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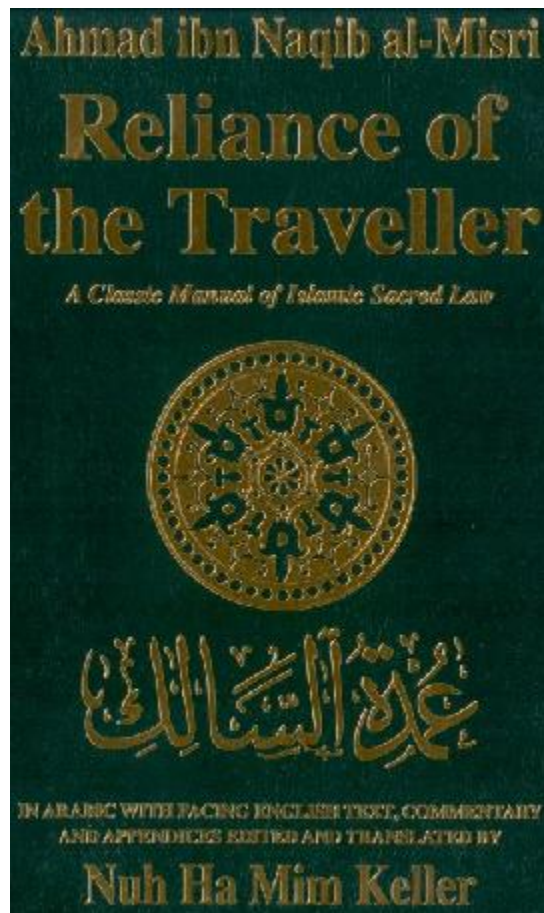
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RULE OF SHARIA

The eight categories of zakat recipients (Sections h8.7 – h8.18)



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CONTENTS

Introduction	vii
Documents	xiii
Warrant of Sheikh 'Abd al-Wakil Durubi	
Warrant of Sheikh Nuh 'Ali Salman	
Report of the International Institute of Islamic Thought	
Certification of al-Azhar	
Abbreviations	xxii
A. Sacred Knowledge	1
B. The Validity of Following Qualified Scholarship	15
C. The Nature of Legal Rulings	27
D. Author's Introduction to <i>'Umdat al-Salik</i>	47
E. Purification	49
F. The Prayer	101
G. The Funeral Prayer	220
H. Zakat	244
I. Fasting	277
J. The Pilgrimage	297
K. Trade	371
L. Inheritance	460
M. Marriage	506
N. Divorce	554
O. Justice	578
P. Enormities	649
Q. Commanding the Right and Forbidding the Wrong	713
R. Holding One's Tongue	726
S. Delusions	777
T. A Pure Heart	796
U. The Gabriel Hadith	807
V. Belief in Allah and His Messenger	816
W. Notes and Appendices	826
X. Biographical Notes	1019
Y. Works Cited	1116
Z. Indexes	1128

A comprehensive table of contents precedes each section.

zakat to the imam (A: i.e. the caliph (o25) or his representative), and this is superior unless the imam is unjust, in which case it is better to distribute it oneself.

THE PRAYER OF THE RECIPIENT FOR THE ZAKAT GIVER

h8.4 It is recommended for the poor person (O: receiving zakat when the owner is distributing it) or the agent assigned to deliver the zakat to recipients (N: if the imam has gathered it by means of agents to distribute to the poor) to supplicate for the giver, saying, "May Allah reward you for what you have given, bless you in what you have retained, and purify it for you."

THE INTENTION OF ZAKAT

h8.5 Making the intention of zakat is a necessary condition for the validity of giving it. The intention is made when zakat is paid to the poor person or the one being authorized to distribute it, and one must intend giving it as the zakat of one's property. (O: It is permissible to make the intention before paying the money.) When the owner has made this intention, it is not necessary that the agent distributing it also make an intention before giving it (O: because the owner's intention is sufficient, whether the agent is an ordinary individual or is the ruler. It is also permissible for the owner to authorize an agent to both make the intention and distribute the zakat).

h8.6 It is recommended that the imam dispatch a zakat worker, (O: to collect zakat funds from those obliged to pay, to make this easier for them. Such an agent must be) an upright Muslim (def: o24.4) who knows the rulings of zakat, and who is not of the Hashimi or Muttalibi clans of Quraysh.

