawbah (Repentance): 5.

(5) Al Tawbah (Repentance): 11.

(6) *Majmû' Al-Fatâwâ*, Vol. 16, Ps. 198-199.

(7) *Al-Binâya Sharh al-Hidâya* Vol. 3, Ps. 288.

From the *Mâlikî* definitions: “Giving a specific part of a specific wealth that has reached the *nisâb* (the least amount eligible for Zakâh) to its rightful recipient, on condition that the giver has the full ownership and possessed it for a year, except for minerals and cultivated land.”⁽¹⁾

From the *Shâfi`î* definitions: “A specific term for taking a specific amount from a specific wealth, with specific characteristics, for a specific group.”⁽²⁾

From the *Hanbalî* definitions: “A compulsory right in specified wealth, for a specific group, at a specific time.”⁽³⁾

These definitions converge in that Zakâh is:

- A specific amount, or part, which is the amount required to be given in Zakâh,
- Specific wealth, which is the wealth in which Zakâh is obligatory,
- A specific time, which is the time when Zakâh is due, and you can find more details about this in the books of Fiqh,
- A specific group, which are the eight categories of Zakâh recipients.

Some schools distinguish by mentioning specific conditions, as the Hanafi school mentions the condition of ‘ownership’ and ‘being poor’. This is because they believe that Zakâh is only valid if given to the poor and needy in all its forms. If that is the case, then ownership transfer is necessary. Meanwhile, the majority hold that Zakâh is valid based on two different conditions: need and benefit. Therefore, ownership transfer is not always required. In some cases, Zakâh may be given to fulfill public interests without transferring ownership, especially if it is for the benefit of the Muslims’ needs.⁽⁴⁾

And from the conditions mentioned by the *Hanafîs* is their saying: “on the condition of cutting off the benefit from the owner in every way for the sake of Allah.” This shows their emphasis on the ritualistic aspect of Zakâh.⁽⁵⁾

(1) *Manḥ al-Jalīl Sharḥ Mukhtaṣar Khalīl* Vol. 3, P. 2.

(2) *Al-Ḥawī al-Kabīr* Vol. 3, P. 71.

(3) *Al-Iqnâ` fī Fiqh al-Imâm Aḥmad Ibn Ḥanbal* Vol. 1, P. 242.

(4) This will be detailed later in explaining that the Objective of *Sharī`ah* in giving some of the funds is to fulfill public interests rather than to transfer ownership.

(5) *Tabyīn al-Haqq`iq Sharḥ Kanz al-Daqq`iq* Vol. 1, P. 252. The details will be discussed in the second treatise of the first chapter.

And from the conditions they also mentioned is their saying: “its specification by the Shari‘ah” in defining the attachment of Zakâh to the specific property.

And among the distinguishing conditions is what the *Hanbalîs* mentioned, that Zakâh is a “mandatory right,” based on their principle of emphasizing the financial right aspect in Zakâh.⁽¹⁾



(1) The details will be discussed in the second treatise of the first chapter.

Second Treatise

The Authenticity of Objectives (*Maqâsid*)

Initially, we find that the early *Usûl* scholars did not explicitly mention the *Maqâsid* as one of Sharî'ah proofs of Sharî'ah in this exact terminology. However, they referred to them in various contexts, including:

First: During their talking about interest (*Maslaha*)

The concept of interest is: "Preserving the Objective of Sharî'ah by removing harm from the creation"⁽¹⁾, or as Al-Ghazâlî defined it: "Preserving the Objective of Sharî'ah, and the Objective of Sharî'ah concerning creation is fivefold: preserving their religion, life, intellect, lineage, and wealth. Anything that preserves these five fundamentals is considered beneficial, and anything that jeopardizes these fundamentals is considered harmful, and removing it is beneficial. If we refer to the intended and appropriate meaning in the book of Analogy (*Qiyâs*), we mean this category"⁽²⁾

It is noted that the definition is restricted to being "intended by Sharî'ah" to avoid situations where something may be seen as beneficial by people but is considered harmful by Sharî'ah. Such benefits are not acknowledged due to their contradiction with Sharî'ah, and because the motivation behind them is often: following desires and pleasing oneself.⁽³⁾

Thus, scholars have categorized the interests:

- **Valid Interests:** These are the interests that *Sharî'ah* has acknowledged as valid.⁽⁴⁾
- **Rejected Interests:** These are the interests that Sharî'ah has deemed invalid⁽⁵⁾

(1) This is the definition of Al-Khwârizmî, as quoted by Al-Zarkashî in *Al-Bahr Al-Muhîr* Vol. 8, P. 83.

(2) *Al-Mustasfâ* (P. 174).

(3) *Usûl Fiqh Al-Imâm Mâlik wa Adillatuhu Al-'Aqliyyah*, Fadîgha Mûsâ Vol. 2, P. 40.

(4) *Al-Mustasfâ* P. 174.

(5) Ibid.

- Unrestricted Interests: These are interests that align with Sharî'ah's actions, where the meaning fits within a general principle that Sharî'ah recognizes, without specific evidence.⁽¹⁾ Thus, an unrestricted interest must be based on a general principle recognized by Sharî'ah, though there is no specific evidence for it directly; only the broader category of evidence applies.⁽²⁾

It becomes evident from the jurists' definition of legitimate interests (*masâlih mu'tabarah*) that they are inherently linked with the objectives (*Maqâsid*) of Islamic law, and it is inconceivable to separate them. This is because achieving what is beneficial according to the Objectives of the law-understood through the Qur'an, Sunnah, and consensus-is a fundamental condition for considering something as beneficial.⁽³⁾

Al-Ghazâlî says: "Any interest that does not contribute to preserving what is understood from the Qur'an, Sunnah, and consensus, and which belongs to strange benefits that do not align with the conduct of the Sharî'ah, is invalid and discarded. Whoever adopts such an interest has legislated."⁽⁴⁾ Al-Shâtibî adds: "The intended meaning of interest (*maslaha*) for us is what is understood to be a concern for the good of people by bringing about benefits and warding off harms, in a way that human intellect alone cannot fully comprehend. If the Sharî'ah does not validate a certain benefit but rather rejects it, then it is considered null by consensus among Muslims."⁽⁵⁾

It becomes clear from the preceding discussion that the relationship between *maslahah* (interest) and *Maqâsid* (objectives) is a strong one. The valid and acceptable interest is that which fulfills the objectives of the Lawgiver, and its legitimacy derives from the fact that the Sharî'ah acknowledges it through various Sharî'ah evidences, whether those evidences are specific or generally implied."⁽⁶⁾

Al-Juwaynî, in his argument supporting Imam al-Shafi'î's position on the validity of *masalih mursalah* (public interest) supported by *Usûl*, says: "One of

(1) *Al-I'tisâm* Vol. 3, P. 12, with slight modification.

(2) *Ibid*, Vol. 3, P. 8.

(3) *Usûl Fiqh Al-Imâm Mâlik wa Adillatuhu Al-'Aqliyyah*, by Fadîghâ Mûsâ, Vol. 2, P. 408.

(4) *Al-Mustâfâ*, P. 179.

(5) *Al-I'tisâm* Vol. 3, P. 8.

(6) *Al-Burhân fî Usûl al-Fiqh* Vol. 2, P. 163.

the arguments upheld by Ash-Shâfi'î is that if certain meanings are supported by foundational principles (*Usûl*), then adhering to them is permissible. The foundational principles and their rulings are not in themselves evidences, but rather the meanings they convey serve as the evidence. These meanings do not indicate rulings on their own until their basis is established. The meanings themselves are not explicitly stated in the texts, and thus fall outside the scope of the literal texts. They are instead subject to rational deduction and *Ijtihâd* (Shariah-based-reasoning)."

Al-Juwaynî transmitted Imam al-Shafi'î's method for prioritizing Sharî'ah evidences. He mentioned that the general principles of Sharî'ah and its overarching interests are given precedence over *Qiyâs* (analogy). If an issue arises and a jurist needs to determine its ruling, the first step is to look into the texts of the Qur'an. If a clear ruling is found, then that is what is intended. If the answer is not found there, the jurist then turns to the texts of the Sunnah. If the sought ruling is still not found, the jurist looks into the general principles of the Sharî'ah and its overarching interests, following the example of the Companions, who relied on reason derived from the established foundations of Sharî'ah. If no general benefit is found in the case, the jurist then turns to areas of consensus. If consensus is found on a ruling, then the jurist is relieved of the burden of further investigation. If none of these sources provide the answer, the jurist proceeds with *qiyâs* (analogy).⁽¹⁾

Al-Juwaynî states: "From following Al-Shafi'î's statements, one sees that he does not tie rulings to a specific source but links them to general meanings (*al-ma'ânî al-mursalâh*). If these meanings are absent, he turns to foundational principles (*al-Usûl*)."⁽²⁾

From this, it becomes clear that Imam Ash-Shâfi'î relied on the general principles of Sharî'ah and its public interests—known as the collective objectives (*Maqâsid kulliyya*)—when there was no explicit text, prioritizing these over analogy (*qiyâs*).

Thus, one can say that every intent of the Lawgiver (*Shâri'*) is an interest (*maslaha*), and this interest is derived from the Qur'an, the Sunnah, and consensus (*ijmâ'*). When evidence is corroborated for it, it becomes a collective

(1) *Al-Burhân fi Usûl al-Fiqh* (Vol. 2, P. 179), also see (Vol. 2, pP. 161 and 205).

(2) *Al-Burhân fi Usûl al-Fiqh*, Vol. 2, P. 163.

benefit (*maslaha kulliyya*). If it is a specific benefit in a particular ruling, it is considered wisdom (*hikma*) and is determined by a fitting and stable description, which is the Sharî'ah cause (*'illa*).

The appropriate description (*wasf munâsib*) is defined as: "That which entails achieving an interest (*maslaha*) or warding off a harm (*mafsada*)"⁽¹⁾, or "A clear, regulated description from which the ruling, when aligned with it, brings about something that can be considered an objective (*maqsûd*) of legislating that ruling."⁽²⁾ If the description is stripped of achieving an interest, it ceases to be suitable.

Hence, they defined wisdom (*hikma*) as: "The relevant meaning from which the ruling arises."⁽³⁾

From the definition of the description (*wasf*), we can see the close connection between the description and the interest, making it impossible to separate one from the other. Due to the strong link between the interest and the appropriate description, some scholars of *Usûl* have deemed it appropriate to equate the suitable description with interest.⁽⁴⁾

Al-Ghazâlî previously mentioned this in his discussion about recognized benefits in Sharî'ah, saying: "When we speak of meanings that influence (*ta'thîr*) and are relevant (*munâsib*) in the context of *qiyâs* (analogy), we mean this type."⁽⁵⁾

Just as the scholars of *Usûl* categorized interest (*maslaha*), they also divided description (*wasf*) based on whether the Lawgiver (*Shâri'*) considers them into three categories:

1- The considered (*Mu'tabar*): This refers to the description (*wasf*) for

(1) *Sharh Tanqîh al-Fusûl*, P. 391.

(2) *Al-Ihkam fi Usûl al-Ahkam* by Al-Amidî, Vol. 3, P. 270.

(3) *Al-Tahbîr Sharh al-Tahrîr*, Vol. 3, P. 1059

(4) *Al-Mustasfâ*, P. 174, *Al-Bahr al-Muhîr fi Usûl al-Fiqh*, Vol. 8, P. 83. This variety arises because every ruling that relies on public interest is considered from three perspectives: from the perspective of the benefit resulting from it, from the perspective of the appropriate description that necessitates the ruling to achieve the benefit, and from the perspective of basing the ruling on the appropriate description. From the first perspective, it is expressed as "interest," from the second as "appropriateness," and from the third as "consideration of public interest."

(5) *Al-Mustasfâ*, P. 174.

which a specific Sharī‘ah evidence indicates its consideration and validation⁽¹⁾, and this can be used as a basis for reasoning by agreement.⁽²⁾

- 2- The rejected (*Mulghâ*): This refers to a description for which evidence indicates that the Sharī‘ah does not consider it, due to its contradiction to either a text or consensus.⁽³⁾ This type of description is unanimously rejected by Muslims.⁽⁴⁾
- 3- The unrestricted (*Mursal*): This refers to a description that no specific source of Sharī‘ah explicitly considers or rejects, and it is known as *Masâlih Mursala* (unrestricted public interests)⁽⁵⁾, which has been previously explained.

The method of “appropriateness” (*Maslaha*) is one of the valid methods in deducing the objectives of Sharī‘ah, and its explanation will follow.

Third: in the chapter of *Ijtihâd*, while discussing the conditions of *ijthâd*, and these are where it is expected to find the evidences that *ijthâd* is not achieved without their existence

They stipulated a key condition, which is the understanding of the jurist (mujtahid) regarding the intent of the Lawgiver (*Sharī‘ah*), its Objectives, and its objectives.”⁽⁶⁾

Al-Juwaynî says: “Whoever does not perceive the presence of objectives (*Maqâsid*) in commands and prohibitions is not insightful in understanding the foundation of the Sharī‘ah.”⁽⁷⁾

Shaykh al-Islam Ibn Taymiyyah has many texts emphasizing the importance of objectives (*Maqâsid*) for the *mujtahid*, including his statement: “Whoever understands the intents of the Lawgiver is the true jurist.”⁽⁸⁾ Taqî al-Dîn al-Subkî, when mentioning the conditions for a *mujtahid*, concludes

(1) *Al-Mahşûl* by al-Râzî, Vol. 5, P. 163, *Al-Ihkâm fî Uşûl al-Ahkâm* by al-Âmdî, Vol. 3, P. 282, *Al-Baḥr al-Muḥîṭ fî Uşûl al-Fiqh*, Vol. 7, P. 275.

(2) *Al-Baḥr al-Muḥîṭ fî Uşûl al-Fiqh*, Vol. 7, P. 278.

(3) *Al-I’tisām*, Vol 3, P. 8.

(4) Ibid.

(5) *Al-Ihkâm fî Uşûl al-Ahkâm* by al-Âmdî, Vol. 3, P. 284.

(6) *Al-Muwâfaqât*, Vol. 5, P. 41.

(7) *Al-Burhân fî Uşûl al-Fiqh*, Vol 1, P. 101.

(8) *Al-Fatâwâ al-Kubrâ* by Ibn Taymiyyah, Vol. 6, P. 172.

by saying: "He should have such practice and insight into the objectives of the Sharî'ah that it gives him the strength to understand the intent of the law in a particular matter, and what is appropriate to be a ruling for it, even if it is not explicitly stated."⁽¹⁾

As for Al-Shâtibî, he summarized the conditions of *Ijtihâd* into two main criteria and considered the second as serving the first. He said: "The rank of *Ijtihâd* is only attained by one who possesses two qualities: the first is a complete understanding of the objectives (*Maqâsid*) of the Sharî'ah, and the second is the ability to derive rulings based on that understanding... The second is like a servant to the first... The first is the reason for reaching this level because it is the objective, while the second is the means."⁽²⁾

As for contemporary scholars, some have included the concept of *maqâsid* (objectives) under the category of *istislâh* (public interest), permitting the establishment of rulings based on it explicitly when there is no textual evidence, and thus justifying the use of *istislâh* as a basis for Sharî'ah reasoning.⁽³⁾

Dr. Jamal al-Din Attia states: "It is essentially the same as *al-maslaha al-mursala* (unrestricted interest) or *istislâh*, as a Sharî'ah evidence discussed by the earlier scholars, and what we have done is merely to develop what they wrote and build upon it."⁽⁴⁾

After reviewing the views of both earlier and contemporary scholars on the authenticity of *maqâsid*, we can say:⁽⁵⁾

The legislative Objective (*maqsid al-sharî'*) is akin to the Sharî'ah ruling (*hukm al-sharî'*); just as it is unanimously agreed that a ruling cannot be described as Sharî'ah or attributed to the legislator without evidence, the same applies to the legislative Objective. Its validity and strength derive from the evidence upon which it is based. It is not an independent evidence in itself but relies on the Sharî'ah evidence. Thus, its strength varies depending on the evidence it is based on and the method used to uncover it. The ruling is derived

(1) *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 1, P. 8.

(2) *Al-Muwâfaqât*, Vol. 5, P 43.

(3) *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn Ashûr, Vol. 3, P. 245.

(4) *Nahu taf'îl Maqâsid al-Sharî'ah al-Islamiyyah*, P. 197.

(5) *Ta'ârûdh Dalâlat al-Lafz wal-Qasd fî Uşûl al-Fiqh wal-Qawâ'idh al-Fiqhiyyah*, by Dr. Khâlid Al-Sulaymân, P. 280.

from the method employed in its establishment, and the method deals with proofs from the Qur'an and Sunnah.

The most robust methods for establishing overarching Objectives are: the method of *istiqrâ'* (inductive reasoning). When a ruling is based on this method, it is grounded in the Objective, which is uncovered through *istiqrâ'*. This method ultimately derives from the evidences of the Qur'an and Sunnah. Therefore, the authority in this case is derived from the Sharî'ah evidence rather than from the Objective itself.

Similarly, if we inductively examine many similar cases, and we find that they are governed by a unified principle, we can derive a single ruling that reflects a legislative Objective. This is because *istiqrâ'* (inductive reasoning) provides certainty. Furthermore, the texts from which these reasons are derived are definitive, making them a valid proof.⁽¹⁾

In the case of specific Objectives, the meaning is derived from the evidence. When a ruling is based on a specific principle or meaning extracted from the evidence, the ruling is, in reality, derived from and dependent on that evidence. The Objective in this context aids in understanding and interpreting the evidence, clarifying the intended meaning.⁽²⁾

The validity of the *Maqâsid* (objectives) then depends on the method used to uncover them: whether it is based on a clear text, an inferred reason, or the type of suitability in the inference.

And what indicates that the *Maqâsid* (objectives) do not have independent status as an Islamic Sharî'ah evidence is:

- 1- The *Maqâsid* (objectives) of the Sharî'ah do not originally specify the Sharî'ah ruling; rather, they indicate the Objective of the ruling and the result that the obligation aims to achieve. This serves as a reminder to the obligated individual to align their actions with the Sharî'ah's objectives of the obligation.⁽³⁾ Thus, it does not stand independently as an

(1) *Maqâsid al-Sharî'ah al-Islamiyyah*, by Ibn 'Ashûr, Vol. 3, P. 56.

(2) It is synonymous with particular wisdom, thus Al-Wansharisî says in "*Al-Mi'yâr al-Mu'arib*": "Wisdom, according to the terminology of the jurists, is the intended Objective behind establishing or negating a ruling, such as the hardship for which shortening prayers and fasting exemptions were legislated." Refer to *Al-Mi'yâr al-Mu'arib*, Vol. 1, P. 349.

(3) *Al-Muwafaqât* Vol 3, P. 23.

initial Sharî'ah evidence for the ruling.

- 2- If the *Maqâsid* (objectives) were to have independent status in proving the Sharî'ah ruling, it would lead to three invalid consequences:⁽¹⁾
 - Excluding detailed evidence from fulfilling its Objective, which is to clarify the Sharî'ah ruling.
 - Opening the door to achieving benefits through means other than the legally prescribed ways, which contradicts the Sharî'ah's Objective. This is because the Sharî'ah's objective is determined by the Sharî'ah itself, and this objective can only be achieved through means that are in accordance with the Sharî'ah.
 - Opening the door to intellectual *istihsân* (preference) and following the wisdom of the philosophers, where they understand from the Sharî'ah its general objectives and then use their own judgment to determine what achieves these objectives. This is a way to invalidate the specific detailed evidence.
- 3- If the general *Maqâsid* (objectives) were to have independent status in proving the Sharî'ah ruling and could replace detailed evidence, it would lead to the loss of the general *Maqâsid* themselves. This is due to their ambiguity, the confusion surrounding their true nature, and the disagreement among people about what achieves these objectives.
- 4- The general *Maqâsid* have a level of generality and expansiveness that makes them dependent on detailed evidence for clarification and application.
- 5- The partial *Maqâsid* (objectives) do not stand alone without detailed evidence for two reasons:
 - We may understand the general Objective of a partial *Maqâsid*, but many of its details remain unknown. For example: We understand that the Objective of stoning the married adulterer is deterrence, but we cannot comprehend why this particular method was chosen for deterrence when it could have been achieved by beheading or

(1) *Ta'ârûdh Dalâlat al-Lafz wal-Qasd fî Uşûl al-Fiqh wal-Qawâ'idh al-Fiqhiyyah*, by Dr. Khâlid Al-Sulaymân, P. 282.

whipping until he dies, for example, and so on. This amount of general knowledge about the interest is not sufficient to build upon, as it could involve disregarding commands and prohibitions.”⁽¹⁾

- At first glance, when we understand a command or prohibition as having a particular interest it may later become apparent that this understanding is incorrect due to discovering another text or a principle of universal laws through which we comprehend the interest of the Sharī‘ah ruling differently from our initial understanding.”⁽²⁾

And thus, it becomes clear that when invoking the Objectives (*Maqâsid*) of Sharī‘ah, one must consider their Sharī‘ah basis. So, the appeal to and reliance on them are based on this consideration. If they are established through induction (*istiqrâ’*), they are valid evidence because induction itself is evidence, as it essentially involves the general induction of Sharī‘ah texts. However, if they are established through deduction and examining the reasons for commands and prohibitions and deriving the appropriate description, their validity is also derived from their sources, but their strength varies depending on the type of deduction.

- As for the case where the direct Sharī‘ah text is not available, the jurist resorts to using the general Objectives (*Maqâsid*) to create an argument based on *istislâh* (public interest). In this scenario, the general Objectives serve as a link between it and the general textual evidence. The jurist recognizes that there is a benefit in something, but there is no specific evidence for it from the Qur’an, Sunnah, or Consensus. However, it aligns with the general Objectives derived from the general induction of textual evidence. Therefore, the ruling is based on this benefit that represents the general Objectives and the link between them and the textual evidence.

This is the correct concept of *al-masâlih al-mursala* (unrestricted benefits), which is that it is a benefit that the jurist does not rely on a specific text to identify, but it must be in harmony with the actions of the legislator. This means it should fall within what is mentioned in

(1) Commentary by Sheikh Abdullah Darâz on *Al-Muwâfaqât*, Vol. 3, P. 409.

(2) Ibid, Vol. 3, P. 410.

Sharî'ah's general texts that witness to its validity and endorsement.

Or in other words: it is any benefit that is consistent with the actions of the legislator, suitable to the Objectives of Sharî'ah, for which there is no specific text to either endorse or reject it.

- With this interpretation, the meaning of *al-irsâl* (unrestricted) is: not being restricted by a specific text with an explicit ruling, and this is accepted by consensus, with no scholar opposing it.⁽¹⁾
- Thus, unrestricted benefit (*al-maslaha al-mursala*) is considered evidence by scholars. As for those who oppose its acceptance, they also use it in this way, not as an independent evidence, but as it relates to achieving the objectives of Sharî'ah, and the objectives of Sharî'ah are known through the Qur'an, Sunnah, and Consensus.

Al-Ghazâlî says: "If it is said: You have inclined in most of these issues towards the opinion of *masâlih* (public interests), and then presented it as a foundational principle among the supposed principles, let it be considered a valid principle, becoming the fifth principle after the Qur'an, Sunnah, Consensus, and reason. We say: This is one of the imagined principles; for considering it as a fifth principle is a mistake, because we have returned the concept of *masâlih* to the preservation of the objectives of Sharî'ah, and the objectives of Sharî'ah are known through the Qur'an, Sunnah, and Consensus."

Any interest (*maslaha*) that does not relate to preserving a legitimate objective (*maqsūd shar'î*) understood from the Qur'an, the Sunnah, and consensus, and is one of the strange interests that do not align with the rulings of the Sharî'ah, is invalid and discarded. Those who adopt it have innovated in religion just as those who rely on personal judgment (*istihsân*) have innovated. Every benefit that relates to preserving a legitimate objective, known to be intended by the Qur'an, the Sunnah, and Consensus, does not fall outside these principles. However, it is not called analogy (*qiyâs*) but rather an unsanctioned benefit (*maslaha mursalâ*), since analogy is a specific principle, and these meanings are recognized not by a single proof but by numerous proofs from the Qur'an, the Sunnah, and by various indications and signs. Thus, it is called an unsanctioned interest (*maslaha mursalâ*). If we interpret interest as preserving the legitimate objective of the Sharî'ah, there is no ground for dis-

(1) *Uṣūl Fiqh al-Imām Mālik wa Adillatuhu al-'Aqliyyah*, by Fadighâ Mūsâ, Vol. 2, Ps. 408-410.

agreement in following it; it must be considered evidence (*hujja*).⁽¹⁾ Following the interest thus preserves the objective of the legislator (*al-shâri*'), and this objective is understood from the Qur'an, the Sunnah, and Consensus through recognized methods of interpretation. Therefore, the ruling in its essence does not deviate from these textual proofs (*al-adilla al-naqliyya*).

In summary:

Legislative objectives (*al-maqâsid al-shar'iyyah*) are legitimate evidence (*Hujjah*) in Islamic law, but they are not an independent evidence. Rather, their authority is derived from the authenticity of the Islamic texts (*al-nusûs al-shar'iyyah*), which are their source and reference. As al-Ghazâlî says: "They are known through the Qur'an, the Sunnah, and Consensus (*ijmâ'*)."⁽²⁾

It should also be noted that the objectives are not of the same level in terms of the strength of their evidence. Their authority varies based on factors such as the type of method used to uncover them, the number of methods employed in their discovery, and other considerations. For example, several methods might come together to establish an objective, and it might be explicitly mentioned in texts or indicated by texts in other contexts through different methods. If it is also established through complete induction (*istiqrâ'*), its authority can reach the highest levels of certainty (*qat'iyyah*). This is often the case with collective objectives (*maqâsid kulyya*) such as the five necessities, the objective of removing harm, and the objective of alleviating hardship, among others. These objectives are usually confirmed through multiple methods, such as complete and definitive induction and direct inference from texts, which place them at a level of certainty.

In contrast, specific objectives (*maqâsid juz'iyya*) often have weaker authority. This is typically because they are established through the method of deduction from a single text or a few texts.



(1) *Al-Mustasfâ*, P. 179.

(2) *Ibid*.

Third Treatise

Methods of Uncovering the Objectives (*Maqâsid*)

In this treatise, I will provide a brief outline of the most important valid methods for uncovering the objectives (*Maqâsid*) of Shari‘ah, both its collective and specific goals. I will present several paths that scholars have mentioned:

First method: Deducing the objectives from apparent meanings of Shari‘ah texts

This refers to “examining the apparent meaning of the texts. If there are indications that divert the text from its apparent meaning to another plausible meaning, it is then interpreted accordingly. If no such indications exist, the text remains as it appears, and its apparent meaning is the intended one by the Lawgiver.”⁽¹⁾

This method has examples, such as:

1- Deriving the objectives from the text and its apparent meaning⁽²⁾:

An example of this is the verse: “*Allah intends ease for you, not hardship.*”⁽³⁾

And the verse: “*He has chosen you and has not placed upon you in the religion any difficulty.*”⁽⁴⁾

These verses indicate that the Lawgiver (*Al-Shâri‘*) intends ease and the removal of hardship for those bound by the law (*mukallaf*). However, the ease intended and the hardship removed in the Shari‘ah require further examination of other texts and rulings to determine their specific details and boundaries.

This method of deriving the objectives requires extracting the overall intent behind the Shari‘ah rulings based on the apparent meaning of the texts

(1) *Turuq al-Kashf ‘an Maqâsid al-Shâri‘*, P. 61.

(2) Ibid, P. 63.

(3) *Al-Baqarah* (The Cow): 185.

(4) *Al-Hajj* (Pilgrimage):78.

while also considering other related texts for a comprehensive understanding.

2- The indication of explicit initial commands and prohibitions:

- Explicit command: This refers to the command in the form of an imperative verb. For example, in the verse: ***“O you who believe, fear Allah as He should be feared, and do not die except as Muslims.”***⁽¹⁾

Explicit prohibition: This refers to the prohibition in the form of “Do not do”. An example is the verse: ***“And do not kill the soul which Allah has forbidden, except by right.”***⁽²⁾

The term “*ibtidâ’i*” (initial, which is mentioned in the heading) refers to something that is commanded or prohibited initially as a primary directive, not as a means to another end, nor introduced as a secondary element in conjunction with another command or prohibition.⁽³⁾

The explicit command and the explicit prohibition both imply, in their apparent form, the Lawgiver’s intent for compliance with the directives issued within them. However, these directives indicate the intended Objectives of the Lawgiver’s speech, not necessarily the overarching objectives (*maqâsid*) and ultimate aims (*ghâyât*) of the Sharī’ah.

Second method: Deducing the objectives through considering the wisdom beyond command and prohibition.

This refers to the process of deriving the intended objective (*maqsad*) through the paths of Sharī’ah reasoning. These are the methods by which a jurist (*mujtahid*) identifies the underlying reasons (*‘illah*) behind the Sharī’ah rulings (*ahkâm shar’iyyah*). These reasons may either be explicitly stated by the Lawgiver (*al-Shâri’*) in the Sharī’ah texts and rulings or left for the jurist to deduce through verbal, contextual, intellectual, and situational indicators.

Al-Shâtibî explains this approach: “The *‘illah* may either be known or unknown. If it is known, then it is followed, and wherever it is found, the intended Objective of the command or prohibition follows. The *‘illah* is identified through the established methods in *Usûl al-Fiqh* (Islamic jurisprudence), and if it is established, we know that the Lawgiver’s intent is what that *‘illah* entails,

(1) *Âli ‘Imrân* (The Household of ‘Imrân): 102.

(2) *Al-An ‘âm* (The Cattle): 151.

(3) *Maqâsid al-Sharī’ah wa ‘Alâqatuhâ bi-l-Adillah*, al-Yûbî, P. 165.

whether it is to perform an action or refrain from it.” If the ‘*illah* is not known, then one must withhold certainty about the Lawgiver’s intent.⁽¹⁾

Next, I will outline the paths of reasoning (*masâlik al-ta’lîl*) and the extent to which each can reveal the objectives (*maqâsid*) of the Lawgiver:

First: Textual evidence (*al-nass*):

This refers to an explicit mention from the Qur’ân or Sunnah, where a specific reason for a ruling is stated using linguistic terms that indicate causality without requiring further interpretation or inference.⁽²⁾

This is divided into two categories:⁽³⁾

- Definitive causal evidence: When the text explicitly states, “for such and such reason,” or uses phrases like “due to” (*li-sabab*), “because of” (*li-ajl*), or “so that” (*kay*).
- When the Lawgiver explicitly uses these terms to denote causality, with no possibility of other interpretations, it is considered definitive evidence that the wisdom contained in that reason is one of the objectives (*maqâsid*) of the Lawgiver. This is particularly true when it is known that most of the reasons explicitly mentioned by the Lawgiver are matters of inherent wisdom, which are themselves considered *maqâsid* in the relevant rulings.⁽⁴⁾

One example is the *hadîth* in which the Prophet Muhammad, peace be upon him, explains his command regarding the consumption of sacrificial meat. The *hadîth*, narrated by ‘Ā’ishah (may Allah be pleased with her), states: “*The poor among the people of the desert come (to the towns) on the occasion of Eid al-Adha during the lifetime of Allah’s Messenger, peace and blessings of Allah be upon him. Upon this Allah’s Messenger said: Retain with you (the flesh) sufficing for three (days), and whatever is left out of that give in charity. After this, they (the Muslims) said: Allah’s Messenger, the people make waterskins with the (hides) of their sacrificed animals and they melt fat out of them. Thereupon, he said. What then? They said: You forbade (us) to eat the flesh of sacrificial animals beyond three*

(1) *Al-Muwâfaqât*, 3/135.

(2) *Al-Ihkâm fî Uṣûl al-Ahkâm*, 3/252.

(3) *Al-Ihkâm fî Uṣûl al-Ahkâm* by al-Āmidî, 3/252, and *Nihâyat al-Sûl Sharḥ Minhâj al-Wuṣûl*, P. 319.

(4) *Turuq al-Kashf ‘an Maqâsid al-Shâri’*, P. 154.

(days). Whereupon, he said: I forbade you for those (poor persons) who flocked (to the towns on this occasion for getting meat) but now when (this situation has improved) you may eat, preserve and give -in charity.”⁽¹⁾

This clarifies that the Prophet’s intent in prohibiting the storage of meat beyond three days in that particular year was to encourage people to give away their surplus food to those in need, thus fulfilling the goal of social solidarity and support for the needy. This is clear evidence that helping the needy and achieving social solidarity is a key objective of Islamic Sharī‘ah that should be pursued, even if it requires placing restrictions on the rights of those with excess, provided that such actions are done in a fair and appropriate manner without violating other Sharī‘ah principles that safeguard people’s wealth and rights.

Another example is the Quranic verse: **‘So that it [wealth] will not merely circulate among the rich from among you’**⁽²⁾. This verse explicitly demonstrates that one of the objectives of Islamic Sharī‘ah regarding wealth is to ensure its distribution among people, preventing it from being monopolized by a small group in society.”

- 2- What indicates causality (‘illah) with apparent clarity. For example, the letters such as *lâm* (ل), *kâf* (ك), and *bâ* (ب), or any particle that explicitly suggests causality and is apparent in its indication.

The difference between the first and second categories is that the first indicates causality without ambiguity, while the second may imply other meanings, although less likely, as these letters can sometimes be used for meanings other than causality.⁽³⁾

An example of this is in the verse: **‘And He revealed the Book to you for the Objective of clarifying to them that which they disputed, and as guidance and mercy for a people who believe.’**⁽⁴⁾ The verse is clear in indicating that one of the objectives behind the revelation of the divine message to the messengers is to serve as a means of clarifying matters to the people and guiding them to reflect on it from time to time.

(1) Related by Muslim, *Hadīth* No. (1971).

(2) *Al-Hashr* (Gathering):7.

(3) *Nihayat al-Sul Sharh Minhaj al-WUsûl* (P. 320).

(4) *An-Nahl* (The Bees): 44.

Second: Indication and allusion (*Al-Imâ' wa Al-Tanbîh*):

The principle: "Association with a description that, if it were not for the intention of reasoning, would seem far-fetched. Therefore, it is assumed as reasoning to avoid this implausibility."⁽¹⁾ This generally refers to logical division, and among its methods are: the arrangement of judgment on the cause with the conjunction letter "*fa*", indicating sequence and causality, or that the Lawgiver judges a person based on knowledge of a characteristic that occurred, indicating that what happened is the reason for the judgment. There are other methods as well.

As to Indication (*Imâ'*), it is a type of alert or signal to the fact that a particular meaning or wisdom is intended by the Lawgiver from His speech or the legislation of a rule. The indicator in this case is a contextual clue, whether it is the conjunction *fa* or something else.⁽²⁾ An example is the ayah that reads: "***And the thief, male and female, cut off their hands***"⁽³⁾, which indicates that the cause is theft, as Allah arranged the judgment with the conjunction *fa* on an appropriate description, which is theft, and this hints at and signals the cause.

Third: Consensus (*Ijmâ'*): "It is to mention what indicates the consensus of the Ummah in an era on the fact that a common description is the cause for the original ruling, either decisively or presumptively."⁽⁴⁾ An example is their consensus that being a minor is a reason for the establishment of guardianship over wealth. Consensus is not considered an independent method to uncover the cause, as consensus is often based on an established source of reasoning of those who agree where they determine through it the agreed-upon cause, which may come from It; either the text (i.e. explicit), or indication and allusion (*imâ' wa tanbîh*), or appropriateness (*munâsaba*). Thus, consensus serves to confirm that the characteristic is indeed the cause or that the wisdom behind the rule is intended, elevating it from speculation to certainty. Therefore, it should not be considered an independent path to uncovering intentions."⁽⁵⁾

Fourth: Suitability (*Munasaba*): "It is also referred to as intuition (*ikhâla*), benefit (*maslaha*), inference (*istidlâl*), and consideration of objectives (*ri'âyat*)

(1) *Irshâd al-Fuhûl*, Vol. 2, P. 121.

(2) *Ṭuruq al-Kashf 'an Maqâşid al-Shâri'*, P. 159.

(3) *Al-Mâ'idah* (The Table): 38.

(4) *Al-Ihkâm fî Usûl al-Ahkâm* by al-Âmidî Vol. 3, P 251.

(5) *Ṭuruq al-Kashf 'an Maqâşid al-Shâri'*, P. 160.

al-maqâsid).”(1)

“It (i.e. the appropriate or relevant factor) is: ‘The attribute that logically results in the arrangement of the ruling in a way that serves a benefit or is intended by the Lawgiver to ward off corruption from the creation and secure their interests.’”(2) Some jurists have added the condition of clarity and regulation, stating: ‘A clear, regulated attribute.’”(3) However, there is some debate over this, as the relevant factor could be clear and regulated, or it may not be, which is evident from its division into two types. They say: ‘If it is clear and regulated, it is considered by itself, but if it is subtle or unregulated, its suspicion is taken into account.’”(4)

Since the relevant factor is the attribute upon which the Sharī‘ah ruling is based for the sake of achieving an interest, and achieving interest is one of the primary objectives of the Lawgiver, the relevant factor becomes a way to discover the Sharī‘ah objectives.”

As long as the *munâsabah* (suitability) is the description that leads to the establishment of a ruling for an interest, and achieving this interest is one of the fundamental objectives of the legislator, then *munâsabah* serves as a way to identify the legislative objectives.

It is divided into three types:

- 1- Effective or influential relevant factor (*al-munâsib al-mu’athir*): This is the factor for which there is explicit evidence from the text (Qur’an or Hadīth) or consensus (*ijmâ’*) supporting its relevance and its suitability to serve as a cause (‘*illah*’) upon which Sharī‘ah rulings are based. The objectives (*maqâsid*) established by this method are considered fixed and grounded in textual or consensus-based evidence. These objectives may either be directly derived from the apparent meanings of the texts or by using contextual clues that surround them. This has been previously covered in the paths of textual evidence and implicit/explicit in-

(1) *Irshâd al-Fuhûl* (2/127).

(2) *Tashnîf al-Masâmi’ bi Jam’ al-Jawâmi’*, Vol. 3, P. 21, and refer to *Nihâyat al-Sûl Sharh Minhâj al-Wuṣûl* P. 325.

(3) *Bayân al-Mukhtaṣar Sharh Mukhtaṣar Ibn al-Hâjib*, Vol 3, P. 108, and also refer to *Al-Ihkâm fî Uṣûl al-Ahkâm* by al-Âmidî, Vol 3, P. 270.

(4) *Nihâyat al-Sûl Sharh Minhâj al-Wuṣûl*, P. 325.

dications. Including this type of relevant factor among the objectives of the Lawgiver is unanimously agreed upon by scholars.⁽¹⁾

An example of this type of relevant factor (the effective or influential relevant factor) is the text from the Lawgiver (i.e., Allah or the Prophet) that specifies facilitation and leniency as the objective of Islamic Sharī'ah in granting exemptions in acts of worship and transactions, and that purifying the soul from greed and achieving social solidarity is the objective of legislating Zakâh (almsgiving).

- 2- Cancelled relevant factor (*al-munâsib al-mulghâ*): This refers to a factor for which there is evidence that the Lawgiver does not consider it, either because it contradicts a clear text or consensus (*ijmâ'*).⁽²⁾ This type of relevant factor is unanimously rejected by the Muslim community.⁽³⁾

An example of this is earning profit through interest-based transactions (*ribâ*). One of the objectives of Islamic financial transactions is indeed to earn profit, and interest dealings, without a doubt, yield profit for the capital owner. Some borrowers may gain a benefit, and someone might argue, based on this, that usurious transactions fulfill a Objective of financial transactions, which is profit for the lender and meeting the needs of the borrower. However, this is not correct, because the lawgiver has nullified this reasoning and benefit with explicit texts, due to the greater harm that results from it. The same can be said regarding any perceived benefits in alcohol, gambling, and other prohibitions.⁽⁴⁾

- 3- Unrestricted interest (*Maslahâ Mursala*): The preferred definition for it, as previously mentioned, is the benefit that the lawgiver has considered in its general form. It is the description that has no specific precedent, but a general precedent supports it. This is the definition given by Al-Shâtibî, who defined it as: "It refers to a meaning whose type the lawgiver has generally acknowledged without specific evidence."⁽⁵⁾

(1) *Al-Bahr al-Muhit fî Usûl al-Fiqh*, Vol. 7, P. 278.

(2) *Al-I'tîşâm* Vol. 3, P. 8.

(3) Ibid.

(4) *Turuq al-Kashf 'an Maqâsid al-Shârî'*, P. 180.

(5) *Al-I'tîşâm*, Vol. 3, P.12.

Al-Shâtibî also said in *Al-Muwafaqât*: “Every Sharî‘ah principle for which no specific textual evidence exists, but aligns with the nature of Sharî‘ah transactions and its meaning is derived from the overall evidence, is valid and can be built upon. It can be referenced if that principle is established by the cumulative evidence... This includes the unrestricted reasoning considered by Mâlik and Al-Shafi‘î.”⁽¹⁾

For, even if no specific precedent exists for the branch, a general principle supports it. When a general principle is definitive, it can be as authoritative as, or even stronger than, a specific precedent, depending on the strength or weakness of the specific precedent.⁽²⁾

Thus, it becomes clear that mere suitability—i.e., the sound mind’s acceptance of a particular benefit—alone does not suffice to establish that benefit as one of the recognized objectives of the Sharî‘ah. Similarly, the scholars of Islamic jurisprudence did not rely solely on suitability when determining that a specific characteristic serves as the cause (‘illah) of a ruling. Instead, it is necessary that suitability is supported by the Sharî‘ah’s validation through either explicit evidence from texts or consensus, or by its alignment with the principles of Sharî‘ah. Additionally, a general validation may suffice if a precedent exists within the Sharî‘ah, even at a higher level, that testifies to the validity of that type of benefit.⁽³⁾

And among its examples:

- The Companions of the Messenger of Allah, peace be upon him, unanimously agreed to compile the Qur’an into a written book (*mushaf*), despite there being no explicit text commanding its compilation. Some even questioned, “How can we do something that the Messenger of Allah, peace be upon him, did not do?”⁽⁴⁾ Nevertheless, they agreed during the caliphate of Uthman (may Allah be pleased with him) to make further copies⁽⁵⁾, despite no specific instruction from the Prophet, peace be upon him, for what they did. However, they saw it as a benefit that was undoubtedly in line with the objectives of the Sharî‘ah.

(1) *Al-Tahqîq wal-Bayân fî Sharh al-Burhân fî Usûl al-Fiqh*, Vol. 4, P. 145.

(2) *Al-Muwafaqât*, Vol. 1, P. 33.

(3) *Al-I’tisâm*, Vol. 3, P.12; *Al-Mustasfâ*, P. 179.

(4) The full narration is related by Al-Bukhârî in his “*Sahîh*”, No. 4986.

(5) The full narration is related by Al-Bukhârî in his “*Sahîh*”, No. 4987.

This refers to the preservation of the Sharī‘ah, which is a known obligation, and to preventing the causes of disagreement regarding its foundation, which is the Qur’an. The prohibition against such disagreements has been clearly established without any ambiguity.⁽¹⁾

- If the public treasury (*Bayt al-Mâl*) is empty, and the ruler needs to increase the military forces to protect the borders and maintain the security of a vast kingdom, and the soldiers’ needs exceed what is available, the just ruler has the authority to impose taxes on the wealthy, as deemed sufficient for the situation. This would be done until funds reappear in the public treasury. The ruler must then consider imposing taxes on crops, fruits, or other resources, so as not to alienate the people, taking care to distribute the burden minimally, so that it doesn’t become overwhelming but still achieves the intended goal.

The interest here is obvious: if the ruler does not act, the system would collapse, the ruler’s authority would weaken, and the Muslim lands would become vulnerable to the control of disbelievers.⁽²⁾

Fifth: Examination and classification (*Sabr wa Taq̣sīm*)

“*Sabr*” means examination or testing, while “*Taq̣sīm*” refers to the process of identifying the potential causes (or goals) of a ruling by exploring and categorizing possible factors. The classification precedes the examination.

Its meaning is: the scholar investigating the cause of a ruling divides the attributes that could potentially be the cause by saying: “The cause of this ruling is either this attribute or that one,” and then tests each one by a process of elimination to determine which one remains as the valid cause. *Sabr* is the process of examining whether the attribute is suitable to be the cause, and *Taq̣sīm* is the division where we say: “The cause is either this or that.”⁽³⁾

It is named this way because the scholar divides the potential attributes that might be the cause, and then tests each one to see whether it qualifies.⁽⁴⁾

In reality, *Sabr wa Taq̣sīm* is not an independent method of uncovering the cause of a ruling. Rather, it is a tool or technique used to verify the appropri-

(1) *Al-I’tiṣām*, Vol 3, P. 15.

(2) *Ibid*, *Al-I’tiṣām*, Vol. 3, Ps. 22-23.

(3) *Nihayat al-Sûl Sharh Minhâj al-Wusûl*, P. 334.

(4) *Ibid*.

ateness of an attribute as a cause, based on one of the recognized methods of Shari'ah reasoning.

Thus, *Sabr wa Taqsim* is a composite method involving classification (the grouping of attributes or rulings that could potentially be the cause or goal of a ruling) followed by examination, where the jurist eliminates what has been ruled out by the Shari'ah, excludes what is traditionally rejected by the Shari'ah, and finally settles on what is suitable for the ruling. This is based on what has been acknowledged by the Shari'ah regarding similar cases. The key methods used in this process include: textual evidence, inference, consensus, and suitability.

It is from the tools for uncovering the rationale (*'illah*) behind a ruling or the intended Objective (*Maqâsid*) of a Shari'ah judgment are not limited to *sabr wa Taqsim*. Rather, *sabr wa Taqsim* is a method to employ those uncovering tools.⁽¹⁾

An example of this is when a Shari'ah theorist argues that the prohibition of interest (*ribâ*) in wheat is either due to its edibility, its being measured by volume, its sustenance value, or its monetary nature. All options are dismissed except for its edibility, so the rationale is determined to be that.⁽²⁾

Sixth: *Al-Dawrân* (Circularity).

This is defined as: "When a ruling is present with the occurrence of a specific characteristic and absent in its absence".⁽³⁾ When we observe a correlation between the type of wisdom (*ḥikmah*) behind a ruling or its genre and a certain type of ruling, it suggests that this wisdom is intended by the Lawgiver in those rulings. The correlation between the two indicates that whenever the wisdom exists, the ruling exists, and whenever the wisdom is absent, the ruling is absent. This gives us a strong presumption that the Lawgiver aims to achieve that wisdom.

For example, the occurrence of leniency when hardship exists indicates that leniency is sought by the Lawgiver wherever hardship, which is generally unbearable, arises. This is evident in the dispensations provided in worship acts and transactions.⁽⁴⁾

(1) *Ṭuruq al-Kashf 'an Maqâsid al-Shâri'*, P. 161.

(2) *Ibid*, P. 175.

(3) *Nihâyat al-Sûl Sharh Minhâj al-Wusûl*, P. 331; *Irshâd al-Fuhûl*, Vol. 2, P. 140.

(4) *Ṭuruq al-Kashf 'an Maqâsid al-Shâri'*, P. 161.

Seventh: *Al-Shabah* (Similarity).

This is: “A case fluctuates between two principles, resembling one more in its characteristics”.⁽¹⁾ The concept of similarity pertains specifically to *qiyâs* (analogy), where it involves comparing a case to the closest matching principle. Thus, it is one of the types of analogy, but it is unrelated to uncovering the *Maqâsid* of the Lawgiver.⁽²⁾

An example of this is the debate over whether *wudû`* (ablution) is purely an act of worship with no rational meaning behind it, done solely for devotion like prayer, or whether it has a comprehensible meaning like cleansing impurity. Based on this debate, scholars differed on whether the intention (*niyyah*) is required in *wudû`*.⁽³⁾

Third method: *Al-Istiqrâ`* (Induction).

Inductive reasoning (*Istiqrâ`*) is defined as: “To examine many particulars that fall under a general concept, and when a ruling is found in those particulars, a ruling is then made on the general concept based on them.”⁽⁴⁾

Inductive reasoning is divided into two types:

- Complete induction: “It is when one deduces from all the particulars and then applies the ruling on the totally.”⁽⁵⁾
- Incomplete induction: “It is when one deduces from most of the particulars and then applies the ruling to the totally based on them.”⁽⁶⁾

Al-Shâtibî paid great attention to this objective, even though he did not explicitly mention it in outlining the pathways of the Shari‘ah’s objectives. He stated in affirming (the necessities, needs, and improvements): “No one who belongs to *Ijtihâd* among the people of Shari‘ah doubts the establishment of these three principles as part of the Shari‘ah, and that their consideration is an intended objective of the Lawgiver.

(1) *Sharh al-Kawkab al-Munîr*, Vol. 4, P. 187.

(2) *Ṭuruq al-Kashf`an Maqâsid al-Shâri`*, P. 161.

(3) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol.1, P. 15.

(4) *Kashshâf al-Istilahât wal-Funun*, Al-Tahanawî, Vol. 1, P. 172. Edited, supervised, and reviewed by Dr. Rafiq Al-Ajam. Beirut: Lebanon Publishers, 1st edition, 1996 AC.

(5) *Mi`yâr al-`Ilm fî Fan al-Mantiq*, P. 160.

(6) *Kashshâf al-Istilahât wal-Funun*, Vol. 1, P. 172.

The evidence for this is the inductive study of the Sharî'ah, the observation of its general and specific evidences, and what they encompass of these general matters based on a rational induction, which is not proven by a specific evidence but by cumulative evidences, but through evidences that accumulate and complement each other, despite differing in Objective, they collectively form a unified matter upon which those evidences converge, much like how it is commonly established that Hatim is generous and Ali (may Allah be pleased with him) is brave, or similar matters. The people did not rely on a specific proof or a particular aspect to affirm the Lawgiver's intent in these principles. Rather, this was deduced from general indications, broad principles, unrestricted and restricted commands, and specific particulars in different cases, in every chapter of jurisprudence and in all its types. Over time, they became accustomed to seeing all the evidences of Sharî'ah revolving around preserving these principles. This is in addition to the supporting evidence, whether transmitted or not."⁽¹⁾

In another instance, he says: "The lifting of hardship in religion, for example, is not found in a general explicit statement. Instead, we infer it from various particular cases from different angles, yet all agree on the principle of alleviating hardship. For instance, when we find that *tayammum* (dry ablution) is legislated in the case of difficulty in finding water, praying while sitting is allowed when standing is too difficult, shortening and breaking the fast during travel, combining prayers during travel, illness, or rain, uttering words of disbelief when facing the threat of death or severe harm, the permission to eat dead animals when fearing death due to extreme hunger (which is the greatest hardship), praying in any direction when determining the *qiblah* (direction of prayer) is too difficult, wiping over bandages and socks due to the hardship of removing them and to avoid harm, and pardoning during fasting for what is difficult to avoid, such as road dust, and so on. These numerous particulars collectively affirm the the intent of the Lawgiver to remove hardship; thus, we deduce the general principle of removing hardship in all Sharî'ah matters, based on inductive reasoning, as if it were a general verbal rule."⁽²⁾

Ibn Ashûr explicitly mentioned this method (of inductive reasoning) and considered it one of the greatest ways to reach the objectives of Sharî'ah. He explained that it has two types:

(1) *Al-Muwâfaqat*, Vol. 2, P. 81.

(2) *Ibid*, Vol. 4, P. 58.

First: “Inductive reasoning based on known rulings and their established causes, which leads to the inference of these causes through the methods of identifying Shari‘ah causes. Through the induction of these causes, we can easily ascertain the objectives of Shari‘ah. When we observe many similar causes acting as regulators for a unified wisdom, we can deduce a single wisdom from them and conclude that it is a Shari‘ah objective, just as inductive reasoning over multiple instances leads to the understanding of a general concept based on the rules of logic.”⁽¹⁾

The objective deduced from this method is definitive, and if it is so, it becomes authoritative.⁽²⁾

An example of this is the prohibition on one Muslim proposing to marry a woman already engaged to another Muslim or making a commercial bid on a transaction already bid upon by another. It is known that the cause for this prohibition is the animosity that arises from attempting to deprive someone of a desired benefit. From this, we can deduce a Shari‘ah objective: the preservation of brotherhood among Muslims. We can then use this objective to assert definitively that the prohibition on proposing or bidding no longer applies if the first person has withdrawn or shown no further interest.⁽³⁾

Second: “Inductive reasoning of the evidences of rulings that share a common cause, such that we attain certainty that this cause is a desired objective of the Lawgiver.”⁽⁴⁾ This objective is then established as a principle.

An example is the objective of facilitating the circulation and availability of food. This objective is established for us after observing a number of rulings sharing a common cause. This common cause indicates that it is indeed a Shari‘ah objective. Among the evidences are: the prohibition on selling food before taking possession of it, where the cause is to promote the circulation of food in the markets; the prohibition on deferred exchanges of food, where the cause, according to the majority, is to ensure that food does not remain in debt and thus hinder its circulation; and the prohibition on hoarding food, where the cause is to prevent a reduction of food supply in the markets. Through this inductive reasoning, we gain knowledge that the circulation and facilitation of

(1) *Maqâsid Al-Shari‘ah Al-Islamiyyah* by Ibn Ashûr, Vol. 3, P. 56.

(2) Ibid.

(3) Ibid, Vol. 3, P. 59.

(4) Ibid.

food consumption is an objective of Sharî'ah.⁽¹⁾

Fourth method: The silence of the Shâri' (Lawgiver) on the legitimacy of an action with the presence of its requirement and the absence of its prohibition

It is divided into two types:⁽²⁾

The First Type: The Sharî'ah's silence about something due to the lack of a compelling reason for it. This applies to issues that arose after the Prophet (peace and blessings of Allah be upon him) which were not present during his time. Such issues were not addressed because they did not exist at that time. An example includes innovations by the righteous predecessors, such as compiling the Qur'an, recording knowledge, and ensuring the accountability of artisans.

The Second Type: The Sharî'ah's silence despite the presence of a reason that necessitates it. This type of silence indicates that the Sharî'ah intended not to add to or subtract from it. When the condition requiring the action was present and the Sharî'ah did not legislate it, this indicates that any addition would be an innovation and contrary to the Sharî'ah's intent. The Sharî'ah's intention was to maintain the status quo without addition or reduction.

Ibn Taymiyyah said: "Routine abandonment is Sunnah, just as routine action is Sunnah, unlike abandonment due to the lack of necessity, or the absence of a condition, or the presence of a prohibition. If new necessities or conditions emerge and there is no prohibition, and if the Sharî'ah indicates its action at that time, such as the compilation of the Qur'an, congregating people for *Tarawih* prayers under one Imam, learning Arabic, and names of narrators of knowledge, and other needs in religion, which are essential for fulfilling religious obligations or recommendations, the Prophet abandoned that due to a lack of a condition or the presence of a prohibition.

However, if the abandonment pertains to acts of worship, and if it had been legislated or permitted, then the Prophet would have done it or allowed it and the Companions would have done it and acted upon it. In such case, it must be concluded that doing it would be an innovation and misguidance. Analogies are not applicable in this case but may be applicable in the first type."⁽³⁾

(1) Ibid.

(2) *Al-Muwâfaqât*, Vol. 3, P. 156.

(3) *Al-Qawâ'id al-Nurâniyyah*, P. 150.

Summary: The essential basis for understanding the Objectives of the law-giver is his texts. Here, “texts” refer to their general meaning, including the explicit text and its implicit meaning, the context and understanding derived from the spirit of the law upon which it is based, which includes the reasons behind the rulings. Texts serve as the intermediary between the lawgiver and the people. The reference to the text requires considering every element or factor that aids in its correct understanding, revealing its hidden meanings, and identifying its intended Objective.

One should consider the apparent meanings of the texts, their implications and their contexts, the reasons for their revelation if they are from the Qur’an, and the reasons for their reporting if they are from *Hadith*. One should also examine the context in which they were revealed-whether specific or general, which includes the entire body of Sharī’ah texts-and the circumstances surrounding the issuance of the Sharī’ah text and the relevant clues. Additionally, one should verify the applicability of the text to the current situation and evaluate whether its outcomes align with the intended Objective of the lawgiver. All this should be done within a comprehensive scientific method aimed at seeking the truth, free from biases, and following the strongest and closest evidence to the practice of the lawgiver.”⁽¹⁾



(1) *Turuq al-Kashf ‘an Maqâsid al-Shâri’*, P. 333.

Chapter One

General Objectives Related to the Legislation of Zakâh

This chapter contains sixteen treatises:

- 1- Worship and Drawing Closer to Allah.
- 2- Zakâh Is a Financial Provision from the Wealthy to the Poor.
- 3- Preservation and Support of Religion.
- 4- Preservation of Lives.
- 5- Preservation of Wealth.
- 6- Preservation of Intellect.
- 7- Preservation of Lineage and Honor.
- 8- Preservation of the Order and Well-Being of the Nation.
- 9- Refinement of Souls.
- 10- Removal of Hardship.
- 11- Precise Regulation and Definitive Ruling.
- 12- Removal of Harm.
- 13- Obligation of Zakâh on the Most Beneficial Wealth for the People, and from Every Wealth Its Noblest and Highest.
- 14- Justice.
- 15- Mercy, Kindness, and Solidarity.
- 16- Precaution for Rights.

Preface

The general objectives of Shari‘ah are known as: “the meanings and principles considered by the lawgiver in all or most cases of legislation, such that their consideration is not limited to a specific type of Shari‘ah rulings, and this also includes meanings of rulings that are not noted in other types of Shari‘ah rulings, but are observed in many of them.”⁽¹⁾

And at the forefront of the general objectives considered in the legislation of Zakâh are the five major necessities. Al-Shâtibî defined them as: “Those that are essential for the maintenance of the interests of both religion and the worldly life, such that if they are lost, it leads to the corruption and collapse of worldly interests, and the loss of life. In the hereafter, it results in the loss of salvation and bliss, and leads to evident loss.”⁽²⁾

The five major necessities are: preserving religion, preserving life, preserving intellect, preserving wealth, and preserving lineage. It is a mark of the perfection of Allah’s legislation in Zakâh that it addresses all of these necessities.



(1) *Maqâsid al-Shari‘ah al-Islâmiyyah* by Ibn ‘Ashûr, Vol 3, P. 165.

(2) *Al-Muwâfaqât*, Vol. 2, P. 17.

First Treatise

Worship and Drawing Closer to Allah⁽¹⁾

Objective Explanation:

'Ibâdah (Worship) in the linguistic sense: It is derived from the verb “*‘abada* – *ya ‘budu* - *‘ibâdatan wa ma ‘badan wa mu ‘abbadan*,” meaning to submit or humble oneself. The term “*‘abd*” refers to a servant or slave, as opposed to a free person, and its plural is “*‘abid*.” The essence of servitude is submission and humility, and “*ta ‘bîd*” refers to subjugation, while “*‘ibâdah*” means obedience.⁽²⁾

As for the Sharī‘ah meaning: Worship is a comprehensive term for everything that Allah loves and is pleased with, including both outward and inward sayings and actions. Examples of worship include prayer, Zakâh, fasting, Hajj, and similar acts.⁽³⁾

Al-Shâtibî defines the concept of worship as “returning to Allah in all circumstances and submitting to Him.”⁽⁴⁾

Worship (*‘ibâdah*) also encompasses devotion and acts of piety.

Here, the intended meaning is that performing acts of devotion and drawing closer to Allah is one of the foremost and greatest Objectives of Zakâh. Scholars agree that Zakâh-although it may involve fulfilling social needs-remains one of the most significant acts of worship. The strongest evidence for this is its frequent pairing with prayer in the Qur‘an, occurring in 82 different

(1) *Al-Amwâl* by Abû ‘Ubayd, P. 457; *Al-Mabsûṭ*, Vol. 2, P. 161; *Al-Hâwî Al-Kabîr* by Al-Mawârdî, Vol. 3, P. 153; *Ihyâ’ ‘Ulûm al-Dîn*, Vol. 1, P. 212-213; *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 6; *Al-Mughnî*, Vol. 2, P. 470; *Takhrîj al-Furû’ ‘alâ al-Usûl* by Al-Zanjânî, P. 111; *Qawâ‘id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 153; *Tafsîr al-Qurtubî*, Vol. 8, P. 176; *Al-Ikhtiyâr li Ta’lîl al-Mukhtâr*, Vol. 1, P. 104; *Al-Muwafaqât*, Vol. 2, P. 518; *A’lâm al-Muwaqqi‘în*, Vol. 3, P. 333; *Al-Ashbâh wa al-Nazâ‘ir* by Al-Subkî Vol. 2, P. 267.

(2) Entry “*‘Abd*” in *Mukhtâr al-Sihâh*, P. 198; *Lisân al-‘Arab*, Vol. 3, P. 272.

(3) *Al-‘Ubûdiyyah*, P. 44.

(4) *Al-Muwafaqât*, Vol. 2, P. 290, with slight modification.

places.⁽¹⁾

This devotional aspect is clearly reflected in the definitions provided by Islamic jurists. For instance, the *Hanafite* scholars define Zakâh as “The granting of wealth to a poor Muslim who is neither a Hashemite nor his freedman, on the condition that the benefit is entirely removed from the giver in every way for the sake of Allah the Almighty.”⁽²⁾

Their statement, “on the condition that the benefit is entirely removed from the giver in every way for the sake of Allah the Almighty,” emphasizes the importance of achieving complete servitude to Allah the Almighty, ensuring that Zakâh is performed with the highest level of devotion to Allah without compromising its purity.

In explaining the meaning of this objective, Al-Zanjânî says, “Zakâh was initially ordained as an act of worship to Allah Almighty, and it was legislated as a discipline for the self by reducing wealth, considering that wealth can lead to arrogance and corruption. Allah Almighty says, ‘No! Indeed, man transgresses when he sees himself as self-sufficient’⁽³⁾, and transgression influences one’s deserving of punishment in the Hereafter. Through Zakâh, discipline is achieved, preventing arrogance.”⁽⁴⁾

Al-Subkî adds, “The predominant aspect of Zakâh is its nature as an act of worship, while the aspect of charity is secondary. It mainly concerns the wealthy, as the primary intent is to discipline the soul so that it does not become arrogant due to wealth, which might lead it to inappropriate behavior.”⁽⁵⁾

Al-Râzî explains the concept of disciplining the soul that results from giving Zakâh by saying, “Abundance of wealth is a cause for arrogance and hardness of the heart, and the reason for this is that the abundance of wealth leads to power, and power is inherently desirable. When a person becomes attached

(1) *Al-Bahr al-Râ’iq*, Vol. 2, P. 216. One researcher counted the instances where prayer and Zakâh are paired together and found 45 verses. He believed that the number recorded by the author includes the pairing in consecutive verses, not just in single verses. [Research on the Pairing of Prayer and Zakâh by Dr. Al-Abbâs Al-Hâzmî, *Journal of Quranic Studies*, Issue 10, P. 270, 1433 AH, Saudi Association for the Qur’ an and Its Sciences].

(2) *Al-Bahr Al-Râ’iq*, Vol. 2, P. 216.

(3) *Al-‘Alaq* (The Clot): 6-7.

(4) *Takhrîj Al-Furû’ ‘Alâ Al-Usûl*, by Al-Zanjânî Ps. 110-111.

(5) *Al-Ashbâh Wa Al-Nazâ’ir*, by Al-Subkî, Vol. 2, P. 267.

to what they love, they become engrossed in pursuing it. A person can become consumed with seeking wealth, and if an obstacle arises that prevents them from acquiring it, they use their wealth and power to overcome that obstacle. The obligation of Zakâh reduces arrogance and redirects the heart towards seeking the pleasure of Allah.”⁽¹⁾

The notion of servitude mentioned here is what makes Zakâh akin to prayer and pilgrimage, placing it among the foundational acts of Islam. The benefit for the poor, which addresses their needs, is clearly understood and easily grasped by the mind; however, the act of worship in following the details of Zakâh is a key intent of the divine law.⁽²⁾

Worship encompasses two main meanings: submission and love. Sheikh al-Islam Ibn Taymiyyah said:

“Worship, which we are commanded to perform, includes both submission and love. It involves the utmost humility before Allah and the utmost love for Him. It is said that a person is ‘enslaved’ (tamed) to Allah, meaning they are devoted to Him. If a person submits to another while harboring hatred, that is not worship. Similarly, if they love something but do not submit to it, that is also not worship. Therefore, neither love nor submission alone suffices in the worship of Allah. One must love Allah more than anything else and regard Him as greater than all else.”⁽³⁾

Both of these meanings manifest in the legislation of Zakâh:

- 1- Love: It becomes apparent in the sense that the one who is obligated gives up a portion of their wealth out of love for Allah, prioritizing their love for Him over the love of anything else, including their wealth, which is so closely tied to their soul. Allah said: “***They give food, in spite of love for it, to the needy, the orphan, and the captive.***”⁽⁴⁾ Ibn Abbâs and Mujâhid said: “Despite their desire for it, and their love for it, and their longing for it.”⁽⁵⁾
- 2- Thus, Zakâh acts as a remedy that purifies the heart from the love of worldly possessions and attachment to them, because being deeply en-

(1) *Maḥāṭib al-Ghayb*, Vol. 16, P. 77, with slight modification.

(2) *Iḥyâ’ ‘Ulûm al-Dîn*, Vol. 1, P. 212.

(3) *Al-‘Ubûdiyyah*, P. 48.

(4) *Al-Insân* (Man): 8.

(5) *Tafsîr al-Qurtubî*, Vol. 19, P. 128.

grossed in the love of wealth distracts the soul from loving Allah and the Hereafter. Thus, Allah's wisdom decrees that the owner of wealth is tasked with giving away a portion of it, breaking the intense attachment to wealth and preventing the soul from completely turning toward it.

Al-Ghâzalî explains the significance of the obligation of Zakâh and its meaning, the trial it presents, and how it has been made one of the pillars of Islam, despite being a financial duty rather than a physical act of worship: "The utterance of the two testimonies is an affirmation of monotheism, and a testimony to the uniqueness of the One being worshipped. The condition of complete fulfillment of this is that nothing remains beloved to the monotheist except the One and Only. Love does not tolerate any division. Verbal monotheism is of little benefit; the real test of one's love is in parting with what is loved. Wealth is beloved to people because it is their means of enjoying the world, and it is through it that they become attached to this world and shun death, despite it being the meeting point with the Beloved. So, they are tested to prove their claim of love, and are asked to relinquish the wealth that they are so attached to and in love with."⁽¹⁾

Al-Râzî emphasizes and explains this concept further:

- 1- Wealth is naturally loved, and the reason for this is that power is an attribute of perfection, and it is beloved for its own sake... Since perfection is loved for its own sake, power is also loved for its own sake. Wealth is the means by which power is attained, and thus wealth is loved because it leads to power. The pursuit of wealth, however, distracts the soul from the love of Allah and from preparing for the Hereafter. Therefore, the wisdom of the Sharî'ah dictates that the wealthy person is commanded to give away part of their wealth, thus breaking the intense attachment to it and preventing the soul from being completely drawn to it. It serves as a reminder that true happiness is not attained through the pursuit of wealth but rather through spending it in seeking Allah's pleasure. Therefore, the obligation of Zakâh is a prescribed remedy to remove the illness of love for the world from the heart.

Allah has made Zakâh obligatory for this wisdom. This is what is meant by His statement: "*Take from their wealth a charity by which you puri-*

(1) *Ihyâ' `Ulâm al-Dîn*, Vol, 1, P. 213.

fy them and cause them increase”⁽¹⁾ “meaning that it purifies them and sanctifies them from being engrossed in the pursuit of the worldly life.”⁽²⁾

- 2- As for submission (ذل), it is evident in one’s submission and surrender to Allah, by giving up part of what Allah has entrusted to them. This is seen in His command: “*Spend from that which We have made you trustees*.”⁽³⁾ The purification comes from detaching oneself from the excessive pursuit of worldly matters.

By combining both meanings of love and submission, the divine Objective of the legislation is fulfilled for the individual. As Al-Shâtibî mentions, the aim is: “To free the person from the call of their desires, so they become a servant of Allah by choice, just as they are His servant by necessity.”⁽⁴⁾ Worship is realized by the soul’s submission to the commands of Allah in surrender, faith, and excellence.⁽⁵⁾

And among the meanings of worship in Zakâh-which complement the mentioned meanings-is that it serves as a means to worship through wealth. Wealth is a trial, as Allah Almighty said: *‘Indeed, your wealth and your children are a trial.’*⁽⁶⁾ That is, it is a test and trial from Allah for His creation.⁽⁷⁾ And the Prophet (peace and blessings of Allah be upon him) said: *‘Every nation has a trial, and the trial of my nation is wealth.’*⁽⁸⁾ The servant is susceptible to being enslaved by it, as he said: *‘Cursed is the slave of the dinar, the dirham, the fine cloth, and the luxurious garment. If he is given, he is pleased, and if he is not given, he is displeased.’*⁽⁹⁾ Thus, the Sharî’ah legislated Zakâh as a means of submission and humility to Allah, and a trial to test the servant’s sincerity in his monotheism through love and tranquility of the soul.

Among the meanings of worship in Zakâh is the strengthening of certainty in the Day of Judgment in people’s hearts. This is because doing good to creation without expecting worldly reward or benefit can only be undertaken by

(1) *At-Tawbah* (Repentance):103.

(2) *Mafâtîh Al-Ghayb*, Vol 77, P. 16, with slight modification.

(3) *Al-Hadîd* (Iron):7.

(4) *Al-Muwâfaqât*, Vol. 2, P 289.

(5) *Rûh Al-Ma`ânî*, Vol. 1, P. 92.

(6) *At-Taghâbun* (Mutual Fraud): 15.

(7) *Tafsîr Ibn Kathîr*, Vol. 8, P. 139.

(8) Related by Al-Tirmidhî, No. 2336, and authenticated by Al-Albânî in the “*al-Silsilah al-Sahîhah*,” Vol. 2, P. 139.

(9) Related by Al-Bukhârî, No. 2886.

someone who is certain of the Day of Judgment and the attainment of reward therein. Thus, doing charity and kindness to creation is directly opposed to the disbelief in the Day of Judgment. Allah said: ***'Have you seen the one who denies the religion?'***⁽¹⁾ And the intended meaning of 'religion' in this verse is: 'the resurrection and the reckoning and the recompense.'⁽²⁾ Then Allah mentioned the characteristics of those who deny the Day of Judgment, that they prevent the mâ'ûn, saying: ***'And they deny the small kindness.'***⁽³⁾ And "mâ'ûn" refers to Zakâh, according to some commentators."⁽⁴⁾

'Ikrimah said: "The highest form of "mâ'ûn" is Zakâh, and its lowest form is lending out tools such as a bucket or a needle." Ibn Kathîr commented: "What 'Ikrimah said is good because it encompasses all interpretations, and they all return to a single point, which is the neglect of cooperation through wealth or benefit."⁽⁵⁾

Thus, one of the connotations of the term "*Sadaqah*" (charity) is that it indicates the sincerity of the believer's faith and certainty in the Hereafter. Allah excluded those who believe in the Day of Judgment from the description of those who withhold goodness, as He said: ***"Indeed, mankind was created anxious. When evil touches him, he is impatient, but when good touches him, he is withholding, Except the observers of prayer. Those who are constant in their prayer. And those within whose wealth is a known right. For the petitioner and the deprived - And those who believe in the Day of Recompense."***⁽⁶⁾ The characteristic of belief in the Day of Judgment in the verses indicates the influence of faith in the Hereafter in motivating one to give wealth.

In another context, Allah Almighty linked boasting and harm, which undermines the act of worship associated with giving charity, to the belief in the Hereafter. He said: ***"O you who have believed, do not invalidate your charities with reminders or injury as one who spends his wealth to be seen by people and does not believe in Allah and the Last Day."***⁽⁷⁾

When boasting is associated with charity, it indicates a flaw in the sincerity of the giver. Allah likened this person to someone who gives only for show and

(1) *Al-Mâ'ûn* (Kindness): 1.

(2) *Tafsîr Ibn Kathîr*, Vol. 8, P. 493.

(3) *Al-Mâ'ûn* (Kindness): 7.

(4) *Tafsîr Ibn Kathîr*, Vol. 8, P. 493.

(5) *Tafsîr Ibn Kathîr*, Vol. 8, P. 497.

(6) *Al-Ma'ârij* (The Ascending Stairways): 19-26.

(7) *Al-Baqarah* (The Cow): 264.

does not believe in Allah or the Last Day, which indicates that true worship in giving charity comes from those who are certain in their faith in Allah and the Hereafter.

Ibn ‘Ashûr said: “Since Zakâh involves spending wealth, which is dear to oneself, one does not spend it unless they believe in its benefit in the Hereafter, especially if that wealth is spent on an enemy in faith. Therefore, the command to believe is followed by the command to establish prayer and give Zakâh, because no one endures these actions except a sincere believer.” He further mentioned that pairing prayer and Zakâh is “evidence of what Abû Bakr - may Allah be pleased with him - did when he fought those who refused to give Zakâh, calling them apostates, because Allah made prayer and Zakâh a sign of sincere faith.”⁽¹⁾

Among the Objectives of worship that become evident in Zakâh is that although it is a form of worship that involves understanding its meanings and objectives, this does not negate the need for the intention of worship and seeking closeness to Allah in performing it. Even though the intended objective of Zakâh is understandable-such as providing for the needy and supporting Islam-the primary Objective remains worship, and the fundamental basis is sincerity. Therefore, the one who performs it must have the intention of seeking closeness to Allah, as everything that includes meaning must also include worship and seeking proximity to Allah. Al-Shâtibî emphasized this by saying: “Everything in which worship is considered cannot be disconnected from it, and everything in which only meanings are considered without worship, worship must still be taken into consideration.”⁽²⁾

The second part of the rule, “Whenever the rationale behind rulings is understood without (the element of) worship, worship must still be taken into consideration,” is explained by Al-Shâtibî. He clarifies that rulings whose reasons and Objectives are understood must still involve the element of worship. By “worship” here, Al-Shâtibî does not mean the same as in the first part of the rule, where it refers to strict adherence to religious commands without questioning. Instead, he means that the individual fulfilling these rulings and performing these duties with understood rationale should still be conscious of the right of Allah, the necessity of obeying Him, and complying with His commands and avoiding His prohibitions. Thus, the person carries out these duties

(1) *Al-Tahrîr wa at-Tanwîr*, Vol. 1, Ps. 472-473.

(2) *Al-Muwâfaqât*, Vol. 2, P. 529.

with obedience and submission to the Allah's commands and prohibitions.⁽¹⁾

Al-Ghazâlî further affirms this, specifically in relation to Zakâh, in the context of his discussion on the categories of religious obligations, where he says: "The third category is the compound one, which intends both objectives together: the benefit of the people and the testing of the legally accountable individual through servitude. This category is rational in itself. If it is established by the Sharî'ah, both meanings must be combined. One should not forget the more precise meaning, which is servitude and submission due to its loftier nature, and perhaps the more precise is the more important. Zakâh falls under this category."⁽²⁾

Part of observing this is adhering to the prescribed limits in the ritualistic aspects of its rulings. In fact, due to its importance, some scholars have mentioned it as an independent Objective. Ibn al-Qayyim, in explaining the Objective of this, says: "There are numerous objectives in Zakâh, among them: worship by adhering to the limits set by Allah, without diminishing or altering it."⁽³⁾

Among the devotional meanings in Zakâh is trial and testing, which applies generally to all obligations that Allah has assigned to His servants, in all His commands and prohibitions. The Objective of the trial may be to distinguish between the righteous and the wrongdoers, between the obedient and the disobedient, or it may be a trial through physical hardship and loss of wealth, and the patience required for that meaning.⁽⁴⁾

And the consideration of the Objective of devotion has a broad and comprehensive effect on the rulings and issues of Zakâh, for devotion is the spirit of Zakâh, which cannot be conceived without it. Among the well-known sayings of some early scholars, which highlight the importance of maintaining devotion and sincerity in its rulings, is what Imam Ahmad reported from Su'fyan Ibn Uyaynah, who used to say: "The scholars used to say about Zakâh: it should not be given to avoid reproach, nor should one favor relatives with it, nor protect one's wealth with it."⁽⁵⁾

(1) *Ma'lamat Zâyed lil-Qawâ'id al-Fiqhiyyah wal-Uşûliyyah*, Vol. 5, P. 504.

(2) *Ihyâ' 'Ulûm al-Dîn*, Vol. 1, P. 212.

(3) *I'lâm al-Muwaqqi'in*, Vol 3, P. 47.

(4) *Fatâwâ Al-Subkî*, Vol. 1, P. 198.

(5) *Masâ'il al-Imâm Ahmad as narrated by Abû Dâwûd al-Sijistânî*, P. 120.

And he dictated to his son Abdullah, clarifying it further: 'It should not be given to avoid reproach, and 'reproach means that he gives to them and stays connected to them, and this is a necessity. Or, it could be through serving the man, so he uses his Zakâh to ward off reproach. It is not permissible for a person to use Zakâh to avoid reproach, nor is it valid. He should not favor relatives with it, nor prevent it from going to non-relatives. Zakâh is the right of Allah the Almighty in the wealth. If relatives and non-relatives are equal in poverty, the relatives are more deserving, provided that he is not using it to avoid reproach for himself. It is not permissible for him to give Zakâh to his child, grandchild, father, mother, or grandfather. However, he can give it to other relatives if he is not using it to protect his wealth.'⁽¹⁾

Objective Evidence:

- 1- The explicit texts indicate that the servants were created to worship Allah and to fall under His commands and prohibitions. Among these commands is Zakâh; as Allah says: "***And I did not create the jinn and mankind except to worship Me. I do not want from them any provision, nor do I want them to feed Me,***"⁽²⁾ and the ayah that reads: "***And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth, and to establish prayer and to give Zakâh. And that is the correct religion.***"⁽³⁾ "In the first verse, the Objective is made clear that Allah created all creation, and that He created them only for His worship. As He said: '***And I did not create the jinn and mankind except to worship Me.***' And in the other verse, it is made clear that they were commanded in the laws only to worship Him. As He said: '***And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth.***' After establishing the foundation of religion, it follows with the branches, starting with the most important branches related to the rights of the Creator, as He says: '***Establish prayer***', and then follows with the most important branches related to the rights of the creation: '***And give Zakâh.***'"⁽⁴⁾

(1) *Masâ'il al-Imâm Ahmad as narrated by his son 'Abdullah*, P. 149."

(2) *Adh-Dhâriyât* (The Winnowing Winds): 56-57.

(3) *Al-Bayyinah* (The Clear Proof): 5.

(4) Al-Shâtibî said after mentioning a number of verses indicating this meaning: 'This refers to returning to Allah in all circumstances and submitting to His rulings in every situation, which is the essence of worshipping Allah.' (*Al-Muwafaqat*, Vol. 2, P 290.

- 2- The many verses that have been revealed regarding Zakâh in comparison to prayer highlight their connection in the meaning of worship. Among these verses is the verse that reads: ***“Establish prayer and give Zakâh and bow with those who bow.”***⁽¹⁾ And Allah says: ***“Establish prayer and give Zakâh, and whatever good you put forward for yourselves-you will find it with Allah. Indeed, Allah is All-Seer of what you do.”***⁽²⁾ And His saying: ***“Indeed, those who believe and do righteous deeds and establish prayer and give Zakâh-there will be for them a reward with their Lord, and no fear will there be concerning them, nor will they grieve.”***⁽³⁾ And His saying: ***“Indeed, those who believe and do righteous deeds and establish prayer and give Zakâh-they will have their reward with their Lord.”***⁽⁴⁾ And His saying: ***“But if they repent, establish prayer, and give Zakâh, then they are your brothers in religion.”***⁽⁵⁾ Allah says: ***“And We made them leaders, guiding by Our command, and We inspired them to do good deeds, to establish prayer, and to give Zakâh; and they were worshippers of Us,”***⁽⁶⁾ and the ayah: ***“Establish prayer and give Zakâh and obey the Messenger that you may receive mercy,”***⁽⁷⁾ and the ayah: ***“And lend to Allah a goodly loan. And whatever good you put forward for yourselves-you will find it with Allah. It is better and greater in reward. And seek forgiveness of Allah. Indeed, Allah is Forgiving and Merciful,”***⁽⁸⁾ and the ayah: ***“And [mention, O Muhammad], when your Lord said to the angels, ‘Indeed, I will create a human being from clay, like [that of] pottery. And when I have fashioned him and breathed into him of My Spirit, then fall down to him in prostration.’”***⁽⁹⁾

The scholars have discussed the various aspects of combining prayer and Zakâh in the Noble Qur’an, noting that both return to the essence of worship inherent in them. Among the common themes they highlighted are:

- **Both are the most noble acts of worship and encompass the general tenets of religion.** Their combination signifies the magnification

(1) *Al-Baqarah* (The Cow): 43.

(2) *Al-Baqarah* (The Cow): 110.

(3) *Al-Baqarah* (The Cow): 277.

(4) *Al-Mâ'idah* (The Table): 55.

(5) *Al-Tawbah* (Repentance): 11.

(6) *Al-Anbiâ'* (The Prophets): 73.

(7) *Al-Nûr* (The Light): 56.

(8) *Al-Muzzammil* (Enwrapped): 20.

(9) *Al-Bayyinah* (The Clear Evidence): 5.

of Allah's command and compassion for His creation. Al-Râzî states, "They are specifically mentioned because they are the most noble acts of worship; prayer is the most honorable physical act of worship, legislated for the remembrance of Allah, while Zakâh is the most honorable financial act of worship. Together, they signify the magnification of Allah's command and compassion for His creatures."⁽¹⁾ Just as prayer holds great honor in terms of bodily submission and devotion to Allah, Zakâh similarly embodies the veneration of Allah through the act of giving, as a means of approaching Him and showing compassion towards one's family. Ibn Taymiyyah similarly emphasized this connection, stating, "These two pillars comprise the entirety of the general religion, which can be summarized as the magnification of Allah's command and mercy towards His servants. The magnification of Allah's command is expressed through humility and submission, which is the essence of piety, while mercy towards Allah's servants is shown through acts of kindness. These are the true realities of prayer and Zakâh; prayer encompasses humility before Allah and servitude to Him, while Zakâh includes benefiting and being generous to others."⁽²⁾ This illustrates how both acts are integral to the well-being of both the ruler and the ruled, as they encompass fulfilling the rights of Allah and the rights of His creation. Ibn Taymiyyah notes, "The frequent pairing of prayer and Zakâh in the Qur'an indicates that by fulfilling both, the conditions of both the ruler and the ruled are improved. When a person comprehends the meanings behind these collective names, prayer includes the remembrance of Allah, supplication, recitation of His Book, sincerity in faith, and reliance upon Him, while Zakâh involves benefiting others through financial means, aiding the oppressed, and providing assistance to those in need."⁽³⁾

- That they (Prayer and Zakâh) are combined as the pillars of actions. Abû Hayyân says: "He combined the acts that are done physically between Prayer and Zakâh because they are the pillars of actions."⁽⁴⁾

(1) *Mafâtîh al-Ghayb*, Vol. 11, P. 265; Vol. 22, P. 161. Also, see *al-Lubâb fî 'Ulûm al-Kitâb*, Vol. 7, P. 130.

(2) *Majmû' al-Fatâwâ*, Vol. 14, P. 214.

(3) *Majmû' al-Fatâwâ*, Vol. 28, P. 362.

(4) *Al-Bahr Al-Muhîr fî Al-Tafsîr*, Vol. 5, P. 271.

He gave a commentary on the verse that reads, “***But if they repent, establish the prayer, and give Zakâh, then they are your brothers in religion,***”⁽¹⁾ saying: “It draws attention to the greatest Islamic rituals, namely the establishment of prayer, which is the best of bodily actions, and the giving of Zakâh, which is the best of financial actions. Together, they manifest practical strength.”⁽²⁾

In another place, he says: “After commanding forgiveness and forbearance, He commanded perseverance in the two pillars of Islam: bodily worship and financial worship. In prayer, there is a conversation with Allah and the pleasure of standing in His presence, while in Zakâh, there is kindness to others through self-sacrifice.”⁽³⁾

- They both (Prayer and Zakâh) are the basis of both physical and financial acts of worship, the standard for others, and their representation.

Al-‘Aynî says: “Prayer and Zakâh are specifically mentioned and fighting for them is considered a right of Islam because they are the foundation of physical and financial acts of worship, the standard by which others are measured, and their symbol. That is why prayer is called the pillar of religion and Zakâh is called the bridge of Islam, and Allah frequently mentioned them together in the Qur’an.”⁽⁴⁾

Scholars have noted the special attention given by Islamic Sharī‘ah to these two acts of worship in its legislation, and they provided explanations for this. Ibn Hajar mentioned two reasons behind the legislative emphasis on these two particular acts of worship:

- 1- Prayer, Zakâh, and the declaration of faith (*Shahada*) are foundational, while fasting and pilgrimage are derived from them. He said: “Of the five pillars, there is a belief-based one (*Shahada*), a physical one (Prayer), and a financial one (Zakâh). The call to Islam focuses on these because the other two pillars (fasting and pilgrimage) stem from them; fasting is purely physical, and pilgrimage involves both physical and financial aspects.”⁽⁵⁾
- 2- Prayer, Zakâh, and *Shahada* are similar in terms of difficulty. Once one

(1) *Al-Tawbah* (Repentance): 11.

(2) *Al-Bahr Al-Muhîṭ fî Al-Tafsîr*, Vol. 5, P. 373.

(3) *Ibid*, Vol. 1, P. 559.

(4) *‘Umdat Al-Qâri Sharh Sahîh Al-Bukhârî*, Vol. 8, P. 246.

(5) *Fath Al-Bârî by Ibn Hajar*, Vol. 3, P. 361.

submits to them, other acts become easier in comparison.

In explaining this, he said: “The declaration of faith is fundamental and difficult for disbelievers, the prayers are challenging due to their frequency, and Zakâh is difficult because of human nature’s attachment to wealth. Once a person submits to these three, the other acts become easier in comparison.”⁽¹⁾

Ibn ‘Ashûr also mentioned a similar point, explaining that prayer signifies the glorification of the Creator and the abandonment of other Allahs. Such an act is particularly difficult for a polytheist because it angers their idols, and for a People of the Book because it contradicts their worship. As for Zakâh, spending money is dear to the self, and one would not give it away unless they truly believed in the reward they get in the Afterlife. In summary, only a sincere believer would undertake both (prayer and Zakâh).⁽²⁾

- 3- The widespread hadîths regarding Zakâh. The Sunnah has also consistently paired prayer with Zakâh in numerous instances for their shared devotional meaning. For example, in the *hadîth* of Ibn ‘Umar (may Allah be pleased with him), the Prophet (peace and blessings of Allah be upon him) said:

“Islam is built upon five pillars: testifying that there is no Allah but Allah and that Muḥammâd is the Messenger of Allah, establishing the prayer, giving Zakâh, performing Hajj, and fasting in Ramadan.”⁽³⁾ A similar statement is found in the *hadîth* of Jibrîl when he asked the Prophet (peace and blessings of Allah be upon him) about Islam. The Prophet responded:

“Islam is to worship Allah alone and not associate anything with Him, establish the prayer, give Zakâh.”⁽⁴⁾

Evidential aspect: The mention of Zakâh among the acts of worship upon which Islam is built shows it is linked with Prayer and Hajj. Since Islam is a purely devotional act, its foundational elements must also be purely devotional.⁽⁵⁾

(1) Ibid.

(2) *Al-Tahrîr wa al-Tanwîr*, Vol. 1, Ps. 472-473.

(3) Narrated by Al-Bukhârî, No. (8), and also narrated by Muslim, No. (16).

(4) Narrated by Al-Bukhârî, No. (50), and also narrated by Muslim, No. (8).

(5) *Al-Istîlâm fî al-Khilâf bayn al-Imâmayn Ash-Shâfi‘î wa Abû Hanîfa*, Vol. 2, P. 57, *Takhrîj Al-Furû‘ ‘alâ Al-Usûl* by Al-Zanjânî, P. 110. Al-Sarakhsî states: “Zakâh is one of the pillars of the religion, and the essence of religion is the meaning of worship; thus, what is a pillar of religion is also considered as worship” (*Al-Mabsûṭ*, Vol. 2, P. 163).

Al-Sam‘ânî said: “When Islam is defined by commands that include Zakâh and others, the definition and the defined are acts of worship. This shows that since these matters explain Islam, or what Islam is built upon, they are all legislated to establish pure devotion to Allah. Thus, these matters (such as Prayer and Zakâh) are purely devotional acts.”⁽¹⁾

A similar example is the *hadîth* of Ibn ‘Umar (may Allah be pleased with him), in which the Prophet (peace and blessings of Allah be upon him) said:

“I have been commanded to fight people until they testify that there is no Allah but Allah and that Muhammad is His Messenger, establish Prayer, and give Zakâh. If they do this, they safeguard their blood and property from me, except by the right of Islam, and their account will be with Allah.”⁽²⁾

And the *hadîth* of Jarîr Ibn ‘Abdullah (may Allah be pleased with him), where he said: *“I pledged allegiance to the Messenger of Allah (peace and blessings of Allah be upon him) to establish Prayer, pay Zakâh, and be sincere to every Muslim.”*⁽³⁾

And the *hâdith* of Ibn Abbâs (may Allah be pleased with them), where he said: The Messenger of Allah (peace and blessings of Allah be upon him) said to Mu‘âdh Ibn Jabal (may Allah be pleased with him) when he sent him to Yemen: *“You will come to a people of the Book. When you reach them, invite them to testify that there is no deity but Allah and that Muhammad is the Messenger of Allah. If they obey you in that, then inform them that Allah has made it obligatory upon them five prayers every day and night. If they obey you in that, then inform them that Allah has made it obligatory upon them Zakâh, which is taken from their rich and given to their poor...”*⁽⁴⁾ The Prophet (peace and blessings of Allah be upon him) linked Prayer and Zakâh in all these instances, indicating that they are both essential acts of worship.

- 4- The Zakâh encompasses various acts of worship, same like Prayer. Among these meanings are gratitude for blessings and trials. The presence of these meanings is evidence of its status as an act of worship. Al-Sam‘ânî states: “There are two types of blessings: physical blessings and

(1) *Al-Istilâm fî al-Khilâf bayn al-Imâmayn Ash-Shâfi‘î wa Abû Hanîfa*, Vol. 2, P. 57.

(2) Narrated by Al-Bukhârî, No. 25, and also narrated by Muslim, No. 20.

(3) Narrated by Al-Bukhârî, No. 57, and reported by Muslim, No. 56.

(4) Narrated by Al-Bukhârî, No.1496, and reported by Muslim, No.19.

financial blessings. Just as Prayer is obligatory as a thank you for physical blessings, Zakâh is obligatory as a thank you for financial blessings. Gratitude to the Benefactor is the right of the Benefactor. If one of them is for Allah the Exalted in the context of worship, so is the other. Moreover, it realizes the meaning of trial for each one of them.”⁽¹⁾

- 5- The requirement of intention in Zakâh. Intention is only required in acts of worship. If Zakâh is given without the owner’s intention or that of their representative, it does not fulfill its purpose due to the absence of the act of worship. This further affirms that it is an act of worship.⁽²⁾
- 6- “The person who gives Zakâh dedicates their wealth to Allah, then gives it to the poor to provide for them from Allah. Allah (the Exalted) said: ‘*Indeed, Allah knows what you spend*’⁽³⁾, and He said: ‘*Whoever gives Allah a good loan*’.⁽⁴⁾ By dedicating wealth to Allah, it becomes a pure act of worship. This leads to purification and indicates that it does not contain the right of creation, as partnership contradicts the meaning of worship.⁽⁵⁾ Thus, Zakâh before performance is the right of Allah; it is an act of worship that is performed only for the sake of Allah, while received by the poor, and it becomes their right after being paid to them.⁽⁶⁾
- 7- **Analogy with other acts of worship (Prayer, Fasting, Pilgrimage):** It is only obligatory upon those who are capable, as worship is a test from Allah for His servant to distinguish between those who obey Him and those who disobey. The test of a servant can only occur through the servant’s actions; for that which the servant has no control over, no test can be conceived, because the test is an examination. A person is tested by their own actions, not by the actions of others.⁽⁷⁾

Objection: “The laws of Islam cannot be compared to one another because they are foundational; each operates under its own premise and tradition, and we find them differing in many aspects. One reason why

(1) *Al-Istislâm fî al-Khilâf bayn al-Imamayn al-Shafi‘î wa Abû Hanîfa*, Vol. 2, P. 57.

(2) *Sharh Mukhtasar al-Rawdah*, Vol. 1, P. 180.

(3) *At-Tawbah* (Repentance): 104.

(4) *Al-Baqarah* (The Cow): 245.

(5) *Al-Mabsût*, Vol. 2, P. 163.

(6) *Al-Ghurra Al-Manifa fî Tahqiq Ba‘dh Masâ’il Al-Imâm Abû Hanîfa*, P. 60.

(7) *Al-Istalam fî Al-Khilâf Bayn Al-Imamayn Ash-Shâfi‘î wa Abû Hanîfa*, Vol. 2, P. 54.

the ruling of prayer differs from that of Zakâh is that prayer is a right that Allah has upon the servants in their relationship with Him, whereas Zakâh is something that Allah has made a right for the poor from the wealth of the rich. It's like is the case of a child who has a dependent; the expenses for the dependent come from the wealth of the child if he has wealth, just as it is obligatory upon an adult. Similarly, if a person neglects something of value or tears a garment, is he then indebted for it? There are many similar examples. Therefore, Zakâh is more akin to these matters than to Prayer, since both are rights of the people, while prayer is not; it is purely a right of Allah.”⁽¹⁾

- 8- Allah's saying: ***“And there are some Bedouins who believe that what they spend in the way of Allah is a burden and a loss.”***⁽²⁾

Evidential aspect: The verse criticizes those who give Zakâh without the intention of worship. Some of the Bedouins believed that what they spend in the way of Allah is a penalty and a loss; they held this belief because they do not spend except out of fear of the Muslims or for show, not for the sake of Allah and seeking His reward.⁽³⁾ Thus, Allah criticizes this attitude, which indicates the necessity of intending to draw closer to Allah when performing Zakâh and its importance.

- 9- Allah's saying: ***“Whoever spends what they have been given in the way of Allah, seeking the face of their Lord.”***⁽⁴⁾

Evidential aspect: Allah praises those “who give charity and Zakâh for the sake of Allah, and they do so without having any blessing or favor to pay back to those whom they give it to. As if he is saying: One does not give Zakâh as a recompense for the previous blessings given to him; rather, he gives it purely for the sake of Allah. This indicates that a man should not give Zakâh from his wealth as a form of compensation for blessings or favors received, as this would diminish the spiritual aspect of the giving.”⁽⁵⁾ This indicates the greatness of the worship aspect of Zakâh.

(1) *Al-Amwâl* by Abû `Ubayd, P. 552.

(2) *At-Tawbah* (Repentance): 98.

(3) *Mafâtîh Al-Ghayb*, Vol.16, P. 126.

(4) *Al-Layl* (The Night): 18-20.

(5) *Tafsîr Al-Mâturidî*, Vol. 10, P. 555.

The effect of considering this objective in the Fiqh-based branches:

I will clarify the effect of this objective on the jurisprudential branches after explaining the second objective (that Zakâh is a financial obligation from the wealthy to the poor), comparing the consequences of favoring one purpose over the other in the context of the differing opinions among scholars regarding Zakâh issues.



Second Treatise

Zakâh Is a Financial Provision from the Wealthy to the Poor⁽¹⁾

Objective Explanation:

Linguistically speaking, “the term “مؤنة” (.) linguistically means “a burden or expense.” It is derived from the root that signifies expenditure or the act of spending. Al-Layth said that (.) refers to that which is required or necessary for sustenance. Al-Farâ’ stated that it is a term derived from “الأيْن (Al-Ayn),” meaning effort and hardship, indicating that there is significant effort involved in spending on those whom one supports. Some say that it is a noun derived from “الأَوْن Al-Awn” which refers to the concept of the necessary provisions one must have, as it is a burn on the person.”⁽²⁾

In Islamic terminology, “.” refers to the burden of expenses that a person bears for those who depend on them, such as family and children.”⁽³⁾

When we say that Zakâh is a financial obligation, we mean that it is a required financial expenditure from the wealth of the rich to the poor. This is what the poor are entitled to from the wealth of the rich.⁽⁴⁾ “It is as if Allah has imposed on the wealthy the responsibility to support the poor through the bond of Islam.”⁽⁵⁾ Scholars have emphasized this purpose extensively in the context of Zakâh.

(1) *Al-Amwâl* by Abû ‘Ubayd, P. 502; *Al-Hawî Al-Kabîr*, Vol. 3, P. 153; *Al-Istidhkâr*, Vol. 3, P. 156; *Nihâyat Al-Matlab fî Dirâyat Al-Madhhab*, Vol. 3, P. 102; *Qatâtî’ Al-Adillah fî Al-Usûl*, Vol. 2, P. 382; *Bidâyat Al-Mujtahid wa Nihâyat Al-Muqtasid*, Vol. 2, P. 6; *Al-Mughnî*, Vol. 2, P. 465; *Takhrîj Al-Furû’ ‘alâ Al-Usûl* by Al-Zanjânî, P. 110; *Qawa’id Al-Ahkâm fî Masâlih Al-Anâm*, Vol. 1, P. 153; Vol. 2, P. 77; *Sharh Mukhtasar Al-Rawdhah*, Vol. 1, P. 182; *Ibrâz Al-Hukm min Hâdith Raf’ Al-Qalam*, P. 84.

(2) The entry “مَأْن Ma’âna” in *Lisân Al-‘Arab*, Vol. 3, P. 396.

(3) *Al-Ta’rîfât*, P. 196.

(4) *Al-Binayah Sharh Al-Hidâyah*, Vol. 8, P. 301.

(5) *Sharh Mukhtasar Al-Rawdhah*, Vol. 1, P. 182; also see: *Fatâwa Al-Subkî*, Vol. 1, P. 199.

Al-Tûfi states that Allah has two evident purposes in Zakâh: ... the second is its beneficiaries, who are the poor, ensuring their sustenance through the wealth of the rich. This is why it is said that the poor are dependents of the wealthy. Some scholars have noted that when Allah created His creatures, He created them in two categories: the rich and the poor, and He mandated sufficient provisions for the poor from the wealth of the rich. However, the rich often restrict the rights of the poor, either by withholding what is due or by taking what they do not deserve.⁽¹⁾

Ibn ‘Abdul-Barr states: “Zakâh is the right due on wealth, unlike Prayer, which is the right due on the body.”⁽²⁾ Al-Jûwaynî adds: “The Muslims have unanimously agreed that Zakâh is an obligatory duty on the wealth of the rich and those similar to them.”⁽³⁾ Many scholars have argued that the primary objective of Zakâh is to be a financial obligation on the wealthy for the benefit of the poor, with the element of worship being an added aspect intended to encourage its fulfillment. Since human nature tends toward stinginess, Zakâh was commanded as a means of drawing closer to Allah by seeking His reward, thus hastening the fulfillment of its objective. Zakâh is legislated to show gratitude for the blessing of wealth, just as Prayer and fasting were legislated to express gratitude for bodily blessings. This concept of worship in Zakâh is secondary to its primary objective, which is the right of the poor. Zakâh is a financial obligation because Allah created wealth for the benefit of His servants, and every financial obligation must retain the original purpose of wealth-benefiting the servant. Therefore, Zakâh was made obligatory for the benefit of the poor, in order to benefit them, and thus making it their rightful claim. This is why this worship of Zakâh differs from the physical acts of worship, which do not benefit any human but are purely for Allah’s sake.⁽⁴⁾

Al-‘Izz Ibn ‘Abdul- Salâm states: “The pursuit of benefits and the prevention of harms concerning the rights of the Creator fall into three categories:

(1) *Sharh Mukhtasar Al-Rawdhah*, Vol. 1, P. 183, with slight modifications. Al-Juwaynî states: “The Muslims have unanimously agreed that Zakâh is a duty assigned in the wealth of the rich and those similar to them, and its overall purpose is to allocate a portion of the wealth of the rich to the needy Muslims.” *Nihâyat Al-Matlab fî Dirâyat Al-Madhhab*, Vol. 11, P. 533.

(2) *Al-Istidhkâr*, Vol. 3, P. 156, with slight modifications.

(3) *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 11, P. 533.

(4) *Qawâti’ al-Adilla fî al-Usûl*, Vol. 2, P. 382, and *Takhrîj al-furû’ ‘alâ al-Usûl* by al-Zanjânî, Ps. 111-112.

The first is what is solely for Allah, such as faith and its related knowledge and conditions. The second is a combination of Allah's rights and the rights of His servants, such as Zakâh and charity. These are acts of devotion to Allah on one side and benefit His servants on the other, with the most apparent objective being the benefit and well-being of His servants through what is obligatory or recommended. It is an act of devotion for the giver and kindness for the recipient."⁽¹⁾ He echoes this point elsewhere, saying: "The benefits of the Afterlife cannot be achieved without the primary benefits of this world, such as food, drink, marriage, and various advantages. Therefore, the Shari'ah is divided into pure acts of worship aimed at achieving Afterlife benefits, acts of worship related to both worldly and Afterlife benefits, and those mostly concerned with worldly benefits, such as Zakâh."⁽²⁾

Al-Juwaynî emphasizes that the primary objective of Zakâh is to fulfill needs, with the element of worship added, stating: "The primary intelligible meaning in Zakâh is the fulfillment of needs, but this rational purpose is accompanied by two acts of devotion: one being the intention, which is required when possible, although Zakâh can still serve the primary purpose of fulfilling needs. This is why Zakâh is obligatory on a child's wealth, and the governor takes it from the one who refuses (to give it), and the second meaning is: Following the Texts."⁽³⁾

Zakâh, in this context, closely resembles the meaning of *nafaqah* (sustenance or financial support). Thus, Taqî al-Dîn al-Subkî states: "Ash-Shâfi'î leaned towards associating Zakâh with expenditures and said that Allah Almighty has imposed Zakâh on the wealth of the rich to suffice the poor, just as one is obligated to provide for his relatives, so is Zakâh required. It is not included in the general obligation of religious duties that are included in hadîth: (The pen has been lifted...)." ⁽⁴⁾

Scholars differ in their expression of this concept, and the following terms are used to describe it:

1- The term. (provision).⁽⁵⁾

(1) *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 153.

(2) *Ibid*, Vol. 2, P. 77.

(3) *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 3, P. 202.

(4) *Ibrâz al-Hukm min Hadîth Raf' al-Qalam*, P. 84.

(5) As Zanjânî says: "The belief of Ash-Shâfi'î is that Zakâh is a financial obligation imposed =

- 2- The term *Nafaqah* (expenditure or sustenance).⁽¹⁾
- 3- The term *Haqq or Istihqâq* (right or entitlement).⁽²⁾
- 4- The term *Muwâsah* (solidarity or sympathy).⁽³⁾
- 5- The term *Sad al-Hâjah* (fulfilling needs).⁽⁴⁾
- 6- The term *Wâjib Mâlî* (financial obligation).⁽⁵⁾
- 7- The term *Wazîfa Mâliyyah* (financial duty).⁽⁶⁾
- 8- The term *Naf'* (benefit).⁽⁷⁾

The Zakâh obligation parallels all other rights, such as debts, compensations for injuries, and the value of losses that the lawgiver may impose on the liable party, either as a matter of authority or Shari'ah obligation. The obligation here is akin to linking rulings to their causes. The meaning of linking a ruling to its cause is that the law has established causes that necessitate cer-

= on the rich for the benefit of the poor due to the bond of Islam, by way of mutual support, with the meaning of worship being secondary." *Takhrîj al-Furû' `alâ al-Uşûl*, P. 110.

- (1) As al-Tûfi says: "As for the financial obligation aspect, it comes from the fact that Allah (Glorified be He) made its allocation for the poor, the needy, and others among the designated categories. It is as if He has obligated the rich to provide for the poor due to the bond of Islam." *Sharh Mukhtaşar al-Rawdha*, Vol. 1, P. 180.
- (2) As Shaykh al-Islâm Ibn Taymiyyah says: "Indeed, Zakâh is among the financial rights, like *'ushr* (tithe) and the charity of *al-Fiṭr*, and this is the opinion of the majority of the Companions." *Minhâj al-Sunnah al-Nabawiyyah*, Vol. 6, P. 49.
- (3) As al-Subkî says: "According to the Shâfi'î school, the predominant meaning of Zakâh is mutual support, with the aspect of worship being secondary." *Al-Ashbâh wa-l-Nazâ'ir*, Vol. 2, P. 267.
- (4) As al-Juwaynî says: "The clear rationale in Zakâh is to fulfill the needs, and there is no way to deny that, but to this rational purpose was added an element of worshiP..." *Nihâyat al-Maṭlâb fî Dirâyat al-Madhhab*, Vol. 3, P. 202.
- (5) As Taqî al-Dîn al-Subkî says: "The original purpose is the right of the poor because it is a financial obligation." *Ibrâz al-Hukm min Ḥadîth Raf' al-Qalam*, P. 84.
- (6) As al-Juwaynî says: "The Muslims are unanimous that Zakâh and charities are imposed as duties on the wealth of the rich and those similar to them." *Nihâyat al-Maṭlâb fî Dirâyat al-Madhhab*, Vol. 11, P. 533.
- (7) As al-Sam`ânî says: "Allah the Almighty created wealth for the benefit of His servants, and whatever is obligatory in wealth must preserve the original purpose for which wealth was created, which is the benefit of the servant; therefore, Zakâh was made obligatory for the poor for their benefit." *Qawâṭi' al-Adilla fî al-Uşûl*, Vol. 2, P. 382.

tain rulings that follow from them, fulfilling justice in its creation and taking into account their interests as a favor, that is not considered an obligation or knowledge, as if the law had stated: "If a particular thing occurs in existence, know that I have ruled thus. By the same logic, the Zakâh money is set by the Shri'ah as cause by which Zakâh is linked."⁽¹⁾

Objective Evidence:

- 1- Allah says: "*Zakâh expenditures are only for the poor...*"⁽²⁾ and says: "*And from their properties was [given] the right of the [needy] petitioner and the deprived.*"⁽³⁾

Evidential aspect: He used the preposition "لـ" (i.e. for) in the first verse, indicating ownership, and in the second verse he used the word "حق" (i.e. right). There is no phrase more emphatic than these two words in affirming that it is the right of the poor. This is akin to saying, "One-third of my wealth after my death is for the poor," or "It is a right for the poor."⁽⁴⁾

- 2- The obligation of Zakâh on minors and the insane, although they are not among those who are legally hold responsibility.⁽⁵⁾
- 3- This statement is the view of the majority of the Companions of the Prophet (may Allah be pleased with them).

Sheikh al-Islam Ibn Taymiyyah states: "The majority, including Mâlik, Ash-Shâfi'î, and Ahmad, have said that Zakâh is a financial right, like 'ushr (tithe) and the charity of *al-Fitr*, and this is the opinion of the majority of the Companions."⁽⁶⁾

- 4- The analogy of Zakâh to the other rights of human beings, such as debts, expenses for relatives, compensation for losses, and blood money.⁽⁷⁾ Just as these are rights that must be fulfilled even for those who are

(1) *Sharh Mukhtasar al-Rawdhah*, Vol. 1, P.18(2) *At-Tawbah* (Repentance): 60.

(3) *Adh-Dhâriyât* (The Winnowers): 19.

(4) *Al-Istilâm fî al-Khilâf bayn al-Imamayn Ash-Shâfi'î wa Abû Hanîfah*, Vol. 2, Ps. 54-55, with slight modification.

(5) *Al-Dhakîrah*, Vol. 3, P. 52, and the disagreement regarding this will be clarified in the discussion of the effect of objective on legal branches.

(6) *Minhâj al-Sunnah al-Nabawiyyah*, Vol. 6, P. 49.

(7) *Al-Amwâl* by Abû 'Ubayd, P. 552; *Al-Mughnî*, Vol. 2, P. 464; *Al-Majmû' Sharh al-Mu-hadhdhab*, Vol. 5, P. 329; *Al-Dhakîrah*, Vol. 3, P. 53.

not legally responsible, the same thing applies to the Zakâh.

- 5- That the obligation in Zakâh is the transfer of ownership, and the right in ownership goes to those whose the possession is transferred to. Therefore, the transfer of ownership to Allah the Exalted is inconceivable because all things belong to Allah the Exalted before the transfer of ownership and after the transfer of ownership.⁽¹⁾
- 6- The transfer of ownership (*tamlîk*) is the process of shifting the ownership of something from one servant (of Allah) to another, and the ownership a servant has is not something that can be applicable to him in all cases. In our matter (i.e. Zakâh), the *tamlîk* is obligatory, which is the transfer of ownership that belongs to the servant. Since it is inconceivable that this ownership is transferred to Allah, it becomes certain that it is a right for the servants, who are the poor.⁽²⁾
- 7- The ownership that exists for the servants is for the benefit of the servants, and the benefit of the poor in the case of charity means the right belongs to them. Allah, the Exalted, is above benefiting from or being harmed by anything, so when wealth that is intended to provide benefit becomes obligatory, it becomes a right for those who receive that benefit.⁽³⁾

The effect of considering the objective (Worship and Drawing Closer to Allah), and the objective of (Zakâh Is a Financial Provision from the Wealthy to the Poor) in the Fiqh-based branches:

In this section, I will explain the disagreement among scholars on the primary intent of Zakâh - whether it is an act of worship or a financial obligation - and then I will clarify the Sharî'ah implications that arise from this disagreement. Afterward, I will mention some general effects.

First: Disagreement of the scholars concerning the prime objective of Zakâh

(1) *Al-Istislâm fî al-Khilâf bayna al-Imamayn Ash-Shâfi'î wa Abû Hanîfah*, Vol. 2, P. 54.

(2) *Ibid*, Vol. 2, P. 55.

(3) *Ibid*, Al-Sam'ânî says after presenting these proofs: "These are statements of utmost clarity, and they demonstrate that Zakâh is the right of the poor. It becomes a financial obligation due to ownership of wealth, and the financial obligations follow the ownership of wealth, just like other obligations."

There is no disagreement among scholars that Zakâh is an act of worship, but they have differed on what aspect dominates its legislation: Is it primarily for worship and drawing near to Allah, or is it primarily a financial obligation in the wealth of the rich for the benefit of those entitled to it?

Al-Tûfi says: “There is no doubt that both aspects are present in Zakâh. As for the aspect of worship, it is evidenced by the fact that intention is required. As for the aspect of financial support, it is because Allah has designated its recipients among the poor and other categories, as though He has obligated the rich to support the poor by the bond of Islam. Since Zakâh swings between worship and financial support, Abû Hanîfa emphasized its worship aspect, while others emphasized its financial support aspect.”⁽¹⁾

Their disagreement can be summarized in two views:

First opinion: Zakâh is purely an act of worship with a financial nature, but its primary aspect is worship, and the obligation stems from religious duty, and the obligation to perform it is from the address of Sharî‘ah responsibility (*khitâb al-taklîf*), which is the view of the Hanafites.⁽²⁾

And their statement clarifies that Zakâh became an act of worship through the intermediary of the poor person, who has a kind of entitlement to its allocation. That is because the one who gives makes the money given purely for Allah Almighty within the act of spending it on the needy so that it suffices him from Allah Almighty; thus, Zakâh is lesser than Prayer in degree because the purity in the former is greater than in the latter; for the meaning of worship in it is more complete, as it has become an act of worship. Allah said: **“And they were commanded not but to worship Allah, (being) sincere to Him in religion.”**⁽³⁾

And in their saying: “It is a matter of entitlement in spending,” there is a reference to denying the opinion of the majority who believe that the poor have a real entitlement to the money, to the extent that the money has become like a common property between him and the poor. They pointed out that it

(1) *Sharh Mukhtasar al-Rawdhah*, Vol. 1, 182.

(2) *Al-Mabsûṭ*, Vol. 2, P. 163, *Ru’ûs al-Masâ’il* by Al-Zamakhsharî, P. 208, *Badâ’i’ al-Şanâ’i’*, Vol. 2, Ps. 4-6; *Al-Bahr Al-Râ’iq*, Vol. 2, P. 217, and *Rad al-Muhtâr ‘alâ al-Durr al-Mukhtâr*, Vol. 2, P. 258.

(3) *Al-Bayyinah* (The Clear Evidence): 5.

is not truly his right, but he has the eligibility to be spent upon, and he is entitled to this amount from the owner of the money, meaning that if the owner intends to give, he must spend it on the poor to fulfill his need. It cannot be said that what necessitates spending it on him due to his poverty: 'the money is his right,' making it truly a right of his. For Allah Almighty is the Provider, and He is the one who commanded that this obligation be given to him; thus, the money does not become his right before it is given to him, nor does the Zakâh cease to be a purely dedicated act of worship."⁽¹⁾

They also argue that Zakâh is an act of worship dedicated to Allah Almighty from the beginning, and it was legislated to purify the soul by reducing wealth, since being self-sufficient with wealth is a cause of tyranny and leads to corruption. Allah says: "**No! (But) indeed, man transgresses. Because he sees himself self-sufficient.**"⁽²⁾ And transgress has an effect on deserving punishment in the Hereafter. Through Zakâh, one achieves self-discipline and refrains from transgress.⁽³⁾

Second opinion is that the dominant aspect of Zakâh is its status as a financial obligation, and the obligation to pay it is based on the Sharī'ah ruling, while the meaning of worship is a secondary aspect of it. This is the view of the *Mâlikites*⁽⁴⁾, *Shâfi'îs*⁽⁵⁾, and *Hanbalîs*⁽⁶⁾.

They explain their statement that Zakâh is a financial obligation imposed on the wealthy for the benefit of the poor due to the bond of Islam, in the form of mutual support. Since human nature tends towards stinginess and miserliness, the meaning of worship was established as a secondary aspect, and people were commanded to draw closer to Allah through Zakâh in order to hope for reward and hasten to fulfill the intended purpose.⁽⁷⁾

(1) *Kashf Al-Asrâr Sharh Usûl Al-Bazdawî*, Vol. 4, P. 137.

(2) *Al-'Alaq* (The Clot): 6-7.

(3) *Takhrij Al-Furû' 'alâ Al-Usûl* by Al-Zanjânî, Ps. 110-111.

(4) *Al-Dhakhîrah*, Vol. 12, P. 16.

(5) *Nihâyat Al-Matlab fî Dirâyat Al-Madhab*, Vol 3, P. 202, *Al-'Azîz Sharh Al-Wajîz*, Vol. 5, P. 521, Vol. 5, P. 531, and *Takhrij Al-Furû' 'alâ Al-Usûl* by Al-Zanjânî P. 110.

(6) *Al-Mughnî*, Vol 2, P. 509, *Al-Mubdî' fî Sharh Al-Muqni'*, Vol. 2, P. 293, and *Kashâf Al-Qinâ' 'an Matn Al-Iqnâ'*, Vol. 2, P. 265.

(7) *Ibrâz Al-Hukm min Hadîth Raf' Al-Qalam*, P. 84, and see: *Takhrij Al-Furû' 'alâ Al-Usûl* by Al-Zanjânî Ps. 110-111.

The basis of the disagreement between the two *Imâms* lies in whether the dominant aspect of Zakâh is worship or spending. Abû Hanîfah emphasized the aspect of worship, while the others emphasized the aspect of spending. They said that Allah Almighty imposed Zakâh on the wealth of the rich to suffice the needs of the poor, just as one is obligated to support his relatives. Zakâh, they argued, is not part of a command of direct obligation.⁽¹⁾

The Basis of disagreement between the majority and Abû Hanîfah

- 1- The swaying of Zakâh between being an act of worship like other acts of worship, or a financial obligation like other expenses. There is no doubt that it contains both aspects. As for the aspect of worship, it is indicated by the fact that intention (*niyyah*) is required for it. As for the aspect of financial obligation, it stems from the fact that Allah, the Exalted, has allocated its recipients to the poor, the needy, and other categories, as if He obligated the wealthy to provide for the poor due to the bond of Islam. If it is established that Zakâh swings between worship and financial obligation, Abû Hanîfah emphasized the worship aspect, while others emphasized the financial obligation aspect.⁽²⁾
- 2- **Their disagreement lies in whether Zakâh falls under the category of *khitâb al-wadh'* (a declarative command) or *khitâb al-taklîf* (a directive command).**

Giving priority to *khitâb al-wadh'* means that Zakâh should be treated like other financial obligations. On the other hand, giving priority to *khitâb al-taklîf* entails treating it as an act of worship, requiring intention and other similar conditions.

Al-Qarâfi says: 'According to the Hanafites, the command regarding Zakâh is a *khitâb al-taklîf* (directive command), while for us (Mâlikites), it is a *khitâb al-wadh'* (declarative command).'⁽³⁾ He then explains why intention is required, even though the command is considered declarative. He says: 'The declarative command can coexist with the directive command, where the lat-

(1) *Ibrâz Al-Hukm min Hadîth Raf' Al-Qalam*, P. 84.

(2) *Bidâyat Al-Mujtahid wa Nihâyat Al-Muqtasid*, Vo. 2, P. 5, *Tâkhrij Al-Furâ' 'ala Al-Usûl* by Al-Zanjânî, Ps. 110-111, *Sharh Mukhtasar Al-Rawdhah*, Ps.182-183, *Al-Ashbâh wa Al-Nazâ'ir* by Al-Subkî, Vol. 2, P. 267.

(3) *Al-Dhakhîrah*, Vol. 3, P. 52.

ter dominates, as in vows and expiations. In other cases, the declarative command may dominate, and the directive aspect becomes secondary. This is the case here, as indicated by the fact that it is taken from those who refuse to pay, even without intention.’⁽¹⁾

The Fiqh-based effects of the disagreement:

- 1- The dominant aspect. Prioritizing the concept of mutual support (*mu-wâsâh*) and viewing it as a financial obligation for the poor implies that the poor’s right should be the dominant concern, while the wealthy’s rights should be secondary. On the other hand, prioritizing the worship aspect leads to making the side of the wealthy the dominant, while the side of the poor is subdued.⁽²⁾
- 2- The requirement of obligation for Zakâh. The Hanafites held that such a requirement is necessary, emphasizing the aspect of worship. Therefore, Zakâh is only obligatory for those who are eligible for Sharî’ah responsibility. The majority, however, argued that it is not required, emphasizing the financial support aspect and viewing Zakâh as an expense like other financial obligations.

The most prominent issue related to this is the matter of Zakâh for a child and an insane person. The Hanafites ruled that Zakâh is not obligatory on them except in what comes from the land (agricultural produce), due to their lack of Sharî’ah responsibility, similar to Prayer, while the majority disagreed. Ibn Rushd said: “The reason for their disagreement over whether Zakâh is obligatory on them or not is due to their differing understanding of the Sharî’ah concept of Zakâh: Is it an act of worship like Prayer and Fasting, or is it a financial right owed to the poor by the wealthy? Those who say it is worship require maturity, while those who say it is a right owed to the poor and needy from the wealth of the rich do not consider maturity a condition.”

The majority held that the obligation of Zakâh and fines on one’s wealth is not from the category of Sharî’ah accountability in terms of being directly addressed by it, but rather it is tied to the causes that trigger the rulings. For example, if an animal destroys a crop at night or during the day due to the owner’s negligence, or in other cases where animals cause damage, the

(1) Ibid.

(2) *Al-Ashbâh wa Al-Nazâ’ir* by Al-Subkî, Vol. 2, P. 267.

owner is responsible for compensating, even though the animal is not legally accountable or obligated, by Consensus. This is how Zakâh differs from Prayer and Fasting according to them (the majority), because Prayer and Fasting are bodily acts, and a child's ability to perform them is weak, and the insane person cannot form the necessary intention for them. However, Zakâh is a right attached to wealth, so it is similar to the obligation of financial support for relatives and wives, blood money for injuries, and compensation for damages.

- 3- Zakâh being waived if the one who owes to pay it dies after a full year has passed over his wealth without making a will (according to the Hanafites). This is because the obligation upon him was to give Zakâh out of his own free will and intention, as it is an act of worship, and acts of worship cannot be performed without free will and intention. The majority, however, did not consider it waived giving preference to it being a financial obligation, similar to other dues, expenditures, and debts that do not lapse upon death.⁽¹⁾ There is a disagreement among scholars regarding whether the heirs are required to pay it or not. The *Shâfi'is* and *Hanbalis* ruled that it must be paid from the principal,⁽²⁾ likening it to a debt, the *Mâlikites* treated it as a form of wills; if the deceased made a will for its payment, it should be taken from one-third of the inheritance. However, if no will was made, the heirs are not obligated to pay it, though it is recommended (3). @@ They classified it as a type of will for another reason: the suspicion that the owner might intend to benefit from their wealth and avoid payment during their lifetime. If it were taken from the principal, anyone wishing to disadvantage their heirs could simply claim that Zakâh is due on their inheritance.”⁽³⁾
- 4- The interruption of the Zakâh due to the death of the payer during the Zakâh cycle, according to the Hanafites,⁽⁴⁾ is also based on giving preference to the element of worship. They consider the aspect of the

(1) *Bidâyat al-Mujtahid wa Nihayât al-Muqtasid*, Vol. 4, P. 122, *Al-Hâwî al-Kabîr*, Vol 3, P. 367, *Kashshâf al-Qinâ` 'alâ Matn al-Iqnâ`*, Vol. 2, P. 182, *Al-Sharh al-Kabîr 'alâ al-Muqni`*, Vol. 6, P. 384.

(2) *Al-Wasît fi al-Madhhab*, Vol. 2, P. 434, *Al-Majmû` Sharh al-Muhadhdhab*, Vol. 5, P. 363, *Al-Sharh al-Kabîr 'alâ al-Muqni`*, Vol. 6, P. 384.

(3) *Al-Ishrâf 'alâ Nukat Masâ'il al-Khilâf*, Vol. 1, P. 418.

(4) *Badâ'i` al-Sanâ'i`*, Vol. 2, P. 53.

payer (the owner), and since his ownership ceases upon his death, the Zakâh cycle is interrupted.⁽¹⁾ This is also the opinion of the *Mâlikites*⁽²⁾ and *Hanbalîs*,⁽³⁾ and the most correct view among the *Shafi'îs*.⁽⁴⁾

However, the *Shafi'îs*, in another view, ruled that the cycle does not break.⁽⁵⁾ Instead, the heir continues the Zakâh cycle of the deceased because Zakâh is not a purely religious act but is mainly considered a financial obligation related to ownership. Ownership remains, as the heir inherits the same property the deceased owned.⁽⁶⁾

- 5- In his new opinion, Ash-Shâfi'î held that debt has no effect on the debtor in absolute terms. One of the considerations in this matter is giving preference to the element of worship, as the condition of accountability exists regardless of whether there is debt or not. Moreover, there are two competing rights: the right of Allah and the right of the human being, and the right of Allah is worthier of being fulfilled.⁽⁷⁾

And the majority went to the effect of debt on him⁽⁸⁾; and among what they mentioned in the reasoning for this is the predominance of the financial right, so if it is so, the right of the creditor takes precedence in time over the right of the needy, and in reality, it is the creditor's money, not the money in his possession.⁽⁹⁾

- 6- The obligation of Zakâh on jewelry according to the Hanafites; because

(1) Ibid.

(2) *Bulghat al-Sâlik li-Aqrab al-Masâlik*, Vol. 1, P. 607.

(3) *Al-Insâf fi Ma'rifat al-Râjih min al-Khilaf*, Vol. 4, P. 228.

(4) *Al-Muhadhdhab fi Fiqh al-Imâm al-Shâfi'î*, Vol. 1, P. 265, *Al-Wasît fi al-Madhdhab*, Vol. 2, P. 434, *Al-Majmû' Sharh al-Muhadhdhab*, Vol. 5, P. 363.

(5) Ibid.

(6) *Al-Muhadhdhab fi Fiqh al-Imâm al-Shâfi'î*, Vol. 1, P. 265.

(7) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 7; *Takhrij al-Furû' 'alâ al-Uṣûl* by Al-Zanjânî, P. 113; *Al-Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 269.

(8) Here is a disagreement among them: the *Hanafîs* consider the debt's effect on all types of wealth except for 'Ushr-based wealth. See: *Badâ'i al-Ṣanâ'i fi Tartīb al-Sharâ'i*, Vol. 2, P. 6. The *Mâlikîs* believe it affects hidden wealth, not apparent wealth, such as livestock, crops, and fruits. *Al-Sharḥ al-Kabîr*, Vol. 1, P. 480. The well-known opinion from the *Hanbalî* School is that it affects all types of Zakâh wealth. See: *Kashshâf al-Qinâ*, Vol. 4, P. 324.

(9) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 7, *Takhrij al-Furû' 'alâ al-Uṣûl* by al-Zanjânî, P. 113, and *Al-Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 268.

the need for adornment does not prevent falling into transgress, and the need for adornment is not considered by the legislator, and because jewelry is surplus wealth from basic need, as preparing for adornment and beautification is evidence of surplus from basic need; thus it is a blessing, and its thanks should be shown by giving a portion of it to the poor.⁽¹⁾ And the majority went to the non-obligation of Zakâh on it; because financial assistance (*mûwâsâh*) with wealth relates to what exceeds the need, and jewelry is among the owner's needs, and obligating Zakâh on it nullifies the meaning of financial assistance; there is no financial assistance with need.⁽²⁾

- 7- The obligation of Zakâh on acquired wealth⁽³⁾ during the year when the owner's Zakâh year completes without initiating a new Zakâh year for it, according to the Hanafites; fulfilling the meaning of trial and testing in worships.⁽⁴⁾ The majority went to the non-obligation of Zakâh on acquired wealth during the Zakâh year, but rather what is owned during the year is given a new Zakâh year, fulfilling the meaning of ease for the owner in financial obligations; as the obligation in the matter of financial obligations relates only to what exceeds types of needs and essential matters, in a way that facilitates and makes things easy, estimated according to necessity, and obligating performance before the possibility of growth is hardship and difficulty.⁽⁵⁾
- 8- The addition of one type of currency to another in the **Hanafite** school: This is to achieve the meaning of trial and examination and to emphasize the element of worship in Zakâh.⁽⁶⁾ However, the Shâfi'î School opposed this addition, following the principle of ease in financial obligations and expenditures. Adding the value together introduces diffi-

(1) *Badâ'i' al-Şanâ'i'*, Vol. 2, P. 17, *Takhrîj al-Furû' 'alâ al-Uşûl* by al-Zanjânî, P. 114, and *Al-Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 269.

(2) *Takhrîj al-Furû' 'alâ al-Uşûl* by al-Zanjânî, P. 114, and *Al-Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 269, *Asnâ al-Maţâlib fî Sharḥ Rawḍ al-Ṭâlib*, Vol. 1, P. 377.

(3) Refers to the wealth that is newly acquired, provided that it is not a product or profit of the same type of wealth he already possesses. In this type, jurists agree that there is no need to start a new Zakâh cycle for it.

(4) *Takhrîj al-Furû' 'alâ al-Uşûl* by al-Zanjânî, P. 114, and *Badâ'i' al-Şanâ'i'*, Vol. 2, P. 13.

(5) Ibid.

(6) *Takhrîj al-Furû' 'alâ al-Uşûl* by Al-Zanjânî, P. 115, and *Badâ'i' al-Sanâ'i'*, Vol. 2, P. 19.

culty and hardship.⁽¹⁾

- 9- The lack of effect of partnership in Zakâh in the Hanafite school: This is because Zakâh is an act of worship and is an obligation on the wealthy. The essential aspect is the person performing the worship, who must be wealthy with a full *Nisâb* (minimum amount determining a person's zakatability). If the person is not wealthy and does not own the *Nisâb*, they are not eligible for this act of worship.⁽²⁾

The majority's opinion on the effect of partnership in Zakâh:

The majority of scholars held that partnership does have an impact, and that it makes the two sums of money as one, based on the notion that Zakâh is primarily a financial obligation. The key element is the wealth itself, not the owner, and because partnership has an effect in reducing the financial burden.⁽³⁾

- 10- The rules of Zakâh on crops and Fruits: Those who emphasize the aspect of worship believe that the rules of Zakâh on crops and fruits do not differ from the other rules and conditions of Zakâh, such as the requirement of accountability and the minimum *Nisâb*.⁽⁴⁾ However, those who emphasize the financial aspect in its rulings consider this the primary objective, and thus they compare it to land tax, where it is considered an obligation on the land. They do not require accountability, specification of the owner, or *Nisâb* for its obligation.⁽⁵⁾

Regarding the verse: "***O you who believe, spend from the good things you have earned and from what We have produced for you from the earth***",⁽⁶⁾ Al-Kâsanî says: "In this verse, there is an indication that the poor have a right to what is produced from the earth, as the production is attributed to everyone; this indicates that the poor have a right in it just as the wealthy do. This shows

(1) *Takhrîj al-Furû` 'alâ al-Usûl* by Al-Zanjânî, P. 115, and *Badâ'i` al-Sanâ'i`*, Vol. 2, P. 19, and *Al-Hâwî al-Kabîr*, Vol. 3, P. 269.

(2) *Al-Muhîr al-Burhanî fî al-Fiqh al-Nu`mânî*, Vol. 2, P. 302, *Takhrîj al-Furû` 'alâ al-Usûl* by Al-Zanjânî, P. 115, and *Al-Ashbâh wa al-Nazâ'ir* by Al-Subkî, Vol. 2, P. 269.

(3) *Takhrîj al-Furû` 'alâ al-Usûl* by Al-Zanjânî, P. 115, *Al-Ashbâh wa al-Nazâ'ir* by Al-Subkî, Vol. 2, P. 269, *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 3, P. 146, and *Al-Mughnî*, Vol. 2, P. 455.

(4) *Badâ'i` al-Sanâ'i`*, Vol. 2, P. 59, *Kashf al-Asrâr Sharh Usûl al-Bazdawî*, Vol. 4, P. 242.

(5) *Al-Mabsût*, Vol. 3, P. 2, *Kashf al-Asrâr Sharh Usûl al-Bazdawî*, Vol. 4, P. 242.

(6) *Al-Baqarah* (The Cow): 267.

that the tithe is a right for the poor, and then the amount of this right was determined by the Sunnah”.⁽¹⁾

- 11- The obligation of the tithe on all produce from the land: Abû Hanîfah held that the tithe is obligatory on everything produced from the land, including crops and fruits, emphasizing the aspect of worship and considering it a test and trial.⁽²⁾

The Shâfi‘î School, on the other hand, ruled that the tithe is not obligatory except on essential foodstuffs, prioritizing the idea of fulfilling needs. They believe that Zakâh was legislated to alleviate necessities, which are linked to essential food items, and therefore should apply to the most essential types of sustenance, excluding vegetables and legumes.⁽³⁾

- 12- The requirement of intention in paying Zakâh: The majority of scholars hold that Zakâh is only valid if there is an intention, as it is an act of worship, and intention is required for it, just as it is for Fasting, Prayer, and other acts of worship.⁽⁴⁾

However, some scholars argued that intention is not necessary, emphasizing the financial aspect of Zakâh. Al-Awzâ‘î held that Zakâh does not require intention because, once it becomes obligatory, it is considered a debt owed, and debts do not require intention to be repaid, like debts owed to humans.⁽⁵⁾ Similarly, Ash-Shâfi‘î ruled that intention is not required when the governor forcibly collects the Zakâh, as the governor’s collection is akin to the division of shares among partners, which does not require intention.⁽⁶⁾

Ibn Mayârah Al-Mâlikî said: “Actions fall into three categories:

First: purely acts of worship, like Prayer, for which there is consensus on the necessity of intention. Second: its opposite, like repaying debts, returning deposits, and restoring seized property, for which there is consensus that intention is not required. Third: what combines both aspects, like Zakâh, because

(1) *Badâ‘i’ al-Sanâ‘i’* (2/54).

(2) *Takhrîj al-Furû‘ ‘alâ al-Usûl* by Al-Zanjânî, P. 116.

(3) *Takhrîj al-Furû‘ ‘alâ al-Usûl* by Al-Zanjânî, P. 116, *Al-Hâwî al-Kabîr* Vol. 3, P. 239.

(4) *Badâ‘i’ al-Sanâ‘i’* Vol. 2, P. 40, *Jâm’ al-Ummahat* P. 166, *Al-Hâwî al-Kabîr* Vol. 3, P. 178, *Al-Mughnî*, Vol. 2, P. 478.

(5) *Al-Hâwî al-Kabîr*, Vol. 3, P. 178, *Al-Bayan fî Madhhab al-Imâm al-Shâfi‘î*, Vol. 3, P. 399.

(6) *Al-Bayan fî Madhhab al-Imâm al-Shâfi‘î*, Vol. 3, P. 403.

its meaning is logical, as it is meant to assist the poor and the other categories. However, the fact that it is obligatory in a specific amount whose reasoning is not entirely understood... led to a difference of opinion on whether intention is required.”⁽¹⁾

- 13- The condition of ability to pay for the obligation of Zakâh according to a group of scholars: If a person obligated to pay Zakâh delays it and is unable to perform the payment, and then the wealth is lost, the obligation of Zakâh is lifted from them, as the aspect of worship is prioritized. Since Zakâh is an act of worship, the ability to perform it is a condition for its obligation, just like other acts of worship.⁽²⁾

However, the majority of scholars ruled that the ability to perform is not a condition. Zakâh becomes obligatory upon the owner once a full year has passed, even if they are unable to pay. If they delay payment and the wealth is lost, they are held responsible, even if they were unable to make the payment.

Their reasoning is based on prioritizing the financial aspect of Zakâh. Once a full year has passed, the Zakâh becomes a liability, like a debt. It cannot be compared to other acts of worship, as those are physical acts that one is required to perform with their body, and if they are unable to do so, the obligation is lifted. However, Zakâh is a financial obligation, where the poor can have a share in the wealth of the owner, and the obligation remains in the person's liability, even if they are unable to pay. This is similar to how debts remain in the liability of an insolvent person and are attached to their wealth due to their actions.⁽³⁾

- 14- People are not to be sworn in regarding their charity according to a group of scholars, prioritizing the aspect of worship. Ibn Qudâmah said: “Ahmad stated in the narration of Sâleh: ‘People should not be sworn in regarding their charity.’ This implies that it is neither obligatory nor

(1) *Al-Durr al-Thamîn wa al-Mawrid al-Ma'in*, P. 151. Ibn Al-Hâjib Al-Mâlikî said: "There is consensus on the obligation of intention in acts of pure worship, and on the non-obligation of intention in matters purely of a non-worship nature, like debts, deposits, and usurpations. There is a difference of opinion regarding those with dual aspects, such as purification and Zakâh, and the dominant opinion is that they require intention." See: *Jâmi' al-Ummahât*, P. 166.

(2) *Al-Sharh Al-Kabîr* by Sheikh Al-Dardîr, Vol. 1, P. 503.

(3) *Al-Mughnî*, Vol. 2, P. 508.

recommended to take an oath because Zakâh is an act of worship, so the word of the person upon whom it is due is accepted without an oath such as Prayer and expiations.”⁽¹⁾

Some scholars permitted taking an oath in matters related to Zakâh, analogizing it to other debts.⁽²⁾

- 15- That Zakâh is dropped from an apostate if they apostatize after the passage of a full year according to the Hanafites⁽³⁾ and Mâlikites⁽⁴⁾, because the apostate is no longer considered among those obligated to perform acts of worship, and thus, Zakâh is no longer obligatory upon them due to their apostasy. Additionally, intention is a condition for Zakâh, just as it is for prayer.⁽⁵⁾ However, the *Shâfi'îs* and *Hanbalîs* ruled that Zakâh is not dropped due to apostasy, as Zakâh is a financial right and does not cease with apostasy, similar to debt.⁽⁶⁾
- 16- The prohibition of paying Zakâh before the completion of a full year according to Mâlik: Mâlik prohibits the early payment of Zakâh before a full year has passed, prioritizing the worship aspect and considering financial worship in the same category as physical worship, as paying Zakâh before the time is akin to performing worship before its designated time, which is not valid.⁽⁷⁾ However, the majority of scholars allowed early payment, viewing Zakâh as a financial right, permitting its early payment by analogy to other deferred financial obligations, as any financial right that becomes due after a period can be paid in advance, like deferred debts. Because deferment is only established as a leniency for the one upon whom the obligation falls, if they choose not to avail themselves of this leniency and instead discharge the obligation before its due time, they have waived their own right, and this benefits the one entitled to the right, thus the early payment should be deemed valid.⁽⁸⁾

(1) Al-Mughnî, Vol. 2, P. 470.

(2) Al-Binâyah Sharh Al-Hidâyah, Vol. 3, P. 391.

(3) Badâ'i' Al-Sanâ'i', Vol. 2, P. 52.

(4) Mawâhib Al-Jalîl fî Sharh Mukhtasar Khalîl, Vol. 2, P. 372.

(5) Badâ'i' Al-Sanâ'i', Vol. 2, P. 52.

(6) Asnâ Al-Matâlib fî Sharh Rawdh Al-Tâlib, Vol. 1, P. 338, Al-Mughnî, Vol. 3, P. 74.

(7) Bidâyat Al-Mujtahid wa Nihâyat Al-Muqtasid, Vol. 2, P. 36.

(8) Al-Mabsût, Vol. 2, P. 177; Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid, Vol. 2, P. 36; Al-Hâwî al-Kabîr, Vol. 3, P. 161.

- 17- If one gives Zakâh to someone they believe to be poor, but later it is revealed that the person was wealthy, and the giver made a diligent effort to verify the recipient's need at the time of payment, it suffices according to Abû Hanifah, Mâlik, and the early opinion of Ash-Shâfi'î, and this is one narration from Ah̥mad. This is because Zakâh is an act of worship, and it is compared to prayer in the direction opposite to the *Qibla*.⁽¹⁾ However, the Mâlikites, the later opinion of Ash-Shâfi'î, and another narration from Ah̥mad hold that it does not suffice, as Zakâh is a financial right. Mistakes in discharging financial obligations to those who are not deserving do not absolve one of the obligation, just as returning deposits to the wrong owners or paying debts to the wrong creditors does not discharge the responsibility.⁽²⁾
- 18- If Zakâh is paid in advance and the wealth later decreases below the *Nisâb (minimum amount determining a person's zakatability)*, the amount is not to be reclaimed from the poor, according to the Hanafites. This ruling prioritizes the worship aspect of Zakâh. They argue that the one who gives charity offers it solely for the sake of Allah, then distributes it to the poor to provide for their needs, as ordained by Allah. Once it reaches the hands of the poor, the giver has no right to reclaim it.⁽³⁾

However, the *Shâfi'îs* and *Hanbalîs* hold that it is permissible to reclaim the amount from the poor in such a situation, emphasizing the financial aspect. They argue that the payment was made in anticipation of a liability that would have been fully established. If a circumstance arises that prevents the liability from being finalized, the right to reclaim the amount is valid, just as if rent had been paid in advance and the property was destroyed before the rental period ended. Additionally, the poor person acquired ownership while the wealth was incomplete, so the resulting deficiency is their responsibility, akin to a buyer finding a defect in a purchased item.⁽⁴⁾

- 19- The consideration of paying Zakâh is directed to the person not the

(1) *Al-Amwâl* by Abû 'Ubayd, P. 716; *Al-Ikhtiyâr li Ta'îl al-Mukhtâr*, Vol. 1, P. 122; *Al-Hâwî al-Kabîr*, Vol. 10, P. 520; *Al-Mughnî*, Vol. 2, P. 498.

(2) *Al-Amwâl* by Abu 'Ubayd, P. 716; *Al-Sharh al-Kabîr* by Sheikh al-Dardîr and *Hâshiyat al-Dasouqî*, Vol. 1, P. 501; *Al-Hâwî al-Kabîr*, Vol. 10, P. 520; *Al-Mughnî*, Vol. 2, P. 498.

(3) *Al-Mabsûṭ*, Vol. 2, P. 178.

(4) *Al-Majmû' Sharh al-Muhadhab*, Vol. 6, P. 149; *Al-Mughnî*, Vol. 2, P. 476.

money according to some scholars, prioritizing the worship aspect and the obligation of Zakâh upon the individual. They argue that it is the person who is commanded to discharge Zakâh, and the wealth is merely incidental to this obligation. Thus, the ruling should follow the person who is obligated.⁽¹⁾

However, others hold that the place of the wealth is what matters, prioritizing the financial nature of Zakâh. Imam Aḥmad, in a narration by Muḥammad Ibn al-Ḥakam, said: "If a man is in one country and his wealth in another, it is preferable that Zakâh is paid where the wealth is located".⁽²⁾

20- If a person wants to avoid paying Zakâh before the completion of the year, Zakâh will not be dropped from him; because Zakâh is an act of worship, and trying to avoid paying it contradicts the intention of worship and the purification of the soul through its performing Zakâh. Muḥammad and Abû Yûsuf said: "Zakâh is a pure act of worship, and evading it is not characteristic of believers."⁽³⁾ Some view that this is allowed, giving priority to the financial side of it, because it decreased before the completion of the year, then Zakâh is not due on it, such as if he spent it for his need.⁽⁴⁾

21- Zakâh is not obligatory on stolen property or lost money according to the Hanafite School⁽⁵⁾ (and this is also true according to one narration among the *Hanbalîs*)⁽⁶⁾; this is due to the aspect of worship involved, because this money cannot be a reason for transgression because the owner does not possess it anymore; and since the owner cannot benefit from the money, he is not considered wealthy, and thus there is no Zakâh due on the unwealthy.⁽⁷⁾

And the *Shâfi'îs* (in the stronger opinion)⁽⁸⁾ and a narration among the *Hanbalîs*⁽⁹⁾ are of the view that it is obligatory; because Zakâh is a function of ownership, and ownership exists, so Zakâh must be paid on it. Additionally, it

(1) *Tafsîr al-Qurtubî*, Vol. 8, P. 176.

(2) *Al-Mughnî*, Vol. 2, P. 502.

(3) *Al-Mabsût*, Vol. 2, P. 166.

(4) *Al-Mughnî*, Vol. 2, P. 504.

(5) *Badâ'i' al-Sanâ'i'*, Vol. 2, P. 9.

(6) *Al-Mughnî*, Vol. 3, P. 72.

(7) *Al-Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 268, *Badâ'i' al-Sanâ'i'*, Vol. 2, P. 9.

(8) *Al-Bayân fî Madhhab al-Imâm al-Shâfi'î*, Vol. 3, P. 144.

(9) *Al-Mughnî*, Vol. 3, P. 72.

is his money that he can claim, and those who have it in their possession are compelled to return it, just as if it were in the hands of his agent.⁽¹⁾

- 22- Zakâh cannot be forcibly taken from someone who refuses to pay it; and if it is taken this way, it is not valid according to the Hanafite School; because it is an act of worship, and the performance must be done by the person of their own choice to realize the meaning of worship. Furthermore, it is an act of worship that cannot be validly performed without intention, and under coercion, the intention cannot be validly made.⁽²⁾

Abû al-Khattâb and Ibn Aqîl chose that it is not valid in what is between him and Allah except by the intention of the property owner. However, the ruler has the right to take it from him forcibly; because Zakâh is an act of worship that requires intention, and it does not valid from someone who is obliged to pay it without intention. However, the person is compelled to give it even though it is not accepted (by Allah) out of working according the evident knowledge of Islam. The same thing is true with Prayer, as the person is forced to pray it according to well-known way of performing prayer, but if he prays without intention, it will not be accepted by Allah.”⁽³⁾

Mâlik and Ash-Shâfi‘î held the view that it should be taken from him by force because it is a financial right that must be fulfilled. Whether there is incapacity or ability, it should be enforced if the person refuses, just like debts owed to people. Moreover, it is a right attached to specific property for which the ruler is entrusted with its collection, and he must compel the person who refuses to pay, as is done with cases of usurpation and theft. Since the Imam or the ruler is authorized to collect it through demand and pressure, he can also take it by force, just like the rights of others.⁽⁴⁾

Some Mâlikî scholars also viewed that if the money is not available and the person is known to be withholding Zakâh, he can be imprisoned because it is a right related to others, similar to debts.⁽⁵⁾

(1) *Al-Bayân fî Madhhab al-Imâm al-Shâfi‘î*, Vol. 3, P. 144.

(2) *Tuhfat al-Fuqahâ*, Vol. 1, P. 312.

(3) *Al-Mughnî*, Vol. 2, P. 478.

(4) *Al-Muntaqa Sharh al-Muwatta*, Vol. 2, P. 94; *Al-Ishraf ‘Alâ Nukat Masâ’il al-Khilâf*, Vol. 1, P. 390; *Al-Hâwî al-Kabîr*, Vol. 3, P. 185; *Al-Mughnî*, Vol. 2, P. 478.

(5) *Al-Muntaqa Sharh al-Muwatta*, Vol. 2, P. 94.

However, they did not ignore the element of worship entirely. They believed that the ruler's intention in this case stands in place of the intention of the one from whom it was taken, similar to the Zakâh of minors and the insane, where the guardian's intention substitutes for theirs.⁽¹⁾

- 23- The matter of guaranteeing the Zakâh on behalf of others: The *Shâfi'îs* differed on this. Some held that it is impermissible, emphasizing that it is a right owed to Allah,⁽²⁾ while others allowed it by analogy to debts.⁽³⁾
- 24- Ignorance of the obligation of Zakâh nullifies it according to some Hanafites, because it is a form of worship, and the obligation of worships depends on the individual being reached by the Sharî'ah. Just as the people of *Qubâ'* were praying towards Jerusalem after the *Qiblah* was changed to the *Ka'bah*, and it was permitted for them because they were unaware, so too does this apply to Zakâh if its obligation is unknown.⁽⁴⁾ However, the *Shâfi'îs* and some Hanafites held that ignorance does not nullify it, because a due right cannot be voided after its cause is confirmed, as it is the case with other rights.⁽⁵⁾
- 25- The majority of scholars prohibited paying the value of Zakâh instead of its specified form,⁽⁶⁾ because if someone does so, they would be performing the act of worship in a manner not prescribed, rendering it invalid.⁽⁷⁾

Al-Ghazâlî says: "One should not forget the more subtle of the two meanings, which is worship and servitude due to the loftiness of both; perhaps the subtle is more important. Zakâh falls under this category, and no one paid attention to it except Ash-Shâfi'î. The portion intended for the poor is obvious and clear, addressing their need, and is immediately understood. But the right of worship in adhering to its details is intended by the Sharî'ah, and because of

(1) *Kashshâf al-Qinâ' 'An Matn al-Iqnâ'*, Vol. 2, P. 261.

(2) *Bahr al-Madhhab*, Vol. 3, P. 195.

(3) *Ibid*, Vol. 3, P. 195.

(4) *Al-Mabsût*, Vol. 2, P. 181; *Al-Majmû' Sharh al-Muhadhdhab*, Vol. 5, P. 337.

(5) *Ibid*.

(6) *Ahkâm al-Qur'an by Ibn al-'Arabî*, Vol. 2, P. 520; *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 30; *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 3, P. 202; *Al-Mughnî*, Vol. 3, P. 88.

(7) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 30.

this, Zakâh is linked with prayer and Hajj as one of the pillars of Islam.⁽¹⁾

Hanafites permit paying Zakâh in value (monetary form), favoring the aspect of financial support, as the primary goal of Zakâh is to fulfill the needs of the poor. This can be achieved by paying the value (in money), just as it is achieved by giving tangible items, making no difference as long as the poor's need is met.⁽²⁾

- 26- If he paid before the arrival of the collector, it is not considered valid, and Zakâh will still be collected from the individual according to the Hanafites. This is because Zakâh is a pure right for Allah, and it is collected only by those designated as deputies to collect Allah's rights, namely the Imam (the ruler). Therefore, one's responsibility is not lifted unless the Zakâh is delivered to him. Ash-Shâfi'î, however, holds that it is valid in such cases because Zakâh is fundamentally for the right of the poor. Allah the Almighty said: "*Charity is only for the poor...*",⁽³⁾ and when the right reaches its rightful recipient, and the recipient is eligible, the payer's obligation is fulfilled.⁽⁴⁾

Fiqh-based effects of considering the objective of worship in Zakâh:⁽⁵⁾

- 1- Delegating the payment of Zakâh on hidden wealth to the owner of the wealth, according to the consensus of scholars, considering the element of worship in Zakâh; because Muslims are entrusted with it just as they are entrusted with Prayer.⁽⁶⁾
- 2- The obligation to pay Zakâh immediately according to the majority view, because it is a recurring act of worship, and it is not permissible to delay it to the time when a similar obligation becomes due, such as Prayer and Fasting.⁽⁷⁾
- 3- The intention must be considered in delegating the payment of Zakâh

(1) *Ihyâ' 'Ulûm al-Dîn*, Vol. 1, P. 212.

(2) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 30.

(3) *At-Tawbah* (Repentance): 60.

(4) *Al-Mabsût*, Vol. 2, P. 161.

(5) I will present here some jurisprudential effects of considering the intention of worship. As for what has been previously mentioned, it pertains to the disagreement between the majority and Abû Hanîfah on whether Zakâh is a form of assistance to the poor or a purely financial right.

(6) *Al-Amwâl* by Abû Ubayd, P. 684.

(7) *Al-Mughnî*, Vol. 2, P. 510.

because Zakâh is an act of worship, and thus requires an intention when delegating it, like other acts of worship. The intention is valid either when handing it to the delegate or when the delegate delivers it.⁽¹⁾

- 4- It is required that the delegate for Zakâh be a trustworthy Muslim, as it is an act of worship, and a non-Muslim is not qualified for it. Additionally, an untrustworthy person cannot be relied upon for it.⁽²⁾
- 5- Zakâh is not valid if the intention is made by the Imam alone without the owner of the wealth, or if neither the Imam nor the owner of the wealth has the intention; due to the lack of the considered intention.⁽³⁾
- 6- Mâlik disliked that a man gives his obligatory charity to his relatives; lest he be repaid with praise and gratitude, and so that he does not show his favor upon them and be rewarded for it, hence it would not be purely for the sake of Allah.⁽⁴⁾
- 7- Mâlik preferred that a man gives his charity to others if the Imam is not trustworthy; so that he does not suffer from boasting, thanks, and praise, or be rewarded with service from the recipient.⁽⁵⁾
- 8- What is taken from the charity of *Banû Taghlib* should be treated like *jizyah*, even if it is called charity; because charity is what is given to seek closeness to Allah, and they are not deserving of this closeness. It is a *Jizyah* in essence, and the definition of *Jizyah* is that it is a form of payment taken as a punishment for disbelief, which is lessened upon conversion to Islam, thus it should be placed in the position of *jizyah*.⁽⁶⁾
- 9- Prohibition on purchasing what one has given in Zakâh. This will help bringing complete purification through the complete severance between the Zakâh giver and that wealth; Ibn Al-Qayyim explained the reason for this prohibition: "Cutting off one's desire to return to anything given for Allah's sake by any means, for whenever the soul desires a return in any form, it reattaches to what is given. Hence, it was cut off

(1) *Al-Jawharah Al-Nayyirah alâ Mukhtasar Al-Qudûrî*, Vol. 1, P. 115, *Al-Muhadhdhab fî fiqh al-Imâm al-Shâfi'i*, Vol. 1, P. 308.

(2) *Ibid*, Vol. 2, P. 261.

(3) *Kashâf al-Qinâ' 'Alâ Matin al-Iqnâ'*, Vol. 2, P. 261.

(4) *Tafsîr al-Qurtubî*, Vol. 3, P. 312.

(5) *Ibid*.

(6) *Al-Mabsût*, Vol. 2, P. 179.

from its desire to return, even through the price, to purify the giving for Allah. This is characteristic of noble souls and high ambitions; when they give, they do not allow a return in any form, neither through purchase nor anything else. It is considered lowly to do so; that is why the Prophet (peace and blessings of Allah be upon him) refused to return a gift after it had been given, for he deemed it lowly and unworthy to cling to what was left over, fearing to lose it. That is why he prohibited those who migrated from returning to their homeland, even if it later became a land of Islam, as he prohibited the immigrants after the conquest from staying in Mecca for more than three days, because they had left their homes for Allah's sake; hence they should not return to anything they abandoned for Allah's sake, even if the reason for leaving has been removed".⁽¹⁾

- 10- It is not permissible to give Zakâh to the debtor according to the majority of scholars;⁽²⁾ because the payment is generally aimed at reviving his wealth or settling his debt, while Zakâh is a right of Allah, and it is not permissible to direct it for his benefit.⁽³⁾

Just as this wealth is not available, having exited from the hands of its owner in the form of a loan or debt, then he wants to transfer it - in a twisted manner - to someone else without intention. This is not permissible in dealings between people, even until he receives that debt, and then he can start the other direction. How can it be permissible in dealings between the servants and Allah?⁽⁴⁾

Fiqh-based effects of considering the objective of Zakâh being a Financial Provision:

1- Utilizing public interest in its rulings:

An example of this is Imam Mâlik's differentiation between a trader who manages and a monopolist. He deemed that the managing trader-who frequently buys and sells and cannot accurately track his transactions-must pay Zakâh annually. In contrast, the monopolist-who purchases goods and waits

(1) *A 'lâm al-Muwaqqi`in*, Vol. 5, P. 273.

(2) *Hâshiyat Ibn 'Abidin*, Vol. 2, P. 271; *Al-Mudawwanah*, Vol. 1, P. 347; *Al-Majmû`*, Vol. 6, P. 210; *Al-Mughnî*, Vol. 2, P. 487.

(3) *Al-Mughnî*, 487/2.

(4) *Al-Amwâl li Abû 'Ubayd*, P. 533.

for their price to rise-only owes one Zakâh when he sells.⁽¹⁾

Ibn Rushd states regarding this differentiation: "This is because it is like a universal custom established through reasoning, which does not rely on a text in the law except for what is understood from the general benefit it provides. Imam Mâlik considers these benefits even if they are not derived from explicitly stated principles."⁽²⁾

- 2- Prioritizing the financial aspect leads to considering the welfare of the owner, as obligations in the realm of expenses and necessities pertain to the surplus of needs and important matters in a manner that is easy and convenient, measured according to necessity. Conversely, emphasizing the aspect of worship implies the presence of trial and examination, with no requirement for ease in all branches; one of the main objectives of worship is to test and challenge the obligated individual.⁽³⁾
- 3- That prioritizing the financial need aspect entails considering the wealth primarily, and then the owner.⁽⁴⁾
- 4- That Zakâh does not lapse due to the passage of time; because it is a financial right, and rights do not lapse over time.⁽⁵⁾
- 5- The permissibility of delegating the payment of Zakâh; because it is a financial right, it is permissible to appoint someone for its payment like the debts of people.⁽⁶⁾ It is stated in *Kashâf al-Qinâ* : "And there is no harm in delegating its payment (i.e., Zakâh); because it is purely a financial act of worship, like the distribution of vows, expiations, and the sacrifice of the *udhiyah*."⁽⁷⁾
- 6- That Zakâh does not cease to be obligatory due to the destruction of the required wealth, whether one can perform it or not, and this is the opinion of Ash-Shâfi'î in the new (*madhhab*), and it is the well-known

(1) *Al-Muqaddimât al-Mumahhadât*, 285/1.

(2) *Bidâyat al-Mujtahid wa Nihâyat al-Muqasid*, Vol. 2, P. 31.

(3) *Takhrîj al-Furû* ' *alâ al-Usûl* by Al-Zanjânî, P. 114.

(4) *Ashbâh wa al-Nazâ'ir* by al-Subkî, Vol. 2, P. 269, *Al-Mughnî*, Vol. 2, P. 455.

(5) *Al-Majmû* ' *Sharh al-Muhadhdhab*, Vol. 5, P. 337.

(6) *Al-Muhadhdhab fî Fiqh al-Imâm al-Shâfi'î*, Vol. 1, P. 308, *Al-Jawharah al-Nayra 'alâ Mukhtasar al-Qudurî*, Vol. 1, P. 115, *Kashaf al-Qinâ* ' *'an Matn al-Iqnâ* ' , Vol. 2, P. 261.

(7) *Kashaf al-Qinâ* ' *'an Matn al-Iqnâ* ' , Vol. 2, P. 261.

view of Aḥmad; drawing an analogy to the rights of human beings regarding the distinction between the act of performance and the existence of the right, as the right is established by the collection of its prerequisites in terms of quantity, type, and the passage of time. It is like someone who owes a debt and is not prevented from paying it, and the creditor is not demanding it; the debt is established, but its payment does not have to be demanded from the creditor. It is analogous to the fact that the debt is established against an insolvent person during their life and after their death, such that a guarantee for it is permissible even if payment is not possible.⁽¹⁾

- 7- The obligation of Zakâh on livestock and crops if they bear fruit in the possession of the heir, even if the heir is unaware, according to a group of scholars; this is due to emphasizing the aspect of financial need, as paying Zakâh is categorized under *Khitab al-Taklif* (Obligatory Discourse), not *Khitâb al-Wadh'* (Situational Discourse).⁽²⁾



(1) *Nihayât al-Matlub fî Dirâyat al-Madḥhab*, Vol. 3, P. 102.

(2) *Al-Dhakîrah*, Vol. 3, P. 38.

Third Treatise

Preservation and Support of Religion⁽¹⁾

Objective Explanation:

Religion (*Ad-Dīn*) Linguistically: The term comes from “*dâna*” (to lead) with regard to something, and “*dâna*” to it means it is a religion (*dīn*) and something that is led (*mu-dân*). Its meaning revolves around submission, humility, and obedience. The term “religion” (*ad-dīn*) is derived from a singular root that encompasses all its branches, representing a category of submission and servitude. Thus, religion signifies obedience; it is said, “He submitted to him, so he has a religion,” meaning that they have accepted the authority and are obedient.⁽²⁾

Terminologically, it is a “divine ordinance that calls rational individuals to accept what is coming from the Messenger of Allah, peace and blessings of Allah be upon him.”⁽³⁾

Ibn ‘Ashûr explains the meaning of preserving religion as follows: “Preserving each Muslim’s religion involves protecting it from anything that could corrupt their beliefs and subsequent actions. Preserving religion for the general community involves preventing anything that could undermine the established principles of religion. This includes protecting the Muslim community and safeguarding the means of receiving religion from the present and future generations.”⁽⁴⁾

Preserving religion is the primary goal among the necessary objectives es-

(1) *Al-Mustasfâ*, Vol. 1, P. 174, *Rawdhat al-Nâzir*, Vol. 1, P. 481, *Al-Ihkâm fî Usûl al-Ahkâm*, by Al-Amidî, Vol. 3, P. 274, *Al-Furûq*, by Al-Qarâfi, Vol. 4, P. 70, *Al-Muwâfaqât*, Vol. 2, P. 20, *Al-Ibhâj fî Sharh al-Minhâ*, Vol. 3, P. 55, *Al-Bahr al-Muhîr* by Al-Zarkashî, Vol. 4, 266, *Al-Taqrir wa al-Tahbir ‘alâ Tahrîr al-Kamâl Ibn al-Humâm*, Vol. 3, P. 143, *Al-Tahbîr Sharh al-Tahrîr*, Vol. 7, P. 3379, *Irshâd al-Fuhûl ilâ Tahqîq al-Haqq min ‘Ilm al-Usûl*, Vol. 2, P. 129.

(2) Look up the entry “*Dīn*” in *Maqâyis al-Lughah*, Vol. 2, P. 319.

(3) *Al-Ta‘arîfât*, P. 105.

(4) *Maqâsid al-Sharîah al-Islamiyyah* by Ibn Ashûr, Vol. 3, P. 236.

sential for maintaining the interests of both religion and the world. It is the most prioritized aim, as Al-Amidî states: "The goal of preserving the foundation of religion takes precedence due to its purpose and its result in achieving eternal happiness in the presence of the Lord of the worlds. and other than that, the preservation of lives, intellect, wealth, and others is only intended for this purpose, as Allah the Almighty said: *"I have not created jinn and mankind except to worship Me."*^{(1) (2)}

Al-Mâwardî says: "Know that the matters by which the world prospers, so that its conditions become organized and its affairs united, are six essential foundations, even if they branch out." He mentions the first foundation: "A religion that is followed." Then he explains: "Because it directs the souls away from their desires and inclines the hearts from their inclinations until it becomes a force that dominates the secrets, restrains the consciences, watches over the souls in their seclusion, and advises them in their troubles. These things cannot be achieved except through religion, nor are they corrected without it. Religion is therefore the strongest foundation for the prosperity and order of the world, and the most beneficial of matters. Hence, Allah the Almighty has not left His creation, ever since He endowed them with intellect, without religious obligations and beliefs by which they submit to its rulings. Thus, opinions do not differ among them, and they surrender to its commands, so that wrong desires do not sway them."⁽³⁾

The Lawgiver (*Shâri'*) intended to preserve religion from two aspects:

From the aspect of existence: This pertains to the establishment and presence of religion, through people practicing it, its spreading, its strength, and its establishment on earth. This is achieved through means that realize the interests of religion, such as calling to Allah (*da'wah*), enjoining good and forbidding evil, teaching the laws and principles of Shari'ah, educating people in them, and striving in the path of Allah to spread Islam and its guidance across the world.

From the aspect of non-existence: This refers to preventing the corruption, distortion, or alteration of religion. This is done by averting harmful things that

(1) *Adh-Dhariya* (The Winnowers): 56.

(2) *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidî, Vol. 4, P. 275.

(3) *Adab al-Dunyâ wa al-Dîn*, P. 133.

could affect it, such as prohibiting apostasy, combating innovation (*bid'ah*) in religion, and refuting the doubts cast against it.

Al-Shâtibî explained that these two pathways of religion are what preserve all the necessities of life, including religion, life, lineage, intellect, and wealth. He said: "Preserving them occurs in two ways: the first is what establishes their pillars and solidifies their foundations, and this refers to maintaining them from the aspect of existence. The second is what prevents the disorder or corruption that may occur or is anticipated to occur in them, and this refers to maintaining them from the aspect of non-existence. The foundations of worship are related to preserving religion from the aspect of existence, such as faith, the pronouncement of the two testimonies of faith, Prayer, Zakâh, Fasting, Pilgrimage, and similar practices."⁽¹⁾

Explaining the relationship between this objective and the obligation of Zakâh:

The objective of preserving religion is one of the highest purposes fulfilled by the legislation of the Zakâh obligation, both at the level of the individual obligated to pay Zakâh and at the level of the community and the nation. There is no clearer indication of this than the fact that the Lawgiver (Allah) made it one of the pillars of Islam and one of the great foundations of the religion.

1- Preservation of the religion of the *Mukallaf* (the accountable individual): Zakâh helps preserve the individual's religion, both in existence and in prevention of harm.

- **From the perspective of existence**, Zakâh strengthens, nurtures, and firmly roots one's religion in their heart. This is why giving it is considered one of the greatest acts that reinforces obedience in the soul, as wealth is not something insignificant to the soul.⁽²⁾ Thus, fulfilling Zakâh is a significant pillar that increases the reward and nurtures it. Allah, the Almighty, says: ***"Who is it that will lend to Allah a good loan so He may multiply it for him many times over and grant him a generous reward?"***⁽³⁾ The Prophet (peace and blessings of Allah be upon him) said, ***"No one gives charity from pure wealth, and Allah accepts only what is pure, except that the Merciful takes it in His right hand,***

(1) *Al-Muwafaqât*, Vol. 2, Ps. 18-19.

(2) *Al-Tahrîr wa Al-Tanwîr*, Vol. 3, P. 51.

(3) *Al-Hadîd* (The Iron): 11.

even if it is a single date, and it will grow in the hand of the Merciful until it becomes greater than a mountain, just as one of you raises his colt or young camel.”⁽¹⁾

- **From the perspective of nonexistence**, Zakâh wards off spiritual diseases such as the love and worship of wealth. Giving wealth is difficult on the soul, and Allah prescribed Zakâh to test those with wealth. Among the diseases it prevents are the following: prioritizing one's desires over the pleasure of Allah, falling into stinginess, greed, ungratefulness, attachment to worldly life, and pride in material wealth. All these diseases corrupt the heart and destroy one's religion. Therefore, whoever pays Zakâh preserves their faith and pleases their Lord.⁽²⁾ Allah, the Almighty, has considered withholding wealth from the cause of Allah as a path to destruction. He says: ***“And spend in the way of Allah and do not throw [yourselves] into destruction [by refraining]”*⁽³⁾** Many of the early scholars believed that what is meant by “destruction” here is: “to refrain from spending in the way of Allah.” This is the opinion of Hudhayfah, Al-Hasan, Qatadah, ‘Ikrimah, and Atâ’. Ibn ‘Abbâs, may Allah be pleased with him, said regarding this verse: “Spend in the way of Allah even if you own so little things, and let none of you say: ‘I cannot afford it.’”^{(4) (5)}

- 2- Preservation of the religion of the general Muslim Ummah: This is evident when looking at the designated recipients of Zakâh. The preservation of the religion is the common goal across all categories of Zakâh distribution.

Imam Al-Tabarî explains that Allah ordained charity for two purposes: one of which is to fulfill the needs of the Muslims and the other is the support for Islam and its strengthening.⁽⁶⁾ Thus, Zakâh was legislated to safeguard the religion of the Ummah from two aspects:

- From the aspect of existence: By strengthening it and establishing its

(1) Previously cited, P. 25.

(2) *Al-Dîn Al-Khâlîs or Irshâd Al-Khalq ilâ Dîn Al-Haq*, Vol. 8, P. 107.

(3) Al-Baqarah (The Cow): 195.

(4) *Tafsîr Al-Baghawî*, Vol. 1, P. 215.

(5) Further clarification of the devotional meanings in Zakâh has been provided in the first treatise: Worship and devotion.

(6) *Tafsîr al-Tabarî*, Vol. 14, P. 316.

pillars and rulings in human existence and the cosmic life, enhancing its status, encouraging it, assisting in its dissemination across the earth, and supporting the call to it and the struggle in its path to bring people from darkness into light.

- From the aspect of nonexistence: By preventing any existing or expected disruptions. Poverty has a serious effect on a person's religion and stability. Therefore, the Prophet (peace and blessings of Allah be upon him) linked disbelief and poverty in his supplication, as he would say: "*O Allah, I seek refuge with You from disbelief and poverty.*"⁽¹⁾ Al-Manâwî explains this by saying: "The Prophet (peace and blessings of Allah be upon him) linked disbelief with poverty because it leads to it. Poverty drives a person to envy the wealthy, and envy consumes good deeds. It can also lead to humiliating oneself in a way that tarnishes one's honor and distorts one's religion, as well as dissatisfaction with divine decree and resentment towards provision. If it is not outright disbelief, it certainly leads towards it. For this reason, the Chosen One (peace be upon him) sought refuge from poverty. Sufyan al-Thawrî said: 'Poverty almost amounts to disbelief because it leads a person to undertake every difficult and degrading act, and it may even lead to questioning Allah and interfering in His dominion.'⁽²⁾ Furthermore, extreme need and the harm of destitution may compel the poor to ally with the enemies of Muslims. Therefore, Zakâh repels all these evils, thereby reinforcing the preservation of the religion and the allegiance of its people to it."⁽³⁾
- Al-Abyârî states regarding the effect of Zakâh in preserving the religion of the needy: "It includes benefits for the recipient, such as filling their gaps, meeting their needs, and freeing their hearts for the worship of their Lord."⁽⁴⁾
- Additionally, Zakâh preserves the religion of the entire Ummah by safeguarding the community and defending the Islamic realm, ensur-

(1) Narrated by Abû Dâwûd, No. 5092, and Al-Albânî classified it as a Hadîth with a sound chain of transmission [Sahîh Sunân Abû Dâwûd, Vol. 3, Ps. 250-251].

(2) *Faydh al-Qadîr*, Vol. 4, P. 542.

(3) *Al-Lubâb fî 'Ulûm al-Kitâb*, Vol. 10, P. 122.

(4) *Al-Tahqîq wa al-Bayân fî Sharh al-Burhân fî Usûl al-Fiqh*, Vol. 3, Ps. 609-610, with slight modifications.

ing the means of receiving the religion from the current and future generations. Thus, Zakâh is directed towards averting existing or anticipated disruptions for Muslims.⁽¹⁾

Therefore, if one contemplates the categories of Zakâh distribution, they will find that it does not deviate from this principle. The primary purpose of distributing Zakâh to the poor, the needy, those in bondage, and wayfarers is to assist them in obeying Allah by fulfilling their needs and discarding the disbelief away from them,⁽²⁾ and those who work in the collection of Zakâh deserve it because they are a means of strengthening and reinforcing this obligation. The 'those whose hearts are to be reconciled' receive from Zakâh to win their hearts and encourage them in the faith of Allah the Almighty, and to honor and strengthen them in it. Those engaged in the way of Allah are given Zakâh to elevate Allah's word and strengthen His religion, as well as to defend its sanctity. *Jihâd* is one of the most important means of preserving religion; because abandoning false statements, corrupt beliefs, deviant ideas, and destructive sects that seep into the minds of Muslims without rejection or refutation leads to the loss of this religion, as what is not part of the faith will enter it, and truth will be mixed with falsehood.⁽³⁾

Due to the importance of the objective of preserving religion and its status, it serves as the criterion for the distribution and allocation of Zakâh. Sheikh al-Islam Ibn Taymiyyah, may Allah have mercy on him, states in the context of discussing the prioritization of Zakâh distribution: "The allocation is based on the interest of Allah's religion. The more obedient it is to Allah, and the more beneficial it is to His religion, the more it deserves visible glorification."⁽⁴⁾

And there are other meanings that manifest in Zakâh, which are among the objectives of worship in general, but they contribute to the preservation and strengthening of religion. Among these meanings are:

(1) *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn 'Ashûr, Vol. 3, P. 236, *Ilm al-Maqâsid al-Shar'iyyah*, by Dr. Nûr al-Dîn Khâdimî, P. 81, *Maqâsid al-Sharî'ah* by Muhammad al-Zuhaylî, P. 639.

(2) *Al-Akhhâr al-'Ilmiyyah min al-Ikhtiyârat al-Fiqhiyyah* by Sheikh al-Islam Ibn Taymiyyah, P. 154.

(3) *Maqâsid al-Sharî'ah al-Islamiyyah wa 'Alaqtuha bil-Adillah al-Shar'iyyah*, by Al-Yûbi, P. 206.

(4) *Majmû' al-Fatâwâ*, Vol. 28, P. 580.

Evident glorification: Among its most important objectives is the manifestation of the symbols of Islam; for the inner states are known only to Allah, and the symbols can only be manifested through apparent glorification. Therefore, the essence of the obligatory acts is manifestation. Abû al-Abbâs al-Qurtubî says: 'As for the obligatory acts, it is preferable to spread and manifest them, so that the foundations of religion are preserved, and people gather to act upon them, ensuring that nothing is lost. By manifesting them, the beauty of Islam is displayed, and its limits and rulings are learned.'⁽¹⁾ The effects of this juristic principle aim to manifest the apparent glorification in acts of worship, particularly evident in the collection of Zakâh and distributing it.

Among the meanings associated with preserving religion through Zakâh is achieving the benefit of maintaining the continuity of worship. The Wise Legislator has original objectives in the consistency of worship, which results in numerous interests, including connection, integration, habitual practice, and fostering relationships without retreating after performing the act of worship.

Additionally, Zakâh contributes to achieving the goal of diversity in worship. This is evident in Zakâh due to the diversity of acts of worship, which reflect different types of gratitude. Gratitude in Zakâh is a form of thanks corresponding to the blessing that a person receives, which in this case is financial gratitude. Therefore, the amounts required for Zakâh vary depending on the extent of the blessing.

Objective Evidence:⁽²⁾

- 1- The ayah that reads: "*Take from their wealth a charity by which you purify them and cause them to increase.*"⁽³⁾

Evidential aspect: A group of scholars interpreted the word "charity" here as referring to *Zakâh*.⁽⁴⁾

Ibn 'Abbâs commented: "The charity purifies them from sins and increases their virtues."⁽⁵⁾

(1) *Al-Mufhim limâ ushkel min Talkhîs Kitâb Muslim*, Vol. 3, P. 76.

(2) Further evidence will be clarified in the proofs for some points in the fourth topic of the second chapter.

(3) *Al-Tawbah* (Repentance: 103).

(4) *Tafsîr Al-Qurtubî*, Vol. 8, P. 244.

(5) *Zâd Al-Muyasar fî 'ilm al-Tafsîr*, Vol. 2, P. 295.

This indicates that *Zakâh* serves to cleanse individuals from sins and enhance their good qualities. The verse highlights that *Zakâh* preserves the faith of the Muslim community by purifying them from sins and adorning them with virtues.⁽¹⁾

- 2- The ayah that reads: “*Zakâh expenditures are only for the poor and for the needy and for those employed to collect [Zakâh] 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.*”⁽²⁾

Evidential aspect: This verse shows that the primary goal of *Zakâh* distribution is to uphold the word of Allah and preserve His religion. This objective is evident in every category of *Zakâh* distribution, including the poor, the needy, and others:

- The poor, needy, those in debt, and the stranded traveler are given *Zakâh* to help them maintain their faith by removing the hardships of poverty, which could negatively affect their practice of religion.
- Those employed to collect *Zakâh* receive compensation for their work in maintaining this important pillar of Islam.
- For those whose hearts are to be won over, *Zakâh* is given to strengthen their faith and encourage their adherence to Islam. If they are non-Muslims, the *Zakâh* aims to invite them toward Islam, promoting the spread of the religion. To protect the religion of Allah from the perspective of existence by encouraging them in the religion of Allah, and from the perspective of non-existence, by giving to those whom one fears their evil; to repel harm from Islam and the Muslims.”
- In the case of freeing slaves or prisoners (*riqâb*), *Zakâh* aids them in gaining freedom, allowing them to better serve Allah, and in the case of Muslim prisoners, it strengthens the Muslim community by freeing them from the oppression of non-believers.
- For those in debt, *Zakâh* is given to maintain the social harmony of the Muslim community, preventing internal conflict that could weaken the practice of Islam.

(1) *Al-Tahrîr wa Al-Tanwîr*, Vol. 11, P. 23 with minor modifications.

(2) *Al-Tawbah* (Repentance): 60.

- Those who are “in the cause of Allah” are entitled to receive Zakâh, ensuring the preservation and strengthening of Allah’s religion. This support includes aiding the fighters to elevate the word of Allah and spread His religion across the lands.⁽¹⁾
- 3- The Prophet (peace and blessings of Allah be upon him) said to Mu‘âdh, may Allah be pleased with him, when he sent him to Yemen: *“You are going to some of the People of the Book, so first invite them to testify that there is no deity worthy of worship but Allah and that I am His Messenger. If they obey you in this, inform them that Allah has obligated five daily prayers. If they obey in this, inform them that Allah has made Zakâh obligatory, to be taken from their wealthy and distributed to their poor.”*⁽²⁾

Evidential aspect: The phrase “*taken from their wealthy and distributed to their poor*” indicates that Zakâh should only be given only to Muslims. One of the primary objectives of Zakâh is to preserve and assist the religion of Islam. Allocating Zakâh to non-Muslims contradicts this purpose, unless giving it serves the goal of protecting and supporting the religion, as in the case of “those whose hearts are to be won over” (i.e., potential converts).⁽³⁾

- 4- The hadîth narrated by Abû Sa‘îd Al-Khudrî, where the Prophet (peace and blessings of Allah be upon him) said: *“Charity is not lawful for a rich person except for five types: a warrior in the cause of Allah, a Zakâh worker, someone in debt,...”*⁽⁴⁾

(1) Imam Al-Tabarî states: “For the cause of Allah”, it refers to spending for supporting His religion, His way, and the legislation He established for His servants, by fighting His enemies. This is the fighting against the disbelievers.” *Tafsîr Al-Tabarî*, Vol. 14, P. 319.

(2) It was previously mentioned.

(3) Al-Kâsânî said, “It is obligatory to distribute Zakâh among the poor of those from whom the wealthy are taxed, who are Muslims, and it is not permissible to distribute it to non-Muslims.” *Badâ’i` al-Sanâ’i`*, Vol. 2, P. 49. Similarly, Al-Qurtubî notes, “The reports agree that Zakâh is taken from the rich among Muslims and given to their poor.” *Tafsîr Al-Qurtubî*, Vol. 8, P. 174.

(4) The hadîth was narrated by Abû Dâwûd No. 1635 and also by Mâlik No. 604. However, in Mâlik’s narration, ‘Aṭā’ raises it to the Prophet, peace and blessings be upon him, without mentioning Abû Sa‘îd, while Mâlik transmitted it through Zayd Ibn Aslam. Al-Hâkim, however, confirmed it as authentic (1481), stating, “This meets the conditions for my book, and it is authentic. Mâlik might sometimes transmit the Hadîth in an incomplete form (‘*mursal*’), but it is later connected by a trustworthy narrator. The judgment regarding =

Evidential aspect: The ḥadīth implies that Zakâh is permissible for those fighting in the cause of Allah, the workers collecting Zakâh, and those in debt for reconciling disputes, even if they are wealthy. The reasoning is that these roles directly contribute to the preservation and promotion of Islam. As Imam Al-Ṭabarī states, Allah has made charity in two meanings.” Then he said: “The second one is: Assistance to Islam and strengthening it. Whatever is in assisting Islam and strengthening its causes, it is given to the rich and the poor; because it is not given to someone based on their need for it, but rather it is given as support for the religion. Just as it is given to those who participate in fighting in the way of Allah, it is given regardless of whether they are rich or poor, for the purpose of fighting, not to relieve their poverty. Likewise, those whose hearts that are being won over (i.e. the new Muslims or those considering converting to Islam) are given that even if they were wealthy, they would still be given aid to strengthen Islam and support it. The Prophet (peace and blessings of Allah be upon him) provided for those whose hearts were to be won over, especially after Allah granted him victories and Islam became widespread, strengthening its followers.⁽¹⁾

- 5- The ḥadīth of the Prophet (peace and blessings of Allah be upon him) where he used to supplicate to Allah saying: “*O Allah, I seek refuge with against disbelief and poverty.*”⁽²⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) linked between disbelief and poverty in his supplication because poverty can lead to disbelief. Islamic Sharī‘ah has mandated Zakâh to ward off the harm caused by poverty, as poverty can be a means leading to disbelief and its causes.⁽³⁾

- 6- General evidences indicate that Islamic Sharī‘ah came to preserve this objective: One of the most important pieces of evidence is *istiqrâ’* (inductive reasoning), which is a key method in confirming the objectives of Islamic law.

= the ḥadīth follows the saying of the reliable narrator who completes the transmission and provides its full chain.” Ahmad also narrated it in his *Musnad* (Vol. 3, P. 56). Al-Arnâ‘ût confirming its authenticity and noting that its narrators are trustworthy and they are among the narrators of the two sahih books.

(1) Tafsir al-Ṭabarī, Vol. 14, P. 316.

(2) It previously mentioned.

(3) Al-Minnâwī’s earlier statement on the relationship between disbelief and poverty.

Al-Shâtibî states: "The Ummah - in fact, all religions - have agreed that the Sharî'ah was established to preserve the five essential necessities (*al-dharuriyyât al-khams*), with the first being the protection of religion. The Ummah's knowledge of these essentials is a must. We did not come to this conclusion through a specific piece of evidence, nor was there any foundational source singularly distinguishing this objective. Rather, we recognized its alignment with Sharî'ah through the accumulation of various sources that span multiple areas"⁽¹⁾. Zakâh is among the pieces of evidence supporting this.

- 7- The legislation of acts of worship aims to fulfill the objective of preserving religion in terms of its existence, and Zakâh is one of the pillars of Islam. Al-Shâtibî says: "The fundamentals of worship are aimed at preserving religion from the aspect of its existence, such as faith, the proclamation of the two testimonies of faith, Prayer, Zakâh, Fasting, and Pilgrimage, and other similar acts."⁽²⁾

The effect of considering this objective in the Fiqh-based branches:⁽³⁾

- 1- It is not permissible to flee from Zakâh or to manipulate situations to avoid paying it, as this contradicts the purpose of preserving the religion. Allah, the Exalted, has prescribed Zakâh to safeguard the faith of a person and improve their condition. Fleeing from Zakâh opposes this purpose.⁽⁴⁾
- 2- It is not permissible for the one paying Zakâh to seek personal gain through it. Therefore, it does not fulfill the obligation to give Zakâh to one's parents or those whose expenses one is responsible for, as this contradicts the purpose of preserving one's religion and purifying oneself.⁽⁵⁾
- 3- It is unanimously agreed upon by the scholars that Zakâh cannot be

(1) *Al-Mûwâfaqât*, Vol. 1, P. 31.

(2) *Ibid*, Vol. 2, Ps. 18-19.

(3) Further clarification will come on the effects of fulfilling the objective of preserving religion in some partial objectives: How Zakâh helps in purifying the giver, expressing gratitude for wealth, assisting in the obedience of Allah, and other objectives that help preserve religion.

(4) *Al-Mughnî*, Vol. 2, P. 504.

(5) *Al-Amwâl* by Abû Ubayd, P. 534, *Al-Mabsûṭ*, Vol. 3, P. 11, *Al-Mughnî*, Vol. 2, 484, *Tafsîr al-Qurtubî*, Vol. 8, P. 189, *Al-Sharh al-Kabîr 'alâ al-Muqni'*, Vol. 2, P. 699.

given to a disbeliever⁽¹⁾ because Zakâh is intended to preserve the religion of Muslims and their community. Giving it to non-Muslims does not fulfill this purpose; instead, it could lead to the opposite effect, strengthening them in their disobedience to Allah and empowering them in the path of *Shaytân*.⁽²⁾ However, giving Zakâh to non-Muslims under the category of “those whose hearts are to be won over” (*al-mu'allafatu qulubuhum*) is intended to preserve the religion, either by encouraging them to embrace Islam or by preventing harm to Islam and Muslims.

- 4- It is preferable that the category of “in the way of Allah” (*fî sabîlillah*) refers to fighting in the cause of Allah rather than pilgrimage (*Hajj*). Supporting the fighters is a priority because it strengthens Allah's religion and elevates His word. On the other hand, pilgrimage benefits only the poor individual, and Zakâh should either go to someone in need or to those who are essential for the well-being of the Muslim community. Since a poor person's pilgrimage offers no broader benefit to the community, it is better to use this amount to support those in need from other categories or for public interests of Muslims.⁽³⁾
- 5- It is permissible to give Zakâh to individuals who benefit Islam and the Muslim community at large, such as scholars, Qur'an reciters, teachers, and those who give the call to prayer (*mu'adhins*), even if they are wealthy, according to a group of scholars. This is because the goal of giving them Zakâh is not due to their personal financial need, but rather because Islam requires their services. By giving them from the Zakâh, the religion of Allah is supported and preserved. Therefore, anyone whose work is necessary for the Muslim community can be given Zakâh, regardless of their wealth.

Al-Khurashî says: “*Sabîl Allah*’ refers to the one who strives for the sake of Allah, i.e., the fighter to raise the word of Allah. This applies to the general benefit they provide to Muslims, so the fighter is given Zakâh even if he is wealthy, as we mentioned earlier regarding general benefit. This also applies

(1) *Al-Ijmâ'* by Ibn al-Mundhir, P. 48; *Badâ'î' al-Sanâ'i'*, Vol. 2, P. 49; *Al-Binâyah Sharh al-Hidâyah*, Vol. 3, P. 461.

(2) *Tabyin al-Haqâ'iq Sharh Kanz al-Daqâ'iq*, Vol. 1, P. 300.

(3) *Al-Mughnî*, Vol. 6, P. 47.

to the scholar, the Qur'an reciter, the teacher, and the *mu'adhins* (callers to prayer), because by giving to them, Islam is preserved, its fame grows, and its significance increases, bringing comfort to believers. Thus, this fits within the meaning of Allah's words '*Fî Sabil Allah*'. Al-Lakhmî adds that scholars are more deserving of Zakâh, even if they are wealthy.⁽¹⁾

- 6- Those who receive Zakâh for both benefit and need are more entitled to it than those given only for need because their receipt helps preserve the religion of Allah and benefits the Muslim community.⁽²⁾
- 7- The order of priority in distributing and allocating Zakâh is based on the interests of the religion of Allah. The more obedient one is to Allah and beneficial to the religion, the more deserving they are of receiving Zakâh.⁽³⁾
- 8- The majority of scholars agree that the purpose of the share for *mu'alafatu qulûbuhum* (those whose hearts are to be reconciled) is to preserve the religion of Allah and uplift His word. However, they differ on whether this share should continue to exist or be abolished, depending on the need for its continuation after the strength and honor of Islam. Abû 'Ubayd states: "If the situation of these people is such that they have no desire for Islam except for personal gain, and their apostasy and fighting against Islam would harm it due to their pride and dignity, then the Imam saw fit to give them a portion of the charity. He did this for three reasons: first, to adhere to the Book and the Sunnah; second,

(1) *Sharh Mukhtasar Khalîl* by Al-Kharâshî, Vol. 2, P. 216.

(2) *Majmû' al-Fatâwâ*, Vol. 28, P. 578. He also says in Vol. 28, P. 580: "When the year of *Hunayn* came, the spoils of *Hunayn* were divided among the those whose hearts were to be won over from the people of *Najd* and the freed ones from *Quraysh*, but the *Muhâjirûn* and *Ansar* were given nothing. The Prophet (peace and blessings of Allah be upon him) gave to these groups to win their hearts over to Islam, as winning them over was seen as a public interest for the Muslims. Those whom he did not give were more esteemed in his eyes and were the leading pious individuals, the best servants of Allah after the Prophets and Messengers. Among those whom he gave, there were some who apostatized before their deaths, and most of them were rich, not poor. If giving based on need was prioritized over giving for the sake of public interest, the Prophet (peace and blessings of Allah be upon him) would not have given these wealthy leaders while leaving the *Muhâjirûn* and *Ansar* -who were more in need and more virtuous-without anything."

(3) *Ibid*, Vol. 28, P. 580.

to maintain peace among Muslims; and third, because he is not hopeless about them if Islam continues to flourish, as they may come to understand it and develop a sincere desire for it”.⁽¹⁾ Ibn al-‘Arabî states: “In my view, if Islam becomes strong, they will cease to be needed; if they are needed, they will receive their share, just as the Messenger of Allah used to give them”.⁽²⁾ Thus, the existence of their share depends on whether the goal of preserving the religion of Allah is met by giving to them; if it is necessary for the Muslims, they will receive Zakâh, but if the Muslims are strong, there is no need to give to them.

- 9- Scholars have disagreed on interpreting the purpose of the share for those whose hearts are won over: Is it to preserve the religion of the entire community by helping and honoring Muslims, in which case they are given only if they are needed for the support of Allah’s religion?⁽³⁾ Al-Khurashî states: “Consider whether the need refers to their need to enter Islam to save them from disbelief, or to aid us. On the second: they are not given except to aid them in service, and on the first: they are given if it is known from the state of the recipient that the giving is to reconcile them to Islam.”⁽⁴⁾
- 10- The permissibility of giving from the Zakâh to free the captives of the Muslims’ families according to the Hanbalî scholars; because it constitutes an exaltation of the religion and preservation of it.⁽⁵⁾



(1) *Al-Amwâl* by Abû ‘Ubayd, P. 722.

(2) *Ahkâm al-Qur’ân* by Ibn al-‘Arabî, Vol. 2, P. 530, and *Minhâj al-Tahsîl Sharh al-Mudawwana*, Vol. 2, P. 268.

(3) *Sharh Mukhtasar Khalîl* by Al-Kharshî, Vol. 2, P. 217.

(4) *Ibid.*

(5) *Al-Mughnî*, Vol. 6, P. 479.

Fourth Treatise

Preservation of Lives⁽¹⁾

Objective Explanation:

Ibn ‘Ashûr defined the preservation of life as “the protection of souls from destruction, both individually and collectively.”⁽²⁾ This is because the world consists of individuals of humans, and every soul has its unique characteristics that contribute to the continuation of the world.

The term “souls” refers to those protected in Islamic law, such as those whose blood is fully protected by Islam, or those who hold a special status under Islam or through treaties and assurances.⁽³⁾

In addition to safeguarding lives, preserving certain bodily parts is also significant. For instance, the loss of specific limbs can be equated to the loss of life itself since it results in the incapacity of the individual, impacting their overall utility. This is evident in Sharī‘ah rulings regarding the compensation for such injuries where the full blood money must be paid.⁽⁴⁾

Al-Shâtibî emphasized that customary practices are essential for protecting

(1) Al-Mustasfâ, Vol. 1, P. 174, *Rawdhat al-Nâzir*, Vol. 1, P. 481, *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidî, Vol. 3, P. 274/3, *Al-Furûq* by Al-Qarâfî, Vol. 4, P. 70, *Al-Muwâfaqât*, Vol. 2, P. 20, *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 3, P. 55, *Al-Bahr al-Muhîr* by Al-Zarkashî, Vol. 4, P. 266, *Al-Taqrîr wal-Tahbîr ‘alâ Tahrîr Al-Kamâl Ibn al-Humâm*, Vol. 3, P. 143, *Al-Tahbîr Sharh al-Tahrîr*, Vol. 7, P. 3379, *Irshâd al-Fuhûl ilâ Tahqîq al-Haq min ‘Ilm al-Usûl*, Vol. 2, P. 129. This objective is expressed in the chapter on Zakâh by the jurists as “*sadd al-khalla*” (filling the gap). *Tafsîr al-Tabarî*, Vol. 14, P. 316, *Al-Mabsûr*, Vol. 2, P. 181, *Sharh al-Talqîn*, Vol. 1, P. 462, *Qawâ‘id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 250, *Tafsîr al-Qurtubî*, Vol. 16, P. 302, *Al-Majmû‘ Sharh al-Muhadhdhab*, Vol. 5, P. 330, *Nafâ‘is al-Usûl fî Sharh al-Mahsûl*, Vol. 9, P. 3778, *Bayan al-Mukhtasar Sharh Mukhtasar Ibn al-Hâjib*, Vol. 1, P. 407, *Al-Mûwâfaqât*, Vol. 3, P. 121.

(2) *Maqâsid al-Sharī‘ah al-Islamiyyah* by Ibn Ashûr, Vol. 3, Ps. 236-237.

(3) *Rawdhat al-Talibîn*, Vol. 9, P. 148.

(4) *Maqâsid al-Sharī‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol 3, P. 237.

life, including dietary laws, clothing, housing and other daily necessities. Similarly, transactions and social practices contribute to this preservation.⁽¹⁾

Islam has established various means to protect soul:

From the perspective of existence and continuity, it is obligatory for individuals to sustain their lives through essential means such as food, drink, clothing, and shelter. It is prohibited for Muslims to refrain from obtaining these necessities to the point of endangerment. Society, particularly represented by the state, has a duty to ensure that individuals unable to provide for themselves receive these essential resources. Furthermore, if a person fears for their life, they are allowed to take necessary actions, even if it involves consuming the property of others, as long as it is within the bounds of necessity.

As to the non-existence, anything harmful to a respected human life is forbidden. This includes prohibitions against killing and the implementation of strict punishments for those who commit such acts. Islam permits the consumption of forbidden items in cases of necessity exactly as fighting was instituted as a means of protecting lives and safeguarding the oppressed.

The objective of preserving life takes precedence over the other three fundamental objectives: wealth, intellect, and lineage. This is because the existence of these aspects relies on the preservation of life itself. If a person were to cease to exist, the necessity for lineage, which derives from the preservation of life, would also cease. Similarly, intellect cannot exist without life, and the value of wealth is derived from its utility for living individuals. Therefore, essential interests can only be realized when human life is present and protected.⁽²⁾

Moreover, the preservation of life is crucial for the preservation of religion, as religious duties are fulfilled through acts of worship. The attainment of worship is contingent upon the existence of life;⁽³⁾ without life, there would be no one to adhere to the faith or uphold the essence of preserving religion itself.

Explaining the relationship between this objective and the obligation of Zakâh:

The Islamic Sharî'ah gives significant attention to the preservation of life,

(1) *Al-Mûwâfaqât*, Vol. 2, P. 19.

(2) *Ma'lamat Zâyed li al-Qawa'id al-Fiqhiyyah wa al-'Usûliyyah*, Vol. 3, P. 626.

(3) *Al-Taqrîr wal-Tahbîr 'alâ Tahrîr al-Kamâl Ibn al-Humâm*, Vol. 3, P. 231, *Taysîr al-Tahrîr*, Vol. 4, P. 89.

enacting laws and regulations that promote its welfare and prevent harm. Among these laws, the obligation of Zakâh stands out as one of the most important. Upon examining the texts and rulings regarding Zakâh, it becomes evident that one of its primary objectives, following the preservation of religion, is the protection of lives through assistance to those in need.

Scholars have extensively discussed this goal, establishing it as a clear objective of Zakâh, often referred to in this context as (*sadd al-khalah*), meaning “to fill the need.”⁽¹⁾ They articulate that Zakâh serves to support the needy, ensuring that individuals have their basic needs met, which is essential for maintaining their dignity and welfare.

If you are interested in deeper insights or scholarly analyses about the objectives of Zakâh, numerous sources discuss the religious and ethical implications of Zakâh in Islamic jurisprudence.

Ibn al-Tabarî states, “Indeed, Allah has made charity/Zakâh to serve two purposes: one is to fill the needs of the Muslims, and the other is to support and strengthen Islam.”⁽²⁾ Al-Sarakhasî elaborates on the objective of Zakâh, stating, “The purpose is to fill the needs of the needy.”⁽³⁾ Similarly, Al-Mâzarî affirms, “The Sharî‘ah came to mandate the payment of Zakâh, knowing that its purpose is to fill the needs of the poor.”⁽⁴⁾ Al-‘Izz Ibn Abdu-Salâm emphasizes, “The aim of Zakâh is to meet needs and alleviate necessities.”⁽⁵⁾ Al-Qurtubî describes Zakâh as a financial act of worship, fundamentally aimed at “filling the needs of the poor.”⁽⁶⁾ This sentiment is echoed by scholars like Al-Nawawî,⁽⁷⁾ Al-Qarâfî,⁽⁸⁾ Al-Asfahânî,⁽⁹⁾ and Ibn al-Humâm.⁽¹⁰⁾

(1) The details of this objective will be explained in the third topic of the fourth treatise.

(2) *Tafsîr al-Tabarî*, Vol. 6, P. 316.

(3) *Al-Mabsûṭ*, Vol. 2, 181.

(4) *Sharh al-Talqîn*, Vol. 1, P. 462.

(5) *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 250, with slight modifications.

(6) *Tafsîr al-Qurtubî*, Vol. 16, P. 302.

(7) *Al-Majmu' Sharh al-Muhadhdhab*, Vol. 5, P. 330, where it says: "The purpose of Zakâh is to fulfill the need of the poor from the wealth of the rich as a form of gratitude to Allah Almighty."

(8) *Nafâ'is al-Usûl fî Sharh al-Mahsul*, Vol. 9, P. 3778.

(9) *Bayân al-Mukhtasar Sharh Mukhtasar Ibn al-Hâjib*, Vol. 1, P. 407.

(10) *Fath al-Qadîr lil Kamâl Ibn al-Humâm*, Vol. 2, 200.

Al-Shâtibî says: “the purpose of Zakâh is to eliminate the vice of stinginess and serve the interests of the poor, thereby preserving lives at risk of destruction.”⁽¹⁾ He further explains the preservation of the five necessities through the rituals of worship: “The leniency in religious matters appears in areas such as the permissibility of *Tayammum* (dry ablution) for purification... As for the soul, it also appears in certain areas of leniency, such as the permissibility of consuming carrion for the one in necessity and the legislation of charity through Zakâh.”⁽²⁾

Thus, it is clear from these explicit texts and similar statements that scholars recognize the revival of lives at risk and the fulfillment of the needs of Muslims as the essence of this great obligation and its core objectives.

Moreover, Zakâh also serves to protect lives by addressing poverty, which can lead individuals to commit crimes such as theft to meet their basic needs. By fulfilling the community’s needs, crime rates may decrease, thereby preserving and safeguarding lives.⁽³⁾

Additionally, one of the channels for Zakâh distribution is “in the path of Allah,” which allows for protection and defense of the Muslim community, further contributing to the preservation of their lives and well-being.

Insight: It is observed that the two primary objectives of Zakâh legislation revolve around the preservation of religion and the preservation of life.

As to the preservation of religion, it is regarded as the ultimate goal, as all other necessities exist to fulfill this purpose. The preservation of religion inherently leads to the safeguarding of life. Thus, Zakâh serves as a means to achieve this preservation in two ways:

- Directly: By purifying the giver (the one who pays Zakâh), assisting the needy in obeying religious obligations, and reinforcing and strengthening the religion itself.
- Indirectly: By preserving lives and the other necessities that serve as means to achieving religious preservation.

(1) Al-Mûwafaqât, Vol. 3, P. 121.

(2) Ibid, Vol. 4, P. 350.

(3) Further clarification will come in the section on preserving the order and well-being of the Ummah.

As to the preservation of soul, it is fundamental because it is the cornerstone of the other three necessities (progeny, intellect, and wealth). The continuity of life ensures the continuity of progeny and intellect, while the importance of wealth is derived from its role in sustaining life. Therefore, the prohibition against the destruction of wealth comes from its status as a material necessity for the body.

It becomes evident that the preservation of life is essential for achieving vital interests, which ultimately leads to the fulfillment of the objective of existence through the preservation of religion. Hence, one of the noblest meanings and objectives of Zakâh is the preservation of these two goals, both in existence and non-existence.

Objective Evidence:

The preservation of human life is a fundamental principle established through extensive textual evidence in Islamic law, demonstrating its sanctity and the entitlement of every individual to life and existence. Below are some key points and texts that illustrate this concept:

- 1- The numerous texts that assure the sanctity of the human soul and its right to live and exist, and the prohibition of killing it or assaulting it without any right. Allah the Almighty says, ***"Because of that, We decreed upon the Children of Israel that whoever kills a soul unless for a soul or for corruption [done] in the land - it is as if he had slain mankind entirely. And whoever saves one - it is as if he had saved mankind entirely,"***⁽¹⁾ and the ayah that reads: ***"And do not kill the soul which Allah has forbidden, except by right. And whoever is killed unjustly - We have given his heir authority, but let him not exceed limits in [the matter of] taking life. Indeed, he has been supported [by the law].,"***⁽²⁾ and the ayah, ***"And those who do not invoke with Allah another deity or kill the soul which Allah has forbidden [to be killed], except by***

(1) *Al-Mâ'idah* (The Table): 32: Ibn al-'Arabî says, "The most important principles of the laws: protecting lives from aggression and safeguarding them through *qisâs* (retribution); this is to restrain oppressors and wrongdoers. These are fundamental rules that no laws are devoid of, and the foundational principles that do not differ among religions." (*Ahkâm al-Quran by Ibn al-'Arabî*, Vol. 2, P. 88.

(2) *Al-Isrâ'* (Night Journey): 33.

right, and do not commit unlawful sexual intercourse. And whoever should do that will meet a penalty.”⁽¹⁾ The Prophet (peace and blessings of Allah be upon him) said: **“Every Muslim is inviolable to another Muslim: his blood, his wealth, and his honor.”**⁽²⁾

Evidential aspect: is that these texts and others have pointed to affirming the sanctity of human life and its right in life, and the prohibition of killing it (the soul) without just cause. One of the greatest acts of worship by which souls are protected from destruction by fulfilling needs and averting dangers is Zakâh.

- 2- Allah says: **“He has only forbidden to you dead animals, blood, the flesh of swine, and that which has been dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], there is no sin upon him. Indeed, Allah is Forgiving and Merciful.”**⁽³⁾, and He says: **“Say, “I do not find within that which was revealed to me [anything] forbidden to one who would eat it unless it be a dead animal or blood spilled out or the flesh of swine - for indeed, it is impure - or it be [that slaughtered in] disobedience, dedicated to other than Allah. But whoever is forced [by necessity], neither desiring [it] nor transgressing [its limit], then indeed, your Lord is Forgiving and Merciful.”**⁽⁴⁾

Evidential aspect: The two noble verses pointed out the sanctity of human life and the importance of preserving it in the Shari‘ah consideration, in two ways:

First: The prohibition of harmful foods to human life, such as carrion, blood, pork, and all filth and repulsive substances. This prohibition is established as the original ruling in normal circumstances.

Second: The permissibility of consuming these prohibited foods if doing so is necessary to preserve life and avert a state of necessity for a person. This is because the prohibition was aimed at protecting human life; therefore, if consuming such substances becomes essential to maintain a person’s life, it is permissible to do so out of necessity.

(1) *Al-Furqân* (The Criterion): 68.

(2) Reported by Muslim, No. 2564.

(3) *Al-Baqarah* (The Cow): 173.

(4) *Al-An‘âm* (The Cattle): 145.

Al-Jassâs stated: "Necessity is the fear of harm from abstaining from eating, whether to oneself or to a part of oneself. Whenever one eats just enough to alleviate the fear of harm in that moment, the necessity has ceased."⁽¹⁾

If the legislator has permitted eating from carrion in cases of necessity to protect the self from destruction, then establishing laws that protect humans from eventually reaching such a state is, of course, more certain. Among the means legislated by Allah to achieve this protection is the obligatory act of Zakâh, as it safeguards the lives of the poor and satisfies their hunger with what is lawful and good, as Allah has permitted.

- 3- Allah says: "*Zakâh expenditures are only for the poor and for the needy and for those employed to collect [Zakâh] 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,*"⁽²⁾ and He says: "*And from their properties was [given] the right of the [needy] petitioner and the deprived.*"⁽³⁾ The Prophet, peace and blessing of Allah be upon him, said: "*If they obey you in this, then teach them that Allah, the Glorious One, has enjoined five prayers upon them in every day and night (in twenty-four hours), and if they obey you in this, then tell them that Allah has made it obligatory for them to pay Zakâh upon their assets and it is to be taken from the wealthy among them and given to the poor among them.*"⁽⁴⁾

Evidential aspect: Allah the Almighty began the verse about the categories of Zakâh by mentioning the poor and the needy, indicating that the primary goal of Zakâh legislation is to meet their needs and preserve their lives. The poor person is one who cannot meet their basic needs, and when a person cannot find their sufficiency, this leads to destruction. Islam guarantees them the preservation of their lives and the prevention of destruction and need by establishing a known right that is taken from the wealth of the rich.

Al-Sarakhsi says: "Don't you see that Allah, the Exalted, mentioned the categories with descriptions that indicate need, which shows us that the aim is to

(1) *Ahkâm al-Qur'an* by al-Jassâs, Vol. 1, P. 159.

(2) *At-Tawbah* (The Repentance): 60.

(3) *Adh-Dhâriyât* (The Winnowing Winds): 19.

(4) It previously mentioned.

fill the need of the needy.”⁽¹⁾ Ibn Qudâmah says: “Each of them is given what suffices him and fulfills his need, as the objective is to eliminate the need and enrich its owner, and this can only be achieved through that.”⁽²⁾

Similarly, in His saying, “*the [stranded] traveler*”⁽³⁾ in the previous verse.

Evidential aspect: The traveler is one who does not have what will allow him to return to his country. The Sharī‘ah is keen to preserve his life from destruction in that situation by allocating a share of the Zakâh funds for him, from which he is given what will preserve his life and suffice him to return to his homeland.⁽⁴⁾

- 1- The Prophet’s saying to Qabîsah Ibn Mukhârq: “*Begging is allowable only to one of three classes ...; and a man who has been smitten by poverty, the genuineness of which is confirmed by three intelligent members of his people, to whom begging is allowed till he gets what will support life (or he said, what will provide a reasonable subsistence).*”⁽⁵⁾

Evidential aspect: The ḥadīth indicates that one who has fallen into poverty should be given from Zakâh until he finds sustenance. This is what suffices them and this is to preserve them and spare their lives from destruction.⁽⁶⁾

- 2- The saying of the Prophet (peace and blessings of Allah be upon him) “*and beware of stinginess because it doomed those who were before you. It incited them to shed blood and treat the unlawful as lawful.*”⁽⁷⁾

Evidential aspect: The ḥadīth indicates that greed is a destructive disease for nations, leading to bloodshed as a consequence. One of the greatest aims of Zakâh is to purify the soul from such greed, thus protecting lives from destruction.

The effect of considering this objective in the Fiqh-based branches:⁽⁸⁾

- 1- Zakâh is permissible for a poor person in need who does not have

(1) *Al-Mabsûṭ*, Vol. 3, P. 10.

(2) *Al-Mughnî*, Vol. 6, P. 470.

(3) *At-Tawbah*, (Repentance): 60.

(4) *Al-Mughnî*, Vol. 6, P. 484.

(5) Reported by Muslim, No. 1044), Abû Dâwûd, No. 1640, and al-Nasâ’î, No, 2591, and No. 2580.

(6) *Sharh al-Nawawî ‘alâ Muslim*, Vol. 7, P. 133.

(7) Muslim, No. 2578 from the ḥadīth of Jâbir Ibn Abdullah.

