

AL-MUHALLA

كِتَابُ الزَّكَاةِ

The Book of Zakah

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[The Book of Zakāh] [An Issue Concerning the Ruling on Zakāh]

In the name of Allah, the Most Gracious, the Most Merciful. The Book of Zakāt: Issue 637 – Zakāt is an obligation like prayer. This is an indisputable consensus. Allah the Exalted said: *"If they repent, establish prayer, and give Zakāt, then grant them passage"* [Qur'an 9:5]. Thus, Allah the Exalted does not permit anyone to go free until they affirm faith in Allah the Exalted, repent from disbelief, establish prayer, and give Zakāt.[1]

Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us, Abdul-Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Abu Ghassan Malik ibn Abdul-Wahid al-Misma'i narrated to us, Abdul-Malik ibn as-Sabbah narrated to us, from Shu'bah, from Waqid ibn Muhammad ibn Zayd ibn Abdullah ibn Umar ibn al-Khattab, from his father, from Abdullah ibn Umar, who said: The Messenger of Allah—peace and blessings of Allah be upon him—declared: "I have been commanded to fight people until they testify that there is no deity but Allah, affirm that Muhammad is the Messenger of Allah, establish the prayer, and pay the zakah. Once they fulfill this, they have safeguarded their blood and wealth from me, and their reckoning is with Allah."

Abu Muhammad remarked: Allah the Exalted has specified through His Messenger—peace and blessings of Allah be upon him—the precise measure of the zakah, the categories of wealth from which it is taken, the time when it becomes due, those authorized to collect it, and where it is to be distributed.

An Issue Regarding Those Upon Whom Zakat Is Obligatory.

638 – Issue: Zakat is an obligation upon free men among them, free women, male slaves, female slaves, adults, minors, the sane, and the mentally incapacitated from the Muslims. It is not levied on non-Muslims.

[1] **Qur'an references (L9884):** Qur'an 9:5 (At-Tawbah).

[كِتَابُ الزَّكَاةِ] [مَسْأَلَةٌ حُكْمِ الزَّكَاة]

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ كِتَابُ الزَّكَاةِ ٦٣٧ - مَسْأَلَةٌ: الزَّكَاةُ فَرْضٌ كَالصَّلَاةِ، هَذَا إِجْمَاعٌ مُتَيَقَّنٌ، وَقَالَ اللَّهُ تَعَالَى: {فَإِنْ تَابُوا وَأَقَامُوا الصَّلاةَ وَآتَوُا الزَّكَاةَ فَخَلُّوا سَبِيلَهُمْ} [التوبة: ٥] فَلَمْ يُبِحْ اللَّهُ تَعَالَى سَبِيلَ أَحَدٍ حَتَّى يُؤْمِنَ بِاللَّهِ تَعَالَى، وَيَتُوبَ عَنْ الْكُفْرِ، وَيُقِيمَ الصَّلَاةَ، وَيُؤْتِيَ الزَّكَاةَ.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو غَسَّانَ مَالِكُ بْنُ عَبْدِ الْوَاحِدِ الْمِسْمَعِيُّ ثنا عَبْدُ الْمَلِكِ بْنُ الصَّبَّاحِ عَنْ شُعْبَةَ عَنْ وَاقِدِ بْنِ مُحَمَّدِ بْنِ زَيْدِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ عَنْ أَبِيهِ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أُمِرْتُ أَنْ أُقَاتِلَ النَّاسَ حَتَّى يَشْهَدُوا أَنْ لَا إِلَهَ إِلَّا اللَّهُ وَأَنَّ مُحَمَّدًا رَسُولُ اللَّهِ، وَيُقِيمُوا الصَّلَاةَ، وَيُؤْتُوا الزَّكَاةَ، فَإِذَا فَعَلُوهُ عَصَمُوا مِنِّي دِمَاءَهُمْ وَأَمْوَالَهُمْ وَحِسَابُهُمْ عَلَى اللَّهِ» قَالَ أَبُو مُحَمَّد: وَبَيَّنَ اللَّهُ تَعَالَى عَلَى لِسَانِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِقْدَارَ الزَّكَاةِ، وَمِنْ أَيِّ الْأَمْوَالِ تُؤْخَذُ، وَفِي أَيِّ وَقْتٍ تُؤْخَذُ، وَمَنْ يَأْخُذُهَا، وَأَيْنَ تُوضَعُ؟

[مَسْأَلَةٌ عَلَى مِنْ تجب الزَّكَاة]

٦٣٨ - مَسْأَلَةٌ: وَالزَّكَاةُ فَرْضٌ عَلَى الرِّجَالِ وَالنِّسَاءِ الْأَحْرَارِ مِنْهُمْ وَالْحَرَائِرُ وَالْعَبِيدُ، وَالْإِمَاءُ، وَالْكِبَارُ وَالصِّغَارِ، وَالْعُقَلَاءُ، وَالْمَجَانِينُ مِنْ الْمُسْلِمِينَ، وَلَا تُؤْخَذُ مِنْ كَافِرٍ.

L9888–9889 Allah, the Exalted and Majestic, has said: “Establish Ṣalāh and give Zakāh.” [Al-Baqarah: 43][2]

قَالَ اللَّهُ عَزَّ وَجَلَّ: {وَأَقِيمُوا الصَّلاةَ وَآتُوا الزَّكَاةَ} [البقرة: ٤٣]

L9890 This is an address from Him, the Exalted, to every adult of sound mind—whether free or enslaved, male or female—for they are all among those who have believed.

فَهَذَا خِطَابٌ مِنْهُ تَعَالَى لِكُلِّ بَالِـغٍ عَاقِلٍ، مِنْ حُرٍّ، أَوْ عَبْدٍ، ذَكَرٍ أَوْ أُنْثَى: لِأَنَّهُمْ كُلَّهُمْ مِنْ الَّذِينَ آمَنُوا.

L9891 Allah the Exalted said: {Take from their wealth a purification [sadaqah] to cleanse them and purify them thereby} [Quran 9:103]. This is a general ruling applicable to every minor and adult, sane and insane, free and enslaved, for they all require the purification of Allah the Exalted for them and His sanctification of them, and all are among those who believe. It was narrated to us by ʿAbd al-Raḥmān ibn ʿAbd Allāh al-Hamadānī, who narrated to us Ibrāhīm ibn Aḥmad, who narrated to us al-Farbarī, who narrated to us al-Bukhārī, who narrated to us Abū ʿĀṣim al-Ḍaḥḥāk ibn Makhlad from Zakariyyāʾ ibn Isḥāq from Yaḥyā ibn ʿAbd Allāh ibn Ṣayfī from Abū Maʿbad from Ibn ʿAbbās: “The Prophet—peace and blessings of Allah be upon him—sent Muʿādh to Yemen and said: ’Invite them to testify that there is no deity but Allah and that I am the Messenger of Allah. If they obey in that, then inform them that Allah has ordained upon them five prayers each day and night. If they obey in that, then inform them that Allah has ordained a purification [sadaqah] upon their wealth—taken from the wealthy among them and distributed to the poor among them.’”[3]

وَقَالَ تَعَالَى: {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً تُطَهِّرُهُمْ وَتُزَكِّيهِمْ بِهَا} [التوبة: ١٠٣] فَهَذَا عُمُومٌ لِكُلِّ صَغِيرٍ وَكَبِيرٍ، وَعَاقِلٍ وَمَجْنُونٍ، وَحُرٍّ وَعَبْدٍ، لِأَنَّهُمْ كُلَّهُمْ مُحْتَاجُونَ إلَى طُهْرَةِ اللَّهِ تَعَالَى لَهُمْ وَتَزْكِيَتِهِ إيَّاهُمْ، وَكُلُّهُمْ مِنْ الَّذِينَ آمَنُوا: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ الْهَمْدَانِيُّ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَبُو عَاصِمٍ الضَّحَّاكُ بْنُ مَخْلَدٍ عَنْ زَكَرِيَّاءَ بْنِ إسْحَاقَ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِي عَنْ أَبِي مَعْبَدٍ عَنْ ابْنِ عَبَّاسٍ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعَثَ مُعَاذًا إلَى الْيَمَنِ فَقَالَ: ادْعُهُمْ إلَى شَهَادَةِ أَنْ لَا إلَهَ إلَّا اللَّهُ وَأَنِّي رَسُولُ اللَّهِ، فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ، فَأَعْلِمْهُمْ أَنَّ اللَّهَ قَدْ افْتَرَضَ عَلَيْهِمْ خَمْسَ صَلَوَاتٍ فِي كُلِّ يَوْمٍ وَلَيْلَةٍ فَإِنْ هُمْ أَطَاعُوا لِذَلِكَ، فَأَعْلِمْهُمْ بِأَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً فِي أَمْوَالِهِمْ، تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ، وَتُرَدُّ فِي فُقَرَائِهِمْ» .

L9892 This is a universal ruling for all wealthy Muslims, applying to minors, adults, the insane, male enslaved individuals, and female enslaved individuals, provided they are wealthy.

فَهَذَا عُمُومٌ لِكُلِّ غَنِيٍّ مِنْ الْمُسْلِمِينَ، وَهَذَا يَدْخُلُ فِيهِ الصَّغِيرُ وَالْكَبِيرُ وَالْمَجْنُونُ وَالْعَبْدُ وَالْأَمَةُ إذَا كَانُوا أَغْنِيَاءَ.

L9893–9895 Scholars have differed regarding this matter. As for Abu Hanifah and Al-Shafi‘i, they said: The zakat due on the slave’s wealth falls upon his master, because the slave’s wealth belongs to his master, and the slave does not own it. Abu Muhammad said: As for these two, they have agreed with the adherents of the correct position regarding the obligation of zakat on the slave’s wealth.

وَقَدْ اخْتَلَفَ النَّاسُ فِي هَذَا -: فَأَمَّا أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ فَقَالَا: زَكَاةُ مَالِ الْعَبْدِ عَلَى سَيِّدِهِ؛ لِأَنَّ مَالَ الْعَبْدِ لِسَيِّدِهِ، وَلَا يَمْلِكُهُ الْعَبْدُ. قَالَ أَبُو مُحَمَّدٍ: أَمَّا هَذَانِ فَقَدْ وَافَقَا أَهْلَ الْحَقِّ فِي وُجُوبِ الزَّكَاةِ فِي مَالِ الْعَبْدِ، وَإِنَّمَا الْخِلَافُ بَيْنَنَا وَبَيْنَهُمْ فِي: هَلْ يَمْلِكُ الْعَبْدُ مَالَهُ أَمْ لَا؟ وَلَيْسَ هَذَا مَكَانَ الْكَلَامِ فِي هَذِهِ الْمَسْأَلَةِ؛ وَحَسْبُنَا أَنَّهُمَا مُتَّفِقَانِ

[2]**Qur’an references (L9889):** Qur’an 2:43 (Al-Baqarah).
[3]**Qur’an references (L9891):** Qur’an 9:103 (At-Tawbah).

مَعَنَا فِي أَنَّ الزَّكَاةَ وَاجِبَةٌ فِي مَالِ الْعَبْدِ. وَقَالَ مَالِكٌ: لَا تَجِبُ الزَّكَاةُ فِي مَالِ الْعَبْدِ، لَا عَلَيْهِ وَلَا عَلَى سَيِّدِهِ. وَهَذَا قَوْلٌ فَاسِدٌ جِدًّا، لِخِلَافِهِ الْقُرْآنَ وَالسُّنَنَ، وَمَا نَعْلَمُ لَهُمْ حُجَّةً أَصْلًا، إِلَّا أَنَّ بَعْضَهُمْ قَالَ: الْعَبْدُ لَيْسَ بِتَامِّ الْمِلْكِ. فَقُلْنَا: أَمَّا تَامُّ الْمِلْكِ فَكَلَامٌ لَا يُعْقَلُ. لَكِنَّ مَالَ الْعَبْدِ لَا يَخْلُو مِنْ أَحَدِ أَوْجُهٍ ثَلَاثَةٍ لَا رَابِعَ لَهَا -:

The disagreement between us and them is only concerning whether the slave owns his wealth or not. This is not the place to discuss this matter. This issue: it suffices us that both agree with us that zakah is obligatory in the property of an enslaved person. Mālik said: "Zakah is not obligatory in the property of an enslaved person - neither upon him nor his master." This is a profoundly corrupt opinion, for contradicting the Qur'an and the Sunnahs. We know of no argument whatsoever for their position, except that some of them said: "The enslaved person does not have complete ownership." We said: As for 'complete ownership,' this is an unintelligible statement. Rather, the property of an enslaved person cannot escape one of three aspects - there is no fourth:

L9896 إِمَّا أَنْ يَكُونَ لِلْعَبْدِ، وَهَذَا قَوْلُنَا، وَإِذَا كَانَ لَهُ فَهُوَ مَالِكُهُ، وَهُوَ مُسْلِمٌ، فَالزَّكَاةُ عَلَيْهِ كَسَائِرِ الْمُسْلِمِينَ وَلَا فَرْقَ.

Either that the property belongs to the slave—and this is our position—in which case he is its owner, and he is Muslim. Consequently, zakāh is obligatory upon him as with all other Muslims, without any distinction.

L9897 وَإِمَّا أَنْ يَكُونَ لِسَيِّدِهِ كَمَا قَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ، فَيُزَكِّيهِ سَيِّدُهُ، لِأَنَّهُ مُسْلِمٌ، وَكَذَلِكَ إِنْ كَانَ لَهُمَا مَعًا.

Or that it may belong to his master, as stated by Abū Ḥanīfah and al-Shāfiʿī, in which case his master pays Zakāt for him because he is a Muslim; and likewise if they both own him jointly.

L9898 وَإِمَّا أَنْ يَكُونَ لَا لِلْعَبْدِ وَلَا لِلسَّيِّدِ، فَإِنْ كَانَ ذَلِكَ. فَهُوَ حَرَامٌ عَلَى الْعَبْدِ وَعَلَى السَّيِّدِ، وَيَنْبَغِي أَنْ يَأْخُذَهُ الْإِمَامُ، فَيَضَعُهُ حَيْثُ يَضَعُ كُلَّ مَالٍ لَا يُعْرَفُ لَهُ رَبٌّ. وَهَذَا لَا يَقُولُونَ بِهِ، لَا سِيَّمَا مَعَ تَنَاقُضِهِمْ فِي إِبَاحَتِهِمْ لِلْعَبْدِ أَنْ يَتَسَرَّى بِإِذْنِ سَيِّدِهِ، فَلَوْلَا أَنَّهُ عِنْدَهُمْ مَالِكٌ لِمَالِهِ لَمَا حَلَّ لَهُ وَطْءُ فَرْجٍ لَا يَمْلِكُهُ أَصْلًا، وَلَكَانَ زَانِيًا، قَالَ اللَّهُ تَعَالَى: {وَالَّذِينَ هُمْ لِفُرُوجِهِمْ حَافِظُونَ} [المؤمنون: ٥] {إِلا عَلَى أَزْوَاجِهِمْ أَوْ مَا مَلَكَتْ أَيْمَانُهُمْ فَإِنَّهُمْ غَيْرُ مَلُومِينَ} [المؤمنون: ٦] {فَمَنِ ابْتَغَى وَرَاءَ ذَلِكَ فَأُولَئِكَ هُمُ الْعَادُونَ} [المؤمنون: ٧]

If the property belongs neither to the slave nor to the master—should this be the case—then it is forbidden for both. The governing authority must take it and allocate it as he allocates any ownerless property. Yet these scholars do not uphold this ruling, particularly given their contradiction in permitting the slave to take a concubine with his master's consent. If they did not consider the slave the owner of his property, it would not be lawful for him to approach private parts he does not own at all, and he would thereby commit adultery. Allah the Exalted said: "And those who guard their chastity (23:5) except from their spouses or those their right hands possess—then indeed, they are free from blame (23:6) but whoever seeks beyond that, it is they who are the transgressors" (23:7).[4]

[4]**Qur'an references (L9898):** Qur'an 23:5 (Al-Mu'minun); Qur'an 70:29 (Al-Ma'arij); Qur'an 23:6 (Al-Mu'minun); Qur'an 70:30 (Al-Ma'arij); Qur'an 23:7 (Al-Mu'minun); Qur'an 70:31 (Al-Ma'arij).

فَلَوْ لَمْ يَكُنْ الْعَبْدُ مَالِكًا مِلْكَ يَمِينِهِ لَكَانَ عَادِيًا إِذَا تَسَرَّى.

L9899 If the slave were not an owner by right hand, he would be considered a transgressor for taking a concubine.

وَهُمْ يَرَوْنَ الزَّكَاةَ عَلَى: السَّفِيهِ، وَالْمَجْنُونِ، وَلَا يَنْفُذُ أَمْرُهُمَا فِي أَمْوَالِهِمَا؛ فَمَا الْفَرْقُ بَيْنَ هَذَا وَبَيْنَ مَالِ الْعَبْدِ. وَمَوَّهَ بَعْضُهُمْ بِأَنَّهُ صَحَّ الْإِجْمَاعُ عَلَى أَنَّهُ لَا زَكَاةَ فِي مَالِ الْمُكَاتَبِ. فَقُلْنَا: هَذَا الْبَاطِلُ، وَمَا رُوِيَ إِسْقَاطُ الزَّكَاةِ عَنْ مَالِ الْمُكَاتَبِ إِلَّا عَنْ أَقَلَّ مِنْ عَشَرَةٍ مِنْ بَيْنِ صَاحِبٍ وَتَابِعٍ؛ وَقَدْ صَحَّ عَنْ كَثِيرٍ مِنْ السَّلَفِ مِنْ الصَّحَابَةِ وَالتَّابِعِينَ - رَضِيَ اللَّهُ عَنْهُمْ -: أَنَّ الْمُكَاتَبَ: عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ.

L9900 They hold that zakah is obligatory upon the foolish and the insane, yet their decisions regarding their wealth are not legally valid. What then distinguishes this from the case of a slave's wealth? Some obfuscated by claiming consensus has been validly established that there is no zakah on a mukatab's wealth. We replied: This is invalid, for the exemption of zakah on a mukatab's wealth has only been narrated by fewer than ten individuals—not even a single Companion or Follower. It is authentically established from many of the pious predecessors among the Companions and Followers—may Allah be pleased with them—that the mukatab remains a slave so long as he owes even one dirham.

وَصَحَّ إيجَابُ الزَّكَاةِ فِي مَالِ الْعَبْدِ عَنْ بَعْضِ الصَّحَابَةِ؛ فَالزَّكَاةُ عَلَى هَذَا الْقَوْلِ وَاجِبَةٌ فِي مَالِ الْمُكَاتَبِ.

L9901 The obligation of zakāh on a slave's wealth is affirmed by some Companions; thus, according to this view, zakāh is obligatory on the wealth of a mukātab.

وَهَذَا مَكَانٌ تَنَاقَضَ فِيهِ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ، فَقَالَا: لَا زَكَاةَ فِي مَالِ الْمُكَاتَبِ. وَاحْتَجَّا بِأَنَّهُ لَمْ يَسْتَقِرَّ عَلَيْهِ مِلْكٌ بَعْدُ -: قَالَ أَبُو مُحَمَّد: وَهَذَا بَاطِلٌ؛ لِأَنَّهُمَا مُجْمِعَانِ مَعَ سَائِرِ الْمُسْلِمِينَ عَلَى أَنَّهُ لَا يَحِلُّ لِأَحَدٍ أَنْ يَأْخُذَ مِنْ مَالِ الْمُكَاتَبِ فَلْسًا بِغَيْرِ إذْنِهِ، أَوْ بِغَيْرِ حَقٍّ وَاجِبٍ؛ وَأَنَّ مَالَهُ بِيَدِهِ يَتَصَرَّفُ فِيهِ بِالْمَعْرُوفِ، مِنْ نَفَقَةٍ عَلَى نَفْسِهِ، وَكِسْوَةٍ، وَبَيْعٍ وَابْتِيَاعٍ، تَصَرُّفَ ذِي الْمِلْكِ فِي مِلْكِهِ؛ فَلَوْلَا أَنَّهُ مَالُهُ وَمِلْكُهُ مَا حَلَّ لَهُ شَيْءٌ مِنْ هَذَا كُلِّهِ فِيهِ. وَهُمْ كَثِيرًا يُعَارِضُونَ السُّنَنَ بِأَنَّهَا خِلَافُ الْأُصُولِ، كَقَوْلِهِمْ فِي حَدِيثِ الْمُصَرَّاةِ وَحَدِيثِ الْعِتْقِ فِي السِّتَّةِ الْأَعْبُدِ بِالْقُرْعَةِ وَحَدِيثِ الْيَمِينِ مَعَ الشَّاهِدِ، وَغَيْرِ ذَلِكَ، فَلَيْتَ شِعْرِي. فِي أَيِّ الْأُصُولِ وَجَدُوا مَالًا مَحْكُومًا بِهِ لِإِنْسَانٍ مَمْنُوعًا مِنْهُ كُلُّ أَحَدٍ سِوَاهُ مُطْلَقَةً عَلَيْهِ يَدُهُ فِي بَيْعٍ وَابْتِيَاعٍ وَنَفَقَةٍ وَكِسْوَةٍ وَسُكْنَى -؛ وَهُوَ لَيْسَ

L9902–9903 This is an instance where Abu Hanifah and Al-Shafi'i contradicted each other, as they both said: "There is no *zakah* due on the property of a *mukatab*." They argued that ownership of the property had not yet been fully established for him—Abu Muhammad said: "This is false, for they both agree—along with all other Muslims—that it is impermissible for anyone to take even a single *fals* from the *mukatab*'s property without his consent or without a legally obligated right. His property is under his control, and he may dispose of it in recognized proper ways, such as spending on himself, clothing, buying, and selling—the actions of an owner over his property. If it were not truly his property and ownership, none of this would be permissible for him. They frequently oppose the *Sunnah* by claiming it contradicts jurisprudential principles, as in their rejection of the *ḥadīth* on the milk-withheld udder, the *ḥadīth* on freeing six male slaves by lottery, the *ḥadīth* on the oath alongside a witness, and others. I wonder! In which jurisprudential principles did they find property legally recognized as belonging to a person—protected from others, with absolute control over its sale, purchase, maintenance, clothing, and housing—while claiming it is not his? In which *Sunnah* did they find this? In which Quranic verse?

Or outside of *qiyas*?" Among those who held that *zakah* applies to the property of a *mukatab* are Abu Thawr and others. It is astonishing that Abu Hanifah and Al-Shafiʿi agree the *mukatab* remains a slave as long as a single *dirham* of his contract remains unpaid. How then did they exempt his property from *zakah*, when they do not exempt the property of other slaves?

L9904 Moreover, how did it occur to them to differentiate between the wealth of the mukātab and the wealth of the slave? It must inevitably be one of two matters: either the mukātab is emancipated—in which case his wealth belongs to him and his zakāh obligation rests upon him—or he fails to gain freedom—in which case his wealth, both before and after, belongs to his master in both scenarios, and thus the zakāh obligation falls upon the master. Some of them disputed by citing narrations transmitted from ʿUmar ibn al-Khaṭṭāb, his son, and Jābir ibn ʿAbd Allāh—may Allah be pleased with them—stating: "There is no zakāh on the wealth of the slave or the mukātab." Abū Muḥammad said: As for the Ḥanafīs and Shāfiʿīs, they opposed these narrations by maintaining that zakāh applies to the wealth of the slave. It is invalid to consider some statements of those we mentioned as authoritative proofs while deeming others erroneous, for this constitutes arbitrary judgment in the religion of Allah Almighty based on falsehood.

L9905–9906 As for the Mālikīs, it is said to them: Those we mentioned have opposed what is more authentic than those narrations. ʿAbdullāh ibn Rabīʿ narrated to us: ʿAbdullāh ibn Muḥammad ibn ʿUthmān narrated to us: Aḥmad ibn Khālid narrated to us: ʿAlī ibn ʿAbd al-ʿAzīz narrated to us: al-Ḥajjāj ibn al-Minhāl narrated to us: Yazīd ibn Ibrāhīm al-Tustarī narrated to us: Muḥammad ibn Sīrīn narrated to us: Jābir al-Ḥadhdhāʾ said: "I asked Ibn ʿUmar, saying: 'Is there zakāh upon a slave?' He replied: 'Is he not a Muslim?' I said: 'Yes.' He said: 'Then upon him is five [dirhams] for every two hundred, and whatever exceeds that is calculated accordingly.'" Yūsuf ibn ʿAbdullāh narrated to us: Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Qāsim ibn Aṣbagh narrated to us: Muṭarrif ibn Qays narrated to us: Yaḥyā ibn Bukayr narrated to us: Mālik narrated to us from Nāfiʿ from Ibn ʿUmar:

لَهُ. أَمْ فِي أَيِّ سَنَةٍ وَجَدُوا هَذَا. أَمْ فِي أَيِّ الْقُرْآنِ. أَمْ فِي غَيْرِ قِيَاسٍ؟ وَمِمَّنْ رَأَى الزَّكَاةَ فِي مَالِ الْمُكَاتَبِ: أَبُو ثَوْرٍ، وَغَيْرُهُ. وَالْعَجَبُ أَنَّ أَبَا حَنِيفَةَ، وَالشَّافِعِيَّ: مُجْمِعَانِ عَلَى أَنَّ الْمُكَاتَبَ، عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ؛ فَمِنْ أَيْنَ أَسْقَطَا الزَّكَاةَ عَنْ مَالِهِ دُونَ مَالِ غَيْرِهِ مِنَ الْعَبِيدِ.

وَأَيْضًا - فَمِنْ أَيْنَ وَقَعَ لَهُمْ أَنْ يُفَرِّقُوا بَيْنَ مَالِ الْمُكَاتَبِ، وَمَالِ الْعَبْدِ؟ وَلَا بُدَّ مِنْ أَحَدِ أَمْرَيْنِ -: إمَّا أَنْ يَعْتِقَ الْمُكَاتَبُ، فَمَالُهُ لَهُ وَزَكَاتُهُ عَلَيْهِ، وَإِمَّا أَنْ يَرِقَّ، فَمَالُهُ - قَبْلُ وَبَعْدُ - كَانَ عِنْدَهُمَا لِسَيِّدِهِ، فَزَكَاتُهُ عَلَى السَّيِّدِ وَشَغَبَ بَعْضُهُمْ بِرِوَايَاتٍ رُوِيَتْ عَنْ عُمَرَ بْنِ الْخَطَّابِ، وَابْنِهِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ - رَضِيَ اللَّهُ عَنْهُمْ -: لَا زَكَاةَ فِي مَالِ الْعَبْدِ، وَالْمُكَاتَبُ. قَالَ أَبُو مُحَمَّدٍ: أَمَّا الْحَنَفِيُّونَ وَالشَّافِعِيُّونَ فَقَدْ خَالَفُوا هَذِهِ الرِّوَايَاتِ، فَرَأَوْا الزَّكَاةَ فِي مَالِ الْعَبْدِ - وَمِنَ الْبَاطِلِ أَنْ يَكُونَ قَوْلُ مَنْ ذَكَرْنَا بَعْضُهُ حُجَّةٌ وَبَعْضُهُ خَطَأٌ؛ فَهَذَا هُوَ التَّحَكُّمُ فِي دِينِ اللَّهِ تَعَالَى بِالْبَاطِلِ.

وَأَمَّا الْمَالِكِيُّونَ فَيُقَالُ لَهُمْ: قَدْ خَالَفَ مَنْ ذَكَرْنَا مَا هُوَ أَصَحُّ مِنْ تِلْكَ الرِّوَايَاتِ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا يَزِيدُ بْنُ إبْرَاهِيمَ هُوَ التُّسْتَرِيُّ - ثنا مُحَمَّدُ بْنُ سِيرِينَ حَدَّثَنِي جَابِرٌ الْحَذَّاءُ قَالَ: سَأَلْت ابْنَ عُمَرَ قُلْت: عَلَى الْمَمْلُوكِ زَكَاةٌ. قَالَ: أَلَيْسَ مُسْلِمًا. قُلْت: بَلَى، قَالَ: فَإِنَّ عَلَيْهِ فِي كُلِّ مِائَتَيْنِ خَمْسَةً فَمَا زَادَ فَبِحِسَابِ ذَلِكَ -: حَدَّثَنَا يُوسُفُ بْنُ عَبْدِ اللَّهِ ثنا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُطَرِّفُ بْنُ قَيْسٍ ثنا يَحْيَى

"That he used to say: 'The mukātab is a slave as long as a single dirham remains owed by him.'"

بْنُ بُكَيْرٍ ثنا مَالِكٌ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ يَقُولُ: الْمُكَاتَبُ عَبْدٌ مَا بَقِيَ عَلَيْهِ دِرْهَمٌ.

L9907 As for zakah, according to the statement of Ibn Umar, it is obligatory upon the mukatab. It has been authentically reported from Abu Bakr al-Siddiq that he said: "I will surely fight those who separate between prayer and zakah, for is zakah not the rightful claim on wealth?" Abu Muhammad said: "The scholars are unanimously agreed that prayer is obligatory upon the slave and the mukatab. The scriptural text includes both [obligations] for every believer, in accordance with what the text has mandated for both:"

فَالزَّكَاةُ فِي قَوْلِ ابْنِ عُمَرَ عَلَى الْمُكَاتَبِ. وَقَدْ صَحَّ عَنْ أَبِي بَكْرٍ الصِّدِّيقِ أَنَّهُ قَالَ: لَأُقَاتِلَنَّ مَنْ فَرَّقَ بَيْنَ الصَّلَاةِ وَالزَّكَاةِ، فَإِنَّ الزَّكَاةَ حَقُّ الْمَالِ؟ قَالَ أَبُو مُحَمَّدٍ: وَهُمْ مُجْمِعُونَ عَلَى أَنَّ الصَّلَاةَ وَاجِبَةٌ عَلَى الْعَبْدِ وَالْمُكَاتَبِ. وَالنَّصُّ قَدْ جَاءَ بِالْجَمْعِ بَيْنَهُمَا عَلَى كُلِّ مُؤْمِنٍ عَلَى مَا أَوْجَبَهُمَا النَّصُّ -:

L9908 Abdullah ibn Rabi'ah narrated to us: Abdullah ibn Muhammad ibn Uthman narrated to us: Ahmad ibn Khalid narrated to us: Ali ibn Abd al-Aziz narrated to us: Al-Hajjaj ibn Al-Minhal narrated to us: Hammad ibn Salamah narrated to us from Yunus ibn Ubayd from Al-Hasan Al-Basri: That he said concerning the wealth of a slave, stating: "The slave must pay its Zakat."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ الْحَسَنِ الْبَصْرِيِّ: أَنَّهُ قَالَ: فِي مَالِ الْعَبْدِ، قَالَ: يُزَكِّيهِ الْعَبْدُ.

L9909 And through him to Hammad ibn Salamah from Qays, the son of Saʿd, from ʿAtaʾ ibn Abi Rabah: He said regarding the zakah on a slave's wealth: The enslaved person must pay zakah on his wealth.

وَبِهِ إلَى حَمَّادِ بْنِ سَلَمَةَ عَنْ قَيْسٍ هُوَ ابْنُ سَعْدٍ - عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ: أَنَّهُ قَالَ فِي زَكَاةِ مَالِ الْعَبْدِ، قَالَ: يُزَكِّيهِ الْمَمْلُوكُ.

L9910–9912 Hummam narrated to us: Ibn Mufarrij narrated to us: Ibn al-Aʿrabī narrated to us: al-Dabarī narrated to us: ʿAbd al-Razzāq narrated to us from Ibn Jurayj: Ibn Ḥujayr reported to me that Ṭāwūs would say: "Zakāt is due on a slave's wealth." Hummam narrated to us: ʿAbd Allāh ibn Muḥammad ibn ʿAlī al-Bājiyy narrated to us: ʿAbd Allāh ibn Yūnus al-Murādī narrated to us: narrated to us. Baqiyy ibn Makhlad narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Abdur-Rahman ibn Mahdi narrated from Zam'ah from Abdullah ibn Tawus from his father, who said: "Is there Zakat due on the wealth of a slave?" Via the same chain to Abu Bakr ibn Abi Shaybah: Ghundar narrated to us, Uthman ibn Ghiyath narrated from Ikrimah that he was asked: "Is Zakat due on a slave?" He responded: "Is prayer incumbent upon him?" We have similarly narrated this position from Salim ibn Abdullah

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي ابْنُ حُجَيْرٍ: أَنَّ طَاوُسًا كَانَ يَقُولُ: فِي مَالِ الْعَبْدِ زَكَاةٌ -: حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ الْمُرَادِيُّ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ زَمْعَةَ عَنْ عَبْدِ اللَّهِ بْنِ طَاوُسٍ عَنْ أَبِيهِ قَالَ: فِي مَالِ الْعَبْدِ زَكَاةٌ؟ وَبِهِ إلَى أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا غُنْدَرٌ عَنْ عُثْمَانَ بْنِ غِيَاثٍ عَنْ عِكْرِمَةَ أَنَّهُ سُئِلَ عَنْ الْعَبْدِ هَلْ عَلَيْهِ زَكَاةٌ؟ قَالَ: هَلْ عَلَيْهِ صَلَاةٌ؟ : وَقَدْ رُوِّينَا نَحْوَ هَذَا

ibn Umar ibn al-Khattab and Ibn Abi Dhi'b. Is this the position of Abu Sulayman and our companions?

عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ، وَابْنِ أَبِي ذِئْبٍ؛ وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ وَأَصْحَابِنَا؟

L9913 Abu Muhammad said: How many rulings did they oppose Umar ibn al-Khattab and Jabir ibn Abdullah in? Such as their shared opinion regarding the alms of Fitr: two mudds of wheat or one ṣāʿ of barley. And there are many other such disagreements.

قَالَ أَبُو مُحَمَّدٍ: وَكَمْ قِصَّةٍ خَالَفُوا فِيهَا عُمَرَ بْنَ الْخَطَّابِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ، كَقَوْلِهِمَا جَمِيعًا فِي صَدَقَةِ الْفِطْرِ: مُدَّانِ مِنْ قَمْحٍ أَوْ صَاعٍ مِنْ شَعِيرٍ. وَغَيْرُ ذَلِكَ كَثِيرٌ.

L9914 As for the property of minors and the insane: Did Mālik and al-Shāfiʿī hold our opinion? This is the position of ʿUmar ibn al-Khaṭṭāb, his son ʿAbdullāh, the Mother of the Believers ʿĀ'ishah, Jābir, Ibn Masʿūd, ʿAṭāʾ, and others.

وَأَمَّا مَالُ الصَّغِيرِ، وَالْمَجْنُونِ، فَإِنَّ مَالِكًا، وَالشَّافِعِيَّ قَالَا بِقَوْلِنَا؟ وَهُوَ قَوْلُ عُمَرَ بْنِ الْخَطَّابِ، وَابْنِهِ عَبْدِ اللَّهِ وَأُمِّ الْمُؤْمِنِينَ عَائِشَةَ، وَجَابِرٍ وَابْنِ مَسْعُودٍ، وَعَطَاءٍ وَغَيْرِهِ.

L9915 Abu Hanifah said: There is no zakah due on the wealth of these two categories—young camels and cattle—specifically, but zakah is obligatory on their fruits and crops. We do not know of anyone before him who formulated this categorization.

وَقَالَ أَبُو حَنِيفَةَ: لَا زَكَاةَ فِي أَمْوَالِهِمَا مِنَ النَّاضِّ وَالْمَاشِيَةِ خَاصَّةً، وَالزَّكَاةُ وَاجِبَةٌ فِي ثِمَارِهِمَا وَزُرُوعِهِمَا؟ وَلَا نَعْلَمُ أَحَدًا تَقَدَّمَهُ إِلَى هَذَا التَّقْسِيمِ.

L9916 Al-Ḥasan al-Baṣrī and Ibn Shubrumah said: There is no zakah due on one's gold and silver specifically—but as for fruits, crops, and livestock, they are subject to zakah. As for Ibrāhīm al-Nakhaʿī and Shurayḥ, they said: There is no zakah due on one's wealth in general.

وَقَالَ الْحَسَنُ الْبَصْرِيُّ، وَابْنُ شُبْرُمَةَ: لَا زَكَاةَ فِي ذَهَبِهِ وَفِضَّتِهِ خَاصَّةً - وَأَمَّا الثِّمَارُ وَالزُّرُوعُ وَالْمَوَاشِي فَفِيهَا الزَّكَاةُ؟ وَأَمَّا إِبْرَاهِيمُ النَّخَعِيُّ، وَشُرَيْحٌ، فَقَالَا: لَا زَكَاةَ فِي مَالِهِ جُمْلَةً.

L9917 Abu Muhammad said: "Is Abu Hanifah's statement more invalid and baser speech? I wonder: What is the difference between the zakah on crops and fruits and the zakah on livestock, gold, and silver? If someone were to contradict their opinion, obligating zakah on their two gold, silver, and livestock while exempting it from their crops and fruits—would there be any difference in corruption between the two arbitrary rulings?"

قَالَ أَبُو مُحَمَّدٍ: وَقَوْلُ أَبِي حَنِيفَةَ أَسْقَطُ كَلَامٍ وَأَغَثُّهُ؟ لَيْتَ شِعْرِي مَا الْفَرْقُ بَيْنَ زَكَاةِ الزَّرْعِ وَالثِّمَارِ وَبَيْنَ زَكَاةِ الْمَاشِيَةِ وَالذَّهَبِ وَالْفِضَّةِ؟ فَلَوْ أَنَّ عَاكِسًا عَكَسَ قَوْلَهُمْ، فَأَوْجَبَ الزَّكَاةَ فِي ذَهَبِهِمَا وَفِضَّتِهِمَا وَمَاشِيَتِهِمَا وَأَسْقَطَهَا عَنْ زَرْعِهِمَا وَثَمَرَتِهِمَا، أَكَانَ يَكُونُ بَيْنَ التَّحَكُّمَيْنِ فَرْقٌ فِي الْفَسَادِ؟

L9918 Abu Muhammad said: What if a fabricator among them deceptively asserts that there is no obligation to perform the funeral prayer for both of them?

قَالَ أَبُو مُحَمَّدٍ: إِنْ مَوَّهَ مُمَوِّهٌ مِنْهُمْ بِأَنَّهُ لَا صَلَاةَ عَلَيْهِمَا؟

L9919–9920 It was said to him: "Does Zakat cease to be obligatory for one without wealth while prayer remains obligatory?" Prayer and Zakat are obligatory only upon a mentally competent adult who possesses wealth subject to Zakat. If the

قِيلَ لَهُ: قَدْ تَسْقُطُ الزَّكَاةُ عَمَّنْ لَا مَالَ لَهُ وَلَا تَسْقُطُ عَنْهُ الصَّلَاةُ؟ وَإِنَّمَا تَجِبُ الصَّلَاةُ وَالزَّكَاةُ عَلَى الْعَاقِلِ الْبَالِغِ ذِي الْمَالِ الَّذِي فِيهِ الزَّكَاةُ، فَإِنْ سَقَطَ الْمَالُ: سَقَطَتْ

wealth is lost, Zakat is no longer required, but prayer remains obligatory. If mental competence or adulthood is lost, prayer is no longer required, while Zakat does not cease to be obligatory. This is because no obligation ordained by Allah the Exalted or His Messenger (peace and blessings be upon him) is waived except where Allah or His Messenger has exempted it.

الزَّكَاةُ، وَلَمْ تَسْقُطْ الصَّلَاةُ، وَإِنْ سَقَطَ الْعَقْلُ أَوْ الْبُلُوغُ: سَقَطَتْ الصَّلَاةُ وَلَمْ تَسْقُطْ الزَّكَاةُ، لِأَنَّهُ لَا يَسْقُطُ فَرْضٌ أَوْجَبَهُ اللَّهُ تَعَالَى أَوْ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا حَيْثُ أَسْقَطَهُ اللَّهُ تَعَالَى أَوْ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L9921 Nor does an obligation cease to be obligatory because another obligation has been dropped through corrupt opinion, absent a text from the Qur'an or Sunnah.

وَلَا يَسْقُطُ فَرْضٌ مِنْ أَجْلِ سُقُوطِ فَرْضٍ آخَرَ بِالرَّأْيِ الْفَاسِدِ، بِلَا نَصِّ قُرْآنٍ وَلَا سُنَّةٍ.

L9922 Moreover, if they exempt the wealth of minors and the insane from Zakat due to the non-obligation of prayer upon them and because they do not require ritual purification, then by this very rationale the two of them must exempt Zakat from their crops and fruits as well, with no distinction. The two of them must also exempt Zakat al-Fitr from them using this argument. If they counter that the textual ruling obligates Zakat al-Fitr upon minors, we reply that the text similarly obligates it upon slaves, yet you have exempted slaves held for trade based on your opinions. This represents a rejection of analogical reasoning, as they failed to extend Zakat rulings on livestock and cash to those on crops and al-Fitr. Alternatively, they should obligate it upon the Mukatab, a slave earning freedom, since prayer is obligatory upon him, with no valid distinction. Some have claimed that Zakat on crops and fruits constitutes an obligatory right in the land, becoming obligatory upon their initial emergence. Abu Muhammad said: This claimant has lied. There is no difference between the obligation of Allah's right in Zakat on gold, silver, and livestock from the time of acquisition until the completion of the annual cycle, and its obligation on crops and fruits from their emergence until the appointed time for Zakat. Zakat is nullified if any of these assets exit their owner's possession before the annual cycle concludes or before Zakat becomes due for crops and fruits.

وَأَيْضًا: فَإِنْ أَسْقَطُوا الزَّكَاةَ عَنْ مَالِ الصَّغِيرِ وَالْمَجْنُونِ، لِسُقُوطِ الصَّلَاةِ عَنْهُمَا، وَلِأَنَّهُمَا لَا يَحْتَاجَانِ إلَى طَهَارَةٍ فَلْيُسْقِطَاهَا بِهَذِهِ الْعِلَّةِ نَفْسِهَا مِنْ زَرْعِهِمَا وَثِمَارِهِمَا وَلَا فَرْقَ؛ وَلْيُسْقِطَا أَيْضًا عَنْهُمَا زَكَاةَ الْفِطْرِ بِهَذِهِ الْحُجَّةِ، فَإِنْ قَالُوا: النَّصُّ جَاءَ بِزَكَاةِ الْفِطْرِ عَلَى الصَّغِيرِ؟ قُلْنَا: وَالنَّصُّ جَاءَ بِهَا عَلَى الْعَبْدِ، فَأَسْقَطْتُمُوهَا عَنْ رَقِيقِ التِّجَارَةِ بِآرَائِكُمْ، وَهَذَا مِمَّا تَرَكُوا فِيهِ الْقِيَاسَ، إذْ لَمْ يَقِيسُوا زَكَاةَ الْمَاشِيَةِ وَالنَّاضِّ عَلَى زَكَاةِ الزَّرْعِ، وَالْفِطْرِ أَوْ فَلْيُوجِبُوهَا عَلَى الْمُكَاتَبِ، لِوُجُوبِ الصَّلَاةِ عَلَيْهِ، وَلَا فَرْقَ -: وَقَدْ قَالَ بَعْضُهُمْ: زَكَاةُ الزَّرْعِ وَالثَّمَرَةِ حَقٌّ وَاجِبٌ فِي الْأَرْضِ، يَجِبُ بِأَوَّلِ خُرُوجِهِمَا -: قَالَ أَبُو مُحَمَّد: وَقَدْ كَذَبَ هَذَا الْقَائِلُ وَلَا فَرْقَ بَيْنَ وُجُوبِ حَقِّ اللَّهِ تَعَالَى فِي الزَّكَاةِ فِي الذَّهَبِ وَالْفِضَّةِ وَالْمَوَاشِي مِنْ حِينِ اكْتِسَابِهَا إلَى تَمَامِ الْحَوْلِ وَبَيْنَ وُجُوبِهِ فِي الزَّرْعِ وَالثِّمَارِ مِنْ حِينِ ظُهُورِهَا إلَى حُلُولِ وَقْتِ الزَّكَاةِ فِيهَا، وَالزَّكَاةُ سَاقِطَةٌ بِخُرُوجِ كُلِّ ذَلِكَ عَنْ يَدِ مَالِكِهِ قَبْلَ الْحَوْلِ، وَقَبْلَ حُلُولِ وَقْتِ الزَّكَاةِ فِي الزَّرْعِ وَالثِّمَارِ.

L9923 The obligation lies solely upon the landowner, not upon the land itself, and no divine law applies to the land whatsoever—it applies exclusively to the landowner. Allah the Exalted said, "We offered the Trust to the heavens, the earth, and the mountains, but they refused to bear it and were apprehensive

وَإِنَّمَا الْحَقُّ عَلَى صَاحِبِ الْأَرْضِ لَا عَلَى الْأَرْضِ، وَلَا شَرِيعَةَ عَلَى أَرْضٍ أَصْلًا، إنَّمَا هِيَ عَلَى صَاحِبِ الْأَرْضِ. قَالَ اللَّهُ تَعَالَى: {إنَّا عَرَضْنَا الْأَمَانَةَ عَلَى السَّمَاوَاتِ

of it. Yet man undertook it—he was truly unjust and ignorant" (Al-Ahzab 72). Thus, the falsehood of this speaker and the corruption of his statement became evident.[5]

L9924–9926 Moreover, if zakah were obligatory on the land rather than on the owner of the land, it would be obligatory to collect it in... The wealth of the disbeliever derives from his crops and fruits; thus, the invalidity of their argument became evident. And success is from Allah, the Exalted.

L9927 There is no difference of opinion regarding the obligation of *Zakat* upon women, just as it is for men.

L9928 They acknowledge that there may be numerous lands subject to neither zakāh nor kharāj obligations, such as a Muslim's land designated for sugarcane cultivation—though yielding abundant wealth—or left uncultivated, or the land of a dhimmī who agreed solely to pay jizyāh per head. Sufyān al-Thawrī, al-Ḥasan al-Baṣrī, Ashhab, and al-Shāfiʿī stated: If a non-Muslim subject to kharāj purchases ʿushr land from a Muslim, neither kharāj nor ʿushr applies to it.

L9929 It has been authentically established that the Jews, Christians, and Magians in Ḥijāz, Yemen, and Bahrain possessed lands during the lifetime of the Prophet (peace be upon him), and there is no disagreement among the Ummah that he (peace be upon him) did not impose the tithe (ʿushr) or land tax (kharāj) upon them. Should they cite the Messenger of Allah's (peace be upon him) statement, "The pen is lifted from three: a child until he reaches puberty, and an insane person until he recovers," we reply: By this argument, they would waive from them the zakah on crops and fruits, and the blood-money for criminal offenses - which are undoubtedly waived through it - yet the lifting of the pen does not abolish financial rights. It only signifies the removal of blame and the exemption from physical acts of worship. Success comes solely from Allah, the Exalted.

L9930 If they say, "An insane person or one who has not reached puberty has no intention, and obligatory acts are not valid except with intention?"

وَالأَرْضِ وَالْجِبَالِ فَأَبَيْنَ أَنْ يَحْمِلْنَهَا وَأَشْفَقْنَ مِنْهَا وَحَمَلَهَا الإِنْسَانُ إِنَّهُ كَانَ ظَلُومًا جَهُولا} [الأحزاب: ٧٢] فَظَهَرَ كَذِبُ هَذَا الْقَائِلِ وَفَسَادُ قَوْلِهِ.

وَأَيْضًا: فَلَوْ كَانَتْ الزَّكَاةُ عَلَى الْأَرْضِ لَا عَلَى صَاحِبِ الْأَرْضِ لَوَجَبَ أَخْذُهَا فِي مَالِ الْكَافِرِ مِنْ زَرْعِهِ وَثِمَارِهِ، فَظَهَرَ فَسَادُ قَوْلِهِمْ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَلَا خِلَافَ فِي وُجُوبِ الزَّكَاةِ عَلَى النِّسَاءِ كَهِيَ عَلَى الرِّجَالِ.

وَهُمْ مُقِرُّونَ بِأَنَّهَا قَدْ تَكُونُ أَرَضُونَ كَثِيرَةٌ لَا حَقَّ فِيهَا مِنْ زَكَاةٍ وَلَا مِنْ خَرَاجٍ كَأَرْضِ مُسْلِمٍ جَعَلَهَا قَصَبًا وَهِيَ تُغِلُّ الْمَالَ الْكَثِيرَ، أَوْ تَرَكَهَا لَمْ يَجْعَلْ فِيهَا شَيْئًا، وَكَأَرْضِ ذِمِّيٍّ صَالَحَ عَلَى جِزْيَةٍ رَأْسِهِ فَقَطْ؟ وَقَدْ قَالَ سُفْيَانُ الثَّوْرِيِّ، وَالْحَسَنُ الْبَصْرِيُّ، وَأَشْهَبُ، وَالشَّافِعِيُّ: إنَّ الْخَرَاجِيَّ الْكَافِرَ إذَا ابْتَاعَ أَرْضَ عُشْرٍ مِنْ مُسْلِمٍ فَلَا خَرَاجَ فِيهَا وَلَا عُشْرَ.

وَقَدْ صَحَّ أَنَّ الْيَهُودَ وَالنَّصَارَى وَالْمَجُوسَ بِالْحِجَازِ وَالْيَمَنِ وَالْبَحْرَيْنِ كَانَتْ لَهُمَا أَرَضُونَ فِي حَيَاةِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ فِي أَنَّهُ لَمْ يَجْعَلْ - عَلَيْهِ السَّلَامُ - فِيهَا عُشْرًا وَلَا خَرَاجًا. فَإِنْ ذَكَرُوا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «رُفِعَ الْقَلَمُ عَنْ ثَلَاثَةٍ فَذَكَرَ الصَّبِيَّ حَتَّى يَبْلُغَ، وَالْمَجْنُونَ حَتَّى يُفِيقَ» ؟ قُلْنَا: فَأَسْقَطُوا عَنْهُمَا بِهَذِهِ الْحُجَّةِ زَكَاةَ الزَّرْعِ وَالثِّمَارِ، وَأُرُوشَ الْجِنَايَاتِ، الَّتِي هِيَ سَاقِطَةٌ بِهَا بِلَا شَكٍّ، وَلَيْسَ فِي سُقُوطِ الْقَلَمِ سُقُوطُ حُقُوقِ الْأَمْوَالِ، وَإِنَّمَا فِيهِ سُقُوطُ الْمَلَامَةِ، وَسُقُوطُ فَرَائِضِ الْأَبْدَانِ فَقَطْ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

فَإِنْ قَالُوا لَا نِيَّةَ لِمَجْنُونٍ، وَلَا لِمَنْ لَمْ يَبْلُغْ، وَالْفَرَائِضُ لَا تُجْزِئُ إلَّا بِنِيَّةٍ؟

[5] **Qur'an references (L9923):** Qur'an 33:72 (Al-Ahzab).

L9931–9933 We said: Yes, and indeed the Imam and the Muslims are commanded to collect it, based on the Exalted's statement: "Take [O Prophet] from their wealth as Zakāh" [At-Tawbah: 103]. When those entrusted with its collection take it with the intention that it is Zakāh, it suffices for the absent, the unconscious, the insane, the minor, and those who have no intention? What is remarkable is that the established position transmitted from the Companions (may Allah be pleased with them) is the obligation of Zakāh on an orphan's wealth. It has been narrated to us through the chain of Ahmad ibn Hanbal: Sufyan—that is, Ibn Uyaynah—narrated to us from Abd al-Rahman ibn al-Qasim ibn Muhammad ibn Abi Bakr al-Siddiq, Ayyub al-Sikhtiyani, and Yahya ibn Sa'id al-Ansari, that all of them heard al-Qasim, son of Abu Bakr al-Siddiq, say: "Aisha used to pay Zakat on our wealth while we were orphans under her guardianship." Yahya added: "And he was indeed trading with our wealth by sea."[6]

قُلْنَا: نَعَمْ، وَإِنَّمَا أُمِرَ بِأَخْذِهَا الْإِمَامُ وَالْمُسْلِمُونَ، بِقَوْلِهِ تَعَالَى: {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] فَإِذَا أَخَذَهَا مَنْ أُمِرَ بِأَخْذِهَا بِنِيَّةِ أَنَّهَا الصَّدَقَةُ أَجْزَأَتْ عَنْ الْغَائِبِ، وَالْمُغْمَى عَلَيْهِ وَالْمَجْنُونِ وَالصَّغِيرِ، وَمَنْ لَا نِيَّةَ لَهُ؟ وَالْعَجَبُ أَنَّ الْمَحْفُوظَ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ - إيجَابُ الزَّكَاةِ فِي مَالِ الْيَتِيمِ -: رُوِّينَا مِنْ طَرِيقِ أَحْمَدَ بْنِ حَنْبَلٍ: ثنا سُفْيَانُ هُوَ ابْنُ عُيَيْنَةَ - عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ، وَأَيُّوبَ السِّخْتِيَانِيِّ، وَيَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ أَنَّهُمْ كُلَّهُمْ سَمِعُوا الْقَاسِمَ بْنَ أَبِي بَكْرٍ الصِّدِّيقِ يَقُولُ: كَانَتْ عَائِشَةُ تُزَكِّي أَمْوَالَنَا وَنَحْنُ أَيْتَامٌ فِي حِجْرِهَا، زَادَ يَحْيَى: وَإِنَّهُ لِيَتَّجِرَ بِهَا فِي الْبَحْرِ.

L9934 From the narration of Aḥmad ibn Ḥanbal: Wakiʿ related to us, al-Qāsim ibn al-Faḍl - he is al-Ḥuddānī - related to us, from Muʿāwiyah ibn Qurrah, from al-Ḥakam ibn Abī al-ʿĀṣ al-Thaqafī, who said: ʿUmar ibn al-Khaṭṭāb said to me, "I hold the wealth of an orphan, and the charity has nearly begun to consume it."

وَمِنْ طَرِيقِ أَحْمَدَ بْنِ حَنْبَلٍ: ثنا وَكِيعٌ ثنا الْقَاسِمُ بْنُ الْفَضْلِ هُوَ الْحُدَّانِيُّ عَنْ مُعَاوِيَةَ بْنِ قُرَّةَ عَنْ الْحَكَمِ بْنِ أَبِي الْعَاصِ الثَّقَفِيِّ قَالَ قَالَ لِي عُمَرُ بْنُ الْخَطَّابِ: إنَّ عِنْدِي مَالَ يَتِيمٍ قَدْ كَادَتْ الصَّدَقَةُ أَنْ تَأْتِيَ عَلَيْهِ

L9935 And through the chain of Abd al-Razzaq and Muhammad ibn Bakr, they said: Ibn Jurayj reported to us, Abu al-Zubayr reported to me that he heard Jabir ibn Abdullah say concerning a man managing an orphan's wealth: "He gives its zakat."

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ وَمُحَمَّدِ بْنِ بَكْرٍ قَالَا: أَخْبَرَنَا ابْنُ جُرَيْجٍ أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ فِي الرَّجُلِ يَلِي مَالَ الْيَتِيمِ، قَالَ: يُعْطِي زَكَاتَهُ

L9936 From the chain of Sufyan al-Thawri, from Habib ibn Abi Thabit, from Ubaydullah ibn Abi Rafi', who said: Ali ibn Abi Talib sold a land belonging to us for eighty thousand, while we were orphans under his guardianship. When we received our wealth, it had diminished. He said: "I used to pay zakat on it."

وَمِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي رَافِعٍ قَالَ: بَاعَ عَلِيُّ بْنُ أَبِي طَالِبٍ أَرْضًا لَنَا بِثَمَانِينَ أَلْفًا، وَكُنَّا يَتَامَى فِي حِجْرِهِ، فَلَمَّا قَبَضْنَا أَمْوَالَنَا نَقَصَتْ. فَقَالَ: إنِّي كُنْت أُزَكِّيهِ

L9937 From Ibn Mas'ud, he said: "Calculate the Zakat in the orphan's wealth. When he reaches maturity, if you perceive sound judgment in him, inform

وَعَنْ ابْنِ مَسْعُودٍ قَالَ: احْصِ مَا فِي مَالِ الْيَتِيمِ مِنْ زَكَاةٍ، فَإِذَا بَلَغَ، فَإِنْ آنَسْت مِنْهُ رُشْدًا فَأَخْبِرْهُ، فَإِنْ شَاءَ زَكَّى وَإِنْ شَاءَ تَرَكَ؟ وَهُوَ قَوْلُ عَطَاءٍ، وَجَابِرِ بْنِ زَيْدٍ، وَطَاوُسٍ،

[6] **Qur'an references (L9931):** Qur'an 9:103 (At-Tawbah).

him. If he wishes, he may pay it; if he wishes, he may abstain." This is the opinion of 'Ata', Jabir ibn Zayd, Tawus, Mujahid, al-Zuhri, and others. We know of no disagreement among the Companions except for a weakly transmitted report from Ibn Abbas, which includes Ibn Lahiʿah in its chain.

L9938–9940 Hammam narrated to us from Ibn Mufarrij from Ibn al-A'rabī from al-Dabarī from ʿAbd al-Razzāq from Ibn Jurayj, who said: Yūsuf ibn Māhak said: The Messenger of Allah (peace and blessings of Allah be upon him) said, "Seek profit in the orphan's wealth so that Zakāt does not consume it." The Ḥanafīs state that the *mursal* is like the *musnad*, yet in this matter they have opposed the *mursal* and the majority of the Companions—may Allah be pleased with them.

L9941 ## An issue regarding taking Zakah from a disbeliever.

L9942 Issue 639: It is impermissible to accept Zakat from a disbeliever. Abū Muḥammad said: It remains obligatory upon him, and he is punished for withholding it. However, it does not suffice for him unless he embraces Islam. The same applies to prayer, and there is no distinction between them. If he embraces Islam, the Almighty and Majestic has mercifully absolved all that he owed from these obligations in the past.

L9943 Allah the Exalted said: {Except the companions of the Right Hand} [74:39] {In gardens, they will ask one another} [74:40] {About the guilty} [74:41] {What has driven you into Saqar?} [74:42] {They will say: We were not among those who performed the prayer} [74:43] {Nor did we feed the needy} [74:44] {And we engaged in vain talk with those who did so} [74:45] {And we denied the Day of Judgment} [74:46] {Until the Certainty came to us} [74:47][7]

L9944 And He, the Almighty and Majestic, said: {Woe to the polytheists} [Fussilat:

[7] **Qur'an references (L9943):** Qur'an 74:39 (Al-Muddaththir); Qur'an 74:40 (Al-Muddaththir); Qur'an 74:41 (Al-Muddaththir); Qur'an 74:42 (Al-Muddaththir); Qur'an 74:43 (Al-Muddaththir); Qur'an 74:44 (Al-Muddaththir); Qur'an 74:45 (Al-Muddaththir); Qur'an 74:46 (Al-Muddaththir); Qur'an 74:47 (Al-Muddaththir).

وَمُجَاهِدٍ، وَالزُّهْرِيِّ، وَغَيْرِهِمْ، وَمَا نَعْلَمُ لِمَنْ ذَكَرْنَا مُخَالِفًا مِنْ الصَّحَابَةِ إِلَّا رِوَايَةً ضَعِيفَةً عَنْ ابْنِ عَبَّاسٍ، فِيهَا ابْنُ لَهِيعَةَ

وَقَدْ حَدَّثَنَا حُمَامٌ عَنْ ابْنِ مُفَرِّجٍ عَنْ ابْنِ الْأَعْرَابِيِّ عَنْ الدَّبَرِيِّ عَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ قَالَ يُوسُفُ بْنُ مَاهَكَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «ابْتَغُوا فِي مَالِ الْيَتِيمِ لَا تَأْكُلُهُ الزَّكَاةُ» وَالْحَنَفِيُّونَ يَقُولُونَ: الْمُرْسَلُ كَالْمُسْنَدِ، وَقَدْ خَالَفُوا هَاهُنَا الْمُرْسَلَ وَجُمْهُورَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -

[مَسْأَلَةٌ أَخْذُ الزَّكَاةِ مِنْ كَافِرٍ]

٦٣٩ - مَسْأَلَةٌ: وَلَا يَجُوزُ أَخْذُ الزَّكَاةِ مِنْ كَافِرٍ؟ قَالَ أَبُو مُحَمَّدٍ: هِيَ وَاجِبَةٌ عَلَيْهِ، وَهُوَ مُعَذَّبٌ عَلَى مَنْعِهَا، إلَّا أَنَّهَا لَا تُجْزِئُ عَنْهُ إلَّا أَنْ يُسْلِمَ، وَكَذَلِكَ الصَّلَاةُ وَلَا فَرْقَ، فَإِذَا أَسْلَمَ فَقَدْ تَفَضَّلَ عَزَّ وَجَلَّ بِإِسْقَاطِ مَا سَلَفَ عَنْهُ مِنْ كُلِّ ذَلِكَ.

قَالَ اللَّهُ تَعَالَى: {إِلا أَصْحَابَ الْيَمِينِ} [المدثر: ٣٩] {فِي جَنَّاتٍ يَتَسَاءَلُونَ} [المدثر: ٤٠] {عَنِ الْمُجْرِمِينَ} [المدثر: ٤١] {مَا سَلَكَكُمْ فِي سَقَرَ} [المدثر: ٤٢] {قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ} [المدثر: ٤٣] {وَلَمْ نَكُ نُطْعِمُ الْمِسْكِينَ} [المدثر: ٤٤] {وَكُنَّا نَخُوضُ مَعَ الْخَائِضِينَ} [المدثر: ٤٥] {وَكُنَّا نُكَذِّبُ بِيَوْمِ الدِّينِ} [المدثر: ٤٦] {حَتَّى أَتَانَا الْيَقِينُ} [المدثر: ٤٧]

وَقَالَ عَزَّ وَجَلَّ {وَوَيْلٌ لِلْمُشْرِكِينَ} [فصلت: ٦] {الَّذِينَ لا يُؤْتُونَ الزَّكَاةَ وَهُمْ بِالآخِرَةِ هُمْ كَافِرُونَ} [فصلت: ٧]

6], {those who do not uphold purification and deny the Hereafter} [Fussilat: 7].[8]

L9945 And the Exalted said: "Say to those who disbelieve: If they cease, they will be forgiven what has already passed" (Surah Al-Anfal 8:38).[9]

L9946 Abu Muhammad said: There is no disagreement in all of this, except concerning the obligation of religious laws upon the disbelievers. For indeed, a group has stubbornly opposed the Quran and the Sunnahs: they have differed on that.

L9947 **Issue: Zakat is obligatory only on eight categories of wealth.**

L9948 Issue 640: Zakat is obligatory only on eight categories of wealth: gold, silver, wheat, barley, dates, camels, cows, and sheep and goats—and nothing else.

L9949 Abu Muhammad said: There is no disagreement among any Muslims regarding the obligation of Zakāt in these types, and the Sunnah has addressed them, as we will mention after this if Allah the Exalted wills. They have differed regarding certain matters other than these.

L9950–9952 641 – Issue: There is no Zakah on any fruits, crops, or minerals except what we have mentioned, nor on horses, slaves, honey, trade goods, or on [text incomplete]. An administrator or someone else? Abu Muhammad said: The Salaf disagreed regarding much of what we have mentioned; some obligated zakat in it, while others did not. They agreed that in categories other than this one, no zakat is due.

L9953 They have unanimously agreed that zakāt is not due on anything acquired for personal use rather than trade—including jewels, rubies, bedding, covers, garments, utensils of copper, iron, lead, tin, weaponry, timber, shields, estates, mules, wool, silk, and all else, excluding nothing.

وَقَالَ تَعَالَى: {قُلْ لِلَّذِينَ كَفَرُوا إِنْ يَنْتَهُوا يُغْفَرْ لَهُمْ مَا قَدْ سَلَفَ} [الأنفال: ٣٨]

قَالَ أَبُو مُحَمَّدٍ: وَلَا خِلَافَ فِي كُلِّ هَذَا، إِلَّا فِي وُجُوبِ الشَّرَائِعِ عَلَى الْكُفَّارِ، فَإِنْ طَائِفَةً عَنَدَتْ عَنْ الْقُرْآنِ وَالسُّنَنِ: خَالَفُوا فِي ذَلِكَ

[مَسْأَلَةٌ لَا تَجِبُ الزَّكَاةُ إِلَّا فِي ثَمَانِيَةِ أَصْنَافٍ مِنْ الْأَمْوَالِ]

٦٤٠ - مَسْأَلَةٌ: وَلَا تَجِبُ الزَّكَاةُ إِلَّا فِي ثَمَانِيَةِ أَصْنَافٍ مِنْ الْأَمْوَالِ فَقَطْ وَهِيَ: الذَّهَبُ، وَالْفِضَّةُ، وَالْقَمْحُ، وَالشَّعِيرُ، وَالتَّمْرُ، وَالْإِبِلُ، وَالْبَقَرُ، وَالْغَنَمُ ضَأْنُهَا وَمَاعِزُهَا فَقَطْ.

قَالَ أَبُو مُحَمَّدٍ: لَا خِلَافَ بَيْنَ أَحَدٍ مِنْ أَهْلِ الْإِسْلَامِ فِي وُجُوبِ الزَّكَاةِ فِي هَذِهِ الْأَنْوَاعِ، وَفِيهَا جَاءَتْ السُّنَّةُ، عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى؛ وَاخْتَلَفُوا فِي أَشْيَاءَ مِمَّا عَدَاهَا.

٦٤١ - مَسْأَلَةٌ: وَلَا زَكَاةَ فِي شَيْءٍ مِنْ الثِّمَارِ، وَلَا مِنْ الزَّرْعِ، وَلَا فِي شَيْءٍ مِنْ الْمَعَادِنِ غَيْرُ مَا ذَكَرْنَا؟ وَلَا فِي الْخَيْلِ، وَلَا فِي الرَّقِيقِ، وَلَا فِي الْعَسَلِ، وَلَا فِي عُرُوضِ التِّجَارَةِ، لَا عَلَى مُدِيرٍ وَلَا غَيْرِهِ؟ قَالَ أَبُو مُحَمَّدٍ: اخْتَلَفَ السَّلَفُ فِي كَثِيرٍ مِمَّا ذَكَرْنَا؛ فَأَوْجَبَ بَعْضُهُمْ الزَّكَاةَ فِيهَا، وَلَمْ يُوجِبْهَا بَعْضُهُمْ وَاتَّفَقُوا فِي أَصْنَافٍ سِوَى هَذِهِ أَنَّهُ لَا زَكَاةَ فِيهَا.

فَمِمَّا اتَّفَقُوا عَلَى أَنَّهُ لَا زَكَاةَ فِيهِ كُلُّ مَا اُكْتُسِبَ لِلْقُنْيَةِ لَا لِلتِّجَارَةِ، مِنْ جَوْهَرٍ، وَيَاقُوتٍ، وَوِطَاءٍ، وَغِطَاءٍ، وَثِيَابٍ، وَآنِيَةِ نُحَاسٍ، أَوْ حَدِيدٍ، أَوْ رَصَاصٍ، أَوْ قَزْدِيرٍ، وَسِلَاحٍ، وَخَشَبٍ، وَدُرُوعٍ وَضِيَاعٍ، وَبِغَالٍ، وَصُوفٍ، وَحَرِيرٍ، وَغَيْرِ ذَلِكَ كُلِّهِ لَا تَحَاشَ شَيْئًا.

[8] **Qur'an references (L9944):** Qur'an 41:7 (Fussilat); Qur'an 41:6 (Fussilat).
[9] **Qur'an references (L9945):** Qur'an 8:38 (Al-Anfal).

وَقَالَتْ طَائِفَةٌ: كُلُّ مَا عُمِلَ مِنْهُ خُبْزٌ أَوْ عَصِيدَةٌ: فَفِيهِ الزَّكَاةُ، وَمَا لَمْ يُؤْكَلْ إِلَّا تَفَكُّهًا فَلَا زَكَاةَ فِيهِ - وَهُوَ قَوْلُ الشَّافِعِيِّ.

L9954 A sect maintained that anything from which bread or ʿaṣīdah (thickened gruel) is made is liable for zakāt, whereas what is consumed merely for enjoyment incurs no zakāt—this is the doctrine of al-Shāfiʿī.

وَقَالَ مَالِكٌ: الزَّكَاةُ وَاجِبَةٌ فِي الْقَمْحِ، وَالشَّعِيرِ، وَالسُّلْتِ وَهِيَ كُلُّهَا صِنْفٌ وَاحِدٌ. قَالَ: وَفِي الْعَلْسِ وَهُوَ صِنْفٌ مُنْفَرِدٌ. وَقَالَ مَرَّةً أُخْرَى: إِنَّهُ يُضَمُّ إِلَى الْقَمْحِ، وَالشَّعِيرِ، وَالسُّلْتِ.

L9955 Malik said: Zakat is obligatory on wheat, barley, and sult (hulled barley), all of which constitute a single category. He said: Zakat also applies to als (bitter vetch), which is a separate category. On another occasion, he stated that als is combined with wheat, barley, and sult.

قَالَ: وَفِي الدُّخْنِ، وَهُوَ صِنْفٌ مُنْفَرِدٌ، وَفِي السِّمْسِمِ وَالْأُرْزِ، وَالذُّرَةِ، وَكُلِّ صِنْفٍ مِنْهَا مُنْفَرِدٌ لَا يُضَمُّ إِلَى غَيْرِهِ. وَفِي الْفُولِ وَالْحِمَّصِ وَاللُّوبِيَا، وَالْعَدَسِ وَالْجُلُبَّانِ وَالْبَسِيلِ وَالتُّرْمُسِ، وَسَائِرِ الْقُطْنِيَّةِ. وَكُلِّ مَا ذَكَرْنَا فَهُوَ صِنْفٌ وَاحِدٌ يُضَمُّ بَعْضُهُ إِلَى بَعْضٍ فِي الزَّكَاةِ.

L9956 He said: Regarding millet—it is a distinct category. Regarding sesame, rice, sorghum, and each of these—each is a distinct category and cannot be combined with others. Regarding broad beans, chickpeas, cowpeas, lentils, colocynth, lablab bean, lupines, and all other legumes—all these we have mentioned form a single category, where they are aggregated together for Zakāt.

قَالَ: وَأَمَّا فِي الْبُيُوعِ فَكُلُّ صِنْفٍ مِنْهَا عَلَى حِيَالِهِ، إِلَّا الْحِمَّصَ، وَاللُّوبِيَا، فَإِنَّهُمَا صِنْفٌ وَاحِدٌ؟ وَمَرَّةً رَأَى الزَّكَاةَ فِي حَبِّ الْعُصْفُرِ، وَمَرَّةً لَمْ يَرَهَا فِيهِ؟ وَأَوْجَبَ الزَّكَاةَ فِي زَيْتِ الْفُجْلِ. وَلَمْ يَرَ الزَّكَاةَ فِي زَرِيعَةِ الْكَتَّانِ وَلَا فِي زَيْتِهَا وَلَا فِي الْكَتَّانِ، وَلَا فِي الْكِرْسِنَّةِ.

L9957–9958 He said: As for sales, each type is considered separately, except for chickpeas and cowpeas, which are treated as a single type. He sometimes ruled that zakah applied to safflower seeds, while at other times did not consider zakah due on them. He obligated zakah on radish oil. He did not consider zakah due on flax cultivation, their oil, flax itself, or garden cress.

وَلَا فِي الْخُضَرِ كُلِّهَا وَلَا فِي اللُّفْتِ.

L9959 Nor in all vegetables or in turnips.

وَرَأَى الزَّكَاةَ فِي زَيْتِ الزَّيْتُونِ لَا فِي حَبِّهِ.

L9960 He held the opinion that zakāt applies to olive oil but not to the olives themselves.

وَلَمْ يَرَهَا فِي شَيْءٍ مِنَ الثِّمَارِ، لَا فِي تِينٍ وَلَا بَلُّوطٍ، وَلَا قَسْطَلٍ، وَلَا رُمَّانٍ، وَلَا جَوْزِ الْهِنْدِ، وَلَا جَوْزٍ، وَلَا لَوْزٍ. وَلَا غَيْرَ غَيْرِ ذَلِكَ أَصْلًا.

L9961 He did not consider it applicable to any fruits: not figs, acorns, chestnuts, pomegranates, coconuts, walnuts, almonds, nor anything else at all.

L9962 Abu Hanifah said: Zakat applies to everything the earth produces - grains,

وَقَالَ أَبُو حَنِيفَةَ: الزَّكَاةُ فِي كُلِّ مَا أَنْبَتَتْ الْأَرْضُ مِنْ حُبُوبٍ أَوْ ثِمَارٍ أَوْ نُوَّارٍ لَا تَحَاشَ شَيْئًا حَتَّى الْوَرْدُ وَالسَّوْسَنُ وَغَيْرُ ذَلِكَ حَاشَا ثَلَاثَةَ أَشْيَاءَ فَقَطْ، وَهِيَ: الْحَطَبُ، وَالْقَصَبُ، وَالْحَشِيشُ فَلَا زَكَاةَ فِيهَا؟ وَاخْتَلَفَ قَوْلُهُ فِي قَصَبِ الذَّرِيرَةِ فَمَرَّةً رَأَى فِيهَا الزَّكَاةَ، وَمَرَّةً لَمْ يَرَهَا فِيهَا.

fruits, blossoms, and the like - excluding nothing, even roses, lilies, and similar plants, except three things only: firewood, cane, and grass. There is no zakat on these. His opinion differed regarding fodder cane - at times he considered zakat applicable to it, and at other times he did not.

وَقَالَ أَبُو يُوسُفَ، وَمُحَمَّدُ بْنُ الْحَسَنِ: لَا زَكَاةَ فِي الْخُضَرِ كُلِّهَا، وَلَا فِي الْفَوَاكِهِ؟ وَأَوْجَبَا الزَّكَاةَ فِي الْجَوْزِ، وَاللَّوْزِ، وَالتِّينِ، وَحَبِّ الزَّيْتُونِ، وَالْجُلَّوْزِ وَالصَّنَوْبَرِ، وَالْفُسْتُقِ، وَالْكَمُّونِ، وَالْكَرْوِيَا وَالْخَرْدَلِ، وَالْعُنَّابِ، وَحَبِّ الْبَسْبَاسِ. وَفِي الْكَتَّانِ، وَفِي زَرِيعَتِهِ أَيْضًا، وَفِي حَبِّ الْعُصْفُرِ، وَفِي نُوَّارِهِ، وَفِي حَبِّ الْقُنَّبِ لَا فِي كَتَّانِهِ، وَفِي الْفُوَّهِ إذَا بَلَغَ كُلُّ صِنْفٍ مِمَّا ذَكَرْنَا خَمْسَةَ أَوْسُقٍ، وَإِلَّا فَلَا؟ وَأَوْجَبَا الزَّكَاةَ فِي الزَّعْفَرَانِ، وَفِي الْقُطْنِ، وَالْوَرْسِ؟ ثُمَّ اخْتَلَفَا -: فَقَالَ أَبُو يُوسُفَ: إذَا بَلَغَ مَا يُصَابُ مِنْ أَحَدِ هَذِهِ الثَّلَاثَةِ مَا يُسَاوِي خَمْسَةَ أَوْسُقٍ مِنْ قَمْحٍ، أَوْ شَعِيرٍ، أَوْ مِنْ ذُرَةٍ، أَوْ مِنْ تَمْرٍ، أَوْ مِنْ زَبِيبٍ - أَحَدَ هَذِهِ الْخَمْسَةِ فَقَطْ، لَا مِنْ شَيْءٍ غَيْرِهَا -: فَفِيهِ الزَّكَاةُ وَإِنْ نَقَصَ عَنْ قِيمَةِ خَمْسَةِ أَوْسُقٍ مِنْ أَحَدِ مَا ذَكَرْنَا فَلَا زَكَاةَ فِيهِ.

L9963–9965 Abu Yusuf and Muhammad ibn al-Hasan said: There is no zakah on any vegetables or fruits. However, they ruled that zakah is obligatory on walnuts, almonds, figs, olive seeds, hazelnuts, pine nuts, pistachios, cumin, caraway, mustard seeds, jujube, basil seeds, flax and its crop, safflower seeds and their flowers, and the seeds of... Zakat is not obligatory on hemp or flax, nor on al-fuwwah unless each type of the mentioned crops reaches five wasqs; otherwise, no zakat is due. The two scholars ruled that zakat is obligatory on saffron, cotton, and wars (dye-plant). Then they differed: Abu Yusuf said: "If the produce obtained from any of these three equals five wasqs in value - whether wheat, barley, millet, dates, or raisins - exclusively one of these five and no other, then zakat is due. If its value falls short of five wasqs of any mentioned crop, no zakat is owed."

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: إنْ بَلَغَ مَا يُرْفَعُ مِنْ الزَّعْفَرَانِ: خَمْسَةَ أَمْنَانٍ وَهِيَ عَشَرَةُ أَرْطَالٍ فَفِيهِ الزَّكَاةُ، وَإِلَّا فَلَا، وَكَذَلِكَ الْوَرْسُ.

L9966 Muhammad ibn al-Hasan said: If the amount of saffron harvested reaches five *amnan*—which are ten *artals*—then *zakāt* is due on it; otherwise, it is not. The same ruling applies to *wars*.

وَإِنْ بَلَغَ الْقُطْنُ خَمْسَةَ أَحْمَالٍ وَهِيَ ثَلَاثَةُ آلَافِ رِطْلٍ فُلْفُلِيَّةٍ فَفِيهِ الزَّكَاةُ، وَإِلَّا فَلَا.

L9967 If the cotton reaches five loads, which are three thousand Fulfuliyyah ratls, then zakah is due on it; otherwise, it is not.

وَاتَّفَقَا عَلَى أَنَّ حَبَّ الْعُصْفُرِ إنْ بَلَغَ خَمْسَةَ أَوْسُقٍ زُكِّيَ هُوَ وَنُوَّارُهُ، وَإِنْ نَقَصَ عَنْ ذَلِكَ لَمْ يُزَكَّ لَا حَبُّهُ وَلَا نُوَّارُهُ.

L9968 They both agreed that if safflower seeds amount to five awsuq, Zakat is due on it and its flowers. If they are less than that, no Zakat is due—neither on the seeds nor the flowers.

L9969–9971 They differed regarding plums, onions, garlic, and henna - at times obligating

Zakat on them and at others exempting them. They exempted from Zakat hemp threads, cotton seeds, acorns, chestnuts, sidr berries, apples, pears, apricots, myrobalan, cucumbers, turnips, and mulberries. And carob, rue, fenugreek, black seed, and leek. Abu Sulayman Dawud ibn Ali, and the majority of the scholars of our school said: Zakat is due on everything the earth produces, on every fruit, on fodder and other things, without exception.

وَاخْتَلَفَا فِي الْإِجَّاصِ وَالْبَصَلِ وَالثُّومِ وَالْحِنَّاءِ، فَمَرَّةً أَوْجَبَا فِيهَا الزَّكَاةَ وَمَرَّةً أَسْقَطَاهَا؟ وَأَسْقَطَا الزَّكَاةَ عَنْ خُيُوطِ الْقُنَّبِ، وَعَنْ حَبِّ الْقُطْنِ، وَعَنْ الْبَلُّوطِ، وَالْقَسْطَلِ، وَالنَّبْقِ وَالتُّفَّاحِ، وَالْكُمَّثْرَى، وَالْمِشْمِشِ، وَالْهَلِيلِجِ وَالْقِثَّاءِ، وَاللُّفْتِ، وَالتُّوتِ، وَالْخَرُّوبِ، وَالْحُرْفِ وَالْحُلْبَةِ، وَالشُّونِيزِ وَالْكُرَّاثِ. وَقَالَ أَبُو سُلَيْمَانَ دَاوُد بْنُ عَلِيٍّ، وَجُمْهُورُ أَصْحَابِنَا: الزَّكَاةُ فِي كُلِّ مَا أَنْبَتَتْ الْأَرْضُ، وَفِي كُلِّ ثَمَرَةٍ، وَفِي الْحَشِيشِ وَغَيْرِ ذَلِكَ، لَا تَحَاشَ شَيْئًا.

L9972 They said: As for that which can be measured by volume, no zakah is due on it until a single category of it reaches five wasqs or more. As for that which cannot be measured, zakah is due on its small and large amounts.

قَالُوا: فَمَا كَانَ مِنْ ذَلِكَ يَحْتَمِلُ الْكَيْلَ لَمْ تَجِبْ فِيهِ زَكَاةٌ حَتَّى يَبْلُغَ الصِّنْفُ الْوَاحِدُ مِنْهُ خَمْسَةَ أَوْسُقٍ فَصَاعِدًا، وَمَا كَانَ لَا يَحْتَمِلُ فَفِي قَلِيلِهِ وَكَثِيرِهِ الزَّكَاةُ.

L9973 Has it been reported to us that statements from the earliest predecessors exist? It has been reported from Ibn Abbas that he used to collect zakāh from leeks.

وَرُوِّينَا أَيْضًا عَنْ السَّلَفِ الْأَوَّلِ أَقْوَالًا؟ -: فَرُوِيَ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ يَأْخُذُ الزَّكَاةَ مِنْ الْكُرَّاثِ.

L9974 From Ibn Umar: that he considered zakah obligatory on barley. From Mujahid, Hammad ibn Abi Sulayman, Umar ibn Abd al-Aziz, and Ibrahim al-Nakha'i: the mandating of zakah on everything the earth produces, whether the yield is small or abundant. This is transmitted from Umar ibn Abd al-Aziz through Ma'mar from Simak ibn al-Fadl from him. It is narrated from Ibrahim by Waki' through Sufyan al-Thawri from Mansur, and that he said: "For every ten dastajas of crops, one dastaja is due as zakah."

وَعَنْ ابْنِ عُمَرَ: أَنَّهُ رَأَى الزَّكَاةَ فِي السُّلْتِ؟ وَعَنْ مُجَاهِدٍ، وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ، وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَإِبْرَاهِيمَ النَّخَعِيِّ إيجَابُ الزَّكَاةِ فِي كُلِّ مَا أَخْرَجَتْ الْأَرْضُ، قَلَّ أَوْ كَثُرَ، وَهُوَ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ عَنْ مَعْمَرٍ عَنْ سِمَاكِ بْنِ الْفَضْلِ عَنْهُ. وَرَوَاهُ عَنْ إبْرَاهِيمَ وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مَنْصُورٍ عَنْهُ، وَأَنَّهُ قَالَ: فِي عَشْرِ دَسْتَجَاتٍ بَقْلٍ دَسْتَجَةٌ.

L9975–9977 It was narrated by Shu'bah from Hammad ibn Abi Sulayman, and we have received narrations from al-Zuhri and 'Umar ibn 'Abd al-'Azīz affirming the universal obligation of Zakāt on agricultural produce without excluding any specific types. It is narrated from al-Zuhri that Zakāt applies to spices and saffron, amounting to one-tenth of their harvested yield. From Abū Burdah ibn Abī Mūsā is narrated the obligation of Zakāt on garden crops.

وَرَوَاهُ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ شُعْبَةُ وَرُوِّينَا عَنْ الزُّهْرِيِّ وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ إيجَابَ الزَّكَاةِ فِي الثِّمَارِ عُمُومًا، دُونَ تَخْصِيصِ بَعْضِهَا مِنْ بَعْضٍ. وَعَنْ الزُّهْرِيِّ إيجَابُ الزَّكَاةِ فِي التَّوَابِلِ وَالزَّعْفَرَانِ: عُشْرُ مَا يُصَابُ مِنْهَا. وَعَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى إيجَابُ الزَّكَاةِ

فِي الْبُقُولِ. قَالَ أَبُو مُحَمَّد: أَمَّا مَا رُوِيَ عَنْ ابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - مِنْ إيجَابِ الزَّكَاةِ فِي السُّلْتِ فَإِنَّهُ قَدَّرَ أَنَّهُ نَوْعٌ مِنْ الْقَمْحِ، وَلَيْسَ كَذَلِكَ، وَإِنْ كَانَ الْقَمْحُ يَسْتَحِيلُ فِي بَعْضِ الْأَرَضِينَ سُلْتًا؛ فَإِنَّ اسْمَهُمَا عِنْدَ الْعَرَبِ مُخْتَلِفٌ، وَحَدُّهُمَا فِي الْمُشَاهَدَةِ مُخْتَلِفٌ، فَهُمَا صِنْفَانِ بِلَا شَكٍّ وَقَدْ يَسْتَحِيلُ الْعَصِيرُ خَمْرًا، وَيَسْتَحِيلُ الْخَمْرُ خَلًّا، وَهِيَ أَصْنَافٌ مُخْتَلِفَةٌ بِلَا خِلَافٍ، وَلَمْ يَأْتِ قَطُّ بُرْهَانٌ مِنْ نَصٍّ وَلَا مِنْ إجْمَاعٍ وَلَا مِنْ مَعْقُولٍ عَلَى أَنَّ مَا اسْتَحَالَ إلَى شَيْءٍ آخَرَ، فَهُمَا نَوْعٌ وَاحِدٌ، وَلَكِنْ إذَا اخْتَلَفَتْ الْأَسْمَاءُ لَمْ يَجُزْ أَنْ يُوقَعَ حُكْمٌ وَرَدَ فِي اسْمِ صِنْفٍ مَا عَلَى مَا لَا يَقَعُ عَلَيْهِ ذَلِكَ الِاسْمُ، لِقَوْلِ اللَّهِ تَعَالَى: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] . وَلَوْ كَانَ ذَلِكَ لَوَجَبَ أَنْ يُوقَعَ عَلَى غَيْرِ السَّارِقِ حُكْمُ السَّارِقِ، وَعَلَى غَيْرِ الْغُنْمِ حُكْمُ الْغَنَمِ. وَهَكَذَا فِي كُلِّ شَيْءٍ وَرُوِّينَا فِي ذَلِكَ أَثَرًا لَا يَصِحُّ، مِنْ طَرِيقِ ابْنِ لَهِيعَةَ، وَهُوَ سَاقِطٌ، عَنْ عُمَارَةَ بْنِ غَزِيَّةَ وَهُوَ ضَعِيفٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ «إنَّ هَذَا كِتَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِعَمْرِو بْنِ حَزْمٍ: فِي النَّخْلِ وَالزَّرْعِ قَمْحُهُ وَسُلْتُهُ وَشَعِيرُهُ فِيمَا سُقِيَ مِنْ ذَلِكَ بِالرِّشَاءِ نِصْفُ الْعُشْرِ» . وَذَكَرَ الْحَدِيثَ.

Abū Muḥammad said: As for what is reported from Ibn ʻUmar - may Allah be pleased with him - concerning the obligation of Zakāt on sult, he assumed it to be a variety of wheat, but this is incorrect. Even if wheat sometimes transforms into sult in certain soils, their names in Arabic are distinct, and their observable characteristics differ. Thus, they are two distinct entities. Two categories are without doubt: grape juice transforms into wine, and wine transforms into vinegar—distinct categories with no disagreement. No evidence—whether derived from text, consensus, or reason—has ever demonstrated that substances transformed into other substances remain a single type. However, when names differ, it is impermissible to apply a ruling designated for one named category to what does not bear that name, based on Allah's decree: *"Whoever transgresses the limits of Allah has certainly wronged himself"* [al-Ṭalāq 65:1]. If this were permitted, it would necessitate applying the ruling for thieves to non-thieves, or the ruling for spoils to sheep, and this principle applies universally. An unsound report has been narrated to us through Ibn Lahiʿah (a discarded transmitter) from ʿUmarah ibn Ghaziyyah (a weak narrator) via ʿAbdullāh ibn Abī Bakr ibn ʿAmr ibn Ḥazm: *"This is the document of the Messenger of Allah (peace and blessings be upon him) to ʿAmr ibn Ḥazm: Regarding palm trees and crops—their wheat, hulled barley, and barley—for what is irrigated by bucket, half of the ʿushr (one-tenth, i.e., five percent) is due."* And he cited the ḥadīth in full.[10]

وَهَذِهِ صَحِيفَةٌ لَا تُسْنَدُ، وَقَدْ خَالَفَ خُصُومُنَا أَكْثَرَ مَا فِي هَذِهِ الصَّحِيفَةِ.

L9978 This is a document that is not supported by an *isnād* (chain of narrators), and our opponents have contradicted most of what is in it.

وَأَمَّا قَوْلُ الشَّافِعِيِّ، فَإِنَّهُ حَدَّ حَدًّا فَاسِدًا لَا بُرْهَانَ عَلَى صِحَّتِهِ، لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ، وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ، وَلَا مِنْ قِيَاسٍ وَمَا نَعْلَمُ أَحَدًا قَالَهُ قَبْلَهُ؛ وَمَا كَانَ هَكَذَا فَهُوَ سَاقِطٌ لَا يَحِلُّ الْقَوْلُ بِهِ.

L9979 As for the statement of al-Shāfiʿī, he established an invalid ḥadd punishment lacking any definitive proof for its validity—neither from the Qur'an, the Sunnah, consensus, the authoritative opinion of a Companion, nor analogical reasoning. We know of no one who asserted it before him. A ruling such as this is null and void, and it is impermissible to uphold it.

وَعَجَبًا لَهُ كَيْفَ قَاسَ الْحِنْطَةَ وَالشَّعِيرَ عَلَى كُلِّ شَيْءٍ

L9980–9982 It is astonishing that he applied qiyās to wheat and barley for everything

[10] **Qur'an references (L9975):** Qur'an 65:1 (At-Talaq).

made into bread or porridge, yet did not apply qiyās to dates and raisins for all fruits consumed as staple foods. Indeed, acorns, figs, chestnuts, and coconuts are unquestionably more substantial and commonly consumed as staples than raisins. We know of no region where raisins alone constitute the people's staple food, yet there are lands where chestnuts, coconuts, and figs alone form their staple. Similarly... As for the acorn—indeed, bread and porridge are made from it—the invalidity of this claim becomes apparent. As for Mālik's argument, it is more severe and evident in its invalidity, because if the rationale is sustenance, then chestnuts, acorns, figs, Indian walnuts [coconuts], and turnips are undoubtedly more substantial for sustenance than oil, olives, chickpeas, lentils, or lupini beans.

وَالْعَجَبُ أَنَّهُ قَاسَ عَلَى الْبُرِّ، وَالشَّعِيرِ كُلَّ مَا يُعْمَلُ مِنْهُ خُبْزٌ أَوْ عَصِيدَةٌ، وَلَمْ يَقِسْ عَلَى التَّمْرِ وَالزَّبِيبِ كُلَّ مَا يَتَقَوَّتُ مِنْ الثِّمَارِ، فَإِنَّ الْبَلُّوطَ وَالتِّينَ وَالْقَسْطَلَ وَجَوْزَ الْهِنْدِ أَقْوَى وَأَشْهَرَ فِي التَّقَوُّتِ مِنْ الزَّبِيبِ بِلَا شَكٍّ، فَمَا عَلِمْنَا بَلَدًا يَكُونُ قُوتُ أَهْلِهِ الزَّبِيبُ صِرْفًا، وَنَعْلَمُ بِلَادًا لَيْسَ قُوتُهَا إلَّا الْقَسْطَلَ، وَجَوْزَ الْهِنْدِ وَالتِّينَ صِرْفًا، وَكَذَلِكَ الْبَلُّوطُ، وَقَدْ يُعْمَلُ مِنْهُ الْخُبْزُ وَالْعَصِيدَةُ، فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ. وَأَمَّا قَوْلُ مَالِكٍ فَأَشَدُّ وَأَبْيَنُ فِي الْفَسَادِ، لِأَنَّهُ إنْ كَانَتْ عِلَّتُهُ التَّقَوُّتَ فَإِنَّ الْقَسْطَلَ، وَالْبَلُّوطَ، وَالتِّينَ، وَجَوْزَ الْهِنْدِ، وَاللُّفْتَ، بِلَا شَكٍّ أَقْوَى فِي التَّقَوُّتِ مِنْ الزَّيْتِ وَمِنْ الزَّيْتُونِ وَمِنْ الْحِمَّصِ وَمِنْ الْعَدَسِ وَمِنْ اللُّوبْيَاءِ.

L9983 Utterly astonishing is his obligation of Zakāt upon radish oil, which is not consumed as food but is reserved solely for fuel. It is not known except in the land of Egypt alone.

وَالْعَجَبُ كُلُّهُ إيجَابُهُ الزَّكَاةَ فِي زَيْتِ الْفُجْلِ. وَهُوَ لَا يُؤْكَلُ، وَإِنَّمَا هُوَ لِلْوَقِيدِ خَاصَّةً، وَلَا يُعْرَفُ إلَّا بِأَرْضِ مِصْرَ فَقَطْ.

L9984 A reliable narrator in his transmission and discernment informed me that what is referred to in Egypt as *fujl*—from which oil is produced and on which Mālik ruled that *zakāt* is obligatory—is the plant known among us in Andalusia as *al-bashtar*, a desert plant that is not intentionally cultivated.

وَأَخْبَرَنِي ثِقَةٌ فِي نَقْلِهِ وَتَمْيِيزِهِ أَنَّ الْمُسَمَّى بِمِصْرَ فُجْلًا يُعْمَلُ مِنْهُ الزَّيْتُ الَّذِي رَأَى مَالِكٌ فِيهِ الزَّكَاةَ، هُوَ النَّبَاتُ الْمُسَمَّى عِنْدَنَا بِالْأَنْدَلُسِ " اللبشتر " وَهُوَ نَبَاتٌ صَحْرَاوِيٌّ لَا يُغْتَرَسُ أَصْلًا.

L9985 He did not consider zakah obligatory on oil from cultivated flaxseed, nor on sesame oil, walnut oil, harkan oil, ẓanbūj oil, or ḍarw oil—these being edible oils used for lighting, originating from Khurasan, Iraq, the land of the Masmuda, and Sicily. There is no basis for his opinion in the Quran, nor in any authentic Sunnah, nor in any weak narration, nor through evidence of consensus, nor from the statement of a Companion, nor by analogy, nor through the practice of Medina's people—since most of what he considered zakatable was unknown in Medina. We know of no one before him who held this opinion, thus the falsity of this view becomes entirely evident—and success is attained only through Allah, the Exalted.

وَلَمْ يَرَ الزَّكَاةَ فِي زَيْتِ زَرِيعَةِ الْكَتَّانِ، وَلَا فِي زَيْتِ السِّمْسِمِ، وَزَيْتِ الْجَوْزِ، وَزَيْتِ الهركان، وَزَيْتِ الزنبوج وَزَيْتِ الضَّرْوِ وَهَذِهِ تُؤْكَلُ وَيُوقَدُ بِهَا، وَهِيَ زُيُوتُ خُرَاسَانَ، وَالْعِرَاقِ، وَأَرْضِ الْمُصَامَدَةِ، وَصِقِلِّيَّةَ؟ وَلَا مُتَعَلَّقَ لِقَوْلِهِ فِي قُرْآنٍ، وَلَا فِي سُنَّةٍ صَحِيحَةٍ وَلَا فِي رِوَايَةٍ سَقِيمَةٍ، وَلَا مِنْ دَلِيلِ إجْمَاعٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ، وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ عَمَلِ أَهْلِ الْمَدِينَةِ، لِأَنَّ أَكْثَرَ مَا رَأَى فِيهِ الزَّكَاةَ لَيْسَ يُعْرَفُ بِالْمَدِينَةِ؟ وَمَا نَعْرِفُ هَذَا الْقَوْلَ عَنْ أَحَدٍ قَبْلَهُ: فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ جُمْلَةً - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L9986 What is utterly astonishing is that Mālik and Al-Shāfiʿī explicitly stated by them: “Indeed, the words of Allah the Exalted: {And He is the One Who created gardens, trellised and untrellised, and palm trees and crops differing in their fruits, and olives and pomegranates, similar and dissimilar. Eat of its fruit when it yields and give its due on the day of its harvest} [Al-Anʿām 6:141]—they specifically intended by this only the obligatory Zakāt.”[11]

وَالْعَجَبُ كُلُّ الْعَجَبِ أَنَّ مَالِكًا وَالشَّافِعِيَّ قَالَا نَصًّا عَنْهُمَا: إِنَّ قَوْلَ اللَّهِ تَعَالَى: {وَهُوَ الَّذِي أَنْشَأَ جَنَّاتٍ مَعْرُوشَاتٍ وَغَيْرَ مَعْرُوشَاتٍ وَالنَّخْلَ وَالزَّرْعَ مُخْتَلِفًا أُكُلُهُ وَالزَّيْتُونَ وَالرُّمَّانَ مُتَشَابِهًا وَغَيْرَ مُتَشَابِهٍ كُلُوا مِنْ ثَمَرِهِ إِذَا أَثْمَرَ وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] إِنَّمَا أَرَادَ بِهِ الزَّكَاةَ الْوَاجِبَةَ.

L9987–9989 Abu Muhammad said: So how can this verse, which Allah the Exalted revealed concerning zakah according to both of them, then, The two of them exempt from zakat most of what Allah the Exalted has mentioned by His name therein - such as pomegranates and the rest of what exists in the gardens. This is a truly remarkable and unparalleled matter.

قَالَ أَبُو مُحَمَّد: فَكَيْفَ تَكُونُ هَذِهِ الْآيَةُ أَنْزَلَهَا اللَّهُ تَعَالَى فِي الزَّكَاةِ عِنْدَهُمَا، ثُمَّ يُسْقِطَانِ الزَّكَاةَ عَنْ أَكْثَرِ مَا ذَكَرَ اللَّهُ تَعَالَى فِيهَا بِاسْمِهِ مِنْ الرُّمَّانِ، وَسَائِرِ مَا يَكُونُ فِي الْجَنَّاتِ، وَهَذَا عَجَبٌ لَا نَظِيرَ لَهُ.

L9990 Some of them argued that God the Exalted made zakāh obligatory only on what is harvested. Thus, the Mālikīs were asked: “From where do you derive obligating zakāh on olives, when you consider them unharvested?” The Shāfiʿīs were challenged: “What is your proof that ’harvesting’ is not applied to anything other than crops?” God the Exalted mentioned the dwellings of the disbelievers in His saying: “Among them are those still standing and others leveled” [Hud 11:100]. The Messenger of God—peace and blessings be upon him—said during the Conquest: “Mow them down completely.”[12]

وَاحْتَجَّ بَعْضُهُمْ بِأَنَّهُ إِنَّمَا أَوْجَبَ اللَّهُ تَعَالَى الزَّكَاةَ فِيهَا فِيمَا يُحْصَدُ. فَقِيلَ لِلْمَالِكِيِّينَ: فَمِنْ أَيْنَ أَوْجَبْتُمْ الزَّكَاةَ فِي الزَّيْتُونِ، وَهُوَ عِنْدَكُمْ لَا يُحْصَدُ. وَيُقَالُ لِلشَّافِعِيِّينَ: مَنْ لَكُمْ بِأَنَّ الْحَصَادَ لَا يُطْلَقُ عَلَى غَيْرِ الزَّرْعِ. وَاَللَّهُ تَعَالَى ذَكَرَ مَنَازِلَ الْكُفَّارِ فَقَالَ: {مِنْهَا قَائِمٌ وَحَصِيدٌ} [هود: ١٠٠] . «قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الْفَتْحِ: اُحْصُدُوهُمْ حَصْدًا» .

L9991 As for the statements of Abū Yūsuf and Muḥammad: they invalidate all these opinions—the most contradictory ones—because they did not commit to specifying by what is used for sustenance, nor by what is measured, nor by what is eaten, nor by what dries, nor by what is stored. They brought forth opinions that were deeply flawed.

وَأَمَّا قَوْلُ أَبِي يُوسُفَ، وَمُحَمَّد: فَأَسْقَطُ هَذِهِ الْأَقْوَالِ كُلِّهَا وَأَشَدُّهَا تَنَاقُضًا؛ لِأَنَّهُمَا لَمْ يَلْتَزِمَا التَّحْدِيدَ بِمَا يُتَقَوَّتُ، وَلَا بِمَا يُكَالُ، وَلَا بِمَا يُؤْكَلُ وَلَا بِمَا يَيْبَسُ، وَلَا بِمَا يُدَّخَرُ، وَأَتَيَا بِأَقْوَالٍ فِي غَايَةِ الْفَسَادِ.

L9992 The two jurists ruled zakat was obligatory on walnuts, almonds, hazelnuts, and pine nuts. They exempted zakat on acorns, chestnuts, and turnips. They ruled zakat was obligatory on fenugreek and exempted it from nigella seeds, for they were the two jurists.

فَأَوْجَبَا الزَّكَاةَ فِي الْجَوْزِ وَاللَّوْزِ، وَالْجُلَّوْزِ، وَالصَّنَوْبَرِ. وَأَسْقَطَاهَا عَنْ الْبَلُّوطِ، وَالْقَسْطَلِ، وَاللُّفْتِ. وَأَوْجَبَاهَا فِي الْبَسْبَاسِ، وَأَسْقَطَاهَا عَنْ الشُّونِيزِ، وَهُمَا أَخَوَانِ.

[11] **Qur’an references (L9986):** Qur’an 6:141 (Al-An’am).
[12] **Qur’an references (L9990):** Qur’an 11:100 (Hud).

L9993 They both ruled (in some opinions) that it is obligatory for garlic and onions, waived it for leek, and also applied it to flax threads and their grain.

وَأَوْجَبَاهَا - فِي بَعْضِ الْأَقْوَالِ - فِي الثُّومِ وَالْبَصَلِ، وَأَسْقَطَاهَا عَنْ الْكُرَّاثِ. وَأَوْجَبَاهَا فِي خُيُوطِ الْكَتَّانِ وَحَبِّهِ.

L9994 The two scholars ruled it obligatory on safflower seeds and blossoms.

وَأَوْجَبَاهَا فِي حَبِّ الْعُصْفُرِ وَنُوَّارِهِ.

L9995 They both ruled it obligatory for cotton fibers but not for its seeds.

وَأَوْجَبَاهَا فِي خُيُوطِ الْقُطْنِ دُونَ حَبِّهِ.

L9996 They both imposed it on hemp threads and exempted it from his threads.

وَأَوْجَبَاهَا فِي خُيُوطِ الْقِنَّبِ، وَأَسْقَطَاهَا عَنْ خُيُوطِهِ.

L9997 They obligated it on mustard and exempted it for crafts.

وَأَوْجَبَاهَا فِي الْخَرْدَلِ، وَأَسْقَطَاهَا عَنْ الْحُرْفِ.

L9998 The two scholars, who were brothers, imposed the obligation on jujube (al-ʿunnāb) and exempted it from nabq (fruit of the Christ's thorn tree).

وَأَوْجَبَاهَا فِي الْعُنَّابِ، وَأَسْقَطَاهَا عَنْ النَّبْقِ وَهُمَا أَخَوَانِ.

L9999 They both ruled that Zakah is obligatory on pomegranates but exempted apples and quinces from it, even though they are equivalent.

وَأَوْجَبَاهَا فِي الرُّمَّانِ، وَأَسْقَطَاهَا عَنْ التُّفَّاحِ وَالسَّفَرْجَلِ وَهِيَ سَوَاءٌ.

L10000 If it is said: “Pomegranates are mentioned in the verse,” it is answered: “Crops are mentioned in the verse.” Yet the rulings have exempted zakāh from most cultivated produce.

فَإِنْ قِيلَ: الرُّمَّانُ مَذْكُورٌ فِي الْآيَةِ. قِيلَ: وَالزَّرْعُ مَذْكُورٌ فِي الْآيَةِ. وَقَدْ أَسْقَطَا الزَّكَاةَ عَنْ أَكْثَرِ مَا يُزْرَعُ.

L10001–10003 And these are insinuations resembling what one afflicted by persistent whispers produces. These two matters have no foundation tied to them—neither from the Quran, nor the Sunnah, nor a weak ḥadīth, nor the statement of a Companion, nor analogy, nor sound opinion—and we know of no one who upholds them. He had stated that before both of them, thus this baseless claim was also entirely invalidated.

وَهَذِهِ وَسَاوِسُ تُشْبِهُ مَا يَأْتِي بِهِ الْمَمْرُورُ. وَمَا لَهُمَا مُتَعَلَّقٌ لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ، وَلَا مِنْ رِوَايَةٍ ضَعِيفَةٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ، وَلَا قِيَاسٍ وَلَا رَأْيٍ سَدِيدٍ، وَمَا نَعْلَمُ أَحَدًا قَالَ بِذَلِكَ قَبْلَهُمَا، فَسَقَطَ هَذَا الْقَوْلُ الْفَاسِدُ أَيْضًا جُمْلَةً.

L10004 As for the statement of Abū Ḥanīfah, it has no connection to the Quran nor to the saying of the Messenger of Allah (peace and blessings be upon him)—“For what is watered by the sky, a tenth is due”—because he excluded from the generality of that ruling reeds, grass, and all foliage of fruit trees. This constitutes a specification of the evidence he cited without substantiation from any textual proof, consensus, analogy, or any opinion with a rationally defensible basis, while contradicting the Sunnah.

وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ: فَلَا مُتَعَلَّقَ لَهُ بِالْقُرْآنِ، وَلَا بِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» لِأَنَّهُ قَدْ أَخْرَجَ مِنْ جُمْلَةِ ذَلِكَ الْقَصَبَ، وَالْحَشِيشَ وَوَرَقَ الثِّمَارِ كُلِّهَا، وَهَذَا تَخْصِيصٌ لِمَا احْتَجَّ بِهِ، بِلَا بُرْهَانٍ مِنْ نَصٍّ وَلَا مِنْ إجْمَاعٍ، وَلَا مِنْ قِيَاسٍ وَلَا مِنْ رَأْيٍ لَهُ وَجْهٌ يُعْقَلُ، مَعَ خِلَافِهِ لِلسُّنَّةِ.

L10005 Thus, this opinion, too, falls outside the bounds of permissibility, and success is from Allah, the Exalted.

فَخَرَجَ أَيْضًا هَذَا الْقَوْلُ عَنْ الْجَوَازِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10006 Abu Muhammad said: Only the opinion of our companions and our own opinion remained. We examined this matter and found our companions citing as proof the aforementioned verse and the authenticated reports from the Messenger of Allah (peace be upon him) in his saying, “For what is irrigated by rainwater, one-tenth (is due).” They have no evidence apart from these two scriptural texts.

قَالَ أَبُو مُحَمَّد: فَلَمْ يَبْقَ إلَّا قَوْلُ أَصْحَابِنَا وَقَوْلُنَا، فَنَظَرْنَا فِي ذَلِكَ، فَوَجَدْنَا أَصْحَابَنَا يَحْتَجُّونَ بِالْآيَةِ الْمَذْكُورَةِ وَبِالثَّابِتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ قَوْلِهِ «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» لَا حُجَّةَ لَهُمْ غَيْرُ هَذَيْنِ النَّصَّيْنِ.

L10007 We found the verse has no basis for them to rely upon for several reasons:

فَوَجَدْنَا الْآيَةَ لَا مُتَعَلَّقَ لَهُمْ بِهَا لِوُجُوهٍ -:

L10008 One is that the surah is Meccan while zakah is Medinan, without disagreement from any of the scholars. Thus it is invalid that it was revealed concerning zakah. Some opposing scholars said: “Yes, it is Meccan—except this verse alone, for it is Medinan.”

أَحَدُهَا: أَنَّ السُّورَةَ مَكِّيَّةٌ، وَالزَّكَاةُ مَدَنِيَّةٌ، بِلَا خِلَافٍ مِنْ أَحَدٍ مِنْ الْعُلَمَاءِ، فَبَطَلَ أَنْ تَكُونَ أُنْزِلَتْ فِي الزَّكَاةِ. وَقَالَ بَعْضُ الْمُخَالِفِينَ: نَعَمْ هِيَ مَكِّيَّةٌ، إلَّا هَذِهِ الْآيَةَ وَحْدَهَا، فَإِنَّهَا مَدَنِيَّةٌ.

قَالَ أَبُو مُحَمَّدٍ: هَذِهِ دَعْوَى بِلَا بُرْهَانٍ عَلَى صِحَّتِهَا، وَتَخْصِيصٍ بِلَا دَلِيلٍ، ثُمَّ لَوْ صَحَّ لَمَا كَانَتْ لَهُمْ فِي ذَلِكَ حُجَّةٌ. لِأَنَّ قَائِلَ هَذَا الْقَوْلِ زَعَمَ أَنَّهَا أُنْزِلَتْ فِي شَأْنِ ثَابِتِ بْنِ قَيْسِ بْنِ الشَّمَّاسِ - رَضِيَ اللَّهُ عَنْهُ -؛ إِذْ جَذَّ ثَمَرَتَهُ فَتَصَدَّقَ مِنْهَا حَتَّى لَمْ يَبْقَ لَهُ مِنْهَا شَيْءٌ. فَبَطَلَ أَنْ يَكُونَ أُرِيدَ بِهَا الزَّكَاةُ.

L10009 Abu Muhammad said: This is a claim without proof of its validity and a specification without evidence. Then even if it were valid, they would have no argument in that matter. For the proponent of this view claimed that it was revealed regarding Thabit ibn Qays ibn al-Shammas - may Allah be pleased with him - when he harvested his fruit crop and gave charity from it until nothing remained for him. Thus, it is invalidated that the verse was intended to refer to Zakat.

وَالثَّانِي: قَوْله تَعَالَى فِيهَا: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] .

L10010 The second is the statement of the Most High therein: {And give its due on the day of its harvest} [Al-An'ām 6:141].[1]

وَلَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ فِي أَنَّ الزَّكَاةَ لَا يَجُوزُ إيتَاؤُهَا يَوْمَ الْحَصَادِ، لَكِنْ فِي الزَّرْعِ بَعْدَ الْحَصَادِ، وَالدَّرْسِ وَالذَّرْوِ وَالْكَيْلِ، وَفِي الثِّمَارِ بَعْدَ الْيُبْسِ وَالتَّصْفِيَةِ وَالْكَيْلِ. فَبَطَلَ أَنْ يَكُونَ ذَلِكَ الْحَقُّ الْمَأْمُورُ بِهِ هُوَ الزَّكَاةُ الَّتِي لَا تَجِبُ إلَّا بَعْدَمَا ذَكَرْنَا.

L10011 There is no disagreement among any of the Ummah that it is impermissible to deliver Zakāh on the day of harvest. Rather, it is due on crops after harvesting, threshing, winnowing, and measuring by volume; and on fruits after drying, purification, and measuring by volume. Thus, it is invalid to equate that prescribed due with Zakāh, for Zakāh only becomes obligatory after the conditions we have mentioned.

وَالثَّالِثُ: قَوْله تَعَالَى فِي الْآيَةِ نَفْسِهَا: {وَلا تُسْرِفُوا} [الأنعام: ١٤١] وَلَا سَرَفَ فِي الزَّكَاةِ لِأَنَّهَا مَحْدُودَةٌ، وَلَا يَحِلُّ أَنْ يُنْقَصَ مِنْهَا حَبَّةٌ وَلَا تُزَادُ أُخْرَى.

L10012 The third is the statement of Allah, the Exalted, in the same verse: "And do not exceed the limits" [An'ām 6:141]. There is no excess in zakāh, as it is a fixed obligation. It is impermissible to reduce even a single grain from it or to add another.[2]

فَإِنْ قِيلَ: فَمَا هَذَا الْحَقُّ الْمُفْتَرَضُ فِي الْآيَةِ. قُلْنَا: نَعَمْ، هُوَ حَقٌّ غَيْرُ الزَّكَاةِ، وَهُوَ أَنْ يُعْطِيَ الْحَاصِدُ حِينَ الْحَصْدِ مَا طَابَتْ بِهِ نَفْسُهُ وَلَا بُدَّ، لَا حَدَّ فِي ذَلِكَ، هَذَا ظَاهِرُ الْآيَةِ.

L10013–10014 If it is asked: "What is this obligatory right in the verse?" We respond: "Indeed, it is a right distinct from Zakāh. It is that the harvester gives at the time of harvest what he willingly chooses—and it is required—with no specified amount. This is the apparent meaning of the verse."

وَهُوَ قَوْلُ طَائِفَةٍ مِنْ السَّلَفِ، كَمَا حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ دُحَيْمٍ ثنا إبْرَاهِيمُ بْنُ حَمَّادٍ ثنا إسْمَاعِيلُ بْنُ إسْحَاقَ الْقَاضِي ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ أَشْعَثَ هُوَ ابْنُ عَبْدِ الْمَلِكِ - عَنْ مُحَمَّدِ بْنِ سِيرِينَ، وَعَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ فِي قَوْله تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] قَالَ: كَانُوا يُعْطُونَ مَنْ اعْتَرَّ بِهِمْ شَيْئًا سِوَى الصَّدَقَةِ.

L10015 This is the statement of a group of the predecessors, as Yahya ibn Abd al-Rahman ibn Masud narrated to us: Ahmad ibn Duhaym narrated to us, Ibrahim ibn Hammad narrated to us, Isma'il ibn Ishaq al-Qadi narrated to us, Abu Bakr ibn Abi Shaybah narrated to us, Abd al-Rahim ibn Sulayman narrated from Ash'ath—who is the son of Abd al-Malik—from Muhammad ibn Sirin, and from Nafi' (who narrated) from Ibn Umar regarding the verse

[1] **Qur'an references (L10010):** Qur'an 6:141 (Al-An'am).
[2] **Qur'an references (L10012):** Qur'an 6:141 (Al-An'am).

of the Almighty: “And give its due on the day of its harvest” [Al-An’am: 141]. He said: They used to give something to those who came upon them besides the charity.[3]

L10016 And through him to Ismāʿīl ibn Isḥāq, who said: “Muḥammad ibn Abī Bakr—he is al-Muqaddamī—narrated to us.”

L10017 Yahya, that is, Ibn Saʿīd al-Qaṭṭān, narrated to us from Sufyān al-Thawrī, from Ḥammād ibn Abī Sulaymān, from Ibrāhīm al-Nakhaʿī regarding the Almighty’s statement: “And give its due on the day of its harvest” [Al-Anʿām 6:141]. He explained: “One should give something like a handful.”[4]

L10018–10020 And through the chain of Jarīr from Manṣūr from Mujāhid regarding the statement of the Almighty: {And give its due on the day of its harvest} [Al-Anʿām: 141], he said: When you harvest and the poor are present, you set aside a portion for them from it. When you process it, you set aside a portion for them from it. When you clean it and start measuring, scoop out a portion for them. When you ascertain its measure, you separate its zakāh. When you begin harvesting dates, set aside for them from the separated harvest remnants and dates. When you begin measuring it, scoop generously for them from it. And when you ascertain its measure, set aside its Zakat.[5]

L10021 And also from Mujāhid: This is obligatory when the crop is harvested.

L10022 And from Abu al-ʿĀliyah regarding the statement of the Almighty: {And give its due obligation on the day of its harvest} [Al-Anʿām 6:141], he said: They would give something other than the prescribed charity (ṣadaqah).[6]

L10023 And from Saʿīd ibn Jubayr regarding the words of the Almighty: {And give its due on the day of its harvest} [al-Anʿām 6:141], he said: The weak and the needy come to it, and he gives him until he ascertains what will be.[7]

وَبِهِ إِلَى إِسْمَاعِيلَ بْنِ إِسْحَاقَ قَالَ: ثنا مُحَمَّدُ بْنُ أَبِي بَكْرٍ هُوَ الْمُقَدَّمِيُّ.

ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ فِي قَوْلِهِ تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] قَالَ: يُعْطِي نَحْوًا مِنَ الضِّغْثِ.

وَمِنْ طَرِيقِ جَرِيرٍ عَنْ مَنْصُورٍ عَنْ مُجَاهِدٍ فِي قَوْلِهِ تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] قَالَ: إِذَا حَصَدْتَ وَحَضَرَكَ الْمَسَاكِينُ: طَرَحْتَ لَهُمْ مِنْهُ. وَإِذَا طَيَّبْتَ: طَرَحْتَ لَهُمْ مِنْهُ. وَإِذَا نَقَّيْتَهُ وَأَخَذْتَ فِي كَيْلِهِ: حَثَوْتَ لَهُمْ مِنْهُ. وَإِذَا عَلِمْتَ كَيْلَهُ: عَزَلْتَ زَكَاتَهُ. وَإِذَا أَخَذْتَ فِي جِدَادِ النَّخْلِ طَرَحْتَ لَهُمْ مِنَ التَّفَارِيقِ وَالتَّمْرِ وَإِذَا أَخَذْتَ فِي كَيْلِهِ: حَثَوْتَ لَهُمْ مِنْهُ. وَإِذَا عَلِمْتَ كَيْلَهُ: عَزَلْتَ زَكَاتَهُ.

وَعَنْ مُجَاهِدٍ أَيْضًا: هَذَا وَاجِبٌ حِينَ يُصْرِمُ.

وَعَنْ أَبِي الْعَالِيَةِ فِي قَوْلِهِ تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] وَقَالَ: كَانُوا يُعْطُونَ شَيْئًا غَيْرَ الصَّدَقَةِ.

وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ فِي قَوْلِهِ تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] قَالَ: يَمُرُّ بِهِ الضَّعِيفُ وَالْمِسْكِينُ فَيُعْطِيهِ حَتَّى يَعْلَمَ مَا يَكُونُ.

[3] **Qur’an references (L10015):** Qur’an 6:141 (Al-An’am).
[4] **Qur’an references (L10017):** Qur’an 6:141 (Al-An’am).
[5] **Qur’an references (L10018):** Qur’an 6:141 (Al-An’am).
[6] **Qur’an references (L10022):** Qur’an 6:141 (Al-An’am).
[7] **Qur’an references (L10023):** Qur’an 6:141 (Al-An’am).

L10024 From Ja’far ibn Muhammad ibn Ali ibn al-Husayn, from his father, from his grandfather, regarding the verse “And give its due on the day of its harvest” [6:141]. He said: After the obligatory ṣadaqah incumbent upon him, one should give a handful of the crop and a portion.[8]

وَعَنْ جَعْفَرِ بْنِ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ أَبِيهِ عَنْ جَدِّهِ {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] . قَالَ: بَعْدَ الَّذِي يَجِبُ عَلَيْهِ مِنْ الصَّدَقَةِ، يُعْطِي الضِّغْثَ وَالشَّيْءَ.

L10025 And from Rabīʿ ibn Anas: {And give its due on the day of its harvest} [Al-An’am: 141]. He said: “The gleaning of the ears of grain.”[9]

وَعَنْ الرَّبِيعِ بْنِ أَنَسٍ: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] . قَالَ: لُقَاطِ السُّنْبُلِ.

L10026 And from ‘Aṭā’ concerning the statement of the Most High: “And give its due on the day of its harvest” [Al-An‘ām 6:141], he said: “A minor portion besides the prescribed Zakat.”[10]

وَعَنْ عَطَاءٍ فِي قَوْلِه تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] قَالَ: شَيْءٌ يَسِيرٌ سِوَى الزَّكَاةِ الْمَفْرُوضَةِ.

L10027 It is not authentically reported from Ibn Abbas that the verse was revealed concerning Zakat, for this claim derives from al-Ḥajjāj ibn Arṭāh—a discredited transmitter—and through Miqsam’s chain—a weak narrator.

وَلَا يَصِحُّ عَنْ ابْنِ عَبَّاسٍ أَنَّهَا نَزَلَتْ فِي الزَّكَاةِ، لِأَنَّهُ مِنْ رِوَايَةِ الْحَجَّاجِ بْنِ أَرْطَاةَ، وَهُوَ سَاقِطٌ، وَمِنْ طَرِيقِ مِقْسَمٍ، وَهُوَ ضَعِيفٌ.

L10028 And whoever claims that something has been abrogated will not have their claim accepted except through an unbroken textual transmission traced back to the Messenger of Allah—peace be upon him. Otherwise, anyone could arbitrarily assert abrogation for any verse or hadith they wish. To claim abrogation is to invalidate obedience to Allah Almighty in what He has commanded **from** that text, and this is impermissible except with a sound, textually-attested transmission supported by an authenticated chain.

وَمَنْ ادَّعَى أَنَّهُ نُسِخَ لَمْ يُصَدَّقْ إِلَّا بِنَصٍّ مُتَّصِلٍ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَإِلَّا فَمَا يَعْجَزُ أَحَدٌ عَنْ أَنْ يَدَّعِيَ فِي أَيِّ آيَةٍ شَاءَ، وَفِي أَيِّ حَدِيثٍ شَاءَ: أَنَّهُ مَنْسُوخٌ. وَدَعْوَى النَّسْخِ إِسْقَاطٌ لِطَاعَةِ اللَّهِ تَعَالَى فِيمَا أَمَرَ بِهِ مِنْ ذَلِكَ النَّصِّ، وَهَذَا لَا يَجُوزُ إِلَّا بِنَصٍّ مُسْنَدٍ صَحِيحٍ.

L10029 As for the statement of the Messenger of Allah—peace be upon him—“For what is watered by rain, one-tenth is due, and for what is irrigated by a bucket or a waterwheel, half a tenth is due,” it is a sound narration. Had nothing particularizing it come, none would have been permitted to oppose it.

وَأَمَّا قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ وَفِيمَا سُقِيَ بِنَضْحٍ أَوْ دَالِيَةٍ نِصْفُ الْعُشْرِ» فَهُوَ خَبَرٌ صَحِيحٌ، لَوْ لَمْ يَأْتِ مَا يَخُصُّهُ لَمْ يَجُزْ خِلَافُهُ لِأَحَدٍ.

L10030–10031 But we found what ʿAbdullāh ibn Yūsuf and Aḥmad ibn Muḥammad al-Ṭalamankī narrated to us. ʿAbdullāh said: Aḥmad ibn Fatḥ narrated to us, ʿAbd al-Wahhāb ibn ʿĪsā narrated to us, Aḥmad ibn Muḥammad narrated to

لَكِنْ وَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ وَأَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيُّ، قَالَ عَبْدُ اللَّهِ: ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ، وَعَمْرٌو النَّاقِدُ، وَزُهَيْرُ بْنُ حَرْبٍ، قَالُوا كُلُّهُمْ: ثنا وَكِيعٌ:

[8] **Qur’an references (L10024):** Qur’an 6:141 (Al-An’am).
[9] **Qur’an references (L10025):** Qur’an 6:141 (Al-An’am).
[10] **Qur’an references (L10026):** Qur’an 6:141 (Al-An’am).

وَقَالَ الطَّلَمَنْكِيُّ: ثنا ابْنُ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الرَّقِّيُّ ثنا أَحْمَدُ بْنُ عَمْرِو بْنِ عَبْدِ الْخَالِقِ الْبَزَّارُ ثنا أَحْمَدُ بْنُ الْوَلِيدِ الْعَدَنِيُّ ثنا يَحْيَى بْنُ آدَمَ -: ثُمَّ اتَّفَقَ وَكِيعٌ، وَيَحْيَى، كِلَاهُمَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ إِسْمَاعِيلَ بْنَ أُمَيَّةَ عَنْ مُحَمَّدِ بْنِ يَحْيَى بْنِ حِبَّانَ عَنْ يَحْيَى بْنِ عُمَارَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسَاقٍ تَمْرٍ وَلَا حَبٍّ صَدَقَةٌ» . قَالَ وَكِيعٌ فِي رِوَايَتِهِ " مِنْ تَمْرٍ " وَاتَّفَقَا فِيمَا عَدَا ذَلِكَ. قَالَ أَبُو مُحَمَّد: وَهَذَا إِسْنَادٌ فِي غَايَةِ الصِّحَّةِ، فَنَفَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الصَّدَقَةَ عَنْ كُلِّ مَا دُونَ خَمْسَةِ أَوْسَاقٍ مِنْ حَبٍّ أَوْ تَمْرٍ. وَلَفْظَةُ " دُونَ " فِي اللُّغَةِ الْعَرَبِيَّةِ تَقَعُ عَلَى مَعْنَيَيْنِ وُقُوعًا مُسْتَوِيًا، لَيْسَ أَحَدُهُمَا أَوْلَى مِنْ الْآخَرِ، وَهُمَا بِمَعْنَى: أَقَلُّ، وَبِمَعْنَى: غَيْرُ، قَالَ عَزَّ وَجَلَّ: {أَلا تَتَّخِذُوا مِنْ دُونِي وَكِيلا} [الإسراء: ٢] أَيْ مِنْ غَيْرِي.

وَقَالَ عَزَّ وَجَلَّ: {وَآخَرِينَ مِنْ دُونِهِمْ لا تَعْلَمُونَهُمُ} [الأنفال: ٦٠] أَيْ مِنْ غَيْرِهِمْ.

وَحَيْثُمَا وَقَعَتْ لَفْظَةُ " دُونَ " فِي الْقُرْآنِ فَهِيَ بِمَعْنَى: غَيْرُ؛ فَلَا يَجُوزُ لِأَحَدٍ أَنْ يَقْتَصِرَ بِلَفْظَةِ " دُونَ " فِي هَذَا الْخَبَرِ عَلَى مَعْنَى: أَقَلُّ دُونَ مَعْنَى: غَيْرُ وَنَحْنُ إذَا حَمَلْنَا " دُونَ " هَاهُنَا عَلَى مَعْنَى: غَيْرُ دَخَلَ فِيهِ: أَقَلُّ؛ وَتَخْصِيصُ اللَّفْظِ بِلَا بُرْهَانٍ مِنْ نَصٍّ لَا يَحِلُّ. فَصَحَّ يَقِينًا أَنَّهُ لَا زَكَاةَ فِي غَيْرِ خَمْسَةِ أَوْسُقٍ مِنْ حَبٍّ أَوْ تَمْرٍ، وَوَجَبَتْ الزَّكَاةُ فِيمَا زَادَ عَلَى خَمْسَةِ أَوْسُقٍ بِنَصِّ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَبِالْإِجْمَاعِ الْمُتَيَقَّنِ عَلَى ذَلِكَ.

us, Aḥmad ibn ʿAlī narrated to us, Muslim ibn al-Ḥajjāj narrated to us, Abū Bakr ibn Abī Shaybah, ʿAmr al-Nāqidi, and Zuhayr ibn Ḥarb all said: Wakīʿ narrated to us. Al-Ṭalamankī said: Ibn Mufarrij narrated to us, Muḥammad ibn Ayyūb al-Raqqī narrated to us, Aḥmad ibn ʿAmr ibn ʿAbd al-Khāliq al-Bazzār narrated to us, Aḥmad ibn al-Walīd al-ʿAdanī narrated to us, Yaḥyā ibn Ādam narrated to us. Then their chains converge through Sufyān al-Thawrī, from Ismāʿīl ibn Umayyah, from Muḥammad ibn Yaḥyā ibn Ḥibbān, from Yaḥyā ibn ʿUmārah, from Abū Saʿīd al-Khudrī, who said: The Messenger of Allāh—peace and blessings of Allāh upon him—said, "There is no obligatory alms (Zakāt) on dates nor grain below five wasaqs." Wakīʿ specified in his narration, "of dates," and they concurred on the rest of the wording. Abū Muḥammad said, "This is a chain of the highest authenticity. Thus, the Messenger of Allāh—peace and blessings of Allāh upon him—exempted from obligatory alms anything below five wasaqs of grain or dates. The term 'below' in the Arabic language carries two meanings occurring with equal validity—one signifying 'lesser in quantity' and the other 'other than.' Allāh the Exalted said: *{Do not take besides Me any protector}* [17:2], meaning 'other than Me.'"[11]

L10032 And He, the Almighty and Majestic, said: *And others besides them whom you do not know* (Quran 8:60), meaning others apart from them.[12]

L10033–10035 Wherever the word *dūn* appears in the Qur'an, it signifies "other than." Consequently, it is impermissible to confine the term *dūn* in this context solely to the meaning of "less than" to the exclusion of its meaning as "other than." And when we interpret "dūna" here as meaning "other than," it follows that the lesser amount is not included; to restrict the wording's meaning without textual evidence is impermissible. Thus, it is correctly and certainly established that there is no zakah due on anything other than five awsuq of grains or dates, while zakah becomes obligatory on what exceeds five awsuq by the explicit textual statement of the Messenger of Allah—peace and blessings be upon him—and by the definitive consensus established regarding this ruling.

[11] **Qur'an references (L10031):** Qur'an 17:2 (Al-Isra).
[12] **Qur'an references (L10032):** Qur'an 8:60 (Al-Anfal).

L10036 And similarly, this applies to camels, cattle, sheep and goats, gold, and silver, by the definitive consensus and the textual evidence as well.

L10037–10039 Zakat is waived for anything other than that which is subject to disagreement and lacks an explicit textual ruling, based on the Prophet's—peace and blessings of Allah be upon him—negation of zakat for anything other than five wasqs of grain or dates. It then becomes obligatory to examine what the term "grain" (ḥabb) denotes in the language with which the Messenger of Allah—peace and blessings of Allah be upon him—addressed us. We found what Muḥammad ibn Saʿīd ibn Nabāt narrated to us: Aḥmad ibn ʿAbd al-Baṣīr narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us, Muḥammad ibn al-Muthannā narrated to us, ʿAbd al-ʿAzīz ibn ʿAbd al-Ṣamad al-ʿAmmī narrated to us from ʿAṭāʾ ibn al-Sāʾib, from his father, from Saʿīd ibn Jubayr, from Ibn ʿAbbās concerning Allah's words: {grain} [80:27], {and grape, and fresh herbage} [80:28], {and olive and palm trees} [80:29]. Ibn ʿAbbās said: "Al-ḥabb is wheat, and al-qaḍb is clover." Thus, Ibn ʿAbbās—the definitive proof in the Arabic language—restricted "grain" (ḥabb) to wheat. Abū Ḥanīfah Aḥmad ibn Dāwūd al-Dīnawarī, the linguist, mentioned in his botanical work under the chapter titled "Cultivation, Farming, Names of Grains and Legumes, and Their Descriptions": Abū ʿAmr al-Shaybānī stated: "All plant seeds are termed 'al-ḥibbah' (with a kasrah [i.e., a short 'i' vowel] on the ḥāʾ)." Abū Muḥammad cited what is authentically established from the Messenger of Allah—peace and blessings of Allah be upon him—in his saying: "They will sprout as the grain sprouts in the silt of a flood." Abū Ḥanīfah al-Dīnawarī stated in the aforementioned chapter: Al-Kisāʾī said: "The singular form of ḥabb [grain] is ḥabbah [a single grain]." With the ḥāʾ pronounced with a fathah: As for "al-ḥabb," it refers exclusively to wheat and barley, their singular being "ḥabbah" with the ḥāʾ pronounced with a fathah - they differ only in their plural forms. Then Abū Ḥanīfah mentioned after this section - following remarks he presented to Abū Naṣr, the companion of Al-Aṣmaʿī, with a text stating: "Similarly other grains like rice and millet" - to which ʿAlī said: "These are three collective terms: *al-ḥabb* (for wheat), *al-shaʿīr* (specifically barley), and *al-ḥibbah* - with the ḥāʾ pronounced with a kasrah and the feminine

وَكَذَلِكَ فِي الْإِبِلِ، وَالْبَقَرِ وَالْغَنَمِ وَالذَّهَبِ وَالْفِضَّةِ، وَبِالْإِجْمَاعِ الْمُتَيَقَّنِ وَالنَّصِّ أَيْضًا.

وَسَقَطَتْ الزَّكَاةُ عَمَّا عَدَا ذَلِكَ مِمَّا اُخْتُلِفَ فِيهِ وَلَا نَصَّ فِيهِ، بِنَفْيِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الزَّكَاةَ عَنْ كُلِّ مَا هُوَ غَيْرُ خَمْسَةِ أَوْسُقٍ مِنْ حَبٍّ أَوْ تَمْرٍ ثُمَّ وَجَبَ أَنْ نَنْظُرَ مَا يَقَعُ عَلَيْهِ اسْمُ " حَبٍّ " فِي اللُّغَةِ الَّتِي بِهَا خَاطَبَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: فَوَجَدْنَا مَا حَدَّثَنَاهُ مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا عَبْدُ الْعَزِيزِ بْنُ عَبْدِ الصَّمَدِ الْعَمِّيُّ عَنْ عَطَاءِ بْنِ السَّائِبِ عَنْ أَبِيهِ عَنْ سَعِيدِ بْنِ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِهِ تَعَالَى: {حَبًّا} [عبس: ٢٧] {وَعِنَبًا وَقَضْبًا} [عبس: ٢٨] {وَزَيْتُونًا وَنَخْلًا} [عبس: ٢٩] قَالَ ابْنُ عَبَّاسٍ: الْحَبُّ: الْبُرُّ، وَالْقَضْبُ: الْفِصْفِصَةُ، فَاقْتَصَرَ ابْنُ عَبَّاسٍ - وَهُوَ الْحُجَّةُ فِي اللُّغَةِ - بِالْحَبِّ عَلَى الْبُرِّ. وَذَكَرَ أَبُو حَنِيفَةَ أَحْمَدُ بْنُ دَاوُد الدِّينَوَرِيُّ اللُّغَوِيُّ فِي كِتَابِهِ فِي النَّبَاتِ فِي بَابِ تَرْجَمَتِهِ " بَابُ الزَّرْعِ وَالْحَرْثِ وَأَسْمَاءِ الْحَبِّ وَالْقَطَانِيِّ وَأَوْصَافِهَا " فَقَالَ -: قَالَ أَبُو عَمْرٍو وَهُوَ الشَّيْبَانِيُّ - جَمِيعُ بُزُورِ النَّبَاتِ يُقَالُ لَهَا " الْحَبَّةُ " بِكَسْرِ الْحَاءِ. قَالَ أَبُو مُحَمَّدٍ كَمَا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ قَوْلِهِ: «فَيَنْبُتُونَ كَمَا تَنْبُتُ الْحَبَّةُ فِي حَمِيلِ السَّيْلِ» : قَالَ أَبُو حَنِيفَةَ الدِّينَوَرِيُّ فِي الْبَابِ الْمَذْكُورِ: وَقَالَ الْكِسَائِيُّ: وَاحِدُ الْحَبَّةِ: حَبَّةٌ، بِفَتْحِ الْحَاءِ، فَأَمَّا الْحَبُّ فَلَيْسَ إلَّا الْحِنْطَةَ، وَالشَّعِيرَ، وَاحِدُهَا حَبَّةٌ، بِفَتْحِ الْحَاءِ، وَإِنَّمَا افْتَرَقَتَا فِي الْجَمْعِ. ثُمَّ ذَكَرَ أَبُو حَنِيفَةَ بَعْدَ هَذَا الْفَصْلِ - إثْرَ كَلَامٍ ذَكَرَهُ لِأَبِي نَصْرٍ صَاحِبِ الْأَصْمَعِيِّ كَلَامًا نَصُّهُ: وَكَذَلِكَ غَيْرُهُ مِنْ الْحُبُوبِ كَالْأُرْزِ، وَالدُّخْنِ، قَالَ عَلِيٌّ: فَهَذِهِ ثَلَاثَةُ جُمُوعٍ -: الْحَبُّ لِلْحِنْطَةِ، وَالشَّعِيرُ خَاصَّةً، وَالْحِبَّةُ - بِكَسْرِ الْحَاءِ وَزِيَادَةِ

ending (-ah) - which applies specifically to all seeds beyond these two, while *al-ḥubūb* encompasses wheat, barley, and all other seeds." Al-Kisāʾī was an authority in linguistics, religious matters, and trustworthiness. Since it is confirmed that "al-ḥabb" in Arabic applies solely to wheat and barley, and the Messenger of Allah - peace and blessings be upon him - explicitly negated zakāh for anything besides these two and dates, stating: "There is no zakāh on any crops except these two and dates."[13]

الْهَاءِ فِي آخِرِهَا - لِكُلِّ مَا عَدَاهُمَا مِنْ الْبُزُورِ خَاصَّةً، وَالْحُبُوبُ لِلْحِنْطَةِ وَالشَّعِيرِ وَسَائِرِ الْبُزُورِ. وَالْكِسَائِيُّ إمَامٌ فِي اللُّغَةِ، وَفِي الدِّينِ، وَالْعَدَالَةِ. فَإِذْ قَدْ صَحَّ أَنَّ الْحَبَّ لَا يَقَعُ إلَّا عَلَى الْحِنْطَةِ وَالشَّعِيرِ فِي لُغَةِ الْعَرَبِ، وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَصًّا بِنَفْيِ الزَّكَاةِ عَنْ غَيْرِهِمَا وَغَيْرِ التَّمْرِ -: فَلَا زَكَاةَ فِي شَيْءٍ مِنْ النَّبَاتِ غَيْرِهِمَا وَغَيْرِ التَّمْرِ.

L10040 It has been narrated by one who is not deemed reliable, from another who is not deemed reliable—and one of them is unknown—from yet another who is not deemed reliable, regarding the obligation of zakāh on grains: ʿAbd al-Malik ibn Ḥabīb al-Andalusī from al-Ṭalḥī from ʿAbd al-Raḥmān ibn Zayd ibn Aslam—and this chain is also disconnected.

وَقَدْ رَوَى مَنْ لَا يُوثَقُ بِهِ، عَمَّنْ لَا يُوثَقُ بِهِ، وَلَا يُدْرَى مَنْ هُوَ، عَمَّنْ لَا يُوثَقُ بِهِ إيجَابَ الزَّكَاةِ فِي الْحُبُوبِ - وَهُوَ عَبْدُ الْمَلِكِ بْنُ حَبِيبٍ الْأَنْدَلُسِيُّ عَنْ الطَّلْحِيِّ عَنْ عَبْدِ الرَّحْمَنِ بْنِ زَيْدِ بْنِ أَسْلَمَ، وَهُوَ أَيْضًا مُنْقَطِعٌ.

L10041 Abu Muhammad said: A group of the Salaf held this opinion, adding raisins to these three. As narrated to us by Muhammad ibn Saʿid ibn Nabaat, on the authority of ʿAbdullah ibn Nasr, on the authority of Qasim ibn Asbagh, on the authority of Ibn Waddāḥ, on the authority of Musa ibn Muʿawiyah, on the authority of Waki', from both ʿAmr ibn ʿUthman and Talhah ibn Yahya ibn Talhah ibn ʿUbaydullah. ʿAmr reported from Musa ibn Talhah ibn ʿUbaydullah: "When Muʿadh arrived in Yemen, he collected obligatory charity only from wheat, barley, dates, and raisins."

قَالَ أَبُو مُحَمَّد: وَقَالَ قَوْمٌ مِنْ السَّلَفِ بِمِثْلِ هَذَا، وَزَادُوا إلَى هَذِهِ الثَّلَاثَةِ: الزَّبِيبَ. كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ عَمْرِو بْنِ عُثْمَانَ، وَطَلْحَةَ بْنِ يَحْيَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ -: قَالَ عَمْرٌو عَنْ مُوسَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ: «أَنَّ مُعَاذًا لَمَّا قَدِمَ الْيَمَنَ لَمْ يَأْخُذْ الصَّدَقَةَ إلَّا مِنْ الْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ، وَالزَّبِيبِ» .

L10042 Talhah ibn Yahya narrated from Abu Burdah ibn Abi Musa al-Ashʿari, from his father, that he did not take it except from wheat, barley, dates, and raisins.

وَقَالَ طَلْحَةُ بْنُ يَحْيَى عَنْ أَبِي بُرْدَةَ بْنِ أَبِي مُوسَى الْأَشْعَرِيِّ عَنْ أَبِيهِ أَنَّهُ لَمْ يَأْخُذْهَا إلَّا مِنْ الْحِنْطَةِ وَالشَّعِيرِ وَالتَّمْرِ وَالزَّبِيبِ.

L10043 Aḥmad ibn Muḥammad al-Jasūr narrated to us: Muḥammad ibn ʿĪsā ibn Rifāʿah narrated to us: ʿAlī ibn ʿAbd al-ʿAzīz narrated to us: Abū ʿUbayd al-Qāsim ibn Sallām narrated to us: Ḥajjāj—he is Ibn Muḥammad al-Aʿwar—from Ibn Jurayj, who informed me: Mūsā ibn ʿUqbah informed me from Nāfiʿ from Ibn ʿUmar regarding the Zakat obligation on fruits and crops. He said: "Whatever is from date palms, grapes, wheat, or barley."

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّد الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا حَجَّاجٌ هُوَ ابْنُ مُحَمَّدٍ الْأَعْوَرُ - عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي مُوسَى بْنُ عُقْبَةَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ فِي صَدَقَةِ الثِّمَارِ وَالزَّرْعِ، قَالَ: مَا كَانَ مِنْ نَخْلٍ، أَوْ عِنَبٍ، أَوْ حِنْطَةٍ، أَوْ شَعِيرٍ.

[13] **Qur'an references (L10037):** Qur'an 80:28 ('Abasa); Qur'an 80:29 ('Abasa); Qur'an 80:27 ('Abasa).

L10044–10045 And through him to Abū ʿUbayd: Yazīd narrated from Hishām—who is Ibn Ḥassān—from al-Ḥasan al-Baṣrī that he held the tithe (ʿushr) applied only to wheat, barley, dates, and raisins. Abū ʿUbayd said: Yaḥyā ibn Saʿīd—who is al-Qaṭṭān—narrated from Ashʿath—who is Ibn ʿAbd al-Malik al-Ḥumrānī—from al-Ḥasan and Muḥammad ibn Sīrīn that they both said: Zakat applies to nine items—gold, silver, camels, cattle, sheep and goats, wheat, barley, dates, and raisins.

وَبِهِ إِلَى أَبِي عُبَيْدٍ: ثنا يَزِيدُ عَنْ هِشَامٍ هُوَ ابْنُ حَسَّانَ - عَنْ الْحَسَنِ الْبَصْرِيِّ: أَنَّهُ كَانَ لَا يَرَى الْعُشْرَ إِلَّا فِي الْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ، وَالزَّبِيبِ. قَالَ أَبُو عُبَيْدٍ: وَقَالَ يَحْيَى بْنُ سَعِيدٍ هُوَ الْقَطَّانُ - عَنْ أَشْعَثَ هُوَ ابْنُ عَبْدِ الْمَلِكِ الْحُمْرَانِيُّ - عَنْ الْحَسَنِ، وَمُحَمَّدِ بْنِ سِيرِينَ أَنَّهُمَا قَالَا: الصَّدَقَةُ فِي تِسْعَةِ أَشْيَاءَ -: الذَّهَبِ، وَالْوَرِقِ، وَالْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ، وَالْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ، وَالزَّبِيبِ.

L10046 Abū ʿUbayd said: This is the opinion of Ibn Abī Laylā and Sufyān al-Thawrī. Ḥammām narrated to us: ʿAbdullāh ibn Muḥammad ibn ʿAlī al-Bājī narrated to us: ʿAbdullāh ibn Yūnus narrated to us: Baqī ibn Makhlad narrated to us: Abū Bakr ibn Abī Shaybah narrated to us: Ḥumayd ibn ʿAbd al-Raḥmān narrated to us from al-Ḥasan—he is Ibn Ḥayy—from Muṭarrif, who said: Al-Ḥakam ibn ʿUtaybah said to me when I asked him about cottons and sesames: "Is there zakah due on them?" He replied: "We have not preserved from our predecessors that they ever stated there is anything [obligatory] in any of these, except in wheat, barley, dates, and raisins." Abū Muḥammad said: Al-Ḥakam met the senior Successors and some Companions. Through this chain to Abū Bakr ibn Abī Shaybah: Wakīʿ narrated to us from Ṭalḥah ibn Yaḥyā ibn Ṭalḥah ibn ʿUbaydillāh, who said: ʿAbd al-Ḥumayd asked Mūsā ibn Ṭalḥah ibn ʿUbaydillāh about zakah. Mūsā replied: "Zakah is only obligatory on wheat, barley, dates, and raisins."

قَالَ أَبُو عُبَيْدٍ: وَهُوَ قَوْلُ ابْنِ أَبِي لَيْلَى، وَسُفْيَانَ الثَّوْرِيِّ. حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا حُمَيْدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ الْحَسَنِ هُوَ ابْنُ حَيٍّ - عَنْ مُطَرِّفٍ - قَالَ قَالَ لِي الْحَكَمُ بْنُ عُتَيْبَةَ وَقَدْ سَأَلْته عَنْ الْأَقْطَانِ، وَالسَّمَاسِمِ: أَفِيهَا صَدَقَةٌ. قَالَ: مَا حَفِظْنَا عَنْ أَصْحَابِنَا أَنَّهُمْ كَانُوا يَقُولُونَ: لَيْسَ فِي شَيْءٍ مِنْ هَذَا شَيْءٌ، إِلَّا فِي الْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ، وَالزَّبِيبِ. قَالَ أَبُو مُحَمَّدٍ: الْحَكَمُ أَدْرَكَ كِبَارَ التَّابِعِينَ وَبَعْضَ الصَّحَابَةِ. وَبِهِ إِلَى أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ ثنا وَكِيعٌ عَنْ طَلْحَةَ بْنِ يَحْيَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ قَالَ: سَأَلَ عَبْدُ الْحُمَيْدِ مُوسَى بْنَ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ عَنْ الصَّدَقَةِ. فَقَالَ مُوسَى: إِنَّمَا الصَّدَقَةُ فِي: الْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ، وَالزَّبِيبِ.

L10047 And through him to Abu Bakr ibn Abi Shaybah: Muhammad ibn Bakr narrated to us from Ibn Jurayj, who said: "'Aṭā' and ʿAmr ibn Dīnār told me: 'There is no sadaqah except on [the produce of] palm trees, grapevines, or grains.'"

وَبِهِ إِلَى أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا مُحَمَّدُ بْنُ بَكْرٍ عَنْ ابْنِ جُرَيْجٍ قَالَ: قَالَ لِي عَطَاءٌ، وَعَمْرُو بْنُ دِينَارٍ: لَا صَدَقَةَ إِلَّا فِي نَخْلٍ، أَوْ عِنَبٍ، أَوْ حَبٍّ.

L10048 And something similar to this has been reported from Ali ibn Abi Talib. Abu Muhammad said: This was the view of Al-Hasan ibn Ḥayy, Abdullah ibn al-Mubarak, Abu Ubayd, and others.

وَقَدْ رُوِيَ نَحْوُ هَذَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ -: قَالَ أَبُو مُحَمَّدٍ: وَهُوَ قَوْلُ الْحَسَنِ بْنِ حَيٍّ، وَعَبْدِ اللَّهِ بْنِ الْمُبَارَكِ، وَأَبِي عُبَيْدٍ وَغَيْرِهِمْ.

L10049 Abu Muhammad said: Those who held this opinion claimed that the obligation of zakah on raisins is established by consensus, and they cited narrations, none of which are sound.

قَالَ أَبُو مُحَمَّدٍ: وَادَّعَى مَنْ ذَهَبَ إِلَى هَذَا أَنَّ إِيجَابَ الزَّكَاةِ فِي الزَّبِيبِ إِجْمَاعٌ، وَذَكَرَ آثَارًا لَيْسَ مِنْهَا شَيْءٌ يَصِحُّ.

L10050–10051 One of them—narrated through Mūsā ibn Ṭalḥah: "We possess the written record of Muʿādh from the Prophet (may Allah bless him and grant him peace) stating that he only collected zakāt from dates, raisins, wheat, and barley." Abū Muḥammad said: This chain is interrupted, for Mūsā ibn Ṭalḥah did not meet Muʿādh at an age of intellectual maturity.

أَحَدُهَا - مِنْ طَرِيقِ مُوسَى بْنِ طَلْحَةَ: عِنْدَنَا «كِتَابُ مُعَاذٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ إنَّمَا أَخَذَ الصَّدَقَةَ مِنْ: التَّمْرِ، وَالزَّبِيبِ، وَالْحِنْطَةِ، وَالشَّعِيرِ» . قَالَ أَبُو مُحَمَّدٍ: هَذَا مُنْقَطِعٌ، لِأَنَّ مُوسَى بْنَ طَلْحَةَ لَمْ يُدْرِكْ مُعَاذًا بِعَقْلِهِ.

L10052 And another – via the transmission of Muhammad ibn Abi Layla, who is poor in memory, from ʿAbd al-Karim, from ʿAmr ibn Shuʿayb, from his father, from his grandfather, and it is a written document, from the Prophet, peace be upon him: "The tenth (ʿushr) is in dates, raisins, wheat, and barley."

وَآخَرُ - مِنْ طَرِيقِ مُحَمَّدِ بْنِ أَبِي لَيْلَى، وَهُوَ سَيِّئُ الْحِفْظِ، عَنْ عَبْدِ الْكَرِيمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ، وَهِيَ صَحِيفَةٌ، عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْعُشْرُ فِي: التَّمْرِ، وَالزَّبِيبِ، وَالْحِنْطَةِ، وَالشَّعِيرِ» .

L10053 Our opponents oppose many parts of the document of ʿAmr ibn Shuʿayb and do not regard it as proof. Another chain—through the transmission of ʿAbd al-Raḥmān ibn Isḥāq and ʿAbd Allāh ibn Nāfiʿ, both of whom are extremely weak; through the chain of Muḥammad ibn Muslim al-Ṭāʾifī, who is also extremely weak; and through the chain of ʿAbd al-Malik ibn Ḥabīb al-Andalusī from Asad ibn Mūsā—who is denounced in ḥadīth transmission—from Naṣr ibn Ṭarīf, known as Abū Juzʾ, who is wholly discarded as a narrator—all of them report from Saʿīd ibn al-Musayyib that ʿAttāb ibn Usayd ordered the estimation of grape yields. Yet Saʿīd was not born until two years after ʿAttāb's death. Moreover, the Prophet—peace and blessings of Allah be upon him—appointed ʿAttāb as governor only over Mecca, which had no cultivated fields or vineyards. Thus, all their contentious arguments are invalidated. Had any of these reports been authentic, we would have acted upon it, and it would not have been permissible for us to oppose it, just as it is impermissible to base rulings in Allah's religion upon an unverified report.

وَخُصُومُنَا يُخَالِفُونَ كَثِيرًا مِنْ صَحِيفَةِ عَمْرِو بْنِ شُعَيْبٍ، وَلَا يَرَوْنَهُ حُجَّةً. وَآخَرُ - مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ إِسْحَاقَ، وَعَبْدِ اللَّهِ بْنِ نَافِعٍ، وَكِلَاهُمَا فِي غَايَةِ الضَّعْفِ. وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ مُسْلِمٍ الطَّائِفِيِّ، وَهُوَ فِي غَايَةِ الضَّعْفِ. وَمِنْ طَرِيقِ عَبْدِ الْمَلِكِ بْنِ حَبِيبٍ الْأَنْدَلُسِيِّ عَنْ أَسَدِ بْنِ مُوسَى - وَهُوَ مُنْكَرُ الْحَدِيثِ، عَنْ نَصْرِ بْنِ طَرِيفٍ وَهُوَ أَبُو جُزْءٍ، وَهُوَ سَاقِطٌ أَلْبَتَّةَ؛ كُلُّهُمْ يَذْكُرُ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ عَنْ عَتَّابِ بْنِ أُسَيْدٍ أَنَّهُ أَمَرَ بِخَرْصِ الْعِنَبِ. وَسَعِيدٌ لَمْ يُولَدْ إلَّا بَعْدَ مَوْتِ عَتَّابٍ بِسَنَتَيْنِ. وَعَتَّابٌ لَمْ يُوَلِّهِ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا مَكَّةَ وَلَا زَرْعَ بِهَا، وَلَا عِنَبَ. فَسَقَطَ كُلُّ مَا شَغَبُوا بِهِ، وَلَوْ صَحَّ شَيْءٌ مِنْ هَذِهِ الْآثَارِ لَأَخَذْنَا بِهِ، وَلَمَا حَلَّ لَنَا خِلَافُهُ، كَمَا لَا يَحِلُّ الْأَخْذُ فِي دِينِ اللَّهِ تَعَالَى بِخَبَرٍ لَا يَصِحُّ.

L10054 As for the claim of consensus, it is invalid. As narrated to us by Aḥmad ibn Muḥammad ibn al-Jasūr, citing Muḥammad ibn ʿĪsā, who cited ʿAlī ibn ʿAbd

al-ʿAzīz, who cited Abū ʿUbayd al-Qāsim ibn Sallām, who cited ʿAbbād ibn al-ʿAwwām, via Sufyān ibn Ḥusayn, via al-Ḥakam ibn ʿUtaybah, via Shurayḥ, who said: "Zakāh is taken from wheat, barley, and dates." He did not hold that Zakāh is due on grapes.

وَأَمَّا دَعْوَى الْإِجْمَاعِ فَبَاطِلٌ -: كَمَا حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا عَبَّادُ بْنُ الْعَوَّامِ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ شُرَيْحٍ قَالَ: تُؤْخَذُ الصَّدَقَةُ مِنْ: الْحِنْطَةِ، وَالشَّعِيرِ، وَالتَّمْرِ كَانَ لَا يَرَى فِي الْعِنَبِ صَدَقَةً.

L10055–10057 From him to Abū ʿUbayd: Hushaym narrated to us from al-Ajlaḥ from al-Shaʿbī, who said: "Sadaqah is due on wheat, barley, and dates." Muḥammad ibn Saʿīd ibn Nabāt narrated to us, Aḥmad ibn ʿAwnillāh narrated to us, Qāsim ibn Aṣbagh narrated to us, Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us. Muhammad ibn Bishar Bundar narrated to us: Ghundar narrated to us, Shu'bah narrated to us from al-Hakam ibn 'Utaybah, who said: "There is no Zakat on horses, nor is there Zakat on working camels, and there is nothing due on raisins as Zakat." These individuals—Shurayh, al-Sha'bi, and al-Hakam ibn 'Utaybah—do not consider Zakat applicable to raisins.

وَبِهِ إِلَى أَبِي عُبَيْدٍ: ثنا هُشَيْمٌ عَنْ الْأَجْلَحِ عَنْ الشَّعْبِيِّ قَالَ: الصَّدَقَةُ فِي: الْبُرِّ، وَالشَّعِيرِ، وَالتَّمْرِ. حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَوْنِ اللَّهِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ بَشَّارٍ بُنْدَارٌ ثنا غُنْدَرٌ ثنا شُعْبَةُ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ قَالَ: لَيْسَ فِي الْخَيْلِ زَكَاةٌ، وَلَا فِي الْإِبِلِ الْعَوَامِلِ زَكَاةٌ، وَلَيْسَ فِي الزَّبِيبِ: شَيْءٌ. فَهَؤُلَاءِ: شُرَيْحٌ، وَالشَّعْبِيُّ، وَالْحَكَمُ بْنُ عُتَيْبَةَ، لَا يَرَوْنَ فِي الزَّبِيبِ زَكَاةً.

L10058 Abu Muhammad said: There is no valid opinion except that of those who obligate zakah on all that the earth produces, based on the general application of the authentic report "In rain-watered crops, one-tenth is due," or our position - which holds that zakah only applies to what the Messenger of Allah (peace and blessings be upon him) explicitly designated by name in revelation, in accordance with his verified statement (peace be upon him): "There is no obligatory charity on less than five awsuq of grains or dates."

قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ إلَّا قَوْلُ مَنْ قَالَ بِإِيجَابِ الزَّكَاةِ فِي كُلِّ مَا أَنْبَتَتْهُ الْأَرْضُ، عَلَى عُمُومِ الْخَبَرِ الثَّابِتِ «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» أَوْ قَوْلُنَا، وَهُوَ لَا زَكَاةَ إلَّا فِيمَا أَوْجَبَهَا فِيهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِاسْمِهِ، عَلَى مَا صَحَّ عَنْهُ - عَلَيْهِ السَّلَامُ - مِنْ أَنَّهُ قَالَ: «لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ مِنْ حَبٍّ وَلَا تَمْرٍ صَدَقَةٌ» .

L10059 As for those who omitted from that narration what its generality necessitates and added to this narration what is not in it: they did not rely on the Quran, nor an authentic Sunnah, nor a weak narration, nor the statement of a Companion with no opposing opinion among them, nor analogy, nor uniform legal reasoning. Rather, they opposed all of that because if they considered sustenance, they exempted zakat on many types of sustenance such as figs, chestnuts, milk, and others, yet obligated it on what is not sustenance, such as olive oil, chickpeas, and other items not used as sustenance except out of necessity during famine.