THE EIGHT CATEGORIES OF RECIPIENTS

h8.7 It is obligatory to distribute one's zakat among eight categories of recipients (O: meaning

أفضل إلا أن يكون جائراً (غير عادل) فتريفة بنفسه أفضل.

دعاء الأخذ للمعطي

h8.4 وَيُنذَبُ لِلْفَقِيرِ (الأخذ للزكاة إن فرق المسالك) والساعي (ح: إن جمعها الإمام بواسطة السعاة ليرفقاها على الفقراء) أن يدعوا للمعطي فيقول «أجزك الله فيما أعطت وبارك لك فيما أبقيت وجعله لك طهوراً».

نية الزكاة

h8.5 وَمِنْ شُرُوطِ الْإِجْرَاءِ النِّيَّةُ غَيْبُوعِي عِنْدَ الدَّفْعِ إِلَى الْفَقِيرِ أَوْ إِلَى الْوَكِيلِ أَنَّ هَذِهِ زَكَاةٌ مَالِي (ويجوز تقديم النية على دفع المال) فإذا توى المالك لم نجب نية الوكيل عند الدفع (للفقراء) اكتفاء بنية المالك سواء كان الوكيل من آحاد الناس أو كان هو السلطان وإن وكله بالنية وبالدفء جاز).

h8.6 وَيُنذَبُ لِلْإِمَامِ أَنْ يَبْعَثَ عَامِلاً زَعَى الزُّكُوتِ بَأَن يَأْخُذَهَا مِنْ أَرْبَابِهَا أَيْ مِمَّنْ وَجِبَتْ عَلَيْهِ تَسْهِلاً عَلَيْهِمْ، وَلَا يَدُّ أَنْ يَكُونَ الْعَامِلُ مُسْلِمًا [حراً] عَدْلًا فَتِيهَا فِي الزَّكَاةِ غَيْرِ هَاشِمِيٍّ وَمُطَّلَبِيٍّ.

أصناف المستحقين الثمانية

h8.7 وَيَجِبُ صَرْفُ الزَّكَاةِ إِلَى ثَمَانِيَةِ أَصْنَافٍ (والمراد أن الزكاة لا

that zakat goes to none besides them), one-eighth of the zakat to each category.

(n: In the Hanafi school, it is valid for the giver to distribute his zakat to all of the categories, some of them, or to confine himself to just one of them (*al-Lubab fi sharh al-Kitab* (y88), 1.155).)

THE POOR

h8.8 The first category is the *poor*, meaning someone who:

(a) does not have enough to suffice himself (O: such as not having any wealth at all, or having some, but (N: he is unable to earn any, and) what he has is insufficient to sustain him to the end of his probable life expectancy if it were distributed over the probable amount of remaining time; *insufficient* meaning it is less than half of what he needs. If he requires ten dirhams a day, for example, but the amount he has when divided by the time left in his probable life expectancy is four dirhams a day or less, not paying for his food, clothing, housing, and whatever he cannot do without, to a degree suitable (dis: f4.5) to someone of his standing without extravagance or penury, then he is *poor*—all of which applies as well to the needs of those he must support (def: m12.1).) (N: A mechanic's tools or scholar's books are not sold or considered part of his money, since he needs them to earn a living);

(b) and is either:

(1) unable to earn his living by work suitable to him (O: such as a noble profession befitting him (N: given his health and social position), as opposed to work unbecoming him, which is considered the same as not having any. If such an individual were an important personage unaccustomed to earning a living by physical labor, he would be considered "poor." This also includes being able to do work suitable to one, but not finding someone to employ one);

(2) or is able to earn his living, but to do so would keep him too busy to engage in attaining

تخرج عنهم [فهي مفسورة عليهم لا تتجاوزهم]) لكل صنف لمن الزكاة.