(8) Further elaboration on the effects of preserving the objective of protecting souls will be discussed in relation to some partial objectives, such as the objective of enriching the poor and fulfilling their needs, among other objectives that serve the purpose of preserving life.

enough to cover their essential needs, even if they own the minimum threshold of wealth (*Nisâb*). This is supported by the view of Mâlik, Ash-Shâfi'î, and one narration from Ahmad. The reason is that the main objective of Zakâh is to preserve life, and that cannot be achieved unless the needs of the poor are met.⁽¹⁾

- 2- Zakâh cannot be given to the wealthy, as their receipt of it would prevent its proper distribution to those in need. This would violate the purpose of Zakâh, which is to safeguard the lives of those in dire need.⁽²⁾
- 3- Paying Zakâh through monetary value (instead of goods) is not acceptable because doing so does not meet the varied needs of the poor. The essential principle of Zakâh is that it should address different types of needs, and giving only monetary value deprives the poor of this diversity.⁽³⁾
- 4- Zakâh is obligatory on the wealth of minors and those who are mentally incapable, according to the majority of scholars. This is because Zakâh's goal is to protect the lives of the poor using the wealth of the rich, and the wealth of children can be used for expenditures and compensations.⁽⁴⁾
- 5- It is permissible to give Zakâh to a specific category of people without needing to distribute it to all eligible categories. The goal of Zakâh is to save lives and address urgent needs, and this can be achieved by distributing it to one category.⁽⁵⁾

Al-Sarakhsî states: "The objective is to enrich the needy, and that is achieved by giving to one person. This differs from human commands, where only the wording is considered, often lacking any meaningful wisdom. In contrast, divine commands are purposeful. Notice how Allah describes the eligible categories (for Zakâh) with attributes indicating need, showing that the purpose

(1) Ibn Qudâmah says: "If he is in need, charity is permissible for him, even if he owns a minimum amount (*Nisâb*), and this applies equally to money and other forms." *Al-Mughnî*, Vol. 2, 494.

(2) *Al-Mughnî*, Vol. 2, P. 493.

(3) *Ibid*, Vol. 3, P. 88.

(4) *Al-Majmû' Sharh al-Muhadhdhab*, Vol. 5, P. 330.

(5) *Al-Ikhtiyâr li Tâ'îl al-Mukhtâr*, Vol. 1, P. 119, and *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 36.

is to fulfill the necessity of the needy.”⁽¹⁾

Ibn Rushd similarly says: “The meaning implies that those in need should be prioritized because the purpose is to address the deficiency.”⁽²⁾

- 6- Zakâh is obligatory to be given immediately to achieve its purpose of preserving life and meeting the needs of the poor, as their needs are urgent. Delaying the payment of Zakâh contradicts this objective.⁽³⁾ Al-‘Izz Ibn ‘Abdu-Salâm says, “Zakâh is obligatory immediately because its purpose is to fill needs and alleviate hardships and necessities, which are immediate. Delaying it harms the rightful recipients, and the poor are eagerly awaiting it.”⁽⁴⁾
- 7- It is permissible to give Zakâh to a *dhimmi* (non-Muslim under Muslim protection) according to Zufar – one of the prominent scholars of the Hanafis -⁽⁵⁾ as it fulfills the objective of Zakâh by preserving life and enriching the poor in need as an act of devotion.⁽⁶⁾
- 8- However, considering only the objective of preserving life is insufficient without considering the objective of preserving religion. For this reason, the majority of scholars hold that it is not permissible to give Zakâh to a non-Muslim, as the objective of preserving religion would not be achieved, and, in fact, the opposite might occur.⁽⁷⁾
- 9- The transfer of Zakâh is allowed according to Hanafi scholars, contrary to the Shafi’i position, because the goal is to meet needs and preserve lives, and this can be achieved even if Zakâh is transferred to another region. Al-Sarakhsi says, “The specification of the poor in a particular town is not due to any inherent significance in them, and it does not prevent giving Zakâh to others because the main goal, which is meeting the needs of the poor, is still achieved.”⁽⁸⁾

(1) *Al-Mabsût*, Vol. 3, P. 10.

(2) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 36.

(3) *Al-Mughnî*, Vol. 2, P. 510.

(4) *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 250.

(5) *Al-Mabsût*, Vol. 2, P. 202.

(6) *Ibid*.

(7) The previous discussion highlights the impact of the objective of preserving religion on the branches of Islamic jurisprudence.

(8) *Al-Mabsût*, Vol. 2, P. 181.

- 10- Zakâh can be paid in advance, because its purpose-preserving lives and meeting the needs of the poor-can be fulfilled by paying it early. Al-Qarâfi says, "The purpose of Zakâh, which is to show gratitude for Allah's blessings upon the wealthy and to meet the needs of the poor, can be achieved with an advance payment."⁽¹⁾
- 11- Priority is given to those in greater need when distributing Zakâh, as its primary purpose is to preserve lives, so those in dire need are prioritized.⁽²⁾
- 12- It is permissible to give Zakâh to a poor person, even if they are able to work, according to Hanafite scholars,⁽³⁾ because its purpose is to preserve lives, and the poor person is eligible for such support.



(1) *Al-Umniyah fi Idrâk al-Niyah* by al-Qarâfi, P. 53.

(2) *Al-Mughni*, Vol. 2, P. 503, and *Al-Bahr al-Râ'iq*, Vol. 2, P. 269.

(3) *Al-Mabsût*, Vol. 3, P. 14.

Fifth Treatise

Preservation of Wealth⁽¹⁾

Objective Explanation:

The concept of wealth, as mentioned by Al-Shâtibî, is defined as “what is subject to ownership, and with which the owner is enriched over others when taken lawfully. This includes food, drink, clothing, and other material possessions, as well as anything that leads to them from all kinds of wealth.”⁽²⁾

As for the preservation of wealth as one of the general purposes of Sharî‘ah, it refers to “the protection of the wealth of the nation from destruction or from leaving the hands of the nation without compensation, and protecting the essential parts of wealth from perishing without recompense.”⁽³⁾

Wealth is one of the interests upon which both worldly and religious matters depend. If wealth were absent or lost, there would be no life or survival.⁽⁴⁾ Therefore, wealth has been accorded great importance and recognition because it is considered a material means of preserving lives. Ibn Taymiyah said: “the sanction of money is derived from the fact that it is preserving the body.”⁽⁵⁾

Thus, Sharî‘ah has given great care to wealth and made its preservation, whether it exists or not, one of the essential necessities. Life’s necessities, such as food, drink, clothing, shelter, health, and all worldly interests, rely on wealth. If wealth is lost, the entire system of human life would collapse, and this would have consequences on other essential needs, particularly one’s religion and life.

(1) *Al-Mustasfâ*, Vol.1, P. 174, *Rawdhat al-Nâzir*, Vol. 1, P. 481, *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidi, Vol. 3, P. 274, *Al-Furûq* by Al-Qarafi, Vol. 4, P. 70, *Al-Mûwâfaqât*, Vol. 2, P. 20, *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 3, P. 55, *Al-Bahr al-Muhîṭ* by Al-Zarkashî, Vol. 4, P. 266, *Al-Taqrîr wa al-Tahbîr ‘alâ Tahrîr al-Kamal Ibn al-Humâm*, Vol. 3, P. 143, and *Al-Tahbîr Sharh al-Tahrîr*, Vol. 7, P. 3379.

(2) *Al-Mûwâfaqât*, Vol. 2, P. 32, by Al-Shâtibî.

(3) *Maqâsid al-Sharî‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 238.

(4) Ibid.

(5) *Majmû‘ al-Fatâwâ*, Vol. 32, P. 231.

Hence, scholars have regarded the preservation of wealth as one of the five fundamental necessities that Sharî'ah seeks to protect. Al-Ghazali says: "The purpose of Sharî'ah for creation is fivefold: to preserve their religion, life, intellect, lineage, and wealth. Anything that protects these five essentials is a benefit, and anything that undermines these essentials is a harm."⁽¹⁾ Both al-Amidî⁽²⁾ and Ibn al-Subkî⁽³⁾ said something similar to this previous statement.

Wealth, which Islamic Sharî'ah seeks to preserve and considers among its higher objectives, is not limited to the wealth of individual persons or their private property but also extends to the wealth and resources of the entire nation. In fact, the wealth of the nation takes precedence. Ibn 'Ashûr highlighted this concept, stating: "The wealth of a nation is its resources, and resources are what individuals or groups benefit from, either directly or indirectly, to achieve benefits or prevent harm under various circumstances, times, and needs."⁽⁴⁾

This objective is closely tied to the broader objective of (preserving the order and welfare of the nation,) since wealth is essential to the nation's existence, strengthening its influence, enhancing its position among other nations, facilitating the development and prosperity of the earth, and fulfilling the responsibility of vicegerency in it. The aim is not merely to protect individual wealth and material existence. Ibn 'Ashûr emphasized the importance of wealth management in Islamic Sharî'ah, stating: "It is unimaginable that a Sharî'ah that is intended to preserve the order of the nation and strengthen its might and honor would neglect the wealth of the nation, failing to give it the high regard and attention it deserves. When we examine the evidence from the Qur'an and Sunnah, which emphasize the care for the wealth and resources of the nation, and point out that this wealth is essential for its functions and to address its needs, we find numerous indications that clearly confirm the significant role of wealth in Islamic law."⁽⁵⁾

He further explains that the "system of wealth and the ways it circulates are among the most critical matters of necessity. Most financial legislation is re-

(1) *Al-Mustasfâ*, P. 174)

(2) *Al-Ihkam fî Usûl al-Ahkâm* by Al-Amidî, Vol. 3, P. 274.

(3) *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 3, P. 55.

(4) *Maqâsid al-Sharî'ah al-Islamiyyah*, by Ibn 'Ashûr, Vol. 3, P. 462.

(5) *Ibid*, Vol. 3, P. 452.

lated to the protection of individual property and, ultimately, to safeguarding the wealth of the nation.”⁽¹⁾

The preservation of wealth is accomplished in two ways:

Through existence: This includes generating, growing, and investing wealth through lawful means such as trade, agriculture, industry, and various permissible financial contracts such as sales, partnerships, sharecropping, and others that serve the public interest related to wealth.

Through non-existence: This includes prohibiting the unlawful consumption of people’s wealth, forbidding wastefulness, preventing foolish people from handling wealth, obligating compensation for those who destroy wealth, legislating the cutting off of the thief’s hand, forbidding hoarding, and other means that protect wealth from actual or potential harm.⁽²⁾

Explaining the relationship between this objective and the obligation of Zakâh:

The obligation of **Zakâh** has a strong connection to the objective of preserving wealth. In fact, the very institution of Zakâh underscores the high status wealth holds in ensuring the well-being of the ummah (nation) through both acquisition and expenditure. For this reason, Zakâh is considered one of the five pillars of Islam and a distinctive symbol of the Muslim community. As Ibn ‘Ashûr stated: “the significance of wealth and its connection to Islamic principles by stating that Zakâh is one of the three pillars of Islam, marking a clear distinction between Muslims and disbelievers, as occurred in the ayah that reads: “*those who establish Prayer and give Zakâh*”⁽³⁾, and the ayah: “*And woe to those who associate others with Allah. Those who do not give Zakâh*”.⁽⁴⁾ This highlights that wealth plays a crucial role in fulfilling the interests and needs of the Muslim community, whether through earning or spending it for the welfare of others.”⁽⁵⁾

Islamic scholars have affirmed that one of the purposes behind the legislation

(1) Ibid, Vol. 2, P. 451.

(2) *Ma‘lamat Zâyed li-Qawâ‘id al-Fiqhiyyah wa al-Usuliyyah*, Vol. 3, P. 666.

(3) *Al-Mâ'idah* (The Table): 55, *At-Tawbah* (Repentance): 71, *An-Naml* (The Ants): 3, and *Luqmân*: 4.

(4) *Fussilat* (Explained in Detail): 6-7.

(5) *Maqâsid al-Shari‘ah al-Islamiyyah* by Ibn ‘Ashûr, P. 452.

of Zakâh is the preservation of wealth. Al-Bâjî emphasized, "Charity does not diminish wealth because what is spent in charity is compensated by reward, and it is also a means for growing and preserving wealth."⁽¹⁾ Similarly, Ibn al-Qayyim mentioned, "The purposes of Zakâh include several objectives, one of which is safeguarding and preserving wealth by disbursing this specific portion."⁽²⁾ Al-Wanshîrsî also pointed out that "its aim is to provide relief, fill the gap of need, and protect wealth."⁽³⁾

The preservation of wealth through Zakâh occurs in two ways:

- 1- Existence: In terms of preserving wealth through Zakâh, this occurs by fostering its growth, purification, and introducing blessings into it. Zakâh ensures the protection and increase of a Muslim's wealth by focusing on the designated portion that is due to Allah. Allah says: "***Al-lah deprives usury of all blessing, but blesses charity with growth.***"⁽⁴⁾ The Prophet (peace and blessings of Allah be upon him) said: "*No one gives charity from pure wealth-Allah only accepts the pure-except that the Merciful takes it with His right hand, even if it is a single date, and it is nurtured in the hand of the Merciful until it becomes greater than a mountain, just as one of you nurtures his colt or calf.*"⁽⁵⁾

The wealth also grows in reality through profit, productivity, and yielding; because *Zakâh* drives its owner towards investment and production, as well as purifying wealth and obtaining blessings within it.⁽⁶⁾ "Thus, wealth is not diminished by paying Zakâh, even though on the surface it may feel like a loss."⁽⁷⁾

As-Sa'dî says: "Zakâh purifies the wealth from which it is taken, protecting it from misfortunes and removing any impure elements that might spoil or diminish the remainder. Even though Zakâh outwardly appears to reduce wealth, it increases its spiritual value because it removes impurities and leaves it clean, suitable for growth, and blessed with ongoing benefit."⁽⁸⁾

(1) *Al-Muntaqâ Sharh Al-Mûwatta'*, P. 324.

(2) *A 'lâm al-Muwaqqi'în*, P. 47.

(3) *'Iddat al-Burûq fî Jam'î Mâ fî al-Madhhab Min al-Jumû' wal-Furûq*, P. 308, with slight modifications.

(4) *Al-Baqarah (The Cow)*: 276.

(5) Previously cited.

(6) *Manh al-Jalîl Sharh Mukhtasar Khalîl*, P. 3.

(7) *Dhakhîrat al-'Uqbâ fî Sharh al-Mujtabî*, Vol. 21, P. 358.

(8) *Irshâd Ulî al-Basâ'ir wal-Albâb li Nayl al-Fiqh bi Aqrab al-Turûq wa aysar al-Asbâb*, P. 127.

- 2- Non-existence: By not paying Zakâh, destruction and corruption can affect the wealth, as withholding Zakâh leads to the removal of blessings from it and brings down divine displeasure. This causes the wealth to decrease or be destroyed. However, by paying Zakâh, the owner removes this harm and invites blessings and growth into their wealth.

Ibn al-Qayyim states: “The blessing of wealth continues for those who pay their Zakâh, as it not only preserves the wealth but also increases it for them, protects it from calamities, and creates a barrier and stronghold around it.”⁽¹⁾

Another way Zakâh preserves wealth is by preventing its gradual decline. Without investment or growth, wealth would diminish due to the annual obligation of Zakâh. To avoid this, individuals are motivated to invest their wealth productively, benefiting both themselves and the community. Al-Shatibi pointed out that protecting wealth includes ensuring its growth and preventing it from vanishing.⁽²⁾

As for the preservation of the wealth of the entire community, Zakâh contributes to that by regulating the system of its management and assisting in its growth. It controls the wealth with a method that ensures it is distributed among the community as much as possible and prevents hoarding. It comes with the prohibition of hoarding wealth, and it is mentioned that those who do so will face punishment. Allah said: “***And those who hoard gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment.***”⁽³⁾ “The surplus wealth, if kept by a person in their home without being utilized for the purpose for which wealth was created, is in contradiction to Allah’s wisdom in wealth distribution, which is not permissible. Allah has commanded that a portion of it be given to the poor so that this wisdom does not become completely void.”⁽⁴⁾

Ibn ‘Ashûr says: “It is the duty of the Shari‘ah to establish a management system that preserves wealth for the community as much as possible and aids in its growth, either by itself or through compensations, regardless of whether the beneficiaries are individuals, specific groups, or larger communities.”⁽⁵⁾

(1) *Zâd al-Ma‘âd* by Ibn al-Qayyim, Vol. 5, P. 2.

(2) *Al-Mûwafaqât*, Vol. 4, P. 348.

(3) *at-Tawbah* (Repentance): 34.

(4) *Mafâtîh al-Ghayb*, Vol. 16, P. 79.

(5) *Maqâsid al-Shari‘ah al-Islamiyyah*, Vol. 3, P. 461.

Among the ways to preserve the wealth of the community is to prevent the evils of theft, plunder, and aggression. The Wise Legislator has prescribed deterrent punishments⁽¹⁾ and prohibitive limits to counteract this. However, Zakâh was specifically legislated to prevent these issues.

Before its occurrence, Zakâh purifies souls from evils and resentments, spreading love and harmony among the individuals of the community. Furthermore, when Zakâh is given correctly, it leads to fulfilling the needs of the poor, as theft arises and increases with unmet needs in the community.

Another aspect of preserving the wealth of the entire community includes the beneficial economic effects that Zakâh brings about, such as treating economic contraction, speeding up capital circulation, redistributing income, limiting economic stagnation, addressing inflation, and other matters that aid Zakâh in preserving wealth.⁽²⁾

Objective Evidence:

- 1- The significant attention given by Legislator to the obligation of Zakâh, considering it a fundamental pillar of Islam, is evidence of its crucial role in safeguarding the wealth of the community. This is reflected in the ayah: ***“those who establish Prayer and give Zakâh”***⁽³⁾, and the ayah: ***“And woe to those who associate others with Allah. Those who do not give Zakâh”***⁽⁴⁾.

Evidential aspect: Zakâh is one of the three foundations of Islam, making it a distinguishing feature of Muslims, as Allah says: ***“those who establish Prayer and give Zakâh”***⁽⁵⁾ The absence of Zakâh is associated with polytheism, as noted in the ayah: ***“And woe to those who associate others with Allah. Those who***

(1) *Al-Furûq* by Al-Qarâfi, Vol. 3, P. 121, *Sharh Mukhtasar al-Rawdhah*, Vol. 3, P. 209, and *Al-Ibhâj fi Sharh al-Minhâj*, Vol. 3, P. 42, *Al-Bahr al-Muhîr fi Usûl al-Fiqh*, Vol. 7, P. 159.

(2) Refer to: Research paper *The Impact of the Zakâh Law on the Objective of Wealth Preservation* by Dr. Ahmed Mohammed `Azzab Mûsâ, 2017, Fiqh of Islamic Economics Forum, Department of Islamic Affairs and Charitable Activities in Dubai.

(3) *Al-Mâ'idah* (The Table): 55, *At-Tawbah* (Repentance): 71, *An-Naml* (The Ants): 3, and *Luqmân*: 4.

(4) *Fussilat* (Explained in Detail): 6-7.

(5) *Al-Mâ'idah* (The Table): 55, *At-Tawbah* (Repentance): 71, *An-Naml* (The Ants): 3, and *Luqmân*: 4.

do not give Zakâh".⁽¹⁾ This indicates the effect of Zakâh in preserving wealth that maintains the interests of the Ummah through earning and spending.⁽²⁾

- 2- Allah says: "**And those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment.**"⁽³⁾ The Prophet said: "Trade and increase the money of the orphans or else Zakâh will consume it."⁽⁴⁾ The Prophet (peace and blessings of Allah be upon him) said, "**No owner of the treasure who does not pay Zakâh (would be spared) but (his hoards) would be heated in the Fire of Hell and these would be made into plates and with these his sides, his forehead would be cauterized till Allah would pronounce judgment among His servants during a day, the extent of which would be fifty thousand years. He would then see his path, leading either to Paradise or to Hell.**"⁽⁵⁾

Evidential aspect: That hoarding wealth is one of the most harmful actions regarding the finances of individuals and the nation. Thus, the Sharī'ah came to legislate the obligation of Zakâh to prevent it; that is by compelling the owner to distribute and invest it. Hoarding leads to the destruction of its benefit and its obstruction, as it also results in the gradual erosion of wealth day by day, either by paying Zakâh or by a decrease in its value.⁽⁶⁾

- 3- The Prophet (peace and blessings of Allah be upon him) said: "**There is no day on which the servants rise, except that two angels descend, one of them says: O Allah, give a generous spender, and the other says: O Allah, give a miserly person destruction.**"⁽⁷⁾

(1) *Fussilat* (Explained in Detail): 6-7.

(2) *Maqâsid al-Sharī'ah al-Islamiyyah* by Ibn Ashûr, Vol. 3, P. 452.

(3) *At-Tawbah* (Repentance): 34.

(4) Narrated by Al-Bayhaqī in *Kitâb al-Zakâh, Bab man tajibu 'alayhi al-sadaqah*, Vol. 4, P. 179, *ḥadīth* No. 7338. An-Nawawī commented: "Ash-Shâfi'ī affirmed this *mursal ḥadīth* with the general principle from authentic *ḥadīths* that obligate Zakâh broadly and by what was narrated from the companions on this issue." See: *Al-Majmû' Sharh al-Muhadhdhab*, Vol. 5, P. 329.

(5) Agreed upon, narrated by Al-Bukhârī, No. 1402, and by Muslim with his wording, No. 987, both from the *ḥadīth* of Abû Hurairah.

(6) *Mafâtih al-Ghayb*, Vol. 16, P. 79, *Maqâsid al-Sharī'ah al-Islamiyyah* by Ibn Ashûr, Vol. 3, P. 461.

(7) Agreed upon, narrated by Al-Bukhârī, No. 1442, and Muslim, No. 1010 from the *ḥadīth* of Abû Hurairah

Evidential aspect: The statement of the angel: “O Allah, give a miserly person destruction” indicates that if Zakâh is not paid from a wealth in which it is due, the wealth may be afflicted with calamities such as theft, confiscation, fire, or loss of blessing. Even if the wealth remains, its benefit diminishes to the point where it is effectively non-existent, rendering it as though it has been destroyed and lost. Hence, Zakâh is for protecting money against any defects or destructive things, and it is a means to bring forth prosperity and blessings.⁽¹⁾

- 4- Allah the Almighty says: “*and do not spend wastefully.*”⁽²⁾ And the hadîth in which the Prophet (peace and blessings of Allah be upon him) says: “*Indeed, Allah disapproved three things for you; irrelevant talk, persistent questioning and wasting of wealth.*”⁽³⁾

Evidential aspect: Not paying the Zakâh and preventing those who deserve it from taking it is a waste of money, and this is in contradiction to the purpose of preserving money that Sharî‘ah set up.

Mâlik - may Allah be pleased with him - clarifies the meaning of the verse and the hadîth: “And among the waste of wealth is withholding it from its rightful claim.”⁽⁴⁾

Ibn Rushd states: “Because if one hoards it and does not give its rights or use it for good, he has wasted it; as it has no benefit in this world or the hereafter. It is as if it does not exist at all, and it is even worse than non-existence due to the sin incurred from withholding its rights.”⁽⁵⁾

- 5- Allah the Almighty says: “*And give its due on the day of its harvest, and do not waste.*”⁽⁶⁾

- 6- **Evidential aspect:** Some commentators said about the phrase “do not waste” that it refers to withholding charity and the due right which Allah commanded the owner of wealth to give, as mentioned in the verse: “*And give its due on the day of its harvest.*”⁽⁷⁾ This is the view of Sa‘îd

(1) *Sharh al-Sunnah* by Al-Baghawî, Vol. 5, P. 482, *Mirqat al-Mafâtîh Sharh Mishkât al-Masâbîh*, Vol. 6, P. 64.

(2) Al-Isrâ‘ (Night Journey): 26.

(3) Agreed upon, narrated by Al-Bukhârî, No. 1477, and Muslim, No. 1715.

(4) *Al-Bayan wa al-Tahsîl*, Vol. 18, P. 307.

(5) Ibid, Vol. 18, P. 308.

(6) *Al-An‘âm* (The Cattle): 141.

(7) *Tafsîr Al-Tabarî*, Vol. 12, P. 175.

Ibn al-Musayyib and Muḥammad Ibn Ka'b.⁽¹⁾

Al-Ṭabarî says: The correct interpretation, in my opinion, is that Allah -exalted be He-prohibited in His saying: “*do not waste*” from all forms of wastefulness, not specifying any particular meaning over another. Since “*wastefulness*” in the language of the Arabs refers to exceeding the limits in giving, either by excessive increase or by failing to give what is obligatory, it is understood that one who withholds what Allah has obligated him to give, such as withholding charity when it is due, is considered wasteful, falling under the meaning of wastefulness mentioned by Allah in His statement: “*do not waste*.”⁽²⁾

Thus, the verse indicates that one of the objectives of Zakâh is to protect wealth from wastefulness.

- 7- The Prophet (peace and blessings of Allah be upon him) said: turned to the Companions and said: ‘*O Muhajirun, there are five things with which you will be tested, and I seek refuge with Allah lest you live to see them: ... and They do not withhold the Zakâh of their wealth, but rain will be withheld from the sky, and were it not for the animals, no rain would fall on them.*’⁽³⁾

Evidential aspect: Refraining from paying Zakâh will cause the rain to stop falling from the sky, and thus results in the destruction and loss of wealth. In this sense Zakâh prevents this harm.

- 8- ‘Ubaydullah Ibn ‘Adî, may Allah be pleased with him, narrated that two men told him that they had gone to the Messenger of Allah (peace and blessings of Allah be upon him) asking him to give them something from the Zakâh money (as he was distributing it at that time). The Messenger of Allah then looked them up and down and found them to be sturdy and strong. He then said to them, “*If you desire, I shall give it to you, but this Zakâh is not for one who is rich, neither for the one who is strong and able to earn.*”⁽⁴⁾

(1) Ibid.

(2) Ibid, Vol. 12, Ps. 176-177, with slight modifications.

(3) Narrated by Ibn Mâjah in his *Sunan*, No. 4019, and authenticated by Al-Albânî in *Silsilat Al-Aḥâdith As-Sahîhah*, Vol. 1, P. 219.

(4) Narrated by Abû Dâwûd, No. 1633, and An-Nasâ’î, No. 2598, and authenticated by An-Nawawî in *Al-Majmû’*, Vol. 6, P. 189, also authenticated by Al-Albânî in *Irwâ’ Al-Ghalîl*, Vol. 3, P. 381.

Evidential aspect: The Prophet said that Zakâh is not for the one who is strong and able to earn, and this is to preserve the wealth by urging the poor to earn and develop the wealth of the Ummah instead of taking Zakâh.

- 9- Abû Hurayrah said that Allah's messenger told of *a man who expressed his intention to give sadaqa (charity), and who when he took it out placed it in a thief's hand. In the morning the people were talking and saying, "Sadaqa was given to a thief last night." The man said, "O Allah, to You be the praise-to a thief!"* ... He then had a vision in which he was told that his sadaqa to a thief might result in his refraining from his theft."⁽¹⁾

Evidential aspect: In the *hadîth*: "*his sadaqa to a thief might result in his refraining from his theft,*" there is a demonstration of one of the objectives of Zakâh, which is to enable the thief to refrain from theft. If he is given from charity and becomes self-sufficient through it, he will abstain from stealing. This, in turn, preserves the wealth of the entire *Ummah* by preventing theft.

- 10- Allah the Almighty says: "***Your Lord has declared, 'If you are grateful, I will surely increase you [in favor].'***"⁽²⁾ Al-Ghazâlî, in his explanation of the meanings of Zakâh, states: "The third meaning is gratitude for blessings. Indeed, Allah the Almighty has bestowed blessings upon His servant in both his self and his wealth. Physical acts of worship are a form of gratitude for the blessing of the body, while financial acts of worship are gratitude for the blessing of wealth."⁽³⁾

Evidential aspect: The verse indicates that expressing gratitude for a blessing leads to its increase, and paying Zakâh is an act of gratitude for the blessing of wealth. Through this, wealth is preserved by being nurtured, increased, and blessed.

The effect of considering this objective in the Fiqh-based branches:

- 1- There is a focus on justice in the legislation of the Zakâh obligation, considering the needs of wealth owners and facilitating their circumstances. This approach preserves their wealth and encourages them to grow and invest it. Injustice in imposing rights on wealth owners significantly discourages them from investment, which can lead to detriment for the wealth of the entire community.

(1) Agreed Upon: Narrated by al-Bukhârî, No. 1421, and Muslim, No. 1022.

(2) *Ibrâhîm*: 7.

(3) *Ihyâ' 'Ulûm al-Dîn*, Vol. 1, P. 214.

- 2- Zakâh is obligatory only on growing wealth, not on stagnant wealth. This preserves the wealth of the Zakâh payer from consumption and deterioration-one of the goals of safeguarding wealth in Islamic law.⁽¹⁾ If Zakâh were to be imposed on stagnant wealth, it would lead to its depletion. Zakâh is intended as a means of solidarity for wealth that has the potential for growth, thus it generally does not lead to the depletion of wealth.⁽²⁾
- 3- The basic principle is that Zakâh is obligatory on currency as a general rule, whether it grows or does not grow. This applies to trade, personal expenses, or other uses, achieving the objective of Islamic Sharî'ah in protecting wealth by urging the owners to get it out and invest it so that it is not vanished, and because currencies are created for the benefit of trade and transactions, prepared for that in any form they may take."⁽³⁾

As-Sarakhsi says: "As for dirhams, dinars, gold, silver, broken ingots, jewelry, ornaments, swords, belts, and similar items, Zakâh is due on all of these if they reach the minimum threshold: twenty *mithqals* of gold or one hundred dirhams of silver, whether intended for trade or not. The basis for this is the saying of Allah the Almighty: ***"And those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment."***⁽⁴⁾ And hoarding or treasuring is the name for buried wealth that is not intended for trade. Allah has warned about it. The wealth created for expenditure and benefit is not to be increased except through the actions of people through cultivation or trade. As for gold and silver, they are created as two essential forms for the benefit of trade and transactions, thus they are prepared for growth in any form, so Zakâh is obligatory on them."⁽⁵⁾

- 4- The obligation of Zakâh on trade goods applies whether there is profit or not, as the owner must exert more effort in investment,⁽⁶⁾ so that their wealth does not diminish year after year due to Zakâh. Increasing wealth is one of the most important means of preserving it; because reason dictates that growing wealth continues to increase and strengthen when

(1) Al-Shâtibî states, "The preservation of wealth pertains to ensuring it enters ownership and to its growth so that it does not perish." *Al-Mûwâfaqât*, Vol. 4, P. 348.

(2) *Al-Muntaqâ Sharh al-Muwattâ'*, Vol. 2, P. 114.

(3) *Al-Mabsût*, Vol. 2, P. 184.

(4) *At-Tawbah* (Repentance): 34.

(5) *Al-Mabsût*, Vol. 2, P. 191.

(6) Ibid.

Zakâh is withheld from it. This serves as evidence for the obligation of Zakâh on it without the intention of trade. The same holds true for continuous investments, and the opposite is also valid.⁽¹⁾

- 5- The obligation of Zakâh on jewelry, according to the Hanafi school, is based on the characteristic of it being wealth intended for transactions. The principle regarding currencies, as previously mentioned, is growth and the obligation of Zakâh on them, to prevent the hoarding that immobilizes wealth.⁽²⁾
- 6- The obligation to pay Zakâh immediately is to avert the harm of wealth perishing due to the mingling of Zakâh with it. Al-Baghawî states, "The Prophet's saying: *"Whenever the charity mixes with some other money, it will perish it"*⁽³⁾ serves as evidence for hastening the Zakâh and disbursing it before it becomes mixed with one's wealth, leading to its loss."⁽⁴⁾
- 7- There is no obligation to pay Zakâh on deferred debts for several years except once at the time of receipt, according to the *Mâlikî* School. This is a protection for the wealth of the one paying Zakâh from being consumed, because if Zakâh were to be obligatory on it every year while it is in the hands of another, its growth would benefit the other person; this would eventually lead to the Zakâh consuming the wealth.⁽⁵⁾
- 8- It is not permissible for one who is able and capable of earning and working to take from Zakâh, according to the Shâfi'î School, as this preserves the wealth of the community, encourages them to work and earn, and fosters the growth of wealth.⁽⁶⁾ If they were given from Zakâh, there would be fear of them becoming lazy about work, which would lead to waste and squandering of wealth and resources.
- 9- Zakâh is not obligatory on the wealth of a child or a person of unsound

(1) Research: *Athar Shar'at al-Zakâh fî Hifz al-Mâl* (The Effect of the Law of Zakâh on Wealth), P. 34.

(2) *Al-Mabsûṭ*, Vol. 2, P. 191; *Bidâyat al-Mujtahid wa Nihâyat al-Muqasid*, Vol. 2, P. 12.

(3) Narrated by Ash-Shâfi'î in his *Musnad*, No. 749, and weakened by Al-Albânî [see: *Dha'if Al-Jâmi' As-Saghîr*, P. 731.

(4) *Sharh As-Sunnah* by Al-Baghawî, Vol. 5, P. 482; and see *Al-Shâfi' fî Sharh Musnad Al-Shâfi'î*, Vol. 2, P. 162.

(5) *Al-Muntaqa Sharh Al-Mûwatta'*, Vol. 2, 114.

(6) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 490, *Al-Bayân fî Madhab Al-Imâm Al-Shâfi'î*, Vol. 3, P. 411.

mind according to the Hanafite School, as this preserves their wealth by preventing it from being depleted. If Zakâh was made obligatory on them, it could lead to the consumption and depletion of their wealth, which contradicts the objective of preserving wealth.⁽¹⁾

It has been debated that the real loss happens when Zakâh is not given; as giving Zakâh has both worldly and spiritual benefits. The spiritual benefit is clear in the reward, and the worldly benefit includes the improvement of one's faith, heart, and body, as well as peace of mind and contentment. Furthermore, giving Zakâh may result in Allah's blessing upon the remainder of the wealth, thus preserving it.⁽²⁾

- 10- Zakâh is not obligatory on income-generating assets,⁽³⁾ as this would lead to the consumption of the wealth of the Zakâh-payer by having to pay it every year, which contradicts the purpose of Sharī'ah in preserving wealth.
- 11- One who has gone into debt due to extravagance-such as a man who spends excessively on desires and pleasures, or who is wasteful in giving gifts or donations not for righteousness or piety-should not be given from the portion of Zakâh allocated to debtors. If he has assets or property that can settle his debt, he should not be supported, as preventing waste of his own wealth takes precedence over the loss of Zakâh funds.⁽⁴⁾



(1) *Badâ'i' al-Sanâ'i'*, Vol. 2, P. 5.

(2) *Fatâwâ al-Subkî*, Vol. 1, P. 200.

(3) This refers to assets that are not intended for sale or trade but are meant for growth and the extraction of benefits and yields. This includes renting or selling what is produced from them [Refer to: *Kuwait Fiqh Encyclopedia*, Vol. 22, P. 83.

(4) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 508.

Sixth Treatise

Preservation of Intellect⁽¹⁾

Objective Explanation:

The mind is described as: “The tool of understanding, the bearer of responsibility, the place of discourse and duty, and the master of worldly affairs, and the noblest of human attributes.”⁽²⁾ Shari‘ah has given it great attention, considering its protection one of the five essentials – which all the previous divine laws include it - and made it a condition for being legally responsible in terms of understanding and action, and a basis for dealing with matters of the soul and the universe. Humans are commanded to think, reflect, and ponder, and with this, they are distinguished from many other creatures. Allah praised those with sound intellect among the diligent, thinkers, and those who contemplate, all of which indicates the honorable status of the intellect in Islam.⁽³⁾

The meaning of safeguarding the mind, as Ibn ‘Ashûr mentioned, is “protecting people’s minds from any disruption, as a disruption of the mind leads to great corruption due to the lack of control in behavior. The disruption of an individual’s mind leads to partial corruption, while disruption on a collective level or among the general population is even worse.”⁽⁴⁾

This statement focuses on protecting the mind from harm or potential harm (non-existence), but based on the principle that the preservation of interests

(1) *Al-Mustasfâ*, Vol.1, P. 174, *Rawdhat al-Nâzir*, Vol. 1, P. 481, *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidi, Vol. 3, P. 274, *Al-Furûq* by Al-Qarâfi, Vol. 4, P. 70, *Al-Mûwâfaqât*, Vol. 2, P. 20, *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 3, P. 55, *Al-Bahr al-Muhîr* by Al-Zarkashî, Vol.4, P. 266, *Al-Taqrîr wa al-Tahbîr ‘alâ al-Tahrîr al-Kamâl Ibn al-Humâm*, Vol. 3, P. 143, *Al-Tahbîr Sharh al-Tahrîr*, Vol. 7, P. 3379, *Irshâd al-Fuhûl ilâ Tahqîq al-Haqq min ‘Ilm al-Usûl*, Vol. 2, P. 129.

(2) *Shifâ’ al-Ghalîl*, P. 160.

(3) *‘Ilm al-Maqâsid al-Shar‘iyah*, Dr. Nûr al-Dîn al-Khâdimî, P. 72.

(4) *Maqâsid al-Shari‘ah al-Islâmiyyah* by Ibn ‘Ashûr, Vol. 3, P. 238.

involves maintaining both existence and non-existence⁽¹⁾, we can say: the preservation of the mind from the perspective of existence involves ensuring the mind's presence, increasing it, enhancing its faculties, and bringing about its benefits.⁽²⁾

Some contemporary scholars have argued that considering the intellect in legislation encompasses three main elements:

- 1- **Development of the intellect:** This involves keeping the intellect in its best possible state, whether in terms of its ability to engage in scientific thinking, training the mental faculty, or feeding the mind with knowledge and skills. These efforts enhance the intellect's capacity to perform its functions.
- 2- **Preservation of the intellect:** This includes maintaining the health of the senses, the nervous system, and the brain, ensuring the mind remains capable of fulfilling its functions.
- 3- **Utilization of the intellect:** This is achieved by activating and employing it. Key practices for doing so include intellectual workshops such as contemplation, reflection, and drawing lessons from experiences (tafakkur, tadabbur, and i'tibar).⁽³⁾

Explaining the relationship between this objective and the obligation of Zakâh:

Zakâh achieves the objective of preserving the intellect of individuals and the collective intellect of the nation in both its existence and non-existence:

As for preserving the intellect in existence: The Zakâh payer gains soundness of mind and wisdom through the act of giving Zakâh. Allah follows the verses on charitable spending by mentioning wisdom. Ibn 'Ashûr explains in his interpretation of Allah's words, "*He grants wisdom to whom He wills*,"⁽⁴⁾ "that this phrase is an interjection and a conclusion to the teachings in the verses about charitable giving, which encourage virtues and behaviors that bestow the giver with sound mind and upright actions."⁽⁵⁾

(1) *Al-Mûwâfaqât*, Vol. 2, P. 18.

(2) *Ibid*, and *Ma'îmat Zâyed li-l-Qawâ'id al-Fiqhiyyah wa al-Usûliyyah*, Vol. 3, P. 641.

(3) *Nahw taf'îl Maqâsid al-Shari'ah al-Islâmiyyah*, by Gamâl 'Atiyyah, Ps. 136-137.

(4) *Al-Tahrîr wa al-Tanwîr*, Vol. 3, P. 60. (5) *Al-Baqarah* (The Cow): 269.

Intellectual and scientific growth, and the coming of blessings upon it, are realized in another aspect: the growth, purification, and comprehensive spiritual cleansing that the person gains by giving Zakâh. Blessings will descend upon all their affairs and matters,⁽¹⁾ and this generally includes the mind.

As for the Zakâh recipient, the preservation of the mind is achieved by developing and nurturing it through knowledge and learning, either directly by giving Zakâh to students of knowledge to support them in their pursuit of knowledge and to strengthen them, or indirectly by fulfilling the essential needs of the poor, which may otherwise overwhelm their minds and time. This enables them to seek knowledge, develop their intellect, and nourish it with knowledge and sciences. For the development and nourishment of the mind with knowledge and sciences is not usually attainable when a person is poor and unable to meet their basic needs. Zakâh helps in fulfilling these needs.

As for the Ummah as a whole, by nurturing the minds of its individuals, knowledge, awareness, and understanding spread throughout the community, and ignorance and laziness, which are the foundation of every backwardness and economic affliction, diminish in nations. So, when the needs are met and the society lives in economic and intellectual prosperity, this casts its shadow on the strength of the state with the spread of knowledge and scholars.

And from another perspective, the person contemplating the rulings of Zakâh will find that it encourages individuals to activate and utilize their intellect. This is why scholars have considered the ability to earn a living and work when determining who is eligible for Zakâh, especially if the person is poor. A group of scholars did not permit giving Zakâh to someone who is capable of earning and working, as this serves to encourage and motivate them to engage their intellect and develop it.⁽²⁾

Therefore, scholars have regarded the ability to earn as a type of wealth. Al-Shâfi'î said, "There is no poor person who becomes self-sufficient through their earnings, for it is one of the two forms of wealth... The first wealth is that of money, which does not harm when earning is left and increases with earning, and this is the greater wealth. The second wealth is the wealth through earning."⁽³⁾

(1) *Manâhij At-Tahsîl Sharh Al-Mudawanah*, Vol. 2, P. 179.

(2) *Al-Hâwî al-Kabîr*, Vol. 8, P. 490, *Al-Bayân fî madhhab al-Imâm al-Shâfi'î*, Vol. 3, P. 411.

(3) *Al-Umm* by al-Shâfi'î, Vol. 2, P. 80.

As for preserving the intellect from harm (i.e., non-existence), Zakâh helps prevent the harms of ignorance and the loss of mind capacities-harms that are countless and immeasurable. By addressing the basic needs of the poor and enabling them to focus on intellectual development, ignorance and blind, uncritical following-which stifles the intellect-are reduced among individuals and communities of the Ummah, leading to the resolution of problems caused by such issues.

One of the harms that Zakâh helps prevent is what the jurists mentioned as causes for the loss of intellect in a tangible sense. They provided the Sharî'ah punishments as ways of safeguarding the mind such as punishing for the consumption of alcohol,⁽¹⁾ as part of the preservation of intellect. Zakâh contributes to preventing these harms before they occur by addressing the underlying causes-foremost among them being poverty and need. Among the greatest objectives of Zakâh is to ward off all these harms by fulfilling the needs of the needy.

Objective Evidence:

- 1- The ayah that reads: **"Indeed, in the creation of the heavens and the earth and the alternation of the night and the day are signs for those of understanding."**⁽²⁾ And the ayah: ***"And We have certainly created for Hell many of the jinn and mankind. They have hearts with which they do not understand, they have eyes with which they do not see, and they have ears with which they do not hear. Those are like live-stock; rather, they are more astray. It is they who are the heedless,"***⁽³⁾ and the ayah that reads: ***"Indeed, the worst of living creatures in the sight of Allah are the deaf and dumb who do not use reason."***⁽⁴⁾

Evidential aspect: Allah praises those who use their intellects for reflection and contemplation, and criticizes those who neglect them by blind imitation and turning away from Allah's signs. This signifies that the Sharî'ah gives great importance to preserving and utilizing the intellect. Zakâh helps achieve this by fulfilling basic needs, removing ignorance, and spreading knowledge.

- 2- Allah the Almighty says: ***"Only those fear Allah, from among His ser-***

(1) *Al-Mustasfâ*, P. 174, *Al-Ihkâm fî Usûl al-Ahkâm* by al-Amidî, Vol. 3, P. 272, *Sharh Mukhtasar al-Rawdhah*, Vol. 3, P. 209.

(2) *Ali 'Imrân* (The Family of Imrân): 190-191.

(3) *Al-A 'râf* (The Heights): 179.

(4) *Al-Anfâl* (The Spoils of War): 22.

vants, who have knowledge. Indeed, Allah is Exalted in Might and Forgiving,”⁽¹⁾ and Allah says: *“Allah will raise those who have believed among you and those who were given knowledge, by degrees. And Allah is Acquainted with what you do,”*⁽²⁾ and the ayah that reads: *“Allah witnesses that there is no deity except Him, and [so do] the angels and those of knowledge - [that He is] maintaining [creation] in justice. There is no deity except Him, the Exalted in Might, the Wise.”*⁽³⁾

Evidential aspect: Allah praises scholars, highlighting their honor and status. One of the requirements of knowledge is the use and development of the mind. The mind cannot thrive without knowledge, and knowledge cannot be attained without the intellect. Zakâh combines both the preservation of the mind and assistance in acquiring knowledge.

- 3- The Prophet (peace and blessings of Allah be upon him) said: *“Seeking knowledge is a duty upon every Muslim,”*⁽⁴⁾ and he said: *“Allah makes the way to Jannah easy for him who treads the path in search of knowledge,”*⁽⁵⁾ and he says: *“There is no one who goes out of his house in order to seek knowledge, but the angels lower their wings in approval of his action.”*⁽⁶⁾

Evidential aspect: The hadîths strongly encourage seeking knowledge and emphasize the honor and status of those who possess and carry it. Seeking and acquiring knowledge is one of the greatest ways to preserve the intellect and protect it from the affliction of ignorance, which hinders the proper functioning of the mind. Zakâh supports this cause by encouraging the upliftment of knowledge and can be spent in certain categories to assist in the propagation of knowledge and support its seekers.

- 4- The Prophet (peace and blessings of Allah be upon him) said: *“He who drinks wine in this world and dies when he is addicted to it, not having repented, will not drink it in the next,”*⁽⁷⁾ and he said: *“Every intoxicant*

(1) Fâtir (The Originator): 28.

(2) Al-Mujâdila (The Pleading Woman): 11.

(3) Al-‘Imrân (The Family of Imrân): 18.

(4) Ibn Mâjah, Hadîth No. 224, narrated by Anas Ibn Mâlik.

(5) Part of a Hadîth from Sahîh Muslim, No. 2699, narrated by Abû Hurairah.

(6) Narrated by Ahmad, No. 18093, authenticated by Al-Albânî as Hasan Sahîh in “At-Ta’lîqât Al-Hisân ‘alâ Sahîh Ibn Hibbân,” Vol. 1, P. 201.

(7) Agreed upon Hadîth from Al-Bukhârî, No. 5575 and Muslim, No. 2003, Ps. 76-78, narrated by ‘Abdullah ibn ‘Umar.

is Khamr, and every intoxicant is prohibited.”⁽¹⁾

Evidential aspect: The Sharî‘ah came with the prohibition of everything that leads to the loss and weakening of the intellect. Zakâh prevents this by blocking the means to it, namely by alleviating poverty, which can lead to the spread of intoxicants and drugs. Furthermore, Zakâh supports the dissemination of knowledge, which lifts the veils of sin and the temptations that lead to it, from the intellect.

The effect of considering this objective in the Fiqh-based branches:

- 1- Some scholars from the Shâfi‘î School allow Zakâh to be given to students engaged in knowledge-seeking (even if they are capable of earning a livelihood) because acquiring knowledge is considered a communal obligation (*Fardh Kifâya*). Other scholars stipulate that the student must be of promising capability, with the potential to excel in his studies and benefit the Muslim community through his knowledge. This aligns with the objective of Sharî‘ah in preserving and developing the mind.⁽²⁾
- 2- It is permissible to give Zakâh to a student of knowledge so he can buy books. This view is supported by Ibn Taymiyyah, who emphasized that providing students with Zakâh helps promote religion and intellectual growth. Ibn Muflih mentions, “Our Sheikh (Ibn Taymiyyah) was asked about a person who didn’t have enough money to purchase books to study from. He replied: It is permissible for him to take from Zakâh what he needs to buy essential books for the benefit of his religion and worldly matters.”⁽³⁾
- 3- The category “*in the path of Allah*” in Zakâh distribution can include scholars, even if they are wealthy, according to a view within the Mâlikî School.⁽⁴⁾ This is because supporting them in their scholarly work aids the preservation, cultivation, and purification of Muslim intellects. Al-Qannûjî stated, “Among the uses of *in the path of Allah* is supporting scholars who are engaged in serving the religious interests of Muslims.

(1) *Sahîh Muslim*, No. 2003, P. 73, narrated by ‘Abdullah Ibn ‘Umar.

(2) *Al-Majmû‘ Sharh Al-Muhaddhab*, Vol. 16, P. 191, *Mughni Al-Muhtâj Ilâ Ma‘rifat Ma‘âni Alfâz Al-Minhâj*, Vol. 4, P. 175.

(3) *Al-Furû‘ wa Tashîh Al-Furû‘*, Vol. 4, P. 297.

(4) *Sharh Mukhtasar Khalîl by al-Khurashî*, Vol. 2, P. 216.

They have a rightful share in Allah's wealth, whether they are rich or poor. In fact, this is one of the most important matters, as scholars are the inheritors of the Prophets and the bearers of the faith. Through them, the integrity of Islam and the Sharî'ah of the Prophet are safeguarded. Furthermore, the scholars among the Companions of the Prophet would receive financial support that allowed them not only to meet their needs but also to assist the poor and others who came to them. And some of them used to receive more than one hundred thousand dirhams, and among these funds that were distributed among Muslims in this manner: Zakâh."⁽¹⁾

- 4- The prohibition of giving from the Zakâh to the capable of earning according to the *Shâfi'îs*;⁽²⁾ because he has a constant ability to sustain himself, thus it is obligatory to prohibit Zakâh for him, to prevent the harm of laziness and the corruption of the mind expected when giving Zakâh to him.
- 5- The Sharî'ah has made one of the recipients of Zakâh the slaves and captives "***and for freeing captives [or slaves]***"⁽³⁾; while servitude weakens a person's intellect and abilities.
- 6- The permissibility of giving from Zakâh to a traveler embarking on a lawful journey according to the *Shâfi'îs*;⁽⁴⁾ this includes travelers seeking knowledge, because their journey develops their mind and aids Islam and the Muslims.



(1) *Al-Rawdhah Al-Nadiyyah Sharh Al-Durâr Al-Bahiyyah*, Vol. 1, P. 207.

(2) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 491.

(3) *At-Tawbah* (Repentance): 60.

(4) *Al-Majmû' Sharh Al-Muhadhdhab*, Vol. 6, P. 214.

Seventh Treatise

Preservation of Lineage and Honor⁽¹⁾

The preservation of honor and lineage is among the noble necessities that the Shari‘ah has diligently aimed to protect. It has established the safeguarding of both honor and lineage as one of the five major objectives (*Maqâsid*) of Islamic law. The Shari‘ah has enacted various rulings to ensure the protection of these aspects in both existence and non-existence. This treatise illustrates the significance of Zakâh legislation in achieving that goal.

The scholars have agreed on the objective of preserving lineage as one of the necessities, but there is a debate about whether the preservation of honor is also classified as a necessity. A group of scholars, including Tâj al-Dîn al-Subî, argues that it is indeed one of the necessities. He states, “The necessary matters that are to be preserved are in the following order: religion, life, mind, lineage, wealth, and honor.”⁽²⁾

However, some scholars, including Al-Ghazâlî,⁽³⁾ Al-Amidî,⁽⁴⁾ Al-Shâtibî,⁽⁵⁾ and Ibn ‘Ashûr,⁽⁶⁾ do not classify the preservation of honor as one of the primary necessities. Al-Shâtibî states, “The total of the necessities is five: the preservation of religion, life, lineage, wealth, and mind.”⁽⁷⁾ Ibn ‘Ashûr argues that while

(1) *Al-Mustasfâ*, Vol. 1, P. 174, *Rawddat al-Nâzir*, Vol. 1, P. 481, *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidî, Vol. 3, P. 274, *Al-Furûq* by Al-Qarâfî, Vol. 4, P. 70, *Al-Mûwâfaqât*, Vol. 2, P. 20, *Al-Ibhâj fî Sharh al-Minhâj*, Vol. 3, P. 55, *Al-Bahr Al-Muhîr* by Al-Zarkashî, Vol. 4, P. 266, *Al-Taqrîr and Al-Tahbîr ‘alâ Tahrîr al-Kamal Ibn al-Humâm*, Vol. 3, P. 143, *Al-Tahbîr Sharh Al-Tahrîr*, Vol. 7, P. 3379, and *Irshâd Al-Fuhûl Ilâ tahqîq al-Haqq min ‘Ilm al-Usûl*, Vol. 2, P. 129.

(2) *Tashnîf Al-Masâm‘ bi Jam‘ Al-Jawâm‘*, Vol. 3, P. 291.

(3) *Al-Mustasfâ*, P. 174.

(4) *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidî, Vol. 3, P. 274.

(5) *Al-Mûwâfaqât*, Vol. 2, P. 20.

(6) *Maqâsid al-Shari‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 240.

(7) *Al-Mûwâfaqât*, Vol. 2, P. 20.

the preservation of honor is important, it does not fall under the category of necessities but rather under the needs (*hâjiât*). And what led some scholars, like Taj al-Dîn al-Subkî, to consider the preservation of honor as one of the necessities in his work (*Jam' al-Jawâmi'*) is that what he views of the occurrence of Sharî'ah punishment regarding those who perform slander in the Sharî'ah. We do not adhere to the correlation between necessity and that which its negligence may lead into Sharî'ah punishment; thus, neither al-Ghazâlî nor Ibn al-Hâjib regarded it as necessary.”⁽¹⁾

The legislation of Zakâh has come to preserve both, thus achieving the objective of safeguarding lineage and honor.

Objective Explanation:

The meaning of preserving lineage is to protect genealogies from being disrupted and to ensure that the lineage is traced back to its origin.⁽²⁾ The preservation of lineage, according to this understanding, is one of the necessities for the stability and continuity of life. Through it, the construction, progress, growth, and prosperity of the earth are realized. It strengthens nations, protects their rights, safeguards their honor and wealth, and ensures the continuity, endurance, and persistence of life. Therefore, Al-Shâtibî says: “And if lineage were absent, there would typically be no survival.”⁽³⁾

And for this reason, the preservation of lineage is considered one of the five essential interests in Islamic law; because its loss means the reduction of the human race, and subsequently its extinction and disappearance.

The legally recognized lineage is that which results from the union of a man and woman through the valid contract of marriage, free from any doubts about parentage.⁽⁴⁾ The Wise Legislator (i.e., Allah) prescribed marriage to achieve the objective of preserving lineage as it the way to preserve the continuity of the human race.

And thus, the primary purpose of marriage is the preservation of lineage. Al-Razî says: “Know that Allah, the Exalted, has placed in the heart of man a deep love for his wife and children, which is a profound wisdom. Without this

(1) *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn 'Ashûr, Vol. 3, P. 240.

(2) *Ibid*, Vol. 3, P. 239, with slight modification. (3) *Al-Mûwâfaqât*, Vol. 2, P. 32.

(4) *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn 'Ashur, Vol. 3, P. 436.

love, procreation and reproduction would not occur, leading to the extinction of the human race. This love seems to be an instinctual condition, as it is found in all animals, and the wisdom behind it is what we mentioned-the continuation of lineage.”⁽¹⁾

Al-Shâtibî says: ‘The Lawgiver intended, through marriage, primarily the continuation of lineage, followed by other purposes like finding companionship, establishing relations with the family of the wife for their nobility or piety, service, managing one’s affairs, enjoying what is permissible from women, acquiring wealth from the woman, appreciating her beauty, being pleased with her piety, or refraining from what Allah has prohibited, and other similar reasons as indicated by the Sharî‘ah.’⁽²⁾

Thus, the Lawgiver intended to preserve lineage from two aspects:

First, the aspect of existence, through which the existence, increase, and growth of lineage is ensured, along with the benefits related to it. This is achieved through marriage and its complements, such as good companionship, suitability of the spouse, childcare, and all other Sharî‘ah rulings that organize the marriage contract.

From the perspective of non-existence: this refers to what prevents the nullification and corruption of lineage after it has come into existence, by warding off the harms that could relate to it; such as prohibiting adultery, preventing the killing of children, burying daughters alive, and prohibiting abortion.⁽³⁾

As for the preservation of honor, Ibn ‘Ashûr defined it as: “Preserving people’s honor from aggression against it.”⁽⁴⁾

The term honor here refers to its general concept, which includes all that is praised or blamed in a person. Ibn Al-Athîr defines honor as: “The place of praise and dispraise concerning a person, whether it pertains to himself or to his ancestry, or to those whose affairs are tied to him. It is said to be that aspect which he protects from his own self and lineage, defending it from being diminished or dispraised.”⁽⁵⁾

(1) *Mafâtîh al-Ghayb*, Vol. 7, P 162.

(2) *Al-Mûwâfaqât*, Vol. 1, P. 383.

(3) *Ma‘lamat Zâyed lil Qawâ'id Al-Fiqhiyah wal Usûliyah*, Vol. 3, P. 652.

(4) *Maqâsid Al-Sharî‘ah Al-Islamiyah* by Ibn ‘Ashûr, Vol. 3, P. 242.

(5) *Al-Nihayah fî Gharîb Al-Hadîth wal Athar*, Vol. 3, P. 209.

Explaining the relationship between this objective and the obligation of Zakâh:

The obligation of Zakâh significantly contributes to the preservation of lineage and honor.

Regarding the preservation of lineage from the existence aspect, Zakâh, being a portion designated for the poor, assists them in marriage; as one of the most crucial reasons for delays in marriage is the lack of the husband's financial capacity to fulfill the responsibilities of marriage and family. Consequently, the need becomes an obstacle to the marriage through which lineage is preserved.

Moreover, Zakâh aids in the continuity and sustainability of marriage. Some reasons for family breakdown and the occurrence of divorce, which significantly affect lineage, include the husband's limited financial resources and reduced capability. When a husband's needs are met through Zakâh, it supports him.

Many scholars consider wealth and affluence as essential factors in marriage competency,⁽¹⁾ asserting that the husband should own the dowry and have sufficient means to provide for his family.⁽²⁾ The dowry and expenses are also crucial for the husband to fulfill, as the dowry is an obligation that must be met, and providing for the family is fundamental for the marriage's continuity.⁽³⁾ Furthermore, a woman's welfare is affected by her husband's financial incapacity, as it disrupts her financial needs and the maintenance of their children. It is also noted that such deficiencies are recognized by people, and they assess their social standing based on lineage, further emphasizing its importance.⁽⁴⁾

As for the preservation of lineage from the non-existence aspect, Zakâh averts the need, which is a significant driver for the killing of offspring and harming them. Many people resort to abortion, killing children, or limiting offspring due to poverty, need, and the inability to spend adequately. Thus, the

(1) *Al-Binayah Sharh Al-Hidâyah*, Vol. 5, P. 116, *Al-Hâwî Al-Kabîr*, Vol. 9, P. 106, *Al-Mughnî* by Ibn Qudâmah, Vol. 7, P. 37.

(2) *Al-Binayah Sharh Al-Hidâyah*, Vol. 5, P. 116, and the *Mâlikîs* do not consider wealth in competency, but they believe that the judge can elevate the dispute if the father does not consider it in marrying his affluent daughter, to see what is more appropriate. See: *Al-Sharh al-Kabîr* by Sheikh Al-Dardîr and *Hâshiyat Al-Dûsûqî*, Vol. 2, P. 249.

(3) *Fath Al-Qadîr* by Al-Kamâl Ibn Al-Ḥumâm, Vol. 3, P. 300, *Al-Muhîr Al-Burhânî fî Al-Fiqh Al-Nu'mânî*, Vol. 3, P. 21.

(4) *Al-Mughnî* by Ibn Qudâmah, Vol. 7, P. 37.

obligation of Zakâh comes to prevent this corruption, whether it is currently occurring or anticipated.

From another perspective, Zakâh also diminishes the corruption of adultery, which is one of the most severe vices harmful to lineage, as it leads to the mixing of lineages and their loss. Therefore, the Sharî'ah has discouraged it by legislating the punishment for adultery, which the scholars refer to as a means to protect lineage.⁽¹⁾ Furthermore, if we contemplate the legislation of Zakâh, we find it also preserves lineage, since some women may feel compelled to engage in adultery and prostitution out of poverty, working in this way to meet their needs and secure their livelihood. Thus, Zakâh comes to prevent this corruption before it occurs by fulfilling the needs of the poor and providing a means to avoid falling into the sinful vices that corrupt lineages.

As for preserving honor, Zakâh protects the honor of people, even regarding what is merely an enhancement of dignity. It eliminates the corruption that arises from the dire necessity of asking others for help, as it provides a monetary entitlement from the wealth of the rich to the poor. Consequently, the poor and needy do not have to humiliate themselves by begging, but rather, Allah protects their honor by giving them their rightful share of the wealth of the rich, ensuring it is given in full and without the need for humiliation or asking.

As for the wealthy, Allah preserves their honor through Zakâh as well; their dignity is not diminished by dismissing the beggars.

In this context, Al-Ghazâlî states: "In asking, the beggar should not lower himself to anyone other than Allah, and a believer should not demean himself before anyone except his Lord, for in that is his dignity. As for other humans, they are merely like him, and it is not appropriate for him to lower himself to them except out of necessity. In asking, there is an humiliation to the beggar in relation to the one being asked.

Furthermore, it often causes discomfort to the one being asked, as his heart may not be inclined to give willingly. Even if the beggar feels a sense of shyness or shows off, this is forbidden for the recipient. If he withholds, he may feel embarrassed and see himself as a miser; in giving, he diminishes his wealth, and in withholding, he diminishes his honor. Both actions are harmful, and the beggar is the cause of this harm. Causing harm is forbidden except in cases of necessity."⁽²⁾

(1) *Sharh Mukhtasar Al-Rawdhah*, Vol. 3, P. 209. *Ihyâ' 'Ulûm al-Dîn*, Vol. 4, P. 210.

Al-Ramlî states: "The one who pays Zakâh has no favor over the poor, for he is merely giving them what the law has obligated him to give; this is similar to debts."⁽¹⁾ Thus, Islam does not regard Zakâh as a mere act of charity accompanied by humiliation; rather, it is considered a Sharî'ah obligation on the wealthy, that must be collected on behalf of the poor and be distributed to them according to their needs. It is reported that during the last year of his life, 'Umar Ibn al-Khattâb, may Allah be pleased with him, planned to personally visit the provinces to distribute the rights of the poor from the public treasury, not just Zakâh; everyone has their due based on their struggle for Islam.⁽²⁾

One of the ways in which Zakâh preserves the honor of Muslims is through its allocation for (*for the cause of Allah*). The foremost recipients of this category include those who are engaged in fighting or struggling for the sake of Allah. There is no doubt that one of the greatest means of safeguarding Muslim lives and preserving their honor is through such acts of fighting, which the Zakâh serves to support as a significant financial resource.

Another aspect of how Zakâh protects the honor of Muslims is its distribution to (*the [stranded] traveler*), who may be cut off from their family and lack provisions. Allah has assigned a right to them within the Zakâh, serving to protect their dignity and prevent them from feeling like burdens to others. This provision alleviates their need and enables them to avoid seeking help from others, which may be degrading. Allah has thus ensured that this person's needs are met through the institution of "*Bayt al-Mâl*" (the treasury), providing them with support and kindness.⁽³⁾

The allocation for (*the collectors*) in Zakâh plays a crucial role in the financial system of the Islamic community. The collectors gather Zakâh to support the state and ensure they are distributed to those in need, primarily through the authorities or rulers. This process serves the collective interest of the Muslim community, especially when the funds are distributed from the *Bayt al-Mâl* (the treasury). This way it prevents anyone from feeling superior or inferior based on their economic status. For example, those receiving Zakâh directly from wealthy individuals may feel a sense of humiliation or inferiority, which can affect their dignity. On the other hand, when Zakâh is taken

(1) *Nihâyat al-Muhtâj ilâ Sharh al-Minhâj*, Vol. 7, P. 219.

(2) *Sharî'at al-Qur'an min Dalâ'il I'jâzuh*, Muḥammad Abû Zahrah, P. 14.

(3) *Al-Tafsîr al-Qur'anî lil-Qur'an*, Abdul Karîm Yûuus al-Khatîb, Vol. 5, P. 818.

from *Bayt al-Mâl*, the recipients maintain their honor, and their children do not witness their parents in a position of subservience.

This system underscores the importance of community welfare in Islamic teachings, where the Zakâh not only serves as a means of financial support but also preserves the dignity of both the giver and the receiver. This reflects the ethical principles found in various Islamic texts, emphasizing the social responsibility of wealth and the importance of equitable distribution to foster respect and community cohesion.

One of the ways in which Zakâh helps preserve the dignity of Muslims is by preventing the immorality of adultery. Adultery is one of the most destructive actions that can undermine the honor of individuals and lead to social turmoil. By providing for the needs of poor women through Zakâh, their dependency on external and potentially dangerous interactions with strangers for livelihood is reduced. This diminishes their likelihood of engaging in risky situations that could lead to adultery or sexual assault.

Furthermore, fulfilling their basic needs through Zakâh can help prevent women from being driven by poverty to resort to illicit means of earning a living, such as prostitution.

Objective Evidence:

- 1- Allah the Almighty says: “***and do not kill your children out of poverty***,”⁽¹⁾ and He says: “***And do not kill your children for fear of poverty***.”⁽²⁾

Evidential aspect: Allah has prohibited killing children out of fear of poverty, which means being in need. This indicates that poverty and need can lead to the killing of children, resulting in the cessation of lineage. The Sharî‘ah addressed this by prohibiting such acts and combating poverty-leading to it-through the obligation of Zakâh, which is taken from the wealthy and given to the poor to fulfill their needs.

Al-Qurtubî states: “The word *Al-Imlâq* means poverty; do not bury your daughters alive for fear of destitution, for I provide for you and for them. Among them were those who did this for both females and males out of fear of poverty, as is evident in the verse. *Amlaq* means to become poor.”⁽³⁾ Ibn ‘Ashûr

(1) Al-An‘âm (The Cattle): 151.

(2) Al-Isrâ‘ (The Night Journey): 31.

(3) *Tafsîr al-Qurtubî*, Vol. 7, P. 132.

also mentions: "They would bury their daughters alive either due to their inability to support them or to prevent that from happening. Al-Bukhârî reported that Asmâ' Bint Abû Bakr said: Zayd Ibn 'Amr Ibn Nufayl would save the lives of female infants who were about to be buried alive, telling the man who wanted to kill his daughter: 'Do not kill her, I will support her,' and he would take her. When she grew up, he would tell her father: 'If you wish, I can return her to you, and if you prefer, I will keep supporting her.'⁽¹⁾⁽²⁾

- 2- The texts that emphasize the importance of marriage, such as the ayah that reads: ***"And marry the unmarried among you and the righteous among your male slaves and female slaves"***⁽³⁾, and the saying of the Prophet – peace and blessings of Allah be upon him -: *"O young men, whoever can afford al-bâ'h let him get married, for it is more effective in lowering the gaze and protecting one's chastity. Whoever cannot afford it should fast, for it is a means of reducing the sexual desire."*⁽⁴⁾ "The meaning of (*al-bâ'ah*) here is the expenses of marriage. It is named after something that accompanies it, and its estimation is: Whoever among you can afford the expenses of marriage should marry, and whoever cannot should fast, as fasting is a shield (against sexual desires)."⁽⁵⁾

Al-Ghazâlî, in explaining the benefits of marriage, said: "The first benefit is offspring, which is the primary purpose of marriage. The intent is to preserve human offspring, ensuring that the world is not devoid of the human race."⁽⁶⁾

Evidential aspect: The Sharî'ah encourages marriage and its primary objective is to preserve and grow the human race. Zakâh supports those desiring marriage by fulfilling their needs, allowing them to afford the expenses and responsibilities of marriage. This assistance motivates them to marry, leading to the growth and preservation of the human race.

- 3- Allah the Almighty says: ***"And do not compel your slave girls to prostitution, if they desire chastity, to seek [thereby] the temporary interests***

(1) *Sahîh al-Bukhârî*, ḥadîth No. 3828.

(2) *at-Taḥrîr wa at-Tanwîr*, Vol. 8-A, P. 100.

(3) *An-Nûr* (The Light)

(4) *Sahîh al-Bukhârî*, No. 5066, and *Sahîh Muslim*, No. 1400. It was narrated by Abdur Rahman Ibn Yazîd.

(5) *Sharh an-Nawawî 'alâ Muslim*, Vol. 9, P. 173,

(6) *Iḥyâ' 'Ulûm ad-Dîn* by Al-Ghazâlî, Vol. 2, P. 24

of worldly life."⁽¹⁾

The term *al-bighâ'* (prostitution) - that was mentioned in the previous verse - is derived from the phrase *bâghat al-jâriyah*, which means when a maid engages in fornication for payment as her profession. Thus, *al-bighâ'* refers to prostitution for a wage."⁽²⁾ Ibn 'Abbâs, may Allah be pleased with him, said in interpreting this verse: "In the pre-Islamic period, they used to compel their female slaves to commit fornication, taking the earnings they made from it. So Allah said: 'Do not compel them to commit fornication for the sake of worldly gain.'"⁽³⁾

Evidential aspect: Fornication and prostitution are causes of lineage confusion and the destruction of progeny. Thus, the Sharî'ah came to block the means leading to it. One of these means is making financial gain through it. Zakâh serves to block this means by fulfilling the needs of the poor and needy so that no one is compelled to seek earnings through fornication.

4- Allah the Almighty says: "***And do not approach unlawful sexual intercourse. Indeed, it is ever an immorality and is evil as a way.***"⁽⁴⁾

Al-Râzî says: "Fornication and adultery encompass various types of harms. The first is the mixing and confusion of lineages, so a person does not know whether the child born from a woman who committed adultery is his or someone else's. Thus, he does not raise or continue to care for the child. This leads to the loss of children, which in turn leads to the discontinuation of offspring and the destruction of the world."⁽⁵⁾

Ibn al-Humâm says: "Competing for women (outside of marriage) leads to the mixing of lineages, which leads to the discontinuation of care by fathers, and this results in the discontinuation of offspring and the extinction of humanity."⁽⁶⁾

Evidential aspect: Fornication is one of the most dangerous actions that threaten the interest of progeny. One of the causes leading to it is the inability to satisfy sexual desires in lawful ways through marriage due to lack of

(1) An-Nûr (The Light): 33.

(2) *Al-Tahrîr wa al-Tanwîr*, Vol. 18, P. 222.

(3) *Tafsîr al-Tabarî*, Vol. 19, P. 175.

(4) *Al-Isrâ'* (The Night Journey): 32.

(5) *Mafâtîh al-Ghayb*, Vol. 20, P. 332.

(6) *Al-Taqrîr wa al-Tahbîr 'alâ Tahrîr al-Kamâl Ibn al-Humâm*, Vol. 3, P. 144.

resources. Zakâh came to meet needs and facilitate marriage, which prevents the evil of fornication and the destruction of progeny and society.

- 5- Allah the Almighty says: ***“And those who seek a contract [for eventual emancipation] from among whom your right hands possess - then make a contract with them if you know there is within them goodness and give them from the wealth of Allah which He has given you.”***⁽¹⁾

Evidential aspect: Allah the Almighty has commanded the freeing of slaves through contracts, and many scholars, with al-Tabarî favoring this view, have interpreted the phrase ***“and give them from the wealth of Allah which He has given you”*** to mean giving them from the wealth provided by Allah through Zakâh and charity as Allah says ***“for freeing captives [or slaves].”***⁽²⁾ The verse refers to the command to grant slaves who seek a contractual release (*mukâtabah*) the means to earn their freedom. The aim of giving them charity or Zakâh is to allow them to support themselves after their release, maintain their dignity, and achieve the broader goal of the Shari‘ah in spreading freedom and increasing the nation’s progeny.⁽³⁾

Ibn Ashur, in his interpretation, says: “When God promised to provide wealth to those who marry poor slaves, one of the ways to achieve that wealth is for the slave to work. However, since a slave cannot work independently while serving his master, God gave slaves the right to work towards freeing themselves from bondage. This would bring wealth to the slave, particularly if he was married. Therefore, God commanded masters to respond positively to slaves who request a contract for manumission. This aligns with the goals of Islamic Shari‘ah to promote freedom, increase the population, and uphold moral integrity in the community.”⁽⁴⁾

- 6- Abû Huraira reported Allah’s Messenger (peace and blessings of Allah be upon him) as saying: ***“A man expressed his intention to give charity, so he came out with charity and placed it in the hand of an adulteress. In the morning, the people were talking and saying: charity was given to an adulteress last night. He (the giver of charity) said: O Allah, to Thee be the praise-to an adulteress... There came (the angel to him) and he was told: Your charity has been accepted. As for the adulteress (the charity might***

(1) *An-Nûr* (The Light): 33.

(2) *At-Tawbah* (Repentance): 60.

(3) *Tafsîr al-Tabarî*, Vol. 19, P. 173.

(4) *At-Tahrîr wa Tanwîr*, Vol. 18, P. 219.

become the means) whereby she might restrain herself from fornication..."⁽¹⁾

Evidential aspect: In the statement is that the statement, "As for the adulteress (the charity might become the means) whereby she might restrain herself from fornication," indicates a goal of Zakâh - to help those involved in immoral behavior like fornication to desist. By providing such women with financial assistance through Zakâh, it is suggested that they would no longer have to engage in immoral acts for survival, thus preserving their honor and dignity.

- 7- Allah the Almighty says: "***Kind speech and forgiveness are better than charity followed by injury. And Allah is Free of need and Forbearing. O you who have believed, do not invalidate your charities with reminders or injury.***"⁽²⁾

Evidential aspect: The Sharî'ah aims to protect the dignity and honor of the poor and needy. It emphasizes that Zakâh should not be accompanied by any form of boasting or reproach towards the recipient. The person receiving Zakâh has a right to it, as decreed by Allah, and no one should make them feel inferior or humiliated by reminding them of the help they've received.

The majority of scholars have interpreted the verse as an indication that any charity given with arrogance or accompanied by harm will not be accepted by Allah.⁽³⁾ The objective of Zakâh is to safeguard the dignity of the poor and needy, so it is not accepted from those who belittle or harm them with their actions. Ibn 'Ashûr, in his commentary, explained: "Allah has ordained the distribution of wealth to fulfill people's needs, particularly the weaker members of society, without making them feel demeaned or threatened."⁽⁴⁾

Al-Ghazâlî adds: "The root of arrogance stems from an internal state of the heart, which manifests externally in speech and behavior. Therefore, it is essential that charity giver views himself as the one who receives the favor and help, as the poor person is favoring him by accepting the right of Allah (i.e. Zakâh) from him, which leads to his purification and protection against the Hellfire, and that if he did not accept it, he would remain indebted to it; thus it is the right of the poor to take from him, as his hand was made a representative of Allah in this regard."⁽⁵⁾ This is the most profound way to preserve the dignity

(1) It was previously mentioned.

(2) *Al-Baqarah* (The Cow): 263-264.

(3) *Tafsîr al-Qurtubî*, Vol. 3, P. 311.

(4) *At-Tahrîr wa Tanwîr*, Vol. 3, P. 46.

(5) *Ihyâ' 'Ulûm al-Dîn*, Vol. 1, P. 216.

of the poor and needy, considering that they are the ones granting favor to the wealthy by accepting Zakâh and taking it from them!

- 8- Allah the Almighty says: ***“And from their properties was [given] the right of the [needy] petitioner and the deprived.”***⁽¹⁾

Abû Bakr, may Allah be pleased with, said: “By Allah I will fight anyone who differentiates between Prayer and Zakâh, Zakâh is due right on the wealth. By Allah, had they withheld from me a rope that they used to give to the Messenger of Allah, I would have fought them for withholding it.”⁽²⁾

Evidential aspect: The verse shows that Zakâh is a mandatory right imposed by Allah for the wealthy upon the deserving in their wealth.

Also, in the story of Abû Bakr, there is a clear evidence of the Sharî‘ah’s concern for the dignity of the poor and the needy, by assigning the collection of Zakâh to the ruler, and fighting against those who withhold it. Thus, the poor and needy are not forced to seek the help of the wealthy; rather, their right is guaranteed by the strength of the state.

- 9- The Prophet (peace and blessings of Allah be upon him) said: ***“Three are the persons with whom Allah would not speak on the Day of Resurrection: the bestower of gift who does not give anything but by laying obligation on him, the seller of goods who sells them by taking false oath and one who hangs low his lower garment.”***⁽³⁾
- 10- Allah the Almighty said: ***“Your ally is none but Allah and [therefore] His Messenger and those who have believed - those who establish prayer and give zakah, and they bow [in worship].”***⁽⁴⁾ Some of the interpreters have stated that the explanation of His words, ***“and give zakah, and they bow [in worship],”*** meaning that they are humble and submissive, not arrogant. It is said that this is a description of the person giving Zakâh. The intended meaning of ***“they bow”*** here is the aforementioned one, which means they give Zakâh to its rightful recip-

(1) *Adh-Dhâriyât* (The Winnowing Winds): 19.

(2) Agreed upon, narrated by Al-Bukhârî, No. 1399, and Muslim, No. 20, both from the ḥadīth of Abû Huraira (may Allah be pleased with him).

(3) Narrated by Muslim, No. 10, from the ḥadīth of Abû Dharr (may Allah be pleased with him).

(4) *Al-Mâ'idah* (The Table): 55.

ients without arrogance or looking down upon the poor.⁽¹⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- Permissibility of giving Zakâh to someone who wants to get married but cannot afford it: This helps him get married and protects his chastity, fulfilling the purpose of preserving lineage and increasing the number of the Muslim community. It also prevents the harm of leaving marriage unfulfilled and the risk of falling into fornication.

Therefore, scholars have considered the need for marriage as one of the needs that can be fulfilled with Zakâh funds. They regarded what a poor person takes to marry-if he does not have a wife and needs to get married-as part of his sufficient needs.⁽²⁾ They also stated that the ruler can give from Zakâh for the dowry if the funds are sufficient. Al-Qarâfi said: "If the wealth allows, it can be used to purchase a slave or pay for the dowry of a wife."⁽³⁾ Al-Shirbinî Ash-Shâfi'î said: "In Ibn al-Barzî's fatwas, it is stated that if a person earns enough for food and clothing but needs to marry, he can take Zakâh for marriage because it is part of his complete needs."⁽⁴⁾ Ibn al-Qâsim al-Hanbalî said: "Part of complete sufficiency is what a poor person takes to marry if he has no wife and needs to marry."⁽⁵⁾

Ibn 'Uthaymîn said: "If we find someone who can earn enough for food, drink, and housing, but he needs to get married and does not have what he needs to marry, is it permissible to get him married by using Zakâh?"

The answer: Yes, it is permissible to get him married by using Zakâh, and he can be given the full dowry.

If someone asks: Why is it permissible to give Zakâh to a poor person for marriage, even if the amount given is large?

We say: Because a person's need for marriage is urgent, and at times it may be as essential as food and drink. That is why scholars have said that it is obligatory for those responsible for someone's upkeep to marry them off if their

(1) *Fath al-Qadîr* by Al-Shawkânî, Vol. 2, P. 59.

(2) *Mughnî al-Muhtâj 'ilâ Ma'rifat Alfâdh al-Minhâj*, Vol. 4, P. 175, and *Hâshiyat al-Rawdh al-Murbi*, Vol. 3, P. 311.

(3) *Al-Dhakhîrah*, Vol. 3, P. 149.

(4) *Mughnî al-Muhtâj*, Vol. 4, P. 174.

(5) *Hâshiyat al-Rawdh al-Murbi*, Vol. 3, P. 311.

wealth is sufficient for that purpose. Therefore, a father must marry off his son if the son needs to marry and does not have the means to do so.”⁽¹⁾

This reasoning mentioned by the Shaykh (may Allah have mercy on him) emphasizes the financial obligation in Zakâh, making it a right and a financial duty owed to the poor from the wealth of the rich by virtue of Islamic brotherhood.⁽²⁾ “Just as one is obligated to support their relative, Zakâh is similarly obligatory, and it is not included in the type of Shari‘ah responsibilities that are exempt from this duty.”⁽³⁾ Al-Tûfi says: “This is why it is said that the poor are the dependents of the rich.”⁽⁴⁾

- 2- The orphaned girl is given from Zakâh to cover the essential needs of marriage, according to some Mâlikî scholars, provided she does not already have the necessary items, such as furniture and jewelry, which are considered essential for marriage.⁽⁵⁾ Upon reflection, we find that they did not limit the giving of Zakâh only to the dowry provided to the husband, but they extended it to include the wife if she was in need, in order to fulfill this noble purpose. However, they restricted it to the essential needs of marriage.
- 3- A group of scholars permitted giving Zakâh to a *mukâtab* (a slave under a contract for emancipation), based on the verse: “**Give them from the wealth of Allah that He has given you.**”⁽⁶⁾ The command in this verse to assist in marriage refers to both male and female slaves in the verse: “**And marry the unmarried among you and the righteous among your male slaves and female slaves. If they should be poor, Allah will enrich them from His bounty, and Allah is all-Encompassing and Knowing.**”⁽⁷⁾ The command to give them wealth comes after the mention of marriage for slaves, and also applies to those seeking freedom through mukataba (a contract for emancipation). Hence, the verse “**and give them from**

(1) *Fatâwâ Arkân al-Islâm*, P. 441.

(2) *Al-Binâyah Sharh al-Hidâyah*, Vol. 8, P. 301, *Sharh Mukhtasar al-Rawdhah*, Vol. 1, P. 182, and *Fatâwâ al-Subkî*, Vol. 1, P. 199.

(3) *Ibrâz al-Hukm min Hadîth Ra' al-Qalam*, P. 84.

(4) *Sharh Mukhtasar al-Rawdhah*, Vol. 1, P. 183.

(5) *Mawahib al-Jalîl fî Sharh Mukhtasar Khalîl*, Vol. 2, P. 343, and *Al-Sharh al-Kabîr* by Sheikh Al-Dardîr and *Hâshiyat Al-Dusûqî*, Vol. 1, P. 493.

(6) *An-Nûr* (The Light): 33.

(7) *An-Nûr* (The Light): 32-33.

the wealth of Allah which He has given you.” also applies here. The reasoning is that a person who cannot afford to marry needs to become financially independent, which can only be achieved through earning a livelihood. However, a slave cannot earn as long as they are in servitude. Therefore, the command to give them from Zakâh in the context of “*freeing slaves*” serves to help them get their freedom through *al-Mukâtabh* (freedom contract) and finally attain financial independence and ultimately marry, which fulfills the goal of preserving and increasing lineage.⁽¹⁾

- 4- Giving Zakâh to cover the costs of infertility treatments for those who cannot afford it is also permitted, as it helps achieve the objective of increasing and preserving lineage.
- 5- Imam Mâlik (may Allah have mercy on him) disliked that a person should give his obligatory charity (Zakâh) to his relatives, in order to protect their dignity, as the giver might show condescension towards them. For this reason, he recommended giving Zakâh to non-relatives.⁽²⁾
- 6- Imam Mâlik (may Allah have mercy on him) recommended that the person responsible for giving Zakâh should appoint someone else to distribute it if the ruler is not just. This is to protect the dignity of the recipients and to prevent any feelings of superiority or harm if the giver directly distributes it to those who are entitled to receive it.⁽³⁾
- 7- The Zakâh is not accepted inwardly between the giver and Allah if it is given with an air of superiority to the poor and needy. Al-Qurtubi says: “The majority of scholars have stated that the charity from which Allah knows that the giver boasts or shows off is not accepted.”⁽⁴⁾
- 8- Prohibition against buying charity from those to whom it has been given: This is because it becomes a means or a trick to reclaim something from it. The poor person might feel embarrassed and will not haggle over the price, and perhaps the giver aims to entice them into expecting another charity. It may also be assumed that if they do not sell it,

(1) *Tafsîr al-Tabarî*, Vol. 19, P. 173, *Tafsîr al-Alûsî*, Vol. 9, P. 349, and *Al-Tahrîr wa al-Tanwîr*, Vol. 18, P. 219.

(2) *Tafsîr al-Qurtubî*, Vol. 3, P. 312.

(3) *Ibid.*

(4) *Ibid*, Vol. 3, P. 311.

the giver will demand it back, saying: "It is better to receive this price than to be deprived."⁽¹⁾ Thus, preventing the Zakâh payer from buying it preserves the dignity of the poor.

- 9- "If a person gives Zakâh to someone they believe to be poor, there is no need to inform them that it is Zakâh." Al-Hasan said: "Do you want to embarrass him? Do not tell him." Ahmad ibn Al-Hussein said: "I asked Ahmad: If a man gives Zakâh to another man, should he say: 'This is from the Zakâh,' or should he remain silent?" Ahmad replied: "Why should he embarrass him with this statement? Just give it to him and remain silent; what need is there to humiliate him?"⁽²⁾ This shows the importance of preserving the dignity of the poor.
- 10- The traveler who has lost his means of support while away from his home and settled wealth may receive Zakâh. It is not obligatory for him to burden himself with debt. Malik said in the book of Ibn Sahnûn: "If he finds someone to lend him, he should not be given (Zakâh). However, the first opinion is more accurate because he is not obligated to rely on anyone when he has found the means provided by Allah."⁽³⁾
- 11- Anyone who comes and claims to be in need based on specific descriptions of hardship should be sufficient if their outward condition confirms their claim. However, if they have debts, they must provide evidence of that.⁽⁴⁾
- 12- If someone is able to earn through forbidden means or income that is inappropriate for their condition and dignity, they should not take from Zakâh. This is because such earnings undermine their dignity and are considered as non-existent. The general term for earnings in the hadîth refers specifically to permissible and appropriate earnings.⁽⁵⁾ This consideration reflects the need to preserve one's dignity and integrity.



(1) *A 'lâm al-Muwaqqi'în*, Vol. 5, P. 272. (2) *Al-Mughnî*, Vol. 2, P. 482.

(3) *Ibid*, Vol. 8, P. 187.

(4) *Ibid*.

(5) *Mughnî al-Muhtâj fi Ma'rifat Ma'ânî Alfâz al-Minhâj*, Vol. 4, P. 174.

Eighth Treatise

Preservation of the Order and Well-Being of the Nation⁽¹⁾

Objective Explanation:

Preserving the order of the community is a goal that holds a high status among the objectives of Islamic law. In fact, some contemporary scholars, like Ibn Ashour and Al-Fassi, consider it the overarching objective of all legislations. Ibn Ashour states in explaining this objective and its importance: 'If we examine the sources of Islamic Sharī'ah that indicate its objectives, it becomes clear to us-from the general principles of these indications and from the specific instances derived-that the general purpose of legislation within it is to preserve the order of the community and ensure its continued well-being, which depends on the rectitude of the dominant entity, namely humankind. This includes: the rectitude of the individual, the rectitude of his mind, the rectitude of his actions, and the rectitude of what is present before him in the world in which he lives.'⁽²⁾

And Al-Fassi states: 'The general purpose of Islamic Sharī'ah is the cultivation of the earth, preserving the system of coexistence within it, and ensuring its continued well-being through the righteousness of those who are entrusted with it. This involves their adherence to justice and uprightness, as well as the rectification of the mind and actions, improvement of the land, extraction of its resources, and management for the benefit of all.'⁽³⁾ Thus, when a person contemplates the essence and secrets of wise legislation, he finds that it revolves

(1) Al-Mûwâfaqât, Vol. 3, P. 62, Sharh Abû Dâwûd by Al-Ayni, Vol. 6, P. 284, Asnâ Al-Matâlib fi Sharh Rawdhat At-Tâlib, Vol. 1, P. 375, Hujjat Allah Al-Bâlighah, Vol. 2, P. 61, and Maqâsid al-Sharī'ah al-Islamiyyah by Ibn 'Ashûr, Vol. 3, P. 194, and Maqâsid al-Sharī'ah al-Islamiyyah wa-Makârimha by al-Fâsî, P. 42.

(2) Maqâsid al-Sharī'ah al-Islamiyyah by Ibn 'Ashûr, Vol. 3, P. 194.

(3) Maqâsid al-Sharī'ah al-Islamiyyah wa-Makârimha by al-Fâsî P. 42.

around bringing benefits to humanity and warding off harm from them. This is the key to their success and well-being in this world and the Hereafter. The interests that Islamic legislation aims to achieve are of two kinds:⁽¹⁾

- 1- Public interest: This is what serves the welfare of the entire community or the majority, and it does not limit itself to the circumstances of individuals except in so far as they are parts of the larger community.
- 2- Personal interest: This refers to what benefits individuals based on the actions arising from them. By reforming them, the society composed of them is also reformed. The focus initially is on individuals, and as for the collective, its well-being is achieved consequently.

Among the greatest pillars of the nation's system, to which Islamic Shari'ah gives special attention, is the preservation of security.⁽²⁾

Security is defined as: "The peace of mind of the legally responsible individual (*mukallaf*) through what fulfills their worldly and religious interests."⁽³⁾ Others have defined it as: "A state of tranquility and stability that prevails in the country, enabling it to achieve its essential, necessary, and supplementary interests."⁽⁴⁾

Thus, the preservation of security is one of the matters to which Islam has paid great attention, making it one of the primary duties of the ruler in the Islamic system. Al-Mawârdî, when listing the general obligations of the caliph, says: "The third is the protection of the state's territory and defense of its sanctity, so that people can engage in their livelihoods and travel safely without fear of harm to themselves or their property... The fifth is fortifying the borders with defensive equipment and forces, so the enemy does not find an opportunity to

(1) *Maqâsid al-Shari'ah al-Islamiyyah* by Ibn 'Ashûr, Vol. 3, P. 202.

(2) *Al-Ahkâm al-Sultâniyyah* by Al-Mawârdî, P. 40; *Ghiyath al-Umam fi Itiyâth al-Zulam*, P. 202; *Al-Iqtisâd fi al-I'tiqâd*, P. 129; *Al-Fawâ'id fi Ikhtisâr al-Maqâsid*, P. 41; *Tahrîr al-Ahkâm fi Tadbîr Ahl al-Islâm*, P. 94; *Al-Lubâb fi 'Ulûm al-Kitâb*, Vol. 10, P. 122; *Maqâsid al-Shari'ah al-Islamiyyah* by Ibn 'Ashûr, Vol. 3, P. 391; *Maqâsid al-Shari'ah al-Islamiyyah wa Makârimuha* by Al-Fâsî, P. 42.

(3) *Hifz al-Amn Bayna al-Maqâsid wa al-Wasîlah*, Dr. Sa'id Ibn Muṭ'ib al-Qaṭṭânî, Majallat al-Buḥûth al-Amniyyah, Issue 56, Year 1434 AH.

(4) *Tadâbîr al-Amn al-Dâkhilî wa-Qawâ'iduh al-'Ammah fi al-Dawlah fi Dhaw' Maqâsid al-Shari'ah*, by Hosâm Ibrâhîm Hussein Abû al-Hâj, P. 13, PhD thesis, University of Jordan, May 2006.

violate sanctities or shed the blood of Muslims or those under their protection.”⁽¹⁾

Al-Juwaynî said: “Allah has appointed rulers and those in authority to ensure that rights are given to their rightful holders, to distribute shares to those deserving, to restrain aggressors, to support those who are moderate, to establish the foundations of guidance, and to eliminate the roots of deviance and corruption. This ensures the order of worldly affairs, which serves as a foundation for religion, which is the ultimate goal.”⁽²⁾

He also described the effect of fear and the disruption of security, saying: “No blessing is free from impurities as long as the residents and travelers are not safe from dangers and threats. When the roads become insecure, caravans are cut off, people are confined to cities, and the causes of corruption spread, it results in rising prices, the destruction of homes, and the onset of great calamities. Security and well-being are the foundation of all blessings, and nothing can be enjoyed without them.”⁽³⁾

He then listed security among the fundamental necessities that the leader must uphold, saying: “As for the protection of those under his rule, it is divided into matters related to the ranks of universals and those related to particulars. As for what pertains to a universal matter, it is the elimination of threats from the lands of Islam, such as bandits, thieves, and those lying in wait for caravans. The ruler must devote his attention to this until the land is free of all dangers, and the roads are made safe for travelers.”⁽⁴⁾ Al-‘Izz Ibn ‘Abd as-Salâm mentioned security as one of the categories of definitive interests, due to its connection with the necessities of livelihood and the dependence of many religious necessities on its availability.⁽⁵⁾

As for Ibn ‘Ashûr, he included the preservation of security in his definition of the general objective of Sharî‘ah, which, according to him, is to maintain the order and welfare of the nation. He said: “The objective of Sharî‘ah in the nation’s system is for it to be strong, feared by others, and secure in its affairs, with this sense of security being part of peace of mind.”⁽⁶⁾

(1) *Al-Ahkâm al-Sultâniyyah* by Al-Mawârdî, P. 40.

(2) *Ghiyâth al-Umam fî Itliyâth al-Zulm*, P. 182.

(3) *Ibid.*

(4) *Ghayâth al-Umam fî Itliyath al-Zhulm*, P. 202.

(5) *Al-Qawâ‘id al-Sughrâ*, P. 41.

(6) *Maqâsid al-Sharî‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 391.

Similarly, many contemporary scholars have included the preservation of security among the higher objectives of Shari'ah, such as 'Allâl al-Fâsî⁽¹⁾ and Dr. Jamâl al-Dîn 'Atiyyah.⁽²⁾

Explaining the relationship between this objective and the obligation of Zakâh:

The obligation of Zakâh, with its miraculous and comprehensive legislation, achieves and affirms this great objective. This is because its legislation safeguards the five essential needs that uphold the welfare of individuals and communities. It is also one of the most important pillars for enhancing the well-being of individuals and communities in various aspects. In addition to its spiritual dimension, Zakâh is frequently mentioned alongside prayer in various contexts in the Qur'an and Sunnah. Ibn 'Ashûr, while discussing this objective, states: "We know that the legislator did not intend by the reform alluded to merely the rectification of beliefs and deeds, as one might assume, but rather he intended to rectify the conditions and affairs of people in their social lives."⁽³⁾

At the forefront of the tools for reforming people's conditions and social affairs is the obligation of Zakâh. Therefore, he says elsewhere: "As for giving to the poor, it is for the purpose of ensuring that there are no individuals in the community who are in misery and distress."⁽⁴⁾ Thus, "through Zakâh, the community is rectified by meeting the needs of the needy."⁽⁵⁾

Zakâh brings various benefits to the Ummah. From a spiritual perspective, it purifies a person's soul and cleanses it from the attachment to worldly pleasures and the diseases of the heart, such as greed, that could harm societies if not treated through the Muslim's adherence to generosity. From an economic standpoint, Zakâh redistributes wealth and prevents it from being concentrated in the hands of a few, ensuring that wealth does not circulate solely among the wealthy but reaches the needy, thereby lifting them out of poverty. Politically, Zakâh supports the Ummah's mission of stewardship on Earth and helps solidify the Muslim community's presence and strength. Socially, Zakâh rein-

(1) *Maqâsid al-Shari'ah al-Islamiyyah wa Makâramuha* by al-Fâsî, P. 42.

(2) *Nahw Taf'îl Maqâsid al-Shari'ah*, P. 127.

(3) *Maqâsid al-Shari'ah al-Islamiyyah* by Ibn 'Ashûr, Vol. 3, P. 196.

(4) *al-Tahrîr wa al-Tanwîr*, Vol. 15, P. 77.

(5) *Ibid*, Vol. 17, P. 111.

forces the concept of a unified Ummah, promoting solidarity and protection among its members, fostering mutual care and responsibility.

Al-Shâtibî says: “The legislation of Zakâh confirms the principle of abolishing monopolies and engaging in mutual assistance equally. All of this is aligned with the foundation of virtuous ethics, which does not allow for selfishness. In this way, individuals do not bear harm except in proportion to what everyone else experiences, or less, and one would not be exposed to undue harm on their own. Rather, it is expected or minor harm that can be endured for the sake of preventing harm to others. This is the perspective of those who regard all Muslims as one unified entity.” He also considers Zakâh as one of the “necessities where individuals do not have a personal stake independent from the collective purpose, but rather follow the principle expressed in the saying of the Prophet (peace and blessings of Allah be upon him): “*A believer to another believer is like a building whose different parts enforce each other.*”⁽¹⁾⁽²⁾ He also classified Zakâh among the “necessities in which the individual has no personal discretion regarding its intended purpose, but it is legislated for the public interest. If it is neglected or the people abandon it, the order would collapse.”⁽³⁾

Ibn ‘Ashûr says: “Zakâh and the giving of wealth are the foundation of the community’s system, both for the small and the large. Through Zakâh, brotherhood and unity are strengthened, and many of the nation’s interests are fulfilled.”⁽⁴⁾

Al-Dahlawî, explaining the benefit of Zakâh for the community, states: “A city inevitably includes the weak and those in need, and these challenges befall some people and spare others. If there were no tradition of mutual support between the poor and those in need, they would perish and starve. Additionally, the city’s system depends on the financial means necessary to sustain the livelihood of its protectors and administrators. Since these individuals are occupied with beneficial work for the city, unable to earn their own livelihood, it is essential that their sustenance comes from the city itself. Shared expenditures can either be difficult for some or beyond the means of others, so it is neces-

(1) Agreed upon: Reported by Al-Bukhârî, No. (481), and Muslim No. (2585).

(2) *Al-Mûwâfaqât*, Vol. 3, P. 62.

(3) *Ibid*, Vol. 2, P. 305.

(4) *Al-Tahrîr wa Al-Tanwîr*, Vol. 2, P. 132, and *Maqâsid al-Sharî‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 452.

sary to establish the collection of wealth from the population as a principle. Since it would be most straightforward and beneficial to combine these two interests, the Sharî‘ah combined one with the other.”⁽¹⁾

As for how Zakâh contributes to the objective of preserving security, its role in achieving this goal is evident, whether in terms of internal or external security.

Regarding internal security, Zakâh plays a crucial role by fostering love, peace, and harmony among the members of society, strengthening the social bond. This leads to a sense of security and peace of mind spreading across the community. Moreover, Zakâh helps prevent the causes of insecurity before they arise, with one of the main causes being poverty. Poverty can push individuals toward acts that disrupt the security of Muslims, such as theft or robbery. Zakâh addresses the needs of the poor and purifies their hearts toward the wealthy, promoting security and peace across the land. In fact, the United Nations Department of Economic and Social Affairs has confirmed the strong link between poverty and security disruptions, noting that as poverty rates increase, so do security disturbances.⁽²⁾

Al-Mawârdî says: “The obligation of Zakâh serves as a support for the poor and assistance for those in need, restraining them from harboring hatred and preventing estrangement. It encourages connection, for one who hopes for something is willing to maintain relations, and the one who expects assistance is respectful. But when hope fades, expectations are cut off, and needs become severe, hatred arises, envy intensifies, and estrangement occurs between the wealthy and the poor, leading to mutual animosity between the needy and the rich. This can escalate to conflicts over wealth and the risking of lives.”⁽³⁾

Ibn ‘Adel al-Hanbalî, in explaining the wisdom of Zakâh, states: “Among its benefits is that if the wealthy do not fulfill their obligations towards the poor, the poor might, due to extreme need and hardship, align themselves with the enemies of the Muslims or engage in forbidden acts, such as theft and other

(1) *Hujjat Allah al-Bâlighah*, Vol. 2, P. 61, with slight modification.

(2) *Dirâsat al-hâlatu al-iqtisâdiyya wal-ijtimâ'iyya fî al-'Alam*, P. 1, Department of Economic and Social Affairs, United Nations, 2008.

(3) *Adab al-dunyâ wal-dîn*, P. 91, Also al-Râzî mentioned something similar to this in *Mafâtîh al-ghayb*, Vol. 3, P. 648.

misdeeds. Thus, the obligation of Zakâh helps prevent such issues.”⁽¹⁾ Thus, a number of jurists prohibited transferring Zakâh from its local area because the hearts of the local poor become attached to it. Transferring it could result in resentment remaining in their hearts, and this resentment may lead to security disturbances through fostering animosity between them and the wealthy. Al-Ghazâlî says: “Charity should not be transferred to another town, for the eyes of the poor in every town are set on its wealth, and transferring it creates disappoint and frustration.”⁽²⁾

One of the categories of Zakâh where the purpose of preserving security is clearly manifested is the category of debtors (“*al-ghârim li-ghayrih*”) - those who deem responsibility for debts of others in order to reconcile between disputing parties and quelling the flames of discord that may cause of security disruption. The Sharī‘ah has established rights for those who bear the debts, even if one of them is wealthy; this is intended to promote security. Moreover, Al-Juwaynî mentioned that those who take the responsibility on paying the debts of others are considered by the Sharī‘ah as their representatives so they can take from Zakah for this purpose.⁽³⁾

With regard to external security: Zakâh is considered one of the essential resources that support the warriors who rely on donations. It serves to protect the community and defend the Islamic territory, as they are responsible for safeguarding its security and defending its people. If they were to become weak or face disruptions from any side, it would invite greed from those who covet their lands and assaults from those who attack. The consequences of such a situation would inevitably disrupt all essential needs.

The scholars have agreed that the warriors are among those included in the category of “in the path of Allah.”⁽⁴⁾ Ibn Qudâmah states: “There is no disagreement that they are the warriors in the path of Allah, as ‘the path of Allah’ when mentioned generally refers to warfare.”⁽⁵⁾

(1) *Al-lubâb fî ‘ulûm al-Kitâb*, Vol. 10, P. 122.

(2) *Ihyâ’ ‘Ulûm al-dîn*, Vol. 1, P. 213.

(3) *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 11, P. 554-556.

(4) *Al-Mabsûṭ*, Vol. 3, P. 10, *Badâ’i’ al-Sanâ’i’*, Vol. 2, 46, *al-Kâfi fî Fiqh Ahl al-Madînah*, Vol. 1, P. 326, *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 39, *al-Hâwî al-Kabîr*, Vol. 8, P. 511, *al-Muhadhdhab fî Fiqh al-Imâm al-Shâfi’î*, Vol. 1, P. 316, *al-Mughnî*, Vol. 6, P. 482, *Sharh Muntahâ al-Îrâdât*, Vol. 1, P. 458.

(5) *Al-Mughnî*, Vol. 6, P. 482.

There is another category that has a significant effect on achieving the goal of preserving external security for Muslims, which is the category of “those whose hearts are to be won over.” This includes leaders of tribes if there is a fear for Muslims from their influence, thereby preserving the security of Muslims and warding off their harm.⁽¹⁾ It also includes those at the edges of Islamic territories; if they are given money, they will protect the Muslims nearby and safeguard the state’s security from disruptions across the borders.⁽²⁾

Objective Evidence:

- 1- Allah the Almighty says: ***“And what Allah restored to His Messenger from the people of the towns - it is for Allah and for the Messenger and for [his] near relatives and orphans and the [stranded] traveler - so that it will not be a perpetual distribution among the rich from among you.”***⁽³⁾

Evidential aspect: In the verse, there is an implication that the Legislator intends to preserve the system of the nation and its integrity through a sound distribution of wealth. In Zakâh, a specific portion of the wealth of the rich is allocated for the benefit of the poor and some public interests of the community.⁽⁴⁾ Ibn ‘Ashûr says: “From Allah’s saying: ***“wealth should circulate among the wealthy among you,”*** we take details of political economy and the distribution of public wealth, and we justify with that the legitimacy of Zakâh, as the verse implies this subtly.”⁽⁵⁾

- 2- Allah the Almighty says: ***“And Allah will surely support those who support Him. Indeed, Allah is Powerful and Exalted in Might. [And they are] those who, if We give them authority in the land, establish prayer and give Zakâh and enjoin what is right and forbid what is wrong. And to Allah belongs the outcome of [all] matters.”***⁽⁶⁾

Evidential aspect: The verse indicates that Zakâh plays a major role in the continuity of the empowerment of the Ummah, the maintenance of its unity, and the protection of its affairs from disruption. It highlights that showing gratitude for the blessing of victory is achieved by the community adhering to

(1) *Badâ’i’ al-Sanâ’i’*, Vol. 2, P. 45.

(3) *Al-Hashr* (The Gathering): 7.

(5) *Ibid*, Vol. 1, P. 43.

(2) *Al-Mughnî*, Vol. 6, P. 477.

(4) *Al-Tahrîr wa al-Tanwîr*, Vol. 28, 85.

(6) *Al-Hajj* (The Pilgrimage): 40-41.

what Allah has commanded from the fundamentals of Islam, and in doing so, their victory will continue, their unity will remain intact, and they will be safe from disorder. However, if they deviate from that, they will have neglected the guarantee of their victory, and their fate will be in Allah's hands. As for establishing prayer, it signifies upholding the religion and renewing its influence on the hearts, while giving Zakâh ensures that individuals of the ummah are close to one another in their livelihood system.⁽¹⁾

- 3- The statement of Abû Bakr (may Allah be pleased with him): "By Allah, I will fight those who differentiate between prayer and Zakâh, for Zakâh is the due right of wealth. By Allah, if they withhold even a rope of camel that they used to give to the Messenger of Allah (peace and blessings of Allah be upon him) I will fight them."⁽²⁾

Evidential aspect: This hadîth indicates the legitimacy of fighting those who refuse to pay Zakâh. Whoever does not submit to what the Sharî'ah obliges upon them within the Islamic state is considered an opponent of Allah and His Messenger, peace and blessings of Allah be upon him. It becomes obligatory upon the ruler who upholds justice and maintains order to fight them, just as Abû Bakr (may Allah be pleased with him) fought those who withheld Zakâh, until they return to the command of Allah. This is because they corrupt what has been made right in terms of societal order and livelihood means.⁽³⁾

- 4- The verse where Allah, Glorified and Exalted be He, says: "***Take from their wealth a charity by which you purify them and cause them to grow***"⁽⁴⁾, and the statement of the Prophet, peace and blessings be upon him: "***It is taken from their rich and returned to their poor.***"⁽⁵⁾

Evidential aspect: In Allah's statement, "***Take from their wealth,***" and the Prophet's statement, "***It is taken from their rich,***" there is an indication of delegating the collection of Zakâh to the ruler or authority. This is because the ruler is primarily responsible for maintaining the order of the nation. Thus, the collection of wealth from the rich and its oversight are entrusted to the ruler to prevent societal disorder due to the rich refusing to pay Zakâh, or the

(1) Al-Tahrîr wa al-Tanwîr, Vol. 17, P. 280. (2) It was previously mentioned.

(3) *Tafsîr Al-Manâr*, Vol. 6, P. 295, with minor changes.

(4) *At-Tawbah* (Repentance): 103.

(5) It was previously mentioned.

emergence of the poor demanding their rights to the wealth of the rich, and the Shari‘ah is keen to prevent avenues of chaos and unrest.⁽¹⁾

- 5- Allah the Almighty says: *“And those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment.”*⁽²⁾

Evidential aspect: The prohibition of hoarding currency and makes Zakâh obligatory on both forms of money (i.e. gold and silver), regardless of the situation. This is because hoarding them disrupts the financial system of the nation. These two forms of money and similar assets are among the greatest blessings of Allah upon His servants, as they are the basis of worldly affairs and the regulation of people’s conditions. The needs of people are many, and all can be fulfilled through these currencies, unlike other forms of wealth. Thus, hoarding them nullifies the wisdom for which they were created, just as if the judge of the city were to withhold his judgment from meeting the needs of the people.⁽³⁾

- 6- Bahz Ibn Hakîm narrated from his father, from his grandfather, who said: The Prophet - peace and blessings of Allah be upon him - said: *“Whoever gives Zakâh, he has his reward, and whoever withholds it, we will take it along with half of his wealth. This is a firm decree from our Lord; it is not permissible for the household of Muhammad to receive anything from it.”*⁽⁴⁾

Evidential aspect: Some scholars have used this hadîth to indicate the legitimacy of penalizing those who withhold Zakâh by imposing an additional charge equivalent to half of the obligatory Zakâh due to the corruption it brings to the nation’s system.⁽⁵⁾

(1) *Al-Muntaqâ Sharh al-Mûwatta’*, Vol. 2, P. 93, and *Al-Bahr al-Muhîṭ fî al-Tafsîr*, Vol. 5, P. 499.

(2) *At-Tawbah* (Repentance): 34.

(3) *Asnâ al-Matâlib fî Sharh Rawdhat al-Tâlib*, Vol. 1, P. 375.

(4) Narrated by Aḥmad, Vol. 33, P. 220, No. 20016; Abû Dâwûd, Vol. 2, P. 101, No. 1575; Ibn Khuzaymah in his Saḥîḥ, Vol. 4, P. 18, No. 2266; and Al-Dârimî, Vol. 2, P. 1043, No. 1719. Shu‘ayb Al-Arna’ûṭ stated in his verification of Musnad Aḥmad, Vol. 33, P. 220: "Its chain is good; Bahz Ibn Hakîm and his father are trustworthy." Al-Albânî commented on it in Saḥîḥ Sunan Abû Dâwûd, Vol. 5, P. 296: "Its chain is good, and Al-Ḥâkim, Al-Dhahabî, and Ibn Al-Jarûd have verified it."

(5) *Dhakîrat Al-‘Uqbî fî Sharḥ Al-Mujtabâ*, Vol. 22, P. 37.

- 7- The Prophet (peace and blessings of Allah be upon him) sent ‘Umar Ibn al-Khattâb to collect Zakâh, and Ibn Jamîl, Khâlid Ibn al-Walîd, and Al-‘Abbâs withheld their Zakâh. The Messenger of Allah (peace and blessings of Allah be upon him) said: *“What is the matter with Ibn Jamîl? Was he not poor then Allah made him rich? As for Khâlid Ibn Al-Walîd, you are being unfair to Khâlid, for he is saving his shields and weapons for the sake of Allah. As for Al-‘Abbâs Ibn ‘Abdul-Muttalib, the paternal uncle of the Messenger of Allah, it is and obligatory charity for him and he has to pay as much again.”* Then he said, *“Did you not know, ‘Umar, that a man’s paternal uncle is of the same stock as his father?”*⁽¹⁾

Evidential aspect: The hadîth provides evidence that those who refuse to pay Zakâh can be compelled to do so, and their case can be referred to the ruler to maintain the system of the nation by preventing the corruption caused by withholding it.

- 8- The Prophet (peace and blessings of Allah be upon him) said: *“And beware of stinginess because it doomed those who were before you. It incited them to shed blood and treat the unlawful as lawful.”*⁽²⁾

Evidential aspect: This hadîth indicates that greed is a primary cause of the breakdown of societies. Zakâh was prescribed to purify the soul from greed, thus preserving the order of the nation.

- 9- Jarîr Ibn ‘Abdullah (may Allah be pleased with him) narrated: *“O Messenger of Allah, some of your Zakâh collectors come to us and they are unfair. He said: Keep your Zakâh collectors happy. They said: Even if they are unfair? He said: Keep your Zakâh collectors happy. Then they said: Even if they are unfair. He said: Keep your Zakâh collectors happy. Jarir said: No Zakâh collector left me, since I heard this from the Messenger of Allah but he was pleased with me.”*⁽³⁾

Evidential aspect: Al-‘Aynî said: *“This is an encouragement towards obedience and avoiding disagreement, as well as a call for unity. Allah has made unity a fundamental principle for the reform of all people, the development of this world, and the order of both worldly affairs as well as the Afterlife.”*⁽⁴⁾

(1) Agreed upon, narrated by Al-Bukhârî, No. 1468, and Muslim, No. 983.

(2) It was previously cited.

(3) Narrated by Muslim, No. (989).

(4) Sharh Abû Dâwûd by al-‘Aynî, Vol. 6, P. 284.

Thus, obedience is emphasized, even if injustice occurs in the collection of wealth, because the harm of disobedience is greater than the harm of injustice in taxation. Disobedience leads to the breakdown of the system of Zakâh collection, which is a widespread harm affecting the entire Ummah. However, injustice in the collection affects only the money owner.

- 10- Allah the Almighty said: ***“And Allah presents an example: a city which was safe and secure, its provision coming to it in abundance from every location, but it denied the favors of Allah. So Allah made it taste the envelopment of hunger and fear for what they had been doing.”***⁽¹⁾ And then Allah said: ***“Then eat of what Allah has provided for you [which is] lawful and good. And be grateful for the favor of Allah, if it is [indeed] Him that you worship.”***⁽²⁾

Evidential aspect: Allah, in the verse, explains that ingratitude for blessings brings fear and expels security and tranquility. One of the means to express gratitude is through giving Zakâh. Thanking Allah for the blessing of wealth is one of its primary purposes.⁽³⁾ Thus, Zakâh serves as a means of bringing security and tranquility, while preserving them.

In the story of the “Owners of the Garden”,⁽⁴⁾ there is clear evidence that one of the causes of punishment and the occurrence of fear is the denial of Allah’s blessings by withholding charity. Ibn ‘Ashûr says: “Allah sent them a punishment as retribution for their lack of gratitude for the blessing...” The verse serves as a lesson for those who do not share their wealth with others.⁽⁵⁾

- 11- In the verse on charity, Allah says: ***“...and for those in debt...”***⁽⁶⁾ and also says: ***“... so fear Allah and make reconciliation between yourselves***

(1) An-Nahl (The Bees): 112.

(2) An-Nahl (The Bees): 114.

(3) Al-Ghazâlî, explaining the meanings of Zakâh, said: "The third meaning is gratitude for the blessing, for Allah has bestowed blessings upon His servant in both body and wealth. Bodily acts of worship are a form of gratitude for the blessing of the body, while financial acts of worship, like Zakâh, are gratitude for the blessing of wealth." *Ihyâ' `Ulûm ad-Dîn*, Vol. 1, P. 214, and similarly from al-Qarâfî in *adh-Dhakhîrah*, Vol. 3, P. 7, and from Ibn Qudamah in *al-Mughnî*, Vol. 3, P. 40. These explanations will be detailed further in the first treatise of the second chapter.

(4) Al-Qalam (The Pen): 17-33.

(5) *Al-Tahrîr wa Al-Tanwîr*, Vol. 29, Ps. 79 - 82, with slight modifications.

(6) *Al-Tawbah* (Repentance): 60.

...”.⁽¹⁾ Additionally, Qabîsah Ibn al-Mukhâriq (may Allah be pleased with him) said: “I took on a financial burden on behalf of someone, so I went to the Messenger of Allah (peace and blessings of Allah be upon him) asking for assistance. He said, ‘*Stay with us until the charity arrives, and we will give you from it.*’” Then he added: “O Qabîsah, asking (for money) is not permissible except in three cases,” and among them he mentioned: “A man who takes on a financial burden, it is permissible for him to ask until he receives what he needs, and then he must stop.”⁽²⁾

Evidential aspect: In the verse and the hadîth, there is a clarification of one category among the categories for which Zakâh was legislated; which is the category of (**those in debt**), this includes everyone who takes on a financial burden for the sake of reconciliation and to calm a dispute that occurred between two parties,⁽³⁾ and in this is evidence that one of the objectives of the legislation of Zakâh is to preserve the social security of the Muslims and to ward off what may cause its disturbance.

Al-Bahwatî says: “And the meaning is evident in that; for such a significant and dangerous amount of money, it is only taken on when a great and well-known good is pursued, seeking a general reconciliation. It is known to take on that burden from them through charity, sparing their own wealth so as not to cause hardship to the wealth of the reformers or weaken their resolve in calming conflicts and avoiding corruption.”⁽⁴⁾

12- Allah’s saying in the verse of charity: “...**and for Allah’s cause**...”⁽⁵⁾

Evidential aspect: The scholars did not differ in the fact that this verse includes the fighters in Allah’s cause.⁽⁶⁾ They were made among the categories deserving of Zakâh because of their great role in defending the frontiers of the

(1) *Al-Anfâl* (The Spoils of War): 1.

(2) It was previously mentioned.

(3) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 509, *Tafsîr Al-Qurtubî*, Vol. 8, P. 184, *Al-Muhadhdhab fî fiqh al-Imâm al-Shâfi`î*, Vol. 1, P. 316, *Al-Mughnî*, Vol. 6, P. 480, *Sharh Al-Zarkashî `alâ Mukhtasar Al-Khiraqî*, Vol. 4, P. 626.

(4) *Kashshâf Al-Qinâ` `an Matn Al-Iqnâ`*, Vol. 2, P. 281.

(5) *Al-Tawbah* (Repentance): 60.

(6) *Al-Mabsût*, Vol. 3, P. 10, *Badâi` Al-Sanâi`*, Vol. 2, P. 46, *Al-Kâfi fî Fiqh ahl al-Madînah*, Vol. 1, P. 326, *Bidâyat Al-Mujtahid wa Nihâyat Al-Muqtasid*, Vol. 2, P. 39, *Al-Hâwî Al-Kabîr*, Vol. 8, P. 511, *Al-Muhadhdhab fî fiqh al-Imâm al-Shâfi`î*, Vol. 1, P. 316, *Al-Mughnî*, Vol. 6, P. 482, *Sharh Muntahâ Al-Îrâdat*, Vol. 1, P. 458.

Muslims and protecting their lands. The outcome of this is the safeguarding of the Muslims' security, which leads to the preservation of all essential needs.

- 13- Allah's saying in the verse of charity: "... *and for bringing hearts together [for Islam]...*"⁽¹⁾

Evidential aspect: Among those included in this category are the leaders of the enemies in war, especially if their influence poses a threat to the Muslims. Also included are people living on the outskirts of Islamic territories, who, when given aid, protect the Muslims living nearby. This indicates that one of the objectives of the legislation of Zakâh is to prevent anticipated security disruptions before they occur.⁽²⁾

- 14- **Allah's statement:** "*Those who believe and do not mix their faith with injustice, for them is security...*"⁽³⁾

- 15- **Evidential aspect:** Some interpreters believe the meaning of "*and do not mix their faith with injustice*" is "they do not mix their faith with any form of oppression, whether it involves committing acts forbidden by Allah or neglecting duties He commanded. They said the verse is general because Allah did not specify a particular type of oppression."⁽⁴⁾ Zakâh is one of the duties commanded by Allah, and fulfilling it brings Allah's promise of security in this world and the next, while neglecting it brings the opposite: fear.

The effect of considering this objective in the Fiqh-based branches:

- 1- Zakâh is founded on justice between the wealthy and the poor. It has been legislated in such a way that does not harm the giver and at the same time benefits the recipient. Consideration is given to the condition of the wealth owner with due regard, as well as to the benefit of the receiver. Justice in legislation is one of the most important factors that ensures the soundness of the system.⁽⁵⁾
- 2- The scholars have unanimously agreed on the legitimacy of the ruler's

(1) *At-Tawbah* (Repentance): 60.

(2) *Badâ'i' Al-Sanâ'i'*, Vol. 2, P. 45, *Al-Mughnî*, Vol. 6, P. 477.

(3) *Al-An 'âm* (The Cattle): 82.

(4) *Tafsîr At-Tabarî*, Vol. 11, P. 502.

(5) *Al-Mabsût*, Vol. 2, P. 152, *Al-Amwâl* by Abû Ubayd, P. 706, *Al-Muntaqâ Sharh Al-Mûwat-ta'*, Vol. 2, P. 146, *Al-Mughnî*, Vol. 3, 41, *A 'lâm Al-Mûwaqq' 'în*, Vol. 3, P. 335.

authority in collecting and managing Zakâh, and that this is a religious duty assigned to him by Allah for the order and well-being of the community. Ibn Al-Mundhir said: "The scholars have unanimously agreed that Zakâh was given to the Messenger of Allah - peace and blessings of Allah be upon him -, his workers, and to those he instructed to collect it."⁽¹⁾

- 3- The scholars have also unanimously agreed on fighting those who refuse to pay Zakâh,⁽²⁾ as refusing to pay it disrupts the order of the community, making it necessary to combat such acts.
- 4- Furthermore, the scholars have unanimously agreed that if Zakâh is withheld and it is within the reach of the ruler, it should be forcibly taken⁽³⁾ to prevent the harm of withholding it, which would disrupt the order of the community.
- 5- Whoever refuses to give Zakâh or delays it, it will be taken from them along with half of their wealth, according to a group of scholars, as a deterrent punishment to preserve the stability of the nation's system from disruption.⁽⁴⁾
- 6- It is recommended to include all eight categories (recipients of Zakâh) to achieve a balance between different interests, expanding the benefit and providing comprehensive reform to the nation's system.⁽⁵⁾ Al- 'Izz Ibn 'Abd As-Salâm said: "Imam Ash-Shâfi'î mandated distributing Zakâh to all categories because it repels various types of corruption and brings different types of benefits".⁽⁶⁾
- 7- The Shâfi'î and Hanbalî schools of thought hold that one of the categories included in the verse "**and for those in debt**"⁽⁷⁾ are those who take on debts to reconcile between conflicting parties and extinguish

(1) *Al-Ijmâ'* by Ibn Al-Mundhir, P. 46.

(2) *Sharh Sahîh Al-Bukhârî* by Ibn Battal, Vol. 3, P. 391.

(3) *Al-Istidhkâ*, Vol. 3, P. 217.

(4) This is the opinion of Ash-Shâfi'î in his early view. *Al-Hâwî Al-Kabîr*, Vol. 3, P. 134.

(5) *Hâshiyat Al-Sâwî*, Vol. 1, P. 665, *Al-Mughnî*, Vol. 2, P. 499, *Qawâ'id Al-Ahkâm fî Masâlih Al-Anâm*, Vol. 1, 33.

(6) *Qawâ'id Al-Ahkâm fî Masâlih Al-Anâm*, Vol. 1, P. 33.

(7) *At-Tawbah* (Repentance): 60.

disputes. What they do is a safeguard for the security of Muslims and a deterrent to the evil of sedition and fighting, so they are given from Zakâh even if they are rich.⁽¹⁾

- 8- Sending officials (collectors) to gather the apparent wealth for Zakâh is legislated because Zakâh on such wealth is more emphasized, and the desires of the poor are more attached to it. The Shari'ah takes special care in collecting it, as neglect in its collection may lead to resentment in the hearts of the poor, which could result in a breakdown of security.⁽²⁾
- 9- It is forbidden to transfer Zakâh from one place to another because the poor of the payer's area have a right due to proximity and neighborhood. They are aware of the wealth, and their desires are attached to it.⁽³⁾ Transferring it could stir ill feelings, which might lead to a breakdown of security. The Shari'ah prevents this by prohibiting the transfer of Zakâh.
- 10- The continuous status of those whose hearts are to be reconciled and the absence of any abrogation. They are to be given Zakâh, as the Prophet – peace and blessings of Allah be upon him - did, because Muslims may need to deter the harm of disbelievers to safeguard their security.⁽⁴⁾ Among those who are included in the share of “those whose hearts are to be reconciled” (*Al-Mu'allafati Qulubuhum*) according to the Hanbalis and some Malikis⁽⁵⁾: the disbeliever whose harm is feared and who is given so that his harm is warded off, as well as others who are influenced by him, or people at the borders of Islamic lands who, if given, will protect those Muslims nearby. They fall under the generality of the verse,⁽⁶⁾ and by giving to them, the security of Muslims is preserved.⁽⁷⁾
- 11- Giving Zakâh to a warrior in the cause of Allah, even if he is wealthy,

(1) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 509, *Al-Muhadhdhab fî fiqh al-Imâm Al-Shâfi'î*, Vol. 1, 316, *Al-Mughnî*, Vol. 6, 480, *Sharh Al-Zarkashî 'alâ Mukhtasar Al-Kharqî*, Vol. 4, P. 626.

(2) *Al-Mughnî*, Vol. 3, P. 68.

(3) *Al-Ikhtiyâr li-Ta'lîl Al-Mukhtâr*, Vol. 1, P. 122, *Asna Al-Matâlib fî Sharh Rawdh Al-Tâlib*, Vol. 3, P. 52.

(4) *Al-Sharh Al-Kabîr 'alâ Al-Muqn'*, Vol. 2, P. 697.

(5) ??????

(6) *Al-Mughnî*, Vol. 6, P. 477, *Al-Sharh Al-Kabîr lil Sheikh Al-Dardîr*, Vol. 1, P. 495.

(7) *Al-Mughnî*, Vol. 6, P. 477.

according to the majority of scholars⁽¹⁾; because his eligibility stems from the need of the Muslims for him, not his personal need. By giving him Zakâh, he is encouraged and motivated, which achieves the benefit of preserving security and defending Muslim lands.

- 12- One of the conditions for the imam's authority in collecting Zakâh is the protection of the taxpayers. If rebels take control of a region belonging to people of justice and collect Zakâh from their wealth, and then the imam regains control, he does not collect Zakâh from them again, because he had failed to protect them. The taxpayer deserves protection in return for the payment of Zakâh. Therefore, Zakâh on visible wealth was legislated since the taxpayer needs protection for it.⁽²⁾



(1) *Al-Mudawwanah*, Vol. 1, P. 346, *Al-Bayân wa Al-Tahsîl*, Vol. 8, P. 118, *Al-Umm*, Vol. 2, P. 79, *Al-Wasît fî Al-Madhhab*, Vol. 4, P. 563, *Al-Mughnî*, Vol. 6, P. 21, *Al-Insâf fî Ma`rifat Al-Râjih min Al-Khilâf*, Vol. 3, P. 240.

(2) *Al-Mabsût*, Vol. 2, P. 180, *Bada'i` Al-Sanâ'i`*, Vol. 2, P. 36, *Al-Ikhtiyâr li Ta`lîl Al-Mukhtar*, Vol. 1, P. 104.

Ninth Treatise

Refinement of Souls⁽¹⁾

Objective Explanation:

Linguistically, the word “*at-Tahdhīb*” comes from the root (*hadhaba*), which means to purify something from what blemishes it. It is said that something is (*muhadhdhab*) when it is cleansed from its defects. Moreover, (*tahadhaba*) means to refine or purify it, and it is said (*aslahahu*), which means to correct it. The essence of *Tahdhīb* is the purification of the bitter gourd, processing its fruit until its bitterness is removed, making it pleasant to eat.⁽²⁾

The Sharī‘ah meaning intended in this context aligns with the linguistic meaning, which is the purification and cleansing of bad morals, as well as the reform and correction of the human soul.

The noble Sharī‘ah places great emphasis on the refinement of souls. Allah the Almighty says: “*And [by] the soul and He who proportioned it. And inspired it [with discernment of] its wickedness and its righteousness, He has succeeded who purifies it, And he has failed who instills it [with corruption].*”⁽³⁾ The meaning of “purifying” is to make it righteous through obedience to Allah and to cleanse it from vile morals and vices, as stated by Qatādah and similarly reported by Mujāhid, ‘Ikrimah, and Sa‘īd Ibn Jubayr.⁽⁴⁾

(1) *Adab al-Dunyā wa al-Dīn*, P. 91, *Ihyā’ ‘Ulūm al-Dīn*, Vol. 1, P. 215, *Badā’i’ al-Sanā’i’*, Vol. 2, P. 3, *Mafātīḥ al-Ghayb*, Vol. 16, P. 81, *al-Tahqīq wa al-Bayān fī Sharḥ al-Burhān fī Usūl al-Fiqh*, Vol. 3, Ps. 609-610, *al-Mughnī* Vol. 2, P. 487, *Takhrīj al-Furū’ ‘alā al-Usūl* by al-Zanjānī, P. 111, *al-Mafhūm limā Ishtakhal min Talkhīṣ Kitāb Muslim*, Vol. 3, P. 5, *Sharḥ al-Nawawī ‘alā Muslim*, Vol. 7, P. 48, *Majmū’ al-Fatāwā*, Vol. 14, P. 214, *al-Mūwāfaqāt*, Vol. 3, P. 66, *al-Lubāb fī ‘Ulūm al-Kitāb*, Vol. 10, P. 121, *Gharā’ib al-Qur’an wa Ragā’ib al-Furqān*, Vol. 3, P. 493, *Ḥujjat Allāh al-Bāligha*, Vol. 2, P. 62, *Maqāṣid al-Sharī‘ah al-Islāmiyyah* by Ibn ‘Ashūr, Vol. 3, P. 509.

(2) The entry (*hadhab*) in *Al-Sihāh: Tāj al-Lughah wa Sihāh al-‘Arabiyyah*, Vol. 1, P. 237, *Maqāyis al-Lughah*, Vol. 6, P. 46.

(3) *Ash-Shams* (The Sun): 7-10.

(4) *Tafsīr Ibn Kathīr*, Vol. 8, P. 412.

Among the prayers of the Prophet (peace and blessings of Allah be upon him) was: “O Allah, grant my soul its piety and purify it, for You are the best to purify it; You are its Guardian and Protector.”⁽¹⁾ The phrase “purify it” means to cleanse it.⁽²⁾

One of the objectives for which Zakâh was established is the refinement and purification of souls. This is explicitly stated in the Noble Qur’an, where Allah says: “Take, [O, Muhammad], from their wealth a charity by which you purify them and cause them increase.”⁽³⁾ In Zakâh, there is a comprehensive purification for both the souls of the givers and the souls of the recipients, thus purifying the entire community and refining it.

As for its purification for the owners of wealth, it purifies their souls from vices, especially the vices of miserliness and greed.⁽⁴⁾ It has been said that the obligation of Zakâh does not apply to a miserly person; rather, one of the reasons it is called “Zakâh” is that it purifies the soul of its owner and cleanses it from despicable traits. Souls are naturally inclined towards the love of wealth, and they become accustomed to generosity by giving Zakâh. Thus, performing Zakâh serves as a training for the soul towards commendable generosity and away from the condemned greed.⁽⁵⁾

This cultivates the habit of fulfilling trusts and delivering rights to their rightful owners, while greed prevents them from doing so. It is more deserving of the soul to maintain rights.⁽⁶⁾ Anything that prevents them from fulfilling these rights leads to a bad character.

(1) Narrated by Muslim, No. (2722).

(2) *Sharh Al-Nawawî ‘alâ Muslim*, Vol. 17, P. 41.

(3) *At-Tawbah* (Repentance): 103.

(4) Scholars differ regarding the distinction between *Shuh* (شح) and *bukhl* (بخل). Some say that *shuh* is a more severe form of *bukhl* and more emphatic in withholding than *bukhl* itself. It is said that *shuh* is *bukhl* accompanied by greed. It is also said that *bukhl* applies to specific matters while *shuh* is general, and *bukhl* relates to specific matters while *shuh* relates to wealth and good deeds. Another view is that *shuh* is the greed for what one does not possess, while *bukhl* is regarding what one possesses. *Sharh al-Nawawî ‘alâ Muslim*, Vol. 16, P. 134.

(5) *Sharh al-Nawawî ‘alâ Muslim*, Vol. 7, P. 48, *Ikmâl al-Mu‘allim bi-Fawâ'id Muslim*, Vol. 3, P. 457, *Al-'Idda fî Sharh al-'Umda fî Ahâdîth al-Ahkâm* by Ibn al-'Attâr, Vol. 2, P. 796, *Kifâyat al-Nabîh fî Sharh al-Tanbîh*, Vol. 5, P. 184, *Al-I'lam bi Fawâ'id 'Umdat al-Ahkâm*, Vol. 5, P. 8.

(6) *Adab al-Dunyâ wa al-Dîn*, P. 91, *Badâ'i' al-Sanâ'i' fî Tartîb al-Sharâ'i'*, Vol. 2, P. 3.

Al-Ghazâlî mentioned this meaning in his explanation of the meanings of Zakâh, stating: “The second meaning is the purification from the trait of miserliness, for it is among the destructive qualities... The quality of miserliness is removed by getting used to giving away wealth. The love for something does not cease except by forcing the soul to part with it until it becomes habitual; thus, Zakâh, in this sense, is a purification, meaning it cleanses its owner from the harmful filth of miserliness. Its purity is proportional to the amount given and the joy in giving it and spending it for Allah, the Exalted.”⁽¹⁾

Al-Abiyârî says in explaining the benefits of Zakâh for the giver: “It purifies from the vice of miserliness. When a person becomes accustomed to holding back, greed takes over their heart, and they become attached to hoarding wealth, making it difficult for the soul to part with it. However, if they become accustomed to giving Zakâh, this serves as a means to develop the habit of generosity. The soul, through training, becomes habituated; and it has been said that goodness is acquired through habituation and forcing the soul to practice it, until goodness becomes a habit, and patience becomes a virtue.

The poet said: ‘Be patient with those who are close to you and maintain good relations with them. You will not be able to endure until you practice endurance.’⁽²⁾

Thus, after learning to be patient and generous, one becomes naturally inclined toward these virtues. I believe this is the intent of the verse where Allah, the Exalted, says: ‘**by which you purify them and cause them increase.**’⁽³⁾ This worship demonstrates goodness in this world and the Hereafter, and it encourages the soul towards noble morals such as generosity and kindness towards those in need,⁽⁴⁾ and a similar view is held by Abû Al-‘Abbâs Al-Qurtubî.⁽⁵⁾

Shaykh Al-Islam Ibn Taymiyyah explained: “Reverence for Allah’s commands and mercy towards His creation-these are the two fundamental principles that encompass the entire religion, as it is often said. Reverence for Allah’s commands is manifested through humility and submission, which are the essence of

(1) *Ihyâ’ ‘Ulûm al-Dîn*, Vol. 1, P. 214.

(2) This poetry is by Hâtim al-Tâ’î. *Adab al-Kâtib* by Ibn Qutaybah, P. 466, and *Al-Fâdhil* by Ibn al-Mubarrad, P. 90.

(3) *Al-Tawbah* (Repentance): 103.

(4) *Al-Tahqîq wal-Bayân fî Sharh Al-Burhân fî Usûl Al-Fiqh*, Vol. 3, Ps. 609-610.

(5) *Al-Mufhim limâ Ashkala min Talkhîs Kitâb Muslim*, Vol. 3, P. 5.

piety. Mercy towards Allah's creation is shown through kindness towards them. These two principles are embodied in the acts of prayer and Zakâh. Prayer involves humility before Allah, servitude to Him, submission, and meekness, all of which oppose arrogance, vanity, and pride. Zakâh, on the other hand, involves benefiting others and does not lead to selfishness.”⁽¹⁾

Al-Shâtibî expressed this meaning by stating: “It removes selfishness and brings about equality in charity. He clarified that the legislation of Zakâh supports this noble principle and aligns with the broader foundation of virtuous morals. It does not entail tyranny, for Zakâh eliminates the concept of absolute individualism. It nurtures within the soul the sense of sharing and solidarity with others, moving away from selfish interests.”⁽²⁾ He said: “The objective behind its legislation is to remove the vice of greed.”⁽³⁾

The essence and benefit of Zakâh in refining the soul is that it should be given with desire and generosity of spirit. The more this desire and generosity grow in the heart of a person when giving it, the more it indicates the fulfillment of this purpose in himself.⁽⁴⁾ And this meaning inherently repels the evil of greed, which is one of the hidden causes behind the downfall of nations.

He further explained, “The abundance of wealth leads to power, might, and intensity, and the increasing pleasures that come with it urge a person to accumulate even more wealth. This creates a cycle with no end, and so the Sharî‘ah established an endpoint for it by requiring a portion of wealth to be spent in seeking Allah’s pleasure. This diverts the soul from the dark path that has no end and often leads to tyranny and a hardened heart.”⁽⁵⁾

Al-Dahlawî elaborates on the idea of refining the soul through Zakâh, saying: “It directly addresses greed, and greed is the ugliest of vices, one that destroys people in the hereafter. If a person dies while still attached to wealth, their heart remains bound to it, causing them torment. But if someone practices giving Zakâh and rids their soul of greed, it benefits them. The most beneficial virtue in the hereafter, after humility to Allah, is generosity of the soul. Humility prepares the soul to seek the majesty of the Almighty. Similarly, generosity prepares the soul to free itself from lowly worldly traits. This is be-

(1) *Majmû‘ Al-Fatâwa*, Vol. 14, P. 214.

(2) *Al-Mûwâfaqât*, Vol. 2, 63-64.

(3) *Ibid*, Vol. 3, P. 121.

(4) *Hujjatullah Al-Bâlighah*, Vol. 2, P. 63.

(5) *Gharâ’ib Al-Quran wa Raghâ’ib Al-Furqân*, Vol. 3, P. 493.

cause the essence of generosity is to conquer the beastly nature of ownership, where the soul is dominated by nobility, and the beastly aspect is subdued and governed by it. One of the signs of this is giving wealth even when there is a need for it.”⁽¹⁾

As for Zakâh’s purification of the souls of its recipients, Zakâh purifies the needy from vile traits they might develop due to their poverty and need, such as envy, resentment, and malice, whether these qualities are present or could potentially arise. Zakâh replaces them with love and tranquility. As for the **“those whose hearts are to be reconciled”**, Zakâh purifies their souls from any possible hatred or enmity they may harbor towards the people of Islam. For **“freeing the slaves”**, they are aided by Zakâh to attain their freedom, purging their souls of degrading traits that slavery might instill in them, such as humiliation and disgrace. As for the **“debtors for the sake of reconciling people”**, Zakâh helps them in mending the hearts of those in conflict and quelling hostility and enmity.

Al-Mawârdî explains the effect of Zakâh on the souls of its recipients by saying, “By making it obligatory, Zakâh serves as a means of solidarity for the poor and assistance for those in need. It prevents resentment, avoids discord, and encourages mutual support. Those who hope to receive Zakâh remain respectful, and those who expect aid are often in awe. But when hope disappears, expectation vanishes, and need intensifies, resentment and envy arise, leading to severed relations between the wealthy and the poor, fostering enmity between those in need and the rich, and potentially escalating to conflicts over wealth and endangering lives.”⁽²⁾

Objective Evidence:

- 1- Allah Almighty says: ***“Take, [O Muhammad], from their wealth a charity by which you purify them and cause them increase.”***⁽³⁾

Evidential aspect: This verse indicates that Zakâh purifies and elevates the human soul. This purification is comprehensive, including cleansing the soul from sins and removing vile traits.⁽⁴⁾ Human nature is inclined towards greed

(1) *Hujjat Allah al-Bâlighah*, Vol. 2, P. 63.

(2) *Adab al-Dunyâ wa al-Dîn*, P. 91, *Mafâtiḥ al-Ghayb*, Vol. 16, P. 79, and *Al-Lubâb fi ‘Ulûm al-Kitâb*, Vol. 10, P. 121.

(3) *At-Tawbah* (Repentance): 103.

(4) *Zahrât al-Tafâsîr*, Vol. 7, P. 3434.

and miserliness, and the love of wealth. The wisdom of Islamic Sharī‘ah thus required the owner of wealth to part with a portion of it, as this act serves to sever the intense attachment to wealth. It prevents the soul from becoming entirely absorbed by material desires and reminds it that true happiness is not achieved by accumulating wealth but by spending it in pursuit of Allah’s pleasure. Allah made Zakâh obligatory as a remedy to remove the disease of love for worldly things from the heart, and this is the intended wisdom behind its legislation. This is the meaning of Allah’s words: **“Take from their wealth a charity to purify them and cause them increase.”** It purifies them and elevates them from being engrossed in the pursuit of worldly matters.⁽¹⁾ And what greater refinement and upbringing of the soul than this!

- 2- Allah’s saying: **“Indeed, man transgresses because he sees himself self-sufficient.”**⁽²⁾

Evidential aspect: Wealth can lead to arrogance and corruption, and arrogance is a cause for deserving punishment in the Hereafter. Through Zakâh, one can develop restraint and avoid arrogance, thus purifying the souls of those obliged to give it, preventing them from falling into transgression.⁽³⁾

- 3- Allah’s saying: **“And among the Bedouins are those who consider what they spend as a loss and await misfortune for you. Upon them will be the misfortune of evil.”**⁽⁴⁾

Evidential aspect: Allah criticizes the Bedouins who view spending in the way of Allah as a burden and a loss. They give grudgingly, and this contradicts the purpose of Zakâh, which is to fully refine the soul. When Zakâh is given willingly, with a good heart, it fulfills its goal of complete purification, allowing the giver to pay it with joy and happiness while purifying them from the filth of stinginess and greed.⁽⁵⁾

- 4- The Prophet (peace and blessings of Allah be upon him) said: **“Three things, if one does them, will make him taste the sweetness of faith: whoever worships Allah alone, believing that there is no god but Allah, gives the Zakâh of his wealth willingly every year, and does not give an old, defected, sick, or bad animal but rather from the middle of your wealth.”**

(1) Mafâtîḥ al-Ghayb, Vol. 16, P. 77.

(2) Al-‘Alaq (The Clot): 6-7.

(3) *Takhrîj al-Furû‘ ‘alâ al-Usûl*, by Al-Zanjânî, P. 111.

(4) *At-Tawbah* (Repentance): 98.

(5) *Tafsîr al-Sa‘dî*, P. 349.

For Allah neither asks you for the best of your wealth nor commands you to give the worst of it, and thus purifies his soul.”⁽¹⁾

Evidential aspect: The ḥadīth encourages giving Zakâh with a willing heart and avoiding giving inferior items. By giving Zakâh with sincerity, the objective of purifying the soul of the giver is achieved to the fullest extent, allowing the giver to taste the sweetness of faith and experience the love of Allah, the Almighty.

Ibn Raslân said: “When a person knows Allah, they taste the sweetness of His worship, and their soul finds joy in bearing hardships. Their soul becomes pleased with giving Zakâh with a willing and joyful heart, thus cleansing it from the impurity of stinginess and miserliness.”⁽²⁾

- 5- Jarīr Ibn ‘Abdullâh (may Allah be pleased with him) said: “Some Bedouins came to the Messenger of Allah (peace be upon him) and said, ‘Some of the Zakâh collectors come to us and wrong us.’ The Messenger of Allah (peace be upon him) said, *‘Please your collectors.’*” Jarīr (may Allah be pleased with him) said, “Since I heard this from the Messenger of Allah - peace and blessings of Allah be upon him -: *“no collector has left me except that he was pleased with me.”*⁽³⁾

Evidential aspect: The Prophet - peace and blessings of Allah be upon him - commanded to please the collectors. This is because there was a need to instruct people to pay the charity to the collectors willingly, as this serves the interest of refining the soul. The Prophet - peace and blessings of Allah be upon him - intended to close the door to their excuses for withholding Zakâh due to claims of injustice.⁽⁴⁾

- 6- Allah the Almighty says: **“O you who believe, do not invalidate your charities with reminders of your generosity or with harm.”**⁽⁵⁾

Evidential aspect: Allah the Exalted forbade the act of reminding others

(1) Reported by Abû Dâwûd in his "Sunan", No. (1582), from the ḥadīth of ‘Abdullah Ibn Mu‘awiyah Al-Ghâdirî. Shu‘ayb al-Arnâ‘ût said: "Authentic ḥadīth, and this chain of narrators is trustworthy" [verified by al-Arnâ‘ût in his commentary on Sunan Abû Dâwûd, Vol. 3, P. 32.

(2) *Sharh Sunan Abû Dâwûd* by Ibn Raslân, Vol. 7, P. 517.

(3) It was previously cited.

(4) *Hujjat Allah al-Bâligha*, Vol. 2, P. 72.

(5) *Al-Baqarah (The Cow)*: 264.

of one's charity or causing harm through it. The reality of "reminders" as some commentators mentioned is when a person brings up or highlights their charity, or boasts about it over the recipient because of their giving. This is a means of disciplining the souls of the wealthy, as it is prohibited to tarnish their charities with any spiritual ailments or defects.⁽¹⁾

- 7- The verses and hadîths that forbid and warn against miserliness, such as the statement of Allah the Exalted: ***"And whoever is protected from the stinginess of their soul – they are the successful ones"***⁽²⁾, and the saying of the Prophet - peace and blessings of Allah be upon him-: ***"Beware of miserliness, for it destroyed those before you, causing them to shed blood and violate the sacred"***⁽³⁾, and his saying: ***"Three things lead to destruction: miserliness that is obeyed, desires that are followed, and a person's self-admiration."***⁽⁴⁾

Evidential aspect: The verses and hadîths warn about the affliction of miserliness, indicating that it is innate in everyone, and that human nature inevitably tends towards it.⁽⁵⁾ Misery is also identified as one of the causes of the destruction and downfall of nations. Those who are protected from it are the truly successful. One of the greatest objectives of Zakâh is to discipline the soul against miserliness by separating from a portion of the wealth that the soul cherishes, thereby contributing to the preservation of the nation from the destruction brought about by greed.⁽⁶⁾

- 8- The Prophet (peace and blessings of Allah be upon him) said: ***"The disease of the nations before you has crept into you: envy and hatred. It is the shaver; I do not say it shaves hair, but it shaves away the religion. By the One in whose hand is Muhammad's soul, you will not believe until you love one another. Shall I tell you something that, if you do it, you will love one another? Spread peace among yourselves."***⁽⁷⁾

(1) Tafsîr al-Qâsimî, Vol. 2, P. 216.

(2) An-Nisâ' (The Women): 128.

(3) *Al-Hashr* (The Gathering): 9, *At-Taghabun* (The Mutual Disillusion): 16.

(4) It was previously mentioned.

(5) Narrated by Al-Tabarânî in "Al-Mu'jam Al-Awsat," No. 5452, and it was graded as good by Al-Albânî in "Silsilat Al-Ahâdîth As-Sahîhah wa Shay'un min Fiqhiha wa Fawâ'idihâ," Vol. 4, P. 416.

(6) *Tafsîr Al-Qurtubî*, Vol. 5, P. 406.

(7) Reported by Ahmad in his *Musnad*, No. (1412) with this wording, and by al-Tirmidhî in =

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) warned against the diseases of envy and hatred, which arise partly from poverty and wealth being concentrated among the rich. Zakâh purifies the heart of the poor from envy by providing them with sufficiency and care.

- 9- The Prophet (peace and blessings of Allah be upon him) linked disbelief with poverty in his supplication, saying: “*O Allah, I seek refuge with You from disbelief and poverty.*”⁽¹⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) connected disbelief with poverty because poverty can lead to it. It may drive a person to envy the wealthy, which consumes good deeds, and to humiliate oneself in ways that tarnish one's dignity and compromise their faith. It may also cause dissatisfaction with fate and discontent with one's provision, which, if not outright disbelief, can lead towards it. This is why the Prophet (peace and blessings of Allah be upon him) sought refuge from poverty. Suyfân al-Thawrî said: Poverty is close to being disbelief, as it can lead a person to take extreme measures or even question Allah's decree.⁽²⁾ Zakâh fulfills the needs of the poor, thus preventing them from falling into such harmful effects of poverty.

- 10- The hadîth narrated by ‘Ubaydullah Ibn ‘Adî, where he said that two men told him that they came to the Prophet (peace and blessings of Allah be upon him) while he was distributing charity. They asked him for a share, and he looked them up and down and saw that they are strong then said: “*If you wish, I will give you, but there is no share in it for the wealthy or for one who is capable of earning a livelihood.*”⁽³⁾

Evidential aspect: This hadîth indicates that those among the poor who are not engaged in some form of public service for the Muslims, and who are able to work, should not be given from the Zakâh. This is also the view of Imam Ash-Shâfi‘î and Imam Ahmed,⁽⁴⁾ and this is viewed as part of Refinement of Souls.

= his *Sunan* No. (2510) from the hadîth of al-Zubayr Ibn al-‘Awwâm; classified as *hasan* (good) by al-Albânî and al-Arnâ‘ut [see *Silsilat al-Ahadith al-Dha‘îfah*, Vol. 1, P. 29, verification of *Musnad Ahmad* by al-Arnâ‘ut, Vol. 3, P. 29).

(1) Previously cited.

(2) *Faydh al-Qadîr*, Vol. 4, P. 542.

(3) Previously cited.

(4) *Majmû‘ al-Fatâwa*, Vol. 28, P. 571.

The effect of considering this objective in the Fiqh-based branches:

- 1- The legislation of Zakâh is designed to be given in a manner that does not lead to regret or harm for the benefactor, ensuring that giving is done with a willing heart, without causing harm to the giver. Thus, the rulings related to Zakâh have been made easy to ensure that it is given willingly with sincerity and achieves its perfect goal of purifying and refining souls.⁽¹⁾
- 2- The prohibition of deceit to evade paying Zakâh; such actions contradict the purpose of purifying the soul, which is one of the primary objectives of Zakâh legislation. It leads to the opposite outcome, reinforcing stinginess, greed, and attachment to worldly matters. Al-Shâtibî says: “Sharī‘ah acts (Sharī‘ah-compliant acts) are not intended for themselves but for other purposes, which are the benefits (*masâlih*) for which they were legislated. Therefore, whoever acts in contradiction to this setup is not acting in accordance with the essence of these legislations... For instance, if someone gifts their wealth at the end of the Zakâh year to escape its obligation and then reclaims it in the next year or before, this strengthens the trait of stinginess and undermines the benefit of helping the needy... So, reflect on how the intended purpose of an act does not negate a Sharī‘ah objective, while a non-legitimate intent demolishes it.”⁽²⁾
- 3- It is impermissible, according to the majority of scholars, to give the value of an item as Zakâh instead of the item itself. The trial and purification of the soul, which is achieved through the payment of Zakâh, is not realized by paying its value. Instead, it is achieved by giving the actual item. The reasoning behind this is: “The owner wishes to maintain their property as it is and give from something else instead. When their soul inclines towards this and becomes attached to it, the obligation is to sever that attachment between the heart and that portion of the wealth, thus requiring that exact part to be given as Zakâh.”⁽³⁾
- 4- The owner of wealth is prohibited from purchasing the item given as Zakâh back from the recipient. “This is because buying it back provides

(1) *Maqâsid al-Sharī‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 509.

(2) *Al-Muwâfaqât*, Vol. 3, P. 120.

(3) *Ahkâm al-Qur’an* by Ibn al-‘Arabî, Vol. 2, 520.

a means for recovering part of it; the poor person may feel shy and thus not bargain for its price, which may lead to them selling it at a lower price.”⁽¹⁾ Hence, this prohibition serves to prevent the undermining of the objective of refining the wealthy person’s soul from stinginess, while also reinforcing a complete severance of ties between them and what they have given for the sake of Allah.

- 5- Scholars unanimously agree that giving Zakâh to someone on whom the giver is obliged to spend does not count as valid.⁽²⁾ This is because giving Zakâh to them would suffice for their maintenance, thereby relieving the giver of their obligation and returning the benefit back to themselves. Thus, it is as if they have given it back to themselves, which renders it invalid. The full provision of Zakâh is achieved when the recipient no longer benefits the giver; if Zakâh is given to those who are dependent on them, the purpose of refining the soul through its giving is not achieved. In fact, this action strengthens the trait of stinginess.⁽³⁾
- 6- Abû Hanîfa held that a wife may not give her husband from the Zakâh⁽⁴⁾ because he may spend it on her, and thus the benefit of her Zakâh returns to her. This means that the complete giving is not achieved by the cessation of benefits; if the complete cessation of benefits is not realized, the purpose of refining the soul of the giver to perfection is not achieved.
- 7- Some scholars viewed that it is not permissible to free a slave from Zakâh because this leads to loyalty, which in turn provides benefit to the Zakâh payer. The refinement of the soul from greed can only be realized by completely severing the benefits between the giver and the recipient of the Zakâh.⁽⁵⁾
- 8- The permissibility of giving Zakâh willingly is obligatory according to the Hanafites⁽⁶⁾ and recommended according to the Shâfi‘îs,⁽⁷⁾ so the giver should not hesitate while giving it as it counted as goodness and

(1) *Al-Mughnî*, Vol. 2, P. 486.

(2) *Al-Ijmâ’* by Ibn al-Mundhir, P. 48.

(3) *Al-Mabsûṭ*, Vol. 3, P. 11, *Tafsîr al-Qurtubî*, Vol. 8, P. 189, *Al-Mughnî*, Vol. 2, P. 484.

(4) *Al-Tajrîd* by Al-Qudurî, Vol. 8, P. 4219; *Al-Amwâl* by Abû ‘Ubayd, P. 700.

(5) *Al-Amwâl* by Abû ‘Ubayd, P. 723.

(6) *Badâ’i’ al-Sanâ’i’*, Vol. 2, P. 11.

(7) *Al-Majmû’ Sharh al-Muhadhdhab*, Vol. 6, P. 242.

generosity, and because it involves giving away a portion of cherished wealth without any compensation in return. This reflects the intention of the donor: general benefit and great reward.⁽¹⁾

- 9- It is not permissible to give Zakâh to someone who is capable of earning, according to the Shâfi'îs and Hanbalîs. This serves to refine the poor and train them to work and earn, avoiding reliance on others.⁽²⁾
- 10- A poor person who engages in supererogatory acts of worship and frequently isolates themselves in schools and similar places does not deserve Zakâh, as earning and cutting off desire for what is in others' hands is preferable to indulging in supererogatory acts with desire.⁽³⁾
- 11- Some Shâfi'îs believe that householders who are not accustomed to earning should not take Zakâh when they are in need and are capable of working, as refraining from this in such circumstances "is a form of foolishness and reliance on others. Rather, they should seek ways to earn through copying (books) and sewing."⁽⁴⁾
- 12- Some Mâlikites viewed that it is not permissible to give Zakâh to the indebted unless it is known that his situation is desperate for taking it, and his condition deteriorates without receiving it. This would mean that he has assets he can utilize, but debt forces him to sell them and his condition would deteriorate; thus, he should be given from Zakâh. However, if he incurs debts by borrowing from people to become indebted without valid reason, then he should not be given Zakâh. This is because giving him Zakâh would encourage him to persist in his bad habit, while withholding Zakâh would deter him from this behavior."⁽⁵⁾ Therefore, preserving the objective of refining his soul requires that he not be given from it, to prevent the corruption of his habits.
- 13- A person who incurred debt through extravagant spending, such as indulging in desires and pleasures, or through excessive spending on frivolous things and donations, without involving righteousness or piety, is not to be given from the share of Zakâh designated for those in

(1) *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 1, P. 35; *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn `Ashûr, Vol. 3, P. 509.

(2) *Majmû' al-Fatâwâ*, Vol. 28, P. 571.

(3) *Mughnî al-Muhtâj*, Vol. 4, P. 175.

(4) *Ibid*, Vol. 4, P. 174.

(5) *Al-Dhakhîrah*, Vol. 3, P. 148.

debt. This is especially true if they possess means to repay their debt, such as money or property. Since such a person is forbidden from extravagance, it is more appropriate for their own wealth to cover their debts than for Zakâh funds to be used.⁽¹⁾

- 14- The consideration of those in debt due to reconciling disputes and extinguishing the flames of conflicts is part of the Zakâh categories according to the Shaâfi'î and Hanbalî schools. Giving them from Zakâh helps refine the souls of the Ummah.⁽²⁾
- 15- The continued allocation of Zakâh to the category of "those whose hearts are to be reconciled" remains valid, as the need for reconciliation of hearts may arise at times. This contributes to the refinement of souls and drawing them toward the truth.



(1) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 508.

(2) *Al-Hâwî Al-Kabîr*, Vol. 8, P. 509; *Al-Muhadhdhab fî fiqh Imâm Al-Shâfi'î*, Vol. 1, P. 316; *Al-Mughnî*, Vol. 6, P. 480; and *Sharh Al-Zarkashî `alâ Mukhtasar Al-Khiraqî*, Vol. 4, P. 626.

Tenth Treatise

Removal of Hardship⁽¹⁾

Objective Explanation:

The term “*ḥaraj*” (hardship) linguistically: (the letters Ha, Ra, and Jīm) originates from a single root that indicates the gathering of something and its narrowing, meaning it signifies tightness or constriction.⁽²⁾ Ibn al-Athîr said: “*Haraj* in its original sense means tightness... and there are many hadîths on *haraj*, all of which refer back to this meaning.”⁽³⁾

Ḥaraj in the Sharî‘ah terminology: I did not find a definition for “*haraj*” among early scholars, but I found several definitions by contemporary scholars. One of them is by Dr. Ya‘qûb al-Bâhussayn, who defined it as: “That which imposes on a person an unusual hardship on their body or self, or both, in this world or the next, either presently or in the future, without conflicting with something more severe or with a right belonging to another that is equal to it or more than it.”⁽⁴⁾

As to the compound definition, he defined it as: “Preventing the occurrence or continuation of hardship on the servants by either preventing it from happening in the first place, alleviating it, or addressing it after its causes have been realized.”⁽⁵⁾

(1) *Al-Mabsûṭ*, Vol. 2, P. 157, *Al-Muḥallâ* by Ibn Ḥazm, Vol. 4, P. 67, *Al-Mustasfâ*, Vol. 3, P. 203, *Al-Munkhûl*, Vol. 1, Ps. 79-81, *Al-Muḥarrar al-Wajîz*, Vol. 4, P. 135, *Al-Ihkâm fî Usûl al-Ahkâm* by Al-Amidî, Vol. 1, P. 180, *Al-Ishârât al-Ilâhiyyah ilâ al-Mabâhiṭh al-Usuliyyah*, P. 210, *Majmû‘ al-Fatawâ*, Vol. 14, Ps. 137-138, *Al-Mûwafaqât*, Vol. 2, P. 235, *Kashf al-Asrâr Sharh Usûl al-Bazdawî*, Vol. 1, P. 282, *Maqâsid al-Sharî‘ah al-Islâmiyyah* by Ibn ‘Ashûr, Vol. 3, P. 192.

(2) Refer to the word “*haraj*” in *Maqâyis al-Lughah*, Vol. 2, P. 50, *Lisân al-‘Arab*, Vol. 2, P. 233.

(3) *Al-Nihâyah fî Gharîb al-Hadîth wal Athar*, Vol. 1, Ps. 361-362.

(4) *Ra‘ al-Haraj fî al-Sharî‘ah al-Islâmiyyah* by Dr. Ya‘qûb al-Bâhussayn, P. 38.

(5) *Ibid*, P. 48.

This objective expresses a major principle of Sharī‘ah, one that has a wide influence on all its rulings and areas, and it is one of the most important characteristics that distinguish this blessed Sharī‘ah. In fact, it is the foremost description of Sharī‘ah and one of its greatest purposes.⁽¹⁾

Allah has distinguished the religion of Islam with ease, simplicity, and tolerance in all its obligations, making it remarkably suited to human abilities, which Allah has created in mankind, without burdening them beyond their capacity. Indeed, all of its rulings and obligations were designed with consideration for human nature and limited capacity. The strongest evidence of the great care the Sharī‘ah takes in this regard is the abundance of proofs pointing to the removal of hardship, to the extent that this has become definitive, as Al-Shâtibî mentioned.⁽²⁾

‘Izz al-Dîn Ibn ‘Abdus- Salam states: “Know that Allah has legislated for His servants the pursuit of both immediate and long-term benefits, all of which fall under one overarching principle. He then excluded what involves extreme hardship or harm that outweighs these benefits. Likewise, He legislated for them the avoidance of harm in this life and the next, all falling under one principle. However, He made exceptions for cases where avoiding such harm involves great difficulty or when a benefit outweighs the harm. All of this is out of mercy, care, and ease for His servants. This is reflected in what contradicts strict reasoning, and applies in acts of worship, transactions, and all forms of charity.”⁽³⁾

He then gives several examples related to Zakâh. The wisdom behind the ease and leniency in Sharī‘ah is closely tied to an important principle: that Sharī‘ah is the religion of pure human nature (*fitrah*). Matters of *fitrah* are inherent in human beings, making them naturally inclined to accept it easily. Among these natural inclinations is the aversion to hardship and excessive difficulty. As Allah said: “**Allah intends for you ease and does not intend for you hardship.**”⁽⁴⁾

Allah intended Islam to be a universal and enduring religion, which necessitated that its application among people be simple and devoid of undue hard-

(1) *Maqâsid al-Sharī‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 188.

(2) *Al-Mûwâfaqât*, Vol.1, P. 235.

(3) *Qawâ‘id al-Ahkâm fî Masâlih al-Anâm*, Vol. 2, P. 161.

(4) *An-Nisâ’* (The Women): 28.

ship. This leniency makes it more compatible with people's natural tendencies because it brings comfort both to individuals and society. The ease of Sharî'ah has played a significant role in the spread and longevity of Islam, showing that leniency is part of human nature since people inherently love gentleness.⁽¹⁾

Al-Shâtibî explains the wisdom and purpose behind alleviating hardship in religious obligations: "Hardship is removed from the obligated individuals for two reasons: The first is to prevent them from abandoning the path, hating worship, or resenting obligation, which could lead to harm in their body, mind, wealth, or circumstances. The second is to avoid failure when faced with competing responsibilities, such as caring for one's family and children. Sometimes, being overly strict in one area can cause neglect in another, and trying to perfect both might lead to abandoning both."⁽²⁾

The hardship that is alleviated in Sharî'ah: It is the unusual hardship. Al-Shâtibî explained its criteria by saying: "If an action leads to discontinuation of it or part of it, or causes harm to the individual in terms of his self, wealth, or any of his conditions, then the hardship here is outside the norm. But if there is usually none of that, then it is not considered hardship in the customary sense, though it may be called a burden. All human conditions in this life are burdensome, whether in eating, drinking, or other activities, but Allah has given him the ability to manage these activities so that they are under his control, not that he is under their control. The same applies to religious obligations; thus, one should understand religious obligations and the hardship they entail in this manner."⁽³⁾

Explaining the relationship between this objective and the obligation of Zakâh:

The presence of the objective of "removal of hardship" in the legislation of the Zakâh obligation and its rulings is clear and evident. It falls under the general principles indicating that Sharî'ah is based on balanced justice and that its rulings encompass ease and prevent unusual hardship. Moreover, there is special consideration of this principle in its legislation, as Zakâh is legislated as an act of solidarity, and placing undue hardship on the individual would go against the spirit of mutual support. Thus, Sharî'ah does not impose such

(1) *Maqâsid al-Sharî'ah al-Islamiyyah* by Ibn `Ashûr, Vol. 3, P. 192.

(2) *Al-Mûwâfaqât*, Vol. 2, P. 233.

(3) *Ibid*, Vol. 2, P. 214.

hardship.⁽¹⁾ For this reason, the condition of “ease of ability” was stipulated for its obligation, not just the mere possibility.⁽²⁾

This is because paying Zakâh is a financial duty that requires a person to part with something they desire and are naturally inclined to love. Giving Zakâh is, therefore, more psychologically difficult than performing purely physical obligations. Sharī‘ah took this psychological difficulty into account when formulating its rulings, making them contingent on the individual’s “ease of ability,” so that they can give willingly and achieve the higher purpose of Zakâh-expressing gratitude for the blessing of wealth-fully and perfectly. If the legislation imposed severe hardship that disregarded the innate love of wealth, it would lead to financial distress, and individuals would pay Zakâh unwillingly.

‘Alâ’ al-Dîn al-Bukhârî explains: “As for the complete condition on which the obligation depends and becomes more praiseworthy by being stipulated, it is the ease of ability. This is a degree higher than the possible ability because it involves not only possibility but also ease. This condition was stipulated for most financial obligations, but not for physical ones, because fulfilling financial obligations is more burdensome than on the soul than the physical worships. This is because wealth is akin to the soul, beloved to the self, especially for the general public, and voluntarily parting with what is beloved is difficult. Therefore, Zakâh was obligated in a manner of ease, its foundation in the Sharī‘ah being based on facilitation and simplicity. Hence, a small portion of wealth was made obligatory, and it was imposed on wealth that grows, not on the principal amount, as an ease for the wealthy. Repetition of the obligation is tied to the passage of a year, and the condition of ability means an ability that brings about this ease.

(1) *Al-Mughnî*, Vol. 2, P. 449.

(2) The term “ease of ability” refers to the capacity that facilitates the performance of an obligation with ease. It is a degree higher than “possible ability” in strength, as it ensures both the possibility and ease of performance, unlike the first, which only guarantees the possibility. This condition is stipulated for financial obligations but not for physical ones because fulfilling financial duties is more burdensome on the soul than physical ones, as wealth is akin to the soul. The difference between the two capacities in rulings is that “possible ability” is a pure condition, as the obligation itself depends on it, and its continuity is not required for the obligation to remain. As for “ease of ability,” it is not merely a condition, as the obligation does not entirely depend on it. *Al-Ta’rîfât* by Al-Jurjânî, P. 173.

Since it was established that Zakâh was ordained for the purpose of enriching the poor and as gratitude for the blessing of wealth-because wealth is a great blessing, necessary for the sustenance of the body and for fulfilling both worldly and religious objectives-it was necessary that such a blessing not be without an obligatory form of gratitude to Allah, akin to the gratitude shown for the blessing of the body. No pure act of worship was obligated on wealth except Zakâh, so it became specific for expressing gratitude for the blessing of wealth. Moreover, complete gratitude requires a complete cause that affects the obligation of gratitude in every aspect, for if the cause was incomplete, it would be considered nonexistent in some respects, and what is nonexistent cannot affect anything. Therefore, gratitude cannot be obligatory from that incomplete cause.⁽¹⁾

Al-Taftazânî says: "It is most apparent that we say: the ease of performance for the servant comes after the possibility has been established through the possible ability. This is a grace from Allah in the second degree of ability, which is why it has been stipulated in most financial obligations, as they are more difficult for the general public. This is like the case of growth in Zakâh, where it is possible to perform it without it, but it becomes easier with it, as it does not diminish the principal wealth, and only part of the growth is lost."⁽²⁾

He then explains that one of the characteristics of the facilitative ability is that its continuity is required because it is a condition in the sense of causality. It changes the obligation from hardship to ease, for it is possible for it to be obligated with just the possible ability, but with hardship. The facilitative ability affects it and obligates it with ease, so its continuity is required considering the causal aspect. This is because this cause cannot remain without the ruling, as ease cannot be imagined without the facilitative ability, and the obligation cannot remain without the condition of ease, for it was only legislated with that condition. Therefore, the continuity of the facilitative ability is required.⁽³⁾

Al-Nawawî says: "Zakâh is built upon leniency and facilitation, and it is dropped in many cases for ease, such as fodder during part of the year and work

(1) *Kashf al-Asrâr Sharh Usûl al-Bazdawî*, Vol. 1, Ps. 201-210 with slight modifications.

(2) *Sharh al-Talwîh 'alâ al-Tawdhîh*, Vol. 1, P. 384.

(3) *Ibid*, and *Usûl al-Sarakhsî*, Vol. 1, P. 68, *Ghamz 'Uyûn al-Basâ'ir fî Sharh al-Ashbâh wa al-Nazâ'ir*, Vol. 2, P. 60.

on it, and other such reasons.”⁽¹⁾ Al-Mawârdî adds: “The matter of Zakâh is built upon a balance between the poor and the wealthy, with consideration for both of them.”⁽²⁾

There is another meaning of ease in the legislation of Zakâh, which is that the Shari‘ah is keen to protect the benefactor from harm that might result from their kindness, so that people do not dislike doing good deeds. Hence, the rulings of Zakâh consider this purpose.⁽³⁾

One of the significant principles related to this objective is the fact that Shari‘ah is meant to be suitable for an unlettered society. This implies that its doctrinal and practical obligations-like Zakâh-are within the grasp of the common people so that they can come under its rule. If this were not the case, it would amount to burdening people with what they cannot bear, which does not occur. Among the aspects of ease in practical matters for this reason is the consideration of the unlettered status of the people, by making their duties comprehensible through simpler approximations, so that the general public can understand them. As the Prophet (peace and blessings of Allah be upon him) said: “*We are an unlettered nation; we do not calculate, nor do we write. The month is thus and thus (while counting on his fingers)*,”⁽⁴⁾ without the precise calculation of the sun and moon in their respective positions, as this was neither known nor part of the Arabs’ customary knowledge. It would have made matters too complicated and difficult to ascertain. Therefore, the Shari‘ah allows predominant conjecture to stand in place of certainty, which is why practical matters are designed in such a way that they do not lead to burdensome hardship or disrupt one’s daily routines that ensure worldly well-being and the fulfillment of personal needs. An unlettered person unfamiliar with Shari‘ah or intellectual matters might recoil at what diverges from their accustomed practices, unlike someone with prior experience in such matters.⁽⁵⁾

The consideration of dominant conjecture (*ghalabat al-zann*) in Zakâh rul-

(1) *Al-Majmû‘ Sharh al-Muhaddhab*, Vol. 5, P. 468, and *Al-Ghurrar al-Bahiyyah fi Sharh al-Bahjah al-Wardiyyah*, Vol. 2, P. 129, and *Al-Tajrid* by Al-Qudûrî, Vol. 3, P. 1165, *Kifâyah al-Nabîh fi Sharh al-Tanbîh*, Vol. 6, P. 60.

(2) *Al-Hâwî al-Kabîr*, Vol. 3, P. 97.

(3) *Maqâsid al-Shari‘ah al-Islamiyyah* by Ibn ‘Ashûr, Vol. 3, P. 513.

(4) Agreed upon: Narrated by al-Bukhârî, No. (1913) and Muslim, No. (1080).

(5) *Al-Mûwâfaqât*, Vol. 2, Ps. 141-148.

ings and its equivalence to certainty is a clear example of the ease that accompanies its rulings. Al- 'Izz Ibn Abd al-Salâm explains this, saying: "Since people strive to bring about immediate and future benefits and avert immediate and future harms, the Sharî'ah has come with the command to follow conjecture in such matters due to the predominance of its accuracy and the rarity of its error. Thus, overwhelming benefits are not overlooked due to the fear of rare harms. If the Sharî'ah had required certainty in acts of worship, transactions, and all affairs, many benefits would have been lost due to the fear of minor harms. In fact, in some cases, if certainty were required, it would lead to the ruin of people and the corruption of the land. Sometimes, scrupulousness lies in refraining from acting based on conjecture due to the appearance of potential harms and benefits. However, if any possibility results in the abandonment of legitimate benefits or the occurrence of preventable harms, it is to be disregarded, as in the case of Zakâh. If certainty were required, Zakâh would not become obligatory, and the giver would lose their reward, and the recipient would lose their support. There is no certainty in the belief of the giver or the recipient, in the ownership of the *Nisâb*, or in the absence of Zakâh preventions, nor does the difference of opinion among scholars regarding these matters hold significance. If doubt arises regarding the eligibility of the recipient, it is pious to give it to someone else.

The obligatory prayers, Zakâh, and expiations that we are required to perform are based on what is presumed. We say: Allah has obligated us to ensure the performance of prayers by acting upon the presumption that their pillars and conditions have been fulfilled, and by discharging financial obligations concerning the wealth that we presume that it is ours with no restrictions therein.⁽¹⁾

Objective Evidence:

- 1- The Quranic verses that indicate the removal of hardship, facilitation, leniency, and the negation of being burdened with what is beyond one's ability, such as the words of Allah: "***He has not placed upon you in the religion any difficulty***"⁽²⁾, and the ayah: "***Allah does not intend to place hardship upon you, but He intends to purify you and complete***

(1) *Shajarat al-Ma'ârif wal-Ahwâl*, Ps. 308-311.

(2) *Al-Hajj* (The Pilgrimage): 78.

His favor upon you that you may be grateful⁽¹⁾, and the ayah: “*Allah intends for you ease and does not intend for you hardship*”⁽²⁾, and the ayah: “*And Allah wants to lighten for you [your difficulties]; and mankind was created weak.*”⁽³⁾, and the ayah that reads: “*Allah does not charge a soul except with that within its capacity*”⁽⁴⁾

Evidential aspect: Allah has removed hardship from the religion, and He does not wish to impose difficulty upon His servants. He desires ease for them, to lighten their burdens, and does not charge them with anything beyond their capacity. These verses indicate that all that He has commanded or prohibited them is within their power and ability, and that Allah does not burden them with what they cannot bear. They are, therefore, in a state of ease and grace in His commands, not in narrowness, hardship, or difficulty. The term “within capacity” implies that what He has commanded is something they are able to do, without difficulty or hardship for them.⁽⁵⁾

The verses that point to this principle are too numerous to list. Al-Shâtibî says, “The texts regarding the removal of hardship in the Qur’an are sufficient.”⁽⁶⁾ He further explains that removing hardship in the rulings of the Sharī‘ah is “universal and continuous, as Allah did not legislate a ruling except that He broadened and facilitated the path to it, leaving no hardship or difficulty in it.”⁽⁷⁾ This general principle applies to all the obligations of the Sharī‘ah, including Zakâh.

2- Many Prophetic ḥadīths that indicate ease and leniency, such as the saying of the Prophet - peace and blessings of Allah be upon him -:

“*The most beloved religion to Allah is the simple Hanīfiyyah one (Islam).*”⁽⁸⁾ And on the authority of Abû Hurayrah (may Allah be pleased with him), the Prophet - peace and blessings of Allah be upon him - said:

“*The religion is ease, but if anyone overdoes it gets the better of him; so keep to the right course, approximate to perfection, rejoice, and ask help in the morn-*

(1) *Al-Mâ'idah* (The Table): 6.

(2) *Al-Baqarah* (The Cow): 185.

(3) *An-Nisâ'* (The Cow): 28.

(4) *Al-Baqarah* (The Cow): 286.

(5) *Majmû' al-Fatâwâ*, Vol. 14, P. 137.

(6) *Al-Mûwafaqât*, vol. 4, p. 350.

(7) *Al-Ishârat al-Ilâhiyyah ilâ al-Mabâhith al-Usuliyyah*, P. 210.

(8) Reported by Al-Bukhârî, *mu'allaq* (i.e. suspended), *kitâb al-Imân bâb al-Dîn Yusr*, Vol. 1, P. 16.

ing, the evening, and some of the latter part of the night.”⁽¹⁾, and the *hadîth* where the Prophet (peace and blessings of Allah be upon him) said: “Make things easy and do not make them difficult, cheer the people up by conveying glad tidings to them and do not repulse (them).”⁽²⁾

Evidential aspect: The *hadîths* clarify that the religion of Allah is based on ease, and that the most beloved religion to Allah is the upright and easy one. All of His commands take into account the facilitation for the Ummah and the removal of hardship. Indeed, the essence of the statement “Religion is ease” suggests that the intensity of ease and its abundance is in itself ease. The term “religion” applies to deeds, as stated in “Religion is ease,” and the *hadîth* clarifies the aspect of ease by saying, “Be moderate,” and all of these are deeds,⁽³⁾ and Zakâh is included in the category of deeds.

- 3- The consensus of Muslim scholars from the time of the Companions to this day is that hardship is lifted from this Ummah, and there is no known dissent regarding this.⁽⁴⁾ This consensus applies generally to all acts of worship.

Al-Shâtibî states: “The consensus is on the non-existence of hardship in obligations, which indicates that the legislator did not intend for it. If it were to exist, there would be contradiction and disagreement in the law, which is negated; for if the legislation were intended to cause hardship and difficulty-whereas it has been established that it is based on ease and facilitation-then bringing the two together would result in contradiction and disagreement, which is free from that.”⁽⁵⁾

- 4- Sound reasoning is innate to avoid contradiction; if the legislator intended hardship and difficulty, there would be no need for ease and alleviation, which is self-evident.⁽⁶⁾

These are some general proofs for the removal of hardship, but there are many other proofs for its removal from this Ummah. Al-Shâtibî said: “The

(1) Reported by Al-Bukhârî, *Hadîth* No. 39.

(2) Reported by Al-Bukhârî, *Hadîth* No. 6125.

(3) *Umdat al-Qârî Sharh Sahîh al-Bukhârî*, Vol. 1, P. 235.

(4) *Fawâtiḥ al-Rahmût*, Vol. 1, P. 168, *Al-Mûwâfaqât*, Vol. 2, 212, *Ra' al-Harj*, Al-Bâhusain, P. 68.

(5) *Al-Mûwâfaqât*, Vol. 2, 212.

(6) Ibid.

proofs for removal of hardship away from this Ummah have reached the level of certainty.”⁽¹⁾

Here are some specific proofs for the lifting of hardship in Zakâh in particular:

- 5- The hadîth that says: “*The best charity is that which given out of surplus,*”⁽²⁾ and the hadîth: “*There is no charity except from surplus wealth.*”⁽³⁾

Evidential aspect: The *Sharî'ah* did not obligate Zakâh on those who do not own wealth, but rather its obligation is confined to those who meet the description of wealth by reaching the minimum threshold (*Nisâb*). This provides ease and removes hardship by not making it obligatory on everyone.⁽⁴⁾

- 6- The evidence indicating the requirement of the *Nisâb*, as the hadîth indicates: “*There is no Zakâh on less than five ounces of silver, nor on less than five camels, nor on less than five wasqs of grain.*”⁽⁵⁾

Evidential aspect: This indicates the condition of the *Nisâb* and that there is no Zakâh on those whose wealth does not reach the *Nisâb*. The concept of the *Nisâb* condition signifies gentleness, ease, and the removal of hardship.⁽⁶⁾

- 7- The hadith that reads: “*There is no Zakâh on a Muslim for his slave or his horse,*”⁽⁷⁾ and the hadîth: “*I have relieved you of Zakâh on horses and slaves, so give Zakâh on silver: for every forty dirhams, one dirham.*”⁽⁸⁾

Evidential aspect: The two hadîths indicate that there is no obligation of Zakâh on wealth that is not designated for growth (non-revenue-generating wealth); because the legislator made it clear that Zakâh is legislated for mu-

(1) *Al-Mûwâfaqât*, Vol. 1, P. 520.

(2) Agreed upon, narrated by Al-Bukhârî, No. (1426) and Muslim, No. (1034).

(3) Narrated by Al-Bukhârî in a commentary on *Kitâb al-Wasiya*, chapter on interpreting the verse: “*min ba'd wasiya*” and Ahmad, Vol. 2, 230.

(4) *Al-Mughnî*, Vol. 2, P. 469, *I'lam Al-Mûwaqqi'in*, Vol. 3, 333.

(5) Agreed upon, narrated by Al-Bukhârî, No. (1405) and Muslim, No. (979), both from Abû Sa'îd (may Allah be pleased with him).

(6) *Bidâyat Al-Mujtahid wa Nihayât Al-Muqtasid*, Vol. 2, P. 19.

(7) Agreed upon, narrated by Al-Bukhârî, No. (1464) and Muslim, No. (2273), both from Abû Huraira (may Allah be pleased with him).

(8) Narrated by Al-Tirmidhî, No. (620), from the hadîth of Alî (may Allah be pleased with him), and authenticated by Al-Albânî in *Sahîh wa Da'îf Sunan Al-Tirmidhî*, Vol. 2, P. 120.

tual assistance, and thus it is applicable to growing wealth, providing ease for the accountable person, so they can give from his profit a little out a larger amount.⁽¹⁾

Al-Mâwardî says: "As for that which is not intended for growth, nor is it inherently growing, there is no Zakâh on it by consensus; due to the Prophet's saying: '*There is no Zakâh on a Muslim for his slave or his horse.*' This specifies the wealth that is not intended for growth."⁽²⁾

- 8- The evidence indicating the condition of passing of one full lunar year, as the Prophet (peace and blessings of Allah be upon him) said: "*There is no Zakâh on wealth until a year passes over it.*"⁽³⁾

Evidential aspect: The passing of a lunar year is a condition for Zakâh, and it is considered in order to give a chance for the growth and increase of wealth,⁽⁴⁾ and because Zakâh recurs on these assets, there must be a standard to avoid the obligation from recurring in the same time period. Thus, the passage of a lunar year is appropriate for this purpose; it serves as an indicator of the growth of wealth, allowing Zakâh to be taken from the profits, which is easier and more convenient, removing hardship for the accountable person.⁽⁵⁾

- 9- The evidence indicating the legality of estimation (*khars*), as narrated by Abû Hamîd Al-Sa'îdî, who said: "We fought alongside the Prophet (peace and blessings of Allah be upon him) in the Battle of Tabûk. When we came to the valley of Qurâ, there was a woman in her garden. The Prophet said to his Companions: '*Estimate (khars).*' The Messenger of Allah (peace and blessings of Allah be upon him) estimated it at ten *wasqs* and said to her: '*Count what comes from it.*' When he came to the valley of Qurâ, he asked the woman: 'How much did your garden yield?' She said: 'Ten *wasqs*, as estimated by the Messenger of Allah.'⁽⁶⁾

And in the hadîth of Sahl Ibn Abû Hathma, the Messenger of Allah (peace

(1) *Majmû' Al-Fatâwâ*, Vol. 8, P. 25.

(2) *Al-Hâwî Al-Kabîr*, Vol. 3, 88.

(3) Narrated by Abû Dâwûd, No. (1573) and Ibn Majah, No. (1782), and classified as sound by Al-Zayla'î in *Nasb Al-Râyah*, Vol. 2, P. 328, and authenticated by Al-Albânî in *Irwâ' Al-Ghalîl*, Vol. 3, 254.

(4) *Al-'Azîz Sharh Al-Wajîz*, Vol. 6, P. 92.

(5) *Al-Sharh Al-Kabîr 'alâ Al-Muqn'*, Vol. 6, P. 351.

(6) Narrated by Al-Bukhârî, No. (1481).

and blessings of Allah be upon him) would say: “When you estimate (*khars*), take one-third, and if you do not take one-third, then take one-fourth.”⁽¹⁾

Evidential aspect: “The secret in the legality of *khars* is to remove hardship for the farmers, as they want to eat their produce, such as dates, grapes, and ripe fruits, and concerning the realities; because they cannot keep track of what is produced without significant difficulty. Since estimation involves doubt, and Zakâh is a right that requires facilitation, it is advised to leave one-third or one-fourth.”⁽²⁾ . Al-‘Izz Ibn ‘Abd al-Salâm says regarding the legality of *khars*: “However, it was permitted in Zakâh due to the pressing general need; when the dates and grapes begin to ripen and Zakâh becomes due on them, an estimation is made for the owners, and they are assured of the amount of Zakâh through estimation. If they were prevented from dealing with the produce by eating, selling, and buying, it would harm the owners and the people by their prevention.”⁽³⁾ Thus, the *Shrî‘ah* removed that hardship through the legality of *khars*. Al-Mubârafûrî states: “The benefit of *khars* is to provide ease for the owners of fruits in consuming them, selling them, and favoring family, neighbors, and the poor; because preventing them would cause significant difficulty.”⁽⁴⁾

- 10- The evidence indicating the effect of costs and expenses on the amount of Zakâh, as the Prophet (peace and blessings of Allah be upon him) said: “For what is irrigated by rain or springs, the Zakâh is one-tenth, and for what is irrigated by hand, it is one-half of one-tenth.”⁽⁵⁾

Evidential aspect: The *ḥadīth* indicates the consideration of cost and effort in determining the amount of Zakâh. “Whenever the effort increases, Zakâh decreases as a means of easing the burden on the people, and whenever the effort decreases, Zakâh increases to enhance gratitude for the increase in blessings. Its counterpart is Zakâh on minerals and the fifth (1/5) on buried treasure (*rikâz*).”⁽⁶⁾

(1) Narrated by Al-Tirmidhî, No. (643) and Ibn Ḥibbân in his *Sahih*, Vol. 8, P. 75/8, and Al-Nawawî said in *Al-Majmû‘*, Vol. 5, P. 479: “Its chain of narration is sound.”

(2) *Hujjat Allah Al-Bâligha*, Vol. 2, P. 68.

(3) *Qawâ‘id Al-Ahkâm fî Masâlih Al-Anâm*, Vol. 2, P. 170, and *Sharh Sahîh Al-Bukhârî* by Ibn Battâl, Vol. 3, P. 526.

(4) *Mir‘ât Al-Mafâtîh Sharh Mishkât Al-Masâbih*, 6, Vol. 150.

(5) Narrated by Al-Bukhârî, No. (1483), from the *ḥadīth* of Ibn ‘Umar.

(6) *Al-Dhakhîra*, Vol. 3, P. 82, *Majmû‘ al-Fatâwa*, Vol. 8, P. 25.

- 11- The Prophet (peace and blessings of Allah be upon him) said: “Whoever had to pay Jaza`a (a four-year-old she-camel) as Zakâh from his herd of camels and he had not got one, and he had Hiqqa (three-year-old she-camel), that Hiqqa should be accepted from him along with two sheep if they were available or twenty Dirhams (one Durham equals about 1/4 Saudi Riyal) and whoever had to pay Hiqqa as Zakâh and he had no Hiqqa but had a Jaza`a, the Jaza`a should be accepted from him, and the Zakâh collector should repay him twenty Dirhams or two sheep; and whoever had to pay Hiqqa as Zakâh and he had not got one, but had a Bint Labûn (two-year-old she-camel), it should be accepted from him along with two sheep or twenty Dirhams; and whoever had to pay Bint Labûn and had a Hiqqa, that Hiqqa should be accepted from him and the Zakâh collector should repay him twenty Dirhams or two sheep; and whoever had to pay Bint Labûn and he had not got one but had a Bint Makhâdh (one-year-old she camel), that Bint Makhâdh should be accepted from him along with twenty Dirhams or two sheep.”⁽¹⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) directed that if someone owed a certain age of camel but did not have it, they could give a younger one and compensate with either two sheep or twenty dirhams if it was easy for them, without obligating them to purchase the required age. This demonstrates that the legislator made allowances for alleviation and ease so that the owner would not need to buy the specific required animal.⁽²⁾

- 12- The saying of the Prophet, peace be upon him: “For every five camels, a sheep [is due as Zakâh].”⁽³⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) made it obligatory to give a sheep for five camels, which is contrary to the general rule of Zakâh that requires the extraction of Zakâh from the same type of wealth. This was done out of consideration and ease for the owners of wealth. Had he made it obligatory to give a camel, it would have caused hardship for them.⁽⁴⁾

(1) Narrated by Al-Bukhârî, No. 1453.

(2) *Nihâyat al-Matlab fi Dirâyat al-Madhab*, Vol. 3, P. 90.

(3) Narrated by Al-Tirmidhî, No. 621, and Al-Hâkim in *Al-Mustadrak*, Vol. 1, P. 549, who authenticated it and said: "It meets the conditions of Al-Bukhârî and Muslim."

(4) *Kifâyat al-Nabih fi Sharh al-Tanbîh*, Vol. 5, P. 267.

The effect of considering this objective in the Fiqh-based branches:

- 1- The amounts of Zakâh were prescribed with ease and removal of hardship for the obligated individual, based on the effort involved. The wealth acquired from pre-Islamic times, which required the least effort, was subject to one-fifth (*khums*). Then, for what involved effort from one side, half of one-fifth was imposed, which is one-tenth on what is irrigated by rain. And for what involved effort from two sides, one-quarter of one-fifth was imposed, which is half of one-tenth on what is irrigated by manual labor. And for what requires effort throughout the entire year, such as a spring (well), it is subject to one-eighth, which is one-quarter of one-tenth (1/40).⁽¹⁾ This is because treasures (hoarded wealth) are the most valuable of wealth, and the owners would be harmed by having to give a large portion of it. Therefore, its Zakâh is rightfully the lightest of the Zakâhs.⁽²⁾
- 2- Establishing the option for the owner of wealth in several transactions concerning the rulings of Zakâh, such as the choice in valuing trade goods in dirhams or dinars,⁽³⁾ the option for the Zakâh-payer in compensating with either two sheep or cash,⁽⁴⁾ determining what to give,⁽⁵⁾ the option in choosing the recipient,⁽⁶⁾ and affirming the choice for the giver as part of easing the obligation.⁽⁷⁾
- 3- Requiring Zakâh on growing wealth to facilitate ease for the wealthy and to relieve them from hardship. If it were required on wealth that does not increase, it would diminish, and the original wealth could be depleted, causing reluctance in fulfilling the obligation. Therefore, it is mandated in a way that eases the payment so they may be grateful for fulfilling it, receive replenishment, and be rewarded with honor.⁽⁸⁾ "And so that Zakâh may be given from the profit, for it is easier and simpler."⁽⁹⁾

(1) *Majmû' al-Fatâwa*, Vol. 8, 25, and *Hujjat Allah al-Bâligha*, Vol. 2, P. 61.

(2) *Hujjat Allah al-Bâligha*, Vol. 2, P. 67.

(3) *Al-Mabsût*, Vol. 2, P. 191.

(4) *Nihâyat al-Matlab fî Dirâyat al-Madhab*, Vol. 3, P. 90.

(5) *Al-Mughnî*, Vol. 2, P. 437.

(6) *Tabayin al-Haqâ'iq Sharh Kanz al-Daqâ'iq*, Vol. 1, P. 299.

(7) *Nihâyat al-Matlab fî Dirâyat al-Madhab*, Vol. 3, P. 90.

(8) *Mahâsin al-Islâm, Al-Bukhârî*, P. 17, and it has been previously mentioned in the evidences.

(9) *Al-Mughnî*, Vol. 2, P. 467.

And that is: "General wealth is not a reason in itself, rather the reason is the growing wealth; because Zakâh is mandated as a form of ease by being paid from growth. Hence, the little is not required for the little, nor is much required for the much, and nothing is required if there is no growth. If a small amount were required from much wealth, it would be delayed until it becomes easy, as ease is achieved by paying from the growth of wealth, so that the one obligated may pay from the growth while preserving the principal wealth."⁽¹⁾

Ibn Amîr Hajj says: "The condition of growth in the *Nisâb* for the obligation of payment is to facilitate ease of payment and to achieve true wealth. This is because the need for wealth renews itself from time to time, and if it were not growing, the needs would soon exhaust it, leaving the person without wealth. When the wealth is growing, the growth can be directed to meet the renewed needs, preserving the principal wealth as surplus to the needs, thus achieving wealth and making it easier to fulfill the obligation."⁽²⁾

- 4- The stipulation of the *Nisâb* for the obligation of Zakâh is made so that the wealth is fully ready for charity, and it does not compel the individual to pay Zakâh from it. If Zakâh were required from every type of wealth, it would lead to hardship and distress.⁽³⁾
- 5- The requirement of a lunar year (*hawl*) is for the purpose of allowing the individual to grow and invest their wealth, so that they pay Zakâh when the growth is complete. The legislator took into account the interest of the wealth owner when determining the *hawl*, not making it too short so that Zakâh could be established easily.⁽⁴⁾ Furthermore, setting the *hawl* avoids the difficulty of considering actual growth in certain types of wealth, like trade goods. So, the presumption of growth was considered in place of actual growth, and this is to remove hardship.⁽⁵⁾
- 6- The establishment of a presumption of growth in place of its reality: the valuation is considered as a substitute for actual growth, and the *hawl* is made a period that serves as a presumption of growth. Furthermore, holding with the intention of trade in commercial goods is regarded

(1) *Al-Muhîr al-Burhânî fî al-Fiqh al-Nu'mânî*, Vol. 2, P. 239.

(2) *Al-Taqrîr wa al-Tahbîr 'alâ Tahrîr al-Kamâl Ibn al-Humâm*, Vol. 3, 208.

(3) The previous discussion is referenced in the evidence.

(4) *Hujjat Allah al-Bâligha*, Vol. 2, P. 61.

(5) The previous discussion is referenced in the evidence.

as a presumption of growth, easing the difficulty associated with tying Zakâh to the actual growth of wealth, which could impose hardship. This is thus alleviated.⁽¹⁾

The *Marghînânî* says: "The consideration of actual growth is waived, as it is a hidden matter in which people's conditions vary. Thus, holding livestock for a *hawl* is established as a substitute for the actual occurrence of offspring because it is the customary time for reproduction. Similarly, retaining goods with the intention of trade for a *hawl* is considered a substitute for the occurrence of growth in other types of wealth, as this is the usual time for growth. We have done this to alleviate hardship for people; and Allah knows best."⁽²⁾

- 7- The consideration of the *Shari'ah* to remove the hardship in imposing a different (type) from the gender for less than twenty-five camels, as taking from the same gender can cause difficulty and harm.⁽³⁾
- 8- The removal of the hardship by making *Al-Waqâs*⁽⁴⁾ in grazing animals.⁽⁵⁾
- 9- The combining of the wealth derived from the growth of the original threshold with it and considering its year (*hawl*) to be that of the original, such as the profit of trade and the offspring of grazing animals without disagreement; because imposing a separate year for each profit creates significant hardship that cannot be done by the Legislator.⁽⁶⁾
- 10- The legitimacy of compensating in Zakâh is demonstrated in cases such as: "If a person does not have a *bint labûn* (a two-year-old female camel) in their wealth, but they have a *bint makhâdh* (a one-year-old female camel), and they give it along with two sheep or twenty dirhams, this is accepted and sufficient. We do not require them to purchase a *bint labûn*, even if it is possible and within their means. Similarly, if they wish, in the absence of a *bint labûn*, to give a *hiqqah* (a three-year-old female camel) and receive two sheep or twenty dirhams back from the

(1) *Kashf al-Asrâr, Sharh Usûl al-Bazdawî*, Vol. 1, P. 203.

(2) *Al-Muhîṭ al-Burhânî fî al-Fiqh al-Nu'mânî*, Vol. 2, P. 239.

(3) *Al-Ishraf 'alâ Nukt Masâ'il al-Khilâf*, Vol. 1, P. 375, and *Al-Mughnî*, Vol. 2, P. 469.

(4) *Al-Waqâs*: what is between the two obligatory amounts, such as the increase from five camels to nine, and from ten to fourteen. *Al-Nihâyah fî Gharîb al-Hadîth wa al-Athar*, Vol. 5, P. 214.

(5) *Ibid*, *Al-Durr al-Thamîn wa al-Mawrid al-Ma'în*, P. 435.

(6) *Al-Mughnî*, Vol. 2, P. 468, and *Qawâ'id al-Ahkâm fî Masâlih al-Anâm*, Vol. 2, P.169.

Zakâh collector, that is also permissible.”⁽¹⁾

- 11- Zakâh is waived for the liable individual if their wealth is destroyed, even if they had the means to pay, according to the Hanafite School: “Zakâh was legislated to be a duty characterized by ease and willingness in its payment. Therefore, it is only obligatory on wealth that is growing and surplus to essential needs, with the conditions of the passage of a year and the completion of the *Nisâb*. The aspect of ease lies in the fact that the obligation remains as long as the wealth remains and is nullified with its destruction.”⁽²⁾ The Shâfi`î School in its earlier position, as well as a narration from Ahmad chosen by Ibn Qudâmah, stipulates that Zakâh is obligatory once one is able to pay it. If they are able to pay and do not, they are held accountable, as the obligation is considered established once the ability to pay exists.⁽³⁾ Al-Juwaynî states: “Those who argue that the ability is a condition for obligation contend that responsibility in religious duties requires capacity, and that the foundation of *Shari`ah* is the impossibility of imposing duties beyond one’s ability. Thus, it does not make sense to declare an obligation without the capability to fulfill it. The proof of this lies in the consensus on the necessity of capacity for Hajj, as an obligation cannot be enforced without it.”⁽⁴⁾

Ibn Qudâmah says: “The correct opinion, Allah willing, is that Zakâh is waived if the wealth is lost, as long as the person was not negligent in fulfilling the duty. This is because Zakâh is meant to be an act of mutual assistance and should not be enforced in a manner that obligates its payment in a state of financial hardship. Negligence here means that the person had the opportunity to pay but failed to do so. If the person did not have the opportunity to pay, whether due to the absence of eligible recipients, the distance of the wealth, or the need to purchase the required items but being unable to find them, then they are not considered negligent.

If we say Zakâh remains obligatory after the loss of wealth, then if the owner has the means to pay it later, they should do so. Otherwise, they are given a grace

(1) *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 3, P. 88.

(2) *Badâ'i` al-Sanâ'i`*, Vol. 2, P. 22.

(3) *Al-Amwâl* by Abû `Ubayd, P. 463, and *Al-Majmû` Sharh al-Muhadhdhab*, Vol. 5, P. 333.

(4) *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 3, P. 102.

period until they are able to pay without undue hardship. Just as a person is given time to repay a debt to another human being, then it is more fitting that they are granted time to fulfill their Zakâh which is the right obligated by Allah.”⁽¹⁾

Imam al-Shafi'i in his later view, and the well-known opinion from Ahmad ibn Hanbal, hold that Zakâh is not waived due to the destruction of wealth, regardless of whether the person was able to pay it or not. They emphasize the financial obligation associated with Zakâh, saying: “The obligation of Zakâh and its imposition by Allah is distinct from its payment and distribution to its rightful recipients. In our view, based on the principles of analogy and the requirements of Shari‘ah, Zakâh demands a specific amount, category, and the passage of time. Once these conditions are fulfilled and wealth has accrued, or there has been potential for its growth, Zakâh is established as a right of Allah, as an expression of gratitude for His blessings. The duty of paying Zakâh is separate from its obligation. Even when someone has a debt, and is not refusing to pay it, but the creditor does not demand it, the debt remains due, although payment is not required unless requested by the creditor. Likewise, we rule that a debt remains on an insolvent person during their lifetime and after death, allowing for the possibility of guarantees being made on their behalf, even if the payment is not possible.”⁽²⁾

12- The permissibility of paying Zakâh in the form of its monetary value, leaving the choice to the one giving Zakâh, according to the Hanafi school. This is because it brings ease and removes hardship. The specific items mentioned in the texts are seen as a means of convenience for livestock owners, not as an obligation to restrict what must be given. Livestock owners often lack cash, and giving Zakâh from what they have is easier for them. The Shari‘ah aims at ease and lifting burdens.⁽³⁾ As it is said, “The Lawgiver considered ease for the wealthy, and this is best achieved by allowing the choice to be with the owner of the wealth.”⁽⁴⁾

13- Debt prevents Zakâh from being obligatory according to Abu Hanifa, and this is also a narration from Ahmad. This is because requiring Zakâh from someone in debt contradicts the principle of social support

(1) Al-Mughnî, Vol. 2, P. 509.

(2) Nihayât al-Matlab fi Dirâyat al-Madhhab, Vol. 3, P. 102.

(3) Al-Mabsût, Vol. 2, P. 156.

(4) Ibid, Vol. 2, P. 157.

(muwasat) and imposes a burden, which goes against the Sharī‘ah’s aim of removing hardship and facilitating ease. The debtor is considered needy, and Zakâh is only obligatory on the wealthy, while a debtor is not considered wealthy.⁽¹⁾ Zakâh is obligatory on wealth that grows, according to consensus, and growth can only occur with the ability to manage and invest the wealth, which is not possible in this case. If one were to give Zakâh from the principal amount, it could lead to the depletion of the wealth, which is burdensome, and hardship is removed by the Sharī‘ah, as stated in the verse: “He has not laid upon you in the religion any hardship.”^{(2) (3)}

Abu Ubayd said: “Do you not see that the Messenger of Allah (peace and blessings of Allah be upon him) instituted that charity should be taken from the wealthy and given to the poor? And the one who is burdened by debt that encompasses his wealth is one of those eligible for charity. How then can charity be taken from him when he is among its recipients? Or how is it possible for someone to be both rich and poor at the same time?”⁽⁴⁾

Al-Bukhârî commented: “Debt negates wealth and ease, as wealth is attained only by what remains after one’s needs are met, and this wealth is occupied by an essential need. Since the need to repay debt is a primary need, one does not become wealthy merely by possessing an amount equal to the debt.”⁽⁵⁾

- 14- The non obligation to pay Zakâh on animals that are fed (not grazed), according to the majority of scholars.⁽⁶⁾ This is because the obligation of Zakâh on grazing animals is due to the light burden they impose. When the burden is heavy, such as with fed animals, Zakâh is not obligatory, as the lightness of the burden influences the obligation of Allah’s right (Zakâh).⁽⁷⁾ Additionally, obligating it on fed animals would cause hardship, and hardship is removed in Islamic law.

(1) Al-Mabsûṭ, Vol. 2, P.160, Bidayât al-Mujtahid wa Nihâyat al-Muqtasid, Vol. 2, P. 7, Al-Mughnî, Vol. 2, P. 512.

(2) Al-Ḥajj (Pilgrimage): 78.

(3) Al-Ghurrat al-Manîfah fî Taqîq Ba`dh Masâ’il Al-Imâm Abû Hanîfa, P. 59.

(4) Al-Amwâl by Abû ‘Ubayd, P. 612.

(5) Kashf al-Asrâr, Sharḥ Usûl al-Bazdawî, Vol. 1, P. 207.

(6) Al-Mabsûṭ, Vol. 2, P. 165, Rawdhat al-Tâlibîn wa ‘Umdat al-Muftîn, Vol. 2, P. 190, Al-Mughnî, Vol. 2, P. 431.

(7) Al-Mabsûṭ, Vol. 2, P. 165.

- 15- If someone acquires wealth of the same type as their current Zakâh-eligible wealth, which has already completed a year for Zakâh purposes due to an independent cause, then they should combine it with their existing wealth and pay Zakâh on both at the completion of the year, according to Abû Hanîfa. This is because treating the newly acquired wealth separately would lead to complications, such as having to determine the precise Zakâh amount on grazing animals, dealing with different times for Zakâh obligations, and keeping track of acquisition dates. Additionally, one might be obligated to pay very small amounts that are difficult to discharge. Such complexities would be burdensome, and Allah has said: ***“He has not placed upon you in the religion any difficulty.”***^{(1) (2)}

The Hanbalîs, however, disagreed, arguing that ease is found in treating the new wealth as having its own independent Zakâh year. Ibn Qudâma explains: “The option we mentioned is easier, as a person can choose either to delay or to hasten paying Zakâh. What they mentioned requires hastening, and there is no doubt that having the option between two things is easier than being forced into one. With the choice, a person can select what is more convenient and preferable. As for combining the wealth with the existing Zakâh wealth, the *Nisâb* is established for determining wealth, and the individual has already reached that level of wealth by the initial *Nisâb*, and the *hawl* is considered for the growth of wealth, so that Zakâh may be paid from the profit. This does not occur by simply passing the *hawl* over the original wealth; therefore, it is necessary to consider the *hawl* for it (the profit).”⁽³⁾

- 16- The Legitimacy of Estimation and Evaluation (*Khars*) to Facilitate Matters for Wealth Owners and remove Hardship.⁽⁴⁾

Al-Râfi`î says: “Among the purposes and benefits of estimation is enabling the owners to dispose of their wealth. This was legislated due to the significant hardship caused by restricting the owners of fruits until the time of drying.”⁽⁵⁾

- 17- If Zakâh is due, and the Imam or any other person with authority knows

(1) Al-Hajj (The Pilgrimage): 78.

(2) Al-Ghurra al-Manîfa fî Tahqîq Ba`dh Masâ'il al-Imâm Abû Hanîfa, P. 59.

(3) Al-Mughnî, Vol. 2, P. 469.

(4) This has been previously discussed in the evidences.

(5) Al-'Azîz Sharh al-Wajîz, Vol. 3, P. 83.

whether someone is entitled to it or not, it is permissible to act based on their knowledge. This differs from legal judgments because 'the matter of Zakâh is based on ease, and there is no harm to others in it.'⁽¹⁾

- 18- If a beneficiary claims poverty or that they are not capable of earning, and their condition is not known, they are not required to provide proof because of the difficulty in doing so, and hardship is removed for them.⁽²⁾
- 19- The payment of Zakâh al-*fiṭr* allows for a choice between the common staple foods of the land. 'Since Zakâh al-*fiṭr* is an act of aid, offering a choice is easier, and treating all the foods equally is more accommodating. Thus, Zakâh al-*fiṭr* given from any staple food is acceptable.'⁽³⁾



(1) *Nihâyat al-Muhtâj ilâ Sharh al-Minhâj*, Vol. 6, P. 159.

(2) *Nihâyat al-Muhtâj ilâ Sharh al-Minhâj*, Vol. 6, P. 160.

(3) *Al-Hâwî al-Kabîr*, Vol. 3, P. 378.

Eleventh Treatise

Precise Regulation and Definitive Ruling⁽¹⁾

Objective Explanation:

Al-Dhabt: linguistically means to control something, and it is derived from the verb ‘*dabta*.’^{“(2)}

And it means: to adhere to something and to restrain it. To control it involves firmness, and a person described as *dhâbit* is someone who is strict.

The *dâbit* is strong and firm, and in *Al-Tahdhīb*, it is described as severe.⁽³⁾

The linguistic uses of *al-dhabt* revolve around qualities of firmness, strength, intensity, preservation, and capability.

As for the technical legal meaning of *al-dhabt* intended in this context, it is: “Organizing the lives of people in their obligations, actions, relationships, and transactions in a clear and defined manner, enabling them to achieve order, advancement, understanding, and coexistence. This helps them to avoid confusion, ambiguity, disorder, and disputes, allowing people to be clear and aware with their Lord, themselves, and those around them.”⁽⁴⁾

Al-dabt is one of the great legislative objectives that the noble Sharî’ah came to achieve in the lives of individuals and communities, and it is one of the solid foundations upon which its wise legislations are built.

(1) *Al-Amwâl* by Abû Ubaid, P. 460; *Al-Mabsûṭ*, Vol. 2, P. 182; *Mahâsin Al-Sharî’ah fî Furû’ al-Shâfi’iyyah*, P. 180; *Al-Hâwî Al-Kabîr*, Vol. 3, P. 76; *Nihâyat Al-Matlub fî Dirâyat Al-Madhab*, Vol. 3, P. 86; *Al-Mustasfâ*, Vol. 1, P. 374; *Ihyâ’ ‘Ulûm Al-Dîn*, Vol. 1, P. 224; *Bidâyat Al-Mujtahid wa Nihâyat Al-Muqasid*, Vol. 2, P. 18; *Al-Mughnî*, Vol. 3, P. 17; *Tafsîr Al-Qurtubî*, Vol. 8, P. 176; *Al-Ikhtiyâr li Ta’lîl Al-Mukhtâr*, Vol. 1, P. 107; *Al-Mûwâfaqât*, Vol. 2, P. 527, Vol. 4, P. 14; *Maqâsid Al-Sharî’ah Al-Islâmiyya* by Ibn ‘Ashûr, Vol. 3, P. 343.

(2) The entry *Dhabt* in *Maqâys Al-Lughah*, Vol. 3, P. 386.

(3) the entry *Dhabt* in *Lisân Al-‘Arab*, Vol. 7, P. 340.

(4) *Ma’lamat Zayed lil Qawâ'id al-Fiqhiyyah wal-Usûliyyah*, Vol. 3, P. 427.

From one perspective, we find that the general objective of Sharî'ah and the overall benefit in all its rulings is to regulate the creation and preserve them so that they do not become negligent, following whims, or flowing like animals without being restrained by the bridle of obligation.⁽¹⁾ Rather, the wise legislator aims to bring the obligated individuals out of the realm of The sensuality and randomness to the realm of regulation and rationality, so that they emerge from the impulse of their desires and become servants to Him. Al-Shâtibî explained that the rulings of *Sharî'ah* encompass both a general interest and a specific interest. The general interest is that the accountable individual is under specific laws of *Sharî'ah* in all of their movements and utterances, by choice, just as they are servants to Him by necessity. Their beliefs should not resemble that of an unrestrained animal that acts on its whims until it is disciplined by the reins of *Sharî'ah*.⁽²⁾

From another perspective, the legislation of religion is dependent on regulation and specification. If people were left without definition and organization in legislations and rulings, the rulings would spread chaotically, making it difficult for people to adhere to them. Thus, the way to prevent this chaos is through the regulation and establishment of all rulings.