وَأَمَّا مَنْ أَسْقَطَ مِنْ ذَلِكَ الْخَبَرِ مَا يَقْتَضِيهِ عُمُومُهُ، وَزَادَ فِي هَذَا الْخَبَرِ مَا لَيْسَ فِيهِ -: فَلَمْ يَتَعَلَّقُوا بِقُرْآنٍ وَلَا بِسُنَّةٍ صَحِيحَةٍ، وَلَا بِرِوَايَةٍ ضَعِيفَةٍ، وَلَا بِقَوْلِ صَاحِبٍ لَا مُخَالِفَ لَهُ مِنْهُمْ، وَلَا بِقِيَاسٍ وَلَا بِتَعْلِيلٍ مُطَّرِدٍ؛ بَلْ خَالَفُوا كُلَّ ذَلِكَ؛ لِأَنَّهُمْ إنْ رَاعَوْا الْقُوتَ، فَقَدْ أَسْقَطُوا الزَّكَاةَ عَنْ كَثِيرٍ مِنْ الْأَقْوَاتِ: كَالتِّينِ، وَالْقَسْطَلِ، وَاللَّبَنِ، وَغَيْرِ ذَلِكَ،

وَأَوْجَبُوهُ فِيمَا لَيْسَ قُوتًا: كَالزَّيْتِ وَالْحِمَّصِ، وَغَيْرِ ذَلِكَ مِمَّا لَا يُتَقَوَّتُ إِلَّا لِضَرُورَةِ مَجَاعَةٍ.

L10060 If they based [the ruling] on edibility, they waived the obligation for many edible substances, while some scholars imposed it on inedible matters like mustard oil, cottonseed oil, and other such things.

وَإِنْ رَاعَوْا الْأَكْلَ فَقَدْ أَسْقَطُوهَا عَنْ كَثِيرٍ مِمَّا يُؤْكَلُ، وَأَوْجَبَهَا بَعْضُهُمْ فِيمَا لَا يُؤْكَلُ: كَزَيْتِ الْفُجْلِ وَالْقُطْنِ، وَغَيْرِ ذَلِكَ.

L10061 And if they considered what is measured by the *wasq*, they have indeed waived the obligation for a significant portion of what is measured by it.

وَإِنْ رَاعَوْا مَا يُوسَقُ، فَقَدْ أَسْقَطُوهَا عَنْ كَثِيرٍ مِمَّا يُوسَقُ.

L10062 Moreover, had they considered any of these meanings and discarded their foundational principle, they would have been asserting without proof—but with a baseless claim and false conjecture. And Allah the Most High says: “Indeed, conjecture avails nothing against the truth.” [Yunus: 36][14]

ثُمَّ أَيْضًا - لَوْ رَاعَوْا شَيْئًا مِنْ هَذِهِ الْمَعَانِي وَطَرَدُوا أَصْلَهُمْ لَكَانُوا قَائِلِينَ بِلَا بُرْهَانٍ، لَكِنْ بِدَعْوَى فَاسِدَةٍ وَظَنٍّ كَاذِبٍ، وَاَللَّهُ تَعَالَى يَقُولُ: {إِنَّ الظَّنَّ لا يُغْنِي مِنَ الْحَقِّ شَيْئًا} [يونس: ٣٦] .

L10063 The Messenger of Allah, peace be upon him, said: “Beware of suspicion, for indeed suspicion is the most false of statements.”

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِيَّاكُمْ وَالظَّنَّ فَإِنَّ الظَّنَّ أَكْذَبُ الْحَدِيثِ» .

L10064 If only one of these two aforementioned opinions remains valid, then the view that obliges zakāh on all agricultural produce imposes severe constraint, hardship on the people, and unbearable difficulty.

فَإِنْ لَمْ يَبْقَ إِلَّا أَحَدُ هَذَيْنِ الْقَوْلَيْنِ الْمَذْكُورَيْنِ، فَإِنَّ قَوْلَ مَنْ أَوْجَبَ الزَّكَاةَ فِي كُلِّ مَا أَنْبَتَتْ الْأَرْضُ حَرَجٌ شَدِيدٌ، وَشِقُّ الْأَنْفُسِ، وَعُسْرٌ لَا يُطَاقُ.

L10065–10067 Adhering to that report imposes an obligation beyond one’s capacity—something impossible that cannot be at all—for it would necessitate that if any vegetation were to grow in someone’s home or on a piece of their land, even a single leaf, a narcissus, a bean plant, a sprig of rue, a spice plant, or one fig, a tenth of each would become obligatory. That, or half of a tenth of it.

وَالْأَخْذُ بِذَلِكَ الْخَبَرِ تَكْلِيفُ مَا لَيْسَ فِي الْوُسْعِ، وَمُمْتَنِعٌ لَا يُمْكِنُ أَلْبَتَّةَ؛ لِأَنَّهُ يُوجِبُ أَنْ لَا يَنْبُتَ فِي دَارِ أَحَدٍ، أَوْ فِي قِطْعَةِ أَرْضٍ لَهُ: عُشْبٌ، وَلَوْ أَنَّهُ وَرَقَةٌ وَاحِدَةٌ، أَوْ نَرْجِسَةٌ، أَوْ فُولٌ، أَوْ غُصْنُ حُرْفٍ أَوْ بَهَارَةٌ أَوْ تِينَةٌ وَاحِدَةٌ إِلَّا وَجَبَ عَلَيْهِ عُشْرُ كُلِّ ذَلِكَ، أَوْ نِصْفُ عُشْرِهِ.

L10068 Similarly, the leaves of trees and straw—even the straw of broad beans—and flax stalks; yes. The roots of the trees themselves are included, because all these are watered by water; and this is entirely impossible.

وَكَذَلِكَ وَرَقُ الشَّجَرِ وَالتِّبْنُ، حَتَّى تِبْنُ الْفُولِ، وَقَصَبُ الْكَتَّانِ، نَعَمْ. وَأُصُولُ الشَّجَرِ نَفْسُهَا؛ لِأَنَّ كُلَّ ذَلِكَ مِمَّا يَسْقِيهِ الْمَاءُ، وَهَذَا مَا لَا يُمْكِنُ أَلْبَتَّةَ.

وَقَدْ قَالَ تَعَالَى: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨]

[14] **Qur’an references (L10062):** Qur’an 10:36 (Yunus).

L10069 And He, the Exalted, has said: {He has not imposed any constriction upon you in [matters of] faith} [Al-Ḥajj: 78].[15]

L10070 And He, the Exalted, said: “Allah intends ease for you and does not intend difficulty for you” [al-Baqarah 2:185].[16]

L10071 And He, the Exalted, said: “Allah does not burden any soul beyond its capacity” [Al-Baqarah: 286][17]

L10072 And He, the Exalted, has bestowed favor upon us when He answered our supplication—the supplication He, the Exalted, commanded us to supplicate with—so that we may say: Our Lord, do not burden us as You burdened those before us. Our Lord, and do not burden us with what we have no ability to bear [Al-Baqarah: 286].[18]

L10073 The Messenger of Allah (peace be upon him) said, “Make things easy and do not make them difficult.”

L10074 If it is said: *In such a case, what applies to two partners should be applied here.* We respond: This is not permissible, because while one partner selling to another is permitted, and dissolving their partnership is allowed, selling voluntary charity (ṣadaqah) before taking possession is impermissible, nor is dissolving it permissible at all. Thus, it is definitively established that this textual evidence is not universally applicable. Since this is the case, we cannot determine what is excepted from it except through clarification provided by another explicit text. Therefore, it is confirmed that zakāh is only obligatory for what is mandated by a separate textual proof or a definitively established consensus—and no such text or consensus exists except for wheat, barley, and dates.

L10075 Whoever transgresses this is merely prescribing rulings by his own opinion and restricting the *athar* through his false conjecture—and this is forbidden—. And success is from Allah, the Most High.

وَقَالَ تَعَالَى: {يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلا يُرِيدُ بِكُمُ الْعُسْرَ} [البقرة: ١٨٥] .

وَقَالَ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦]

وَامْتَنَّ تَعَالَى عَلَيْنَا إِذْ أَجَابَنَا فِي دُعَائِنَا الَّذِي أَمَرَنَا تَعَالَى أَنْ نَدْعُوَ بِهِ فَنَقُولَ {رَبَّنَا وَلا تَحْمِلْ عَلَيْنَا إِصْرًا كَمَا حَمَلْتَهُ عَلَى الَّذِينَ مِنْ قَبْلِنَا رَبَّنَا وَلا تُحَمِّلْنَا مَا لا طَاقَةَ لَنَا بِهِ} [البقرة: ٢٨٦]

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «يَسِّرُوا وَلَا تُعَسِّرُوا» .

فَإِنْ قِيلَ: يُفْعَلُ فِي ذَلِكَ مَا يُفْعَلُ الشَّرِيكَانِ فِيهِ. قُلْنَا: هَذَا لَا يَجُوزُ؛ لِأَنَّ بَيْعَ أَحَدِ الشَّرِيكَيْنِ مِنْ صَاحِبِهِ مُبَاحٌ، وَتَحْلِيلُهُ لَهُ جَائِزٌ، وَلَا يَجُوزُ بَيْعُ الصَّدَقَةِ قَبْلَ قَبْضِهَا، وَلَا التَّحْلِيلُ مِنْهَا أَصْلًا. فَصَحَّ يَقِينًا أَنَّ ذَلِكَ الْخَبَرَ لَيْسَ عَلَى عُمُومِهِ، فَإِذْ ذَلِكَ كَذَلِكَ فَلَا نَدْرِي مَا يَخْرُجُ مِنْهُ إِلَّا بِبَيَانِ نَصٍّ آخَرَ. فَصَحَّ أَنْ لَا زَكَاةَ إِلَّا فِيمَا أَوْجَبَهُ بَيَانُ نَصٍّ غَيْرِ ذَلِكَ النَّصِّ، أَوْ إِجْمَاعٌ مُتَيَقَّنٌ، وَلَا نَصَّ وَلَا إِجْمَاعَ إِلَّا فِي الْبُرِّ وَالشَّعِيرِ وَالتَّمْرِ فَقَطْ.

وَمَنْ تَعَدَّى هَذَا فَإِنَّمَا يُشَرِّعُ بِرَأْيِهِ، وَيُخَصِّصُ الْأَثَرَ بِظَنِّهِ الْكَاذِبِ - وَهَذَا حَرَامٌ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا الْمَعَادِنُ: فَإِنَّ الْأُمَّةَ مُجْمِعَةٌ بِلَا خِلَافٍ مِنْ أَحَدٍ عَلَى أَنَّ الصُّفْرَ، وَالْحَدِيدَ، وَالرَّصَاصَ، وَالْقَزْدِيرَ: لَا زَكَاةَ فِي أَعْيَانِهَا، وَإِنْ كَثُرَتْ.

[15] **Qur’an references (L10069):** Qur’an 22:78 (Al-Hajj).
[16] **Qur’an references (L10070):** Qur’an 2:185 (Al-Baqarah).
[17] **Qur’an references (L10071):** Qur’an 2:286 (Al-Baqarah).
[18] **Qur’an references (L10072):** Qur’an 2:286 (Al-Baqarah).

L10076 As for minerals, the ummah is in unanimous consensus—with no dissent from anyone—that no zakāt is due on the substances of copper, iron, lead, or tin, even if they are abundant.

L10077–10079 Then they differed when items subject to zakah were combined with: dinars, dirhams, and precious-metal jewelry. A group maintained that those dinars and dirhams must be purified by their weight. Abu Muhammad said: This is an egregious error, for the Messenger of Allah—peace and blessings be upon him—explicitly nullified zakah regarding what falls below... Five ūqiyyahs of silver, and in gold below that amount. He did not obligate—without any disagreement—zakāh on any of the aforementioned mineral substances. Thus, whoever obligates zakāh on dinars and dirhams alloyed with copper, iron, lead, or tin has opposed the Messenger of Allah (peace be upon him) twice.

ثُمَّ اخْتَلَفُوا إذَا مُزِجَ شَيْءٌ مِنْهَا فِي: الدَّنَانِيرِ، وَالدَّرَاهِمِ، وَالْحُلِيِّ. فَقَالَتْ طَائِفَةٌ: تُزَكَّى تِلْكَ الدَّنَانِيرُ، وَالدَّرَاهِمُ: بِوَزْنِهَا. قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ فَاحِشٌ؛ لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَسْقَطَ الزَّكَاةَ نَصًّا فِيمَا دُونَ خَمْسِ أَوَاقٍ مِنْ الْوَرِقِ، وَفِيمَا دُونَ مِقْدَارِهَا مِنْ الذَّهَبِ، وَلَمْ يُوجِبْ - بِلَا خِلَافٍ - زَكَاةً فِي شَيْءٍ مِنْ أَعْيَانِ الْمَعَادِنِ الْمَذْكُورَةِ، فَمَنْ أَوْجَبَ الزَّكَاةَ فِي الدَّنَانِيرِ، وَالدَّرَاهِمِ الْمَمْزُوجَةِ بِالنُّحَاسِ، أَوْ الْحَدِيدِ، أَوْ الرَّصَاصِ، أَوْ الْقَزْدِيرِ، فَقَدْ خَالَفَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَرَّتَيْنِ -:

L10080 One of them: regarding his ruling that zakāt is obligatory for [holding] less than five awāq of silver.

إحْدَاهُمَا - فِي إيجَابِهِ الزَّكَاةَ فِي أَقَلَّ مِنْ خَمْسِ أَوَاقٍ مِنْ الرَّقَّةِ.

L10081 The second issue concerns the obligation of Zakāt on the substances of the aforementioned minerals. Moreover, they contradicted themselves by imposing Zakāt on brass, lead, tin, and iron when any of these is alloyed with silver or gold, yet exempting them from Zakāt if they are unalloyed. This constitutes an impermissible arbitrary imposition.

وَالثَّانِيَةُ - فِي إيجَابِهِ الزَّكَاةَ فِي أَعْيَانِ الْمَعَادِنِ الْمَذْكُورَةِ. وَأَيْضًا: فَإِنَّهُمْ تَنَاقَضُوا إذْ أَوْجَبُوا الزَّكَاةَ فِي: الصُّفْرِ، وَالرَّصَاصِ، وَالْقَزْدِيرِ، وَالْحَدِيدِ، إذَا مُزِجَ شَيْءٌ مِنْهَا بِفِضَّةٍ، أَوْ ذَهَبٍ، وَأَسْقَطُوا الزَّكَاةَ عَنْهَا إذَا كَانَتْ صِرْفًا وَهَذَا تَحَكُّمٌ لَا يَحِلُّ.

L10082 Moreover, we ask them about some of these metals alloyed with silver or gold, where the alloyed portion is greater than the gold or the silver individually. Then we keep pressing them further until we ask them about two hundred dirhams, each containing only a single fals of silver with the remainder being copper. If they impose Zakāh on these, they would have committed a grave excess. If they exempt them, we ask them about the threshold at which they mandate Zakāh and the threshold below which they exempt it. If they were to define a specific threshold in this matter, they would be increasing their arbitrary rulings based on falsehood. If they do not define a threshold, they would have mixed what they prohibit with what

وَأَيْضًا: فَنَسْأَلُهُمْ عَنْ شَيْءٍ مِنْ هَذِهِ الْمَعَادِنِ مُزِجَ بِفِضَّةٍ، أَوْ ذَهَبٍ، فَكَانَ الْمَمْزُوجُ مِنْهَا أَكْثَرَ مِنْ الذَّهَبِ، وَمِنْ الْفِضَّةِ. ثُمَّ لَا نَزَالُ نَزِيدُهُمْ إلَى أَنْ نَسْأَلَهُمْ عَنْ مِائَتَيْ دِرْهَمٍ فِي كُلِّ دِرْهَمٍ فَلْسُ فِضَّةٍ فَقَطْ وَسَائِرُهَا نُحَاسٌ. فَإِنْ جَعَلُوا فِيهَا الزَّكَاةَ أَفْحَشُوا جِدًّا، وَإِنْ أَسْقَطُوهَا سَأَلْنَاهُمْ عَنْ الْحَدِّ الَّذِي يُوجِبُونَ فِيهِ الزَّكَاةَ وَالَّذِي يُسْقِطُونَهَا فِيهِ. فَإِنْ حَدُّوا فِي ذَلِكَ حَدًّا زَادُوا فِي التَّحَكُّمِ بِالْبَاطِلِ، وَإِنْ لَمْ يَحُدُّوا حَدًّا كَانُوا قَدْ خَلَطُوا مَا

they permit, failing to clarify for themselves or their followers the forbidden, so they may avoid it, and the lawful, so they may practice it.

يُحَرِّمُونَ بِمَا يُحِلُّونَ، وَلَمْ يُبَيِّنُوا لِأَنْفُسِهِمْ وَلَا لِمَنْ اتَّبَعَهُمْ الْحَرَامَ فَيَجْتَنِبُوه، مِنْ الْحَلَالِ فَيَأْتُوه.

L10083–10085 Abū Muḥammad said: The truth concerning this is that names in language and religious law are assigned to designated things based on inherent attributes within them. Silver has its attributes such that when they exist in something, that thing is called silver. The same applies to the name of gold, the name of copper, and the name of every designated thing in the world. Juridical rulings in religious law are predicated upon the names: silver has its ruling, gold has its ruling, And similarly, every name in the world.

قَالَ أَبُو مُحَمَّد: وَالْحَقُّ مِنْ هَذَا، هُوَ أَنَّ الْأَسْمَاءَ فِي اللُّغَةِ وَالدِّيَانَةِ وَاقِعَةٌ عَلَى الْمُسَمَّيَاتِ بِصِفَاتٍ مَحْمُولَةٍ فِيهَا، فَلِلْفِضَّةِ صِفَاتُهَا الَّتِي إذَا وُجِدَتْ فِي شَيْءٍ سُمِّيَ ذَلِكَ الشَّيْءُ فِضَّةً، وَكَذَلِكَ الْقَوْلُ فِي اسْمِ الذَّهَبِ وَاسْمِ النُّحَاسِ وَاسْمِ كُلِّ مُسَمًّى فِي الْعَالَمِ. وَأَحْكَامُ الدِّيَانَةِ إنَّمَا جَاءَتْ عَلَى الْأَسْمَاءِ، فَلِلْفِضَّةِ حُكْمُهَا، وَلِلذَّهَبِ حُكْمُهُ، وَكَذَلِكَ كُلُّ اسْمٍ فِي الْعَالَمِ.

L10086 If the legal term upon which the scriptural text specified a ruling ceases to apply, that ruling is nullified, and the designated entity transfers to the ruling in the text corresponding to the newly assigned name - such as grape juice and wine, vinegar, water, blood, milk, meat, vessels, dinars, and all existing entities in creation.

فَإِذَا سَقَطَ الِاسْمُ الَّذِي عَلَيْهِ جَاءَ النَّصُّ بِالْحُكْمِ سَقَطَ ذَلِكَ الْحُكْمُ، وَانْتَقَلَ الْمُسَمَّى إلَى الْحُكْمِ الَّذِي جَاءَ فِي النَّصِّ عَلَى الِاسْمِ الَّذِي وَقَعَ عَلَيْهِ، كَالْعَصِيرِ وَالْخَمْرِ، وَالْخَلِّ، وَالْمَاءِ، وَالدَّمِ، وَاللَّبَنِ، وَاللَّحْمِ، وَالْآنِيَةِ، وَالدَّنَانِيرِ، وَكُلِّ مَا فِي الْعَالَمِ.

L10087 If the mixing of silver or gold does not alter their inherent properties—those which, as long as they remain, cause them to be called silver and gold—then they retain their status as silver and gold, and Zakât is obligatory on them. But if the mixing of silver or gold alters their properties, such that the names “silver” and “gold” no longer apply to the dinars (gold coins) and dirhams (silver coins) due to the evident mixing within them, then it is considered silver combined with gold or silver combined with copper. In this case, Zakât is obligatory only on the quantity of silver in those dirhams, and there is no Zakât on the copper whose effect is apparent in them. The same ruling applies to gold mixed with other substances. If the dinars contain gold whose quantity requires Zakât, while the silver in them does not require Zakât, Zakât is due only on the gold portion, not the silver. Conversely, if the silver in them requires Zakât, while the gold does not, Zakât is due only on the silver portion, not the gold. If both the silver and gold in them individually

فَإِنْ كَانَ الْمَزْجُ فِي الْفِضَّةِ أَوْ الذَّهَبِ لَا يُغَيِّرُ صِفَاتِهِمَا الَّتِي مَا دَامَتْ فِيهَا سُمِّيَا فِضَّةً، وَذَهَبًا فَهِيَ فِضَّةٌ وَذَهَبٌ، فَالزَّكَاةُ فِيهِمَا. وَإِنْ كَانَ الْمَزْجُ فِي الْفِضَّةِ، أَوْ الذَّهَبِ قَدْ غَيَّرَ صِفَاتِهِمَا - وَسَقَطَ عَنْ الدَّنَانِيرِ وَالدَّرَاهِمِ اسْمُ فِضَّةٍ وَاسْمُ ذَهَبٍ لِظُهُورِ الْمَزْجِ فِيهِمَا - فَهُوَ حِينَئِذٍ: فِضَّةٌ مَعَ ذَهَبٍ، أَوْ فِضَّةٌ مَعَ نُحَاسٍ، فَالْوَاجِبُ أَنَّ فِي مِقْدَارِ الْفِضَّةِ الَّتِي فِي تِلْكَ الدَّرَاهِمِ تَجِبُ الزَّكَاةُ فِيهَا خَاصَّةً، وَلَا زَكَاةَ فِي النُّحَاسِ الظَّاهِرِ فِيهَا أَثَرُهُ - وَكَذَلِكَ الْقَوْلُ فِي الذَّهَبِ مَعَ مَا مُزِجَ بِهِ. فَإِنْ كَانَ فِي الدَّنَانِيرِ ذَهَبٌ تَجِبُ فِي مِقْدَارِهِ الزَّكَاةُ، وَفِضَّةٌ لَا تَجِبُ فِيهَا الزَّكَاةُ، فَالزَّكَاةُ فِيمَا فِيهَا مِنْ الذَّهَبِ دُونَ مَا فِيهَا مِنْ الْفِضَّةِ. وَإِنْ كَانَ مَا فِيهَا مِنْ الْفِضَّةِ تَجِبُ فِيهِ الزَّكَاةُ، وَمَا فِيهَا مِنْ الذَّهَبِ لَا تَجِبُ

require Zakât, each is subject to Zakât according to its own ruling, as if it were separate.

فِيهِ الزَّكَاةُ، فَالزَّكَاةُ فِيمَا فِيهَا مِنْ الْفِضَّةِ دُونَ مَا فِيهَا مِنْ الذَّهَبِ. وَإِنْ كَانَ فِيهَا مِنْ الْفِضَّةِ وَمِنْ الذَّهَبِ مَا تَجِبُ فِي كُلِّ وَاحِدٍ مِنْهُمَا الزَّكَاةُ، زُكِّيَ كُلُّ وَاحِدٍ مِنْهُمَا كَحُكْمِهِ وَلَوْ كَانَ مُنْفَرِدًا.

L10088 If the gold or silver contained within them would not require Zakat if it were separate, then no Zakat is due at all in that case.

وَإِنْ كَانَ مَا فِيهِمَا مِنْ الذَّهَبِ وَمِنْ الْفِضَّةِ لَا تَجِبُ فِيهِ الزَّكَاةُ لَوْ انْفَرَدَ، فَلَا زَكَاةَ هُنَاكَ أَصْلًا.

L10089 If the alloying process intensifies to the extent that neither silver nor gold retains its inherent properties, then those substances contain no silver or gold at all; thus, no Zakat is due on them at all, in accordance with the scriptural text—and success is from Allah, the Most High.

فَإِنْ زَادَ الْمَزْجُ حَتَّى لَا يَكُونَ لِلْفِضَّةِ وَلَا لِلذَّهَبِ هُنَاكَ صِفَةٌ فَلَيْسَ فِي تِلْكَ الْأَعْيَانِ فِضَّةٌ أَصْلًا وَلَا ذَهَبٌ، فَلَا زَكَاةَ فِيهَا أَصْلًا، اتِّبَاعًا لِلنَّصِّ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10090 The Ruling on Sadaqah for Horses and Enslaved People

[مَسْأَلَةُ صَدَقَةُ الْخَيْلِ وَالرَّقِيقِ]

L10091–10093 As for horses and slaves—Abdullah ibn Rabīʿ narrated to us: Abdullah ibn Muḥammad ibn ʿUthmān narrated to us, Aḥmad ibn Khālid narrated to us, ʿAlī ibn ʿAbd al-ʿAzīz narrated to us, al-Ḥajjāj ibn al-Minhāl narrated to us, Ḥammād ibn Salamah narrated to us from Qatādah from Anas ibn Mālik: that ʿUmar ibn al-Khaṭṭāb used to take ten from the head and from the horse. Ten for the enslaved, and five for pack horses—meaning ten dirhams per head of the enslaved and five dirhams per pack horse.

وَأَمَّا الْخَيْلُ، وَالرَّقِيقُ - فَقَدْ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ قَتَادَةَ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ كَانَ يَأْخُذُ مِنْ الرَّأْسِ عَشَرَةً وَمِنْ الْفَرَسِ عَشَرَةً، وَمِنْ الْبَرَاذِينِ خَمْسَةً - يَعْنِي رَأْسَ الرَّقِيقِ وَعَشَرَةَ دَرَاهِمَ، وَخَمْسَةَ دَرَاهِمَ.

L10094 Hummam narrated to us: Ibn Mufarrij narrated to us: Ibn al-A’rabi narrated to us: al-Dabari narrated to us: Abd al-Razzaq on the authority of Ibn Jurayj, who informed me that Amr—that is, Ibn Dinar—said: Hayy ibn Ya’la informed him that he heard Ya’la ibn Umayya say: Abd al-Rahman ibn Umayya, the brother of Ya’la ibn Umayya, purchased a mare for one hundred five-year-old she-camels. The seller regretted the sale, so he pursued Umar and said, “Ya’la and his brother have seized my horse unjustly.” Umar wrote to Ya’la: “Come to me immediately.” He came and informed him of the matter. Umar said, “Do horses truly reach such value among you?” Ya’la replied, “I have never known a horse to reach such a price before this.” Umar said, “We take one sheep from every forty sheep, but we do not take anything from

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي عَمْرٌو هُوَ ابْنُ دِينَارٍ - قَالَ: إنَّ حَيَّ بْنَ يَعْلَى أَخْبَرَهُ أَنَّهُ سَمِعَ يَعْلَى بْنَ أُمَيَّةَ يَقُولُ: ابْتَاعَ عَبْدُ الرَّحْمَنِ بْنُ أُمَيَّةَ أَخُو يَعْلَى بْنِ أُمَيَّةَ فَرَسًا أُنْثَى بِمِائَةِ قَلُوصٍ، فَنَدِمَ الْبَائِعُ، فَلَحِقَ بِعُمَرَ، فَقَالَ: غَصَبَنِي يَعْلَى وَأَخُوهُ فَرَسًا لِي. فَكَتَبَ عُمَرُ إلَى يَعْلَى: أَنْ الْحَقْ بِي فَأَتَاهُ فَأَخْبَرَهُ الْخَبَرَ، فَقَالَ عُمَرُ: إنَّ الْخَيْلَ لَتَبْلُغُ عِنْدَكُمْ هَذَا؟ فَقَالَ يَعْلَى: مَا عَلِمْت

horses; take one dinar from every horse." He said: He said: So he imposed one dinar upon every horse.

فَرَسًا بَلَغَ هَذَا قَبْلَ هَذَا. فَقَالَ عُمَرُ: فَنَأْخُذُ مِنْ أَرْبَعِينَ شَاةً شَاةً وَلَا نَأْخُذُ مِنَ الْخَيْلِ شَيْئًا خُذْ مِنْ كُلِّ فَرَسٍ دِينَارًا قَالَ: قَالَ: فَضَرَبَ عَلَى الْخَيْلِ دِينَارًا دِينَارًا.

L10095 Hammām narrated to us: ʿAbd Allāh ibn Muḥammad al-Bājiyy narrated to us: ʿAbd Allāh ibn Yūnus narrated to us: Baqī ibn Makhlad narrated to us: Abū Bakr ibn Abī Shaybah narrated to us: Muḥammad ibn Bakr reported on the authority of Ibn Jurayj, who said: ʿAbd Allāh ibn Abī Ḥusayn informed me that Ibn Shihāb informed him that al-Sā'ib, the nephew of Nimr, informed him that he used to deliver the zakāt for horses to ʿUmar ibn al-Khaṭṭāb. Ibn Shihāb added: ʿUthmān ibn ʿAffān would pay the zakāt for horses.

حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ بْنُ بَكْرٍ عَنِ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَبْدُ اللَّهِ بْنُ أَبِي حُسَيْنٍ أَنَّ ابْنَ شِهَابٍ أَخْبَرَهُ أَنَّ السَّائِبَ ابْنَ أُخْتِ نَمِرٍ أَخْبَرَهُ أَنَّهُ كَانَ يَأْتِي عُمَرَ بْنَ الْخَطَّابِ بِصَدَقَاتِ الْخَيْلِ، قَالَ ابْنُ شِهَابٍ: وَكَانَ عُثْمَانُ بْنُ عَفَّانَ يُصْدِقُ الْخَيْلَ.

L10096 From the chain of Hammad ibn Salamah via Yunus ibn ʻUbayd from al-Hasan al-Basri: Marwan sent to Abu Saʻid al-Khudri, saying, "Send me the zakāh due on your dependents." He replied to the messenger, "Marwan does not realize we are only obligated to give a *ṣāʿ* of dates or half a *ṣāʿ* of wheat for every individual at the time of each Eid al-Fitr." From the chain of Muhammad ibn Jaʻfar via Shuʻbah from Hammad ibn Abi Sulayman, who said: "Zakat is obligatory on horses." Abu Hanifah and those who follow his legal school held that zakāh is due on horses, citing these narrations as evidence, along with Allah's statement: {Take from their wealth *ṣadaqah* (charity)} [At-Tawbah: 103].[19]

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنِ الْحَسَنِ الْبَصْرِيِّ: أَنَّ مَرْوَانَ بَعَثَ إِلَى أَبِي سَعِيدٍ الْخُدْرِيِّ: أَنْ ابْعَثْ إِلَيَّ بِزَكَاةِ رَقِيقِكَ. فَقَالَ لِلرَّسُولِ: إِنَّ مَرْوَانَ لَا يَعْلَمُ إِنَّمَا عَلَيْنَا أَنْ نُطْعِمَ عَنْ كُلِّ رَأْسٍ عِنْدَ كُلِّ فِطْرٍ صَاعَ تَمْرٍ أَوْ نِصْفَ صَاعِ بُرٍّ؛ وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ قَالَ: وَفِي الْخَيْلِ الزَّكَاةُ. فَذَهَبَ أَبُو حَنِيفَةَ وَمَنْ قَلَّدَهُ إِلَى أَنَّ فِي الْخَيْلِ الزَّكَاةَ - وَاحْتَجُّوا بِهَذِهِ الْآثَارِ، وَبِقَوْلِ اللَّهِ تَعَالَى {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] .

L10097 They said: "Horses are zakatable assets; therefore, the zakat concerning them is explicitly stipulated in the Quran."

وَقَالُوا: وَالْخَيْلُ أَمْوَالٌ، فَالصَّدَقَةُ فِيهَا بِنَصِّ الْقُرْآنِ.

L10098 And by the saying of the Messenger of Allah—peace and blessings of Allah be upon him—authentically narrated from him through the chain of Mālik, from Zayd ibn Aslam, from Abū Ṣāliḥ al-Sammān, from Abū Hurayrah, from the Prophet—peace and blessings of Allah be upon him—: "Horses are a source of reward for one man and a protection for another." Then he mentioned the ḥadīth, in which it states: "And a man who ties them for self-sufficiency

وَبِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الثَّابِتِ عَنْهُ مِنْ طَرِيقِ مَالِكٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِي صَالِحٍ السَّمَّانِ عَنْ أَبِي هُرَيْرَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «الْخَيْلُ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سِتْرٌ» فَذَكَرَ الْحَدِيثَ، وَفِيهِ «وَرَجُلٌ رَبَطَهَا تَغَنِّيًا وَتَعَفُّفًا، وَلَمْ يَنْسَ حَقَّ اللَّهِ فِي رِقَابِهَا، وَلَا ظُهُورِهَا، فَهِيَ لَهُ سِتْرٌ» .

[19] **Qur'an references (L10096):** Qur'an 9:103 (At-Tawbah).

and abstention from begging, and does not neglect the right of Allah in their necks and their backs—so they are a protection for him."[20]

L10099–10100 Abū Muḥammad said: This is what the Hanafīs have deceptively framed as evidence from the Qur'an, the Sunnah, and the practice of the Companions—while they oppose all of it. As for the verse, it does not state that every category of wealth entails alms. Rather, it says: *"Take from their wealth"* [9:103]. Had this text stood alone, a single *fals* would suffice for all a Muslim's wealth, since it constitutes alms taken from their possessions. Even if the verse had claimed—though it contains no such statement, neither by explicit text nor by indicative proof—that every category of wealth entails alms, they would still have no proof from it, for it specifies neither the quantity to be taken, the threshold of wealth subject to it, nor the timing for collecting such alms.[21]

L10101 In matters like these, it is impermissible to act upon anyone's opinion except that of the Messenger of Allah (peace and blessings be upon him) - who was commanded to clarify. Allah the Exalted said: {to make clear to mankind what has been sent down to them} [An-Nahl: 44].[22]

L10102 As for the hadith, there is nothing in it except that Allah the Exalted has a right over their necks and backs—neither specified nor quantified; and by consensus from us and them, there is no basis for zakah on the backs of horses.

L10103 Thus, it is established that this right is valid solely according to the outward meaning of the hadith, restricted to what one's soul willingly consents to of it in the cause of Allah, the Exalted, along with the free lending of its means of transport to those in dire need.

L10104 As for the actions of ʿUmar and ʿUthmān—may Allah be pleased with them—they differed from them. This is because Abū Ḥanīfah's position states there

قَالَ أَبُو مُحَمَّد: هَذَا مَا مَوَّهَ بِهِ الْحَنَفِيُّونَ مِنْ الِاحْتِجَاجِ بِالْقُرْآنِ وَالسُّنَّةِ وَفِعْلِ الصَّحَابَةِ، وَهُمْ مُخَالِفُونَ لِكُلِّ ذَلِكَ -: أَمَّا الْآيَةُ فَلَيْسَ فِيهَا أَنَّ كُلَّ صِنْفٍ مِنْ أَصْنَافِ الْأَمْوَالِ صَدَقَةٌ، وَإِنَّمَا فِيهَا {خُذْ مِنْ أَمْوَالِهِمْ} [التوبة: ١٠٣] فَلَوْ لَمْ يَرِدْ إلَّا هَذَا النَّصُّ وَحْدَهُ لَأَجْزَأَ فَلْسٌ وَاحِدٌ عَنْ جَمِيعِ أَمْوَالِ الْمُسْلِمِ، لِأَنَّهُ صَدَقَةٌ أُخِذَتْ مِنْ أَمْوَالِهِ. ثُمَّ لَوْ كَانَ فِي الْآيَةِ أَنَّ فِي كُلِّ صِنْفٍ مِنْ أَصْنَافِ الْأَمْوَالِ صَدَقَةً وَلَيْسَ ذَلِكَ فِيهَا لَا بِنَصٍّ وَلَا بِدَلِيلٍ لَمَا كَانَتْ لَهُمْ فِيهَا حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهَا مِقْدَارُ الْمَالِ الْمَأْخُوذِ، وَلَا مِقْدَارُ الْمَالِ الْمَأْخُوذِ مِنْهُ، وَلَا مَتَى تُؤْخَذُ تِلْكَ الصَّدَقَةُ.

وَمِثْلُ هَذَا لَا يَجُوزُ الْعَمَلُ فِيهِ بِقَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمَأْمُورِ بِالْبَيَانِ، قَالَ تَعَالَى: {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤]

وَأَمَّا الْحَدِيثُ فَلَيْسَ فِيهِ إلَّا أَنَّ لِلَّهِ تَعَالَى حَقًّا فِي رِقَابِهَا وَظُهُورِهَا، غَيْرَ مُعَيَّنٍ وَلَا مُبَيَّنَ الْمِقْدَارِ، وَلَا مَدْخَلَ لِلزَّكَاةِ فِي ظُهُورِ الْخَيْلِ بِإِجْمَاعٍ مِنَّا وَمِنْهُمْ.

فَصَحَّ أَنَّ هَذَا الْحَقَّ إنَّمَا هُوَ عَلَى ظَاهِرِ الْحَدِيثِ، وَهُوَ حُمِلَ عَلَى مَا طَابَتْ نَفْسُهُ مِنْهَا فِي سَبِيلِ اللَّهِ تَعَالَى، وَعَارِيَّةُ ظُهُورِهَا لِلْمُضْطَرِّ.

وَأَمَّا فِعْلُ عُمَرَ وَعُثْمَانَ - رَضِيَ اللَّهُ عَنْهُمَا - فَقَدْ خَالَفُوهُمَا، وَذَلِكَ أَنَّ قَوْلَ أَبِي حَنِيفَةَ: إنَّهُ لَا زَكَاةَ فِي الْخَيْلِ الذُّكُورِ وَلَوْ كَثُرَتْ وَبَلَغَتْ أَلْفَ فَرَسٍ فَإِنْ كَانَتْ إنَاثًا، أَوْ إنَاثًا وَذُكُورًا، سَائِمَةً غَيْرَ مَعْلُوفَةٍ فَحِينَئِذٍ تَجِبُ فِيهَا الزَّكَاةُ، وَصِفَةُ تِلْكَ الزَّكَاةِ أَنَّ صَاحِبَ

[20] **Hadith references (L10098):** Sahih al-Bukhari 7356; Sahih al-Bukhari 4962.
[21] **Qur'an references (L10100):** Qur'an 9:103 (At-Tawbah).
[22] **Qur'an references (L10101):** Qur'an 16:44 (An-Nahl).

is no *zakah* on male horses, even if they are numerous and reach a thousand horses. If they are female, or a mix of female and male, pastured and not stall-fed, then *zakah* becomes obligatory. The manner of that *zakah* is that the owner of the horses may choose: if he wishes, he may give one dinar or ten dirhams per horse, or if he wishes, he may assess their value and give five dirhams for every two hundred dirhams.

الْخَيْلِ مُخَيَّرٌ، إِنْ شَاءَ أَعْطَى عَنْ كُلِّ فَرَسٍ مِنْهَا دِينَارًا أَوْ عَشَرَةَ دَرَاهِمَ، وَإِنْ شَاءَ قَوَّمَهَا فَأَعْطَى مِنْ كُلِّ مِائَتَيْ دِرْهَمٍ خَمْسَةَ دَرَاهِمَ.

L10105 Abū Muḥammad said: This contradicts ʿUmar's practice. Moreover, they have opposed ʿUmar's practice in his collection of Zakat from slaves—ten dirhams per head. How can it be permissible for a rational and devout person to consider some of ʿUmar's actions as proof and others not?

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خِلَافُ فِعْلِ عُمَرَ. وَأَيْضًا فَقَدْ خَالَفُوا فِعْلَ عُمَرَ فِي أَخْذِهِ الزَّكَاةَ مِنْ الرَّقِيقِ عَشَرَةَ دَرَاهِمَ مِنْ كُلِّ رَأْسٍ، فَكَيْفَ يَجُوزُ لِذِي عَقْلٍ وَدِينٍ أَنْ يَجْعَلَ بَعْضَ فِعْلِ عُمَرَ حُجَّةً وَبَعْضَهُ لَيْسَ بِحُجَّةٍ.

L10106 They opposed ʿAlī regarding the total abolition of zakat on horses and advanced a ruling about its zakat conditions that—to our knowledge—no one had ever endorsed before them. Thus, the corruption of their position became evident in its entirety.

وَخَالَفُوا عَلِيًّا فِي إسْقَاطِ زَكَاةِ الْخَيْلِ جُمْلَةً، وَأَتَوْا بِقَوْلٍ فِي صِفَةِ زَكَاتِهَا لَا نَعْلَمُ أَحَدًا قَالَهُ قَبْلَهُمْ؛ فَظَهَرَ فَسَادُ قَوْلِهِمْ جُمْلَةً.

L10107–10108 The majority of scholars hold that there is no obligatory alms due on horses whatsoever. Narrated to us Hammām, narrated to us Ibn Mufarrij from Ibn al-Aʿrabī, from al-Dabarī, from ʿAbd al-Razzāq, from Maʿmar, from Abū Isḥāq, from ʿĀṣim ibn Ḍamrah, from ʿAlī, who said: "I have exempted the sadaqah on horses and slaves."

وَذَهَبَ جُمْهُورُ النَّاسِ إلَى أَنْ لَا زَكَاةَ فِي الْخَيْلِ أَصْلًا. حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ عَنْ ابْنِ الْأَعْرَابِيِّ عَنْ الدَّبَرِيِّ عَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ قَالَ: قَدْ عَفَوْت عَنْ صَدَقَةِ الْخَيْلِ وَالرَّقِيقِ.

L10109 It has been authentically established that Umar only took it as voluntary charity from them, not as an obligation. Hammam narrated to us: Abdullah ibn Muhammad ibn Ali al-Baji narrated to us: Abdullah ibn Yunus narrated to us: Baqi ibn Makhlad narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Abd al-Rahim ibn Sulayman narrated from Ibn Abi Khalid, from Shubayl ibn Awf—who had witnessed the pre-Islamic era—who said: "Umar ibn al-Khattab ordered people to give charity. They said: 'O Commander of the Faithful, we have horses and slaves—impose upon us a tenth portion for every ten.' Umar replied: 'As for me, I will not impose that obligation upon you.'" Hammam narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Abdullah ibn Ahmad ibn Hanbal said: "I read to my father, from Yahya ibn Saʿid al-Qattan, from Zuhayr—

وَقَدْ صَحَّ أَنَّ عُمَرَ إنَّمَا أَخَذَهَا عَلَى أَنَّهَا صَدَقَةُ تَطَوُّعٍ مِنْهُمْ لَا وَاجِبَةٌ. حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَبْدُ الرَّحِيمِ بْنُ سُلَيْمَانَ عَنْ ابْنِ أَبِي خَالِدٍ عَنْ شُبَيْلِ بْنِ عَوْفٍ وَكَانَ قَدْ أَدْرَكَ الْجَاهِلِيَّةَ قَالَ: أَمَرَ عُمَرُ بْنُ الْخَطَّابِ النَّاسَ بِالصَّدَقَةِ، فَقَالَ النَّاسُ: يَا أَمِيرَ الْمُؤْمِنِينَ، خَيْلٌ لَنَا وَرَقِيقٌ افْرِضْ عَلَيْنَا عَشَرَةً عَشَرَةً. فَقَالَ عُمَرُ: أَمَّا أَنَا فَلَا أَفْرِضُ ذَلِكَ عَلَيْكُمْ. حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ

he is ibn Mu'awiyah—from Abu Ishaq—he is al-Sabi'i—from Harithah—he is ibn Mudarrib—who said: 'I performed Hajj with Umar ibn al-Khattab. The nobles of Syria came to him and said: "O Commander of the Faithful, we have acquired slaves and livestock—take charity from our wealth to purify us and establish it as zakah." He replied: "This is something the two before me did not do."" Abu Muhammad said: "These are chains of the highest authenticity. The isnād (chain of transmission) establishes that the Messenger of Allah—peace be upon him—did not take charity from horses, nor did Abu Bakr after him; that Umar did not impose that [obligation]; and that Ali after him did not take it [from horses]."

بْنِ حَنْبَلٍ قَرَأْت عَلَى أَبِي عَنْ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ زُهَيْرٍ هُوَ ابْنُ مُعَاوِيَةَ - ثنا أَبُو إِسْحَاقَ هُوَ السَّبِيعِيّ - عَنْ حَارِثَةَ هُوَ ابْنُ مُضَرِّبٍ - قَالَ: «حَجَجْتُ مَعَ عُمَرَ بْنِ الْخَطَّابِ فَأَتَاهُ أَشْرَافُ أَهْلِ الشَّامِ فَقَالُوا: يَا أَمِيرَ الْمُؤْمِنِينَ، إِنَّا أَصَبْنَا رَقِيقًا وَدَوَابَّ فَخُذْ مِنْ أَمْوَالِنَا صَدَقَةً تُطَهِّرُنَا وَتَكُونُ لَنَا زَكَاةً. فَقَالَ: هَذَا شَيْءٌ لَمْ يَفْعَلْهُ اللَّذَانِ كَانَا قَبْلِي» .

قَالَ أَبُو مُحَمَّدٍ: هَذِهِ أَسَانِيدُ فِي غَايَةِ الصِّحَّةِ، وَالْإِسْنَادُ فِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَأْخُذْ مِنْ الْخَيْلِ صَدَقَةً، وَلَا أَبُو بَكْرٍ بَعْدَهُ، وَأَنَّ عُمَرَ لَمْ يَفْرِضْ ذَلِكَ. وَأَنَّ عَلِيًّا بَعْدَهُ لَمْ يَأْخُذْهَا.

L10110 Abdullah ibn Rabi' narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: Mahmud ibn Ghaylan narrated to us: Abu Usamah, who is Hammad ibn Usamah, narrated to us: Sufyan al-Thawri narrated from Abu Ishaq al-Sabi'i from 'Asim ibn Ḍamrah from 'Ali ibn Abi Talib, who said: The Messenger of Allah (peace and blessings be upon him) said: "I have exempted horses, so pay the zakah due on your wealth: five dirhams for every two hundred dirhams."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مَحْمُودُ بْنُ غَيْلَانَ ثنا أَبُو أُسَامَةَ هُوَ حَمَّادُ بْنُ أُسَامَةَ - ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «قَدْ عَفَوْتُ عَنْ الْخَيْلِ، فَأَدُّوا صَدَقَةَ أَمْوَالِكُمْ مِنْ كُلِّ مِائَتَيْنِ خَمْسَةٌ» .

L10111–10112 It has been authentically reported from the Messenger of Allah - peace and blessings be upon him: "There is no Zakat required of a Muslim for his slave or his horse, except the Sadaqat al-Fitr for the slaves."

وَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَيْسَ عَلَى الْمُسْلِمِ فِي عَبْدِهِ وَلَا فِي فَرَسِهِ صَدَقَةٌ إلَّا صَدَقَةُ الْفِطْرِ فِي الرَّقِيقِ» .

L10113 The horse and the slave are a term encompassing the entire category. If there were any zakat due on any of them, he—peace be upon him—would not have neglected to clarify its amount and the threshold from which it is taken. And success is from Allah, the Most High.

وَالْفَرَسُ وَالْعَبْدُ اسْمٌ لِلْجِنْسِ كُلِّهِ، وَلَوْ كَانَ فِي شَيْءٍ مِنْ ذَلِكَ صَدَقَةٌ لَمَا أَغْفَلَ - عَلَيْهِ السَّلَامُ - بَيَانَ مِقْدَارِهَا وَمِقْدَارِ مَا تُؤْخَذُ مِنْهُ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10114 This is the opinion of Umar ibn Abd al-Aziz, Sa'id ibn al-Musayyib, 'Ata', Makhūl, al-Sha'bi, al-Hasan, and al-Hakam ibn 'Utaybah. This was the practice of Abu Bakr, Umar, and Ali, as mentioned previously. It is also the opinion of Malik, al-Shafi'i, and our companions.

وَهُوَ قَوْلُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَسَعِيدِ بْنِ الْمُسَيِّبِ، وَعَطَاءٍ، وَمَكْحُولٍ، وَالشَّعْبِيِّ، وَالْحَسَنِ، وَالْحَكَمِ بْنِ عُتَيْبَةَ، وَهُوَ فِعْلُ أَبِي بَكْرٍ، وَعُمَرَ، وَعَلِيٍّ كَمَا ذَكَرْنَا، وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَصْحَابِنَا.

L10115 As for donkeys, we do not know of anyone who obligated zakah on them, except for a report narrated via the chain: Humām → ʿAbdullāh ibn Muḥammad ibn ʿAlī al-Bājī → ʿAbdullāh ibn Yūnus → Baqī ibn Makhlad → Abū Bakr ibn Abī Shaybah → Jarīr → Manṣūr → Ibrāhīm al-Nakhaʿī. Manṣūr said: "I asked him about donkeys—is there zakah on them?" Ibrāhīm replied: "As for me, I liken them to cows, but we do not know anything regarding them." Abū Muḥammad said: "Anything regarding which the Prophet—peace and blessings of Allāh be upon him—did not command a quantified and specified zakah, then there is no zakah in it."

L10116–10118 Indeed, it would have been obligatory upon those who hold the view that zakah is due on horses based on the generality of Allah's statement, "Take ṣadaqah from their wealth" [At-Tawbah: 103], to also take it from donkeys, since they are wealth. Similarly, it would be necessary for whoever analogizes the dowry to the items for which the hand is severed to extend the analogy to camels and cows, as they are four-legged animals like those items, even if they differ. In other respects, the dower likewise differs from theft in more ways than that.[23]

The Ruling on Zakat in Honey

L10119

L10120 As for honey: Mālik, al-Shāfiʿī, Abū Sulaymān, and their followers did not consider there to be any zakāh due on it. Abū Ḥanīfah said: If the bees are in land subject to *ʿushr*, then zakāh is due on it, being a tenth of what is collected from it—whether it is little or much—and if they are in *kharāj* land, there is no zakāh due on it—whether it is little or much.

L10121 He held that *zakāt* applies to livestock, whether it was in *ʿushr* land or in *kharāj* land.

L10122 Abū Yūsuf said: When honey reaches ten ratls, one ratl is due as zakāh; likewise, for any surplus beyond that amount, the tithe is obligatory. The ratl referred to here is the Fulfulī ratl [a standardized measure].

L10123 Muhammad ibn al-Ḥasan said: When honey reaches five farqs, the ʿushr is

[23] **Qur'an references (L10116):** Qur'an 9:103 (At-Tawbah).

وَأَمَّا الْحَمِيرُ فَمَا نَعْلَمُ أَحَدًا أَوْجَبَ فِيهَا الزَّكَاةَ، إِلَّا شَيْئًا حَدَّثَنَاهُ حُمَامٌ قَالَ: ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا جَرِيرٌ عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ، قَالَ مَنْصُورٌ: سَأَلْته عَنْ الْحَمِيرِ أَفِيهَا زَكَاةٌ. فَقَالَ إِبْرَاهِيمُ: أَمَّا أَنَا فَأُشَبِّهُهَا بِالْبَقَرِ، وَلَا نَعْلَمُ فِيهَا شَيْئًا. قَالَ أَبُو مُحَمَّدٍ: كُلُّ مَا لَمْ يَأْمُرْ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهِ بِزَكَاةٍ مَحْدُودَةٍ مَوْصُوفَةٍ فَلَا زَكَاةَ فِيهِ.

وَلَقَدْ كَانَ يَجِبُ عَلَى مَنْ رَأَى الزَّكَاةَ فِي الْخَيْلِ بِعُمُومِ قَوْلِ اللَّهِ تَعَالَى: {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] أَنْ يَأْخُذَهَا مِنْ الْحَمِيرِ، لِأَنَّهَا أَمْوَالٌ، وَكَانَ يَلْزَمُ مَنْ قَاسَ الصَّدَاقَ عَلَى مَا تُقْطَعُ فِيهِ الْيَدُ أَنْ يَقِيسَهَا عَلَى الْإِبِلِ، وَالْبَقَرِ، لِأَنَّهَا ذَاتُ أَرْبَعٍ مِثْلُهَا، وَإِنْ افْتَرَقَتْ فِي غَيْرِ ذَلِكَ، فَكَذَلِكَ الصَّدَاقُ يُخَالِفُ السَّرِقَةَ فِي أَكْثَرَ مِنْ ذَلِكَ.

[مَسْأَلَةُ الزَّكَاةَ فِي الْعَسَلِ]

وَأَمَّا الْعَسَلُ: فَإِنَّ مَالِكًا وَالشَّافِعِيَّ وَأَبَا سُلَيْمَانَ، وَأَصْحَابَهُمْ: لَمْ يَرَوْا فِيهِ زَكَاةً. وَقَالَ أَبُو حَنِيفَةَ: إنْ كَانَ النَّحْلُ فِي أَرْضِ الْعُشْرِ فَفِيهِ الزَّكَاةُ، وَهُوَ عُشْرُ مَا أُصِيبَ مِنْهُ - قَلَّ أَوْ كَثُرَ - وَإِنْ كَانَ فِي أَرْضِ خَرَاجٍ فَلَا زَكَاةَ فِيهِ - قَلَّ أَوْ كَثُرَ.

وَرَأَى فِي الْمَوَاشِي الزَّكَاةَ، سَوَاءٌ كَانَتْ فِي أَرْضِ عُشْرٍ أَوْ فِي أَرْضِ خَرَاجٍ.

وَقَالَ أَبُو يُوسُفَ: إذْ بَلَغَ الْعَسَلُ عَشَرَةَ أَرْطَالٍ فَفِيهِ رَطْلٌ وَاحِدٌ، وَهَكَذَا مَا زَادَ فَفِيهِ الْعُشْرُ، وَالرَّطْلُ هُوَ الْفُلْفُلِيُّ.

due; otherwise, no zakāh is obligated. A farq equals thirty-six Baghdadi raṭls, and the five farqs amount to one hundred and eighty raṭls (one hundred plus eighty raṭls) by the Baghdadi measure. He stated: The same ruling applies to sugar.

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: إِذَا بَلَغَ الْعَسَلُ خَمْسَةَ أَفْرَاقٍ فَفِيهِ الْعُشْرُ، وَإِلَّا فَلَا - وَالْفَرْقُ: سِتَّةٌ وَثَلَاثُونَ رَطْلًا فُلْفُلِيَّةً، وَالْخَمْسَةُ الْأَفْرَاقِ: مِائَةُ رَطْلٍ وَثَمَانُونَ رَطْلًا فُلْفُلِيَّةً، قَالَ: وَالسُّكَّرُ كَذَلِكَ.

L10124 Abu Muhammad said: As for Abu Hanifa's contradiction and his ruling obligating Zakat on honey - even if it is a drop - provided it is not in kharaj land, this is manifestly clear with no obscurity whatsoever.

قَالَ أَبُو مُحَمَّدٍ: أَمَّا مُنَاقَضَةُ أَبِي حَنِيفَةَ وَإِيجَابُهُ الزَّكَاةَ فِي الْعَسَلِ وَلَوْ أَنَّهُ قَطْرَةٌ إِذَا لَمْ يَكُنْ فِي أَرْضِ الْخَرَاجِ فَظَاهِرَةٌ لَا خَفَاءَ بِهَا.

L10125 As for specifying its two companions, it is at the height of corruption, randomness, and disarray—closer to jest than seriousness. However, there exists an ancient disagreement concerning honey: as we have narrated through the chain of ʿAṭāʾ al-Khurāsānī that ʿUmar ibn al-Khaṭṭāb decreed to the people of Yemen regarding honey: "It is obligatory upon you to pay one *farq* [a unit of measurement] for every ten *farqs*."

وَأَمَّا تَحْدِيدُ صَاحِبَيْهِ فَفِي غَايَةِ الْفَسَادِ وَالْخَبْطِ وَالتَّخْلِيطِ. وَهُوَ إِلَى الْهَزْلِ أَقْرَبُ مِنْهُ إِلَى الْجِدِّ. لَكِنَّ فِي الْعَسَلِ خِلَافٌ قَدِيمٌ -: كَمَا رُوِّينَا مِنْ طَرِيقِ عَطَاءٍ الْخُرَاسَانِيِّ أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ لِأَهْلِ الْيَمَنِ فِي الْعَسَلِ: إِنَّ عَلَيْكُمْ فِي كُلِّ عَشَرَةِ أَفْرَاقٍ فَرْقًا.

L10126–10128 And through the chain of Al-Ḥārith ibn ʿAbd al-Raḥmān, from Munīr ibn ʿAbd Allāh, from his father, from Saʿd ibn Abī Dhubbāb—who had companionship [with the Prophet, i.e., was a Companion]—that he took the tithe (one-tenth) of honey from his people and brought it to ʿUmar. ʿUmar placed it into the Muslims' alms. He said: "I came to the Messenger of Allāh—May Allah bless him and grant him peace—and embraced Islam. He put me in charge of my people, and Abū Bakr kept me in that position after him, then ʿUmar did likewise after him. I said to my people, 'In honey...'" "Zakah, for there is no good in wealth from which zakah is not paid." They said, "What do you recommend?" I said, "A tenth (ʿushr)." So I collected it and brought it to ʿUmar."

وَمِنْ طَرِيقِ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ مُنِيرِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ سَعْدِ بْنِ أَبِي ذُبَابٍ وَكَانَتْ لَهُ صُحْبَةٌ أَنَّهُ أَخَذَ عُشْرَ الْعَسَلِ مِنْ قَوْمِهِ وَأَتَى بِهِ عُمَرُ، فَجَعَلَهُ عُمَرُ فِي صَدَقَاتِ الْمُسْلِمِينَ، قَالَ: «وَقَدِمْت عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَأَسْلَمْتُ وَاسْتَعْمَلَنِي عَلَى قَوْمِي، وَاسْتَعْمَلَنِي أَبُو بَكْرٍ بَعْدَهُ، ثُمَّ اسْتَعْمَلَنِي عُمَرُ مِنْ بَعْدِهِ فَقُلْت لِقَوْمِي: فِي الْعَسَلِ زَكَاةٌ، فَإِنَّهُ لَا خَيْرَ فِي مَالٍ لَا يُزَكَّى فَقَالُوا: كَمْ تَرَى. فَقُلْت: الْعُشْرُ، فَأَخَذْتُهُ وَأَتَيْتُ بِهِ عُمَرَ» .

L10129 Via Nu'aym ibn Hammad from Baqiyyah from Muhammad ibn al-Walid al-Zubaydi from 'Amr ibn Shu'ayb from Hilal ibn Murrah: that 'Umar ibn al-Khattab said concerning the tithes on honey: For honey produced in the flatlands, a tenth is due; and for that from the mountains, half of the tenth is due.

وَمِنْ طَرِيقِ نُعَيْمِ بْنِ حَمَّادٍ عَنْ بَقِيَّةَ عَنْ مُحَمَّدِ بْنِ الْوَلِيدِ الزُّبَيْدِيِّ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ هِلَالِ بْنِ مُرَّةَ: أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ فِي عُشُورِ الْعَسَلِ: مَا كَانَ مِنْهُ فِي السَّهْلِ فَفِيهِ الْعُشْرُ، وَمَا كَانَ مِنْهُ فِي الْجَبَلِ فَفِيهِ نِصْفُ الْعُشْرِ.

L10130 It has been authentically reported from Makhūl and Al-Zuhrī: that in every

ten jars of honey, one jar is due. We have narrated it through a sound chain from Al-Awzāʿī from Al-Zuhrī.

وَصَحَّ عَنْ مَكْحُولٍ، وَالزُّهْرِيِّ: أَنَّ فِي كُلِّ عَشْرَةِ أَزْقَاقٍ مِنْ الْعَسَلِ زِقًّا رُوِّينَاهُ مِنْ طَرِيقٍ ثَابِتَةٍ عَنْ الْأَوْزَاعِيِّ عَنْ الزُّهْرِيِّ.

L10131 From Saʿīd ibn ʿAbd al-ʿAzīz, from Sulaymān ibn Mūsā: For every ten azqāq [containers] of honey, one ziqq [container]. He said: The ziqq holds two raṭls.

وَعَنْ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ عَنْ سُلَيْمَانَ بْنِ مُوسَى: فِي كُلِّ عَشَرَةِ أَزْقَاقٍ مِنْ عَسَلٍ زِقٌّ، قَالَ: وَالزِّقُّ يَسَعُ رَطْلَيْنِ.

L10132 It has also been reported through an unreliable chain from ʾUmar ibn ʾAbd al-ʾAzīz - and this is the position of Rabīʾah, Yaḥyā ibn Saʾīd al-Anṣārī, and Ibn Wahb. The proponents of this view cited as evidence what we narrated through the chain of ʾAmr ibn Shuʾayb from his father from his grandfather, who said: "Hilāl came to the Messenger of Allah (peace be upon him) with the tenth from his bees, requesting him to designate a valley called Salabah as a protected reserve for him, so he protected it for him."

وَرُوِيَ أَيْضًا مِنْ طَرِيقٍ لَا تَصِحُّ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَهُوَ قَوْلُ رَبِيعَةَ، وَيَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، وَابْنِ وَهْبٍ، وَاحْتَجَّ أَهْلُ هَذِهِ الْمَقَالَةِ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: «جَاءَ هِلَالٌ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِعُشُورِ نَحْلٍ لَهُ وَسَأَلَهُ أَنْ يَحْمِيَ لَهُ وَادِيًا يُقَالُ لَهُ: سَلَبَةُ، فَحَمَاهُ لَهُ»

L10133 And by what we have narrated through ʿAbdullāh ibn Muḥarrir from al-Zuhrī from Abū Salamah from Abū Hurayrah: "that the Messenger of Allah (ﷺ) wrote to the people of Yemen that tithes should be taken from honey."

وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ مُحَرِّرٍ عَنْ الزُّهْرِيِّ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَتَبَ إلَى أَهْلِ الْيَمَنِ: أَنْ يُؤْخَذَ مِنْ الْعَسَلِ الْعُشُورُ» .

L10134 And from the narration of Saʾīd ibn ʾAbd al-ʾAzīz, from Sulaymān ibn Mūsā: "Abū Sayyāra al-Muta'iyy said to the Prophet—may Allah bless him and grant him peace—'I have bees.' He said: 'Then pay one-tenth from it.'"

وَمِنْ طَرِيقِ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ عَنْ سُلَيْمَانَ بْنِ مُوسَى «أَنَّ أَبَا سَيَّارَةَ الْمُتَعِيَّ قَالَ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّ لِي نَحْلًا. قَالَ: فَأَدِّ مِنْهُ الْعُشْرَ»

L10135–10137 And through the chain of Ibn Jurayj, he said: I wrote to Ibrahim ibn Maysarah inquiring about the Zakat on honey. He mentioned his response, and in it, he said: "One whom I do not suspect among my family members informed me that Urwah ibn Muhammad al-Saʿdī..." He said to him: Indeed, he wrote to Umar Ibn Abd al-Aziz inquiring about the Zakāh on honey. Umar replied to him: We have found the clarification regarding the Zakāh on honey in the land of Ta'if; so collect the tithe from it. Abu Muhammad said: All of this contains no evidence for their position.

وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ قَالَ كَتَبْت إلَى إبْرَاهِيمَ بْنِ مَيْسَرَةَ أَسْأَلُهُ عَنْ زَكَاةِ الْعَسَلِ. فَذَكَرَ جَوَابَهُ، وَفِيهِ: أَنَّهُ قَالَ: ذَكَرَ لِي مَنْ لَا أَتَّهِمُ مِنْ أَهْلِي: أَنَّ عُرْوَةَ بْنَ مُحَمَّدٍ السَّعْدِيَّ قَالَ لَهُ: إنَّهُ كَتَبَ إلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ يَسْأَلُهُ عَنْ صَدَقَةِ الْعَسَلِ. فَرَدَّ إلَيْهِ عُمَرُ: قَدْ وَجَدْنَا بَيَانَ صَدَقَةِ الْعَسَلِ بِأَرْضِ الطَّائِفِ، فَخُذْ مِنْهُ الْعُشُورَ قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّهُ لَا حُجَّةَ لَهُمْ فِيهِ.

L10138 As for the ḥadīth of ʿAmr ibn Shuʿayb from his father from his grandfather, it is a written document that is not authentic. They have abandoned it where it contradicts their juristic tradition, as we have mentioned in more than one place.

أَمَّا حَدِيثُ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ: فَصَحِيفَةٌ لَا تَصِحُّ، وَقَدْ تَرَكُوهَا حَيْثُ لَا تُوَافِقُ تَقْلِيدَهُمْ مِمَّا قَدْ ذَكَرْنَاهُ فِي غَيْرِ مَا مَوْضِعٍ.

L10139 As for the ḥadīth of Abū Hurayrah, it is narrated by ʿAbdullāh ibn Muḥarrar—the most discredited of all rejected narrators—with consensus established to discard him.

وَأَمَّا حَدِيثُ أَبِي هُرَيْرَةَ فَمِنْ رِوَايَةِ عَبْدِ اللَّهِ بْنِ مُحَرَّرٍ وَهُوَ أَسْقَطُ مِنْ كُلِّ سَاقِطٍ مُتَّفَقٌ عَلَى اطِّرَاحِهِ.

L10140 As for the ḥadīth of Abū Sayyārah al-Mutaʾī: it is disconnected because Sulaymān ibn Mūsā is not known to have directly met any of the Companions (may Allah be pleased with them).

وَأَمَّا حَدِيثُ أَبِي سَيَّارَةَ الْمُتَعِيِّ: فَمُنْقَطِعٌ لِأَنَّ سُلَيْمَانَ بْنَ مُوسَى لَا يُعْرَفُ لَهُ لِقَاءُ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L10141 As for the ḥadīth of ʿUmar ibn ʿAbd al-ʿAzīz, it is interrupted because it is narrated via an unnamed transmitter.

وَأَمَّا حَدِيثُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فَمُنْقَطِعٌ، لِأَنَّهُ عَمَّنْ لَمْ يُسَمَّ.

L10142 As for the report attributed to Umar ibn al-Khattab: it is not authentic because it is narrated through Ata' al-Khurasani from him, though Ata' did not meet Umar. It is also narrated through Munir ibn Abdullah from his father—both of whom are unknown. Some narrators mention Mutayn ibn Abdullah, whose identity is uncertain. Then it is narrated through Baqiyya, who is weak, then through Hilal ibn Murrah, who is unknown. Thus, it becomes invalid to affirm any authentic report in this matter from the Messenger of Allah (peace be upon him), Umar, or any of the Companions (may Allah be pleased with them).

وَأَمَّا خَبَرُ عُمَرَ بْنِ الْخَطَّابِ: فَلَا يَصِحُّ؛ لِأَنَّهُ عَنْ عَطَاءٍ الْخُرَاسَانِيِّ عَنْهُ، وَلَمْ يُدْرِكْهُ عَطَاءٌ، وَعَنْ مُنِيرِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ، وَكِلَاهُمَا مَجْهُولٌ، وَبَعْضُ رُوَاتِهِ يَقُولُ: مُتَيْنُ بْنُ عَبْدِ اللَّهِ وَلَا يُدْرَى مَنْ هُوَ، وَعَنْ بَقِيَّةَ، وَهُوَ ضَعِيفٌ، ثُمَّ عَنْ هِلَالِ بْنِ مُرَّةَ، وَلَا يُدْرَى مَنْ هُوَ. فَبَطَلَ أَنْ يَصِحَّ فِي هَذَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - شَيْءٌ، أَوْ عَنْ عُمَرَ، أَوْ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L10143 Abū Muḥammad said: All these rulings are contradicted by a mursal report as well, as Ḥumām narrated to us: ʿAbdullāh ibn Muḥammad ibn ʿAlī al-Bājī narrated to us: ʿAbdullāh ibn Yūnus narrated to us: Baqī ibn Makhlad narrated to us: Abū Bakr ibn Abī Shaybah narrated to us: Wakīʿ narrated from Sufyān, from Ibrāhīm ibn Maysarah, from Ṭāwūs: "When Muʿādh ibn Jabal came to Yemen, honey and quantities below the zakah threshold of sheep were brought to him. He said: 'I was not commanded regarding these.'"

قَالَ أَبُو مُحَمَّدٍ: وَقَدْ عَارَضَ ذَلِكَ كُلَّهُ خَبَرٌ مُرْسَلٌ أَيْضًا كَمَا حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ عَنْ إبْرَاهِيمَ بْنِ مَيْسَرَةَ عَنْ طَاوُسٍ: «أَنَّ مُعَاذَ بْنَ جَبَلٍ لَمَّا أَتَى الْيَمَنَ أُتِيَ بِالْعَسَلِ وَأَوْقَاصِ الْغَنَمِ، فَقَالَ: لَمْ أُؤْمَرْ فِيهَا بِشَيْءٍ.»

L10144–10145 However, we do not permit using a mursal report in argumentation because it lacks authoritative evidence.

وَلَكِنَّا لَا نَسْتَحِلُّ الْحِجَاجَ بِمُرْسَلٍ؛ لِأَنَّهُ لَا حُجَّةَ فِيهِ.

L10146 And through him to Waki‘ from Sufyan al-Thawri from ‘Ubayd Allah ibn ‘Umar from Nafi‘, who said: ‘Umar ibn ‘Abd al-‘Aziz sent me to Yemen, and I intended to collect the tithe from honey. Al-Mughira ibn Hakim al-San‘ani said: “Nothing is due on it.” So I wrote to him, and he replied: “He is correct; this is a valid and acceptable ruling.” Abu Muhammad said: The opinion that no Zakat is levied on honey is held by Malik, Sufyan al-Thawri, al-Ḥasan ibn Ḥayy, al-Shafi‘i, Abu Sulayman, and their disciples.

وَبِهِ إِلَى وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ نَافِعٍ قَالَ: بَعَثَنِي عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إِلَى الْيَمَنِ، فَأَرَدْت، أَنْ آخُذَ مِنْ الْعَسَلِ الْعُشْرَ. فَقَالَ الْمُغِيرَةُ بْنُ حَكِيمٍ الصَّنْعَانِيُّ: لَيْسَ فِيهِ شَيْءٌ فَكَتَبْت إلَى عُمَرَ بْنِ عَبْدِ الْعَزِيزِ. فَقَالَ: صَدَقَ، هُوَ عَدْلٌ رَضِيٌّ. قَالَ أَبُو مُحَمَّد: وَبِأَنْ لَا زَكَاةَ فِي الْعَسَلِ يَقُولُ مَالِكٌ، وَسُفْيَانُ الثَّوْرِيُّ، وَالْحَسَنُ بْنُ حَيٍّ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ، وَأَصْحَابُهُمْ.

L10147 Ali said: We have said: Indeed, Allah the Exalted has said: “And do not devour your wealth among yourselves unjustly” [Al-Baqarah 2:188].[24]

قَالَ عَلِيٌّ: قَدْ قُلْنَا: إنَّ اللَّهَ تَعَالَى قَالَ: {وَلا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨]

L10148 The Messenger of Allah—peace and blessings be upon him—said: “Verily, your lives and your wealth are inviolable to one another.”

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

L10149 It is not permissible to impose the obligation of zakah on wealth regarding which no authentic ruling from the Messenger of Allah (peace be upon him) establishes its obligation. If they argue based on the generality of Allah’s statement, “Take from their wealth a sadaqah” [Quran 9:103].[25]

فَلَا يَجُوزُ إيجَابُ فَرْضِ زَكَاةٍ فِي مَالٍ لَمْ يَصِحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيهِ إيجَابُهَا. فَإِنْ احْتَجُّوا بِعُمُومِ قَوْلِ اللَّهِ تَعَالَى {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] .

L10150 They were told: “Impose it on what is extracted from gold and silver mines, on cane, and on male horses - since all these constitute wealth belonging to Muslims.” Yet they imposed it where Allah the Exalted did not prescribe it, while exempting it from what grows from palm trees, wheat, and barley in *kharaj* land and leased land.

قِيلَ لَهُمْ: فَأَوْجِبُوهَا فِيمَا خَرَجَ مِنْ مَعَادِنِ الذَّهَبِ وَالْفِضَّةِ، وَفِي الْقَصَبِ، وَفِي ذُكُورِ الْخَيْلِ، فَكُلُّ ذَلِكَ أَمْوَالٌ لِلْمُسْلِمِينَ، بَلْ أَوْجَبُوهَا حَيْثُ لَمْ يُوجِبْهَا اللَّهُ تَعَالَى، وَأَسْقَطُوهَا مِمَّا خَرَجَ مِنْ النَّخْلِ وَالْبُرِّ وَالشَّعِيرِ، فِي أَرْضِ الْخَرَاجِ، وَفِي الْأَرْضِ الْمُسْتَأْجَرَةِ.

L10151 But they are an ignorant people.

وَلَكِنَّهُمْ قَوْمٌ يَجْهَلُونَ

L10152 Chapter on Zakat of Commercial Assets for the Trade

[مَسْأَلَةٌ زَكَاة عُرُوضِ التِّجَارَةِ]

L10153 As for commercial goods: Abu Hanifah, Malik, and Al-Shafi‘i—in one of his

وَأَمَّا عُرُوضُ التِّجَارَةِ: فَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ، وَالشَّافِعِيُّ فِي أَحَدِ قَوْلَيْهِ بِإِيجَابِ الزَّكَاةِ فِي الْعُرُوضِ الْمُتَّخَذَةِ لِلتِّجَارَةِ. وَاحْتَجُّوا فِي ذَلِكَ بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ سُلَيْمَانَ

[24] **Qur’an references (L10147):** Qur’an 2:188 (Al-Baqarah).
[25] **Qur’an references (L10149):** Qur’an 9:103 (At-Tawbah).

two opinions—held that Zakat is obligatory on goods designated for trade. They argued for this with a narration we have reported through the chain of Sulayman ibn Musa from Ja'far ibn Sa'd ibn Samurah ibn Jundab from Khubayb ibn Sulayman ibn Jundab from his father from his grandfather Samurah: "To proceed, the Messenger of Allah—peace be upon him—used to command us to pay charity from what we set aside for sale."[26]

L10154–10155 And with an authentic narration from ʿAbd al-Raḥmān ibn ʿAbd al-Qārī, who said: I was in charge of the treasury during the era of ʿUmar ibn al-Khaṭṭāb. When the stipend was disbursed, he would gather the merchants' funds, calculate them—distinguishing between absent and present portions—then collect zakāt from the present wealth on behalf of both the absent and present [portions].

L10156 We relate a report through Abu Qilabah's narration: Umar's tax officials said, "O Commander of the Faithful, the traders have complained about the harshness of the tax assessment." Umar responded, "Ah, ah! Lighten it."

L10157 In a narration transmitted via the chain of Yahya ibn Sa'id from Abdullah ibn Abi Salama from Abi Amr ibn Hamaas from his father, who said: Umar ibn al-Khattab passed by me and said, "O Hamaas, pay the Zakat of your wealth." I replied, "I possess no wealth except sacks and tanned hides." He said, "Evaluate them at their market value then pay their Zakat."

L10158 We have transmitted an authentic report from Ibn Abbas, who used to say: "There is no harm in waiting until [the owner] sells, and *zakāt* is obligatory in that context."

L10159 And in an authentic report from Ibn Umar: "There is no Zakat on merchandise unless it is intended for trade." Some scholars said: "Zakat is obligated on wealth that grows." We know of no basis for their position other than this, and all of this contains no valid proof for them.

L10160 As for the ḥadīth of Samurah, it is invalid because all its narrators between

بْنِ مُوسَى عَنْ جَعْفَرِ بْنِ سَعْدِ بْنِ سَمُرَةَ بْنِ جُنْدَبٍ عَنْ خُبَيْبِ بْنِ سُلَيْمَانَ بْنِ جُنْدَبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ سَمُرَةَ «أَمَّا بَعْدُ، فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَأْمُرُنَا أَنْ نُخْرِجَ الصَّدَقَةَ مِنْ الَّذِي نَعُدُّ لِلْبَيْعِ» .

وَبِخَبَرٍ صَحِيحٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ قَالَ: كُنْت عَلَى بَيْتِ الْمَالِ زَمَانَ عُمَرَ بْنِ الْخَطَّابِ، فَكَانَ إذَا خَرَجَ الْعَطَاءُ جَمَعَ أَمْوَالَ التُّجَّارِ ثُمَّ حَسَبَهَا، غَائِبَهَا وَشَاهِدَهَا، ثُمَّ أَخَذَ الزَّكَاةَ مِنْ شَاهِدِ الْمَالِ عَنْ الْغَائِبِ وَالشَّاهِدِ.

وَبِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي قِلَابَةَ: إنَّ عُمَّالَ عُمَرَ قَالُوا: يَا أَمِيرَ الْمُؤْمِنِينَ، إنَّ التُّجَّارَ شَكَوْا شِدَّةَ التَّقْوِيمِ، فَقَالَ عُمَرُ: هَاهْ هَاهْ خَفِّفُوا.

وَبِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي سَلَمَةَ عَنْ أَبِي عَمْرِو بْنِ حَمَاسٍ عَنْ أَبِيهِ قَالَ: مَرَّ بِي عُمَرُ بْنُ الْخَطَّابِ فَقَالَ: يَا حَمَاسُ، أَدِّ زَكَاةَ مَالِك. فَقُلْت: مَا لِي مَالٌ إلَّا جِعَابٌ وَأَدَمٌ. فَقَالَ: قَوِّمْهَا قِيمَةً ثُمَّ أَدِّ زَكَاتَهَا.

وَبِخَبَرٍ صَحِيحٍ رُوِّينَاهُ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ كَانَ يَقُولُ: لَا بَأْسَ بِالتَّرَبُّصِ حَتَّى يَبِيعَ، وَالزَّكَاةُ وَاجِبَةٌ فِيهِ.

وَبِخَبَرٍ صَحِيحٍ عَنْ ابْنِ عُمَرَ: لَيْسَ فِي الْعُرُوضِ زَكَاةٌ إلَّا أَنْ تَكُونَ لِتِجَارَةٍ. وَقَالَ بَعْضُهُمْ: الزَّكَاةُ مَوْضُوعٌ فِيمَا يَنْمِي مِنْ الْأَمْوَالِ. مَا نَعْلَمُ لَهُمْ مُتَعَلَّقًا غَيْرَ هَذَا، وَكُلُّ هَذَا لَا حُجَّةَ لَهُمْ فِيهِ.

[26] **Hadith references (L10153):** Sunan Abi Dawud 1562.

Sulaymān ibn Mūsā and Samurah—may Allah be pleased with him—are unknown, their identities are not known. Moreover, even if it were authentic, it would not constitute a proof for them, for it does not specify that this ṣadaqah refers to the obligatory Zakāh. Had the Prophet—peace be upon him—intended it as the obligatory Zakāh, he would have clarified its timing, quantity, and method of collection: Is it to be taken from the commodities themselves or through valuation? By what standard is it to be valued? It is inconceivable that the Prophet—peace be upon him—would impose upon us a Zakāh without defining its amount or how it is to be collected. Had this ṣadaqah been authentic, it would have been entrusted to the discretion of the owners of those commodities.

أَمَّا حَدِيثُ سَمُرَةَ فَسَاقِطٌ؛ لِأَنَّ جَمِيعَ رُوَاتِهِ مَا بَيْنَ سُلَيْمَانَ بْنِ مُوسَى، وَسَمُرَةَ - رَضِيَ اللَّهُ عَنْهُ - مَجْهُولُونَ لَا يُعْرَفُ مَنْ هُمْ، ثُمَّ لَوْ صَحَّ لَمَا كَانَتْ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ: أَنَّ تِلْكَ الصَّدَقَةَ هِيَ الزَّكَاةُ الْمَفْرُوضَةُ؛ بَلْ لَوْ أَرَادَ - عَلَيْهِ السَّلَامُ - بِهَا الزَّكَاةَ الْمَفْرُوضَةَ لَبَيَّنَ وَقْتَهَا وَمِقْدَارَهَا وَكَيْفَ تُخْرَجُ، أَمِنْ أَعْيَانِهَا، أَمْ بِتَقْوِيمٍ، وَبِمَاذَا تُقَوَّمُ؟ وَمِنَ الْمُحَالِ أَنْ يَكُونَ - عَلَيْهِ السَّلَامُ - يُوجِبُ عَلَيْنَا زَكَاةً لَا يُبَيِّنُ كَمْ هِيَ. وَلَا كَيْفَ تُؤْخَذُ. وَهَذِهِ الصَّدَقَةُ لَوْ صَحَّتْ لَكَانَتْ مَوْكُولَةً إِلَى أَصْحَابِ تِلْكَ السِّلَعِ.

L10161–10163 Just as Abdullah ibn Rabi narrated to us, Umar ibn Abd al-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawood narrated to us, Musaddad narrated to us, Mu'awiyah narrated to us from al-A'mash, from Abu Wa'il, from Qays ibn Abi Gharzah, who said: "Passed by us..." The Messenger of Allah—peace and blessings be upon him—said: "O merchants, indeed, selling is attended by frivolous speech and swearing; so mix it with charity."

كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُسَدَّدٌ ثنا مُعَاوِيَةُ عَنْ الْأَعْمَشِ عَنْ أَبِي وَائِلٍ عَنْ «قَيْسِ بْنِ أَبِي غَرْزَةَ قَالَ: مَرَّ بِنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: يَا مَعْشَرَ التُّجَّارِ، إنَّ الْبَيْعَ يَحْضُرُهُ اللَّغْوُ وَالْحَلِفُ، فَشُوبُوهُ بِالصَّدَقَةِ» .

L10164 This is a prescribed charity, not fixed in quantity, but whatever their souls willingly offer. It serves as an expiation for what taints the sale from invalid elements, such as idle talk and oaths.

فَهَذِهِ صَدَقَةٌ مَفْرُوضَةٌ غَيْرُ مَحْدُودَةٍ، لَكِنْ مَا طَابَتْ بِهِ أَنْفُسُهُمْ، وَتَكُونُ كَفَّارَةً لِمَا يَشُوبُ الْبَيْعَ مِمَّا لَا يَصِحُّ مِنْ لَغْوٍ وَحَلِفٍ.

L10165 As for the ḥadīth of ʿUmar, it is not authentic because it is narrated from Abū ʿAmr ibn Ḥamās from his father, and both of them are unknown.

وَأَمَّا حَدِيثُ عُمَرَ؛ فَلَا يَصِحُّ، لِأَنَّهُ عَنْ أَبِي عَمْرِو بْنِ حَمَاسٍ عَنْ أَبِيهِ، وَهُمَا مَجْهُولَانِ.

L10166 It was narrated to us through the chain of ʿAbdullāh ibn Aḥmad ibn Ḥanbal, who said: ʿĀrim ibn al-Faḍl narrated to us, saying: I heard Abū al-Aswad – he being Ḥumayd ibn al-Aswad – state: I mentioned to Mālik ibn Anas the ḥadīth of Ibn Ḥamās concerning merchandise subject to zakāh, narrated from Yaḥyā ibn Saʿīd. Mālik responded: "Yaḥyā is a qammāsh (gatherer of rubbish)." Abū Muḥammad commented: This signifies that he collects qumāsh – meaning refuse – that is, he transmits from individuals of no standing or merit.

رُوِّينَا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: ثنا عَارِمُ بْنُ الْفَضْلِ قَالَ: سَمِعْت أَبَا الْأَسْوَدِ هُوَ حُمَيْدُ بْنُ الْأَسْوَدِ - يَقُولُ: ذَكَرْت لِمَالِكِ بْنِ أَنَسٍ حَدِيثَ ابْنِ حَمَاسٍ فِي الْمَتَاعِ يُزَكَّى، عَنْ يَحْيَى بْنِ سَعِيدٍ. فَقَالَ مَالِكٌ: يَحْيَى قَمَّاشٌ. قَالَ أَبُو مُحَمَّدٍ: مَعْنَاهُ أَنَّهُ يَجْمَعُ الْقُمَاشَ، وَهُوَ الْكُنَاسَةُ: أَيْ يَرْوِي عَمَّنْ لَا قَدْرَ لَهُ وَلَا يَسْتَحِقُّ.

L10167 As for the narration of Abū Qilābah, it is *mursal* because he neither met

ʿUmar due to his mental maturity (at the time) nor by age.

وَأَمَّا حَدِيثُ أَبِي قِلَابَةَ فَمُرْسَلٌ؛ لِأَنَّهُ لَمْ يُدْرِكْ عُمَرَ بِعَقْلِهِ وَلَا بِسِنِّهِ.

L10168 As for the ḥadīth of ʿAbd al-Raḥmān ibn ʿAbd al-Qārī, it contains no proof for their position, because it does not mention that those assets were commercial merchandise. Traders did possess wealth subject to zakāt – including silver, gold, and other such things – and it is impermissible to add to the ḥadīth what is not stated within it, for such an act leads to lying.

وَأَمَّا حَدِيثُ عَبْدِ الرَّحْمَنِ بْنِ عَبْدٍ الْقَارِيِّ فَلَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّهُ لَيْسَ فِيهِ: أَنَّ تِلْكَ الْأَمْوَالَ كَانَتْ عُرُوضًا لِلتِّجَارَةِ وَقَدْ كَانَتْ لِلتُّجَّارِ أَمْوَالٌ تَجِبُ فِيهَا الزَّكَاةُ، مِنْ فِضَّةٍ وَذَهَبٍ وَغَيْرِ ذَلِكَ، وَلَا يَحِلُّ أَنْ يُزَادَ فِي الْخَبَرِ مَا لَيْسَ فِيهِ، فَيَحْصُلُ مِنْ فِعْلِ ذَلِكَ عَلَى الْكَذِبِ.

L10169 As for the narration of Ibn ʿAbbās, it is likewise, and there is no evidence within it to establish the obligation of zakāh on commercial goods. This deviates from his well-known doctrine, which held that zakāh is obligatory on the growth of gold, silver, and livestock at the time of acquisition, and he deemed zakāh due on the price received upon its sale.

وَأَمَّا حَدِيثُ ابْنِ عَبَّاسٍ فَكَذَلِكَ أَيْضًا، وَلَا دَلِيلَ فِيهِ عَلَى إِيجَابِ الزَّكَاةِ فِي عُرُوضِ التِّجَارَةِ، وَهُوَ خَارِجٌ عَلَى مَذْهَبِ ابْنِ عَبَّاسٍ الْمَشْهُورِ عَنْهُ فِي أَنَّهُ كَانَ يَرَى الزَّكَاةَ وَاجِبَةً فِي فَائِدَةِ الذَّهَبِ، وَالْفِضَّةِ، وَالْمَاشِيَةِ حِينَ تُسْتَفَادُ، فَرَأَى الزَّكَاةَ فِي الثَّمَنِ إِذَا بَاعُوهُ.

L10170–10171 Yahya ibn Abd al-Rahman ibn Masʿud narrated to us; Ahmad ibn Saʿid ibn Hazm narrated to us; Muhammad ibn Abd al-Malik ibn Ayman narrated to us; Abdullah ibn Ahmad ibn Hanbal narrated to us, saying: My father narrated from Abd al-Samad al-Tannuri from Hammad from Qatadah from Jabir ibn Zayd Abu al-Shaʿtha' from Ibn Abbas that he said regarding newly acquired wealth: "One must purify it when acquiring it." Ibn Umar said: "Until a full lunar year has elapsed."

حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ سَعِيدِ بْنِ حَزْمٍ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ ثنا أَبِي عَنْ عَبْدِ الصَّمَدِ التَّنُّورِيِّ ثنا حَمَّادٌ ثنا قَتَادَةُ عَنْ جَابِرِ بْنِ زَيْدٍ أَبِي الشَّعْثَاءِ عَنْ ابْنِ عَبَّاسٍ: أَنَّهُ قَالَ فِي الْمَالِ الْمُسْتَفَادِ: يُزَكِّيهِ حِينَ يَسْتَفِيدُهُ، وَقَالَ ابْنُ عُمَرَ: حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ.

L10172 This has been clarified by Ata—he being the foremost among his companions—as we will mention after this, God Almighty willing. As for the narration of Ibn Umar, it is authentic; however, no authoritative evidence can be derived from anyone's statement except the Messenger of God—peace and blessings be upon him. How many rulings have they disagreed with Umar and his son on! Among these are the Maliki transmitted ruling on zakah of honey and the Hanafi ruling on zakah of slaves, along with many other such instances. It is inconceivable that Umar and his son should be an authoritative proof in one matter but not in another.

وَقَدْ بَيَّنَ هَذَا عَطَاءٌ: وَهُوَ أَكْبَرُ أَصْحَابِهِ، عَلَى مَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى. وَأَمَّا خَبَرُ ابْنِ عُمَرَ: فَصَحِيحٌ، إِلَّا أَنَّهُ لَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَكَمْ قَضِيَّةٍ خَالَفُوا فِيهَا عُمَرَ، وَابْنَهُ. مِنْهَا لِلْمَالِكِيِّينَ الرِّوَايَةُ فِي زَكَاةِ الْعَسَلِ، وَلِلْحَنَفِيِّينَ حُكْمُهُ فِي زَكَاةِ الرَّقِيقِ، وَغَيْرِ ذَلِكَ كَثِيرٌ جِدًّا - وَمِنَ الْمُحَالِ أَنْ يَكُونَ عُمَرُ وَابْنُهُ حُجَّةً فِي مَوْضِعٍ دُونَ آخَرَ.

L10173 Moreover, the Hanafis, Malikis, and Shafi'is disagreed with what was reported from Umar and Ibn Umar regarding this very issue. Malik differ-

entiated between the active trader and others, exempting from Zakat those who exchanged one commodity for another so long as no dirham accrued to them. This does not appear in the reports from Umar and his son.

L10174 Al-Shāfiʿī holds that zakāt is not due on profit combined with the principal capital except specifically for money changers, and this opinion is not attributed to ʿUmar or Ibn ʿUmar. All scholars agree that if one inherits trade goods or purchases them for personal use then later intends to trade them, no zakāt is owed on them—even if kept for years—nor on their sale price. However, a new lunar year cycle must commence. This contradicts the positions of ʿUmar and Ibn ʿUmar, thereby invalidating the argument of those who cited them as evidence—may Allah be pleased with both. A conflicting opinion to what is narrated from ʿUmar and Ibn ʿUmar has also been transmitted from other Companions—may Allah be pleased with them.

Ḥammām narrated to us: Ibn Mufarrij narrated to us: Ibn al-Aʿrābī narrated to us: al-Dabarī narrated from ʿAbd al-Razzāq from Ibn Jurayj, who reported: Nāfiʿ al-Khūzī said, "I was seated with ʿAbd al-Raḥmān ibn Nāfiʿ when Ziyād the Gatekeeper approached him and said, 'The Commander of the Faithful—meaning Ibn al-Zubayr—instructs: "Dispatch the zakāt of your wealth."' He rose, produced one hundred dirhams, and said, 'Convey my greetings and tell him: Zakāt applies only to liquid assets.'" Nāfiʿ said, "I later met Ziyād and asked, 'Did you inform him?' He replied, 'Yes.' I inquired, 'What did Ibn al-Zubayr say?' He answered, 'He said: He spoke truthfully.'"

L10175–10176 Ibn Jurayj reported: "Amr ibn Dinar told me: 'I maintain that Zakat is only obligatory on tangible assets.'"

L10177 Ahmad ibn Muhammad ibn al-Jasur narrated to us: Muhammad ibn Isa ibn Rifaʿah narrated to us; Ali ibn Abd al-Aziz narrated to us; Abu Ubayd narrated to us from Ismail ibn Ibrahim, who narrated from Qatan, who said: I passed through Wasit during the time of Umar ibn Abd al-Aziz, and they said: A letter from the Commander of the Faithful was read to us, stating:

وَأَيْضًا: فَإِنَّ الْحَنَفِيِّينَ وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ: خَالَفُوا مَا رُوِيَ عَنْ عُمَرَ، وَابْنِ عُمَرَ فِي هَذِهِ الْمَسْأَلَةِ نَفْسِهَا؛ فَمَالِكٌ فَرَّقَ بَيْنَ الْمُدِيرِ وَغَيْرِ الْمُدِيرِ، وَأَسْقَطَ الزَّكَاةَ عَمَّنْ بَاعَ عَرَضًا بِعَرَضٍ، مَا لَمْ يَنِضَّ لَهُ دِرْهَمٌ، وَلَيْسَ هَذَا فِيمَا رُوِيَ عَنْ عُمَرَ، وَابْنِهِ.

وَالشَّافِعِيُّ: يَرَى أَنْ لَا يُزَكِّيَ الرِّبْحَ مَعَ رَأْسِ الْمَالِ إِلَّا الصَّيَارِفَةُ خَاصَّةً، وَلَيْسَ هَذَا عَنْ عُمَرَ، وَلَا عَنِ ابْنِ عُمَرَ. وَكُلُّهُمْ يَرَى فِيمَنْ وَرِثَ عُرُوضًا أَوْ ابْتَاعَهَا لِلْقُنْيَةِ ثُمَّ نَوَى بِهَا التِّجَارَةَ: أَنَّهَا لَا زَكَاةَ فِيهَا، وَلَوْ بَقِيَتْ عِنْدَهُ سِنِينَ، وَلَا فِي ثَمَنِهَا إِذَا بَاعَهَا، لَكِنْ يَسْتَأْنِفُ حَوْلًا؛ وَهَذَا خِلَافُ عُمَرَ، وَابْنِ عُمَرَ؛ فَبَطَلَ احْتِجَاجُهُمْ بِهِمَا - رَضِيَ اللَّهُ عَنْهُمَا -. وَقَدْ جَاءَ خِلَافُ مَا رُوِيَ عَنْ عُمَرَ، وَابْنِ عُمَرَ عَنْ غَيْرِهِمَا مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ عَنْ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ أَخْبَرَنِي نَافِعٌ الْخُوزِيُّ قَالَ: كُنْتُ جَالِسًا عِنْدَ عَبْدِ الرَّحْمَنِ بْنِ نَافِعٍ إِذْ جَاءَهُ زِيَادٌ الْبَوَّابُ فَقَالَ لَهُ: إِنَّ أَمِيرَ الْمُؤْمِنِينَ - يَعْنِي ابْنَ الزُّبَيْرِ - يَقُولُ: أَرْسِلْ زَكَاةَ مَالِكَ. فَقَامَ فَأَخْرَجَ مِائَةَ دِرْهَمٍ، وَقَالَ لَهُ: اقْرَأْ عَلَيْهِ السَّلَامَ، وَقُلْ لَهُ: إِنَّمَا الزَّكَاةُ فِي النَّاضِّ. قَالَ نَافِعٌ: فَلَقِيتُ زِيَادًا فَقُلْتُ لَهُ: أَبَلَغْتَه. قَالَ: نَعَمْ، قُلْتُ: فَمَاذَا قَالَ ابْنُ الزُّبَيْرِ. فَقَالَ: قَالَ: صَدَقَ.

قَالَ ابْنُ جُرَيْجٍ: وَقَالَ لِي عَمْرُو بْنُ دِينَارٍ: مَا أَرَى الزَّكَاةَ إِلَّا فِي الْعَيْنِ.

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ ثنا إِسْمَاعِيلُ بْنُ إِبْرَاهِيمَ عَنْ قَطَنٍ قَالَ: مَرَرْتُ بِوَاسِطَ زَمَنَ عُمَرَ بْنِ عَبْدِ

الْعَزِيزِ، فَقَالُوا: قُرِئَ عَلَيْنَا كِتَابُ أَمِيرِ الْمُؤْمِنِينَ: أَنْ لَا تَأْخُذُوا مِنْ أَرْبَاحِ التُّجَّارِ شَيْئًا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ.

قَالَ أَبُو عُبَيْدٍ: ثنا مُعَاذٌ عَنْ عَبْدِ اللَّهِ بْنِ عَوْنٍ قَالَ: أَتَيْت الْمَسْجِدَ وَقَدْ قُرِئَ الْكِتَابُ، فَقَالَ صَاحِبٌ لِي: لَوْ شَهِدْت كِتَابَ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ فِي أَرْبَاحِ التُّجَّارِ أَنْ لَا يُعْرَضَ لَهَا حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ. فَهَذَا ابْنُ الزُّبَيْرِ، وَعَبْدُ الرَّحْمَنِ بْنُ نَافِعٍ وَعَمْرُو بْنُ دِينَارٍ، وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَقَدْ رُوِيَ أَيْضًا عَنْ عَائِشَةَ.

وَذَكَرَهُ الشَّافِعِيَّ عَنْ ابْنِ عَبَّاسٍ، وَهُوَ أَحَدُ قَوْلَيْ الشَّافِعِيِّ. قَالَ أَبُو مُحَمَّد: وَحَتَّى لَوْ لَمْ يَأْتِ خِلَافٌ فِي ذَلِكَ لَمَا وَجَبَتْ شَرِيعَةٌ بِغَيْرِ نَصِّ قُرْآنٍ أَوْ سُنَّةٍ ثَابِتَةٍ أَوْ إجْمَاعٍ مُتَيَقَّنٍ لَا يُشَكُّ فِي أَنَّهُ قَالَ بِهِ جَمِيعُ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -. وَقَدْ أَسْقَطَ الْحَنَفِيُّونَ الزَّكَاةَ عَنْ الْإِبِلِ الْمَعْلُوفَةِ وَالْبَقَرِ الْمَعْلُوفَةِ، وَأَمْوَالِ الصِّغَارِ كُلِّهَا إلَّا مَا أَخْرَجَتْ أَرْضُهُمْ. وَأَسْقَطَ الْمَالِكِيُّونَ الزَّكَاةَ عَنْ أَمْوَالِ الْعَبِيدِ، وَالْحُلِيِّ. وَأَسْقَطَهَا الشَّافِعِيُّونَ عَنْ الْحُلِيِّ، وَعَنْ الْمَوَاشِي الْمُسْتَعْمَلَةِ. وَكُلُّ هَذَا خِلَافٌ لِلسُّنَنِ الثَّابِتَةِ بِلَا بُرْهَانٍ.

وَذَكَرُوا الْخَبَرَ الَّذِي مِنْ طَرِيقِ أَبِي هُرَيْرَةَ: «أَنَّ عُمَرَ بَعَثَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُصَدِّقًا فَقَالَ: مَنَعَ الْعَبَّاسُ، وَخَالِدُ بْنُ الْوَلِيدِ، وَابْنُ جَمِيلٍ. فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: إنَّكُمْ تَظْلِمُونَ خَالِدًا، إنَّ خَالِدًا قَدْ احْتَبَسَ أَدْرَاعَهُ وَأَعْتُدَهُ فِي سَبِيلِ اللَّهِ» .

قَالُوا: فَدَلَّ هَذَا عَلَى أَنَّ الزَّكَاةَ طُلِبَتْ مِنْهُ فِي دُرُوعِهِ، وَأَعْبُدِهِ، وَلَا زَكَاةَ فِيهَا إلَّا أَنْ تَكُونَ لِتِجَارَةٍ. قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ فِي الْخَبَرِ لَا نَصٌّ وَلَا دَلِيلٌ وَلَا إشَارَةٌ عَلَى شَيْءٍ مِمَّا

Do not take anything from the traders' profits until a year has passed over them.

L10178 Abu Ubayd said: Mu'adh narrated to us from Abdullah ibn Awn, who said: I came to the mosque after the decree had already been recited. A friend of mine remarked: If you had witnessed the decree of Umar ibn Abd al-Aziz regarding merchants' profits—that they should not be levied until a lunar year has passed over them—[you would know] this is Ibn al-Zubayr, Abd al-Rahman ibn Nafi', Amr ibn Dinar, and Umar ibn Abd al-Aziz. It has also been narrated from Aisha.

L10179 Al-Shafi'i attributed this opinion to Ibn 'Abbas, and it is one of the two positions held by Al-Shafi'i. Abu Muhammad said: Even if there were no disagreement on this matter, no legal ruling could be established except through a Qur'anic text, an authenticated Sunnah, or a consensus that is certain and beyond doubt—one in which all the Companions unanimously concurred, may Allah be pleased with them. The Hanafis exempted stall-fed camels, stall-fed cows, and all property owned by minors from zakah, except what their land produced. The Malikis exempted property owned by slaves and jewelry from zakah. The Shafi'is exempted jewelry and livestock used for labor from zakah. All of this contradicts the established Sunnah without any evidence.

L10180 They mentioned the narration transmitted through Abu Hurairah: "The Messenger of Allah (peace and blessings be upon him) sent 'Umar as a charity collector. 'Umar said: 'Al-Abbas, Khalid ibn al-Walid, and Ibn Jamil withheld [their dues].' The Messenger of Allah (peace and blessings be upon him) responded: 'You are wronging Khalid, for Khalid has indeed set aside his armor and equipment for the cause of Allah.'"

L10181–10182 They said: This indicates that Zakāt was demanded from him regarding his armors and slaves; yet there is no Zakāt due on them unless they are intended for trade. Abū Muḥammad said: The report contains neither an explicit text, nor evidence, nor any indication of what they have claimed. It only states that they wronged Khālid by accusing him of withholding Zakāt

when he had merely dedicated his armors and slaves exclusively for the cause of God. He (peace be upon him) spoke truthfully, for it is inconceivable that a sensible, religious man would spend substantial wealth in voluntary acts yet withhold the lesser amount in obligatory Zakāt. This is the ruling of the ḥadīth. As for applying false assumptions to the Messenger of God (peace and blessings be upon him), it is invalid.

ادَّعَوْهُ، وَإِنَّمَا فِيهِ أَنَّهُمْ ظَلَمُوا خَالِدًا إِذْ نَسَبُوا إِلَيْهِ مَنْعَ الزَّكَاةِ وَهُوَ قَدْ احْتَبَسَ أَدْرَاعَهُ وَأَعْبُدَهُ فِي سَبِيلِ اللَّهِ فَقَطْ، صَدَقَ - عَلَيْهِ السَّلَامُ -، إِذْ مِنَ الْمُحَالِ أَنْ يَكُونَ رَجُلٌ عَاقِلٌ ذُو دِينٍ يُنْفِقُ النَّفَقَةَ الْعَظِيمَةَ فِي التَّطَوُّعِ ثُمَّ يَمْنَعُ الْيَسِيرَ فِي الزَّكَاةِ الْمَفْرُوضَةِ، هَذَا حُكْمُ الْحَدِيثِ، وَأَمَّا إِعْمَالُ الظَّنِّ الْكَاذِبِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَبَاطِلٌ.

L10183 It has been authentically reported from the Messenger of Allah—may Allah's peace and blessings be upon him—evidence indicating that no zakah is due on trade goods. This is based on the authentic narration from the Prophet, may Allah's peace and blessings be upon him, who said: "There is no zakah due on less than five awaq of silver, nor on fewer than five head of camels."

وَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا يَدُلُّ عَلَى أَنْ لَا زَكَاةَ فِي عُرُوضِ التِّجَارَةِ، وَهُوَ أَنَّهُ قَدْ صَحَّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ مِنَ الْوَرِقِ صَدَقَةٌ وَلَا فِيمَا دُونَ خَمْسِ ذَوْدٍ مِنَ الْإِبِلِ صَدَقَةٌ» .

L10184 And that he (peace be upon him) exempted zakāh on fewer than forty sheep, and on less than five wasqs of dates and grains. Thus, whoever mandates zakāh on trade goods effectively extends it to all items he (peace be upon him) exempted from what we have mentioned. It is authentically reported from him (peace be upon him): "A Muslim owes no sadaqah on his slave or horse except sadaqat al-Fiṭr." And that he (peace be upon him) said: "I have exempted sadaqah on horses."

وَأَنَّهُ أَسْقَطَ الزَّكَاةَ عَمَّا دُونَ الْأَرْبَعِينَ مِنَ الْغَنَمِ، وَعَمَّا دُونَ خَمْسَةِ أَوْسُقٍ مِنَ التَّمْرِ وَالْحَبِّ، فَمَنْ أَوْجَبَ زَكَاةً فِي عُرُوضِ التِّجَارَةِ فَإِنَّهُ يُوجِبُهَا فِي كُلِّ مَا نُفِيَ عَنْهُ - عَلَيْهِ السَّلَامُ - الزَّكَاةُ مِمَّا ذَكَرْنَا. وَصَحَّ عَنْهُ - عَلَيْهِ السَّلَامُ - «لَيْسَ عَلَى الْمُسْلِمِ فِي: عَبْدِهِ، وَلَا فَرَسِهِ، صَدَقَةٌ إِلَّا صَدَقَةَ الْفِطْرِ» وَأَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ: «قَدْ عَفَوْتُ عَنْ صَدَقَةِ الْخَيْلِ» .

L10185 And that he (peace be upon him) mentioned the right of Allah, the Exalted, concerning camels, cattle, sheep, and unpaid treasure. He was then asked about horses, and he said: "Horses are three: for one, a reward; for another, a protection; and for another, a burden of sin."

وَأَنَّهُ - عَلَيْهِ السَّلَامُ - ذَكَرَ حَقَّ اللَّهِ تَعَالَى فِي: الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ، وَالْكَنْزِ «فَسُئِلَ عَنِ الْخَيْلِ، فَقَالَ: الْخَيْلُ ثَلَاثَةٌ: هِيَ لِرَجُلٍ أَجْرٌ، وَلِرَجُلٍ سِتْرٌ، وَعَلَى رَجُلٍ وِزْرٌ» .

L10186 He was asked about donkeys, and he replied: "Nothing has been revealed to me regarding them except this unparalleled, comprehensive verse: 'Whoever does a speck's weight of good shall see it' [Az-Zalzalah: 7]."[27]

«فَسُئِلَ عَنِ الْحُمُرِ فَقَالَ: مَا أُنْزِلَ عَلَيَّ فِيهَا شَيْءٌ إِلَّا هَذِهِ الْآيَةَ الْفَاذَّةَ الْجَامِعَةَ: {فَمَنْ يَعْمَلْ مِثْقَالَ ذَرَّةٍ خَيْرًا يَرَهُ} [الزلزلة: ٧] »

L10187–10189 Whoever obligates zakat on trade goods must also obligate it on horses,

[27] **Qur'an references (L10186):** Qur'an 99:7 (Az-Zalzalah).

donkeys, and slaves. The Messenger of Allah—peace be upon him—decisively ruled that there is no zakāt due on any of these except the Fitr charity on slaves. If zakāt had been obligatory on merchandise or any of the mentioned items when intended for trade, he—peace be upon him—would have clarified this without doubt. Since he—peace be upon him—did not clarify it, there is no zakāt due on such goods at all. It is definitively established by consensus that the ruling for all merchandise aligns with the rulings for horses, donkeys, slaves, livestock below the nisāb, and monetary assets below the nisāb.

فَمَنْ أَوْجَبَ الزَّكَاةَ فِي عُرُوضِ التِّجَارَةِ فَإِنَّهُ يُوجِبُهَا فِي الْخَيْلِ، وَالْحَمِيرِ، وَالْعَبِيدِ، وَقَدْ قَطَعَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَنْ لَا زَكَاةَ فِي شَيْءٍ مِنْهَا إِلَّا صَدَقَةُ الْفِطْرِ فِي الرَّقِيقِ؛ فَلَوْ كَانَتْ فِي عُرُوضِ التِّجَارَةِ، أَوْ فِي شَيْءٍ مِمَّا ذُكِرَ - عَلَيْهِ السَّلَامُ - زَكَاةٌ إِذَا كَانَ لِتِجَارَةٍ -: لَبَيَّنَ ذَلِكَ بِلَا شَكٍّ؛ فَإِذْ لَمْ يُبَيِّنْهُ - عَلَيْهِ السَّلَامُ - فَلَا زَكَاةَ فِيهَا أَصْلًا. وَقَدْ صَحَّ الْإِجْمَاعُ الْمُتَيَقَّنُ عَلَى أَنَّ حُكْمَ كُلِّ عَرْضٍ كَحُكْمِ الْخَيْلِ، وَالْحَمِيرِ، وَالرَّقِيقِ، وَمَا دُونَ النِّصَابِ مِنْ الْمَاشِيَةِ، وَالْعَيْنِ.

L10190 Then people differed: some obligated zakat on all such items if intended for trade, while others exempted zakat on all such items, whether for trade or non-trade purposes.

ثُمَّ اخْتَلَفَ النَّاسُ فَمِنْ مُوجِبِ الزَّكَاةِ فِي كُلِّ ذَلِكَ إِذَا كَانَ لِلتِّجَارَةِ، وَمِنْ مَسْقِطٍ لِلزَّكَاةِ فِي كُلِّ ذَلِكَ لِتِجَارَةٍ كَانَتْ أَوْ لِغَيْرِ تِجَارَةٍ.

L10191 It has been established by textual evidence that there is no Zakāt obligation on horses, slaves, donkeys, livestock below the *Nisab* threshold, or gold and silver currency below the *Nisab* threshold. Consensus has been unanimously affirmed that the ruling for every trade commodity corresponds to the ruling for these categories. Thus, the aforementioned consensus confirms that no Zakāt is due on trade commodities. Additionally, consensus holds that there is no Zakāt obligation on trade commodities.

وَصَحَّ بِالنَّصِّ أَنْ لَا زَكَاةَ فِي الْخَيْلِ، وَلَا فِي الرَّقِيقِ، وَلَا فِي الْحَمِيرِ، وَلَا فِيمَا دُونَ النِّصَابِ مِنْ الْمَاشِيَةِ وَالْعَيْنِ؛ وَصَحَّ الْإِجْمَاعُ مِنْ كُلِّ أَحَدٍ عَلَى أَنَّ حُكْمَ كُلِّ عَرَضٍ فِي التِّجَارَةِ كَحُكْمِ هَذِهِ. فَصَحَّ مِنْ ذَلِكَ أَنْ لَا زَكَاةَ فِي عُرُوضِ التِّجَارَةِ بِالْإِجْمَاعِ الْمَذْكُورِ. وَقَدْ صَحَّ الْإِجْمَاعُ أَيْضًا عَلَى أَنَّهُ لَا زَكَاةَ فِي الْعُرُوضِ.

L10192 Then a group of people claimed that if it is for trade, there is zakat in it; this is a claim without evidence.

ثُمَّ ادَّعَى قَوْمٌ أَنَّهَا إِذَا كَانَتْ لِلتِّجَارَةِ فَفِيهَا زَكَاةٌ؛ وَهَذِهِ دَعْوَى بِلَا بُرْهَانٍ.

L10193 The Hanafis, Malikis, and Shafi'is unanimously agreed that one who purchases goods for personal use and later intends to trade them is not obligated to pay zakāh on them. This arbitrary imposition in their ruling—that zakāh becomes obligatory on the proceeds if the goods are sold and the money is then used for trade—lacks any proof.

وَأَجْمَعَ الْحَنَفِيُّونَ وَالْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ: عَلَى أَنَّ مَنْ اشْتَرَى سِلَعًا لِلْقُنْيَةِ ثُمَّ نَوَى بِهَا التِّجَارَةَ فَلَا زَكَاةَ فِيهَا - وَهَذَا تَحَكُّمٌ فِي إيجَابِهِمْ الزَّكَاةَ فِي أَثْمَانِهَا إذَا بِيعَتْ ثُمَّ اُتُّجِرَ بِهَا بِلَا بُرْهَانٍ.

L10194 As for their claim that zakāh applies solely to what appreciates, this is a baseless and self-contradictory assertion, for personal-use goods appreciate in value like trade goods, with no distinction. If they argue that trade goods inherently involve growth, we counter that they equally involve loss. Like-

وَأَمَّا قَوْلُهُمْ: إنَّ الزَّكَاةَ فِيمَا يَنْمِي، فَدَعْوَى كَاذِبَةٌ مُتَنَاقِضَةٌ؛ لِأَنَّ عُرُوضَ الْقُنْيَةِ تَنْمِي قِيمَتُهَا كَعُرُوضِ التِّجَارَةِ وَلَا فَرْقَ. فَإِنْ قَالُوا: الْعُرُوض لِلتِّجَارَةِ فِيهَا النَّمَاءُ. قُلْنَا: وَفِيهَا

wise, donkeys appreciate yet no zakāh is due on them by their own doctrine. Horses appreciate yet the Shāfiʿīs and Mālikīs impose no zakāh on them. Working camels appreciate yet the Ḥanafīs and Shāfiʿīs exempt them from zakāh. Produce from kharāj land appreciates yet the Ḥanafīs deny zakāh on it. Slave holdings appreciate yet the Mālikīs assign no zakāh to them.

أَيْضًا الْحَسَارَةُ، وَكَذَلِكَ الْحَمِيرُ تَنْمَى، وَلَا زَكَاةَ فِيهَا عِنْدَهُمْ، وَالْخَيْلُ تَنْمَى، وَلَا زَكَاةَ فِيهَا عِنْدَ الشَّافِعِيِّينَ، وَالْمَالِكِيِّينَ، وَالْإِبِلُ الْعَوَامِلُ تَنْمَى وَلَا زَكَاةَ فِيهَا عِنْدَ الْحَنَفِيِّينَ، وَالشَّافِعِيِّينَ، وَمَا أُصِيبَ فِي أَرْضِ الْخَرَاجِ يَنْمَى، وَلَا زَكَاةَ فِيهَا عِنْدَ الْحَنَفِيِّينَ، وَأَمْوَالُ الْعَبِيدِ تَنْمَى، وَلَا زَكَاةَ فِيهَا عِنْدَ الْمَالِكِيِّينَ.

L10195–10197 Abu Muhammad said: Their statements and contradictions concerning this issue itself constitute an irrefutable proof that it... It is not from Allah, the Exalted.

قَالَ أَبُو مُحَمَّد: وَأَقْوَالُهُمْ وَاضْطِرَابُهُمْ فِي هَذِهِ الْمَسْأَلَةِ نَفْسِهَا بُرْهَانٌ قَاطِعٌ عَلَى أَنَّهَا لَيْسَتْ مِنْ عِنْدِ اللَّهِ تَعَالَى.

L10198 A group among them stated: "Zakat is due on trade goods as per their intrinsic types." This is the opinion of al-Muzani. Another group said: "No, we evaluate them." Then they differed: Abū Ḥanīfah said: "We evaluate them according to the most cautious approach for the benefit of the poor." Al-Shāfiʿī said: "Rather, one might purchase them using the prevailing currency. If he acquired a commodity in exchange for a commodity, he evaluates it by the currency most commonly used in the region." Mālik said: "Whoever perpetually trades commodities for commodities owes no zakat until he sells them, even for a dirham. When the sale is finalized for him, even for a dirham, he then evaluates his trade goods and pays zakat on them."

فَإِنَّ طَائِفَةً مِنْهُمْ قَالَتْ: تُزَكَّى عُرُوضُ التِّجَارَةِ مِنْ أَعْيَانِهَا. وَهُوَ قَوْلُ الْمُزَنِيِّ. وَطَائِفَةً قَالَتْ: بَلْ نُقَوِّمُهَا ثُمَّ اخْتَلَفُوا: فَقَالَ أَبُو حَنِيفَةَ: نُقَوِّمُهَا بِالْأَحْوَطِ لِلْمَسَاكِينِ. وَقَالَ الشَّافِعِيُّ: بَلْ رُبَّمَا اشْتَرَاهَا بِهِ، فَإِنْ كَانَ اشْتَرَى عَرَضًا بِعَرَضٍ قَوَّمَهُ بِمَا هُوَ الْأَغْلَبُ مِنْ نَقْدِ الْبَلَدِ. وَقَالَ مَالِكٌ: مَنْ بَاعَ عَرْضًا بِعَرْضٍ أَبَدًا فَلَا زَكَاةَ عَلَيْهِ إلَّا حَتَّى يَبِيعَ وَلَوْ بِدِرْهَمٍ، فَإِذَا نَضَّ لَهُ وَلَوْ دِرْهَمٌ قَوَّمَ حِينَئِذٍ عُرُوضَهُ وَزَكَّاهَا.

L10199 If only I knew what the matter with the dirham here is. Truly, this is astonishing.

فَلَيْتَ شِعْرِي مَا شَأْنُ الدِّرْهَمِ هَاهُنَا، إنَّ هَذَا لَعَجَبٌ.

L10200 What if he has nothing but half a dirham, a grain of silver, or a *fals*? How should he act?

فَكَيْفَ إنْ لَمْ يَنِضَّ لَهُ إلَّا نِصْفُ دِرْهَمٍ، أَوْ حَبَّةُ فِضَّةٍ، أَوْ فَلْسٌ؛ كَيْفَ يَصْنَعُ.

L10201 Abu Hanifah and al-Shafiʿi said: He must assess the value and pay Zakat even if he does not possess a dirham that has reached the nisab.

وَقَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ: يُقَوِّمُ وَيُزَكِّي وَإِنْ لَمْ يَنِضَّ لَهُ دِرْهَمٌ.

L10202 Malik said: The manager who buys and sells must evaluate his goods annually and pay zakah. As for the hoarder, no zakah is due on him—even if he withholds his merchandise for years—until he sells it. When he sells it, he must then pay zakah for one year at that time. This is very strange.

وَقَالَ مَالِكٌ: الْمُدِيرُ الَّذِي يَبِيعُ وَيَشْتَرِي يُقَوِّمُ كُلَّ سَنَةٍ وَيُزَكِّي، وَأَمَّا الْمُحْتَكِرُ فَلَا زَكَاةَ عَلَيْهِ - وَلَوْ حَبَسَ عُرُوضَهُ سِنِينَ - إلَّا حَتَّى يَبِيعَ، فَإِذَا بَاعَ زَكَّى حِينَئِذٍ لِسَنَةٍ وَاحِدَةٍ - وَهَذَا عَجَبٌ جِدًّا.

L10203 Abu Hanifa and Al-Shafi'i said: Both are the same; they both assess [their

wealth] every year and discharge Zakat.

وَقَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ: كِلَاهُمَا سَوَاءٌ، يُقَوَّمَانِ كُلَّ سَنَةٍ وَيُزَكِّيَانِ.

L10204 Narrated to us by Hammam, from Abdullah ibn Muhammad ibn Ali, from Abdullah ibn Yunus, from Baqi ibn Makhlad, from Abu Bakr ibn Abi Shaybah, from Muhammad ibn Bakr, from Ibn Jurayj, who said: Ata' said to me: "There is no Zakat on pearls, emeralds, rubies, set gemstones, commercial inventory, or anything not traded."

حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ بْنُ بَكْرٍ عَنِ ابْنِ جُرَيْجٍ قَالَ: قَالَ لِي عَطَاءٌ: لَا صَدَقَةَ فِي لُؤْلُؤٍ، وَلَا فِي زَبَرْجَدٍ، وَلَا يَاقُوتٍ، وَلَا فُصُوصٍ وَلَا عَرَضٍ وَلَا شَيْءٍ لَا يُدَارُ.

L10205 If any of that is circulated in trade, then zakah is due on its price at the time of sale — and this contradicts the view of the scholars cited earlier.

فَإِنْ كَانَ شَيْءٌ مِنْ ذَلِكَ يُدَارُ فَفِيهِ الصَّدَقَةُ فِي ثَمَنِهِ حِينَ يُبَاعُ - وَهَذَا خِلَافُ قَوْلِ مَنْ ذَكَرْنَا.

L10206 And Ash-Shāfiʿī said: "No one adds profit to the capital except currency exchangers, and this is very astonishing."

وَقَالَ الشَّافِعِيُّ: لَا يُضِيفُ الرِّبْحَ إِلَى رَأْسِ الْمَالِ إِلَّا الصَّيَارِفَةُ، وَهَذَا عَجَبٌ جِدًّا.

L10207 Abū Ḥanīfah and Mālik said: Rather, he adds the profit to the principal, even if it was not earned except at that moment, and this too was astonishing.

وَقَالَ أَبُو حَنِيفَةَ، وَمَالِكٌ: بَلْ يُضِيفُ الرِّبْحَ إِلَى رَأْسِ الْمَالِ وَلَوْ لَمْ يَرْبَحْهُ إِلَّا فِي تِلْكَ السَّاعَةِ فَكَانَ هَذَا أَيْضًا عَجَبًا.

L10208–10210 Their statements on this matter are remarkably novel, and there is no evidence in the Quran or Sunnah to establish the validity of any of them. There is neither a sound narration, nor a corrupt narration, nor any statement of a Companion at all. Moreover, most of that has no known proponent before the one who stated it from among them. Allah the Exalted says: *"If you disagree about something, refer it to Allah and the Messenger, if you believe in Allah and the Last Day"* [An-Nisā': 59].[28]

وَأَقْوَالُهُمْ فِي هَذِهِ الْمَسْأَلَةِ طَرِيفَةٌ جِدًّا لَا يَدُلُّ عَلَى صِحَّةِ شَيْءٍ مِنْهَا قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا رِوَايَةٌ فَاسِدَةٌ وَلَا قَوْلُ صَاحِبٍ أَصْلًا، وَأَكْثَرُ ذَلِكَ لَا يُعْرَفُ لَهُ قَائِلٌ قَبْلَ مَنْ قَالَهُ مِنْهُمْ، وَاللَّهُ تَعَالَى يَقُولُ {فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الآخِرِ} [النساء: ٥٩] .

L10211 I wish I knew whether these people traced this disagreement back to the words of Allah the Exalted and the words of His Messenger—may Allah bless him and grant him peace. Have they found in the Quran or the Sunnah any explicit text or evidence supporting these invalid opinions? They all assert: "Whoever buys a commodity for personal use and subsequently intends trade with it incurs no Zakat. If one buys it for trade and then intends personal use, Zakat ceases to be due on it." Thus they sought to ensure the nullification of the Zakat they had imposed due to their ignorance.

فَلَيْتَ شِعْرِي هَلْ رَدَّ هَؤُلَاءِ هَذَا الِاخْتِلَافَ إِلَى كَلَامِ اللَّهِ تَعَالَى وَكَلَامِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَهَلْ وَجَدُوا فِي الْقُرْآنِ وَالسُّنَنِ نَصًّا أَوْ دَلِيلًا عَلَى شَيْءٍ مِنْ هَذِهِ الْأَقْوَالِ الْفَاسِدَةِ. وَكُلُّهُمْ يَقُولُ: مَنِ اشْتَرَى سِلْعَةً لِلْقُنْيَةِ فَنَوَى بِهَا التِّجَارَةَ فَلَا زَكَاةَ فِيهَا، فَإِنِ اشْتَرَاهَا لِلتِّجَارَةِ فَنَوَى بِهَا الْقُنْيَةَ سَقَطَتِ الزَّكَاةُ عَنْهَا؛ فَاحْتَاطُوا لِإِسْقَاطِ الزَّكَاةِ الَّتِي أَوْجَبُوهَا بِجَهْلِهِمْ.

[28] **Qur'an references (L10208):** Qur'an 4:59 (An-Nisa).

L10212 They all said: “Whoever purchases livestock for trade, or cultivates crops for trade, the Zakat on trade goods is waived, and he is liable for the obligatory Zakat. This would have sufficed had they upheld justice upon themselves. Had the Zakat on trade goods been a right ordained by Allah the Exalted, the obligatory Zakat would not have waived it. But Truth prevails over Falsehood.”

وَقَالُوا كُلُّهُمْ: مَنْ اشْتَرَى مَاشِيَةً لِلتِّجَارَةِ، أَوْ زَرَعَ لِلتِّجَارَةِ، فَإِنَّ زَكَاةَ التِّجَارَةِ تَسْقُطُ وَتَلْزَمُهُ الزَّكَاةُ الْمَفْرُوضَةُ، وَكَانَ فِي هَذَا كِفَايَةٌ لَوْ أَنْصَفُوا أَنْفُسَهُمْ، وَلَوْ كَانَتْ زَكَاةُ التِّجَارَةِ حَقًّا مِنْ عِنْدِ اللَّهِ تَعَالَى مَا أَسْقَطَتْهَا الزَّكَاةُ الْمَفْرُوضَةُ، وَلَكِنَّ الْحَقَّ يَغْلِبُ الْبَاطِلَ.

L10213 If they say, “Two zakat obligations cannot apply to the same property,” we reply: “What prevents that? I wish I knew - if Allah, the Exalted, has obligated both, or His Messenger (peace be upon him) [by His command]!”

فَإِنْ قَالُوا: لَا تَجْتَمِعُ زَكَاتَانِ فِي مَالٍ وَاحِدٍ. قُلْنَا: فَمَا الْمَانِعُ مِنْ ذَلِكَ لَيْتَ شِعْرِي إِذَا كَانَ اللَّهُ تَعَالَى قَدْ أَوْجَبَهُمَا جَمِيعًا أَوْ رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

L10214 [Issue: Zakat on Dates, Wheat, and Barley]

[مَسْأَلَةُ زَكَاةُ التَّمْرِ وَالْبُرِّ وَالشَّعِيرِ]

L10215 642 – Issue: There is no zakah due on dates, nor wheat, nor barley until the amount a single person owns of a single type among them reaches five awsuq. A wasq is sixty sa‘s, and a sa‘ is four mudds by the measure of the Prophet, peace be upon him.

٦٤٢ - مَسْأَلَةٌ: وَلَا زَكَاةَ فِي تَمْرٍ، وَلَا بُرٍّ، وَلَا شَعِيرٍ: حَتَّى يَبْلُغَ مَا يُصِيبُهُ الْمَرْءُ الْوَاحِدُ مِنْ الصِّنْفِ الْوَاحِدِ مِنْهَا خَمْسَةَ أَوْسُقٍ، وَالْوَسْقُ سِتُّونَ صَاعًا، وَالصَّاعُ أَرْبَعَةُ أَمْدَادٍ بِمُدِّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10216 The mudd ranges from one and a half ratls to one and a quarter ratls, depending on the density or looseness of the measured substance. The ruling applies equally whether one cultivates the crop on their own land or another’s land - whether through usurpation, a legally valid transaction, or a legally invalid transaction - provided the yield itself is not usurped. This equivalence holds whether the land is kharāj land or ʿushr land.

وَالْمُدُّ مِنْ رَطْلٍ وَنِصْفٍ إلَى رَطْلٍ وَرُبُعٍ عَلَى قَدْرِ رَزَانَةِ الْمُدِّ وَخِفَّتِهِ، وَسَوَاءٌ زَرَعَهُ فِي أَرْضٍ لَهُ أَوْ فِي أَرْضٍ لِغَيْرِهِ بِغَصْبٍ أَوْ بِمُعَامَلَةٍ جَائِزَةٍ، أَوْ غَيْرِ جَائِزَةٍ، إذَا كَانَ النَّذْرُ غَيْرَ مَغْصُوبٍ، سَوَاءٌ أَرْضَ خَرَاجٍ كَانَتْ أَوْ أَرْضَ عُشْرٍ.

L10217–10219 This is the opinion of the majority of scholars, and it is the view held by Mālik, al-Shāfiʿī, Aḥmad, and Abū Sulaymān. Abū Ḥanīfah said: “Zakāh must be paid on produce whether small or large in quantity. If the crop comes from land subject to *kharāj* tax, no Zakāh is due on its yield. If the land is leased, Zakāh becomes the obligation of the landowner, not the cultivator. If the crop is from usurped land, and the landowner is awarded compensation for the damage to the land caused by cultivation, then Zakāh is incumbent upon [text incomplete].” If no obligation is imposed on the landowner, zakat falls upon the cultivator. He said: “A *mudd* equals two *rotl*.” These

وَهَذَا قَوْلُ جُمْهُورِ النَّاسِ، وَبِهِ يَقُولُ: مَالِكٌ، وَالشَّافِعِيُّ، وَأَحْمَدُ، وَأَبُو سُلَيْمَانَ وَقَالَ أَبُو حَنِيفَةَ: يُزَكَّى مَا قَلَّ مِنْ ذَلِكَ وَمَا كَثُرَ، فَإِنْ كَانَ فِي أَرْضِ خَرَاجٍ فَلَا زَكَاةَ فِيمَا أُصِيبَ فِيهَا، فَإِنْ كَانَتْ الْأَرْضُ مُسْتَأْجَرَةً فَالزَّكَاةُ عَلَى رَبِّ الْأَرْضِ لَا عَلَى الزَّارِعِ، فَإِنْ كَانَ فِي أَرْضٍ مَغْصُوبَةٍ، فَإِنْ قُضِيَ لِصَاحِبِ الْأَرْضِ بِمَا نَقَصَهَا الزَّرْعَ فَالزَّكَاةُ عَلَى صَاحِبِ الْأَرْضِ، وَإِنْ لَمْ يُقْضَ لَهُ بِشَيْءٍ فَالزَّكَاةُ عَلَى الزَّارِعِ - قَالَ: وَالْمُدُّ رَطْلَانِ.

are five points wherein he deviated from the truth in this matter. We have already mentioned the statement of Allah's Messenger (peace and blessings be upon him): "No sadaqah is due on grains or fruits amounting to less than five *awsaq*." Abu Hanifah relied on the statement of Allah's Messenger (peace and blessings be upon him): "For crops irrigated by rainwater, one-tenth is owed."

فَهَذِهِ خَمْسَةُ مَوَاضِعَ خَالَفَ فِيهَا الْحَقَّ فِي هَذِهِ الْمَسْأَلَةِ وَقَدْ ذَكَرْنَا قَوْلَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ مِنْ حَبٍّ أَوْ ثَمَرٍ صَدَقَةٌ» . وَتَعَلَّقَ أَبُو حَنِيفَةَ بِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» .

L10220 He erred in this, for he applied this narration and disobeyed the other, and this is impermissible. We have obeyed what is in both narrations in their entirety, while he also contradicted this narration by specifying exceptions, based on his own opinion, to what is watered abundantly by rain—such as sugarcane, firewood, grass, tree leaves—and what is obtained from taxed (kharaj) land, though he did not deem it appropriate to base this exception on the words of Allah's Messenger (peace be upon him).

وَأَخْطَأَ فِي هَذَا، لِأَنَّهُ اسْتَعْمَلَ هَذَا الْخَبَرَ وَعَصَى الْآخَرَ وَهَذَا لَا يَحِلُّ، وَنَحْنُ أَطَعْنَا مَا فِي الْخَبَرَيْنِ جَمِيعًا، وَهُوَ قَدْ خَالَفَ هَذَا الْخَبَرَ أَيْضًا، إذْ خَصَّ مِمَّا سَقَتْ السَّمَاءُ كَثِيرًا بِرَأْيِهِ، كَالْقَصَبِ، وَالْحَطَبِ، وَالْحَشِيشِ، وَوَرَقِ الشَّجَرِ وَمَا أُصِيبَ فِي أَرْضِ الْخَرَاجِ، وَلَمْ يَرَ أَنْ يَخُصَّهُ بِكَلَامِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10221 Moreover, he has been tasked with what is untenable, as we previously mentioned, and he singled out (through his own opinion) those matters that were affected in the courtyards of the houses. These are confusions without parallel.

وَأَيْضًا فَإِنَّهُ كَلَّفَ مِنْ ذَلِكَ مَا لَا يُطَاقُ كَمَا قَدَّمْنَا وَخَصَّ مِنْ ذَلِكَ بِرَأْيِهِ مَا أُصِيبَ فِي عَرَصَاتِ الدُّورِ، وَهَذِهِ تَخَالِيطُ لَا نَظِيرَ لَهَا.

L10222 As for Abū Sulaymān, he said: Whatever can be measured by wasq does not require zakāh until it reaches five wasqs, but whatever cannot be measured by wasq requires zakāh in both small and large quantities. We have previously mentioned the invalidity of this opinion. It is astonishing that Abū Ḥanīfah claims to be a proponent of analogy, yet he does not recognize any item subject to zakāh where it applies to both minor and substantial amounts. Why did he not analogize crops to livestock and gold and silver? Thus, he neither followed the revealed text nor applied analogy consistently.

وَأَمَّا أَبُو سُلَيْمَانَ فَقَالَ: مَا كَانَ يَحْتَمِلُ التَّوْسِيقَ فَلَا زَكَاةَ فِيهِ حَتَّى يَبْلُغَ خَمْسَةَ أَوْسُقٍ، وَمَا كَانَ لَا يَحْتَمِلُ التَّوْسِيقَ فَالزَّكَاةُ فِي قَلِيلِهِ وَكَثِيرِهِ، وَقَدْ ذَكَرْنَا فَسَادَ هَذَا الْقَوْلِ قَبْلُ. وَالْعَجَبُ أَنَّ أَبَا حَنِيفَةَ يَزْعُمُ أَنَّهُ صَاحِبُ قِيَاسٍ، وَهُوَ لَمْ يَرَ فِيمَا يُزَكَّى شَيْئًا قَلِيلُهُ وَكَثِيرُهُ فَهَلَّا قَاسَ الزَّرْعَ عَلَى الْمَاشِيَةِ وَالْعَيْنِ. فَلَا النَّصَّ اتَّبَعَ، وَلَا الْقِيَاسَ طَرَدَ.

L10223 As for the *mudd*, Abū Ḥanīfah and his companions argued this position based on what we have transmitted through the chain of Sharīk ibn ʿAbdullāh the Judge (al-Qāḍī) from ʿAbdullāh ibn ʿĪsā from ʿAbdullāh ibn Jabr from Anas ibn Mālik from the Messenger of Allāh—peace and blessings be upon him: "Two *ratls* suffice for ablution," alongside the authentic report stating that "he—peace and blessings be upon him—performed ablution with a *mudd*." This holds no valid evidence because Sharīk is rejected, being notorious for

وَأَمَّا الْمُدُّ فَإِنَّ أَبَا حَنِيفَةَ وَأَصْحَابَهُ احْتَجُّوا فِي ذَلِكَ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ شَرِيكِ بْنِ عَبْدِ اللَّهِ الْقَاضِي عَنْ عَبْدِ اللَّهِ بْنِ عِيسَى عَنْ عَبْدِ اللَّهِ بْنِ جَبْرٍ عَنْ أَنَسِ بْنِ مَالِكٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «وَيُجْزِئُ فِي الْوُضُوءِ رَطْلَانِ» ، مَعَ الْأَثَرِ الصَّحِيحِ فِي «أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يَتَوَضَّأُ بِالْمُدِّ» . وَهَذَا لَا حُجَّةَ فِيهِ، لِأَنَّ شَرِيكًا

concealing rejected narrations by attributing them to reliable sources. Both Imams ʿAbdullāh ibn al-Mubārak and Yaḥyā ibn Saʿīd al-Qaṭṭān discarded his narrations. By Allāh, may the one against whom they both testified with discreditation never succeed!

مُطَّرِحٌ، مَشْهُورٌ بِتَدْلِيسِ الْمُنْكَرَاتِ إِلَى الثِّقَاتِ، وَقَدْ أَسْقَطَ حَدِيثَهُ الْإِمَامَانِ: عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ وَيَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ، وَتَاللَّهِ لَا أَفْلَحَ مَنْ شَهِدَا عَلَيْهِ بِالْجُرْحَةِ.

L10224–10226 Moreover, if it were valid, their argument would hold no weight, because this does not prove that the *mudd* equals two *ratls*. It has been authenticated that the Messenger of Allah—peace and blessings be upon him—performed ablution with two-thirds of a *mudd*, and there is no disagreement that he—peace be upon him—did not specify a measure of water for it. For ablution with a measured quantity like measured oil—neither increased nor decreased. Furthermore, if this position were valid, there would be nothing in his statement—peace and blessings of Allah be upon him—"Two ratls suffice for ablution" to prevent a lesser amount from sufficing. They themselves are the first to agree with us here, for if someone performs ablution according to them with half a ratl, it suffices—thus invalidating their reliance on this report. They argued using a narration we transmitted through Mūsā al-Juhanī's chain: "I was with Mujāhid when a vessel that holds eight ratls, nine ratls, or ten ratls was brought. He said: ʿĀ'ishah stated, 'Allah's Messenger—peace and blessings of Allah be upon him—used to perform ghusl with an amount like this,'" alongside the established report that "he—peace be upon him—performed ghusl with a ṣāʿ." Abū Muḥammad said: This holds no proof, for Mūsā expressed doubt about whether that vessel held eight to ten ratls, and they do not claim the ṣāʿ exceeds eight ratls by even a fals.

ثُمَّ لَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَا يَدُلُّ ذَلِكَ عَلَى أَنَّ الْمُدَّ رَطْلَانِ، وَقَدْ صَحَّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَوَضَّأَ بِثُلُثَيْ الْمُدِّ» ، وَلَا خِلَافَ فِي أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَكُنْ يُعَيِّرُ لَهُ الْمَاءَ لِلْوُضُوءِ بِكَيْلٍ كَكَيْلِ الزَّيْتِ لَا يَزِيدُ وَلَا يَنْقُصُ. أَيْضًا - فَلَوْ صَحَّ لَمَا كَانَ فِي قَوْلِهِ - عَلَيْهِ السَّلَامُ - «يُجْزِئُ فِي الْوُضُوءِ رَطْلَانِ» مَانِعٌ مِنْ أَنْ يُجْزِئَ أَقَلُّ، وَهُمْ أَوَّلُ مُوَافِقٍ لَنَا فِي هَذَا، فَمَنْ تَوَضَّأَ عِنْدَهُمْ بِنِصْفِ رِطْلٍ أَجْزَأَهُ، فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْأَثَرِ. وَاحْتَجُّوا بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ مُوسَى الْجُهَنِيِّ: كُنْت عِنْدَ مُجَاهِدٍ فَأُتِيَ بِإِنَاءٍ يَسَعُ ثَمَانِيَةَ أَرْطَالٍ تِسْعَةَ أَرْطَالٍ، عَشَرَةَ أَرْطَالٍ، فَقَالَ: قَالَتْ عَائِشَةُ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَغْتَسِلُ بِمِثْلِ هَذَا» مَعَ الْأَثَرِ الثَّابِتِ «أَنَّهُ - عَلَيْهِ السَّلَامُ - كَانَ يَغْتَسِلُ بِالصَّاعِ.» قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ فِيهِ، لِأَنَّ مُوسَى قَدْ شَكَّ فِي ذَلِكَ الْإِنَاءِ مِنْ ثَمَانِيَةِ أَرْطَالٍ إلَى عَشَرَةٍ، وَهُمْ لَا يَقُولُونَ: إنَّ الصَّاعَ يَزِيدُ عَلَى ثَمَانِيَةِ أَرْطَالٍ وَلَا فَلْسًا.

L10227 Furthermore, it has been authentically established that he (peace be upon him) and ʿĀ'ishah (may Allah be pleased with her) both performed ritual bathing using a vessel containing three *mudds*; also using a vessel that was **the** *farq*—the *farq* being twelve *mudds*—also with five *mudds*, and also with five *makkūkiyy*.

وَأَيْضًا - فَقَدْ صَحَّ «أَنَّهُ - عَلَيْهِ السَّلَامُ - اغْتَسَلَ هُوَ وَعَائِشَةُ - رَضِيَ اللَّهُ عَنْهَا - جَمِيعًا مِنْ إنَاءٍ يَسَعُ ثَلَاثَةَ أَمْدَادٍ» ، وَأَيْضًا مِنْ إنَاءٍ هُوَ الْفَرْقُ، وَالْفَرْقُ: اثْنَا عَشَرَ مُدًّا، وَأَيْضًا - بِخَمْسَةِ أَمْدَادٍ، وَأَيْضًا - بِخَمْسَةِ مَكَاكِيَّ.

L10228 All of these narrations are of the utmost authenticity, with a strong, firmly established, and unbroken chain of transmission. The five Makkan *mudd* are equivalent to fifty *mudd*.

وَكُلُّ هَذِهِ الْآثَارِ فِي غَايَةِ الصِّحَّةِ، وَالْإِسْنَادِ الْوَثِيقِ الثَّابِتِ الْمُتَّصِلِ، وَالْخَمْسَةُ مَكَاكِيَّ: خَمْسُونَ مُدًّا.

وَلَا خِلَافَ فِي أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يُعَيِّرْ لَهُ الْمَاءَ لِلْغُسْلِ بِكَيْلٍ كَكَيْلِ الزَّيْتِ، وَلَا تَوَضَّأَ وَاغْتَسَلَ بِإِنَاءَيْنِ مَخْصُوصَيْنِ بَلْ قَدْ تَوَضَّأَ فِي الْحَضَرِ وَالسَّفَرِ بِلَا مُرَاعَاةٍ لِمِقْدَارِ الْمَاءِ.

L10229 There is no disagreement that he—peace be upon him—did not designate a measured amount of water for ghusl, as one would measure oil, nor did he use two specific vessels for ablution or ghusl. Rather, he performed ablution while settled or traveling without regard to the quantity of water.

هُمْ أَوَّلُ مُخَالِفٍ لِهَذَا التَّحْدِيدِ فَلَا يَخْتَلِفُونَ فِي أَنَّ امْرَأً لَوْ اغْتَسَلَ نِصْفَ صَاعٍ لَأَجْزَأَهُ - فَبَطَلَ تَعَلُّقُهُمْ بِهَذِهِ الْآثَارِ الْوَاهِيَةِ.

L10230 They are the first to oppose this specification, for they do not differ that if a person were to perform *ghusl* with half a *ṣāʿ*, it would suffice him. Thus, their reliance on these weak narrations is invalidated.

وَاحْتَجُّوا بِرِوَايَتَيْنِ وَاهِيَتَيْنِ -: إحْدَاهُمَا - مِنْ طَرِيقِ أَحْمَدَ بْنِ يُونُسَ عَنْ زُهَيْرِ بْنِ مُعَاوِيَةَ عَنْ أَبِي إِسْحَاقَ عَنْ رَجُلٍ عَنْ مُوسَى بْنِ طَلْحَةَ: أَنَّ الْقَفِيزَ الْحَجَّاجِيَّ قَفِيزُ عُمَرَ، أَوْ صَاعُ عُمَرَ.

L10231–10233 They cited two tenuous narrations: One of them is narrated through the chain of Ahmad ibn Yunus from Zuhayr ibn Muʿawiyah, from Abu Ishaq, from a man, from Musa ibn Talhah: that Hajjaj's qafiz is Umar's qafiz or Umar's saʿ.

وَالْأُخْرَى - مِنْ طَرِيقِ مُجَالِدٍ عَنْ الشَّعْبِيِّ قَالَ: الْقَفِيزُ الْحَجَّاجِيُّ - صَاعُ عُمَرَ.

L10234 And the other [narration]—via Mujālid's chain from al-Shaʿbī, who said: "Al-Ḥajjāj's qafīz is ʿUmar's standardized ṣāʿ."

وَبِرِوَايَةٍ عَنْ إبْرَاهِيمَ: عَيَّرْنَا صَاعَ عُمَرَ فَوَجَدْنَاهُ حَجَّاجِيًّا.

L10235 And in a narration from Ibrāhīm: We compared the ṣāʿ of ʿUmar and found that it matched the Ḥajjājī standard (the measure standardized by al-Ḥajjāj ibn Yūsuf).

وَبِرِوَايَةٍ عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ الْحَكَمِ عَنْ إبْرَاهِيمَ «كَانَ صَاعُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثَمَانِيَةَ أَرْطَالٍ، وَمُدُّهُ رَطْلَيْنِ» .

L10236 In a narration from Al-Ḥajjāj ibn Arṭāh, from Al-Ḥakam, from Ibrāhīm: "The *ṣāʿ* of the Messenger of Allah (peace be upon him) was eight ratls, and his *mudd* was two ratls."

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّهُ سَوَاءٌ، وُجُودُهُ وَعَدَمُهُ. أَمَّا حَدِيثُ مُوسَى بْنِ طَلْحَةَ فَبَيْنَ أَبِي إِسْحَاقَ وَبَيْنَهُ مَنْ لَا يُدْرَى مَنْ هُوَ، وَمُجَالِدٌ ضَعِيفٌ، أَوَّلُ مَنْ ضَعَّفَهُ أَبُو حَنِيفَةَ، وَإِبْرَاهِيمُ لَمْ يُدْرِكْ عُمَرَ. ثُمَّ لَوْ صَحَّ كُلُّ ذَلِكَ لَمَا انْتَفَعُوا بِهِ؛ لِأَنَّنَا لَمْ نُنَازِعْهُمْ فِي صَاعِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - وَلَا فِي قَفِيزِهِ، إنَّمَا نَازَعْنَاهُمْ فِي صَاعِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَسْنَا نَدْفَعُ أَنْ يَكُونَ لِعُمَرَ: صَاعٌ، وَقَفِيزٌ، وَمُدٌّ. رَتَّبَهُ لِأَهْلِ الْعِرَاقِ لِنَفَقَاتِهِمْ وَأَرْزَاقِهِمْ،

L10237 Abū Muḥammad said: All of this is the same, whether existing or non-existent. As for the ḥadīth of Mūsā ibn Ṭalḥah, there is an unidentified narrator between Abū Isḥāq and him. Mujālid is weak—Abū Ḥanīfah was the first to criticize him—and Ibrāhīm did not meet ʿUmar. Even if all that were sound, it would not benefit them, for we do not contest them regarding ʿUmar's (may Allah be pleased with him) ṣāʿ nor his qafīz. We only dispute them regarding the Prophet's ṣāʿ (peace and blessings of Allah be upon him), and we do not reject the possibility that ʿUmar could have had a ṣāʿ, a qafīz, and a mudd. He organized it for the people of Iraq for their expenditures and livelihoods, as in Egypt with the wiba and irdab, and in the Levant with

the mudd. Similarly, Marwān had a mudd he devised in Medina, and Hishām ibn Ismāʿīl had a mudd he devised. None of that constitutes valid evidence for anything.

كَمَا بِمِصْرَ الْوَيْبَةُ وَالْإِرْدَبُّ، وَبِالشَّامِ الْمُدُّ وَكَمَا كَانَ لِمَرْوَانَ بِالْمَدِينَةِ مُدٌّ اخْتَرَعَهُ، وَلِهِشَامِ بْنِ إِسْمَاعِيلَ مُدٌّ اخْتَرَعَهُ، وَلَا حُجَّةَ فِي شَيْءٍ مِنْ ذَلِكَ.

L10238 As for Ibrāhīm's statement regarding the Prophet's *ṣāʿ* and *mudd*—may Allah bless him and grant him peace—the statement of Ibrāhīm and that of Abū Ḥanīfah are equivalent in status: they are rejected when they contradict the sound ruling.

وَأَمَّا قَوْلُ إِبْرَاهِيمَ فِي صَاعِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمُدِّهِ: فَقَوْلُ إِبْرَاهِيمَ، وَقَوْلُ أَبِي حَنِيفَةَ سَوَاءٌ فِي الرَّغْبَةِ عَنْهُمَا إِذَا خَالَفَا الصَّوَابَ.

L10239–10241 It has been narrated to us through the chain of transmission via al-Bukhārī: ʿUthmān ibn Abī Shaybah narrated to us, al-Qāsim ibn Mālik al-Muzanī narrated to us, al-Juʿayd ibn ʿAbd al-Raḥmān narrated to us from al-Sā'ib ibn Yazīd, who said: "The ṣāʿ during the time of the Messenger of Allah (peace and blessings be upon him) was equivalent to one mudd plus a third according to your present-day mudd. It was then increased in it during the era of ʿUmar ibn ʿAbd al-ʿAzīz." It has also been narrated to us from Mālik that he stated concerning the measurement of Zakāt al-Fiṭr using the lesser mudd—the mudd of the Messenger of Allah (peace and blessings be upon him). And from him also regarding the zakah of grains and olives with the first sa'—the sa' of the Messenger of Allah, peace and blessings be upon him. From Malik's narration via Nafi', he said: Ibn 'Umar used to give the zakah al-fitr from Ramadan using the first mudd—the mudd of the Messenger of Allah. Thus, it was established that in Medina there existed a sa' and a mudd distinct from the Prophet's sa' and mudd. If the sa' of 'Umar ibn al-Khattab had been the same as the Prophet's sa', it would not have been attributed to 'Umar at all, instead of being attributed to Abu Bakr, nor would it have been attributed to Abu Bakr instead of being traced back to the Messenger of Allah. Thus, it is conclusively established that Hisham's mudd was standardized by Hisham, and that 'Umar's sa' was standardized by 'Umar.

وَقَدْ رُوِّينَا مِنْ طَرِيقِ الْبُخَارِيِّ: ثنا عُثْمَانُ بْنُ أَبِي شَيْبَةَ ثنا الْقَاسِمُ بْنُ مَالِكٍ الْمُزَنِيّ ثنا الْجُعَيْدُ بْنُ عَبْدِ الرَّحْمَنِ عَنْ السَّائِبِ بْنِ يَزِيدَ قَالَ «كَانَ الصَّاعُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُدًّا وَثُلُثًا بِمُدِّكُمْ الْيَوْمَ، فَزِيدَ فِيهِ فِي زَمَنِ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ» وَرُوِّينَا عَنْ مَالِكٍ أَنَّهُ قَالَ فِي مَكِيلَةِ زَكَاةِ الْفِطْرِ بِالْمُدِّ الْأَصْغَرِ مُدُّ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَعَنْهُ أَيْضًا فِي زَكَاةِ الْحُبُوبِ وَالزَّيْتُونِ بِالصَّاعِ الْأَوَّلِ صَاعِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَمِنْ طَرِيقِ مَالِكٍ عَنْ نَافِعٍ قَالَ: كَانَ ابْنُ عُمَرَ يُعْطِي زَكَاةَ الْفِطْرِ مِنْ رَمَضَانَ بِمُدِّ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُدِّ الْأَوَّلِ فَصَحَّ أَنَّ بِالْمَدِينَةِ صَاعًا، وَمُدًّا غَيْرَ مُدِّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَلَوْ كَانَ صَاعُ عُمَرَ بْنِ الْخَطَّابِ هُوَ صَاعُ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَا نُسِبَ إلَى عُمَرَ أَصْلًا دُونَ أَنْ يُنْسَبَ إلَى أَبِي بَكْرٍ، وَلَا إلَى أَبِي بَكْرٍ أَيْضًا دُونَ أَنْ يُضَافَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَصَحَّ بِلَا شَكٍّ أَنَّ مُدَّ هِشَامٍ إنَّمَا رَتَّبَهُ هِشَامٌ، وَأَنَّ صَاعَ عُمَرَ إنَّمَا رَتَّبَهُ عُمَرُ.

L10242 This is the case if it is confirmed that there was a ṣāʿ there called "the ṣāʿ of 'Umar," for indeed the ṣāʿ and the mudd of the Messenger of Allah—peace and blessings be upon him—are ascribed to him and not to others, remaining in accordance with his original measure.

هَذَا إنْ صَحَّ أَنَّهُ كَانَ هُنَالِكَ صَاعٌ يُقَالُ لَهُ " صَاعُ عُمَرَ " فَإِنَّ صَاعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمُدَّهُ مَنْسُوبَانِ إلَيْهِ لَا إلَى غَيْرِهِ، بَاقِيَانِ بِحَسَبِهِمَا.

L10243 As for the true nature of the Ḥajjājī ṣāʿ upon which they relied, we have transmitted through the chain of Ismāʿīl ibn Isḥāq from Musaddad from al-Muʿtamir ibn Sulaymān from al-Ḥajjāj ibn Arṭāh, who said: "One who heard al-Ḥajjāj ibn Yūsuf related to me that he said: 'This ṣāʿ of mine is the ṣāʿ of ʿUmar. An elderly woman in Medina gave it to me.'" If they argue using the narration of al-Ḥajjāj ibn Arṭāh from Ibrāhīm, then this very narration of his is proof against them. This constitutes the foundational basis of al-Ḥajjāj's ṣāʿ. Therefore, may no abundance be granted, no goodness exist, nor blessing be bestowed upon al-Ḥajjāj or his ṣāʿ.

وَأَمَّا حَقِيقَةُ الصَّاعِ الْحَجَّاجِيِّ الَّذِي عَوَّلُوا عَلَيْهِ فَإِنَّنَا رُوِّينَا مِنْ طَرِيقِ إِسْمَاعِيلَ بْنِ إِسْحَاقَ عَنْ مُسَدَّدٍ عَنْ الْمُعْتَمِرِ بْنِ سُلَيْمَانَ عَنْ الْحَجَّاجِ بْنِ أَرْطَاةَ قَالَ: حَدَّثَنِي مَنْ سَمِعَ الْحَجَّاجَ بْنَ يُوسُفَ يَقُولُ: صَاعِي هَذَا صَاعُ عُمَرَ أَعْطَتْنِيهِ عَجُوزٌ بِالْمَدِينَةِ. فَإِنْ احْتَجُّوا بِرِوَايَةِ الْحَجَّاجِ بْنِ أَرْطَاةَ عَنْ إبْرَاهِيمَ فَرِوَايَتُهُ هَذِهِ حُجَّةٌ عَلَيْهِمْ، وَهَذَا أَصْلُ صَاعِ الْحَجَّاجِ، فَلَا كَثُرَ وَلَا طِيبَ وَلَا بُورِكَ فِي الْحَجَّاجِ وَلَا فِي صَاعِهِ.

L10244 We have been narrated through the chain of Abū Bakr ibn Abī Shaybah: He narrated to us Jarīr—that is, Ibn ʿAbd al-Ḥumayd—from Yazīd—that is, Ibn Ziyād—from ʿAbd al-Raḥmān ibn Abī Laylā, who said: "The ṣāʿ exceeds the measure instituted by al-Ḥajjāj by one mikyāl. Thus, the false pretense they disguised is nullified, and it is incumbent to revert to what has been authentically established from the Prophet—peace and blessings of Allah be upon him."

وَرُوِّينَا مِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحُمَيْدِ - عَنْ يَزِيدَ هُوَ ابْنُ زِيَادٍ - عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي لَيْلَى قَالَ: الصَّاعُ يَزِيدُ عَلَى الْحَجَّاجِيِّ مِكْيَالًا. فَبَطَلَ مَا مَوَّهُوا بِهِ مِنْ الْبَاطِلِ وَوَجَبَ الرُّجُوعُ إلَى مَا صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10245–10247 Just as ʿAbdullāh ibn Rabīʿ narrated to us, Muḥammad ibn Muʿāwiyah narrated to us, Aḥmad ibn Shuʿayb narrated to us: I am Isḥāq—he is Ibn Rāhwayh—and Muḥammad ibn Ismāʿīl ibn ʿUlayyah. Isḥāq said from al-Mulāʾī, while Ibn ʿUlayyah said: Abū Nuʿaym—that is al-Faḍl ibn Dukayn—narrated to us. Both Isḥāq and Ibn ʿUlayyah narrated from Sufyān al-Thawrī, from Ḥanẓalah ibn Abī Sufyān al-Jumaḥī, from Ṭāwūs, from Ibn ʿUmar, who said: The Messenger of Allāh (peace and blessings of Allāh be upon him) said: "The measuring standard follows the measure of the people of..." "Medina, and the [legal] measure conforms to the standard used by the people of Makkah."[29]

كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إِسْحَاقُ هُوَ ابْنُ رَاهْوَيْهِ - وَمُحَمَّدُ بْنُ إسْمَاعِيلَ بْنِ عُلَيَّةَ، قَالَ إِسْحَاقُ عَنْ الْمُلَائِيِّ وَقَالَ ابْنُ عُلَيَّةَ: ثنا أَبُو نُعَيْمٍ هُوَ الْفَضْلُ بْنُ دُكَيْنٍ - كِلَاهُمَا عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَنْظَلَةَ بْنِ أَبِي سُفْيَانَ الْجُمَحِيِّ عَنْ طَاوُسٍ عَنْ ابْنِ عُمَرَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «الْمِكْيَالُ عَلَى مِكْيَالِ أَهْلِ الْمَدِينَةِ، وَالْوَزْنُ عَلَى وَزْنِ أَهْلِ مَكَّةَ» .

L10248 It was not possible for anyone to deviate from the measure of the people of Medina and its quantity according to them, nor from the weights of the people of Mecca. We found the people of Medina unanimous—"no two among them disagree"—that the *mudd* of the Messenger of Allah (peace and blessings be upon him), by which alms are given, is no more than one and a half *ratl* and no less than one and a quarter *ratl*.

فَلَمْ يَسَعْ أَحَدًا الْخُرُوجُ عَنْ مِكْيَالِ أَهْلِ الْمَدِينَةِ وَمِقْدَارِهِ عِنْدَهُمْ، وَلَا عَنْ مَوَازِينِ أَهْلِ مَكَّةَ، وَوَجَدْنَا أَهْلَ الْمَدِينَةِ " لَا يَخْتَلِفُ مِنْهُمْ اثْنَانِ فِي أَنَّ مُدَّ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي بِهِ تُؤَدَّى الصَّدَقَاتُ لَيْسَ أَكْثَرَ مِنْ رَطْلٍ وَنِصْفٍ، وَلَا أَقَلَّ مِنْ رَطْلٍ وَرُبْعٍ ".

[29] **Hadith references (L10245):** Sunan an-Nasai 4594.

وَقَالَ بَعْضُهُمْ: رَطْلٌ وَثُلُثٌ، وَلَيْسَ هَذَا اخْتِلَافًا، لَكِنَّهُ عَلَى حَسَبِ رَزَانَةِ الْمَكِيلِ مِنْ الْبُرِّ، وَالتَّمْرِ، وَالشَّعِيرِ -: حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ عَنْ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ هِشَامِ بْنِ عُرْوَةَ «أَنَّ مُدَّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي كَانَ يَأْخُذُ بِهِ الصَّدَقَاتِ: رَطْلٌ وَنِصْفٌ» .

L10249 Some of them said: a *ratl* and a third, and this is not a difference; rather, it is based on the weight of the measured quantities of wheat, dates, and barley. Hammam narrated to us from Ibn Mufarrij from Ibn al-Aʿrabī from al-Dabarī from ʿAbd al-Razzāq from Ibn Jurayj from Hishām ibn ʿUrwah: “Indeed, the *mudd* of the Prophet—may Allah bless him and grant him peace—by which he used to collect the alms was a *ratl* and a half.”