الفقراء

h8.8 أحدها الفقراء، والفقير:

من لا يقدر على ما يقع موقعاً من كفايته (بأن لم يكن له مال أصلاً أو له مال لا يقع موقعاً من كفايته العمر الغالب عند توزيعه عليه أي أنه لا يسد مسداً بحيث لا يبلغ النصف كأن يحتاج إلى عشرة، ولو وزع المال الذي عنده على العمر الغالب لخص كل يوم أربعة أو أقل وهي لا تكفيه من المطعم والملبس والسكن وسائر ما لا يد منه على ما يليق بحالته من غير إسراف ولا تقصير وكل ذلك لنفسه ولمن تلزمه نفقته).

- وعجز عن كسب يلق به (كصناعة شريفة تليق به بخلاف صناعة لا تليق به فهي كالعدم حتى لو كان من الناس الكبار الذين لا يعتادون الكسب باليدن فهو فقير. ومن جملة المعجز أنه إذا قدر على صناعة تليق به لكن لا يجد من يستعمله في تلك الصناعة فبعد فقيراً).
أو شغله الكسب عن الاشتغال بعلم.

knowledge of Sacred Law. (n: Nawawi notes, "If able to earn a living at work befitting him except that he is engaged in attaining knowledge of some subject in Sacred Law such that turning to earning a living would prevent the acquisition of this knowledge (dis: w36), then it is permissible for him to take zakat because the attainment of knowledge is a communal obligation, though zakat is not lawful for someone able to earn a living who cannot acquire knowledge, even if he lives at a school. What we have just mentioned is the most correct and well known position. Darami mentions three positions concerning someone engaged in attaining religious knowledge:

—that he deserves charity even when able to earn a living;

—that he does not deserve it;

—and that if he is an outstanding student who can be expected to develop a good comprehension of the Sacred Law and benefit the Muslims thereby, then he deserves charity, but if not, then he does not.

"Darami mentioned this in the chapter of 'Voluntary Charity' " (*al-Majmu'* (y108), 6. 190-91).)

But if one's religious devotions are what keeps one too busy to earn a living, one is not considered poor.

h8.9 Someone separated from his money by at least 81 km./50 mi. is eligible for zakat. (N: This was in the past. In our day it is fitter to say that he must be *far* from his money in terms of common acknowledgement (def: f4.5).) (O: Such a person's absent property is as if nonexistent, and his "poverty" continues until the money is present. Likewise, someone owed money on a debt not yet due who does not have any other money is given zakat when it is distributed (N: to suffice him) until the debt becomes due.)

h8.10 People whose needs are met by the expenditures of those who are obliged to support them

شرعي. (ت: قال النووي: ولو قدر على كسب يليق بحاله إلا أنه مشغول بتحصيل بعض العلوم الشرعية بحيث لو أُقبل على الكسب لانتفع عن التحصيل حلت له الزكاة لأن تحصيل العلم فرض كفاية. وأما من لا يتأتى منه التحصيل فلا تحل له الزكاة إذا قدر على الكسب وإن كان مقيماً بالمدرسة. هذا الذي ذكرناه هو الصحيح المشهور وذكر الدارمي في المشتغل بتحصيل العلم ثلاثة أوجه: [أحدها] يستحق وإن قدر على الكسب [الثاني] لا [والثالث] إن كان نجياً يرجى تنقذه وتنع المسلمين به استحق وإلا فلا. ذكرها الدارمي في باب صدقة التطوع. [نقل من كتاب المجموع]. فإن شغله التعب فليس يفشى.