Ibn 'Ashûr states: "Since the *Sharî'ah* aims to facilitate compliance for the ummah in implementing and applying the law in all situations, it has relied on regulation and specification to clearly establish the qualities and meanings that the *Sharî'ah* considers. By this, it has set for scholars indicators of legislation based on the characteristics and meanings taken into account in legislation, and it has established limits and regulations for others that encompass those meanings which might be hidden from others. The limits and regulations thus serve as a guide for those who may not have attained the level of scholars, allowing them to gradually rise to understand the meanings and intended qualities of legislation, as encompassed in those regulations."⁽³⁾

Scholars have expressed this purpose in various formulations. Al-Shâtibî referred to it as "regulating the people according to general principles."⁽⁴⁾, while Ibn 'Ashûr described it as "linking legislation to regulation and speci-

(1) *Al-Mustasfâ*, P. 374.

(2) *Al-Mûwafaqât*, Vol. 3, P. 123.

(3) *Maqâsid al-Sharî'ah al-Islâmiyyah* by Ibn 'Ashûr, Vol. 3, P. 343.

(4) *Al-Mûwafaqât*, Vol. 4, P. 14.

fication.”⁽¹⁾ To achieve regulation and prevent chaos and disorder, many rulings of the *Shari`ah* are provisional, especially in acts of worship, because “the original principle regarding them is that they are provisional”⁽²⁾, as stated by the scholars.

Explaining the relationship between this objective and the obligation of Zakâh:

The obligation of Zakâh, with its legislation and rulings, is a clear model of the law’s regulation of human behavior; for in the essence of its legislation lies an ethical, financial, and economic regulation for both the individual and the entire community. Human beings, by nature, are inclined to love and cling to wealth; if they were left to their desires, this would lead to the worship of money, stinginess, and hoarding it, as well as neglecting its circulation. This would result in significant corruption, depriving the poor, the needy, and the entire community of their wealth. Therefore, Allah has made Zakâh an instrument to regulate the desires of those obligated to give, and a means to purify them and safeguard their religions, souls, minds, wealth, and offspring; just as it regulates the system of the community from various aspects, religiously, socially, economically, etc.

Ibn `Ashur states: “It is the nature of the *Shari`ah* to regulate the management of wealth in a manner that preserves its distribution among the community as much as possible, and to assist in its growth, either through itself or through compensation, regardless of whether the beneficiaries are individuals, specific groups, or larger communities.”⁽³⁾

Further elaboration on this has been provided in previous discussions.

As for its rulings and legislation, the concepts of regulation and specification are evident, which is why some of its rulings are based on being definitive with no room for interpretation. The wisdom behind this is that the Wise Legislator aims to regulate aspects of public interest; if the view of people were left unrestricted, it would lead to chaos and lack of order. Al-Shâtibî states: “As for the usual practices and many acts of worship, they also have a meaningful essence, which is to regulate aspects of public interest; for if people were left

(1) *Maqâsid al-Shari`ah al-Islâmiyyah* by Ibn `Ashûr, Vol. 3, P. 343.

(2) *Ihkâm al-Ahkâm Sharh Umdat al-Ahkâm*, Vol. 1, P. 200; *Al-Qawâ`id al-Nûrâniyyah*, P. 164.

(3) *Maqâsid al-Shari`ah al-Islâmiyyah* by Ibn `Ashûr, P. Vol. 3, P. 461.

to their own devices, chaos would ensue, and there would be no reference to a legitimate origin. Regulation is closer to compliance whenever a means exists for it. Therefore, the Legislator established limits with known measures and specified causes that cannot be transgressed, such as the eighty lashes for slander, the *Nisâb* (minimum amount determining a person's zakatability) and the *hawl* for Zakâh, etc.”⁽¹⁾ Moreover, Ibn `Ashûr says: “The *Shari`ah* has been purified from being associated with lack of regulation, for it is one of the characteristics of the pre-Islamic ruling that Allah warned against when He said: ‘**So is the judgment of ignorance they desire?**’”⁽²⁾ The absence of regulation was evident, as their matters would proceed based on whims arising at the occurrence of incidents, just as the rulings on divorce and reconciliation were without any defined end.” This is what the Quran disapproved as the ayah says: “**And do not hold them in a way to harm them,**”⁽³⁾ likewise with the distribution of the deceased's wealth.”⁽⁴⁾

In pursuit of regulation and precision, the Messenger of Allah, peace be upon him, emphasized Zakâh by placing it in a written form while keeping this document in the sheath of his sword. Al-Mâwardî states: “If it is asked: Why did the Messenger of Allah, peace be upon him, specify Zakâh by writing it down in a document unlike other obligations such as Prayer and its timings, Fasting and its rulings, and Pilgrimage and its rites, and why did he not merely state it as he did with others? It may be said that this action was taken because Zakâh, its amounts, its obligatory nature, and the categories from which it is taken required detailed explanation, as some people needed it more than others, and this necessity arises once a year. Unlike the other obligatory acts that are uniformly required of everyone, he wrote it down to ensure it was preserved and regulated.” Thus, the copy of this was in the sheath of the sword of the Messenger of Allah, peace be upon him. When the Messenger of Allah, peace be upon him, passed away and Abû Bakr - may Allah be pleased with him - assumed leadership, he took it from the sheath of his sword and continued to implement it throughout his life. Then he passed away, and `Umar (may Allah be pleased with him) carried on with it for the duration of his life.”⁽⁵⁾

(1) *Al-Mûwâfaqât*, Vol. 2, P. 527.

(2) *Al-Mâ'idah* (The Table): 50.

(3) *Al-Baqarah* (The Cow): 231.

(4) *Maqâsid al-Shari`ah al-Islamiyyah* by Ibn `Ashûr, Vol. 3, P. 343.

(5) *Al-Hâwî al-Kabîr*, Vol. 3, P 76.

The *Shari`ah* has employed various means to achieve control and specification in its legislation, including:⁽¹⁾

- Discipline through distinguishing materials and meanings in a way that leaves no room for confusion, so that each material has its own characteristics and related effects; for example, Zakâh eligible assets, which the *Shari`ah* has clearly defined and distinguished, as well as the categories for distributing Zakâh, which are also clearly defined.
- Simply verifying the name or description: such as verifying the name of poverty in those entitled to Zakâh by the description of being poor.
- Estimation: such as the Zakâh on grains and currency.
- Timing: such as the completion of a lunar year for Zakâh on wealth and the appearance of the Pleiades for Zakâh on livestock.
- Specific attributes for materials: such as defining the qualities of what is given in Zakâh for animals.
- Comprehensiveness and specification: such as identifying and specifying the location for distributing Zakâh in the Zakâh payer's country.

Among the forms of regulation is the linking of some rulings of Zakâh to conditions that achieve the ruling, not its essence. For this reason, we find that the *Shari`ah* tends to move away from the true bases for rulings when their regulation is lacking, to regulated conditions that are easy to grasp and rely upon. This is what the scholars of *Usûl* have expressed with the principle: 'The presumed nature of a thing serves as a substitute for its essence.'⁽²⁾

For example, the obligation of Zakâh is based on the wealth of the Zakâh payers, but wealth is difficult to regulate in a clear and continuous manner. Therefore, the obligation of Zakâh is linked to the apparent and regulated signs that often correspond to the existence of wealth. These are the *Nisâb* and the completion of a lunar year (*hawl*). When a legal ruling is based on regulated presumptions, it becomes associated with them rather than the original, true basis. Although wealth is the actual basis, it is not said to a person, 'Pay Zakâh because you are wealthy,' but rather, 'Pay the Zakâh of your wealth because you

(1) *Maqâsid al-Shari`ah al-Islamiyyah* by Ibn `Ashûr, Ps. 346-349

(2) *Al-Mughnî*, Vol. 1, P. 141, and Al-Ghazâlî mentioned it as: "The *Shari`ah* establishes the presumption of a thing in place of the thing itself." *Al-Mustasfâ*, P. 178.

have reached the *Nisâb*, and a year has passed upon it.’⁽¹⁾

This is in the context of explaining the difference between what is considered to have a *hawl* from the assets and what does not. He said: “What is considered to have a *hawl* is a presumption for growth. For example, livestock is regarded as a presumption for milk and offspring, and commercial goods are regarded as a presumption for profit, as well as currency. Thus, the *hawl* is taken into account, as it is a presumption of growth. We do not consider the reality of growth due to the numerous variations and lack of regulation. Rather, what is deemed a presumption does not focus on its reality, similar to rulings related to causes.”⁽²⁾

Al-Shâtibî says: “As for the fact that the *Sharî’ah* is in such a state, it is evident. Do you not see that the imposition of obligations is general? And the sign of maturity has been established for that, as it is presumed to indicate the existence of reason, which is the basis of obligation; because reason is generally present at that age, though it does not universally apply; there are those who reach maturity before that age and others whose reason is deficient even in adulthood, yet it is generally associated.

Similarly, the legislator has tied fasting and shortening prayers to travel due to hardship, even though hardship may exist without travel or may be absent during it. Nevertheless, the legislator did not consider those exceptions but rather applied the general rule, as is the case with defining the wealth by the *Nisâb*.”⁽³⁾

One of the aspects of control in the rulings of Zakâh is the stopping and the necessity of adhering to the texts regarding its rulings. These rulings are of two types:

First type: Rulings that are definitive and not subject to rational interpretation in particular; such as the established amounts of Zakâh, their measures, and timings. This type of ruling has been regulated by the *Sharî’ah*, as it has taken the principle of devotion and stopping into account in its legislation. Thus, no one has the right to alter or change them, as exposing them to change and modification based on interests and meanings, and leaving their estima-

(1) *Ma’alamat Zayed fî al-Qawâ’id al-Fiqhiyyah wa al-Ushûliyyah*, Vol. 3, P. 434.

(2) *Al-Mughnî*, Vol. 2, P. 467.

(3) *Al-Mûwâfaqât*, Vol. 4, P. 14.

tion to people, would lead to their loss over time and make their rulings vague and flexible; the *Sharî'ah* has closed that door through the principle of stopping.

In this regard, Ibn al-Qayyim stated: "The purpose of Zakâh involves several matters, one of which is to worship by adhering to the limits set by Allah, and not to diminish or change them."⁽¹⁾

And Al-Shâtibî says: "Everything that has been established in terms of the consideration of devotion cannot be altered."⁽²⁾

Al-Shâtibî clarified that the devotional rulings that are definitive do not admit analogy (*qiyâs*); thus, they cannot be derived from or expanded upon, as there is no valid reason to establish analogy and extend the ruling from the original to the branch due to a shared cause between them in the ruling. This is because the reason may not be discernible due to its subtlety, obscurity, or lack of precision; hence, analogy cannot be applied in these cases.

An example of this in Zakâh is the specific amounts (*Nisâb*) required for Zakâh. These amounts are not subject to analogy (*qiyâs*) because their reasoning (*'illah*) is not understood.

Second type includes rulings where scholars have differed on whether they are to be followed strictly (*taqwîf*) or not, such as paying Zakâh in equivalent monetary value or paying it before its due time. In such rulings, scholars have differed between those who prioritize worship and strict adherence (*taqwîf*) and those who prioritize reasoning (*ijtihâd*) in the purposes and objectives (*maqâsid*).

As previously mentioned, scholars have also debated whether Zakâh is purely an act of worship or a financial obligation.⁽³⁾ The general understanding is that those who emphasize worship, like Abû Hanîfa, rely on strict adherence to texts (*taqwîf*), as following texts is the basis of acts of worship. On the other hand, those who view it as a financial obligation, like al-Shâfi'î, consider the objectives and meanings behind it. However, upon closer reflection, it becomes clear that jurists take both aspects into account, and prioritizing one does not negate consideration for the other. For example, although Ash-

(1) *A 'lâm Al-Mûwaqqi'în*, Vol. 3, P. 47. (2) *Al-Mûwâfaqat*, Vol. 2, 529.

(3) This was detailed in the second treatise of this chapter.

Shâfi'î emphasizes the financial aspect, he still follows the textual rulings as in the issue of paying the equivalent value in Zakâh, thereby attaching it to the realm of worship.

Al-Jûwaynî says: "The understandable meaning of Zakâh is to meet people's needs, and this cannot be denied. However, this reasonable purpose is joined by the aspect of worship." He mentions two aspects, one being "following the texts," and then he adds, "Meeting needs supports the position of Abû Hanîfa, who allows for the payment of Zakâh in equivalent value. However, worship must also be followed, just as the intention (*niyyah*) is required."⁽¹⁾

Al-Ghazâlî previously mentioned Zakâh in his discussion on the categories of legal obligations. He categorized Zakâh as a mixed obligation, aimed at benefiting the people while also testing the worshipper's obedience through servitude to Allah. He clarified that this type is rationally understood, and it requires a balance between two meanings: the obvious benefit for the people and the subtler aspect of worship and submission. However, one should not overlook the more subtle of these meanings-worship and servitude-due to its elevated significance, and perhaps this is the more important aspect. Zakâh falls into this category, which Ash-Shâfi'î uniquely recognized. The benefit for the poor is clearly intended to meet their needs, which is immediately understood, but the aspect of worship in adhering to the detailed rulings is also intended by the lawgiver. This is why Zakâh is placed alongside Prayer and Pilgrimage as one of the pillars of Islam.⁽²⁾

In another place, when discussing paying Zakâh in equivalent value, al-Ghazâlî says: "It is accepted that meeting the needs of the poor is intended, but it is not accepted that this is the sole purpose. Perhaps worship through involving the poor in the exact type of wealth owned by the rich is also intended. Balancing the apparent benefit with the aspect of worship, meeting the needs of the poor is more likely to be the primary intention in acts of worship, because acts of worship are based on caution, preventing the reduction of their meaning to merely fulfilling a social need."⁽³⁾ He added: "Imam Ash-Shâfi'î did not reject this-meaning paying the value in Zakâh-due to the absence of possibility, but rather because of the weakness of the evidence supporting it, and because

(1) *Nihâyat al-Matlab fî Dirâyat al-Madhhab*, Vol. 3, P. 202.

(2) *Ihyâ' 'Ulûm al-Dîn*, Vol. 1, P. 212.

(3) *Al-Mustasfâ*, P. 198.

it is possible that the ritual aspect (*ta'abud*) is intended alongside fulfilling the needs of the poor. He also mentioned the sheep for five camels, which is not of the same kind, so it is not for ease. Moreover, in compensation, he alternated between a sheep and ten dirhams and did not refer it back to the value of the sheep, and for five camels, he did not alternate. These are indications of *ta'abud*, and since the matter is one of ritual, caution is preferable in it.”⁽¹⁾

As for Al-Qarâfi, he pointed to the importance of *tawqîf* (adherence to divine prescription) in the matter of Zakâh, particularly regarding the issue of hastening Zakâh for those who permit it. He says: “We understand the meaning of Zakâh, which is intended to express gratitude for Allah’s blessings upon the wealthy and to fulfill the needs of the poor. These two objectives are achieved through the early payment of wealth. This contrasts with Prayer, whose meaning we do not fully comprehend, so we do not alter its timing, such as performing it before noon or at other non-prescribed times. However, in the case of Zakâh, although we may overlook the element of *ta'abud* present in the specific quantities and the obligations set by its prescribed amounts, they did not permit excessive advancement of payment, allowing only up to a month or so.”⁽²⁾

Objective Evidence:

- 1- The evidence indicating the requirement of *Nisâb*, as found in the saying of the Prophet, peace be upon him: “*There is no charity due on less than five awqiyah of silver, no charity on fewer than five camels, and no charity on less than five wasqs of produce.*”⁽³⁾

Evidential aspect: The Prophet, peace be upon him, specifically determined the *Nisâb*, and did not leave the task of determining them to anyone else. This reflects the precision in safeguarding public interest within the *Sharî'ah*. Had this matter been left to people’s discretion, it would have become widespread and uncontrolled. Without the exact measure, the negligent would neglect their duty, and the aggressor would overstep his bounds.⁽⁴⁾ Hence, the determination of *Nisâb* is fixed by divine prescription (*tawqîf*) alone.⁽⁵⁾

(1) Ibid, P. 199.

(2) *Al-Umniyah fî Idrâk al-Niyyah*, P. 53.

(3) Previously referenced.

(4) *Al-Qawâ'id* by Al-Husnî, Vol. 4, P. 37; *Hujjat Allah al-Bâligha*, Vol. 2, P. 61.

(5) *Al-Mabsûṭ*, Vol. 2, P. 190.

Additionally, setting the *Nisâb* serves another function of precision, by establishing a sign of wealth (the *Nisâb*) as a stand-in for the reality of wealth. Since Zakâh is required as gratitude for the blessing of wealth, and since the concept of wealth cannot always be precisely measured, the obligation of Zakâh is tied to a clear and measurable marker of wealth, which is the *Nisâb*.

- 2- The evidence indicating the requirement of *hawl*, as found in the saying of the Prophet, peace be upon him: "*There is no Zakâh on wealth until a year has passed over it.*"⁽¹⁾ This condition was widely accepted among the Companions, and it was their practice.⁽²⁾Top of Form

Evidential aspect: The *Shari'ah* has specified a time period for the growth of wealth, not leaving it open-ended but determining it by the lunar year, as a safeguard against the lack of control and the resulting disorder. Therefore, the majority of jurists require this condition for the obligation of Zakâh on gold, silver, and livestock, due to its establishment by the four caliphs, its prevalence among the companions, and the widespread practice of it. They believe that such widespread practice without disagreement can only be based on a divine injunction.⁽³⁾

Moreover, the lunar year serves as an indicator of wealth growth, being placed in the stead of the actual growth. Zakâh is only obligatory on growing wealth, and since wealth that does not grow in one lump sum, such as trade goods, makes it difficult to tie the ruling to actual growth, its presumptive indicator-the lunar year-is used instead.

- 1- Evidence for the determination of the recipients of Zakâh includes the ayah that reads: "***Zakâh expenditures are only for the poor and for the needy and for those employed to collect [Zakâh] 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.***"⁽⁴⁾

(1) Previously referenced.

(2) Al-Bayhaqî said: "Reliance in this matter is based on the authentic reports from Abû Bakr Al-Siddiq, 'Uthmân Ibn 'Affân, 'Abdullah Ibn 'Umar, and others. *Al-Sunan al-Kubrâ*, Vol. 8, P. 50.

(3) *Bidâyat al-Mujtahid wa Nihâyat al-Muqasid*, Vol. 2, P. 32.

(4) At-Tawbah (The Repentance): 60.

Additionally, the Prophet, peace be upon him, instructed Mu`âdh when he sent him to Yemen: *“Inform them that Allah has made Zakâh obligatory upon them, to be taken from their rich and given to their poor.”*⁽¹⁾ Also, in the case of a man who asked for charity, the Prophet, peace be upon him, said: *“Allah is not pleased with a prophet’s or anyone else’s decision about due charity till He has given a decision about them Himself. He has divided those entitled to them into eight categories, so if you come within those categories I shall give you your rightful share.”*⁽²⁾

Evidential aspect: When Allah the Exalted informed about the hypocrites who criticized the Messenger, peace be upon him, for taking charity, he clarified that he only takes them for these eight categories, not for himself or his relatives. The Wise Legislator has specified and limited the recipients of Zakâh in a manner that indicates exclusivity. His statement that *“Zakâh expenditures are only for the poor”* signifies that no one has a right to the alms except these eight categories, and this is unanimously agreed upon. The aim of this specification is to ensure control and prevent any disruptions in its distribution.⁽³⁾

Additionally, the phrase *“and given to their poor”* and the Prophet’s, peace be upon him, saying, *“I He has divided those entitled to them into eight categories, so if you come within those categories I shall give you your rightful share.”* serve as evidence for the precise distribution of Zakâh.

- 2- The evidences indicating the specification of the categories of Zakâh assets and their amounts include: Bottom of Form

The hadîth of Anas Ibn Mâlik states that Abû Bakr (may Allah be pleased with him) wrote this letter to him when he sent him to Bahrain:

“(In the name of Allah, the Beneficent, the Merciful). These are the orders for compulsory charity (Zakâh) which Allah’s Messenger, peace be upon him, had made obligatory for every Muslim, and which Allah had ordered His Messenger to observe: Whoever amongst the Muslims is asked to pay Zakâh accordingly, he should pay it (to the Zakâh collector) and whoever is asked more than that (what

(1) Previously cited.

(2) Narrated by Abû Dâwûd in *Kitâb al-Zakâh, bab man yu`ti min al-Sadqa wa had al-Ghinâ*, Vol. 2, P. 117, No. 1630; graded weak by Al-Albânî in *Irwâ’ al-Ghalîl*, Vol. 3, P. 353.

(3) *Mafâtîh al-Ghayb*, Vol. 16, P. 81.

is specified in this script) he should not pay it; for twenty-four camels or less, sheep are to be paid as Zakâh; for every five camels one sheep is to be paid, and if there are between twenty-five to thirty-five camels, one Bint Makhâd is to be paid; and if they are between thirty-six to forty-five (camels), one Bint Labûn is to be paid; and if they are between forty-six to sixty (camels), one Hiqqa is to be paid; and if the number is between sixty-one to seventy-five (camels), one Jadha is to be paid; and if the number is between seventy-six to ninety (camels), two Bint Labûns are to be paid; and if they are from ninety-one to one-hundred and twenty (camels), two Hiqqas are to be paid; and if they are over one-hundred and-twenty (camels), for every forty (over one-hundred-and-twenty) one Bint Labun is to be paid, and for every fifty camels (over one-hundred-and-twenty) one Hiqqa is to be paid; and whoever has got only four camels, has to pay nothing as Zakâh, but if the owner of these four camels wants to give something, he can. If the number of camels increases to five, the owner has to pay one sheep as Zakâh. As regards the Zakâh for the (flock) of sheep; if they are between forty and one-hundred-and-twenty sheep, one sheep is to be paid; and if they are between one-hundred-and-twenty to two hundred (sheep), two sheep are to be paid; and if they are between two-hundred to three-hundred (sheep), three sheep are to be paid; and for over three-hundred sheep, for every extra hundred sheep, one sheep is to be paid as Zakâh. And if somebody has got less than forty sheep, no Zakâh is required, but if he wants to give, he can. For silver the Zakâh is one-fortieth of the lot (i.e. 2.5%), and if its value is less than two-hundred Dirhams, Zakâh is not required, but if the owner wants to pay he can.”⁽¹⁾

Also the saying of the Prophet, peace be upon him: “A tenth is payable on what is watered by rain or wells, or from underground moisture, and a twentieth on what is watered by draught camels.”⁽²⁾ And the hadîth: “so give Zakâh on silver: for every forty dirhams, one dirham.”⁽³⁾ And the hadîth: “One fifth is compulsory to be paid (as Zakâh) on buried Treasure.”⁽⁴⁾

(1) Narrated by Al-Bukhârî, Kitâb al-Zakâh, Bâb Zakât al-Ghanam, Vol. 2, P. 118, Hadîth No. 1454.

(2) Previously referenced.

(3) Narrated by Al-Tirmidhî, Kitâb al-Zakâh, Bâb Mâ Jâ'a fî Zakât al-Dhahab wal-Waraq, Vol. 2, P. 9, Hadîth No. 620, from the narration of Alî, authenticated by Al-Albanî [Sahîh and Dha'îf Sunan Al-Tirmidhî, Vol. 2, P. 120).

(4) Agreed upon, narrated by Al-Bukhârî, Kitâb al-Zakâh, Bâb fî al-Rikâz al-Khumus, Vol. 3, P. 120, Hadîth No. 1499, and narrated by Muslim, Kitâb al-Hudûd, Bâb Jurh al-'Ajma' wa al-Ma'din wa al-Bî'r Jibâr, Vol. 3, P. 1335, Hadîth No. 1710.

Evidential aspect: The hadîths clearly demonstrate the Prophet's, peace be upon him, great care in specifying the types of wealth subject to Zakâh and their exact amounts with precision. This reflects the meticulous determination in *Shari`ah*.

Ash-Shâfi'î said: "The wording of the verse was general regarding wealth, and it could have been interpreted as applying to all types of wealth or only some. The Sunnah clarified that Zakâh is only due on certain types of wealth. Since wealth consists of various categories, including livestock, the Messenger of Allah, peace be upon him, took Zakâh from camels and sheep and, as we have learned, instructed the taking of Zakâh from cows specifically, excluding other types of livestock. He then took Zakâh from them according to varying numbers, as Allah decreed through His Prophet. People also owned other livestock like horses, donkeys, and mules, but since the Messenger of Allah, peace be upon him, did not take anything from these, and the ruling was established that there is no Zakâh on horses, we deduced that Zakâh applies only to what was taken and what was commanded to be taken, and not to other types of wealth..."⁽¹⁾ The same applies to other types of wealth.

Al-Nawawî said: "The principle is that there is no Zakâh except in what the *Shari`ah* has explicitly stipulated."⁽²⁾ The same holds for the amounts, as "the quantities are known only by direct revelation."⁽³⁾

Al-'Aynî, in explaining the hadîth "Whoever is asked for Zakâh from the Muslims according to the prescribed amounts set by the Messenger of Allah, peace be upon him, they should give it. If someone is asked for more than the obligatory amount, they should not give the excess. It is said that nothing should be given to the collector of Zakâh because he has betrayed by asking for more than what is due, and once his betrayal is clear, his authority falls."⁽⁴⁾

This is the utmost level of precision and rigor in the process of collecting Zakâh.

- 3- The Prophet's saying: "There is no Zakâh on a Muslim's servant or horse"⁽⁵⁾, and his saying: "I have exempted from the Zakâh of horses and slaves, so give the Zakâh of silver: from every forty dirhams."⁽⁶⁾

(1) Al-Risalah by Al-Shafi'i (187/1).

(3) · Badai' al-Sanayi' (18/2).

(5) It was previously cited.

(2) Al-Majmû' Sharh al-Muhadhab, Vol. 6, P.

(4) Shârh Abu Dâwûd by Al-'Aynî, Vol. 6, P.

(6) It was previously cited.

Evidential aspect: The *Sharî'ah* has specified and determined the characteristics of wealth that requires Zakâh, which is wealth that is productive or intended for growth. As for personal belongings and items that do not grow in value, Zakâh is not required on them.

- 4- The prophet's, peace be upon him, saying: "In the Zakâh of sheep, it is applicable when they are forty to a hundred sheep"⁽¹⁾, and the *ḥadīth* of Samurah Ibn Jundub (may Allah be pleased with him) said: "The Prophet, peace be upon him, used to command us to give Zakâh from what we had intended for sale."⁽²⁾

Evidential aspect: The *ḥadīths* indicate that the obligation of Zakâh on growing wealth is based on clear and observable descriptions rather than the actual nature of growth itself. For example, in the case of Zakâh on sheep, it is tied to the condition of grazing (free-grazing), and in the case of trade goods, it is tied to being prepared for sale. This establishes a well-defined criterion where an observable characteristic substitutes for the actual, less tangible nature of growth.⁽³⁾

- 5- Anas Ibn Mâlik (may Allah be pleased with him), said: "*I went to the Messenger of Allah, peace be upon him, with 'Abdullah Ibn Abû Talha to have him perform tahnîk (chewing a date and rubbing it in the mouth of a newborn), and I found him holding a branding tool used for camels of charity.*"⁽⁴⁾

Evidential aspect: This *ḥadīth* shows the recommendation of branding the animals given as Zakâh, "and this is the consensus of all the Companions (may Allah be pleased with them) and the majority of scholars after them. Ibn

(1) It was previously cited.

(2) Narrated by Abû Dâwûd in the Kitâb Al-Zakâh, Bâb Al-'Urûdh Idhâ Kânat Lil-Tijârah, Vol. 3, P. 10, *Ḥadīth* No. (1562). It was also narrated by Al-Dâraqutnî in Kitâb Al-Zakâh, Bâb Zakât Mâl Al-Tijârah wa Suqutuha 'an Al-Khayl wa Al-Raqîq, Vol. 3, P. 39, *Ḥadīth* No. (2027). Ibn 'Abdul Barr graded its chain of narration as good in Al-Istidhkâr, Bâb Al-'Urûdh al-Tijârah, Vol. 3, P. 170.

(3) *Al-Taqrîr wa al-Tahbîr 'alâ Tarîq al-Kamâl Ibn al-Humâm*, Vol. 3, P. 208.

(4) Agreed upon, narrated by Al-Bukhârî in Kitâb az-Zakâh, Bâb Wasm al-Imâm Ibil as-Sadaqah biyadihi, Vol. 2, P. 130, *Ḥadīth* No. 1502, and Muslim, in Kitâb az-Zakâh, Bâb Jawâz Wasm al-Haywân ghayr al-Adamî fî ghayr al-wajh, wa nadbuhu fî na'am az-Zakâh wal-Jizyah, Vol. 3, P. 1674, *Ḥadīth* No. 2119, both from the narration of Anas Ibn Mâlik (may Allah be pleased with him).

al-Sabbâgh and others even mentioned the consensus of the Companions on this... There are many reports on this from `Umar and other Companions (may Allah be pleased with them), as branding helps identify the animals in case they get lost, so the finder can return them. This indicates the Prophet's, peace be upon him, care for the interests of Muslims and his precaution in preserving their livestock through branding and other measures."⁽¹⁾ All of this comes for regulating and safeguarding communal interests.

- 6- The ḥadīth of Abū Humayd Al-Sā`idī (may Allah be pleased with him) says: *"The Messenger of Allah (peace be upon him) appointed a man from the tribe of Asad, named Ibn Al-Lutbiyah, over the charities of the tribe of Banu Sulaym. When he returned, the Prophet (peace be upon him) held him accountable."*⁽²⁾

Evidential aspect: This ḥadīth indicates that the ruler (Imam) should hold the workers responsible for what they collect and distribute, which is a measure to ensure the proper regulation of collection and distribution.⁽³⁾

- 7- The saying of the Prophet, peace be upon him, to Mu`âdh when he sent him to Yemen: *"Avoid taking the best of people's wealth."*⁽⁴⁾

Evidential aspect: This ḥadīth indicates that the Prophet, peace be upon him, instructed Mu`âdh not to take the best of people's wealth as a form of Zakâh, ensuring fairness and precision in determining what should be taken from the cattle for Zakâh, and thus preventing injustice and oppression by not leaving the choice of quality to the desire of the collectors.

- 8- From Anas (may Allah be pleased with him), that Abū Bakr (may Allah be pleased with him) wrote to him regarding what the Messenger of Allah, peace be upon him, had imposed: *"Do not combine what is separate, nor separate what is combined, for fear of avoiding Zakâh."*⁽⁵⁾

This indicates a rule to prevent manipulation in the calculation of Zakâh by either combining or separating assets to evade the proper amount owed.

(1) *Sharh An-Nawawī `alâ Muslim*, Vol. 14, P. 100.

(2) Agreed upon, narrated by Al-Bukhârî, Ḥadīth No. 1500, and by Muslim, Ḥadīth No. 1832, both from the narration of Abū Humayd As-Sa`idī.

(3) *`Umdat al-Qâri Sharh Sahīh Al-Bukhârî*, Vol. 9, P. 104.

(4) Narrated by Al-Bukhârî, Ḥadīth No. 1458.

(5) Narrated by Al-Bukhârî, Ḥadīth No. 1450.

Evidential aspect: The prohibition of combining what is separated and separating what is combined serves as a safeguard and regulation, preventing injustice and deception.

- 9- The ḥadīth of Ibn `Umar (may Allah be pleased with them both) where he says: “The Messenger of Allah, peace be upon him, obligated Zakâh al-Fitr, a measure (sâ`) of dates or a measure of barley, on the slave and the free, male and female, young and old among the Muslims. And he ordered that it be given before the people go out to the prayer.”⁽¹⁾

Evidential aspect: This ḥadīth outlines the specific types of goods from which Zakâh al-Fitr is to be given, emphasizing precision and definition. It is not permissible to deviate from these types because specifying them after the obligation clarifies the obligatory nature of these goods. Therefore, the prescribed types must be given, and if something else is given, it is considered a deviation from what has been prescribed and thus invalid, such as giving the value instead of the goods themselves.⁽²⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The Mâlikites prohibit the advance payment of Zakâh because it is an act of worship, and the principle in worship is adherence to its prescribed timing. Therefore, Zakâh must be paid at its due time, as doing so fulfills its purpose in maintaining order and proper arrangement. They emphasized the aspect of adherence to timing, as one of the objectives of Zakâh is to regulate and ensure the proper fulfillment of public interests.⁽³⁾
- 2- Zakâh cannot be spent on purposes other than those specified by Allah, such as building mosques, bridges, water sources, road maintenance, covering debts, shrouding the dead, or providing for guests. These types of acts of charity are not mentioned by Allah.⁽⁴⁾ This is because the word “*innamâ*” (only) implies exclusivity, affirming the mentioned categories and excluding all others.
- 3- Zakâh is not due on any crops or fruits unless they reach the amount of five *wasqs*, according to the majority of scholars. This provides regula-

(1) Agreed upon; reported by al-Bukhârî, No. (1503) and Muslim, No. (984).

(2) *Al-Mughnî*, Vol. 3, P. 85.

(3) *Tafsîr al-Qurtubî*, Vol. 16, P. 302.

(4) *Al-Mughnî*, Vol. 2, P. 497.

tion and definition to ensure that Zakâh is only due when a minimum threshold of wealth (*Nisâb*) is achieved.⁽¹⁾

- 4- The *Nisâb* for Zakâh on crops and fruits is regulated by measurement, as the *wasqs* are measured by volume. This shifts the obligation to clear and measurable standards.⁽²⁾
- 5- The obligation of Zakâh is regulated by the ripening of crops and the appearance of ripeness in fruits, according to the majority of scholars. If someone disposes of the produce before Zakâh becomes due, then they owe nothing. This ensures that the obligation is firmly established as long as the fruit in the orchard and the crop in the granary; if they perish before the obligation is established without any intended destruction from his side, then there is no Zakâh due on them.⁽³⁾
- 6- Regulation of the categories in Zakâh-eligible assets: No category is combined with another to complete the *Nisâb*, because each category has its own distinct purpose, which cannot be fulfilled by another. The same applies to the types within each category; the wisdom of fulfilling the obligation is not achieved by offering something other than what is required.⁽⁴⁾

Ibn Qudâmah says: “There is no disagreement among scholars – except in grains and fruits – that no category is combined with another to complete the *Nisâb*. Cattle is divided into three categories: camels, cows, and sheep, and one category is not combined with another. Fruits are not combined with other types, like dates with raisins, or almonds with pistachios, and nothing of these is combined with anything else. Fruits are not combined with grazing animals, nor with grains and fruits. There is no disagreement that types within a category can be combined to complete the *Nisâb*. As for those that are closely related, they are combined, but if they are not, they are not combined. What is in doubt is not combined, as the default is non-obligation, and nothing is required by doubt.”⁽⁵⁾ This is all part of regulating the entities involved.

- 7- One of the consequences of regulating categories in the matter of Zakâh is that a group of scholars holds the view that gold and silver should not

(1) *Al-Dhakîrah*, Vol. 3, P. 76, *al-Hâwî al-Kabîr*, Vol. 3, P. 210, *al-Mughnî*, Vol.3, P. 7.

(2) *al-Mughnî*, Vol. 3, P. 11.

(3) *Ibid*, Vol. 3, P. 12.

(4) *Ibid*, Vol. 3, 41.

(5) *Ibid*, Vol. 3, 32-33.

be combined to complete the *Nisâb* because they are two different types of wealth with distinct *Nisâbs*. Thus, they should not be combined due to the essence of their differences,⁽¹⁾ as combining them would lead to confusion and disorder.

Ibn Rushd, after discussing the disagreement among scholars regarding combining them, says: "The reason for this confusion lies in their attempt to create one *Nisâb* from two things that differ in weight, which does not make sense. Those who attempt to combine them are creating a new ruling in the *Sharî'ah* where there is no such ruling, as they have created a *Nisâb* that is neither for gold nor for silver. It is unimaginable, based on the nature of religious obligations and clarity in rulings, that such ambiguous matters could have a specific ruling and yet be left unaddressed by the *Sharî'ah*. Silence on such an issue would only lead to such confusion. However, the Prophet, peace be upon him, was sent to resolve differences."⁽²⁾

Abu 'Ubayd adds: "How can they be combined and considered one type, while the Messenger of Allah, peace be upon him, made them two separate types."⁽³⁾

- 8- Some scholars in the matter of Zakâh on debt, specifically regarding the expected debt owed by a solvent debtor, ruled that it should be paid annually along with the present wealth. "This is because delaying payment until the debt is collected leads to difficulty in calculating Zakâh, especially when the debt is repaid in irregular amounts, like five or ten dirhams, or more or less. This method requires tracking the years, months, and days for each small repayment, which could lead to neglect or inaccuracy. Thus, they ruled in favor of caution by paying Zakâh annually."⁽⁴⁾
- 9- Mâlik's principle regarding the combining of different types of wealth for Zakâh is based on the idea that "rulings differ when the names differ, and the physical nature of the wealth itself varies, even if they may seem to serve the same purpose."⁽⁵⁾
- 10- One of the consequences of specifying different categories in Zakâh is

(1) Ibid, Vol. 3, P. 36.

(2) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 19.

(3) *Al-Amwâl by Abû 'Ubayd*, P. 511. (4) Ibid, P. 531.

(5) *Bidâyat al-Mujtahid wa Nihâyat al-Muqtasid*, Vol. 2, P. 18.

that the Zakâh year (*hawl*) is interrupted when wealth is exchanged for a different type of asset in some cases. This can occur, for instance, when currency is exchanged for livestock or similar cases.⁽¹⁾ Additionally, if a person has camels for trade and then intends to use them for grazing, this also causes the Zakâh year to reset.⁽²⁾

- 11- Some jurists have sought to establish precise definitions for wealth that would disqualify one from receiving Zakâh, such as owning fifty dirhams according to Sufyan⁽³⁾ or two hundred dirhams according to the Hanafis.⁽⁴⁾ The same matter applies to the amount given to the poor.
- 12- The stabilization of the *Nisâb* in the Zakâh of livestock is set at a fixed and well-known amount when the wealth increases. This brings clarity and precision, and prevents confusion. Al-Sarakhsi states: "The principles of Zakâh are based on the idea that when wealth becomes abundant, the *Nisâb* becomes settled at a single known amount."⁽⁵⁾
- 13- The rules for the interruption of the Zakâh year (*hawl*) are also regulated, such as the decrease of wealth below the *Nisâb* during the year, according to a group of scholars, and making the grazing livestock fed with fodder during the Zakâh year (*hawl*), and similar matters.⁽⁶⁾
- 14- The allocation of Zakâh expenditures has been precisely regulated. Therefore, what was taken from the charity of the Banû Taghlib was treated as a form of *jizya* (tribute), even though it was called charity because charity refers to that which is done to seek nearness to Allah the Almighty.⁽⁷⁾
- 15- The early payment of Zakâh is regulated by those who permit it when wealth reaches the *Nisâb*. If Zakâh is paid before wealth reaches the *Nisâb*, it is not valid by consensus because it is a premature fulfillment of the obligation before its cause.⁽⁸⁾
- 16- Zakâh payment cannot be made with equivalent value (i.e., cash or

(1) *Al-Muhîṭ al-Burhânî fî al-Fiqh al-Nu'mânî*, Vol. 2, P. 265, *Nihâyat al-Matlab fî Dirâyat al-Madhab*, Vol. 3, P. 209, *Al-Majmû' Sharh al-Muhadhdhab*, Vol. 5, P. 361.

(2) *Al-Mabsûṭ*, Vol. 2, P.178.

(3) *Al-Amwâl by Abû 'Ubayd*, P. 670.

(4) *Al-Mabsûṭ*, Vol. 3, P. 14.

(5) *Ibid*, Vol. 2, P. 153.

(6) *Al-Mabsûṭ*, Vol. 2, P. 172.

(7) *Ibid*, Vol. 2, P. 179.

(8) *Al-Mughnî*, Vol. 2, P. 471, *Al-Furûq by al-Qarâfî*, Vol. 1, P. 198.

other substitutes); it must be paid from the same kind of wealth being taxed, as stipulated in religious texts.⁽¹⁾ Ibn Qudâmah says: "Abû Tâlib said: Ahmad (Ibn Hanbal) told me, 'One does not give the equivalent value.' It was said to him: Some say that 'Umar Ibn 'Abdul 'Azîz accepted payment by value. He replied, 'They abandon the saying of the Messenger of Allah, peace be upon him, and then say, so-and-so said!' 'Ibn 'Umar said: The Messenger of Allah, peace be upon him, ordained it." Ibn Qudâmah continues: "***And Allah said, 'Obey Allah and obey the Messenger'***".⁽²⁾ Some people who dismiss the Sunnah, saying so-and-so said, so-and-so said." It is evident from his (Ibn Hanbal's) stance that giving the value does not fulfill the obligation in any form of Zakâh.⁽³⁾

- 17- Zakâh is not due on cows until they reach thirty in number, and they cannot be analogized with camels because the *Nisâb* is established by specific religious texts and cannot be determined by analogy. Ibn Qudâmah states: "It is reported that Sa'îd Ibn al-Musayyib and al-Zuharî said there is one sheep due for every five cows because cows are equated with camels in sacrifice and offerings, and thus also in Zakâh. However, the *Nisâb* is established by specific texts, and there is no text or precedence in what they stated."⁽⁴⁾
- 18- The actions of Zakâh workers are also regulated. For example, if a collector of Zakâh takes charity and sells it without need, scholars agree that such an action is impermissible, the sale is invalid, and the worker is liable for compensation.⁽⁵⁾
- 19- It is recommended to mark the livestock collected for Zakâh, so they can be distinguished from other animals. This way, if they are lost or strayed, the one who finds them will know they belong to Zakâh and return them.⁽⁶⁾
- 20- It is not allowed to take an animal older than what is prescribed in the Zakâh of grazing livestock, except for an *Ibn labûn* in place of a *Bint*

(1) Nihâyat al-Matlab fî Dirâyat al-Madhab, Vol. 3, P. 202, *Ahkâm al-Qur'an* by Ibn al-'Arabî, Vol. 2, P. 520.

(2) An-Nisâ' (The Women): 59.

(3) Al-Mughnî, Vol. 3, P. 87.

(4) Al-Sharh al-Kabîr 'alâ al-Muqni', Vol. 2, P. 498.

(5) Al-Mughnî, Vol. 2, P. 503.

(6) Asnâ al-Matâlib fî Sharh Rawdh at-Tâlib, Vol. 1, P. 404.

makhâdh (young camel) according to Mâlik, who believes that the concession applies specifically to this case. As for other cases, it does not apply. Mâlik said: "If what is due from the wealth is a *Bint labûn*, *hiqqah* (three-year-old camel), or *jadh`ah* (four-year-old camel), then the owner of the wealth must provide it. He said: 'I do not like the collector to take its value.' He continued: 'Similarly with cows and sheep... Zakâh is a right due to Allah Almighty, and its ruling is not like the rights of people that can be substituted with debt after being due in a specific form. Rather, it is like Prayer, which cannot be replaced with anything else if it can be performed.'"⁽¹⁾

- 21- Zakâh becomes obligatory upon the owner of the wealth based on what the collector finds in their possession on the day they collect Zakâh. If the livestock perishes before this, nothing that was lost will be counted against them. Similarly, if the livestock grows, the collector will take from all that is in the owner's possession after the lunar year has passed,⁽²⁾ and in this, there is regulation and ease.
- 22- No young animals such as calves, or lambs are to be taken for Zakâh. Instead, the Zakâh should be given based on the prescribed age of the animals, according to some Hanafite scholars. "The reason for this is that this is a right of Allah Almighty based on specific ages, and there is no place for considering young animals intentionally, just like in sacrifices and offerings. This is because the ages set by the lawgiver are not to be taken from the young animals. This differs from the emaciated ones, as those specific ages are taken even if the animal is thin, as the lawgiver has taken the age into account in what is collected."⁽³⁾



(1) *Al-Amwâl* by Abû `Ubayd, P. 456.

(2) Abû `Ubayd said: "Mâlik's statement seems closer to the Sunnah of charity in my view, because it was revealed in general terms: such and such amount from camels, and so on. This meaning applies to what was in their possession at the time, and it is not mentioned in any of the charity records that the owners of livestock are held accountable for what they owned before it perished, nor are they asked about what was lost from it." *Al-Amwâl* by Abû `Ubayd, P. 463.

(3) *Al-Mabsûr*, Vol. 2, Ps. 158-159.

Twelfth Treatise

Removal of Harm⁽¹⁾

Objective Explanation:

Linguistically, harm refers to a decrease in something. You might say that harm has entered into someone's wealth. It is a noun derived from the root (*dhar*),⁽²⁾ and the term (*dhar*) and (*dhur*) are two forms in the Arabic language: the opposite of benefit. To inflict harm is to cause injury or damage. Some scholars differentiate between *dhar* and *dhur*: anything related to misfortune, poverty, or hardship is *dhur*, while anything that is the opposite of benefit is *dhar*.⁽³⁾

As to the legal terminology, the term does not stray from its linguistic origin, which is harm and the opposite of benefit.⁽⁴⁾

In the context of this objective, distinguishing between the two forms encompasses both meanings of harm: it includes removing harm in the sense of poverty and physical hardship, as well as harm in the sense of corruption, which is the opposite of benefit.

This Purpose is indeed one of the fundamental purposes of *Sharī'ah*; it is a major principle among the legal principles. It is meant to convey that "harm, being a form of corruption, must be removed and eradicated if it occurs, just as

(1) *Al-Hâwî al-Kabîr*, Vol. 6, P. 401, *Al-Mughnî*, Vol. 8, P. 255, *Al-Mûwâfaqât*, Vol. 3, P. 185, *Al-Ashbâh wa al-Nazâ'ir* by Al-Subkî, Vol. 1, P. 41, *Al-'Inâyah Sharh al-Hidâyah*, Vol. 10, P. 498, *Al-Ashbâh wa al-Nazâ'ir* by Al-Suyûtî, P. 7, *Al-Qawâ'id* by Al-Hasanî, Vol. 1, P. 333, *Al-Mubd' fî Sharh al-Muqni'*, Vol. 7, P. 178, *Al-Tahbîr Sharh al-Tahrîr*, Vol. 8, P. 3845, *Hâshiyat al-Bujairimî 'alâ al-Khatîb*, Vol. 1, P. 326, *Mughnî al-Muhtâj ilâ Ma'rifat Ma'ânî Alfâz al-Minhâj*, Vol. 1, P. 39, *Ghamz 'Uyûn al-Basâ'ir*, Vol. 1, P. 37.

(2) The entry *Dharar* in: *Al-'Ayn*, Vol. 7, P. 7, *Al-Sihah Tâj al-Lughah wa Sihah al-'Arabiyyah*, Vol. 2, P. 719, *Lisân al-'Arab*, Vol. 4, P. 482.

(3) *Al-Misbâh al-Munîr fî Gharîb al-Sharh al-Kabîr*, Vol. 2, P. 360.

(4) *Al-Mu'in 'alâ Tafahum al-Arba'in*, P. 278, and *Al-Mufasssal fî al-Qawâ'id al-Fiqhiyyah*, *Al-Bâhusain*, P. 332.

it must be prevented before it happens. This is because allowing harm is equivalent to allowing corruption, and *Sharî'ah* is more concerned with removing corruptions than with promoting benefits.”⁽¹⁾ This aligns with the principle “No harm shall be inflicted or reciprocated,” which encompasses both preventing harm before it occurs and removing it after it has occurred, as asserted by many scholars.⁽²⁾

It has been stated in several forms, including: “Removing harm is obligatory,”⁽³⁾ “Harm is lifted,”⁽⁴⁾ “Harm is removed by compulsion,”⁽⁵⁾ and “Harm is removed.”⁽⁶⁾

This principle is general and encompasses countless details of *Sharî'ah*, as *Sharî'ah* was established to bring benefits and ward off harms. This principle specifically addresses the prevention of harms, which constitutes half of *Sharî'ah*.

Al-Mardâwî states: “This principle contains an immense amount of jurisprudence, and it may encompass half of it. The rulings are either aimed at bringing benefits or warding off harms. This includes protecting the five essential necessities, which are: the preservation of religion, life, lineage, wealth, and honor. This principle relates to achieving objectives and affirming them by preventing or lessening harm.”⁽⁷⁾ Al-Shâtibî says: “The prohibition of harm and injury is widespread throughout *Sharî'ah*, both in specific incidents and general principles. For instance, the verse: “**and do not keep them, intending harm, to transgress [against them]**”⁽⁸⁾, and the ayah: “**and do not harm them in order to oppress them,**”⁽⁹⁾ and the ayah: “**No mother should be harmed through her child, and no father through his child.**”⁽¹⁰⁾

This includes prohibitions against aggression on lives, property, and honor, as well as prohibitions on usurpation, injustice, and all actions that cause harm or injury. This principle has a very broad application in *Sharî'ah*, with-

(1) *Mawsu'at al-Qawâ'id al-Fiqhiyyah*, Al-Burnû, Vol. 6, P. 259.

(2) *Al-Ashbâh wa al-Nazâ'ir* by Al-Suyûtî, P. 7.

(3) Al-Mughnî, Vol. 8, P. 255, and Al-Mubdi' fî Sharh al-Muqni', Vol. 7, P. 178.

(4) Al-Hâwî al-Kabîr, Vol. 6, P. 401.

(5) Al-Tahbîr Sharh al-Tahrîr, Vol. 8, P. 3846.

(6) Al-'Inâyah Sharh al-Hidâyah, Vol. 10, P. 498.

(7) *Al-Qawâ'id* by Al-Hasnî, Vol. 1, P. 333.

(8) *Al-Baqarah* (The Cow): 231.

(9) *At-Talâq* (Divorce): 6.

(10) *Al-Baqarah* (The Cow): 233.

out any doubt, and if one considers individual reports, they would find them aligned with this principle.”⁽¹⁾

Explaining the relationship between this objective and the obligation of Zakâh:

Al-Shâtibî previously discussed the general prohibition of harm and injury throughout all aspects of *Sharî'ah*, and the legislation of Zakâh and its rulings serve as a clear example of this. The principle of “removing harm” is a foundational concept in the wisdom behind its legislation and in the details of its rulings.

Regarding the fundamental basis of its legislation, the removal of harm is one of the greatest objectives of Zakâh. It addresses the deficiencies or potential harms that may affect the person paying Zakâh, whether in their religion or wealth, and it also addresses the needs of the recipients of Zakâh in terms of their religion, lives, wealth, intellect, and lineage.⁽²⁾

Al-Hisnî gave an example of this principle by mentioning the obligation of Zakâh, saying: “An example of this is the obligation of Zakâh to remove the harm caused by the need of the poor.”⁽³⁾

The allocation of Zakâh to the poor, the needy, debtors, and the stranded wayfarers removes the harm they experience due to poverty. Giving Zakâh to ‘those whose hearts are to be reconciled’ wards off potential harm that might befall Muslims from their enemies or harm in the faith of those in need of reconciliation. As for the ‘debtor on behalf of others,’ providing them with Zakâh alleviates harm caused by trials or hardships. Those ‘in the cause of Allah’ also receive Zakâh to prevent and remove widespread harm and destruction for all Muslims. Moreover, the entire Ummah is safeguarded from economic and social harm through the obligation of Zakâh, which prevents potential damages such as poor wealth distribution, hoarding, insecurity, or the spread of enmity and hatred between the rich and the poor, and other such public harms.

“Based on this meaning, anyone who withholds Zakâh is undoubtedly included in the Prophet’s prohibition in his saying: *‘There should be no harm and*

(1) *Al-Mûwâfaqât*, Vol. 3, P. 185 by Al-Shâtibî.

(2) For a deeper understanding, refer to earlier discussions mentioned in the treatises of the five essentials.

(3) *Al-Qawa'id* by Al-Hisni (1/333).

no reciprocating harm,⁽¹⁾ for such a person causes great harm to themselves, to those entitled to Zakâh, and to all Muslims. They become a cause of great corruption in people's religion, lives, wealth, intellect, and lineage.

One way Zakâh removes harm from the wealthy is that it prevents begging, which often harms the one being asked because they may not willingly give from the heart. If they refuse, they may feel embarrassed and hurt, seeing themselves as stingy. In giving, they lose wealth, and in refusing, they lose face, both of which are harmful, and the one asking is the cause of this harm, which is forbidden except out of necessity.⁽²⁾

As for the detailed rulings of Zakâh, they are designed to remove harm from both the wealthy and the needy. It is imposed in a just manner that neither harms the wealth owner nor the one entitled to it. The care for this objective will be clarified in its impact on legal branches.

Objective Evidence:

- 1- General evidences prohibiting harm include Allah's words: "***and do not keep them, intending harm, to transgress [against them]***"⁽³⁾, and the ayah: "***and do not harm them in order to oppress them***,"⁽⁴⁾ and the ayah: "***No mother should be harmed through her child, and no father through his child***."⁽⁵⁾

Evidential aspect: Allah, the Exalted, prohibited causing harm in these verses, which indicates that preventing harm and anything that leads to it is a fundamental principle of the *Sharî'ah*. Among the forms of harm is withholding Zakâh.

- 2- The ayah where Allah, the Exalted says: "***And do not aim at the defective therefrom, spending [from that] while you would not take it [yourself] except with closed eyes***."⁽⁶⁾

(1) Reported by Mâlik in *Al-Mûwatta'*, Vol. 4, P. 1078, Hadîth No. 600/2758. Al-Hâkim said: "This hadîth has a sound chain of transmission according to the criteria of Muslim, though neither Al-Bukhârî nor Muslim included it in their books of Sahîh" (*Al-Mustadrak 'alâ al-Sahîhayn*, Vol. 2, P. 57).

(2) *Ihyâ' 'Ulûm al-Dîn*, Vol. 4, P. 210.

(3) *Al-Baqarah* (The Cow): 231.

(4) *At-Talâq* (Divorce): 6.

(5) *Al-Baqarah* (The Cow): 233.

(6) *Al-Baqarah* (The Cow): 265.

Abu Umamâh Ibn Sahl Ibn Hanîf said regarding this verse: It refers to the *jathrûr* and *hubayq*,⁽¹⁾ and the Prophet, peace be upon him, prohibited offering defective things.⁽²⁾ Anas (may Allah be pleased with him) reported that Abû Bakr (may Allah be pleased with him) wrote about the Zakâh which Allah commanded His Messenger, saying: “Do not give in charity an old animal, one with a defect, or a male goat, except if you wish.”⁽³⁾

Evidential aspect: Allah, the Exalted, prohibited giving defective things from wealth, and the *hadîth* similarly indicates the prohibition of offering livestock with defects because this harms the recipients. This demonstrates the prohibition of causing harm to them in any way.⁽⁴⁾

- 3- The saying of the Prophet, peace be upon him: “*There should be neither harming nor reciprocating harm.*”⁽⁵⁾

Evidential aspect: The Prophet, peace be upon him, prohibited harm and reciprocating harm, which is a general statement that applies to most worldly matters, as “it is a comprehensive term, not easily described in its entirety.”⁽⁶⁾ This includes the prohibition of harm through withholding Zakâh. The one who withholds the due right of Allah harms both himself and the Muslims.

- 4- Consensus (Ijmâ’): Ibn al-`Arabî says, “Harm is not permissible by consensus.”⁽⁷⁾
- 5- Induction (Istiqrâ’): Al-Shâtibî’s statement on this has been mentioned earlier.⁽⁸⁾
- 6- The abundant evidences prohibiting the withholding of Zakâh and the severe warnings and threats regarding this, such as His saying, the Exalted: “*O you who have believed, indeed many of the scholars and the monks devour the wealth of people unjustly and avert [them] from the way of Allah . And those who hoard gold and silver and spend it*

(1) *These are two bad types of dates: one becomes like a shell over a stone, and the other, when it ripens, becomes a shriveled fruit.* (Al-Mughnî, Vol. 3, P. 19.

(2) Narrated by An-Nasa’i (2492), and authenticated by Al-Albani in *Sahih and Da’if Sunan An-Nasa’i* (6/136).

(3) *Tafsir As-Sâdi* (p. 115)

(4) *Al-Istidhkar* (7/191).

(5) *Al-Muwafaqat* (3/185).

(6) Narrated by Al-Bukhari (1455)

(7) Its citation was previously mentioned.

(8) *Ahkam Al-Qur’an* by Ibn Al-Arabi (1/628).

not in the way of Allah - give them tidings of a painful punishment. The Day when it will be heated in the fire of Hell and seared therewith will be their foreheads, their flanks, and their backs, [it will be said], "This is what you hoarded for yourselves, so taste what you used to hoard."⁽¹⁾ And the hadîth where the Prophet, peace be upon him, says: *"(On the Day of Resurrection) camels will come to their owner in the best state of health they have ever had (in the world), and if he had not paid their Zakâh (in the world) then they would tread him with their feet; and similarly, sheep will come to their owner in the best state of health they have ever had in the world, and if he had not paid their Zakâh, then they would tread him with their hooves and would butt him with their horns."* The Prophet added, *"One of their rights is that they should be milked while water is kept in front of them."* The Prophet added, *"I do not want anyone of you to come to me on the Day of Resurrection, carrying over his neck a sheep that will be bleating. Such a person will (then) say, 'O Muhammad! (please intercede for me,) I will say to him. 'I can't help you, for I conveyed Allah's Message to you.' Similarly, I do not want anyone of you to come to me carrying over his neck a camel that will be grunting. Such a person (then) will say 'O Muhammad! (please intercede for me.)' I will say to him, 'I can't help you for I conveyed Allah's message to you.'"*⁽²⁾ And the Prophet said: *"No owner of the treasure who does not pay Zakâh (would be spared) but (his hoards) would be heated in the Fire of Hell and these would be made into plates and with these his sides, his forehead would be cauterized till Allah would pronounce judgment among His servants during a day, the extent of which would be fifty thousand years. He would then see his path, leading either to Paradise or to Hell."*⁽³⁾ And the hadîth where the Prophet says: *"Anyone whom Allah has given wealth but he does not pay its Zakâh, then, on the Day of Resurrection, his wealth will be presented to him in the shape of a bald-headed poisonous male snake with two poisonous glands in its mouth and it will encircle itself round his neck and bite him over his cheeks and say, 'I am your wealth; I am your treasure.'" Then the Prophet*

(1) Verses 34-35 from Surah At-Tawba.

(2) Agreed upon, narrated by Al-Bukhari (1402) and Muslim (987), both from the hadith of Abu Huraira (may Allah be pleased with him).

(3) Its citation was previously mentioned.

recited this Divine Verse:-- "And let not those who covetously withhold of that which Allah has bestowed upon them of His Bounty."⁽¹⁾ ⁽²⁾

Evidential aspect: This indicates the severe warning against those who withhold Zakâh because the person withholding it has not given it its due right. This is due to the harm and corruption caused by withholding it, affecting not only the person withholding but also those entitled to it and the community as a whole.

- 7- The evidence indicating that Zakâh should be forcibly taken from those who refuse to pay it, and that they should be fought if they wage war to prevent it, such as the statement of Abû Bakr (may Allah be pleased with him): *'By Allah, I will fight those who differentiate between prayer and Zakâh, for Zakâh is a due upon wealth. By Allah, if they withhold even a rope they used to give to the Messenger of Allah (peace be upon him), I would fight them over it.'*⁽³⁾ The scholars are unanimously agreed on the permissibility of fighting them.⁽⁴⁾

Evidential aspect: Their refusal to pay Zakâh denies the right of the Muslims and harms them, so it is obligatory to take it from them by force, and even to fight them if they wage war to prevent it, as this removes harm. As the principle goes, 'private harm must be endured to prevent public harm.'⁽⁵⁾

- 8- The saying of the Prophet, peace be upon him: *"Beware of greed, for it destroyed those before you; it led them to shed blood and make lawful what was forbidden to them."*⁽⁶⁾

Evidential aspect: It contains a command to avoid greed-among which is greed with Zakâh-because it leads to bloodshed and the violation of sacred matters. Giving Zakâh purifies one from greed and lifts the great harm and affliction that could befall the community due to withholding it.

- 9- The Prophet's, peace be upon him, statement to Mu'âdh when he sent him to Yemen: *"And beware of taking the best of people's wealth."*⁽⁷⁾

(1) Verse 180 from Surah Aal-Imran.

(2) Narrated by Al-Bukhari (1403), from the hadith of Abu Huraira.

(3) Its citation was previously mentioned.

(4) *Sharh Sahih Al-Bukhari* by Ibn Battal (3/391), *Al-Istidhkar* by Ibn Abd Al-Barr (3/214).

(5) *Al-Bahr Al-Ra'iq* (8/403).

(6) Its citation was previously mentioned. (7) Previously cited.

Evidential aspect: Taking the best of wealth would be oppressive and harmful to the owners, so the *Sharî'ah* came to remove this harm by prohibiting such an action.

Ibn Daqîq Al-'Eid said: "The wisdom behind this is that Zakâh is made obligatory as an act of mutual care for the poor from the wealth of the rich, and it does not suit that this be done by oppressing the wealthy. Thus, the *Sharî'ah* allowed the wealthy to keep what they hold dear and prohibited the Zakâh collectors from taking it. The hadîth is evidence of the seriousness of oppression and the acceptance of the supplication of the oppressed. The Prophet, peace be upon him, mentioned this after forbidding the taking of the best wealth, as taking it is oppression. This serves as a reminder against all forms of oppression."⁽¹⁾

- 10- The Prophet's, peace be upon him, statement: "*For five camels, one sheep is due in Zakâh.*"⁽²⁾

Evidential aspect: The legislator imposed a sheep for five camels to alleviate harm for both the wealth owners and the poor. "Had He made a camel obligatory for five camels, it would have harmed them. And had He made five camels obligatory-as per logical analogy since five camels are due at twenty-five-it would have harmed both parties due to the difficulty of division and sharing. Thus, He combined the matter by obliging one sheep."⁽³⁾

- 11- The hadîth narrated by Anas Ibn Mâlik (may Allah be pleased with him), that Abû Bakr (may Allah be pleased with him) wrote to him this letter when he sent him to Bahrain: "*In the name of Allah, the Most Gracious, the Most Merciful. This is the obligation of sadaqah (charity) which the Messenger of Allah (peace be upon him) made obligatory upon the Muslims, and which Allah commanded His Messenger to enforce. So, whoever is asked for it among the Muslims, let him give it, and whoever is asked for more than this, let him not give it.*"⁽⁴⁾

Evidential aspect: The hadîth indicates the lifting of harm from wealth owners. If the collector demands more than what is due, they are not obliged to give it, and it is said: Do not give him anything. If his betrayal becomes apparent, his authority is invalidated.⁽⁵⁾

(1) hkam al-Ahkam Sharh 'Umdat al-Ahkam, 1/377, and see: Fath al-Bari by Ibn Hajar, 3/360.

(2) Previously cited.

(3) Kifayat al-Nabi fi Sharh al-Tanbih, 5/267

(4) Previously cited.

(5) Sharh Abu Dawood by Al-Ayni, 6/230.

The effect of considering this objective in the Fiqh-based branches:

- 1- The legislation of the *hawl* was established considering the alleviation of hardship for both the poor and the wealthy, thus it was neither excessively long, which would delay the distribution to the needy after a long wait, nor excessively short, which would hasten its cycle and complicate the establishment of Zakâh in it.⁽¹⁾
- 2- It is permissible to give the monetary equivalent in Zakâh in some cases due to need or a stronger interest, according to a narration from Ahmad chosen by Ibn Taymiyyah; because giving the poor a physical item may sometimes cause harm, which can be alleviated by giving them its value. Ibn Taymiyyah states: "This opinion is the most just; if the recipient of the Zakâh intends to buy clothing with it, and the owner buys clothing for him and gives it to him, then he has done well. However, if he evaluates the clothes he has and gives them to him, he may appraise them at a price higher than their worth, and perhaps the clothes will go to someone who does not need them but will sell them, incurring the cost of the broker, and perhaps he will suffer a loss, which would harm the poor."⁽²⁾ This is prohibited when there is no need or interest, as the owner may shift to inferior types, and there may be harm in the appraisal.⁽³⁾
- 3- The Mâlikites believe that the trader must pay Zakâh on his goods when he sells them once a year, because Zakâh is only prescribed for growing wealth; if he pays Zakâh on the goods he has for a year, and they may have become stagnant, he will suffer a loss due to the reduced purchase price. If Zakâh is paid at the time of sale, and there is profit, then the profit was already in it, thus he pays Zakâh on it, removing the harm. As for the trader with a debt, requiring him to monitor the lunar cycle for each commodity is difficult, and if we exempt him from Zakâh, it would harm the poor; the universal interest is to allow him a month to assess the trade items and pay Zakâh based on their value along with his possessions and debts.⁽⁴⁾ In this way, harm is removed from him and the poor.

(1) *Hujjat Allah al-Baligha*, 2/61.

(2) *Majmu' al-Fatawa*, 25/80.

(3) the previous reference, 25/82.

(4) *Al-Dhakheerah*, 3/20

- 4- The majority of jurists have stated that mixing (wealth) does not affect anything other than livestock; because it affects benefits in one instance and harms in another regarding livestock. If we consider it for non-livestock, it would have a purely harmful effect on the owner of the wealth.⁽¹⁾
- 5- If the owner of the wealth is harmed by hastening the payment, he may delay it; "like one who completes his year before the collector arrives, and fears that if he pays it himself, the collector will take it from him again, then he may delay it. Ahmad stated this. Likewise, if he fears harm to himself or to other wealth he possesses when giving it, he may delay it; based on the saying of the Prophet (peace be upon him): "There should be no harm done, nor any reciprocation of harm."^{(2) (3)}
- 6- The principle of *waqs*⁽⁴⁾ applies to livestock because dividing it would cause harm to the owner, so to avoid harm, it is not obligatory to divide it. However, with grains and fruits, there is no *waqs*; rather, whatever exceeds the prescribed amount is given in full, because there is no harm in dividing it. In contrast, for livestock, there is harm involved.⁽⁵⁾
- 7- It is permissible to give one type of currency instead of another if there is no harm to the poor; because it is more convenient for both the giver and the receiver, and it prevents harm to both parties. If the Zakâh of gold coins is specifically required, it would necessitate detailed specifications, and if the poor person shares in a gold coin from the owner's wealth, or sells their share, both the owner and the poor person would suffer. If giving silver coins instead is permitted, then giving the poor an amount in silver equal to the obligation makes it easier for them and benefits the poor without any burden or harm. If the owner gives the poor a piece of gold in an area where it is not commonly used, or a piece of silver in a place where it is not in circulation, they would not be able to fulfill their needs with it. If they wanted to sell it according

(1) *Al-Mughni*, 2/463.

(2) Previously cited,

(3) *Al-Mughni*, 2/510; *Al-Sharh Al-Kabir 'Ala Al-Muqni'* 2/669.

(4) What is between the two obligatory amounts, such as when the camels reach five, there is one sheep due, and there is nothing for the increase until they reach ten; so what is between five and ten is *waqs*. Some scholars consider the *waqs* to be specific to cattle. (The translator)

(5) *Bada'i Al-Sanayi* 2/28; *Al-Mughni*, 3/12.

to what is commonly accepted, they would incur the cost of selling, and may not be able to do so, thus not benefiting at all. It appears that the value of the currency may depreciate, resulting in a situation with two harms. Allowing the exchange of one for the other provides pure benefit, prevents this harm, and fulfills the purpose of Zakâh in a complete manner, so there is no need or justification to prevent it. If there is a perceived benefit that might be lost, it is minor compared to the evident benefit gained and the harm and difficulty avoided on both sides, thus it is not considered. Based on this, it is not permissible to exchange in situations where the poor would incur harm, such as giving them something that does not compensate for their expenses; because if it is not permissible to give one type instead of another when there is harm, then it is even more so when there is no harm. If the owner chooses to give from the same type, and the poor person chooses to receive from another type due to the harm they would incur from receiving the same type, the owner is not obligated to comply; because when they fulfill what is required of them, they are not obliged to give anything beyond that.⁽¹⁾

- 8- The original rule regarding trade wealth is that Zakâh should be taken from the assets themselves, but because this may cause harm to the payer through cutting and dividing, the scholars permitted taking its value.⁽²⁾
- 9- It is permissible to delay Zakâh “if the Imam deems it necessary in the case of livestock Zakâh due to a crisis affecting people, causing their lands to become barren. He may delay the collection until times of abundance, then fully collect it from them in the following year, just as ‘Umar (may Allah be pleased with him) did during the Year of the Famine. A hadith is reported from the Prophet, peace be upon him, that supports Umar’s action in this regard.”⁽³⁾
- 10- Not determining compensation for the value between years in camel Zakâh as twenty dirhams, but rather according to inflation and deflation; “because if we were to set a specific difference between years, it

(1) *Al-Mughni*, 3/41, with slight modifications.

(2) *Al-Amwal* by Abu Ubaid, p. 524.

(3) *Al-Amwal* by Abu Ubayd, p. 705. Also see: *Al-Bayan wa al-Tahsil*, 2/439.

would lead to harming the poor or unfairness to the wealthy. For example, if a *hiqqah* (a three-year-old she-camel) is taken and two sheep are given in return, their value might equal the value of the *hiqqah*, effectively negating the Zakâh due. Similarly, if a *bint makhâdh* (a one-year-old she-camel) is taken and two sheep are given, their combined value might equal the value of a *bint labûn* (a two-year-old she-camel), resulting in an excess, which would unfairly burden the wealthy.”⁽¹⁾

- 11- It is not obligatory to give Zakâh on young camels, calves, and lambs unless there is at least one adult among them, and an older camel is not required because taking an older camel from among the young would mean taking the best of people’s wealth. This is because the value of the older camel may exceed most of the herd, while the Zakâh due is a small portion of the larger amount. Therefore, taking an older camel from the young would unfairly burden the wealthy. However, if there is even one older camel among them, it is considered the primary, and the young ones are secondary.⁽²⁾ Additionally, we do not say that Zakâh is not obligatory on young camels, calves, and lambs if there are no adults among them, as this would harm the poor.”⁽³⁾
- 12- “If a merchant informs the tax collector that his goods are from *Marwî* or *Harwî*, and the collector suspects him, but opening the goods would cause harm, then the collector should swear him in and accept the charity based on his word; because the collector does not have the authority to cause harm. It is reported that Umar (may Allah be pleased with him) said to his officials: ‘Do not inspect people’s goods.’”⁽⁴⁾
- 13- The Zakâh collector should take from the middle quality of wealth, as taking the best would harm the owner, while taking the worst would harm the poor. Thus, we say that taking from the middle is a fair balance between both.”⁽⁵⁾
- 14- If the owner disposes of the property on which Zakâh is due, through sale, gift, or other transactions, “it is possible to invalidate the sale in the amount of Zakâh due, collect it from him, and the buyer can re-

(1) Al-Mabsut, 2/155.

(2) Al-Mabsut, 2/158.

(3) Al-Ikhtiyar li Ta’lil al-Mukhtar, 1/109.

(4) Al-Mabsut, 2/200.

(5) Al-Ikhtiyar li Ta’lil al-Mukhtar, 1/103.

claim the equivalent from the seller because completing the sale would harm the poor and cause a delay in their rights, the sale must be annulled, according to the Prophet's saying, '*No harm and no reciprocation of harm.*'⁽¹⁾

- 15- Zakâh is obligatory immediately because a command implies immediacy. If delaying were permitted, a person might delay by nature, trusting that they wouldn't sin by postponing it. Then they might die, their wealth might perish, or they might become unable to pay, thus harming the poor.⁽²⁾ Al-'Izz Ibn 'Abd al-Salâm said, 'Zakâh is obligatory immediately because its purpose is to relieve needs and alleviate hardships, which are urgent matters. Delaying it would harm those entitled to it.'⁽³⁾
- 16- It is disliked for a Muslim to sell his land to a *dhimmî* (non-Muslim under Islamic rule) or lease it to him because this leads to the waiving of the *'ushr* (one-tenth tax) on its produce. If he sells it, the *'ushr* is doubled for them in one narration from Ahmad, which is also Malik's view. If the dhimmis buy it, the *'ushr* is doubled and the fifth is taken from them because waiving the *'ushr* on the produce of this land harms the poor and diminishes their rights. So if they are exposed to this, the *'ushr* is doubled for them, just as if they took their wealth to a different land, the Zakâh would be doubled, and half the *'ushr* would be taken from them.⁽⁴⁾
- 17- It is permissible to give Zakâh to the needy among Banû Hâshim after the cessation of the *khums* for them because their compensation, which is the fifth of the fifth, did not reach them "due to people's neglect in the matter of war spoils and their distribution to those who deserve them. If their compensation did not reach them, they return to receiving what they were originally entitled to, based on the general meaning of the verse, free from the opposition of taking compensation. Moreover, if neither of the two reaches them, they would perish from hunger, so it is permissible to give them Zakâh to prevent harm from them."⁽⁵⁾

(1) *Al-Mughni* (505/2-506).

(2) *Al-Mughni* (510/2) and *Al-Mabsut* (169/2).

(3) *Qawa'id Al-Ahkam fi Masalih Al-Anam* (250/1).

(4) *Al-Mughni* (31/3).

(5) *Al-Ikhtiyar li Ta'lil Al-Mukhtar* (121/1).

Ibn `Arafa, al-Mâlikî said: "The best approach, in my opinion, is to choose the lesser of two harms, and not to wait for the descendants of the Messenger of Allah, peace be upon him, to die from hunger."⁽¹⁾

- 18- The legitimacy of *Khars* (estimating) of fruits: 'so that the owners of the fruits may engage in consumption, sale, and other transactions as they choose, while ensuring the poor's rights. If we were to prevent them from transactions, they would face hardship and harm, but if we allowed them, the poor's rights would diminish. Thus, the estimation (of the fruits) is made so the amount due to the poor is known. If the owner of the wealth were prevented from benefiting from his wealth, it would lead to That would lead to causing harm to him, so the *khars* was a form of leniency both for the property owner and the poor."⁽²⁾
- 19- The delegation of the Zakâh of hidden wealth to its owners was done because closely tracking it would cause additional harm to the owners. That's why, when wealth increased during the time of `Uthmân (may Allah be pleased with him) and it was recognized that closely tracking it would cause additional harm, it was deemed in the public interest to delegate the responsibility of payment to the owners by consensus of the Companions, thus making the owners akin to agents of the Imam.⁽³⁾
- 20- Zakâh is not obligatory on minors or the mentally incapacitated according to the Hanafite school, and it cannot be analogized to prayer and fasting, as these acts do not entail harm in case of non-obligation, whereas Zakâh entails harm if left unpaid.⁽⁴⁾
- 21- Zakâh al-Fitr is only obligatory if paying it does not cause harm by ruining a person's livelihood or causing hunger to them or their dependents, a view held by Shâfi`î and some Mâlikites.⁽⁵⁾
- 22- Zakâh should be given first to the stranded traveler before the poor if delaying it would harm the traveler more, while the harm to the poor in their homeland is considered less severe.⁽⁶⁾

(1) *Mawahib Al-Jalil fi Sharh Mukhtasar Khalil* (345/2).

(2) *Sharh Sahih al-Bukhari* by Ibn Battal, p. 526/3.

(3) *Badai' al-Sanai'*, p. 7/2.

(4) *Al-'Inayah Sharh al-Hidayah*, p. 158/2.

(5) *Al-Taj wal-Iklil li-Mukhtasar Khalil*, p. 257/3.

(6) *Mawahib al-Jalil fi Sharh Mukhtasar Khalil*, p. 352/2.

- 23- Jewelry that is subject to Zakâh is to be evaluated and Zakâh paid even if it is adorned with jewels. If the jewels can be removed without causing damage, they should be removed and their weight used for Zakâh. However, if the removal of the jewels causes damage, an estimation is made for the portion of gold or silver, and Zakâh is paid on that annually.⁽¹⁾
- 24- If the owner exchanges the Zakâh-worthy merchandise during the course of the year in trade Zakâh, the value of the goods is reassessed at market value, and the Zakâh year continues without interruption to prevent harm to the poor.⁽²⁾



(1) Sharh Mukhtasar Khalil by al-Kharashi, p. 183/2.

(2) Qawaid al-Ahkam fi Masalih al-Anam, p. 169/2, with minor modifications.

Thirteenth Treatise

Obligation of Zakâh on the Most Beneficial Wealth

for the People, and from Every Wealth

Its Noblest and Highest⁽¹⁾

Objective Explanation:

The Wise Legislator has ordained Zakâh as a means of achieving great benefits for His servants. Among the aspects of His wisdom is that He has encompassed in it the most complete, highest, and most beneficial interests. Therefore, it is a marvelous aspect of His wisdom that He did not impose Zakâh on every type of wealth but rather selected the wealth that is the most beneficial to people and that is widely circulated among them, taking from each type what is the noblest and highest.

Ibn Qayyim states regarding Allah's wisdom in Zakâhable wealth: "He made Zakâh applicable to four categories of wealth, which are the most widely circulated types among people and are of urgent necessity. The first is crops and fruits. The second is livestock: camels, cattle, and sheep. The third is the precious metals that sustain the world, namely gold and silver. The fourth is trade assets of various kinds."⁽²⁾

He also says in another context: "He aimed for each category of wealth, making Zakâh obligatory on the noblest and most honorable types. He made Zakâh on precious metals, like gold and silver, but not on iron, lead, copper,

(1) Al-Amwal by Abu Ubaid (p. 574), Mahasin Al-Shari'ah in the branches of Shafi'i (p. 181), Al-Mabsut (3/3), Al-Hawi Al-Kabir (3/239), Bahr Al-Madhab (3/116), Mafatih Al-Ghayb (16/79), Al-Kafi fi Fiqh Imam Ahmad (1/383), Al-Majmu' Sharh Al-Muhadhdhab (5/337), Al-Ikhtiyar li Ta'lil Al-Mukhtar (1/115), Al-Dhakhirah (3/73), Kifayat Al-Nabih fi Sharh Al-Tanbih (5/359), A'lam Al-Muwaqqi'in (3/335), Zad Al-Ma'ad fi Hadi Khayr Al-'Ibad (2/5).

(2) Zad Al-Ma'ad fi Hadi Khayr Al-'Ibad (2/5).

or similar materials. He mandated Zakâh on grazing animals such as camels, cattle, and sheep, but not on horses, mules, donkeys, or less commonly owned animals, such as various kinds of game, and all birds. He required Zakâh on the produce of the earth in its noblest form, which is grains and fruits, excluding vegetables, fruits, legumes, and other less noble types.

And it is comparable to other types of wealth in such a way that if it were lost, its absence would harm the people and disrupt many of their interests. In contrast, that which Zakâh is not mandated upon is akin to surplus and excess items, the loss of which would not cause significant harm.⁽¹⁾

Al-Sarakhsi says: "What is meant by a possession is that it should be available for both the rich and the poor; thus, there is no obligation for the right of Allah, the Exalted, upon it, just as Zakâh is not obligatory on game animals, firewood, or grass. Rather, the right of Allah is obligatory on that which is scarce and available, which only the rich can attain, such as livestock and trade wealth."⁽²⁾

Al-Mawardi says: "Zakâh, when it becomes obligatory on a type, is related to its highest quality, and it is dropped from the lower ones; for example, Zakâh on animals is only obligatory on the highest type, which is the grazing livestock. As for minerals, Zakâh is only obligatory on the highest quality, which is silver and gold, and regarding goods, Zakâh is only obligatory on the highest quality of trade goods."⁽³⁾

In another context, he states: "Zakâh is specifically related to foodstuffs because it is a form of mutual assistance, thus it is linked to what is generally beneficial and for which people have a need."⁽⁴⁾

Al-Qaffal says: "Zakâh is specifically applicable to valuable and high-quality wealth that has prominence in its category."⁽⁵⁾

Ibn Qudamah mentioned the consideration of abundant growth, benefit, offspring, and increase in livestock.⁽⁶⁾

(1) *A'lam Al-Muwaqqi'in* (3/335).

(2) *Al-Mabsut* (3/3).

(3) *Al-Hawi Al-Kabir* (3/239), and refer to: *Kifayat Al-Nabih fi Sharh Al-Tanbih* (5/359).

(4) *Al-Hawi Al-Kabir* (3/243).

(5) *Mahasin Al-Shari'ah in the Branches of Shafi'i* (p. 181).

(6) *Al-Kafi fi Fiqh Imam Ahmad* (1/383).

From the previous statements, we can conclude that the *Sharî'ah* obliges Zakâh on certain types of wealth, considering the degree of need of people for it. This means that it falls within the category of necessities or needs, while wealth that falls under the category of enhancement does not necessitate Zakâh, as previously stated in the words of Imam Ibn Al-Qayyim: "What does not necessitate Zakâh is simply a surplus or excess."

The qualities of Zakâh include:

- General benefit.
- Abundant existence.

The intensity of the need for it by people, which means that it falls within the category of necessities or needs, while wealth that falls under the category of enhancement does not necessitate Zakâh, as previously stated in the words of Imam Ibn Al-Qayyim: "What does not necessitate Zakâh is simply a surplus or excess."⁽¹⁾

- Its abundant circulation among people.
- Its growth.
- Its high quality and nobility.
- It should not be something invaluable that is accessible to everyone.

This is clearly observed in all types of Zakâhable wealth.

As for currencies, such as gold and silver and what is measured by them, people's need for them is a general necessity, and their benefit is universal for humanity. They are frequently circulated among people, and hoarding them is a general harm. Thus, it necessitated the wisdom of the legislator to impose Zakâh on them.

Al-Râzî states: "Allah created wealth, and what is sought from it is not its essence or its material, for gold and silver cannot be used for their intrinsic value except in limited situations. Rather, the purpose of their creation is to use them to attain benefits and avert harm. If a person hoards them in their house, they are neglecting the purpose for which wealth was created, which obstructs the manifestation of Allah's wisdom, and that is impermissible.

(1) *A'lam Al-Muwaqqi'in* (3/335).

Therefore, Allah commanded that a portion of it be directed to the poor so that this wisdom does not become completely unfulfilled.”⁽¹⁾

- As for livestock-camels, cattle, and sheep-there is no limit to the great benefits that Allah has placed in them for humanity. They represent the greatest animal wealth on the face of the earth. For this reason, Allah has blessed His servants with them, as He says: “***And have they not seen that We created for them from what Our hands have made livestock, and they are their owners? And We have subdued them for them, so some of them they ride, and some of them they eat.***”⁽²⁾ After bestowing this blessing, Allah commanded gratitude for it, and among the expressions of gratitude is to pay its Zakâh.
- Indeed, the bounty of wealth is one of the greatest purposes of Zakâh. Allah says: “***And the grazing livestock He has created for you; in them is warmth and [numerous] benefits, and from them you eat. And for you in them is [the enjoyment of] beauty when you bring them in [for the evening] and when you send them out [to pasture]. And they carry your loads to a land you could not have reached except with difficulty to yourselves. Indeed, your Lord is Kind and Merciful.***”⁽³⁾ The livestock mentioned in the verse refers to “camels, cattle, and sheep.”⁽⁴⁾ The benefits that people derive from them are numerous, including “riding, carrying loads, milk, and meat, as stated by Mujâhid. The benefit of eating is mentioned separately because it is the primary benefit.”⁽⁵⁾

Since these animals have immense benefits and the need for them is great, Allah has made obligatory a specific charity to be taken from the wealthy owners and returned to the deprived poor, ensuring that their owners do not monopolize the benefits and that those in need are not deprived. Rather, the benefits of what Allah has embedded within them should be shared by all people.

Among Allah’s wisdom is that Zakâh is not imposed on all livestock, but specifically on the highest types, which are camels and cattle. Abû ‘Ubayd quoted from some scholars: “Zakâh is obligatory from the wealthy upon the poor

(1) Mafatih Al-Ghayb (16/79).

(2) Verses 71-73 from Surah Yaseen.

(3) Verses 5-7 from Surah Al-Nahl.

(4) Tafsir Al-Qurtubi (10/68).

(5) Same reference (10/70).

in things they cannot live without-after Allah-so they can live alongside them; such as camels, cattle, and sheep, which the Messenger of Allah, peace be upon him, specifically mentioned with charity out of all types of livestock, including horses, mules, and donkeys. Allah, the Exalted, made the milk and meat of those animals a means of livelihood for people, but not for these [horses, mules, and donkeys]. Therefore, charity was made obligatory on the former but not the latter.”⁽¹⁾

Ibn Qudâmah, while stating that the conditions for Zakâh on livestock include that it must be from grazing livestock (i.e., camels, cattle, and sheep) because these animals excel in their growth, benefit, and reproduction. Therefore, they are deemed worthy of Zakâh, unlike other animals.⁽²⁾

Similarly, Imam al-Nawawî, says: “camels, cattle, and sheep provide numerous benefits, including reproduction and growth, and this why they are eligible for Zakâh.”⁽³⁾

Regarding crops and fruits, since Allah, the Sustainer, provides sustenance for all creation,⁽⁴⁾ these, too, deserve Zakâh as they are essential for ensuring food security for people, because it is the main sustenance for people, upon which they depend for their livelihood. Therefore, God Almighty has given special care to these provisions. He, the Exalted, said: ***‘The example of those who spend their wealth in the way of Allah is like a seed of grain that sprouts seven ears; in every ear is a hundred grains. And Allah multiplies [the reward] for whom He wills. And Allah is All-Encompassing and Knowing.’***⁽⁵⁾

Al-Qurtubî says: “This verse is evidence that agriculture is among the highest professions that people can engage in, and it is one of the main sources of income for workers. This is why God used it as an analogy in the verse: ‘The example of those who spend their wealth...’

Moreover, it is narrated in *Sahîh Muslim* from the Prophet, peace be upon him: ***‘No Muslim plants a tree or sows seeds, and then a bird, a person, or an animal eats from it, except that it is considered a charity.’***⁽⁶⁾⁽⁷⁾ This is due to the

(1) Al-Amwal by Abu Ubaid (p. 574)

(2) Al-Kafi fi Fiqh al-Imam Ahmad

(3) Al-Majmu’ Sharh al-Muhadhab (337/5)

(4) Al-Najm al-Wahaj fi Sharh al-Minhaj

(5) Verse (261) from Surah Al-Baqarah

(6) Narrated by Muslim (1552)

(7) Tafsir al-Qurtubi (305/3)

great need people have for agriculture in maintaining their livelihoods, and the immense benefits and significant advantages it provides.

Among the manifestations of people's concern for crops and fruits is that they have cultivated the earth, made it submissive, and blessed it with sustenance, establishing means of livelihood from this type of honorable crops and fruits: ***"And We have certainly established you upon the earth and made for you therein ways of livelihood. Little are you grateful."***⁽¹⁾ After expressing gratitude, Allah admonished them for their lack of thankfulness for His creation and their contribution to the support of His religion, and for thanking Him for the blessing of wealth. One of the first manifestations of gratitude is to pay Zakâh from what has been produced, fulfilling some of His rights, and supporting the needy.

Therefore, our Lord says: ***"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 [Zakâh] on the day of its harvest. And be not excessive. Indeed, He does not like those who commit excess."***⁽²⁾ The meaning of word "due" here refers to the obligatory Zakâh, according to the most correct opinions of the interpreters.⁽³⁾

From this standpoint of importance, necessity, and benefit, the divine legislation of Zakâh on crops and fruits was established. The *Shari'ah* mandated Zakâh to meet the needs of the poor and needy, as they cannot do without it. It is a pillar of their sustenance, and the noble *Shari'ah* took into consideration its abundance; there is no piece of land that lacks some type of crops or fruits. By instituting Zakâh on these, the *Shari'ah* addressed the issue of food scarcity, which modern scholars attribute to the unequal distribution of food. Norman Borlaug stated: 'The world produces enough to feed its people well, but the problem lies in the equitable distribution of food production.'⁽⁴⁾ Thus, Zakâh equates to the equitable distribution of food production at every harvest, ensuring that no one is deprived of it and that each individual receives their share.

(1) Verse (10) from Surah Al-A'raf

(2) Verse (141) from Surah Al-An'am

(3) Mafatih al-Ghayb, Vol. 13, P. 164.

(4) Published research on the internet titled: "The Foundations of Food Security in the Quran and Sunnah," by researcher Ali Ahmed Al-Souri.

The wise *Shari'ah* did not mandate Zakâh on everything that comes from the earth;⁽¹⁾ rather, it was limited to the most honorable and superior crops that are beneficial; the purpose of Zakâh is to meet the needs of the poor, which can only be achieved through those crops that have a surplus beyond mere subsistence, as they serve as food, provisions, or reserves-details that are discussed among the scholars.⁽²⁾ The necessary sustenance is the essence of the crops, and Zakâh is applied to the most valuable types,⁽³⁾ as 'sustenance is suitable for those whose livelihood is based on preserving their bodies, which leads to the benefits of this world and the hereafter.'⁽⁴⁾ Moreover, 'securing sustenance is one of the necessities of life; hence, the legislator has made it a right for those in need, unlike what is considered luxury or indulgence.'⁽⁵⁾ Sustenance is defined as 'what sustains human life through food; it is said to be named as such due to its continual benefit in the stomach.'⁽⁶⁾

Objective Evidence:

- 1- Allah the Almighty says: "***And those who hoard gold and silver and spend it not in the way of Allah - give them tidings of a painful punishment.***"⁽⁷⁾

Evidential aspect: The *Shari'ah* has made Zakâh obligatory on currencies and prohibited hoarding them due to the intense need of people for it. It serves as a means to fulfill their needs and necessities, and it has countless benefits. Additionally, hoarding it leads to negative consequences on the interests of the Muslims.

- 2- Allah the Almighty says: "***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 [Zakâh] on the***

(1) This is the view of the majority of scholars, except for Abu Hanifa.

(2) *Bidayat al-Mujtahid wa Nihayat al-Muqtasid*, vol. 2, p. 14.

(3) *Bahr al-Madhhab*, vol. 3, p. 116. Ibn Al-Mulaqqin states: "It is specific to sustenance because it is the highest of plants." (*Ijaalat al-Muhtaj*, vol. 1, p. 477).

(4) *Al-Dhakhirah*, vol. 3, p. 73.

(5) Refer to the previous references and see: *Sharh al-Muqaddimah al-Hadramiyyah*, p. 491.

(6) *Al-Najm al-Wahaj fi Sharh al-Minhaj*, vol. 3, p. 165; and see: *Al-Mughni al-Muhtaj ila Ma'rifat Ma'ani Al-Fadh al-Minhaj*, vol. 2, p. 81.

(7) verse 34 of Surah At-Tawbah.

day of its harvest. And be not excessive. Indeed, He does not like those who commit excess."⁽¹⁾ The intended meaning of "due" here refers to the obligatory Zakâh, according to the most authoritative interpretations of the commentators.⁽²⁾

Evidential aspect: Allah has specified what is extracted from the earth, as He says: "**Eat of [each of] its fruit.**" Based on this, Zakâh is obligatory on everything that comes out of the earth and is consumable, which is the opinion of Abû Hanîfa. However, the majority of scholars have limited this to certain categories, such as staple foods that are stored according to the Mâlikî and Shâfi'î Schools of thought. This is because Allah specifically mentioned what is to be harvested, stating: "**and give its due [Zakâh] on the day of its harvest.**" What is harvested is primarily that which is staple food, as it is the kind of produce that benefits people and is necessary for their sustenance.

Ibn al-'Arabî states: "Allah has bestowed a favor upon His creation by bringing forth crops from the earth. He then commanded them to eat from what He has provided for them and to give its due right when they have gathered it with their own hands and taken it to their homes. Just as He created these blessings, He has made it obligatory to give a portion of them. Mâlik stated, 'The word "due" here refers to Zakâh,' and he is correct; anyone who says otherwise has erred.

This obligation should be understood in its general sense unless there is evidence that specifies an exception. Those who interpret it broadly and exclude items like firewood, reeds, and grass cannot claim that this is an exception; for He said, '**Eat of [each of] its fruit when it yields and give its due [Zakâh] on the day of its harvest.**' It is indeed obligatory to give the due right from what is consumable. Hammâd pointed to this, and those who agree with him base their view on the principle that Zakâh is obligatory on all produce that can be stored. He further emphasized the importance of the harvest day, indicating the necessity for sustenance.⁽³⁾

3- The Prophet, peace be upon him, said: '*There is no Zakâh due on a Muslim for his servant or horse.*'⁽⁴⁾ He also stated: '*I have exempted you*

(1) Verse 141 of Surah Al-An'am.

(2) Mafatih al-Ghayb, Volume 16, Page 164.

(3) Ardhat al-Ahwathi, Volume 3, Page 110.

(4) Previously cited.

from the Zakâh on horses and slaves; rather, give Zakâh on wealth: from every forty dirhams, one dirham is due.”⁽¹⁾

Evidential aspect: The majority of scholars argue based on these hadiths and similar ones that there is no Zakâh on horses, because the benefits derived from them are not significant for the poor and needy. They are not typically used for food, milk, breeding, or carrying goods; rather, they are akin to weapons and instruments of war. Furthermore, people’s need for them is not comparable to their need for camels, cattle, and sheep, which are considered necessities. Ibn Raslân states: “The hadith serves as evidence for the non-obligation of Zakâh on horses and slaves because they are generally owned for decoration and use rather than for breeding. Hence, Zakâh does not apply to them as it does to livestock, which is acquired for milk and breeding, allowing for charitable distribution. This applies whether the horses are male or female.”⁽²⁾

4- The Prophet, peace be upon him, said: “*There is no Zakâh on vegetables.*”⁽³⁾

Evidential aspect: This hadith indicates that there is no Zakâh on vegetables, “as they are not staple foods. Zakâh is specific to provisions, as previously mentioned. The rationale is that provisions are what sustain the human body; they are necessities without which one cannot survive. Therefore, a right is due on essentials.”⁽⁴⁾ Furthermore, necessities pertain to staple foods, focusing on the highest categories of provisions, excluding legumes and vegetables.⁽⁵⁾

The effect of considering this objective in the Fiqh-based branches:

1- The obligation of Zakâh is on the actual wealth, according to the majority, in order to achieve diversity in the offerings, thus meeting the needs from every type of wealth, and not just limited to gold and silver.⁽⁶⁾

(1) Previously cited.

(2) Sharh Sunan Abu Dawood by Ibn Raslan (p. 498, vol. 7)

(3) Narrated by Al-Daraqutni (no. 1907), and authenticated by Al-Albani in *Irwa al-Ghalil* (p. 291, vol. 3). Al-Athram reported in his *Sunan* from Ata’ ibn Al-Sa’ib, who said: Abdullah ibn Al-Mughira wanted to take a portion of the vegetables from the land of Musa ibn Talha as charity. Musa ibn Talha said to him: “You do not have that right, for the Messenger of Allah (peace be upon him) used to say: ‘There is no charity on that.’” This is a strong *mursal* (unattributed) narration. (*Nail al-Awtar*, p. 469, vol. 4).

(4) *Mirqat al-Mafatih*, Sharh Mishkat al-Masabih (p. 1296, vol. 4).

(5) *Al-Hawi al-Kabir* (p. 239, vol. 3), *Takhreej al-Furu’ ala al-Usul* by Al-Zanjani (p. 116).

(6) *Al-Mughni* (p. 40, vol. 3).

Allowing Zakâh to be calculated based on value would lead to its restriction to gold and silver only, depriving the poor of other Zakâhable assets, such as livestock, crops, and fruits. It is clear that sharing the actual assets maximizes benefits and fulfills specific needs. Ibn Qudâmah states: "Zakâh is obligatory to meet the needs of the poor... and since needs are diverse, the obligation should also be diverse so that the poor receive assistance from all types of wealth to alleviate their needs, and thus gratitude of the blessings through giving from the same blessing that Allah blessed the person with."⁽¹⁾

- 2- No obligation for Zakâh on jewelry according to the majority of scholars,⁽²⁾ because it is used for adornment and beautification, not as currency that the poor can benefit from and need. Rather, it falls under luxuries, and Zakâh is only obligatory on currency, as it is among the necessities.
- 3- No obligation for Zakâh on horses according to the majority of scholars.⁽³⁾ Ibn al-Qayyim says: "Because horses are not intended for the same purposes as camels. Camels are for milk, offspring, food, carrying heavy loads, trade, and traveling from one place to another, while horses are created for combat, pursuit, fleeing, and establishing the religion, as well as for waging fighting against the enemies of Allah. The Legislator emphasized acquiring and preserving horses for these purposes. For this reason, Zakâh was exempted from them, to make people more eager to acquire them for the sake of what Allah and His Messenger love.

Allah the Almighty said: "***Prepare against them whatever forces you can, including tethered horses.***"⁽⁴⁾ The tethering of horses is like preparing weapons for battle. Therefore, if a man possesses many horses but they are not for trade, there is no Zakâh on them, unlike animals kept for food. If a person owns the *Nisâb* of such animals, then Zakâh is obligatory. The Prophet, peace be upon him, pointed this out when he said: "*I have exempted you from paying Zakâh on horses and slaves, so give Zakâh on silver.*"⁽⁵⁾ Do you not see how the

(1) Al-Mughni (3/88), and see Al-Mubdi' fi Sharh Al-Muqni' (2/323).

(2) Al-Dhakheerah (3/48), Al-Hawi al-Kabir (3/271), and Al-Iqna' (1/273)

(3) Al-Dhakhira (3/94), Al-Hawi Al-Kabir (3/191), and Al-Kafi fi Fiqh Al-Imam Ahmad (1/383).

(4) Surat Al-Anfal (60)

(5) It was previously cited,

Prophet distinguished between what is used for spending and what is for the elevation of Allah's word, supporting His religion, and waging jihad against His enemies? Horses are like swords, spears, and arrows. Exempting Zakâh on this type of wealth is one of the beauties of the *Shari'ah* and a sign of its perfection."⁽¹⁾

- 4- Zakâh on crops and fruits is not limited to the four categories (wheat, barley, raisins, and dates) as held by some scholars.⁽²⁾ Rather, Zakâh is obligatory on them and on similar items that meet the criteria of being storable and consumable, fulfilling the wisdom of the legislation.⁽³⁾

Al-Mâwardî states: "Zakâh is specifically on basic foodstuffs because it is a form of mutual support (*mûwâsâh*), and it is specified for what benefit is widespread and is needed."⁽⁴⁾ Al-Rafi'i says: "The reason for the obligation of Zakâh on these types is that the Prophet, peace be upon him, took Zakâh from many of them and included the rest, as they all share the meaning of being staple foods, suitable for storage, and of great benefit."⁽⁵⁾

- 5- No obligation of Zakâh on vegetables: "Because vegetables and herbs are usually of little significance,"⁽⁶⁾ and "vegetables are not generally staple foods. If Zakâh is due on a category, it pertains to the highest forms of that category and not the lower forms. Therefore, Zakâh on crops pertains to the highest forms without the lower forms. In terms of analogy, this can be explained as: it is a category of wealth in which Zakâh is obligatory, so Zakâh is limited to its highest types, as with animals."⁽⁷⁾
- 6- No Zakâh obligation on nonedible-livestock animals like donkeys and mules⁽⁸⁾ due to livestock having unique characteristics not found in other animals, such as universal benefit and significant human need.
- 7- Zakâh on minerals is only obligatory on gold and silver according to the Shâfi'i and Mâlikî Schools,⁽⁹⁾ as Zakâh applies to the best types of

(1) *Īlam al-Muwaqqi'in* (2/68)

(2) *Bidayat al-Mujtahid wa Nihayat al-Muqtasid* (Vol. 2, p. 14)

(3) *Badr al-Tamam Sharh Bulugh al-Maram* by Al-Maghribi (Vol. 4, p. 330)

(4) *Al-Hawi al-Kabir* (3/243).

(5) *Al-Aziz Sharh al-Wajiz* (3/51).

(6) *Al-Mabsut* (3/3).

(7) *Al-Hawi al-Kabir* (3/239) and see *Bahr al-Madhab* (3/116).

(8) *Al-Mughni* (2/463).

(9) *Al-Sharh al-Kabir* by Al-Dardir (1/486) and *Al-Majmu' Sharh al-Muhadhdhab* (6/77).

wealth within a category, and gold and silver are the best and most beneficial types within the category of minerals.

- 8- No Zakâh on honey according to Mâlikî and Shâfi`î scholars:⁽¹⁾ They argue that honey does not rank as a necessity or a primary good but rather as a complementary item, and Zakâh obligations focus on essential items.
- 9- Zakâh on henna according to Abû Yûsuf: "Henna provides general benefit,"⁽²⁾ while Muḥammad Ibn al-Ḥasan argues it is an herb and lacks such general benefit.⁽³⁾
- 10- Zakâh on pearls according to Abû Yûsuf: Abû Yûsuf holds that Zakâh is required on pearls because they are the most precious items found in the sea, so it is considered comparing to the most valuable of what is found on land, which are gold and silver.⁽⁴⁾
- 11- There is no Zakâh on myrtle, roses, or indigo, according to Muḥammad Ibn al-Ḥasan, because they are aromatic plants and are not generally utilized for widespread benefit.⁽⁵⁾



(1) *Al-Dhakhirah* (3/75) and *Al-Hawi al-Kabir* (3/236).

(2) *Al-Mabsut* (3/3).

(3) *Bada'i' al-Sana'i'* (2/60).

(4) *Al-Ikhtiyar li-Ta'lil al-Mukhtar* (1/115).

(5) *Bada'i' al-Sana'i'* (2/60).

Fourteenth Treatise

Justice⁽¹⁾

Objective Exolanation:

Justice in language: The word *justice* in Arabic originates from the root “عَدَلَ” (‘*adala*), which means to act justly.⁽²⁾ Ibn Manzûr defines it as “what is perceived in the soul as upright, and it is the opposite of oppression. Among Allah’s names is “*Al- ‘Adl*, The Just,” which refers to one who does not deviate toward bias or partiality in judgment.”⁽³⁾ Justice is also defined as “a balance between excess and deficiency,”⁽⁴⁾ according to Ibn al-A`râbî, who describes it as *uprightness*.⁽⁵⁾

The legal definition: In its technical usage, ‘*Adl* (justice) does not diverge from its linguistic meaning. Al-Râghib says, “Justice and equality imply balance, suggesting that justice is the concept of fair distribution.”⁽⁶⁾ Similarly, Al-Mâwardî states that “justice is derived from moderation, and anything beyond moderation is a departure from justice.”⁽⁷⁾ Al-Jurjânî also defines it as “the state of balance between the extremes of excess and deficiency.”⁽⁸⁾

Justice is a strong, essential foundation upon which the blessed *Sharî‘ah* is built. Allah, the Almighty, is Just, exercising absolute fairness among His ser-

(1) *Sharh al-Risala* (6/2), *Al-Ma’una ‘ala Madhhab ‘Alim al-Madina* (p. 397), *Al-Hawi al-Kabir* (97/3), *Al-Istidhkar* (200/3), *Al-Muntaka Sharh al-Muwatta* (125/2), *Al-Mabsut* (173/2), *Sharh Sahih al-Bukhari* by Ibn Battal (475/3), *Al-Maqsad al-Usna* (p. 98), *Badai’ al-Sanayi’* (33/2), *Al-Dhakira* (20/3), *Majmu’ Fatawa* by Ibn Taymiyya (70/15), *Al-Muwafaqat* (163/2), *Madarij al-Salikin* between the Stations of “You Alone We Worship and You Alone We Ask for Help” (245/1), *A’lam al-Muwaqqi’in* (335/3), *Tafsir Ibn Kathir* (322/3), *Hujjat Allah al-Baligha* (61/2), *Al-Tahrir wa al-Tanwir* (44/3).

(2) the entry for ‘*Adl* in *Al-Qamus al-Muhit* (p. 1030).

(3) *Lisan al-Arab* (430/11).

(4) *Taj al-‘Arous* (443/29).

(5) *Lisan al-Arab* (434/11).

(6) *Al-Mufradat fi Gharib al-Quran* (p. 511).

(7) *Adab al-Dunya wa al-Din* (p. 141).

(8) *Al-Ta’arifaat* (p. 147).

vants. Al-Ghazâlî explains in describing the attribute of *al- 'Adl* (the Just) that Allah is the one whose actions embody justice in opposition to oppression and injustice. Al-Ghazali, in his explanation of Allah's attribute *al- 'Adl* (the Just), states: "He is the One from whom the act of justice, which is the opposite of oppression and injustice, originates. One cannot recognize the just without understanding their justice, nor can one comprehend their justice without understanding their actions. Therefore, whoever desires to understand this attribute should have full awareness of Allah's actions."⁽¹⁾

And the justice of Allah, the Exalted, in His laws and rulings is part of His general justice in all that He does. This is indicated by His saying: **"*And the word of your Lord has been fulfilled in truth and in justice.*"**⁽²⁾, meaning that "Allah is truthful and wise; He does not inform except with truth, nor does He command except with justice."⁽³⁾ Ibn Kathîr states, "Qatâdah said: Justice in what He has judged and justice in what He has commanded. Everything He commands is the justice that there is no justice beyond it."⁽⁴⁾ Thus, all of Allah's laws are inclusive of justice, and they come in consideration of the condition of humans, their weaknesses, and all their circumstances.

Among the effects of Allah's justice is that He has created people with an inclination towards justice and a desire for it, alongside all other noble values and high morals. Ibn al-Qayyim says, "Indeed, Allah has created His servants with a natural inclination to appreciate truthfulness, justice, chastity, and benevolence, and to respond to blessings with gratitude, and He has created them to find their opposites repulsive."⁽⁵⁾

Explaining the relationship between this objective and the obligation of Zakâh:

The obligation of Zakâh, along with its rulings, is based on the foundation of justice and built upon it. The justice of Allah is manifested in the obligation of this great act of worship, establishing it as a pillar of Islam. The legislation of Zakâh fundamentally aims at achieving justice between the owners of wealth and those in need by distributing the provisions that Allah has ordained, ensur-

(1) Al-Maqṣad Al-Asna, P. 98.

(2) Verse 115 of Surah Al-An'ām (The Cattle).

(3) Majmu' Al-Fatawa by Ibn Taymiyyah, 70/15.

(4) Tafsir Ibn Kathir, 322/3.

(5) Madarij Al-Salikin Bayna Manazil Iyyaka Na'budu wa Iyyaka Nasta'een, 245/1.

ing that wealth does not concentrate in the hands of a minority while neglecting the rest of the people. If this occurs, it would lead to catastrophic consequences for the Ummah and the world at large.

In this context, Al-Mâturidî states, “They were commanded to give for the sake of Allah, as this earth-along with its resources-is made available for all of humanity. It is obligatory for those who possess wealth to share in the enjoyment of what has been granted to them, as that leads to the prosperity of both worlds, and there is no power except through Allah.”⁽¹⁾

From another perspective, we find justice present in every ruling concerning Zakâh. Its legislation aligns with the general principle of Allah’s saying: **“And the word of your Lord has been fulfilled in truth and in justice.”**⁽²⁾ One of the meanings of justice in this verse is that Allah “commands only with justice.”⁽³⁾ Thus, its rulings are committed to moderation; there is neither excess nor deficiency in them, and they consider equality between the rich and the poor, without favoring one group at the expense of another.

Scholarly texts have abundantly reiterated this objective using various expressions.

Al-Qâdhî ‘Abdul Wahhâb states: “Zakâh is established on the principle of justice between the poor and the owners of wealth”⁽⁴⁾. He also states in another context: “Zakâh is established with consideration for the owners of wealth and the poor.”⁽⁵⁾ Al-Mâwardî mentions: “The matter of Zakâh is based on balancing between the needy and the owners of wealth, and being kind to both.”⁽⁶⁾ Ibn Abdul Barr asserts: “Zakâh is not established except for the benefit of the needy, ensuring that the owners of wealth are not burdened.”⁽⁷⁾ Al-Bâjî notes: “Zakâh is based on moderation in wealth.”⁽⁸⁾ He adds in another place: “Zakâh is founded on a balance between the owners of wealth and the needy.”⁽⁹⁾ Furthermore, he states: “Zakâh is based on equality between the owners of wealth and the recipients of Zakâh.”⁽¹⁰⁾

(1) Tafsir Al-Maturidi, 538/1.

(2) Verse 115 of Surah Al-An‘am (The Cattle).

(3) Majmu‘ Al-Fatawa by Ibn Taymiyyah, 70/15.

(4) *Sharh al-Risala* 2/6.

(5) *Al-Ma‘una ‘ala Madhhab ‘Alim al-Madina* p. 397.

(6) *Al-Hawi al-Kabir* 3/97.

(7) *Al-Istidhkar* 3/200.

(8) *Al-Muntaqa Sharh al-Muwatta’* 2/125.

(9) *Ibid.* 2/146.

(10) *Ibid.* 2/142.

Al-Sarakhsî explains the wisdom behind not taking from the best of wealth: "To ensure balance from both sides."⁽¹⁾ He states: "Consideration is given to the owner of wealth and the poor"⁽²⁾, echoing similar sentiments from Al-Kâsanî.⁽³⁾

They express this objective as "the common interest,"⁽⁴⁾ as noted by Al-Qarâfî. Ibn `Ashûr explains this objective: "The stability of a nation depends on the circulation of its wealth among its members. One of the primary objectives of the Sharî'ah is the utilization of public wealth among individuals in a way that serves both public benefit and individual well-being. This involves balancing justice for those who exert effort to accumulate wealth and kindness towards those who have struggled to obtain it. This goal is one of the most noble legislative aims. The measure of success or failure in this regard serves as a benchmark for the advancement or decline of nations. No legislation that has emerged in the name of good ever failed to establish a system for distributing wealth among the individuals of society... However, these efforts vary between those who strive for moderation and those who fall short. Yet, you will find no law that has addressed this goal as effectively as this blessed legislation. It has organized the distribution of public wealth based on principles that ensure the sufficiency of the needy without depriving the wealth-earning individual of the benefits of their earnings before anyone else."⁽⁵⁾

The consideration of the ability to contribute in the legislation of Zakâh is the clearest evidence of the emphasis on justice in its rulings; for its performance is more challenging for the soul than physical acts of worship. Wealth is dearly cherished, and to willingly part from something cherished is challenging; thus, the Lawgiver mandated Zakâh in a way that is built on ease and simplicity."⁽⁶⁾

In achieving justice in the legislation of Zakâh, we find that the types of Zakâhable assets have been established with the aim of justice in defining their nature, such that there is neither injustice nor hardship upon the owner, nor any neglect of the rights of those in need. Consideration has been given to the benefit of the needy and their essential needs for these assets, as previously mentioned.

(1) *Al-Mabsut* 2/173, 2/183

(2) *Ibid.* 3/21.

(3) *Bada'i' al-Sana'i'* 2/31, 2/33.

(4) *Al-Dhakira* 3/20.

(5) *Al-Tahrir wal-Tanwir* 3/44

(6) *Kashf al-Asrar Sharh Usul al-Bazdawi*, vol. 1, pp. 201-210.

Conversely, the abundance of these assets was also taken into account, so they are not rare items that would make it difficult for the owner to provide.

Ibn al-Qayyim says, "If a thoughtful person considers the amount ordained by the lawgiver in Zakâh, they will find it is neither harmful to the giver nor detrimental to the poor who receive it; rather, it carefully considers the status of the wealth owner and benefits its recipients."⁽¹⁾

Furthermore, when contemplating the prescribed Zakâh threshold for obligatory wealth, we find it aligns with fairness and an exact balance. Ibn al-Qayyim notes, "Given that not all wealth can bear charitable giving, a threshold was set for wealth that could reasonably support such giving, without harming property owners while benefiting the poor."⁽²⁾ Likewise, the requirement for growth in Zakâhable wealth exemplifies the justice of the Shari'ah, as Zakâh is not obligated on all wealth but only on that which grows and is not diminished by paying Zakâh from it. This wealth thus increases and is blessed, encouraging the owner to continually invest more in its growth.

The condition of a full year passing on the wealth, as a measure of fairness for the owner, aligns with this principle. Since it would be difficult for the owner to accurately assess the growth of the wealth constantly, the Sharī'ah has linked Zakâh to its apparent growth over a one-year period. Thus, Zakâh is only due once the owner has had ample opportunity to grow the wealth, extracting a minimal portion from its increase—a standard that embodies the essence of justice.

Ibn al-Qayyim adds, "It was thus ordained to be due annually, and for crops and fruits upon reaching maturity, which is the most equitable approach; requiring it monthly or weekly would harm property owners, while requiring it once per lifetime would harm the poor. Therefore, requiring it annually is the most just balance."⁽³⁾

Finally, Al-Dahlawī emphasizes, "It was necessary to set a reasonable period to collect Zakâh; it should not be too short, making its fulfillment challenging, nor too long, which would leave the poor waiting too long and reduce the relief for those in need."⁽⁴⁾

(1) *I'lam al-Muwaqqi'in*, vol. 3, p. 335.

(2) *Zad al-Ma'ad fi Hadi Khayr al-'Ibad*, vol. 2, p. 7.

(3) *Ibid.*, vol. 2, p. 5.

(4) *Hujjat Allah al-Baligha*, vol. 2, p. 61.

In this way, we also find that the meaning of “justice” is considered in the selection of what is given for Zakâh. This is seen, for example, in the Prophet’s saying: “*Beware of taking the best of their wealth*,”⁽¹⁾ while also forbidding the extraction of low-quality goods, thus establishing a fair and balanced approach that takes into account the interests of both the wealthy and the welfare of the poor and needy.

Among the *Shari`ah*’s considerations of justice in Zakâh is the prohibition of double taxation on the same asset, which means taking Zakâh twice on the same item.<sup>(2)</sup> The *Shari`ah* seeks to prevent Zakâh from being taken repeatedly on the same Zakâh-eligible wealth; thus, no single asset should bear two obligations to God in one year, and charity should not be collected twice in one year nor doubled on people.⁽³⁾

Al-Subkî and Al-Suyûtî counted the prohibition of double taxation as one of the jurisprudential principles in the matter of Zakâh. Al-Subkî states, “A principle: no two Zakâhs are due on the same asset”⁽⁴⁾, while Al-Suyûtî states, “Two Zakâhs cannot be combined on the same wealth.”⁽⁵⁾ They made exceptions to this principle in three cases: the convergence of Zakâh al-fitr and trade Zakâh on a slave of trade, a person with *Nisâb* who has a debt equal to it according to the view that Zakâh is still obligatory, and someone who claims lost property and owns it after it has been declared found, in which case its Zakâh is due upon the owner.⁽⁶⁾

In modern tax and finance studies, the prohibition of double taxation is known as “the prevention of tax duplication.”

As for the collection aspect, justice serves as one of its foundational principles and must be maintained in the collection and distribution of Zakâh.⁽⁷⁾ Sheikh Al-Islam Ibn Taymiyyah said, “Allah commands justice and kindness, and justice is obligatory upon everyone in all matters. Just as considering the

(1) Previously cited.

(2) Al-Nihayah fi Gharib Al-Hadith wa Al-Athar (224/1).

(3) Al-Mabsut (207/2).

(4) Al-Ashbah wa Al-Nazair by Al-Sabki (225/1).

(5) Al-Ashbah wa Al-Nazair by Al-Suyuti, p. 444.

(6) Al-Ashbah wa Al-Nazair by Al-Subki, p. 225, and Al-Ashbah wa Al-Nazair by Al-Suyuti, p. 444.

(7) Its explanation will come in the sixth treatise of the second chapter.

needs and fair distribution among military forces is one of the most commendable and required actions of leaders, so is considering the condition of those receiving funds from charity and distributing it justly among them.”⁽¹⁾

Objective Evidence:

- 1- Allah the Almighty says: ***“Indeed, Allah orders justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded.”***⁽²⁾, and He says: ***“Say, [O Muhammad], “My Lord has ordered justice.”***⁽³⁾

Evidential aspect: Allah, exalted be He, commanded justice, and the justice He commanded includes justice in His rights and in the rights of His servants. Justice here entails fulfilling all due rights completely, which means that a servant fulfills what Allah has obligated in terms of financial, physical, and combined rights towards both Him and His servants.⁽⁴⁾ The foremost of these rights is Zakâh; by paying it, the objective of justice that Allah, exalted be He, has commanded is realized. Ibn ‘Ashûr says, “Justice is to give each rightful owner their due. It is the foundational principle that encompasses essential and necessary rights, whether related to the self or to transactions. The Muslim is commanded to act justly in self-conduct and in dealings-whether in relation to their Creator or to others-in family relations, social interactions, words, and deeds. Thus, ‘justice’ is a comprehensive and unifying term.”⁽⁵⁾

- 2- Allah, exalted be He, said, ***“so that it will not circulate solely among the wealthy among you.”***⁽⁶⁾

Evidential aspect: Restricting wealth to circulate only among the rich constitutes an act of injustice and transgression, as it denies the poor and needy their rightful share. Therefore, Islamic law countered this injustice by obligating Zakâh on the wealth of the rich, fulfilling the aim of justice.⁽⁷⁾

(1) Majmû‘ al-Fatâwâ, (573/28) with modifications.

(2) Verse 90 from Surah An-Nahl.

(3) Verse 29 from Surah Al-A‘raf.

(4) *Tafsir al-Sa‘di*, p. 447.

(5) *Al-Tahrir wa al-Tanwir*, vol. 14, pp. 254–255 (with slight modification).

(6) Verse 7 of Surah Al-Hashr.

(7) *Al-Tahrir wa al-Tanwir*, vol. 3, p. 44.

- 3- The Prophet, peace be upon him, said to Mu`âdh, may Allah be pleased with him, when he sent him to Yemen, “*Inform them that Allah has made obligatory upon them charity (Zakâh) to be taken from their wealthy and given to their poor.*”⁽¹⁾

Evidential aspect: The Prophet, peace be upon him, instructed Mu`âdh to collect Zakâh from the wealthy to redistribute it to the needy and poor, achieving social justice through the institution of Zakâh.

- 4- Allah, exalted be He, said, “*and give its due on the day of its harvest*”⁽²⁾, and the Prophet, peace be upon him, said, “*There is no Zakâh on wealth until the hawl passes.*”⁽³⁾

Evidential aspect: Allah, exalted be He, obligated Zakâh once every year, and stipulated that it becomes due on crops and fruits when they are fully grown and ripe. This is the fairest approach, as imposing it monthly or weekly would harm the wealthy, while mandating it only once in a lifetime would harm the poor. Therefore, requiring it annually is the most balanced approach.⁽⁴⁾

Al-Qâdhî `Iyâdh said, “al- Imâm stated: Just as the principle of specifying the *Nisâb* for Zakâh was understood from *Shari`ah*, it is also understood that the requirement of a year’s time for Zakâh on gold, silver, and livestock represents a balance between the owners of wealth and the poor, as this period typically allows for growth without causing hardship to the poor who must wait for it. This is why no yearly waiting period is required for dates and grains, as the intended purpose of growth is achieved upon harvest. For these understood reasons, scholars have reached a consensus that Zakâh is not universally obligatory but is contingent upon specific conditions related to the state of the owner, the owned, and the property itself.”⁽⁵⁾

- 5- The statement of Mu`âdh Ibn Jabal (may Allah be pleased with him) to the people of Yemen: “Bring me garments made of ‘*khamîs*’ or ‘*labîs*’ in place of barley and corn for the charity; it will be easier for you and better for the companions of the Prophet, peace be upon him, in Madinah”⁽⁶⁾

(1) Previously cited, p. 67+.

(2) Verse 141 of Surah Al-An`am.

(3) Previously cited.

(4) *Zad al-Ma`ad fi Hady Khayr al-`Ibad*, vol. 2, p. 5.

(5) *Ikmal al-Mu`lim bi Fawa'id Muslim* (3/466).

(6) Narrated by al-Bukhari in *Kitab al-Zakâh*, Chapter on the Presentation in Zakâh (2/116), =

Evidential aspect: Mu`âdh Ibn Jabal (may Allah be pleased with him) accepted the value in Zakâh not only to benefit the property owners but also to consider the needs of the recipients. This approach represents justice by equally considering the interests of both sides .

- 6- The Prophet, peace be upon him, said: *"Do not gather what is separated, nor separate what is gathered, fearing charity."*⁽¹⁾

Evidential aspect: The Prophet, peace be upon him, prohibited gathering or separating property to avoid paying Zakâh. Whether addressing the owner or the Zakâh collector, this guideline seeks to prevent unjust practices that could harm the rightful Zakâh beneficiaries. Ibn Qudâmah explained: "This apprehension has two aspects: the property owner's fear of increased Zakâh and the collector's fear of reduced Zakâh. Therefore, owners are not permitted to consolidate or disperse their property to reduce Zakâh, nor is the collector allowed to manipulate property for increased Zakâh."⁽²⁾

- 7- Allah the Almighty says: *"And do not aim toward the defective therefrom, spending [from that]"*⁽³⁾, and the Prophet's advice to Mu`âdh Ibn Jabal when he sent him to Yemen: *"Be wary of taking people's prime wealth."*⁽⁴⁾ Likewise, Umar's I advice to the caliph after him was, *"Take from the edges of their wealth, and return it to their poor."*⁽⁵⁾

Evidential aspect: In the verse and the hadîth, there is evidence that Zakâh is to be taken from the middle of the wealth; for his saying, "the edges of their wealth" means: the middle. Taking the good is harmful to the owner of the wealth, and taking the bad is harmful to the poor, so we speak of the middle as a means of balancing between them.⁽⁶⁾

- 8- His saying: "For five camels, a sheep."⁽⁷⁾

Evidential aspect: The legislator made it obligatory to give one sheep for

= and by al-Daraqutni in his *Sunan* (1930). Al-Hafiz Ibn Hajar states in *Fath al-Bari* (3/312): "This suspended narration is authentic in its chain to Tawus, but Tawus did not hear from Mu'adh, so it is disconnected."

(1) Previously cited.

(2) *Al-Mughni* (2/460).

(3) Verse 267 of Surah Al-Baqarah.

(4) Previously cited.

(5) Narrated by al-Bukhari (3700).

(6) *Al-Ikhtiyar li-Ta'leel al-Mukhtar* (1/103) with slight modification.

(7) Previously cited.

five camels. "The meaning of this is that what is obligatory in every wealth of its kind is a part of the wealth, except that the law, in the case of a few camels, required something of a different kind, considering both sides. For five camels is considerable wealth, and neglecting the obligation is harmful to the poor, and making the obligation a single one is harmful to the owners of wealth. Likewise, in making the obligation for the small number."⁽¹⁾ The law considers both sides and balances between the owners of wealth and the entitled.

- 9- From `Abdullah Ibn Sufyân al-Thaqafî, from his grandfather Sufyân Ibn `Abdullah, that `Umar Ibn al-Khattâb (may Allah be pleased with him) sent him as a collector. He would count the people's little sheep (to be eligible for Zakâh), and they said: "How come that you count the little sheep but you do not accept to take any little ones?" When he came to `Umar Ibn al-Khattâb (may Allah be pleased with him), he mentioned that to him, and `Umar (may Allah be pleased with him) said: "Yes, we shall count the little sheep that the shepherd carries, and we will not take them. Also, we do not take the fat lambs, nor the huge ones, nor the pregnant ones, nor the breeding sheep. However, we will take the relatively small ones and the average ones"⁽²⁾ as that is fair between [the two sides]."⁽³⁾

Al-Bâjî says: "Zakâh is based on equality between the owners of wealth and the recipients of Zakâh. The *Nisâb* usually includes good, bad, and average (medium) quality. If the owner of livestock were required to give from the best of his animals, it would harm him. If the worst were taken, the recipients of Zakâh would not benefit from what is given to them. It is also not valid to take part of each sheep. Thus, there is fairness between the two parties by taking from the average quality of the livestock.

For this reason, `Umar (may Allah be pleased with him) clarified what was left for them from the good livestock, and he did not take from it, such as the suckling lambs, sickly ones, or the male sheep. He would take from the medium quality instead of the bad, which he would not take from the sickly or de-

(1) *Al-Mabsut* (2/152).

(2) Ghidha': plural of ghudhiy, meaning the small lamb. [*Al-Nihayah fi Gharib al-Hadith wa al-Athar* (3/348)].

(3) Narrated by Malik in *Al-Muwatta'* (2/372), no. (909). Al-Nawawi authenticated it in *Al-Majmu'* (5/427).

fective ones. Just as the good is counted but not taken, so too is the bad counted but not taken, and only the average is taken.”⁽¹⁾

10- Evidence indicating the prohibition of repeating Zakâh, as it is not just. Among them:

- Allah’s words: “*Take from their wealth a charity by which you purify them and cause them to grow.*”⁽²⁾

Evidential aspect: Imam Ash-Shâfi‘î said: “Allah has imposed upon those who possess wealth liable for Zakâh the obligation to give Zakâh to those it is due, and has imposed upon those in authority to ensure it reaches the ruler if it is not paid, and upon the ruler not to take it again if it has been paid; for Allah named it as one Zakâh, not two.”⁽³⁾

- The saying of the Prophet, peace be upon him: “There is no *thanî* (double) Zakâh on wealth.”⁽⁴⁾ Abû ‘Ubayd said: “In their language, ‘*thanî*’ originally means repeating or taking something again, placing it in the wrong place.”⁽⁵⁾ Thus, the Prophet, peace be upon him, prohibited the repetition of Zakâh, meaning that Zakâh should not be taken from the same wealth twice.
- On the authority of Ibn Abû Zibâb: ‘Umar (may Allah be pleased with him) delayed the Zakâh in the year of famine. He said: “When people recovered, he sent me, saying: ‘Take two shares from them; distribute one share among them and bring the other to me.’”⁽⁶⁾

Evidential aspect: ‘Umar took Zakâh for two years, aware that in such periods or even shorter, livestock could undergo increase or decrease. He did not require them to account for any losses, so if the Zakâh is delayed for a people for a year due to a calamity that destroys their wealth, the Zakâh of the past year is not taken in addition; rather, they are only liable for what remains with them at the time of the current collection.⁽⁷⁾

(1) *Al-Muntaqa Sharh al-Muwatta’* (2/142-143).

(2) Verse 103 from Surah At-Tawbah.

(3) Tafsir of Imam Al-Shafi‘i, (Vol. 2, p. 949).

(4) Reported by Abu Ubaid (p. 465) and Ibn Abi Shaybah, Hadith No. 10734, both from the narration of Fatimah.

(5) *Al-Amwal* by Abu Ubaid (p. 464).

(6) Reported by Abu Ubaid (p. 465).

(7) *Al-Amwal* by Abu Ubaid (pp. 464–465).

The effect of considering this objective in the Fiqh-based branches:

- 1- In Zakâh, the middle value of wealth is taken. "This is because Zakâh is based on considering both sides, which is achieved by taking the middle value. Taking the best would harm the owners of the wealth, while taking the worst would harm the poor. Therefore, consideration of both sides is achieved by taking the middle. The middle means something lower than the highest and higher than the lowest."⁽¹⁾
- 2- If one's camels are all healthy, no sick ones are taken; if all of them are sick, no healthy ones are taken, as doing so would harm both sides. Zakâh is based on fairness between the poor and the wealthy.⁽²⁾ Al-Mâwardî states: "Do not take the elderly or those with defects, because the matter of Zakâh is based on balancing between the poor and the wealthy and ensuring fairness for both. Therefore, when a defective animal was not taken in good condition, it was an act of kindness toward the property owner; similarly, when a sound animal was not taken from defective ones, it was an act of kindness toward the poor."⁽³⁾
- 3- "Zakâh is obligatory on assets that are capable of growth, including money, whether its owners invest it for growth or not, · It is permissible to use developmental wealth, such as cash, whether the owner uses it for growth or not. Zakâh is only obligatory once per year because this timeframe is stipulated by Islamic law to allow full growth. There may be some cases where it can grow within part of the year and others when it cannot, so the law provides this timeframe to ensure complete growth, creating a balance between those who trade and increase their wealth frequently and those who do not trade at all. Zakâh on livestock, for example, is once per year, even though some animals may produce offspring twice within a year while others may not at all. Thus, Zakâh is based on this kind of balance in wealth."⁽⁴⁾
- 4- It is impermissible to separate gathered assets or combine separated assets with the intent of increasing or decreasing Zakâh, either by the owner or the collector, because this would constitute injustice and oppression,

(1) *Bada'i' al-Sana'i'* (Vol. 2, p. 33).

(2) *Sharh al-Risalah* (Vol. 2, p. 6) and *Al-Istidhkar* (Vol. 3, p. 200).

(3) *Al-Hawi al-Kabir*, (3/97).

(4) *Al-Muntaqa Sharh al-Muwatta'* (2/125).

which contradicts fairness.⁽¹⁾

- 5- A person obliged to pay Zakâh may manage the wealth by selling or other actions, but Zakâh remains due. If the individual disposes of the wealth by selling, for example, they must cover the Zakâh from another source, and if they lack additional resources, they are required to find means to meet the obligation. If unable to do so, Zakâh remains as a debt on them, akin to any other debt. This rule fairly considers the right to manage one's property while protecting the rights of the poor and needy in receiving Zakâh.⁽²⁾
- 6- It is not permissible to delay Zakâh, as it is an immediate obligation, for delaying it would harm the poor and needy. However, if the individual anticipates harm in paying it right away, they may delay it,⁽³⁾ which is also fair.
- 7- If crops are at risk of drying due to drought or weakening in their growth, then harvesting them before full maturity is allowed, as the rights of the poor are meant to be fulfilled through compassion. It does not require that a person risk their wealth's foundation. This practice aligns with the fairness in Islamic law.⁽⁴⁾
- 8- The permissibility of giving one currency in exchange for another is acknowledged, as it balances the interests of both property owners and the poor. This is more convenient and beneficial for both parties and alleviates potential harm. However, it is not permissible to substitute in situations where it may harm the poor.⁽⁵⁾
- 9- It is permissible to give the value in Zakâh, but it must be done with consideration for fairness, ensuring it is more convenient for the giver and better for the receiver.⁽⁶⁾
- 10- The estimation of compensation for the value of Zakâh for camels is set at twenty dirhams, taking into account inflation and deflation; "If we were to fix the differences between years to a specific amount, it would lead to harming the poor or unfairness to property owners."⁽⁷⁾

(1) *Al-Mughni* (2/460).

(2) previous reference (2/506).

(3) previous reference (2/510).

(4) *Ibid*, (3/18).

(5) *Ibid*, (41/3).

(6) *Al-Amwal* by Abu Ubaid, P: 706.

(7) *Al-Mabsut*, 155/2).

- 11- The Zakâh should not be taken from small or weak animals; instead, the obligatory amount should be taken; "As we consider the property owners by refraining from taking the best, we also consider the poor by refraining from taking the small and weak while still counting them towards their obligations, to ensure balance from both sides."⁽¹⁾ This is the justice between them and the property owners, as stated by `Umar.⁽²⁾
- 12- The permissibility of *waqf* in the Zakâh of both currencies, according to Abû Hanîfa, is analogous to grazing animals, based on the rationale that Zakâh is obligatory on all in a way that benefits the poor and property owners.⁽³⁾
- 13- If someone has one hundred fifty dirhams and five dinars, with the value of the dinar being fifty dirhams, they should give a quarter of a tenth from each type. This is to ensure consideration for both the property owner and the poor.⁽⁴⁾
- 14- The permissibility of *khars* (estimation) in Zakâh is based on the equity between property owners and the poor, as the poor are partners with property owners in the yield. "If property owners were to be deprived of their rights and benefits until the yield reaches its peak dryness, it would harm them. However, if they were to freely utilize their share, it would diminish the rights of the poor. The *Shari`ah* has established this measure to allow property owners to benefit while safeguarding the rights of the poor."⁽⁵⁾
- 15- The evaluation of trade goods must be done after the passing of a full year; "Because they do not establish evaluation in two ways: either he is required to pay Zakâh on all that he possesses, in which case he would have paid Zakâh on his wealth multiple times in one year, or he does not pay Zakâh at all due to the lack of a full *Nisâb* at one time, and due to not knowing the conditions, which would lead to the omission of an obligation; thus, the evaluation is a means of justice between him and the poor."⁽⁶⁾

(1) The Previous Reference (p. 173/2).

(2) *Sharh Sahih Al-Bukhari* by Ibn Batal (p. 475/3).

(3) *Al-Mabsut* (P: 190/2).

(4) The Previous Reference (p. 21/3).

(5) *Mirqat Al-Mafatih Sharh Mishkat Al-Masabih* (P: 150/6), *Sharh Sahih Al-Bukhari* by Ibn Batal (p: 526/3).

(6) *At-Tabsirah* by Al-Khumi (895/2).

- 16- The evaluation of trade goods is to have the obligated individual set a month in which to evaluate the goods; "Because at that time he is in possession of two possibilities: either all the goods are subject to Zakâh, and then there is no Zakâh on the goods, or some of them are below the nisab; hence there would be no Zakâh on that part, so he is not required to evaluate at that time; because he is certain that Zakâh is not required on all of it, and it is permissible for him to delay the evaluation past the end of the year, because requiring him to evaluate at that time would be unjust towards him, and he should not delay it for another year; because that would be unjust to the poor. Thus, he is commanded to set a month for himself that would be just between him and the poor."⁽¹⁾
- 17- Zakâh is not required on goods that are monopolized except once at the time of sale; "Because making Zakâh obligatory before the price is realized is unjust to the poor and an infringement on the owner's wealth; because they are hastily demanding Zakâh from it while the owner has not yet realized any profit from it, and the principles of Zakâh are established on equity between the poor and the owner of the wealth in their mutual benefits."⁽²⁾
- From the Fiqh-based branches that highlight the meaning of repetition (*thani*), as it contradicts the goal of justice:
- 18- If the year has passed on his livestock, and he possesses a *Nisâb* of dirhams, and he pays Zakâh on the livestock, then sells them for dirhams, and the year then passes on the dirhams that he possesses, he does not pay Zakâh on the price of the camels according to Abû Hanîfa; because making Zakâh obligatory on the price of the camels in this year after he has already paid Zakâh on the original wealth would lead to the requirement of paying Zakâh twice on one person's wealth in one year, which is the repetition that is negated in charity."⁽³⁾
- 19- If he makes the livestock a gift after paying Zakâh on them and then sells them; then he combines their price with what he has, as they have exited from the wealth subject to Zakâh, thus becoming like another wealth, and therefore it does not lead to repetition."⁽⁴⁾

(1) The previous reference.

(2) Al-Hawwi Al-Kabir (283/3).

(3) Al-Mabsut (167/2), and Al-Bahr Ar-Ra'iq (239/2-240).

(4) Al-Bahr Ar-Ra'iq (240/2).

- 20- If someone gives Zakâh on his money that he purchased sheep or any other livestock with, and he has sheep from the same kind that he bought with that Zakâh-paying money, he should not include them with it-meaning he should not Zakâh them-when the full year is completed for the original sheep; because they are a substitute for money for which Zakâh has been paid, so it should not be required again in the same year.⁽¹⁾
- 21- If the owner of the wealth has paid Zakâh on the money itself, the authority should not take it from him again; because this would constitute a duplication of the Zakâh. Ash-Shâfi 'î says: "It is upon the authority that if it is paid, he should not take it from him, because he has named it a single Zakâh, not two Zakâhs."⁽²⁾
- 22- No Zakâh on working cattle; because taking Zakâh from them leads to duplication. This is because if they are used for plowing and planting, the grain that Zakâh is due upon is produced through their plowing, watering, and harvesting. So, if they are also counted with the grain, the Zakâh would become multiplied for the people.⁽³⁾
- 23- If the trade, livestock, or crops comes together in a single *Nisâb*, there is no disagreement among scholars that two Zakâhs are not required; rather, there is only one Zakâh. This is because imposing two Zakâhs constitutes duplication, and the *Sharî'ah* prohibits duplication in Zakâh. Then they differed on which of the two Zakâhs should take precedence: the Zakâh of trade or that of livestock or crops.⁽⁴⁾

Al-Sarakhsi says: "There is an agreement that both Zakâhs are not obligatory together."⁽⁵⁾ Al-Mawârdî says: "What is obligation of the two Zakâhs unanimously; because the cause for its obligation is one."⁽⁶⁾ Ibn Qudâmah states: "It is not possible to obligate the two Zakâhs fully; because it leads to imposing two Zakâhs in one year, due to one reason, which is not allowed."⁽⁷⁾

- 24- If the charity is delayed until the funds of the people are destroyed, it will not be counted as the previous year's charity; but they will be held accountable for what was in their possession for the year in which they

(1) Tafsir al-Imam al-Shafi'i (949/2).

(2) Al-Mughni (61/3-62).

(3) Al-Hawi al-Kabir (303/3).

(4) Al-Amwal by Abu Ubaid (465).

(5) Radd al-Muhtar 'ala al-Durr al-Mukhtar (288/2).

(6) Al-Amwal by Abu Ubaid (472).

(7) Al-Mabsut (170/2).

are giving. Whatever remains of it will be counted towards its charity in full, even if it has been several years. This is not considered duplication; because it is a right taken from the actual livestock that remain in their ownership, and likewise, they are required to give charity for what has passed.⁽¹⁾

- 25- That Zakâh is not required on the wealth of a debtor; because making Zakâh obligatory on that wealth would result in the Zakâh of one wealth being due multiple times in a single year, and the Sharî'ah has come to prohibit this duplication (*thanî*).⁽²⁾ Al-Mâwardî states regarding the reason for the exemption of Zakâh from the debtor's wealth: "Zakâh is due on the one who holds the debt for the wealth that is in the hands of the debtor. If Zakâh were to be due on the debt and on the wealth simultaneously, this would result in two Zakâhs on one wealth, which is not permissible, similar to Zakâh on trade and grazing."⁽³⁾ Al-Nawawî says: "The one who is owed a debt is obligated to pay Zakâh. If we required Zakâh from the debtor, it would necessitate the duplication of Zakâh on one wealth."⁽⁴⁾
- 26- That if someone purchases land for trade, he is not required to pay Zakâh on trade according to the Hanafi school; because the '*ushr*' is an expense related to the growing land. Do you not see that it is said: "The '*ushr*' of the land"? Similarly, Zakâh is an obligation on the growing wealth, which is the land. Thus, each of these obligations is a right that belongs to Allah, the Exalted, and it is not obligatory to have two rights from the ownership of one wealth, just as Zakâh on grazing animals and Zakâh on trade do not apply to one single wealth.⁽⁵⁾
- 27- That the '*ushr*' and *kharâj* do not coexist on a single piece of land according to the Hanafite School; because "the *kharâj* and the '*ushr*' are each an expense related to the growing land, and it is not permissible for two expenses to arise from a single piece of land. The reason for the obligation of *kharâj* is the conquest of the land by force and the establishment of the rights of the conquerors therein. The reason for the obligation of

(1) Al-Mughni (62/3).

(2) Al-Mabsut (160/2).

(3) Al-Hawi Al-Kabir (310/3).

(4) Al-Majmu' Sharh Al-Muhadhab (346/5).

(5) Al-Mabsut (207/2).

the tithe is the Islamization of the inhabitants of the town and the confirmation of the rights of the conquerors therein, and these two reasons are contradictory.”⁽¹⁾ Therefore, if the two reasons do not coexist, the two rulings cannot both be established, thus resulting in duplication.

- 28- That if someone has already paid Zakâh for himself, and then it appears that part of what he gave was not an obligation, Ash-Shâfi‘î in the earlier view held that he is not required to duplicate the Zakâh; because it would cause hardship and it would not be possible to demand a detailed investigation, and duplicating it would impose a burden on the wealth holders.⁽²⁾
- 29- That if he has a salve for trade, he is not obligated to pay the Zakâh al-fitr from it according to the Hanafite school; because this is a Zakâh, and two Zakâhs are not required from a single wealth. Since Zakâh for trade is already required on it, the other Zakâh becomes void, just as Zakâh on grazing animals becomes void when they are used for trade. Combining the Zakâh on wealth and Zakâh on individuals would result in duplication in charity.⁽³⁾
- 30- It is established that if a person takes possession of a lost item after announcing it, they must pay Zakâh on it, but the owner of the item is not required to pay Zakâh on it; this is to prevent duplication. It is not correct to consider this issue an exception to the rule for those who believe Zakâh is due on it, because the disagreement pertains only to the Zakâh on the value that the finder receives from the lost item, based on the assumption that it is lost property and at risk of being lost again if returned to the finder.⁽⁴⁾
- 31- If a partnership is formed to pay Zakâh on its assets, the shareholders-whether they are individuals or companies-are not required to pay Zakâh on their shares if those shares are not intended for trade, to avoid duplication.
- 32- Consideration of the original period for Zakâh on salaries: If a person

(1) The previous reference (207/2).

(2) Nihayat Al-Matlab fi Dirayat Al-Madhab (564/11).

(3) Badayî‘ Al-Sana’i (71/2).

(4) Al-Ashbah wa al-Naza’ir by Al-Sabki, p. 225/1.

possesses a Zakâh *Nisâb* in a month, they should include what they save each month, then pay Zakâh once when the period of the original threshold arrives; this achieves fairness between the payers of Zakâh and the beneficiaries, relieving the payer of any hardship, and is more advantageous for the beneficiaries.⁽¹⁾



(1) Fatwas of the Permanent Committee, p. 212/5-213.

Fifteenth Treatise

Mercy, Kindness, and Solidarity⁽¹⁾

Objective Explanation:

Mercy: Linguistically, the root consists of the letters ر (R), ح (H), and م (M), which all have a common origin. It is said: رحم (rahma) means to have mercy, and الرحمة (al-rahma) translates to mercy.⁽²⁾

In terms of legal terminology, Ibn `Ashûr defined it as: “A tenderness in the soul that drives one to do good towards others.”⁽³⁾

Kindness (*Ihsân*): Linguistically, it is derived from the verb أحسن (*ahsan*), which is the opposite of (*al-isâh*, meaning wrongdoing), meaning to do a good deed. Kindness can be directed towards oneself or others.⁽⁴⁾

In terms of legal terminology, it has two meanings: “The first is bestowing benefits upon others; it is said: *Ahsana ilâ fulân* (he was kind to someone). The second meaning pertains to performing good actions, whether one has good knowledge or performs good deeds.”⁽⁵⁾ Some have defined it as: “The giving of

(1) Tafsîr al-Mâtridî (537/1-538), al-Hâwî al-Kabîr (225/3), al-Mu'allim bi-Fawâ'id Muslim (5/2), al-Taḥqîq wa-al-Bayân fî Sharḥ al-Burhân fî Uṣûl al-Fiqh (610/3), al-Mufhim limâ Ishtakala min Talkhîṣ Kitâb Muslim (5/3), Takhrij al-Furû' 'alâ al-Uṣûl li-al-Zanjânî (ṣ: 110), al-Majmû' Sharḥ al-Muhadhdhab (243/8), Iḥkâm al-Aḥkâm Sharḥ 'Umdah al-Aḥkâm (377/1), Sharḥ Mukhtaṣar al-Rawḍah (387/3), Majmû' al-Fatâwâ (214/14) (362/28), al-Muwâfaqât (62/3), Miftâḥ Dâr al-Sa'âdah wa-Manshûr Wilâyah al-'Ilm wa-al-Îrâdah (3/2), A'lâm al-Muwaqqi'in (69/2), al-Kawâkib al-Durârî fî Sharḥ Ṣaḥîḥ al-Bukhârî (166/7), Sharḥ Abî Dâwûd li-al-'Aynî (197/6), Fath al-Qadîr li-al-Kamâl Ibn al-Humâm (155/2), Raf' al-Niqâb 'an Tanqîḥ al-Shihâb (305/5-306), Sharḥ al-Zurqânî 'alâ al-Muwaṭṭa' (196/2).

(2) The root (Raḥm) in: Maqâyîs al-Lughah (498/2), Lisân al-'Arab (230/12).

(3) Al-Taḥrîr wa-al-Tanwîr (24/26).

(4) The root (Ḥasan) in: al-Furûq al-Lughawiyah by al-'Askarî (p. 193), al-Qâmûs al-Muḥîṭ (p. 1189), Lisân al-'Arab (117/13).

(5) Al-Mufradât fî Gharîb al-Qur'ân, (p. 236).

all benefits, regardless of their nature, to any creature.”⁽¹⁾

Al-Mûwâsâh (Solidarity) Linguistically: The root letters are (و سى *Wasa*), and the term is defined by linguists in three ways: “The first is what one shares with another; thus, *Al-Mûwâsâh* means participation. It is said, “*Āsâ fulân fulân*” if he shared with him in what he possesses. The second meaning is to bring good to someone, as in the Arabic phrase, ‘*Uss fulân bi-khayr*,’ meaning he brought him good. The third meaning is to compensate him (that is, to console him) with something from affection and kinship, which is derived from ‘*al-awṣ*,’ meaning compensation.”⁽²⁾ As for its legal definition, the scholars have provided various interpretations of the term “*mûwâsâh*”: Ibn Miskûyah defined it as: “Assisting friends and those in need, and sharing with them in wealth and provisions.”⁽³⁾ Ibn al-`Athîr described it as: “Participation and contribution in livelihood and sustenance.”⁽⁴⁾ Al-Jurjânî defined it as: “To treat another as oneself in benefiting him and defending him.”⁽⁵⁾ Ibn Hajar defined it as: “To make the owner of wealth’s hand equal to his partner’s hand in his wealth.”⁽⁶⁾

All these definitions are closely related, indicating a meaning of sharing and contributing in wealth and provisions, as well as treating others like oneself in benefit and harm.

The meanings intended in this context for these three terms do not deviate from the mentioned technical meanings. This is because the person giving Zakâh feels compassion and mercy in giving Zakâh to its rightful recipients, as he shares with them something from the wealth that Allah has granted him, showing affection and kindness towards them. This sentiment drives him to give Zakâh willingly and joyfully, through acts of kindness and benefaction towards them, utilizing what Allah has made available to him to support them in life’s affairs and adversities. He shares his sustenance, livelihood, and provisions with them, thus achieving countless benefits for them and warding off many harms.

Mercy, kindness, and compassion are great principles and noble objectives

(1) Bahjat Qulûb al-Abrâr wa-Qurraṭ ‘Uyûn al-Akhyâr (P: 142).

(2) Al-Zâhir fi Ma‘ânî Kalimât al-Nâs (296/1).

(3) Tahdhîb al-Akhlaq (31/1).

(4) Al-Nihâyah fi Gharîb al-Ḥadîth wa-l-Athar (50/1).

(5) Al-Ta‘rîfât (p. 236).

(6) Fath al-Bârî (25/7).

in the Islamic religion, upon which many of its rulings and laws are based. In fact, Ibn Taymiyyah (may Allah have mercy on him) considered mercy towards Allah's servants alongside the exaltation of Allah's commands as the two fundamental principles that encompass the entirety of the general religion. He stated that Zakâh, by encompassing acts of kindness, is based on the principle of mercy towards Allah's servants.⁽¹⁾ Thus, it beautifully gathers all these significant objectives under its shade.

The texts of scholars regarding these purposes and their clarification are numerous.

As for the meaning of mercy in Zakâh, Al-Mâturidî states: "Allah has repeatedly commanded the establishment of prayer and the giving of Zakâh in the Qur'an, so much so that no surah is free of them-mentioned in multiple places-due to their great significance, command, status with Allah, and the virtue of their rank. He adds: 'Zakâh is what connects the servant to creation; it fosters affection and unity among hearts, and it expresses compassion and mercy toward them'"⁽²⁾ Al-Abyârî explains the benefits achieved through giving Zakâh: "And it also brings joy to hearts and increases compassion for creation. When a person feels tenderness toward the weak and acts upon that tenderness by giving, their mercy for them increases. These actions are like nourishment for the meanings of hearts; when the meanings appear weak, acting upon them strengthens them, and when neglected, they dissolve and perish. If acted upon, their effects return to the meanings with affirmation and reinforcement, so each one is a cause for its counterpart."⁽³⁾

Regarding the meaning of *Ihsân*, Ibn Taymiyyah states: "In Zakâh, it is to do good to people with money and benefit, such as aiding the oppressed, rescuing the distressed, and fulfilling the needs of the needy."⁽⁴⁾

Al-'Aynî in explaining the wisdom of Zakâh: "It is to do good to the needy and to free the enslaved, for a person is a servant of goodness."⁽⁵⁾

As for the meaning of *mûwâsâ*, scholars have frequently mentioned and specified it as a goal in Zakâh.

(1) Majmû' al-Fatâwâ (214/14).

(2) Tafsir al-Maturidi (537/1-538).

(3) Al-Tahqiq wal-Bayan fi Sharh al-Burhan fi Usul al-Fiqh (610/3).

(4) Al-Marji' al-Sabiq (362/28).

(5) Sharh Abu Dawood lil-Ayni (197/6).

Al-Mâwardî states: "The purpose of Zakâh is to provide mutual support with beneficial wealth."⁽¹⁾

Al-Mâzarî says: "The *Sharî'ah* has made that it was legislated for mutual support."⁽²⁾

An-Nawawî states: "The wisdom in Zakâh is supporting the needy."⁽³⁾

Al-Shâtibî states: "The legitimacy of Zakâh confirming of abolishing oppression and entering into mutual support on equal terms, all of which aligns with the fundamental principles of moral conduct."⁽⁴⁾

Ibn al-Humâm says: "The purpose of the legislation of Zakâh, along with the primary goal of testing, is to provide for the poor in such a way that he does not become poor himself."⁽⁵⁾ Similar statements can be found from Ibn Daqîq al-Eid,⁽⁶⁾ Abû al-`Abbâs al-Qurtubî,⁽⁷⁾ al-Zanjânî,⁽⁸⁾ Ibn al-Qayyim,⁽⁹⁾ al-Karamânî,⁽¹⁰⁾ and al-Zarqânî.⁽¹¹⁾

Ibn al-Qayyim states in a comprehensive discussion about these three meanings: "As for the goodness of Zakâh, it encompasses providing for those in need and those who are poor among Allah's servants who are unable to sustain themselves. There is a fear that they might perish if left alone by the wealthy. Zakâh embodies mercy, kindness, righteousness, purity, and preference for those deserving preference, and it reflects the qualities of generosity and virtue while distancing oneself from the traits of stinginess and miserliness. No rational person can doubt its goodness and benefits, and the one who commands it is the wisest of all rulers. It is not permissible in reason or innate disposition to reject the legislation of the All-Wise and All-Knowing against

(1) Al-Hawî al-Kabîr (225/3).

(2) Al-Mu'allim bi Fawa'id Muslim (5/2).

(3) Al-Majmu' Sharh al-Muhadhdhab (243/8).

(4) Al-Muwafaqat (62/3).

(5) Fath al-Qadir by Kamal Ibn al-Himam, 155/2.

(6) Ihkam al-Ahkam Sharh Umdat al-Ahkam, 377/1.

(7) Al-Mafhum lima ushkel min talkhis Sahih Muslim, 5/3.

(8) Takhreej al-Furu' `alâ Al-Usul by al-Zanjani, p. 110.

(9) A'lam al-Muwaqqi'in, pp. 69-70, vol. 2, pp. 333.

(10) Al-Kawakib al-Darari fi Sharh Sahih al-Bukhari, 166/7.

(11) Sharh al-Zarqani `ala Al-Muwatta, 196/2.

such principles.”⁽¹⁾

Some scholars have considered the meaning of “*mûwâsâ*” as the wisdom or objective intended by the obligation of Zakâh. In this regard, al-Tufi states: “Wealth is the basis for the obligation of Zakâh as a means to provide for the poor and to alleviate the harm of poverty upon them. Wealth is the descriptor, the obligation of Zakâh is the ruling, and providing for the poor is the wisdom behind it. Every legal ruling that is rational must have a suitable cause that necessitates it, and a wisdom that is the desired goal of it, which follows from it.”⁽²⁾

Al-Râjrâjî remarks: “The connection indicates the rationale because the essence of legislative authority is to achieve benefits and avert harms. For instance, the descriptor that includes the benefit of wealth serves as the reason for the obligation of Zakâh, as wealth is suitable for the obligation of Zakâh because it involves providing for the poor. Thus, the benefit in this case is ‘*mûwâsâ*’.”⁽³⁾

The obligation of Zakâh as a means of providing for others and kindness has a significant impact on its regulations, as its legislation is associated with gentleness and facilitation, which aligns with the objective of providing for others. Therefore, it would not be appropriate for its legislation to impose strictness in its rulings while aiming for mutual support. So this purpose was incorporated into many of its rulings, and the explanation of that will come in the evidences and the effect of the purpose on the legal branches.

Al-Kermâni says: “The aim of obligating Zakâh is to support the poor, and support can only come from wealth that has a minimum amount (*Nisâb*). The legislator then placed it in the growing assets of minerals, crops, and livestock. As for minerals, it is in the valuable items of gold and silver. As for crops, it is in the staple foods, and as for livestock, it is in the grazing animals. The required amount is determined according to the cost and hard work, with the least burdensome being the treasure, which has a due of one-fifth (20%). Following that is the crops; if they are irrigated by rain or the like, the due is one-tenth (10%), otherwise, it is one-twentieth (5%). Following that is the currency, which has a due of one-fourth (2.5%), and then livestock.”⁽⁴⁾

(1) Miftah Dar al-Sa'ada wa Manshur Wilayat al-'Ilm wal-Irada, vol. 3, p. 2.

(2) Sharh Mukhtasar al-Rawdah, vol. 3, p. 387.

(3) Raf' al-Niqab 'an Tanqih al-Shihab, pp. 305-306, vol. 5.

(4) Al-Kawakib al-Durari in Explanation of Sahih al-Bukhari (166/7).

Objective Evidence:

- 1- Allah the Almighty says: *“Zakâh expenditures are only for the poor and for the needy and for those employed to collect [Zakâh] 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.”*⁽¹⁾

Evidential aspect: Allah, the Exalted, mentioned among the recipients of Zakâh (the poor, the needy, those in bondage, the debtors, and the wayfarer). They are all united by a single description: their need for support, mercy, and kindness. This indicates that supporting those in need and necessity, assisting them, showing them compassion, and being benevolent towards them are the primary objectives of Zakâh.

- 2- Allah the Almighty says: *“ And spend in the way of Allah and do not throw [yourselves] with your [own] hands into destruction [by refraining]. And do good; indeed, Allah loves the doers of good.”*⁽²⁾

Evidential aspect: Allah, the Exalted, commanded kindness after commanding spending in His way and forbade throwing oneself into destruction. Some interpreters have argued that this command is general and includes the neglect of Zakâh, suggesting that His command for kindness is also general and encompasses Zakâh. This indicates that it is indeed an act of kindness.⁽³⁾

(1) Verse 60 from Surah At-Tawbah.

(2) Verse 195 from Surah Al-Baqarah.

(3) Al-Tabari states: "The correct view on this matter, in my opinion, is to say that Allah, exalted be His mention, has ordained for His servants and made clear to them. The meaning of this is: "And spend in the support of the religion that He has legislated for you, by fighting your enemy." So the meaning of His saying: "And do not throw yourselves into destruction" implies: "Do not surrender to destruction."

The one who neglects spending in the way of Allah when it is obligatory upon him is surrendering to destruction by failing to fulfill Allah's command regarding his wealth. This is because Allah, exalted be His mention, has made one of the eight obligatory categories of charity to be in His way. And whoever neglects spending in the way of Allah concerning what he is obligated to do is surrendering to destruction and throwing himself into ruin. As for His saying: "And do good," it means: "Be charitable, O you who believe," not just in what is beyond one-fifth of the obligatory almsgiving.

The believers are obligated to fulfill what they have been commanded regarding their duties, and to avoid what they have been commanded to abstain from regarding sins, =

- 3- The Prophet, peace be upon him, said to Mu`âdh when he sent him to Yemen: *“So inform them that Allah has made it obligatory upon them to take a portion from the rich among them and return it to their poor.”*⁽¹⁾

Evidential aspect: The Prophet, peace be upon him, specifically mentioned the allocation for the poor, which indicates that their need is one of the main objectives of Zakâh, and that need stems from their requirement for mercy, support, and kindness.

- 4- The evidences indicating the virtue of *mûwâsâ* (mutual support) in general.

Among them is the Prophet's, peace be upon him, saying: *“Is there any man among you who gives to the family a she-camel as a gift, which gives milk morning and evening equal to a large bowl, its reward (the reward of the gift) is great.”*⁽²⁾ And his saying: *“The believers in their mutual love, compassion, and care for one another are like a single body; if one limb feels pain, the entire body responds with restlessness and fever.”*⁽³⁾

Also the hadîth of Abû Sa`îd al-Khudrî (may Allah be pleased with him) is that while we were traveling with the Prophet, peace be upon him, a man came riding a camel. He kept looking right and left, so the Messenger of Allah, peace be upon him, said: *“He who has an extra mount should lend it to him who has none, and he who has extra provision should give it to him who has none.”* He said that he mentioned various kinds of property till they began to think none of them had a right to anything extra.”⁽⁴⁾

Evidential aspect: These hadîths indicate the virtue of mutual support, and Zakâh is one of its greatest objectives after worshiping Allah and drawing closer to Him: aiding the poor and those in need. Thus, it falls under the generality of these texts. His saying, peace be upon him: *“He who has an extra mount should lend it to him who has none”* is evidence that *mûwâsâ* occurs through excess wealth, and Zakâh is specifically concerned with surplus wealth; it is only obligatory upon those who possess wealth indicating their affluence.

= including spending in My way.

And let the strong among you support the weak who are in need, for indeed, I love the doers of good in this matter. (Tafsir al-Tabari 592/3-594).

(1) Previously cited.

(2) Reported by Muslim (1019).

(3) Agreed upon; reported by Al-Bukhari (6011) and Muslim (2586).

(4) Reported by Muslim (1728).

And therefore, Al-Nawawî says: "And it includes the support of the stranded traveler and charity to him if he is in need, even if he has a mount and wears clothes, or if he is affluent in his homeland. Thus, he may receive from Zakâh in this situation."⁽¹⁾

- 5- The evidences indicating the condition of the *Nisâb* for Zakâh, such as the Prophet's, peace be upon him, saying: "No charity is payable on less than five camel-loads (*wasq*) of dates, on less than five ounces of silver, and on less than five camels."⁽²⁾

Evidential aspect: Since Zakâh was prescribed as a means of *mûwâsâ* and *Ihsân* (mutual aid and kindness), the *Shari'ah* did not impose it except on wealth that can bear *mûwâsâ*, which is wealth that has reached the *Nisâb*.

Al-Khattâbî says: "This *hadîth* is a foundation in clarifying the amounts of wealth that can bear the responsibility of Zakâh and in mandating charity on it, while exempting small amounts that cannot bear it, to avoid burdening the wealthy and depriving the poor."⁽³⁾ Al-Ibyârî states, "The inability of minds to determine the *Nisâb* of Zakâh does not mean we should stop understanding its essence, which is to aid the poor from the wealth of the rich. To enforce worship only based on specific means, after understanding its meaning, is incorrect."⁽⁴⁾

Al-Mâzirî says, "The *Shari'ah* has conveyed that Zakâh is prescribed for *mûwâsâ*, which can only be on wealth capable of such aid, thus setting thresholds because anything less than that is insufficient. Then, it designated specific forms of wealth for Zakâh: property, crops, and livestock, specifically those that grow independently, like livestock and crops, or wealth that increases through changing its form and circulation, like properties."⁽⁵⁾ The same view is held by Abû al-'Abbâs al-Qurtubî⁽⁶⁾ and Ibn Taymiyyah.⁽⁷⁾

- 6- The Prophet, peace be upon him, instructed Mu'âdh when he sent him to Yemen, saying, "*Beware of taking the best of people's best wealth.*"⁽⁸⁾

(1) Sharh al-Nawawî 'alâ Muslim (33/12)

(2) Previously cited.

(3) *Ma'âlim al-Sunan* (2/13).

(4) *Al-Tahqîq wa-al-Bayân fî Sharh al-Burhân fî Uşûl al-Fiqh* (3/487).

(5) *Al-Mu'allim bi-Fawâ'id Muslim* (2/5).

(6) *Al-Mufhim li-mâ Ashkala min Talakhkhus Kitâb Muslim* (3/5).

(7) *Majmû' al-Fatâwâ* (8/25).

(8) Previously cited

Evidential aspect: Since Zakâh is intended as *mûwâsâ*, taking the best of people's wealth was prohibited. Ibn Daqîq al-Eid says: "This *ḥadīth* indicates that the best of wealth should not be taken as charity, as these items are prized by their owners for their value and significance. The wisdom behind this is that Zakâh was mandated to assist the poor from the wealth of the rich, without causing harm to the wealthy. Thus, the Shari'ah excused the wealthy from giving what they cherish and instructed collectors not to take it."⁽¹⁾

- 7- The evidences showing the impact of cost and hardship on the amount of Zakâh, as the Prophet, peace be upon him, said: "*On what the sky or streams water, or what is naturally irrigated, Zakâh is a tenth. On what is irrigated by manual labor, half of a tenth.*"⁽²⁾

Evidential aspect: The Shari'ah took into account the notion of mutual aid in specifying the Zakâh rates on crops, fruits, and other wealth. This *ḥadīth* demonstrates that when the cost is minimal and the benefit is extensive, a tenth is due. This is because it aligns more with mutual aid, providing ease for the poor. For wealth that involves greater cost, only half of a tenth is due, as a form of leniency toward the wealthy.⁽³⁾

- 8- The Prophet, peace be upon him, said: "*For every five camels, one sheep is due in Zakâh.*"⁽⁴⁾

Evidential aspect: "The Prophet, peace be upon him, made sheep the starting point for Zakâh on camels, indicating the insufficiency of camels alone to bear the burden of charity."⁽⁵⁾

The effect of considering this objective in the Fiqh-based branches:

The observable legal impact of Zakâh being legislated for mutual support and welfare is predominantly reflected in its ease and facilitation in rulings. This is because mutual support does not align with hardship or rigor. Among these provisions are the conditions of *Nisâb*, complete ownership, the obligation of Zakâh on growing assets, and the consideration of costs and burdens in determining Zakâh amounts, as previously explained.

(1) *Iḥkâm al-Aḥkâm Sharḥ 'Umdat al-Aḥkâm* (1/376-377).

(2) Previously cited,

(3) *Sharḥ Abi Dawood* by Al-Ayni (6/253).

(4) previously cited.

(5) Al-Ma'unah on the Madhhab of the Scholar of Madinah, p. 391.

Other examples illustrating this consideration of facilitation, in light of Zakâh being intended for *mûwâsâ*, include:

- 1- The requirement that jointly-owned property reach the *Nisâb*. According to the Mâlikites, if an individual partner's share does not reach the *Nisâb*, they are not obligated to pay Zakâh, even if the combined wealth of all partners does reach the threshold. This is because Zakâh is specifically on wealth that can support charitable giving. If a partner's share does not reach *Nisâb*, then that wealth does not bear the capacity for charity. Thus, requiring Zakâh in this case contradicts the purpose of *mûwâsâ*.⁽¹⁾
- 2- According to the Mâlikites, debt holders do not pay Zakâh on the debt if it remains with the debtor for several years but rather pay Zakâh only once upon receipt. "If we required annual Zakâh on the debt while it remains in the debtor's possession, with its profits benefiting the debtor, this would consume the principal amount through repeated Zakâh payments. Zakâh is designed to be an act of mutual support on wealth capable of growth, without it being entirely depleted by Zakâh."⁽²⁾
- 3- "Zakâh is structured according to asset categories to ensure the wealth can bear the burden of support. If an individual has a category of wealth that meets this condition, they pay Zakâh; if not, they do not, because the wealth is not sufficient to support charity. If the wealth he possesses has a single type of benefit and its primary purpose is largely uniform, it can bear the burden of mutual support from all of it. This way, what he gives as Zakâh does not hinder his utilization of that type of wealth, nor does it significantly limit the benefit derived from that category of wealth. Rather, he still retains enough of that type of benefit to sustain his needs."⁽³⁾

Al-Zarqânî states: "Zakâh is based on the principle of mutual support. If one type of wealth falls short of this potential, but there exists another type that serves the same purpose and whose benefits are equivalent, and if both reach a level that allows for mutual support-defined as the *Nisâb* -then they

(1) Al-Ishraf Ala Nukat Masa'il Al-Khilaf (1/394) and Al-Muntaqa Sharh Al-Muwatta' (2/101).

(2) Al-Muntaqa Sharh Al-Muwatta' (2/114).

(3) Al-Muntaka Sharh Al-Muwatta (2/167).

should be considered together. The distinction in names does not matter as long as their benefits are aligned.”⁽¹⁾

- 4- The prohibition against taking the best of wealth for Zakâh: Ibn Hajar states, “The point here is that Zakâh is intended for the support of the poor; it is inappropriate to cause hardship to the wealthy unless they willingly agree to it.”⁽²⁾
- 5- The obligation of Zakâh on the wealth of minors according to the majority: This is established by analogy to the obligatory maintenance provided by parents, as both are forms of *mûwâsâ*, and the minor is considered part of that *mûwâsâ*, so it is a must on him.

Al-Qâdî ‘Iyâdh explains, “The point of disagreement between us and Abû Hanîfah arises from the underlying principles; one being parental maintenance, which is unanimously obligatory from the minor’s wealth, and the other being the *jizyah*, which is waived for minors among non-Muslims by consensus. Abû Hanîfah likens this to the *jizyah*, as it resembles what is taken from Zakâh, while we refer it back to parental maintenance. The similarity between the two is that both fall under the category of *mûwâsâ*, making it more appropriate to link *mûwâsâ* to *mûwâsâ* rather than to what signifies humility and subjugation, which serves as a means of purifying and cleansing wealth.”⁽³⁾

Al-Nawawî states, “Zakâh is intended for the reward of the giver and the *mûwâsâ* of the poor. Both minors and the insane are entitled to rewards and *mûwâsâ*, which is why maintenance is obligatory for relatives toward them, and the father can free them if he owns them; therefore, Zakâh is obligatory on their wealth.”⁽⁴⁾

- 6- The established principle in Islamic law is that the transition from one age to a higher age in livestock only occurs when moving from a lesser number to a greater number. This is because a larger quantity is more capable of providing *mûwâsâ*; therefore, as the quantity increases, so does the amount required.⁽⁵⁾

(1) Sharh Al-Zurqani ‘ala Al-Muwatta (2/196).

(2) Fath Al-Bari by Ibn Hajar (3/360).

(3) Ikmal Al-Mu’allim bi Fawa’id Muslim (3/466).

(4) Al-Muhadhab in the Jurisprudence of Imam Al-Shafi’i (1/261).

(5) Ikmal Al-Mu’allim bi Fawa’id Muslim (5/329).

- 7- There is no obligation of Zakâh on horses and slaves, as they are primarily acquired for adornment and use rather than for growth. Thus, they do not support the concept of *mûwâsâ*, unlike livestock, which are acquired for milk and offspring and thus they are subject to *mûwâsâ*.⁽¹⁾ The camels, cows, and sheep have abundant benefits, and their growth is sought through increase and offspring; thus, they are suitable for *mûwâsâ* in Zakâh.”⁽²⁾ Similarly, “other types do not compare in the abundance of their growth and benefit and do not yield offspring as these do, which is why they can be accepted for *mûwâsâ*, unlike the others.”⁽³⁾
- 8- Non-Obligation of Zakâh on Jewelry: “Because it is directed away from growth towards permissible extravagance, Zakâh is not required on it, just as it is not required on trade funds if they are directed toward luxury. The place of Zakâh is wealth that grows for the purpose of *mûwâsâ*. This is because Zakâh is required to be easy, which is why the passing of a year and growth are considered when calculating it.”⁽⁴⁾
- 9- Non-Obligation of Zakâh When the *Nisâb* is Unavailable: “If the *Nisâb* is absent from the owner, and they cannot extract Zakâh from it, they are not obliged to pay Zakâh until they can perform it. This is because Zakâh is for *mûwâsâ*; therefore, it is not required before the ability to benefit from the wealth is achieved.”⁽⁵⁾ An example of this is the Zakâh on a debt owed to them by others; they are not required to pay Zakâh on it according to the *Hanbalîs* until they receive it. Once they receive it, they pay Zakâh on it because “Zakâh is obligatory for *mûwâsâ*, and it is not *mûwâsâ* to pay Zakâh on wealth one cannot benefit from.”⁽⁶⁾
- 10- Non-Obligation of Zakâh on Crossbreeds of Deer and Sheep According to Al-Shâfi`î: “This is because the principle is non-obligation, and *mûwâsâ* is taken into account in it, and harshness does not constitute *mûwâsâ*.”⁽⁷⁾

(1) Sharh Sunan Abu Dawood by Ibn Ruslan, p. 498/7.

(2) Al-Majmu’ Sharh Al-Muhadhab, p. 337/5.

(3) Al-Kafi in the Fiqh of Imam Ahmad, p. 383/1.

(4) Taqweem Al-Nazar in Commonly Discussed Controversial Issues, p. 64/2.

(5) Al-Qawa’id by Ibn Rajab, p. 373.

(6) Al-Mughni, p. 71/3.

(7) Al-Jam’ wa Al-Farq, p. 537/3.

- 11- Condition of Pasturage for Zakâh on Livestock: "Since pasturing reduces the burden, 'the reduction of burden is suitable for *mûwâsâ* through Zakâh.'⁽¹⁾ As for the fed livestock, because their burden costs are not mitigated, they do not accept *mûwâsâ*."⁽²⁾
- 12- Non-Obligation of Zakâh If Wealth Is Lost After the Year Has Passed: "Because the obligation of Zakâh is for the *mûwâsâ* of the poor, and after the wealth is destroyed, the *mûwâsâ* with them becomes invalid. Thus, one is not obliged to support others. The obligation is limited in scope, and it should not cause harm to the payer. For this reason, Zakâh is specifically required on growing wealth so that any loss incurred by paying it can be compensated through growth. This cannot be achieved after the wealth has been destroyed; if it has been seized, the one seizing it is not responsible for what was originally owed."⁽³⁾
- 13- The validity of paying Zakâh on a debt by exempting its value from the debtor if it is owed by someone eligible for Zakâh. Ibn Taymiyyah states that the more apparent view is that it is permissible, as Zakâh is based on *mûwâsâ*, and here he has given from the same kind of what he possesses. This is different from when he owns physical assets and pays off a debt; in that case, what he has given is less than what he owns, making it akin to giving something inferior instead of something good, which is not allowed."⁽⁴⁾
- 14- The invalidity of paying the value instead of Zakâh if it is done without necessity or significant benefit, as chosen by Ibn Taymiyyah; "because Zakâh is based on mutual assistance, which is considered in both the amount and type of wealth."⁽⁵⁾
- 15- Wealth reaches the *Nisâb* but something is lost from it before the year has passed, Zakâh is not required at that time; "because Zakâh is the assistance of the wealthy to the poor, and if at the time of taking it is poor, he is not obliged to assist through *mûwâsâ*."⁽⁶⁾

(1) Al-Fawaid Al-Sunniyya in Sharh Al-Alfiyya, p. 41/3.

(2) Tuhfat Al-Muhtaj fi Sharh Al-Minhaj, p. 236/3.

(3) Al-Mabsut, p. 175/2; also see: Al-Mughni, p. 509/2.

(4) *Majmu' al-Fatawa* (Volume 2, Page 25).

(5) *Al-Tabsirah* by Al-Khumi (Volume 2, Page 922).

(6) *Al-Hawi al-Kabir* (Volume 3, Page 85).

- 16- No Zakâh on a debtor whose debts consume his total wealth according to some scholars; "because Zakâh is *mûwâsâ* from the wealthy to the poor, and whoever has debts that consume what he has is poor among those eligible for Zakâh before it is taken from him."⁽¹⁾ "He is in need of settling his debt as much as or more than a poor person is in need, and it is unwise to disable the owner's need for the need of another, and he does not have sufficient wealth that necessitates gratitude for giving."⁽²⁾
- 17- "If one is obliged to pay Zakâh but does not have it, he is allowed to rise in rank and take or descend and return; because the matter of Zakâh is based on *mûwâsâ* and kindness toward the owner of the wealth and the needy, and if the obligation is not present in his wealth, it allows him to rise and descend without being seen as negligent."⁽³⁾
- 18- "Zakâh should be paid from the majority of one's wealth, whether it is good or deficient; because the act of paying Zakâh from its various types involves hardship for the owners of wealth, and it falls under the concept of *mûwâsâ*. "⁽⁴⁾ . "And the right of the poor is due on the basis of *mûwâsâ*; they are like partners, and there is no known disagreement on this."⁽⁵⁾
- 19- Zakâh on fruits is required based on their validity and reaching close to be ripe; "because the purpose of Zakâh is to assist the needy with beneficial wealth. If the wealth is not beneficial, Zakâh is not obligatory on it."⁽⁶⁾
- 20- Restriction of Zakâh to Food Items: Al-Mâwardî states, "Zakâh is specifically assigned to food items because it is a form of support *mûwâsâ*, and it is essential for meeting the needs of everyone."⁽⁷⁾
- 21- "It is permissible to give Zakâh al-Fiṭr from any type of food because Zakâh al-Fiṭr is a means of *mûwâsâ*, and providing a choice is more convenient, while treating all options equally is more accommodating. Therefore, it is acceptable to give it from any food item."⁽⁸⁾

(1) *Al-Mughni* (Volume 3, Page 19).

(2) *Majmu' al-Fatawa* (Volume 2, Page 25, with slight modifications).

(3) *Al-Tabsirah* by Al-Khumi (Pages 878-879).

(4) *Al-Mughni* (Volume 3, Page 67).

(5) *Al-Hawi al-Kabir* (Volume 3, Page 124)

(6) *Al-Hawi al-Kabir* (Volume 3, Page 225).

(7) *Ibid*, 243/3).

(8) *Ibid*, 378/3)

- 22- If the date palms are suffering from drought and there is fear that they will perish, it is permissible to cut the fruits. This is because Zakâh is due on the basis of *mûwâsâ*, and if we were to require them to leave the fruit, it could lead to the loss of their wealth, which would fall outside the boundaries of *mûwâsâ*. Additionally, preserving the date palms is more beneficial for the needy in future circumstances.⁽¹⁾
- 23- “If all the cattle animals are male, it is permissible to give a male goat for them because Zakâh is due on the basis of *mûwâsâ*, and *mûwâsâ* should be from the same kind,”⁽²⁾ so a person is not obliged to give *mûwâsâ* from another type of wealth that he does not possess.”⁽³⁾
- 24- There is a distinction between Zakâh and *ribâ* (interest) regarding the issue of giving inferior items instead of superior ones, as it is not permissible because quality is valuable, and the aim is to provide support and enrich the poor while showing gratitude to Allah. In contrast, in the matter of *ribâ*, the two are treated equally, and differentiation is not allowed since it pertains to transactions, and equality in legal measurement is required.”⁽⁴⁾



(1) Al-Mahdhab Fi Fiqh Al-Imam Al-Shafi'i (286/1), with modifications.

(2) Al-Kafi Fi Fiqh Al-Imam Ahmad (390/1).

(3) Al-Mughni, (444/2).

(4) Al-Mughni, (40/3).

Sixteenth Treatise

Precaution for Rights⁽¹⁾

Objective Explanation:

Linguistic Definition: The term “*Ihtiyât*” is derived from the verb “*Ihtât*,” with its root consisting of the letters ح (H), و (W), and ط (T). It is said, (*hâta-hu*), meaning “he surrounded him.”⁽²⁾

Literally, it refers to a wall that surrounds something, as it protects what is within it.⁽³⁾ The term can be used metaphorically in several contexts, including taking precautions and exercising diligence. For instance, it is said, (*ihâtâ fi al-amr*) when one takes the most reliable course of action.⁽⁴⁾ Additionally, one might say, (*ihâtâ li-nafsihi*) or (*ihâtâ li-shay*), meaning to take precautions for oneself or for a matter. The noun forms are (*hawtah*) and (*hîtah*). While (*istahâta fi al-amr*) means to be diligent in exercising precautions.

Legal Definition: In terms of legal and theological terminology, al-Jassâs defined “*Ihtiyât*” as “taking precautions and exercising diligence in matters that can have two interpretations.”⁽⁵⁾

Ibn Hazm defined it as, “seeking safty.”⁽⁶⁾

Al-Fayûmî described it as “seeking the most cautious and beneficial course,

(1) *Al-Fusool fi Al-Usul*, 2/101; *Sharh Sahih al-Bukhari* by Ibn Battal, 3/466; *Al-Tamhid Lima fi Al-Muwatta min Al-Ma'ani wa Al-Asaneed*, 2/63; *Usul al-Sarakhsi*, 2/21; *Al-Mabsut*, 1/246; *Al-Mustasfa*, p. 198; *Al-Shafi fi Sharh Musnad al-Shafi'i*, 3/76; *Al-Mughni*, 3/10; *Qa-wa'id al-Ahkam fi Masalih al-Anam*, 1/14; *Al-Muwafaqat*, 3/85; *Al-Ashbah wa Al-Naza'ir* by Al-Subki, 1/111; *Al-Inayah fi Sharh al-Hidayah*, 1/116; *Tarih al-Tathreeb fi Sharh al-Taqreeb*, 2/48; *Ikhtilaf al-Madhahib* by Al-Suyuti, p. 50.

(2) *Maqayees al-Lughah* (Language Measurements), entry "حوط" (Hawt), 2/120.

(3) *Lisan al-Arab*, entry "7/280", حوط.

(4) *Mukhtar al-Sihah*, entry "حوط", p. 84; *Taj al-Aroos*, 19/220.

(5) *Al-Fusool fi Al-Usul*, 2/100.

(6) *Al-Ihkam fi Usul al-Ahkam*, 1/45.

and choosing the most reliable options.”⁽¹⁾

Al-Minâwî defined it as “taking the most reliable course in all respects.”⁽²⁾

All these definitions align with the metaphorical linguistic meaning mentioned earlier, indicating that precaution is the act of taking resolute and confident measures. This is the purpose of this principle: to choose the most reliable and cautious option when evidence is unclear or when the ruling on a matter is unknown. It serves as a means to avoid ambiguity or confusion related to the ruling or the subject of judgment. It is required of the legally responsible person, whether they are a scholar or a follower, to dispel any doubts surrounding judgments.⁽³⁾

Taking precaution is an important principle in Islamic legislation upon which many legal rulings are based and from which many branches of jurisprudence have stemmed. Scholars have emphasized the significance and status of this principle.

Al-Jassâs says, “Consideration of precaution and taking the most trustworthy option is a major principle in the fundamentals of jurisprudence, used by all jurists. It is also a matter of reason: if one is told there is a lion or thieves on a path, prudence dictates avoiding that path until its condition becomes clear.”⁽⁴⁾

Al-Sarakhsî says, “Taking precaution is a principle in Islamic law.”⁽⁵⁾

Al-‘Izz Ibn ‘Abdul-Salâm affirms that all of Islamic law seeks either to bring benefit or to prevent harm,⁽⁶⁾ and that precaution revolves around these two purposes. He says, “The law takes precaution to ward off the harms of dislike and prohibition, just as it takes precaution to bring about the benefits of recommendation and obligation.”⁽⁷⁾

Al-Shâtibî underscores the role of precaution in Islamic law by saying, “Islamic law is built on precaution, taking resolute action, and avoiding what may potentially lead to harm.”⁽⁸⁾

(1) *Al-Misbah al-Muneer*, 1/156.

(2) *Al-Tawqeef ‘ala Muhammad Al-Ta’arîf*, p. 40.

(3) *Ahkâm al-Ishtibâh al-Shar‘iyyah* by Yusuf Ahmad Al-Badrî, P. 5.

(4) *Al-Fusul fi Usul* (2/101)

(5) *Usul Al-Sarakhsi* (2/21)

(6) *Qawa'id al-Ahkam fi Masalih al-Anam* (14/1).

(7) *Ibid* (2/23).

(8) *Al-Muwafaqat* (3/85).

Due to the high regard for the principle of precaution in Islamic law, scholars have considered it a foundational rule in acts of worship. Al-Sarakhsî states, 'Abû Hanîfa says that taking precaution in acts of worship is a fundamental principle.'⁽¹⁾ This view is not exclusive to Abû Hanîfa; it has been mentioned by several scholars.⁽²⁾ Al-Suyûtî highlighted the preference for the Shâfi'î School over others by saying, 'Among the strengths of the Shâfi'î School is its emphasis on precaution, whereas it is less emphasized in other schools.'⁽³⁾ Al-Ghazâlî also asserts, 'Acts of worship are fundamentally based on precaution.'⁽⁴⁾

One of the most important objectives of enacting precaution in matters of rights is to bring about and complete benefits and to ward off and eliminate harms. Al-Subkî clarifies this, saying: 'Know that matters of precaution are many and lengthy to enumerate, but they ultimately amount to the fact that precaution may be intended to achieve benefit or to avert harm.'⁽⁵⁾

While precaution is a foundational principle in acts of worship, Zakâh is at the forefront of these acts of worship; taking precaution in its regulations serves an important purpose, especially since it is not solely a physical act of worship but a combination of devotional and financial obligations. This increases the need for caution in its branches, requiring precaution in regard to both the rights of the person obligated to pay and the rights of those entitled to receive it, because 'the original state of wealth is sanctity'⁽⁶⁾ and it is 'forbidden except by textual evidence'⁽⁷⁾ as established among scholars. If the law takes precaution regarding people's rights in non-worship matters, then all the more when such rights pertain to an act of worship that includes a right of Allah,

(1) *Al-Mabsut* (1/246).

(2) *Sharh Sahih Al-Bukhari* by Ibn Battal (3/466), *Tahrib Al-Tathreeb* by Al-Iraqi (2/48), and *Ikhtilaf Al-Madhahib* by Al-Suyuti (p. 50).

(3) *Ikhtilaf Al-Madhahib* (p. 50).

(4) *Al-Mustasfa* (p. 198).

(5) *Al-Ashbah wa al-Naza'ir* by Al-Subki (1/111).

(6) *Al-Dhakheerah* (6/327) This principle has appeared in various formulations in scholars' works, including statements such as:

- "The original state of wealth is sanctity unless certain" (*Al-Dhakheerah* 6/343).
- "The original state is the sanctity of people's wealth" (*Al-Sail al-Jarrar* by Al-Shawkani, p. 587).
- "The original ruling on wealth is prohibition" (*Fatawa Al-Subki* 2/421; *Al-Bahr al-Muhit* by Al-Zarkashi 8/11).

(7) *Al-Muhalla bi al-Athar* (11/178).

encompassing both the Creator's and the creation's rights. Thus, Ash-Shâfi'î is quoted by Ibn Al-Athîr as saying: 'Precaution in Zakâh is more beloved to me.'⁽¹⁾

Precaution in the area of Zakâh can take several forms, including:

- Taking precaution for the right of Allah, by observing the devotional intent in Zakâh, as Zakâh is a form of worship, and the default in acts of worship is to exercise caution in affirming rulings and adhering to textual evidence.

An example of this is the issue of paying the value in Zakâh, with Al-Ghazâlî having previously addressed this in response to Abû Hanîfa, who permitted paying Zakâh in monetary value instead of specific goods, arguing that the purpose is to relieve need, which can be achieved by either method. Al-Ghazâlî says, 'It is for granted that relieving need is the aim, but it is not the only aim; it may be that alongside it there is the devotional intention of involving the poor in the very type of wealth possessed by the rich. Combining the apparent meaning, devotion, and the aim of relieving need is more likely in acts of worship, as acts of worship are fundamentally based on precaution rather than focusing solely on relieving need.'⁽²⁾ He continues, "This does not invalidate Al-Shâfi'î's stance against paying Zakâh in monetary value, but rather it's due to the inadequacy of the evidence supporting it and the possibility that devotion itself is the intended purpose along with fulfilling the need, since a sheep is specified for five camels, even though it is not of the same type, so it cannot be for mere convenience. Additionally, in compensation, he alternated between a sheep and ten dirhams without linking it to the value of the sheep, while for five camels, he did not alternate. These are indications pointing toward devotional intent, as this is a matter of worship, and taking precaution is preferable here.'⁽³⁾

Al-Sarakhsî quotes Abû Bakr Al-A'mash, saying: "Paying the grain is better than paying its value, because it is closer to fulfilling the command and further from the differing opinions of scholars; therefore, it is a matter of precaution."⁽⁴⁾

- Precaution for the Wealthy: Zakâh is a financial right, and its obligation means burdening the debtor with it. Precaution entails not obligating the Zakâh upon him where Allah has not made it obligatory, as

(1) *Al-Shafi fi Sharh Musnad al-Shafi'i* (3/76).

(2) *Al-Mustasfa* (p. 198).

(3) *Al-Mustasfa* (p. 199).

(4) *Al-Mabsut* (3/107).

the default state is the innocence of his obligation and the sanctity of his wealth; nothing should be imposed upon him except by command from the legislator.

Al-Juwaynî states: "Whatever is uncertain in its obligation, the original state is the innocence of the debtor regarding it."⁽¹⁾ Ibn ` Abd al-Barr says: "There is no place for precaution in obligating something that Allah has not made obligatory on an innocent debt; rather, precaution means refraining from imposing what God has not authorized."⁽²⁾ Ibn Qudâmah states: "If it is said that Zakâh is obligatory as a precaution, just as we have established prohibition in the sacred precincts and during *ihram* as a precaution, this is not valid; because obligations cannot be established based on uncertainty."⁽³⁾ He further states in another context: "The original ruling is the non-obligation of Zakâh, so it does not become obligatory based on doubt."⁽⁴⁾

Al-` Izz Ibn ` Abd al-Salâm says: "If one doubts whether he is obliged to perform any acts of worship or if there is a debt upon him, or a specific obligation, nothing of that is required of him; because the original state is the innocence of his obligation. Allah has created all His servants as free from obligations and rights until the causes for their obligation are established."⁽⁵⁾

The principle of the innocence of the debtor falls under a significant legal maxim, which is: 'Certainty is not overruled by doubt'; because the state of a person being free from the rights of others is a certain matter; this certainty cannot be dismissed merely by claims that are unsupported by evidence, as such claims then represent a doubt that is not taken seriously.

Another relevant principle is: 'What exists remains as it is'; because a person is born free from any rights owed to others, and this state of innocence regarding obligations is maintained until something is established that removes it."⁽⁶⁾

Among the principles related to this original rule is the maxim: "The original state of people is poverty."⁽⁷⁾ This principle should be taken into account con-

(1) *Al-Ghayathi* (p. 504).

(2) *Al-Tamhid lima fi al-Muwatta' min al-Ma'ani wal-Asanid* (2/63).

(3) *Al-Mughni* (2/446).

(4) *The previous reference* (3/11).

(5) *Qawa'id al-Ahkam fi Masalih al-Anam* (2/51).

(6) *Mawsu'at al-Qawa'id wal-Dawabit al-Fiqhiyya* by Al-Nadwi (1/163).

(7) *Al-Mabsut* (5/193), *Al-Wasit fi Al-Madhhab* (4/18), *Al-Qabas* (3/914), *Al-Majmu' Sharh* =

cerning an individual until there is a certainty that elevates this state, such as owning the *Nisâb*. Precaution is necessary here, mandating Zakâh upon him regarding the funds that are in doubt, as a way to free his obligation.

- Precaution for the Right of the Zakâh Beneficiary: Since one of the main purposes of Zakâh is to alleviate the needs of the poor, the Sharî'ah takes their rights into account in this regard, exercising caution in many cases by ensuring what is most beneficial for them and closing avenues for exploitation in the realm of Zakâh.
- Precaution for All Types of Zakâh: This involves ensuring that Zakâh is not taken except from someone who is truly entitled to it and in need of it, as well as the precaution of the collector in gathering the funds.

In explaining this, Al-Ghazâlî states, after discussing some examples of recognized needs in deserving Zakâh: "Such examples are not limited, and they are not addressed in the field of jurisprudence; we mention them to highlight the universality of the issue and to encourage better scrutiny regarding other cases. Exhaustively detailing these examples is impossible; these matters do not have fixed boundaries. Rather, the jurist should exert effort in his reasoning and approximate his determinations based on what he sees, while those who are cautious should adhere to precaution and avoid what causes doubt in favor of what does not. The middle grounds that create complications between clear opposing extremes are numerous, and only precaution can save one from them. And Allah knows best"⁽¹⁾

Thus, we see how Zakâh incorporates precautions to protect the rights of all parties involved in its legislation, and further elaboration on these aspects will come in the discussion of the influence of objectives on legal branches.

Objective Evidence:

- 1- Allah the Almighty says: ***"And do not say for what your tongues assert, Or have they other deities who have ordained for them a religion to which Allah has not consented? But if not for the decisive word, it would have been concluded between them. And indeed, the wrongdoers will have a painful punishment."***⁽²⁾

= Al-Muhadhdhab (6/177).

(1) Ihyâ' 'Uloom al-Din (1/222).

(2) Verse 21 of Surah Ash-Shura.

Evidential aspect: This verse contains a condemnation of those who legislate in religion what Allah has not legislated, which includes imposing obligations that Allah has not mandated. Therefore, exercising caution in acts of worship-such as Zakâh-means adhering to the principle of stopping (i.e., not acting) until there is clear evidence, and not imposing anything except what Allah has made obligatory. Ibn Taymiyyah states: "Through studying the principles of Sharia, we know that the acts of worship that Allah has made obligatory or loved are only confirmed through *Shari'ah*; ... for the command and prohibition are the *Shari'ah* of Allah. Worship must be something that one is commanded to do. If it is not established that it is a command, how can it be judged as worship? And if it is not established that it is prohibited, how can it be judged as forbidden? That is why Ahmad and other scholars of the *hadith* used to say: The principle in acts of worship is (*tawqif*), so nothing should be legislated except what Allah the Almighty has legislated. Otherwise, we would fall into the danger mentioned in the ayah that reads: "***Or have they other deities who have ordained for them a religion to which Allah has not consented?***"⁽¹⁾

- 2- The *hadith* of Ibn 'Umar (may Allah be pleased with him) that the Messenger of Allah, peace be upon him, said: "*I have been commanded to fight the people until they testify that there is no god but Allah and that Muhammad is the Messenger of Allah, establish prayer, and give Zakâh. If they do that, they have protected their blood and their wealth from me except by right, and their account is with Allah.*"⁽²⁾

And from Abû Huraira (may Allah be pleased with him) who said: When the Messenger of Allah, peace be upon him, passed away and Abû Bakr (may Allah be pleased with him) was in charge, many of the Arabs turned to disbelief. 'Umar (may Allah be pleased with him) said: "How can we fight the people when the Messenger of Allah, peace be upon him, said: 'I have been commanded to fight the people until they say: There is no god but Allah. Whoever says it has protected from me his wealth and his life, except by right, and his account is with Allah?'" He then said: "By Allah, I will fight those who differentiate between Prayer and Zakâh, for Zakâh is the right of wealth, and by

(1) Majmû' al-Fatâwâ (16/29-17).

(2) Agreed upon, narrated by al-Bukhârî (25) and Muslim (20), both from the *hadith* of Ibn 'Umar (may Allah be pleased with him).

Allah, if they were to withhold a rope that they used to give to the Messenger of Allah, peace be upon him, I would fight them over withholding it.” `Umar (may Allah be pleased with him) said: “By Allah, it was only that Allah had opened the heart of Abû Bakr (may Allah be pleased with him), so I realized that it was the truth.”⁽¹⁾

Evidential aspect: The two *hadîths* clearly indicate the inviolability of a Muslim’s wealth; it should not be taken except by right. `Umar (may Allah be pleased with him) used this to support his view on the prohibition of fighting initially-before he contemplated the rest of the discussion and its conditions-which indicates that this principle was well established among them. The original principle is to exercise caution regarding Muslims’ wealth because it cannot be violated except by establishing the right with certainty.

Al-Nawawî says: “This was `Umar’s (may Allah be pleased with him) initial attachment to the apparent meaning of the words before he considered the rest of the statement and reflected on its conditions. Abû Bakr (may Allah be pleased with him) said to him: ‘Indeed, Zakâh is the right of wealth,’ meaning that the issue involves the inviolability of blood and wealth, which is contingent upon fulfilling its conditions. A ruling that is contingent upon conditions cannot be established by one condition while the other is absent.”⁽²⁾

Additionally, in his saying, peace be upon him, “except by its right,” there is an indication of caution regarding the rights of the poor. This is why Abu Bakr (may Allah be pleased with him) fought against those who withheld Zakâh, as they did not meet the conditions for inviolability.

- 3- The saying of the Prophet, peace be upon him: “*All of a Muslim is sacred to another Muslim: his blood, his wealth, and his honor.*”⁽³⁾ And he said: “*Your blood and your wealth are as sacred to you as this day of yours in this month of yours, in this city of yours.*”⁽⁴⁾

Evidential aspect: The two *hadîths* indicate the prohibition of the property of a Muslim, highlighting the concern of the legislator for preserving, protecting, and ensuring the rights associated with it. Therefore, nothing should be imposed upon a person except with certainty.

(1) Previously cited.

(2) Sharḥ al-Nawawî ‘alâ Muslim (203/1).

(3) Narrated by Muslim (2564).

(4) Agreed upon, narrated by al-Bukhārî (67) and Muslim (1218).

Al-'Izz Ibn 'Abd al-Salâm states: "The scholars and the religious laws agree on the prohibition of blood, private parts, property, and honors."⁽¹⁾ Al-San'ânî says: "In the hadîth, there is a notification about the prohibition of blood, property, and honors, which is known in Islamic law with absolute certainty."⁽²⁾

- 4- The hadîth of Umm Salamah (may Allah be pleased with her), that the Messenger of Allah, peace be upon him, was one day in her house with some of his companions discussing, when a man came and said: "O Messenger of Allah, how much is the charity of so-and-so of dates?" The Messenger of Allah, peace be upon him, replied: "So-and-so." The man then said: "This person has taken more from me as he took so-and-so which is one more Sâ'." The Messenger of Allah, peace be upon him, said: "How would it be if someone were to seek more than this from you?" So the people engaged in discussion, and they were astonished by the hadîth until one of them said: "O Messenger of Allah, if a man is absent tending to his camels, livestock, and crops, and he pays the Zakâh on his wealth, and the right is taken from him, what should he do while he is away from you?" The Messenger of Allah, peace be upon him, replied: "Whoever gives Zakâh from his wealth with a good heart, seeking the sake of Allah and the Hereafter, will not have anything of his wealth taken away from him while he is absent. And he should establish prayer, then pay the Zakâh, so that the right is fulfilled." Then he took his weapon and fought, and he was a martyr."⁽³⁾
- 5- The hadîth of Anas Ibn Malik (may Allah be pleased with him) regarding the letter that Abû Bakr (may Allah be pleased with him) wrote to him when he appointed him to Bahrain, which states: "This is the obligatory charity that the Messenger of Allah, peace be upon him, mandated for the Muslims, which Allah commanded His Messenger. Whoever asks for it from the Muslims in its rightful manner, let him give it."⁽⁴⁾

(1) *Qawaid Al-Ahkam fi Masalih Al-Anam*, vol. 5, p. 1.

(2) *Subul Al-Salam*, vol. 2, p. 673.

(3) Narrated by Ahmad in his Musnad (26573), Ibn Khuzaymah in his Sahih (2336), and Al-Hakim (1470), who said: "This hadith is authentic according to the criteria of the two shaykhs (Bukhari and Muslim), although they did not include it." It was also authenticated by Al-Albani in *Al-Ta'alqat Al-Hassan* on Sahih Ibn Hibban (vol. 5, p. 144).

(4) Previously cited.

Evidential aspect: They both indicate the prohibition of transgressing in the collection of Zakâh without rightful cause. The original rule regarding wealth is prohibition and protection, which is the utmost in taking precautions and care to safeguard the rights and property of Muslims

- 6- Hadith of Anas Ibn Mâlik (may Allah be pleased with him) said: A man from Banû Tamîm came to the Messenger of Allah, peace be upon him, and said: "O Messenger of Allah, if I pay the Zakâh to your messenger, am I absolved from it before Allah and His Messenger?" The Messenger of Allah, peace be upon him, replied: *"Yes, if you have paid it to my messenger, you are absolved of it, and you will receive the reward for it, while the sin is on the one who withholds it."*⁽¹⁾

Evidential aspect: In his saying, peace be upon him: *"If you have paid it to my messenger, you are absolved of it,"* there is a clear indication that paying Zakâh to the collector is sufficient to free the debtor from responsibility. This illustrates the eagerness of the noble Sharî'ah to ensure the safety of the debtor's obligations. Hence, the majority hold that this is sufficient even if the ruler is oppressive.⁽²⁾

- 7- Hadîth of `Ubaydullah Ibn `Adî: He said: "Two men informed me that they went to the Messenger of Allah, peace be upon him, while he was distributing the charity, and they asked him for some of it. He raised his gaze towards them and said: *'If you wish, I can give you; but there is no share for the wealthy or for the strong able to earn.'*"⁽³⁾

Evidential aspect: The Prophet, peace be upon him, observed the two men as being robust, and he reminded them to be cautious in taking Zakâh; for its rightful recipients are those in need who possess neither wealth nor strength. Taking it improperly would deprive those who truly deserve it of their rights.

- 8- Hadîth of Abû Sa`îd al-Maqbarî: He said: "I came to `Umar Ibn al-Khat-tâb and said: 'O Commander of the Believers, this is my Zakâh, and I brought him a hundred dirhams, and he asked: 'Did you take from your

(1) It was narrated by Ahmad in his Musnad (12394), and Al-Haythami said in Majma' al-Zawa'id (66/3): "Its narrators are the narrators of the Sahih." Sha'ban Al-Arnaout commented in his verification of the Musnad: "Its narrators are trustworthy narrators of the two Shaykhs."

(2) Nayl al-Awtar (185/4), Fath al-Mun'im Sharh Sahih Muslim (482/4).

(3) Previously cited.

property?’ I replied: ‘Yes.’ Then he said: ‘Then go with it and distribute it.’⁽¹⁾

- 9- The statement of `Uthman (may Allah be pleased with him): “This is the month of your Zakâh. Whoever has a debt should pay it off so that your wealth is sufficient for you to pay the Zakâh from it.”⁽²⁾

Evidential aspect: In the statement of `Umar (may Allah be pleased with him): “Go and distribute it,” and `Uthman’s statement: “So that you can pay Zakâh from it,” indicates that he has made the distribution of wealth contingent upon the obligation of the responsible parties. This also serves as a means to achieve certainty and to be cautious regarding one’s obligations.⁽³⁾

The effect of considering this objective in the Fiqh-based branches:

First: Caution for the right of Allah the Almighty by following the texts and adhering to the fixed rules in the legislations of Zakâh, because the basis of worship is caution and adherence to divine instructions. Therefore, nothing is legislated except what has a clear text or falls within the meaning of the text. An example of this is the non-acceptance of paying Zakâh in value instead of in the exact amounts prescribed, adhering to the legally determined quantities in Zakâh, such as the *Nisâb*, the required amounts, the lunar year requirement, and avoiding estimation except for palm and grape crops. Some of these examples have been previously explained in the objective of “*adh-Dhabt wa at-Tawqîf*, Regulation and Adherence”.⁽⁴⁾

Second: Caution for the right of the responsible Individual (*Mukallaf*). This includes, at times, refraining from occupying a person’s innocent liability except with certainty, and avoiding taking from their protected wealth unless with certainty. This, too, safeguards Allah’s right by not obligating anything unless it has been commanded by Him. Sometimes, caution is applied by making obligations when the cause is definitively established, and if there is doubt in its existence, the established obligation is not negated by a questionable impediment, ensuring that the individual’s liability is cleared. Examples of caution in

(1) Narrated by Abu Ubayd in *Al-Amwal* (1807).

(2) Previously cited.

(3) *Al-Muhadhab fi Fiqh al-Imam Al-Shafi’i* (308/1), *Al-Kafi fi Fiqh Al-Imam Ahmad* (420/1).

(4) It was previously discussed.

non-obligation include:

- 1- Restricting the types of wealth subject to Zakâh: Applying this principle generally, since acts of worship are based on caution. Zakâh is only required for types of wealth that are supported by a clear, authentic text. This also protects the rights and property of people, as the default ruling regarding people's wealth is its sanctity and protection, and their liabilities are considered innocent. Thus, it is not permissible to deviate from these principles except with a clear text. Ibn Rajab states, "No obligation or prohibition exists without *Sharî'ah*... this goes to the presumption of innocence in liability, where no indication of liability is found... just as it is concluded that Zakâh is not due on non-Zakâhable wealth."⁽¹⁾

This principle is why scholars disagree on whether to include a certain type within the Zakâhable wealth. Some took caution by restricting themselves to what is textually supported, while others applied analogy (*qiyâs*), varying between narrow and broad interpretations and differing in causes and analogies.

Examples include:

- Some scholars have ruled that Zakâh is not obligatory on crops and fruits except for four types: wheat, barley, dates, and raisins. Anything other than these four is exempt, "because there is no text or consensus on them, nor are they comparable in terms of predominant use as staple foods and the abundance of its benefit, availability, and presence does not substantiate its analogy with or attachment to them. Therefore, it remains on its original ruling."⁽²⁾ Al-San`ânî says, "The established principle is the inviolability of a Muslim's property, which cannot be overridden except by clear evidence. Moreover, the principle of exemption from liability stands, and neither of these principles can be overridden except by evidence that matches their weight. Therefore, caution suggests refraining from taking things like grains and other items not directly established by anything other than a general statement, which itself has specific exceptions."⁽³⁾

Shaykh Ibn `Uthaymîn says, "Some scholars see it as limited to specific items and say: We should not obligate people or burden them in their wealth with

(1) *Jamî' al-'Ulum wa al-Hikam*, Volume 2, Page 835.

(2) *Al-Mughni* (3/4).

(3) *Subul al-Salam* (1/530).

anything that lacks clear proof, as taking wealth is like waiving wealth. Taking wealth from the wealthy, as it is obligatory upon them, is akin to exempting them from it and depriving the poor. The default is freedom from obligation. So, here we ask: Is caution imposing Zakâh to benefit Zakâh recipients, or is it to protect people's wealth? When these two forms of caution conflict, they cancel each other, and we revert to the basic principle, which is freedom from liability. This is one reason some support the view that the items liable for Zakâh are specifically enumerated."⁽¹⁾

- Dâwûd al-Zâhirî holds that there is no obligation for Zakâh on trade goods, "arguing that individuals are exempt by default and that no liability should exist unless supported by clear evidence from the Qur'an, Sunnah, or Consensus, noting that it is a disputed issue."⁽²⁾
- Mâlik and Ash-Shâfi'î maintain that Zakâh is obligatory only on crops and fruits used as sustenance: "since there is no text concerning others, nor are they comparable to what has been explicitly mentioned. Thus, they remain free from Zakâh based on the principle of non-obligation."⁽³⁾
- Zakâh is not obligatory on horses, as there is no definitive, explicit text mandating it, nor are they analogous to livestock: "Livestock grow, and their milk and meat are utilized, they are used as sacrifices, as offerings, and as compensation for certain violations during Hajj. Zakâh is taken directly from their assets, with a complete quota required, and their value is not considered. Horses differ in this regard."⁽⁴⁾ Therefore, they remain exempt based on the principle of non-obligation.
- Zakâh is not obligatory on ambergris, "since it was available during the time of the Prophet, peace be upon him, and his successors, yet no instruction regarding its Zakâh was reported from him or any of his successors in any reliable manner, and because the default ruling is the absence of obligation on it"⁽⁵⁾, as the principle in acts of worship is caution.
- The non-obligation of Zakâh on fish, as "there is no text or consensus that requires it, nor can it validly be compared to items on which Zakâh

(1) *Fath Dhi al-Jalal wal-Ikram* Sharh Bulugh al-Maram (3/71).

(2) *Al-Istidhkar* (3/169).

(3) Ibid.

(4) *Al-Mughni* (2/464).

(5) *Al-Mughni*, vol. 3, p. 56.

is obligatory, so there is no basis to mandate it,”⁽¹⁾ The principle of worship is founded on caution.

- The non-obligation of Zakâh on honey, as “there is little reliable narration from the Prophet, peace be upon him, regarding this matter”⁽²⁾, and “it is non-liability”⁽³⁾, with worship based on precaution.
- The non-obligation of Zakâh on offspring from hybrids of deer and sheep, as “the default is non-obligation; liability is established by text, consensus, or analogy, none of which apply to such animals. This pertains specifically to the eight domesticated livestock species, not including hybrids in their categories, rulings, essence, or meanings... and if it’s said that Zakâh should be obligated for precaution, this is invalid, as obligatory duties are not imposed on the basis of doubt.”⁽⁴⁾
- The non-obligation of property used by the Zakâh payers, given the absence of any mention of Zakâh on them, despite their availability during the Prophet’s time. This is based on the principle of the sanctity of Muslim property.

Al-Shawkânî states: “This is a matter that was unheard of in the earliest generations, nor mentioned by scholars from any school, and finds no basis in text, prophetic tradition, or analogy. Muslim property is safeguarded by Islamic law and should not be taken unjustly, as it would be equivalent to consuming wealth unlawfully.”⁽⁵⁾

- The non-obligation of Zakâh fed animals, as “there is neither obligation nor prohibition except through textual proof... and this principle is grounded in the presumption of non-liability until proof of obligation exists, thereby affirming the absence of Zakâh on non-Zakâhable assets.”⁽⁶⁾
- 2- The preference for exempting Zakâh when both foddering and grazing occur according to the Shâfi`î School: “Because in grazing there is

(1) Ibid.

(2) Sunan al-Tirmidhi, vol. 2, p. 18.

(3) Al-Tanweer Sharh al-Jami’ al-Saghir, vol. 7, p. 537.

(4) Al-Mughni, vol. 2, p. 446; see also Al-Hawi al-Kabir, vol. 3, p. 134.

(5) Al-Sayl al-Jarar al-Mutadfiq ‘ala Hadayiq al-Azhar, p. 237.