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد عَنْ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: صَاعُ ابْنِ أَبِي ذِئْبٍ خَمْسَةُ أَرْطَالٍ وَثُلُثٌ.

L10250 Abdullah ibn Rabiʿ narrated to us; Muhammad ibn Ishaq ibn as-Sulaimi narrated to us; Ibn al-Aʿrābī narrated to us; Abu Dawud reported from Ahmad ibn Hanbal, who said: The *ṣāʿ* of Ibn Abi Dhiʾb is five *arṭāl* and a third.

قَالَ أَبُو دَاوُد: وَهُوَ صَاعُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10251 Abu Dawud said: And it is the ṣaʿ of the Messenger of Allah—peace be upon him—.

حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ حَنْبَلٍ قَالَ: ذَكَرَ أَبِي أَنَّهُ عَيَّرَ مُدَّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْحِنْطَةِ فَوَجَدَهَا رَطْلًا وَثُلُثًا فِي الْبُرِّ، قَالَ: وَلَا يَبْلُغُ مِنْ التَّمْرِ هَذَا الْمِقْدَارُ -: حَدَّثَنَا يَحْيَى بْنُ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودٍ ثنا أَحْمَدُ بْنُ دُحَيْمٍ ثنا إِبْرَاهِيمُ بْنُ حَمَّادٍ ثنا إِسْمَاعِيلُ بْنُ إِسْحَاقَ قَالَ: دَفَعَ إِلَيْنَا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ الْمُدَّ، وَقَالَ هَذَا مُدُّ مَالِكٍ، وَهُوَ عَلَى مِثَالِ مُدِّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَهَبْت بِهِ إِلَى السُّوقِ، وَخُرِطَ لِي عَلَيْهِ مُدٌّ وَحَمَلْته مَعِي إِلَى الْبَصْرَةِ، فَوَجَدْته نِصْفَ كَيْلَجَةٍ بِكَيْلَجَةِ الْبَصْرَةِ، يَزِيدُ عَلَى كَيْلَجَةِ الْبَصْرَةِ شَيْئًا يَسِيرًا خَفِيفًا، إِنَّمَا هُوَ شَبِيهٌ بِالرُّجْحَانِ الَّذِي لَا يَقَعُ عَلَيْهِ جُزْءٌ مِنْ الْأَجْزَاءِ، وَنِصْفُ كَيْلَجَةِ الْبَصْرَةِ هُوَ رُبْعُ كَيْلَجَةِ بَغْدَادَ - فَالْمُدُّ: رُبْعُ الصَّاعِ، وَالصَّاعُ مِقْدَارُ كَيْلَجَةٍ بَغْدَادِيَّةٍ يَزِيدُ الصَّاعُ عَلَيْهَا شَيْئًا يَسِيرًا.

L10252–10254 Hummam narrated to us: Abbas ibn Asbagh narrated to us: Muhammad ibn Abd al-Malik ibn Ayman narrated to us: Abdullah ibn Ahmad ibn Hanbal said: My father mentioned that he measured the Prophet’s *mudd* (peace be upon him) with wheat and found it equivalent to one *ratl* and a third in wheat. He said: “This measure does not attain the same quantity when used for dates.”

Yahya ibn Abd al-Rahman ibn Masʿud narrated to us: Ahmad ibn Duhaym narrated to us: Ibrahim ibn Hammad narrated to us: Ismaʿil ibn Ishaq said: Ismaʿil ibn Abi Uways handed us the *mudd* and said: “This is Malik’s *mudd*, corresponding to the *mudd* of the Prophet (peace be upon him).” I took it to the market, had a *mudd* portioned out for me, and carried it to Basra. There I found it equal to half of Basra’s *kaylajah* by their standard measurement, though it slightly exceeded their actual *kaylajah* in quantity. Slight; it is merely akin to an evidentiary preponderance to which no part applies. Half of Basra’s kaylajah equals a quarter of Baghdad’s kaylajah. Hence, the mudd is a quarter of the saʿ, and the saʿ corresponds to a Baghdad kaylajah but exceeds it by a small amount.

L10255 Abu Muhammad said: A mudd was calibrated for me according to the verified inherited measurement preserved by the household of Abdullah ibn Ali

al-Baji. It remains with the eldest among them, never leaves their residence. I bring it to my trusted associate whom I entrusted with this task: Ali ibn Abdullah ibn Ahmad ibn Abdullah ibn Ali, the aforementioned, who mentioned that this was the mudd of his father, grandfather, and great-grandfather. He took it and calibrated it against the mudd of Ahmad ibn Khalid. Ahmad ibn Khalid informed him that he had calibrated it against the mudd of Yahya ibn Yahya, which Yahya's son Ubaydullah ibn Yahya had given him. Yahya had calibrated it according to Malik's mudd. I do not doubt that Ahmad ibn Khalid also verified it against the mudd of Muhammad ibn Waddah, which Muhammad ibn Waddah himself had certified in Medina.

قَالَ أَبُو مُحَمَّدٍ: وَخُرِطَ لِي مُدٌّ عَلَى تَحْقِيقِ الْمُدِّ الْمُتَوَارَثِ عِنْدَ آلِ عَبْدِ اللَّهِ بْنِ عَلِيٍّ الْبَاجِيِّ، وَهُوَ عِنْدَ أَكْبَرِهِمْ لَا يُفَارِقُ دَارِهِ، أُخْرِجُهُ إِلَى ثِقَتِي الَّذِي كَلَّفْته ذَلِكَ: عَلِيُّ بْنُ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ عَبْدِ اللَّهِ بْنِ عَلِيٍّ الْمَذْكُورِ وَذَكَرَ أَنَّهُ مُدُّ أَبِيهِ وَجَدِّهِ وَأَبِي جَدِّهِ أَخَذَهُ وَخَرَطَهُ عَلَى مُدِّ أَحْمَدَ بْنِ خَالِدٍ، وَأَخْبَرَهُ أَحْمَدُ بْنُ خَالِدٍ أَنَّهُ خَرَطَهُ عَلَى مُدِّ يَحْيَى بْنِ يَحْيَى، الَّذِي أَعْطَاهُ إِيَّاهُ ابْنُهُ عُبَيْدُ اللَّهِ بْنُ يَحْيَى بْنِ يَحْيَى، وَخَرَطَهُ يَحْيَى عَلَى مُدِّ مَالِكٍ، وَلَا أَشُكُّ أَنَّ أَحْمَدَ بْنَ خَالِدٍ صَحَّحَهُ أَيْضًا عَلَى مُدِّ مُحَمَّدِ بْنِ وَضَّاحٍ الَّذِي صَحَّحَهُ ابْنُ وَضَّاحٍ بِالْمَدِينَةِ.

L10256 Abu Muhammad said: Then I measured it with good wheat and weighed it, and she found it to be one and a half *ratl*s by the *fulfuli*, not even a single grain more. I measured it against barley – though it was not good – and I found it to be one *ratl* plus half an *uqiyyah*.

قَالَ أَبُو مُحَمَّدٍ: ثُمَّ كِلْته بِالْقَمْحِ الطَّيِّبِ، ثُمَّ وَزَنْته فَوَجَدْتُهُ رَطْلًا وَاحِدًا وَنِصْفَ رَطْلٍ بِالْفُلْفُلِيِّ، لَا يَزِيدُ حَبَّةً، وَكِلْته بِالشَّعِيرِ، إِلَّا أَنَّهُ لَمْ يَكُنْ بِالطَّيِّبِ، فَوَجَدْتُهُ رَطْلًا وَاحِدًا وَنِصْفَ أُوقِيَّةً.

L10257 Abū Muḥammad said: This is a matter widely recognized in Medina, transmitted collectively by all—their young and old, the righteous and the corrupt, the knowledgeable and the ignorant, free women and enslaved women—just as the people of Mecca transmitted the location of al-Ṣafā and al-Marwah. To challenge the people of Medina regarding their ṣāʿ and mudd is like challenging the people of Mecca regarding the location of al-Ṣafā and al-Marwah, with no distinction. It resembles one who challenges the people of Medina regarding the grave, the pulpit, and al-Baqīʿ. This constitutes a departure from religious integrity and rationality.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا أَمْرٌ مَشْهُورٌ بِالْمَدِينَةِ مَنْقُولٌ نَقْلَ الْكَافَّةِ صَغِيرِهِمْ وَكَبِيرِهِمْ، وَصَالِحِهِمْ وَطَالِحِهِمْ، وَعَالِمِهِمْ وَجَاهِلِهِمْ، وَحَرَائِرِهِمْ وَإِمَائِهِمْ، كَمَا نَقَلَ أَهْلُ مَكَّةَ مَوْضِعَ الصَّفَا، وَالْمَرْوَةِ، وَالِاعْتِرَاضُ عَلَى أَهْلِ الْمَدِينَةِ فِي صَاعِهِمْ وَمُدِّهِمْ كَالْمُعْتَرِضِ عَلَى أَهْلِ مَكَّةَ فِي مَوْضِعِ الصَّفَا وَالْمَرْوَةِ وَلَا فَرْقَ، وَكَمَنْ يَعْتَرِضُ عَلَى أَهْلِ الْمَدِينَةِ فِي الْقَبْرِ وَالْمِنْبَرِ وَالْبَقِيعِ، وَهَذَا خُرُوجٌ عَنْ الدِّيَانَةِ وَالْمَعْقُولِ.

L10258 Abū Muḥammad said: I consulted all those I trusted for their expertise, and all unanimously agreed that the weight of a gold dinar in Mecca is eighty-two grains and three-tenths of a grain measured by unrestricted barley grains. The dirham equals seven-tenths of a mithqāl. Thus, the Meccan dirham weighs fifty-seven grains and six-tenths and one-tenth of a grain measured by unrestricted barley grains. Therefore, the raṭl amounts to one hundred twenty-eight dirhams according to the aforementioned dirham.

قَالَ أَبُو مُحَمَّدٍ: وَبَحَثْت أَنَا غَايَةَ الْبَحْثِ عِنْدَ كُلِّ مَنْ وَثِقْت بِتَمْيِيزِهِ، فَكُلٌّ اتَّفَقَ لِي عَلَى أَنَّ دِينَارَ الذَّهَبِ بِمَكَّةَ وَزْنُهُ: اثْنَانِ وَثَمَانُونَ حَبَّةً وَثَلَاثَةُ أَعْشَارِ حَبَّةٍ بِالْحَبِّ مِنْ الشَّعِيرِ الْمُطْلَقِ، وَالدِّرْهَمَ سَبْعَةُ أَعْشَارِ الْمِثْقَالِ، فَوَزْنُ الدِّرْهَمِ الْمَكِّيِّ سَبْعٌ وَخَمْسُونَ حَبَّةً وَسِتَّةُ

أَعْشَارِ حَبَّةٍ وَعُشْرُ حَبَّةٍ، فَالرَّطْلُ مِائَةُ دِرْهَمٍ وَاحِدَةٍ وَثَمَانِيَةٌ وَعِشْرُونَ دِرْهَمًا بِالدِّرْهَمِ الْمَذْكُورِ.

L10259 And indeed, Abū Yūsuf returned to the truth on this issue when he entered Medina and ascertained the provisions of its people.

وَقَدْ رَجَعَ أَبُو يُوسُفَ إِلَى الْحَقِّ فِي هَذِهِ الْمَسْأَلَةِ إِذْ دَخَلَ الْمَدِينَةَ وَوَقَفَ عَلَى أَمْدَادِ أَهْلِهَا.

L10260–10261 Some of them have misrepresented by asserting that the term al-wasq was so named solely because it derives etymologically from the camel's load.

وَقَدْ مَوَّهَ بَعْضُهُمْ بِأَنَّهُ إِنَّمَا سُمِّيَ الْوَسْقُ، لِأَنَّهُ مِنْ وَسْقِ الْبَعِيرِ.

L10262 Abu Muhammad said: This is utterly bizarre in its absurdity, and I wish I knew who could possibly do such a thing. Why did he not say: because it is the wasq of a donkey? Furthermore, the wasq he referred to is, according to their view, sixteen quarters (rub') by al-Qurtubi's measure, while a camel's load exceeds this amount by nearly half again.

قَالَ أَبُو مُحَمَّد: وَهَذَا طَرِيفٌ فِي الْهُوجِ جِدًّا وَلَيْتَ شِعْرِي مَنْ لَهُ بِذَلِكَ وَهَلَّا قَالَ: لِأَنَّهُ وَسْقُ الْحِمَارِ، ثُمَّ أَيْضًا - فَإِنَّ الْوِسْقَ الَّذِي أَشَارَ إِلَيْهِ هُوَ عِنْدَهُمْ: سِتَّةَ عَشَرَ رُبْعًا بِالْقُرْطُبِيِّ، وَحِمْلُ الْبَعِيرِ أَكْثَرُ مِنْ هَذَا الْمِقْدَارِ بِنَحْوِ نِصْفِهِ.

L10263 As for their exemption of zakat from wheat, dates, and barley harvested from kharaj land, this constitutes a deeply reprehensible and gravely untenable assertion.

وَأَمَّا إِسْقَاطُهُمْ الزَّكَاةَ عَمَّا أُصِيبَ فِي أَرْضِ الْخَرَاجِ مِنْ بُرٍّ، وَتَمْرٍ، وَشَعِيرٍ؛ فَفَاحِشٌ جِدًّا، وَعَظِيمٌ مِنْ الْقَوْلِ.

L10264 And the abolition of the prescribed zakāh. They confused the matter with baseless claims, among them: One of their proponents said: "Umar did not collect zakāh from kharaj land." Abū Muḥammad said: This is feeble deception, for Umar—may Allah be pleased with him—only imposed kharaj upon the people of disbelief, and no zakāh is taken from them. If anyone claims that Umar did not collect zakāh from those who embraced Islam among the owners of kharaj land, they have lied flagrantly—he will never find evidence for this. Whoever claims that Umar abolished zakāh from them is like one claiming he abolished prayer from them, with no distinction. Some obscured the issue by citing what is authentically reported from Allah's Messenger—peace and blessings be upon him—regarding his saying: "Iraq withheld its qafīz and dirham, Syria withheld its mudd and dinar, Egypt withheld its ird-abb and dinar, and you have reverted to your initial state." Abū Hurayrah's very flesh and blood bore witness to this. They argued: "He—peace and blessings be upon him—informed us of what is due in these lands without

وَاسْقَاطٌ لِلزَّكَاةِ الْمُفْتَرَضَةِ. وَمَوَّهُوا فِي هَذَا بِطَوَامَّ، مِنْهَا: أَنْ قَالَ قَائِلُهُمْ: - إِنَّ عُمَرَ لَمْ يَأْخُذْ الزَّكَاةَ مِنْ أَرْضِ الْخَرَاجِ. قَالَ أَبُو مُحَمَّد: وَهَذَا تَمْوِيهٌ بَارِدٌ، لِأَنَّ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - إِنَّمَا ضَرَبَ الْخَرَاجَ عَلَى أَهْلِ الْكُفْرِ، وَلَا زَكَاةَ تُؤْخَذُ مِنْهُمْ. فَإِنْ ادَّعَى: أَنَّ عُمَرَ لَمْ يَأْخُذْ الزَّكَاةَ مِمَّنْ أَسْلَمَ مِنْ أَصْحَابِ أَرْضِ الْخَرَاجِ فَقَدْ كَذَبَ جِدًّا، وَلَا يَجِدُ هَذَا أَبَدًا؛ وَمَنْ ادَّعَى أَنَّ - عُمَرَ أَسْقَطَ الزَّكَاةَ عَنْهُمْ كَمَنْ ادَّعَى أَنَّهُ أَسْقَطَ الصَّلَاةَ عَنْهُمْ وَلَا فَرْقَ. وَمَوَّهَ بَعْضُهُمْ بِأَنَّ ذِكْرَ مَا قَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ قَوْلِهِ: «مَنَعَتْ الْعِرَاقُ قَفِيزَهَا وَدِرْهَمَهَا، وَمَنَعَتْ الشَّامُ مُدَّيْهَا وَدِينَارَهَا، وَمَنَعَتْ مِصْرُ إِرْدَبَّهَا وَدِينَارَهَا، وَعُدْتُمْ مِنْ حَيْثُ بَدَأْتُمْ» شَهِدَ عَلَى ذَلِكَ لَحْمُ أَبِي هُرَيْرَةَ وَدَمُهُ، قَالُوا:

فَأَخْبَرَ - عَلَيْهِ السَّلَامُ - بِمَا يَجِبُ فِي هَذِهِ الْأَرَضِينَ، وَلَمْ يُخْبِرْ أَنَّ فِيهَا زَكَاةً؛ وَلَوْ كَانَ فِيهَا زَكَاةٌ لَأَخْبَرَ بِهَا. قَالَ أَبُو مُحَمَّدٍ: مِثْلُ هَذَا لَيْسَ لِإِيرَادِهِ وَجْهٌ؛ إلَّا لِيَحْمَدَ اللَّهَ تَعَالَى مَنْ سَمِعَهُ عَلَى خَلَاصِهِ مِنْ عَظِيمِ مَا ابْتُلُوا بِهِ مِنْ الْمُجَاهَرَةِ بِالْبَاطِلِ، وَمُعَارَضَةِ الْحَقِّ بِأَغَثِّ مَا يَكُونُ مِنْ الْكَلَامِ.

mentioning zakāh. Had zakāh been applicable, he would have declared it." Abū Muḥammad retorted: Such an argument has no valid basis—it only serves to make those who hear it praise Allah the Exalted for being spared the grave affliction of brazenly upholding falsehood and countering truth with the flimsiest arguments.

L10265–10266 وَلَيْتَ شِعْرِي فِي أَيِّ مَعْقُولٍ وَجَدُوا أَنَّ كُلَّ شَرِيعَةٍ لَمْ تُذْكَرْ فِي هَذَا الْحَدِيثِ فَهِيَ سَاقِطَةٌ. وَهَلْ يَقُولُ هَذَا مَنْ لَهُ نَصِيبٌ مِنْ التَّمْيِيزِ. وَهَلْ بَيْنَ مَنْ أَسْقَطَ الزَّكَاةَ - لِأَنَّهَا لَمْ تُذْكَرْ فِي هَذَا الْخَبَرِ - فَرْقٌ، وَبَيْنَ مَنْ أَسْقَطَ الصَّلَاةَ وَالْحَجَّ لِأَنَّهُمَا لَمْ يُذْكَرَا فِي هَذَا الْخَبَرِ. وَحَتَّى لَوْ صَحَّ لَهُمْ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَصَدَ بِهَذَا الْخَبَرِ ذِكْرَ مَا يَجِبُ فِي هَذِهِ الْأَرَضِينَ - وَمَعَاذَ اللَّهِ مِنْ أَنْ يَصِحَّ هَذَا فَهُوَ الْكَذِبُ الْبَحْتُ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَا كَانَ فِي ذَلِكَ إسْقَاطُ سَائِرِ حُقُوقِ اللَّهِ تَعَالَى عَنْ أَهْلِهَا.

I wish I knew through what rational basis they found that every religious law not mentioned in this ḥadīth is nullified. Would anyone possessing a share of discernment say this? What difference exists between one who nullifies Zakāh because it was not mentioned in this report, and one who nullifies prayer and Hajj because they were not mentioned in it? Even if their claim were valid - Allah forbid that this be valid, for it is a sheer lie against the Messenger of Allah, peace and blessings be upon him - that the Prophet, peace and blessings be upon him, intended by this report to mention what is obligatory regarding these lands, this would still entail the nullification of all other rights of Allah, the Exalted, incumbent upon their people.

L10267 وَلَيْسَ فِي الدُّنْيَا حَدِيثٌ انْتَظَمَ ذِكْرَ جَمِيعِ الشَّرَائِعِ أَوَّلِهَا عَنْ آخِرِهَا، نَعَمْ، وَلَا سُورَةٌ أَيْضًا.

There is no ḥadīth in this world that comprehensively covers all divine laws from start to finish—no, nor even a surah.

L10268 وَإِنَّمَا قَصَدَ - عَلَيْهِ السَّلَامُ - فِي هَذَا الْحَدِيثِ الْإِنْذَارَ بِخَلَاءِ أَيْدِي الْمُفْتَتِحِينَ لِهَذِهِ الْبِلَادِ مِنْ أَخْذِ طَعَامِهَا وَدَرَاهِمِهَا وَدَنَانِيرِهَا فَقَطْ؛ وَقَدْ ظَهَرَ مَا أَنْذَرَ بِهِ - عَلَيْهِ السَّلَامُ -.

Indeed, he (peace be upon him) intended in this ḥadīth to warn that the hands of the conquerors of these lands would be empty of taking its food, dirhams, and dinars specifically. What he warned about has indeed come to pass.

L10269 وَمِنْ الْبَاطِلِ الْمُمْتَنِعِ أَنْ يُرِيدَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا زَعَمُوا؛ لِأَنَّهُ لَوْ كَانَ ذَلِكَ، وَكَانَ أَرْبَابُ أَرَاضِي الشَّامِ، وَمِصْرَ، وَالْعِرَاقِ مُسْلِمِينَ؛ فَمَنْ هُمْ الْمُخَاطَبُونَ بِأَنَّهُمْ يَعُودُونَ كَمَا بَدَءُوا وَمِنْ الْمَانِعِ مَا ذَكَرَ مَنْعَهُ.

Among the precluded invalid assertions is that the Messenger of Allah—may Allah bless him and grant him peace—intended what they claimed. For had that been so, while the landowners of Syria, Misr, and Iraq were Muslims, then who are those being addressed by the statement that they will return to their original state? Among the preventing factors is what he mentioned of its prevention.

هَذَا تَخْصِيصٌ مِنْهُمْ بِالْبَاطِلِ وَبِمَا لَيْسَ فِي الْخَبَرِ مِنْهُ نَصٌّ وَلَا دَلِيلٌ، وَلَوْ قِيلَ لَهُمْ: بَلْ فِي قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» دَلِيلٌ عَلَى سُقُوطِ الْخَرَاجِ وَبُطْلَانِهِ، إذْ لَوْ كَانَ فِيهَا خَرَاجٌ لَذَكَرَهُ - عَلَيْهِ السَّلَامُ -. وَالْعَجَبُ أَيْضًا إسْقَاطُهُمْ الْجِزْيَةَ بِهَذَا الْخَبَرِ عَنْ أَهْلِ الْخَرَاجِ فَأَسْقَطُوا فَرْضَيْنِ مِنْ فَرَائِضِ الْإِسْلَامِ بِرَأْيِ صَاحِبٍ، وَهَذَا عَجَبٌ جِدًّا.

L10270 This is their unwarranted specification based on falsehood and what lacks explicit textual or evidentiary support from the report itself. Were it said to them: Rather, in his statement—peace be upon him—"On what is watered by the sky, one-tenth is due," there lies proof for the annulment and invalidity of the land tax, for had it applied, he—peace be upon him—would have mentioned it. Strangely, they also used this report to abolish the jizya from those subject to the land tax, thereby abolishing two obligations from Islam's prescribed duties based on a single scholar's opinion—and this is very astonishing.

وَخَالَفُوا ذَلِكَ الصَّاحِبَ فِي هَذِهِ الْقَضِيَّةِ نَفْسِهَا، لِأَنَّهُ قَدْ صَحَّ عَنْهُ إيجَابُ الْجِزْيَةِ مَعَ الْخَرَاجِ، فَمَرَّةً يَكُونُ فِعْلُهُ حُجَّةً يُخَالِفُ بِهَا الْقُرْآنَ، وَهُمْ مَعَ ذَلِكَ كَاذِبُونَ عَلَيْهِ، فَمَا رُوِيَ عَنْهُ قَطُّ إسْقَاطُ الزَّكَاةِ عَمَّا أُصِيبَ فِي أَرْضِ الْخَرَاجِ، وَمَرَّةً لَا يَرَوْنَهُ حُجَّةً أَصْلًا وَمَعَهُ الْحَقُّ. فَإِنْ قَالُوا: إنَّ الصَّحَابَةَ أَجْمَعُوا عَلَى أَخْذِ الْخَرَاجِ قِيلَ لَهُمْ: وَالصَّحَابَةُ أَجْمَعُوا عَلَى أَخْذِ الزَّكَاةِ قَبْلَ إجْمَاعِهِمْ عَلَى الْخَرَاجِ وَمَعَهُ وَبَعْدَهُ بِلَا شَكٍّ، وَلَا عَجَبَ أَعْجَبُ مِنْ إيجَابِ مُحَمَّدِ بْنِ الْحَسَنِ الْخَرَاجَ عَلَى الْمُسْلِمِ فِي أَرْضِ الْخَرَاجِ إذَا مَلَكَهَا، وَإِسْقَاطُ الزَّكَاةِ عَنْهُ، وَإِيجَابُهُ الزَّكَاةَ عَلَى الْيَهُودِيِّ وَالنَّصْرَانِيِّ إذَا مَلَكَا أَرْضَ الْعُشْرِ، وَإِسْقَاطُ الْخَرَاجِ عَنْهُمَا وَفَاعِلُ هَذَا مُتَّهَمٌ عَلَى الْإِسْلَامِ وَأَهْلِهِ.

L10271 They opposed that Companion in this very issue, for it has been authentically established from him that he imposed jizyah alongside kharaj. At times, they treat his action as a proof to contradict the Quran, while they—in doing so—falsely attribute it to him; for nothing was ever narrated from him regarding exempting zakat on what is obtained in kharaj land. At other times, they do not consider his action a proof at all, though he is correct. If they argue that the Companions unanimously agreed to collect kharaj, it is replied: The Companions unanimously agreed to collect zakat before their agreement on kharaj, alongside it, and after it, without doubt. Nothing is more astonishing than Muhammad ibn al-Hasan's imposition of kharaj on a Muslim who owns kharaj land while exempting him from zakat, and his imposition of zakat on a Jew or Christian who owns land subject to ushr (tithe) while exempting them from kharaj. The one who does this is suspect against Islam and its people.

وَقَالُوا: لَا يَجْتَمِعُ حَقَّانِ فِي مَالٍ وَاحِدٍ. قَالَ أَبُو مُحَمَّدٍ: كَذَبُوا وَأَفِكُوا بَلْ تَجْتَمِعُ حُقُوقٌ لِلَّهِ تَعَالَى فِي مَالٍ وَاحِدٍ، وَلَوْ أَنَّهَا أَلْفُ حَقٍّ، وَمَا نَدْرِي مِنْ أَيْنَ وَقَعَ لَهُمْ أَنَّهُ لَا يَجْتَمِعُ حَقَّانِ فِي مَالٍ وَاحِدٍ، وَهُمْ يُوجِبُونَ الْخُمُسَ فِي مَعَادِنِ الذَّهَبِ وَالْفِضَّةِ وَالزَّكَاةَ أَيْضًا، إمَّا عِنْدَ الْحَوْلِ، وَإِمَّا فِي ذَلِكَ الْوَقْتِ إنْ كَانَ بَلَغَ حَوْلَ مَا عِنْدَهُ مِنْ الذَّهَبِ وَالْفِضَّةِ، وَيُوجِبُونَ أَيْضًا الْخَرَاجَ فِي أَرْضِ الْمَعْدِنِ إنْ كَانَتْ أَرْضَ خَرَاجٍ.

L10272–10273 They said: Two rights cannot coexist in a single property. Abū Muḥammad responded: They have lied and spoken falsehood. Rather, rights belonging to Allāh the Exalted do coexist in a single property - even a thousand distinct rights. We do not know from where they derived the notion that two rights cannot coexist in a single property, while they themselves uphold the obligation of khums (one-fifth levy) on gold and silver mines alongside zakāh (obligatory alms) - either at the completion of the hawl (annual cycle) or immediately if the gold and silver in one's possession have reached the hawl. They also impose kharāj (land tax) on the mine's land if it is subject to kharāj.

L10274 Among the wonders of this world is their prioritization of land tax (kharāj) over Zakah, thereby nullifying it. Then they prioritized Zakah on wheat, barley, dates, and livestock over Zakah on trade, superseding the latter. Next, they prioritized Zakah on trade in slaves over Zakah al-Fitr, overriding it. At times, they deemed the Zakah of trade more binding than the prescribed Zakah, and at other times, they considered the prescribed Zakah of higher priority than the Zakah of trade.

وَمِنْ عَجَائِبِ الدُّنْيَا تَغْلِيبُهُمْ الْخَرَاجَ عَلَى الزَّكَاةِ فَأَسْقَطُوهَا بِهِ، ثُمَّ غَلَّبُوا زَكَاةَ الْبُرِّ وَالشَّعِيرِ وَالتَّمْرِ وَالْمَاشِيَةِ عَلَى زَكَاةِ التِّجَارَةِ، فَأَسْقَطُوهَا بِهَا، ثُمَّ غَلَّبُوا زَكَاةَ التِّجَارَةِ فِي الرَّقِيقِ عَلَى زَكَاةِ الْفِطْرِ، فَأَسْقَطُوهَا بِهَا، فَمَرَّةً رَأَوْا زَكَاةَ التِّجَارَةِ أَوْكَدَ مِنْ الزَّكَاةِ الْمَفْرُوضَةِ، وَمَرَّةً رَأَوْا الزَّكَاةَ الْمَفْرُوضَةَ أَوْلَى مِنْ زَكَاةِ التِّجَارَةِ.

L10275 Al-Ḥasan ibn Ḥayy maintains that crops cultivated for trade should be subject to trade zakāh rather than the prescribed zakāh. We mentioned this to prevent any assertion of consensus on the matter, as this constitutes the least burdensome position for them. The contradiction of the Mālikīs and Shāfiʿīs is evident in their exemption of trade goods from the prescribed zakāh while retaining it alongside the zakāh al-fiṭr in the case of slaves.

وَالْحَسَنُ بْنُ حَيٍّ: يَرَى أَنْ يُزَكَّى مَا زُرِعَ لِلتِّجَارَةِ زَكَاةَ التِّجَارَةِ لَا الزَّكَاةَ الْمَفْرُوضَةَ. وَذَكَرْنَا هَذَا لِئَلَّا يَدَّعُوا فِي ذَلِكَ إجْمَاعًا، فَهَذَا أَخَفُّ شَيْءٍ عَلَيْهِمْ. وَإِنَّ تَنَاقُضَ الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ لَظَاهِرٍ فِي إسْقَاطِهِمْ الزَّكَاةَ عَنْ عُرُوضِ التِّجَارَةِ لِلزَّكَاةِ الْمَفْرُوضَةِ وَإِبْقَائِهِمْ إيَّاهَا مَعَ زَكَاةِ الْفِطْرِ فِي الرَّقِيقِ.

L10276 Similarly, the Hanafis also contradicted themselves when they affirmed both Ijarah and Zakāt in a single land.

وَكَذَلِكَ أَيْضًا - تَنَاقَضَ الْحَنِيفِيُّونَ إذْ أَثْبَتُوا الْإِجَارَةَ وَالزَّكَاةَ فِي أَرْضٍ وَاحِدَةٍ.

L10277 Among those from whom it is authentically reported that they affirmed the obligation of zakāh on the produce from kharaj land are ʿUmar ibn ʿAbd al-ʿAzīz, Ibn Abī Laylā, Ibn Shubruma, Shurayk, and al-Ḥasan ibn Ḥayy. Sufyān and Aḥmad said: If there remains a surplus of five awsāq or above after the kharaj, then zakāh is due on it. No statement resembling Abū Ḥanīfa's opinion on this matter is preserved from any of the Salaf.

وَمِمَّنْ صَحَّ عَنْهُ إيجَابُ الزَّكَاةِ فِي الْخَارِجِ مِنْ أَرْضِ الْخَرَاجِ: عُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَابْنُ أَبِي لَيْلَى، وَابْنُ شُبْرُمَةَ، وَشُرَيْكٌ، وَالْحَسَنُ بْنُ حَيٍّ. وَقَالَ سُفْيَانُ، وَأَحْمَدُ: إنْ فَضَلَ بَعْدَ الْخَرَاجِ خَمْسَةُ أَوْسُقٍ فَصَاعِدًا فَفِيهِ الزَّكَاةُ. وَلَا يُحْفَظُ عَنْ أَحَدٍ مِنْ السَّلَفِ مِثْلُ قَوْلِ أَبِي حَنِيفَةَ فِي ذَلِكَ.

L10278 The entire astonishment lies in their obfuscation of what is established from ʿUmar—may Allah be pleased with him—in his statement when the female village head of the King's River embraced Islam: "If she chooses to retain her land or pays what is owed on her land, leave her and her land as they are; otherwise, leave the Muslims and their land as they are." A similar ruling is reported from ʿAlī.

وَالْعَجَبُ كُلُّهُ مِنْ تَمْوِيهِهِمْ بِالثَّابِتِ عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - مِنْ قَوْلِهِ إذْ أَسْلَمَتْ دِهْقَانَةُ نَهَرِ الْمَلِكِ إنْ اخْتَارَتْ أَرْضَهَا أَوْ أَدَّتْ مَا عَلَى أَرْضِهَا فَخَلُّوا بَيْنَهَا وَبَيْنَ أَرْضِهَا، وَإِلَّا فَخَلُّوا بَيْنَ الْمُسْلِمِينَ وَأَرْضِهِمْ - وَعَنْ عَلِيٍّ نَحْوُ هَذَا.

L10279–10280 It is reported from Ibn Umar that a Muslim is prohibited from entering the land subject to kharaj.

وَعَنْ ابْنِ عُمَرَ إنْكَارُ الدُّخُولِ فِي أَرْضِ الْخَرَاجِ لِلْمُسْلِمِ.

L10281 If only I knew, has any person of intellect ever reasoned that any of this

entails exempting Zakat on what the earth yields? This is a situation that can only be met with bewilderment. Allah suffices us, and what an excellent Trustee! Sufficient regarding this is the statement of Allah's Messenger—peace be upon him: "In what is watered by the sky is one-tenth." He spoke in general terms without specifying exceptions.

وَلَيْتَ شِعْرِي هَلْ عَقَلَ ذُو عَقْلٍ قَطُّ أَنَّ فِي شَيْءٍ مِنْ هَذَا إسْقَاطَ الزَّكَاةِ عَمَّا أَخْرَجَتْ الْأَرْضُ. وَهَذَا مَكَانٌ لَا يُقَابَلُ إلَّا بِالتَّعَجُّبِ، وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ. وَيَكْفِي مِنْ هَذَا قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» فَعَمَّ وَلَمْ يَخُصَّ.

L10282 Furthermore, among the proofs that zakat is an obligation upon the cultivator rather than the land is the consensus of the Muslim community that if one wishes to give the one-tenth from sources other than what the land yielded, this is permissible for them. It is not valid to compel them to give from the actual produce of the land. Thus, it is confirmed that zakat is an obligation incumbent on the Muslim who cultivates, not on the land itself.

وَأَيْضًا فَإِنَّ مِنْ الْبُرْهَانِ عَلَى أَنَّ الزَّكَاةَ عَلَى الرَّافِعِ لَا عَلَى الْأَرْضِ إجْمَاعُ الْأُمَّةِ عَلَى أَنَّهُ إنْ أَرَادَ أَنْ يُعْطِيَ الْعُشْرَ مِنْ غَيْرِ الَّذِي أَصَابَ فِي تِلْكَ الْأَرْضِ لَكَانَ ذَلِكَ لَهُ، وَلَمْ يَجُزْ إجْبَارُهُ عَلَى أَنْ يُعْطِيَ مِنْ عَيْنِ مَا أَخْرَجَتْ الْأَرْضُ فَصَحَّ أَنَّ الزَّكَاةَ فِي ذِمَّةِ الْمُسْلِمِ الرَّافِعِ، لَا فِي الْأَرْضِ

A juristic issue concerning the zakah of what is acquired in the usurped land.

[مَسْأَلَةُ زَكَاةِ مَا أُصِيبَ فِي الْأَرْضِ الْمَغْصُوبَةِ]

L10283

L10284 Issue 643: Similarly, whatever is produced in usurped land - if the seeds belong to the usurper - is his property, for his usurpation of the land does not invalidate his ownership of his seeds. Thus, if the seeds are his, whatever grows from them belongs to him. He is only liable for the land's due. Therefore, zakat applies to his share of it, and it is lawful for him and constitutes valid ownership.

٦٤٣ - مَسْأَلَةٌ: وَكَذَلِكَ مَا أُصِيبَ فِي الْأَرْضِ الْمَغْصُوبَةِ إذَا كَانَ الْبَذْرُ لِلْغَاصِبِ؛ لِأَنَّ غَصْبَهُ الْأَرْضَ لَا يُبْطِلُ مِلْكَهُ عَنْ بَذْرِهِ، فَالْبَذْرُ إذَا كَانَ لَهُ فَمَا تَوَلَّدَ عَنْهُ فَلَهُ، وَإِنَّمَا عَلَيْهِ حَقُّ الْأَرْضِ فَقَطْ، فَفِي حِصَّتِهِ مِنْهُ الزَّكَاةُ، وَهِيَ لَهُ حَلَالٌ وَمِلْكٌ صَحِيحٌ.

L10285 "Similarly, land leased under an invalid contract, taken in exchange for a portion of its produce, or granted based on the general applicability of his statement—peace be upon him—'For what is irrigated by rainwater, a tenth is due.'"

وَكَذَلِكَ الْأَرْضُ الْمُسْتَأْجَرَةُ بِعَقْدٍ فَاسِدٍ، أَوْ الْمَأْخُوذَةُ بِبَعْضِ مَا يَخْرُجُ مِنْهَا، أَوْ الْمَمْنُوحَةُ لِعُمُومِ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» .

L10286 As for if the seed was wrongfully seized, the usurper has no right, and no ownership right applies to anything Allah, the Exalted, has caused to grow from it, whether it grew in his own land or another's land. All of it belongs to the original owner of the seed, as Allah, the Exalted, states: "And do not consume your wealth among yourselves unjustly" [Al-Baqarah: 188].[30]

وَأَمَّا إنْ كَانَ الْبَذْرُ مَغْصُوبًا فَلَا حَقَّ لَهُ، وَلَا حُكْمَ فِي شَيْءٍ مِمَّا أَنْبَتَ اللَّهُ تَعَالَى مِنْهُ، سَوَاءٌ كَانَ فِي أَرْضِهِ نَفْسِهِ أَمْ فِي غَيْرِهَا، وَهُوَ كُلُّهُ لِصَاحِبِ الْبَذْرِ، لِقَوْلِ اللَّهِ تَعَالَى: {وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨]

[30] **Qur'an references (L10286):** Qur'an 2:188 (Al-Baqarah).

وَلَا يَخْتَلِفُ اثْنَانِ فِي أَنَّ غَاصِبَ الْبَذْرِ إنَّمَا أَخَذَهُ بِالْبَاطِلِ، وَكَذَلِكَ كُلُّ بَذْرٍ أُخِذَ بِغَيْرِ حَقٍّ فَمُحَرَّمٌ عَلَيْهِ بِنَصِّ الْقُرْآنِ أَكْلُهُ، وَكُلُّ مَا تَوَلَّدَ مِنْ شَيْءٍ فَهُوَ لِصَاحِبِ مَا تَوَلَّدَ مِنْهُ بِلَا خِلَافٍ، وَلَيْسَ وُجُوبُ الضَّمَانِ بِمُبِيحٍ لَهُ مَا حَرَّمَ اللَّهُ تَعَالَى عَلَيْهِ، فَإِنْ مَوَّهُوا بِمَا رُوِيَ مِنْ أَنَّ «الْخَرَاجَ بِالضَّمَانِ» . فَلَا حُجَّةَ لَهُمْ فِيهِ لِوُجُوهٍ -:

L10287 No two disagree that the usurper of the seed took it wrongfully. Likewise, every seed taken without right is forbidden for him to eat by the text of the Quran. Whatever is generated from something belongs indisputably to the owner of that which generated it. The obligation of liability does not permit what God Almighty has prohibited to him. If they obscure matters with the reported principle "The yield is in exchange for the liability," their argument holds no validity for several reasons—

أَوَّلُهَا: أَنَّهُ خَبَرٌ لَا يَصِحُّ، لِأَنَّ رَاوِيَهُ مَخْلَدُ بْنُ خَفَّافٍ وَهُوَ مَجْهُولٌ.

L10288 The first is that it is a report that is not authentic, because its narrator is Makhlad ibn Khaffāf, who is unknown.

وَالثَّانِي: أَنَّهُ لَوْ صَحَّ لَكَانَ وَرَدَ فِي عَبْدٍ بِيعَ بَيْعًا صَحِيحًا ثُمَّ وُجِدَ فِيهِ عَيْبٌ، وَمِنْ الْبَاطِلِ أَنْ يُقَاسَ الْحَرَامُ عَلَى الْحَلَالِ، لَوْ كَانَ الْقِيَاسُ حَقًّا، فَكَيْفَ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ. وَالثَّالِثُ: أَنَّهُمْ يَلْزَمُهُمْ أَنْ يَجْعَلُوا أَوْلَادَ الْمَغْصُوبَةِ مِنْ الْإِمَاءِ وَالْحَيَوَانِ لِلْغَاصِبِ بِهَذَا الْخَبَرِ، وَهُمْ لَا يَقُولُونَ بِذَلِكَ.

L10289–10290 The second: that if it were valid, it would have addressed the case of a slave sold through a valid sale where a defect was later discovered. It is invalid to analogize the prohibited to the permissible—even if analogy were valid. How so when all analogy is invalid? The third: they would be compelled by this report to assign ownership of offspring born to usurped females among slave women and animals to the usurper, yet they themselves do not uphold this ruling.

[مَسْأَلَةُ زَكَاةِ الْبُرِّ إذَا بَلَغَ خَمْسَةَ أَوْسُقٍ]

Issue: Zakah is due on wheat when it reaches five *awsuq*.

٦٤٤ - مَسْأَلَةٌ: فَإِذَا بَلَغَ الصِّنْفُ الْوَاحِدُ - مِنْ الْبُرِّ، أَوْ التَّمْرِ، أَوْ الشَّعِيرِ - خَمْسَةَ أَوْسُقٍ كَمَا ذَكَرْنَا فَصَاعِدًا، فَإِنْ كَانَ مِمَّا يُسْقَى بِسَاقِيَةٍ مِنْ نَهْرٍ، أَوْ عَيْنٍ، أَوْ كَانَ بَعْلًا فَفِيهِ الْعُشْرُ.

L10291 644 – Issue: If a single type—such as wheat, dates, or barley—reaches five *awsuq* or more, as previously stated, then if it is irrigated by an irrigation channel from a river or spring, or is rain-fed, a tenth is obligatory.

وَإِنْ كَانَ يُسْقَى بِسَاقِيَةٍ، أَوْ نَاعُورَةٍ، أَوْ دَلْوٍ فَفِيهِ نِصْفُ الْعُشْرِ، فَإِنْ نَقَصَ عَنْ الْخَمْسَةِ الْأَوْسُقِ - مَا قَلَّ أَوْ كَثُرَ - فَلَا زَكَاةَ فِيهِ.

L10292 If it is irrigated by a canal, a noria (a type of waterwheel), or a bucket, then half of one-tenth (5%) is due as zakah. If the yield falls short of five wasqs—no matter how little or much—then no zakah is due on it.

وَهَذَا قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَصْحَابِنَا وَقَالَ أَبُو حَنِيفَةَ: فِي قَلِيلِهِ وَكَثِيرِهِ الْعُشْرُ، أَوْ نِصْفُ الْعُشْرِ: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ

L10293 If it is irrigated by a canal, a noria (a type of waterwheel), or a bucket, then half of one-tenth (5%) is due as zakah. If the yield falls short of five wasqs—no matter how little or much—then no zakah is due on it.

L10294 This is the opinion of Mālik, al-Shāfiʿī, and our school's scholars. Abū Ḥanīfah said: For both small and large quantities, a tenth or half of a tenth is due. ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid narrated to us from Ibrāhīm ibn Aḥmad from al-Farbarī from al-Bukhārī from Saʿīd ibn Abī Maryam from ʿAbd Allāh ibn Wahb, who reported to me from Yūnus ibn Yazīd from Ibn

Shihāb from Sālim ibn ʿAbd Allāh from his father that the Prophet—peace and blessings be upon him—said: “On crops watered by rain, springs, or naturally saturated land, a tenth is due. On what is irrigated by laborious means, half of a tenth is due.”[31]

L10295 We have mentioned before his statement—peace be upon him—“There is no zakāh on less than five wasqs of staple crops or dates.”

L10296 Thus, it is established that any amount less than five awsaq—whether the deficiency is little or much—is exempt from zakah.

L10297–10299 It is astonishing that Abū Ḥanīfah gave precedence to the report “For what is watered by the sky, the tenth is due” over the ḥadīth of... The five awsaq, and he prioritized the saying of the Prophet (peace be upon him): “There is no Zakāh due on less than five awāqī of silver coins, nor on less than five camels,” over his other sayings (peace be upon him): “On silver coins, a quarter of one-tenth is due,” and (peace be upon him): “There is no owner of camels who fails to fulfill their due right.” This is an apparent contradiction—and with Allah, the Exalted, lies success.

L10300 An issue: Wheat is not to be combined with barley, nor dates in Zakat.

L10301 645: Issue

L10302 Wheat is not combined with barley, nor are dates added to the two of them.

L10303 This is the position of Sufyan al-Thawri, Muhammad ibn al-Hasan, al-Shafi’i, Abu Sulayman, and our companions.

L10304 Al-Layth ibn Sa‘d and Abū Yūsuf said: All that the earth produces is combined - such as wheat, barley, rice, corn, millet, and all legumes - each category combined with others. If the total of all these reaches five wasqs, zakat

[31] **Hadith references (L10294):** Sahih al-Bukhari 1483; Mishkat al-Masabih 1797.

ثنا الْبُخَارِيُّ ثنا سَعِيدُ بْنُ أَبِي مَرْيَمَ ثنا عَبْدُ اللَّهِ بْنُ وَهْبٍ أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِيهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «فِيمَا سَقَتْ السَّمَاءُ وَالْعُيُونُ أَوْ كَانَ عَثَرِيًّا الْعُشْرُ، وَمَا سُقِيَ بِالنَّضْحِ نِصْفُ الْعُشْرِ» .

وَقَدْ ذَكَرْنَا قَبْلَ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «وَلَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ، مِنْ حَبٍّ وَلَا تَمْرٍ صَدَقَةٌ» .

فَصَحَّ أَنَّ مَا نَقَصَ عَنْ الْخَمْسَةِ الْأَوْسُقِ نُقْصَانًا - قَلَّ أَوْ كَثُرَ - فَلَا زَكَاةَ فِيهِ.

وَالْعَجَبُ مِنْ تَغْلِيبِ أَبِي حَنِيفَةَ الْخَبَرَ «فِيمَا سَقَتْ السَّمَاءُ الْعُشْرُ» عَلَى حَدِيثِ الْأَوْسُقِ الْخَمْسَةِ، وَغَلَّبَ قَوْلَهُ - عَلَيْهِ السَّلَامُ -: «لَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍيَّ مِنْ الْوَرِقِ صَدَقَةٌ، وَلَا فِيمَا دُونَ خَمْسِ ذَوْدٍ مِنْ الْإِبِلِ صَدَقَةٌ» عَلَى قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «فِي الرِّقَّةِ رُبْعُ الْعُشْرِ» وَعَلَى قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «مَا مِنْ صَاحِبِ إبِلٍ لَا يُؤَدِّي حَقَّهَا» وَهَذَا تَنَاقُضٌ ظَاهِرٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ لَا يُضَمُّ قَمْحٌ إلَى شَعِيرٍ وَلَا تَمْرٌ فِي الزَّكَاةِ]

٦٤٥ - مَسْأَلَةٌ:

لَا يُضَمُّ قَمْحٌ إلَى شَعِيرٍ، وَلَا تَمْرٌ إلَيْهِمَا.

وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ وَمُحَمَّدِ بْنِ الْحَسَنِ، وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِنَا.

وَقَالَ اللَّيْثُ بْنُ سَعْدٍ، وَأَبُو يُوسُفَ: يُضَمُّ كُلُّ مَا أَخْرَجَتْ الْأَرْضُ: مِنْ الْقَمْحِ، وَالشَّعِيرِ وَالْأُرْزِ، وَالذُّرَةِ، وَالدُّخْنِ، وَجَمِيعِ الْقَطَانِيِّ، بَعْضُ ذَلِكَ إلَى بَعْضٍ، فَإِذَا اجْتَمَعَ مِنْ

is due as we mentioned; otherwise, no zakat is due. Mālik said: Wheat, barley, and hull-less barley constitute a single category; they are combined with one another for zakat. If the total of all these reaches five wasqs, zakat is due; otherwise, it is not. Chickpeas, fava beans, cowpeas, lentils, lupins, and vetch are combined with one another.

كُلِّ ذَلِكَ خَمْسَةُ أَوْسُقٍ فَفِيهِ الزَّكَاةُ كَمَا ذَكَرْنَا، وَإِلَّا فَلَا؟ وَقَالَ مَالِكٌ: الْقَمْحُ، وَالشَّعِيرُ، وَالسُّلْتُ: صِنْفٌ وَاحِدٌ، يُضَمُّ بَعْضُهَا إِلَى بَعْضٍ فِي الزَّكَاةِ، فَإِذَا اجْتَمَعَ مِنْ جَمِيعِهَا خَمْسَةُ أَوْسُقٍ فَفِيهَا الزَّكَاةُ، وَإِلَّا فَلَا؛ وَيُجْمَعُ الْحِمَّصُ، وَالْفُولُ، وَاللُّوبِيَا، وَالْعَدَسُ، وَالْجُلُّبَانُ وَالْبَسِيلَةُ، بَعْضُهَا إِلَى بَعْضٍ.

L10305 And it is not combined with wheat, nor with barley, nor with hull-less barley.

وَلَا يُضَمُّ إِلَى الْقَمْحِ، وَلَا إِلَى الشَّعِيرِ وَلَا إِلَى السُّلْتِ.

L10306–10308 He said: As for rice, sorghum, and sesame, they are distinct types; none of them may be combined with anything whatsoever? His ruling regarding millet differed: at times he ruled it should be combined with wheat and barley; and at others, he ruled it is not combined with anything at all. In commercial transactions, he regarded legumes as distinct types, except for lupin beans and chickpeas, which he classified as a single type. Abu Muhammad said: As for Malik's statement, it is manifestly erroneous in its entirety, its invalidation requiring nothing more than citing it. We know of no one on earth who ever formulated such a division, devised such a combination, or established such a distinction—neither before his time, nor during it, nor after—except those who imitated him. It lacks any foundation: not from the Quran, nor authentic Sunnah, nor weak narrations, nor the opinion of any Companion or Successor, nor analogical reasoning, nor any opinion with a recognizable basis, nor precaution at all. As for those who maintain the inclusion of wheat and other crops in zakah obligations, they can rely on the general implication of the Prophet's statement (peace be upon him): "There is no zakah due on less than five *wasqs*."

قَالَ: وَأَمَّا الْأُرْزُ، وَالذُّرَةُ، وَالسِّمْسِمُ، فَهِيَ أَصْنَافٌ مُخْتَلِفَةٌ، لَا يُضَمُّ كُلُّ وَاحِدٍ مِنْهَا إِلَيَّ شَيْءٍ أَصْلًا؟ وَاخْتَلَفَ قَوْلُهُ فِي الْعَلَسِ، فَمَرَّةً قَالَ: يُضَمُّ إِلَى الْقَمْحِ، وَالشَّعِيرِ؛ وَمَرَّةً قَالَ: لَا يُضَمُّ إِلَى شَيْءٍ أَصْلًا وَرَأَى الْقَطَانِيَّ فِي الْبُيُوعِ أَصْنَافًا مُخْتَلِفَةً، حَاشَا اللُّوبِيَا، وَالْحِمَّصِ؛ فَإِنَّهُ رَآهُمَا فِي الْبُيُوعِ صِنْفًا وَاحِدًا قَالَ أَبُو مُحَمَّد: أَمَّا قَوْلُ مَالِكٍ؛ فَظَاهِرُ الْخَطَأِ جُمْلَةً، لَا يَحْتَاجُ مِنْ إبْطَالِهِ إلَى أَكْثَرَ مِنْ إيرَادِهِ وَمَا نَعْلَمُ أَحَدًا عَلَى ظَهْرِ الْأَرْضِ قَسَّمَ هَذَا التَّقْسِيمَ، وَلَا جَمَعَ هَذَا الْجَمْعَ، وَلَا فَرَّقَ هَذَا التَّفْرِيقَ قَبْلَهُ وَلَا مَعَهُ وَلَا بَعْدَهُ، إلَّا مَنْ قَلَّدَهُ، وَمَا لَهُ مُتَعَلَّقٌ، لَا مِنْ قُرْآنٍ، وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ، وَلَا مِنْ رِوَايَةٍ فَاسِدَةٍ، وَلَا مِنْ قَوْلِ صَاحِبٍ وَلَا تَابِعٍ، وَلَا مِنْ قِيَاسٍ وَلَا مِنْ رَأْيٍ يُعْرَفُ لَهُ وَجْهٌ، وَلَا مِنْ احْتِيَاطٍ أَصْلًا وَأَمَّا مَنْ رَأَى جَمْعَ الْبُرِّ وَغَيْرِهِ فِي الزَّكَاةِ فَيُمْكِنُ أَنْ يَتَعَلَّقُوا بِعُمُومِ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ صَدَقَةٌ» .

L10309 Abu Muhammad said: If there had been no narration except this one, this would be the position admitting no alternative.

قَالَ أَبُو مُحَمَّدٍ: وَلَوْ لَمْ يَأْتِ إلَّا هَذَا الْخَبَرُ لَكَانَ هَذَا هُوَ الْقَوْلُ الَّذِي لَا يَجُوزُ غَيْرُهُ.

L10310 However, it has been specifically transmitted through the narration of Abdullah ibn Rabi', who narrated to us: Muhammad ibn Mu'awiyah narrated to us: Ahmad ibn Shu'ayb narrated to us: Isma'il ibn Mas'ud, al-Jahdari, nar-

rated to us: Yazid ibn Zurai‘ narrated to us: Rawh ibn al-Qasim narrated to me: ‘Amr ibn Yahya ibn ‘Umarah narrated from his father, from Abu Sa‘id al-Khudri, that the Messenger of Allah (may Allah’s peace and blessings be upon him) said: “Zakat is not obligatory on wheat and dates until they reach five wasqs, nor is Zakat obligatory on silver until it reaches five awqiyat, nor is Zakat obligatory on camels until they reach five camels.”

لَكِنْ قَدْ خَصَّهُ مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنِ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا إِسْمَاعِيلُ بْنُ مَسْعُودٍ هُوَ الْجَحْدَرِيُّ - ثنا يَزِيدُ بْنُ زُرَيْعٍ ثنا رَوْحُ بْنُ الْقَاسِمِ حَدَّثَنِي عَمْرُو بْنُ يَحْيَى بْنِ عُمَارَةَ عَنْ أَبِيهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَا يَحِلُّ فِي الْبُرِّ وَالتَّمْرِ زَكَاةٌ حَتَّى يَبْلُغَ خَمْسَةَ أَوْسُقٍ، وَلَا يَحِلُّ فِي الْوَرِقِ زَكَاةٌ حَتَّى يَبْلُغَ خَمْسَ أَوَاقٍ وَلَا يَحِلُّ فِي الْإِبِلِ زَكَاةٌ حَتَّى تَبْلُغَ خَمْسَ ذَوْدٍ» .

L10311 The Messenger of Allah—peace and blessings be upon him—exempted zakah from wheat that does not reach five wasqs. By this, the validity of imposing zakah on it in all circumstances is nullified—whether the wheat is combined with barley or not combined at all.

فَنَفَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الزَّكَاةَ عَمَّا لَمْ يَبْلُغْ خَمْسَةَ أَوْسُقٍ مِنْ الْبُرِّ، فَبَطَلَ بِهَذَا إيجَابُ الزَّكَاةِ فِيهِ عَلَى كُلِّ حَالٍ، مَجْمُوعًا إلَى شَعِيرٍ أَوْ غَيْرَ مَجْمُوعٍ.

L10312 Abu Muhammad said: All of them unanimously agree that dates should not be combined with raisins, for the proportion of one to the other is no different than that of wheat to barley. They neither adhered to the explicit textual ruling nor applied analogy. Is there any disagreement among those who hold that zakah is obligatory on five awsuq or more—not on less—regarding the prohibition of combining dates with wheat or barley?

قَالَ أَبُو مُحَمَّدٍ: وَكُلُّهُمْ مُتَّفِقٌ عَلَى أَنْ لَا يُجْمَعَ التَّمْرُ إلَى الزَّبِيبِ، وَمَا نِسْبَةُ أَحَدِهِمَا مِنْ الْآخَرِ إلَّا كَنِسْبَةِ الْبُرِّ مِنْ الشَّعِيرِ، فَلَا النَّصَّ اتَّبَعُوا، وَلَا الْقِيَاسَ طَرَدُوا، وَلَا خِلَافَ بَيْنَ كُلِّ مَنْ يَرَى الزَّكَاةَ فِي الْخَمْسَةِ الْأَوْسُقِ فَصَاعِدًا - لَا فِي أَقَلَّ - فِي أَنَّهُ لَا يُجْمَعُ التَّمْرُ إلَى الْبُرِّ، وَلَا إلَى الشَّعِيرِ؟ .

L10313 646 - Issue: As for the varieties of wheat, they are combined with one another; likewise the varieties of barley are combined with one another; similarly the varieties of dates are combined with one another: the ’Ajwah, Barnī, Ṣayḥānī, and all other varieties.

٦٤٦ - مَسْأَلَةٌ: وَأَمَّا أَصْنَافُ الْقَمْحِ فَيُضَمُّ بَعْضُهَا إلَى بَعْضٍ، وَكَذَلِكَ تُضَمُّ أَصْنَافُ الشَّعِيرِ بَعْضُهَا إلَى بَعْضٍ، وَكَذَلِكَ أَصْنَافُ التَّمْرِ بَعْضُهَا إلَى بَعْضٍ الْعَجْوَةُ، وَالْبَرْنِيُّ، وَالصَّيْحَانِيُّ وَسَائِرُ أَصْنَافِهِ.

L10314–10315 There is no disagreement among anyone regarding this, because the term “wheat” encompasses all its varieties, the term “dates” encompasses all their varieties, and the term “barley” encompasses all its varieties—and with Allah, the Exalted, is success.

وَهَذَا لَا خِلَافَ فِيهِ مِنْ أَحَدٍ، لِأَنَّ اسْمَ بُرٍّ يَجْمَعُ أَصْنَافَ الْبُرِّ، وَاسْمَ تَمْرٍ يَجْمَعُ أَصْنَافَ التَّمْرِ، وَاسْمَ شَعِيرٍ يَجْمَعُ أَصْنَافَ الشَّعِيرِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10316 647–Issue:

٦٤٧ - مَسْأَلَةٌ:

L10317 If a person has scattered lands in a single village, or in various villages within

the jurisdiction of one city, or in different jurisdictions—even if one of his two lands is in the farthest reaches of China and the other in the farthest reaches of Andalusia—he must combine all the wheat harvested from all of them together and all the barley harvested from all of them together, then pay the zakāt. This is because he is obligated to pay zakāt on the crops themselves, as ordained by the explicit texts of the Quran and the Sunnah in his responsibility and wealth. Neither Allah the Exalted nor His Messenger—peace and blessings be upon him—specified that this obligation applies only to crops within a single ṭassūj or rustāq, from those in two ṭassūjayn or two rustāqayn. To restrict the Quran and Sunnah based on flawed opinions is invalid and decisively rejected—and with Allah the Exalted is success.

L10318 **Issue: Zakāh for one who gleans ears of grain, such that he accumulates five awsuq of whole wheat.**

L10319 Issue 648: If someone gathers ears of wheat until they accumulate five wasqs or more of wheat, or similarly five wasqs or more of barley, zakat becomes obligatory: one-tenth for crops irrigated by rain, rivers, springs, or canals, and half of one-tenth for crops irrigated by water drawn by animals. There is no zakat on one who gleans five wasqs of dates. Does Abu Hanifah say this regarding the obligation of zakat in that? The proof of that is that the Messenger of Allah—peace and blessings be upon him—obligated zakat on the owner whose grain separates from the ears while in their possession, reaching the stage where measurement becomes possible. He—peace and blessings be upon him—made no distinction between produce obtained from one's own cultivation or other sources. The owner of the crop from which this was gleaned owes nothing, as it left their ownership before reaching the measurable quantity that establishes the zakat obligation. This differs from gleaned dates, for zakat on dates is obligatory on the one in whose possession the dates reached the taxable stage of ripening, unlike wheat and barley. And in Allah the Exalted we place our trust.

L10320 **An Issue: Zakāt is obligatory upon whoever possesses**

وَمَنْ كَانَتْ لَهُ أَرْضُونَ شَتَّى فِي قَرْيَةٍ وَاحِدَةٍ، أَوْ فِي قُرًى شَتَّى فِي عَمَلِ مَدِينَةٍ وَاحِدَةٍ أَوْ فِي أَعْمَالٍ شَتَّى - وَلَوْ أَنَّ إِحْدَى أَرْضَيْهِ فِي أَقْصَى الصِّينِ، وَالْأُخْرَى إِلَى أَقْصَى الْأَنْدَلُسِ -: فَإِنَّهُ يَضُمُّ كُلَّ قَمْحٍ أَصَابَ فِي جَمِيعِهَا بَعْضَهَا إِلَى بَعْضٍ، وَكُلَّ شَعِيرٍ أَصَابَهُ فِي جَمِيعِهَا بَعْضِهِ إِلَى بَعْضٍ، فَيُزَكِّيهِ؛ لِأَنَّهُ مُخَاطَبٌ بِالزَّكَاةِ فِي ذَاتِهِ، مُرَتَّبَةٌ بِنَصِّ الْقُرْآنِ وَالسُّنَنِ فِي ذِمَّتِهِ وَمَالِهِ، دُونَ أَنْ يَخُصَّ اللَّهَ تَعَالَى، أَوْ رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِذَلِكَ مَا كَانَ فِي طُسُوجٍ وَاحِدًا، أَوْ رُسْتَاقٍ وَاحِدٍ -: مِمَّا فِي طُسُّوجَيْنِ، أَوْ رُسْتَاقَيْنِ؛ وَتَخْصِيصُ الْقُرْآنِ وَالسُّنَّةِ بِالْآرَاءِ الْفَاسِدَةِ: بَاطِلٌ مَقْطُوعٌ بِهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةُ الزَّكَاةِ لِمَنْ لَقَطَ السُّنْبُلَ فَاجْتَمَعَ لَهُ مِنْ الْبُرِّ خَمْسَةُ أَوْسُقٍ]

٦٤٨ - مَسْأَلَةٌ: وَمَنْ لَقَطَ السُّنْبُلَ فَاجْتَمَعَ لَهُ مِنْ الْبُرِّ خَمْسَةُ أَوْسُقٍ فَصَاعِدًا، وَمِنْ الشَّعِيرِ كَذَلِكَ -: فَعَلَيْهِ الزَّكَاةُ فِيهَا، الْعُشْرُ فِيمَا سُقِيَ بِالسَّمَاءِ، أَوْ بِالنَّهْرِ أَوْ بِالْعَيْنِ، أَوْ بِالسَّاقِيَةِ، وَنِصْفُ الْعُشْرِ فِيمَا سُقِيَ بِالنَّضْحِ؛ وَلَا زَكَاةَ عَلَى مَنْ الْتَقَطَ مِنْ التَّمْرِ خَمْسَةَ أَوْسُقٍ - وَبِإِيجَابِ الزَّكَاةِ فِي ذَلِكَ يَقُولُ أَبُو حَنِيفَةَ؟ بُرْهَانُ ذَلِكَ -: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَهَا عَلَى مَالِكِهَا الَّذِي يَخْرُجُ فِي مِلْكِهِ الْحَبُّ مِنْ سُنْبُلِهِ إِلَى إِمْكَانِ كَيْلِهِ؛ وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - مَنْ أَصَابَهُ مِنْ حَرْثِهِ أَوْ مِنْ غَيْرِ حَرْثِهِ؛ وَلَا شَيْءَ فِي ذَلِكَ عَلَى صَاحِبِ الزَّرْعِ الَّذِي الْتَقَطَ هَذَا مِنْهُ؛ لِأَنَّهُ خَرَجَ مِنْ مِلْكِهِ قَبْلَ إِمْكَانِ الْكَيْلِ فِيهِ الَّذِي بِهِ تَجِبُ الزَّكَاةُ، وَلَيْسَ كَذَلِكَ مَا الْتَقَطَ مِنْ التَّمْرِ؛ لِأَنَّ الزَّكَاةَ فِيهِ وَاجِبَةٌ عَلَى مَنْ أَزْهَى التَّمْرُ فِي مِلْكِهِ؛ بِخِلَافِ الْبُرِّ وَالشَّعِيرِ - وَبِاللَّهِ تَعَالَى نَتَأَيَّدُ.

[مَسْأَلَةُ الزَّكَاةُ عَلَى مَنْ أَزْهَى التَّمْرُ فِي مِلْكِهِ]

dates that have ripened to the assessable stage in their ownership.

L10321 649: Issue:

L10322–10324 Zakāt is obligatory upon one whose dates have reddened in his possession—reddening being the coloration of its fruits—and upon one who owns wheat and barley before their threshing and when it is possible to purify them from... Straw and its measurement by the wasq standard—regardless of how ownership was acquired, whether through inheritance, gift, purchase, charity, dowry, or other means—there is no zakāh on one whose ownership of dates was transferred before pollination, nor on one who acquired ownership after pollination. There is no zakāh on one whose ownership of wheat and barley was transferred before their threshing and the possibility of winnowing and measuring them by the wasq standard, nor on one who acquires ownership after they can be winnowed and measured by the wasq standard. The conclusive proof of this is the statement of Allah's Messenger—peace and blessings be upon him: "There is no charity due on less than five wasqs of grains or dates." The Prophet—peace and blessings be upon him—did not obligate charity on grains except after they could be measured by the wasq standard, for their owner is then commanded to measure them and pay their zakāh. Delaying the measurement—when possible—does not negate the obligation to fulfill Allah's right therein. There is fundamentally no means to measure by the wasq standard—which triggers zakāh's obligation—before threshing. Thus, there is no zakāh on them before threshing, since Allah the Exalted did not ordain it, nor did His Messenger—peace and blessings be upon him.

L10325 As for anyone whose ownership ceases before threshing—whether through sale, gift, dower, death, calamity, fire, flood, or usurpation—and he is unable to discharge his Zakah at the time it becomes obligatory, nor was Zakah incumbent upon him during his ownership.

L10326 And whoever is capable of measuring by volume [the grain] while it is in their ownership is the one commanded to pay its Zakāt. As for whoever acquires ownership of it after that, they have acquired it after the Zakāt obligation was

٦٤٩ - مَسْأَلَةٌ:

وَالزَّكَاةُ وَاجِبَةٌ عَلَى مَنْ أَزْهَى التَّمْرُ فِي مِلْكِهِ - وَالْإِزْهَاءُ: هُوَ احْمِرَارُهُ فِي ثِمَارِهِ - وَعَلَى مَنْ مَلَكَ الْبُرَّ، وَالشَّعِيرَ قَبْلَ دِرَاسِهِمَا، وَإِمْكَانِ تَصْفِيَتِهِمَا مِنْ التِّبْنِ وَكَيْلِهِمَا بِأَيِّ وَجْهٍ مَلَكَ ذَلِكَ، مِنْ مِيرَاثٍ، أَوْ هِبَةٍ، أَوْ ابْتِيَاعٍ، أَوْ صَدَقَةٍ، أَوْ إصْدَاقٍ، أَوْ غَيْرِ ذَلِكَ؟ وَلَا زَكَاةَ عَلَى مَنْ انْتَقَلَ مِلْكُهُ عَنْ التَّمْرِ قَبْلَ الْإِزْهَاءِ، وَلَا عَلَى مَنْ مَلَكَهَا بَعْدَ الْإِزْهَاءِ، وَلَا عَلَى مَنْ انْتَقَلَ مِلْكُهُ عَنْ الْبُرِّ، وَالشَّعِيرِ، قَبْلَ دِرَاسِهِمَا وَإِمْكَانِ تَصْفِيَتِهِمَا وَكَيْلِهِمَا، وَلَا عَلَى مَنْ مَلَكَهُمَا بَعْدَ إمْكَانِ تَصْفِيَتِهِمَا وَكَيْلِهِمَا؟ بُرْهَانُ ذَلِكَ -: قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَيْسَ فِيمَا دُونَ خَمْسَةِ أَوْسُقٍ مِنْ حَبٍّ وَلَا تَمْرٍ صَدَقَةٌ» فَلَمْ يُوجِبْ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْحَبِّ صَدَقَةً إلَّا بَعْدَ إمْكَانِ تَوْسِيقِهِ، فَإِنَّ صَاحِبَهُ حِينَئِذٍ مَأْمُورٌ بِكَيْلِهِ وَإِخْرَاجِ صَدَقَتِهِ، فَلَيْسَ تَأْخِيرُهُ الْكَيْلَ - وَهُوَ لَهُ مُمْكِنٌ - بِمُسْقِطٍ حَقَّ اللَّهِ تَعَالَى فِيهِ، وَلَا سَبِيلَ إلَى التَّوْسِيقِ الَّذِي بِهِ تَجِبُ الزَّكَاةُ قَبْلَ الدِّرَاسِ أَصْلًا، فَلَا زَكَاةَ فِيهِ قَبْلَ الدِّرَاسِ، لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْهَا وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

فَمَنْ سَقَطَ مُلْكُهُ عَنْهُ قَبْلَ الدِّرَاسِ - بِبَيْعٍ أَوْ هِبَةٍ، أَوْ إصْدَاقٍ: أَوْ مَوْتٍ، أَوْ جَائِحَةٍ، أَوْ نَارٍ، أَوْ غَرَقٍ، أَوْ غَصْبٍ - فَلَمْ يُمْكِنْهُ إخْرَاجُ زَكَاتِهِ فِي وَقْتِ وُجُوبِهَا، وَلَا وَجَبَتْ الزَّكَاةُ عَلَيْهِ وَهُوَ فِي مِلْكِهِ.

already incumbent upon another party. Dates are not treated in this manner, for the textual ruling stipulates that Zakāt becomes obligatory on them once their ripening is apparent, as we will mention later, if Allah the Exalted wills. Those who oppose our opinion hold that Zakāt is due on wheat and barley when they dry and no longer depend on irrigation.

L10327–10329 We asked him about the evidence for this claim of his, but he had no means to substantiate it. We opposed him with the opinion of Abū Ḥanīfah, who maintains that if one sells green crops freshly cut which the buyer then separated and fed to his animal before any grain appeared in them, the zakah obligation rests upon the seller: one-tenth. One-eighth or half of its tenth, and neither can prioritize one opinion over the other? If the view of those who consider zakah obligatory before threshing were valid—it would necessitate that discharging the tenth from it while still in the ear suffices as fulfillment. Yet this is not something they assert.

L10330 **A ruling on zakāh for date palms.**

L10331 650 - Issue: As for palm trees, when they blossom, they are estimated (khurisa) and Zakat becomes obligatory as we mentioned. The owner retains full authority over them to dispose of them as he sees fit, while the Zakat remains a liability upon him. Abdullah ibn Rabi‘ narrated to us: Muhammad ibn Mu‘awiyah narrated to us: Ahmad ibn Shu‘ayb narrated to us: Muhammad ibn Bashshar narrated to us: Yahya – that is, Ibn Sa‘id al-Qattan – and Muhammad ibn Ja‘far Ghundar narrated to us via Shu‘bah, who said: I heard Khubayb ibn ‘Abd al-Rahman narrating from ‘Abd al-Rahman ibn Mas‘ud ibn Niyar, who said: Sahl ibn Abi Hathmah came to us and said: The Messenger of Allah – peace and blessings be upon him – said: “When you estimate [the yield], take? or leave? a third. If you do not take? leave a quarter.” Shu‘bah expressed doubt regarding the wording of “take?” and “leave?” Hammam narrated to us: Ibn Mufarrij narrated to us: Ibn al-A‘rabi narrated to us: al-Dabari narrated to us: ‘Abd al-Razzaq narrated from Ibn Jurayj from al-Zuhri from ‘Urwah ibn al-Zubayr from ‘A’ishah.

وَمَنْ أَمْكَنَهُ الْكَيْلُ وَهُوَ فِي مِلْكِهِ فَهُوَ الَّذِي خُوطِبَ بِزَكَاتِهِ، فَمَنْ مَلَكَهُ بَعْدَ ذَلِكَ فَإِنَّمَا مَلَكَهُ بَعْدَ وُجُوبِ الزَّكَاةِ عَلَى غَيْرِهِ؟ وَلَيْسَ التَّمْرُ كَذَلِكَ، لِأَنَّ النَّصَّ جَاءَ بِإِيجَابِ الزَّكَاةِ فِيهِ إِذَا بَدَا طِيبُهُ، كَمَا نَذْكُرُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى؟ وَمَنْ خَالَفَنَا فِي هَذَا وَرَأَى الزَّكَاةَ فِي الْبُرِّ، وَالشَّعِيرِ إِذَا يَبِسَا وَاسْتَغْنَيَا عَنْ الْمَاءِ.

سَأَلْنَاهُ عَنْ الدَّلِيلِ عَلَى دَعْوَاهُ هَذِهِ؟ وَلَا سَبِيلَ لَهُ إِلَى ذَلِكَ وَعَارَضْنَاهُ بِقَوْلِ أَبِي حَنِيفَةَ الَّذِي يَرَى عَلَى مَنْ بَاعَ زَرْعًا أَخْضَرَ قَصِيلًا فَفَصَلَهُ الْمُشْتَرِي وَأَطْعَمَهُ دَابَّتَهُ قَبْلَ أَنْ يَظْهَرَ فِيهِ شَيْءٌ مِنْ الْحَبِّ -: أَنَّ الزَّكَاةَ عَلَى الْبَائِعِ، عُشْرُ الثَّمَنِ أَوْ نِصْفُ عُشْرِهِ، وَلَا سَبِيلَ لِأَحَدِهِمَا إِلَى تَرْجِيحِ قَوْلٍ عَلَى الْآخَرِ؟ وَلَوْ صَحَّ قَوْلُ مَنْ رَأَى الزَّكَاةَ وَاجِبَةً فِيهِ قَبْلَ دِرَاسِهِ -: لَكَانَ وَاجِبًا إِذَا أَدَّى الْعُشْرَ مِنْهُ كَمَا هُوَ فِي سُنْبُلِهِ أَنْ يُجْزِئَهُ، وَهَذَا مَا لَا يَقُولُونَهُ

[مَسْأَلَةُ زَكَاةِ النَّخْلِ]

٦٥٠ - مَسْأَلَةٌ: وَأَمَّا النَّخْلُ فَإِنَّهُ إِذَا أَزْهَى خُرِصَ وَأُلْزِمَ الزَّكَاةَ كَمَا ذَكَرْنَا، وَأُطْلِقَتْ يَدُهُ عَلَيْهِ يَفْعَلُ بِهِ مَا شَاءَ، وَالزَّكَاةُ فِي ذِمَّتِهِ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ بَشَّارٍ ثنا يَحْيَى هُوَ ابْنُ سَعِيدٍ الْقَطَّانِ - وَمُحَمَّدُ بْنُ جَعْفَرٍ غُنْدَرٌ ثنا شُعْبَةُ قَالَ: سَمِعْتُ خُبَيْبَ بْنَ عَبْدِ الرَّحْمَنِ يُحَدِّثُ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَسْعُودِ بْنِ نِيَارٍ قَالَ: أَتَانَا سَهْلُ بْنُ أَبِي حَثْمَةَ فَقَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا خَرَصْتُمْ فَخُذُوا أَوْ دَعُوا الثُّلُثَ، فَإِنْ لَمْ تَأْخُذُوا فَدَعُوا الرُّبُعَ» شَكَّ شُعْبَةُ فِي لَفْظَةِ تَأْخُذُوا وَ " تَدَعُوا "؟ حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ عَنْ الزُّهْرِيِّ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ عَنْ عَائِشَةَ.

وَهِيَ تَذْكُرُ شَأْنَ خَيْبَرَ قَالَتْ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَبْعَثُ عَبْدَ اللَّهِ بْنَ رَوَاحَةَ إِلَى الْيَهُودِ فَيَخْرُصُ النَّخْلَ حِينَ يَطِيبُ أَوَّلُ الثَّمَرِ قَبْلَ أَنْ يُؤْكَلَ، ثُمَّ يُخَيِّرُونَ الْيَهُودَ بَيْنَ أَنْ يَأْخُذُوهَا بِذَلِكَ الْخَرْصِ أَوْ يَدْفَعُوهَا إِلَيْهِمْ بِذَلِكَ» وَإِنَّمَا كَانَ أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْخَرْصِ لِكَيْ تُحْصَى الزَّكَاةُ قَبْلَ أَنْ تُؤْكَلَ الثِّمَارُ وَتَفْتَرِقُ.

L10332 She mentioned the affair of Khaybar, saying: “Allah’s Messenger (peace and blessings be upon him) would send Abdullah ibn Rawaha to the Jews. He would estimate the date palms’ yield when the first fruits ripened before they were consumed, then they [the authorities] would let the Jews choose between keeping the fruits based on that estimate or surrendering them as tax according to that assessment.” The Messenger of Allah (peace and blessings be upon him) commanded this estimation solely to ensure the tax calculation occurred before the fruits were consumed or harvested and before their dispersal.

٦٥١ - مَسْأَلَةٌ:

L10333 651—Issue:

فَإِذَا خُرِصَ كَمَا ذَكَرْنَا فَسَوَاءٌ بَاعَ الثَّمَرَةَ صَاحِبُهَا أَوْ وَهَبَهَا أَوْ تَصَدَّقَ بِهَا أَوْ أَطْعَمَهَا أَوْ أَجِيحَ فِيهَا -: كُلُّ ذَلِكَ لَا يُسْقِطُ الزَّكَاةَ عَنْهُ؛ لِأَنَّهَا قَدْ وَجَبَتْ، وَأَطْلَقَ عَلَى الثَّمَرَةِ وَأَمْكَنَهُ التَّصَرُّفُ فِيهَا بِالْبَيْعِ وَغَيْرِهِ، كَمَا لَوْ وَجَدَهَا، وَلَا فَرْقَ؟

L10334 When the estimation is made as we mentioned, it makes no difference whether the owner sells the fruit, donates it, gives it in charity, uses it for food, or it is squandered—none of these actions nullify the Zakāt obligation upon him, because it has already become obligatory. The obligation is applied to the fruit, and he is enabled to dispose of it through sale or other means, just as if he had found it—is there any distinction?

مَسْأَلَةٌ: فَإِذَا غَلِطَ الْخَارِصُ أَوْ ظَلَمَ - فَزَادَ أَوْ نَقَصَ -: رَدَّ الْوَاجِبَ إِلَى الْحَقِّ، فَأُعْطِيَ مَا زِيدَ عَلَيْهِ وَأَخَذَ مِنْهُ مَا نَقَصَ؟ لِقَوْلِ اللَّهِ تَعَالَى: {كُونُوا قَوَّامِينَ بِالْقِسْطِ} [النساء: ١٣٥] وَالزِّيَادَةُ مِنْ الْخَارِصِ ظُلْمٌ لِصَاحِبِ الثَّمَرَةِ بِلَا شَكٍّ، وَقَدْ قَالَ تَعَالَى: {وَلا تَعْتَدُوا} [البقرة: ١٩٠] فَلَمْ يُوجِبْ اللَّهُ تَعَالَى عَلَى صَاحِبِ الثَّمَرَةِ إلَّا الْعُشْرَ، لَا أَقَلَّ وَلَا أَكْثَرَ، أَوْ نِصْفَ الْعُشْرِ، لَا أَقَلَّ وَلَا أَكْثَرَ، وَنُقْصَانُ الْخَارِصِ ظُلْمٌ لِأَهْلِ الصَّدَقَاتِ وَإِسْقَاطٌ لِحَقِّهِمْ، وَكُلُّ ذَلِكَ إثْمٌ وَعُدْوَانٌ.

L10335–10336 Issue: If the estimator errs or acts unjustly—by overestimating or underestimating—must the obligatory amount be adjusted to the correct amount? Should what was overestimated be returned and what was underestimated be reclaimed? This is derived from Allah’s statement: “Be upholders of justice” [An-Nisa’ 4:135]. Overestimation by the estimator is undoubtedly an injustice to the fruit owner, as Allah says: “And do not transgress” [Al-Baqarah 2:190]. Allah has obligated the fruit owner to pay only a tenth, neither less nor more, or half a tenth, neither less nor more. Underestimation is an injustice to the recipients of alms and a deprivation of their right. All such acts are sinful and oppressive.[32]

٦٥٣ - مَسْأَلَةٌ:

L10337 653: Question

L10338 If the claimant alleges that the estimator wronged him or erred, his claim is not accepted except with clear proof—if the estimator is just and knowl-

[32] **Qur’an references (L10336):** Qur’an 4:135 (An-Nisa); Qur’an 2:190 (Al-Baqarah).

edgeable. If the estimator is ignorant or unjust, his ruling is rejected, for if he is unjust, he is a sinner, and thus his testimony is rejected.

فَإِنْ ادَّعَى أَنَّ الْخَارِصَ ظَلَمَهُ أَوْ أَخْطَأَ؟ لَمْ يُصَدَّقْ إِلَّا بِبَيِّنَةٍ إِنْ كَانَ الْخَارِصُ عَدْلًا عَالِمًا، فَإِنْ كَانَ جَاهِلًا أَوْ جَائِرًا فَحُكْمُهُ مَرْدُودٌ؟ لِأَنَّهُ إِنْ كَانَ جَائِرًا فَهُوَ فَاسِقٌ فَخَبَرُهُ مَرْدُودٌ.

L10339 Due to the statement of Allah, the Most High: "If a transgressor brings you a report, verify it thoroughly—lest you harm people in ignorance and become remorseful for what you have done" [Sūrat al-Ḥujurāt (49:6)].[33]

لِقَوْلِ اللَّهِ تَعَالَى: {إِنْ جَاءَكُمْ فَاسِقٌ بِنَبَإٍ فَتَبَيَّنُوا أَنْ تُصِيبُوا قَوْمًا بِجَهَالَةٍ فَتُصْبِحُوا عَلَى مَا فَعَلْتُمْ نَادِمِينَ} [الحجرات: ٦] .

L10340 If he is ignorant, then an ignorant person presuming to judge matters of people's wealth **in matters he does not understand** is an act of harm. At the very least, this means it is impermissible to appoint him. Since this is the case, his appointment is null and void, in accordance with the statement of Allah's Messenger—peace and blessings be upon him: "Whoever performs an act not in accordance with our command, it is invalidated."[34]

وَإِنْ كَانَ جَاهِلًا فَتَعَرُّضُ الْجَاهِلِ لِلْحُكْمِ فِي أَمْوَالِ النَّاسِ بِمَا لَا يَدْرِي جُرْحَةٌ، وَأَقَلُّ ذَلِكَ أَنَّهُ لَا يَحِلُّ تَوْلِيَتُهُ، فَإِذْ هُوَ كَذَلِكَ فَتَوْلِيَتُهُ بَاطِلٌ مَرْدُودٌ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» .

[مَسْأَلَةُ خَرْصُ الزَّرْعِ]

L10341 **The issue of crop appraisal.**

٦٥٤ - مَسْأَلَةٌ:

L10342 654 – Jurisprudential Issue:

وَلَا يَجُوزُ خَرْصُ الزَّرْعِ أَصْلًا، لَكِنْ إِذَا حُصِدَ، وَدُرِسَ، فَإِنْ جَاءَ الَّذِي يَقْبِضُ الزَّكَاةَ حِينَئِذٍ فَقَعَدَ عَلَى الدُّرُوسِ وَالتَّصْفِيَةِ وَالْكَيْلِ فَلَهُ ذَلِكَ، وَلَا نَفَقَةَ لَهُ عَلَى صَاحِبِ الزَّرْعِ؟ لِأَنَّهُ لَمْ يَأْتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ خَرَصَ الزَّرْعَ، فَلَا يَجُوزُ خَرْصُهُ، لِأَنَّهُ إِحْدَاثُ حُكْمٍ لَمْ يَأْتِ بِهِ نَصٌّ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10343 Estimating the crop is fundamentally impermissible. However, when it is harvested and threshed, if the zakat collector arrives at that time and oversees the threshing, winnowing, and volumetric measuring, he is entitled to do so. The crop owner is not obligated to cover any expenses for him, as there is no report from the Messenger of Allah—peace and blessings be upon him—that he estimated crops. Thus, estimating them is impermissible, for it constitutes introducing a ruling without explicit textual evidence. Success comes from Allah, the Exalted.

وَأَمَّا النَّفَقَةُ فَإِنَّ اللَّهَ تَعَالَى يَقُولُ: {وَلا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨] .

L10344 As for expenditure, Allah the Exalted says: "And do not consume your wealth among yourselves wrongfully" [Al-Baqarah: 188].[35]

[33] **Qur'an references (L10339):** Qur'an 49:6 (Al-Hujurat).

[34] **Hadith references (L10340):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

[35] **Qur'an references (L10344):** Qur'an 2:188 (Al-Baqarah).

An issue: When harvesting crops, one should give from it to those among the poor who are present.

655 – Issue:

It was made obligatory upon everyone who has crops to give from their harvest at the time of reaping to those present. Among the poor are those whose soul is contented. We have mentioned this before in the chapter on what zakah is obligatory upon, when we cited the words of Allah the Exalted: {And give its due on the day of its harvest} [al-Anʿām 6:141]. And with Allah the Exalted is the success.[36]

A legal question: If one enters into a musaqat agreement with the cultivator of his land for a portion of what comes out of it, upon whom is the zakat obligation?

665 - Issue:

Whoever enters into a musāqāh contract for a date palm grove or cultivates his land in exchange for a share of its produce: if the portion allocated to either party reaches five wasqs or more of dates, or similarly five wasqs of wheat or barley, is Zakat obligatory upon him? Otherwise, it is not. Likewise, whoever has a partner or more in a crop or in the produce of date palms through detention, purchase, or any other means—all such cases are treated equally, with no difference in ruling. If the produce is designated for the poor, the blind, those afflicted with leprosy, for use in the path, or similar purposes where its beneficiaries are not specified—such as for a mosque or the like—then no Zakat is due on any of it. For Allah the Exalted has not obligated Zakat on less than five wasqs of the crops we mentioned, nor has He imposed it on a partner due to combining his crop with his partner's crop. He the Exalted said: **"No soul bears the burden of another, and no bearer of burdens will bear the burden of another"** [al-Anʿām 6:164].[37]

[مَسْأَلَةٌ عِنْدَ حَصَادِ الزَّرْعِ يُعْطِي مِنْهُ مَنْ حَضَرَ مِنْ الْمَسَاكِينِ]

٦٥٥ - مَسْأَلَةٌ:

وَفُرِضَ عَلَى كُلِّ مَنْ لَهُ زَرْعٌ عِنْدَ حَصَادِهِ أَنْ يُعْطِيَ مِنْهُ مَنْ حَضَرَ مِنْ الْمَسَاكِينِ مَا طَابَتْ بِهِ نَفْسُهُ، وَقَدْ ذَكَرْنَا ذَلِكَ قَبْلُ فِي بَابِ مَا تَجِبُ فِيهِ الزَّكَاةُ عِنْدَ ذِكْرِنَا قَوْلَ اللَّهِ تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ سَاقَى زَارِعَ أَرْضِهِ بِجُزْءٍ مِمَّا يَخْرُجُ مِنْهَا فَعَلَى مَنْ تَكُون الزَّكَاة]

٦٥٦ - مَسْأَلَةٌ:

وَمَنْ سَاقَى حَائِطَ نَخْلٍ أَوْ زَارِعَ أَرْضِهِ بِجُزْءٍ مِمَّا يَخْرُجُ مِنْهَا فَأَيُّهُمَا وَقَعَ فِي سَهْمِهِ خَمْسَةُ أَوْسُقٍ فَصَاعِدًا مِنْ تَمْرٍ، أَوْ خَمْسَةُ أَوْسُقٍ كَذَلِكَ مِنْ بُرٍّ، أَوْ شَعِيرٍ: فَعَلَيْهِ الزَّكَاةُ، وَإِلَّا فَلَا؟ وَكَذَلِكَ مَنْ كَانَ لَهُ شَرِيكٌ فَصَاعِدًا فِي زَرْعٍ أَوْ فِي ثَمَرَةِ نَخْلٍ بِحَبْسٍ، أَوْ ابْتِيَاعٍ، أَوْ بِغَيْرِ ذَلِكَ مِنْ الْوُجُوهِ كُلِّهَا وَلَا فَرْقَ؟ فَإِنْ كَانَتْ عَلَى الْمَسَاكِينِ، أَوْ الْعُمْيَانِ، أَوْ الْمَجْذُومِينَ، أَوْ فِي السَّبِيلِ، أَوْ مَا أَشْبَهَ ذَلِكَ - مِمَّا لَا يَتَعَيَّنُ بِأَهْلِهِ - أَوْ عَلَى مَسْجِدٍ، أَوْ نَحْوِ ذَلِكَ: فَلَا زَكَاةَ فِي شَيْءٍ مِنْ ذَلِكَ كُلِّهِ؟ لِأَنَّ اللَّهَ تَعَالَى لَمْ يُوجِبْ الزَّكَاةَ فِي أَقَلَّ مِنْ خَمْسَةِ أَوْسُقٍ مِمَّا ذَكَرْنَا، وَلَمْ يُوجِبْهَا عَلَى شَرِيكٍ مِنْ أَجْلِ ضَمِّ زَرْعِهِ إلَى زَرْعِ شَرِيكِهِ، قَالَ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا وَلا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى} [الأنعام: ١٦٤].

[36] **Qur'an references (L10347):** Qur'an 6:141 (Al-An'am).
[37] **Qur'an references (L10352):** Qur'an 6:164 (Al-An'am).

L10353 As for those not specified, it is invalid to claim that five awsuq applies to any of them. There is no zakat except upon a Muslim who attains five awsuq from what he acquires? Abu Hanifah maintained regarding all that zakat applies. This is erroneous due to our earlier clarification that divine legislation does not apply to land itself, but rather to people and jinn. Were their position valid, zakat would be obligatory on the produce of disbelievers' lands. Should they counter: "The kharaj substitutes for it," we reply: During the Prophet's era (peace be upon him), no kharaj was imposed upon them, yet according to their argument, zakat should have applied to what their land produced. This is invalid by consensus of scholars of transmitted knowledge and by their consensus along with the rest of the Muslims.

وَأَمَّا مَنْ لَا يَتَعَيَّنُ فَلَيْسَ يَصِحُّ أَنَّهُ يَقَعُ لِأَحَدِهِمْ خَمْسَةُ أَوْسُقٍ، وَلَا زَكَاةَ إِلَّا عَلَى مُسْلِمٍ يَقَعُ لَهُ مِمَّا يُصِيبُ خَمْسَةَ أَوْسُقٍ؟ وَقَالَ أَبُو حَنِيفَةَ فِي كُلِّ ذَلِكَ الزَّكَاةُ؟ وَهَذَا خَطَأٌ، لِمَا قَدْ ذَكَرْنَا مِنْ أَنَّهُ لَا شَرِيعَةَ عَلَى أَرْضٍ، وَإِنَّمَا الشَّرِيعَةُ عَلَى النَّاسِ، وَالْجِنِّ، وَلَوْ كَانَ مَا قَالُوا لَوَجَبَتْ الزَّكَاةُ فِي أَرَاضِي الْكُفَّارِ فَإِنْ قَالُوا: الْخَرَاجُ نَابَ عَنْهَا؟ قُلْنَا: كَانُوا فِي عَصْرِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا خَرَاجَ عَلَيْهِمْ، فَكَانَ يَجِبُ عَلَى قَوْلِكُمْ أَنْ تَكُونَ الزَّكَاةُ فِيمَا أَخْرَجَتْ أَرْضُهُمْ، وَهَذَا بَاطِلٌ بِإِجْمَاعٍ مِنْ أَهْلِ النَّقْلِ، وَبِإِجْمَاعِهِمْ مَعَ سَائِرِ الْمُسْلِمِينَ.

L10354–10355 Al-Shāfiʿī said: If all the co-owners collectively possess five *awsuq*, then *zakāt* is obligatory upon them - and we will refute this opinion (if Allah, the Exalted, wills) in the section on *zakāt* for livestock partners. The essence of the rebuttal against him is that it imposes a Sharʿī obligation without any foundational evidence whatsoever - and success comes only from Allah, the Exalted.

وَقَالَ الشَّافِعِيُّ: إذَا اجْتَمَعَ لِلشُّرَكَاءِ كُلِّهِمْ خَمْسَةُ أَوْسُقٍ فَعَلَيْهِمْ الزَّكَاةُ - وَسَنَذْكُرُ بُطْلَانَ هَذَا الْقَوْلِ - إنْ شَاءَ اللَّهُ تَعَالَى - فِي زَكَاةِ الْخُلَطَاءِ فِي الْمَاشِيَةِ، وَجُمْلَةُ الرَّدِّ عَلَيْهِ أَنَّهُ إيجَابُ شَرْعٍ بِلَا بُرْهَانٍ أَصْلًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ عَدَّ الزَّارِعُ مَا أَنْفَقَ فِي حَرْثٍ أَوْ حَصَادٍ فَأَسْقَطَهُ مِنْ الزَّكَاةِ]

Issue: A farmer accounted for his expenses on plowing or harvesting and deducted them from [his harvest] when calculating Zakat.

L10357 657 – Issue:

٦٥٧ - مَسْأَلَةٌ:

L10358 It is not permissible for the owner of crops or dates to deduct what he spent on plowing, harvesting, gathering, threshing, transporting, pruning, digging, or other similar activities from the Zakat owed - regardless of whether he incurred debt for these activities or not, and regardless of whether the expenses consumed the entire value of the crop or dates or not. This is a point over which the early predecessors differed. Hammam narrated to us from ʻAbdullāh ibn Muḥammad ibn ʻAlī from ʻAbdullāh ibn Yūnus from Baqī ibn Makhlad from Abū Bakr ibn Abī Shaybah from Wakīʻ from Abū ʻAwānah from Abū Bishr - who is Jaʻfar ibn Abī Waḥshiyyah - from ʻAmr ibn Harim

وَلَا يَجُوزُ أَنْ يَعُدَّ الَّذِي لَهُ الزَّرْعُ أَوْ التَّمْرُ مَا أَنْفَقَ فِي حَرْثٍ أَوْ حَصَادٍ، أَوْ جَمْعٍ، أَوْ دَرْسٍ، أَوْ تَزْبِيلٍ أَوْ جِدَادٍ أَوْ حَفْرٍ أَوْ غَيْرِ ذَلِكَ -: فَيُسْقِطُهُ مِنْ الزَّكَاةِ وَسَوَاءٌ تَدَايَنَ فِي ذَلِكَ أَوْ لَمْ يَتَدَايَنْ، أَتَتْ النَّفَقَةُ عَلَى جَمِيعِ قِيمَةِ الزَّرْعِ أَوْ التَّمْرِ أَوْ لَمْ تَأْتِ، وَهَذَا مَكَانٌ قَدْ اخْتَلَفَ السَّلَفُ فِيهِ؟ -: حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا وَكِيعٌ عَنْ أَبِي عَوَانَةَ عَنْ أَبِي بِشْرٍ

from Jābir ibn Zayd from Ibn ʻAbbās and Ibn ʻUmar regarding a man who spends on his fruit. One of them said: "He must give Zakat on it," while the other said: "He deducts the expenses and gives Zakat on what remains."

هُوَ جَعْفَرُ بْنُ أَبِي وَحْشِيَّةَ - عَنْ عَمْرِو بْنِ هَرِمٍ عَنْ جَابِرِ بْنِ زَيْدٍ عَنِ ابْنِ عَبَّاسٍ، وَابْنِ عُمَرَ، فِي الرَّجُلِ يُنْفِقُ عَلَى ثَمَرَتِهِ، قَالَ أَحَدُهُمَا: يُزَكِّيهَا، وَقَالَ الْآخَرُ: يَرْفَعُ النَّفَقَةَ وَيُزَكِّي مَا بَقِيَ.

L10359 From ʻAta': The zakat obligation is waived from expenses incurred. If the remainder reaches the taxable amount, he pays zakat; otherwise, he does not. Abu Muhammad said: The Messenger of Allah—peace and blessings be upon him—obligated zakat in totality on dates, wheat, and barley when a single type among them reaches five wasqs or more. He did not exempt zakat from that due to the cultivator's or date palm owner's expenses. Thus, is it permissible to waive a right Allah the Exalted has ordained without a Quranic text or established Sunnah? This is the view of Mālik, Al-Shāfiʻī, Abū Ḥanīfah, and our companions. However, Mālik, Abū Ḥanīfah, and Al-Shāfiʻī—in one of his two opinions—were inconsistent, exempting zakat from wealth for which Allah had ordained it when the owner owed a debt that consumes all or part of it, waiving zakat on the amount consumed by the debt.

وَعَنْ عَطَاءٍ: أَنَّهُ يَسْقُطُ مِمَّا أَصَابَ النَّفَقَةَ، فَإِنْ بَقِيَ مِقْدَارُ مَا فِيهِ الزَّكَاةُ زَكَّى، وَإِلَّا فَلَا؟ قَالَ أَبُو مُحَمَّد: أَوْجَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي التَّمْرِ وَالْبُرِّ وَالشَّعِيرِ: الزَّكَاةُ جُمْلَةً إذَا بَلَغَ الصِّنْفُ مِنْهَا خَمْسَةَ أَوْسُقٍ فَصَاعِدًا، وَلَمْ يُسْقِطْ الزَّكَاةَ عَنْ ذَلِكَ بِنَفَقَةِ الزَّارِعِ وَصَاحِبِ النَّخْلِ، فَلَا يَجُوزُ إسْقَاطُ حَقٍّ أَوْجَبَهُ اللَّهُ تَعَالَى بِغَيْرِ نَصِّ قُرْآنٍ وَلَا سُنَّةٍ ثَابِتَةٍ؟ وَهَذَا قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَبِي حَنِيفَةَ، وَأَصْحَابِنَا، إلَّا أَنَّ مَالِكًا، وَأَبَا حَنِيفَةَ، وَالشَّافِعِيَّ فِي أَحَدِ قَوْلَيْهِ تَنَاقَضُوا وَأَسْقَطُوا الزَّكَاةَ عَنْ الْأَمْوَالِ الَّتِي أَوْجَبَهَا اللَّهُ تَعَالَى فِيهَا إذَا كَانَ عَلَى صَاحِبِهَا دَيْنٌ يَسْتَغْرِقُهَا أَوْ يَسْتَغْرِقُ بَعْضَهَا، فَأَسْقَطُوهَا عَنْ مِقْدَارِ مَا اسْتَغْرَقَ الدَّيْنُ مِنْهَا.

An issue: What the cultivator and his household consume is not counted toward Zakat.

[مَسْأَلَةٌ لَا يُعَدُّ عَلَى صَاحِبِ الزَّرْعِ فِي الزَّكَاةِ مَا أَكَلَ هُوَ وَأَهْلُهُ]

L10361 Issue 658:

٦٥٨ - مَسْأَلَةٌ:

L10362 It is not permissible to count against the crop owner for zakah what he and his household consume as parched grain or flour—whether little or much—nor the ears that fall and are eaten by birds or livestock, nor what the needy take, nor what he donates during harvest. Rather, is zakah only obligatory on what remains after purification? The evidence for this—as we previously stated—is that zakah becomes obligatory only when measuring becomes possible. Whatever leaves his possession before this occurs has exited before the obligation of zakah took effect.

وَلَا يَجُوزُ أَنْ يُعَدَّ عَلَى صَاحِبِ الزَّرْعِ فِي الزَّكَاةِ مَا أَكَلَ هُوَ وَأَهْلُهُ فَرِيكًا أَوْ سَوِيقًا - قَلَّ أَوْ كَثُرَ - وَلَا السُّنْبُلَ الَّذِي يَسْقُطُ فَيَأْكُلُهُ الطَّيْرُ أَوْ الْمَاشِيَةُ أَوْ يَأْخُذُهُ الضُّعَفَاءُ، وَلَا مَا تَصَدَّقَ بِهِ حِينَ الْحَصَادِ، لَكِنْ مَا صُفِّيَ فَزَكَاتُهُ عَلَيْهِ؟ بُرْهَانُ ذَلِكَ -: مَا ذَكَرْنَا قَبْلُ أَنَّ الزَّكَاةَ لَا تَجِبُ إلَّا حِينَ إمْكَانِ الْكَيْلِ، فَمَا خَرَجَ عَنْ يَدِهِ قَبْلَ ذَلِكَ فَقَدْ خَرَجَ قَبْلَ وُجُوبِ الصَّدَقَةِ فِيهِ.

L10363–10364 Al-Shafi'i said: And Al-Layth similarly held.

وَقَالَ الشَّافِعِيُّ: وَاللَّيْثُ، كَذَلِكَ.

وَقَالَ مَالِكٌ، وَأَبُو حَنِيفَةَ: يُعَدُّ عَلَيْهِ كُلُّ ذَلِكَ.

قَالَ أَبُو مُحَمَّد: هَذَا تَكْلِيفُ مَا لَا يُطَاقُ، وَقَدْ يَسْقُطُ مِنْ السُّنْبُلِ مَا لَوْ بَقِيَ لَأَتَمَّ خَمْسَةَ أَوْسُقٍ، وَهَذَا لَا يُمْكِنُ ضَبْطُهُ وَلَا الْمَنْعُ مِنْهُ أَصْلًا.

وَاَللَّهُ تَعَالَى يَقُولُ: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] .

[مَسْأَلَةٌ مَا أَكَلَ هُوَ وَأَهْلُهُ رُطَبًا لَا يُكَلَّفُ عَنْهُ زَكَاةٌ]

٦٥٩ - مَسْأَلَةٌ:

وَأَمَّا التَّمْرُ: فَفَرْضٌ عَلَى الْخَارِصِ أَنْ يَتْرُكَ لَهُ مَا يَأْكُلُ هُوَ وَأَهْلُهُ رُطَبًا عَلَى السَّعَةِ، لَا يُكَلَّفُ عَنْهُ زَكَاةً.

وَهُوَ قَوْلُ الشَّافِعِيِّ، وَاللَّيْثِ بْنِ سَعْد. وَقَالَ مَالِكٌ، وَأَبُو حَنِيفَةَ: لَا يَتْرُكُ لَهُ شَيْئًا؟ بُرْهَانُ صِحَّةِ قَوْلِنَا حَدِيثُ سَهْلِ بْنِ أَبِي حَثْمَةَ الَّذِي ذَكَرْنَا قَبْلُ مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا خَرَصْتُمْ فَخُذُوا أَوْ دَعُوا الثُّلُثَ أَوْ الرُّبُعَ» وَلَا يَخْتَلِفُ الْقَائِلُونَ بِهَذَا الْخَبَرِ - وَهُمْ أَهْلُ الْحَقِّ الَّذِينَ إجْمَاعُهُمْ الْإِجْمَاعُ الْمُتَّبَعُ - فِي أَنَّ هَذَا عَلَى قَدْرِ حَاجَتِهِمْ إلَى الْأَكْلِ رُطَبًا -: حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ ثنا هُشَيْمٌ، وَزَيْدٌ كِلَاهُمَا: عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ بَشِيرِ بْنِ يَسَارٍ قَالَ: بَعَثَ عُمَرُ بْنُ الْخَطَّابِ أَبَا حَثْمَةَ الْأَنْصَارِيَّ عَلَى خَرْصِ أَمْوَالِ الْمُسْلِمِينَ، فَقَالَ: إذَا وَجَدْت الْقَوْمَ فِي نَخْلِهِمْ قَدْ خَرَفُوا فَدَعْ لَهُمْ مَا يَأْكُلُونَ، لَا تَخْرُصْهُ عَلَيْهِمْ.

L10365 And Mālik and Abū Ḥanīfah said: All of that is counted against him.

L10366 Abu Muhammad said: This is an obligation beyond one's capacity, for grains may fall from the ears which, had they remained, would have completed five *wasqs*. This cannot be precisely regulated nor prevented at all.

L10367 And Allah, the Exalted, says: "Allah does not burden any soul beyond its capacity" [Al-Baqarah 2:286].[38]

L10368 **A jurisprudential issue: What he and his household consume as ripe dates is not subject to zakah.**

L10369 659 - Question:

L10370 As for dates: it is obligatory upon the Zakat assessor to leave the owner an abundant amount of fresh dates for him and his family to consume, and no Zakat is levied on this portion.

L10371 This is the opinion of Al-Shāfiʿī and Al-Layth ibn Saʿd. Mālik and Abū Ḥanīfah said: "Should he not leave anything for him?" The proof for the validity of our position is the ḥadīth of Sahl ibn Abī Ḥathmah we previously mentioned from the Messenger of Allah—peace and blessings be upon him: "When you estimate [the crop], either take the third or the quarter, or leave those portions." Those who uphold this report (being the upholders of truth whose consensus constitutes authoritative precedent) do not disagree that this [allowance] corresponds to the extent of their need to consume fresh dates.

Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us: Muḥammad ibn ʿĪsā ibn Rifāʿah narrated to us: ʿAlī ibn ʿAbd al-ʿAzīz narrated to us: Abū ʿUbayd narrated to us: Hushaym and Zayd—both of them—narrated from Yaḥyā ibn Saʿīd al-Anṣārī from Bashīr ibn Yasār, who said: ʿUmar ibn al-Khaṭṭāb appointed Abū Ḥathmah al-Anṣārī to estimate Muslims' agricultural yields.

[38] **Qur'an references (L10367):** Qur'an 2:286 (Al-Baqarah).

He instructed: “If you find people when their dates are ripe for harvest, leave for them what they consume—do not include what they consume in your taxable estimation.”

L10372 And through him to Abū ’Ubayd from Yazīd from Yaḥyā ibn Saʿīd al-Anṣārī from Muḥammad ibn Muḥammad ibn Yaḥyā ibn Ḥibbān that Abū Maymūnah informed him from Sahl ibn Abī Ḥathmah: that Marwān sent him as an estimator for date palms, so he assessed the date harvest of Saʿd ibn Abī Waqqāṣ as seven hundred *wasqs*, and he said: “If I had not found forty date-drying sheds in it, I would have assessed it as nine hundred *wasqs*; but I left them an amount equivalent to what they would consume.”

L10373–10374 Abu Muhammad said: This is the action of Umar ibn al-Khattab, Abu Hathmah, and Sahl - three Companions - in the presence of the Companions (may Allah be pleased with them), with no known opponent from among them. They would censure others for such acts when it suited them - and with Allah, the Exalted, lies all success.

L10375 Abū Yūsuf and Muḥammad said: “He must pay Zakat on what remains after he eats”—this is confused reasoning and contradicts all transmitted texts.

L10376 [A question regarding Zakat on crops irrigated part of the year by a waterwheel and part by bucket irrigation.]

L10377 660 - Legal Question:

L10378 If there is a crop or palm trees irrigated part of the year by a spring, a canal from a river, or rainwater, and part of the year by manual drawing, a pulley system, a counterweighted bucket system, or a bucket, then if the manual drawing significantly increased the yield and enhanced the crop, its zakat is only half of a tenth; but if it did not result in any increase or improvement, its zakat is a tenth.

L10379 Abū Muḥammad said: Abū Ḥanīfah and his companions held that zakāh is assessed according to the predominant irrigation method thereof. This is an

وَبِهِ إِلَى أَبِي عُبَيْدٍ عَنْ يَزِيدَ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ يَحْيَى بْنِ حِبَّانَ أَنَّ أَبَا مَيْمُونَةَ أَخْبَرَهُ عَنْ سَهْلِ بْنِ أَبِي حَثْمَةَ: أَنَّ مَرْوَانَ بَعَثَهُ خَارِصًا لِلنَّخْلِ، فَخَرَصَ مَال سَعْدِ بْنِ أَبِي وَقَّاصٍ سَبْعمِائَةِ وَسْقٍ، وَقَالَ: لَوْلَا أَنِّي وَجَدْت فِيهِ أَرْبَعِينَ عَرِيشًا لَخَرَصْته تِسْعمِائَةِ وَسْقٍ، وَلَكِنِّي تَرَكْت لَهُمْ قَدْرَ مَا يَأْكُلُونَ.

قَالَ أَبُو مُحَمَّد: هَذَا فِعْلُ عُمَرَ بْنِ الْخَطَّابِ، وَأَبِي حَثْمَةَ، وَسَهْلٍ، ثَلَاثَةٌ مِنْ الصَّحَابَةِ، بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، لَا مُخَالِفَ لَهُمْ يُعْرَفُ مِنْهُمْ، وَهُمْ يُشَنِّعُونَ بِمِثْلِ ذَلِكَ إذَا وَافَقَهُمْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَقَالَ أَبُو يُوسُفَ، وَمُحَمَّدٌ: يُزَكِّي مَا بَقِيَ بَعْدَمَا يَأْكُلُ - وَهَذَا تَخْلِيطٌ وَمُخَالَفَةٌ لِلنُّصُوصِ كُلِّهَا.

[مَسْأَلَةٌ الزَّكَاة فِي زَرْع يُسْقَى بَعْض الْعَام بِسَاقِيَةٍ وَبَعْض الْعَام بِنَضْحٍ]

٦٦٠ - مَسْأَلَةٌ:

وَإِنْ كَانَ زَرْعٌ، أَوْ نَخْلٌ يُسْقَى بَعْض الْعَام بِعَيْنٍ، أَوْ سَاقِيَةٍ مِنْ نَهْرٍ أَوْ بِمَاءِ السَّمَاءِ، وَبَعْض الْعَام بِنَضْحٍ، أَوْ سَانِيَةٍ، أَوْ خَطَّارَةٍ، أَوْ دَلْوٍ، فَإِنْ كَانَ النَّضْحُ زَادَ فِي ذَلِكَ زِيَادَةً ظَاهِرَةً وَأَصْلَحَهُ: فَزَكَاتُهُ نِصْفُ الْعُشْرِ فَقَطْ، وَإِنْ كَانَ لَمْ يَزِدْ فِيهِ شَيْئًا وَلَا أَصْلَحَ فَزَكَاتُهُ الْعُشْرُ.

opinion we have transmitted from some of the pious predecessors. Ḥammām narrated to us from Abū Muḥammad al-Bājī from ʿAbdullāh ibn Yūnus from Baqī from Abū Bakr ibn Abī Shaybah from Muḥammad ibn Bakr from Ibn Jurayj, who said: I asked ʿAṭāʾ, "What is the ruling for crops irrigated by natural water sources or rain-dependent cultivation for most of their growth period, but necessitating irrigation from a well?" He replied: "If irrigated by natural water sources or rain-dependent cultivation more than by manual irrigation, the full one-tenth is due. If irrigated by manual irrigation more than by rain-dependent cultivation, half of one-tenth is due." Abū al-Zubayr said: I heard Jābir ibn ʿAbdillāh and ʿUbayd ibn ʿUmayr both articulating this precise ruling.

قَالَ أَبُو مُحَمَّدٍ: وَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: يُزَكِّي عَلَى الْأَغْلَبِ مِنْ ذَلِكَ، وَهُوَ قَوْلٌ رُوِّينَاهُ عَنْ بَعْضِ السَّلَفِ -: حَدَّثَنَا حُمَامٌ ثنا أَبُو مُحَمَّدٍ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيٌّ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا مُحَمَّدُ بْنُ بَكْرٍ عَنْ ابْنِ جُرَيْجٍ قَالَ قُلْت لِعَطَاءٍ: فِي الْمَالِ يَكُونُ عَلَى الْعَيْنِ أَوْ بَعْلًا عَامَّةَ الزَّمَانِ، ثُمَّ يَحْتَاجُ إلَى الْبِئْرِ يُسْقَى بِهَا؟ فَقَالَ: إنْ كَانَ يُسْقَى بِالْعَيْنِ أَوْ الْبَعْلِ أَكْثَرُ مِمَّا يُسْقَى بِالدَّلْوِ: فَفِيهِ الْعُشْرُ، وَإِنْ كَانَ يُسْقَى بِالدَّلْوِ أَكْثَرُ مِمَّا يُسْقَى بِالْبَعْلِ: فَفِيهِ نِصْفُ الْعُشْرِ قَالَ أَبُو الزُّبَيْرِ: سَمِعْت جَابِرَ بْنَ عَبْدِ اللَّهِ، وَعُبَيْدَ بْنَ عُمَيْرٍ يَقُولَانِ هَذَا الْقَوْلَ.

L10380 Malik once said: "The zakat on it [the crop] is determined by that which irrigated it and brought it to completion. It does not matter to me which method of watering was used more - thus, its zakat obligation applies accordingly." He said another time: "Half of its zakat is one-tenth (10%) and the other half is half of one-tenth (5%)." Al-Shāfiʿī also stated it in this manner.

وَقَالَ مَالِكٌ مَرَّةً: إنَّ زَكَاتَهُ بِالَّذِي غَذَّاهُ بِهِ وَتَمَّ بِهِ، لَا أُبَالِي بِأَيِّ ذَلِكَ كَانَ أَكْثَرَ سَقْيِهِ فَزَكَاتُهُ عَلَيْهِ - وَقَالَ مَرَّةً أُخْرَى: يُعْطِي نِصْفَ زَكَاتِهِ الْعُشْرُ وَنِصْفُهَا نِصْفُ الْعُشْرِ، وَهَكَذَا قَالَ الشَّافِعِيُّ.

L10381 Abū Muḥammad said: The Prophet—peace and blessings of Allah be upon him—ruled regarding what is irrigated by bucket-drawn water that its zakāh is half of one-tenth. Without doubt, the sky waters it, and rainwater nourishes it. Indeed, we have observed that most irrigation methods dependent on springs or bucket irrigation, if rainwater does not fall upon them, inevitably deteriorate. Thus, he—peace be upon him—did not establish a ruling for that. It is therefore confirmed that when bucket irrigation adequately sustains crops or palm trees, its zakāh is only half of one-tenth. This is among the matters where the Shāfiʿīs left the ruling unattributed to a specific authority within the school, with no known dissenter among them.

قَالَ أَبُو مُحَمَّدٍ: قَدْ حَكَمَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيمَا سُقِيَ بِالنَّضْحِ بِنِصْفِ الْعُشْرِ، وَبِلَا شَكٍّ أَنَّ السَّمَاءَ تَسْقِيهِ وَيُصْلِحُهُ مَاءُ السَّمَاءِ، بَلْ قَدْ شَاهَدْنَا جُمْهُورَ السَّقَاءِ بِالْعَيْنِ وَالنَّضْحِ إنْ لَمْ يَقَعْ عَلَيْهِ مَاءُ السَّمَاءِ تَغَيَّرَ وَلَا بُدَّ، فَلَمْ يَجْعَلْ - عَلَيْهِ السَّلَامُ - لِذَلِكَ حُكْمًا، فَصَحَّ أَنَّ النَّضْحَ إذَا كَانَ مُصْلِحًا لِلزَّرْعِ أَوْ النَّخْلِ فَزَكَاتُهُ نِصْفُ الْعُشْرِ فَقَطْ: وَهَذَا مِمَّا تَرَكَ الشَّافِعِيُّونَ فِيهِ صَاحِبًا لَا يُعْرَفُ لَهُ مُخَالِفٌ مِنْهُمْ.

[مَسْأَلَةٌ الزَّكَاة عَلَى مَنْ زَرَعَ قَمْحًا مَرَّتَيْنِ فِي الْعَامِ]

L10382–10383 **The ruling on zakat for someone who grows wheat twice a year.**

مَسْأَلَةٌ:

L10384 Issue:

L10385 Whoever plants wheat or barley twice or more in a year, or a palm tree bears two crops in a year, he does not combine the second wheat, the second barley, or the second dates with the first. If one of them does not reach five awsuq, he does not give zakāt on it. If each of them individually does not reach five awsuq, he does not give zakāt on either.

وَمَنْ زَرَعَ قَمْحًا أَوْ شَعِيرًا مَرَّتَيْنِ فِي الْعَامِ أَوْ أَكْثَرَ، أَوْ حَمَلَتْ نَخْلَةٌ بَطْنَيْنِ فِي السَّنَةِ فَإِنَّهُ لَا يَضُمُّ الْبُرَّ الثَّانِي وَلَا الشَّعِيرَ الثَّانِي وَلَا التَّمْرَ الثَّانِي إلَى الْأَوَّلِ، وَإِنْ كَانَ أَحَدُهُمَا لَيْسَ فِيهِ خَمْسَةُ أَوْسُقٍ لَمْ يُزَكِّهِ، وَإِنْ كَانَ كُلُّ وَاحِدٍ مِنْهُمَا لَيْسَ فِيهِ خَمْسَةُ أَوْسُقٍ بِانْفِرَادِهِ لَمْ يُزَكِّهِمَا.

L10386 Ali said: This is because if they were combined, it would necessitate combining the two crops and the two dates—even if there were two years or more between them—and this is invalid without dispute. Since the authenticity of the Messenger of Allah's—may Allah bless him and grant him peace—negation of zakah on less than five wasqs is established, it follows that he considered the aggregated total, not a new crop whose existence is uncertain (whether it will occur or not). And with Allah alone is success, the Most High.

قَالَ عَلِيٌّ: وَذَلِكَ أَنَّهُ لَوْ جَمَعَا لَوَجَبَ أَنْ يَجْمَعَ بَيْنَ الزَّرْعَيْنِ وَالتَّمْرَتَيْنِ وَلَوْ كَانَ بَيْنَهُمَا عَامَانِ أَوْ أَكْثَرُ، وَهَذَا بَاطِلٌ بِلَا خِلَافٍ، وَإِذْ صَحَّ نَفْيُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الزَّكَاةَ عَمَّا دُونَ خَمْسَةِ أَوْسُقٍ فَقَدْ صَحَّ أَنَّهُ رَاعَى الْمُجْتَمَعَ، لَا زَرْعًا مُسْتَأْنَفًا لَا يُدْرَى أَيَكُونُ أَمْ لَا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10387 662 - Issue:

٦٦٢ - مَسْأَلَةٌ:

L10388 If there is early wheat, early barley, or early dates, along with another delayed planting of the same type, then if the delayed planting dries or forms ears or ripens before the completion of the early crop's harvest and reaping time, they are considered a single crop and single dates. They are combined, and Zakat is levied on them together. If the delayed planting neither dries nor forms ears nor ripens until after the early crop's harvest and reaping time has ended, they are two crops and two dates. One is combined with the other, and each follows its own ruling.

وَإِنْ كَانَ قَمْحٌ بِكِيرٍ أَوْ شَعِيرُ بِكِيرٍ أَوْ تَمْرُ بِكِيرٍ وَآخَرُ مِنْ جِنْسِ كُلِّ وَاحِدٍ مِنْهَا مُؤَخَّرٌ، فَإِنْ يَبِسَ الْمُؤَخَّرُ أَوْ أَزْهَى قَبْلَ تَمَامِ وَقْتِ حَصَادِ الْبَكِيرِ وَجِدَادِهِ فَهُوَ كُلُّهُ زَرْعٌ وَاحِدٌ وَتَمْرٌ وَاحِدٌ، يَضُمُّ بَعْضَهُ إلَى بَعْضٍ، وَتُزَكَّى مَعًا؛ إنْ لَمْ يَيْبَسْ الْمُؤَخَّرُ وَلَا أَزْهَى إلَّا بَعْدَ انْقِضَاءِ وَقْتِ حَصَادِ الْبَكِيرِ فَهُمَا زَرْعَانِ وَتَمْرَانِ، يَضُمُّ أَحَدَهُمَا إلَى الْآخَرِ وَلِكُلِّ وَاحِدٍ مِنْهُمَا حُكْمُهُ.

L10389 The proof of this is that every crop and all dates—some precede others in drying and blossoming stages. For instance, what is planted in Tishrin al-Awwal begins to dry before what is planted in Shubat dries, yet the harvesting period of the former does not end until the latter is harvested, as they belong to a single summer season. Similarly, regarding dates, if their harvest times do not coincide and their blossoming periods do not follow consecutively,

بُرْهَانُ ذَلِكَ -: أَنَّ كُلَّ زَرْعٍ وَكُلَّ تَمْرٍ فَإِنَّ بَعْضَهُ يَتَقَدَّمُ بَعْضًا فِي الْيُبْسِ وَالْإِزْهَاءِ، وَإِنَّ مَا زُرِعَ فِي تَشْرِينَ الْأَوَّلِ يَبْدَأُ يُبْسُهُ قَبْلَ أَنْ يَيْبَسَ مَا زُرِعَ فِي شُبَاطَ، إلَّا أَنَّهُ لَا يَنْقَضِي وَقْتُ حَصَادِ الْأَوَّلِ حَتَّى يُسْتَحْصَدَ الثَّانِي؛ لِأَنَّهَا صِيفَةٌ وَاحِدَةٌ، وَكَذَلِكَ

they are two distinct seasons, as we have explained earlier. And with Allah, the Exalted, is success.

L10390–10392 The earliest time confirmed with certainty in our view is that cultivation begins to be sown in the wilderness of Shant Barriyyah - a region within the district of the city of Salim in Al-Andalus. They sow barley at the end of Aylul (which is September) due to the prevalence of snow in their land, to the extent that it prevents them from sowing it unless they start early as... We have mentioned. The planting continues thereafter for a period of six months and a few extra days, as we have observed over the years that wheat and barley are planted at the beginning of March (corresponding to the Coptic month of Baramhat).

L10393 The earliest [time] authentically established according to our school for harvesting is such-and-such "from the operation of *tadmīr* (crop management)," for they begin harvesting in the remaining days of Nisan (April), and the harvest continues for four months until the onset of Aylul (September), which is Aghusht (August). These all constitute a single summer and one continuous harvest period.

L10394 663: Issue

L10395 If wheat or barley is harvested and another crop grows again in its roots, it counts as a new crop and is not aggregated with the first one, for the reason we stated earlier—and success is by Allah, the Most High.

L10396 The ruling: Zakat is an obligation incumbent on the owner of the wealth, not on the wealth itself.

L10397 664—Question:

L10398 Zakat is a personal obligation binding upon the wealth owner, not on the tangible wealth itself. Abu Muhammad said: The positions of the opposing scholars are inconsistent regarding this matter.

L10399 The proof for the validity of our position is this: There exists no disagree-

التَّمْرُ - وَأَمَّا إِذَا كَانَ لَا يَجْتَمِعُ وَقْتُ حَصَادِهِمَا وَلَا يَتَّصِلُ وَقْتُ إِزْهَائِهِمَا فَهُمَا زَمَنَانِ اثْنَانِ كَمَا قَدَّمْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَبْكَرُ مَا صَحَّ عِنْدَنَا يَقِينًا: أَنَّهُ يَبْدَأُ بِأَنْ يُزْرَعَ فِي بِلَادٍ مِنْ شِنْتَ بَرِيَّةَ، وَهِيَ مِنْ عَمَلِ مَدِينَةِ سَالِمٍ بِالْأَنْدَلُسِ، فَإِنَّهُمْ يَزْرَعُونَ الشَّعِيرَ فِي آخِرِ أَيْلُولَ وَهُوَ " شتنبر " لِغَلَبَةِ الثَّلْجِ عَلَى بِلَادِهِمْ، حَتَّى يَمْنَعُهُمْ مِنْ زَرْعِهَا إِنْ لَمْ يُبَكِّرُوا بِهِ كَمَا ذَكَرْنَا؛ وَيَتَّصِلُ الزَّرْعُ بَعْدَ ذَلِكَ مُدَّةَ سِتَّةِ أَشْهُرٍ وَزِيَادَةُ أَيَّامٍ، فَقَدْ شَاهَدْنَا فِي الْأَعْوَامِ زَرِيعَةَ الْقَمْحِ وَالشَّعِيرِ فِي صَدْرِ " آذَارِ " وَهُوَ " مُرْسٍ ".

وَأَبْكَرُ مَا صَحَّ عِنْدَنَا حَصَادُهُ فألش " مِنْ عَمَلِ " تَدْمِيرَ " فَإِنَّهُمْ يَبْدَءُونَ بِالْحَصَادِ فِي أَيَّامٍ بَاقِيَةٍ مِنْ " نَيْسَانَ " وَهُوَ " أَبِرِيلُ " وَيَتَّصِلُ الْحَصَادُ أَرْبَعَةُ أَشْهُرٍ إِلَى صَدْرِ زَمَنِ " أَيْلُولَ " وَهُوَ " أُغِشْتْ " وَهِيَ كُلُّهَا صِيفَةٌ وَاحِدَةٌ، وَاسْتِحْصَادٌ وَاحِدٌ مُتَّصِلٌ.

٦٦٣ - مَسْأَلَةٌ:

فَلَوْ حُصِدَ قَمْحٌ أَوْ شَعِيرٌ ثُمَّ أُخْلِفَ فِي أُصُولِهِ زَرْعٌ فَهُوَ زَرْعٌ آخَرُ، لَا يُضَمُّ إِلَى الْأَوَّلِ؛ لِمَا ذَكَرْنَا قَبْلُ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ الزَّكَاةُ وَاجِبَةٌ فِي ذِمَّةِ صَاحِبِ الْمَالِ لَا فِي عَيْنِ الْمَالِ]

٦٦٤ - مَسْأَلَةٌ:

وَالزَّكَاةُ وَاجِبَةٌ فِي ذِمَّةِ صَاحِبِ الْمَالِ لَا فِي عَيْنِ الْمَالِ؛ قَالَ أَبُو مُحَمَّدٍ: وَقَدْ اضْطَرَبَتْ أَقْوَالُ الْمُخَالِفِينَ فِي هَذَا.

ment among any member of the Ummah—from our time to the time of Allah's Messenger (peace be upon him)—regarding the ruling that if one upon whom *zakat* is due for wheat, barley, dates, silver, gold, camels, cattle, or sheep pays their obligatory *zakat* from other than that specific crop, other than those dates, other than that gold, other than that silver, other than those camels, other than those cattle, or other than those sheep, he is neither prohibited nor discouraged from doing so. Rather, it is equally valid whether he pays from the specific asset itself, from other assets in his possession, from purchased goods, gifted items, or borrowed means. This conclusively establishes that *zakat* is an obligation attached to the *dhimma* (moral accountability), not to the specific asset. For if it were tied to the asset itself, it would never be permissible to pay from other than it, just as co-owners of any such asset are prohibited from settling their partner's share with anything other than the jointly owned asset itself, except through mutual consent and as per the rules of sale.

Furthermore, if *zakat* were inherently tied to the asset itself, it could only be in one of two aspects without a third possibility: either it would apply to every single portion of that asset, or it would apply to a portion of it without being tied to the asset itself.

وَبُرْهَانُ صِحَّةِ قَوْلِنَا -: هُوَ أَنْ لَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ - مِنْ زَمَنِنَا إلَى زَمَنِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي أَنَّ مَنْ وَجَبَتْ عَلَيْهِ زَكَاةُ بُرٍّ أَوْ شَعِيرٍ أَوْ تَمْرٍ أَوْ فِضَّةٍ أَوْ ذَهَبٍ أَوْ إبِلٍ أَوْ بَقَرٍ أَوْ غَنَمٍ فَأَعْطَى زَكَاتَهُ الْوَاجِبَةَ عَلَيْهِ مِنْ غَيْرِ ذَلِكَ الزَّرْعِ وَمِنْ غَيْرِ ذَلِكَ التَّمْرِ وَمِنْ غَيْرِ ذَلِكَ الذَّهَبِ وَمِنْ غَيْرِ تِلْكَ الْفِضَّةِ وَمِنْ غَيْرِ تِلْكَ الْإِبِلِ وَمِنْ غَيْرِ تِلْكَ الْبَقَرِ وَمِنْ غَيْرِ تِلْكَ الْغَنَمِ -: فَإِنَّهُ لَا يُمْنَعُ مِنْ ذَلِكَ، وَلَا يُكْرَهُ ذَلِكَ لَهُ، بَلْ سَوَاءٌ أَعْطَى مِنْ تِلْكَ الْعَيْنِ، أَوْ مِمَّا عِنْدَهُ مِنْ غَيْرِهَا، أَوْ مِمَّا يَشْتَرِي، أَوْ مِمَّا يُوهَبُ، أَوْ مِمَّا يُسْتَقْرَضُ، فَصَحَّ يَقِينًا أَنَّ الزَّكَاةَ فِي الذِّمَّةِ لَا فِي الْعَيْنِ إذْ لَوْ كَانَتْ فِي الْعَيْنِ لَمْ يَحِلَّ لَهُ الْبَتَّةَ أَنْ يُعْطِيَ مِنْ غَيْرِهَا، وَلَوَجَبَ مَنْعُهُ مِنْ ذَلِكَ، كَمَا يُمْنَعُ مَنْ لَهُ شَرِيكٌ فِي شَيْءٍ مِنْ كُلِّ ذَلِكَ أَنْ يُعْطِيَ شَرِيكَهُ مِنْ غَيْرِ الْعَيْنِ الَّتِي هُمْ فِيهَا شُرَكَاءُ إلَّا بِتَرَاضِيهِمَا، وَعَلَى حُكْمِ الْبَيْعِ؟ وَأَيْضًا - فَلَوْ كَانَتْ الزَّكَاةُ فِي عَيْنِ الْمَالِ لَكَانَتْ لَا تَخْلُو مِنْ أَحَدِ وَجْهَيْنِ لَا ثَالِثَ لَهُمَا -: إمَّا أَنْ تَكُونَ فِي كُلِّ جُزْءٍ مِنْ أَجْزَاءِ ذَلِكَ الْمَالِ، أَوْ تَكُونَ فِي شَيْءٍ مِنْهُ بِغَيْرِ عَيْنِهِ.

L10400–10401 If zakah were obligatory on every part of the crop, it would be impermissible for him to sell even a single head or grain or anything beyond that, because the zakah recipients are partners in that portion. It would also be impermissible for him to consume any of it for the reason we stated. This is invalid without any disagreement.

فَلَوْ كَانَتْ فِي كُلِّ جُزْءٍ مِنْهُ لَحَرُمَ عَلَيْهِ أَنْ يَبِيعَ مِنْهُ رَأْسًا أَوْ حَبَّةً فَمَا فَوْقَهَا؛ لِأَنَّ لِأَهْلِ الصَّدَقَاتِ فِي ذَلِكَ الْجُزْءِ شَرِيكًا، وَلَحَرُمَ عَلَيْهِ أَنْ يَأْكُلَ مِنْهَا شَيْئًا لِمَا ذَكَرْنَا، وَهَذَا بَاطِلٌ بِلَا خِلَافٍ.

L10402 It would also be incumbent upon him not to discharge the sheep except at a validly assessed value from the remaining assets, as is necessarily done in partnerships. And if zakat is due on any part of it in a form other than its actual form (in kind), then this is null and void.

وَلَلَزِمَهُ أَيْضًا: أَنْ لَا يُخْرِجَ الشَّاةَ إلَّا بِقِيمَةٍ مُصَحَّحَةٍ مِمَّا بَقِيَ، كَمَا يُفْعَلُ فِي الشَّرِكَاتِ وَلَا بُدَّ، وَإِنْ كَانَتْ الزَّكَاةُ فِي شَيْءٍ مِنْهُ بِغَيْرِ عَيْنِهِ؛ فَهَذَا بَاطِلٌ.

L10403 It was equally obligatory in exactly the same manner, because he did not know whether he might sell or consume what rightfully belongs to the eligible recipients of Zakat.

وَكَانَ يَلْزَمُ أَيْضًا: مِثْلُ ذَلِكَ سَوَاءً سَوَاءً؛ لِأَنَّهُ كَانَ لَا يَدْرِي لَعَلَّهُ يَبِيعُ أَوْ يَأْكُلُ الَّذِي هُوَ حَقُّ أَهْلِ الصَّدَقَةِ.

L10404 Thus, what we have said is certainly correct - and with Allah, the Most High, lies divine success.

فَصَحَّ مَا قُلْنَا يَقِينًا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَا أُتْلِفَ بَعْدَ وُجُوبِ الزَّكَاةِ فِيهِ]

L10405 **An issue concerning that which is destroyed after Zakāt becomes obligatory upon it.**

L10406 655 – Question:

٦٦٥ - مَسْأَلَةٌ:

L10407 For every type of wealth subject to Zakāh among the categories we mentioned—whether the entirety of such wealth or any portion of it (whether large or small) perishes after the possibility of paying Zakāh from it arises, following the obligation's inception (whether little or much time has passed since the obligation took effect, whether through default or otherwise)—the entire Zakāh remains a binding obligation upon the owner's liability as if no loss occurred, with no distinction. This is because, as we stated earlier, Zakāh is an obligation tied to one's liability, not the physical asset itself. We specified "after the possibility of paying Zakāh from it arises" because if one intends to pay Zakāh from assets other than the specific wealth obligated for it, they cannot be compelled otherwise. Camels and other categories are equivalent in this ruling, except when Zakāh for a particular asset is payable with sheep and one possesses available sheep. In such a case, Zakāh must be paid from the available sheep. It is impermissible to delay Zakāh until selling those camels, as Allah says: "And hasten toward forgiveness from your Lord" [Āl ʿImrān 3:133].[39]

فَكُلُّ مَالٍ وَجَبَتْ فِيهِ زَكَاةٌ مِنْ الْأَمْوَالِ الَّتِي ذَكَرْنَا، فَسَوَاءٌ تَلِفَ ذَلِكَ أَوْ بَعْضُهُ - أَكْثَرُهُ أَوْ أَقَلُّهُ - إثْرَ إمْكَانِ إخْرَاجِ الزَّكَاةِ مِنْهُ، إثْرَ وُجُوبِ الزَّكَاةِ بِمَا قَلَّ مِنْ الزَّمَنِ أَوْ كَثُرَ، بِتَفْرِيطٍ تَلِفَ أَوْ بِغَيْرِ تَفْرِيطٍ -: فَالزَّكَاةُ كُلُّهَا وَاجِبَةٌ فِي ذِمَّةِ صَاحِبِهِ كَمَا كَانَتْ لَوْ لَمْ يَتْلَفْ، وَلَا فَرْقَ؛ لِمَا ذَكَرْنَا مِنْ أَنَّ الزَّكَاةَ فِي الذِّمَّةِ لَا فِي عَيْنِ الْمَالِ؟ وَإِنَّمَا قُلْنَا: إثْرَ إمْكَانِ إخْرَاجِ الزَّكَاةِ مِنْهُ لِأَنَّهُ إنْ أَرَادَ إخْرَاجَ الزَّكَاةِ مِنْ غَيْرِ عَيْنِ الْمَالِ الْوَاجِبَةِ فِيهِ لَمْ يُجْبَرْ عَلَى غَيْرِ ذَلِكَ، وَالْإِبِلُ وَغَيْرُهَا فِي ذَلِكَ سَوَاءٌ، إلَّا أَنْ تَكُونَ مِمَّا يُزَكَّى بِالْغَنَمِ وَلَهُ غَنَمٌ حَاضِرَةٌ فَهَذَا تَلْزَمُهُ الزَّكَاةُ مِنْ الْغَنَمِ الْحَاضِرَةِ، وَلَيْسَ لَهُ أَنْ يُمْطِلَ بِالزَّكَاةِ حَتَّى يَبِيعَ مِنْ تِلْكَ الْإِبِلِ، لِقَوْلِ اللَّهِ تَعَالَى: {وَسَارِعُوا إِلَى مَغْفِرَةٍ مِنْ رَبِّكُمْ} [آل عمران: ١٣٣].

[مَسْأَلَةٌ أَخْرَجَ الزَّكَاةَ وَعَزَلَهَا لِيَدْفَعَهَا إلَى الْمُصَدِّقِ فَضَاعَتْ]

L10408 **Case: He took out the zakat and set it aside to give to the zakat collector, but it was lost.**

L10409 666 – Issue:

٦٦٦ - مَسْأَلَةٌ:

L10410 Similarly, if one separates the Zakāh and sets it aside to deliver it to the collector or to those eligible for Zakāh, and all or part of it is lost, he is inevitably obligated to reissue all of it. This is due to the rationale we previously stated and because it remains a liability upon him until he delivers it

وَكَذَلِكَ لَوْ أَخْرَجَ الزَّكَاةَ وَعَزَلَهَا لِيَدْفَعَهَا إلَى الْمُصَدِّقِ أَوْ إلَى أَهْلِ الصَّدَقَاتِ فَضَاعَتْ الزَّكَاةُ كُلُّهَا أَوْ بَعْضُهَا فَعَلَيْهِ إعَادَتُهَا كُلِّهَا وَلَا بُدَّ، لِمَا ذَكَرْنَا، وَلِأَنَّهُ فِي ذِمَّتِهِ حَتَّى يُوَصِّلَهَا إلَى مَنْ أَمَرَهُ اللَّهُ تَعَالَى بِإِيصَالِهَا إلَيْهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[39] **Qur'an references (L10407):** Qur'an 3:133 (Ali 'Imran).

to those whom Allah, the Most High, has commanded him to deliver it to—and success is granted by Allah, the Most High.

وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، وَظَاهِرُ قَوْلِ الشَّافِعِيِّ فِي بَعْضِ أَقْوَالِهِ؟ وَقَالَ أَبُو حَنِيفَةَ: إِنْ هَلَكَ الْمَالُ بَعْدَ الْحَوْلِ - وَلَمْ يَحُدَّ لِذَلِكَ مُدَّةً - فَلَا زَكَاةَ عَلَيْهِ بِأَيِّ وَجْهٍ هَلَكَ، فَلَوْ هَلَكَ بَعْضُهُ فَعَلَيْهِ زَكَاةُ مَا بَقِيَ فَقَطْ، قَلَّ أَوْ كَثُرَ، وَلَا زَكَاةَ عَلَيْهِ فِيمَا تَلَفَ، فَإِنْ كَانَ هُوَ اسْتَهْلَكَهُ فَعَلَيْهِ زَكَاتُهُ؟ .

L10411 This is the opinion of Al-Awzāʿī and the apparent position in some of Al-Shāfiʿī's statements. Abū Ḥanīfa said: If the wealth perishes after the _ḥawl_ - without stipulating a period for it - then there is no Zakāh obligation on him regardless of how it perished. If part of it perishes, he is only obligated to pay Zakāh on what remains, whether little or much, with no Zakāh due on the perished portion. But if he himself expended it, he must pay Zakāh for it.

قَالَ أَبُو مُحَمَّد: وَهَذَا خَطَأٌ، لِمَا ذَكَرْنَا قَبْلُ، فَإِنْ لَجَأَ إِلَى أَنَّ الزَّكَاةَ فِي عَيْنِ الْمَالِ، قُلْنَا لَهُ: هَذَا بَاطِلٌ بِمَا قَدَّمْنَا آنِفًا، ثُمَّ هَبْكَ لَوْ كَانَ ذَلِكَ كَمَا تَقُولُ لَمَا وَجَبَ عَلَيْهِ زَكَاةُ مَا بَقِيَ مِنْ الْمَالِ إِذَا كَانَ الْبَاقِي لَيْسَ مِمَّا يَجِبُ فِي مِقْدَارِهِ الزَّكَاةُ لَوْ لَمْ يَكُنْ مَعَهُ غَيْرُهُ، لِأَنَّ التَّالِفَ عِنْدَكُمْ لَا زَكَاةَ فِيهِ لِتَلَفِهِ، وَالْبَاقِي لَيْسَ نِصَابًا، فَإِنْ كَانَ الْبَاقِي فِيهِ الزَّكَاةُ وَاجِبَةٌ؟ فَالتَّالِفُ فِيهِ الزَّكَاةُ وَاجِبَةٌ وَلَا فَرْقَ.

L10412–10413 Abū Muḥammad said: This is erroneous due to what we previously mentioned. If one resorts to claiming that zakāh applies to the asset itself, we respond: This is invalid based on what we recently presented. Even if we were to concede your position hypothetically, zakāh would not be obligatory on the remaining assets if their quantity - when nothing else accompanies them - does not reach the threshold requiring zakāh. This follows your view that destroyed assets incur no zakāh due to their destruction, while the remainder fails to meet the niṣāb. If you nevertheless hold the remainder subject to obligatory zakāh, then the destroyed assets would also necessarily incur zakāh without distinction.

وَقَدْ قَدَّمْنَا، أَنَّ الزَّكَاةَ لَيْسَتْ مُشَاعَةً فِي الْمَالِ فِي كُلِّ جُزْءٍ مِنْهُ كَالشَّرِكَةِ، إِذْ لَوْ كَانَ ذَلِكَ لَمَا جَازَ إِخْرَاجُهَا إِلَّا بِقِيمَةٍ مُحَقَّقَةٍ مَنْسُوبَةٍ مِمَّا بَقِيَ.

L10414 We have previously established that zakah is not subject to shared ownership in the wealth in every part thereof, as is the case with a partnership. For if this were so, it would not be permissible to discharge it except through a verified proportional amount from what has remained.

وَقَدْ قَالَ الشَّافِعِيُّ بِهَذَا فِي زَكَاةِ الْإِبِلِ، وَقَالَ بِهِ أَصْحَابُ أَبِي حَنِيفَةَ فِي الطَّعَامِ يَخْرُجُ عَنْ الطَّعَامِ مِنْ صِنْفِهِ أَوْ مِنْ غَيْرِ صِنْفِهِ، فَظَهَرَ تَنَاقُضُهُمْ؟ وَقَالَ مَالِكٌ: إِنْ تَلَفَ النَّاضُّ بَعْدَ الْحَوْلِ وَلَمْ يُفَرِّطْ فِي أَدَاءِ زَكَاتِهِ فَرَجَعَ إِلَى مَا لَا زَكَاةَ فِيهِ فَلَا زَكَاةَ عَلَيْهِ فِيهِ، وَكَذَلِكَ لَوْ عَزَلَ زَكَاةَ الطَّعَامِ فَتَلِفَتْ فَلَا شَيْءَ عَلَيْهِ غَيْرُهَا، لَا عَنْ الْكُلِّ وَلَا عَمَّا بَقِيَ، فَلَوْ لَمْ يَفْعَلْ وَأَدْخَلَهُ بَيْتَهُ فَتَلِفَ فَعَلَيْهِ ضَمَانُ زَكَاتِهِ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ، لِأَنَّ

L10415 Al-Shāfiʿī held this view regarding the Zakāh of camels, and the followers of Abū Ḥanīfah maintained it concerning food—that Zakāh on food must be given from the same type or another type. Does this not expose their contradiction? Mālik said: If produce subject to Zakāh perishes after the lunar year without negligence in fulfilling its Zakāh, and the remaining quantity falls below the Zakāh threshold, no Zakāh is due. Similarly, if one sets aside Zakāh for food and it perishes, nothing else is owed—neither from the entire amount nor the remainder. But if one fails to do so, stores it in his house, and it perishes, he becomes liable to compensate for its Zakāh. Abū Muḥammad said: This is erroneous, for the obligatory Zakāh due to

the rightful recipients is neither a specific entity—without any disagreement from the Ummah—nor a shared portion in every part of the wealth.

الزَّكَاةَ الْوَاجِبَةَ لِأَهْلِ الصَّدَقَاتِ لَيْسَتْ عَيْنًا مُعِينَةً، بِلَا خِلَافٍ مِنْ أَحَدٍ مِنْ الْأُمَّةِ وَلَا جُزْءًا مُشَاعًا فِي كُلِّ جُزْءٍ مِنْ الْمَالِ.

L10416 These two aspects are those wherein whoever is rightfully entrusted bears no liability for what perishes without their transgression. Since Zakat, as we have mentioned, is an obligatory duty incumbent upon him until he delivers it to the Zakat collector or to those for whom Allah the Exalted has designated it, it constitutes a debt upon him—not a trust under his custodianship—and a debt must be paid in all cases. And success is from Allah, the Most High.

وَهَذَانِ الْوَجْهَانِ هُمَا اللَّذَانِ يَكُونُ مَنْ كَانَ عِنْدَهُ بِحَقٍّ مُؤْتَمَنًا عَلَيْهِ فَلَا ضَمَانَ عَلَيْهِ فِيمَا تَلَفَ مِنْ غَيْرِ تَعَدِّيهِ، فَإِذْ الزَّكَاةُ كَمَا ذَكَرْنَا وَإِنَّمَا هِيَ حَقٌّ مُفْتَرَضٌ عَلَيْهِ فِي ذِمَّتِهِ حَتَّى يُؤَدِّيَهُ إلَى الْمُصَدِّقِ، أَوْ إلَى مَنْ جَعَلَهَا اللَّهُ تَعَالَى لَهُ -: فَهِيَ دَيْنٌ عَلَيْهِ لَا أَمَانَةٌ عِنْدَهُ وَالدَّيْنُ مُؤَدًّى عَلَى كُلِّ حَالٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10417 It has been narrated to us through the chain of Ibn Abī Shaybah from Ḥafṣ ibn Ghiyāth, Jarīr, al-Muʿtamir ibn Sulaymān al-Taymī, Zayd ibn al-Ḥubāb, and ʿAbd al-Wahhāb ibn ʿAṭāʾ. Ḥafṣ reported from Hishām ibn Ḥassān from al-Ḥasan al-Baṣrī; Jarīr reported from al-Mughīrah from his companions; al-Muʿtamir reported from Maʿmar from Ḥammād; Zayd reported from Shuʿbah from al-Ḥakam; and ʿAbd al-Wahhāb reported from Ibn Abī ʿArūbah from Ḥammād from Ibrāhīm al-Nakhaʿī. Then they all agreed concerning one who paid the Zakāh of his wealth and it was lost: that it does not suffice for him, and he must pay it again. It has also been narrated to us from ʿAṭāʾ: that it does suffice for him.

وَرُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ حَفْصِ بْنِ غِيَاثٍ، وَجَرِيرٍ، وَالْمُعْتَمِرِ بْنِ سُلَيْمَانَ التَّيْمِيِّ، وَزَيْدِ بْنِ الْحُبَابِ، وَعَبْدِ الْوَهَّابِ بْنِ عَطَاءٍ، قَالَ حَفْصٌ عَنْ هِشَامِ بْنِ حَسَّانٍ عَنْ الْحَسَنِ الْبَصْرِيِّ، وقَالَ جَرِيرٌ عَنْ الْمُغِيرَةِ عَنْ أَصْحَابِهِ، وَقَالَ الْمُعْتَمِرُ عَنْ مَعْمَرٍ عَنْ حَمَّادٍ، وَقَالَ زَيْدٌ عَنْ شُعْبَةَ عَنْ الْحَكَمِ، وَقَالَ عَبْدُ الْوَهَّابِ عَنْ ابْنِ أَبِي عَرُوبَةَ عَنْ حَمَّادٍ عَنْ إبْرَاهِيمَ النَّخَعِيِّ، ثُمَّ اتَّفَقُوا كُلُّهُمْ: فِيمَنْ أَخْرَجَ زَكَاةَ مَالِهِ فَضَاعَتْ: أَنَّهَا لَا تُجْزِي عَنْهُ وَعَلَيْهِ إخْرَاجُهَا ثَانِيَةً؟ وَرُوِّينَا عَنْ عَطَاءٍ: أَنَّهَا تُجْزِئُ عَنْهُ؟

A question regarding the *zakah* on barley: What amount suffices from it?

[مَسْأَلَةٌ زَكَاة الْبُرّ مَا يُجْزِئ مِنْهُ]

L10418–10419

L10420 Issue: Any wheat or barley he gives—whether of lower grade than what he harvested or higher—suffices for his Zakāt, provided it is not spoiled by mold or decay, for such cannot replace sound grain or what was inferior. The evidence for this is that the obligation, by textual ruling, requires paying a tenth or half-tenth of the measured quantity he harvested if it reaches five awsaq or more. If grain of lesser attributes than the harvested crop were invalid, then superior attributes would likewise be invalid—yet this is not the position of the scholars. Since the obligation is not textually tied to the specific type he harvested, whoever claims that only grain matching the exact

مَسْأَلَةٌ: وَأَيُّ بُرٍّ أَعْطَى، أَوْ أَيُّ شَعِيرٍ: فِي زَكَاتِهِ كَانَ أَدْنَى مِمَّا أَصَابَ أَوْ أَعْلَى -: أَجْزَأَهُ، مَا لَمْ يَكُنْ فَاسِدًا بِعَفَنٍ، أَوْ تَآكُلٍ، فَلَا يُجْزِئُ عَنْ صَحِيحٍ، أَوْ مَا كَانَ رَدِيئًا بُرْهَانُ ذَلِكَ -: أَنَّهُ إنَّمَا عَلَيْهِ بِالنَّصِّ عُشْرُ مَكِيلَةِ مَا أَصَابَ أَوْ نِصْفُ عُشْرِهَا إذَا كَانَتْ خَمْسَةُ أَوْسُقٍ فَصَاعِدًا، وَلَوْ كَانَ لَا يُجْزِئُهُ أَدْنَى مِنْ صِفَةِ مَا أَصَابَ لَكَانَ لَا يُجْزِئُهُ أَعْلَى مِنْ

description of what he harvested suffices must furnish proof; otherwise, their assertion is rejected.

تِلْكَ الصِّفَةِ، وَهَذَا لَا يَقُولُونَهُ، فَإِذَا لَمْ يَلْزَمْهُ بِالنَّصِّ مِنَ الْعَيْنِ الَّتِي أَصَابَ، فَمَنْ ادَّعَى أَنْ لَا يُجْزِئُهُ إِلَّا مِثْلَ صِفَةِ الَّتِي أَصَابَ لَمْ يُقْبَلْ قَوْلُهُ إِلَّا بِبُرْهَانٍ.

L10421 As for our statement: except when what was given is corrupt from being sound—this is because the measured quantity is incumbent upon him by textual ruling, by consensus, and through clear observation. We know that rot and deterioration have reduced the measured quantity so severely that he cannot possibly fulfill it at all, and nothing suffices him except the measured quantity in full. And with Allah the Exalted lies all success.

وَأَمَّا قَوْلُنَا -: إِلَّا أَنْ يَكُونَ الَّذِي أَعْطَى فَاسِدًا عَنْ صَحِيحٍ فَلِأَنَّ الْمَكِيلَةَ عَلَيْهِ بِالنَّصِّ وَبِالْإِجْمَاعِ، وَبِالْعِيَانِ نَدْرِي أَنَّ الْعَفَنَ وَالْمُتَآكِلَ قَدْ نَقَصَا مِنَ الْمَكِيلَةِ مَا لَا يَقْدِرُ عَلَى إِيفَائِهِ أَصْلًا، وَلَا يُجْزِئُهُ إِلَّا الْمَكِيلَةُ تَامَّةً - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

The Issue of Zakat on Dates

[مَسْأَلَةُ زَكَاةِ التَّمْرِ]

L10422

668 - Issue:

٦٦٨ - مَسْأَلَةٌ:

L10423

The same ruling applies to the zakah of dates: any date given fulfills the obligation, whether from the same type as his dates or another type—whether of lower or higher quality—provided it is not rotten, infected, worm-eaten, moldy, or discolored, as we mentioned. It is not permissible to give any of these under any circumstances. This applies whether all his dates are of these two types or others. He must provide sound dates that are neither rotten nor of these two types.

L10424

وَكَذَلِكَ الْقَوْلُ فِي زَكَاةِ التَّمْرِ، أَيِّ تَمْرٍ أَخْرَجَ أَجْزَأَهُ، سَوَاءٌ مِنْ جِنْسِ تَمْرِهِ، أَوْ مِنْ غَيْرِ جِنْسِهِ، أَدْنَى مِنْ تَمْرِهِ أَوْ أَعْلَى، مَا لَمْ يَكُنْ رَدِيًّا كَمَا ذَكَرْنَا، أَوْ مَعْفُونًا أَوْ مُتَآكِلًا، أَوْ الْجُعْرُورَ، أَوْ لَوْنَ الْحُبَيْقِ فَلَا يُجْزِئُ إِخْرَاجُ شَيْءٍ مِنْ ذَلِكَ أَصْلًا، وَسَوَاءٌ كَانَ تَمْرُهُ كُلُّهُ مِنْ هَذَيْنِ النَّوْعَيْنِ أَوْ مِنْ غَيْرِهِمَا، وَعَلَيْهِ أَنْ يَأْتِيَ بِتَمْرٍ سَالِمٍ غَيْرِ رَدِيءٍ، وَلَا مِنْ هَذَيْنِ اللَّوْنَيْنِ.

L10425 The proof for that is the words of Allah, the Most High: “Do not choose the inferior from what you spend - which you would not accept unless you close your eyes to it.” [Al-Baqarah: 267][40]

بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: {وَلا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلا أَنْ تُغْمِضُوا فِيهِ} [البقرة: ٢٦٧] .

L10426–10428 Hammam narrated to us, Abbas ibn Asbagh narrated to us, Muhammad ibn Abdul-Malik ibn Ayman narrated to us, Isma’il ibn Ishaq the Judge narrated to us, Abu al-Walid al-Ṭayālisī narrated to us, Sulayman ibn Kathir narrated to us, al-Zuhri narrated from Abu Umamah ibn Sahl ibn Hunayf from his father: “The Messenger of Allah—peace and blessings of Allah be upon him—prohibited two types of dates: al-Juʿrūr and the al-Ḥubayq variety. People

حَدَّثَنَا حُمَامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا إِسْمَاعِيلُ بْنُ إِسْحَاقَ الْقَاضِي ثنا أَبُو الْوَلِيدِ الطَّيَالِسِيُّ ثنا سُلَيْمَانُ بْنُ كَثِيرٍ ثنا الزُّهْرِيُّ عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَهَى عَنْ لَوْنَيْنِ مِنَ التَّمْرِ:

[40] **Qur’an references (L10425):** Qur’an 2:267 (Al-Baqarah).

used to seek out the worst of their dates and give them as Zakat, so they were forbidden from..." "That," and the verse was revealed: {Do not intentionally seek out the inferior portions of your wealth to spend [in charity]} [Al-Baqarah 267].[41]

الْجُعْرُورُ، وَلَوْنُ الْحُبَيْقِ، وَكَانَ النَّاسُ يَتَيَمَّمُونَ شِرَارَ ثِمَارِهِمْ فَيُخْرِجُونَهَا فِي الصَّدَقَةِ، فَنُهُوا عَنْ ذَلِكَ» ، وَنَزَلَتْ {وَلا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ} [البقرة: ٢٦٧] .

L10429 Muhammad ibn Sa'id ibn Nabat narrated to us, Ahmad ibn 'Abd al-Basir narrated to us, Qasim ibn Asbagh narrated to us, Muhammad ibn 'Abd al-Salam al-Khushani narrated to us, Muhammad ibn al-Muthanna narrated to us, Mu'ammal ibn Isma'il al-Himyari narrated to us, Sufyan al-Thawri narrated to us, Isma'il al-Suddi narrated from Abu Malik from al-Bara' ibn 'Azib, who said: "They used to bring inferior portions of their food and inferior dates for charity. Then the verse was revealed: 'O you who believe, spend from the wholesome things you have earned and from what We have produced for you from the earth. Do not aim to give the inferior of it - which you would not accept except while closing your eyes to it.'" [Al-Baqarah: 267][42]

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلامِ الْخُشَنِيِّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا مُؤَمَّلُ بْنُ إِسْمَاعِيلَ الْحِمْيَرِيِّ ثنا سُفْيَانُ الثَّوْرِيُّ ثنا إِسْمَاعِيلُ السُّدِّيُّ عَنْ أَبِي مَالِكٍ عَنْ الْبَرَاءِ بْنِ عَازِبٍ قَالَ كَانُوا يَجِيئُونَ فِي الصَّدَقَةِ بِأَدْنَى طَعَامِهِمْ، وَأَدْنَى تَمْرِهِمْ، فَنَزَلَتْ: {يَا أَيُّهَا الَّذِينَ آمَنُوا أَنْفِقُوا مِنْ طَيِّبَاتِ مَا كَسَبْتُمْ وَمِمَّا أَخْرَجْنَا لَكُمْ مِنَ الأَرْضِ وَلا تَيَمَّمُوا الْخَبِيثَ مِنْهُ تُنْفِقُونَ وَلَسْتُمْ بِآخِذِيهِ إِلا أَنْ تُغْمِضُوا فِيهِ} [البقرة: ٢٦٧] .