h8.9 ولو كان له مال غائب بمسافة القصر أعطى (ح: هذا في زمانهم والأولى أن يقال له مال بعيد عرفاً) وماله الغائب كالعدم فيستمر فقره إلى حضور ماله. ومثله من له دين مؤجل وليس عنده غيره فيعطى وقت نفاذ الزكاة حتى يحل الأجل.

h8.10 وإن كان مستغنياً بنفقة من تلزمه نفقته من زوج وقرب فلا.

such as their husbands or families - are not given zakat (N: for poverty) (O: though it is permissible for a third party to give zakat to such a dependent by virtue of the dependent's belonging to some category other than the poor or those short of money (def: below), as when the person belongs to a category such as travellers needing money (h8.18) or those whose hearts are to be reconciled (h8.14)).

THOSE SHORT OF MONEY

h8.11 The second category is people *short of money*, meaning someone who has something to spend for his needs but it is not enough, as when he needs five dirhams, but he only has three or four. The considerations applicable to the poor person also apply to someone short of money (O: namely, that he is given zakat if he cannot earn a living by work befitting him (def: h8.8(b)), or if he can earn a living but attainment of knowledge of Sacred Law prevents his doing so; though if he is able to earn a living but extra devotions prevent him from doing so, then he may not take zakat).

HOW MUCH THE POOR ARE GIVEN

h8.12 A person who is poor or short of money is given as much as needed of tools and materials (O: if he has a trade, such as the tools of a carpenter) with which he can earn a living, or property with which he can engage in trade (O: if a merchant), each according to the demands of his profession. This amount varies, depending on whether, for example, he is a jeweller, clothier, grocer, or other.

If the recipient has no trade (O: i.e. is unable to do any work, whether for wages, by trading, or other), then he is given enough zakat to fulfill his needs from the present till the end of his probable life expectancy (O: based on (N: the average life-span for someone like him in) that locality). Another position is that such a person is given enough for just one year.

These measures are obligatory when abun-

(ويجوز أن يدفع الأجنبي إلى المسكين بنفقة غيره باسم غير الفقراء والمسكين إذا كان بتلك الصفة كصفة ابن السبيل أو المؤلفة قلوبهم)

المساكين

h8.11 الثاني المسكين، والمسكين من وجد ما يقع موقعاً من كفايته ولا يكفيه مثل أن يريد خمسة فيجد ثلاثة أو أربعة. ويأتي فيه ما قيل في الفقير (وهو أنه إن عجز عن كسب يلق به أولم يعجز لكنه يشغله عن علم شرعي فإنه يعطى حيث شد فإن شغله الكسب عن التمسك دون العلم فلا يعطى).

ما يعطى الفقراء

h8.12 ويُعطى الفقير والمسكين ما يُزِيل حاجتهما من عدة يكتسب بها (كل منهما إن كان من أصحاب الصنائع كالتجارة مثلًا أو مال يُتجر به (كل منهما إن كانا من أهل التجارة) على حسب ما يُلِيق به فيضاوت بين الجوهرية والبزازة والبقال وغيرهم. فإن لم يَحْتَسِرَفْ (أي بأن لم يحسن صنعة من الصنائع لا يكسب ولا تجارة ولا غيرهما) أُعطي كفاية العمر الغالب (في بلد) لمثله وقيل كفاية سنة فقط. وهذا مفسرٌ مع كثرة الرخاء إما بأن

dant zakat funds are available, whether the imam distributes them or a property owner. But if there is not much zakat available (O: meaning if the owner or imam distributes funds that are too little to last the poor person for his probable life expectancy or for even one year), it is distributed as is, an eighth to each category.

ZAKAT WORKERS

h8.13 The third category consists of *zakat workers*, the above-mentioned agents (h8.6) dispatched by the imam. These include the person collecting it, the clerk (O: recording what the owners give), the person who matches the payees to recipients, and the one who distributes it to recipients.