(6) Jam’ al-Uloom wal-Hikam, vol. 2, p. 835.

an obligation, and in foddering there is an exemption, and when both come together in Zakâh, the ruling of exemption prevails.”⁽¹⁾

- 3- The types of grains and fruits are combined when they are similar to each other, and when they are not, they are not combined. However, what is uncertain in this regard is not combined; because the principle is the non-obligation, and obligation does not arise from doubt.⁽²⁾
- 4- The precaution in *Khars* (estimation) involves leaving a third or a quarter, allowing the collector to leave some of what they estimated out of leniency and caution, so that they do not exceed the estimated amount.⁽³⁾

And examples of precaution through obligation include the following:

- If crops and fruits are irrigated some of the year with expense and some without, then “it is preferred to impose the tenth as a precaution, as stated by Ahmad in the narration of Abdullah; because the principle is the obligation of the tenth, and it only drops due to the existence of costs. As long as the cause for exemption is not established, we remain on the principle, and since the original assumption is the lack of costs in most cases, existence cannot be established with doubt.”⁽⁴⁾
- The precaution in performing the Zakâh on jewelry; Al-Khattâbî states: “The precaution is in its performance, and Allah knows best.”⁽⁵⁾
- If there is doubt regarding the obligation of Zakâh on one’s wealth, and the person cannot find an evidence to the contrary, then the precaution is to give it out.⁽⁶⁾
- Early payment of Zakâh on wealth obtained from a source other than the category of the *Nisâb* during the year is advised if one cannot determine the timing of ownership; this is precautionary, so he should pay Zakâh on it all.⁽⁷⁾

(1) Al-Hawi Al-Kabir, page 190/3.

(2) Al-Mughni, page 33/3.

(3) Al-Shafi in Sharh Musnad Al-Shafi, page 63/3, with slight modifications.

(4) Al-Mughni, page 10/3.

(5) Ma’alim Al-Sunan, page 17/2.

(6) Al-Mughni, page 11/3.

(7) Tuhfat Al-Fuqaha, page 278/1; Al-Amwal by Abu Ubaid, page 508; and Al-Mughni, page 60/3.

Al-Samarqandî states: “We say that this is a principle in this regard, but it is dependent in the sense that the original amount increases with it, and the increase depends on what is added to it. Thus, we considered the aspect of dependency regarding the year as a precaution for the obligation of Zakâh.”⁽¹⁾ Similar views have been expressed by Al-Kâsânî.⁽²⁾

- Some scholars have said regarding the Zakâh of the expected debt owed to the wealthy person that he should pay Zakâh on it every year along with his present wealth. “Because if he neglects this until it is received, he will hardly have a fixed limit for the Zakâh on his debt and will not have fulfilled it. This is because the debt might be collected in increments, like five or ten dirhams, or more or less. Therefore, he needs for every dirham he collects, more than that, to be aware of what has been owed to him over the years, months, and days. Then he must calculate from his Zakâh based on what he receives. In less than this, there would be negligence and carelessness; that is why they have advised him to be cautious.”⁽³⁾
- The obligation to give Zakâh al-fitr is one *sâ`*; because the narration of half a *sâ`* is not established, and the full *sâ`* serves as a precaution for the obligation, supporting the analogy.⁽⁴⁾
- The obligation of Zakâh on a debtor who acknowledges their bankruptcy according to Abû Hanîfa is due to the realization of bankruptcy. Abû Yûsuf also stated this, even if the bankruptcy is not fully confirmed; “as a precaution regarding Zakâh and taking care of the poor.”⁽⁵⁾

And among the examples of precaution taken to ensure the clearance of the accountable person's liability:

- It is recommended that a person personally distribute the Zakâh; so that he can be certain it reaches its rightful recipients, whether it is from visible or hidden wealth. “Imam Ahmad said: I prefer that he gives it himself, and if he gives it to the ruler, it is permissible.”⁽⁶⁾ Ash-Shâfi‘î held a similar view regarding hidden wealth, stating: “I like a man to personally

(1) Tuhfat Al-Fuqaha, page 278/1.

(2) Badaye' Al-Sanaye', page 14/2.

(3) Al-Amwal by Abu Ubaid, p. 531.

(4) Al-Mughni, 82/3.

(5) Al-Binaya Sharh Al-Hidaya, 308/3.

(6) Al-Mughni, 479/2.

distribute it, so that he can be certain he has fulfilled his obligation.”⁽¹⁾

This is because he is certain of his own actions and doubtful about the actions of others; thus, by giving it himself, he ensures the clearance of his liability by ensuring it reaches its rightful owners.

- **“It is permissible for individuals to manage public funds when it is feared that the leaders will not fulfill this duty”⁽²⁾**; this is a legal principle mentioned by Al-`Izz Ibn `Abd al-Salâm. If the leaders are unable to collect Zakâh from public funds and distribute it correctly to those entitled, then it is incumbent upon the obligated individuals to strive to pay it so that their debts are cleared and do not remain encumbered by the rights of the deserving.⁽³⁾

Therefore, a number of scholars have concluded that it is not permissible to give Zakâh to a tyrannical ruler who does not allocate Zakâh to its rightful places;⁽⁴⁾ because giving it to him in that case may result in the Zakâh not reaching its intended recipients, and the Shariah takes precautions to ensure the clearance of the obligations of the obligated individuals.

- “If a person possesses gold or silver that is impure or mixed with something else and does not know the quantity of either, and he is uncertain if he has reached the *Nisâb*, he has the choice between two options: either to weigh what he knows the amount of, or to estimate and give, ensuring that the obligation is met with certainty. If the quantities differ or are unknown, he cannot discharge the obligation from it unless he can estimate it in a way that assures him that what he has given from the gold covers the Zakâh amount.”⁽⁵⁾ This is a matter of precaution to ensure the clearance of his obligation completely and perfectly.
- “If the Zakâh is hastened due to the assumption of poverty until the

(1) Al-Hawwi Al-Kabir, 185/3.

(2) Qawaid Al-Ahkam fi Masalih Al-Anam, 82/1.

(3) Majmu’ Al-Fatawa, 587/28-589.

(4) Al-Thawri said: “Swear to them, lie to them, and do not give them anything if they do not place it in its rightful places.” He said: “Do not give it to them.” Al-A’ta said: “Give it to them if they place it in its rightful places,” meaning that it is not to be given to them if they do not do so. Al-Shabi and Abu Ja’far said: “If you see the rulers not being just, then give it to the needy among its people.” (Al-Mughni, 479/2.)

(5) Al-Mughni (p. 38/3).

year is complete, and he assumes that the poor person is in need, the Zakâh is not invalidated by this; he has the right to take it back since what he received is no longer considered Zakâh.”⁽¹⁾

- “If Zakâh is given to someone who he believes is deserving due to reasons such as poverty, debt, or the need for emancipation, and he later finds out that his assumption was incorrect, the Zakâh does not fall from him, nor does it suffice; he is entitled to reclaim what he has given.”⁽²⁾ This is because the error became apparent with certainty, and the recipients of charity should be the poor rather than the wealthy; thus, it does not suffice, and his obligation is not cleared unless it reaches those who deserve it.⁽³⁾ “Furthermore, the error in giving rights to those who are not entitled does not lead to absolution from them; it is similar to deposits given to non-owners, or debts paid to individuals other than their rightful owners.”⁽⁴⁾

The discussion on this matter is detailed by Al-Mârwî as he says: If someone gives from Zakâh or expiation to someone he believes to be deserving but later finds out he is not, if he falls outside the deserving category because he is a slave or a disbeliever, it does not suffice; this is because slavery and disbelief are clear indicators that are not easily hidden, and any mistake in this regard results from his negligence in assessing them. If he is excluded from the deserving category due to wealth, and he did not exercise diligence when giving it to him, it does not suffice due to his negligence.

If he exercised diligence, there are two opinions regarding whether it counts as sufficient:

The first opinion, which is the older view, and the one held by Malik and Abû Ḥanîfa, states that it is sufficient. This is because it is permissible for him to act based on his own judgment, so he is not required to repeat the act as long as he has exercised diligence. Additionally, the Prophet Muhammad, peace be upon him, said to the two men who approached him and asked him to give them from charity wealth: *‘If you wish, there is no share in it for the rich*

(1) Qawâ'id al-Ahkâm fî masâlih al-'Anâm, (p. 65/2).

(2) Ibid.

(3) Al-Mabsut by Al-Sarakhsi (p. 12/3).

(4) Al-Hawî Al-Kabîr (p. 520/10).

or for one who is capable of self-sufficiency.⁽¹⁾ Then he gave according to their claims and acted based on the apparent state of their conditions.

The second opinion: which is the view in the new (version of his school), states that it is not valid; because an error regarding the rightful recipient prevents its validity, just as if it turns out to be given to a slave or a disbeliever. Furthermore, an error in delivering rights to someone who is not entitled to them does not imply absolution from them, similar to deposits given to those who are not their rightful owners and debts paid to those who are not the creditors.⁽²⁾

- 1- If the giver of Zakâh gives it before reaching the rightful recipient, then it does not count, and the Zakâh will be taken from him according to the Hanafite school; because this is a financial right that is collected by the imam under legitimate authority. Thus, the one obligated cannot cancel the right of collection; Zakâh is purely the right of Allah the Exalted, and it is to be collected by whoever is appointed as a deputy for the collection of the rights of Allah the Exalted, who is the Imam. Therefore, his obligation is not absolved except by disbursement to him. Similarly, he is not absolved by giving it to the poor in the matter between him and his Lord, which is a choice held by some Hanafite scholars; because the Imam has a say in the choice of the recipient, and he should not nullify the imam's opinion by giving it himself.⁽³⁾

Ash-Shâfi'î said: It is valid and counts as such; because Zakâh was made obligatory for the sake of the poor. Allah the Exalted says: "***Zakâh expenditures are only for the poor ...***"⁽⁴⁾ Therefore, if the right reaches the rightful recipient, and that recipient is among those entitled to receive their rights, then his obligation is fulfilled.⁽⁵⁾

And Ibn Abû Mûsâ and Abû al-Khattâb said: It is better to give it to a just imam, because he is more knowledgeable about the proper recipients, and giving it to him is less suspicious. One is absolved of the obligation both outwardly and inwardly by giving it to him. However, giving it to individuals may result in reaching someone who is not entitled, and thus one may not be absolved inwardly.⁽⁶⁾

(1) Previously referenced.

(2) Al-Hawi Al-Kabir, 520/10.

(3) Al-Mabsut, 161/2.

(4) Verse 60 from Surah At-Tawbah.

(5) Al-Hawi Al-Kabir, 186/3.

(6) Al-Kafi in the Fiqh of Imam Ahmad, 420/1.

- 2- If someone passes with their wealth by the road where the *Khawârij* (a deviant sect) are in control and he was charged Zakâh by their collector, then he must pay Zakâh again on it to the legal collector; for the money he paid does not count as Zakâh. This is because they take wealth through a method of coercion rather than through Zakâh system, and they do not allocate it to the proper charitable purposes. The owner of the wealth is the one who presented his wealth for collection by passing it through them, thus it the right of the sound Muslim collector to take from it is not dismissed.⁽¹⁾
- 3- What the tyrannical rulers take from the Zakâh is obligatory to be paid again in what is between the individual and Allah, according to some scholars; because they know that they do not allocate what they take to the proper charitable purposes.⁽²⁾ Thus, one is not absolved of their obligation by giving it to them, as the Zakâh does not reach its rightful recipients.
- 4- **If the collection of Zakâh becomes impossible in a certain area, then it is obligatory for those obligated to calculate their Zakâh and deliver it to its rightful recipients.**
- 5- **Third: This is an example of exercising caution for the rights of the beneficiaries; all the previous examples of obligatory precautions also demonstrate the consideration for their rights, in addition to the caution for the obligated individual. Other examples include:**
- 6- That goods become subject to trade as soon as there is an intention, according to a narration from Ahmad; “because the intention of ownership alone is sufficient, likewise the intention of trade is even more so; since obligation prevails over abandonment as a precaution, and because it is more beneficial for the needy.”⁽³⁾
 - The obligation of Zakâh on the actual personal properties according to some Mâlikî scholars; “it is preferred to deal with them as if they are intended for trade; as a precaution for the poor.”⁽⁴⁾
 - “The goods are valued at the end of the year in the manner most

(1) Al-Mabsut, 202/2.

(2) Ibid, 180/2.

(3) Al-Mughni, 63/3.

(4) Al-Binayah Sharh al-Hidayah, 384/3.

beneficial to the needy, whether in kind or currency, regardless of what was used to purchase them. This means that if a year passes over goods and their value in silver reaches the *Nisâb*, while it does not reach the *Nisâb* in gold, we value them in silver to ensure the poor benefit from it. However, if the value in silver does not reach the *Nisâb* but the value in gold does, we then value them in gold; Zakâh becomes obligatory in this case.”⁽¹⁾ Al-Marghînânî says: “It should be valued according to what is more beneficial for the poor; this is a precaution for the rights of the needy.”⁽²⁾

- It is preferable for the one giving Zakâh to pay from the currency used in the country, as it is more beneficial for the poor.⁽³⁾
- If a person purchases a minimum (*Nisâb*) of livestock for trade, and a year passes with the livestock being grazed and the intention of trade present, he must give Zakâh as trade Zakâh according to the Hanbali school; because trade is more beneficial for the poor since it is obligatory on what exceeds the *Nisâb* based on calculations.⁽⁴⁾
- The collector of Zakâh has the choice in compensation between two sheep or their monetary value in a way that is more cautious for the poor and more beneficial for them, according to one opinion among the Shâfi‘î scholars; “he should not choose arbitrarily without any disagreement, rather he must consider the best interest and benefit for the poor. In what he gives, he is acting on behalf of the properties of the poor, and thus must exercise caution.”⁽⁵⁾
- Legislation of *khars* (estimating) for dates and grapes as caution for the rights of the entitled recipients.

Ash-Shâfi‘î states: “Much of the benefit for the owners of dates and grapes comes when they are fresh, as they are priced higher than dried dates or raisins. If they were prevented from selling fresh dates or grapes to collect a tithe, it would harm them. And if their estimation (*khars*) is not made, it would neglect

(1) Al-Mughni, 60/3.

(2) Al-Binayah Sharh al-Hidayah, 384/3.

(3) the previous reference, and see: Al-Mabsut, 191/2.

(4) the previous reference, 61/3.

(5) Nihayat al-Matlab fi Dirayat al-Madhhab, 90/3.

the rights of the entitled ones, as the produce would be taken without estimation. Therefore, *khars* is established-Allah knows best-and they are allowed to have them for their benefit, considering the welfare of the entitled ones.”⁽¹⁾

- “If the worker took the Zakâh based on his discretion and acted according to his view on its obligation, and if the discretion of the owner of the wealth led to a requirement to pay what was overlooked or a surplus over what he took, then the owner of the wealth is obligated before Allah to pay what he has omitted or left out, as he acknowledges its obligation to the entitled ones.”⁽²⁾

Further clarification on this aspect of caution will come in the purpose of “Considering the Best for the Poor.”



(1) Al-Um, Volume 2, Page 34.

(2) Al-Ahkâm Al-Sulṭāniyya by Al-Mawardi, Page 185.

Chapter Two

Specific Objectives Related to the Legislation of Zakâh

This chapter consists of six treatises:

First Treatise: Objectives Related to the Person Obligated to Pay Zakâh.

Second Treatise: Objectives Related to the Nation.

Third Treatise: Objectives Related to Zakatable Wealth.

Fourth Treatise: Objectives Related to the Beneficiaries of Zakâh.

Fifth Treatise: Objectives Related to the Collection and Distribution of Zakâh.

Sixth Treatise: Objectives Related to Zakâtul-Fitr.

Preface

I covered the particular objectives mentioned in the Zakâh legislation in Chapter Two of my study. Ibn Ashur defined these specific objectives, saying:” The intended methods established by the Lawgiver to achieve people’s beneficial interests or to protect their public interests, so that the pursuit of private interests does not lead to neglect or exploitation, ultimately undermining their general benefits.”⁽¹⁾

Al-Yubi defined these objectives as: “The specific aims and meanings associated with a particular area of Sharî‘ah, or with related areas within it”⁽²⁾

These objectives have been categorized as follows:

First Treatise: Objectives related to the person obligated to pay Zakâh.

Second Treatise: Objectives related to the Nation.

Third Treatise: Objectives related to zakatable wealth.

Fourth Treatise: Objectives related to the beneficiaries of Zakâh.

Fifth Treatise: Objectives related to the collection and distribution of Zakâh.

Sixth Treatise: Objectives related to *Zakâtul-Fitr*.



(1) Objectives of Islamic Law, Ibn Ashûr (p. 402/3).

(2) Objectives of Islamic Law and Their Relationship with Evidence, Dr. Muḥammad Al-Yûbî (p. 411).

First Treatise

Objectives Related to

the Person Obligated to Pay Zakâh

Topic (1): Purification and Improvement of the Payer⁽¹⁾

Objective Explanation:

The term “*Tathir*”, in a linguistic sense, refers to the opposite of impurity and filth. It is derived from the root “*Tahharah*,” meaning to cleanse. The act of purification signifies the process of avoiding sin and maintaining cleanliness, both physically and morally⁽²⁾. In this context, it denotes the state of being free from moral blemishes.

As for the term “*Tazkiyah*” it is a source derived from the root “*zaka*,” which encompasses purification, reform, and growth. The meanings associated with this term include cleansing, improvement, and the flourishing of one’s character⁽³⁾.

Here, the meaning of this objective is that Sharī‘ah tends to purify those who pay Zakat, ridding them of the impurities of sin and immoral behavior. It aims to improve his standing in the sight of Allah, develop his spirit, and

(1) See: Tafsīr Al-Maturidī (538/1), Ahkām Al-Qur’ān lil-Jassās (256/4), Al-Tajrid li Al-Qudūrī (1240/3), Al-Hāwī Al-Kabīr (359/3), Al-Muntaqā Sharḥ Al-Muwattā (187/2), Iḥyā’ ‘Ulūm Al-Dīn (214/1), Al-Muqaddimāt (271/1 272-), Badā’i’ Al-Ṣanā’i’ (3/2) (44/2), Al-Tahqīq wa Al-Bayān fī Sharḥ Al-Burhān fī Uṣūl Al-Fiqh (609/3 610-), Al-Mughni (29/3), Sharḥ Al-Nawawī ‘ala Muslim (48/7), Al-Mufhim limā Ishtakal min Talkhīṣ Kitāb Muslim (5/3), Tafsīr Al-Qurtubī (249/8), Iḥkām Al-Aḥkām Sharḥ ‘Umdat Al-Aḥkām (374/1 375-), Sharḥ Sunan Abī Dāwūd li Ibn Rūsland (422/7), Faṭḥ Al-Bārī li Ibn Ḥajar (262/3), ‘Umdat Al-Qārī Sharḥ Ṣaḥīḥ Al-Bukhārī (233/8), Rafa’ Al-Niqāb ‘an Tanqīḥ Al-Shihāb (306/5), Sharḥ Al-Zarqānī ‘ala Al-Muwattā (137/2), Nail Al-Awtār (138/4), Radd Al-Mukhtār ‘ala Al-Durr Al-Mukhtār (256/2), wa Al-Taḥrīr wa Al-Tanwīr (23/11)

(2) See the term Tahūr in: Al-‘Ayn (p. 19/4), Lisān al-‘Arab (p. 504/4), wa Al-Qāmūs al-Muḥīṭ

(3) See the term “Zakā” in: Lisān al-‘Arab (p. 358/14)

change his character. Additionally, it pushes the person to surround himself with good deeds and values, encouraging qualities like kindness, charity, and compassion while opposing greed and miserliness. Human nature tends to hoard wealth, but Zakâh teaches people to be generous, to fulfill their responsibilities, and to grant their proper owners their rights.

Due to the significance of this objective, the Quran explicitly states: "Take from their wealth a charity that will purify them and cause them to grow"⁽¹⁾. The goal of purification in this context, according to exegeses, is to rid them of the sins and impurities of stinginess and miserliness, which are harmful illnesses for both persons and communities. Regarding "Tazkiyah," it means embellishment with qualities and excellent acts, reform, progress, and rank promotion. "To purify" is to rid them of their sins, and "to cause them to grow" means to reform them, according to Ibn Abbas, may Allah be pleased with him."⁽²⁾

According to Ibn Ashur's exegesis on this Verse, "to cause them to grow" means to decorate them with virtues and good acts, but "to purify them" means to rid oneself of vices. Since cleansing does, in fact, come before adornment, this generosity is meant to atone for their faults and offer them great blessings. According to the Verse, kindness elevates and purifies⁽³⁾.

In their analysis of the advantages and goals of Zakat, scholars have placed a strong emphasis on this objective. One of the major meanings of Zakat, according to Al-Ghazali, is purification from the trait of stinginess. According to him, the second meaning is the removal of the damaging quality of stinginess. Only by teaching oneself to give can one overcome the trait of stinginess; one cannot leave something they love without making them give it up until it becomes a habit. Therefore, in this view, Zakâh is a purification that rids its payer of the destructive impurity of miserliness; the degree of purification varies according to the quantity donated and the satisfaction felt when giving for the sake of Allah."⁽⁴⁾

The advantages of Zakâh for its payer are explained by Al-Abyari as follows: "A person must be purified from the vice of stinginess because when they get used to hoarding, miserliness takes over their heart and they become hooked to holding onto wealth, which makes it difficult for them to part with it. But

(1) Quran, Surah At-Tawbah, verse 103.

(2) Zâd Al-Masîr fî 'Ilm Al-Tafsîr (p. 295/2).

(3) Al-Taḥrîr wa al-Tanwîr (p. 23/11).

(4) Iḥyâ' 'Ulûm al-Dîn (p. 214/1).

when people start offering Zakâh regularly, they develop a generous habit. Patience comes from practice, generosity comes from previous deeds of giving, and goodness is learned by habituation, training oneself to act kindly in spite of opposition. This is likely the intent of the verse: “**to purify them and cause them to grow**”. This act of worship promotes the development of virtues like charity and compassion for the poor and leads to righteousness in this life as well as the hereafter.⁽¹⁾” A similar opinion is expressed by Abû Abbas Al-Qurtubî⁽²⁾. Ibnul-Qayyim remarks: “Indeed, Allah has made it obligatory on the wealthy as a means of purification and growth for them”⁽³⁾. Ibn Hajar adds: “Its ruling is that the obligation is fulfilled in this world, while the reward is obtained in the Hereafter, while the wisdom behind it is purify oneself from impurities and raising one’s status”⁽⁴⁾. The concept of purification encompasses both the impurities of sins and the vice of miserliness⁽⁵⁾. A similar explanation is given Al-Zarqanî⁽⁶⁾.

This precise essence is indicated by naming this obligation as ‘Zakat’, which is one of the manifestations of the importance and grandeur of this objective. It has been noted by scholars that the term “Zakat” has two etymologies: growth and purification.

The first interpretation is related to the idea of ‘Tazkiyah’ (purification), which states that the giver of Zakat’s reward increases when they give Zakat.

The second interpretation is that it purifies the soul from sin and the vice of frugal living.⁽⁷⁾

Al-Nawawi states, “Zakat, in language, means growth and purification... It purifies the giver of Zakâh from sins, and it is said that its reward increases with Allah, hence it is called ‘Zakat’ because of the presence of the linguistic meaning within it. It is also said that it purifies its payer and bears witness to

(1) Al-Tahqîq wa al-Bayân fî Sharḥ Al-Burhân fî Uṣûl al-Fiqh (pp. 609-610/3), ma’a ikhti-yârât ṣaghîrah.

(2) Rûjû’ ilâ Al-Mafhûm limâ Ishtalaf min Talkhîṣ Kitâb Muslim (p. 5/3).

(3) Ighâthât al-Lahfân min Masâ’id al-Shayṭân (p. 784/2).”

(4) Fath Al-Bârî by Ibn Ḥajar (3/262).

(5) Rûjû’ ilâ Umdat Al-Qârî Sharḥ Ṣaḥîḥ Al-Bukhârî (8/233).

(6) Sharḥ Al-Zarqânî ‘ala Al-Muwattâ (2/137).

(7) Rûjû’ ilâ Sharḥ Sunan Abî Dâwûd by Ibn Rûslan (7/422), Fath Al-Bârî by Ibn Ḥajar (3/262), Sharḥ Al-Zarqânî ‘ala Al-Muwattâ (2/137), Nail Al-Awtâr (4/138).

the correctness of their faith⁽¹⁾.

Ibn Daqiq Al-Eid explains, "The multiplicity of rewards is the first meaning, and the purification of the soul from sin or the vice of miserliness is the second. For the advantage of both the giver of Zakâh and the recipient, Sharî'ah has established this truth. It results in purification and more rewards for the giver of Zakat, and it meets the requirements of the recipient."⁽²⁾

Among the meanings of growth that are evident in Zakâh is that the one who performs it grows in the sight of Allah and has their status elevated. Ibn Rushd Al-Jad says, "It is named so because its payer grows in the sight of Allah, meaning their status is elevated." This is evidenced by Allah's words: "Take from their wealth a charity that will purify them and cause them to grow"⁽³⁾. This meaning is clear, and I have not found it addressed by those who came before regarding this interpretation⁽⁴⁾.

Furthermore, the term 'Sadaqah' (charity) also indicates this purpose. Al-Qurtubi states, "Since it is an indication of the strength of one's religion and reflects a sincerity that harmonizes one's inner convictions with one's external behavior, the term "sadaqah" is derived from truthfulness. It demonstrates that the giver of Zakâh is not one of the hypocrites who disparage Christians who make charitable contributions. Therefore, Zakat's signal of the sincerity of its provider is proof of their lack of hypocrisy. The fact that some scholars view this objective as a logical demonstration of the Zakâh obligation is one indication of its significance. "As for the rational evidence, there are several aspects," says Al-Kasani. The second is that Zakâh helps the giver of Zakâh abandon selfishness and miserliness while purifying their soul from the impurities of sins and enhancing their character via the qualities of love and giving. Since souls have a natural tendency to hoard wealth, they are trained to render back the trusts and return rights to their proper owners. This is all encapsulated in Allah's words: ***"Take from their wealth a charity that will purify them and cause them to grow."***^{(5), (6)}

Furthermore, some scholars believe that the main objective of Zakâh is to

(1) Sharh Al-Nawawî 'ala Muslim (7/48).

(2) Iḥkâm Al-Aḥkâm Sharḥ 'Umdat Al-Aḥkâm (1/374-375), ma'a ikhtiyârât ṣaḡīrah.

(3) Verse 103 of Surah At-Tawbah.

(4) Al-Muqaddimat Al-Muhdah (1/271-272).

(5) Ayah 103 of Surah At-Tawbah.

(6) Badâ'i' Al-Ṣanâ'i' (3/2).

describe purity. In his analysis of this description, Al-Rajraji clarifies: "The word "appropriate" refers to what is appropriate for a ruling to be relied upon. Since obtaining advantages and preventing harms are the main goals of legal rulings, the appropriateness reveals the rationale....". He further elaborates on the benefit of Zakat, stating: "It said that since wealth is inherently cherished and only those who is possessed by Allah's love will pay out of his wealth, it is argued that the intended benefit is the purifying of the soul from the vice of miserliness."⁽¹⁾

The aforementioned points underscore the importance and magnificence of this objective, making it one of the top priorities that a Zakâh payer should deliberately take into account and give top priority to when carrying out their duty. This is necessary to fulfill Allah's objective for this important pillar of Islam. In order to elevate their level and rank and get purified by Allah from the filth of sins and bad character, the individual should provide Zakâh with delight, excitement, and a clean heart.

Objective Evidence:

Allah, the Exalted, states: "*Take from their wealth a charity that will purify them and cause them to grow*"⁽²⁾.

The point of evidence: This verse explicitly indicates that purification and growth are among the aims and fruits of Zakat, whether we consider them as qualities or states. Al-Qurṭubî remarks: "Purify them and cause them to grow" refers to states of the addressees." The implication is: "Take it as a means of purification for them." It is also permissible to regard them as attributes of charity, meaning a charity that purifies them and promotes their growth.⁽³⁾ According to the correct interpretation, "charity" in this context refers to the mandatory Zakat. According to Al-Jassas: "There is no proof that these individuals were compelled to donate as charity except for Zakâh duties, hence the proper interpretation is that it relates to the mandatory Zakat. They are not singled out for different requirements and are regarded the same as everyone else with regard to regulations and acts of worship, unless otherwise proven by a verified statement." This is because if the requirement implied in the verse is obligation of charity on all people, as individuals are equal in terms of legal rulings un-

(1) Rafa' Al-Niqâb 'an Tanqîḥ Al-Shihâb (5/306), ma'a ikhtiyârât ṣaghîrah.

(2) Verse 103 of Surah At-Tawbah.

(3) Tafsîr Al-Qurṭubî (8/249)."

less specified otherwise by evidence, then it must be understood that charity is mandatory on all individuals and not limited to a specific group. If this is established, then it refers to the obligatory Zakat, as there is no right in the wealth of others except for the prescribed forms of charity”⁽¹⁾.

As for the definition of Allah’s saying “*purify them*,” it means “removing the impurities of sins through the charity given.” This is because disbelief is compared to the impurity of physical substances when the term “impurity” is used to describe it. The term ‘purification’ is thus employed to oppose and eliminate it, in the same way that we remove physical impurities. Similarly, sins are referred to by the same phrase, suggesting that atonement for them is the means of purification.⁽²⁾

As for the His saying “*and cause them to grow*,” there must be a difference between the two ideas because this statement follows purification. For some scholars, ‘growth’ is an intensification of ‘purification,’ whereas for others, it means ‘growth.’ This suggests that they are cleansed of the impurities of sin and wrongdoing via charity, and that the Messenger of Allah (peace and blessings of Allah be upon him) honors and elevates them for their contributions in the form of charity.⁽³⁾

Additionally, some interpretations suggest that ‘growth’ refers to the enhancement of the giver of Zakat’s character through generosity and kindness⁽⁴⁾, while others propose that it signifies an elevation in status⁽⁵⁾ and closeness to Allah⁽⁶⁾. It may also refer to the multiplication of rewards, adorning them with good deeds⁽⁷⁾.

It appears- and Allah knows best- that there is no contradiction among all these meanings, as the term can encompass them all. Thus, all are intended in the statement of Allah: “Take from their wealth a charity that will purify them and cause them to grow.”

(1) Aḥkâm Al-Qur’ân by Al-Jassâs (3/190).

(2) See reference (4/255).

(3) Mafâtîḥ Al-Ghayb (16/136).

(4) See: Badâ’i’ Al-Şanâ’i’ (3/2), wa Al-Tahqîq wa al-Bayân fî Sharḥ Al-Burhân fî Uşûl al-Fiqh (3/609-610)

(5) See: Al-Muqaddimat Al-Muhdah (1/271-272).

(6) See: Umdat Al-Qârî Sharḥ Şaḥîḥ Al-Bukhârî (8/233).

(7) See: Iḥkâm Al-Aḥkâm Sharḥ ‘Umdat Al-Aḥkâm (1/374-375), wa Al-Taḥrîr wa al-Tanwîr (11/23).

The implication is that all these aspects are included in the command, reflecting Allah's abundant grace.

- 1- As for the Quranic verse ***“And do not spoil your charity with reminders or injury”***⁽¹⁾, the point of evidence is that Allah has prohibited mentioning one's generosity in a way that belittles the recipient. According to some commentators, the essence of this prohibition is to bring up the act of charity, boasting about it, or showing arrogance towards the recipient. This contradicts what Allah intends for Muslims, which is purification and distancing from base characteristics through Zakat⁽²⁾.
- 2- Allah, Exalted is He, says: ***“And he who will be removed from it is the one who is most righteous, who gives his wealth to purify himself, and not giving for anyone who has done him a favor to be rewarded, but only seeking the countenance of his Lord, the Most High. And he is going to be satisfied”***⁽³⁾.

Evidential aspect: Allah has praised the “most righteous” and clarified that one of his attributes is his intention behind giving—seeking to purify himself and cleanse his soul from sins and shortcomings, aiming solely for the pleasure of Allah without any partners. This indicates that purification and devotion are central objectives of the Sharī‘ah regarding all forms of charity.

- 3- The verses and hadiths concerning the prohibition of miserliness and the warnings against it are numerous. For example, Allah, Exalted is He, states: ***“And the soul is ever inclined to avarice”***⁽⁴⁾ and ***“But whoever is protected from the stinginess of his soul - it is they who will be the successful”***⁽⁵⁾. The Prophet Muhammad (peace and blessings of Allah be upon him) also said: “Beware of miserliness, for miserliness destroyed those before you; it led them to shed each other's blood and to deem unlawful what was made lawful for them”⁽⁶⁾. Additionally, he stated: “Three destroyers: a compliant miserliness, a following of desires, and the admiration of oneself”⁽⁷⁾.

(1) Verse 264 from Surah Al-Baqarah.

(2) See: Tafsīr Al-Qāsimī (2/216).

(3) Verse 17-21 from Surah Al-Lail.

(4) Verse 128 from Surah An-Nisā.

(5) Verse 9 from Surah Al-Hashr, Verse 16 from Surah At-Taghābun.

(6) The source of the hadīth has been stated earlier, p.++.

(7) The source of the hadīth has been stated earlier, p.++.

In a narration from Abdullah ibn Amr, it is reported that the Messenger of Allah (peace and blessings of Allah be upon him) delivered a sermon and said: "Beware of miserliness, for indeed, those before you were destroyed by miserliness. It commanded them to be stingy, so they became stingy; it commanded them to sever ties, so they severed ties; and it commanded them to commit immoral acts, so they did"⁽¹⁾.

Evidential aspect: The verses and hadiths provide a strong warning against the ailment of miserliness, indicating that this trait is inherent in human nature due to their creation and disposition⁽²⁾. It is a cause of destruction for nations and their downfall, leading to an excessive attachment to wealth. This miserliness can result in the individual denying the rights of Allah, the Exalted, from their wealth, as well as preventing kindness towards relatives and severing familial ties. Furthermore, it can drive individuals to commit sins to acquire money through theft, usurpation, murder, and deceit, causing them to transgress and disobey Allah.

One of the greatest objectives of Zakâh is to purify the soul from this miserliness by parting with a portion of cherished wealth. This act trains the individual to become self-sufficient and develops their character by promoting virtues that counter miserliness, such as generosity, kindness, and benevolence⁽³⁾.

- 4- In the hadîth narrated by Anas ibn Mâlik, a man from Banu Tamim approached the Messenger of Allah (peace and blessings of Allah be upon him) and said: "O Messenger of Allah, I have a lot of wealth, and I have family and children, and I live in a town. Tell me how I should spend it and what I should do?" The Messenger of Allah (peace and blessings of Allah be upon him) replied: "Pay the Zakâh from your wealth, for it is..." It is a purification for you, it connects you with your relatives, and it recognizes the rights of the needy, the neighbors, and the poor." The man then said, "O Messenger of Allah, make it less for me." The Prophet replied, "Give the due rights to your relatives, the poor, and the traveler, and do not be wasteful." The man said, "That**

(1) Narrated by Abî Dâwûd (2/133), ḥadîth number 1698. Authenticated by Al-Albânî fî Ṣaḥîḥ Al-Jâmi' (1/521).

(2) Tafsîr Al-Qurṭubî (5/406).

(3) See: Al-Manḥal Al-Athîf Al-Mawrud Sharḥ Sunan Abî Dâwûd (10/16).

is sufficient for me, O Messenger of Allah. If I give the Zakâh to your messenger, I will have fulfilled my duty to Allah and His Messenger.” The Prophet (peace and blessings of Allah be upon him) said, “Yes, if you give it to my messenger, you will be free of it, and you will receive your reward, while the sin will be on the one who alters it”⁽¹⁾.

Evidential aspect: The statement of the Prophet (peace and blessings of Allah be upon him), “It is a purification for you,” indicates that one of the purposes of Zakâh is to purify the giver of Zakâh from the filth of sins and bad character.

- 5- In the hadîth narrated by Abdul Muttalib ibn Rabi’ah Ibnul-Harith, he recounts that he and Abbas ibn Abdul Muttalib decided to send two young men (the narrators) to the Messenger of Allah (peace and blessings of Allah be upon him) to discuss the distribution of charity. When they arrived, they found Ali ibn Abi Talib there and engaged in a conversation about their intent to be appointed over the alms. The Prophet was approached, and they expressed their wish to assist in the distribution of Zakat.

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) responded, “Charity is not befitting for the family of Muhammad; it is the dirt of the people...”⁽²⁾ This statement emphasizes the rationale behind the prohibition of Zakâh for his family, indicating their honor and purity. This also conveys that Zakâh serves as a means of purification for those who give it and their wealth, as reflected in Allah’s command: “Take from their wealth a charity to purify them and cause them to grow”⁽³⁾. Thus, it functions as a cleansing of their souls and possessions⁽⁴⁾

- 6- The hadîth of Abû Hurairah (may Allah be pleased with him): He said: A man came to the Messenger of Allah (peace and blessings of Allah be upon him) and said: “O Messenger of Allah, which charity is the greatest?” He replied: “To give in charity while you are in good health, feeling secure against poverty and hoping for wealth. Do not postpone your charity until, when you reach the throat (the point of death), you

(1) The source of the hadîth has been stated earlier, p.++

(2) The source of the hadîth has been stated earlier, p.++

(3) Verse (103) of “Surah At-Tawbah.

(4) See: Sharh Al-Nawawî ‘ala Şaḥîḥ Muslim (179/7).”

say, 'So-and-so should have this, and so-and-so should have that,' when it has already belonged to so-and-so."⁽¹⁾

Evidential aspect: This hadîth highlights the immense reward for giving charity while in good health, especially when one is inclined toward hoarding by nature. If one is reluctant yet still gives charity, it reflects a sincere intention and is more rewarding⁽²⁾. This principle also applies to obligatory Zakâh, as its purpose is to purify the soul from greed. Thus, one attains both purification and great reward by striving against their own desires for the sake of Allah, the Exalted.

- 7- The hadîth of Umar (may Allah be pleased with him): He said: "I mounted a horse in the path of Allah, but the one who had it lost it. I wanted to buy it back, thinking he would sell it cheaply. I asked the Prophet (peace and blessings of Allah be upon him), and he said: 'Do not buy it, nor should you retract your charity, even if he offers it for a dirham, for the one who reverts in their charity is like one who reverts in their vomit.'⁽³⁾

It is also reported from Ibn Umar (may Allah be pleased with him) that he said: "Do not buy back the purification of your wealth."⁽⁴⁾ And from Jabir ibn Abdullah (may Allah be pleased with him), who used to say: "When the collector of Zakâh comes, give him your charity and do not buy it back, for they say: 'Buy it back,' and I say: 'No, it is for Allah.'⁽⁵⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) forbade Umar (may Allah be pleased with him) from buying back his charity, a prohibition that is general and includes the buying back of Zakâh after it has been given to the poor. This is further clarified by the statement of Ibn Umar: "Do not buy back the purification of your wealth," as Zakâh serves to purify wealth. Additionally, Jabir's statement reinforces the prohibition against purchasing Zakâh from the collector, as it is meant for Allah alone. Such actions contradict the objectives of the Shari'ah in purifying the giver of Zakâh by

(1) Narrated by Muslim, (716/2), No. (1032).

(2) See: "Sharh Al-Nawawi's 'ala Muslim. (123/7).

(3) Agreed upon, narrated by Al-Bukhârî, (127/2) and narrated by Muslim, (1239/3), No. (1620).

(4) Narrated by "Ibn Abî Shaybah fi his Musannaf, (409/2), number (10498).

(5) Narrated by "Ibn Abî Shaybah fi his Musannaf, (409/2), number (10499).

sincerely giving for the sake of Allah, and returning to the charity undermines that purpose.

Al-Nawawi states: “It is disliked for one who has given something in charity, or has distributed it in Zakat, expiation, or vows, to buy it back from the one to whom it was given, or to accept it as a gift, or to take ownership of it voluntarily.”

A group of scholars has stated that it is forbidden, regarding the prohibition of buying back one’s charity⁽¹⁾, Ibn Daqiq Al-Eid states: “The hadîth provides evidence against reverting in charity and gifts, as it likens this act to a dog returning to its vomit, illustrating the utmost detestation of such behavior”⁽²⁾.

- 8- The Exalted says: “***And do not aim for the defective from it to spend, while you would not take it unless you close your eyes to it***”⁽³⁾. Abû Umamah ibn Sahl ibn Hanif said regarding this verse: “It refers to the jarrar and the color of the habiq.” The Prophet (peace and blessings of Allah be upon him) prohibited giving poor-quality items in charity⁽⁴⁾. Anas (may Allah be pleased with him) reported that Abû Bakr (may Allah be pleased with him) wrote to him regarding the charity that the Messenger of Allah (peace and blessings of Allah be upon him) commanded, stating that one should not give anything that is old, damaged, or a male goat, except what the collector may deem appropriate⁽⁵⁾.

Evidential aspect: The verse and the Hadiths prohibit giving defective or inferior items in Zakat, as the motivation behind such actions is often greed and stinginess. Therefore, this practice contradicts the purpose of purification and elevation, rather reinforcing these negative traits.

- 9- The hadîth of Abû Umamah (may Allah be pleased with him): He said: I heard the Messenger of Allah (peace and blessings of Allah be upon him) delivering a sermon during the Farewell Pilgrimage, saying: “Fear Allah, your Lord; observe your five daily prayers; fast during your month; give Zakâh on your wealth, willingly from your hearts; and obey those in

(1) Al-Nawawî’s Commentary on Muslim (62/11).

(2) Iḥkâm Al-Aḥkâm: Sharḥ ‘Umdat Al-Aḥkâm (153/2).

(3) Verse (267) of “Surah Al-Baqarah

(4) The source of the hadîth has been stated earlier, p.++.

(5) The source of the hadîth has been stated earlier, p.++.

authority among you, so that you may enter the Paradise of your Lord”⁽¹⁾

Evidential aspect: The phrase “willingly from your hearts” in the Prophet’s (peace and blessings of Allah be upon him) statement emphasizes the importance of giving with a pure intention, ensuring complete purification. If one were to give with a begrudging heart, the intended purification would not be achieved as prescribed by the Sharī‘ah.

The effect of considering this objective in the Fiqh-based branches:

- 1- Non-obligation of Zakâh on Non-Muslims: Ahmad (may Allah have mercy on him) stated: “There is no Zakâh in the land of the dhimmis (non-Muslims living under Islamic rule). Allah, the Exalted, said: *“Zakâh purifies them and elevates them”*⁽²⁾. So what purification is there for polytheists?⁽³⁾.

Al-Baji states: “Zakâh is only a means of purification for Muslims, as Allah, the Exalted, said: ‘Take from their wealth a charity that purifies them.’ Therefore, it has no relation to non-Muslims, as it does not purify or elevate them”⁽⁴⁾.

- 2- The non-obligation of Zakâh on a minor and an insane person according to the Hanafi school, because Zakâh is a purification of wealth, and they are not considered among those required to purify due to their lack of accountability⁽⁵⁾.
- 3- The non-obligation of Zakâh on land subject to kharaj (tax) according to the Hanafis, because kharaj is imposed as a penalty, whereas Zakâh is an obligation of purification and gratitude; these two purposes are incompatible, and thus cannot coexist⁽⁶⁾.
- 4- The requirement for the Imam to pray for the one giving Zakâh when asked, according to the Shafi‘i school, to distinguish between the jizyah

(1) Narrated by Al-Tirmidhî (755/1) No. (616), who said: “This is a good and authentic Hadith.” The addition “willingly from your hearts” was narrated by Al-Suyûtî fî Al-Jâmi‘ Al-Şaghîr, No. (109), and was authenticated by Al-Albânî fî Şaḥîḥ Al-Jâmi‘ Al-Şaghîr and its additions (83/1)

(2) Verse (103) of Surah At-Tawbah

(3) Al-Muntaqâ: Sharḥ Al-Muwattâ (18).

(4) Al-Mughni (3/29)

(5) See: Al-Mabsût (163/2), Al-Tajrîd bi Al-Qudûrî (1217/3).

(6) See: Al-Ikhtiyâr li-Ta‘lîl Al-Mukhtâr (143/4).

(poll tax) collected from non-Muslims and Zakat, which is a means of purification⁽¹⁾.

- 5- The prohibition of deceit to evade Zakat, as this does not fulfill the objective of purification and elevation, but rather strengthens greed and stinginess within the soul⁽²⁾. Ibnul-Qayyim states: "Indeed, Allah, the Exalted, has mandated Zakâh on the wealth of the rich as a purification for them and a mercy for the poor, addressing their needs. Thus, finding loopholes to avoid its obligation undermines all of these purposes"⁽³⁾.
- 6- It is unanimously agreed that Zakâh does not apply to the Prophets, as Zakâh serves to purify those who might be tainted, and the Prophets are exempt from such impurities⁽⁴⁾.
- 7- It is not permissible for a Hashemite (descendant of the Prophet) to receive Zakat, because charity is a means of purification for its giver. Accepting it would imply a deficiency in wealth, and it is not permitted for the Hashemite due to their nobility, preserving them from engaging with anything deemed impure, as a form of honor for the Messenger of Allah (peace and blessings of Allah be upon him)⁽⁵⁾.
- 8- The non-obligation of Zakâh for an apostate according to the Hanafi school: "Zakâh is an obligation intended for purification; if it becomes impossible to fulfill it in the manner it was prescribed, then it is excused"⁽⁶⁾.
- 9- The invalidity of using monetary value in lieu of Zakâh according to the majority: "Zakâh is a right, and thus it should not be fulfilled by mere monetary value. The basis for this is the requirement for the specific item in expiration; if one were to donate the monetary equivalent of the item, it would not suffice by consensus"⁽⁷⁾ The underlying rationale is that by giving the actual item, purification of the soul from its impurities is achieved. Moreover, the intent behind this requirement is that the owner seeks to retain their wealth in its original form, and

(1) Al-Hâwî Al-Kabîr (475/8).

(2) See: Al-Muwâfaqât (120/3).

(3) Ighâthât Al-Lahfân min Maşâ'id Al-Shayţân (784/2).

(4) Radd Al-Muhtar 'alâ Al-Durr Al-Mukhtâr (256/2).

(5) Badâ'i Al-Sanâ'i (44/2).

(6) Al-Tajrîd bi Al-Qudûrî (1240/3).

(7) Sharh Al-Risâlah (16/2, 17-), and sî: Al-Hâwî Al-Kabîr (180/3).

purification involves severing that attachment between the heart and that portion of wealth⁽¹⁾.

- 10- The consideration of the minimum threshold (Nisâb) in Zakâh on minerals is akin to Zakâh on currency or treasure (rikaz). It is not valid to claim that the Nisâb is not a requirement in this case by analogy to the fifth of the spoils of war, which is the view of Abû Hanifah. This is because “the spoils of war are taken from a disbeliever in a manner of humiliation and disgrace, whereas Zakâh is taken from a Muslim as a means of worship and purification.” Therefore, it is not permissible to combine the two due to their differing rulings and purposes⁽²⁾.
- 11- The acceptance of Zakâh being transferred from one region to another according to some scholars: “Because what is required to be given for purification is not confined to its locality, similar to expiation”⁽³⁾.
- 12- The share taken from crops and fruits was traditionally called “tithe” (ushr) by Al-Shafi’i in earlier times, while the share from livestock was called “charity” (sadaqah), and the share from currency was referred to as “Zakat.” The differing names do not affect the variation in rulings. Later, Al-Shafi’i recognized that it is permissible to use the term “Zakat” for all, as everything that serves as purification for a Muslim’s wealth is considered Zakat, similar to Zakâh on currency. Thus, the names are interchangeable while the rulings are equivalent⁽⁴⁾.
- 13- The permissibility for the accountable person to independently pay their Zakat: “Because it is wealth that is given as a means of purification; thus it is allowed for the owners to discharge it themselves, similar to expiation”⁽⁵⁾.
- 14- It is not permissible to give Zakâh to a non-Muslim: “Because it is wealth that is given for purification, and it is not permissible to hand it over to those who are not among the purified”⁽⁶⁾.
- 15- The reality of what is taken from the Nasrani (Christian) community of Banu Taghlib is a jizyah (poll tax) taken under the name of charity.

(1) See: Aḥkâm Al-Qur’ân bi Ibnul-‘Arabî (520/2).

(2) Al-Hâwî Al-Kabîr (337/3).

(3) Ibid (482/8).

(4) See: ibid 475/8, 476-).

(5) Ibid (472/8).

(6) Ibid (471/8).

Thus, it does not carry the rulings of true charity, even if it is named as such. Accordingly, it should not be taken from those who are not liable for jizyah, such as women, children, and the insane, “because it is wealth taken from the People of the Book to protect their blood and homes. Therefore, it is jizyah, just as if it were taken under the name of jizyah. This is validated by the fact that Zakâh serves as purification, and these individuals do not have that purification”⁽¹⁾.

- 16- The prohibition of purchasing what has been given as Zakâh is to ensure the completeness of the purification for the giver of Zakâh by fully severing their connection to that wealth. This is to achieve complete detachment from the lower qualities of humanity, such as stinginess and miserliness, and to achieve complete purification from sins, there must be sincerity in the act of giving⁽²⁾.
- 17- Distributing Zakâh to those whose support is obligatory upon the giver of Zakat⁽³⁾ does not suffice for their sustenance, as it ultimately benefits the giver of Zakat. This is akin to giving it to oneself. The full purpose of giving Zakâh is achieved when the benefit to the giver of Zakâh is completely severed. By giving it to them, the intended purification from sins is not realized, as true purification comes from sincerity in giving for the sake of Allah. Moreover, this act may reinforce stinginess⁽⁴⁾.
- 18- A person may not use a horse purchased with Zakâh funds for military endeavors, as it is not permissible to make oneself a recipient of Zakat, similar to the prohibition of using it to settle one's debts to avoid conflicts of interest⁽⁵⁾.
- 19- If the giver of Zakâh presents their Zakâh in the form of a gift or an Eid (celebration) gift, intending it as Zakat, it will not be valid. This is due to the requirement for Zakâh to purify one's wealth, and the failure to achieve true purification and elevation when it is given in such a manner, as it is tainted by personal desires⁽⁶⁾.

(1) Al-Mughnî (344/9).

(2) See: A'lâm Al-Muwaqqi'in (273/5).

(3) See: Al-Ijmâ' bi Ibnul-Mundhir (p. 48).

(4) Al-Mabsût (11/3), Tafsîr Al-Qurtubî (189/8), Al-Mughnî (484/2).

(5) Al-Sharh Al-Kabîr 'alâ Al-Muqni' (248/7).

(6) See: Al-Hîl fî Evâsion frôm Zakât bi Dr. Abdul Samî' Al-Qawâsmî (p. 162).

Topic (2): Gratitude for the Blessing of Wealth⁽¹⁾

Objective Explanation:

Gratitude, linguistically, is derived from the root (shukr), which means acknowledgment of kindness and its dissemination. It is said that one (shakara) and (shakara lahu), which means to express gratitude.⁽²⁾

In Fiqh terminology, however, Al-Asfahani defined it as “the recognition of a blessing and its expression.” In a more specific sense, he described it as “the acknowledgment of the blessing and its expression through the tongue, which is the praise of the benefactor, as well as through all other limbs”⁽³⁾.

Ibn Qayyim defined gratitude as “the manifestation of the effects of God’s blessing on His servant’s tongue, which is the reciprocation of the blessing in proportion to its worth”⁽⁴⁾.

Al-Manawi stated, “Gratitude consists of two forms: gratitude by the tongue, which is the praise of the benefactor, and gratitude by all limbs, which is the reciprocation of the blessing in accordance with its merit.”

The intent here is that the Sharī‘ah aims for the servant to express gratitude to his Lord-exalted be He-who has bestowed upon him the blessing of wealth. When the blessing in the context of Zakâh is financial, its gratitude is demonstrated through manifesting the effects of this financial blessing by giving a portion of one’s wealth sincerely for the sake of God-exalted be He-and seeking His pleasure.

(1) See: Al-Amwâl bi Abû Ubaid (p. 529), Tafsîr Al-Mâtûridî (538/1), Uşûl Al-Sarakhsî (291/2), Qaṭā‘it Al-Adillah fi Uşûl (382/2), Iḥyâ‘ ‘Ulûm Al-Dîn (214/1), Iydâh Al-Maḥşûl fröm Burhân Al-Uşûl (p. 399), Ahkâm Al-Qur‘ân bi Ibnul-‘Arabî (519/2), Al-Masâlik fi Sharḥ Muwaṭṭa Mâlik (10/4, 11-), Ardhat Al-Ahwâzî (110/3), Badâ‘i Al-Sanâ‘i (3/2), Mafâtîḥ Al-Ghayb (79/16), Al-Mughnî (40/3), Al-Ahkâm fi Uşûl Al-Ahkâm bi Al-Amîdî (281/3), Qawâ‘id Al-Ahkâm fi Masâlih Al-Anâm (161/2), Al-Majmû‘ Sharḥ Al-Maḥhab (330/5), Tafsîr Al-Qurtubî (167/8), Al-Ikhtiyâr li-Ta‘lîl Al-Mukhtâr (100/1), Al-Dhâkhirah (7/3), Kashf Al-Asrâr Sharḥ Uşûl Al-Bazdawî (209/1, 210-), Al-Muwâfaqât (409/1), Fatwâ Al-Subkî (199/1), Al-Qawâ‘id bi Ibn Rajab (p. 371), Al-Taqrîr wa Al-Tahbîr ‘alâ Tahrîr Al-Kamâl Ibnul-Hammâm (207/3), Al-Tahbîr Sharḥ Al-Tahrîr (1073/3), Majma‘ Al-Anhâr fi Sharḥ Multaqâ Al-Abhâr (204/1), Al-Manḥal Al-Athîb Al-Mawrud Sharḥ Sunan Abû Dâwûd (159/9), Al-Tahrîr wa Al-Tanwîr (306/22).

(2) The term “Shukr” fi Lisân al-‘Arab (4/423), Al-Qâmûs Al-Muḥîṭ (p. 419).

(3) Al-Mufradat Fi Gharib Al-Quran (p. 461)

(4) Madarij Al-Sâlikîn between the stâtions of “Iyyâka Na‘budu wa Iyyâka Nasta‘în” (2/234).

As al-Sarakhsi stated, “The Zakâh that is performed is one of the two types of blessings, which is wealth. Earthly blessings can be categorized into the blessings of the body and the blessing of wealth. Acts of worship are legislated to demonstrate gratitude for these blessings in this world and to earn reward in the hereafter. Just as the gratitude for the blessing of the body is manifested through physical acts of worship such as prayer, the gratitude for the blessing of wealth is expressed through an act of worship that corresponds to that blessing.”⁽¹⁾

Ibnul-Arabi remarked, “Indeed, Allah-praise be to Him-has bestowed upon the servant two blessings: a blessing in the body, for which He prescribed physical acts of worship like fasting and prayer. He has also bestowed the blessing of wealth, for which He made its gratitude manifest through the performance of Zakat⁽²⁾. If the servant fulfills the physical acts of worship, he has expressed gratitude for God’s blessing therein, and if he gives charity, he has reciprocated God’s blessing upon him.”

He further elucidates the wisdom behind Zakat, stating, “Its wisdom is to express gratitude for God’s blessing in wealth, just as the wisdom of prayer is to express gratitude for the blessing of the body”⁽³⁾.

Al-Din al-Bukhari asserts, “It is established that Zakâh was made obligatory for the purpose of enriching the poor, and this is indeed a form of gratitude for the Blessing of Wealth. Wealth is a great blessing, as it is essential for the survival of the body and serves the purposes of both this world and the Hereafter. Therefore, it is necessary that it be accompanied by gratitude owed to Allah (Exalted and Glorious), as an act of worship, similar to the gratitude for the blessing of health. The only specific act of worship prescribed for the gratitude of wealth is Zakat, which thus becomes the means to express gratitude for this blessing⁽⁴⁾.

Numerous texts from scholars have elaborated on the significance of expressing gratitude for the blessing of wealth through the obligation of Zakat.

Maturidi states, “What is the wisdom behind its obligation? It is to manifest the blessings that Allah has bestowed upon the servant in terms of wealth and

(1) Uşûl al-Sarakhsi (2/291), and sî: Kashf Al-Asrâr Sharh Uşûl Al-Bazdawî (4/136).

(2) Al-Masâlik fî Sharh Muwaţţâ Mâlik (10/411).

(3) Al-Masâlik fî Sharh Muwaţţâ Mâlik (10/411).

(4) Kashf al-Asrâr bi Al-Bazdawî (209/1) with modification

well-being. Allah commands the servant to demonstrate gratitude through their wealth. The obligation to express gratitude through their possessions is for them to enjoy the pleasures of life, as all of this is granted for the sake of their well-being in this world and the Hereafter”⁽¹⁾.

Al-Ghazali explains in his discussion of the meanings of Zakat: “The third meaning is gratitude for the blessing. For Allah (Exalted and Glorious) has conferred upon His servant blessings in themselves and in their wealth. Thus, bodily acts of worship express gratitude for the blessing of the body, while financial acts express gratitude for the blessing of wealth. If a person is in need of sustenance and is dependent on it, their soul may resist fulfilling the gratitude due to Allah. How can one overlook the poor and neglect gratitude for Allah’s provision, especially when they themselves are enriched and can spare a fraction of their wealth?”⁽²⁾

And Ibnul-Arabi says: “By His infinite wisdom and supreme decrees, Allah has favored some people with wealth over others as a blessing from Him. He has made the expression of gratitude for this blessing through giving a share to those who possess no wealth. This act is a representation of their acknowledgment of the favor bestowed upon them, acting on their behalf in what He has promised them through His generosity, as stated in His words. “And there is no creature on earth but that its provision is due from Allah, and He knows its dwelling place and its repository. All is in a clear Book”⁽³⁾,⁽⁴⁾ and similar thoughts are echoed by Al-Qurtubi⁽⁵⁾.

Al-Razi states: “Gratitude for the blessing involves directing it towards seeking the pleasure of the Benefactor. Zakâh is thus an expression of gratitude for the blessing, and it is obligatory, as it has been established that expressing gratitude to the Benefactor is required”⁽⁶⁾.

Ibn Qudamah notes: “The purpose of Zakâh is mutual support, to enrich the poor, and to express gratitude for the blessings of Allah”⁽⁷⁾.

Al-Nawawi states: “The Imam maintains that the primary objective of Zakâh

(1) Tafsîr al-Mâtûrîdî (538/1).

(2) Iḥyâ’ ‘Ulûm al-Dîn (214/1).

(3) Verse 6 of Surah Hûd.

(4) Aḥkâm al-Qur’ân” by Ibnul-‘Arabî (519/2).

(5) Tafsîr al-Qurtubî (167/8).

(6) Mafâtîḥ al-Ghayb” (79/16).

(7) Al-Mughnî (40/3).

is to fulfill the needs of the poor from the wealth of the rich, and to purify wealth, as an expression of gratitude to Allah”⁽¹⁾.

Al-Qarafi states: “The purpose of Zakâh is to express gratitude for the blessing and to alleviate need”⁽²⁾. Zakâh is thus characterized by the expression of gratitude for the wealth of the rich and the fulfillment of the needs of the poor; there is no Zakâh except in which these two attributes are present⁽³⁾.

Ibn Amir Haj adds: “The reason for the obligation of Zakâh is the gratitude for the surplus wealth beyond what is necessary for basic needs, which allows for enjoyment of status and other benefits in accordance with the Sunnah”⁽⁴⁾.

Among the most important supplements and completions of the purpose of expressing gratitude for the blessing of wealth is the legislation of Zakâh in a manner that is easy. This is because giving is challenging for the soul, as wealth is akin to one’s spirit and is beloved to the self in general. The act of parting with what is cherished willingly is a difficult matter. If Zakâh were legislated in a burdensome manner, the full satisfaction of the soul upon giving would not be achieved, which would negatively effect the completeness of gratitude for the blessing.

Complete gratitude necessitates a comprehensive cause; if it is not complete, it will be considered deficient. Therefore, it is in God’s wisdom that Zakâh is legislated with ease, so that the giver of Zakâh can fulfill their Zakâh with complete gratitude, joy, praise, and love for the Benefactor for His blessings⁽⁵⁾.

Al-Mardawi remarks: “The wisdom behind the obligation of Zakâh is found in the minimum threshold (Nisâb) - the reason - which should be of a quantity that allows for giving⁽⁶⁾. The Nisâb is an indicator of wealth, and its quantity has been considered so that it can adequately facilitate charity, thus expressing gratitude for that blessing.”

If the quantity allows for charity, this encourages the complete expression of gratitude for the blessing in a thorough and comprehensive manner.

(1) Al-Majmû‘ Sharḥ al-Muḥadhdhab (330/5).

(2) Al-Dhâkhirah (3/147). See also: (3/56).

(3) Nafâ’is al-Uṣûl fi Sharḥ al-Maḥṣûl (9/3778).

(4) Al-Taqrîr wa al-Tahbîr ‘alâ Taḥrîr al-Kamâl bin al-Hammâm (3/207).

(5) See: Kashf al-Asrâr Sharḥ Uṣûl al-Bazdawî (1/209-210).

(6) Al-Tahbîr Sharḥ al-Taḥrîr (3/1073).

Al-Shatibi states: "The lunar year or the possibility of growth complements the requirements of ownership or the wisdom of wealth"⁽¹⁾. The obligation of Zakâh on growing wealth and the stipulation of a lunar year for its collection are among the means of facilitation in the legislation of Zakat, complementing the wisdom of wealth that is linked to gratitude, ensuring that gratitude is complete.

Thus, the obligation to give Zakâh on crops and fruits is tied to the harvest, as the fullness of the blessing does not require a full year; rather, the blessing is completed at the time of harvesting. "When the time is ripe and the food that Allah has blessed is ready to eat, the right that Allah has commanded must be fulfilled. With the completion of the blessing, gratitude for the blessing becomes obligatory, and the giving of Zakâh is due at the time of the harvest"⁽²⁾.

Alâ' al-Dîn al-Bukhârî responded to the question of why all people, including the poor, are not subjected to Zakâh (charitable giving) by stating: "Indeed, Allah has praised some people for their preference for others even when they are in need of what they possess," Based on His words, exalted be His glory: "And they prefer others over themselves, even if they are in need. And whoever is protected from the stinginess of his own soul, it is they who will be the successful"⁽³⁾. So, why should all creation not be tested with Zakat, even those who are not wealthy?

He then stated: "The foundation of rulings is based on prevailing circumstances, and the common state of people is their inability to endure hardship and their tendency to show distress and impatience when faced with misfortune. Allah, exalted by His glory, said: 'Indeed, man was created anxious. When evil touches him, he is full of complaint, and when good touches him, he withholds'⁽⁴⁾.

He added, "It is not appropriate for the wealthy to be charitable to those who are not wealthy, lest it led to a reprehensible situation."

As for those who are granted success by their Lord and endowed with strength in their faith-who prioritize the needs of others over their own and endure hardships and difficulties-being charitable does not depend on having

(1) Al-Muwâfaqât (1/409).

(2) Tafsîr al-Qurtubî (7/104).

(3) Verse 9 from Surah Al-Hashr.

(4) Verses 19-21 from Surah Al-Ma'ârij.

legal wealth; rather, it is better than charity stemming from the wealthy. However, since this situation is rare, it is not suitable for establishing a ruling⁽¹⁾. Given the significance of this objective, some scholars have considered it a proof of the obligation of Zakat.

Al-Kâsânî states: “Indeed, Allah, the Exalted, has bestowed various blessings and preferences upon the wealthy, allowing them to enjoy the delights of life and express gratitude for these blessings”⁽²⁾.

Moreover, giving Zakâh to the poor is part of expressing gratitude for blessings, thus it is considered an obligation both racially and religiously. The jurists have established the possession of the Nisâb (minimum amount determining a person’s zakatability) as a condition for this objective; by possessing it, the description of wealth that necessitates gratitude is realized, for gratitude is only due for the wealth that is confirmed by reaching the Nisâb⁽³⁾.

Al-Amidî states in explaining the necessary wisdom behind its condition, which does not arise from it, and the attribute that does not indicate the need for it: “As in the case of owning the Nisâb for Zakat; it is appropriate for the obligation of Zakâh in terms of being a blessing. Blessings call for gratitude, as gratitude leads to an increase in blessings, based on what Allah, the Exalted, has said: ‘And if you are grateful, I will surely increase your favor upon you.’”⁽⁴⁾. Zakâh is suitable for expressing gratitude due to its demonstration of blessings. Moreover, in customary understanding, expressing blessings is considered an act of gratitude.

It is evident that such a purpose—namely, the increase of blessings—is inherently tied to the obligation of Zakâh being based on that Nisâb. However, the increase in blessings does not arise from merely possessing the Nisâb, unlike the hardship that arises from travel. Similarly, possessing the Nisâb does not indicate a need for an increase in blessings, as a sale indicates a need for benefit⁽⁵⁾.

Ibn Qudamah states: “The considered wealth is the possession of the Nisâb

(1) *Kashf al-Asrâr*” explaining the principles of Al-Bazdawî (1/204).

(2) *Badâ’i al-Sanâ’i*” (3/2).

(3) *Al-Manḥil Al-Azhab Al-Mawrud*” explaining Sunan Abû Dâwûd (9/159).

(4) Verse 7 from Surah Ibrâhîm.

(5) *Al-Iḥkâm fî Uṣûl al-Aḥkâm*” bi Al-Amidî (3/281).

that is free of debt, and Zakâh is not obligatory upon those who do not possess the Nisâb⁽¹⁾.

Among the important aspects of the Shari'ah's consideration of this objective is:

The Greater the Blessing, the Stronger the Obligation of Zakat: As the blessings increase, the obligation of Zakâh intensifies. For instance, Zakâh is mandated on the highest and most valuable types of wealth; thus, one must express gratitude by giving Zakat⁽²⁾.

Consideration of Expenses in Determining Zakâh Amounts: "If expenses are reduced, Zakâh increases, leading to greater gratitude for increased blessings. An example of this is Zakâh on minerals and Khumus on treasure"⁽³⁾.

Proportional Increase in Zakâh with Increasing Wealth: "As wealth increases, the amount of Zakâh due also rises. Because whenever blessings increase and wealth grows, there should be an increase in Zakat"⁽⁴⁾. Al-Sarakhsi mentions: "The increase in Zakâh corresponds to the increase in the obligatory amount, reflecting the importance of gratitude towards the Benefactor"⁽⁵⁾.

Completeness of Wealth Results in Stronger Zakâh Obligations: The more complete the blessings in Zakatable wealth, the stronger the Zakâh obligation becomes.

Al-Qarafi states the reason why debt does not prevent Zakâh on livestock, crops, and fruits: "Because these assets generate wealth by themselves; thus, the blessings in them are more complete, which strengthens the obligation of Zakâh as a form of gratitude for the blessing. Therefore, debt does not affect the obligation of Zakâh in this case"⁽⁶⁾.

It can be understood from the above that an increase in blessings necessitates an increase in obligations, unlike cash assets.

Consequently, Ibnul-Arabi preferred the opinion of Abû Hanifah regarding the non-requirement of the Nisâb for Zakâh on crops and fruits. He stated: "The strongest opinion on this matter is that of Abû Hanifah, as it is the most

(1) Al-Kâfi fî Fiqh Imâm Aḥmad (381/1). (2) See: Al-Dhâkhirah (73/3).

(3) Ibid (82/3).

(4) Al-Fawâkih Al-Dawâni 'alâ the Risâlah of Ibn Abî Zayd Al-Qayrawâni (341/1).

(5) Al-Mabsût (167/2).

(6) Al-Dhâkhirah (43/3).

cautious for the poor and the most fitting for expressing gratitude for blessings, supported by the generality of the verse and the hadith⁽¹⁾.

This reasoning may explain the lower Nisâb for Zakâh on crops and fruits compared to that of livestock. This is because the blessing of Allah in growing plants is more evident and complete, and the effort required from a person in this regard is less than in other areas. Therefore, it is appropriate that the obligation increases by lowering the Nisâb to reflect the increase in blessings, thus necessitating greater gratitude.

Moreover, the scholars have stipulated the completeness of ownership in Zakâh because it is obligatory as an expression of gratitude for the blessings.

Among the aspects of this consideration is:

The jurists condition the complete ownership for Zakat, as it is obligatory in gratitude for the complete blessing can only be achieved through full ownership; if it is deficient, the blessing is not complete, and this does not necessitate gratitude through giving⁽²⁾.

Objective Evidence:

- 1- The evidence indicates the obligation of gratitude, such as His Exalted saying: ***“Work, O family of David, in gratitude; and few of My servants are grateful”***⁽³⁾. And His saying: ***“Eat from the provisions of your Lord and be grateful to Him; a good land and a Forgiving Lord”***⁽⁴⁾. And His saying: ***“O you who have believed, eat from the good things We have provided for you and be grateful to Allah if it is Him that you worship”***⁽⁵⁾. And His saying: ***“Rather, worship Allah and be among the grateful”***⁽⁶⁾. These are among the verses commanding gratitude.

Evidential aspect: Allah, the Exalted, commanded gratitude in these verses. The belief of the Ahl al-Sunnah is that gratitude is expressed through faith, words, and actions⁽⁷⁾. The greatest acts that achieve gratitude are the prescribed worship, which demonstrate appreciation for the blessings in this world and

(1) 'Arîdat Al-Aḥwâdhî (110/3).

(2) Al-Ikhtiyâr li-Ta'lîl al-Mukhtâr (100/1), and sî: Al-Mughnî (67/3).

(3) Verse 13 of Surah Saba.

(4) Verse 15 of Surah Saba.

(5) Verse 152 of Surah Al-Baqarah.

(6) Verse 66 of Surah Az-Zumar.

(7) Majmû' Fatwâ Ibn Taymiyyah (135/11).

earn rewards in the Hereafter. Just as the gratitude for the blessing of health is expressed through worship performed with the whole body, which is prayer, gratitude for the blessing of wealth is expressed through an act of worship corresponding to that blessing, which is Zakat⁽¹⁾.

This enables the recognition of the removal of the beloved wealth that is desired for possession, transferring it to those who will not benefit from it, highlighting that gratitude for blessings is among the most important objectives in this context, despite the challenges⁽²⁾ that may arise from it.

2- His Exalted saying: ***“Do they not see that We have created for them from that which Our hands have made livestock, and they are their owners? And We have subdued them for them, so they ride on some of them and eat from them, and they have therein other benefits and drinks. Will they not be grateful?”***⁽³⁾.

And His saying: ***“And a sign for them is the dead land. We have given it life and brought forth from it grain, so they eat from it. And We made therein gardens of date palms and vines and caused springs to gush forth within it, that they may eat of its fruit and their hands have not produced it. Will they not be grateful?”***⁽⁴⁾.

Evidential aspect: Allah, the Exalted, after bestowing blessings upon the polytheists in the initial verses—through the creation of livestock for them and the ownership, subjugation, and benefits therein, such as eating, riding, and drinking—expresses astonishment at their lack of gratitude for all these blessings through a rhetorical question. This highlights their failure to repeatedly express gratitude for these bounties, which is emphasized by the use of the present tense, indicating renewal and continuity, as these blessings are ongoing and successive at all times.

Given His astonishment at their failure to express gratitude, the implication of this incredulity further indicates the obligation of gratitude. One of the forms of gratitude for these blessings and benefits, especially for Muslims, is the obligation to give Zakâh from that livestock when one reaches the status of

(1) Uṣūl Al-Sarakhsî (291/2), and sî: Kashf al-Asrâr Sharḥ Uṣūl Al-Bazdawî (136/4).

(2) Kashf al-Asrâr Sharḥ Uṣūl Al-Bazdawî (136/4).

(3) Verses 71-73 of Surah Yâ-Sîn.

(4) Verses 33-35 of Surah Yâ-Sîn.

wealth, thereby manifesting gratitude in the form of financial contribution⁽¹⁾.

Similarly, in the second instance, Allah bestows blessings of crops and fruits and the benefits they contain, then follows it with a rhetorical question denoting disapproval of their lack of gratitude. This indicates the obligation to be grateful for those blessings, with gratitude being expressed through their equivalent, specifically by giving Zakâh when wealth is attained.

Ibnul-Arabi states: "Every blessing that Allah has bestowed has a right to charity as a form of gratitude; for Allah has made charity a means of expressing gratitude for the blessing of wealth, just as He has made prayer a means of expressing gratitude for the blessing of health"⁽²⁾

- 3- His Exalted saying: "Those who are stingy and enjoin upon people stinginess and conceal what Allah has given them of His bounty; and We have prepared for the disbelievers a humiliating punishment"⁽³⁾

Evidential aspect: Allah, the Exalted, condemns those who do not express gratitude for His blessings by giving Zakat, stating: "They are stingy and enjoin upon others stinginess and conceal what Allah has given them of His bounty." As Al-Samarqandi explains, this means they do not show gratitude for what Allah has granted them, nor do they give Zakat. This indicates that expressing gratitude for blessings is a fundamental purpose of Zakat⁽⁴⁾.

- 4- His Exalted saying: "*And give its due on the day of its harvest*"⁽⁵⁾

Evidential aspect: Allah commands the giving of the obligatory rights, and "the due right on the day of harvest" signifies the establishment of gratitude and recognizing the benefactor in the moment of enjoying the blessing is more complete than merely being grateful for its existence⁽⁶⁾.

Al-Qurtubi states: "When the time comes for consuming what Allah has blessed you with, the due right that Allah has commanded becomes obligatory; for with the completion of the blessing, gratitude for that blessing becomes necessary. Thus, giving at the time of harvest is an expression of the gratitude that is due when enjoying the bounty"⁽⁷⁾.

(1) See: Al-Taḥrîr wa Al-Tanwîr (69/23).

(2) Ahkâm Al-Qur'ân bi Ibnul-'Arabî (361/4).

(3) Verse 37 of Surah An-Nisâ.

(4) Tafsîr Al-Samarqandî (302/1).

(5) Verse 141 of Surah Al-An'âm.

(6) Lata'if Al-Ishârât bi Al-Qushayrî (507/1).

(7) Tafsîr Al-Qurtubî (104/7).

- 5- The hadîth of Al-Mughira (may Allah be pleased with him) states that the Prophet (peace and blessings of Allah be upon him) stood in prayer until his feet became swollen. When it was said to him, "Allah has forgiven you what has preceded and what will come of your sins," he replied, "Should I not be a thankful servant?"⁽¹⁾

Evidential aspect: Zakâh is frequently mentioned alongside prayer in many places in the Quran and Sunnah. Prayer is established as an expression of gratitude to Allah for the blessing of health, as indicated in this hadîth where the Prophet (peace and blessings of Allah be upon him) prays in thanks for the blessings bestowed upon him. Likewise, giving Zakâh is also an expression of gratitude to Allah for the blessing of wealth, and this act of giving, along with the associated difficulties, serves as a form of thanks to Allah for what He has provided⁽²⁾.

Al-Maturidi states: "The wisdom behind the obligation of prayer, Zakat, and other acts of worship is that Allah has showered them with blessings. He has favored them with valuable gifts, subjugated everything on earth for them, and bestowed upon them abundant bounties. Each person, having received these blessings without deserving them, is thus obligated to express gratitude"⁽³⁾

Abû Hayyan also comments on the pairing of these two acts in the Quran, noting: "Prayer is a form of gratitude for the blessing of health, while Zakâh is a form of gratitude for the blessing of wealth"⁽⁴⁾.

6- Evidence Indicating Ease in Zakat⁽⁵⁾

Evidential aspect: These evidences indicate that Zakâh was prescribed in a manner that emphasizes ease, ensuring the fulfillment of complete gratitude in its giving. The realization of complete gratitude from all angles requires a comprehensive cause; if giving Zakâh were made burdensome, then complete gratitude would not be achieved.

(1) Agreed upon. Narrâted bi Al-Bukhârî (135/6), no. (4836), and bi Muslim (2171/4), no. (2819).

(2) See: Kashf al-Asrâr Sharḥ Uṣûl Al-Bazdawî (136/4).

(3) Tafsîr Al-Mâtûridî (538/1), and sî: Ruh Al-Bayân (204/1).

(4) Al-Bahr Al-Muḥîṭ in Tafsîr (69/1).

(5) Previously mentioned in the section on "removing hardship" in the first chapter, and more details will be provided in the third section.

- 7- His saying (peace and blessings of Allah be upon him): “There is no charity except from wealth that is surplus.”⁽¹⁾

Evidential aspect: This hadîth indicates that Zakâh is only obligatory for those who possess the attribute of wealth. The relevance here is that wealth is a blessing that requires gratitude, and the way to express that gratitude is through the giving of Zakat, which is a reflection of the blessing of wealth that the individual enjoys.

The effect of considering this objective in the Fiqh-based branches:

- 1- All manifestations of ease in Zakâh have been previously outlined in the objective of “removing hardship” in the first chapter, and further clarification will be provided regarding the objective of “kindness towards the property and easing it.”
- 2- Condition of the Minimum Threshold (Nisab) in Zakat: The Nisâb is the determining factor in establishing wealth. Zakâh is obligatory as an expression of gratitude for that wealth, making the Nisâb the standard for determining the obligation of gratitude through the giving of Zakat.
- 3- Considering the Lightness of Burden in the Required Amount of Zakat: This applies to Zakâh on crops, fruits, minerals, and treasures. When the burdens increase, Zakâh is lessened to ease the burden on people. Conversely, when burdens decrease, Zakâh increases, which enhances gratitude for the abundance of blessings⁽²⁾.
- 4- The Reason for Zakat’s Obligation on Crops and Fruits: According to the Shafi’i and Mâliki schools, the obligation of Zakâh on crops and fruits is linked to storing provisions. This is an appropriate description for sustenance, preserving the body, which is essential for the interests of this life and the Hereafter. When the blessing increases, gratitude is required through the payment of Zakat⁽³⁾.

The opponents who argue for the obligation of Zakâh on all that emerges from the earth contest this view, claiming that linking Zakâh to sustenance lacks a foundational basis. They argue that Allah mentions blessings in both

(1) The source of the hadîth has been stated earlier, p. ++.

(2) Al-Dhâkhirah (82/3).

(3) Ibid (73/3).

provisions and fruits, and has made obligatory rights from both⁽¹⁾, depending on their various states, such as vineyards and date palms, and the diversity of crops.

- 5- Expanding the Categories of Recipients for Zakat: Some scholars argue for a broader interpretation of recipients based on linguistic custom, encompassing those who are enslaved, those seeking emancipation, the disabled, and prisoners. The purpose of Zakâh is to express gratitude for blessings and to meet the needs of the poor, which can be fulfilled through this broader interpretation⁽²⁾.
- 6- The Obligation of Zakâh on Minors and the Mentally Ill: The majority hold that Zakâh is obligatory for both minors and the mentally ill because the purpose of Zakâh is to provide for the needs of the poor from the wealth of the rich as a form of gratitude to Allah. Their wealth is capable of supporting this⁽³⁾.

Abû Hanifah, however, disagrees, arguing that Zakâh is intended as gratitude for the blessing of wealth, similar to how prayer expresses gratitude for the blessing of health. He believes that a minor has not yet reached the point of obligatory gratitude⁽⁴⁾. The majority responds that the capacity for prayer in such individuals is insufficient to express gratitude for blessings, whereas the obligation of Zakâh pertains to wealth, which fully embodies the gratitude owed for the blessing⁽⁵⁾.

- 7- It is not permissible to give inferior quality in place of superior quality in currency: Quality is a measure, and it cannot be compared to the issue of riba (usury), as equivalence in the legal standard is only considered in exchanges. The purpose of Zakâh is to provide support and relief to the poor and to express gratitude for Allah's blessings. Thus, it should not be equated with riba, where inferior goods can be differentiated from superior ones while maintaining the same type⁽⁶⁾
- 8- Condition of the Minimum Threshold (Nisab) in Zakâh on Minerals:

(1) See: *Aḥkâm Al-Qur'ân bi Ibnul-'Arabî* (284/2).

(2) *Al-Dhâkhirah* (147/3).

(3) See: *Al-Majmû' Sharḥ Al-Muḥadhdhab* (330/5).

(4) *Tuhfat Al-Aḥwâzî* (240/3).

(5) *Ibid.*

(6) See: *Al-Mughnî* (40/3).

The Nisâb is required in Zakâh for minerals, as it is necessary for supporting the poor and expressing gratitude for the blessing of wealth, just as it is in other forms of Zakat. It differs from Khumus (treasures), which is wealth obtained from non-Muslims that resembles war booty⁽¹⁾.

- 9- Prohibition of Combining Zakâh on Livestock and Trade: It is not permissible to combine Zakâh on livestock and trade, and it cannot be compared to the combination of Zakâh on trade and fitrah (the obligatory charity given at the end of Ramadan). This is because the latter are based on different reasons: Zakâh on fitrah is obligatory as a form of purification for the Muslim person, while Zakâh on trade is required as gratitude for wealth and for the support of the poor⁽²⁾.
- 10- Debt Preventing Zakâh on All Wealth: According to the Hanbalite and Hanafite schools, Zakâh is not obligatory on a debtor, as Zakâh is a form of gratitude for wealth. A debtor is not considered wealthy, so Zakâh does not apply to him. Ibn Qudamah states: "The Prophet (peace and blessings of Allah be upon him) said: 'I was commanded to take the charity from your wealthy and return it to your poor,' indicating that Zakâh is only obligatory on the wealthy and can only be given to the poor." This means that someone who can receive Zakâh is not obligated to give it, as Zakâh is only required from the wealthy, supported by the hadith: "There is no charity except from surplus wealth"⁽³⁾.

In contrast, someone who has no debts is considered wealthy if they possess a Nisâb, which supports the idea that Zakâh is a means to assist the poor and express gratitude for wealth. A debtor requires the repayment of their debts just as urgently as a poor person needs assistance, if not more so. It is not wise to hinder the needs of a property owner for the sake of another, as the owner's wealth is diminished by the creditor's claim⁽⁴⁾. Thus, wealth should be expressed through gratitude by giving Zakâh only from complete wealth, free of obligations⁽⁵⁾.

As for the Mâliki school, they hold that debt does not prevent Zakâh on currency but does not affect Zakâh on livestock, crops, and fruits. This is be-

(1) Al-Mughnî (54/3).

(2) Al-Mughnî (62/3).

(3) Previously referenced, page (++).

(4) Al-Mughnî (67/3).

(5) Al-Ikhtiyâr li-Ta'îlîl Al-Mukhtâr (100/1).

cause livestock and agricultural products grow and multiply on their own, making the blessing in them more complete, thus strengthening the obligation of Zakâh as gratitude for that blessing. Therefore, the existence of debt does not affect the obligation of Zakâh in these cases, unlike currency⁽¹⁾.

- 11- The obligation of Zakâh on feedlot animals and livestock at the discretion of Mâlik is due to the fact that Zakâh is mandated on growing assets as a form of gratitude for the blessing of growth in wealth. This growth is not diminished by feeding; rather, it increases, as feeding enhances the body and labor increases benefits⁽²⁾.
- 12- There is no obligation of Zakâh on a debtor, as Zakâh is due as gratitude for complete blessings, and the ownership of a debtor is not complete. Hence, it is considered an incomplete blessing in their case, and Zakâh does not apply⁽³⁾.
- 13- It is permissible to advance Zakâh because we understand its purpose: to express gratitude for God's blessings among the wealthy and to meet the needs of the poor. This objective is achieved with the advanced funds. This differs from prayer, as we do not grasp its essence, thus we do not perform it before its designated time⁽⁴⁾.
- 14- Zakâh is obligatory on currency if it exceeds the prescribed threshold according to the majority, in contrast to Abû Hanifa, who states that no Zakâh is required until the amount reaches forty dirhams. This is because Zakâh is a form of gratitude for wealth, and establishing a threshold at the beginning serves to confirm wealth. There is no reason to impose a threshold afterward when it can be divided, as the essence of the blessing exists in both small and large amounts⁽⁵⁾.
- 15- Zakâh is not waived due to the loss of wealth after a year has passed, whether the individual was able to pay it or not. This is based on the obligation of gratitude for the blessing of wealth, as stated in the new

(1) Al-Dhâkhirah (43/3).

(2) See: Al-Dhâkhirah" (97/3) and "Al-Mabsût" (165/2).

(3) See: "Al-Ikhtiyâr" for the explanation of "Al-Mukhtâr" (100/1).

(4) See: "Al-Amnîyah fî Idrâk Al-Nîyah" (p. 53).

(5) "Badâ'i Al-Sanâ'i" (18/2) and "Al-Manḥal Al-Athîb Al-Mawrud" explaining "Sunan Abû Dâwûd" (159/9).

position of Al-Shafi'i and the well-known opinion of Ahmad⁽¹⁾, because the obligation of Zakâh is a form of gratitude for the blessing of wealth, and the time frame for its payment has been fulfilled⁽²⁾. Ibn Rajab states: The obligation of Zakâh is meant for gratitude of blessings, and the reason for which the remaining, growing wealth, along with its condition which is the passing of one year (Hawl), and therefore the obligation of Zakâh is established with the completion of the benefit derived from this wealth over the course of a year, similar to the stipulated rent that is established and fall due upon the end of the lease period⁽³⁾.

- 16- The mixing of assets applies in the case of crops, fruits, and livestock, but not in the case of currency. The wisdom behind treating the assets of two partners as a single asset for the purpose of Zakâh is that the mix has resulted in a benefit that reduces expenses and costs. This makes it suitable for additional gratitude for the blessing and facilitates a greater ease in fulfilling the obligation.

The greater the blessing, the stronger the obligation of Zakâh becomes. In contrast, with coins such as dirhams and dinars, mixing does not achieve the same sense of reduced burden because each currency is independent, allowing each partner to manage their share as they wish without interference from the other. However, the benefit is realized in the case of crops, fruits, and live-

(1) "Al-Qawâ'id" bi Ibn Rajab (p. 371).

(2) Al-Juwayni states: "The establishment of Zakâh and its obligation is a right owed to Allah, distinct from its performance and distribution among its recipients. We see Zakâh in the principle of analogy and the demands of Shari'ah require a specific amount, a type, and the passage of time. These characteristics converge, leading to the establishment of Zakâh as a right owed to Allah. The right of Zakâh remains irrespective of the owner's benefit or their ability to utilize the wealth. Performance is distinct from its establishment; if someone has a debt and is not prevented from paying it, yet has a recipient, we see this as an obligation to express gratitude for blessings. The performance is a matter separate from its establishment. If someone is in debt and is not hindered from paying, we judge that the debt is established, provided it has not been demanded by the recipient. We also recognize that the debt is established, yet its performance does not become obligatory unless demanded by the creditor. The debtor, in hardship during their lifetime and after their death, is subject to the possibility of a guarantee for the debt, even if performance is not feasible." (End of the requirement in the knowledge of jurisprudence, (102/3)

(3) See: Al-Qawa'id by Ibn Rajab (p. 371).

stock as previously mentioned, thus they are treated differently⁽¹⁾.

Topic (3): Leniency Towards the Owner and Ease for Them ⁽²⁾

Objective Explanation:

Kindness in language: It is derived from “ (rifq), meaning what is used for assistance, gentleness, and ease; it is the opposite of harshness. It is said, “He was kind in the matter,” meaning he made it easier for him. It is also used in different forms such as: (yarfuq), (rifqan), and (rifq). Additionally,” indicates kindness and gentleness in dealing with others, and “(arfaqahu) also means providing assistance and comfort to him. The source here is (al-rifaqa), which refers to the state of kindness and gentleness⁽³⁾.

The Concept of “Rifq” (Gentleness) according to Ibn Hajar, “rifq” is defined as “being gentle in speech and action, opting for the easier path”⁽⁴⁾. Others have described it as “the practice of gentleness and kindness in dealings, which is the opposite of harshness”⁽⁵⁾.

In this context, “rifq” encompasses meanings such as kindness, ease, and

(1) See: Al-Bahr Al-Mazhâb (3/57), Al-Majmû‘ Sharḥ Al-Muḥadhdhab (5/450), Al-Mughnî (2/455).

(2) See: Al-Mudawwanâ (1/376), Al-Um (2/34), Al-Amwâl bi Abû Ubaid (p. 458), Ma‘âlim Al-Sunân (2/30), Uṣûl Al-Sarakhsî (1/68), Al-Ma‘ûnah ‘alâ Madhhab ‘Âlim Al-Madînah (p. 398), Sharḥ Ṣaḥîḥ Al-Bukhârî bi Ibn Baṭṭâl (3/526), Al-Hâwî Al-Kabîr (3/121), Al-Tamḥîd fîr the Meanings and Chains of Al-Muwatta (6/468), Al-Muntaqâ Sharḥ Al-Muwatta (2/113), Al-Muḥadhdhab in the Jurisprudence of Imâm Al-Shâfi‘î (1/311), Al-Tad-bîrah fîr Al-Khûmî (3/1064), Nihâyat Al-Maṭlûb fî Dirâyat Al-Madhhab (3/102), Bidayat Al-Mujtahid wa Nihâyat Al-Muqtaṣid (2/19), Badâ‘î Al-Sanâ‘î (2/22), Al-Mughnî (3/41), Takhreej Al-Furû‘ ‘alâ Al-Uṣûl bi Abî Zanjânî (p. 114), Al-Mughnî (2/434, 444, 449, 469), Qawâ‘id Al-Aḥkâm fî Maṣâliḥ Al-Anâm (2/169), Al-Majmû‘ Sharḥ Al-Muḥadhdhab (5/380, 418, 419), Al-Dhâkhîrah (3/82), Majmû‘ Al-Fatwâ (2/25), Iydâh Al-Dalâ‘il fî Al-Farq Bayna Al-Masâ‘il (p. 188), Zâd Al-Ma‘âd fî Haddî Khayr Al-Tbâd (2/5), A‘lam Al-Muwaqqi‘în (3/333), Al-Ashbâh wa Al-Nazâ‘ir bi Ibnul-Malaqqîn (2/134), Sharḥ Abî Dâwûd bi Abî ‘Aynî (6/240), Al-Mubdî‘ fî Sharḥ Al-Muqni‘ (2/302), Sharḥ Sunan Abî Dâwûd bi Ibn Raslân (7/462), Asnâ Al-Maṭlab fî Sharḥ Rawdat Al-Ṭâlib (1/366), Sharḥ Al-Zurqânî ‘alâ Al-Muwatta (2/165), Subul Al-Salâm (1/513).

(3) See the term “Rafq” in: Maqâyis Al-Lughâ (2/418), Lisân Al-‘Arab (10/118), Al-Qâmûs Al-Muḥîṭ (p. 887).

(4) Fath al-Bâri by Ibn Hajar (10/449).

(5) Mirqât al-Mafâtîḥ: Commentary on Mishkât al-Maṣâbiḥ (8/3170).

facilitation for the owner involved. It signifies that Islamic law has not overlooked the importance of facilitating the act of Zakâh for the giver of Zakat, ensuring that the obligations placed upon them do not lead to hardship or difficulty.

The essence of Zakâh as a financial obligation necessitates a gentle approach, particularly since detachment from wealth can be inherently challenging for individuals. The divine compassion extended to those giving Zakâh reflects wisdom and justice in its legislation.

This description of Zakâh stems from one of the names of God, “Al-Rafiq” (the Kind). Thus, “whoever reflects on the gentleness embedded in the law and its gradual implementation, along with its broad and easy application⁽¹⁾, will recognize the profound wisdom and great mercy involved.”

The practice of Zakâh is inherently tied to the principle of “removing hardship.” The act of giving, though obligatory, can be a departure from what individuals are naturally inclined to cherish. Since fulfilling this obligation is often more psychologically demanding than performing purely physical duties, the law has taken this mental burden into account. It aligns the rulings with the giver of Zakat’s capacity, enabling them to give willingly and completely⁽²⁾

In this regard, it becomes evident that the facilitation provided by the law complements the overarching purpose of expressing gratitude for the blessing of wealth. Without such facilitation, the expression of gratitude would remain incomplete.

As Al-Shatibi remarks, “the conditions of time and growth are essential to the fulfillment of ownership or the wisdom of wealth”⁽³⁾. These conditions serve to ease the process for the owner, ensuring that gratitude can be expressed fully.

Additionally, Ibn Amir Haj states, “the condition of growth in the threshold for obligatory payment is a means to ease the act of giving, ensuring its fulfillment.” The need for wealth is continuous, and if the wealth is not growing, it becomes insufficient for the ever-changing needs. The act of giving Zakat, without the potential for growth of wealth would lead wealth to fining.

(1) Tafsir Asmâ’ Allâh al-Ḥusnâ by Al-Sa’dî (p. 207).

(2) See: Kashf al-Asrâr: Commentary on the Foundations of Al-Bazdawî (1/201-210). See also (p. 185).

(3) Al-Muwâfaqât by Al-Shatibi (1/409). See also (p. 312).

If the wealth increases, however, such an increase should be directed to satisfy the renewing needs while the essence of wealth remains unused to meet the needs, allowing one to achieve financial stability and facilitating the ability to fulfill obligations⁽¹⁾.

The connection between Zakâh and the ability to give, as understood by the Hanafi school, entails that the ability to give must be stable and ongoing. This stability is a necessary condition for the obligation of Zakat, reflecting the nature of causation. In contrast, potential ability does not carry the same requirements.

While the conditions for potential ability are purely technical and do not imply causation, the enduring nature of the ability is essential for the obligation. In this context, continuity is distinct from mere existence; a condition for existence does not necessarily imply a condition for continuity⁽²⁾.

It is important to highlight another point: the obligation of Zakâh is contingent upon specific conditions, such as the Nisâb (minimum amount determining a person's zakatability) and the passage of a lunar year (hawl). These conditions are designed to ensure that the underlying principles are respected.

As Qadi Iyad explains, "Just as the law defines the Nisâb, it also establishes the hawl for assets like livestock and wealth to maintain fairness between the wealthy and the poor. This timeframe reflects the common occurrence of growth in these assets and does not impose undue hardship on the needy.

In contrast, there is no hawl for dates and grains, as their primary purpose is growth, which occurs at the time of harvest. Therefore, scholars have unanimously agreed that Zakâh is not universally obligatory; rather, its obligation

(1) Al-Taqrir wa al-Tahbir: Commentary on Al-Kamal by Ibnul-Humam (3/208).

(2) Al-Taftazani states, "The ability to give is a condition that implies causation, as it changes the nature of the obligation from hardship to ease. It could be obligatory based solely on potential ability, but in a state of difficulty. Therefore, the ease of the ability affects the obligation, making it one of ease. Its continuity is required in light of this causation, as the ruling cannot remain without it; ease cannot exist without the ability to give. The obligation does not persist without the attribute of ease, as it was legislated only with that characteristic. Hence, the continuity of the easy ability is required, unlike mere potential ability, even though the superficial understanding might suggest the opposite, since action cannot be conceived without potentiality but can be conceived without ease." Sharh al-Talwih on al-Tawhih (1/384).

depends on conditions relevant to the owner, their wealth, and the assets in question”⁽¹⁾.

Numerous texts from scholars emphasize the importance of considering this objective in the context of Zakat. For instance:

Al-Shirazi states, “Zakâh is established on the principle of gentleness”⁽²⁾.

Additionally, Abû Abdullah Al-Bukhari remarks, “The law requires the performance of small amounts over an extended period, provided that it is done with ease and virtue”⁽³⁾.

Al-Kasani states, “The obligation of Zakâh is recognized through ease and a willingness to give it”⁽⁴⁾. Al-Nawawi notes, “Zakâh is based on the principle of leniency”⁽⁵⁾.

In another context, he adds, “Zakâh is grounded in the notion of the concepts of gentleness, ease, and leniency”⁽⁶⁾ are frequently referenced by scholars such as Ibnul-Mulaqqin⁽⁷⁾ and Al-Ansari⁽⁸⁾.

Ibnul-Qayyim states, “Zakâh has been prescribed in the most complete and beneficial manner for the poor, while also being made easy for the owners of wealth”⁽⁹⁾.

Upon reviewing the works of scholars, it becomes evident that many have cited this principle in relation to the rulings on Zakat. They have employed various terms and phrases, including gentleness, facilitation, alleviation of hardship, leniency, and easing burdens. These terms indicate a strong emphasis on the consideration of ease in the context of Zakat, particularly given the significant hardship associated with disbursing wealth compared to other obligations⁽¹⁰⁾.

(1) Ikmal al-Mu'allim: Commentary on Sahih Muslim (3/466).

(2) Al-Muhadhdhab in the Fiqh of Imam al-Shafi'i (1/311).

(3) Maqasidi al-Islam by Al-Bukhari (p. 15).

(4) Badai' al-Sana'i (2/22).

(5) Al-Majmu': Commentary on Al-Muhadhdhab (5/380, 481).

(6) Previous Reference (5/468), (6/203).

(7) Ibnul-Mulaqqin states: “Zakâh is based on gentleness and mutual support.” Al-Ashbah wa al-Nazair (2/134)

(8) Ibnul-Mulaqqin “Zakâh is based on alleviation.” Al-Ghurur al-Bahiyyah in Commentary on Al-Bahjah al-Wardiyyah (2/129).

(9) Al-A'lâm al-Muwaqqi'in (3/333).

(10) For example, sî (not an exhaustive list): Al-Mudawwanah (1/376) Al-Um (2/34) Ma'âlim =

Objective Evidence:

- 1- All the evidence previously cited in support of the principle of “removing hardship,” as discussed in Chapter Eleven, can also be applied to this specific objective. Here, I will present additional evidence to reinforce this point.

In the narration from Sahih Muslim, it is stated: “Indeed, Allah loves gentleness in all matters”⁽¹⁾.

The Prophet Muhammad (peace and blessings of Allah be upon him) further said: “Allah is Gentle and loves gentleness He grants what He does not grant through harshness, and what He does not give in other circumstances”⁽²⁾.

Evidential aspect: The implication here highlights Allah’s gentleness towards His servants in all affairs, including His provisions and regulations; in Zakâh, one can observe, upon careful consideration of its rulings, the kindness it embodies, as well as its application in a manner that is both expansive and easy, aligning with the needs of the worshippers⁽³⁾.

- 2- The Prophet (peace be upon him) said: “The Zakâh of Muslims is collected at their water sources”⁽⁴⁾.

Evidential aspect: The Prophet (peace be upon him) instructed the collec-

= al-Sunân (2/30) Al-Ma’ûnah on the Method of the Scholar of Madînah (p. 398) Sharḥ Ṣaḥîḥ Al-Bukhârî bi Ibn Baṭṭâl (3/526) Al-Hâwî al-Kabîr (3/121) Al-Tamḥîd for the meanings and chains in Al-Muwatta (6/468) Al-Muntaqâ on Al-Muwatta (2/113) Al-Ṭabsîrah bi Al-Khâmî (3/1064) Bidâyat al-Mujtahid wa Nihâyat al-Muqtafid (2/19) Al-Mughnî (3/41) Takhreej al-Furû‘ ‘alâ al-Uṣûl bi Al-Zanjânî (p. 114) Qawâ'id al-Aḥkâm fî Maṣâliḥ al-Anâm (2/169) Al-Majmû': Commentary on Al-Muḥadhdhab (5/419) Al-Dhâkhirah (3/82) Idâh al-Dalâ'il on the differences between issues (p. 188) A'lam al-Muwaqqi'in (3/333) Sharḥ Abî Dâwûd bi Al-'Aynî (6/240) Al-Mubdi' in Commentary on Al-Muqni' (2/302) Sharḥ Sunan Abî Dâwûd bi Ibn Raslân (7/462) Asnâ al-Maṭâlib in Commentary on Rawdat al-Ṭâlib (1/366) Sharḥ Al-Zurqânî on Al-Muwatta (2/165) Subul al-Salâm (1/513).

(1) Agreed upon: Narrated by Al-Bukhârî (12/8), no. 6024.

(2) Narrated by Muslim (4/2003), no. 2593.

(3) See: Tafsi'r Asmâ' Allâh Al-Ḥusnâ by Al-Sa'dî (p. 207).

(4) Narrated by Aḥmad in his Musnad (279/6, no. 6731), and Aḥmad Shâkir stated in his verification of the Musnad: its chain is authentic, and Al-Albânî verified it in “Silsilat al-Aḥâdith al-Ṣaḥîḥah” and its jurisprudence and benefits (381/4).

tors to go to the people at their livestock gathering points; this was a means of alleviating their burden and facilitating the process for them, as it is difficult for the obligated individuals to come to them⁽¹⁾.

For those who reflect on its rulings, Zakâh embodies kindness and is implemented in a manner that is expansive and easy, aligning with the needs of the worshippers⁽²⁾.

- 3- It was narrated that Umar (may Allah be pleased with him) received many contributions in tribute from Ash-Sham⁽³⁾. It was also narrated from Ali (may Allah be pleased with him) that he took tribute from those with camels and from those with other livestock⁽⁴⁾.

Evidential aspect: Abû Ubaid stated, "I see that they permitted taking goods and animals in place of tribute, although its original form is in dirhams, dinars, and food. This was also their opinion regarding blood money, which could be in gold, silver, camels, cattle, sheep, or horses; they intended to facilitate matters for people and made allowances based on what is manageable for each community. Thus, for us, charity can be exchanged among types, provided that the specific type required is unavailable, according to what was narrated from Ali ibn Abi Talib and what Sufyan would practice; this provides ease for those from whom it is collected⁽⁵⁾ and fulfills the needs of those who receive it.

- 4- The statement of Uthman (may Allah be pleased with him): "This is the month of your Zakâh ; whoever has a debt should pay it off so that your funds are available for you to pay the Zakâh " illustrates that he would instruct them to settle their debts before the Zakâh became due; this was a means of alleviating their burden and showing compassion for them, even if the funds were from visible assets, such as livestock; he would command them to pay off their obligations from these assets.

(1) See: Al-Mudawwana (376/1), Al-Bayân in the Maḏhab of Imâm Ash-Shâfi'î (392/3), and Nâil al-Awtâr (186/4).

(2) Narrated by Abû 'Ubaid in Al-Amwâl (p. 457, no. 959).

(3) Narrated by Abû 'Ubaid in Al-Amwâl (p. 457, no. 960).

(4) Al-Amwâl by Abû 'Ubaid (p. 457).

(5) Narrated by Mâlik in Al-Muwattâ (355/2, no. 873), and Ash-Shâfi'î in his Musnad (p. 97), and Al-Albânî said: "This chain is authentic according to the conditions of the two shaykhs." [Irwâ' al-Ghalîl 260/3].

Evidential aspect: He would instruct them to pay their debts before the Zakâh became due; this was a means of alleviating their burden and showing compassion for them. Even if it was from visible assets-such as livestock-he would command them to pay off their obligations from these.

Debts, whether of the same type or different, should be settled through selling and repaying their debts, so that their Zakâh is not taken from them⁽¹⁾.

- 5- The Prophet Muhammad (peace be upon him) sent Umar Ibnul-Khat-tab (may Allah be pleased with him) to collect Zakâh, and he prevented Ibn Jamil, Khalid Ibnul-Walid, and Al-Abbas (may Allah be pleased with them). The Messenger of Allah (peace be upon him) said: "Ibn Jamil is only criticized because he was poor, and Allah has made him rich. As for Khalid Ibnul-Walid, you are wronging him, for he has held back his armor and equipment in the path of Allah. And regarding Al-Abbas, the uncle of the Messenger of Allah, it is similar to that, then he said: 'Did you not know that the uncle of a man is like his father or his father's equal?'"⁽²⁾.

Evidential aspect: He (peace be upon him) accepted armor and slaves as compensation for Zakâh ; because there is no Zakâh on slaves and armor. It is evident that he took them instead of the Zakâh from livestock or other forms, as taking money in place of another from Zakâh or tribute is acceptable when it is more convenient for the one from whom it is taken and better for the one to whom it is given⁽³⁾.

- 6- Umar (may Allah be pleased with him) delayed the Zakâh in the year of famine due to drought⁽⁴⁾.

Evidential aspect: Umar (may Allah be pleased with him) considered ease and compassion for the owners of wealth by postponing the Zakâh during the year of famine because of the drought. This indicates that Zakâh should be based on ease and convenience, and it is permissible for the imam and the collectors to delay Zakâh until the time it is due, not to mention delaying it after it has been collected, in cases where there is a public interest, such as drought

(1) See: Al-Muntakâ Sharḥ Al-Muwattâ (113/2).

(2) Previously referenced (p. ++).

(3) Al-Amwâl by Abû 'Ubaid (p. 707).

(4) Narrated by Abû 'Ubaid in Al-Amwâl (p. 464).

or similar circumstances⁽¹⁾.

The effect of considering this objective in the Fiqh-based branches⁽²⁾:

- 1- Condition of Complete Ownership: If the ownership of the property owner over their assets is not complete, then extracting Zakâh from it imposes a clear hardship. This necessarily affects the expression of gratitude for the complete and perfect blessings; thus, Zakâh is not obligatory— for example— on property that is lost⁽³⁾, the property of a slave, the property of a partnership, or debts owed by an insolvent debtor, and similar assets that do not fulfill the condition of complete ownership.
- 2- The Legislation of Zakâh from the Same Type of Wealth: This is intended to alleviate the burden on the obligated individuals and facilitate their obligations⁽⁴⁾. This understanding is what the Hanafi school derived when they recognized the permissibility of paying the value; if the specification by the law for what is to be given is intended to ease the burden on the obligated individuals, this does not mean that other forms are invalid⁽⁵⁾.
- 3- The allowance to exchange one form of currency for another is permitted, as it is more convenient for both the giver and the receiver and is beneficial to them, thus preventing harm⁽⁶⁾.
- 4- The consideration of the valuation of trade goods only at the end of the year is a position held by Al-Shafi'i and is correct according to his followers. This is because the valuation of trade goods relates to their worth, and assessing their value at all times is burdensome; thus, it is deemed at the time of obligation, which is at the end of the year, unlike other types of Zakâh, where the assessment is based on the actual item, making it less burdensome⁽⁷⁾.

(1) See: Al-Insâf with commentary (142/7).

(2) As previously stated, their effects in the objective of “removing hardship” are mentioned here. Additionally, I will mention more effects here.

(3) It refers to any wealth that cannot be utilized while the original ownership remains. Si: Al-Dâr Al-Muḥtâr (226/2).

(4) See: Bidayat Al-Mujtahid wa Nihayat Al-Muqasid (31/2), and Sharh Abi Dawood by Al-Ayni (240/6).

(5) See: Sharḥ Abî Dâwûd by Al-‘Aynî (240/6). (6) See: Al-Mughnî (3/41).

(7) See: The Principles of Rulings in the Interests of People (2/169), and Al-Majmû‘ Sharḥ =

The Hanafi school, supported by another opinion of Al-Shafi'i, holds that valuation should occur at both the beginning and the end of the year. They argue that since continuous assessment throughout the year may cause difficulty, it is made easier by establishing it at the end of the year, and since the beginning of the year is similar in terms of avoiding hardship, valuation should be permitted at both times⁽¹⁾.

- 5- If the obligation upon the liable person is a female calf, he can fulfill it with a male calf of a different age, and he is not required to purchase it, as this would impose undue hardship, which is not aligned with the principles of Sharī'ah. Similarly, if all calves are males, one male will suffice in any case, as Zakâh is a form of mutual support, and one should not be required to provide support from resources other than their own⁽²⁾.

Regarding the case of a missing obligation in the remaining types, the opinion of Mâlik states that a male calf cannot replace a female calf unless specifically permitted. Mâlik said, "If a female calf, a young adult, or a mature one is required in wealth, the owner must provide it, and I do not like for the collector to take its value." This applies similarly to cows and sheep⁽³⁾. Abû Ubaid responded to this, asserting, "This opinion aligns with Mâlik's stance, were it not for the difficulties imposed on people by prohibiting them from meeting their obligations and compelling them to acquire what they do not have. There is an authentic narration from the Prophet (peace be upon him) where he instructed ease for people"⁽⁴⁾.

- 6- If the individual has only defective animals, they are not obliged to purchase sound ones and present them, as the foundation of Zakâh is mutual support and kindness, and demanding healthy animals from those with sick ones contradicts this principle⁽⁵⁾
- 7- The allowance for a male animal in all cases: This is because Zakâh is a form of mutual support, and one should not be required to provide support from resources other than their own⁽⁶⁾.
- 8- The timing for sending collectors before summer: When the Pleiades

= Al-Muḥaddab (6/55)

(1) See: Al-Mabsûṭ (2/172).

(2) See: Al-Mughnî (2/434), (2/444).

(3) See: Al-Amwâl by Abû 'Ubaid, p. 456.

(4) See: Ibid, p. 457.

(5) See: Al-Mughni (2/449).

(6) See: Al-Muṭṭî (2/444).

rise and people take their livestock to water. Mâlik said, "It is the tradition of collectors to be sent before summer when the Pleiades rise, and people move their livestock to water. This is the practice among us, as it is a convenience for people to gather at the water and for the collectors due to the gathering of people"⁽¹⁾.

- 9- The permissibility of advancing Zakâh : This is because the year is only a timeframe set for the convenience of the giver. "When the time applies to a matter benefiting the individual, he has the right to advance it and ease his own burden"⁽²⁾.
- 10- Cutting fruits before they are fully ripe due to fear of drought or weak branches: It is permissible to cut them, as the right of the poor is founded on mutual support, and no one should be obligated to sacrifice the principal of their wealth⁽³⁾.
- 11- Conditions for the effect of mixing wealth: Mâlik stipulates that each partner must possess wealth that meets the Nisâb (minimum amount determining a person's zakatability); in contrast, Al-Shafi'i argues that since the purpose of Nisâb is convenience, it is necessary for the threshold to apply to a single owner⁽⁴⁾.
- 12- Excess over the Nisâb is not subject to Zakâh according to Abû Hanîfa until it reaches forty dirhams, which would require one dirham of Zakâh, and nothing is due in between; "This would lead to hardship, considering the calculation of one-quarter of ten, seeds, or dirhams, and hardship should be avoided"⁽⁵⁾.
- 13- The allowance to pay Zakâh from other wealth not subject to Zakâh : This is based on the principle of mutual support, allowing for ease for the owner, as Zakâh is due as a form of assistance⁽⁶⁾.
- 14- The permissibility of selling Zakâh -eligible property after Zakâh has

(1) See: Al-Mudawwana (1/376), and also: Nâil al-Awtâr (4/186), Al-Bayân in the Method of Imâm Ash-Shâfi'î (3/392), Al-Majmû' Sharh Al-Muḥaddḍab (6/169), Al-Baḥr Al-Maḍḥab (3/69), and Al-Furû' wa Taṣṣīḥ Al-Furû' (4/271).

(2) See: Al-Mughnî (2/471)

(3) See: Al-Mughnî (3/18).

(4) See: Bidayât al-Mujtahid wa Nihâyat al-Muqâṣid (2/19).

(5) See: Al-Ikhtiyâr li Ta'liq Al-Mukhtâr (1/111).

(6) See: I'âna al-Ṭâlibîn 'alâ Ḥall Alfâz Fath al-Mu'in (2/202).

become due according to the Hanafi school: "Zakâh is only required under the condition of ease, and ease in fulfilling it comes from the growth of wealth, and there can be no growth without action. If the obligation of Zakâh prevents transactions, it would hinder the performance of obligations from the growth of wealth with regard to ease, it returns to its subject for the objection, and it is not permissible⁽¹⁾.

- 15- If we say that the ownership of the Zakâh belongs to the poor for the duration of the year, then their share is the responsibility of the giver. This is an exception to the obligation of supporting one's property. The owner may substitute what they own in Zakâh with something of equal or greater value. This is an exception to the prohibition on disposing of property without the owner's permission, as it is permissible for the sake of convenience for the property owners, provided it does not cause harm to the poor; thus, it is only allowed to substitute with something of equal or better value"⁽²⁾.
- 16- If someone gives Zakâh believing the recipient to be poor, only to find out later that they are rich, it is still valid according to the consensus of some scholars. This is because poverty and wealth can be difficult to ascertain; thus, reliance on the appearance of poverty is sufficient. Moreover, it is impossible to definitively determine the truth, and this provides ease and convenience for the giver"⁽³⁾.
- 17- Allah has designated the workers of Zakâh to receive their wages from Zakâh funds, providing convenience for property owners, so that nothing else is taken from them. Al-Mawardi said, "Allah has made their wages from the Zakâh fund so that nothing else is taken from the property owners"⁽⁴⁾.
- 18- If the obligated person delays paying Zakâh after it becomes due and after the time for payment has passed, the Hanafi school holds that Zakâh is no longer required of them. This is because Zakâh is recognized as an obligation that should be fulfilled with ease and goodwill. Its obligation is specifically tied to growing wealth that exceeds basic

(1) See: Al-Muḥîṭ Al-Burhânî fî Al-Fiqh Al-Nu'mânî (2/259).

(2) See: The Principles of Rulings in the Interests of People (2/169).

(3) See: Al-Mughnî (2/498), and Al-Ikhtiyâr li Ta'liq Al-Mukhtâr (1/122).

(4) See: Al-Aḥkâm Al-Sulṭāniyya by Al-Mawardî, p. 196.

needs, and it is conditioned by the passage of a year and the fulfillment of the Nisâb. The concept of ease means that the obligation remains as long as the Nisâb exists and ceases when it is lost⁽¹⁾.

- 19- Considering the solar calendar in the context of corporate calculations when it is difficult to adhere to the lunar calendar: contemporary juristic assemblies and scholars have permitted considering the solar year to avoid hardship. This includes adding the extra eleven days of the solar year so that corporations do not have to adjust their accounts twice a year: once according to the lunar calendar for Zakâh calculations—given that there are 354 days in the lunar year—and once according to the solar calendar for financial assessments—where there are 365 days. It is clear that this would impose significant difficulty”⁽²⁾.



(1) See: Al-Mabsûṭ (2/174).

(2) See: “Accounting for Zakat: Concept, System, and Application” by Dr. Ḥusayn Shahâta, p. 103; “Guidelines for Calculating Zakâh for Companies,” p. 11; “Zakat: Contemporary Applications and Economic Impacts,” p. 16.

Second Treatise

Objectives related to the Nation ⁽¹⁾

Topic (1): Strengthening the Bonds of Islamic Brotherhood

Objective Explanation:

One of the most significant social benefits achieved by the obligation of Zakâh is the strengthening and enhancement of Islamic brotherhood. By meeting the needs of the poor and the needy from the wealth of the rich, the potential for envy and resentment that may dwell within the hearts of the needy due to their poverty is mitigated. It is well-known what dire consequences can arise from such deep-seated ailments in the souls of the deprived, including conflict, estrangement, and animosity. By preventing these harms, love, harmony, and mercy spread throughout the community. The wealthy feel compassion for the poor and show kindness toward them, while the poor feel cared for and valued by those whom Allah has blessed with wealth, alleviating their distress and promoting a sense of brotherhood and compassion.

Al-Mawardi states: "In establishing mutual support for the poor and assistance for those in need, it removes animosity and prevents estrangement, encouraging connections among people; for hope is a connector, and despair is a separator. When hope fades, and despair sets in, and needs become acute, animosity arises, and jealousy intensifies, leading to estrangement between the wealthy and the poor, and animosity between the needy and the rich, which ultimately leads to theft and exploitation"⁽²⁾ Jealousy leads to conflict and fighting⁽³⁾.

(1) See: Ma'alim al-Sûnân (67/2), Âdâb al-Dunyâ wa al-Dîn (pp. 91, 103), Nihâyat al-Maṭlûb fî Dirâyat al-Madḥhab (556/11), Iḥyâ' 'Uloom al-Dîn (213/1 - 216), Mafâtîḥ al-Ghayb (648/3, 78/16), al-Mughni (19/3, 68/3), Al-'Azîz Sharḥ al-Wâjiz (139/7), al-Ikhtiyâr li Ta'leel al-Mukhtâr (122/1), al-Dhâkirah (82/3), Asnâ al-Maṭâlib fî Sharḥ Rawdat al-Ṭâlib (52/3), Sharḥ al-Zarqânî 'alâ al-Muwattâ' (137/2), al-Taḥrîr wa al-Tanwîr (44/3).

(2) Âdâb al-Dunyâ wa al-Dîn (p. 91).

(3) See: Mafâtîḥ al-Ghayb (648/3).

Al-Razi elaborates on the ruling and benefits of Zakâh : when people recognize that an individual is actively working to deliver benefits to them and to ward off misfortunes, they naturally love and incline toward him. Thus, when the poor see that a wealthy person is contributing a portion of his wealth to them, and the more wealth he has, the more he shares of wealth he gives to him and accordingly they support him with sincere innovation and prayers, which really helps him.

Zakâh plays a crucial role in promoting unity and eradicating hatred and envy among Muslims. It fosters goodwill and strengthens bonds, making it one of the essential obligations⁽¹⁾. Al-Qarafi states, “Zakâh is a means of expressing gratitude for wealth among the rich and a support for the poor. This wisdom lies in sharing wealth between the rich and the poor to prevent the hearts of the poor from being broken by the exclusivity of wealth”⁽²⁾

Ibn Ashour notes, “Zakâh and the act of giving are fundamental to the structure of society, whether small or large. Mutual assistance strengthens brotherhood and unity, addressing numerous communal needs”⁽³⁾.

From the above, we can see the completeness and beauty of this divine legislation in its establishment of Zakâh, which fosters love, mercy, and blessings while reinforcing the bonds of brotherhood within the community.

The law demonstrates care for the psychological aspect of Zakâh by mandating it in a just manner between wealth holders and recipients. This ensures that if Zakâh favors one side, it could lead to resentment. Instead, it is designed to be fair, taking into account the ease for the giver while respecting the rights of the poor⁽⁴⁾.

To facilitate this, the law links Zakâh to the giver's financial capability, encouraging them to contribute willingly and joyfully. The detachment from wealth can be challenging, but the law prevents harm to the poor⁽⁵⁾, safeguarding their dignity and honor.

An interesting aspect of this law is that scholars consider the poor to be partners with the rich in the matter of Zakâh, thereby enhancing feelings of

(1) Mafâtîḥ al-Ghayb (78/16 - 79), with slight modifications.

(2) Al-Dhâkirah (82/3).

(3) Al-Taḥrîr wa al-Tanwîr (132/2).

(4) For more details, refer to Section Fifteen of Chapter One.

(5) Sî: Al-Taḥrîr wa al-Tanwîr (44/3).

brotherhood. The poor recognize that their well-being is connected to the wealth of the rich, as it is through the rich that they receive support.

In gratitude, they thank God for making their wealthy brothers a means to share in this commonwealth⁽¹⁾.

One of the aspects of the law's care for this purpose is its emphasis on safeguarding the wealth of the rich from loss or destruction. Preserving their wealth is not only a means of ensuring the rights and needs of the poor but also a subtle reinforcement of brotherhood. When the wealthy recognize the importance of protecting and growing their assets, it fosters a sense of responsibility to support their less fortunate brothers⁽²⁾.

One of the supplementary aspects of this purpose is for the wealthy individual to feel the richness of the experience when giving Zakâh, realizing that "the poor person is favored by receiving from the right of Allah⁽³⁾, glorified and exalted, which serves as their purification and salvation from the Fire. If it were not accepted, they would remain burdened by it. Therefore, it is a right for the wealthy to take on this role."

Thus, the wealthy person should not feel any regret over what they have given, nor should they see themselves as doing a favor to their poorer counterpart. Instead, they should believe that the true favor lies with the poor, as they are the reason for the acceptance of Zakâh, which results in purification, elevation, and the attainment of rewards and higher ranks.

Among the distributions that reflect this purpose is the category of "the debtor for others." The Sharî'ah has mandated the payment of Zakâh to those who work to extinguish the fires of discord, due to the destructive effects such discord can have on the cohesion and unity of the community. Therefore, providing assistance to them through Zakâh serves as a means to avert the harm associated with such conflicts.

Al-Juwayni states, "The law has a clear directive regarding those who carry burdens, as it pertains to public welfare, to the extent that the borrower appears to be a representative of the law in borrowing for charitable purposes"⁽⁴⁾.

(1) Sî: Bidayât al-Mujtahid wa Nihâyat al-Muqtâsid (9/2), Al-Mughni (19/3).

(2) See: Al-Mughni (19/3).

(3) Iḥyâ' 'Uloom al-Dîn (216/1).

(4) Nihâyat al-Maṭlûb fî Dirâyat al-Madhhab (556/11).

Objective Evidence:

This purpose is supported by evidence indicating that Zakâh is founded on justice between wealth holders and recipients. If Zakâh were not based on this principle, the goal of fostering brotherhood would not be achieved through its distribution. Additionally, it can be supported by evidence highlighting the intention of easing the burden on the giver; facilitating Zakâh encourages the obligated person to give willingly and joyfully. Such an approach alleviates any regret that may arise if the legislation did not take into account the giver's emotional attachment to their wealth. When they give with happiness and optimism, it enhances the bonds of unity and brotherhood within the community.

Moreover, this purpose is also substantiated by evidence aimed at alleviating harm to the poor. If Zakâh were given in a manner that caused harm or disregarded their rights, the resentment within the poor would not be alleviated, preventing the full realization of brotherhood.

Among the evidences as well:

- 1- The saying of Allah, glorified and exalted: *"Take from their wealth a charity by which you purify them and cause them to grow"*⁽¹⁾

Evidential aspect: Zakâh serves as a means of purification and elevation for the wealthy, shielding them from the traits of stinginess and avarice. These traits lead to animosity, strife, and oppression within the community, weakening the bonds of brotherhood. When the soul is gripped by greed, it incites disputes and differences. Zakâh purifies one from these destructive attributes and cultivates generosity and kindness, thereby strengthening the bonds of brotherhood and promoting noble qualities, such as generosity and selflessness within the community. Al-Zurqani explains the wisdom of Zakâh : "It purifies from impurities, raises ranks, and attracts the hearts of the poor and the needy." The benevolence inherent in Zakâh serves to win the hearts of those in need⁽²⁾.

- 2- The saying of the Prophet Muhammad (peace be upon him): "It is taken from the wealthy among them and given to their poor"⁽³⁾.

Evidential aspect: This hadîth indicates that Zakâh is distributed among

(1) Verse 103 from Surah al-Tawbah

(2) Ihyâ' al-Zurqânî 'alâ al-Muwattâ (2/137)

(3) Previously cited source (page ++)

the poor of the same locality from which it was collected. If Zakâh is taken away and given elsewhere, it can lead to disappointment and despair among the local poor, weakening their hopes and breaking their spirits. This transfer can be detrimental to the bonds of brotherhood within that community and may foster discord. Therefore, to prevent this potential corruption and to maintain strong communal ties, Zakâh should not be transferred from the place of the giver to another location⁽¹⁾

- 3- The saying of Abû Bakr (may Allah be pleased with him) regarding those who withheld Zakâh during his time: "By Allah, I will fight those who differentiate between prayer and Zakâh . They were indeed trying to withhold what is due from wealth. If they refuse to pay Zakâh, I will fight them for withholding it, just as the Prophet Muhammad (peace be upon him) commanded"⁽²⁾.

Evidential aspect: This serves as a clear indication that withholding Zakâh not only invites negative consequences for the individual but also poses risks to the cohesion and unity of the Islamic community. The detrimental effects of such refusal threaten the bonds of brotherhood that unite the Ummah.

- 4- The hadîth of Qabisa bin Mukharq al-Hilali (may Allah be pleased with him) states: "I took on a debt and came to the Messenger of Allah (peace be upon him) to ask him for assistance. He asked me, 'Do you have any wealth?' I replied, 'No.' He said, 'Then you should not ask for assistance.' I persisted, and he told me, 'Take what you need from charity, but do not make it a habit to keep asking for assistance.' He advised me, 'Do not keep asking until you receive what you need, and then hold back'⁽³⁾.

Evidential aspect: The Prophet Muhammad (peace be upon him) instructed Qabisa (may Allah be pleased with him) to take from the charity funds, granting him a share in it and this clearly encourages him and others like him to bear burdens in order to extinguish the fires of discord, as it serves to strengthen the bonds of Islamic brotherhood and prevent anything that might disrupt them.

Al-Khattabi states: "This person has done a good deed, seeking righteousness through what he has undertaken. It is not considered known to simply

(1) Look at Al-Mughni (2/501)

(2) Repeated references (page ++)

(3) Repeated references (page ++).

impose a burden on him regarding his wealth; rather, he should be assisted in fulfilling his obligations, and given from charity an amount that helps him settle his debts”⁽¹⁾

Al-Juwayni explains the objective of this distribution: “It serves as an encouragement for the leaders of tribes to quell the fires of discord, as they are often the ones most affected by such strife. Therefore, they should not be made to bear the cost of resolving it from their own wealth”⁽²⁾.

- 5- The saying of Allah, glorified and exalted: “And do not choose from among the good [things] to spend [in charity]”⁽³⁾. Abû Umamah bin Sahl bin Hanif commented that this refers to poor quality items, such as jarnour (a type of herb). The Prophet Muhammad (peace be upon him) prohibited offering inferior items in charity⁽⁴⁾.

Anas (may Allah be pleased with him) reported that Abû Bakr (may Allah be pleased with him) wrote down the guidelines for charity as instructed by Allah’s Messenger (peace be upon him): “Do not give in charity an old or defective animal, except what the collector chooses”⁽⁵⁾. Additionally, the Prophet (peace be upon him) advised Mu’adh when he sent him to Yemen: “And beware of taking the best of their wealth”⁽⁶⁾

Evidential aspect: The act of giving poor-quality items breaks the hearts of the needy. The Shari‘ah considers both sides by advocating for a middle ground, as its purpose is to purify and unify hearts, which can be achieved by giving from the middle tier of wealth.

- 6- The saying of Allah, the Exalted: “O you who have believed, do not invalidate your charities by [showing] off or causing injury”⁽⁷⁾.

Evidential aspect: Showing off to the poor and causing them distress undermines the purpose of charity, as it breeds resentment and prevents the intended purification of the heart. Allah, glorified and exalted, has prohibited this behavior, deeming it a nullification of the reward for charity.

- 7- The saying of the Prophet (peace be upon him): “Beware of greed, for

(1) Ma'alim al-Sûnân (2/67)

(2) Previous Reference (1/554)

(3) Verse 267 from Surah al-Baqarah

(4) Previously cited source (page ++)

(5) Previously cited source (page ++)

(6) Previously cited source (page ++)

(7) Verse 264 from Surah al-Baqarah

greed destroyed those before you. It led them to shed blood and make lawful what was forbidden”⁽¹⁾.

Evidential aspect: This hadîth indicates that greed is destructive to nations, leading to bloodshed and the violation of sacred things. Zakâh purifies the soul from greed and elevates it. Thus, giving Zakâh strengthens the bonds of brotherhood within the community and mitigates the evils that oppose this, such as division and animosity that lead to destruction.

The effect of considering this objective in the Fiqh-based branches:

- 1- Consideration for the poor: In the legislation of Zakâh, it is essential to ensure that the rights of the poor are delivered without causing them harm. If their rights were to be accompanied by harm, true brotherhood between the rich and the poor would not be fully realized⁽²⁾.
- 2- Legitimacy of collecting Zakâh: The collection of visible wealth and sending collectors to take Zakâh from its owners is legitimized, as the visibility of wealth draws the hearts of the poor towards it. Thus, the Zakâh collection serves to purify their hearts and strengthen the bonds of brotherhood between the wealthy and the needy⁽³⁾.
- 3- Religious obligation of Zakâh: The religion does not prohibit Zakâh on visible wealth according to a narration from Ahmad. The attachment of Zakâh to visible wealth is reinforced due to the poor’s awareness of it, which fosters goodwill. Preventing Zakâh on such wealth could create resentment among the poor and weaken Islamic brotherhood⁽⁴⁾.
- 4- Fighting against those who withhold Zakâh: This is essential for the hearts of the poor. If the wealthy are not compelled to pay Zakâh, it could lead to increased resentment and jealousy among the poor, disrupting Islamic brotherhood and causing animosity⁽⁵⁾.
- 5- Encouragement to thank Zakâh collectors: It is recommended that the collector of Zakâh express gratitude to the giver, pray for them, and

(1) Previously cited source (page ++).

(2) Also refer to the jurisprudential effects in Chapter 13 of Section 1 (Removal of Harm), as further clarification will be provided in the jurisprudential effects of Section 12 of Chapter 4 of this section.

(3) See: Al-Mughni (3/68).

(4) See: the previous reference (2/512).

(5) See: the previous reference (3/68).

praise them. For example, they might say: "May Allah reward you for what you have given and bless you for what you have spent"⁽¹⁾. Al-Ghazali notes that this strengthens the bonds of brotherhood and comforts the heart of the giver regarding their charitable contributions⁽²⁾.

- 6- Discretion in informing recipients of Zakâh: If Zakâh is given to someone presumed to be poor, there is no need to inform them that it is Zakâh, as doing so may embarrass or humiliate them. This could undermine the goal of strengthening Islamic brotherhood, as it may lead the poor to feel humiliated or uncomfortable. Al-Hasan said, "If you want to reprimand him, do not inform him." Ahmad Ibnul-Husayn stated that if someone gives Zakâh, they should either remain silent or avoid embarrassing the recipient. He gives it and remains silent; what need is there to reprimand him?"⁽³⁾.
- 7- The obligation of Zakâh applies to all forms of currency that are prohibited, as such practices break the hearts of the poor. Therefore, it is appropriate to impose stricter measures on those who possess it, to prevent the harm of such practices and to preserve Islamic brotherhood⁽⁴⁾.
- 8- It is prohibited to transfer Zakâh from one place to another, as doing so breaks the hearts of the poor in that locality and weakens the bonds of brotherhood between the rich and the poor. The poor of the donor's locality have a stronger claim to the Zakâh due to their proximity and neighborly ties, as they are aware of the wealth and have hopes attached to it.⁽⁵⁾

Al-Ghazali states: 'Zakâh should not be moved to another area, for the eyes of the needy in every locality are drawn to their wealth, and transferring it disappoints their hopes'⁽⁶⁾

- 9- If it is necessary to cut the fruit before it ripens due to fear of drought or weak dates, it is permissible to do so; for preserving the original tree is more beneficial for the poor than merely preserving the fruit, as their

(1) See: the previous reference (2/481).

(2) Iḥyâ' 'Uloom al-Dîn (1/223).

(3) Al-Mughni (2/482).

(4) See: the previous reference (3/47).

(5) See: al-Ikhtiyâr li Sharḥ al-Mukhtâr (1/122), Iḥyâ' 'Uloom al-Dîn (1/213), Asnâ al-Maṭâlib fi Sharḥ Rawdat al-Ṭâlib (3/52).

(6) Iḥyâ' 'Uloom al-Dîn (1/213).

right is recurrent with its preservation. This applies generally to preserving any source of wealth that yields benefits for the poor each year, as they are partners in the date palms”⁽¹⁾

- 10- Zakâh should be taken from the middle of the wealth, and it is prohibited to give inferior quality, as the poor are considered partners. The Sharī‘ah takes into account the psychological feelings of both parties; requiring the best can upset the rich, while giving the worst can break the hearts of the poor. Therefore, it is necessary to find a middle ground between them.⁽²⁾
- 11- It is forbidden to withhold Zakâh or to devise ways to evade it, as this leads to enmity and division within society. Withholding Zakâh strengthens the trait of stinginess in the heart, allowing its impurities to remain, which results in discord.

Topic (2): Strengthening the Ties of Kinship ⁽³⁾

Objective Explanation:

This objective arises from Islam’s emphasis on building a strong, cohesive Islamic society. The family is considered the foundational unit of a tightly-knit social structure. Through the interconnectedness of families, the overall cohesion of the community is strengthened; conversely, if families are fragmented, that cohesion weakens and disintegrates. Additionally, this objective stems from the significance of maintaining kinship ties in Islam, which holds a high status within the religion. Numerous texts emphasize its importance and warn severely against severing these ties.

Since wealth is one of the most significant factors influencing family cohesion and the strength of familial bonds, Islam emphasizes its use as a means to

(1) Al-Mughni (3/18).

(2) See: the previous reference (3/19).

(3) See: “Al-Amwâl” by Abû ‘Ubaid (p. 807: 694), “Al-Mabsûr” (181/2), “Ihyâ’ ‘Uloom al-Dîn” (220/1), “Tafsîr al-Zamakhsharî” (219/1), “Al-Majmû’ Sharḥ al-Muhaddhab” (220/6), “Al-Burhân al-Nu‘mânî” (290/2), “Al-Mughni” (503/2, 479/3), “Anwâr al-Tanzîl wa Asrâr al-Ta’wîl” (121/1), “Al-Tawjîh fî Sharḥ Mukhtaṣar Ibnul-Hâjib” (345/2), “Al-Furû’ wa Taṣîḥ al-Furû’” (353/4), “Fath al-Bâri” by Ibn Hajar (325/3, 326-), “Sharḥ Sunan Abû Dâwûd” by Ibn Raslân (117/8), “Al-Binâyah Sharḥ al-Hidâyah” (480/3), “Fath al-Qâdir” by al-Kamâl Ibnul-Ḥammâm (280/2), “Al-Bahr al-Râ’iq” (269/2), “Al-Nahr al-Fâ’iq Sharḥ Kanz al-Daqâ’iq” (469/1).

enhance these ties and maintain kinship. Kinship is regarded as an influential attribute in determining the priority for receiving Zakâh . Thus, a needy relative—one whose financial support is not obligatory for the individual—holds a preferred status in deserving Zakâh . This is because providing Zakâh to such individuals offers additional benefits beyond the usual purposes of Zakâh, such as strengthening and solidifying relationships between the wealthy and the needy within the same family. It fosters deeper feelings of love and camaraderie among them, and it amplifies the rewards by simultaneously addressing both the need for support and the maintenance of kinship ties.

While Zakâh has a profound effect on strengthening the bonds of brotherhood throughout the community, how much greater is the effect when this kindness, mercy, and mutual support occur within a single family? Al-Ghazali notes regarding the qualities required in the recipients of Zakâh : “They should be from relatives and those with whom one shares kinship, as this makes the act both a charity and a means of connecting with family. The rewards for maintaining kinship are countless⁽¹⁾.

Objective Evidence:

- 1- General evidence indicating the preference of close relatives and those with kinship ties in terms of entitlement to legal rights, such as inheritance and other rights, or evidence highlighting the virtue of providing financial assistance to them, or demonstrating that charitable acts towards them yield greater rewards.
 - As His Exalted says: “And those who are closest to one another in relation to Allah’s Book are the closest”⁽²⁾.
 - And His Exalted says: “They ask you what they should spend. Say, ‘Whatever good you spend should be for parents, relatives, orphans, the needy, and the traveler. And whatever good you do, indeed, Allah is Knowing of it’”⁽³⁾.
 - And His Exalted says: “And when the distribution occurs, those who are relatives, orphans, and the needy should be given from it, and speak to them a good word”⁽⁴⁾.

(1) “Thyâ’ Uloom al-Dîn” (220/1).

(2) Verse 75 of Surah al-Anfâl, and Verse 6 of Surah al-Ahzâb.

(3) Verse 215 of Surah al-Baqarah.

(4) Verse 8 of Surah al-Nisâ.

- And His Exalted says: "Worship Allah and do not associate anything with Him, and to parents, do good, and to relatives..."⁽¹⁾
- And His Exalted says: "And when We took the covenant from the Children of Israel: Do not worship except Allah, and to parents, do good, and to relatives, orphans, and the needy..."⁽²⁾
- And His Exalted says: "And give the relative his right, and the needy, and the traveler. That is best for those who seek the face of Allah. And it is they who will be the successful"⁽³⁾.
- And the Prophet (peace be upon him) said: "Start with yourself and give charity to it. If there is anything left, then let it be for your family. If there is still something left after that, then for your relatives. And if there is still something left after that, then for those nearby you and those on your left"⁽⁴⁾.
- And in the hadîth of Maimunah bint Al-Harith (may Allah be pleased with her), she freed a servant during the time of the Messenger of Allah (peace be upon him) and mentioned it to him. He said: "If you had given it to your maternal uncles, it would have been a greater reward for you"⁽⁵⁾.

The evidential aspect from the verses and hadiths indicates that relatives have a right over a person and a greater entitlement to their wealth. God Almighty specifically mentioned them in several places in His Book, prioritizing them over others⁽⁶⁾ to highlight their entitlement and importance. This demonstrates the attention and care of Islamic law in strengthening family ties within the community through financial obligations, such as Zakâh. Relatives who are entitled to Zakâh possess both qualities of need and kinship. Granting them assistance results in two rewards: the reward of Zakâh and the reward of maintaining family ties.

2- A collection of hadiths indicating the virtue of charity towards relatives, including:

(1) Verse 36 of Surah al-Nisâ.

(2) Verse 83 of Surah al-Baqarah.

(3) Verse 38 of Surah al-Rûm.

(4) Narrated by Muslim, (692/2), Ḥadîth number (997).

(5) Narrated by Muslim, (694/2), Ḥadîth number (999).

(6) See: Tafsîr al-Zamakhsharî (219/1), Anwâr al-Tanzîl wa Asrâr al-Ta'wîl (121/1).

- The hadîth of Abû Sa'id Al-Khudri (may Allah be pleased with him):
"The Messenger of Allah (peace be upon him) went out on the day of Eid al-Adha or Eid al-Fitr to the prayer place, then returned and addressed the people, urging them to give charity. He said: 'O people, give charity.' He then passed by the women and said: 'O women, give charity, for I have seen that you are the majority of the people of Hellfire.' They asked: 'And why is that, O Messenger of Allah?' He replied: 'You curse a lot and deny your husbands. I have not seen any deficiency in intellect and religion that can take away the reason of a man as much as you.' Then he returned home, and Zainab, the wife of Ibn Mas'ud (may Allah be pleased with him), came to ask permission to enter. It was said: 'O Messenger of Allah, this is Zainab.' He asked: 'Which Zainab?' They said: 'The wife of Ibn Mas'ud.' He said: 'Yes, let her in.' When she entered, she said: 'O Messenger of Allah, you commanded us to give charity today, and I had some jewelry, so I wanted to give it as charity. Ibn Mas'ud claims that he and his children have more right to it than anyone else.' The Prophet (peace be upon him) said: 'Ibn Mas'ud has spoken the truth; your husband and children have more right to what you give in charity to them'⁽¹⁾.
- In a narration by Al-Bukhari and Muslim, it is mentioned that Zainab, the wife of Abdullah ibn Mas'ud (may Allah be pleased with him), said to her husband: "Ask the Messenger of Allah (peace be upon him) if it is sufficient for me to spend on you and the orphans in my care from my charity." He replied: "You ask the Messenger of Allah yourself." So she went to the Prophet (peace be upon him) and found a woman from the Ansar at the door, who had a need similar to hers. Bilal (may Allah be pleased with him) passed by, and they said: "Ask the Prophet (peace be upon him) if it is sufficient for us to spend on our husbands and the orphans in our care." They agreed not to disclose their names. Bilal entered and asked the Prophet (peace be upon him) about it. The Prophet asked: "Who are they?" Bilal replied: "Zainab." The Prophet (peace be upon him) asked: "Which Zainab?" He said: "The wife of Abdullah." The Prophet then said: "Yes, she will have two rewards: the reward for kinship

(1) Narrated by Al-Bukhârî, (120/2), number (1462).

and the reward for charity”⁽¹⁾.

- Narrated by Anas ibn Mâlik, may Allah be pleased with him: “Abû Talha, may Allah be pleased with him, was the wealthiest of the Ansar in Medina, and the most beloved of his wealth to him was a garden called Bayrah, which faced the mosque. The Messenger of Allah, peace be upon him, would enter it and drink from its sweet water. When the verse ‘You will not attain righteousness until you spend from that which you love’⁽²⁾ was revealed, Abû Talha went to the Messenger of Allah, peace be upon him, and said: ‘Indeed, Allah says in His Book: ‘You will not attain righteousness until you spend from that which you love,’ and the most beloved of my wealth is Bayrah. It is a charity for Allah; I hope for its goodness and reward with Allah. So, place it, O Messenger of Allah, wherever you wish.’ The Prophet peace be upon him said: “Indeed, that is a profitable wealth. I have heard what you said, and I believe it is best to give it to your relatives.” Abû Talha replied, “I will do that, O Messenger of Allah,” and he distributed it among his relatives and his cousins⁽³⁾.
- The Prophet peace be upon him said: “The charity given to a poor person is charity, and it is doubly rewarding when given to a relative”⁽⁴⁾.
- He also said: “The best charity is that which is given to a relative who is hostile”⁽⁵⁾.

Evidential aspect: This highlights the superiority of giving charity to relatives. The evidence from the hadîth shows that the Prophet peace be upon him emphasized its great reward. Here, the term “charity” refers to general charity, which includes Zakâh . Even if it is intended as voluntary charity, there is no

(1) Agreed upon; narrated by Al-Bukhârî, (121/2), number (1466), and by Muslim, (694/2), number (1000), from the narration of Zaynab, may Allah be pleased with her.

(2) Verse (92) of Surah Âl 'Imrân.

(3) Agreed upon, narrated by Al-Bukhârî, (119/2), No. (1461), and by Muslim, (694/2), No. (998).

(4) Narrated by Al-Tirmidhî, (40/2), No. (658), from the Ḥadîth of Salmân ibn 'Âmir, and he said: (This is a good Ḥadîth).

(5) Narrated by Aḥmad in his Musnad, No. (23577), and classified as authentic by Al-Nawawî in Al-Majmû' (220/6).

objection to equating Zakâh with it, as the voluntary charity given to relatives does not diminish its reward when it is also considered charity and connection. Therefore, the same applies to obligatory charity.

This supports the understanding derived from the hadîth of Abû Talha, may Allah be pleased with him, regarding the verse, as the spending referred to by “until you spend” can be either obligatory or recommended. Abû Talha, may Allah be pleased with him, applied it to one of his family members, which allows for its application to the rest of his relatives. This is not contradicted by Allah’s statement: “The alms are only for the poor, the needy, and those who work with them,” Quranic Verse⁽¹⁾, as it specifies those who are entitled to obligatory charity. However, Abû Talha’s action indicates that those who are relatives should be prioritized if they possess any of the qualities of those deserving of charity over others⁽²⁾.

Thus, Al-Bukhari included these hadiths in his book on Zakâh, titling it: “The Chapter on Zakâh for Relatives.”

With this established, the Prophet’s statement to Zainab May Allah be pleased with her: “Your husband and children are more deserving of what you give them,” and his statement to Abû Talha May Allah be pleased with him: “And I see it best for you to give it to your relatives,” serve as evidence of the priority of relatives in entitlement to Zakâh . They are more deserving of their wealthy relatives’ Zakâh than others who are not related.

Additionally, his words: “Charity given to the poor is charity, and charity given to a relative is twofold: charity and connection,” indicate the immense reward associated with such acts. This emphasizes the importance of giving Zakâh to relatives, as it combines the reward of Zakâh and the reward of maintaining family ties, thus accumulating significant rewards in a single act. Therefore, the obligation to give to them is paramount. The Prophet peace be upon him said: “The best charity is that given to a hostile relative,” which further demonstrates that Zakâh given to relatives is superior.

This emphasis in several instances by the Prophet on giving charity to relatives is not merely due to the reward of Zakâh and the achievement of its great objectives, but also to fulfill a noble purpose that the Sharī‘ah greatly values. This purpose is to strengthen the bonds of kinship, enhance them, and purify

(1) Verse (60) of Surah al-Tawbah.

(2) See: Fath al-Bâri by Ibn Hajar (325/3–326).

them from impurities. The significance of maintaining ties of kinship holds a prominent place in the Sharī'ah.

- 3- The hadīth of Abdullah bin Amr Abdullah bin Amr (may Allah be pleased with him) reported that the Messenger of Allah (peace be upon him) said: "Beware of avarice, for it destroyed those who were before you. It commanded them to be stingy, and they were stingy; it commanded them to sever ties, and they did so; it commanded them to commit immoral acts, and they did"⁽¹⁾.

Evidential aspect: The Prophet (peace be upon him) warned against avarice and indicated that it leads to severing family ties. Giving Zakâh purges a person of the disease of greed, as it not only removes this ailment but also encourages the opposite—maintaining and strengthening family bonds⁽²⁾.

- 4- The Statement of Ibn Mas'ud, Ibn Mas'ud (may Allah be pleased with him) stated: "Do not direct the Zakâh from a place except to a relative"⁽³⁾.

Evidential aspect: Ibn Mas'ud (may Allah be pleased with him) permitted the distribution of Zakâh from one's locality to relatives, indicating the care the Sharī'ah has for family ties. Giving Zakâh to relatives strengthens these bonds.

The effect of considering this objective in the Fiqh-based branches:

- 1- If the owner of the wealth decides to give Zakâh himself, it is recommended that he starts with his eligible relatives. The Hanbalites, however, make an exception in cases where the relatives are ineligible to receive Zakâh ; in such instances, he should start with those who are closer⁽⁴⁾. Abû Ubaid narrated from Ata that if the closer relatives are not the most in need⁽⁵⁾, then he should prioritize those who are in his care, as they have a greater right to his Zakâh than others, especially if

(1) Agreed upon, narrated by Al-Bukhârî, (119/2), No. (1461), and by Muslim, (694/2), No. (998).

(2) Narrated by Al-Tirmidhî, (40/2), No. (658), from the Ḥadīth of Salmân ibn 'Âmir, and he said: (This is a good Ḥadīth).

(3) Narrated by Aḥmad in his Musnad, No. (23577), and classified as authentic by Al-Nawawî in Al-Majmû' (220/6).

(4) Verse (60) of Surah al-Tawbah.

(5) See: Fath al-Bârî by Ibn Ḥajar (325/3–326).

they are poor⁽¹⁾.

Al-Nawawi mentioned that if among the eligible categories of Zakâh there are relatives who do not require his financial support, it is recommended to prioritize the closer relatives by consensus.

The scholars agreed that it is preferable to direct voluntary charity and Zakâh to relatives, especially if they qualify for assistance, as they are more deserving than outsiders.

It is best to start with those who are mahram (unmarriageable kin), such as siblings, uncles, aunts, and cousins, prioritizing the closest relatives. Some scholars have even included the husband and the wife are prioritized in giving charity to relatives, followed by non-mahram relatives such as cousins, then by those related through breastfeeding, then by in-laws, then by freed slaves from both sides, and finally the neighbor⁽²⁾.

- 2- If the person paying Zakâh has both foreign neighbors and more distant relatives, the relatives are given preference, as the aim is to fulfill the obligation of maintaining kinship ties⁽³⁾.
- 3- It is permissible to transfer Zakâh outside of one's locality if it is directed to relatives⁽⁴⁾, as this combines both⁽⁵⁾ the act of charity and the fulfillment of kinship rights⁽⁶⁾. Some scholars stipulate that the transfer should not exceed the distance permissible for shortening prayers⁽⁷⁾.

Abû Ubaid narrated from Ibrahim that he disliked transferring Zakâh from one town to another unless it was for relatives⁽⁸⁾. It was also reported that Abû Alia would carry his Zakâh to Medina. Abû Ubaid stated that there is no objection to this practice⁽⁹⁾.

(1) Al-Amwâl" li Abû 'Ubaid (p. 694:).

(2) Al-Majmû' Sharḥ al-Muhadhdhab (220/6), with slight modifications.

(3) See ibid, Ajalât al-Muhtâj ilâ Tawjîh al-Minhâj (1157/3).

(4) See: Al-Bahr al-Râ'iq (269/2), Al-Majmû' Sharḥ al-Muhadhdhab (220/6), Ajalât al-Muhtâj ilâ Tawjîh al-Minhâj (1157/3), Al-Mughni (503/2).

(5) Al-Nahr al-Fâ'iq Sharḥ Kanz al-Daqa'iq (469/1).

(6) Al-Muḥîṭ al-Burhânî fi al-Fiqh al-Nu'mânî (290/2).

(7) See: Al-Mughni (503/2).

(8) Al-Amwâl by Abû 'Ubaid (708).

(9) Same reference (712).

Sarakhsi, citing Abû Hanifa, indicated that if a person has needy relatives in another town, it is permissible and even preferable to send the charity to them, as it fulfills the obligation of maintaining kinship while discharging one's duty⁽¹⁾.

- 4- It is preferable for an individual to personally distribute their Zakâh on both visible and hidden wealth, as this allows them to give it to those who are most deserving, particularly needy relatives and kin, thereby strengthening family ties⁽²⁾

5 - Additionally, it is not permissible to give Zakâh to those upon whom one has a financial obligation, as doing so may provide them with an opportunity to evade their necessary support. This could lead to discord and weaken familial bonds.

Topic (3): Preventing Wealth from Circulating Exclusively Among the Rich⁽³⁾

Objective Explanation:

The term “Dawlah” indicates the circulation or transition of something from one place to another. In the linguistic context, it derives from the root “Dawal,” meaning to circulate or to change hands.

In defining “Dawlah” linguistically, it refers to the movement of wealth, particularly emphasizing the concept that wealth should not be confined solely to the wealthy elite. Rather, it should circulate among all members of society, ensuring that it reaches those in need.

The established understanding is that wealth, when hoarded by the affluent, leads to a situation where it circulates exclusively among the wealthy, preventing it from benefiting the poor. This concentration of wealth can create a cycle where the rich become richer, while the poor remain marginalized and without resources.

Thus, the concept emphasizes the importance of distributing wealth more equitably, ensuring that it does not merely circulate among the wealthy but also

(1) Al-Mabsût (181/2).

(2) S: Al-Mughni (479/3).

(3) See: Tafsîr al-Zamakhsharî (502/4), Al-Mughni (40/3), A'lam al-Muwaqqi'in (335/3), Al-Tahrîr wa al-Tanwîr (43/1, 44/3, 85/28), Maqâsid al-Shari'a al-Islâmiyyah (461/3), Maqâsid al-Shari'a al-Khâṣṣah bil-Taṣarrufât al-Mâliyyah by Ibn Zughaybah (p. 253).

reaches the impoverished and underserved members of society. This aligns with the broader objectives of the Shari‘ah, which advocates for social justice and the alleviation of poverty through charitable acts and fair distribution of resources⁽¹⁾.

The conceptual meaning in jurisprudence does not deviate from the linguistic definition, as wealth can become limited to a “Dawlah” (state) among the wealthy. This situation occurs when the rich circulate wealth among themselves, transforming it back and forth, without allowing it to reach the poor.

The objective of Shari‘ah in mandating Zakâh (charity) from the wealthy is to prevent wealth from being monopolized in their hands. The intention is to ensure that wealth does not merely circulate among the rich while being hoarded away from the needy and impoverished.

Thus, it is obligatory for the affluent to give a portion of their wealth to the needy and deprived, allowing it to circulate within the entire community rather than being confined to a select few. This is vital for achieving a more equitable distribution of resources among the population.

It is well-known that one of the major economic problems facing the world today is the concentration of wealth among the rich. According to various economic reports, a small percentage of the world’s wealthiest individuals hold the majority of the earth’s wealth. For instance, a 2017 report by Oxfam revealed that 82% of the wealth generated in the previous year flowed into the hands of the richest 1% of the global population, while half of the world’s poor saw little to no increase in their financial standing.

In another report from 2019, the organization revealed that 26 of the world’s billionaires possess as much wealth as half of the world’s poor, amounting to 3.8 billion people. Remarkably, the number of these ultra-wealthy individuals has decreased from 42 in 2018 to just 26. The organization called for increased taxes on these billionaires.

Winnie Byanyima, the Executive Director of Oxfam International, stated that “the widening gap between the rich and the poor negatively impacts the fight against poverty and harms the economy and fuels anger in the world⁽²⁾.”

(1) See: the term (Dawl) in: Maqayis al-Lugha (314/2), Lisan al-Arab (252/11), Al-Qamus al-Muhit (p. 1000)

(2) See: <https://www.theguardian.com/business/2019/jan/21/world-26-richest-people-own-as-much-as-poorest-50-per-cent-oxfam-report>

Islam has made great efforts to prevent such issues through the legislation of Zakâh . One of the key objectives of this obligation is to narrow the gap between the rich and the poor and to prevent wealth from being concentrated solely among the wealthy.

Ibn Ashour, may Allah have mercy on him, elaborated extensively on this purpose, stating that it is the nature of Islamic law to regulate the management of wealth in a way that preserves it within the community as much as possible. The law promotes the growth of wealth, whether directly benefiting individuals or groups, regardless of their size.

In detail, it examines each part of it as a right belonging to its owner and managed by individuals, groups, or specific or unspecified collectives, or as a right that is transferred from its owner. In this context, it is divided into private property belonging to specific individuals or groups and into funds allocated for the interests of unspecified segments of the community. The former, from this perspective, refers to private assets attributed to their owners. The latter is known in Islamic jurisprudence as the property of Muslims or the funds of the public treasury, which include funds such as Zakâh ⁽¹⁾.

As he, may Allah have mercy on him, explained that the circulation of wealth among the community is fundamental, and one of the primary objectives of Islamic law is to ensure the benefit derived from this wealth. This is achieved by facilitating the distribution of public wealth among individuals in a manner that balances the public good with private interests, while also maintaining justice for those who have exerted effort in acquiring wealth and showing kindness to those who may struggle.

This purpose is one of the noblest legislative goals, and the degree of success or failure in achieving it serves as a measure of a nation's advancement or decline. No legal system or advocates for goodness have emerged without recognizing the need to distribute wealth effectively among individuals, addressing the disparities between the diligent and the negligent, the hopeful and the prudent.

However, no legal framework has successfully targeted this goal or has discerned between what is recommended and what is obligatory, like the blessed

(1) See: Ibn Ashûr, *Maqâṣid al-Sharī'ah al-Islâmiyyah* (Vol. 3, p. 461).
Al-Taḥrîr wa al-Tanwîr (Vol. 3, p. 44).

Sharī'ah. It has remarkably addressed the system of public wealth based on the principle of wealth distribution among the community. This is done by ensuring that the needs of the needy are met in ways that do not deprive the earners of their rightful benefits from their labor and earnings⁽¹⁾.

He, may Allah have mercy on him, clarified that one of the objectives of Islamic law is to prevent wealth from remaining concentrated within a single individual, family, or tribe. Rather, the aim is for wealth to circulate among the community. To achieve this, Islamic law implements organized mechanisms for the redistribution of wealth.

This includes both obligatory charitable contributions during the lifetime of the owner and those that occur after their death. The contributions during their lifetime include obligatory almsgiving (Zakâh), which typically amounts to one-tenth of their possessions, or one-twentieth, or one-fortieth, depending on the type of wealth.

Prophet Muhammad (peace be upon him) elucidated the rationale behind this legislation when he said to Mu'adh ibn Jabal (may Allah be pleased with him) upon sending him to Yemen: "Inform them that Allah has made charity obligatory, which is taken from the wealthy and returned to the poor"⁽²⁾.

This distribution of wealth aims to serve the interests of the people and to provide for the needs of the vulnerable among them, thus granting them a rightful claim to the wealth of the rich. This ensures that the poor are treated with dignity and are not threatened with deprivation or harshness.

Moreover, the Prophet turned his attention to the wealthy, encouraging them by promising rewards for their generosity. This is exemplified in the way such acts of charity are described as a "loan to Allah," emphasizing the spiritual benefits and rewards that come from such giving⁽³⁾.

One of the objectives of Islamic law concerning wealth falls under the overarching goal of facilitating the circulation and exchange of money. Ibn Ashour defined circulation as "the movement of wealth among the hands of as many people as possible"⁽⁴⁾. He noted that this is a significant legislative objective,

(1) Al-Taḥrīr wa al-Tanwīr (Vol. 3, p. 44). (2) Previously cited (p. ++).

(3) See: the same source (p. 46).

(4) Ibn Ashūr, Maqāṣid al-Sharī'ah al-Islāmiyyah (Vol. 3, p. 471).

evidenced by the encouragement of financial transactions among people in a just manner.

The law legitimizes the secure transfer of wealth from one person to another, emphasizing that it is permissible for a wealth owner to manage their assets during their lifetime. This includes various means of engagement within the community, provided that there are no restrictions on the earners of wealth.

This principle encourages individuals to strive for earning and accumulating wealth, thereby contributing to the prosperity of the community and minimizing corruption. During the lifetime of the wealth owner, the only obligation placed upon them is their duty to Allah, which includes the payment of Zakâh and the distribution of a fifth of any gains from spoils of war.

By realizing the objective of circulation and exchange, Islamic law prohibits the concentration of wealth within a specific group of people. This restriction ensures that wealth does not flow solely from the branch to the root; rather, it promotes broader participation in the economy. Limiting the movement of money to certain hands does not serve the public interest sought through this exchange and is inconsistent with the principles and objectives of legislation.

Such concentration can lead to harm for the poor and needy, resulting in economic, social, and moral imbalances-issues that Islam seeks to combat through various means. This concentration undermines the interests of the religion and the benefits of the community, threatening its structure and foundations.

From this perspective, the prohibition of usury (riba) emerges as a crucial measure to prevent the establishment of a financial system that favors a small elite, thereby hindering the general circulation of wealth, which the Sharî'ah aims to achieve. Based on this understanding, some contemporary scholars argue that while ownership of wealth belongs to the individual, its movement and circulation are considered a shared responsibility between the owner and the community. The rights of the community in this regard are predominant, as they benefit from the circulation of wealth, regardless of its source. This perspective emphasizes the collective welfare and the importance of ensuring that wealth contributes to the broader interests of society. If the owner of the wealth intends to use their resources for the interests and benefits of their community, this can be considered as spending in the way of Allah, even if indirectly⁽¹⁾.

(1) See: Maqâsid al-Sharî'ah al-Khâṣṣah bil-Taṣarrufât al-Mâliyyah, Ibn Zughaybah (p. 259).

Objective Evidence:

- 1- The verse from Allah, Almighty, states: “What Allah has given as a spoils of war to His Messenger from the people of the towns is for Allah, the Messenger, and for those near of kin, orphans, the needy, and the traveler, so that it does not become a privilege for the wealthy among you. And whatever the Messenger gives you, take it; and what he forbids you, refrain from it. And fear Allah; indeed, Allah is severe in punishment”⁽¹⁾.

The phrase “so that it does not become a privilege for the wealthy among you” means, as Al-Zamakhshari explained, that the spoils that rightfully belong to the poor⁽²⁾ should not become a means for the wealthy to accumulate more wealth. This ensures that the benefits intended for the needy are not hoarded by the affluent, thereby preventing a form of pre-Islamic aristocracy among them.

The concept of “pre-Islamic state” refers to the leaders who would monopolize the spoils of war because of their authority and dominance, leading to an unfair distribution of wealth. The underlying message is to prevent any form of dominance and preference that mirrors the injustices of the past⁽³⁾.

Evidential aspect: One of the objectives of Islamic law is the circulation of wealth and preventing it from being concentrated in a single hand. Allah, the Exalted, has clarified the wisdom behind the distribution of spoils, which is to prevent the rights of the poor—established by Allah for them—from being hoarded by the wealthy, who would accumulate wealth at their expense. This meaning is reflected in the verse⁽⁴⁾. If the wealthy do not distribute their wealth to those entitled to it, they contradict the legal objective of wealth circulation. In doing so, they deprive the poor of their rightful share as mandated by the law.

Ibn Ashour states: “From His saying, Almighty, ‘so that it does not become a privilege for the wealthy among you,’ we derive details related to political economy and the distribution of public wealth. This justifies the legitimacy

(1) Verse (7) of Surah al-Hashr.

(2) “Jad” means wealth and sustenance. Si: Lisân al- ‘Arab (Vol. 3, p. 107).

(3) Tafsîr al-Zamakhshari (Vol. 4, p. 502).

(4) See: Ibn Ashûr, Maqâsid al-Sharî’ah al-Islâmiyyah (Vol. 3, p. 475).

of Zakâh, inheritance laws, and complex transactions involving capital and labor, as the verse alludes to these matters”⁽¹⁾.

He states in another context: “This reasoning indicates that one of the objectives of Islamic law is for wealth to circulate among the Muslim community according to a well-defined system of transfer, from any property that has not previously been owned by anyone, such as unclaimed land, spoils of war, found items, and treasures, or specific portions like Zakâh”⁽²⁾.

- 2- The Prophet Muhammad (peace be upon him) said to Mu’adh when he sent him to Yemen: “Inform them that Allah has made charity obligatory, which is taken from the wealthy and returned to the poor”⁽³⁾.

Evidential aspect: This is found in the Prophet’s statement: “returned to the poor,” which indicates that one of the objectives of Zakâh legislation is the circulation of wealth and its return to the poor. If wealth were left solely in the hands of the wealthy without a portion being allocated to those in need, it would become a privilege among them. Therefore, the Prophetic command to take from the wealthy and give to the poor ensures the realization of this circulation.

- 3- General evidence indicating the objective of circulation can be found in Allah’s saying: “Except for a trade that is present among you”⁽⁴⁾ This verse emphasizes the importance of managing trade and moving wealth in Islamic law, to the extent that it permits the omission of required documentation in order to eliminate any obstacles that might hinder the circulation of wealth⁽⁵⁾.

The Prophet (peace be upon him) also said: “Only the wrongdoer hoards”⁽⁶⁾.

Umar Ibnul-Khattab (may Allah be pleased with him) would reduce the tax on certain goods to encourage their circulation in the markets of the city. Abdullah ibn Umar (may Allah be pleased with him) reported: “Umar would take half of the tithe from the Nabataean traders of oil and wheat to increase the supply to the city, while he would take the full tithe from other goods”⁽⁷⁾

(1) Al-Taḥrîr wa al-Tanwîr (Vol. 1, p. 43). (2) Al-Taḥrîr wa al-Tanwîr (Vol. 28, p. 25).

(3) Previously cited (p. ++).

(4) Verse (282) of Surah al-Baqarah.

(5) See: Maqâsid al-Sharî’ah al-Khâṣṣah bil-Taṣarrufât al-Mâliyyah, Ibn Zughaybah (p. 253).

(6) Reported by Muslim, (Vol. 3, p. 1228), No. 1605.

(7) Al-Amwâl by Abû ‘Uбайд (p. 566), Al-Qabas (Vol. 2, p. 838).

Evidential aspect: These demonstrate the care of Islamic law for the circulation of wealth and its transactions, and its prohibition against the opposite. This same principle is what Zakâh legislation aims to achieve, ensuring that wealth circulates between the wealthy and the needy within the community, preventing the deprivation of the needy by the hoarding of wealth by the rich.

The effect of considering this objective in the Fiqh-based branches:

- 1- The legislation of Zakâh in the most widely circulated and beneficial types of wealth serves to prevent the concentration of wealth in the hands of the rich, thereby alleviating the hardship faced by the needy.

Ibn Qayyim states: "It is clear what has been made obligatory regarding Zakâh compared to what has not been mandated in its kind, description, usefulness, urgent need for it, and its abundance illustrate that it is a vital type of wealth; if lost, it would greatly harm people and disrupt many of their interests. In contrast, wealth that is not subject to Zakâh is considered akin to leftovers, which, if lost, would not cause significant harm."⁽¹⁾

- 2- The obligation of Zakâh on various types of wealth ensures that diverse assets circulate among the poor. If we limited it to just cash⁽²⁾, we would allow the valuation, which would lead to Zakâh being restricted to cash assets, depriving the needy of other zakatable assets such as livestock, crops, and fruits. The participation of these tangible assets promotes widespread benefits and addresses specific needs, as these needs vary, so the obligation should also vary to provide the needy with what they require from each type⁽³⁾.
- 3- The legitimacy of maximizing benefits and spreading utility in Zakâh as much as possible entails encompassing the eight categories as obligatory according to the Shafi'is and recommended by others. One of the outcomes of this is the realization of the circulation of Zakâh funds widely and generally among numerous segments of the needy in society.⁽⁴⁾

(1) A'lam al-Muqiyîn (The Scholars of the Signatories) (335/3).

(2) See: Al-Mughni (40/3).

(3) See: Al-Mughni (88/3), Al-Mubdi' fî Sharḥ al-Muqni' (323/2).

(4) See: Al-Amwâl by Abû 'Ubaid (689), Nihâyat al-Maṭlab fî Dirâyat al-Madhhab (544/11), Qawâ'id al-Aḥkâm fî Maṣâliḥ al-Anâm (33/1).

Topic (4): Preventing Hoarding (of Wealth)⁽¹⁾

Objective Explanation:

Hoarding linguistically comes from the root (Kanz), which indicates the gathering of something. It is a term used for wealth that is stored in a container, or that which is preserved in it. It is said that a treasure (Kanz) refers to buried money, with its plural being *Kenooz*. The verb “*Kanaza*” means to accumulate wealth, while “*Iktanaza*” refers to the act of hoarding it, and the term hoarding (Al-Iktinaz) describes this action⁽²⁾.

Al-Tabari says: “In the language of the Arabs, ‘the treasure’ refers to anything that is accumulated together, whether buried in the ground or on its surface”⁽³⁾.

Al-Razi states: “The root of ‘treasure’ in the language of the Arabs is the concept of gathering. Anything that is gathered together is considered ‘treasured.’ It is said: ‘This body is dense with parts’ if its parts are gathered together”⁽⁴⁾.

As for its technical definition⁽⁵⁾, scholars have differing opinions regarding it:

The first opinion is that it refers to any wealth on which Zakâh is obligatory but has not been paid⁽⁶⁾. This is the view of Ibn Umar, who stated: “Any wealth for which Zakâh has been paid, even if it is buried, is not a treasure, regardless of its amount. Any wealth for which Zakâh is not paid is a treasure, even if it is visible on the surface of the earth”⁽⁷⁾.

This is also the opinion of the majority of scholars. Ibn Abd al-Barr said: “The majority of them agree with what Ibn Umar said⁽⁸⁾” He also stated elsewhere: “All scholars from both the past and present agree with what Ibn Umar

(1) See: Tafsîr al-Ṭabarî (425/11), Al-Amwâl by Abû 'Ubaid (444), Sharḥ Ṣaḥîḥ al-Bukhârî by Ibn Baṭâl (400/3), Al-Hâwî al-Kabîr (72/3), Al-Istidhkâr (172/3), Al-Muntaqâ Sharḥ al-Muwattâ (125/2), Al-Mabsûṭ (191/2), Tafsîr al-Zamakhsharî (267/2), Badâ'i' al-Ṣanâ'i' (2/2), Mafâṭîḥ al-Ghayb (79/16), Al-Ikhtiyâr li Ta'leel al-Mukhtâr (110/1), Tafsîr al-Bay-dâwî (79/3), Tafsîr Ibn Kathîr (122/4), Asnâ al-Maṭâlib fî Sharḥ Rawdat al-Ṭâlib (375/1), Maqâsid al-Shar'i'ah al-Islâmiyyah by Ibn Ashûr (398/2).

(2) See: The entry for (Kinz) in: Maqâyîs al-Lughah (141/5), Lisân al-'Arab (401/5).

(3) Tafsîr al-Ṭabarî (225/14)

(4) Mafâṭîḥ al-Ghayb

(5) See: Tafsîr al-Ṭabarî (217/14, 225).

(6) See: the previous reference (217/14).

(7) Narrated by Al-Bayhaqî in his Sunan (139/4), number (7230), and authenticated as a suspended narration from Ibn 'Umar.

(8) Al-Istidhkâr (172/3).

said regarding wealth”⁽¹⁾.

They cited several pieces of evidence, including:

First: The generality of Allah’s statement: “To it belongs what it has earned, and upon it is what it has acquired”⁽²⁾. This indicates that whatever a person earns is their right. Similarly, His statement: “He will give you your rewards and will not ask you for your wealth”⁽³⁾ And the Prophet (peace be upon him) said: “The good wealth of a righteous man is commendable”⁽⁴⁾

Second: During the time of the Prophet (peace be upon him), there were wealthy individuals like Uthman and Abdur-Rahman ibn A’wf (may Allah be pleased with him), and the Prophet (peace be upon him) considered them among the greatest of believers.

Third: The Prophet (peace be upon him) encouraged the giving of one-third or less in times of illness. If accumulating wealth were forbidden, he would have allowed the sick person to donate all their wealth; instead, he advised the healthy person to give while they are in good health⁽⁵⁾.

Fourth: The Evidence from Two Hadiths:

His saying, peace be upon him: “Whoever is given wealth by Allah and does not pay its Zakâh, will be represented by his wealth on the Day of Judgment as a fierce, bald-headed serpent with two black spots around its neck. It will encircle him on the Day of Resurrection, then it will bite him with its jaws - meaning its cheeks - and say, ‘I am your wealth, I am your treasure.’” Then he recited: “Do not think that those who withhold what Allah has given them of His bounty...”⁽⁶⁾ [the verse]⁽⁷⁾.

And his saying, peace be upon him: “There is no owner of treasure who does not pay its Zakâh except that it will be heated in the fire of Hell, and sheets of it will be placed on his sides and forehead until Allah judges between

(1) Al-Istidhkâr (174/3).

(2) Surah al-Baqarah (286).

(3) Surah Muḥammad (36).

(4) Narrated by Aḥmad in his Musnad (299/29), number (17763). Al-Arnaut commented on it: “Its chain is authentic according to the conditions of Muslim,” and it was also narrated by Ibn Ḥibbân in his Ṣaḥīḥ (6/8), number (3210).

(5) See: Mafâtîḥ al-Ghayb (36/16).

(6) Verse (180) of Surah Âl ‘Imrân.

(7) Previously cited, (p: ++).

His servants on a Day the duration of which is fifty thousand years. Then he will see his path, either to Paradise or to the Fire”⁽¹⁾.

Al-Qurtubi said: “The evidence from these two hadiths confirms what we have mentioned⁽²⁾. That is, the concept of opposition from these two hadiths indicates that whoever pays the Zakâh of his wealth is not considered to have treasure and thus does not deserve the threat of punishment.”

Fifth: The hadith of Umm Salamah, may Allah be pleased with her: She said: “I used to wear gold ornaments.” I said: “O Messenger of Allah, what about this gold?” He replied: “What reaches the point of being obligated to pay Zakâh and is thus purified is not considered hoard”⁽³⁾.

Evidential aspect: His saying, peace be upon him: “What reaches the point of being obligated to pay Zakâh and is thus purified is not considered treasure.” This indicates that treasure is what Zakâh has not been paid on, and what has had its Zakâh paid is not called treasure, regardless of its quantity.

Sixth: The hadith of Khalid bin Aslam: He said: “We went out with Abdullah bin Umar, may Allah be pleased with him. An Arab asked him about Allah’s saying: ‘And those who hoard gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment.’”⁽⁴⁾ Abdullah bin Umar, may Allah be pleased with him, said: “Whoever hoards it and does not pay its Zakâh, woe unto him. This was before Zakâh was made obligatory; when Zakâh was revealed, Allah made it a purification for wealth.”⁽⁵⁾

The Second Opinion: That treasure is anything that exceeds the needs of its owner⁽⁶⁾. This is the opinion of Abû Dharr, may Allah be pleased with him, and a group of scholars⁽⁷⁾.

They supported their argument with several pieces of evidence, including:

First: The general statement of Allah, the Exalted: “And those who hoard

(1) Previously cited, (p: ++).

(2) Al-Qurtubî’s Tafsîr (125/8).

(3) Narrated by Abû Dâwûd, (95/2), No. (1564), authenticated by Al-Albânî in “The Series of Authentic Ḥadîths and Some of Its Jurisprudence and Benefits” (103/2). Also narrated by Al-Ḥâkim, (547/1), No. (1438), who said: “This Ḥadîth is authentic according to the conditions of Al-Bukhârî, though they did not include it.”

(4) Verse (34) of Surah al-Tawbah.

(5) Narrated by Al-Bukhârî, (106/2), No. (1404).

(6) Tafsîr al-Ṭabarî (220/14).

(7) See the previous reference.

gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment”⁽¹⁾. There is no doubt that its apparent meaning indicates a prohibition against accumulating wealth. Therefore, concluding that accumulation is permissible after paying Zakâh would disregard the apparent meaning of this verse, and such a conclusion should not be made without separate evidence⁽²⁾.

Second: The hadiths that condemn the accumulation of wealth and the desire for more than what a person needs, such as the hadîth of Abdullah ibn Abi Al-Hudhail, who said: A friend of mine told me that the Messenger of Allah, peace be upon him, said: “Woe to gold and silver!” He said that my friend went with Umar Ibnul-Khattab and said: O Messenger of Allah, regarding your statement: “Woe to gold and silver,” what do you mean? The Messenger of Allah, peace be upon him, replied: “A remembering tongue, a grateful heart, and a wife who helps with the Hereafter”⁽³⁾

And the hadîth of Al-Ahnaf ibn Qais, who said: “I sat with a group from Quraysh when a man with rough hair, coarse clothes, and an unkempt appearance approached them. He greeted them and then said: ‘Give glad tidings to the hoarders of gold and silver of a fiery stone that will be heated in the fire of Hell, then placed on one of their nipples until it comes out from their shoulder, and placed on their shoulder until it comes out from their nipple, and they will shake.’ Then he turned away and sat by a pillar. I followed him and sat beside him, not knowing who he was. I said to him: ‘I see that the people disliked what you said.’ He replied: ‘They do not understand anything.’ He then said to me, ‘My friend, do you see the sun?’ I looked at the sun, and it was still bright, and I thought that the Messenger of Allah, peace be upon him, was sending me on an errand. I said: ‘Yes.’ He said: ‘I would not want for myself the wealth of the world, except for three dinars.’ And these people do not understand; they only gather worldly wealth. No, by Allah, I would not want gold equivalent to a mountain, and I would spend it all except for three dinars. I do not ask them about worldly matters, nor do I consult them about religion, until I meet Allah”⁽⁴⁾.

Third: “Indeed, Allah created wealth to be a means for fulfilling needs. If

(1) Verse 34 from Surah al-Tawbah.

(2) *Mafâtîḥ al-Ghayb* (36/16)

(3) Narrated by Aḥmad in his *Musnad* (189/38), number (23101). Al-Arnaut commented on it: “Good due to other chains, and its narrators are trustworthy except for Salim.”

(4) Narrated by Al-Bukhârî (107/2), number (1407).

a person has enough to fulfill their needs and then accumulates excess wealth that they do not benefit from-since it exceeds their needs-and prevents others from using it to fulfill their needs, then this person, through this accumulation, is obstructing the wisdom of Allah and preventing His grace from reaching His servants”⁽¹⁾.

The more likely opinion, and Allah knows best, is the first view: that hoarding is wealth from which Zakâh has not been paid. As for what has had its Zakâh paid, it is not considered hoarded, even if it is a large amount in excess of a person’s needs. This view has been favored by several scholars, including Al-Qurtubî⁽²⁾ and Al-Tabarî⁽³⁾, like Al-Shafi’î⁽⁴⁾.

Al-Tabari says: “The most correct view on this matter is the one which state that every wealth from which Zakâh is due is not considered a treasure, regardless of how much it is. This is based on the narration from Ibn ‘Umar that every wealth from which Zakâh has been paid is not a treasure that one is punished for possessing, unless Allah bestows His forgiveness upon him, even if it is little. If it is wealth from which Zakâh has not been paid, then its owner is subject to punishment”⁽⁵⁾.

Al-Qurtubi has subtly interpreted the second opinion, saying: “It is possible that what has been narrated about Abû Dharr, may Allah be pleased with him, relates to the time of great need and the weakness of the immigrants, during which the Messenger of Allah, peace be upon him, was unable to provide for them, and there was no money in the public treasury sufficient for them. The years of famine were striking them, and they were prohibited from hoarding any wealth except to meet their needs; thus, it was not permissible to save gold and silver during such times. But when Allah granted victory to the Muslims and expanded their means, the Prophet, peace be upon him, mandated Zakâh for specific amounts: five dirhams for one hundred dirhams and half a dinar for twenty dinars, but not on all wealth, considering the time of accumulation. This was a clarification from him (peace be upon him)”⁽⁶⁾

Ibn Abd al-Barr stated explicitly that the hadiths concerning the prohibition of treasure are abrogated by His words, the Exalted: “Take from their

(1) Mafâtîh al-Ghayb (36/16).

(2) See: Al-Hâwî al-Kabîr (72/3).

(3) See: Tafsîr al-Ṭabarî (223/14).

(4) See: Tafsîr al-Qurtubî (125/8).

(5) Tafsîr al-Ṭabarî (223/14).

(6) Tafsîr al-Qurtubî (125/8, 126-).

wealth a charity by which you purify them and cause them to grow.”⁽¹⁾, ⁽²⁾.

After we have established that the intended meaning of treasure refers to wealth from which Zakâh has not been paid, the purpose of this injunction is that the legislation of Zakâh aims to prevent the hoarding of wealth; for such hoarding brings about general harm and significant corruption. Therefore, it obliges the liable person to give a portion of their wealth to those entitled to Zakâh so that their wealth does not become a treasure, which incurs severe punishment.

Furthermore, by legislating Zakâh, it prevents hoarding in another way, encouraging the liable person to invest their wealth, so that it is not consumed by Zakâh. Thus, the default status of wealth is that it should be subject to Zakâh in any case, making it impossible for the liable person to hoard it.

Al-Razi says: “Wealth that exceeds basic needs, when hoarded at home, becomes idle and fails to serve its intended purpose for which it was created. This is a hindrance to the manifestation of Allah’s wisdom, which is not permissible. Therefore, Allah commanded that a portion of it be given to the poor so that this wisdom does not become entirely obstructed”⁽³⁾.

Zakariya al-Ansari notes: “Gold and silver are among the greatest blessings of Allah upon His servants, for they are essential for the functioning of life and the organization of affairs of people, for the needs of people are numerous and all are fulfilled through the two currencies, unlike other forms of wealth. So, whoever hoards them has nullified the wisdom for which they were created; it is akin to preventing the judge of the town from fulfilling the needs of the people”⁽⁴⁾

Hoarding is considered a serious offense due to the grave consequences of such actions. The hoarding of wealth, along with withdrawing it from circulation and preventing it from contributing to agriculture, industry, and trade, deprives the needy and the underprivileged of its benefits. This behavior can disrupt the economic and commercial balance, which in turn leads to significant social imbalance. This general corruption may cause individuals within the community to fall into prohibitions and evils, making it necessary to pre-

(1) Verse (103) from Surah al-Tawbah.

(2) Al-Istidhkâr (176/3).

(3) Mafâtiḥ al-Ghayb (79/16).

(4) Asnâ al-Maṭâlib fi Sharḥ Rawdat al-Ṭâlib (375/1).

vent such occurrences and address their root causes, in accordance with the principle of blocking the means to harm.

Based on this, some contemporary scholars argue that the issue of hoarding wealth is not merely a personal matter or a private sin for which an individual is accountable only to God. Rather, it becomes a legislative issue that calls upon the state to prevent it through legislation and enforcement. This is to achieve the objective of economic circulation and to protect it from disruption⁽¹⁾.

The legislation of the authority for the ruler in collecting Zakâh and compelling those who refuse to pay it by force is part of this. If the hands of those who withhold Zakâh were not restrained, it would lead to great evils resulting from hoarding wealth and its retention.

Hoarding is general for all types of wealth, not just specific to gold and silver. Any wealth that is hoarded and from which Zakâh has not been paid is considered hoarded. This includes the hoarding of foodstuffs; thus, whoever engages in this is considered to be hoarding. Similarly, if Zakâh on crops and fruits is not paid, that too is considered hoarding, akin to the monopolization of foodstuffs. Likewise, those who do not pay Zakâh on livestock or minerals are regarded as hoarding and fall under the threat of punishment. More clarification on this will follow in the evidence for this objective.

Objective Evidence:

- 1- The Almighty says: "And those who hoard gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment. The Day when it will be heated in the Fire of Hell and seared upon their foreheads, their flanks, and their backs. This is what you hoarded for yourselves, so taste what you were hoarding"⁽²⁾

Evidential aspect: The context here condemns them and threatens them with severe punishment. The reference is to those who hoard gold and silver, specifically those who do not pay their Zakâh, which is the prevailing opinion. This indicates that one of the wise objectives intended by the Legislator in enacting Zakâh is to prevent the hoarding of wealth.

(1) Sî: The Objectives of Sharî'ah Related to Financial Transactions, Ibn Zughaybah (p. 268).

(2) Verses (34-35) from Surah al-Tawbah.

The verse is general and not specific to the People of the Book, as it uses (and those who) rather than specifying a group. This indicates that it introduces a new subject, implying that “those who hoard” applies broadly⁽¹⁾.

Definition of Al-Kanz (Hoarding):

Hoarding is not limited to gold and silver, but includes any wealth on which Zakâh has not been paid, regardless of its form. According to the scholar Al-Tabari, “Hoarding is everything that is accumulated, whether buried in the ground or above it”⁽²⁾.

Al-Zamakhshari explains that gold and silver are mentioned because they are standard measures of wealth and currency. Hoarding them indicates excess beyond one’s needs, thus highlighting the principle that applies to all types of wealth⁽³⁾.

2- Hadiths on punishment for not paying Zakat

- The Prophet Muhammad (peace be upon him) said: “No owner of a hoard who does not pay its Zakâh will be spared from being punished in the Fire of Hell, where his wealth will be heated and used to burn his sides and forehead on a day that lasts fifty thousand years, until God decides between His servants, and then he will find his path either to Paradise or to Hell”⁽⁴⁾.
- hadîth on the Consequences of Hoarding Wealth the Prophet (peace be upon him) stated: “Whoever is given wealth by Allah and does not pay its Zakâh will have his wealth represented on the Day of Judgment as a fierce, scaly serpent with two dark spots around its neck, which will encircle him and say: ‘I am your wealth, I am your hoard.’”^{(5), (6)}
- hadîth from Umm Salama (may Allah be pleased with her) Umm Salama said: “I was wearing gold ornaments and asked the Proph-

(1) Al-Qurtubî’s Tafsîr (123/8).

(2) Al-Ṭabarî’s Tafsîr (225/14).

(3) Al-Zamakhshari’s Tafsîr (268/2). Al-Qurtubî stated: “Gold and silver are specifically mentioned because they are not easily accessible, unlike other forms of wealth” (Al-Qurtubî’s Tafsîr, 123/8).

(4) Previously referenced, (p: ++).

(5) Verse (180) of Surah Âl ‘Imrân.

(6) Previously referenced, (p: ++).

et, 'Is this considered hoarding?' He replied: 'What has reached the point of requiring Zakâh and is given Zakâh is not hoarding'⁽¹⁾.

- hadîth from Ibn Umar (may Allah be pleased with him) Ibn Umar was asked about the verse: "Those who hoard gold and silver and do not spend it in the way of Allah; give them tidings of a painful punishment"⁽²⁾. He replied: "Whoever hoards it and does not pay its Zakâh is in trouble. This was before Zakâh was made obligatory but when Zakâh was revealed, Allah made it a means of purification for wealth"⁽³⁾.

Evidential aspect: It is clarified that whoever pays Zakâh is protected from hoarding, and there is a severe warning for those who do not. It indicates that Zakâh is a means of purifying wealth from the attribute of hoarding, and that by giving Zakâh, one achieves the intention of the Lawgiver in purifying their wealth from the undesirable characteristic of hoarding.

- 3- "His Exalted Statement: 'Indeed, it is a blazing fire, pulling away the skin, calling to the one who turned away and rejected, and who gathered and hoarded.'⁽⁴⁾

Evidential aspect: Allah, Exalted is He, warns in these verses about the Fire: 'calling to the one who turned away and rejected, and who gathered and hoarded.' The commentators have explained the meaning of the verse, stating that it refers to one who 'gathers wealth and places it in a container, while withholding the rights of Allah from it; he neither gives Zakâh nor spends in what Allah has made obligatory upon him.'⁽⁵⁾ Instead, he 'hoards it without benefiting the needy.'⁽⁶⁾ This indicates the grave sin of hoarding in the sight of Allah, and that one of the objectives of spending and giving in Zakâh is to prevent and ward off this sin.

- 4- Prophet Mohamed's (peace be upon him) statement: "Seek to trade with the wealth of the orphan-do not consume it or let it be consumed by charity."⁽⁷⁾

(1) Previously referenced, (p: ++).

(2) Verse (34) of Surah al-Tawbah.

(3) Previously referenced (§: ++).

(4) Verse (15-18) from Surah Al-Ma'ârij.

(5) Tafsîr Al-Ṭabarî (610/23).

(6) Al-Taḥrîr wa al-Tanwîr (166/29).

(7) Previously referenced (§: ++).

Evidential aspect: This hadîth serves as proof of the obligation of Zakâh on the wealth of orphans, as it encourages trade and prohibits its consumption. This is a means of preventing hoarding; if Zakâh were not obligatory on their wealth, it would lead to hoarding. Therefore, the Sharî'ah has made Zakâh obligatory on their wealth and urged guardians to engage in trade with it, fulfilling the purpose of Sharî'ah in circulating wealth. If this applies to the wealth of others, then a person's own wealth is even more deserving of investment and growth.

The effect of considering this objective in the Fiqh-based branches:

- 1- The original principle is the obligation of Zakâh on wealth, regardless of whether it has grown or not. This applies to wealth designated for trade or not, whether it is intended for spending or for other purposes. The aim is to prevent hoarding and encourage wealth owners to engage in investment and circulation, as wealth is created for the benefit of society. Thus, the original intention behind wealth is growth. Therefore, regardless of its condition⁽¹⁾, as the jurist Al-Sarakhsi states: "As for the dirhams and dinars, whether they are broken, whether they are in the form of ornaments, a sword, a belt, or anything else, Zakâh is due on all of them if the gold reaches twenty mithqâls or if the silver reaches two hundred dirhams, whether the trader intends to trade or not. the original reference is His Exalted Statement: 'And those who hoard gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment'⁽²⁾ Hoarding refers to wealth that is buried and not intended for trade. Allah has associated the warning with those who withhold Zakâh from it; this serves as evidence for the obligation of Zakâh on it, even without the intention of trade.

All other forms of wealth are created for circulation and benefit, so they do not become suitable for growth except through actions by individuals, whether through investment or trade. As for gold and silver, they are created as precious substances for the benefit of fluctuation and management, thus they are intended for growth in any condition. Therefore, Zakâh is obligatory on them⁽³⁾.

In another place, it is stated: "The Lawgiver does not consider any descrip-

(1) Al-Mabsûṭ (184/2)

(2) Verse (34) from Surah At-Tawbah.

(3) Al-Mabsûṭ (191/2).

tion other than the essence when it comes to gold and silver for the obligation of Zakâh . Thus, regardless of the reason for holding them—whether for spending or other purposes—the obligation of Zakâh applies to the owner.⁽¹⁾

- 2- The obligation of Zakâh on commercial goods applies whether the owner profits or not, encouraging them to exert more effort in investment and preventing the potential loss or hoarding of wealth⁽²⁾. Zakâh plays a role in accelerating the circulation of capital by indirectly encouraging the owner to invest their money so that profit is realized, from which Zakâh can be paid. This benefits the owner through the profits gained and provides for the community by meeting the needs of the deprived and benefiting the Muslims. This leads to the circulation and activation of capital. Since Islam does not engage in interest-based transactions, these investments will be in productive assets that retain the real value of capital in the form of genuine purchasing power.”
- 3- The obligation of Zakâh on jewelry is absolute according to the Hana-fi school, emphasizing its status as wealth meant for trade. The original principle regarding wealth- as previously stated- is growth and the obligation of Zakâh on it, in order to preserve wealth by preventing hoarding that hinders its benefits⁽³⁾. It is not required that there be any additional attribute for gold beyond it being gold for Zakâh to be obligatory on it; Zakâh is obligatory on minted gold. The same applies to raw gold and jewelry, as the evidence supporting the obligation of Zakâh on them includes His Exalted Statement: ‘And those who...’
- 4- It is not considered an additional characteristic in the context of gold that it is gold; Zakâh is obligatory on minted gold, gold dust, and jewelry, because the evidence indicating the obligation of Zakâh on them is like His saying: **“And those who hoard gold and silver and do not spend them in the way of Allah-give them tidings of a painful pun-**

(1) Previous Reference (192/2).

(2) Previous Reference

(3) See: Al-Mabsûṭ (191/2), Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid (12/2) Al-Kasani says: “The severe warning is associated with hoarding gold and silver and neglecting to spend them in the way of Allah, without distinguishing between jewelry and other types of wealth. Any wealth from which Zakâh is not paid is considered hoarding, so the one who neglects to pay Zakâh from it is hoarding, and thus falls under the warning. The warning applies only when the obligation is neglected” Badâ'i al-Şanâ'i (17/2).

ishment⁽¹⁾ indicates the obligation of Zakâh on all gold. Similarly, this applies to coins that are predominantly gold, like the Mahmudiyah and Suriyah, and others like them. The ruling on pure gold is the same⁽²⁾.

- 5- Zakâh is obligatory on jewelry if it is made with the intention of hoarding and possessing it, according to the majority, even though they state that Zakâh is not obligatory on jewelry that is used, as it does not constitute hoarding⁽³⁾.
- 6- Zakâh is obligatory on broken jewelry if it is broken to the extent that it cannot be used until it is reformed, according to the Shafi'i school⁽⁴⁾, because it becomes hoarded due to its unsuitability for use.
- 7- Zakâh is obligatory on jewelry set aside for a dowry or for a daughter to wear when she grows up, according to a group of scholars. Al-Lakhmi says: "The view that Zakâh is obligatory in both cases is the most correct because the reason for the exemption from Zakâh does not exist; it is now considered hoarding."⁽⁵⁾
- 8- Mâlik's strictness regarding Zakâh on jewelry leads him to exempt it under two conditions: permissible crafting and the intention of lawful use. If either condition is absent, the ruling returns to the original obligation of Zakâh ⁽⁶⁾ to prevent hoarding.
- 9- There is no obligation on wealth except Zakâh, based on the understanding that the condemned hoarding is the withholding of Zakâh . Thus, any wealth for which Zakâh has not been paid is considered hoarded, while wealth for which Zakâh has been paid is not termed hoarding⁽⁷⁾.



(1) Verse 34 from Surah At-Tawbah.

(2) See: Badâ'i' As-Sanâ'i' (18/2). Al-Qâdi 'Abd Al-Wahhâb says: There is no difference between types of the same kind, whether it is good or bad, or whether the gold is red or yellow, and there is no distinction between its types like gold dust, coins, minted, pure, and the broken, except if it is intended for lawful use.' Assistance in the doctrine of the scholar of Medina (p. 362).

(3) See: Al-Majmû' Sharh Al-Muḥadhdhab (36/6).

(4) See: Al-Bayân fi Madhhab Al-Imâm Ash-Shâfi'î (303/3).

(5) Al-Tabṣīrah lil-Lakhmī (869/2).

(6) See: 'Aqd Al-Jawâhir Al-Thamīnah fi Madhhab 'âlim al-Madīnah (224/1).

(7) See: Al-Istidhkâr (173/3).

Third Treatise

Objectives Related to Zakatable Wealth

Topic (1): Growth and Purification of Wealth⁽¹⁾

Objective Explanation:

Since Zakâh is a right in wealth, the Wise Lawgiver has established laws and profound secrets related to the wealth itself in its legislation. Among these objectives is the growth and purification of wealth. What is meant by this is that the Sharî'ah aims, through Zakâh, for the growth of the Zakâh payer's wealth and its increase in this world, as well as obtaining purification and blessing in it. It protects against calamities and losses on one hand, and the growth of the specific portion given for Allah in the Hereafter on the other hand. Therefore, it is appropriate to name this obligation "Zakâh," as it encompasses both purification and growth in relation to the wealth itself.

Al-Tabari states: "Zakâh is named as such because it is what comes out of wealth, for the purpose of growing wealth through its giving. It may also be understood that it is called Zakâh because it purifies the remainder of what

(1) See: Tafsîr Al-Ṭabari (574/1), Tafsîr Al-Mâturîdî (250/5), Al-Ḥâwî Al-Kabîr (359/3), Tafsîr Al-Mawardi (113/1), Al-Istidhkâr (612/8), Tafsîr Al-Wâḥidî Al-Wasîṭ (129/1), Al-Muntaqâ Sharḥ Al-Muwatta' (187/2), Iḥyâ' 'Ulûm Al-Dîn (214/1), Tafsîr Al-Zamakhsharî (321/1), Tafsîr Ibn 'Aṭiyyah (78/3), Ikmal Al-Mu'allim bi-Fawâ'id Muslim (466/3), Badâ'i' Al-Şanâ'i' (7/2), Aḥkâm Al-Qur'ân li-Ibnul-Furrâs (192/3), Al-Mughni (29/3), Maḥâsin Al-Islâm li-Al-Bukhârî (§ 15:), Al-Majmû' Sharḥ Al-Muḥadhdhab (197/5), Sharḥ Al-Nawawî 'alâ Muslim (141/16), Majmû' Al-Fatâwâ (8/25), Zâd Al-Ma'âd fî Hady Khayr Al-'Ibâd (5/2), A'lâm Al-Muwaqqi'in (47/3), Tafsîr Ibn Kathîr (122/4), Fath Al-Bârî li-Ibn Ḥajar (262/3), Sharḥ Sunan Abî Dâwûd li-Ibn Rislân (53/8-54), 'Umdat Al-Qârî Sharḥ Şaḥîḥ Al-Bukhârî (233/8), Irshâd Al-Sâri li-Sharḥ Şaḥîḥ Al-Bukhârî (2/3), Al-Manhal Al-'Azûb Al-Mawrûd Sharḥ Sunan Abî Dâwûd (113/9), Fayḍ Al-Qadîr (178/3), Sharḥ Al-Zurqânî 'alâ Al-Muwatta' (208/2), Al-Sharḥ Al-Kabîr li-Shaykh Al-Dardîr (430/1), Nîl Al-Awṭâr (196/4), Manḥ Al-Jalîl Sharḥ Mukhtaşar Khalîl (3/2), Irshâd Awlî Al-Başâ'ir wa Al-Albâb li-Nîl Al-Fiqh bi-Aqrab Al-Ṭuruq wa Ayser Al-Asbâb (§ 127:).

remains with the owner from the darkness of greed, freeing it from what it might contain of harm.”⁽¹⁾

Al-Mawardi says: “As for Zakâh, there are two opinions regarding its designation as a charity of wealth. The first opinion is that it is related to the growth of wealth and its increase...” the second opinion is that it is derived from purification, as mentioned in His saying, the Exalted: “Did you kill a soul that was pure without (it being) a soul?”⁽²⁾ meaning: pure from sins. There are two statements regarding this: the first is that it purifies the wealth until it becomes blessed; the second is the purification of the soul of the Zakâh payer, as if the Zakâh payer purifies himself from stinginess and miserliness⁽³⁾. Were it not for this, he would be overtaken by them.

Al-Wahidi says: “Zakâh is a purification of wealth, an improvement of it, and a means of growth and increase. All of this has been stated. Its root is from increase, as it is said: ‘The crop grows (zaka) and increases (zakâ).’ What is given from wealth to the poor has been termed Zakâh by the obligation of the Shari‘ah because it increases the wealth from which it is taken, preserves it, and protects it from calamities.”⁽⁴⁾ and similar statements have been made by Ibn Hajar⁽⁵⁾, Al-‘Aynî⁽⁶⁾, and Al-Qasṭalânî.”⁽⁷⁾

Ibn ‘Alīsh Al-Mālīkī says: “The appropriateness of the linguistic and legal aspects is related to the growth of the specific portion in the sight of Allah, as indicated by the hadith: ‘No servant gives a charity from good earnings, and Allah does not accept anything except that which is good, unless it is like putting it in the hand of the Merciful, and He raises it for him as one of you raises his young camel or calf until it becomes like a mountain.’⁽⁸⁾ This also pertains to the purification of wealth, the blessing in it, and its growth through profit and increase.”⁽⁹⁾

(1) Tafsîr Al-Ṭabari (574/1).

(2) Verse (74) from Surah Al-Kahf.

(3) Tafsîr Al-Mawardi (113/1).

(4) Al-Tafsîr Al-Wasîṭ by Al-Wāḥidî (129/1).

(5) See: Faṭḥ Al-Bâri by Ibn Hajar (262/3).

(6) ‘Umdat Al-Qâri Sharḥ Ṣaḥîḥ Al-Bukhârî (233/8).

(7) Irshâd Al-Sâri li-Sharḥ Ṣaḥîḥ Al-Bukhârî (2/3).

(8) Previously cited, (p: ++).

(9) Manḥ Al-Jalîl Sharḥ Mukhtaṣar Khalîl (3/2), and see: Al-Jawharah Al-Nayyirah on Mukhtaṣar Al-Qudûrî (113/1).

The texts of the scholars regarding this objective are numerous:

Al-Râzî states: "The poor, if they know that a wealthy man is spending a portion of his wealth on them, and that the more wealth he has, the more he can spend on them, will support him with their prayers and aspirations. Hearts have effects, and souls have warmth, so those prayers became a reason for that person to remain in goodness and abundance. This is indicated by His saying, the Exalted: 'As for the foam, it disappears as scum, but what benefits people remains on the earth.'⁽¹⁾ (2) Ibn Taymiyyah says: "The soul of the one who gives in charity is purified, and his wealth increases and is purified in meaning."⁽³⁾

Ibnul-Qayyim states: "Allah has made it a purification for the wealth and for its owner, and a means of blessing for the wealthy. The blessing of wealth continues for whoever gives Zakâh ; rather, Allah preserves and increases it for him and protects it from calamities, and makes it a protection and a guardian for him."⁽⁴⁾

Al-Su' dî says: 'Charity purifies the wealth that is taken from it by protecting it from calamities, and by freeing it from the contamination of illicit earnings that corrupts what it mixes with, and it blesses it. For indeed, even if Zakâh reduces it, it will be blessed; and even if Zakâh reduces it, it has increased its meaning. For its impurities and burdens have been removed, and it remains pure and good for growth, and continues to endure.'⁽⁵⁾

And one of the meanings of wealth development through Zakâh is motivating the obligated individual to grow and invest their wealth, so that Zakâh does not consume it. This was previously explained in the objective of preventing hoarding.

Objective Evidence:

- 1- Allah, the Exalted, says: 'Allah eliminates usury and increases charitable donations.'⁽⁶⁾

(1) Verse (17) from Surah Ar-Ra'd.

(2) Mafâtîḥ Al-Ghayb (78/16).

(3) Majmû' Al-Fatâwâ (8/25).

(4) *Zâd al-Ma'âd fî Hâdî Khayr al-'Ibâd* (5/2), and See *A'lâm al-Muwaqqi'în* (47/3).

(5) *Irshâd Awlî al-Başâ'ir wa al-Albâb* li-nayl al-fiqh bi-aqrab al-ṭuruq wa ayser al-asbâb (ṣ. 127).

(6) Verse (276) from Surah al-Baqarah.

Evidential aspect: This verse indicates that Allah increases the wealth from which Zakâh has been taken in two ways:

- **First:** The growth, investment, and increase of the wealth from which Zakâh is taken, leading to blessings in it.
- **Second:** The growth of the portion given in the eyes of Allah in terms of multiplying the reward for charity and increasing it.⁽¹⁾

Al-Zamakhsharî comments on the verse: ‘He multiplies the reward and increases the wealth from which the charity was taken, and blesses it.’⁽²⁾

- 2- Allah, the Exalted, says: ‘Take from their wealth a charity to purify them and to sanctify them.’⁽³⁾

Evidential aspect: In the statement ‘to purify them and to sanctify them,’ there is evidence that charity grows wealth, brings blessings to it, and purifies it.⁽⁴⁾ The meanings of sanctification include growth, blessing, and purification. Al-Zamakhsharî mentions in his interpretation of this verse that sanctification means ‘growth and blessing in wealth.’⁽⁵⁾

- 3- The Prophet Muhammad (peace be upon him) said: ‘No servant gives a charity from good earnings, and Allah does not accept except what is good, except that the Merciful takes it with His right hand, even if it is a date. It grows in the hand of the Merciful until it becomes greater than a mountain, just as one of you raises his young camel or foal.’⁽⁶⁾

Evidential aspect: the indication of this text is that the hadîth signifies the great growth of what the one who gives Zakâh will receive from Allah in the Hereafter. This is one of the aspects of the increase and growth that results from Zakâh ⁽⁷⁾, as it brings blessings and prosperity to wealth.⁽⁸⁾

- 4- Narrated by Ibn Abbas (may Allah be pleased with him), he said: When the verse “And those who hoard gold and silver and do not spend them in the way of Allah...” was revealed, it troubled the Muslims, and they

(1) See: *Tafsîr al-Mawardi* (351/1).

(2) *Tafsîr al-Zamakhsharî* (321/1).

(3) Verse (103) from Surah al-Tawbah.

(4) See: *Tafsîr al-Su ‘dî* (§. 351).

(5) *Tafsîr al-Zamakhsharî* (307/2).

(6) Sabaq takhrîjuhu, (§: +).

(7) See: Minh al-Jalil Sharh Mukhtasar Khalil (3/2)

(8) Al-Sharh al-Kabir li al-Shaykh al-Dardir (430/1).

said, “None of us can leave behind for his children what will remain after him.” So Umar said, “I will find a solution for you.” Umar (may Allah be pleased with him) went and was followed by Thawban, and they went to the Prophet (peace be upon him). Umar said, “O Prophet of Allah, this verse has troubled your companions.” The Prophet (peace be upon him) replied, “Allah did not impose Zakâh except to purify what remains of your wealth, and He only prescribed inheritance from the wealth that remains after you.” Umar (may Allah be pleased with him) then rejoiced. The Prophet (peace be upon him) continued, “Shall I not tell you about the best treasure a person can have? It is a righteous woman who, when he looks at her, pleases him; when he commands her, she obeys him; and when he is absent, she safeguards him.”⁽¹⁾

Evidential aspect: in the statement of the Prophet (peace be upon him): “Indeed, Allah did not impose Zakâh except to purify what remains of your wealth,” there is a clear explanation that one of the wisdoms behind Allah’s imposition of Zakâh is to purify wealth and to cleanse it from the doubts and vices it may contain. A person’s faith is pure when it is free of impurities; hence, Umar (may Allah be pleased with him) rejoiced in honoring Allah for the blessings and mercy bestowed upon him through the purification of wealth by Zakâh ⁽²⁾. When wealth is purified and cleansed, it is blessed and grows.

- 5- In His statement, “And whatever you spend of anything, He will replace it, and He is the Best of Providers,”⁽³⁾

Evidential aspect: Allah, the Exalted, will replace what one spends, and He will increase and bless one’s wealth.

Ibn Kathir states: “The one who gives Zakâh and spends is promised an increase in this world for what he has spent, as Allah has promised,” and then he mentions this verse.

- 6- Similarly, His statement: “And whatever you spend in the way of Allah will be repaid to you, and you will not be wronged”⁽⁴⁾

(1) Narrated by Abû Dawood number (1664). Al-Hakim said (in “Al-Mustadrak” on the two authentic books) (567/1): “This is sound hadîth according to the conditions of the two shaykhs, and they did not narrate it.”

(2) Sharh Sunan Abi Dawood li Ibn Ruslan (53/8 54-)

(3) Verse (39) Surah Saba’

(4) Verse (60) Surah Al-Anfâl.

Al-Maturidi says: ‘He informed that what they spend in the way of Allah will be repaid to them, either as a replacement in this world..

As His saying goes: “And whatever you spend of anything, He will replace it.”⁽¹⁾ And in the Hereafter is the reward⁽²⁾.

7- Among what has been mentioned in this context is the saying of the Prophet (peace be upon him): “There is no day in which the servants awaken except that two angels descend, and one says: ‘O Allah, give to the one who spends a replacement,’ and the other says: ‘O Allah, give to the one who withholds destruction’⁽³⁾

8- The Prophet (peace be upon him) said: “Charity does not decrease wealth, and Allah does not increase a servant in forgiveness except in honor, and no one humbles himself for the sake of Allah except that Allah raises him.”⁽⁴⁾

Evidential aspect: The two hadiths indicate that charity does not decrease wealth; rather, “wealth grows through the giving of Zakâh in ways that are not perceived, even if it seems to diminish outwardly.”⁽⁵⁾ It wards off harm and brings blessings.

Ibn Abd al-Bar says: “This means that charity does not decrease wealth; because it is blessed wealth if its Zakâh is paid and the owner gives voluntarily. Charity is multiplied to seven hundred times, and the giver finds it at the time of need, like Mount Uhud, multiplied many times over. So, what kind of decrease is there in this?”⁽⁶⁾

Al-Baji states: “Charity does not decrease wealth; because what is spent in charity is compensated by reward, and it is also a means of increasing and preserving wealth.”⁽⁷⁾

Al-Nawawi mentions: “They mentioned two interpretations:

The first is that it is blessed and wards off harm, so the deficiency in its appearance is compensated by hidden blessings, which can be perceived through

(1) Verse (39) from Surah Saba’

(2) Tafsîr al-Mâturîdî (250/5).

(3) Previously referenced (S. ++).

(4) Narrated by Muslim, (2001/4), number (2588) from Ḥadîth Abî Huraira

(5) Dhakîrat al-‘Uqbâ fî Sharḥ al-Mujtabâ (358/21).

(6) Al-Istidhkâr (612/8).

(7) Al-Muntaqâ Sharḥ al-Muwattâ (324/7).

experience and habit.

The second is that even if its appearance decreases, the reward associated with it compensates for the loss and increases it many times over.”⁽¹⁾

- 9- The hadîth of Khalid ibn Aslam, who said: “We went out with Abdullah ibn Umar (may Allah be pleased with him), and an Arab said: ‘Inform me about the saying of Allah: ‘And those who hoard gold and silver and do not spend it in the way of Allah, give them tidings of a painful punishment.’⁽²⁾”

Ibn Umar (may Allah be pleased with him) replied: “Whoever hoards it and does not pay its Zakâh, woe to him.”