L10430 If someone were to say: "Is the impure not inherently forbidden?" We would respond: Yes, and what is prohibited from being given as obligatory alms is forbidden within that context—thus being impure therein, not in other circumstances. There is no contradiction in a thing being an act of obedience in one regard and a transgression in another. For instance, the fasting person's eating at sunset is an act of obedience to God Almighty, considered pure and lawful. Yet if one were to eat during the Maghrib prayer, he would be consuming something forbidden and impure in that state. Similarly, carrion and pork are forbidden and impure for those not compelled by necessity, but for the compelled who do not incline toward sin, they become lawful and pure, not impure. This applies to most rulings in religious laws.

فَإِنْ قَالَ قَائِلٌ: الْخَبِيثُ لَا يَكُونُ إِلَّا حَرَامًا؟ قُلْنَا: نَعَمْ، وَهَذَا الْمَنْهِيُّ عَنْ إِخْرَاجِهِ فِي الصَّدَقَةِ هُوَ حَرَامٌ فِيهَا، فَهُوَ خَبِيثٌ فِيهَا لَا فِي غَيْرِهَا، وَلَا يُنْكَرُ كَوْنُ الشَّيْءِ طَاعَةً فِي وَجْهٍ مَعْصِيَةً فِي وَجْهٍ آخَرَ، كَالْأَكْلِ لِلصَّائِمِ عِنْدَ غُرُوبِ الشَّمْسِ، هُوَ طَاعَةُ اللَّهِ تَعَالَى طَيِّبٌ حَلَالٌ، وَلَوْ أَكَلَهُ فِي صَلَاةِ الْمَغْرِبِ لَأَكَلَ حَرَامًا عَلَيْهِ خَبِيثًا فِي تِلْكَ الْحَالِ، وَكَذَلِكَ الْمَيْتَةُ وَلَحْمُ الْخِنْزِيرِ، هُمَا حَرَامَانِ خَبِيثَانِ لِغَيْرِ الْمُضْطَرِّ، وَهُمَا لِلْمُضْطَرِّ غَيْرِ الْمُتَجَانِفِ لِإِثْمٍ حَلَالَانِ طَيِّبَانِ غَيْرُ خَبِيثَيْنِ، وَهَكَذَا أَكْثَرُ الْأَشْيَاءِ فِي الشَّرَائِعِ.

L10431–10432 Abdullah ibn Rabee' narrated to us: Umar ibn Abd al-Malik narrated to us: Muhammad ibn Bakr narrated to us: Abu Dawud narrated to us: Muhammad ibn Yahya ibn Faris narrated to us: Sa'id ibn Sulayman narrated to us: Abbad narrated from Sufyan ibn Husayn from al-Zuhri from Abu Umamah ibn Sahl

حَدَّثَنَا عَبْدُ اللَّهِ بْنِ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ يَحْيَى بْنِ فَارِسٍ ثنا سَعِيدُ بْنُ سُلَيْمَانَ ثنا عَبَّادٌ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ عَنْ الزُّهْرِيِّ عَنْ أَبِي أُمَامَةَ بْنِ سَهْلِ بْنِ حُنَيْفٍ عَنْ أَبِيهِ قَالَ «نَهَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ

[41] **Qur'an references (L10426):** Qur'an 2:267 (Al-Baqarah).
[42] **Qur'an references (L10429):** Qur'an 2:267 (Al-Baqarah).

ibn Hunayf from his father, who said: “The Messenger of Allah—peace be upon him—prohibited the al-Ju‘ruur date and the type of Ibn Ḥubayq from being taken in the ṣadaqah.” Al-Zuhri said: “Two varieties of Madinah dates?”

- عَنْ الْجُعْرُورِ، وَلَوْنِ ابْنِ حُبَيْقٍ أَنْ يُؤْخَذَا فِي الصَّدَقَةِ» قَالَ الزُّهْرِيُّ: لَوْنَيْنِ مِنْ تَمْرِ الْمَدِينَةِ؟

Zakat on Sheep and Goats

[زَكَاةُ الْغَنَمِ]

Issue 669: In the language the Messenger of Allah—may Allah bless him and grant him peace—used to address us, “ghanam” is a term that applies to sheep and goats. They are grouped together, some with others, for zakat purposes.

٦٦٩ - مَسْأَلَةٌ: الْغَنَمُ فِي اللُّغَةِ الَّتِي بِهَا خَاطَبَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اسْمٌ يَقَعُ عَلَى الضَّأْنِ وَالْمَاعِزِ، فَهِيَ مَجْمُوعٌ بَعْضُهَا إلَى بَعْضٍ فِي الزَّكَاةِ.

Similarly, the breeds of goats and sheep include the sheep of _Bilād al-Sūdān_ (the Sudan region), the goats of Basra, the _Nafad_ breed, the _Banāt Ḥadhaf_ breed, and others.

وَكَذَلِكَ أَصْنَافُ الْمَاعِزِ وَالضَّأْنِ، كَضَأْنِ بِلَادِ السُّودَانِ وَمَاعِزِ الْبَصْرَةِ وَالنَّفَدِ وَبَنَاتِ حَذَفٍ وَغَيْرِهَا.

Similarly, the hybrid (of a goat and sheep) that is half goat in form and half sheep in form, because all such animals are classified as small livestock. Males and females are the same.

وَكَذَلِكَ الْمَقْرُونُ الَّذِي نِصْفُهُ خِلْقَةُ مَاعِزٍ، وَنِصْفُهُ ضَأْنٍ، لِأَنَّ كُلَّ ذَلِكَ مِنْ الْغَنَمِ، وَالذُّكُورِ وَالْإِنَاثِ سَوَاءٌ.

The name Al-Shaa’ also applies to goats and sheep, as we mentioned in the language.

وَاسْمُ الشَّاءِ أَيْضًا -: وَاقِعٌ عَلَى الْمَعْزِ وَالضَّأْنِ كَمَا ذَكَرْنَا فِي اللُّغَةِ.

There is no singular term for *ghanam* (sheep and goats) derived from the word itself. Rather, the singular is referred to as: a sheep or goat (*shaah*), a she-goat (*māʿizah*), a ewe (*ḍāniyah*), a ram (*kabsh*), or a he-goat (*tays*). This is what is undisputed among linguists—and success comes from Allah, the Exalted.

وَلَا وَاحِدَ لِلْغَنَمِ مِنْ لَفْظِهِ، إنَّمَا يُقَالُ لِلْوَاحِدِ: شَاةٌ، أَوْ مَاعِزَةٌ، أَوْ ضَانِيَةٌ، أَوْ كَبْشٌ، أَوْ تَيْسٌ: هَذَا مَا لَا خِلَافَ فِيهِ بَيْنَ أَهْلِ اللُّغَةِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

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٦٧٠ - مَسْأَلَةٌ:

There is no zakat due on sheep and goats until a single Muslim owns forty head of them for a full, uninterrupted Arab lunar year.

وَلَا زَكَاةَ فِي الْغَنَمِ حَتَّى يَمْلِكَ الْمُسْلِمُ الْوَاحِدُ مِنْهَا أَرْبَعِينَ رَأْسًا حَوْلًا كَامِلًا مُتَّصِلًا عَرَبِيًّا قَمَرِيًّا.

The early scholars differed regarding this matter, and we will mention this difference in the section on zakah of surplus, God Almighty willing. It suffices here that the Messenger of Allah (peace and blessings be upon him) obligated

وَقَدْ اخْتَلَفَ السَّلَفُ فِي هَذَا، وَسَنَذْكُرُهُ فِي زَكَاةِ الْفَوَائِدِ، إنْ شَاءَ اللَّهُ تَعَالَى: وَيَكْفِي مِنْ هَذَا أَنَّ «رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَ الزَّكَاةَ فِي الْمَاشِيَةِ، وَلَمْ يَحُدَّ

zakah on livestock without specifying a timeframe. We cannot ascertain from this generality when zakah becomes due, except that he (peace be upon him) did not mandate it daily, nor... Neither in every month, nor twice in the solar year or more than that. This is transmitted by consensus traced back to him - peace be upon him. Since there is no doubt that it occurs once annually, no obligation is established except through a sound transmission reaching the Messenger of Allah - peace be upon him.

وَقْتًا» وَلَا نَدْرِي مِنْ هَذَا الْعُمُومِ مَتَى تَجِبُ الزَّكَاةُ، إلَّا أَنَّهُ لَمْ يُوجِبْهَا - عَلَيْهِ السَّلَامُ - فِي كُلِّ يَوْمٍ، وَلَا فِي كُلِّ شَهْرٍ، وَلَا مَرَّتَيْنِ فِي الْعَامِ فَصَاعِدًا، هَذَا مَنْقُولٌ بِإِجْمَاعٍ إلَيْهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَإِذْ لَا شَكَّ فِي أَنَّهَا مَرَّةٌ فِي الْحَوْلِ، فَلَا يَجِبُ فَرْضٌ إلَّا بِنَقْلٍ صَحِيحٍ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10444 We found those who deemed Zakāh obligatory at the beginning of the lunar year or before its completion—this ruling was not transmitted from the Messenger of Allah (peace be upon him) through single reports, mass-transmitted narrations, or consensus. Conversely, we found that those who deemed it obligatory upon the completion of the lunar year have its obligation confirmed by consensus based on transmissions from the Prophet (peace be upon him) at that time without doubt. Thus, it becomes obligatory then, not before. If one argues by citing Allah's statement: "And hasten to forgiveness from your Lord" [Āl ʿImrān 3:133]—as a general exhortation to hasten toward good deeds—[43]

وَوَجَدْنَا مَنْ أَوْجَبَ الزَّكَاةَ فِي أَوَّلِ الْحَوْلِ، أَوْ قَبْلَ تَمَامِ الْحَوْلِ لَمْ يُنْقَلْ ذَلِكَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا بِنَقْلِ آحَادٍ وَلَا بِنَقْلِ تَوَاتُرٍ وَلَا بِنَقْلِ إجْمَاعٍ، وَوَجَدْنَا مَنْ أَوْجَبَهَا بِانْقِضَاءِ الْحَوْلِ قَدْ صَحَّ وُجُوبُهَا بِنَقْلِ الْإِجْمَاعِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حِينَئِذٍ بِلَا شَكٍّ، فَالْآنَ وَجَبَتْ، لَا قَبْلَ ذَلِكَ فَإِنْ احْتَجَّ بِقَوْلِ اللَّهِ تَعَالَى: {وَسَارِعُوا إِلَى مَغْفِرَةٍ مِنْ رَبِّكُمْ} [آل عمران: ١٣٣] .

L10445 We said: Hastening to fulfill the obligation is only required after it becomes obligatory, not before. Our discussion regarding this matter and its sister cases concerns specifically the time when the obligation takes effect. Once the obligation is validly established, hastening to fulfill it becomes required at that point, not prior to it - without any disagreement. Regarding our statement that the lunar year must follow the Arabic calendar, there is no disagreement among any scholars of the Ummah that the lunar year consists of twelve months. Allah the Exalted said: "Indeed, the number of months with Allah is twelve months in the Book of Allah from the day He created the heavens and the earth; of these, four are sacred" (Quran 9:36). The sacred months only occur within the Arabic months.[44]

قُلْنَا: إنَّمَا تَجِبُ الْمُسَارَعَةُ إلَى الْفَرْضِ بَعْدَ وُجُوبِهِ لَا قَبْلَ وُجُوبِهِ، وَكَلَامُنَا فِي هَذِهِ الْمَسْأَلَةِ وَفِي أَخَوَاتِهَا إنَّمَا هُوَ فِي وَقْتِ الْوُجُوبِ، فَإِذَا صَحَّ وُجُوبُ الْفَرْضِ فَحِينَئِذٍ تَجِبُ الْمُسَارَعَةُ إلَى أَدَائِهِ لَا قَبْلَ ذَلِكَ، بِلَا خِلَافٍ وَأَمَّا قَوْلُنَا: أَنْ يَكُونَ الْحَوْلُ عَرَبِيًّا فَلَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ فِي أَنَّ الْحَوْلَ اثْنَا عَشَرَ شَهْرًا، وَقَالَ اللَّهُ تَعَالَى: {إِنَّ عِدَّةَ الشُّهُورِ عِنْدَ اللَّهِ اثْنَا عَشَرَ شَهْرًا فِي كِتَابِ اللَّهِ يَوْمَ خَلَقَ السَّمَاوَاتِ وَالأَرْضَ مِنْهَا أَرْبَعَةٌ حُرُمٌ} [التوبة: ٣٦] . وَالْأَشْهُرُ الْحُرُمُ لَا تَكُونُ إلَّا فِي الشُّهُورِ الْعَرَبِيَّةِ.

L10446 And He, the Exalted, said: "They ask you about the new moons. Say: 'They are fixed times for mankind and for Hajj'" [Al-Baqarah: 189].[45]

وَقَالَ تَعَالَى: {يَسْأَلُونَكَ عَنِ الأَهِلَّةِ قُلْ هِيَ مَوَاقِيتُ لِلنَّاسِ وَالْحَجِّ} [البقرة: ١٨٩] .

[43] **Qur'an references (L10444):** Qur'an 3:133 (Ali 'Imran).
[44] **Qur'an references (L10445):** Qur'an 9:36 (At-Tawbah).
[45] **Qur'an references (L10446):** Qur'an 2:189 (Al-Baqarah).

وَقَالَ تَعَالَى: {لِتَعْلَمُوا عَدَدَ السِّنِينَ وَالْحِسَابَ} [يونس: ٥] .

وَلَا يُعَدُّ بِالْأَهِلَّةِ إِلَّا الْعَامُ الْعَرَبِيُّ؛ فَصَحَّ أَنَّهُ لَا تَجِبُ شَرِيعَةٌ مُؤَقَّتَةٌ بِالشُّهُورِ أَوْ بِالْحَوْلِ إِلَّا بِشُهُورِ الْعَرَبِ، وَالْحَوْلِ الْعَرَبِيِّ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ؟ .

٦٧١ - مَسْأَلَةٌ: فَإِذَا تَمَّتْ فِي مِلْكِهِ عَامًا كَمَا ذَكَرْنَا، سَوَاءٌ كَانَتْ كُلُّهَا مَاعِزًا، أَوْ بَعْضُهَا - أَكْثَرُهَا أَوْ أَقَلُّهَا - ضَأْنًا، وَسَائِرُهَا كَذَلِكَ مِعْزَى -: فَفِيهَا شَاةٌ وَاحِدَةٌ لَا نُبَالِي ضَانِيَةً كَانَتْ أَوْ مَاعِزَةً، كَبْشًا ذَكَرًا أَوْ أُنْثَى مِنْ كِلَيْهِمَا، كُلُّ رَأْسٍ تُجْزِئُ مِنْهُمَا عَنْ الضَّأْنِ، وَعَنْ الْمَاعِزِ؛ وَهَكَذَا مَا زَادَتْ حَتَّى تَتِمَّ مِائَةً وَعِشْرِينَ كَمَا ذَكَرْنَا؟ فَإِذَا أَتَمَّتْهَا وَزَادَتْ لَوْ بَعْضَ شَاةٍ كَذَلِكَ عَامًا كَامِلًا كَمَا ذَكَرْنَا -: فَفِيهَا شَاتَانِ كَمَا قُلْنَا، إلَى أَنْ تَتِمَّ مِائَتَيْ شَاةٍ؟

فَإِذَا أَتَمَّتْهَا وَزَادَتْ وَلَوْ بَعْضَ شَاةٍ كَذَلِكَ عَامًا كَامِلًا وَصَفْنَا فَفِيهَا ثَلَاثُ شِيَاهٍ كَمَا حَدَّدْنَا، وَهَكَذَا إلَى أَنْ تَتِمَّ أَرْبَعمِائَةِ شَاةٍ كَمَا وَصَفْنَا فَإِذَا أَتَمَّتْهَا كَذَلِكَ عَامًا كَامِلًا كَمَا ذَكَرْنَا فَفِي كُلِّ مِائَةِ شَاةٍ شَاةٌ.

وَأَيَّ شَاةٍ أَعْطَى صَاحِبُ الْغَنَمِ فَلَيْسَ لِلْمُصَدِّقِ وَلَا لِأَهْلِ الصَّدَقَاتِ رَدُّهَا، مِنْ غَنَمِهِ كَانَتْ أَوْ مِنْ غَيْرِ غَنَمِهِ، مَا لَمْ تَكُنْ هَرِمَةً أَوْ مَعِيبَةً، فَإِنْ أَعْطَاهُ هَرِمَةً، أَوْ مَعِيبَةً فَالْمُصَدِّقُ مُخَيَّرٌ، إنْ شَاءَ أَخَذَهَا وَأَجْزَأَتْ عَنْهُ، وَإِنْ شَاءَ رَدَّهَا وَكَلَّفَهُ فَتِيَّةً سَلِيمَةً، وَلَا نُبَالِي كَانَتْ تُجْزِئُ فِي الْأَضَاحِيِّ أَوْ لَا تُجْزِئُ؟ وَالْمُصَدِّقُ هُوَ الَّذِي يَبْعَثُهُ الْإِمَامُ - الْوَاجِبَةُ طَاعَتُهُ - أَوْ أَمِيرُهُ فِي قَبْضِ الصَّدَقَاتِ؟ وَلَا يَجُوزُ لِلْمُصَدِّقِ أَنْ يَأْخُذَ تَيْسًا ذَكَرًا إلَّا أَنْ يَرْضَى صَاحِبُ الْغَنَمِ؛ فَيَجُوزُ لَهُ حِينَئِذٍ، وَلَا يَجُوزُ لِلْمُصَدِّقِ أَنْ يَأْخُذَ أَفْضَلَ

L10447 And He, the Exalted, said, "That you may know the number of years and the calculation" (Yunus 5).[46]

L10448 The Arab year is not reckoned except by the crescent moons. Thus, it is valid that no time-bound Sharia ruling based on months or a year is obligatory unless aligned with the Arab months and the Arab year—and success is from Allah, the Exalted.

L10449 Issue: If they complete a full year in his possession as we mentioned—whether all are goats, or some (whether most or few) are sheep while the remainder are goats—then one sheep or goat is due. We do not distinguish whether it is a ewe or female goat, a male sheep (ram) or male goat, or a female from either sheep or goats, for any head from these suffices for both sheep and goats. This same rule applies to increases until they reach one hundred and twenty, as we mentioned. If they complete this number and increase further—even by part of a sheep or goat—while completing another full year as we mentioned, then two sheep or goats are due as we stated, until they reach two hundred sheep or goats.

L10450–10451 When one completes [the required number] and it increases—even by a portion of a sheep—in that same manner for a complete year as we have described, then three sheep are due from it, as we have specified. This continues until the total reaches four hundred sheep, as we have described. When completed in this manner for a complete year as we have mentioned, one sheep is due for every hundred sheep.

L10452 Whatever sheep the owner of the flock gives, neither the zakāh collector nor those eligible for charity may reject it—whether from his own flock or from sheep not belonging to his flock—provided it is neither aged nor defective. If he gives an aged or defective sheep, the zakāh collector may choose: if he wishes, he may accept it and it suffices, or if he wishes, he may reject it and require the owner to provide a young and sound one. We disregard whether the sheep is valid for sacrificial rites (udhiyah) or not. The zakāh collector refers to one appointed by the Imam—whose obedience is obligatory—or his governor to collect zakāh. The zakāh collector may not take a male goat

[46] **Qur'an references (L10447):** Qur'an 10:5 (Yunus).

unless the flock owner consents, in which case it becomes permissible. The zakāh collector may not take the finest sheep. If the sheep raised for breeding or fattened are not among the finest, taking them is permissible. If all sheep are superior, he may take from them if the owner gives them, regardless of the owner's presence or absence—as long as the collector takes what we have mentioned, is it valid?

The proof lies in what ʻAbd al-Raḥmān ibn ʻAbd Allāh ibn Khālid narrated to us, who narrated to us from Ibrāhīm ibn Aḥmad, who narrated to us from al-Farabrī, who narrated to us from al-Bukhārī, who narrated to us from Muḥammad ibn ʻAbd Allāh ibn al-Muthannā al-Anṣārī, who narrated to us from his father, who narrated to us from Thumāmah ibn ʻAbd Allāh ibn Anas ibn Mālik—that Anas ibn Mālik reported: Abū Bakr al-Ṣiddīq wrote this document for him when dispatching him to Bahrain: "This is the zakāh obligation prescribed by Allah's Messenger (peace and blessings be upon him) for Muslims. Whoever demands it rightfully from Muslims must be given it, but whoever demands more must not be given." The ḥadīth continues: "For grazing sheep numbering forty to one hundred twenty: one sheep. Exceeding one hundred twenty to two hundred: two sheep. Exceeding two hundred to three hundred: three sheep. Beyond three hundred: one sheep per hundred. If one's grazing flock numbers below forty, no zakāh is due unless the owner volunteers. No aged, defective, or male goat may be given as zakāh except what the zakāh collector chooses."

L10453–10454 Abdullah ibn Rabee' narrated to us: Muhammad ibn Ishaq ibn As-Saleem narrated to us: Ibn Al-A'rabi narrated to us: Abu Dawood narrated to us: Abdullah ibn Muhammad An-Nufayli narrated to us: Abbad ibn Al-Awwam narrated from Sufyan ibn Husayn from Az-Zuhri from Salim ibn Abdullah ibn Umar from his father, who said: "The Messenger of Allah - peace and blessings be upon him - wrote a decree on obligatory charity but did not dispatch it to his collectors before his passing, peace be upon him. Abu Bakr then implemented it until his death, followed by Umar until his death. It contained the prescribed obligations: For sheep - one sheep is due on every forty sheep up to one hundred and twenty. If the flock increases by one

الْغَنَمِ، فَإِنْ كَانَتِ الَّتِي تَرْبَى أَوْ السَّمِينَةُ لَيْسَتْ مِنْ أَفْضَلِ الْغَنَمِ جَازَ أَخْذُهَا، فَإِنْ كَانَتْ كُلُّهَا فَاضِلَةً أَخَذَ مِنْهَا إِنْ أَعْطَاهُ صَاحِبُهَا، سَوَاءٌ فِيمَا ذَكَرْنَا كَانَ صَاحِبُهَا حَاضِرًا أَوْ غَائِبًا إِذَا أَخَذَ الْمُصَدِّقُ مَا ذَكَرْنَا أَجْزَأَ؟ بُرْهَانُ ذَلِكَ -: مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُثَنَّى الْأَنْصَارِيُّ ثنا أَبِي ثنا ثُمَامَةُ بْنُ عَبْدِ اللَّهِ بْنِ أَنَسِ بْنِ مَالِكٍ (أَنَّ أَنَسَ بْنَ مَالِكٍ) حَدَّثَهُ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَتَبَ لَهُ هَذَا الْكِتَابَ لَمَّا وَجَّهَهُ إِلَى الْبَحْرَيْنِ " هَذِهِ فَرِيضَةُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ، فَمَنْ سَأَلَهَا مِنْ الْمُسْلِمِينَ عَلَى وَجْهِهَا فَلْيُعْطِهَا، وَمَنْ سَأَلَ فَوْقَهَا فَلَا يُعْطَ ". ثُمَّ ذَكَرَ الْحَدِيثَ وَفِيهِ -: «فِي صَدَقَةِ الْغَنَمِ فِي سَائِمَتِهَا إِذَا كَانَتْ أَرْبَعِينَ إِلَى عِشْرِينَ وَمِائَةِ شَاةٌ» فَإِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةٍ إِلَى مِائَتَيْنِ فَشَاتَانِ، فَإِذَا زَادَتْ عَلَى مِائَتَيْنِ إِلَى ثَلَثِمِائَةٍ فَفِيهَا ثَلَاثُ شِيَاهٍ، فَإِذَا زَادَتْ عَلَى ثَلَاثِمِائَةٍ فَفِي كُلِّ مِائَةٍ شَاةٌ فَإِذَا كَانَتْ سَائِمَةُ الرَّجُلِ نَاقِصَةً مِنْ أَرْبَعِينَ شَاةً وَاحِدَةً فَلَيْسَ فِيهَا صَدَقَةٌ إِلَّا أَنْ يَشَاءَ رَبُّهَا، وَلَا يُخْرِجُ فِي الصَّدَقَةِ هَرِمَةً، وَلَا ذَاتُ عَوَارٍ، وَلَا تَيْسٌ إِلَّا مَا شَاءَ الْمُصَدِّقُ.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السَّلِيمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ ثنا عَبَّادُ بْنُ الْعَوَّامِ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ عَنْ الزُّهْرِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ قَالَ: «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كِتَابَ الصَّدَقَةِ فَلَمْ يُخْرِجْهُ إِلَى عُمَّالِهِ حَتَّى قُبِضَ - عَلَيْهِ السَّلَامُ -، فَعَمِلَ بِهِ أَبُو بَكْرٍ حَتَّى قُبِضَ، ثُمَّ عَمِلَ بِهِ عُمَرُ حَتَّى قُبِضَ، فَكَانَ فِيهِ - ذِكْرُ الْفَرَائِضِ -: وَفِي الْغَنَمِ فِي كُلِّ أَرْبَعِينَ شَاةً شَاةٌ، إِلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ زَادَتْ وَاحِدَةً فَشَاتَانِ إِلَى مِائَتَيْنِ، فَإِنْ

sheep, two sheep are due up to two hundred. If it increases by one sheep above two hundred, three sheep are due up to three hundred. If the flock exceeds this, one sheep is due for every hundred sheep beyond three hundred. No zakât is due on them until they reach a hundred."

زَادَتْ وَاحِدَةٌ عَلَى الْمِائَتَيْنِ فَفِيهَا ثَلَاثُ شِيَاهٍ إِلَى ثَلَثِمِائَةٍ، فَإِنْ كَانَتْ الْغَنَمُ أَكْثَرَ مِنْ ذَلِكَ فَفِي كُلِّ مِائَةِ شَاةٍ شَاةٌ، وَلَيْسَ فِيهَا شَيْءٌ حَتَّى تَبْلُغَ الْمِائَةَ» .

L10455 Abdur-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us: Al-Farabri narrated to us: Al-Bukhari narrated to us: Muhammad—he is Ibn Muqatil—said: "I, Abdullah ibn Al-Mubarak, narrated to us: Zakariyya ibn Ishaq narrated to us from Yahya ibn Abdullah ibn Sayfi from Abu Ma'bad, the freed slave of Ibn Abbas, from Ibn Abbas, who said: 'The Messenger of Allah—peace and blessings be upon him—said to Mu'adh ibn Jabal when sending him to Yemen'—and he mentioned the hadith containing—'Inform them that Allah the Exalted has ordained zakah to be taken from their wealthy and returned to their poor. If they obey this, then beware of taking their prime wealth. Fear the supplication of the oppressed, for there is no barrier between it and Allah.'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنِ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدٌ هُوَ ابْنُ مُقَاتِلٍ - أَنَا عَبْدُ اللَّهِ بْنِ الْمُبَارَكِ ثنا زَكَرِيَّا بْنُ إِسْحَاقَ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيٍّ عَنْ أَبِي مَعْبَدٍ مَوْلَى ابْنِ عَبَّاسٍ عَنْ ابْنِ عَبَّاسٍ قَالَ «قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِمُعَاذِ بْنِ جَبَلٍ حِينَ بَعَثَهُ إِلَى الْيَمَنِ - فَذَكَرَ الْحَدِيثَ وَفِيهِ -: فَأَخْبِرْهُمْ أَنَّ اللَّهَ تَعَالَى قَدْ فَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ فَتُرَدُّ عَلَى فُقَرَائِهِمْ، فَإِنْ هُمْ أَطَاعُوا بِذَلِكَ فَإِيَّاكَ وَكَرَائِمَ أَمْوَالِهِمْ، وَاتَّقِ دَعْوَةَ الْمَظْلُومِ، فَإِنَّهُ لَيْسَ بَيْنَهَا وَبَيْنَ اللَّهِ حِجَابٌ» .

L10456 In these narrations is the explicit text of all that we have mentioned, and in some of that there is disagreement.

فَفِي هَذِهِ الْأَخْبَارِ نَصُّ كُلِّ مَا ذَكَرْنَا - وَفِي بَعْضِ ذَلِكَ خِلَافٌ.

L10457 Among these is that some people said: "Nothing is taken from sheep except a sheep that has reached one year, and from goats except a goat that has reached two years. If the two types are mixed, zakat is taken from the predominant type."

فَمِنْ ذَلِكَ -: أَنَّ قَوْمًا قَالُوا: لَا يُؤْخَذُ مِنْ الضَّأْنِ إلَّا ضَانِيَةٌ، وَمِنْ الْمَعْزِ إلَّا مَاعِزَةٌ فَإِنْ كَانَا خَلِيطَيْنِ أُخِذَ مِنْ الْأَكْثَرِ.

L10458–10460 Abu Muhammad said: This is a statement without proof—neither from the Quran, nor an authentic Sunnah, nor a weak narration, nor the saying of a Companion, nor analogy. Rather, what they mentioned contradicts the aforementioned Sunnahs. They have agreed upon combining goats with sheep, that the term "ghanam" encompasses them, and that the term "sheep" applies to... One (from among goats or sheep). If the Messenger of Allah—may Allah bless him and grant him peace—had recognized a distinction in their rulings, he would have clarified it, just as he explicitly mentioned the male goat. Even if the term "male goat" (tays) in common usage applies to

قَالَ أَبُو مُحَمَّد: وَهَذَا قَوْلٌ بِلَا بُرْهَانٍ، لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ وَلَا رِوَايَةٍ سَقِيمَةٍ، وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، بَلْ الَّذِي ذَكَرُوا خِلَافٌ لِلسُّنَنِ الْمَذْكُورَةِ، وَقَدْ اتَّفَقُوا عَلَى جَمْعِ الْمَعْزَى مَعَ الضَّأْنِ، وَعَلَى أَنَّ اسْمَ غَنَمٍ يَعُمُّهَا، وَأَنَّ اسْمَ الشَّاةِ يَقَعُ عَلَى الْوَاحِدِ مِنْ الْمَاعِزِ، وَمِنْ الضَّأْنِ، وَلَوْ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلِمَ فِي حُكْمِهَا

the ram, it is not permissible to take it as zakat unless the zakat collector consents.

فَرْقًا لَبَيَّنَهُ، كَمَا خَصَّ التَّيْسَ، وَإِنْ وُجِدَ فِي اللُّغَةِ اسْمُ التَّيْسِ يَقَعُ عَلَى الْكَبْشِ وَجَبَ أَنْ لَا يُؤْخَذَ فِي الصَّدَقَةِ إِلَّا بِرِضَا الْمُصَدِّقِ.

L10461 It is astonishing that one who prohibits taking goats in exchange for sheep permits taking gold for silver and silver for gold, though he considers them two distinct categories, permitting their exchange with a differential in amount. Another disagreement exists in a separate matter: some hold that if one owns one hundred sheep, twenty sheep, and part of a sheep, only one sheep is obligatory until the total in his possession reaches one hundred and twenty-one. Similarly, if one owns two hundred sheep and part of a sheep, only two sheep are obligatory until the total in his possession reaches two hundred and one.

وَالْعَجَبُ أَنَّ الْمَانِعَ مِنْ أَخْذِ الْمَاعِزَةِ عَنْ الضَّأْنِ أَجَازَ أَخْذَ الذَّهَبِ عَنْ الْفِضَّةِ وَالْفِضَّةَ عَنْ الذَّهَبِ وَهُمَا عِنْدَهُ صِنْفَانِ، يَجُوزُ بَيْعُ بَعْضِهِمَا بِبَعْضٍ مُتَفَاضِلًا وَالْخِلَافُ أَيْضًا فِي مَكَانٍ آخَرَ: وَهُوَ أَنَّ قَوْمًا قَالُوا: إنْ مَلَكَ مِائَةَ شَاةٍ وَعِشْرِينَ شَاةً وَبَعْضَ شَاةٍ فَلَيْسَ عَلَيْهِ إلَّا شَاةٌ وَاحِدَةٌ حَتَّى يَتِمَّ فِي مِلْكِهِ مِائَةٌ وَإِحْدَى وَعِشْرُونَ، وَمَنْ مَلَكَ مِائَتَيْ شَاةٍ وَبَعْضَ شَاةٍ فَلَيْسَ عَلَيْهِ إلَّا شَاتَانِ حَتَّى يَتِمَّ فِي مِلْكِهِ مِائَتَا شَاةٍ وَشَاةٌ.

L10462 They argued based on what is in the hadith of Ibn Umar "if there is an increase of one" as we have cited it. Abu Muhammad said: In the hadith of Ibn Umar as they mentioned, and in the hadith of Abu Bakr that we cited "if there is an increase" without stating "one," we found both reports fully agreeing that if the number increases by one sheep beyond 120 sheep or beyond two hundred sheep, the obligation shifts.

وَاحْتَجُّوا بِمَا فِي حَدِيثِ ابْنِ عُمَرَ " فَإِنْ زَادَتْ وَاحِدَةٌ " كَمَا أَوْرَدْنَاهُ قَالَ أَبُو مُحَمَّد: فِي حَدِيثِ ابْنِ عُمَرَ كَمَا ذَكَرُوا، وَفِي حَدِيثِ أَبِي بَكْرٍ الَّذِي أَوْرَدْنَا " فَإِنْ زَادَتْ " وَلَمْ يَقُلْ " وَاحِدَةٌ " فَوَجَدْنَا الْخَبَرَيْنِ جَمِيعًا مُتَّفِقَيْنِ عَلَى أَنَّهَا إنْ زَادَتْ وَاحِدَةٌ عَلَى مِائَةٍ وَعِشْرِينَ شَاةً أَوْ عَلَى مِائَتَيْ شَاةٍ فَقَدْ انْتَقَلَتْ الْفَرِيضَةُ.

L10463 We found the hadith narrated by Abu Bakr obligating the transfer of the prescribed share upon exceeding one hundred and twenty or upon exceeding two hundred. This thereby establishes a general ruling applicable to all increases, while the hadith of Ibn Umar contains no foundational prohibition whatsoever. Thus, those who uphold our opinion have adhered to both hadiths without contradicting either, while those who oppose it have contradicted the hadith of Abu Bakr by particularizing it without proof—and with Allah alone is success.

وَوَجَدْنَا حَدِيثَ أَبِي بَكْرٍ يُوجِبُ انْتِقَالَ الْفَرِيضَةِ بِالزِّيَادَةِ عَلَى الْمِائَةِ وَعِشْرِينَ وَعَلَى الْمِائَتَيْنِ، فَكَانَ هَذَا عُمُومًا لِكُلِّ زِيَادَةٍ، وَلَيْسَ فِي حَدِيثِ ابْنِ عُمَرَ الْمَنْعُ مِنْ ذَلِكَ أَصْلًا، فَصَارَ مَنْ قَالَ بِقَوْلِنَا قَدْ أَخَذَ بِالْحَدِيثَيْنِ، فَلَمْ يُخَالِفْ وَاحِدًا مِنْهُمَا، وَصَارَ مَنْ قَالَ بِخِلَافِ ذَلِكَ مُخَالِفًا لِحَدِيثِ أَبِي بَكْرٍ، مُخَصِّصًا لَهُ بِلَا بُرْهَانٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10464–10468 Here too is another disagreement: what we have reported through the chain of Wakiʿ from Sufyān al-Thawrī and through the chain of Muḥammad ibn Jaʿfar from Shuʿbah—then both Shuʿbah and Sufyān concurred, each narrating from Manṣūr ibn al-Muʿtamir from Ibrāhīm al-Nakhaʿī—that he said: "If sheep exceed three hundred by one, four sheep are due until they reach

وَهَاهُنَا أَيْضًا خِلَافٌ آخَرُ: وَهُوَ مَا رُوِّينَاهُ مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ، وَمِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ، ثُمَّ اتَّفَقَ شُعْبَةُ، وَسُفْيَانُ كِلَاهُمَا عَنْ مَنْصُورِ بْنِ الْمُعْتَمِرِ عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ: إذَا زَادَتْ الْغَنَمُ وَاحِدَةً عَلَى ثَلَثِمِائَةٍ فَفِيهَا أَرْبَعُ

شِيَاهٍ إِلَى أَرْبَعِمِائَةٍ، فَكُلُّ مَا زَادَتْ وَاحِدَةٌ فَهُوَ كَذَلِكَ؟ قَالَ أَبُو مُحَمَّد: وَلَا حُجَّةَ فِي أَحَدٍ مَعَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَقَدْ يَلْزَمُ الْقَائِلِينَ بِالْقِيَاسِ - لَا سِيَّمَا الْمَالِكِيِّينَ الْقَائِلِينَ بِأَنَّ الْقِيَاسَ أَقْوَى مِنْ خَبَرِ الْوَاحِدِ، وَالْحَنَفِيِّينَ الْقَائِلِينَ بِأَنَّ مَا عَظُمَتْ بِهِ الْبَلْوَى لَا يُقْبَلُ فِيهِ خَبَرُ الْوَاحِدِ -: أَنْ يَقُولُوا بِقَوْلِ إبْرَاهِيمَ؛ لِأَنَّهُمْ قَدْ أَجْمَعُوا عَلَى أَنَّ الْمِائَتَيْ شَاةٍ إذَا زَادَتْ وَاحِدَةً فَإِنَّ الْفَرِيضَةَ تَنْتَقِلُ وَيَجِبُ فِيهَا ثَلَاثُ شِيَاهٍ، فَكَذَلِكَ إذَا زَادَتْ عَلَى الثَّلَاثمِائَةِ وَاحِدَةٌ أَيْضًا، فَيَجِبُ أَنْ تَنْتَقِلَ الْفَرِيضَةُ، وَلَا سِيَّمَا وَالْحَنَفِيُّونَ قَدْ قَلَّدُوا إبْرَاهِيمَ فِي أَخْذِ الزَّكَاةِ مِنْ الْبَقَرَةِ الْوَاحِدَةِ تَزِيدُ عَلَى أَرْبَعِينَ بَقَرَةً، وَاحْتَجُّوا بِأَنَّهُمْ لَمْ يَجِدُوا فِي الْبَقَرِ وَقْصًا مِنْ تِسْعَةَ عَشَرَ أَنْ يُقَلِّدُوهُ هَاهُنَا وَيَقُولُوا: لَمْ نَجِدْ فِي الْغَنَمِ وَقْصًا مِنْ مِائَةٍ وَثَمَانٍ وَتِسْعِينَ شَاةً، لَا سِيَّمَا وَمَعَهُمْ هَاهُنَا فِي الْغَنَمِ قِيَاسٌ مُطَّرِدٌ، وَلَيْسَ مَعَهُمْ فِي الْبَقَرِ قِيَاسٌ أَصْلًا، وَكُلُّ مَا مَوَّهُوا بِهِ فِي الْبَقَرِ فَهُوَ لَازِمٌ لَهُمْ فِيمَا زَادَ عَلَى الثَّلَاثمِائَةِ مِنْ الْغَنَمِ مِنْ قَوْلِهِ تَعَالَى: {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] وَنَحْوُ ذَلِكَ - وَهَلَّا قَالُوا: هَذَا مِمَّا تَعْظُمُ بِهِ الْبَلْوَى فَلَوْ كَانَ ذَلِكَ مَا جَهِلَهُ إبْرَاهِيمُ؟ فَإِنْ قَالُوا: إنَّ خِلَافَ قَوْلِ إبْرَاهِيمَ قَدْ جَاءَ فِي حَدِيثِ أَبِي بَكْرٍ، وَخَبَرِ ابْنِ عُمَرَ، وَعَنْ عَلِيٍّ، وَعَنْ صَحِيفَةِ ابْنِ حَزْمٍ؟ قُلْنَا: لَيْسَ شَيْءٌ مِنْ هَذِهِ الْأَخْبَارِ إلَّا وَقَدْ خَالَفْتُمُوهَا، فَلَمْ تَكُنْ حُجَّةً فِيمَا خَالَفْتُمُوهُ فِيهِ، وَكَانَ حُجَّةً عِنْدَكُمْ فِيمَا اشْتَهَيْتُمْ، وَهَذَا عَجَبٌ جِدًّا قَالَ أَبُو مُحَمَّد: كُلُّهُ خَبْطٌ لَا مَعْنَى لَهُ وَإِنَّمَا نُرِيهِمْ تَنَاقُضَهُمْ وَتَحَكُّمَهُمْ فِي الدِّينِ بِتَرْكِ الْقِيَاسِ لِلسُّنَنِ إذَا وَافَقَتْ تَقْلِيدَهُمْ، وَبِتَرْكِ السُّنَنِ لِلْقِيَاسِ كَذَلِكَ، وَبِتَرْكِهِمَا جَمِيعًا كَذَلِكَ وَأَمَّا مَنْ رَاعَى فِي الشَّاةِ الْمَأْخُوذَةِ مَا تُجْزِئُ مِنْ الْأُضْحِيَّةِ - وَهُوَ أَبُو حَنِيفَةَ - فَقَدْ أَخْطَأَ، لِأَنَّهُ لَمْ يَأْتِ بِمَا قَالَ نَصٌّ، وَلَا إجْمَاعٌ، فَكَيْفَ وَقَدْ أَجْمَعُوا عَلَى أَخْذِ الْجَذَعَةِ فَمَا دُونَهَا

four hundred. Then for every single one that increases beyond that, is it the same?" Abū Muḥammad said: No argument holds for anyone against the Messenger of Allah—peace and blessings be upon him. It necessarily obligates those who uphold analogy—particularly the Mālikīs who assert analogy is stronger than a solitary report, and the Ḥanafīs who hold that solitary reports are not accepted in matters of frequent occurrence—to adopt Ibrāhīm's opinion. Because they have unanimously agreed that if two hundred sheep increase by one, the obligatory rate shifts and three sheep become due. Similarly, if they exceed three hundred by one, the obligatory rate must likewise shift—all the more so since the Ḥanafīs have adopted Ibrāhīm's ruling of taking zakāh from a single cow when exceeding forty by one. They argued that they found no fixed deduction rate of nineteen in cattle to justify following him here, nor could they claim, "We found no deduction rate for one hundred and ninety-eight sheep"—particularly when they apply a universally valid analogy to sheep here, while having no analogy whatsoever for cattle. Every equivocation they employ regarding cattle inevitably applies to them concerning what exceeds three hundred sheep, based on His Exalted's words: *"Take from their wealth an obligatory charity [zakāh]"* [9:103] and similar verses. Why do they not argue: "This is a matter of pervasive practical concern, so had it been valid, would Ibrāhīm have been ignorant of it?" If they retort: "Disagreement with Ibrāhīm's view is supported by Abū Bakr's ḥadīth, Ibn ʿUmar's report, ʿAlī's opinion, and Ṣaḥīfa ibn Ḥazm's narration," we reply: "There is none of these reports except that you have contradicted them. Thus, they cannot be proof where you oppose them, yet you cite them as proof for your desired rulings. This is profoundly contradictory." Abū Muḥammad remarked: "All this is incoherent nonsense. We merely expose their contradictions and arbitrary rulings in religion—abandoning analogy for the Sunnah when it aligns with their imitation, abandoning the Sunnah for analogy when it suits them, and abandoning both altogether otherwise." As for those who require the taken sheep to meet sacrificial standards—like Abū Ḥanīfah—they erred, for his view lacks textual proof or consensus. How can this be, when they unanimously accept taking a jadhʿa (young camel) in camel zakāh though it is invalid for sacrifice? The Prophet (peace upon him) told Abū Burdah: *"A jadhʿa will never suffice for anyone after

you”*—referring to sacrifice, as Abū Burdah had inquired about it. This is authenticated in the Sunnah, yet they contradict it. The text stipulating the obligation of a *jadhaʿa* (one-year-old she-camel) in the zakāt of camels establishes with certainty that he (peace be upon him) referred exclusively to the *uḍḥiya* (sacrificial offering), and with Allah, the Most High, is success.[47]

فِي زَكَاةِ الْإِبِلِ، وَلَا تُجْزِئُ فِي الْأُضْحِيَّةِ، وَإِنَّمَا «قَالَ - عَلَيْهِ السَّلَامُ - لِأَبِي بُرْدَةَ وَلَنْ تُجْزِئَ جَذَعَةٌ لِأَحَدٍ بَعْدَكَ» يَعْنِي فِي الْأُضْحِيَّةِ؛ لِأَنَّهُ عَنْهَا سَأَلَهُ، وَقَدْ صَحَّ النَّصُّ بِإِيجَابِ الْجَذَعَةِ فِي زَكَاةِ الْإِبِلِ؛ فَصَحَّ يَقِينًا أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَعْنِ إلَّا الْأُضْحِيَّةَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10469 As for our statement that if all the sheep are choice livestock, one takes from them with the owner’s consent, this is because the Messenger of Allah—peace and blessings be upon him—prohibited taking choice sheep. In the Arabic language, this linguistically implies that there must inevitably be among the sheep some that are not choice. However, if all of them are choice livestock, it is not permissible to say of any of them, “These are the choice ones of these sheep,” but rather one should say, “This is a choice one from these choice sheep.”

وَأَمَّا قَوْلُنَا إنْ كَانَتْ الْغَنَمُ كُلُّهَا كَرَائِمُ أَخَذَ مِنْهَا بِرِضَا صَاحِبِهَا؛ فَلِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «نَهَى عَنْ كَرَائِمِ الْغَنَمِ» ؛ وَهَذَا فِي لُغَةِ الْعَرَبِ يَقْتَضِي أَنْ يَكُونَ فِي الْغَنَمِ - وَلَا بُدَّ - مَا لَيْسَ بِكَرَائِمَ، وَأَمَّا إذَا كَانَتْ كُلُّهَا كَرَائِمُ فَلَا يَجُوزُ أَنْ يُقَالَ فِي شَيْءٍ مِنْهَا: هَذِهِ كَرَائِمُ هَذِهِ الْغَنَمِ، لَكِنْ يُقَالُ هَذِهِ كَرِيمَةٌ مِنْ هَذِهِ الْغَنَمِ الْكَرَائِمِ.

L10470 It has been transmitted to us from Ibrāhīm al-Nakhaʿī that he said: The zakāh assessor is commanded to split the sheep into two divisions, whereupon the sheep owner selects the better division, and the assessor takes from the other. It has likewise been reported from al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq that he said: The assessor divides the sheep into thirds—a third of superior quality, a third of inferior quality, and a third of medium quality; then the zakāh obligation falls upon the medium third.

وَقَدْ رُوِّينَا عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ: يُؤْمَرُ الْمُصَدِّقُ أَنْ يَصْدَعَ الْغَنَمَ صَدْعَيْنِ فَيَخْتَارُ صَاحِبُ الْغَنَمِ خَيْرَ الصَّدْعَيْنِ وَيَأْخُذُ الْمُصَدِّقُ مِنْ الْآخَرِ؟ وَعَنْ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ أَنَّهُ قَالَ: يُفَرِّقُ الْغَنَمَ أَثْلَاثًا، ثُلُثُ خِيَارٍ، وَثُلُثُ رُذَالٍ، وَثُلُثُ وَسَطٍ، ثُمَّ تَكُونُ الصَّدَقَةُ فِي الْوَسَطِ.

L10471 Abu Muhammad said: There is no explicit text on this matter. However, it has been narrated to us through Waki‘ from Sufyan al-Thawri, from Abu Ishaq, from ‘Asim ibn Damrah, from ‘Ali ibn Abi Talib, who said: The sadaqah collector must not take a decrepit female animal, an animal with defects, or a male goat.

قَالَ أَبُو مُحَمَّدٍ: هَذَا لَا نَصَّ فِيهِ، وَلَكِنْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: لَا يَأْخُذُ الْمُصَدِّقُ هَرِمَةً وَلَا ذَاتَ عَوَارٍ وَلَا تَيْسًا.

L10472–10474 And through the narration of Al-Bukhārī from Shu‘ayb ibn Abī Ḥamzah from Al-Zuhrī from ‘Ubayd Allāh ibn ‘Abd Allāh ibn ‘Utbah ibn Mas‘ūd, that Abū Hurayrah said: Abū Bakr Al-Ṣiddīq declared: “By Allah, if they were to withhold from me a young she-goat they used to deliver to the Messenger of

وَمِنْ طَرِيقِ الْبُخَارِيِّ عَنْ شُعَيْبِ بْنِ أَبِي حَمْزَةَ عَنْ الزُّهْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ بْنِ مَسْعُودٍ أَنَّ أَبَا هُرَيْرَةَ قَالَ: قَالَ أَبُو بَكْرٍ الصِّدِّيقُ: وَاَللَّهِ لَوْ مَنَعُونِي عَنَاقًا كَانُوا يُؤَدُّونَهَا إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَقَاتَلْتهمْ عَلَيْهَا؟ وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ:

[47] **Qur’an references (L10464):** Qur’an 9:103 (At-Tawbah).

Allah—peace and blessings be upon him—I would fight them over it." And through the narration of ʻAbd al-Razzāq: Bishr ibn ʻĀṣim ibn Sufyān ibn ʻAbd Allāh informed me that his father [narrated]... He narrated—through Sufyan's father, who narrated to him—that Umar ibn al-Khattab said to him: "Tell them: I do not take the fattened sheep, nor the breeding ram, nor the ewe in late pregnancy, nor the ewe in labor. Rather, I take the young female goat, the one-year-old sheep, and the two-year-old sheep. And is that not fairness between the nourishment of the livestock and their choicest?" Through the narration of al-Awzaʻi, from Salim ibn Abdullah al-Muharibi: that Umar appointed him as a Zakat collector and ordered him to take the one-year-old sheep and the two-year-old sheep.

أَخْبَرَنِي بِشْرُ بْنُ عَاصِمِ بْنِ سُفْيَانَ بْنِ عَبْدِ اللَّهِ أَنَّ أَبَاهُ حَدَّثَهُ (أَنَّ سُفْيَانَ أَبَاهُ حَدَّثَهُ) أَنَّ عُمَرَ بْنَ الْخَطَّابِ قَالَ لَهُ: قُلْ لَهُمْ: إِنِّي لَا آخُذُ الشَّاةَ الْأَكُولَةَ وَلَا فَحْلَ الْغَنَمِ، وَلَا الرُّبَى وَلَا الْمَاخِضَ، وَلَكِنِّي آخُذُ الْعَنَاقَ وَالْجَذَعَةَ، وَالثَّنِيَّةَ وَذَلِكَ عَدْلٌ بَيْنَ غِذَاءِ الْمَالِ وَخِيَارِهِ؟ وَمِنْ طَرِيقِ الْأَوْزَاعِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ الْمُحَارِبِيِّ أَنَّ عُمَرَ بَعَثَهُ مُصْدِقًا وَأَمَرَهُ أَنْ يَأْخُذَ الْجَذَعَةَ، وَالثَّنِيَّةَ.

Issue: Zakat on sheep that have completed a year.

[مَسْأَلَةُ الزَّكَاةِ فِي الْغَنَمِ مِمَّا أَتَمَّ سَنَةٍ]

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That which is too small to be called a sheep—being referred to as a lamb, kid, or suckling—may not be included in obligatory alms (zakat), nor counted among the assets from which zakat is taken unless it completes a full year. When it completes a year, is it then counted, and is zakat taken from it? Abū Muḥammad said: This is a point on which people have differed.

وَمَا صَغُرَ عَنْ أَنْ يُسَمَّى: شَاةً، لَكِنْ يُسَمَّى خَرُوفًا، أَوْ جَدْيًا، أَوْ سَخْلَةً: لَمْ يَجُزْ أَنْ يُؤْخَذَ فِي الصَّدَقَةِ الْوَاجِبَةِ، وَلَا أَنْ يُعَدَّ فِيمَا تُؤْخَذُ مِنْهُ الصَّدَقَةُ، إِلَّا أَنْ يُتِمَّ سَنَةً، فَإِذَا أَتَمَّهَا عُدَّ، وَأُخِذَتْ الزَّكَاةُ مِنْهُ؟ قَالَ أَبُو مُحَمَّدٍ: هَذَا مَكَانٌ اخْتَلَفَ النَّاسُ فِيهِ.

Abu Hanifah said: All growths—whether gold, silver, or livestock—are combined with the wealth in the owner's possession, and zakat is due on the entire amount, even if he acquired them merely an hour before the completion of the ḥawl [lunar year].

فَقَالَ أَبُو حَنِيفَةَ: تُضَمُّ الْفَوَائِدُ كُلُّهَا مِنْ الذَّهَبِ، وَالْفِضَّةِ، وَالْمَوَاشِي، إلَى مَا عِنْدَ صَاحِبِ الْمَالِ فَتُزَكَّى مَعَ مَا كَانَ عِنْدَهُ، وَلَوْ لَمْ يَفِدْهَا إلَّا قَبْلَ تَمَامِ الْحَوْلِ بِسَاعَةٍ.

This applies if the one possessing livestock has the amount subject to zakat; otherwise, it does not. The ruling depends on possessing the nisab at the start and end of the lunar year, regardless of decreases below the nisab during the year. He asked: If all the ewes he owned died, leaving more than forty lambs among the offspring—is there no zakat due on them? Similarly, if he owned thirty or more bovine calves, or five or more weaned camel calves, for a full year without there being even a single one-year-old she-camel among them—is there no zakat due on them?

هَذَا إذَا كَانَ الَّذِي عِنْدَهُ تَجِبُ فِي مِقْدَارِ مَا مَعَهُ الزَّكَاةُ، وَإِلَّا فَلَا، وَإِنَّمَا يُرَاعَى فِي ذَلِكَ أَنْ يَكُونَ عِنْدَهُ نِصَابٌ فِي أَوَّلِ الْحَوْلِ وَآخِرِهِ، وَلَا يُبَالِي أَنْقَصَ فِي دَاخِلِ الْحَوْلِ عَنْ النِّصَابِ أَمْ لَا؟ قَالَ: فَإِنْ مَاتَتْ الَّتِي كَانَتْ عِنْدَهُ كُلُّهَا وَبَقِيَ مِنْ عَدَدِ الْخِرْفَانِ أَكْثَرُ مِنْ أَرْبَعِينَ: فَلَا زَكَاةَ فِيهَا؟ وَكَذَلِكَ لَوْ مَلَكَ ثَلَاثِينَ عِجْلًا فَصَاعِدًا، أَوْ خَمْسًا مِنْ

الْفُصْلَانِ فَصَاعِدًا، عَامًا كَامِلًا دُونَ أَنْ يَكُونَ فِيهَا مُسِنَّةٌ وَاحِدَةٌ فَمَا فَوْقَهَا -: فَلَا زَكَاةَ عَلَيْهِ فِيهَا؟

L10480–10481 Malik said: The profits of gold and silver are not combined with what a Muslim already possesses of them; rather, each asset is subject to zakah based on its own annual cycle, except for profit from wealth and all offspring of livestock. These are combined with one's existing holdings, and the total is subject to zakah based on the annual cycle of what was already possessed - even if acquired an hour before the cycle ends. However, he distinguished between profits from gold and silver and gains from livestock through means other than reproduction. He ruled that such gains should not be added to one's existing holdings of all these types unless the amount already possessed constitutes a quantity of the same type that obligates zakah. If not, they remain separate.

وَقَالَ مَالِكٌ: لَا تُضَمُّ فَوَائِدُ الذَّهَبِ، وَالْفِضَّةِ، إِلَى مَا عِنْدَ الْمُسْلِمِ مِنْهَا؛ بَلْ يُزَكَّى كُلُّ مَالٍ بِحَوْلِهِ، حَاشَا رِبْحَ الْمَالِ وَفَوَائِدَ الْمَوَاشِي كُلِّهَا؛ فَإِنَّهَا تُضَمُّ إِلَى مَا عِنْدَهُ وَيُزَكَّى الْجَمِيعُ بِحَوْلِ مَا كَانَ عِنْدَهُ، وَلَوْ لَمْ يُفِدْهَا إِلَّا قَبْلَ الْحَوْلِ بِسَاعَةٍ، إِلَّا أَنَّهُ فَرَّقَ بَيْنَ فَائِدَةِ الذَّهَبِ، وَالْفِضَّةِ، وَالْمَاشِيَةِ، مِنْ غَيْرِ الْوِلَادَةِ، فَلَمْ يَرَ أَنْ يُضَمَّ إِلَى مَا عِنْدَ الْمَرْءِ مِنْ ذَلِكَ كُلِّهِ إِلَّا إِذَا كَانَ الَّذِي عِنْدَهُ مِنْهَا مِقْدَارًا تَجِبُ فِي مِثْلِهِ الزَّكَاةُ وَإِلَّا فَلَا.

L10482 He held the view that the offspring of livestock should specifically be aggregated with the livestock one already owns, whether the existing amount reaches the nisab threshold for zakat or not.

وَرَأَى أَنْ تُضَمَّ وِلَادَةُ الْمَاشِيَةِ خَاصَّةً إِلَى مَا عِنْدَهُ مِنْهَا، سَوَاءٌ كَانَ الَّذِي عِنْدَهُ مِنْهَا تَجِبُ فِي مِقْدَارِهِ الزَّكَاةُ أَوْ لَا تَجِبُ فِي مِقْدَارِهِ الزَّكَاةُ.

L10483 Al-Shāfiʿī said: Progeny is not aggregated at all with existing possessions, except solely the offspring of livestock, for they are aggregated with their mothers. This applies even if the number mandating zakat is not completed except one hour before the end of the lunar year—provided the mothers themselves reach the nisab threshold that mandates zakat; otherwise, it does not. If they fall below the nisab during any part of the lunar year, is there then no zakat due on them? Abu Muḥammad said: As for the contradictions in Mālik's and Al-Shāfiʿī's positions and their arbitrary divisions—this is evident, for they formulated divisions without any proof of their validity.

وَقَالَ الشَّافِعِيُّ: لَا تُضَمُّ فَائِدَةٌ أَصْلًا إِلَى مَا عِنْدَهُ، إِلَّا أَوْلَادَ الْمَاشِيَةِ فَقَطْ، فَإِنَّهَا تُعَدُّ مَعَ أُمَّاتِهَا، وَلَوْ لَمْ يَتِمَّ الْعَدَدُ الْمَأْخُوذُ مِنْهُ الزَّكَاةُ بِهَا إِلَّا قَبْلَ الْحَوْلِ بِسَاعَةٍ، هَذَا إِذَا كَانَتْ الْأُمَّهَاتُ نِصَابًا تَجِبُ فِيهِ الزَّكَاةُ وَإِلَّا فَلَا، فَإِنْ نَقَصَتْ فِي بَعْضِ الْحَوْلِ عَنْ النِّصَابِ: فَلَا زَكَاةَ فِيهَا؟ قَالَ أَبُو مُحَمَّد: أَمَّا تَنَاقُضُ مَالِكٍ، وَالشَّافِعِيِّ وَتَقْسِيمِهِمَا فَلَا خَفَاءَ بِهِ، لِأَنَّهُمَا قَسَّمَا تَقْسِيمًا لَا بُرْهَانَ عَلَى صِحَّتِهِ.

L10484 As for Abū Ḥanīfah, he too exhibits here a contradiction more egregious than that of Mālik and al-Shāfiʿī. He held that only the beginning and end of the year should be considered, without regard to the intervening period. He also ruled that livestock offspring should be counted with their mothers even if the mother gave birth to them merely an hour before the Zakat collector's arrival. Furthermore, he held that if there are forty young lambs

وَأَمَّا أَبُو حَنِيفَةَ فَلَهُ هَاهُنَا أَيْضًا تَنَاقُضٌ أَشْنَعُ مِنْ تَنَاقُضِ مَالِكٍ، وَالشَّافِعِيِّ، وَهُوَ أَنَّهُ رَأَى أَنْ يُرَاعَى أَوَّلُ الْحَوْلِ وَآخِرِهِ دُونَ وَسَطٍ، وَرَأَى أَنْ تُعَدَّ أَوْلَادُ الْمَاشِيَةِ مَعَ أُمَّاتِهَا وَلَوْ لَمْ تَضَعْهَا إِلَّا قَبْلَ مَجِيءِ السَّاعِي بِسَاعَةٍ، ثُمَّ رَأَى فِي أَرْبَعِينَ خَرُوفًا صِغَارًا وَمَعَهَا

alongside one mature sheep, the Zakat is due solely on that mature sheep. If no mature sheep is present, no Zakat is obligatory. Likewise, if there are a hundred lambs and twenty young lambs—all of them—alongside one mature sheep, the Zakat is due only on that mature sheep.

شَاةٌ وَاحِدَةٌ مُسِنَّةٌ أَنَّ فِيهَا الزَّكَاةَ، وَهِيَ تِلْكَ الْمُسِنَّةُ فَقَطْ، فَإِنْ لَمْ يَكُنْ مَعَهَا مُسِنَّةٌ فَلَا زَكَاةَ فِيهَا، فَإِنْ كَانَتْ مَعَهُ مِائَةُ خَرُوفٍ وَعِشْرُونَ خَرُوفًا صِغَارًا كُلَّهَا وَمَعَهَا مُسِنَّةٌ وَاحِدَةٌ.

L10485 He said: If there are two aged females among them, their zakah consists of those two aged females together. If there is only one aged female with them both, then only that aged female alone is due. If there is no aged female with it, then nothing at all is due.

قَالَ: إِنْ كَانَ فِيهَا مُسِنَّتَانِ فَصَدَقَتُهَا تَانِكَ الْمُسِنَّتَانِ مَعًا، وَإِنْ كَانَ لَيْسَ مَعَهُمَا إِلَّا مُسِنَّةٌ وَاحِدَةٌ فَلَيْسَ فِيهَا إِلَّا تِلْكَ الْمُسِنَّةِ وَحْدَهَا فَقَطْ، فَإِنْ لَمْ يَكُنْ مَعَهَا مُسِنَّةٌ فَلَيْسَ فِيهَا شَيْءٌ أَصْلًا.

L10486–10488 And likewise, he ruled regarding young camels (al-ʻajājīl) and the two legal determinations (al-fuṣlayn), even if he were to own them for a year or longer. Abū Muḥammad said: This is the legislation of Iblīs, not the legislation of Allah the Exalted and His Messenger Muḥammad—may Allah bless him and grant him peace. We mean his statement: "If there are one hundred sheep with a lamb, one year-old sheep is due. If there are twenty sheep with a lamb, two additional year-old sheep are taken as zakāh for the lambs—both are taken. If there is only one year-old sheep with them, it is taken alone as zakāh for the lambs with no increase." This ruling has never been established by the Qur'an, a sound Sunnah, a weak narration, the statement of any Companion, any Successor, anyone known before Abū Ḥanīfah, valid analogy, or sound reasoning.

وَهَكَذَا قَالَ فِي الْعَجَاجِيلِ وَالْفُصْلَانِ أَيْضًا، وَلَوْ مَلَكَهَا سَنَةً فَأَكْثَرَ قَالَ أَبُو مُحَمَّدٍ: وَهَذِهِ شَرِيعَةُ إِبْلِيسَ لَا شَرِيعَةُ اللَّهِ تَعَالَى وَرَسُولِهِ مُحَمَّدٍ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَعْنِي قَوْلَهُ: إِنْ كَانَ مَعَ الْمِائَةِ خَرُوفٌ وَالْعِشْرُونَ خَرُوفًا: مُسِنَّتَانِ زَائِدَتَانِ أُخِذَتَا عَنْ زَكَاةِ الْخِرْفَانِ كِلْتَاهُمَا، فَإِنْ لَمْ يَكُنْ مَعَهَا إِلَّا مُسِنَّةٌ وَاحِدَةٌ: أُخِذَتْ وَحْدُهَا عَنْ زَكَاةِ الْخِرْفَانِ وَلَا مَزِيدَ وَمَا جَاءَ بِهَذَا قَطُّ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا رِوَايَةٌ سَقِيمَةٌ، وَلَا قَوْلُ أَحَدٍ مِنْ الصَّحَابَةِ وَلَا مِنْ التَّابِعِينَ، وَلَا أَحَدٌ نَعْلَمُهُ قَبْلَ أَبِي حَنِيفَةَ، وَلَا قِيَاسٌ وَلَا رَأْيٌ سَدِيدٌ.

L10489 It has been narrated from him that he once said concerning forty lambs: a mature sheep is taken as their zakah, and this is the opinion adopted by Zufar. Then he revised his stance and said: rather, a lamb from them is taken as their zakah, and this is the opinion adopted by Abu Yusuf. Then he changed his position and said: there is no zakah due on them, and this is the opinion adopted by al-Hasan ibn Ziyad.

وَقَدْ رُوِيَ عَنْهُ أَنَّهُ قَالَ مَرَّةً فِي أَرْبَعِينَ خَرُوفًا: يُؤْخَذُ عَنْ زَكَاتِهَا شَاةٌ مُسِنَّةٌ، وَبِهِ يَأْخُذُ زُفَرُ، ثُمَّ رَجَعَ إِلَى أَنْ قَالَ: بَلْ يُؤْخَذُ عَنْ زَكَاتِهَا خَرُوفٌ مِنْهَا، وَبِهِ يَأْخُذُ أَبُو يُوسُفَ، ثُمَّ رَجَعَ إِلَى أَنْ قَالَ: لَا زَكَاةَ فِيهَا، وَبِهِ يَأْخُذُ الْحَسَنُ بْنُ زِيَادٍ.

L10490 Malik maintained the same view as Zufar. Al-Awzaʻī and Al-Shāfiʻī upheld the same position as Abū Yūsuf. Al-Shaʻbī, Sufyān al-Thawrī, and Abū Sulaymān endorsed the same opinion as al-Ḥasan ibn Ziyād.

وَقَالَ مَالِكٌ كَقَوْلِ زُفَرَ، وَقَالَ الْأَوْزَاعِيُّ، وَالشَّافِعِيُّ، كَقَوْلِ أَبِي يُوسُفَ، وَقَالَ الشَّعْبِيُّ، وَسُفْيَانُ الثَّوْرِيُّ، وَأَبُو سُلَيْمَانَ كَقَوْلِ الْحَسَنِ بْنِ زِيَادٍ.

L10491 Abu Muhammad said: Those who held that year-old lambs should be counted with their mothers cited our narration from ʻAbd al-Razzāq's chain via Bishr ibn ʻĀṣim ibn Sufyān ibn ʻAbdullāh al-Thaqafī, from his father, from his grandfather: that he served as a zakah collector in the districts of Ta'if. The livestock owners complained to him about assessing fodder, saying: "If you are counting fodder, take its due from it." ʻUmar instructed: "Say to them: We account for all fodder—even that for the newborn lamb carried by the shepherd in his arms. And say: I do not take sheep kept for consumption, nor breeding rams, nor nursing ewes, nor pregnant sheep. Rather, I take ewe lambs, one-year-old sheep, and three-year-old sheep. This establishes equity between the livestock's maintenance costs and its choice animals."

قَالَ أَبُو مُحَمَّدٍ: احْتَجَّ مَنْ رَأَى أَنْ تُعَدَّ الْخِرْفَانُ مَعَ أُمَّهَاتِهَا بِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ بِشْرِ بْنِ عَاصِمِ بْنِ سُفْيَانَ بْنِ عَبْدِ اللَّهِ الثَّقَفِيِّ عَنْ أَبِيهِ عَنْ جَدِّهِ: أَنَّهُ كَانَ مُصَدِّقًا فِي مَخَالِيفِ الطَّائِفِ، فَشَكَا إلَيْهِ أَهْلُ الْمَاشِيَةِ تَصْدِيقَ الْغِذَاءِ، وَقَالُوا: إنْ كُنْت مُعْتَدًّا بِالْغِذَاءِ فَخُذْ مِنْهُ صَدَقَتَهُ. قَالَ عُمَرُ: فَقُلْ لَهُمْ: إنَّا نَعْتَدُّ بِالْغِذَاءِ كُلِّهَا حَتَّى السَّخْلَةُ يَرُوحُ بِهَا الرَّاعِي عَلَى يَدِهِ؛ وَقُلْ لَهُمْ: إنِّي لَا آخُذُ الشَّاةَ الْأَكُولَةَ؛ وَلَا فَحْلَ الْغَنَمِ، وَلَا الرُّبَى، وَلَا الْمَاخِضَ؛ وَلَكِنِّي آخُذُ الْعَنَاقَ، وَالْجَذَعَةَ، وَالثَّنِيَّةَ: وَذَلِكَ عَدْلٌ بَيْنَ غِذَاءِ الْمَالِ، وَخِيَارِهِ.

L10492 This has also been narrated to us through the route of Mālik from Thawr ibn Zayd from Ibn ʿAbd Allāh ibn Sufyān, and through the route of Ayyūb from ʿIkrimah ibn Khālid from Sufyān.

وَرُوِّينَا هَذَا أَيْضًا مِنْ طَرِيقِ مَالِكٍ عَنْ ثَوْرِ بْنِ زَيْدٍ عَنْ ابْنِ عَبْدِ اللَّهِ بْنِ سُفْيَانَ وَمِنْ طَرِيقِ أَيُّوبَ عَنْ عِكْرِمَةَ بْنِ خَالِدٍ عَنْ سُفْيَانَ.

L10493 Do we not know of any proof for them besides this?

مَا نَعْلَمُ لَهُمْ حُجَّةً غَيْرَ هَذَا؟

L10494–10495 Abu Muhammad said: And this contains no proof for them in it, due to several aspects:

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ لِوُجُوهٍ:

L10496 The first of them is that it is not from the statement of the Messenger of Allah—peace and blessings of Allah be upon him—nor is there proof in the saying of anyone other than him.

أَوَّلُهَا - أَنَّهُ لَيْسَ مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَهُ.

L10497 The second—

وَالثَّانِي -

L10498 That ʻUmar—may Allāh be pleased with him—differed from other Companions of the Messenger of Allāh—peace and blessings of Allāh be upon him—in this matter, as narrated to us by Ḥammām from Ibn Mufarrij from Ibn al-Aʿrabī from al-Dabarī from ʿAbd al-Razzāq from Mālik from Muḥammad ibn ʿUqbah from al-Qāsim ibn Muḥammad ibn Abī Bakr al-Ṣiddīq: that Abū Bakr al-Ṣiddīq would not take Zakat from any Zakat-eligible wealth until a full year had passed over it.

أَنَّهُ قَدْ خَالَفَ عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - فِي هَذَا غَيْرَهُ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ عَنْ عَبْدِ الرَّزَّاقِ عَنْ مَالِكٍ عَنْ مُحَمَّدِ بْنِ عُقْبَةَ عَنْ الْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَانَ لَا يَأْخُذُ مِنْ مَالِ زَكَاةٍ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ -: حَدَّثَنَا مُحَمَّدُ بْنُ

Narrated to us by Muḥammad ibn Saʿīd ibn Nabāt from ʿAbdullāh ibn Naṣr from Qāsim ibn Aṣbagh from Muḥammad ibn Waḍḍāḥ from Mūsā ibn Muʿāwiyah from Wakīʿ from Sufyān al-Thawrī from Ḥārithah ibn Abī al-Rijāl from ʿAmrah bint ʿAbd al-Raḥmān from ʿĀ'ishah, the Mother of the Believers, who said: "No Zakat is due until a full year has passed over it" (referring to acquired wealth).

By the same chain up to Sufyān from Abū Isḥāq al-Sabīʿī from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: "Whoever acquires wealth owes no Zakat on it until a full year has passed over it."

L10499 And through him to Sufyan from Ayyub al-Sikhtiyani from Nafi' from Ibn Umar, who said: Whoever gains wealth, there is no Zakat in it until a full year has passed upon it.

سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَارِثَةَ بْنِ أَبِي الرِّجَالِ عَنْ عَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: لَا يُزَكَّى حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ: تَعْنِي الْمَالَ الْمُسْتَفَادَ -: وَبِهِ إِلَى سُفْيَانَ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: مَنْ اسْتَفَادَ مَالًا فَلَا زَكَاةَ فِيهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ.

وَبِهِ إِلَى سُفْيَانَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ: مَنْ اسْتَفَادَ مَالًا فَلَا زَكَاةَ فِيهِ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ.

فَهَذَا عُمُومٌ مِنْ أَبِي بَكْرٍ، وَعَائِشَةَ، وَعَلِيٍّ، وَابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمْ -، لَمْ يَخُصُّوا فَائِدَةَ مَاشِيَةٍ بِوِلَادَةٍ مِنْ سَائِرِ مَا يُسْتَفَادُ، وَلَيْسَ لِأَحَدٍ أَنْ يَقُولَ إِنَّهُمْ لَمْ يُرِيدُوا بِذَلِكَ أَوْلَادَ الْمَاشِيَةِ إِلَّا كَانَ كَاذِبًا عَلَيْهِمْ، وَقَائِلًا بِالْبَاطِلِ الَّذِي لَمْ يَقُولُوهُ قَطُّ؟ وَأَيْضًا - فَإِنَّ الَّذِينَ حَكَى عَنْهُمْ سُفْيَانُ بْنُ عَبْدِ اللَّهِ أَنَّهُمْ أَنْكَرُوا أَنْ يُعَدَّ عَلَيْهِمْ أَوْلَادَ الْمَاشِيَةِ مَعَ أُمَّهَاتِهَا -: قَدْ كَانَ فِيهِمْ بِلَا شَكٍّ جَمَاعَةٌ مِنْ أَصْحَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِأَنَّ سُفْيَانَ ذَكَرَ أَنَّ ذَلِكَ كَانَ أَيَّامَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - وَلِيَ الْأَمْرَ بَعْدَ مَوْتِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِسَنَتَيْنِ وَنِصْفٍ، وَبَقِيَ عَشْرَ سِنِينَ، وَمَاتَ بَعْدَ مَوْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِثَلَاثَ عَشْرَةَ سَنَةً، وَكَانُوا بِالطَّائِفِ، وَأَهْلُ الطَّائِفِ أَسْلَمُوا قَبْلَ مَوْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِنَحْوِ عَامٍ وَنِصْفٍ وَرَأَوْهُ عَلَيْهِ فَقَدْ صَحَّ الْخِلَافُ فِي هَذَا مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - بِلَا شَكٍّ، وَإِذَا كَانَ ذَلِكَ فَلَيْسَ قَوْلُ بَعْضِهِمْ أَوْلَى مِنْ قَوْلِ بَعْضٍ؛ وَالْوَاجِبُ فِي ذَلِكَ مَا افْتَرَضَهُ اللَّهُ تَعَالَى إِذْ يَقُولُ: {فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ} [النساء: ٥٩] .

L10500–10502 This is a general ruling from Abū Bakr, ʻĀ'ishah, ʻAlī, and Ibn ʻUmar—may Allah be pleased with them—who did not exclude the progeny of livestock from any category of acquired gains. None can claim they excluded livestock offspring without falsely attributing lies to them and asserting a baseless claim they never uttered. Furthermore, those whom Sufyān ibn ʻAbdullāh reported as rejecting the inclusion of livestock offspring with their mothers for zakāh liability undoubtedly included companions of Allah's Messenger—peace and blessings be upon him. Sufyān stated this occurred during ʻUmar's caliphate—may Allah be pleased with him—who assumed authority two and a half years after the Prophet's death, ruled ten years, and died thirteen years after the Prophet's passing. They resided in Ṭā'if, whose people embraced Islam approximately a year and a half before the death of Allah's Messenger—peace and blessings be upon him—and had seen him, peace and blessings be upon him. Indeed, disagreement on this matter among the Companions—may Allah be pleased with them—has been unequivocally established. When this is the case, the opinion of some is not more entitled or preferable than that of others. The obligation herein is what Allah the Exalted has ordained, as He says: "If you disagree over something, refer it to Allah and His Messenger, if you believe in Allah and the Last Day" [An-Nisa: 59].[1]

وَالثَّالِثُ - أَنَّهُ لَمْ يُرْوَ هَذَا عَنْ عُمَرَ مِنْ طَرِيقٍ مُتَّصِلَةٍ إِلَّا مِنْ طَرِيقَيْنِ:

L10503 The third—that this was not reported from ʻUmar through an uninterrupted chain except via two transmission paths.

إِحْدَاهُمَا: مِنْ طَرِيقِ بِشْرِ بْنِ عَاصِمِ بْنِ سُفْيَانَ عَنْ أَبِيهِ، وَكِلَاهُمَا غَيْرُ مَعْرُوفٍ أَوْ مِنْ طَرِيقِ ابْنٍ لِعَبْدِ اللَّهِ بْنِ سُفْيَانَ لَمْ يُسَمَّ.

L10504 One of them is through the chain of Bishr ibn ʿĀṣim ibn Sufyān from his father, and both of them are unknown; or through the chain of a son of ʿAbdullāh ibn Sufyān whose name is not mentioned.

وَالثَّانِيَةُ -

L10505 And the second—

مِنْ طَرِيقِ عِكْرِمَةَ بْنِ خَالِدٍ، وَهُوَ ضَعِيفٌ.

L10506 From the chain of transmission of ʿIkrimah ibn Khālid, and he is weak.

[1] **Qur'an references (L10500):** Qur'an 4:59 (An-Nisa).

L10507 And the fourth –

وَالرَّابِعُ -

L10508 The Hanafis and Shafiʿis opposed ʿUmar's opinion on this very issue, stating: "What the livestock produces is not counted unless the mothers—excluding the offspring—reach the number obligating zakah. Otherwise, the offspring are not counted against them." This is not mentioned in ʿUmar's ḥadīth.

أَنَّ الْحَنَفِيِّينَ، وَالشَّافِعِيِّينَ: خَالَفُوا قَوْلَ عُمَرَ فِي هَذِهِ الْمَسْأَلَةِ نَفْسِهَا، فَقَالُوا: لَا يُعْتَدُّ بِمَا وَلَدَتْ الْمَاشِيَةُ إلَّا أَنْ تَكُونَ الْأُمَّهَاتُ - دُونَ الْأَوْلَادِ - عَدَدًا تَجِبُ فِيهِ الزَّكَاةُ وَإِلَّا فَلَا تُعَدُّ عَلَيْهِمْ الْأَوْلَادُ، وَلَيْسَ هَذَا فِي حَدِيثِ عُمَرَ.

L10509 The fifth [point] is that they disregard what has been authentically established from ʿUmar—may Allah be pleased with him—through chains of transmission stronger than this specific chain, [such as] matters in which no opposition to him from the Companions—may Allah be pleased with them—is known, when [his position] contradicts the opinions of Mālik, Abū Ḥanīfah, and Al-Shāfiʿī—such as the Ḥanafīs and Shāfiʿīs rejecting ʿUmar's statement: "Water is not rendered impure by anything."

وَالْخَامِسُ - أَنَّهُمْ لَا يَلْتَفِتُونَ مَا قَدْ صَحَّ عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - بِأَصَحَّ مِنْ هَذَا الْإِسْنَادِ، أَشْيَاءَ لَا يُعْرَفُ لَهُ فِيهَا مُخَالِفٌ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، إذَا خَالَفَ رَأْيَ مَالِكٍ، وَأَبِي حَنِيفَةَ، وَالشَّافِعِيِّ -: كَتَرْكِ الْحَنَفِيِّينَ، وَالشَّافِعِيِّينَ قَوْلَ عُمَرَ: الْمَاءُ لَا يُنَجِّسُهُ شَيْءٌ.

L10510 The Hanafis, Malikis, and Shafi'is rejected Umar's practice of collecting zakat from slaves not kept for trade and his method of collecting zakat from horses.

وَتَرْكِ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ: أَخْذَ عُمَرَ الزَّكَاةَ مِنْ الرَّقِيقِ لِغَيْرِ التِّجَارَةِ، وَصِفَةِ أَخْذِهِ الزَّكَاةَ مِنْ الْخَيْلِ.

L10511 The Hanafis' rejection of Umar's imposition of zakat on the orphan's wealth, and no valid disagreement with this ruling is established from any of the Companions, may Allah be pleased with them.

وَتَرْكِ الْحَنَفِيِّينَ إيجَابَ عُمَرَ الزَّكَاةَ فِي مَالِ الْيَتِيمِ، وَلَا يَصِحُّ خِلَافُهُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L10512–10514 The abandonment by the Hanafis and Malikis of the directive of Umar the tax assessor to leave the owners of palm trees what... They consume it without him assessing it for them—and how much more besides this? Thus, it has become evident that their reliance on ʿUmar's opinion occurs only where it conforms to their desires, not where authentic reports of ʿUmar's words or actions exist. This is exceedingly grave in matters of religion. Abū Muḥammad said: The reference in cases of dispute is the Quran and the Sunnah of Allah's Messenger—peace be upon him. We examined this matter and found that Allah's Messenger—peace be upon him—only obligated zakat on forty sheep and above, as we have described. He obligated therein one

وَتَرْكِ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ: أَمْرَ عُمَرَ الْخَارِصَ بِأَنْ يَتْرُكَ لِأَصْحَابِ النَّخْلِ مَا يَأْكُلُونَهُ لَا يَخْرُصُهُ عَلَيْهِمْ، وَغَيْرِ هَذَا كَثِيرٌ جِدًّا؟ فَقَدْ وَضَحَ أَنَّ احْتِجَاجَهُمْ بِعُمَرَ إنَّمَا هُوَ حَيْثُ وَافَقَ شَهَوَاتِهِمْ لَا حَيْثُ صَحَّ عَنْ عُمَرَ مِنْ قَوْلٍ أَوْ عَمَلٍ وَهَذَا عَظِيمٌ فِي الدِّينِ جِدًّا قَالَ أَبُو مُحَمَّد: الْمَرْجُوعُ إلَيْهِ عِنْدَ التَّنَازُعِ هُوَ الْقُرْآنُ، وَسُنَّةُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّمَا أَوْجَبَ الزَّكَاةَ فِي

sheep or two; and for every hundred sheep, one sheep. He exempted zakat from anything beyond that.

أَرْبَعِينَ شَاةٍ فَصَاعِدًا كَمَا وَصَفْنَا، وَأَوْجَبَ فِيهَا شَاةً أَوْ شَاتَيْنِ أَوْ فِي كُلِّ مِائَةِ شَاةٍ شَاةً، وَأَسْقَطَهَا عَمَّا عَدَا ذَلِكَ.

L10515 We found that lambs and kids are not referred to by the term "a sheep" (شَاة) nor the term "sheep" (شَاء) in the language through which Allah, the Exalted, has ordained His religion for us upon the tongue of the Messenger of Allah (peace be upon him).

وَوَجَدْنَا الْخِرْفَانَ وَالْجِدْيَانَ لَا يَقَعُ عَلَيْهَا اسْمُ شَاةٍ وَلَا اسْمُ شَاءٍ فِي اللُّغَةِ الَّتِي أَوْجَبَ اللَّهُ تَعَالَى عَلَيْنَا بِهَا دِينَهُ عَلَى لِسَانِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10516 The one-year-old lambs and kids were excluded from the obligation of zakah.

فَخَرَجَتْ الْخِرْفَانُ، وَالْجِدْيَانُ عَنْ أَنْ تَجِبَ فِيهَا زَكَاةٌ.

L10517 Moreover, they have unanimously agreed that neither a lamb nor a young goat may be taken as zakat from sheep. They thereby acknowledged that it is not called a sheep nor does it fall under the legal rulings applicable to sheep. Thus, it is impossible for zakat to be taken from it, and it is impermissible to include it in zakat without an explicit text specifying that.

وَأَيْضًا - فَقَدْ أَجْمَعُوا عَلَى أَنْ لَا يُؤْخَذَ خَرُوفٌ وَلَا جَدْيٌ فِي الْوَاجِبِ فِي الزَّكَاةِ عَنْ الشَّاءِ فَأَقَرُّوا بِأَنَّهُ لَا يُسَمَّى شَاةً وَلَا لَهُ حُكْمُ الشَّاءِ، فَمِنْ الْمُحَالِ أَنْ يُؤْخَذَ مِنْهَا زَكَاةٌ، فَلَا تَجُوزُ هِيَ فِي الزَّكَاةِ بِغَيْرِ نَصٍّ فِي ذَلِكَ.

L10518 Moreover, is Zakat obligatory on livestock that has not reached its annual cycle (ḥawl), since there is no evidence in the Qur'an, Sunnah, or Ijmaʿ mandating it? As for one who owns lambs, calves, or weaned camels for an entire year, Zakat is obligatory upon the completion of the year, for all these are classified as sheep, cattle, and camels.

وَأَيْضًا - فَإِنَّ زَكَاةَ مَاشِيَةٍ لَمْ يَحُلْ عَلَيْهَا حَوْلٌ لَمْ يَأْتِ بِهِ قُرْآنٌ، وَلَا سُنَّةٌ، وَلَا إجْمَاعٌ؟ وَأَمَّا مَنْ مَلَكَ خِرْفَانًا أَوْ عُجُولًا أَوْ فُصْلَانًا سَنَةً كَامِلَةً فَالزَّكَاةُ فِيهَا وَاجِبَةٌ عِنْدَ تَمَامِ الْعَامِ، لِأَنَّ كُلَّ ذَلِكَ يُسَمَّى غَنَمًا، وَبَقَرًا وَإِبِلًا.

L10519 ʿAbdullāh ibn Rabīʿ narrated to us: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Hannād ibn al-Sarī narrated from Hushaym, from Hilāl ibn Khabbāb, from Maysarah Abī Ṣāliḥ, from Suwayd ibn Ghaflah, who said: "The charity collector of the Messenger of Allah—peace and blessings be upon him—came to us. I sat near him and heard him say: 'In my covenant is that we do not take from the milk of a nursing mother.'"

حَدَّثَنَا عَبْدُ اللَّهِ بْنِ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ ثنا هَنَّادُ بْنُ السَّرِيِّ عَنْ هُشَيْمٍ عَنْ هِلَالِ بْنِ خَبَّابٍ عَنْ مَيْسَرَةَ أَبِي صَالِحٍ عَنْ سُوَيْدِ بْنِ غَفَلَةَ قَالَ «أَتَانَا مُصَدِّقُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَجَلَسْتُ إلَيْهِ، فَسَمِعْتُهُ يَقُولُ: إنَّ فِي عَهْدِي أَنْ لَا نَأْخُذَ مِنْ رَاضِعِ لَبَنٍ» .

L10520–10521 Abu Muhammad said: If he had intended that he himself not be subject to zakat, he would have said, "Let us not take [zakat] from the nursing infant." However, since taking zakat from the nursing infant—a term denoting the category—was prohibited, it is thereby established that nursing infants are not included among those from whom zakat is taken.

قَالَ أَبُو مُحَمَّد: لَوْ أَرَادَ أَنْ لَا يُؤْخَذَ هُوَ فِي الزَّكَاةِ لَقَالَ " أَنْ لَا نَأْخُذَ رَاضِعَ لَبَنٍ " لَكِنْ لَمَّا مُنِعَ مِنْ أَخْذِ الزَّكَاةِ مِنْ رَاضِعِ لَبَنٍ - وَرَاضِعُ لَبَنٍ اسْمٌ لِلْجِنْسِ - صَحَّ بِذَلِكَ أَنْ لَا تُعَدَّ الرَّوَاضِعُ فِيمَا تُؤْخَذُ مِنْهُ الزَّكَاةُ.

L10522 وَمَا نَعْلَمُ أَحَدًا عَابَ هِلَالَ بْنَ خَبَّابٍ، إلَّا أَنَّ يَحْيَى بْنَ سَعِيدٍ الْقَطَّانِ قَالَ: لَقِيته وَقَدْ تَغَيَّرَ، وَهَذَا لَيْسَ جُرْحَةً، لِأَنَّ هُشَيْمًا أَسَنُّ مِنْ يَحْيَى بِنَحْوِ عِشْرِينَ سَنَةً، فَكَانَ لِقَاءُ هُشَيْمٍ لِهِلَالٍ قَبْلَ تَغَيُّرِهِ بِلَا شَكٍّ.

L10523 وَأَمَّا سُوَيْدٌ فَأَدْرَكَ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَتَى إلَى الْمَدِينَةِ بَعْدَ وَفَاتِهِ - عَلَيْهِ السَّلَامُ - بِنَحْوِ خَمْسِ لَيَالٍ، وَأَفْتَى أَيَّامَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ -: قَالَ أَبُو مُحَمَّد: وَأَمَّا الشَّافِعِيُّ، وَأَبُو يُوسُفَ فَطَرَدَا قَوْلَهُمَا، إذْ أَوْجَبَا أَخْذَ خَرُوفٍ صَغِيرٍ فِي الزَّكَاةِ عَنْ أَرْبَعِينَ خَرُوفًا فَصَاعِدًا، وُلِدَتْ قَبْلَ الْحَوْلِ أَوْ مَاتَتْ أُمَّهَاتُهَا؟ وَأَخْذُ مِثْلِ هَذَا فِي الزَّكَاةِ عَجَبٌ جِدًّا وَأَمَّا إذَا أَتَمَّتْ سَنَةً فَاسْمُ شَاةٍ يَقَعُ عَلَيْهَا فَهِيَ مَعْدُودَةٌ وَمَأْخُوذَةٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10524–10526 وَحَصَلُوا كُلُّهُمْ عَلَى أَنْ ادَّعَوْا أَنَّهُمْ قَلَّدُوا عُمَرَ - رَضِيَ اللَّهُ عَنْهُ -؛ وَهُمْ قَدْ خَالَفُوهُ فِي هَذِهِ الْمَسْأَلَةِ نَفْسِهَا، فَلَمْ يَرَ أَبُو حَنِيفَةَ، وَالشَّافِعِيّ أَنْ تُعَدَّ الْأَوْلَادُ مَعَ الْأُمَّهَاتِ إلَّا إذَا كَانَتْ الْأُمَّهَاتُ نِصَابًا؛ وَلَمْ يَقُلْ عُمَرُ كَذَلِكَ؟ وَحَصَلَ مَالِكٌ عَلَى قِيَاسٍ فَاسِدٍ مُتَنَاقِضٍ؛ لِأَنَّهُ قَاسَ فَائِدَةَ الْمَاشِيَةِ خَاصَّةً - دُونَ سَائِرِ الْفَوَائِدِ - عَلَى مَا فِي حَدِيثِ عُمَرَ مِنْ عَدِّ أَوْلَادِهَا مَعَهَا، ثُمَّ نَقَضَ قِيَاسَهُ فَرَأَى أَنْ لَا تُضَمَّ فَائِدَةُ الْمَاشِيَةِ بِهِبَةٍ، أَوْ مِيرَاثٍ، أَوْ شِرَاءٍ إلَى مَا عِنْدَهُ مِنْهَا إلَّا إنْ كَانَ مَا عِنْدَهُ نِصَابًا تَجِبُ فِي مِثْلِهِ الزَّكَاةُ

We do not know of anyone who criticized Hilāl ibn Khabbāb except Yaḥyā ibn Saʿīd al-Qaṭṭān, who said: “I met him after he had undergone a change.” This, however, does not constitute discreditation, for Hushaym was roughly twenty years older than Yaḥyā. Thus, Hushaym’s meeting with Hilāl undoubtedly occurred before Hilāl’s change.

As for Suwayd, he lived during the time of the Prophet—peace and blessings of Allah be upon him—and arrived in Medina approximately five nights after his death—peace be upon him. He issued legal rulings during the era of Umar—may Allah be pleased with him. Abu Muhammad said: As for al-Shāfiʿī and Abu Yusuf, their opinion was dismissed, for they mandated taking a small lamb as zakāh on forty lambs or more—even if the lambs were born before the completion of the annual cycle or their mothers died. Requiring such a lamb for zakāh is very astonishing. However, if it completes a full year, the term “sheep” applies to it, making it countable and subject to being taken [as zakāh]. Success is from Allah, the Most High.

All of them claimed that they followed the opinion of ʿUmar—may Allah be pleased with him—while they themselves had opposed him in this very issue. Therefore, Abū Ḥanīfah and al-Shāfiʿī did not hold that the children should be counted alongside the mothers except when such was the case. The mothers themselves constitute a nisab, yet did Umar not state this? Malik adopted a flawed and self-contradictory analogy, for he restricted his comparison of livestock offspring—excluding other types of yields—to what is mentioned in Umar’s hadith regarding counting their young with them. He then invalidated his own analogy by ruling that livestock offspring should not be combined through gift, inheritance, or purchase with existing holdings unless those holdings already meet the nisab threshold obligating zakat. Yet

paradoxically, he held that their offspring must be added to them even if the mothers do not constitute a zakat-eligible nisab? These categorizations are unheard of before them; no predecessor is known to have endorsed them. They neither followed Umar's position, nor applied the analogy systematically, nor adhered to the explicit rulings of the Sunnah in this matter.

Zakat on Cows

A legal ruling: Water buffaloes are a type of bovine, grouped among themselves.

Zakat on Cows

673 - Question:

Buffaloes are a type of cattle; some are grouped with others.

Then people differed: A group stated there is no Zakat on fewer than fifty head of cattle, whether males alone, females alone, or a combination of males and females. When fifty head of cattle are reached and remain in their owner's possession for an uninterrupted lunar year as we previously stipulated, one cow is due. This applies until the number reaches one hundred head of cattle. When it reaches one hundred and completes a lunar year under the same conditions, two cows are due. This applies perpetually: for every fifty head of cattle, one cow is due. No additional Zakat is due on incremental increases until they reach fifty. Any cattle that have not completed a full lunar year, as mentioned, are not counted.

A group has said: For five cows, a sheep; for ten cows, two sheep; for fifteen cows, three sheep; for twenty cows, four sheep; and for twenty-five cows, a cow.

Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us; Muḥammad ibn ʿĪsā ibn Rifāʿah narrated to us; ʿAlī ibn ʿAbd al-ʿAzīz narrated to us; Abū ʿUbayd al-Qāsim ibn Salām narrated to us: Yazīd narrated from Ḥabīb ibn Abī Ḥabīb

وَإِلَّا فَلَا - وَرَأَى أَنْ تُضَمَّ أَوْلَادُهَا إِلَيْهَا وَإِنْ لَمْ تَكُنْ الْأُمَّهَاتُ نِصَابًا تَجِبُ فِي الزَّكَاةِ؟ وَهَذِهِ تَقَاسِيمُ لَا يُعْرَفُ أَحَدٌ قَالَ بِهَا قَبْلَهُمْ، وَلَا هُمْ اتَّبَعُوا عُمَرَ، وَلَا طَرَدُوا الْقِيَاسَ، وَلَا اتَّبَعُوا نَصَّ السُّنَّةِ فِي ذَلِكَ.

[زَكَاةُ الْبَقَرِ]

[مَسْأَلَةٌ الْجَوَامِيسُ صِنْفٌ مِنْ الْبَقَرِ يُضَمُّ بَعْضُهَا إلَى بَعْضٍ]

زَكَاةُ الْبَقَرِ

٦٧٣ - مَسْأَلَةٌ:

الْجَوَامِيسُ صِنْفٌ مِنْ الْبَقَرِ يُضَمُّ بَعْضُهَا إلَى بَعْضٍ.

ثُمَّ اخْتَلَفَ النَّاسُ: فَقَالَتْ طَائِفَةٌ: لَا زَكَاةَ فِي أَقَلَّ مِنْ خَمْسِينَ مِنْ الْبَقَرِ ذُكُورًا أَوْ إنَاثًا، أَوْ ذُكُورًا، وَإِنَاثًا، فَإِذَا تَمَّتْ خَمْسُونَ رَأْسًا مِنْ الْبَقَرِ وَأَتَمَّتْ فِي مِلْكِ صَاحِبِهَا عَامًا قَمَرِيًّا مُتَّصِلًا كَمَا قَدَّمْنَا -: فَفِيهَا بَقَرَةٌ، إلَى أَنْ تَبْلُغَ مِائَةً مِنْ الْبَقَرِ، فَإِذَا بَلَغَتْهَا وَأَتَمَّتْ كَذَلِكَ عَامًا قَمَرِيًّا فَفِيهَا بَقَرَتَانِ، وَهَكَذَا أَبَدًا، فِي كُلِّ خَمْسِينَ مِنْ الْبَقَرِ بَقَرَةٌ، وَلَا شَيْءَ زَائِدٌ فِي الزِّيَادَةِ حَتَّى تَبْلُغَ خَمْسِينَ، وَلَا يُعَدُّ فِيهَا مَا لَمْ يُتِمَّ حَوْلًا كَمَا ذَكَرْنَا.

وَقَالَتْ طَائِفَةٌ: فِي خَمْسٍ مِنْ الْبَقَرِ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ، وَفِي خَمْسِ عَشَرَةَ ثَلَاثُ شِيَاهٍ: وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ مِنْ الْبَقَرِ بَقَرَةٌ.

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَامٍ ثنا يَزِيدُ عَنْ حَبِيبِ بْنِ أَبِي حَبِيبٍ عَنْ عَمْرِو بْنِ هَرِمٍ عَنْ

from ʿAmr ibn Hārim from Muḥammad ibn ʿAbd al-Raḥmān, who said: In the book of ʿUmar ibn al-Khaṭṭāb, it is stated that cattle are taken. Among them is what is taken from camels, referring to Zakat. He said: Were others besides them asked about it? They replied: In it is what applies to camels.

مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: فِي كِتَابِ عُمَرَ بْنِ الْخَطَّابِ أَنَّ الْبَقَرَ يُؤْخَذُ مِنْهَا مَا يُؤْخَذُ مِنْ الْإِبِلِ، يَعْنِي فِي الزَّكَاةِ، قَالَ: وَقَدْ سُئِلَ عَنْهَا غَيْرُهُمْ؟ فَقَالُوا: فِيهَا مَا فِي الْإِبِلِ.

L10537 Yazid—this is Yazid, the son of Hārūn or Zuraiʿ.

يَزِيدُ هَذَا هُوَ يَزِيدُ بْنُ هَارُونَ أَوْ ابْنُ زُرَيْعٍ.

L10538 Ibn Mufarrij narrated to us, Ibn al-Aʿrabī narrated to us, al-Dabarī narrated to us, Abd al-Razzāq narrated to us from Maʿmar from al-Zuhrī and Qatādah, both of whom narrated from Jābir ibn ʿAbd Allāh al-Anṣārī, who said: "For every five head of cattle, a sheep is due; for ten, two sheep are due; for fifteen, three sheep are due; and for twenty, four sheep are due."

حَدَّثَنَا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ وَقَتَادَةَ كِلَاهُمَا عَنْ جَابِرِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ قَالَ: فِي كُلِّ خَمْسٍ مِنْ الْبَقَرِ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ، وَفِي خَمْسَ عَشَرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ.

L10539 Al-Zuhri said: The prescribed zakat rates for cattle are like those for camels, except for the age determination based on teeth. When the cattle number twenty-five, one cow is due up to and including seventy-five. If they exceed seventy-five, two cows are due up to one hundred and twenty. If they exceed one hundred and twenty, one cow is due for every forty cattle.

قَالَ الزُّهْرِيُّ: فَرَائِضُ الْبَقَرِ مِثْلُ فَرَائِضِ الْإِبِلِ، غَيْرَ الْأَسْنَانِ فِيهَا، فَإِذَا كَانَتْ الْبَقَرُ خَمْسًا وَعِشْرِينَ فَفِيهَا بَقَرَةٌ إِلَى خَمْسٍ وَسَبْعِينَ، فَإِذَا زَادَتْ عَلَى خَمْسٍ وَسَبْعِينَ فَفِيهَا بَقَرَتَانِ إِلَى مِائَةٍ وَعِشْرِينَ فَإِذَا زَادَتْ عَلَى مِائَةٍ وَعِشْرِينَ فَفِي كُلِّ أَرْبَعِينَ بَقَرَةٌ.

L10540–10542 Az-Zuhri said: It has reached us that their statement, "The Prophet—peace and blessings of Allah be upon him—said: 'For every thirty cattle, a male calf in its first year; and for every forty cattle, a cow that has entered its third year,'" was a concessionary ruling for the people of Yemen. This ruling was no longer transmitted afterward. Hammam narrated to us: ʿAbdullāh ibn Muḥammad ibn ʿAlī al-Bājī narrated to us; ʿAbdullāh ibn Yūnus narrated to us; Baqī ibn Makhlad narrated to us; Abū Bakr ibn Abī Shaybah narrated to us; ʿAbd al-Aʿlā narrated from Dāwūd from ʿIkrimah ibn Khālid, who said: I was appointed over the obligatory alms of the region of ʿAkk. I met scholars among those who had paid obligatory alms during the time of Allah's Messenger—peace and blessings of Allah be upon him—and they differed in my presence. Some said: "Set it equivalent to the obligatory alms for camels." Others said: "For thirty cattle, a male calf in its first year," while others said: "For forty cattle, a cow that has entered its third year." ʿAbdullāh ibn Rabīʿ narrated to us: ʿAbdullāh ibn Muḥammad ibn ʿUthmān narrated to us; Aḥmad ibn Khālid narrated to us; ʿAlī ibn ʿAbd al-ʿAzīz narrated to us; al-Ḥajjāj ibn

قَالَ الزُّهْرِيُّ: وَبَلَغَنَا أَنَّ قَوْلَهُمْ: قَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فِي كُلِّ ثَلَاثِينَ تَبِيعٌ، وَفِي كُلِّ أَرْبَعِينَ بَقَرَةٌ» أَنَّ ذَلِكَ كَانَ تَخْفِيفًا لِأَهْلِ الْيَمَنِ، ثُمَّ كَانَ هَذَا بَعْدَ ذَلِكَ لَا يُرْوَى -: حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَبْدُ الْأَعْلَى عَنْ دَاوُد عَنْ عِكْرِمَةَ بْنِ خَالِدٍ قَالَ: اُسْتُعْمِلْت عَلَى صَدَقَاتِ عَكَّ، فَلَقِيت أَشْيَاخًا مِمَّنْ صَدَقَ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَاخْتَلَفُوا عَلَيَّ، فَمِنْهُمْ مَنْ قَالَ: اجْعَلْهَا مِثْلَ صَدَقَةِ الْإِبِلِ، وَمِنْهُمْ مَنْ قَالَ: فِي ثَلَاثِينَ تَبِيعٌ، وَمِنْهُمْ مَنْ قَالَ: فِي أَرْبَعِينَ بَقَرَةٌ مُسِنَّةٌ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا هَمَّامُ بْنُ يَحْيَى عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ، وَأَبِي قِلَابَةَ وَآخَرُ قَالُوا:

صَدَقَاتُ الْبَقَرِ كَنَحْوِ صَدَقَاتِ الْإِبِلِ، فِي كُلِّ خَمْسٍ شَاةٌ، وَفِي كُلِّ عَشْرٍ شَاتَانِ، وَفِي خَمْسَ عَشَرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ بَقَرَةٌ مُسِنَّةٌ إِلَى خَمْسٍ وَسَبْعِينَ، فَإِنْ زَادَتْ فَبَقَرَتَانِ مُسِنَّتَانِ إِلَى عِشْرِينَ وَمِائَةٍ، فَإِذْ زَادَتْ فَفِي كُلِّ أَرْبَعِينَ بَقَرَةً بَقَرَةٌ مُسِنَّةٌ -: وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مُحَمَّدِ بْنِ الْمُثَنَّى عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ كَمَا ذَكَرْنَا سَوَاءً سَوَاءً -: حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ ثنا عَبْدُ اللَّهِ بْنُ صَالِحٍ عَنِ اللَّيْثِ بْنِ سَعْدٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ خَالِدٍ الْفَهْمِيِّ عَنِ الزُّهْرِيِّ عَنْ عُمَرَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ خَلْدَةَ الْأَنْصَارِيِّ أَنَّ صَدَقَةَ الْبَقَرِ صَدَقَةُ الْإِبِلِ، غَيْرَ أَنَّهُ لَا أَسْنَانَ فِيهَا.

فَهَؤُلَاءِ كُتَّابُ عُمَرَ بْنِ الْخَطَّابِ، وَجَابِرُ بْنُ عَبْدِ اللَّهِ، وَجَمَاعَةٌ أَدَّوْا الصَّدَقَاتِ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمِنْ التَّابِعِينَ: سَعِيدُ بْنُ الْمُسَيِّبِ، وَعُمَرُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ خَلْدَةَ، وَالزُّهْرِيُّ، وَأَبُو قِلَابَةَ، وَغَيْرُهُمْ؟ وَاحْتَجَّ هَؤُلَاءِ بِمَا حَدَّثَنَاهُ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَامٍ ثنا يَزِيدُ عَنْ حَبِيبِ بْنِ أَبِي حَبِيبٍ عَنْ عَمْرِو بْنِ هَرِمٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ قَالَ: «إِنَّ فِي كِتَابِ صَدَقَةِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي كِتَابِ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ الْبَقَرَ يُؤْخَذُ مِنْهَا مِثْلُ مَا يُؤْخَذُ مِنْ الْإِبِلِ» -: وَبِمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ قَالَ: «أَعْطَانِي سِمَاكُ بْنُ الْفَضْلِ كِتَابًا مِنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَى مَالِكِ بْنِ كُفْلَانِسَ الْمُصْعَبِيِّينَ فَقَرَأْتُهُ فَإِذَا فِيهِ

al-Minhāl narrated to us; Hammām ibn Yaḥyā narrated from Qatādah from Saʿīd ibn al-Musayyib, Abū Qilābah, and another, who said: The obligatory alms for cows resemble those for camels: for every five, one sheep; for every ten, two sheep; for fifteen, three sheep; for twenty, four sheep; and in... For every twenty-five to seventy-five cows, one mature cow is due as Zakat. If they exceed that, two mature cows are due up to one hundred and twenty. If they increase further, then one mature cow is due for every forty cows. We also narrated it through the chain of Muhammad ibn al-Muthannā from Muḥammad ibn ʿAbdillāh al-Anṣārī from Saʿīd ibn Abī ʿArūbah from Qatādah from Saʿīd ibn al-Musayyib exactly as we mentioned, word for word. Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us; Muḥammad ibn ʿĪsā ibn Rifāʿah narrated to us; ʿAlī ibn ʿAbd al-ʿAzīz narrated to us; Abū ʿUbayd narrated to us; ʿAbdullāh ibn Ṣāliḥ narrated from al-Layth ibn Saʿd from ʿAbd al-Raḥmān ibn Khālid al-Fahmī from al-Zuhrī from ʿUmar ibn ʿAbd al-Raḥmān ibn Khaladah al-Anṣārī that the Zakat for cows follows the Zakat for camels, except that cows are not assessed by dental age categories.

L10543–10545 These are the writings of Umar ibn al-Khattab, Jabir ibn Abdullah, and a group who administered the alms during the era of the Messenger of Allah (peace and blessings be upon him). Among the successors were Saʿid ibn al-Musayyib, Umar ibn Abd al-Rahman ibn Khaldah, al-Zuhri, Abu Qilabah, and others? These individuals cited as evidence what was narrated to us by Ahmad ibn Muhammad ibn al-Jasur, who narrated from Muhammad ibn Isa ibn Rifaʿah, who narrated from Ali ibn Abd al-Aziz, who narrated from Abu Ubayd al-Qasim ibn Salam, who narrated from Yazid on the authority of Habib ibn Abi Habib on the authority of Amr ibn Harim on the authority of Muhammad ibn Abd al-Rahman, who said: “In the book of the Prophet’s alms (peace and blessings be upon him) and in the book of Umar ibn al-Khattab, it is stated that the same is taken from cattle as is taken from camels.” They also cited what was narrated to us by Hammam, who narrated from Ibn Mufarrij, who narrated from Ibn al-Aʿrabi, who narrated from al-Dabari, who narrated from Abd al-Razzaq, who narrated from Maʿmar, who said: “Simak ibn al-Fadl gave me a letter from the Prophet (peace and blessings be upon him) to Malik ibn Kuflānis al-Muṣʿabī. I read it, and in it was stated: ’For crops

فِيمَا سَقَتْ السَّمَاءُ وَالْأَنْهَارُ الْعُشْرُ، وَفِيمَا سُقِيَ بِالسَّنَا نِصْفُ الْعُشْرِ، وَفِي الْبَقَرِ مِثْلُ الْإِبِلِ» .

irrigated by rain or rivers, one-tenth is due, and for crops irrigated by labor, half of one-tenth is due.'" The ruling for cows is the same as that for camels.

وَبِمَا ذَكَرْنَا آنِفًا عَنْ الزُّهْرِيِّ: أَنَّ هَذَا هُوَ آخِرُ الْأَمْرِ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَنَّ الْأَمْرَ بِالتَّبِيعِ: نُسِخَ بِهَذَا.

L10546 And by what we mentioned earlier from al-Zuhrī: that this is the final matter from the Messenger of Allah - peace and blessings be upon him - and that the command regarding conditional sales was abrogated by this.

وَاحْتَجُّوا بِعُمُومِ الْخَبَرِ «مَا مِنْ صَاحِبِ بَقَرٍ لَا يُؤَدِّي حَقَّهَا إلَّا بُطِحَ لَهَا يَوْمَ الْقِيَامَةِ» قَالُوا: فَهَذَا عُمُومٌ لِكُلِّ بَقَرٍ إلَّا مَا خَصَّهُ نَصٌّ أَوْ إجْمَاعٌ.

L10547 They argued based on the generality of the narration: "There is no owner of cattle who does not fulfill its due obligation except that he will be trampled for it on the Day of Resurrection." They said: This is a general ruling applying to all cattle, except what is specified by a scriptural text or scholarly consensus.

وَقَالُوا: مَنْ عَمِلَ مِثْلَ قَوْلِنَا كَانَ عَلَى يَقِينٍ بِأَنَّهُ قَدْ أَدَّى فَرْضَهُ، وَمَنْ خَالَفَهُ لَمْ يَكُنْ عَلَى يَقِينٍ مِنْ ذَلِكَ.

L10548 They said: Whoever acts in accordance with our statement is certain that he has fulfilled his religious obligation, and whoever opposes it is not certain thereof.

فَإِنَّ مَا وَجَبَ بِيَقِينٍ لَمْ يَسْقُطْ إلَّا بِمِثْلِهِ؟ وَقَالُوا: قَدْ وَافَقْنَا أَكْثَرَ خُصُومِنَا عَلَى أَنَّ الْبَقَرَ تُجْزِئُ عَنْ سَبْعَةٍ كَالْبَدَنَةِ، وَأَنَّهَا تُعَوَّضُ مِنْ الْبَدَنَةِ، وَأَنَّهَا لَا يُجْزِئُ فِي الْأُضْحِيَّةِ وَالْهَدْيِ مِنْ هَذِهِ إلَّا مَا يُجْزِئُ مِنْ تِلْكَ، وَأَنَّهَا تُشْعَرُ إذَا كَانَتْ لَهَا أَسْنِمَةٌ كَالْبُدْنِ، فَوَجَبَ قِيَاسُ صَدَقَتِهَا عَلَى صَدَقَتِهَا.

L10549 For what is established with certainty is not waived except by its equivalent. They said: We have concurred with most of our opponents that a cow suffices for seven like a sacrificial camel; that it is substituted from the sacrificial camel; that in the Udhiyah (sacrifice) and Hady (ritual offering) for this one, only what suffices for that suffices for this one; that it is ritually marked if it has humps, as with sacrificial camels; thus, the cow's ruling must be analogized to the camel's.

وَقَالُوا: لَمْ نَجِدْ فِي الْأُصُولِ فِي شَيْءٍ مِنْ الْمَاشِيَةِ نِصَابًا مَبْدَؤُهُ ثَلَاثُونَ، لَكِنْ إمَّا خَمْسَةٌ كَالْإِبِلِ، وَالْأَوَاقِي، وَالْأَوْسَاقِ، وَإِمَّا أَرْبَعُونَ كَالْغَنَمِ، فَكَانَ حَمْلُ الْبَقَرِ عَلَى الْأَكْثَرِ - وَهُوَ الْخَمْسَةُ - أَوْلَى.

L10550 They said: We did not find in the foundational sources regarding any livestock a nisab whose starting point is thirty. However, it is either five - as with camels, awqiyah, and awsāq - or forty - as with sheep and goats. Thus, applying the predominant ruling for cattle, which is five, is more appropriate.

وَقَالُوا: إنْ احْتَجُّوا بِالْخَبَرِ الَّذِي فِيهِ «فِي كُلِّ ثَلَاثِينَ تَبِيعٌ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ» فَنَعَمْ، نَحْنُ نَقُولُ: بِهَذَا، أَوْ لَيْسَ فِي ذَلِكَ الْخَبَرِ إسْقَاطُ الزَّكَاةِ عَمَّا دُونَ ثَلَاثِينَ مِنْ الْبَقَرِ، لَا بِنَصٍّ وَلَا بِدَلِيلٍ.

L10551 And they said: If they cite as evidence the report stating, "For every thirty cows, a tabīʿ (one-year-old calf) is due, and for every forty, a musinnah (two-year-old cow) is due," then indeed, we affirm this. However, that report does not waive zakah for fewer than thirty cows—neither by textual nor inferential evidence.

قَالَ: وَهَذَا قَوْلُ عُمَرَ بْنِ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ - وَحُكْمُهُ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ الْأَنْصَارِيِّ، وَعُمَرَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ خَلْدَةَ، وَسَعِيدِ بْنِ الْمُسَيِّبِ، وَالزُّهْرِيِّ، وَهَؤُلَاءِ فُقَهَاءُ أَهْلِ الْمَدِينَةِ، فَيَلْزَمُ الْمَالِكِيِّينَ اتِّبَاعُهُمْ عَلَى أَصْلِهِمْ فِي عَمَلِ أَهْلِ الْمَدِينَةِ، وَإِلَّا فَقَدْ تَنَاقَضُوا وَقَالَتْ طَائِفَةٌ: لَيْسَ فِيمَا دُونَ الثَّلَاثِينَ مِنْ الْبَقَرِ شَيْءٌ، فَإِذَا بَلَغَتْهَا فَفِيهَا تَبِيعٌ أَوْ تَبِيعَةٌ، وَهُوَ الَّذِي لَهُ سَنَتَانِ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ أَرْبَعِينَ، فَإِذَا بَلَغَتْهَا فَفِيهَا بَقَرَةٌ مُسِنَّةٌ، لَهَا أَرْبَعُ سِنِينَ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ سِتِّينَ فَإِذَا بَلَغَتْهَا فَفِيهَا تَبِيعَتَانِ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ سَبْعِينَ فَإِذَا بَلَغَتْهَا فَفِيهَا مُسِنَّةٌ وَتَبِيعٌ، ثُمَّ هَكَذَا أَبَدًا، لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ عَشْرًا زَائِدَةً، فَإِذَا بَلَغَتْهَا فَفِي كُلِّ ثَلَاثِينَ مِنْ ذَلِكَ الْعَدَدِ تَبِيعٌ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ؟

L10552–10554 He said: This is the opinion and legal ruling of Umar ibn al-Khattab (may Allah be pleased with him), Jabir ibn Abdullah al-Ansari, Umar ibn Abd al-Rahman ibn Khaldah, Sa'id ibn al-Musayyib, and al-Zuhri. These are the jurists of Medina's community. The Malikis are therefore obligated to follow them according to their principle concerning the practice of Medina's people; otherwise, they would be in contradiction. A faction stated: There is nothing due on fewer than thirty cows, but when they reach that number, a one-year-old calf (tabi') or... A Tabee'ah is a two-year-old male calf. There is nothing due until the total reaches forty. When it reaches forty, a Musinnah (a four-year-old cow) is due. Then there is nothing due until the total reaches sixty. When it reaches sixty, two Tabee'ahs are due. Then there is nothing due until the total reaches seventy. When it reaches seventy, a Musinnah and a Tabee'ah are due. This continues indefinitely: there is nothing due until the total increases by an additional ten. When it reaches that, for every thirty in the total a Tabee'ah is due, and for every forty a Musinnah is due.

وَهَذَا قَوْلٌ صَحَّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - مِنْ طَرِيقِ، أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ.

L10555 This is an authentic statement narrated from Ali ibn Abi Talib—may Allah be pleased with him—through the chain of Abu Ishaq from Asim ibn Ḍamrah from Ali (ibn Abi Talib).

وَرُوِّينَاهُ مِنْ طَرِيقِ نَافِعٍ عَنْ مُعَاذِ بْنِ جَبَلٍ -: وَمِنْ طَرِيقِ عِكْرِمَةَ بْنِ خَالِدٍ عَنْ قَوْمٍ صَدَّقُوا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: وَمِنْ طَرِيقِ ابْنِ أَبِي لَيْلَى عَنْ عَمْرِو بْنِ مُرَّةَ عَنْ أَبِي الْبَخْتَرِيِّ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ لَيْسَ فِيمَا دُونَ الثَّلَاثِينَ مِنْ الْبَقَرِ شَيْءٌ -: وَهُوَ قَوْلُ الشَّعْبِيِّ، وَشَهْرِ بْنِ حَوْشَبٍ، وَطَاوُسٍ، وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ وَالْحَكَمِ بْنِ عُتَيْبَةَ، وَسُلَيْمَانَ بْنِ مُوسَى، وَالْحَسَنِ الْبَصْرِيِّ، وَذَكَرَهُ الزُّهْرِيُّ عَنْ أَهْلِ الشَّامِ، وَهُوَ قَوْلُ مَالِكٍ، وَالشَّافِعِيِّ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَأَبِي سُلَيْمَانَ وَرِوَايَةٌ غَيْرُ مَشْهُورَةٍ عَنْ أَبِي حَنِيفَةَ؟ وَاحْتَجَّ هَؤُلَاءِ بِمَا رُوِّينَاهُ مِنْ طَرِيقِ إبْرَاهِيمَ، وَأَبِي وَائِلٍ كِلَاهُمَا عَنْ مَسْرُوقٍ عَنْ مُعَاذٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعَثَهُ إلَى الْيَمَنِ وَأَمَرَهُ أَنْ يَأْخُذَ

L10556–10558 We have transmitted it through the chain of Nāfi' from Mu'ādh ibn Jabal; through the chain of 'Ikrimah ibn Khālid from a group who attested during the era of Allah's Messenger - peace and blessings of Allah be upon him; and through the chain of Ibn Abī Laylā from 'Amr ibn Murrah from Abī al-Bakhtarī from Abī Sa'īd al-Khudrī: "There is nothing due on fewer than thirty cattle." This is the position of al-Sha'bī, Shahr ibn Ḥawshab, Ṭāwūs, 'Umar ibn 'Abd al-'Azīz, al-Ḥakam ibn 'Utaybah, Sulaymān ibn Mūsā, al-Ḥasan al-Baṣrī - with al-Zuhrī attributing it to the people of Syria - and the view of Mālik, al-Shāfi'ī, Aḥmad ibn Ḥanbal, Abī Sulaymān, and a lesser-known narration from Abū Ḥanīfah. These scholars adduced as proof what we transmitted through the chains of Ibrāhīm and Abū Wā'il - both from Masrūq from Mu'ādh: "Allah's Messenger - peace and blessings of Allah be upon him - sent him to Yemen, commanding him to take from every thirty cattle a yearling male (tabī'), and from every forty cattle a mature cow

(musinnah)." Some of them stated: "a two-year-old (thaniyyah)." And through the chain of Tāwūs from Muʿādh comes a similar narration, stating that the Messenger of Allah - may Allah bless him and grant him peace - did not instruct him concerning anything less than that? From Ibn Abī Laylā and Al-Ḥakam ibn ʿUtaybah, narrating from Muʿādh: "He asked the Prophet - may Allah bless him and grant him peace - about shortfalls below the Zakāt threshold between thirty and forty, and between forty and fifty. He replied: 'There is nothing in them'?" Through the chain of Al-Shaʿbī, it is narrated: "The Messenger of Allah - may Allah bless him and grant him peace - wrote to the people of Yemen: For every thirty cows, a one-year-old calf (whose horns have begun to straighten); and for every forty cows, a cow that has completed two years."

مِنْ كُلِّ ثَلَاثِينَ مِنْ الْبَقَرِ تَبِيعًا، وَمِنْ كُلِّ أَرْبَعِينَ بَقَرَةً مُسِنَّةً» وَقَالَ بَعْضُهُمْ: ثَنِيَّةٌ وَمِنْ طَرِيقِ طَاوُسٍ عَنْ مُعَاذٍ مِثْلُهُ، وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَأْمُرْهُ فِيمَا دُونَ ذَلِكَ بِشَيْءٍ؟ وَعَنْ ابْنِ أَبِي لَيْلَى وَالْحَكَمِ بْنِ عُتَيْبَةَ عَنْ مُعَاذٍ: «أَنَّهُ سَأَلَ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنْ الْأَوْقَاصِ، مَا بَيْنَ الثَّلَاثِينَ إلَى الْأَرْبَعِينَ، وَمَا بَيْنَ الْأَرْبَعِينَ إلَى الْخَمْسِينَ؟ قَالَ: لَيْسَ فِيهَا شَيْءٌ» ؟ وَمِنْ طَرِيقِ الشَّعْبِيِّ قَالَ: «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى أَهْلِ الْيَمَنِ: فِي كُلِّ ثَلَاثِينَ بَقَرَةً تَبِيعٌ جَذَعٌ قَدْ اسْتَوَى قَرْنَاهُ وَفِي كُلِّ أَرْبَعِينَ بَقَرَةً بَقَرَةٌ مُسِنَّةٌ» .

L10559 From the path of Ibn Wahb, from Ibn Lahīʿah, from ʿUmarah ibn Ghaziyyah, from ʿAbdullāh ibn Abī Bakr, who informed him that this is the book of the Messenger of Allah—peace and blessings be upon him—to ʿAmr ibn Ḥazm: "The obligations regarding cows: there is no zakāh due on fewer than thirty cows. When they reach thirty, a healthy male weaned calf is due, up to forty. When they reach forty, an aged cow is due, up to seventy. When they reach seventy, a cow and a weaned calf are due. When they reach eighty, two aged cows are due, continuing in this proportion." And as we have narrated through the path of Sulaymān ibn Dāwūd al-Jazarī, from al-Zuhrī, from Abī Bakr ibn Muḥammad ibn ʿAmr ibn Ḥazm, from his father, from his grandfather: "The Messenger of Allah—peace and blessings be upon him—wrote to the people of Yemen a document containing the obligations and traditions, and sent it with ʿAmr ibn Ḥazm. This is its transcript, and in it: For every thirty yearling cows, a healthy weaned male or female calf is due, and for every forty yearling cows, an aged cow is due."

وَمِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ ابْنِ لَهِيعَةَ عَنْ عُمَارَةَ بْنِ غَزِيَّةَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ أَخْبَرَهُ أَنَّ هَذَا كِتَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِعَمْرِو بْنِ حَزْمٍ «فَرَائِضُ الْبَقَرِ لَيْسَ فِيمَا دُونَ الثَّلَاثِينَ مِنْ الْبَقَرِ صَدَقَةٌ، فَإِذَا بَلَغَتْ ثَلَاثِينَ فَفِيهَا عِجْلٌ رَائِعٌ جَذَعٌ، إلَى أَنْ تَبْلُغَ أَرْبَعِينَ، فَإِذَا بَلَغَتْ أَرْبَعِينَ فَفِيهَا بَقَرَةٌ مُسِنَّةٌ، إلَى أَنْ تَبْلُغَ سَبْعِينَ، فَإِذَا بَلَغَتْ سَبْعِينَ فَإِنَّ فِيهَا بَقَرَةً وَعِجْلًا جَذَعًا، فَإِذَا بَلَغَتْ ثَمَانِينَ فَفِيهَا مُسِنَّتَانِ، ثُمَّ عَلَى هَذَا الْحِسَابِ» -: وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ سُلَيْمَانَ بْنِ دَاوُد الْجَزَرِيِّ عَنْ الزُّهْرِيِّ عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَتَبَ إلَى أَهْلِ الْيَمَنِ كِتَابًا فِيهِ الْفَرَائِضُ وَالسُّنَنُ، وَبَعَثَهُ مَعَ عَمْرِو بْنِ حَزْمٍ، وَهَذِهِ نُسْخَتُهُ وَفِيهِ فِي كُلِّ ثَلَاثِينَ بَاقُورَةً تَبِيعٌ جَذَعٌ أَوْ جَذَعَةٌ، وَفِي كُلِّ أَرْبَعِينَ بَاقُورَةً بَقَرَةٌ» .

L10560–10562 And by what Ahmad ibn Muhammad al-Talamanki narrated to us: Ibn Mufarrij narrated to us, Muhammad ibn Ayyub al-Raqqi narrated to us. Ahmad ibn Amr al-Bazzar narrated to us: Abdullah ibn Ahmad ibn Shabbawayh al-Marwazi narrated to us: Haywah ibn Shurayh narrated to us: Baqiyyah

وَبِمَا حَدَّثَنَاهُ أَحْمَدُ بْنُ مُحَمَّدٍ الطَّلَمَنْكِيّ ثنا ابْنُ مُفَرِّجٍ ثنا مُحَمَّدُ بْنُ أَيُّوبَ الرَّقِّيُّ ثنا أَحْمَدُ بْنُ عَمْرٍو الْبَزَّارُ ثنا عَبْدُ اللَّهِ بْنُ أَحْمَدَ بْنِ شَبَّوَيْهِ الْمَرْوَزِيّ ثنا حَيْوَةُ بْنُ شُرَيْحٍ ثنا بَقِيَّةُ عَنْ

narrated from al-Mas'udi from al-Hakam ibn 'Utaybah from Tawus from Ibn Abbas, who said: "When the Messenger of Allah—peace be upon him—sent Mu'adh to Yemen, he commanded him to take from every thirty cattle a one-year-old bull or heifer, and from every forty cattle a cow that has reached two years." They asked: "What about amounts between thirty and forty?" He said: "The Messenger of Allah—peace be upon him—did not command me regarding them." When Mu'adh came to the Messenger of Allah—peace be upon him—he asked him, and he replied: "There is nothing due on them."

الْمَسْعُودِيِّ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ طَاوُسٍ عَنْ ابْنِ عَبَّاسٍ قَالَ: «لَمَّا بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُعَاذًا إلَى الْيَمَنِ أَمَرَهُ أَنْ يَأْخُذَ مِنْ كُلِّ ثَلَاثِينَ مِنْ الْبَقَرِ تَبِيعًا أَوْ تَبِيعَةً جَذَعًا أَوْ جَذَعَةً، وَمِنْ كُلِّ أَرْبَعِينَ بَقَرَةً بَقَرَةً مُسِنَّةً، قَالُوا: فَالْأَوْقَاصُ؟ قَالَ: مَا أَمَرَنِي فِيهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِشَيْءٍ؛ فَلَمَّا قَدِمَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سَأَلَهُ، فَقَالَ: لَيْسَ فِيهَا شَيْءٌ» .

L10563 Abu Muhammad said: "This is all they have adduced as evidence. We have scrutinized it for them more thoroughly—as we know—than they have scrutinized it for themselves."

قَالَ أَبُو مُحَمَّدٍ: هَذَا كُلُّ مَا احْتَجُّوا بِهِ، فَقَدْ تَقَصَّيْنَاهُ لَهُمْ بِأَكْثَرَ مِمَّا - نَعْلَمُ - تَقَصَّوْهُ لِأَنْفُسِهِمْ.

L10564–10566 A group said: There is nothing due for fewer than thirty cattle. When cattle reach thirty, a year-old calf is due. Then nothing is due until they reach forty. When they reach forty, a two-year-old cow is due. Then nothing is due until they reach fifty. When they reach fifty, a cow and a quarter (of a cow) are due. Then nothing is due until they reach seventy. When they reach seventy, a year-old calf and a two-year-old cow are due. We have narrated this through the chain of Al-Ḥajjāj ibn al-Minhāl from Ḥammād ibn Salamah and from Ḥammād ibn Abī Sulaymān from Ibrāhīm, who mentioned it as we have cited. This is also an uncommon narration attributed to Abū Ḥanīfah? These individuals might conflate this with the report we previously cited through the chain of al-Ḥakam from Mu'ādh from the Prophet - peace and blessings be upon him - "Between forty and fifty, there is nothing due from cattle." Another group said: There is nothing due for fewer than thirty cattle. When they reach thirty, a year-old calf is due. Then nothing is due until they reach forty. When they reach forty, a two-year-old cow is due. If one more is added, a cow and a fortieth part (of a cow) are due. This applies similarly for each additional animal, requiring another fortieth part. For every increment beyond forty from a cow, continuing thus up to sixty. When it reaches sixty, then two male calves one year old are due; thereafter, no obligation is due unless there is an increment of ten, as we mentioned before. This is the well-known narration from Abū Ḥanīfah.

وَقَالَتْ طَائِفَةٌ: لَيْسَ فِيمَا دُونَ ثَلَاثِينَ شَيْءٌ، فَإِذَا بَلَغَتْ الْبَقَرُ ثَلَاثِينَ فَفِيهَا تَبِيعٌ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ أَرْبَعِينَ، فَإِذَا بَلَغَتْهَا فَفِيهَا بَقَرَةٌ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ خَمْسِينَ فَإِذَا بَلَغَتْهَا فَفِيهَا بَقَرَةٌ وَرُبْعٌ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ سَبْعِينَ، فَإِذَا بَلَغَتْ سَبْعِينَ فَفِيهَا تَبِيعٌ وَمُسِنَّةٌ -: وَرُوِّينَا هَذَا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ حَمَّادِ بْنِ سَلَمَةَ وَعَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ فَذَكَرَهُ كَمَا أَوْرَدْنَا، وَهِيَ رِوَايَةٌ غَيْرُ مَشْهُورَةٍ أَيْضًا عَنْ أَبِي حَنِيفَةَ؟ وَيُمْكِنُ أَنْ يُمَوِّهَ هَؤُلَاءِ بِالْخَبَرِ الَّذِي أَوْرَدْنَاهُ آنِفًا مِنْ طَرِيقِ الْحَكَمِ عَنْ مُعَاذٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فِيمَا بَيْنَ الْأَرْبَعِينَ وَالْخَمْسِينَ لَيْسَ فِيهَا شَيْءٌ يَعْنِي مِنْ الْبَقَرِ» وَقَالَتْ طَائِفَةٌ: لَيْسَ فِيمَا دُونَ الثَّلَاثِينَ مِنْ الْبَقَرِ شَيْءٌ، فَإِذَا بَلَغَتْ ثَلَاثِينَ فَفِيهَا تَبِيعٌ، ثُمَّ لَا شَيْءَ فِيهَا حَتَّى تَبْلُغَ أَرْبَعِينَ، فَإِذَا بَلَغَتْهَا فَفِيهَا بَقَرَةٌ مُسِنَّةٌ، فَإِنْ زَادَتْ وَاحِدَةٌ فَفِيهَا بَقَرَةٌ وَجُزْءٌ مِنْ أَرْبَعِينَ مِنْ بَقَرَةٍ، وَهَكَذَا فِي كُلِّ وَاحِدَةٍ تَزِيدُ فَفِيهَا جُزْءٌ آخَرُ زَائِدٌ مِنْ أَرْبَعِينَ جُزْءًا مِنْ بَقَرَةٍ، هَكَذَا إلَى السِّتِّينَ، فَإِذَا بَلَغَتْهَا فَفِيهَا تَبِيعَانِ، ثُمَّ

لَا شَيْءَ فِيهَا إِلَّا فِي كُلِّ عَشْرَةٍ زَائِدَةٍ كَمَا ذَكَرْنَا قَبْلُ، وَهِيَ الرِّوَايَةُ الْمَشْهُورَةُ عَنْ أَبِي حَنِيفَةَ.

L10567 It has been narrated to us through Shu'bah's narration that he said: "I asked Hammad—he is the son of Abī Sulaymān—'If there are fifty cows?'" He replied: "According to that calculation."

وَقَدْ رُوِّينَا مِنْ طَرِيقِ شُعْبَةَ قَالَ: سَأَلْت حَمَّادًا هُوَ ابْنُ أَبِي سُلَيْمَانَ - فَقُلْت إنْ كَانَتْ خَمْسِينَ بَقَرَةً؟ فَقَالَ: بِحِسَابِ ذَلِكَ.

L10568 From the chain of Abū Bakr ibn Abī Shaybah: Ibn al-Mubārak narrated to us from al-Ḥajjāj [Ibn Arṭāʾah] from Ḥammād ibn Abī Sulaymān from Ibrāhīm al-Nakhaʿī, who said: The owner of cattle will be held accountable for what exceeds the obligatory portion.

وَمِنْ طَرِيقِ أَبِي بَكْرِ بْنُ أَبِي شَيْبَةَ: ثنا ابْنُ الْمُبَارَكِ عَنْ الْحَجَّاجِ هُوَ ابْنُ أَرْطَاةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: يُحَاسَبُ صَاحِبُ الْبَقَرِ بِمَا فَوْقَ الْفَرِيضَةِ.

L10569 And from the chain of Ibn Abi Shaybah: Zayd ibn al-Ḥubāb al-'Uklī narrated to us from Mu'āwiyah ibn Ṣāliḥ from al-'Alā' ibn al-Ḥārith from Makhūl that he said regarding zakah on cows: "The excess is calculated." Abū Muḥammad said: This is the general position of Ibrāhīm, Ḥammād, and Makhūl. Its apparent meaning is that for every unit exceeding thirty up to forty, and exceeding forty up to sixty, a share of a cow is due for each additional unit beyond the threshold.

وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا زَيْدُ بْنُ الْحُبَابِ الْعُكْلِيُّ عَنْ مُعَاوِيَةَ بْنِ صَالِحٍ عَنْ الْعَلَاءِ بْنِ الْحَارِثِ عَنْ مَكْحُولٍ أَنَّهُ قَالَ فِي صَدَقَةِ الْبَقَرِ: مَا زَادَ فَبِالْحِسَابِ؟ قَالَ أَبُو مُحَمَّد: هَذَا عُمُومُ إبْرَاهِيمَ، وَحَمَّادٍ، وَمَكْحُولٍ، وَظَاهِرُهُ أَنَّ كُلَّ مَا زَادَ عَلَى الثَّلَاثِينَ إلَى الْأَرْبَعِينَ وَعَلَى الْأَرْبَعِينَ إلَى السِّتِّينَ فَفِي كُلِّ وَاحِدَةٍ زَائِدَةٌ جُزْءٌ مِنْ بَقَرَةٍ.

L10570 We have reported from 'Ikrimah ibn Khalid that some elders during the time of the Messenger of Allah—may Allah bless him and grant him peace—had confirmed, stating: "For every forty cows, one cow is due," opposing those who imposed [something] on fewer than forty cows.

وَقَدْ ذَكَرْنَاهُ عَنْ عِكْرِمَةَ بْنِ خَالِدٍ أَنَّ بَعْضَ شُيُوخٍ كَانُوا قَدْ صَدَّقُوا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالُوا: فِي كُلِّ أَرْبَعِينَ بَقَرَةً بَقَرَةٌ، مُخَالِفِينَ لِمَنْ جَعَلَ فِي أَقَلَّ مِنْ الْأَرْبَعِينَ شَيْئًا.

L10571 A group held the opinion that there is no obligation for anything below fifty or above that, and that the sadaqah for cows is only one cow for every fifty perpetually thus. As Humam narrated to us from Ibn Mufarrij from Ibn al-A'rabi from al-Dabari from 'Abd al-Razzaq from Ibn Jurayj, who said: 'Amr ibn Dinar informed me, stating: The agents of Ibn al-Zubayr, Ibn 'Awf, and Ibn 'Awf's officials would collect one cow for every fifty cows and two cows for every hundred. When they increased, they took one cow for every fifty cows.

وَذَهَبَتْ طَائِفَةٌ إلَى أَنَّهُ لَيْسَ فِيمَا دُونَ الْخَمْسِينَ وَلَا مَا فَوْقَهَا شَيْءٌ، وَأَنَّ صَدَقَةَ الْبَقَرِ إنَّمَا هِيَ فِي كُلِّ خَمْسِينَ بَقَرَةً بَقَرَةٌ فَقَطْ هَكَذَا أَبَدًا كَمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ قَالَ: كَانَ عُمَّالُ ابْنِ الزُّبَيْرِ، وَابْنِ عَوْفٍ وَعُمَّالِهِ، يَأْخُذُونَ مِنْ كُلِّ خَمْسِينَ بَقَرَةً بَقَرَةً؛ وَمِنْ كُلِّ مِائَةٍ بَقَرَتَيْنِ، فَإِذَا كَثُرَتْ فَفِي كُلِّ خَمْسِينَ بَقَرَةً بَقَرَةٌ.

قَالَ أَبُو مُحَمَّد: هَذَا كُلُّ مَا حَضَرْنَا ذِكْرُهُ مِمَّا رُوِّينَاهُ مِنْ اخْتِلَافِ النَّاسِ فِي زَكَاةِ الْبَقَرِ، وَكُلُّ أَثَرٍ رُوِّينَاهُ فِيهَا وَوَجَبَ النَّظَرُ لِلْمَرْءِ لِنَفْسِهِ فِيمَا يَدِينُ بِهِ رَبَّهُ تَعَالَى فِي دِينِهِ -: فَأَوَّلُ ذَلِكَ أَنَّ الزَّكَاةَ فَرْضٌ وَاجِبٌ فِي الْبَقَرِ -: كَمَا حَدَّثَنَا عَنْ عَبْدِ اللَّهِ بْنِ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنِ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا وَكِيعٌ ثنا الْأَعْمَشُ عَنْ الْمَعْرُورِ بْنِ سُوَيْدٍ عَنْ أَبِي ذَرٍّ قَالَ " انْتَهَيْت إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهُوَ فِي ظِلِّ الْكَعْبَةِ فَذَكَرَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ «مَا مِنْ صَاحِبِ إبِلٍ وَلَا بَقَرٍ وَلَا غَنَمٍ لَا يُؤَدِّي زَكَاتَهَا إلَّا جَاءَتْ يَوْمَ الْقِيَامَةِ أَعْظَمَ مَا كَانَتْ وَأَسْمَنَهُ، تَنْطَحُهُ بِقُرُونِهَا، وَتَطَؤُهُ بِأَظْلَافِهَا، كُلَّمَا نَفِدَتْ أُخْرَاهَا عَادَتْ عَلَيْهِ أُولَاهَا حَتَّى يُقْضَى بَيْنَ النَّاسِ؟» حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ قَالَ أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: سَمِعْت رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «مَا مِنْ صَاحِبِ إبِلٍ لَا يَفْعَلُ فِيهَا حَقَّهَا إلَّا جَاءَتْ يَوْمَ الْقِيَامَةِ أَكْثَرَ مَا كَانَتْ قَطُّ، وَأُقْعِدَ لَهَا بِقَاعٍ قَرْقَرٍ تَسِيرُ عَلَيْهِ بِقَوَائِمِهَا وَأَخْفَافِهَا، وَلَا صَاحِبِ بَقَرٍ لَا يَفْعَلُ فِيهَا حَقَّهَا إلَّا جَاءَتْ يَوْمَ الْقِيَامَةِ أَكْثَرَ مَا كَانَتْ، وَأُقْعِدَ لَهَا بِقَاعٍ قَرْقَرٍ تَنْطَحُهُ بِقُرُونِهَا وَتَطَؤُهُ بِقَوَائِمِهَا» وَذَكَرَ بَاقِيَ الْخَبَرِ.

L10572–10574 Abu Muhammad said: This encompasses all we have presented from the narrations we reported regarding people's disagreements about zakah in cattle, and every transmitted report concerning it. One must personally examine what he upholds before his Lord, the Exalted, in matters of faith. The first principle in this is that zakah constitutes an obligatory duty in cattle: As narrated to us by Abdullah ibn Yusuf, narrated to us Ahmad ibn Fath, narrated to us Abdul Wahhab ibn Isa, narrated to us Ahmad ibn Muhammad, narrated to us Ahmad ibn Ali, narrated to us Muslim ibn Al-Hajjaj, narrated to us Abu Bakr ibn Abi Shaybah, narrated to us Waki', narrated to us Al-A'mash, from Al-Ma'rur ibn Suwayd, from Abu Dharr, who said: "I came to the Messenger of Allah—peace and blessings be upon him—while he was in the shade of the Kaaba. He mentioned that the Messenger of Allah—peace and blessings be upon him—said to him: 'There is no owner of camels, cattle, or sheep who fails to pay their zakah except that they will come to him on the Day of Resurrection as the largest and fattest they ever were. They will gore him with their horns and trample him with their hooves. Whenever the last of them finishes, the first returns to him—until judgment is passed among the people?'"

Narrated to us by Humam, narrated to us Ibn Mufarrij, narrated to us Ibn Al-A'rabi, narrated to us Ad-Dabari, narrated to us Abdur-Razzaq, from Ibn Jurayj, who said: Abu Az-Zubayr informed me that he heard Jabir ibn Abdullah say: "I heard the Messenger of Allah—peace and blessings be upon him—say: 'There is no owner of camels who neglects their due right except that they will come to him on the Day of Resurrection as the most numerous they ever were. A hard, resonant ground will be spread for them to walk upon him with their limbs and hooves. Nor any owner of cattle who neglects their due right except that they will come to him on the Day of Resurrection as the most numerous they ever were. A hard, resonant ground will be spread for them to gore him with their horns and trample him with their limbs.'" He then mentioned the remainder of the report.[2]

قَالَ أَبُو مُحَمَّد: فَوَجَبَ فَرْضًا طَلَبُ ذَلِكَ الْحَدِّ الَّذِي حَدَّهُ اللَّهُ تَعَالَى مِنْهَا، حَتَّى لَا يَتَعَدَّى قَالَ عَزَّ وَجَلَّ: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] .

L10575 Abu Muhammad said: It has become an obligatory duty to seek the limit that Allah, the Exalted, has ordained, so as not to transgress. He, the Almighty and

[2] **Hadith references (L10572):** Sahih Muslim 990a.

Majestic, said: “And whoever transgresses the limits of Allah has certainly wronged himself” [at-Talaq: 1].[3]

فَنَظَرْنَا الْقَوْلَ الْأَوَّلَ فَوَجَدْنَا الْآثَارَ الْوَارِدَةَ فِيهِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُنْقَطِعَةً وَالْحُجَّةُ لَا تَجِبُ إِلَّا بِمُتَّصِلٍ، إِلَّا أَنَّهُ يَلْزَمُ الْقَائِلِينَ بِالْمُرْسَلِ وَالْمُنْقَطِعِ - مِنَ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ - أَنْ يَقُولُوا: بِهَا، وَإِلَّا فَقَدْ تَنَاقَضُوا فِي أُصُولِهِمْ وَتَحَكَّمُوا بِالْبَاطِلِ، لَا سِيَّمَا مَعَ قَوْلِ.

L10576 We examined the first opinion and found the narrations attributed to the Prophet (peace and blessings be upon him) therein to be discontinuous (munqatiʿ), while valid proof is only established through continuous chains. Yet this obliges those who uphold interrupted and incomplete narrations—among the Ḥanafīs and Mālikīs—to affirm such transmissions, otherwise they would contradict their own juridical principles and wrongfully impose invalid rulings, particularly when considering the statement...

الزُّهْرِيِّ: إِنَّ هَذِهِ الْأَخْبَارَ بِهَا نَسْخُ إِيجَابِ التَّبِيعِ، وَالْمُسِنَّةِ: فِي الثَّلَاثِينَ وَالْأَرْبَعِينَ، فَلَوْ قُبِلَ مُرْسَلُ أَحَدٍ لَكَانَ الزُّهْرِيُّ أَحَقَّ بِذَلِكَ لِعِلْمِهِ بِالْحَدِيثِ، وَلِأَنَّهُ قَدْ أَدْرَكَ طَائِفَةً مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -.

L10577–10578 Al-Zuhri: These reports indeed contain the abrogation of the obligation regarding the one-year-old camel (tabīʿ) and the musinnah (those at thirty and forty months). If the mursal narration (where a Successor omits the Companion in the chain) of any transmitter were accepted, Al-Zuhri would be the most qualified for this acceptance due to his profound knowledge of hadith and his having met a multitude of the Companions - may Allah be pleased with them.

وَلَمْ يَحْكِ الْقَوْلَ فِي الثَّلَاثِينَ بِالتَّبِيعِ، وَفِي الْأَرْبَعِينَ بِالْمُسِنَّةِ إِلَّا عَنْ أَهْلِ الشَّامِ، لَا عَنْ أَهْلِ الْمَدِينَةِ، وَوَافَقَ الزُّهْرِيَّ عَلَى ذَلِكَ سَعِيدُ بْنُ الْمُسَيَّبِ وَغَيْرُهُ مِنْ فُقَهَاءِ الْمَدِينَةِ، فَهَذَا كُلُّهُ يُوجِبُ عَلَى الْمَالِكِيِّينَ الْقَوْلَ بِهَذَا أَوْ إِفْسَادَ أُصُولِهِمْ، وَأَمَّا نَحْنُ فَلَوْ صَحَّ - وَأُسْنِدَ - مَا خَالَفْنَاهُ أَصْلًا - وَأَمَّا احْتِجَاجُهُمْ بِعُمُومِ الْخَبَرِ «مَا مِنْ صَاحِبِ بَقَرٍ لَا يُؤَدِّي زَكَاتَهَا وَلَا يَفْعَلُ فِيهَا حَقَّهَا» وَقَوْلُهُمْ: إِنَّ هَذَا عُمُومٌ لِكُلِّ بَقَرٍ -: فَإِنَّ هَذَا لَازِمٌ لِلْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، الْمُحْتَجِّينَ بِإِيجَابِ الزَّكَاةِ فِي الْعُرُوضِ بِعُمُومِ قَوْلِ اللَّهِ تَعَالَى: {خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً} [التوبة: ١٠٣] الْآيَةَ وَالْمُحْتَجِّينَ بِهَذَا فِي وُجُوبِ الزَّكَاةِ فِي الْعَسَلِ وَسَائِرِ مَا احْتَجُّوا فِيهِ بِمِثْلِ هَذَا، لَا مُخَلِّصَ لَهُمْ مِنْهُ أَصْلًا؟ وَأَمَّا نَحْنُ فَلَا حُجَّةَ عَلَيْنَا بِهَذَا، لِأَنَّنَا - وَإِنْ كُنَّا لَا يَحِلُّ عِنْدَنَا مُفَارِقَةُ الْعُمُومِ إِلَّا لِنَصٍّ آخَرَ - فَإِنَّهُ لَا يَحِلُّ

L10579 The opinion regarding thirty requiring a tabīʿ (one-year-old calf) and forty requiring a musinnah (two-year-old cow) was narrated solely from the people of Syria, not the people of Medina. Saʿīd ibn al-Musayyib and other Medinan jurists concurred with al-Zuhrī on this matter. All this obliges the Mālikīs to either adopt this opinion or corrupt their foundational principles. As for us, even if it were authenticated and reliably transmitted, we would fundamentally oppose it.

Concerning their argument based on the generality of the narration, “There is no owner of cattle who neglects their zakāh or fails to fulfill their due right,” and their assertion that this applies universally to all cattle: this necessarily applies to the Ḥanafīs and Mālikīs—who argue for zakāh on trade goods using the generality of Allah’s verse, “Take from their wealth a charity” (Quran 9:103), and those who apply this to honey and other items. They have no escape from it whatsoever.

[3] **Qur’an references (L10575):** Qur’an 65:1 (At-Talaq).

As for us, there is no valid argument against us here. While we maintain that departing from a general ruling is impermissible unless another explicit text exists—for no legal ruling is valid without a sound textual basis—we acknowledge and testify that zakāh on cattle is an obligation ordained by Allah. He will severely punish those who neglect it unless He forgives them due to their good deeds outweighing or equaling their sins. However, this narration specifies neither the amount of zakāh due, the threshold number of cattle obligating it, nor its timing. Clarification in matters of faith is not entrusted to personal opinions or whims but to the Messenger of Allah (peace be upon him), to whom his Lord said: "To clarify to people what has been sent down to them" (Quran 16:44).[4]

L10580–10582 No authentic report from the Prophet—peace and blessings be upon him—supports what they prescribed as obligatory regarding five or more cows. A definitively confirmed consensus has established that zakat is not required for every specified number of cows. It is therefore obligatory to refrain from imposing this duty on some numbers to the exclusion of others without an explicit text from the Messenger of Allah—peace and blessings be upon him. Thus, their appeal to general principles here is invalid, for had there been an applicable general principle, we would not have opposed it. As for their claim that whoever pays zakat on cows—as they assert—is certain of having fulfilled his obligatory duty, while whoever fails to pay it—as they assert—lacks certainty of fulfilling his obligation, and that which is authentically established... An obligation established with certainty does not cease except with another certainty. This binds those who assert: "Whoever washes thoroughly in Ghusl is certain of having fulfilled his duty," and since Ghusl is obligatory with certainty, it does not cease except with another certainty like it. Similarly, those who mandate wiping the entire head in Wudu using this very proof itself—they have very many such cases. As for us, this does not apply in our view, for obligations are only established through a textual source or consensus.

L10583 Whoever adopts this method of deriving rulings seeks to impose obligations and establish religious laws through differences unsupported by textual evi-

[4]**Qur'an references (L10579):** Qur'an 9:103 (At-Tawbah); Qur'an 16:44 (An-Nahl).

شَرْعُ شَرِيعَةٍ إِلَّا بِنَصٍّ صَحِيحٍ، وَنَحْنُ نُقِرُّ وَنَشْهَدُ أَنَّ فِي الْبَقَرِ زَكَاةً مَفْرُوضَةً يُعَذِّبُ اللَّهُ تَعَالَى مَنْ لَمْ يُؤَدِّهَا الْعَذَابَ الشَّدِيدَ، مَا لَمْ يَغْفِرْ لَهُ بِرُجُوحِ حَسَنَاتِهِ أَوْ مُسَاوَاتِهَا لِسَيِّئَاتِهِ، إِلَّا أَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ بَيَانُ الْمِقْدَارِ الْوَاجِبِ فِي الزَّكَاةِ مِنْهَا، وَلَا بَيَانَ الْعَدَدِ الَّذِي تَجِبُ فِيهِ الزَّكَاةُ مِنْهَا، وَلَا مَتَى تُؤَدَّى؛ وَلَيْسَ الْبَيَانُ لِلدِّيَانَةِ مَوْكُولًا إِلَى الْآرَاءِ وَالْأَهْوَاءِ؛ بَلْ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي قَالَ لَهُ رَبُّهُ وَبَاعِثُهُ {لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ} [النحل: ٤٤] .

وَلَمْ يَصِحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا أَوْجَبُوهُ فِي الْخَمْسِ فَصَاعِدًا مِنْ الْبَقَرِ، وَقَدْ صَحَّ الْإِجْمَاعُ الْمُتَيَقَّنُ بِأَنَّهُ لَيْسَ فِي كُلِّ عَدَدٍ مِنْ الْبَقَرِ زَكَاةٌ؛ فَوَجَبَ التَّوَقُّفُ عَنْ إيجَابِ فَرْضِ ذَلِكَ فِي عَدَدٍ دُونَ عَدَدٍ بِغَيْرِ نَصٍّ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؛ فَسَقَطَ تَعَلُّقُهُمْ بِالْعُمُومِ هَاهُنَا، وَلَوْ كَانَ عُمُومًا يُمْكِنُ اسْتِعْمَالُهُ لَمَا خَالَفْنَاهُ؟ وَأَمَّا قَوْلُهُمْ: إنَّ مَنْ زَكَّى الْبَقَرَ - كَمَا قَالُوا - فَهُوَ عَلَى يَقِينٍ مِنْ أَنَّهُ قَدْ أَدَّى فَرْضَهُ الْوَاجِبَ عَلَيْهِ وَمَنْ لَمْ يُزَكِّهَا - كَمَا قَالُوا - فَلَيْسَ عَلَى يَقِينٍ مِنْ أَنَّهُ أَدَّى فَرْضَهُ؛ وَأَنَّ مَا صَحَّ بِيَقِينٍ وُجُوبُهُ لَمْ يَسْقُطْ إلَّا بِيَقِينٍ آخَرَ -: فَهَذَا لَازِمٌ لِمَنْ قَالَ: إنَّ مَنْ تَدَلَّكَ فِي الْغُسْلِ فَهُوَ عَلَى يَقِينٍ مِنْ أَنَّهُ قَدْ أَدَّى فَرْضَهُ؛ وَالْغُسْلُ وَاجِبٌ بِيَقِينٍ؛ فَلَا يَسْقُطُ إلَّا بِيَقِينٍ مِثْلِهِ؛ وَلِمَنْ أَوْجَبَ مَسْحَ جَمِيعِ الرَّأْسِ فِي الْوُضُوءِ بِهَذِهِ الْحُجَّةِ نَفْسِهَا؛ وَمِثْلُ هَذَا لَهُمْ كَثِيرٌ جِدًّا وَأَمَّا نَحْنُ فَإِنَّ هَذَا لَا يَلْزَمُ عِنْدَنَا؛ لِأَنَّ الْفَرَائِضَ لَا تَجِبُ إلَّا بِنَصٍّ أَوْ إجْمَاعٍ.

وَمَنْ سَلَكَ هَذِهِ الطَّرِيقَ فِي الِاسْتِدْلَالِ فَإِنَّهُ يُرِيدُ إيجَابَ الْفَرَائِضِ وَشَرْعَ الشَّرَائِعِ بِاخْتِلَافٍ؛ لَا نَصَّ فِيهِ، وَهَذَا بَاطِلٌ؛ وَلَمْ يَتَّفِقْ قَطُّ عَلَى وُجُوبِ إيعَابِ جَمِيعِ الرَّأْسِ

dence, and this is invalid. There has never been consensus on the obligation of fully encompassing the entire head in ablution, nor on scrubbing during the ritual bath, nor on imposing zakah from five cows upwards to fifty. Their method of derivation would only be valid if we first agreed with them on the obligation of all these rulings and then abolished their obligation without evidence; yet we will never agree with them on the obligation of a bath involving scrubbing, nor on wiping the entire head, nor on imposing zakah from five cows upwards. Rather, we agree with them on the obligation of the bath without scrubbing, on wiping part of the head—not all of it—and on imposing zakah for a certain number of cows, not every number. They have added, without textual evidence or consensus, the obligation of scrubbing, wiping the entire head, and zakah from five cows upwards. This constitutes legislation without textual evidence or consensus, and this is not permissible. This distinction must be clearly defined to prevent those who obscure truth from confusing the matter by falsely claiming consensus where none exists, establishing religious laws without evidence, and contradicting definitively established consensus. And success is from Allah, the Most High.

فِي الْوُضُوءِ وَلَا عَلَى التَّدَلُّكِ فِي الْغُسْلِ، وَلَا عَلَى إيجَابِ الزَّكَاةِ فِي خَمْسٍ مِنْ الْبَقَرِ فَصَاعِدًا إلَى الْخَمْسِينَ وَإِنَّمَا كَانَ يَكُونُ اسْتِدْلَالُهُمْ هَذَا صَحِيحًا لَوْ وَافَقْنَاهُمْ عَلَى وُجُوبِ كُلِّ ذَلِكَ ثُمَّ أَسْقَطْنَا وُجُوبَهُ بِلَا بُرْهَانٍ، وَنَحْنُ لَنْ نُوَافِقَهُمْ قَطُّ عَلَى وُجُوبِ غُسْلٍ فِيهِ تَدَلُّكٌ، وَلَا عَلَى إيجَابِ مَسْحِ جَمِيعِ الرَّأْسِ، وَلَا عَلَى إيجَابِ زَكَاةٍ فِي خَمْسٍ مِنْ الْبَقَرِ فَصَاعِدًا، وَإِنَّمَا وَافَقْنَاهُمْ عَلَى إيجَابِ الْغُسْلِ دُونَ تَدَلُّكٍ، وَعَلَى إيجَابِ مَسْحِ بَعْضِ الرَّأْسِ لَا كُلِّهِ، وَعَلَى وُجُوبِ الزَّكَاةِ فِي عَدَدٍ مَا مِنْ الْبَقَرِ لَا فِي كُلِّ عَدَدٍ مِنْهَا، فَزَادُوا هُمْ - بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ - إيجَابَ التَّدَلُّكِ، وَمَسْحَ جَمِيعِ الرَّأْسِ، وَالزَّكَاةَ فِي خَمْسٍ مِنْ الْبَقَرِ فَصَاعِدًا، وَهَذَا شَرْعٌ بِلَا نَصٍّ وَلَا إجْمَاعٍ، وَهَذَا لَا يَجُوزُ، فَهَذَا يَلْزَمُ ضَبْطُهُ، لِئَلَّا يُمَوِّهَ فِيهِ أَهْلُ التَّمْوِيهِ بِالْبَاطِلِ، فَيَدَّعُوا إجْمَاعًا حَيْثُ لَا إجْمَاعَ، وَيُشَرِّعُوا الشَّرَائِعَ بِغَيْرِ بُرْهَانٍ، وَيُخَالِفُوا الْإِجْمَاعَ الْمُتَيَقَّنَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10584 As for their argument by applying analogy from camels to cows concerning zakat, it constitutes a bindingly necessary consequence for the adherents of analogy—an inescapable necessity. Were any analogy to be valid, this would indeed be a valid instance of it. We know of no difference in the ruling between camels and cows established by consensus.