The zakat workers receive an eighth of the zakat funds. If this amount is more than it would cost to hire someone to do their job, then they return the excess for distribution to the other categories of recipients. But if less (N: than the cost of hiring someone), then enough is taken from the zakat funds to make up the difference. All of this applies only if the imam (A: caliph) is distributing the zakat (O: and has not allotted a fee to the zakat workers from the Muslim common fund (bayt al-mal)). If the property owner is distributing the zakat (O: or if the imam has allotted the workers a fee from the common fund) then the zakat funds are divided solely among the other categories of recipients.

THOSE WHOSE HEARTS ARE TO BE RECONCILED

h8.14 The fourth category is *those whose hearts are to be reconciled*. If they are non-Muslims, they are not given zakat, but if Muslims, then they may be given it (O: so that their certainty may increase, or if they are recent converts to Islam and are alienated from their kin).

Those to be reconciled include:

(1) the chief personages of a people (O: with weak Islamic intentions) whose Islam may be

فَرَّقَ الْإِمَامُ الزَّكَاةَ أَوْزُرَ الْمَالِ وَكَانَ الْمَسْأَلُ كَثِيرًا. وَإِلَّا رَأَى وَإِنْ فَرَّقَهَا رَبُّ الْمَالِ أَوْ الْإِمَامُ وَكَانَ الْمَالُ قَلِيلًا جَدًّا لَا يَكْفِي لِغَايَةِ الْعُمُرِ الْغَالِبِ أَوْ كَثَايَةِ سَنَةٍ فَكُلُّ صَنْبِ الثَّمَنِ كَيْفَ كَانَ.

العاملون

h8.13 الثالثُ العاملون وهم الذين يبعثهم الإمام كما تقدم فمنهم الساعي (وهو الذي يجمعها) والكاتب (وهو الذي يكتب ما أعطاه أرباب الأموال) والحاشر (وهو الذي يجمعهم أو يجمع ذوي السهمان) والقاسم (وهو الذي يقسمها على أربابها المستحقين). فيجعل للعامل الثمن فإن كان الثمن أكثر من أجرته (لو استؤجر) ردَّ الفاضل على الباقي وإن كان أقلَّ كملَّه من الزكاة هذا إذا فرَّق الإمام (ولم يجعل للعامل جملاً من بيت المال) فإن فرَّق المالك (أو جعل الإمام للعامل جملاً من بيت المال) قسَّم على سبعة وسقط العامل.

المؤلفة قلوبهم

h8.14 الرابعُ المؤلفة قلوبهم فإن كانوا كفاراً لم يُعطوا وإن كانوا مسلمين أعطوا (ليتسوى بقلوبهم أو كانوا قريبي العهد بالإسلام بأن كان عندهم وحشة في أهلهم) والمؤلفة قوم أشرفنا (بينهم ضعيفة في الإسلام) يُرجى حسن

expected to improve, or whose peers may be expected to enter Islam;

(2) or the heads of a people who collect zakat for us from Muslims living near them who refuse to pay it, or who fight an enemy for us at considerable expense and trouble to themselves.

THOSE PURCHASING THEIR FREEDOM

h8.15 The fifth category is slaves who are purchasing their freedom from their owners. They are given enough to do so if they do not have the means.

THOSE IN DEBT

h8.16 The sixth category is those who have debts (O: and they are of three types):

(1) A person who incurs debts in order to settle trouble (O: between two people, parties, or tribes) involving bloodshed (O: as when there has been a killing but it is not known who the killer is, and trouble has arisen between the two sides) or to settle trouble concerning property (O: such as bearing the expense when trouble occurs over it) is given zakat even if he is affluent.

(2) A person who incurs debts to support himself or his dependents is given zakat if he is poor, but not if affluent. If he incurs a debt (O: for something lawful) but spends it on something unlawful, and then repents (O: and is felt to be sincere in this, and the original reason is known to have been something lawful), then he is given zakat.