This was before Zakâh was prescribed. Once it was revealed, Allah made it a means of purifying wealth.⁽³⁾

Evidential aspect: In the saying of Ibn Umar (may Allah be pleased with him): “Allah made it a means of purifying wealth,” there is a clear indication that Zakâh was legislated to purify wealth. When it is given, the wealth is purified, and its evil is removed.⁽⁴⁾

- 10- The Prophet (peace be upon him) said: “Zakâh was prescribed as a means of purifying wealth, and when it is given, it achieves the purification of wealth and removes its evils through charity.”⁽⁵⁾

Evidential aspect: This indicates that the legislation of charity serves to purify wealth from what a merchant may engage in of prohibitions in their trade, and this applies generally to both Zakâh and voluntary charity.

- 11- One of the purposes of prohibiting hoarding wealth⁽⁶⁾ is to encourage individuals to invest their wealth so that the principal does not diminish or yield only little profit in trade, as Zakâh could consume it. This contributes to the growth and increase of wealth.

(1) Sharḥ al-Nawawî ‘alâ Muslim (141/16).

(2) Verse (34) from Surah al-Tawbah.

(3) Previously cited, (p. ++).

(4) See: ‘Umdat Al-Qârî Sharḥ Ṣaḥîḥ Al-Bukhârî (256/8).

(5) Narrated by Aḥmad fî *Musnad* (58/26), number (16135), from the Ḥadîth of Qais ibn Abî Ghurzah, authenticated by Al-Albânî. See *Ṣaḥîḥ Al-Jâmi‘ As-Sagḥîr wa Ziyâdâtuh* (1320/2).

(6) Mentioned in the fourth section of the second discussion of this chapter.

The effect of considering this objective in the Fiqh-based branches:

- 1- The obligation of Zakâh is restricted to growing wealth; it is not required on possessions that do not generate income. Imposing Zakâh on such wealth would necessitate its depletion and destruction year after year, which contradicts the objective of increasing wealth⁽¹⁾.
- 2- If the accountable person does not give Zakâh on their wealth, it follows that their entire wealth becomes non-purified. Al-Hafiz Al-Iraqi explains the saying of the Prophet (peace be upon him): "If the owner of livestock does not give its due right to the poor, then on the Day of Resurrection, it will be made to trample his face with its hooves."⁽²⁾

If one asks: "Is it only the obligation that is enforced, and not the entire wealth?" The implication here is that one would only be punished for the portion that is due. However, it must be noted that he was commanded to purify his wealth with Zakâh, and since he did not give it, the entire wealth remains unpurified, and he has not fulfilled Allah's right over all of it. The poor have no specific share; rather, their right encompasses all wealth.

If we were to consider this, it would mean that the person withholding Zakâh on less than twenty-five camels would not be punished for withholding something from it, for the obligation is not from it, but rather from the sheep.⁽³⁾

- 3- The obligation to give Zakâh from the actual wealth: This is because the purification of wealth can only be achieved by giving from the wealth itself, not from its value.⁽⁴⁾
- 4- The obligation to diligently calculate and give Zakâh immediately and in a complete manner so that nothing remains in the wealth that could be subject to loss, decrease, or the removal of blessings.

The statement of Al-Baghawi: In his saying: "Do not mix charity with your wealth, lest it be destroyed,"⁽⁵⁾ emphasizes the importance of giving Zakâh and

(1) Al-Bâjî says: We have abolished Zakâh on possessions that do not generate income because if we were to impose Zakâh on them, it would deplete them. Zakâh is meant as a means of solidarity for wealth that can be increased, so it should not lead to its depletion in most cases." *Al-Muntâqâ Sharh Al-Muwattâ* (114/2).

(2) Narrated by Al-Bukhârî (23/9), number (6957).

(3) *Ṭarḥ At-Tathrīb fî Sharḥ At-Taqrīb* (2/4).

(4) See: *Al-Ashbâh wal-Nazâ'ir li As-Sabkî* (267/2).

(5) Previously cited (ş: ++).

fulfilling it before it becomes mixed with one's wealth, which would lead to its loss.⁽¹⁾

- 5- The obligation of Zakâh on monetary values in all cases, whether they have increased in value or not, whether they are prepared for trade or not. This encourages wealth owners to give and invest it, as monetary values are meant for spending or other purposes.⁽²⁾ Thus, the original purpose is growth, and affirming this principle leads to the increase of wealth.
- 6- The obligation of Zakâh on commercial goods, whether the owner profits from them or not, encourages them to expend effort⁽³⁾. This accelerates the circulation of capital and increases its growth.
- 7- The non-obligation of Zakâh on the wealth of a child and an insane person according to the Hanafi school is to protect their wealth and prevent the harm of its depletion and destruction. If we were to impose Zakâh on them, it would lead to the loss and destruction of their wealth, which contradicts the objective of increasing wealth.⁽⁴⁾
- 8- The non-obligation of Zakâh on deferred debts for years, except once when received, according to the Mâliki school, is to protect the wealth of the Zakâh payer from consumption⁽⁵⁾. If Zakâh were required every year while the debt is in someone else's hands, it would lead to the depletion of the wealth, which contradicts the objective of increasing wealth.

Topic (2): Wisdom in Legislating Zakâh on Money and Commodities: Their Monetary and Intrinsic Value, and Other Beneficial Aspects⁽⁶⁾

Objective Explanation:

The purpose of this objective is to explain the wisdom behind the legislation of Zakâh on monetary values and commercial goods.

And "thaman" refers to the compensation for what is sold, as in their saying:

(1) *Sharh As-Sunnah li Al-Baghawî* (482/5). (2) See: *Al-Mabsûṭ* (184/2).

(3) *Al-Marjî' As-Sâbiq*.

(4) *Badâ'i' As-Şanâ'i'* (5/2).

(5) See: *Al-Muntâqâ Sharh Al-Muwattâ* (114/2).

(6) See: *Al-Risâlah* by Ash-Shâfi'î (191/1), *Al-Amwâl* by Abû 'Ubayd (p. 543), *Al-Ma'ûnah* on the doctrine of the scholar of Medina (p. 363), *Al-Hâwî Al-Kabîr* (268/3), *Al-Mabsûṭ* =

"I sold this and took its price."⁽¹⁾ "Thaman" is the value that is deserved for something⁽²⁾.

In linguistic terms: "Thaman" refers to the price of a sale, the value of everything, and something valuable means it has a high price. In technical terms: the term here refers to "the two currencies," which are gold and silver.⁽³⁾ As for "al-'urûd" linguistically, it is the plural of "arḍ", which refers to anything other than currency. It encompasses items such as dirhams and dinars, which are material possessions of this world and its furnishings. Al-Jawharî said: "Al-'arḍ refers to goods, and everything is considered 'arḍ, except for dirhams and dinars, which are specific currencies." Abû 'Ubayd defined "al-'urûd" as items that cannot be measured by weight or quantity and do not include animals or real estate. He stated: "You can say: I bought the goods for a commodity of the same kind," and "I exchanged it with another commodity, animal, or something else as a trade."⁽⁴⁾

As for the technical definition, it does not deviate from the linguistic meaning, which refers to "anything that is not gold or silver." With these two (gold and silver), we evaluate items that are perishable.⁽⁵⁾

The commercial goods mentioned in this context are not all types of goods but specifically those for trade, as commercial goods are divided into two categories: commercial goods and personal goods. Commercial goods are defined as "those prepared for buying and selling for profit." They are named so because they are "presented for sale" or "because they are shown and then removed."⁽⁶⁾

= (193/2), Al-Bidâyah wa Al-Nihâyah (18/2), Tuḥfat Al-Fuqahâ' (276/1), Badâ'i' Al-Şanâ'i' (19/2), Al-Mughni (503/2), Al-Muḥit Al-Burhânî in the Na'mânî jurisprudence (265/2), Manâhij Al-Taḥṣîl Sharḥ Al-Mudawwanah (187/2), Tafsîr Al-Qurṭubî (127/8), Al-Ikhtiyâr Li Ta'lîl Al-Mukhtâr (111/1), Al-Muntaqâ Sharḥ Al-Muwatta' (93/2), Al-Sharḥ Al-Kabîr on Al-Muqni' (461/2), Al-Dhakhîrâ (13/3), Majmû' Al-Fatâwâ (252/19), Sharḥ Al-Zarkashî on Mukhtaṣar Al-Kharaqî (488/2), Fath Al-Qadîr by Al-Kamâl Ibnul-Humâm (155/2).

(1) The term "Thaman" in Maqâyîs Al-Lughah (386/1) with slight modifications.

(2) The term "Thaman" in Lisân Al-'Arab (82/13).

(3) See: Badâ'i' Al-Şanâ'i' (16/2), Jâmi' Al-'Ulûm in the terminologies of the arts by Al-Qâḍî Al-Aḥmad Al-Nakrî (259/1).

(4) The term "Arḍ" in Lisân Al-'Arab (170/7).

(5) Al-Zâhir in the obscure terms of Ash-Shâfi'î by Al-Azhari (p. 109).

(6) Al-Rawd Al-Murabba' with Sharḥ Zâd Al-Mustaqni' (549/1).

Commercial goods are defined as “those prepared for buying and selling for profit.” They are called so because they are “exhibited for sale” or because they are presented and then removed.

The purpose of this goal, in general terms, is to highlight the significance of the legislation of Zakâh on currency-specifically gold and silver-and its implications for goods and assets. This legislation emphasizes the concept of monetary value, meaning that both gold and silver serve as a measure of value for goods and assets. They represent the worth of items, and through them, the best types of wealth and their quantities are recognized.

Similarly, the case with commercial goods is that the Zakâh legislation concerning them is based on their values rather than their physical forms, with these values represented by their prices. Therefore, the concept of “monetary value” becomes the key consideration for their Zakâh .

Scholars have referred to this concept using terms like “monetary” and “value,” along with other descriptors that fundamentally relate back to these two attributes. Below are some references from scholars on this matter:

An example is the statement of Ash-Shâfi ‘î: “The Messenger of Allah mandated Zakâh on currency, and the Muslims understood this.” He mentioned this in the context of gold and silver, indicating that Zakâh applies to them. This understanding also extends to other types of wealth and commodities, signifying the importance of recognizing value in Islamic finance.⁽¹⁾

Abû Ubaid explains the rationale behind including gold and silver in Zakâh by stating: “As for those who include the lesser in the greater, they regard both as one type of wealth. They say: I have seen dirhams and dinars as the price of goods, and goods cannot be considered a price for them.”⁽²⁾ Judge Abdul Wahab comments on gold and silver: “They are both agreed upon in their purpose as being the foundation for determining value.”⁽³⁾

Ibn Qudamah states: “Zakâh is obligatory on currency because it serves as a price.”⁽⁴⁾ In another instance, he adds: “The objective of both is to establish monetary value and to utilize it for other purposes.”⁽⁵⁾

(1) Al-Risâla lil-Shâfi ‘î (191/1).

(2) Al-Amwâl li-Abî ‘Ubaid (512).

(3) Al-Ma ‘ûna ‘alâ Madhhab ‘Âlim al-Madîna (363).

(4) Al-Mughni (503/2).

(5) Previous Reference (40/3-41).

Regarding the description of “monetary value,” Al-Sarakhsî notes: “Although gold and silver are different kinds in form, for the purposes of Zakâh, they are treated as one category. Thus, the obligation concerning them is the same, quantified at one-quarter of the tenth (2.5%) in every case, as the obligation of Zakâh on them pertains to a singular concept: the financial value inherent in their nature.”⁽¹⁾

He further explains: “Wealth consists of various types in terms of their physical forms, but in terms of their financial attributes, they are treated as one kind.”⁽²⁾

Then it clarifies the meaning of “financial” by saying: “Indeed, gold and silver, although they are two different kinds in form, are one kind in terms of financial value; this means that wealth is evaluated by them, and there is no other purpose for them except that they are the values of things, and through them, the best and the amounts of wealth are known. The obligation of Zakâh is considered in terms of financial value, as Allah, the Exalted, said: ‘And those who have in their wealth a known right for the beggar and the deprived.’^{(3), (4)}

Abû al-Fadl al-Mawsili says: ‘Zakâh is connected to them in terms of financial and price considerations.’⁽⁵⁾

Description of value: As stated by Qadi Abdul Wahab regarding gold and silver: “They are agreed upon in their purpose.”⁽⁶⁾ And Ibn Rushd explains the reason for their disagreement regarding them being the values of the perishable items. The issue of combining gold and silver in Zakâh : “The reason for their disagreement is whether each of them requires Zakâh due to its essence or due to a common reason, which is that they are, as the jurists say, the principal amounts and the values of the perishable items.”⁽⁷⁾

And Ibn Qudamah says: “Their benefit is one, and their purpose is unified; for they are the values of the perishable items, the compensations for injuries, and the prices of sales... The objective of both is the consideration of price and

(1) Al-Mabsûṭ (193/2).

(2) Previously Referenced

(3) Verses (24-25) from Surah al-Ma‘ârij.

(4) Al-Mabsûṭ (20/3).

(5) Al-Ikhtiyâr li Ta‘lîl al-Mukhtâr (111/1).

(6) Al-Ma‘ûnah ‘alâ Madhhab ‘Âlim al-Madînah (P: 363).

(7) Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid (18/2).

the means to achieve the goals, in which they equally participate.’⁽¹⁾

Description of (transaction): As stated by Ibn Rushd in explaining the position of those who say Zakâh is obligatory on jewelry: “And those who liken it to the gold and silver that are primarily intended for transaction say: ‘Zakâh is due on it.’” He then adds: “By transaction, I mean it’s being a price.”⁽²⁾

Description of (principal amounts): Ibn Rushd explains the reason for the disagreement regarding the inclusion of gold and silver in Zakâh : “The reason for their disagreement is whether each of them requires Zakâh due to its essence or due to a common reason, which is that they are, as the jurists say, principal amounts.”⁽³⁾

Description of (suitability for spending): Abû Ubaid states: “Gold and silver are not suitable for any purpose except to be a price for something, and one cannot benefit from them beyond their use for expenditure.”⁽⁴⁾

Description of (preparedness for change and transaction): As al-Sarakhsi mentions: “The dirham is created for circulation and transaction and the transaction is prepared for it.”⁽⁵⁾

Description (Preparation for Trade by Original Creation): As Al-Kasani said: “They are two types of wealth that are unified in the meaning that necessitates the obligation of Zakâh upon them, which is the preparation for trade by original creation and the concepts of monetary value⁽⁶⁾. Ibn Qudamah states: ‘The original reason for the obligation of Zakâh in them is that they are created for trade, and they serve as a means to acquire other things.’⁽⁷⁾

Ibnul-Hamâm clarifies this meaning: “When they say that the two currencies were created for trade, it means that they were created to facilitate the acquisition of other goods. This is because necessity arises in fulfilling needs, such as food, drink, clothing, and shelter. These are distinct from the currencies themselves. Taking them for trading purposes can lead to corruption, which is evident. The creation of these currencies serves the purpose of allowing for the exchange of goods that fulfill needs, after generating a desire for

(1) Al-Mughni (40/3-41).

(2) Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid (11/2-12).

(3) The previous reference (18/2).

(4) Al-Amwâl li Abi ‘Ubaid (p. 543).

(5) Al-Mabsût (184/2). With modifications

(6) Badâ’i’ al-Şanâ’i (19/2).

(7) Al-Mughni (47/3)

them; thus, they were created for trade.⁽¹⁾

Preparation for Growth: As Al-Sarakhsi mentioned: "As for gold and silver, they were created as two jewels for monetary purposes, benefiting from fluctuation and transactions; they are prepared for growth in any form they take, and Zakâh is obligatory upon them."⁽²⁾

The functions mentioned by jurists regarding currencies are similar to those noted by economists. They emphasize that among the roles of money are its function as a medium for exchanges, a measure of values, and a store of value.⁽³⁾

As for commercial goods, Zakâh is concerned with their value rather than their physical form. Their value is determined by prices, and there are numerous texts from scholars clarifying this point.

Abû Ubaid states, "Zakâh on commercial goods is based on their values."⁽⁴⁾ Al-Sarakhsi mentions, "The obligation of Zakâh on commercial goods is considered in terms of their financial value, not their physical forms."⁽⁵⁾

He further explains, "The important aspect of trade goods is their financial attributes rather than their physical presence, such that the Nisâb (minimum amount determining a person's zakatability) is based on their value."⁽⁶⁾ Al-Juwaynî says: "The commodities have become associated with growing wealth due to trade, in that they are for the acquisition of the growth of growing assets... so what is considered in the financial matters related to trade is..."⁽⁷⁾

Al-Kâsânî states: "The obligation of Zakâh on the wealth of merchants is related to the essence of wealth, which is financial value."⁽⁸⁾

Ibn Qudamah says: "Zakâh is obligatory on the value of commodities, not on the commodities themselves; the value is the prices, and thus..."⁽⁹⁾ He adds: "The Zakâh on trade wealth is related to its value, and its value is the prices themselves."⁽¹⁰⁾

(1) Fath al-Qadîr by Kâmil Ibnul-Humâm (155/2).

(2) Al-Mabsût (191/2).

(3) See: Fundamentals in Money and Banking, Dr. Izzat Qanawî (p. 14).

(4) Al-Amwâl by Abû 'Ubaid (p. 525).

(5) Al-Mabsût (191/2).

(6) The previous reference (166/2).

(7) Nihayat al-Maqṣad fî Dirayat al-Madhhab (296/3).

(8) Badâ'i' al-Ṣanâ'i' (15/2), and see: Al-Muḥiṭ al-Burhânî in Al-Fiqh al-Na' mânî (265/2).

(9) Al-Mughni (504/2).

(10) The previous reference (61/3).

From this, it is clear that the basis for Zakâh on currency is its monetary value, and the basis for Zakâh on trade commodities is their values, which are indeed the prices.

As for the other types of zakatable wealth derived from currency and trade commodities, Zakâh on them is related to their tangible forms, not their values; like the Zakâh on livestock and the Zakâh on crops and fruits.

Al-Sarakhsî says: "The obligation of Zakâh on grazing livestock is considered in terms of their tangible forms until their threshold is considered from the actual form."⁽¹⁾

Abû al-Faḍl al-Mawṣilî states: "Zakâh on grazing livestock is associated with the actual form, and the growth within it is required from the actual form."⁽²⁾

What distinguishes currency from other types of wealth is the statement of Ibn Taymiyyah: "The dirhams and dinars are not intended for themselves; rather, they are a means for conducting transactions. This is why they are considered prices; unlike other types of wealth, which are intended for direct benefit. For this reason, they are measured by natural or legal standards, whereas pure means, which do not have any purpose related to their substance or form, achieve the intended goal regardless of their nature."⁽³⁾

Objective Evidence:

- 1- The connection between Zakâh on gold and silver in the Quran and Sunnah, as in His saying, "Those who hoard gold and silver and do not spend them in the way of Allah, give them tidings of a painful punishment. On the Day when they will be heated in the Fire of Hell, and their foreheads, sides, and backs will be branded with them. This is what you have hoarded for yourselves; so, taste what you used to hoard."⁽⁴⁾

And the Prophet (peace be upon him) said: "There is no owner of gold or silver, from which its due rights are not fulfilled, will be punished on the Day of Resurrection by having plates of fire placed upon him, heated in the Fire of Hell. He will be branded with them on his sides, forehead, and back, and whenever they cool down, they will be reheated for him, on a day that lasts for

(1) Al-Mabsûṭ (166/2).

(2) Al-Ikhtiyâr li Ta'îl al-Mukhtâr (111/1), with slight modifications.

(3) Majmû' al-Fatâwâ (252/19).

(4) The verse (34-35) from Surah At-Tawbah.

fifty thousand years, until judgment is passed among the servants, where he will be directed either to Paradise or to Hell.⁽¹⁾

Evidential aspect: Gold and silver have been mentioned together in previous texts, and just as hoarding is a common characteristic between them, so is their value. In fact, their quality of being valuable is more significant for their hoarding, due to the characteristics of prices that drive individuals to do so, unlike other types of wealth.

Al-Zamakhshari states in the interpretation of the verse: "If you ask why they are specifically mentioned among all other types of wealth, the answer is because they are the standard of trade and the prices of things. Only those who hoard them do so out of excess beyond their needs."⁽²⁾

As the commentators have mentioned regarding the singularity in the phrase "nor do they spend it," even though the pronoun refers to two (gold and silver): "It suffices to use the singular pronoun for one instead of the other when the meaning is understood⁽³⁾, and the common characteristic between them is hoarding, as well as their being prices. Therefore, it is understood that their value is the unifying reason between them.

Al-Shafi'i states: "The Messenger of Allah (peace be upon him) imposed Zakâh on the currency of the people, whether it is gold or silver, based on the report from the Prophet. If it is not confirmed from him, then it is inferred by analogy to gold and silver."

Muslims have accepted this in various regions, and they have allowed it based on what has been established in Islam and after it.⁽⁴⁾

Al-Mawardi states regarding the verse: "nor do they spend it," that this refers to both of them. If they were not considered one in terms of Zakâh, the expression would have been indicated in a dual form, saying, "nor do they spend them." However, since it uses a singular term, it confirms that their ruling regarding Zakâh is the same. Since their ruling is identical in being prices and values, and their Zakâh is one-quarter of ten, it is necessary for their ruling to be the same.⁽⁵⁾ Al-Sarakhsy states: "Gold and silver, although they are two different forms,

(1) Previously cited (p. ++).

(2) Tafsîr al-Zamakhsharî (268/2).

(3) Tafsîr al-Qurṭubî (127/8).

(4) Al-Risâlah li Ash-Shâfi'î (191/1).

(5) Al-Hâwî al-Kabîr (268/3).

are one type in terms of their financial significance. This means that wealth is valued by them, and their only purpose is that they are the prices of things. Through them, the value of wealth and its measures are understood. The obligation of Zakâh is based on this financial aspect. Allah, the Exalted, says: 'And those who have wealth, there is a known right for the beggar and the deprived.'⁽¹⁾,⁽²⁾

- 2- It indicates that riba (usury) applies to both, due to their being classified as valuable assets, according to the view of many scholars⁽³⁾. The evidence for this includes the saying of the Prophet (peace be upon him): "The dinar is to be exchanged for a dinar, and the dirham for a dirham, with no excess between them."⁽⁴⁾ Abû Ubaid, quoting al-Shu'bi and al-Awzai, said: "I have seen dirhams and dinars being used as prices for things, and things are not priced by them. I saw that it is not permissible to sell one for the other on credit, which indicates that they are one type."⁽⁵⁾

If the wisdom behind prohibiting ribâ in this context is, as Ibnul-Qayyim mentioned, that "dirhams and dinars are recognized as measures of wealth," then prices of sales must be defined. The price is the standard by which sales are measured, and it should remain constant; if prices were to fluctuate like commodities, we would have no stable measure for sales.

People's need for a price to evaluate sales is a general necessity, and this can only be achieved through a stable price that defines value. This stability is only possible when prices are established as standards for goods, allowing them to remain consistent.

If it were to change and fluctuate, it would lead to disruption in people's transactions, resulting in conflicts and complications.⁽⁶⁾ Therefore, we can say that Zakâh similarly helps maintain the stability of currency values and ensures their circulation by preventing hoarding, just as ribâ is prohibited in this regard.

(1) Verse (25) from Surah al-Ma'ârij.

(2) Al-Mabsûṭ (20/3).

(3) The Shâfi'ites and Mâlikites hold that they possess the characteristic of predominant value. Al-Ghazâlî states in Al- Wasîṭ (46/3): "Ribâ in currencies, according to us, is justified by their being the essential essence of prices." Ibn Rushd mentions in Bidâyat al-Mujtahid (149/3): "As for the reason for prohibiting excess in gold and silver, it is also because they are one type, being the heads of prices and values for commodities."

(4) Reported by Muslim (1212/3), no. (1588).

(5) Al-Amwâl li Abî 'Ubaid (s. 512).

(6) A'lâm al-Muwaqqi'în (402/3).

- 3- hadîth of Hammas: He said: "I used to sell leather and quivers when Umar Ibnul-Khattab passed by me and said: 'Bring out your charity.' I replied, 'O Commander of the Faithful, this is only for leather.' He said, 'Evaluate your charity and then bring it out.'"⁽¹⁾

Evidential aspect: This indicates that what is considered for trade goods is their value, and their values are essentially prices. Thus, the quality of being valuable is the significant reason in this context.

- 4- His saying (peace be upon him): "Regarding the Zakâh on sheep, it is applicable when the number reaches forty to one hundred."⁽²⁾ And his saying to Mu'adh: "Take grains from grains, sheep from sheep, camels from camels and cows from cows"⁽³⁾

And his saying (peace be upon him): "In what is watered by the rain or by irrigation, it is one-tenth; and in what is watered by a watering trough, it is half of one-tenth."⁽⁴⁾

Evidential aspect: This indicates the obligation of Zakâh on livestock and crops, as the benefit from them is realized when they are given out.

The effect of considering this objective in the Fiqh-based branches:

- 1- The original principle regarding prices is growth, so Zakâh is obligatory in any case once it reaches the Nisâb. This is to prevent hoarding, as hoarding affects the stability of prices. Thus, Zakâh acts as an incentive to give and invest, as it is prepared for growth.

Al-Bâji states: "Wealth is of two types

Wealth whose origin is trade, such as gold and silver, is treated according to the rules of trade until it is converted to something else. Wealth whose origin is personal use, such as goods, clothing, various animals, and food, is treated according to the rules of personal use until it is converted to something else.

(1) Reported by al-Daraqutnî fî Sunanih (35/3) no. (2018), and by Abû 'Ubaid fî al-Amwâl (p. 520). Shu'ayb al-Arnâ'ût said "Its chain is good."

(2) Previously cited (p. ++).

(3) It was narrated by Abû Dâwûd in his Sunan (2/109), no. (1599), and by Al-Hâkim in his Mustadrak (1/546), no. (1433), who said: "This chain is authentic according to the criteria of the two Shaykhs."

(4) Previously cited (p. ++).

What originates from trade does not change to personal use except by intention and action, with the significant action being its crafting. Conversely, what originates from personal use does not change to trade except by intention and action, with the significant action being the purchase. Thus, if someone buys an item and does not intend to use it for trade, it remains in the category of personal use until he expresses an intention for trade.⁽¹⁾

- 2- Incorporating trade goods into prices has no disagreement among scholars, as the purpose of legislation is the same, which is their shared characteristic of value.

Ibn Qudamah states: "Trade goods are included with each of gold and silver, completing their Nisâb, and we know of no disagreement in this matter." Al-Khattabi adds: "I am not aware of any disagreement among the majority on this; this is because Zakâh is obligatory on their values, and they are evaluated with each of them, thus included with each of them."⁽²⁾

- 3- Including gold and silver and considering them as one type in the matter of Zakâh is agreed upon by a number of scholars. This is due to their agreement in the characteristic of value; thus, although they are different types in form, in the context of Zakâh they are treated as one type. Therefore, the obligation for Zakâh on them is determined at a quarter of one-tenth in all cases.

The obligation of Zakâh on them is based on one meaning, which is the established financial value based on their origin.⁽³⁾ Zakâh is required on wealth due to its characteristic of growth, and the growth in gold and silver is due to their value. The characteristic of value is a growth-inducing quality, as it is related to trade and the means of acquiring goods.

Gold and silver, in terms of their value, are treated as one type of wealth because they serve as a price for goods. Thus, it is necessary to combine them, just as it is required to combine the assets of trade with each other.⁽⁴⁾

Ibn Qudamah states: "Their benefit is the same, and the intended purpose of both is unified. They are the values of what is wasted, and the prices of sales,

(1) Al-Muntaqâ Sharḥ al-Muwatta' (2/120).

(2) Al-Mughni (3/36), Ma'âlim al-Sunan (16).

(3) See: Al-Mabsût (193/2).

(4) See: Al-Iştilâm fi al-Khilâf Bayna al-Imâmayn al-Shâfi'i wa Abî Ḥanîfa (97/2)

and the compensation for injuries, resembling the two types.”⁽¹⁾

- 4- The lack of inclusion of the different types within the livestock categories (such as camels, cattle, and sheep) is because the ruling on them is related to both form and meaning, which are different in terms of appearance and essence. Thus, it is impossible to complete the Nisâb of one type with that of another.⁽²⁾
- 5- There is no interruption of the holding period when exchanging dirhams or dinars among themselves according to the Ḥanafis,⁽³⁾ and the Ḥanâbila⁽⁴⁾, because they are one type in terms of their shared characteristic of value.
- 6- The interruption of the holding period when exchanging livestock for the same type or for a different type, according to the Ḥanafis⁽⁵⁾ and the Shafi'is⁽⁶⁾, is because the Zakâh on livestock is obligatory based on the physical animal, and value is not considered.

The holding period for the livestock is established based on the physical animal, and the second animal is indeed different from the first. Therefore, when the purpose for which the holding period was established is altered⁽⁷⁾, the ruling on the holding period is necessarily void.⁽⁸⁾ This is because retaining them in ownership is a usual practice, which ceases to exist when they are exchanged, similar to neglecting the proper care for them.

It is not correct to compare this situation to monetary values, because Zakâh is only obligatory on monetary assets due to their status as prices. This characteristic applies to them, unlike other types.⁽⁹⁾

- 7- There is a consensus among the jurists that exchanging assets in the Zakâh of trade does not interrupt the holding period.⁽¹⁰⁾

(1) Al-Mughni (36/3).

(2) See: Badâ'i' al-Şanâ'i' (19/2).

(3) See: Al-Muḥîṭ al-Burhânî fi al-Fiqh al-Nu'mânî (265/2).

(4) See: Al-Mughni (61/3).

(5) See: Al-Muḥîṭ al-Burhânî fi al-Fiqh al-Nu'mânî (265/2).

(6) See: Nihâyat al-Maṭlab fi Dirâyat al-Madhhab (209/3), Al-Majmû' Sharḥ al-Muhadhab (361/5).

(7) Al-Muḥîṭ al-Burhânî fi al-Fiqh al-Nu'mânî (265/2).

(8) See: Al-Mabsûṭ (166/2), Nihâyat al-Maṭlab fi Dirâyat al-Madhhab (209/3).

(9) Al-Mughni (503/2).

(10) Al-Suyûṭî narrated the consensus in Sharḥ al-Tanbîh (241/1), and see: Al-Muḥîṭ al-Burhânî =

- 8- The consensus of the scholars is that the year does not break if the currencies are exchanged for trade goods,⁽¹⁾ because “Zakâh is due on the value of the goods, not on the goods themselves, and the value is the currencies.”⁽²⁾
 - 9- It is one kind, meaning that if one gives a lesser quality in the Zakâh of currencies, and adds the difference in value, it is permissible according to Ash-Shâfi'ites and the Hanbalites. This is because he has fulfilled his obligation in terms of value and amount. However, this does not apply in the Zakâh of livestock, crops, and fruits; for example, if one gives two poor sheep for one good sheep or two inferior measures of grain for one good measure. The difference between currencies and other assets is that the intent behind currencies is solely their value. If the obligatory amount and what is given match in value and quantity, it is allowed. In contrast, for other assets, the intention is to benefit from them in their essence, so equalizing in both respects does not guarantee validity, as some of the intended benefit may be lost.⁽³⁾
 - 10- The permissibility of giving one currency for another: Ibn Qudamah says, “This is the most correct opinion, God willing, because the purpose of one can be achieved by giving the other, just like different types of the same genus. The goal of both currencies is to facilitate transactions, and they share this characteristic equally. Therefore, it resembles giving a lesser quality for a better one, unlike other species and types, where Zakâh is obligatory for each one, as each type has its specific purpose for which Zakâh is due.”⁽⁴⁾
- Moreover, the same applies to different types; one cannot achieve the same purpose by giving something other than what is obligatory. Here, the intended purpose is achieved, so it is valid to give, as there is no benefit in limiting the validity to a specific type when the others are equivalent in purpose.”
- 11- Regarding the obligation of Zakâh on jewelry according to the Hanafi school: they liken it to currencies since its purpose is also related to

= fi al-Fiqh al-Nu'mânî (265/2), Nihayat al-Matlub fi Dirayat al-Madhhab (209/3), and Al-Mughni (61/3).

(1) Ibnul-Humâm mentioned this in “Fath al-Qadeer” (221/2).

(2) Al-Mughni (504/2)

(3) See: Al-Mughni (40/3)

(4) Al-Mughni (41/3), and see: Al-Mabsûr (193/2).

value. Both currencies were created as essential forms of value for the benefit of trade and transaction.⁽¹⁾

Ibn Rushd states, "The reason for their differing opinions is the ambiguity regarding their classification, as they draw a parallel between goods and between gold and silver, both of which serve a purpose in transactions."⁽²⁾

- 12- If jewelry breaks in a way that prevents its use, some scholars who assert that there is no obligation for the Zakâh of jewelry argue that it then becomes obligatory; because it returns to the original principle of value, removing the barrier for Zakâh, which was its use.⁽³⁾
- 13- The valuation of trade goods is based on the two currencies; since the Sharî'ah did not specify a set amount for it, one returns to its value. When valued by one of the currencies, the considered value is established and included in the estimation, as the obligation is based on financial matters, and the valuation identifies the financial standing.⁽⁴⁾
- 14- The obligation of Zakâh on currency notes is due to them being considered monetary values, thus they are akin to gold and silver. What can be understood from the spirit of the Sharî'ah and its texts is that it did not impose Zakâh on gold and silver merely for their monetary value; Zakâh is not required on every asset, but rather on assets designated for growth, as they are both monetary for growth. Gold and silver are considered by the Sharî'ah as assets as well, which is why the title of Zakâh on gold takes into account its monetary value for things.

In many books, they are referred to as (Zakâh of Monetary Values) or (Zakâh of the Two Currencies). For this reason, it is not appropriate to tell people that some schools of thought do not permit the payment of Zakâh on these notes, attributing that to the views of Ahmad, Mâlik, al-Shafi'i, or others. The truth is that this is a newly emerging issue, having no precedent in the time of the leading jurists.

For this reason, it is not appropriate to tell people that some schools of thought do not permit the payment of Zakâh on these notes, attributing this

(1) See: Al-Mabsût (191/2).

(2) Bidayat al-Mujtahid wa Nihayat al-Muqtaṣid (11/2).

(3) See: Al-Mughni (43/3).

(4) Al-Ikhtiyar li Ta'îl al-Mukhtar (112/1), with slight modifications.

to the views of Ahmad, Mâlik, al-Shafi'i, or others. The truth is that this is a newly emerging issue, having no precedent in the time of the leading jurists.⁽¹⁾

- 15- Moreover, it should be noted that anything whose acquisition is forbidden incurs an obligation of Zakâh, as it is created for trade and serves as a means to engage in other transactions. Since there is nothing to prevent this, it remains as it originally was.⁽²⁾

Topic (3): Objective of Legislating Zakâh on Crops and Fruits: Sharing Basic Foods and Nurturing the Land

Objective Explanation:

The Lawgiver had profound wisdom in selecting the categories for which Zakâh is obligatory, in order to achieve the highest goal of his legislation, which is to meet the needs of Muslims and provide for their essential requirements. Among the categories that fulfill this supreme objective are grains and fruits, as they are considered fundamental in the diet of people and in meeting their daily needs.

The legislation of Zakâh on these categories contributes to achieving social solidarity and enhancing food security, ensuring that everyone has access to the provisions and essentials they require, and promoting land development by encouraging farmers to cultivate and produce.

The status of grains and fruits is elevated among other zakatable assets, as they represent the basic sustenance for many people. By meeting their needs from these resources, their bodies are preserved, allowing them to fulfill their purpose of worshipping Allah (the Almighty) properly.

(1) Dhakîrat al-'Uqbâ fi Sharh al-Mujtabâ (169/22).

(2) See: Al-Amwâl by Abû 'Ubayd (571:), Al-Hâwî al-Kabîr (239/3), Al-Mabsût (2/3), Uşûl al-Sarakhsî (69/1), Baḥr al-Madḥhab (16/3), Badâ'i' al-Şanâ'i' (6/2), Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid (14/2), Al-Mughni (4/3), Al-'Azîz Sharḥ al-Wajîz (561/5), Manâḥij al-Taḥṣîl Sharḥ al-Mudawwana (385/2), Takhrîj al-Furû' 'ala al-Uşûl by al-Zanjânî (116:), Al-Majmû' Sharḥ al-Muhadḥḥab (452/5), Al-Ikhtiyâr li Ta'lîl al-Mukhtar (113/1), Dhakîrat al-'Uqbâ (73-74/3), Al-Fatâwâ al-Kubrâ by Ibn Taymiyyah (370/5), Kashf al-Asrâr Sharḥ Uşûl al-Bazdawî (354/2), Tabyîn al-Ḥaqâ'iq Sharḥ Kanz al-Daqâ'iq (253/1), Zâd al-Ma'âd fi Hady Khayr al-'Ibâd (5/2), Al-Tawḍîḥ fi Sharḥ Mukhtaṣar Ibnul-Ḥâjib (319/2), 'Ajâlat al-Muḥtâj ila Tawjîh al-Minhâj (478/1), Al-Binâyah Sharḥ al-Hidâyah (298/3), Sharḥ Zuroq on the text of the Risâlah (723/2), Sharḥ al-Muqaddimah al-Ḥaḍramiyyah (491:), Al-Taḥrîr wa al-Tanwîr (8 -A122).

Thus, one of the key objectives of the Lawgiver in instituting Zakâh on these assets is to promote people's participation in sustenance and the development of the land. Some define sustenance as "what sustains the human body."⁽¹⁾ and others defined it as what sustains the human structure"⁽²⁾.

It has been established that the wise Lawgiver has mandated Zakâh on most assets that circulate among people, which they are in urgent need of, as they provide widespread benefits and whose absence causes significant harm. Grains and sustenance are at the forefront of these assets, as they are essential for survival.

This is particularly true for those in need, as sustenance is a necessity without which life cannot continue. Therefore, the Lawgiver has made Zakâh obligatory on it.⁽³⁾ Al-Mawardi states, "Zakâh is specifically assigned to sustenance because it fosters equality among people."⁽⁴⁾

Just as the Lawgiver is keen to address the needs of the Muslims in this category, he has also focused on ensuring its stability by prohibiting practices that could lead to its disruption. This includes the prohibition of usury, despite differing opinions among scholars regarding its rationale, as well as the ban on hoarding.

Scholars have differed regarding the wisdom behind the obligation of Zakâh on grains and fruits, presenting two main opinions:

The first opinion: It emphasizes the sharing of sustenance, which is essential for the well-being of people's bodies and is the foundation of worldly and spiritual benefits. This view is held by the majority of scholars, including the Mâlikites⁽⁵⁾, Ḥanbalites⁽⁶⁾,.....

(1) Marqâh al-Mafâtîḥ, a commentary on Mishkât al-Maṣâbîḥ (1296/4). Al-Ḥaḍramî states: "Because sustenance is necessary for life, the Lawgiver has made it obligatory for those in need of necessities, unlike what is consumed for enjoyment." Commentary on the Ḥaḍramî introduction (p. 491).

(2) Commentary by Zuroq on the text of al-Risâlah (723/2).

(3) See: Marqâh al-Mafâtîḥ, a commentary on Mishkât al-Maṣâbîḥ (1296/4). Al-Ḥaḍramî states: "Because sustenance is necessary for life, the Lawgiver has made it obligatory for those in need of necessities, unlike what is consumed for enjoyment." Commentary on the Ḥaḍramî introduction (p. 491).

(4) Al-Ḥawî al-Kabîr (243/3).

(5) See: Al-Dhakîrah (73/3).

(6) See: Al-Majmû', a commentary on al-Muṭahhar (452/5).

and Shafi'ites⁽¹⁾.

The followers of this opinion differed regarding the criterion. The Mâlikites and Shafi'ites maintained that it is savings for sustenance⁽²⁾, while the Hanbalites argued that it is related to measuring, dryness, and preservation.

Despite the agreement between the Mâlikites and Shafi'ites on the criterion, they differed in its application in some cases. Ibn Rushd states: "Those who agreed on sustenance differed on certain aspects due to their disagreements on whether these are indeed sustenance or not, and whether they can be compared to what has been agreed upon or not. For example, there is a difference between Mâlik and the Shafi'i regarding olives; Mâlik believed that Zakâh is obligatory on them, while the Shafi'i opposed this in his later statements in Egypt. The reason for their disagreement lies in whether olives are considered sustenance or not. This also applies to the disagreement among Mâlik's followers regarding the obligation of Zakâh on figs."⁽³⁾

As for measurement, Ibn Taymiyyah discussed its consideration, stating that it is merely an estimation, and thus cannot be validly applied in the context of Zakâh. He noted that measurement and weighing are only considered in trade due to the necessary equivalence, which is not applicable in the context of Zakâh. He favored the view that what is considered valid is only savings, as it holds the appropriate meaning.⁽⁴⁾

Additionally, a group of scholars limited the obligation of Zakâh to wheat, barley, and dates. They based their claim on this reasoning. Abû 'Ubaid clarified their evidence by saying: "The Messenger of Allah designated the Zakâh for the people of Medina regarding dates, as it was a staple food for them."

He also mentioned that the three staples-wheat, barley, and dates-are recognized as food for people among the Arabs. These items are essential for their sustenance. Thus, Zakâh is obligatory on these items due to their importance in the sustenance of the poor, as the Prophet ﷺ emphasized Zakâh from among all livestock, specifically mentioning camels, cattle, and sheep. Allah has made the milk and meat of these animals a livelihood for people,

(1) ?????

(2) Al-Tawqîf fi Sharḥ Mukhtaṣar Ibnul-Ḥâjib (319/2).

(3) Bidayat al-Mujtahid wa Nihayat al-Muqtaṣid (14/2).

(4) See: Al-Fatâwâ al-Kubrâ by Ibn Taymiyyah (371/5).

unlike others. Therefore, Zakâh is obligatory on these specific items but not on others. They argue that likewise, these three types of food-wheat, barley, and dates-are the sustenance and livelihood of people among the Arabs.⁽¹⁾

The Second Opinion: The wisdom behind this is the development and improvement of the land, as it is the source of life and the origin of sustenance. Therefore, Zakâh is obligatory on everything that comes out of the earth and is cultivated for the purpose of increasing the land's yield. This is commonly practiced, and it can be likened to land tax (kharaaj). This view is held by Abû Hanifah.⁽²⁾

Al-Sarakhsi reports from Abû Hanifah: "He used to say that the tenth (Zakâh) is a charge on productive land, similar to land tax. Just as everything that constitutes the increase of the land is subject to land tax, so too is it subject to the obligation of Zakâh."⁽³⁾

The meaning of the "tithe" being a maintenance of the land is that it serves as a means of sustenance for the needy, as they are the ones who defend the sanctity of Islam. This is reflected in the saying of the Prophet (peace be upon him) on the Day of Badr: "You are granted victory through your weak."⁽⁴⁾ Therefore, the allocation of resources to the land and spending on it is what this maintenance signifies.⁽⁵⁾

Abû Hanifah's analogy of the Zakâh on crops and fruits to the land tax (kharâj) had a significant effect on its rulings. One of the major effects is that the Hanafi school considered the Zakâh on crops and fruits as a maintenance with a meaning of worship, distinguishing it by the name "tithe," in contrast to the Zakâh of other categories, which they regarded purely as an act of worship.⁽⁶⁾

Al-Babarti states: "The tithe is called Zakâh as the almsgiving (ṣadaqah) is referred to as a tenth, because it is a pure act of worship, whereas the tithe serves as maintenance with a meaning of worship. Pure acts of worship take precedence over others."⁽⁷⁾

(1) Al-Amwâl by Abû 'Ubayd (pp. 574-575).

(2) See: Badâ'i' al-Ṣanâ'i' (58/2). (3) Al-Mabsûṭ (2/3).

(4) Narrated by Al-Bukhari, (36/4), number (2896)

(5) Kashf al-Asrar" sharḥ 'Uṣûl al-Bazdawî (354/2).

(6) The disagreement (ikhtilâf) between the Hanafis and the majority (jumhûr) has previously been explained: Is zakâh purely an act of worship ('ibâdah) or a financial obligation (mu'ânah)?

(7) Al-Inayah" sharḥ 'Al-Hidayah (242/2).

They mentioned the reason for this distinction is that “lands cannot be protected by their owners unless under the protection and care of the imam. Thus, Allah has made the tithe a form of worship as a maintenance obligation upon them, for the fighters at one time and for the poor at another. This ensures that it is preserved under the imam’s authority and that its benefits are secured for the owner. It was not possible to impose it merely as a means of worship due to the trial and testing involved. In contrast, other forms of wealth are secured in the hands of their owners, who do not require a maintenance obligation from the imam to protect them. Therefore, the obligation of Zakâh is purely an act of worship in the context of trial.”⁽¹⁾

And there will be further clarification of the additional effects of this in demonstrating the effect of maintaining the purpose within the jurisprudential branches. Below, I will present the evidence for both opinions.

First: Evidence that the wisdom behind the obligation of Zakâh on crops and fruits is the sharing of sustenance.

- 1- The saying of Allah, Exalted is He: “And He is the One who produced gardens trellised and untrellised, and palm trees, and crops of different shape and taste, and olives and pomegranates, similar (in kind) and different (in taste). Eat of their fruit when they ripen, and give its due (Zakâh) on the day of its harvest, and do not waste (resources). Indeed, He does not like the wasteful.”⁽²⁾

The intended meaning of “haqqahu” (its due) here refers to the obligatory Zakâh according to the most correct opinions of the interpreters.⁽³⁾

Evidential aspect: Allah, the Almighty, specified what comes from the earth that is consumable, saying: “Eat of their fruit when they ripen,” and then He specifically mentioned what is harvested by stating: “And give its due on the day of its harvest.” What is harvested refers to that which is primarily beneficial and is a necessary need for people’s sustenance.

Ibnul-Arabi says: “He specified it with the essential sustenance by mentioning His words: ‘And give its due on the day of its harvest,’ as if He referred by ‘the day of harvest’ to the day of gathering.”⁽⁴⁾ Ibn Ashur adds: “God made the obliga-

(1) Al-Istalam” fi al-ikhtilâf bayna al-imâmain (’imâm) Al-Shafi’i wa Abû Hanifah (54/2).

(2) Verse from Surah Al-An’am.

(3) See: “Mafatih al-Ghayb” (164/13).

(4) ‘Ârîḍat al-Aḥwadhî (109/3) His complete statement: “Then Allah, the Exalted, bestowed =

tion of the right in fruits and grains on the day of harvest because harvesting is intended for storing, and a person only stores what they intend for sustenance. Thus, storing is a sign of wealth that necessitates giving Zakâh, and harvesting is the beginning of that sign.”⁽¹⁾ Ibnul-Arabi critiques the argument that specifies the verse to essential sustenance, stating: “As for the connection to sustenance, it is an unsupported claim. Meanings must have valid foundations that lead to their rulings, as we explained in the Book of Qiyas. How can God, the Exalted, mention blessings in sustenance and fruits, and require the right from all of them, despite the variations in their conditions, such as grapes and palms, and in their different types, like crops, and in what complements sustenance for enjoyment? This emphasizes the completeness of blessings through both material and visual pleasures.”⁽²⁾ Then he remarked, “If it is said: ‘Indeed, Allah has stated: “Give its due on the day of harvest”.’⁽³⁾ And what is harvested is the crops? We said: You are mistaken; rather, it is general for every plant on earth. The essence of harvesting is the removal of something from its place. Allah says, “Some [plants] are standing and some are harvested,”⁽⁴⁾ and, “Until We made it as if it had been cut down, extinguished.”⁽⁵⁾ And He says, “So We made it as if it had not flourished yesterday.”⁽⁶⁾ If it is said that this is metaphorical and its origin is in crops, we respond: All of this is indeed literal, and its essence is removal.”⁽⁷⁾

2- The Prophet (peace be upon him) said: “There is no charity in vegetables.”⁽⁸⁾

Evidential aspect: The hadîth indicates that there is no charity in vegetables because they are not sustenance. Zakâh is specifically related to basic food, as sustenance is what sustains the human body. The necessity of sustenance is one of the essentials, and the necessities pertain to the basic foods that there is no

= upon His creation the growth of the earth. Then He said to them, 'Eat from what I have provided for you, and give its due right when you gather it with your hands and bring it to your homes. Just as He created it as a blessing, and granted its right, here is where Zakâh applies. And it is a truth; whoever says otherwise is mistaken... Indeed, He made its right obligatory here in Zakâh.' Mâlik said: 'The right is a blessing; it is obligatory in it...'

(1) Al-Taḥrîr wa al-Tanwîr (8- A 122/). (2) Aḥkâm al-Qur’ân li Ibnul-‘Arabî (284/2).

(3) Verse (141) from Surah al-An‘âm. (4) Verse (100) from Surah Hûd.

(5) Verse (15) from Surah al-Anbiyâ’. (6) Verse (24) from Surah Yûnus.

(7) Aḥkâm al-Qur’ân li Ibnul-‘Arabî (285/2)

(8) Previously cited, (p: ++).

life without.⁽¹⁾ Therefore, there is a right in it for those in need. It pertains to the highest types of sustenance, excluding legumes and vegetables.⁽²⁾ Ibnul-‘Arabî argued: “If fruits, particularly the vegetable fruits, were not fundamental to pleasure and a cornerstone of blessings, they would not be mentioned as a source of gratitude in Paradise. Do you not see how He described their beauty and pleasure, saying: ‘In them are fruits, date palms, and pomegranates’?⁽³⁾ He mentioned date palms as a staple of sustenance and pomegranates as a staple among vegetables.” “Do they not reflect on the general favor He has bestowed upon you and your livestock with His words: ‘Indeed, We poured out water in abundance, then split the earth asunder, and caused therein grain, grapes, herbs, olives, date palms, and lush gardens, and fruits and pasture to grow’?⁽⁴⁾ ⁽⁵⁾

- 3- Evidence of Analogy: ‘The purpose of Zakâh is to fulfill needs, and this is usually the case only with what is considered sustenance.’ Al-Qarâfî states: ‘This is a fitting description for the sustenance necessary for the preservation of the bodies, which is food.’⁽⁶⁾ These are the means for the welfare of this life and the Hereafter, and when a blessing is great, gratitude must be expressed through the payment of Zakâh .⁽⁷⁾
- 4- Analogy to Other Zakatable Assets: Just as Zakâh is required for other types of wealth, such as currency, livestock, and merchandise, Zakâh is due on a kind when it pertains to its highest types, while it is exempt from the lower types. For instance, in animals, Zakâh is only obligatory on the best types, which are grazing livestock. In terms of minerals, Zakâh is only due on their highest types, which are silver and gold. Likewise, for commercial merchandise, Zakâh is required only on the highest types, which are trading goods. Thus, it follows that the Zakâh on crops must pertain to their highest types, excluding the others, since it is a category of wealth on which Zakâh is due, and therefore, Zakâh should be specific to the highest types of its category, just as it

(1) Murqât al-Mafâtîh sharh Mushkât al-Mašâbîh (1296/4).

(2) See: al-Hâwî al-Kabîr (239/3), takhrîj al-furû‘ ‘alâ al-uşûl li al-Zanjânî (§ 116).

(3) Verse (68) from Surah Ar-Raḥmân

(4) Verse (25-31) from Surah ‘Abasa.

(5) Aḥkâm al-Qur’ân li Ibnul-‘Arabî (285/2).

(6) Bidâyat al-Mujtahid wa Nihâyat al-Muqtaṣid (14/2).

(7) Al-Dhakhirah (73/3).

is with livestock.”⁽¹⁾

Secondly: Evidence for the Wisdom Behind Making Zakâh on Crops and Fruits Obligatory for the Development of the Earth.

- 1- The general statement of Allah, the Exalted: “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.”⁽²⁾ The general statement of Allah, the Exalted: “And give its due right on the day of its harvest.”⁽³⁾ Also, the general statement of the Prophet (peace be upon him): “For what is watered by rain, the Zakâh is one-tenth, and for what is irrigated by means of buckets, it is one-half of one-tenth.”⁽⁴⁾

Evidential aspect: Al-Kasâni states: “The verse indicates that the poor have a right to the produce of the earth, as it associates the produce with everyone; this implies that the poor have a right in it just like the rich do. Thus, it indicates that the tithe (‘ushr) is a right of the poor. The amount of this right is clarified by the Sunnah.”⁽⁵⁾

Both verses and the hadith indicate the obligation to give from what Allah has brought forth from the earth and from what the heavens have watered. The phrase ‘what’ is a general term, encompassing both what is considered sustenance and what is not. This suggests that the wisdom behind the obligation is the overall cultivation and utilization of the earth; for when it is said ‘the heavens watered,’ it means that when the heavens provide rain, the earth flourishes.”⁽⁶⁾

Al-‘Arabî’s Statement - He, being one who supported Abû Ḥanîfah’s view on generalization, said: “As for Abû Ḥanîfah, he made the verse his mirror and perceived the truth. He said that Allah has made Zakâh obligatory on what is eaten, whether it is sustenance or not. The Prophet (peace be upon him) clarified this in his general statement: ‘For what is watered by rain, the Zakâh

(1) Al-Ḥawî al-Kabîr (239/3) Al-Ruwyaî says in response to those who advocate for generalization: “This is all incorrect; because the essence of crops is sustenance, and Zakâh is due on the highest types of each category, as in the precious gems.” (Al-Baḥr al-Madḥhab (116/3).)

(2) Verse (267) from Surah Al-Baqarah.

(3) Verse (141) from Surah Al-An‘âm.

(4) Previously cited (p: ++)

(5) Badâ‘i’ al-Ṣanâ‘i’ (54/2).

(6) See: Al-Mabsûṭ (2/3).

is one-tenth.’⁽¹⁾

Al-Mâwardî then debated the claim of generalization regarding the Prophet’s statement, saying: “It is general and must be interpreted with some implicit understanding. As for Abû Ḥanîfah, he says ‘except for silver,’ while we say ‘except for what is sustenance.’ Neither of these implicit understandings is necessarily more valid than the other, leading to a conflict.”⁽²⁾

And they debated their evidence with His statement: “And give its due right on the day of its harvest” with two responses:

First response: It is interpreted as referring to something other than Zakâh, such as a voluntary charity given on the day of harvest for two reasons:

It is stated to “give its due right,” but it does not say “the right of Allah from it.” Nothing mentioned has a right except that the right is ultimately for Allah, the Exalted.

It commands us to give it on the day of harvest, whereas Zakâh is not required to be given on the day of harvest but rather after gathering and threshing. These two points undermine the argument based on the apparent meaning of the verse, and this is one of the two responses.

Second response: It is interpreted as referring to Zakâh, but it is conditioned on what has been harvested. Harvesting does not apply to trees and certain vegetables like cucumbers and squash.

“If it is said that harvesting refers to complete removal, Allah, the Exalted, stated: ‘Until We made them as harvested straw, lifeless’⁽³⁾. If it is claimed that harvesting refers to complete removal, then Allah, the Exalted, implies: “And give its due right on the day of its complete removal”. This does not pertain specifically to one type of crop over another. In response to this, there are two answers:

First response: The essence of harvesting pertains to crops, though it can be used metaphorically in other contexts. For example, one can say: “The crop was harvested,” “dates were cut,” “grapes were picked,” “vegetables were gathered,” and “fruits were harvested.”

(1) Aḥkâm al-Qur’ân li Ibnul-‘Arabî (283/2).

(2) Al-Ḥawî al-Kabîr (240/3).

(3) Verse (15) from Surah al-Anbiyâ’.

Second response: Even if we concede that harvesting refers to complete removal, there is still no indication in the verse; because the fruits are not completely uprooted, but rather their roots remain while the fruits are gathered. If the apparent meaning of the verse does not support the contention, then the argument based on it falls apart.⁽¹⁾

2- Analogy to the tax (kharâj): The tax is required from any produce; similarly, the tithe (‘ushr) is due from any harvest.⁽²⁾

Alâ’ al-Dîn al-Bukhârî states: “Both the tithe (‘ushr) and the tax (kharâj) are legislated as a means to preserve the land and its produce. However, the Lawgiver has imbued the tithe with a sense of worship as a grace for Muslims, while the tax is associated with punishment and humiliation for non-believers. The produce of the land and what is obtained from it is seen as an increase and a blessing.

He mentions in *Al-Asrâr* that the tax on lands is original; it existed before Islam. However, the legislation transformed it into the tithe for Muslims, and mandated its allocation to the recipients of Zakâh, making it a type of worship and honor for Muslims.”⁽³⁾

It can be contested: This is an analogy with a difference, as the Lawgiver has imposed the tax as a form of punishment and humiliation for the disbeliever, while Zakâh was established as an honor and an act of devotion. Thus, they differ.

Just as the obligation of Zakâh on crops and fruits is tied to actual growth, the obligation of the tax (kharâj) is linked to estimated growth. Therefore, it is incorrect to compare one to the other. The tax is obligatory based on the ownership of the land; if the land designated for tax is not cultivated or has lost its benefit, then the tax is due.⁽⁴⁾ However, the tithe (‘ushr) is based on actual benefit and is waived if there is a loss of benefit.

Regarding the tax: If the lack of growth is due to the owner’s negligence, it is deemed to exist in theory. In contrast, the tithe does not apply without actual produce, as it is contingent upon some form of yield;⁽⁵⁾ thus, it cannot be mandated without real produce.

(1) See: *Al-Hâwî al-Kabîr* (240/3).

(2) See: *Al-Ikhtiyâr li Ta’lîl al-Mukhtâr* (113/1).

(3) *Kashf al-Asrâr Sharh Uşûl al-Bazdawî* (140/4).

(4) *Al-Hâwî al-Kabîr* (253/3).

(5) See: *Badâ’i’ al-Şanâ’i’* (57/2).

- 3- The tithe is a financial right owed to Allah, and its obligation must stem from productive wealth. The tax, on the other hand, is not characterized by growth; it is intended for benefit and potential loss. It is the land itself that is described by this characteristic.⁽¹⁾4. Both the tithe ('ushr) and the tax (kharâj) are linked to the land, and this connection indicates a causal relationship. Thus, it is established that the reason for the obligation in both cases is the productive land.⁽²⁾

And the more reliable view—Allah knows best—is that of the majority due to the strength of their evidence. One of the reasons for favoring the opinion of the majority is that the cultivation of land is a means to sustenance, and sustenance is the primary objective, which takes precedence over the means.

Al-Qarâfi states: "The cultivation of the land is a means to sustenance, and the objective takes precedence over the means. Saving (idkhâr) is also included in what we mentioned as a means to sustenance, and the objective is prioritized over the means, thus favoring what we have mentioned over what they have stated."⁽³⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- Non-obligation of Zakâh on Vegetables and Fruits According to the Majority: The majority hold that Zakâh is not obligatory on vegetables and fruits because they are not staple food and do not meet the criteria for savings for sustenance, which is the relevant rationale. This is because it is a suitable description for sustenance, which is essential for the well-being of bodies, leading to worldly and otherworldly benefits.⁽⁴⁾

Al-Râfi'î states: "The reason for the obligation of Zakâh on these categories is that the Prophet (peace be upon him) included many of them under the meaning of sustenance, and thus the remaining ones are included as well due to their utility and the fact that they are suitable for saving and preserving, and they have significant benefits." As for what is considered staple foods, Ash-Shâfi'î's opinion varies on most of them, asserting that there is no Zakâh on them, whether they are fruits or grains.⁽⁵⁾ The Ḥanafî school holds that Zakâh is

(1) See: *Kashf al-Asrâr Sharḥ Uṣûl al-Bazdawî* (354/2).

(2) See: *Badâ'i' al-Ṣanâ'i'* (57/2).

(3) *Al-Dhakhîrah* (74/3).

(4) See: *Al-Dhakhîrah* (73/3).

(5) See: *Al-'Azîz Sharḥ al-Wajîz* (51/3).

obligatory on them and on everything cultivated in gardens, aiming for the exploitation of the land, as the meaning of the land's growth is realized in them.⁽¹⁾

One of the reasons for the disagreement among them: "The opposition of analogy to the generality of the text." As for the phrase that implies generality, it is the saying of the Prophet (peace be upon him): "In what the sky waters, the tithe ('ushr) is due, and in what is watered by irrigation, half of the tithe"⁽²⁾. And His (Exalted be He) statement: "And He is the One who created gardens with trellises and without trellises" until His statement: "Indeed, He does not like the wasteful."⁽³⁾ As for analogy (qiyâs): It is that the purpose of Zakâh is to fulfill the need, which is usually found in staple foods. Therefore, whoever specifies the generality with this analogy excludes Zakâh from everything other than staple food, while those who uphold the generality obligate Zakâh on other items, except what has been excluded by consensus.⁽⁴⁾

- 2- If the land is kharâjî (taxable), then only the kharâj is obligatory according to the Ḥanafî school; because the reason for both obligations is the same: the productive land. Thus, they cannot coexist on one piece of land, just as two types of Zakâh cannot be applied to one wealth, such as the Zakâh on livestock and commercial goods.⁽⁵⁾

Ash-Shâfi'î's opinion is that both kharâj and Zakâh are obligatory because they are two different rights with distinct subjects and reasons, and they do not negate each other. There is no doubt about their differences in essence; as for their subjects, kharâj is due in debt, while the tithe ('ushr) is due on the produce. Regarding the reasons, the reason for the obligation of kharâj is the productive land, while the reason for the obligation of the tithe is the produce itself, which cannot exist without it. Thus, the obligation of one does not prevent the obligation of the other.⁽⁶⁾

- 3- There is no obligation for a tithe ('ushr) on firewood, grass, and Persian reeds, because these items do not contribute to the growth of the land, nor are they typically utilized for such purposes; rather, they spoil

(1) See: Al-Mabsûṭ (2/3), Al-'Inâyah Sharḥ al-Hidâyah (245/2).

(2) Previously cited (p: ++).

(3) Verse (141) from Surah Al-An'âm.

(4) "Bidayat al-Mujtahid wa Nihayat al-Muqtaṣid (14/2).

(5) See: Bada'i al-Ṣanâ'i (57/2).

(6) See: Al-'Aziz Sharḥ al-Wajiz (57/3).

the land. Thus, there is no increase in the land.⁽¹⁾

- 4- According to the Ḥanafī school, it is not permissible to advance the tithe because, at that point, it is prior to the cause, and the cause is the productive land. Before the harvest occurs, the cause has not yet been established.⁽²⁾
- 5- The owner's status is not considered in the tithe according to the Ḥanafī school, since the obligation is linked to the land, and its requirement is based on the productivity of the land. Therefore, the owner's status is irrelevant, similar to land tax (kharāj).
 - One implication of this is that the minimum threshold (Nisâb) is not required for the Zakâh on crops and fruits; rather, it is obligatory regardless of the amount. This is because the Nisâb is meant to establish the attribute of wealth in the owner; however, in the case of Zakâh on crops and fruits, the owner's status is not taken into account. Instead, the focus is on the productivity of the land, and regardless of whether the yield is small or large, the land is considered productive, thus requiring the tithe. There is no need to establish wealth by reaching a specific amount, as the tithe is a burden of the land, similar to land tax, which does require a Nisâb⁽³⁾ and because the tithe (ashr) is a burden of the land; like the land tax (kharāj), and the land tax is obligatory regarding the produce, the same applies to the tithe (ushr).⁽⁴⁾
 - It is not considered in the tithe the original ownership; thus, it is obligatory on the lands that are waqf (endowed). And for the land of a mukatab (a slave who has contracted to earn their freedom), because the obligation is related to the land, not the owner.⁽⁵⁾
 - It is obligatory for the minor and the insane, contrary to the Hanafī opinion regarding Zakâh, which does not require it from them; because the tithe is connected to the land, and the owner's status is irrelevant.⁽⁶⁾

(1) See: Bada'i al-Ṣanâ'i (58/2), Al-'Inayah Sharḥ al-Hidâyah (245/2).

(2) See: Fath al-Qadîr li-Kamal Ibnul-Humâm (244/2).

(3) See: Al-Mabsûṭ (3/3), Bada'i al-Ṣanâ'i (6/2).

(4) Al-Ikhtiyâr li-Ta'lîl al-Mukhtâr (113/1).

(5) See: The previous reference.

(6) See: Bada'i al-Ṣanâ'i (56/2).

- The Imam is permitted to take it forcibly from them, relieving the landowner. This is similar to if he were to take it himself. However, if he takes it himself, it is considered an act of worship and he receives the reward for worship. If the Imam takes it by compulsion, he does not receive the reward of the act of worship, but rather the reward is similar to the reward for suffering calamities, unlike Zakâh, where the Imam does not have the authority to take it forcibly, and if he does, the Zakâh obligation does not fall from the owner of the wealth.⁽¹⁾
 - The tithe, if the produce is available, is not nullified by death according to them, contrary to Zakâh, which is nullified by death; this is because the tithe is connected to the land, and the owner's status is irrelevant.⁽²⁾
- 6- The disagreement among the majority of scholars regarding the reason being savings and sustenance in the entry of some particulars or their absence. Their disagreement returns to the determination of the basis in certain instances, such as their differing opinions on the obligation of Zakâh on figs, olive oil, and olives⁽³⁾, which they all agreed upon.⁽⁴⁾
- 7- The non-obligation of Zakâh on honey according to the Mâliki and Shafi'i schools; because it is not a staple food,⁽⁵⁾ the Hanafi school includes honey as part of the produce of the land, due to the people preparing the land for it, and because it originates from the light of trees, making it similar to fruit.⁽⁶⁾
- 8- The combining of all types of grains together; when they collectively reach five wasqs, Zakâh is due on them according to Mâlik. He stated that the same applies to wheat and barley. He also mentioned that he considers spelt in this category as well. Mâlik categorized these three types as one due to their agreement in purpose and benefit, which is that they serve as sustenance for people, and thus he regarded all grains as one type.⁽⁷⁾

(1) See: The previous reference.

(2) See: *Tuhfat al-Fuqahâ'* (311/1).

(3) See: *Al-Dhakheerah* (73/3).

(4) See: *Bidayat al-Mujtahid wa Nihayat al-Muqtaṣid* (14/2).

(5) See: *Al-Dhakheerah* (73/3), *Al-Majmû' Sharḥ al-Muhadhdhab* (452/5).

(6) *Bada'i al-Ṣanâ'i* (62/2).

(7) See: *Al-Amwâl li-Abi 'Uбайд* (p. 571).

- 9- It is stated that 'it is not sufficient for the obligation of Zakâh for something to be a staple food in general; rather, it is necessary for it to be a staple food in a state of choice. If something is consumed out of necessity, there is no Zakâh on it. An example of this is the opinion of al-Shafi'i regarding wild cattle, such as deer, and other wild seeds, which do not require Zakâh . This is because humans do not cultivate or take care of them.⁽¹⁾

Topic (4): Wisdom in Varying the Required Amount: Considering Cost and Burden⁽²⁾

Objective Explanation:

In linguistic terms, "Mu'ōnah" refers to hardship, difficulty, and burden.⁽³⁾ The intended meaning here aligns with the linguistic definition: it signifies heaviness, toil, and effort.

The overall purpose is that Islamic law has taken into account the labor and effort, as well as the burdens endured by a person in earning wealth when legislating Zakâh . Where the costs and hardships increase, the amount of Zakâh is either reduced or entirely exempted. Conversely, where costs are lower, Zakâh becomes obligatory, and the amount may increase, considering the increase in blessings that necessitate greater gratitude through heavier obligations. As increased costs can lead to decreased yield, this naturally impacts the obligation.

Al-Qaffâl states: "The obligations vary based on the wealth according to the costs and efforts required, distinguishing between grazing livestock and those that are fed, as well as between gold and silver jewelry and trade that may

(1) Al-'Aziz Sharḥ al-Wajiz (54/3).

(2) See: Maḥâsin al-Sharī'ah fī Furtū' al-Shāfi'īyah (p. 180), Ma'ālim al-Sunnah (30/2), Al-Ma'ūnah 'ala Madhhab 'Ālim al-Madīnah (p. 379), Al-Ḥawī al-Kabīr (250/3), Al-Mabsūt (154/2, 165), Al-Wasīṭ fī al-Madhhab (490/2), Al-'Aziz Sharḥ al-Wajiz (130/3), Al-Mughni (455/2, 9/3), Tafsīr al-Qurtubī (322/3, 323-), Al-Majmū' Sharḥ al-Muhaddhab (408/5), Al-Ikhtiyār li-Ta'līl al-Mukhtār (105/1), Al-Dhakheerah (82/3), Majmū' al-Fatāwā li-Ibn Taymiyyah (8/25), A'lām al-Muwaqqi'īn (333/3, 334-), Zād al-Ma'ād fī Hady Khayr al-'Ibād (5/2, 6-), Ḥujjat Allāh al-Bālighah (67/2, 1126), Al-Fawākih al-Dawānī 'ala Risālat Ibn Abī Zayd al-Qayrawānī (341/1).

(3) See: The term (Mā) in Lisān al-'Arab (396/13), and it has been previously defined in the second section of the first chapter (p. ++)."

require significant effort from the owners, including traveling long distances and facing risks by traversing deserts and seas.

Such efforts necessitate considerable costs, thus reducing the required due for equity. For this reason, it is set at one-fourth of the tithe (*ashr*). Since the yield from crops involves considerable costs and efforts similar to those in trade, the required due is increased accordingly from the yield, some of it is considered a right, and a half-tithe (*'ushr*) is due on some of it, while the full tithe applies to what is irrigated by rain and springs, which incurs no burden on a person. A half-tithe is due on what is transported using watering animals and drawn from wells, as this involves effort and costs. Therefore, the due amount is set at half of the amount in the first category where there is no cost or burden.

Then, when it comes to Zakāh on money, it corresponds to what would be due from the crops; thus, the due amount is one-fourth of the right due on crops, which entails costs and efforts. When considering that the base for money is gold and silver, it becomes clearer.

It can be said that the obligations resulting from the yield are categorized into three levels:

- 1- High effort, which pertains to trade.
- 2- Medium effort, which refers to crops that grow with the help of watering animals and containers.
- 3- Low effort, which concerns crops that grow from rainwater and springs.

The due amount for high effort is one-fourth of the tithe, for medium effort it is one-half of the tithe, and for low effort, it is the full tithe.

As you can see, this aligns with the meanings we discussed.⁽¹⁾

Ibn Taymiyyah states: "The wealth taken is based on the level of effort involved. The least effort is found in the wealth of the pre-Islamic era, which incurs a fifth (*Khumus*); then, for wealth that involves effort from one side, it incurs half of the fifth, which is the tithe for what is irrigated by rainwater. For what involves effort from both sides, it incurs one-fourth of the fifth, which is half of the tithe for what is irrigated by watering animals. For what requires effort throughout the year, like springs, the due amount is one-eighth of the

(1) *Maḥāsin al-Sharī'ah in the Branches of the Shafī'i School* (p. 180).

tithe.”⁽¹⁾ This objective is connected to general purposes, such as the purpose of justice. Considering the effort that a person puts into growing and obtaining their wealth is a matter of justice within this Sharī’a. It is also linked to the purpose of gratitude for the blessing of wealth; as costs and efforts decrease and growth increases, so does the blessing, and the increase in blessings necessitates greater gratitude through an increase in the due amount.

Additionally, it relates to the purpose of alleviating hardship and showing kindness to those with wealth, as the Sharī’a takes into account the difficulties faced by the Zakâh payer.

Al-Khattâbî states: ‘The obligation of charity varies in amounts because that which has widespread benefit and low costs is easier to distribute, thus requiring a tithe (1/10) to facilitate aid to the poor. However, where the costs are greater, it requires a half-tithe (1/20) as a kindness to the wealthy.’⁽²⁾

Al-Qarâfî explains the meaning of the variation in Zakâh on crops and fruits: ‘It means that when the burden is greater, the Zakâh is lighter, to ease the burden on people. Conversely, when the burden is lighter, the Zakâh increases, to enhance gratitude for the increase in blessings. A similar principle applies to Zakâh on minerals and the fifth of al-Rakâz.’⁽³⁾

(1) Majmû’ al-Fatâwâ (8/25). Ibnul-Qayyim, his student, states: ‘He differentiated between the amounts due based on the efforts of the owners of wealth in obtaining it, its ease or difficulty, and its exertion. He mandated a fifth (Khumus) on what a person encounters, which is a total amount obtained from wealth, referred to as al-Rakâz. No specific period (ḥawl) was required; rather, he mandated the fifth whenever it is found.

He required a half-tithe (1/20) for what involves more effort and hardship to obtain, such as fruits and crops that require direct cultivation, watering, and sowing. Allah will irrigate them without any burden on the servant, without buying water or digging wells.

He mandated a half-tithe for what the servant has to irrigate with effort, using devices such as buckets, watering troughs, and similar tools. He required a quarter-tithe (1/40) for the yield that depends on continuous work from the owner, whether by digging into the ground, managing, or waiting. Undoubtedly, the costs here are greater than those of crops and fruits. Moreover, the growth of crops and fruits is more evident and abundant than the growth of trade, so their obligations are greater than those of trade.

The visibility of growth from rain and rivers is more pronounced than that from devices and watering troughs, and the visibility of what is found as a total and collected amount, like treasure, is greater and more evident than all.”

- Zâd al-Ma’âd fî Hady Khayr al-’Ibâd (5/2, 6-).

(2) Ma’âlim al-Sunan (30/2).

(3) Al-Dhakîrah (82/3).

Al-Nafrawî states: 'As the blessing increases and wealth grows, it is appropriate for the obligatory amount to also increase, as a means of honoring the gratitude owed to the Giver of blessings.'⁽¹⁾

This meaning is evident in all types of zakatable wealth:

In the Zakâh on livestock (al-An'âm), the Sharî'a distinguishes between two categories: grazing (sâ'ima) and fed (ma'lûfa). Zakâh is obligatory on the grazing animals that are raised without any cost or hardship, while the fed animals are exempt from this obligation due to the associated costs and burdens.

Al-Sarâkhsi states: 'The obligation of Zakâh on grazing animals is based on the light burden; thus, it does not apply when the burden is heavy, as the light burden has an impact.'⁽²⁾ Ibnul-Qayyîm explains: 'The Sharî'ah classifies livestock into two categories: grazing animals that are raised without any cost, hardship, or loss; the blessing in these is complete, the benefit is abundant, the burden is light, and the yield is plentiful. This type is specifically designated for Zakâh, while the fed animals, due to their cost, do not incur Zakâh.'⁽³⁾

As for crops and fruits, the consideration of costs and burdens appears in the varying amounts due. The Sharî'a categorizes crops and fruits into two groups: one group that is watered with rain without any cost or hardship, which incurs a tithe (1/10), and another group that is watered with effort and hardship, which does not incur Zakâh. The latter is assessed at a half-tithe (1/20), as it is not exempted from Zakâh entirely, even though it is less than the full obligation.⁽⁴⁾

The saying of Al-Dahlawî: "As for what is watered by the sky and the ten percent, and what is irrigated with a sprinkling of half that amount, it is appropriate to lighten the tax."⁽⁵⁾

For those who suffer more from the burden of taxation, it is appropriate to increase the tax, particularly for those who are less affected and have a lower yield. Regarding crops and fruits, the tax should not be entirely waived; rather, there should be a reduction in Zakâh for irrigated lands that require some maintenance.

(1) Al-Fawâkih al-Dawâni on the treatise of Ibn Abî Zayd al-Qayrawâni (341/1).

(2) Al-Mabsûṭ (165/2).

(3) A'lâm al-Muwaqqi'in (333/3).

(4) See: A'lâm al-Muwaqqi'in (333/3).

(5) Al-Hujjah al-Balighah (67/2).

The cost of irrigated crops is significantly lower than that of fed livestock, as the latter requires daily feed. Irrigated crops are thus in a middle category between grazing and fed livestock; they do not incur Zakâh based on their own consumption, nor is their Zakâh entirely waived.⁽¹⁾

As for the Zakâh on commercial goods, the Lawgiver has taken into account the effort and hardship involved, establishing the rate at one-quarter of ten percent, given that the achievement of profit in trade is among the most challenging and labor-intensive endeavors. Therefore, a reduction in Zakâh is appropriate in this context, unlike crops and fruits, where the difficulty of achieving growth—even through human irrigation—is less than that of trade.

Ibnul-Qayyîm states: “Since the attainment of growth and profit through trade is among the most arduous and labor-intensive pursuits, the Zakâh was reduced to one-quarter of ten percent.”⁽²⁾

Regarding al-Rakâz, it is taxed at one-fifth due to the minimal cost of acquiring it. Ibnul-Qayyîm remarks: “Since al-Rakâz is accumulated wealth, and the cost of its acquisition is less than that of other forms of wealth, without the need for more than its extraction, the required Zakâh is double that amount—meaning one-fifth.”⁽³⁾

The scholar Al-Sarâkhsi raised questions about this principle, arguing that the distinction in the amounts of Zakâh for crops and fruits based on the minimal or substantial cost of maintenance is not strong. He pointed out that the Lawgiver mandated one-fifth in war gains (al-ghanîmah), where the costs are even greater. He then stated, “However, this is a legal estimation that we follow, believing in its benefits even if we do not fully comprehend them.”⁽⁴⁾

It can be argued that: Zakâh differs from jihad in that it encompasses the concept of financial rights and social welfare. This necessitates ease and consideration of the circumstances of those obligated to pay it. Therefore, the law takes into account the costs and burdens when determining the required amount of Zakâh. In contrast, the nature of devotion in jihad differs from that in Zakâh, as the aspect of devotion is more profound and complete in jihad.

(1) See: Al-Umm (25/2), A'lam al-Muwaqqi'in (333/3).

(2) A'lam al-Muwaqqi'in (334/3).

(3) The previous reference

(4) Al-Mabsût (165/2).

Objective Evidence:

- 1- The saying of the Prophet Muhammad (peace be upon him): "In what is watered by rain or springs, or is naturally irrigated, the due is one-tenth, and in what is irrigated by sprinkling, the due is one-fiftieth."⁽¹⁾

Evidential aspect: The hadith indicates the importance of considering the effort and expense in determining the amount of Zakâh on crops and fruits. Since the effort and labor involved in irrigating them through sprinkling (nadh) is greater, the Zakâh on such crops is lower (one-fiftieth). Conversely, when the effort and expense of irrigation through rain and springs are less, the Zakâh is higher (one-tenth). It becomes clear that "whenever the expense increases, the Zakâh decreases to ease the burden on the people; and whenever the expense decreases, the Zakâh increases to enhance gratitude for the abundance of blessings, and its equivalent is Zakâh on minerals and the Khumus (one-fifth) on al-rakâz"⁽²⁾

An analogous case is Zakâh on minerals and the Khumus (one-fifth) on treasures. Al-Mâwardî cites this disparity in his reasoning: "The principle established for Zakâh is that if the expenses are high, the Zakâh is low, and if the expenses are low, the Zakâh is high. For instance, in the case of treasures, since the expenses are low, Khumus is obligatory;⁽³⁾ while in trade goods, where the expenses are high, a quarter of a tenth is obligatory. Similarly, for crops that are irrigated without tools, since their expenses are low, one-tenth is obligatory, whereas for crops that require tools for irrigation, since the expenses are high, one-fiftieth is obligatory."⁽⁴⁾

Ibn Qudâmah states: "The effort has an effect on exempting Zakâh entirely, as evidenced by the case of feedlot animals; thus, it is even more valid to say it affects reducing Zakâh. Zakâh is only due on growing wealth, and since effort impacts the growth, it consequently affects the obligation of Zakâh".

- 2- His saying (peace be upon him): "In the charity of sheep, the obligation arises from those that are grazing when they reach forty up to one hundred."⁽⁵⁾

(1) Previously cited (p. ++).

(2) Al-Dhakheerah (3/82), and see: Majmû' al-Fatâwâ (8/25), Ma'âlim al-Sunnah (2/30).

(3) Al-Hâwî al-Kabîr (3/250).

(4) Al-Mughnî (3/9).

(5) Previously cited (p. ++).

Evidential aspect: The obligation of Zakâh on livestock is limited to those that are grazing. The implication of the contradiction here indicates that Zakâh is not obligatory on those that are fed, as feeding incurs costs and expenses, which can diminish or nearly diminish their increase. Therefore, it is appropriate to lessen the Zakâh obligation by exempting them, considering that the cost of feeding is significant, as it requires daily feeding. Thus, the legislation is suited to this circumstance, leading to their exemption from Zakâh . Al- Shâfi states: “As for those that are fed, the cost of feeding encompasses any increase they may have or nearly have.”⁽¹⁾

- 3- His saying (peace be upon him): “And in silver, there is one-fourth of the tenth.”⁽²⁾

Evidential aspect: The obligatory amount for Zakâh on silver-and on trade goods-amounts to one-fourth of the tenth. The reason for this reduced Zakâh amount lies in the costs, labor, and effort involved in acquiring it. Generating profit through trade is among the most arduous and labor-intensive endeavors; therefore, the Lawgiver alleviated this burden by stipulating one-fourth of one-tenth⁽³⁾, indicates that cost and hardship are considered in the matter of Zakâh .

- 4- His saying (peace be upon him): “And in treasure (al-rakâz) there is one-fifth.”⁽⁴⁾

Evidential aspect: The hadîth provides evidence that the obligatory amount on treasure is one-fifth, which is more than the obligations on other types of zakatable wealth. This is because it is a collective form of wealth, and the cost of obtaining it is less than that of others, requiring no more than extraction. Thus, the obligation on it is greater, taking into account the lower costs and burdens associated with it.⁽⁵⁾

Al- Dâhlawî states, explaining the varying amounts of Zakâh according to the type of wealth: “The third type is taken from beneficial wealth that people acquire without effort, such as treasures from the pre-Islamic period and jewels of the common people, as they are similar to spoils of war;⁽⁶⁾ therefore, one-fifth is imposed on them.”

(1) Al-Umm (2/25).

(2) Previously cited (p. ++).

(3) See: A'lam al-Muq'i al-Muwaqqi'in (334/3

(4) Previously referenced (S ++).

(5) See: A'lam al-Muq'i al-Muwaqqi'in (334/3).

(6) Hujjat Allâh al-Bâlighah (62/2).

- 5- From Anas (may Allah be pleased with him), that Abû Bakr (may Allah be pleased with him) wrote for him what the Messenger of Allah (peace be upon him) had mandated: "Do not combine what is separate, nor separate what is combined; out of fear of charity."⁽¹⁾

Evidential aspect: This hadîth provides evidence for considering mixing, and the reason for its consideration is the reduced cost and burden resulting from the unity of grazing animals in the pasture and the barn, among other factors, which leads to lower expenses. This indicates that costs are taken into account when determining the amounts of Zakâh . The owner necessitates a greater burden in obligations.⁽²⁾

Ibn Qudâmah says: "Mixing has an effect in reducing expenses, so it may affect Zakâh similarly to grazing and irrigation."⁽³⁾

- 6- Umar Ibnul-Khattab (may Allah be pleased with him) said regarding the Zakâh on honey: "What is from the plain is subject to one-tenth, and what is from the mountain is subject to one-twentieth."⁽⁴⁾

Evidential aspect: There is a difference in the required amount of Zakâh on honey based on cost, burden, and effort. What comes from the plain is easier to extract, which justifies a greater obligation on it, while what comes from the mountain is harder to extract, which justifies a lesser obligation. This serves as evidence for considering costs and burdens in the matter of Zakâh .

The effect of considering this objective in the Fiqh-based branches:

- 1- The minimum threshold (Nisâb) is not considered for the Zakâh on minerals (rakâz), as Zakâh is obligatory on both small and large amounts; this is because it is wealth that appears without effort or expense, and thus does not require a reduction in the obligation by exempting the lesser amount. Al-Mawardî states: "As for rakâz, its meaning is that it is acquired without compensation or labor, so the Nisâb is not considered."⁽⁵⁾
- 2- A group of scholars who argue for the obligation of Zakâh on honey believe that the required amount varies according to the effort and expens-

(1) Previously referenced (S ++).

(2) See: Al-Majmû' Sharh al-Muhadhdhab (450/5), al-Mughnî (455/2).

(3) Al-Mughnî (455/2).

(4) Narrated by Abû 'Ubaid fî al-Amwâl, (S 598:), number (1490).

(5) Al-Hâwî al-Kabîr (211/3).

es incurred. For honey obtained easily, the Zakâh is one-tenth (10%), while for honey obtained from mountainous areas, it is one-twentieth (5%), taking into account the effort and expenses involved.⁽¹⁾

- 3- The obligation for Zakâh on minerals varies based on the effort and expenses incurred in obtaining them. Scholars have categorized minerals into two types:

The first type, according to some Mâlikites⁽²⁾ and in one narration among Shâfi'îtes⁽³⁾, involves those that require significant effort and work, for which one-quarter of the tenth (2.5%) is obligatory.

The second type involves those that require no significant effort, for which one-fifth (20%) is due.

Al-Ghazâlî explains this statement:

“What is obtained with little effort despite a large amount of work is subject to one-quarter of the tenth (2.5%), while what is gathered in large quantities alongside the work is subject to one-fifth (20%). The meaning of a large amount of work is that the usual yield is small; if it is more than the usual amount, then the obligation increases.”⁽⁴⁾

Al-Râfi'î supports this statement, explaining that what is acquired without effort or expense is subject to one-fifth (20%), while what is obtained through effort and expense is subject to one-quarter of the tenth (2.5%). This is a synthesis of the reports. Furthermore, the obligation increases with less expense and decreases with more.

Isn't it evident that the situation is similar in crops irrigated with rainwater and those irrigated with other means?

Moreover, the majority have relied on the need for grinding and processing when determining this distinction. What requires grinding and processing is subject to one-quarter of the tenth (2.5%), while what can be taken as pure and whole without those processes is subject to one-fifth (20%). They did not take into account the quantity available, whether little or much.

(1) See: Al-Amwâl li Abî 'Uбайд (p 598).

(2) See: Minḥ al-Jalîl Sharḥ Mukhtaṣar Khâlîl (81/2).

(3) See: Al-Wasîṭ fi al-Madhḥab (490/2).

(4) The previous reference

Additionally, the Imam mentioned another approach, which considers the act of digging as part of the effort involved, examining the ratio of the yield to the work done, whether it's from digging, grinding, or other activities. If it is not considered significant compared to the work, then it is subject to one-quarter of the tenth (2.5%), and if it is considered significant, then it is one-fifth (Khumus).⁽¹⁾

- 4- The consideration of mixing in livestock is acknowledged by the majority because it affects the reduction of expenses and costs.⁽²⁾ Due to the mixing, the expenses are alleviated for each individual, similar to the effects of grazing and watering them. The lightness of the expenses has an effect on the obligation of Zakâh ; hence, it is obligatory for grazing animals but not for those fed with fodder. The Lawgiver has made Zakâh one-tenth (10%) for what is watered by rain and one-twentieth (5%) for what is irrigated with other means.⁽³⁾
- 5- The consideration of mixing in all types of wealth is acknowledged by the Shâfi'î school because its effect on livestock is the lightness of expenses resulting from the unity of the livestock, which is not exclusive to them but applies generally to mixing.⁽⁴⁾

Ibn Qudâmah explains their evidence: "Because the expenses are reduced when there is a single mixed livestock group, and this applies to all types of wealth, such as a single shop, warehouse, scales, and sellers, similar to livestock."⁽⁵⁾

- 6- There is no requirement for intention in mixing, because the purpose of mixing is to reduce expenses and costs, which occurs without the need for intention. The existence of intention does not effect the mixing, just as the intention of grazing does not change in the case of pasturing or watering crops and fruits.⁽⁶⁾

Al-Shîrâzî states: "Mixing only affects Zakâh because it restricts it to a single expense, and this occurs without the need for intention."⁽⁷⁾

(1) Al-'Azîz Sharḥ Al-Wujîz (130/3).

(2) See: Al-Majmû' Sharḥ Al-Muhadhdhab (450/5), Al-Mughni (455/2).

(3) Al-Mabsûṭ (154/2).

(4) See: Al-Majmû' Sharḥ Al-Muhadhdhab (450/5),

(5) Al-Mughni (462/2).

(6) See: Al-Mughni (456/2).

(7) Al-Muhadhdhab fî Fiqh Al-Imâm Al-Shâfi'î (279/1).

- 7- If the livestock belongs to someone who pastures them while they are being fed by a usurper, Zakâh is still obligatory according to some scholars, because feeding is what nullifies Zakâh due to the associated expenses, and here, there are no expenses on the own.⁽¹⁾
- 8- If grazing and feeding coexist, then the determining factor is the greater amount according to the Ḥanafî⁽²⁾ and Ḥanbalî⁽³⁾ schools. This is because grazing obligates Zakâh due to the growth and lightness of expenses, which is realized when they graze for major part of the term, as for if they are fed, the expenses increase, and their increase affects the obligation of Zakâh ; just like fed animals always.⁽⁴⁾

As for if they are not fed for most of the year, the Al-Shâfi 'scholars have a view that if they are fed to a certain extent, they can survive without it without harm; Zakâh becomes obligatory for them due to the lightness of the expenses. However, if they cannot survive during that time without it, or they can survive but with significant harm, then Zakâh is not obligatory, due to the clear expenses, both for the grazing animals and the herded ones.

They also hold the opinion that if they are fed to a certain extent, they can endure for two days but not for three days on average. They also state that if they are fed to a certain extent, they can endure for two days but not for three days on average. Regarding expenses related to the comfort of the animals, if it is insignificant, there is no Zakâh; if it is considerable, Zakâh becomes obligatory. The comfort is associated with their offspring, wool, and fur.⁽⁵⁾

- 9- If livestock graze on owned pasture-such as if it grows on land owned by someone or designated for a specific purpose-the more correct view among the Shâfi 'i scholars is that they are considered grazing; because the value of the pasture is usually negligible and there is no cost associated with it. Al-Sabkî linked it to the value of the pasture, concluding that they are considered grazing if the pasture has no value, or if its value is minimal and does not amount to a cost compared to their growth; otherwise, they are considered fed.⁽⁶⁾

(1) See: Al-Mughni (73/3).

(2) See: Al-Ikhtiyâr li-Ta'îl Al-Mukhtâr (105/1).

(3) See: Al-Mughni (431/2).

(4) Al-Ikhtiyâr li-Ta'îl Al-Mukhtâr (105/1).

(5) See: Nihâyat Al-Muhtâj Sharḥ Al-Minhâj (66/3, 67).

(6) See: The previous reference (67/3).

Fourth Treatise

Objectives Related to the Beneficiaries of *Zakâh*

Topic (1): Assistance in Obedience to Allah⁽¹⁾

Objective Explanation:

The Arabic term *I'ânah* derived from *'Awn* (i.e. Assistance) means to help or support in a matter. You say: *A'antu* (I helped him), and *Ista'antu* or *Ista'antu Bihi Fa-A'ânani* (I sought help from him, and he helped me.) Al-Layth said: "Everything that helps you is a form of assistance for you, like fasting, which is an aid for worship."⁽²⁾

The Intent of This Objective: One of the aims of the Lawgiver (Allah) in the obligation of *Zakâh* is to assist its eligible beneficiaries in obeying and worshipping Allah, the Almighty, and fulfilling His obligations. This is because poverty, need, and preoccupation with the welfare of the community may stand between a person and the worship of Allah, the Almighty, and may distract them from properly fulfilling their religious duties. Thus, *Zakâh* serves as a source of strength from Allah, empowering them to fulfill what Allah has ordained upon them regarding the acts of monotheism and worship.

From another perspective, it protects the needy from the evils that poverty may cause to their faith and piety. Poverty can lead to disbelief; thus, the

(1) See: "Tafsîr AL-Tubarî", [14: 317]; "Al-'Um", [2: 93]; "Nihâyat Al-Matlab Fi Dirâyât Al-Madhâhib", [11: 553]; "Ihya' 'Ulûm Ad-Dîn", [1: 219]; "Tafsîr Al-Baghwî", [2: 361]; "Mizân Al-'Usûl Fi Nata'ig Al-'Uqûl", [1: 180]; "Bada'i' Al-Sanâ'i'", [2: 3]; "At-Tahqîq Wa Al-Bayân Fi Sharh Al-Borhân Fi 'Usûl Al-Fiqh", [3/609-610]; "El-Maghni", [6/480]; "Qawâ'id Al-Ahkâm Fi Masâlih Al-An'âm", [3: 73]; "Al-Magmû' Sharh Al-Muhadhab", [6/208]; "Al-Sharh Al-Kabîr 'Alâ Al-Maqna'", [2: 700]; "El-Dhakhîrah", [3: 149]; "Al-'Ikhtyârât Al-Fiqhiyah Li Ibn Taymîmah", (P. 189); "Al-Fatâwî Al-Kubrâ Li Ibn Taymîmah", [5: 373]; "Sharh Az-Zarkashî 'Ala Mukhtasar Al-Khuraqî", [4: 262]; "Al-Manthûr Fi Al-Qawâ'id Al-Fiqhiyah", [1: 434]; "Fath Al-Barî Li Ibn Hagar", [10: 408], "Nayl Al-Awtâr", [4: 199].

(2) See: *'Awn* in "Lisân Al-'Arab", [13: 298-299]; "As-Sihâh", [6: 2618]

Prophet (peace and blessings of Allah be upon him) linked them together in seeking refuge from both. For poverty drives one to envy the rich and to humiliate oneself before them, which can tarnish a person's honor, undermine their religion, and lead to dissatisfaction with divine decree and resentment of fate.

Several scholars have stated this objective.⁽¹⁾

Al-Ghazâlî says: “He mandated that *Zakâh* be given to him to relieve his distress and to unify his worries into one, for worshipping Allah, the Almighty, involves making their concerns one — focusing solely on Allah, glorified and exalted, and the Hereafter... However, since wisdom required that desires and needs be imposed on the servant, which scatter his focus, divine generosity necessitated the outpouring of blessings to suffice for these needs. This would serve as a tool to meet their necessities and to free them for worship, allowing them to dedicate themselves to the worship of Allah and to prepare for what comes after death. Thus, they would not be distracted by the worldly distractions, nor would poverty keep them from preparation. This is the ultimate blessing. So, let him take what he takes from Allah, the Almighty, as sustenance and as aid for obedience. His intention should be to strengthen himself for the worship of Allah. And if he cannot manage that, let him direct it toward what Allah, the Almighty, has permitted, but if he uses it to disobey Allah, he is ungrateful for Allah's blessings and deserves to be distanced and hated by Allah, glorified and exalted be He”.⁽²⁾

Al-Samraqandî says: “And its goodness is only established because it is an act of support for the poor in need of sustenance, so that they may worship Allah, the Exalted. Moreover, supporting the poor is not an end in itself; rather, the aim is to seek closeness to Allah, the Exalted, and to seek His approval by providing benefit to those who worship and serve Allah.”⁽³⁾

Al-Kâsânî states in “*Bayân Al-Adillah Al-'Qliyah Li Wujûb Zakâh*”: “Performing *Zakâh* is a means of aiding the weak, providing relief to the distressed, empowering the incapable, and strengthening them to fulfill what Allah, the Exalted, has made obligatory upon them in terms of monotheism and acts of

(1) See: “Fayd Al-Qadîr”, [4: 542].

(2) 'Thyâ' `Ulûm Ad-Din, [1: 222 - 223].

(3) Mizân Al-'Usûl Fi Natâ'ij Al-'Uqûl, [1: 180].

worship. Thus, the means to fulfill the obligatory is itself obligatory.”⁽¹⁾

Al-Abyârî states in “*Bayân Masâlih Zakâh*”: “It provides advantages that relate to the recipient, satisfying their needs, relieving their hardships, and enabling their hearts to focus on the worship of their Lord.”⁽²⁾

Ibn Taymiyah says: “Allah the Exalted has made it obligatory as an aid to His obedience”⁽³⁾ and in another place, he says: “Giving is based on what serves the interests of the religion of Allah. The more obedient someone is to Allah and the more beneficial they are to His religion, the more deserving they are of being given.”⁽⁴⁾

And that is why one of the responsibilities of the one giving Al- *Zakâh* - as Al-Ghazâlî mentioned - is to seek out someone for their charity who is deserving of it. In giving, they should prioritize those who possess certain qualities, such as:

- 1- Seeking out the pious who turn away from worldly matters and are devoted to the

Hereafter, because the pious person will use the charity to assist in their piety, making the giver a partner in their obedience to Allah by helping them.

Some scholars preferred to give food specifically to the pious poor rather than others. When someone said to one of them, “It would be better if you extended your charity to all the poor,” he replied, “No, these are people whose focus is on Allah, the Almighty. If they are struck by poverty, their focus becomes scattered. To restore the focus of one person back to Allah, glorified and exalted be He, is more beloved to me than giving to a thousand whose focus is on worldly matters.”⁽⁵⁾

- 2- To prioritize the people of knowledge specifically, for that is supporting them in their pursuit of knowledge, and knowledge is the most noble of acts of worship when the intention behind it is pure.

Ibn Al-Mubâarak used to dedicate his charity to scholars, and when someone

(1) Badâ'i' Al-Sanâ'i', [2: 3].

(2) Al-Tahqîq Wa Al-Bayân Fi Sharh Al-Borhân Fi 'Usûl Al-Fiqh, [2: 609 - 580]. With slight modification.

(3) Al-Fatâwî Al-Kubrâ, [5: 373].

(4) Majmû' Al-Fatâwî, [28: 580].

(5) See: 'Thyâ' `Ulûm Ad-Din, [1: 219].

said to him, "Why don't you extend it to others?" he replied, "I do not know of any rank better than that of scholars after the rank of prophethood. If one of them is preoccupied with their own needs, they cannot fully dedicate themselves to knowledge or focus on learning, freeing them from worldly concerns to focus on knowledge is more virtuous"⁽¹⁾

- 3- He should be sincere in his piety and knowledge of monotheism. His monotheism is shown when, upon receiving the charity, he praises and thanks Allah, glorified and exalted be He, and sees the blessing as coming from Him, without focusing on the intermediary. This person is among the most grateful servants to Allah, for they recognize that all blessings come from Him alone.⁽²⁾

This profound meaning, upon reflection and contemplation, is present in all the categories of *Zakâh* distribution. The primary purpose of giving *Zakâh* to the categories of the poor, the needy, those in bondage, debtors, and stranded travelers is to assist them in obeying Allah by fulfilling their needs and protecting them from disbelief. Those employed to collect *Zakâh* are entitled to it only because they are being helped to serve Allah through their work in handling *Zakâh* and helping its recipients. Those whose hearts are to be reconciled are given *Zakâh* to soften their hearts, encouraging them toward the religion of Allah, glorified and exalted be He, and His obedience, and to strengthen them. Debtors who take on debt for reconciliation and good deeds are given *Zakâh* because their actions involve obedience and righteousness. Those in the path of Allah are given *Zakâh* because they are engaged in acts of obedience through struggle and sacrifice for the sake of Allah's religion, and they are given *Zakâh* for that purpose.

Objective Evidence:

- 1- Allah says:

{“And cooperate in righteousness and piety, but do not cooperate in sin and aggression”}⁽³⁾

Evidential aspect: Allah, glorified and exalted be He, commanded assistance in righteousness and piety while prohibiting assistance in sin and aggression.

(1) Ibid

(2) Ibid

(3) [Al-Mâ'idah (Repentance): 2].

Zakâh falls under the general assistance in righteousness and piety, so it should be given to those who will use it for that purpose, and it should not be given to those who will use it for sin and wrongdoing.

- 2- The Prophet (peace and blessings of Allah upon him) said: *“Then teach them that Allah has made it obligatory for them to pay the Zakâh from their property and it should be collected from their rich and distributed among their poor.”*⁽¹⁾

Evidential aspect: In his saying (peace and blessings of Allah be upon him) “among their poor,” there is an indication that *Zakâh* should not be given to anyone other than the poor among Muslims. This is because he commanded that *Zakâh* be placed among the poor of those from whom it is taken from their wealthy, who are the Muslims. Therefore, it is not permissible to allocate it to others.⁽²⁾ This indicates that faith is a key objective in *Zakâh*, not merely to fill the need.⁽³⁾

Al-Qurtubî says: “The reports agree that charity is taken from the wealthy among Muslims and given to their poor.”⁽⁴⁾

- 3- The saying of Mu`âdh Bin Jabal, May Allah be pleased with him, to the people of Yemen: **“Bring me a quantity of fine clothing-either a heavy or light fabric-for charity instead of barley and corn; it is easier for you and better for the companions of the Prophet (peace and blessings of Allah be upon him) in Medina.”**⁽⁵⁾

Evidential aspect: Mu`âdh, May Allah be pleased with him, transferred the *Zakâh* to Medina, and this was solely in consideration of the honor of its poor, and what Allah distinguished them with through migration, support, and knowledge. This indicates that aiding in obedience to Allah is one of the purposes of *Zakâh*. As Al-Sarakhsî says: “It was only transferred to Medina because its poor were the most honorable of the poor, as they abandoned their homelands and migrated to support the Messenger (peace and blessings of Allah be upon him) and to learn the rulings of the religion.”⁽⁶⁾

(1) The source of the hadîth has been stated earlier, (P. ++).

(2) (1) See: Badâ'i' Al-Sanâ'i', [2: 49].

(3) See: Al-Mabsût, [2: 202].

(4) Tafsîr Al-Qurtubî, [8: 174].

(5) The source of the hadîth has been stated earlier, (P. ++).

(6) Al-Mabsût, [2: 181].

- 4- The Prophet (peace and blessings of Allah upon him) said: *"Keep only a believer for a companion and let only a pious eat your food".*⁽¹⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) instructed not to eat from the food of a person except for the righteous; this is because the righteous use it to assist them in obedience to Allah. This indicates that piety is a consideration in the distribution of *Zakâh*, and that the righteous are more deserving of it than others.⁽²⁾ Ibn Raslân says: (*"let only a pious eat your food"* so that what you feed him may assist him in obedience)⁽³⁾

- 5- The Prophet (peace and blessings of Allah upon him) said: *"O Allah, I seek refuge with You from disbelief and poverty"*⁽⁴⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) linked poverty with disbelief in his supplication because poverty leads to disbelief. Therefore, Islamic Sharî'ah has made *Zakâh* obligatory as a means to prevent the corruption caused by poverty and to block it as a pathway to disbelief and its incentives.⁽⁵⁾

- 6- `Umar, may Allah be pleased with him, distinguished people in the distribution of aid according to their priority in migration and support. Among the criteria he used was: 'He made it obligatory for people based on their status, their recitation of the Qur'an, and their efforts in *Jihâd*'⁽⁶⁾ This indicates that piety and faith influence the priority of deserving aid. If this applies to aid, then the same meaning is considered in the case of *Zakâh*.

The effect of considering this objective in the Fiqh-based branches:

- 1- The scholars unanimously agree that the beneficiary of *Zakâh* must be a Muslim, and it is not valid to give it to a non-believer,⁽⁷⁾ as *Zakâh*

(1) Related by Abu Dawûd, [1: 201]; and improved by Al-Albânî in *"Mashkât Al-Masâbîh"*, [3: 1397].

(2) See: 'ihyâ' `Ulûm Ad-Dîn, [1: 219].

(3) *"Sharh Sunan Abî Dawûd Li Ibn Raslân"*, [18: 524].

(4) The source of the hadîth has been stated earlier, (P. ++)

(5) See: *"Fayd Al-Qadîr"*, [4: 542].

(6) *"Al-Tabakât Al-Kubrâ"* by Ibn Sa'd, [3: 277].

(7) See: *"Al-Tjmâ' Li Ibn Al-Mundhir"*, (P. 59); *"Al-Mughnî"*, [2: 487]; except for *"Al-Mu'allafatu Qulûbuhum"* (those whose hearts are inclined towards Islam), scholars have differed regarding the ruling on giving Al-Zakât to the non-believers among them.

is meant to assist in obedience to Allah. A non-believer does not use it for that purpose and giving it to them may result in strengthening them in the opposite, aiding them in obedience to Satan.⁽¹⁾

- 2- The permissibility of transferring *Zakâh* to the more righteous and pious, according to the Hanafi school of thought, because they possess an additional quality beyond mere need, which is righteousness and piety. Transferring *Zakâh* to such a person provides further assistance in their obedience to Allah.⁽²⁾
- 3- It is not advisable to give *Zakâh* to someone who does not use it to assist in obedience to Allah, for Allah has prescribed it as an aid in His worship - such as those in need among the believers, like the poor and the indebted, or those who support the believers. As for those in need who do not pray, they should not be given anything until they repent and commit to performing the prayer.”⁽³⁾ Some Maliki and Shafi'i scholars have even held that giving *Zakâh* to someone who abandons prayer is not valid.⁽⁴⁾
- 4- It does not suffice to give *Zakâh* to followers of misguided sects, such as the Qadariyyah and the Khawarij, and those like them, according to those who consider them disbelievers. However, for those who do not regard them as disbelievers, it is permissible to give them *Zakâh* if they are in need. As for heresies where there is no disagreement about the disbelief of the person, it is absolutely impermissible to give them *Zakâh*.⁽⁵⁾

Ibn Taymiyah says: “Whoever is a hypocrite or openly displays an innovation that contradicts the Qur'an and Sunnah, whether in beliefs or acts of worship, is deserving of punishment, and his punishment is that he should be deprived of *Zakâh* until he repents”.⁽⁶⁾

- 5- It is not permissible to give *Zakâh* to those who engage in debauchery

(1) See: “*Tabyîn Al-Haqâ'iq Sharh Kanz Ad-Daqâ'iq*”, [1: 300].

(2) See: “*Al-Bahr Ar-Ra'iq*”, [2: 269]; *Al-Nahr Al-Fa'iq Sharh Kanz Ad-Daqâ'iq*”, [1: 469].

(3) “*Al-Fatâwî Al-Kubrâ Li Ibn Taymiyah*”, [5: 373]

(4) See: “*Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl*”, [2: 344]; “*Maghnî Al-Muhtâg 'Ilâ Ma`rifat Ma`ânî Alfâz Al-Minhâg*”, [4: 183].

(5) See: “*Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl*”, [2: 344]

(6) “*Majmû` Al-Fatâwî*”, [28: 570].

and sins if it is highly likely that they will spend it in ways that are displeasing to Allah. According to some Maliki scholars, *Zakâh* given to them is not valid because it leads to sin, and it is not permissible to use what Allah has commanded to support what He has forbidden.⁽¹⁾ One should not aid in disobedience to Allah with His provisions.

- 6- If the level of need is equal, preference is given in *Zakâh* to the more religiously devout, without depriving others. Al-Qarâfi says: **'If the need is equal, preference is given to the more devout, but others are not deprived, and he mentioned that `Umar, may Allah be pleased with him, used to give preference to those in need, saying: 'Religious virtues have their rewards in the hereafter.' also As-Siddîq, may Allah be pleased with him, gave preference based on early conversion to Islam and religious virtues because supporting the pious is better than supporting others, due to the benefits that result from their continued presence.'**⁽²⁾
- 7- Just as preference is given to the more devout, it is even more appropriate to prioritize the more knowledgeable. Whoever excels in knowledge should be given preference in *Zakâh* over others, as this supports them in their pursuit of knowledge, which is the noblest of acts of worship when the intention is correct. If someone's heart is preoccupied with their needs, they will not be able to focus on learning and freeing them to pursue knowledge is preferable.⁽³⁾ Ibn Taymiyah says: **"Whoever excels in knowledge or religious piety is prioritized over others."**⁽⁴⁾
- 8- Whoever is in debt due to a sin should not be given from the share of the indebted (Sahm Al-Ghârimîn) until they repent, as it would be aiding in disobedience. They should only be given if they are in debt for paying a blood money (diyah), if they have suffered a calamity, or if their debt is not related to sin, extravagance, or disobedience.⁽⁵⁾
- 9- Regarding someone who is in debt due to a sin and then repents, scholars have differed on the ruling of giving from the share of the indebted (Al-Ghârimîn). Some of them believe that it should be given to him

(1) *Ibid*

(2) "Adh-Dhakhîrah", [3: 149].

(3) See: *Thyâ' `Ulûm Ad-Dîn*, [1: 480].

(4) "*Magmû' Al-Fatâwî*", [28: 569].

(5) "*Al-'Um*", [2: 93]; "*Al-Mughni*", [6: 480].

because maintaining the debt is not a sin, and it is an obligation to relieve him and assist in fulfilling a duty, which is considered an act of worship, not disobedience. This is similar to someone who has wasted their wealth on sins until they become impoverished; they can receive from the share of the poor.

Others hold that it should not be given to him because he incurred the debt through disobedience, and thus it would not be provided to him as if he had not repented. They argue that there is no guarantee that he will not return to incurring debts for sins, believing that his debts will be paid off. In contrast, someone who has squandered their wealth on sins is given assistance due to their poverty, not their sin.⁽¹⁾

- 10- A stranded traveler (Ibn Al-Sabîl) is not given Al-nisât if their journey is for a sinful purpose, such as intending to kill someone or violate someone's sanctity, as this would be aiding them in disobedience to Allah and leading to sin. *Zakâh* is only prescribed to assist in obedience to Him, so it is a condition that the travel be for a permissible purpose, whether it is an act of worship like pilgrimage, jihâd, or visiting parents, or for lawful purposes like seeking livelihood or trade.⁽²⁾

Likewise, *Zakâh* should not be given to someone to assist them in returning unless they have repented.⁽³⁾ **"Because his return is not an act of disobedience, it is similar to the return of others. In fact, his return to his homeland may be a way to abandon sin and turn away from it, like a disobedient child wanting to return to their parents."**⁽⁴⁾ "The Shâfi'î scholars assert that a journey for sinful purposes, or a journey that does not have a legitimate objective, such as aimless wandering, does not warrant receiving *Zakâh*.⁽⁵⁾

- 11- If a woman travels without her husband's permission, she is not given from the share of the stranded traveler because it is a sinful journey. Therefore, she should not be aided with the funds Allah in her disobedience.⁽⁶⁾

(1) *Ibid*

(2) See: *"Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl"*, [2: 352]; *"Al-Majmû' Sharh Al-Mu-hadhab"*, [6: 214]; *"Al-Mughnî"*, [6: 488, 485]

(3) See: *"Al-Sharh Al-Kabîr by Al-Dardîr"*, [1: 498]; *"Al-Mughnî"*, [6: 486].

(4) See: *"Al-Mughnî"*, [6: 486].

(5) See: *"Maghnî Al-Muhtâj Tlâ Ma'rifat Ma'ânî Alfâz Al-Minhâj"*, [4: 182].

(6) See: *"Al-Hawî Al-Kabîr"*, [8: 536].

- 12- A group of scholars has gone to the view of giving to those whose hearts are inclined towards Islam, even if they are disbelievers, because this would aid them in entering the religion of Allah and help them in obeying Allah and abandoning the obedience of Satan and tyrants. They can be given if it is known that the assistance will lead them towards Islam and save them from disbelief.⁽¹⁾
- 13- The majority of scholars hold that it is not permissible to give *Zakâul-Fitr* to a disbeliever,⁽²⁾ contrary to the opinion of Abû Hanifah⁽³⁾, because what is not permissible to give *Zakâh* Al-Mâl (wealth) to is also not permissible for *Zakâh* Al-Fiṭr. Additionally, since a disbeliever is deficient due to disbelief, it is prohibited to give *Zakâh* to them.⁽⁴⁾

Topic (2): Objective of Sharî'ah in Categories Like Freeing Slaves, Aiding the Indebted, and in the Path of Allah: Fulfilling Needs Rather Than Ownership⁽⁵⁾

Objective Explanation:

Anyone who reflects on the eight categories of Al- *Zakâh* distribution will find similarities in some aspects and differences in others, however they can be generally divided based on the intention behind giving *Zakâh* to them into two categories:

- 1- The deserving individuals to whom Islamic Sharî'ah aims to grant permanent ownership.
- 2- The deserving individuals to whom Islamic Sharî'ah aims to fulfill inter-

(1) See: "Sharh Mukhtasar Khalîl by Al-Khurashî", [2: 217].

(2) See: "Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl", [2: 376]; "Al-Hawî Al-Kabîr", [8: 471]; "Al-Mughnî", [3: 98].

(3) "Al-Mabsûṭ", [3: 111].

(4) "Al-Hawî Al-Kabîr", [8: 471].

(5) See: "Al-Hawî Al-Kabîr", [8: 514]; "Nihâyat Al-Matlab Fi Dirâyat Al-Madhab", [11: 552]; "Tafsîr Al-Zamakhsharî" and also "Al-Hashiyah", [3: 283]; "Mafatîh Al-Ghayb", [16: 86 - 87]; "Al-Mughnî", [2: 500]; "Al-Majmû' Sharh Al-Madhab", [6: 214]; "Al-Dhakhîrah", [3: 148]; "Tafsîr Al-Baydawî", [3: 86]; "Al-Liblâb Fi 'Ulûm Al-Kitâb", [10: 126]; "Tafsîr Al-Nisabûrî", [3: 491]; "Al-'Insaf Fi Ma'rifat Al-Rajih Min Al-Khilâf", [3: 243]; "Jami' Al-Bayan Fi Tafsîr Al-Qur'ân by Al-'Ijî", [2: 76]; "Irshâd Al-Sâri Li Sharh Sahîh Al-Bukhârî", [3: 57]; "Al-Bahr Al-Râ'iq", [2: 259]; "Sharh Muntahâ Al-'Irâdât", [1: 459]; "Hâshiyat Al-Bajîrmî", [2: 359]; "Rad Al-Muhtâr 'Ala Al-Dur Al-Mukhtâr", [2: 341]; "At-Tahrîr Wa At-Tanwîr", [10: 236].

ests related to them or to others, rather than granting them ownership.

The first category includes four distributions: the poor, the needy, those who collect *Zakâh*, and those whose hearts are to be inclined towards Islam. These four distributions aim for Islamic Sharī'ah to grant them what they receive from *Zakâh* as permanent, stable ownership that they are not required to return under any circumstances, and their condition is not taken into account after the payment is made to them.”

The second category also includes four distributions: the freeing of captives, those in debt, those in the path of Allah, and the stranded traveler. These individuals receive *Zakâh* either to fulfill interests related to themselves, as in the case of the freeing of captives, the debtor for themselves, and the stranded traveler, or to fulfill the interests of Muslims, as in the case of the debtor for others and those in the path of Allah. This category receives *Zakâh* with certain conditions: if they spend it in the manner for which they were deemed eligible, then it is acceptable; otherwise, the *Zakâh* may be reclaimed from them.

The reason for the distinction between the two categories is that the first category has achieved its purpose through giving, such as enriching the poor and needy, providing wages for those who collect *Zakâh*, and reconciling the hearts of those whose hearts are inclined towards Islam. While the second category has the objective of providing means and benefits; for example, freeing captives in the category of freeing captives, settling debts or fostering good in the case of (those in debt), strengthening faith, raising its banner and assisting the fighters in the case of (those in the path of Allah), and assisting the travelers in the category of (stranded travelers). They are given in a manner that fulfills the intended benefit. For instance, in the cases of freeing captives and those in debt, money is given to free them from slavery and debt; in the path of Allah, funds are provided for what is needed for jihād; and for travelers, they are given what will help them return to their homes. If they do not spend it for the purpose for which it was given, the *Zakâh* should be reclaimed from them.

There is another reason mentioned by Al-Zamakhsharī, which is that the second category is more firmly deserving of *Zakâh*. They are more entitled to receive charity and to be regarded as a suitable place for it to be directed and distributed.⁽¹⁾

(1) See: “*Tafsīr Al-Zamakhsharī*”, [2: 283].

Ibn Qudâmah elaborated on this matter in a brilliant way, saying: “There are four distributions who receive *Zakâh* as a settled, permanent right, and their condition is not reconsidered after receiving it. These are the poor, the needy, the workers (who collect and distribute *Zakâh*), and those whose hearts are reconciled with Islam. Once they receive it, they own it permanently, and they are not required to return it under any circumstances.

As for the other four categories - those in debt, those freeing slaves, those fighting in the cause of Allah, and stranded travelers - they receive *Zakâh* conditionally. If they spend it on the purpose for which they were entitled to receive it, then it is theirs, but if they do not, it is taken back from them.

The difference between these categories and the first ones is that the latter receive *Zakâh* for a reason that is not fully achieved just by receiving it, whereas the purpose for the former is fulfilled once they receive it, such as enriching the poor and needy, reconciling hearts, and paying the wages of workers. If these latter individuals meet their needs and have any surplus, they must return the excess.”⁽¹⁾

The Hanafis hold the view that all beneficiaries of *Zakâh* receive it based on the condition of need and poverty. This implies that *Zakâh* is transferred to them as a permanent ownership. They did not differentiate between different types of needs or necessities in *Zakâh* distribution. Instead, they made the condition of need the primary basis for all the distributions of *Zakâh*. This is why they ruled against purchasing and freeing slaves under the category of (liberating captives). Instead, they believed it should be given to those who are in the process of purchasing their freedom (*muâktib*), as they require ownership for the transaction to occur, which is not realized in the case of purchasing and freeing a slave, since the slave is not eligible for ownership.

Similarly, they stipulated poverty as a condition for those in debt (*ghârim*). They did not

believe that a wealthy person should be given *Zakâh* to pay off debt for reconciliation purposes. As for the stranded traveler, they considered him poor in his current situation, allowing *Zakâh* to be given to him even if he was wealthy in his home country. As for the workers who collect and distribute *Zakâh*, they receive what they are entitled to as wages, not as *Zakâh* recipients. It is as if

(1) “*Al-Maghni*”, [2: 500].

the *Zakâh* initially comes into the possession of the leader ('Imâm), who then distributes it to them, and this is applied similarly to the other *Zakâh* distributions.

Al-Jassâs says: **"All those who receive charity from these categories do so because of**

their poverty. However, those whose hearts are reconciled with Islam and the workers who collect and distribute *Zakâh* do not receive it as charity. Rather, the charity reaches the hands of the Imam on behalf of the poor. Then, the Imam gives a portion of it to those whose hearts are reconciled with Islam to prevent their harm against the poor and the rest of the Muslims. He also gives a portion to the workers as compensation for their efforts, not as charity directed towards them. We say this based on the saying of the Prophet (peace and blessings of Allah upon him):

"I was obligated to take charity from the rich among you and hand it to the poor among you."

This means that *Zakâh* is meant for the poor, which indicates that no one receives it as charity except due to poverty. The categories mentioned were only listed to clarify the causes of poverty."⁽¹⁾

Objective Evidence:

1- Allah says:

{“Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”}⁽²⁾

Evidential aspect: Allah established charity for the four categories previously mentioned using the preposition of ownership, as in His statement ***{“for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam]”}*** However, when He mentioned the captives, He replaced the preposition ‘لِ’ (for) with ‘فِي’ (in), as in ***{“and in freeing captives [or slaves]”}*** This difference must have a purpose, and that purpose is:

(1) *“Ahkâm Al-Qur’ân by Al-Jasâs”, [3: 165].*

(2) [Al-Tawbah (Repentance): 60].

The aforementioned four distributions are the rightful owners of what is given to them as

charity, which they receive as stable, permanent ownership, and it is directed to them so that they may use it as they wish. Therefore, the use of the preposition “لِ” (for) is appropriate for them.

As for the latter four distributions, they do not own what is directed towards them, nor is

it given directly to them, but rather it is used for their related needs. The funds are spent on the specific needs that justify their entitlement to a share of the *Zakâh*. If they do not use it for these needs, it is reclaimed from them. Therefore, the preposition “فِي” (in) is appropriate here, signifying expenditure. For instance, regarding (in freeing captives), their share is used to free them from slavery, and it is not given directly to them nor are they allowed to manage it as they wish. Instead, it is used for that purpose by paying on their behalf. Similarly, for the indebted the money is spent to pay off their debts, and for the fighters the money is used to prepare what they need for battle. The same applies to the stranded traveler they are merely the subject of this expenditure and the related benefit.

In summary: For the first four categories, the money is given directly to them so they

may use it as they wish. For the latter four categories, the money is not given directly to them, but rather it is spent on the specific needs for which they are entitled to a share of *Zakâh*.⁽¹⁾

2- The Prophet (peace and blessings of Allah upon him) said:

“Charity may not be given to rich man, with the exception of five classes: One who fights in Allah’s path, or who collects it, or a debtor...”⁽²⁾

Evidential aspect: The hadîth indicates the permissibility of giving *Zakâh* to some recipients-such as the fighter in Allah’s path, the worker who collects *Zakâh*, and the debtor-even if they are wealthy. This is because the purpose of

(1) See: “*Mafatîh Al-Ghib*”, [16: 86 - 87]; “*Al-Liblâ Fî ‘Ulûm Al-Kitâb*”, [10: 126]; “*Tafsîr Al-Nisâbûrî*”, [3: 491]; “*Al-Intisaf Min Al-Kishâf*”, [2: 283]; “*Hashiyat Al-Bijrîmî ‘Ala Al-Khatîb*”, [2: 359].

(2) The source of the hadîth has been stated earlier.

giving to them is to fulfill the interests of the Muslims, either by bringing about benefit or preventing harm, rather than due to their need or poverty. Therefore, it is appropriate to encourage them to fulfill these interests by giving them from the *Zakâh*, regardless of whether they are rich or poor.

- 3- The evidence indicating the requirement of granting ownership to the first four categories mentioned in the repentance.⁽¹⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The last four distributions in the repentance—those in bondage, the indebted, those in the Allah's path, and the stranded traveler—receive *Zakâh* in a manner that is conditional. The money is not given directly to them but rather directed to the relevant needs for which they are entitled to *Zakâh*. If they do not spend it on those needs, it must be reclaimed from them.⁽²⁾ In contrast to the first four distributions in the repentance—the poor, the needy, those employed to collect it, and those whose hearts are reconciled with Islam—they receive *Zakâh* in the form of ownership, granting them stable and permanent possession.⁽³⁾ Their conditions are not taken into account after it is given to them, and they are not required to return it under any circumstances,⁽⁴⁾ as the objective is achieved by their receipt of it.
- 2- The last four distributions, indicated by the preposition “in” are considered more deserving of *Zakâh* than the first ones, according to some scholars. This is because the aspects involved in freeing captives (whether they are slaves or Mukatebs), the debts of the indebted are meant for salvation and rescue. and the combination of poverty and worship in the case of the poor fighter in Allah's path and the stranded traveler.

Rather indeed the two distributions mentioned in {“**and for the cause of Allâh and for the [stranded] traveler**”}, are preferred over the others due to the repetition of the preposition “for” before them.⁽⁵⁾

- 3- What is given to the Mukâtib from *Zakâh* to free him is not his proper-

(1) Will be later explained in Topic 13 The Objective of “Ownership”.

(2) See: “*Mafatih Al-Ghib*”, [16: 86]; “*Al-Mughni*”, [2: 500]; “*Hashiyat Al-Bijrmi 'Ala Al-Khatib*”, [2: 359]; “*Al-Bahr Al-Ra'iq*”, [2: 260].

(3) Will be later explained in Topic 13 The Objective of “Ownership”.

(4) See: “*Al-Mughni*”, [2: 500].

(5) See: “*Tafsîr Al-Zamakhshari*”, [2: 283].

ty; rather, it belongs to the masters, and it is given to them, not to him. Similarly, what is given to the indebted is given to the creditor, not to the debtor himself,⁽¹⁾ because the objective is to fulfill their needs by using the *Zakâh* to secure their release.

- 4- Each of the last four distributions is given only what fulfills their need, without excess. The indebted and the Mukâtib are each given enough to pay off their debt, even if it is a large amount. The stranded traveler is given enough to reach his homeland, and the fighter is given enough for his expedition. The workers who collect *Zakâh* is given according to his wage. Abû Dâwûd said: I heard Ahmad being asked if a thousand could be spent for the cause of Allah from *Zakâh*, and he said: Whatever is given is permissible, but none of these should receive more than what meets the need, as the payment is for that purpose, and no more than what is required should be given.⁽²⁾
- 5- It is not permissible for the last four distributions to use the funds for purposes other than those for which they were given, as they do not own them. Rather, the funds are given to them specifically for needs that must be addressed, and it is not permissible for them to divert the funds to other purposes.⁽³⁾
- 6- "The debtor, regardless of the type of debt, is entitled to receive charity due to the debt. If he receives the charity and then his creditor absolves him, his ruling regarding returning what he took, if it has been spent, is the same as that of the mukatib who receives his share and is then freed or absolved."⁽⁴⁾
- 7- The permissibility of paying off the debt of a deceased person from *Zakâh*, according to some scholars, is based on the fact that ownership is not a condition for the debtor. Therefore, the argument that it is not possible to grant ownership, and that *Zakâh* requires ownership, is not valid. Thus, it is permissible to settle the debt on behalf of the deceased from *Zakâh*.⁽⁵⁾

(1) See: "*Al-Bahr Al-Ra'iq*", [2: 259].

(2) "*Al-Mughni*", [2: 500] with slight modification.

(3) "*Al-Bahr Al-Ra'iq*", [2: 260].

(4) "*Nihâyat Al-Matlab Fi Dirâyat Al-Madhhaab*", [11: 552].

(5) See: "*Aldhakkîrah*", [3: 148]; "*Al-Bayan Fi Madhhab Al-'Imâm Al-Shafi'î*", [3: 425].

- 8- If the fighter takes from the “for the cause of Allah” share of *Zakâh* and does not go out to fight, it is reclaimed from him. Similarly, if he dies on the way or is unable to proceed with the expedition for any other reason, whatever remains with him is to be retrieved. Likewise, if he goes out to fight and returns with an unused portion of the funds, provided he did not deprive himself and the remaining amount is considerable, it is also to be reclaimed from him.⁽¹⁾
- 9- The fighter is given *Zakâh* when the time to depart approaches, to prepare for his expedition, as the giving is for a specific purpose rather than ownership, and therefore it is given near the time of need.⁽²⁾
- 10- The Shâfi`î and Mâlikî scholars hold that if the stranded traveler is given what he needs but does not travel, the funds are to be reclaimed from him. Similarly, if a traveler who is included in the share, according to the Shâfi`î s, deprives himself of expenses and returns from his journey with a remaining portion of what was given to him, the funds are also to be reclaimed from him. This is because the purpose of giving to him is to fulfill a need rather than to grant ownership. Therefore, when he is no longer in need of fulfilling that purpose, the money should be reclaimed.⁽³⁾
- 11- If the stranded traveler takes travel expenses to a destination and travels partway but then stops, his expenses are assessed.

If he has spent all of his funds on that part of the expedition, it is considered: if he did so due to high prices or increased costs, the funds are not reclaimed from him. However, if he spent excessively on desires and indulgence, the remaining expenses for his journey can be reclaimed from him, just as if he had not traveled at all.

If he spent his funds while staying in place, all of it can be reclaimed from him, because he received it not to prepare for what he did not undertake,⁽⁴⁾ as the giving of *Zakâh* is not meant for ownership but for his need for it, and it is assessed accordingly.⁽⁵⁾

(1) See: “*Al-Majmû` Sharh Al-Muhadhdhab*”, [6: 214].

(2) *Ibid.*

(3) See: “*Al-Bayan Fi Madhhab Al-Imâm Al-Shafi`î*”, [3: 429]; “*Minah Al-Jalîl*”, [2: 92]

(4) “*Al-Hawâ Al-Kabîr*”, [8: 514].

(5) See: “*Al-Shrah Al-Kabîr `Alâ Al-Makna`*”, [7: 253].

Topic (3): Enriching the Poor and Fulfilling Their Needs⁽¹⁾

Objective Explanation:

“Enrichment” linguistically derives from “Ghanî” and it has two meanings: sufficiency

and sound. The first meaning is the one intended in this context, referring to wealth. It is said that someone is “Ghanî” (rich) or “Yaghnâ” (to be rich), and “Al-Ghanâ” (with a long ‘a’) refers to sufficiency. It is said, “La Yaghnâ -someone- Ghinâ” meaning that he does not suffice in terms of his needs.⁽²⁾

And among its examples is the saying of Almighty Allah: {“**For every man, that Day, will be a matter adequate for him**”}⁽³⁾ (which means it will suffice and concern him). And the saying of the Prophet (peace be upon him): “*the best charity is that which given out of surplus*”;⁽⁴⁾ meaning what remains beyond the needs of one’s family and their sufficiency; if you give it to someone else, it leaves you and them with sufficiency, and it is given out of your and their contentment with it.⁽⁵⁾

As one of the names of Allah, the Almighty, is “Al-Ghani” (The Free of Need), meaning that He needs no one for anything, while everyone needs Him. This is absolute self-sufficiency, which no one else shares with Allah, Exalted be He. Another of His names is “Al-Mughni” (The Enricher), meaning He is the One who enriches whomever He wills among His servants.⁽⁶⁾

(1) See: “Al-Amwal Li Abî ibîd”, (P. 676); “Al-Hawî Al-Kabîr”, [8: 521]; “Nihâyat Al-Matlab Fî Dirâyat Al-Madhhaab”, [11: 533]; “Al-Mabsûr”, [2: 157]; “Thyâ’ ‘Ulûm Ad-Dîn”, [1: 224]; “Ru’ûs Al-Masâ’il by Al-Zamakhsharî”, (P. 211); “Taqwiyat Al-‘Adillah Fî ‘Usûl Al-Fiqh (P. 89); “Ahkam Al-Qur’ân by Ibn ‘Arabî”, [2: 538]; “Mafâtîh Al-Ghaib”, [22: 259]; “Al-Mughni”, [3: 40]; “Qawa’id Al-Ahkam Fî Masâlih Al-Anâm”, [1:250]; “Tafsîr Al-Qurtobî”, [8: 190], “Al-Majmû ‘ Sharh Al-Madhhab”, [6: 193 - 194]; “Al-‘ikhtiyâr Li Talîl Al-Mokhtâr”, [1: 119]; “Al-‘umniya Fî ‘idrâk Al-Niya”, (P. 53); “Dar’ Al-Qawl Al-Qabîh bi Al-Tahsîn wa Al-Taqbîl”, (P.129); “Kashf Al-Asrâr Sharh ‘Usûl Al-Bazdawî”, [1: 209]; “Al-‘Ikhtiyârât Al-Fiqhiyah Li Ibn Tamimah”, [1: 285]; “Al-‘Insâf Fî Ma’rifat Al-Rajih min Al-Khilâf”, [7: 256]; “Asnâ Al-Matâlib fî sharh Rawad Al-Talib”, [1: 359].

(2) See: Arabic “Ghinâ” in “Maqâyîs Al-Lughah” [4: 359]

(3) [‘Abas (Repentance): 37]

(4) The source of the hadîth has been stated earlier.

(5) See: “Al-nihâyah Fî Gharîb Al-Hadîth wa Al-Athar”, [3: 391].

(6) Ibid, [3: 390]

So, “**enrichment**” in the linguistic sense means providing enough to the beneficiary so that they become self-sufficient with what they have been given.

In the terminology of the jurists, it does not deviate from the general linguistic meaning, as it refers to giving the poor person enough to make them independent of asking others and needing them. Further explanation of the intended concept of enrichment and the scholars’ differences on it will follow.

The definition of “**faqîr**” (poor) in the linguistic sense is derived from “**faqr**,” which revolves around the concept of need and destitution. A “**faqîr**” is someone in need, and poverty is the opposite of wealth. The term “**faqîr**” also refers to one whose backbone is broken, derived from the term “**‘Infiqâr Al-Zahr**” meaning the breaking of the vertebrae, as if the poor person has a broken back due to the severity of their need.⁽¹⁾

Linguists have differed regarding the distinction between “**faqîr**” (poor) and “**miskîn**”

(needy). Ibn Al-Sukayt said: “A poor person is the one who has just enough to live on, while a needy person has nothing.” Al-Aṣma’î said: “A needy person is in a better condition than a poor person.” Yunus said: “A poor person is in a better condition than a needy person.” Ibn Al-A’râbî said: “A poor person is the one who has nothing, and a needy person is the same.”⁽²⁾

In terminology, “**faqr**” (poverty) and “**maskanah**” (neediness) are two terms that share some aspects and differ in others. The aspect they share is weakness; when either term is mentioned alone, it encompasses the meaning of the other. The aspect in which they differ is that, when both are mentioned together, they become distinct.

Then there is a difference of opinion regarding how to distinguish between them when they are mentioned together: whether the distinction is based on the difference in need or on the difference in characteristics. There are two views:

The first view is that they are distinguished by their differing characteristics, while both share the same level of weakness and need. Those who hold this view have different opinions on the specific characteristic that differenti-

(1) See: Entry: *Faqr* “poverty” in *Maqayis Al-Loghah*, [4: 443]; *‘AL-Sahah Tak Al-Logha Wa Sihah Al-‘arabiyah*, [2: 782].

(2) *‘AL-Sahah Taj Al-Lugha Wa Sihah Al-‘arabiyah*, [2: 782].

ates between them, with four different interpretations:

- 1- The faqîr is the one in need who refrains from asking, while the miskîn is the needy person who asks. This is the view of Ibn Abbas, Al-Hasan, and Al-Zuhri.
- 2- The faqîr is one who suffers from a disability, while the miskîn is a physically healthy person who is in need. This is the view of Qutâdah.
- 3- The fuqara (plural of faqeer) are the emigrants, while the masakeen (plural of miskîn) are non-emigrants. This is the view of Al-Dahâk Ibn Muzâhim and Ibrahim Al-Nakha`î.
- 4- The fuqarâ' are Muslims, while the masakîn are People of the Book (i.e., Jews and Christians). This is the view of `Akramah.

The second view is that they are distinguished by their level of weakness and need, even if they share the same characteristics, with one being in a worse condition than the other, thus differentiating between them. ⁽¹⁾

They then differed regarding which of the two is in a worse condition:

The Hanafis held that the faqeer is in a better condition than the miskeen. The faqeer is someone who owns something but less than the minimum threshold (Nişâb) for *Zakâh* or owns items valued at Nişâb or more, such as furniture, tools, clothing, or books, which they need for personal use and to fulfill their essential needs. On the other hand, the miskeen is someone who owns nothing at all. ⁽²⁾

The majority opinion is that the faqeer is in a worse condition than the miskeen. The faqeer is defined as someone who has neither wealth nor a suitable lawful income that would meet their needs for food, clothing, shelter, and other essentials for themselves and those who depend on them, without being extravagant or miserly. This is because their need has broken their back, similar to someone who requires ten dirhams each day but can only find four, three, or two.

The miskeen is someone who is able to acquire wealth or a lawful income that would normally suffice for their needs and the needs of those they are

(1) See: "*Tafsîr Al-Mâwardî*", [2: 374];) "*Al-Hawî Al-Kabîr*", [8: 488 – 489].

(2) See: "*Bada'i' Al-Sanâ'i*", [2: 43].

responsible to support, but it is not enough to fully meet those needs. For example, a miskeen may require ten units (of currency) but can only find seven or eight. Even if they possess the minimum threshold (Nisâb) or more, it is still insufficient for their needs, but they may find some comfort in it.⁽¹⁾

Some have specified that what suffices for a person's needs is at least half of the necessary amount or more. Thus, a miskeen is defined as someone who possesses half or more of what is needed for sufficiency, while a faqeer is one who possesses less than half.⁽²⁾

The prevailing opinion is that of the majority, which is supported by the linguistic derivation of the term. Poverty (faqr) is either derived from the concept of a broken vertebra (faqar), which refers to the back, indicating a loss of strength and capability.

Others have said that it is derived from "fâqarah," (poverty) as indicated by the saying of Almighty Allah: {***Expecting that there will be done to them [something] backbreaking.***}⁽³⁾

In the interpretation of "fâqarah," there are three explanations:

- 1- The first is that it refers to a great calamity, as stated by Mujâhid.
- 2- The second is that it signifies complete destruction, according to Al-Sunday.
- 3- The third is that it denotes evil, as per Qutâdah.

Regardless of the interpretation, it emphasizes the severity of the condition, indicating that the faqeer is in a worse state than the miskeen.⁽⁴⁾

The difference of opinion does not have significant implications in the context of *Zakâh* for those who allow it to be given to a single category-this is the view of the majority. Al-Sarkhasî states: "The benefit of this disagreement is mainly evident in the context of wills and endowments. As for *Zakâh*, it can be distributed to a single category in our view, so this disagreement does not manifest in this case."⁽⁵⁾

(1) "Al-Hawî Al-Kabîr", [8: 490]; "Al-Mughnî", [6: 470]

(2) Ibid

(3) [Al-Qiyāmah: 25]

(4) See: "Al-Hawî Al-Kabîr", [8: 489 – 490]. Further explanation will be found.

(5) "Al-Mabsûr", [3: 9]; and see: "Al-Majmû' Sharh Al-Muhadhab", [6: 196].

As for those who believe in the necessity of equality-such as the Shafi`i school-this disagreement has implications for them. They argue that it is not sufficient to give to only one category; rather, it is essential to provide for both the faqara and the masakeen, as they are considered two distinct categories.⁽¹⁾

They then differed regarding the definition of the condition of poverty that qualifies a person to receive *Zakâh*, leading to four opinions:

The first opinion is that poverty is defined as the absence of ownership of the minimum threshold (Nisâb) for *Zakâh*. This is the view of Abû Ḥanîfah.⁽²⁾

Their evidential aspect is that the Prophet (peace and blessings of Allah be upon him) referred to those who own the Nisâb as wealthy. This is based on his statement to Mu`âdh Ibn Jabal (may Allah be pleased with him): *"Inform them that Allah has made obligatory upon them a charity that is taken from the rich among you and hand it to the poor among you."*⁽³⁾

Their reasoning is that the Messenger of Allah (peace and blessings of Allah be upon him) divided people into two categories: the wealthy and the poor. He described those from whom *Zakâh* is taken as wealthy and those to whom it is given as poor. It is known that *Zakâh* is only obligatory on those who possess the Nisâb, so if the wealthy are those who have the Nisâb, it follows that the poor are their opposites.⁽⁴⁾

However, it was argued that the Prophet (peace and blessings of Allah be upon him) intended to convey that what is taken from their charity is not for himself and his family, but rather it is returned to their poor from among those in need. Thus, there is no evidence here to indicate that they are opposites in terms of the definitions of wealth and poverty.⁽⁵⁾

It was also argued that there is a consensus that if someone owns five Awsaq (a measurement) of barley valued at five dirhams or something similar, which is not considered wealth by anyone, and if they obtained it by planting it in their land and have nothing else from the harvest, then *Zakâh* is still obligatory for them, even if they possess nothing else. According to all scholars, this

(1) See: *Al-Madhhab Fi fiqh Al-Imâm Al-Shafi`i*, [1: 312].

(2) *"Bada'i` Al-Sanâ'i`"*, [2: 48].

(3) *The source of the hadith has been stated earlier, (P. ++)*

(4) See: *"Bada'i` Al-Sanâ'i`"*, [2: 48].

(5) *"Al-Hawâ Al-Kabîr"*, [8: 521].

person is a poor individual in need, not wealthy. This contradicts the principle they established.⁽¹⁾

The second opinion is to define the amount that qualifies a person as wealthy or poor, and there are two differing views on this definition:

The first view holds that a person should not possess 50 dirhams or the equivalent value in gold. Thus, the threshold for being considered wealthy is to own 50 dirhams or its equivalent in gold. This is the position of Ahmad in Riwāyah, as well as Al-Thawrī, Al-Nakha'i, and Ibn Al-Mubarak.⁽²⁾

They cited the hadīth of Abdullah ibn Mas'ūd, may Allah be pleased with him, who said: I heard Allah's messenger (peace and blessings of Allah be upon him) say: *"He who begs from people when he has a sufficiency will come on the day of resurrection with his begging showing itself as scrapes, scratching or lacerations on his face."* On being asked what constituted a sufficiency, Allah's messenger replied that it was fifty dirhams or their value in gold.⁽³⁾

It was argued that the hadīth is weak,⁽⁴⁾ and even if we accept its authenticity, it was not meant to define wealth for all people. Rather, it referred to someone whose sufficiency is fifty dirhams, as evidenced by what was narrated by Abū Sa'id Al-Khudrī, may Allah be pleased with him, that the Prophet (peace and blessings of Allah be upon him) said: *"If anyone begs from people when he has something equivalent to an uqiyah in value, he has begged immoderately."*⁽⁵⁾ meaning for one who is sufficient with it.⁽⁶⁾

The second view is that the Sharī'ah definition of poverty is for a person not to own forty dirhams or their equivalent in gold. This is the view of Al-Hasan Al-Basrī and Abī 'Ubayd.⁽⁷⁾

It was evidenced by what was narrated by Abū Sa'id Al-Khudri, who said: The Messenger of Allah (peace and blessings of Allah be upon him) said:

(1) See: *Al-Tamhīd Lima Fī Al-Mawta' Min Al-Ma'āni Wa Al-Asānīd*, [8: 521].

(2) See: *"Al-Mughnī"*, [2: 493].

(3) Related by Al-Tarmazi, [3: 32]; No. (650) and said: a good hadith.

(4) See: *"Al-Mughnī"*, [2: 494].

(5) Related by Abu Dawūd, [2: 116]; No. (1628)]; and improved by Al-Albānī. See: *Sahīh Al-Jami' Al-Saghir Wa Ziyadatuh*, [2: 1077].

(6) See: *"Al-Hawī Al-Kabīr"*, [8: 521].

(7) See: *"Al-Amwal Li Abī ibīd"*, (P. 676); *"Al-Mughnī"*, [2: 494].

“If anyone begs from people when he has something equivalent to an uqiyah in value, he has begged immoderately.”⁽¹⁾ The uqiyah during the time of the Messenger of Allah (peace and blessings of Allah be upon him) was forty dirhams.⁽²⁾

This opinion was critiqued in the same manner as the previous definition.

The third opinion is that the Sharī‘ah definition of poverty is for a person to be in need, lacking what is sufficient for them, while the definition of wealth is the opposite—that is, to possess what suffices. This is the view of Malik, Al-Shâfi‘î, and a narration from Ahmad.⁽³⁾

Al-Khatâbî said: **“There is no specific limit for wealth; rather, it depends on a person’s capacity and ability. If a person is satisfied with what they have, charity is prohibited for them, but if they are in need, it becomes permissible.”**⁽⁴⁾

Al-Shafi‘î considered the ability to suffice oneself as wealth, even if the person does not own money. This is based on his opinion that one capable of earning enough to suffice themselves and is suitable for their condition does not deserve *Zakâh*.⁽⁵⁾

He says: “and not a poor person who becomes independent through his earnings, for it is one of the two types of wealth. However, the Prophet (peace and blessings of Allah be upon him) distinguished between the two types because of the difference in their sources. The first type of wealth is wealth through money, which is not harmed by abstaining from earning but rather increased by it, and it is the greater wealth. The second type is wealth through earning.”⁽⁶⁾

Similarly, if one possesses non-monetary assets that suffice for their needs, they are not entitled to take from *Zakâh*.⁽⁷⁾

(1) *The source of the hadith has been stated earlier (P. ++).*

(2) See: “*Al-Mughnî*”, [2: 494].

(3) See: “*Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl*”, [2: 343]; “*Al-Hawî Al-Kabîr*”, [8: 519]; “*Al-Mughnî*”, [2: 494].

(4) “*Ma‘alim Al-Sunan*”, [2: 56].

(5) See: “*Al-Majmû‘ Sharh Al-Madhhab*”, [6: 190].

(6) “*Al-‘Um*”, [2: 80].

(7) “*Al-Sharh Al-Kabîr ‘Alâ Al-Maqna’*”, [7: 512].

Al-Mawirdî says: "According to Al-Shâfi`î's school, wealth is not determined by the possession of money but by the ability to provide permanent sufficiency for oneself and those whose expenses one is obligated to cover, whether through merchandise, trade, or agriculture. To explain further, people can be classified into four categories: artisans, traders, landowners, and livestock owners.

As for artisans, such as farmers, sailors, carpenters, and builders: if one of them earns enough through his craft to provide for himself and for those whose maintenance he is obligated to provide, then *Zakâh* is prohibited for him, even if he does not own a single dinar or dirham. However, if he does not earn enough through his craft to cover his needs, then *Zakâh* is permissible for him, and he may take from it to complete his sufficiency.

As for traders, they depend on the profits of their merchandise. If the merchandise of one of them generally brings him enough profit to suffice, he is considered wealthy, and *Zakâh* is prohibited for him, even if he does not own the Nisâb (minimum amount determining a person's zakatability). However, if his merchandise does not bring him sufficient profit, he is considered poor, even if he owns the Nisâb, and it is permissible for him to take from *Zakâh* what, when combined with his merchandise, allows him to make enough profit to cover his needs. This applies similarly to landowners and livestock owners. If they earn enough from their property or livestock to cover their needs, *Zakâh* is prohibited for them. If they do not earn enough, it is permissible for them to take from *Zakâh* what they need to buy property or livestock, such that, when combined with what they already have, they are sufficient with its yield continuously."⁽¹⁾

The Maliki school has a similar elaboration on this in certain aspects. Al-Lakhmi states:

- "If a person has a craft that provides sufficient means for his maintenance and the maintenance of his dependents, he should not be given *Zakâh*. There is no difference whether he is wealthy through money, or his craft suffices for his livelihood.
- If his craft does not provide sufficient means, he may receive what completes his sufficiency until he finds better work.

(1) "*Al-Hawâ Al-Kabîr*", [8: 519 – 520].

- If his craft is stagnant (i.e., he is unable to earn), he is treated as if he is incapacitated.
- If he has no craft and cannot find anything suitable to earn a living from in his location, he may receive *Zakâh*.
- If he finds a potential craft but needs to exert effort to pursue it, this is a matter of disagreement. Some permit him to take *Zakâh* based on the Qur'an, considering him poor, while others prohibit it based on the hadith."⁽¹⁾
- **They cited as evidence** the saying of the Prophet (peace and blessings of Allah be upon him) to Qabîsah ibn Al-

Mukhâriq:

"Begging, is allowable only to one of three classes: a man who has been smitten by poverty, the genuineness of which is confirmed by three intelligent members of his people, to whom begging is allowed till he gets what will support life (or he said, what will provide a reasonable subsistence)."⁽²⁾

Evidential aspect: It permits asking for assistance only when there is a need for sustenance or sufficiency. Since need is equivalent to poverty, and wealth is its opposite, those who are in need are considered poor and fall under the general texts regarding charity. On the other hand, those who are self-sufficient fall under the general texts that prohibit asking for charity.⁽³⁾

Al-Mawirdî states: "This report explicitly indicates that charity is permissible in times of need and is prohibited when one is sufficiently provided for in a manner that sustains them continuously, without considering the Nisâb. This is because anyone who is unable to maintain themselves continuously is no longer considered wealthy, similar to one who does not possess the Nisâb."⁽⁴⁾

The overall aim of this objective is that: the objective of Islamic Sharî'ah regarding the poor and the needy is to provide them with sufficiency and to alleviate their need, poverty, and hardship. This is achieved by giving them from the wealth that Allah has made their right from the property of the rich, allowing them to become independent of others and not rely on anyone. By

(1) "Al-Tabsirah by AL-Khammi", [3: 968].

(2) *The source of the hadith has been stated earlier, (P. ++).*

(3) "Al-Mughni", [2: 494].

(4) "Al-Hawî Al-Kabîr", [8: 521].

doing so, their state of need and poverty is lifted, and they attain sufficiency and independence.

The texts from scholars extensively elaborate on this objective.⁽¹⁾

Al-Juwaynî says: "Muslims have unanimously agreed that charity is a fixed obligation on the wealth of the rich and those similar to them, and its overall purpose is to allocate a portion of the wealth of the rich to the needy among Muslims."⁽²⁾

Al-Dabbusî states: **"It was prescribed only to enrich the poor and provide for the needy."**⁽³⁾ Ibn Al-`Arabî says: "The goal is to enrich the poor until they become wealthy."⁽⁴⁾ Ibn Qudâmah states: "The aim of **Zakâh** is to support and enrich the poor."⁽⁵⁾ Al-Qarâfî, explaining the meaning of **Zakâh**, says: "We understood the meaning of **Zakâh** to be expressing gratitude for Allah's blessings upon the rich and addressing the needs of the poor."⁽⁶⁾ Al-Tûfî remarks: "The essence of **Zakâh** is that Allah, the Exalted, has two wisdoms in its obligation." He mentions, "The second wisdom pertains to its distribution: enriching the poor and benefiting them. Hence, it is said, 'The poor are dependent on the wealthy.'"⁽⁷⁾

Similar views can be found among Al-Sarkhasî,⁽⁸⁾ Al-Zamakhsharî,⁽⁹⁾ Al-Razî,⁽¹⁰⁾ Al-`Iz Ibn `Abdul Salâm,⁽¹¹⁾ `Alâ' Al-Din Al-Bukhârî,⁽¹²⁾ and Zakariyâ Al-Ansârî.⁽¹³⁾ While the scholars unanimously agree on the objective of enrichment, they differ in its boundaries and criteria. This will be elaborated upon in the discussion of the impact of this objective on the Shari'ah branches.

(1) Was previously explained in *The Fifth Treatise of Chapter One: "Protecting lives and fulfilling the needs of Muslims."*

(2) *"Nihâyat Al-Matlab Fi Dirâyat Al-Madhhab"*, [11: 533].

(3) *Taqwim Al-'Adillah Fi 'Usûl Al-Fiqh* (P. 89).

(4) *"Ahkam Al-Qur'ân by Ibn `Arabî"*, [2: 538].

(5) *"Al-Mughnî"*, [3: 40].

(6) *"Al-'umniya Fi 'idrâk Al-Niya"*, (P. 53).

(7) *"Dar' Al-Qawl Al-Qabih bi Al-Tahsin wa Al-Taqbih"*, (P.129)

(8) See: *Al-Mabsût*, [2: 157].

(9) See: *"Ru'ûs Al-Masâ'il by Al-Zamakhsharî"*, (P. 211).

(10) See: *"Mafâtih Al-Ghayb"*, [23: 259].

(11) See: *"Qawâ'id Al-Ahkâm Fi Masâlih Al-An`âm"*, [1: 250].

(12) See: *"Kashf Al-Asrâr Sharh 'Usûl Al-Bazdawî"*, [1: 209].

(13) See: *"Asnâ Al-Matâlib fi sharh Rawad Al-Talib"*, [1: 359].

Objective Evidence:

- 1- The saying of the Prophet (peace and blessings of Allah be upon him) to Qabîsah ibn Al-Mukhâriq: *"Begging, is allowable only to one of three classes:"* and he mentioned *"a man who has been smitten by poverty, the genuineness of which is confirmed by three intelligent members of his people, to whom begging is allowed till he gets what will support life"* or he said, *"what will provide a reasonable subsistence."*⁽¹⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) clarified that anyone who experiences poverty is permitted to ask for assistance and to take from charity. He specified what is permissible for them to receive, which is sufficiency or sustenance. "Sustenance" (Al-Qiwâm) and "sufficiency" (Al-Sidâd) -with the "sîn" pronounced with the diacritic "Kasrah" (A diagonal line placed below a letter indicating a short "i" vowel sound)- have the same meaning; they refer to what provides for a person's needs and suffices them. This indicates that the aim of *Zakâh* is to enrich the poor so that they are no longer described as impoverished and to ensure they attain sufficiency.⁽²⁾

Al- Khatâbî states: "In this, the limit to which the distribution of charity reaches is the sufficiency that sustains a person's livelihood and addresses their needs. This is determined for each individual according to their circumstances and means, and there is no specific limit that applies to everyone due to the variation in their situations."⁽³⁾

- 2- `Ubayd Allah Ibn `Adî said: "Two men informed me that they had come to the Prophet while he was dividing the charity and asked him for some of it. He looked them up and down, and seeing that they were robust, he said: *"If you wish I shall give you something, but there is no share in it for a rich man or for one who is strong and able to earn a living."*⁽⁴⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) clarified that the wealthy have no share in *Zakâh*, which indicates that the intended purpose of *Zakâh* is to provide for those who are in need and to fill their gaps. If the wealthy were to take from it, "it would prevent the funds

(1) *The source of the hadîth has been stated earlier, (P. ++).*

(2) *See: Al-Tamhîd Lima Fî Al-Mawta' Min Al-Ma`ânî Wa Al-Asânîd, [8: 610]; Sharh Al-Nawawi 'Ala Muslim, [7: 133].*

(3) *"Ma`âlim Al-Sunan", [2: 68].*

(4) *The source of the hadîth has been stated earlier, (P. ++).*

from reaching those who truly deserve them and undermine the wisdom behind its obligation, which is to enrich the poor through it.”⁽¹⁾

3- The ḥadīth of Anas ibn Mālik, may Allah be pleased with him, states:

Abū Talḥah (May Allah be pleased with him) was the richest among the Ansar of Al-Madīnah and possessed the largest property from palm-trees, and among his possessions what he loved most, was his garden known as Bairuḥa’ which was opposite the mosque, and Messenger of Allah (peace and blessings of Allah be upon him) often visited it and drank from its fresh water. When this Ayah was revealed: “By no means shall you attain Al-Birr (piety, righteousness - here it means Allah’s reward, i.e., Jannah), unless you spend (in Allah’s Cause) of that which you love,”⁽²⁾ Abū Talḥah came to Messenger of Allah (peace and blessings of Allah be upon him) and said, “Allah says in His Book: ‘By no means shall you attain Al-Birr, unless you spend (in Allah’s Cause) of that which you love,’ and the dearest of my property is Bairuḥa’ so I have given it as Sadaqah (charity) for Allah’s sake, and I anticipate its reward with Him; so spend it, O Messenger of Allah, as Allah guides you.” Messenger of Allah (peace and blessings of Allah be upon him) said,

“Well-done! That is profit earning property. I have heard what you have said, but I think you should spend it on your nearest relatives.” So, Abū Talḥah (May Allah be pleased with him) distributed it among nearest relatives and cousins.⁽³⁾

In another narration, Anas, may Allah be pleased with him, mentioned: “He allocated it to Hassan and Abū Talḥah, and I was closer to him, but he did not give me anything from it.”⁽⁴⁾

Evidential aspect: Abū Talḥah, may Allah be pleased with him, allocated the garden of Bayraha between Hassan and ‘Ubay ibn Ka’b, may Allah be pleased with them, and the Prophet (peace and blessings of Allah be upon him) approved of that. A garden belonging to two men is sufficient to meet their needs, indicating that providing sufficiency is intended in giving according to Islam Law.⁽⁵⁾

(1) “Al-Mughnī”, [2: 493].

(2) [Āl-‘Imrān: 92].

(3) *The source of the ḥadīth has been stated earlier, (P. ++).*

(4) *Related by Al-Bukhārī, [6: 37] No. (4554).*

(5) *See: “Thya’ ‘Ulūm Ad-Dīn”, [1: 224].*

Abû `Ubayd said: "The garden: is an orchard with palm trees, other trees, and crops. How much should the minimum value of such a property be? Abû Talhah, may Allah be pleased with him, was concerned that he might not be able to keep it hidden due to its fame and worth, and yet he gave it to only two men, with no third.

This charity, even though it was voluntary, follows the same principle as obligatory charity. If an abundance of voluntary charity is prohibited for the recipient, then the obligatory charity that Allah has made an absolute right for the poor from the wealth of the rich should logically have even stricter rules and prohibitions. If voluntary charity is permissible for them and the giver is considered kind and righteous, then fulfilling the obligation of *Zakâh* should be seen as an even greater act of kindness."⁽¹⁾

- 4- The hadîth of Ibn Umar, may Allah be pleased with him, states that the Messenger of Allah (peace and blessings of Allah be upon him) prescribed *Zakâul-Fitr* and said, "*Enrich them on this day.*"⁽²⁾

Evidential aspect: "The Prophet (peace and blessings of Allah be upon him) explicitly mentioned the concept of enriching the poor. The ruling applies to *Zakâh* by implication, as ensuring sufficiency is obligatory in *Zakâul-Fitr* to meet the needs of the poor, despite the absence of a full criterion for wealth in this context, such as not requiring a minimum amount (Niṣâb). Therefore, it is even more appropriate that *Zakâh*, which has a complete criterion for wealth, should fulfill this purpose of enriching the poor."⁽³⁾

- 5- The narration from `Umar ibn Dinar states that `Umar ibn al-Khattab, may Allah be pleased with him, said: "When you give, make it sufficient."⁽⁴⁾

Evidential aspect: It indicates that `Umar, may Allah be pleased with him, instructed to provide sufficient aid when giving, showing that he aimed to enrich the poor through *Zakâh*, not merely to satisfy their hunger with a few morsels or to relieve their distress with a small amount of money.

(1) "*Al-Amwal Li Abî ibîd*", (P. 671:674)

(2) *Related by Al-Darqitni*, [2: 89]; *it was weakened by Al-Zil'I and others as in "Nasb Al-Rayah"*, [2: 432] *and he said about it: Strange. Wa Midar Al-Hadîth 'Ala Abi Ma'shar, and it was weekend by Al-Albânî in "Irwa' Al-Ghalil"*, [3: 332] No. (844)

(3) "*Kashf Al-Asrâr Sharh 'Usûl Al-Bazdawî*", [1: 208].

(4) *Related by Abû `Ubayd in "Al-Amwal"*, (P. 676) No. (1778).

- 6- The narration from Jarad ibn Shabit mentions that he was with ‘Umar ibn al-Khattab when a man, visibly fat and having redness in his eyes, approached and said, “O Commander of the Believers, I am in distress, and my family is in distress.” ‘Umar then said, “Give him a foal from the charity animals.” He added, “I saw it leave with with two she-camels in tow, and I never envied anyone as much as I envied that man that day.”⁽¹⁾

Evidential aspect: ‘Umar, may Allah be pleased with him, gave the man three camels from the *Zakâh*, which was sufficient to meet his needs and save him from poverty. This indicates that the purpose of *Zakâh* is to enrich the poor.

Abû ‘Ubayd commented that ‘Umar gave a single man three camels, which could have been the value of an entire property, and did so to enrich him, as the man had mentioned his distress and his family’s plight. This was ‘Umar’s view on providing sufficient aid.⁽²⁾

- 7- The narration from ‘Amr ibn Murrah mentions that ‘Umar said to the collectors of *Zakâh*: “Repeat the call for charity to them, even if one of them has a hundred camels.” In another narration, he said: “I will continue to insist on charity, even if one of them has a hundred camels.”⁽³⁾

Evidential aspect: ‘Umar, may Allah be pleased with him, indicated that the purpose of distributing *Zakâh* to the poor and needy is to expand their support and to enrich them. This shows his understanding that even those with wealth might still benefit from receiving *Zakâh*, emphasizing the importance of providing sufficient aid to those in need.

Abû ‘Ubayd said: He (‘Umar) intended that the poor should be given from the charity, even if what the collector gives reaches a hundred camels, and the beneficiary departs with them. I see that ‘Umar, may Allah be pleased with him, was generous in giving, to the extent of reaching a hundred camels, and this was from the obligatory charity itself. No one should assume that it was a voluntary act, as it was from the *Zakâh* on livestock. Some of the successors followed a similar practice, preferring to give more rather than less.⁽⁴⁾

- 8- Ibn ‘Abbas, may Allah be pleased with him, said: “Set free a slave from

(1) *Ibid*, (P. 676) No. (1776).

(2) *Ibid*, (P. 676).

(3) *Ibid*, (P. 674) No. (1779 - 1780).

(4) *Ibid*, (P. 676 - 677) with slight modification.

the Zakâh of your wealth.” He also said that there was no harm if a person used part of the *Zakâh* for Hajj or to set a slave free.⁽¹⁾

Evidential aspect: The value of freeing a slave is usually more than 200 dirhams, and Ibn ‘Abbas, may Allah be pleased with him, permitted someone to use their *Zakâh* for this, which is a significant amount. This indicates that the purpose is to provide sufficiency and enrichment.⁽²⁾

Abû ‘Ubayd, after citing these reports, commented:

“All of these reports indicate that the amount given to those in need from *Zakâh* is not restricted. Muslims are not prohibited from exceeding a specific limit; rather, generosity is encouraged. For instance, if a wealthy person saw a pious Muslim family in poverty and in need of shelter and he purchased a house for them with the *Zakâh* of his wealth to protect them from the cold of winter and the heat of the sun... such actions, which require substantial funds, should not necessarily be left to voluntary charity. Instead, the person could use his *Zakâh* for this purpose. Would he not be fulfilling his obligation? Yes, indeed, and if he wished, he could be even more charitable. I am concerned for those who are deterred from such actions, for they may not be willing to give voluntarily, and this [misguided] Fatwa (; Islamic Sharī‘ah ruling) prevents them from fulfilling the obligation, which leads to the loss of rights and harm to those in need.”⁽³⁾

The effect of considering this objective in the Fiqh-based branches:⁽⁴⁾

- 1- Scholars differed regarding the criteria for wealth that would make a poor person ineligible for *Zakâh*.

First opinion: Giving the poor and needy from *Zakâh* less than the threshold (200 dirhams). If they are given this amount or more, it is disliked, which is the position of the Hanafi school.⁽⁵⁾

Evidence: They argued that giving a poor person the Nisâb or more makes him wealthy, which goes against the purpose of *Zakâh* being for those in need.⁽⁶⁾

(1) *Ibid*, (P. 676 - 677) No. (1785 - 1786). (2) *Ibid*, (P. 677).

(3) *Ibid*, (P. 678). With modification.

(4) Some Impacts from this objective were previously explained in the Fourth Treatise of Chapter one: Refer to it.

(5) “*Bada’i’ Al-Sanâ’i’*”, [2: 48].

(6) *Ibid*

Discussion: It is argued that it is not certain that the beneficiary would become wealthy with this amount (200 dirhams). Even if wealth is achieved, it only becomes effective after possession, while before receiving it, the person is still considered poor. There is no harm in helping them transition from poverty through *Zakâh*.⁽¹⁾

Second opinion: Giving the poor and needy from *Zakâh* an amount that reaches the minimum level of wealth, which is what suffices them and those they support for a full year. This is the position of the Maliki school,⁽²⁾ one opinion of the Shafi'i school,⁽³⁾ and the Hanbali school.⁽⁴⁾ Al-Ghazali favored this opinion, saying: "The closest to moderation is to provide for one year. Beyond that is risky, and below that is restrictive. In matters without a definite measure, a scholar can only judge based on what occurs."⁽⁵⁾

Evidence: They cited that the Prophet (peace and blessings of Allah be upon him) used to sell the date palms of Banu al-Nadir and reserve enough provisions for his family for one year.⁽⁶⁾ Thus, storing a year's worth of provisions indicates that a year's sufficiency is what is considered.

Moreover, since *Zakâh* is obligated every year, it is appropriate for a person to receive enough to suffice them until the next cycle.⁽⁷⁾

Third opinion: Giving the poor and needy from *Zakâh* enough to elevate them from poverty to wealth, thereby achieving permanent sufficiency. This is the position of the Shafi'i school,⁽⁸⁾ a narration from the Hanbali school,⁽⁹⁾ and was favored by Abû Ubaid⁽¹⁰⁾ and Ibn Taymiyyah.⁽¹¹⁾

Evidence: They based their argument on the previously mentioned hadiths and traditions that indicate this objective, arguing that the purpose is to lift

(1) *Ibid*

(2) "Mawâhib Al-Jalîl Fi Sharh Mukhtasar Khalîl", [2: 348].

(3) "Al-Hawî Al-Kabîr", [8: 521]; "Al-Majmû' Sharh Al-Muhadhab", [6: 194].

(4) "Sharh Muntahâ Al-'Irâdât", [1: 453].

(5) "Ithya' 'Ulûm Ad-Dîn", [1: 224].

(6) *Related by Al-Bukhârî*, [7: 63] No. (5357).

(7) "Al-Majmû' Sharh Al-Muhadhab", [6: 194].

(8) See: "Al-Hawî Al-Kabîr", [8: 521]; "Al-Majmû' Sharh Al-Muhadhab", [6: 193].

(9) See: "Al-'Insaf Fi Ma'rifat Al-Rajih Min Al-Khilâf", [7: 256].

(10) See: "Al-Amwal by Abû 'Ubayd", (P. 674).

(11) See: "Al-'Insaf Fi Ma'rifat Al-Rajih Min Al-Khilâf", [7: 256].

the poor out of poverty, which can only be achieved in this manner.⁽¹⁾ They also compared *Zakâh* to voluntary charity, arguing that if voluntary and obligatory charity share the same purpose, then it is permissible to give a large amount from *Zakâh* just as it is from voluntary charity.⁽²⁾

Fourth opinion: There is no specific limit, and it is left to individual discretion and sound judgment. This is the opinion of Imam Malik.⁽³⁾

The preferred view—Allah knows best—is that if the needy person is skilled in trade, a craft, or a profession, they should be given money to invest in it, achieving lasting sufficiency. Alternatively, they should be provided with what enables them to buy tools or assets to benefit from and become self-sufficient. However, if they are unable to earn, someone should be appointed to manage business for them. If none of these options are feasible, the second opinion is closer to being correct: they should be given enough for a year, ensuring they are enriched in a way that does not conflict with the aim of encouraging discipline, promoting work and earning, and preventing laziness.

Al-Juwayni says: “What is close to jurisprudence: if the person is skilled in trade, we provide them with capital sufficient for their needs without diminishing their sufficiency, allowing them to meet at least the basic level of sufficiency. If they are not skilled in trade, we may appoint someone to conduct business on their behalf. If that proves difficult, I believe it is apparent that they should not be given more than a year’s worth of expenses, as it is hard to determine more precisely, and a year has a particular connection with *Zakâh*, which is due annually, serving as a parallel to providing sufficient support for dependents.”⁽⁴⁾

2- The proponents of providing lifelong sufficiency to the poor have detailed their approach according to the specific circumstances of the needy, ensuring that this goal is met in every situation. They have outlined the following:⁽⁵⁾

- If the person is accustomed to a particular craft, they are given enough to buy the tools or equipment for their craft, regardless of

(1) See: “*Al-Majmû` Sharh Al-Muhadhab*”, [6: 194].

(2) See: “*Al-Amwal by Abû `Ubayd*”, (P. 674).

(3) *Ibid*, (P. 671).

(4) “*Nihâyat Al-Matlab Fi Dirâyât Al-Madhâhib*”, [11: 545].

(5) “*Al-Majmû` Sharh Al-Muhadhab*”, [6: 194].

the value, as long as it yields sufficient profit to cover their needs generally. This amount varies depending on the craft, country, time, and individual.

- If the person is a merchant, baker, spice seller, or money changer, they are provided according to their trade. If they are a tailor, carpenter, washerman, butcher, or any other craftsman, they are given what is needed to buy suitable tools.
 - If the person is a landowner, they are provided with what they need to buy a plot of land or a share in land that provides sufficient yield on a permanent basis.
 - If the person has no craft, skills, trade, or any other means of livelihood, they are given enough to cover their average lifetime needs according to others in their country.
- 3- It does not suffice to give *Zakâh* to the wealthy because their taking from it prevents it from reaching its rightful recipients, thereby violating the purpose of its obligation, which is to enrich the poor.⁽¹⁾
- 4- The standard for sufficiency in enriching someone includes: "food, clothing, housing, and all other essentials appropriate to their situation, without extravagance or excess, for the individual and those they are responsible for."⁽²⁾ Some also considered marriage among the necessities, stating: "Among the complete means of sufficiency is what a poor person takes to marry, if he does not have a wife and is in need of marriage."⁽³⁾ Al-Qarafi said: "If the wealth is abundant, it should include the price of a slave and the dowry for a wife."⁽⁴⁾
- 5- The obligation of *Zakâh* on the wealth of a child and an insane person is accepted by the majority, because the purpose of *Zakâh* is to enrich the poor, and the wealth of a child is suitable for that.⁽⁵⁾
- 6- It is sufficient in distributing *Zakâh* to prioritize those in need from one category, and it is not required to diversify, because the purpose of *Zakâh*

(1) "Al-Mughnî", [6: 493].

(2) "Al-Majmû' Sharh Al-Muhadhab", [6: 191].

(3) Hashiyat Al-Rawd Al-Muraba'', [3: 311].

(4) "Al-Dhakhîrah", [3: 149].

(5) See: "Al-Majmû' Sharh Al-Muhadhab", [5: 330].

is to enrich the poor, which can be achieved by giving it to one category.⁽¹⁾

Al-Sarakhsi says: **"The aim is to enrich the needy, and this can be achieved by allocating the funds to one individual. This differentiates it from the commands given to worshippers, as the focus here is on the wording rather than the meaning. This may lead to situations where it lacks a commendable purpose, in contrast to the commands of Sharî'ah... Don't you see that Allah, the Exalted, mentioned the categories with descriptions that indicate need, which informs us that the goal is to fulfill the needs of the needy"**⁽²⁾

- 7- It is permissible to give *Zakâh* to a dhimmi (non-Muslim citizen) according to Zafar, because giving to them fulfills the purpose of *Zakâh*, which is to enrich the needy poor as a means of drawing closer to Allah.⁽³⁾
- 8- The permissibility of transferring *Zakâh* according to the Hanafi school, in contrast to the Shafi'i school, is based on the idea that the primary objective of *Zakâh* is to alleviate the needs of the poor, which can be achieved by transferring it as long as it reaches those entitled to it. Specifying the poor of a particular locality is not inherently significant; thus, it does not prevent the allowance of distributing *Zakâh* to others.⁽⁴⁾
- 9- The permissibility of giving *Zakâh* to a poor person, even if they are capable of earning a living, is upheld by the Hanafi school.⁽⁵⁾ They argue that the purpose of *Zakâh* is to enrich the poor, and as long as the individual does not own wealth, they are deserving of it, even if they have the ability to earn enough. **The reason for this difference** of opinion stems from how poverty is defined. The Hanafis associate the status of poverty with the lack of ownership of a certain amount (Nisâb), while the Shafi'is, who believe that it is not permissible to give *Zakâh* to someone who can earn a living, associate poverty with need. They consider need to be broader than merely lacking financial means, including the condition of being unable to earn a livelihood.⁽⁶⁾

(1) See: *"Bidayat Al-Mujtahid Wa Nihayit Al-Mu'tasid"*, [2: 63]; and see: *"Al-'ikhtiyâr Li Talîl Al-Mokhtâr"*, [1: 119].

(2) *"Al-Mabsût"*, [3: 10].

(3) *Ibid*, [2: 202].

(4) *Ibid*, [2: 181]

(5) *Ibid*, [3: 14]

(6) See: *Al-Bayan Fi Madhhab Al-'Imâm Al-Shafi'i*, [3: 411]; Al-'Umrani says: "If he has a craft through which he earns a living and provides for his family continuously, then it is considered equivalent to wealth in that he is not eligible for Al-Zakât."

- 10- It is not permissible to give inferior quality items instead of good ones in terms of currency because quality is a measurable factor. This situation cannot be compared to the rules regarding usury (*riba*); the equality in the Sharī'ah measure is only considered in transactions. The purpose of *Zakâh* is to provide support, enrich the poor, and express gratitude for Allah's blessings.⁽¹⁾
- 11- It is not sufficient in *Zakâh* to merely allow the benefit; ownership of the asset is essential because *Zakâh* was obligated for the purpose of enrichment, and enrichment cannot be achieved without transferring ownership of a measurable asset. For instance, if a poor person is allowed to live in a house for a year with the intention of *Zakâh*, it does not suffice because the benefit is not a measurable asset. Similarly, if food is given to a poor person with the intention of *Zakâh* but is consumed, it does not count as *Zakâh* because it is considered consumption of someone else's property, which does not lead to enrichment.⁽²⁾
- 12- If a person hastens to pay *Zakâh* to a poor person who becomes self-sufficient before the year (*hawl*) is completed, the situation is evaluated as follows:
 - If the poor person's self-sufficiency is due to what was given to them, it is considered sufficient (the *Zakâh* is valid) because the purpose of giving was to enable their self-sufficiency, and it cannot be said that their newfound wealth invalidates the *Zakâh*.
 - However, if the poor person's self-sufficiency comes from another source, the *Zakâh* will not be considered valid, and the giver must pay the *Zakâh* again.⁽³⁾

Topic (4): Blocking the Means of Showing Favor and Condescension to the Poor⁽⁴⁾

Objective Explanation:

The word "Al- Minnah" (The favor of kindness) in Arabic comes from the

(1) See: "Al-Mughnī", [3: 40].

(2) See: "Kashf Al-Asrâr Sharh 'Usûl Al-Bazdawī", [1: 209]

(3) See: Al-Madhhab Fi Fiqh Al-Imâm Al-Shâf'ī", [1: 307]

(4) See: "Sharh Sahîh Al-Bukhârî" by ibn Batâl, [3: 410]; "Thiyâ' Ulûm Al-Dîn", [1: 216 - 217]; =

root “manna” (to bestow), which has two primary meanings:

- 1- **To bestow kindness or favor:** It refers to someone granting a favor or doing a good deed for someone else. For example, “Manna `Alayna mannan” means “he bestowed a favor upon us”. This also includes the meaning of “Imtinam” (gratefulness).
- 2- **To cut off or sever:** This meaning is used in expressions like “manna bi yadin azdaha” meaning “he struck with a hand he raised,” implying an interruption or cessation.

In the context mentioned here, the second meaning is intended, which suggests that “Al-Minna” refers to a disruption of the kindness or a termination of goodwill,⁽¹⁾ reflecting the negative aspect of reminding others of favors to belittle them.

As for the terminology: it means, as Al-Asfahani says: “The heavy favor, This can be expressed in two ways:

Firstly, by action, as in “so-and-so bestowed a favor upon so-and-so” if he burdened him with a favor. This is reflected in Allah’s saying:

{“Certainly, did Allâh confer [great] favor upon the believers when He sent among them a Messenger from themselves,”}⁽²⁾ and *{“You [yourselves] were like that before; then Allâh conferred His favor [i.e., guidance] upon you”}*⁽³⁾

In reality, this is only applicable to Allah, the Exalted.

Secondly, by words, and it is considered reprehensible among people unless it involves showing gratitude for the favor. Because of its repulsiveness, it is said: **“Boasting nullifies kindness.”**^{(4),(5)} This second meaning is the intended one in this context.

The general intended meaning of this concept is that, since the human soul tends to boast and favor those it has helped, Islamic Sharî‘ah has come to

= “Al-Mughni”, [2: 485], “Tafsîr Al-Qurtubî”, [3: 311], “Alâm Al-Mawqî‘în, [5: 272]; “Al-Maû` Sharh Al-Madhab”, [6:242], “Fath Al-Bârî” bulay ibn Hajar, [3: 299]; “Nihâyat Al-Muhtâj ‘Îla Sharh Al-Minhâj”, [7: 219]; “Fath Al-Qadîr” by Al-Shukânî, [2: 59]; “Al-Tahrîr Wa Al-Tanwîr”, [3: 46].

(1) See: Entry: “Minan” in “Maqayî‘is Al-Lughah”, [5: 267]; “Al-Qâmûs Al-Muhî‘t”, (P. 1235).

(2) [Âl- ‘Umrân: 164]

(3) [Al-Nisâ’: 94]

(4) “Majma` Al-Amthâl”, [2: 287].

(5) “Al-Mofradat Fî Gharîb Al-Qur’ân”, (P. 777)

block the means to such behavior in the context of *Zakâh* (obligatory charity) through various measures, including:

- 1- **Clarification that boasting about *Zakâh* contradicts the purpose of worship:** If one boasts, they are not sincere in fulfilling it, which nullifies its reward and invalidates any benefit.
- 2- **Clarification of the true nature of wealth in the hands of the wealthy:** The wealth does not belong to the person; it is the property of Allah, the Exalted. There is no reason to boast when giving from someone else's wealth.
- 3- **Considering *Zakâh* as a right of the poor** in the wealth of the rich, like a debt, means there is no reason to boast when fulfilling an obligatory duty. In this way, *Zakâh* serves as a provision for the poor in the wealth of the rich.
- 4- **Explicit prohibition of boasting and causing harm, and a severe warning against it in the Hereafter, considering it one of the major sins.**⁽¹⁾
- 5- **Blocking the means leading to it, such as the prohibition of buying charity** (i.e., that which was given in charity).

If these measures are upheld, the sincerity of the person paying *Zakâh* will be realized, dedicating it solely for Allah, the Exalted. The poor person will feel content and at ease, knowing that what they are receiving is from their Lord's provision. The wealthy have merely transferred it from their possession to Allah's. Therefore, there is no basis for boasting about one's charity at all, for it is a right that the Enricher, the Almighty, has prescribed for the wealth of the rich and placed it in their liability. Similarly, there is no reason for the poor to feel humiliated or burdened when taking their right, as they are merely taking from a right established for them by Allah.

Boasting has a root, which is a state and characteristic of the heart. It then branches out into outward behaviors that manifest through the tongue and the limbs.

Its origin: One should see themselves as being favored by the poor, not as doing a favor to them, And His right: is that the poor are actually doing a favor

(1) See: *"Al-Kabâ'ir by Al-Zahabi"*, (P. 151).

by accepting Allah's right from them, which serves as their purification and salvation from Hell. If the poor did not accept it, the giver would remain burdened with it. Therefore, the giver should feel grateful to the poor for allowing their hand to act as a representative of Allah in receiving Allah's due right.

And whoever knows the three meanings for which *Zakâh* was legislated will not see himself as doing a favor to anyone but himself-either by giving his wealth as an expression of his love for Allah Almighty, purifying himself from the vice of miserliness, or as gratitude for the blessing of wealth, seeking more.

Whenever one is ignorant of these meanings and sees himself as doing a favor to the poor, it leads outwardly to what is meant by 'Al-Minnah,' which involves talking about it, showing it off, and expecting a reward from the poor through gratitude, supplication, service, respect, reverence, fulfilling duties, preference in gatherings, and following in matters. All these are the fruits of 'Al-Minnah,' and its meaning internally is what we have mentioned.

As for the inner source of harm, it stems from two things:

First: His dislike of parting with wealth and the difficulty he feels in doing so, which inevitably tightens his character. This is foolishness because he gives wealth seeking Allah's pleasure and the reward in the hereafter, which is nobler than what he gives. Or he gives to purify himself from the vice of miserliness or out of gratitude seeking more. In any case, the dislike has no justification.

Second: His view that he is better than the poor and that the poor, because of their need, are inferior to him. This is ignorance on his part. Outwardly, it manifests as reproach, criticism, harsh words, frowning, revealing secrets, and various forms of contempt.

To remedy boasting, there is both an inner and an outer cure.

As for the inner cure, it is understanding the truths mentioned earlier regarding the obligation, and realizing that the poor person is actually doing a favor to him by accepting it, thus purifying him. The outer cure involves performing the actions that accompany boasting, as actions stemming from certain traits influence the heart with those same traits.⁽¹⁾

Al-Qurtubi says: "Boasting often comes from the miser and the conceited.

(1) *"Thyâ' `Ulûm Al-Dîn"*, [1: 216 - 217].

The miser considers the gift significant, even if it is insignificant in itself. The conceited person is driven by his pride to see himself as great and believes he is doing a favor with his wealth, even if the beneficiary is superior in reality. The cause of all of this is ignorance and forgetting Allah's blessings upon him. If he considered his eventual fate, he would know that the true favor lies with the beneficiary due to the benefits that accrue to him."⁽¹⁾

Objective Evidence:

- 1- Allah, glorified and exalted, says: *{“Those who spend their wealth in the way of Allâh and then do not follow up what they have spent with reminders [of it] or [other] injury will have their reward with their Lord, and there will be no fear concerning them, nor will they grieve. (262) Kind speech and forgiveness are better than charity followed by injury. And Allâh is Free of need and forbearing. (263) O you who have believed, do not invalidate your charities with reminders [of it] or injury as does one who spends his wealth [only] to be seen by the people and does not believe in Allâh and the Last Day. His example is like that of a [large] smooth stone upon which is dust and is hit by a downpour that leaves it bare. They are unable [to keep] anything of what they have earned. And Allâh does not guide the disbelieving people. (264)”}*^{(2) (3)}

Evidential aspect: The Islamic Shari'ah came to block the avenues of boasting and favoritism towards the poor, and it prohibited boasting and causing harm to them after giving them from the *Zakâh*; because it is a right established for them by Allah, the Exalted.

Ibn Hajar says: “The Evidential Aspect from the repentance is that Allah, the Exalted, likens the combination of boasting and harm with charity to

(1) Transmitted by Ibn Hajar in “Fath Al-Bari”, [3: 299].

(2) [Al-Baqarah, (Repentances): 262- 264]

(3) They differed regarding the interpretation of “Al-Man Wa Al-Adha” (Boasting and Harming). Some said: “boasting means mentioning the charity, while harming is showing it. Suyûn said, “Charity is not accepted from one who boasts.” When asked what it means to boast, he replied, “To mention it and talk about it.” Others explained that boasting is using the recipient because of the charity given, while harming is shaming the person for their poverty. It was also said that boasting involves looking down upon someone for receiving charity, whereas harming involves bullying or cursing someone for asking for it.” “Thyâ' `Ulûm Al-Dîn”, [1: 216].

the spending of a disbeliever who does not possess anything from it. The comparison of showing off (riya') from a Muslim with his charity is more despicable than the comparison of harm, and it is more appropriate to liken it to the spending of a hypocritical disbeliever that nullifies his spending. It is also not far-fetched to consider the details of the situation, as the condition of the one who boasts is similar to that of the show-off, for when he boasts, it becomes evident that he did not intend the sake of Allah. The situation of the one who causes harm resembles that of the one who lacks faith among the hypocrites, for whoever knows that the one being harmed has a supporter who will help him does not harm him."⁽¹⁾

Ibn Ashour states in his interpretation of this repentance that: "Allah has made the distribution of wealth obtained to establish the welfare of the people and meet the needs of the vulnerable among them. Thus, they have a rightful claim to the wealth of the rich, without being demeaned or threatened by deprivation and harshness."⁽²⁾

The Lawgiver (Allah) has strictly emphasized the need to close the avenues of boasting (men) in *Zakâh*, which is why it is not accepted from those who boast about it or harm the needy with it.

Ibn Battal states that: "boasting and harming invalidate the charity because the one who boasts has not feared Allah in it, nor has he dedicated it sincerely for His sake, and an action is of no benefit without intention."⁽³⁾

Al-Qurtubi says: "The majority of scholars state regarding this verse that charity, which Allah knows the giver intends to boast about or harm others with, will not be accepted."⁽⁴⁾

Likewise, He, the Almighty, emphasized this by saying, *{“And Allâh is Free of need and Forbearing”}* He informed of His absolute richness, that He is in no need of the charity of His servants, and that He only commanded it for their benefit. He also mentioned His forbearance, as He does not hasten to punish those who boast or harm with their charity.⁽⁵⁾

(1) "Fath Al-Bâri" by ibn Hajar, [3: 277], and this was transmitted by ibn Haja that it was said by ibn Al-Munir and ibn Rashid.

(2) "Al-Tahrîr Wa Al-Tanwîr", [3: 46].

(3) "Sharh Sahîh Al-Bukhârî" by ibn Batâl, [3: 410].

(4) Tafsîr Al-Qurtubî", [3: 311].

(5) Ibid, [3: 311].

2- The Repentance ***{“And from their properties was [given] the right of the [needy] petitioner and the deprived.”}***⁽¹⁾

Abû Bakr, may Allah be pleased with him, said regarding those who withheld *Zakâh* during his time: “By Allah, I will fight against those who differentiate between prayer and *Zakâh*, for *Zakâh* is a due right of wealth. By Allah, if they were to withhold even a young, she-goat which they used to pay to the Messenger of Allah (peace be upon him), I would fight them for withholding it.”⁽²⁾

Evidential aspect: The repentance shows that *Zakâh* is an obligatory right imposed by Allah upon the wealth of the rich for the deserving. This implies that no one has the right to consider it a favor, as it is merely a right being delivered to its rightful owner. Whoever fulfills someone’s rightful claim should not consider it rational to boast about doing so.

Moreover, the statement of Abû Bakr is evidence of the extent to which the Islamic Sharî’ah cares about the rights and dignity of the poor and needy. By assigning the collection of *Zakâh* to the authority of the ruler and permitting fighting against those who refuse to pay, the needy are not forced to humiliate themselves before the rich and ask them for it. It is a guaranteed right that Allah has prescribed in the wealth of the rich.

3- The repentance ***{“Your ally is none but Allâh and [therefore] His Messenger and those who have believed - those who establish prayer and give Zakâh, and they bow [in worship].”}***⁽³⁾

Evidential aspect: The repentance ***{“those who establish prayer and give Zakâh, and they bow [in worship].”}*** means they give *Zakâh* while being humble and submissive, without arrogance. It has also been said that it describes the state of the one giving *Zakâh*—meaning they put *Zakâh* in its rightful place without being arrogant or looking down on the poor. This serves to prevent the boasting and condescension towards the needy.⁽⁴⁾

4- The repentance ***{“and give Zakâh and loan Allâh a goodly loan”}***⁽⁵⁾

(1) [Al-Dharyât: 19]

(2) The source of the hadîth has been stated earlier, (P. ++).

(3) [Al-Mâ'idah: 55]

(4) “Fath Al-Qadîr” by Al-Shukâî, [2: 59]

(5) [Al-Muzzamil: 20]

Evidential aspect: Attributing the loan to Allah in the phrase {"and loan Allâh a goodly loan"} implies that the wealthy should not boast over the poor when giving charity to them, as the poor person is actually assisting the rich in this act of piety. Therefore, the favor lies with the poor, not the other way around.⁽¹⁾

- 5- Allah, The Exalted, says: *{“Believe in Allâh and His Messenger and spend out of that in which He has made you successive inheritors. For those who have believed among you and spent,[1629] there will be a great reward.”}*⁽²⁾ and says: *{“And those who seek a contract [for eventual emancipation] from among whom your right hands possess- then make a contract with them if you know there is within them goodness and give them from the wealth of Allâh which He has given you.”}*⁽³⁾ and also says: *{“O you who have believed, spend from that which We have provided for you before there comes a Day in which there is no exchange [i.e., ransom] and no friendship and no intercession. And the disbelievers - they are the wrongdoers.”}*⁽⁴⁾

Evidential aspect: These repentances and others like them serve as a reminder and indication to the wealthy-Muslims and others—that the wealth they possess is in fact Allah’s wealth, which He has provided for them and made them trustees over. This profound lesson teaches that they are merely stewards of this wealth, with Allah as the true owner, who commands them to spend from it. Therefore, they have no basis for boasting over anyone regarding what they spend, nor do they have any right to refrain from spending.⁽⁵⁾

- 6- The Prophet (peace and blessings of Allah upon him) said: *“There are three (types of) people to whom Allah will not speak on the Day of Resurrection, nor will He purify them, nor look at them, and they will have a painful punishment. These are: An aged man who commits Zina (illicit sexual act), a ruler who lies, and a proud poor person.”*⁽⁶⁾ And he, peace and blessings of Allah upon him, also said: *“No one who reminds others of his favors, no one who is disobedient to his parents and no drunkard,*

(1) See: “Fath Al-Bayân Fî Maqâsid Al-Qur’ân”, Muhammad Sadiq Khân, [14: 397].

(2) [Al-Hadîd: 7]

(3) [Al-Nûr: 33]

(4) [Al-Baqarah: 254]

(5) “At-Tafsîr Al-Hadîth”, [1: 432]

(6) The source of the hadîth has been stated earlier, (P. ++)

will enter Paradise.”⁽¹⁾

Evidential aspect: The hadiths indicate a severe warning against the one who boasts of their charity, as boasting is one of the major sins.⁽²⁾ The one “who reminds others of his favors” mentioned in the hadith: “is someone who frequently boasts about their favors or charity. Boasting is only befitting of Allah Almighty, as He is the true owner. Anyone else gives from what does not belong to them, so boasting is of no value. When someone boasts, it is as if they are falsely claiming ownership, denying servitude, and contending with Allah’s attributes as the Lord of all creation. Therefore, they will not be looked upon by Allah”⁽³⁾, which shows great concern for closing the door on boasting and warning against it.

- 7- Umar Ibnul-Khattâb said: I provided a man with a horse to ride in Allah’s path, but as the one who had it did not look after it well, I wanted to buy it and thought he would sell it at a cheap price. I therefore asked the Prophet, but he said,

“Do not buy it, and do not take back what you gave as sadaqa even if he gives it to you for a dirham, for the one who takes back what he gave as sadaqa is like a dog which returns to its vomit.”⁽⁴⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) forbade Umar (may Allah be pleased with him) from buying back the charity he had given. One of the reasons for this prohibition is that buying it might involve a sense of boasting, harm, or humiliating the poor recipient. The poor person might feel embarrassed and therefore avoid negotiating the price or might offer it at a lower price hoping to receive more charity. It might also be assumed that if they did not sell it, it could be taken back. Such a situation should be avoided, and the Sharî‘ah has closed this door entirely by forbidding it.⁽⁵⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- It is disliked for a man to give his obligatory charity (*Zakâh*) to his

(1) *Related by Ahmad, [6: 359]; and improved by Al-Albânî, “Sahîh Al-Jâmi‘ Al-Saghir Wa Ziyadtuh, [2: 1270]”.*

(2) *See: “Al-Kabâ’ir” by Al-Dhahabî, (P. 151).*

(3) *“Faid Al-Qadîr”, [3: 331].*

(4) *The source of the hadith has been stated earlier, (P. ++).*

(5) *See: “Al-Mughnî”, [2: 485].*

relatives, according to a narration from Malik, in order to protect their dignity, as he might show superiority over them. It is preferable, therefore, to give it to strangers.⁽¹⁾

- 2- It is recommended, according to Malik, that the person obligated to pay *Zakâh* appoints someone else to distribute it if the leader is not just. This is to prevent the possibility of boasting or harming the beneficiaries if he were to distribute it himself.⁽²⁾
- 3- If the person paying *Zakâh* boasts about it to its beneficiaries or harms them with it, the *Zakâh* is not accepted in terms of its spiritual validity between him and Allah, according to the majority of scholars.⁽³⁾
- 4- Purchasing charity from the one to whom it was given is prohibited to prevent any harm to the poor person by putting them in an uncomfortable position, as they may sell it for less than its value or feel obliged to return it.⁽⁴⁾
- 5- If someone gives *Zakâh* to someone, he believes to be poor, he does not need to inform them that it is *Zakâh*,⁽⁵⁾ to prevent harm. Al-Hasan said: "Do you want to shame him? Do not tell him." Ahmad ibn al-Husayn said, "I asked Ahmad if a man should tell the beneficiary that it is *Zakâh* or remain silent. He replied, 'Why should he humiliate him with such a statement? Let him give it and remain silent. Why should he shame him?'"⁽⁶⁾
- 6- A traveler who has lost means in a journey away from his home, residence, and wealth should be given *Zakâh*, and it is not obligatory for him to take a loan. "Malik stated in the book of Ibn Sahnun: If he finds someone to lend him money, he should not be given *Zakâh*. And it's better if he found someone to lend him as he is not obliged to enter a relationship of indebtedness with anyone, as he has received a favor from Allah."⁽⁷⁾

(1) See: "*Tafsîr Al-Qurtubî*", [3: 312].

(2) *Ibid*

(3) See: "*Sharh Sahîh Al-Bukhârî*" by ibn Batâl, [3: 410]; "*Tafsîr Al-Qurtubî*", [3: 311].

(4) "*A`lâm Al-Mawqî`în*", [5: 482]. (6) See: "*Tafsîr Al-Qurtubî*", [3: 311].

(5) "*Al-Mughnî*", [2: 482].

(6) *Ibid*

(7) "*Tafsîr Al-Qurtubî*", [8: 187].

- 7- A group of scholars have stated that it is better for a person in need, if given the choice between receiving from *Zakâh* or voluntary charity, to take from *Zakâh*, because it is support for an obligation. If all eligible *Zakâh* beneficiaries were to forgo taking it, they would be sinful. Additionally, *Zakâh* carries no sense of favor.⁽¹⁾
- 8- If *Zakâh* is given to a person without them asking for it, it must be accepted. This differs from not accepting a gift, as a gift may come with a sense of favor from the giver, whereas the one paying *Zakâh* has no favor over the poor person. The *Zakâh* payer is simply fulfilling what is obligated by Islamic law, making it similar to paying off debts.⁽²⁾

Topic (5): Objective of Sharî'ah in the Category of Workers: Compensation and Strengthening⁽³⁾

Objective Explanation:

The term “*Zakâh* workers” refers to those “who collect charity from its payers and allocate it to those who are entitled to it.”⁽⁴⁾ Scholars have differed on who falls under this category:

The first opinion: They are only those appointed by the ruler to collect *Zakâh*, not those who distribute it. This is the view of the Hanafi school.⁽⁵⁾

Al-Sarakhsi said: They are those whom the ruler appoints to collect *Zakâh* and are given their needs, as well as the needs of their helpers, from what they collect.⁽⁶⁾ Al-Kasani added: “They are those appointed by the ruler to safeguard *Zakâh*.”⁽⁷⁾

(1) See: *Al-Majmû' Sharh Al-Madhhab*, [6: 242]

(2) *Nihâyat Al-Muhtâj 'Ilâ Sharh Al-Minhâj*, [7: 219].

(3) See: *Al-'Um*, [2: 92]; “*Al-'amwâl*” by *Abi ibid*, (P. 720); *Tafsîr Al-Tubar*, [14: 312]; “*Al-Hâwî Al-Kabîr*”, [8: 496]; “*At-Tamhîd Limâ Fî Mawti' min Al-Ma'nâ wa Al-Asânîd*”, [5: 101]; “*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*”, [11: 549]; “*Al-Mabsûr*”, [3: 9]; “*Ahkâm Al-Qur'ân*” by *Ibn 'Arabî*, [2: 524]; “*Badâ'i As-Sanâ'i*”, [2: 44] “*Tafsîr Al-Qurtubî*”, [8: 177]; “*Sharh An-Nawawî alâ Muslim*”, [7: 137]; “*Ash-Sharh Al-Kabîr 'alâ Al-Maqna*”, [2: 695]; “*Qawâ'id Ibn Ragab*”, [2: 65]; “*At-Tawdîh Li Sharh Al-Jâmi' As-Sahîh*”, [32: 496]; “*Minhat Al-Bârî bi Sharh Sahîh Al-Bukhârî*”, [10: 203]; “*Kishâf Al-'Iqnâ' an Matn Al-'Iqnâ*”, [2: 275] “*Al-Mahia' Fî Kashf Asrâr Al-Mawti'*”, [2: 164]; “*Nail Al-Awtâr*”, [4: 195]; “*Tahdhîb Al-Furûq*”, [3: 17].

(4) “*Tafsîr Al-Baghwi*”, [2: 361].

(5) See: “*Al-Mabsûr*”, [3: 9].

(6) *Ibid*

(7) “*Badâ'i As-Sanâ'i*”, [2: 44].

The second opinion: This category is broader, including both those who collect and distribute *Zakâh*, a view held by the majority.⁽¹⁾

Al-Mawardi states: "There are two types of *Zakâh* workers: the first are those who are responsible for collecting and gathering it, and the second are those who are responsible for dividing and distributing it, including the trustworthy overseers and their subordinates."⁽²⁾

Ibn Qudâmah defines them as: "They are the collectors appointed by the ruler to take *Zakâh* from its payers, gather it, safeguard it, and transport it, along with those who assist them in its collection and management, such as the accountants, scribes, measurers, weighers, counters, and anyone else needed for this purpose."⁽³⁾

The more accepted opinion is the second one, held by the majority, which broadens the meaning of the term to include both those who collect and distribute *Zakâh*. This aligns with the purpose of *Zakâh*, which is to deliver it to its rightful beneficiaries and enrich them. This duty cannot be fulfilled without both roles, and those who collect *Zakâh* are no more entitled to the worker's share than those who distribute it, as both groups contribute to the welfare and delivery of *Zakâh* to those in need.⁽⁴⁾

As for the term "wage," it comes from the root word (Ajr), which means a reward for work, with the plural being ('Ujur). Wage refers to the compensation given for labor, and the terms (Al-'Ujrah), (Al-'Ijarah), and (Al-Ajarah) refer to what is given as compensation.⁽⁵⁾ Another meaning relates to "healing a broken bone," (Jabr) and the common theme between the two meanings is that the worker's wage compensates for their effort and improves their situation based on their labor.⁽⁶⁾

According to Islamic Law, it does not differ from its linguistic meaning, as it refers to "The reward for work"⁽⁷⁾; it is what is given to the worker in exchange for their labor.

(1) See: "Manh Al-Jalîl Sharh Mukhtasar Khalîl", [2: 86]; "Rawdat At-Tâlibîn Wa 'Amadit Al-Muftîîn", [2: 313]; "Al-Mughnî", [6: 473].

(2) "Al-Ahkâm Al-Sultâniyah" by Al-Mâwardî, (P. 196).

(3) "Al-Mughnî", [6: 473].

(4) See: "Nawâzil Al-Zakât", (P. 376)

(5) Entry: "Ajr" in Lisân Al-'Arab.

(6) See: Entry: "Ajr" in "Maqâ'yis Al-Loghh", [1: 63].

(7) "Al-Koliyyât", (P. 48).

The intent behind this is that the *Zakâh* workers—engaged in various tasks of collection and distribution—play a crucial role in serving this important obligation and dedicating themselves to the welfare of Muslims. Therefore, it is wise within The Islamic Sharî‘ah to pay significant attention to them by allocating them a share of *Zakâh* as a reward for their dedication to serving this essential pillar and its rightful beneficiaries among the needy Muslims and those working for the benefit of the religion.

Additionally, The Islamic Sharî‘ah aims to strengthen the collection system and ensure its independence so that it does not become disrupted by the state of the treasury or be affected by its instability. Instead, it should remain stable regardless of circumstances because its continuity and stability are essential for achieving the greater objectives of *Zakâh*, the foremost of which is the preservation of religion and the safeguarding of lives. If this system becomes unstable or disrupted, a significant aspect of the obligation of *Zakâh* will be neglected, leading to the loss and suffering of the needy and causing turmoil within the community.

At-Tabarî states: “Allah, exalted be His praise, did not distribute the charity funds among the eight distributions in eight shares. Rather, He made it known to His creation that the charities would not extend beyond these eight categories. Therefore, it is understood that whoever gives from it is giving according to the effort they put into it. If that is the case, and the worker receives based on their labor rather than need—which may disappear with the gift—what they receive is compensation for their effort and work. This amount is what they deserve as a reward for their labor, which does not cease with the gift but rather with dismissal.”⁽¹⁾

Dr. Sami Al-Suwailem states: “Islamic Sharî‘ah has prioritized material incentives over moral ones to activate and encourage *Zakâh* institutions. It is sufficient to note that the Qur’an established a share of *Zakâh* for its workers, allowing those involved in *Zakâh* to receive up to one-eighth of the total *Zakâh* collected or more than 12%. This applies even if they are wealthy. Scholars have stated that the first share to be distributed from *Zakâh* is for its workers, as they receive it as compensation, while others receive it as support.

These incentives are intended to motivate *Zakâh* workers to strive to in-

(1) “*Tafsîr At-Tabarî*”, [14: 312].

crease *Zakâh* collection by facilitating payment methods and ensuring it reaches those in need. They also encourage adherence to standards of transparency and professionalism in their work. As a result, the trust of wealth owners in *Zakâh* organizations will increase, improving their efficiency and demonstrating their impact on alleviating poverty and reducing wealth inequality.”⁽¹⁾

Additionally, by including their wages in the *Zakâh* funds, there is a benefit of easing the burden on wealth owners, as they are not required to pay a separate wage to the *Zakâh* workers; instead, it is covered within the *Zakâh* distributions. Al-Mawardi states: “Allah, the Exalted, has included their wages in the *Zakâh* funds so that nothing else is taken from the wealth owners.”⁽²⁾

Objective Evidence:

1- Allah, the Exalted, says:

{“Zakâh expenditures are only for the poor and for the needy and for those employed for it and for bringing hearts together [for Islam] and for freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”}.⁽³⁾

Evidential aspect: Allah, the Exalted, mentioned the *Zakâh* workers among the *Zakâh* categories and describing them as “employed for it “ indicates the reason for their entitlement: their labor in collecting *Zakâh* serves the needs of its recipients. Ibn Ashour states: “The choice of the preposition “for” (‘Ala) in this context suggests its original meaning of empowerment; that is, the workers are engaged in it with significant effort because the collectors endure hardships and undertake great tasks. This alludes to the fact that the reason for their entitlement is based on two factors: their work benefits the distribution of charity, and it is arduous. It is also possible that “for” (‘Ala) denotes a metaphorical elevation, referring to their authority in managing the funds.”⁽⁴⁾

The repentance indicates their entitlement by mentioning the ruling along with a relevant description, which is the phrase ***{“and for those employed for***

(1) *An essay by the author titled: “Priorities of the Islamic Economy: ‘Activating the Zakat Institution’” - Al Eqtisâdiah Newspaper, May 2009.*

(2) *“Al-Ahkâm As-Sultâniyah” by Al-Mâwardî, (P.196).*

(3) *[At-Tawbah: 60].*

(4) *“At-Tahrîr Wa At-Tanwîr”, [10: 235].*

it”} This shows that this description is the reason for the ruling, as established by jurists in proving the cause of analogical reasoning from a non-explicit text through hints and indications.

Most scholars agree that they should be compensated according to their work since they dedicate themselves to serving the poor. Their wages should cover their needs and those of their assistants from the *Zakâh* funds. Just as a woman, when she dedicates herself to her husband, has her expenses and those of her servants covered by him.⁽¹⁾

Additionally, the verse implies that *Zakâh* workers receive from *Zakâh* even if they are wealthy, as Allah, exalted be His glory, has categorized them separately from the poor and needy. Their entitlement does not require the same conditions as the categories of the poor and needy. This further indicates that they receive *Zakâh* as a wage; if it were a form of charity, they would only be allowed to take from it if they were poor or in need.

- 2- The Prophet (peace and blessings of Allah upon him) said: “*Sadaqah may not be given to rich man, with the exception of five classes: One who fights in Allah’s path, or who collects it, ...*”⁽²⁾

Evidential aspect: The hadîth indicates that a worker may receive charity even if they are wealthy because they are taking it as a wage or compensation. It is not a requirement for them to be in need; rather, they deserve it for dedicating themselves to serving Muslims and meeting their needs, not due to their own need for assistance.

Ibn Al-`Arabî states: “The proof of it being a wage is that Allah, the Exalted, has made it lawful for them to receive it, even if they are wealthy, **and their only qualification for receiving it is their service in collecting *Zakâh*.**”⁽³⁾

- 3- Ibn al-Sa’di Maliki reported: Umar b. Khattab (Allah be pleased with him) appointed me as a collector of Sadaqa. When I had finished that (the task assigned to me) and I handed over that to him (to ‘Umar), he commanded me to (accept) some remuneration (for the work). I said: I performed this duty for Allah and my reward is with Allah. He said: Take whatever has been given to you, for I also performed this duty

(1) See: “*Tafsîr Al-Qurtubî*”, [8: 177].

(2) *The source of the hadîth has been stated earlier. (P. ++)*

(3) “*Ahkâm Al-Qur’ân*” by Ibn `Arabî, [2: 524].

during the time of the Messenger of Allah (peace and blessings of Allah upon him). He assigned me the task of a collector and I said as you say, and the Messenger of Allah (peace and blessings of Allah upon him) said to me: “When you are given anything without your begging for it, (then accept it), eat it and give it in charity.”⁽¹⁾

Evidential aspect: `Umar, may Allah be pleased with him, allocated a wage to Ibn Al-Sa`idi, and this wage represents compensation for his work. This indicates that he is receiving it as remuneration for his service to the Muslims.⁽²⁾

Al-Shawkânî states: “The hadîth serves as evidence that the *Zakâh* worker’s labor is the reason for their entitlement to a wage, just as poverty and need are reasons for entitlement. If work is the cause, then, according to the principles of Sharî‘ah, what is received in return is considered a wage.”⁽³⁾

- 4- The consensus among Muslims is that *Zakâh* workers are given from *Zakâh* even if they are wealthy, and this is only because it is considered a wage or compensation.⁽⁴⁾

Al-Kasânî states: “What the worker deserves, they deserve by way of employment, not by way of charity, as evidenced by the fact that they are given even if they are wealthy, according to consensus. If it were charity, it would not be permissible for the wealthy to receive it.”⁽⁵⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- Scholars agree that *Zakâh* workers are given from *Zakâh* in proportion to the wages for their work⁽⁶⁾, and consensus has been reported on

(1) *Related by Muslim*, [2: 723], Number (1045).

(2) “*Sharh An-Nawawî ‘alâ Muslim*”, [7: 137].

(3) “*Nail Al-Awtâr*”, [4: 195].

(4) See: “*At-Tamhîd Limâ Fî Mawti’ min Al-Ma`nâ wa Al-Asânîd*”, [5: 101]; “*Kishâf Al-Qinâ’ An Matn Al-‘Iqnâ’*”, [2: 275].

(5) “*Badâ’i’ As-Sanâ’i’*”, [2: 44].

(6) See: “*Tafsîr At-Tabarî*”, [11: 517-518]; “*Fath Al-Qadîr*” by Al-Kamâl bin Al-Humâm, [2: 16]; “*Manh Al-Jalîl Sharh Mukhtasar khalîl*”, [2: 87]; “*Al-‘Um*”, [2: 92]; “*Al-Mughnî*”, [6: 425-426].

The Hanafi school restricted it so that it does not exceed half of what they collected. See: “*Kanz Al-‘Ummâl Sharh Matn Ad-Daqâ’iq*”, (P. 74) Malik held that determining his wage is left to the discretion of the imam. See: “*Al-‘Istidgâr*”, [3: 211].

The Shafi’is and Hanbalis stated that they should be given the customary wage. See: “*Al-Muhad-*

this.⁽¹⁾ However, they differed on the issue of what to do if the workers' wages exceed one-eighth of the *Zakâh*. The Shâfi'î school holds that the excess should be taken from the public interest fund⁽²⁾, based on their opinion that all *Zakâh* categories must be included. On the other hand, the majority opinion is that they should be given their full wages from *Zakâh*, even if it exceeds one-eighth.