وَأَمَّا احْتِجَاجُهُمْ بِقِيَاسِ الْبَقَرِ عَلَى الْإِبِلِ فِي الزَّكَاةِ فَلَازِمٌ لِأَصْحَابِ الْقِيَاسِ لُزُومًا لَا انْفِكَاكَ لَهُ، فَلَوْ صَحَّ شَيْءٌ مِنْ الْقِيَاسِ لَكَانَ هَذَا مِنْهُ صَحِيحًا وَمَا نَعْلَمُ فِي الْحُكْمِ بَيْنَ الْإِبِلِ، وَالْبَقَرِ فَرْقًا مُجْمَعًا عَلَيْهِ.

L10585–10587 Indeed, it would logically compel anyone who analogizes the dowry (mahr) that legitimizes a Muslim woman's marital relations in marriage to the amount for which a thief's hand is amputated; who analogizes the punishment for drinking wine to the punishment for false accusation of zinā; who analogizes scammony to wheat and dates; who analogizes iron, lead, and copper to gold and silver; who analogizes gypsum to wheat and dates in riba; who analogizes walnuts to wheat in riba—along with all such absurd analogies and those spurious, flimsy justifications—to analogize cows to camels in zakat. Otherwise, he would have... They have governed by falsehood. As for us, all analogy is invalid in our view. Regarding their statement: "We found

وَلَقَدْ كَانَ يَلْزَمُ مَنْ يَقِيسُ مَا يَسْتَحِلُّ بِهِ فَرْجَ الْمَرْأَةِ الْمُسْلِمَةِ فِي النِّكَاحِ مِنْ الصَّدَاقِ عَلَى مَا تُقْطَعُ فِيهِ يَدُ السَّارِقِ، وَمَنْ يَقِيسُ حَدَّ الشَّارِبِ عَلَى حَدِّ الْقَاذِفِ، وَمَنْ يَقِيسُ السَّقَمُونْيَا عَلَى الْقَمْحِ وَالتَّمْرِ، وَيَقِيسُ الْحَدِيدَ، وَالرَّصَاصَ وَالصُّفْرَ: عَلَى الذَّهَبِ، وَالْفِضَّةِ، وَيَقِيسُ الْجِصَّ عَلَى الْبُرِّ وَالتَّمْرِ، فِي الرِّبَا، وَيَقِيسُ الْجَوْزَ عَلَى الْقَمْحِ فِي الرِّبَا، وَسَائِرِ تِلْكَ الْمَقَايِيسِ السَّخِيفَةِ وَتِلْكَ الْعِلَلِ الْمُفْتَرَاةِ الْغَثَّةِ -: أَنْ يَقِيسَ الْبَقَرَ عَلَى الْإِبِلِ

no specification in the foundational texts requiring nineteen," this constitutes confusion and obsession in our perspective. Yet this consequence is most rigorously necessary for those who argued - falsely justifying their position on obligating zakah between forty and sixty cattle - by claiming: "We found no specification in the foundational texts requiring thirty." But these people impose arbitrary rulings. Thus all their arguments against us collapse, and this necessary consequence becomes evident for Hanafis, Malikis, and Shafiʿis - particularly those who uphold the renowned opinion attributed to Abu Hanifah regarding cattle zakah, in which he did not rely on any foundational basis whatsoever. Then we examined the position of those who obligate a two-year-old male calf for thirty cattle and a three-year-old cow for forty, while requiring nothing between these numbers or beyond forty up to sixty. We found all the narrations they cited as evidence from Muʿadh and others to be transmissions with interrupted chains, except Baqiyya's hadith. However, Masruq never met Muʿadh, and Baqiyya is weak - his transmissions cannot constitute proof. Wakiʿ and others dismissed him. Juridical proof is only established through authenticated narrations transmitted by reliable authorities.

L10588 If it is said: "Masruq—though he did not meet Mu'adh—was present in Yemen during Mu'adh's residence there and witnessed his rulings," then this knowledge he holds from Mu'adh is through collective transmission.

L10589 We said: If Masruq—the trustworthy, unblemished imam—had claimed that all of them informed him of this from Muʿadh, it would have constituted decisive proof. However, he never stated this at all, and it is impermissible to falsely attribute to Masruq—may Allah have mercy on him—what he did not say, thus lying against him. Yet since it is superficially possible that Masruq held this report through mass transmission, a reliable narrator, or someone unworthy of being cited, it becomes invalid to assert definitive rulings in Allah's religion or about His Messenger—peace be upon him—based on conjecture, which is the falsest of reports. We firmly hold that had this report reached Masruq through a trustworthy source, he would not have concealed it. Had it been authentic from the Messenger of Allah—peace be upon him—Allah the Exalted, the Guarantor of preserving the revelation sent to His

فِي الزَّكَاةِ، وَإِلَّا فَقَدْ تَحَكَّمُوا بِالْبَاطِلِ، وَأَمَّا نَحْنُ فَالْقِيَاسُ كُلُّهُ عِنْدَنَا بَاطِلٌ وَأَمَّا قَوْلُهُمْ: لَمْ نَجِدْ فِي الْأُصُولِ مَا يَكُونُ وَقْصُهُ ثَلَاثِينَ، فَإِنَّهُ عِنْدَنَا تَخْلِيطٌ وَهَوَسٌ لَكِنَّهُ لَازِمٌ أَصَحُّ لُزُومٍ لِمَنْ قَالَ - مُحْتَجًّا لِبَاطِلٍ قَوْلُهُ فِي إِيجَابِ الزَّكَاةِ مَا بَيْنَ الْأَرْبَعِينَ وَالسِّتِّينَ مِنْ الْبَقَرِ -: إِنَّنَا لَمْ نَجِدْ فِي الْأُصُولِ مَا يَكُونُ وَقْصُهُ تِسْعَةَ عَشَرَ، وَلَكِنَّ الْقَوْمَ مُتَحَكِّمُونَ؟ فَسَقَطَ كُلُّ مَا احْتَجُّوا بِهِ عَنَّا، وَظَهَرَ لُزُومُهُ لِلْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ، لَا سِيَّمَا لِمَنْ قَالَ: بِالْقَوْلِ الْمَشْهُورِ عَنْ أَبِي حَنِيفَةَ فِي زَكَاةِ الْبَقَرِ، الَّذِي لَمْ يَتَعَلَّقْ فِيهِ بِشَيْءٍ أَصْلًا ثُمَّ نَظَرْنَا فِي قَوْلِ مَنْ أَوْجَبَ فِي الثَّلَاثِينَ تَبِيعًا، وَفِي الْأَرْبَعِينَ مُسِنَّةً، وَلَمْ يُوجِبْ بَيْنَ ذَلِكَ وَلَا بَعْدَ الْأَرْبَعِينَ إِلَى السِّتِّينَ شَيْئًا -: فَوَجَدْنَا الْآثَارَ الَّتِي احْتَجُّوا بِهَا عَنْ مُعَاذٍ وَغَيْرِهِ مُرْسَلَةً كُلَّهَا، إِلَّا حَدِيثَ بَقِيَّةَ؛ لِأَنَّ مَسْرُوقًا لَمْ يَلْقَ مُعَاذًا، وَبَقِيَّةَ ضَعِيفٌ لَا يُحْتَجُّ بِنَقْلِهِ، أَسْقَطَهُ وَكِيعٌ وَغَيْرُهُ، وَالْحُجَّةُ لَا تَجِبُ إِلَّا بِالْمُسْنَدِ مِنْ نَقْلِ الثِّقَاتِ.

فَإِنْ قِيلَ: إِنَّ مَسْرُوقًا وَإِنْ كَانَ لَمْ يَلْقَ مُعَاذًا فَقَدْ كَانَ بِالْيَمَنِ رَجُلًا أَيَّامَ كَوْنِ مُعَاذٍ هُنَالِكَ، وَشَاهَدَ أَحْكَامَهُ، فَهَذَا عِنْدَهُ عَنْ مُعَاذٍ بِنَقْلِ الْكَافَّةِ.

قُلْنَا: لَوْ أَنَّ مَسْرُوقًا ذَكَرَ أَنَّ الْكَافَّةَ أَخْبَرَتْهُ بِذَلِكَ عَنْ مُعَاذٍ لَقَامَتْ الْحُجَّةُ بِذَلِكَ، فَمَسْرُوقٌ هُوَ الثِّقَةُ الْإِمَامُ غَيْرُ الْمُتَّهَمِ: لَكِنَّهُ لَمْ يَقُلْ قَطُّ هَذَا، وَلَا يَحِلُّ أَنْ يُقَوَّلَ مَسْرُوقٌ - رَحِمَهُ اللَّهُ - مَا لَمْ يَقُلْ فَيُكْذَبُ عَلَيْهِ، وَلَكِنْ لَمَّا أَمْكَنَ فِي ظَاهِرِ الْأَمْرِ أَنْ يَكُونَ عِنْدَ مَسْرُوقٍ هَذَا الْخَبَرُ عَنْ تَوَاتُرٍ، أَوْ عَنْ ثِقَةٍ، أَوْ عَمَّنْ لَا تَجُوزُ الرِّوَايَةُ عَنْهُ -: لَمْ يَجُزْ الْقَطْعُ فِي دِينِ اللَّهِ تَعَالَى وَلَا عَلَى رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالظَّنِّ الَّذِي هُوَ أَكْذَبُ الْحَدِيثِ، وَنَحْنُ نَقْطَعُ أَنَّ هَذَا الْخَبَرَ لَوْ كَانَ عِنْدَ مَسْرُوقٍ عَنْ ثِقَةٍ لَمَا كَتَمَهُ، وَلَوْ كَانَ صَحِيحًا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا طَمَسَهُ اللَّهُ تَعَالَى الْمُتَكَفِّلُ

Prophet—peace be upon him—and the Completer of His religion, would not have obliterated it for us, leaving it to be transmitted solely through weak chains—praise be to Allah, Lord of the worlds. Moreover, even if they stubbornly insist, arguing, “It constitutes proof, and the *mursal* (disconnected) narration here is equivalent to the *musnad* (supported by a chain).”

L10590–10591 We said to them: You are not obligated; follow this precise chain of narration as transmitted by Humaam ibn Ahmad who said: ʻAbdullah ibn Muhammad ibn ʻAli al-Baajī narrated to us, from Ahmad ibn Khalid, from ʻUbayd ibn Muhammad al-Kishwārī, from Muhammad ibn Yusuf al-Ḥudhāfī, from ʻAbd al-Razzaq who said: “I am Maʻmar,” from al-Aʻmash, from Shaqiq ibn Salamah (Abu Waʼil), from Masruq ibn al-Ajdaʻ, who said: “The Messenger of Allah (peace be upon him) sent Muʻadh ibn Jabal to Yemen and commanded him to take from every adult male and female a dinar or its equivalent value in Maʻāfiri.”

L10592 Ahmad ibn Muhammad al-Jasur narrated to us: Muhammad ibn Isa ibn Rifaʻah narrated to us: Ali ibn Abd al-Aziz narrated to us: Abu Ubayd al-Qasim ibn Salam narrated to us: Jarir—that is, Ibn Abd al-Hamid—narrated from Mansur—that is, Ibn al-Muʻtamir—from al-Hakam ibn ʻUtaybah, who said: “The Messenger of Allah—peace and blessings be upon him—wrote to Muʻadh while he was in Yemen: ʼFor what is watered by the sky or irrigated by natural streams, the tenth is due. For what is irrigated by the waterwheel, half of the tenth is due. And for the pubescent male and female, a dinar or its equivalent in Muʻafiri garments is due.”’

L10593 And through him to Abū ʿUbayd: ʿUthmān ibn Ṣāliḥ narrated to us from Ibn Lahiʿah from Abū al-Aswad from ʿUrwah ibn al-Zubayr, who said: “The Messenger of Allāh—peace and blessings of Allāh be upon him—wrote to the people of Yemen: ʼWhoever adheres to Judaism or Christianity shall not be compelled to abandon it. Upon them is the jizyah: one full dinar or its equivalent in Maʿāfiri cloth for every pubescent male or female—slave or female slave. Whoever pays this to my messengers shall have the covenant of Allāh and the covenant of His Messenger. But whoever withholds it among you is an enemy of Allāh the Exalted, His Messenger, and the believers.”’

بِحِفْظِ الذِّكْرِ الْمُنَزَّلِ عَلَى نَبِيِّهِ - عَلَيْهِ السَّلَامُ - الْمُتِمِّ لِدِينِهِ -: لَنَا هَذَا الطَّمْسُ حَتَّى لَا يَأْتِيَ إِلَّا مِنْ طَرِيقٍ وَاهِيَةٍ وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ وَأَيْضًا: فَإِنْ زَمُّوا أَيْدِيَهُمْ وَقَالُوا: هُوَ حُجَّةٌ، وَالْمُرْسَلُ هَاهُنَا وَالْمُسْنَدُ سَوَاءٌ.

قُلْنَا لَهُمْ: فَلَا عَلَيْكُمْ، خُذُوا مِنْ هَذِهِ الطَّرِيقِ بِعَيْنِهَا مَا حَدَّثَنَاهُ حُمَامُ بْنُ أَحْمَدَ قَالَ: ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عُبَيْدُ بْنُ مُحَمَّدٍ الْكَشْوَرُ ثنا مُحَمَّدُ بْنُ يُوسُفَ الْحُذَافِيُّ ثنا عَبْدُ الرَّزَّاقِ أَنَا مَعْمَرٌ عَنِ الْأَعْمَشِ عَنْ شَقِيقِ بْنِ سَلَمَةَ هُوَ أَبُو وَائِلٍ - عَنْ مَسْرُوقِ بْنِ الْأَجْدَعِ قَالَ «بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُعَاذَ بْنَ جَبَلٍ إِلَى الْيَمَنِ فَأَمَرَهُ أَنْ يَأْخُذَ مِنْ كُلِّ حَالِمٍ وَحَالِمَةٍ دِينَارًا أَوْ قِيمَتَهُ مِنَ الْمَعَافِرِيِّ» .

حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدٍ الْجَسُورُ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ مَنْصُورٍ هُوَ ابْنُ الْمُعْتَمِرِ - عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ قَالَ «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَى مُعَاذٍ وَهُوَ بِالْيَمَنِ: أَنَّ فِيمَا سَقَتْ السَّمَاءُ أَوْ سُقِيَ غِيلًا الْعُشْرُ، وَفِيمَا سُقِيَ بِالْغَرْبِ نِصْفُ الْعُشْرِ، وَفِي الْحَالِمِ وَالْحَالِمَةِ دِينَارٌ أَوْ عِدْلُهُ مِنَ الْمَعَافِرِ» .

وَبِهِ إِلَى أَبِي عُبَيْدٍ: ثنا عُثْمَانُ بْنُ صَالِحٍ عَنِ ابْنِ لَهِيعَةَ عَنْ أَبِي الْأَسْوَدِ عَنْ عُرْوَةَ بْنِ الزُّبَيْرِ قَالَ «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَى أَهْلِ الْيَمَنِ: أَنَّهُ مَنْ كَانَ عَلَى يَهُودِيَّةٍ أَوْ نَصْرَانِيَّةٍ فَإِنَّهُ لَا يُفْتَنُ عَنْهَا، وَعَلَيْهِ الْجِزْيَةُ، عَلَى كُلِّ حَالِمٍ ذَكَرٍ أَوْ أُنْثَى - عَبْدٍ أَوْ أَمَةٍ - دِينَارٌ وَافٍ أَوْ عِدْلُهُ مِنَ الْمَعَافِرِ، فَمَنْ أَدَّى ذَلِكَ إِلَى رُسُلِي فَإِنَّ لَهُ ذِمَّةَ اللَّهِ وَذِمَّةَ رَسُولِهِ، وَمَنْ مَنَعَهُ مِنْكُمْ فَإِنَّهُ عَدُوٌّ لِلَّهِ تَعَالَى وَلِرَسُولِهِ وَلِلْمُؤْمِنِينَ» .

فَهَذِهِ رِوَايَةُ مَسْرُوقٍ عَنْ مُعَاذٍ، وَهُوَ حَدِيثُ زَكَاةِ الْبَقَرِ بِعَيْنِهِ، وَمُرْسَلٌ مِنْ طَرِيقِ الْحَكَمِ، وَآخَرُ مِنْ طَرِيقِ ابْنِ لَهِيعَةَ، فَإِنْ كَانَتْ مُرْسَلَاتُهُمْ فِي زَكَاةِ الْبَقَرِ صَحِيحَةً وَاجِبًا أَخْذُهَا فَمُرْسَلَاتُهُمْ هَذِهِ صَحِيحَةٌ وَاجِبٌ أَخْذُهَا، وَإِنْ كَانَتْ مُرْسَلَاتُهُمْ هَذِهِ لَا تَقُومُ بِهَا حُجَّةً فَمُرْسَلَاتُهُمْ تِلْكَ لَا تَقُومُ بِهَا حُجَّةً؟ فَإِنْ قِيلَ: فَإِنَّكُمْ تَقُولُونَ بِمَا فِي هَذِهِ الْمُرْسَلَاتِ وَلَا تَقُولُونَ: بِتِلْكَ، فَكَيْفَ هَذَا؟ قُلْنَا وَبِاللَّهِ تَعَالَى التَّوْفِيقُ: مَا قُلْنَا بِهَذِهِ وَلَا بِتِلْكَ، وَمَعَاذَ اللَّهِ مِنْ أَنْ نَقُولَ بِمُرْسَلٍ لَكِنَّا أَوْجَبْنَا الْجِزْيَةَ عَلَى كُلِّ كِتَابِيٍّ بِنَصِّ الْقُرْآنِ، وَلَمْ نَخُصَّ مِنْهُ امْرَأَةً وَلَا عَبْدًا، وَأَمَّا بِهَذِهِ الْآثَارِ فَلَا؟ قَالَ أَبُو مُحَمَّدٍ: لَا سِيَّمَا الْحَنَفِيِّينَ فَإِنَّهُمْ خَالَفُوا مُرْسَلَاتِ مُعَاذٍ تِلْكَ فِي إسْقَاطِ الزَّكَاةِ عَنْ الْأَوْقَاصِ وَالْعَسَلِ -: كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا سُفْيَانُ بْنُ عُيَيْنَةَ عَنْ إبْرَاهِيمَ بْنِ مَيْسَرَةَ عَنْ طَاوُسٍ «أَنَّ مُعَاذَ بْنَ جَبَلٍ أُتِيَ بِوَقْصِ الْبَقَرِ وَالْعَسَلِ فَلَمْ يَأْخُذْهُ، فَقَالَ: كِلَاهُمَا لَمْ يَأْمُرْنِي فِيهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِشَيْءٍ» فَمِنْ الْبَاطِلِ أَنْ يَكُونَ حَدِيثُ مُعَاذٍ حُجَّةً إذَا وَافَقَ هَوَى الْحَنَفِيِّينَ وَرَأْيَ أَبِي حَنِيفَةَ؟ وَلَا يَكُونُ حُجَّةً إذَا لَمْ يُوَافِقْهُمَا، مَا نَدْرِي أَيُّ دِينٍ يَبْقَى مَعَ هَذَا الْعَمَلِ؟ وَنَعُوذُ بِاَللَّهِ مِنْ الْخِذْلَانِ وَالضَّلَالِ وَمِنْ أَنْ يُزِيغَ قُلُوبَنَا بَعْدَ إذْ هَدَانَا فَإِنْ احْتَجُّوا بِصَحِيفَةِ عَمْرِو بْنِ حَزْمٍ قُلْنَا: هِيَ مُنْقَطِعَةٌ أَيْضًا لَا تَقُومُ بِهَا حُجَّةٌ، وَسُلَيْمَانُ بْنُ دَاوُد الْجَزَرِيُّ - الَّذِي رَوَاهَا - مُتَّفَقٌ عَلَى تَرْكِهِ وَأَنَّهُ لَا يُحْتَجُّ بِهِ.

L10594–10596 This is the narration of Masruq from Muʿādh—and it is the very *ḥadīth* concerning *zakāh* on cattle. It is a *mursal* report transmitted via al-Ḥakam's chain and another via Ibn Lahīʿah's chain. If their *mursal* narrations regarding *zakāh* on cattle are sound and obligatory, [then the ruling applies]. Taking them, these mursal reports of theirs are sound and obligatory to accept. If their mursal reports here do not constitute valid evidence, then do those mursal reports of theirs not constitute valid evidence? If it is said: "You uphold what is in these mursal reports but reject those, how is this?" We respond – and by Allah's grace we are guided: We have not upheld these nor those. We seek refuge in Allah from ever upholding any mursal report. Rather, we obligated jizyah upon every Scripturist by the Quran's explicit text, excluding neither woman nor slave. As for through these narrations, then no?

Abū Muḥammad said: This applies particularly to the Ḥanafīs, for they opposed Muʿādh's mursal reports regarding the exemption of zakāh from quantities below the threshold and honey – as narrated to us by ʿAbdullāh ibn Rabīʿ, narrated to us by ʿAbdullāh ibn Muḥammad ibn ʿUthmān, narrated to us by Aḥmad ibn Khālid, narrated to us by ʿAlī ibn ʿAbd al-ʿAzīz, narrated to us by al-Ḥajjāj ibn al-Minhāl, narrated to us by Sufyān ibn ʿUyaynah from Ibrāhīm ibn Maysarah from Ṭāwūs: "When Muʿādh ibn Jabal was presented with cattle below the zakāh threshold and honey, he refrained from collecting zakāh, stating: 'The Messenger of Allah – peace and blessings be upon him – gave me no instruction regarding either.'"

Is it not falsehood to deem Muʿādh's narration authoritative when it aligns with the Ḥanafīs' inclinations and Abū Ḥanīfah's opinion, yet dismiss it as non-authoritative when contradicting them? We do not know what religion could remain with such practice. We seek refuge in Allah from abandonment, misguidance, and hearts deviating after receiving guidance.

Should they cite the scroll of ʿAmr ibn Ḥazm, we respond: It is likewise disconnected and inadmissible as evidence. Sulaymān ibn Dāwūd al-Jazarī – its transmitter – is unanimously deemed unreliable and unqualified for evidential citation.

L10597–10599 If you refuse, persist, and presume you have seized something from it, then take it—as narrated to us by Humām ibn Aḥmad: ʿAbbās ibn Aṣbagh narrated to us from Muḥammad ibn ʿAbd al-Malik ibn Ayman from Aḥmad ibn Zuhayr ibn Ḥarb from al-Ḥakam ibn Mūsā from Yaḥyā ibn Ḥamzah from... Sulayman ibn Dawud al-Jazari narrated to us: Al-Zuhri narrated to us from Abu Bakr ibn Muhammad ibn Amr ibn Hazm, from his father, from his grandfather: "The Messenger of Allah—peace and blessings be upon him—wrote to the people of Yemen in a letter containing the fixed shares of inheritance, Sunnahs, and blood compensations. He sent it with Amr ibn Hazm, and this is a copy of it." He then cited the letter's contents, which included: "For every thirty cows, a one-year-old male or female calf; for every forty cows, a cow." It also stated: "For every five awqiyyah of silver, five dirhams. For amounts exceeding that, one dirham is due per forty dirhams, and one dinar per forty dinars."

فَإِنْ أَبَيْتُمْ وَلَجَجْتُمْ وَظَنَنْتُمْ أَنَّكُمْ شَدَدْتُمْ أَيْدِيكُمْ مِنْهَا عَلَى شَيْءٍ فَدُونَكُمُوهَا -: كَمَا حَدَّثَنَا حُمَامُ بْنُ أَحْمَدَ قَالَ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ ثنا الْحَكَمُ بْنُ مُوسَى ثنا يَحْيَى بْنُ حَمْزَةَ عَنْ سُلَيْمَانَ بْنِ دَاوُد الْجَزَرِيِّ ثنا الزُّهْرِيُّ عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَتَبَ إِلَى أَهْلِ الْيَمَنِ بِكِتَابٍ فِيهِ الْفَرَائِضُ وَالسُّنَنُ وَالدِّيَاتُ، وَبَعَثَ بِهِ مَعَ عَمْرِو بْنِ حَزْمٍ، وَهَذِهِ نُسْخَتُهُ فَذَكَرَ الْكِتَابَ. وَفِيهِ وَفِي كُلِّ ثَلَاثِينَ بَاقُورَةً تَبِيعٌ، جَذَعٌ أَوْ جَذَعَةٌ، وَفِي كُلِّ أَرْبَعِينَ بَاقُورَةً بَقَرَةٌ، وَفِيهِ أَيْضًا وَفِي كُلِّ خَمْسِ أَوَاقٍّ مِنْ الْوَرِقِ خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَفِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ وَفِي كُلِّ أَرْبَعِينَ دِينَارًا دِينَارٌ» .

L10600 Humam narrated to us, saying: Abbas ibn Asbagh narrated to us, Muhammad ibn Abdul-Malik ibn Ayman narrated to us, Abu Abdullah Al-Kabuli in Baghdad narrated to us, Ismail ibn Abi Uways narrated to us, saying: My father narrated to me from Abdullah and Muhammad ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm from their father from their grandfather, from the Messenger of Allah (peace be upon him) that he wrote this letter to Amr ibn Hazm when he appointed him as governor of Yemen. In it was the ruling on zakah: there is no zakah due until silver reaches two hundred dirhams, at which point five dirhams are due. For every forty dirhams, one dirham is owed, and no zakah is required on amounts below forty dirhams. When gold attains a value equivalent to two hundred dirhams, then one dirham is due for every forty dirhams' worth of its value. Once the gold reaches forty dinars, one dinar is owed as zakah.

حَدَّثَنَا حُمَامٌ قَالَ: ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَبُو عَبْدِ اللَّهِ الْكَابُلِّيُّ بِبَغْدَادَ ثنا إِسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ حَدَّثَنِي أَبِي عَنْ عَبْدِ اللَّهِ، وَمُحَمَّدِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِمَا عَنْ جَدِّهِمَا «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: أَنَّهُ كَتَبَ هَذَا الْكِتَابَ لِعَمْرِو بْنِ حَزْمٍ حِينَ أَمَّرَهُ عَلَى الْيَمَنِ وَفِيهِ الزَّكَاةُ لَيْسَ فِيهَا صَدَقَةٌ حَتَّى تَبْلُغَ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، وَفِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، وَلَيْسَ فِيمَا دُونَ الْأَرْبَعِينَ صَدَقَةٌ، فَإِذَا بَلَغَتْ الذَّهَبَ قِيمَةَ مِائَتَيْ دِرْهَمٍ فَفِي قِيمَةِ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، حَتَّى تَبْلُغَ أَرْبَعِينَ دِينَارًا، فَإِذَا بَلَغَتْ أَرْبَعِينَ دِينَارًا فَفِيهَا دِينَارٌ» .

L10601 Abu Uways said: This is also from the two sons of Hazm: "The prescribed rulings for the zakah on cows are: there is no zakah due on fewer than thirty. When they reach thirty, a one-year-old bull is due until they reach

forty. When they reach forty, a two-year-old cow is due until they reach sixty. When they reach sixty, two one-year-old bull calves are due."

قَالَ أَبُو أُوَيْسٍ: وَهَذَا عَنْ ابْنَيْ حَزْمٍ أَيْضًا «فَرَائِضُ صَدَقَةِ الْبَقَرِ لَيْسَ فِيمَا دُونَ ثَلَاثِينَ صَدَقَةٌ فَإِذَا بَلَغَتْ الثَّلَاثِينَ فَفِيهَا فَحْلٌ جَذَعٌ، إلَى أَنْ تَبْلُغَ أَرْبَعِينَ، فَإِذَا بَلَغَتْ أَرْبَعِينَ فَفِيهَا بَقَرَةٌ مُسِنَّةٌ إلَى أَنْ تَبْلُغَ سِتِّينَ، فَإِذَا بَلَغَتْ سِتِّينَ فَفِيهَا تَبِيعَانِ» .

L10602 Abu Muhammad said: Abu Uways is weak, and the chain is interrupted in addition to that—and by Allah, if anything from this were sound, we would not hesitate to act upon it.

قَالَ أَبُو مُحَمَّدٍ: أَبُو أُوَيْسٍ ضَعِيفٌ وَهِيَ مُنْقَطِعَةٌ مَعَ ذَلِكَ - وَوَاَللَّهِ لَوْ صَحَّ شَيْءٌ مِنْ هَذَا مَا تَرَدَّدْنَا فِي الْأَخْذِ بِهِ.

L10603–10607 Ali observed: We find that the resolve of the Malikis, Shafiʿis, and Hanafis has dissolved regarding their adherence to the aforementioned ḥadīth of Muʿādh and the scroll of Ibn Ḥazm. They have no alternative but this course—or to adopt the position that there is no [...] The zakāh on gold that does not reach forty dinars is only calculated by its equivalent value in silver, and this is the opinion of ʿAṭāʾ, al-Zuhrī, Sulaymān ibn Ḥarb, and others. The Mālikīs and Shāfiʿīs adopt the obligation of fractions below the nisāb in dirhams and the imposition of jizyah upon women and slaves among the People of the Book, or dictating religious rulings falsely—taking what they desire and abandoning what they desire. By Allah, this is more disgraceful in this worldly life and the Hereafter, more binding, and more regretful. The Ḥanafīs say: When a narrator abandons what he narrated, this indicates the invalidity of his narration. Yet al-Zuhrī himself narrated Ibn Ḥazm's scroll concerning zakāh on cattle then abandoned it. Why did they not abandon it? Instead, they claim: "He did not abandon it due to possessing superior knowledge." Had Muʿādh's Ḥadīth been authentic according to them, the earlier reports we mentioned—that zakāh on cattle parallels zakāh on camels—would have equivalent chains of transmission and would entail additional rulings impermissible to disregard. In such a case, those who adhere to those rulings would be bound to adhere to these, while adhering to these without those would constitute disobedience to the latter. Thus, are all their arguments based on textual evidences entirely invalidated? If they cling to ʿAlī, Muʿādh, and Abū Saʿīd—may Allah be pleased with them—we respond: The narration from Muʿādh is interrupted, while the narration from Abū Saʿīd is only

قَالَ عَلِيٌّ: مَا نَرَى الْمَالِكِيِّينَ وَالشَّافِعِيِّينَ، وَالْحَنَفِيِّينَ إلَّا قَدْ انْحَلَّتْ عَزَائِمُهُمْ فِي الْأَخْذِ بِحَدِيثِ مُعَاذٍ الْمَذْكُورِ وَبِصَحِيفَةِ ابْنِ حَزْمٍ، وَلَا بُدَّ لَهُمْ مِنْ ذَلِكَ، أَوْ الْأَخْذِ بِأَنْ لَا صَدَقَةَ فِي ذَهَبٍ لَمْ يَبْلُغْ أَرْبَعِينَ دِينَارًا إلَّا بِالْقِيمَةِ بِالْفِضَّةِ وَهُوَ قَوْلُ عَطَاءٍ، وَالزُّهْرِيِّ، وَسُلَيْمَانَ بْنِ حَرْبٍ وَغَيْرِهِمْ، وَأَنْ يَأْخُذَ الْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ بِوُجُوبِ الْأَوْقَاصِ فِي الدَّرَاهِمِ وَبِإِيجَابِ الْجِزْيَةِ عَلَى النِّسَاءِ وَالْعَبِيدِ مِنْ أَهْلِ الْكِتَابِ، أَوْ التَّحَكُّمِ فِي الدِّينِ بِالْبَاطِلِ فَيَأْخُذُوا مَا اشْتَهَوْا وَيَتْرُكُوا مَا اشْتَهَوْا، وَهَذِهِ وَاَللَّهِ أَخْزَى فِي الْعَاجِلَةِ وَالْآجِلَةِ وَأَلْزَمُ وَأَنْدَمُ، وَالْحَنَفِيُّونَ يَقُولُونَ: إنَّ الرَّاوِيَ إذَا تَرَكَ مَا رَوَى دَلَّ ذَلِكَ عَلَى سُقُوطِ رِوَايَتِهِ، وَالزُّهْرِيُّ هُوَ رَوَى صَحِيفَةَ ابْنِ حَزْمٍ فِي زَكَاةِ الْبَقَرِ وَتَرَكَهَا؟ فَهَلَّا تَرَكُوهَا وَقَالُوا: لَمْ يَتْرُكْهَا لَا لِفَضْلِ عِلْمٍ كَانَ عِنْدَهُ ثُمَّ لَوْ صَحَّ لَهُمْ حَدِيثُ مُعَاذٍ لَكَانَ مَا ذَكَرْنَا قَبْلُ مِنْ الْأَخْبَارِ بِأَنَّ فِي زَكَاةِ الْبَقَرِ كَزَكَاةِ الْإِبِلِ مِثْلُهَا فِي الْإِسْنَادِ وَوَارِدَةً بِحُكْمٍ زَائِدٍ لَا يَجُوزُ تَرْكُهُ، وَكَانَ الْآخِذُ بِتِلْكَ آخِذًا بِهَذِهِ، وَكَانَ الْآخِذُ بِهَذِهِ، دُونَ تِلْكَ عَاصِيًا لِتِلْكَ؟ فَبَطَلَ كُلُّ مَا مَوَّهُوا بِهِ مِنْ طَرِيقِ الْآثَارِ جُمْلَةً؟ فَإِنْ تَعَلَّقُوا بِعَلِيٍّ، وَمُعَاذٍ، وَأَبِي سَعِيدٍ - رَضِيَ اللَّهُ عَنْهُمْ - قُلْنَا لَهُمْ: الْخَبَرُ عَنْ مُعَاذٍ مُنْقَطِعٌ، وَعَنْ أَبِي سَعِيدٍ لَمْ يَرْوِهِ إلَّا

reported by Muḥammad ibn Abī Laylā—who is weak. As for the narration from ʿAlī, it is authentic, yet this opinion is not authentically attributed to any other Companion besides him. We have previously transmitted narrations from ʿUmar ibn al-Khaṭṭāb and Jābir ibn ʿAbdullāh contradicting this. There is no valid proof in the opinion of one Companion when opposed by another. If you persist in clinging to ʿAlī here, then hear ʿAlī's statement through this very chain: Ḥammām narrated to us: Ibn Mufarrij narrated to us: Ibn al-Aʿrābī narrated to us: al-Dabarī narrated to us: ʿAbd al-Razzāq narrated from Maʿmar from Abū Isḥāq from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: For five camels, one sheep; for ten, two sheep; for fifteen, three sheep; for twenty, four sheep; for twenty-five, five sheep; for twenty-six, a one-year-old she-camel (bint makhāḍ). If there is no bint makhāḍ, then a two-year-old male camel (ibn labūn) until they reach thirty-five. If they increase by one, a two-year-old she-camel (bint labūn) is due until they reach forty-five. If they increase by one, a three-year-old she-camel (ḥiqqah) that has been covered by a stud is due until they reach sixty. If they increase by one, a four-year-old she-camel (jadʿah) is due until they reach seventy-five. If they increase by one, then two two-year-old she-camels are due. A she-camel in her second year (labun) is due until the total reaches ninety. If they exceed ninety by one, two three-year-old she-camels (hiqqatan) mated by the male are due until the total reaches one hundred twenty. If the total increases by one beyond that, one three-year-old she-camel (hiqqah) is due for every fifty camels, and one three-year-old she-camel (bint labun) for every forty. For cows: one yearling male calf (tabi') is due for every thirty cows, and one three-year-old cow (musinnah) for every forty.

L10608 Muhammad ibn Sa'id ibn Nabat narrated to us: Ahmad ibn 'Abd al-Basir narrated to us: Qasim ibn Asbagh narrated to us: Muhammad ibn 'Abd al-Salam al-Khushani narrated to us: Muhammad ibn al-Muthanna narrated to us: 'Abd al-Rahman ibn Mahdi narrated to us: Shu'bah narrated from Abu Ishaq al-Sabi'i from 'Asim ibn Damrah from 'Ali ibn Abi Talib, who said: "If the Zakat collector takes an animal of an age above the stipulated age, he must return ten dirhams or two goats."

ابْنُ أَبِي لَيْلَى مُحَمَّدٌ - وَهُوَ ضَعِيفٌ - وَأَمَّا عَنْ عَلِيٍّ فَهُوَ صَحِيحٌ وَلَا يَصِحُّ هَذَا الْقَوْلُ مِنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - سِوَاهُ؟ وَقَدْ رُوِّينَا قَبْلُ عَنْ عُمَرَ بْنِ الْخَطَّابِ، وَجَابِرِ بْنِ عَبْدِ اللَّهِ خِلَافَ ذَلِكَ - وَلَا حُجَّةَ فِي قَوْلِ صَاحِبٍ إذَا خَالَفَهُ صَاحِبٌ آخَرُ ثُمَّ إنْ لَجَجْتُمْ فِي التَّعَلُّقِ بِعَلِيٍّ هَاهُنَا فَاسْمَعُوا قَوْلَ عَلِيٍّ مِنْ هَذِهِ الطَّرِيقِ نَفْسِهَا -: حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: فِي خَمْسٍ مِنْ الْإِبِلِ شَاةٌ وَفِي عَشْرٍ شَاتَانِ - وَفِي خَمْسَ عَشَرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ خَمْسُ شِيَاهٍ، وَفِي سِتٍّ وَعِشْرِينَ بِنْتُ مَخَاضٍ، فَإِنْ لَمْ تَكُنْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ، حَتَّى تَبْلُغَ خَمْسًا وَثَلَاثِينَ، فَإِنْ زَادَتْ وَاحِدَةٌ فَفِيهَا بِنْتُ لَبُونٍ، حَتَّى تَبْلُغَ خَمْسًا وَأَرْبَعِينَ، فَإِذَا زَادَتْ وَاحِدَةٌ فَفِيهَا حِقَّةٌ طَرُوقَةُ الْفَحْلِ - أَوْ قَالَ: الْجَمَلُ - حَتَّى تَبْلُغَ سِتِّينَ فَإِذَا زَادَتْ وَاحِدَةٌ فَفِيهَا جَذَعَةٌ، حَتَّى تَبْلُغَ خَمْسًا وَسَبْعِينَ، فَإِذَا زَادَتْ وَاحِدَةٌ فَفِيهَا ابْنَتَا لَبُونٍ، حَتَّى تَبْلُغَ تِسْعِينَ، فَإِذَا زَادَتْ وَاحِدَةٌ فَفِيهَا حِقَّتَانِ طَرُوقَتَا الْفَحْلِ إلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ زَادَتْ وَاحِدَةٌ فَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ، وَفِي الْبَقَرِ فِي كُلِّ ثَلَاثِينَ بَقَرَةً تَبِيعٌ حَوْلِيٌّ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ.

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيِّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا عَبْدُ الرَّحْمَنِ بْنِ مَهْدِيٍّ ثنا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: إذَا أَخَذَ الْمُصَدِّقُ سِنًّا فَوْقَ سِنٍّ رَدَّ عَشَرَةَ دَرَاهِمَ أَوْ شَاتَيْنِ.

L10609 Abu Muhammad said: We do not see the Hanafis, Malikis, and Shafi'is except that their enthusiasm has cooled in invoking the statement of 'Ali—may Allah be pleased with him—regarding the zakah on cattle. They must inevitably adhere to everything narrated from 'Ali in this very report—including what they opposed and what others among the salaf adhered to—or abandon invoking what is not authentically established from the Prophet—peace and blessings of Allah be upon him—or cease trifling with the Sunnah, jesting in matters of religion by taking what they desire and leaving what they desire. This is especially so since some of them exaggerated the gravity of this ḥadīth of 'Ali by claiming it is *musnad*. Let their opposition to it disgrace them if it is *musnad*! Had it been *musnad*, we would not have permitted opposing it. And with Allah—Exalted is He—lies success.

قَالَ أَبُو مُحَمَّد: مَا نَرَى الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ إِلَّا قَدْ بَرُدَ نَشَاطُهُمْ فِي الِاحْتِجَاجِ بِقَوْلِ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - فِي زَكَاةِ الْبَقَرِ، وَلَا بُدَّ لَهُمْ مِنْ الْأَخْذِ بِكُلِّ مَا رُوِيَ عَنْ عَلِيٍّ فِي هَذَا الْخَبَرِ نَفْسِهِ، مِمَّا خَالَفُوهُ وَأَخَذَ بِهِ غَيْرُهُمْ مِنْ السَّلَفِ، أَوْ تَرْكِ الِاحْتِجَاجِ بِمَا لَمْ يَصِحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْ التَّلَاعُبِ بِالسُّنَنِ وَالْهَزْلِ فِي الدِّينِ أَنْ يَأْخُذُوا مَا أَحَبُّوا وَيَتْرُكُوا مَا أَحَبُّوا؟ لَا سِيَّمَا وَبَعْضُهُمْ هَوَّلَ فِي حَدِيثِ عَلِيٍّ هَذَا بِأَنَّهُ مُسْنَدٌ فَلَيْتَهُمْ خِلَافُهُ إنْ كَانَ مُسْنَدًا، وَلَوْ كَانَ مُسْنَدًا مَا اسْتَحْلَلْنَا خِلَافَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10610 Therefore, no argument whatsoever remains for those who assert that only the male calf and the aged cow apply in the case of cows, nor is there any analogical reasoning supporting them in that matter. Thus, their claim is undoubtedly entirely invalid—and all praise is due to Allah, the Lord of the worlds.[5]

فَلَمْ يَبْقَ لِمَنْ قَالَ بِالتَّبِيعِ وَالْمُسِنَّةِ فَقَطْ فِي الْبَقَرِ حُجَّةٌ أَصْلًا، وَلَا قِيَاسَ مَعَهُمْ فِي ذَلِكَ فَبَطَلَ قَوْلُهُمْ جُمْلَةً بِلَا شَكٍّ - وَالْحَمْدُ لِلَّهِ رَبِّ الْعَالَمِينَ.

L10611 As for the statement transmitted from Abū Ḥanīfah, it lies at the pinnacle of corruption: there is no Quran to substantiate it, no sound Sunnah to uphold it, no defective narration to reinforce it, no companion's opinion to strengthen it, no analogy to obscure it, and no view supported by sound reasoning to direct it.

أُمَّا الْقَوْلُ الْمَأْثُورُ عَنْ أَبِي حَنِيفَةَ فَفِي غَايَةِ الْفَسَادِ لَا قُرْآنٌ يُعَضِّدُهُ وَلَا سُنَّةٌ صَحِيحَةٌ تَنْصُرُهُ، وَلَا رِوَايَةٌ فَاسِدَةٌ تُؤَيِّدُهُ، وَلَا قَوْلُ صَاحِبٍ يَشُدُّهُ، وَلَا قِيَاسٌ يُمَوِّهُهُ، وَلَا رَأْيٌ لَهُ وَجْهٌ يُسَدِّدُهُ.

L10612 Except that some of them said: We did not find any livestock subject to a zakat threshold below nineteen.

إلَّا أَنَّ بَعْضَهُمْ قَالَ: لَمْ نَجِدْ فِي شَيْءٍ مِنْ الْمَاشِيَةِ وَقْصًا مِنْ تِسْعَةَ عَشَرَ.

L10613 So it was said to them: "Did you not find in any aspect of zakāh on livestock a portion from a single head?"

فَقِيلَ لَهُمْ: وَلَا وَجَدْتُمْ فِي شَيْءٍ مِنْ زَكَاةِ الْمَوَاشِي جُزْءًا مِنْ رَأْسٍ وَاحِدٍ.

L10614 If they say: The evidence made it obligatory.

فَإِنْ قَالُوا: أَوْجَبَهُ الدَّلِيلُ.

L10615–10617 They were told: "You have lied; no evidence has ever necessitated that, and Allah the Exalted has not made the opinion of al-Nakhaʿī alone a proof in His religion. Indeed, we have found that the zakat thresholds vary: some-

قِيلَ لَهُمْ: كَذَبْتُمْ مَا أَوْجَبَهُ دَلِيلٌ قَطُّ، وَمَا جَعَلَ اللَّهُ تَعَالَى رَأْيَ النَّخَعِيِّ وَحْدَهُ دَلِيلًا فِي دِينِهِ: وَقَدْ وَجَدْنَا الْأَوْقَاصَ تَخْتَلِفُ، فَمَرَّةً هُوَ فِي الْإِبِلِ أَرْبَعٌ، وَمَرَّةً عَشْرَةٌ، وَمَرَّةً

[5] **Qur'an references (L10610):** Qur'an 37:182 (As-Saffat).

times four camels, sometimes ten, and sometimes...” Nine, in one instance fourteen, in another eleven, in another twenty-nine, in another eighty sheep, in another seventy-nine, in another one hundred and ninety-eight, in another ninety-nine. What indefiniteness is there in it being nineteen if valid evidence supports it? Were it not for personal desires and ignorance, there would remain nothing except what we have transmitted from the practice of Ibn al-Zubayr’s administrators and the practice of Talḥa ibn ʿAbd Allāh ibn ʿAwf—who was the son of ʿAbd al-Raḥmān ibn ʿAwf’s brother and among the foremost Successors in Medina under the Companions’ observation—and they did not object to it. We examined this matter and found no authentic report from the Messenger of Allah—peace and blessings be upon him—regarding this issue, neither through solitary reports nor mass transmission, as we previously established. Nor is there any report from the Companions—may Allah be pleased with them—uncontradicted by others. It is impermissible to derive legislation except from Allah the Exalted, whether through the Quran or through verified transmission from the Messenger of Allah—peace and blessings be upon him—via solitary or mass transmission pertaining to zakah on cattle. We found the certain, definitive consensus—unquestionably agreed upon by all Muslims past and present, upheld by the Companions and those after them—confirming that one cow is due for every fifty cows. This is an incontrovertible truth established as part of Allah’s judgment and the ruling of His Messenger—peace and blessings be upon him. Therefore, its affirmation becomes obligatory. Whatever falls short of this remains disputed, with no authoritative text requiring it, rendering its assertion impermissible.

L10618 And Allah, the Most High, has said: “Do not consume your wealth among yourselves wrongfully” [Al-Baqarah: 188].[6]

L10619 The Messenger of Allah - peace and blessings be upon him - said: “Your blood and your wealth are inviolable to you.” Therefore, it is not permissible to take a Muslim’s property, nor to obligate a Shariah injunction through a prescribed zakat without certainty from an authentic text from Allah the Exalted or His Messenger - peace and blessings be upon him.

تِسْعَةٌ، وَمَرَّةً أَرْبَعَةَ عَشَرَ، وَمَرَّةً أَحَدَ عَشَرَ، وَمَرَّةً تِسْعَةً وَعِشْرِينَ، وَمَرَّةً هُوَ فِي الْغَنَمِ ثَمَانُونَ، وَمَرَّةً تِسْعَةٌ وَسَبْعُونَ، وَمَرَّةً مِائَةٌ وَثَمَانِيَةٌ وَتِسْعُونَ، وَمَرَّةً تِسْعَةٌ وَتِسْعُونَ فَأَيُّ نَكِرَةٍ فِي أَنْ تَكُونَ تِسْعَةَ عَشَرَ إذَا صَحَّ بِذَلِكَ دَلِيلٌ؟ لَوْلَا الْهَوَى وَالْجَهْلُ فَلَمْ يَبْقَ إلَّا مَا رُوِّيناهُ مِنْ عَمَلِ عُمَّالِ ابْنِ الزُّبَيْرِ، وَعَمَلِ طَلْحَةَ بْنِ عَبْدِ اللَّهِ بْنِ عَوْفٍ وَهُوَ ابْنُ أَخِي عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، وَمِنْ كِبَارِ التَّابِعِينَ جِدًّا - بِالْمَدِينَةِ بِحَضْرَةِ الصَّحَابَةِ فَلَمْ يُنْكِرُوهُ؟ فَنَظَرْنَا فِي ذَلِكَ -: فَوَجَدْنَا لَا يَصِحُّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي هَذَا مِنْ طَرِيقِ إسْنَادِ الْآحَادِ وَلَا مِنْ طَرِيقِ التَّوَاتُرِ شَيْءٌ كَمَا قَدَّمْنَا، وَلَا عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعَارِضُهُ غَيْرُهُ، وَلَا يَحِلُّ أَنْ تُؤْخَذَ شَرِيعَةٌ إلَّا عَنْ اللَّهِ تَعَالَى إمَّا مِنْ الْقُرْآنِ، وَإِمَّا مِنْ نَقْلٍ ثَابِتٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ الْآحَادِ وَالتَّوَاتُرِ بَيَانُ زَكَاةِ الْبَقَرِ، وَوَجَدْنَا الْإِجْمَاعَ - الْمُتَيَقَّنَ الْمَقْطُوعَ بِهِ، الَّذِي لَا خِلَافَ فِي أَنَّ كُلَّ مُسْلِمٍ قَدِيمًا وَحَدِيثًا قَالَ بِهِ، وَحَكَمَ بِهِ مِنْ الصَّحَابَةِ فَمَنْ دُونَهُمْ - قَدْ صَحَّ عَلَى أَنَّ فِي كُلِّ خَمْسِينَ بَقَرَةً: بَقَرَةٌ؛ فَكَانَ هَذَا حَقًّا مَقْطُوعًا بِهِ عَلَى أَنَّهُ مِنْ حُكْمِ اللَّهِ تَعَالَى وَحُكْمِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؛ فَوَجَبَ الْقَوْلُ بِهِ، وَكَانَ مَا دُونَ ذَلِكَ مُخْتَلَفًا فِيهِ، وَلَا نَصَّ فِي إيجَابِهِ؛ فَلَمْ يَجُزْ الْقَوْلُ بِهِ.

وَقَدْ قَالَ اللَّهُ تَعَالَى: {وَلا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨] .

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» فَلَمْ يَحِلَّ، أَخْذُ مَالِ مُسْلِمٍ، وَلَا إيجَابُ شَرِيعَةِ بِزَكَاةٍ مَفْرُوضَةٍ بِغَيْرِ يَقِينٍ، مِنْ نَصٍّ صَحِيحٍ عَنْ اللَّهِ تَعَالَى أَوْ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

[6] **Qur’an references (L10618):** Qur’an 2:188 (Al-Baqarah).

L10620 Let no deluded soul be deluded by their claim that acting upon their opinion was widespread, for this is false. This view was nothing but obscure during the era of the Companions—may Allah be pleased with them—and is only taken from fewer than ten of the Followers, despite disagreement among them as well. And success is from Allah.

وَلَا يَغْتَرَّنَّ مُغْتَرٌّ بِدَعْوَاهُمْ: أَنَّ الْعَمَلَ بِقَوْلِهِمْ كَانَ مَشْهُورًا؛ فَهَذَا بَاطِلٌ، وَمَا كَانَ هَذَا الْقَوْلُ إِلَّا خَامِلًا فِي عَصْرِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَلَا يُؤْخَذُ إِلَّا عَنْ أَقَلَّ مِنْ عَشْرَةٍ مِنَ التَّابِعِينَ، بِاخْتِلَافٍ مِنْهُمْ أَيْضًا - وَبِاللَّهِ التَّوْفِيقُ.

L10621 Ali said: Then we re-examined and found that Masruq's hadith only mentioned Mu'adh's action in Yemen regarding the zakat on cattle. He undoubtedly met Mu'adh and witnessed his famous, widespread judicial ruling and practice. Thus, his transmission of this matter—along with its being a transmission from the era of Allah's Messenger (peace be upon him) through the entire community from Mu'adh without doubt—made it obligatory to adhere to it.

قَالَ عَلِيٌّ: ثُمَّ اسْتَدْرَكْنَا فَوَجَدْنَا حَدِيثَ مَسْرُوقٍ إِنَّمَا ذَكَرَ فِيهِ فِعْلَ مُعَاذٍ بِالْيَمَنِ فِي زَكَاةِ الْبَقَرِ، وَهُوَ بِلَا شَكٍّ قَدْ أَدْرَكَ مُعَاذًا وَشَهِدَ حُكْمَهُ وَعَمَلَهُ الْمَشْهُورَ الْمُنْتَشِرَ، فَصَارَ نَقْلُهُ لِذَلِكَ، وَلِأَنَّهُ عَنْ عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - نَقْلًا عَنِ الْكَافَّةِ عَنْ مُعَاذٍ بِلَا شَكٍّ، فَوَجَبَ الْقَوْلُ بِهِ.

[زَكَاةُ الْإِبِلِ] [مَسْأَلَةٌ الْبُخْتُ والأعرابية وَالنُّجُبُ وَالْمَهَارِيُّ يُضَمُّ بَعْضُهَا إِلَى بَعْضٍ فِي الزَّكَاةِ]

Zakat on Camels (Issue): *Al-Bukht*, *al-Aʿrabiyya*, *al-Nujub*, and *al-Mahāriyy* are combined with one another for Zakat purposes.

L10622–10623

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ زَكَاةُ الْإِبِلِ ٦٧٤ - مَسْأَلَةٌ:

L10624 In the name of Allah, the Most Gracious, the Most Merciful. Zakat on Camels: Issue 674:

الْبُخْتُ، وَالْأَعْرَابِيَّةُ، وَالنُّجُبُ، وَالْمَهَارِيُّ وَغَيْرُهَا مِنْ أَصْنَافِ الْإِبِلِ: كُلُّهَا إِبِلٌ، يُضَمُّ بَعْضُهَا إِلَى بَعْضٍ فِي الزَّكَاةِ، وَهَذَا لَا خِلَافَ فِيهِ؟ وَلَا زَكَاةَ فِي أَقَلَّ مِنْ خَمْسَةٍ مِنَ الْإِبِلِ، ذُكُورٍ أَوْ إِنَاثٍ.

L10625 Al-Bukht, Bedouin camels, noble camels, Mahari camels, and other varieties of camels: all are considered camels. They are combined when calculating zakah, with no disagreement on this matter. No zakah is due on fewer than five camels, whether male or female.

أَوْ ذُكُورٍ وَإِنَاثٍ، فَإِذَا أَتَمَّتْ كَذَلِكَ فِي مِلْكِ الْمُسْلِمِ حَوْلًا عَرَبِيًّا مُتَّصِلًا - كَمَا قَدَّمْنَا - فَالْوَاجِبُ فِي زَكَاتِهَا شَاةٌ وَاحِدَةٌ ضَانِيَّةٌ أَوْ مَاعِزَةٌ، وَكَذَلِكَ أَيْضًا فِيمَا زَادَ عَلَى الْخَمْسِ، إِلَى أَنْ تَتِمَّ عَشَرَةً كَمَا قَدَّمْنَا، فَإِذَا بَلَغَتْهَا وَأَتَمَّتْهَا وَأَتَمَّتْ حَوْلًا كَمَا قَدَّمْنَا فَفِيهَا شَاتَانِ كَمَا

L10626 Whether male or female, when they complete [the year] as such under Muslim ownership for an uninterrupted Arabic lunar year—as we presented earlier—the obligatory Zakat is one sheep, either a ewe or a female goat. This ruling similarly applies to what exceeds five until they reach ten, as we presented earlier. When they reach ten and complete it along with completing a year as we presented, two sheep are due, as we mentioned. Likewise, this applies to what exceeds [ten] until they reach fifteen. When they complete

ذَكَرْنَا، وَكَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ خَمْسَةَ عَشَرَ، فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ حَوْلًا عَرَبِيًّا فَفِيهَا ثَلَاثُ شِيَاهٍ كَمَا ذَكَرْنَا.

fifteen and complete an uninterrupted Arabic lunar year accordingly, three sheep are due, as we mentioned.

وَكَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ عِشْرِينَ، فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ، حَوْلًا كَمَا ذُكِرَ فَفِيهَا أَرْبَعُ شِيَاهٍ كَمَا ذَكَرْنَا.

L10627 And likewise for what exceeds until the amount completes twenty [units]. When it completes them and a full lunar year in the same manner, as mentioned, then four sheep are due for it, as previously stated.

وَكَذَلِكَ فِيمَا زَادَ عَلَى الْعِشْرِينَ إِلَى أَنْ تُتِمَّ خَمْسَةً وَعِشْرِينَ، فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ حَوْلًا قَمَرِيًّا بِنْتُ مَخَاضٍ مِنَ الْإِبِلِ أُنْثَى وَلَا بُدَّ، فَإِنْ لَمْ يَجِدْهَا فَابْنُ لَبُونٍ ذَكَرٌ مِنَ الْإِبِلِ، وَكَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ سِتَّةً وَثَلَاثِينَ.

L10628 Similarly, for what exceeds twenty up to twenty-five, when it reaches twenty-five and similarly completes a lunar year, a *bint makhāḍ* (female camel in its second year) is obligatory. If one cannot find it, then a *ibn labūn* (male camel in its third year) must be given. The same ruling applies for what exceeds this until it reaches thirty-six.

فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ حَوْلًا قَمَرِيًّا فَفِيهَا بِنْتُ لَبُونٍ مِنَ الْإِبِلِ أُنْثَى وَلَا بُدَّ، ثُمَّ كَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ سِتَّةً وَأَرْبَعِينَ، فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ سَنَةً قَمَرِيَّةً فَفِيهَا حِقَّةٌ مِنَ الْإِبِلِ أُنْثَى وَلَا بُدَّ.

L10629–10631 When she completes them and likewise completes a lunar year, a female camel that has entered its third year (bint labūn) is obligatory. Thereafter, the same ruling applies to any additional amount until she completes forty-six lunar years. Then when... She completed it and likewise completed a lunar year; therefore, in it (the lunar year), a three-year-old female camel (ḥiqqah) is obligatory, without exception.

ثُمَّ كَذَلِكَ فِيمَا زَادَ فَإِذَا أَتَمَّتْ إِحْدَى وَسِتِّينَ وَأَتَمَّتْ كَذَلِكَ سَنَةً قَمَرِيَّةً فَفِيهَا جَذَعَةٌ مِنَ الْإِبِلِ أُنْثَى وَلَا بُدَّ، ثُمَّ كَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ سِتَّةً وَسَبْعِينَ فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ عَامًا قَمَرِيًّا فَفِيهَا ابْنَتَا لَبُونٍ، ثُمَّ كَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ إِحْدَى وَتِسْعِينَ فَإِذَا أَتَمَّتْهَا وَأَتَمَّتْ كَذَلِكَ عَامًا قَمَرِيًّا فَفِيهَا حِقَّتَانِ.

L10632 Then likewise for each additional year. When she completes sixty-one and completes a lunar year in this manner, there must be a jadhaʿah—a one-year-old female camel. The same rule applies for each subsequent year until she completes seventy-six. When she completes this and finishes a lunar year accordingly, there are two female camels that have borne calves. The same rule applies for each subsequent year until she completes ninety-one. When she completes this and finishes a lunar year accordingly, there are two four-year-old female camels.

وَكَذَلِكَ فِيمَا زَادَ حَتَّى تُتِمَّ مِائَةً وَعِشْرِينَ، فَإِذَا أَتَمَّتْهَا وَزَادَتْ عَلَيْهَا - وَلَوْ بَعْضَ نَاقَةٍ أَوْ جَمَلٍ - وَأَتَمَّتْ كَذَلِكَ عَامًا قَمَرِيًّا فَفِيهَا ثَلَاثُ بَنَاتِ لَبُونٍ، ثُمَّ كَذَلِكَ حَتَّى تُتِمَّ مِائَةً وَثَلَاثِينَ، فَإِذَا أَتَمَّتْهَا أَوْ زَادَتْ وَأَتَمَّتْ كَذَلِكَ عَامًا قَمَرِيًّا فَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي

L10633 Similarly, this applies to any increase until the total reaches 120. When it reaches 120 and exceeds it—even by a fraction of a she-camel or camel—and completes a full lunar year in that condition, three three-year-old she-camels (Banāt Labūn) are due. This rule continues until the total reaches 130. When it reaches 130 or exceeds it and completes a full lunar year in that condition, for every 50 camels, one four-year-old she-camel (Hiqqa) is

كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ، وَفِي كُلِّ ثَلَاثِينَ وَمِائَةٍ فَمَا زَادَ حِقَّةٌ وَبِنْتَا لَبُونٍ، وَفِي أَرْبَعِينَ وَمِائَةٍ فَمَا زَادَ حِقَّتَانِ وَبِنْتُ لَبُونٍ، وَفِي خَمْسِينَ وَمِائَةٍ فَمَا زَادَ ثَلَاثُ حِقَاقٍ، وَفِي سِتِّينَ وَمِائَةٍ فَمَا زَادَ أَرْبَعُ بَنَاتِ لَبُونٍ، وَهَكَذَا الْعَمَلُ فِيمَا زَادَ.

due; for every 40 camels, one three-year-old she-camel (Bint Labūn) is due. For 130 camels and any excess, one four-year-old she-camel (Hiqqa) and two three-year-old she-camels (Bintā Labūn) are due. For 140 camels and any excess, two four-year-old she-camels (Hiqqatān) and one three-year-old she-camel (Bint Labūn) are due. For 150 camels and any excess, three four-year-old she-camels (Hiqqa) are due. For 160 camels and any excess, four three-year-old she-camels (Banāt Labūn) are due. This procedure applies to all subsequent increases.

فَإِنْ وَجَبَ عَلَى صَاحِبِ الْمَالِ جَذَعَةٌ فَلَمْ تَكُنْ عِنْدَهُ وَكَانَتْ عِنْدَهُ حِقَّةٌ، أَوْ لَزِمَتْهُ حِقَّةٌ فَلَمْ تَكُنْ عِنْدَهُ وَكَانَتْ عِنْدَهُ بِنْتُ لَبُونٍ، أَوْ لَزِمَتْهُ بِنْتُ لَبُونٍ فَلَمْ تَكُنْ عِنْدَهُ وَكَانَتْ عِنْدَهُ بِنْتُ مَخَاضٍ -: فَإِنَّ الْمُصَدِّقَ يَقْبَلُ مَا عِنْدَهُ مِنْ ذَلِكَ وَيُلْزِمُهُ مَعَهَا غَرَامَةَ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، أَيَّ ذَلِكَ شَاءَ صَاحِبُ الْمَالِ فَوَاجِبٌ عَلَى الْمُصَدِّقِ قَبُولُهُ وَلَا بُدَّ؟ وَإِنْ وَجَبَتْ عَلَى صَاحِبِ الْمَالِ بِنْتُ مَخَاضٍ فَلَمْ تَكُنْ عِنْدَهُ وَلَا كَانَ عِنْدَهُ ابْنُ لَبُونٍ ذَكَرٌ وَكَانَتْ عِنْدَهُ بِنْتُ لَبُونٍ، أَوْ وَجَبَتْ عَلَيْهِ بِنْتُ لَبُونٍ فَلَمْ تَكُنْ عِنْدَهُ وَكَانَتْ عِنْدَهُ جَذَعَةٌ -: فَإِنَّ الْمُصَدِّقَ يَأْخُذُ مِنْهُ مَا عِنْدَهُ مِنْ ذَلِكَ وَيَرُدُّ الْمُصَدِّقُ إِلَى صَاحِبِ الْمَالِ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، أَيَّ ذَلِكَ أَعْطَاهُ الْمُصَدِّقُ فَوَاجِبٌ عَلَى صَاحِبِ الْمَالِ قَبُولُهُ وَلَا بُدَّ؟

L10634 If a jadhaʿah (three-year-old she-camel) is obligatory upon the wealth owner but he does not possess it and has a ḥiqqah (four-year-old she-camel), or if a ḥiqqah becomes obligatory but he does not possess it and has a bint labūn (three-year-old she-camel), or if a bint labūn becomes obligatory but he does not possess it and has a bint makhāḍ (one-year-old she-camel) – then the zakat collector accepts what he possesses from these and obliges him to pay a compensation of twenty dirhams or two ewes, whichever the wealth owner chooses; the zakat collector must accept this without objection. If a bint makhāḍ becomes obligatory upon the wealth owner but he does not possess it nor a male ibn labūn (three-year-old male camel), and instead has a bint labūn, or if a bint labūn becomes obligatory but he does not possess it and has a jadhaʿah – then the zakat collector takes from him what he possesses and gives to the wealth owner twenty dirhams or two ewes, whichever the zakat collector provides; the wealth owner must accept this without objection.

وَهَكَذَا لَوْ وَجَبَتْ اثْنَتَانِ أَوْ أَكْثَرُ مِنَ الْأَسْنَانِ الَّتِي ذَكَرْنَا فَلَمْ يَجِدْهَا أَوْ وَجَدَ بَعْضَهَا وَلَمْ يَجِدْ تَمَامَهَا، فَإِنَّهُ يُعْطِي مَا عِنْدَهُ مِنَ الْأَسْنَانِ الَّتِي ذَكَرْنَا؛ فَإِنْ كَانَتْ أَعْلَى مِنَ الَّتِي وَجَبَتْ عَلَيْهِ رَدَّ عَلَيْهِ الْمُصَدِّقُ لِكُلِّ وَاحِدَةٍ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا، وَإِنْ كَانَتْ أَدْنَى مِنَ الَّتِي وَجَبَتْ عَلَيْهِ أَعْطَى مَعَهَا مَعَ كُلِّ وَاحِدَةٍ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا؟ فَإِنْ وَجَبَتْ عَلَيْهِ بِنْتُ مَخَاضٍ فَلَمْ يَجِدْهَا وَلَا وَجَدَ ابْنَ لَبُونٍ وَلَا بِنْتَ لَبُونٍ، لَكِنْ وَجَدَ حِقَّةً أَوْ

L10635–10640 Similarly, if two or more of the specified camel age categories we mentioned become obligatory and he cannot find them, or finds some but not the complete obligation, he must give what he possesses from the defined categories. If what he offers is superior to the required category, the zakāt collector must return two sheep or twenty dirhams for each one. If it is inferior, he must add two sheep or twenty dirhams with each one. If a *bint makhad* (she-camel having entered its second year) is obligatory and he cannot find it, nor a *ibn labun* (male camel having entered its third year) or *bint labun* (female camel having entered its third year), but finds a *hiqqah* (she-camel having entered its fourth year) or *jadhaʿah* (she-camel having entered its

fifth year), these are not accepted. He is obligated to present the exact obligatory category or the immediately succeeding category without exception, along with returning the sheep or dirhams. If a *jadhaʿah* is obligatory and he cannot find it nor a *hiqqah*, but possesses a *bint labun* or *bint makhad*, these are not accepted at all unless he provides the *jadhaʿah* or a *hiqqah* accompanied by two sheep or twenty dirhams. If a *hiqqah* is obligatory and he cannot find it, nor a *jadhaʿah* or *bint labun*, but has a *bint makhad*, it is not accepted. He must present the *hiqqah* or *bint labun* without exception and return two sheep or twenty dirhams. Monetary substitutes or alternatives are not accepted under any circumstance in any form of zakāt. The proof for this is the narration transmitted by ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid: Ibrāhīm ibn Aḥmad reported to us, al-Farabrī reported to us, al-Bukhārī reported to us, Muḥammad ibn ʿAbd Allāh ibn al-Muthannā ibn ʿAbd Allāh ibn Anas ibn Mālik reported to us: My father reported to us, Thumāmah ibn ʿAbd Allāh ibn Anas ibn Mālik reported that Anas ibn Mālik narrated to him: Abū Bakr al-Ṣiddīq wrote this decree to him: “In the name of Allah, the Most Gracious, the Most Merciful. This is the ordinance of zakāt prescribed by Allah’s Messenger—peace and blessings be upon him—for Muslims, which Allah, the Mighty and Majestic, commanded His Messenger. Whoever is rightfully asked for it must give it, and whoever is asked beyond this must refuse. For twenty-four camels or fewer, one sheep is due from the flock for every five. When they reach twenty-five to thirty-five camels, a *bint makhad* is obligatory. If no *bint makhad* is available, then a *ibn labun* (male camel of the succeeding category) is given. When they reach thirty-six to forty-five camels...” For forty camels, a two-year-old female she-camel (bint labūn) is due. When they reach forty-six to sixty, a three-year-old she-camel (ḥiqqah) that has been mated by a male camel is due. When they reach sixty-one to seventy-five, a four-year-old she-camel (jadhʿah) is due. When they reach seventy-six to ninety, two two-year-old female she-camels (ibnatā labūn) are due. When they reach ninety-one to one hundred twenty, two three-year-old she-camels (ḥiqqatān) that have been mated by a male camel are due. When they exceed one hundred twenty, a two-year-old female she-camel (bint labūn) is due for every forty camels, and a three-year-old she-camel (ḥiqqah) for every fifty. Who-

جَذَعَةً، أَوْ وَجَبَتْ عَلَيْهِ بِنْتُ لَبُونٍ فَلَمْ تَكُنْ عِنْدَهُ وَلَا كَانَ عِنْدَهُ بِنْتُ مَخَاضٍ وَلَا حِقَّةٌ، وَكَانَتْ عِنْدَهُ جَذَعَةٌ - لَمْ تُقْبَلْ مِنْهُ، وَكُلِّفَ إِحْضَارَ مَا وَجَبَ عَلَيْهِ وَلَا بُدَّ، أَوْ إِحْضَارَ السِّنِّ الَّتِي تَلِيهَا وَلَا بُدَّ مَعَ رَدِّ الدَّرَاهِمِ أَوْ الْغَنَمِ؟ وَإِنْ لَزِمَتْهُ جَذَعَةٌ فَلَمْ يَجِدْهَا وَلَا وَجَدَ حِقَّةً، وَوَجَدَ بِنْتَ لَبُونٍ أَوْ بِنْتَ مَخَاضٍ -: لَمْ تُقْبَلْ مِنْهُ أَصْلًا إِلَّا الْجَذَعَةُ أَوْ حِقَّةٌ مَعَهَا شَاتَانِ أَوْ عِشْرُونَ دِرْهَمًا؟ وَإِنْ لَزِمَتْهُ حِقَّةٌ وَلَمْ يَجِدْهَا وَلَا وَجَدَ جَذَعَةً وَلَا ابْنَةَ لَبُونٍ، وَوَجَدَ بِنْتَ مَخَاضٍ -: لَمْ تُؤْخَذْ مِنْهُ، وَأُجْبِرَ عَلَى إِحْضَارِ الْحِقَّةِ أَوْ بِنْتِ لَبُونٍ وَيُرَدُّ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا؟ وَلَا تُجْزِئُ قِيمَةٌ وَلَا بَدَلٌ أَصْلًا، وَلَا فِي شَيْءٍ مِنْ الزَّكَوَاتِ كُلِّهَا أَصْلًا -: بُرْهَانُ ذَلِكَ -: مَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُثَنَّى بْنِ عَبْدِ اللَّهِ بْنِ أَنَسِ بْنِ مَالِكٍ ثنا أَبِي ثنا ثُمَامَةُ بْنُ عَبْدِ اللَّهِ بْنِ أَنَسِ بْنِ مَالِكٍ أَنَّ أَنَسَ بْنَ مَالِكٍ حَدَّثَهُ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَتَبَ لَهُ هَذَا الْكِتَابَ -: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ: هَذِهِ فَرِيضَةُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ، وَالَّتِي أَمَرَ اللَّهُ - عَزَّ وَجَلَّ - بِهَا رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَمَنْ سُئِلَهَا مِنْ الْمُسْلِمِينَ عَلَى وَجْهِهَا فَلْيُعْطِهَا، وَمَنْ سُئِلَ فَوْقَهَا فَلَا يُعْطِ. فِي أَرْبَعٍ وَعِشْرِينَ مِنْ الْإِبِلِ فَمَا دُونَهَا مِنْ الْغَنَمِ فِي كُلِّ خَمْسٍ شَاةٌ، فَإِذَا بَلَغَتْ خَمْسًا وَعِشْرِينَ إِلَى خَمْسٍ وَثَلَاثِينَ فَفِيهَا ابْنَةُ مَخَاضٍ أُنْثَى فَإِنْ لَمْ يَكُنْ فِيهَا ابْنُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ فَإِذَا بَلَغَتْ سِتًّا وَثَلَاثِينَ إِلَى خَمْسٍ وَأَرْبَعِينَ فَفِيهَا ابْنَةُ لَبُونٍ أُنْثَى، فَإِذَا بَلَغَتْ سِتًّا وَأَرْبَعِينَ إِلَى سِتِّينَ فَفِيهَا حِقَّةٌ طَرُوقَةُ الْجَمَلِ، فَإِذَا بَلَغَتْ وَاحِدَةً وَسِتِّينَ إِلَى خَمْسٍ وَسَبْعِينَ فَفِيهَا جَذَعَةٌ، فَإِذَا بَلَغَتْ يَعْنِي سِتًّا وَسَبْعِينَ إِلَى تِسْعِينَ فَفِيهَا ابْنَتَا لَبُونٍ، فَإِذَا بَلَغَتْ إِحْدَى وَتِسْعِينَ إِلَى عِشْرِينَ وَمِائَةٍ فَفِيهَا

ever possesses only four camels owes no Zakāt unless the owner voluntarily gives it. When they reach five camels, a sheep is due as Zakāt. For one whose camels reach the number requiring a four-year-old she-camel (jadhʿah) as Zakāt but lacks it... If someone liable for a hiqqah (three-year-old she-camel) possesses a jadhaʿah (two-year-old she-camel), the hiqqah shall be accepted from him provided he adds two goats or twenty dirhams if readily available. If someone is liable for a hiqqah but possesses only a jadhaʿah, the jadhaʿah shall be accepted from him, and the zakat collector shall compensate him with twenty dirhams or two goats. If someone is liable for a hiqqah but possesses only an ibnatu labun (two-year-old she-camel), the ibnatu labun shall be accepted from him provided he adds two goats or twenty dirhams. If someone liable for an ibnatu labun possesses a hiqqah, the hiqqah shall be accepted from him, and the zakat collector shall compensate him with twenty dirhams or two goats. If someone is liable for an ibnatu labun but possesses only an ibnatu makhad (one-year-old she-camel), the ibnatu makhad shall be accepted from him provided he adds twenty dirhams or two goats. If someone liable for an ibnatu makhad possesses an ibnatu labun, the ibnatu labun shall be accepted from him, and the zakat collector shall compensate him with twenty dirhams or two goats. If he does not possess an ibnatu makhad as required but possesses an ibnu labun (two-year-old male camel), it shall be accepted from him without requiring any supplement." He then mentioned the remainder of the hadith? This hadith was transmitted to us by Yūsuf ibn ʿAbdullāh ibn ʿAbd al-Barr al-Namarī, from ʿAbd al-Wārith ibn Sufyān ibn Ḥayrūn, from Qāsim ibn Aṣbagh, from Aḥmad ibn Abī Khaythamah, from Shurayḥ ibn al-Nuʿmān and Zuhayr ibn Ḥarb.[7]

حِقَّتَانِ طَرُوقَتَا الْجَمَلِ، فَإِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةٍ فَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ وَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَمَنْ لَمْ يَكُنْ مَعَهُ إِلَّا أَرْبَعٌ مِنَ الْإِبِلِ فَلَيْسَ فِيهَا صَدَقَةٌ، إِلَّا أَنْ يَشَاءَ رَبُّهَا، فَإِذَا بَلَغَتْ خَمْسًا مِنَ الْإِبِلِ فَفِيهَا شَاةٌ - وَمَنْ بَلَغَتْ عِنْدَهُ مِنَ الْإِبِلِ صَدَقَةُ الْجَذَعَةِ وَلَيْسَتْ عِنْدَهُ جَذَعَةٌ وَعِنْدَهُ حِقَّةٌ فَإِنَّهَا تُقْبَلُ مِنْهُ الْحِقَّةُ وَيَجْعَلُ مَعَهَا شَاتَيْنِ إِنِ اسْتَيْسَرَتَا لَهُ أَوْ عِشْرِينَ دِرْهَمًا، وَمَنْ بَلَغَتْ عِنْدَهُ صَدَقَةُ الْحِقَّةِ وَلَيْسَتْ عِنْدَهُ الْحِقَّةُ وَعِنْدَهُ الْجَذَعَةُ فَإِنَّهَا تُقْبَلُ مِنْهُ الْجَذَعَةُ وَيُعْطِيهِ الْمُصَدِّقُ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، وَمَنْ بَلَغَتْ عِنْدَهُ صَدَقَةُ الْحِقَّةِ وَلَيْسَتْ عِنْدَهُ إِلَّا ابْنَةُ لَبُونٍ فَإِنَّهَا تُقْبَلُ مِنْهُ ابْنَةُ لَبُونٍ وَيُعْطِي شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا، وَمَنْ بَلَغَتْ صَدَقَتُهُ ابْنَةَ لَبُونٍ وَعِنْدَهُ حِقَّةٌ فَإِنَّهَا تُقْبَلُ مِنْهُ الْحِقَّةُ وَيُعْطِيهِ الْمُصَدِّقُ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، وَمَنْ بَلَغَتْ صَدَقَتُهُ ابْنَةَ لَبُونٍ وَلَيْسَتْ عِنْدَهُ وَعِنْدَهُ ابْنَةُ مَخَاضٍ فَإِنَّهَا تُقْبَلُ مِنْهُ ابْنَةُ مَخَاضٍ وَيُعْطِي مَعَهَا عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، وَمَنْ بَلَغَتْ صَدَقَتُهُ ابْنَةَ مَخَاضٍ لَيْسَتْ عِنْدَهُ وَعِنْدَهُ ابْنَةُ لَبُونٍ فَإِنَّهَا تُقْبَلُ مِنْهُ وَيُعْطِيهِ الْمُصَدِّقُ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ، فَإِنْ لَمْ تَكُنْ عِنْدَهُ ابْنَةُ مَخَاضٍ عَلَى وَجْهِهَا وَعِنْدَهُ ابْنُ لَبُونٍ فَإِنَّهُ يُقْبَلُ مِنْهُ وَلَيْسَ مَعَهُ شَيْءٌ» وَذَكَرَ بَاقِيَ الْحَدِيثِ؟ وَهَذَا حَدِيثٌ حَدَّثَنَاهُ أَيْضًا يُوسُفُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الْبَرِّ النَّمَرِيُّ ثنا عَبْدُ الْوَارِثِ بْنُ سُفْيَانَ بْنِ حَيْرُونٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا أَحْمَدُ بْنُ أَبِي خَيْثَمَةَ ثنا شُرَيْحُ بْنُ النُّعْمَانِ، وَزُهَيْرُ بْنُ حَرْبٍ.

L10641–10643 Zuhayr said: Yunus ibn Muhammad → Hammad ibn Salama → Thumamah ibn Abdullah ibn Anas ibn Malik → Anas ibn Malik. Shurayh ibn al-Nu'man said: Hammad ibn Salama → Thumamah ibn Abdullah ibn Anas → Anas ibn Malik – then their narrations concurred – that Abu Bakr al-Siddiq wrote

قَالَ زُهَيْرٌ: ثنا يُونُسُ بْنُ مُحَمَّدٍ ثنا حَمَّادُ بْنُ سَلَمَةَ قَالَ: أَخَذْتُ هَذَا الْكِتَابَ عَنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسِ بْنِ مَالِكٍ عَنْ أَنَسِ بْنِ مَالِكٍ، وَقَالَ شُرَيْحُ بْنُ النُّعْمَانِ: ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسٍ عَنْ أَنَسِ بْنِ مَالِكٍ - ثُمَّ اتَّفَقَا - أَنَّ أَبَا بَكْرٍ

[7] **Qur'an references (L10636):** Qur'an 1:1 (Al-Fatihah).

for him: “These are the obligatory charities prescribed by Allah’s Messenger (peace be upon him) upon the Muslims, which Allah the Exalted commanded His Messenger (peace be upon him).” Then he mentioned the hadith precisely as we have quoted it verbatim, and they did not differ in any part of it. And it was also narrated to us by Abdullah ibn Rabee’, who said: Muhammad ibn Ishaq ibn As-Sulaym narrated to us, who said: Ibn Al-A’rabi narrated to us, who said: Abu Dawud As-Sijistani narrated to us, who said: Musa ibn Ismail narrated to us, who said: Hammad ibn Salamah said: I took this document from Thumamah ibn Abdullah ibn Anas from Anas. Then he mentioned it verbatim as we have cited it. And it was also narrated to us by Abdullah ibn Rabee’, who said: Muhammad ibn Mu’awiyah narrated to us, who said: Ahmad ibn Shu’ayb narrated to us, who said: Muhammad ibn Abdullah ibn Al-Mubarak narrated to us, who said: Al-Muzaffar ibn Mudrik narrated to us, who said: Hammad ibn Salamah said: I took this document from Thumamah ibn Abdullah ibn Anas from Anas: that Abu Bakr wrote for them, “Verily, these are the obligations of alms which the Messenger of Allah—may the peace and blessings of Allah be upon him—ordained upon the Muslims, which Allah the Exalted commanded His Messenger.” Then he mentioned it verbatim as we have cited it. And it was also narrated to us by Humam ibn Ahmad, who said: Abbas ibn Asbagh narrated to us, who said: Muhammad ibn Abdul-Malik ibn Ayman narrated to us, who said: I am Abu Qilabah, and Isma’il ibn Ishaq Al-Qadi and I both narrated jointly: Muhammad ibn Abdullah Al-Ansari narrated to us, who said: My father, Abdullah ibn Al-Muthanna, narrated to me, who said: Thumamah—he is the son of Abdullah ibn Anas—narrated to me, who said: Anas ibn Malik narrated to me: that Abu Bakr As-Siddiq wrote this document for him when he dispatched him to Bahrain: “In the name of Allah, the Most Gracious, the Most Merciful. This is the obligation of alms which the Messenger of Allah—may the peace and blessings of Allah be upon him—ordained upon the Muslims, which Allah the Exalted commanded His Messenger—may the peace and blessings of Allah be upon him.” Then he mentioned it verbatim

الصِّدِّيقَ كَتَبَ لَهُ «إِنَّ هَذِهِ فَرَائِضُ الصَّدَقَةِ الَّتِي فَرَضَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ، الَّتِي أَمَرَ اللَّهُ تَعَالَى بِهَا رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» ثُمَّ ذَكَرَ الْحَدِيثَ كَمَا ذَكَرْنَاهُ نَصًّا، لَمْ يَخْتَلِفُوا فِي شَيْءٍ مِنْهُ وَحَدَّثَنَاهُ أَيْضًا عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ: ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد السِّجِسْتَانِيُّ ثنا مُوسَى بْنُ إِسْمَاعِيلَ ثنا حَمَّادُ بْنُ سَلَمَةَ قَالَ: أَخَذْت هَذَا الْكِتَابَ مِنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسٍ عَنْ أَنَسٍ ثُمَّ ذَكَرَهُ نَصًّا كَمَا أَوْرَدْنَاهُ؟ وَحَدَّثَنَاهُ أَيْضًا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ ثنا الْمُظَفَّرُ بْنُ مُدْرِكٍ ثنا حَمَّادُ بْنُ سَلَمَةَ قَالَ: أَخَذْت هَذَا الْكِتَابَ مِنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسٍ عَنْ أَنَسٍ: أَنَّ أَبَا بَكْرٍ كَتَبَ لَهُمْ «إِنَّ هَذِهِ فَرَائِضُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ، الَّتِي أَمَرَ اللَّهُ تَعَالَى بِهَا رَسُولَهُ» ثُمَّ ذَكَرَهُ نَصًّا كَمَا أَوْرَدْنَاهُ؟ وَحَدَّثَنَاهُ أَيْضًا حُمَامُ بْنُ أَحْمَدَ قَالَ: ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ أَنَا أَبُو قِلَابَةَ وَإِسْمَاعِيلُ بْنُ إِسْحَاقَ الْقَاضِي قَالَا جَمِيعًا: ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ ثنا أَبِي عَبْدِ اللَّهِ بْنِ الْمُثَنَّى حَدَّثَنِي ثُمَامَةُ هُوَ ابْنُ عَبْدِ اللَّهِ بْنِ أَنَسٍ - قَالَ: حَدَّثَنِي أَنَسُ بْنُ مَالِكٍ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَتَبَ لَهُ هَذَا الْكِتَابَ حِينَ وَجَّهَهُ إِلَى الْبَحْرَيْنِ -: «بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ هَذِهِ فَرِيضَةُ الصَّدَقَةِ الَّتِي فَرَضَهَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ الَّتِي أَمَرَ اللَّهُ تَعَالَى بِهَا رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» ثُمَّ ذَكَرَهُ نَصًّا كَمَا ذَكَرْنَاهُ؟ فَهَذَا الْحَدِيثُ هُوَ نَصُّ مَا قُلْنَا حُكْمًا وَحَرْفًا حَرْفًا.

as we have cited it. Thus, this hadith is the exact text of what we have stated, ruling by ruling and letter by letter.[8]

L10644–10646 And nothing else is valid regarding ṣadaqāt on livestock except it, save only the report of Ibn ʻUmar—which is not entirely sound in this matter. This ḥadīth is of the utmost soundness. Abū Bakr al-Ṣiddīq acted upon it in the presence of all the Companions, with no opponent known among them whatsoever. Yet with less than this, our opponents claim consensus and condemn divergence from it. It was narrated from Abū Bakr: Anas—and he is a Companion—narrated it. Thumāmah ibn ʿAbd Allāh ibn Anas—a trustworthy narrator—heard it from Anas and transmitted it. Ḥammād ibn Salamah and ʿAbd Allāh ibn al-Muthannā—both trustworthy imams—narrated it from Thumāmah. The judge Muḥammad, son of Ibn al-Muthannā—a renowned, trustworthy figure who served as judge of Basra—narrated it from his father. Muḥammad ibn Ismāʿīl al-Bukhārī (compiler of the *Ṣaḥīḥ*), Abū Qilābah, Ismāʿīl ibn Isḥāq the Judge, and others narrated it from Muḥammad ibn ʿAbd Allāh. Yūnus ibn Muḥammad, Shurayḥ ibn al-Nuʿmān, Mūsā ibn Ismāʿīl al-Tabūdhakī, Abū Kāmil al-Muẓaffar ibn Mudrik, and others narrated it from Ḥammād ibn Salamah. All these narrators are imams of renowned trustworthiness. It is astonishing that anyone would challenge this report by citing Yaḥyā ibn Maʿīn's weakening of Ḥammād ibn Salamah's narration, for every transmitter we have mentioned from Ḥammād surpasses Yaḥyā ibn Maʿīn in eminence and reliability. Are the critiques of Yaḥyā ibn Maʿīn and others only taken into account when they discredit narrators not established as upright? As for their claims that narrations transmitted by trustworthy authorities are weak, or their assertions of error without citing concealment of flaws in the chain of transmission (tadlīs), such claims are invalid and rejected, being baseless allegations. Allāh the Exalted says: *"Produce your proof, if you are truthful."* [Al-Baqarah 2:111][9]

وَلَا يَصِحُّ فِي الصَّدَقَاتِ فِي الْمَاشِيَةِ غَيْرُهُ، إِلَّا خَبَرَ ابْنِ عُمَرَ فَقَطْ، وَلَيْسَ بِتَمَامٍ هَذَا، وَهَذَا الْحَدِيثُ فِي نِهَايَةِ الصِّحَّةِ، وَعَمِلَ أَبِي بَكْرٍ الصِّدِّيقِ بِحَضْرَةِ جَمِيعِ الصَّحَابَةِ، لَا يُعْرَفُ لَهُ مِنْهُمْ مُخَالِفٌ أَصْلًا، وَبِأَقَلَّ مِنْ هَذَا يَدَّعِي مُخَالِفُونَا الْإِجْمَاعَ، وَيُشَنِّعُونَ خِلَافَهُ، رَوَاهُ عَنْ أَبِي بَكْرٍ: أَنَسٌ - وَهُوَ صَاحِبٌ - وَرَوَاهُ عَنْ أَنَسٍ ثُمَامَةُ بْنُ عَبْدِ اللَّهِ بْنِ أَنَسٍ - وَهُوَ ثِقَةٌ - سَمِعَهُ مِنْ أَنَسٍ، وَرَوَاهُ عَنْ ثُمَامَةَ حَمَّادُ بْنُ سَلَمَةَ، وَعَبْدُ اللَّهِ بْنُ الْمُثَنَّى، وَكِلَاهُمَا ثِقَةٌ وَإِمَامٌ، وَرَوَاهُ عَنِ ابْنِ الْمُثَنَّى ابْنُهُ الْقَاضِي مُحَمَّدٌ، وَهُوَ مَشْهُورٌ ثِقَةٌ وَلِيَ قَضَاءَ الْبَصْرَةِ، وَرَوَاهُ عَنْ مُحَمَّدِ بْنِ عَبْدِ اللَّهِ: مُحَمَّدُ بْنُ إِسْمَاعِيلَ الْبُخَارِيُّ جَامِعُ الصَّحِيحِ، وَأَبُو قِلَابَةَ، وَإِسْمَاعِيلُ بْنُ إِسْحَاقَ الْقَاضِي، وَالنَّاسُ، وَرَوَاهُ عَنْ حَمَّادِ بْنِ سَلَمَةَ يُونُسُ بْنُ مُحَمَّدٍ، وَشُرَيْحُ بْنُ النُّعْمَانِ، وَمُوسَى بْنُ إِسْمَاعِيلَ التَّبُوذَكِيُّ، وَأَبُو كَامِلٍ الْمُظَفَّرُ بْنُ مُدْرِكٍ، وَغَيْرُهُمْ، وَكُلُّ هَؤُلَاءِ إِمَامٌ ثِقَةٌ مَشْهُورٌ؟ وَالْعَجَبُ مِمَّنْ يَعْتَرِضُ فِي هَذَا الْخَبَرِ بِتَضْعِيفِ يَحْيَى بْنِ مَعِينٍ لِحَدِيثِ حَمَّادِ بْنِ سَلَمَةَ هَذَا وَلَيْسَ فِي كُلِّ مَنْ رَوَاهُ عَنْ حَمَّادِ بْنِ سَلَمَةَ - مِمَّنْ ذَكَرْنَا - أَحَدٌ إِلَّا وَهُوَ أَجَلُّ وَأَوْثَقُ مِنْ يَحْيَى بْنِ مَعِينٍ وَإِنَّمَا يُؤْخَذُ كَلَامُ يَحْيَى بْنِ مَعِينٍ وَغَيْرُهُ إِذَا ضَعَّفُوا غَيْرَ مَشْهُورٍ بِالْعَدَالَةِ؟ وَأَمَّا دَعْوَى ابْنِ مَعِينٍ أَوْ غَيْرِهِ ضَعْفَ حَدِيثٍ رَوَاهُ الثِّقَاتُ، أَوْ ادَّعَوْا فِيهِ أَنَّهُ خَطَأٌ مِنْ غَيْرِ أَنْ يَذْكُرُوا فِيهِ تَدْلِيسًا فَكَلَامُهُمْ مَطْرُوحٌ مَرْدُودٌ؛ لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {قُلْ هَاتُوا بُرْهَانَكُمْ إِنْ كُنْتُمْ صَادِقِينَ} [البقرة: ١١١] .

[8] **Qur'an references (L10641):** Qur'an 1:1 (Al-Fatihah).

[9] **Qur'an references (L10644):** Qur'an 2:111 (Al-Baqarah); Qur'an 27:64 (An-Naml).

وَلَا مَغْمَزَ لِأَحَدٍ فِي أَحَدٍ مِنْ رُوَاةِ هَذَا الْحَدِيثِ؛ فَمَنْ عَانَدَهُ فَقَدْ عَانَدَ الْحَقَّ، وَأَمْرَ اللَّهِ تَعَالَى، وَأَمْرَ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا سِيَّمَا مَنْ يُحْتَجُّ فِي دِينِهِ بِالْمُرْسَلَاتِ، وَبِرِوَايَةِ ابْنِ لَهِيعَةَ. وَرِوَايَةِ جَابِرٍ الْجُعْفِيِّ الْكَذَّابِ الْمُتَّهَمِ فِي دِينِهِ " لَا يُؤَمَّنَّ أَحَدٌ بَعْدِي جَالِسًا "؟ وَرِوَايَةِ حَرَامِ بْنِ عُثْمَانَ - الَّذِي لَا تَحِلُّ الرِّوَايَةُ عَنْهُ - فِي إِسْقَاطِ الصَّلَاةِ عَنْ الْمُسْتَحَاضَةِ بَعْدَ طُهْرِهَا ثَلَاثَةَ أَيَّامٍ وَرِوَايَةِ أَبِي زَيْدٍ مَوْلَى عَمْرِو بْنِ حَدِيثٍ فِي إبَاحَةِ الْوُضُوءِ لِلصَّلَاةِ بِالْخَمْرِ وَبِكُلِّ نَطِيحَةٍ، أَوْ مُتَرَدِّيَةٍ، وَمَا أُهِلَّ لِغَيْرِ اللَّهِ بِهِ -: فِي مُخَالَفَةِ الْقُرْآنِ وَالسُّنَنِ الثَّابِتَةِ، ثُمَّ يَتَعَلَّلُ فِي السُّنَنِ الثَّابِتَةِ الَّتِي لَمْ يَأْتِ مَا يُعَارِضُهَا؛ بَلْ عَمِلَ بِهَا الصَّحَابَةُ - رَضِيَ اللَّهُ عَنْهُمْ - وَمَنْ بَعْدَهُمْ؟ وَبِهَذَا الْحَدِيثِ يَأْخُذُ: الشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ، وَأَصْحَابُهُمَا؟ وَقَدْ خَالَفَهُ قَوْمٌ فِي مَوَاضِعَ -: فَمِنْهَا: إذَا بَلَغَتْ الْإِبِلُ خَمْسًا وَعِشْرِينَ كَمَا حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: فِي خَمْسٍ مِنْ الْإِبِلِ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ، وَفِي خَمْسَ عَشْرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ خَمْسُ شِيَاهٍ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا ابْنَةُ مَخَاضٍ، فَإِنْ لَمْ تَكُنْ ابْنَةُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ وَهَكَذَا أَيْضًا: رُوِّينَاهُ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ أَبِي الْأَحْوَصِ عَنْ أَبِي إِسْحَاقَ. قَالَ عَلِيٌّ: وَقَدْ أَسْنَدَهُ زُهَيْرُ بْنُ مُعَاوِيَةَ مِنْ طَرِيقِ الْحَارِثِ الْأَعْوَرِ عَنْ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ -.

L10647–10648 There is no valid criticism of any narrator of this hadith. Whoever defies it has defied the truth, the command of Allah Almighty, and the command of His Messenger—peace and blessings be upon him—particularly those who cite in religious matters: mursal narrations; the narration of Ibn Lahi'ah; the narration of Jabir al-Ju'fi (the liar accused of religious deviation) regarding "No seated person shall lead prayer after me"; the narration of Haram ibn 'Uthman (from whom narration is impermissible) concerning omitting prayer for the mustahāḍah after her three-day purity period; and the narration of Abu Zayd, freed slave of 'Amr ibn Hadith, permitting ablution for prayer using wine, animals killed by goring, falling, or slaughtered for other than Allah—contradicting the Quran and established Sunnah. Yet he makes pretexts against the established Sunnah, which have no contradictory evidence and were practiced by the Companions (may Allah be pleased with them) and their successors. This hadith is upheld by al-Shafi'i, Abu Sulayman, and their followers. Some have opposed it in specific instances, such as when camels reach twenty-five. As narrated by Muhammad ibn Sa'id ibn Nabaat: 'Abdullah ibn Nasr narrated to us, Qasim ibn Asbagh narrated to us, Ibn Waddah narrated to us, Musa ibn Mu'awiyah narrated to us, Waki' narrated from Sufyan al-Thawri from Abu Ishaq al-Sabi'i from 'Asim ibn Damrah from 'Ali ibn Abi Talib, who said: "For five camels, one ewe is due; for ten, two ewes; for fifteen, three ewes; for twenty, four ewes; and for twenty-five, five ewes. If they exceed by one, a female camel entering its second year is due. If unavailable, a male camel entering its third year is substituted." This is similarly narrated through Ibn Abi Shaybah from Abu al-Ahwas from Abu Ishaq. 'Ali stated: "Zuhayr ibn Mu'awiyah also transmitted it via al-Harith al-A'war from 'Ali—may Allah be pleased with him."

قَالَ أَبُو مُحَمَّدٍ: الْحَارِثُ كَذَّابٌ، وَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10649–10650 Abu Muhammad said: Al-Harith is a liar, and there is no authoritative evidence in the statement of anyone apart from the Messenger of Allah, may Allah bless him and grant him peace.

وَقَالَ الشَّافِعِيُّ: وَأَبُو يُوسُفَ: إذَا كَانَتْ خَمْسٌ مِنْ الْإِبِلِ ضِعَافٌ لَا تُسَاوِي شَاةً أَعْطَى بَعِيرًا مِنْهَا وَأَجْزَأَهُ؟ قَالُوا: لِأَنَّ الزَّكَاةَ إنَّمَا هِيَ فِيمَا أُبْقِي مِنْ الْمَالِ فَضْلًا، لَا فِيمَا أَجَاحَ الْمَالَ وَقَدْ نُهِيَ عَنْ أَخْذِ كَرَائِمِ الْمَالِ فَكَيْفَ عَنْ اجْتِيَاحِهِ؟ قَالَ أَبُو مُحَمَّد: وَقَالَ مَالِكٌ، وَأَبُو سُلَيْمَانَ، وَغَيْرُهُمَا: لَا يُجْزِئُهُ إلَّا شَاةٌ؟ قَالَ أَبُو مُحَمَّد: هَذَا هُوَ الْحَقُّ، وَالْقَوْلُ الْأَوَّلُ بَاطِلٌ وَلَيْسَتْ الزَّكَاةُ كَمَا ادَّعَوْا مِنْ حِيَاطَةِ الْأَمْوَالِ وَهُمْ يَقُولُونَ: مَنْ كَانَتْ عِنْدَهُ خَمْسٌ مِنْ الْإِبِلِ وَلَهُ عَشَرَةٌ مِنْ الْعِيَالِ وَلَا مَالَ لَهُ غَيْرُهَا، فَإِنَّهُ يُكَلَّفُ الزَّكَاةَ أَحَبَّ أَمْ كَرِهَ، وَكَذَلِكَ مَنْ لَهُ مِائَتَا دِرْهَمٍ فِي سَنَةِ مَجَاعَةٍ وَمَعَهُ عَشَرَةٌ مِنْ الْعِيَالِ وَلَا شَيْءَ مَعَهُ غَيْرُهَا [فَإِنَّهُ يُكَلَّفُ الزَّكَاةَ] وَرَأَوْا فِيمَنْ مَعَهُ مِنْ الْجَوَاهِرِ، وَالْوِطَاءِ، وَالْغِطَاءِ، وَالدُّورِ، وَالرَّقِيقِ وَالْبَسَاتِينِ بِقِيمَةِ أَلْفِ أَلْفِ دِينَارٍ أَوْ أَكْثَرَ، أَنَّهُ لَا زَكَاةَ عَلَيْهِ؟

L10651 Al-Shāfiʿī said: And Abū Yūsuf said: If five weak camels do not equal the value of a sheep, does giving one camel suffice as Zakāh? They argued: Zakāh applies only to surplus wealth remaining after sustenance, not to what depletes one's capital. Moreover, taking prime assets is prohibited—how then could total depletion be permitted? Abū Muḥammad said: Mālik, Abū Sulaymān, and others stated: Is nothing sufficient except a sheep? Abū Muḥammad said: This is the correct view, while the first opinion is invalid. Zakāh is not—as they falsely claim—a means of safeguarding wealth, though they assert that one owning five camels with ten dependents and no other property must pay Zakāh whether he wishes to or not. Similarly, one possessing two hundred dirhams during a famine year with ten dependents and no other wealth [must pay Zakāh]. Yet they hold that one possessing jewels, furnishings, bedding, houses, slaves, or gardens worth one million dīnārs or more owes no Zakāh?

وَقَالُوا فِيمَنْ لَهُ مِائَتَا شَاةٍ وَشَاةٌ: أَنَّهُ يُؤَدِّي مِنْهَا كَمَا يُؤَدِّي مَنْ لَهُ ثَلَثُمِائَةِ شَاةٍ وَتِسْعٌ وَتِسْعُونَ شَاةً؟ فَإِنَّمَا نَقِفُ فِي النَّهْيِ وَالْأَمْرِ عِنْدَمَا صَحَّ بِهِ نَصٌّ فَقَطْ وَهُمْ يَقُولُونَ فِي عَبْدٍ يُسَاوِي أَلْفَ دِينَارٍ لِيَتِيمٍ لَيْسَ لَهُ غَيْرُهُ سَرَقَ دِينَارًا، أَنَّهُ تُقْطَعُ يَدُهُ فَتَتْلَفُ قِيمَةٌ عَظِيمَةٌ فِي قِيمَةٍ يَسِيرَةٍ وَيُجَاحُ الْيَتِيمُ الْفَقِيرُ فِيمَا لَا ضَرَرَ فِيهِ عَلَى الْغَنِيِّ؟ وَقَالَ أَبُو حَنِيفَةَ وَأَصْحَابُهُ - إلَّا رِوَايَةً خَامِلَةً عَنْ أَبِي يُوسُفَ -: إنَّ مَنْ لَزِمَتْهُ بِنْتُ مَخَاضٍ فَلَمْ تَكُنْ عِنْدَهُ فَإِنَّهُ يُؤَدِّي قِيمَتَهَا، وَلَا يُؤَدِّي ابْنَ لَبُونٍ ذَكَرًا؟ وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ: يُؤَدِّي ابْنَ لَبُونٍ ذَكَرًا؟ وَهَذَا هُوَ الْحَقُّ، وَقَوْلُ أَبِي حَنِيفَةَ خِلَافٌ لِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَأَصْحَابِهِ - رَضِيَ اللَّهُ عَنْهُمْ - وَمِنْ عَجَائِبِ الدُّنْيَا قَوْلُهُمْ: إنَّ «أَمْرَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَخْذِ ابْنِ لَبُونٍ مَكَانَ ابْنَةِ الْمَخَاضِ» إنَّمَا أَرَادَ بِالْقِيمَةِ، فَيَا

L10652–10653 They said regarding one who has two hundred and one sheep: must he give the same amount as one who has three hundred and ninety-nine sheep? We only adhere to prohibitions and commands when substantiated by textual evidence alone. They argue concerning a slave valued at a thousand dinars owned by a destitute orphan with no other property, who steals a single dinar: his hand is amputated, thereby destroying immense worth for a trivial sum, and the impoverished orphan's claim is contested in a matter causing no loss to the wealthy? Abu Hanifa and his followers stated—except for a weak narration from Abu Yusuf—that one obligated to give a she-camel in its second year (bint makhāḍ) who lacks it must pay its monetary value rather than provide a two-year-old male camel (ibn labun). Malik, Al-Shafi'i, and Abu Sulayman ruled: must he give a two-year-old male camel? This is the correct position, while Abu Hanifa's view contradicts the Messenger of Allah—peace and blessings be upon him—and his Companions—may Allah be pleased with them. Among the wonders of the world is their assertion that "the Prophet's injunction—peace and blessings be upon him—to take a two-year-old male camel instead of a she-camel in its second year" referred to its

equivalent value. How brazenly they fabricate lies against the Messenger of Allah—peace and blessings be upon him—openly and publicly! The suspicion of disgrace looms over these people. No Arabic speaker has ever understood the Prophet's declaration—peace and blessings be upon him—"in it is a she-camel in its second year" as denoting monetary value.

لِسُهُولَةِ الْكَذِبِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - جِهَارًا عَلَانِيَةً فَرِيبُ الْفَضِيحَةِ عَلَى هَؤُلَاءِ الْقَوْمِ وَمَا فَهِمَ قَطُّ مَنْ يَدْرِي الْعَرَبِيَّةَ أَنْ قَوْلَ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَفِيهَا ابْنَةُ مَخَاضٍ.

L10654 If one does not possess a daughter-of-a-camel-that-has-completed-one-year (ibnat makhāḍ) meeting the required criteria but has a two-year-old male camel (ibn labūn), it is accepted from him. There is nothing that can be substituted with monetary value—a matter profoundly shameful and far removed from modesty and religion. As for their disagreement with the Companions regarding this: Ḥumām ibn Aḥmad narrated from Ibn Mufarrij, who narrated from Ibn al-Aʿrābī, who narrated from al-Dabarī, who narrated from ʿAbd al-Razzāq, from Sufyān al-Thawrī, from ʿUbayd Allāh ibn ʿUmar, from ʿĀṣim and Mūsā ibn ʿUqbah—both from Nāfiʿ, from Ibn ʿUmar, from his father ʿUmar, who said: For camels, one sheep is due for five, two for ten, three for fifteen, four for twenty, and a daughter-of-a-camel-that-has-completed-one-year for twenty-five. If unavailable, a two-year-old male camel suffices. We previously mentioned this from ʿAlī.

فَإِنْ لَمْ تَكُنْ عِنْدَهُ ابْنَةُ مَخَاضٍ عَلَى وَجْهِهَا وَعِنْدَهُ ابْنُ لَبُونٍ فَإِنَّهُ يُقْبَلُ مِنْهُ وَلَيْسَ شَيْءٌ " يُمْكِنُ أَنْ يُرِيدَ بِهِ بِالْقِيمَةِ وَهَذَا أَمْرٌ مُخْجِلٌ جِدًّا، وَبُعْدٌ عَنْ الْحَيَاءِ وَالدِّينِ وَأَمَّا خِلَافُهُمْ الصَّحَابَةَ فِي ذَلِكَ -: فَإِنَّ حُمَامَ بْنَ أَحْمَدَ ثنا قَالَ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَاصِمٍ، وَمُوسَى بْنُ عُقْبَةَ كِلَاهُمَا عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ أَبِيهِ عُمَرَ قَالَ: فِي الْإِبِلِ فِي خَمْسٍ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ، وَفِي خَمْسَ عَشَرَةَ ثَلَاثُ شِيَاهٍ وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ وَفِي خَمْسٍ وَعِشْرِينَ ابْنَةُ مَخَاضٍ، فَإِنْ لَمْ تَكُنْ ابْنَةُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ، وَقَدْ ذَكَرْنَاهُ آنِفًا عَنْ عَلِيٍّ؟

L10655–10656 They differed from Abu Bakr, Umar, Ali, Anas ibn Malik, and ibn Umar.

فَخَالَفُوا أَبَا بَكْرٍ، وَعُمَرَ، وَعَلِيًّا، وَأَنَسَ بْنَ مَالِكٍ، وَابْنَ عُمَرَ.

L10657 And all those in their presence from the Companions—may Allah be pleased with them—: due to their erroneous opinions, opposed even Umar ibn Abd al-Aziz.

وَكُلَّ مَنْ بِحَضْرَتِهِمْ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: بِآرَائِهِمْ الْفَاسِدَةِ، وَخَالَفُوا عُمَرَ بْنَ عَبْدِ الْعَزِيزِ أَيْضًا.

L10658 And by our statement in this matter, the following scholars hold the view: Sufyan al-Thawri, Malik, al-Awza'i, al-Layth, Ahmad ibn Hanbal, Abu Sulayman, and the majority of people - except Abu Hanifah and those who emulate his juristic doctrine, for we know of no precedent for their position in this matter at all. They also differed regarding the Messenger of Allah's command - peace and blessings be upon him - to compensate a tooth with one below or above it when the obligatory tooth is absent, and providing twenty dirhams or two sheep in such cases. Abu Hanifah and his compan-

وَبِقَوْلِنَا فِي هَذَا يَقُولُ: سُفْيَانُ الثَّوْرِيُّ، وَمَالِكٌ، وَالْأَوْزَاعِيُّ، وَاللَّيْثُ، وَأَحْمَدُ بْنُ حَنْبَلٍ، وَأَبُو سُلَيْمَانَ، وَجُمْهُورُ النَّاسِ، إلَّا أَبَا حَنِيفَةَ وَمَنْ قَلَّدَ دِينَهُ وَمَا نَعْلَمُ لَهُمْ فِي هَذَا سَلَفًا أَصْلًا وَاخْتَلَفُوا أَيْضًا فِيمَا أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ تَعْوِيضِ سِنٍّ مِنْ سِنٍّ دُونِهَا أَوْ فَوْقَهَا عِنْدَ عَدَمِ السِّنِّ الْوَاجِبَةِ وَرَدِّ عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ فِي

ions said: “None of that is permissible except by paying its monetary value,” and he permitted giving equivalent value through tradeable assets or other forms as a substitute for the obligatory zakat, even when the item mandated for zakat is available. Malik said: “One may only give what is obligated.”

ذَلِكَ؟ فَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: لَا يَجُوزُ شَيْءٌ مِنْ ذَلِكَ إِلَّا بِالْقِيمَةِ، وَأَجَازَ إِعْطَاءَ الْقِيمَةِ مِنَ الْعُرُوضِ وَغَيْرِهَا بَدَلَ الزَّكَاةِ الْوَاجِبَةِ، وَإِنْ كَانَ الْمَأْمُورُ بِأَخْذِهِ فِيهَا مُمْكِنًا؟ وَقَالَ مَالِكٌ: لَا يُعْطِي إِلَّا مَا عَلَيْهِ.

L10659 It is not permissible to substitute one age category for another by returning two sheep or twenty dirhams. Al-Shāfiʿī ruled according to the explicit text transmitted from the Messenger of Allah - peace and blessings be upon him - on this matter, except he stated: If the obligatory age category, the one immediately below it, and the one immediately above it are unavailable, but the third downward degree is found, then one must give it while the collector returns forty dirhams or four sheep to him. Similarly, if only the category one degree below is found, one must give it along with forty dirhams or four sheep. If one owes a she-camel that has entered its second year (bint makhāḍ) but only finds a she-camel that has completed two years (jadhʿah), he must give it while the collector returns sixty dirhams or six sheep to him. Conversely, if one owes a jadhʿah but only finds a bint makhāḍ, he must give it along with sixty dirhams or six sheep. All scholars deemed permissible offering a superior age category to the obligatory one if done voluntarily. We relate from ʿAlī ibn Abī Ṭālib - may Allah be pleased with him - through the chain narrated by Muḥammad ibn Saʿīd ibn Nabāt, narrated by Aḥmad ibn ʿAbd al-Baṣīr, narrated by Qāsim ibn Aṣbagh, narrated by Muḥammad ibn ʿAbd al-Salām al-Khushanī, narrated by Muḥammad ibn al-Muthannā, narrated by ʿAbd al-Raḥmān ibn Mahdī, narrated by Shuʿbah, narrated by Abū Isḥāq al-Sabīʿī, narrated by ʿĀṣim ibn Ḍamrah, narrated by ʿAlī ibn Abī Ṭālib, who said: “When the collector takes an age category higher than required, he must return ten dirhams or two sheep.” A similar ruling is also narrated from ʿUmar, as we shall mention hereafter, Allah the Exalted willing.

وَلَمْ يَجُزْ إِعْطَاءَ سِنٍّ مَكَانَ سِنٍّ بِرَدِّ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا؟ وَقَالَ الشَّافِعِيُّ بِمَا جَاءَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ذَلِكَ نَصًّا، إِلَّا أَنَّهُ قَالَ: إِنْ عُدِمَتْ السِّنُّ الْوَاجِبَةُ، وَالَّتِي تَحْتَهَا، وَالَّتِي فَوْقَهَا، وَوُجِدَتْ الدَّرَجَةُ الثَّالِثَةُ، فَإِنَّهُ يُعْطِيهَا وَيَرُدُّ إِلَيْهِ السَّاعِي أَرْبَعِينَ دِرْهَمًا، أَوْ أَرْبَعَ شِيَاهٍ، وَكَذَلِكَ إِنْ لَمْ يَجِدْ إِلَّا الَّتِي تَحْتَهَا بِدَرَجَةٍ فَإِنَّهُ يُعْطِيهَا وَيُعْطِي مَعَهَا أَرْبَعِينَ دِرْهَمًا أَوْ أَرْبَعَ شِيَاهٍ، فَإِذَا كَانَتْ عَلَيْهِ بِنْتُ مَخَاضٍ وَلَمْ يَجِدْ إِلَّا جَذَعَةً فَإِنَّهُ يُعْطِيهَا وَيَرُدُّ عَلَيْهِ السَّاعِي سِتِّينَ دِرْهَمًا أَوْ سِتَّ شِيَاهٍ، فَإِنْ كَانَتْ عَلَيْهِ جَذَعَةٌ فَلَمْ يَجِدْ إِلَّا بِنْتَ مَخَاضٍ أَعْطَاهَا وَأَعْطَى مَعَهَا سِتِّينَ دِرْهَمًا أَوْ سِتَّ شِيَاهٍ؟ وَأَجَازُوا كُلُّهُمْ إِعْطَاءَ أَفْضَلَ مِمَّا لَزِمَهُ مِنَ الْأَسْنَانِ، إِذَا تَطَوَّعَ بِذَلِكَ وَرُوِّينَا عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - فِي ذَلِكَ مَا حَدَّثَنَاهُ مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا شُعْبَةُ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: إِذَا أَخَذَ الْمُصَدِّقُ سِنًّا فَوْقَ سِنٍّ رَدَّ عَشَرَةَ دَرَاهِمَ أَوْ شَاتَيْنِ؟ وَرُوِيَ أَيْضًا عَنْ عُمَرَ كَمَا نَذْكُرُهُ بَعْدَ هَذَا إِنْ شَاءَ اللَّهُ تَعَالَى؟

L10660–10661 Abu Muhammad said: As for the statements of Ali and Umar, there is no valid proof in the declaration of anyone apart from the Messenger of Allah - peace and blessings be upon him. It was indeed incumbent upon the Hanafis - those who assert such positions when they align with their desires

قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ عَلِيٍّ، وَعُمَرَ، فَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَقَدْ كَانَ يَلْزَمُ الْحَنَفِيِّينَ - الْقَائِلِينَ فِي مِثْلِ هَذَا إِذَا وَافَقَ أَهْوَاءَهُمْ: مِثْلُ

while claiming “this cannot be established by personal opinion” - to adopt this view. As for Al-Shafi’i’s statement: He analogized to the ruling of the Prophet - peace and blessings be upon him - what does not fall under it, and analogy is null and void. By this analogy, he would be obliged - since he holds that the *diyah* applies to the eyes, the *diyah* to hearing, and the *diyah* to the hands - to maintain that the destruction of a life necessitates *diyat* for every limb in the body, since they become invalidated by the invalidation of the soul. Similarly, he would be compelled - given his ruling of two prostrations for an instance of forgetfulness (*sahw*) - to require four prostrations for two instances of forgetfulness in prayer, and six prostrations for three instances. Closer to this principle would be the view that if one lacks a yearling (*tabīʿ*), they should estimate compensation using a mature animal (*musinnah*). Yet he does not uphold this, thereby contradicting his own analogy.

As for the statements of Abu Hanifa and Malik, they constitute sheer opposition to the declaration of the Messenger of Allah - peace and blessings be upon him - and to the Companions. We know of no valid proof for them except their claim: “This is a sale of what has not been taken possession of.” Abu Muhammad said: This is a falsehood from those who assert it and an error for several reasons:

First: It is not a sale at all, but rather a ruling from the Messenger of Allah - peace and blessings be upon him - mandating compensation of a yearling alongside two sheep or twenty dirhams for another yearling, just as Allah the Exalted and His Messenger - peace and blessings be upon him - ordained feeding sixty indigent persons as compensation for emancipating a slave in cases of *dhihar*, or the expiation for intentionally engaging in intercourse during the daytime of Ramadan. Let them then declare here: “This is a sale of the slave before taking possession!”

Second: They permitted the sale of what has not been taken possession of in reality where it is not permissible, such as Abu Hanifa’s endorsement of accepting monetary value for obligatory *zakāt*. His followers thus accepted falsehood against themselves while rejecting the truth against the Messenger of Allah - peace and blessings be upon him. Is this not manifest misguidance?

هَذَا لَا يُقَالُ بِالرَّأْيِ -: أَنْ يَقُولُوا بِهِ؟ وَأَمَّا قَوْلُ الشَّافِعِيِّ: فَإِنَّهُ قَاسَ عَلَى حُكْمِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَيْسَ فِيهِ، وَالْقِيَاسُ بَاطِلٌ، وَكَانَ يَلْزَمُهُ عَلَى قِيَاسِهِ هَذَا - إذَا رَأَى فِي الْعَيْنَيْنِ الدِّيَةَ، وَفِي السَّمْعِ الدِّيَةَ، وَفِي الْيَدَيْنِ الدِّيَةَ -: أَنْ يَكُونَ عِنْدَهُ فِي إتْلَافِ النَّفْسِ دِيَاتُ كُلُّ مَا فِي الْجِسْمِ مِنْ الْأَعْضَاءِ، لِأَنَّهَا بَطَلَتْ بِبُطْلَانِ النَّفْسِ، وَكَانَ يَلْزَمُهُ إذْ رَأَى فِي السَّهْوِ سَجْدَتَيْنِ - أَنْ يَرَى فِي سَهْوَيْنِ فِي الصَّلَاةِ أَرْبَعَ سَجَدَاتٍ وَفِي ثَلَاثَةِ أَسْهَاءٍ سِتَّ سَجَدَاتٍ؟ وَأَقْرَبُ مِنْ هَذَا أَنْ يَقُولَ، إذَا عَدِمَ التَّبِيعَ وَجَدَ الْمُسِنَّةَ أَنْ يُقَدِّرَ فِي ذَلِكَ تَقْدِيرًا، وَلَكِنَّهُ لَا يَقُولُ بِهَذَا، فَقَدْ نَاقَضَ قِيَاسَهُ وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ، وَمَالِكٍ، فَخِلَافٌ مُجَرَّدٌ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلِلصَّحَابَةِ، وَمَا نَعْلَمُ لَهُمْ حُجَّةً، إلَّا أَنَّهُمْ قَالُوا: هَذَا بَيْعُ مَا لَمْ يُقْبَضْ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا كَذِبٌ مِمَّنْ قَالَهُ وَخَطَأٌ لِوُجُوهٍ -: أَحَدُهَا: أَنَّهُ لَيْسَ بَيْعًا أَصْلًا وَلَكِنَّهُ حُكْمٌ مِنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِتَعْوِيضِ سِنٍّ، مَعَهَا شَاتَانِ أَوْ عِشْرُونَ دِرْهَمًا مِنْ سِنٍّ أُخْرَى، كَمَا عَوَّضَ اللَّهُ تَعَالَى وَرَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إطْعَامَ سِتِّينَ مِسْكِينًا مِنْ رَقَبَةٍ تُعْتَقُ فِي الظِّهَارِ، وَكَفَّارَةِ الْوَاطِئِ عَمْدًا فِي نَهَارِ رَمَضَانَ فَلْيَقُولُوا هَاهُنَا: إنَّ هَذَا بَيْعٌ لِلرَّقَبَةِ قَبْلَ قَبْضِهَا وَالثَّانِي: أَنَّهُمْ أَجَازُوا بَيْعَ مَا لَمْ يُقْبَضْ عَلَى الْحَقِيقَةِ حَيْثُ لَا يَحِلُّ وَهُوَ تَجْوِيزُ أَبِي حَنِيفَةَ أَخْذَ الْقِيمَةِ عَنْ الزَّكَاةِ الْوَاجِبَةِ، فَلَمْ يُنْكِرْ أَصْحَابُهُ الْبَاطِلَ عَلَى أَنْفُسِهِمْ وَأَنْكَرُوا الْحَقَّ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَلَا ذَلِكَ هُوَ الضَّلَالُ الْمُبِينُ وَالثَّالِثُ: أَنَّ النَّهْيَ عَنْ بَيْعِ مَا لَمْ يُقْبَضْ لَمْ يَصِحَّ قَطُّ إلَّا فِي الطَّعَامِ، لَا فِيمَا سِوَاهُ؟ وَهَذَا مِمَّا خَالَفُوا فِيهِ السُّنَنَ وَالصَّحَابَةَ - رَضِيَ اللَّهُ عَنْهُمْ -؟

Third: The prohibition against selling what has not been taken possession of has only been authentically established for food, not for other items. Yet in this matter, they opposed the Sunnah and the Companions - may Allah be pleased with them.

L10662–10663 As for the Companions; we have indeed mentioned it from Abū Bakr al-Ṣiddīq.

L10664 It has also been authentically established from Ali - as we mentioned - that compensation applies. This was also narrated from Umar as narrated to us by Humam, who narrated to us from Ibn Mufarrij, who narrated to us from Ibn al-A'rabi, who narrated to us from al-Dabari, from Abd al-Razzaq, from Ibn Jurayj, who said: Amr ibn Shu'ayb told me that Umar ibn al-Khattab said: "If the age [determined by teeth] below the required one is unavailable, the older age is taken, and the livestock owner must give back two sheep or ten dirhams."

L10665 No dissenting opinion is recorded from the Companions we mentioned, though they would vehemently criticize even lesser discrepancies than this if they occurred in matters they had already ruled upon. Our position in this matter follows the view of Ibrāhīm al-Nakhaʿī, as narrated to us by Ḥumām—who narrated to us from Ibn Mufarrij, who narrated to us from Ibn al-Aʿrābī, who narrated to us from al-Dabarī, who narrated from ʿAbd al-Razzāq—who reported from both Maʿmar and Sufyān al-Thawrī, each of whom reported from Manṣūr, from Ibrāhīm al-Nakhaʿī, who said: "When the zakāh collector encounters an animal younger than the stipulated age or older than it, the difference in value between them shall be twenty dirhams or two female goats."

L10666 Sufyan said: This applies only to camels— Muhammad ibn Saʿīd ibn Thābit narrated to us from Qāsim ibn Aṣbagh from Muḥammad ibn Waḍḍāḥ from Mūsā ibn Muʿāwiyah from Wakīʿ from Sufyān al-Thawrī from Manṣūr from Ibrāhīm, who said: If the collector takes an animal older than the stipulated age, he must return two sheep or twenty dirhams; and if he takes an animal younger than the stipulated age, he is to receive two sheep or twenty dirhams.

فَأَمَّا الصَّحَابَةُ، فَقَدْ ذَكَرْنَاهُ عَنْ أَبِي بَكْرٍ الصِّدِّيقِ.

وَصَحَّ أَيْضًا عَنْ عَلِيٍّ - كَمَا ذَكَرْنَا - تَعْوِيضٌ، وَرُوِيَ أَيْضًا عَنْ عُمَرَ كَمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ عَنْ عَبْدِ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ قَالَ: قَالَ لِي عَمْرُو بْنُ شُعَيْبٍ قَالَ عُمَرُ بْنُ الْخَطَّابِ: فَإِنْ لَمْ تُوجَدِ السِّنُّ الَّتِي دُونَهَا أُخِذَتِ الَّتِي فَوْقَهَا، وَرَدَّ صَاحِبُ الْمَاشِيَةِ شَاتَيْنِ أَوْ عَشْرَ دَرَاهِمَ.

وَلَا يُعْرَفُ لِمَنْ ذَكَرْنَا مِنَ الصَّحَابَةِ مُخَالِفٌ، وَهُمْ يُشَنِّعُونَ بِأَقَلَّ مِنْ هَذَا إِذَا وَافَقَهُمْ وَقَوْلُنَا فِي هَذَا هُوَ قَوْلُ إِبْرَاهِيمَ النَّخَعِيِّ كَمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ وَسُفْيَانَ الثَّوْرِيِّ كِلَيْهِمَا عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ: إِذَا وَجَدَ الْمُصَدِّقُ سِنًّا دُونَ سِنٍّ أَوْ فَوْقَ سِنٍّ كَانَ فَضْلُ مَا بَيْنَهُمَا عِشْرِينَ دِرْهَمًا أَوْ شَاتَيْنِ.

قَالَ سُفْيَانُ: وَلَيْسَ هَذَا إِلَّا فِي الْإِبِلِ -: وَحَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ ثَابِتٍ قَالَ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ قَالَ: إِنْ أَخَذَ الْمُصَدِّقُ سِنًّا فَوْقَ سِنٍّ رَدَّ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا، وَإِنْ أَخَذَ سِنًّا دُونَ سِنٍّ أَخَذَ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا.

قَالَ أَبُو مُحَمَّد: وَأَمَّا إجَازَتُهُمْ الْقِيمَةَ أَوْ أَخْذَ سِنٍّ أَفْضَلَ مِمَّا عَلَيْهِ فَإِنَّهُمْ احْتَجُّوا فِي ذَلِكَ بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ طَاوُسٍ: أَنَّ مُعَاذًا قَالَ لِأَهْلِ الْيَمَنِ: ائْتُونِي بِعَرْضٍ آخُذُهُ مِنْكُمْ مَكَانَ الذُّرَةِ وَالشَّعِيرِ، فَإِنَّهُ أَهْوَنُ عَلَيْكُمْ وَخَيْرٌ لِأَهْلِ الْمَدِينَةِ.

L10667 Abu Muhammad said: As for their permitting the monetary equivalent or taking a better age than required, they cited as evidence a report we narrated through the chain of transmission from Tawus: that Mu'adh said to the people of Yemen, "Bring me goods, and I will take them from you instead of millet and barley, for it is less burdensome for you and better for the people of Medina."

قَالَ عَلِيٌّ: وَهَذَا لَا تَقُومُ بِهِ حُجَّةٌ لِوُجُوهٍ -: أَوَّلُهَا: أَنَّهُ مُرْسَلٌ، لِأَنَّ طَاوُسًا لَمْ يُدْرِكْ مُعَاذًا وَلَا وُلِدَ إلَّا بَعْدَ مَوْتِ مُعَاذٍ؟ وَالثَّانِي: أَنَّهُ لَوْ صَحَّ لَمَا كَانَتْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا حُجَّةَ إلَّا فِيمَا جَاءَ عَنْهُ - عَلَيْهِ السَّلَامُ -.

L10668–10670 Ali said: This does not constitute valid proof due to several reasons: The first is that it is *mursal*, as Ṭāwus did not meet Muʿādh, nor was he born except after Muʿādh's death? The second is that even if it were sound, it would not serve as proof, as it is not from the Messenger of Allah—peace and blessings be upon him—and there is no proof except in what is transmitted from him—peace be upon him.

وَالثَّالِثُ: أَنَّهُ لَيْسَ فِيهِ أَنَّهُ قَالَ ذَلِكَ فِي الزَّكَاةِ، فَالْكَذِبُ لَا يَجُوزُ، وَقَدْ يُمْكِنُ - لَوْ صَحَّ - أَنْ يَكُونَ قَالَهُ لِأَهْلِ الْجِزْيَةِ، وَكَانَ يَأْخُذُ مِنْهُمْ: الذُّرَةَ، وَالشَّعِيرَ، وَالْعَرْضَ: مَكَانَ الْجِزْيَةِ.

L10671 The third [point] is that there is no indication he said that concerning zakāh; thus, lying is impermissible. It is possible—if it were sound—that the Prophet said it to the people liable for jizyah, and he would take from them: millet, barley, and commodities in lieu of jizyah.

وَالرَّابِعُ: أَنَّ الدَّلِيلَ عَلَى بُطْلَانِ هَذَا الْخَبَرِ مَا فِيهِ مِنْ قَوْلِ مُعَاذٍ " خَيْرٌ لِأَهْلِ الْمَدِينَةِ " وَحَاشَا لِلَّهِ أَنْ يَقُولَ مُعَاذٌ هَذَا، فَيَجْعَلُ مَا لَمْ يُوجِبْهُ اللَّهُ تَعَالَى خَيْرًا مِمَّا أَوْجَبَهُ وَذَكَرُوا أَيْضًا: مَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ: أُخْبِرْت عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ الْأَنْصَارِيِّ: أَنَّ عُمَرَ كَتَبَ إلَى بَعْضِ عُمَّالِهِ: أَنْ لَا يَأْخُذَ مِنْ رَجُلٍ لَمْ يَجِدْ فِي إبِلِهِ السِّنَّ الَّتِي عَلَيْهِ إلَّا تِلْكَ السِّنَّ مِنْ شَرْوَى إبِلِهِ، أَوْ قِيمَةَ عَدْلٍ؟ قَالَ أَبُو مُحَمَّد: هَذَا فِي غَايَةِ السُّقُوطِ لِوُجُوهٍ -: أَحَدُهَا: أَنَّهُ مُنْقَطِعٌ، لِأَنَّ ابْنَ جُرَيْجٍ لَمْ يُسَمِّ مَنْ بَيْنَهُ وَبَيْنَ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ.

L10672 The fourth: The evidence for the invalidity of this report is the inclusion of Mu'adh's statement: "Better for the people of Madinah." Allah forbid that Mu'adh would say this, thereby elevating what Allah the Exalted has not obligated above what He has obligated. They also mentioned what we have narrated through the chain of ʿAbd al-Razzāq from Ibn Jurayj: I was informed from ʿAbdullāh ibn ʿAbd al-Raḥmān al-Anṣārī that ʿUmar wrote to one of his tax officials: "Do not take from a man who does not find in his camels the age due except that specific age from the choicest of his camels, or the value of a fair equivalent." Abū Muḥammad said: This is extremely weak for several reasons, one of which is that it is disconnected, for Ibn Jurayj did not name those between him and ʿAbdullāh ibn ʿAbd al-Raḥmān.

وَالثَّانِي: أَنَّ عَبْدَ اللَّهِ بْنَ عَبْدِ الرَّحْمَنِ الْأَنْصَارِيَّ مَجْهُولٌ لَا يُدْرَى مَنْ هُوَ؟ وَالثَّالِثُ: أَنَّهُ لَوْ صَحَّ لَمَا كَانَتْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا

L10673–10676 The second: That ʿAbdullāh ibn ʿAbd al-Raḥmān al-Anṣārī is unknown—who is he? The third: That even if it were authentic, it would hold no proof, for it is not from the Messenger of Allah (peace be upon him), and no valid

evidence exists in rulings derived from those other than the Prophet. We have cited to them a similar report from ʿUmar concerning the taking of two sheep or ten dirhams. Let them follow it if ʿUmar's statement constitutes proof; otherwise, is capricious ruling not impermissible? The fourth: That ʿUmar's statement—if authentically attributed to him—"or a fair value" may refer to what he clarified elsewhere regarding compensation with two sheep or dirhams. Thus, his statement should be understood as consistent, not contradictory.

They cited a ḥadīth with an interrupted chain through Ayyūb al-Sakhtiyānī: The Messenger of Allah (peace be upon him) said, "Take the fanged predator, the aged animal, and the blemished animal." ʿAlī said: This contains no proof for two reasons. First: It is *mursal* (a ḥadīth with a missing link in the chain), and no evidence is valid in a *mursal* report. Second: Its conclusion states, "I do not know of it except that the prescribed shares were established afterward." Thus, even if authentic, it would be abrogated. By transmitting a narration containing it, they mentioned what we have narrated through the chain of Muḥammad ibn Isḥāq from ʿAbdullāh ibn Abī Bakr from Yaḥyā ibn ʿAbdullāh ibn ʿAbd al-Raḥmān ibn Saʿd ibn Zurārah from ʿUmārah ibn ʿAmr ibn Ḥazm from Ubayy ibn Kaʿb, who said: "The Messenger of Allah—peace and blessings of Allah be upon him—sent me as a Zakāh collector. I passed by a man who gathered his livestock for me. I said to him: 'Give a one-year-old she-camel, for it is your obligatory Zakāh.' He replied: 'That [animal] has neither milk nor capacity for bearing loads. But here is a young, large, well-fed she-camel—take it.' I said: 'I will not take what I have not been commanded to take. The Messenger of Allah is near you; approach him.'

The man then went to the Messenger of Allah and recounted this, saying: 'I offered your Zakāh collector a young, large she-camel to take, but he refused. Here it is—I have brought it to you, O Messenger of Allah!' The Messenger of Allah responded: 'That [initial offering] was your obligation. If you voluntarily give something better, Allah will reward you, and we will accept it from you.' He then ordered it to be taken and invoked blessings for him."

حُجَّةَ فِيمَا جَاءَ عَمَّنْ دُونَهُ، وَقَدْ أَتَيْنَاهُمْ عَنْ عُمَرَ بِمِثْلِ هَذَا فِي أَخْذِ الشَّاتَيْنِ أَوْ الْعَشَرَةِ دَرَاهِمَ، فَلْيَقُولُوا بِهِ إِنْ كَانَ قَوْلُ عُمَرَ حُجَّةً، وَإِلَّا فَالتَّحَكُّمُ لَا يَجُوزُ؟ وَالرَّابِعُ: أَنَّهُ قَدْ يُحْتَمَلُ أَنْ يَكُونَ قَوْلُ عُمَرَ - لَوْ صَحَّ عَنْهُ - " أَوْ قِيمَةَ عَدْلٍ " هُوَ مَا بَيَّنَهُ فِي مَكَانٍ آخَرَ مِنْ تَعْوِيضِ الشَّاتَيْنِ أَوْ الدَّرَاهِمِ، فَيُحْمَلُ قَوْلُهُ عَلَى الْمُوَافَقَةِ لَا عَلَى التَّضَادِّ وَذَكَرُوا حَدِيثًا مُنْقَطِعًا مِنْ طَرِيقِ أَيُّوبَ السِّخْتِيَانِيِّ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «خُذْ النَّابَ، وَالشَّارِفَ وَالْعَوَارِيَّ» . قَالَ عَلِيٌّ: وَهَذَا لَا حُجَّةَ فِيهِ لِوَجْهَيْنِ -: أَحَدُهُمَا: أَنَّهُ مُرْسَلٌ، وَلَا حُجَّةَ فِي مُرْسَلٍ؟ وَالثَّانِي: أَنَّ فِي آخِرِهِ " وَلَا أَعْلَمُهُ إلَّا كَانَتْ الْفَرَائِضُ بَعْدُ " فَلَوْ صَحَّ لَكَانَ مَنْسُوخًا بِنَقْلِ رِوَايَةٍ فِيهِ وَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ مُحَمَّدِ بْنِ إِسْحَاقَ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ سَعْدِ بْنِ زُرَارَةَ، عَنْ عُمَارَةَ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أُبَيِّ بْنِ كَعْبٍ قَالَ: «بَعَثَنِي رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مُصَدِّقًا، فَمَرَرْتُ بِرَجُلٍ فَجَمَعَ لِي مَالَهُ، فَقُلْت لَهُ: أَدِّ ابْنَةَ مَخَاضٍ، فَإِنَّهَا صَدَقَتُكَ، قَالَ: ذَلِكَ مَا لَا لَبَنَ فِيهِ وَلَا ظَهْرَ، وَلَكِنْ هَذِهِ نَاقَةٌ فَتِيَّةٌ عَظِيمَةٌ سَمِينَةٌ، فَخُذْهَا، فَقُلْتُ: مَا أَنَا بِآخِذٍ مَا لَمْ أُؤْمَرْ بِهِ، وَهَذَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَرِيبٌ مِنْكَ، فَأَتَى رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ لَهُ ذَلِكَ وَقَالَ: عَرَضْتُ عَلَى مُصَدِّقِكَ نَاقَةً فَتِيَّةً عَظِيمَةً يَأْخُذُهَا، فَأَبَى عَلَيَّ، وَهَا هِيَ ذِهِ، قَدْ جِئْتُكَ بِهَا يَا رَسُولَ اللَّهِ؟ فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ذَلِكَ الَّذِي عَلَيْكَ، فَإِنْ تَطَوَّعْتَ بِخَيْرٍ أَجَرَكَ اللَّهُ وَقَبِلْنَاهُ مِنْكَ، وَأَمَرَ - عَلَيْهِ السَّلَامُ - بِقَبْضِهَا، وَدَعَا لَهُ بِالْبَرَكَةِ» . قَالَ أَبُو مُحَمَّدٍ: وَلَا حُجَّةَ فِيهِ لِوُجُوهٍ -: أَوَّلُهَا: أَنَّهُ لَا يَصِحُّ؛ لِأَنَّ يَحْيَى بْنَ عَبْدِ اللَّهِ مَجْهُولٌ،

Abū Muḥammad said: “This narration holds no legal proof for several reasons: First, it is unsound because Yaḥyā ibn ʿAbdullāh is unknown, and ʿUmārah ibn ʿAmr ibn Ḥazm is unrecognized. The recognized figure is Umrah ibn Ḥazm, the brother of ʿAmr—may Allah be pleased with them both.”

L10677–10679 The second point is that if it were valid, it would stand as evidence against them, for it shows Ubayy ibn Kaʿb did not deem it permissible to take a large young she-camel in place of a she-camel in its second year, considering this contrary to the command of the Messenger of Allah—peace and blessings of Allah be upon him. He did not approve of what these people hold—their attempts to critique the Messenger of Allah—peace and blessings of Allah be upon him—through their personal opinions and rationalizations. The Messenger of Allah—peace and blessings of Allah be upon him—knew this yet did not rebuke him, thus establishing it as the truth. Indeed, the scenario would have entailed taking a large she-camel in place of a she-camel in its second year. Only, as for permitting monetary substitution, there is no basis at all.

L10680 They cited two reports as evidence: one of them was narrated by us via the transmission of al-Ḥasan.

L10681–10683 The second: through the chain of ʿAṭāʾ—both reports are “from the Messenger of Allāh (peace and blessings of Allāh be upon him) that he said to the zakat collector: ‘Inform him of the obligation due upon him. If he voluntarily offers anything beyond that, accept it from him.’” These two are interrupted (mursal) narrations. Even if they were authentic, they would not constitute evidence, for they contain no explicit text permitting the collection of non-obligatory amounts nor the acceptance of monetary equivalents. We do not deny that one may give the best of what he owns from livestock of the obligatory age.

They cited as evidence a report we transmitted through Yaḥyā ibn Saʿīd al-Qaṭṭān from ʿAbd al-Malik al-ʿArzamī from ʿAṭāʾ ibn Abī Rabāḥ: “When the Messenger of Allāh (peace and blessings of Allāh be upon him) sent ʿAlī as a zakat collector, they said: ‘We will only give Allāh the best of our wealth.’ He replied: ‘I will not impose the [zakat] practice on you again.’ The Messenger

وَعُمَارَةَ بْنَ عَمْرِو بْنِ حَزْمٍ غَيْرُ مَعْرُوفٍ، وَإِنَّمَا الْمَعْرُوفُ عُمَارَةُ بْنُ حَزْمٍ أَخُو عَمْرٍو - رَضِيَ اللَّهُ عَنْهُمَا -.

وَالثَّانِي: أَنَّهُ لَوْ صَحَّ لَكَانَ حُجَّةً عَلَيْهِمْ، لِأَنَّ فِيهِ أَنَّ أُبَيَّ بْنَ كَعْبٍ لَمْ يَسْتَجِزْ أَخْذَ نَاقَةٍ فَتِيَّةٍ عَظِيمَةٍ مَكَانَ ابْنَةِ مَخَاضٍ، وَرَأَى ذَلِكَ خِلَافًا لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَرَ مَا يَرَاهُ هَؤُلَاءِ مِنْ التَّعَقُّبِ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِآرَائِهِمْ وَنَظَرِهِمْ، وَعَلِمَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ذَلِكَ فَلَمْ يُنْكِرْهُ عَلَيْهِ؛ فَصَحَّ أَنَّهُ الْحَقُّ، وَإِنَّمَا كَانَ يَكُونُ فِيهِ أَخْذُ نَاقَةٍ عَظِيمَةٍ مَكَانَ ابْنَةِ مَخَاضٍ فَقَطْ، وَأَمَّا إجَازَةُ الْقِيمَةِ فَلَا أَصْلًا.

وَاحْتَجُّوا بِخَبَرَيْنِ -: أَحَدُهُمَا: رُوِّينَاهُ مِنْ طَرِيقِ الْحَسَنِ.

وَالْآخَرُ: مِنْ طَرِيقِ عَطَاءٍ، كِلَاهُمَا «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ لِلْمُصَدِّقِ أَعْلِمْهُ الَّذِي عَلَيْهِ مِنْ الْحَقِّ، فَإِنْ تَطَوَّعَ بِشَيْءٍ فَاقْبَلْهُ مِنْهُ» . وَهَذَانِ مُرْسَلَانِ، ثُمَّ لَوْ صَحَّا لَمْ يَكُنْ فِيهِمَا حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ نَصٌّ بِأَخْذِ غَيْرِ الْوَاجِبِ وَلَا يَأْخُذُ قِيمَةً، وَنَحْنُ لَا نُنْكِرُ أَنْ يُعْطِيَ أَفْضَلَ مَا عِنْدَهُ مِنْ السِّنِّ الْوَاجِبَةِ عَلَيْهِ؟ وَاحْتَجُّوا بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ يَحْيَى بْنِ سَعِيدٍ الْقَطَّانِ عَنْ عَبْدِ الْمَلِكِ العرزمي عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَّا بَعَثَ عَلِيًّا سَاعِيًا قَالُوا: لَا نُخْرِجُ لِلَّهِ إلَّا خَيْرَ أَمْوَالِنَا، فَقَالَ: مَا أَنَا بِعَادِي عَلَيْكُمْ السُّنَّةَ. وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ: ارْجِعْ إلَيْهِمْ فَبَيِّنْ لَهُمْ مَا عَلَيْهِمْ فِي أَمْوَالِهِمْ، فَمَنْ طَابَتْ نَفْسُهُ بَعْدَ ذَلِكَ

of Allāh (peace and blessings of Allāh be upon him) instructed him: ‘Return to them and clarify their obligations regarding their wealth. Then, if anyone willingly offers surplus after that, take it from him.’”

Abū Muḥammad said: This contains no evidence for two reasons. First: It is inauthentic as it is interrupted (mursal), and its narrator ʿAbd al-Malik al-ʿArzamī is abandoned. Moreover, its claim that ʿAlī was sent as a zakat collector is false—the Messenger of Allāh (peace and blessings of Allāh be upon him) never dispatched any member of Banū Hāshim as a zakat collector. Al-Faḍl ibn ʿAbbās, a member of Banū Hāshim, once sought this role but was prohibited. Even if authentic, it would still provide them no evidence whatsoever, for it states they sought to give the best of their wealth. They are chosen, and this is not to prevent it if the giver of zakah is content to offer the most noble sheep he owns and the best of what he possesses from that obligatory age requirement incumbent upon him. There is absolutely no substitution of one age category for another in principle, nor any indication of value whatsoever. They argued with the hadith of Wā’il ibn Ḥujr regarding “the one who gave in charity from his wealth a defective camel with a split ear, so Allah’s Messenger—peace and blessings be upon him—said: ‘May Allah not bless him nor his camels.’ When this reached the man, he brought a she-camel, describing its beauty and excellence, and said: ‘I repent to Allah and to His Prophet.’ The Prophet—peace and blessings be upon him—then said: ‘O Allah, bless him and his camels.’”

L10684 Abu Muhammad said: This is an authentic report containing no valid argument for them, because a young camel (faseel) undoubtedly does not suffice for any form of Zakat. A beautiful she-camel may be a four-year-old (jadha‘ah) or five-year-old (hiqqah). Thus he fulfilled his obligation with the best-quality camel as determined. There is neither explicit text nor indication requiring giving other than the obligatory age specification, nor any basis for monetary valuation whatsoever. They cited as evidence the authenticated report from Allah’s Messenger - peace and blessings be upon him - through Malik’s transmission from Zayd ibn Aslam, from ’Ata’ ibn Yasar, from Abu Rafi’, who said: “Allah’s Messenger - peace and blessings be upon him - borrowed a young male camel. When Zakat camels arrived, he commanded

بِفَضْلٍ نَخُذْهُ مِنْهُ؟» قَالَ أَبُو مُحَمَّد: وَهَذَا لَا حُجَّةَ فِيهِ لِوَجْهَيْنِ -: أَحَدُهُمَا: أَنَّهُ لَا يَصِحُّ لِأَنَّهُ مُرْسَلٌ، ثُمَّ إِنَّ رَاوِيهِ عَبْدَ الْمَلِكِ الْعَرْزَمِيَّ، وَهُوَ مَتْرُوكٌ ثُمَّ إِنَّ فِيهِ أَنَّ عَلِيًّا بَعَثَ سَاعِيًا وَهَذَا بَاطِلٌ، مَا بَعَثَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَطُّ أَحَدًا مِنْ بَنِي هَاشِمٍ سَاعِيًا، وَقَدْ طَلَبَ ذَلِكَ الْفَضْلُ بْنُ عَبَّاسٍ فَمَنَعَهُ وَلَوْ صَحَّ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ أَصْلًا؛ لِأَنَّ فِيهِ أَنَّهُمْ أَرَادُوا إعْطَاءَ أَفْضَلَ أَمْوَالِهِمْ مُخْتَارِينَ، وَهَذَا لَا لِمَنْعِهِ إذَا طَابَتْ نَفْسُ الْمُزَكِّي بِإِعْطَاءِ أَكْرَمَ شَاةٍ عِنْدَهُ وَأَفْضَلَ مَا عِنْدَهُ مِنْ تِلْكَ السِّنِّ الْوَاجِبَةِ عَلَيْهِ، وَلَيْسَ فِيهِ إعْطَاءُ سِنٍّ مَكَانَ غَيْرِهَا أَصْلًا، وَلَا دَلِيلَ عَلَى قِيمَةٍ أَلْبَتَّةَ؟ وَاحْتَجُّوا بِحَدِيثِ وَائِلِ بْنِ حُجْرٍ فِي «الَّذِي أَعْطَى فِي صَدَقَةِ مَالِهِ فَصِيلًا مَخْلُولًا فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا بَارَكَ اللَّهُ لَهُ، وَلَا فِي إبِلِهِ فَبَلَغَ ذَلِكَ الرَّجُلَ، فَجَاءَ بِنَاقَةٍ فَذَكَرَ مِنْ جَمَالِهَا وَحُسْنِهَا، وَقَالَ: أَتُوبُ إلَى اللَّهِ وَإِلَى نَبِيِّهِ؟ فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: اللَّهُمَّ بَارِكْ فِيهِ وَفِي إبِلِهِ» .

وَقَالَ أَبُو مُحَمَّد: هَذَا خَبَرٌ صَحِيحٌ، وَلَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّ الْفَصِيلَ لَا يُجْزِئُ فِي شَيْءٍ مِنْ الصَّدَقَةِ بِلَا شَكٍّ، وَنَاقَةٌ حَسْنَاءُ جَمِيلَةٌ قَدْ تَكُونُ جَذَعَةً وَقَدْ تَكُونُ حِقَّةً؛ فَأَعْطَى مَا عَلَيْهِ بِأَحْسَنِ مَا قُدِّرَ، وَلَيْسَ فِيهِ نَصٌّ وَلَا دَلِيلٌ عَلَى إعْطَاءِ غَيْرِ السِّنِّ الْوَاجِبَةِ عَلَيْهِ وَلَا عَلَى الْقِيمَةِ أَصْلًا؟ وَاحْتَجُّوا بِالْخَبَرِ الثَّابِتِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طَرِيقِ مَالِكٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ أَبِي رَافِعٍ قَالَ «اسْتَسْلَفَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَكْرًا فَجَاءَتْهُ إبِلٌ مِنْ إبِلِ الصَّدَقَةِ، فَأَمَرَنِي أَنْ

me to repay the man his camel. I said: 'I found only prime four-year-old camels among the livestock.' The Prophet - peace and blessings be upon him - said: 'Give him this, for the best of people are those who settle debts most honorably.'"

أَقْضِيَ الرَّجُلَ بَكْرَهُ؟ فَقُلْتُ: لَمْ أَجِدْ فِي الْإِبِلِ إِلَّا جَمَلًا خِيَارًا رَبَاعِيًا، فَقَالَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْطِهِ إِيَّاهُ، فَإِنَّ خِيَارَ النَّاسِ أَحْسَنُهُمْ قَضَاءً» .

L10685 Abu Muhammad said: This is an authentic report, and there is no valid argument for them in it, for it does not state that this particular camel was taken as part of an explicitly designated obligatory Zakah. The Zakah collector might have purchased it with some of the Zakah funds collected, and this is not impossible.

قَالَ أَبُو مُحَمَّد: هَذَا خَبَرٌ صَحِيحٌ، وَلَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّهُ لَيْسَ فِيهِ أَنَّ ذَلِكَ الْجَمَلَ أُخِذَ فِي زَكَاةٍ وَاجِبَةٍ بِعَيْنِهِ، وَقَدْ يُمْكِنُ أَنْ يَبْتَاعَهُ الْمُصَدِّقُ بِبَعْضِ مَا أَخَذَ فِي الصَّدَقَةِ، فَهَذَا غَيْرُ مُمْتَنِعٍ.

L10686–10687 In this matter, there is a narration they cite as evidence despite its inadequacy. As for us, we do not present it as proof but as a reminder for them. It is a report we narrated via the chain of Abū Bakr ibn Abī Shaybah, from ʿAbd al-Raḥīm ibn Sulaymān, from Mujālid, from al-Ṣunābiḥī al-Aḥmasī: "The Messenger of Allah (peace be upon him) noticed a she-camel among the zakāh camels and asked, 'What is this?' The zakāh collector responded, 'I reclaimed it by taking two camels from the fringes of the herd.' The Prophet said, 'Then that is acceptable.'"

وَقَدْ جَاءَ فِي هَذَا أَثَرٌ يَحْتَجُّونَ بِدُونِهِ، وَأَمَّا نَحْنُ فَلَسْنَا نُورِدُهُ مُحْتَجِّينَ بِهِ، لَكِنْ تَذْكِيرًا لَهُمْ؟ وَهُوَ خَبَرٌ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ عَنْ عَبْدِ الرَّحِيمِ بْنِ سُلَيْمَانَ عَنْ مُجَالِدٍ عَنْ الصُّنَابِحِ الْأَحْمَسِيِّ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَبْصَرَ نَاقَةً فِي إبِلِ الصَّدَقَةِ، فَقَالَ مَا هَذِهِ؟ فَقَالَ صَاحِبُ الصَّدَقَةِ: إنِّي ارْتَجَعْتُهَا بِبَعِيرَيْنِ مِنْ حَوَاشِي الْإِبِلِ، فَقَالَ: فَنَعَمْ إذَنْ» .

L10688 It is possible that those camels were from voluntary charity, because the ḥadīth does not indicate that the two were obligatory alms. Since all of that is plausible—and we are certain that a four-year-old camel is not part of obligatory alms at all—it is impermissible to abandon certainty for conjecture. We have discussed the meaning of this narration in the book *Al-Iṣāl* and that it is absolutely impossible for the Messenger of Allah—peace and blessings be upon him—to have borrowed a young camel for himself and then repaid it from charity camels, given that charity is unquestionably forbidden for him. It is established that he—peace and blessings be upon him—said: "Charity is not permissible for Muḥammad or the family of Muḥammad." Thus, we are certain that he borrowed it on behalf of others; no other possibility exists. Consequently, the one who took the young camel became one of the debtors, as the loan was his liability and he took it. Since he was among the debtors, his entitlement from the charity was allocated, and thus his debt was settled from it. No other interpretation is permissible.

وَقَدْ يُمْكِنُ أَنْ تَكُونَ تِلْكَ الْإِبِلُ مِنْ صَدَقَةِ تَطَوُّعٍ، لِأَنَّهُ لَيْسَ فِي الْحَدِيثِ أَنَّهُمَا الصَّدَقَةُ الْوَاجِبَةُ، فَلِمَا أَمْكَنَ كُلُّ ذَلِكَ - وَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّهُ لَيْسَ فِي الصَّدَقَةِ جَمَلُ رَبَاعٍ أَصْلًا - لَمْ يَحِلَّ تَرْكُ الْيَقِينِ لِلظُّنُونِ، وَقَدْ تَكَلَّمْنَا فِي مَعْنَى هَذَا الْخَبَرِ فِي كِتَابِ " الْإِيصَالِ "، وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا يُمْكِنُ أَلْبَتَّةَ أَنْ يَسْتَسْلِفَ الْبِكْرَ لِنَفْسِهِ ثُمَّ يَقْضِيه مِنْ إبِلِ الصَّدَقَةِ، وَالصَّدَقَةُ حَرَامٌ عَلَيْهِ بِلَا شَكٍّ وَلَا خِلَافَ، صَحَّ أَنَّهُ - عَلَيْهِ السَّلَامُ - قَالَ: «الصَّدَقَةُ لَا تَحِلُّ لِمُحَمَّدٍ وَلَا لِآلِ مُحَمَّدٍ» فَنَحْنُ عَلَى يَقِينٍ مِنْ أَنَّهُ إنَّمَا اسْتَسْلَفَهُ لِغَيْرِهِ، لَا يُمْكِنُ غَيْرُ ذَلِكَ، فَصَارَ الَّذِي أَخَذَ الْبِكْرَ مِنْ الْغَارِمِينَ، لِأَنَّ السَّلَفَ

فِي ذِمَّتِهِ، وَهُوَ أَخَذَهُ، فَإِذْ هُوَ مِنْ الْغَارِمِينَ فَقَدْ صَارَ حَظُّهُ فِي الصَّدَقَةِ، فَقُضِيَ عَنْهُ مِنْهَا، لَا يَجُوزُ غَيْرُ ذَلِكَ.

L10689–10691 Similarly, we also do not doubt that the one from whom the Prophet—peace and blessings be upon him—borrowed the young camel was from some categories eligible for charity. Were it not for this, the Messenger of Allah would not have given him from the right of the charity recipients, as a surplus beyond his own entitlement. Abu Muhammad remarked: This report indeed contains evidence for prohibiting the advancement of charity before its appointed time. For if that had been permissible, he—peace be upon him—would not have borrowed against charity and awaited its appointed time; rather, he would have urgently sought charity from some of his companions. Since he did not do that—peace be upon him—it is confirmed that paying charity before its due time does not suffice. By Allah, the Exalted, we are strengthened. Thus, all that they deceptively presented is rendered void, and it is established that none of the arguments they advanced permit giving beyond the obligated measure in zakah or anything other than its defined attributes.

وَكَذَلِكَ أَيْضًا لَا نَشُكُّ أَنَّ الَّذِي كَانَ يَسْتَقْرِضُ مِنْهُ الْبَكْرَ كَانَ مِنْ بَعْضِ أَصْنَافِ الصَّدَقَةِ، وَلَوْلَا ذَلِكَ مَا أَعْطَاهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ حَقِّ أَهْلِ الصَّدَقَةِ فَضْلًا عَلَى حَقِّهِ قَالَ أَبُو مُحَمَّد: وَإِنَّمَا فِي هَذَا الْخَبَرِ دَلِيلٌ عَلَى الْمَنْعِ مِنْ تَقْدِيمِ الصَّدَقَةِ قَبْلَ وَقْتِهَا لِأَنَّهُ لَوْ كَانَ ذَلِكَ جَائِزًا لَمَا اسْتَقْرَضَ - عَلَيْهِ السَّلَامُ - عَلَى الصَّدَقَةِ وَانْتَظَرَ حَتَّى يَحِينَ وَقْتُهَا، بَلْ كَانَ يَسْتَعْجِلُ صَدَقَةً مِنْ بَعْضِ أَصْحَابِهِ، فَلَمَّا لَمْ يَفْعَلْ ذَلِكَ - عَلَيْهِ السَّلَامُ - صَحَّ أَنَّهُ لَا يُجْزِئُ أَدَاءُ صَدَقَةٍ قَبْلَ وَقْتِهَا - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ فَبَطَلَ كُلُّ مَا مَوَّهُوا بِهِ، وَصَحَّ أَنَّ كُلَّ مَا احْتَجُّوا بِهِ لَيْسَ فِيهِ إجَازَةُ إعْطَاءِ أَكْثَرَ مِنْ الْوَاجِبِ فِي الزَّكَاةِ وَلَا غَيْرِ الصِّفَةِ الْمَحْدُودَةِ فِيهَا.

L10692 As for valuation, they have no evidence whatsoever to support its permissibility. Rather, conclusive evidence stands established regarding the prohibition of taking it, for it is not what Allah the Exalted has commanded, and constitutes a transgression of Allah's boundaries. Allah the Exalted has said: "And whoever transgresses the bounds of Allah has indeed wronged himself" [At-Talaq: 1].[10]

وَأَمَّا الْقِيمَةُ فَلَا دَلِيلَ لَهُمْ عَلَى جَوَازِهَا أَصْلًا، بَلْ الْبُرْهَانُ ثَابِتٌ بِتَحْرِيمِ أَخْذِهَا، لِأَنَّهَا غَيْرُ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ، وَتَعَدٍّ لِحُدُودِ اللَّهِ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] .