(3) (O: And a third type, not mentioned by the author, which (n: given persons P, Q, and R) is when R incurs a debt by guaranteeing (daman, def: k15) to P that Q will pay P (n: what Q owes him). If R finds that neither he nor Q can pay, then R is given zakat (n: because he has gone into debt in order to guarantee Q's debt), even if the

إسلامهم أو إسلام نظرائهم أو يُجسبون
(لنا) الزكاة من مانعها بقرهم أو يُقاتلون
عنا عدواً يُحتاج في دفعه إلى (صرف)
مؤنة ثقيلة.

الرقاب

h8.15 الحساس الرقاب وهم
المكاتبون فيعتون ما يؤدون إن لم يكن
نعمهم ما يؤدون.

الغارمون

h8.16 السادس الغارمون (وهم ثلاثة
أقسام) فإن غرم لإصلاح (بين شخصين
أو طائفتين أو قبيلتين) بان استدان ديناً
لتسكين فنة دم (أي قتل ولم يظهر قاتله
وقد وقع النزاع بين من ذكر) أو مال
(كتحصيل قيمة وقد وقع النزاع أيضاً في
هذه القيمة لأجل تسكين تلك الفنة) دفع
إليه مع الغنى
وإن استدان لتفنته ونفقة عياله دفع
إليه مع الفقر دون الغنى.

وإن استدان (في مباح) وصرقة في
معصية وتاب (وظن صدقه في توبته وقد
غرف فصد الإباحة) دفع إليه (في
الأصح). (ولم يذكر المصنف القسم
الثالث وهو من استدان لضمان فيعطي من
الزكاة إن أعسر مع الأصيل وإن لم يكن

reason R agreed to guarantee O was not charity (N: but was rather that Q would pay him back).)

THOSE FIGHTING FOR ALLAH

h8.17 The seventh category is *those fighting for Allah*, meaning people engaged in Islamic military operations for whom no salary has been allotted in the army roster (O: but who are volunteers for jihad without remuneration). They are given enough to suffice them for the operation, even if affluent; of weapons, mounts, clothing, and expenses (O: for the duration of the journey, round trip, and the time they spend there, even if prolonged. Though nothing has been mentioned here of the expense involved in supporting such people's families during this period, it seems clear that they should also be given it).

TRAVELLERS NEEDING MONEY

h8.18 The eighth category is *the traveller in need of money*, meaning one who is passing among us (O: i.e. through a town in Muslim lands where zakat is collected), or whose journey was not undertaken for the purpose of disobeying Allah. If such a person is in need, he is given enough to cover his personal expenses and transportation, even if he possesses money back home.

PAYING ZAKAT TO RECIPIENTS

h8.19 A person who qualifies as a member of two or more of the above categories is only given zakat for one of them.

h8.20 When the (N: eight) categories of recipients exist in the town where zakat is collected, it is unlawful and invalid to give it to recipients elsewhere (O: as it must be paid to those present if the property owner is distributing his own zakat. The other schools of jurisprudence permit giving it

متبرعا)

في سبيل الله

h8.17 السابع في سبيل الله . وهم الغزاة الذين لا حق لهم في الديوان (أي في دفتر العسكر بل هم متطوعون بالجهاد بلا مقابلة شيء) فيعطون مع الغنى ما يكتفيهم لغزورهم من سلاح وفرس وكسوة ونفقة (مدة الذهاب والإياب ومدة الإقامة وإن طالت، وسكنوا عن نفقة عياله والظاهر أنه يعطاهم).

ابن السبيل

h8.18 الثامن ابن السبيل . وهو المسافر المجتاز بنا (أي في بلد الزكاة من بلاد المسلمين) أو المتيقن للسفر في غير معصية فيعطى نفقة وسركوباً مع الحاجة وإن كان له في بلده مال.

الدفع للمستحقين

h8.19 ومن فيه سببان لم يعط إلا بأحدهما.

h8.20 فتنى وجدت هذه الأصناف في بلد المال فنقل الزكاة إلى غيرها حرام ولم تجز (فتعين صرفها لهم وهذا كله إن فرق المال). بخلاف بقية المذاهب