"This is because the *Zakâh* worker has dedicated himself to serving the interests of the poor, so his needs, as well as the needs of his assistants, are to be covered from their funds—just as a woman, when she dedicates herself to her husband's rights, has her expenses and those of her servants covered by her husband. The payment is not restricted to a specific amount but is determined based on what is sufficient, whether it is equivalent to one-eighth or more, similar to the salary of a judge."⁽³⁾

- 2- There is consensus among scholars that *Zakâh* workers are given from the "workers' share" of *Zakâh*, even if they are wealthy⁽⁴⁾, because they receive it as compensation and wages, not out of need. Al-Shâfi'î says: "The *Zakâh* worker receives from charity according to what suffices him, no more, and if the worker is well-off, he still receives it in the sense of a wage."⁽⁵⁾ Al-Sarakhsî adds: **"Since they have dedicated themselves to working for the benefit of the poor, their needs are covered from their funds, and this is why they receive it even if they are wealthy."**⁽⁶⁾

hab Fi Fiqh Al-Imam Ash-Shafi'î, [1: 309]; *"Sharh Muntahâ Al-'Tradât"*, [1: 455].

The Shafi'is restricted it so that their wages do not exceed one-eighth, based on their view that the distribution among the recipients must be comprehensive. See: *"Al-Bayân Fi Madhhab Al-'Imâm Ash-Shafi'î"*, [3: 406].

- (1) See: *"Al-Istizkâr"*, Ibn Abdul Barr said: "The scholars have unanimously agreed that the worker [collecting zakat] does not deserve its full value, but rather is entitled to an amount corresponding to his labor, which indicates that it is not divided equally among the categories." Ibn Rushd, in *"Bidâyat Al-Mujtahid Wa Nihâyat Al-Maqsid"*, said: "As for the worker [on zakat], there is no disagreement among the jurists that he only takes according to the extent of his work."

(2) ⁷ See: *"Al-Bayân Fi Madhhab Al-'Imâm Ash-Shafi'î"*, [3: 406].

(3) *"Tafsîr Al-Qirtubî"*, [8: 177]

(4) See: *"At-Tamhîd Limâ Fi Mawti' min Al-Ma'nâ wa Al-Asânîd"*, [5: 101], *"Kashâf Al-Qinâ'an Matn Al-'Iqnâ'"*, [2: 275].

(5) *"Al-'Um"*, [2: 92].

(6) *"Al-Mabsûr"*, [3: 9].

- 3- Since what is given to the *Zakâh* worker is considered a wage, the imam (leader) has the option to either: Hire the worker under a valid contract with a specified wage, based on a known task or a defined period or assign the worker a set compensation (a reward) for completing the task, and if the worker accomplishes it, they are entitled to that reward.

Alternatively, the imam may send the worker without specifying the wage beforehand, and then pay them afterward. ⁽¹⁾

- 4- Permitting *Zakâh* workers to be from the Hashemite or Muttalib tribes, according to the view of Malik⁽²⁾ and one opinion of the Shafi'i school⁽³⁾, is based on the idea that what they receive from *Zakâh* is considered a wage. Al-Nawawi states: "There are two well-known views on this, based on whether what the worker receives is a wage or charity... If we say it is a wage, it is permissible." ⁽⁴⁾⁸, "Because the worker is hired for a permissible task, the Hashimite and others should be equal in this regard, similar to other trades." ⁽⁵⁾⁹
- 5- Priority in Distribution: *Zakâh* workers are given priority in distributing *Zakâh* because they receive it as compensation, whereas others receive it as a form of support. ⁽⁶⁾¹⁰
- 6- Non-Muslim Workers: According to some scholars, like Abû Al-Khatṭab, it is not a condition for the worker to be Muslim, as it is a wage for their work. Thus, a non-Muslim can be employed to collect *Zakâh* or taxes, like the collection of land taxes (*Al-Kharâj*). ⁽⁷⁾¹¹
- 7- **Permissibility of the *Zakâh* worker receiving *Zakâh* if they are poor:** A *Zakâh* worker may receive *Zakâh* under both the categories of poverty and labor if their wage does not suffice. They receive a share for their work as a wage, and another share from the portion for the poor as a form of financial aid due to their need. ⁽⁸⁾

(1) See: "Ash-Sharh Al-Kabîr 'Alâ Al-Maḡna'", [7: 226]; "Al-Bayân Fi Madhhab Al-'Imâm Ash-Shafi'î", [3: 392].

(2) See: "Tafsîr Al-Qurtubî", [8: 178]. (3) "Al-Hâwî Al-Kabîr", [8: 497].

(4) ⁸ "Al-Majmû' Sharh Al-Madhhab, [6: 168].

(5) ⁹ "Tafsîr Al-Qurtubî", [8: 178].

(6) ¹⁰ See: "Al-Majmû' Sharh Al-Madhhab, [6: 187].

(7) ¹¹ See: "Al-Mughnî", [6: 473].

(8) See: "Manh Al-Jalîl fî Sharh Mukhtasar khalîl", [2: 87].

- 8- Scholars' reasoning: Scholars have used the fact that *Zakâh* workers receive from *Zakâh* as evidence that those performing communal obligations (*Fard Kifâyah*), such as leading prayers (*Imâmah*) or similar roles, may take compensation for their services. ⁽¹⁾
- 9- The *Zakâh* worker's entitlement to compensation without a prior agreement: A *Zakâh* worker is entitled to compensation for their work without the need for a specific contract. Ibn Rajab mentions that one form of entitlement to compensation without prior agreement is "performing a task that benefits the Muslims and fulfills their general interests." He exemplifies this with "the *Zakâh* worker, who earns a wage for their work by virtue of Islamic law." ⁽²⁾
- 10- This category (*Zakâh* workers) includes anyone whose role fits the description of working with *Zakâh*. Some examples in the modern era are⁽³⁾:
 - Paying *Zakâh* workers from the workers' share for employees in *Zakâh* institutions who do not receive a salary from the public treasury. Their work must be essential for collecting and distributing *Zakâh*, whether directly (in collection and distribution) or in supportive roles, such as accountants, Sharî'ah researchers, administrators, and others whose tasks are necessary for fulfilling the duties of *Zakâh* workers, even if their number is large.
 - Paying *Zakâh* workers from the workers' share for those managing the investment of *Zakâh* funds, for those who consider it permissible to invest *Zakâh*. The description of *Zakâh* workers includes those overseeing the investment of *Zakâh* funds, as the broad meaning of the term applies to them due to their role in growing *Zakâh* funds. The benefit of investing *Zakâh* is as valuable as the tasks mentioned by scholars of Islamic jurisprudence, if essential conditions are met, such as ensuring the safety of the investments and the absence of urgent needs that prevent investment. In fact, investing *Zakâh* funds may help preserve and grow them, benefiting a larger number of recipients, more so than in other roles of *Zakâh* workers.

(1) "Ahkâm Al-Qur'ân" by Ibn 'Arabî, [2: 524].

(2) "Al-Qawâ'id" by Ibn Rajab, [2: 65].

(3) See: "Nawâzil Az-Zakat", (P. 318)

Topic (6): Objective of Shari'ah in the Category of Those Whose Hearts Are to Be Reconciled: Honoring Islam, Encouraging it, and Affirming It⁽¹⁾

Objective Explanation:

Definition of (The Reconciled) in Language: The term "AL-Mo'lafah" is derived from the root "Alifa" (to bring together):

We say (alif), which means "to bring together" or "to unite." It encompasses several meanings, including attachment, connection, gathering, and familiarity. The latter meaning is the one intended in this context. You say, "Aliftu Shai'ân" (I became familiar with something) or "Aliftu Folânan" (I became familiar with someone) when you feel at ease or comfortable with them.⁽²⁾

The Shari'ah Meaning Does Not Differ from the Linguistic Meaning as "The Reconciled" refers to reconciling their hearts by giving them from *Zakâh*. This is to foster their comfort and ease so they may remain steadfast in Islam, motivated by the financial support they receive.⁽³⁾

As for defining them as a category within the beneficiaries of *Zakâh*, they were individuals who were being reconciled to Islam during the time of the Prophet Muhammad (peace and blessings of Allah be upon him) to encourage them or others to embrace Islam, to strengthen their faith, or to honor Islam and defend it against harm by means of reconciliation and encouragement.

At-Tabari states: "As for the 'The Reconciled' they are individuals who were reconciled to Islam, including those whose support cannot be relied upon, aiming to improve themselves and their clans."⁽⁴⁾

(1) See: "Al-'amwâl" by Abi 'ibid, (P. 721), "Tafsîr At-Tabarî", [14: 316]; "Ahkâm Al-Qur'ân" by Aj-Jassâs, [3: 159]; "Al-Hâwî Al-Kabîr", [8: 501]; "Al-Muntaqa Sharh Al-Mawta", [2: 153]; "Tafsîr Al-Baghwi", [2:361]; "Ikmal Al-Mu'alim Bi Fawâ'id Muslim", [3: 569]; "Badâ'i' As-Sanâ'i", [2: 45]; "Al-Bayân Fi Madhhab Al-'Imâm Ash-Shafi'i", [3: 417]; "Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasad", [2: 37]; "Al-Mughni", [2: 497], "Tafsîr Al-Qurtubi", [8: 178-181]; Sharh Al-Nawawi 'Ala Muslim", [2: 180-182]; "Ihkâm Al-Ahkâm Sharh 'amadit Al-Ahkâm", [1: 384]; "Zâd Al-Ma'âd Fi Hudâ Khair Al-'Ibâd", [3: 424-425]; "Al-'Inâyah Sharh Al-Hidâyah", [2: 260]; "Fath Al-Bârî" by Ibn Hajar, [8: 48-49]; "'Umdat Al-Qarî", [1: 195]; "Sharh Mukhtasar khalîl" by Al-Khurashy, [2: 217]; "Ash-Sharh Al-Kabîr" by Ad-Dardîr, [1:495]; "Hâshiyat As-Sâwî 'Alâ Ash-Sharh As-Saghîr", [6: 660].

(2) See: Entry (Alifa) in "Lisân Al-'Arab", [8: 9-11].

(3) See: The previous reference and "At-Tahrîr Wa At-Tanwîr", [10: 236].

(4) "Tafsîr At-Tabarî", [14: 312].

Al-Mâwardî mentions: "They are individuals whom the Messenger of Allah (peace and blessings of Allah be upon him) reconciled with gifts." ⁽¹⁾

Al-Bâjî states: "They are people who have a promise of wealth and capability, who accepted Islam but whose hearts have not yet been fully inclined toward it." ⁽²⁾⁶

Shams Ad-Dîn Ibn Qudâmah says: "They are the leaders respected in their clans, whose conversion to Islam is hoped for, or whose harm is feared, or whose support may strengthen their faith or encourage similar conversions, or those involved in collecting *Zakâh* from those who do not give it or defending the Muslims." ⁽³⁾⁷

Despite the differences in the definitions mentioned regarding some details, we can discern from them the general purpose they all agree on, which is to give to those whose hearts cannot be inclined toward Islam without such giving. Hearts are often inclined to love those who treat them kindly, and the legislation of giving to reconcile hearts fits within the broader context of many Islamic laws that encourage kindness to adversaries and enemies. In this way, hearts are opened through goodwill, just as minds are opened through reason and proof.

Al-Qurtubî, quoting some later scholars, states: "There is a difference of opinion regarding their description. It is said that they are a category of disbelievers who are given to encourage them toward Islam. They would not convert through coercion and the sword but rather through giving and kindness, it is also said that they are people who have outwardly embraced Islam but whose hearts are not yet firm in faith, and they are given support to help solidify Islam in their hearts, another view is that they are prominent figures among the polytheists who have followers, and they are given to encourage their followers to accept Islam, and he said: These views are closely related, and the objective in all of them is to give to those whose true conversion to Islam cannot occur without such giving, making it a form of jihâd. The polytheists can be categorized into three groups: one that can be persuaded by presenting evidence, another through coercion, and a third through kindness, the leader concerned with the welfare of the Muslims should employ whatever

(1) "*Tafsîr Al-Mawirdî*", [2: 375]

(2) ⁶ "*Al-Muntaqa Sharh Al-Mawta*", [2: 153]

(3) ⁷ "*Ash-Sharh Al-Kabîr 'Alâ Al-Maqna`*", [7: 231].

means he sees fit for their salvation and to free them from disbelief.”⁽¹⁾

Thus, Islam has allocated a portion of *Zakâh* for the purpose of reconciling hearts, which is one of many ways that Islam addresses hardened and unyielding hearts.”

The Reconciled are of two types: Muslims and polytheists.

As for the Muslims, they are of two categories:

The first category: Those whose intentions in Islam were weak, so they were given gifts to strengthen their resolve, such as ‘Uqbah bin Zayd, Abû Sufyân bin Harb, Al-Aqra’ bin Hâbis, and Al-‘Abbas bin Mirdâs.

The second category: Those who had good intentions in Islam but were given gifts to reconcile their tribes from the polytheists; for example, ‘Udai bin Hâtîm.

As for the polytheists, they are of two categories:

The first category: Those who intended to harm the Muslims and were given gifts to prevent their harm; for example, ‘Âmir bin Al-Tufayl.

The second category: Those who were inclined towards Islam and were given gifts so they would believe, such as Safwân bin Umayyah.⁽²⁾

The intended meanings, in general, for giving to The Reconciled are three:

- To honor and support Islam, strengthen its power, increase its followers, and ward off harm that has occurred or is expected to occur to Islam or its people.
- To encourage the beneficiary or others influenced by wealth to embrace Islam, thus winning their hearts to Islam and saving their souls from the fire.
- To stabilize someone in Islam who has not yet firmly established it in their heart or is feared to be at risk of apostasy.”

These objectives have clearly been observed in both the Qur’an and the Sunnah, both in word and in practice⁽³⁾, as stated by scholars.

(1) “*Tafsîr Al-Qurtubî*”, [8: 178-179]

(2) “*Tafsîr Al-Mawirdî*”, [2: 375-376]

(3) *The explanation will be provided in the pieces of evidence.*

Al-Jassâs says: "They were people whose hearts were reconciled to Islam by what they

received from charity, and they were reconciled in three ways:

Firstly: To the disbelievers, in order to ward off their harm and prevent their hostility towards Muslims, and to seek their assistance against other polytheists.

Secondly: To attract their hearts and the hearts of others among the disbelievers towards entering Islam, and to ensure they do not prevent those from their people who have accepted Islam from remaining firm in their faith, and other similar matters.

Thirdly: To give to a group of Muslims who were newly converted from disbelief, so that they do not return to disbelief." ⁽¹⁾

Al-Baji says: "In my view, it is possible that faith had taken root in their hearts, but obedience to its rulings had not yet fully settled in their souls, so the Prophet (peace and blessings of Allah be upon him) reconciled them with gifts, endeared faith to them, and thus warded off their harm." ⁽²⁾ Similar views are mentioned by Al-Kasânî ⁽³⁾ and Ala' Al-Din Al-Bukhârî ⁽⁴⁾.

Due to the immense benefit derived from this category of expenditure, the wisdom of the Prophet (peace and blessings of Allah be upon him) required that he prioritize those whose hearts were to be reconciled—those in whom faith had not yet fully taken root—by giving them a portion of the spoils before those who had precedence among the Muhâjireen (immigrants) and Ansâr. This was because of what remained in them of human nature, which still harbored a love for wealth. He distributed it to calm their hearts and unite them in love for him, as human nature is inclined to love those who do good to them. Meanwhile, he withheld from the fighters among the prominent Muhâjireen and the leaders of the Ansâr, despite their clear entitlement to all of it, because had he distributed it among them, it would have been confined to them alone. In contrast, by distributing it among the leaders of the tribes and clans whose hearts were to be reconciled, he would win over the hearts of their

(1) "Ahkâm Al-Qur'ân" by Aj-Jassâs, [3: 159]

(2) "Al-Muntaqa Sharh Al-Mawta", [2: 153]

(3) See: "Badâ'i' As-Sanâ'i", [2:45].

(4) See: "Kashf Al-Asrâr Sharh 'Usûl Al-Bizdawî", [3: 167].

followers, who would be pleased if their leaders were pleased and angered if they were angered. Thus, when these leaders accepted Islam, none of their people would remain behind. Since this giving was a cause for their entering Islam and for strengthening the hearts of those who had already entered it, prioritizing them in the distribution held great benefit in strengthening Islam, its power, and its people. How great indeed was the impact of this giving and how beneficial it was for Islam and its followers ⁽¹⁾

Objective Evidence:

- 1- Allah, The Exalted, says: *“Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”*⁽²⁾7

Evidential aspect: In Allah's words, *“and for bringing hearts together [for Islam]”*, there is a clear explanation and definition of their entitlement to Zakâh, which is the act of reconciliation. This means fostering familiarity and comfort, encouraging them toward Islam, solidifying their faith, supporting the religion, and honoring it. Mujahid said: “They are reconciled through gifts.”⁽³⁾

Ibn `âshur states: “They are those whose hearts are reconciled, meaning those whose souls are brought closer to Islam-whether they are new converts or those inclined to accept Islam because they are on the verge of embracing it.”

Reconciliation refers to creating familiarity and comfort, and the word “hearts” here means “souls.” The use of the term “heart” to signify the center of belief and understanding is common in the Arabic language.⁽⁴⁾

- 2- The Prophet (peace and blessings of Allah be upon him) said, *“I give to Quraish people in order to let them adhere to Islam, for they are near to their life of Ignorance (i.e. they have newly embraced Islam and it is still not strong in their hearts.”*⁽⁵⁾ And in a narration by Muslim: *“I give*

(1) “Zâd Al-Ma`âd Fi Hudâ Khair Al-`Ibâd”, [3: 424-425]; and See: “Fath Al-Bârî”, [8: 49].

(2) 7 [At-Tawbah: 60]

(3) Al-Bukharî mentioned it in his : “Sahîh”, [7: 67]

(4) “At-Tahrîr Wa At-Tanwîr”, [10: 236].

(5) Agreed upon; Related by Al-Bukhârî, [4:93], No. (3146), and Muslim, [2: 733], No. (1059) and they are both from the Hadîth of Anas (may Allah be please with him).

(at times material gifts) to persons who were quite recently in the state of unbelief, so that I may incline them to truth”⁽¹⁾

- 3- Abû Sa`id: Something was sent to the Prophet (peace and blessings of Allah be upon him) and he distributed it amongst four (men) and said, “I want to attract their hearts, (to Islam thereby),” A man said (to the Prophet (peace and blessings of Allah be upon him) “You have not done justice.” Thereupon the Prophet (peace and blessings of Allah be upon him) said, “There will emerge from the offspring of this (man) some people who will renounce the religion.”⁽²⁾

Evidential aspect: The Prophet’s (peace and blessings of Allah be upon him) statement, “I want to attract their hearts” came in the context of explaining the reason for giving to this group, which is to seek their familiarity and comfort. He then clarified the wisdom behind this by saying, “for they are near to their life of Ignorance,” indicating that the purpose of giving to them is to create a sense of familiarity and comfort in their hearts, thus strengthening them in their faith ⁽³⁾.

- 4- Narrated Sa`d (may Allah be pleased with him): Allah’s Messenger (peace and blessings of Allah be upon him) distributed (*Zakâh*) amongst (a group of) people while Sa`d was sitting there but Allah’s Messenger (peace and blessings of Allah be upon him) left a man whom I (Sa`d) thought the best of the lot. I asked, “O Allah’s Messenger (Peace Be Upon Him)! Why have you left that person? By Allah I regard him as a faithful believer.” The Prophet (peace and blessings of Allah be upon him) commented: **“Or merely a Muslim.”** I remained quiet for a while, but could not help repeating my question because of what I knew about him. And then asked Allah’s Messenger (Peace Be Upon Him), “Why have you left so and so? By Allah! He is a faithful believer.” The Prophet (peace and blessings of Allah be upon him) again said, **“Or merely a Muslim.”** And I could not help repeating my question because of what I knew about him. Then the Prophet (peace and blessings of Allah be upon him) said, **“O Sa`d! I give to a person while another is dearer to me, for fear that**

(1) *Agreed upon; Related by Al-Bukhârî, [5: 401], No. (4313), and Muslim, [2: 733], No. (1059) and they are both from the Hadîth of Anas (may Allah be please with him).*

(2) *Related by Al-Bukharî, [6: 67] No. (4667).*

(3) *See: “Fath Al-Bârî” by Ibn Hajar*

he might be thrown on his face in the Fire by Allah.” And in a narration by Muslim: ***“for apprehension that he might be thrown on his face in the Fire by Allah.”*** ⁽¹⁾⁷

Evidential aspect: The hadîth explains the wisdom behind giving to those whose hearts are to be reconciled, which is to bring comfort to their hearts and prevent them from reverting to disbelief if they are not given. This is out of fear that Allah might cast them into the fire. The statement, ***“while another is dearer to me,”*** means that the Prophet (peace and blessings of Allah be upon him) would give to someone whose faith was weak and who was at risk of falling into disbelief, while leaving out someone more beloved to him due to their heart’s tranquility and firmness in faith. ⁽²⁾

AL-Qâdi `Iyâd says: (***“for fear that he might be thrown on his face in the Fire by Allah.”*** -this refers either to the possibility that the person might insult or criticize the Prophet (peace and blessings of Allah be upon him) or imagine that he did not give to him, thus leading him to disbelief; or because through the giving, the Prophet would reconcile the person until faith became firmly rooted in his heart and his certainty solidified, saving him from the fire. Similarly, the statement: ***“I give (at times material gifts) to persons who were quite recently in the state of unbelief, so that I may incline them to truth”*** ⁽³⁾)

Al-`Aynî says: “The meaning is: I give to someone whose faith is weak because I fear that if I do not give to him, he may develop beliefs that lead to disbelief, and Allah would cast him into the fire. It is as though he referred to the group of The Reconciled or to those who, if denied, might accuse the Prophet (peace and blessings of Allah be upon him) of being stingy. As for those with strong faith, they are more beloved to him, and he entrusts them to their faith, not fearing their apostasy, misbelief, or harm from what they receive from this world. The essence is that the Prophet (peace and blessings of Allah be upon him) would generously give to those who openly accepted Islam to win their hearts. When he gave to a group from The Reconciled and left out Ju`ayl, who was from the Muhâjireen, despite both asking for it, Sa`d (may Allah be pleased with him) spoke to the Prophet regarding this, as he saw Ju`ayl

(1) ⁷ Agreed upon; Related by Al-Bukhârî, [1:14], No. (27), and Muslim, [1: 132], No. (150), and the wording is his.

(2) See: Sharh Al-Nawawî ‘Ala Muslim”, [2: 182,180].

(3) “Ikml Al-Mu`alim Bi Fawâ'id Muslim”, [3: 569].

more deserving. He raised the matter more than once, to which the Prophet (peace and blessings of Allah be upon him) responded with two points. One of them: He explained the wisdom of giving to those from The Reconciled while withholding from Ju'ayl, even though Ju'ayl was more beloved to him than those he gave to. This was because had he not given to The Reconciled there was the risk of their apostasy, leading them to be thrown into the fire.”⁽¹⁾

The cited hadiths, even though some pertain to the distribution of war booty (fay'), what matters in this context is clarifying the purpose of the giving, which is the same in both cases. **If the Prophetic texts explicitly state that the goal of giving to 'those whose hearts are to be reconciled' from the war booty is to win over their hearts and save them from the fire, then the giving of Zakâh does not differ from this meaning.**

- 5- Ibn Anas (may Allah be pleased with him) reported that It never happened that Allah's Messenger (peace and blessings of Allah be upon him) was asked anything for the sake of Islam and he did not give that, he said: There came to him a person and he gave him a large flock (of sheep and goats) and he went back to his people and said: **“My people, embrace Islam, for Muhammad gives so much charity as if he has no fear of want”**⁽²⁾⁴.

Evidential aspect: This indicates the giving of charity sheep to those whose hearts are to be reconciled, and the impact of such giving on their hearts, as well as the strengthening and spreading of Islam. This shows that the purpose of giving to them is to win over their hearts and encourage them toward Islam.

- 6- Ibn Shihâb reported: “Allah's Messenger (peace and blessings of Allah be upon him) went on the expedition of Victory, i.e. the Victory of Mecca, and then he went out along with the Muslims and they fought at Hunain, and Allah granted victory to his religion and to the Muslims, and Allah's Messenger (peace and blessings of Allah be upon him) gave one hundred camels to Safwân Ibn 'Umayyah. He again gave

(1) “*Amadit Al-Qâri*”, [1: 569].

(2) ⁴ Related by Muslim, [4: 1806] No. (2312); and related by Ahmed, [19: 107] No. (12051) And it includes an additional phrase: “as he wished for charity”* (referring to an addition in one of the narrations). Al-Arna'ût said: Its chain of narration is authentic according to the criteria of Al-Bukhari and Muslim.

him one hundred camels, and then again gave him one hundred camels. Sa`id Ibn Musayyib said that Safwân told him: **(By Allah) Allah's Messenger (peace and blessings of Allah be upon him) gave me what he gave me (and my state of mind at that time was) that he was the most detested person amongst people in my eyes. But he continued giving to me until now he is the dearest of people to me.**" ⁽¹⁾

Evidential aspect: The hadîth indicates how the Prophet (peace and blessings of Allah be upon him) reconciled the heart of Safwân, and the effect of this reconciliation on his heart. This shows that the purpose of giving to those whose hearts are to be reconciled through *Zakâh* is to bring comfort to their hearts, replacing hatred with love for the religion and its laws. Although the hadîth refers to the distribution of spoils, *Zakâh* falls under this by analogy. ⁽²⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- Scholars have differed regarding the purpose of this share: Is the reconciliation meant to support and honor the religion, or is it intended to save the beneficiary from the fire and strengthen their faith?

Both meanings have implications for the rulings regarding this share.

The implication of the first view-supporting and honoring the religion-is that the share would be dropped once the need for reconciliation has ceased, as the need for support would no longer exist.

The implication of the second view-saving the beneficiary from the fire-is that the share should remain, providing assistance to those who need their faith strengthened or their hearts reconciled.

Therefore, Al-Sawi says: "Khalil stated: The ruling remains in effect, meaning it has not been abrogated, because the purpose of giving it to him is to encourage his acceptance of Islam in order to save his soul from the fire, not merely to assist us so that it becomes obsolete with the spread of Islam." ⁽³⁾ Some say: It has been abrogated, based on the premise that the rationale was to assist them, and we have become self-sufficient due to the strength of Islam." ⁽³⁾³

Thus, the first view is based on the idea that the purpose of giving it to him is

(1) *Related by Muslim*, [4: 1806] No. (2313)

(2) See: "*Ihkâm Al-Ahkâm Sharh 'amadi Al-Ahkâm*", [1: 384].

(3) ³ "*Hâshiyat As-Sâwî 'Alâ Ash-Sharh As-Saghîr*", [6: 660].

to encourage him towards Islam to save his soul from the fire, while the second view is based on the idea that the purpose is to encourage him toward Islam to assist us. ⁽¹⁾⁴

Furthermore, for those who uphold the first view—that the share remains—the basis for giving is the need of the religion. Thus, whenever the religion requires assistance, they would be given from this share. However, according to the second view, the basis for giving is the reconciliation of hearts and encouraging them to enter the faith and submit to obedience.

In this regard, Al-Kharashî states: “Consider whether the intended need is for their entry into Islam to save them from disbelief or to assist them in our endeavors. According to the second view, they would only be given if their assistance was needed for service; whereas, according to the first view, they would be given if it is known that the recipient’s heart can be reconciled to Islam through the act of giving” ⁽²⁾

Therefore, scholars have differed on whether this share remains or not, based on their disagreement regarding its intended purpose, leading to two opinions.

The first opinion: The purpose is to encourage them towards Islam and honor the religion: thus, both meanings are intended, and the share remains until the Day of Judgment. It is permissible to give to those whose hearts are to be reconciled, whether they are Muslims or disbelievers. This view is held by the Malikis ⁽³⁾ and is the position of the Hanbalis ⁽⁴⁾, as well as by Al-’Imâm Abû ’Ubaid ⁽⁵⁾, and it is the choice of Shaikh Al-Islam Ibn Taymiyyah ⁽⁶⁾.

They supported their argument with the verse of Allah, {*and for bringing*

(1) ⁴ “*Ash-Sharh Al-Kabîr*” by Ad-Dardîr, [1: 495].

(2) “*Sharh Mukhtasar khalîl*” by Al-Khurâshî, [2: 217].

(3) See: “*At-Tâj wa Al-Iklîl*” in *Mukhtasar khalîl*, [3: 231], Al-Sâwî says: “*Khalîl stated, ‘and its ruling remains in effect,’ meaning it has not been abrogated, because the purpose of giving it to him is to encourage him towards Islam in order to save his soul from the fire, not to aid him so that it becomes unnecessary with the spread of Islam.*”

“*Hâshiyat As-Sâwî ‘Alâ Ash-Sharh As-Saghîr*” = by “*Lughat As-Sâlik Li Aqrab Al-Masâlik*”, [1: 660].

(4) See: “*Al-’Insâf fi Ma’rifat al-Râjih min Al-Khilâf*”, [7: 232].

(5) “*Al-’amwâl*” by Abi ’ibîd, (P. 721).

(6) See: “*Majmû’ Fatawa Shaikh Al-Islam*”, [33: 94].

hearts together [for Islam]”} stating that there is nothing to abrogate or annul this ruling since the verse is from Surat At-Tawbah, which is among the last revelations, and there is no evidence of abrogation ⁽¹⁾. They also argued that the generality of the verse applies to both Muslims and disbelievers. ⁽²⁾

Additionally, they argued for an expansive rationale, stating that there is no evidence limiting the purpose of reconciling hearts solely to the honoring of the religion. Rather, there are various reasons for reconciling to Islam, such as saving the reconciled and others from the fire through their conversion if they are disbelievers, and ensuring their steadfastness if they are Muslims. As the Prophet (peace and blessings of Allah be upon him) said: **“I give to a person while another is dearer to me, for fear that he might be thrown on his face in the Fire by Allah.”** ⁽³⁾⁸ This applies during both the weakness and strength of the Muslims ⁽⁴⁾⁹ and limiting it to the assistance of Islam is arbitrary.

They argued for the permissibility of giving to both Muslims and disbelievers by citing that the Prophet (peace and blessings of Allah be upon him) gave to those whose hearts were to be reconciled, whether they were disbelievers or Muslims. Even if it is claimed that this was from the war booty, this does not apply to all the souls mentioned in this context. Some texts indicate that they were also given from *Zakâh*, as in the hadîth of Anas Ibn Mâlik (may Allah be pleased with him), who reported that It never happened that Allah’s Messenger (peace and blessings of Allah be upon him) was asked anything for the sake of Islam and he did not give that, he said: There came to him a person and he gave him a large flock (of sheep and goats) and he went back to his people and said: **“My people, embrace Islam, for Muhammad gives so much charity as if he has no fear of want”** ⁽⁵⁾ Furthermore, the reasoning for *Zakâh* can be compared to the texts regarding war booty. In the explanation of Ibn Abbas regarding Allah’s statement, {**“and for bringing hearts together [for Islam]”**} ⁽⁶⁾ he said: “They are people who would come to the Messenger of Allah (peace and blessings of Allah be upon him) after converting to Islam, and the Messenger of Allah (peace and blessings of Allah be upon him) would

(1) See: “Al-Mughnî”, [2: 496].

(2) See the previous reference.

(3) ⁸ Related by Al-Bukhârî, No. (1478), and Muslim, [1: 132], No. (150).

(4) ⁹ See: “Hâshiyat As-Sâwî ‘Alâ Ash-Sharh As-Saghîr”

(5) The source of the hadîth has been stated earlier. (P. ++).

(6) [At-Tawbah: 60].

distribute to them from the charities. If they received good from it, they would say: 'This is a good religion.' But if they received something less favorable, they would criticize it and abandon it." ⁽¹⁾

Additionally, some texts, such as the saying of the Prophet (peace be upon him): *"I give to Quraish people in order to let them adhere to Islam, for they are near to their life of Ignorance"* ⁽²⁾ do not specify the source of the giving, leaving it open to the possibility that it could be from *Zakâh* or other sources. The likelihood that it is from *Zakâh* is strengthened by the generality of the text regarding charity, which is one of the clearest texts indicating the legitimacy of giving to those whose hearts are to be reconciled from *Zakâh*, whether they are Muslims or disbelievers. ⁽³⁾

Some Malikis ⁽⁴⁾, which is also the position of the Shafi'is ⁽⁵⁾, have specified that giving is permissible only to Muslims.

They argued that *Zakâh* is a right of Muslims and that non-believers have no claim to it⁽⁶⁾. **This argument is challenged** as it relies on the disputed point, and this is accepted for those other than those whose hearts are to be reconciled. However, for them, it is not accepted, as the general wording does not limit it with evidence or reasoning. In fact, the reasoning supports the inclusion of both Muslims and disbelievers, as the evident purpose of reconciliation is to seek assistance and save those reconciled from the fire, which applies to both. There is no possibility of directing these funds to them from any other source.

Supporting this is the Sunnah, as shown in the earlier hadîth of Anas, about the Messenger of Allah (peace be upon him): There came to him a person and he gave him a large flock (of sheep and goats) hadith. ^{(7)9 (8)10}

The second opinion is that the purpose of giving to those whose hearts are to be reconciled is to honor and support Islam. Since the need for this has

(1) Reported by Ibn Jarîr with his chain of transmission in his Tafsir, See: [14: 313].

(2) The source of the hadîth has been stated earlier. (P. ++).

(3) See: *"Al-Mughnî"*, [2: 497].

(4) See: *"Hâshiyat Ad-Disûkî"*, [1: 495].

(5) See: *"Maghnî Al-Muhtâj Ilâ Ma`rifat Ma`ânî Alfâz Al-Minhâj"*, [4: 178].

(6) See: *Al-Majmû` Sharh Al-Mahdhab*, [6: 197].

(7) ⁹ The source of the hadîth has been stated earlier. (P. ++).

(8) ¹⁰ *"Nawâzil Az-Zakat"*, Dr. Al-Ghiflî, (P. 405).

been fulfilled, they should no longer be given from *Zakâh*. This is the view of the Hanafis, who hold that this share has been abrogated ⁽¹⁾. It is also a position within the Shafi'i school, except in cases where an emergency befalls the Muslims, warranting them being given *Zakâh* to address the situation. ⁽²⁾

Alaa al-Din al-Bukhari stated: "Reconciliation to Islam through giving money and preventing harm to Muslims by it was an honor to the religion at that time. But when the strength of Islam increased, giving to them became a humiliation to the religion, not an honor, and thus it ended with the end of its reason." ⁽³⁾

The Hanafis based their opinion on several pieces of evidence, including:

First: The ruling of giving to those whose hearts are to be reconciled has been abrogated ⁽⁴⁾. They differed on what exactly abrogated it. Some said it was abrogated by the consensus of the Companions, as neither Abû Bakr nor `Umar gave to those whose hearts were to be reconciled from the charities, and none of the other Companions objected to this, making it a consensus. ⁽⁵⁾ Others said that the abrogating verse is Allah's statement: *{“The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve.”}* ⁽⁶⁾ which `Umar (may Allah be pleased with him) said to `Uyaynah ibn Hishn, who was among those whose hearts were to be reconciled. `Umar intended by this to stop him from taking from the share allocated to the reconciled. ⁽⁷⁾

They argued: The claim of abrogation is rejected for the following reasons:

- (a) The claim that consensus can abrogate the Qur'an and Sunnah is rejected for several reasons. Firstly, consensus cannot abrogate texts because consensus occurs after the death of the Prophet (Peace Be Upon Him), whereas abrogation only happens during his lifetime.

Shaykh Al-'Islam Ibn Taymiyyah addressed the idea of consensus being a form of abrogation, stating: "It has been reported from some theologians and jurists, such as the Mu'tazilites and some followers of Abû Hanîfah and Mâlik, that they believe consensus can abrogate the texts of the Qur'an and Sunnah.

(1) See: *"Badâ'i' As-Sanâ'i'", [2: 45].*

(2) See: *"Al-'Um", [2: 77].*

(3) *"Kashf Al-Asrâr Sharh 'Usûl Al-Bizdawi", [3: 167]*

(4) See: *"Badâ'i' As-Sanâ'i'", [2: 45].*

(5) The previous reference.

(6) [Al-Kahf: 29]

(7) See: *"Badâ'i' As-Sanâ'i'", [2: 45].*

We initially interpreted their statements as meaning that consensus indicates the presence of an abrogating text. However, I found that some say the consensus itself is the abrogator. If they mean this, it is a view that allows Muslims to change their religion after the Prophet, just as Christians claim that Jesus authorized their scholars to prohibit or permit things based on perceived benefit. But this is not the religion of Muslims, nor did the Companions ever allow this for themselves. Whoever thinks the Companions believed they could do this should be asked to repent, just like anyone holding such misguided beliefs. Whereas a judge or mufti may make a Sharî'ah decision based on their judgment, they may be correct and rewarded with two rewards from Allah, or they may err and receive one reward. However, what the Prophet (peace and blessings of Allah be upon him) legislated with a condition or reason remains in effect when that reason exists, like giving to those whose hearts are to be reconciled, which is established by the Qur'an and Sunnah

Some have mistakenly thought this was abrogated because `Umar (may Allah be pleased with him) mentioned that Allah had enriched the Muslims and quoted the verse: ***“The truth is from your Lord, so whoever wills - let him believe; and whoever wills - let him disbelieve.”***⁽¹⁾ But this assumption is wrong.

`Umar merely stopped giving to those whose hearts were to be reconciled during his time because there was no need, not because it had been abrogated. This is similar to situations where, at times, there may be no travelers in need or debtors, so their allocated shares from *Zakâh* are not given.”⁽²⁾

- (b) The statement means that the decision of Umar (may Allah be pleased with him) and other Companions not to give to those whose hearts are inclined towards Islam after the Prophet (peace and blessings of Allah be upon him) was not due to abrogation of the ruling but because there was no longer a need to win their support during Umar's time. This decision is up to the discretion of the rulers of each era, depending on the circumstances.⁽³⁾ Ibn Qudâmah explains: **“The lack of need for a group**

(1) [Al-Kahf: 29]

(2) “Majmû` Fatawa Shaikh Al-Islam”, [33: 94].

(3) See: “Radd Al-Muhtâr `Alâ Ad-Dur Al-Mukhtâr”, [2: 341]. The scholar `Alâ` Ad-Dîn `Abd Al-`Azîz Al-Ḥanafî says: “The best to say is that this is a confirmation of what was practiced during the time of the Prophet, peace and blessings be upon him, in terms of its meaning. This is because the purpose of giving to them (i.e., the recipients) was to strengthen Islam =

doesn't nullify their entitlement permanently, but rather, their share is withheld when they are not needed. However, whenever the need arises again, the ruling is reinstated, just as with other eligible categories of recipients. If one category ceases to exist at some point, its ruling is temporarily paused until it reappears, likewise here".⁽¹⁾

Second: The reason for giving *Zakâh* to those whose hearts are to be reconciled was not solely due to the weakness of Islam and its followers. This is evident from the fact that the Prophet (peace and blessings of Allah be upon him) continued giving them *Zakâh* even after the Muslims had become strong.⁽²⁾

They argued: restricting the reason for this practice to the weakness of Islam alone is not valid as the Prophet (peace and blessings of Allah be upon him) gave to The Reconciled after the conquest of Mecca. The purpose of winning hearts over to Islam has multiple reasons, not just the one mentioned, with a more significant goal being to save them from the fire, either by bringing non-Muslims into Islam or by strengthening the faith of new Muslims, like when The prophet (Peace be Upon Him): ***"I give to a person while another is dearer to me, for fear that he might be thrown on his face in the Fire by Allah."***⁽³⁾ This broader rationale is supported by scholars, including the Hanafis⁽⁴⁾ and Malikis⁽⁵⁾, who argue that the wisdom behind giving *Zakâh* in this way is not limited to situations of weakness but extends to times of strength as well.

It was also argued that just because a ruling is based on a rationale that no longer seems to apply, this does not mean the ruling itself is negated. A ruling does not necessarily require the continued presence of its underlying rationale to remain valid.⁽⁶⁾

= due to its weakness at that time because of the dominance =of the disbelievers. Strengthening Islam, then, was through giving. When the situation changed with the dominance of the Muslims, the strengthening became through withholding. Thus, giving in that time and withholding in this time are like tools for empowering the religion. Empowering Islam is the objective, and it remains as it was. Therefore, it is not considered abrogation." *"Al- 'Inâyah Sharh Al-Hidâyah"*, [2: 260].

(1) *"Al-Mughnî"*, [2: 497].

(2) See: *"Radd Al-Muhtâr 'Alâ Ad-Dur Al-Mukhtâr"*, [2: 342], *"Al-'Um"*, [2: 93].

(3) ⁶ The source of the hadîth has been stated earlier. (P. ++)

(4) ⁷ *"Ahkâm Al-Qur'ân"* by Aj-Jassâs, [3: 180].

(5) ⁸ See: *"Hâshiyat As-Sâwî 'Alâ Ash-Sharh As-Saghîr"*

(6) See: *"Ad-Dur Al-Mukhtâr"*, [2: 342].

The preferred opinion, and Allah knows best, is the first view, which broadens the purpose of this category of *Zakâh* recipients. The evidence supports the idea that its aim is to save non-Muslim souls from the fire and to strengthen the faith of those with weak belief. Therefore, this category of *Zakâh* will remain in effect until the Day of Judgment, as the need for these objectives will never cease. Just because these needs may appear less pressing in certain periods does not mean they will vanish in all times. In fact, these needs may become more pronounced as time passes, due to the weakening of the Muslim community and the dominance of disbelievers.

Furthermore, the continuation of this category of *Zakâh* is a form of *jihâd* in the way of Allah, as it serves to strengthen and support the religion. This necessitates its persistence and allocation during times of need.

At-Tubarî states: "In my view, the correct understanding is that Allah made charity serve two purposes: **one** is to meet the needs of Muslims, **and the other** is to aid and strengthen Islam. Therefore, what serves to support Islam should be given to both the rich and the poor, as it is not given solely based on the recipient's need, but rather as assistance for the religion. This is similar to what is given to those fighting in the cause of Allah; they receive support whether they are wealthy or poor, not to alleviate their personal needs but for the purpose of *jihâd*. Likewise, the beneficiaries of charity "The Reconciled" should be given assistance, even if they are wealthy, to help reinforce Islam and strengthen its foundations. The Prophet Muhammad (peace and blessings of Allah be upon him) granted aid to those whose hearts were inclined towards Islam even after Allah granted him victories and Islam spread, strengthening its followers. Therefore, there is no valid argument from anyone claiming that today no one can be won over to Islam, as many among the population can still be approached. The Prophet (peace and blessings of Allah be upon him) provided assistance to them in the circumstances described." ⁽¹⁾ This sentiment is echoed by Abî 'Ubayd ⁽²⁾.....

(1) "*Tafsîr At-Tubarî*", [14: 316].

(2) See: "*Al-Amwal by Abû 'Ubayd*", (P. 722), He stated: "If a people are in such a state, having no desire for Islam except for gain, and if their apostasy and warfare against Islam would cause harm due to their prestige and pride, the Imam saw that he should give them from the Zakat. He did this for three reasons: first, adherence to The Qurân and the Sunnah; second, to maintain the unity of the Muslims; and third, because he does not despair of them, as it may be that, with the continuation of Islam, they will come to understand it, =

and Al-Shawkânî ⁽¹⁾.

- 2- Giving a share of the funds for those whose hearts are inclined toward Islam to a non-Muslim can be justified to mitigate risks faced by Muslims. If there are non-Muslims whose strength, status, or other qualities can help protect Muslims from harm, and Muslims are unable to effectively respond to that threat, then it is permissible to provide them assistance. This act serves as support for Islam and acts to avert harm from it. ⁽²⁾
- 3- The allocation of the share for those whose hearts are inclined toward Islam can be directed toward establishing institutions that care for new Muslims. This is particularly relevant for those who are recent converts to Islam and whose faith needs strengthening and support. The third conference on contemporary issues in *Zakâh* emphasized the importance of various areas where this share should be utilized, as it stated: "The establishment of scientific and social institutions to support those who have embraced Islam and the creation of an environment, both morally and materially, that fosters the new Muslim's integration and stability in their faith." ⁽³⁾
- 4- Permitting the allocation of *Zakâh* from the share of "those whose hearts are to be reconciled" to some contemporary scenarios, including:
 - Allocating it to individuals whose conversion to Islam is hoped for, or those who can influence society in favor of the Islamic call, such as heads of states and tribes. This was highlighted in the decision of the third symposium on contemporary *Zakâh* issues, which stated the following: **"Reconciliation of those whose Islam is hoped for, especially influential individuals whose roles are believed to be significant**

= and their desire for it will improve."

- (1) See: "*As-Sayl Aj-Jarrâr*", (P. 252), He stated: "The concept of reconciliation is a fixed principle established by the Qur'ân, where "The Reconciled" is made one of the eight categories (of zakah recipients). This is also supported by the continuous Sunnah. Therefore, if the leader of the Muslims needs to reconcile with those whom he fears may harm Islam and its people, or hopes that their situation will improve, making them allies of Islam and the Muslims, then this is permissible for him."
- (2) See: "*Nawâzil Az-Zakat*", Dr. Al-Ghiflî, (P. 409).
- (3) "*Fatâwî Wa Tawsiyât Nadawât Qadâyâ Az-Zakât Al-Mu`âsirah*", (P.54)

in achieving the well-being of Muslims.”⁽¹⁾ This is because giving to them is a means of saving their souls from hellfire, strengthening the religion, and honoring it.

- Spending on those who have embraced Islam to reconcile the hearts of their peers and similar individuals who have not yet converted. This serves to stabilize those who have converted and invite those who have not.
- Reconciling the hearts of oppressed non-Muslim communities by providing them with support in times of calamities and disasters, so that Muslims can introduce Islam and reconcile hearts towards it.⁽²⁾
- 5- Permitting the allocation from the share of “those whose hearts are to be reconciled” to wrongdoers, with the hope of winning their hearts through financial means, encouraging them towards obedience and stabilizing them in their faith.⁽³⁾

Al-Bâjî states: “One of the meanings of reconciliation is that while faith may have settled in their hearts, obedience to its rulings has not fully taken root. Therefore, the Prophet (peace and blessings of Allah be upon him) would reconcile them through giving and endear faith to them.”⁽⁴⁾

- 6- It is permissible to purchase a Muslim captive with *Zakâh* funds, “as this strengthens the religion, and it is akin to allocating *Zakâh* to those whose hearts are to be reconciled.”⁽⁵⁾
- 7- In distributing *Zakâh*, if there are people whose hearts are to be reconciled, ‘they should be prioritized because saving them from Hellfire and bringing them into Islam, or strengthening them if they have already embraced Islam, is among the best of deeds. This is more important than feeding the poor.’⁽⁶⁾

(1) “*Fatâwî Wa Tawsiyât Nadawât Qadâyâ Az-Zakât Al-Mu`âsirah*”, (P.54)

(2) See: *Research: Reconciling Hearts to Islam with Charity Funds*, by Dr. Omar Al-Ashqar, *Journal of Shari'a and Islamic Studies*, Kuwait University (199/6), 1989.

(3) See: “*Nayl Al-awtâr*”, [4: 198].

(4) “*Al-Muntaqa Sharh Al-Mawta*”, [2: 153].

(5) “*Al-Mughnî*”, [6: 579]

(6) See: “*At-Tabsirah*” by Al-Khammî

**Topic (7): Objective of Sharî'ah in the Category of Freeing Captives:
Liberating Humans from Slavery and Imprisonment ⁽¹⁾**

Objective Explanation:

Linguistic meaning of "Ar-Riqâb" (captives): "Riqâb" is the plural of "raqabah," which refers to the back of the neck. The whole entity is named after this honored part. "Riqab" is often used to refer to slaves, and "freeing a neck" means freeing a person. In this context, "freeing a neck" can also mean releasing a prisoner. ⁽²⁾

According to Islamic Law, its meaning does not differ much from the linguistic one, as "riqâb" refers to slaves.

Ibn Al-Athîr said: "The word 'riqâb' and its derivatives frequently appear in hadiths concerning freeing and liberating slaves. Originally, it refers to the neck, but it is used as a metaphor for the whole person, meaning when someone says 'free a neck,' it means to free a slave, whether male or female." ⁽³⁾⁶

Linguistic meaning of "Tahrir" (liberation): "Tahrir" comes from the root "harara.":

"Al-Hurr" (with dammah diacritic on the 'h') means the opposite of a slave, and its plural forms are "ahrar" and "hurrar.," "Al-Hurrah" refers to a free woman, with the plural being "hara'ir.," "Harrara" means to emancipate, and "al-muharrar" refers to one who has been made free from slavery. The phrase "harra al-abd" means "the slave became free," and "tahrir al-raqabah" specifically refers to the act of freeing a neck, meaning the emancipation of a slave." ⁽⁴⁾⁷

The **Sharî'ah meaning** of "tahrir" (liberation) aligns with its linguistic meaning, which is the emancipation of slaves and the freeing of their "necks." The term "muhammad" refers to someone who has been freed ⁽⁵⁾, as in the verse

(1) See: "Ahkâm Al-Qur'ân" by Ibn 'Arabî, [2: 532], "Tafsîr Al-Qurtubî", [8: 183]; "Adh-Dhakhîrah", [3: 147]; "Ash-Sharh Al-Kabîr 'Alâ Al-Maqna'", [7: 241]; "Tafsîr An-Nisâbûrî", [4: 499]; "Nihâyat Al-Muhtâj 'Îla Sharh Al-Minhâj", [6: 156]; "Tafsîr Al-Manâr", [10: 444]; "At-Tahrîr Wa At-Tanwîr", [18: 219]; "Maqâsid Ash-Sharî'ah Al-'Islâmiah" by Ibn 'Âshûr, [3: 371-385].

(2) See: Entry: (Raqa) in "Lisân Al-'Arab", [1: 428].

(3) ⁶ "An-Nihâyah Fî Gharîb Al-Hadîth Wa Al-Athar", [2: 249]

(4) ⁷ See: Entry: (Harrara) in "Lisân Al-'Arab", [181 - 184].

(5) See: "An-Nihâyah Fî Gharîb Al-Hadîth Wa Al-Athar", [1: 363].

from the Qur'an: **{“And whoever kills a believer by mistake - then the freeing of a believing slave”}** ⁽¹⁾ meaning that the atonement for accidental killing is to emancipate a believing slave. ⁽²⁾

Emancipation has two names: one is **‘itq** (freeing), and the other is **tahrir** (liberation). Ibn al-Arabi explains: “It has two names, one being ‘itq and the other tahrir, and there is no disagreement between them, as both are clearly and commonly used in this context, both linguistically and in practice.” ⁽³⁾

Ibn Hajar adds: “The intended meaning of ‘freeing the neck’ is: To release the person from slavery, naming the whole by referring to part of it. The mention of the neck specifically is an indication that the owner’s authority is like a chain around the slave’s neck, and when he is freed, the chain is removed.” ⁽⁴⁾

The purpose behind this specific allocation in Islamic Shari‘ah (for freeing slaves) is to liberate people from the bondage of slavery and ownership. This stems from the Islamic Law’s concern with multiplying the means to end slavery, as the Islamic Shari‘ah encourages freedom: “So that the person can be free from the bondage of created beings and achieve true servitude to the Creator” ⁽⁵⁾, leading to equality in conduct, which is a fundamental objective of Islamic law.

Ibn Ashur explained that the term freedom in Arabic usage came with two meanings:

The first meaning: Opposite of slavery, where a person is not able to act independently but only with the permission of their master.

The second meaning: This is metaphorically derived from the first, referring to a person being able to act freely in their own affairs without interference. This meaning contrasts with being restrained or having one’s actions restricted.

Both meanings are intended in Shari‘ah, as they both stem from natural human instinct and fulfill the principle of equality, which has been established as one of the objectives of Islamic law.

(1) [An-Nisâ’: (Repentance): 92].

(2) See: “*Tafsîr Ibn Kathîr*”, [2: 374]

(3) “*Al-Qabs Fi Sharh Mawta’ Mâlik Bin Anas*”, (P. 961)

(4) “*Fath Al-Bârî*” by Ibn Hajar, [5: 146].

(5) “*Tafsîr Al-Nisabûrî*”, [2: 499].

As for the **first meaning**, its application in Islamic Sharî'ah is well-established and renowned. One of the foundational principles of Islamic jurisprudence is the statement of scholars that "the law inclines towards freedom." This is evident from observing the legislative measures that show one of the most important objectives of Islamic Sharî'ah is to abolish slavery and promote universal freedom... Islam addressed the issue of existing slavery by introducing means to mitigate its harm, such as reducing its prevalence by creating mechanisms to eliminate it and alleviating its conditions.

The allocation of *Zakâh* to the "freeing of slaves" is part of this context, serving as one of the causes for eradicating slavery by purchasing and freeing slaves, as indicated in the verse: *{“And for freeing captives”}*⁽¹⁾, or assisting those in contractual agreements (Al-Mukâtabah) to gain their freedom.

Az-Zuhailî states: **“The allocation of a share for freeing captives in *Zakâh* is clear evidence of Islam’s desire and yearning for liberation and freedom, or the release of necks from the shackles of slavery.”**⁽²⁾

As for the **second meaning** (general freedom in personal conduct), it has many manifestations that are among the objectives of Islam. These manifestations relate to people’s freedom in their beliefs, words, and actions, encompassing the idea that those under the governance of an Islamic state should conduct their affairs, within what The Islamic Sharî'ah permits, without fear or coercion. Islamic Sharî'ah defines laws and boundaries within which people are free to act, and no one is permitted to compel them otherwise.⁽³⁾

Without a doubt, the **first meaning** (the liberation of slaves) is the intended one when it comes to *Zakâh*, as The Islamic Sharî'ah seeks to promote freedom and abolish slavery. *Zakâh* achieves this by serving as a means for freeing slaves, either through purchasing and emancipating them or by assisting those who are in contractual agreements (Al-Mukâtabah) to gain their freedom.

Some scholars have emphasized this objective, such as Ibn Al-`Arabî, who stated that the goal is **“the release from bondage and the liberation from the imprisonment of ownership.”**⁽⁴⁾

(1) [At-Tawbah: 60].

(2) *“Al-Fiqh Al-`Islami Wa Adillatuh”* by Az-Zuhailî, [3: 2018].

(3) See: *“Maqâsid Ash-Sharî'ah Al-`Islâmiah”* by Ibn `Âshûr, [3: 371-385].

(4) *“Ahkâm Al-Qur`ân”* by Ibn `Arabî, [2: 531], With slight modification.

As for the **second meaning**, some contemporary scholars, such as Sayyid Râshid Ridâ, have considered it in the context of *Zakâh*. He states in his interpretation: “The allocation for freeing captives is a means for liberating colonized nations from enslavement if there is no means for freeing individuals.”

⁽¹⁾, Shaikh Mahmûd Shaltût adds, “However, in my view, there is a more serious form of bondage today that poses a greater danger to humanity, which is the enslavement of nations in their thoughts, wealth, authority, and freedoms in their own lands. This differs from the enslavement of individuals, who die with their own demise while their nations remain free and capable, like other free individuals. This, however, is the bondage of peoples and nations, which produce offspring who remain in bondage just like their forebears. It is a perpetual, general enslavement imposed on the nation by tyrannical force.

Thus, the urgency to combat and eradicate this form of bondage is paramount, requiring efforts beyond merely using charitable funds, but encompassing all wealth and lives. This underscores the significant responsibility of wealthy Muslims to support Islamic communities in their struggle for freedom.” ⁽²⁾

Therefore, we find a difference among some contemporary scholars regarding this allocation, with some adopting a restrictive view and others a more expansive one.

The criterion for this expansion or restriction **depends on the interpretation of the term “and for the captives” in the verse: is it based on linguistic convention or Sharî‘ah convention?**

Al-Qurâfi states: “In the term {“*And for freeing captives*”} both linguistic and Sharî‘ah conventions converge. As for the Sharî‘ah convention, it is because Allah has mentioned “**the captives**” (*Ar-Riqâb*) in the contexts of expiation and killing, and it refers specifically to fully owned slaves and individuals. However, linguistically, ‘*riqâb*’ applies to both free and enslaved individuals. The common understanding is that Sharî‘ah convention takes precedence, as it is widely recognized in the principles of jurisprudence to be an abrogator of linguistic meanings. Those who consider the linguistic meaning, seeing it as a truth while viewing other interpretations as metaphorical, allow for the

(1) “*Tafsîr Al-Manâr*”, [10: 444].

(2) “*Al-Islâm ‘Aqidah Wa Sharî‘ah*”, (P. 104).

inclusion of the **mukâtib** (a slave with a contract for gradual emancipation), the one in charge, the one who has a defect, and the captive, as well as the man freeing himself, even if the loyalty belongs to him rather than to the Muslims. This is because the primary purpose of *Zakâh* is to express gratitude for blessings and to fulfill needs, which can be achieved through these means.”⁽¹⁾

Additionally, those who advocate for a broader interpretation take into account the achievement of higher objectives in *Zakâh*—as mentioned in Al-Qurâfi’s statement—namely, gratitude for blessings and addressing needs.

Objective Evidence:

- 1- Allah, the Exalted, says: ***“Zakâh expenditures are only for the poor and for the needy and for those employed for it and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”***⁽²⁾

Evidential aspect: The verse: ***“And in freeing captives”*** Al-Zajjâj stated that there is an implied phrase here, and the meaning is: “And in freeing slaves and liberating them.”⁽³⁾ This indicates that the Islamic Sharî‘ah aims through this allocation to free slaves, which is part of its fundamental desire to eliminate the causes of enslavement and uplift the condition of freedom.

- 2- Allah, The Exalted, says: ***“And those who seek a contract [for eventual emancipation] from among whom your right hands possess - then make a contract with them if you know there is within them goodness and give them from the wealth of Allâh which He has given you.”***⁽⁴⁾⁵

Evidential aspect: Allah Almighty has encouraged the emancipation of slaves. Many scholars have stated that His saying, ***“and give them from the wealth of Allâh which He has given you.”*** emphasizes the encouragement to give from the shares of *Zakâh* in the verse ***“And for freeing captives”***⁽⁵⁾⁶ so that the slave may achieve his freedom. This indicates that the law intends for this allocation to promote freedom within the community.

(1) “*Al-Dhakhîrah*” by Al-Qurâfi, [3: 147].

(2) [At-Tawbah: 60].

(3) See: “*Mafatîh Al-Ghayb*”, [5: 218]; “*Tafsîr Al-Qurtubî*”, [8: 182].

(4) ⁵ [Al-Nûr: 33]

(5) ⁶ [At-Tawbah: 60].

At-Tabarî says: "The correct view, in my opinion, is that it refers to giving them their share from the obligatory charity. We say this is the most correct opinion because the phrase ***{“and give them from the wealth of Allâh which He has given you.”}*** is a command from Allah to give The Mukâtibs from the wealth that He has granted to the wealthy. The command of Allah is an obligation upon His servants to comply with unless He indicates that His intention is merely recommendation.” ⁽¹⁾

Ibn `Ashûr states: "When Allah promised to enrich the poor slaves through marriage, and since one means of their enrichment is through earning a living, which the slave cannot do independently while serving his master, Allah granted the slaves a right to earn income to free themselves from bondage. In this, the slave may achieve wealth if he is among those with spouses. Allah commanded the masters to respond to those who seek to purchase their freedom (Kitâbah) among their slaves, fulfilling the objectives of the law in promoting freedom within the community, increasing the population, and ensuring the well-being of the community and the integrity of their faith.”⁽²⁾

- 3- The hadiths regarding the encouragement and virtue of freeing slaves are significant. For instance, Abû Hurairah (may Allah be pleased with him) narrated that The Messenger of Allah (peace and blessings of Allah be upon him) said: ***“Any Muslim, who emancipates another Muslim man, Allah will set free from Hell Fire an organ of his body, for every organ of the other’s (i.e. from the body of the emancipated person).”*** ⁽³⁾

Additionally, in the hadîth Al-Barâ` said, (A bedouin came and said, ‘Prophet of Allah! Teach me an action which will enable me to enter the Garden.’ He said, ***“The question is a broad one, even though you have asked it in only a few words. Free someone. Set a slave free.”*** He said, ‘Are they not the same thing?’ ‘No,’ he replied, ***“Freeing someone is setting someone free yourself. Setting a slave free is to contribute to the price of setting him free.”*** ⁽⁴⁾).

(1) *“Tafsîr At-Tubarî”, [19: 173]*

(2) *“At-Tahrîr Wa At-Tanwîr”, [18: 219].*

(3) *Agreed upon; Related by Al-Bukhârî, [3:144], No. (2517), and Muslim, [2: 1148], No. (1509).*

(4) *Related by Ahmad, [30: 600], No. (18647), and improved by Ibn Hajar in “Fath Al-Bârî”, [5: 146].*

Evidential aspect: These hadiths indicate a strong encouragement for the act of freeing slaves, reflecting the Islamic Law's aspiration for liberty. This desire for freedom led the Islamic Sharî'ah to designate this act as one of the channels for *Zakâh*, transitioning it from a mere option to an obligatory form of charity aimed at promoting the liberation of individuals.

The effect of considering this objective in the Fiqh-based branches:

- 1- The permissibility of purchasing a neck (slave) and freeing it from this category (of *Zakâh*) is a view held by Imam Malik and several companions of the Prophet, such as Ibn 'Abbâs and Ibn 'Umar ⁽¹⁾⁵. This is also the opinion of Abî 'Ubayd ⁽²⁾⁶, as Allah Almighty stated, {***“And in freeing captives”***}

“If there is a share for the freeing of slaves from charity, then it is permissible for him to buy a slave and free him. There is no disagreement among the scholars that a man can buy a horse and use it for the cause of Allah. So, if it is permissible for him to buy a horse with the full amount of *Zakâh*, it is permissible for him to buy a slave with the full amount-there is no difference between the two.” ⁽³⁾

They also based this on the generality of Allah's words, {***“And in freeing captives”***} so “the freeing of slaves implies the emancipation of slaves in every instance where it is mentioned, such as in the expiation of *Dhihar* (; a form of divorce where a man declare his wife to be forbidden to him)... and likewise for oaths, and it does not refer to the *Mukâtibs* but rather to the slaves.” ⁽⁴⁾ “If He had intended the *Mukâtib*, it would have sufficed to mention the debtors, for the *Mukâtib* is indebted and thus included among them.” ⁽⁵⁾ Moreover, “purchasing a slave is preferable to the *Mukâtib*, because the *Mukâtib* has already attained a cause for his emancipation through his contract with his master, whereas the slave has not yet attained a cause for his emancipation.” ⁽⁶⁾ Furthermore, “if we give to the *Mukâtib* and his freedom is completed, the loyalty remains with his master, who gains both the money and the loyalty. But if we purchase a slave and free him, his loyalty belongs to the Muslims, and this is

(1) See: “*Tafsîr Al-Qurtubî*”, [8: 182].

(2) See: “*Al-Amwal by Abû 'Ubayd*”, (P. 723).

(3) “*Tafsîr Al-qurtubî*”, [8: 182]

(4) “*Sharh Sahîh Al-Bukhârî*” by *ibn Batâl*, [3: 496].

(5) The previous reference.

(6) The previous reference.

preferable and more in line with the apparent meaning of the verse.”⁽¹⁾

The Hanafis disagreed, and they held that the purpose of this category (of *Zakâh*) is to assist The Mukâtibs, and that it is not permissible to fully emancipate a slave. They based their argument on the hadîth of al-Barâ', when the Bedouin asked the Prophet (May Allah's peace and blessings be upon him) 'Are they not the same thing?' 'No,' he replied, '**Freeing someone is setting someone free yourself. Setting a slave free is to contribute to the price of setting him free.**'⁽²⁾ Thus, they interpreted Allah's words {"*And in freeing captives*"} to mean assisting in the emancipation of The Mukâtibs, rather than full emancipation of slaves.⁽³⁾

They also argued that full ownership is not realized in the case of freeing a slave, whereas in assisting The Mukâtibs, ownership is realized.⁽⁴⁾

However, the stronger opinion is that it is permissible to both purchase and free slaves, as well as assist The Mukâtibs, from the *Zakâh* designated for freeing slaves. This is because the wording of the verse is general, and there is no evidence to restrict it solely to The Mukâtibs, excluding the purchase and emancipation of slaves. The intention is the general freeing of slaves and the liberation of captives, which applies to both cases.⁽⁵⁾⁹

- 2- The permissibility of allocating the *Zakâh* designated for freeing slaves towards the liberation of captives from the enemy is based on either broadening the meaning of "liberation" in this context—since the captive is a person whose freedom has been taken by force, similar to a slave, thus transitioning from captivity to freedom⁽⁶⁾¹⁰—or by analogy to the case of the slave.

"This is because freeing a captive from captivity is like freeing a slave from servitude."⁽⁷⁾ This is indeed a right and more deserving than freeing slaves that are in our possession⁽⁸⁾, for "if freeing a Muslim from the servitude of another Muslim is an act of worship and permissible from charity, it is even more

(1) The previous reference.

(2) The source of the hadîth has been stated earlier., (P. ++).

(3) See: "*Al-Mabsût*", [3: 10].

(4) See: The previous reference.

(5) 9 See: "*Ash-Sharh Al-Kabîr Alâ Al-Maqna*", [7: 241].

(6) 10 "*Tafsîr Al-qurtubi*", [8: 183].

(7) "*Al-Mughnî*", [6: 479].

(8) "*Tafsîr Al-qurtubi*", [8: 183].

appropriate to apply this principle to freeing a Muslim from the captivity and humiliation imposed by a disbeliever.”⁽¹⁾

- 3- It is permissible for the imam to purchase slaves with *Zakâh* funds and free them on behalf of Muslims ⁽²⁾, and their loyalty will belong to the Muslim community. This is in line with the opinion that permits purchasing and freeing slaves from *Zakâh* funds.
- 4- The category of freeing slaves has a stronger claim to receiving *Zakâh* than the first four categories, according to a group of commentators. This is due to the emphasis on freeing slaves, whether through *Mukâtâbah*, emancipation, or liberation from captivity. ⁽³⁾
- 5- It is also permissible to give *Zakâh* to the *Mukâtab* to assist him in achieving his freedom, even if he has the means to earn a living. In contrast, some scholars state that it is not permissible to give *Zakâh* to the needy and the poor if they are capable of earning, as a means of “expanding avenues for emancipation, which the lawgiver has encouraged” ⁽⁴⁾.
- 6- The legitimacy of allocating *Zakâh* from the share designated for freeing slaves to liberate Muslim populations from the occupation of disbelievers is an opinion held by some contemporary scholars ⁽⁵⁾ This interpretation broadens the meaning of “slavery” to encompass all forms of servitude, effectively including the concept of colonialism as a form of bondage under disbelievers.

Az-Zuhaylî states: “Although the predominant forms of poverty in our time in Muslim countries are four—namely, the poor, the needy, the indebted, and the stranded traveler—there is an urgent need to understand the category of {“*And in freeing captives*”} following the abolition of slavery in the modern world. There are situations that necessitate the allocation of *Zakâh*, such as the subjugation of Muslim peoples and the need to rescue Muslims from various forms of colonialism, especially settler colonialism. This includes as-

(1) “*Ahkâm Al-Qur’ân*” by Ibn ‘Arabi, [5: 445](2) “*Tafsîr Al-qurtubi*”, [8: 182].

(3) See: “*Al-Bahr Al-Muhîr fî At-Tafsîr*”, [5: 445].

(4) “*Nihâyat Al-Muhtâj ‘Ilâ Sharh Al-Minhâj*”, [6: 156]..

(5) Al-Shaikh Rashîd Ridâ said in “*Tafsîr Al-Manâir*”, [10: 444]; and Al-shaikh Mahmûd Shaltût in his *Fatwâ*, (P. 118).

sisting captives to secure their release from the clutches of the enemy and freeing prisoners and Muslims from collective and individual enemy detention centers, which often involve inhumane treatment contrary to the most basic principles of humanity and human rights”⁽¹⁾⁸

What appears-Allah knows best-is that this broadening of the meaning cannot be supported by the text. The legitimate interpretation of the term “Riqâb” is clear in that it refers to the liberation of individuals or groups from slavery. However, colonialism and its forms do not fall under the concept of slavery or the intended Sharî‘ah definition of servitude. Therefore, it is difficult to assert that colonialism is akin to slavery or that colonized peoples should receive *Zakâh* from the share designated for freeing slaves to liberate themselves from colonialism.⁽²⁾

Additionally, exaggerating the expansion of meaning beyond what the text can support undermines the purpose of the Sharî‘ah precision upheld in the laws and regulations of *Zakâh*.

Topic (8): Objective of Sharî‘ah in the Category of the Indebted for Themselves: Rescuing the Indebted and Securing People Against Calamities⁽³⁾

Objective Explanation:

“**Gârim**” (debtor) linguistically: Derived from “gharam yaghrum ghraman wa ghrâmah,” “aghramahu” and “gharramahu”.

“AL-Ghurm”: refers to debt. A person described as a “ghârim” has debt. Originally, it indicates a state of attachment or obligation, which is why the creditor is called “Al-Gharîm” due to the necessity and insistence involved. The term “Al-Gharîm” refers to both the one who owes the debt and the one to whom the debt is owed. Plural: Ghuramâ⁽⁴⁾.

(1) 8 “*Al-Fiqh Al-‘Islâmî waa Adillatuh*” by Az-Zuhailî, [3: 2015].

(2) See: The previous reference.

(3) See: “Al-‘amwâl” by Abi ibîd, (P. 666); “Tafsîr At-Tubarî”, [14: 318]; “Ma`âlim As-Sunan”, [2: 69]; “Al-Madhhab Fi Fiqh Al-Imam Ash-Shafi`î”, [1: 316]; “*Nihâyat Al-Matlab Fi Dirâyat Al-Madhhab*”, [11: 553]; “*Tafsîr Al-qurtubî*”, [8: 184]; “*Adh-Dhakhîrah*”, [3: 147]; “*Ash-Sharh Al-Kabîr `alâ Al-Maqa`â`*”, [2: 699]; “*Sharh Abî Dawûd*” by Al-‘ainî, [6: 380]; “*At-Tahrîr Wa At-Tanwîr*”, [10: 237].

(4) See: Entry (Ghurm) “*debt*” in “*Maqâyîs Al-Lughah*”, [4: 419]; “*Lisân Al-‘arab*”, [12: 436].

As for the definition of “Ghârim” in the context of *Zakâh*, we find that commentators and jurists have agreed on the basic definition that does not deviate from the linguistic origin, which states that a “ghârim” is a debtor who is burdened by debt. Aj-Jassâs says: “They have not disagreed that they are the indebted.”⁽¹⁾ However, they differ in some details regarding restriction and expansion.

Qutâdah defined them as “people overwhelmed by debt without poverty, wastefulness, or corruption.”⁽²⁾ At-Tabarî defined them as “those who have borrowed without disobeying Allah and then found no means to repay either in kind or in goods.”⁽³⁾ Al-Qurtubî defined them as “those who are burdened by debt and have no means to repay it.”⁽⁴⁾

Ibn Ashur defined them as: “Debtors whose wealth has become insufficient to pay off what they owe in debts... thus, allocating charity funds for this purpose shows mercy to both the creditor and the debtor.”⁽⁵⁾

As for the jurists, the Hanafis defined the debtor as: “One whose debt exceeds the money in their possession, or equals it, or is less than it, but what remains is not enough to meet the minimum threshold for *Zakâh*.”⁽⁶⁾ They stipulated that poverty must accompany indebtedness, meaning that after paying off the debt, the debtor does not possess the minimum *Zakâh* threshold, based on their principle that poverty is required in all categories eligible for *Zakâh*.

The Malikis said that they are “those whose debt is equal to or greater than the money they possess, and they are people who borrowed for an obligation or a permissible reason.”⁽⁷⁾ In Al-Dhakhîrah, it is mentioned: “The debtor is one who borrowed without extravagance or corruption and cannot repay, or possesses insufficient funds to cover their debt, so they are given from *Zakâh* to repay their debt.”⁽⁸⁾

As for the Shafi’is and Hanbalis, they mentioned that debtors are of two types: those in debt for themselves and those in debt for reconciling disputes between

(1) “*Ahkâm Al-Qur’ân*” by Aj-Jassâs, [3: 162].

(2) The previous reference.

(3) The previous reference.

(4) “*Tafsîr Al-qurtubi*”, [8: 183].

(5) “*At-Tahrîr Wa At-Tanwîr*”, [10: 237].

(6) “*Badâ’i’ As-Sanâ’i’*”, [2: 45].

(7) “*Al-Kâfî Fi Fiqh Ahl Al-Madinah*”, [1: 326].

(8) “*Adh-Dhakhîrah*”, [3: 147].

others. What concerns us in this context is the first type, which the Shafi'is defined as "anyone with a debt, whether their assets can cover the debt or not." ⁽¹⁾ The Hanbalis defined them as "debtors who are unable to repay their debts." ⁽²⁾

The intent behind this objective is that Islamic Sharī'ah seeks to rescue the debtor overwhelmed and burdened by debt by granting them a known right from *Zakâh*. This eliminates the harm by paying off their debt, freeing them from its weight, and releasing them from the humiliation and burden of it. It spares the debtor from the harm of the creditor's claims. It is well known that debt brings immense worry and sorrow, as it is said: "Worry at night and humiliation by day."

Moreover, the benefits that Islamic Sharī'ah aims to achieve through this allocation include providing security to people against calamities, such as those afflicted by disasters or crises, or who face losses that wipe out their wealth, forcing them to borrow for themselves and their families. *Zakâh* plays the role of social insurance for them, and this precedes all forms of insurance known to the world today. In this regard, Al-Shafi'i said: "The debtors are given when they have borrowed due to the burden of paying blood money or when a disaster befalls them." ⁽³⁾⁷

Abû 'Ubayd reported that 'Umar ibn Abd al-'Aziz wrote a directive to pay off the debts of the debtors. A response was sent to him stating, "We find some individuals who possess a house, a servant, a horse, and furniture." 'Umar replied, "A Muslim must have a house to live in, a servant to assist with his duties, a horse to fight his enemy, and basic household necessities. Yes, pay off his debt, for he is indeed a debtor." ⁽⁴⁾⁸ This indicates that this category of *Zakâh* is not only for the poor but also includes those compelled into debt, even if they possess the basic necessities of life. They are not forced to sell these essentials, nor are they left in a situation where they are driven to do so. Instead, they are given from this portion of *Zakâh* to restore their situation and relieve them from such hardships.

Al-Juwayni stated: "Charity is directed to either fill a need or relieve the harm of creditors pressing for repayment." ⁽⁵⁾

(1) "Al-Umm", [2: 93].

(2) "Al-Mughnî", [6: 480].

(3) ⁷ "Al-Umm" by Ash-Shâfi'i, [2: 93].

(4) ⁸ "Al-Amwal by Abû 'Ubayd", (P. 666).

(5) "Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab", [11: 555].

It is noted that the jurists have established guidelines for a debtor eligible to receive *Zakâh*, defining the debtor with specific conditions to ensure that receiving *Zakâh* aligns with its broader objectives. Being in debt alone is not sufficient to qualify for *Zakâh*; there are other conditions, including:

- 1- The debtor must be a Muslim, as *Zakâh* is legislated to preserve the faith and aid in obedience to Allah. Giving *Zakâh* to a non-Muslim would contradict this purpose.⁽¹⁾
- 2- The debtor must need the money to repay the debt. If the debtor is wealthy and capable of repaying the debt with money or assets, they are not entitled to *Zakâh*. If they can repay part of the debt, they are given *Zakâh* to cover the remaining portion. If they do not possess the means to repay but can earn enough to do so in the future, the majority of scholars say they should still receive *Zakâh*, as repaying debt takes time and unforeseen obstacles may arise.⁽²⁾ This ensures the need is met.
- 3- The debt must have been incurred for a permissible or obligatory cause. If the debtor borrowed for a sinful purpose, such as purchasing alcohol, they are not given *Zakâh* unless they repent, according to the majority of scholars.⁽³⁾ Some disagreed, arguing that even if the debt was for a sin or extravagance, the person still falls under the general category of Debtors. However, the more correct opinion is the first, as *Zakâh* is meant to aid in obedience to Allah and giving it in such cases would support sin.⁽⁴⁾

If the debtor repents, most scholars agree that they are eligible to receive *Zakâh*, as they are then considered part of the general category of debtors.

- 4- The debt must not have been incurred through foolishness or extravagance.⁽⁵⁾ This was mentioned by Al-Tubarî, quoting Qtâdah, Abû Ja'far, and Mujâhid⁽⁶⁾; This condition is in line with the purpose of filling a need, as a person who borrows out of extravagance does not fulfill this purpose.

(1) See: "*Al-Mughnî*", [6: 480].

(2) See: "*Al-Majmû' Sharh Al-Mahdhab*", [6: 207-208].

(3) See: The previous reference.

(4) See: The previous reference.

(5) See: The previous reference, "*Adh-Dhakhîrah*", [3: 147].

(6) See: "*Tafsîr At-Tubarî*", [14: 318].

- 5- The debt must be due. If the debt is deferred, some scholars argue that *Zakâh* should not be given since the debtor is not in immediate need, while the majority say that *Zakâh* should still be given, as the debtor falls under the general category of debtors. ⁽¹⁾⁸
- 6- The debt must be one that can lead to imprisonment if unpaid. This excludes debts such as penalties for breaking oaths or unpaid *Zakâh*, as these debts involve Allah's rights, whereas the debts that can lead to imprisonment are those owed to other people. ⁽²⁾
- 7- The debtor's situation should improve by receiving *Zakâh*, meaning the debtor has assets they rely on, but they are forced to consider selling them due to the debt. If *Zakâh* is given to cover the debt, the debtor can retain their assets and continue relying on them. If someone habitually lives in hardship and incurs debt by buying goods, intending to become eligible for *Zakâh*, they are not entitled to receive it. This is because their situation remains unchanged and preventing them from receiving *Zakâh* does not alter their condition. Just as in the case of the hajj, where financial ability is a prerequisite, ⁽³⁾ *Zakâh* is meant to reform and uplift the soul. Thus, only those whose situation would improve through *Zakâh* should receive it, especially those who have suffered a loss that wiped out their wealth and need help to recover.

Objective Evidence:

- 1- Allah, The Exalted, says:

{“Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”} ⁽⁴⁾

Evidential aspect: The verse, ***{“and for those in debt”}***, points to the qualification for entitlement, which is being burdened by debt. The interpreters of the Qur'an unanimously agree that “*ghârimîn*” refers to debtors. ⁽⁵⁾ This shows

(1) ⁸ See: “*Al-Majmû` Sharh Al-Madhab*”, [6: 208].

(2) See: “*Mawâhib Al-Jalîl Fî Sharh Mukhtasar Khalîl*”, [2: 351].

(3) “*Al-Muntaqa Sharh Al-Mawta*” by Al-Bâgî, [2: 154] with slight modification.

(4) [*Al-Tawbah* (Repentance): 60]

(5) “*Ahkâm Al-Qur'ân*” by Aj-Jassas, [3: 162].

that this category of *Zakâh* is instituted by Islamic Sharî'ah to rescue debtors from the shackles of debt.

- 2- Qabisah Ibn Mukhariq Al-Hilâli said: I became a guarantor for a payment, and I came to Messenger of Allah (May peace be upon him). He said: *"Wait till I receive the sadaqah and I shall order it to be given to you."* He then said: *"Begging, Qabisah, is allowable only to one of three classes:"* -and he mentioned- *"a man who has been stricken by a calamity and it destroys his property to whom begging is allowed till he gets what will support life (or he said, what will provide a reasonable subsistence)"*⁽¹⁾

Evidential aspect: The hadîth points to the permissibility of asking for assistance and receiving funds from the *Zakâh* allocated to the debtors for those who are struck by a calamity that depletes their wealth, forcing them to borrow.

Islamic Sharî'ah aims to prevent the need for borrowing by granting them a right to receive from the *Zakâh* allocated for debtors. This clearly demonstrates the law's concern for rescuing those who are compelled to borrow due to disasters or misfortunes, alleviating harm before it occurs by allowing them to take from charity. If Islamic Sharî'ah shows such care for those who may be forced into debt, it certainly prioritizes those who are already in that situation. Mujâhid said: *"If someone's house burns down or a flood sweeps away their belongings, and they borrow to support their family, this person is considered among the ghârimîn."*⁽²⁾

The calamity mentioned in this hadîth can be interpreted considering the hadîth of Abû Sa'îd (may Allah be pleased with him), in which someone loses their wealth and accumulates debts. The Prophet (peace and blessings of Allah be upon him) urged people to give charity to such individuals, indicating that this debt is a real one that has already occurred. More clarification will follow.

- 3- The Prophet (peace and blessings of Allah be upon him) said: *"Begging is right only for three people: one who is in grinding poverty, one who is seriously in debt*⁽³⁾*, or one who is responsible for compensation and finds*

(1) The source of the hadîth has been stated earlier., (P. ++).

(2) *"Tafsîr At-Tubarî"*, [14: 318].

(3) (Al-Ghurm: It means debt, and it is pronounced with a damma 'diacritic' on the 'gh' and a sukoon 'diacritic' on the 'r'. The term 'mufzi'' comes from 'afza'', meaning something

it difficult to pay.”⁽¹⁾

Evidential Aspect: The hadîth permits asking for assistance in cases of serious debt—where someone is burdened with heavy, crushing debts. This permission is granted due to the severe hardship and difficulty caused by the debt. This shows Islamic law’s concern for freeing individuals from the burden of debt, which is why the allocation for debtors is included among the categories of *Zakâh* recipients. Al-Khattâbî said: “Serious debt: refers to when someone is burdened with enormous, devastating debts to the point of being overwhelmed. In such cases, charity is permissible for them, and they are given from the *Zakâh* allocated for debtors.”⁽²⁾

- 4- Abû Sa`îd Al-Khudarî (may Allah be pleased with him) said that in the time of the Prophet a man suffered loss affecting fruits he had bought and owed a large debt, so Allah’s messenger told the people to give him *sadaqa* and they did so, but as that was not enough to pay the debt in full Allah’s Messenger said to his creditors, “Take what you can find, but that is all you may have.”⁽³⁾

Evidential Aspect: Ibn Kathîr mentioned this hadîth while interpreting the verse {“and for those in debt”}⁽⁴⁾6, The Prophet’s encouragement to his companions to give charity to someone overwhelmed by debt is evidence of Islamic law’s care in rescuing debtors from the burden of debt that has afflicted them. One type of such debt is when a person becomes indebted due to a disaster that affects their wealth. Islamic law, through the institution of *Zakâh*, seeks to alleviate this harm by allocating a portion of charity for the debtor. This is clearly expressed in the hadîth of Qabîsah (may Allah be pleased with him), mentioned earlier.

The effect of considering this objective in the Fiqh-based branches:

- 1- A debtor is not entitled to receive from the *Zakâh* designated for debtors if they possess cash sufficient to repay their debt. In such a case,

that is extremely difficult. It is said: ‘afza` anî Al-Amr’, meaning ‘the matter was very hard on me.’ A ‘fazi`’ matter is something severe and hideous, which has exceeded the normal limit.), “Sharh Abî Dawûd” By Al-`Aynî, [6: 389].

(1) Related by Abû Dawûd, [2: 120], No. (1641), and he remained silent about it, but it was graded weak by Al-Albânî in “*Al-`Irwâ`*”, [3: 370].

(2) “*Ma`âlim As-Sunan*”, [2: 69].

(3) Related by Muslim, [3: 1191] No. (2722).

(4) “*Tafsîr Ibn Kathîr*”, [4: 169].

they are considered wealthy and capable of repayment, so the need that *Zakâh* is intended to address does not apply. The purpose of the debtors allocation is to rescue those overwhelmed by debt who have no means of escaping it. ⁽¹⁾

Some scholars have argued that care should be taken to ensure that paying off the debt does not remove the debtor's qualification for *Zakâh* by making them "rich"-with different views on what defines wealth. If we define wealth as having enough for one's needs, and the debtor's debt reduces them below that threshold, they may be given enough to keep them at the minimum level of sufficiency. ⁽²⁾

Ibn Qudâmah said: "If a man is wealthy but has a debt that he cannot repay, he may be given enough from *Zakâh* to cover the repayment, even if it exceeds the threshold of wealth. For example, if wealth is considered to be 50 dirhams, and a man has 100 dirhams but owes 100 in debt, he may be given 50 to repay his debt without reducing his wealth. Ahmad said: 'Anyone who possesses 50 dirhams or their equivalent in gold should not be given *Zakâh* unless they are in debt. However, if they can repay their debt without reducing their wealth, they should not be given anything.'" ⁽³⁾

As for those who own real estate or property such as houses or land, which could cover their debt if sold, there are two opinions regarding whether they may receive from the *Zakâh* for debtors. **The first opinion** is that they should not be given *Zakâh* because they are able to repay their debt, similar to someone with liquid wealth. **The second opinion** is that they may be given *Zakâh* because a person who can only repay their debt by selling property is more similar to the insolvent than to the wealthy, and thus should be considered among the debtors. ⁽⁴⁾

- 2- Scholars have stated that someone who loses their wealth due to a disaster or similar event but has not borrowed money is not considered a debtor and therefore is not eligible to receive from the *Zakâh* allocated for debtors. The term "debt" implies obligation and liability, meaning that only someone who is obligated to repay a debt is considered a debtor. Both the debtor, who owes money, and the creditor, who is owed

(1) See: "*Al-Umm*", [2: 78].

(2) See: "*Al-Mughnî*", [6: 481].

(3) The previous reference, [6: 481].

(4) "*Al-Hâwî Al-Kabîr*", [8: 508].

money, are called “ghârimîn” because both have claims and obligations. However, a person who loses their wealth without incurring debt is not a debtor but rather considered poor “faqîr” or needy “miskîn”.⁽¹⁾

- 3- If a man wants to pay his *Zakâh* to a debtor, he can give it directly to the debtor, allowing the debtor to pay off their creditor. Alternatively, he can give the *Zakâh* directly to the creditor to settle the debt on behalf of the debtor. Both methods fulfill the goal of repaying the debt and rescuing the debtor, which is the intended purpose in either case.⁽²⁾
- 4- One of the scenarios where a person qualifies as a debtor is when they have incurred debt due to disasters that affected them, necessary expenses, harmful transactions, obligatory *Zakâh* payments, performed Hajj, fulfilled duties, or any similar obligations or permissible matters. In such cases, it is permissible to give *Zakâh* to someone who has become a debtor due to these reasons, provided they are poor.⁽³⁾
- 5- If someone incurs debt due to extravagance, such as spending excessively on desires, indulgences, and gifts, and not in acts of righteousness or piety, they are not entitled to receive from the *Zakâh* allocated for debtors. If they have enough wealth, whether in cash or property, they should use that to pay off their debt, as they are prohibited from wastefulness. However, if they are poor and unable to repay their debt due to a lack of cash or property, it is permissible to give them from the *Zakâh* allocated for debtors, as they meet the criteria of being in debt and in need of rescue.⁽⁴⁾
- 6- Some scholars have permitted giving *Zakâh* even if the debt was incurred due to sinful acts, because, regardless of the nature of the debt, the individual still falls under the general category of a debtor.⁽⁵⁾
- 7- If the debtor repents, some scholars have ruled that they can still receive *Zakâh* because they are included within the general definition of debtors.⁽⁶⁾

(1) “*Ahkâm Al-Qur’ân*” by Aj-Jassâs, [3: 163].

(2) See: “*Al-Mughnî*”, [6: 481].

(3) See: “*Al-Hâwî Al-Kabîr*”, [8: 508].

(4) See: “*Al-Majmû’ Sharh Al-Muhadhab*”, [6: 207- 208].

(5) See: The previous reference.

(6) See: “*Al-Hâwî Al-Kabîr*”, [8: 508].

- 8- According to some scholars, a debtor may be given *Zakâh* even if their debt is deferred, as they fall under the general category of debtors. This fulfills the criterion of debt that qualifies a person for this type of *Zakâh*, which aims to rescue those burdened by debt. ⁽¹⁾ Some scholars make a distinction, stating that if the debt is due in the following year, it should be paid from *Zakâh*, but if the repayment deadline is more than a year away, it should not be. This judgment depends on the debtor's need to avoid harassment from creditors. ⁽²⁾
- 9- If a person dies and leaves unpaid debts without any estate to cover them, the Malikis, some Shafi'is, and a narration from the Hanbalis allow paying off their debts from the *Zakâh* designated for debtors based on the generality of Allah's statement, {*"and for those in debt"*}, they argue that the ruling is attached to the description of being in debt, which applies to both the living and the dead. ⁽³⁾ However, the majority of scholars disagree, arguing that the condition of ownership transfer is not fulfilled in the case of the deceased, which is a point they debate further.
- 10- The guarantor of a debt is considered similar to the debtor. If someone guarantees another person in a transaction and the guaranteed party is insolvent, the guarantor is entitled to receive from the share of the debtors, as he is in the position of the debtor. However, if the guaranteed person is solvent and repayment is possible, the guarantor does not receive from charity because it is not considered a debt in this case, as he has a recourse to reclaim the debt. Therefore, the description of being in debt does not apply, and there is no need to rescue him. ⁽⁴⁾
- 11- In all cases, the debtor is entitled to receive charity due to their debt. If they receive charity and are then absolved from the debt by their creditor, the ruling regarding returning what was received depends on whether the funds have been used. If they have been used, the ruling is like that of a "mukatib" (a contracted slave) who has received his portion but is then freed or absolved. In such cases, the funds should be returned to the relevant categories of beneficiaries because the need

(1) See: *"Al-Majmû' Sharh Al-Muhadhab"*, [6: 207- 208].

(2) *"Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab"*, [11: 556].

(3) *"Tafsîr Al-qurtuby"*, [8: 185]; *"Al-Majmû' Sharh Al-Muhadhab"*, [6: 211]; *"Al-Mughni"*, [6: 483].

(4) See: *"Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab"*, [11: 555].

has ceased. ⁽¹⁾

- 12- If the debtor takes their share but does not use it to repay the debt, and the debt is repaid by other means, the funds should be reclaimed. This is because the charity was given to meet a need, and the transfer of ownership was conditional on fulfilling that need, not an unconditional transfer of ownership. ⁽²⁾
- 13- It is permissible, according to some contemporary scholars, for the funds from this share to be used as a guarantee for those unable to repay debts to financial institutions. The institution distributing the charity can recover the amounts paid through suitable installment plans. This is based on the analogy of using charity funds to guarantee financing for the poor, similar to the debtor's category. Just as a person who incurs debt due to trade can be given charity to repay the debt if they are unable to, it is also permissible to use charity as a guarantee for financing used for trade and investment, with the charity paying off the debt if the borrower is unable to. ⁽³⁾
- 14- Some contemporary scholars permit lending from charity funds because the purpose of this category is to rescue those in debt, and this purpose can be fulfilled through lending from charity funds, even if full ownership is not realized. This view is supported by the fact that the debtors category is one in which the recipient's ownership is conditional on fulfilling their need, rather than being an absolute ownership transfer. Additionally, lending from charity funds can serve other purposes, such as combating usury and interest-based banks. ⁽⁴⁾⁶

Topic (9): Objective of Sharī'ah in the Category of the Indebted for Others: Encouraging Reform and Righteousness ⁽⁵⁾

Objective Explanation:

The term "indebted for the sake of others" refers to those (who have incurred debts due to Responsibilities associated with mediation and reconcil-

(1) See: The previous reference, [11: 555].

(2) See: *"Al-Hâwî Al-Kabîr"*, [8: 483].

(3) See: *"Damân Amwâl Az-Zalât"* by Dr. Sâlih Al-Fawzân, Al-Muslim website.

(4) ' See: *"Masârif Az-Zakât Fî Dû' Ak-Kitâb Wa As-Sunnah"* by Dr. Khâlid Al-' Ânî, (P. 332).

(5) See: *"Al-Umm"*, [2: 93]; *"Ma'âlim As-Sunan"*, [2: 64-67]; *"Al-Tamhîd Lima Fî Al-Mawta' =*

iation efforts.)⁽¹⁾ The concept of “hamâlah,” pronounced with the open “hâ,” is defined by Ibn Al-Athîr as “what a person takes on from another as a debt or liability,” such as when a conflict arises between two factions leading to bloodshed. In this case, an individual steps in to bear the blood money of the slain to restore peace between the parties involved. And to bear (the debt or responsibility): is to take it upon oneself on their behalf”⁽²⁾.

Al-Khattâbî explains that “the interpretation of hamâlah is when a dispute arises among people regarding blood and wealth, resulting in enmity and hostility. This situation leads to a fear of a significant rift within the community. A man mediates among them, striving to reconcile their differences, assuming financial responsibility for those who have suffered losses to appease them until the turmoil subsides and unity is restored.”⁽³⁾ An-Nawawî echoes similar sentiments.⁽⁴⁾

Shams Ad-Din Ibn Qudâmah states “When animosity or resentment arises between two communities, leading to loss of life or property, the well-being of those communities depends on someone willing to bear the responsibility of compensation. This individual is referred to as a “hamâl,” and it was a known practice among the Arabs. Such a person would take on the liability and travel among the tribes seeking assistance until the debt is fulfilled. The law has acknowledged this practice, permitted such requests, and designated a share of *Zakâh* for these individuals.”⁽⁵⁾

The intent behind this objective is that the Islamic Sharî‘ah aims to encourage people and urge them towards reform and good deeds, as well as to quell the flames of conflicts through this fund. It has established for those who do

= *Min Al-Ma`âni Wa Al-Asânid*, [5: 99]; *Al Muhadhab Fi Fiqh Al-Imam Ash-Shafi`i*, [1: 316]; *Nihâyat Al-Matlab Fi Dirâyat Al-Madhab*, [11: 554-556]; *Ash-Sharh Al-Kabîr `Alâ Al-Maqna`*, [7: 249]; *Al-Fatâwî Al-Kubrâ* by Ibn Taymiyah, [3: 464]; *Sharh Az-Zarkashi `alâ Mukhtasar Al-Khuraqî*, [4: 626]; *Al-Binâyah Sharh Al-Hidâyah*, [3: 453]; *Maghnî Al-Muhtâg `Ilâ Ma`rifat Ma`âni Alfâz Al-Minhâg*, [4: 180]; *Higgat Allah Al-Balighah*, [2: 69]; *Matâlib `ûli An-Nahy Fi Sharh Ghâyat Al-Muntâhâ*, [2: 144]; *Nayl Al-Awtâr*, [1: 442].

(1) *Al-Umm*, [2: 67].

(2) *An-Nihâyah Fi Gharîb Al-Hadîth Wa Al-Athar*, [1: 442].

(3) *Ma`âlim As-Sunan*, [2: 67].

(4) *Sharh Al-Nawawî `Ala Muslim*, [7: 133].

(5) *Ash-Sharh Al-Kabîr `Alâ Al-Maqna`*, [7: 243].

good and donate for this purpose a right to a share of the *Zakâh* funds, which they can utilize to alleviate the burdens they have assumed in the service of community reform. Thus, they are given what will help them release themselves from the obligations they have guaranteed.

Al-Khattâbî says: "This man has done a good deed and sought righteousness through what he undertook. It is not part of what is known as good to burden him with the debt from his wealth, but he should be helped in paying what he took upon himself and given from charity an amount that clears his obligation and frees him from the responsibility he has guaranteed."⁽¹⁾

Al-Juwaynî states: "The Islamic Sharî'ah clearly encourages such acts of assuming debts for the public good, as the one who undertakes such responsibility is almost deputized by the Islamic Sharî'ah to borrow against charity."⁽²⁾ He further elaborates on the purpose of this allocation: "It is to encourage the leaders of tribes to extinguish the flames of conflicts, as such issues often arise among them. Thus, they are not required to cover these costs from their wealth."⁽³⁾

Shams Ad-Din Ibn Qudâmah says about the one who takes on debt for others: "He has done a great favor and sought widespread reform. Therefore, it is part of righteousness to relieve him of this burden through *Zakâh* and to preserve his wealth, so as not to diminish the wealth of those who strive for good or weaken their resolve in quelling conflicts and preventing corruption. He is given what he needs to pay off his responsibility, even if he is wealthy."⁽⁴⁾

This provision in Islamic Sharî'ah affirms a noble trait from the pre-Islamic Arab culture.⁽⁵⁾ It is said, "When a conflict arose among them resulting in fines for blood money or other matters, one of them would volunteer to bear the responsibility and ensure the resolution of the conflict. Without a doubt, this was among the finest moral values, and when they learned that someone had taken on such a burden, they would rush to assist him and provide what would clear his responsibility. Asking for help in this matter was not considered a deficiency in his status but rather a source of pride."⁽⁶⁾

(1) "Ma'âlim As-Sunan", [2: 67].

(2) "Nihâyat Al-Matlab Fî Dirâyat Al-Madhab", [11: 556]

(3) The Previous reference, [11: 556]

(4) "Ash-Sharh Al-Kabîr 'Alâ Al-Maqna'", [7: 249].

(5) "Matâlib 'ûlî An-Nahy Fî Sharh Ghâyat Al-Muntâhâ", [2: 144].

(6) "Nayl Al-Awtâr", [4: 200].

Additionally, this purpose fulfills a significant overarching goal of Islamic Sharī'ah for the nation, which is to achieve unity within the Muslim community, strengthen the bonds of Islamic brotherhood, and prevent anything that could harm these ties.⁽¹⁾

It is worth pointing out the difference between the one who takes on debt for personal reasons and the one who does so for the sake of reconciliation. The latter incurs the debt due to the need of the Muslim community to extinguish conflict and suppress discord, which is why it is permissible for him to receive aid even if he is wealthy, similar to the warrior, the one whose heart is to be reconciled, and the *Zakâh* worker. However, the one who incurs debt for personal reasons receives aid due to his personal need, so his need and inability are considered, like the poor, the needy, the enslaved seeking freedom, and the stranded traveler.⁽²⁾

Objective Evidence:

- 1- Allah, The Exalted, says: ***{“Zakâh expenditures are only for the poor and the needy and those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”}*** ⁽³⁾

Evidential aspect: The verse, ***{“and for those in debt”}*** includes those who incur debt on behalf of others, specifically those who borrow for the benefit of the Muslim community to quell the fires of conflict and spread reconciliation and goodness.⁽⁴⁾ The intent of Islamic Sharī'ah in giving to them is to encourage and motivate them to promote peace and prevent the harm caused by discord.

- 2- Allah, The Exalted, says: ***{“And if two factions among the believers should fight, then make settlement between the two. But if one of them oppresses the other, then fight against the one that oppresses until it returns to the ordinance of Allâh. And if it returns, then make a settlement between them in justice and act justly. Indeed, Allâh loves***

(1) This objective was previously explained in Topic (2) in the Second Treatise of Chapter Two.

(2) “Al-Mughnī”, [6: 481].

(3) [At-Tawbah: 60].

(4) “Tafsīr Ibn Kathīr”, [4: 158].

those who act justly.”} ⁽¹⁾

Evidential Aspect: Allah, the Almighty, commanded reconciliation between disputants, indicating that Islamic Shari‘ah is keen on preventing conflicts and encouraging peace. One of the means of achieving this reconciliation is by allocating a financial share from the wealth of the Muslims to the peacemakers, ensuring that the harm caused by discord is averted and harmony is restored.

Ibn Taymiyyah states: “**It is obligatory to make peace between these two groups** as Allah commanded. One of the ways to achieve reconciliation is **to gather the funds of Zakâh and other means to be used for such causes**. Incurring debt for the sake of reconciliation between parties allows the individual to take from *Zakâh* an amount equivalent to what they have incurred.” ⁽²⁾

- 3- Qabisah Ibn Mukhariq Al-Hilâli said: I became a guarantor for a payment, and I came to Messenger of Allah (May peace be upon him). He said: “*Wait till I receive the sadaqah and I shall order it to be given to you.*” He then said: “*Begging, Qabisah, is allowable only to one of three classes: a man who undertakes a financial responsibility, and asks for help until he pays off whatever needs to be paid; then he refrains from asking.*”⁽³⁾⁵

Evidential Aspect: Qabisah, may Allah be pleased with him, informed the Prophet Muhammad (peace and blessings of Allah be upon him) about assuming a debt on behalf of others, and the Prophet instructed him to wait until charity would come, at which point he would allocate a portion of it for him. This contains significant encouragement and motivation for taking on such debts. It is as if the Prophet approved of the one assuming responsibility for a settlement to borrow against the future availability of charity funds, given the great importance of quelling conflicts and promoting peace and goodwill—an important objective in Islamic law. ⁽⁴⁾⁶

The hadîth also indicates that a person may be given charity even if they are

(1) [Al-Hujirât, (Repentances): 9-10].

(2) “*Al-Fatâwî Al-Kubrâ*” by Ibn Taymiyah, [3: 464].

(3) ⁵ The source of the hadîth has been stated earlier., (P. +113).

(4) ⁶ Al-Khattâbî says: “This man did a good deed and sought to bring about rectification through what he did. It is not appropriate to burden him with the financial penalty, =

wealthy, as shown in the Prophet's (peace and blessings of Allah be upon him) words, *"then he refrains from asking."* This suggests that Qabîsah was wealthy because a poor person would not be required to refrain. ⁽¹⁾ He was given charity despite his wealth as an encouragement for the good he was doing and the benefit he was providing for the well-being of the Muslim community.

- 4- The Prophet (peace and blessings of Allah be upon him) said: *"Begging is right only for three people: one who is in grinding poverty, one who is seriously in debt, or one who is responsible for painful blood money and finds it difficult to pay."* ⁽²⁾

Evidential Aspect: In the Prophet's saying *"one who is responsible for painful blood money"* there is an indication that it is permissible to give from the share of the debtors to one who bears the blood debt (which refers to someone who has taken on the responsibility of preventing bloodshed and reconciling disputes). ⁽³⁾ This illustrates the care of Islamic Sharî'ah for reform through this means.

- 5- Abû Sâ'eed Al-Khudri narrated: The Prophet (peace and blessings of Allah upon him) said: *"Charity may not be given to rich man, except five classes: One who fights in Allah's path, or who collects it, or a debtor..."* ⁽⁴⁾

Evidential Aspect: The Prophet Muhammad (peace and blessings of Allah be upon him) permitted the taking of charity for debtors to serve the interests of Muslims, even if they were wealthy. Their entitlement to this charity is not due to their own needs but rather because of the needs of the Muslim community that they fulfill through their actions in supporting Islam and its people. Thus, giving to them, even if they are wealthy, indicates that the purpose of their support is to encourage them toward reform and charity. ⁽⁵⁾ The wealthy

(1) =but rather, he should be helped to pay off the debt he incurred, and he should be given from charity enough to clear his liability and be freed from the responsibility of what he has undertaken." *"Ma`âlim As-Sunan"*, [2: 67]. Al-Juwainî says: "This is to encourage the leaders of tribes to extinguish the flames of conflict so that such disturbances do not multiply among them. Therefore, they should not be burdened with their cases from their wealth." *"Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab"*, [11: 554].

(2) The source of the hadîth has been stated earlier., (P. +504)

(3) *"Ma`âlim As-Sunan"*, [2:69]

(4) The source of the hadîth has been stated earlier., (P.+100)

(5) See: *"Tafsîr Al-qurtubî"*, [8:184].

individual who is allowed to request assistance in this context is the one who bears the responsibility, meaning the guarantor or the surety. ⁽¹⁾

- 6- Evidence from "*Al-Ma`qûl*": The one who is indebted for the sake of mending relations has incurred a debt for the public good, so giving to him is more justifiable than giving to those whose debts serve private interests. Since it is permissible to give to someone for their own need, it is even more justified to give to someone whose need benefits us. ⁽²⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The one who is a guarantor for reconciliation may receive *Zakâh* even if he is wealthy,⁽³⁾ because he is given from charity due to the Muslims' need for him. Therefore, he may receive it even if he is wealthy. The purpose of giving to him is not his own need, so we should not condition it on poverty; rather, it is to encourage him towards good deeds. There is no reason to impose a condition of poverty in this case, as the Qur'an does not require it, and the pure Sunnah has clearly stated that poverty is not a condition for receiving it ⁽⁴⁾, "If poverty were a condition, there would be less desire for this noble act." ⁽⁵⁾ while The Islamic Sharī'ah aims to encourage this behavior.
- 2- "If someone has taken on the obligation of a guarantee and fulfills it, he is allowed to take from *Zakâh* because the obligation remains, and the demand exists, so he has not ceased to be considered a debtor due to the guarantee." ⁽⁶⁾
- 3- If someone has paid the debt for reconciliation from his own money, he is not allowed to take from *Zakâh* because he no longer retains the characteristic of debt that grants him entitlement; thus, he does not fall under the category of debtors. ⁽⁷⁾

(1) See: "*Ma`âlim As-Sunan*", [2:66]

(2) See: "*Al-Hâwî Al-Kabîr*", [8:509].

(3) ⁸ "*Al-Hâwî Al-Kabîr*", [8: 271]; "*Ash-Sharh Al-Kabîr `Alâ Al-Maqna`*", [7: 249].

(4) See: "*Ash-Sharh Al-Kabîr `Alâ Al-Maqna`*", [7: 249]; "*As-Sayl Aj-Jarrâr Al-Mutadafiq `Alâ Al-Azhâr*", (P253).

(5) "*Maghnî Al-Muhtâj Ilâ Ma`rifat Ma`ânî Alfâz Al-Minhâj*", [4: 180].

(6) "*Ash-Sharh Al-Kabîr `Alâ Al-Maqna`*", [7: 249].

(7) See: "*Al-Mughnî*", [6: 481].

- 4- "It is not permissible, according to the prevailing opinion, to give *Zakâh* to a father unless he receives it because he is a debtor for reconciliation or *Jihâd* or similar causes that benefit the Muslims." ⁽¹⁾
- 5- If someone has taken on a blood money obligation to quell a conflict that would have escalated otherwise, he must be responded to if he requests repayment for it, even if he is wealthy in terms of real estate and movable assets and can fulfill that obligation without facing hardship.

If he is wealthy in cash and property or wealthy in one of them, his debt should also be paid off according to some opinions, just as if he were wealthy in terms of real estate and goods; this is to encourage the leaders of the tribes to extinguish the flames of conflicts, as they often arise from among them, so they should not be burdened with repaying them from their wealth. ⁽²⁾

- 6- The one who incurs debt for the sake of reconciliation between two groups of non-Muslims may receive *Zakâh* according to the Hanbali school, ⁽³⁾ broadening the purpose of reconciliation and achieving the public interest.
- 7- If someone incurs debt for a benefit not related to resolving conflict or preventing war—such as a person who borrows to construct a mosque, build a fort, establish a bridge, or free captives, or similar public interests—then they may receive assistance regardless of whether they are poor or wealthy in property. However, according to the Shafi'i school, they should not receive assistance if they are wealthy in cash, as their benefit is uncertain between the two states. ⁽⁴⁾ This situation necessitates a moderate position between the two rulings due to the benefit their borrowing brings to Muslims, thereby expanding the purpose to encompass all acts of charity.

(1) "*Al-Mustadrik 'Alâ Majmû' Fatâwî Ibn Taimiyah*", [3: 164].

(2) "*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*", [11: 554] with modification, See also: "*Al-Hâwî Al-Kabîr*", [8: 509], and he mentioned another perspective; He is not given assistance if the conflict involved the loss of property rather than bloodshed, because blood is given precedence over other matters.

(3) ⁷ See: "*Matâlib 'ûlî An-Nahy Fî Sharh Ghâyat Al-Muntâhâ*", [2: 143].

(4) "*Al-Hâwî Al-Kabîr*", [8: 509]; "*Rawdat At-Tâlibîn Wa 'Amadit Al-Muftiîn*", [2: 319].

Topic (10): Objective of Sharī'ah in the Category of "In the Path of Allah": Supporting the Religion of Allah and Raising His Word⁽¹⁾

Objective Explanation:

In the language, "Sabīl" refers to the paths or ways, and it can be used in both masculine and feminine forms. ⁽²⁾

In a technical sense, Ibn Al-Athir states: "Sabīl Allah' encompasses any action performed sincerely to draw closer to Allah through fulfilling obligatory acts, voluntary prayers, and various forms of charitable deeds. When the term is mentioned, it is generally associated with striving for good, and due to frequent usage, it has come to be closely linked to this concept." ⁽³⁾ Ibn Manzur adds: "Everything commanded by Allah for good falls under "Fī Sabīl Allah" meaning the paths leading to Him. The term is most often associated with jihād, as it refers to the way of fighting for the sake of the faith." ⁽⁴⁾

From the above, it becomes clear that the phrase "Fī Sabīl Allah" has several meanings in the texts of the Qur'an and Sunnah, and some of these meanings include:

- Every sincere action is taken to draw closer to Allah, which is the broadest meaning.⁽⁵⁾
- Striving in the way of Allah. ⁽⁶⁾

Due to the various interpretations of the term, there is a difference of opin-

(1) See: 'Al-Umm', [2: 78]; 'Al-Amwal' by Abū 'Ubayd, (P. 725); 'Tafsīr At-Tubarī', [14: 319]; 'Aḥkām Al-Qur'ān' by Aj-Jassās, [4: 314]; 'Sharḥ Saḥīḥ Al-Bukhārī' by ibn Batāl, [3: 497]; 'Al-Hāwī Al-Kabīr', [8: 512]; 'Al-'Istidhkā', [3: 213]; 'Al-Muntaqa Sharḥ Al-Mawta', [2: 154]; 'Nihāyat Al-Matlab Fī Dirāyat Al-Madhhab', [11: -557-558]; 'At-Tabsirah' by Al-Khammi, [3:982]; 'Sharḥ As-Sair Al-Kabīr', (P. 188); 'Al-Mabsūt', [3: 10]; 'Badā'i' As-Sanā'i', [2: 45], [7: 98]; 'Al-Majmū' Sharḥ Al-Muhadhab', [6: 213]; 'Amadit Al-Qārī' Sharḥ Saḥīḥ Al-Bukhārī', 9: 44]; 'Al-Bahr Ar-Rā'iq', [2: 260]; 'Sharḥ Mukhtasar khalīl' by Al-Khurāshī, [2: 216]; 'Kashāf Al-Qinā' 'An Maṭn Al-'Iqnā', [2: 284]; 'Fath Al-Qadīr' by Ash-Shūkānī, [1: 220]; 'Radd Al-Muhtār 'Alā Ad-Dur Al-Mukhtār', [2: 343], 'Tafsīr As-Sa'dī', (P. 89).

(2) See: Entry Subul "Paths" in 'Lisān Al-'arab', [11: 320].

(3) 'An-Nihāyah Fī Gharīb Al-Hadīth Wa Al-Athar', [2: 338-339].

(4) 'Lisān Al-'arab', [11: 320].

(5) See: 'An-Nihāyah Fī Gharīb Al-Hadīth Wa Al-Athar', [2: 338-339].

(6) See: The previous reference.

ion among scholars regarding the intended meaning of the “Fî Sabîl Allah” in the verse on charity, where Allah says, {“*Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise*”}(1) The debate centers on whether this term is general, encompassing all good paths and means of drawing closer to Him, or if it specifically refers to jihâd or the warriors involved in it. This disagreement has led to differing views on the objective of this allocation.

Below, we will examine some interpretations from scholars regarding the meaning of this term in the context of the verse on charity, which will help us understand the intended Shari‘ah objective of this allocation.

The First Opinion: The intended meaning here is the fighting against the disbelievers, a view held by the majority of commentators (2) and jurists.(3)

At-Tabarî states: “{“*and for the cause of Allâh*”} means spending in support of the religion of Allah and His path, which He has legislated for His servants, through fighting against His enemies, which is the fighting against the disbelievers.” (4)

Al-Baghawî says: “This refers to: The Warriors; who have a share of the charity when they intend to go out for battle. They can use it for expenses related to the campaign, such as provisions, clothing, weapons, and transport, even if they are wealthy.” (5)

Ibn Aj-Jawzî adds: “{“*and for the cause of Allâh*”} refers to those who fight and those who are stationed at the front lines.” (6) This view was chosen by Al-Qurtubî, who attributed it to many scholars. (7)

(1) [At-Tawbah: 60].

(2) See: “*Tafsîr Ibn Abî Hâtim*”, [6: 1825], and he transmitted it from Qutâdah, Muqâtil and Ibn Aslam.

(3) See: “*Adh-Dhakhîrah*”, [3: 148]; “*Al-Bayân Fi Madhhab Al-‘Imâm Ash-Shafi‘î*”, [3: 426]; “*Al-Maghni*”, [6: 482]

(4) “*Tafsîr At-Tubari*”, [14: 319].

(5) “*Tafsîr Al-Baghwi*”, [4: 65].

(6) 8 “*Zâd Al-Masîr Fi ‘ilm At-Tafsîr*”, [2: 271]

(7) 9 See: “*Tafsîr Al-Qurtubî*”, [8: 185].

Ibn Qudâmah states: "There is no disagreement that they are the warriors fighting in the way of Allah, for 'the way of Allah' in general means fighting. Allah says, *{“Fight in the way of Allâh”}* ⁽¹⁾¹⁰ and *{“they strive in the cause of Allâh”}* ⁽²⁾¹¹ and *{“Indeed, Allâh loves those who fight in His cause in a row”}* ⁽³⁾¹² He mentions this in many places in His Book. Therefore, they are given [from the charity] even if they are wealthy.” ⁽⁴⁾¹³

Al-Nawawi adds: "The common understanding in the usage is that the way of Allah is warfare, and this is how it appears most in the Holy Qur'an." ⁽⁵⁾

They also cite the Prophet's saying: *“Sadaqah may not be given to rich man, with the exception of five classes: One who fights in Allah's path, or who collects it, or a debtor, or a man who buys it with his money, or a man who has a poor neighbour who has been given sadaqah and gives a present to the rich man.”* ⁽⁶⁾ This explicitly mentions the warrior, and there is no one among the eight categories who receives charity under the title of "warrior" except for those we provide from the share of in the way of Allah. ⁽⁷⁾

As this view indicates, the purpose of this share for them is the objective of jihâd, which is to support the religion of Allah and elevate His word. However, they specified a certain type of jihâd, namely, jihâd with the sword and fighting.

The second opinion is that it also refers to pilgrimage (hajj) alongside warfare, as reported from Ahmad, Ishâq, ⁽⁸⁾ and Muhammad Ibn Al-Hasan from the Hanafi school. ⁽⁹⁾

They supported this with the Hadîth of 'Um Ma'qil (may Allah be pleased with her), she said: Abû Ma'qil accompanied the Messenger of Allah (peace and blessings of Allah be upon him) during hajj. When he came (to her) she said: You know that hajj is incumbent on me. They walked until they visited him (i.e. the Prophet) and she asked (him): Messenger of Allah, hajj is due from me, and Abû Ma'qil has a camel, AbuMaqil said: She spoke the truth,

(1) ¹⁰ [Al-Baqarah: 190].

(2) ¹¹ [Al-Ma'idah: 54].

(3) ¹² [As-Saf: 4].

(4) ¹³ "Al-Mughni", [6: 482].

(5) "Al-Majmû' Sharh Al-Muhadhab", [6: 212].

(6) The source of the hadîth has been stated earlier. (P.+100)

(7) See: "Al-Majmû' Sharh Al-Muhadhab", [6: 212]

(8) "Al-Mughni", [6: 483].

(9) See: "Badâ'i' As-Sanâ'i'", [2: 46].

I have dedicated it to the cause of Allah, The Messenger of Allah (peace and blessings of Allah be upon him) said: “Give it to her, that is in the cause of Allah.”⁽¹⁾

The intention behind this share for the proponents of this opinion is to support the religion of Allah and elevate His word, but they also include pilgrimage based on the evidence that pilgrimage falls under the general category of “in the way of Allah.” They expanded the meaning of the term to encompass this.

However, it has been argued that the Hadîth is weak⁽²⁾, and even if it were accepted as authentic, it would only indicate that pilgrimage is one of the paths to Allah. This specific application is not intended in the verses regarding charity, as they were revealed in a general context. If the verses are general, they pertain to jihâd in the path of Allah, as all mentions of the path of Allah in the Qur’an primarily refer to jihâd, with few exceptions. Therefore, the verses in this context should be interpreted accordingly, as that seems to be their apparent intention.⁽³⁾⁸

“Additionally, the beneficiary of *Zakâh* either needs it for himself, like the poor, or for our benefit, like the workers. However, the pilgrim does not need it, as it is not obligatory for him if he is poor, and if he is wealthy, he has sufficient means, and we do not need him.”⁽⁴⁾

The third opinion suggests that “in the way of Allah” refers to all acts of worship and righteous deeds. This view is attributed to some jurists.⁽⁵⁾

Al-Kassânî states: “As for His words, {“*and for the cause of Allâh*”} it is a term that includes all acts of worship, encompassing anyone striving in obedi-

(1) Related by Abî Dawûd, [2: 204], no. (1988), Az-Zîl’î said in “*Nasb Ar-Rayah*”, [2: 396]: “Ahmad narrated it in his Musnad, and it was also narrated through him by Al-Hakim in Al-Mustadrak. Al-Hakim said: ‘It is authentic according to the criteria of Muslim.’ However, there is some doubt about this, as there is an unknown man in the chain, and Ibrahim ibn al-Muhajir has been criticized.” And stated in “*‘Awn Al-Ma’bûd*”, [5: 323]: “The hadîth of ‘Umm Ma’qil has various chains and routes, but it is not free from discrepancies in both the text and the chain of narration.”

(2) ⁷ See: “*Al-Majmû’ Sharh Al-Muhadhab*”, [6: 212]

(3) ⁸ “*Al-Mughnî*”, [6: 484].

(4) “*Adh-Dhakhîrah*”, [3: 148]; See also: “*Al-Mughnî*”, [6: 483].

(5) See: “*Badâ’i’ As-Sanâ’i’*”, [16: 87]; “*Mafâtîh Al-Ghaib*”, [16: 87].

ence to Allah and in righteous deeds, if they are in need.”⁽¹⁾

Ar-Râzî says: “Be aware that the apparent meaning of the phrase *{“and for the cause of Allâh”}* does not necessitate limiting it to fighters. For this reason, some jurists have interpreted it to mean that charity can be allocated to all good deeds, such as shrouding the dead, building fortresses, and constructing mosques, since the phrase *{“and for the cause of Allâh”}* is broad and applies to all.”⁽²⁾

Al-Qanûjî adds: “As for *{“and for the cause of Allâh”}* it means the path leading to Him, exalted be He. Although jihâd is the greatest path to Allah, there is no evidence restricting this share solely to it. Instead, it can be spent in any way that leads to Allah, exalted be He. This is the meaning of the verse linguistically, and we must adhere to the linguistic meanings as there is no valid Sharî‘ah transmission here.”⁽³⁾

From this, it appears that proponents of this view interpret the phrase based on its broad linguistic meaning, arguing that it is general and should not be restricted to specific instances without clear evidence. According to them, the purpose of this share is to support various avenues of goodness.

This interpretation is debated in the same way as the previous opinion, as “the way of Allah” in the Qur’an and Sunnah generally refers to jihâd. Therefore, the phrase should be understood in its apparent context. Furthermore, extending the meaning to encompass all good deeds contradicts the defined and limited categories of *Zakâh* distribution, which is a significant Sharî‘ah objective in the matter of *Zakâh*.⁽⁴⁾

The fourth opinion is that the term refers to public interests, as suggested by some contemporary scholars.⁽⁵⁾⁷

They argue that the phrase *{“and for the cause of Allâh”}* in the Qur’an does not have any meaning other than general charity and comprehensive goodness.⁽⁶⁾

(1) “*Badâ’i’ As-Sanâ’i’*”, [2: 45].

(2) “*Mafâtîh Al-Ghaib*”, [16: 87].

(3) “*Ar-Rawdah An-Nadiyyah Sharh Ad-Durar Al-Bahiyyah*”, [1: 206]

(4) Was previously explained in the Seventh Treatise of Chapter One, See: (P. +141).

(5) ⁷ From what was said by As-Sayid Muhammad Rashîd Rîdâ and Ash-Shaikh Mahmûd Shaltût, See: “*Tafsîr Al-Manâr*”, [10: 435]; “*Al-Islâm ‘aqidah Wa Sharî‘ah*”, (P. 124).

(6) “*Tafsîr Al-Qur’ân*” by Muhammad Shaltût, (P. 651).

According to this view, the intended purpose of this allocation is very broad, and they believe that its purpose aligns with the goals of other public funds in the Islamic treasury, which are for establishing and reinforcing public interests for Muslims.

This view is argued by rejecting the claim that *{“and for the cause of Allâh”}* exclusively means general charity and comprehensive goodness. The term has other meanings, with the most prominent being jihâd. In fact, in the Qur’ân and Sunnah, the term *{“and for the cause of Allâh”}* typically refers to jihâd, so the phrase should be interpreted accordingly. ⁽¹⁾

Additionally, it can be argued that public interests have other sources of funding, such as land tax and war spoils, which have been specified by Islamic law. *Zakâh*, however, is meant to provide for the needs of the poor among Muslims or for those who are needed by the Muslim community. It is designated to specific individuals and categories and using it for general public interests does not align with this context.

It can also be debated that the ownership aspect, which is required in *Zakâh* distribution according to the majority of scholars, is not realized if *Zakâh* is spent on public interests.

Abû `Ubaid said: “As for paying off the debt of the deceased, providing for their shroud, building mosques, digging canals, and similar acts of charity, Sufyân, the scholars of Iraq, and other scholars agree that this does not fulfill the obligation of *Zakâh* because it is not among the eight categories.”⁽²⁾

The fifth opinion is that the term refers to Jihâd in its general sense (Jihâd by hand, wealth, and tongue), which includes fighting for the sake of Allah, calling people to Allah, seeking knowledge, and teaching it. This understanding is inferred from the sayings of some Maliki scholars ⁽³⁾, and it was also endorsed by the Islamic Fiqh Council ⁽⁴⁾ and the First Symposium on Contemporary *Zakâh* Issues. ⁽⁵⁾

Al-Khurashî says: “As quoted from some Maliki scholars, *{“and for the cause of Allâh”}* refers to the warrior for the sake of exalting the word of

(1) See: “*Al-Mughnî*”, [6: 484].

(2) “*Al-Amwal*” by Abû `Ubayd, (P.725)

(3) See: “*Sharh Mukhtasar khalîl*” by Al-Khurâshî, [2: 216].

(4) Resolutions of the Islamic Fiqh Council in Makkah, issue 3 (p. 210).

(5) Fatwas and Recommendations from the Contemporary Zakat Issues Seminars (p. 25).

Allah, due to the general benefit they bring to Muslims... This includes scholars, Quran reciters, teachers, and muezzins because their work ensures the continuity, fame, and reverence of Islam, as well as providing peace of mind to the believers. Thus, they are included in the meaning of Allah's words: {"and for the cause of Allâh"}" (1)7

And among the evidence they cited:

- The term (in the path of Allah) appears 96 times in the Book of Allah, but it is not used exclusively to mean fighting the disbelievers with weapons unless the word fighting is explicitly mentioned in its present tense form. Otherwise, it comes in a general sense of *Jihâd*, which includes Jihâd with wealth, the pen, the tongue, and the sword. If it is used without any further specification, it is general; if it is used with restrictions of life and wealth, it explicitly indicates both. The mention of wealth alongside the soul carries a Quranic indication that broadens the concept of Jihâd in the path of Allah to encompass more than just warfare.

Among the examples of verses where the term "in the path of Allah" is associated with Jihâd of wealth or self, we find:

- {"and the mujâhideen, [who strive and fight] in the cause of Allâh with their wealth and their lives."} (2)
- {"those who have believed and emigrated and fought with their wealth and lives in the cause of Allâh and those who gave shelter and aided"} (3)
- {"The ones who have believed, emigrated and striven in the cause of Allâh with their wealth and their lives are greater in rank in the sight of Allâh."} (4)
- {"and strive with your wealth and your lives in the cause of Allâh."} (5)
- {"and disliked to strive with their wealth and their lives in the cause of Allâh"} (6)

(1) 7 "Sharh Mukhtasar khalîl" by Al-Khurâshî, [2: 216].

(2) [An-Nîsâ': 95].

(3) [Al-Anfâl: 72].

(4) [At-Tawbah: 20].

(5) [At-Tawbah: 41].

(6) [At-Tawbah: 81].

- {“strive with their properties and their lives in the cause of Allâh.”} ⁽¹⁾
- {“and strive in the cause of Allâh with your wealth and your lives. ”} ⁽²⁾
- Among the examples of verses where it came indicating general Jihâd without specification:
- {“they strive in the cause of Allâh and do not fear the blame of a critic.”} ⁽³⁾
- {“they strive in the cause of Allâh and do not fear the blame of a critic.”} ⁽⁴⁾
- {“they strive in the cause of Allâh and do not fear the blame of a critic.”} ⁽⁵⁾
- {“they strive in the cause of Allâh and do not fear the blame of a critic.”} ⁽⁶⁾
- {“If you have come out for jihâd [i.e., fighting or striving] in My cause and seeking means to My approval,”} ⁽⁷⁾
- The linguistic and Sharī‘ah indications do not support restricting it solely to warfare and guarding.
- This view is supported by the evidence of the first opinion, but with an expansion of the meanings of the terms in the texts that mention fighting, to include Jihâd in general without limiting it to warfare.
- The call to Allah, even if it was not explicitly included in the meaning of Jihâd by the text, should be added by analogy, for both are intended to support the religion of Allah and elevate His word. ⁽⁸⁾¹³
- The purpose of warfare is to support Islam and repel the attacking disbelievers. This goal can also be achieved through Jihâd with wealth and with the tongue by clarifying the truth, calling people to it, and refuting falsehoods, especially in these times where media has become dominant and reaches all corners of the earth, greatly shaping people’s minds and changing their perceptions—whether rightly or wrongly. In fact, media invasion has become more influential than military invasions, further emphasizing the necessity of not differentiating between

(1) [Al-Hujurât: 15].

(2) [As-Saf: 11].

(3) [Al-Mâ'idah: 54].

(4) [Al-Anfâl: 74].

(5) [At-Tawbah: 19].

(6) [Al-'ankabût: 69].

(7) [Al-Mumtahinah: 1].

(8) ¹³ “*Sharh Mukhtasar khalîl*” by Al-Khurâshî, [2: 216].

the different types of Jihâd when it comes to the legitimacy of giving charity, as long as the intention is to clarify the truth and refute falsehood. ⁽¹⁾

- This opinion balances the exclusive wording in the verse and the broad use of the term in the Qur'an and Sunnah, suggesting that it neither calls for overly narrow restriction nor vast generalization. Instead, it offers a focused expansion of the meaning that remains within the frequent Shari'ah usage without limiting it merely to its linguistic meaning. ⁽²⁾
- The purpose of Jihâd with weapons is to raise the word of Allah. Similarly, raising the word of Allah can also be achieved through calling people to Him and spreading His religion by preparing, supporting, and assisting preachers in fulfilling their mission. Both acts are considered Jihâd. This is supported by the hadîth narrated by Imam Ahmad and An-Nasâ'i, authenticated by Al-Hâkim, in which Anas (may Allah be pleased with him) reported that the Prophet (peace and blessings of Allah be upon him) said, **"Use your property, your persons, and your tongues in striving with the polytheists."** ⁽³⁾ Additionally, the Prophet (peace and blessings of Allah be upon him) was authentically reported to have been asked, "Which Jihâd is best?" to which he replied, **"A word of justice to an oppressive ruler."** ⁽⁴⁾

Upon reflection and consideration, we find that the objective of this viewpoint among its proponents does not differ from that of the first opinion, which is held by the majority of interpreters and jurists: namely, the support of Allah's religion and the elevation of His word. However, they did not restrict this to military Jihâd rather, they made it general and unrestricted to encompass all forms of Jihâd. The goal of warfare is to support the religion and defeat the aggressive disbelievers, and this is achieved through Jihâd with wealth and speech by clarifying the truth, calling to it, and refuting and rebutting falsehood.

(1) "Nawâzil Az-Zakat", (P.444).

(2) See: The previous reference

(3) Related by Ahmad, [19: 272] and Abû Dawûd, [3: 10] no. (2504). The hadîth was authenticated by Ibn Hâzim in "Al-*Thkâm*", [2: 26] where he said: "This hadîth is of the highest authenticity." It was also verified by Al-Albânî in "*Sahîh Al-Jâmi' As-Saghîr*", [1: 593]

(4) Related by Ahmad, [17: 227] no. (11143) and related by At-Turmudhî, [4: 41] no. (2174) and verified by Al-Albânî in *As-Silsilah As-Sahîhah*, [1: 886], and Ibn Kathîr in his interpretation.

This opinion-Allah knows best-is the most reliable due to the strength of its evidence and its alignment with the consensus of the Muslim community. No one among the previous opinions contradicts the notion that warfare is a primary objective of this category, and it fulfills the goal of precision and specification. The other opinions, particularly the third and fourth, tend to broaden the definition, which could lead to confusion regarding the allocation of *Zakâh*. Moreover, this viewpoint is the preferred one in contemporary jurisprudential assemblies. Thus, this significant category remains applicable in all times and places and does not become obsolete due to the cessation of military Jihâd in any given period. It continues to support the elevation of Allah's word, the defense of His religion, and its dissemination in all arenas and at all times.

Therefore, the primary objective of this category is the objective of Jihâd in the way of Allah, namely, the support of Allah's religion, the elevation of His word, and the spread of His faith throughout the world. It seeks to protect Muslims and their lands, liberate people, free the oppressed, and shield them from the tyranny of oppressors and tyrants. This effort also aims to prevent discord among Muslims and within the broader human society by warding off polytheism and its evils.

To achieve these noble objectives, the workers should be encouraged by providing them with resources from this category, even if they are wealthy. In this way, this category serves as a vital support for realizing all these goals through various means, whether through weapons, speech, writing, or other methods that continue to evolve in our modern era. In fact, some means may prove more effective than others at certain times.

Aj-Juwaynî states regarding the purpose of this share: "The aim of giving to them is to encourage them towards Jihâd." ⁽¹⁾ Al-Lakhmi adds: "For in giving it, there is a form of fostering, due to the hardships they endure in sacrificing their lives." ⁽²⁾ And here are some statements from scholars regarding the objectives of Jihâd:

- Muḥammad Ibn Al-Hasan says: "The obligation of fighting aims to **honor the religion and subdue the polytheists.**" ⁽³⁾

(1) "*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*", [11: 558].

(2) "*At-Tabsirah*" by Al-Khammî, [3: 982].

(3) "*Sharh As-Sair Al-Kabîr*", (P. 188).

- Aj-Jassâs states: "There is no obligation after faith in Allah and His Messenger that is more emphatic or deserving of being mandated than Jihâd. Through Jihâd, Islam can be manifested, and the obligatory acts can be fulfilled. Neglecting Jihâd leads to the dominance of the enemy, the disappearance of religion, and the loss of Islam." ⁽¹⁾

- Al-Kasânî remarks: "The purpose of Jihâd is to call people to Islam, exalt the true religion, repel the harm of the disbelievers, and subdue them." ⁽²⁾
- Aq-Qurtubî explains: "Allah has made Jihâd obligatory to exalt His word, manifest His religion, and rescue the weak believers among His servants, even if it leads to the loss of lives and the rescue of captives, which is obligatory on the community of Muslims." ⁽³⁾, similarly echoed by Al-Shawkani. ⁽⁴⁾
- Al-Sa`dî, in interpreting the verse {*"Fight them until there is no [more] fitnah and [until] religion [i.e., worship] is [acknowledged to be] for Allâh."*} ⁽⁵⁾ mentions: "Then Allah clarifies the purpose of fighting in His path, which is not merely to spill the blood of disbelievers or seize their wealth. The objective is that {*"[until] religion [i.e., worship] is [acknowledged to be] for Allâh."*} so that the religion of Allah prevails over all other religions and repels anything that opposes it, such as polytheism, which is what is meant by 'fitnah.'" ⁽⁶⁾

Objective Evidence:

The evidence has already been outlined under the discussion of the fifth opinion, which is deemed the most accurate according to the researcher. Please refer to that section for further details.

The effect of considering this objective in the Fiqh-based branches:

- 1- The warrior is given from the "In the Cause of Allah" share, even if wealthy, according to the majority opinion. This is because they are not

(1) "Ahkâm Al-Qur'ân" by Aj-Jassâs, [4: 314].

(2) ⁵ "Badâ'i` As-Sanâ'i'", [7: 98]. (3) "Tafsîr Al-Qurtubî", [5: 279].

(4) "Fath Al-Qadîr", by Ash-Shûkânî, [1: 220].

(5) [Al-Baqarah: 193].

(6) "Tafsîr As-Sa`dî", (P. 89), and see the reference itself (P. 326).

given from *Zakâh* due to their personal need, but rather due to the need of the Muslim community for them to support the religion, elevate its word, spread it, and protect the Muslims. Therefore, when someone is given for the benefit of the Muslims, poverty is not a condition, and they can receive even if they are rich. ⁽¹⁾

This is evidenced by the saying of the Prophet (peace be upon him): “*Sadaqah may not be given to rich man, with the exception of five classes: One who fights in Allah’s path...*” ⁽²⁾ Among these cases, the warrior is mentioned, which indicates that their support is to empower them in defending the religion, not because of personal need. ⁽³⁾

‘Ilkiyâ Al-Harâsî supports this by saying that *Zakâh* can be given to the warrior, even if they have sufficient income from other sources, such as war spoils, because “they require provisions for their battle and to strengthen their resolve in a way others do not. Therefore, allocating *Zakâh* to them is permissible in this case.” ⁽⁴⁾⁸

Al-Juwayni explains the distinction between the shares for “In the Cause of Allah” and “Ibn al-Sabil” (the stranded traveller), noting: “It is a condition for the stranded traveller to have an immediate need, meaning they must lack sufficient means to reach their destination. In contrast, for the ‘In the Cause of Allah’ share, we give even to the wealthy, as the purpose is to encourage them to engage in battle. This implies that they should be sustained by charity, so they don’t hold back due to a reluctance to spend their own wealth. In the case of Ibn al-Sabil, the aid is given based on their need, so the presence of need is required.” ⁽⁵⁾⁹

- 2- The pilgrimage (Hajj) is not considered one of the eligible expenditures under the “In the way of Allah” category according to the majority of scholars because it does not fulfill the purpose of this category, which is to exalt the word of Allah and support His religion. ⁽⁶⁾

(1) “*Tafsîr Al-Qurtubî*”, [8: 185]; “*Al-Umm*”, [2: 78]; “*Al-Mughnî*”, [6: 482].

(2) The source of the hadîth has been stated earlier. (P. ++).

(3) See: “*Al-Hâwî Al-Kabîr*”, [8: 512]. (4) ⁸ “*Al-Mughnî*”, [6: 482].

(5) ⁹ See: “*Adh-Dhakhîrah*”, [3: 148]; “*Al-Bayân Fi Madhhab Al-Imâm Ash-Shafi’î*”, [3: 426]; “*Al-Mughnî*”, [6: 482].

(6) “And because zakat is only given to one of two types of people: those who need it or =

- 3- Permissibility of allocating funds to scholars who serve the religious interests of Muslims according to the proponents of the fourth opinion - those who advocate for expanding the category to include all forms of good - in contrast to the majority opinion.

Al-Qanouji states: "Among the purposes of 'Sabîl Allah' is the allocation of funds to scholars who serve the religious interests of Muslims. They have a rightful share in the wealth of Allah, whether they are rich or poor. In fact, spending in this area is among the most important matters, for scholars are the heirs of the prophets and the bearers of the faith. Through them, the essence of Islam and the Islamic Sharî'ah established by the Prophet are preserved. Scholars among the companions used to receive financial allocations that would cover their needs and more, which they would use to assist the poor and others who came to them for help. This practice is well-known. Among the funds distributed to Muslims in this manner was: *Zakâh*." ⁽¹⁾

It may also be argued that it is permissible to allocate *Zakâh* to scholars, according to the more accepted opinion, if they are engaged in defending the faith through scholarly efforts and in the promotion of Allah's word. Therefore, the Maliki scholars allowed this allocation due to the general benefit these scholars provide to the Muslim community. In giving to them, Islam is preserved, its prominence is maintained, and its reverence is upheld. Al-Kharashî said: "Sidi Muhammad Al-Sâlih Ibn Sulaym Al-Awjâlî responded when asked about giving *Zakâh* to wealthy scholars, judges, and teachers, and others in similar positions who benefit the Muslim community in general, as follows: 'Praise be to Allah, it is permissible to give *Zakâh* to a reciter, scholar, teacher, or anyone who benefits Muslims, even if they are wealthy, due to the general benefit they provide and for the preservation of the religion.' Ibn Rushd and Al-Lakhmi also affirmed its permissibility. Allah, the Exalted, included them among the eight categories entitled to receive *Zakâh*, as He says: ***{“and for the cause of Allâh”}***-meaning **those who strive to exalt the word of Allah. This**

= those whom Muslims need, and there is no benefit for Muslims in a poor person's Hajj. Neither do Muslims have a need for it, nor does the poor person himself need it, for Hajj is not obligatory upon him. There is no benefit in making it obligatory for him, nor in burdening him with a hardship that Allah has relieved him from, and has lightened the obligation. It is better to allocate this amount to those in need from the other categories, or to use it for the welfare of Muslims." *"Al-Mughnî"*, [6: 484].

(1) *"Ar-Rawdah An-Nadiyyah Sharh Ad-Durar Al-Bahiyyah"*, [: 207].

is due to their general benefit to the Muslims, and thus a wealthy person engaged in Jihâd is given *Zakâh*, as we mentioned regarding the general benefit. In this context, scholars, reciters, teachers, and muezzins are included because their work preserves Islam, maintains its prominence and gives peace to the hearts of believers. Therefore, they are encompassed by Allah's statement: **{“and for the cause of Allâh”}** ⁽¹⁾³

- 4- Indeed, those who are in the path of Allah are given financial support for travelling, the duration of their stay for fighting and siege, and for their return expenses, because martyrdom is not a guaranteed outcome. The purpose of providing for them is to encourage them to engage in Jihâd, support the religion of Allah, and exalt His word. ⁽²⁾⁴
- 5- If there is no revenue from warfare in the public treasury, and the time comes for paying the stipends of the salaried soldiers (*Murtaziqah*) ⁽³⁾, some scholars have argued that it is not permissible to allocate funds to them from this category, **“because their entitlement is from the warfare, in which they have no direct contribution. Thus, the volunteers should be given from the charity fund, as indicated by the practices of the early leaders and the Rightly Guided Caliphs. They did not mix the *ḥaj*’ with the funds for volunteers.”** ⁽⁴⁾ Moreover, since the beneficiaries of charity and the salaried soldiers are different ⁽⁵⁾, the distinct purposes of each category make it impermissible to allocate funds to them, as the volunteers’ intention is more sincere, because their Jihâd is not dependent on receiving financial compensation. Therefore, they deserve encouragement from charity funds.
- 6- The fighter is given from the charity fund for horses, weapons, and anything needed for warfare, and for protecting the Muslim territories, as all of this falls under the category of Jihâd and its benefits. ⁽⁶⁾

(1) ³ *“Sharh Mukhtasar khalîl”* by Al-Khurâshî, [2: 216].

(2) ⁴ *“Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab”*, [11: 558]

(3) The term “*murtaziqah*” refers to “those who receive stipends even if they are not officially registered in the military rolls. A *rizq* is what is given to the soldier at the beginning of each month, and it is said that in the Maghrib, it is distributed daily.”, [1: 328]

(4) See: The previous reference.

(5) See: *“Al-Bayân Fî Madhhab Al-’Imâm Ash-Shafi’î”*, [3: 426].

(6) See: *“Tafsîr Aq-Qurtubî”*, [8: 186].

- 7- Salaried soldiers listed in the Sultan's register, who have a guaranteed right, are not given from *Zakâh*. *Zakâh* is instead given to those who live off charity, and who do not have a fixed salary. If they choose to engage in Jihâd, they do so, and if they choose not to, they remain at home. ⁽¹⁾
- 8- "If a salaried soldier wishes to become one of the volunteers who engage in Jihâd when they are able, he is considered among them. However, if one of those living on charity wants to become a salaried soldier, he is no longer given from the charity fund, but rather from warfare. The salaried soldiers have no right to *Zakâh* because they receive their compensation from warfare" ⁽²⁾, due to the differing purposes of each category and the entitlements of their recipients.
- 9- The permissibility of allocating *Zakâh* to students of knowledge, according to those who hold that all types of good deeds fall under 'in the way of Allah.' Ibn Abidin says: 'Seeking knowledge is nothing more than acquiring Sharî'ah rulings. Could a student reach the rank of those who remained in the company of the Prophet (peace and blessings of Allah be upon him) to receive rulings from him, like the people of Suffa? The interpretation of the student of knowledge is valid, especially since it is mentioned in *Al-Bada'i* that '*in the way of Allah*' includes all forms of obedience and charitable acts, which encompass anyone striving in the path of Allah and for good deeds, if they are in need.' ⁽³⁾ However, according to the more accepted opinion, they are only given *Zakâh* if their intention in seeking knowledge is to support the religion of Allah and to exalt His word.

Spreading the religion across the earth is something that deserves to receive *Zakâh* because of the person's Jihâd in seeking knowledge. Ibn 'Uthaymîn says: "If we felt that we were seeking knowledge while we were striving in the path of Allah, our hearts would be filled with greater ease... A student of knowledge should aim in their pursuit to support this religion and protect it from its enemies, and through this, their hearts will find peace; thus, you find

(1) See: "*Rawdat At-Talibîn wa 'Umdat Al-Muftiîn*" [2: 321], "*Al-Sharh al-Kabeer `alâ Al-Maqna`*", [7: 247].

(2) "*Radd Al-Muhtâr `Alâ Ad-Dur Al-Mukhtâr*", [2: 343].

(3) "*Radd Al-Muhtâr `Alâ Ad-Dur Al-Mukhtâr*", [2: 343].

that when a person notices this aspect, if they understand a matter of knowledge, they see it as a treasure, a pearl that a diver cannot afford to lose at all”⁽¹⁾.

Therefore, he, may Allah have mercy on him, issued a fatwa permitting the allocation of *Zakâh* to students of knowledge, stating:

“Among those in the way of Allah is the person who devotes themselves to seeking religious knowledge, and **they should be given from the *Zakâh*** what they need for expenses, clothing, food, drink, housing, and the books of knowledge they require **because religious knowledge is a type of Jihâd in the path of Allah**. Imam Ahmad, may Allah have mercy on him, said: “Nothing is equal to knowledge for the one who has a sound intention”, for knowledge is the foundation of all legislation; there is no legislation without knowledge. Allah, the Exalted, revealed the Book so that people may establish justice and learn the rulings of their religion, which includes the necessary beliefs, sayings, and actions.’ As for Jihâd in the path of Allah, indeed, it is among the noblest deeds, and it is the peak of Islam, with no doubt about its virtue. However, knowledge holds great importance in Islam, so its inclusion in Jihâd in the path of Allah is clear and undisputed”⁽²⁾.

- 10- The permissibility of allocating *Zakâh* to calling to Allah, in order to elevate the word of Allah and support His religion.

The Islamic Fiqh Academy stated: “Given that the purpose of Jihâd with weapons is to exalt the word of Allah, and that exalting the word of Allah can also be achieved through inviting to Allah and spreading His religion by preparing and supporting the callers to Allah in fulfilling their mission, both actions constitute Jihâd. This is supported by the narration from Imam Ahmad and An-Nisâ’î, authenticated by Al-Hakîm, from Anas, may Allah be pleased with him, that the Prophet Muhammad (peace and blessings of Allah be upon him) said: **“Use your property, your persons, and your tongues in striving with the polytheists.”**”⁽³⁾.

Considering that Islam is under intellectual and ideological attack from atheists, Jews, Christians, and other enemies of the religion and that these enemies have supporters providing them with material and moral support,

(1) “Tafsîr Ibn ‘uthaymîn”, [1: 273-274].

(2) “Majmû’ Fatawa wa Rasâ’il Muhammad Ibn ‘uthaymîn”, [18: 338].

(3) Previously referenced, (P. 5240.)

Muslims must confront them with the same weapon they use against Islam and with even stronger means.

Considering that wars in Islamic countries now have dedicated ministries and financial provisions in the budget of each state, unlike the Jihâd of calling (to Islam)... for all these reasons, the council decides — by an absolute majority — to include the call to Allah, along with what supports and aids its activities, under the meaning of (for the cause of Allah) in the noble verse.”⁽¹⁾

Among the contemporary examples, not limited to⁽²⁾:

- Everything that fulfills the requirement for preparation for the Jihâd commanded in the saying of Allah, exalted be His Majesty: {*“And prepare against them whatever you are able of power and of steeds of war^[456] by which you may terrify the enemy of Allâh and your enemy and others besides them whom you do not know [but] whom Allâh knows. And whatever you spend in the cause of Allâh will be fully repaid to you, and you will not be wrong”*}⁽³⁾.
- This includes; The establishment and funding of military factories that produce various types of heavy and light weapons, the creation of training institutes for weapons and combat for those qualified to defend the lands of Islam, the preparation of scientific and instructional military materials for Muslim fighters needed in their Jihâd, and the establishment of centers for studies specialized in countering the plans of enemies.
- What fulfills Jihâd and supports the religion through calling to Allah, as well as “Everything that ensures the survival of Islam, its prominence, and glorification, and brings peace to the hearts regarding it”⁽⁴⁾. There are various forms of this, including:
 - Establishing offices for invitation and guidance, preparing, and disseminating beneficial religious and scientific materials for the Islamic community, and other modern means that achieve the intended goal

(1) See: Resolutions of the Islamic Fiqh Academy in Mecca, Resolution No. (5), in the Ninth Session, (P.198-197).

(2) See: “*Nawâzil Az-Zakat*”, (P. 449-451).

(3) [Al-Anfâl: 60].

(4) “*Sharh Mukhtasar khalîl*” by Al-Khurâshî, [2: 216].

of inviting to Allah by clarifying guidance and the religion of truth. This is part of Jihâd through clarification, which is one of the reasons for supporting the religion and guiding the worlds, for which Jihâd was only legislated. Thus, the comprehensive command for Jihâd was issued, as the Prophet Muhammad (peace and blessings of Allah be upon him) said: ***“Use your property, your persons, and your tongues in striving with the polytheists.”***⁽¹⁾⁵ It is preferable to prioritize what pertains to inviting non-Muslims, as this closely aligns with the meaning of Jihâd and has a significant impact.

- Supporting Islamic schools and Quran memorization circles and funding them according to their needs, thereby achieving the goal of teaching the Book of Allah and acting upon it, is one of the greatest doors of Jihâd. This is because the first verse revealed about Jihâd was regarding Jihâd through the Quran, as He, the Exalted, said: ***“So do not obey the disbelievers, and strive against them with it [i.e., the Qur’ân] a great striving.”***⁽²⁾⁶
- Establishing and funding Islamic websites on the global network, smart applications, satellite channels, and similar modern means specialized in clarifying the truth, guiding creation, and inviting to Allah with wisdom and good advice, as well as spreading the religion and repelling fierce attacks against it, especially in this time when technology has become one of the most effective means of communication between nations and countries. This is due to the significant impact that these modern means have given their accompanying attraction and influence. Space invasion and social media have become more impactful than military invasion, as they specifically influence minds, while military invasion only takes control of physical possessions, which may be resistant to the influence of thoughts and beliefs.

(1) ⁵ The source of the hadîth has been stated earlier., (P. 524+)

(2) ⁶ [Al-Furqân: 52].

Topic (11): Objective of Sharī'ah in the Category of the Wayfarer: Assisting the Stranded Traveler and Those Undertaking Permissible Journeys ⁽¹⁾

Objective Explanation:

The term "sabil" has been previously defined linguistically, and as for Ibn As-Sabil, it linguistically means: "the traveler who frequently travels; he is called 'the son of the path' due to his constant presence on it." Ibn Sîdah said: "Ibn As-Sabil is the son of the path." Ibn Berrî stated: "Ibn As-Sabil refers to the stranger who is brought to the path." Thus, he is the traveler who has become stranded while intending to return to his homeland and does not find anything to sustain himself." ⁽²⁾ And "it was specified in the verse because it denotes a state of solitude and individuality." ⁽³⁾

Ibn As-Sabil, as it becomes clear from what has been mentioned, is the traveler who frequently journeys and traverses. And that is why he was named a "son" to the path, just as a child is with his mother. The Arabs refer to someone who is strongly associated with something-like night, wealth, or poverty-as a son of that thing. For example, they would say: "He is the son of the night," or "the son of wealth," or "the son of poverty." ⁽⁴⁾

As for the Sharī'ah definition, interpreters and jurists have provided similar definitions. The Hanafi scholars defined Ibn As-Sabil as "the stranger who is cut off from his wealth, even if he is rich in his homeland." The Maliki schol-

(1) See: "Al-Umm", [2:93]; "Al-Amwal" by Abû `Ubayd, (P. 726); "Tafsîr At-Tubârî", [14: 321]; "Al-Ishrâf 'la nukat masâ'il Al-khilâf", [1: 422]; "Al-Hâwî Al-Kabîr", [8: 513]; "Al-Muntaqa Sharh Al-Mawta", [2: 154]; "Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab", [11: 559]; "Tafsîr Al-Baghwi", [2: 362]; "Tafsîr Az-Zamakhsharî", [2: 283]; "Al-Bayân Fî Madhhab Al-'Imâm Ash-Shafi'î", [3: 428]; "Badâ'i' As-Sanâ'i'", [2: 46]; "Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasad", [2: 39]; "Al-Mohît Al-Burhânî Fî Al-Fiqh An-Nu'mânî", [2: 282]; "Al-Mughnî", [6: 484]; "Al-Majmû' Sharh Al-Muhadhab", [6:214]; "Tafsîr Al-Qurtubî", [8: 187]; "Sharh Az-Zarkashî 'la Mukhtasar Al-Khuraqî", [4: 630]; "Adh-Dhakhîrah", [3: 149]; "Sharh Abî Dawûd" By Al-'Aynî", [6: 382]; "Fath Al-Qadîr" by Al-Kamâl Ibn Al-Humâm, [2: 265]; "Al-'Insâf fî Ma'rîfat Al-Râjih min Al-Khilâf", [3: 236]; "Sharh Mukhtasar khalîl" by Al-Khurâshî, [2: 219]; "Nihâyat Al-Muhtâj 'Ila Sharh Al-Minhâj", [6: 158], "Nayl Al-Awtâr", [4: 201]; "Tafsîr Al-Manâr", [2: 94].

(2) See: Entry Subul "Paths" in "Lisân Al-'arab", [11: 320].

(3) See: "Tuhfat Al-Muhtâj Sharh Al-Muhadhab", [6: 214].

(4) ⁴ "Al-Majmû' Sharh Al-Muhadhab", [6: 214].

ars defined it as “the stranger who is stranded and the one who is passing through while residing in a state of estrangement, excluding the one who initiates travel from his homeland.” ⁽¹⁾ The Shafi’i scholars defined it as “the one who initiates travel from his homeland or ⁽²⁾the one passing through a foreign land.” ⁽³⁾ The Hanbali scholars defined it as “the traveler who has nothing to return to his homeland, although he has wealth in his homeland; he is given what he needs to return.” ⁽⁴⁾ Al-Qurtubi defined it as “the one whose means have been cut off in his travel from his homeland and his possessions; he is assisted even if he is wealthy in his homeland.” ⁽⁵⁾

From the above definitions of the jurists, it is evident that they agree on the fact that Ibn As-Sabîl refers to the traveling stranger who is cut off from his wealth and unable to return to his homeland. However, the Shafi’is expanded the term to include those who initiate travel, comparing them to the stranded ones, due to the common need for travel in both cases.

The majority argued for restricting it to the stranded traveler rather than the initiator of travel, citing several pieces of evidence, including:

- That “Sabîl” refers to the path, and Ibn As-Sabîl is one who is attached to the path and exists within it, similar to saying “the child of the night” for someone who frequently goes out during the night. ⁽⁶⁾
- That the term “Ibn As-Sabîl” is understood only to refer to the stranger, not to someone in his homeland and home, even if his need reaches its utmost; thus, what is mentioned in the verse must apply to the stranger exclusively. ⁽⁷⁾
- That the law was revealed to provide assistance to him for returning to his homeland, as it is something his need calls for and from which he cannot do without. Therefore, it is not permissible to include others with him since they do not fall within its meaning, and it cannot be

(1) “*Badâ’i’ As-Sanâ’i*”, [2: 46].

(2) “*Al-Ishrâf ‘la nukat masâ’il Al-khilâf*”, [1: 422].

(3) “*Al-Bayân Fi Madhhab Al-‘Imâm Ash-Shafi’î*”, [3: 428].

(4) “*Al-Mughnî*”, [6: 484].

(5) “*Tafsîr Al-qurtubî*”, [8: 187].

(6) “*Ash-Sharh Al-Kabîr ‘Alâ Al-Maqna’*”, [7: 253].

(7) See: “*Al-Ishrâf ‘la nukat masâ’il Al-khilâf*”, [1: 422]; See also: “*Ash-Sharh Al-Kabîr ‘Alâ Al-Maqna’*”, [7: 253].

analogized to them; there is neither a text regarding this nor a valid analogy to establish its permissibility.⁽¹⁾⁸

- That “Sabîl” means the path; thus, someone who does not find himself on the path cannot be considered Ibn As-Sabîl, nor can he be classified as such by mere intention, just as he cannot be considered a traveler by mere intention.⁽²⁾⁹

As for the Shafi’is, they cited several pieces of evidence, including:

- They compared the one who initiates travel to the one who is passing through, based on the common need for both to prepare for travel.
- Ar-Ramlî stated: “Referring to him in this way is a metaphor, as the basis for this in our view is the analogy to the second category-the stranded stranger-due to the common need for preparation for travel.”⁽³⁾
- “Ibn As-Sabîl is assisted with what he begins in travel, not for what has already passed, thus making the passer and the initiator equal in this regard, because each of them is considered to be starting anew. For instance, if a traveler enters a city or intends to stay for fifteen days, he is regarded as one of its residents, and upon intending to leave, he is like the initiator. Hence, it is permissible by agreement, Therefore, every resident who initiates travel is also included, and this separates it from the line of reasoning.”⁽⁴⁾
- One who intends to travel is called a traveler even if he does not travel. An analogous example is that one who has not performed Hajj can still be referred to as a pilgrim. Similarly, in the saying of Allah, exalted be He: **{“And bring to witness two witnesses from among your men”}**⁽⁵⁾ Here, He referred to them as witnesses before the act of witnessing, in consideration of what is to come.⁽⁶⁾

However, they conditioned giving to the one who initiates travel upon his poverty, as if they granted him assistance based on his state of need, with additional preference for him being Ibn As-Sabîl. Al-’Umrani stated: “If he is initiating travel from his homeland, then it should be considered: if he is wealthy,

(1) ⁸ “*Al-Mughnî*”, [6: 485].

(2) ⁹ “*Ahkâm Al-Qur’ân*” by Aj-Jassâs, [3: 165].

(3) “*Nihâyat Al-Muhtâj ‘Îla Sharh Al-Minhâj*”, [6: 158]

(4) “*Al-Hâwî Al-Kabîr*”, [8: 513].

(5) [Al-Baqarah: 282].

(6) See: “*Al-Hâwî Al-Kabîr*”, [8: 513].

he should not be given anything. But if he is poor, he should be given what he needs for his going and returning.”⁽¹⁾

The Shafi’is, Malikis, and Hanbalis may agree that if the one initiating travel is in need and has no wealth, he deserves assistance for his travel. However, the Malikis and Hanbalis allocate this assistance from the share of the poor, while the Shafi’is do so based on both his poverty and his status as Ibn As-Sabîl. Upon reflection, we find that the Shafi’is believe that Ibn As-Sabîl should be given enough for his travel, while the Malikis and Hanbalis give him what is sufficient based on his poverty, indicating that there is no difference between them.

The distinction arises, however, if the traveler is not in need, such as when he wishes to travel for a permissible reason. Some Shafi’is have gone so far as to permit giving assistance in this case.⁽²⁾⁶

Objective explanation: It is evident that travel has significant benefits and countless advantages for Islam and Muslims. Many religious interests of the Muslim community—such as Hajj, ‘Umrah, maintaining family ties, inviting to Allah, and seeking knowledge—cannot be fulfilled without travel. Likewise, many worldly interests rely heavily on traveling, as the economy, industry, and trade of the nation cannot flourish without it.

However, since traveling inherently involves hardship and strain, Islamic Sharī‘ah has paid special attention to stranded travelers, establishing numerous rulings to ease the burdens of travel. Just as travel entails difficulty, it also presents risks and obstacles that a traveler—especially one accustomed to the road—may encounter, potentially deterring them from journeying and, consequently, depriving themselves and others of various benefits. In His wisdom, the wise Lawmaker has ordained a designated share to support stranded travelers, ensuring their security and spreading reassurance in their hearts. This encourages them to pursue their endeavors across the land for benefits that serve both their personal interests and those of the Muslim community, be they religious or worldly. Thus, they need not fear the typical challenges and misfortunes of travel nor resort to asking for help or seeking loans, as they are provided with dignity through the allocated funds of *Zakâh*.

(1) “*Al-Bayân Fi Madhhab Al-‘Imâm Ash-Shafi’î*”, [3: 428].

(2) ⁶ See: “*Rawdat At-Tâlibîn Wa ‘Amadit Al-Muftiîn*”, [2: 321].

Al-Qurtubî states: “The one whose resources have been cut off during travel away from his country, home, and wealth is to be given from *Zakâh*, even if he is wealthy in his own country, and he is not obliged to burden himself with debt.”⁽¹⁾

An-Nawawî comments: “The traveler in lawful pursuits is given assistance because he needs it for his livelihood.”⁽²⁾

The Shafi‘î school, as previously mentioned, holds that this *Zakâh* allocation encompasses both the stranded traveler and anyone initiating a journey. They expanded the purpose of this allocation to include all in need of travel essentials, whether they are beginning or stranded in their journey, so that the Lawgiver’s intent is not limited solely to assisting and securing the stranded foreigner, but also to aid anyone setting out on a permissible journey. They are provided with travel expenses as an encouragement to pursue their livelihood and the bounty of Allah—both in this life and the next—by traveling across the land.

Objective Evidence:

- 1- Allah’s statement: {“*Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise*”} ⁽³⁾

Evidential aspect: Allah’s mention of the “stranded traveler”—one who intends lawful travel yet cannot complete it without assistance.⁽⁴⁾ Allah has designated for him a rightful portion from *Zakâh*, making it one of the eight categories for *Zakâh* distribution, demonstrating that one of the aims of Islamic Sharī‘ah is to aid those stranded during travel, in compassion for their journey across the land due to the significant benefits this brings.

Ibn Al-‘Arabî states: “It refers to one whose resources have been cut off during travel, away from his homeland and settled wealth, and such a person is to be given assistance from *Zakâh*.”⁽⁵⁾

(1) “*Tafsîr Al-Qurtubî*”

(2) “*Al-Majmû‘ Sharh Al-Muhadhab*”, [6: 214] with modification.

(3) [At-Tawbah (Repentance): 103].

(4) ⁴ See: “*Mafâtîh Al-Ghaib*”, [16: 87].

(5) ⁵ “*Ahkâm Al-Qur’ân*” by Ibn ‘Arabî, [2: 534].

The Shafi'î school holds that the term is general, encompassing both one who begins a journey and a stranded traveler. In their view, the Lawgiver's intent is to encourage setting out on lawful journeys.⁽¹⁾

In Tafsir Al-Manâr, it is noted: "The command to support and assist the traveler serves as an encouragement from Islamic Sharî'ah for exploration and travel across the land."⁽²⁾

2- The Quranic texts demonstrating Islamic law's care for the stranded traveler include:

- Allah has granted the wayfarer a right in various state funds, including **Warfare: (Fay')** as indicated in His statement: *{“And what Allâh restored to His Messenger from the people of the towns - it is for Allâh and for the Messenger and for [his] near relatives[1654] and orphans and the needy and the [stranded] traveler”}* ⁽³⁾
- **One-fifth of war spoils**, as stated: *{“And know that anything you obtain of war booty - then indeed, for Allâh is one fifth of it and for the Messenger[448] and for [his] near relatives[449] and the orphans, the needy, and the [stranded] traveler,”}* ⁽⁴⁾
- Allah has granted the stranded traveler an unconditional right, not restricted to *Zakâh*, Fay', or the One-fifth of war spoils, and commanded that this right be given. This is affirmed in the verses: *{“And give the relative his right, and [also] the poor and the traveler”}* ⁽⁵⁾ and *{“So give the relative his right, as well as the needy and the traveler.”}* ⁽⁶⁾ Here, “his right” seems to include *Zakâh*, the one-fifth, warfare, voluntary charity, gifts, and hosting when the first three are unavailable.
- In three verses, Allah has given a general command to spend on good causes, with the wayfarer consistently included as one of those in need. These verses are: *{“Righteousness is not that you turn your faces toward the east or the west, but [true] righteousness is [in]*

(1) *“Ahkâm Al-Qur'ân”* by Ibn `Arabî, [2: 534].

(2) *“Tafsîr Al-Manâr”*, [2: 94].

(3) [Al-Hashar: 7].

(4) [Al-Anfâl: 41].

(5) [Al-`Isrâ': 26].

(6) [Ar-Rûm: 38].

one who believes in Allâh, the Last Day, the angels, the Book, and the prophets and gives wealth, in spite of love for it, to relatives, orphans, the needy, the traveler;”} ⁽¹⁾, and {“They ask you, [O Muḥammad], what they should spend. Say, “Whatever you spend of good is [to be] for parents and relatives and orphans and the needy and the traveler.”} ⁽²⁾8 and {“Worship Allâh and associate nothing with Him, and to parents do good, and to relatives, orphans, the needy, the near neighbor, the neighbor farther away, the companion at your side,[186] the traveler;”} ⁽³⁾9

In the eight Quranic verses, one can observe Islamic law’s strong commitment to supporting the stranded traveler, giving him an allocation from fay’ and warfare, just as he is included in the categories of *Zakâh*. Additionally, when general charitable spending is commanded, the stranded traveler is included, underscoring the Lawgiver’s dedication to providing him assistance.

3- Hadiths also reflect this care for the wayfarer, including:

- The Prophet (peace and blessings of Allah be upon him) said: “No doubt this wealth is sweet and green. Blessed is the wealth of a Muslim from which he gives to the poor, the orphans and to needy travelers.” ⁽⁴⁾ This statement praises and encourages support for the stranded traveler.
- The Prophet (peace and blessings of Allah be upon him) said: “There are three to whom Allah will not speak on the Day of Resurrection, not will He look at them nor purify them, and theirs will be a painful torment: A man who has surplus water in the desert and withholds it from a wayfarer.” ⁽⁵⁾ This emphasizes the grave sin of denying a stranded traveler needed aid without just cause.
- Amr Ibn Al-Hârith reported: “Allah’s Messenger (peace and blessings of Allah be upon him) did not leave a Dinar or a Dirham or a male or a female slave. He left only his white mule on which he used to ride, and his weapons, and a piece of land which he gave in

(1) [Al-Baqarah: 117].

(2) ⁸ [Al-Baqarah: 95].

(3) ⁹ [An-Nîsâ’: 36].

(4) Agreed upon; Related by Al-Bukhârî, [2: 121], No. (1465), and Muslim, [2: 728], No. (1052)

(5) Agreed upon; Related by Al-Bukhârî, [3: 110], No. (2358), and Muslim, [1: 103], No. (108)

charity for the needy travelers.”⁽¹⁾ This act of charity by the Prophet demonstrates his care for the stranded traveler, emphasizing the prophetic commitment to supporting them.

These prophetic texts highlight the Prophet’s (peace and blessings of Allah be upon him) deep concern for the wayfarer and indicate that one of the main goals of Islamic Sharî’ah in supporting them is to alleviate their hardships and provide assistance in cases of need or estrangement.

4- General evidence supporting travel for various purposes-such as seeking sustenance, contemplation, knowledge, and worship-includes the following verses:

- ***“so walk among its slopes and eat of His provision - and to Him is the resurrection.”***⁽²⁾
- ***“and others traveling throughout the land seeking [something] of the bounty of Allâh and others fighting for the cause of Allâh.”***⁽³⁾
- ***“Travel through the land and observe how He began creation.”***⁽⁴⁾
- ***“Similar situations [as yours] have passed on before you, so proceed throughout the earth and observe how was the end of those who denied.”***⁽⁵⁾
- ***“So, have they not traveled through the earth and have hearts by which to reason and ears by which to hear? For indeed, it is not eyes that are blinded, but blinded are the hearts which are within the breasts.”***⁽⁶⁾
- ***“Go forth, whether light or heavy,[480] and strive with your wealth and your lives in the cause of Allâh. That is better for you, if you only knew.”***⁽⁷⁾
- ***“And proclaim to the people the hajj [pilgrimage]; they will come to you on foot and on every lean camel; they will come from every distant pass (28) That they may witness [i.e., attend] benefits for***

(1) Related by Al-Bukhârî, [6: 15] no. (4461).

(2) ⁴ [Al-Mulk: 15].

(3) ⁵ [Al-Muzzamil: 20].

(4) ⁶ [Al-`Ankabût: 20].

(5) ⁷ [Âl-`Imrân: 137].

(6) ⁸ [Al-Hajj: 46].

(7) [At-Tawbah: 41].

themselves and mention the name of Allâh on known [i.e., specific] days over”}^{(1)}

The previous Quranic verses illustrate various types of travel encouraged in Islam, promoting objectives that benefit both travelers and the broader community. These include seeking livelihood, knowledge, contemplation, and spreading Islam across the world. However, given the inherent difficulties and risks of travel, Islamic Sharî‘ah particularly emphasizes supporting travelers, especially those stranded and separated from family and resources. Thus, it mandates general and specific aid, including a dedicated *Zakâh* share for stranded travelers, signifying that this provision aims to support them. Such support encourages lawful travel for religious and societal benefit.

The effect of considering this objective in the Fiqh-based branches:

- 1- The Shafi‘î school has a broad interpretation, including both new travelers and those stranded, positing that the intent of Islamic Sharî‘ah here is to provide general travel assistance. In contrast, the majority limit eligibility to stranded travelers, viewing the purpose as exclusively for aiding and securing stranded individuals. This difference affects various rulings: for instance, some scholars prohibit giving the *Zakâh* share allocated for the wayfarer to someone seeking to perform Hajj, arguing that the wayfarer is the stranded traveler in need, whereas the person wishing to perform Hajj is not necessarily in need of travel assistance.
- 2- According to the majority view, a stranded traveler should receive aid even if they could borrow, as it is not obligatory for them to seek a loan. Ibn Al-‘Arabî supports this, stating, “They are not required to rely on another’s favor, for they have found Allah’s favor and bounty,” thus fulfilling the purpose of assisting them without restrictions.⁽²⁾
- 3- A stranded traveler is granted aid unconditionally, even if there is someone who could lend them assistance⁽³⁾⁴, according to the majority of scholars. They are not obliged to resort to borrowing. This view con-

(1) [Al-Hajj, (Repentances): 27-28].

(2) See: “*Al-Mughnî*”, [6: 484]

(3) ⁴ “*Ahkâm Al-Qur‘ân*” by Ibn ‘Arabî, [2: 534]; “*Tuhfat Al-Muhtâj fi Sharh Al-Minhâj*”, [7: 160]; “*Matâlib ‘ûlî An-Nahy Fi Sharh Ghâyat Al-Muntâhâ*”, [2: 149].

trasts with some Maliki scholars. Ibn Al-`Arabî remarks, "They are not required to place themselves under anyone's favor, for they have found Allah's favor and His bounty," ⁽¹⁾⁵ fulfilling the purpose of supporting them without restriction.

- 4- A wayfarer is eligible for *Zakâh* support even if they are wealthy in their home country, according to the consensus of the four schools of thought. The intent is to aid their return and alleviate any hardship they face, focusing on their current need rather than their wealth back home, as they are effectively unable to access their resources ⁽²⁾, making their situation akin to poverty.⁽³⁾
- 5- The condition for receiving *Zakâh* as a wayfarer is that they must genuinely need financial assistance for their journey. If they are not in need, they do not qualify, as the purpose is not fulfilled in such cases.⁽⁴⁾ Imam Aj-Juwaynî notes that: "The wayfarer's entitlement depends on immediate need—only if they lack the means to reach their destination, even if they possess assets elsewhere. For instance, if a traveler has resources halfway to their destination, they should only be given enough to reach those resources, as the assistance is based on actual need."⁽⁵⁾
- 6- In Shafi`î jurisprudence, a person initiating travel is only eligible for assistance if they are poor. If wealthy, they are not given aid, as the goal is to support those in financial need, not to provide general assistance.⁽⁶⁾
- 7- If someone embarks on a leisure journey, many scholars agree they should not receive *Zakâh* support, as this type of travel is not essential and does not meet the criteria of need for either the individual or the community.⁽⁷⁾

(1) ⁵ "Aḥkâm Al-Qur'ân" by Ibn `Arabî, [2: 534]; and See: "Tafsîr Al-Qurtubî", [8: 187].

(2) "Aḥkâm Al-Qur'ân" by Aj-Jassâs, [3: 165]; "Badâ'i' As-Sanâ'i'", [2: 46]; "Tafsîr Al-Qurtubî", [8: 187]; "Rawdat At-Tâlibîn Wa `Amadit Al-Muftiîn", [2: 321]; "Al-Bayân Fi Madhhab Al-Imâm Ash-Shafi`î", [3: 429]; "Al-Mughnî", [6: 485].

(3) See: "Al-Mughnî", [6: 485].

(4) See: "Rawdat At-Tâlibîn Wa `Amadit Al-Muftiîn", [2: 321].

(5) "Nihâyat Al-Matlab Fi Dirâyat Al-Madhab", [11: 561].

(6) See: "Al-Bayân Fi Madhhab Al-Imâm Ash-Shafi`î", [3: 428].

(7) See: "Rawdat At-Tâlibîn Wa `Amadit Al-Muftiîn", [2: 321]; "Matâlib `ûlî An-Nahy Fi Sharh Ghâyat Al-Muntâhâ", [2: 149].

Imam Al-Mawardî comments that a person traveling for leisure: “He should not receive aid even if they qualify for travel concessions, since *Zakâh* funds are intended for those with genuine needs. However, if their funds run out while on such a trip and they face hardship returning home, they may be granted assistance out of necessity.”⁽¹⁾

This distinction underscores that *Zakâh* for wayfarers is intended for necessary or essential travel rather than discretionary or luxury purposes. According to Shafi’i scholars, a traveler initiating a journey is entitled to travel expenses if their stay is less than four days, as they are considered travelers for *Zakâh* purposes, and this *Zakâh* category is designated to aid travelers. However, if they stay longer than four days, they no longer qualify as travelers and are therefore not eligible for assistance.⁽²⁾

- 8- If a wayfarer requires clothing during their journey, they are provided with it, as clothing is considered essential for travel, similar to food expenses.⁽³⁾ The intent behind the support is to fulfill their needs comprehensively, including necessities like clothing.
- 9- If a wayfarer is given funds for travel but does not proceed with the journey, the funds are reclaimed. Similarly, if they economize and return with leftover funds, the excess is returned, as the funds were given specifically for the purpose of travel, not as ownership, and thus must serve that purpose.⁽⁴⁾

Al-Mawardi distinguishes between the needy and the stranded traveler: “The difference between them is that the stranded traveler is provided for a future need, so their future circumstances are considered, whereas the needy are provided for their current situation, without consideration of future status.”⁽⁵⁾

- 10- A wayfarer is given enough funds to reach either their home, if returning, or their intended destination if their journey is interrupted. This support aids in fulfilling their travel purpose⁽⁶⁾, “providing only what

(1) “*Al-Hâwî Al-Kabîr*”, [8: 514].

(2) See: “*Al-Bayân Fi Madhhab Al-’Imâm Ash-Shafi’î*”, [3: 429].

(3) See the previous reference.

(4) See: The previous reference, “*Al-Mughnî*”, [6: 485].

(5) “*Al-Hâwî Al-Kabîr*”, [8: 514].

(6) See: “*Al-Mughnî*”, [6: 485]; “*Matâlib ‘ûlî An-Nahy Fi Sharh Ghâyat Al-Muntâhâ*”, [2: 149].

is necessary to meet that need.”⁽¹⁾

- 11- For travelers seeking lawful provisions, such as employment or trade, they are eligible for assistance if they are stranded, as the purpose of *Zakâh* is to aid the stranded traveler on lawful journeys that benefit either the individual or the Muslim community.⁽²⁾
- 12- Some scholars require that the journey meets a specific need, as *Zakâh* is given based on necessity.⁽³⁾ The debate centers on whether trade-related travel is essential (hajiy) or merely supplementary (tahsini). Those who see it as essential qualify it for *Zakâh*, while those who view it as supplementary do not.
- 13- If someone travels for sinful purposes but later wishes to return home upon repentance, they are eligible for assistance, as their return is no longer sinful, aligning them with other travelers and thus within the scope of the wayfarer category, as their reason for exclusion-sin-has been removed.⁽⁴⁾
- 14- If a wayfarer is also poor in their home country, they receive assistance for both reasons: as a wayfarer and as a poor person. Each reason serves a distinct purpose: giving to them as a poor person provides ownership to relieve their poverty, while giving to them as a wayfarer addresses their need for support due to travel separation from home and resources.⁽⁵⁾

Topic (12): Considering the Best Interest of the Poor⁽⁶⁾

Objective Explanation:

The term “hazz” in the language refers to a share or portion. Al-Azharî added to Al-Layth that it also means grace or goodness. When someone is described as having “hazz” it indicates they possess a portion of virtue... Al-Jawharî states, “You say, ‘I was not one with “hazz”, and indeed you have been granted “hazz”, and I have preserved the matter, so I am indeed one with

(1) “*Ash-Sharh Al-Kabîr ‘Alâ Al-Maqna`*”, [7: 253].

(2) See: “*Al-Mughnî*”, [6: 485].

(3) “*Al-Hâwî Al-Kabîr*”, [8: 514].

(4) See: “*Tuhfat Al-Muhtâj fi Sharh Al-Minhâj*”, [7: 160]; “*Al-Mughnî*”, [6: 486].

(5) “*Ash-Sharh Al-Kabîr ‘Alâ Al-Maqna`*”, [7: 253].

(6) See: “*Al-Umm*”, [2: 34]; “*Al-Amwal*” by Abû `Ubayd, (P. 531); “*Al-Hâwî Al-Kabîr*”, [3: 386];=

“hazz”. A fortunate man (hazîz) has a significant share of sustenance.”

Abû Amr mentions that a fortunate man is also considered “majdûd” (from the noun Jad that means good fortune) and it is said, “so-and-so has more “hazz” than so-and-so and more “jad” than him.”⁽¹⁾⁵

The intended meaning in this comparative form is that it refers to the better and greater share of goodness for the poor, which does not deviate from the linguistic meaning of the term.

The purpose of this objective is that Islamic Shari‘ah aims to consider what is most beneficial for the poor—and the deserving in general—giving priority to those who have a better share and fortune in certain *Zakâh* legislations. It emphasizes caution and greater benefit for them, sometimes prioritizing their interests over the general benefit of the *Zakâh* payer. This does not violate the objective of maintaining justice between the wealthy and the deserving; rather, it strengthens it. Since the group of needy individuals is weaker, it is just for the Wise Lawgiver to pay special attention to them. The harm to them from a disruption in their share of *Zakâh* is greater than the harm to the wealthy if *Zakâh* becomes burdensome for them.

Al-‘Izz Ibn ‘Abd As-Salâm says: “Preventing harm to the poor is more important than preventing harm to the wealthy. If you wish, you could say that the interests of the poor take precedence over those of the wealthy because they suffer more from the lack of their share of *Zakâh* than the wealthy do from the burden of *Zakâh*.”⁽²⁾

Al-Tûfi states: “If harm is in conflict, the side of the poor should be prioritized because what they receive is a small portion of the wealth, while the rest is greater. Scholars have considered the needs of the poor in many matters

= “*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*”, [3: 90]; “*Al-Mabsûr*”, [2: 170] [2: 191]; “*Ihyâ’ ‘Ulûm Ad-Dîn*”, [1: 218]; “*Bidâyat Al-Mujtahid Wa Nihâyit Al-Muqtasad*”, [2: 19]; “*Al-Mughni*”, [2: 448] [3: 60-63]; “*Qawâ’id Al-Ahkâm Fi Masâlih Al-An’âm*”, [1: 80]; “*Tafsîr Al-Qurtubî*”, [3: 321]; “*Al-‘Ikhtiyâr Li Ta’lîl Al-Mukhtâr*”, [1: 112]; “*Sharh Mukhtasar Ar-Rawdah*”, [1: 184]; “*Zâd Al-Ma’âd Fi Hudâ Khair Al-‘Ibâd*”, [2: 5]; “*Al-Furû’*” By Ibn Miflih, [4: 198]; “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 384]; “*Al-Mubdi’ Fî Sharh Al-Maqna’*”, [2: 323]; “*Al-Fawakih Ad-Dawâny ‘Alâ Risâlit Ibn Abî Zaid Al-Qîrwanî*”, [1: 341]; “*Higgat Allah Al-Balighah*”, [2: 69]; “*Radd Al-Muhtâr ‘Alâ Ad-Dur Al-Mukhtâr*”, [2: 366]

(1) ⁵ Entry “Hazz” (Fortune) in “*Lisân Al-‘Arab*”, [7: 440].

(2) “*Qawâ’id Al-Ahkâm Fi Masâlih Al-An’âm*”, [1: 80].

related to *Zakâh*, such as combining types of wealth to complete the Nisâb, and measuring or valuing goods in a way that is more beneficial for them.”⁽¹⁾

Ibn Al-Qayyim mentions regarding the obligation of *Zakâh*: “It should be imposed in the most complete and beneficial ways for the needy.”⁽²⁾

Scholars have emphasized this objective and have often cited it in the rulings on *Zakâh*. For example, Ash-Sarakhasî, quoting Abû Hanîfah regarding the valuation of trade goods on the due date, states: “They should be valued in the most beneficial currency for the poor ... because the wealth has been in the owner’s possession, and they benefit from it for a long time. Therefore, the benefit to the poor must be considered in the valuation for the payment of *Zakâh*, and it should be valued in the most beneficial currency.”⁽³⁾

Aj-Juwaynî states that the collector must consider the interests and welfare of the poor when choosing between currencies or livestock: “In what he gives, he is acting on behalf of the poor, so he must exercise caution.”⁽⁴⁾

And similar statements can be found from Ath-Thawrî⁽⁵⁾ and Ibn Qudâmah.⁽⁶⁾

Objective Evidence:

- 1- The Almighty said: {“And those who hoard gold and silver and do not spend them in the way of Allah-give them tidings of a painful punishment”}⁽⁷⁾

Evidential aspect: Those who do not pay *Zakâh* on their wealth and withhold it out of fear of losing their possessions have prioritized their private interests over the public interests of the community. They have sacrificed the broader communal benefit for their narrow individual gains, and thus deserve to be warned of severe punishment. This indicates that individual interests are of lesser importance and consideration than the general interests of the community, emphasizing the need to prioritize the needs of the entire population of the needy when individual interests conflict with those of wealthy

(1) “*Sharh Mukhtasar Ar-Rawdah*”, [1: 184].

(2) “*A`lâm Al-Mawqî`în*”, [3: 333].

(3) “*Al-Mabsût*”, [2: 191]; and see: “*Al-`Ikhtiyâr Li Ta`lîl Al-Mukhtâr*”, [1: 112].

(4) “*Nihâyat Al-Matlab Fî Dirâyat Al-Madhab*”, [3: 90].

(5) ⁶ See: “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasad*”, [2: 19].

(6) ⁷ See: “*Al-Mughnî*”, [3: 60-61], [3: 18].

(7) [At-Tawbah: 34].

individuals. ⁽¹⁾

- 2- The Prophet Muhammad (peace and blessings of Allah be upon him) said: *"As for Khalid, you are wronging him. for he has kept back his coats of mail and weapons to use them in Allah's path"*.⁽²⁾

Evidential aspect: The Prophet accepted arms and horses as an alternative to *Zakâh*, as there was no *Zakâh* on slaves or arms. This indicates that he accepted them instead of livestock or other items, suggesting the permissibility of accepting something in place of another if it is more beneficial for the poor.⁽³⁾

- 3- The Prophet (peace and blessings of Allah be upon him) said: *"Neither an old nor a defected animal, nor a male-goat may be taken as Zakâh except if the Zakâh collector wishes (to take it)"*.⁽⁴⁾

Evidential aspect: The phrase *"if the Zakâh collector wishes (to take it)"* implies that if the collector believes that taking these three items is better and more beneficial for the poor, he is allowed to accept them. ⁽⁵⁾ This indicates the consideration of what is more beneficial for the poor.

- 4- The statement of Mu'âdh Ibn Jabal (may Allah be pleased with him) to the people of Yemen: *"You should offer fine clothes in charity instead of barley and corn, for it is easier for you and better for the companions of the Prophet (peace and blessings of Allah be upon him) in Medina."*⁽⁶⁾

Evidential aspect: In his statement, the mention of *"better for the companions of the Prophet"* indicates a consideration of what is most beneficial for the beneficiaries of *Zakâh*. Thus, he accepted fine clothes instead of barley and corn, as they were more beneficial and advantageous for the companions of the Prophet in Medina. ⁽⁷⁾

- 5- The hadîth of Ibn Umar (may Allah be pleased with him) states: *"The Messenger of Allah (peace and blessings of Allah be upon him) mandated Zakâul-Fitr to be one sa' of dates or one sa' of barley..."* ⁽⁸⁾

(1) See: *"Mu'alimat Zâyid Lil Qawâ'id Al-Fiqhiyah Wa Al-'Usûliyah"*, [4: 206].

(2) The source of the hadîth has been stated earlier. (P. 160+).

(3) See: *"Al-Amwal"* by Abû 'Ubayd (P. 707); *"Higgat Allah Al-Balighah"*, [2: 69].

(4) The source of the hadîth has been stated earlier., (P. 220+)

(5) *"Al-Mughni"*, [2: 448].

(6) The source of the hadîth has been stated earlier., (P. 248+)

(7) ⁸ See: *"Dhakhîrat Al-'aqbi Fi Sharh Al-Mujtabi"*, [22: 151].

(8) The source of the hadîth has been stated earlier. (P. 210+).

Evidential aspect: This hadîth indicates the obligation of *Zakâul-Fitr* to be in food items rather than in money. This is because food was more beneficial for the beneficiaries during the time of the Prophet (peace and blessings of Allah be upon him) due to the scarcity of money. This demonstrates the consideration of the Sharî'ah for what is most beneficial for the poor and needy.

6- General interest is prioritized over individual interest ⁽¹⁾, meaning that considering what is more beneficial for the poor in cases of conflict is preferable to focusing on the interest of the wealthy. As mentioned earlier by Al-'izz Ibn 'Abd As-Salâm: "preventing harm to the poor takes precedence over preventing harm to the wealthy. The interests of the poor are prioritized over those of the wealthy because they suffer more from not receiving their share of *Zakâh* than the wealthy do from its doubling." ⁽²⁾

There is another principle related to this objective: "If the type of interest and harm is the same, then the differentiation is based on the quantity and significance." ⁽³⁾ or "Preserving a significant number while sacrificing a small, insignificant amount is one of the best actions." ⁽⁴⁾ This applies when a jurist is conflicted between the interests of the wealthy and the needy, as prioritizing what benefits the needy is preferable due to the greater and broader benefit in their direction. Furthermore, giving to them preserves a greater quantity, even if it means sacrificing a small amount that is necessary from the wealthy.

The effect of considering this objective in the Fiqh-based branches:

- 1- Commodities are considered commercial as soon as the intention is made, according to a narration from Ahmad. "The intention for personal use alone is sufficient; thus, the intention for trade is even more valid... as it is more beneficial for the poor." ⁽⁵⁾
- 2- The obligation of *Zakâh* on the value of investments is emphasized by some Maliki scholars, "Prioritizing the intention of trade as a precaution for the poor." ^(6,7)

(1) See: "*Adh-Dhakhîrah*", [2: 256]; "*Al-Muwafaqât*", [3: 89].

(2) "*Qawâ'id Al-Ahkâm Fi Masâlih Al-An'âm*", [1: 80].

(3) "*Al-Fawâ'id Fi 'Ilhtisâr Al-Maqâsid*", (P. 74).

(4) "*Qawâ'id Al-Ahkâm Fi Masâlih Al-An'âm*", [2: 59].

(5) "*Al-Mughnî*", [3: 63].

(6) ⁷ "*Al-Binâyah Sharh Al-Hidâyah*", [3: 384].

- 3- “The goods are valued when a year has passed at the best interest for the needy, whether in kind or in cash, and the means of purchase is not considered. This means that if a year has passed on the goods and their value in silver meets the minimum threshold (Nisâb), but does not reach the threshold in gold, we value it in silver to ensure that the needy receive their share.

Even if its value in silver is below the minimum threshold but its value in gold meets the threshold, we value it in gold so that *Zakâh* is due on it.”

⁽¹⁾ “This is because the wealth has been in the hands of the owner, who has benefited from it for a long time, so it is essential to consider the benefit to the poor when assessing *Zakâh*, and to value it at what is most beneficial for them.” ⁽²⁾ “Because valuing it takes into consideration the interests of the poor” ⁽³⁾, “It should be valued at what is most beneficial for them; thus, it is assessed at what is more advantageous for the needy, as a precaution for their rights.”⁽⁴⁾

- 4- The best practice for the person giving *Zakâh* is to give from the currency commonly used in the country, as this is more beneficial for the needy.⁽⁵⁾
- 5- If someone buys a minimum threshold of livestock for trade, and a year has passed while the livestock has been grazing and the intention for trade exists, then *Zakâh* is required on the trade according to the Hanbalis, as trade is more beneficial for the needy since it is due on what exceeds the calculated amount.⁽⁶⁾
- 6- The *Zakâh* collector has the choice between two sheep and their value based on what is more protective of the poor and more beneficial for them according to a view of the Shafi’is; they do not choose merely based on their preferences without dispute, but rather it is necessary for them to consider the interest and benefit of the needy. In what they take out, they are acting on behalf of the properties of the needy, so they must exercise caution.⁽⁷⁾

(1) “*Al-Mughnî*”, [3: 60]; and see: “*Al-Mabsûr*”, [2: 191].

(2) “*Al-Mabsûr*”, [2: 191].

(3) “*Al-Furû’*” by Ibn Muflîh, [4: 198].

(4) “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 384].

(5) See: “*Al-Mabsûr*”, [2: 191]; “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 384].

(6) The previous reference [3: 61].

(7) “*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*”, [3: 90]

- 7- The legislation of estimation (khars) in dates and grapes is a precaution for the rights of the deserving. Al-Shafi'i states that the benefit derived from them is greater when they are fresh dates and grapes, as they are worth more than dried dates or raisins. If they are deprived of fresh produce to take their tithe, it would harm them, and if they neglect the estimation, they would lose the right of the shareholders, as it should be taken and not counted. May Allah know best and allow them to manage it gently and with caution for the shareholders. ⁽¹⁾
- 8- As for the poor in *Zakâh* Al-fitr, they are given what is more beneficial to them, whether in food or cash according to the Hanafi school. Thus, some hold that if it is a time of hardship and scarcity in provisions, giving food (such as wheat) is preferable, while in times of abundance, giving cash is better as it better meets the needs of the poor. The basis of preference is on what is more beneficial and effective for the poor. ⁽²⁾ Ibn Abidin says: "The reason for the preference of cash is that it is more helpful in meeting the needs of the poor, as they may need things other than grain, such as clothes and similar items, unlike the payment of commodities." ⁽³⁾
- 9- If the tax collector sees that taking the old or defective animals, or the billy goat, is more beneficial for the poor, then he can do so, because the consideration is for what is more beneficial and advantageous for the needy. ⁽⁴⁾
- 10- If he voluntarily gives something other than the obligatory amount, it is acceptable according to the Malikis if it is better. The criterion is that if what he gives is more beneficial for the poor than what was requested, it is acceptable; otherwise, it is not. ⁽⁵⁾
- 11- If he buys palm trees or land for trade, and the land is cultivated and the palm bears fruit, and their maturity coincides with the completion of the year, and the value of the land and the palm alone meets the Nisâb for trade, he must pay the *Zakâh* of one-tenth according to the

(1) "Al-Umm", [2: 34].

(2) ⁹ See: "Radd Al-Muhtâr 'Alâ Ad-Dur Al-Mukhtâr", [2: 366].

(3) See: "Radd Al-Muhtâr 'Alâ Ad-Dur Al-Mukhtâr", [2: 366].

(4) See: "Sharh Mukhtasar khalîl" by Al-Khurâshî, [2: 152]; "Al-Mughnî", [3: 341].

(5) See: "Al-Fawakih Ad-Dawâny 'Alâ Risâlit Ibn Abî Zaid Al-Qîrwânî", [1: 341].

Hanbalis ⁽¹⁾, "...because one-tenth is more beneficial for the poor; thus, what is more advantageous should be prioritized." ⁽²⁾

- 12- If he owes a debt of two hundred dirhams and has personal assets worth two hundred dirhams or more, and he also has three hundred dirhams, he should use the assets to offset the debt because it is more beneficial for the poor. Likewise, if he has a debt and possesses two *Zakâh*able properties, if he uses one as payment for the debt, there will be no *Zakâh* on it, but if he uses the other to offset the debt, there will be *Zakâh* on it; he should apply what is more beneficial for the poor to settle the debt. ⁽³⁾
- 13- It is recommended to give wheat in *Zakâul-Fitr* according to some scholars, because it is preferable to give what is more expensive and valuable... and because wheat is more beneficial for sustenance and more effective in meeting the needs of the poor ⁽⁴⁾; thus, its giving is more advantageous and beneficial for the poor.
- 14- It is permissible to cut the fruit before it is fully ripe due to fear of drought or weak growth, "As preserving the plant is more beneficial for the poor than preserving the fruit; thus, what is most beneficial and advantageous for them is to be considered."⁽⁵⁾
- 15- Some scholars who advocate for including gold with silver in calculating the Nisâb argue that they should be combined based on the more prudent of the parts and values. This is the view of Abû Hanifah in valuing the dinars in silver, as every Nisâb requiring the combination of gold and silver is combined based on value, like the Nisâb for theft. The fundamental purpose of combining is to obtain the share of the poor, so it should be calculated in a way that is more beneficial for them, which is also a narration from Ahmad.⁽⁶⁾
- 16- According to the Shafi'is, if the leaders of the rebels collect *Zakâh* and spend it in non-designated areas, the wealthy will not be absolved of their obligation, as the discharge of this *Zakâh* causes harm to the poor,

(1) See: "*Al-Mughni*", [3: 62].

(2) "*Al-Mughni*", [3: 62].

(3) See: The previous reference, [3: 69] and see: "*Badâ'i' As-Sanâ'i'*", [2: 9].

(4) "*Al-Mughni*", [3: 84].

(5) The previous reference, [3: 18].

(6) See: "*Badâ'i' As-Sanâ'i'*", [2:20]; "*Al-Mughni*", [3: 37].

unlike other benefits that have no opposing interests. The effectiveness of the *Zakâh* is hindered, and in this case, claiming that taking it is beneficial for the wealthy is harmful to the poor. Preventing harm to the poor takes precedence over preventing harm to the wealthy, and the interests of the poor are prioritized over those of the wealthy because they suffer more from not receiving their share of *Zakâh* compared to the wealthy, who are not harmed by the collection of *Zakâh*. ⁽¹⁾

- 17- A number of contemporary scholars argue that paper money should be valued in silver rather than gold because this is more beneficial and advantageous for the poor than valuing it in gold. ⁽²⁾
- 18- “The collector is permitted to sell *Zakâh* assets, such as livestock and others, for necessity or interest, and to use the proceeds for the most beneficial needs of the poor, even for renting a residence.” ⁽³⁾
- 19- It is permissible for someone obligated to pay *Zakâh* to buy clothing or food with it and give it as charity if this is better for the poor, according to some Malikis; in fact, it is considered a good deed. ⁽⁴⁾
- 20- If someone wishes to give more than the obligatory amount in *Zakâul-Fitr* but the beneficiary insists on only accepting the obligatory amount, he should be honored; because the additional amount is only accepted as a favor to him. If he insists only on the obligatory amount, he should be responded to, just as if a creditor insists on a specific type of debt, even if a higher one is available, provided there is a possibility to differentiate. ⁽⁵⁾
- 21- The rationale for giving the value in *Zakâul-Fitr* according to the Hanafis is that it is more beneficial for the poor. Thus, they argue that if the physical item is better, it should be given. Some believe that giving the value is preferable during times of abundance, while during times of hardship, giving the physical item is better because it is more beneficial for the poor. ⁽⁶⁾⁷

(1) “*Qawâ'id Al-Ahkâm Fi Masâlih Al-An'âm*”, [1: 80].

(2) “*Al-Fiqh Al-'Islâmî waa Adillatuh*” by Az-Zuhailî, [3: 1821].

(3) “*Al-Furû'*” by Ibn Muflih, [4: 272].

(4) See: “*Mawâhib Al-Jalîl fî Sharh Mukhtasar khalîl*”, [2: 356].

(5) See: “*Tuhfat Al-Muhtâj fî Sharh Al-Minhâj*”,

(6) ⁷ See: “*Radd Al-Muhtâr 'Alâ Ad-Dur Al-Mukhtâr*”, [2: 366].

Topic (13): Ownership Transfer ⁽¹⁾

Objective Explanation:

Ownership linguistically: derived from the term “malik” (owner), and ownership in language refers to power and soundness; this is its essence. It is said that a person owns something when they have possession of it. The term “malik” is used because their hand is strong and sound in it. ⁽²⁾

“Ibn Sayīdah said: Ownership and possession refer to the containment of a thing and the ability to control it. To own something means to possess it, and ownership is the capacity to control.” ⁽³⁾

As for its definition in jurisprudence, Aj-Jurjānī defined it as “a lawful connection between a person and something that allows them to act freely with it and prevents others from doing so.” ⁽⁴⁾

Al-Qarāfi defined it as “a Sharī‘ah ruling established regarding an asset or benefit that enables the one to whom it is attributed to benefit from the owned item and receive compensation for it as such.” ⁽⁵⁾

The Hanafis define it as “the ability granted by the Lawgiver to act from the outset.” ⁽⁶⁾

The definition of ownership has posed difficulties for many jurists, as it is broad and arises from different causes, such as sale, gift, charity, inheritance, and others, which are not limited to these causes. It cannot be said that ownership is merely action, as a person under guardianship has ownership but cannot act; hence, ownership is different from action. Each term, “ownership”

(1) See: “*Sharh Sahīh Al-Bukhārī*” by Ibn Battal, [3:496], “*Usūl Al-Sarakhsī*” [1:73], “*al-Mabsūt*” [2:202], “*Al-‘Istilām Fī Al-Khilāf bayna Al-Imāmayn Ash-Shafi‘ī Wa Abī Hanīfah*” [2:54], “*Ahkām Al-Qur‘ān*” by ‘Ikiya Al-Harāsī, [4:212], “*Tuhfat Al-Fuqahā*”, [1:305], “*Badā‘i‘ As-Sana‘i‘*” [2:39], “*Al-Muhīt Al-Burhānī fī Al-Fiqh Al-Nu‘mānī*”, [2:278], “*Al-‘Ikhtiyār li-Ta‘līl Al-Mukhtār*”, [1:121], “*Tafsīr Al-Qurtubī*”, [8:183], “*Tafsīr An-Nasāfi*”, [2:503], “*Majmū‘ Al-Fatāwā*”, [28:571], “*Al-Lubāb fī ‘Ulūm Al-Kitāb*”, [10:126], “*‘Umdat Al-Qarī Sharh Sahīh Al-Bukhārī*”, [9:45], “*Fath Al-Qadīr*” by Kamal Ibn Al-Humām [2:267], “*Ni-hayat Al-Muhtāj Ilā Sharh Al-Minhāj*” [6:162], “*Hujjat Allah Al-Balīghah*” [2:69].

(2) See: Entry “Mulk” (ownership): in “*Maqāyīs Al-Lughah*”, [5: 352].

(3) “*Lisān Al-‘arab*”, [10: 492].

(4) “*At-Ta‘rīfāt*”, (P. 228); “*Al-Furūq*” by Al-Qurāfi, [3: 208].

(5) “*Al-Furūq*” by Al-Qurāfi, [3: 208].

(6) “*Fath Al-Qadīr*” by Al-Kamāl Ibn Al-Humām, [6: 248].

and “action,” is broader in some aspects and narrower in others. For example, action can exist without ownership, as a guardian, agent, or judge can act without ownership. Conversely, ownership can exist without action, such as with minors or those who are mentally incapacitated; they have ownership but cannot act.

Ownership and action coexist in the case of mature, rational individuals who have complete authority, which exemplifies the broader and narrower nature of both terms. ⁽¹⁾

The lack of clarity regarding ownership has implications for the rulings on *Zakâh*, particularly concerning the condition of complete ownership and its effects, as well as the realization of the purpose of ownership for the deserving recipients.

The aim of this purpose is that The Islamic Sharī‘ah primarily seeks to grant deserving *Zakâh* beneficiaries full ownership ⁽²⁾, unrestricted and completely secure. This enables them to fully benefit from the owned assets and to dispose of them as they wish, whether through transactions, donations, or other forms of disposal. Thus, no one should have any claim over what they have received from the wealth of Allah, for it is indeed a right granted to them by Allah, the Exalted.

As-Samarqandī states: “As for the essence of *Zakâh*, it is to give a portion of the *Zakâh* threshold to Allah, the Exalted, and to deliver it, severing any claim over it by granting ownership to the poor and delivering it to them or to their representative, who is the *Zakâh* collector. The owner of the wealth acts as Allah’s representative in delivering it to the poor.” Allah, the Exalted, says: **{“and give *Zakâh*”}** ⁽³⁾The act of giving entails ownership. ⁽⁴⁾ Therefore, it is essential for the poor or their representative to take possession, as ownership is not established without possession. ⁽⁵⁾

(1) “*Al-Furûq*” by Al-Qurâfī, [3: 208].

(2) All categories according to the Hanafis, and the first four categories according to the majority (the poor, the needy, the collectors, and those whose hearts are to be reconciled), with a discussion of the disagreement to follow.

(3) [Al-Baqarah: 43] appears in the same wording twelve times in the Quran.

(4) “*Tuhfat Al-Fuqahâ*”, [1: 305].

(5) “*Al-Ikhtiyâr Li Ta’lîl Al-Mukhtâr*”, [1: 121].

Al-Harâsî states: "The right of charity is that it is not valid unless ownership is established within it." ⁽¹⁾

Ibn Taymiyyah says: "It is necessary to give *Zakâh* in a manner that grants ownership to the needy poor, allowing them to spend it on themselves and their families at home if they wish, to pay off their debts, and to use it for their needs."⁽²⁾

From the statements of the scholars, it is evident that there is a general consensus regarding the establishment of ownership as one of the significant purposes recognized by Islamic Shari'ah in *Zakâh*, as the act of giving is not valid without ownership. This is especially true when considering the purpose of devotion in *Zakâh*, which necessitates that the giver severs their relationship with the wealth they have given.

Some scholars, including Abû Ubaid, ⁽³⁾...as indicated by some Maliki opinions,⁽⁴⁾ argue that ownership is not an intrinsic objective of *Zakâh*. In-

(1) "*Ahkâm Al-Qur'ân*" by 'IKiya Al-Harâsî, [4:212]

(2) ?????

(3) Abû 'Ubayd says: "All these traditions indicate that the amount given to those in need from zakat is not restricted to a set limit that Muslims are prohibited from exceeding. Even if the recipient is not indebted, it is still an act of kindness and virtue, provided that it is done with sincere intent and without favoritism or personal inclination. For example, if a wealthy man notices a pious Muslim family who is poor and lacking shelter, and from his zakat funds, he buys a home to protect them from the harshness of winter Or if he finds them suffering from the intense heat, or they are unclothed with nothing to cover them in their prayers or to shield them from the heat and cold, and he provides them with garments; or he encounters a servant under the ownership of a cruel master who has mistreated him, and he frees the servant by purchasing and then emancipating him; or he comes across a stranded traveler far from home, stranded, and he assists him in returning to his homeland and family by paying for transportation or covering other costs. Such acts and similar gestures, which require substantial funds, might not be offered as voluntary charity but can be provided from his zakat. Is this not a proper discharge of the obligatory duty? Indeed, it is, and then, if he wishes, he is also considered benevolent. I even fear for those who discourage such acts, for they often do not give from their voluntary charity, and by their rulings prevent others from fulfilling their obligations, thus depriving the needy of their rights, and withholding necessary support." "*Al-Amwal*" by Abû 'Ubayd, (P. 677).

(4) I have not found any explicit statements from them requiring ownership transfer (tamlik), but it appears from certain rulings that they do not require ownership transfer. =

stead, the ultimate goal is to fulfill the needs of the poor. ⁽¹⁾

In summary, their reasoning suggests that ownership is not the primary objective of *Zakâh* but rather a means to achieve the main goal of enriching the poor. Thus, if the needs of the poor are met—whether through direct ownership or not—the *Zakâh* obligation is fulfilled, with ownership merely serving as a means to this end.

They also cite reports permitting the freeing of slaves with *Zakâh* funds, such as the narration from Ibn Abbas, “He reportedly saw no harm in using *Zakâh* for someone’s pilgrimage expenses or for freeing a slave” ⁽²⁾, he also said, “Free a slave from your *Zakâh*.” ⁽³⁾

Al-Hattâb records: “Al-Barzalî said: Ibn Abî Zâyd was asked if someone required to pay *Zakâh* could purchase clothing or food with it to give as charity, Ibn al-Qasim said it would not suffice, while Ashhab said it would; but I said: It would suffice for him if he gave it from his own possession because the hand of his agent is like his own, Al-Lakhmî, in cases where it benefits the poor more, even recommended it, considering it an act of kindness.” ⁽⁴⁾

Further evidence comes from the Prophet’s words, “*taken from the rich among you and hand it to the poor among you.*” ⁽⁵⁾ which imply that the aim is simply to return it to the poor, without explicitly mentioning ownership. Thus, the term “hand it to the poor” suggests that aiding the poor, regardless of form, is the goal.

Those who argue that ownership is a Sharî‘ah requirement differ in their views.

The first view, held by the Hanafi scholars ⁽⁶⁾⁷, maintains that ownership is required for all beneficiaries of *Zakâh* without exception...

= For instance, they allow using zakat funds to purchase and free slaves without actual ownership transfer, and they permit allocating zakat for building fortresses and equipment for military expeditions.

(1) “*Al-Amwal*” by Abû ‘Ubayd, (P. 678).

(2) Related by Abû ‘Ubayd in “*Al-Amwal*”, (P. 677) no. (1786).

(3) Related by Abû ‘Ubayd in “*Al-Amwal*”, (P. 677) no. (1785).

(4) “*Mawâhib Aj-Jalîl fî Sharh Mukhtasar khalîl*”, [2: 356].

(5) Previously related, (P. 67+)

(6) ⁷ See: “*Tuhfat Al-Fuqâha*”, [1: 305]; “*Badâ‘i‘ As-Sanâ‘i‘*”, [5: 101].

...For them, ownership essentially means physical possession, implying that ownership in *Zakâh* is realized through receipt. ⁽¹⁾

They argued: that since the Sharī'ah texts use the term (itâ'-meaning "giving"—which implies transferring ownership, the act of ('itâ') cannot be fulfilled without absolute ownership transfer. ⁽²⁾ Thus, they view the law as intending full ownership transfer in all *Zakâh* categories.

This was countered by the argument that (itâ') does not necessarily imply ownership transfer but rather simply means handing over. ⁽³⁾

Additionally, the Hanafis' emphasis on the devotional aspect of *Zakâh* influences their insistence on achieving this objective in (itâ'), as true devotion requires a complete detachment from wealth, purifying the heart from its attachment. ⁽⁴⁾

Furthermore, they argue that all beneficiaries within these categories are given on the basis of poverty and that the categories mentioned in the verse reflect the reasons for poverty. ⁽⁵⁾ Therefore, they require ownership transfer in all categories to remove the attribute of poverty. This contrasts with the Shafi'is and Hanbalis, who believe that some categories are given funds to fulfill specific purposes rather than for direct need, thus not requiring absolute ownership transfer but instead allowing for the funds' intended purpose without the need for ownership.

The second view holds that ownership transfer is intended only in the first four categories and not the last four, as mentioned in the verse on *Zakâh*: {*"Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and*

(1) See: "*Badâ'i' As-Sanâ'i'*", [2: 39-40].

(2) See: "*Tuhfat Al-Fuqâha*", [1: 305]; "*Badâ'i' As-Sanâ'i'*", [5: 101].

(3) See: "*Al-Bayân Fi Madhhab Al-Imâm Ash-Shafi'i*", [3: 131].

(4) See: "*Badâ'i' As-Sanâ'i'*", [2: 39].

(5) See: "*Ahkâm Al-Qur'ân*" by Aj-Jassâs, [3: 165], They justified the allocation of zakat to the categories of those whose hearts are to be reconciled and zakat workers even if they are not poor, by explaining that these individuals do not receive it as charity. Rather, the charity itself reaches the poor through the imam, who then provides to the reconciled to prevent harm against the poor and the general Muslim community, and to Zakat workers as compensation for their work, not as charity directed to them.

for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”}⁽¹⁾ As for the last four categories, receiving *Zakâh* is conditional and tied to fulfilling specific purposes for which they were given, rather than for ownership transfer.