L10693 And He, the Exalted, said: "So whoever alters it after having heard it, then indeed its sin is upon those who alter it." [Al-Baqarah: 181].[11]

وَقَالَ تَعَالَى: {فَمَنْ بَدَّلَهُ بَعْدَمَا سَمِعَهُ فَإِنَّمَا إِثْمُهُ عَلَى الَّذِينَ يُبَدِّلُونَهُ} [البقرة: ١٨١] .

L10694 If they were to say: "If the consideration is for the recipients of charity, what prevents it?" We would respond: The entirety of the consideration lies in ensuring that they are not given what Allah the Exalted has forbidden them,

فَإِنْ قَالُوا: إنْ كَانَ نَظَرًا لِأَهْلِ الصَّدَقَةِ فَمَا يَمْنَعُ مِنْهُ؟ قُلْنَا: النَّظَرُ كُلُّهُ لِأَهْلِ الصَّدَقَةِ أَنْ لَا يُعْطُوا مَا حَرَّمَهُ اللَّهُ تَعَالَى عَلَيْهِمْ، إذْ يَقُولُ تَعَالَى: {وَلا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨] .

[10] **Qur'an references (L10692):** Qur'an 65:1 (At-Talaq).
[11] **Qur'an references (L10693):** Qur'an 2:181 (Al-Baqarah).

as He says: “Do not consume one another’s wealth unjustly” [Al-Baqarah: 188].[12]

L10695 The Messenger of Allah—peace and blessings be upon him—said: “Verily, your blood and your property are inviolable to you.”

L10696–10698 It has been established that it is not permissible to take anything from anyone’s wealth except what Allah the Exalted has permitted or obligated therein only. The Exalted has never permitted taking monetary value instead of the specific zakat He ordained in its precise form and description. We do not know under what established consideration among us they found it permissible to take zakat from the owner of five camels that do not reach the required threshold. According to Abu Hanifah, even from one who owns nothing but a single productive plant yielded by a piece of land he owns, zakat is not taken. Nor is it taken from the owner of jewels, slaves, or houses worth a hundred thousand, nor from the owner of twenty-nine cows, thirty-nine sheep, or five awqiyyah of silver not in dirham form. Is all of this anything but adherence to what Allah the Exalted has commanded alone? Our position is transmitted from the early predecessors, as we have been narrated from the chain of Suwayd ibn Ghaflah, who said, “I traveled—” Or he said: “One who traveled with the zakāt validator of the Messenger of Allah—peace and blessings be upon him—informed me that a man presented a she-camel with a well-filled hump. The validator refused to accept it. The man said: ’I want you to take the best of my camels,’ but he refused. The man then brought forward another camel of lesser value, which he accepted, saying: ’I accept this one, though I fear the Messenger of Allah—peace and blessings be upon him—might censure me, saying: ”You approached a man and selected the choice of his camels.“”

L10699 From the path of Abd al-Razzaq via Ibn Jurayj, that he said to Abdullah ibn Tawus: “I was informed you claim Abu Abd al-Rahman – meaning his father – said: ’If you cannot find [an animal of] the specified age, then its value?”’ He replied: “I never said that.” Ibn Jurayj said: Ata told me: “In zakat, neither a young animal, nor a male, nor one with a defect, nor an aged

[12] **Qur’an references (L10694):** Qur’an 2:188 (Al-Baqarah).

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

فَصَحَّ أَنَّهُ لَا يَحِلُّ مِنْ مَالِ أَحَدٍ إِلَّا مَا أَبَاحَهُ اللَّهُ تَعَالَى مِنْهُ، أَوْ أَوْجَبَهُ فِيهِ فَقَطْ، وَمَا أَبَاحَ تَعَالَى قَطُّ أَخْذَ قِيمَةٍ عَنْ زَكَاةٍ افْتَرَضَهَا بِعَيْنِهَا وَصِفَتِهَا وَمَا نَدْرِي فِي أَيِّ نَظَرٍ مَعْهُودٍ بَيْنَنَا وَجَدُوا أَنْ تُؤْخَذَ الزَّكَاةُ مِنْ صَاحِبِ خَمْسٍ مِنْ الْإِبِلِ لَا تَقُومُ بِهِ، وَعِنْدَ أَبِي حَنِيفَةَ مِمَّنْ لَا يَمْلِكُ إلَّا وَرْدَةً وَاحِدَةً أَخْرَجَتْهَا قِطْعَةُ أَرْضٍ لَهُ: وَلَا تُؤْخَذُ مِنْ صَاحِبِ جَوَاهِرَ وَرَقِيقٍ وَدُورٍ بِقِيمَةِ مِائَةِ أَلْفٍ وَلَا مِنْ صَاحِبِ تِسْعٍ وَعِشْرِينَ بَقَرَةً، وَتِسْعٍ وَثَلَاثِينَ شَاةً، وَخَمْسِ أَوَاقٍ غَيْرِ دِرْهَمٍ مِنْ الْفِضَّةِ فَهَلْ فِي هَذَا كُلِّهِ إلَّا اتِّبَاعُ مَا أَمَرَ اللَّهُ تَعَالَى فَقَطْ؟ وَقَدْ جَاءَ قَوْلُنَا عَنْ السَّلَفِ، كَمَا رُوِّينَا [مِنْ طَرِيقِ] سُوَيْدِ بْنِ غَفَلَةَ قَالَ “ سِرْت - أَوْ قَالَ: أَخْبَرَنِي مَنْ سَارَ مَعَ مُصَدِّقِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَعَمَدَ رَجُلٌ إلَى نَاقَةٍ كَوْمَاءَ، فَأَبَى أَنْ يَقْبَلَهَا، فَقَالَ: إنِّي أُحِبُّ أَنْ تَأْخُذَ خَيْرَ إبِلِي فَأَبَى أَنْ يَقْبَلَهَا فَخَطَمَ لَهُ أُخْرَى دُونَهَا فَقَبِلَهَا، وَقَالَ: إنِّي لَآخُذُهَا وَأَخَافُ أَنْ يَجِدَ عَلَيَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: عَمَدْت إلَى رَجُلٍ فَتَخَيَّرْت عَلَيْهِ إبِلَهُ ”.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ أَنَّهُ قَالَ لِعَبْدِ اللَّهِ بْنِ طَاوُسٍ: أُخْبِرْت أَنَّك تَقُولُ: قَالَ أَبُو عَبْدِ الرَّحْمَنِ - يَعْنِي أَبَاهُ - إذَا لَمْ تَجِدُوا السِّنَّ فَقِيمَتُهَا؟ قَالَ: مَا قُلْته قَطُّ قَالَ ابْنُ جُرَيْجٍ: وَقَالَ لِي عَطَاءٌ: لَا يَخْرُجُ فِي الصَّدَقَةِ صَغِيرٌ وَلَا ذَكَرٌ وَلَا ذَاتُ عَوَارٍ وَلَا هَرِمَةٌ؟ وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ عَنْ جَرِيرٍ عَنْ مَنْصُورٍ عَنْ إبْرَاهِيمَ النَّخَعِيِّ أَنَّهُ قَالَ: لَا

يُؤْخَذُ فِي الصَّدَقَةِ ذَكَرٌ مَكَانَ أُنْثَى إِلَّا ابْنُ لَبُونٍ مَكَانَ ابْنَةِ مَخَاضٍ قَالَ عَلِيٌّ: وَمَنْ ذَبَحَ أَوْ نَحَرَ مَا يَجِبُ عَلَيْهِ فِي الصَّدَقَةِ ثُمَّ أَعْطَاهُ مُذَكًّى لَمْ يَجْزْ عَنْهُ، لِأَنَّ الْوَاجِبَ عَلَيْهِ إعْطَاؤُهُ حَيًّا وَلَا يَقَعُ عَلَى الْمُذْكِي اسْمُ شَاةٍ مُطْلَقَةٍ وَلَا اسْمُ بَقَرَةٍ مُطْلَقَةٍ، وَلَا اسْمُ بِنْتِ مَخَاضٍ مُطْلَقَةٍ، وَقَدْ وَجَبَ لِأَهْلِ الصَّدَقَةِ حَيًّا، وَلَا يَجُوزُ لَهُ ذَبْحُ مَا وَجَبَ لِغَيْرِهِ؟ فَإِذَا قَبَضَهُ أَهْلُهُ أَوْ الْمُصَدِّقُ فَقَدْ أَجْزَأَ، وَجَازَ لِلْمُصَدِّقِ حِينَئِذٍ بَيْعُهُ، إنْ رَأَى ذَلِكَ حَظًّا لِأَهْلِ الصَّدَقَةِ، لِأَنَّهُ نَاظِرٌ لَهُمْ وَلَيْسُوا قَوْمًا بِأَعْيَانِهِمْ، فَيَجُوزُ حُكْمُهُمْ فِيهِ، أَوْ إبْرَاؤُهُمْ مِنْهُ قَبْلَ قَبْضِهِمْ لَهُ - وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ.

animal may be given." From the path of Abu Ubayd via Jarir via Mansur via Ibrahim al-Nakhai, that he said: "A male animal is not accepted in zakat as a substitute for a female, except a two-year-old male camel in place of a one-year-old female camel." Ali said: "Whoever slaughters by regular means or by throat-cutting (for camels) what he owes in zakat, then gives it as a slaughtered animal, this does not suffice him. The obligation requires giving it alive. The absolute terms 'sheep,' 'cow,' or 'one-year-old female camel' do not apply to the slaughtered animal. The recipients of zakat must receive it alive, and one may not slaughter what is owed to others. If the recipients or the zakat collector take possession, it becomes valid. The collector may then sell it if he deems this beneficial for the zakat recipients, as he acts as their trustee. They are not a specific group of individuals, so their ruling applies whether they claim it or renounce it before taking possession – and in Allah the Exalted we seek support."

وَاخْتَلَفُوا فِيمَا زَادَ عَلَى الْعِشْرِينَ وَمِائَةٍ؟ فَقَالَتْ طَائِفَةٌ: حِقَّتَانِ إلَى أَنْ تَصِيرَ ثَلَاثِينَ وَمِائَةً؟ وَقَالَتْ طَائِفَةٌ: ثَلَاثُ بَنَاتِ لَبُونٍ وَلَا بُدَّ إلَى أَنْ تَصِيرَ ثَلَاثِينَ وَمِائَةً فَيَجِبُ فِيهَا حِقَّةٌ وَبِنْتَا لَبُونٍ ثُمَّ كُلَّمَا زَادَتْ عَشَرَةً كَانَ فِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ.

L10700 They differed regarding what exceeds one hundred and twenty. One group said: "Two Hiqqahs [three-year-old she-camels] are due until it reaches one hundred and thirty." Another group said: "Three Bint Labūns [two-year-old she-camels] must be given until it reaches one hundred and thirty, at which point one Hiqqah and two Bint Labūns become due. Thereafter, whenever the total increases by ten, one Hiqqah is required per every fifty and one Bint Labūn per every forty."

وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَابْنِ الْقَاسِمِ صَاحِبِ مَالِكٍ؟

L10701 And is this the opinion of Al-Shāfiʿī, Abū Sulaymān, and Ibn al-Qāsim, the companion of Mālik?

وَقَالَتْ طَائِفَةٌ: أَيَّ الصِّفَتَيْنِ أَدَّى أَجْزَأَهُ، وَهُوَ قَوْلُ مَالِكٍ إلَى أَنْ تَبْلُغَ مِائَةً وَثَلَاثِينَ، فَيَجِبُ فِيهَا حِقَّةٌ وَبِنْتَا لَبُونٍ، وَهَكَذَا كُلَّمَا زَادَتْ عَشْرًا فَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ؟ وَقَالَ أَبُو حَنِيفَةَ، وَأَصْحَابُهُ: لَيْسَ فِيمَا بَعْدَ الْعِشْرِينَ وَمِائَةٍ إلَّا حِقَّتَانِ فَقَطْ، حَتَّى تَتِمَّ خَمْسًا وَعِشْرِينَ وَمِائَةً فَيَجِبُ فِيهَا حِقَّتَانِ وَشَاةٌ إلَى ثَلَاثِينَ وَمِائَةٍ فَإِذَا بَلَغَتْهَا فَفِيهَا حِقَّتَانِ وَشَاتَانِ، إلَى خَمْسٍ وَثَلَاثِينَ وَمِائَةٍ، فَفِيهَا حِقَّتَانِ وَثَلَاثُ شِيَاهٍ،

L10702–10705 A group said: Which of the two categories suffices? This is the opinion of Mālik until reaching one hundred and thirty, wherein a hīqqah and two bint labūn are due. Similarly, whenever the count increases by ten, for every fifty a hīqqah is due, and for every forty a bint labūn. Abū Ḥanīfah and his companions said: Beyond one hundred and twenty, only two hīqqahs are required until reaching one hundred and twenty-five, wherein two hīqqahs and one sheep become due up to one hundred and thirty. When attaining one hundred and thirty, two hīqqahs and two sheep are due up to one hundred and thirty-five. Then two hīqqahs and three sheep are due up to one hundred and forty. At this point, two hīqqahs and four sheep are due up to

one hundred and forty-five. Upon reaching one hundred and forty-five, two hīqqahs and one bint makhāḍ are due up to one hundred and fifty. When reaching one hundred and fifty, three hīqqahs are due indefinitely. If the count exceeds one hundred and fifty by five, three hīqqahs and one sheep are required, then as previously stated: for every five camels, a sheep is added alongside the three hīqqahs until reaching one hundred and seventy-five. At one hundred and seventy-five, one bint makhāḍ and three hīqqahs are due up to one hundred and eighty-six. When reaching one hundred and eighty-six, three hīqqahs and one bint labūn are due up to one hundred and ninety-six. At one hundred and ninety-six, four hīqqahs are due, continuing similarly until two hundred and five. Upon reaching two hundred and five, four hīqqahs and one sheep are due, continuing this pattern indefinitely. For every fifty added, a hīqqah is added, then the zakāt calculation restarts with sheep, followed by bint makhāḍ, then bint labūn, then hīqqah. Abū Muḥammad said: As for those who maintain two hīqqahs for counts between one hundred and twenty and one hundred and thirty, they cite the narration we transmitted through Abū ʻUbayd's chain from Ḥabīb ibn Abī Ḥabīb, from ʻAmr ibn Harim, from Muḥammad ibn ʻAbd al-Raḥmān: "Verily, in the Prophet's decree—peace and blessings of Allāh be upon him—and in his..." The Book of Umar on Zakat states that when camels exceed one hundred and twenty, no Zakat is due on the portion below ten until they reach one hundred and thirty.

إِلَى أَرْبَعِينَ وَمِائَةٍ، فَفِيهَا حِقَّتَانِ وَأَرْبَعُ شِيَاهٍ، إِلَى خَمْسٍ وَأَرْبَعِينَ وَمِائَةٍ، فَإِذَا بَلَغَتْهَا فَفِيهَا حِقَّتَانِ وَبِنْتُ مَخَاضٍ، إِلَى خَمْسِينَ وَمِائَةٍ، فَإِذَا بَلَغَتْهَا فَفِيهَا ثَلَاثُ حِقَاقٍ، وَهَكَذَا أَبَدًا، إِذَا زَادَتْ عَلَى الْخَمْسِينَ وَمِائَةٍ خَمْسًا فَفِيهَا ثَلَاثُ حِقَاقٍ وَشَاةٍ، ثُمَّ كَمَا ذَكَرْنَا، فِي كُلِّ خَمْسٍ شَاةٌ مَعَ الثَّلَاثِ حِقَاقٍ، إِلَى أَنْ تَصِيرَ خَمْسًا وَسَبْعِينَ وَمِائَةً، فَيَجِبُ فِيهَا بِنْتُ مَخَاضٍ وَثَلَاثُ حِقَاقٍ، إِلَى سِتٍّ وَثَمَانِينَ وَمِائَةٍ، فَإِذَا بَلَغَتْهَا كَانَتْ فِيهَا ثَلَاثُ حِقَاقٍ وَبِنْتُ لَبُونٍ، إِلَى سِتٍّ وَتِسْعِينَ وَمِائَةٍ، فَإِذَا بَلَغَتْهَا فَفِيهَا أَرْبَعُ حِقَاقٍ، وَكَذَلِكَ إِلَى أَنْ تَكُونَ مِائَتَيْنِ وَخَمْسًا، فَإِذَا بَلَغَتْهَا فَفِيهَا أَرْبَعُ حِقَاقٍ وَشَاةٌ، وَهَكَذَا أَبَدًا كُلَّمَا تَكُونُ الزِّيَادَةُ خَمْسِينَ زَادَ حِقَّةً، ثُمَّ اسْتُأْنِفَ تَزْكِيَتُهَا بِالْغَنَمِ، ثُمَّ بِبِنْتِ الْمَخَاضِ ثُمَّ بِبِنْتِ اللَّبُونِ ثُمَّ الْحِقَّةِ؟ قَالَ أَبُو مُحَمَّدٍ: فَأَمَّا مَنْ رَأَى الْحِقَّتَيْنِ فِيمَا زَادَ عَلَى الْعِشْرِينَ وَالْمِائَةِ إِلَى أَنْ تَصِيرَ ثَلَاثِينَ وَمِائَةً فَإِنَّهُمْ احْتَجُّوا بِأَنْ ذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ أَبِي عُبَيْدٍ عَنْ حَبِيبِ بْنِ أَبِي حَبِيبٍ عَنْ عَمْرِو بْنِ هَرِمٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ " إِنَّ فِي كِتَابِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي كِتَابِ عُمَرَ فِي الصَّدَقَةِ: أَنَّ الْإِبِلَ إِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةٍ فَلَيْسَ فِيمَا دُونَ الْعَشْرِ شَيْءٌ حَتَّى تَبْلُغَ ثَلَاثِينَ وَمِائَةً ".

Ali said: This is a mursal narration containing no valid proof, for Muhammad ibn Abd al-Rahman is unknown. We shall present them with what is superior to this, as Abdullah ibn Rabi' narrated to us: Umar ibn Abd al-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawud narrated to us, Muhammad ibn al-Ala (who is Abu Kuraib) narrated to us, Abdullah ibn al-Mubarak narrated to us, Yunus ibn Yazid narrated to us, from Ibn Shihab, who said...

L10706

قَالَ عَلِيٌّ: وَهَذَا مُرْسَلٌ، وَلَا حُجَّةَ فِيهِ، وَمُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ مَجْهُولٌ وَنَحْنُ نَأْتِيهِمْ بِمَا هُوَ خَيْرٌ مِنْ هَذَا، كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ الْعَلَاءِ هُوَ أَبُو كُرَيْبٍ - ثنا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ ثنا يُونُسُ بْنُ يَزِيدَ عَنْ ابْنِ شِهَابٍ قَالَ.

This is a copy of the book of the Messenger of Allah (peace be upon him) which he wrote concerning charity. It is held by the family of Umar ibn al-Khattab. [The narrator] said: Salim ibn Abdullah ibn Umar recited it to

L10707

me, and I memorized it exactly as it was. This is the copy that Umar ibn Abd al-Aziz transcribed from Abdullah and Salim, the two sons of Abdullah ibn Umar, and he mentioned the hadith.

هَذِهِ نُسْخَةُ كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي كَتَبَهُ فِي الصَّدَقَةِ، وَهِيَ عِنْدَ آلِ عُمَرَ بْنِ الْخَطَّابِ، قَالَ: أَقْرَأَنِي إِيَّاهَا سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ، فَوَعَيْتُهَا عَلَى وَجْهِهَا، وَهِيَ الَّتِي انْتَسَخَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ مِنْ عَبْدِ اللَّهِ وَسَالِمِ ابْنَيْ عَبْدِ اللَّهِ بْنِ عُمَرَ وَذَكَرَ الْحَدِيثَ.

L10708 The hadith states: “Regarding camels, if they number one hundred and twenty-one, three bint labūn (two-year-old she-camels) are due for herds up to one hundred and thirty. When they reach one hundred and thirty, two bint labūn and one hiqqah (five-year-old she-camel) are due.” He then mentioned the remainder of the hadith.

وَفِيهِ «فِي الْإِبِلِ إِذَا كَانَتْ إِحْدَى وَعِشْرِينَ وَمِائَةً فَفِيهَا ثَلَاثُ بَنَاتِ لَبُونٍ إِلَى ثَلَاثِينَ وَمِائَةٍ، فَإِذَا بَلَغَتْهَا بِنْتَا لَبُونٍ وَحِقَّةٌ» وَذَكَرَ بَاقِيَ الْحَدِيثِ.

L10709 This is better than what we brought, and this is indeed the true book of Umar—not that falsified one.

وَهَذَا خَيْرٌ مِمَّا أَتَوْنَا بِهِ، وَهَذَا هُوَ كِتَابُ عُمَرَ حَقًّا، لَا تِلْكَ الْمَكْذُوبَةُ.

L10710 Abdullah ibn Rabi’ narrated to us: Ibn Mufarrij narrated to us, Qasim ibn Asbagh narrated to us, Ibn Waddah narrated to us, Sahnun narrated to us, Ibn Wahb narrated from Yunus ibn Yazid from Ibn Shihab, who said: The copy of the Messenger of Allah’s decree regarding zakāh—peace and blessings be upon him—which he wrote and which remains with the family of Umar ibn al-Khaṭṭāb, was recited to me by Salim ibn Abdullah ibn Umar. I memorized it verbatim, being the same text that Umar ibn Abdul Aziz transcribed from Salim and Abdullah—the two sons of Abdullah ibn Umar ibn al-Khaṭṭāb—during his governorship of Medina. He then instructed his officials to enforce its provisions. He subsequently cited a report resembling the one we have mentioned. They further stated: “There exists in certain narrations: ‘For every fifty [camels], a _hiqqah_ is due.’” We responded: “This is correct, though these are _mursal_ narrations transmitted through al-Sha‘bi and others. We have indeed recorded from Abu Bakr, citing the Messenger of Allah—peace and blessings be upon him—: ‘For every fifty [camels], a _hiqqah_ is due, and for every forty, a _bint labun_ is due.’”[13]

وَحَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ مُفَرِّجٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا سَحْنُونٌ ثنا ابْنُ وَهْبٍ عَنْ يُونُسَ بْنِ يَزِيدَ عَنِ ابْنِ شِهَابٍ قَالَ: نُسْخَةُ كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي كَتَبَ فِي الصَّدَقَةِ، وَهِيَ عِنْدَ آلِ عُمَرَ بْنِ الْخَطَّابِ، أَقْرَأَنِيهَا سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ فَوَعَيْتُهَا عَلَى وَجْهِهَا وَهِيَ الَّتِي نَسَخَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ مِنْ سَالِمٍ وَعَبْدُ اللَّهِ ابْنَيْ عَبْدِ اللَّهِ بْنِ عُمَرَ بْنِ الْخَطَّابِ حِينَ أُمِّرَ عَلَى الْمَدِينَةِ، وَأَمَرَ عُمَّالَهُ بِالْعَمَلِ بِهَا، ثُمَّ ذَكَرَ نَحْوَ هَذَا الْخَبَرِ الَّذِي أَوْرَدْنَا؟ وَقَالُوا أَيْضًا: قَدْ جَاءَ فِي أَحَادِيثَ “ فِي كُلِّ خَمْسِينَ حِقَّةٌ ”؟ قُلْنَا: نَعَمْ، وَهِيَ أَحَادِيثُ مُرْسَلَةٌ مِنْ طَرِيقِ الشَّعْبِيِّ وَغَيْرِهِ، وَقَدْ أَوْرَدْنَا عَنْ أَبِي بَكْرٍ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فِي كُلِّ خَمْسِينَ حِقَّةٌ وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ» .

L10711–10713 Similarly, it has also been established as authentic through the chain of Ibn ‘Umar, as has been narrated to us via the mentioned chain reaching Abū

وَكَذَلِكَ صَحَّ أَيْضًا مِنْ طَرِيقِ ابْنِ عُمَرَ، كَمَا رُوِّينَا بِالسَّنَدِ الْمَذْكُورِ إِلَى أَبِي دَاوُد ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ ثنا عُبَادُ بْنُ الْعَوَّامِ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ عَنِ الزُّهْرِيِّ عَنْ سَالِمٍ

[13] **Hadith references (L10710):** Sunan Ibn Majah 1799.

بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ قَالَ: «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كِتَابَ الصَّدَقَةِ، فَلَمْ يُخْرِجْهُ إِلَى عُمَّالِهِ حَتَّى قُبِضَ، وَقَرَنَهُ بِسَيْفِهِ، فَعَمِلَ بِهِ أَبُو بَكْرٍ حَتَّى قُبِضَ، ثُمَّ عَمِلَ بِهِ عُمَرُ حَتَّى قُبِضَ، فَكَانَ فِيهِ: فِي خَمْسٍ مِنْ الْإِبِلِ شَاةٌ» وَذَكَرَ الْحَدِيثَ.

Dāwūd, who narrated to us. Abdullah ibn Muhammad al-Nufayli narrated to us: Ubadah ibn al-Awwam narrated from Sufyan ibn Husayn from al-Zuhri from Salim ibn Abdullah ibn Umar from his father, who said: "The Messenger of Allah — peace and blessings be upon him — wrote a book on charity, but he did not send it to his agents before he passed away, and he fastened it to his sword. Abu Bakr acted upon it until his death, then Umar acted upon it until his death. It stated: 'For every five camels, one sheep is due.'" And he mentioned the rest of the hadith.

وَفِيهِ «فَفِيهَا ابْنَتَا لَبُونٍ إِلَى تِسْعِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا حِقَّتَانِ إِلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ كَانَتْ الْإِبِلُ أَكْثَرَ مِنْ ذَلِكَ فَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ»

L10714 The ruling specifies: "For that number, two three-year-old she-camels (bintā labūn) are due up to ninety. If the total increases by one camel, then two four-year-old she-camels (ḥiqqatān) are due up to one hundred and twenty. If the camels exceed that amount, then for every fifty, a four-year-old she-camel (ḥiqqah) is due, and for every forty, a three-year-old she-camel (bint labūn) is due."

وَهَذَا هُوَ الَّذِي لَا يَصِحُّ غَيْرُهُ، وَلَوْ صَحَّتْ تِلْكَ الْأَخْبَارُ الَّتِي لَيْسَ فِيهَا إلَّا «فِي كُلِّ خَمْسِينَ حِقَّةٌ» لَكَانَ هَذَانِ الْخَبَرَانِ الصَّحِيحَانِ زَائِدَيْنِ عَلَيْهَا حُكْمًا فِي أَنَّ فِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ؛ فَتِلْكَ غَيْرُ مُخَالِفَةٍ لِهَذَيْنِ الْخَبَرَيْنِ، وَهَذَانِ الْخَبَرَانِ زَائِدَانِ عَلَى تِلْكَ؛ فَلَا يَحِلُّ خِلَافُهُمَا، وَالْحُجَّةُ الثَّانِيَةُ أَنَّهُمْ قَالُوا: لَمَّا وَجَبَ فِي الْعِشْرِينَ وَمِائَةٍ حِقَّتَانِ، ثُمَّ وَجَدْنَا الزِّيَادَةَ عَلَيْهَا لَا حُكْمَ لَهَا فِي نَفْسِهَا، إذْ كُلُّ أَرْبَعِينَ قَبْلَهَا فَفِيهَا بِنْتُ لَبُونٍ عَلَى قَوْلِكُمْ؛ إذْ تَجْعَلُونَ فِيمَا زَادَ عَلَى عِشْرِينَ وَمِائَةٍ ثَلَاثُ بَنَاتِ لَبُونٍ -: فَإِذَا لَا حُكْمَ لَهَا فِي نَفْسِهَا فَأَحْرَى أَنْ لَا يَكُونَ لَهَا - حُكْمٌ فِي غَيْرِهَا، فَكُلُّ زِيَادَةٍ قَبْلَهَا تَنْقُلُ الْفَرْضَ فَلَهَا حِصَّةٌ مِنْ تِلْكَ الزِّيَادَةِ وَهَذِهِ بِخِلَافِ ذَلِكَ؟ قَالَ أَبُو مُحَمَّدٍ: هَذَا بِكَلَامِ الْمَمْرُورِينَ، أَوْ بِكَلَامِ الْمُسْتَخِفِّينَ بِالدِّينِ أَشْبَهَ مِنْهُ بِكَلَامِ مَنْ يَعْقِلُ وَيَتَكَلَّمُ فِي الْعِلْمِ لِأَنَّهُ كَلَامٌ لَمْ يُوجِبْهُ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ، وَلَا رِوَايَةٌ فَاسِدَةٌ، وَلَا أَثَرٌ عَنْ صَاحِبٍ وَلَا تَابِعٍ، وَلَا قِيَاسٌ

L10715–10717 This is the only valid opinion. If those reports stating merely "a she-camel in her third year for every fifty" were authentic, these two authentic reports would still constitute additional rulings by specifying a two-year-old she-camel for every forty. Thus, those reports would not contradict these two, while these two would supplement them, making it impermissible to contradict them. The second argument is their claim: Since two she-camels in their third year are obligatory for one hundred and twenty, and we observe that any excess beyond this carries no intrinsic ruling—as every forty prior to it requires a two-year-old she-camel according to your position, since you mandate three two-year-old she-camels for amounts exceeding one hundred and twenty—then if this excess holds no ruling in itself, it is more appropriate that it should have no bearing on other amounts. Thus, every preceding increase modifies the obligation by claiming a portion of that excess, whereas this case differs.

Abū Muḥammad said: This speech resembles the utterances of the deluded or those who belittle the religion, rather than the discourse of one who reasons and speaks knowledgeably. For this claim lacks foundation in the Qur'an, authentic Sunnah, corrupt narration, report from a Companion or Follower, analogy to any such sources, or any opinion with a comprehensible basis.

عَلَى شَيْءٍ مِنْ ذَلِكَ، وَلَا رَأْيَ لَهُ وَجْهُ يُفْهَمُ ثُمَّ يُقَالُ: قَدْ كَذَبْتَ فِي وَسْوَاسِك هَذَا أَيْضًا، لِأَنَّ كُلَّ أَرْبَعِينَ فِي الْمِائَةِ وَالْعِشْرِينَ لَا تَجِبُ فِيهَا بِنْتُ لَبُونٍ أَصْلًا، وَلَا تَجِبُ فِيهَا مُجْتَمِعَةً ثَلَاثُ بَنَاتِ لَبُونٍ، وَإِنَّمَا فِيهَا حِقَّتَانِ فَقَطْ، حَتَّى إذَا زَادَتْ عَلَى الْعِشْرِينَ وَمِائَةٍ وَاحِدَةً فَصَاعِدًا إلَى أَنْ تَتِمَّ ثَلَاثِينَ وَمِائَةً فَحِينَئِذٍ وَجَبَ فِي كُلِّ أَرْبَعِينَ فِي الْمِائَةِ وَالْعِشْرِينَ مَعَ الزِّيَادَةِ الَّتِي زَادَتْ ثَلَاثُ بَنَاتِ لَبُونٍ فَتِلْكَ الزِّيَادَةُ غَيَّرَتْ فَرْضَ مَا قَبْلَهَا، وَصَارَ لَهَا أَيْضًا فِي نَفْسِهَا حِصَّةٌ مِنْ تِلْكَ الزِّيَادَةِ الْحَادِثَةِ، وَهَذَا ظَاهِرٌ لَا خَفَاءَ بِهِ؟ وَقَدْ صَحَّ قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «فِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ» فِيمَا زَادَ عَلَى الْعِشْرِينَ وَمِائَةٍ، فَوَجَبَ فِي الْمِائَةِ حِينَئِذٍ حِقَّتَانِ وَلَمْ يَجُزْ تَعْطِيلُ النِّيفِ وَالْعِشْرِينَ الزَّائِدَةِ فَلَا تُزَكَّى، وَحُكْمُهَا فِي الزَّكَاةِ مَنْصُوصٌ عَلَيْهِ، وَمُمْكِنٌ إخْرَاجُهَا فِيهِ، فَوَجَبَتْ الثَّلَاثُ بَنَاتِ لَبُونٍ، وَبَطَلَ مَا مَوَّهُوا بِهِ وَأَمَّا قَوْلُ مَالِكٍ فِي التَّخْيِيرِ بَيْنَ إخْرَاجِ حِقَّتَيْنِ أَوْ ثَلَاثِ بَنَاتِ، لَبُونٍ خَطَأٌ، لِأَنَّهُ تَضْيِيعٌ لِلنِّيفِ وَالْعِشْرِينَ الزَّائِدَةِ عَلَى الْمِائَةِ، فَلَا تَخْرُجُ زَكَاتُهَا وَهَذَا لَا يَجُوزُ؟ .

Moreover, it must be said: You are mistaken in these misguided insinuations of yours, for no forty within the one hundred and twenty requires a two-year-old she-camel at all, nor do three two-year-old she-camels in total become obligatory therein. Only two she-camels in their third year are required until the amount exceeds one hundred and twenty by one or more, progressively up to thirty. When it reaches 120, then in every forty of the 120—along with the addition of three *Bint Labūn*—that increase altered the obligation of what preceded it, and it also acquires a portion of that new increase for itself. Is this not evident and unambiguous? The Prophet's statement (peace be upon him) is authenticated: "For every fifty, a *Haqqah*, and for every forty, a *Bint Labūn*" regarding the surplus beyond 120. Thus, two *Haqqahs* became obligatory for the total 120 at that point, and it was impermissible to neglect the surplus of twenty over the hundred, for it is exempt from *zakāh*. The ruling concerning its *zakāh* is explicitly stated, and it is permissible to pay it accordingly. Therefore, the three *Bint Labūn* became obligatory, invalidating their confusion. As for Mālik's opinion permitting choice between paying two *Haqqahs* or three *Bint Labūn*, it is erroneous, for it disregards the surplus of twenty over the hundred—which is exempt from *zakāh*—and this is impermissible.

وَأَيْضًا: فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَّقَ بَيْنَ حُكْمِ الْعِشْرِينَ وَمِائَةٍ فَجَعَلَ فِيهَا حِقَّتَيْنِ.

L10718 Moreover, the Messenger of Allah (peace and blessings be upon him) differentiated between the rulings for twenty and one hundred, instituting two specific shares in the latter.

بِنَصِّ كَلَامِهِ فِي حَدِيثِ أَنَسٍ عَنْ أَبِي بَكْرٍ الَّذِي أَوْرَدْنَاهُ فِي أَوَّلِ كَلَامِنَا فِي زَكَاةِ الْإِبِلِ وَبَيْنَ حُكْمِ مَا زَادَ عَلَى ذَلِكَ، فَلَمْ يَجُزْ أَنْ يُسَوَّى بَيْنَ حُكْمَيْنِ فَرَّقَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيْنَهُمَا وَلَا نَعْلَمُ أَحَدًا قَبْلَ مَالِكٍ قَالَ بِهَذَا التَّخْيِيرِ؟ .

L10719 By the explicit text of his statement in the ḥadīth of Anas from Abū Bakr—which we cited at the outset of our discussion on zakāt of camels—and between the ruling of what exceeds that, it is impermissible to equate two rulings between which the Messenger of Allah (may Allah bless him and grant him peace) distinguished. Are we aware of anyone before Mālik who advocated this optionality?

L10720–10722 Our position on this matter is the position of Al-Zuhri, the family of 'Umar ibn al-Khattab, and others, and it is the position of 'Umar ibn 'Abd al-'Aziz as

we presented before. As for Abu Hanifa's opinion: his companions defended him with what was narrated to us by 'Abdullah ibn Rabī'—who narrated from 'Abdullah ibn Muhammad ibn 'Uthman, who narrated from Ahmad ibn Khalid, who narrated from 'Ali ibn 'Abd al-'Aziz, who narrated from al-Hajjaj ibn al-Minhāl, who narrated from Hammad ibn Salamah—that he took a document from Qays ibn Sa'd on the authority of Abu Bakr ibn Muhammad ibn 'Amr ibn Hazm, stating that the Messenger of Allah (peace be upon him) wrote to his grandfather 'Amr ibn Hazm specifying the prescribed amounts for camels: "When there are twenty-five camels, a female camel that has completed one year (ibnat makhāḍ) is due until they reach thirty-five. If none is found, then a two-year-old male camel (ibn labūn) is due. If they exceed thirty-five, a two-year-old female camel (bint labūn) is due until they reach forty-five. If they exceed that, a three-year-old female camel (ḥiqqah) is due until they reach sixty. If they exceed sixty, a female camel that has entered its fifth year (jadhʿa) is due." Until they reach seventy-five, and if there are more than that, two two-year-old she-camels are due until they reach ninety. If they exceed that, two three-year-old she-camels are due up to one hundred and twenty. If they exceed that, count one three-year-old she-camel for every fifty camels. Any surplus reverts to the initial Zakat rate for camels. For fewer than twenty-five camels, one sheep is due for every five camels, with no male, aged, or defective sheep among them." Then he proceeded to mention the Zakat on sheep. As transmitted through Abd al-Razzaq's chain from Ma'mar from Abdullah ibn Abi Bakr ibn Muhammad ibn Amr ibn Hazm: "The Prophet - peace and blessings be upon him - wrote them a document stating regarding camels: When they number twenty-five to thirty-five, a one-year-old she-camel is due. If no one-year-old she-camel is found among the camels, a two-year-old male camel suffices." Until he mentioned ninety: "If they exceed this up to one hundred and twenty, two three-year-old she-camels are due. If they exceed that, count one three-year-old she-camel for every fifty camels. For fewer than twenty-five, one sheep is due for every five camels."

وَقَوْلُنَا فِي هَذَا هُوَ قَوْلُ الزُّهْرِيِّ وَآلِ عُمَرَ بْنِ الْخَطَّابِ، وَغَيْرِهِمْ، وَهُوَ قَوْلُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ كَمَا أَوْرَدْنَا قَبْلُ؟ وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ: فَإِنَّهُ احْتَجَّ أَصْحَابُهُ لَهُ بِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا حَمَّادُ بْنُ سَلَمَةَ: أَنَّهُ أَخَذَ مِنْ قَيْسِ بْنِ سَعْدٍ كِتَابًا عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَتَبَ لِجَدِّهِ عَمْرِو بْنِ حَزْمٍ ذِكْرُ مَا يَخْرُجُ مِنْ فَرَائِضِ الْإِبِلِ: «إِذَا كَانَتْ خَمْسَةً وَعِشْرِينَ فَفِيهَا ابْنَةُ مَخَاضٍ، إِلَى أَنْ تَبْلُغَ خَمْسَةً وَثَلَاثِينَ، فَإِنْ لَمْ تُوجَدْ فَابْنُ لَبُونٍ ذَكَرٌ فَإِنْ كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَفِيهَا بِنْتُ لَبُونٍ، إِلَى أَنْ تَبْلُغَ خَمْسَةً وَأَرْبَعِينَ، فَإِنْ كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَفِيهَا حِقَّةٌ، إِلَى أَنْ تَبْلُغَ سِتِّينَ، فَإِنْ كَانَتْ أَكْثَرَ مِنْهَا فَفِيهَا جَذَعَةٌ، إِلَى أَنْ تَبْلُغَ خَمْسَةً وَسَبْعِينَ، فَإِذَا كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَفِيهَا ابْنَتَا لَبُونٍ إِلَى أَنْ تَبْلُغَ تِسْعِينَ، فَإِنْ كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَفِيهَا حِقَّتَانِ، إِلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَعُدَّ فِي كُلِّ خَمْسِينَ حِقَّةٌ، فَمَا فَضَلَ فَإِنَّهُ يُعَادُ إِلَى أَوَّلِ فَرِيضَةِ الْإِبِلِ وَمَا كَانَ أَقَلَّ مِنْ خَمْسَةٍ وَعِشْرِينَ فَفِيهَا فِي كُلِّ خَمْسِ ذَوْدٍ شَاةٌ لَيْسَ فِيهَا ذَكَرٌ وَلَا هَرِمَةٌ وَلَا ذَاتُ عَوَارٍ مِنْ الْغَنَمِ» ثُمَّ خَرَجَ إِلَى ذِكْرِ زَكَاةِ الْغَنَمِ؟ وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَتَبَ لَهُمْ كِتَابًا فِيهِ وَفِي الْإِبِلِ إِذَا كَانَتْ خَمْسًا وَعِشْرِينَ إِلَى خَمْسٍ وَثَلَاثِينَ فَفِيهَا بِنْتُ مَخَاضٍ، فَإِنْ لَمْ تُوجَدْ ابْنَةُ مَخَاضٍ فِي الْإِبِلِ فَابْنُ لَبُونٍ ذَكَرٌ إِلَى أَنْ ذَكَرَ التِّسْعِينَ فَإِذَا كَانَتْ أَكْثَرَ مِنْ ذَلِكَ إِلَى عِشْرِينَ وَمِائَةٍ فَفِيهَا حِقَّتَانِ، فَإِذَا كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَاعْدُدْ فِي كُلِّ خَمْسِينَ حِقَّةً، وَمَا كَانَ أَقَلَّ مِنْ خَمْسَةٍ وَعِشْرِينَ فَفِي كُلِّ خَمْسٍ شَاةٌ» .

وَذَكَرُوا مَا حَدَّثَنَاهُ مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ فِي الْإِبِلِ قَالَ: فَإِذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةٍ فَبِحِسَابِ الْأَوَّلِ، وَتُسْتَأْنَفُ لَهَا الْفَرَائِضُ؟ قَالَ أَبُو مُحَمَّدٍ: وَبِقَوْلِهِمْ يَقُولُ إِبْرَاهِيمُ النَّخَعِيُّ، وَسُفْيَانُ الثَّوْرِيُّ؟ قَالُوا: وَحَدِيثُ عَلِيٍّ هَذَا مُسْنَدٌ؟ وَاحْتَجُّوا بِمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا [الدَّبَرِيُّ] ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ بْنِ عُيَيْنَةَ أَخْبَرَنِي مُحَمَّدُ بْنُ سُوقَةَ قَالَ أَخْبَرَنِي أَبُو يَعْلَى هُوَ مُنْذِرٌ الثَّوْرِيُّ - عَنْ مُحَمَّدِ بْنِ الْحَنَفِيَّةِ قَالَ: جَاءَ نَاسٌ إِلَى أَبِي فَشَكَوْا: سُعَاةَ عُثْمَانَ بْنِ عَفَّانَ، فَقَالَ أَبِي: أَيْ بُنَيَّ خُذْ هَذَا الْكِتَابَ فَاذْهَبْ بِهِ إِلَى عُثْمَانَ وَقُلْ لَهُ: إِنَّ نَاسًا مِنْ النَّاسِ شَكَوْا سُعَاتَك، وَهَذَا أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْفَرَائِضِ: فَأْمُرْهُمْ فَلْيَأْخُذُوا بِهِ؟ قَالَ: فَانْطَلَقْتُ بِالْكِتَابِ حَتَّى دَخَلْتُ عَلَى عُثْمَانَ بْنِ عَفَّانَ - رَضِيَ اللَّهُ عَنْهُ - فَقُلْت: إنَّ أَبِي أَرْسَلَنِي إلَيْك، وَذَكَرَ أَنَّ نَاسًا مِنْ النَّاسِ شَكَوْا سُعَاتَك، وَهَذَا أَمْرُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْفَرَائِضِ، فَمُرْهُمْ فَلْيَأْخُذُوا بِهِ؟ فَقَالَ: لَا حَاجَةَ لَنَا فِي كِتَابِك، فَرَجَعْتُ إلَى أَبِي فَأَخْبَرْته؟ فَقَالَ: أَيْ بُنَيَّ، لَا عَلَيْك، أُرْدِدْ الْكِتَابَ مِنْ حَيْثُ أَخَذْتَهُ، قَالَ: فَلَوْ كَانَ ذَاكِرًا عُثْمَانَ بِشَيْءٍ لَذَكَرَهُ بِسُوءٍ، وَإِنَّمَا كَانَ فِي الْكِتَابِ مَا كَانَ فِي حَدِيثِ عَلِيٍّ.

They mentioned what Muḥammad ibn Saʿīd ibn Nabāt narrated to us; Aḥmad ibn ʿAbd al-Baṣīr narrated to us; Qāsim ibn Aṣbagh narrated to us; Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us; Muḥammad ibn al-Muthannā narrated to us; Yaḥyā ibn Saʿīd al-Qaṭṭān narrated to us; Sufyān al-Thawrī narrated to us from Abū Isḥāq al-Sabīʿī from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib regarding camels, who said: “When they exceed one hundred and twenty, the calculation reverts to the earlier rule, and the prescribed Zakāh shares are newly instituted for them?” Abū Muḥammad said: “Do Ibrāhīm al-Nakhaʿī and Sufyān al-Thawrī hold the same opinion as them?” They said: “Is this ḥadīth of ʿAlī transmitted through a connected chain?” The proponents cited as evidence what Ḥammām narrated to us; Ibn Mufarrij narrated to us; Ibn al-Aʿrābī narrated to us; [al-Dabarī] narrated to us; ʿAbd al-Razzāq narrated to us from Sufyān ibn ʿUyaynah, who informed me: Muḥammad ibn Sūqah said: “Abū Yaʿlā—who is Mundhir al-Thawrī—informed me from Muḥammad ibn al-Ḥanafiyyah, who said: ’People came to my father and complained about ʿUthmān ibn ʿAffān’s Zakāh agents. My father said: ”My dear son, take this letter and deliver it to ʿUthmān, and tell him: Some people among...“” The people complained about your tax collectors, and this is the command of Allah’s Messenger—peace be upon him—regarding the inheritance shares. Order them to adhere to it. He said: I departed with the letter until I entered upon Uthmān ibn Affān—may Allah be pleased with him—and said: My father sent me to you, mentioning that some people complained about your tax collectors, and this is the command of Allah’s Messenger—peace be upon him—regarding the inheritance shares. Order them to adhere to it. He replied: We have no need for your letter. I returned to my father and informed him. He said: My son, do not concern yourself. Return the letter to where you obtained it. He said: If he had intended to mention anything about Uthmān, he would have mentioned it in a negative manner. The letter contained only what was in the Hadith of Ali.

L10723–10725

قَالُوا: فَمِنْ الْبَاطِلِ أَنْ يُظَنَّ بِعَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - أَنْ يُخْبِرَ النَّاسَ بِغَيْرِ مَا فِي كِتَابِهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

It is baseless to presume that Ali (may Allah be pleased with him) would inform people of anything contrary to what the Prophet (peace be upon him) transmitted in his Book [Quran].

L10726

وَادَّعَوْا أَنَّهُ قَدْ رُوِيَ عَنْ ابْنِ مَسْعُودٍ، وَابْنِ عُمَرَ مِثْلُ قَوْلِهِمْ؟ قَالَ أَبُو مُحَمَّد: هَذَا كُلُّ مَا مَوَّهُوا بِهِ، مِمَّا يُمْكِنُ أَنْ يُمَوِّهَ بِهِ مَنْ لَا عِلْمَ لَهُ، أَوْ مَنْ لَا تَقْوَى لَهُ، وَأَمَّا الْهَذَرُ وَالتَّخْلِيطُ فَلَا نِهَايَةَ لَهُ فِي الْقُوَّةِ؟ قَالَ أَبُو مُحَمَّد: وَكُلُّ هَذَا لَا حُجَّةَ لَهُمْ فِيهِ أَصْلًا أَمَّا حَدِيثُ مَعْمَرٍ، وَحَمَّادِ بْنِ سَلَمَةَ: فَمُرْسَلَانِ لَا تَقُومُ بِهِمَا حُجَّةٌ، ثُمَّ لَوْ صَحَّا لَمَا كَانَ لَهُمْ فِيهِمَا مُتَعَلَّقٌ أَصْلًا أَمَّا طَرِيقُ مَعْمَرٍ فَإِنَّ الَّذِي فِي آخِرِهِ مِنْ قَوْلِهِ: " وَمَا كَانَ أَقَلَّ مِنْ خَمْسَةٍ وَعِشْرِينَ فَفِي كُلِّ خَمْسٍ شَاةٌ " فَإِنَّمَا هُوَ حُكْمُ ابْتِدَاءِ فَرَائِضِ الْإِبِلِ.

L10727 They claimed that statements resembling their opinion were narrated from Ibn Mas'ud and Ibn Umar. Abu Muhammad said: This constitutes the full extent of their deceptive arguments—matters that those lacking knowledge or piety might exploit to obscure truth. As for their incoherent rambling and muddled arguments, is there any limit to their persistence? Abu Muhammad said: None of this holds any valid evidence for them whatsoever. Regarding the narrations of Ma'mar and Hammad ibn Salama—these are mursal narrations incapable of constituting proof. Even if authenticated, they would provide no basis for their stance. As for Ma'mar's report concluding with "For amounts below twenty-five, one sheep is due per five camels"—this solely pertains to the foundational rulings governing obligatory shares for camels.

وَلَمْ يَسْتَحْيِ عَمِيدٌ مِنْ عُمُدِهِمْ مِنْ أَنْ يَكْذِبَ فِي هَذَا الْحَدِيثِ مَرَّتَيْنِ جِهَارًا -: إِحْدَاهُمَا: أَنَّهُ ادَّعَى أَنَّ فِي أَوَّلِهِ ذِكْرُ تَزْكِيَةِ الْإِبِلِ بِالْغَنَمِ فَلَا يَجُوزُ أَنْ يُظَنَّ أَنَّهُ كَرَّرَهُ قَالَ أَبُو مُحَمَّد: وَقَدْ كَذَبَ فِي هَذَا عَلَانِيَةً وَأَعْمَاهُ الْهَوَى وَأَصَمَّهُ وَلَمْ يَسْتَحِي وَمَا ذَكَرَ مَعْمَرٌ فِي أَوَّلِ كَلَامِهِ فِي فَرَائِضِ الْإِبِلِ إِلَّا كَمَا أَوْرَدْنَاهُ مِنْ حُكْمِ الْخَمْسَةِ وَالْعِشْرِينَ فَصَاعِدًا وَذَكَرَ فِي آخِرِ حَدِيثِهِ حُكْمَ تَزْكِيَتِهَا بِالْغَنَمِ إِذْ لَمْ يَذْكُرْهُ أَوَّلًا؟ وَالْمَوْضُوعُ الثَّانِي: أَنَّهُ جَاهَرَ بِالْكَذِبِ، فَقَالَ: " مَعْمَرٌ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ " وَهَذَا كَذِبٌ، مَا رَوَاهُ ذَلِكَ مَعْمَرٌ إِلَّا عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ فَقَطْ، ثُمَّ لَوْ صَحَّ لَهُ هَذَا لَمَا أَخْرَجَهُ عَنْ الْإِرْسَالِ، لِأَنَّ مُحَمَّدَ بْنَ عَمْرٍو لَمْ يُدْرِكْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. ثُمَّ عَجَبٌ آخَرُ وَهُوَ احْتِجَاجُهُ بِهَذَيْنِ الْخَبَرَيْنِ فِيمَا لَيْسَ فِيهِمَا مِنْهُ شَيْءٌ، وَهُوَ يُخَالِفُهُمَا فِيمَا فِيهِمَا مِنْ أَنَّهُ إِنْ لَمْ تُوجَدْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ أَفَلَا يَعُوقُ الْمَرْءَ مُسَكَةٌ مِنْ الْحَيَاءِ عَنْ مِثْلِ هَذَا؟ وَالْعَجَبُ أَنَّهُمْ زَادُوا كَذِبًا وَجُرْأَةً وَفُحْشًا فَقَالُوا: مَعْنَى قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «إِنْ لَمْ تُوجَدْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ» إِنَّمَا أَرَادَ بِقِيمَةِ بِنْتِ مَخَاضٍ؟

L10728–10730 And a leading figure among their pillars did not refrain from openly lying in this narration twice. The first lie: he claimed that its beginning mentions the valuation of camels with sheep, so one should not presume he repeated it. Abū Muḥammad said: "He lied openly in this matter, as passion blinded him, deafened him, and he felt no shame. Maʿmar only mentioned at the start of his discourse on the prescribed amounts for camels what we cited regarding the ruling for twenty-five camels and above. Did he then mention the ruling on their valuation with sheep at the end of his narration because he had not mentioned it initially?" The second fabrication was his brazen falsehood in stating: "Maʿmar reported from ʿAbdullāh ibn Abī Bakr ibn Muḥammad ibn ʿAmr ibn Ḥazm, from his father, from his grandfather"—a lie, for Maʿmar narrated it only from ʿAbdullāh ibn Abī Bakr alone. Even if this were sound, it would not lift the narration from being mursal, for Muḥammad ibn ʿAmr... He did not live during the time of the Prophet - peace and blessings of Allah be upon him. Then there is another wonder: his reliance on these two reports concerning matters they do not address at all, while contradicting their explicit content stating that if a one-year-old she-camel is unavailable, a two-year-old male camel should be given. Does a person not feel restrained by a shred of decency from such behavior? What is astonishing is that they added layers of falsehood, audacity, and vulgarity by claiming: "The meaning of the Prophet's statement - peace and blessings of

Allah be upon him - 'If a one-year-old she-camel is unavailable, then a two-year-old male camel' refers only to the value of a one-year-old she-camel." This is a blatant, crude lie. There is no difference between this and one who says: "He meant only a blond two-year-old male camel," or "specifically in the land of Najd." Among the baseless and impossible claims is the notion that the Prophet - peace and blessings of Allah be upon him - could have intended substituting value for the unavailable camel while restricting the replacement to a two-year-old male camel. The astonishment lies in how these people attribute to the Prophet - peace and blessings of Allah be upon him - what he did not say, twisting his words into senselessness, foolishness, and deception, though they would never permit diverting a single word of Abu Hanifa's speech from its apparent meaning. By Allah, no trustworthy person would act thus! The Imams spoke truthfully when they declared: "They plot against Islam." It should be said to them: Why did you not interpret the reports you adopted from what is impermissible to adopt among some predecessors' views - such as setting the fugitive slave's compensation at forty dirhams - as merely denoting the value of the effort expended by whoever returned that fugitive? This would have been more valid and correct than imposing a ruling never ordained by Allah Almighty or His Messenger - peace and blessings of Allah be upon him.

وَهَذَا كَذِبٌ بَارِدٌ سَمْجٌ وَلَا فَرْقَ بَيْنَهُمْ فِي هَذَا وَبَيْنَ مَنْ قَالَ: مَا أَرَادَ إِلَّا ابْنَ لَبُونٍ أَصْهَبَ، أَوْ فِي أَرْضِ نَجْدٍ خَاصَّةً وَمِنْ الْبَاطِلِ الْمُمْتَنِعِ الَّذِي لَا يُمْكِنُ أَصْلًا أَنْ يُرِيدَ النَّبِيُّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنْ يُعَوِّضَ مِمَّا عُدِمَ بِالْقِيمَةِ وَيَقْتَصِرُ عَلَى ذِكْرِ ابْنِ لَبُونٍ ذَكَرٌ أَيْضًا خَاصَّةً وَالْعَجَبُ مِنْ هَؤُلَاءِ الْقَوْمِ فِي تَقْوِيلِهِمْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْ وَإِحَالَةِ كَلَامِهِ إلَى الْهَوَسِ وَالْغَثَاثَةِ وَالتَّلْبِيسِ وَلَا يَسْتَجِيزُونَ إحَالَةَ لَفْظَةٍ مِنْ كَلَامِ أَبِي حَنِيفَةَ عَنْ مُقْتَضَاهَا وَاَللَّهُ لَا فَعَلَ هَذَا مَوْثُوقٌ بِعَقْدِهِ وَلَقَدْ صَدَقَ الْأَئِمَّةُ الْقَائِلُونَ: إنَّهُمْ يَكِيدُونَ الْإِسْلَامَ وَيُقَالُ لَهُمْ: هَلَّا حَمَلْتُمْ مَا أَخَذْتُمْ بِهِ مِمَّا لَا يَجُوزُ الْأَخْذُ بِهِ مِمَّا رُوِيَ عَنْ بَعْضِ السَّلَفِ مِنْ أَنَّ جُعْلَ الْآبِقِ أَرْبَعُونَ دِرْهَمًا -: عَلَى أَنَّهُ إنَّمَا أَرَادَ قِيمَةَ تَعَبِ ذَلِكَ الَّذِي رَدَّ ذَلِكَ الْآبِقَ فَقَطْ؟ عَلَى أَنَّ هَذَا كَانَ أَوْلَى وَأَصَحَّ مِنْ حَمْلِهِ عَلَى إيجَابِ شَرِيعَةٍ لَمْ يُوجِبْهَا اللَّهُ تَعَالَى وَلَا رَسُولُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10731–10733 Just as they did not go beyond Abū Ḥanīfah's statement regarding one who marries on the basis of [providing] a house and a servant - that the house is fifty. For a dinar [of gold], and for an enslaved individual, forty dinars. Thus they avoided contradicting Abu Hanifah's erroneous view in valuation, yet showed no concern for opposing the command of Allah's Messenger—peace and blessings of Allah be upon him—and lying against him. The penalty [for undervaluation] compelled them to assess [fairly]. Furthermore, we have traced the narrators in what Hammam narrated to us, stating: Abbas ibn Asbagh narrated to us, Muhammad ibn Abd al-Malik ibn Ayman narrated to us, Abu Abdullah Al-Kabuli narrated to us, Ismail ibn Abi Uways narrated to us from his father, from Abdullah and Muhammad—the two sons of Abu Bakr ibn Muhammad ibn Amr ibn Hazm—from their father, from their grandfather, from Allah's Messenger—peace and blessings of Allah be upon

كَمَا لَمْ يَتَعَدَّوْا قَوْلَ أَبِي حَنِيفَةَ فِيمَنْ تَزَوَّجَ عَلَى بَيْتٍ وَخَادِمٍ أَنَّ الْبَيْتَ خَمْسُونَ دِينَارًا وَالْعَبْدَ أَرْبَعُونَ دِينَارًا، فَتَوَقَّوْا مُخَالَفَةَ خَطَأِ أَبِي حَنِيفَةَ فِي التَّقْوِيمِ، وَلَمْ يُبَالُوا بِمُخَالَفَةِ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْكَذِبِ عَلَيْهِ وَحَمَلَهُمْ حَدُّهُ عَلَى التَّقْوِيمِ وَأَيْضًا - فَإِنَّنَا قَدْ أَوْجَدْنَاهُمْ مَا حَدَّثَنَاهُ حُمَامٌ قَالَ: ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ أَنَا أَبُو عَبْدِ اللَّهِ الْكَابُلِيُّ ثنا إسْمَاعِيلُ بْنُ أَبِي أُوَيْسٍ ثنا أَبِي عَنْ عَبْدِ اللَّهِ، وَمُحَمَّدُ ابْنَيْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِمَا عَنْ جَدِّهِمَا عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ كَتَبَ هَذَا الْكِتَابَ لِعَمْرِو بْنِ حَزْمٍ حِينَ أَمَّرَهُ الْيَمَنَ، وَفِيهِ الزَّكَاةُ،

him—that he wrote this letter to Amr ibn Hazm when appointing him over Yemen. It contained rulings on Zakat, and he stated: "When gold reaches the value of two hundred dirhams, then for every forty dirhams' worth, one dirham is due—when it reaches forty dinars."

L10734 It is inconceivable that Ibn Hazm's treatise could contain parts that are authoritative proofs and others that lack such authority. This is the characteristic of those about whom Allah the Exalted has told us, who said: "We believe in some [parts] and reject others" (Qur'an 4:150).[14]

L10735 As for the narration chain of Ḥammād ibn Salamah, it is also mursal (a narration with a broken chain), and the ruling concerning it is the same as that regarding the narration chain of Maʿmar. Even if both were authentic, they would not serve as evidence for their position, because there is nothing in either transmission that substantiates their claim whatsoever. The explicit text of Ḥammād's narration states: "Up to one hundred and twenty [camels]; if exceeding that, count one hiqqah (three-year-old she-camel) for every fifty. Whatever remains should revert to the initial Zakat rate for camels." This assumes that zakāh is recalculated using sheep rates as they allege? However, this wording could alternatively mean reverting the ruling to the initial Zakat rate for camels, where one bint labūn (two-year-old she-camel) is due for every forty, since the primary rate stipulates one bint labūn for forty camels and two for eighty. This interpretation is more valid than their false, corrupt, and impossible claim.

L10736–10738 As for their interpretation of what has been narrated from Ali regarding this matter as being the transmitted basis for their argument—that it is obligatory to maintain a favorable opinion of Ali (may Allah be pleased with him) and impermissible to presume he would narrate anything except what he has from the Messenger of Allah (peace and blessings be upon him)—then by my life, their claim is valid. Yet Ali is not more deserving of favorable regard than Uthman (may Allah be pleased with them both). The obligation upon us is to uphold a favorable opinion of both. Otherwise, they have indeed followed the path of their brothers among the Rafidah. We maintain: Just as it is

فَذَكَرُهُ، «فَإِذَا بَلَغَتْ الذَّهَبَ قِيمَةَ مِائَتَيِ دِرْهَمٍ فَفِي قِيمَةِ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ حِينَ تَبْلُغُ أَرْبَعِينَ دِينَارًا» .

فَمِنْ الْمُحَالِ أَنْ تَكُونَ صَحِيفَةُ ابْنِ حَزْمٍ بَعْضُهَا حُجَّةٌ وَبَعْضُهَا لَيْسَ بِحُجَّةٍ، وَهَذِهِ صِفَةُ الَّذِينَ أَخْبَرَ اللَّهُ تَعَالَى عَنْهُمْ أَنَّهُمْ قَالُوا: {نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ} [النساء: ١٥٠] .

وَأَمَّا طَرِيقُ حَمَّادِ بْنِ سَلَمَةَ فَمُرْسَلَةٌ أَيْضًا، وَالْقَوْلُ فِيهَا كَالْقَوْلِ فِي طَرِيقِ مَعْمَرٍ؟ ثُمَّ لَوْ صَحَّا جَمِيعًا لَمَا كَانَ لَهُمْ فِيهِمَا حُجَّةٌ، لِأَنَّهُ لَيْسَ فِي شَيْءٍ مِنْهُمَا مَا قَالُوا بِهِ أَصْلًا، لِأَنَّ نَصَّ رِوَايَةِ حَمَّادٍ " إلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ كَانَتْ أَكْثَرَ مِنْ ذَلِكَ فَعُدَّ فِي كُلِّ خَمْسِينَ حِقَّةً، فَمَا فَضَلَ فَإِنَّهُ يُعَادُ إلَى أَوَّلِ فَرِيضَةِ الْإِبِلِ " هَذَا عَلَى أَنْ تُعَادَ فِيهِ الزَّكَاةُ بِالْغَنَمِ كَمَا ادَّعَوْا؟ وَيَحْتَمِلُ هَذَا اللَّفْظُ أَنْ يَكُونَ أَرَادَ أَنْ يَرُدَّ الْحُكْمَ إلَى أَوَّلِ فَرِيضَةِ الْإِبِلِ فِي أَنَّ فِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ، لِأَنَّ فِي أَوَّلِ فَرِيضَةِ الْإِبِلِ أَنَّ فِي أَرْبَعِينَ بِنْتُ لَبُونٍ وَفِي ثَمَانِينَ بِنْتَيْ لَبُونٍ، فَهَذَا أَوْلَى مِنْ تَأْوِيلِهِمْ الْكَاذِبِ الْفَاسِدِ الْمُسْتَحِيلِ.

وَأَمَّا حَمْلُهُمْ مَا رُوِّينَا عَنْ عَلِيٍّ فِي ذَلِكَ عَلَى أَنَّهُ مُسْنَدُ احْتِجَاجِهِمْ فِي ذَلِكَ بِوُجُوبِ حُسْنِ الظَّنِّ بِعَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - وَأَنَّهُ لَا يَجُوزُ أَنْ يُظَنَّ بِهِ أَنَّهُ يُحَدِّثُ بِغَيْرِ مَا عِنْدَهُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: فَقَوْلُ لَعَمْرِي صَحِيحٌ إلَّا أَنَّهُ لَيْسَ عَلِيٌّ بِأَوْلَى بِحُسْنِ الظَّنِّ مِنَّا مِنْ عُثْمَانَ - رَضِيَ اللَّهُ عَنْهُمَا - مَعًا، وَالْفَرْضُ عَلَيْنَا حُسْنُ الظَّنِّ بِهِمَا، وَإِلَّا فَقَدْ سَلَكُوا سَبِيلَ إخْوَانِهِمْ مِنْ الرَّوَافِضِ وَنَحْنُ نَقُولُ: كَمَا لَا يَجُوزُ أَنْ يُسَاءَ الظَّنُّ بِعَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ - فِي أَنْ يُظَنَّ أَنَّهُ يُحَدِّثُ بِغَيْرِ مَا عِنْدَهُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ

[14] **Qur'an references (L10734):** Qur'an 4:150 (An-Nisa).

impermissible to hold a bad opinion of Ali—may Allah be pleased with him—by suspecting he narrated other than what he possessed from the Prophet—peace be upon him—or intentionally contradicted his own narration from him—peace be upon him—so too is it impermissible to hold a bad opinion of Uthman—may Allah be pleased with him—by suspecting he appointed as caliph based on the Prophet's book and said: "We have no need for it." Had Uthman not known that what was in Ali's book was abrogated, he would neither have rejected it nor disregarded it. However, that book remained with Ali while he was unaware of its abrogation, whereas Uthman possessed its abrogation. Thus, we uphold a good opinion of both—as obligated—for holding a favorable opinion of Ali alongside an unfavorable one of Uthman is no further from misguidance than holding a favorable opinion of Uthman alongside an unfavorable one of Ali.

وَسَلَّمَ - أَوْ يَتَعَمَّدُ خِلَافَ رِوَايَتِهِ عَنْهُ - عَلَيْهِ السَّلَامُ -: فَكَذَلِكَ لَا يَجُوزُ أَنْ يُسَاءَ الظَّنُّ بِعُثْمَانَ - رَضِيَ اللَّهُ عَنْهُ -، فَيُظَنُّ بِهِ أَنَّهُ اسْتَخْلَفَ بِكِتَابِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَالَ: لَا حَاجَةَ لَنَا بِهِ، لَوْلَا أَنَّ عُثْمَانَ عَلِمَ أَنَّ مَا فِي كِتَابِ عَلِيٍّ مَنْسُوخٌ مَا رَدَّهُ، وَلَا أَعْرَضَ عَنْهُ، لَكِنْ كَانَ ذَلِكَ الْكِتَابُ عِنْدَ عَلِيٍّ وَلَمْ يَعْلَمْ بِنَسْخِهِ، وَكَانَ عِنْدَ عُثْمَانَ نَسْخُهُ فَنُحْسِنُ الظَّنَّ بِهِمَا جَمِيعًا كَمَا يَلْزَمُنَا، وَلَيْسَ إِحْسَانُ الظَّنِّ بِعَلِيٍّ وَإِسَاءَتُهُ بِعُثْمَانَ بِأَبْعَدَ مِنْ الضَّلَالِ مِنْ إِحْسَانِ الظَّنِّ بِعُثْمَانَ وَإِسَاءَتِهِ بِعَلِيٍّ.

L10739 We say: If that book were from the Prophet—peace and blessings of Allah be upon him—Uthmān would not have rejected it, nor is either of the two evils easier than the other. As for us, we maintain a favorable opinion of them both—may Allah be pleased with them both—and we do not take lightly lying against the Messenger of Allah—peace and blessings of Allah be upon him—by attributing to him statements based on false conjecture, thereby securing our abode in the Fire just as those who did so have taken theirs. Rather, we affirm the positions of Uthmān and Ali; they are not independent authorities apart from the Messenger of Allah—peace and blessings of Allah be upon him—but rather they are two leaders among the people of Paradise, forgiven and not immune from error. We return to the statement of the Messenger of Allah—peace and blessings of Allah be upon him—adopting what is firmly established from him and discarding what is not? Then we say to them: Granted that Ali's book is authentically transmitted and unabrogated—it does not contain what you claim; rather, you obscure the matter. It merely states: "For camels exceeding one hundred and twenty, revert to the initial calculation and the prescribed amounts are reapplied for them." This does not clarify that the zakāh of sheep is subject to the same reversion. His statement could mean that they revert to their initial calculation, reapplying the prescribed amounts, thus reverting to: for

فَنَقُولُ: لَوْ كَانَ ذَلِكَ الْكِتَابُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا رَدَّهُ عُثْمَانُ، وَلَا إحْدَى السَّيِّئَتَيْنِ بِأَسْهَلَ مِنْ الْأُخْرَى وَأَمَّا نَحْنُ فَنُحْسِنُ الظَّنَّ بِهِمَا - رَضِيَ اللَّهُ عَنْهُمَا -، وَلَا نَسْتَسْهِلُ الْكَذِبَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي أَنْ نَنْسُبَ إلَيْهِ الْقَوْلَ بِالظَّنِّ الْكَاذِبِ فَنَتَبَوَّأَ مَقَاعِدَنَا مِنْ النَّارِ كَمَا تَبَوَّأَهُ مَنْ فَعَلَ ذَلِكَ، بَلْ [نُقِرُّ] قَوْلَ عُثْمَانَ وَعَلِيٍّ مَقَرَّهُمَا، فَلَيْسَا حُجَّةً دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَكِنَّهُمَا إمَامَانِ مِنْ أَهْلِ الْجَنَّةِ، مَغْفُورٌ لَهُمَا، غَيْرُ مُبْعَدِينَ مِنْ الْوَهْمِ، وَنَرْجِعُ إلَى قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَنَأْخُذُ بِالثَّابِتِ عَنْهُ وَنَطْرَحُ مَا لَمْ يَثْبُتْ عَنْهُ؟ ثُمَّ نَقُولُ لَهُمْ: هَبْكُمْ أَنَّ كِتَابَ عَلِيٍّ مُسْنَدٌ، وَأَنَّهُ لَمْ يُنْسَخْ - فَإِنَّهُ لَيْسَ فِيهِ مَا تَقُولُونَ، بَلْ تُمَوِّهُونَ -: وَإِنَّمَا فِيهِ «فِي الْإِبِلِ إذَا زَادَتْ عَلَى عِشْرِينَ وَمِائَةٍ فَبِحِسَابِ الْأَوَّلِ وَتُسْتَأْنَفُ لَهَا الْفَرَائِضُ» وَلَيْسَ فِي هَذَا بَيَانٌ أَنَّ زَكَاةَ الْغَنَمِ تَعُودُ فِيهَا، وَيَحْتَمِلُ قَوْلُهُ هَذَا أَنْ تَعُودَ

every forty, a two-year-old she-camel (bint labūn), as initially prescribed: for forty, a two-year-old she-camel (bint labūn).

إِلَى حِسَابِهَا الْأَوَّلِ وَتُسْتَأْنَفَ لَهَا الْفَرَائِضُ، فَتَرْجِعَ إِلَى أَنْ يَكُونَ فِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ، كَمَا فِي أَوَّلِهَا: فِي أَرْبَعِينَ بِنْتُ لَبُونٍ.

L10740–10742 And regarding eighty [camels], two three-year-old female camels (bintā labūn)—is this not more valid than your false interpretation? Then we say: Granted that your claim were authentic—and we seek refuge in Allah from such a notion—and that it explicitly states your position—and we seek refuge in Allah from this—then hear it in its entirety? Hammām narrated to us: Mufarrij narrated to us: Ibn al-Aʿrabī narrated to us: al-Dabarī narrated to us: ʿAbd al-Razzāq narrated from Maʿmar, from Abī Isḥāq al-Sabīʿī, from ʿĀṣim ibn Ḍamrah, from ʿAlī ibn Abī Ṭālib, who said: "For five [camels] from... [text ends abruptly]" For camels, one sheep is due. For fifteen camels, three sheep are due. For twenty camels, four sheep. For twenty-five camels, five sheep. For twenty-six camels, a one-year-old female camel (bint makhāḍ) is due. If none is available, a two-year-old male camel (ibn labūn) is due until the count reaches thirty-five. When the number increases by one, a two-year-old female camel (bint labūn) is due until it reaches forty-five. When the number increases by one, a three-year-old female camel (hiqqah) bred by a stallion - or he said "camel" - is due until it reaches sixty. When the number increases by one, a four-year-old female camel (jadhʿah) is due until it reaches seventy-five. When the number increases by one, two two-year-old female camels (bintā labūn) are due until it reaches ninety. When the number increases by one, two three-year-old female camels (hiqqatān) bred by a stallion are due, up to one hundred and twenty. When the number increases by one, one three-year-old female camel (hiqqah) is due for every fifty camels, and one two-year-old female camel (bint labūn) for every forty. For silver - once a full lunar year has passed - five dirhams are due per two hundred dirhams. Nothing is owed on amounts below two hundred. If it exceeds this, the obligation is calculated proportionally. I have exempted charity on horses and slaves.

وَفِي ثَمَانِينَ بِنْتَا لَبُونٍ، فَهَذَا أَوْلَى مِنْ تَأْوِيلِكُمْ الْكَاذِبِ؟ ثُمَّ نَقُولُ: هَبْكُمْ أَنَّهُ مُسْنَدٌ - وَمَعَاذَ اللَّهِ مِنْ ذَلِكَ - وَأَنَّ فِيهِ نَصَّ مَا قُلْتُمْ - وَمَعَاذَ اللَّهِ مِنْ ذَلِكَ - فَاسْمَعُوهُ بِكَمَالِهِ؟ حَدَّثَنَا حُمَامٌ ثنا مُفَرِّجٌ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: فِي خَمْسٍ مِنْ الْإِبِلِ شَاةٌ، وَفِي خَمْسَ عَشَرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ خَمْسُ شِيَاهٍ، وَفِي سِتٍّ وَعِشْرِينَ بِنْتُ مَخَاضٍ فَإِنْ لَمْ تَكُنْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ، حَتَّى تَبْلُغَ خَمْسًا وَثَلَاثِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا بِنْتُ لَبُونٍ، حَتَّى تَبْلُغَ خَمْسًا وَأَرْبَعِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا حِقَّةٌ طَرُوقَةُ الْفَحْلِ - أَوْ قَالَ: الْجَمَلِ - حَتَّى تَبْلُغَ سِتِّينَ، فَإِذَا زَادَتْ، وَاحِدَةً فَفِيهَا جَذَعَةٌ، حَتَّى تَبْلُغَ خَمْسًا وَسَبْعِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا بِنْتَا لَبُونٍ، حَتَّى تَبْلُغَ تِسْعِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا حِقَّتَانِ طَرُوقَتَا الْفَحْلِ، إِلَى عِشْرِينَ وَمِائَةٍ، فَإِذَا زَادَتْ وَاحِدَةً فَفِي كُلِّ خَمْسِينَ حِقَّةٌ، وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ وَفِي الْوَرِقِ - إِذَا حَالَ عَلَيْهَا الْحَوْلُ - فِي كُلِّ مِائَتَيْ دِرْهَمٍ، خَمْسَةُ دَرَاهِمَ. وَلَيْسَ فِيمَا دُونَ مِائَتَيْنِ شَيْءٌ، فَإِنْ زَادَتْ فَبِحِسَابِ ذَلِكَ، وَقَدْ عَفَوْت عَنْ صَدَقَةِ الْخَيْلِ وَالرَّقِيقِ؟

L10743–10745 Muhammad ibn Saʿīd ibn Nabāt narrated to us: Aḥmad ibn ʿAbd al-Baṣīr narrated to us: Qāsim ibn Aṣbagh narrated to us: Muḥammad ibn ʿAbd al-Salām al-Khushanī narrated to us: Muḥammad ibn al-Muthannā narrated to

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا أَحْمَدُ بْنُ عَبْدِ الْبَصِيرِ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ السَّلَامِ الْخُشَنِيُّ ثنا مُحَمَّدُ بْنُ الْمُثَنَّى ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا شُعْبَةُ عَنْ أَبِي

إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: إِذَا أَخَذَ الْمُصَدِّقُ سِنًّا فَوْقَ سِنٍّ رَدَّ عَشَرَةَ دَرَاهِمَ أَوْ شَاتَيْنِ؟ قَالَ عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ: وَحَدَّثَنَا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: وَإِذَا زَادَتْ الْإِبِلُ عَلَى خَمْسٍ وَعِشْرِينَ فَفِيهَا بِنْتُ مَخَاضٍ، فَإِنْ لَمْ تُوجَدْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ، إِذَا أَخَذَ الْمُصَدِّقُ بِنْتَ لَبُونٍ مَكَانَ ابْنِ لَبُونٍ رَدَّ عَشَرَةَ دَرَاهِمَ أَوْ شَاتَيْنِ لَيْسَ فِي الْمَالِ الْمُسْتَفَادِ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ، فَإِذَا حَالَ عَلَيْهِ الْحَوْلُ فَفِي كُلِّ مِائَتَيْنِ خَمْسَةٌ، فَمَا زَادَ فَبِالْحِسَابِ، فِي أَرْبَعِينَ دِينَارًا دِينَارٌ، فَمَا نَقَصَ فَبِالْحِسَابِ، فَإِذَا بَلَغَتْ عِشْرِينَ دِينَارًا فَفِيهَا نِصْفُ دِينَارٍ؟ حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: فِي خَمْسٍ مِنْ الْإِبِلِ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ، وَفِي خَمْسَ عَشْرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ خَمْسٌ، فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا ابْنَةُ مَخَاضٍ فَإِنْ لَمْ تَكُنْ، ابْنَةُ مَخَاضٍ فَابْنُ لَبُونٍ، إِنْ أَخَذَ الْمُصَدِّقُ سِنًّا فَوْقَ سِنٍّ رَدَّ عَشَرَةَ دَرَاهِمَ أَوْ شَاتَيْنِ، أَوْ أَخَذَ سِنًّا دُونَ سِنٍّ أَخَذَ شَاتَيْنِ أَوْ عَشَرَةَ دَرَاهِمَ؟ قَالَ عَلِيٌّ: فَهَذِهِ هِيَ الرِّوَايَاتُ الثَّابِتَةُ عَنْ عَلِيٍّ - رَضِيَ اللَّهُ عَنْهُ -: مَعْمَرٌ، وَسُفْيَانُ، وَشُعْبَةُ: مُتَّفِقُونَ كُلُّهُمْ، رَوَاهُ عَنْ سُفْيَانَ: وَكِيعٌ، وَرَوَاهُ عَنْ شُعْبَةَ: عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ، وَرَوَاهُ عَنْ مَعْمَرٍ: عَبْدُ الرَّزَّاقِ؟ وَالَّذِي مَوَّهُوا بِطَرْفٍ، مِمَّا فِي رِوَايَةِ يَحْيَى بْنِ سَعِيدٍ عَنْ سُفْيَانَ خَاصَّةً: لَيْسَ أَيْضًا مُوَافِقًا لِقَوْلِهِمْ كَمَا أَوْرَدْنَا، فَادَّعَوْا فِي خَبَرِ عَلِيٍّ مَا لَيْسَ فِيهِ عَنْهُ أَثَرٌ، وَلَا

us: ʿAbd al-Raḥmān ibn Mahdī narrated to us: Shuʿbah narrated from Abī Isḥāq al-Sabīʿī from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: If the Zakāt collector takes an animal older than the stipulated age, he must return ten dirhams or two sheep. ʿAbd al-Raḥmān ibn Mahdī said: Sufyān al-Thawrī narrated to us from Abī Isḥāq al-Sabīʿī from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: When camels exceed twenty-five, a one-year-old female camel (bint makhāḍ) is due. If none is found, a male camel that has entered its third year (ibn labūn) is given. If the collector takes a two-year-old female camel instead of a male camel that has entered its third year, he must return ten dirhams or two sheep. No Zakāt is due on incrementally acquired wealth until a full lunar year passes over it. When the year elapses, five dirhams are due for every two hundred. Any surplus is calculated proportionally: one dinar is due for every forty dinars, and if it reaches twenty dinars, half a dinar is due.

Muhammad ibn Saʿīd ibn Nabāt narrated to us: ʿAbd Allāh ibn Naṣr narrated to us: Qāsim ibn Aṣbagh narrated to us: Ibn Waḍḍāḥ narrated to us: Mūsā ibn Muʿāwiyah narrated to us: Wakīʿ narrated from Sufyān al-Thawrī from Abī Isḥāq al-Sabīʿī from ʿĀṣim ibn Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: For five camels, a sheep is due; for ten, two sheep; for fifteen, three sheep; for twenty, four sheep; for twenty-five, five sheep. If they increase by one, a one-year-old female camel is due. If none is available, a male camel that has entered its third year is given. If the collector takes an older age than stipulated, he must return ten dirhams or two sheep. If he takes an animal younger than required, he takes two sheep or ten dirhams.

Ali said: These are the established narrations from ʿAlī—may Allah be pleased with him—transmitted via Maʿmar and Sufyān. Shuʿbah: all of them are in agreement. Waki‘ narrated it from Sufyan; ‘Abd al-Rahman ibn Mahdi narrated it from Shu‘bah; and ‘Abd al-Razzaq narrated it from Ma‘mar. As for what they obscured by citing a portion from the narration of Yahya ibn Sa‘id specifically from Sufyan, it likewise does not align with their own statement as we presented. They falsely attributed to the narration of ‘Ali what contains no trace from him, nor did it ever originate from him, and they contradicted that very narration in twelve points where it contains explicit

textual evidence. Among these is his saying: “For twenty-five camels, five sheep are due.”

جَاءَ قَطُّ عَنْهُ وَخَالَفُوا ذَلِكَ الْخَبَرَ نَفْسَهُ فِي اثْنَيْ عَشَرَ مَوْضِعًا مِمَّا فِيهِ نَصًّا، وَهِيَ -: قَوْلُهُ: «فِي خَمْسٍ وَعِشْرِينَ مِنْ الْإِبِلِ خَمْسُ شِيَاهٍ» .

L10746 His statement: “Is the substitution of a two-year-old male camel (ibn labūn) instead of a one-year-old female camel (bint makhāḍ) sufficient?” And his statement regarding what exceeds one hundred and twenty: “For every forty camels, a two-year-old female camel (bint labūn).”

وَقَوْلُهُ: بِتَعْوِيضِ ابْنِ لَبُونٍ مَكَانَ ابْنَةِ مَخَاضٍ فَقَطْ؟ وَقَوْلُهُ فِيمَا زَادَ عَلَى عِشْرِينَ وَمِائَةٍ «فِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ» .

L10747 His omission of mentioning the recurrence of the prescribed amounts for sheep—and he did not mention it? “His ruling regarding one who takes an animal older than the required age: he must return two sheep or ten dirhams as compensation”—he further clarified this concerning one who takes a two-year-old female camel (bint labūn) in place of a one-year-old female camel (ibna makhāḍ) if a two-year-old male camel (ibn labūn) is unavailable. “And his ruling regarding one who takes an animal younger than the required age: he must take two sheep or ten dirhams along with it.”

وَإِسْقَاطُهُ ذِكْرَ عَوْدَةِ فَرَائِضِ الْغَنَمِ، فَلَمْ يَذْكُرْهُ؟ «وَقَوْلُهُ فِيمَنْ أَخَذَ سِنًّا فَوْقَ سِنٍّ رَدَّ شَاتَيْنِ أَوْ عَشَرَةَ دَرَاهِمَ» وَبَيَّنَ ذَلِكَ فِيمَنْ أَخَذَ بِنْتَ لَبُونٍ مَكَانَ ابْنَةِ مَخَاضٍ إنْ لَمْ يُوجَدْ ابْنُ لَبُونٍ؟ «وَقَوْلُهُ فِيمَنْ أَخَذَ سِنًّا دُونَ سِنٍّ أَخَذَ مَعَهَا شَاتَيْنِ أَوْ عَشَرَةَ دَرَاهِمَ» .

L10748 His statement: “There is no Zakat on newly acquired wealth until a full year passes over it,” without specifying whether the owner already possessed the minimum threshold (*nisab*) of the same category or not. His statement: “On two hundred silver dirhams, five dirhams are due as Zakat. Whatever exceeds that is calculated proportionally,” without imposing a fixed ceiling as they claim through their opinion. His statement: “There is no Zakat on less than two hundred silver dirhams,” whereas they pay Zakat on amounts below two hundred if the owner has gold that, when combined with the silver, totals 200 dirhams or 20 dinars.

وَقَوْلُهُ: «لَيْسَ فِي الْمَالِ الْمُسْتَفَادِ زَكَاةٌ حَتَّى يَحُولَ عَلَيْهِ الْحَوْلُ» وَلَمْ يَخُصَّ، كَانَ عِنْدَهُ نِصَابٌ مِنْ جِنْسِهَا أَوْ لَمْ يَكُنْ؟ وَقَوْلُهُ: «فِي مِائَتَيْنِ مِنْ الْوَرِقِ خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَبِالْحِسَابِ» وَلَمْ يَجْعَلْ فِي ذَلِكَ وَقْصًا، كَمَا يَزْعُمُونَ بِرَأْيِهِمْ وَقَوْلُهُ: «لَيْسَ فِيمَا دُونَ مِائَتَيْنِ مِنْ الْوَرِقِ زَكَاةٌ» وَهُمْ يُزَكُّونَ مَا دُونَ الْمِائَتَيْنِ إذَا كَانَ مَعَ مَالِكِهَا ذَهَبٌ إذَا جُمِعَ إلَى الْوَرِقِ سَاوَيَا جَمِيعًا مِائَتَيْ دِرْهَمٍ أَوْ عِشْرِينَ دِينَارًا.

L10749–10751 Among them is His pardoning of Zakat on horses, and among them is His pardoning of Zakat on slaves—did He not make an exception for trade or other purposes? Among them is His statement: “For forty dinars, one dinar; if it is less, then according to calculation”—did He not designate a fixed portion for that? Could anything be more absurd than one who cites as evidence a narration from Ali that contains no clarification of their claim, relying instead on conjecture? They are liars who contrive that the ruling is established through definitive proof via a false, fabricated assumption. Yet

وَمِنْهَا عَفْوُهُ عَنْ صَدَقَةِ الْخَيْلِ وَمِنْهَا عَفْوُهُ عَنْ صَدَقَةِ الرَّقِيقِ، وَلَمْ يَسْتَثْنِ لِتِجَارَةٍ أَوْ غَيْرِهَا؟ وَمِنْهَا قَوْلُهُ: «فِي أَرْبَعِينَ دِينَارًا دِينَارٌ، فَمَا نَقَصَ فَبِالْحِسَابِ» وَلَمْ يَجْعَلْ فِي ذَلِكَ وَقْصًا؟ أَفَيَكُونُ أَعْجَبَ مِمَّنْ يَحْتَجُّ بِرِوَايَةٍ عَنْ عَلِيٍّ لَا بَيَانَ فِيهَا لِقَوْلِهِمْ، لَكِنْ بِظَنٍّ كَاذِبٍ، وَيَتَخَيَّلُونَ فِي أَنَّهَا مُسْنَدَةٌ بِالْقَطْعِ بِالظَّنِّ الْكَاذِبِ الْمُفْتَرَى -: وَهُمْ قَدْ خَالَفُوا

تِلْكَ الرِّوَايَةَ نَفْسَهَا بِتِلْكَ الطَّرِيقِ، وَمَعَهَا مَا هُوَ أَقْوَى مِنْهَا فِي اثْنَيْ عَشْرَ مَوْضِعًا مِنْهَا، كُلُّهَا نُصُوصٌ فِي غَايَةِ الْبَيَانِ؟ هَذَا أَمْرٌ مَا نَدْرِي فِي أَيِّ دِينٍ أَمْ فِي أَيِّ عَقْلٍ وَجَدُوا مَا يُسَهِّلُهُ عَلَيْهِمْ؟ وَالْعَجَبُ كُلُّ الْعَجَبِ مِنْ احْتِجَاجِهِمْ بِصَحِيفَةِ مَعْمَرٍ عَنْ عَبْدِ اللَّهِ بْنِ أَبِي بَكْرٍ، وَبِصَحِيفَةِ حَمَّادٍ عَنْ قَيْسِ بْنِ عَبَّادٍ عَنْ أَبِي بَكْرِ بْنِ حَزْمٍ، وَهُمَا مُرْسَلَتَانِ، وَحَدِيثٍ مَوْقُوفٍ عَلَى عَلِيٍّ وَلَيْسَ فِي كُلِّ ذَلِكَ نَصٌّ بِمِثْلِ قَوْلِهِمْ، وَلَا دَلِيلَ ظَاهِرٌ -: ثُمَّ لَا يَسْتَحْيُونَ مِنْ أَنْ يَعِيبُوا فِي هَذِهِ الْمَسْأَلَةِ نَفْسَهَا بِالْإِرْسَالِ الْحَدِيثَيْنِ الصَّحِيحَيْنِ الْمُسْنَدَيْنِ مِنْ طَرِيقِ حَمَّادٍ، وَعَبْدِ اللَّهِ بْنِ الْمُثَنَّى كِلَيْهِمَا عَنْ عَبْدِ اللَّهِ بْنِ الْمُثَنَّى، سَمِعَهُ مِنْهُ، عَنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسٍ، سَمِعَهُ مِنْهُ، عَنْ أَنَسِ بْنِ مَالِكٍ، سَمِعَهُ مِنْهُ عَنْ أَبِي بَكْرٍ الصِّدِّيقِ سَمِعَهُ مِنْهُ، عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَنِ اللَّهِ تَعَالَى هَكَذَا نَصًّا وَمِنْ طَرِيقِ الزُّهْرِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ: ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا ابْنُ بَكْرٍ ثنا أَبُو دَاوُد السِّجِسْتَانِيُّ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ النُّفَيْلِيِّ ثنا عَبَّادُ بْنُ الْعَوَّامِ عَنْ سُفْيَانَ بْنِ حُسَيْنٍ عَنِ الزُّهْرِيِّ عَنْ سَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ عَنْ أَبِيهِ قَالَ: «كَتَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كِتَابَ الصَّدَقَةِ، فَلَمْ يُخْرِجْهُ إِلَى عُمَّالِهِ حَتَّى قُبِضَ، فَقَرَنَهُ بِسَيْفِهِ، فَعَمِلَ بِهِ أَبُو بَكْرٍ حَتَّى قُبِضَ، ثُمَّ عَمِلَ بِهِ عُمَرُ حَتَّى قُبِضَ، فَكَانَ فِيهِ: فِي خَمْسٍ مِنَ الْإِبِلِ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ وَفِي خَمْسَ عَشْرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ ابْنَةُ مَخَاضٍ، إِلَى خَمْسٍ وَثَلَاثِينَ فَإِذَا زَادَتْ وَاحِدَةً، فَفِيهَا بِنْتُ لَبُونٍ: إِلَى خَمْسٍ وَأَرْبَعِينَ. فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا حِقَّةٌ، إِلَى سِتِّينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا جَذَعَةٌ، إِلَى خَمْسٍ وَسَبْعِينَ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا ابْنَتَا لَبُونٍ، إِلَى تِسْعِينَ: فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا حِقَّتَانِ، إِلَى

they themselves contradicted that very narration by the same method, despite there being stronger evidence in twelve instances—all of which are explicit texts of utmost clarity. How could they justify this within any religion or rational framework? Utterly baffling is their reliance on the document of Maʿmar from ʿAbdullāh ibn Abī Bakr and the document of Ḥammād from Qays ibn ʿAbbād from Abū Bakr ibn Ḥazm—both being *mursal* (disconnected) narrations—and a *mawqūf* (stopped) narration attributed to ʿAlī, none of which contain explicit textual support for their claim or any apparent evidence. Shamelessly, they dismiss the two authentic, fully-chained narrations in this very matter: one transmitted through Ḥammād and ʿAbdullāh ibn al-Muthannā—both of whom heard it from ʿAbdullāh ibn al-Muthannā, who heard it from Thumāmah ibn ʿAbdullāh ibn Anas, who heard it from Anas ibn Mālik, who heard it from Abū Bakr al-Ṣiddīq, who heard it from the Prophet (peace be upon him), who conveyed it from Allah the Exalted, explicitly so—and another through al-Zuhrī from Sālim ibn ʿAbdullāh ibn ʿUmar from his father.

ʿAbdullāh ibn Rabīʿ narrated to us, saying: ʿUmar ibn ʿAbd al-Malik narrated to us, Muḥammad ibn Bakr narrated to us, Abū Dāwūd al-Sijistānī narrated to us from ʿAbdullāh ibn Muḥammad al-Nufaylī, ʿAbbād ibn al-ʿAwwām narrated to us from Sufyān ibn Ḥusayn from al-Zuhrī from Sālim ibn ʿAbdullāh ibn ʿUmar from his father, who said: "The Messenger of Allah (peace be upon him) wrote a code for charity but did not dispatch it to his agents before his passing. He fastened it to his sword. Abū Bakr implemented it until his death, then ʿUmar implemented it until his death. It stipulated: For five camels, one sheep; for ten, two sheep; for fifteen, three sheep; for twenty, four sheep; for twenty-five, a *bint makhad* (one-year-old she-camel) up to thirty-five. If the number increases by one, a *bint labūn* (two-year-old she-camel) is due up to forty-five. If it increases by one, a *ḥiqqah* (three-year-old she-camel) is due up to sixty. If it increases by one, a *jadhaʿah* (four-year-old she-camel) is due up to seventy-five. If it increases by one, two *bint labūn* (two-year-old she-camels) are due up to ninety. If it increases by one, two *ḥiqqah* (three-year-old she-camels) are due up to one hundred and twenty. If the camels exceed this, for every fifty, a *ḥiqqah* (three-

year-old she-camel) is due, and for every forty, a *bint labūn* (two-year-old she-camel)."

عِشْرِينَ وَمِائَةٍ فَإِنْ كَانَتْ الْإِبِلُ أَكْثَرَ مِنْ ذَلِكَ فَفِي كُلِّ خَمْسِينَ حِقَّةٌ وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ؟»

L10752–10754 They said, "The origin of these two ḥadīths is their being mursal," but they lied about that. Then they do not even care that... They cite these two ḥadīths as evidence and authenticate them whenever they find within them what conforms to Abū Ḥanīfah's opinion—permitting something at times and prohibiting it at others. They criticize these narrations by claiming Ibn Ma'īn weakened them. If only I knew: What is Ibn Ma'īn's stance concerning Ibn Ḥazm's manuscript and 'Alī's ḥadīth? We do not see that he permitted even mentioning them, let alone occupying himself with weakening them. Most astonishing of all is that some of their leading scholars—those relegated in status before Allah the Exalted—said: "If this ruling were true, Allah's Messenger (peace and blessings be upon him) would have communicated it to his governors." Abū Muḥammad said: This is the statement of the Rāfiḍah in disparaging Abū Bakr, 'Umar, and the rest of the Companions concerning their implementation of rulings. Indeed, it is an affront against the Prophet (peace and blessings be upon him) by ascribing false books to him and linking him with his sword, then concealing them—only for his Companions to act upon them afterward. Thus, all their pretenses are nullified. The greater wonder is their claim to adhere to analogical reasoning while contradicting both textual proofs and analogy in this matter. Have they ever encountered an obligation that resumes after its annulment? Have they found in the prescribed camel thresholds a reduction below thirty-three camels? Since they established no additional rulings beyond ninety-one up to one hundred and twenty-five.

فَقَالُوا: إنَّ أَصْلَ هَذَيْنِ الْحَدِيثَيْنِ الْإِرْسَالُ، وَكَذَبُوا فِي ذَلِكَ ثُمَّ لَا يُبَالُونَ بِأَنْ يَحْتَجُّوا بِهَذَيْنِ الْحَدِيثَيْنِ وَيُصَحِّحُونَهُمَا، إذَا وَجَدُوا فِيهِمَا مَا يُوَافِقُ رَأْيَ أَبِي حَنِيفَةَ، فَيُحَلُّونَهُ طَوْرًا وَيُحَرِّمُونَهُ طَوْرًا وَاعْتَرَضُوا فِيهِمَا بِأَنَّ ابْنَ مَعِينٍ ضَعَّفَهُمَا وَلَيْتَ شِعْرِي مَا قَوْلُ ابْنِ مَعِينٍ فِي صَحِيفَةِ ابْنِ حَزْمٍ، وَحَدِيثِ عَلِيٍّ؟ مَا نَرَاهُ اسْتَجَازَ الْكَلَامَ بِذِكْرِهِمَا، فَضْلًا عَنْ أَنْ يَشْتَغِلَ بِتَضْعِيفِهِمَا؟ وَأَعْجَبُ مِنْ هَذَا كُلِّهِ أَنَّ بَعْضَ مُقَدِّمِيهِمْ - الْمُتَأَخِّرِينَ عِنْدَ اللَّهِ تَعَالَى - قَالَ: لَوْ كَانَ هَذَا الْحُكْمُ حَقًّا لَأَخْرَجَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَى عُمَّالِهِ قَالَ أَبُو مُحَمَّدٍ: هَذَا قَوْلُ الرَّوَافِضِ فِي الطَّعْنِ عَلَى أَبِي بَكْرٍ، وَعُمَرَ، وَسَائِرِ الصَّحَابَةِ فِي الْعَمَلِ بِهِ: نَعَمْ، وَعَلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إذْ نُسِبَتْ إلَيْهِ كُتُبُ الْبَاطِلِ وَقَرَنَهُ بِسَيْفِهِ ثُمَّ كَتَمَهُ، وَعَمِلَ بِهِ أَصْحَابُهُ بَعْدَهُ، فَبَطَلَ كُلُّ مَا مَوَّهُوا بِهِ وَالْعَجَبُ أَنَّهُمْ يَدَّعُونَ أَنَّهُمْ أَصْحَابُ قِيَاسٍ وَقَدْ خَالَفُوا فِي هَذَا الْمَكَانِ النُّصُوصَ وَالْقِيَاسَ؟ فَهَلْ وَجَدُوا فَرِيضَةً تَعُودُ بَعْدَ سُقُوطِهَا؟ وَهَلْ وَجَدُوا فِي أَوْقَاصِ الْإِبِلِ وَقْصًا مِنْ ثَلَاثَةٍ وَثَلَاثِينَ مِنْ الْإِبِلِ؟ إذْ لَمْ يَجْعَلُوا بَعْدَ الْإِحْدَى وَالتِّسْعِينَ حُكْمًا زَائِدًا إلَى خَمْسَةٍ وَعِشْرِينَ وَمِائَةٍ.

L10755 Have they found in any camels two differing rulings within a single category of camels – some requiring Zakat in camels and others in sheep? Yet they deny collecting Zakat from yields on kharaj land, their argument being that it is impermissible to impose two rights due to Allah upon a single property. Have they not – through their corrupt reasoning – imposed two rights here upon one property: one in camels and another in sheep? Why, when they rejected sheep and the hiqqah after annulling them, did they not also reject

وَهَلْ وَجَدُوا فِي شَيْءٍ مِنْ الْإِبِلِ حُكْمَيْنِ مُخْتَلِفَيْنِ فِي إبِلٍ وَاحِدَةٍ، بَعْضُهَا يُزَكَّى بِالْإِبِلِ وَبَعْضُهَا يُزَكَّى بِالْغَنَمِ؟ وَهُمْ يُنْكِرُونَ أَخْذَ زَكَاةٍ عَمَّا أُصِيبَ فِي أَرْضٍ خَرَاجِيَّةٍ، وَحُجَّتُهُمْ فِي ذَلِكَ أَنَّهُ لَا يَجُوزُ أَنْ يَأْخُذُوا حِقَّيْنِ لِلَّهِ تَعَالَى فِي مَالٍ وَاحِدٍ وَهُمْ قَدْ جَعَلُوا هَاهُنَا

the bint al-labūn for the thirty-six exceeding one hundred and twenty? If they say: "We are prevented by the Prophet's ruling (peace be upon him): 'For every fifty, a hiqqah is due.'"

-: بِرَأْيِهِمْ الْفَاسِدِ - فِي مَالٍ وَاحِدٍ حِقَّيْنِ: أَحَدُهُمَا إبِلٌ، وَالثَّانِي غَنَمٌ؟ وَهَلَّا إذْ رَدُّوا الْغَنَمَ وَبِنْتَ الْمَخَاضِ بَعْدَ إسْقَاطِهِمَا رَدُّوا أَيْضًا فِي سِتٍّ وَثَلَاثِينَ زَائِدَةً عَلَى الْعِشْرِينَ وَالْمِائَةِ بِنْتَ اللَّبُونِ؟ فَإِنْ قَالُوا: مَنَعَنَا مِنْ ذَلِكَ قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «فِي كُلِّ خَمْسِينَ حِقَّةٌ» .

L10756 They were asked: Why did his statement—peace be upon him—"In every forty [camels], a two-year-old she-camel" not prevent you from returning the sheep?

قِيلَ لَهُمْ: فَهَلَّا مَنَعَكُمْ مِنْ رَدِّ الْغَنَمِ قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «وَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ» ؟

L10757–10758 Thus, it became evident that they did not base their ruling on anything, and we seek refuge in Allah from misguidance. They stated regarding the report we mentioned through the chain of Muḥammad ibn ʿAbd al-Raḥmān: "There is nothing after one hundred and twenty up to one hundred and thirty"—that it conflicts with the rest of the reports.

فَظَهَرَ أَنَّهُمْ لَمْ يَتَعَلَّقُوا بِشَيْءٍ، وَنَعُوذُ بِاَللَّهِ مِنْ الضَّلَالِ وَقَالُوا فِي الْخَبَرِ الَّذِي ذَكَرْنَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ «لَيْسَ فِيمَا بَعْدَ الْعِشْرِينَ وَالْمِائَةِ شَيْءٌ إلَى ثَلَاثِينَ وَمِائَةٍ» إنَّهُ يُعَارِضُ سَائِرَ الْأَخْبَارِ.

L10759 Abu Muhammad said: If this is the case, then the first matters to be countered are the scroll of 'Amr ibn Hazm and the narration attributed to 'Ali in what they presume - thus their entire obfuscation collapses, and success is from Allah, the Exalted. As for their claim that their position is narrated from 'Umar ibn al-Khattab, 'Ali, and Ibn Mas'ud - have they not brazenly lied? Regarding 'Ali, we have already mentioned the established narration from him, and there exists in what they cling to from his statements neither evidence nor explicit text for what they have claimed against him through false obfuscation. As for Ibn Mas'ud, they find no authentic basis from him. Either it is established - in which case we categorically assert this - or it is a rejected narration, which they are also unlikely to find; or it is fabricated for the occasion, which may come easily to them - though do such fabrications not circulate in the marketplace of knowledge? As for 'Umar - may Allah be pleased with him - what is established from him shines like the sun in contradicting their claim and aligning with our position. There remains no avenue to find contrary evidence from him unless they forge it for the occasion.

قَالَ أَبُو مُحَمَّدٍ: إنْ كَانَ هَذَا فَأَوَّلُ مَا يُعَارَضُ فَصَحِيفَةُ عَمْرِو بْنِ حَزْمٍ، وَحَدِيثُ عَلِيٍّ فِيمَا يَظُنُّهُ فِيهِمَا، فَسَقَطَ تَمْوِيهُهُمْ كُلُّهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟ وَأَمَّا دَعْوَاهُمْ أَنَّ قَوْلَهُمْ رُوِيَ عَنْ عُمَرَ بْنِ الْخَطَّابِ، وَعَلِيٍّ، وَابْنِ مَسْعُودٍ، فَقَدْ كَذَبُوا جِهَارًا؟ فَأَمَّا عَلِيٌّ فَقَدْ ذَكَرْنَا الرِّوَايَةَ الثَّابِتَةَ عَنْهُ، وَأَنَّهُ لَيْسَ فِيمَا تَعَلَّقُوا بِهِ مِنْ قَوْلِهِ دَلِيلٌ وَلَا نَصٌّ بِمَا ادَّعَوْهُ عَلَيْهِ بِالتَّمْوِيهِ الْكَاذِبِ وَأَمَّا ابْنُ مَسْعُودٍ فَلَا يَجِدُونَهُ عَنْهُ أَصْلًا، إمَّا ثَابِتٌ فَنَقْطَعُ بِذَلِكَ قَطْعًا، وَإِمَّا رِوَايَةٌ سَاقِطَةٌ فَبَعِيدٌ عَلَيْهِمْ وُجُودُهَا أَيْضًا، وَإِمَّا مَوْضُوعَةٌ مِنْ عَمَلِ الْوَقْتِ فَيَسْهُلُ عَلَيْهِمْ إلَّا أَنَّهَا لَا تُنْفَقُ فِي سُوقِ الْعِلْمِ؟ وَأَمَّا عُمَرُ - رَضِيَ اللَّهُ عَنْهُ - فَالثَّابِتُ عَنْهُ كَالشَّمْسِ خِلَافُ قَوْلِهِمْ، وَمُوَافِقٌ لِقَوْلِنَا، وَلَا سَبِيلَ إلَى وُجُودِ خِلَافِ ذَلِكَ عَنْهُ، إلَّا إنْ صَاغُوهُ لِلْوَقْتِ.

L10760 Hammam narrated to us, Ibn Mufarrij narrated to us, Ibn al-A'rabi narrated

to us, al-Dabari narrated to us, Abd al-Razzaq narrated from Sufyan al-Thawri from Musa ibn Uqbah and Ubayd Allah ibn Umar, both from Nafi' from Ibn Umar from his father, who said: For camels, the zakāt is one sheep for five camels, two sheep for ten, three sheep for fifteen, four sheep for twenty, and a one-year-old female camel for twenty-five. If there is no one-year-old female, then a two-year-old male camel is given, up to thirty-five. If the number exceeds thirty-five by one, then a two-year-old female camel is due, up to forty-five. If the number exceeds forty-five by one, then a three-year-old she-camel mated with a stallion is due, up to sixty. If the number exceeds sixty by one, then a four-year-old she-camel is due, up to seventy-five. If the number exceeds seventy-five by one, then two two-year-old female camels are due, up to ninety. If the number exceeds ninety by one, then two three-year-old she-camels mated with a stallion are due, up to one hundred twenty. If it exceeds that, then for every forty camels, a two-year-old female camel is due, and for every fifty, a three-year-old she-camel is due.

حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ مُوسَى بْنِ عُقْبَةَ، وَعُبَيْدُ اللَّهِ بْنُ عُمَرَ كِلَاهُمَا عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ عَنْ أَبِيهِ أَنَّهُ قَالَ: فِي الْإِبِلِ فِي خَمْسٍ شَاةٌ، وَفِي عَشْرٍ شَاتَانِ وَفِي خَمْسَ عَشْرَةَ ثَلَاثُ شِيَاهٍ، وَفِي عِشْرِينَ أَرْبَعُ شِيَاهٍ، وَفِي خَمْسٍ وَعِشْرِينَ بِنْتُ مَخَاضٍ، فَإِنْ لَمْ تَكُنْ بِنْتُ مَخَاضٍ فَابْنُ لَبُونٍ ذَكَرٌ، إِلَى خَمْسٍ وَثَلَاثِينَ فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا بِنْتُ لَبُونٍ، إِلَى خَمْسٍ وَأَرْبَعِينَ فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا حِقَّةٌ طَرُوقَةُ الْفَحْلِ، إِلَى سِتِّينَ، فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا جَذَعَةٌ إِلَى خَمْسٍ وَسَبْعِينَ فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا ابْنَتَا لَبُونٍ إِلَى تِسْعِينَ، فَإِنْ زَادَتْ وَاحِدَةً فَفِيهَا حِقَّتَانِ طَرُوقَتَا الْفَحْلِ، إِلَى عِشْرِينَ وَمِائَةٍ، فَإِنْ زَادَتْ فَفِي كُلِّ أَرْبَعِينَ بِنْتُ لَبُونٍ، وَفِي كُلِّ خَمْسِينَ حِقَّةٌ؟

L10761–10762 Abdullah ibn Rabee'ah narrated to us: Umar ibn Abd al-Malik narrated to us: Muhammad ibn Bakr narrated to us: Abu Dawud narrated to us: Muhammad ibn Al-Ala'—he is Abu Kuraib—narrated to us: Abdullah ibn al-Mubarak narrated from Yunus ibn Yazid from Ibn Shihab, who said: "This is a copy of the letter of the Messenger of Allah—peace and blessings be upon him—which he wrote concerning Zakat, and it is in the possession of the family of Umar ibn al-Khattab." Ibn Shihab said: "Salim ibn Abdullah ibn Umar recited it to me, and I memorized it precisely. It is the same copy that Umar ibn Abd al-Aziz transcribed from Abdullah and Salim, the two sons of Abdullah ibn Umar." He said: "When the camels reach one hundred and twenty-one, three two-year-old she-camels are due, until they reach one hundred and twenty-nine. When they reach one hundred and thirty, two two-year-old she-camels and one three-year-old she-camel are due, until they reach one hundred and thirty-nine. When they reach one hundred and forty, two three-year-old she-camels and one two-year-old she-camel are due, until they reach one hundred and forty-nine. When they reach one hundred and fifty, three three-year-old she-camels are due, until they reach one hundred and fifty-nine. When they

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا مُحَمَّدُ بْنُ الْعَلَاءِ هُوَ أَبُو كُرَيْبٍ - ثنا عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ ابْنِ شِهَابٍ قَالَ: هَذِهِ نُسْخَةُ كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي كَتَبَهُ فِي الصَّدَقَةِ، وَهِيَ عِنْدَ آلِ عُمَرَ بْنِ الْخَطَّابِ، قَالَ ابْنُ شِهَابٍ: أَقْرَأَنِيهَا سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ، فَوَعَيْتُهَا عَلَى وَجْهِهَا، وَهِيَ الَّتِي انْتَسَخَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ مِنْ عَبْدِ اللَّهِ وَسَالِمِ ابْنَيْ عَبْدِ اللَّهِ بْنِ عُمَرَ قَالَ: «إِذَا كَانَتْ إِحْدَى وَعِشْرِينَ وَمِائَةً فَفِيهَا ثَلَاثُ بَنَاتِ لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَعِشْرِينَ وَمِائَةً، فَإِذَا كَانَتْ ثَلَاثِينَ وَمِائَةً، فَفِيهَا ابْنَتَا لَبُونٍ وَحِقَّةٌ، حَتَّى تَبْلُغَ تِسْعًا وَثَلَاثِينَ وَمِائَةً، فَإِذَا كَانَتْ أَرْبَعِينَ وَمِائَةً فَفِيهَا حِقَّتَانِ وَابْنَةُ لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَأَرْبَعِينَ وَمِائَةً، فَإِذَا كَانَتْ خَمْسِينَ وَمِائَةً فَفِيهَا ثَلَاثُ حِقَاقٍ، حَتَّى تَبْلُغَ تِسْعًا وَخَمْسِينَ وَمِائَةً، فَإِذَا كَانَتْ سِتِّينَ وَمِائَةً فَفِيهَا أَرْبَعُ بَنَاتِ لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَسِتِّينَ وَمِائَةٍ،

reach one hundred and sixty, four two-year-old she-camels are due, until they reach one hundred and sixty-nine. When they reach one hundred and seventy, three two-year-old she-camels and one three-year-old she-camel are due, until they reach one hundred and seventy-nine. When they reach one hundred and eighty, two three-year-old she-camels and two two-year-old she-camels are due, until they reach one hundred and eighty-nine. When they reach one hundred and ninety, three three-year-old she-camels and one two-year-old she-camel are due, until they reach one hundred and ninety-nine. When they reach two hundred, four three-year-old she-camels or five two-year-old she-camels are due; whichever type is found shall be taken. And regarding pasturing livestock"—he mentioned something similar to the Hadith of Sufyan ibn Husayn from al-Zuhri from Salim from his father. Abu Muhammad said: "This is the statement of Umar, and it is our very stance itself, contradicting their view. What is utterly astonishing is their weak pretext in dismissing this report because Yunus ibn Yazid alone narrated it." Ali said:

فَإِذَا كَانَتْ سَبْعِينَ وَمِائَةً فَفِيهَا ثَلَاثُ بَنَاتِ لَبُونٍ وَحِقَّةٌ، حَتَّى تَبْلُغَ تِسْعًا وَسَبْعِينَ وَمِائَةً، فَإِذَا كَانَتْ ثَمَانِينَ وَمِائَةً فَفِيهَا حِقَّتَانِ وَبِنْتَا لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَثَمَانِينَ وَمِائَةً، فَإِذَا كَانَتْ تِسْعِينَ وَمِائَةً فَفِيهَا ثَلَاثُ حِقَاقٍ وَبِنْتُ لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَتِسْعِينَ وَمِائَةً، فَإِذَا كَانَتْ مِائَتَيْنِ فَفِيهَا أَرْبَعُ حِقَاقٍ، أَوْ خَمْسُ بَنَاتِ لَبُونٍ، أَيُّ السِّنِينَ وُجِدَتْ أُخِذَتْ وَفِي سَائِمَةِ الْغَنَمِ» فَذَكَرَ نَحْوَ حَدِيثِ سُفْيَانَ بْنِ حُسَيْنٍ عَنْ الزُّهْرِيِّ عَنْ سَالِمٍ عَنْ أَبِيهِ؟ قَالَ أَبُو مُحَمَّد: فَهَذَا قَوْلُ عُمَرَ، هُوَ قَوْلُنَا نَفْسُهُ، مُخَالِفٌ لِقَوْلِهِمْ وَالْعَجَبُ كُلُّهُ تَعَلُّلُهُمْ فِي هَذَا الْخَبَرِ بِأَنَّهُ انْفَرَدَ بِهِ يُونُسُ بْنُ يَزِيدَ؟ قَالَ عَلِيٌّ:

L10763 And that is a complaint whose shame emanating from you is evident.

وَتِلْكَ شَكَاةٌ ظَاهِرٌ عَنْك عَارُهَا

L10764–10766 Then they do not shy away from affirming it and using it as proof, falsely suggesting that it conforms to their view that there is no zakāh except on grazing livestock. Thus, the invalidity of their claim and their opposition to Allah, the Exalted, to the established Sunnahs of the Messenger of Allah (peace be upon him), and to Abu Bakr, Umar, Ali, Anas, Ibn 'Umar, and all the Companions (may Allah be pleased with them) became evident, without... They should not rely on an authentic narration from any one of them similar to their statements, except from Ibrāhīm alone—and success is by the grace of Allah, the Most High?

ثُمَّ لَا يَسْتَحْيُونَ مِنْ تَصْحِيحِهِ وَالِاحْتِجَاجِ بِهِ مُوهِمِينَ أَنَّهُ مُوَافِقٌ لِرَأْيِهِمْ فِي أَنْ لَا زَكَاةَ إلَّا فِي السَّائِمَةِ؟ فَظَهَرَ فَسَادُ قَوْلِهِمْ، وَخِلَافِهِمْ لِلَّهِ تَعَالَى، وَلِلسُّنَنِ الثَّابِتَةِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلِأَبِي بَكْرٍ، وَعُمَرَ، وَعَلِيٍّ، وَأَنَسٍ، وَابْنِ عُمَرَ، وَسَائِرِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - دُونَ أَنْ يَتَعَلَّقُوا بِرِوَايَةٍ صَحِيحَةٍ عَنْ أَحَدٍ مِنْهُمْ بِمِثْلِ قَوْلِهِمْ، إلَّا عَنْ إبْرَاهِيمَ وَحْدَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

[مَسْأَلَةٌ يُعْطِي الْمُصَدِّقُ الشَّاتَيْنِ مِمَّا أَخَذَ مِنْ صَدَقَةِ الْغَنَمِ]

L10767 **An issue: The zakāh collector gives two sheep from what he has collected as zakāh on sheep.**

L10768 675 - Issue: Abu Muhammad said: The collector must give two sheep or twenty dirhams from what he has taken as sheep zakat, or sell from the camels, for this is taken from the Muslims among zakat recipients. He fulfills it from their wealth. Set-off is impermissible - such as when a Muslim owes

٦٧٥ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّد: وَيُعْطِي الْمُصَدِّقُ، الشَّاتَيْنِ أَوْ الْعِشْرِينَ دِرْهَمًا مِمَّا أَخَذَ مِنْ صَدَقَةِ الْغَنَمِ، أَوْ يَبِيعَ مِنْ الْإِبِلِ، لِأَنَّهُ لِلْمُسْلِمِينَ مِنْ أَهْلِ الصَّدَقَاتِ يَأْخُذُ ذَلِكَ؛ فَمِنْ

two female camels that have entered their third year (bintā labūn) but only possesses a three-year-old female camel (ḥiqqah) and a one-year-old female camel (bint makhāḍ). In this case, the collector takes these two, gives him two sheep or twenty dirhams, and it is obligatory to take from him two sheep or twenty dirhams. It is permissible for him to take this then return it in kind, or give it then return it in kind, for he has fulfilled and received fully. As for set-off - where each party relinquishes what is owed by the other - this constitutes abandonment of Allah's right which has become due yet remains uncollected. This is invalid. Nor is it permissible to exonerate the collector from the right of zakat recipients, for it is others' property. Success comes through Allah, the Exalted.

مَالِهِمْ يُؤَدِّيه؟ وَلَا يَجُوزُ لَهُ التَّقَاصُّ، وَهُوَ: أَنْ يَجِبَ عَلَى الْمُسْلِمِ بِنْتَا لَبُونٍ فَلَا يَجِدُهُمَا عِنْدَهُ، وَيَجِدُ عِنْدَهُ حِقَّةً وَبِنْتَ مَخَاضٍ، فَإِنَّهُ يَأْخُذُهُمَا وَيُعْطِيه شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا وَيَأْخُذ مِنْهُ شَاتَيْنِ أَوْ عِشْرِينَ دِرْهَمًا وَلَا بُدَّ، وَجَائِزٌ لَهُ أَنْ يَأْخُذَ ذَلِكَ ثُمَّ يَرُدَّهُ بِعَيْنِهِ، أَوْ يُعْطِيهُ ثُمَّ يَرُدَّهُ بِعَيْنِهِ لِأَنَّهُ قَدْ أَوْفَى وَاسْتَوْفَى وَأَمَّا التَّقَاصُّ - بِأَنْ يَتْرُكَ كُلُّ وَاحِدٍ مِنْهُمَا لِصَاحِبِهِ مَا عَلَيْهِ مِنْ ذَلِكَ - فَهُوَ تَرْكٌ لِحَقِّ اللَّهِ تَعَالَى قَدْ وَجَبَ لَمْ يُقْبَضْ، وَهَذَا لَا يَجُوزُ، وَلَا يَجُوزُ إبْرَاءُ الْمُصَدِّقِ مِنْ حَقِّ أَهْلِ الصَّدَقَةِ؛ لِأَنَّهُ مَالُ غَيْرِهِ. وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10769 **A legal issue: Zakat is due annually on camels.**

[مَسْأَلَةٌ الزَّكَاةُ تَتَكَرَّرُ فِي كُلِّ سَنَةٍ فِي الْإِبِلِ]

L10770 676 - Issue: Zakat is recurring every year for camels, cattle, sheep, gold, and silver, unlike wheat, barley, and dates. Once Zakat has been paid on these categories, no Zakat is ever due on them again thereafter. Zakat is only due on these categories when they are threshed and winnowed, measured, when dates are dried and measured. There is no disagreement among anyone on this matter, except concerning jewelry and working animals, which we will mention, God Almighty willing. Did the Messenger of God—peace and blessings be upon him—send out Zakat collectors every year?

٦٧٦ - مَسْأَلَةٌ: وَالزَّكَاةُ تَتَكَرَّرُ فِي كُلِّ سَنَةٍ، فِي الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ، وَالذَّهَبِ وَالْفِضَّةِ، بِخِلَافِ الْبُرِّ وَالشَّعِيرِ وَالتَّمْرِ، فَإِنَّ هَذِهِ الْأَصْنَافَ إذَا زُكِّيَتْ فَلَا زَكَاةَ فِيهَا بَعْدَ ذَلِكَ أَبَدًا، وَإِنَّمَا تُزَكَّى عِنْدَ تَصْفِيَتِهَا، وَكَيْلِهَا، وَيُبْسِ التَّمْرِ، وَكَيْلِهِ، وَهَذَا لَا خِلَافَ فِيهِ مِنْ أَحَدٍ، إلَّا فِي الْحُلِيِّ وَالْعَوَامِلِ، وَسَنَذْكُرُهُ إنْ شَاءَ اللَّهُ تَعَالَى؛ وَكَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يُخْرِجُ الْمُصَدِّقِينَ كُلَّ سَنَةٍ؟

[مَسْأَلَةٌ الزَّكَاةُ وَاجِبَةٌ فِي الْإِبِلِ بِانْقِضَاءِ الْحَوْلِ]

L10771 **Issue: Zakat is obligatory on camels upon the completion of the lunar year.**

L10772 677: Question:

٦٧٧ - مَسْأَلَةٌ:

L10773 Zakāt is obligatory on camels, cattle, and sheep upon the completion of the lunar year, and its obligation is not contingent upon the arrival of the collector—who is the assessor (al-muṣaddiq). This is the opinion of Abū Ḥanīfah, al-Shāfiʿī, and our companions. Mālik and Abū Thawr, however, said: "Zakāt is only obligatory upon the arrival of the assessor." Yet they

وَالزَّكَاةُ وَاجِبَةٌ، فِي الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ بِانْقِضَاءِ الْحَوْلِ، وَلَا حُكْمَ فِي ذَلِكَ لِمَجِيءِ السَّاعِي - وَهُوَ الْمُصَدِّقُ - وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَالشَّافِعِيِّ، وَأَصْحَابِنَا؟ وَقَالَ مَالِكٌ، وَأَبُو ثَوْرٍ: لَا تَجِبُ الزَّكَاةُ إلَّا بِمَجِيءِ الْمُصَدِّقِ؟ ثُمَّ تَنَاقَضُوا فَقَالُوا: إنْ أَبْطَأَ الْمُصَدِّقُ

contradicted themselves by stating: “If the assessor is delayed for one or two years, Zakāt does not lapse because of this; rather, it remains obligatory for every year that has passed and must be collected.” Does this not invalidate their claim that Zakāt is only obligatory upon the arrival of the collector? For the collector is merely an appointed agent tasked with collecting what has already become due. He cannot collect what is not owed, nor can he annul what is obligated.

L10774–10775 There is no disagreement among anyone in the Ummah — in general — that if the Zakat collector arrives before the completion of the Hawl (lunar year), it would not be permissible to give him anything from it. Does this not nullify the ruling being contingent on the arrival of the collector? The collector must necessarily be one of three: either sent by the Imam whose obedience is obligatory, his appointed Amir, or sent by someone whose obedience is not obligatory. If he is sent by one whose obedience is not obligatory, he is not the agent commanded by Allah Almighty or His Messenger — peace be upon him — to collect Zakat. Thus, what he collects is invalid, the Zakat obligation remains binding, and the wealth owner must necessarily fulfill it without fail, for what was taken from him constitutes an injustice — not the obligatory Zakat.

L10776 If the one who dispatched him is someone whose obedience is obligatory, it must necessarily be either that the one who sent him distributes it to its rightful recipients or does not do so. If he distributes it to its rightful recipients, it is impermissible for anyone to give his zakat except to him, for he is the one commanded by Allah the Exalted and His Messenger (peace and blessings of Allah be upon him) to collect it. Whoever gives it to someone other than the one commanded to receive it has transgressed, and transgression is invalid. The Messenger of Allah (peace and blessings of Allah be upon him) said: “Whoever introduces a practice not part of our command, it is rejected.”[15]

L10777 ## Zakat of Grazing and Non-Grazing Livestock

[15] **Hadith references (L10776):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

عَامًا أَوْ عَامَيْنِ لَمْ تَسْقُطْ الزَّكَاةُ بِذَلِكَ، وَوَجَبَ أَخْذُهَا لِكُلِّ عَامٍ خَلَا وَهَذَا إبْطَالُ قَوْلِهِمْ فِي أَنَّ الزَّكَاةَ لَا تَجِبُ إلَّا بِمَجِيءِ السَّاعِي، وَإِنَّمَا السَّاعِي وَكِيلٌ مَأْمُورٌ بِقَبْضِ مَا وَجَبَ؛ لَا يَقْبِضُ مَا لَمْ يَجِبْ، وَلَا بِإِسْقَاطِ مَا وَجَبَ؟

وَلَا خِلَافَ بَيْنَ أَحَدٍ مِنْ الْأُمَّةِ - وَهُمْ فِي الْجُمْلَةِ - فِي أَنَّ الْمُصَدِّقَ لَوْ - جَاءَ قَبْلَ تَمَامِ الْحَوْلِ لَمَا جَازَ أَنْ يُعْطَى مِنْهَا شَيْئًا، فَبَطَلَ أَنْ يَكُونَ الْحُكْمُ لِمَجِيءِ السَّاعِي؟ وَلَا يَخْلُو السَّاعِي مِنْ أَنْ يَكُونَ بَعَثَهُ الْإِمَامُ الْوَاجِبَةُ طَاعَتُهُ، أَوْ أَمِيرُهُ، أَوْ بَعَثَهُ مَنْ لَا تَجِبُ طَاعَتُهُ، فَإِنْ بَعَثَهُ مَنْ لَا تَجِبُ طَاعَتُهُ فَلَيْسَ هُوَ الْمَأْمُورَ مِنْ اللَّهِ تَعَالَى أَوْ رَسُولِهِ - عَلَيْهِ السَّلَامُ - بِقَبْضِ الزَّكَاةِ، فَإِذْ لَيْسَ هُوَ ذَلِكَ فَلَا يُجْزِئُ مَا قَبَضَ، وَالزَّكَاةُ بَاقِيَةٌ وَعَلَى صَاحِبِ الْمَالِ أَدَاؤُهَا وَلَا بُدَّ؛ لِأَنَّ الَّذِي أُخِذَ مِنْهُ مَظْلِمَةٌ لَا صَدَقَةٌ وَاجِبَةٌ.

وَإِنْ كَانَ بَعَثَهُ مَنْ تَجِبُ طَاعَتُهُ، فَلَا يَخْلُو مِنْ أَنْ يَكُونَ بَاعِثُهُ يَضَعُهَا مَوَاضِعَهَا، أَوْ لَا يَضَعُهَا مَوَاضِعَهَا، فَإِنْ كَانَ يَضَعُهَا مَوَاضِعَهَا فَلَا يَحِلُّ لِأَحَدٍ دَفْعُ زَكَاتِهِ إلَّا إلَيْهِ؛ لِأَنَّهُ هُوَ الْمَأْمُورُ بِقَبْضِهَا مِنْ اللَّهِ تَعَالَى وَرَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَمَنْ دَفَعَهَا إلَى غَيْرِ الْمَأْمُورِ بِدَفْعِهَا إلَيْهِ فَقَدْ تَعَدَّى، وَالتَّعَدِّي مَرْدُودٌ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» .

[زَكَاةُ السَّائِمَةِ وَغَيْرِ السَّائِمَةِ مِنْ الْمَاشِيَةِ]

L10778 678 – Issue:

٦٧٨ - مَسْأَلَةٌ:

L10779 Malik, al-Layth, and some of our companions said: Is Zakat due on grazing livestock, hand-fed livestock, and those kept for riding, plowing, or other purposes among camels, cattle, and sheep? Some of our companions said: As for camels, yes; but regarding sheep and cattle, no Zakat is due except on their grazing ones.

قَالَ مَالِكٌ، وَاللَّيْثُ، وَبَعْضُ أَصْحَابِنَا: تُزَكَّى السَّوَائِمُ، وَالْمَعْلُوفَةُ، وَالْمُتَّخَذَةُ لِلرُّكُوبِ، وَلِلْحَرْثِ وَغَيْرِ ذَلِكَ، مِنْ الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ؟ وَقَالَ بَعْضُ أَصْحَابِنَا: أَمَّا الْإِبِلُ فَنَعَمْ، وَأَمَّا الْغَنَمُ وَالْبَقَرُ فَلَا زَكَاةَ إلَّا فِي سَائِمَتِهَا.

L10780 And this is the statement of Abī al-Ḥasan ibn al-Mughallis.

وَهُوَ قَوْلُ أَبِي الْحَسَنِ بْنِ الْمُغَلِّسِ.

L10781 Some scholars said: As for camels and sheep, zakah is due on both their grazing and non-grazing ones. But as for cattle, zakah is only due on their grazing ones.

وَقَالَ بَعْضُهُمْ: أَمَّا الْإِبِلُ، وَالْغَنَمُ فَتُزَكَّى سَائِمَتُهَا وَغَيْرُ سَائِمَتِهَا، وَأَمَّا الْبَقَرُ فَلَا تُزَكَّى إلَّا سَائِمَتُهَا.

L10782 And this is the statement of Abu Bakr ibn Dawud—may Allah have mercy on him—? None of our companions have disagreed that grazing camels and non-grazing ones are subject to zakah in exactly the same manner, without distinction.

وَهُوَ قَوْلُ أَبِي بَكْرِ بْنِ دَاوُد - رَحِمَهُ اللَّهُ -؟ وَلَمْ يَخْتَلِفْ أَحَدٌ مِنْ أَصْحَابِنَا فِي أَنَّ سَائِمَةَ الْإِبِلِ وَغَيْرَ السَّائِمَةِ مِنْهَا تُزَكَّى سَوَاءً سَوَاءً.

L10783–10785 Abu Hanifah and Al-Shafi'i said: There is no zakah except in grazing livestock among all those. Some of them said: Stall-fed livestock from all such [taxable categories] must pay zakāh once in their lifetime, after which zakāh is no longer obligatory for them.

وَقَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ: لَا زَكَاةَ إلَّا فِي السَّائِمَةِ مِنْ كُلِّ ذَلِكَ: وَقَالَ بَعْضُهُمْ: تُزَكَّى غَيْرُ السَّائِمَةِ مِنْ كُلِّ ذَلِكَ مَرَّةً وَاحِدَةً فِي الدَّهْرِ، ثُمَّ لَا تَعُودُ الزَّكَاةُ فِيهَا.

L10786 The followers of Abu Hanifah and Al-Shafi'i argued by stating: "Our view is the view of the majority of the Salaf among the Companions, may Allah be pleased with them, and others." As transmitted to us through the narration of Sufyan and Ma'mar from Abu Ishaq from Asim ibn Ḍamrah from Ali: "There is no Zakat due on working oxen?" We have previously mentioned the statement of Umar, may Allah be pleased with him, regarding forty grazing sheep requiring one sheep as Zakat, up to one hundred and twenty sheep.

فَاحْتَجَّ أَصْحَابُ أَبِي حَنِيفَةَ، وَالشَّافِعِيُّ، بِأَنْ قَالُوا: قَوْلُنَا قَوْلُ جُمْهُورِ السَّلَفِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَغَيْرِهِمْ؟ كَمَا رُوِّينَا مِنْ طَرِيقِ سُفْيَانَ، وَمَعْمَرٍ عَنْ أَبِي إسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ: لَيْسَ عَلَى عَوَامِلِ الْبَقَرِ صَدَقَةٌ؟ وَقَدْ ذَكَرْنَا آنِفًا قَوْلَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ -: فِي أَرْبَعِينَ مِنْ الْغَنَمِ سَائِمَةُ شَاةٍ إلَى عِشْرِينَ وَمِائَةٍ.

L10787 From Layth, from Ṭāwūs, from Muʿādh ibn Jabal: There is no zakah on working cattle. From Ibn Jurayj, from Abī al-Zubayr, from Jābir: There is no zakah on plowing cattle, and no disagreement is known from any of the Companions (may Allah be pleased with them) regarding this. From Ibn Jurayj, from ʿAṭāʾ: There is no zakah on load-bearing camels and plowing

وَعَنْ لَيْثٍ عَنْ طَاوُسٍ عَنْ مُعَاذِ بْنِ جَبَلٍ: لَيْسَ عَلَى عَوَامِلِ الْبَقَرِ صَدَقَةٌ؟ وَعَنْ ابْنِ جُرَيْجٍ عَنْ أَبِي الزُّبَيْرِ عَنْ جَابِرٍ: لَا صَدَقَةَ فِي الْمُثِيرَةِ وَلَا يُعْرَفُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ

cattle. This is the opinion of ʿAmr ibn Dīnār and ʿAbd al-Karīm. Al-ḥumūlah refers to camels used for transport, and al-muthīrah denotes cattle used for tilling the land. Allah the Exalted said: “Not trained to plow the earth” [Quran 2:71].[16]

L10788 From Saʿid ibn Jubayr: Is there no sadaqah due on a working bull or a camel used for transporting litters? From Ibrāhīm al-Nakhaʿī: Is there no sadaqah due on working cattle? From Mujāhid: If one owns forty sheep in a settled area that he milks, is there no zakah due on them, and no sadaqah on working cattle? From al-Zuhrī: Is there no sadaqah due on water-drawing cattle or plowing cattle? For other cattle besides these two, sadaqah is due as the sadaqah for camels, and he held that zakah is obligatory on working camels. From ʿUmar ibn ʿAbd al-ʿAzīz: Is there no sadaqah due on camels and working cattle? From al-Hasan al-Basrī: Is there no sadaqah due on working cattle and working camels?

L10789–10790 From Musa ibn Talha ibn ʿUbayd Allah: There is no Zakat on cows used for labor. From Saʿid ibn ʿAbd al-ʿAziz: There is no Zakat on cows used for plowing. From al-Hakam ibn ʿUtaybah: There is no Zakat on cows used for labor. From Tawus: There is no Zakat on cows and camels employed for labor, except on pastured livestock exclusively. From al-Shaʿbi: There is no Zakat on cows used for labor. This is also the position of Shahr ibn Hawshab and al-Dahhak. From Ibn Shubrumah: There is no Zakat on camels used for labor.

L10791 Al-Awzaʿī said: There is no zakah on cows used for labor, whereas he obligated it on female camels used for labor.

L10792 Sufyan said: There is no zakah on camels, cattle, or sheep that are not pastured, nor is there zakah on sheep reared for slaughter. When Malik’s opinion imposing zakah in such cases was mentioned to him, he expressed astonishment and said: I never imagined anyone would hold this view? This

[16] **Qur’an references (L10787):** Qur’an 2:71 (Al-Baqarah).

- رَضِيَ اللَّهُ عَنْهُمْ - خِلَافٌ فِي ذَلِكَ؟ وَعَنْ ابْنِ جُرَيْجٍ عَنْ عَطَاءٍ: لَا صَدَقَةَ فِي الْحُمُولَةِ، وَالْمُثِيرَةِ؟ وَهُوَ قَوْلُ عَمْرِو بْنِ دِينَارٍ، وَعَبْدِ الْكَرِيمِ وَالْحُمُولَةُ: هِيَ الْإِبِلُ الْحَمَّالَةُ، وَالْمُثِيرَةُ بَقَرُ الْحَرْثِ، قَالَ تَعَالَى: {لا ذَلُولٌ تُثِيرُ الأَرْضَ} [البقرة: ٧١] .

وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: لَيْسَ عَلَى ثَوْرٍ عَامِلٍ وَلَا عَلَى جَمَلِ ظَعِينَةٍ صَدَقَةٌ؟ وَعَنْ إِبْرَاهِيمَ النَّخَعِيِّ: لَيْسَ فِي عَوَامِلِ الْبَقَرِ صَدَقَةٌ؟ وَعَنْ مُجَاهِدٍ: مَنْ لَهُ أَرْبَعُونَ شَاةً فِي مِصْرٍ يَحْلِبُهَا فَلَا زَكَاةَ عَلَيْهِ فِيهَا، وَلَا صَدَقَةَ فِي الْبَقَرِ الْعَوَامِلِ؟ وَعَنْ الزُّهْرِيِّ: لَيْسَ فِي السَّوَانِي مِنْ الْبَقَرِ، وَبَقَرِ الْحَرْثِ صَدَقَةٌ، وَفِيمَا عَدَاهُمَا مِنْ الْبَقَرِ الصَّدَقَةُ كَصَدَقَةِ الْإِبِلِ، وَأَوْجَبَ الزَّكَاةَ فِي عَوَامِلِ الْإِبِلِ؟ وَعَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ: لَيْسَ فِي الْإِبِلِ وَالْبَقَرِ الْعَوَامِلِ صَدَقَةٌ؟ وَعَنْ الْحَسَنِ الْبَصْرِيِّ: لَيْسَ فِي الْبَقَرِ الْعَوَامِلِ وَالْإِبِلِ الْعَوَامِلِ صَدَقَةٌ.

وَعَنْ مُوسَى بْنِ طَلْحَةَ بْنِ عُبَيْدِ اللَّهِ: لَيْسَ فِي الْبَقَرِ الْعَوَامِلِ صَدَقَةٌ؟ وَعَنْ سَعِيدِ بْنِ عَبْدِ الْعَزِيزِ لَيْسَ فِي الْبَقَرِ الْحَرْثِ صَدَقَةٌ؟ وَعَنْ الْحَكَمِ بْنِ عُتَيْبَةَ، لَيْسَ فِي الْبَقَرِ الْعَوَامِلِ صَدَقَةٌ؟ وَعَنْ طَاوُسٍ: لَيْسَ فِي عَوَامِلِ الْبَقَرِ، وَالْإِبِلِ صَدَقَةٌ، إلَّا فِي السَّوَائِمِ خَاصَّةً؟ وَعَنْ الشَّعْبِيِّ: لَيْسَ فِي الْبَقَرِ الْعَوَامِلِ صَدَقَةٌ؟ وَهُوَ أَيْضًا قَوْلُ شَهْرِ بْنِ حَوْشَبٍ وَالضَّحَّاكِ؟ وَعَنْ ابْنِ شُبْرُمَةَ: لَيْسَ فِي الْإِبِلِ الْعَوَامِلِ صَدَقَةٌ.

وَقَالَ الْأَوْزَاعِيُّ: لَا زَكَاةَ فِي الْبَقَرِ الْعَوَامِلِ، وَأَوْجَبَهَا فِي الْإِبِلِ الْعَوَامِلِ.

وَقَالَ سُفْيَانُ: لَا زَكَاةَ فِي غَيْرِ السَّائِمَةِ مِنْ الْإِبِلِ وَالْبَقَرِ وَالْغَنَمِ، وَلَا زَكَاةَ فِي الْغَنَمِ الْمُتَّخَذَةِ لِلذَّبْحِ - وَذُكِرَ لَهُ قَوْلُ مَالِكٍ فِي إيجَابِ الزَّكَاةِ فِي ذَلِكَ، فَعَجِبَ، وَقَالَ: مَا ظَنَنْتُ أَنَّ أَحَدًا يَقُولُ هَذَا؟ وَهُوَ قَوْلُ أَبِي عُبَيْدٍ، وَغَيْرِهِ وَرُوِّينَا عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ،

position aligns with Abu Ubayd and others. We have received reports attributing to Umar ibn Abd al-Aziz, Qatadah, and Hammad ibn Abi Sulayman the obligation of zakah on working camels. It is also narrated from Yahya ibn Sa'id al-Ansari that zakah is obligatory on all sheep, cattle, and camels—whether pastured or non-pastured. They argued that the Prophet (peace and blessings be upon him) explicitly addressed pastured sheep in the authentic hadith. They maintained: It is inconceivable that he (peace and blessings be upon him) would speak words devoid of legal purpose—thus proving that non-pastured animals differ in ruling from pastured ones.

وَقَتَادَةَ وَحَمَّادِ بْنِ أَبِي سُلَيْمَانَ إِيجَابَ الزَّكَاةِ فِي الْإِبِلِ الْعَوَامِلِ؟ وَعَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ إِيجَابُ الزَّكَاةِ فِي كُلِّ غَنَمٍ، وَبَقَرٍ، وَإِبِلٍ، سَائِمَةٍ، أَوْ غَيْرِ سَائِمَةٍ؟ وَاحْتَجُّوا بِأَنَّهُ قَدْ صَحَّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: فِي سَائِمَةِ الْغَنَمِ قَالُوا: وَلَا يَجُوزُ أَنْ يَقُولَ - عَلَيْهِ السَّلَامُ - كَلَامًا لَا فَائِدَةَ فِيهِ، فَدَلَّ أَنَّ غَيْرَ السَّائِمَةِ بِخِلَافِ السَّائِمَةِ.

L10793–10795 It is mentioned in some narrations: "In grazing camels," they said, "Do we then analogize grazing cows to that?" They said, "Zakat has been imposed only on that which generates growth, but not on that which entails expenses. Do we know of any argument they contended with other than what we have mentioned?" Our companions argued regarding the specification of working cows specifically because the reports concerning cows have not been authenticated. Therefore, the ruling is that Zakat is not obligatory on them except where consensus exists regarding its obligation, for has consensus not been established concerning the obligation of Zakat on non-grazing livestock? Those who held that Zakat is due once in a lifetime on non-grazing livestock argued, saying: "The obligation of Zakat on them is established by a general textual injunction, and no text stipulates the recurrence of Zakat on them annually. Thus, the recurrence of Zakat on grazing livestock is obligated by indisputable consensus, whereas recurrence on non-grazing livestock is not obligated—neither by textual proof nor by consensus?" Abu Muhammad said: "As for the argument of those who cite the multitude of proponents holding this view and that it constitutes the opinion of four Companions—may Allah be pleased with them—with no known dissenter among them, no authoritative proof can be derived from anyone's opinion apart from that of the Messenger of Allah—peace and blessings be upon him."

وَقَدْ جَاءَ فِي بَعْضِ الْآثَارِ: " فِي سَائِمَةِ الْإِبِلِ " قَالُوا: فَقِسْنَا سَائِمَةَ الْبَقَرِ عَلَى ذَلِكَ؟ وَقَالُوا: إِنَّمَا جُعِلَتِ الزَّكَاةُ فِيمَا فِيهِ النَّمَاءُ، وَأَمَّا فِيمَا فِيهِ الْكُلْفَةُ فَلَا، مَا نَعْلَمُ لَهُمْ شَيْئًا شَغَبُوا بِهِ غَيْرَ مَا ذَكَرْنَا؟ وَاحْتَجَّ أَصْحَابُنَا فِي تَخْصِيصِ عَوَامِلِ الْبَقَرِ خَاصَّةً بِأَنَّ الْأَخْبَارَ فِي الْبَقَرِ لَمْ تَصِحَّ، فَالْوَاجِبُ أَنْ لَا تَجِبَ الزَّكَاةُ فِيهَا إِلَّا حَيْثُ اُجْتُمِعَ عَلَى وُجُوبِ الزَّكَاةِ فِيهَا، لَمْ يُجْمَعْ عَلَى وُجُوبِ الزَّكَاةِ فِيهَا فِي غَيْرِ السَّائِمَةِ؟ وَاحْتَجَّ مَنْ رَأَى الزَّكَاةَ فِي غَيْرِ السَّائِمَةِ مَرَّةً فِي الدَّهْرِ بِأَنْ قَالَ: قَدْ صَحَّتِ الزَّكَاةُ فِيهَا بِالنَّصِّ الْمُجْمَلِ، وَلَمْ يَأْتِ نَصٌّ بِأَنْ تُكَرَّرَ الزَّكَاةُ فِيهَا فِي كُلِّ عَامٍ، فَوَجَبَ تَكَرُّرُ الزَّكَاةِ فِي السَّائِمَةِ بِالْإِجْمَاعِ الْمُتَيَقَّنِ، وَلَمْ يَجِبِ التَّكْرَارُ فِي غَيْرِ السَّائِمَةِ، لَا بِنَصٍّ وَلَا بِإِجْمَاعٍ؟ قَالَ أَبُو مُحَمَّدٍ: أَمَّا حُجَّةُ مَنِ احْتَجَّ بِكَثْرَةِ الْقَائِلِينَ بِذَلِكَ، وَبِأَنَّهُ قَوْلُ أَرْبَعَةٍ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُعْرَفُ مِنْهُمْ مُخَالِفٌ -: فَلَا حُجَّةَ فِي قَوْلِ أَحَدٍ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10796–10798 Then we say to the Ḥanafīs and Shāfi'īs regarding their argumentation through this issue: The Ḥanafīs have indeed contradicted themselves in this matter, for they ruled that fifty cows require a zakāt of one cow and a quarter—a ruling unknown from any Companion or successor except Ibrāhīm.

ثُمَّ نَقُولُ لِلْحَنَفِيِّينَ، وَالشَّافِعِيِّينَ فِي احْتِجَاجِهِمْ بِهَذِهِ الْقَضِيَّةِ فَإِنَّ الْحَنَفِيِّينَ نَسُوا أَنْفُسَهُمْ فِي هَذِهِ الْقِصَّةِ، إِذْ قَالُوا بِزَكَاةِ خَمْسِينَ بَقَرَةً بِبَقَرَةٍ وَرُبُعٍ، وَلَا يُعْرَفُ ذَلِكَ عَنْ أَحَدٍ

Their categorization concerning carcasses falling into wells and dying there lacks precedent before them. Their stipulation of wiping the head with three fingers once and a quarter of the head once is unprecedented, and we wish to know: Which fingers are intended? By what thread is a quarter of the head measured? Their permission to use dung for istinjā' finds no prior endorsement. Their rulings on what invalidates ablution among substances exiting the body, their statements on the zakāt of horses, and similar unprecedented rulings are exceedingly numerous.

They oppose every narration from Abū Hurayra regarding washing vessels licked by dogs—with no known dissent from any Companion. They contradict ʿUmar ibn al-Khaṭṭāb, Abū Ḥathma, and his son Sahl ibn Abī Ḥathma concerning leaving dates consumed by the one whose dates were stolen, despite all Companions being certain to agree with them without dissent. Such instances are exceedingly numerous.

Similarly, the Shāfiʿīs contradict themselves by categorizing zakāt obligations on earth's produce in a manner unknown before al-Shāfiʿī. Their quantification of water impurity at five hundred Baghdadi ritl lacks prior basis. They oppose Jābir ibn ʿAbdullāh... In what is irrigated by bucket irrigation and natural springs, zakat is due based on the predominant case, and no differing opinion from the Companions is known regarding this. Similar examples abound in their rulings. As for their argument citing the mention of pastured livestock in some narrations, yes, this wording is authentically established in the ḥadīth of Anas from Abū Bakr (may Allah be pleased with him) specifically regarding sheep and goats? Had no other narration besides this existed, it would have been obligatory to restrict zakat to pastured livestock alone. However, the ḥadīth of Ibn ʿUmar – as we cited previously – affirms the obligation of zakat on sheep and goats in totality. Thus, this narration adds to what is in Abū Bakr's ḥadīth, and it is not permissible to disregard such additions.

مِنْ الصَّحَابَةِ وَلَا مِنْ غَيْرِهِمْ إلَّا عَنْ إبْرَاهِيمَ، وَتَقْسِيمِهِمْ فِي الْمَيْتَاتِ تَقَعُ فِي الْبِئْرِ فَتَمُوتُ فِيهِ، فَلَا يُعْرَفُ أَنَّ أَحَدًا قَسَّمَهُ قَبْلَهُمْ، وَتَقْدِيرِهِمْ الْمَسْحَ فِي الرَّأْسِ بِثَلَاثِ أَصَابِعَ مَرَّةً وَبِرُبُعِ الرَّأْسِ مَرَّةً وَلَا يُعْرَفُ هَذَا الْهَوَسُ عَنْ أَحَدٍ قَبْلَهُمْ، وَلَوَدِدْنَا أَنْ نَعْرِفَ بِأَيِّ الْأَصَابِعِ هِيَ؟ أَمْ بِأَيِّ خَيْطٍ يُقَدَّرُ رُبُعُ الرَّأْسِ؟ وَإِجَازَتِهِمْ الِاسْتِنْجَاءَ بِالرَّوْثِ، وَلَا يُعْرَفُ أَنَّ أَحَدًا أَجَازَهُ قَبْلَهُمْ، وَتَقْسِيمِهِمْ فِيمَا يَنْقُضُ الْوُضُوءَ مِمَّا يَخْرُجُ مِنْ الْجَوْفِ وَلَا يُعْرَفُ عَنْ أَحَدٍ قَبْلَهُمْ، وَقَوْلِهِمْ فِي صِفَةِ صَدَقَةِ الْخَيْلِ، وَلَا يُعْرَفُ عَنْ أَحَدٍ قَبْلَهُمْ، وَمِثْلُ هَذَا كَثِيرٌ جِدًّا، وَخِلَافِهِمْ لِكُلِّ رِوَايَةٍ جَاءَتْ عَنْ أَبِي هُرَيْرَةَ فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ، وَلَا مُخَالِفَ لَهُ يُعْرَفُ مِنْ الصَّحَابَةِ، وَخِلَافِهِمْ عُمَرُ بْنُ الْخَطَّابِ، وَأَبُو حَثْمَةَ، وَابْنُهُ سَهْلُ بْنُ أَبِي حَثْمَةَ فِي تَرْكِ مَا يَأْكُلُهُ الْمَخْرُوصُ عَلَيْهِ مِنْ التَّمْرِ، وَمَعَهُمْ جَمِيعُ الصَّحَابَةِ بِيَقِينٍ، لَا مُخَالِفَ لَهُمْ فِي ذَلِكَ مِنْهُمْ - وَمِثْلُ هَذَا كَثِيرٌ جِدًّا وَكَذَلِكَ نَسِيَ الشَّافِعِيُّونَ أَنْفُسَهُمْ فِي تَقْسِيمِهِمْ مَا تُؤْخَذُ مِنْهُ الزَّكَاةُ مِمَّا يَخْرُجُ مِنْ الْأَرْضِ وَلَا يُعْرَفُ عَنْ أَحَدٍ قَبْلَ الشَّافِعِيِّ، وَتَحْدِيدِهِمْ مَا يَنْجَسُ مِنْ الْمَاءِ مِمَّا لَا يَنْجَسُ بِخَمْسِمِائَةِ رِطْلٍ بَغْدَادِيَّةٍ وَمَا يُعْرَفُ عَنْ أَحَدٍ قَبْلَهُمْ، وَخِلَافُهُمْ جَابِرَ بْنَ عَبْدِ اللَّهِ فِيمَا سُقِيَ بِالنَّضْحِ وَبِالْعَيْنِ أَنَّهُ يُزَكَّى عَلَى الْأَغْلَبِ، وَلَا يُعْرَفُ لَهُ مُخَالِفٌ مِنْ الصَّحَابَةِ، وَمِثْلُ هَذَا كَثِيرٌ جِدًّا لَهُمْ وَأَمَّا احْتِجَاجُهُمْ بِمَا جَاءَ فِي بَعْضِ الْأَخْبَارِ مِنْ ذِكْرِ السَّائِمَةِ، فَنَعَمْ، صَحَّ هَذَا اللَّفْظُ فِي حَدِيثِ أَنَسٍ عَنْ أَبِي بَكْرٍ - رَضِيَ اللَّهُ عَنْهُ - فِي الْغَنَمِ خَاصَّةً؟ فَلَوْ لَمْ يَأْتِ غَيْرُ هَذَا الْخَبَرِ لَوَجَبَ أَنْ لَا يُزَكَّى غَيْرُ السَّائِمَةِ، لَكِنْ جَاءَ فِي حَدِيثِ ابْنِ عُمَرَ - كَمَا أَوْرَدْنَا قَبْلَ - إيجَابِ الزَّكَاةِ فِي الْغَنَمِ جُمْلَةً، فَكَانَ هَذَا زَائِدًا عَلَى مَا فِي حَدِيثِ أَبِي بَكْرٍ، وَالزِّيَادَةُ لَا يَجُوزُ تَرْكُهَا.

L10799 As for the report concerning grazing camels, it is not valid because it has not been reported except solely in the report of Bahz ibn Hakim.

وَأَمَّا الْخَبَرُ فِي سَائِمَةِ الْإِبِلِ فَلَا يَصِحُّ؛ لِأَنَّهُ لَمْ يَرِدْ إِلَّا فِي خَبَرِ بَهْزِ بْنِ حَكِيمٍ فَقَطْ.

L10800 Then, if it were valid, what is in the ḥadīth of Abū Bakr and Ibn ʿUmar would constitute an additional ruling superseding it - and is it impermissible to oppose the addition? There is no distinction between this and the verse of Allah, the Most High: "Say: 'I find nothing in what has been revealed to me forbidding any eater to eat thereof, except carrion, or blood poured forth'" (6:145), alongside His statement: "Forbidden to you are carrion and blood" (5:3). Thus, this was an addition to what was in that verse.[17]

ثُمَّ لَوْ صَحَّ لَكَانَ مَا فِي حَدِيثِ أَبِي بَكْرٍ وَابْنِ عُمَرَ زِيَادَةَ حُكْمٍ عَلَيْهِ وَالزِّيَادَةُ لَا يَحِلُّ خِلَافُهَا؟ وَلَا فَرْقَ بَيْنَ هَذَا وَبَيْنَ قَوْلِ اللَّهِ تَعَالَى: {قُلْ لا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا} [الأنعام: ١٤٥] مَعَ قَوْلِه تَعَالَى: {حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمُ} [المائدة: ٣] فَكَانَ هَذَا زَائِدًا عَلَى مَا فِي تِلْكَ الْآيَةِ.

L10801 His Exalted saying: "Do not kill your children for fear of poverty" [Al-Isrāʾ 17:31], alongside His saying: "Lost indeed are those who killed their children out of folly without knowledge" [Al-Anʿām 6:140] - does this [second verse] add to what is stated in the former verse?[18]

قَوْلِه تَعَالَى: {وَلا تَقْتُلُوا أَوْلادَكُمْ خَشْيَةَ إِمْلاقٍ} [الإسراء: ٣١] مَعَ قَوْلِه تَعَالَى: {قَدْ خَسِرَ الَّذِينَ قَتَلُوا أَوْلادَهُمْ سَفَهًا بِغَيْرِ عِلْمٍ} [الأنعام: ١٤٠] فَكَانَ هَذَا زَائِدًا عَلَى مَا فِي تِلْكَ الْآيَةِ؟

L10802–10803 Why did the Ḥanafīs and Shāfiʿīs fail to apply this ruling where its implementation was obligatory based on the statement of the Almighty: {Whoever among you kills game intentionally must compensate with livestock equivalent to what he killed} [5:95]? They responded: "Does this apply even to one who kills it unintentionally?" By my life, the analogy of non-grazing livestock to grazing ones is more appropriate than comparing an unintentional killer to an intentional killer. When Allah the Almighty said: {Your stepdaughters in your care from wives you have consummated marriage with} [4:23], they affirmed: "Indeed, even if they are not in our care." Such instances are exceedingly numerous. They do not anchor their reasoning to a foundational principle. At times they prohibit extrapolation beyond the explicit text when another textual addition exists, while at other times they overstep the text when no supplementary ruling is provided. Thus, they perpetually distort fundamental truths.[19]

وَهَلَّا اسْتَعْمَلَ الْحَنَفِيُّونَ وَالشَّافِعِيُّونَ هَذَا الْعَمَلَ حَيْثُ كَانَ يَلْزَمُهُم اسْتِعْمَالُهُ مِنْ قَوْلِه تَعَالَى: {وَمَنْ قَتَلَهُ مِنْكُمْ مُتَعَمِّدًا فَجَزَاءٌ مِثْلُ مَا قَتَلَ مِنَ النَّعَمِ} [المائدة: ٩٥] فَقَالُوا: وَكَذَلِكَ مَنْ قَتَلَهُ مُخْطِئًا؟ وَلَعَمْرِي إِنَّ قِيَاسَ غَيْرِ السَّائِمَةِ عَلَى السَّائِمَةِ لَأَشْبَهُ مِنْ قِيَاسِ قَاتِلِ الْخَطَأِ عَلَى قَاتِلِ الْعَمْدِ وَحَيْثُ قَالَ اللَّهُ تَعَالَى: {وَرَبَائِبُكُمُ اللاتِي فِي حُجُورِكُمْ مِنْ نِسَائِكُمُ اللاتِي دَخَلْتُمْ بِهِنَّ} [النساء: ٢٣] فَقَالُوا: نَعَمْ، وَإِنْ لَمْ يَكُنْ فِي حُجُورِنَا وَمِثْلُ هَذَا كَثِيرٌ جِدًّا، لَا يَتَثَقَّفُونَ فِيهِ إِلَى أَصْلٍ فَمَرَّةً يَمْنَعُونَ مَنْ تَعَدَّى مَا فِي النَّصِّ حَيْثُ جَاءَ نَصٌّ آخَرُ بِزِيَادَةٍ عَلَيْهِ، وَمَرَّةً يَتَعَدَّوْنَ النَّصَّ حَيْثُ لَمْ يَأْتِ نَصٌّ آخَرُ بِزِيَادَةٍ عَلَيْهِ فَهُمْ أَبَدًا يَعْكِسُونَ الْحَقَائِقَ.

L10804 Had they adhered to all the texts, not neglected some in favor of others,

وَلَوْ أَنَّهُمْ أَخَذُوا بِجَمِيعِ النُّصُوصِ، وَلَمْ يَتْرُكُوا بَعْضَهَا لِبَعْضٍ، وَلَمْ يَتَعَدَّوْهَا إِلَى مَا لَا نَصَّ فِيهِ -: لَكَانَ أَسْلَمَ لَهُمْ مِنَ النَّارِ وَالْعَارِ؟ وَأَمَّا قَوْلُهُمْ: إِنَّ الزَّكَاةَ إِنَّمَا جُعِلَتْ عَلَى

[17] **Qur'an references (L10800):** Qur'an 6:145 (Al-An'am); Qur'an 5:3 (Al-Ma'idah).
[18] **Qur'an references (L10801):** Qur'an 17:31 (Al-Isra); Qur'an 6:140 (Al-An'am).
[19] **Qur'an references (L10803):** Qur'an 5:95 (Al-Ma'idah); Qur'an 4:23 (An-Nisa).

and not transgressed beyond them to matters without textual basis—would it not have been safer for them from the Fire and disgrace? As for their claim that Zakat was only imposed on what grows or increases, this is false. Zakat is obligatory on dirhams and dinars, which do not grow at all, yet it is not obligatory on donkeys—though they multiply—nor on vegetables according to the majority of scholars, even though they grow. Moreover, working cattle and camels yield profit through their labor and rental value, and multiply through reproduction. If they argue: "They incur fodder expenses," we reply: "Grazing animals incur herding costs. Yet you disregard immense agricultural expenses even if they entirely consume the produce—instead you deem Zakat obligatory on it. You ignore trade losses yet impose Zakat on them." Thus this argument is wholly invalidated—and success comes solely from Allah, the Most High.

مَا فِيهِ النَّمَاءُ، فَبَاطِلٌ، وَالزَّكَاةُ وَاجِبَةٌ فِي الدَّرَاهِمِ وَالدَّنَانِيرِ، وَلَا تَنْمِي أَصْلًا، وَلَيْسَتْ فِي الْحَمِيرِ، وَهِيَ تَنْمِي، وَلَا فِي الْخَضَرِ عِنْدَ أَكْثَرِهِمْ، وَهِيَ تَنْمِي؟ وَأَيْضًا فَإِنَّ الْعَوَامِلَ مِنْ الْبَقَرِ، وَالْإِبِلِ تَنْمِي أَعْمَالُهَا وَكِرَاؤُهَا، وَتَنْمِي بِالْوِلَادَةِ أَيْضًا؟ فَإِنْ قَالُوا: لَهَا مُؤْنَةٌ فِي الْعَلَفِ؟ قُلْنَا: وَلِلسَّائِمَةِ مُؤْنَةُ الرَّاعِي وَأَنْتُمْ لَا تَلْتَفِتُونَ إلَى عَظِيمِ الْمُؤْنَةِ وَالنَّفَقَةِ فِي الْحَرْثِ، وَإِنْ اسْتَوْعَبَتْهُ كُلَّهُ؛ بَلْ تَرَوْنَ الزَّكَاةَ فِيهِ، وَلَا تُرَاعُونَ الْخَسَارَةَ فِي التِّجَارَةِ، بَلْ تَرَوْنَ الزَّكَاةَ فِيهَا فَسَقَطَ هَذَا الْقَوْلُ جُمْلَةً - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

L10805–10806 As for those among the scholars of our school who restricted cows by stipulating that zakah is only due on their freely-grazing ones, they stated: The rulings on zakah for camels and sheep have been authentically established from the Prophet—peace and blessings be upon him—in general terms, detailing the thresholds for zakah and the number from which it is taken. Thus, it is impermissible to restrict his command through independent reasoning or analogy.

وَأَمَّا مَنْ خَصَّ مِنْ أَصْحَابِنَا الْبَقَرَ بِأَنْ لَا تُزَكَّى إلَّا سَائِمَتُهَا فَقَطْ فَإِنَّهُمْ قَالُوا: قَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةُ الْإِبِلِ وَالْغَنَمِ عُمُومًا، وَحَدُّ زَكَاتِهَا، وَمِنْ كَمْ تُؤْخَذُ الزَّكَاةُ مِنْهَا: فَلَمْ يَجُزْ أَنْ يُخَصَّ أَمْرُهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِرَأْيٍ وَلَا بِقِيَاسٍ.

L10807 As for cattle, no valid ruling has been established concerning the conditions for their Zakat. Thus Zakat should only be obligatory on cattle for which a valid consensus has been established regarding its obligation, and there is no consensus except in pastured cattle. Therefore Zakat is obligatory on them—not on others lacking consensus. Abū Muḥammad said: "This is erroneous. Rather, it has been authentically established from the Prophet (peace and blessings of Allah be upon him) that he mandated Zakat on cattle through his statement—peace be upon him—which we previously cited with its chain of transmission: 'There is no owner of camels or cattle who withholds their Zakat except that such will be done to him.'"

وَأَمَّا الْبَقَرُ فَلَمْ يَصِحَّ فِي صِفَةِ زَكَاتِهَا، فَوَجَبَ أَنْ لَا تَجِبَ الزَّكَاةُ إلَّا فِي بَقَرٍ صَحَّ الْإِجْمَاعُ عَلَى وُجُوبِ الزَّكَاةِ فِيهَا، وَلَا إجْمَاعَ إلَّا فِي السَّائِمَةِ؛ فَوَجَبَتْ الزَّكَاةُ فِيهَا، دُونَ غَيْرِهَا الَّتِي لَا إجْمَاعَ فِيهَا؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ؛ بَلْ قَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إيجَابُ الزَّكَاةِ فِي الْبَقَرِ، بِقَوْلِهِ - عَلَيْهِ السَّلَامُ - الَّذِي قَدْ أَوْرَدْنَاهُ قَبْلُ بِإِسْنَادِهِ -: «مَا مِنْ صَاحِبِ إبِلٍ وَلَا بَقَرٍ لَا يُؤَدِّي زَكَاتَهَا إلَّا فُعِلَ بِهِ كَذَا» .

L10808–10810 The text definitively establishes the obligation of Zakāh on cattle in general. However, no explicit text specifies the number at which Zakāh becomes due on them or the amount to be taken from them. In these two matters, one

must rely on scholarly consensus. As for restricting the obligation to specific cattle while excluding others, this constitutes an unfounded specification of what is established from the Prophet (peace be upon him) regarding Zakāh on cattle without textual basis. This is invalid. There is no difference between those who exempt non-grazing cattle from Zakāh using this rationale and those who exempt male cattle through the same reasoning, for has valid disagreement not arisen regarding their Zakāh?

As narrated by Humām via ʿAbdullāh ibn Muḥammad ibn ʿAlī al-Bājī, via ʿAbdullāh ibn Yūnus, via Baqī ibn Makhlad, via Abū Bakr ibn Abī Shaybah, via Jarīr—that is, Ibn ʿAbd al-Ḥamīd—from al-Mughīrah—that is, Ibn Miqsam al-Ḍabbī—from Ibrāhīm al-Nakhaʿī, who said: "No Zakāh is due on any grazing livestock except female camels, female cattle, and sheep."

Abū Muḥammad said: None of our school's scholars, nor the Ḥanafīs, Mālikīs, Shāfiʿīs, or Ḥanbalīs, uphold this view. It is fundamentally impermissible to adopt this position, for it constitutes baseless judgment without evidence. Zakāh is obligated by the text on all cattle, whatever their attributes may be—whether grazing or otherwise. Does this apply to grazing livestock, except for cattle for which an authentic scriptural text or scholarly consensus has particularized rulings? As for the number, timing, and what is taken from them, no opinion may be asserted except through certain consensus or a sound scriptural text—and with Allah, the Exalted, lies all success.

L10811 As for those who stated that Zakat must be paid annually on grazing cattle, camels, and sheep, and held that Zakat on all non-grazing livestock is due only once in a lifetime, they argued that Zakat is obligatory on cattle based on the explicit text we cited, but no text specifies its repetition every year. Thus, Zakat cannot be required again on wealth already subjected to it unless by consensus. A valid consensus confirms annual Zakat on grazing cattle, camels, and sheep, necessitating this ruling. However, there is no text or consensus requiring its annual repetition for all non-grazing livestock, so how can this ruling be mandated?

فَصَحَّ بِالنَّصِّ وُجُوبُ الزَّكَاةِ فِي الْبَقَرِ جُمْلَةً، إلَّا أَنَّهُ لَمْ يَأْتِ نَصٌّ فِي الْعَدَدِ الَّذِي تَجِبُ فِيهِ الزَّكَاةُ مِنْهَا، وَلَا كَمْ يُؤْخَذُ مِنْهَا، فَفِي هَذَيْنِ الْأَمْرَيْنِ يُرَاعَى الْإِجْمَاعُ، وَأَمَّا تَخْصِيصُ بَقَرٍ دُونَ بَقَرٍ فَهُوَ تَخْصِيصٌ لِلثَّابِتِ عَنْهُ - عَلَيْهِ السَّلَامُ - مِنْ إيجَابِهِ الزَّكَاةَ فِي الْبَقَرِ بِغَيْرِ نَصٍّ: وَهَذَا لَا يَجُوزُ وَلَا فَرْقَ بَيْنَ مَنْ أَسْقَطَ الزَّكَاةَ عَنْ غَيْرِ السَّائِمَةِ بِهَذَا الدَّلِيلِ وَبَيْنَ مَنْ أَسْقَطَهَا عَنْ الذُّكُورِ بِهَذَا الدَّلِيلِ نَفْسِهِ، فَقَدْ صَحَّ الْخِلَافُ فِي زَكَاتِهَا؟ -: كَمَا حَدَّثَنَا حُمَامٌ قَالَ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا جَرِيرٌ هُوَ ابْنُ عَبْدِ الْحَمِيدِ - عَنْ الْمُغِيرَةِ هُوَ ابْنُ مِقْسَمٍ الضَّبِّيُّ - عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: لَيْسَ فِي شَيْءٍ مِنْ السَّوَائِمِ صَدَقَةٌ إلَّا إنَاثَ الْإِبِلِ، وَإِنَاثَ الْبَقَرِ، وَالْغَنَمِ؟ قَالَ أَبُو مُحَمَّدٍ: وَلَا يَقُولُ بِهَذَا أَحَدٌ مِنْ أَصْحَابِنَا، وَلَا الْحَنَفِيُّونَ، وَلَا الْمَالِكِيُّونَ، وَلَا الشَّافِعِيُّونَ، وَلَا الْحَنْبَلِيُّونَ، وَلَا يَجُوزُ الْقَوْلُ بِهِ أَصْلًا، لِأَنَّهُ تَحَكُّمٌ بِلَا بُرْهَانٍ فَوَجَبَتْ بِالنَّصِّ الزَّكَاةُ فِي كُلِّ بَقَرٍ، أَيْ صِفَةٍ مِنْ صِفَاتِ الْبَقَرِ كَانَتْ، سَائِمَةً أَوْ غَيْرَ سَائِمَةٍ، إلَّا بَقَرًا خَصَّهَا نَصٌّ أَوْ إجْمَاعٌ؟ وَأَمَّا الْعَدَدُ، وَالْوَقْتُ، وَمَا يُؤْخَذُ مِنْهَا فَلَا يَجُوزُ الْقَوْلُ بِهِ إلَّا بِإِجْمَاعٍ مُتَيَقَّنٍ أَوْ بِنَصٍّ صَحِيحٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا مَنْ قَالَ فِي السَّائِمَةِ بِعَوْدَةِ الزَّكَاةِ فِيهَا كُلَّ عَامٍ، وَرَأَى الزَّكَاةَ فِي غَيْرِ السَّائِمَةِ مَرَّةً فِي الدَّهْرِ -: فَإِنَّهُ احْتَجَّ بِأَنَّ الزَّكَاةَ وَاجِبَةٌ فِي الْبَقَرِ بِالنَّصِّ الَّذِي أَوْرَدْنَا، وَلَمْ يَأْتِ بِتَكْرَارِ الزَّكَاةِ فِي كُلِّ عَامٍ نَصٌّ، فَلَا تَجُوزُ عَوْدَةُ الزَّكَاةِ فِي مَالٍ قَدْ زُكِّيَ، إلَّا بِالْإِجْمَاعِ، وَقَدْ صَحَّ الْإِجْمَاعُ بِعَوْدَةِ الزَّكَاةِ فِي الْبَقَرِ، وَالْإِبِلِ، وَالْغَنَمِ السَّائِمَةِ كُلَّ عَامٍ، فَوَجَبَ الْقَوْلُ بِذَلِكَ، وَلَا نَصَّ وَلَا إجْمَاعَ فِي عَوْدَتِهَا فِي غَيْرِ السَّائِمَةِ مِنْهَا كُلِّهَا، فَلَا يَجِبُ الْقَوْلُ

بِذَلِكَ؟ قَالَ أَبُو مُحَمَّد: كَانَ هَذَا قَوْلًا صَحِيحًا لَوْلَا أَنَّهُ قَدْ ثَبَتَ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يَبْعَثُ الْمُصَدِّقِينَ فِي كُلِّ عَامٍ لِزَكَاةِ الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ» هَذَا أَمْرٌ مَنْقُولٌ نَقْلَ الْكَافَّةِ، وَقَدْ صَحَّ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْضُوا مُصَدِّقِيكُمْ» فَإِذْ قَدْ صَحَّ هَذَا بِيَقِينٍ، فَخُرُوجُ الْمُصَدِّقِينَ فِي كُلِّ عَامٍ مُوجِبٌ أَخْذَ الزَّكَاةِ فِي كُلِّ عَامٍ بِيَقِينٍ، فَإِذْ لَا شَكَّ فِي ذَلِكَ، فَتَخْصِيصُ بَعْضِ مَا وَجَبَتْ فِيهِ الزَّكَاةُ عَامًا بِأَنْ لَا يَأْخُذَ مِنْهُ الْمُصَدِّقُ الزَّكَاةَ عَامًا ثَانِيًا تَخْصِيصٌ لِلنَّصِّ.

وَقَوْلٌ بِلَا بُرْهَانٍ، وَإِنَّمَا يُرَاعَى مِثْلُ هَذَا فِيمَا لَا نَصَّ فِيهِ وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Abū Muḥammad said: This opinion would have been valid were it not for the established fact that "the Messenger of Allah (peace and blessings be upon him) sent Zakat collectors every year for camels, cattle, and sheep," a matter transmitted by mass transmission. It is authentically reported from the Prophet (peace and blessings be upon him): "Satisfy your Zakat collectors." Since this is certain, the annual dispatch of Zakat collectors necessarily entails the annual collection of Zakat with certainty. Given this indubitable reality, to specify that Zakat collectors should not collect in subsequent years from categories subject to Zakat in one year constitutes an unjustified specification of the text.

L10812 And an opinion without evidence; rather, such is only considered in matters where there is no scriptural text. Success is through Allah, the Most High.

[مَسْأَلَةٌ عَلَى كُلِّ ذِي إبِلٍ وَبَقَرٍ وَغَنَمٍ حَلْبُهَا يَوْمَ وِرْدِهَا وَالتَّصَدُّقُ مِنْ لَبَنِهَا]

L10813 **A ruling is incumbent upon every owner of camels, cattle, and sheep: the milking of them on the day they come to drink and the giving of alms from their milk.**

٦٧٩ - مَسْأَلَةٌ:

وَفَرْضٌ عَلَى كُلِّ ذِي إبِلٍ، وَبَقَرٍ، وَغَنَمٍ أَنْ يَحْلُبَهَا يَوْمَ وِرْدِهَا عَلَى الْمَاءِ، وَيَتَصَدَّقُ مِنْ لَبَنِهَا بِمَا طَابَتْ بِهِ نَفْسُهُ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا الْحَكَمُ بْنُ نَافِعٍ هُوَ أَبُو الْيَمَانِ ثنا شُعَيْبٌ هُوَ ابْنُ أَبِي حَمْزَةَ ثنا أَبُو الزِّنَادِ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ هُرْمُزٍ الْأَعْرَجَ حَدَّثَهُ أَنَّهُ سَمِعَ أَبَا هُرَيْرَةَ يَقُولُ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «تَأْتِي الْإِبِلُ عَلَى صَاحِبِهَا عَلَى خَيْرِ مَا كَانَتْ، إذَا هُوَ لَمْ يُعْطِ فِيهَا حَقَّهَا، تَطَؤُهُ بِأَخْفَافِهَا، وَتَأْتِي الْغَنَمُ عَلَى صَاحِبِهَا عَلَى خَيْرِ مَا كَانَتْ، إذَا لَمْ يُعْطِ فِيهَا حَقَّهَا، تَطَؤُهُ بِأَظْلَافِهَا وَتَنْطَحُهُ بِقُرُونِهَا، قَالَ: وَمِنْ حَقِّهَا أَنْ تُحْلَبَ عَلَى الْمَاءِ» .

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L10815–10817 It is incumbent upon every owner of camels, cattle, and sheep to milk them on the day they come to water and to give in charity from their milk as much as his soul is content to give. ʻAbd al-Raḥmān ibn ʻAbd Allāh ibn Khālid narrated to us: Ibrāhīm ibn Aḥmad narrated to us, al-Farabrī narrated to us, al-Bukhārī narrated to us, al-Ḥakam ibn Nāfiʻ (Abū al-Yamān) narrated to us, Shuʻayb ibn Abī Ḥamzah narrated to us, Abū al-Zinād narrated that ʻAbd al-Raḥmān ibn Hurmuz al-Aʻraj reported hearing Abū Hurayrah say: Allah's Messenger (ﷺ) said: "Camels will come to their owner in the best condition they ever had if he withheld their due right; they will trample him with their hooves. Sheep will come to their owner in the best condition they ever had if he withheld their due right; they will trample him with their hooves and butt him." He said, while mentioning her horns: "And among her rights is that she be milked onto water."

L10818 Abu Muhammad said: Whoever asserts that there is no rightful claim in wealth apart from zakāh has uttered falsehood, with no evidence supporting the correctness of his statement—neither from textual authority nor consensus. Is not everything the Messenger of Allah—peace and blessings of Allah be upon him—has imposed regarding wealth truly obligatory? We challenge those who make this claim: Are the expiations for ẓihār, broken oaths, and people's financial debts obligatory upon wealth or not? From their own doctrine they answer: "Yes"—and herein lies their self-contradiction.

قَالَ أَبُو مُحَمَّد: وَمَنْ قَالَ: إنَّهُ لَا حَقَّ فِي الْمَالِ غَيْرُ الزَّكَاةِ فَقَدْ قَالَ: الْبَاطِلَ، وَلَا بُرْهَانَ عَلَى صِحَّةِ قَوْلِهِ، لَا مِنْ نَصٍّ وَلَا إجْمَاعٍ، وَكُلُّ مَا أَوْجَبَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الْأَمْوَالِ فَهُوَ وَاجِبٌ؟ وَنَسْأَلُ مَنْ قَالَ هَذَا: هَلْ تَجِبُ فِي الْأَمْوَالِ كَفَّارَةُ الظِّهَارِ وَالْأَيْمَانِ وَدُيُونِ النَّاسِ أَمْ لَا؟ فَمِنْ قَوْلِهِمْ: نَعَمْ، وَهَذَا تَنَاقُضٌ مِنْهُمْ.

L10819 As for lending a bucket and denying the stallion's service, these fall under Allah's words: "And they withhold even common aid" (Quran 107:7).[20]

وَأَمَّا إعَارَةُ الدَّلْوِ وَإِطْرَاقُ الْفَحْلِ فَدَاخِلٌ تَحْتَ قَوْلِ اللَّهِ تَعَالَى: {وَيَمْنَعُونَ الْمَاعُونَ} [الماعون: ٧] .

L10820 The issue of the aforementioned age categories for Zakat on camels.

[مَسْأَلَةٌ الْأَسْنَانُ الْمَذْكُورَاتُ فِي زَكَاةِ الْإِبِلِ]

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٦٨٠ - مَسْأَلَةٌ:

L10822 The mentioned ages for camels are: Bint al-Makhāḍ - a female camel that has completed one year and entered the second year, named so because its mother is mākhiḍ (has delivered). When she completes two years and enters the third, she is called Bint Labūn if female, or he is called Ibn Labūn if male, because their mother has delivered and now produces milk. When she completes three years and enters the fourth, she is called Ḥiqqah, as she has become eligible to be mounted by a breeding male and to carry loads. When she completes four years and enters the fifth, she is called Jadhaʿah. When she completes five years and enters the sixth, she is called Thaniyyah.

الْأَسْنَانُ الْمَذْكُورَاتُ فِي الْإِبِلِ -: بِنْتُ الْمَخَاضِ: هِيَ الَّتِي أَتَمَّتْ سَنَةً وَدَخَلَتْ فِي سَنَتَيْنِ، سُمِّيَتْ بِذَلِكَ لِأَنَّ أُمَّهَا مَاخِضٌ، أَيْ قَدْ حَمَلَتْ فَإِذَا أَتَمَّتْ سَنَتَيْنِ وَدَخَلَتْ فِي الثَّالِثَةِ فَهِيَ بِنْتُ لَبُونٍ وَابْنُ لَبُونٍ، لِأَنَّ أُمَّهَا قَدْ وَضَعَتْ فَلَهَا لَبَنٌ، فَإِذَا أَتَمَّتْ ثَلَاثَ سِنِينَ وَدَخَلَتْ فِي الرَّابِعَةِ فَهِيَ حِقَّةٌ، لِأَنَّهَا قَدْ اسْتَحَقَّتْ أَنْ يُحْمَلَ عَلَيْهَا الْفَحْلُ، وَالْحَمْلُ، فَإِذَا أَتَمَّتْ أَرْبَعَ سِنِينَ وَدَخَلَتْ فِي الْخَامِسَةِ فَهِيَ جَذَعَةٌ، فَإِذَا أَتَمَّتْ خَمْسَ سِنِينَ وَدَخَلَتْ فِي السَّادِسَةِ فَهِيَ ثَنِيَّةٌ.

L10823 It is not permissible to give as charity a weaned young camel that has not completed a year; it is not permissible in charity.

وَلَا يَجُوزُ فِي الصَّدَقَةِ وَهُوَ مَا لَمْ يَتِمَّ سَنَةً وَهُوَ فَصِيلٌ لَا يَجُوزُ فِي الصَّدَقَةِ.

L10824 Abdullah ibn Rabiʿ narrated to us these names and their interpretation: ʿUmar ibn ʿAbd al-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawud narrated all of that from Abu Hatim al-Sijistani, al-ʿAbbas

حَدَّثَنَا بِهَذِهِ الْأَسْمَاءِ وَتَفْسِيرِهَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ: ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد بِذَلِكَ كُلِّهِ، عَنْ أَبِي حَاتِمٍ السِّجِسْتَانِيِّ، وَالْعَبَّاسِ بْنِ الْفَرَجِ الرِّيَاشِيِّ، وَعَنْ أَبِي دَاوُد الْمُصَاحِفِيِّ عَنْ أَبِي عُبَيْدَةَ مَعْمَرِ بْنِ الْمُثَنَّى

[20] **Qur'an references (L10819):** Qur'an 107:7 (Al-Ma'un).

ibn al-Faraj al-Riyāshī, and Abu Dawud al-Muṣaḥḥafī, from Abu ʻUbaydah Maʻmar ibn al-Muthannā.

[مَسْأَلَةٌ الْخُلْطَةُ فِي الْمَاشِيَةِ أَوْ غَيْرِهَا لَا تُحِيلُ حُكْمَ الزَّكَاةِ]

مَسْأَلَةٌ:

وَالْخُلْطَةُ فِي الْمَاشِيَةِ أَوْ غَيْرِهَا لَا تُحِيلُ حُكْمَ الزَّكَاةِ، وَلِكُلِّ أَحَدٍ حُكْمُهُ فِي مَالِهِ، خَالَطَ أَوْ لَمْ يُخَالِطْ لَا فَرْقَ بَيْنَ شَيْءٍ مِنْ ذَلِكَ؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا عُبَيْدُ اللَّهِ بْنُ فَضَالَةَ أَنَا سُرَيْجُ بْنُ النُّعْمَانِ ثني حَمَّادُ بْنُ سَلَمَةَ عَنْ ثُمَامَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَنَسِ بْنِ مَالِكٍ عَنْ أَنَسِ بْنِ مَالِكٍ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَتَبَ لَهُ " أَنَّ هَذِهِ فَرَائِضُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى الْمُسْلِمِينَ الَّتِي أَمَرَ اللَّهُ بِهَا رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - " فَذَكَرَ الْحَدِيثَ، وَفِي آخِرِهِ «وَلَا يُجْمَعُ بَيْنَ مُفْتَرِقٍ وَلَا يُفَرَّقُ بَيْنَ مُجْتَمِعٍ خَشْيَةَ الصَّدَقَةِ، وَمَا كَانَ مِنْ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ» .

قَالَ أَبُو مُحَمَّدٍ: فَاخْتَلَفَ النَّاسُ فِي تَأْوِيلِ هَذَا الْخَبَرِ؟ فَقَالَتْ طَائِفَةٌ: إذَا تَخَالَطَ اثْنَانِ فَأَكْثَرُ فِي إبِلٍ، أَوْ فِي بَقَرٍ، أَوْ فِي غَنَمٍ، فَإِنَّهُمْ تُؤْخَذُ مِنْ مَاشِيَتِهِمْ، الزَّكَاةُ كَمَا كَانَتْ تُؤْخَذُ لَوْ كَانَتْ لِوَاحِدٍ، وَالْخُلْطَةُ عِنْدَهُمْ أَنْ تَجْتَمِعَ الْمَاشِيَةُ فِي: الرَّاعِي، وَالْمَرَاحِ، وَالْمَسْرَحِ، وَالْمَسْقَى، وَمَوَاضِعِ الْحَلْبِ: عَامًا كَامِلًا مُتَّصِلًا وَإِلَّا فَلَيْسَتْ خُلْطَةً، وَسَوَاءٌ كَانَتْ مَاشِيَتُهُمْ مُشَاعَةً لَا تَتَمَيَّزُ، أَوْ مُتَمَيِّزَةً، وَزَادَ بَعْضُهُمْ: الدَّلْوُ، وَالْفَحْلُ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا الْقَوْلُ مَمْلُوءٌ مِنْ الْخَطَأِ؟ أَوَّلُ ذَلِكَ: أَنَّ ذِكْرَهُمْ الرَّاعِيَ كَانَ يُغْنِي عَنْ ذِكْرِ الْمَسْرَحِ، وَالْمَسْقَى؛ لِأَنَّهُ لَا يُمْكِنُ أَلْبَتَّةَ أَنْ يَكُونَ الرَّاعِي وَاحِدًا وَتَخْتَلِفُ مَسَارِحُهَا وَمَسَاقِيهَا؛

L10825–10826 **The commingling of livestock or other zakatable assets does not invalidate the zakat obligation.**

L10827 Issue:

L10828 The partnership in livestock or other things does not invalidate the ruling of Zakat. Each individual remains subject to the rulings applicable to their own wealth, whether they have partnered or not partnered, with no distinction between any part of it. Abdullah ibn Rabiʻ narrated to us: Muhammad ibn Muʻawiyah narrated to us: Ahmad ibn Shuʻayb narrated to us: from Ubaydullah ibn Fadalah: from Surayj ibn an-Nuʻman: from Hammad ibn Salamah: from Thumamah ibn Abdullah ibn Anas ibn Malik: from Anas ibn Malik, that Abu Bakr as-Siddiq wrote to him: "These are the ordained Zakat obligations which Allah's Messenger ﷺ established for the Muslims, as Allah commanded His Messenger ﷺ." He mentioned the hadith, concluding with: "Do not merge separate [entities] nor split combined [entities] to evade paying Zakat. Whatever belongs to two partners shall reconcile between them with equity."[21]

L10829–10831 Abū Muḥammad said: People have differed in interpreting this narration. A group stated: If two or more jointly own camels, cattle, or sheep, zakāh is taken from their livestock as it would be taken if owned by a single person. According to them, joint ownership occurs when the livestock share the same herder, resting place, pasture, watering source, and milking locations continuously for a full year; otherwise, it is not considered joint ownership. This applies equally whether their livestock is communally held and indistinguishable or distinguishable. Some added: the bucket and stud. Abū Muḥammad said: This opinion is filled with errors. The first error is that mentioning the herder would have rendered references to pasture and watering source redundant, as it is utterly impossible for livestock sharing one herder to have

[21] **Hadith references (L10828):** Sunan Abi Dawud 1567.

differing pastures and watering sources. Thus, specifying pasture and watering source is superfluous. Moreover, mentioning the stud is erroneous, for a single owner may possess two or more studs due to his livestock's abundance, or multiple herders for the same reason. By their rationale, if joint ownership is established by shared herder and management, then one person's livestock – even with multiple herders – should incur zakāh as a single unit, while the livestock of a single owner should not be aggregated if... In this scenario, there are two herders and two male camels, and is there no escape from this? We ask them: if the two are intermingled in some of these aspects, does the ruling of joint ownership apply to them or not? Whatever they answer, their statement can only amount to a corrupt ruling without proof, and whatever is thus is undeniably invalid—and success comes solely from Allah the Exalted. They further expanded their arbitrary rulings, opining that for a group collectively possessing five camels, forty sheep, or thirty cows—fully shared among all members—zakat must be taken from them. They held that if three individuals jointly owned forty sheep—being partners in this ownership—they would owe only a single sheep, just as if it were owned by one person. They also stated: If five individuals each own five camels—having jointly held them for a year—only a she-camel that has entered its second year is due, and this applies to all livestock zakat. This is the position of Al-Layth ibn Sa'd, Ahmad ibn Hanbal, Al-Shāfi'ī, and Abū Bakr ibn Dāwūd among those of our companions who concurred with him. Al-Shāfi'ī even extended the ruling of joint ownership to fruits, crops, silver dirhams, and gold dinars—holding that a group collectively possessing only five wasqs must pay zakat, and that a group jointly owning merely two hundred dirhams or twenty dinars—even if they number a thousand or more or fewer members—are obligated to pay zakat. Another group maintained: If each partner individually attains the zakat threshold, they must pay zakat as separate owners at that point. If none individually reach the threshold, no zakat is due. Whoever among them attains the threshold must pay zakat, while those who do not are not obligated to pay anything.

فَصَارَ ذِكْرُ الْمَسْرَحِ وَالْمَسْقَى فُضُولًا وَأَيْضًا - فَإِنَّ ذِكْرَ الْفَحْلِ خَطَأٌ، لِأَنَّهُ قَدْ يَكُونُ لِإِنْسَانٍ وَاحِدٍ فَحْلَانِ وَأَكْثَرُ، لِكَثْرَةِ مَاشِيَتِهِ، وَرَاعِيَانِ وَأَكْثَرُ لِكَثْرَةِ مَاشِيَتِهِ، فَيَنْبَغِي عَلَى قَوْلِهِمْ - إِذَا أَوْجَبَ اخْتِلَاطُهُمَا فِي الرَّاعِي، وَالْعَمَلِ -: أَنْ يُزَكِّيَهَا، زَكَاةَ الْمُنْفَرِدِ، وَأَنْ لَا تُجْمَعُ مَاشِيَةُ إِنْسَانٍ وَاحِدٍ إِذَا كَانَ لَهُ فِيهَا رَاعِيَانِ فَحْلَانِ، وَهَذَا لَا تَخَلُّصَ مِنْهُ؟ وَنَسْأَلُهُمْ إِذَا اخْتَلَطَا فِي بَعْضِ هَذِهِ الْوُجُوهِ: أَلَهُمَا حُكْمُ الْخُلْطَةِ أَمْ لَا؟ فَأَيُّ ذَلِكَ قَالُوا فَلَا سَبِيلَ أَنْ يَكُونَ قَوْلُهُمْ إِلَّا تَحَكُّمًا فَاسِدًا بِلَا بُرْهَانٍ، وَمَا كَانَ هَكَذَا فَهُوَ بَاطِلٌ بِلَا شَكٍّ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. ثُمَّ زَادُوا فِي التَّحَكُّمِ فَرَأَوْا فِي جَمَاعَةٍ لَهُمْ خَمْسَةٌ مِنْ الْإِبِلِ، أَوْ أَرْبَعُونَ مِنْ الْغَنَمِ، أَوْ ثَلَاثُونَ مِنْ الْبَقَرِ - بَيْنَهُمْ كُلِّهِمْ -: أَنَّ الزَّكَاةَ مَأْخُوذَةٌ مِنْهَا، وَأَنَّ ثَلَاثَةً لَوْ مَلَكَ كُلُّ وَاحِدٍ مِنْهُمْ أَرْبَعِينَ شَاةً - وَهُمْ خُلَطَاءُ فِيهَا -: فَلَيْسَ عَلَيْهِمْ إِلَّا شَاةٌ وَاحِدَةٌ فَقَطْ، كَمَا لَوْ كَانَتْ لِوَاحِدٍ، وَقَالُوا: إِنَّ خَمْسَةً لِكُلِّ وَاحِدٍ مِنْهُمْ خَمْسَةٌ مِنْ الْإِبِلِ - تَخَالَطُوا بِهَا عَامًا - فَلَيْسَ فِيهَا إِلَّا بِنْتُ مَخَاضٍ وَهَكَذَا فِي جَمِيعِ صَدَقَاتِ الْمَوَاشِي. وَهَذَا قَوْلُ اللَّيْثِ بْنِ سَعْدٍ، وَأَحْمَدَ بْنِ حَنْبَلٍ، وَالشَّافِعِيِّ، وَأَبِي بَكْرِ بْنِ دَاوُد فِيمَنْ وَافَقَهُ مِنْ أَصْحَابِنَا. حَتَّى أَنَّ الشَّافِعِيَّ رَأَى حُكْمَ الْخُلْطَةِ جَارِيًا كَذَلِكَ فِي الثِّمَارِ، وَالزَّرْعِ، وَالدَّرَاهِمِ، وَالدَّنَانِيرِ - فَرَأَى فِي جَمَاعَةٍ بَيْنَهُمْ خَمْسَةُ أَوْسُقٍ فَقَطْ أَنَّ الزَّكَاةَ فِيهَا، وَأَنَّ جَمَاعَةً يَمْلِكُونَ مِائَتَيْ دِرْهَمٍ فَقَطْ أَوْ عِشْرِينَ دِينَارًا فَقَطْ - وَهُمْ خُلَطَاءُ فِيهَا - أَنَّ الزَّكَاةَ وَاجِبَةٌ فِي ذَلِكَ، وَلَوْ أَنَّهُمْ أَلْفٌ أَوْ أَكْثَرُ أَوْ أَقَلُّ؟ وَقَالَتْ طَائِفَةٌ: إِنْ كَانَ يَقَعُ لِكُلِّ وَاحِدٍ مِنْ الْخُلَطَاءِ مَا فِيهِ الزَّكَاةُ زَكَّوْا حِينَئِذٍ زَكَاةَ الْمُنْفَرِدِ، وَإِنْ كَانَ لَا يَقَعُ لِكُلِّ

وَاحِدٍ مِنْهُمْ مَا فِيهِ الزَّكَاةُ فَلَا زَكَاةَ عَلَيْهِمْ، وَمَنْ كَانَ مِنْهُمْ يَقَعُ لَهُ مَا فِيهِ الزَّكَاةُ فَعَلَيْهِ الزَّكَاةُ، وَمَنْ كَانَ غَيْرُهُ مِنْهُمْ لَا يَقَعُ لَهُ مَا فِيهِ الزَّكَاةُ فَلَا زَكَاةَ عَلَيْهِ.

L10832–10834 The opinion of these scholars regarding two or more individuals who collectively own forty sheep, sixty sheep, or less than eighty; thirty cattle or less than sixty; and similarly regarding camels—there is no zakat due upon them. If three individuals own one hundred and twenty sheep, each possessing a third thereof, they are obligated to pay only one sheep collectively. This ruling applies analogously to all other livestock categories. These individuals only recognized the ruling of mixed partnership (al-khultah) in livestock specifically - this being the opinion of al-Awzā‘ī, Mālik, Abū Thawr, Abū ‘Ubayd, and Abū al-Ḥasan ibn al-Mughallis from our companions? Another group stated: Mixed partnership does not fundamentally alter the ruling of zakāt - neither in livestock nor in other properties. Every partner must pay zakāt on what he possesses as if he were not partnered, and there is no difference. If three partners each own forty sheep, they owe three sheep - one from each. If five partners each own five camels while being partners, each owes one sheep. This ruling applies universally - this being the opinion of Sufyān al-Thawrī, Abū Ḥanīfah, Sharīk ibn ‘Abd Allāh, and al-Ḥasan ibn Ḥayy? Abū Muḥammad said: We found no statement from any Companion regarding this issue, but we found reports from ‘Aṭā’, Ṭāwūs, Ibn Hurmuz, Yaḥyā ibn Sa‘īd al-Anṣārī, and al-Zuhrī. We only received the narration from Ibn Jurayj, from ‘Amr ibn Dīnār, from Ṭāwūs that he said: “When two partners can distinguish their properties, their assets are not combined for zakāt.”

فَرَأْيُ هَؤُلَاءِ فِي اثْنَيْنِ - فَصَاعِدًا - يَمْلِكَانِ أَرْبَعِينَ شَاةً، أَوْ سِتِّينَ أَوْ مَا دُونَ الثَّمَانِينَ، أَوْ ثَلَاثِينَ مِنْ الْبَقَرِ أَوْ مَا دُونَ السِّتِّينَ، وَكَذَلِكَ فِي الْإِبِلِ -: فَلَا زَكَاةَ عَلَيْهِمْ؛ فَإِنْ كَانَ ثَلَاثَةٌ يَمْلِكُونَ مِائَةً وَعِشْرِينَ شَاةً، لِكُلِّ وَاحِدٍ مِنْهُمْ ثُلُثُهَا، فَلَيْسَ عَلَيْهِمْ إلَّا شَاةٌ وَاحِدَةٌ فَقَطْ، وَهَكَذَا فِي سَائِرِ الْمَوَاشِي وَلَمْ يَرَ هَؤُلَاءِ حُكْمَ الْخُلْطَةِ إلَّا فِي الْمَوَاشِي فَقَطْ وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، وَمَالِكٍ، وَأَبِي ثَوْرٍ، وَأَبِي عُبَيْدٍ، وَأَبِي الْحَسَنِ بْنِ الْمُغَلِّسِ مِنْ أَصْحَابِنَا؟ وَقَالَتْ طَائِفَةٌ: لَا تُحِيلُ الْخُلْطَةُ حُكْمَ الزَّكَاةِ أَصْلًا، لَا فِي الْمَاشِيَةِ، وَلَا فِي غَيْرِهَا، وَكُلُّ خَلِيطٍ لِيُزَكِّيَ مَا مَعَهُ كَمَا لَوْ لَمْ يَكُنْ خَلِيطًا، وَلَا فَرْقَ، فَإِنْ كَانَ ثَلَاثَةُ خُلَطَاءَ لِكُلِّ وَاحِدٍ أَرْبَعُونَ شَاةً فَعَلَيْهِمْ ثَلَاثُ شِيَاهٍ، عَلَى كُلِّ وَاحِدٍ مِنْهُمْ شَاةٌ، وَإِنْ كَانَ خَمْسَةً لِكُلِّ وَاحِدٍ مِنْهُمْ خَمْسٌ مِنْ الْإِبِلِ وَهُمْ خُلَطَاءُ فَعَلَى كُلِّ وَاحِدٍ شَاةٌ، وَهَكَذَا الْقَوْلُ فِي كُلِّ شَيْءٍ. وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَأَبِي حَنِيفَةَ، وَشَرِيكِ بْنِ عَبْدِ اللَّهِ، وَالْحَسَنِ بْنِ حَيٍّ؟ قَالَ أَبُو مُحَمَّدٍ: لَمْ نَجِدْ فِي هَذِهِ الْمَسْأَلَةِ قَوْلَةً لِأَحَدٍ مِنْ الصَّحَابَةِ، وَوَجَدْنَا أَقْوَالًا عَنْ عَطَاءٍ وَطَاوُوسٍ، وَابْنِ هُرْمُزٍ، وَيَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ، وَالزُّهْرِيِّ، فَقَطْ رُوِّينَا عَنْ ابْنِ جُرَيْجٍ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ طَاوُسٍ أَنَّهُ كَانَ يَقُولُ: إذَا كَانَ الْخَلِيطَانِ يَعْلَمَانِ أَمْوَالَهُمَا فَلَا تُجْمَعُ أَمْوَالُهُمَا فِي الصَّدَقَةِ.

L10835–10841 Ibn Jurayj said: I mentioned this to ‘Aṭā’ from Ṭāwūs’s statement, and he said: I see it only as valid. It was narrated to us from Ma‘mar from al-Zuhrī, who said: If their shepherd is one, and they come to water together – and depart to pasture together – are they all subject to obligatory alms as a whole? From the chain of Ibn Wahb from al-Layth from Yaḥyā ibn Sa‘īd

قَالَ ابْنُ جُرَيْجٍ: فَذَكَرْتُ هَذَا لِعَطَاءٍ مِنْ قَوْلِ طَاوُوسٍ فَقَالَ: مَا أَرَاهُ إلَّا حَقًّا، وَرُوِّينَا عَنْ مَعْمَرٍ عَنْ الزُّهْرِيِّ قَالَ: إذَا كَانَ رَاعِيهِمَا وَاحِدًا، وَكَانَتْ تَرِدُ جَمِيعًا - وَتَرُوحُ جَمِيعًا

- صُدِّقَتْ جَمِيعًا؟ وَمِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ اللَّيْثِ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ أَنَّهُ قَالَ: إنَّ الْإِبِلَ إذَا جَمَعَهَا الرَّاعِي وَالْفَحْلُ وَالْحَوْضُ تُصَدَّقُ جَمِيعًا ثُمَّ يَتَخَاصُّ أَصْحَابُهَا عَلَى عِدَّةِ الْإِبِلِ فِي قِيمَةِ الْفَرِيضَةِ الَّتِي أُخِذَتْ مِنْ الْإِبِلِ، فَإِنْ كَانَ اسْتَوْدَعَهُ إيَّاهَا لَا يُرِيدُ مُخَالَطَتَهُ وَلَا وَضْعَهَا عِنْدَهُ يُرِيدُ نِتَاجَهَا - فَإِنَّ تِلْكَ تُصَدَّقُ وَحْدَهَا؟ وَعَنْ ابْنِ هُرْمُزَ مِثْلُ قَوْلِ مَالِكٍ؟ قَالَ أَبُو مُحَمَّدٍ: احْتَجَّتْ كُلُّ طَائِفَةٍ لِقَوْلِهَا بِحُكْمِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الَّذِي صَدَّرْنَا بِهِ -: فَقَالَ مَنْ رَأَى أَنَّ الْخُلْطَةَ تُحِيلُ الصَّدَقَةَ وَتَجْعَلُ مَالَ الِاثْنَيْنِ فَصَاعِدًا بِمَنْزِلَةِ كَمَا] لَوْ أَنَّهُ لِوَاحِدٍ -: أَنَّ مَعْنَى قَوْلِهِ - عَلَيْهِ السَّلَامُ - «لَا يُفَرَّقُ بَيْنَ مُجْتَمِعٍ وَلَا يُجْمَعُ بَيْنَ مُفْتَرِقٍ خَشْيَةَ الصَّدَقَةِ» أَنَّ مَعْنَى ذَلِكَ هُوَ أَنْ يَكُونَ لِثَلَاثَةِ مِائَةٌ وَعِشْرُونَ شَاةً، لِكُلِّ وَاحِدٍ مِنْهُمَا ثُلُثُهَا: وَهُمْ خُلَطَاءُ، فَلَا يَجِبُ عَلَيْهِمْ كُلِّهِمْ إلَّا شَاةٌ وَاحِدَةٌ، فَنَهَى الْمُصَدِّقَ أَنْ يُفَرِّقَهَا لِيَأْخُذَ مِنْ كُلِّ وَاحِدٍ شَاةً فَيَأْخُذُ ثَلَاثَ شِيَاهٍ، وَالرَّجُلَانِ يَكُونُ لَهُمَا مِائَتَا شَاةٍ وَشَاتَانِ، لِكُلِّ وَاحِدٍ نِصْفُهَا، فَيَجِبُ عَلَيْهِمَا ثَلَاثُ شِيَاهٍ فَيُفَرِّقَانِهَا خَشْيَةَ الصَّدَقَةِ، فَيَلْزَمُ كُلَّ وَاحِدٍ مِنْهُمَا شَاةٌ، فَلَا يَأْخُذُ الْمُصَدِّقُ إلَّا شَاتَيْنِ؟ وَقَالُوا: مَعْنَى قَوْلِهِ - عَلَيْهِ السَّلَامُ - «كُلُّ خَلِيطَيْنِ يَتَرَاجَعَانِ بَيْنَهُمَا بِالسَّوِيَّةِ» هُوَ أَنْ يَعْرِفَا أَخْذَ السَّاعِي فَيَقَعُ عَلَى كُلِّ وَاحِدٍ حِصَّتُهُ عَلَى حَسْبِ عَدَدِ مَاشِيَتِهِ كَاثْنَيْنِ لِأَحَدِهِمَا أَرْبَعُونَ شَاةً وَلِلْآخَرِ ثَمَانُونَ وَهُمَا خَلِيطَانِ، فَعَلَيْهِمَا شَاةٌ وَاحِدَةٌ، عَلَى صَاحِبِ الثَّمَانِينَ ثُلُثَاهَا وَعَلَى صَاحِبِ الْأَرْبَعِينَ ثُلُثُهَا وَقَالَ مَنْ رَأَى أَنَّ الْخُلْطَةَ لَا تُحِيلُ حُكْمَ الصَّدَقَةِ: مَعْنَى قَوْلِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يُفَرَّقُ بَيْنَ مُجْتَمِعٍ وَلَا يُجْمَعُ بَيْنَ مُفْتَرِقٍ خَشْيَةَ الصَّدَقَةِ» هُوَ أَنْ يَكُونَ لِثَلَاثَةٍ مِائَةٌ وَعِشْرُونَ شَاةً، لِكُلِّ وَاحِدٍ ثُلُثُهَا، فَيَجِبُ عَلَى كُلِّ وَاحِدٍ شَاةٌ، فَنُهُوا عَنْ جَمْعِهَا وَهِيَ مُتَفَرِّقَةٌ فِي مِلْكِهِمْ تَلْبِيسًا عَلَى السَّاعِي أَنَّهَا لِوَاحِدٍ

al-Anṣārī, he said: When camels are gathered due to the shepherd, the stud camel, and the watering place, obligatory alms are due on them collectively. Then their owners apportion based on the number of camels in the value of the prescribed amount taken from them. If the owner entrusted them to the shepherd without intending to mix them with his own camels or place them with him while seeking their offspring, then those camels are subject to obligatory alms alone. Is a statement similar to Mālik's reported from Ibn Hurmuz? Abū Muḥammad said: Every group cited as evidence for their opinion the ruling of the Messenger of Allah—peace and blessings be upon him—which we prefaced earlier. Thus, those who held that joint ownership alters the obligation of alms and renders the wealth of two or more akin to a single entity... Just as if it were for one: The meaning of the Prophet's statement - peace be upon him - "Do not separate combined holdings, nor combine separated holdings to evade Zakat" is that three partners jointly own 320 sheep - each possessing a third share - making only one sheep collectively obligatory. The Zakat collector is thus forbidden to divide their joint ownership to demand one sheep from each partner, thereby taking three. Similarly, two men jointly owning 202 sheep - each holding half - owe three sheep. If they separate their joint ownership to reduce liability, each becomes individually obligated for one sheep, allowing the collector to take only two.

Scholars explained his statement - peace be upon him - "Every two partners who are mutually accountable between themselves equitably" means they recognize the Zakat collector's assessment, with obligations apportioned according to individual flock size. For instance, partners owning 40 and 80 sheep jointly owe one sheep: the owner of 80 bears two-thirds of the obligation, and the owner of 40 bears one-third.

Those who assert partnership does not alter Zakat rulings interpreted his words - peace and blessings be upon him - "Do not separate combined holdings, nor combine separated holdings to evade Zakat" as follows: Three individuals separately owning 120 sheep (40 each) must each give one sheep. They are forbidden to mislead the Zakat collector by falsely presenting their separate holdings as jointly owned, thereby reducing their total liability to

one sheep. Conversely, a single owner of 202 sheep (obligated to give three) may not split them into two falsely independent holdings to limit payment to two.

The Zakat collector is likewise prohibited from aggregating multiple owners' livestock to inflate collections or from treating a single owner's holdings in two distant locations as separate entities to claim excessive Zakat. Scholars stated his words - peace be upon him - "Every two partners who reciprocate obligations equitably" signify that the collector assesses each partner's share proportionally, ensuring Zakat obligations reflect actual ownership shares without evasion or undue burden. The term "two intermingled entities" (al-khalīṭayn) in the linguistic usage by which the Prophet (peace be upon him) addressed us refers to what has mixed with another to the point of indistinguishability. This is why the two blended types of nabīdh are named as such. Entities that remain unmixed do not qualify as "two intermingled entities"—a matter beyond dispute. Scholars explain that "two intermingled entities" in wealth specifically denote two partners whose shares are inseparable. If distinguishable, they are not considered intermingled. They state: When intermingling exists as described and the zakāh collector arrives, he must collect the obligatory zakāh from the combined wealth without awaiting its division—even if the partners are present and unwilling to divide it. The collector has no right to force them to divide it. Upon collecting their zakāh, the two settle their shares proportionally. For instance, if one owns eighty sheep and the other forty, with shared ownership of the entire flock, the collector takes two sheep. Each sheep taken comprises two-thirds from the owner of eighty and one-third from the owner of forty. After proportional settlement, the owner of forty retains thirty-nine sheep, and the owner of eighty retains seventy-nine.

Abū Muḥammad remarked: Both scholarly opinions appear equally valid based on the literal text of the report, with neither group holding explicit precedence in the cited narration. Upon examination, we found the interpretation of the group asserting that intermingling does not alter zakāh rulings to be stronger, as much of their explanation aligns with scholarly consensus. None of the opposing group's interpretations enjoy such agreement, render-

فَلَا يَأْخُذُ إِلَّا وَاحِدَةً، وَالْمُسْلِمُ يَكُونُ لَهُ مِائَتَا شَاةٍ وَشَاتَانِ فَيَجِبُ عَلَيْهِ ثَلَاثُ شِيَاهٍ، فَيُفَرِّقُهَا قِسْمَيْنِ وَيُلْبِسُ عَلَى السَّاعِي أَنَّهَا لِاثْنَيْنِ، لِئَلَّا يُعْطِيَ مِنْهَا إِلَّا شَاتَيْنِ، وَكَذَلِكَ نَهَى الْمُصَدِّقَ أَيْضًا عَنْ أَنْ يَجْمَعَ عَلَى الِاثْنَيْنِ - فَصَاعِدًا - مَا لَهُمْ لِيُكْثِرَ مَا يَأْخُذُ، وَعَنْ أَنْ يُفَرِّقَ مَالَ الْوَاحِدِ فِي الصَّدَقَةِ، وَإِنْ وَجَدَهُ فِي مَكَانَيْنِ مُتَبَاعِدَيْنِ لِيُكْثِرَ مَا يَأْخُذُ وَقَالُوا: وَمَعْنَى قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «كُلُّ خَلِيطَيْنِ يَتَرَادَّانِ بَيْنَهُمَا بِالسَّوِيَّةِ» هُوَ أَنَّ الْخَلِيطَيْنِ فِي اللُّغَةِ الَّتِي بِهَا خَاطَبَنَا - عَلَيْهِ السَّلَامُ - هُمَا مَا اخْتَلَطَ مَعَ غَيْرِهِ فَلَمْ يَتَمَيَّزْ، وَلِذَلِكَ سُمِّيَ الْخَلِيطَانِ مِنَ النَّبِيذِ بِهَذَا الِاسْمِ، وَأَمَّا مَا لَمْ يَخْتَلِطْ غَيْرُهُ فَلَيْسَا خَلِيطَيْنِ، هَذَا مَا لَا شَكَّ فِيهِ، قَالُوا: فَلَيْسَ الْخَلِيطَانِ فِي الْمَالِ إِلَّا الشَّرِيكَيْنِ فِيهِ اللَّذَيْنِ لَا يَتَمَيَّزُ مَالُ أَحَدِهِمَا مِنَ الْآخَرِ، فَإِنْ تَمَيَّزَ فَلَيْسَا خَلِيطَيْنِ، قَالُوا: فَإِذَا كَانَ خَلِيطَانِ كَمَا ذَكَرْنَا وَجَاءَ الْمُصَدِّقُ فَفُرِضَ عَلَيْهِ أَنْ يَأْخُذَ مِنْ جُمْلَةِ الْمَالِ الزَّكَاةَ الْوَاجِبَةَ عَلَى كُلِّ وَاحِدٍ مِنْهُمَا فِي مَالِهِ، وَلَيْسَ عَلَيْهِ أَنْ يَنْتَظِرَ قِسْمَتَهَا لِمَالِهِمَا، وَلَعَلَّهُمَا لَا يُرِيدَانِ الْقِسْمَةَ، وَإِنْ كَانَا حَاضِرَيْنِ فَلَيْسَ لَهُ أَنْ يُجْبِرَهُمَا عَلَى الْقِسْمَةِ، فَإِذَا أَخَذَ زَكَاتَيْهِمَا فَإِنَّهُمَا يَتَرَادَّانِ بِالسَّوِيَّةِ، كَائِنَيْنِ لِأَحَدِهِمَا ثَمَانُونَ شَاةً وَلِلْآخَرِ أَرْبَعُونَ، وَهُمَا شَرِيكَانِ فِي جَمِيعِهَا، فَيَأْخُذُ الْمُصَدِّقُ شَاتَيْنِ، وَقَدْ كَانَ لِأَحَدِهِمَا ثُلُثَا كُلِّ شَاةٍ مِنْهُمَا وَلِلْآخَرِ ثُلُثُهَا، فَيَتَرَادَّانِ بِالسَّوِيَّةِ فَيَبْقَى لِصَاحِبِ الْأَرْبَعِينَ تِسْعٌ وَثَلَاثُونَ، وَلِصَاحِبِ الثَّمَانِينَ تِسْعٌ وَسَبْعُونَ؟ قَالَ أَبُو مُحَمَّدٍ: فَاسْتَوَتْ دَعْوَى الطَّائِفَتَيْنِ فِي ظَاهِرِ الْخَبَرِ، وَلَمْ تَكُنْ لِإِحْدَاهُمَا مَزِيَّةٌ عَلَى الْأُخْرَى فِي الْخَبَرِ الْمَذْكُورِ فَنَظَرْنَا فِي ذَلِكَ فَوَجَدْنَا تَأْوِيلَ الطَّائِفَةِ الَّتِي رَأَتْ أَنَّ الْخُلْطَةَ لَا تُحِيلُ حُكْمَ الزَّكَاةِ أَصَحَّ؛ لِأَنَّ كَثِيرًا مِنْ تَفْسِيرِهِمْ الْمَذْكُورِ مُتَّفَقٌ مِنْ جَمِيعِ أَهْلِ الْعِلْمِ عَلَى صِحَّتِهِ، وَلَيْسَ شَيْءٌ مِنْ تَفْسِيرِ الطَّائِفَةِ الْأُخْرَى مُجْمَعًا عَلَيْهِ؛ فَبَطَلَ تَأْوِيلُهُمْ لِتَعَرِّيهِ

ing their view baseless due to lack of evidence. The interpretation of the other group prevails, as consensus affirms its validity. It is impermissible to ascribe to the Messenger of Allah (peace be upon him) any ruling unsupported by textual proof or consensus—this constitutes a sound argument.

We also affirm the established rulings of the Prophet (peace be upon him): "No zakāh is due on fewer than five camels," "Whoever owns only four camels owes no zakāh," and "No zakāh is due on fewer than forty sheep," along with his explicit stipulations regarding zakāh for sheep and camels—such as one sheep for every forty, a one-year-old she-camel for twenty-five camels, and other similar rulings. Those who do not permit intermingling to alter zakāh rulings adhere to all these texts without contradiction, while we find... Whoever applies the ruling of Zakat through joint ownership considers these texts without opposing any of them. We have found that those who apply the ruling of Zakat through joint ownership hold the view regarding five individuals—each owning five camels—that each is obligated to give one-fifth of a Bint Makhad. And if three individuals jointly possess one hundred and twenty sheep equally, each is obligated to give one-third of a sheep. And ten men who have five camels shared among them—some obligate each individual to give one-tenth of a sheep. This is a Zakat obligation Allah the Exalted has never legislated, opposing the ruling of Him the Exalted and the ruling of His Messenger, peace be upon him.

مِنْ الْبُرْهَانِ، وَصَحَّ تَأْوِيلُ الْأُخْرَى لِأَنَّهُ لَا شَكَّ فِي صِحَّةِ مَا اتُّفِقَ عَلَيْهِ، وَلَا يَجُوزُ أَنْ يُضَافَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَوْلٌ لَا يَدُلُّ عَلَى صِحَّتِهِ نَصٌّ وَلَا إجْمَاعٌ، فَهَذِهِ حُجَّةٌ صَحِيحَةٌ؟ وَوَجَدْنَا أَيْضًا الثَّابِتَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَوْلَهُ: «وَلَيْسَ فِيمَا دُونَ خَمْسِ ذَوْدٍ صَدَقَةٌ» وَأَنَّ مَنْ لَمْ يَكُنْ لَهُ إلَّا أَرْبَعٌ مِنْ الْإِبِلِ فَلَا صَدَقَةَ عَلَيْهِ «وَلَيْسَ فِيمَا دُونَ أَرْبَعِينَ شَاةً شَيْءٌ» وَسَائِرُ مَا نَصَّهُ - عَلَيْهِ السَّلَامُ - فِي صَدَقَةِ الْغَنَمِ، وَالْإِبِلِ، مِنْ أَنَّ فِي أَرْبَعِينَ شَاةً شَاةً، وَفِي خَمْسٍ وَعِشْرِينَ [مِنْ الْإِبِلِ] بِنْتُ مَخَاضٍ، وَغَيْرُ ذَلِكَ، وَوَجَدْنَا مَنْ لَمْ يُحِلْ بِالْخُلْطَةِ حُكْمَ الزَّكَاةِ قَدْ أَخَذَ بِجَمِيعِ هَذِهِ النُّصُوصِ وَلَمْ يُخَالِفْ شَيْئًا مِنْهَا، وَوَجَدْنَا مَنْ أَحَالَ بِالْخُلْطَةِ حُكْمَ الزَّكَاةِ يَرَى هَذِهِ النُّصُوصَ وَلَمْ يُخَالِفْ شَيْئًا مِنْهَا وَوَجَدْنَا مَنْ أَحَالَ بِالْخُلْطَةِ حُكْمَ الزَّكَاةِ يَرَى فِي خَمْسَةٍ لِكُلِّ وَاحِدٍ مِنْهُمْ خَمْسٌ مِنْ الْإِبِلِ أَنَّ عَلَى كُلِّ وَاحِدٍ مِنْهُمْ خُمُسُ بِنْتِ مَخَاضٍ، وَأَنَّ ثَلَاثَةً لَهُمْ مِائَةٌ وَعِشْرُونَ شَاةً عَلَى السَّوَاءِ بَيْنَهُمْ أَنَّ عَلَى كُلِّ امْرِئٍ مِنْهُمْ ثُلُثُ شَاةٍ، وَأَنَّ عَشْرَةَ رِجَالٍ لَهُمْ خَمْسٌ مِنْ الْإِبِلِ بَيْنَهُمْ، فَإِنَّ بَعْضَهُمْ يُوجِبُ عَلَى كُلِّ وَاحِدٍ مِنْهُمْ عُشْرَ شَاةٍ وَهَذِهِ زَكَاةٌ مَا أَوْجَبَهَا اللَّهُ تَعَالَى قَطُّ، وَخِلَافٌ لِحُكْمِهِ تَعَالَى وَحُكْمِ رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10842 We asked them about a man who has five camels, having mixed them with an owner of five camels in one locality; who has four camels, having mixed them with an owner of twenty-four camels in a second locality; and who has three camels, having mixed them with an owner of thirty-five camels in a third locality. We found they produced no ruling that was rationally coherent or intelligible, and our questioning of them on this matter became exceedingly extensive. Thus, they had no means to provide an answer that anyone could comprehend whatsoever. Through this inquiry, we alerted them to what exceeds it. The Exalted states: *"No soul earns except against

وَسَأَلْنَاهُمْ عَنْ إنْسَانٍ لَهُ خَمْسٌ مِنْ الْإِبِلِ، خَالَطَ بِهَا صَاحِبَ خَمْسٍ مِنْ الْإِبِلِ فِي بَلَدٍ، وَلَهُ أَرْبَعٌ مِنْ الْإِبِلِ خَالَطَ بِهَا صَاحِبَ أَرْبَعٍ وَعِشْرِينَ فِي بَلَدٍ آخَرَ، وَلَهُ ثَلَاثٌ مِنْ الْإِبِلِ، خَالَطَ بِهَا صَاحِبَ خَمْسٍ وَثَلَاثِينَ فِي بَلَدٍ ثَالِثٍ؟ فَمَا عَلِمْنَاهُمْ أَتَوْا فِي ذَلِكَ بِحُكْمٍ يُعْقَلُ أَوْ يُفْهَمُ وَسُؤَالُنَا إيَّاهُمْ فِي هَذَا الْبَابِ يَتَّسِعُ جِدًّا، فَلَا سَبِيلَ لَهُمْ إلَى جَوَابٍ

itself. No bearer of burdens shall bear the burden of another”* (al-An‘ām 6:164).[22]

L10843–10845 Whoever deems the ruling of intermixing to nullify zakat has effectively made Zaid a gainer at Amr’s expense and imposed the legal status of one’s wealth upon the other’s wealth. This is invalid and contradicts the Quran and the Sunnah. The Messenger of Allah—peace and blessings be upon him, who was obligated to clarify matters for us—was never incapable of stating, “Two intermixed parties in such circumstances pay the zakat of a single individual.” Since he did not say this, how can it be permissible to assert it? Moreover, their claim of this ruling applies only to what is intermixed in the [same] bucket, shared shepherd, shared grazing area, or shared milking area. This constitutes an arbitrary imposition without any evidence whatsoever—neither from the Sunnah, nor the Quran, nor a Companion’s statement, nor analogy, nor any rationally conceivable justification. Some have restricted the ruling to certain aspects without evidence—if only... My verse: Is his statement—peace be upon him—restricted solely to shared usage in these specific aspects without intending shared dwelling, occupation, or joint ownership of sheep as Ṭāwus and ʿAṭāʾ held? This suffices as evidence. If they mention what Aḥmad ibn Muḥammad ibn al-Jasūr narrated to us—Muḥammad ibn ʿĪsā ibn Rifāʿah narrated to us; ʿAlī ibn ʿAbd al-ʿAzīz narrated to us; Abū ʿUbayd narrated to us; Abū al-Aswad (al-Naḍr ibn ʿAbd al-Jabbār al-Miṣrī) narrated to us; Ibn Lahīʿah narrated from Yaḥyā ibn Saʿīd that he wrote to him, reporting he heard al-Sā’ib ibn Yazīd say he heard Saʿd ibn Abī Waqqāṣ narrate from Allah’s Messenger—peace and blessings be upon him—state: “Two partners are those who share access to the stallion, pasture, and watering trough.” We said: This is inauthentic because it is from Ibn Lahīʿah.

L10846–10848 “Then, if this were valid, we would not oppose your view that when two parties share a stud animal, grazing land, and watering source, the two are partners in this arrangement—an undeniable truth. However, this does not

[22]**Qur’an references (L10842):** Qur’an 6:164 (Al-An’am).

يَفْهَمُهُ أَحَدٌ أَلْبَتَّةَ، فَنَبَّهَنَا بِهَذَا السُّؤَالِ عَلَى مَا زَادَ عَلَيْهِ. وَقَالَ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا وَلا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى} [الأنعام: ١٦٤] .

وَمَنْ رَأَى حُكْمَ الْخُلْطَةِ يُحِيلُ الزَّكَاةَ فَقَدْ جَعَلَ زَيْدًا كَاسِبًا عَلَى عَمْرٍو، وَجَعَلَ لِمَالِ أَحَدِهِمَا حُكْمًا فِي مَالِ الْآخَرِ، وَهَذَا بَاطِلٌ وَخِلَافٌ لِلْقُرْآنِ وَالسُّنَنِ. وَمَا عَجَزَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَطُّ - وَهُوَ الْمُفْتَرَضُ عَلَيْهِ الْبَيَانُ لَنَا - عَنْ أَنْ يَقُولَ: الْمُخْتَلِطَانِ فِي وَجْهِ كَذَا وَوَجْهِ كَذَا [يُزَكِّيَانِ] زَكَاةَ الْمُنْفَرِدِ، فَإِذْ لَمْ يَقُلْهُ فَلَا يَجُوزُ الْقَوْلُ بِهِ؟ وَأَيْضًا - فَإِنَّ قَوْلَهُمْ بِهَذَا الْحُكْمِ إِنَّمَا هُوَ فِيمَا اخْتَلَطَ فِي الدَّلْوِ، وَالرَّاعِي، وَالْمَرَاحِ، وَالْمُحْتَلَبِ -: تَحَكُّمٌ بِلَا دَلِيلٍ أَصْلًا، لَا مِنْ سُنَّةٍ وَلَا مِنْ قُرْآنٍ وَلَا قَوْلِ صَاحِبٍ وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ وَجْهٍ يُعْقَلُ، وَبَعْضُهُمْ اقْتَصَرَ عَلَى بَعْضِ الْوُجُوهِ بِلَا دَلِيلٍ وَلَيْتَ شِعْرِي: أَمِنْ قَوْلِهِ - عَلَيْهِ السَّلَامُ - مَقْصُورًا عَلَى الْخُلْطَةِ فِي هَذِهِ الْوُجُوهِ دُونَ أَنْ يُرِيدَ بِهِ الْخُلْطَةَ فِي الْمَنْزِلِ، أَوْ فِي الصِّنَاعَةِ، أَوْ فِي الشَّرِكَةِ فِي الْغَنَمِ كَمَا قَالَ طَاوُسٍ وَعَطَاءٌ؟ وَفِي هَذَا كِفَايَةٌ فَإِنْ ذَكَرُوا مَا حَدَّثَنَاهُ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى بْنِ رِفَاعَةَ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ ثنا أَبُو الْأَسْوَدِ هُوَ النَّضْرُ بْنُ عَبْدِ الْجَبَّارِ مِصْرِيٌّ - ثنا ابْنُ لَهِيعَةَ عَنْ يَحْيَى بْنِ سَعِيدٍ أَنَّهُ كَتَبَ إِلَيْهِ: أَنَّهُ سَمِعَ السَّائِبَ بْنَ يَزِيدَ يَقُولُ: إِنَّهُ سَمِعَ سَعْدَ بْنَ أَبِي وَقَّاصٍ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «الْخَلِيطَانِ مَا اجْتَمَعَ عَلَى الْفَحْلِ، وَالْمَرْعَى، وَالْحَوْضِ» . قُلْنَا: هَذَا لَا يَصِحُّ؛ لِأَنَّهُ عَنْ ابْنِ لَهِيعَةَ.

ثُمَّ لَوْ صَحَّ فَمَا خَالَفْنَاكُمْ فِي أَنَّ مَا اجْتَمَعَ عَلَى فَحْلٍ، وَمَرْعًى، وَحَوْضٍ: أَنَّهُمَا خَلِيطَانِ فِي ذَلِكَ، وَهَذَا حَقٌّ لَا شَكَّ فِيهِ، وَلَكِنْ لَيْسَ فِيهِ إِحَالَةُ حُكْمِ الزَّكَاةِ الْمُفْتَرَضَةِ بِذَلِكَ

transfer the ruling concerning zakat obligations." If the prescribed transfer of the zakat ruling were obligatory due to mixing in pastures, it would necessarily apply to all livestock on earth, since pastures are interconnected across most of the world unless separated by a sea, river, or inhabited area. Moreover, this report does not mention their mixing through the shepherd - the basis upon which Mālik and al-Shāfiʿī relied. Otherwise, the livestock of the entire settlement's inhabitants could intermingle at watering places, pastures, and stud animals, yet they do not consider such mixing to nullify the zakat ruling. Ibn Ḥanbal added: "and the milking places."

وَلَوْ وَجَبَ بِالِاخْتِلَاطِ فِي الْمَرْعَى إحَالَةُ حُكْمِ الزَّكَاةِ لَوَجَبَ ذَلِكَ فِي كُلِّ مَاشِيَةٍ فِي الْأَرْضِ، لِأَنَّ الْمَرَاعِيَ مُتَّصِلَةٌ فِي أَكْثَرِ الدُّنْيَا، إلَّا أَنْ يَقْطَعَ بَيْنَهُمَا بَحْرٌ، أَوْ نَهْرٌ، أَوْ عِمَارَةٌ وَأَيْضًا - فَلَيْسَ فِي هَذَا الْخَبَرِ ذِكْرٌ لِتَخَالُطِهِمَا بِالرَّاعِي، وَهُوَ الَّذِي عَوَّلَ عَلَيْهِ مَالِكٌ، وَالشَّافِعِيُّ؛ وَإِلَّا فَقَدْ يَخْتَلِطُ فِي الْمَسْقَى، وَالْمَرْعَى، وَالْفَحْلِ: أَهْلُ الْحِلَّةِ كُلُّهُمْ، وَهُمَا لَا يَرَيَانِ ذَلِكَ خُلْطَةً تُحِيلُ حُكْمَ الصَّدَقَةِ؟ وَزَادَ ابْنُ حَنْبَلٍ: وَالْمُحْتَلَبِ.

L10849 And some of them said: If they remained in a state of mixed finances for most of the lunar year, the ruling of partnership (khulṭah) applies to them.

وَقَالَ بَعْضُهُمْ: إنْ اخْتَلَطَا أَكْثَرَ الْحَوْلِ كَانَ لَهُمَا حُكْمُ الْخُلْطَةِ

L10850 This is an arbitrary imposition. We ask them about one who entered into joint ownership with another for six months: On what basis did they respond? They have increased the imposition without evidence and hold no greater right to this claim than others. As for Mālik's statement, it constitutes manifestly evident transfer, for he restricted joint ownership rulings to livestock alone—excluding joint ownership in fruits, crops, and ripening dates—though this restriction is absent in the hadith. Should they argue, "The Prophet (peace be upon him) only stated this after mentioning livestock rulings," we reply: What does that imply? If this supports your position, then restrict joint ownership rulings to sheep exclusively, since he (peace be upon him) spoke of this only after mentioning sheep zakah—is this not inescapable? If they counter, "We analogized camels and cattle to sheep," respond: Why then did you not analogize joint ownership in crops and fruits to joint ownership in sheep? Furthermore, Mālik applied zakah transfer through joint ownership concerning the nisab threshold and beyond, yet did not extend it to general joint ownership as al-Shāfiʿī did. This is arbitrary ruling-making—an unsubstantiated claim. Even if he avoided applying the text regarding exemption below the nisab, he has contradicted himself concerning amounts above it, with no distinction between the two applications. Success comes solely from Allah the Exalted.

وَهَذَا تَحَكُّمٌ بَارِدٌ وَنَسْأَلُهُمْ عَمَّنْ خَالَطَ آخَرَ سِتَّةَ أَشْهُرٍ؟ فَبِأَيِّ شَيْءٍ أَجَابُوا فَقَدْ زَادُوا فِي التَّحَكُّمِ بِلَا دَلِيلٍ وَلَمْ يَكُونُوا بِأَحَقَّ بِالدَّعْوَى مِنْ غَيْرِهِمْ؟ وَأَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ الْحَوَالَةِ جِدًّا، لِأَنَّهُ خَصَّ بِالْخُلْطَةِ الْمَوَاشِيَ، فَقَطْ، دُونَ الْخُلْطَةِ فِي الثِّمَارِ، وَالزَّرْعِ وَالنَّاضِّ، وَلَيْسَ هَذَا التَّخْصِيصُ مَوْجُودًا فِي الْخَبَرِ فَإِنْ قَالَ: إنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إنَّمَا قَالَ ذَلِكَ بِعَقِبِ ذِكْرِهِ حُكْمَ الْمَاشِيَةِ؟ قُلْنَا: فَكَانَ مَاذَا؟ فَإِنْ كَانَ هَذَا حُجَّةً لَكُمْ فَاقْتَصِرُوا بِحُكْمِ الْخُلْطَةِ عَلَى الْغَنَمِ فَقَطْ لِأَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يَقُلْ ذَلِكَ إلَّا بِعَقِبِ ذِكْرِ زَكَاةِ الْغَنَمِ، وَهَذَا مَا لَا مُخَلَّصَ مِنْهُ؟ فَإِنْ قَالُوا: قِسْنَا الْإِبِلَ، وَالْبَقَرَ، عَلَى الْغَنَمِ؟ قِيلَ لَهُمْ: فَهَلَّا قِسْتُمْ الْخُلْطَةَ فِي الزَّرْعِ وَالثَّمَرَةِ عَلَى الْخُلْطَةِ فِي الْغَنَمِ؟ وَأَيْضًا: فَإِنَّ مَالِكًا اسْتَعْمَلَ إحَالَةَ الزَّكَاةِ بِالْخُلْطَةِ فِي النِّصَابِ [فَزَائِدًا] وَلَمْ يَسْتَعْمِلْهُ فِي عُمُومِ الْخُلْطَةِ كَمَا فَعَلَ الشَّافِعِيُّ، وَهَذَا تَحَكُّمٌ وَدَعْوَى بِلَا بُرْهَانٍ، وَإِنْ كَانَ فَرَّ عَنْ إحَالَةِ النَّصِّ فِي أَنْ لَا زَكَاةَ فِيمَا دُونَ النِّصَابِ -: فَقَدْ وَقَعَ فِيهِ فِيمَا فَوْقَ النِّصَابِ، وَلَا فَرْقَ بَيْنَ الْإِحَالَتَيْنِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10851–10852 Abū Muḥammad said: As for Abū Ḥanīfah and his companions, they con-

demn dissent from the majority when it aligns with their practice of taqlīd. Yet here they have opposed five Followers, with no known opponent from their own generation or predecessors. This is not deemed objectionable in our view, but we presented it to expose their contradictions and their reliance on evidence they reject when it conflicts with their desires. They also justified it by the narration transmitted to us by Aḥmad ibn Muḥammad ibn al-Jasūr – from Wahb ibn Masarrāh, from Muḥammad ibn Waḍḍāḥ, from Abū Bakr ibn Abī Shaybah, from Yazīd ibn Hārūn, from Bahz ibn Ḥakīm ibn Muʿāwiyah ibn Ḥaydah, from his father Ḥakīm, from Muʿāwiyah ibn Ḥaydah, who said: I heard Allah's Messenger – peace and blessings be upon him – say: "For every forty grazing camels, a she-camel in its third year (ibnatu labūn) is due; camels must not be split up when calculating their zakat. Whoever gives it seeking reward will have its reward – a binding decree among the ordinances of our Lord. Nothing of it is lawful for the family of Muḥammad. Whoever withholds it, we seize it along with half his camels."

قَالَ أَبُو مُحَمَّد: وَأَمَّا أَبُو حَنِيفَةَ وَأَصْحَابُهُ فَإِنَّهُمْ يُشَنِّعُونَ بِخِلَافِ الْجُمْهُورِ إِذَا وَافَقَ تَقْلِيدَهُمْ، وَهُمْ هُنَا قَدْ خَالَفُوا خَمْسَةً مِنْ التَّابِعِينَ، لَا يُعْلَمُ لَهُمْ - مِنْ طَبَقَتِهِمْ وَلَا مِمَّنْ قَبْلَهُمْ - مُخَالِفٌ وَهَذَا عِنْدَنَا غَيْرُ مُنْكَرٍ، لَكِنْ أَوْرَدْنَاهُ لِنُرِيَهُمْ تَنَاقُضَهُمْ، وَاحْتِجَاجَهُمْ بِشَيْءٍ لَا يَرَوْنَهُ حُجَّةً إِذَا خَالَفَ أَهْوَاءَهُمْ وَمَوَّهُوا أَيْضًا بِمَا حَدَّثَنَاهُ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا وَهْبُ بْنُ مَسَرَّةَ ثنا مُحَمَّدُ بْنُ وَضَّاحٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا يَزِيدُ بْنُ هَارُونَ عَنْ بَهْزِ بْنِ حَكِيمِ بْنِ مُعَاوِيَةَ بْنِ حَيْدَةَ عَنْ أَبِيهِ حَكِيمٍ عَنْ مُعَاوِيَةَ بْنِ حَيْدَةَ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «فِي كُلِّ إِبِلٍ سَائِمَةٍ فِي كُلِّ أَرْبَعِينَ ابْنَةُ لَبُونٍ، لَا تُفَرَّقُ إِبِلٌ عَنْ حِسَابِهَا، مَنْ أَعْطَاهَا مُؤْتَجِرًا فَلَهُ أَجْرُهَا، عَزْمَةٌ مِنْ عَزَمَاتِ رَبِّنَا، لَا يَحِلُّ لِآلِ مُحَمَّدٍ مِنْهَا شَيْءٌ، وَمَنْ مَنَعَهَا فَإِنَّا آخِذُوهَا وَشَطْرَ إِبِلِهِ»

They said: So if someone takes zakatable sheep from forty she-camels owned by eight partners—each owning five—he has separated them from their proper calculation, and the Prophet (peace be upon him) did not single out individual ownership from collective ownership? Abu Muhammad said: We respond to them, with support from Allah the Exalted, that since all this narration is deemed authoritative in your view, then adhere to its content: that the zakat-withholder's camels are taken from him, with half his camels as an added amount. If you claim: "This is abrogated?" We reply: This is a baseless assertion; your opponents could equally assert this, retorting: "What you cite is abrogated"—even if the one disputing is Maliki. We say to them: If his partner is a mukatab or a Christian, and if they say: "This is specified by other narrations?" We reply: This text too is specified by other narrations, namely that no zakat is due on four camels or fewer. And that for every five, a sheep is due, up to twenty-four.

L10853–10855

قَالُوا: فَمَنْ أَخَذَ الْغَنَمَ مِنْ أَرْبَعِينَ نَاقَةً لِثَمَانِيَةِ شُرَكَاءَ، لِكُلِّ وَاحِدٍ مِنْهُمْ خَمْسٌ، فَقَدْ فَرَّقَهَا عَنْ حِسَابِهَا، وَلَمْ يَخُصَّ - عَلَيْهِ السَّلَامُ - مِلْكَ وَاحِدٍ مِنْ مِلْكِ جَمَاعَةٍ؟ قَالَ أَبُو مُحَمَّد: فَنَقُولُ لَهُمْ وَبِاَللَّهِ تَعَالَى نَتَأَيَّدُ: إِنَّ كُلَّ هَذَا الْخَبَرِ عِنْدَكُمْ حُجَّةٌ فَخُذُوا بِمَا فِيهِ، مِنْ أَنَّ مَانِعَ الزَّكَاةِ تُؤْخَذُ مِنْهُ وَشَطْرُ إِبِلِهِ زِيَادَةً؟ فَإِنْ قُلْتُمْ: هَذَا مَنْسُوخٌ؟ قُلْنَا لَكُمْ: هَذِهِ دَعْوَى بِلَا حُجَّةٍ، لَا يَعْجِزُ عَنْ مِثْلِهَا خُصُومُكُمْ، فَيَقُولُوا لَكُمْ وَالَّذِي تَعَلَّقْتُمْ بِهِ مِنْهُ مَنْسُوخٌ وَإِنْ كَانَ الْمُشْغَبُ بِهِ مَالِكِيًّا؟ قُلْنَا لَهُمْ: فَإِنْ كَانَ شَرِيكُهُ مُكَاتَبًا أَوْ نَصْرَانِيًّا فَإِنْ قَالُوا: هَذَا قَدْ خَصَّتْهُ أَخْبَارٌ أُخَرُ؟ قُلْنَا: وَهَذَا نَصٌّ قَدْ خَصَّتْهُ أَخْبَارٌ أُخَرُ، وَهِيَ أَنْ لَا زَكَاةَ فِي أَرْبَعٍ مِنْ الْإِبِلِ فَأَقَلَّ، وَأَنَّ فِي كُلِّ خَمْسٍ شَاةً إِلَى أَرْبَعٍ وَعِشْرِينَ.

Then we say: This narration is not valid, for Bahz ibn Hakim is not renowned for reliability, nor is his father Hakim. How then could this be? Even if this narration were authentic, it would not constitute proof for them,

L10856

since it does not state that the ruling for jointly owned properties equates to that of a single owner. It is impermissible to combine one person's wealth with another's for zakah purposes, nor to assess Zayd's zakah based on the ruling for Amr's wealth, in accordance with Allah's decree: {No bearer of burdens bears the burden of another} [6:164]. Even if authentic, its meaning would undoubtedly apply only to camels exceeding one hundred and twenty, as it contradicts all narrations entirely—from start to finish—and opposes their consensus and the established narrations stipulating a hiqqah (three-year-old she-camel) for forty-six camels, not a bint labun (two-year-old she-camel), along with the other rulings we mentioned. Furthermore, this narration pertains solely to camels. They have erroneously applied the ruling of joint ownership to sheep and cattle through qiyas (analogy), though all qiyas is invalid. Even if qiyas were valid, this would epitomize falsehood, for transferring this ruling from camels to cattle and sheep holds no greater validity than transferring it to fruits, grains, or currency. All such assertions are profoundly baseless—and success is attained solely through Allah, the Exalted.[23]

ثُمَّ نَقُولُ، هَذَا خَبَرٌ لَا يَصِحُّ. لِأَنَّ بَهْزَ بْنَ حَكِيمٍ غَيْرُ مَشْهُورِ الْعَدَالَةِ، وَوَالِدُهُ حَكِيمٌ كَذَلِكَ. فَكَيْفَ وَلَوْ صَحَّ هَذَا الْخَبَرُ لَمَا كَانَ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ أَنَّ حُكْمَ الْمُخْتَلِطَيْنِ حُكْمُ الْوَاحِدِ، وَلَا يَجُوزُ أَنْ يُجْمَعَ مَالُ إِنْسَانٍ إِلَى مَالِ غَيْرِهِ فِي الزَّكَاةِ، وَلَا أَنْ يُزَكَّى مَالُ زَيْدٍ بِحُكْمِ مَالِ عَمْرٍو، لِقَوْلِ اللَّهِ تَعَالَى: {وَلا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى} [الأنعام: ١٦٤] فَلَوْ صَحَّ لَكَانَ مَعْنَاهُ بِلَا شَكٍّ فِيمَا جَاوَزَ الْعِشْرِينَ وَمِائَةً مِنَ الْإِبِلِ، لِمُخَالَفَةِ جَمِيعِ الْأَخْبَارِ أَوَّلِهَا عَنْ آخِرِهَا، لِمَا خَالَفَ هَذَا الْعَمَلَ لِإِجْمَاعِهِمْ وَإِجْمَاعِ الْأَخْبَارِ عَلَى أَنَّ فِي سِتٍّ وَأَرْبَعِينَ مِنَ الْإِبِلِ حِقَّةً لَا بِنْتَ لَبُونٍ، وَلِسَائِرِ ذَلِكَ مِنَ الْأَحْكَامِ الَّتِي ذَكَرْنَا وَأَيْضًا: أَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ إِلَّا الْإِبِلُ فَقَطْ، نَقَلَهُمْ حُكْمُ الْخُلْطَةِ إِلَى الْغَنَمِ، وَالْبَقَرِ: قِيَاسٌ، وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنُ الْبَاطِلِ، لِأَنَّهُ لَيْسَ نَقْلُ هَذَا الْحُكْمِ عَنِ الْإِبِلِ إِلَى الْبَقَرِ وَالْغَنَمِ بِأَوْلَى مِنْ نَقْلِهِ إِلَى الثِّمَارِ وَالْحُبُوبِ وَالْعَيْنِ. وَكُلُّ ذَلِكَ دَعْوَى فِي غَايَةِ الْفَسَادِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L10857–10859 Abu Hanifah displays a striking contradiction here. He ruled that two partners jointly owning eighty sheep—each possessing half—must give two sheep as zakah between them, which is correct. Yet he declared regarding eighty sheep where half belongs to one man and the other half to forty men: no zakah is due at all—neither from the owner of the forty sheep nor from the others. He justified exempting the owner of the forty by arguing that jointly owned property between two partners permits division of shares, whereas this case with forty owners does not. His statement combines four categories of gross error: first, exempting the owner of forty sheep here; second, imposing zakah on the owner of forty in the prior case; thereby differentiating without evidence. The third—his argument for exempting zakat here is that division is possible in that case but impossible here. Is this not astonishing?

وَلِأَبِي حَنِيفَةَ هَاهُنَا تَنَاقُضٌ طَرِيفٌ، وَهُوَ أَنَّهُ قَالَ فِي شَرِيكَيْنِ فِي ثَمَانِينَ شَاةً لِكُلِّ وَاحِدٍ مِنْهُمَا نِصْفُهَا: إِنَّ عَلَيْهِمَا شَاتَيْنِ بَيْنَهُمَا، وَأَصَابَ فِي هَذَا. ثُمَّ قَالَ فِي ثَمَانِينَ شَاةً لِرَجُلٍ وَاحِدٍ نِصْفُهَا وَنِصْفُهَا الثَّانِي لِأَرْبَعِينَ رَجُلًا: إِنَّهُ لَا زَكَاةَ فِيهَا أَصْلًا، لَا عَلَى الَّذِي يَمْلِكُ نِصْفَهَا، وَلَا عَلَى الْآخَرِينَ، وَاحْتَجَّ فِي إِسْقَاطِهِ الزَّكَاةَ عَنْ صَاحِبِ الْأَرْبَعِينَ بِأَنَّ تِلْكَ الَّتِي بَيْنَ اثْنَيْنِ يُمْكِنُ قِسْمَتُهَا وَهَذِهِ لَا يُمْكِنُ قِسْمَتُهَا؟ فَجَمَعَ كَلَامُهُ هَذَا: أَرْبَعَةَ أَصْنَافٍ مِنْ فَاحِشِ الْخَطَأِ؟ أَحَدُهَا - إِسْقَاطُهُ الزَّكَاةَ عَنْ مَالِكِ أَرْبَعِينَ شَاةً هَاهُنَا؟ وَالثَّانِي - إِيجَابُهُ الزَّكَاةَ عَلَى مَالِكِ أَرْبَعِينَ فِي الْمَسْأَلَةِ الْأُخْرَى، فَفَرَّقَ بِلَا دَلِيلٍ وَالثَّالِثُ - احْتِجَاجُهُ فِي إِسْقَاطِهِ الزَّكَاةَ هُنَا بِأَنَّ الْقِسْمَةَ تُمْكِنُ هُنَالِكَ: وَلَا تُمْكِنُ هَاهُنَا، فَكَانَ

[23] **Qur'an references (L10856):** Qur'an 6:164 (Al-An'am); Qur'an 17:15 (Al-Isra); Qur'an 35:18 (Fatir); Qur'an 39:7 (Az-Zumar).

We do not know how division, its possibility, or the impossibility of its possibility could have any relevance to the rulings of zakat. The fourth—that he has spoken falsehood; rather, if division is possible there, it is possible here, and if it is impossible here, it is impossible there. Marvel at a people whose level of understanding is such?

L10860 Abū Muḥammad said: If someone were to say: You obligate Zakat on a partner in livestock when he owns a share subject to Zakat in his portion, and you obligate it on two partners jointly owning slaves for Zakat al-Fitr. You also state that if someone owns half of one slave with another person and half of another slave with someone else, and he emancipates both halves - this does not suffice as fulfilling the obligation of freeing an entire slave. Similarly, if someone owns half a sheep with one person and half of another sheep with someone else, and he slaughters both halves - this does not suffice as an obligatory Hajj sacrifice. How is this [so]? We replied: Indeed, because the Messenger of Allah—peace and blessings be upon him—said: "No Zakat is due from a Muslim on his horse or slave except Zakat al-Fitr in slaves." We thus upheld the general wording of this statement. He—peace be upon him—also said: "Any two partners shall settle their shares equally between them." We maintained this ruling. Therefore, two halves of two slaves are not termed a "whole slave," and two halves of a sheep are not termed a "whole sheep." And success is from Allah, the Most High.

L10861 **Zakat on Silver**

L10862 **Issue: There is no zakāt due on silver until the silver reaches five ūqiyyahs.**

L10863 **Zakat on Silver**

L10864–10868 Issue 682: There is no zakah due on silver—whether minted, ornamented, hammered, or otherwise—until it reaches five awāqī of pure silver. Substances other than silver mixed with it are not counted toward this weight. When it completes a full, uninterrupted lunar year in this state, five dirhams according to the Meccan weight standard are due as zakah. The five awāqī

هَذَا عَجَبًا؟ وَمَا نَدْرِي لِلْقِسْمَةِ وَإِمْكَانِهَا. أَوْ تَعَذُّرِ إِمْكَانِهَا مَدْخَلًا فِي شَيْءٍ مِنْ أَحْكَامِ الزَّكَاةِ؟ وَالرَّابِعُ - أَنَّهُ قَدْ قَالَ الْبَاطِلَ؛ بَلْ إِنْ كَانَتْ الْقِسْمَةُ هُنَالِكَ مُمْكِنَةً فَهِيَ هَاهُنَا مُمْكِنَةٌ، وَإِنْ كَانَتْ هَاهُنَا مُتَعَذِّرَةً فَهِيَ هُنَالِكَ مُتَعَذِّرَةٌ؛ فَاعْجَبُوا لِقَوْمٍ هَذَا مِقْدَارُ فَهْمِهِمْ؟

قَالَ أَبُو مُحَمَّد: فَإِذَا قَالَ قَائِلٌ: فَأَنْتُمْ تُوجِبُونَ الزَّكَاةَ عَلَى الشَّرِيكِ فِي الْمَاشِيَةِ إِذَا مَلَكَ مَا فِيهِ الزَّكَاةُ فِي حِصَّتِهِ، وَتُوجِبُونَهَا عَلَى الشَّرِيكَيْنِ فِي الرَّقِيقِ فِي زَكَاةِ الْفِطْرِ، وَتَقُولُونَ فِيمَنْ لَهُ نِصْفُ عَبْدٍ مَعَ آخَرَ وَنِصْفُ عَبْدٍ آخَرَ مَعَ آخَرَ، فَأَعْتَقَ النِّصْفَيْنِ -: إِنَّهُ لَا يُجْزِئَانِهِ عَنْ رَقَبَةٍ وَاجِبَةٍ؛ وَمَنْ لَهُ نِصْفُ شَاةٍ مَعَ إِنْسَانٍ، وَنِصْفُ شَاةٍ أُخْرَى مَعَ آخَرَ فَذَبَحَهُمَا -: إِنَّهُ لَا يُجْزِئُهُ ذَلِكَ عَنْ هَدْيٍ وَاجِبٍ فَكَيْفَ هَذَا؟ قُلْنَا: نَعَمْ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ عَلَى الْمُسْلِمِ فِي فَرَسِهِ وَعَبْدِهِ صَدَقَةٌ إِلَّا صَدَقَةَ الْفِطْرِ فِي الرَّقِيقِ» فَقُلْنَا بِعُمُومِ هَذِهِ اللَّفْظَةِ. وَقَالَ - عَلَيْهِ السَّلَامُ -: «كُلُّ خَلِيطَيْنِ فَإِنَّهُمَا يَتَرَادَّانِ بَيْنَهُمَا بِالسَّوِيَّةِ» فَقُلْنَا بِذَلِكَ، وَأَوْجَبَ رَقَبَةً وَهَدْيَ شَاةٍ وَلَا يُسَمَّى نِصْفَا عَبْدَيْنِ: رَقَبَةً، وَلَا نِصْفَا شَاةٍ: شَاةً - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[زَكَاةُ الْفِضَّةِ]

[مَسْأَلَةٌ لَا زَكَاةَ فِي الْفِضَّةِ حَتَّى تَبْلُغَ خَمْسَ أَوَاقِيَ]

[زَكَاةُ الْفِضَّةِ]

٦٨٢ - مَسْأَلَةٌ: لَا زَكَاةَ فِي الْفِضَّةِ مَضْرُوبَةً كَانَتْ أَوْ مَصُوغَةً أَوْ نِقَارًا أَوْ غَيْرَ ذَلِكَ - حَتَّى تَبْلُغَ خَمْسَ أَوَاقِيَ فِضَّةٍ مَحْضَةٍ، لَا يُعَدُّ فِي هَذَا الْوَزْنِ شَيْءٌ يُخَالِطُهَا مِنْ غَيْرِهَا

are equivalent to two hundred dirhams by the Meccan weight standard we mentioned earlier in the section on zakah of wheat, dates, and barley. If it exceeds five awāqī... What we have mentioned, and if it completes a lunar year with its increase, then on whatever is added—whether little or much—a quarter of a tenth of it is due, and this applies every year. If the weight of the mentioned ounces decreases by even a fals, there is no Zakat due on it. If there is an alloy in it, and the alloy alters any of the silver's color, purity, or weight, that alloy is disregarded and not counted. If five ounces of pure silver remain, Zakat is due; otherwise, not. If the alloy does not alter any of the silver's qualities, Zakat is due based on its total weight. All of this is unanimously agreed upon except in three points, which we will mention, God willing. Malik said: If two hundred dirhams decrease by a dirham within the tolerance permitted during weighing, Zakat remains obligatory. Some of the Tabi'in said: If it decreases by half a dirham, Zakat remains obligatory. Ali ibn Abi Talib—may God be pleased with him—as narrated to us through Sufyan al-Thawri from Abu Ishaq from Asim ibn Damrah from Ali, said: When two hundred dirhams are reached, five dirhams are due as Zakat. If it is less than two hundred, nothing is due. This is the view of Umar ibn al-Khattab, al-Hasan al-Basri, al-Sha'bi, Sufyan al-Thawri, Abu Sulayman, and al-Shafi'i. Abu Hanifa's view on the decrease in weight aligns with our companions, but he held conflicting opinions regarding alloyed silver. Malik said: If there is an alloy in the dirhams, Zakat is due on their total weight. Al-Shafi'i and Abu Sulayman held the same view as we stated. It was narrated to us by Abd al-Rahman ibn Abd Allah ibn Khalid: Ibrahim ibn Ahmad narrated to us: al-Farabri narrated to us: al-Bukhari narrated to us: Musaddad narrated to us: Yahya ibn Sa'id al-Qattan narrated to us: Malik narrated to us: Muhammad ibn Abd al-Rahman ibn Abi Sa'sa'ah narrated from his father from Abu Sa'id al-Khudri from the Prophet—peace and blessings be upon him—who said: "There is no Zakat on less than five wasqs, nor on a herd of fewer than five camels, nor on less than five ounces of silver." There is a charity due on silver.

فَإِذَا أَتَمَّتْ كَذَلِكَ سَنَةً قَمَرِيَّةً مُتَّصِلَةً فَفِيهَا خَمْسَةُ دَرَاهِمَ بِوَزْنِ مَكَّةَ، وَالْخُمْسُ أَوَاقٍ هِيَ مِائَتَيْ دِرْهَمٍ بِوَزْنِ مَكَّةَ الَّذِي قَدْ ذَكَرْنَا قَبْلَ زَكَاةِ الْبُرِّ وَالتَّمْرِ وَالشَّعِيرِ، فَإِذَا زَادَتْ عَلَى مَا ذَكَرْنَا وَأَتَمَّتْ بِزِيَادَتِهَا سَنَةً قَمَرِيَّةً فَفِيمَا زَادَ - قَلَّ أَوْ كَثُرَ - رُبْعُ عُشْرِهَا، وَهَكَذَا كُلُّ سَنَةٍ، فَإِنْ نَقَصَ مِنْ وَزْنِ الْأَوَاقِي الْمَذْكُورَةِ وَلَوْ فَلْسٌ فَلَا زَكَاةَ فِيهَا؟ وَإِنْ كَانَ فِيهَا خَلْطٌ، فَإِنْ غَيَّرَ الْخَلْطُ شَيْئًا مِنْ لَوْنِ الْفِضَّةِ أَوْ مَحَكِّهَا أَوْ رزَانَتِهَا أُسْقِطَ ذَلِكَ الْخَلْطُ فَلَمْ يُعَدَّ، فَإِنْ بَقِيَ فِي الْفِضَّةِ الْمَحْضَةِ خَمْسُ أَوَاقٍ زُكِّيَتْ، وَإِلَّا فَلَا، وَإِنْ كَانَ الْخَلْطُ لَمْ يُغَيِّرْ شَيْئًا مِنْ صِفَاتِ الْفِضَّةِ زُكِّيَتْ بِوَزْنِهَا؟ وَهَذَا كُلُّهُ مُجْمَعٌ عَلَيْهِ إِلَّا ثَلَاثَةَ مَوَاضِعَ، نَذْكُرُهَا إِنْ شَاءَ اللَّهُ تَعَالَى؟ قَالَ مَالِكٌ: إِنْ نَقَصَتْ الْمِائَتَا دِرْهَمٍ نُقْصَانًا تَجُوزُ بِهِ جَوَازَ الْوَزْنَةِ فَفِيهَا الزَّكَاةُ؟ وَقَالَ بَعْضُ التَّابِعِينَ: إِنْ نَقَصَتْ نِصْفَ دِرْهَمٍ فَفِيهَا الزَّكَاةُ؟ وَقَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ - رَضِيَ اللَّهُ عَنْهُ - كَمَا رُوِّينَا مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ قَالَ: إِذَا بَلَغَتْ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، وَإِنْ نَقَصَ مِنْ الْمِائَتَيْنِ فَلَيْسَ فِيهِ شَيْءٌ وَهُوَ قَوْلُ عُمَرَ بْنِ الْخَطَّابِ، وَهُوَ قَوْلُ الْحَسَنِ الْبَصْرِيِّ، وَالشَّعْبِيِّ، وَسُفْيَانَ الثَّوْرِيِّ، وَأَبِي سُلَيْمَانَ، وَالشَّافِعِيِّ؟ وَقَالَ أَبُو حَنِيفَةَ فِي نُقْصَانِ الْوَزْنِ كَقَوْلِ أَصْحَابِنَا، وَاضْطَرَبَ فِي الْخَلْطِ يَكُونُ فِيهَا؟ وَقَالَ مَالِكٌ: إِنْ كَانَ فِي الدَّرَاهِمِ خَلْطٌ زُكِّيَتْ بِوَزْنِهَا كُلِّهَا؟ وَقَالَ الشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ، كَمَا قُلْنَا؟ -: حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُسَدَّدٌ ثنا يَحْيَى بْنُ سَعِيدٍ الْقَطَّانُ ثنا مَالِكٌ ثنا مُحَمَّدُ بْنُ عَبْدِ الرَّحْمَنِ بْنِ أَبِي صَعْصَعَةَ عَنْ أَبِيهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ فِيمَا

دُونَ خَمْسَةِ أَوْسُقٍ صَدَقَةٌ، وَلَا فِي أَقَلَّ مِنْ خَمْسٍ مِنَ الْإِبِلِ الذَّوْدِ صَدَقَةٌ وَلَا فِي أَقَلَّ مِنْ خَمْسِ أَوَاقٍ مِنَ الْوَرِقِ صَدَقَةٌ» .

L10869 We have also narrated it from Ali, from the Prophet (peace and blessings be upon him), as narrated by Humam: Abu Muhammad al-Baji narrated to us, from Abdullah ibn Yunus, from Baqi, from Abu Bakr ibn Abi Shaybah, from Abdullah ibn Numayr, from Abu Ishaq, from Asim ibn Ḍamrah, from Ali, from the Prophet (peace and blessings be upon him), who said: "There is no obligation concerning less than two hundred dirhams."

وَرُوِّينَاهُ أَيْضًا عَنْ عَلِيٍّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَمَا حَدَّثَنَا حُمَامٌ ثنا أَبُو مُحَمَّدٍ الْبَاجِيُّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيٌّ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا عَبْدُ اللَّهِ بْنُ نُمَيْرٍ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ فِي أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ شَيْءٌ» .

L10870 Abu Muhammad said: He (peace be upon him) forbade the obligation of zakah on silver amounting to less than five awāqī. Thus, if the quantity decreases—whether slightly or substantially—resulting in less than five awāqī, it is certain that nothing is due. This applies equally whether mixed materials reaching more than five awāqī are combined with it or not, and all opinions contrary to the statement of Allah's Messenger are invalid.

قَالَ أَبُو مُحَمَّدٍ: فَمَنَعَ - عَلَيْهِ السَّلَامُ - مِنْ أَنْ يَجِبَ فِي أَقَلَّ مِنْ خَمْسِ أَوَاقٍ مِنَ الْوَرِقِ صَدَقَةٌ، فَإِذَا نَقَصَتْ - مَا قَلَّ أَوْ كَثُرَ - فِي أَقَلَّ مِنْ خَمْسِ أَوَاقٍ، فَصَحَّ يَقِينًا أَنَّهُ لَا شَيْءَ فِيهَا، وَسَوَاءٌ كَانَ مَعَهَا خَلْطٌ يَبْلُغُ أَزْيَدَ مِنْ خَمْسِ أَوَاقٍ أَوْ لَمْ يَكُنْ، وَسَقَطَ كُلُّ قَوْلٍ مَعَ قَوْلِ رَسُولِ اللَّهِ.

L10871 This is among the matters wherein the Mālikīs opposed a Companion for whom no opposing Companion is known among the Companions (may Allah be pleased with them). As for when mixing does not alter any of silver's boundaries or attributes, it remains silver—like mixing a substance into water without changing its properties. This applies to anything where mixing does not alter its essence—and with Allah, the Exalted, lies success. They differed regarding what exceeds two hundred: It was narrated to us via Abū Bakr ibn Abī Shaybah from ʿAbd al-Raḥīm ibn Sulaymān from ʿĀṣim al-Aḥwal from al-Ḥasan al-Baṣrī, who said: ʿUmar wrote to Abū Mūsā concerning what exceeds two hundred: "For every forty dirhams, one dirham is due." This is the opinion of al-Ḥasan, Makhūl, ʿAṭāʾ, Ṭāwūs, ʿAmr ibn Dīnār, al-Zuhrī—and it is the view upheld by Abū Ḥanīfah and al-Awzāʿī. Ḥammām narrated to us: Ibn Mufarrij narrated to us: Ibn al-Aʿrābī narrated to us: al-Dabarī narrated to us: ʿAbd al-Razzāq narrated from Maʿmar from Abī Isḥāq from ʿĀṣim ibn

وَهَذَا مِمَّا خَالَفَ فِيهِ الْمَالِكِيُّونَ صَاحِبًا لَا يُعْرَفُ لَهُ مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مُخَالِفٌ؟ وَأَمَّا إِذَا لَمْ يُغَيِّرِ الْخَلْطُ شَيْئًا مِنْ حُدُودِ الْفِضَّةِ وَصِفَاتِهَا فَهُوَ فِضَّةٌ، كَالْخَلْطِ يَكُونُ فِي الْمَاءِ لَا يُغَيِّرُ شَيْئًا مِنْ صِفَاتِهِ، وَهَكَذَا فِي كُلِّ شَيْءٍ لَمْ يُغَيِّرْ مَا صَارَ فِيهِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ؟ وَاخْتَلَفُوا فِيمَا زَادَ عَلَى الْمِائَتَيْنِ -: فَرُوِّينَا مِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ عَنْ عَبْدِ الرَّحِيمِ بْنِ سُلَيْمَانَ عَنْ عَاصِمٍ الْأَحْوَلِ عَنِ الْحَسَنِ الْبَصْرِيِّ قَالَ: كَتَبَ عُمَرُ إِلَى أَبِي مُوسَى: فِيمَا زَادَ عَلَى الْمِائَتَيْنِ فَفِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ وَهُوَ قَوْلُ الْحَسَنِ، وَمَكْحُولٍ، وَعَطَاءٍ، وَطَاوُوسٍ، وَعَمْرِو بْنِ دِينَارٍ، وَالزُّهْرِيِّ - وَبِهِ يَقُولُ أَبُو حَنِيفَةَ، وَالْأَوْزَاعِيُّ؟ وَحَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا

Ḍamrah from ʿAlī ibn Abī Ṭālib, who said: “For two hundred dirhams, five dirhams are due; whatever exceeds this is calculated proportionally.”

عَبْدُ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: فِي مِائَتَيْ دِرْهَمٍ خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَبِحِسَابِ ذَلِكَ.

L10872–10873 And through him to Maʿmar from Ayyūb from Nāfiʿ from Ibn ʿUmar, who said: “Is what exceeds two hundred subject to proportional calculation?” This is the opinion of Ibrāhīm al-Nakhaʿī, ʿUmar ibn ʿAbd al-ʿAzīz, Muḥammad ibn Sīrīn, Sufyān al-Thawrī, al-Ḥasan ibn Ḥayy, Wakīʿ, Abū Yūsuf, Muḥammad ibn al-Ḥasan, Abī Laylā, and Mālik. Abū Muḥammad said: “The proponents of this view cited as evidence a ḥadīth transmitted through the chain of al-Minhāl ibn al-Jarrāḥ—who is a liar—from Ḥabīb ibn Najīḥ—who is unknown—from ʿUbāda ibn Nuṣayy from Muʿādh ibn Jabal: ’The Messenger of Allāh—peace be upon him—commanded him when he dispatched him to Yemen not to take anything from smaller denominations. When silver amounts to two hundred dirhams, five dirhams, and to take nothing from the excess until it reaches forty dirhams.”’

وَبِهِ إِلَى مَعْمَرٍ عَنْ أَيُّوبَ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ قَالَ: مَا زَادَ عَلَى الْمِائَتَيْنِ فَبِالْحِسَابِ؟ وَهُوَ قَوْلُ إِبْرَاهِيمَ النَّخَعِيِّ، وَعُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَمُحَمَّدِ بْنِ سِيرِينَ، وَسُفْيَانَ الثَّوْرِيِّ، وَالْحَسَنِ بْنِ حَيٍّ، وَوَكِيعٍ. وَأَبِي يُوسُفَ، وَمُحَمَّدِ بْنِ الْحَسَنِ، وَأَبِي لَيْلَى، وَمَالِكٍ؟ قَالَ أَبُو مُحَمَّدٍ: احْتَجَّ أَهْلُ هَذِهِ الْمَقَالَةِ بِحَدِيثٍ مِنْ طَرِيقِ الْمِنْهَالِ بْنِ الْجَرَّاحِ - وَهُوَ كَذَّابٌ - عَنْ حَبِيبِ بْنِ نَجِيحٍ - وَهُوَ مَجْهُولٌ - عَنْ عُبَادَةَ بْنِ نُسَيٍّ عَنْ مُعَاذِ بْنِ جَبَلٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَهُ - حِينَ وَجَّهَهُ إِلَى الْيَمَنِ - أَنْ لَا يَأْخُذَ مِنْ الْكُسُورِ شَيْئًا، إِذَا بَلَغَ الْوَرِقُ مِائَتَيْ دِرْهَمٍ خَمْسَةَ دَرَاهِمَ، وَلَا يَأْخُذُ مِمَّا زَادَ حَتَّى يَبْلُغَ أَرْبَعِينَ دِرْهَمًا» .

L10874 And due to what we have narrated through the chain of Yahya ibn Hamzah from Sulayman ibn Dawud al-Jazari—who is dismissed by consensus as unreliable—from al-Zuhri from Abu Bakr ibn Muhammad ibn Amr ibn Hazm from his father from his grandfather, that the Messenger of Allah—peace and blessings be upon him—said: “For every five awaq, five dirhams are due. What exceeds, then for every forty dirhams, one dirham is due.”

وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ يَحْيَى بْنِ حَمْزَةَ عَنْ سُلَيْمَانَ بْنِ دَاوُد الْجَزَرِيِّ - وَهُوَ سَاقِطٌ مُطْرَحٌ بِإِجْمَاعٍ عَنِ الزُّهْرِيِّ عَنْ أَبِي بَكْرِ بْنِ مُحَمَّدِ بْنِ عَمْرِو بْنِ حَزْمٍ عَنْ أَبِيهِ عَنْ جَدِّهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «فِي كُلِّ خَمْسِ أَوَاقٍ خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَفِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ» .

L10875–10877 And by what we have narrated through the chain of Al-Ḥasan ibn ʿUmarah—who is unanimously regarded as rejected and abandoned by consensus—from Abū Isḥāq, from ʿĀṣim ibn Ḍamrah, from ʿAlī ibn Abī Ṭālib, from the Prophet—peace and blessings be upon him—that he said to him: “O ʿAlī, do you not know that I have exempted the zakat on horses and slaves? As for cattle, camels, and sheep, they are not exempt. Rather, bring one-fortieth from every two hundred dirhams—five dirhams—and from every twenty dinars half a dinar.” Half a dinar; there is nothing due on two hundred

وَبِمَا رُوِّينَاهُ مِنْ طَرِيقِ الْحَسَنِ بْنِ عُمَارَةَ - وَهُوَ سَاقِطٌ مَطْرُوحٌ بِإِجْمَاعٍ - عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ لَهُ: «يَا عَلِيُّ، أَمَا عَلِمْتَ أَنِّي عَفَوْتُ عَنْ صَدَقَةِ الْخَيْلِ، وَالرَّقِيقِ، فَأَمَّا الْبَقَرُ وَالْإِبِلُ وَالشَّاءُ فَلَا، وَلَكِنْ هَاتُوا رُبُعَ الْعُشْرِ مِنْ كُلِّ مِائَتَيْ دِرْهَمٍ خَمْسَةُ دَرَاهِمَ، وَمِنْ كُلِّ

dirhams until a full lunar year passes over them. When a year has passed, five dirhams are obligatory. For whatever exceeds that, one dirham is due for every forty dirhams. As narrated by Hammam who said: Abbas narrated to us, Ibn Ayman narrated to us, **I**, Mutallib ibn Shu'ayb al-Misri, narrated to us, Abdullah ibn Salih - the scribe of al-Layth - narrated to us from al-Layth, who said: Yunus narrated to me from Ibn Shihab regarding zakat regulations, from the copy of the Messenger of Allah's document (peace be upon him) concerning zakat, which is preserved with the family of Umar ibn al-Khattab. Salim ibn Abdullah ibn Umar recited it to me, and I memorized it verbatim. He mentioned the zakat for camels, stating: When they reach one hundred and twenty-one, **three three-year-old female camels** are due until they reach one hundred and twenty-nine. Then he said: No zakat is due on silver coins until they amount to two hundred dirhams. When they reach two hundred dirhams, five dirhams are obligatory. Thereafter, for every forty dirhams **exceeding two hundred**, one dirham is due.

عِشْرِينَ دِينَارًا نِصْفُ دِينَارٍ، وَلَيْسَ فِي مِائَتَيْ دِرْهَمٍ شَيْءٌ حَتَّى يَحُولَ عَلَيْهَا الْحَوْلُ، فَإِذَا حَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَفِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ» وَبِمَا حَدَّثَنَاهُ حُمَامٌ قَالَ: ثنا عَبَّاسٌ ثنا ابْنُ أَيْمَنَ أَنَا مُطَّلِبُ بْنُ شُعَيْبٍ الْمِصْرِيُّ ثنا عَبْدُ اللَّهِ بْنُ صَالِحٍ كَاتِبُ اللَّيْثِ عَنْ اللَّيْثِ قَالَ: حَدَّثَنِي يُونُسُ «عَنْ ابْنِ شِهَابٍ فِي الصَّدَقَةِ نُسْخَةَ كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الصَّدَقَةِ، وَهِيَ عِنْدَ آلِ عُمَرَ بْنِ الْخَطَّابِ، أَقْرَأَنِيهَا سَالِمُ بْنُ عَبْدِ اللَّهِ بْنِ عُمَرَ، فَوَعَيْتُهَا عَلَى وَجْهِهَا فَذَكَرَ صَدَقَةَ الْإِبِلِ، فَقَالَ فَإِذَا كَانَتْ إِحْدَى وَعِشْرِينَ وَمِائَةً فَفِيهَا ثَلَاثُ بَنَاتِ لَبُونٍ حَتَّى تَبْلُغَ تِسْعًا وَعِشْرِينَ وَمِائَةً» ثُمَّ قَالَ: «لَيْسَ فِي الْوَرِقِ صَدَقَةٌ حَتَّى تَبْلُغَ مِائَتَيْ دِرْهَمٍ، فَإِذَا بَلَغَتْ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، ثُمَّ فِي أَرْبَعِينَ زَادَتْ عَلَى مِائَتَيْ دِرْهَمٍ دِرْهَمٌ» .

L10878–10880 This was also narrated to us by ʿAbdullāh ibn Rabīʿ from ʿAbdullāh ibn Muḥammad ibn ʿUthmān, from Aḥmad ibn Khālid, from ʿAlī ibn ʿAbd al-ʿAzīz, from al-Ḥajjāj ibn al-Minhāl, from ʿAbdullāh ibn ʿUmar al-Numayrī, from Yūnus ibn Yazīd, who said: I heard al-Zuhrī state: "This is a copy of the document of the Messenger of Allah—peace be upon him—regarding obligatory alms (zakāh), preserved by the family of ʿUmar ibn al-Khaṭṭāb. Sālim ibn ʿAbdullāh recited it to me, and I memorized it verbatim. It is the same document ʿUmar ibn ʿAbd al-ʿAzīz transcribed upon his appointment over Medina, directing his officials to implement it." It specifies the alms for camels: "When they number ninety-one, two ḥiqqahs—third-year she-camels both covered by a stallion—are due, until the total reaches one hundred and twenty. At one hundred and thirty, one ḥiqqah and two labūnahs—third-year she-camels—are due, until they reach one hundred and thirty-nine. At one hundred and forty, two ḥiqqahs and one labūnah are due, until they reach one hundred and forty-nine. At one hundred and fifty, three ḥiqqahs are due, until they reach fifty-nine." When the camels reach one hundred and sixty, four three-year-old female camels are due, until they reach one hundred and sixty-nine. When they reach one hundred and seventy, a five-year-old she-

وَحَدَّثَنَاهُ أَيْضًا عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ قَالَ: ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا عَبْدُ اللَّهِ بْنُ عُمَرَ النُّمَيْرِيُّ ثنا يُونُسُ بْنُ يَزِيدَ سَمِعْت «الزُّهْرِيَّ قَالَ: هَذِهِ نُسْخَةُ كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي الصَّدَقَةِ، وَهِيَ عِنْدَ آلِ عُمَرَ بْنِ الْخَطَّابِ، أَقْرَأَنِيهَا سَالِمُ بْنُ عَبْدِ اللَّهِ فَوَعَيْتُهَا عَلَى وَجْهِهَا، وَهِيَ الَّتِي نَسَخَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ حِينَ أُمِّرَ عَلَى الْمَدِينَةِ، فَأَمَرَ عُمَّالَهُ بِالْعَمَلِ بِهَا، فَذَكَرَ فِيهَا صَدَقَةَ الْإِبِلِ، وَفِيهَا فَإِذَا كَانَتْ إِحْدَى وَتِسْعِينَ فَفِيهَا حِقَّتَانِ طَرُوقَتَا الْفَحْلِ، حَتَّى تَبْلُغَ عِشْرِينَ وَمِائَةً، فَإِذَا كَانَتْ ثَلَاثِينَ وَمِائَةً فَفِيهَا حِقَّةٌ وَابْنَتَا لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَثَلَاثِينَ وَمِائَةً، فَإِذَا كَانَتْ أَرْبَعِينَ وَمِائَةً، فَفِيهَا حِقَّتَانِ وَابْنَةُ لَبُونٍ، حَتَّى تَبْلُغَ تِسْعًا وَأَرْبَعِينَ وَمِائَةً، فَإِذَا كَانَتْ خَمْسِينَ وَمِائَةً فَفِيهَا ثَلَاثُ حِقَاقٍ، حَتَّى تَبْلُغَ تِسْعًا وَخَمْسِينَ وَمِائَةً، فَإِذَا بَلَغَتْ سِتِّينَ وَمِائَةً فَفِيهَا أَرْبَعُ بَنَاتِ لَبُونٍ، حَتَّى

camel and three three-year-old female camels are due, until they reach one hundred and seventy-nine. When they reach one hundred and eighty, two five-year-old she-camels and two three-year-old female camels are due, until they reach one hundred and eighty-nine. When they reach one hundred and ninety, three five-year-old she-camels and one three-year-old female camel are due, until they reach one hundred and ninety-nine. When they reach two hundred, four five-year-old she-camels or five three-year-old female camels are due—whichever [age] is found among them is taken." He mentioned the Zakat on sheep. Al-Zuhri said: "There is no Zakat on silver until it reaches two hundred dirhams. When it reaches two hundred dirhams, five dirhams are due. Then, for every forty dirhams exceeding two hundred, one dirham is due. There is no Zakat on gold until its exchange value reaches two hundred dirhams. When its exchange value reaches two hundred dirhams, five dirhams are due. Then, for every portion of it whose exchange value reaches forty dirhams, one dirham is due, until it reaches forty gold dinars, in which case one dinar is due. Thereafter, whatever exceeds that in gold: for every exchange value of forty dirhams, one dirham is due, and for every forty gold dinars, one dinar is due."

تَبْلُغَ تِسْعًا وَسِتِّينَ وَمِائَةً، فَإِذَا بَلَغَتْ سَبْعِينَ وَمِائَةً فَفِيهَا حِقَّةٌ وَثَلَاثُ بَنَاتِ لَبُونٍ حَتَّى تَبْلُغَ تِسْعًا وَسَبْعِينَ وَمِائَةً، فَإِذَا بَلَغَتْ ثَمَانِينَ وَمِائَةً فَفِيهَا حِقَّتَانِ وَابْنَتَا لَبُونٍ حَتَّى تَبْلُغَ تِسْعًا وَثَمَانِينَ وَمِائَةً، فَإِذَا كَانَتْ تِسْعِينَ وَمِائَةً فَفِيهَا ثَلَاثُ حِقَاقٍ وَابْنَةُ لَبُونٍ حَتَّى تَبْلُغَ تِسْعًا وَتِسْعِينَ وَمِائَةً، فَإِذَا كَانَتْ مِائَتَيْنِ فَفِيهَا أَرْبَعُ حِقَاقٍ، أَوْ خَمْسُ بَنَاتِ لَبُونٍ -: أَيُّ السِّنِينَ وُجِدَتْ فِيهَا أُخِذَتْ» وَذَكَرَ صَدَقَةَ الْغَنَمِ. قَالَ الزُّهْرِيُّ: وَلَيْسَ فِي الرِّقَةِ صَدَقَةٌ حَتَّى تَبْلُغَ مِائَتَيْ دِرْهَمٍ، فَإِذَا بَلَغَتْ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ ". ثُمَّ قَالَ: " فِي كُلِّ أَرْبَعِينَ دِرْهَمًا زَادَ عَلَى الْمِائَتَيْ دِرْهَمٍ دِرْهَمٌ؛ وَلَيْسَ فِي الذَّهَبِ صَدَقَةٌ حَتَّى يَبْلُغَ صَرْفُهَا مِائَتَيْ دِرْهَمٍ؛ فَإِذَا بَلَغَ صَرْفُهَا مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، ثُمَّ فِي كُلِّ شَيْءٍ مِنْهَا يَبْلُغُ صَرْفُهُ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، حَتَّى تَبْلُغَ أَرْبَعِينَ دِينَارًا فَفِيهَا دِينَارٌ، ثُمَّ مَا زَادَ عَلَى ذَلِكَ مِنَ الذَّهَبِ فَفِي كُلِّ صَرْفِ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، وَفِي كُلِّ أَرْبَعِينَ دِينَارًا دِينَارٌ "

L10881 Abdullah ibn Rabee' narrated to us: 'Umar ibn 'Abd al-Malik narrated to us, on the authority of Muhammad ibn Bakr, on the authority of Abu Dawud, on the authority of 'Amr ibn 'Awn, who informed us via Abu 'Awanah, from Abu Ishaq al-Sabee'i, from 'Asim ibn Damrah, from 'Ali ibn Abi Talib, who said: The Messenger of Allah (peace be upon him) said: "I have exempted [Zakat on] horses and slaves. So give Zakat on silver: one dirham for every forty dirhams. No Zakat is due on 190 dirhams, but when it reaches 200, five dirhams are due."[24]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا عَمْرُو بْنُ عَوْنٍ أَخْبَرَنَا أَبُو عَوَانَةَ عَنْ أَبِي إِسْحَاقَ السَّبِيعِيِّ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «قَدْ عَفَوْتُ عَنْ الْخَيْلِ وَالرَّقِيقِ، فَهَاتُوا صَدَقَةَ الرِّقَّةِ، مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، وَلَيْسَ فِي تِسْعِينَ وَمِائَةٍ شَيْءٌ، فَإِذَا بَلَغَتْ مِائَتَيْنِ فَفِيهَا خَمْسَةُ دَرَاهِمَ» .

L10882–10884 This is all they have adorned with traditions; have we not investigated it for them more thoroughly than they investigate for themselves? They argued, stating: "Zakat becomes obligatory by consensus on the forty dirhams ex-

هَذَا كُلُّ مَا مَوَّهُوا بِهِ مِنَ الْآثَارِ، قَدْ تَقَصَّيْنَاهُ لَهُمْ أَكْثَرَ مِمَّا يَتَقَصَّوْنَهُ لِأَنْفُسِهِمْ؟ وَاحْتَجُّوا بِأَنْ قَالُوا: قَدْ صَحَّتِ الزَّكَاةُ فِي الْأَرْبَعِينَ الزَّائِدَةِ عَلَى الْمِائَتَيْنِ بِإِجْمَاعٍ، وَاخْتَلَفُوا فِيمَا بَيْنَ

[24] **Hadith references (L10881):** Sunan Abi Dawud 1574; Mishkat al-Masabih 1799.

ceeding two hundred, while they differed regarding what lies between two hundred and two hundred forty dirhams. Therefore, Zakat is not obligatory in that range due to disagreement." They further claimed through analogy: "Since dirhams have a minimum threshold from which Zakat is not taken, and since Zakat recurs on them annually, they resemble livestock. Thus, it becomes obligatory for them to have exempt amounts below the threshold, just as..." In livestock, and it is not permissible to analogize them to fruits and crops, because zakah there is due once in the prescribed period and does not recur, unlike gold and silver or livestock. Is this all they have vehemently argued through their reasoning and analogies? Whatever arguments they have cited from that contain no valid proof for them in any respect – rather, it constitutes proof against them, as we will clarify, God, the Exalted, willing. As for the hadith of Mu'adh, it is rejected and discarded because it comes from a lying fabricator of hadiths through an unknown narrator. As for the hadith of Abu Bakr ibn 'Amr ibn Hazm, it is a mursal narration – and no valid proof exists in a mursal report. Moreover, its chain includes Sulayman ibn Dawud al-Jazari, who is himself rejected and discarded.

L10885–10887 Moreover, if it were authentic, the statement of the Messenger of Allah—peace and blessings be upon him—"On silver, a quarter of a tenth [2.5%] is due," would constitute an addition to this report, and such additions must not be omitted. For this report merely stipulates one dirham for every forty dirhams, without negating Zakat liability between forty and two hundred dirhams. As for the ḥadīth of al-Ḥasan ibn 'Umārah, it is invalidated due to the consensus on the rejection of al-Ḥasan ibn 'Umārah's reliability. Even if it were authentic, they would have opposed him because they maintain that Zakat is obligatory on grazing horses, horses, and enslaved people acquired for trade—whereas this report wholly exempts Zakat on all these categories. Who behaves worse than one who cites a report that neither substantiates his claim nor aligns with its explicit text? Were this report authentic, the Prophet's statement—peace be upon him—"On silver, a quarter of a tenth is due," would stand as an indispensable addition. As for al-Zuhrī's ḥadīth, it is mursal (with an interrupted chain), and mursal reports hold no authority. The rulings on silver and gold Zakat within it merely reflect al-Zuhrī's own

الْمِائَتَيْنِ وَبَيْنَ الْأَرْبَعِينَ، فَلَا تَجِبُ فِيهَا زَكَاةٌ بِاخْتِلَافٍ؟ وَقَالُوا مِنْ جِهَةِ الْقِيَاسِ: لَمَّا كَانَتْ الدَّرَاهِمُ لَهَا نِصَابٌ لَا تُؤْخَذُ الزَّكَاةُ مِنْ أَقَلَّ مِنْهُ، وَكَانَتْ الزَّكَاةُ تَتَكَرَّرُ فِيهَا كُلَّ عَامٍ -: أَشْبَهَتْ الْمَوَاشِيَ؛ فَوَجَبَ أَنْ يَكُونَ فِيهَا أَوْقَاصٌ كَمَا فِي الْمَوَاشِي وَلَمْ يَجُزْ أَنْ تُقَاسَ عَلَى الثِّمَارِ وَالزَّرْعِ؛ لِأَنَّ الزَّكَاةَ هُنَالِكَ مَرَّةٌ فِي الدَّهْرِ لَا تَتَكَرَّرُ، بِخِلَافِ الْعَيْنِ وَالْمَاشِيَةِ؟ هَذَا كُلُّ مَا شَغَبُوا بِهِ مِنْ نَظَرٍ وَقِيَاسٍ؟ وَكُلُّ مَا احْتَجُّوا بِهِ مِنْ ذَلِكَ لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ؛ بَلْ هُوَ حُجَّةٌ عَلَيْهِمْ، عَلَى مَا نُبَيِّنُ إنْ شَاءَ اللَّهُ تَعَالَى -: أَمَّا حَدِيثُ مُعَاذٍ فَسَاقِطٌ مُطْرَحٌ؛ لِأَنَّهُ عَنْ كَذَّابٍ وَاضِعٍ لِلْأَحَادِيثِ، عَنْ مَجْهُولٍ -: وَأَمَّا حَدِيثُ أَبِي بَكْرِ بْنِ عَمْرِو بْنِ حَزْمٍ فَصَحِيفَةٌ مُرْسَلَةٌ؛ وَلَا حُجَّةَ فِي مُرْسَلٍ؛ وَأَيْضًا فَإِنَّهَا عَنْ سُلَيْمَانَ بْنِ دَاوُد الْجَزَرِيِّ، وَهُوَ سَاقِطٌ مُطْرَحٌ.

ثُمَّ لَوْ صَحَّ كَانَ قَوْلُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «فِي الرِّقَةِ رُبْعُ الْعُشْرِ» زَائِدًا عَلَى هَذَا الْخَبَرِ، وَالزِّيَادَةُ لَا يَحِلُّ تَرْكُهَا؛ لِأَنَّهُ لَيْسَ فِي هَذَا الْخَبَرِ إلَّا أَنَّ فِي كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمًا فَقَطْ، وَلَيْسَ فِيهِ أَنْ لَا زَكَاةَ فِيمَا بَيْنَ الْمِائَتَيْنِ وَبَيْنَ الْأَرْبَعِينَ -: وَأَمَّا حَدِيثُ الْحَسَنِ بْنِ عُمَارَةَ فَسَاقِطٌ، لِلِاتِّفَاقِ عَلَى سُقُوطِ الْحَسَنِ بْنِ عُمَارَةَ وَلَوْ صَحَّ لَكَانُوا قَدْ خَالَفُوهُ؛ فَإِنَّهُمْ يَرَوْنَ الزَّكَاةَ فِي الْخَيْلِ السَّائِمَةِ، وَفِي الْخَيْلِ، وَالرَّقِيقِ الْمُتَّخَذِينَ لِلتِّجَارَةِ، وَفِي هَذَا الْخَبَرِ سُقُوطُ الزَّكَاةِ عَنْ كُلِّ ذَلِكَ جُمْلَةً، فَمَنْ أَقْبَحُ سِيرَةً مِمَّنْ يَحْتَجُّ بِخَبَرٍ لَيْسَ فِيهِ بَيَانُ مَا يَدَّعِي، وَهُوَ يُخَالِفُهُ فِي نَصِّ مَا فِيهِ؟ وَلَوْ صَحَّ هَذَا الْخَبَرُ لَكَانَ قَوْلُهُ - عَلَيْهِ السَّلَامُ -: «فِي الرِّقَةِ رُبْعُ الْعُشْرِ» زَائِدًا، وَالزِّيَادَةُ لَا يَجُوزُ تَرْكُهَا؟ -: وَأَمَّا حَدِيثُ الزُّهْرِيِّ فَمُرْسَلٌ أَيْضًا، وَلَا حُجَّةَ فِي مُرْسَلٍ؛ وَالَّذِي فِيهِ مِنْ حُكْمِ زَكَاةِ الْوَرِقِ، وَالذَّهَبِ

words, as previously cited from al-Ḥajjāj ibn al-Minhāl's narration. What is utterly astonishing is their neglect of the explicit rulings in the scroll transmitted by al-Zuhrī regarding the attributes... Zakat on camels.

فَإِنَّمَا هُوَ كَلَامُ الزُّهْرِيِّ، كَمَا أَوْرَدْنَاهُ آنِفًا مِنْ رِوَايَةِ الْحَجَّاجِ بْنِ الْمِنْهَالِ؟ وَالْعَجَبُ كُلَّ الْعَجَبِ تَرْكُهُمْ مَا فِي الصَّحِيفَةِ الَّتِي رَوَاهَا الزُّهْرِيُّ نَصًّا مِنْ صِفَةِ زَكَاةِ الْإِبِلِ.

L10888 Their argument relies on what does not belong to it, and they opposed al-Zuhrī regarding his mention of paying zakah on gold based on its value. This amounts to playing fast and loose with religion, truths, and intellects. As for the ḥadīth of ʿAlī—with which we concluded—it is authentic with a connected chain. There is no proof in it for them; rather, it constitutes evidence against them, for it states: "I have exempted from horses and enslaved people," while they hold that zakah applies to pastured horses, those intended for trade, and enslaved people acquired for commerce.

وَاحْتِجَاجُهُمْ بِمَا لَيْسَ مِنْهَا وَخَالَفُوا الزُّهْرِيَّ أَيْضًا فِيمَا ذَكَرَ مِنْ زَكَاةِ الذَّهَبِ بِالْقِيمَةِ وَهَذَا تَلَاعُبٌ بِالدِّيَانَةِ وَبِالْحَقَائِقِ وَبِالْعُقُولِ -: وَأَمَّا حَدِيثُ عَلِيٍّ - الَّذِي خَتَمْنَا بِهِ - فَصَحِيحٌ مُسْنَدٌ، وَلَا حُجَّةَ لَهُمْ فِيهِ، بَلْ هُوَ حُجَّةٌ عَلَيْهِمْ، لِأَنَّ فِيهِ «قَدْ عَفَوْتُ عَنْ الْخَيْلِ وَالرَّقِيقِ» وَهُمْ يَرَوْنَ الزَّكَاةَ فِي الْخَيْلِ السَّائِمَةِ، وَالَّتِي لِلتِّجَارَةِ، وَفِي الرَّقِيقِ الَّذِي لِلتِّجَارَةِ.

L10889 Among the reprehensible acts is their reliance on a hadith they are the first to contradict in its explicit wording - a text containing no evidence for their claim - for two reasons: First, its explicit text states: "Give the Zakat on silver coins: one dirham for every forty dirhams. There is nothing due on one hundred and ninety dirhams. When it reaches two hundred dirhams, five dirhams are due." Indeed, this is correct, for two hundred dirhams comprise five sets of forty, thus requiring five dirhams. We do not deny that one dirham is due for every additional forty dirhams. However, this narration does not waive Zakat for amounts less than forty dirhams added beyond two hundred, thus invalidating their argument in this matter. Furthermore, they assert: "When a Companion narrates a hadith then contradicts it, this indicates the weakness of that narration."

وَمِنْ الشَّنَاعَةِ احْتِجَاجُهُمْ بِحَدِيثٍ هُمْ أَوَّلُ مُخَالِفٍ لَهُ فِي نَصِّ مَا فِيهِ وَلَا دَلِيلَ فِيهِ عَلَى مَا يَقُولُونَ لِوَجْهَيْنِ -: أَحَدُهُمَا أَنَّ نَصَّهُ «هَاتُوا صَدَقَةَ الرِّقَةِ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، وَلَيْسَ فِي تِسْعِينَ وَمِائَةٍ شَيْءٌ فَإِذَا بَلَغَتْ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ» . وَنَعَمْ، هَكَذَا هُوَ، لِأَنَّ فِي الْمِائَتَيْنِ أَرْبَعِينَ مُكَرَّرَةً خَمْسَ مَرَّاتٍ، فَفِيهَا خَمْسَةُ دَرَاهِمَ، وَنَحْنُ لَا نُنْكِرُ أَنَّ فِي أَرْبَعِينَ دِرْهَمًا [زَائِدًا] دِرْهَمٌ، وَلَيْسَ فِي هَذَا الْخَبَرِ إسْقَاطُ الزَّكَاةِ عَنْ أَقَلَّ مِنْ أَرْبَعِينَ زَائِدَةً عَلَى الْمِائَتَيْنِ فَلَا حُجَّةَ لَهُمْ فِيهِ -: وَأَيْضًا فَهُمْ يَقُولُونَ: إنَّ الصَّاحِبَ إذَا رَوَى خَبَرًا ثُمَّ خَالَفَهُ فَهُوَ دَلِيلٌ عَلَى ضَعْفِ ذَلِكَ الْخَبَرِ.

L10890–10892 Just as they claimed in the ḥadīth of Abū Hurayrah regarding washing a vessel seven times after a dog's lapping, it has been authentically established from ʿAlī—as we mentioned at the outset of this issue—that whatever exceeds two hundred dirhams requires zakāh calculated per two hundred. Had ʿAlī's narration included their asserted exemption of zakāh for the amount between two hundred and the excess forty, his ruling imposing zakāh on that—by their two principles—would invalidate what he transmitted. Yet they are those who engage in sophistry? Abū Muḥammad said: Thus, all the narrations they obfuscated have been invalidated, and the proof has become

كَمَا ادَّعَوْا فِي حَدِيثِ أَبِي هُرَيْرَةَ فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا وَقَدْ صَحَّ عَنْ عَلِيٍّ - كَمَا ذَكَرْنَا فِي صَدْرِ هَذِهِ الْمَسْأَلَةِ أَنَّ مَا زَادَ عَلَى مِائَتَيْ دِرْهَمٍ فَالزَّكَاةُ فِيهِ بِحِسَابِ الْمِائَتَيْنِ، فَلَوْ كَانَ فِي رِوَايَةِ عَلِيٍّ مَا يَدَّعُونَهُ مِنْ إسْقَاطِ الزَّكَاةِ عَمَّا بَيْنَ الْمِائَتَيْنِ وَالْأَرْبَعِينَ الزَّائِدَةِ لَكَانَ قَوْلُ عَلِيٍّ بِإِيجَابِ الزَّكَاةِ فِي ذَلِكَ عَلَى أَصْلِهِمَا مُسْقِطًا لِمَا رَوَى مِنْ ذَلِكَ وَالْقَوْمُ مُتَلَاعِبُونَ؟ قَالَ أَبُو مُحَمَّدٍ: فَسَقَطَ كُلُّ مَا مَوَّهُوا بِهِ مِنْ الْآثَارِ، وَعَادَتْ حُجَّةً

a rebuttal against them, as we have cited. As for their claim that zakāh on the forty in excess over two hundred is established by consensus... They differed regarding amounts less than forty dirhams, and zakah is not obligatory in such cases due to disagreement. This would have been a valid argument had there been no explicit text obligating zakah in such cases. However, this reasoning undermines their own positions regarding zakah on horses, cattle, agricultural produce below five wasqs [a volumetric measure], jewelry, and other matters – invalidating most of their legal doctrines.

L10893–10895 As for their analogy of zakat on monetary wealth to zakat on livestock based on the recurrence of charity obligation every year—unlike zakat on crops—this constitutes an invalid analogy. If analogy were valid, comparing monetary wealth to crops would hold greater validity since livestock are living creatures, while monetary wealth, crops, and dates are non-living entities. Thus, analogizing zakat obligations between non-living entities is more valid than comparing non-living entities to rulings for living creatures. Moreover, crops, dates, and monetary wealth all originate from the earth, unlike livestock. Therefore, analogizing earth-derived substances to other earth-derived entities holds greater validity than comparing them to non-earth-derived entities. Additionally, they set the minimum taxable amount (nisab) for silver at thirty-nine dirhams, whereas no livestock category has a nisab of thirty-nine. Thus the invalidity of their analogy becomes evident (and with Allah the Exalted lies all success), nullifying all their specious reasoning. We then examined the narration attributed to Umar (may Allah be pleased with him) matching their position and found it unreliable, as it is transmitted through al-Hasan from Umar—though al-Hasan was born only two years before the end of Umar's caliphate. This leaves the narrations from Ali and Ibn Umar (may Allah be pleased with them) aligning with our position, with no valid contradiction reported from any Companions (may Allah be pleased with them). Abu Muhammad said: Since proponents of this view lack any valid foundation, we investigated the second opinion and found what Abd al-Rahman ibn Abdullah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated, al-Farbari narrated, al-Bukhari narrated, Muhammad ibn Abdullah al-Ansari reported from his father Abdullah ibn al-Muthanna,

عَلَيْهِمْ كَمَا أَوْرَدْنَا وَأَمَّا قَوْلُهُمْ: قَدْ صَحَّتْ الزَّكَاةُ فِي الْأَرْبَعِينَ الزَّائِدَةِ عَلَى الْمِائَتَيْنِ بِإِجْمَاعٍ، وَاخْتَلَفُوا فِيمَا دُونَ الْأَرْبَعِينَ، فَلَا تَجِبُ الزَّكَاةُ فِيهَا بِاخْتِلَافٍ -: فَإِنَّ هَذَا كَانَ يَكُونُ احْتِجَاجًا صَحِيحًا لَوْ لَمْ يَأْتِ نَصٌّ بِإِيجَابِ الزَّكَاةِ فِي ذَلِكَ، وَلَكِنَّ هَذَا الِاسْتِدْلَالَ يَعُودُ عَلَيْهِمْ فِي قَوْلِهِمْ فِي زَكَاةِ الْخَيْلِ وَزَكَاةِ الْبَقَرِ وَمَا دُونَ خَمْسَةِ أَوْسُقٍ مِمَّا أَخْرَجَتْ الْأَرْضُ وَالْحُلِيُّ وَغَيْرُ ذَلِكَ، وَيَهْدِمُ عَلَيْهِمْ أَكْثَرَ مَذَاهِبِهِمْ.

وَأَمَّا قِيَاسُهُمْ زَكَاةَ الْعَيْنِ عَلَى زَكَاةِ الْمَوَاشِي بِعِلَّةِ تَكَرُّرِ الصَّدَقَةِ فِي كُلِّ ذَلِكَ كُلَّ عَامٍ بِخِلَافِ زَكَاةِ الزَّرْعِ -: فَقِيَاسٌ فَاسِدٌ، بَلْ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ قِيَاسُ الْعَيْنِ عَلَى الزَّرْعِ أَوْلَى لِأَنَّ الْمَوَاشِيَ حَيَوَانٌ، وَالْعَيْنُ، وَالزَّرْعُ، وَالتَّمْرُ لَيْسَ شَيْءٌ مِنْ ذَلِكَ حَيَوَانًا، فَقِيَاسُ زَكَاةِ مَا لَيْسَ حَيًّا عَلَى زَكَاةِ مَا لَيْسَ حَيًّا أَوْلَى مِنْ قِيَاسِ مَا لَيْسَ حَيًّا عَلَى حُكْمِ الْحَيِّ؟ . وَأَيْضًا - فَإِنَّ الزَّرْعَ، وَالتَّمْرَ، وَالْعَيْنَ كُلَّهَا خَارِجٌ مِنْ الْأَرْضِ، وَلَيْسَ الْمَاشِيَةُ كَذَلِكَ، فَقِيَاسُ مَا خَرَجَ مِنْ الْأَرْضِ عَلَى مَا خَرَجَ مِنْ الْأَرْضِ أَوْلَى مِنْ قِيَاسِهِ عَلَى مَا لَمْ يَخْرُجْ مِنْ الْأَرْضِ؟ وَأَيْضًا - فَإِنَّهُمْ جَعَلُوا وَقْصَ الْوَرِقِ تِسْعَةً وَثَلَاثِينَ دِرْهَمًا، وَلَيْسَ فِي شَيْءٍ مِنْ الْمَاشِيَةِ وَقْصٌ مِنْ تِسْعَةٍ وَثَلَاثِينَ، فَظَهَرَ فَسَادُ قِيَاسِهِمْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ - فَسَقَطَ كُلُّ مَا مَوَّهُوا بِهِ؟ ثُمَّ وَجَدْنَا الرِّوَايَةَ عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - بِمِثْلِ قَوْلِهِمْ لَا تَصِحُّ، لِأَنَّهَا عَنْ الْحَسَنِ عَنْ عُمَرَ، وَالْحَسَنُ لَمْ يُولَدْ إلَّا لِسَنَتَيْنِ بَاقِيَتَيْنِ مِنْ خِلَافَةِ عُمَرَ، فَبَقِيَتْ الرِّوَايَةُ عَنْ عَلِيٍّ، وَابْنِ عُمَرَ - رَضِيَ اللَّهُ عَنْهُمَا - بِمِثْلِ قَوْلِنَا، وَلَا يَصِحُّ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - خِلَافٌ لِذَلِكَ؟ قَالَ أَبُو مُحَمَّدٍ: فَإِذْ لَمْ يَبْقَ لِأَهْلِ هَذَا الْقَوْلِ مُتَعَلَّقٌ نَظَرْنَا فِي الْقَوْلِ الثَّانِي -: فَوَجَدْنَا مَا حَدَّثَنَاهُ

from Thumamah ibn Anas ibn Malik, that Anas narrated: Abu Bakr al-Siddiq wrote to him this... In the name of Allah, the Most Gracious, the Most Merciful. This is the ordained alms obligation that Allah's Messenger—peace and blessings be upon him—established when he directed his letter to Bahrain. He mentioned the Hadith, within which: «On silver, one-fortieth is due. If there is only one hundred and ninety, nothing is obligatory unless its owner wishes to give.»

عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفِرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ الْأَنْصَارِيُّ قَالَ حَدَّثَنِي أَبِي هُوَ عَبْدُ اللَّهِ بْنُ الْمُثَنَّى - ثنا ثُمَامَةُ بْنُ أَنَسِ بْنِ مَالِكٍ أَنَّ أَنَسًا حَدَّثَهُ: أَنَّ أَبَا بَكْرٍ الصِّدِّيقَ كَتَبَ لَهُ هَذَا الْكِتَابَ لَمَّا وَجَّهَهُ إِلَى الْبَحْرَيْنِ " بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ، هَذِهِ فَرِيضَةُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - " فَذَكَرَ الْحَدِيثَ وَفِيهِ «وَفِي الرِّقَةِ رُبُعُ عُشْرِهَا فَإِنْ لَمْ تَكُنْ إِلَّا تِسْعِينَ وَمِائَةً فَلَيْسَ فِيهَا شَيْءٌ، إِلَّا أَنْ يَشَاءَ رَبُّهَا» .

L10896 The Messenger of Allah—may Allah's peace and blessings be upon him—obligated charity in al-raqabah, which is silver, at a universal rate of one-quarter of one-tenth, applying generally without exception except for amounts less than five awaq. What remains beyond the zakat obligation in it may not have any portion excluded under any circumstance—and with Allah, the Exalted, lies success.

فَأَوْجَبَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الصَّدَقَةَ فِي الرَّقَبَةِ، وَهِيَ الْوَرِقُ، رُبُعُ الْعُشْرِ عُمُومًا لَمْ يَخُصَّ مِنْ ذَلِكَ شَيْئًا إِلَّا مَا كَانَ أَقَلَّ مِنْ خَمْسِ أَوَاقٍ، فَبَقِيَ مَا زَادَ عَلَى وُجُوبِ الزَّكَاةِ فِيهِ، فَلَا يَجُوزُ تَخْصِيصُ شَيْءٍ مِنْهُ أَصْلًا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

L10897 ## Zakat of gold

[زَكَاةُ الذَّهَبِ]

L10898 ## Issue: There is no Zakat due on less than forty mithqal of gold.

[مَسْأَلَةٌ لَا زَكَاةَ فِي أَقَلَّ مِنْ أَرْبَعِينَ مِثْقَالًا مِنْ الذَّهَبِ]

L10899 Zakat on Gold 683 - Issue: A group holds that no Zakat is due on less than forty mithqals (equivalent to one dinar) of pure, unalloyed gold according to Meccan weight - whether in minted coins, jewelry, gold dust, or worked form. When it reaches forty mithqals (as stated) and remains in a single Muslim's uninterrupted possession for a complete lunar year, a quarter of a tenth of it (one mithqal) becomes due. This applies annually. For amounts exceeding this, when another forty mithqals are completed and remain for a full year, an additional dinar is due. This applies perpetually: for every forty additional dinars, one dinar is due, with nothing required for the excess until completing another forty dinars. If gold is mixed without altering its color, weight, or edge, the ruling regarding the mixture is nullified. If

[زَكَاةُ الذَّهَبِ] ٦٨٣ - مَسْأَلَةٌ: قَالَتْ طَائِفَةٌ: لَا زَكَاةَ فِي أَقَلَّ مِنْ أَرْبَعِينَ مِثْقَالًا مِنْ الذَّهَبِ الصَّرْفِ الَّذِي لَا يُخَالِطُهُ شَيْءٌ بِوَزْنِ مَكَّةَ، سَوَاءٌ: مَسْكُوكُهُ، وَحُلِيُّهُ، وَنَقَارُهُ وَمَصُوغُهُ، فَإِذَا بَلَغَ أَرْبَعِينَ مِثْقَالًا - كَمَا ذَكَرْنَا - وَأَتَمَّ فِي مِلْكِ الْمُسْلِمِ الْوَاحِدِ عَامًا قَمَرِيًّا مُتَّصِلًا فَفِيهِ رُبُعُ عُشْرِهِ، وَهُوَ مِثْقَالٌ، وَهَكَذَا فِي كُلِّ عَامٍ، وَفِي الزِّيَادَةِ عَلَى ذَلِكَ إِذَا أَتَمَّ أَرْبَعِينَ مِثْقَالًا أُخْرَى وَبَقِيَتْ عَامًا كَامِلًا دِينَارٌ آخَرُ، وَهَكَذَا أَبَدًا فِي كُلِّ أَرْبَعِينَ دِينَارًا زَائِدَةً دِينَارٌ، وَلَيْسَ فِي الزِّيَادَةِ شَيْءٌ زَائِدٌ حَتَّى تَتِمَّ أَرْبَعِينَ دِينَارًا؟ فَإِنْ كَانَ

the remaining quantity reaches the aforementioned amount, Zakat becomes obligatory; otherwise, it does not.

الذَّهَبُ خُلِطَ لَمْ يُغَيِّرْ لَوْنُهُ أَوْ رزَانَتُهُ أَوْ حَدُّهُ سَقَطَ حُكْمُ الْخَلْطِ، فَإِنْ كَانَ فِيمَا بَقِيَ الْعَدَدُ الْمَذْكُورُ زُكِّيَ. وَإِلَّا فَلَا.

L10900–10902 If the number mentioned decreases—whether the decrease is small or large—there is no Zakat due on it. There is disagreement regarding much of what we have mentioned, which we will discuss—if Allah, the Exalted, wills? The majority of people have affirmed the obligation of Zakat on twenty dinars, not less. It has been transmitted to us from ʻUmar ibn ʻAbd al-ʻAzīz through the chain: from Aḥmad ibn Muḥammad ibn al-Jasūr, from Muḥammad ibn ʻĪsā, from ʻAlī ibn ʻAbd al-ʻAzīz, from Abū ʻUbayd al-Qāsim ibn Sallām, from Saʻīd ibn ʻUfayr, from… Malik ibn Anas from Yahya ibn Sa'id al-Ansari from Zuraiq ibn Hayyan, who said: Umar ibn Abd al-Aziz wrote to me: "Assess those Muslims who pass by you and take from their apparent wealth - from what they circulate in commercial transactions - one dinar from every forty dinars. If the amount is less, calculate proportionally until it reaches twenty dinars. If it falls short by one-third of a dinar, leave it."

فَإِنْ نَقَصَ مِنْ الْعَدَدِ الْمَذْكُورِ - مَا قَلَّ أَوْ كَثُرَ - فَلَا زَكَاةَ فِيهِ، وَفِي كَثِيرٍ مِمَّا ذَكَرْنَا اخْتِلَافٌ نَذْكُرُهُ - إنْ شَاءَ اللَّهُ تَعَالَى؟ قَالَ جُمْهُورُ النَّاسِ: بِإِيجَابِ الزَّكَاةِ فِي عِشْرِينَ دِينَارًا لَا أَقَلَّ -: وَرُوِّينَا عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ مِمَّا حَدَّثَنَاهُ أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْدٍ الْقَاسِمُ بْنُ سَلَّامٍ ثنا سَعِيدُ بْنُ عُفَيْرٍ عَنْ مَالِكِ بْنِ أَنَسٍ عَنْ يَحْيَى بْنِ سَعِيدٍ الْأَنْصَارِيِّ عَنْ زُرَيْقِ بْنِ حَيَّانَ قَالَ: كَتَبَ إِلَيَّ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ: انْظُرْ مَنْ مَرَّ بِكَ مِنْ الْمُسْلِمِينَ فَخُذْ مِمَّا ظَهَرَ مِنْ أَمْوَالِهِمْ مِمَّا يُدِيرُونَ فِي التِّجَارَاتِ مِنْ كُلِّ أَرْبَعِينَ دِينَارًا دِينَارًا، وَمَا نَقَصَ فَبِحِسَابِ ذَلِكَ، حَتَّى تَبْلُغَ عِشْرِينَ دِينَارًا، فَإِنْ نَقَصَتْ ثُلُثَ دِينَارٍ فَدَعْهَا قَالَ أَبُو مُحَمَّدٌ: فَهَذَا عُمَرُ بْنُ عَبْدِ الْعَزِيزِ يَرَى فِي الذَّهَبِ أَنَّ فِيهَا الزَّكَاةَ وَإِنْ نَقَصَتْ، فَإِنْ نَقَصَتْ ثُلُثَ دِينَارٍ فَلَا صَدَقَةَ فِيهَا؟ وَقَالَ مَالِكٌ: إنْ نَقَصَتْ نُقْصَانًا تَجُوزُ بِهِ جَوَازَ الْمُوَازَنَةِ زُكِّيَتْ، وَإِلَّا فَلَا، وَقَالَ: إنْ كَانَ فِي الدَّنَانِيرِ الذَّهَبِ وَحُلِيِّ الذَّهَبِ خَلْطٌ زَكَّى الدَّنَانِيرَ بِوَزْنِهَا وَقَالَ الشَّافِعِيُّ: لَا يُزَكَّى إلَّا مَا فَضَلَ عَنْ الْخَلْطِ مِنْ الذَّهَبِ الْمَحْضِ، وَلَا يُزَكَّى مَا نَقَصَ عَنْ عِشْرِينَ دِينَارًا، وَلَا بِمَا كَثُرَ؟ وَقَالَ أَبُو حَنِيفَةَ، وَغَيْرُهُ: الزَّكَاةُ فِي عِشْرِينَ دِينَارًا نِصْفُ دِينَارٍ، فَإِنْ زَادَتْ فَلَا صَدَقَةَ فِيهَا حَتَّى تَبْلُغَ الزِّيَادَةُ أَرْبَعَةَ دَنَانِيرَ، فَإِذَا زَادَتْ أَرْبَعَةَ دَنَانِيرَ فَفِيهَا رُبْعُ عُشْرِهَا، وَهَكَذَا أَبَدًا.

Abu Muhammad said: "This shows Umar ibn Abd al-Aziz maintains that zakat is due on gold even when diminished, but if diminished by a third of a dinar, there is no charity obligation?"

Malik said: "If the shortfall is within the permissible tolerance of measurement, zakat is due; otherwise, it is not." He said: "If gold coins are mixed with gold jewelry, pay zakat on the coins according to their weight."

Al-Shafi'i said: "Zakat is only obligatory on the surplus of pure gold beyond the alloyed mixture. No zakat is due on what falls below twenty dinars, nor on what is abundant."

Abu Hanifah and others said: "The zakat on twenty dinars is half a dinar. If the amount increases, no zakat is due on the increase until it reaches four dinars. When the increase reaches four dinars, pay a quarter of a tenth of it as zakat, continuing this calculation indefinitely."

L10903–10905 Malik and al-Shāfiʻī said: Whatever exceeds—whether small or large—requires a quarter of a tenth (2.5%) of it? We were narrated from some

وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ: مَا زَادَ - قَلَّ أَوْ كَثُرَ - فَفِيهِ رُبْعُ عُشْرِهِ؟ وَرُوِّينَا عَنْ بَعْضِ التَّابِعِينَ أَنَّهُ لَا زَكَاةَ فِيمَا زَادَ حَتَّى تَبْلُغَ الزِّيَادَةُ عِشْرِينَ دِينَارًا وَهَكَذَا أَبَدًا وَرُوِّينَا عَنِ الزُّهْرِيِّ وَعَطَاءٍ: أَنَّ الزَّكَاةَ إِنَّمَا تَجِبُ فِي الذَّهَبِ بِالْقِيمَةِ، كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عُثْمَانَ ثنا أَحْمَدُ بْنُ خَالِدٍ ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا الْحَجَّاجُ بْنُ الْمِنْهَالِ ثنا عَبْدُ اللَّهِ بْنُ عُمَرَ النُّمَيْرِيُّ ثنا يُونُسُ بْنُ يَزِيدَ الْأَيْلِيُّ قَالَ: سَمِعْتُ الزُّهْرِيَّ يَقُولُ: لَيْسَ فِي الذَّهَبِ صَدَقَةٌ حَتَّى يَبْلُغَ صَرْفُهَا مِائَتَيْ دِرْهَمٍ، فَإِذَا بَلَغَ صَرْفُهَا مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، ثُمَّ فِي كُلِّ شَيْءٍ مِنْهَا يَبْلُغُ صَرْفُهُ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، حَتَّى تَبْلُغَ أَرْبَعِينَ دِينَارًا، فَفِيهَا دِينَارٌ، ثُمَّ مَا زَادَ عَلَى ذَلِكَ مِنَ الذَّهَبِ فَفِي صَرْفِ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ، وَفِي كُلِّ أَرْبَعِينَ دِينَارًا دِينَارٌ.

Followers that there is no zakāt on the excess until the increase reaches twenty dinars, and this applies perpetually. We were narrated from al-Zuhrī and ʿAṭāʾ that zakāt is only obligatory on gold according to its value, as narrated to us by ʿAbdullāh ibn Rabīʿ, from ʿAbdullāh ibn Muḥammad ibn ʿUthmān, from Aḥmad ibn Khālid, from ʿAlī ibn ʿAbd al-ʿAzīz, from al-Ḥajjāj ibn al-Minhāl, from ʿAbdullāh ibn ʿUmar al-Numayrī, from Yūnus ibn Yazīd al-Aylī, who said: I heard al-Zuhri say: There is no Zakat on gold until its equivalent value reaches two hundred dirhams. When its equivalent value reaches two hundred dirhams, five dirhams are due. Then, for every portion of it reaching forty dirhams in equivalent value, one dirham is due, until it reaches forty dinars, at which point one dinar is due. Thereafter, whatever exceeds that in gold - for every forty dirhams in equivalent value, one dirham is due, and for every forty dinars, one dinar is due.

حَدَّثَنَا حُمَامُ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنِ ابْنِ جُرَيْجٍ قَالَ: قَالَ عَطَاءٌ، وَعَمْرُو بْنُ دِينَارٍ: لَا يَكُونُ فِي مَالٍ زَكَاةٌ حَتَّى يَبْلُغَ عِشْرِينَ دِينَارًا، فَإِذَا بَلَغَ عِشْرِينَ دِينَارًا فَفِيهَا نِصْفُ دِينَارٍ، ثُمَّ فِي كُلِّ أَرْبَعَةِ دَنَانِيرَ يَزِيدُهَا الْمَالُ دِرْهَمٌ، حَتَّى يَبْلُغَ الْمَالُ أَرْبَعِينَ دِينَارًا، فَفِي كُلِّ أَرْبَعِينَ دِينَارًا دِينَارٌ.

L10906 Humam narrated to us: Ibn Mufarrij narrated to us, Ibn al-A'rabi narrated to us, al-Dabari narrated to us, Abd al-Razzaq narrated from Ibn Jurayj, who said: Ata' and Amr ibn Dinar said: There is no zakat due on wealth until it reaches twenty dinars. When it reaches twenty dinars, half a dinar is due. Then, for every four additional dinars in the wealth, a dirham is due, until the wealth reaches forty dinars, at which point one dinar is due for every forty dinars.