This view is held by the Shafi’is and Hanbalis⁽²⁾, who stated that the “lâm” in “lil-fuqara’ “ (for the poor) implies ownership, while “fi” (in) implies purpose, suggesting a differentiation between the first four categories and the last four. This distinction indicates unrestricted ownership for the first four categories and restricted ownership for the latter.⁽³⁾

The basis for distinguishing between these groups is that, for the first four categories, fulfilling their needs and relieving their hardship is achieved through ownership and giving them the funds directly. Here, ownership is a goal in itself. However, for the last four categories, their intended benefit is achieved not through receiving ownership but by addressing the specific needs for which *Zakâh* is given to them; thus, ownership isn’t the objective. Instead, their receiving *Zakâh* serves as a means to fulfill the associated public interests.

Ar-Razi notes: “Allah Almighty affirmed the allocation of *Zakâh* for the first four groups explicitly with the ownership term ‘lil’ in ‘lil-fuqara’ (for the poor). When He said: {“*Zakâh expenditures are only for the poor*”}, When mentioning the others, He switched to ‘fi’ (in), as in ‘fi ar-riqab’ {“*and in freeing captives*”}. This distinction implies that for the first four groups, the funds are given directly to them to manage as they wish. For the other four, funds are directed towards specific objectives tied to the roles or conditions they fulfill, rather than given directly for personal discretion.”⁽⁴⁾

Ibn Qudâma previously explained that when the four initial groups—the poor, the needy, those employed to collect, and those whose hearts are to be reconciled—receive *Zakâh*, **they own it completely** and are not required to return it in any situation. Conversely, for the last four categories—those in debt, those in servitude, in the cause of Allah, and the wayfarers—the funds

(1) [At-Tawbah (Repentance): 60].

(2) See: “*Asnâ Al-Matâlib fi sharh Rawad Al-Talib*”, [1: 393]; “*Al-Mughni*”, [2: 500].

(3) See: “*Asnâ Al-Matâlib fi sharh Rawad Al-Talib*”, [1: 393].

(4) See: “*Mafâtîh Al-Ghaib*”, [16: 86-87] and see: “*Al-Liblâb Fi ‘Ulûm Al-Kitâb*”, [10: 126]; “*Tafsîr An-Nisâbûrî*”, [3: 491].

are given conditionally. They must use it for the purpose that qualified them for *Zakâh*, or else it is retrieved. If the latter group meets their needs with the *Zakâh* and has some leftover, they are expected to return it, except for the soldier in the path of Allah, who may retain any excess after the campaign. ⁽¹⁾ This view is also shared by Al-Buhûti ⁽²⁾ and Al-Bijirmî. ⁽³⁾

Al-Zamakhshari differed in his view, suggesting that the use of the preposition “fi” (in) instead of “lâm” (for) in the last four categories signifies their stronger entitlement to *Zakâh*. He argued that “fi,” which implies containment, indicates that these categories are inherently deserving of receiving *Zakâh*, as though they are its natural recipients. This is based on his belief that “lâm” does not imply ownership but rather a form of designation. Consequently, he, along with the Hanafis, advocated for requiring ownership (tamlik) in all categories of *Zakâh* recipients, as they all bear the characteristic of poverty. ⁽⁴⁾

In establishing ownership for *Zakâh*, several conditions were proposed: possession of the received amount ⁽⁵⁾, the recipient’s ability to use it freely ⁽⁶⁾, potential benefits derived from it ⁽⁷⁾, and the absence of others’ claims on it. ⁽⁸⁾

According to the Hanbalis, ownership is complete when “The property is fully in one’s control, free of others’ rights, allowing discretionary use and benefit.” ⁽⁹⁾

The Malikis further specified that “Complete ownership entails full control” ⁽¹⁰⁾, “with the beneficiary having the capacity to develop it independently” ⁽¹¹⁾,

(1) See: “*Al-Mughnî*”, [2: 500]. It is notable that the term used for the receipt by the last four categories is “taking” rather than “ownership”, as is the case with the first four categories. And see: “*Kishâf Al-Iqnâ ‘An Matn Al-Iqnâ’*”, [2: 282]; “*Hashiyat Al-Bijirmî ‘Ala Al-Khatîb*”, [2: 359].

(2) See: “*Kishâf Al-Iqnâ ‘An Matn Al-Iqnâ’*”, [2: 282]; “*Hashiyat Al-Bijirmî ‘Ala Al-Khatîb*”, [2: 359].

(3) See: “*Hashiyat Al-Bijirmî ‘Ala Al-Khatîb*”, [2: 359].

(4) See: “*Tafsîr Al-Zamakhshari*”, [2: 283].

(5) See: “*Al-Ikhtiyâr Li Ta’lîl Al-Mukhtâr*”, [1: 121].

(6) See: “*Majmû‘ Al-fatâwâ*”, [28: 571]; “*Fath Al-Qadîr*” by Al-Kamâl Ibn Al-Humâm, [6: 248].

(7) “*Al-Furûq*” by Al-Qurâfî, [3: 208].

(8) See: The previous reference.

(9) “*Al-Mubdî‘ Fî Sharh Al-Maqna’*”, [2: 296]; “*Matâlib ‘ûli An-Nahy Fî Sharh Ghâyat Al-Muntâhâ*”, [2: 14].

(10) “*Mawâhib Aj-Jalîl fî Sharh Mukhtasar khalîl*”, [2: 256].

(11) “*At-Tâbsirah*” by Al-Khammî, [2: 917].

“free from the risk of being reclaimed.” ⁽¹⁾

According to the Hanafis, the requirement of ownership is met even if the *Zakâh* payer does not directly hand over the item itself; thus, if the *Zakâh* giver buys food or clothing and grants it to the poor, it suffices, provided it's a full transfer of ownership rather than mere permission for use. However, preparing food to serve beneficiaries without transferring ownership is insufficient, as ownership is not achieved. ⁽²⁾

Some Shafi'is permitted conditional ownership, such as buying property with *Zakâh* funds for a poor person unable to earn an income and restricting the property from being sold. ⁽⁴⁾

Objective Evidence:

- 1- Allah's statement: ***{“Zakâh expenditures are only for the poor and for the needy and for those employed for it[487] and for bringing hearts together [for Islam] and in freeing captives [or slaves] and for those in debt and for the cause of Allâh and for the [stranded] traveler - an obligation [imposed] by Allâh. And Allâh is Knowing and Wise”}*** ⁽⁵⁾¹² and He, The Exalted, said: ***{“And from their properties was [given] the right of the [needy] petitioner and the deprived.”}*** ⁽⁶⁾¹³

Evidential aspect: It has been previously stated that the preposition “Lî” (for) in the verse indicates ownership, which implies that the Lawgiver intends to grant the beneficiaries full ownership. Moreover, “Allah referred to *Zakâh* as a “charity” in His statement: ***{“Zakâh expenditures are only for the poor”}*** and charity entails ownership.” ⁽⁷⁾

‘Ilkya Al-Harâsî states: “*Zakâh* becomes a partnership for the poor, which is also the view of Al-Shafi’i. The apparent meaning of the verse supports this, as the phrase ***{“Zakâh expenditures are only for the poor”}*** suggests ownership. However, it was not made a literal ownership since it was defined in terms of description rather than essence, and every right assigned to a description can

(1) “*Al-Ma’ûnah ‘Alâ Madhhab ‘âlim Al-Madînah*”, [1: 375].

(2) See: “*Badâ’i’ As-Sanâ’i’*”, [2: 74].

(4) See: “*Nihâyat Al-Muhtâj ‘Ilâ Sharh Al-Minhâj*”, [6: 163].

(5) ¹² [At-Tawbah: 60].

(6) ¹³ [Adh-Dhâriyât: 19].

(7) “*Badâ’i’ As-Sanâ’i’*”, [2: 39].

only be owned through delivery.”⁽¹⁾

- 2- Allah, The Exalted, said: {“**And give Zakâh**”}⁽²⁾ and the verse {“**and give its due [Zakâh] on the day of its harvest.**”}⁽³⁾ as well as the saying of the Prophet Muhammad, peace be upon him: “*pay the Zakâh on your properties,*”⁽⁴⁾

Evidential aspect: The Sharî‘ah texts have commanded *Zakâh* using the terms “giving” and “paying,” which imply ownership.⁽⁵⁾ Al-Sarakhsî states: “The principle is that the obligation is to perform the giving of a portion of the wealth, and giving cannot be realized without ownership. Thus, any act of worship devoid of ownership is not sufficient to fulfill the *Zakâh* obligation.”⁽⁶⁾

The Hanafis have used this evidence to assert that ownership is a requirement in all categories of *Zakâh*. They appear to interpret the term “giving” here as ownership, prioritizing the aspect of devotion in *Zakâh*. They do not see the realization of giving without the cessation of the benefit for the giver from what was given, which, in their opinion, can only be achieved through ownership.⁽⁷⁾

It can be argued that the meaning of giving is to provide or pay, rather than ownership.⁽⁸⁾ The act of giving is fulfilled by delivering the benefit to the beneficiary in any form, whether through ownership or otherwise.

- 3- *Zakâh* is an act of worship, and worship means dedicating one’s actions entirely to Allah. When the *Zakâh* is delivered to the poor, the ownership of that amount is completely relinquished, and it becomes purely for Allah. Therefore, the essence of worship in this act is connected to the nullification of ownership over the amount given.⁽⁹⁾¹⁰

- 4- The evidence indicating that *Zakâh* is a financial right⁽¹⁰⁾¹¹ suggests

(1) “*Ahkâm Al-Qur’ân*” by ‘Lkiyâ Al-Harâsî, [4: 206].

(2) [Al-Baqarah: 43]. appears in the same wording eleven times in the Quran.

(3) [Al-An`âm: 95].

(4) The source of the hadîth has been stated earlier. (P. 304+).

(5) See: “*Badâ’i` As-Sanâ’i`*”, [5: 101].

(6) “*Al-Mabsûr*”, [2: 202].

(7) See: “*Al-Mabsûr*”, [3: 11].

(8) See: “*Maqâyis Al-Lughah*”, [1: 51] and see: “*Al-Bayân Fi Madhhab Al-‘Imâm Ash-Shafi`i*”, [3: 131].

(9) ¹⁰ See: “*Badâ’i` As-Sanâ’i`*”, [2: 39].

(10)¹¹ Was previously explained in the Second Treatise of Chapter One, See: (P. 79+)

that if *Zakâh* is primarily understood as a financial right, ...then ownership must be established for its proper fulfillment. If ownership is not realized, the full performance of *Zakâh* is incomplete because the obligation is to grant ownership. The right to ownership belongs to those who acquire it, as is the case with other forms of ownership. The concept of ownership from Allah cannot be imagined, as all things belong to Allah before and after ownership in the same manner. Therefore, if it is not conceivable that ownership comes from Allah, it is certain that it is a right for the people, specifically the poor. ⁽¹⁾

- 5- One of the purposes of *Zakâh* is to express gratitude for the blessing of wealth. Since the wealthy benefit from ownership of their wealth and its use, the obligation upon them is to grant full ownership to the needy who are deprived of it, so that gratitude can be fully realized.
- 6- Incomplete or restricted ownership granted to the needy could undermine some of the other objectives of *Zakâh*. For example, one of the goals of *Zakâh* is to purify the soul of the needy from envy and resentment. If *Zakâh* is given with conditions limiting their ability to act or benefit, this purification would not be fully achieved.
- 7- If ownership is not fully realized in the wealth given, then the owner cannot be considered wealthy. ⁽²⁾ *Zakâh* was established to enrich the needy, and true enrichment cannot occur with diminished ownership.

The effect of considering this objective in the Fiqh-based branches:

According to the Hanafi school, based on their principle that ownership is a goal in all distributions, some branches align with them, while others are shared with the Shafi'i and Hanbali schools, either for the same reason or another. Among these points:

- 1- It is not permissible to allocate *Zakâh* to charitable purposes such as building mosques, establishing shelters, providing water, repairing canals, and preparing and burying the deceased, because ownership is not achieved at all. ⁽³⁾

(1) "Al-'Istilâm Fî Al-Khilâf bayna Al-Imâmayn Ash-Shafi'î Wa Abî Hanîfah" [2:54], with slight modification.

(2) See: "*Badâ'i' As-Sanâ'i'*", [2: 9].

(3) See: "*Badâ'i' As-Sanâ'i'*", [2: 39].

- 2- If *Zakâh* is used to buy food and the poor are fed without receiving the actual food, this is not permissible due to the absence of ownership.⁽¹⁾

Ibn Taymiyyah states: "It is not allowed to give *Zakâh* to someone who hosts the poor or holds a feast for them, regardless of the circumstances. Instead, it must be given as ownership to the needy, allowing them to spend it on themselves and their families at home, pay off debts, and fulfill their needs."⁽²⁾

- 3- If someone pays off the debt of a deceased poor person with the intention of *Zakâh*, it is not valid due to the lack of ownership resulting from the failure to take possession.⁽³⁾
- 4- If a debt of a living poor person is paid without their request, it does not count as *Zakâh* because ownership from the poor person is not established due to the lack of possession. However, if it is done at their request, it is valid for *Zakâh* because ownership from the poor person exists, as they become an agent in possession.⁽⁴⁾
- 5- If a person emancipates their slave with the intention of *Zakâh*, this is not permissible because ownership is not realized; emancipation is not considered ownership, but rather the removal of ownership.⁽⁵⁾
- 6- If someone buys a slave with *Zakâh* and then emancipates them, this does not count as *Zakâh* because the obligation is to establish ownership, and emancipation removes ownership. The intent of Allah's statement, **{*and in freeing captives*}**⁽⁶⁾ is to assist those who are purchasing their freedom through *Zakâh*.⁽⁷⁾
- 7- It is permissible to give *Zakâh* to the imam or to the *Zakâh* collector because they act as representatives of the poor in receiving the *Zakâh*, making their receipt equivalent to that of the poor.⁽⁸⁾
- 8- If *Zakâh* is given to a poor child or an insane poor person, and their guardian-such as a father, grandfather, or their guardian-receives it,

(1) See: The previous reference, and some Malikis allowed it; see: "*Mawâhib Aj-Jalîl fî Sharh Mukhtasar khalîl*", [2: 356].

(2) "*Majmû' Al-fatâwâ*", [28: 571].

(3) See: "*Badâ'i' As-Sanâ'i'*", [2: 39].

(4) See: The previous reference.

(5) See: The previous reference.

(6) [At-Tawbah (Repentance): 60].

(7) See: "*Badâ'i' As-Sanâ'i'*", [2: 39].

(8) See: The previous reference.

this is permissible because the guardian has the right to accept the *Zakâh* on their behalf. Likewise, if a relative receives it on their behalf, it is also valid, as well as for a stranger living with them, since they act similarly to a guardian in receiving the *Zakâh* as pure benefit, akin to receiving a gift. Also, if a person who finds a lost child receives the *Zakâh* for that child, it is valid since they possess the right to receive it, establishing ownership of the *Zakâh* by the poor person. ⁽¹⁾

- 9- If someone supports an orphan by clothing and feeding them with the intention of their *Zakâh*, this is permissible. Muhammad states that clothing is acceptable, while food is only valid if directly given to them due to the lack of ownership. It is said that there is no real disagreement between them because Abû Yusuf's intention is not merely to feed as a gift but to give ownership. ⁽²⁾⁹
- 10- It is not permissible to give *Zakâh* to one's slave, a freed slave, or the mother of one's child because ownership is not established; they do not own anything, making the payment to them a payment to oneself. It is also not permissible to give *Zakâh* to a person who is under a contract of gradual emancipation (*mukâtaba*) because they remain a slave until they have paid off their debt. Additionally, their earnings are uncertain, as they may not be able to fulfill their obligations. ⁽³⁾
- 11- It is not valid to give *Zakâh* to one's father or ascendant, nor to one's child or descendant, because they benefit from ownership; thus, giving to them is akin to giving to oneself, preventing any real transfer of ownership. ⁽⁴⁾

There are other branches mentioned by the Shafi'i and Hanbali schools based on their principle of distinguishing between the ownership of the first four categories and the receiving of the last four categories. These include:

- 12- The one disbursing *Zakâh* cannot personally buy a horse when the *Zakâh* is intended for a purpose (in the way of Allah), but should pay the price for the horse instead. The obligation is to give *Zakâh*; if he buys it himself, he has only given away a horse. The same ruling applies

(1) See: The previous reference.

(2) ⁹ See: The previous reference.

(3) See: "*Badâ'i' As-Sanâ'i'*", [2: 39]..

(4) See: The previous reference, [2: 40].

to buying weapons and provisions.⁽¹⁾

- 13- It is not permissible to buy a horse from *Zakâh* that becomes a permanent offering (habis) in the way of Allah, nor to purchase a house or estate for that purpose, nor to dedicate it to the mujahideen. This is because *Zakâh* has not been given to anyone, and one is commanded to distribute it.⁽²⁾
- 14- It is permissible for the imam to buy property for the poor to utilize and become self-sufficient without giving them cash⁽³⁾, according to some Shafi'i opinions. He may also condition that they do not sell it, as this fulfills the Sharî'ah purpose in this case, which is to address the poor's needs.

Al-Ramli states that this serves the returning interest, assuming the poor person cannot engage in trade or a craft. The closer argument, as discussed by Al-Zarkashi, is that the imam has the right to purchase it for them and compel them not to sell it, meaning it should remain within their ownership.⁽⁴⁾

- 15- If the imam buys a horse with a person's *Zakâh*, he may give it to the owner for them to use in warfare. Likewise, if he purchases weapons or armor with the *Zakâh*, this is valid, as it fulfills the commanded distribution, and the beneficiary receives it due to new circumstances.⁽⁵⁾⁷
- 16- It is not permissible for anyone to perform Hajj using their *Zakâh*, nor to engage in warfare with it, nor for anyone to perform Hajj or go to war on their behalf using *Zakâh*, as the commanded distribution has not been fulfilled.⁽⁶⁾
- 17- The last four categories of beneficiaries cannot spend the money in a manner other than what it was designated for, as they do not own it. The funds were given to them specifically for certain benefits, and it is not permissible for them to divert it to other uses.⁽⁷⁾

(1) See: "Ash-Sharh Al-Kabîr 'Alâ Al-Maqna'", [7: 248]

(2) See: The previous reference, [7: 248].

(3) See: "Maghnî Al-Muhtâj Ilâ Ma'rifat Ma'ânî Alfâz Al-Minhâj", [4: 186].

(4) "Nihâyat Al-Muhtâj 'Ilâ Sharh Al-Minhâj", [6: 162].

(5) ⁷ See: "Kishâf Al-'Iqnâ 'An Matn Al-'Iqnâ'", [2: 283]

(6) See: "Kishâf Al-'Iqnâ 'An Matn Al-'Iqnâ'", [2: 283].

(7) See: "Al-Bahr Ar-Ra'iq", [2: 260].

- 18- If a debtor (ghârim) receives charity and then is absolved of his debt by his creditor, he must return what he received, just as a person under a contract of gradual emancipation (mukâtaba) must return their portion if they are freed or forgiven. ⁽¹⁾
- 19- Some scholars permit paying off the debt of a deceased person from *Zakâh*, as ownership is not a requirement for the debtor; therefore, the objection that one cannot be owned does not apply, and thus it is permissible to fulfill the debt with *Zakâh*. ⁽²⁾
- 20- A warrior (ghâzi) who receives from the share of *Zakâh* for the cause of Allah but does not go to war may retrieve what he received. Similarly, if he dies on the way or refrains from going for another reason, he may reclaim what remains with him. If he goes to war and returns with leftover provisions, and he did not restrict his spending, he may also reclaim the remaining amount. ⁽³⁾
- 21- A warrior is given *Zakâh* when the time of departure approaches to prepare for their journey, as this distribution is for a benefit rather than for ownership, so he is given it close to the time of travel. ⁽⁴⁾
- 22- 22- The majority of scholars hold that if a traveler (ibn al-sabil) is given what he needs but does not travel, he may reclaim it. Likewise, if a traveler, who intends to travel, restricts his spending and returns from his journey with leftover funds, he may also reclaim them. This is because the purpose of giving is to meet a need rather than to confer ownership; therefore, when he no longer requires that benefit, he can reclaim the funds. ⁽⁵⁾
- 23- 23- If a traveler takes his travel expenses to a destination and travels part of the way but then halts, his expenses will be assessed. If he has spent all of his funds for the traveled portion and this was due to high prices or increased costs, he may not reclaim the amount.

(1) See: *"Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab"*, [11: 556].

(2) See: *"Adh-Dhakhîrah"*, [3: 148]; *"Al-Bayân Fî Madhhab Al-'Imâm Ash-Shafi'î"*, [3: 425].

(3) See: *"Al-Majmû' Sharh Al-Muhadhab"*, [6: 214].

(4) See: The previous reference.

(5) See: *"Manh Aj-Jalîl fî Sharh Mukhtasar khalîl"*, [2: 92]; *"Al-Bayân Fî Madhhab Al-'Imâm Ash-Shafi'î"*, [3: 429]; *"Kishâf Al-'Iqnâ 'An Matn Al-'Iqnâ'"*, [2: 282].

If the traveler spent his funds on extravagance and indulgence, he may reclaim the remaining travel expenses just as if he had not traveled at all. If he spent those funds while staying in place, he may reclaim everything because he received them to prepare for a journey that he did not undertake.⁽¹⁾ This is because giving him *Zakâh* is not for ownership but for his need, so it is limited to that need.⁽²⁾

- 24- If *Zakâh* is given to a debtor (ghârim) to settle his debt, he is not permitted to spend it on anything else, even if he is poor. This is because he receives it with certain considerations in mind. However, if *Zakâh* is given to the debtor due to his poverty, he may use it to pay off his debt, as he holds it as complete ownership.⁽³⁾



(1) *“Al-Hâwî Al-Kabîr”*, [8: 514].

(2) See: *“Ash-Sharh Al-Kabîr ‘Alâ Al-Maqna’”*, [7: 253].

(3) *“Kishâf Al-‘Iqnâ ‘An Matn Al-‘Iqnâ’”*, [2: 282].

Fifth Treatise

Objectives Related to Zakâh Collection and Its Distribution

Topic (1): Precise Regulation of Zakâh Collection and Its Distribution with Justice⁽¹⁾

Objective Explanation:

This is the primary objective of Zakâh collection, as it seeks to ensure that the process of collection and distribution is marked by precision and justice at every stage. This starts from its levying and collection by meticulously and carefully determining the essence, description, and amount of what is taken from wealth owners, and ends with the proper delivery to those who are rightfully entitled by precisely identifying the deserving beneficiaries, their characteristics, as well as the aspect of their entitlement in alignment with the Sharī‘ah-designated categories, while considering their interests and priorities. Furthermore, every stage of collection and distribution should observe justice among wealth owners and those in need throughout all its branches,

(1) See: “*Al-Amwâl*” by Abū ‘Ubayd, (pp. 679, 486, 496); “*Sharh Saḥīḥ Al-Bukhārī*” by Ibn Battāl, [3: 548]; “*Al-Aḥkām As-Sultāniyyah*” by Al-Māwardī, (P. 40); “*Al-Aḥkām As-Sultāniyyah*” by Abū Ya‘lā Al-Farrā’, (P. 28); “*Al-Muntaqā Sharh Al-Muwatta’*”, [2: 93-94]; “*Ghiyāth Al-Umam Fī Iltiyāth Az-Zulam*”, (P. 293); “*Nihāyat Al-Matlab Fī Dirāyat Al-Madhhab*”, [3: 133]; “*Al-Mabsūt*”, [2: 162]; “*Baḥr Al-Madhhab*”, [3: 69]; “*Badā‘i‘ As-Sanā‘i‘*”, [2: 35]; “*Tafsīr Al-Qurtubī*”, [1: 271] and [8: 177]; “*Al-Majmū‘ Sharḥ Al-Muhadhdhab*”, [6: 165-169]; “*Sharḥ An-Nawawī ‘Alā Muslim*”, [14: 100]; “*Al-Fatāwā Al-Kubrā*” by Ibn Taymiyyah, [5: 370]; “*Majmū‘ Al-Fatāwā*”, [28: 257, 573]; “*Al-Furū‘ Wa Tashīḥ Al-Furū‘*”, [4: 271]; “*Fath Al-Bārī*” by Ibn Hajar, [3: 360]; “*Al-Insāf Fī Ma‘rifat Ar-Rājiḥ Min Al-Khilāf*”, [3: 192]; “*Nukhab Al-Afkār Fī Tanqīḥ Mabānī Al-Akḥbār Fī Sharḥ Ma‘ānī Al-Āthār*”, [8: 109]; “*Al-Ashbāḥ Wa An-Nazā‘ir*” by As-Suyūṭī, (P. 121); “*Nayl Al-Awtār*”, [4: 186]; “*‘Ad-Durar Al-Bahiyyah Wa Ar-Rawḍah An-Nadiyyah*”, [1: 523]; and “*Maqāsid Ash-Sharī‘ah Al-Is-lāmiyyah*” by Ibn ‘Āshūr, [2: 569], [3: 458].

as precision and justice are essential foundations and noble goals upon which Zakâh collection is based in the Islamic Shari‘ah.

Among the manifestations of Shari‘ah’s concern for ensuring precise regulation and justice in terms of Zakâh collection are the following:

- **Assigning collection to the ruler:**

Zakâh collection is entrusted to the governing authority, making it a religious responsibility with significant implications, the most important of which are magnifying its importance, regulating its collection, ensuring justice in the collection process by preserving its origin and description, and taking full responsibility for it without neglecting any part thereof. This is because the ruler is the most knowledgeable about the deserving beneficiaries, the interests, the extent of needs, and all other matters related to Zakâh collection and distribution.

Regarding the duties of the ruler, Al-Mawardî states: “Collecting *Fay*’ (booty gained without fight) and *Sadaqât* (obligatory almsgiving) as prescribed by Shari‘ah, both in text and interpretation, without fear or oppression.”⁽¹⁾

Al-Bajî adds, “The ruler is responsible and accountable for managing the affairs of the Muslim community, so Zakâh is delivered to him to assist those who are entitled to receive it.”⁽²⁾

Al-Juwaynî states, “Zakâh is an obligation for the sake of Allah, as a pillar of Islam, but the Lawgiver appointed a representative for it and commanded that Zakâh be given to him to serve a public interest.”⁽³⁾

Regarding the invalidity of Zakâh on apparent wealth if given to someone other than the ruler, As-Sarakhsi explains: “Zakâh is purely a right of Allah, so it should be collected by the one appointed as a representative to fulfill Allah’s rights, which is the ruler. Therefore, one’s liability is only released by giving it to him. Also, the ruler has discretion to choose the appropriate channels for distribution, so an individual should not invalidate the ruler’s judgment by distributing it himself.”⁽⁴⁾.....

(1) “*Al-Aḥkâm As-Sultâniyyah*” by Al-Mâwardî, (P. 40); and “*Al-Aḥkâm As-Sultâniyyah*” by Abû Ya‘lâ Al-Farrâ’, (P. 28).

(2) “*Al-Muntaqâ Sharḥ Al-Muwatta’*”, [2: 93].

(3) “*Nihâyat Al-Matlab Fî Dirâyat Al-Madḥḥab*”, [3: 133].

(4) “*Al-Mabsûṭ*”, [2: 162], with little adaptation.

An-Nawawî⁽¹⁾ has expressed a similar view.”

Entrusting the collection and distribution of Zakâh to the ruler, ensuring precision and justice, is also linked to the objective of preserving wealth. Through precision and justice, the wealth of both individuals and the community is preserved. To this regard, Ibn ‘Âshûr states: “It is incumbent upon those in charge of the community’s affairs and the managers of its general interests to look after the preservation of public wealth, whether in exchange with other nations or keeping them within the Islamic community.” He then provides an example of the second principle, stating: “An example of the second is the regulation of markets and monopoly, regulating the designated channels of Zakâh and spoils of war, or the regulation of public endowments.”⁽²⁾ This also relates to the objective of preserving the order of the Muslim community and its well-being. If the responsibility of disbursing wealth was left to the wealth owners without authoritative oversight, there would likely be deficiency in its payment and distribution. Wealth owners might hesitate to pay, especially since giving away wealth is difficult for human nature. Thus, the Islamic Shari‘ah came to regulate and preserve the order of community by assigning collection to the ruler, protecting the rights of the rightful beneficiaries from potential disorder. Zakâh is forcibly taken from those who withhold it, so that the community’s order does not become disturbed by withholding Zakâh. This also serves many other benefits in terms of regulating the Zakâh system in its various stages by preventing its disruption or delay in achieving the needs for which Zakâh was legislated.

- Observing honesty and competence in Zakâh collectors:

Precision and justice in Zakâh collection cannot be achieved without honesty and competence of the collectors. These two qualities are fundamental conditions stipulated by scholars regarding Zakâh collectors, each complementing the other and neither substituting for the other. Ibn Taymiyyah states, “As for collecting and preserving it, strength and honesty are essential. Therefore, a strong person should be appointed to collect it with his strength, and an honest scribe to preserve it with his expertise and honesty.”⁽³⁾

(1) See: *‘Al-Majmû‘ Sharh Al-Muhadhdhab*, [6: 165].

(2) *‘Maqâsid Ash-Shari‘ah Al-Islâmiyyah* by Ibn ‘Âshûr, [3: 485].

(3) *‘Majmû‘ Al-Fatâwâ*, [28: 257-258].

To fully observe this condition, Fiqh scholars went beyond merely stipulating justice, insisting that the collector should also embody noble character traits such as being honorable and possessing virtuous qualities. They also stipulated for competence that the collector should be knowledgeable about Zakâh rulings, given the importance of his work. Knowledge of Zakâh rulings is crucial to ensure the accurate assessment of amount, type, description, and method of collection; so as not to infringe upon the wealth through ignorance, either by wronging the wealth owner or by diminishing the poor's right through reducing the amount of Zakâh. If the collector lacks personal knowledge, it is incumbent upon the ruler to define the specific measures, types, descriptions, and methods of collection.⁽¹⁾

Competence also includes experience, leadership ability, full capacity to carry out collection, as well as knowledge of people's circumstances and how to deal with them.

As for justice, it necessitates honesty to prevent bias, deceit, or wrongdoing by taking more than what is due, or collecting it from some individuals while excluding others. Competence holds no value without justice, which safeguards against oppression, transgression, aggression, deceit, theft, and dishonesty. Thus, Ibn Qudâmah states: "The dishonest person misappropriates Zakâh wealth and squanders it on its rightful owners."⁽²⁾

Imâm Al-Haramayn elaborated on these two conditions by saying: "The appointed individual should possess two qualities: First, integrity and religious commitment. Second, a sense of honor and the competence suited to the responsibility he undertakes and engages in."⁽³⁾

Due to the importance of honesty, the Islamic Sharî'ah has elevated it to the highest ranks in Zakâh collection, to the extent that the Prophet (peace and blessings of Allah be upon him) considered even the withholding of a needle from Zakâh as *Ghulûl* (theft) that the dishonest will be held accountable on the Day of Judgment.⁽⁴⁾ Such dishonesty strips a person of his Integrity and uprightness, because he concealed and did not reveal it, no matter how

(1) See: "Al-Majmû' Sharh Al-Muhadhdhab", [6: 168].

(2) "Al-Mughnî", [6: 473].

(3) "Ghiyâth Al-Umam Fî Iltiyâth Az-Zulam", (P. 293).

(4) This hadîth will be explicated in the evidences' section.

small it is.⁽¹⁾ Consequently, governors bear responsibility for it before Allah, the Almighty, due to its great importance, so it is incumbent upon them to appoint honest and competent collectors for it.

- Observing comprehensiveness in all stages of collection and distribution:

The Islamic Sharī‘ah has outlined various roles for Zakâh collectors to ensure its precise and fair collection, so that work is distributed and the task of managing the Zakâh Department is facilitated. This is because competence cannot be achieved in such great and important works through individual assignment alone; instead, the work should be entrusted to integrated groups. Each group has its specific area of expertise, through which it handles its responsibilities with the highest levels of precision and organization, thereby achieving precision and justice in the most complete form.

Ibn Taymiyyah states, “And similarly, in all other positions of authority, if the benefit cannot be achieved by one individual, then a group is appointed.”⁽²⁾ In Zakâh collection, Zakâh worker assumes multiple duties including: identifying wealth owners, collecting various types of scattered wealth, calculating, preserving, and distributing it to its rightful beneficiaries. Throughout these duties, the stipulation of competence and honesty should be observed in each role.

An-Nawawî adds, “The term ‘worker’ includes: the collector, the scribe, the distributor, the gatherer (who summons wealth owners), the overseer (who acts as a leader for the tribe), the accountant, and the treasurer. Al-Mas‘ûdî also includes the soldier in this category. All these individuals are entitled to a share from Zakâh.”⁽³⁾ Ibn Qudamâh expressed a similar view⁽⁴⁾. It is an integrated institutional work, based on competence and honesty, and requires a group of specialists to manage the process of collection and distribution at the highest levels of precision and justice at every stage. This is to ensure that the fundamental objective of Zakâh (which is to fulfill the needs of Islam and the Muslim community) is achieved without injustice or oppression. Ibn Taymiyyah states, “No Muslim doubts that striving to distinguish those who are

(1) See: “*Ikmâl Al-Mu‘lim Bi Fawâ'id Muslim*”, [6: 238].

(2) “*Majmû‘ Al-Fatâwâ*”, [18: 258].

(3) “*Rawdat At-Tâlibîn Wa ‘Umdat Al-Muftîn*”, [2: 313].

(4) “*Al-Mughnî*” [6: 473].

entitled from those who are not, to grant positions and stipends to those most deserving, and to act justly among people in this matter as far as possible, is one of the best deeds of the rulers, and indeed among their most obligatory duties. Verily, Allah commands justice and benevolence, and justice is obligatory upon everyone in every matter. Just as attending to the needs of the fighting soldiers, adjusting their stipends, increasing for those who deserve more, decreasing those who deserve less, and providing for those unable to fight from another source is among the best and most obligatory acts of those in authority, so too is observing the circumstances of all those who receive sustenance from the public wealth, such as the *Fay*' (booty gained without fight), *Sadaqât* (obligatory almsgiving), public interests, and endowments, while ensuring justice among them in this, giving the truly deserving their full sufficiency, and preventing those who have included in the rightful beneficiaries while not being of them from competing with them in their provisions."⁽¹⁾

- Legislation of the collectors' share as a category of Zakâh-designated channels:

The Islamic Sharî'ah has allocated the wages of the administrative apparatus working on Zakâh from its revenues, so as to observe the objective of precision and justice that should accompany the collection and distribution process, and to accomplish its benefits. Thus, this obligation does not disrupt due to any instability in the state's financial apparatus, rather it remains operational as long as Zakâh is collected, with its expenses are covered from its revenues. Scholars have even suggested that these collectors should receive their share first in Zakâh distribution because they receive it as a compensation in return for their services.⁽²⁾

The ruler should observe justice in the collection and distribution of Zakâh. Ibn Taymiyyah states, "Regarding the royal or governmental expenses imposed on people, animals, and wealth, they should be governed by justice, just as it is required in matters taken as a rightful duty."⁽³⁾

Objective Evidence:

25- Allah's saying: {*"Zakâh expenditures are only for the poor and for the*

(1) *"Majmû' Al-Fatâwâ"*, [28: 573].

(2) See: *"Badâ'i 'As-Sanâ'i'"*, [2: 35]; and *"Al Mughnî"*, [2: 480].

(3) *"Al-Fatâwâ Al-Kubrâ"* by Ibn Taymiyyah, [5: 370].

needy and for those employed to collect it (Zakâh) 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.”⁽¹⁾

And His saying: {***“Take, (O, Muḥammad), from their wealth a charity by which you purify them and cause them increase, and invoke (Allah’s blessings) upon them. Indeed, your invocations are reassurance for them. And Allah is Hearing and Knowing.”***}(2)

Evidential aspect: These two Quranic Verses provides evidence that Zakâh collection is assigned to the authority of the ruler. In the first Verse, Allah mentions ***“those employed to collect it”*** among the Shari‘ah-designated categories of Zakâh, indicating that there should be a worker for the collection of these Zakâhs, and this worker is appointed by the ruler to collect Zakâhs, which implies that the ruler is responsible for collecting these Zakâhs. This is further affirmed in the second Verse, where Allah says: ***“Take, (O, Muḥammad), from their wealth...”***, and entrusting this role to the ruler is to ensure that Zakâh collection is conducted precisely and justly. This helps secure its continuity and permanence, and blocks the means of its negligence or withholding⁽³⁾

Al-Kâsânî states, “Allah’s saying: ***“Take, (O, Muḥammad), from their wealth a charity...”*** was revealed regarding Zakâh; as agreed upon by the majority of commentators. Allah commanded His Prophet to take Zakâh, which indicates that the ruler has the authority to demand and take it. Allah also says: ***“Zakâh expenditures are only for...”*** clearly specifying that those who work on Zakâh have a rightful share. If the ruler did not have the authority to demand livestock Zakâh from wealth owners at their places, and if its performance was left solely to the wealth owners to pay it, there would be no reason to mention those employed to collect Zakâh in the Verse. ⁽⁴⁾

26- The ḥadīth narrated by Ibn ‘Abbâs (may Allah be pleased with them both) who said: “Allah’s Messenger (peace and blessings of Allah be

(1) [At-Tawbah (Repentance): 60].

(2) [At-Tawbah (Repentance): 103].

(3) See: *“Mafâtih Al-Ghayb”*, [16: 88].

(4) *“Badâ’i‘ As-Sanâ’i”*, [2: 35]; and see: *“Al-Mughni”*, [2: 480].

upon him) said to Mu‘âdh Ibn Jabal (may Allah be pleased with him) when he sent him to Yemen: *‘You will come to the people of the Scripture. So, when you reach there, invite them to testify that none has the right to be worshipped but Allah, and that Muhammad is the Messenger of Allah. If they obey you in that, then tell them that Allah has enjoined on them five prayers to be performed in every day and night. If they obey you in that, then tell them that Allah has enjoined on them Sadaqah (obligatory almsgiving) to be taken from the rich among them and given to the poor among them. If they obey you in that, then be cautious! Do not take their best property (as Zakâh), and be afraid of the curse of an oppressed person, as there is no screen between it and Allah.’*⁽¹⁾ In addition, the Prophet (peace and blessings of Allah be upon him) said to Mu‘âdh: *“Take grains from grains, sheep from sheep, camels from camels, and cows from cows.”*⁽²⁾

Evidential aspect: The Prophet’s statement: *“to be taken from the rich among them and given to the poor among them”*, and his statement: *“Take grains from grains”*, provide evidence that the ruler is responsible for collecting and distributing Zakâh, either personally or through a representative, to ensure that Zakâh collection and distribution are precisely regulated under the ruler’s authority. If this duty was left to individual wealth owners, some might delay or refuse payment, depriving the rightful beneficiaries, and destabilizing the order of the community. So, the Islamic Shari‘ah blocked this means by delegating the authority of collection and distribution to the ruler. Whoever refuses to pay it, it is taken from him by force. The Prophet (peace and blessings of Allah be upon him) clarified this intent by dispatching appointed Zakâh collectors.⁽³⁾

Judge ‘Abdul-Wahhâb states, “The obligation of collecting Zakâh implies the obligation of its payment, and because it is apparent wealth allocated to certain people with specific descriptions, it is incumbent upon the ruler to manage its distribution, exactly similar to the distribution of *Khumus* (one-fifth of war spoils).”⁽⁴⁾ Ibn Daqîq expressed a similar opinion.⁽⁵⁾

(1) The source of the hadîth has been stated earlier, (P. 67@@@).

(2) The source of the hadîth has been stated earlier, (P. 392@@@).

(3) See: “*Subul As-Salâm*”, [1: 512].

(4) “*Al-Ishrâf ‘Alâ Nukat Masâ’il Al-Khilâf*”, [1: 419].

(5) “*Ihkâm Al-Ahkâm Sharh ‘Umdat Al-Ahkâm*”, [1: 356].

Ibn Hajar states, “His statement: *“to be taken from the rich among them”* is used as evidence that the ruler is responsible for collecting and distributing Zakâh, either personally or through a representative. Whoever refuses to pay it, it is taken from him by force... This also includes the ruler’s instructions to his worker regarding the necessary rulings and other relevant matters, as well as the practice of dispatching collectors to take Zakâh.”⁽¹⁾ As for the Prophet’s (peace and blessings of Allah be upon him) statement: *“and be afraid of the curse of an oppressed person, as there is no screen between it and Allah”*, it indicates that: “The ruler should instruct those he appoints to fairly manage the affairs of his subjects, order them to act justly among the people, warn them of the consequences of oppression, and caution them of its evil.”⁽²⁾ This implies the Sharî‘ah’s concern for ensuring justice in the collection of Zakâh and avoiding injustice.

- 27- Abû Bakr’s (may Allah be pleased with him) statement: “By Allah, I will surely fight those who make a distinction between prayer and Zakâh, for Zakâh is what is due on wealth. By Allah, if they withhold from me a small she-goat that they used to give to Allah’s Messenger (peace and blessings of Allah be upon him), I would fight them for withholding it.”⁽³⁾

Evidential aspect: This tradition provides evidence for the legitimacy of the ruler’s fighting those who withhold Zakâh as a means to ensure its precise collection and fair distribution. It is a primary objective that Sharî‘ah has magnified to the extent that fighting is sanctioned to prevent the evil of its negligence, given that the neglect of its collection and distribution would cause great harm to the Muslim community.⁽⁴⁾ Those who refuse to follow the Sharî‘ah obligations as prescribed upon them within the Muslim state are considered to be waging war against Allah and His Messenger (peace and blessings of Allah be upon him). Thus, the ruler, who upholds justice and maintains order, should fight them for this, as Abû Bakr As-Siddîq (may Allah be pleased with him) did with those who withheld Zakâh, until they return and submit to Allah’s command. However, whosoever among them returns to compliance at any time, they are accepted and left unopposed; because their action (withholding

(1) “*Fath Al-Bâri*” by Ibn Hajar, [3: 360].

(2) “*Sharh Sahîh Al-Bukhârî*” by Ibn Battâl, [3: 548].

(3) The source of the ḥadîth has been stated earlier, (P. 146@@@).

(4) See: “*Al-Mughnî*”, [2: 480].

Zakâh) disrupts the people's societal order and their means of livelihood.⁽¹⁾

28- Scholarly consensus on the legitimacy of Zakâh collection and its payment to the ruler:

- Ibn Al-Mundhir states, "They (scholars) unanimously agreed that Zakâh was paid to Allah's Messenger (peace and blessings of Allah be upon him), to his envoys and governors, and to those whom he ordered it to be paid."⁽²⁾ The objective of collection is to ensure precision and justice, which can only be achieved through this approach. Al-Kâsânî adds, "The companions (may Allah be pleased with them) unanimously agreed on this, as 'Umar (may Allah be pleased with him) appointed Zakâh collectors, and instructed them saying: 'Take a quarter-tenth from the Muslim, a half-tenth from the *Dhimmi* (non-Muslim subjects), and a full tenth from the *Harbi* (those at war with Muslims)'. This occurred in the presence of the companions (may Allah be pleased with them) and it was not reported that any of them denied it; thus it constituted a consensus."⁽³⁾

29- The Prophet's (peace and blessings of Allah be upon him) statement: "*Whosoever among you is appointed by us to a position and he conceals from us even a needle or less, it will amount to misappropriation (Ghulûl), and he will bring it forth on the Day of Judgment.*" A black man from the Anṣâr stood up - as if I can see him now - and said, "O Messenger of Allah, take back from me your assignment." He (PBUH) said, "*What has happened to you?*" The man replied, "I have heard you saying such and such." He (PBUH) said, "*And I say that even now: 'Whosoever among you is appointed by us to a position, he should render an account of everything, small or large. He may take what he is given, and must refrain from what he is prohibited.'*"⁽⁴⁾

Evidential aspect: The ḥadīth clearly provides evidence for the Prophet's (peace and blessings of Allah be upon him) commitment to ensuring precise collection, and directing collectors to uphold justice in their duties. It also carries a severe warning for those who violate this principle.

(1) "*Tafsīr Al-Manâr*", [6: 295], with adaptation.

(2) "*Al-Ijmâ'*" by Ibnul-Mundhir, (P. 59).

(3) "*Badâ'i 'As-Sanâ'i'*", [2: 35].

(4) Related by Muslim in his "*Saḥīḥ*", [3: 1465], ḥadīth no. (1833).

- 30- The ḥadīth narrated by Abû Humayd As-Sâ'idî (may Allah be pleased with him) who said: "Allah's Messenger (peace and blessings of Allah be upon him) appointed a man from the tribe of Al-Asd called Ibn Al-Lutbiyyah to collect Zakâh from Banû Sulaym. When he returned (after collecting the Zakâh), He (PBUH) called him to account. He said: 'This wealth is for you (i.e., for the public treasury) and this is a gift (presented to me). Allah's Messenger (peace and blessings of Allah be upon him): *'Why do not you remain in the house of your father and your mother, until your gift came to you if you are truthful.'* Then he (PBUH) addressed us, and after praising and glorifying Allah, he said: *'I appoint a man from you for some job which Allah has placed in my charge, and then he comes to me saying: This wealth is for you (i.e., for the public treasury) and this is a gift presented to me. Why did he not remain in the house of his father and his mother until his gift came to him, if he was truthful? By Allah, none of you takes anything of it (i.e., Zakâh) unrightfully, but he will meet Allah (the Almighty) carrying it on himself on the Day of Judgment. I will surely recognize any one of you who meets Allah carrying a growling camel, or a cow bellowing or a goat bleating.'* Then he raised both his hands until the whiteness of his armpits could be seen, and said: *'O Allah, have I conveyed (Your Commandments)?'* The narrator says: My eyes saw (the Prophet standing in that pose) and my ears heard (what he said)."⁽¹⁾

Evidential aspect: This ḥadīth indicates the responsibility of the ruler to hold collectors accountable, so as to know what they have collected and what they have spent.⁽²⁾ This ensures the precision of collection process and upholds justice therein, which is the primary objective of Zakâh collection.

It also indicates the prohibition of gifts to collectors, so as to block the means of dishonesty or corruption in the collection process. Additionally, it implies a severe warning for those who misappropriate or betray trust in the collection of Zakâh. All of these strict Prophetic emphases highlight the great importance of Zakâh collection work and the necessity of maintaining precision and justice within it.

(1) The source of the ḥadīth has been stated earlier, (P. 209@@@)

(2) See: "*Sharḥ An-Nawawî 'Alâ Muslim*", [12: 220]; and "*Fath̥ Al-Bârî*" by Ibn Hajar, [13: 167].

- 31- The Prophet's (peace and blessings of Allah be upon him)) statement to Mu'âdh when he sent him to Yemen: "... *and avoid (taking) the best property of people.*"⁽¹⁾ and the hadîth narrated by Anas (may Allah be pleased with him) that Abû Bakr wrote to him regarding the *Sadaqah* (obligatory almsgiving) that Allah had ordered His Messenger (peace and blessings of Allah be upon him) to observe, which reads: "*Neither an old animal, or one with a defect in the eye, or a male goat may be taken as Sadaqah (obligatory almsgiving) unless the Zakâh collector wishes.*"⁽²⁾

Evidential aspect: The Prophet's (peace and blessings of Allah) prohibition of taking the best property of people, as well as his prohibition of giving poor-quality items for Zakâh, ensures precision and defines the quality of what is collected. This blocks the means of injustice and aggression by not leaving the selection of quality solely to the whims of the collectors. Instead, it directs towards justice in a way that neither harms the wealth owners nor the needy.

Ash-Shâfi'î states, "In all of this, there is indication that the best property should not be taken in *Sadaqah* (obligatory almsgiving). If such property is taken, it is incumbent upon the ruler to return it and make it a liability upon the collector until he returns it to its rightful owners; because he has transgressed by taking it. If it is no longer available, the collector is held accountable and should take only what is due on them unless they consent to return the difference between the two values. In this case, the collector returns it and distributes what has been collected fairly among the rightful beneficiaries"⁽³⁾

- 32- The hadîth narrated by Anas Ibn Mâlik (may Allah be pleased with him) that Abû Bakr (may Allah be pleased with him) wrote this letter to him when he sent him to Bahrain: "In the name of Allah, the Most Gracious, the Most Merciful. This is the obligatory *Sadaqah* (almsgiving) which Allah's Messenger (peace and blessings of Allah be upon him) has enjoined on the Muslims, and which Allah has commanded His Messenger to observe: *'Whoever amongst the Muslims is asked to pay it accordingly, he should give it (to the Zakâh collector), and whoever is asked more than that (what is specified in this script), he should not*

(1) The source of the hadîth has been stated earlier, (P. 210@@@).

(2) The source of the hadîth has been stated earlier, (P. 220@@@).

(3) "*Al-Umm*", [2: 61].

give it.”⁽¹⁾

Evidential aspect: In his explanation of the Prophet’s (peace and blessings of Allah be upon him) statement: “Whoever amongst the Muslims is asked to pay it accordingly, he should give it (to the Zakâh collector), and whoever is asked more than that (what is specified in this script) he should not give it”, Al-‘Aynî states that whoever is asked for Zakâh from among the Muslims according to the measures prescribed by Allah’s Messenger (peace and blessings of Allah be upon him) should give it; but whoever is asked for more than the obligation should not give the excess over what is due. It is also said that he should not give anything for Zakâh to this collector, because he has acted dishonestly by demanding more than what is due and when his dishonesty becomes apparent, obedience to him is void,⁽²⁾ which is a clear indication of the Lawgiver’s intent to precisely regulate Zakâh collection and uphold justice within it.

As-Subkî states, “This is evidence that the collector’s request which leads to injustice against the Zakâh payer should not be complied with. This does not contradict the hadîth narrated by Jarîr Ibn ‘Abdullâh (may Allah be pleased with him), who said: ‘There came people from among the Bedouins to Allah’s Messenger (peace and blessings of Allah be upon him) and said, “Some of the (Zakâh) collectors come to us and act unjustly with us.” Allah’s Messenger (peace and blessings of Allah be upon him) said, “Be content with your collectors!”⁽³⁾ In another narration: “Be content with your collectors even if you are wronged.”⁽⁴⁾ This and similar narrations are interpreted to mean: ‘even if you think you are wronged’, because the collector is more knowledgeable about what fulfills the Zakâh obligation, and sometimes the wealth owner may complain about the portion that actually meets the required amount.”⁽⁵⁾

- 33- Anas Ibn Mâlik (may Allah be pleased with him) narrated, “One morning I went to Allah’s Messenger (peace and blessings of Allah be upon him) with ‘Abdullâh Ibn Abû Talhah to perform *Tahnîk* for him (i.e., chewing a piece of date and putting a part of its juice in his mouth), and

(1) The source of the hadîth has been stated earlier, (P. 189@@@).

(2) “*Sharh Abû Dâwûd*” by Al-‘Aynî, [6: 230]; and See: “*Al-Manhal Al-‘Adhb Al-Mawrûd Sharh Sunan Abû Dâwûd*” by As-Subkî, [9: 141].

(3) The source of the hadîth has been stated earlier, (P. 161@@@).

(4) This addition was related by Abû Dâwûd in his “*Sunan*”, [2: 105], hadîth no. (1589).

(5) “*Al-Manhal Al-‘Adhb Al-Mawrûd Sharh Sunan Abû Dâwûd*” by As-Subkî, [9: 141].

I found him with a branding-iron in his hand branding the camels of *Sadaqah* (obligatory almsgiving).”(1)

Evidential aspect: This ḥadīth provides evidence for the recommendation of branding the livestock given as Zakâh. This was the practice of all the companions (may Allah be pleased with them) and the majority of scholars after them. Ibn As-Ṣabbâgh and others have even reported consensus among the companions on this matter... Many similar traditions have been reported from ‘Umar and other companions (may Allah be pleased with them all) to this regard. This is because livestock might stray, allowing those who find them to recognize and return them by their mark. This reflect the Prophet’s (peace and blessings of Allah be upon him) care for the Muslims’ public interest, as well as his precaution in preserving their livestock through branding or any other means,”(2) out of his commitment to precisely regulate the process of collection to preserve the Zakâh wealth.

Ash-Shafi‘î states, “And this is what I prefer the collector to do.” He then related the tradition of Zayd Ibn Aslam on the authority of his father that he said to ‘Umar Ibn Al-Khattâb (may Allah be pleased with him): “There is a blind she-camel among the livestock.” ‘Umar asked, “Is it from the livestock of *Jizyah* or from the livestock of *Sadaqah* (obligatory almsgiving)?” Aslam said, “Rather it is from the livestock of *Jizyah*”, and he said, “It bears the mark of *Jizyah* on it.”(3) Ash-Shâfi‘î added, “This indicates that ‘Umar (may Allah be pleased with him) would use two types of brands: a *Jizyah* brand and a *Sadaqah* brand. This is our view as well.”(4)

- 34- The ḥadīth narrated by Bahz Ibn Ḥakīm on the authority of his father from his grandfather that the Prophet (peace and blessings of Allah be upon him) said: “Whoever gives it (*Zakâh*) willingly, seeking his reward (from Allah), will have its reward. Whoever withholds it, we will take it from him (by force) along with half of his property (as punishment), as one of the rights of our Lord. None of it is lawful for the family of Muhammad.”(5)

(1) The source of the ḥadīth has been stated earlier, (P. 209@@@).

(2) “*Sharḥ An-Nawawī ‘Alâ Muslim*”, [14: 100].

(3) Related by Ash-Shâfi‘î in his “*Musnad*”, (P. 99).

(4) “*Al-Umm*”, [2: 65].

(5) The source of the ḥadīth has been stated earlier, (P. 160@@@).

Evidential aspect: This hadîth provides evidence for the discretionary punishment against those who refuse to pay Zakâh, by imposing an additional amount equal to half of the wealth due along with the obligatory amount.⁽¹⁾ This serves to precisely regulate Zakâh collection, as legislating a deterrent punishment reinforces the precise regulation of collection.

35- Evidence indicating the legitimacy of responding to collectors and paying Zakâh to them, including:

- The hadîth narrated by Jarîr Ibn ‘Abdullâh (may Allah be pleased with him) who said: “Some of the (Zakâh) collectors come to us and act unjustly with us.” Allah’s Messenger (peace and blessings of Allah be upon him) said, “*Be content with your collectors.*” Jarîr said, “No collector has ever come to me since I heard this from Allah’s Messenger (peace and blessings of Allah be upon him), except that he was contented with me.”⁽²⁾

Evidential aspect: This hadîth provides evidence for the legitimacy of being content with the collectors and those who are responsible for Zakâh, because they have been entrusted by the Lawgiver to collect Zakâh. Opposing or disobeying them disrupts the objective set by the Lawgiver in terms of precisely regulating the collection process.

- The hadîth narrated by Anas Ibn Mâlik (may Allah be pleased with him) who said: “A man from Banû Tamîm came to Allah’s Messenger (peace and blessings of Allah be upon him) and said: ‘... Is it enough, O Messenger of Allah, if I have paid the Zakâh to your messenger, am I discharged of it before Allah and His Messenger?’ Allah’s Messenger (peace and blessings of Allah be upon him) said: ‘*Yes, if you have paid it to my messenger, you are discharged of it. You will have its reward, and its sin is upon whoever changes it.*’”⁽³⁾

Evidential aspect: The Prophet’s (peace and blessing of Allah be upon him) statement: ‘*If you have paid it to my messenger, you are discharged of it,*’ provides evidence that paying Zakâh to the collector suffices to discharge the payer’s liability. This highlights the Shari‘ah’s emphasis on delivering the Zakâh

(1) See: “*Dhakhîrat Al- ‘Uqbâ Fî Sharh Al-Mujtabâ*”, [22: 37].

(2) The source of the hadîth has been stated earlier, (P. 161@@@).

(3) The source of the hadîth has been stated earlier, (P. 281@@@)

to the appointed collectors sent by the ruler, as doing so brings about benefits that may outweigh the potential harms that could accompany this practice. Therefore, the majority of scholars hold that fulfilling Zakâh through this means is sufficient, even if the ruler is unjust.⁽¹⁾

- The ḥadīth narrated by Jābir Ibn ‘Atīk, the companion (may Allah be pleased with him), that Allah’s Messenger (peace and blessings of Allah be upon him) said: “Riders who are objects of dislike to you will come to you. When they come to you, welcome them and give them a free hand regarding what they desire. If they act justly, *it is for their own selves*, but if they act unjustly, they will bear the guilt thereof. Be content with them, for the perfection of your Zakâh lies in their being content with you, and let them supplicate for you.”⁽²⁾

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- This also has been reported by a number of the Prophet’s companions, such as Sa’d Ibn Abū Waqqâs, Ibn ‘Umar, Abū Hurayrah, Abū Sa’id Al-Khudrī, Jābir Ibn ‘Abdullāh, and Ibn ‘Abbās (may Allah be pleased with them all). Among what was reported regarding this matter include: Top of Form
- It was reported on the authority of Suhayl Ibn Abū Sālih, from his father, who came to Sa’d Ibn Abū Waqqâs and said: “I have acquired some wealth, and I desire to pay its Zakâh. I can find a deserving beneficiary for it, and these (rulers) are misusing it in the way I have seen.” Sa’d said: “Pay it to them.” He then said: “I asked Abū Sa’id the same, and he said: ‘Pay it to them.’” He then said: “I asked Ibn ‘Umar the same, and he said: ‘Pay it to them.’” Al-Bayhaqī comments, “We also have similar narrations of this on the authority of Abū Hurayrah, Jābir Ibn ‘Abdullāh, and ‘Abdullāh Ibn ‘Abbās (may Allah be pleased with them).”⁽³⁾
- It was reported on the authority of Ibn ‘Umar (may Allah be pleased

(1) See: “*Nayl Al-Awtâr*”, [4: 185]; and “*Fath Al-Mun‘im Sharḥ Saḥīḥ Muslim*”, [4: 482].

(2) Related by Abū Dāwūd in his “*Sunan*”, [2: 105], ḥadīth no. (1588); and it was graded as *Hasan* (good) by Al-Mundhirī in “*At-Targhib Wa At-Tarhib*”, [1: 319]. In “*Majma‘ Az-Zawâ'id*”, [3: 80], Al-Haythamī said: “Its chain of narrators is trustworthy, and there is criticism regarding some of them, but it does not harm its authenticity.”

(3) Related by Al-Bayhaqī in “*As-Sunan Al-Kubrâ*”, [4: 193], ḥadīth no. (7385).

with him) that he said: “Pay your *Sadaqa*hs (obligatory almsgivings) to whomever Allah has placed in charge of your affairs. Whoever does righteously, it is for his own self, and whoever does wrong, he bears the guilt thereof.”⁽¹⁾

- It was also reported on the authority of Ibn `Umar that he said: “Pay it to them even if they drink wine.”⁽²⁾

Evidential aspect: These traditions provide evidence for the obligation of giving Zakâh to the rulers who are entrusted with its collection, even if there are suspicions of corruption. This is because publicizing the Zakâh obligation through giving it to the ruler yields greater benefits than concealing it, giving that Zakâh is one of the major religious rites that must not be concealed due to the ruler’s injustice. By paying it to them, a balance is achieved between benefits and harms. Among which are:

- Achieving the benefit of publicizing Zakâh within society by collecting and distributing it to its rightful beneficiaries. This benefit outweighs the harm of neglecting it, or the injustice and misuse in its distribution s, even if the occurrence of these harms may not be certain. This is in contrast to the harm of concealment and lack of publicity, which is evident and certain; because concealment could be a means to the dissipation and neglect of Zakâh over time. Those who consider the benefit of publicly establishing the Zakâh obligation argue for the requirement of paying it to the ruler; due to the preponderance of the benefit that comes with display and publicity, and the avoidance of its concealment within the Muslim societies.
- The benefit of efficient distribution, as the ruler typically possesses the capabilities needed to assist him in its distribution more effectively than individuals could on their own. This facilitates achieving the considered benefits for realizing the objectives of this obligation which upholds one of the key pillars of Islam, and ensuring that it remains a public and well-established practice within the Muslim community.
- Precisely regulating collection and ensuring its continuity. If these harms were grounds to exempt the rulers from the responsibility of collection, some Muslims might neglect to pay their Zakâh, and the harm of com-

(1) Ibid., [4: 193], ḥadīth no. (7381).

(2) Ibid., [4: 193], ḥadīth no. (7383).

pletely withholding Zakâh is far greater than the potential harm of it being distributed improperly, as withholding it compromises their religion (by undermining a pillar of faith), and preserving religion takes precedence over preserving wealth.

- The harm caused by non-compliance and disobedience is far greater than the potential harm caused by an act of misuse in the collection process; because non-compliance undermines the collection system and breaks the bond of obedience to the authority, which is a harm that extends to the entire community. In contrast, any potential misuse in collection primarily impacts the individual wealth owner⁽¹⁾ and the public interests take precedence over individual interests.⁽²⁾
- 36- The hadîth narrated by ‘Â’ishah (may Allah be blessed with her), who said: “Some sheep from the Sadaqah (obligatory almsgiving) were brought before ‘Umar Ibnul-Khattâb (may Allah be pleased with him), and he saw amongst them a fat sheep with a full udder (ready to give milk). ‘Umar said, ‘What is this sheep (doing here)?’ They replied, ‘It is a sheep from the Sadaqah.’ ‘Umar then said, ‘Its owners would not have willingly given this. Do not subject people to trials, and do not take from the best property of Muslims; avoid taking food-producers.”⁽³⁾

Evidential aspect: This hadîth provides evidence for ‘Umar’s (may Allah be pleased with him) commitment to ensure justice in the collection of Zakâh and avoiding any harm to the wealth owners in this process. This highlights the importance of the objective of justice in Zakâh collection.

Ash-Shâfi‘î states, “‘Umar (may Allah be pleased with him) thought that the owners of the sheep had not willingly given it (as Zakâh), and saw no requirement for a sheep with a full udder to be taken in Zakâh. That is why he made that statement. Had he known that the Zakâh collector forced their owners to give it, he would have returned it to them, Allah willing, and might have even considered punishing the collector. However, I see no harm in taking it if the owners give it willingly.”⁽⁴⁾

(1) See: “*Al-Muntaqâ Sharh Al-Muwatta’*”, [2: 93].

(2) See: “*Adh-Dhakhîrah*” by Al-Qarâfi, [2: 256]; and “*Al-Muwâfaqât*”, [3: 89].

(3) Related by Mâlik in “*Al-Muwatta’*”, [2: 376], hadîth no. (915).

(4) “*Al-Umm*” [2: 61].

The effect of considering this objective in the Fiqh-based branches:

I will mention some Fiqh-based effects that arise when scholars consider the objective of precise regulation and justice in rulings. Noting that some of these effects have already been detailed in the evidence abovementioned, I will provide a brief overview here.

- 1- The ruler is unanimously authorized to collect Zakâh on apparent wealth.⁽¹⁾
- 2- The legitimacy of dispatching collectors to gather Zakâh is unanimously agreed upon by scholars; due to its substantial benefits and significant impacts on the precise regulation of Zakâh collection and its distribution. Additionally, dispatching collectors helps teach people their rights and obligations, and assist them discharge their liabilities. Actually, some wealth owners may not know what is obligatory upon them and what is due to them, and there are those who are miserly with their wealth or may be reluctant to give. By dispatching collectors, the benefit of accurately delivering the right to those who are entitled to receive it is achieved with precision.⁽²⁾
- 3- The legislation of a share for the collectors among the Shari‘ah-designated categories of Zakâh;⁽³⁾ because this is more conducive to precisely regulating the collection work and upholding justice within it. By charging the expenses of collection process and its personnel in various specialists to the Zakâh itself, the collection work continues uninterrupted even if the public treasury falls short. This also has a profound psychological impact on the collectors which motivates them to strive for accuracy and justice in the collection and distribution of Zakâh.
- 4- The liability of the wealth owner is discharged by paying the Zakâh fully to the collector, who then assumes the religious responsibility, either because he is a Fiqh scholar, or because the ruler has determined for him the specific amount of Zakâh and its thresholds. This ensures the

(1) See: *“Al-Ijmâ’”* by Ibn Al-Mundhir, (P. 59).

(2) See: *“At-Tahdhīb Fī Fiqh Ash-Shāfi‘ī”*, [5: 191]; and *“Ihkām Al-Ahkām Sharh ‘Umdat Al-Ahkām”*, [1: 356].

(3) See: *“At-Tamhīd Limâ Fī Al-Muwat‘a’ Min Al-Ma‘ânī Wa Al-Asânīd”*, [5: 101]; and *“Kashshâf Al-Qinâ’ ‘An Matn Al-Iqnâ’”*, [2: 275].

Shari'ah precise regulation, so Zakâh is not affected by differing scholarly opinions between wealth owners and the ruler. Instead, it relies on the ruler's Shari'ah-based-reasoning when the collector is not a Fiqh scholar, or on the collector's own Shari'ah-based-reasoning when he is knowledgeable about Zakâh rulings.

Al-Mâwardî states, "The conditions considered for this position are that the appointed individual should be a free, Muslim, just, and knowledgeable about Zakâh rulings if he is an authorized collector. However, if he is an executor appointed by the ruler for collecting a specific amount, it is permissible for him not to be among those knowledgeable about it... If he is an authorized collector, he will take it, where there is disagreement among scholars, based on his own opinion and Shari'ah-based-reasoning, not according to the ruler's Shari'ah-based-reasoning or that of the wealth owners, and it is not permissible for the ruler to determine for him the amount he should collect. However, if the collector is merely an executor, he will act in matters of disagreement according to the ruler's Shari'ah-based-reasoning, not the wealth owners. It is not permissible for this collector to exercise Shari'ah-based-reasoning, and the ruler should determine for him the amount to be collected. This collector simply acts as a messenger in receiving, and as an executor of the ruler's Shari'ah-based-reasoning"⁽¹⁾

- 5- The legitimacy of the collector coming to the owners of apparent zakatable wealth is established. Just as this is more convenient and easier for wealth owners, it also helps to ensure precise regulation and justice. If it were obligatory for wealth owners to come to the collectors, there would be a risk of some people evading their obligation by not attending or underreporting the amount of their wealth, unlike when the collector comes to them.

Az-Zuhri states, "It has not been reported to us that Abû Bakr and 'Umar took Zakâh more than once a year. Instead, they would dispatch (collectors) for it in time of fertility and drought, when the animals were fat and when they were lean, and they did not entrust it to its owners, or delay it from one year to the next; because taking it every year is a Sunnah established by Allah's Messenger (peace and blessings of Allah be upon him)."⁽²⁾

(1) "Al-Aḥkâm As-Sultâniyyah" by Al-Mâwardî, (pp. 180-185).

(2) "Al-Umm", [2: 19].

- 6- "If the wealth owner conceals his zakatable property and hides it from the collector who is just, the collector should take it from him once it becomes apparent and he should investigate the reason for its concealment: If it was concealed so that the individual could pay it himself, he should not impose any discretionary punishments on him, but if he concealed it to withhold and prevent Allah's right in it, then he should impose a discretionary punishment on him."⁽¹⁾ This ensures a clear and precise regulation of the collection process.
- 7- If the wealth owner "becomes suspicious of the collector regarding the distribution of his Zakâh, and requests him to supervise its distribution, the collector is not obligated to comply with this request; because the payer's liability has been discharged once he has paid it to the collector. Similarly, if the collector requests the wealth owner to be present during its distribution, the owner is not obligated to attend; because his liability has been discharged by its payment."⁽²⁾ This ensures precise regulation and organization of responsibilities and rights within the collection process, specifying what is obligatory upon each party and what is not.
- 8- If the collector takes Zakâh due on fruits before they have been dried, then he has acted improperly, and should return the fruits in their original state if they are still fresh. If the fruits have spoiled, he should return its equivalent; because he has transgressed, and the Sharī'ah seeks to ensure precise regulation and justice in the process of collection in a way that no one's rights are infringed upon, and that each individual is held accountable for his actions as well as any negligence resulting thereof.

If the collector dries the fruits himself and the dried amount equals the due Zakâh, then he has fulfilled the obligation. If it is less than what is due, he should take the remainder. However, if it is more than what is due, he should return the excess. This is to ensure precise regulation of rights and uphold justice therein, allowing for neither increase nor decrease.⁽³⁾

- 9- According to the Hanafites and the Malikites, if the payer gave the Zakâh

(1) "*Al-Aḥkām As-Sultāniyyah*" by Al-Māwardī, (P. 193).

(2) Ibid., (P. 198).

(3) See: "*Al-Mughnī*", [3: 18].

himself before the official collector arrives, his Zakâh payment is not considered valid.⁽¹⁾ The Malikites further states that the collector's arrival is a condition for the Zakâh to be considered properly paid,⁽²⁾ because Zakâh is a financial right that the ruler has the legitimate authority to collect it, and thus the payer does not have the right to override the ruler's authority in its collection - similar to a person owing *Jizyah* who cannot discharge of it by giving directly to the fighters... Moreover, Since Zakâh is a right owed solely to Allah, it is collected only by whomsoever is appointed as His representative in enforcing Allah's rights, namely the ruler. Therefore, the payer's liability is not discharged except by delivering it to him. Based on this, we say: Even if the payer's honesty in claiming to have paid is certain, it will be taken from him again, and his liability is not discharged between himself and his Lord by its direct payment to the poor. The ruler has a discretion in selecting the appropriate channels where the Zakâh is spent, so he (the payer) cannot override the ruler's discretion by paying it himself,...⁽³⁾ "and because the ruler is typically more knowledgeable about those who are entitled to receive it, and more capable of investigating their conditions... so, when individuals take this duty upon themselves, the benefit to those deserving of Zakâh is not as extensive or assured, but when the ruler collects it, he will be able to do so effectively; because it is a public duty, designated to meet general needs throughout the year, so much like ongoing expenses that address daily necessities of those who are supported by it."⁽⁴⁾

The Shafi'ites disagreed with this opinion (considering it is valid to pay Zakâh directly to the needy) and held that the obligation is fulfilled, although they preferred delivering it to the ruler⁽⁵⁾ The Hanbalites also disagreed with this opinion and held that the obligation is fulfilled, and even recommended that individuals directly pay Zakâh on both apparent and non-apparent wealth,⁽⁶⁾ in alignment with the primary objective of Zakâh, which is to meet the needs of those in financial hardship by delivering Zakâh to those who

(1) See: "*Al-Mabsûr*", [2: 162]; and "*Al-Muntaqâ Sharh Al-Muwatta'*", [2: 93].

(2) See: "*Al-Ishrâf 'Alâ Nukat Masâ'il Al-Khilâf*", [1: 383].

(3) "*Al-Mabsûr*", [2: 162], with little adaptation; and see: "*Badâ'i 'As-Sanâ'i*", [2: 37].

(4) "*Nihâyat Al-Matlab Fî Dirâyat Al-Madhab*", [3: 104] and [3: 533].

(5) See: "*Al-Hâwî Al-Kabîr*", [3: 186]. (6) See: "*Al-Mughnî*", [2: 479].

deserve it. However, the payer has given it himself, and thus the objective has been achieved.⁽¹⁾ As for the Hanafites, they view that Zakâh collection is the ruler's right, and when it is paid directly to the poor, the payer undermines this right. They also considered other interests that can only be achieved by delivering it to the ruler, such as ensuring precise regulation and justice in its distribution, as the ruler is more knowledgeable about the Muslims' interests.

- 10- If the ruler is just, it is recommended for the person who is obligated to pay Zakâh on non-apparent wealth - such as gold and silver - to deliver it to him. This is because the ruler is sufficient to fulfill the obligation on his behalf, and because the ruler is held accountable and responsible for managing the Muslims' affairs, so Zakâh is delivered to him so that he may use it to support those who are entitled to receive it.⁽²⁾
- 11- According to the majority of scholars, whoever withholds the payment of Zakâh, the ruler can take it from him by force.⁽³⁾ This is "because Zakâh is a right in the tangible assets of wealth that is entrusted to the ruler to collect; so it becomes incumbent upon him to compel the one who owes it if he refuses to pay, like in cases of wrongful appropriation and theft. Just as the ruler is allowed to take by request and pressure, he is also allowed to take by force, like the rights of individuals. Furthermore, since Zakâh is purely a financial right, for which it is allowed to act on behalf of the payer regardless of ability or inability to pay, it should therefore be taken by force in cases of refraining from payment, like debts."⁽⁴⁾ Compelling Zakâh payment ensures the precise regulation of the collection and distribution process, and upholds justice between wealth owners and those who are entitled to receive it; because when the door were opened to withholding Zakâh, the rights of the poor will be infringed upon, and many of the benefits that Zakâh aims to achieve would have been disrupted, which could ultimately result in harm to the entire community.

- 12- The scholars agreed that those appointed to collect Zakâh are not en-

(1) See: *"Al-Hâwî Al-Kabîr"*, [3: 186].

(2) See: *"Al-Muntaqâ Sharh Al-Muwatta'"*, [2: 93].

(3) See: *"Al-Ishrâf 'Alâ Nukat Masâ'il Al-Khilâf"*, [1: 390]; *"Al-Muntaqâ Sharh Al-Muwatta'"*, [2: 94]; *"Al-Hâwî Al-Kabîr"*, [3: 185]; and *"Al-Mughni"*, [2: 478].

(4) *"Al-Ishrâf 'Alâ Nukat Masâ'il Al-Khilâf"*, [1: 390].

titled to a fixed portion of it, such as one-seventh or one-eighth of the amount collected. Rather, the collector receives compensation for his work according to the ruler's discretion.⁽¹⁾

- 13- The restriction on wealth whose collection is delegated to the ruler by being of apparent wealth; so whenever the wealth is apparent, its collection is delivered to the ruler, and whenever the wealth is non-apparent, it is not obligatory to hand it over to the ruler.⁽²⁾
- 14- In Zakâh collection, the middle-quality wealth is to be taken, based on the principle of justice in collection. This is "because the basis of Zakâh is to consider both parties, which is achieved by taking the middle quality; as taking the best quality would harm the wealth owners, while taking the worst quality would harm the poor, so considering both parties is found in taking the middle quality, which is below the best and above the worst."⁽³⁾
- 15- If the camels of Zakâh payer are healthy, a sick one should not be taken, and if all his camels are sick, a healthy one should not be taken. Otherwise, this would harm both parties, and Zakâh is intended to ensure justice in collection between the poor and the wealth owners.⁽⁴⁾
- 16- It is not permissible for the Zakâh collector to separate combined wealth or combine separate wealth with the aim of increasing or decreasing the Zakâh amount; because this would constitute injustice and oppression, which is contrary to the principle of justice in collection.⁽⁵⁾
- 17- According to some Hanafites and Malikites, it is obligatory to deliver the Zakâh due on apparent wealth to the ruler even if he is unjust in

(1) See: *"Al-Istidhkâr"*, [3: 211].

(2) See: *"Badâ' i 'As-Ṣanâ' i'"*, [2: 36]; *"Al-Ishrâf 'Alâ Nukat Masâ'il Al-Khilâf"*, [1: 383]; *"Ash-Shâfi Fî Sharḥ Musnad Ash-Shâfi 'i'"*, [3: 107]; and *"Al-Hâwî Al-Kabîr"*, [3: 185].

(3) *"Badâ' i 'As-Ṣanâ' i'"*, [2: 33].

(4) *"Sharḥ Ar-Risâlah"*, [2: 6]; and see: *"Al-Istidhkâr"*, [3: 200]. Al-Mâwardî states, "And do take an old animal, or one with a defect in the eye; because the matter of Zakâh is based on equality between the needy and the wealth owners, and being kind to both. Therefore, since a healthy animal is not taken from the defective one out of kindness to the wealth owner, neither is a defective animal taken from the healthy one out of kindness to the needy." *"Al-Hâwî Al-Kabîr"*, [3: 97].

(5) See: *"Al-Mughnî"*, [2: 460].

collection or distribution.⁽¹⁾ This is to ensure precise regulation of the collection of Zakâh wealth and prevent its negligence, as its negligence leads to the disruption of the Zakâh obligation. Moreover, the harm of breaking the bond of obedience to the authority is greater than the harm of occurring any irregularities in collection. Therefore, some Malikites hold that Zakâh is considered fulfilled if the injustice occurs only in collection and not in the distribution; because the distribution should be regulated by ensuring that the rightful beneficiaries receive their due.⁽²⁾

The disagreement regarding this issue is based on the ruling of delivering the Zakâh due on apparent wealth to the ruler. Those who consider it obligatory (to deliver it to the ruler) hold the view that it is sufficient for fulfilling the obligation, while those who view that the wealth owner has the choice - namely the Shafi'ites and the Hanbalites - do not consider it sufficient for fulfilling the obligation (if delivered directly to the ruler).⁽³⁾

- 18- The legitimacy of identifying the conditions of the beneficiaries of Zakâh, and recording each one by name, lineage, and description; so that no one take Zakâh twice. Thus, each category of beneficiaries is distinguished, the numbers of categories and the count of individuals in each category are recorded⁽⁴⁾ ensuring precise regulation in the collection process.

Topic (2): The Sharī'ah's Objective Regarding the Beneficiaries in General: To Disburse Either to those in Need Among Muslims, Or to Those Whom the Muslims Need⁽⁵⁾

Objective Explanation:

The intent behind this objective is that Sharī'ah generally aims to disburse

(1) See: "*Badâ' i 'As-Ṣanâ' i*", [2: 36]; and "*Al-Muntaqâ Sharḥ Al-Muwatta'*", [2: 93].

(2) See: "*Mawâhib Al-Jalîl Fî Sharḥ Mukhtasar Khalîl*", [2: 360].

(3) See: "*Nihâyat Al-Matlab Fî Dirâyat Al-Madhhab*", [3: 113].

(4) See: "*Al-Hâwî Al-Kabîr*", [8: 516].

(5) See: "*Tafsîr At-Tabarî*", [14: 316]; "*Al-Hâwî Al-Kabîr*", [8: 486]; "*Aḥkâm Al-Qur'ân*" by Ibnul-'Arabî, [2: 522]; "*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*", [2: 37]; "*Al-Mughnî*", [6: 484]; "*Ash-Sharḥ Al-Kabîr 'Alâ Al-Muqni'*", [7: 249]; "*Adh-Dhakhîrah*", [3: 148]; "*Al-lâm Al-Muwaqqi'in*", [3: 335]; "*Majmû' Al-Fatâwâ*", [25: 90] and [28: 576]; "*Al-Baḥr Al-Muḥîṭ Fî Uṣûl Al-Fiqh*", [5: 55]; "*Sharḥ Sunan Abû Dâwûd*" by Ibn Raslân, [9: 128]; "*Al-Mubdi' Fî Sharḥ Al-Muqni'*", [2: 412]; and "*Hujjatullâh Al-Bâlighah*", [2: 69].

Zakâh on two categories of people:

- Those in need: This refers to individuals experiencing poverty and hardship whose needs are fulfilled through Zakâh to alleviate their deprivation.
- Those whom the Muslims need: This includes those who devote themselves to benefit Islam and the Muslim community. They are given Zakâh due to the community's need for their contribution, considering the benefit to the religion resulting from supporting them, in terms of elevating Allah's word and promoting the Islamic teachings.

Ash-Shâfi'î states, "The need is not considered for some of the aforementioned categories; such as collectors who receive it not because of their need, and debtors who incur debt for reconciling disputes, so reliance on need has been nullified."⁽¹⁾

At-Tabarî states, "Allah has designated Zakâh for two objectives: one is to fulfill the needs of Muslims, and the other is to support and strengthen Islam."⁽²⁾

Al-Mâwardî states, "Zakâh wealth is only disbursed to those in need; however, they fall into two categories:

The first category consists of those to whom it is given due to their need for it. These include: the poor, the needy, the slaves under contractual manumission (*Mukâtabah*), one of the two types of debtors who incurred debt for their own interests, and the wayfarers.

The second category consists of those to whom it is given due to our need for them. These include: those employed to collect it, those whose hearts are brought together (for Islam), the second type of debtors who incur debt for reconciling disputes, and those fighting in the cause of Allah."⁽³⁾ Similar views are expressed by Ibn Qudâmah,⁽⁴⁾ Al-Qarâfi,⁽⁵⁾ and Ibn Taymiyyah.⁽⁶⁾

We may refer to the second category as beneficiaries; because they take due to the benefit they bring to Muslims. Thus, Ibn Taymiyyah explained the sec-

(1) Az-Zarkashî has reported it on his authority in "*Al-Baḥr Al-Muḥîṭ Fî Usûl Al-Fiqh*", [5: 55].

(2) "*Tafsîr At-Tabarî*", [14: 316].

(3) "*Al-Hâwî Al-Kabîr*", [8: 486].

(4) "*Al-Mughnî*", [6: 484]; and see: "*Ash-Sharḥ Al-Kabîr 'Alâ Al-Muqni*", [7: 249].

(5) "*Adh-Dhakhîrah*", [3: 148].

(6) "*Majmû' Al-Fatâwâ*", [25: 90].

ond category by stating: “And some people who take (Zakâh) for the benefit they provide, such as collectors of Zakâh, debtors who incur debt for reconciling disputes, and those who provide general benefit, such as those fighting (in the cause of Allah) and those in authority. Neither of the two categories are more deserving than the other; rather, both are entitled.”⁽¹⁾

Ibnul-Qayyim explains what the Lawgiver has considered regarding those who are entitled to receive Zakâh by saying: “He (Lawgiver) has also considered two important matters regarding the rightful beneficiaries: the first is the need of the taker, and the second is his benefit. Thus, He has made those entitled for Zakâh of two types: a type who receives it due to his need, and another who receives it due to the benefit it provides, and He has prohibited it for anyone else.”⁽²⁾

It is apparent from the forgoing that this classification of Zakâh beneficiaries is well-established among the majority of scholars, except for the Hanafites who consider poverty and need to be a prerequisite for most of the beneficiaries, because the fundamental description for being entitled (according to them) is need. Thus, Ibnul-Humâm states regarding the beneficiaries of Zakâh in the Quranic Verse of Surah At-Tawbah: “The very names mentioned in the Verse indicate that the cause for giving to them is need; as it is established that when a ruling is contingent upon the derivative, then the origin of its derivation is its cause, and the basis of derivations in these names (beneficiaries) indicates the existence of need; thus, the need is the cause for the permissibility of giving, except for those whose hearts are brought together (for Islam), as the basis of its derivation indicates that the cause is bringing hearts together, and except for the collector, as the basis of its derivation indicates that the cause is work.”⁽³⁾ Ibn Rushd adds, “The reason for their disagreement is whether the cause for the obligation of Zakâh to the mentioned categories is only need, or both need and public benefit? Those who consider it to be for those in need explicitly mentioned in the Quranic Verse, they say: it is only need. Meanwhile, those who assert that both need and public benefit necessitate receiving Zakâh, they consider the benefit for the collector, and the need for the other mentioned categories.”⁽⁴⁾

(1) Ibid., [28: 576]; and [19: 258].

(2) “*I’lâm Al-Muwaqqi ‘în*”, [3: 335].

(3) “*Fath Al-Qadîr*” by Al-Kamâl Ibnul-Humâm, [2: 269].

(4) “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 37].

The Islamic Sharî'ah has established a description of need for those are entitled to receive Zakâh to ensure that no one receives it without fulfilling the considered meaning of entitlement. The fundamental principle is that a Muslim should not to take from Zakâh wealth unless the description of need (as defined by Sharî'ah) is verified in his case. If the considered description of need is established for an individual, then the Sharî'ah allocates a specific right for him from Zakâh. Either to the needy among Muslims, or to those whom Muslims need and provide a considerable benefit, the Sharî'ah has supported and encouraged them to provide benefit by allocating a right for them in Zakâh as well.

Scholars have disagreed on defining the description of need and benefit considered in the Zakâh beneficiaries.⁽¹⁾ One of the key points of disagreement concerns whether the need considered for those who receive Zakâh due to their need for it is merely the financial insufficiency or the inability to earn a living? They also disagreed regarding those who have sufficient means from non-zakatable wealth, or from their own earnings, or the rent of properties, are they considered needy and entitled to receive Zakâh, even if they do not possess the Nişâb (minimum amount determining a person's zakatability)?

The Hanafites hold that non-possession of the Nişâb is the considered need in determining the entitlement of Zakâh. Thus, whoever does not possess the Nişâb is entitled to receive Zakâh even if he is capable of earning.⁽²⁾ In contrast, the majority of scholars argue that the fundamental principle of need is a lack of sufficiency combined with an inability to earn a living, so whoever lacks sufficiency but is capable of earning is not considered needy. Similarly, whoever has sufficient means from his own earnings, or from the rent of properties, or the like, he is not permitted to take from Zakâh even if he does not possess the Nişâb. However, if he possesses a Nişâb which is insufficient to meet his needs, he is permitted to take from Zakâh.⁽³⁾

Regarding the impermissibility of giving Zakâh to the one who is capable of earning, Ash-Shâfi'î states: "Nor is a poor person who has become self-sufficient through his own earnings; because this is one of the two forms of suffi-

(1) This point was previously explicated in the fourth treatise, See: (P. 462@@@).

(2) See: *"Al-Binâyah Sharh Al-Hidâyah"*, [3: 478].

(3) See: *"Al-Hâwî Al-Kabîr"*, [8: 490]; *"Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'î"*, [3: 411]; and *"Al-Mughnî"*, [2: 494-495].

ciency. However, the Prophet (peace and blessings of Allah be upon him) differentiated the two forms sufficiency because they stem from different causes. The first form is sufficiency through money, which removes the need to earn and can even increase wealth; it is the greater form of sufficiency. The second form is sufficiency through earning.”⁽¹⁾

In his explanation that having sufficiency is the considered need, Ibn Qudâmah states: “Al-Maymunî said: I asked Abû ‘Abdullâh about a man who may have camels and sheep on which Zakâh is obligatory, and he may be poor and have forty sheep, and the produce of his land may not be sufficient for him. Can he be given from Zakâh? He said, ‘Yes’, and cited ‘Umar’s saying: ‘Give to them, even if they have such and such a number of camels...’ In a narration by Muḥammad Ibnul-Ḥakam: ‘If he has real estate that he occupies or property valued at ten thousand, or less or more, that does not suffice him, he may take from Zakâh.’”⁽²⁾ Similar view is expressed by Abû ‘Ubayd.⁽³⁾

In his discussion of the Hanafite’s view of linking need to the possession of a Niṣâb, Abû ‘Ubayd states: “A person may possess substantial wealth in the form of real estate, slaves, and commodities, where sufficiency can be achieved with less than that, and by the end of *Hawl* (Zakâh year), he may not have ready cash amounting to two hundred dirhams. According to those who make the obligation of Zakâh the dividing line between sufficiency and poverty should consider this person to be poor and entitled to give him from Zakâh, and it would be sufficient for the one who gives him if it was not obligatory on him, even if his total wealth amounts to hundreds of thousands in value. This view is neither commonly held nor supported by any Fatwas thereon.”⁽⁴⁾

Objective Evidence:

- 1- Allah’s saying: {“***Zakâh expenditures are only for the poor and for the needy and for those employed for it (Zakâh) 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.***”}⁽⁵⁾

(1) “Al-Umm”, [2: 80].

(2) “Al-Mughnî”, [2: 495].

(3) See: “Al-Amwâl” by Abû ‘Ubayd, (P. 668).

(4) “Al-Amwâl” by Abû ‘Ubayd, (P. 668). (5) [At-Tawbah (Repentance): 60].

Evidential aspect: Allah, the Almighty, has mentioned the beneficiaries of Zakâh in this Quranic Verse, and they are categorized, based on the description of entitlement, into those who are given for their need, and those who are given for the benefit they provide. As mentioned earlier, At-Tabarî has explained this Verse, where he states: "Allah has designated Zakâh for two objectives: one is to fulfill the needs of Muslims, and the other is to support and strengthen Islam."⁽¹⁾ Ibnul-'Arabî remarked: 'None has understood the intended meaning like At-Tabarî did;' as he said: "Zakâh is to fulfill the needs of Muslims, and to fulfill the needs of Islam;" and this is conceptualized from the Quranic approach in explaining the categories of beneficiaries and enumerating them."⁽²⁾ Therefore, the poor, the needy, the slaves under contractual manumission (*Mukâtabah*), the debtors who incurred debt for their own interests, and the wayfarers are only given to fulfill their needs and alleviate the harm caused by their need, regardless of whether it is an ongoing need or a temporary need due to a specific circumstance. As for those employed to collect it, those whose hearts are brought together (for Islam), the debtors who incur debt for reconciling disputes, and those fighting in the cause of Allah, they are only given due to the benefit that accrues to Islam and Muslims from giving to them, giving that Muslims are in need of what they provide.⁽³⁾

- 2- The Prophet's (peace and blessings of Allah be upon him) statement: "*Sadaqah (obligatory almsgiving) is not permissible for a rich man, except in five cases: A warrior fighting in the cause of Allah, or one who is appointed to collect it, or a debtor,*"⁽⁴⁾

Evidential aspect: This *hadîth* provides evidence for the permissibility of giving Zakâh to certain categories, such as those fighting in the cause of Allah, those who collect Zakâh, and those in debt, even if they are wealthy. This is because the objective of giving Zakâh to them is fulfilling the interests of the Muslim community, whether by bringing about benefit or preventing harm, rather than simply fulfilling their need or alleviating their poverty. It is therefore appropriate to urge them to fulfill these interests by giving them from Zakâh wealth, whether they are rich or poor. This indicates that the Lawgiv-

(1) "*Tafsîr At-Tabarî*", [14: 316].

(2) "*Aḥkâm Al-Qur'ân*" by Ibnul-'Arabî, [2: 522].

(3) See: "*Al-Hâwî Al-Kabîr*", [8: 486].

(4) The source of the *hadîth* has been stated earlier, (P. 100@@@).

er's objective in giving Zakâh to the Sharī'ah-designated categories is not the same, but rather some categories receive it due to their need, while others receive it for the benefit the provide.

- 3- The ḥadīth narrated by Qabīṣah (may Allah be pleased with him), who said: "I had become a guarantor for a payment, then I came to Allah's Messenger (peace and blessings of Allah be upon him) to ask him (for help) concerning it. He said, 'Wait until I receive the Sadaqah (Obligatory almsgiving) and I shall order that you receive some of it.' Then he said, 'O Qabīṣah, begging is not permissible except for one of three people: a man who has become a guarantor for a payment, to whom begging is allowed until he gets it, after which he must stop (begging); a man who has been stricken by a calamity and it destroyed his property, to whom begging is allowed until he gets what will support life (or he said, what will provide a reasonable subsistence); and a man who has fallen into poverty such that three wise men of his own people say, 'Such-and-such a person has been struck by poverty,' to whom begging is allowed until he gets what will support life (or he said, what will provide a reasonable subsistence). Beyond these cases, O Qabīṣah, anything received through begging is unlawful, and the one who takes it is consuming it unlawfully.'"⁽¹⁾

Evidential aspect: In this ḥadīth, the Prophet (peace and blessings of Allah be upon him) outlined certain descriptions for being entitled to receive Zakâh, which are:

- Becoming a guarantor for a payment, and it is known that whoever takes on such an obligation does so for the benefit of Islam and Muslims, as well as to avert the evils of potential discord among them. Therefore, it is clear that he is given Zakâh for the sake of that work and the benefit it brings to the community.
- Experiencing a calamity that destroys one's wealth, or suffering a severe poverty, so he is given from Zakâh what **alleviates his** need and poverty. This is the second description of entitlement, which is that a person is in need of money to **alleviate his** poverty and need.

In his explanation of this category, Al-Mâwardî states: "The explicit text of this narration indicates that Zakâh becomes permissible due to need and

(1) The source of the ḥadīth has been stated earlier, (P. 113@@@).

becomes impermissible upon getting what will support life, which is ongoing sufficiency, without considering the Nisâb (minimum amount determining a person's zakatability). This is because whoever cannot sustain ongoing sufficiency is no longer considered wealthy, just like the one who does not possess a Nisâb.”⁽¹⁾

Ibn Qudâmah states, “It has extended the permissibility of begging until a person gets what will support life or what will provide a reasonable subsistence; because need is poverty, and richness is its opposite. Therefore, whoever is in need is considered poor and falls under the general meaning of the text, while anyone who becomes self-sufficient falls under the general meaning of the texts that prohibit begging.”⁽²⁾

The Prophet's (peace and blessings of Allah be upon him) statement: “*begging is not permissible except for one of three people*”, implies an indication of closing the door to taking from *Sadaqahs* (obligatory almsgivings). This is because the Islamic Sharī'ah honors the upper (giving) hand and elevates its status, and it only permits taking from Zakâh wealth in cases of extreme need.

This meaning is also supported by the *ḥadīth* narrated by *Hakīm Ibn Hizām* that Allah's Messenger (peace and blessings of Allah be upon him) said: “*Indeed, this wealth is (like) green and sweet (fruit), so whoever takes it without insisting, it will be blessed for him, but whoever takes it with avarice, it will not be blessed for him, and he will be like the one who eats but is never satisfied. And the upper (giving) hand is better than the lower (taking) hand.*” In a narration by *Al-Bukhārī*: “... and he who wishes to abstain (from begging), Allah will fulfill his wish; and he who seeks self-sufficiency will be made self-sufficient by Allah.”⁽³⁾ This *ḥadīth* clearly encourages the virtue of the upper hand (giving) and closes the door to taking from charity and Zakâh except in cases of extreme need.

- 4- The Prophet's (peace and blessings of Allah be upon him) statement: “*Begging is not permissible except for three people: for the one who is in grinding poverty, or for the one who is seriously in debt, or for the*

(1) “*Al-Hâwī Al-Kabīr*”, [8: 521].

(2) “*Al-Mughnī*”, [2: 494].

(3) Agreed upon by both *Al-Bukhārī* and *Muslim*: “*Sahīh Al-Bukhārī*”, [2: 112], *ḥadīth* no. (1427); and “*Sahīh Muslim*”, [2: 717], *ḥadīth* no. (1035).

one who is responsible for grievous blood money.”⁽¹⁾

Evidential aspect: The Prophet (peace and blessings of Allah be upon him) has clearly outlined the descriptions of entitlement, which can be summarized into two descriptions: need and benefit. His statement: “for the one who is in grinding poverty,” indicates those who take due to need, and his statement: “or for the one who is responsible for grievous blood money,” indicates those who take due to the benefit they provide, as the ‘*grievous blood money*’ refers to someone who is taking on the responsibility of preventing bloodshed and reconciling disputes, thus making it permissible for him to beg in such cases.”⁽²⁾

- 5- The *ḥadīth* narrated by ‘Ubaydullâh Ibn ‘Adiyy, who said: “Two men informed me that they had come to Allah’s Messenger (peace and blessings of Allah be upon him) while he was dividing the Sadaqah (obligatory almsgiving), and they asked him for some of it. He raised and then lowered his gaze upon us, seeing that we were robust. He then said, ‘If you wish, I will give you, but there is no share in it for a wealthy or for the strong who can earn (a living).’”⁽³⁾

Evidential aspect: This *ḥadīth* provides evidence that there is no share in Zakâh except for the needy, and it also implies that the ability to earn is considered a form of wealth.

The effect of considering this objective in the Fiqh-based branches:

- 1- One of the effects of making distinction among the Sharī‘ah-designated categories of Zakâh in terms of the objective of giving is that those who receive Zakâh due to the Muslims’ need for them can be given it even if they are wealthy.⁽⁴⁾ In this case, poverty and need are not conditions for them, because the reason for giving them from it is to encourage and enable them to fulfill the needs of Muslims. In contrast, those who receive it due to their own need can only be given it if they are poor; so, it is not permissible to give it to someone who is wealthy under any circumstances. Al-Mâwardî states, “Whoever is given it due

(1) The source of the *ḥadīth* has been stated earlier, (P. 5040@@@).

(2) “*Ma ‘ālim As-Sunan*”, [2: 69].

(3) The source of the *ḥadīth* has been stated earlier, (P. 1250@@@).

(4) See: “*Adh-Dhakhīrah*”, [3: 148]; “*Al-Hâwī Al-Kabīr*”, [8: 486]; “*Al-Mughnī*”, [6: 484]; and “*Ash-Sharḥ Al-Kabīr ‘Alâ Al-Muqni*”, [7: 249].

to his own need for it, he does not deserve it except in a state of poverty, and it is not permissible to give it to him if he is wealthy. However, whoever is given it due to the Muslims' need for him, it is permissible to give it to him whether he is wealthy or poor."⁽¹⁾

- 2- It is permissible for a Hashemite to take from Zakâh if he is in need of it and has not been given from the fifth of *Khumus* (one-fifth of war spoils). This is because the condition of need is fulfilled in his case and he is not self-sufficient with just the fifth of *Khumus*.⁽²⁾
- 3- "If a poor woman has a wealthy husband who provides sustenance for her, it is not permissible to give her from Zakâh. This is because she is already self-sufficient through the obligatory maintenance she receives (from her husband), so she is similar to someone who owns a real estate and lives off its rent. However, if the husband does not provide sustenance for her, and its maintenance is unattainable, then it is permissible to give her Zakâh, just as if the usufruct (rent) of the real estate were to cease. This is explicitly mentioned by Imam Aḥmad."⁽³⁾
- 4- When giving to the poor, his actual need should be considered, even if he possesses some items that might suggest wealth; such as household furniture or books. There should be caution in understanding what constitutes a need. For example, a book may be needed for three objectives: education, recreation, and knowledge. Recreation is not considered a need, so the book could be sold to meet one's needs. As for education, if the book is needed for earning a living, then it is a tool of the teacher and should not be sold. Similarly, if the book is needed for fulfilling a communal obligation, it should not be sold either, as it is considered an essential need. As for knowledge and learning from the book, such as keeping a medical or preaching book, if there is already a doctor or preacher in the locality, then the individual is considered to not need the book. However, if there is no doctor or preacher, then he is in need. Such needs should be evaluated based on duration; so, if the item is not needed within a year, it is deemed unneeded and dispensable.⁽⁴⁾

(1) "Al-Hâwî Al-Kabîr", [8: 486].

(2) See: "Al-Mughnî", [2: 490].

(3) Ibid., [2: 496].

(4) See: "Al-Majmû' Sharḥ Al-Muhadhdhab", [6: 192-193].

- 5- It is not permissible to transfer Zakâh (to another locality) unless the poor of its respective locality is self-sufficient. If the poor in a particular locality still has ongoing need, it is not permissible to transfer it to another locality; because the description of entitlement primarily applies to them; which is need. To this regard, Ahmad states: “*Sadaqah* (obligatory almsgiving) may be delivered to the ruler if there are no poor in their locality or if there is a surplus after fulfilling their needs.” He also states, “The *Sadaqah* (obligatory almsgiving) of a people should not be transferred from their respective locality to another locality, unless there is a surplus after fulfilling their needs. This is because *Sadaqah* that came to the Prophet (peace and blessings of Allah be upon him), Abû Bakr, and ‘Umar was used to be from the surplus after their own needs were met. They would be given what suffices them, and the surplus would be taken out.”⁽¹⁾ This view is also held by the Malikites, who add another condition: if the need of people in another locality is more severe, then the ruler can distribute a portion of the Zakâh in its respective locality according to what is deemed necessary, and then transfers the rest to the locality in greater need. Thus, the need influences which locality is given priority in distribution.”⁽²⁾
- 6- The majority of scholars do not deem Hajj (Pilgrimage) to be one of the considered Shari‘ah-designated categories under the share of “*for the cause of Allah*.”⁽³⁾ This is: “because Zakâh is only disbursed to one of two types of people: either to those who are in need of it, such as the poor, the needy, the captives (seeking ransom), and the debtors seeking to pay off their debts; or to those whom the Muslim community need (for the benefits they provide), such as those employed to collect Zakâh, those fighting in the cause of Allah, those whose hearts are brought together (for Islam), and the debtors who incur debt for reconciling disputes. A poor person performing Hajj brings no benefit to the Muslims, nor is it a need for them, nor does the poor person himself need it. This is because there is no obligation for a poor person to perform Hajj, and

(1) “*Al-Mughni*”, [2: 502].

(2) See: “*Al-Muntaqâ Sharh Al-Muwatta*”, [2: 149].

(3) See: “*Adh-Dhakîrah*”, [3: 148]; “*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi*”, [3: 426]; and “*Al-Mughni*”, [6: 482].

there is no need to assist him in fulfilling it, and even there is no broader benefit in obligating it upon him. Further, it would be a hardship for him to do what Allah has relieved him of this duty. Therefore, it is more appropriate to direct this amount of Zakâh to those in need from other categories or for the benefit of the Muslim community.”⁽¹⁾

- 7- It is not permissible for the ruler to give priority in the distribution of Zakâh wealth to a less needy person over a more needy person. This is because the act of giving ownership is from Allah alone, not from the ruler. Thus, the ruler does not have the authority to give ownership to anyone except according to what Allah has given him. The ruler’s responsibility is limited to the distribution process, which must ensure justice, and justice requires giving priority to those in greater need.⁽²⁾
- 8- It is not permissible for those who are not in need of Zakâh to use tricks or act deceitfully in order to obtain it, because Zakâh is intended either for someone who is in need among the Muslims or for someone whom the Muslims need (for the benefit he provides for the Muslim community). Zakâh Law issued by the Kuwait Zakat House has addressed various forms of tricks used to obtain Zakâh and has provided some examples of such deceitful **practices**:⁽³⁾
 - Providing false information in the aid application or during the social **investigation**, which results in the approval, increase, or continuation of aid without rightful claim.
 - Impersonating someone else when receiving the allocated aid.
 - Forging an official document or using a forged document, which results in the approval, increase, or continuation of aid without rightful claim.
 - Altering the information on the aid disbursement card, or making any erasure or scratching on it, which results in the approval, increase, or continuation of aid without rightful claim.
 - Using the aid for an objective other than that intended without **obtaining** approval to change it.

(1) “*Al-Mughnî*”, [6: 484].

(2) See: “*Al-Ashbâh Wa An-Nazâ’ir*” by As-Suyûtî, (pp. 121-122).

(3) “*Regulations and Laws of the Kuwait Zakat House*”, (P. 42).

Topic (3): The People of a Locality Are More Entitled to Their Zakâh⁽¹⁾

Objective Explanation:

This objective is a fundamental principle in the distribution of Zakâh. The Lawgiver intends for Zakâh to be distributed and disbursed in the same place where it was collected, in order to purify the hearts of the local poor and satisfy them. So, they are giving their rightful share from the wealth of their local rich, to which their eyes have longed for and their hearts have attached to. This brings a great benefit in terms of refining and purifying their souls, as well as extinguishing the feelings of resentment and envy therein. For this reason, the collection of Zakâh is tied to apparent wealth rather than non-apparent wealth, because its apparentness leads to a stronger attachment of hearts to it, and thus its collection is entrusted to the ruler.

As-Sarakhasî states, “Sadaqah (obligatory alms giving) of each locality is distributed among the poor of their respective locality and is not transferred elsewhere (to others). **This is because the poor of that locality have a right of proximity and neighborliness, and they are more aware of the wealthy among them.** Therefore, disbursing it to them is more appropriate.”⁽²⁾ Al-Ghazâlî also states, “Sadaqah (obligatory alms giving) should not be transferred to another locality, **for the eyes of the needy in each locality look towards its wealth, and transferring it (to another locality) would disappoint their expectations.**”⁽³⁾ Ar-Râfi ‘î has expressed a similar view.⁽⁴⁾

Al-Qarâfi states, “Zakâh is to be distributed in the place where it becomes obligatory, if possible. If not, it should be transferred to the nearest locality

(1) See: “*Al-Umm*”, [2: 85]; “*Al-Amwâl*” by Abû ‘Ubayd, (pp.708-712); “*Sharh Sahîh Al-Bukhârî*” by Ibn Battâl, [3: 548]; “*Al-Hâwî Al-Kabîr*”, [8: 482]; “*Al-Muntaqâ Sharh Al-Muwatta’*”, [2: 149]; “*Al-Muhadhdhab Fî Fiqh Al-Imâm Ash-Shâfi ‘î*”, [1: 318]; “*At-Tabṣirah*” by Al-Lakhmî, [3: 945]; “*Al-Mabsûṭ*”, [2: 180]; “*Al-Bayân Wa At-Taḥṣîl*”, [2: 508]; “*Iḥyâ’ ‘Ulûm Ad-Dîn*”, [1: 213]; “*Al-Muḥîṭ Al-Burhânî Fî Al-Fiqh Al-Nu’mânî*”, [2: 290]; “*Al-‘Azîz Sharh Al-Wajîz*”, [7: 139]; “*Al-Mughnî*”, [2: 501]; “*Qawâ’id Al-Aḥkâm Fî Maṣâliḥ Al-Anâm*”, [1: 237]; “*Al-Ikhtiyâr Li Ta’lîl Al-Mukhtâr*”, [1: 122]; “*Adh-Dhakhîrah*”, [3: 152]; “*Al-Fatâwâ Al-Kubrâ*” by Ibn Taymiyyah, [5: 370]; “*Zâd Al-Ma’âd Fî Hady Khayr Al-‘Ibâd*”, [2: 9]; “*Fath Al-Bâri*” by Ibn Hajar, [3: 357]; “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 479]; “*Fath Al-Qadîr*”, by Al-Kamâl Ibnul-Humâm, [2: 279]; “*Tafsîr Ath-Tha’âlibî*”, [3: 190]; and “*Mirqât Al-Mafâtîḥ Sharh Mishkât Al-Maṣâbiḥ*”, [4: 1262].

(2) “*Al-Mabsûṭ*”, [2: 180].

(3) “*Iḥyâ’ ‘Ulûm Ad-Dîn*”, [1: 213].

(4) See: “*Al-‘Azîz Sharh Al-Wajîz*”, [7: 139].

to them, because the hopes of the poor in each locality are attached to the wealthy of their own people.”⁽¹⁾

Additionally, one of the wisdoms behind this objective is to consider the sanctity of neighborliness. Islamic Sharî‘ah grants specific rights to the neighbor, and among these rights is giving him priority in the entitlement to his neighbor’s kindness, connection, and assistance. Therefore, he is more deserving of his neighbor’s Zakâh.

After his citing a number of evidences indicating the obligation to distribute Zakâh in the place where it is collected, Abû ‘Ubayd, states: “All these *ḥadīths* prove that every people are more entitled to their own *Sadaqah* (obligatory almsgiving) until they become self-sufficient. We argue that their entitlement, over others, is a Sunnah established by Allah’s Messenger (peace and blessings of Allah be upon him); due to the sanctity of neighborliness, and the proximity of their homes to the homes of the wealthy.”⁽²⁾

Among the wisdoms behind this principle is that Islamic Sharî‘ah aims for the people of each locality to be self-sufficient with their own Zakâh. If it was legislated to transfer Zakâh (to another locality) without giving priority to the people of the place where it was collected, it would result in unmet needs and a lack of self-sufficiency. Consequently, the objectives of Sharî‘ah regarding Zakâh would not be achieved in such a case.

Ibn Taymiyyah says: “The predecessors said: The neighbors of wealth are more entitled to its Zakâh, and they disliked transferring Zakâh to the land of the ruler and others; so that each area would be self-sufficient with the Zakâh they have.”⁽³⁾

Therefore, it was from the Prophet’s (peace and blessings of Allah be upon him) guidance in distributing Zakâh to distribute it to the deserving in the land of the wealth, and whatever was surplus was brought to him, and he distributed it. That is why he used to send his collectors to the Bedouin areas but not to the villages. He ordered Mu‘âdh Ibn Jabal to take charity from the rich of Yemen and give it to their poor, and did not order him to bring it to him.”⁽⁴⁾

(1) “*Adh-Dhakhīrah*”, [3: 152], with little adaptation.

(2) “*Al-Amwāl*” by Abû ‘Ubayd, (P. 711).

(3) “*Al-Fatâwâ Al-Kubrâ*” by Ibn Taymiyyah, [5: 370].

(4) See: “*Zâd Al-Ma‘âd Fî Hady Khayr Al-‘Ibâd*”, [2: 9].

Those who say transferring Zakâh is prohibited or disliked have made exceptions for some cases, such as if Zakâh exceeds the needs of the local people, or if there are no deserving beneficiaries, or if non-locals are in more need, or if it is transferred to a relative. This is in consideration of other objectives and benefits, such as the objective of fulfilling needs or strengthening kinship ties, and other objectives they saw as more priority in balance than the objective of distributing Zakâh locally.⁽¹⁾

Among the evidence for the permissibility of transferring Zakâh for a preponderant benefit:⁽²⁾

- The ḥadīth of Abû Hurayrah (may Allah be pleased with him) about the charities of Banû Tamîm. I have loved the people of the tribe of Bani Tamim ever since I heard, three things, Allah's Messenger (peace and blessings of Allah be upon him) said about them. I heard him saying, these people (of the tribe of Banû Tamîm) would stand firm against Ad-Dajjâl." When the Sadaqat (gifts of charity) from that tribe came, Allah's Messenger (PBUH) said, "These are the Sadaqat (i.e. charitable gifts) of our folk." 'Aisha had a slave-girl from that tribe, and the Prophet (PBUH) said to 'Aisha, "Manumit her as she is a descendant of Ishmael (the Prophet)."⁽³⁾ Banû Tamîm are from the people of Najd, so their charities were transferred to Medina.
- The ḥadīth narrated by Qabîṣah Ibn Mukhâriq (may Allah be pleased with him) said he had become a guarantor for a payment, and he went to Allah's Messenger to beg from him regarding it. He said, "Wait till I receive the Sadaqah and I shall order it to be given you." He then said, "Begging, Qabîṣah, is allowable only to one of three classes: *a man who has become a guarantor for a payment, to whom begging is allowed till he gets it, after which he must stop begging; a man whose property has been destroyed by a calamity which has smitten him, to whom begging is allowed till he gets what will support life (or he said, what will provide a reasonable subsistence); and a man who has been smitten by poverty,*

(1) See: "Al-Muntaqâ Sharḥ Al-Muwatta'", [2: 149]; and "Al-Fatâwâ Al-Kubrâ" by Ibn Taymiyyah, [5: 370].

(2) See: "Dhakhîrat Al-'Uqbâ Fî Sharḥ Al-Mujtabâ", [22: 323-324].

(3) Agreed upon by both Al-Bukhârî and Muslim: "Saḥîḥ Al-Bukhârî", [3: 148], ḥadīth no. (2543), and "Saḥîḥ Muslim", [4: 1957], ḥadīth no. (2525).

the genuineness of which is confirmed by three intelligent members of his people, to whom begging is allowed till he gets what will support life (or he said, what will provide a reasonable subsistence). Any other reason for begging, Qabîsah, is forbidden, and one who engages in such consumes it as a thing which is forbidden.”⁽¹⁾ It is known that Qabîsah and his tribe are also not from the people of Medina, and the Prophet, peace and blessings of Allah be upon him, promised to give him charity so that he could take it from Medina to his country.

- The ḥadīth narrated by Abû Humayd As-Sâ’idî (may Allah be pleased with him) who said: The Prophet (peace and blessings of Allah be upon him) employed a man from the tribe of Al-Asd named Ibn Lutbiyyah as collector of Zakâh. When the employee returned (with the collections) he said: “(O Prophet (PBUH)!) This is for you and this is mine because it was presented to me as gift.” Messenger of Allah (PBUH) rose to the pulpit and praised Allah and extolled Him. Then he said, “I employ a man to do a job and he comes and says: ‘This is for you and this has been presented to me as gift’? Why did he not remain in the house of his father or the house of his mother and see whether gifts will be given to him or not? By Allah in Whose Hand is the life of Muhammad, if any one of you took anything wrongfully, he will bring it on the Day of Resurrection, carrying it on (his back), I will not recognize anyone of you, on the Day of Resurrection with a grunting camel, or a bellowing cow, or a bleating ewe.” Then he raised his hands till we could see the whiteness of his armpits. Then he said thrice, “O Allah! have I conveyed (Your Commandments) ...”⁽²⁾ The charity of Banû Sulaym was brought to him (peace and blessings of Allah be upon him), and he did not order it to be distributed there.
- Mu’adh’s statement to the people of Yemen: “Bring me garments, robes, or clothes for charity instead of barley and corn, it is easier for you and better for the companions of the Prophet (peace and blessings of Allah be upon him) in Medina.”⁽³⁾

(1) The source of the ḥadīth has been stated earlier, (P. 1130@@@).

(2) The source of the ḥadīth has been stated earlier, (P. 1460@@@).

(3) The source of the ḥadīth has been stated earlier, (P. 2480@@@).

These evidences and similar ones are interpreted as transferring Zakâh due to a preponderant benefit in its transfer. Otherwise, the principle established by Sharî‘ah is that the people of the land have more right to their Zakâh than others.

Objective Evidence:

- 1- The Prophet’s (peace and blessings of Allah be upon him) statement to Mu‘âdh when he sent him to Yemen: “tell them that Allah has made the payment of Zakâh obligatory upon them. It should be collected from their rich and distributed among their poor.”⁽¹⁾

Evidential aspect: In his saying “It should be collected from their rich and distributed among their poor,” there is an indication of the specificity of Zakâh to the poor of the land. If he meant no specification, he would have said “the poor of the Muslims,” but when he said “their poor,” it indicated the spatial specificity of Zakâh to its place of collection.⁽²⁾

Al-Shâfi‘î said: “The Arabs were the people of charity, and they used to neighbor by kinship to protect each other from those who wanted them. When the Prophet (peace and blessings of Allah be upon him) ordered that charity be taken from their rich and returned to their poor, it was clear in his order that it is returned to the poor neighbors of those from whom the charity was taken.”⁽³⁾

Ibn Hajar says: “It is returned to the poor wherever they are. The apparent meaning of this hadîth is that the charity is returned to the poor of those from whose rich it was taken... What comes to mind from this hadîth is the absence of transfer, and that the pronoun refers to those addressed, so it is specific to their poor.”⁽⁴⁾

- 2- Evidence indicating the importance of the right of neighborliness, as in the hadîth of ‘Āishah who said: I said, “Āishah said that when she told Allah’s Messenger, she had two neighbors and asked to which of them she should send a present, he replied, “To the one who lives nearer you.”⁽⁵⁾

(1) The source of the hadîth has been stated earlier, (P. 67@@@)

(2) See: “*Al-Mughnî*”, [2: 501].

(3) “*Al-Umm*”, [2: 85].

(4) “*Fath Al-Bâri*” by Ibn Hajar, [3: 357].

(5) Related by Al-Bukhârî in his “*Sahîh*”, [3: 88], hadîth no. (2259).

Evidential aspect: The hadîth indicates that the closer neighbor has more right to kindness, assistance, and what is similar to them. If this is the case for voluntary charity, then it is even more so for obligatory Zakâh. The closer neighbor has more right to it than the more distant one.⁽¹⁾

Ash-Shâfi'î, as quoted by Ibn Raslân, says: "If the Prophet (peace and blessings of Allah be upon him) recommended the neighbor in voluntary charity, then those who are close in neighborliness have more right in the obligatory charity."⁽²⁾

Ibn Battâl states, "‘Āishah asked the Prophet (peace and blessings of Allah be upon him) about whom to start with among her neighbors in giving gifts. He informed her that the one whose door is closest is more entitled to it than others. This indicates that they are more entitled to all rights of neighborliness, generous companionship, and kindness than those whose doors are further."⁽³⁾

- 3- It was stated that Mu‘âdh Ibn Jabal sent to ‘Umar one-third of the people’s charity from a place that was further away. ‘Umar disapproved of this and said, "I did not send you as a tax collector or to take tribute, but I sent you to take from the rich among the people and return it to their poor". Mu‘âdh replied, "I would not have sent you anything if I had found someone to take it from me". In the second year, he sent half of the charity to ‘Umar, and they had a similar exchange. In the third year, he sent all of the charity to ‘Umar. ‘Umar questioned him as he had done before, and Mu‘âdh said, "I did not find anyone to take anything from me."⁽⁴⁾

Evidential aspect: ‘Umar’s disapproval of Mu‘âdh sending the charity to him indicates that the principle is to distribute charity in its place, and that the people of the place have more right to it than others. It is not permissible to transfer it except for a benefit, such as if there are no needy people in that locality.

- 4- ‘Umar said in his will: "I advise the Caliph after me with such and such, and I advise him to be good to the Bedouins, for they are the origin of

(1) See: "Ma ‘âlim As-Sunan", [3: 154].

(2) "Sharh Sunan Abû Dâwûd" by Ibn Raslân, [7: 635].

(3) "Sharh Sahîh Al-Bukhârî" by Ibn Battâl, [6: 382].

(4) Related by Abû ‘Ubayd in "Al-Amwâl", (P. 710), hadîth no. (1912).

the Arabs and the substance of Islam, that he should take from the margins of their wealth and return it to their poor.”⁽¹⁾

Evidential aspect: ‘Umar’s statement “return it to their poor” indicates that Zakāh is returned to the poor of the place and not taken out to others.

- 5- Ibrāhīm Ibn ‘Atā’, the freed slave of ‘Imrān Ibn Ḥuṣayn, narrated from his father that Ziyād - or some of the governors - sent ‘Imrān Ibn Ḥuṣayn to collect charity. When he returned, he asked ‘Imrān, “Where is the wealth?” ‘Imrān replied, “Did you send me for wealth? We took it from where we used to take it in the time of Prophet Muḥammad (peace and blessings of Allah be upon him), and we put it where we used to put it in the time of Prophet Muḥammad (PBUH).”⁽²⁾

Evidential aspect: ‘Imrān’s statement “we put it where we used to put it in the time of Prophet Muḥammad (peace and blessings of Allah be upon him)” is evidence of limiting it to the people of the land. It can be understood from this that Zakāh is not transferred to a place other than where the wealth is.”⁽³⁾ Also, his action of distributing the charity in its place indicates that the people of the locality where the Zakāh is collected are more entitled to it. Distributing Zakāh outside its place of collection without a valid reason is considered impermissible and contradicts the intent of the Lawgiver.⁽⁴⁾

- 6- Mu‘ādh Ibn Jabal said: “Whichever person moves from one tribe to another; their tithe and charity should be given to the tribe they moved to.”⁽⁵⁾

Evidential aspect: This indicates that charity should be distributed in the place where it is collected. If it is transferred elsewhere, it should be returned and distributed among the local people, as they have the primary right to it due to their proximity and need.⁽⁶⁾

- 7- Ibn Jurayj narrated: ‘Umar Ibn ‘Abdul-‘Azīz wrote to his governors to put half the charity in its places and send him the other half. Then,

(1) The source of the ḥadīth has been stated earlier, (P. 2490@@@).

(2) Related by Abū Dāwūd in his “Sunan”, [2: 115], ḥadīth no. (1625); and it was graded as *Sahīh* (authentic) by Al-Albānī [Relating the ḥadīths of poverty problem, (P. 63)].

(3) “*Sharḥ Sunan Abī Dāwūd*”, by Ibn Raslān, [7: 634].

(4) See: “*Al-Mughnī*”, [2: 501]; and “*Sharḥ Sunan Abū Dāwūd*”, by Ibn Raslān, [7: 635].

(5) Related by Al-Bayhaqī in “*As-Sunan Al-Kubrā*”, [4: 14], ḥadīth no. (13141).

(6) See: “*Al-Fatāwā Al-Kubrā*” by Ibn Taymiyyah, [5: 370].

the following year, he wrote to put all of it (in its places).⁽¹⁾ Sufyân Ibn Sa'îd reported that when Zakâh was transferred from *Ar-Ray* to *Kûfah*, 'Umar Ibn 'Abdul-'Azîz returned it to *Ar-Rayy*.⁽²⁾ 'Umar Ibn 'Abdul-'Azîz's action indicates that the people of the place have more right to their charity.

8- The consensus of scholars on the legitimacy of this.

Abû 'Ubayd said: "The scholars today are in agreement on all these traditions: that the people of each country or water source have more right to their charity, as long as there is one or more needy person among them, even if it takes up all of their charity, until the collector returns with nothing of it. This is how the hadîths came explained."⁽³⁾ Then he said: "All these hadîths establish that every people are more entitled to their charity until they become self-sufficient, and we see their entitlement to this over others as coming from the Sunnah; due to the sanctity of neighborliness, and the proximity of their homes to the homes of the rich."⁽⁴⁾

9- The core of Zakâh is to enrich the poor with it. If we allow its transfer, it would lead to the poor of that country remaining in need, thus the primary objective of legislating Zakâh would not be achieved."⁽⁵⁾

10- Analogy with Allah's rights on bodies: As it is not permissible to transfer these from their place, similarly, Allah's rights on wealth should not be transferred. Just as some of Allah's rights on bodies are specific to certain places, which is circumambulation, walking between *Safâ* and *Marwah*, and standing at 'Arafat, so the same must occur regarding the rights of wealth that are specific to one place and not another, which is Zakâh."⁽⁶⁾

11- Analogizing to the Sharî'ah's specification of Zakâh beneficiaries and its expenditures, just as Zakâh beneficiaries have been determined, it is not permissible to exceed them and transfer Zakâh from them to others; it is not permissible to transfer it from its place."⁽⁷⁾

(1) Related by Abû 'Ubayd in "*Al-Amwâl*", (P. 708), hadîth no. (1902).

(2) Ibid., (P. 708), hadîth no. (1906).

(3) "*Al-Amwâl*" by Abû 'Ubayd, (pp.709-710).

(4) The source of the hadîth has been stated earlier, (P. 711@@@).

(5) See: "*Al-Mughnî*", [2: 501].

(6) See: "*Al-Hâwî Al-Kabîr*", [8: 482].

(7) Ibid.

- 12- If there are poor people among rich people, then analogy requires that their Zakâh should not be transferred from them, and they should not be burdened to seek Zakâh from other people in another country, or to remain in need, or for the rich among them to be burdened with supporting them, as if they have been charged another Zakâh. Rather, the analogy is that the support should be among them.⁽¹⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The majority of scholars believe that it is not permissible to transfer Zakâh from its place,⁽²⁾ and the Hanbalites have specified this with the distance of shortening prayer,⁽³⁾ while the Hanafites consider transferring to be disliked but not prohibited.⁽⁴⁾
- 2- If the collector is unaware and carries the charity from one country to another, while its people are in need of it, the ruler should return it to them, as ‘Umar Ibn ‘Abdul-‘Azîz did, and as Sa‘îd Ibn Jubayr ruled; because its people are more entitled to it, and the Sharī‘ah intends to benefit them primarily.⁽⁵⁾
- 3- If the ruler does not know about the need of the charity’s people, and distributes it to others, or if some of his workers do so, then he learns about it later, he should double the charity for them in the following year. This is narrated from ‘Umar Ibnul-Khattâb;⁽⁶⁾ because they were more entitled to it, distributing it to others deprives them of it, so their right must be returned to them.
- 4- It is prescribed to give *Zakâtul-Fitr* from the predominant food of the country; because since the people of the country are more entitled to its Zakâh, it is better to give it from their predominant food, so that their enrichment and fulfillment of their need is fully realized.⁽⁷⁾ The Shafi‘ites stipulated for the category of “in the cause of Allah” that the warrior should be a neighbor of the charity, in consideration of the

(1) See: “*At-Tabṣīrah*” by Al-Lakhmī, [3: 945].

(2) See: “*Al-Muntaqâ Sharḥ Al-Muwatta’*”, [2: 149]; “*Al-Hâwî Al-Kabîr*”, [8: 481]; and “*Al-Mughnî*”, [2: 501].

(3) See: “*Al-Mughnî*”, [2: 501].

(4) “*Al-Mabsûṭ*”, [2: 180].

(5) See: “*Al-Amwâl*” by Abû ‘Ubayd, (P. 712).

(6) Ibid.

(7) See: “*Al-Mughnî*”, [3: 85].

neighbor's right to the charity.⁽¹⁾

- 5- If the owner of the wealth transfers Zakâh from the country of the wealth, it is not sufficient and he must repeat it. This is the absolute opinion of the Shafi'ites except when there are no rightful beneficiaries at all, in which case they allow its transfer due to the absence of needy people. The Malikites also consider it insufficient if transferred to those who are equal to or less in need than the people of the collection country. However, if transferred to those who are in greater need, it is sufficient, considering the intention that Zakâh should be given to the needy, and they are in more dire need.⁽²⁾
- 6- If all categories of beneficiaries are absent in a country, it is obligatory to transfer the Zakâh to the nearest country to the location of the wealth, in consideration of the sanctity of neighborhood. Thus, the nearest and then the next nearest to the country of the Zakâh payer is considered.⁽³⁾
- 7- The Shafi'ites hold that it is not permissible to give to strangers in the country, in consideration of this intention.

Al-Juwaynî says: Because the prohibition of transfer requires that each group be specific to what they have, and if strangers know that charity is given to them, they will come to the country and put pressure on the residents.⁽⁴⁾

- 8- The ruler must - in consideration of the meaning of distributing Zakâh among the people of the country - appoint a deputy in each region and order him to do so, which is feasible and achieves the legal intention.⁽⁵⁾

Topic (4): Balancing benefits and spreading welfare⁽⁶⁾

Objective Explanation:

It is from the wisdom of the noble Sharī'ah that it sought in its legislations to combine different benefits and maximize the benefits resulting from them.

(1) See: *"Al-Umm"*, [2: 78].

(2) See: *"Al-Hâwî Al-Kabîr"*, [8: 481].

(3) See: *"Al-Muntaqâ Sharh Al-Muwatta'"*, [2: 149]; and *"Al-Majmû 'Sharh Al-Muhadhdhab"*, [6: 225].

(4) *"Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhdhab"*, [11: 559].

(5) Ibid, [11: 535].

(6) See: *"Al-Amwâl"* by Abû 'Ubayd, (pp. 689-690); *"Ma'âlim As-Sunan"*, [2: 59]; *"Al-Hâwî =*

Thus, the ruling comes encompassing multiple benefits for individual Muslims and their community in religion, self, wealth, intellect, lineage, honor, and other benefits.

In the distribution and disbursement of Zakâh, the contemplator clearly notices this. The Wise Lawgiver has sought to maximize the benefit of Zakâh by combining multiple benefits and great benefits in its distribution. He diversified the beneficiaries of Zakâh and enumerated them in detail in His Great Book, making them varied to include both those with needs and those who benefit Muslims. Zakâh meets the various needs of the needy, and it also helps those whom Muslims need to bring benefits or ward off harms. This diversity and multiplicity are only out of keenness to spread and generalize the benefit.

The ruler - as the delegated authority in collecting and distributing Zakâh - should be keen on generalizing the benefit of Zakâh and considering the combination of different benefits in the distribution process. Similarly, if the owner of the wealth undertakes the distribution of Zakâh himself, he should be keen on spreading and generalizing its benefit.

Al-Juwaynî says: "We understood the Lawgiver's concern with spreading charities among individuals, so this must be taken into account."⁽¹⁾ He called this intention in another situation: "spreading charities over all directions."⁽²⁾ and he says in another situation: "The predominant consideration in Zakâh is to generalize to all people of the country."⁽³⁾

Al-'Izz Ibn 'Abdus-Salâm says: Ash-Shâfi'î obligated the disbursement of Zakâh to the categories; for what it contains of repelling types of harms and bringing types of benefits. For repelling poverty and destitution is a type different from freeing slaves for the contracted ones, and debt for the indebted,

= *Al-Kabîr*, [8: 479-480]; *Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab*, [11: 544]; *Al-Wasîṭ Fî Al-Madhhab*, [4: 569]; *Ilhâṭ 'Ulûm Ad-Dîn*, [1: 213], *Al-'Azîz Sharḥ Al-Wajîz*, [7: 406]; *Al-Mughnî*, [2: 499]; *Qawâ'id Al-Aḥkâm Fî Masâliḥ Al-Anâm*, [1: 33]; *Rawḍat At-Tâlibîn Wa 'Umdat Al-Muṭṭin*, [2: 329]; *Adh-Dhakhîrah*, [3: 140]; *Al-Furû' Wa Tashîḥ Al-Furû'*, [4: 350]; *Asnâ Al-Maṭâlib Fî Sharḥ Rawḍ At-Tâlib*, [1: 402]; *Mawâhib Al-Jalîl Fî Sharḥ Mukhtaṣar Khalîl*, [2: 352]; *Tuḥfat Al-Muḥtâj Fî Sharḥ Al-Minhâj*, [7: 169]; *Hujjatullâh Al-Bâlighah*, [2: 70]; *Hâshiyat As-Sâwî 'Alâ Ash-Sharḥ As-Saghîr*, [1: 665]; and *Maqâsid Ash-Sharî'ah Al-Islâmiyyah* by Ibn 'Âshûr, [3: 461].

(1) *Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab*, [11: 544].

(2) *Ibid.*, (11/560).

(3) *Ibid.*

and estrangement and disconnection for the wayfarers, as well as reconciliation to the religion for those who see that the share of those whose hearts are to be reconciled remains, and likewise aiding the fighters for jihad which is second to faith in the Lord of the worlds.”⁽¹⁾

Ad-Dahlawî says: Needs are not limited, and there is not much money in the treasury in countries purely for Muslims other than Zakâh, so it must be expanded to suffice for the city’s calamities.”⁽²⁾ Ibn ‘Āshûr says something similar.⁽³⁾

The issue of encompassing the eight categories in the disbursement of Zakâh is the most prominent issue where scholars mention this intention in the context of talking about it. The Shafi‘ites,⁽⁴⁾ some Malikites,⁽⁵⁾ and it is a narration from Ahmad⁽⁶⁾ who adopted the view that it is lawful to generalize Zakâh to all the eight categories.⁽⁷⁾ This was also the opinion of ‘Ikrimah, ‘Umar Ibn ‘Abdul-‘Azîz, and Az-Zuhrî,⁽⁸⁾ because it combines various benefits, and for filling needs, supporting military campaigns, paying off debts, and other such objectives, as well as for the prayers it elicits from all and the possibility of encountering a pious person among them.⁽⁹⁾

Some scholars have differentiated between cases where the ruler distributes Zakâh and where the owner distributes it personally. They argue that comprehensive distribution is prescribed when the ruler is responsible for Zakâh distribution. This is the opinion of Abû Thawr⁽¹⁰⁾ and the choice of Abû ‘Ubayd, who said: “These are the outlets of charity when distributed, and this is the proper way for those who can manage it. However, I do not think this is obligatory except for the ruler who has abundant charity from Muslims, is responsible for the rights of all categories, and can have many helpers to distribute it.

(1) “*Qawâ'id Al-Ahkâm Fî Maşâliḥ Al-Anâm*”, [1: 33].

(2) “*Hujjatullâh Al-Bâlighah*”, [2: 70].

(3) See: “*Maqâsid Ash-Sharî'ah Al-Islâmiyyah*”, by Ibn ‘Āshûr, [3: 461].

(4) See: “*Al-Hâwî Al-Kabîr*”, [8: 480].

(5) See: “*Hâshiyat As-Şâwî 'Alâ Ash-Sharḥ As-Saghîr*”, [1: 665].

(6) “*Al-Mughnî*”, [2: 499].

(7) The Shafi‘ites hold that this is obligatory, while the rest consider it recommended

(8) See: “*Al-Amwâl*” by Abû ‘Ubayd, (P. 690).

(9) “*Adh-Dhakhîrah*”, [3: 140].

(10) See: “*Ma'âlim As-Sunan*”, [2: 59].

As for those who only have what is obligatory on their personal wealth, if they give it to some categories instead of others, it would suffice, according to the scholars we have mentioned.”⁽¹⁾

They considered other intentions in distribution, such as being kind to the owner. Obligating comprehensive distribution - if he distributes Zakâh himself - would cause apparent hardship. Also, increasing the number of beneficiaries with little wealth reduces its benefit. As mentioned before, one of the Sharî‘ah’s intentions regarding Zakâh beneficiaries is to consider what is most beneficial for them. When the owner distributes his small amount of wealth himself, it is more beneficial for the beneficiaries not to have many categories, but rather to give to the categories that would benefit most from it.

Objective Evidence:

- 1- Allah’s words: “Zakâh expenditures are only for the poor and for the needy and for those employed for it 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.”⁽²⁾

Evidential aspect: The enumeration of beneficiaries and the diversity of reasons for entitlement indicate the Lawgiver’s keenness to spread benefit and combine different benefits in Zakâh distribution. Also, Allah attributed Zakâh to them, using the possessive ‘*Lâm*’ (for), and joined them with the conjunction ‘*Wa*’ (and), indicating that it is owned by them and shared among them.⁽³⁾

Ibn Qudâmah says: “The verse is intended to explain the categories to whom Zakâh payment is permissible, excluding others. Given this, it is recommended to distribute it to all categories, or to as many as possible among them.”⁽⁴⁾

Ar-Râfi ‘î says: “Allah, the Almighty, attributed the charities to the poor, the needy, and others using the letter ‘*Lâm*’ (for), just as one would say: ‘This house is for Zayd, for ‘Amr, and for Bakr, or bequeath to the poor, the needy, and

(1) “*Al-Amwâl*” by Abû ‘Ubayd, (P. 692).

(2) [At-Tawbah (Repentance): 60].

(3) See: “*Al-Hâwî Al-Kabîr*”, ([8: 479]; and “*Ihyâ’ ‘Ulûm Ad-Dîn*”, [1: 213].

(4) “*Al-Mughnî*”, [2: 499].

those in debt. This prevents specifying some of those mentioned.”⁽¹⁾

- 2- Abû Dâwûd narrated from Ziyâd Ibnul-Ḥârith As-Sudâ’î (may Allah be pleased with him) who said: “I came to the Messenger of Allah (peace and blessings of Allah be upon him) and swore allegiance to him, and after telling a long story he said: Then a man came to him and said: Give me some of the Sadaqah (alms). The Messenger of Allah (PBUH) said: Allah is not pleased with a Prophet’s or anyone else’s decision about Sadaqahs till He has given a decision about them Himself. He has divided those entitled to them into eight categories, so if you come within those categories, I shall give you what you desire.”⁽²⁾

Evidential aspect: His saying (peace and blessings of Allah be upon him): “so if you come within those categories, I shall give you what you desire” asserts that it is not permissible to gather all the charity in one category, and that it is obligatory to distribute it among the deserving people according to their shares.⁽³⁾ Al-Mâwardî says: “He informed that it is divided into eight parts, and that one is not given from it except the amount of his right, and this is a text that does not allow for disagreement... and because the poor are one of the categories of charities, so it is not permissible to specify them with it, like the workers (on it).”⁽⁴⁾

- 3- Allah’s words: {“... *so that it will not be a perpetual distribution among the rich from among you.*”}⁽⁵⁾

Evidential aspect: Since one of the intentions of the Sharî’ah is to prevent wealth from being circulated only among the rich, it is known that the Sharî’ah intends the opposite of that, which is to spread the benefit of wealth and distribute it among people as much as possible, so that its benefit encompasses the country and the servants. Therefore, the ruler should exert his effort in generalizing the wealth of Zakâh among the categories and maximizing its benefits by combining different benefits.⁽⁶⁾

- 4- Allah’s words: {“... *And know that anything you obtain of war booty -*

(1) “Al- ‘Azîz Sharḥ Al-Wajîz”, [7: 407].

(2) The source of the ḥadîth has been stated earlier, (P. 206@@@).

(3) See: “Ma ‘âlim As-Sunan”, [2: 59].

(4) “Al-Hâwî Al-Kabîr”, [8: 480].

(5) [Al-Ḥashr (The Mustering): 7].

(6) See: “Maqâsid Ash-Sharî’ah Al-Islâmiyyah” by Ibn ‘Âshûr, [3: 461].

then indeed, for Allah is one fifth of it and for the Messenger and for [his] near relatives and the orphans, the needy, and the (stranded) traveler.”}⁽¹⁾

Evidential aspect: Analogizing Zakâh to the *Khumus* (one-fifth of war spoils). Just as the fifth is wealth legally attributed to categories and the Shari‘ah did not allow some of them to be specified with it without others, but rather obligated generalizing its benefit to all the categories mentioned in the verse; similarly is the wealth of Zakâh.⁽²⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The lawfulness of encompassing the eight categories in Zakâh, obligatorily according to the Shafi‘ites, and preferably according to some Malikites and some Hanbalites.⁽³⁾ Abû ‘Ubayd made it obligatory if the ruler distributes the charities,⁽⁴⁾ and some made it obligatory if the wealth is abundant,⁽⁵⁾ in consideration of the Lawgiver’s intention to generalize the benefit.
- 2- If the ruler distributes the charities, he must encompass all individuals of the categories, and it is not permissible for him to limit it to some of them according to the Shafi‘ites,⁽⁶⁾ in consideration of this intention.
- 3- If poverty is widespread among people, distributing Zakâh to more than one poor person is preferable.⁽⁷⁾
- 4- The Shafi‘ites hold that equality between categories is obligatory even if the need of some is more severe, except that the worker is not given more than his fair wage. As for equality between individuals of a category, whether all are included or limited to some, it is recommended when needs are equal, but not obligatory.⁽⁸⁾ This is because if we did

(1) [Al-Anfâl (The Spoils): 41].

(2) See: “*Al-Hâwî Al-Kabîr*”, [8: 480].

(3) See: “*Hâshiyat As-Sâwî ‘Alâ Ash-sharḥ As-Saghîr*”, [1: 665]; “*Al-Hâwî Al-Kabîr*”, [8: 480]; and “*Al-Mughnî*”, [2: 499].

(4) See: “*Al-Amwâl*” by Abû ‘Ubayd, (P. 690).

(5) An-Nakha‘î holds this opinion, see: “*Aḥkâm Al-Qur’ân*” by Ibnul-‘Arabî ‘Arabî, [2: 523]. This opinion is also held by Az-Zarkashî, see: “*Mughnî Al-Muḥtâj*”, [4: 190].

(6) See: “*Al-‘Azîz Sharḥ Al-Wajîz*”, [7: 408].

(7) “*Majmû‘ Fatâwâ Wa Rasâ’il Al-‘Uthaymîn*”, [18: 354].

(8) Ibid., [7: 409].

not say equality was necessary, it would lead to preferring one category over another, which would limit the benefit and weaken its spread.

- 5- Whoever has two reasons for receiving Zakâh is given for both of them,⁽¹⁾ to spread the benefit and combine benefits.
- 6- It is not permissible by consensus to put all of the Zakâh into those working on it.⁽²⁾
- 7- Not giving the needy more than their need, so that the benefit of Zakâh is generalized.
- 8- The poor are not given from Zakâh enough for a lifetime because giving lifetime sufficiency has the drawback of depleting the collected Zakâh on a small group, while the Shari‘ah intends to generalize the benefit of Zakâh to cover most of those entitled to Zakâh.⁽³⁾

Topic (5): Considering the Interests of the Beneficiaries in Distribution⁽⁴⁾

Objective Explanation:

Since the primary transitive objectives of Zakâh are: filling the needs of Muslims and supporting and strengthening Islam, it is incumbent upon the ruler to strive to achieve these justly. He should exert effort in considering what is best and most beneficial for the beneficiaries in his distribution of Zakâh. This is done by preferring in its distribution those in need and greater in number, or those whose giving would be more beneficial to Islam and Muslims. He should also exert effort in studying and contemplating what is best for the beneficiaries in terms of the amount and type of giving for each

(1) See: “*Kashshâf Al-Qinâ‘ ‘An Matn Al-Iqnâ‘*”, [2: 288].

(2) See: “*Aḥkâm Al-Qur‘ân*” by Ibnul-‘Arabî, [2: 521].

(3) See: “*Thiyâ‘ ‘Ulûm Ad-Dîn*”, [1: 224].

(4) See: “*Al-Muwatta‘*”, [2: 378]; “*Al-Amwâl*” by Abû ‘Ubayd, (P. 671); “*Ma‘âlim As-Sunan*”, [2: 59]; “*Al-Istidhkâr*”, [3: 206]; “*Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab*”, [11: 544]; “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 36]; “*Al-Mughnî*”, [2: 499]; “*Qawâ‘id Al-Aḥkâm Fî Maṣâliḥ Al-Anâm*”, [2: 89]; “*Tafsîr Al-Qurtubî*”, [8: 175]; “*Al-Majmû‘ Sharḥ Al-Muhaddhab*”, (pp. 190-191); “*Al-Ikhtiyâr Li Ta‘lîl Al-Mukhtâr*”, [1: 122]; “*Adh-Dhakhîrah*”, [3: 149]; “*Majmû‘ Al-Fatâwâ*”, [28: 580]; “*Fatḥ Al-Bâri*” by Ibn Hajar, [3: 357]; “*Hujjatullâh Al-Bâlighah*”, [2: 69]; and “*Ar-Rawḍah An-Nadiyyah Sharḥ Ad-Durar Al-Bahiyyah*”, [1: 209].

category, and even for each individual. He should consider the benefit of each deserving individual in what is distributed to them from Zakâh, so that the Lawgiver's intentions for giving it to them are realized, and he should avoid what contradicts that.

This objective is closely related to a great rule of jurisprudence, which is: "The disposition over the subjects is tied to (their) benefit."⁽¹⁾ This means: "The disposition of the ruler and everyone who is in charge of any of the Muslims' affairs must be based on, tied to, and intended for the general benefit, i.e., what benefits the general public under their authority. Whatever is not so is neither valid nor enforceable according to Shari'ah."⁽²⁾

Al-'Izz Ibn 'Abdus-Salâm says: "The disposition of rulers and their deputies in what we mentioned of dispositions should be what is best for those under their authority, to ward off harm and corruption, and to bring benefit and guidance. None of them should limit themselves to what is good when they are capable of what is best, unless it leads to severe hardship."⁽³⁾

It is known that the work of collecting and distributing Zakâh does not deviate from this principle. The ruler must consider what is best and most beneficial for those entitled to Zakâh, and he should be cautious about their rights. He is in their wealth like a guardian in the wealth of an orphan, even more so; because the wealth of charities is of general benefit, and "the Shari'ah's concern for general benefits is more abundant and greater than its concern for private benefits."⁽⁴⁾

This objective is the principle considered by Mâlik in dividing charities and in the amount given from Zakâh.⁽⁵⁾ He held that the ruler should strive and investigate where the need is among the categories, and prioritize those most in need and destitute. If he sees that the need is greater among the poor in one year, he prioritizes them, and if he sees it is among the wayfarers in another year, he shifts it to them, and so on.⁽⁶⁾ He, may Allah have mercy on him, said: "The matter with us regarding the division of charities is that it should only

(1) *"Al-Manthûr Fî Al-Qawâ'id Al-Fiqhiyyah"*, [1: 309].

(2) *"Al-Wajîz Fî Idâh Qawâ'id Al-Fiqh Al-Kulliyyah"* by Al-Burnât, (P. 348).

(3) *"Qawâ'id Al-Ahkâm Fî Masâlih Al-Anâm"*, [2: 89].

(4) Ibid.

(5) See: *"Al-Amwâl"* by Abû 'Ubayd, (P. 671).

(6) See: *"Al-Muwatta'"*, [2: 378]; *"Ma'âlim As-Sunan"*, [2: 59]; and *"Al-Istidhkâr"*, [3: 206].

be based on the ruler's discretion. Whichever category has the need and the numbers, that category is preferred according to what the ruler sees fit. This may shift to another category after a year or two or more years, preferring those in need and greater in number wherever that may be. This is what I found among those I approve of from the people of knowledge.”⁽¹⁾

Shaykhul-Islâm Ibn Taymiyyah says: “Giving is according to the benefit of Allah's religion, so whoever is more obedient to Allah and more beneficial to His religion, giving to him is more appropriate.”⁽²⁾ He says in another place: “As for these places, taking is based on need and benefit, so equality between categories should not be obligatory or recommended; rather, giving should be according to need and benefit, just as the original entitlement was tied to that.”⁽³⁾ Al-Qanwajî says: “The ruler may give to some and not to others if he sees in that a benefit returning to Islam and its people. For example: if charities are collected with him and *Jihâd* (fighting in the cause of Allah) is present and defense of Islam's territory from disbelievers or rebels is necessary, he may prefer the category of fighters by spending on them even if it exhausts all the collected charities. Similarly, if benefit requires preferring non-fighters.”⁽⁴⁾

Objective Evidence:

- 1- The Prophet (peace and blessings of Allah be upon him) used to consider the beneficiaries' benefit in distribution, prioritizing the distribution of resources or aid to the beneficiaries whose needs are most aligned with the welfare of the Muslim community. When he sent Mu'âdh to Yemen, he said to him: “it is to be taken from the wealthy among them and given to the poor among them.”⁽⁵⁾ He (PBUH) only mentioned one category here, which is the poor, because the benefit at that time was in giving to those in need, then wealth came to him after this, and he put it in a second category other than the poor, which is

(1) “*Al-Muwatta'*”, [2: 378]. In “*Al-Mudawwanah*”, [1: 342], it is stated: “If you find all the categories that Allah mentioned in the Qur'an, and one category among them is in greater need, prioritize the people of need wherever they are until their need is met. In this matter, follow the people of need wherever they are each year. There is no specific division prescribed for this.”

(2) “*Majmû' Al-Fatâwâ*”, [28: 580].

(3) Ibid., [19: 258].

(4) “*Ar-Rawḍah An-Nadiyyah Sharḥ Ad-Durar Al-Bahiyyah*”, [1: 209].

(5) The source of the ḥadīth has been stated earlier, (P. 67@@@).

those whose hearts are to be reconciled: Al-Aqra' Ibn Hâbis, 'Uyaynah Ibn Hishn, 'Alqamah Ibn 'Ulâthah, and Zaydul-Khayr. He distributed among them the gold that 'Alî sent to him from the wealth of the people of Yemen.⁽¹⁾ What is taken from the wealth of the people of Yemen is charity, so he distributed it to those whose hearts are to be reconciled because the benefit of the beneficiaries was in that. Then another wealth came to him, and he put it in a third category entitled as those in debt. Among that is his saying to Qabîṣah Ibn Mukhâriq (may Allah be pleased with him) regarding the debt he had taken on: "Wait till I receive the Sadaqah and I shall order it to be given you."⁽²⁾ So he (PBUH) made some categories more fortunate with it than others according to need, benefit, and respect for the situation.⁽³⁾

Shaykhul-Islâm Ibn Taymiyyah commented on the Prophet's (peace and blessings of Allah be upon him) giving to those whose hearts are to be reconciled and leaving the needy among the masters of the companions: "He gave them to reconcile their hearts to Islam, and reconciling them to it is a general benefit for Muslims. Those he did not give to are better in his sight and they are the masters of Allah's pious friends and the best of Allah's righteous servants after the prophets and messengers. Among those he gave to, some apostatized from Islam before their death and most of them were rich, not poor. If giving for need was prioritized over giving for the general benefit, the Prophet (peace and blessings of Allah be upon him) would not have given these rich, obeyed masters in their clans, and left giving to those with him from the Emigrants and Helpers who were more in need than them and better. It was with something like this that the Kharijites criticized the Prophet (PBUH)..."

Then he said: "Indeed, giving is according to the benefit of Allah's religion. The more obedient one is to Allah and the more beneficial to His religion, the more deserving they are of giving. And giving to one who is in need for establishing the religion, suppressing its enemies, manifesting it, and elevating it is greater than giving to one who is not like that, even if the second is more in need."⁽⁴⁾

(1) Agreed upon by both Al-Bukhârî and Muslim: "*Sahîh Al-Bukhârî*", [9: 127], ḥadîth no. (7432); and "*Sahîh Muslim*", [2: 741', ḥadîth no. (1064).

(2) The source of the ḥadîth has been stated earlier, (P. 113@@@).

(3) See: "*Al-Amwâl*", by Abû 'Ubayd, (P. 692); and "*Badâ'i' As-Sanâ'i'*", [2: 46].

(4) "*Majmû' Al-Fatâwâ*", [28: 579-581].

- 2- The saying of Mu'âdh Ibn Jabal (may Allah be pleased with him) to the people of Yemen: ***"Bring me garments, small or large, in charity instead of barley and corn. It is easier for you and better for the companions of the Prophet*** (peace and blessings of Allah be upon him) in Medina."⁽¹⁾

Evidential aspect: In Mu'âdh's saying (may Allah be pleased with him): ***"and better for the companions of the Prophet*** (peace and blessings of Allah be upon him), "there is evidence of his consideration for the benefit of those entitled to Zakâh in the type of what is taken. Therefore, he (may Allah be pleased with him) took from them small and large garments instead of barley and corn, as that was more beneficial and better for the companions of the Prophet (peace and blessings of Allah be upon him) in Medina."⁽²⁾ This indicates the lawfulness of considering the beneficiaries' benefit in distributing Zakâh.

- 3- Mu'âdh Ibn Jabal (may Allah be pleased with him) sent one-third of the people's charity to Umar, may Allah be pleased with him. Umar disapproved of this and said: "I did not send you as a tax collector or to take tribute, but I sent you to take from the rich among them and give it to their poor". Mu'âdh said: "I did not send you anything while I could find someone to take it from me". In the second year, he sent him half of the charity. They had the same exchange. In the third year, he sent him all of it. Umar responded as he had before, and Mu'âdh said: "I could not find anyone to take anything from me."⁽³⁾

Evidential aspect: Mu'âdh sending the charity to 'Umar, even though the principle is to distribute Zakâh in its place of origin, indicates that when there were no rightful beneficiaries, the primary consideration is the benefit of the designated beneficiaries in distribution. When there were no rightful beneficiaries in the area, the benefit was in transferring it to another place in need.

The effect of considering this objective in the Fiqh-based branches:

- 1- It is permissible for the ruler to transfer Zakâh from its place of origin if the poor of that area do not need it or if there is excess beyond their needs, considering the benefit of the designated beneficiaries in Zakâh

(1) The source of the ḥadīth has been stated earlier, (P. 248@@@).

(2) See: *"Dhakhīrat Al-'Uqbā Fī Sharḥ Al-Mujtabā"*, [22: 151].

(3) The source of the ḥadīth has been stated earlier, (P. 600@@@).

distribution. The benefit here requires its transfer.⁽¹⁾

- 2- It is permissible for the ruler to transfer Zakâh from its place of origin if the need elsewhere is more severe, according to the majority opinion.⁽²⁾ If he learns that some areas are in dire need, he may transfer it to them because the objective is to meet the needs of the poor, and those in greater need take priority.⁽³⁾ This considers the benefit of the designated beneficiaries, as when a need arises, it must be prioritized over those who are not in need.⁽⁴⁾
- 3- The ruler may give some categories more than others, and he may give to some and not others, if he sees that doing so brings benefit to Islam and its people. For example, if he has collected charities and there is a need for *Jihâd* and defense of Islam against disbelievers or rebels, he may prioritize the category of fighters by spending on them, even if it consumes all the collected charities.⁽⁵⁾
- 4- Considering the benefit of the designated beneficiaries in arranging distribution, so the worker (Zakâh collector) is prioritized over others because the benefit of the beneficiaries requires prioritizing it; as he takes what he takes as a wage.⁽⁶⁾ The poor and needy are prioritized over freeing slaves; because filling the need is better.⁽⁷⁾ Those whose hearts are to be reconciled are prioritized over the poor and needy; because protection from the Fire is prioritized over protection from hunger.⁽⁸⁾ The distinguished in religion or knowledge is prioritized over others in every category; it is narrated from ‘Umar that he used to say: “Religious virtues have rewards in the Hereafter, and because establishing the structure of the righteous is better than establishing the structure of others due to the benefits that result from its continuation.”⁽⁹⁾

(1) See: “*Al-Muntaqâ Sharh Al-Muwatta*”, [2: 149]; and “*Al-Mughni*”, [2: 502].

(2) See: “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 480]; “*Al-Muntaqâ Sharh Al-Muwatta*”, [2: 149]; and “*Al-Mughni*”, [2: 503].

(3) See: “*Al-Binâyah Sharh Al-Hidâyah*”, [3: 480].

(4) See: “*Tafsîr Al-Qurtûbî*”, [8: 175].

(5) See: “*Mar’ât Al-Mafâtîh Sharh Mishkât Al-Masâbih*”, [6: 248].

(6) See: “*Al-Majmû ‘ Sharh Al-Muhadhdhab*”, [6: 187].

(7) See: “*Adh-Dhakhîrah*”, [3: 150].

(8) Ibid.

(9) See: “*Mawâhib Al-Jalîl Fî Sharh Mukhtasar Khalîl*”, [2: 352]; “*Majmû ‘ Al-Fatâwâ*” by Ibn Taymiyyah, [28: 569]; “*Lawâmi ‘ Ad-Durar Fî Hatk Astâr Al-Mukhtasar*”, [3: 507].

- 5- It is prescribed for the ruler to send out collectors and form special committees to receive charitable donations and distribute them to deserving poor and needy beneficiaries. This considers the benefits of the beneficiaries in distribution, as it is more effective than leaving this matter to uncoordinated individual efforts. This approach rationalizes distribution and achieves justice by generalizing Zakâh to the largest possible number of rightful beneficiaries. In contrast, individuals might give all their Zakâh to a small group of poor people, overlooking others, not to mention neglecting other categories of Zakâh beneficiaries.⁽¹⁾
- 6- If the wealth is abundant, the ruler should encompass all categories. However, if it is little, he should favor one category, as distributing a small amount would reduce its benefit, which contradicts the benefit of the beneficiaries.⁽²⁾
- 7- The ruler should consider the beneficiaries' benefits in determining the amount given to each deserving person. It is best to give the poor person enough for a year, not more. Giving enough for a lifetime risks depriving many needy people of Zakâh. Providing for a year is a balanced approach that considers the benefits of other categories in distribution.⁽³⁾ Some Malikites believe there is no specific limit; it depends on the ruler's judgment. If there are few poor people and abundant charity, the poor person might be given provision for a year.⁽⁴⁾
- 8- The ruler should consider the benefit of the distribution channels in the type of Zakâh distribution. If a poor person capable of earning comes to him, the benefit requires not giving him Zakâh until he helps him to work. If the person is incapable of earning, he should be given enough for a year.⁽⁵⁾

(1) See: *"Ihkâm Al-Ahkâm Sharh 'Umdat Al-Ahkâm"*, [1: 356]; *"Ma'lamat Zâ'id Li Al-Qawâ'id Al-Fiqhiyyah Wa Al-Usûliyyah"*, [4: 344].

(2) "An-Nakha'î asserts this point in: *"Ahkâm Al-Qur'ân"* by Ibnul-'Arabî, [2: 523], and it is also held by Az-Zarkashî in: *"Mughni Al-Muhtâj Ilâ Ma'rifat Ma'ânî Alfâz Al-Minhâj"*, [4: 190].

(3) See: *"Ihyâ' Ulûm Ad-dîn"*, [1: 224]. (4) *"Tafsîr Al-Qurtubî"*, [8: 190].

(5) See: *"Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'î"*, [3: 411]; and *"Al-Hâwî Al-Kabîr"*, [8: 490].

- 9- Considering the benefit of the distribution channels in Zakâh distribution includes the ruler distinguishing between those who have the ability to trade and those who do not. Al-Juwaynî says: "The close opinion to jurisprudence is: if he knows how to trade, we give him ownership of money that he can use to suffice himself, not reducing anything from sufficiency, but sufficing with the minimum level of sufficiency. If he does not know how to trade, we may appoint someone to trade for him. If that is difficult, then in my opinion, he should not be given more than a year's expenses; as it is not regulated, and the year has a special connection to Zakâh; as it is obligatory once a year, so it takes the place of special expenditure in sufficing those who are spent on."⁽¹⁾
- 10- Among the considerations of the benefit of distribution channels in Zakâh distribution is what the Shafi'ites mentioned that:
- If the ruler must consider the craft and profession when distributing Zakâh. If the needy person is accustomed to a craft, he should be given what he can buy his craft tools with, whether the value is little or much. The amount should be such that he can typically earn enough to meet his needs, and this varies according to the crafts, countries, times, and individuals.
 - If someone was a merchant, baker, perfumer, or money changer, they should be given accordingly. If they were a tailor, carpenter, fuller, or other craftsmen, they should be given what they can buy suitable tools with.
 - If they were landowners, they should be given what they can buy land or a share in land with, which its yield would suffice them continuously.
 - If they weren't skilled and did not know any craft, trade, or any type of earning: they should be given sufficiency for the typical lifespan of their likes in their country.⁽²⁾

All the previous details are based on considering what is best for the distribution channels in Zakâh distribution, and not spending it without consideration, reflection, and study of benefits and harms.

(1) "*Nihâyat Al-Mağlab Fî Dirâyat Al-Madhhab*", [11: 545].

(2) See: "*Al-Majmû' Sharh Al-Muhadhdhab*", [6: 194].

- 11- Considering the benefit of the debtor category, the Malikites mentioned that it is conditional that the debtor should be someone whose situation improves by taking Zakâh and changes by leaving it. This is by being someone who has assets he exploits and relies on, then incurs a debt that forces him to sell them, knowing that if he sells them, he will lose his status. This person's debt is paid from Zakâh. As for someone who was in a state of struggle and effort, and wanted to buy people's property to have a debt in his liability, to be a debtor whose debt is paid from Zakâh, this is not permissible. Because the debt for this person does not change or force him out of his habit if prevented, and leaving the habit has an effect on dropping acts of worship, like capability in *Hajj*.⁽¹⁾
- 12- Considering the benefit of the debtor, he is given from Zakâh even if he is able to earn; because he cannot pay off his debt through earning except gradually, which causes severe hardship. His benefit requires giving him from Zakâh.⁽²⁾
- 13- Considering Zakâh categories in distribution includes preventing those who want to take Zakâh to assist in disobedience, as giving them Zakâh would cause the corruption of helping in disobedience, so benefit requires preventing them from it.⁽³⁾
- 14- Taking the value in Zakâh if there is a benefit for the rightful beneficiaries; such as if the collector sees it as more beneficial for the poor, which is the choice of Ibn Taymiyyah.⁽⁴⁾ He says after quoting opinions on giving out the value: "It is not sufficient except when needed, like someone who owes a sheep for camels and does not have it, or someone who sells his grapes and fresh dates before they dry... This opinion is the most just... It is known that the benefit of obligating the item itself may sometimes be opposed by a preponderant benefit in the value, and there may be legally negated hardship in the item itself."⁽⁵⁾ He says else-

(1) "*Al-Muntaqâ Sharh Al-Muwatta'*" by Al-Bâjî, [2: 154; with little adaptation.

(2) See: "*Nihâyat Al-Muhtâj Ilâ Sharh Al-Minhâj*", [6: 157].

(3) See: "*Mawâhib Al-Jalîl Fî Sharh Mukhtaṣar Khalîl*", [2: 344]; "*Mughnî Al-Muhtâj Ilâ Ma'rifat Ma'ânî Alfâz Al-Minhâj*", [4: 183]; "*Al-Mughnî*", [6: 480]; and "*Al-Fatâwâ Al-Kubrâ*" by Ibn Taymiyyah, [5: 373].

(4) See: "*Majmû' Al-Fatâwâ*", [25: 46].

(5) Ibid.

where: The apparent view on this: giving out the value without need or preponderant benefit is prohibited; that is why the Prophet (peace and blessings of Allah be upon him) estimated the compensation as two sheep or twenty dirhams, and did not switch to the value; and because if giving out the value is allowed absolutely, the owner might switch to poor types, and there might be harm in valuation, and because Zakâh is based on consolation and this is considered in the amount and type of wealth.

On the other hand, regarding giving out the value due to need, benefit, or justice, there is no harm in it, such as if he sells the fruit of his orchard or his crop for dirhams, here giving out a tenth of the dirhams suffices and he is not obligated to buy fruit or wheat as he has equated himself with the poor, and Ahmad has explicitly allowed this. And like if he owes a sheep for five camels, and he does not have anyone to sell him a sheep, giving out the value here is sufficient and he is not obligated to travel to another city to buy a sheep. And like if those entitled to Zakâh asked him to give the value because it is more beneficial, so he gives it to them, or the collector sees that taking it is more beneficial for the poor.⁽¹⁾

- 15- Among the considerations of the benefit of the distribution channels is what some contemporaries have opined about the permissibility of the ruler or his deputy investing Zakâh funds through legitimate means, but with effort to verify that the investments in which Zakâh funds will be placed are feasible, secure, and liquidatable when needed.⁽²⁾

Topic (6): Sharing the Poor in the Tangible Assets of the Zakâh Payer's Wealth⁽³⁾

Objective Explanation:

This objective comes in the context of the Sharī'ah's keenness to maximize the benefits resulting from the obligation of Zakâh for both the Zakâh payer and the Zakâh beneficiaries of various types. One of its legislative aims in col-

(1) *"Majmû' Al-Fatâwâ"*, [25: 82].

(2) See: *"The Resolutions of the 3rd Symposium on Contemporary Zakâh Issues"*, Kuwait, 1992 AD.

(3) See: *"Al-Ishrâf 'Alâ Nukat Masâ'il Al-Khilâf"*, [1: 382]; *"Al-Hâwî Al-Kabîr"*, [3: 179]; *"Ni-hâyat Al-Ma'îlab Fî Dirâyat Al-Madhhab"*, [3: 202] and [3: 214]; *"Ahkâm Al-Qur'ân"* by =

lection and distribution was to involve the needy and poor in the actual wealth of the rich, thereby achieving great benefits for both groups.

As for the Zakâh payer, in giving from his actual wealth, he achieves complete self-refinement, faithful worship, and gratitude to the Giving Lord. This is achieved by his detachment from and contentment without the actual wealth to which his soul has been attached for a long time. He also achieves worship from another aspect by submitting to the legal text and worshipping by giving out in the manner that Allah has commanded.

As for the Zakâh beneficiary, by receiving from the actual wealth of the rich, they achieve the highest levels of self-healing and purification. This happens when they see themselves as partners with the rich in their actual wealth, which they had seen the rich enjoying for a full year. Then they see this wealth growing in their own hands, as it was growing in the hands of the rich. They enjoy full ownership of the principal wealth and enjoy its growth and development, which is another benefit.

Thus, after explicating the previous points, the most important benefits achieved by giving Zakâh from the actual wealth can be summarized as follow:

- **The benefit of affliction by identifying the deficiency that the soul is attached to:**

Ibnul-‘Arabî explains this benefit in his response to those who allowed giving out the value in Zakâh: “They claimed that the obligation and trial is only in the decrease of wealth, and they forgot about fulfilling the right of obligation in specifying the decrease and that this equals the obligation in the amount of decrease. For the owner wants to keep his property as it is and gives out from something else instead. When his soul inclines to this and becomes attached to it, the obligation becomes cutting that attachment between the heart and that part of the wealth, so it became obligatory to give out that specific part⁽¹⁾”.

= Ibnul-‘Arabî, [2: 520]; *‘Al-Masâlik Fî Sharh Muwatta’ Mâlik*, [4: 10-11]; *‘Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*, [2: 30] and [3: 9]; *‘Mafâtîh Al-Ghayb*, [16: 134-135]; *‘Al-Mughnî*, [3: 41] and [3: 88]; *‘Tafsîr Al-Qurtubî*, [8: 177]; *‘Adh-Dhakhîrah*, [3: 7] and [3: 57]; *‘Majmû’ Al-Fatâwâ*, [25: 83]; *‘Al-Ashbâh Wa An-Nazâ’ir* by As-Subkî, [2: 267]; *‘Al-Qawâ’id* by Ibn Rajab, (P. 370); *‘Al-Mubdî’ Fî Sharh Al-Muqni’*, [2: 323]; and *‘Mirqât Al-Mafâtîh Sharh Mishkât Al-Masâbih*, [4: 1278].

(1) *‘Aḥkâm Al-Qur’ân* by Ibnul-‘Arabî, [2: 520].

- **The benefit of the growth of the actual wealth in the hands of the beneficiaries.** This is by handing over the actual growing wealth to the poor, so it grows in their hands, fills a need for them, and helps to enrich them.⁽¹⁾
- **The benefit of achieving partnership between the rich and the poor in the type of owned assets.**

Ibnul-‘Arabî says in explaining this benefit: “So that the rich and the poor share in the type of owned assets, so there is sheep for sheep, cattle for cattle, camels for camels, gold for gold, silver for silver, grain for grain, and dates for dates. Thus, the specialization becomes universal, the partnership is realized, and the fulfillment of the covenant is accomplished.”⁽²⁾ Ibn Rushd asserted the same opinion.⁽³⁾

- **The benefit of perfect gratitude for the blessing, perfect purification of the hearts of the poor, and prevention of their heartbreak.**

Al-Qarâfi says about this: “Allah Almighty obligated Zakâh as gratitude for the blessing upon the rich, and to fill the need of the poor. He perfected this wisdom by partnering between the rich and the poor in the actual wealth as much as possible, so that the hearts of the poor are not broken by the rich’s exclusive possession of that wealth and its attachments.”⁽⁴⁾ He said something similar elsewhere (substantiating Mâlik),⁽⁵⁾ which asserts the obligation of giving out Zakâh from the actual wealth.

- **The benefit of diversity in meeting needs:**

Zakâh was obligated to meet the needs of the poor, and needs are diverse. Therefore, the obligation should be diverse to reach the poor from each type what meets their need, and to achieve gratitude for the blessing by consolation from the same type that Allah has blessed them with.⁽⁶⁾ Also, each type

(1) “*Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab*”, [3: 202].

(2) “*Al-Mâlik Fî Sharḥ Muwatta’ Mâlik*”, [4: 10-11].

(3) He said, “The Lawgiver has tied the right to the tangible asset of wealth to ensure that the poor share in the tangible assets of the wealthy.” “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 30].

(4) “*Adh-dhakhîrah*”, [3: 7] and [3: 57]; “*Al-Mughni*”, [3: 88]; and “*Al-Qawâ’id*” by Ibn Rajab, (P. 370).

(5) “*Adh-dhakhîrah*”, [3: 57].

(6) See: “*Al-Mughni*”, [3: 88]; and “*Al-Mubdi’ Fî Sharḥ Al-Muqni*”, [2: 323].

of zakatable wealth has a specific objective that is not achieved by other types. The same applies to subtypes, so giving out other than what is obligatory does not achieve the wisdom that is achieved by giving out what is obligatory.⁽¹⁾

This is because humans have different needs that they are in poverty to fulfill; such as the need for cash, the need for food of various types - whether for daily sustenance (met by livestock) or annual sustenance (met by stored crops and fruits), the need for transportation, the need for clothing, and other such needs. So, giving the poor from the actual wealth of the rich meets their various needs.

- Achieving perfect purification, and showing submission and worship by giving out from the actual wealth:

Therefore, the majority opinion was on the obligation of giving out the actual asset, even though their predominant consideration of the financial right aspect in Zakâh necessitates the permissibility of giving out the value. However, they considered worship in this particular instance,⁽²⁾ so, Al-Juwaynî says: "The ruling of meeting the need requires what Abû Hanîfah concludes - i.e., the permissibility of giving out the value, but worship must be followed with it."⁽³⁾

As-Subkî says: "If you say: The principle of Ash-Shafi'î necessitates the sufficiency of the value in Zakâh; because if the side of the poor is predominant, their need is met by the value. I say: The predominance of the poor's side does not necessitate neglecting the owner's side, but it is also considered for the purification of his wealth; and that is only by giving out the actual asset."⁽⁴⁾

The contemplator finds that the Shari'ah only turned away from obligating Zakâh in the actual wealth to achieve greater benefits or ward off greater harms; as in the Zakâh of trade goods where it obligated Zakâh in the value, not the actual asset; to ward off the harm of division and fragmentation.⁽⁵⁾

If the Shari'ah's keenness on sharing in the actual wealth is established,

(1) See: *"Al-Mughnî"*, [3: 41].

(2) See: *"Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab"*, [3: 202]; *"Al-Ashbâh Wa An-Na'â'ir"* by As-Subkî, [2: 267].

(3) *"Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab"*, [3: 202].

(4) *"Al-Ashbâh Wa An-Na'â'ir"* by As-Subkî, [2: 267].

(5) See: *"Al-Amwâl"* by Abû 'Ubayd, (P. 525).

then the ruler must be keen on considering the achievement of this objective in the work of collection and distribution, unless he sees a need or benefit of the rightful beneficiaries that necessitates taking the value, if taking the value is necessary, some scholars allow it, considering their benefit - as mentioned in the previous objective.

The Hanafites differed, viewing that Zakâh was linked in Shari‘ah to the tangible asset for another benefit, which is to ease and facilitate for the owners of wealth; due to the scarcity of cash at the time of legislation. Otherwise, it would be sufficient to achieve the primary objective of meeting the needs of the poor and enriching them, whether from the tangible asset or its value. The owner of wealth then has the choice between taking the Shari‘ah facilitation by giving out from the tangible asset, or giving out its value if that is easier.⁽¹⁾

Objective Evidence:

- 1- Allah’s saying: ***{“Take, [O Muhammad], from their wealth a charity by which you purify them and cause them increase.”}***⁽²⁾

Evidential aspect: Ar-Râzi states: It is known that this charity is none other than the charities described by the Messenger of Allah (peace and blessings of Allah be upon him) and whose nature he explained. The charity that the Messenger of Allah (PBUH) explained is that he ordered to take, for every twenty-five camels, a one-year-old female camel, and for every thirty-six, a two-year-old female camel, and so on for other levels. So, His saying: ***{“Take, [O Muhammad], from their wealth a charity”}*** is an order to take those specific things and specific tangible assets.⁽³⁾

- 2- Allah’s saying: ***{“And from their properties was [given] the right of the [needy] petitioner and the deprived.”}***⁽⁴⁾

And the Prophet’s (peace and blessings of Allah be upon him) saying to Mu‘adh when he sent him to Yemen: ***“then tell them that Allah has made the payment of Zakâh obligatory upon them. It should be collected from their rich and distributed among their poor.”***⁽⁵⁾

(1) See: *“Al-Mabsûṭ”*, [2: 156].

(2) [At-Tawbah (Repentance): 103].

(3) *“Maḥāṭib Al-Ghayb”*, [16: 134].

(4) [Adh-Dhâriyât (The Winnowers): 103].

(5) Related by Al-Bukhârî in his *“Ṣaḥîḥ”*, [2: 104], ḥadîth no. (1395).

And his saying: ***“A tithe is due as Zakâh, 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).”***⁽¹⁾ And his saying (peace and blessings of Allah be upon him): ***“One fifth is compulsory to be paid (as Zakâh) on buried Treasure.”***⁽²⁾

And in Abû Bakr’s letter to Anas, he said: ***“and whoever is asked more than that (what is specified in this script) he should not pay it; for twenty-four camels or less, sheep are to be paid as Zakâh; for every five camels one sheep is to be paid..... As regards the Zakâh for the (flock) of sheep; if they are between forty and one-hundred-and-twenty sheep, one sheep is to be paid; and if they are between one-hundred-and-twenty to two hundred (sheep), two sheep are to be paid.”***⁽³⁾

Evidential aspect: In Allah’s saying ***“And from their properties “*** and the Prophet’s (peace and blessings of Allah be upon him) saying ***“Allah has made it obligatory for them to pay Zakâh upon their assets”***, and his saying ***“A tenth is payable on what is watered by rain or wells”***, and his saying ***“One fifth is compulsory to be paid (as Zakâh) on buried Treasure”***, and his saying ***“for twenty-four camels”***, and his saying ***“one sheep (is due) for every forty sheep”***, there is evidence that Zakâh is related to the tangible assets of wealth.”⁽⁴⁾

Al-Qarâfi says: If we say that “in” in the *ḥadīths* is for containment, then the share of the poor would be parts within the *Nisâb* (minimum amount determining a person’s zakatability), making them partners. This implies that the rich person cannot pay from anything other than the specific asset being zakatable, and that he is only liable in case of transgression, and that he should give out a quarter of a tenth from what remains.⁽⁵⁾

As-Sarkhasî explains the Shafi‘ite’s interpretation of the Prophet’s (peace and blessings of Allah be upon him) saying: ***“one sheep (is due) for every forty sheep”***: this saying clarifies what is summarized in Allah’s Book, because the giving is mentioned, but what is to be given is not specified, so its explanation is attached to the summary in the Book. It is as if Allah said: ***“And give one***

(1) The source of the *ḥadīth* has been stated earlier, (P. 188@@@).

(2) The source of the *ḥadīth* has been stated earlier, (P. 207@@@).

(3) The source of the *ḥadīth* has been stated earlier, (P. 207@@@).

(4) See: *“Al-Ishrâf ‘Alâ Nukat Masâ’il Al-Khilâf”*, [1: 382].

(5) *“Adh-Dhakhîrah”*, [3: 57], with little adaptation.

sheep (is due) for every forty sheep.” Thus, the sheep becomes the right of the poor by this text, so it is not permissible to engage in rationalization to nullify their right to the specific asset.”⁽¹⁾

3- “The collectors of the Messenger of Allah (peace and blessings of Allah be upon him) used to count people’s livestock and take Zakâh from their specific assets. If Zakâh were a liability, the demand wouldn’t be related to specific assets.”⁽²⁾

4- The Prophet’s (peace and blessings of Allah be upon him) saying: **“Zakâh is never mingled with any property without destroying it.”**⁽³⁾

Evidential aspect: This indicates that Zakâh is related to the specific asset, because if Zakâh weren’t obligatory on the specific asset, mixing with the related wealth wouldn’t destroy it⁽⁴⁾.

5- The Prophet (peace and blessings of Allah be upon him) estimated compensation: **“with two sheep or twenty dirhams,”**⁽⁵⁾ and did not just resort to the value. This indicates the Sharî‘ah’s care in relating Zakâh to the specific asset as much as possible and partnering in specific assets.⁽⁶⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The obligation to give Zakâh from the specific asset, not its value, according to the majority of scholars.⁽⁷⁾
- 2- Zakâh is related to the specific asset, not as a liability, according to the majority of scholars.⁽⁸⁾

(1) “*Al-Mabsûṭ*”, [2: 156].

(2) “*Al-Ishrâf ‘Alâ Nukat Masâ’il Al-Khilâf*”, [1: 382].

(3) The source of the ḥadīth has been stated earlier, (P. 1880@@@).

(4) See: “*Mirqât Al-Mafâtîḥ Sharḥ Mishkât Al-Masâbiḥ*”, [4: 1278].

(5) The source of the ḥadīth has been stated earlier, (P. 189).

(6) See: “*Majmû‘ Al-Fatâwâ*”, [25: 83].

(7) See: “*Aḥkâm Al-Qur’ân*” by Ibnul-‘Arabî, [2: 520]; “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 30]; “*Nihâyat Al-Maḡlab Fî Dirâyat Al-Madhhab*”, [3: 202]; and “*Al-Mughni*”, [3/ 88].

(8) “*Badâ‘i ‘As-Sanâ‘i*”, [2: 167]; “*Hâshiyat Ibn ‘Âbidîn*”, [2: 27]; “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [5: 16]; “*Al-Ma‘ûnah ‘Alâ Madhhab ‘Âlim Al-Madīnah*”, [1: 367]; “*Al-Majmû‘ Sharḥ Al-Muhadhdhab*”, [5: 341]; “*Al-Insâf Fî Ma‘rifat Ar-Râjiḥ Min Al-Khilâf*”, [6: 381]; and “*Qawâ‘id Ibn Rajab*”, (P. 308).

- 3- Relating Zakâh to the specific asset necessitates that the owner be considered a trustee, not a debtor, after Zakâh becomes obligatory and before being able to pay it.⁽¹⁾
- 4- If the obligated person delays Zakâh after it becomes due and after being able to pay it, and then the wealth is lost, the Hanafites holds that the Zakâh obligation is dropped. This is because Zakâh is related to the specific asset, and the right does not remain after its subject is gone, like a slave who committed a crime or a debtor if they perish.⁽²⁾
- 5- If some of the wealth is lost after Zakâh becomes obligatory but before being able to pay it, some scholars believe that Zakâh is only due on what remains. This is because Zakâh is related to the specific asset, and the asset has decreased before being able to pay it.⁽³⁾ Others disagree and believe it is due on all the wealth.

“The reason for their disagreement: comparing Zakâh to debts - meaning whether the right is related to the liability or to the specific asset or comparing it to rights related to the specific asset not the liability of the person possessing the wealth, like trustees and others.”⁽⁴⁾ Another reason for disagreement is the oscillation of the owner’s similarity between a debtor, a trustee, and a partner.”⁽⁵⁾

- 6- When charity becomes obligatory on grazing livestock, it is not permissible to sell the amount of Zakâh according to one opinion in the Shafi‘ite school. This is because the *Nisâb* of Zakâh has become occupied with the right of the poor, so the owner is prevented from selling it, like an indebted slave. The *Nisâb* for Zakâh obligation becomes like a mortgage for what is obligatory in it, and selling a mortgage is not permissible.⁽⁶⁾
- 7- If the Zakâh collector arrives after the Zakâh payer has sold the wealth on which Zakâh was due, he takes the Zakâh from the seller. This is because the seller has destroyed the subject of the poor’s right, so he must guarantee it.⁽⁷⁾

(1) See: “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 9].

(2) See: “*Al-Mabsûṭ*”, [2: 174].

(3) See: “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*”, [2: 9].

(4) Ibid.

(5) Ibid.

(6) See: “*Al-Muhadhdhab Fî Fiqh Al-Imâm Ash-Shâfi‘î*”, [1: 286].

(7) See: “*Al-Mabsûṭ*”, [2: 174].

- 8- Zakâh is not obligatory on trade goods according to an opinion attributed to some scholars. This is because Zakâh is only obligatory on each wealth in itself, and the value is other than the goods, so they dropped Zakâh for this reason.⁽¹⁾

Abû 'Ubayd discussed this opinion, saying: "For trade goods, the original principle was to take Zakâh from the goods themselves. However, this caused harm to them through division and partitioning, so they allowed leniency in accepting the value instead."⁽²⁾

- 9- If a person is in one country and his wealth is in another, Zakâh is paid where the wealth is located. If some of it is where he is and some is in another country, he pays Zakâh on each portion of wealth where it is located, because Zakâh is related to the specific asset.⁽³⁾

As for *Zakâtul-Fitr*, it is distributed in the country where it became obligatory on him, whether his wealth is there or not. This is because the obligated person himself is the reason for its obligation; it was legislated as a purification for his fasting, which is related to the body, so it is distributed in the country where its cause exists.⁽⁴⁾

- 10- It is permissible to give Zakâh on trade goods from the goods themselves, and it is not necessary to give out their value. This is because the original principle is that Zakâh is related to the specific assets, and giving out the value for trade goods was only allowed to make it easier for the Zakâh payer. So, if he chooses to give it out according to the original principle, he may do so.⁽⁵⁾



(1) "Al-Amwâl" by Abû 'Ubayd, (P. 523).

(2) "Al-Amwâl" by Abû 'Ubayd, (P. 525).

(3) See: "Al-Mughnî", [2: 502].

(4) Ibid.

(5) See: "Al-Amwâl" by Abû 'Ubayd, (P. 525).

Sixth Treatise

Objectives Related to *Zakâtul-Fitr*

Topic (1): A Purification for the Fasting Person⁽¹⁾

Objective Explanation:

The linguistic definition of purification has been previously mentioned.

The intended meaning of this objective is: Since fasting is one of the acts of worship that is not free from flaws or shortcomings due to its long duration, the Merciful Legislator imposed *Zakâtul-Fitr* as a financial expiation to complete and perfect that deficiency. He wanted the worshippers to achieve, through giving it, the purification of their fasting from any idle talk or obscenity that may have tainted it.

Wakî‘ Ibnul-Jarrâh said: “*Zakâtul-Fitr* is to the month of *Ramadân* as the prostration of forgetfulness is to prayer; it compensates for the deficiencies in fasting, just as prostration compensates for deficiencies in prayer.”⁽²⁾

What further emphasizes the greatness of this objective is that it was named ‘*Zakâh*’ (purification). Ibn Raslân says: “This charity was called *Zakâh* because it is purification, meaning it purifies the soul, and because it purifies the fasting person, i.e., the fasting of *Ramadân*.”⁽³⁾

(1) See: “*Ma ‘âlim As-Sunan*”, [2: 47]; “*Sharh Sahîh Al-Bukhârî*” by Ibn Battâl, [3: 564]; “*Al-Hâwî Al-Kabîr*”, [3: 359]; “*Al-Muhadhdhab Fî Fiqh Al-Imâm Ash-Shâfi ‘î*”, [1:303]; “*Al-Masâlik Fî Sharh Muwaţţâ ‘ Mâlik*”, [4: 134-135]; “*Ikmal Al-Mu ‘llim Bi Fawâ ‘id Muslim*”, [3: 477]; “*Al-Mughnî*”, [3: 62], [3: 80], [3: 89-91]; “*Sharh An-Nawawî ‘Alâ Muslim*”, [7: 58]; “*Al-Ikhtiyâr Li Ta ‘lîl Al-Mukhtâr*”, [1: 123]; “*Kashf Al-Asrâr Sharh Uşûl Al-Bazdawî*”, [2: 352]; “*Sharh Az-Zarkashî ‘Alâ Mukhtaşar Al-Khiraqî*”, [2: 527]; “*Fath Al-Bârî*” by Ibn Hajar, [3: 369]; “*Sharh Abû Dâwûd*” by Al- ‘ Aynî, [6: 318]; “*Sharh Az-Zurqânî ‘Alâ Al-Muwaţţâ*”, [2: 219]; “*Al-Fawâkih Ad-Dawâni ‘Alâ Risâlat Ibn Abû Zayd Al-Qayrawânî*”, [1: 347]; “*Hâshiyat Al- ‘Adawî ‘Alâ Kifâyat At-Tâlib Ar-Rabbânî*”, [1: 511]; and “*Nayl Al-Awţâr*”, [4: 220].

(2) See: “*Nihâyat Al-Muhtâj ‘Ilâ Sharh Al-Minhâj*”, [3: 107].

(3) “*Sharh Sunan Abû Dâwûd*” by Ibn Raslân, [7: 589].

The amount given in it was also called '*Fitrah*' in relation to '*Fitrah*' meaning nature or innate disposition. The meaning is that it was obligated upon the natural state - that is, the body - to purify the soul and nurture its deeds.⁽¹⁾

It was also called 'Zakâh of souls' to express the same meaning.⁽²⁾

Also, in its naming as "*Sadaqatul-Fitr*" (charity of breaking the fast), related to breaking the fast, it indicates the intention of purification. Ibnul-'Arabî says: "*Sadaqatul-Fitr*," this is its name in the language of the Lawgiver, who added it to clarify its meaning.

Some people said: He added it to the reason for its obligation. And I say: to the time of its obligation, and the reason for its obligation is what occurs during fasting of idle talk, and this is something that was hidden from those I have seen among our scholars... The evidence for the correctness of what I said is the hadîth narrated from 'Ikrimah from Ibn 'Abbâs, who said: ***'The Messenger of Allah (peace and blessings of Allah be upon him) enjoined Zakâtul-Fitr on the one who fasts (i.e. fasted during the month of Ramadân) to purify him from any indecent act or speech and for the objective of providing food for the needy. It is accepted as Zakâh for the person who pays it before the Eid prayer and it is Sadaqah (i.e. voluntary charity) for the person who pays it after the Eid prayer.'***⁽³⁾ ⁽⁴⁾

Scholars have explicitly stated this objective in several situations:

Al-Khattabî says: "It has been justified as purification for the fasting person from obscenity and idle talk, so it is obligatory upon every fasting person, whether rich with means and ease or poor who finds it in excess of his sustenance; as its obligation upon him is for the reason of purification, and all fasting people need it. So, when they share in the reason, they share in the obligation."⁽⁵⁾

(1) "*Nihâyat Al-Muhtâj 'Ilâ Sharh Al-Minhâj*", [3: 109].

(2) "*Al-Manhal Al-'Adhb Al-Mawrûd Sharh Sunan Abû Dâwûd*", [9: 218].

(3) Related by Abû Dâwûd in his "*Sunan*", [2: 111], hadîth no. (1609); Ibn Mâjah in his "*Sunan*", [1: 585], hadîth no. (1827); and Ad-Dâraqutnî in his "*Sunan*", [2: 61], hadîth no. (2067), and he said: "There is no one among them who is discredited." It is also related by Al-Hâkim in his "*Al-Mustadrak*", [1: 568], hadîth no. (1488), and he said: "This hadîth is authentic according to the conditions of Al-Bukhârî, but they (Al-Bukhârî and Muslim) did not relate it." Adh-Dhahabî mentioned it in his "*Talkhîs*": "It is an authentic according to Al-Bukhârî's conditions."

(4) "*Al-Masâlik Fî Sharh Muwatta' Mâlik*", [4: 134-135]. (5) "*Ma'âlim As-Sunan*", [2: 47].

Ash-Shîrâzî states, “*Al-Fitr (Zakâtul-Fitr)* was made as purification for the fasting person.”⁽¹⁾

Judge ‘Iyâd states, “Acts of worship that are prolonged and difficult to guard against matters that might cause blemish, the Sharî‘ah has made a financial expiation for them as compensation for shortcomings, like the sacrificial animals in *Hajj* for those who introduce a deficiency that is expiated by sacrifice, and likewise, ‘*Al-Fitr*’ is an expiation for what might occur in fasting.”⁽²⁾ Then he mentioned the upcoming *hadîth* of Ibn ‘Abbâs, and similar from Ibn Qudâmah,⁽³⁾ and An-Nawâwî.⁽⁴⁾

The Lawgiver’s intention of purification by giving Zakâh is intended in both types of Zakâh - Zakâh on wealth⁽⁵⁾ and *Zakâtul-Fitr* - noting that in *Zakâtul-Fitr*, the intention of purifying the body predominates; and that is because it marks as purification specific to fasting that is considered a physical act of worship, so in its type, it tends to be more of a physical act of worship than a financial one. Unlike Zakâh on wealth which is a general purification for the giver, his wealth, and the recipients. Therefore, the condition of ease was not considered in its legislation - as in Zakâh on wealth - but rather the condition of ability; because it is related to the body of the obligated person, not his wealth. Thus, it is obligatory upon everyone who finds sustenance for their day and night, even if they are not considered wealthy in terms of Zakâh on wealth, and debt is not considered in it, so it is obligatory upon a person even if they have debt.⁽⁶⁾

Ibn Qudâmah says: “Zakâh on trade is obligatory on the value, and therefore it is obligatory on all animals and all wealth, while this (*Zakâtul-Fitr*) marks as purification for the body, and for this reason it is specific to human beings, unlike Zakâh on trade.”⁽⁷⁾

(1) “*Al-Muhadhdhab Fî Fiqh Al-Imâm Ash-Shâfi‘î*”, [1: 303].

(2) “*Ikmal Al-Mu‘lîm Bi Fawâ'id Muslim*”, [3: 477].

(3) See: “*Al-Mughnî*”, [3: 62].

(4) See: “*Sharh An-Nawawî ‘Alâ Muslim*”, [7: 58].

(5) Purification objective was previously explicated regarding Zakah on wealth in the First Treatise within this Chapter. See: (P. 297@@@).

(6) See: “*Kashf Al-‘Asrâr Sharh Usûl Al-Bazdawî*”, [1: 211].

(7) “*Al-Mughnî*”, [3: 80].

Evidential aspect:

- 1- The hadîth narrated by Ibn ‘Abbâs (may Allah be pleased with him) who said: *“The Messenger of Allah (peace and blessings of Allah be upon him) enjoined Zakâtul-Fitr on the one who fasts (i.e. fasted during the month of Ramadan) to purify him from any indecent act or speech and for the objective of providing food for the needy. It is accepted as Zakâh for the person who pays it before the Eid prayer and it is Sadaqah (i.e. voluntary charity) for the person who pays it after the Eid prayer.”*⁽¹⁾

Evidential aspect: His saying “purification” is in the accusative case as a reason, meaning: for the objective of purification, so it is an object of reason.⁽²⁾ This is an explicit text in explaining the reason for legislating *Zakâtul-Fitr*, which is that it is an act of purification for the fasting person from obscenity and idle talk. Therefore, it is obligatory upon every fasting person who engages in fasting, whether rich or poor, as all fasting people need it.⁽³⁾

Al-‘Aynî states, “Purification for the fasting person is in the accusative case as a reason, meaning: for the objective of purifying the fasting person from idle talk, which is false speech or discarded talk, and obscenity: indecent speech.”⁽⁴⁾

- 2- The addition of Zakâh to breaking the fast (*Fitr*) in the language of the Lawgiver, as in the hadîth of Ibn ‘Umar (may Allah be pleased with him) who said: *“Allah’s Messenger prescribed as the Zakâh payable by slave and freeman, male and female, young and old among the Muslims on breaking the fast of Ramadan a Sâ‘ of dried dates or a Sâ‘ of barley, and gave command that this should be paid before the people went out to prayer.”*⁽⁵⁾ This is from the aspect of attributing something to the reason for its obligation. The reason for its obligation is purification from what occurs during fasting of idle talk,⁽⁶⁾ so it was like an

(1) The source of the hadîth has been stated earlier, (P. 630@@@).

(2) *“Hâshiyat Al-‘Adawî ‘Alâ Kifâyat At-Tâlib Ar-Rabbânî”*, [1: 511].

(3) See: *“Ma‘âlim As-Sunan”*, [2: 47]; and *“Hâshiyat Al-‘Adawî ‘Alâ Kifâyat At-Tâlib Ar-Rabbânî”*, [1: 511].

(4) *“Sharh Abû Dâwûd”* by Al-‘Aynî, [3: 318]; and *“Mirqât Al-Mafâtih Sharh Mishkât Al-Masâbih”*, [4: 1299].

(5) The source of the hadîth has been stated earlier, (P. 210@@@).

(6) See: *“Al-Masâlik Fî Sharh Muwatta’ Mâlik”*, [4: 134-135]; and *“Al-Mughni”*, [3: 90].

expiation at the time of breaking the fast after fasting.

- 3- The Prophet's (peace and blessings of Allah be upon him) statement: "Charity extinguishes bad deeds just as water extinguishes fire."⁽¹⁾

Evidential aspect: Ibn 'Uthaymîn says: "*Zakâtul-Fitr* marks as purification for the fasting person; because it is established from the Prophet (peace and blessings of Allah be upon him) that charity extinguishes sin as water extinguishes fire. So, this charity becomes expiation for what the fasting person has committed of idle talk and obscenity, and purification for him."⁽²⁾

- 4- General evidences indicating the objective of purification in Zakâh.⁽³⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- The combination of Zakâh on wealth and *Zakâtul-Fitr* in wealth; because they are due to different reasons. *Zakâtul-Fitr* is obligatory on the body of the Muslim person as purification for him, while Zakâh on trade is obligatory on its value.⁽⁴⁾
- 2- That the *Dhimmi* (non-Muslim under Muslim protection) must pay *Zakâtul-Fitr* for his Muslim slave according to some scholars; because the slave is among those who need purification, so *Zakâtul-Fitr* must be paid for him as if his master was Muslim.⁽⁵⁾
- 3- The permissibility of hastening *Zakâtul-Fitr* from the beginning of *Ramadân* according to some scholars; because its reason is fasting and breaking the fast from it, and its objective is purification, and one of the reasons has been found, so it is permissible to hasten it.⁽⁶⁾
- 4- That it is not permissible to return *Zakâtul-Fitr* to its giver even if he were poor and does not own his sufficiency; because it is a purification for him, so it is not permissible for him to take it back, like buying it,⁽⁷⁾ and because it is not permissible for him to purify himself with what he has already purified himself with.⁽⁸⁾

(1) Related by At-Tirmidhî in his "*Sunan*", [1: 753], *hadîth* no. (614); and it was graded as *Sahîh* (authentic) by Al-Albânî in "*Takhrîj Sahîh Al-Jâmi 'As-Saghîr*", [1: 568].

(2) "*Fath Dhul-Jalâl Wa Al-Ikrâm Bi Sharh Bulûgh Al-Marâm*" by Ibn 'Uthaymîn, [3: 94].

(3) It was previously explicated in the First Treatise within Chapter Two (P.No.302).

(4) "*Al-Mughnî*", [3: 62].

(5) *Ibid.*, [3: 80].

(6) *Ibid.*, [3: 90].

(7) *Ibid.*, ([3: 99].

(8) See: "*Al-Furû ' Wa Tashîh Al-Furû '*", [4: 377].

- 5- That *Zakâtul-Fitr* is not obligatory on children according to some scholars; because it is purification for the fasting person, and fasting is not obligatory on them to necessitate such purification. Al-Khattabî says: It seems that those who held the view of exempting children from it went to this; because if fasting is not obligatory on them, then the purification of fasting is not obligatory on them,⁽¹⁾ and similar from An-Nawawî.⁽²⁾

An-Nawawî mentioned the answer of the majority to this, that the reasoning of purification is for the majority of people, and it is not impossible that purification from sin might not exist, as it is obligatory on those who have no sin; like a righteous person of confirmed righteousness and like a disbeliever who embraced Islam a moment before sunset; for it is obligatory on him with no sin incurred.⁽³⁾

It was also answered that the reason for obligation is composed of purification and feeding; considering the aspect of the poor,⁽⁴⁾ and the reason for feeding the poor has been found.

- 6- *Zakâtul-Fitr* is not obligatory on the disbeliever; “because it is purification and sanctification for Muslims and the disbeliever is not sanctified, so there is no reason to pay it on his behalf.”⁽⁵⁾
- 7- *Zakâtul-Fitr* is obligatory on the rich and the poor; because it is a physical worship, not financial. It is purification for fasting, and fasting is a physical worship obligatory on the rich and the poor, so there is no consideration for wealth or poverty, but the consideration is for the occurrence of fasting; to necessitate its purification,⁽⁶⁾ and the meaning of purification does not differ with wealth.⁽⁷⁾ Ash-Shawkânî states, “The reason for which Fitrâh was legislated is present in both the rich and the poor, which is purification from idle talk and obscenity.”⁽⁸⁾

(1) “*Ma ‘âlim As-Sunan*”, [2: 48].

(2) See: “*Sharh An-Nawawî ‘Alâ Muslim*”, [7: 58].

(3) Ibid.

(4) “*Mirqât Al-Mafâtîh Sharh Mishkât Al-Masâbîh*”, [4: 1299].

(5) “*Sharh Sahîh Al-Bukhârî*” by Ibn Battâl, [3: 564]; “*Al-Ma ‘ûnah ‘Alâ Madhhab ‘Âlim Al-Madînah*”, (P. 436); “*Bahr Al-Madhhab*”, [3: 208]; and “*Sharh Muntahâ Al-Irâdât*”, [1: 439].

(6) See: “*Sharh Az-Zurqânî ‘Alâ Al-Muwatta’*”, [2: 219].

(7) See: “*Badâ’i ‘As-Sanâ’i*”, [2: 69].

(8) “*Nayl Al-Awtâr*”, [4: 220].

- 8- The majority hold that if one has excess over his and his dependents' sustenance for the day and night of Eid amounts as a *Sâ'*, *Zakâtul-Fitr* becomes obligatory on him. However, they differed on what if only part of a *Sâ'* is in excess?

Some of them held the opinion that it is not obligatory for him, because it is purification, so it is not required for those who are unable to perform some of it, like expiation. Others held the opinion that it is obligatory for him, because it is purification, so whatever he is capable of performing becomes obligatory.⁽¹⁾

- 9- *Fitrah* becomes obligatory at sunset on the night of Eid according to the majority; because it is purification, so it becomes obligatory immediately after exiting from it. Whoever breaks his fast on the last night of Ramadan has completed *Ramadân* for him, and the description of purification is realized in him by giving out *Zakâtul-Fitr*, contrary to the Hanafites who see the obligation at dawn of Eid day; because purification does not necessarily have to be specific to immediately after the end of the act, but may be delayed.⁽²⁾

Judge Abdul-Wahhâb says that: "the reason for disagreement is looking at it as purification for the fasting person from obscenity, or looking at its addition to the day."⁽³⁾

- 10- According to some Malikites, what is considered in what is given out in *Zakâtul-Fitr* is what is predominantly eaten during the month of *Ramadân*, not before it; because *Zakâtul-Fitr* is a purification for those fasting, so what is eaten during it is considered; because it is the reason, and because it becomes obligatory upon its completion.⁽⁴⁾
- 11- If a slave is owned by partners, they are obligated to pay *Zakâtul-Fitr* for him according to the majority, contrary to Abu Hanifah; "because he is owned and among those who need purification, so *Zakâtul-Fitr* must be paid for him, like those whose maintenance is obligatory, the

(1) See: "Ash-Sharh Al-Kabîr 'Alâ Al-Muqni'", [7: 88].

(2) See: "At-Tajrid" by Al-Qudûrî, [3: 1393]; "Aqd Al-Jawâhir Ath-Thamîna Fî Madhhab 'Âlim Al-Madînah", [1: 239].

(3) "Aqd Al-Jawâhir Ath-Thamîna Fî Madhhab 'Âlim Al-Madînah", [1: 239].

(4) See: "Mawâhib Al-Jalîl Fî Sharh Mukhtasar Khalîl", [2: 369].

basis being if the owner is one.”⁽¹⁾

- 12- If one is obligated to maintain his Muslim wife, he is obligated to pay *Zakâtul-Fitr* for her whether she is wealthy or poor, contrary to Abû Hanîfah; because she is among those who need purification, so her *Zakâtul-Fitr* must be obligatory on the one who is obligated to maintain her if he is capable of it.⁽²⁾
- 13- It is not permissible to give *Zakâtul-Fitr* except to a poor Muslim; “because it is a right that must be given out for purification, so it is not permissible to give it to non-Muslims; like Zakâh on wealth.”⁽³⁾
- 14- According to the Shafi‘ites, it is permissible to give out a higher quality item in place of a lower quality one for *Zakâtul-Fitr*, unlike Zakâh on wealth; because *Zakâtul-Fitr* is a purification for the body, so it considers what nourishes and sustains it, and foods are equal in this objective, and specifying some of them is only for convenience, so if one opts for the higher quality, it is more appropriate for the objective of this Zakâh.⁽⁴⁾

Topic (2): A Food for the Poor and Enriching Them on the Day of Eid⁽⁵⁾

Objective Explanation:

‘*Tu ‘mah*’ (food) linguistically comes from ‘*Ta ‘ima*’, and food is a collective name for everything that is eaten. One says ‘*Ta ‘ima Yat ‘amu Tu ‘man*’, so he is ‘*Tâ ‘im*’ when he eats or tastes... and ‘*Tu ‘mah*’ is a meal, and the plural is ‘*Tu ‘am*’... It is said: The Sultan made such and such area a ‘*Tu ‘mah*’ for so-and-so, meaning: food for him.”⁽⁶⁾ The intended legal meaning here does not deviate from the linguistic meaning. Al- ‘Aynî states, “At-*Tu ‘mah*” - with a *Dammah* on

(1) “*Al-Ishrâf ‘Alâ Nukat Masâ’il Al-Khilâf*”, [1: 413].

(2) “*Al-Ma ‘ûnah ‘Alâ Madhhab ‘Âlim Al-Madînah*”, (P. 435).

(3) “*Al-Hâwî Al-Kabîr*”, [3: 387].

(4) See: “*Tuhfat Al-Muhtâj Fî Sharh Al-Minhâj*”, [3: 322].

(5) See: “*Ahkâm Al-Qur ‘ân*” by Al-Jassâs, [4: 120]; “*Al-Mughnî*”, [3: 88]; “*Majmû ‘ Al-Fatâwâ*”, [25: 74]; “*Kashf Al-Asrâr Sharh ‘Usûl Al-Bazdawî*”, [2: 352]; “*A ‘lâm Al-Muwaqqi ‘în*”, [4: 354]; “*An-Najm Al-Wahhâj Fî Sharh Al-Minhâj*”, [3: 225], “*Sharh Al-Masâbîh*” by Ibn Al-Malik, [2: 432]; “*Sharh Abû Dâwûd*” by Al- ‘Aynî, [6: 318]; “*Sharh Az-Zurqânî ‘Alâ Al-Muwattâ’*”, [2: 223]; “*Al-Fawâkih Ad-Dawâni ‘Alâ Risâlat Ibn Abû Zayd Al-Qayrawânî*”, [1: 347], and “*Nayl Al-Awtâr*”, [4: 220].

(6) The root (Tû’m) in “*Lisân Al- ‘Arab*”, [12: 363-365]; and “*Maqâyis Al-Lughah*”, [3: 411].

the *Tâ'* and a *Sukûn* on the '*Ayn* - means meal.⁽¹⁾

The intent of this objective is that when divine mercy manifested for those who have their sustenance on that day by purifying them from what might have tainted their fasting of idle talk through giving out their *Zakâtul-Fitr*, His mercy also manifested for the poor and deprived by imposing this resource as food for them on the day of Eid and as enrichment, so that equality is achieved between the rich and the poor in finding sustenance. Thus, no one remains described as poor on that great day. Rather, everyone finds sustenance for that day and night; so that it becomes a general Eid for all, and joy spreads among the members of the Muslim society. They live the joy of completing Ramadan, and the gratitude to Allah, the Mighty and Sublime, for the blessing of fasting is fully realized.⁽²⁾ Ibn Qudâmah says: "The core of it is to make them rich enough not to roam and beg on this day."⁽³⁾ Ibn Al-Qayyim says: The core is to enrich them on that great day from being exposed to begging.⁽⁴⁾ Similar views are expressed by Az-Zurqânî,⁽⁵⁾ As-Subkî,⁽⁶⁾ and Ash-Shawkânî.⁽⁷⁾

Objective Evidence:

- 1- The *ḥadīth* narrated by Ibn 'Abbâs (may Allah be pleased with him) who said: "*The Messenger of Allah (peace and blessings of Allah be upon him) enjoined Zakat-ul-Fitr on the one who fasts (i.e. fasted during the month of Ramadân) to purify him from any indecent act or speech and for the objective of providing food for the needy. It is accepted as Zakâh for the person who pays it before the Eid prayer and it is Sadaqah (i.e. voluntary charity) for the person who pays it after the Eid prayer.*"⁽⁸⁾

Evidential aspect: His saying "for the objective of providing food for the needy" is in the accusative case as a reason, meaning: for the objective of feed-

(1) See: "*Sharh Abîû Dâwûd*", by Al-'Aynî, [6: 318].

(2) See: "*Fath Dhul-Jalâl Wa Al-Ikrâm Bi Sharh Bulûgh Al-Marâm*" by Ibn 'Uthaymîn, [3: 94]; and "*Al-Marâm*" by Ibn 'Uthaymîn, [3: 95].

(3) "*Al-Mughnî*", [3: 88].

(4) "*A 'lâm Al-Muwaqqi 'în 'An Rabb Al- 'Âlamîn*", [4: 354].

(5) See: "*Sharh Az-Zurqânî 'Alâ Al-Muwatta'*", [2: 223].

(6) See: "*Al-Manhal Al- 'Adhb Al-Mawrûd Sharh Sunan Abû Dâwûd*", [9: 241].

(7) See: "*Nayl Al-Awtâr*", [4: 220].

(8) The source of the *ḥadīth* has been stated earlier, (P. 630@@@).

ing the poor. ‘*Tu ‘mah*’ means meal or food that is eaten. This is an explicit text in explaining the reason for imposing *Zakâtul-Fitr*. The reason for legislation - as mentioned earlier - is composed of purification and feeding.⁽¹⁾ It clearly indicates that purification is for the rich among those who fast, and food is for the poor and needy,⁽²⁾ so that the sustenance of the poor on the day of Eid is prepared; to be the poor and the rich equal in finding sustenance on the day of Eid.⁽³⁾

- 2- The *ḥadīth* of Ibn ‘Umar who said: The Messenger of Allah (peace and blessings of Allah be upon him) made *Zakâtul-Fitr* obligatory, and said: “***Make them rich on this day,***”⁽⁴⁾ and in another narration: “***Save them (i.e. the poor) wondering around (in the markets and the streets asking for food) on that day.***”⁽⁵⁾

Evidential aspect: The imperative form in the Prophet’s saying (peace and blessings of Allah be upon him): “***Make them rich***” indicates the objective of *Zakâtul-Fitr*, which is to enrich the poor on the day of Eid, so they do not need to beg or roam, but rather suffice with what Allah has made for them as a right in the hands of the rich and the poor who are obligated to pay it.⁽⁶⁾

The effect of considering this objective in the Fiqh-based branches:

- 1- *Zakâtul-Fitr* is specific to the needy, excluding others; because its objective is feeding and enriching the needy, so they become self-sufficient on the day of Eid.⁽⁷⁾
- 2- It is recommended to give out *Zakâtul-Fitr* on the day of Eid before the prayer; because it was legislated to feed the poor and make them rich enough not to roam on the day of Eid, and by delaying it, this objective is disrupted and nullified.⁽⁸⁾

(1) See: “*Sharh Sunan Abû Dâwûd*” by Al-‘Aynî, [6: 318]; “*Nayl Al-Awṭâr*”, [4: 218]; “*Fath Dhul-Jalâl Wa Al-Ikrâm Bi Sharh Bulûgh Al-Marâm*”, by Ibn ‘Uthaymîn, [3: 95].

(2) “*Mirqât Al-Mafâtîh Sharh Mishkât Al-Masâbîh*” by Al-Harawî, [4: 1299].

(3) “*Al-Mafâtîh Fî Sharh Al-Masâbîh*” by Al-Mazharî, [2: 505], with little adaptation.

(4) The source of the *ḥadīth* has been stated earlier, (P. 4490@@@@@).

(5) Related by Ibn Zanjawayh in “*Al-Amwâl*”, [3: 1251], *ḥadīth* no. (2397). It was graded as *Da ‘if* (weak) by Az-Zayla‘î and others as in “*Nasb Ar-Râyah*”, [2: 431].

(6) See: “*Ahkâm Al-Qur’ân*” by Al-Jassâs, [4: 120]; and “*A ‘lâm Al-Muwaqqi ‘în*”, [4: 354].

(7) See: “*Subul As-Salâm*”, [1: 540].

(8) See: “*Al-Mughnî*”, [3: 88].

Ibn Qudamah says: "Its objective is to make them rich enough not to roam and beg on this day, so if it is delayed, their enrichment will not be achieved for the entire day, especially at the time of prayer."⁽¹⁾

- 3- The permissibility of giving out the monetary value for Zakâh according to the Hanafites; because the objective is to enrich the poor on that day, and this is achieved with money as it is achieved with food.⁽²⁾ This is contrary to the majority who do not see the sufficiency of giving out the monetary value.⁽³⁾ Al-Kasânî says: **"The real obligation is to enrich the poor, and enrichment is achieved with money, even more completely and abundantly;** because it is closer to fulfilling the need. **This shows that the text is reasoned with enrichment,** and that allowing the monetary value does not actually consider the ruling of the text."⁽⁴⁾

This can be debated as follows: We do not accept that the objective is enrichment in general, but rather the objective is feeding, especially since the hadîth has explicitly stated the legislative objective as being '*Tu 'mah*' (food), and '*Tu 'mah*' is a meal, the food that is eaten.

- 4- Giving out the specified item is preferable in times of hardship; while giving out the monetary value is preferable in times of ease according to some Hanafites. The criterion for what is preferable to give out is the benefit to the poor, so whatever is more beneficial to them is preferable to give out; because benefiting them is the intended objective. It is stated in "*Radd Al-Muhtâr*": "The reason for the preference of monetary value is that it is more helpful in fulfilling the poor's need; because he might need something other than wheat, for example, like clothes and the like, unlike giving out goods."⁽⁵⁾
- 5- It is permissible to give *Zakâtul-Fitr* two days before Eid, but not more than that according to the Hanbalites; because by giving it earlier, the poor might spend it before the day of Eid, which would disrupt the intended objective of giving it to the poor, which is to enrich them on

(1) "*Al-Mughnî*", [3: 88]; and "*An-Najm Al-Wahhâj Fî Sharh Al-Minhâj*", [3: 225].

(2) See: "*Badâ'î 'As-Sanâ'î*", [2: 73].

(3) See: "*Mawâhib Al-Jalîl Fî Sharh Mukhtasar Khalîl*", [2: 368]; "*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'î*", [10: 393]; and "*Al-Mughnî*", [3: 88].

(4) "*Badâ'î 'As-Sanâ'î*", [2: 73].

(5) See: "*Ad-Durr Al-Mukhtâr*", [2:366].

the day of Eid, unlike if it is given a day or two before.⁽¹⁾

Ibn Qudâmah argues for this based on the Prophet's saying (peace and blessings of Allah be upon him): **"Save them (i.e. the poor) wondering around (in the markets and the streets asking for food) on that day."**⁽²⁾

"The command implies obligation, and if it is given much earlier, their enrichment on the day of Eid will not be achieved. The reason for its obligation is breaking the fast; as evidenced by its attribution to it. Zakâh on wealth's reason is owning the *Nisâb* (minimum amount determining a person's zakatability), and its objective is to enrich the poor for the entire year, so it is permissible to give it out throughout the year. But this (*Zakâtul-Fitr*) is intended to enrich at a specific time, so it is not permissible to give it before that time. As for giving it a day or two earlier, it is permissible... because hastening it by this amount does not disrupt its intended objective, as it is likely that it or some of it will remain until the day of Eid, so they become self-sufficient from roaming and begging on it."⁽³⁾

- 6- It is sufficient in *Zakâtul-Fitr* to give out from what is not specified in the text but is from the predominant food of the country according to the Shafi'ites and Malikites.⁽⁴⁾ They consider the predominant food of the giver's country; because the objective is feeding and enriching, and **"their enrichment is achieved by giving the food of the country."**⁽⁵⁾ Also, **"considering the predominant food of the country provides ease and kindness."**⁽⁶⁾ The Hanbalites disagreed, seeing that the intended enrichment is limited to specific types mentioned in the *ḥadīth*, so one chooses between them even if it was not a staple food, and it is not permissible to deviate from these when able to obtain them. So, whoever can afford dates, raisins, wheat, barley, or dried yogurt but gives out something else, it is not sufficient, whether the alternative is the staple food of their country or not;⁽⁷⁾ because enrichment is achieved

(1) See: *"Al-Mughnī"*, [3: 90].

(2) The source of the *ḥadīth* has been stated earlier, (P. 4490@@@).

(3) *"Al-Mughnī"*, [3: 90].

(4) See: *"Ash-Sharh Al-Kabīr"* by Ad-Dardīr, [1: 505]; and *"Al-Bayân Fī Madhhab Al-Imâm Ash-Shâfi'ī"*, [3: 374].

(5) *"Al-Bayân Fī Madhhab Al-Imâm Ash-Shâfi'ī"*, [3: 374].

(6) *"Al-Hâwī Al-Kabīr"*, [3: 379].

(7) See: *"Al-Mughnī"*, [3: 86].

through these, so there is no contradiction between the ḥadīth about enrichment and the ḥadīth specifying the types.

- 7- The consideration is given to the predominant food of the giver. If they give something better than what is obligatory, it is permissible; because enrichment is achieved and more.⁽¹⁾ If they give something less, there are two opinions: One allows it, based on the Prophet's saying (peace and blessings of Allah be upon him): "**Save them (i.e. the poor) wondering around**", and richness is achieved with any food. The second does not allow it; because richness is not achieved with less than the country's staple food.⁽²⁾
- 8- *Zakâtul-Fitr* is obligatory on children and the insane according to the majority; because the reason for its obligation is composed of purification and feeding, considering the aspect of the poor, and the reason for feeding the poor is present, so it is obligatory.⁽³⁾
- 9- The best thing to give out in *Zakâtul-Fitr* is what is most beneficial for the poor; because *Zakâtul-Fitr* is food for the poor and enrichment for them, so what is best for them should be considered. Some say the most beneficial is dates, some prefer giving out 'Ajwah dates, and others prefer giving out wheat. The criterion for preference is what is most beneficial for the poor. That is why the companions of Ash-Shâfi'î directed to prefer wheat; because it was more expensive in his time, and it is recommended to give out what is most expensive and valuable, and because it is more beneficial as sustenance and more effective in fulfilling the poor's need. As for dates, those who prefer it mention that it provides both sustenance and sweetness, it is easier to consume and less costly, so it is more appropriate.⁽⁴⁾
- 10- It is not obligatory to divide one Sâ' among several poor people; because enrichment is not achieved by that. "The Prophet (peace and blessings of Allah be upon him) specified the amount as one Sâ' of

(1) See: "*Al-Hâwî Al-Kabîr*", [3: 379]; and "*Al-Majmû' Sharh Al-Muhadhdhab*", [6: 133].

(2) See: "*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'î*", [3: 375].

(3) See: "*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid*", [2: 41]; "*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'î*", [3: 351]; "*Al-Mughnî*", [3: 79]; and "*Mirqât Al-Mafâtiḥ Sharh Mishkât Al-Masâbîḥ*", [4: 1299].

(4) See: "*Ash-Sharh Al-Kabîr 'Alâ Al-Muqni'*", [2: 666].

dates or one Sâ' of barley, and for wheat either half a Sâ' or one Sâ', as a complete sufficiency for one poor person, making it a meal for them on the day of Eid to make them self-sufficient. If a poor person takes just a handful, they will not benefit from it and it will not serve the objective."⁽¹⁾

Topic (3): Expanding the Circle of Those Obligated to Pay Zakâh⁽²⁾

Objective Explanation:

This objective aims to show that Islamic law intended to expand the circle of those obligated to pay *Zakâtul-Fitr* to include all segments of Muslims - rich and poor, old and young, free and enslaved, male and female. This allows the entire society to experience complete purification, general worship, and comprehensive compassion on the day of Eid. Therefore, it tied its obligation to the minimum level of wealth, which is that a Muslim finds surplus beyond their sustenance and that of their family for the day and night. It also did not limit the obligation to just the responsible individual, but obligated them to pay it on behalf of themselves as they are among those to be purified, then obligated it on those they support - an obligation caused by them being among those to be purified. This is so that the act of worship through giving becomes universal, and purification and mercy are achieved.

There is another benefit achieved through this expansion, which is accustoming and educating the Muslim to spend in times of hardship as they spend in times of ease, and to give in difficulty as they give in prosperity. Among the characteristics of the pious mentioned in Qur'an is that "***Who spend [in the cause of Allah] during ease and hardship.***"⁽³⁾ Through this, the Muslim learns

(1) "Majmû' Al-Fatâwâ", [25: 74].

(2) See: "Al-Umm", [2: 70]; "Ikml Al-Mu'lim Bi Fawâ'id Muslim", [3: 478]; "Sharh Sahîh Al-Bukhârî" by Ibn Battâl, [3: 568]; "Al-Hâwî Al-Kabîr", [3: 352]; "Nihâyat Al-Maflab Fî Dirâyat Al-Madhhab", [3: 374]; "Thyâ' Ulûm Ad-Dîn", [1: 211]; "Al-Masâlik Fî Sharh Muwatta' Mâlik", [4: 139]; "Badâ'i' As-Sanâ'i'", [2: 70]; "Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtasid", [2: 41]; "Al-Mughnî", [3: 100]; "Al-Muharrar Fî Al-Fiqh 'Alâ Madhhab Al-Imâm Ahmad Ibn Hanbal", [1: 226]; "Adh-Dhakhîrah", [3: 165]; "At-Tawdîh Li Sharh Al-Jâmi' As-Sahîh", [10: 632]; "Tarh At-Tathrib Fî Sharh At-Taqrîb", [4: 59]; "Al-Qawâ'id" by Al-Hisnî, [4: 99]; "At-Tâj Wa Al-Iklîl Li Mukhtasar Khalîl", [3: 263]; and "Sharh Az-Zurqânî 'Alâ Al-Muwatta'", [2: 219].

(3) [Âl-'Imrân (The Household of 'Imrân): 134].

- even if they are poor in wealth and in a delicate state - to have the upper hand, and to taste the sweetness of giving and bestowing upon others, even if it is only for one day each year.

Judge 'Iyâd states, "Its obligation is general for everyone, including urban and rural dwellers, the rich and the poor; because it is a bodily charity, not a wealth charity. This is the opinion of all Imams and scholars."⁽¹⁾

Ibn Qudâmah says: "*Zakâtul-Fitr* is more emphasized in its obligation, as evidenced by its obligation on the poor, its inclusiveness for every Muslim able to pay it, and the obligation to bear it for those whose maintenance is obligatory upon others. It is not related to a specific amount of wealth, so it runs the course of maintenance."⁽²⁾

What is notable in the legislation of *Zakâtul-Fitr* is that its imposition came contrary to analogical reasoning (*Qiyâs*). The analogy would suggest that a person should not bear the religious obligation of another, but this was contravened - and Allah knows best - in consideration of the aforementioned meaning of generalizing its obligation; to achieve the benefits of universal worship through giving, and to attain compassion, closeness, and affection in the Muslim society, as well as comprehensive purification for all Muslims.

Al-Juwaynî states "If we were to refer to the analogy we understand, we would not impose on a person the charity of Fitr for another; because acts of worship are far from being borne by others. If we say: the Fitr charity is not bearable, but its obligation due to another is like the obligation of Zakâh on wealth due to the wealth, this is also far-fetched, because a person's relative is not the place of their utilization like their wealth. So, it is unlikely to obligate the payment of Fitr charity for them by analogy to Zakâh on wealth. However, Muslims have unanimously agreed that *Fitr* charity is obligatory on one person due to another. Then the schools of thought differed, so Abû Hanîfah considered guardianship in this and obligated the guardian to pay the *Fitr* charity for the ward... We do not rely on reasoning, but we depend on a *hadîth* narrated by trustworthy individuals from the Prophet (peace and blessings of Allah be upon him)." Then he said: "So the *Fitr* charity follows maintenance in its origin, then it is considered obligatory due to another if they are among

(1) "*Ikml Al-Mu'lim Bi Fawâ'id Muslim*", [3: 478].

(2) "*Al-Mughnî*", [3: 100].

those to be purified.”⁽¹⁾

Objective Evidence:

- 1- The ḥadīth narrated by Ibn ‘Umar (may Allah be pleased with him) who said: *“Allah’s Messenger (peace and blessings of Allah be upon him) prescribed as the Zakâh payable by slave and freeman, male and female, young and old among the Muslims on breaking the fast of Ramadân a Sâ’ of dried dates or a Sâ’ of barley, and gave command that this should be paid before the people went out to prayer.”*⁽²⁾

Evidential aspect: In his saying “*the Zakâh payable by slave and freeman, male and female, young and old among the Muslims*”, and his saying “on every soul among the Muslims” is proof of its general obligation on everyone from urban and rural dwellers, rich and poor; because it is a bodily charity, not a wealth charity. This is the opinion of all Imams and scholars.⁽³⁾ This indicates the Lawgiver’s intention to expand the circle of those obligated to pay it, so that worship and purification through it become universal.

- 2- The ḥadīth narrated by Ibn ‘Abbâs (may Allah be pleased with him) who said: *“The Messenger of Allah (peace and blessings of Allah be upon him) enjoined Zakâtul-Fitr on the one who fasts (i.e. fasted during the month of Ramadân) to purify him from any indecent act or speech and for the objective of providing food for the needy. It is accepted as Zakâh for the person who pays it before the Eid prayer and it is Sadaqah (i.e. voluntary charity) for the person who pays it after the Eid prayer.”*⁽⁴⁾

Evidential aspect: In his saying “*purification*”, there is proof of its obligation on the poor as well as the rich... Ibn Buzayzah said: There is no evidence considering a *Nisâb* (minimum amount determining a person’s zakatability) for it; because it is a bodily charity, not a financial one.⁽⁵⁾ In obligating it on the rich and the poor and making it purification for bodies, there is evidence that the Lawgiver intends to generalize its obligation to everyone and for its benefit and blessing to reach all.

(1) “*Nihâyat Al-Maḡlab Fî Dirâyat Al-Madhhab*”, [3: 374].

(2) Related by Muslim in his “*Sahîh*”, [2: 678], ḥadīth no. (984).

(3) See: “*Ikmal Al-Mu’lim Bi Fawâ'id Muslim*”, [3: 478].

(4) The source of the ḥadīth has been stated earlier, (P. 630@@@).

(5) “*Sharh Az-Zurqânî ‘Alâ Al-Muwatta’*”, [2: 219].

- 3- The ḥadīth narrated by Ibn ‘Umar (may Allah be pleased with him) who said: ***“The Messenger of Allah (peace and blessings of Allah be upon him) ordered Zakâtul-Fitr (and its payment was obligatory) on young and old people, and on free men as well as on slaves, among those you support.”***⁽¹⁾

Evidential aspect: The ḥadīth indicates the obligation of *Fitr* charity on a person due to another, as it shows that *Fitr* charity follows maintenance - or guardianship according to the Hanafites, and is obligatory on the dependent due to the principal; because they are among those to be purified. This expands the base of those obligated to pay *Zakâtul-Fitr*, to include fasters who are obligated to pay Zakâh for themselves and for those they support.

The effect of considering this objective in the Fiqh-based branches:

- 4- *Zakâtul-Fitr* is obligatory on whoever is able to pay it, and the majority of scholars do not consider a *Nisâb* (minimum amount determining a person’s zakatability) for its obligation;⁽²⁾ so it is obligatory on the rich and the poor who have surplus beyond their sustenance for their day and night; because the Lawgiver intends to expand the circle of those obligated to pay it, so that its resulting benefit becomes universal.
- 5- The person obligated to pay *Zakâtul-Fitr* must pay it for themselves, their dependents, and everyone whose maintenance the Sharî‘ah has obligated them to provide, if they have surplus beyond their sustenance for their day and night. So, they are obligated to pay their *Fitr* charity as they are obligated to maintain them if they find what they can pay for them; and those whose maintenance and *Fitr* charity a person is obligated to pay are three categories: wives, slaves, and relatives,⁽³⁾ and this expands the obligation to pay it.
- 6- A person is obligated to pay *Zakâtul-Fitr* for their wife according to the majority of scholars; because her maintenance is obligatory, so her *Fitr*

(1) Related by Ad-Dârqaṭnî in his “*Sunan*”, [3: 67], ḥadīth no. (2078); and it was graded as *Hasan* (good) by Al-Albânî in “*Irwâ’ Al-Ghalîl*”, [3: 320].

(2) “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtaṣid*”, [2: 41]; and “*Ash-Sharh Al-Kabîr ‘Alâ Al-Muqni’*”, [2: 648].

(3) See: “*Bidâyat Al-Mujtahid Wa Nihâyat Al-Muqtaṣid*”, [2: 41]; “*Nihâyat Al-Maṭlab Fî Dirâyat Al-Madhhab*”, [3: 374]; and “*Al-Mughnî*”, [3: 90].

charity is obligatory;⁽¹⁾ and this expands the circle of those obligated to pay it.

- 7- The obligatory amount to be paid in *Zakâtul-Fitr* is one *Sâ'* by consensus of scholars,⁽²⁾ and it is noted that the amount is generally small and affordable. If it were large, it would be difficult to pay, and it would not be easy to expand the circle of those obligated to pay it.
- 8- According to the Shafi'ites and Malikites, it is permissible in *Zakâtul-Fitr* to pay from other than what is explicitly mentioned in the texts, from what is the predominant food of the country;⁽³⁾ "because considering the predominant food of the country provides flexibility and ease."⁽⁴⁾ Also, food items are generally not scarce, unlike cash which may be hard to find in some situations and times. With the presence of ease and convenience, the objective of expanding the circle of worship through Zakâh is achieved without hardship on those obligated.
- 9- *Zakâtul-Fitr* is obligatory on the people of the desert, contrary to those who do not see this, as the Lawgiver's intention to expand the circle of those obligated to pay it is known, so it is not appropriate to exclude them from the obligation without evidence. Ibn Qudâmah says: "Most scholars obligate *Zakâtul-Fitr* on the people of the desert."⁽⁵⁾ Also, it is permissible for them to pay one *Sâ'* of dried yogurt if it is their staple food.⁽⁶⁾
- 10- If someone has in their possession what they should pay for *Zakâtul-Fitr*, and they have a debt of the same amount, they are still obligated to pay it because it is more emphasized in its obligation, as evidenced by its obligation on the poor, its inclusiveness for every Muslim able to pay it, and the obligation to bear it for those whose maintenance is obligatory upon others. It is not related to a specific amount of wealth,

(1) See: "*Al-Mughnî*", [3: 91].

(2) See: "*Al-Ijmâ'*" by Ibnul-Mundhir, (P. 57); "*Mawâhib Al-Jalîl Fî Sharh Mukhtasar Khalîl*", [2: 364]; "*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'*", [3: 372]; and "*Al-Mughnî*", [3: 81].

(3) See: "*Ash-Sharh Al-Kabîr*" by Ad-Dardîr, [1: 505]; and "*Al-Bayân Fî Madhhab Al-Imâm Ash-Shâfi'*", [3: 374].

(4) "*Al-Hâwî Al-Kabîr*", [3: 379].

(5) "*Al-Mughnî*", [3: 83].

(6) Ibid., [3: 83].

so it runs the course of maintenance.⁽¹⁾ The fact that debt does not prevent *Zakâtul-Fitr* is from the perspective of the Lawgiver's expansion in obligating it, and therefore the possible ability, not ease, was considered in it.

- 11- It is recommended to pay Zakâh for the fetus,⁽²⁾ and paying it for the fetus expands the circle of obligation; due to the great benefits resulting from that.



(1) Ibid., [3: 100].

(2) Ibid., [3: 99].

Conclusion

At the end of this research, I praise Allah, the Most High, the Bestower - may His Majesty be exalted and His names be sanctified - for His honor and guidance to His weak servant in researching the objectives of His Shari'ah, in a great pillar of His religion. I ask Him, the Almighty, for sincerity of intention and acceptance. The following is a statement of the most important findings and recommendations that I reached in my journey through this thesis entitled: *"The Shari'ah Objectives of Zakâh: A Fundamental and Applied Study"*.

First: Key Findings

The main findings of the research can be summarized as follows:

- 1- Revealing the objectives of the Lawgiver and His great wisdom in Zakâh and explaining them to those obligated is in line with the Quranic discourse in its characterization of urging spending with compassionate exaggeration and kind care. This is because dispensing with money is difficult for souls, so explaining the objectives and clarifying them provides gentle assistance and encouragement to those obligated to Zakâh.
- 2- Since Zakâh is a financial act of worship, the principle is that it is possible to understand its meanings and secrets, as acts of worship whose meaning cannot be understood are purely physical acts of worship.
- 3- The intended objectives of Zakâh are: the wisdoms, goals, and meanings that the Lawgiver observed in legislation and took into account generally and specifically; in order to achieve benefits.
- 4- Zakâh in language refers to growth, purity, and blessing. As for its use to mean giving money as an act of worship, it is a Shari'ah meaning that was not known to the Arabs, but it is appropriate to the linguistic meaning in terms of its objectives. By giving it, comprehensive growth of wealth is achieved, as well as growth in the reward of the owner of the wealth and his status with Allah and with Muslims, and growth for its

beneficiaries. It also results in purification for the soul of the giver and what remains of his wealth. As for the meaning of blessing, it complements the meaning of growth.

The meaning of purity is more fitting for Zakâh, and we may say: it serves as a means to growth, so in its generality it encompasses growth. This is because by achieving purification for the wealth and its owner, the barrier to growth is removed, and with the removal of the barrier, growth inevitably occurs, so there is no contradiction then.

- 5- The Sharīah-based objectives (*Maqâsid Ash-Sharī'ah*) are valid evidence in Islamic law, but they are not an independent proof. Rather, they derive their authenticity - at their various levels - from the authenticity of the Sharī'ah texts which are their source and origin. Therefore, they are not all at the same level, but their ranks vary based on several considerations.
- 6- Among the most important methods of discovering the objectives are:
 - Extracting them from the apparent meanings of Sharī'ah texts; either by deriving them from the explicit and apparent meanings, or from the implications of initial, explicit commands and prohibitions.
 - Extracting them by considering the reasons (*'Ilal*) for commands and prohibitions, through the known methods of identifying the *'Illah* (effective cause).
 - Extracting them through induction.
 - The Lawgiver's silence about the legislation of an action despite the presence of its requirement and the absence of any impediment to it.
- 7- The strong relationship between the objectives of Sharī'ah and the various types of benefits (*Masâlih*), and between the appropriate descriptions in the subject of analogical deduction (*Qiyâs*), considering that the valid benefit is the preservation of the Lawgiver's intent. Therefore, some contemporary scholars have attached the objectives to the subject of *Istislâh* (consideration of public interest) or *Maslahah Mursalah* (unrestricted benefit), considering it as the meaning appropriate to the Lawgiver's actions, found in a genus that the Lawgiver has generally considered without specific evidence.

- 8- The objectives of Zakâh have clear and evident effects on the branches and issues of this topic. In fact, many issues in the subject of Zakâh are based on universal, specific, or partial objectives. Also, the differences among scholars on a number of issues are based on consideration of objectives and benefits.
- 9- There is a consensus among scholars that Zakâh is an act of worship, not merely a financial right. However, since both meanings are present in the intent of its legislation, they differed on which aspect is predominant: is it predominantly an act of worship, or is it predominantly a financial right established by the Lawgiver in the wealth of the rich for the poor?

This difference has its jurisprudential effects on scholars' disagreements in a large number of issues.

- 10- The most noble and greatest objective of Zakâh with respect to the giver is worshipping Allah and seeking closeness to Him, the Almighty, by giving Zakâh. This worship is manifested in numerous spiritual meanings, such as love for Allah, submission and surrender to Him, blocking the means to enslavement by wealth, and strengthening certainty in the Day of Judgment in the soul, and submission to Allah's Sharî'ah by observing the prescribed aspects of its rulings, purifying the soul and sanctifying it for the sake of Allah, and expressing gratitude for the blessing of wealth.
- 11- The noblest objective of Zakâh with respect to its beneficiaries is that it is a financial provision established for them in the wealth of the rich. Among the meanings manifested in Zakâh being a financial right is that it is an obligatory expenditure on the rich for the poor due to the kinship of Islam, and a duty imposed on it. Its objective in this aspect is to meet their needs, benefit and reform them, and console them. The obligation of Zakâh in this case falls under the category of linking rulings to their causes.
- 12- The legislation of Zakâh achieves the preservation of the six major objectives - religion, life, wealth, intellect, lineage, and honor - for individuals and the community of the Ummah, in terms of existence by bringing benefits related to them, and in terms of non-existence by warding off actual or expected harms from them.

- 13- The two main objectives around which the legislation of Zakâh revolves are: preserving religion and preserving lives and souls. As for preserving religion, it is the ultimate goal, as all other necessities exist for the objective of preserving it, serving as means to it. It is preserved through the legislation of Zakâh in two ways:

- Directly through the worship of the giver, assisting the deserving in obedience, and strengthening and empowering religion.
- Indirectly through preserving life and other necessities that serve as means to it.

As for the objective of preserving life, it is because life is the foundation of the other three necessities, as they depend on the continuation of life. If life ceased, lineage and intellect would cease, and the importance of wealth would be nullified, as its sanctity comes from being the substance of the body. Thus, it becomes clear that the continuation of life is a fundamental pillar for achieving necessary benefits, and consequently achieving the objective of existence by preserving religion. Therefore, one of the noblest meanings and objectives of Zakâh is to preserve these two objectives in terms of existence and non-existence.

- 14- Zakâh helps preserve the religion of the individual giver by realizing the meanings of worship in their heart, strengthening their faith, developing and establishing it, increasing their reward and its growth, and warding off what corrupts it from diseases of the heart.

It also preserves the religion of the general Ummah through the beneficiaries of Zakâh by helping them obey Allah, supporting and strengthening religion, elevating its status, spreading it throughout the world, and warding off anything that might affect it negatively. Therefore, among the beneficiaries of Zakâh are those who deserve it solely for the needs of religion and Muslims.

- 15- Zakâh achieves the preservation of lives of individuals and the community of the Ummah by meeting needs, addressing necessities and urgencies, reviving souls at risk of perishing, and averting the causes of loss of life due to poverty or crimes that spread because of it. Thus, among its beneficiaries are those who deserve it solely based on need, as the intent then is to preserve their lives. It also preserves the lives of the entire Ummah by spending it to protect the Muslim community

and defend their sanctuaries.

- 16- The obligation of Zakâh indicates the high status of wealth in fulfilling the interests of the Ummah in both earning and spending. Therefore, Zakâh preserves the wealth of the rich by growing it tangibly and intangibly, spreading blessings in it, and guarding it against calamities and destructive factors. It also preserves the wealth of the entire Ummah by regulating its management system, aiding its growth, and controlling it in a way that keeps it distributed among the Ummah as much as possible. It brings economic benefits to society and wards off the evils of theft, plunder, and robbery resulting from the imbalance in the fair distribution of wealth among the Ummah.
- 17- Zakâh helps achieve the objective of preserving and developing the intellect. By meeting the financial needs of the needy, Zakâh enables them to dedicate themselves to developing their minds and nourishing them with knowledge and understanding. Moreover, its direct spending on students of knowledge - according to some scholars - assists and strengthens them in seeking knowledge.

As knowledge spreads among individuals of the Ummah, awareness and understanding spread throughout the entire society, and ignorance, which is the basis of backwardness and economic affliction, is eliminated.

- 18- Through Zakâh, the objective of preserving lineage for individuals and the community of the Ummah is achieved. Zakâh assists members of the Ummah in marriage, both initially and in its continuity, by averting poverty, which is one of the causes of divorce leading to the discontinuation of lineage.

Moreover, by averting poverty and meeting needs, it prevents the discontinuation or disturbance of lineage in other ways, such as blocking the means of infanticide due to poverty, and closing the door to adultery that leads to the disturbance of lineage by assisting in marriage.

- 19- Zakâh helps preserve the honor of the poor and needy, even in aspects considered as enhancements, by preventing the corruption of their humiliation in being forced to beg from people. Zakâh establishes for them a financial right imposed on the wealth of the rich, and an obligatory expenditure due to the kinship of Islam. The rich have no favor

in paying it to them, as they are only paying what the Sharī'ah has obligated upon them as a right for the poor. In fact, those who remind others of their favors are severely warned, and their deed is nullified.

- 20- Zakâh contributes to preserving the order of the Ummah and its well-being from various aspects. Therefore, scholars consider it among the necessities in which the obligated person has no immediate intended benefit. Rather, it was legislated for general benefits, such that if it were assumed to be non-existent or people abandoned it, the system would collapse. By giving it in the manner intended by the Lawgiver, the political, social, and economic systems in the Ummah are rectified.

It also preserves the security of Muslims and their community. It works to enhance security by promoting internal security through spreading love, peace, and harmony among members of society, thus increasing social cohesion. This spreads tranquility and peace of mind throughout. It also works to enhance security by averting causes of security disturbance before they occur, chief among these causes being poverty, due to its strong relationship with security disruption, as modern studies have proven. As for external security, it suffices to say that Zakâh is one of the most important tributaries supporting Islamic armies responsible for protecting and defending Islamic territory. There is no doubt that the state's armies are the most important sectors responsible for maintaining security.

- 21- Refining souls, purifying them, and sanctifying them are among the most important objectives of Zakâh, and therefore the Qur'an explicitly stated this. Zakâh provides comprehensive purification for the souls of those obligated to pay it from base characteristics such as greed and miserliness, and purification of the souls of those entitled to receive it from blameworthy traits they might acquire due to their need and poverty, such as envy, resentment, rancor, and the like. With the achievement of comprehensive refinement, the bonds of Islamic brotherhood are strengthened.
- 22- The Sharī'ah has considered the removal of hardship in the legislation and rulings of Zakâh. In fact, there is additional consideration for this meaning in its legislation because it was legislated as a form of consolation, and imposing what is difficult on the obligated person disturbs the consolation; therefore, the Sharī'ah does not prescribe it.

Moreover, giving it as it should be given is more difficult for the soul than performing purely physical obligations. Therefore, the Sharî'ah considered this psychological difficulty and made it based on kindness to the owner and ease for them, and stipulated for its obligation the condition of affordable ability.

- 23- One of the objectives of Sharî'ah is regulation, and Zakâh in its original legislation is a regulation for fair financial distribution in the Ummah. Regulation is also apparent in its detailed legislations, as some of its rulings are built on *Tawqîf* (definitive ruling) to regulate the aspects of benefits in it, such as *Nisâb* (minimum amount determining a person's zakatability), *Hawl* (Zakâh year), quantities, and other divinely specified rulings whose meanings are not rationally understood. If these were not regulated, it would lead to instability and lack of consistency in the obligation. By this - I mean the objective of regulation - some scholars explained why the Prophet (peace and blessings of Allah be upon him) left a written document about its rulings unlike other obligations.

Among the aspects of regulation in its rulings also are: regulation by distinguishing essences and meanings, regulation by verifying the name, estimation, timing, regulation by specific attributes for essences, encompassing and defining, and linking some Zakâh rulings to the likely occurrence of the ruling rather than its reality.

- 24- One of the noblest and greatest objectives of Sharî'ah is the removal and prevention of harm. This objective has been considered in Zakâh in terms of its original legislation and goal. Zakâh contributes to removing great harms caused by need in individuals and the community of the Ummah. From another perspective, the meaning of removing harm has also been considered in its rulings, as it has been imposed in a fair manner that does not harm the owner of wealth nor those entitled to receive it.
- 25- The wise Legislator, the Almighty, did not obligate Zakâh on all wealth, but His profound wisdom was apparent in the types of wealth He selected for the obligation of Zakâh. He considered influential attributes in them, including their general benefit, abundance of existence, the strong need of creation for them - so He obligated it on what is in the

rank of necessity or need, not enhancement - their frequent circulation among people, and the nobility and honor of their type.

- 26- The Wise Legislator, the Almighty, has considered justice in His legislation of the obligation of Zakâh. The basis of its legislation was aimed at justice between owners of wealth and those in need in the distribution of provisions that Allah has granted them. He also considered justice in its rulings, so all the rulings of Zakâh are based on justice between owners of wealth and those entitled to Zakâh.

Among the aspects of considering justice in legislation is that the amount of Zakâh takes into account the effort and hardship endured by the person in earning it, in terms of increasing or decreasing. Where the cost and effort increased, the Shari'ah reduced the amount of Zakâh or waived it entirely. Where the cost was less or Zakâh was obligatory, the amount was increased, considering the increase in blessing which calls for increased gratitude by intensifying the legislation. Also, increased cost necessarily implies reduced growth, which affected the reduction of the obligation.

Among the aspects of justice is also the prevention of doubling and duplication in Zakâh, so Zakâh is not taken from the same wealth twice.

- 27- Among the meanings of obligating Zakâh is the mercy, kindness, consolation, and altruism it contains. Therefore, some scholars considered 'consolation' as the wisdom or appropriate description for obligating Zakâh. The intended benefit from it is consoling the poor in a way that does not make the giver poor.
- 28- The Shari'ah has considered precaution in its legislation of the obligation of Zakâh. In fact, the presence of the aspect of financial right in its nature added more precaution to its rulings, as the rights of servants are based on stringency. Therefore, the Shari'ah considered precaution in several aspects:
- **Precaution for the right of Allah**, the Almighty, by considering the objective of worship and divine specification in Zakâh.
 - **Precaution for the right of the rich**. Zakâh is a financial right, so its obligation means occupying the responsibility of the obligated person. Precaution requires not occupying it except with what the Legislator,

the Almighty, has obligated, so nothing is obligated upon him except by His command. Sometimes, precaution for his responsibility might be through obligation - to clear his responsibility.

- **Precaution for the right of the deserving beneficiaries of Zakâh.** One of the most important objectives of Zakâh is meeting their needs, so the Shari'ah sought what is most precautionary and beneficial for them.
 - **Precaution for the right of all categories of Zakâh beneficiaries.** This is by ensuring that only those who deserve it take from it, so the collector is cautious in its collection and distribution.
- 29- The wise Legislator has great objectives regarding the Zakâh payer, predominantly preserving their religion and wealth. These can be summarized as:
- **Comprehensive purification and sanctification**, purifying them from the filth of bad morals and sins, developing and reforming their soul, raising their ranks with Allah the Almighty, adorning them with virtues and good deeds, and motivating them to noble character traits such as compassion, generosity, and mercy, and abandoning miserliness and stinginess.
 - **Showing gratitude for Allah's blessing through the same type of financial blessing that Allah has bestowed upon them.** Since the blessing of wealth is a tangible financial blessing, its gratitude is of the same type, by the Zakâh payer showing the effect of the financial blessing on them by dispensing with a part of their wealth purely for His sake, the Majestic, and seeking His pleasure; in submission and obedience.
 - **Kindness to the owner and easing for them.** This objective serves as a complement to gratitude for the blessing of wealth, as if Zakâh were difficult on the soul, the gratitude for the blessing would be incomplete. Some conditions of Zakâh fall under this objective, such as the condition of *Hawl* (Zakâh year) and *Nisâb* (minimum amount determining a person's zakatability), as the intent of these conditions is to consider kindness to the owner, and this meaning has been mentioned frequently in the books of scholars.

- 30- The Sharî'ah has considered the interests of the Ummah in legislating Zakâh, and the preservation of the order and well-being of the Ummah predominates in these interests. At the forefront of these considered interests are:
- **Strengthening the bonds of Islamic brotherhood.** This is by warding off the corruption of rancor and envy that might be present in the soul of the poor due to their need. By fulfilling their need from Allah, the Almighty, through the hand of their rich brother, the corruption of this is averted, along with the great perils that result from it such as fighting, severing ties, and partisanship, and spreading their opposites of love, harmony, and mercy.
 - **Strengthening kinship ties.** As wealth is one of the most important factors affecting the cohesion of families and the strength of their bonds, Islam was keen on making it a means of enhancing kinship ties and maintaining family relations. This is by considering kinship as an influential attribute in the strength of entitlement to the Zakâh of a wealthy person. This achieves multiple interests such as strengthening the relationship between the rich and poor of a single family, deepening the concept of love among its members, and maximizing the reward of the Zakâh payer by combining meeting needs and maintaining family ties in a single act.
 - **Preventing wealth from circulating only among the rich of the Ummah.** Zakâh averts the corruption of wealth concentration in a few hands and achieves the benefit of making it circulate among the entire Ummah, not confined to some people to the exclusion of others.
 - **Preventing the hoarding and withholding of wealth,** due to the general harm and major corruptions in that. It obligated the person to give out a part of their wealth to those entitled to Zakâh so that their wealth does not become a hoard, and thus brought about the benefit of pushing the person to invest their wealth so that Zakâh does not consume it, making the default for monetary wealth to be subject to Zakâh in all cases.
- 31- The Wise Legislator has objectives, wisdoms, and secrets related to the wealth in which He obligated Zakâh. The predominant objective in them

is preserving the wealth of the Zakâh payer and the Ummah, along with considering justice. Among these wisdoms are:

- Developing and purifying the wealth on which Zakâh is paid. The Lawgiver's intent is for the wealth of the Zakâh payer to grow and increase in this world and to achieve purification and blessing, thus protecting it from calamities and decrease. It also grows in the Hereafter by the growth of the specific portion given out for His sake, the Almighty, in the Hereafter.
- The secret of legislating Zakâh on monetary wealth and trade goods is that they are prices for goods and things, encompassing the meaning of financial value in terms of valuing things by them. As for trade goods, the legislation of Zakâh on them is based on their values, not their physical entities, and their values are monetary. Thus, the monetary nature became the consideration in both. As for wealth other than gold, silver, and trade goods: Zakâh on them relates to their tangible assets.
- The reason for this distinction is the objective: the attribute of being monetary and having financial value is suitable for the Lawgiver's objective in circulation and preventing hoarding. As for other types of wealth, the objective is to allow benefiting from their tangible assets.
- Scholars have differed on the wisdom for which Zakâh was obligated on grains and fruits: The majority view is that the wisdom is the sharing of staple foods by which people's bodies are sustained, which are the cause of worldly and afterlife benefits, with disagreement among them about the effective cause ('Illah): is it being a staple food and storable, or being measurable and dry?

The Hanafite school held that the wisdom is developing and improving the land, as it is the cause of life and the origin of staple foods, and because the tithe (*'Ushr*) is sufficient for those in need, as they are the defenders of the sanctities of Islam, so spending on them is spending on the land. Ibn Taymiyyah preferred the first meaning due to its suitability, and because developing the land is a means to food, and the objective takes precedence over the means, and the same applies to the reason of being measurable and dry.

- 32- The Lawgiver's objectives in the beneficiaries of Zakâh can be summarized as: It should be spent on two types of Muslims: Those in need: who suffer from want, need, and poverty; so their need and want are met through Zakâh. Those whom the Muslims need: who dedicate themselves to benefiting Islam and Muslims, so they are given due to the Muslims' need for them and the benefit obtained for the religion by giving to them, in terms of elevating Allah's word, raising His banner, assisting His religion, and strengthening it.
- 33- Zakâh is not merely a financial aid devoid of spiritual meaning. Rather, its primary objective is to assist in obeying Allah. This is because wealth is fundamentally a means to achieve the intended objective of existence, which is worshiping Allah, the Almighty. Therefore, Zakâh becomes a support and aid for its beneficiaries to obey and worship Allah, the Majestic, and fulfill His obligations. Poverty, need, and preoccupation with the affairs of the community may prevent a person from obeying Allah, the Majestic, which may distract them from fully performing their obligatory acts of worship. Thus, Zakâh serves as a sufficiency from Allah so that they can strengthen themselves to perform what Allah has ordained upon them in terms of monotheism and acts of worship.
- 34- Upon reflection on the eight categories of Zakâh beneficiaries, one finds similarities in some aspects and differences in others. However, we find that they are divided into two categories in terms of their entitlement to Zakâh:
- (a) Beneficiaries whom Sharī'ah intends to grant permanent and independent ownership, so they are not required to return it under any circumstances, and their condition after receiving it is not monitored. These are: the poor, the needy, those employed to collect Zakâh, and those whose hearts are to be reconciled.
 - (b) Beneficiaries whom Sharī'ah intends to give Zakâh to fulfill interests related to them or others, not for ownership. These are: freeing slaves, those in debt, in the cause of Allah, and the wayfarer. These take Zakâh conditionally: if they spend it for the objective they were entitled to receive it, otherwise the Zakâh is reclaimed from them.

The reason for distinguishing between the two types: The intention for giving to the first type is ownership, which is achieved by mere giving. As for the second type, the intention in giving them is for specific reasons and interests, not ownership.

- 35- Some of the names mentioned in the verse of Zakâh beneficiaries indicate the basis and reason for giving it to them. This is known in relating rulings to derivatives, where the root of the derivation is its reason. The derivations in these names alert to the reason for which Zakâh is given to them, such as «those whose hearts are to be reconciled,» where the derivation indicates that the basis is reconciliation, and «those employed to collect it», which indicates that the basis is work.
- 36- The most correct description of the poverty that makes it permissible to receive Zakâh is: not owning sufficiency. This means that a person is in need and does not own what suffices them. The definition of wealth is the opposite of this, which is to own what achieves sufficiency.
- 37- Ash-Shafi'i considered the ability to achieve sufficiency as wealth, even if one does not own money. This is based on his opinion that a person capable of earning does not deserve Zakâh if they can earn enough to suffice them and suit their condition. For him, wealth is not considered by money alone, but rather by the ability to achieve permanent sufficiency for oneself and those are obligated to support, whether through a trade, commerce, or agriculture.
- 38- The Shari'ah's intention regarding the poor and needy is to enrich them and suffice their need, want, and hardship. They should be given from the wealth of Allah, which He has made a right for them in the wealth of the rich, enough to make them independent from creation and not in need of anyone. This removes from them the description of need and poverty, and achieves for them sufficiency and independence.
- 39- The preferred opinion regarding the limit of giving Zakâh to the poor and needy is detailed as follows:
 - If the needy person is skilled in trade, craft, or profession: They should be given money to trade with, which will provide them with permanent sufficiency, or given enough to buy tools or assets to use for income, thus becoming self-sufficient.

- If they are not capable of earning: Someone should be appointed to trade on their behalf.
 - If all of this is not possible: They should be given each year what suffices them for a year. This achieves the meaning of enriching the needy in a way that does not conflict with the goal of refining them and encouraging them to work and earn, while preventing the pre-text for laziness.
- 40- Since the self tends to feel superior and obliging towards those it has helped, the Sharî'ah came to block the means to this in the chapter of Zakâh. One of its objectives was to achieve tranquility and peace of mind for the poor person when receiving it, and to remove humiliation and hardship from them. This is achieved through several means, including:
- Explaining that feeling obliging with Zakâh contradicts the objective of worship, for whoever feels obliging has not been sincere in its performance, which nullifies their reward and erases their recompense.
 - Clarifying the reality of the wealth in the hands of the rich, which it is not their property, but rather the property of Allah, the Almighty, and there is no favor for a person in giving from someone else's property.
 - Considering Zakâh as a right in the wealth of the rich, like a debt, and there is no favor for a person in fulfilling an obligatory right upon them. This considers the intention of Zakâh being a provision in the wealth of the rich for the poor.
 - The explicit prohibition of reminding of generosity and causing harm, and arranging severe warning for it in the Hereafter, considering it among the major sins.
 - Blocking the means leading to it, such as prohibiting the purchase of charity.
- 41- The Sharî'ah's intention regarding what is given to those working on Zakâh is that it should be a wage and compensation for dedicating themselves to serving this great pillar and its deserving beneficiaries

among the needy Muslims and those supporting the religion's benefit. The Shari'ah also intends through this to strengthen and make independent the collection apparatus, so it does not cease with the cessation of the public treasury nor fluctuate with its fluctuation. Rather, it remains stable regardless of circumstances, thus achieving the major objectives of Zakâh through its stability.

- 42- The intended meanings - in general - of giving to those whose hearts are to be reconciled are three:
- Honoring Islam, supporting it, strengthening its influence, increasing its followers, and repelling actual or potential harm from it and its people.
 - Encouraging Islam for the beneficiary or others whose hearts are influenced by wealth, so that giving to them reconciles their hearts to Islam, saving their souls from the Hell.
 - Stabilizing in Islam those whose faith is not yet firmly established or those feared to apostatize.
- 43- Scholars differed on the intended objective of the share for those whose hearts are to be reconciled: Is the reconciliation intended to support and honor the religion, or to save the beneficiary from the Fire and strengthen their faith?

Each of these objectives has implications affecting the rulings of this share.

Among the implications of the first objective - supporting and honoring the religion - is the opinion that this share ceases when Islam becomes strong, as the need for reconciliation has ended. Among the implications of the second objective - saving the beneficiary from the Hell - is its continuity, so it's given to those who need to strengthen or stabilize their faith by reconciling their hearts.

Also, among the implications of the first objective - for those who believe the share remains - is that the basis for giving is the religion's need. So, whenever the religion needs it, they are given from this share. As for the second objective, its basis is reconciling hearts and encouraging them to enter the religion and inclining them towards obedience.

- 44- Through the category of «freeing slaves», the Shari'ah intends to liberate people and free them from slavery and servitude, releasing them

from the confinement of ownership. This comes from the Sharī'ah's keenness to multiply the means of lifting servitude, as the Lawgiver is eager for freedom, so that humans can be free from the bondage of creations to be devoted to the servitude of their Creator, and to achieve equality in conduct, which is one of the wise Lawgiver's objectives.

- 45- Scholars differed in their understanding of the term «Riqâb» (slaves), with some interpreting it narrowly and others more broadly. The reason for this disagreement is that the term '*Riqâb*' combines both Sharī'ah usage and linguistic meaning. As for Sharī'ah usage, Allah used the term '*Raqabah*' in contexts of *Zihâr* (a form of divorce) and killing, referring only to those in complete slavery. Linguistically, however, '*Raqabah*' can refer to both free people and slaves, complete or partial. The well-known principle in Islamic jurisprudence is to prioritize Sharī'ah usage, considering it as overriding the linguistic meaning. Those who considered the linguistic meaning as the true meaning and others as metaphorical allowed it to include *Mukâtab* (a slave in the process of buying their freedom), *Mudabbbar* (a slave to be freed upon their master's death), defective slaves, prisoners, and even self-emancipation where loyalty would be to oneself rather than to Muslims. This is because the objective of Zakâh is to show gratitude for blessings and fulfill needs, which is achieved in these cases.

Some contemporary scholars have gone to extremes in considering the linguistic meaning, including colonized Muslim peoples and the like under '*Riqâb*'. However, it appears that this generalization of meaning is not supported by the text. The Sharī'ah terminology for '*Riqâb*' refers to freeing slaves from bondage, whether individuals or groups. Colonialism and its forms do not fit the concept of enslavement or Sharī'ah-defined slavery intended here.

Moreover, exaggerating in broadening the meaning beyond what the text can bear disrupts the objective of Sharī'ah regulation observed in Zakâh legislations and rulings.

- 46- Through the category of the debtor (for personal reasons), the Sharī'ah aims to rescue the indebted person who is overwhelmed and constrained by debt. It removes this harm by paying off their debt and freeing them from it, releasing them from its humiliation and burden. It suffices the debtor against the harm of the creditor. The Sharī'ah

also aims through this category to play the role of social insurance for those affected by calamities, tragedies, and disasters that force them into debt.

- 47- The Shari‘h’s core from the category of the debtor (for others’ benefit) is to encourage people and urge them towards reconciliation, righteousness, and extinguishing the flames of discord. It has given those who do good and donate for this cause a right to be assisted with what they have borne in terms of penalties for the sake of societal reform. They are given what clears their obligations and releases them from their guarantees. This achieves a comprehensive objective of the Shari‘ah for the Ummah, namely: achieving its unity, strengthening the bonds of brotherhood among its members, and warding off anything that might corrupt this.
- 48- The phrase «in the cause of Allah» has several usages in the texts of the Qur’an and Sunnah. Among these usages are: any sincere deed undertaken to seek closeness to Allah, which is the most general meaning; and jihad in the cause of Allah generally, which includes all types of *Jihâd*.

Due to the multiple usages of this phrase, scholars differed in interpreting the intended meaning of the share «in the cause of Allah» in the verse of charity (Zakâh). Is it general, encompassing all paths of goodness and seeking closeness to Allah? Or does it mean jihad in general? Or is it specifically meant for warriors? This disagreement led to differing views on the objective of this share.

- 49- The most likely interpretation of «in the cause of Allah» in the verse of charity is jihad in its general sense: (*Jihâd* with hand, wealth, and tongue). This includes fighting in the cause of Allah, calling to Allah, seeking and teaching knowledge, and everything that falls under the general meaning of *Jihâd* in Allah’s cause. Thus, the objective of this share aligns with the general objective of jihad, which is: supporting Allah’s religion, honoring and manifesting it, elevating His word, repelling and subduing the evil of disbelievers, preventing discord among Muslims, and indeed in human society in general by repelling polytheism and its corruption from the world. This is achieved by encouraging

the realization of these noble objectives through this category - even if the beneficiaries are wealthy.

This opinion agrees with the majority of exegetes and jurists regarding the objective of this share, which is supporting Allah's religion and elevating His word. However, its proponents do not restrict it to military *Jihâd*, but rather keep it unrestricted to include all types of *Jihâd*.

This opinion also reconciles the exclusive style in the verse with the broader usages of the term in the Qur'an and Sunnah, avoiding both overly narrow specification and excessively broad generalization.

- 50- The Lawgiver's intention for the share of «the wayfarer» is to assist stranded travelers and provide them with security, spreading tranquility and safety in their hearts. This encourages them to travel the earth and seek what benefits them and the Muslims in religious or worldly interests, without fearing the obstacles and calamities that are natural to travel. They need not resort to begging or borrowing, but can take with dignity from what the Sharī'ah has allocated for them from Zakâh funds. The Shafi'ite school expanded the objective of this category to include those initiating permissible travel, so the Lawgiver's intention is not limited to assisting and securing the stranded stranger, but also to assist anyone intending permissible travel by helping with travel expenses. This is out of compassion and to encourage going out and seeking Allah's bounty - both in religious and worldly matters - by traveling the earth.

The Shafi'ite, Malikite, and Hanbalite schools might agree in cases where the one initiating travel is in need and has no money. In this case, they deserve what helps them travel, but from the share of the poor according to the Malikite and Hanbalite schools, and according to the Shafi'ite school, under both descriptions of poverty and being a traveler. Upon reflection, we find that the Shafi'ite believe the traveler should be given what suffices for the journey, while according to the Malikite and Hanbalite view, they are given sufficiency under the description of poverty; so there is no difference then.

However, they differ in cases where the one initiating travel is not in need, such as if they want to travel for something permissible. Some Shafi'ites have allowed giving to such a person.

- 51- The Sharī'ah intends to consider what is most beneficial and preferable for those deserving Zakâh. It ensures what is safest and most beneficial for them, sometimes prioritizing their side in consideration of the general interest and prioritizing it over the private interest of the Zakâh payer. All of this does not violate the intention of maintaining justice between wealth owners and beneficiaries, but rather reinforces it. Because the needy class is weaker, it is part of the justice of the Wise Lawgiver, the Almighty, to give their side more care and precaution. They are harmed more by a deficiency in their share of Zakâh than a wealthy person would be if Zakâh was made heavier on them as a precaution.
- 52- The Sharī'ah primarily aims to grant ownership to the needy among those deserving Zakâh, an ownership that is absolute and free from all restrictions, completely settled, enabling them fully to benefit from what they own and dispose of it as they wish in all types of transactions, whether exchanges, donations, or other types of disposals. No one retains any claim over what they have been given from Zakâh, as Allah, the Majestic, is the one who has granted them ownership by imposing it as a known right upon the wealthy.

Some scholars have argued that ownership itself is not the primary goal, but rather the ultimate goal is to fulfill needs. Thus, ownership is a means to the primary goal of enriching the poor. So, by whatever means enrichment is achieved - even without ownership - the Zakâh obligation is fulfilled, and ownership is merely a means to enrichment.

- 53- Those who say that ownership is a Sharī'ah objective differed on whether it is considered in all categories of Zakâh beneficiaries or only in some. The Hanafi school held that it is intended in all categories without distinction, based on their principle of emphasizing the aspect of worship in Zakâh. If absolute ownership for the deserving beneficiary by the Zakâh payer is not achieved, it would detract from the purity of worship. Also, their requirement of the description of poverty in all categories has an effect on this generalization, as it necessitates the intention of ownership in all categories to remove the description of poverty.

As for the majority of scholars, they held that ownership is intended for the first four categories mentioned in the verse of charity, but not for the last ones. The distinction between them is based on the idea that the intended meaning

in the first four categories of fulfilling needs and meeting their requirements is achieved through granting them ownership, so ownership is intended in itself. As for the last four categories, the intended meaning is not achieved by their taking, but by fulfilling the needs for which they were given.

54- The objectives of Sharî'ah in collecting and distributing Zakâh can be summarized as follows:

- **The process of collection and distribution in all its stages is characterized by precision and justice**, starting from its collection and acquisition, by accurately and carefully controlling what is taken and its description and amount from wealth owners, and ending with delivering it to the hands of its deserving beneficiaries by precisely determining the deserving individuals and their characteristics, and ensuring their eligibility in accordance with the categories mentioned in Sharî'ah , and considering their interests and priorities. Also, the stages of collection and distribution must consider the presence of justice between wealth owners and the needy in all its branches. Precision and justice are great foundations and goals upon which Zakâh collection is based in Sharî'ah.
- Among the aspects of considering this: Entrusting collection to the authority, considering trustworthiness and competence in collectors, considering coverage of all stages of collection and distribution, legislating a share for workers by making them among the categories of Zakâh beneficiaries.
- That the people of a locality have more right to its Zakâh. So, Zakâh is distributed in the place from which it was collected, and this is for wisdoms and secrets including:
- The attachment of the hearts of the people of a specific locality to the wealth of their rich; so Sharî'ah was keen to purify their hearts and satisfy them by giving them their right from that wealth to which they have become attached.
- Respecting the sanctity of neighborly relations, as the neighbor has rights distinguished by Islamic law. Among these rights is that: The neighbor is given priority in deserving kindness, connection, and assistance from their neighbor, making them more entitled to their

neighbor's Zakâh.

- Each locality's people should be satisfied with its own Zakâh. If transferring Zakâh were permitted without prioritizing the local people, it would lead to their continued need and inability to suffice with the wealth of their rich, thus failing to achieve the Sharī'ah's objectives for Zakâh.
- **Combining benefits and spreading utility.** The wise Lawgiver sought to maximize the benefit of Zakâh by combining multiple interests and great benefits in its distribution. Zakâh beneficiaries were made diverse, including both those in need and those beneficial to Muslims. This diversity aims to spread and generalize benefit. The ruler - as the delegated authority in collecting and distributing Zakâh - should strive to generalize the benefit of Zakâh and consider various interests in the distribution process. Similarly, if the wealth owner distributes Zakâh themselves, they should aim to spread and generalize its benefit.
- **Considering the beneficiaries' benefits in distribution.** Based on the principle that the Ruler's conduct towards the people is tied to their benefit, and Zakâh collection and distribution are no exception. The Ruler should consider what's best and most beneficial for Zakâh beneficiaries and safeguard their rights. He is in the position of a guardian over an orphan's wealth, but even more so, as charity funds are for public interest, which Sharī'ah prioritizes over private interests.
- **Sharing the poor in the tangible assets of the Zakâh payer's wealth.** This maximizes the benefits of Zakâh for both the payer and the beneficiary.

Considering the Zakâh payer, sharing the actual wealth achieves: complete self-refinement, faithful worship, gratitude to the Giving Lord, and submission to the religious text by giving as Allah commanded.

Considering the beneficiary of Zakâh, it achieves: complete healing and purification of the soul when they see themselves as partners with the rich in their actual wealth, which they saw being enjoyed for a full year. They then see this wealth growing in their hands as it did in the rich person's hands, achiev-

ing the benefit of diversifying to meet their various needs.

The contemplative observer finds that Islamic law (Sharî'ah) does not deviate from obligating Zakâh on the actual wealth except to achieve greater benefits or prevent greater harms; as in the case of Zakâh on trade goods, where it obligates Zakâh on the value rather than the actual goods to prevent the harm of division and fragmentation.

The ruler must be keen on considering this objective in the work of collection and distribution, unless he sees that the need or benefit of the deserving beneficiaries requires taking the value, in which case it is permissible according to some scholars, in consideration of their benefit.

55- The objectives of Sharî'ah in *Zakâtul-Fitr* are summarized as:

- **Being a form of purification for the fasting person.** Since fasting is one of the acts of worship that is not free from defects or shortcomings due to its length, the merciful Lawgiver prescribed *Zakâtul-Fitr* as a financial expiation to fill that deficiency. He wanted the worshippers to achieve, through its payment, the purification of their fasting from any idle talk and obscenity that might have tainted it.

The Lawgiver's intention of purification through Zakâh payment is intended in both types of Zakâh - Zakâh on wealth and *Zakâtul-Fitr* - except that in *Zakâtul-Fitr*, the objective of bodily purification predominates in its legislation. This is because it is a specific purification for fasting, which is a physical act of worship. Thus, in its nature, it tends to be more of a physical act of worship than a financial one, unlike Zakâh on wealth, which is a general purification for the giver, their wealth, and the beneficiaries.

- **Being a sustenance for the poor and enriching them on the day of Eid.** This achieves equality between the rich and the poor in finding sustenance, so that no one remains characterized by poverty and need on that joyous day. Instead, everyone finds sustenance for that day and night, making it a general Eid for all. Joy spreads to all members of the Muslim society as they live the happiness of completing Ramadan, and the meaning of gratitude to Allah for the blessing of fasting is fully realized.
- **Expanding the circle of those obligated to pay *Zakâtul-Fitr*** to include all segments of Muslims - rich and poor, old and young, free and

enslaved, male and female - so that society experiences complete purification, general worship, and comprehensive mercy on the day of Eid. Therefore, its obligation is tied to the minimum level of wealth, which is that a Muslim finds excess beyond their food and their family's food for that day and night. It also does not make the obligation exclusive to the responsible adult, but rather obligates them to pay it for themselves as they are among those to be purified, and then obligates them to pay it for those they support - an obligation caused by them being among those to be purified - so that the act of worship through giving becomes universal, and purification and mercy are achieved for all.

Second: Recommendations

- 1- Reviving specialized objectiveful research in all areas of jurisprudence, in studies that combine objectiveful foundation and jurisprudential application. This is due to the significant impact of the science of objectives (*Maqâsid*) in spreading the spirit of actions among people, and guiding and rationalizing jurisprudential reasoning.
- 2- Explaining the Shari'ah objectives of Zakâh and spreading awareness about them among all segments of society - especially among wealth owners through various means. This has a heart-affecting impact that motivates commitment to paying Zakâh as Allah commanded, and considering these objectives provides general regulation of practices in this area according to the intent of the Lawgiver.
- 3- Preparing governance and evaluation standards based on the Shari'ah objectives of Zakâh, with the aim of assessing the extent to which the applications and practical practices of this obligation⁽¹⁾ - at all levels and in various fields ⁽²⁾- align with its objectives and goals intended by the Lawgiver.
- 4- Working on studying and disseminating the Shari'ah objectives in Zakâh accounting, as related issues are among the most important challenges of this obligation in the present era.

(1) Such as state-affiliated institutions, private civil institutions, Zakâh payers, and its beneficiaries.

(2) Such as applications of Zakâh collection in all its stages, and applications of its distribution.

- 5- Working on comparative studies between the objectives and goals of Zakâh, and the objectives and principles of contemporary taxation, and the implications thereof.
- 6- Working on studies that demonstrate the objectives of financial rights in Sharî'ah and the objectives of voluntary contribution chapters, showing the miraculousness and mercy contained within these rights, and their jurisprudential effects.
- 7- Closing the door to uncontrolled expansion in inferring from objectives, as Zakâh is an act of worship, and the principle of divine specification must be observed in it. When resorting to objectives, reasoning must come specifically from scholars, taking into account caution in applying the appropriate ruling, and considering the Sharî'ah texts and controlling reasons.

May Allah's peace and blessings be upon our Prophet Muḥammad, his household, and his companions, abundantly until the Day of Judgment.



Bibliography and References

- 1- “*Al-Qur’ân Al-Karîm*”.
- 2- “*‘Ibrâz Al-Hukm min Hadîth Raf‘ Al-Qalam*”, Abul-Hasan Taqî Ad-Dîn ‘Alî Ibn ‘Abdul-Kâfi As-Subkî, Its Hadiths are Verified and Reported by: Kîlânî Muḥammad Khâlî-fah, Dâr Al-Bashâ’ir Al-‘Islâmiyyah for Printing, publication & Distribution, Beirut, Lebanon, (1st Edition), 1412 AH.
- 3- “*Al-‘Ibhâj fî Sharḥ Al-Minhâj*”, Taqî Ad-Dîn Abul-Hasan ‘Alî Ibn ‘Abdul-Kâfi Ibn ‘Alî Ibn Tammâm Ibn Hâmid Ibn Yaḥyâ As-Subkî and his son Tâj Ad-Dîn Abu Nasr ‘Abdul-Wahhâb, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, 1416 AH.
- 4- “*Al-‘Ijtihâd Al-Maqâsidî Hujjîyatuhu wa Dawâbiṭuhu*”, Dr. Nûr Ad-Dîn Mukhtâr Al-Khâdimî, Ri’âsat Al-Maḥâkim Ash-Shar’iyyah and Ash-Shu’ûn Ad-Dîniyyah in Qaṭar, (1st Edition), 1419 AH.
- 5- “*Al-Ijmâ‘, Abu Bakr Muḥammad Ibn ‘Ibrâhîm Ibn Al-Mundhir An-Naysâbûrî*”, Verified by: Abu ‘Abdul-A‘lâh Khâlid Ibn Muḥammad Ibn ‘Uthmân, Publisher: Dâr Al-‘Athâr for publication & Distribution, Cairo - Egypt, (1st Edition), 1425 AH.
- 6- “*‘Iḥkâm Al-‘Aḥkâm Sharḥ ‘Umdat Al-‘Aḥkâm*”, Muḥammad Ibn ‘Alî Ibn Wahb Ibn Muṭî‘, Abu Al-Faṭḥ, Taqî Ad-Dîn Al-Qushayrî (Ibn Daqîq Al-‘îd), Publisher: As-Sun-nah Al-Muḥammadîyyah Printing shop.
- 7- “*Al-‘Aḥkâm As-Sulṭâniyyah*”, Al-Hasan ‘Alî Ibn Muḥammad Ibn Muḥammad Ibn Ḥabîb Al-Baṣrî Al-Baghdâdî, Nicknamed as Mâwardî, Dâr Al-Ḥadîth - Cairo.
- 8- “*Al-‘Aḥkâm As-Sulṭâniyyah*”, Al-Qâḍî Abu Ya‘lâ, Muḥammad Ibn Al-Ḥusayn Ibn Muḥammad Ibn Khalaf Ibn Al-Farrâ’, Corrected and Annotated by: Muḥammad Hâmid Al-Fiqqî, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, Lebanon, (2nd Edition), 1421 AH.
- 9- “*‘Aḥkâm Al-Qur’ân*”, Abu Muḥammad ‘Abdul-Mun‘im Ibn ‘Abdul-Raḥîm, Nick-named as Ibn Al-Faras Al-‘Andalusî, Verified by: Ṭaha Ibn ‘Alî Bû Sarîḥ, Munjîyah Bint Al-Hâdî An-Nafrî Al-Sawâyiḥî, Salâḥ Ad-Dîn Bû ‘Aṭîf, Dâr Ibn Ḥazm for Printing, publication & Distribution, Beirut - Lebanon, (1st Edition), 1427 AH.
- 10- “*‘Aḥkâm Al-Qur’ân*”, Aḥmad Ibn ‘Alî Abu Bakr Ar-Râzî Al-Jassâs Al-Ḥanafî, Verified by: ‘Abdul-Salâm Muḥammad ‘Alî Shâhîn, Dâr Al-Kutub Al-‘Ilmiyyah Beirut - Lebanon, (1st Edition), 1415 AH.
- 11- “*‘Aḥkâm Al-Qur’ân*”, Al-Qâḍî Muḥammad Ibn ‘Abdullâh Abu Bakr Ibn Al-‘Arabî Al-Ma‘âfirî Al-‘Ishbîlî Al-Mâlikî, Verified by: Muḥammad ‘Abdul-Qâdir ‘Aṭâ, Dâr Al-Kutub Al-‘Ilmiyyah, Beirut - Lebanon, (3rd Edition), 1424 AH.

- 12- "*Aḥkâm Al-Qur'ân*", 'Alî Ibn Muḥammad Ibn 'Alî, Abul-Ḥasan Aṭ-Ṭabarî, Nicknamed as 'Emâd Ad-Dîn, known as Al-Kiyâ Al-Harrâsî Ash-Shâfi'î, Verified by: Mûsâ Muḥammad 'Alî and 'Azzah 'Abdul-razik 'Aṭṭīyah, Dâr Al-Kutub Al-'Ilmīyyah - Beirut, (2nd Edition), 1405 AH.
- 13- "*Al-'Iḥkâm fî 'Usûl Al-'Aḥkâm*", Abul-Ḥasan Sayyid Ad-Dîn 'Alî Ibn Abî 'Alî Ibn Muḥammad Ibn Sâlim Ath-Tha'labî Al-'Amidî, Verified by: 'Abdul-Razzâq 'Afiḥ, Islamic Office, Beirut - Damascus - Lebanon.
- 14- "*Al-'Iḥkâm fî 'Usûl Al-'Aḥkâm*", Abu Muḥammad 'Alî Ibn Aḥmad Ibn Sa'id Ibn Ḥazm Al-'Andalusî Al-Qurṭubî Az-Zâhirî, Verified by: Ash-Shaykh Aḥmad Muḥammad Shâkir, Dâr Al-'Afâq Al-Jadîdah, Beirut.
- 15- "*Iḥyâ' 'Ulûm Ad-Dîn*", Abu Ḥamid Muḥammad Ibn Muḥammad Al-Ghazâlî Aṭ-Ṭûsî, Dâr Al-Ma'rifah - Beirut.
- 16- "*Al-'Akhbâr Al-'Ilmīyyah min Al-'Ikhtiyârât Al-Fiqhīyyah li Shaykh Al-'Islâm Ibn Taymmīyah*", 'Alî Ibn Muḥammad Ibn 'Abbâs Al-Ba'li Ad-dimashqî Al-Ḥanbalî 'Alâ' Ad-Dîn Abul-Ḥasan, Verified by: Aḥmad Ibn Muḥammad Ibn Ḥasan Al-Khalîl, Dâr Al-'Asimah.
- 17- "*Ikhtilâf Al-Madhâhib*", Al-Ḥâfiẓ Jalâl Ad-Dîn 'Abdul-Raḥmân As-Suyûtî, Verified by: 'Abdul-Qayyûm Ibn Muḥammad Shaff' Al-Bastawî, Dâr Al-'Itisâm.
- 18- "*Al-'Ikhtiyâr li Ta'lîl Al-Mukhtâr*", 'Abdullâh Ibn Maḥmûd Ibn Mawdûd Al-Mawsilî Al-Baldaḥî, Majd Ad-Dîn Abul-Faḍl Al-Ḥanafî, annotated by: Ash-Shaykh Maḥmûd Abu Daqîqah, Al-Ḥalabî Printing shop - Cairo, 1356 AH.
- 19- "*Adab Al-Dunyâ wa Ad-Dîn*", Abul-Ḥasan 'Alî Ibn Muḥammad Ibn Muḥammad Ibn Ḥabîb Al-Baṣrî Al-Baghdâdî, Nicknamed as Al-Mâwardî, Dâr Al-Ḥayâh Printing shop, 1986 AD.
- 20- "*Adab Al-Kâtib li Ibn Qutaybah*", Abu Muḥammad 'Abdullâh Ibn Muslim Ibn Qutaybah Ad-Dînûrî, Verified by: Muḥammad Al-Dâlî, Ar-Risâlah Foundation.
- 21- "*Irshâd Al-Khalq 'Ilâ Dîn Al-Haqq*", Maḥmûd Muḥammad Khaṭṭâb As-Subkî, Verified by: Amin Maḥmûd Khaṭṭâb, Al-Maḥmûdiyyah As-Subkīyyah Library, (4th Edition), 1397 AH.
- 22- "*Irshâd As-Sârî li Sharḥ Saḥîḥ Al-Bukhârî*", Aḥmad Ibn Muḥammad Ibn Abî Bakr Ibn 'Abdul-Malik Al-Qaṣṭallânî Al-Qutaybî Al-Maṣrî, Abul-'Abbâs, Shihâb Ad-Dîn Al-Maṭba'ah al-Kubrâ Al-'Amirīyyah, Egypt, (7th Edition), 1323 AH.
- 23- "*Irshâd Al-Fuḥûl 'Ilâ Tahqîq Al-Haqq min 'Ilm Al-'Usûl*", Muḥammad Ibn 'Alî Ibn Muḥammad Ibn 'Abdul-Shawkânî Al-Yamanî, Verified by: Ash-Shaykh Aḥmad 'Izzû 'Inâyah, Dâr Al-Kitâb Al-'Arabî, (1st Edition), 1419 AH.
- 24- "*Irshâd 'Uli Al-Baṣâ'ir wa Al-'Albâb li Nayl Al-Fiqh bi Aqrab Al-Turuq wa Aysar Al-'Asbâb*", 'Abdul-Raḥmân Ibn Nâsir Ibn 'Abdullâh Ibn Nâsir Ibn Ḥamad 'Al Sa'dî, Edited and commented on by: Abu Muḥammad 'Ashraf Ibn 'Abdul-Maqsûd, 'Aḍwâ' As-Salaf - Riyadh, (1st Edition), 1420 AH.

- 25- “*Irwâ’ Al-Ghalîl fî Takhrîj ‘Aḥādīth Manâr As-Sabîl*”, Muḥammad Nâsir Ad-Dîn Al-Al-bânî, supervised by: Zuhayr Ash-Shâwîsh, Islamic Office- Beirut, (2nd Edition), 1405 AH.
- 26- “*Asâsiyyât fî An-Nuqûd wa Al-Bunûk*”, Dr. ‘Izzat Ghanâyim, Dâr Al-‘Ilm for publication & Distribution- Al-Fayyûm, 2005 AD.
- 27- “*Al-‘Istidhkâr*”, Abu ‘Umar Yûsuf Ibn ‘Abdullâh- Ibn Muḥammad Ibn ‘Abdul-Barr Ibn ‘Asim An-Namarî Al-Qurṭubî, Verified by: Sâlim Muḥammad ‘Aṭâ, Muḥammad ‘Alî Mu‘awwad, Publisher: Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1421 AH.
- 28- “*Al-‘Islâm ‘Aqîdah wa Sharî‘ah*”, Maḥmûd Shaltût, Dâr Ash-Shurûq, (18th Edition), 1421 AH.
- 29- “*Asnâ Al-Maṭâlib fî Sharḥ Rawḍ At-Tâlib*”, Zakariyyâh Ibn Muḥammad Ibn Zakariyyâh Al-‘Ansârî, Zayn Ad-Dîn Abu Yaḥyâ As-Sunîkî, Dâr Al-Kitâb Al-‘Islâmî.
- 30- “*Al-‘Ishârât Al-‘Ilâhiyyah ‘Ilâ Al-Mabâḥith Al-‘Usûliyyah*”, Najm Ad-Dîn Abu Ar-Rabî‘ Sulaymân Ibn ‘Abdul--Qawî Ibn ‘Abdul--Karîm Al-Ṭûfî Al-Sarṣarî Al-ḥanbalî, Verified by: Muḥammad ḥasan Muḥammad ḥasan ‘Ismâ‘îl, Dâr Al-Kutub Al-‘ilmîyyah, Beirut-Lebanon, (1st Edition), 1426 AH.
- 31- “*Al-Ashbâh wa An-Nazâ‘ir fî Qawâ‘id Al-Fiqh*”, Sirâj Ad-Dîn Abu Ḥafṣ ‘Umar Ibn ‘Alî Al-Anṣârî Nicknamed as Ibn Al-Mulaqqin, Verified by: Muṣṭafâ Maḥmûd Al-‘Azharî, Dâr Ibn Al-Qayyim for publication & Distribution- Riyadh, and Dâr Ibn ‘Affân for publication & Distribution- Cairo, (1st Edition), 1431 AH.
- 32- “*Al-Ashbâh wa An-Nazâ‘ir*”, Tâj Ad-Dîn ‘Abdul--Wahhâb Ibn Taqî Ad-Dîn As-Subkî, Dâr Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1411 AH.
- 33- “*Al-Ashbâh wa An-Nazâ‘ir*”, ‘Abdul-Raḥmân Ibn Abî Bak, Jalâl Ad-Dîn As-Suyûtî, Dâr Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1411 AH.
- 34- “*Al-‘Ishrâf ‘alâ Nukat Masâ‘il Al-Khilâf*”, Al-Qâḍî Abu Muḥammad ‘Abdul-Wahhâb Ibn ‘Alî Ibn Naṣr Al-Baghdâdî Al-Mâlikî, Verified by: Al-Ḥabîb Ibn Ṭâhir, Dâr Ibn Ḥazm, (1st Edition), 1420 AH.
- 35- “*Al-‘Istilâm fî Al-Khilâf Bayna Al-‘Imâmayn Ash-Shâfi‘î wa Abî Hanîfah*”, Abu Al-Muzâf-far, Mansûr Ibn Muḥammad Ibn ‘Abdul-Jabbâr Ibn Aḥmad Al-Marwazî As-Sam‘ânî At-Tamîmî Al-Ḥanafî then Ash-Shâfi‘î, Verified by: Dr. Nâyif Ibn Nâfi‘ Al-‘Umarî, Dâr Al-Manâr for Printing, publication and Distribution, (1st Edition), 1412 AH.
- 36- “*‘Usûl Al-Sarkhasî*”, Muḥammad Ibn Aḥmad Ibn Abî Sahl Shams Al-‘A‘immah Al-Sarkhasî, Dâr Al-Ma‘rifah - Beirut.
- 37- “*‘Usûl Al-Fiqh Al-‘Islâmî*”, Dr. Wahbah Az-Zuhaylî, Dâr Al-Fikr, (1st Edition), 1406 AH.
- 38- “*‘I‘ânât At-Tâlibîn ‘alâ Hall Alfâẓ Fatḥ Al-Mu‘în*”, Abu Bakr (Known as: Al-Bakrî) ‘Uthmân Ibn Muḥammad Shaṭṭâ Ad-Dimyâtî Ash-Shâfi‘î, Dâr Al-Fikr for Printing, publication and Distribution, (1st Edition), 1418 AH.
- 39- “*Al-‘I‘tisâm*”, ‘Ibrâhîm Ibn Mûsâ Ibn Muḥammad Al-Lakhmî Al-Gharnâtî Nicknamed as Al-Shâṭibî, Verified by: Muḥammad Ibn ‘Abdul-Raḥmân Ash-Shuqayr, Sa‘d Ibn

- 'Abdullah 'Al Himîd, Hishâm Ibn 'Ismâ'îl As-Sînî, Dâr Ibn Al-Jawzî for publication and Distribution - Riyadh, (1st Edition), 1429 AH.
- 40- *"I'lâm Al-Muwaqqi'în 'an Rabb Al-'Alamîn"*, Abu 'Abdullâh Muḥammad Ibn Abî Bakr Ibn Ayyûb Nicknamed as Ibn Qayyim Al-Jawzîyah, Verified, Study and Commentary by: Abu 'Ubaydah Mashhûr Ibn Ḥasan 'Al Salmân, Dâr Ibn Aj-Jawzî for Printing, publication and Distribution - Riyadh, (1st Edition), 1423 AH.
- 41- *"Al-'I'lâm bi Fawâ'id 'Umdat Al-'Aḥkâm"*, Ibn Al-Mulaqqin Sirâj Ad-Dîn Abu Ḥafṣ 'Umar Ibn 'Alî Ibn Aḥmad Ash-Shâfi'î Al-Masrî, Verified by: 'Abdul-'Azîz Ibn Aḥmad Ibn Muḥammad Al-Mushaygh, Dâr Al-'Aṣimah for publication and Distribution, (1st Edition), 1417 AH.
- 42- *"Al-'I'lâm bi Manâqib Al-'Islâm"*, Abul-Hasan Muḥammad Ibn Abî Yûsuf Al-'Amirî An-Naysâbûrî, Dâr Al-Thaqâfah for publication, (1st Edition), 1408 AH.
- 43- *"Al-'A'lâm"*, Khayr Ad-Dîn Ibn Maḥmûd Ibn Muḥammad Ibn 'Alî Ibn Fâris Az-Zarkalî Ad-Dimashqî, Dâr Al-'Ilm li Al-Malâ'yîn, (1st Edition), 2002 AD.
- 44- *"Ighâthat Al-Lahfân min Masâ'id Ash-Shayṭân"*, Abu 'Abdullâh Muḥammad Ibn Abî Bakr Ibn Ayyûb Ibn Qayyim Aj-Jawzîyah, Verified by: Muḥammad 'Azîz Shams, Dâr 'Alam Al-Fawâ'id - Mecca, (1st Edition), 1432 AH.
- 45- *"Al-'Iqtisâd fî Al-'I'tiqâd"*, Abu Ḥâmid Muḥammad Ibn Muḥammad Al-Ghazâlî At-Ṭûsî, Verified by: 'Abdullâh Muḥammad Al-Khalîlî, Dâr Al-Kutub Al-'Ilmiyyah- Beirut, Lebanon, (1st Edition), 1424 AH.
- 46- *"Al-'Iqnâ' fî Fiqh Al-'Imâm Aḥmad Ibn Hanbal"*, Mûsâ Ibn Aḥmad Ibn Mûsâ Ibn Sâlim Ibn 'Isâ Ibn Sâlim Al-Ḥajjâwî Al-Maqdisî, Verified by: 'Abdul-Laṭîf Muḥammad Mûsâ As-Subkî, Dâr Al-Ma'rifah Beirut- Lebanon.
- 47- *"Ikmâl Al-Mu'lim bi Fawâ'id Muslim"*, 'Iyâḍ Ibn Mûsâ Ibn 'Iyâḍ Ibn 'Amrûn Al-Yahsubî As-Sabtî Abu Al-Faḍl, Verified by: Dr. Yahyâ 'Ismâ'îl, Dâr Al-Wafâ'f or Printing, publication and Distribution - Egypt, (1st Edition), 1419 AH.
- 48- *"Al-'Umm"*, Ash-Shâfi'î Abu 'Abdullâh Muḥammad Ibn 'Idrîs Ibn Al-'Abbâs Ibn 'Uthmân Ibn Shâfi' Ibn 'Abdul-Muṭṭalib Ibn 'Abd Manâf Al-Maṭṭlibî Al-Qurashî Al-Makkî, Dâr Al-Ma'rifah- Beirut, 1410 AH.
- 49- *"Al-'Umniyyah fî 'Idrâk An-Niyyah"*, Abu Al-'Abbâs Shihâb Ad-Dîn Aḥmad Ibn 'Idrîs Ibn 'Abdul-Raḥmân Al-Mâlikî Nicknamed as Al-Qarâfî, Dâr Al-Kutub Al-'Ilmiyyah- Beirut.
- 50- *"Al-'Amwâl"*, Abu Aḥmad Ḥumayd Ibn Makhlad Ibn Qutaybah Ibn 'Abdullâh Al-Khurâsânî Nicknamed as Ibn Zanjawayh, Verified by: Shâkir Dhîb Fayyâḍ King Faisal Center for Research and Islamic Studies- Saudi Arabia, (1st Edition), 1406 AH.
- 51- *"Al-'Amwâl"*, Abu 'Ubayd Al-Qâsim Ibn Sallâm Ibn 'Abdullâh Al-Harawî Al-Baghdâdî, Verified by: Khalîl Muḥammad Harrâs, Dâr Al-Fikr - Beirut.
- 52- *"Al-'Insâf fî Ma'rifat Ar-Râjiḥ min Al-Khilâf"*, 'Alâ' Ad-Dîn Abu Al-Ḥasan 'Alî Ibn Sulaymân Ibn Aḥmad Al-Mardâwî, Verified by: 'Abdullâh Ibn 'Abdul-Muḥsin At-Turkî,

- 'Abdul-Fattâh Muḥammad Al-Hulw, Hajr for Printing, publication, Distribution and Advertising - Cairo, (1st Edition), 1415 AH.
- 53- *"Anwâr At-Tanzîl wa 'Asrâr At-Ta'wîl"*, Nâsir Ad-Dîn Abu Sa'id 'Abdullâh Ibn 'Umar Ibn Muḥammad Ash-Shirâzî Al-Bayḍâwî, Verified by: Muḥammad 'Abdul-Raḥmân Al-Mar'ashlî, Dâr 'Iḥyâ' At-Turâth Al-'Arabî- Beirut, (1st Edition), 1418 AH.
- 54- *"Anwâr At-Tanzîl wa Asrâr At-Ta'wîl"*, Nâsir Ad-Dîn Abu Sa'id 'Abdullâh Ibn 'Umar Ibn Muḥammad Ash-Shirâzî Al-Bayḍâwî, Verified by: Muḥammad 'Abdul-Raḥmân Al-Mar'ashlî, Dâr 'Iḥyâ' At-Turâth Al-'Arabî- Beirut, (1st Edition), 1418 AH.
- 55- *"Idâh Ad-Dalâ'il fî Al-Farq Bayn Al-Masâ'il"*, 'Abdul-Raḥîm Ibn 'Abdullâh Ibn Muḥammad Az-Zurayraynî Al-Hanbalî, Verified by: 'Umar Ibn Muḥammad As-Su-bayyal Dâr Ibn Aj-Jawzî for publication and Distribution- Saudi Arabia, (1st Edition), 1431 AH.
- 56- *"Idâh Al-Maḥsûl min Burhân Al-'Uṣûl"*, 'Abdullah Muḥammad Ibn 'Alî Ibn 'Umar Al-Mâzrî, Verified by: 'Ammâr At-Tâlibî Dâr Al-Gharb Al-'Islâmî, (1st Edition).
- 57- *A Research paper entitled as: "Uṣûl Al-'Amn Al-Ghidhâ' fî Al-Qur'ân wa As-Sunnah"*, by 'Alî Aḥmad As-Sûrî, Published Online.
- 58- *A Research paper entitled as: "Athar Shir'at Az-Zakâh fî Maqsad Hifẓ Al-Mâl"*, Dr. Aḥ-mad Muḥammad 'Azab Mûsâ, Forum of Islamic Economic Jurisprudence, Department of Islamic Affairs and Charitable Activities in Dubai, 2017 AD.
- 59- *"Al-Baḥr Ar-Râ'iq"*, Zayn Ad-Dîn Ibn 'Ibrâhîm Ibn Muḥammad, Nicknamed as Ibn Nujaym Al-Masrî, Muḥammad Ibn Ḥusayn Ibn 'Alî At-Tûrî Al-Hanafî Al-Qâdirî, Dâr Al-Kitâb Al-'Islâmî, (2nd Edition).
- 60- *"Baḥr Al-'Ulûm"*, Abu Al-Layth Naṣr Ibn Muḥammad Ibn Aḥmad Ibn 'Ibrâhîm As-Sa-marqandî.
- 61- *"Al-Baḥr Al-Muḥîṭ fî 'Uṣûl Al-Fiqh"*, Abu 'Abdullah Badr Ad-Dîn Muḥammad Ibn 'Abdullâh Ibn Bahâdur Az-Zarkashî, Dâr Al-Kutubî, (1st Edition), 1414 AH.
- 62- *"Al-Baḥr Al-Muḥîṭ fî At-Tafsîr"*, Abu Ḥayyân Muḥammad Ibn Yûsuf Ibn 'Alî Ibn Yûsuf Ibn Ḥayyân Athîr Ad-Dîn Al-'Andalusî, Verified by: Sîdqî Muḥammad Jamîl, Dâr Al-Fîkr - Beirut, 1420 AH.
- 63- *"Baḥr Al-Madhhab"*, Abu Al-Maḥâsin 'Abdul-Wâhid Ibn 'Ismâ'îl Ar-Rûyânî, Verified by: Târiq Fathî As-Sayyid, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edition), 2009 AD.
- 64- *"Bidâyat Al-Mujtahid wa Nihâyat Al-Muqtaṣid"*, Abu Al-Walîd Muḥammad Ibn Aḥ-mad Ibn Muḥammad Ibn Aḥmad Ibn Rushd Al-Qurṭubî, Nicknamed as Ibn Rushd Al-Ḥafîd, Dâr Al-Ḥadîth- Cairo, 1425 AH.
- 65- *"Badâ'i' As-Sanâ'i fî Tartîb Ash-Sharâ'i"*, 'Alâ' Ad-Dîn Abu Bakr Ibn Mas'ûd Ibn Aḥ-mad Al-Kâsânî Al-Hanafî, Dâr Al-Kutub Al-'Ilmiyyah, (2nd Edition), 1406 AH.
- 66- *"Al-Badr At-Tammâm Sharḥ Bulûgh Al-Marâm"*, Al-Ḥusayn Ibn Muḥammad Ibn Sa'id Al-Lâ'î, Nicknamed as Al-Maghribî, Verified by: 'Alî Ibn 'Abdullâh Az-Zayn, Dâr Hajr, (1st Edition), 1414, 1424, 1428 AH.

- 67- *"Al-Burhân fî 'Usûl Al-Fiqh"*, 'Abdul-Malik Ibn 'Abdullâh Ibn Yûsuf Ibn Muḥammad Al-Juwaynî, Abu Al-Ma'âlî, Rukn Ad-Dîn, Nicknamed as 'Imâm Al-Haramayn, Verified by: Salâh Ibn Muḥammad Ibn 'Uwayḍah, Dâr Al-Kutub Al-'Ilmiyyah- Beirut (1st Edition), 1418 AH.
- 68- *"Bulghat As-Sâlik li 'Aqrab Al-Masâlik Nicknamed as Hâshiyat As-Sâwî 'Alâ Ash-Sharḥ As-Saghîr"*, Abu Al-'Abbâs Aḥmad Ibn Muḥammad Al-Khalwatî, Nicknamed as As-Sâwî Al-Mâlikî, Dâr Al-Ma'ârif.
- 69- *"Al-Binâyah Sharḥ Al-Hidâyah"*, Abu Muḥammad Maḥmûd Ibn Aḥmad Ibn Mûsâ Ibn Aḥmad Ibn Ḥusayn Al-Ghîṭâbî Al-Hanafî Badr Ad-Dîn Al-'Aynî, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1420 AH.
- 70- *"Bahjat Qulûb Al-'Abrâr wa Qurrat 'Uyûn Al-'Akhyâr"*, Abu 'Abdullâh 'Abdul-Raḥmân Ibn Nâsir Ibn 'Abdullâh Ibn Nâsir Ibn Ḥamad Âl Sa'dî, Verified by: 'Abdul-Karîm Ibn Rasmi 'Al Ad-Duraynî, Ar-Rushd Library for publication and Distribution, (1st Edition), 1422 AH.
- 71- *"Bayân Al-Mukhtasar Sharḥ Mukhtasar Ibn Al-Hâjib"*, Maḥmûd Ibn 'Abdul-Raḥmân (Abî Al-Qâsim) Ibn Aḥmad Ibn Muḥammad, Abu Ath-Thanâ', Shams Ad-Dîn Al-'As-fahânî, Verified by: Muḥammad Maẓhar Baqâ, Dâr Al-Madanî - Saudi Arabia (1st Edition), 1406 AH.
- 72- *"Al-Bayân fî Madhhab Al-'Imâm Ash-Shâfi'î"*, Abu Al-Ḥusayn Yaḥyâ Ibn Abî Al-Khayr Ibn Sâlim Al-'Imrânî Al-Yamanî Ash-Shâfi'î, Verified by: Qâsim Muḥammad An-Nûrî, Dâr Al-Minhâj- Jiddah, (1st Edition), 1421 AH.
- 73- *"Al-Bayân wa At-Taḥsîl wa Ash-Sharḥ wa At-Tawjîh wa At-Ta'lîl li Masâ'il Al-Mustakhrajah"*, Abu Al-Walîd Muḥammad Ibn Aḥmad Ibn Rushd Al-Qurṭubî, Verified by: Muḥammad Ḥajjî and others, Dâr Al-Gharb Al-'Islâmî, Beirut, (2nd Edition), 1408 AH.
- 74- *"Tâj Al-'Arûs min Jawâhir Al-Qâmûs"*, Muḥammad Ibn Muḥammad Ibn 'Abdul-Razzâq Al-Ḥusaynî Nicknamed as Murtaḍâ Az-Zabîdî, Verified by: Group of editors, Dâr Al-Hidâyyah.
- 75- *"At-Tâj wa Al-'Iklîl li Mukhtasar Khalîl"*, Muḥammad Ibn Yûsuf Ibn Abî Al-Qâsim Ibn Yûsuf Al-'Abdarî Al-Gharnâtî Abu 'Abdullâh Al-Mawwâq Al-Mâlikî, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edition), 1416 AH.
- 76- *"Ta'wilât Ahl As-Sunnah"*, Muḥammad Ibn Muḥammad Ibn Maḥmûd, Abu Mansûr Al-Mâtrîdî, Verified by: Dr. Majdî Bâslûm, Dâr Al-Kutub Al-'Ilmiyyah- Beirut, (1st Edition), 1426 AH.
- 77- *"At-Tabsirah"*, 'Alî Ibn Muḥammad Ar-Rabâ'î, Abu Al-Ḥasan, Nicknamed as Al-Lakhmî, studied and Verified by: Aḥmad 'Abdul-Karîm Najîb, Ministry of Endowments (Awqâf) and Islamic Affairs- Qaṭar, (1st Edition), 1432 AH.
- 78- *"Tabayîn Al-ḥaqâ'iq Sharḥ Kanz Al-Daqâ'iq wa Hâshiyat Ash-Shilbî"*, 'Uthmân Ibn 'Alî Ibn Miḥjan Al-Bârî'î, Fakhr Ad-Dîn Az-Zayla'î Al-Hanafî, Annotated by: Shihâb Ad-Dîn Aḥmad Ibn Muḥammad Ibn Aḥmad Ibn Yûnus Ibn 'Ismâ'îl Ibn Yûnus Ash-Shilbî, Al-Maṭba'ah al-Kubrâ Al-'Amîriyyah- Boulaq, Cairo, (1st Edition), 1313 AH.

- 79- *"Al-Tajrid"*, Aḥmad Ibn Muḥammad Ibn Aḥmad Ibn Ja'far Ibn Ḥamdān Abu Al-Ḥuṣayn Al-Qudūrī, Verified by: Editor: Center for Jurisprudential and Economic Studies, Muḥammad Aḥmad Sirāj, 'Alī Jum'ah Muḥammad, Dār As-Salaam, Cairo (2nd Edition), 1427 AH.
- 80- *"Al-Taḥbīr Sharḥ At-Taḥrīr"*, 'Alā' Ad-Dīn Abu Al-Ḥasan 'Alī Ibn Sulaymān Al-Mardāwī Ad-dimashqī As-Sāliḥī Al-Ḥanbalī, Verified by: Dr. 'Abdul-Raḥmān Aj-Jibrīn, Dr. 'Awaḍ Al-Qarnī and Dr. Aḥmad As-Sarāḥ, Ar-Rushd Librery - Saudi Arabia, (1st Edition), 1421 AH.
- 81- *"Taḥrīr Al-'Aḥkām fī Tadbīr 'Ahl Al-'Islām Abu 'Abdullah"*, Muḥammad Ibn 'Ibrāhīm Ibn Sa'd Allāh Ibn Jamā'ah Al-Kinānī Al-Ḥamawī Ash-Shāfi'ī, Badr Ad-Dīn, Verification, study and commentry by: Dr. Fu'ād 'Abdul-Mun'im Aḥmad, Dār Ath-Thaqāfah (Cultural House), authorized by the Presidency of Shari'ah Courts in Qatar - Qatar/Doha, (3rd Edition), 1408 AH.
- 82- *"At-Taḥrīr wa At-Tanwīr"*, Muḥammad Aṭ-Ṭāhir Ibn Muḥammad Ibn Muḥammad Aṭ-Ṭāhir Ibn 'Ashūr At-Tūnisi, Ad-Dār At-Tūnisiyyah for publication - Tunisia, 1984 AH.
- 83- *"Tuḥfat Al-'Aḥwadhī Bi-Sharḥ Jāmi' At-Tirmidhī"*, Abu Al-'Alā Muḥammad 'Abdul-Raḥmān Ibn 'Abdul-Raḥīm Al-Mubārakfūrī, Dār Al-Kutub Al-'Ilmiyyah - Beirut.
- 84- *"Tuḥfat Al-Fuqahā"*, Muḥammad Ibn Aḥmad Ibn Abī Aḥmad Abu Bakr 'Alā' Ad-Dīn As-Samarqandī, Dār Al-Kutub Al-'Ilmiyyah - Beirut, (2nd Edition), 1414 AH.
- 85- *"Tuḥfat Al-Muḥtāj fī Sharḥ Al-Minhāj"*, Aḥmad Ibn Muḥammad Ibn 'Alī Ibn Ḥajar Al-Haytamī, Revised by: Schoolers' committee, Al-maktabah At-Tijāriyyah Al-Kubrā - Egypt, 1357 AH.
- 86- *"At-taḥqīq wa Al-Bayān fī Sharḥ Al-Burhān fī 'Usūl Al-Fiqh"*, 'Alī Ibn 'Ismā'īl Al-Abyārī, Verified by: 'Alī Ibn 'Abdul-Raḥmān Bassām Al-Jazā'irī, Dār Ad-Dīyā' - Kuwait, (1st Edition), 1434 AH.
- 87- *"Takhrīj Al-Furū' 'Alā Al-'Usūl"*, Maḥmūd Ibn Aḥmad Ibn Maḥmūd Ibn Bakhtyār, Abu Al-Manāqib, Shihāb Ad-Dīn Az-Zanjānī, Verified by: Dr. Muḥammad Adīb Sāliḥ, Ar-Risālah Foundation- Beirut, (2nd Edition), 1398 AH.
- 88- *"Takhrīj Mushkilat Al-Faqr"*, Muḥammad Nāsir Ad-Dīn Al-'Albānī, Islamic Office - Beirut, (1st Edition), 1405 AH.
- 89- *"Tadābīr Al-'Amn Ad-Dākhilī wa Qawā'iduḥi Al-'Ammah fī Ad-Dawlah fī Daw' Maqāsid Ash-Sharī'ah"*, Ḥusām 'Ibrāhīm Ḥusayn Abu Al-Ḥājj, PhD. dissertation, Jordan University, 2006 AD.
- 90- *"Tadhkirat Al-ḥuffāz"*, Shams Ad-Dīn Abu 'Abdullah Muḥammad Ibn Aḥmad Ibn 'Uthmān Adh-Dhahabī, Dār Al-Kutub Al-'Ilmiyyah- Beirut, (1st Edition), 1419 AH.
- 91- *"At-Tarḥīb wa At-Tarḥīb"*, 'Abdul-'Azīm Ibn 'Abdul-Qawī Ibn 'Abdullāh, Abu Muḥammad, Zakī Ad-Dīn Al-Mundhirī, Verified by: 'Ibrāhīm Shams Ad-Dīn, Dār Al-Kutub Al-'Ilmiyyah-Beirut, (1st Edition), 1417 AH.

- 92- "*Tashnîf Al-Masâmi' bi Jam' Aj-Jawâmi'*", Tâj Ad-Dîn As-Subkî, Abu 'Abdullâh Badr Ad-Dîn Muḥammad Ibn 'Abdullâh Ibn Bahâdur Az-Zarkashî Ash-Shâfi'î, Studied and Verified by: Sayyid 'Abdul-'Azîz, 'Abdullâh Rabî', Qurṭubah Library for Scientific Research and Heritage Revival, (1st Edition), 1418 AH.
- 93- "*Ta'ârûḡ Dalâlat Al-Lafẓ wa Al-Qasd fî 'Usûl Al-Fiqh wa Al-Qawâ'id Al-Fiqhiyyah*", Dr. Khâlid Ibn 'Abdul-'Azîz 'Al Sulaymân, The Jurisprudence University in Saudi Arabia, Dâr Kunûz 'Ishbîlyyah, 1434 AH.
- 94- "*Al-Ta'rîfât*", 'Alî Ibn Muḥammad Ibn 'Alî Az-Zayn Ash-Sharîf Al-Jurjânî", Verified by: Group of scholars who edited and corrected it under the supervision of the Publisher: Dâr Al-Kutub Al-'Ilmiyyah-Beirut, (1st Edition), 1403 AH.
- 95- "*At-Ta'lîqât Al-Hisân 'Alâ Saḥîḥ Ibn Hibbân*", Abu 'Abdul-Raḥmân Muḥammad Nâsir Ad-Dîn, Ibn Al-Hâjj Nûḥ Ibn Najâtî Ibn 'Adam, Al-'Ashqûdurî Al-'Albânî, Dâr Bâ Wazîr for publication and Distribution- Jeddah, (1st Edition), 1424 AH.
- 96- "*Tafsîr Al-Qur'ân Al-Karîm*", Ash-Shaykh Muḥammad Ibn Sâliḥ Al-'Uthaymîn, Ash-Shaykh Muḥammad Ibn Sâliḥ Al-'Uthaymîn Al-Khayriyyah Charitable Foundation.
- 97- "*Tafsîr 'Asmâ' Allâh Al-Husnâ*", Abu 'Abdullâh, 'Abdul-Raḥmân Ibn Nâsir Ibn 'Abdullâh Ibn Nâsir Ibn Ḥamad 'Al Sa'dî, Verified by: 'Ubayd Ibn 'Alî Al-'Ubayd, Islamic University in Madinah Al-Munawwarah, Edition: Volume No. (112), 1421 AH.
- 98- "*Tafsîr Al-'Imâm Ash-Shâfi'î*", Ash-Shâfi'î Abu 'Abdullâh Muḥammad Ibn 'Idrîs Ibn Al-'Abbâs Ibn 'Uthmân Ibn Shâfi' Ibn 'Abdul-Muṭṭalib Ibn 'Abd Manâf Al-Muṭṭalibî Al-Qurashî Al-Makkî, Collected and Verified by: Dr. Aḥmad Ibn Muṣṭafâ Al-Farrân, Dâr At-Tadmuriyyah-Kingdom of Saudi Arabia, (1st Edition), 1427 AH.
- 99- "*At-Tafsîr Al-Hadîth*", Dirwazah Muḥammad 'Izzat, Dâr 'Iḥyâ' Al-Kutub Al-'Arabiyyah-Cairo, 1383 AH.
- 100- "*Tafsîr Al-Qur'ân Al-Hakîm*", Muḥammad Rashîd Ibn 'Alî Ridâ Ibn Muḥammad Shams Ad-Dîn Ibn Muḥammad Bahâ' Ad-Dîn Ibn Munlâ 'Alî Khalîfah Al-Qalmûnî Al-Ḥusaynî, General Egyptian Book Institution, 1990 AD.
- 101- "*Tafsîr Al-Qur'ân Al-'Azîm*", Abu Al-Fidâ' "Ismâ'îl Ibn 'Umar Ibn Kathîr Al-Qurashî Al-Basrî, then Ad-Dimashqî, Verified by: Sâmi Ibn Muḥammad Salâmah, Dâr Ṭaybah for publication and Distribution, (2nd Edition), 1420 AH.
- 102- "*Tafsîr Al-Qur'ân Al-'azîm*", Abu Muḥammad 'Abdul-Raḥmân Ibn Muḥammad Ibn 'Idrîs Ibn Al-Mundhir At-Tamîmî, Al-Ḥanzalî, Ar-Râzî Ibn Abî Ḥâtim, Verified by: As'ad Muḥammad At-Ṭayyib, Nizâr Muṣṭafâ Al-Bâz Librery - KSA, (3rd Edition), 1419 AH.
- 103- "*Tafsîr Al-Qur'ân Al-Karîm*", Muḥammad Shaltût, Dâr Ash-Shurûḡ, (13th Edition), 2009 AD.
- 104- "*At-Tafsîr Al-Qur'ânî li Al-Qur'ân*", 'Abdul-Karîm Yûnus Al-Khaṭīb, Dâr Al-Fikr Al-'Arabî -Cairo.
- 105- "*At-Taqrîr wa At-Taḥbîr*", Abu 'Abdullâh, Shams Ad-Dîn Muḥammad Ibn Muḥammad

- Ibn Muḥammad, Nicknamed as Ibn Amīr Ḥāj, and they call him as: Ibn Al-Muwaqqit Al-Ḥanaḥī, Dār Al-Kutub Al-‘Ilmiyyah, (2nd Edition), 1403 AH.
- 106- “*Taqwīm Al-‘Adillah fī ‘Usūl Al-Fiqh*”, Abu Zayd ‘Abdullāh Ibn ‘Umar Ibn ‘Isā Ad-Dabūsī Al-Ḥanaḥī, Verified by: Khalīl Muḥyī Ad-Dīn Al-Mays, Dār Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1421 AH.
- 107- “*Taqwīm An-Nazar fī Masā’il Khilāfiyyah Dhā’i’ah*”, Muḥammad Ibn ‘Alī Ibn Shu‘ayb, Abu Shujā’, Fakhr Ad-Dīn, Ibn Ad-Dahhān, Verified by: Ṣāliḥ Ibn Nāsir Ibn Ṣāliḥ Al-Khuzaym, Ar-Rushd Library - Riyadh, (1st Edition), 1422 AH.
- 108- “*At-Tamhīd limā fī Al-Muwatta’ min Al-Ma’ānī wa Al-Asānīd*”, Abu ‘Umar Yūsuf Ibn ‘Abdullāh Ibn Muḥammad Ibn ‘Abdul-Barr Ibn ‘Asim An-Namarī Al-Qurṭubī, Verified by: Mustafā Ibn Aḥmad Al-‘Alawī Muḥammad ‘Abdul-Kabīr Al-Bakrī, Ministry of General Endowments and Islamic Affairs, Morocco, 1387 AH.
- 109- “*At-Tanwīr Sharḥ Aj-Jāmi’ As-Saghīr*”, Muḥammad Ibn ‘Ismā’il Ibn Ṣalāḥ Ibn Muḥammad Al-Ḥusnī, Al-Kahlānī then As-San‘ānī, Nicknamed as Al-‘Amīr, Verified by: Dr. Muḥammad Ishāq Muḥammad ‘Ibrāhīm, Dār As-Salām Library - Riyadh, (1st Edition), 1432 AH.
- 110- “*Tahdhīb Al-Akhlāq wa Taḥrīr Al-A’rāq*”, Abu ‘Alī Aḥmad Ibn Muḥammad Ibn Ya’qūb Miskawayy, Verified by: Ibn Al-Khaṭīb, Cultural & Religious Library, (1st Edition).
- 111- “*Tahdhīb Al-Lughah*”, Muḥammad Ibn Aḥmad Ibn Al-‘Azharī Al-Harawī, Abu Mansūr, Verified by: Muḥammad ‘Awaḍ Mur‘ib, Dār ‘Iḥyā’ At-Turāth Al-‘Arabī - Beirut, (1st Edition), 2001 AD.
- 112- “*At-Tahdhīb fī Fiqh Ash-Shāfi’ī*”, Abu Muḥammad Al-Husayn Ibn Mas‘ūd Ibn Muḥammad Ibn Al-Farrā’ Al-Baghawī Ash-Shāfi’ī, Verified by: ‘Adil Aḥmad ‘Abdul-Mawjūd, ‘Alī Muḥammad Mu‘awwad, Dār Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1418 AH.
- 113- “*At-Tawḍīḥ fī Sharḥ Mukhtasar Ibn Al-Hājib*”, Khalīl Ibn ‘Ishāq Ibn Mūsā, Diyā’ Ad-Dīn Al-Jundī Al-Mālikī Al-Missrī, Verified by: Dr. Aḥmad Ibn ‘Abdul-Karīm Najīb, Najibawi Center for Manuscripts and Heritage Services, (1st Edition), 1429 AH.
- 114- “*At-Tawḍīḥ li Sharḥ Al-Jāmi’ Al-Sahīḥ*”, Ibn Al-Mulaqqin Sirāj Ad-Dīn Abu Ḥafṣ ‘Umar Ibn ‘Alī Ibn Aḥmad Ash-Shāfi’ī Al-Missrī, Verified by: Dār Al-Falāḥ for scientific researches, Verified by At-Turāth, Publisher: Dār An-Nawādir - Damascus, (1st Edition), 1429 AH.
- 115- “*At-Tawqīf ‘Alā Muhimmāt At-Ta’ārīf*”, Zayn Ad-Dīn Muḥammad, Nicknamed as ‘Abdul-Ra’ūf Ibn Tāj Al-‘Arīfī Ibn ‘Alī Ibn Zayn Al-‘Abidīn Al-Haddādī, then Al-Munāwī Al-Qāhirī, ‘Alam Al-Kutub, 38 ‘Abdul-Khālīq Tharwat ST.- Cairo, (1st Edition), 1410 AH.
- 116- “*Taysīr At-Taḥrīr*”, Muḥammad ‘Amīn Ibn Maḥmūd Al-Bukhārī, Nicknamed as ‘Amīr Bādshāh Al-Ḥanaḥī, Mustafā Al-Bābī Al-Ḥalabī - Egypt, 1351 AH.
- 117- “*Taysīr Al-Karīm Ar-Raḥmān fī Tafsīr Kalām Al-Mannān*”, ‘Abdul-Raḥmān Ibn Nāsir Ibn ‘Abdullāh Al-Sa’dī, Verified by: ‘Abdul-Raḥmān Ibn Mu‘allā Al-Luwayḥīq, Ar-Risālah Foundation, (1st Edition), 1420 AH.

- 118- "*Jâmi' Al-'Ummahât*", 'Uthmân Ibn 'Umar Ibn Abî Bakr Ibn Yûnus, Abu 'Amr Jamâl Ad-Dîn Ibn Al-Hâjib Al-Kurdî Al-Mâlikî, Verified by: Abu 'Abdul-Raḥmân Al-'Akhḍar Al-'Akhḍarî, Al-Yamâma for Printing, publication and Distribution, (2nd Edition), 1421 AH.
- 119- "*Jâmi' Al-Bayân fî Ta'wîl Al-Qur'ân*", Muḥammad Ibn Jarîr Ibn Yazîd Ibn Kathîr Ibn Ghâlib Al-'Amlî, Abu Ja'far At-Tabarî, Verified by: Aḥmad Muḥammad Shâkir, Ar-Risâlah Foundation, (1st Edition), 1420 AH.
- 120- "*Jâmi' Al-Bayân fî Tafsîr Al-Qur'ân*", Muḥammad Ibn 'Abdul-Raḥmân Ibn Muḥammad Ibn 'Abdullâh Al-Hasanî Al-Husaynî Al-'Îjî Ash-Shâfi'î, Dâr Al-Kutub Al-'Ilmiyyah- Beirut, (1st Edition), 1424 AH.
- 121- "*Al-Jâmi' As-Saghîr li As-Suyûṭî*", 'Abdul-Raḥmân Ibn Abî Bakr, Jalâl Ad-Dîn As-Suyûṭî, Verifying Hâdîths by: Muḥammad Nâsir Ad-Dîn Al-'Albânî, Unpublished Electronic Book.
- 122- "*Jâmi' Al-'Ulûm fî Istilâḥât Al-Funûn*", Al-Qâḍî 'Abdul-Nabî Ibn 'Abdul-Rasûl Al-Aḥmad Nakarî, Its Persian content was Transliterated into Arabic by: Ḥasan Hânî Faḥs, Dâr Al-Kutub Al-'Ilmiyyah - Lebanon, (1st Edition), 1421 AH.
- 123- "*Jâmi' Al-'Ulûm wa Al-Hikam*", Zayn Ad-Dîn 'Abdul-Raḥmân Ibn Aḥmad Ibn Rajab Ibn Al-Ḥasan Al-Salâmi, Al-Baghdâdî Ad-dimashqî Al-Hanbalî, Verified by: Dr. Muḥammad Al-Aḥmadî Abu An-Nûr, Dâr As-Salâm for Printing, publication and Distribution, (2nd Edition), 1424 AH.
- 124- "*Al-Jâmi' li Ahkâm Al-Qur'ân*", Abu 'Abdullâh Muḥammad Ibn Aḥmad Ibn Abî Bakr Ibn Farah Al-Ansârî Al-Khazrajî Shams Ad-Dîn Al-Qurṭubî, Verified by: Aḥmad Al-Bardûnî wa 'Ibrâhîm Aṭfaîsh, Dâr Al-Kutub Al-Masriyyah - Cairo, (2nd Edition), 1384 AH.
- 125- "*Jarîdat Al-'Iqtisâdiyya*".
- 126- "*Al-Jam' wa Al-Farq*", Abu Muḥammad 'Abdullâh Ibn Yûsuf Al-Juwaynî, Verified by: 'Abdul-Raḥmân Ibn Salâma Ibn 'Abdullâh Al-Muzaynî, Dâr Al-Jîl for publication, Printing and Distribution - Beirut, (1st Edition), 1424 AH.
- 127- "*Al-Jawâhir Al-Hisân fî Tafsîr Al-Qur'ân*", Abu Zayd 'Abdul-Raḥmân Ibn Muḥammad Ibn Makhlûf Al-Tha'libî, Verified by: Ash-Shaykh Muḥammad 'Alî Mu'awwad and Al-Shaykh 'Adil Aḥmad 'Abdul-Mawjûd, Dâr 'Iḥyâ' At-Turâth Al-'Arabî - Beirut, (1st Edition), 1418 AH.
- 128- "*Al-Jawharah An-Nayyirah 'Alâ Mukhtasar Al-Qadûrî*", Abu Bakr Ibn 'Alî Ibn Muḥammad Al-Haddâdî Al-'Ibâdî Az-Zibîdî Al-Yamanî Al-Hanafî, Al-Maṭba'ah a Al-Khayriyya, (1st Edition), 1322 AH.
- 129- "*Hâshiyat Al-Bujayrumî 'alâ Al-Khaṭîb*", Sulaymân Ibn Muḥammad Ibn 'Umar Al-Bujayrumî Al-Masriî Ash-Shâfi'î, Dâr Al-Fikr Hâshiyat Ad-Dusûqî, 1415 AH.
- 130- "*Hâshiyat Ar-Rawḍ Al-Murabba' Sharḥ Zâd Al-Mustanqa'*", 'Abdul-Raḥmân Ibn Muḥammad Ibn Qâsim Al-'Asimî Al-Hanbalî An-Najdî, (1st Edition), 1397 AH.

- 131- "*Hāshiyat Al- 'Adawī 'alā Kifāyat At-Ṭālib Ar-Rabbānī*", Abul-Hasan 'Alī Ibn Aḥmad Ibn Makram As-Ṣa'idī Al- 'Adawī, Verified by: Yūsuf Ash-Shaykh Muḥammad Al-Biqā'ī, Dār Al-Fikr - Beirut, 1414 AH.
- 132- "*Al-Hāwī Al-Kabīr*", Abul-Hasan 'Alī Ibn Muḥammad Ibn Muḥammad Ibn Ḥabīb Al-Baṣrī Al-Baghdādī, Nicknamed as Al-Māwardī, Verified by: Ash-Shaykh 'Alī Muḥammad Mu'awwad - Ash-Shaykh 'Adil Aḥmad 'Abdul-Mawjūd, Dār Al-Kutub Al-'Ilmiyyah, Beirut, (1st Edition), 1419 AH.
- 133- "*Hujjat Allāh Al-Bālighah*", Aḥmad Ibn 'Abdul-Raḥīm Ibn Ash-Shahīd Wajīh Ad-Dīn Ibn Mu'azzam Ibn Mansūr, Nicknamed as "Ash-Shāh Walī Allāh Al-Dihlawī", Verified by: As-Sayyid Sābiq, Dār Al-Jil - Beirut, (1st Edition), 1426 AH.
- 134- "*Ad-Durr Ath-Thamīn wa Al-Mawrid Al-Mu'īn*", 'Alī Ibn Anjab Ibn 'Uthmān Ibn 'Abdullāh Abu Ṭālib, Ṭāj Ad-Dīn Ibn As-Sā'ī, Verification and Commentry by: Aḥmad Shawqī Binbīn - Muḥammad Sa'id Ḥanashī, Dār Al-Gharb Al-'Islāmī - Tunisia, (1st Edition), 1430 AH.
- 135- "*Dar' Al-Qawl Al-Qabīḥ bi At-Taḥsīn wa At-Taḥbīḥ*", Sulaymān Ibn 'Abdul-Qawwī Ibn Al-Karīm Al-Ṭūfī Al-Sarsarī, Abu Al-Rabī' Najm Ad-Dīn, Verified by: 'Ayman Maḥmūd Shaḥāda, Ad-Dār Al- 'Arabiyya for encyclopedias - Beirut, (1st Edition), 1426 AH.
- 136- "*Dirāsāt Al-ḥāla Al-'Iqtisādiyya wa Al-'Ijtīmā'iyya fī Al-'ālam*", 'Idārat Ash-Shu'ūn Al-'Iqtisādiyyah and Al-'Ijtīmā'iyyah, The United Nations Organisation, year 2008 AD.
- 137- "*Ad-Durar Al-Bahiyyah wa Ar-Rawḍah An-Nadiyyah*", Abu At-Ṭayyib Muḥammad Siddīq Khān Ibn Ḥasan Ibn 'Alī Ibn Luṭf Allāh Al-Ḥusaynī Al-Bukhārī Al-Qinnawjī, Commentry by: Al- 'Allāmah Al-Muḥaddith Ash-Shaykh Muḥammad Nāsir Ad-Dīn Al-'Albānī, Dār Ibn Al-Qayyim for publication and Distribution - KSA, Dār Ibn 'Affān for publication and Distribution- Cairo, (1st Edition), 1423 AH.
- 138- "*Dalīl Al-'Irshād li Hisāb Zakat Ash-Sharikāt*", Bayt Az-Zakah Al-Kuwaitī, 2019 AD.
- 139- "*Dhakhīrat Al- 'Uqbā fī Sharḥ Al-Mujtabā*", Muḥammad Ibn 'Alī Ibn 'Adam Ibn Mūsā Al-'Ith'yūbī Al-Wallawī, Dār Al-Mi'rāj Ad-Duwalīyyah for publication, and Dār 'Al Brūm for publication and Distribution, (1st Edition), 1416 - 1424 AH.
- 140- "*Adh-Dhakhīrah*", Abu Al- 'Abbās Shihāb Ad-Dīn Aḥmad Ibn 'Idrīs Ibn 'Abdul-Raḥmān Al-Mālikī, Nicknamed as Al-Qarāfī, Verified by: Group of Scientists, Dār Al-Gharb Al-'Islāmī - Beirut, (1st Edition), 1994 AD.
- 141- "*Radd Al-Miḥtār 'alā Ad-Durr Al-Mukhtār*", Ibn 'Abidīn Muḥammad 'Amin Ibn 'Umar Ibn 'Abdul- 'Azīz 'Abdīn Ad-dimashqī Al-Ḥanafī, Dār Al-Fikr - Beirut, (2nd Edition), 1412 AH.
- 142- "*Al-Radd 'alā man Akhlada Ṭlā Al-'Arḡ wa Jahila 'Anna Al-'Tjihād fī Kull 'Asr Farḡ*", Al-'Imām Al-Ḥāfiẓ Jalāl Ad-Dīn 'Abdul-Raḥmān As-Suyūṭī, Cultural-religious Library.
- 143- "*Ar-Risālah*", Ash-Shāfi'ī Abu 'Abdullāh Muḥammad Ibn 'Idrīs Ibn Al- 'Abbās Ibn 'Uthmān Ibn Shāfi'ī Ibn 'Abdul-Muṭṭalib Ibn 'Abd Manāf Al-Muṭṭalibī Al-Qurashī Al-Makkī, Verified by: Aḥmad Shākir, Publisher: Al-Ḥalabī Library - Egypt, (1st Edition), 1358 AH.

- 144- "*Raf' Al-Haraj fi Ash-Sharî'ah Al-'Islâmiyyah*", Dr. Ya 'qûb 'Abdul-Wahhâb Al-Bâḥsîn Ar-Rushd Library - Riyadh, (4th Edition), 1432 AH.
- 145- "*Raf' An-Niqâb 'an Tanqîh Ash-Shihâb*", Abu 'Abdullâh Al-Husayn Ibn 'Alî Ibn Talha Al-Rajrâjî then Ash-Shûshâwî As-Simlâlî, Verified by: Dr. Aḥmad Ibn Muḥammad As-Sarrâh, Dr. 'Abdul-Raḥmân Ibn 'Abdullâh Al-Jibrîn, Ar-Rushd Library - Riyadh, (1st Edition), 1425 AH.
- 146- "*Rûḥ Al-Bayân*", 'Ismâ'îl Haqqî Ibn Mustafâ Al-'Istânbûlî Al-Hanafî Al-Khalwatî Al-Mawlâ Abu Al-Fidâ', Dâr Al-Fikr - Beirut.
- 147- "*Rûḥ Al-Ma'ânî fi Tafsîr Al-Qur'ân Al-'Azîm wa As-Sab' Al-Mathânî*", Shihâb Ad-Dîn Maḥmûd Ibn 'Abdullâh Al-Husaynî Al-'Alûsî, Verified by: 'Alî 'Abdul-Bârî 'Aṭiyyah, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1415 AH.
- 148- "*Ar-Rawḍ Al-Murabba' bi Sharḥ Zâd Al-Mustanqî*", Mansûr Ibn Yûnus Al-Buhûṭî, Verified by: Dr. Khâlid Ibn 'Alî Al-Mushayqîḥ, Dr. 'Abdul-'azîz Ibn 'Adnân Al-'Idân, Dr. Anas Ibn 'Adil Al-Yatâmâ, Dâr Ar-Rakâ'iz for publication and Distribution- Kuwait, (1st Edition), 1438 AH.
- 149- "*Rawḍat At-Ṭalibîn wa 'Umdat Al-Muftîn*", Abu Zakariyâ Muḥyî Ad-Dîn Yaḥyâ Ibn Sharaf An-Nawawî, Verified by: Zuhayr Ash-Shâwîsh, Islamic Office, Beirut - Damascus - Oman, (3rd Edition), 1412 AH.
- 150- "*Rawḍat An-Nâẓir wa Jannat Al-Manâẓir*", Abu Muḥammad Muwaffaq Ad-Dîn 'Abdullâh Ibn Aḥmad Ibn Muḥammad Ibn Qudâma Al-Jamâ'îlî Al-Maqdisî then Ad-dimashqî Al-Ḥanbalî, Nicknamed as Ibn Qudâma Al-Maqdisî, Ar-Rayyân Foundation for Printing, publication and Distribution, (2nd Edition), 1423 AH.
- 151- "*Ar-Rawḍah An-Nadiyyah Sharḥ Ad-Durar Al-Bahiyya*", Abu At-Ṭayyib Muḥammad Siddîq Khân Ibn Ḥasan Ibn 'Alî Ibn Luṭfallâh Al-Husaynî Al-Bukhârî Al-Qinnawjî, Dâr Al-Ma'rifah.
- 152- "*Ru'ûs Al-Masâ'il li Az-Zamakhsharî*", Jârallâh Abu Al-Qâsim Maḥmûd Ibn 'Umar Az-Zamakhsharî, Studied and Verified by: 'Abdullâh Nadhîr Aḥmad, Dâr Al-Bashâ'ir Al-'Islâmiyyah for Printing, publication and Distribution - Beirut, (1st Edition), 1407 AH.
- 153- "*Zâd Al-Masîr fi 'Ilm At-Tafsîr*", Jamâl Ad-Dîn Abu Al-Faraj 'Abdul-Raḥmân Ibn 'Alî Ibn Muḥammad Al-Jawzî, Verified by: 'Abdul-Razzâq Al-Mahdî, Dâr Al-Kitâb Al-'Arabî - Beirut, (1st Edition), 1422 AH.
- 154- "*Zâd Al-Ma'âd fi Hadî Khayr Al-'Ibâd*", Muḥammad Ibn Abî Bakr Ibn Ayyûb Ibn Sa'd Shams Ad-Dîn Ibn Qayyim Al-Jawziyya, Ar-Risâlah Foundation - Beirut, Al-Manâr Islamic Library- Kuwait, (27th Edition), 1415 AH.
- 155- "*Az-Zâhir fi Gharîb Alfâẓ Ash-Shâfi'î li Al-'Azharî*", Muḥammad Ibn Aḥmad Ibn Al-'Azharî Al-Harawî, Abu Mansûr, Verified by: Mus'ad 'Abdul-Ḥamîd Al-Sa'danî, Dâr Al-Ṭalâ'î.
- 156- "*Az-Zâhir fi Ma'ânî Kalimât An-Nâs*", Muḥammad Ibn Al-Qâsim Ibn Muḥammad Ibn

- Bashshâr, Abu Bakr Al-‘Anbârî, Verified by: Dr. Hâtîm Sâlih Ad-Dâmin, Ar-Risâlah Foundation- Beirut, (1st Edition), 1412 AH.
- 157- “*Az-Zakâh Taḥqîqâtuhâ Al-‘Amaliyyah Al-Mu‘âsirah wa ‘Athâruhâ Al-‘Iqtisâdiyyah*”, Muḥammad Aḥmad ‘Iyâdât, Ph.D dissertation, Yarmouk University, 1990 AD.
- 158- “*Zahrât At-Tafâsîr*”, Muḥammad Ibn Aḥmad Ibn Mustafâ Ibn Aḥmad, Nicknamed as Abî Zahrah, Dâr Al-Fikr Al- ‘Arabî.
- 159- “*Subul As-Salâm*”, Muḥammad Ibn ‘Ismâ‘îl Ibn Salâh Ibn Muḥammad Al-Ḥasanî Al-Kahlânî & As-Ṣan‘ânî, Nicknamed as Al-‘Amîr, Dâr Al-Ḥadîth.
- 160- “*Silsilat Al-‘Aḥâdîth Al-Sahîḥa li Al-‘Albânî wa Shay’ min Fiqhîhâ wa Fawâ‘idihâ*”, Abu ‘Abdul-Raḥmân Muḥammad Nâsir Ad-Dîn Ibn Al-Ḥâjj Nûḥ Ibn Najâtî Ibn ‘Adam Al-‘Albânî, Al-Ma‘ârif Library for publication and Distribution - Riyadh, (1st Edition), 1415 AH - 1422 AH.
- 161- “*Silsilat Al-‘Aḥâdîth Ad-Ḍa‘îfah wa Al-Mawḍû‘ah wa ‘Athâruhâ As-Sayyi’ fî Al-‘Ummah*”, Abu ‘Abdul-Raḥmân Muḥammad Nâsir Ad-Dîn Ibn Al-Ḥâjj Nûḥ Ibn Najâtî Ibn ‘Adam Al-‘Albânî, Dâr Al-Ma‘ârif - Riyadh, (1st Edition), 1412 AH.
- 162- “*Sunan Ibn Mâjah*”, Ibn Mâjah Abu ‘Abdullâh Muḥammad Ibn Yazîd Al-Qazwînî, Mâjah is the name of his father: Yazîd, Verified by: Muḥammad Fu‘âd ‘Abdul-Bâqî, Dâr ‘Iḥyâ’ Al-Kutub Al- ‘Arabîyyah - Faysal ‘îsâ Al-Bâbî Al-Ḥalabî.
- 163- “*Sunan Abî Dâwûd*”, Abu Dâwûd Sulaymân Ibn Al-‘Ash‘ath Ibn ‘Ishâq Ibn Bashîr Ibn Shaddâd Ibn ‘Amr Al-‘Azdî As-Sijistânî, Verified by: Muḥammad Muḥyî Ad-Dîn ‘Abdul-Ḥamîd, Al-Maktabah Al- ‘Asrîyyah, Saida- Beirut.
- 164- “*Sunan At-Tirmidhî*”, Aḥmad Ibn ‘îsâ Ibn Sûrat Ibn Mûsâ Ibn Aḍ-Ḍaḥḥâk At-Tirmidhî Abu ‘îsâ, Verified by: Bashshâr ‘Awwâd Ma‘rûf, Dâr Al-Gharb Al-‘Islâmî - Beirut, 1998 AD.
- 165- “*Sunan Ad-Dâraquṭnî*”, Abu Al-Ḥasan ‘Alî Ibn ‘Umar Ibn Aḥmad Ibn Mahdî Ibn Mas‘ûd Ibn An-Nu‘mân Ibn Dînâr Al-Baghdâdî Ad-Dâraquṭnî, Verified by: Shu‘ayb Al-Arna‘ût, Ḥasan ‘Abdul-Mun‘im Shalabî, ‘Abdul-Laṭîf Ḥîrullâh Aḥmad Barḥûm, Ar-Risâlah Foundation- Beirut, (1st Edition), 1424 AH.
- 166- “*Sunan Ad-Dârimî*”, Abu Muḥammad ‘Abdullâh Ibn ‘Abdul-Raḥmân Ibn Al-Faḍl Ibn Bahrâm Ibn ‘Abduṣ-Ṣamad Ad-Dârimî At-Tamîmî As-Samarqandî, Verified by: Ḥusayn Salîm Asad Ad-Dârânî, Dâr Al-Mughnî for publication and Distribution, Saudi Arabia, (1st Edition), 1412 AH.
- 167- “*As-Sunan Al-Kubrâ li Al-Bayhaqî*”, Aḥmad Ibn Al-Ḥusayn Ibn ‘Alî Ibn Mûsâ Al-Khusrawjirdî Al-Khrâsânî, Abu Bakr Al-Bayhaqî, Verified by: Muḥammad ‘Abdul-Qâdir ‘Aṭâ, Dâr Al-Kutub Al- ‘Ilmîyyah - Beirut, (3rd Edition), 1424 AH.
- 168- “*Sunan An-Nasâ‘î*”, Abu ‘Abdul-Raḥmân Aḥmad Ibn Shu‘ayb Ibn ‘Alî Al-Khurâsânî, An-Nasâ‘î, Verified by: ‘Abdul-Fattâḥ Abu Ghuddah, Al-Maṭbû‘ât Al-‘Islâmîyyah Office- Aleppo, (2nd Edition), 1406 AH.

- 169- "*As-Sayl Al-Jarrâr Al-Mutadaffiq 'alâ Hadâ'iq Al-'Azhâr*", As-Sayl Al-Jarrâr Al-Mutadaffiq 'alâ Hadâ'iq Al-'Azhâr, Muḥammad Ibn 'Alī Ibn Muḥammad Ibn 'Abdullāh Ash-Shawkânī Al-Yamanī, Dâr Ibn Ḥazm, (1st Edition).
- 170- "*Ash-Shâfi fī Sharḥ Musnad Ash-Shâfi'î*", Majd Ad-Dīn Abu As-Sa'ādāt Al-Mubārak Ibn Muḥammad Ibn Muḥammad Ibn Muḥammad Ibn 'Abdul-Karīm Ash-Shaybânī Al-Jazarī Ibn Al-'Athīr, Aḥmad Ibn Sulaymān - Abī Tamīm Yāsir Ibn 'Ibrāhīm, Ar-Rushd Library - Riyadh, (1st Edition), 1426 AH.
- 171- "*Shajarat Al-Ma'arif wa Al-'Aḥwâl*", Abu Muḥammad 'Izz Ad-Dīn 'Abdul-'Azīz Ibn 'Abdul-Salām Ibn Abī Al-Qāsim Ibn Al-Ḥasan As-Sulamī Ad-Damashqī, Nicknamed as Sulṭān Al-'Ulamā', Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1424 AH.
- 172- "*Sharḥ At-Talqīn*", Abu 'Abdullāh Muḥammad Ibn 'Alī Ibn 'Umar At-Tamīmī Al-Māziri Al-Mālikī, Verified by: Ash-Shaykh Muḥammad Al-Mukhtār As-Salāmī, Dâr Al-Gharb Al-'Islāmī, (1st Edition), 2008 AD.
- 173- "*Sharḥ At-Talwīḥ 'alâ At-Tawḍīḥ*", Sa'd Ad-Dīn Mas'ūd Ibn 'Umar At-Taftāzānī, Subayḥ Library in Egypt.
- 174- "*Sharḥ At-Tanbīḥ*", Al-'Allāmah Jalāl Ad-Dīn 'Abdul-Raḥmān As-Suyūṭī, Dâr Al-Fikr.
- 175- "*Sharḥ Ar-Risālah*", Abu Muḥammad 'Abdul-Waḥhāb Ibn 'Alī Ibn Naṣr Ath-Tha'labī Al-Baghdādī Al-Mālikī, Edited by: Abu Al-Faḍl Ad-Dim'yāṭī Aḥmad Ibn 'Alī, Dâr Ibn Ḥazm, (1st Edition), 1428 AH.
- 176- "*Sharḥ Az-Zurqānī 'alâ Al-Muwattā'*", Muḥammad Ibn 'Abdul-Bāqī Ibn Yūsuf Az-Zurqānī Al-Masrī Al-'Azhārī, Verified by: Tāḥā 'Abdul-Ra'ūf Sa'd, Cultural-Religious Library - Cairo, (1st Edition), 1424 AH.
- 177- "*Sharḥ Az-Zarkashī 'alâ Mukhtasar Al-Khiraqī*", Shams Ad-Dīn Muḥammad Ibn 'Abdullāh Az-Zarkashī Al-Masrī Al-Ḥanbalī, Dâr Al-'Ubaykân, (1st Edition), 1413 AH.
- 178- "*Sharḥ As-Sunnah li Al-Baghawī*", Abu Muḥammad Al-Ḥusayn Ibn Mas'ūd Ibn Muḥammad Ibn Al-Farrā' Al-Baghawī Ash-Shâfi'ī, Verified by: Shu'ayb Al-'Arna'ūṭ - Muḥammad Zuhayr Ash-Shâwīsh, Islamic Office- Damascus / Beirut, (2nd Edition), 1403 AH.
- 179- "*Sharḥ As-Siyarh Al-Kabīr*", Muḥammad Ibn Aḥmad Ibn Abī Sahl Shams Al-'A'immaḥ As-Sarkhasī, Ash-Sharqiyyah Company for Advertising, 1971 AD.
- 180- "*Ash-Sharḥ Al-Kabīr 'alâ Matn Al-Muqni'*", 'Abdul-Raḥmān Ibn Muḥammad Ibn Aḥmad Ibn Qudāmāh Al-Maqdisī Al-Jamā'ī Al-Ḥanbalī Shams Ad-Dīn, Dâr Al-Kitāb Al-'Arabī for Publication & Distribution.
- 181- "*Ash-Sharḥ Al-Kabīr li Sh-Shaykh Ad-Dardīr wa Ḥāshiyat Ad-Dusūqī*", Aḥmad Ibn Muḥammad Ad-Dardīr, Book Annotations by: Muḥammad Ibn Aḥmad Ibn 'Arafah Ad-Dusūqī Al-Mālikī, Dâr Al-Fikr.
- 182- "*Sharḥ Al-Muqaddimah Al-Ḥaḍramīyyah*", Sa'id Ibn Muḥammad Bā'Alī Bā'ishn Ad-Daw'anī Ar-Ribāṭī Al-Ḥaḍramī Ash-Shâfi'ī, Dâr Al-Minhāj for Publication & Distribu-

- tion- Jiddah, (1st Edition), 1425 AH.
- 183- "*Sharḥ Tanqīḥ Al-Fusūl*", Abul-‘Abbās Shihāb Ad-Dīn Aḥmad Ibn ‘Idrīs Ibn ‘Abdul-Raḥmān Al-Mālikī, Known as: Al-Qarāfi, Verified by: Ṭāhā ‘Abdul-Ra’ūf Sa’d, United Technical Printing Company, (1st Edition), 1393 AH.
- 184- "*Sharḥ Zarrūq ‘alā Matn Ar-Risālah*", Shihāb Ad-Dīn Abu Al-‘Abbās Aḥmad Ibn Aḥmad Ibn Muḥammad Ibn ‘isā Al-Burunsī Al-Fāsī, Nicknamed as: Zarrūq, Edited by: Aḥmad Farid Al-Mazīdī, Dār Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1427 AH.
- 185- "*Sharḥ Sunan Abī Dāwūd*", Shihāb Ad-Dīn Abu Al-‘Abbās Aḥmad Ibn Ḥusayn Ibn ‘Alī Ibn Raslān Al-Maqdisī Ar-Ramlī Ash-Shāfi‘ī, Verified by: Group of Researchers in Dār Al-Falāḥ under the Supervision of: Khālīd Ar-Ribāṭ, Verified by: Dār Al-Falāḥ for Scientific Research and Heritage Authentication- Al-Fayyūm, (1st Edition), 1437 AH.
- 186- "*Sharḥ Sunan Abī Dāwūd*", Abu Muḥammad Maḥmūd Ibn Aḥmad Ibn Mūsā Ibn Aḥmad Ibn Ḥusayn Al-Ghaytābī Al-Ḥanafī Badr Ad-Dīn Al-‘Aynī, Verified by: Abu Al-Mundhir Khālīd Ibn ‘Ibrāhīm Al-Masrī, Ar-Rushd Library - Riyadh, (1st Edition), 1420 AH.
- 187- "*Sharḥ Saḥīḥ Al-Bukhārī li Ibn Baṭṭāl*", Ibn Baṭṭāl Abul-Ḥasan ‘Alī Ibn Khalaf Ibn ‘Abdul-Malik, Verified by: Abu Tamīm Yāsir Ibn ‘Ibrāhīm, Ar-Rushd Library - Riyadh, (2nd Edition), 1423 AH.
- 188- "*Sharḥ Mukhtasar Ar-Rawḍah*", Sulaymān Ibn ‘Abdul-Qawī Ibn Al-Karīm Aṭ-Ṭūfi As-Sarsārī, Abu Ar-Rabī‘, Najm Ad-Dīn, Verified by: ‘Abdullāh Ibn ‘Abdul-Muḥsin At-Turkī, Ar-Risālah Foundation, (1st Edition), 1407 AH.
- 189- "*Sharḥ Masābiḥ As-Sunnah li Al-‘Imām Al-Baghawī*", Muḥammad Ibn ‘Izz Ad-Dīn ‘Abdul-Laṭīf Ibn ‘Abdul-‘azīz Ibn ‘Amīn Ad-Dīn Ibn Firishtā, Ar-Rūmī Al-Kirmānī, Al-Ḥanafī, Known as: Al-Malik, Verified by: Specialised Committee of Editors under the Supervision of: Nūr Ad-Dīn Ṭālib, Department of Islamic Culture, (1st Edition), 1433 AH.
- 190- "*Sharḥ Muntahā Al-‘Irādāt*", Mansūr Ibn Yūnus Ibn Salāḥ Ad-Dīn Ibn Ḥasan Ibn ‘Idrīs Al-Buhūtī Al-Ḥanbalī, Dār ‘Alam Al-Kutub, (1st Edition), 1414 AH.
- 191- "*Sharḥ Mukhtasar Khalīl*", Muḥammad Ibn ‘Abdullāh Al-Kharshī Al-Mālikī Abu ‘Abdullāh, Dār Al-Fikr for Publication - Beirut.
- 192- "*Sharī‘at Al-Qur’ān min Dalā’il T’jāzihi*", Muḥammad Ibn Aḥmad Ibn Mustafā Ibn Aḥmad, Nicknamed as Abī Zahrah, Dār Al-‘Urūbah - Cairo, 1381 AH.
- 193- "*Shifā’ Al-Ghalīl fī Bayān Ash-Shabah wa Al-Mukhīl wa Masālik At-Ta’līl*", Abu Ḥamid Muḥammad Ibn Muḥammad Al-Ghazālī Aṭ-Ṭūsī, Verified by: Dr. Ḥamad Al-Kubaysī, Al-‘Irshād Printing Press- Baghdad, (1st Edition), 1390 AH.
- 194- "*As-Sāhibī fī Fiqh Al-Lughah Al-‘Arabiyyah wa Masā’ilihā wa Sunan Al-‘Arab fī Kalāmi-hā*", Aḥmad Ibn Fāris Ibn Zakarīyā Al-Qazwīnī Ar-Rāzī, Abu Al-Ḥusayn, Publisher: Muḥammad ‘Alī Bayḍūn, (1st Edition), 1418 AH.

- 195- "*As-Sihāh Tāj Al-Lughah wa Sihāh Al-‘Arabīyyah*", Abu Naṣr ‘Ismā‘īl Ibn Hammād Al-Jawharī Al-Fārābī, Verified by: Aḥmad ‘Abdul-Ghafūr ‘Aṭṭār, Dār Al-‘Ilm li Al-Malāyīn - Beirut, (4th Edition), 1407 AH.
- 196- "*Saḥīḥ Ibn Hibbān*", Muḥammad Ibn Hibbān Ibn Aḥmad Ibn Hibbān Ibn Mu‘ādh Ibn Ma‘bad, At-Tamīmī, Abu Ḥatīm Ad-Dārimī Al-Bustī, Arranged by: Prince ‘Alā’ Ad-Dīn ‘Alī Ibn Balbān Al-Fārisī, Its Ḥadīths are Verified and Recorded by: Shu‘ayb Al-‘Arna‘ūṭ, Ar-Risālah Foundation- Beirut, (1st Edition), 1408 AH.
- 197- "*Saḥīḥ Ibn Khuzaymah*", Abu Bakr Muḥammad Ibn Ishāq Ibn Khuzaymah Ibn Al-Mughīrah Ibn Ṣāliḥ Ibn Bakr As-Sulamī An-Naysābūrī, Verified by: Dr. Muḥammad Mustafā Al-A‘zamī, Islamic Office- Beirut.
- 198- "*Saḥīḥ Al-Bukhārī*", Muḥammad Ibn ‘Ismā‘īl Abu ‘Abdullāh Al-Bukhārī Al-Ju‘fī, Verified by: Muḥammad Zuhayr Ibn Nāsir An-Nāsir, Dār Ṭawq An-Najāh, (1st Edition), 1422 AH.
- 199- "*Saḥīḥ Sunan Abī Dāwūd li Shaykh Muḥammad Nāsir Ad-Dīn Al-‘Albānī*", Ghirās Foundation for Publication and Distribution- Kuwait, (1st Edition), 1423 AH.
- 200- "*Saḥīḥ Muslim*", Muslim Ibn Al-Ḥajjāj Abul-Hasan Al-Qushayrī An-Naysābūrī, Verified by: Muḥammad Fu‘ād ‘Abdul-Bāqī, Dār ‘Iḥyā’ At-Turāth Al-‘Arabī - Beirut.
- 201- "*Saḥīḥ wa Da‘īf Sunan At-Tirmidhī*", Muḥammad Nāsir Ad-Dīn Al-‘Albānī, The Ḥadīth Investigations System Program, produced by Nūr Al-‘Islām Center for Qur‘ān and Sunnah Research- Alexandria, (1st Edition), 1435 AH.
- 202- "*Tabaqāt Ash-Shāfi‘īyyah Al-Kubrā*", Tāj Ad-Dīn ‘Abdul-Wahhāb Ibn Taqī Ad-Dīn As-Subkī, Verified by: Dr. Maḥmūd Muḥammad Aṭ-Ṭanāḥī, Dr. ‘Abdul-Fattāḥ Muḥammad Al-Hulw, Hajr for Printing, Publication and Distribution, (2nd Edition), 1413 AH.
- 203- "*Aṭ-Tabaqāt Al-Kubrā*", Abu ‘Abdullāh Muḥammad Ibn Sa‘d Ibn Manī‘ Al-Ḥāshimī bi Al-Walā‘, Al-Baṣrī, Al-Baghdādī, Nicknamed as Ibn Sa‘d, Verified by: Muḥammad ‘Abdul-Qādir ‘Aṭā, Dār Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1410 AH.
- 204- "*Tarḥ At-Tathrīb fī Sharḥ At-Taqrīb*", Abu Al-Faḍl Zayn Ad-Dīn ‘Abdul-Raḥīm Ibn Al-Husayn Ibn ‘abd Ar-Raḥmān Ibn Abī Bakr Ibn ‘Ibrāhīm Al-‘Irāqī, wa Ibnūhu Aḥmad Ibn ‘abd Ar-Raḥīm Ibn Al-Husayn Al-Kurdī Ar-Rāziyānī then Al-Masri‘ Abu Zur‘ah Walī Ad-Dīn Ibn Al-‘Irāqī, The old Egyptian Version.
- 205- "*Turuq Al-Kashf ‘an Maqāsid Ash-Shārī*", Nu‘mān Jughaym, Dār An-Nafā‘is for publication and Distribution – Jordan.
- 206- "*Aridat Al-‘Aḥwadhī bi Sharḥ Saḥīḥ At-Tirmidhī*", Al-Qāḍī Muḥammad Ibn ‘Abdullāh Abu Bakr Ibn Al-‘Arabī Al-Ma‘āfirī Al-‘Ishbīlī Al-Mālikī, Dār Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1418 AH.
- 207- "*Al-‘Uḥūdīyyah*", Taqqī Ad-Dīn Abu Al-‘Abbās Aḥmad Ibn ‘Abdul-Ḥalīm Ibn ‘Abdul-Salām Ibn ‘Abdullāh Ibn Abī Al-Qāsim Ibn Muḥammad Ibn Taymīyyah Al-Ḥar-rānī Al-Ḥanbalī Ad-Damashqī, Verified by: Muḥammad Zuhayr Ash-Shāwīsh, Islamic Office- Beirut, (7th Edition), 1426 AH.

- 208- “*Ujâlat Al-Muhtâj ‘Ilâ Tawjîh Al-Minhâj*”, Sirâj Ad-Dîn Abu Hafs ‘Umar Ibn ‘Alî Ibn Aḥmad, Known as Ibn An-Naḥwî and Nicknamed as Ibn Al-Mulaqqin, Studied by: ‘Izz Ad-Dîn Hishâm Ibn ‘Abdul-Karîm Al-Badrânî, Dâr Al-Kitâb - Irbid, 1421 AH.
- 209- “*Uddat Al-Burûq fî Jam’ mâ fî Al-Madḥhab min Al-Jumû’ wa Al-Furûq*”, Abu Al-‘Abbâs Aḥmad Ibn Yaḥyâ Al-Wansharîsî, Verified by: Ḥamzah Abu Fâris, Dâr Al-Gharb Al-‘Islâmî - Beirut, (1st Edition), 1410 AH.
- 210- “*Al-‘Uddah fî ‘Usûl Al-Fiqh*”, Al-Qâḍî Abu Ya‘lâ Muḥammad Ibn Al-Husayn Ibn Muḥammad Ibn Khalaf Ibn Al-Farrâ’, Verified and Studied by: Aḥmad Ibn ‘Alî Ibn Sayr Al-Mubârakî, (2nd Edition), 1410 AH.
- 211- “*Al-‘Uddah fî Sharḥ Al-‘Umdah fî Aḥādith Al-‘Aḥkâm*”, ‘Alî Ibn ‘Ibrâhîm Ibn Dâwûd Ibn Salmân Ibn Sulaymân Abul-Hasan, ‘Alâ’ Ad-Dîn Ibn Al-‘Aṭṭâr, Edited by: Nizâm Muḥammad Sâlih Ya‘qûbî, Dâr Al-Bashâ’ir Al-‘Islâmiyyah for Printing, publication and Distribution - Beirut, (1st Edition), 1427 AH.
- 212- “*Al-‘Azîz Sharḥ Al-Wajîz*”, ‘Abdul-Karîm Ibn Muḥammad Ibn ‘Abdul-Karîm, Abu Al-Qâsim Ar-Râfi‘î Al-Qazwînî, Verified by: ‘Alî Muḥammad ‘Awaḍ - ‘Adîl Aḥmad ‘Abdul-Mawjûd, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1417 AH.
- 213- “*Aqd Al-Jawâhir Ath-Thamînah fî Madḥhab ‘Alim Al-Madînah*”, Muḥammad Jalâl Ad-Dîn ‘Abdullâh Ibn Najm Ibn Shâs Ibn Nizâr Al-Judhâmî As-Sa’dî Al-Mâlikî, Studied and Verified by: Ḥumaid Ibn Muḥammad Laḥmar, Dâr Al-Gharb Al-‘Islâmî - Beirut, (1st Edition), 1423 AH.
- 214- “*‘Ilm Al-Maqâsid Ash-Shar‘iyyah*”, Dr. Nûr Ad-Dîn Al-Khâdimî, Al-‘Ubaykân Librery, (1st Edition), 1421 AH.
- 215- “*‘Ilm Maqâsid Ash-Shâri’*”, Dr. ‘Abdul-‘Azîz Ibn ‘Abdul-Raḥmân Ar-Rabî‘ah, (1st Edition), 1423 AH.
- 216- “*‘Umdat Al-Qârî Sharḥ Saḥîḥ Al-Bukḥârî*”, Abu Muḥammad Maḥmûd Ibn Aḥmad Ibn Mûsâ Ibn Aḥmad Ibn Ḥusayn Al-Ghaytâbî Al-Ḥanafî Badr Ad-Dîn Al-‘Aynî, Dâr ‘Iḥyâ’ At-Turâth Al-‘Arabî - Beirut.
- 217- “*Al-‘Inâyyah Sharḥ Al-Hidâyyah*”, Muḥammad Ibn Muḥammad Ibn Maḥmûd, Akmal Ad-Dîn Abu ‘Abdullâh Ibn Ash-Shaykh Shams Ad-Dîn Ibn Ash-Shaykh Jamâl Ad-Dîn Ar-Rûmî Al-Bâbartî Dâr Al-Fikr.
- 218- “*‘Awn Al-Ma’bûd Sharḥ Sunan Abî Dâwûd wa Hâshiyat Ibn Al-Qayyim*”, Muḥammad ‘Ashraf Ibn ‘Amîr Ibn ‘Alî Ibn Ḥaydar Abu ‘Abdul-Raḥmân Sharaf Al-Ḥaqq, As-Siddîqî Al-‘Azîm Âbâdî, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (2nd Edition), 1415 AH.
- 219- “*Al-‘Ayn*”, Abu ‘Abdul-Raḥmân Al-Khalîl Ibn Aḥmad Ibn ‘Amr Ibn Tamîm Al-Farâhidî Al-Baṣrî, Verified by: Maḥdî Al-Makhzûmî, ‘Ibrâhîm As-Sâmarrâ’î, Dâr Al-Hilâl librery.
- 220- “*Gharâ’ib Al-Qur’ân wa Ragḥâ’ib Al-Furqân*”, Nizâm Ad-Dîn Al-Ḥasan Ibn Muḥammad Ibn Ḥusayn Al-Qumî An-Nisâbûrî, Verified by: Ash-Shaykh Zakariyyah ‘Umayrât, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1416 AH.

- 221- "*Gharâ'ib Al-Qur'ân wa Raghâ'ib Al-Furqân*", Nizâm Ad-Dîn Al-Hasan Ibn Muḥammad Ibn Husayn Al-Qumî An-Nisâbüri, Verified by: Ash-Shaykh Zakariyyah 'Umayrât, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1416 AH.
- 222- "*Al-Ghurrah Al-Munifah fi Tahqiq Ba'd Masâ'il Al-Imâm Abî Hanîfah*", 'Umar Ibn Ishâq Ibn Aḥmad Al-Hindî Al-Ghaznawî Sirâj Ad-Dîn, Abu Hafs Al-Hanafi, Cultural Books' Foundation, (1st Edition), 1406 AH.
- 223- "*Al-Ghurar Al-Bahiyyah fi Sharḥ Al-Bahjah Al-Wardiyyah*", Zakariyyah Ibn Muḥammad Ibn Aḥmad Ibn Zakariyyah Al-Ansâri, Zayn Ad-Dîn Abu Yahyâ Al-Sunîkî, Al-Maymaniyyah Printing Press.
- 224- "*Ghamz 'Uyûn Al-Basâ'ir fi Sharḥ Al-'Ashbâh wa An-Nazâ'ir*", Aḥmad Ibn Muḥammad Makki, Abu Al-'Abbâs, Shihâb Ad-Dîn Al-Husaynî Al-Hamawî Al-Hanafi, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edition), 1405 AH.
- 225- "*Ghiyâth Al-'Umam fi 'Iltiyâth Az-Zulam*", 'Abdul-Malik Ibn 'Abdullâh Ibn Yûsuf Ibn Muḥammad Aj-Juwaynî, Abu Al-Ma'âlî Rukn Ad-Dîn, Nicknamed as 'Imâm Al-Haramayn, Verified by: 'Abdul-'Azîm Ad-Dîb, 'Imâm Al-Haramayn Library, (2nd Edition), 1401 AH.
- 226- "*Al-Faḍîl*", Muḥammad Ibn Yazîd Ibn 'Abdul-'Akbar Ath-Thumâlî Al-'Azdî, Abul-'Abbâs, Nicknamed as Al-Mubarrid, Dâr Al-Kutub Al-Masriyyah - Cairo, (3rd Edition), 1421 AH.
- 227- "*Fatâwâ Arkân Al-Islâm*", Muḥammad Ibn Sâlih Ibn Muḥammad Al-'Uthaymîn, Collected and Arranged by: Fahd Ibn Nâsir Ibn 'Ibrâhîm As-Sulaymân, Dâr Ath-Thurayyâ for Publication and Distribution- Riyadh, (1st Edition), 1424 AH.
- 228- "*Fatâwâ As-Subkî*", Abul-Hasan Taqqî Ad-Dîn 'Alî Ibn 'Abdul-Kâfi As-Subkî, Dâr Al-Ma'ârif.
- 229- "*Al-Fatâwâ Al-Kubrâ li Ibn Taymiyyah*", Taqqî Ad-Dîn Abu Al-'Abbâs Aḥmad Ibn 'Abdul-Halîm Ibn 'Abdul-Salâm Ibn 'Abdullâh Ibn Abî Al-Qâsim Ibn Muḥammad Ibn Taymiyyah Al-Harrânî Al-Hanbalî Ad-Damashqî, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edition), 1408 AH.
- 230- "*Fatâwâ wa Tawsiyyât Nadawât Qaḍâyâ Al-Zakâh Al-Mu'asirah*", Bait Az-Zakah Al-Kuwaitî.
- 231- "*Al-Fatâwâ*", by Muḥammad Shaltût, Dâr Ash-Shurûq - Cairo, (1st Edition), 1421 AH.
- 232- "*Fath Al-Bârî Sharḥ Sahîḥ Al-Bukhârî*", Aḥmad Ibn 'Alî Ibn Hajar Abu Al-Faḍl Al-'Asqalânî Ash-Shâfi'i, Edited by: Muḥammad Fu'âd 'Abdul-Bâqî, Muḥibb Ad-Dîn Al-Khaṭîb, Dâr Al-Ma'rifah - Beirut, 1379 AH.
- 233- "*Fath Al-Bayân fi Maqâsid Al-Qur'ân*", Abu At-Tayyib Muḥammad Siddîq Khân Ibn Hasan Ibn 'Alî Ibn Luṭfallâh Al-Husaynî Al-Bukhârî Al-Qinnawjî, Edited by: 'Abdullâh Ibn 'Ibrâhîm Al-Ansâri Al-maktabah Al-'Asriyyah for Publication and Distribution- Saida, 1412 AH.
- 234- "*Fath Al-Qadîr*", Kamâl Ad-Dîn Muḥammad Ibn 'Abdul-Wâḥid As-Siwâsî, Nicknamed

- as Ibn Al-Ḥumâm, Dâr Al-Fikr.
- 235- "*Fatḥh Al-Qadîr*", Muḥammad Ibn 'Alî Ibn Muḥammad Ibn 'Abdullâh Ash-Shawkânî Al-Yamanî, Dâr Ibn Kathîr, Dâr Al-Kalim At-Ṭayyib, Damascus - Beirut, (1st Edition), 1414 AH.
- 236- "*Fatḥh Al-Mun'im Sharḥ Sahîḥ Muslim*", Mûsâ Shâhin Lâshîn Dâr Ash-Shurûq, (1st Edition), 1423 AH.
- 237- "*Fatḥh dhî Al-Jalâl wa Al-'Ikram bi Sharḥ Bulûgh Al-Marâm*", Muḥammad Ibn Ṣâlih Al-'Uthaymîn, Commentry and Verification by: Subḥî Ibn Muḥammad Ramaḍân, 'Umm Isrâ' Bint 'Arafah Bayyûmî, Al-Maktabah Al-'Islâmiyyahh for Publication And Distribution, (1st Edition), 1427 AH.
- 238- "*Al-Furû' wa Tashîḥ Al-Furû'*", Muḥammad Ibn Muflîḥ Ibn Muḥammad Ibn Mufarrij, Abu 'Abdullâh, Shams Ad-Dîn Al-Maqdisî Ar-Râmîni then As-Ṣâlihî Al-Ḥanbalî, Verified by: 'Abdullâh Ibn 'Abdul-Muḥsin At-Turkî, Ar-Risâlah Foundation, (1st Edition), 1424 AH.
- 239- "*Al-Furûq Al-Lughawiyyah*", Abu Hilâl Al-Ḥasan Ibn 'Abdullâh Ibn Sahl Ibn Sa'îd Ibn Yahyâ Ibn Mihrân Al-'Askarî, Commentry and Verification by: Muḥammad 'Ibrâhîm Salîm Dâr Al-'Ilm wa Al-Thaqâfah for Publication and Distribution - Cairo.
- 240- "*Al-Furûq*", Abu Al-'Abbâs Shihâb Ad-Dîn Aḥmad Ibn 'Idrîs Ibn 'Abdul-Raḥmân Al-Mâlikî, Nicknamed as Al-Qarâfî, Dâr 'Alam Al-Kutub, and Ḥâshiyat Al-Furûq "Tahdhîb Al-Furûq wa Al-Qawâ'id As-Saniyyah fî Al-'Asrâr Al-Fiqhiyyah" by Ash-Shaykh Muḥammad Ibn 'Alî Ibn Ḥusayn Muftî Al-Mâlikiyyah in Makkah Al-Mukarramah.
- 241- "*Al-Fuṣṭûl fî Al-'Uṣûl*", Aḥmad Ibn 'Alî Abu Bakr Ar-Râzî Al-Jassâs Al-Ḥanafî, Kuwait Ministry of Islamic Affairs and Endowments, (2nd Edition), 1414 AH.
- 242- "*Al-Fiqh Al-'Islâmî wa 'Adillatuhu*", by Dr. Wahbah Ibn Mustafâ Az-Zuhaylî, Dâr Al-Fikr - Damascus, (4th Edition).
- 243- "*Fawâtiḥ Ar-Raḥmât bi Sharḥ Muslim Ath-Thubût*", 'Abdul-'Alî Muḥammad Ibn Nizâm Ad-Dîn Muḥammad As-Sahâlawî Al-'Anṣarî Al-Laknawî, Verified by: 'Abdullâh Maḥmûd Muḥammad 'Umar, Dâr Al-Kutub Al-'Ilmiyyah, 1423 AH.
- 244- "*Al-Fawâkih Ad-Dawânî 'alâ Risâlat Ibn Abî Zayd Al-Qayrawânî*", Aḥmad Ibn Ghânim Ibn Sâlim Ibn Mihannâ, Shihâb Ad-Dîn An-Nafrâwî Al-'Azharî Al-Mâlikî, Dâr Al-Fikr, 1415 AH.
- 245- "*Al-Fawâ'id As-Saniyyah fî Sharḥ Al-'Alfiyyah*", Shams Ad-Dîn Muḥammad Ibn 'Abdul-Dâ'im Al-Barmâwî, Verified by: 'Abdullâh Ramaḍân Mûsâ, At-Taw'iyyah Al-'Islâmiyyahh for Verification, Publishing and Scientific Research - Giza, (1st Edition), 1436 AH.
- 246- "*Al-Fawâ'id fî Ikhtisâr Al-Maqâsid*", Abu Muḥammad 'Izz Ad-Dîn 'Abdul-'Azîz Ibn 'Abdul-Salâm Ibn Abî Al-Qâsim Ibn Al-Ḥasan As-Sulamî Ad-Damashqî, Nicknamed as Sulṭân Al-'Ulamâ', Verified by: 'Iyâd Khâlid At-Ṭabbâ', Dâr Al-Fikr Al-Mu'âsir - Dâr Al-Fikr - Damascus, (1st Edition), 1416 AH.

- 247- *"Fayḍ Al-Qadīr Sharḥ Al-Jāmi' As-Saghīr"*, Zayn Ad-Dīn Muḥammad Known as 'Abdul-Ra'ūf Ibn Ṭajj Al-'Arifn Ibn 'Alī Ibn Zayn Al-'Abidīn Al-Ḥaddādī Thumma Al-Munāwī Al-Qāhirī, Al-Maktabah Al-Tijāriyyah Al-Kubrā, Egypt, (1st Edition), 1356 AH.
- 248- *"Al-Qāmūs Al-Muḥīṭ"*, Majd Ad-Dīn Abu Ṭāhir Muḥammad Ibn Ya'qūb Al-firūz 'Abādī, Verified by: Heritage Verification Office at Ar-Risālah Foundation, under the supervision of Muḥammad Na'im Al-'Irqūsī, Ar-Risālah Foundation for Printing, publication and Distribution - Beirut, (8th Edition), 1426 AH.
- 249- *"Al-Qabas fī Sharḥ Muwaḥḥa' Mālik Ibn Anas"*, Al-Qāḍī Muḥammad Ibn 'Abdullāh Abu Bakr Ibn Al-'Arabī Al-Ma'āfirī Al-'Ishbīlī Al-Mālikī, Verified by: Dr. Muḥammad 'Abdullāh Walad Karīm, Dār Al-Gharb Al-'Islāmī, (1st Edition), 1992 AD.
- 250- *"Qarārāt Al-Majma' Al-Fiqhī Al-'Islāmī"*.
- 251- *"Qawāṭi' Al-'Adillah fī Al-'Usūl"*, Abu Al-Muẓaffar, Manṣūr Ibn Muḥammad Ibn 'Abdul-Jabbār Ibn Aḥmad Al-Marwazī As-Sam'ānī At-Tamīmī Al-Ḥanafī Thumma Ash-Shāfi'ī, Verified by: Muḥammad Ḥasan Muḥammad Ḥasan 'Ismā'īl Ash-Shāfi'ī, Dār Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1418 AH.
- 252- *"Qawā'id Al-'Aḥkām fī Masāliḥ Al-'Anām"*, Abu Muḥammad 'Izz Ad-Dīn 'Abdul-'Azīz Ibn 'Abdul-Salām Ibn Abī Al-Qāsim Ibn Al-Ḥasan As-Sulamī Ad-Damashqī, Nicknamed as Sulṭān Al-'Ulamā', Revised by: Ṭāhā 'Abdul-Ra'ūf Sa'd, Library of Al-Azhar Colleges in Egypt - Cairo, 1414 AH.
- 253- *"Al-Qawā'id An-Nūrāniyyah"*, Taqqī Ad-Dīn Abu Al-'Abbās Aḥmad Ibn 'Abdul-Ḥalīm Ibn 'Abdul-Salām Ibn 'Abdullāh Ibn Abī Al-Qāsim Ibn Muḥammad Ibn Taymiyyah Al-Ḥarrānī Al-Ḥanbalī Ad-Damashqī, Verified by: Dr. Aḥmad Ibn Muḥammad Al-Khalīl, Dār Ibn Al-Jawzī - KSA, (1st Edition), 1422 AH.
- 254- *"Al-Qawā'id"*, Abu Bakr Ibn Muḥammad Ibn 'Abdul-Mu'min, Nicknamed as Taqqī Ad-Dīn Al-Ḥisnī, Studied and Verified by: Dr. 'Abdul-Raḥmān Ibn 'Abdullāh Ash-Sha'lān, Dr. Jibrīl Ibn Muḥammad Ibn Ḥasan Al-Buṣaylī, Ar-Rushd Library for Publication And Distribution - KSA, (1st Edition), 1418 AH.
- 255- *"Al-Qawā'id"*, Zayn Ad-Dīn 'Abdul-Raḥmān Ibn Aḥmad Ibn Rajab Ibn Al-Ḥasan As-Salāmī, Al-Baghdādī, Thumma Ad-Damashqī Al-Ḥanbalī, Dār Al-Kutub Al-'Ilmiyyah.
- 256- *"Al-Kāfi fī Fiqh Al-'Imām Aḥmad"*, Abu Muḥammad Muwaḥfaq Ad-Dīn 'Abdullāh Ibn Aḥmad Ibn Muḥammad Ibn Qudāmah Al-Jamā'īlī Al-Maqdisī Thumma Ad-dimashqī Al-Ḥanbalī, Nicknamed as Ibn Qudāmah Al-Maqdisī, Dār Al-Kutub Al-'Ilmiyyah, (1st Edition), 1414 AH.
- 257- *"Al-Kāfi fī Fiqh Ahl Al-Madīnah"*, Abu 'Umar Yūsuf Ibn 'Abdullāh Ibn Muḥammad Ibn 'Abdul-Barr Ibn 'Asīm An-Namarī Al-Qurṭubī, Verified by: Muḥammad Muḥammad Aḥīd Walad Mādik Al-Mūrītānī, Riyadh Modern Library - Riyadh (2nd Edition), 1400 AH.
- 258- *"Al-Kabā'ir"*, Shams Ad-Dīn Abī 'Abdullāh Muḥammad Ibn Aḥmad Ibn 'Uṭhmān

- Al-Dhahabî, Dâr An-Nadwah Al-Jadidah - Beirut.
- 259- “Kashshâf Al-‘Istîlâhât wa Al-Funûn At-Tahânwî”, Revised by: Rafiq Al-‘Ajam, Library Lebanon Nâshirûn Library – Beirut (1st Edition), 1996 AD.
- 260- “Kashshâf Al-Qinâ’ ‘an Matn Al-‘Iqnâ’”, Mansûr Ibn Yûnus Ibn Salâh Ad-Dîn Ibn Hasan Ibn ‘Idris Al-Buhûtî Al-Hanbalî, Dâr Al-Kutub Al-‘Ilmiyyah.
- 261- “Al-Kashshâf ‘an Haqâ’iq Ghawâmiq At-Tanzîl”, Abu Al-Qâsim Maḥmûd Ibn ‘Amr Ibn Aḥmad, Al-Zamakhsharî Jârallâh, Annotations by: Ibn Al-Munîr, Dâr Al-Kitâb Al-‘Arabî - Beirut, (3rd Edition), 1407 AH.
- 262- “Kashf Al-‘Asrâr Sharḥ ‘Usûl Al-Bazdawî ‘Abdul-‘Azîz Ibn Aḥmad Ibn Muḥammad, ‘Alâ’ Ad-Dîn Al-Bukhârî Al-ḥanafî, Dâr Al-Kitâb Al-‘Islâmî.
- 263- “Kifâyat An-Nabîh fî Sharḥ At-Tanbîh”, Aḥmad Ibn Muḥammad Ibn ‘Alî Al-‘Ansârî, Abu Al-‘Abbâs, Najm Ad-Dîn, Nicknamed as Ibn Al-Rif’ah, Verified by: Majdî Muḥammad Surûr Bâslûm, Dâr Al-Kutub Al-‘Ilmiyyah, (1st Edition), 2009 AD.
- 264- “Al-Kullîyyât Mu’jam fî Al-Mustalahât wa Al-Furûq Al-Lughawîyyah”, Ayyûb Ibn Mûsâ Al-Husaynî Al-Qarîmî Al-Kafawî Abu Al-Baqâ’ Al-ḥanafî, Verified by: ‘Adnân Darwish - Muḥammad Al-Masrî, Ar-Risâlah Foundation- Beirut.
- 265- “Kanz Al-‘Ummâl fî Sunan Al-‘Aqwâl wa Al-‘Af’âl”, ‘Alâ’ Ad-Dîn ‘Alî Ibn Husâm Ad-Dîn Ibn Qâḍî Khân Al-Hindî Al-Burhânî, Nicknamed as Al-Muttaqî Al-Hindî, Verified by: Bakrî Hayyânî - Safwat As-Saqqâ, Ar-Risâlah Foundation, (5th Edition), 1401 AH.
- 266- “Al-Kawâkib Ad-Darârî fî Sharḥ Saḥîḥ Al-Bukhârî”, Muḥammad Bin Yûsuf Bin ‘Alî Bin Sa’îd, Shams Ad-Dîn Al-Kirmânî, Dâr ‘Iḥyâ’ At-Turâṭ Al-‘Arabî - Beirut, (1st Edition), 1401 AH.
- 267- “Al-Lubâb fî ‘Ulûm Al-Kitâb”, Abu Ḥafṣ Sirâj Ad-Dîn ‘Umar Bin ‘Alî Bin ‘Adil Al-Hanbalî Ad-Dimashqî An-Nu’mânî, Verified by: Ash-shaykh ‘Adil Aḥmad ‘Abdul-Mawjûd and Ash-Shaykh ‘Alî Muḥammad Mu’awwaḍ: Dâr Al-Kutub Al-‘Ilmiyyah, Beirut, (1st Edition), 1419 AH.
- 268- “Lisân Al-‘Arab”, Muḥammad Bin Mukarram Bin ‘Alâ’, Abu Al-Faḍl, Jamâl Ad-Dîn Ibn Manzûr Al-‘Ansârî Ar-Ruwayfî’î Al-‘Ifriqî, Dâr Sâdir - Beirut, (3rd Edition), 1414 AH.
- 269- “Laṭâ’if Al-‘Ishârât”, ‘Abdul-Karîm Bin Hawâzin Bin ‘Abdul-Malik Al-Qushayrî, Verified by: ‘Ibrâhîm Al-Basyûnî, The General Egyptian Book Organization- Egypt, (3rd Edition).
- 270- “Lawâmi’ Ad-Durar fî Hatk Astâr Al-Mukhtasar”, Muḥammad Bin Muḥammad Sâlim Al-Majlisî Ash-shanqîṭî, Correction, Verification and Publication by: Dâr Ar-Riqwân - Mauritania, (1st Edition), 1436 AH.
- 271- “Al-Mubdî’ fî Sharḥ Al-Muqni’”, ‘Ibrâhîm Bin Muḥammad Bin ‘Abdullâh Bin Muḥammad Ibn Muflîḥ, Abu ‘Ishâq, Burhân Ad-Dîn, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1418 AH.

- 272- "*Al-Mabsûf*", Muḥammad Bin Aḥmad Bin Abî Sahl Shams Al-A'immaḥ As-Sarakhsî, Dâr Al-Ma'rifah - Beirut, 1414 AH.
- 273- "*Majallat Al-Buḥûth Al-'Amniyyah*", P.No. (56), A Research Paper entitled: "*Hifẓ Al-'Amn Bayn Al-Maqṣad wa Al-Wasilah*", Dr. Sa'id Bin Muṭ'ib Al-Qaḥṭānî, 1434 AH.
- 274- "*Majallat Ad-Dirâsât Al-Qur'âniyyah*", The Saudi Association for the Holy Quran and its Sciences, A Research Paper entitled: "*Al-'Iqtirân Bayn As-Salâh wa Az-Zakâh*", Dr. Al-'Abbâs Al-Hâzimî, P.No. (10).
- 275- "*Majallat Ash-shari'ah Wa Ad-Dirâsât Al-'Islâmiyyah*", Kuwait University, A Research Paper entitled: "*Ta'lif Al-Qulûb 'alâ Al-'Islâm Bi 'Amwâl As-Sadaqât*", Dr. 'Umar Al-'Ashqar.
- 276- "*Majma' Al-'Amthâl*", Abu Al-Faḍl Aḥmad Bin Muḥammad Bin 'Ibrâhîm Al-Maydânî An-Naysâbûrî, Verified by: Muḥammad Muḥiy Ad-Dîn 'Abdul-Ḥamîd, Dâr Al-Ma'rifah - Beirut.
- 277- "*Majma' Al-'Anhur fî Sharḥ Multaqâ Al-'Abḥur*", 'Abdul-Raḥmân Bin Muḥammad Bin Sulaymân, Known as: Ash-shaykhî Zâdah, Nicknamed as: Dâmâd 'Afandî, Dâr 'Iḥyâ' At-Turâth Al-'Arabî.
- 278- "*Majma' Az-Zawâ'id*", Abul-Hasan Nûr Ad-Dîn 'Alî Bin Abî Bakr Bin Sulaymân Al-Haythamî, Verified by: Ḥusâm Ad-Dîn Al-Qudsî, Al-Qudsî Librery, Cairo, 1414 AH.
- 279- "*Majmû' Al-Fatâwâ*", Taqqî Ad-Dîn Abu Al-'Abbâs Aḥmad Bin 'Abdul-Ḥalîm Bin Taymîyya Al-Harrânî, Verified by: 'Abdul-Raḥmân Bin Muḥammad Bin Qâsim, King Fahd Complex for the Printing of the Holy Quran- Medina, Saudi Arabia, 1416 AH.
- 280- "*Al-Majmû' Sharḥ Al-Muhadhdhab*", Abu Zakariyyâ Muḥyî Ad-Dîn Yahyâ Bin Sharaf An-Nawawî, Dâr Al-Fikr.
- 281- "*Majmû' Fatâwâ wa Rasâ'il Al-'Uthaymîn*", Ash-shaykh Muḥammad Bin Sâliḥ Bin Muḥammad Al-'Uthaymîn, Collected and Organized by: Fahd Bin Nâsir Bin 'Ibrâhîm As-Sulaymân, Dâr Al-Waṭan - Dâr Ath-thurayyâ, 1413 AH.
- 282- "*Muḥâsabat Az-Zakâh Mafhûman wa Niẓâman wa Taḥbiqan*", Dr. Ḥusayn Ḥusayn Shaḥâtah, Al-'Ilâm Librery - Dâr Al-Wafâ', 2012 AD.
- 283- "*Maḥâsin Al-'Islâm*", Abu 'Abdullâh Muḥammad Bin 'Abdul-Raḥmân Al-Bukhârî, Al-Qudsî Librery - Cairo, 1357 AH.
- 284- "*Maḥâsin At-Ta'wîl*", Muḥammad Jamâl Ad-Dîn Bin Muḥammad Sa'id Bin Qâsim Al-Hallâq Al-Qâsimî, Verified by: Muḥammad Bâsil 'Uyûn As-Sûd, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1418 AH.
- 285- "*Maḥâsin Ash-shari'ah fî Furû' Ash-shâfi'iyah*", Abu Bakr Muḥammad Bin 'Alî Bin 'Ismâ'il Ash-shâshî Al-Qaffâl, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 2007 AD.
- 286- "*Al-Muḥarrar Al-Wajîz fî Tafsîr Al-Kitâb Al-'Azîz*", Abu Muḥammad 'Abdul-Ḥaqq Bin

- Ghâlib Bin ‘Abdul-Rahmân Bin Tammâm Bin ‘Atiyyah Al-‘Andalusî Al-Muḥâribî, Verified by: ‘Abdul-Salâm ‘Abdush-shâfi Muḥammad, Dâr Al-Kutub Al-‘Ilmiyyah – Beirut (1st Edition), 1422 AH.
- 287- *“Al-Muḥarrar fî Al-Fiqh ‘alâ Maḡhab Al-‘Imâm Aḥmad Bin Hanbal”*, ‘Abdul-Salâm Bin ‘Abdullâh bin Al-Khiḡr bin Muḥammad, Ibn Taymiyyah Al-Ḥarrânî, Abu Al-Barakât, Majd Ad-Dîn, Al-Ma‘ârif Library - Riyadh, (2nd Edition), 1404 AH.
- 288- *“Al-Maḡsûl”*, Abu ‘Abdullâh Muḥammad bin ‘Umar Bin Al-Ḥasan Bin Al-Ḥusayn At-Tayyimî Ar-Râzî, Nicknamed as: Fakhr Ad-Dîn Ar-Râzî Khaṭîb Ar-Rayy, Studied and Verified by: Dr. Ṭaha Jâbir Fayyâḡ Al-‘Alwânî, Ar-Risâlah Foundation, (3rd Edition), 1418 AH.
- 289- *“Al-Muḥkam wa Al-Muḥîṭ Al-A‘zam”*, Abul-Ḥasan ‘Alî Bin ‘Ismâ‘îl Bin Sîdah Al-Mursî, Verified by: ‘Abdul-Ḥamîd Hindâwî, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1421 AH.
- 290- *“Al-Muḡallâ bi Al-‘Aṭṭâr”*, Abu Muḥammad ‘Alî Bin Aḥmad Bin Sa‘îd Bin Ḥazm Al-‘Andalusî Al-Qurṭubî Az-Zâhirî, Dâr Al-Fikr - Beirut.
- 291- *“Al-Muḥîṭ Al-Burhânî fî Al-Fiqh An-Nu‘mânî Fiqh Al-Imâm Abî Hanîfa”*, Abu Al-Ma‘âlî Burhân Ad-Dîn Maḥmûd Bin Aḥmad Bin ‘Abdul-‘Azîz Bin ‘Umar Bin Mâzah Al-Bukhârî Al-Ḥanafî, Verified by: ‘Abdul-Karîm Sâmi Al-Junddî, Dâr Al-Kutub Al-‘Ilmiyyah - Beirut, (1st Edition), 1424 AH.
- 292- *“Mukhtasar At-Taḥrîr Sharḡ Al-Kawkab Al-Munîr”*, Taqqî Ad-Dîn Abu Al-Baqâ’ Muḥammad Bin Aḥmad Bin ‘Abdul-‘Azîz Bin ‘Alî Al-Futûḡî Known as Ibn An-Najjâr Al-Ḥanbalî, Verified by: Muḥammad Az-Zuhaylî wa Nazîh Ḥammâd, Al-‘Ubaykân Library, (2nd Edition), 1418 AH.
- 293- *“Madârij As-Sâlikîn Bayn Manâzil ‘Iyyâka Na‘budu wa ‘Iyyâka Nasta‘in”*, Muḥammad Bin Abî Bakr Bin Ayyûb Bin Sa‘d Shams Ad-Dîn Ibn Qayyim Al-Jawzîya, Verified by: Muḥammad Al-Mu‘taṣim Billâh Al-Baghdâdî, Dâr Al-Kitâb Al-‘Arabî – Beirut (3rd Edition), 1416 AH.
- 294- *“Madârik At-Tanzîl Wa Haqâ‘iq At-Ta‘wîl”*, Abu Al-Barakât ‘Abdullâh Bin Aḥmad Bin Maḥmûd Ḥâfiẓ Ad-Dîn An-Nasafi, Verified by: Yûsuf ‘Alî Badiwî, Dâr Al-Kalim Aṭ-Ṭayyib - Beirut, (1st Edition), 1419 AH.
- 295- *“Al-Mudawwanah”*, Mâlik bin Anas bin Mâlik Bin ‘Amir Al-‘Aṣbaḡî Al-Madanî, Dâr Al-Kutub Al-‘Ilmiyyah, (1st Edition), 1415 AH.
- 296- *“Mura‘ât Al-Mafâtiḡ Sharḡ Mishkât Al-Masâbiḡ”*, Abul-Ḥasan ‘Ubaydullâh bin Muḥammad ‘Abdul-Salâm bin Khân Muḥammad bin ‘Amânullâh bin Ḥusâm Ad-Dîn Ar-Rahmânî Al-Mubârakfûrî, Administration of Scientific Research, Islamic Propagation, and Religious Verdicts at the Salafi University - India, (3rd Edition), 1404 AH.
- 297- *“Mirqât Al-Mafâtiḡ Sharḡ Mishkât Al-Masâbiḡ”*, ‘Alî Bin Sulṭân Muḥammad Abul-Ḥasan Nûr Ad-Dîn Al-Mullâ Al-Harawî Al-Qârî, Dâr Al-Fikr, Beirut - Lebanon, (1st Edition), 1422 AH.

- 298- "*Al-Masâlik fi Sharh Muwaṭṭa' Mâlik*", Al-Qâḍi Muḥammad bin 'Abdullâh Abu Bakr Bin Al-'Arabî Al-Ma'âfirî Al-Ishbîlî Al-Mâlikî, Commentry by: Muḥammad bin Al-Ḥu-sayn As-Sulaymânî wa 'A'isha Bint Al-Ḥusayn As-Sulaymânî, Dâr Al-Gharb Al-'Islâmî, (1st Edition), 1428 AH.
- 299- "*Masâ'il Al-'Imâm Aḥmad Riwayât Ibnihî 'Abdullâh*", Abu 'Abdullâh Aḥmad Bin Muḥammad Bin Ḥanbal Bin Hilâl Bin 'Asad Ash-shaybânî, Verified by: Zuhayr Ash-shâwîsh Islamic Office- Beirut, (1st Edition), 1401 AH.
- 300- "*Masâ'il Al-'Imâm Aḥmad Riwayât Abî Dâwûd As-Sijistânî*", Abu Dâwûd Sulaymân Bin Al-'Ash'ath Bin 'Ishâq Bin Bashîr Bin Shaddâd Bin 'Amrû Al-'Azḍî As-Sijistânî, Verified by: Abî Mu'âḍ Ṭâriq Bin 'Awaḍ-allâh Bin Muḥammad, Ibn Taymiyyah Libarary - Egypt, (1st Edition), 1420 AH.
- 301- "*Al-Mustadrak 'alâ As-Sahîḥayn*", Abu 'Abdullâh Al-Ḥâkim Muḥammad Bin 'Abdullâh Bin Muḥammad Bin Ḥamdawayh Bin Un'aym Bin Al-Ḥakam Aḍ-Ḍabbî Aṭ-Ṭahmânî An-Naysâbûrî, Known as: Ibn Al-Bay', Verified by: Mustafâ 'Abdul-Qâdir 'Aṭâ, Dâr Al-Kutub Al-'Ilmiyyah – Beirut, (1st Edition), 1411 AH.
- 302- "*Al-Mustadrak 'alâ Majmû' Fatâwâ Ibn Taymiyyah*", Taqî Ad-Dîn Abul-'Abbâs Aḥ-mad Bin 'Abdul-Ḥalîm Bin Taymiyyah Al-Ḥarrânî, Edited by: Muḥammad Bin 'Ab-dul-Raḥmân Bin Qâsim, (1st Edition), 1418 AH.
- 303- "*Al-Mustasfâ*", Abu Ḥâmid Muḥammad bin Muḥammad Al-Ghazâlî Aṭ-Ṭûsî, Verified by: Muḥammad 'Abdul-Salâm 'Abdu-Ashshâfi, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edi-tion), 1413 AH.
- 304- "*Musnad Aḥmad*", Abu 'Abdullâh Aḥmad Bin Muḥammad Bin Ḥanbal Bin Hilâl Bin 'Asad Ash-shaybânî, Verified by: Shu'ayb Al-'Arna'ûṭ / 'Adil Murshid and Others, Under the supervision of: Dr. 'Abdullâh Bin 'Abdul-Muḥsin At-Turkî, Ar-Risâlah Foundation, (1st Edition), 1421 AH.
- 305- "*Musnad Ash-shâfi 'i*", Ash-shâfi 'i Abu 'Abdullâh Muḥammad Bin 'Idrîs Bin Al-'abbâs Bin 'Uthmân Bin Shâfi' Bin 'Abdul-Muṭṭalib Bin 'Abd Manâf Al-Muṭṭalibî Al-Qurashî Al-Makkî, Dâr Al-Kutub Al-'Ilmiyyah, Beirut - Lebanon, 1400 AH.
- 306- "*Mishkât Al-Masâbiḥ*", Muḥammad Nâsir Ad-Dîn Al-'Albânî, Islamic Office- Beirut, (3rd Edition), 1985 AD.
- 307- "*Masârif Az-Zakâh Wa Tamlikuhâ fi Ḍaw' Al-Kitâb wa As-Sunna*", Khâlid 'Abdur-Razzâq Al-'Anî, Dâr 'Usâma for Publication and distribution, (1st Edition), 1999 AD.
- 308- "*Al-Misbâḥ Al-Munîr fi Gharîb Ash-sharḥ Al-Kabîr*", Aḥmad Bin Muḥammad Bin 'Alî Al-Fayyûmî than Al-ḥamawî, Abu Al-'Abbâs, Al-Maktabah Al-'Ilmiyyah - Beirut.
- 309- "*Al-Musannaf*", Abu Bakr Bin Abî Shaybah, 'Abdullâh Bin Muḥammad Bin 'Ibrâhîm Bin 'Uthmân Bin Khawâstî Al-'Absî, Verified by: Kamâl Yûsuf Al-Hût, Ar-RuSHd Lib-erary - Riyadh, (1st Edition), 1409 AH.
- 310- Maṭâlib 'Ulî An-Nuhâ fi Sharḥ Ghâyat Al-Muntahâ, Mustafâ Bin Sa'd Bin 'Abdu As-Suyûṭî Shuhra, Ar-Ruḥaybânî Mawlidan Thumma Ad-Dimashqî Al-Hanbalî, Islamic

- Office, (2nd Edition), 1415 AH.
- 311- *"Al-Muṭṭilī"*, Muḥammad Bin Abī Al-Faṭḥ Bin Abī Al-Faḍl Al-Ba'li, Abu 'Abdullāh, Shams Ad-Dīn, Verified by: Maḥmūd Al-Arna'ūt and Yāsīn Maḥmūd Al-Khaṭīb, Library As-Sawādī for Distribution, (1st Edition), 1423 AH.
- 312- *"Ma'ālim At-Tanzīl fī Tafsīr Al-Qur'ān"*, Abu Muḥammad Al-Ḥusayn Bin Mas'ūd Al-Baghwī, Verified by: Muḥammad 'Abdullah An-Nimr, 'Uthmān Jum'a Ḍamīriyyah, Sulaymān Muslim Al-Ḥarsh, Dār Ṭayyibah for Publication and Distribution, (4th Edition), 1417 AH.
- 313- *"Ma'ālim As-Sunan"*, Abu Sulaymān Ḥamd Bin Muḥammad Bin 'Ibrāhīm Bin Al-Khaṭṭāb Al-Bustī Al-Ma'rūf Bil-Khaṭṭābī, Al-Maṭba'a Al-'ilmiyya - Ḥalab, (1st Edition), 1351 AH.
- 314- *"Al-Mu'jam Al-'Awsaṭ"*, Sulaymān Bin Aḥmad Bin Ayyūb Bin Muṭayr Al-Lakhmī Ash-Shāmī, Abu Al-Qāsim Aṭ-Ṭabarānī, Verified by: Ṭāriq Bin 'Awadīllāh Bin Muḥammad, 'Abdul-Muḥsin Bin 'Ibrāhīm Al-Ḥusaynī, Dār Al-Ḥaramayn - Cairo.
- 315- *"Al-Mu'jam Al-Wasīṭ"*, Majma' Al-Lughah Al-'Arabiyyah in Cairo, ('Ibrāhīm Muṣṭafā / Aḥmad Az-Zayyāt / Ḥāmid 'Abdul-Qādir/ Muḥammad An-Najjār), Dār Ad-Da'wa.
- 316- *"Al-Mu'allim bi Fawā'id Muslim"*, Abu 'Abdullāh Muḥammad Bin 'Alī Bin 'Umar At-Tamīmī Al-Māzirī Al-Mālikī, Verified by: Ash-SḤaykh Muḥammad Ash-Shādhli An-Nayfar, Ad-Dār At-Tūnisīyyah for Publication / National Publishing House in Algeria/The National Institution for Translation, Authentication and Studies - Bayt al-Ḥikmah, (2nd Edition), 1988 AD.
- 317- *"Mu'ālimat Zāyid li Al-Qawā'id Al-Fiqhiyyah wa Al-'Usūliyyah"*, Group of Researchers and Schoolars, Zāyid Bin Sulṭān Āl Nahyān Charitable and Humanitarian Foundation - Organization of Islamic Cooperation - International Islamic Fiqh Academy (IIFA), 1434 AH.
- 318- *"Al-Ma'ūnah 'alā Madhhab 'Alim Al-Madīnah"*, Abu Muḥammad 'Abdul-Waḥhāb Bin 'Alī Bin Naṣr Ath-tha'labī Al-Baghdādī Al-Mālikī, Verified by: Ḥumaysh 'Abdul-Ḥaqq, Al-Maktabah At-Tijāriyyah, Muṣṭafā Aḥmad Al-Bāz - Mecca.
- 319- *"Mi'yār Al-'Ilm fī Fann Al-Manṭiq"*, Abu Ḥāmid Muḥammad Bin Muḥammad Al-Ghazālī Aṭ-Ṭūsī, Verified by: Dr. Sulaymān Dunyā, Dār Al-Ma'ārif, Egypt, 1961 AD.
- 320- *"Al-Mi'yār Al-Mu'arrab wa Al-Jāmi' Al-Mughrrab 'an Fatāwā 'Ahl 'Ifriqiyyah wa Al-'Andalus wa Al-Maghrib"*, Abu Al-'Abbās Aḥmad Bin Yahyā Al-Wansharīsī, Under the Supervision of: Muḥammad Ḥajjī, Moroccan Ministry of Religious Endowments and Islamic Affairs, 1401 AH.
- 321- *"Al-Mu'īn 'alā Tafahhum Al-'Arba'in"*, Ibn Al-Mulaqqin Sirāj Ad-Dīn Abu Ḥafs 'Umar Bin 'Alī Bin Aḥmad Ash-Shāfi'ī Al-Masriī, Studied and Verified by: Dr. Daghsḥ Bin Shabīb Al-'Ajāmī, Library Ahl Al-'Aṭār for Publication And Distribution - Kuwait, (1st Edition), 1433 AH.
- 322- *"Mughnī Al-Muḥṭaj Ilā Ma'rifat Ma'ānī Alfāz Al-Minhāj"*, Shams Ad-Dīn, Muḥammad Bin Aḥmad Al-Khaṭīb Ash-Shirbīnī Ash-Shāfi'ī, Dār Al-Kutub Al-'Ilmiyyah, (1st Edition), 1415 AH.

- 323- "*Al-Mughni*", Abu Muḥammad Muwaffaq Ad-Dîn 'Abdullâh Bin Aḥmad Bin Muḥammad Bin Qudâmah Al-Jamâ'îlî Al-Maqdisî Thumma Ad-Dimashqqî Al-Hanbalî, Nicknamed as: Ibn Qudâmah Al-Maqdisî, Cairo Libery, 1388 AH.
- 324- "*Maḡâṭih Al-Ghayb*", Abu 'Abdullâh Muḥammad Ibn 'Umar Ibn Al-Ḥasan Ibn Al-Ḥusayn Al-Taymî Ar-Râzî, Nicknamed as: Fakhr Ad-Dîn Ar-Râzî Khaṭīb Ar-Ray, Dâr 'Iḥyâ' At-Turâth Al-'Arabî - Beirut, (3rd Edition), 1420 AH.
- 325- "*Al-Maḡâṭih fî SHarḥ Al-Maṣâbih*", Al-Ḥusayn Ibn Maḥmûd Ibn Al-Ḥasan, Maḡhar Ad-Dîn Az-Zaydânî Al-Kûfî Ad-Ḍarîr Al-SHirâzî Al-Hanaḡî, Known as: Al-Maḡharî, Verified and Studied by: A specialized Committee of Editors under the Supervision of: Nûr Ad-Dîn Ṭâlib, Dâr An-Nawâdir, It is one of the publications of the Islamic Culture Administration- Kuwait Ministry of Islamic Affairs and Endowments, (1st Edition), 1433 AH.
- 326- "*Miftâḥ Dâr As-Sa'ûdah wa Manshûr Wilâyat Al-'Ilm wa Al-'Irâdah*", Muḥammad Ibn Abî Bakr Ibn Ayyûb Ibn Sa'd Shams Ad-Dîn Ibn Qayyim Al-Jawziyyah, Dâr Al-Kutub Al-'Ilmiyyah - Beirut.
- 327- "*Al-Mufradât fî Gharîb Al-Qur'ân*", Abu Al-Qâsim Al-Ḥusayn Ibn Muḥammad, Nicknamed as: Ar-Râghib Al-'Asfahânî, Verified by: Safwân 'Adnân Ad-Dâwûdî, Dâr Al-Qalam Ad-Dâr Ash-Shâmiyyah - Damascus / Beirut, (1st Edition), 1412 AH.
- 328- "*Al-Mufasssal fî Al-Qawâ'id Al-Fiqhiyyah*", Dr. Yâqûb Ibn 'Abdul-Wahhâb Al-Bâḡhusayn, Dâr Al-Tadmuriyyah, (2nd Edition), 1432 AH.
- 329- "*Al-Muḡhim li Mâ 'Ashkala min Talkhîs Kitâb Muslim*", Abu Al-'Abbâs Aḥmad Ibn 'Umar Ibn 'Ibrâhîm Al-Qurṭubî, Verification and Commentry by: Muḡyî Ad-Dîn Dîb Mîstû/ Aḥmad Muḥammad As-Sayyid/ Yûsuf 'Alî Badîwî/ Maḥmûd 'Ibrâhîm Bizâl, Dâr Ibn Kathîr, Damascus - Beirut, Dâr Al-Kalim At-Ṭayyib, Damascus - Beirut, (1st Edition), 1417 AH.
- 330- "*Maqâsid Ash-Shari'ah Al-'Islâmiyyah li Ibn 'Ashûr*", Muḥammad At-Ṭâhir Ibn Muḥammad Ibn Muḥammad At-Ṭâhir Ibn 'Ashûr At-Tûnisî, Verified by: Muḥammad Al-Ḥabîb Ibn Al-Khûjah, Ministry of Islamic Affairs and Endowments, Qaṭar, 1425 AH.
- 331- "*Maqâsid Ash-Shari'ah Al-'Islâmiyyah wa 'Ilâqatuhâ Bi Al-'Adillah Ash-Shar'iyyah*", Muḥammad Sa'd Ibn Aḥmad Ibn Mas'ûd Al-Yûbî, Dâr Al-Hijrah, (1st Edition), 1418 AH.
- 332- "*Maqâsid Ash-Shari'ah Al-'Islâmiyyah wa Makârimuhâ*", 'Allâl Al-Fâsî, Dâr Al-Gharb Al-'Islâmî, (5th Edition), 1993 AD.
- 333- "*Maqâsid Ash-Shari'ah Al-Khâssah Bi Al-Tasarrufât Al-Mâliyyah*", Dr. 'Izz Ad-Dîn Ibn Zughîbah, Jum'at Al-Majid Center for Culture and Heritage, Dubai, (1st Edition), 1422 AH.
- 334- "*Maqâys Al-Lughah*", Aḥmad Ibn Fâris Ibn Zakariyyâ Al-Qazwîni Ar-Râzî, Abu Al-Ḥusayn, Verified by: 'Abdul-Salâm Muḥammad Hârûn, Dâr Al-Fikr, 1399 AH.
- 335- "*Al-Muqaddimât Al-Mumahhidât*", Abu Al-Walîd Muḥammad Ibn Aḥmad Ibn Rushd

- Al-Qurṭubî (D: 520 AH), Verified by: Dr. Muḥammad Hajjî, Dâr Al-Gharb Al-‘Islâmî - Beirut, (1st Edition), 1408 AH.
- 336- “*Al-Maqṣad Al-‘Asnâ fî Sharḥ Ma‘âni ‘Asmâ’ Allâh Al-ḥusnâ*”, Abu Ḥâmid Muḥammad Ibn Muḥammad Al-Ghazâlî At-Ṭûsî, Verified by: Bassâm ‘Abdul-Wahhâb Al-Jâbî, Al-Jaffân and Al-Jâbî - Cyprus, (1st Edition), 1407 AH.
- 337- “*Manâḥij At-Taḥṣîl wa Natâ’ij Laṭâ’if At-Ta’wîl fî Sharḥ Al-Mudawwanah wa Hall Mush-killâtihâ*”, Abul-Hasan ‘Alî Ibn Sa’îd Ar-Rajrâjî, Edited by: Abu Al-Faḍl Ad-Dimyâṭî - Aḥmad Ibn ‘Alî, Dâr Ibn Ḥazm, (1st Edition), 1428 AH.
- 338- “*Al-Muntaqâ Sharḥ Al-Muwatta’*”, Abu Al-Walîd Sulaymân Ibn Khalaf Ibn Sa’d Ibn Ayyûb Ibn Wârith At-Tujîbî Al-Qurṭubî Al-Bâjî Al-‘Andalusî, As-Sa’âdah Press- Egypt, (1st Edition), 1332 AH.
- 339- “*Al-Manshûr fî Al-Qawâ'id Al-Fiqhiyyah*”, Abu ‘Abdullâh Badr Ad-Dîn Muḥammad Ibn ‘Abdullâh Ibn Bahâdur Az-Zarkashî, Kuwait Ministry of Islamic Affairs and Endowments, (2nd Edition), 1405 AH.
- 340- “*Manḥ Al-Jalîl Sharḥ Mukhtasar Khalîl*”, Muḥammad Ibn Aḥmad Ibn Muḥammad ‘Ulaysh, Abu ‘Abdullâh Al-Mâlikî, Dâr Al-Fikr - Beirut, 1409 AH.
- 341- “*Minḥat Al-Bârî bi Sharḥ Saḥîḥ Al-Bukhârî*”, Zakariyyâ Ibn Muḥammad Ibn Aḥmad Ibn Zakariyyâ Al-‘Ansârî, Zayn Ad-Dîn Abu Yahyâ As-Sunîkî Al-Masriî Al-Shâfi’î, Verification and Commentry by: Sulaymân Ibn Duray’ Al-‘Azimî, Al-Rushd Library for Publication and Distribution - Riyadh, (1st Edition), 1426 AH.
- 342- “*Al-Mankhûl min Ta’lîqât Al-‘Usûl*”, Abu Ḥâmid Muḥammad Ibn Muḥammad Al-Ghazâlî Al-Ṭûsî, Verification and Commentry by: Dr. Muḥammad Ḥasan Hitû, Dâr Al-Fikr Al-Mu‘âṣir - Beirut Dâr Al-Fikr, Damascus - Syria, (3rd Edition), 1419 AH.
- 343- “*Minḥâj As-Sunnah An-Nabawiyyah*”, Taqqî Ad-Dîn Abu Al-‘Abbâs Aḥmad Ibn ‘Abdul-ḥalîm Ibn ‘Abdul-Salâm Ibn ‘Abdullâh Ibn Abî Al-Qâsim Ibn Muḥammad Ibn Taymiyyah Al-Ḥarrânî Al-Ḥanbalî Al-Dimashqî, Verified by: Muḥammad Rashâd Sâlim, Al-‘Imâm Mohammad ibn Sa’ud Islamic University, (1st Edition), 1406 AH.
- 344- “*Al-Minḥâj Sharḥ Saḥîḥ Muslim Ibn Al-Hajjâj*”, Abu Zakariyyâ Muḥyî Ad-Dîn Yahyâ Ibn Sharaf An-Nawawî, Dâr ‘Iḥyâ’ At-Turâth Al-‘Arabî - Beirut, (2nd Edition), 1392 AH.
- 345- “*Al-Manḥal Al-‘Adhb Al-Mawrûd Sharḥ Sunan Abî Dâwûd*”, Maḥmûd Muḥammad Khaṭṭâb As-Subkî, Verification and Correction by: Amîn Maḥmûd Muḥammad Khaṭṭâb, Al-‘Istiḳamah Press - Cairo, (1st Edition), 1351 AH.
- 346- “*Al-Muhadhdhab fî Fiqh Al-‘Imâm Al-Shâfi’î*”, Abu ‘Ishâq ‘Ibrâhîm Ibn ‘Alî Ibn Yûsuf Ash-Shirâzî, Dâr Al-Kutub Al-‘Ilmiyya.
- 347- “*Al-Muhayya’ fî Kashf ‘Asrâr Al-Muwatta’*”, ‘Uthmân Ibn Sa’îd Al-Kimâkhî, Verification and Documentation by: Aḥmad ‘Alî, Dâr Al-Ḥadîth - Cairo, 1425 AH.
- 348- “*Al-Muwâfaqât*”, ‘Ibrâhîm Ibn Mûsâ Ibn Muḥammad Al-Lakhmî Al-Gharnâṭî, Known as: Al-Shâtîbî, Verified by: Abu ‘Ubaydah Mashhûr Ibn Ḥasan ‘Al Salmân, Dâr Ibn ‘Affân, (1st Edition), 1417 AH.

- 349- "Mawâhib Al-Jalîl fî Sharḥ Mukhtaṣar Khalîl", Shams Ad-Dîn Abu 'Abdullâh Muḥammad Ibn Muḥammad Ibn 'Abdul-Raḥmân At-Ṭarâbulusî Al-Maghribî, Nicknamed as Al-Ḥaṭṭâb Al-Ru'aynî Al-Mâlikî, Dâr Al-Fikr, (3rd Edition), 1412 AH.
- 350- "Al-Mawsû'ah Al-Fiqhiyyah Al-Kuwaitiyyah", Kuwait Ministry of Islamic Affairs and Endowments- Kuwait, 1404h - 1427 AH.
- 351- "Mawsû'at Al-Qawâ'id Al-Fiqhiyyah", Muḥammad Sîdqî Ibn Aḥmad Ibn Muḥammad 'Al Bûrnû Abul-Ḥârith Al-Ghazzî, Ar-Risâlah Foundation- Beirut, (1st Edition), 1424 AH.
- 352- "Mawsû'at Al-Qawâ'id wa Ad-Dawâbiṭ Al-Fiqhiyyah Al-ḥâkimah li Al-Mu'âmalât Al-Mâliyyah fî Al-Fiqh Al-'Islâmî", Dr. 'Alî Ibn Aḥmad An-Nadwî, Dâr 'Alam Al-Ma'rifah, 1419 AH.
- 353- "Mawsû'at Qaḍâyâ 'Islâmiyyah Mu'âsirah", Muḥammad Al-Zuhaylî, Dâr Al-Maktabî - Damascus, (1st Edition), 1430 AH.
- 354- "Al-Muwatta'", Al-'Imâm Mâlik Ibn 'Anas Ibn Mâlik Ibn 'Amir Al-'Asbahî Al-Madanî, Verified by: Muḥammad Mustafâ Al-A'zamî, Zayed bin Sultan Al Nahyan Foundation for Charitable and Humanitarian Works, Abu Dhabi, (1st Edition), 1425 AH.
- 355- Mawqî': <https://www.theguardian.com/Business/2019/Jan/21/World> - 26 - Richest - People - Own - As - Much - As - Poorest - 50 - Per - Cent - Oxfam - Report
- 356- Mawqî' Al-Muslim, A research Paper Entitled: "Ḍamân 'Amwâl Az-Zakâh", Dr.Ṣâliḥ Ibn Muḥammad 'Al Fawzân.
- 357- "Mizân Al-'Uṣûl fî Natâ'ij Al-'Uqûl", 'Alâ' Ad-Dîn Shams An-Naẓar Abu Bakr Muḥammad Ibn Aḥmad Al-Samarqandî, Verification and Commentry by: Dr. Muḥammad Zakî 'Abdul-Barr, Ad-Dawḥah Al-ḥadîthah Press - Qatar, (1st Edition), 1404 AH.
- 358- "An-Najm Al-Wahḥâj fî Sharḥ Al-Minhâj", Kamâl Ad-Dîn, Muḥammad Ibn Mûsâ Ibn 'Isâ Ibn 'Alî Ad-Damîrî Abu Al-Baqâ' Ash-Shâfi'î, Dâr Al-Minhâj - Jiddah, Verified by: Scientific Committee, (1st Edition), 1425 AH.
- 359- "Naḥwa Taf'îl Maqâsid Ash-Shar'iah Al-'Islâmiyyah", Dr. Jamâl 'Aṭiyyah, The International Institute of Islamic Thought» (IIIT), Dâr Al-Fikr- Damascus, (4th Edition), 2011 AD.
- 360- "Nukhab Al-'Afkâr fî Tanqîḥ Mabâni Al-'Akhbâr fî Sharḥ Ma'âni Al-'Athâr", Abu Muḥammad Maḥmûd Ibn Aḥmad Ibn Mûsâ Ibn Aḥmad Ibn Ḥusayn Al-Ghaytâbî Al-Ḥanafî Badr Ad-Dîn Al-'Aynî, Verified by: Abu Tamîm Yâsir Ibn 'Ibrâhîm, Ministry of Islamic Affairs and Endowments - Qaṭar, (1st Edition), 1429 AH.
- 361- "Naṣb Ar-Râyah li 'Aḥādîth Al-Hidâyah", Jamâl Ad-Dîn Abu Muḥammad 'Abdullâh Ibn Yûsuf Ibn Muḥammad Az-Zaylâ'î, Edited by: 'Abdul-'azîz Al-Dîwbandî Al-Finjânî/ Muḥammad Yûsuf Al-Kâmelfûrî, Verified by: Muḥammad 'Awwâmah, Ar-Rayyân Foundation for Printing and Publication - Beirut / Dâr Al-Qiblah for Islamic Culture - Jiddah, (1st Edition), 1418 AH.
- 362- "Nafâ'is Al-'Uṣûl fî Sharḥ Al-Maḥṣûl", Shihâb Ad-Dîn Aḥmad Ibn 'Idrîs Al-Qarâfi, Verified by: 'Adil Aḥmad 'Abdul-Mawjûd, 'Alî Muḥammad Mu'awwad, Nizâr Mustafâ Al-

- Bâz Library, (1st Edition), 1416 AH.
- 363- *"An-Nukat wa Al- 'Uyûn"*, Abul-Hasan 'Alî Ibn Muḥammad Ibn Muḥammad Ibn Ḥabîb Al-Baṣrî Al-Baghdâdî, Known as: Al-Mâwardî, Verified by: As-Sayyid Ibn 'Abdul-Maqsûd Ibn 'Abdul-Raḥîm, Dâr Al-Kutub Al-'Ilmiyyah - Beirut.
- 364- *"Nihâyat As-Sûl Sharḥ Minhâj Al-Wuṣûl"*, 'Abdul-Raḥîm Ibn Al-ḥasan Ibn 'Alî Al-'Isnawî Al-Shâfi'i, Abu Muḥammad, Jamâl Ad-Dîn, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1420 AH.
- 365- *"Nihâyat Al-Muḥtâj 'Ilâ Sharḥ Al-Minhâj"*, Shams Ad-Dîn Muḥammad Ibn Abî Al-'Abâs Aḥmad Ibn Ḥamzah Shihâb Ad-Dîn Ar-Ramlî, Dâr Al-Fikr - Beirut, 1404 AH.
- 366- *"Nihâyat Al-Maṭlab fî Dirâyat Al-Madḥhab"*, 'Abdul-Malik Ibn 'Abdullâh Ibn Yûsuf Ibn Muḥammad Al-Juwaynî, Abu Al-Ma'âlî Rukn Ad-Dîn, Nicknamed as-'Imâm Al-Ḥaramayn, Verified by: Prof. Dr. 'Abdul-'Azîm Maḥmûd Ad-Dîb, Dâr Al-Minhâj, (1st Edition), 1428 AH.
- 367- *"An-Nihâyah fî Gharîb Al-Hadîth wa Al-'Athar"*, Majd Ad-Dîn Abu Al-Sa'âdât Al-Mubâarak Ibn Muḥammad Ibn Muḥammad Ibn Muḥammad Ibn 'Abdul-Karîm Ash-Shaybânî Al-Jazzarî Ibn Al-'Athîr, Al-Maktabah Al-'Ilmiyyah - Beirut, 1399 AH.
- 368- *"An-Nahr Al-Fâ'iḳ Sharḥ Kanz Ad-Daqâ'iḳ"*, Sirâj Ad-Dîn 'Umar Ibn 'Ibrâhîm Ibn Nuġjm Al-Ḥanafî, Verified by: Aḥmad 'Izû 'Inâyah, Dâr Al-Kutub Al-'Ilmiyyah, (1st Edition), 1422 AH.
- 369- *"Nawâzil Az-Zakâh Dirasah Fiqhiyyah Taṣṣiliyyah li Mustajadât Az-Zakâh"*, 'Abdullâh Ibn Mansûr Al-Ghufaylî, Dâr Al-Maymân for Publication and Distribution, Riyadh - KSA, Cairo - Egypt, (1st Edition), 1430 AH.
- 370- *"Nayl Al-'Awṭâr"*, Muḥammad Ibn 'Alî Ibn Muḥammad Ibn 'Abdullâh Ash-Shawkânî Al-Yamanî, Verified by: 'Isâm Ad-Dîn AS-Sabâbiṭî, Dâr Al-Ḥadîth, Egypt, (1st Edition), 1413 AH.
- 371- *"Al-Wajîz fî 'Idâḥ Qawâ'id Al-Fiqh Al-Kulliyyah"*, Ash-Shaykh Dr. Muḥammad Sidqî Ibn Aḥmad Ibn Muḥammad 'Al Bûrnû Abu Al-Ḥarith Al-Ghazzî, Ar-Risâlah Foundation, Beirut - Lebanon, (4th Edition), 1416 AH.
- 372- *"Al-Wasîṭ fî Al-Madḥhab"*, Abu ḥâmid Muḥammad Ibn Muḥammad Al-Ghazâlî At-Ṭûsî, Verified by: Aḥmad Maḥmûd 'Ibrâhîm, Muḥammad Muḥammad Tâmir, Dâr As-Salâm - Cairo, (1st Edition), 1417 AH.
- 373- *"Al-Wasîṭ fî Tafṣîr Al-Qur'ân Al-Majîd"*, Abul-Hasan 'Alî Ibn Aḥmad Ibn Muḥammad Ibn 'Alî Al-Wâḥidî An-Nisâbûrî Ash-Shâfi'i, Verification and Commentry by: Ash-Shaykh 'Adil Aḥmad 'Abdul-Mawjûd, Ash-Shaykh 'Alî Muḥammad Mu'awwad, Dr. Aḥmad Muḥammad Sîrah, Dr. Aḥmad 'Abdul-Ghanî Al-Jamal and Dr 'Abdul-Raḥmân 'Uwîs, Dâr Al-Kutub Al-'Ilmiyyah - Beirut, (1st Edition), 1415 AH.



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