قَالَ ابْنُ جُرَيْجٍ: فَلَمَّا كَانَ بَعْدَ ذَلِكَ بِحِينٍ قُلْتُ لِعَطَاءٍ: لَوْ كَانَ لِرَجُلٍ تِسْعَةَ عَشَرَ دِينَارًا لَيْسَ لَهُ غَيْرُهَا وَالصَّرْفُ اثْنَا عَشَرَ أَوْ ثَلَاثَةَ عَشَرَ بِدِينَارٍ، فِيهَا صَدَقَةٌ؟ قَالَ: نَعَمْ، إِذَا كَانَتْ لَوْ صُرِفَتْ بَلَغَتْ مِائَتَيْ دِرْهَمٍ، إِنَّمَا كَانَتْ إِذْ ذَلِكَ الْوَرِقَ وَلَمْ يَكُنْ ذَهَبٌ وَمِمَّنْ قَالَ -: بِأَنْ لَا زَكَاةَ فِي الذَّهَبِ إِلَّا بِقِيمَةِ مَا يَبْلُغُ مِائَتَيْ دِرْهَمٍ فَصَاعِدًا مِنَ الْوَرِقِ -: سُلَيْمَانُ بْنُ حَرْبٍ الْوَاشِحِيُّ.

L10907 Ibn Jurayj said: After some time had passed, I said to ʿAṭāʾ: If a man possesses nineteen dinars—and he possesses nothing else—while the exchange rate is twelve or thirteen dirhams per dinar, is there Zakat due on them? He replied: Yes, if exchanged, they would amount to two hundred dirhams. This is because at that time it was silver, and there was no gold. Among those who held the view—that there is no Zakat on gold except by the value that reaches two hundred dirhams or more of silver—was Sulaymān ibn Ḥarb al-Wāshiḥī.

قَالَ أَبُو مُحَمَّد: أَمَّا مَنْ قَالَ: لَمْ يَكُنْ يَوْمَئِذٍ ذَهَبٌ -: فَخَطَأٌ، كَيْفَ هَذَا؟ وَاللَّهُ عَزَّ وَجَلَّ يَقُولُ: {وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلا يُنْفِقُونَهَا فِي سَبِيلِ اللَّهِ} [التوبة: ٣٤] . وَالْأَخْبَارُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي كَوْنِ الذَّهَبِ عِنْدَهُمْ كَثِيرَةً جِدًّا، كَقَوْلِهِ - عَلَيْهِ السَّلَامُ -: «الذَّهَبُ حَرَامٌ عَلَى ذُكُورِ أُمَّتِي حَلَالٌ لِإِنَاثِهَا» وَاتِّخَاذُهُ - عَلَيْهِ السَّلَامُ - خَاتَمًا مِنْ ذَهَبٍ ثُمَّ رَمَى بِهِ، وَغَيْرُ ذَلِكَ كَثِيرٌ وَإِيجَابُ الزَّكَاةِ فِي الذَّهَبِ بِقِيمَةِ الْفِضَّةِ قَوْلٌ لَا دَلِيلَ عَلَى صِحَّتِهِ مِنْ نَصٍّ وَلَا إجْمَاعٍ وَلَا نَظَرٍ، فَسَقَطَ هَذَا الْقَوْلُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Abu Muhammad said: As for those who claim there was no gold at that time—this is erroneous. How can this be? For Allah, the Exalted and Majestic, says: *{And those who hoard gold and silver and do not spend it in the way of Allah}* [9:34]. The narrations from the Messenger of Allah—peace and blessings be upon him—regarding the abundance of gold among them are exceedingly numerous, such as his statement—peace and blessings be upon him—: "Gold is forbidden for the men of my Ummah and permissible for their women," his having made a gold ring—peace and blessings be upon him—which he later discarded, and many other such examples. The obligation of zakah on gold according to silver's value is an opinion unsupported by evidence from textual sources, consensus, or logical rationale; thus, this view is dismissed. And success is from Allah, the Exalted.[25]

ثُمَّ نَظَرْنَا هَلْ صَحَّ فِي إيجَابِ الزَّكَاةِ فِي الذَّهَبِ شَيْءٌ أَمْ لَا. فَوَجَدْنَا مَا حَدَّثَنَاهُ حُمَامٌ قَالَ: ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ سُهَيْلِ بْنِ أَبِي صَالِحٍ عَنْ أَبِيهِ عَنْ أَبِي هُرَيْرَةَ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ الْحَدِيثَ، وَفِيهِ: «مَنْ كَانَتْ لَهُ ذَهَبٌ أَوْ فِضَّةٌ لَمْ يُؤَدِّ مَا فِيهَا جُعِلَتْ لَهُ يَوْمَ الْقِيَامَةِ صَفَائِحَ مِنْ نَارٍ فَوُضِعَتْ عَلَى جَنْبِهِ وَظَهْرِهِ وَجَبْهَتِهِ، حَتَّى يُقْضَى بَيْنَ النَّاسِ، ثُمَّ يَرَى سَبِيلَهُ» . فَوَجَبَتْ الزَّكَاةُ فِي الذَّهَبِ بِهَذَا الْوَعِيدِ الشَّدِيدِ، فَوَجَبَ طَلَبُ الْوَاجِبِ فِي الذَّهَبِ الَّذِي مَنْ لَمْ يُؤَدِّهِ عُذِّبَ هَذَا الْعَذَابَ الْفَظِيعَ، نَعُوذُ بِاَللَّهِ مِنْهُ، بَعْدَ الْإِجْمَاعِ الْمُتَيَقَّنِ الْمَقْطُوعِ بِهِ عَلَى أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يُرِدْ كُلَّ عَدَدٍ مِنْ الذَّهَبِ، وَلَا كُلَّ وَقْتٍ مِنْ الزَّمَانِ، وَأَنَّ الزَّكَاةَ إنَّمَا تَجِبُ فِي عَدَدٍ مَعْدُودٍ، وَفِي وَقْتٍ مَحْدُودٍ، فَوَجَبَ فَرْضًا طَلَبُ ذَلِكَ الْعَدَدِ وَذَلِكَ الْوَقْتِ؟ فَوَجَدْنَا مَنْ حَدَّ فِي ذَلِكَ عِشْرِينَ دِينَارًا احْتَجَّ بِمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ وَهْبٍ: أَخْبَرَنِي جَرِيرُ بْنُ حَازِمٍ وَآخَرُ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ، وَالْحَارِثِ الْأَعْوَرِ عَنْ عَلِيٍّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ كَلَامًا، وَفِيهِ - «وَلَيْسَ عَلَيْكَ

Then we examined whether anything authentic exists regarding the obligation of zakah on gold or not. We found what Hammād narrated to us, stating: Ibn Mufarrij narrated to us, Ibn al-A'rabī narrated to us, 'Abd al-Razzāq narrated to us, Ma'mar narrated from Suhayl ibn Abī Ṣāliḥ from his father from Abū Hurayrah, who said: The Messenger of Allah—peace and blessings be upon him—mentioned the ḥadīth, which includes: "Whoever possesses gold or silver and does not pay what is due on it, it will be forged into plates of fire for him on the Day of Resurrection, placed upon his side, back, and forehead, until judgment is rendered among mankind. Then his destiny will be shown to him." Thus, zakah became obligatory on gold due to this severe threat. Consequently, it became obligatory to determine the zakah obligation regarding gold—the obligation which, if not fulfilled, incurs this dreadful punishment (we seek refuge with Allah from it)—following the definitive, conclusive consensus that he—peace be upon him—did not intend every quantity of gold, nor every span of time, and that zakah is only obligatory for a specified quantity within a defined period. Therefore, it became an obligation to ascertain that quantity and that timeframe. We found those who set the threshold at twenty dinars, relying on what was transmitted to us via Ibn Wahb's chain: Jarīr ibn Ḥāzim and another narrated to me from Abū Isḥāq from 'Āṣim ibn Ḍamrah and al-Ḥārith al-A'war from 'Alī, from the

[25] **Qur'an references (L10908):** Qur'an 9:34 (At-Tawbah).

Prophet—peace and blessings be upon him—who related a statement containing: “Nothing is incumbent upon you until you possess twenty dinars in gold. When you possess twenty dinars and a full year passes over them, half a dinar is due. Whatever exceeds this is calculated proportionally.” He said: I do not know whether ʻAlī said “calculated proportionally” or raised it as a ruling to the Prophet—peace and blessings be upon him.

شَيْءٌ حَتَّى يَكُونَ - يَعْنِي فِي الذَّهَبِ - لَكَ عِشْرُونَ دِينَارًا فَإِذَا كَانَ لَكَ عِشْرُونَ دِينَارًا وَحَالَ عَلَيْهَا الْحَوْلُ فَفِيهَا نِصْفُ دِينَارٍ، فَمَا زَادَ فَبِحِسَابِ ذَلِكَ» . قَالَ: لَا أَدْرِي، أَعَلِيٌّ يَقُولُ " بِحِسَابِ ذَلِكَ، " أَوْ رَفَعَهُ إِلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟

L10912–10913 Narrated via Abd al-Razzaq → al-Hasan ibn Umarah → Abu Ishaq → Asim ibn Ḍamrah → Ali (may Allah be pleased with him), who said: The Messenger of Allah (PBUH) said: “And from every twenty dinars, half a dinar.”

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنِ الْحَسَنِ بْنِ عُمَارَةَ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «وَمِنْ كُلِّ عِشْرِينَ دِينَارًا نِصْفُ دِينَارٍ» .

L10914 And via Ibn Abī Laylā from ʿAbd al-Karīm from ʿAmr ibn Shuʿayb from his father from his grandfather from the Prophet (peace be upon him), who said: “There is no zakah on less than twenty mithqals of gold nor on less than two hundred silver dirhams.”

وَمِنْ طَرِيقِ ابْنِ أَبِي لَيْلَى عَنْ عَبْدِ الْكَرِيمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ فِي أَقَلَّ مِنْ عِشْرِينَ مِثْقَالًا مِنَ الذَّهَبِ وَلَا فِي أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ صَدَقَةٌ» .

L10915 And through the chain of Abī ʻUbayd from Yazīd from Ḥabīb ibn Abī Ḥabīb from ʻAmr ibn Hurm from Muḥammad ibn ʻAbd al-Raḥmān al-Anṣārī: “Indeed, in the book of the Messenger of Allāh—peace and blessings of Allāh be upon him—and in the book of ʻUmar regarding alms, it is stated that nothing is taken from gold until it reaches twenty dinars. When it reaches twenty dinars, then therein is half a dinar.”

وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ عَنْ يَزِيدَ عَنْ حَبِيبِ بْنِ أَبِي حَبِيبٍ عَنْ عَمْرِو بْنِ هُرْمٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ الْأَنْصَارِيِّ «أَنَّ فِي كِتَابِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي كِتَابِ عُمَرَ فِي الصَّدَقَةِ أَنَّ الذَّهَبَ لَا يُؤْخَذُ مِنْهَا شَيْءٌ حَتَّى تَبْلُغَ عِشْرِينَ دِينَارًا، فَإِذَا بَلَغَ عِشْرِينَ دِينَارًا فَفِيهِ نِصْفُ دِينَارٍ» .

L10916 And mentioned therein are a group via the chain of Abdullah ibn Waqid, from Ibn Umar, from Aisha, from the Prophet (peace be upon him): “Zakat is due on twenty dinars.” Ali said, “This is all that has been mentioned concerning this matter from the Messenger of Allah (peace be upon him).”

وَذُكِرَ فِيهِ قَوْمٌ مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ وَاقِدٍ عَنِ ابْنِ عُمَرَ عَنْ عَائِشَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ فِي عِشْرِينَ دِينَارًا الزَّكَاةَ» . قَالَ عَلِيٌّ: هَذَا كُلُّ مَا ذَكَرُوا فِي ذَلِكَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L10917 As for those below him (the Prophet, peace be upon him), it has been narrated to us through the chain of Al-Layth ibn Sa‘d from Yahya ibn Ayyub from Humayd from Anas, who said: “‘Umar appointed me in charge of the alms.

He instructed me to take half a dinar for every twenty dinars. If the excess reaches four dinars, then a dirham is due?"

وَأَمَّا عَمَّنْ دُونَهُ - عَلَيْهِ السَّلَامُ - فَرُوِّينَا مِنْ طَرِيقِ اللَّيْثِ بْنِ سَعْدٍ عَنْ يَحْيَى بْنِ أَيُّوبَ عَنْ حُمَيْدٍ عَنْ أَنَسٍ قَالَ: وَلَّانِي عُمَرُ الصَّدَقَاتِ، فَأَمَرَنِي أَنْ آخُذَ مِنْ كُلِّ عِشْرِينَ دِينَارًا نِصْفَ دِينَارٍ، فَمَا زَادَ فَبَلَغَ أَرْبَعَةَ دَنَانِيرَ فَفِيهِ دِرْهَمٌ؟

L10918–10919 And through the narration of Waki': Sufyān al-Thawrī narrated to us from Abū Isḥāq from ʻĀṣim ibn Ḍamrah from ʻAlī, who said: "There is nothing due on less than twenty dinars. On twenty dinars, half a dinar is due, and on forty dinars, one dinar." And through the narration of Abū Bakr ibn Abī Shaybah from Waki' from Sufyān al-Thawrī from Ḥammād ibn Abī Sulaymān from Ibrāhīm al-Nakha'ī, who said: "The wife of ʻAbdullāh ibn Mas'ūd had a necklace weighing twenty mithqāls, so he ordered her to pay five dirhams from it." And through the narration of Waki' from Sufyān from ʻAlqamah ibn Marthad from al-Sha'bī, who said: "On twenty mithqāls, half a mithqāl is due; and on forty mithqāls, one mithqāl." And through the narration of ʻAbdullāh ibn Aḥmad ibn Ḥanbal from his father: Hushaym and al-Mu'tamir ibn Sulaymān narrated to us. Hushaym said: "I cite Manṣūr and Mughīrah." Manṣūr narrated from Ibn Sīrīn, and Mughīrah narrated from Ibrāhīm. Al-Mu'tamir said: From Hishām from al-Ḥasan. Then al-Ḥasan, Ibn Sīrīn, and Ibrāhīm concurred; all of them said: "On twenty dinars, half a dinar is due, and on forty dinars, one dinar." We have mentioned this at the beginning of the chapter as narrated by ʻUmar ibn ʻAbd al-ʻAzīz.

وَمِنْ طَرِيقِ - وَكِيعٍ: ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ عَنْ عَلِيٍّ قَالَ: لَيْسَ فِي أَقَلَّ مِنْ عِشْرِينَ دِينَارًا شَيْءٌ، وَفِي عِشْرِينَ دِينَارًا نِصْفُ دِينَارٍ، وَفِي أَرْبَعِينَ دِينَارًا دِينَارٌ؟ وَمِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ عَنْ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ قَالَ: كَانَ لِامْرَأَةِ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ طَوْقٌ فِيهِ عِشْرُونَ مِثْقَالًا فَأَمَرَهَا أَنْ تُخْرِجَ عَنْهُ خَمْسَةَ دَرَاهِمَ وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ عَنْ عَلْقَمَةَ بْنِ مَرْثَدٍ عَنْ الشَّعْبِيِّ قَالَ: فِي عِشْرِينَ مِثْقَالًا نِصْفُ مِثْقَالٍ، وَفِي أَرْبَعِينَ مِثْقَالًا مِثْقَالٌ وَمِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ حَنْبَلٍ عَنْ أَبِيهِ: ثنا هُشَيْمٌ، وَالْمُعْتَمِرُ بْنُ سُلَيْمَانَ قَالَ هُشَيْمٌ: أَنَا مَنْصُورٌ، وَمُغِيرَةُ، قَالَ مَنْصُورٌ: عَنْ ابْنِ سِيرِينَ وَقَالَ مُغِيرَةُ: عَنْ إِبْرَاهِيمَ وَقَالَ الْمُعْتَمِرُ: عَنْ هِشَامٍ عَنْ الْحَسَنِ، ثُمَّ اتَّفَقَ الْحَسَنُ، وَابْنُ سِيرِينَ، وَإِبْرَاهِيمُ، قَالُوا كُلُّهُمْ: فِي عِشْرِينَ دِينَارًا، وَفِي أَرْبَعِينَ دِينَارًا دِينَارٌ؟ وَقَدْ ذَكَرْنَاهُ فِي أَوَّلِ الْبَابِ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ

L10920–10922 And through the chain of Abu Bakr ibn Abi Shaybah: He narrated to us from Yahya ibn Abd al-Malik ibn Abi Ghaniyyah, from his father, from al-Hakam ibn Utaybah that he did not consider zakah due on twenty dinars until they are twenty mithqals, in which case half a mithqal would be due. We have previously mentioned this from ʿAṭāʾ and Amr ibn Dinar, and we have mentioned ʿAṭāʾ's retraction from that position. Abū Muḥammad said: We do not know of anything from any of the Successors besides what we have mentioned. As for all they have reported concerning this matter from

وَمِنْ طَرِيقِ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا يَحْيَى بْنُ عَبْدِ الْمَلِكِ بْنِ أَبِي غَنِيَّةَ عَنْ أَبِيهِ عَنْ الْحَكَمِ هُوَ ابْنُ عُتَيْبَةَ - أَنَّهُ كَانَ لَا يَرَى فِي عِشْرِينَ دِينَارًا زَكَاةً حَتَّى تَكُونَ عِشْرِينَ مِثْقَالًا، فَيَكُونُ فِيهَا نِصْفُ مِثْقَالٍ؟ وَقَدْ ذَكَرْنَاهُ قَبْلُ عَنْ عَطَاءٍ، وَعَمْرِو بْنِ دِينَارٍ، وَذَكَرْنَا رُجُوعَ عَطَاءٍ عَنْ ذَلِكَ قَالَ أَبُو مُحَمَّدٍ: مَا نَعْلَمُ عَنْ أَحَدٍ مِنْ التَّابِعِينَ غَيْرَ مَا ذَكَرْنَا فَأَمَّا

كُلُّ مَا ذَكَرُوا فِيهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَا يَصِحُّ مِنْهُ شَيْءٌ وَلَوْ صَحَّ لَمَا اسْتَحْلَلْنَا خِلَافَهُ، وَأَعُوذُ بِاللَّهِ مِنْ ذَلِكَ؟ أَمَّا حَدِيثُ عَلِيٍّ - الَّذِي صَدَّرْنَا بِهِ - فَإِنَّ ابْنَ وَهْبٍ عَنْ جَرِيرِ بْنِ حَازِمٍ عَنْ أَبِي إِسْحَاقَ قَرَنَ فِيهِ بَيْنَ عَاصِمِ بْنِ ضَمْرَةَ وَبَيْنَ الْحَارِثِ الْأَعْوَرِ، وَالْحَارِثُ كَذَّابٌ، وَكَثِيرٌ مِنَ الشُّيُوخِ يَجُوزُ عَلَيْهِمْ مِثْلُ هَذَا، وَهُوَ أَنَّ الْحَارِثَ أَسْنَدَهُ وَعَاصِمٌ لَمْ يُسْنِدْهُ، فَجَمَعَهُمَا جَرِيرٌ، وَأَدْخَلَ حَدِيثَ أَحَدِهِمَا فِي الْآخَرِ. وَقَدْ رَوَاهُ عَنْ أَبِي إِسْحَاقَ عَنْ عَاصِمٍ عَنْ عَلِيٍّ: شُعْبَةُ، وَسُفْيَانُ، وَمَعْمَرٌ، فَأَوْقَفُوهُ عَلَى عَلِيٍّ، وَهَكَذَا كُلُّ ثِقَةٍ رَوَاهُ عَنْ عَاصِمٍ. وَقَدْ رَوَى حَدِيثَ الْحَارِثِ، وَعَاصِمٍ: زُهَيْرُ بْنُ مُعَاوِيَةَ فَشَكَّ فِيهِ.

the Messenger of Allah - peace and blessings of Allah be upon him - none of it is authentic. Even if it were authentic, we would not have deemed it permissible to oppose it. I seek refuge in Allah from such a notion! Regarding the ḥadīth of ʿAlī - with which we prefaced our discussion - Ibn Wahb reported it from Jarīr ibn Ḥāzim from Abū Isḥāq, who conflated in it ʿĀṣim ibn Ḍamrah with al-Ḥārith al-Aʿwar. Now al-Ḥārith is a confirmed liar, and many senior narrators could be prone to such errors. The crux is that al-Ḥārith narrated it with a chain of transmission while ʿĀṣim did not provide a chain of transmission for it. Jarīr combined both accounts and intermingled the narration of one with the other. This ḥadīth was transmitted from Abū Isḥāq from ʿĀṣim from ʿAlī by Shuʿbah, Sufyān, and Maʿmar - but they suspended the chain at ʿAlī. This is how every reliable transmitter reported it from ʿĀṣim. Zuhayr ibn Muʿāwiyah narrated the ḥadīth through both al-Ḥārith and ʿĀṣim but expressed uncertainty about it.

كَمَا حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدٍ النُّفَيْلِيُّ ثنا زُهَيْرُ بْنُ مُعَاوِيَةَ ثنا أَبُو إِسْحَاقَ عَنْ عَاصِمِ بْنِ ضَمْرَةَ، وَعَنْ الْحَارِثِ عَنْ عَلِيٍّ. قَالَ زُهَيْرٌ: أَحْسَبُهُ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ صَدَقَةَ الْوَرِقِ، «إذَا كَانَتْ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ، فَمَا زَادَ فَعَلَى حِسَابِ ذَلِكَ» .

L10923 Abdullah ibn Rabee' narrated to us: Umar ibn Abdul Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawood narrated to us, Abdullah ibn Muhammad al-Nufayli narrated to us, Zuhayr ibn Mu'awiyah narrated to us: Abu Ishaq narrated to us from Asim ibn Damrah, and from al-Harith who narrated from Ali. Zuhayr said: "I believe Abu Ishaq reported from the Prophet, peace be upon him," then he mentioned the charity on silver: "When it reaches two hundred silver dirhams, five dirhams are due. Whatever exceeds that amount is proportionate to that measure."

وَقَالَ فِي الْبَقَرِ: «فِي كُلِّ ثَلَاثِينَ تَبِيعٌ، وَفِي كُلِّ أَرْبَعِينَ مُسِنَّةٌ، وَلَيْسَ عَلَى الْعَوَامِلِ شَيْءٌ» .

L10924 He said regarding cattle: "For every thirty cattle, a one-year-old male calf is due; for every forty cattle, a two-year-old cow is due. Nothing is due on working animals."

وَقَالَ فِي الْإِبِلِ، «فِي خَمْسٍ وَعِشْرِينَ خَمْسٌ مِنْ الْغَنَمِ، فَإِذَا زَادَتْ وَاحِدَةً فَفِيهَا بِنْتُ مَخَاضٍ، فَإِنْ لَمْ تَكُنْ فَابْنُ لَبُونٍ ذَكَرٌ» .

L10925–10927 "And he said regarding camels, 'For twenty-five (camels), five sheep are obligatory. Then, if the number increases by one...' Then in it is a one-year-old she-camel; if there is none, then a two-year-old male camel.

قَالَ زُهَيْرٌ: وَفِي حَدِيثِ عَاصِمٍ: «إذَا لَمْ يَكُنْ فِي الْإِبِلِ بِنْتُ مَخَاضٍ وَلَا ابْنُ لَبُونٍ فَعَشَرَةُ دَرَاهِمَ أَوْ شَاتَانِ» . قَالَ عَلِيٌّ: قَدْ ذَكَرْنَا أَنَّهُ حَدِيثُ مَالِكٍ، وَلَوْ أَنَّ جَرِيرًا أَسْنَدَهُ عَنْ

L10928 Zuhayr said: In the ḥadīth of ʿĀṣim: "If there is neither a one-year-old she-camel (ibnat makhāḍ) nor a two-year-old male camel (ibn labūn) among the camels, then ten dirhams or two sheep." ʿAlī said: We have previously men-

tioned that this is a ḥadīth transmitted by Mālik. Had Jarīr narrated it with a complete chain solely from ʿĀṣim, we would have accepted it. However, he only transmitted it through al-Ḥārith alongside him, and the chain of transmission was not established as authentic to us via ʿĀṣim's route. Then when Zuhayr expressed doubt about it, its chain of transmission became invalidated. Consequently, whoever validates it must necessarily accept all that we have mentioned concerning it, yet there exists no opposing faction except that they contradict its contents. It is invalid to accept some parts of the report as evidence while rejecting others. Does their reliance on this report not thereby become invalid?

عَاصِمٍ وَحْدَهُ لَأَخَذْنَا بِهِ، لَكِنْ لَمْ يُسْنِدْهُ إِلَّا عَنْ الْحَارِثِ مَعَهُ، وَلَمْ يَصِحَّ لَنَا إِسْنَادُهُ مِنْ طَرِيقِ عَاصِمٍ، ثُمَّ لَمَّا شَكَّ زُهَيْرٌ فِيهِ بَطَلَ إِسْنَادُهُ. ثُمَّ يَلْزَمُ مَنْ صَحَّحَهُ أَنْ يَقُولَ بِكُلِّ مَا ذَكَرْنَا فِيهِ، وَلَيْسَ مِنْ الْمُخَالِفِينَ لَنَا طَائِفَةٌ إِلَّا وَهِيَ تُخَالِفُ مَا فِيهِ، وَمِنْ الْبَاطِلِ أَنْ يَكُونَ بَعْضُ مَا فِي الْخَبَرِ حُجَّةً وَبَعْضُهُ غَيْرَ حُجَّةٍ، فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ؟ أَمَّا خَبَرُ الْحَسَنِ بْنِ عُمَارَةَ فَالْحَسَنُ مُطْرَحٌ وَأَمَّا حَدِيثُ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ فَصَحِيفَةٌ مُرْسَلَةٌ. وَرَوَاهُ أَيْضًا ابْنُ أَبِي لَيْلَى وَهُوَ سَيِّئُ الْحِفْظِ. فَإِنْ لَجُّوا عَلَى عَادَاتِهِمْ وَصَحَّحُوا حَدِيثَ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ إِذَا وَافَقَهُمْ فَلْيَسْتَمِعُوا؟ رُوِّينَا مِنْ طَرِيقِ دَاوُد بْنِ أَبِي هِنْدٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يَجُوزُ لِامْرَأَةٍ أَمْرٌ فِي مَالِهَا إِذَا مَلَكَ زَوْجُهَا عِصْمَتَهَا» .

As for the report of al-Ḥasan ibn ʿUmārah - al-Ḥasan is deemed unreliable. Regarding the ḥadīth of ʿAmr ibn Shuʿayb from his father from his grandfather - it constitutes a mursal narration from a written record. Ibn Abī Laylā also narrated it, but he was known for poor memorization. If they obstinately persist in their customary ways and validate the ḥadīth of ʿAmr ibn Shuʿayb from his father from his grandfather whenever it suits them - then let them listen! It was narrated to us through the chain of Dāwūd ibn Abī Hind from ʿAmr ibn Shuʿayb from his father from his grandfather from the Prophet - peace and blessings be upon him: "A woman holds no discretionary authority over her property once her husband has authority over the marital bond."[26]

L10929 From the chain of Husayn al-Mu'allim, from 'Amr ibn Shu'ayb, from his father, from his grandfather, that the Prophet (peace be upon him) said: "It is not permissible for a woman to give a gift except with her husband's permission."

وَمِنْ طَرِيقِ حُسَيْنٍ الْمُعَلِّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا يَجُوزُ لِامْرَأَةٍ عَطِيَّةٌ إِلَّا بِإِذْنِ زَوْجِهَا» .

L10930 From the narration of Al-'Alā' ibn al-Ḥārith, from 'Amr ibn Shu'ayb, from his father, from his grandfather, from the Prophet—peace be upon him—: "He ruled that for an eye blinded by obstruction yet remaining in its socket, the compensation is one-third of the diyah due to its position."

وَمِنْ طَرِيقِ الْعَلَاءِ بْنِ الْحَارِثِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ عَنْ النَّبِيِّ - عَلَيْهِ السَّلَامُ -: «أَنَّهُ قَضَى فِي الْعَيْنِ الْقَائِمَةِ السَّادَّةِ لِمَكَانِهَا بِثُلُثِ الدِّيَةِ» .

L10931–10932 From Husayn al-Mu'allim, from Amr ibn Shu'ayb, from his father, from his grandfather: "The value of blood money during the time of Allah's Messen-

وَعَنْ حُسَيْنٍ الْمُعَلِّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «كَانَتْ قِيمَةُ الدِّيَةِ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - ثَمَانِمِائَةِ دِينَارٍ ثَمَانِيَةَ آلَافِ دِرْهَمٍ، وَدِيَةُ أَهْلِ

[26] **Hadith references (L10928):** Sunan Abi Dawud 3546.

ger—peace and blessings be upon him—was eight hundred dinars, equivalent to eight thousand dirhams. The blood money for the People of the Book was half that of the Muslims, and this remained the case until Umar was given the oath of allegiance. He stood to deliver a sermon and fixed the blood money at one thousand dinars for those who paid in gold, twelve thousand dirhams for those who paid in silver, two hundred cows for those who paid in cows, two thousand sheep for those who paid in sheep, two hundred sets of garments for those who paid in clothing. He left the blood money for the Dhimmis unchanged, not raising it alongside the increases he made to the blood money rates."

الْكِتَابِ عَلَى النِّصْفِ مِنْ دِيَةِ الْمُسْلِمِ، وَكَانَتْ كَذَلِكَ حَتَّى اُسْتُخْلِفَ عُمَرُ، فَقَامَ خَطِيبًا فَفَرَضَهَا عَلَى أَهْلِ الذَّهَبِ أَلْفَ دِينَارٍ، وَعَلَى أَهْلِ الْوَرِقِ اثْنَيْ عَشَرَ أَلْفَ دِرْهَمٍ، وَعَلَى أَهْلِ الْبَقَرِ مِائَتَيْ بَقَرَةٍ، وَعَلَى أَهْلِ الشَّاءِ أَلْفَيْ شَاةٍ، وَعَلَى أَهْلِ الْحُلَلِ مِائَتَيْ حُلَّةٍ، وَتَرَكَ دِيَةَ أَهْلِ الذِّمَّةِ لَمْ يَرْفَعْهَا فِيمَا رَفَعَ مِنْ الدِّيَةِ» .

L10933 And from Sulaymān ibn Mūsā, from ʿAmr ibn Shuʿayb, from his father, from his grandfather: "The Messenger of Allāh—peace and blessings of Allāh be upon him—ruled that the blood money for one killed unintentionally is one hundred camels: thirty female camels having completed one year and entered the second, thirty female camels having completed two years and entered the third, twenty two-year-old male camels, and twenty female camels having completed three years and entered the fourth. The Messenger of Allāh—peace and blessings of Allāh be upon him—also ruled that for cattle owners, the blood money is two hundred cows—meaning, in blood money—and for those whose blood money is in sheep, two thousand sheep." All the Ḥanafīs, Mālikīs, and Shāfiʿīs oppose most of this. Had we wished to expand further on the narration of ʿAmr ibn Shuʿayb from his father from his grandfather, it would have been possible, but this suffices. There is no one weaker in religion than one who authenticates a narration when it aligns with his desires and weakens it when it contradicts his desires. Such a person clings to nothing in religion except playfulness. The ḥadīth of Muḥammad ibn ʿAbd al-Raḥmān is a broken-chain narration and also transmitted from an unknown narrator.

وَعَنْ سُلَيْمَانَ بْنِ مُوسَى عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَضَى أَنَّ مَنْ قُتِلَ خَطَأً فَدِيَتُهُ مِائَةٌ مِنْ الْإِبِلِ، ثَلَاثُونَ بِنْتَ مَخَاضٍ، وَثَلَاثُونَ بِنْتَ لَبُونٍ وَعِشْرُونَ ابْنَ لَبُونٍ ذَكَرٍ، وَعِشْرُونَ حِقَّةً، وَقَضَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى أَهْلِ الْبَقَرِ مِائَتَيْ بَقَرَةٍ - يَعْنِي فِي الدِّيَةِ - وَمَنْ كَانَتْ دِيَتُهُ فِي الشَّاءِ فَأَلْفَا شَاةٍ» ؟ وَكُلُّ هَذَا فَجَمِيعُ الْحَنَفِيَّةِ، وَالْمَالِكِيَّةِ، وَالشَّافِعِيَّةِ: مُخَالِفُونَ لِأَكْثَرِهِ، وَلَوْ أَرَدْنَا أَنْ نَزِيدَ مِنْ رِوَايَةِ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ لَأَمْكَنَ ذَلِكَ، وَفِي هَذَا كِفَايَةٌ؟ وَلَا أَرَقُّ دِينًا مِمَّنْ يُوَثِّقُ رِوَايَةً إذَا وَافَقَتْ هَوَاهُ، وَيُوهِنُهَا إذَا خَالَفَتْ هَوَاهُ فَمَا يَتَمَسَّكُ فَاعِلُ هَذَا مِنْ الدِّينِ إلَّا بِالتَّلَاعُبِ وَحَدِيثُ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ مُرْسَلٌ وَعَنْ مَجْهُولٍ أَيْضًا.

L10934–10936 As for the ḥadīth of Ibn ʿUmar, ʿAbdullāh ibn Wāqid is an unknown narrator. Thus, everything attributed to the Prophet—peace and blessings of Allāh be upon him—in this [narration] is invalidated, and nothing from it is authentic. As for what is reported regarding this matter from the Companions—may Allāh be pleased with them—it is not authentically transmitted from ʿUmar, for its narrator Yaḥyā ibn Ayyūb is weak. Yet it has been narrated to us

وَأَمَّا حَدِيثُ ابْنِ عُمَرَ فَعَبْدُ اللَّهِ بْنُ وَاقِدٍ مَجْهُولٌ. فَسَقَطَ كُلُّ مَا فِي هَذَا عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَمْ يَصِحَّ مِنْهُ شَيْءٌ وَأَمَّا مَا رُوِيَ فِي ذَلِكَ عَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - فَلَا يَصِحُّ عَنْ عُمَرَ، لِأَنَّ رَاوِيَهُ يَحْيَى بْنُ أَيُّوبَ، وَهُوَ ضَعِيفٌ. وَقَدْ

from ʿUmar reports more authentic than this—and all of them contradict him? As transmitted by Ḥumām via Ibn Mufarrij via Ibn al-Aʿrābī via al-Dabarī via ʿAbd al-Razzāq from Hishām ibn Ḥassān, Sufyān al-Thawrī, and Maʿmar. Hishām said: from Anas ibn Sīrīn, and Sufyān said... Maʾmar reported from Ayyub al-Sakhtiyani, from Anas ibn Sirin—then all narrators concurred through Anas ibn Sirin—who said: Anas ibn Malik appointed me to oversee al-Ubullah and produced a letter from Umar ibn al-Khattab, which read: "Take from Muslims one dirham for every forty dirhams, from the People of the Covenant one dirham for every twenty dirhams, and from those without a covenant one dirham for every ten dirhams." This report from Anas and Umar has the strongest possible chain. If some advance an interpretation necessitated by its apparent meaning, they possess no greater authority in this than others who cite evidence. Anyone could contend: "Umar's directive regarding twenty dinars was half a dinar, just as he mandated ten dirhams per head for slaves and horses—provided the owner's heart is content with it; otherwise, it is invalid." As for the report from Ibn Mas'ud, it is mursal (lacking a complete chain) and thus not adopted by Malikis or Shafi'is. It is invalid to treat Ibn Mas'ud's statement as authoritative for some rulings while rejecting it for others, for negligence in religious matters is destruction. The statement of Ali, however, is sound. We have transmitted numerous rulings from Ali through this same chain—among them: five sheep for every twenty-five camels—and all of these narrations contradict this position.

رُوِّينَا عَنْ عُمَرَ مَا هُوَ أَصَحُّ مِنْ هَذَا، وَكُلُّهُمْ يُخَالِفُونَهُ؟ -: كَمَا حَدَّثَنَا حُمَامٌ ثنا ابْنُ مُفَرِّجٍ ثنا ابْنُ الْأَعْرَابِيِّ ثنا الدَّبَرِيُّ ثنا عَبْدُ الرَّزَّاقِ عَنْ هِشَامِ بْنِ حَسَّانَ وَسُفْيَانَ الثَّوْرِيِّ، وَمَعْمَرٍ قَالَ هِشَامٌ: عَنْ أَنَسِ بْنِ سِيرِينَ، وَقَالَ سُفْيَانُ، وَمَعْمَرٌ: عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ أَنَسِ بْنِ سِيرِينَ، ثُمَّ اتَّفَقُوا كُلُّهُمْ عَنْ أَنَسِ بْنِ سِيرِينَ قَالَ: بَعَثَنِي أَنَسُ بْنُ مَالِكٍ عَلَى الْأُبُلَةِ فَأَخْرَجَ إِلَيَّ كِتَابًا مِنْ عُمَرَ بْنِ الْخَطَّابِ " خُذْ مِنَ الْمُسْلِمِينَ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمًا وَمِنْ أَهْلِ الذِّمَّةِ مِنْ كُلِّ عِشْرِينَ دِرْهَمًا دِرْهَمًا وَمِمَّنْ لَا ذِمَّةَ لَهُ مِنْ كُلِّ عَشَرَةِ دَرَاهِمَ دِرْهَمًا ". فَهَذَا أَنَسٌ، وَعُمَرُ بِأَصَحِّ إِسْنَادٍ يُمْكِنُ، فَإِنْ تَأَوَّلُوا فِيهِ تَأْوِيلًا يَقْتَضِيهِ ظَاهِرُهُ فَمَا هُمْ بِأَقْوَى عَلَى ذَلِكَ مِنْ غَيْرِهِمْ فِيمَا يَحْتَجُّونَ بِهِ، وَمَا يَعْجِزُ أَحَدٌ عَنْ أَنْ يَقُولَ: إِنَّمَا أَمَرَ عُمَرُ فِي الْعِشْرِينَ دِينَارًا بِنِصْفِ دِينَارٍ كَمَا أَمَرَ فِي الرَّقِيقِ وَالْخَيْلِ بِعَشَرَةِ دَرَاهِمَ مِنْ كُلِّ رَأْسٍ -: إِذَا طَابَتْ نَفْسُ مَالِكِ كُلِّ ذَلِكَ بِهِ، وَإِلَّا فَلَا وَأَمَّا الْخَبَرُ فِي ذَلِكَ عَنِ ابْنِ مَسْعُودٍ فَمُرْسَلٌ، وَلَا يَأْخُذُ بِهِ الْمَالِكِيُّونَ، وَلَا الشَّافِعِيُّونَ، وَمِنَ الْبَاطِلِ أَنْ يَكُونَ قَوْلُ ابْنِ مَسْعُودٍ حُجَّةً فِي بَعْضِ حُكْمِهِ ذَلِكَ وَلَا يَكُونُ حُجَّةً فِي بَعْضِهِ، وَالْمُسَامَحَةُ فِي الدِّينِ هَلَاكٌ وَأَمَّا قَوْلُ عَلِيٍّ فَهُوَ صَحِيحٌ، وَقَدْ رُوِّينَا عَنْ عَلِيٍّ مِنْ هَذِهِ الطَّرِيقِ نَفْسِهَا أَشْيَاءَ كَثِيرَةً قَدْ ذَكَرْنَاهَا -: مِنْهَا: فِي كُلِّ خَمْسٍ وَعِشْرِينَ مِنَ الْإِبِلِ خَمْسًا مِنَ الْغَنَمِ، وَكُلُّهُمْ مُخَالِفٌ لِهَذَا.

L10937 Among the falsehoods is that the statement of ʿAlī could be considered a proof in one context but not in another. Thus, all that they relied upon from the traditions of the Companions (may Allah, Exalted be He, be pleased with them) becomes invalid.

وَمِنَ الْبَاطِلِ أَنْ يَكُونَ قَوْلُ عَلِيٍّ حُجَّةً فِي مَكَانٍ غَيْرَ حُجَّةٍ فِي آخَرَ؟ فَبَطَلَ كُلُّ مَا تَعَلَّقُوا بِهِ مِنْ آثَارِ الصَّحَابَةِ - رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ -.

L10938–10940 Moreover, even if all these narrations were authentic from the Prophet—peace and blessings of Allah be upon him—and the Companions—may Allah

be pleased with them—they would have contradicted those very narrations. For the Ḥanafīs and Mālikīs assert: If there are ten dinars and one hundred dirhams, zakat becomes obligatory. Yet all these narrations invalidate zakat for amounts less than twenty dinars, whereas they mandate it for less than twenty dinars. Thus, all these narrations stand as evidence against them, and what they authenticated of such reports became a decisive refutation against them in the harshest terms. We seek refuge in Allah from being deprived of His support. The Mālikīs obligate zakat in slightly less than twenty dinars when the equivalence between gold and silver is permissible, and this... The disagreement in all these narrations? As for the Followers, they differed as we mentioned. It is authentically reported from al-Zuhrī and ‘Aṭā’ that gold is not subject to zakāh with gold unless it is forty dīnārs, no less than forty. Then likewise, if it increases by forty dīnārs, they held zakāh to be due on amounts below that threshold and between every forty and the subsequent forty—the value being assessed. Yet this valuation was an opinion not established by the Qur’ān, the Sunnah, consensus, a Companion’s statement, or any foundational evidence at all. Thus, this opinion is invalidated.

ثُمَّ حَتَّى لَوْ صَحَّتْ هَذِهِ الْآثَارُ كُلُّهَا عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَعَنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -: لَكَانُوا مُخَالِفِينَ لَهَا؛ لِأَنَّ الْحَنَفِيِّينَ، وَالْمَالِكِيِّينَ يَقُولُونَ: إنْ كَانَتْ عَشْرَةَ دَنَانِيرَ وَمِائَةَ دِرْهَمٍ فَفِيهَا الصَّدَقَةُ، وَكُلُّ هَذِهِ الْآثَارِ تُبْطِلُ الزَّكَاةَ عَنْ أَقَلَّ مِنْ عِشْرِينَ دِينَارًا؛ وَهُمْ يُوجِبُونَهَا فِي أَقَلَّ مِنْ عِشْرِينَ دِينَارًا؛ فَصَارَتْ كُلُّهَا حُجَّةً عَلَيْهِمْ، وَعَادَ مَا صَحَّحُوا مِنْ ذَلِكَ قَاطِعًا بِهِمْ أَقْبَحَ قَطْعٍ وَنَعُوذُ بِاَللَّهِ مِنْ الْخِذْلَانِ وَالْمَالِكِيُّونَ: يُوجِبُونَهَا فِي عِشْرِينَ دِينَارًا نَاقِصَةً إذَا جَازَتْ جَوَازَ الْمُوَازَنَةِ، وَهَذَا خِلَافُ مَا فِي هَذِهِ الْأَخْبَارِ كُلِّهَا؟ وَأَمَّا التَّابِعُونَ فَقَدْ اخْتَلَفُوا كَمَا ذَكَرْنَا، وَصَحَّ عَنْ الزُّهْرِيِّ، وَعَطَاءٍ: أَنَّهُ لَا يُزَكَّى مِنْ الذَّهَبِ بِالذَّهَبِ إلَّا أَرْبَعِينَ دِينَارًا، لَا أَقَلَّ؛ ثُمَّ كَذَلِكَ إذَا زَادَتْ أَرْبَعِينَ دِينَارًا، وَرَأَوْا الزَّكَاةَ فِيمَا دُونَ ذَلِكَ وَمَا بَيْنَ كُلِّ أَرْبَعِينَ وَأَرْبَعِينَ بَعْدَهَا الْقِيمَةُ، وَكَانَتْ الْقِيمَةُ قَوْلًا لَا يُوجِبُهُ قُرْآنٌ وَلَا سُنَّةٌ وَلَا إجْمَاعٌ وَلَا قَوْلُ صَاحِبٍ وَلَا دَلِيلٌ أَصْلًا؛ فَسَقَطَ هَذَا الْقَوْلُ.

L10941–10943 وَقَدْ حَدَّثَنَا حُمَامٌ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ عَلِيٍّ الْبَاجِيَّ ثنا عَبْدُ اللَّهِ بْنُ يُونُسَ ثنا بَقِيُّ بْنُ مَخْلَدٍ ثنا أَبُو بَكْرِ بْنُ أَبِي شَيْبَةَ ثنا حَمَّادُ بْنُ مَسْعَدَةَ عَنْ أَشْعَثَ هُوَ ابْنُ عَبْدِ الْمَلِكِ الْحُمْرَانِيُّ - عَنْ الْحَسَنِ الْبَصْرِيِّ قَالَ: لَيْسَ فِي أَقَلَّ مِنْ أَرْبَعِينَ دِينَارًا شَيْءٌ؟ قَالَ أَبُو مُحَمَّدٍ: فَصَحَّتْ الزَّكَاةُ فِي أَرْبَعِينَ مِنْ الذَّهَبِ ثُمَّ فِي كُلِّ أَرْبَعِينَ زَائِدَةً -: بِالْإِجْمَاعِ الْمُتَيَقَّنِ الْمَقْطُوعِ بِهِ فَوَجَبَ الْقَوْلُ بِهِ وَلَمْ يَكُنْ فِي إيجَابِ الزَّكَاةِ فِي أَقَلَّ مِنْ ذَلِكَ وَلَا فِيمَا بَيْنَ النِّصَابَيْنِ -: قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا إجْمَاعٌ، وَلَا يَجُوزُ أَنْ تُؤْخَذَ الشَّرَائِعُ فِي دِينِ الْإِسْلَامِ إلَّا بِأَحَدِ هَذِهِ الثَّلَاثَةِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟ قَالَ عَلِيٌّ: فَلَيْسَ إلَّا هَذَا الْقَوْلُ، أَوْ قَوْلُ مَنْ قَالَ: قَدْ صَحَّ أَنَّ فِي الذَّهَبِ زَكَاةً بِالنَّصِّ الثَّابِتِ؛ فَالْوَاجِبُ أَنْ يُزَكَّى كُلُّ

Hammam narrated to us: Abdullah ibn Muhammad ibn Ali Al-Baji narrated to us: Abdullah ibn Yunus narrated to us: Baqi ibn Makhlad narrated to us: Abu Bakr ibn Abi Shaybah narrated to us: Hammad ibn Mas’adah narrated to us from Ash’ath—who is Ibn Abd Al-Malik Al-Humrani—from Al-Hasan Al-Basri, who said: “No zakat is due on less than forty dinars.” Abu Muhammad said: “Thus, zakat is validated on forty of gold, then on every additional forty—by the certain, definitive consensus—making this opinion obligatory to uphold. There exists no Quranic verse, authentic Sunnah, or consensus requiring zakat on amounts below this threshold or between the minimum amounts (niṣāb). Islamic rulings may not be derived except through one of these three sources—and success is from Allah, the Exalted?” Ali said: “There is no valid opinion except this one or that of those who assert: ’It is established through authenticated textual evidence that zakat applies to gold; thus, all gold must be subject to zakat unless exempted by consensus.’ Whoever

adopts this view must obligate zakat on all gold below twenty dinars based on value, on gold jewelry, and on all gold whenever possessed by its owner—positions upheld by a group of imams of greater stature than Abu Hanifah, Malik, and Al-Shafi'i." Abu Muhammad said: "We do not adopt this view due to our prior clarification: attributing rulings to Allah, the Exalted, or His Messenger—peace be upon him—is impermissible except through verified transmission, mass-narrated reports, or consensus. None of these conditions apply to these opinions. We affirm: 'Consensus confirms that the Prophet—peace be upon him—did not mandate zakat on every quantity of gold or at every time interval'—and success is from Allah." Abu Muhammad said: "As for Abu Hanifah's opinion, he did not rely on narrations from the Companions—may Allah be pleased with them—for the report from Umar—may Allah be pleased with him—states only that what exceeds twenty..." A dinar is purified for Zakat with dirhams.

ذَهَبٍ، إِلَّا ذَهَبًا صَحَّ الْإِجْمَاعُ عَلَى إِسْقَاطِ زَكَاتِهَا فَمَنْ قَالَ هَذَا: فَوَاجِبٌ عَلَيْهِ أَنْ يُزَكِّيَ كُلَّ مَا دُونَ الْعِشْرِينَ بِالْقِيمَةِ، وَأَنْ يُزَكِّيَ حُلِيَّ الذَّهَبِ، وَأَنْ يُزَكِّيَ كُلَّ ذَهَبٍ حِينَ يَمْلِكُهُ مَالِكُهُ - فَكُلُّ هَذَا قَدْ قَالَ بِهِ جَمَاعَةٌ مِنْ الْأَئِمَّةِ الَّذِينَ هُمْ أَجَلُّ مِنْ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ؟ قَالَ أَبُو مُحَمَّدٍ: وَلَمْ نَقُلْ بِهَذَا لِمَا قَدَّمْنَاهُ مِنْ أَنَّهُ لَا يَحِلُّ أَنْ يُنْسَبَ إلَى اللَّهِ تَعَالَى وَلَا إلَى رَسُولِهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَوْلٌ إلَّا بِيَقِينِ نَقْلٍ صَحِيحٍ مِنْ رِوَايَةِ الْإِثْبَاتِ أَوْ بِنَقْلِ تَوَاتُرٍ أَوْ مُجْمَعٍ عَلَيْهِ، وَلَيْسَ شَيْءٌ مِنْ هَذِهِ الْأَحْوَالِ مَوْجُودًا فِي شَيْءٍ مِنْ هَذِهِ الْأَقْوَالِ؟ وَقَدْ قُلْنَا: إنَّ الْإِجْمَاعَ قَدْ صَحَّ عَلَى أَنَّهُ - عَلَيْهِ السَّلَامُ - لَمْ يُوجِبْ الزَّكَاةَ فِي كُلِّ عَدَدٍ مِنْ الذَّهَبِ، وَلَا فِي كُلِّ وَقْتٍ مِنْ الدَّهْرِ - وَبِاَللَّهِ التَّوْفِيقُ؛ قَالَ أَبُو مُحَمَّدٍ: وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ فَمَا تَعَلَّقَ بِمَا رُوِيَ فِي ذَلِكَ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -؛ لِأَنَّ الرِّوَايَةَ عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - بِأَنَّ مَا زَادَ عَلَى عِشْرِينَ دِينَارًا فَإِنَّهُ يُزَكَّى بِالدَّرَاهِمِ.

L10944 On the authority of Ibn Masʿūd: The purification of gold is with dirhams, and this contradicts the opinion of Az-Zuhrī and ʿAṭāʾ. We have not found any Companion nor any Follower stating that the shortfall in gold is purified with gold itself. Thus, does his opinion lack any precedent among the predecessors? We further ask them: From where did you establish that the shortfall in gold is four dīnārs? This is absent in any of the transmitted evidences you cited as proof. Rather, the narration traced to ʿAlī regarding this matter - attributed to the Prophet (peace and blessings of Allāh be upon him) - states that whatever exceeds twenty dīnārs must be purified through calculated valuation. As for what is reported from ʿUmar on this matter, it is an unverified statement. Despite this, you contradicted him by requiring its purification in gold, while he ruled it should be in silver coins according to market value. ʿAlī and Ibn ʿUmar opposed them with a narration more authentic than the one transmitted from ʿUmar. They have no escape but to

وَعَنْ ابْنِ مَسْعُودٍ: تَزْكِيَةُ الذَّهَبِ بِالدَّرَاهِمِ، وَهَذَا يَخْرُجُ عَلَى قَوْلِ الزُّهْرِيِّ، وَعَطَاءٍ، وَمَا وَجَدْنَا عَنْ أَحَدٍ مِنْ الصَّحَابَةِ وَلَا مِنْ التَّابِعِينَ أَنَّ الْوَقْصَ فِي الذَّهَبِ يُزَكَّى بِالذَّهَبِ فَخَرَجَ قَوْلُهُ عَنْ أَنْ يَكُونَ لَهُ سَلَفٌ؟ وَنَسْأَلُهُمْ أَيْضًا: مِنْ أَيْنَ جَعَلْتُمْ الْوَقْصَ فِي الذَّهَبِ أَرْبَعَةَ دَنَانِيرَ؟ وَلَيْسَ هَذَا فِي شَيْءٍ مِنْ الْآثَارِ الَّتِي احْتَجَجْتُمْ بِهَا؛ بَلْ الْأَثَرُ الَّذِي رُوِيَ عَنْ عَلِيٍّ فِي ذَلِكَ إلَى النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِأَنَّ مَا زَادَ عَلَى عِشْرِينَ دِينَارًا فَإِنَّهُ يُزَكَّى بِالْحِسَابِ؛ وَإِنَّمَا جَاءَ عَنْ عُمَرَ فِي ذَلِكَ قَوْلٌ لَا يَصِحُّ وَمَعَ ذَلِكَ فَقَدْ خَالَفْتُمُوهُ، وَرَأَيْتُمْ تَزْكِيَتَهُ بِالذَّهَبِ وَرَأْيُهُ هُوَ بِالْوَرِقِ بِالْقِيمَةِ، وَقَدْ خَالَفَهُ عَلِيٌّ، وَابْنُ عُمَرَ بِرِوَايَةٍ أَصَحَّ

claim: “We analogized gold to silver.” ʿAlī’s statement: This is qiyās, and all forms of qiyās are invalid. Even if qiyās were valid, this would constitute an analogy built upon compounding errors and an unsound foundation. It has never been established through any Qur’anic text, nor authentic Sunnah, nor weak narration, nor consensus - such as the claim that ten dirhams equate to one dīnār. Rather, this is something they stated concerning zakāt and the amputation penalty for theft.

مِنْ الرِّوَايَةِ عَنْ عُمَرَ؟ فَلَا مَلْجَأَ لَهُمْ إلَّا أَنْ يَقُولُوا: قِسْنَاهُ عَلَى الْفِضَّةِ؟ قَوْلُ عَلِيٍّ: وَهَذَا قِيَاسٌ وَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ صَحَّ الْقِيَاسُ لَكَانَ هَذَا مِنْهُ قِيَاسًا لِلْخَطَأِ عَلَى الْخَطَأِ وَعَلَى أَصْلٍ غَيْرِ صَحِيحٍ - وَلَمْ يَأْتِ بِهِ قَطُّ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا رِوَايَةٌ سَقِيمَةٌ وَلَا إجْمَاعٌ مِنْ أَنَّ كُلَّ عَشَرَةِ دَرَاهِمَ بِإِزَاءِ دِينَارٍ، وَإِنَّمَا هُوَ شَيْءٌ قَالُوهُ فِي الزَّكَاةِ، وَالْقَطْعِ فِي السَّرِقَةِ.

L10945–10947 And regarding diyah, the dower, and all of that—none of it is valid, as we have clarified and will clarify—if Allah, the Exalted, wills—since there exists no Quranic text, authentic Sunnah, or consensus concerning any of it. Success comes from Allah, the Exalted, and by the evidence we cited, it becomes obligatory that gold not be subject to zakah unless it completes a full year in its owner’s possession, as we previously stated? Then we later realized and concluded that the ḥadīth of Jarīr ibn Ḥāzim is a rigorously authenticated (ṣaḥīḥ) ḥadīth with an unbroken chain of transmission (musnad), which it is unlawful to contradict, and that… The reasoning here is that the assumption that ʿĀṣim ibn Ḍamrah, Abū Isḥāq, or Jarīr mixed al-Ḥārith’s chain with ʿĀṣim’s mursal transmission is a baseless conjecture that is impermissible. We bear no responsibility for al-Ḥārith’s participation with ʿĀṣim, nor for the mursal transmission of whoever transmitted it, nor is there anything regarding Zuhayr’s doubt in it. Jarīr is reliable; thus, adhering to his transmitted report is obligatory; and success is from Allah, the Exalted.

وَالدِّيَةِ، وَالصَّدَاقِ، وَكُلُّ ذَلِكَ خَطَأٌ مِنْهُمْ، لَيْسَ شَيْءٌ مِنْهُ صَحِيحًا عَلَى مَا بَيَّنَّاهُ وَنُبَيِّنُ - إنْ شَاءَ اللَّهُ تَعَالَى؛ إذْ لَيْسَ فِي شَيْءٍ مِنْ ذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا إجْمَاعٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ وَبِالدَّلِيلِ الَّذِي ذَكَرْنَا وَجَبَ أَنْ لَا يُزَكَّى الذَّهَبُ إلَّا حَتَّى يَتِمَّ عِنْدَ مَالِكِهِ حَوْلًا كَمَا قَدَّمْنَا؟ ثُمَّ اسْتَدْرَكْنَا فَرَأَيْنَا أَنَّ حَدِيثَ جَرِيرِ بْنِ حَازِمٍ مُسْنَدٌ صَحِيحٌ لَا يَجُوزُ خِلَافُهُ وَأَنَّ الِاعْتِلَالَ فِيهِ بِأَنَّ عَاصِمَ بْنَ ضَمْرَةَ، أَوْ أَبَا إسْحَاقَ، أَوْ جَرِيرًا خَلَطَ إسْنَادَ الْحَارِثِ بِإِرْسَالِ عَاصِمٍ -: هُوَ الظَّنُّ الْبَاطِلُ الَّذِي لَا يَجُوزُ، وَمَا عَلَيْنَا مِنْ مُشَارَكَةِ الْحَارِثِ لِعَاصِمٍ، وَلَا لِإِرْسَالِ مَنْ أَرْسَلَهُ، وَلَا لِشَكِّ زُهَيْرٍ فِيهِ شَيْءٌ وَجَرِيرٌ ثِقَةٌ؛ فَالْأَخْذُ بِمَا أَسْنَدَهُ لَازِمٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

The Ruling on Zakat for Gold and Silver Ornaments

[مَسْأَلَةُ الزَّكَاةِ فِي حُلِيِّ الذَّهَبِ وَالْفِضَّةِ]

L10948

L10949 684. Issue: Zakat is obligatory on silver and gold jewelry when each reaches the specified quantity we mentioned and completes a lunar year in its owner’s possession. It is impermissible to combine gold and silver for Zakat calculations, nor to offset one against the other, nor to pay their equivalent value in merchandise whatsoever. This ruling applies equally to a woman’s jewelry or a man’s jewelry, including decorative elements on swords, Qurans, rings, and every minted item from them - whether their possession is permissible

٦٨٤ - مَسْأَلَةٌ: وَالزَّكَاةُ وَاجِبَةٌ فِي حُلِيِّ الْفِضَّةِ وَالذَّهَبِ إذَا بَلَغَ كُلُّ وَاحِدٍ مِنْهُمَا الْمِقْدَارَ الَّذِي ذَكَرْنَا وَأَتَمَّ عِنْدَ مَالِكِهِ عَامًا قَمَرِيًّا. وَلَا يَجُوزُ أَنْ يُجْمَعَ بَيْنَ الذَّهَبِ وَالْفِضَّةِ فِي الزَّكَاةِ وَلَا أَنْ يَخْرُجَ أَحَدُهُمَا عَنْ الْآخَرِ وَلَا قِيمَتُهُمَا فِي عَرْضٍ أَصْلًا، وَسَوَاءٌ كَانَ حُلِيَّ امْرَأَةٍ أَوْ حُلِيَّ رَجُلٍ، وَكَذَلِكَ حِلْيَةُ السَّيْفِ وَالْمُصْحَفِ وَالْخَاتَمِ وَكُلِّ مَصُوغٍ مِنْهُمَا

حَلَّ اتِّخَاذُهُ أَوْ لَمْ يَحِلَّ؟ وَقَالَ أَبُو حَنِيفَةَ: بِوُجُوبِ الزَّكَاةِ فِي حُلِيِّ الذَّهَبِ وَالْفِضَّةِ وَقَالَ مَالِكٌ: إِنْ كَانَ الْحُلِيُّ لِامْرَأَةٍ تَلْبَسُهُ أَوْ تُكْرِيهِ أَوْ كَانَ لِرَجُلٍ يُعِدُّهُ لِنِسَائِهِ فَلَا زَكَاةَ فِي شَيْءٍ مِنْهُ، فَإِنْ كَانَ لِرَجُلٍ يُعِدُّهُ لِنَفْسِهِ عِدَّةً فَفِيهِ الزَّكَاةُ وَلَا زَكَاةَ عَلَى الرَّجُلِ فِي حِلْيَةِ السَّيْفِ، وَالْمِنْطَقَةِ، الْمُصْحَفِ، وَالْخَاتَمِ؟ وَقَالَ الشَّافِعِيُّ: لَا زَكَاةَ فِي حُلِيِّ ذَهَبٍ، أَوْ فِضَّةٍ؟ وَجَاءَ فِي ذَلِكَ عَنْ السَّلَفِ مَا قَدْ ذَكَرْنَاهُ فِي الْبَابِ الَّذِي قَبْلَ هَذَا عَنْ ابْنِ مَسْعُودٍ عَنْ إِيجَابِهِ الزَّكَاةَ فِي حُلِيِّ امْرَأَتِهِ.

or not. Abu Hanifa held that Zakat is obligatory on gold and silver jewelry. Malik said: If jewelry belongs to a woman who wears it, rents it out, or belongs to a man who provides it for his wives, no Zakat is due on any of it. But if a man maintains it as a personal collection, Zakat becomes obligatory. No Zakat is incumbent upon a man for sword ornamentation, ornamental belts, Qurans, or rings. Al-Shafi'i said: There is no Zakat on gold or silver jewelry. Regarding this matter, it is reported from the Salaf as we previously mentioned in the preceding chapter concerning Ibn Masud's position mandating Zakat on his wife's jewelry.

L10950–10952 وَهُوَ عَنْهُ فِي غَايَةِ الصِّحَّةِ وَرُوِّينَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ الْمُثَنَّى عَنْ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِي عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلْقَمَةَ قَالَ قَالَتْ امْرَأَةٌ لِعَبْدِ اللَّهِ بْنِ مَسْعُودٍ: لِي حُلِيٌّ؟ فَقَالَ لَهَا: إِذَا بَلَغَ مِائَتَيْنِ فَفِيهِ الزَّكَاةُ؟ وَعَنْ عُمَرَ بْنِ الْخَطَّابِ أَنَّهُ كَتَبَ إِلَى أَبِي مُوسَى: مُرْ نِسَاءَ الْمُسْلِمِينَ يُزَكِّينَ حُلِيَّهُنَّ -: وَمِنْ طَرِيقِ جَرِيرِ بْنِ حَازِمٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ قَالَ: كَانَ عَبْدُ اللَّهِ بْنُ عَمْرِو بْنِ الْعَاصِ يَأْمُرُ بِالزَّكَاةِ فِي حُلِيِّ بَنَاتِهِ وَنِسَائِهِ؟ وَمِنْ طَرِيقِ حُسَيْنٍ الْمُعَلِّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ سَالِمٍ عَنْ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ كَانَ يَأْمُرُهُ بِذَلِكَ كُلَّ عَامٍ؟ وَعَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ عُرْوَةَ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ: لَا بَأْسَ بِلُبْسِ الْحُلِيِّ إِذَا أُعْطِيت زَكَاتُهُ؟ وَهُوَ قَوْلُ مُجَاهِدٍ، وَعَطَاءٍ، وَطَاوُسٍ، وَجَابِرِ بْنِ زَيْدٍ، وَمَيْمُونِ بْنِ مِهْرَانَ، وَعَبْدِ اللَّهِ بْنِ شَدَّادٍ، وَسَعِيدِ بْنِ الْمُسَيِّبِ، وَسَعِيدِ بْنِ جُبَيْرٍ، وَذَرٍّ الْهَمْدَانِيِّ وَابْنِ سِيرِينَ، وَاسْتَحَبَّهُ الْحَسَنُ.

This narration from him is of the highest authenticity. It has been narrated to us via the chain of Muḥammad ibn al-Muthannā, from ʿAbd al-Raḥmān ibn Mahdī, from Sufyān al-Thawrī, from Ḥammād ibn Abī Sulaymān, from Ibrāhīm al-Nakhaʿī, from ʿAlqamah who said: A woman said to ʿAbdullāh ibn Masʿūd: "Do I have gold or silver jewelry?" He replied: "If it reaches two hundred, then zakāt is due on it." And from ʿUmar ibn al-Khaṭṭāb, that he wrote to Abū Mūsā: "Command the Muslim women to pay zakāt on their jewelry." From the narration of Jarir ibn Hazim from Amr ibn Shu'ayb from his father, he said: "Did Abdullah ibn Amr ibn al-As use to order the payment of *zakat* on the jewelry of his daughters and wives?" From the narration of Husayn al-Mu'allim from Amr ibn Shu'ayb from Salim from Abdullah ibn Umar: "Did he order him to do that every year?" From the narration of Amr ibn Shu'ayb from Urwah from Aishah, the Mother of the Believers, she said: "There is no harm in wearing jewelry if its *zakat* has been given." This is the opinion of Mujahid, Ata, Tawus, Jabir ibn Zayd, Maymun ibn Mihran, Abdullah ibn Shaddad, Sa'id ibn al-Musayyib, Sa'id ibn Jubayr, Dharr al-Hamdani, and Ibn Sirin. Al-Hasan also deemed it preferable.

L10953 قَالَ الزُّهْرِيُّ: مَضَتْ السُّنَّةُ أَنَّ فِي الْحُلِيِّ الزَّكَاةَ؟ وَهُوَ قَوْلُ ابْنِ شُبْرُمَةَ، وَالْأَوْزَاعِيِّ، وَالْحَسَنِ بْنِ حَيٍّ.

Al-Zuhri said: The Sunnah has established that Zakat is due on jewelry. This is the view of Ibn Shubrumah, Al-Awza'i, and Al-Ḥasan ibn Ḥayyin.

وَقَالَ اللَّيْثُ: مَا كَانَ مِنْ حُلِيٍّ يُلْبَسُ وَيُعَارُ فَلَا زَكَاةَ فِيهِ، وَمَا كَانَ مِنْ حُلِيٍّ اتُّخِذَ لِيُحْرَزَ مِنْ الزَّكَاةِ فَفِيهِ الزَّكَاةُ؟ وَقَالَ جَابِرُ بْنُ عَبْدِ اللَّهِ، وَابْنُ عُمَرَ: لَا زَكَاةَ فِي الْحُلِيِّ؟ وَهُوَ قَوْلُ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الصِّدِّيقِ؛ وَرُوِيَ أَيْضًا عَنْ عَائِشَةَ، وَهُوَ عَنْهُمَا صَحِيحٌ، وَهُوَ قَوْلُ الشَّعْبِيِّ، وَعَمْرَةَ بِنْتِ عَبْدِ الرَّحْمَنِ، وَأَبِي جَعْفَرٍ مُحَمَّدِ بْنِ عَلِيٍّ؛ وَرُوِيَ أَيْضًا عَنْ طَاوُسٍ، وَالْحَسَنِ، وَسَعِيدِ بْنِ الْمُسَيِّبِ.

L10954 Al-Layth said: There is no zakat on jewelry that is worn or loaned, but zakat is due on jewelry acquired to exempt from zakat. Jabir ibn Abdullah and Ibn Umar said: There is no zakat on jewelry. This is the opinion of Asma bint Abi Bakr al-Siddiq, and it is authentically reported from Aisha as well. This is also the view of al-Shaʿbi, Amrah bint Abd al-Rahman, Abu Jaʿfar Muhammad ibn Ali, and it is narrated from Tawus, al-Hasan, and Saʿid ibn al-Musayyib.

وَاخْتَلَفَ فِيهِ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، فَمَرَّةً رَأَى فِيهِ الزَّكَاةَ، وَمَرَّةً لَمْ يَرَهَا قَالَ أَبُو مُحَمَّدٍ: وَهُنَا قَوْلُ أَنَسٍ: إنَّ الزَّكَاةَ فِيهِ مَرَّةٌ وَاحِدَةٌ، ثُمَّ لَا تَعُودُ فِيهِ الزَّكَاةُ.

L10955 The opinion of Sufyan al-Thawri regarding this matter varied: at times he considered zakat due on it, and at other times he did not. Abu Muhammad said: Here is Anas's statement: "Zakat is due in it once, after which it does not recur in it."

وَرُوِّينَا عَنْ أَبِي أُمَامَةَ الْبَاهِلِيِّ وَخَالِدِ بْنِ مَعْدَانَ: أَنَّ حِلْيَةَ السَّيْفِ مِنْ الْكُنُوزِ.

L10956 It has been narrated to us from Abū Umāmah al-Bāhilī and Khālid ibn Maʿdān that the ornamentation of the sword is among the hoarded treasures.

وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ وَعَطَاءٍ: لَا زَكَاةَ فِي قَدَحٍ مُفَضَّضٍ وَلَا فِي مِنْطَقَةٍ مُحَلَّاةٍ وَلَا فِي سَيْفٍ مُحَلًّى. قَالَ عَلِيٌّ: أَمَّا قَوْلُ مَالِكٍ فَتَقْسِيمٌ غَيْرُ صَحِيحٍ، وَمَا عَلِمْنَا ذَلِكَ التَّقْسِيمَ عَنْ أَحَدٍ قَبْلَهُ، وَلَا تَقُومُ عَلَى صِحَّتِهِ حُجَّةٌ مِنْ قُرْآنٍ وَلَا سُنَّةٍ وَلَا إجْمَاعٍ، وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ وَلَا رَأْيٍ لَهُ وَجْهٌ وَالْعَجَبُ أَنَّهُمْ احْتَجُّوا فِي ذَلِكَ بِأَنَّ الزَّكَاةَ إنَّمَا سَقَطَتْ عَنْ الْحُلِيِّ الْمُتَّخَذِ لِلنِّسَاءِ لِأَنَّهُ مُبَاحٌ لَهُنَّ، وَكَذَلِكَ عَنْ الْمِنْطَقَةِ، وَالسَّيْفِ، وَحِلْيَةِ الْمُصْحَفِ، وَالْخَاتَمِ لِلرِّجَالِ قَالَ أَبُو مُحَمَّدٍ: فَكَانَ هَذَا الِاحْتِجَاجُ عَجَبًا وَلَقَدْ عَلِمَ كُلُّ مُسْلِمٍ أَنَّ الدَّنَانِيرَ وَالدَّرَاهِمَ وَنِقَارَ الذَّهَبِ وَالْفِضَّةِ -: مُبَاحٌ اتِّخَاذُ كُلِّ ذَلِكَ لِلرِّجَالِ وَالنِّسَاءِ فَيَنْبَغِي عَلَى هَذَا أَنْ تَسْقُطَ الزَّكَاةُ عَنْ كُلِّ ذَلِكَ، إنْ كَانَتْ هَذِهِ الْعِلَّةُ صَحِيحَةً وَيَلْزَمُ عَلَى هَذِهِ الْعِلَّةِ أَنَّ مَنْ اتَّخَذَ مَا لَا زَكَاةَ فِيهِ - مِمَّا لَمْ يُبَحْ لَهُ اتِّخَاذُهُ - أَنْ تَكُونَ فِيهِ الزَّكَاةُ عُقُوبَةً لَهُ، كَمَا أَسْقَطَ الزَّكَاةَ عَمَّا فِيهِ الزَّكَاةُ مِنْ الذَّهَبِ وَالْفِضَّةِ إذَا اتُّخِذَ مِنْهُ حُلِيٌّ مُبَاحٌ اتِّخَاذُهُ فَإِنْ

L10957–10961 No Zakat is obligatory on a silver-plated cup, nor on an ornamented belt, nor on... Regarding a decorated sword. Ali said: As for Malik's statement, it is an invalid categorization, and we have not known such categorization from anyone before him. No evidence from the Quran, the Sunnah, consensus, the opinion of a companion, analogy, or any sound reasoning supports its validity. It is astonishing that they argued that zakat is waived for women's jewelry because it is permissible for them, and similarly for belts, swords, ornamentation of the Qur'an, and men's rings. Abu Muhammad said: This argument is indeed astonishing. Every Muslim knows that dinars, dirhams, gold fragments, and silver are permissible for both men and women to possess. By this rationale, zakat should be waived for all such items if this reasoning were valid. It would follow that zakat becomes obligatory as a penalty on impermissible items—just as zakat is waived for gold and silver when fashioned into permissible jewelry. If they argue: "This resembles household items like clothing, which are not subject to zakat," we reply: Then by this same rationale—if you deem it valid—you must waive zakat for camels used for riding, plowing, carrying, or milling, and for oxen used for plowing. Ultimately, given the invalidity and contradiction in this

reasoning, from where did you derive it? How did you establish that zakat is waived for permissible jewelry? This is nothing but your own assertion, which you posit as evidence for your view—nothing more. Moreover, where did you find the permissibility of men owning belts adorned with silver or Qur'ans ornamented with silver, but not saddles, bridles, or whips adorned with silver? If they claim a narration from the early scholars in this matter, they assert what they cannot substantiate. Yet we have found through the most authentic chain via al-Bukhari, Muhammad ibn Isma'il in his *Ta'rikh*, that the early scholars held... From Abdullah ibn Muhammad al-Musnadi, from Sufyan, from Isma'il ibn Muhammad ibn Sa'd ibn Abi Waqqas, from his uncle Mus'ab ibn Sa'd, who said: I saw gold rings on Sa'd ibn Abi Waqqas, Talha ibn Ubayd Allah, and Suhayb. It has also been authentically established from al-Bara' ibn Azib.

قَالُوا: إنَّهُ يُشْبِهُ مَتَاعَ الْبَيْتِ الَّذِي لَا زَكَاةَ فِيهِ مِنْ الثِّيَابِ وَنَحْوِهَا؟ قُلْنَا لَهُمْ: فَأَسْقِطُوا بِهَذِهِ الْعِلَّةِ نَفْسِهَا - إنْ صَحَّحْتُمُوهَا - الزَّكَاةَ عَنْ الْإِبِلِ الْمُتَّخَذَةِ لِلرُّكُوبِ وَالسَّنِيِّ وَالْحَمْلِ وَالطَّحْنِ، وَعَنْ الْبَقَرِ الْمُتَّخَذَةِ لِلْحَرْثِ؟ وَقَبْلَ كُلِّ شَيْءٍ وَبَعْدُ، فَمَعَ فَسَادِ هَذِهِ الْعِلَّةِ وَتَنَاقُضِهَا، مِنْ أَيْنَ قُلْتُمْ بِهَا؟ وَمِنْ أَيْنَ صَحَّ لَكُمْ أَنَّ مَا أُبِيحَ اتِّخَاذُهُ مِنْ الْحُلِيِّ تَسْقُطُ عَنْهُ الزَّكَاةُ؟ وَمَا هُوَ إلَّا قَوْلُكُمْ جَعَلْتُمُوهُ حُجَّةً لِقَوْلِكُمْ وَلَا مَزِيدَ ثُمَّ أَيْنَ وَجَدْتُمْ إبَاحَةَ اتِّخَاذِ الْمِنْطَقَةِ الْمُحَلَّاةِ بِالْفِضَّةِ وَالْمُصْحَفِ الْمُحَلَّى بِالْفِضَّةِ لِلرِّجَالِ دُونَ السَّرْجِ وَاللِّجَامِ، وَالْمَهَامِيزِ الْمُحَلَّاةِ بِالْفِضَّةِ؟ فَإِنْ ادَّعَوْا فِي ذَلِكَ رِوَايَةً عَنْ السَّلَفِ ادَّعَوْا مَا لَا يَجِدُونَهُ وَأَوْجَدْنَاهُمْ عَنْ السَّلَفِ بِأَصَحِّ طَرِيقٍ مِنْ طَرِيقِ الْبُخَارِيِّ مُحَمَّدِ بْنِ إسْمَاعِيلَ فِي تَارِيخِهِ عَنْ عَبْدِ اللَّهِ بْنِ مُحَمَّدٍ الْمُسْنَدِيِّ عَنْ سُفْيَانَ عَنْ إسْمَاعِيلَ بْنِ مُحَمَّدِ بْنِ سَعْدِ بْنِ أَبِي وَقَّاصٍ عَنْ عَمِّهِ مُصْعَبِ بْنِ سَعْدٍ قَالَ: رَأَيْتُ عَلَى سَعْدِ بْنِ أَبِي وَقَّاصٍ، وَطَلْحَةَ بْنِ عُبَيْدِ اللَّهِ، وَصُهَيْبٍ خَوَاتِيمَ ذَهَبٍ؟ وَصَحَّ أَيْضًا عَنْ الْبَرَاءِ بْنِ عَازِبٍ.

L10962 Exempt zakat on men's gold rings for this reason, or analogize the ornaments of saddles, bridles, armor, and helmets by analogy to belts and swords. Otherwise, have you neither followed the texts nor employed analogy? Is this opinion then invalidated with certainty? As for Al-Layth's view, it is also flawed, for women's jewelry is either subject to zakat or not. If it is subject to zakat, then it remains so in all circumstances. If not, what obligation do we know upon one who acquires zakat-exempt assets to exempt them from zakat through zakat? If this were valid, would it not obligate one who buys a house or estate with their dirhams to preserve them from zakat to pay zakat on them—a view he himself rejects? As for Al-Shafi'i, he justified exemption based on revenue-generating growth, thus exempting jewelry, camels, cattle, and non-grazing sheep. Abu Muhammad said: This justification is invalid, as it lacks Quranic, Sunnah, consensus, or sound rational basis. We know fruits and vegetables grow, yet he rejects zakat on them. Camel rentals and cattle

فَأَسْقِطُوا لِهَذَا الزَّكَاةَ عَنْ خَوَاتِيمِ الذَّهَبِ لِلرِّجَالِ، أَوْ قِيسُوا حِلْيَةَ السَّرْجِ وَاللِّجَامِ وَالدِّرْعِ وَالْبَيْضَةِ عَلَى الْمِنْطَقَةِ وَالسَّيْفِ، وَإِلَّا فَلَا النُّصُوصَ اتَّبَعْتُمْ، وَلَا الْقِيَاسَ اسْتَعْمَلْتُمْ فَسَقَطَ هَذَا الْقَوْلُ بِيَقِينٍ؟ وَأَمَّا قَوْلُ اللَّيْثِ فَفَاسِدٌ أَيْضًا، لِأَنَّهُ لَا يَخْلُو حُلِيُّ النِّسَاءِ مِنْ أَنْ تَكُونَ فِيهِ الزَّكَاةُ أَوْ لَا تَكُونَ فِيهِ الزَّكَاةُ، فَإِنْ كَانَتْ فِيهِ الزَّكَاةُ فَفِي كُلِّ حَالٍّ فِيهِ الزَّكَاةُ وَإِنْ كَانَ لَا زَكَاةَ فِيهِ فَمَا عَلِمْنَا عَلَى مَنْ اتَّخَذَ مَا لَا زَكَاةَ فِيهِ لِيُحْرِزَهُ مِنْ الزَّكَاةِ زَكَاةً وَلَوْ كَانَ هَذَا لَوَجَبَ عَلَى مَنْ اشْتَرَى بِدَرَاهِمِهِ دَارًا أَوْ ضَيْعَةً لِيُحْرِزَهَا مِنْ الزَّكَاةِ أَنْ يُزَكِّيَهَا، وَهُوَ لَا يَقُولُ بِهَذَا؟ وَأَمَّا الشَّافِعِيُّ فَإِنَّهُ عَلَّلَ ذَلِكَ بِالنَّمَاءِ. فَأَسْقَطَ الزَّكَاةَ عَنْ الْحُلِيِّ وَعَنْ الْإِبِلِ، وَالْبَقَرِ وَالْغَنَمِ غَيْرِ السَّوَائِمِ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا تَعْلِيلٌ فَاسِدٌ، لِأَنَّهُ لَمْ يَأْتِ بِهِ

labor generate growth, yet he rejects zakat on them. Dirhams do not increase when retained, yet he imposes zakat on them. Jewelry's rental income and value increase, yet he rejects zakat on it? As for Abu Hanifa, he obligated zakat on jewelry but exempted non-commercial camels, cattle, and sheep—a contradiction. Some of his followers argued that gold and silver were zakatable before being fashioned into jewelry, after which a group claimed the obligation of zakat ceased.

L10963–10964 Others argued: It has not been waived. Should what they unanimously agreed upon be invalidated by mere disagreement? We responded: This is a valid argument, except that it applies to your position regarding non-grazing livestock - for all agree on the obligation of zakāh in them before being stall-fed. When they became stall-fed, scholars disagreed whether zakāh lapses or continues. Does this mean their initial consensus should not be overturned by subsequent disagreement? This proponent said: We observe that stall-fed animals require our expenditure while we benefit from them, whereas grazing livestock provide benefit without our expenditure. Ornaments yield rental income and are utilized without maintenance costs, thus resembling grazing livestock more than stall-fed ones. He was countered: But grazing livestock require expenditure on herders' wages! All these are baseless whims and arbitrary religious rulings stemming from error.

Abū Muḥammad said: Those who assert zakāh on ornaments rely on weak narrations unworthy of consideration. Nevertheless, we cite them to refute Mālikīs who employ similar or weaker proofs when supporting their doctrines. These include a report we transmitted through Khālid ibn al-Ḥārith → al-Ḥusayn al-Mu'allim → 'Amr ibn Shu'ayb → his father → his grandfather: "A woman came to Allah's Messenger (peace and blessings be upon him) wearing two heavy gold bracelets. He asked: 'Do you pay zakāh on these?' She replied: 'No.' He said: 'Would you like Allah to replace them with two fiery bracelets on Judgment Day?' She immediately discarded them, declaring: 'These are for Allah and His Messenger.'"

قُرْآنٌ وَلَا سُنَّةٌ وَلَا إِجْمَاعٌ وَلَا نَظَرٌ صَحِيحٌ؛ وَقَدْ عَلِمْنَا أَنَّ الثِّمَارَ وَالْخُضَرَ تَنْمِي، وَهُوَ لَا يَرَى الزَّكَاةَ فِيهَا وَكِرَاءُ الْإِبِلِ، وَعَمَلُ الْبَقَرِ يَنْمِي، وَهُوَ لَا يَرَى الزَّكَاةَ فِيهَا وَالدَّرَاهِمُ لَا تَنْمِي إِذَا بَقِيَتْ عِنْدَ مَالِكِهَا، وَهُوَ يَرَى الزَّكَاةَ فِيهَا، وَالْحُلِيُّ يَنْمِي كِرَاؤُهُ وَقِيمَتُهُ، وَهُوَ لَا يَرَى الزَّكَاةَ فِيهِ؟ وَأَمَّا أَبُو حَنِيفَةَ - فَأَوْجَبَ الزَّكَاةَ فِي الْحُلِيِّ، وَأَسْقَطَ الزَّكَاةَ عَنْ الْمُسْتَعْمَلَةِ مِنْ الْإِبِلِ، وَالْبَقَرِ، وَالْغَنَمِ؛ وَهَذَا تَنَاقُضٌ وَاحْتَجَّ لَهُ بَعْضُ مُقَلِّدِيهِ بِأَنَّ الذَّهَبَ، وَالْفِضَّةَ قَبْلَ أَنْ يُتَّخَذَ حُلِيًّا كَانَتْ فِيهِمَا الزَّكَاةُ، ثُمَّ قَالَتْ طَائِفَةٌ: قَدْ سَقَطَ عَنْهُمَا حَقُّ الزَّكَاةِ.

وَقَالَ آخَرُونَ: لَمْ يَسْقُطْ، فَوَجَبَ أَنْ لَا يَسْقُطَ مَا أَجْمَعُوا عَلَيْهِ بِاخْتِلَافٍ؟ فَقُلْنَا: هَذِهِ حُجَّةٌ صَحِيحَةٌ؛ إلَّا أَنَّهَا لَازِمَةٌ لَكُمْ فِي غَيْرِ السَّوَائِمِ؛ لِاتِّفَاقِ الْكُلِّ عَلَى وُجُوبِ الزَّكَاةِ فِيهَا قَبْلَ أَنْ تُعْلَفَ، فَلَمَّا عُلِفَتْ اخْتَلَفُوا فِي سُقُوطِ الزَّكَاةِ أَوْ تَمَادِيهَا، فَوَجَبَ أَنْ لَا يَسْقُطَ مَا أَجْمَعُوا عَلَيْهِ بِاخْتِلَافٍ؟ وَقَالَ هَذَا الْقَائِلُ: وَجَدْنَا الْمَعْلُوفَةَ نُنْفِقُ عَلَيْهَا وَنَأْخُذُ مِنْهَا، وَوَجَدْنَا السَّوَائِمَ نَأْخُذُ مِنْهَا وَلَا نُنْفِقُ عَلَيْهَا؛ وَالْحُلِيُّ يُؤْخَذُ كِرَاؤُهُ وَيُنْتَفَعُ بِهِ وَلَا يُنْفَقُ عَلَيْهِ، فَكَانَ أَشْبَهَ بِالسَّوَائِمِ مِنْهُ بِالْمَعْلُوفَةِ؟ فَقِيلَ لَهُ: وَالسَّائِمَةُ أَيْضًا يُنْفَقُ عَلَيْهَا أَجْرُ الرَّاعِي. وَهَذِهِ كُلُّهَا أَهْوَاسٌ وَتَحَكُّمٌ فِي الدِّينِ بِالضَّلَالِ؟ قَالَ أَبُو مُحَمَّد: وَاحْتَجَّ مَنْ رَأَى إيجَابَ الزَّكَاةِ فِي الْحُلِيِّ بِآثَارٍ وَاهِيَةٍ، لَا وَجْهَ لِلِاشْتِغَالِ بِهَا، إلَّا أَنَّنَا نُنَبِّهُ عَلَيْهَا تَبْكِيتًا لِلْمَالِكِيِّينَ الْمُحْتَجِّينَ بِمِثْلِهَا وَبِمَا هُوَ دُونَهَا إذَا وَافَقَ تَقْلِيدَهُمْ وَهِيَ -: خَبَرٌ رُوِّينَاهُ مِنْ طَرِيقِ خَالِدِ بْنِ الْحَارِثِ عَنْ الْحُسَيْنِ الْمُعَلِّمِ عَنْ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «أَنَّ امْرَأَةً دَخَلَتْ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَفِي يَدِهَا مَسَكَتَانِ غَلِيظَتَانِ مِنْ ذَهَبٍ فَقَالَ لَهَا: أَتُؤَدِّينَ زَكَاةَ هَذَا؟ قَالَتْ: لَا، قَالَ: أَيَسُرُّكِ أَنْ يُسَوِّرَكِ اللَّهُ بِهِمَا يَوْمَ الْقِيَامَةِ سِوَارَيْنِ مِنْ نَارٍ؟ فَأَلْقَتْهُمَا، وَقَالَتْ: هُمَا لِلَّهِ وَلِرَسُولِهِ» .

وَالْمَالِكِيُّونَ يَحْتَجُّونَ بِرِوَايَةِ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ إِذَا وَافَقَ أَهْوَاءَهُمْ، وَلَمْ يَرْوِهِ هَاهُنَا حُجَّةً؟ -: وَخَبَرٌ مِنْ طَرِيقِ عَتَّابٍ عَنْ ثَابِتِ بْنِ عَجْلَانَ عَنْ عَطَاءٍ عَنْ «أُمِّ سَلَمَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ كُنْتُ أَلْبَسُ أَوْضَاحًا لِي مِنْ ذَهَبٍ، فَقُلْتُ: يَا رَسُولَ اللَّهِ أَكَنْزٌ هُوَ؟ قَالَ: مَا بَلَغَ أَنْ تُؤَدَّى زَكَاتُهُ فَزُكِّيَ فَلَيْسَ بِكَنْزٍ» .

L10965–10966 The Malikis cite the narration of ‘Amr ibn Shu‘ayb from his father from his grandfather as evidence when it aligns with their inclinations—do they not cite it as evidence here?—Yet here is a report through the chain of ‘Attāb from Thābit ibn ‘Ajlān from ‘Aṭā’ from Umm Salamah, the Mother of the Believers, who said: “I used to wear gold bracelets of mine, so I asked: ’O Messenger of Allah, is this considered treasure subject to zakat?’ He replied: ’Whatever reaches the amount on which zakat is due, so its zakat is paid, then it is not treasure subject to zakat.’”

وَعَتَّابٌ مَجْهُولٌ، إِلَّا أَنَّ الْمَالِكِيِّينَ يَحْتَجُّونَ بِمِثْلِ حَرَامِ بْنِ عُثْمَانَ، وَسَوَّارِ بْنِ مُصْعَبٍ، وَهَذَا خَيْرٌ مِنْهُ؟ -: وَمِنْ طَرِيقِ يَحْيَى بْنِ أَيُّوبَ عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي جَعْفَرٍ: أَنَّ مُحَمَّدَ بْنَ عَمْرٍو هُوَ ابْنُ عَطَاءٍ - أَخْبَرَهُ [عَنْ] عَبْدِ اللَّهِ بْنِ شَدَّادِ بْنِ الْهَادِ قَالَ: «دَخَلْنَا عَلَى عَائِشَةَ أُمِّ الْمُؤْمِنِينَ فَقَالَتْ دَخَلَ عَلَيَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَأَى فِي يَدِي سِخَابًا مِنْ وَرِقٍ فَقَالَ: أَتُؤَدِّينَ زَكَاتَهُ؟ قُلْت: لَا، أَوْ مَا شَاءَ اللَّهُ تَعَالَى، فَقَالَ: هُوَ حَسْبُكِ مِنْ النَّارِ» . قَالَ أَبُو مُحَمَّدٍ: يَحْيَى بْنُ أَيُّوبَ ضَعِيفٌ، وَالْمَالِكِيُّونَ يَحْتَجُّونَ بِرِوَايَتِهِ، إِذَا وَافَقَ أَهْوَاءَهُمْ.

L10967–10968 And ‘Attāb is unknown, except that the Mālikīs rely on narrators like Ḥarām ibn ‘Uthmān and Sawwār ibn Muṣ‘ab. Is this one more reliable than him? From the chain of Yaḥyā ibn Ayyūb via ‘Ubayd Allāh ibn Abī Ja‘far: that Muḥammad ibn ‘Amr – he is the son of ‘Aṭā’ – narrated from ‘Abd Allāh ibn Shaddād ibn al-Hādī, who said: “We visited ‘Ā’ishah, the Mother of the Believers, and she said: ’The Messenger of Allāh, peace and blessings be upon him, entered my chamber and saw a beaded silver necklace in my hand. He asked: ’Do you pay its *zakāh*¿‘ I replied: ’’No“ – or perhaps, ’’Whatever Allāh the Exalted wills.“ He then said: ’’It will suffice as protection for you from the Fire.“” Abū Muḥammad remarked: Yaḥyā ibn Ayyūb is weak, yet the Mālikīs rely on his narration when it conforms to their inclinations.

وَنَقُولُ لِلْحَنَفِيِّينَ: أَنْتُمْ قَدْ تَرَكْتُمْ رِوَايَةَ أَبِي هُرَيْرَةَ فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا مِنْ أَجْلِ أَنَّكُمْ رَوَيْتُمْ مِنْ طَرِيقٍ لَا خَيْرَ فِيهَا أَنَّهُ خَالَفَ مَا رُوِيَ مِنْ ذَلِكَ لَا حُجَّةَ لَكُمْ فِي تَرْكِ ذَلِكَ الْخَبَرِ الثَّابِتِ إِلَّا بِهَذَا، ثُمَّ أَخَذْتُمْ بِرِوَايَةِ عَائِشَةَ هَذِهِ الَّتِي لَا تَصِحُّ، وَهِيَ قَدْ خَالَفَتْهُ مِنْ أَصَحِّ طَرِيقٍ، فَمَا هَذَا التَّلَاعُبُ بِالدِّينِ؟ فَإِنْ قَالُوا: قَدْ رُوِيَ عَنْهَا الْأَخْذُ بِمَا رَوَتْ مِنْ هَذَا؟ قُلْنَا لَهُمْ: وَقَدْ صَحَّ عَنْ أَبِي هُرَيْرَةَ الْأَخْذُ بِمَا رَوَى فِي غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ؟ فَإِنْ قَالُوا: قَدْ رَوَى زَكَاةَ الْحُلِيِّ كَمَا أَوْرَدْتُمْ غَيْرُ عَائِشَةَ، وَهُوَ عَبْدُ اللَّهِ بْنُ عَمْرٍو. قُلْنَا لَهُمْ: وَقَدْ رَوَى غَسْلَ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا غَيْرُ أَبِي هُرَيْرَةَ، وَهُوَ

L10969–10971 We say to the Hanafis: You have abandoned the narration of Abū Hurayrah regarding washing a vessel seven times after a dog’s lapping because you transmitted it through a chain lacking merit that contradicts what was narrated otherwise. You have no valid proof for abandoning this established report except this. Then you adopted ‘Ā’ishah’s narration—which is inauthentic—while her narration contradicts his through the most authentic chain. What is this trifling with the religion? If they say: “It has been narrated from her to act upon what she reported in this matter,” we reply: “Has it not been authentically established from Abū Hurayrah to act upon his narration about washing the vessel seven times after a dog’s lapping?” If they say: “Others besides ‘Ā’ishah narrated the obligation of zakāh on jewelry—namely ‘Abdullāh ibn ‘Amr, as you cited,” we reply: “Others besides

Abū Hurayrah narrated washing the vessel seven times after a dog's lapping—namely 'Abdullāh ibn Mughaffal. This is inescapable for them!" Abū Muḥammad said: Had there been only these reports, we would not have ruled the obligation of zakāh on jewelry. However, since it is authentically established from the Messenger of Allah—peace and blessings of Allah be upon him—regarding silver: "A quarter of a tenth is due," and "There is no zakat on silver less than five awaq, but when it reaches two hundred dirhams, five dirhams are due," and silver jewelry is included as silver, the obligation of zakat applies to it due to the generality of these two authentic narrations. As for gold, it is authentically established from the Messenger of Allah—peace and blessings of Allah be upon him—that he said: "No owner of gold who fails to pay what is due on it will be spared; on the Day of Resurrection, plates of fire will be made for him, and he will be branded with them." Thus, zakat becomes obligatory on all gold by virtue of this text. Zakat on gold is waived only for those not specified in this text regarding its obligation—namely, the amount and time—due to the consensus of the entire Ummah without any disagreement that the Prophet—peace and blessings of Allah be upon him—did not obligate zakat on every quantity of gold or at every point in time. Since this is established and no text specifies the amount or time, nothing may be attributed to the Messenger of Allah—peace and blessings of Allah be upon him—except what is authentically transmitted from him via individual narrators or consensus. No consensus has ever asserted that he—peace and blessings of Allah be upon him—intended only specific conditions or attributes of gold. Thus, is it not impermissible to restrict any part of this without textual or consensual evidence? If it is asked: "Why do you not adopt the opinion of Anas regarding jewelry based on this very evidence, exempting it from zakat except once ever?" We respond: Because the Prophet—peace and blessings of Allah be upon him—generally obligated zakat on gold without excluding jewelry from this obligation, neither by text nor consensus. Therefore, zakat is obligatory by the text on all gold and silver. The definitively established consensus specifies certain amounts and time periods for them, so zakat is only obligatory in amounts mandated by text or consensus and at times mandated by text or consensus. It is impermissible to exclude anything from them, as the text is general. Hence,

عَبْدُ اللَّهِ بْنُ مُغَفَّلٍ، وَهَذَا مَا لَا انْفِكَاكَ لَهُمْ مِنْهُ؟ قَالَ أَبُو مُحَمَّدٍ: لَوْ لَمْ يَكُنْ إِلَّا هَذِهِ الْآثَارُ لَمَا قُلْنَا بِوُجُوبِ الزَّكَاةِ فِي الْحُلِيِّ، وَلَكِنْ لِمَا صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فِي الرِّقَةِ رُبْعُ الْعُشْرِ» «وَلَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ مِنْ الْوَرِقِ صَدَقَةٌ فَإِذَا بَلَغَ مِائَتَيْ دِرْهَمٍ فَفِيهَا خَمْسَةُ دَرَاهِمَ» وَكَانَ الْحُلِيُّ وَرِقًا وَجَبَ فِيهِ حَقُّ الزَّكَاةِ، لِعُمُومِ هَذَيْنِ الْأَثَرَيْنِ الصَّحِيحَيْنِ؟ وَأَمَّا الذَّهَبُ فَقَدْ صَحَّ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «مَا مِنْ صَاحِبِ ذَهَبٍ لَا يُؤَدِّي مَا فِيهَا إِلَّا جُعِلَ لَهُ يَوْمَ الْقِيَامَةِ صَفَائِحُ مِنْ نَارٍ يُكْوَى بِهَا» فَوَجَبَتْ الزَّكَاةُ فِي كُلِّ ذَهَبٍ بِهَذَا النَّصِّ، وَإِنَّمَا تَسْقُطُ الزَّكَاةُ مِنْ الذَّهَبِ عَمَّنْ لَا بَيَانَ فِي هَذَا النَّصِّ بِإِيجَابِهَا فِيهِ، وَهُوَ الْعَدَدُ وَالْوَقْتُ، لِإِجْمَاعِ الْأُمَّةِ كُلِّهَا - بِلَا خِلَافٍ مِنْهَا أَصْلًا - عَلَى أَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لَمْ يُوجِبْ الزَّكَاةَ فِي كُلِّ عَدَدٍ مِنْ الذَّهَبِ، وَلَا فِي كُلِّ وَقْتٍ مِنْ الزَّمَانِ، فَلَمَّا صَحَّ ذَلِكَ وَلَمْ يَأْتِ نَصٌّ فِي الْعَدَدِ وَالْوَقْتِ وَجَبَ أَنْ لَا يُضَافَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إلَّا مَا صَحَّ عَنْهُ بِنَقْلِ آحَادٍ أَوْ بِنَقْلِ إجْمَاعٍ، وَلَمْ يَأْتِ إجْمَاعٌ قَطُّ بِأَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لَمْ يُرِدْ إلَّا بَعْضَ أَحْوَالِ الذَّهَبِ وَصِفَاتِهِ، فَلَمْ يَجُزْ تَخْصِيصُ شَيْءٍ مِنْ ذَلِكَ بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ؟ فَإِنْ قِيلَ: فَهَلَّا أَخَذْتُمْ بِقَوْلِ أَنَسٍ فِي الْحُلِيِّ بِهَذَا الدَّلِيلِ نَفْسِهِ، فَلَمْ تُوجِبُوا فِيهِ الزَّكَاةَ إلَّا مَرَّةً وَاحِدَةً فِي الدَّهْرِ؟ قُلْنَا لَهُمْ: لِأَنَّهُ قَدْ صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إيجَابُ الزَّكَاةِ فِي الذَّهَبِ عُمُومًا، وَلَمْ يَخُصَّ الْحُلِيَّ مِنْهُ بِسُقُوطِ الزَّكَاةِ فِيهِ، لَا بِنَصٍّ وَلَا بِإِجْمَاعٍ، فَوَجَبَتْ الزَّكَاةُ بِالنَّصِّ فِي كُلِّ ذَهَبٍ وَفِضَّةٍ، وَخَصَّ الْإِجْمَاعُ الْمُتَيَقَّنُ بَعْضَ الْأَعْدَادِ مِنْهُمَا وَبَعْضَ الْأَزْمَانِ، فَلَمْ تَجِبْ الزَّكَاةُ فِيهِمَا إلَّا فِي عَدَدٍ أَوْجَبَهُ نَصٌّ أَوْ إجْمَاعٌ وَفِي زَمَانٍ أَوْجَبَهُ نَصٌّ أَوْ إجْمَاعٌ، وَلَمْ يَجُزْ تَخْصِيصُ شَيْءٍ مِنْهُمَا، إذْ قَدْ عَمَّهُمَا

distinctions between conditions of gold cannot be made without textual or consensual evidence. It is conclusively established, without dispute, that the Messenger of Allah—peace and blessings of Allah be upon him—obligated zakat on gold, silver, and jewelry—whether silver or gold—annually. Thus, it is invalid to claim "except jewelry" without textual or consensual evidence—and by Allah, the Exalted, is success.

L10972–10973 Regarding the combining of silver and gold for zakāt, Mālik, Abū Yūsuf, and Muḥammad ibn al-Ḥasan said: Whoever possesses dirhams and dinars such that when calculated at the rate of one dinar equaling ten dirhams, the total reaches twenty dinars or two hundred dirhams, must pay zakāt on the entire amount as a single obligation. For example, if he has one dinar and one hundred ninety dirhams, ten dirhams and nineteen dinars, or ten dinars and one hundred dirhams, this ruling applies perpetually. If he possesses less than that, no zakāt is due. They disregarded fluctuations in the value of dinars or dirhams, whether high or low. Is this Abū Ḥanīfah's initial opinion? Then he retracted it and said: They are combined based on their value. If the total value of what he possesses reaches twenty dinars or two hundred dirhams, zakāt is obligatory; otherwise, it is not. Thus, he held that one who has a single dinar equivalent to 199 dirhams (due to the high value of gold) and possesses one dirham must pay zakāt. However, he did not require zakāt from one who has nineteen dinars and 199 dirhams (not equivalent to a dinar).

Ibn Abī Laylā, Sharīk, al-Ḥasan ibn Ḥayy, al-Shāfiʿī, and Abū Sulaymān said: Gold and silver are never combined—neither by value nor by fractional parts. If one has two hundred dirhams (not a single coin less) and twenty dinars (not a single coin less), no zakāt is due on either. If one of them independently reaches the threshold, he pays zakāt for it alone, not the other.

Abū Muḥammad said: Those who advocate combining them argued that they are monetary standards. ʿAlī replied: Then by this flawed reasoning, you must impose zakāt on copper coins (fulūs), for they too serve as monetary standards.

النَّصُّ، فَوَجَبَ أَنْ لَا يُفَرَّقَ بَيْنَ أَحْوَالِ الذَّهَبِ بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ، وَصَحَّ يَقِينًا - بِلَا خِلَافٍ - أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - كَانَ يُوجِبُ الزَّكَاةَ فِي الذَّهَبِ وَالْفِضَّةِ كُلَّ عَامٍ، وَالْحُلِيِّ فِضَّةٍ أَوْ ذَهَبٍ، فَلَا يَجُوزُ أَنْ يُقَالَ " إلَّا الْحُلِيَّ " بِغَيْرِ نَصٍّ فِي ذَلِكَ وَلَا إجْمَاعٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَأَمَّا الْجَمْعُ بَيْنَ الْفِضَّةِ وَالذَّهَبِ فِي الزَّكَاةِ فَإِنَّ مَالِكًا، وَأَبَا يُوسُفَ، وَمُحَمَّدَ بْنَ الْحَسَنِ، قَالُوا: مَنْ كَانَ مَعَهُ مِنْ الدَّرَاهِمِ وَالدَّنَانِيرِ مَا إذَا حَسِبَهُمَا عَلَى أَنَّ كُلَّ دِينَارٍ بِإِزَاءِ عَشَرَةِ دَرَاهِمَ فَاجْتَمَعَ مِنْ ذَلِكَ عِشْرُونَ دِينَارًا أَوْ مِائَتَا دِرْهَمٍ - زَكَّى الْجَمِيعَ زَكَاةً وَاحِدَةً، مِثْلَ أَنْ يَكُونَ لَهُ دِينَارٌ وَمِائَةٌ وَتِسْعُونَ دِرْهَمًا، أَوْ عَشَرَةُ دَرَاهِمَ وَتِسْعَةَ عَشَرَ دِينَارًا أَوْ عَشَرَةُ دَنَانِيرَ وَمِائَةُ دِرْهَمٍ وَعَلَى هَذَا الْحُكْمِ أَبَدًا. فَإِنْ كَانَ لَهُ أَقَلُّ مِنْ ذَلِكَ فَلَا زَكَاةَ عَلَيْهِ، وَلَمْ يَلْتَفِتُوا إلَى غَلَاءِ قِيمَةِ الدَّنَانِيرِ، أَوْ الدَّرَاهِمِ أَوْ رُخْصِهَا - وَهُوَ قَوْلُ أَبِي حَنِيفَةَ الْأَوَّلُ؟ ثُمَّ رَجَعَ فَقَالَ: يُجْمَعُ بَيْنَهُمَا بِالْقِيمَةِ، فَإِذَا بَلَغَ قِيمَةُ مَا عِنْدَهُ مِنْهُمَا جَمِيعًا عِشْرِينَ دِينَارًا أَوْ مِائَتَيْ دِرْهَمٍ فَعَلَيْهِ الزَّكَاةُ، وَإِلَّا فَلَا، فَيَرَى عَلَى مَنْ عِنْدَهُ دِينَارٌ وَاحِدٌ يُسَاوِي - لِغَلَاءِ الذَّهَبِ - مِائَتَيْ دِرْهَمٍ غَيْرَ دِرْهَمٍ وَعِنْدَهُ دِرْهَمٌ وَاحِدٌ -: أَنَّ الزَّكَاةَ وَاجِبَةٌ عَلَيْهِ، وَلَمْ يَرَ عَلَى مَنْ عِنْدَهُ تِسْعَةَ عَشَرَ دِينَارًا وَمِائَتَيْ دِرْهَمٍ غَيْرَ دِرْهَمٍ - لَا تُسَاوِي دِينَارًا - زَكَاةً وَقَالَ ابْنُ أَبِي لَيْلَى، وَشَرِيكٌ، وَالْحَسَنُ بْنُ حَيٍّ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ: لَا يُضَمُّ ذَهَبٌ إلَى وَرِقٍ أَصْلًا، لَا بِقِيمَةٍ وَلَا عَلَى الْأَجْزَاءِ، فَمَنْ عِنْدَهُ مِائَتَا دِرْهَمٍ غَيْرُ حَبَّةٍ وَعِشْرُونَ دِينَارًا غَيْرُ حَبَّةٍ -: فَلَا زَكَاةَ عَلَيْهِ فِيهِمَا، فَإِنْ كَمُلَ أَحَدُهُمَا نِصَابًا زَكَّاهُ

وَلَمْ يُزَكِّ الْآخَرَ؟ قَالَ أَبُو مُحَمَّدٍ: وَاحْتَجَّ مَنْ رَأَى الْجَمْعَ بَيْنَهُمَا بِأَنَّهُمَا أَثْمَانُ الْأَشْيَاءِ؟ قَالَ عَلِيٌّ: فَيُقَالُ لَهُ: وَالْفُلُوسُ قَدْ تَكُونُ أَثْمَانًا أَيْضًا، فَزَكِّهَا عَلَى هَذَا الرَّأْيِ الْفَاسِدِ.

L10974–10976 All things may be sold in exchange for one another, thereby serving as prices. Therefore, pay zakāh on merchandise due to this effective cause. Moreover, who can assure you that since these two [items] functioned as prices for goods, their inclusion together in zakāh became obligatory? This effective cause is validated neither by the Qur'ān, nor the Sunnah, nor even a defective narration, nor consensus, nor the statement of a Companion, nor... A rational analogy, yet no sound opinion—rather, is this not an utterly corrupt claim? Moreover, if you validate this, then combine camels and cows in zakāh, for they are both eaten, their milk is drunk, and each suffices for seven in sacrificial offerings. Indeed, combine them with sheep in zakāh, as all are permissible for sacrifices and subject to zakāh. If it is said: "Does the text not differentiate between them?" We reply: "The text also differentiates between gold and silver in zakāh." Gold and silver must either constitute one type or two. If considered one type, trading them with excess becomes prohibited. If two types, combining them is impermissible without explicit textual evidence. This would logically compel combining dates and raisins in zakāh—a position they reject, though both are staple sweet foods—thus exposing the inherent corruption of this argument with certainty. Furthermore, proponents of combining them by value would be obliged to pay zakāh at times as a single dinar or dirham in value. We have observed a dinar in al-Andalus exceeding two hundred dirhams in value—a very heinous invalidity. Likewise, those advocating combination through completion of parts would be obligated to pay gold for gold and silver by value, whether gold is cheap or expensive.

وَالْأَشْيَاءُ كُلُّهَا قَدْ يُبَاعُ بَعْضُهَا بِبَعْضٍ، فَتَكُونُ أَثْمَانًا، فَزَكِّ الْعُرُوضَ بِهَذِهِ الْعِلَّةِ وَأَيْضًا: فَمَنْ لَكُمْ بِأَنَّهُمَا لَمَّا كَانَا أَثْمَانًا لِلْأَشْيَاءِ وَجَبَ ضَمُّهُمَا فِي الزَّكَاةِ؟ فَهَذِهِ عِلَّةٌ لَمْ يُصَحِّحْهَا قُرْآنٌ، وَلَا سُنَّةٌ، وَلَا رِوَايَةٌ فَاسِدَةٌ، وَلَا إِجْمَاعٌ، وَلَا قَوْلُ صَاحِبٍ، وَلَا قِيَاسٌ يُعْقَلُ، وَلَا رَأْيٌ سَدِيدٌ وَإِنَّمَا هِيَ دَعْوَى فِي غَايَةِ الْفَسَادِ؟ وَأَيْضًا: فَإِذْ صَحَّحْتُمُوهَا فَاجْمَعُوا بَيْنَ الْإِبِلِ وَالْبَقَرِ فِي الزَّكَاةِ، لِأَنَّهُمَا يُؤْكَلَانِ وَتُشْرَبُ أَلْبَانُهُمَا، وَيُجْزِئُ كُلُّ وَاحِدٍ مِنْهُمَا عَنْ سَبْعَةٍ فِي الْهَدْيِ نَعَمْ، وَاجْمَعُوا بَيْنَهُمَا وَبَيْنَ الْغَنَمِ فِي الزَّكَاةِ، لِأَنَّهَا كُلَّهَا تَجُوزُ فِي الْأَضَاحِيِّ وَتَجِبُ فِيهَا الزَّكَاةُ فَإِنْ قِيلَ: النَّصُّ فَرَّقَ بَيْنَهُمَا؟ قُلْنَا: وَالنَّصُّ فَرَّقَ بَيْنَ الذَّهَبِ، وَالْفِضَّةِ فِي الزَّكَاةِ، لَا يَخْلُو الذَّهَبُ، وَالْفِضَّةُ مِنْ أَنْ يَكُونَا جِنْسًا وَاحِدًا أَوْ جِنْسَيْنِ، فَإِنْ كَانَا جِنْسًا وَاحِدًا فَحَرَّمُوا بَيْعَ أَحَدِهِمَا بِالْآخَرِ مُتَفَاضِلًا، وَإِنْ كَانَا جِنْسَيْنِ فَالْجَمْعُ بَيْنَ الْجِنْسَيْنِ لَا يَجُوزُ، إِلَّا بِنَصٍّ وَارِدٍ فِي ذَلِكَ وَيَلْزَمُهُمُ الْجَمْعُ بَيْنَ التَّمْرِ، وَالزَّبِيبِ فِي الزَّكَاةِ، وَهُمْ لَا يَقُولُونَ هَذَا، لِأَنَّهُمَا قُوتَانِ حُلْوَانِ فَظَهَرَ فَسَادُ هَذَا الْقَوْلِ بِيَقِينٍ؟ وَأَيْضًا: فَيَلْزَمُ مَنْ رَأَى الْجَمْعَ بَيْنَهُمَا بِالْقِيمَةِ أَنْ يُزَكِّيَ فِي بَعْضِ الْأَوْقَاتِ دِينَارًا أَوْ دِرْهَمًا فَقَدْ شَاهَدْنَا الدِّينَارَ يَبْلُغُ بِالْأَنْدَلُسِ أَزْيَدَ مِنْ مِائَتَيْ دِرْهَمٍ، وَهَذَا بَاطِلٌ شَنِيعٌ جِدًّا وَيَلْزَمُ مَنْ رَأَى الْجَمْعَ بَيْنَهُمَا بِتَكَامُلِ الْأَجْزَاءِ أَنَّهُ إِنْ كَانَ الذَّهَبُ رَخِيصًا أَوْ غَالِيًا فَإِنَّهُ يُخْرِجُ الذَّهَبَ عَنِ الذَّهَبِ، وَالْفِضَّةَ بِالْقِيمَةِ.

L10977–10979 Or silver is extracted from the gold and silver based on value—this contradicts the method by which he combined them, sometimes considering value without quantity and sometimes considering quantity without value within

a single zakat obligation. This is certainly an error. There is no difference between this opinion and one who says: "Rather, I combine gold with silver by value and extract one of them while observing quantity"—both constitute arbitrary rulings without valid basis. Moreover, it would necessarily follow that if someone possesses gold and silver subject to zakat according to his view—when a dinar's value exceeds ten dirhams—then:

If he extracts gold from both metals, he would pay a quarter dinar—less than the zakat required for twenty dinars. This is invalid according to them. If he extracts dirhams from both—when... A dinar is not equivalent except to less than ten dirhams. If it were obligatory to pay more than ten dirhams from two hundred dirhams, this would be invalid by consensus. If they say: "You combine sheep and goats for zakah despite them being two distinct types?" We reply: Yes, because zakah was prescribed for both under a collective name encompassing them - the term "small livestock." Zakah was not prescribed for gold and silver under any unifying term. If zakah had been legislated for sheep only under their specific name and for goats only under theirs, we would not combine them - just as we do not combine cows and camels. Had zakah been ordained for gold and silver under a single collective name, we would combine them.

Abū Muḥammad said: They unanimously agree that gold differs from silver, that selling a dirham of one for a hundred of the other is permissible, that one is lawful for women and men while the other is lawful for women but forbidden for men. They acknowledge zakah is not due on less than two hundred dirhams or twenty dinars, yet they impose it on ten dinars and one hundred dirhams. This is an undeniable contradiction.

Abū Muḥammad said: Our proof that combining them for zakah is impermissible is the statement of Allah's Messenger - peace and blessings be upon him: "There is no zakah on less than five awaq of silver." Thus, whoever combines gold and silver imposes zakah on less than five awaq - a direct violation of Allah's Messenger's decree and a ruling unsanctioned by Allah

أَوْ تُخْرَجُ الْفِضَّةُ عَنْ الذَّهَبِ وَالْفِضَّةِ بِالْقِيمَةِ وَهَذَا ضِدُّ مَا جَمَعَ بِهِ بَيْنَهُمَا، فَمَرَّةً رَاعَى الْقِيمَةَ لَا الْأَجْزَاءَ، وَمَرَّةً رَاعَى الْأَجْزَاءَ لَا الْقِيمَةَ، فِي زَكَاةٍ وَاحِدَةٍ وَهَذَا خَطَأٌ بِيَقِينٍ وَلَا فَرْقَ بَيْنَ هَذَا الْقَوْلِ وَبَيْنَ مَنْ قَالَ: بَلْ أَجْمَعُ الذَّهَبَ مَعَ الْفِضَّةِ بِالْقِيمَةِ وَأُخْرِجُ عَنْهُمَا أَحَدَهُمَا بِمُرَاعَاةِ الْأَجْزَاءِ، وَكِلَاهُمَا تَحَكُّمٌ بِالْبَاطِلِ؟ وَأَيْضًا: فَيَلْزَمُهُ إذَا اجْتَمَعَ لَهُ ذَهَبٌ وَفِضَّةٌ تَجِبُ فِيهِمَا عِنْدَهُ الزَّكَاةُ - وَكَانَ الدِّينَارُ قِيمَتُهُ أَكْثَرُ مِنْ عَشَرَةِ دَرَاهِمَ - فَإِنَّهُ إنْ أَخْرَجَ ذَهَبًا عَنْ كِلَيْهِمَا فَإِنَّهُ يُخْرِجُ رُبْعَ دِينَارٍ وَأَقَلَّ عَنْ زَكَاةِ عِشْرِينَ دِينَارًا، وَهَذَا بَاطِلٌ عِنْدَهُمْ، وَإِنْ أَخْرَجَ دَرَاهِمَ عَنْ كِلَيْهِمَا - وَكَانَ الدِّينَارُ لَا يُسَاوِي إلَّا أَقَلَّ مِنْ عَشَرَةِ دَرَاهِمَ - وَجَبَ أَنْ يُخْرِجَ أَكْثَرَ مِنْ عَشَرَةِ دَرَاهِمَ عَنْ مِائَتَيْ دِرْهَمٍ، وَهَذَا بَاطِلٌ بِإِجْمَاعٍ؟ فَإِنْ قَالُوا: إنَّكُمْ تَجْمَعُونَ بَيْنَ الضَّأْنِ وَالْمَاعِزِ فِي الزَّكَاةِ، وَهُمَا نَوْعَانِ مُخْتَلِفَانِ؟ قُلْنَا نَعَمْ، لِأَنَّ الزَّكَاةَ جَاءَتْ فِيهِمَا بِاسْمٍ يَجْمَعُهُمَا، وَهُوَ لَفْظُ " الْغَنَمِ " " وَالشَّاءِ " وَلَمْ تَأْتِ الزَّكَاةُ فِي الذَّهَبِ، وَالْفِضَّةِ بِلَفْظٍ يَجْمَعُهُمَا وَلَوْ لَمْ تَأْتِ الزَّكَاةُ فِي الضَّأْنِ إلَّا بِاسْمِ " الضَّأْنِ " وَلَا فِي الْمَاعِزِ إلَّا بِاسْمِ " الْمَاعِزِ " لَمَا جَمَعْنَا بَيْنَهُمَا، كَمَا لَمْ نَجْمَعْ بَيْنَ الْبَقَرِ، وَالْإِبِلِ وَلَوْ جَاءَتْ الزَّكَاةُ فِي الذَّهَبِ، وَالْفِضَّةِ بِلَفْظٍ وَاسْمٍ جَمَعَ بَيْنَهُمَا لَجَمَعْنَا بَيْنَهُمَا؟ قَالَ أَبُو مُحَمَّدٍ: وَهُمْ مُجْمِعُونَ عَلَى أَنَّ الذَّهَبَ غَيْرُ الْفِضَّةِ، وَأَنَّهُ يَجُوزُ بَيْعُ دِرْهَمٍ مِنْ أَحَدِهِمَا بِمِائَةٍ مِنْ الْآخَرِ، وَأَنَّ أَحَدَهُمَا حَلَالٌ لِلنِّسَاءِ وَالرِّجَالِ، وَالْآخَرَ حَلَالٌ لِلنِّسَاءِ حَرَامٌ عَلَى الرِّجَالِ، وَهُمْ مُقِرُّونَ أَنَّ الزَّكَاةَ لَا تَجِبُ فِي أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ، وَلَا فِي أَقَلَّ مِنْ عِشْرِينَ دِينَارًا ثُمَّ يُوجِبُونَهَا فِي عَشَرَةِ دَنَانِيرَ وَمِائَةِ دِرْهَمٍ وَهَذَا تَنَاقُضٌ لَا خَفَاءَ بِهِ؟ قَالَ أَبُو مُحَمَّدٍ: وَحُجَّتُنَا فِي أَنَّهُ لَا يَحِلُّ الْجَمْعُ بَيْنَهُمَا فِي الزَّكَاةِ هُوَ قَوْلُ رَسُولِ اللَّهِ

the Exalted. Yet they validate the narration exempting zakah on less than twenty dinars, then impose it on lesser amounts.[27]

- صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَيْسَ فِيمَا دُونَ خَمْسِ أَوَاقٍ مِنْ الْوَرِقِ صَدَقَةٌ» فَكَانَ مَنْ جَمَعَ بَيْنَ الذَّهَبِ، وَالْفِضَّةِ قَدْ أَوْجَبَ الزَّكَاةَ فِي أَقَلَّ مِنْ خَمْسِ أَوَاقٍ وَهَذَا خِلَافٌ مُجَرَّدٌ لِأَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَشَرْعٌ لَمْ يَأْذَنْ اللَّهُ تَعَالَى بِهِ، وَهُمْ يُصَحِّحُونَ الْخَبَرَ فِي إسْقَاطِ الزَّكَاةِ فِي أَقَلَّ مِنْ عِشْرِينَ دِينَارًا ثُمَّ يُوجِبُونَهَا فِي أَقَلَّ.

L10980 This is exceedingly significant, and it is authentically reported from Ali, Umar, and Ibn Umar that Zakāh is waived in cases of less than two hundred dirhams, with no dissenting opinion among the Companions (may Allah be pleased with them), and with Allah, the Exalted, is success.

وَهَذَا عَظِيمٌ جِدًّا وَقَدْ صَحَّ عَنْ عَلِيٍّ، وَعُمَرَ، وَابْنِ عُمَرَ: إسْقَاطُ الزَّكَاةِ فِي أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ، وَلَا مُخَالِفَ لَهُمْ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L10981–10983 As for exchanging gold for silver and silver for gold, Mālik and Abū Ḥanīfah ruled that... Two permitted it, but Al-Shāfiʿī and Abū Sulaymān prohibited it, and we uphold this ruling. This is because the Messenger of Allah—peace and blessings be upon him—said: “On silver currency, one-quarter of one-tenth is due, and on two hundred dirhams, five dirhams.” Whoever gives other than what the Messenger of Allah—peace and blessings be upon him—commanded to be given has transgressed the limits set by Allah. *“Whoever obeys the Messenger has obeyed Allah”* [4:80]. *“And whoever transgresses the limits set by Allah has wronged himself”* [65:1]. Whoever fails to fulfill what was commanded has not brought forth what was ordained, and whoever does not bring forth what was commanded—has he not purified?[28]

وَأَمَّا إخْرَاجُ الذَّهَبِ عَنْ الْوَرِقِ، وَالْوَرِقِ عَنْ الذَّهَبِ، فَإِنَّ مَالِكًا، وَأَبَا حَنِيفَةَ أَجَازَاهُ وَمَنَعَ مِنْهُ الشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ، وَبِهِ نَأْخُذُ؛ لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «فِي الرِّقَةِ رُبْعُ الْعُشْرِ، وَفِي مِائَتَيْ دِرْهَمٍ خَمْسَةُ دَرَاهِمَ» فَمَنْ أَخْرَجَ غَيْرَ مَا أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِإِخْرَاجِهِ فَقَدْ تَعَدَّى حُدُودَ اللَّهِ. {مَنْ يُطِعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ} [النساء: ٨٠] . {وَمَنْ يَتَعَدَّ حُدُودَ اللَّهِ فَقَدْ ظَلَمَ نَفْسَهُ} [الطلاق: ١] . وَلَمْ يَأْتِ بِمَا أُمِرَ، وَمَنْ لَمْ يَأْتِ بِمَا أُمِرَ فَلَمْ يُزَكِّ؟

L10984 As for gold, the entire Ummah is unanimously agreed that whoever pays gold for its obligatory zakāh has fulfilled his duty and acted in accordance with what the Messenger of Allāh—peace be upon him—commanded him. They differed regarding one who pays silver in place of gold, or trade goods as a substitute for either of them, or anything other than what is stipulated in the explicit text from the Messenger of Allāh—peace be upon him—regarding categories beyond these two. It is impermissible to attribute a ruling to the Messenger of Allāh—peace be upon him—without a textual proof or consensus. And with Allāh, the Most High, is the facilitation of success.

(وَأَمَّا الذَّهَبُ فَالْأُمَّةُ كُلُّهَا مُجْمِعَةٌ عَلَى أَنَّهُ إنْ أَخْرَجَ فِي زَكَاتِهَا الذَّهَبَ) فَقَدْ أَدَّى مَا عَلَيْهِ، وَوَافَقَ مَا أَمَرَهُ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -؟ وَاخْتَلَفُوا فِيمَنْ أَخْرَجَ فِضَّةً عَنْ ذَهَبٍ، أَوْ عَرْضًا عَنْ أَحَدِهِمَا، أَوْ غَيْرَ مَا جَاءَ بِهِ النَّصُّ (عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -) فِيمَا عَدَاهُمَا فَلَا يَجُوزُ أَنْ يُنْسَبَ إلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حُكْمًا بِغَيْرِ نَصٍّ وَلَا إجْمَاعٍ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[27] **Hadith references (L10977):** Sahih Muslim 980; Sunan an-Nasai 2476.

[28] **Qur’an references (L10981):** Qur’an 4:80 (An-Nisa); Qur’an 65:1 (At-Talaq).

Zakat on Acquired Wealth

A juridical point: Zakat is obligatory on all Zakatable wealth from the moment a Muslim acquires full ownership of it.

Acquired Wealth 685 - Issue: Abu Muhammad said: It is authentically reported from Ibn Abbas that Zakat is obligatory on every type of wealth subject to Zakat as soon as a Muslim owns it. It is also authentically reported from Ibn Umar that there is no Zakat on it until a full year has passed. Abu Hanifa said: Acquired wealth is not obligated to have Zakat paid until a full year has passed, except if one already possesses wealth of the same type that had reached the minimum taxable amount (nisab) at the beginning of the year. If they acquire more of the same type—even an hour before the year's completion, whether little or much—they must pay Zakat on the newly acquired wealth along with the original, whether it is gold, silver, livestock, offspring, or other categories. Malik said: Acquired wealth is not obligated to have Zakat paid until a full year has passed, regardless of the type of wealth he possesses. Zakat is due on assets whether they are of the same kind or not, except for livestock acquired through birth. If one acquires livestock through means other than birth, and the existing livestock constitutes a Nisab, Zakat is due on the entire holdings upon the completion of the Hawl (Zakat year). If not, no Zakat is due. If acquired through birth, Zakat is due on all of them based on the Hawl of the mothers, regardless of whether the mothers themselves constituted a Nisab? Al-Shāfiʿī said: Acquired wealth is not subject to Zakat when added to a preexisting Nisab of the same kind, except only for the offspring of livestock with their mothers, provided the mothers constituted a Nisab; otherwise, no Zakat is due. Abū Muḥammad said: We have previously mentioned the invalidity of all these opinions. The mere fact that they are contradictory, unsubstantiated assertions, and invalid conflicting categorizations suffices to demonstrate their flaws. None are supported by evidence from the Qur'an, authentic Sunnah, weak narration, consensus, analogy, or any rationally sound opinion.

[زَكَاة الْمَال الْمُسْتَفَاد]

[مَسْأَلَةٌ إِيجَابُ الزَّكَاةِ فِي كُلِّ مَالٍ يُزَكَّى حِينَ يَمْلِكُهُ الْمُسْلِمُ]

الْمَالُ الْمُسْتَفَادُ ٦٨٥ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: صَحَّ عَنْ ابْنِ عَبَّاسٍ إِيجَابُ الزَّكَاةِ فِي كُلِّ مَالٍ يُزَكَّى حِينَ يَمْلِكُهُ الْمُسْلِمُ؟ وَصَحَّ عَنْ ابْنِ عُمَرَ: لَا زَكَاةَ فِيهِ حَتَّى يُتِمَّ حَوْلًا؟ وَقَالَ أَبُو حَنِيفَةَ: لَا يُزَكَّى الْمَالُ الْمُسْتَفَادُ إِلَّا حَتَّى يُتِمَّ حَوْلًا إِلَّا إِنْ كَانَ عِنْدَهُ مَالٌ يَجِبُ فِي عَدَدِ مَا عِنْدَهُ مِنْهُ الزَّكَاةُ فِي أَوَّلِ الْحَوْلِ -: فَإِنَّهُ إِنْ اكْتَسَبَ بَعْدَ ذَلِكَ - لَوْ قَبْلَ تَمَامِ الْحَوْلِ بِسَاعَةٍ شَيْئًا - قَلَّ أَوْ كَثُرَ - مِنْ جِنْسِ مَا عِنْدَهُ: فَإِنَّهُ يُزَكِّي الْمُكْتَسَبَ مَعَ الْأَصْلِ، سَوَاءٌ عِنْدَهُ الذَّهَبُ، وَالْفِضَّةُ، وَالْمَاشِيَةُ، وَالْأَوْلَادُ، وَغَيْرُهَا؟ وَقَالَ مَالِكٌ: لَا يُزَكَّى الْمَالُ الْمُسْتَفَادُ إِلَّا حَتَّى يُتِمَّ حَوْلًا، وَسَوَاءٌ كَانَ عِنْدَهُ مَا فِيهِ الزَّكَاةُ مِنْ جِنْسِهِ أَوْ لَمْ يَكُنْ، إِلَّا الْمَاشِيَةَ، فَإِنَّ مَنْ اسْتَفَادَ مِنْهَا شَيْئًا بِغَيْرِ وِلَادَةٍ مِنْهَا، فَإِنْ كَانَ الَّذِي عِنْدَهُ مِنْهَا نِصَابًا -: زَكَّى الْجَمِيعَ عِنْدَ تَمَامِ الْحَوْلِ، وَإِلَّا فَلَا، وَإِنْ كَانَتْ مِنْ وِلَادَةٍ زَكَّى الْجَمِيعَ بِحَوْلِ الْأُمَّهَاتِ سَوَاءٌ كَانَتْ الْأُمَّهَاتُ نِصَابًا أَوْ لَمْ تَكُنْ؟ وَقَالَ الشَّافِعِيُّ: لَا يُزَكَّى مَالٌ مُسْتَفَادٌ مَعَ نِصَابٍ كَانَ عِنْدَ الَّذِي اسْتَفَادَهُ مِنْ جِنْسِهِ أَلْبَتَّةَ، إِلَّا أَوْلَادَ الْمَاشِيَةِ مَعَ أُمَّهَاتِهَا فَقَطْ إِذَا كَانَتْ الْأُمَّهَاتُ نِصَابًا وَإِلَّا فَلَا؟ قَالَ أَبُو مُحَمَّدٍ: وَقَدْ ذَكَرْنَا قَبْلُ فَسَادَ هَذِهِ الْأَقْوَالِ كُلِّهَا، وَيَكْفِي مِنْ فَسَادِهَا أَنَّهَا كُلَّهَا مُخْتَلِفَةٌ وَكُلُّهَا دَعَاوٍ مُجَرَّدَةٌ، وَتَقَاسِيمُ فَاسِدَةٌ مُتَنَاقِضَةٌ لَا دَلِيلَ عَلَى صِحَّةِ شَيْءٍ مِنْهَا. لَا مِنْ قُرْآنٍ وَلَا مِنْ سُنَّةٍ صَحِيحَةٍ، وَلَا مِنْ رِوَايَةٍ سَقِيمَةٍ، وَلَا مِنْ إِجْمَاعٍ وَلَا مِنْ قِيَاسٍ، وَلَا مِنْ رَأْيٍ لَهُ وَجْهٌ وَقَالَ أَبُو

Abū Ḥanīfa said: If one possesses two hundred dirhams at the Hawl's commencement, then all but one dirham perish or are spent a day later, and one subsequently acquires 199 dirhams an hour before the Hawl's completion, Zakat is due on the entire amount based on the Hawl of the perished dirhams. If not even a single dirham remained, no Zakat is due on the newly acquired wealth – even if it were a hundred thousand dirhams – until a full Hawl passes for it. If only I knew! What is the significance of this single dirham? What would he say if nothing remained except a single fals [copper coin]? Similarly, his opinion applies to one who possesses a Nisab of gold, cattle, camels, or sheep, then all but one unit perish, and later acquires more of the same kind before the Hawl's completion to complete the Nisab with the remaining unit. Merely stating this opinion renders refutation unnecessary! If Zakat remains obligatory on the remaining dirham, it is due on it even without acquiring other wealth. Indeed, it is due on acquired wealth even if another dirham. If Zakat ceases for the remaining dirham, the acquired wealth must initiate its own Hawl.

Among those reported to have permitted prepaying Zakat on acquired wealth are Ibn Masʿūd, Muʿāwiya, ʿUmar ibn ʿAbd al-ʿAzīz, al-Ḥasan, and al-Zuhrī. Among those authentically reported to have said, "There is no zakah due on wealth until a full lunar year has elapsed over it," are: Ali, Abu Bakr al-Siddiq, Aisha the Mother of the Believers, and Ibn Umar. We have addressed this in a chapter discussing the young of grazing livestock?

L10992 As for the division by Abū Ḥanīfah, Mālik, and al-Shāfiʿī, there is no record of it from any of the Companions—may Allah be pleased with them—nor from any of the Successors.

L10993–10997 Abū Muḥammad said: Every increase is subject to zakāt only according to its own lunar year cycle, not the cycle of existing holdings of the same category—even if the durations become entangled? The explanation is: If a person possesses the niṣāb—which is two hundred dirhams of silver, forty

حَنِيفَةَ: مَنْ كَانَ عِنْدَهُ مِائَتَا دِرْهَمٍ فِي أَوَّلِ الْحَوْلِ فَلَمَّا كَانَ بَعْدَ ذَلِكَ بِيَوْمٍ تَلِفَتْ كُلُّهَا أَوْ أَنْفَقَهَا إِلَّا دِرْهَمًا وَاحِدًا وَاحِدًا فَإِنَّهُ بَقِيَ عِنْدَهُ، فَلَمَّا كَانَ قَبْلَ تَمَامِ الْحَوْلِ بِسَاعَةٍ اكْتَسَبَ مِائَةَ دِرْهَمٍ وَتِسْعَةً وَتِسْعِينَ دِرْهَمًا -: فَالزَّكَاةُ عَلَيْهِ فِي الْجَمِيعِ لِحَوْلِ الَّتِي تَلِفَتْ، فَلَوْ لَمْ يَبْقَ مِنْهَا وَلَا دِرْهَمٌ فَلَا زَكَاةَ عَلَيْهِ فِيمَا اكْتَسَبَ وَلَوْ أَنَّهَا مِائَةُ أَلْفِ دِرْهَمٍ - حَتَّى يَتِمَّ لَهَا حَوْلٌ؟ فَيَا لَيْتَ شِعْرِي مَا شَأْنُ هَذَا الدِّرْهَمِ؟ وَمَا قَوْلُهُ لَوْ لَمْ يَبْقَ مِنْهَا إِلَّا فَلْسٌ؟ وَكَذَلِكَ قَوْلُهُ فِيمَنْ عِنْدَهُ نِصَابٌ مِنْ ذَهَبٍ، أَوْ مِنْ بَقَرٍ، أَوْ مِنْ إِبِلٍ، أَوْ مِنْ غَنَمٍ، ثُمَّ تَلِفَتْ كُلُّهَا إِلَّا وَاحِدَةً، ثُمَّ اكْتَسَبَ مِنْ جِنْسِهَا قَبْلَ الْحَوْلِ مَا يُتِمُّ بِمَا بَقِيَ عِنْدَهُ النِّصَابَ؟ وَهَذَا قَوْلٌ يُغْنِي ذِكْرُهُ عَنْ تَكَلُّفِ الرَّدِّ عَلَيْهِ؟ وَلَئِنْ كَانَتْ الزَّكَاةُ بَاقِيَةً فِي الدِّرْهَمِ الْبَاقِي فَإِنَّ الزَّكَاةَ وَاجِبَةٌ فِيهِ وَإِنْ لَمْ يَكْتَسِبْ غَيْرَهُ، نَعَمْ، وَفِيمَا اكْتَسَبَ إِلَيْهِ وَلَوْ أَنَّهُ دِرْهَمٌ آخَرُ وَلَئِنْ كَانَتْ الزَّكَاةُ غَيْرَ بَاقِيَةٍ فِيهِ فَإِنَّ الْوَاجِبَ عَلَيْهِ اسْتِئْنَافُ الْحَوْلِ بِمَا اكْتَسَبَ مَعَهُ؟ وَمِمَّنْ رُوِيَ عَنْهُ تَعْجِيلُ الزَّكَاةِ مِنْ الْفَائِدَةِ: ابْنُ مَسْعُودٍ، وَمُعَاوِيَةُ، وَعُمَرُ بْنُ عَبْدِ الْعَزِيزِ، وَالْحَسَنُ، وَالزُّهْرِيُّ وَمِمَّنْ صَحَّ عَنْهُ: لَا زَكَاةَ فِي مَالٍ حَتَّى يَتِمَّ لَهُ حَوْلٌ -: عَلِيٌّ، وَأَبُو بَكْرٍ الصِّدِّيقُ، وَعَائِشَةُ أُمُّ الْمُؤْمِنِينَ، وَابْنُ عُمَرَ، وَقَدْ ذَكَرْنَاهَا فِي بَابِ ذِكْرِنَا أَوْلَادَ الْمَاشِيَةِ؟ .

وَأَمَّا تَقْسِيمُ أَبِي حَنِيفَةَ، وَمَالِكٍ، وَالشَّافِعِيِّ فَلَا يُحْفَظُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - نَعَمْ، وَلَا عَنْ أَحَدٍ مِنْ التَّابِعِينَ.

قَالَ أَبُو مُحَمَّدٍ: كُلُّ فَائِدَةٍ فَإِنَّمَا تُزَكَّى لِحَوْلِهَا، لَا لِحَوْلِ مَا عِنْدَهُ مِنْ جِنْسِهَا وَإِنْ اخْتَلَطَتْ عَلَيْهِ الْأَحْوَالُ؟ تَفْسِيرُ ذَلِكَ: لَوْ أَنَّ امْرَأً مَلَكَ نِصَابًا - وَذَلِكَ مِائَتَا دِرْهَمٍ مِنْ الْوَرِقِ

dīnārs of gold, five camels, or fifty cattle—then later acquires, during any period (whether short or long, provided it is before the completion of the cycle), additional property of the same type below these minimum thresholds, or owns forty sheep and later acquires within the cycle enough to complete one hundred and twenty sheep: If the acquired property does not alter the zakāt rate applicable to his existing holdings, he combines the new acquisition with his original property (since it does not change the existing zakāt ruling). He pays zakāt on the total when the original cycle concludes and resets a new cycle for the entire combined amount. If the acquisition within the cycle changes the zakāt rate for his existing holdings—provided this increase alone would not incur zakāt (applicable exclusively to silver in all cases, and to other categories under specific circumstances)—he pays zakāt only for the original holdings upon completing their cycle. At that point, he combines the new acquisition (not before) and resets a new cycle for the total. Examples: One who owns one hundred and twenty sheep then acquires one or more; owns ninety-nine cattle and acquires one or more; owns nine camels and acquires one or more; or possesses seventy-nine dīnārs and acquires one or more—since the remainder after he has paid zakāt incurs no obligation, and it is impermissible to neglect this. For a wealth to be subjected to Zakat twice within one lunar year: If one possesses a niṣāb threshold (as we mentioned) then acquires another niṣāb threshold within the same lunar year from silver, gold, or livestock, each wealth must be zakatized according to its own lunar year. If the first wealth falls below the taxable threshold while the second remains liable, when the new acquisition's lunar year concludes, its Zakat is paid. The first wealth is then combined with the second at that point, since the first no longer requires Zakat, and it is invalid to zakatize it alongside the second wealth already subjected to Zakat—this would necessitate zakatizing the second wealth twice within one year. Would a new lunar year then commence for the combined wealth?

If the second wealth falls below the niṣāb while the first remains taxable, its Zakat is paid when its lunar year concludes. The second is then combined with the first for the reason we mentioned, initiating a new lunar year for both. If the two are indistinguishably mixed, Zakat is paid on each portion

أَوْ أَرْبَعِينَ دِينَارًا مِنْ الذَّهَبِ، أَوْ خَمْسًا مِنْ الْإِبِلِ، أَوْ خَمْسِينَ مِنْ الْبَقَرِ - ثُمَّ مَلَكَ بَعْدَ ذَلِكَ بِمُدَّةٍ - قَرِيبَةٍ أَوْ بَعِيدَةٍ، إلَّا أَنَّهَا قَبْلَ تَمَامِ الْحَوْلِ - مِنْ جِنْسِ مَا عِنْدَهُ أَقَلَّ مِمَّا ذَكَرْنَا، أَوْ مَلَكَ أَرْبَعِينَ شَاةً ثُمَّ مَلَكَ فِي الْحَوْلِ تَمَامَ مِائَةٍ وَعِشْرِينَ -: فَإِنْ كَانَ مَا اكْتَسَبَ لَا يُغَيِّرُ مَا كَانَ عَلَيْهِ مِنْ الزَّكَاةِ فَإِنَّهُ يَضُمُّ الَّتِي مَلَكَ إلَى مَا كَانَ عِنْدَهُ؛ لِأَنَّهَا لَا تُغَيِّرُ حُكْمَ مَا كَانَ عَلَيْهِ مِنْ الزَّكَاةِ، فَيُزَكِّي ذَلِكَ لِحَوْلِ الَّتِي كَانَتْ عِنْدَهُ ثُمَّ يَسْتَأْنِفُ الْجَمِيعَ حَوْلًا، فَإِنْ اسْتَفَادَ فِي دَاخِلِ الْحَوْلِ مَا يُغَيِّرُ الْفَرِيضَةَ فِيمَا عِنْدَهُ، إلَّا أَنَّ تِلْكَ الْفَائِدَةَ لَوْ انْفَرَدَتْ لَمْ تَجِبْ فِيهَا الزَّكَاةُ - وَلَيْسَ ذَلِكَ إلَّا فِي الْوَرِقِ خَاصَّةً - عَلَى كُلِّ حَالٍ، وَفِي سَائِرِ ذَلِكَ فِي بَعْضِ الْأَحْوَالِ -: فَإِنَّهُ يُزَكِّي الَّذِي عِنْدَهُ وَحْدَهُ لِتَمَامِ حَوْلِهِ، وَضَمَّ حِينَئِذٍ الَّذِي اسْتَفَادَ إلَيْهِ - لَا قَبْلَ ذَلِكَ - وَاسْتَأْنَفَ بِالْجَمِيعِ حَوْلًا؟ مِثْلُ: مَنْ كَانَ عِنْدَهُ مِائَةُ شَاةٍ وَعِشْرِينَ شَاةً ثُمَّ اسْتَفَادَ شَاةً فَأَكْثَرَ، أَوْ كَانَ عِنْدَهُ تِسْعٌ وَتِسْعُونَ بَقَرَةً فَأَفَادَ بَقَرَةً فَأَكْثَرَ، أَوْ كَانَ عِنْدَهُ تِسْعٌ مِنْ الْإِبِلِ فَأَفَادَ وَاحِدَةً فَأَكْثَرَ أَوْ تِسْعٌ وَسَبْعُونَ دِينَارًا فَأَفَادَ دِينَارًا فَأَكْثَرَ، لِأَنَّ الَّذِي يَبْقَى بَعْدَ الَّذِي زَكَّى لَا زَكَاةَ فِيهِ، وَلَا يَجُوزُ أَنْ يُزَكَّى مَالٌ مَرَّتَيْنِ فِي عَامٍ وَاحِدٍ فَلَوْ مَلَكَ نِصَابًا - كَمَا ذَكَرْنَا - ثُمَّ مَلَكَ فِي دَاخِلِ الْحَوْلِ نِصَابًا أَيْضًا مِنْ الْوَرِقِ أَوْ الذَّهَبِ أَوْ الْمَاشِيَةِ فَإِنَّهُ يُزَكِّي كُلَّ مَالٍ لِحَوْلِهِ؛ فَإِنْ رَجَعَ الْأَوَّلُ مِنْهُمَا إلَّا مَا لَا زَكَاةَ فِيهِ فَإِذَا حَالَ حَوْلُ الْفَائِدَةِ زَكَّاهَا ثُمَّ ضَمَّ الْأَوَّلَ حِينَئِذٍ إلَى الْآخَرِ، لِأَنَّ الْأَوَّلَ قَدْ صَارَ لَا زَكَاةَ فِيهِ، وَلَا يَجُوزُ أَنْ يُزَكِّيَهُ مَعَ مَا قَدْ زَكَّاهُ مِنْ الْمَالِ الثَّانِي، فَيَكُونُ يُزَكِّي الثَّانِي مَرَّتَيْنِ فِي عَامٍ؛ وَيَسْتَأْنِفُ بِالْجَمِيعِ حَوْلًا؟ فَإِنْ رَجَعَ الْمَالُ الثَّانِي إلَى مَا لَا زَكَاةَ فِيهِ وَبَقِيَ الْأَوَّلُ نِصَابًا فَإِنَّهُ يُزَكِّيهِ إذَا حَالَ حَوْلُهُ، ثُمَّ يَضُمُّ الثَّانِي إلَى الْأَوَّلِ حِينَئِذٍ لِمَا قَدْ ذَكَرْنَا فَيَسْتَأْنِفُ بِهِمَا حَوْلًا؟ فَلَوْ خَلَطَهُمَا فَلَمْ

according to its own lunar year, with any deducted amount counted as a reduction from the second wealth, for certainty of depletion only arises after paying Zakat on the second. Prior to this, there is no confirmation of which portion diminished. This persists until both revert below the niṣāb—inevitably—such as two flocks of sheep reduced below one hundred and twenty, two herds of cattle below one hundred, two gold holdings below eighty dinars, two camel herds below ten, or two silver holdings below four hundred dirhams.

When both revert thus, depletion may have occurred in one or both, but Zakat is not waived from him due to doubt. In such cases, the second wealth is combined with the first, and the entirety follows the first's lunar year henceforth until all falls below the niṣāb. If one acquires five camels—a quantity for which Zakat is paid in sheep—or more, then acquires within the lunar year another amount independently liable for Zakat (whether payable in sheep or camels), the existing camels are zakatized in sheep upon completing their lunar year. These are then combined with the new acquisition, as it is not permissible for a single individual to maintain separate Zakat calculations... He possesses camels for which a complete year has elapsed for all of them, yet he purifies some through sheep and others through camels—contrary to the command of Allah's Messenger (peace and blessings of Allah be upon him) regarding camel zakah. If one owns twenty-five camels, then acquires eleven more during the annual cycle, he must pay zakah for the original group upon the completion of their year with a two-year-old female camel (entering its third year). He then combines them with the acquired increase from that moment onward under all circumstances. Consequently, the entire herd becomes subject to zakah for a renewed annual cycle starting from that point, requiring a three-year-old female camel (entering its fourth year)—as we established, because the zakah rate for a single owner's unified herd cannot vary. Does this not apply universally? If questioned: "Do you postpone some camels' zakah by months beyond their due year?" We respond: Indeed, for we have absolutely no alternative except imposing two zakah obligations on a single asset, which contradicts the textual evidence. Postponing zakah

يَتَمَيَّزَا فَإِنَّهُ يُزَكِّي كُلَّ عَدَدٍ مِنْهُمَا لِحَوْلِهِ، وَيَجْعَلُ مَا أَخْرَجَ مِنْ ذَلِكَ كُلِّهِ نُقْصَانًا مِنْ الْمَالِ الثَّانِي؛ لِأَنَّهُ لَا يُوقِنُ بِالنَّقْصِ إلَّا بَعْدَ إخْرَاجِ الزَّكَاةِ مِنْ الثَّانِي، وَأَمَّا قَبْلَ ذَلِكَ فَلَا يَقِينَ عِنْدَهُ بِأَنَّ أَحَدَهُمَا نَقَصَ، فَلَا يَزَالُ كَذَلِكَ حَتَّى يَرْجِعَ كِلَاهُمَا إلَى مَا يُوقِنُ أَنَّ أَحَدَهُمَا قَدْ نَقَصَ - وَلَا بُدَّ - عَمَّا فِيهِ الزَّكَاةُ وَذَلِكَ مِثْلُ: أَنْ يَرْجِعَ الْغَنَمَانِ إلَى أَقَلَّ مِنْ عِشْرِينَ وَمِائَةٍ؛ لِأَنَّهُ لَا يَجُوزُ أَنْ يُزَكِّيَ عَنْ هَذَا الْعَدَدِ بِشَاتَيْنِ، أَوْ أَنَّهُ قَدْ رَجَعَ الْبَقَرَانِ إلَى أَقَلَّ مِنْ مِائَةٍ، وَالذَّهَبَانِ إلَى أَقَلَّ مِنْ ثَمَانِينَ دِينَارًا، وَالْإِبِلَانِ إلَى أَقَلَّ مِنْ عَشْرَةٍ، وَالْفِضَّتَانِ إلَى أَقَلَّ مِنْ أَرْبَعِمِائَةِ دِرْهَمٍ؟ فَإِذَا رَجَعَ الْمَالَانِ إلَى مَا ذَكَرْنَا فَقَدْ يُمْكِنُ أَنَّ النَّقْصَ دَخَلَ فِي كِلَيْهِمَا، وَيُمْكِنُ أَنْ يَكُونَ دَخَلَ فِي أَحَدِهِمَا، إلَّا أَنَّهُ بِلَا شَكٍّ قَدْ كَانَ عِنْدَهُ مَالٌ تَجِبُ فِيهِ الزَّكَاةُ، فَلَا تَسْقُطُ عَنْهُ بِالشَّكِّ فَإِذَا كَانَ هَذَا: ضَمَّ الْمَالَ الثَّانِي إلَى الْأَوَّلِ فَزَكَّى الْجَمِيعَ لِحَوْلِ الْأَوَّلِ أَبَدًا، حَتَّى يَرْجِعَ الْكُلُّ إلَى مَا لَا زَكَاةَ فِيهِ فَلَوْ اقْتَنَى خَمْسًا مِنْ الْإِبِلِ أَوْ أَكْثَرَ - إلَّا أَنَّهُ عَدَدٌ يُزَكَّى بِالْغَنَمِ - ثُمَّ اقْتَنَى فِي دَاخِلِ الْحَوْلِ عَدَدًا يُزَكَّى وَحْدَهُ لَوْ انْفَرَدَ - إمَّا بِالْغَنَمِ، وَإِمَّا بِالْإِبِلِ - فَإِنَّهُ يُزَكِّي مَا كَانَ عِنْدَهُ عِنْدَ تَمَامِ حَوْلِهِ بِالْغَنَمِ، ثُمَّ ضَمَّهُ إثْرَ ذَلِكَ إلَى مَا اسْتَفَادَ، إذْ لَا يَجُوزُ أَنْ يَكُونَ إنْسَانٌ وَاحِدٌ عِنْدَهُ إبِلٌ لَهُ قَدْ تَمَّ لِجَمِيعِهَا حَوْلٌ فَيُزَكِّي بَعْضَهَا بِالْغَنَمِ وَبَعْضَهَا بِالْإِبِلِ؛ لِأَنَّهُ خِلَافُ أَمْرِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي زَكَاةِ الْإِبِلِ فَلَوْ مَلَكَ خَمْسًا وَعِشْرِينَ مِنْ الْإِبِلِ ثُمَّ مَلَكَ فِي الْحَوْلِ إحْدَى عَشْرَةَ زَكَّى الْأَوَّلَ لِحَوْلِهَا بِنْتَ مَخَاضٍ، ثُمَّ ضَمَّهَا إلَى الْفَائِدَةِ مِنْ حِينَئِذٍ عَلَى كُلِّ حَالٍ فَزَكَّى الْجَمِيعَ لِحَوْلٍ - مِنْ حِينَئِذٍ مُسْتَأْنَفٍ - بِبِنْتِ لَبُونٍ، لِمَا ذَكَرْنَا مِنْ أَنَّهُ لَا تَخْتَلِفُ زَكَاةُ إبِلٍ وَاحِدَةٍ لِمَالِكٍ وَاحِدٍ. وَهَكَذَا فِي كُلِّ شَيْءٍ؟ فَإِنْ قِيلَ: فَإِنَّكُمْ تُؤَخِّرُونَ زَكَاةَ بَعْضِهَا عَنْ بَعْضٍ عَنْ حَوْلِهِ شُهُورًا؟ قُلْنَا:

when acceleration is impossible is permissible—there is no sin in it. Success comes solely from Allah the Exalted.

نَعَمْ: لِأَنَّنَا لَا نَقْدِرُ عَلَى غَيْرِ ذَلِكَ أَلْبَتَّةَ، إِلَّا بِإِحْدَاثِ زَكَاتَيْنِ فِي مَالٍ وَاحِدٍ، وَهَذَا خِلَافُ النَّصِّ؛ وَتَأْخِيرُ الزَّكَاةِ إِذَا لَمْ يُمْكِنْ التَّعْجِيلُ مُبَاحٌ لَا حَرَجَ فِيهِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ اجْتَمَعَ فِي مَالِهِ زَكَاتَانِ فَصَاعِدًا]

A case where two or more zakāts have converged in his wealth.

L10998

L10999

Issue 686: If two or more zakat obligations accumulate on someone's wealth while alive, how is this handled? Abu Muhammad said: All of them must be paid for every year according to each annual obligation - whether due to fleeing with his wealth, the collector's delay, the owner's ignorance, or other reasons. This ruling applies equally to monetary assets (gold and silver), crops, and livestock, whether zakat consumes all his wealth or not, and whether his wealth reduces below the taxable minimum after payment or not. Creditors may not take anything until zakat is fully settled. Malik said: If this concerns monetary assets (gold or silver), zakat is taken annually until the weight returns to 200 dirhams of silver or 20 dinars of gold. Only one year's zakat is then owed regardless of subsequent years. For neglected crop zakat over multiple years, all must be taken - even if it consumes all his wealth?

٦٨٦ - مَسْأَلَةٌ: مَنْ اجْتَمَعَ فِي مَالِهِ زَكَاتَانِ فَصَاعِدًا هُوَ حَيٌّ؟ قَالَ أَبُو مُحَمَّدٍ: تُؤَدَّى كُلُّهَا لِكُلِّ سَنَةٍ عَلَى عَدَدِ مَا وَجَبَ عَلَيْهِ فِي كُلِّ عَامٍ؛ وَسَوَاءٌ كُلُّ ذَلِكَ لِهُرُوبِهِ بِمَالِهِ؛ أَوْ لِتَأْخِيرِ السَّاعِي؛ أَوْ لِجَهْلِهِ، أَوْ لِغَيْرِ ذَلِكَ؛ وَسَوَاءٌ فِي ذَلِكَ الْعَيْنُ، وَالْحَرْثُ، وَالْمَاشِيَةُ، وَسَوَاءٌ أَتَتْ الزَّكَاةُ عَلَى جَمِيعِ مَالِهِ أَوْ لَمْ تَأْتِ، وَسَوَاءٌ رَجَعَ مَالُهُ بَعْدَ أَخْذِ الزَّكَاةِ مِنْهُ إِلَى مَا لَا زَكَاةَ فِيهِ أَوْ لَمْ يَرْجِعْ، وَلَا يَأْخُذُ الْغُرَمَاءُ شَيْئًا حَتَّى تَسْتَوْفِيَ الزَّكَاةُ وَقَالَ مَالِكٌ: إنْ كَانَ ذَلِكَ عَيْنًا - ذَهَبًا أَوْ فِضَّةً - فَإِنَّهُ تُؤْخَذُ مِنْهُ زَكَاةُ كُلِّ سَنَةٍ حَتَّى يَرْجِعَ الْوَزْنُ إلَى مِائَتَيْ دِرْهَمٍ، وَالذَّهَبُ إلَى عِشْرِينَ دِينَارًا، فَتُؤْخَذُ الزَّكَاةُ لِسَنَةٍ وَاحِدَةٍ، ثُمَّ لَا شَيْءَ عَلَيْهِ لِمَا بَعْدَ ذَلِكَ مِنْ السِّنِينَ؟ وَإِنْ كَانَتْ زَكَاةَ زَرْعٍ فَرَّطَ فِيهَا سِنِينَ أُخِذَتْ كُلُّهَا وَإِنْ اصْطَلَمَتْ جَمِيعَ مَالِهِ؟

وَإِنْ كَانَتْ مَاشِيَةً.

L11000–11001 And if the property was grazing livestock.

فَإِنْ كَانَ هُوَ هَرَبَ أَمَامَ السَّاعِي فَإِنَّ الزَّكَاةَ تُؤْخَذُ مِنْهُ عَلَى حَسْبِ مَا كَانَ عِنْدَهُ فِي كُلِّ عَامٍ، فَإِذَا رَجَعَ مَالُهُ بِإِخْرَاجِ الزَّكَاةِ إِلَّا مَا لَا زَكَاةَ فِيهِ لَمْ يُؤْخَذْ مِنْهُ شَيْءٌ لِسَائِرِ مَا بَقِيَ مِنْ الْأَعْوَامِ، وَإِنْ كَانَ السَّاعِي هُوَ الَّذِي تَأَخَّرَ عَنْهُ فَإِنَّهُ تُؤْخَذُ مِنْهُ زَكَاةُ مَا وُجِدَ بِيَدِهِ لِكُلِّ عَامٍ خَلَا - سَوَاءٌ كَانَ بِيَدِهِ فِيمَا خَلَا أَكْثَرُ أَوْ أَقَلُّ مَا لَمْ يَخْرُجْ إِلَى مَا لَا زَكَاةَ فِيهِ، فَإِذَا رَجَعَ إِلَى مَا لَا زَكَاةَ فِيهِ لَمْ يُؤْخَذْ مِنْهُ شَيْءٌ؟ وَقَالَ أَبُو حَنِيفَةَ فِيمَنْ كَانَ لَهُ عَشْرٌ مِنْ الْإِبِلِ عَامَيْنِ لَمْ يُؤَدِّ زَكَاتَهَا: إِنَّهُ يُزَكِّي لِلْعَامِ الْأَوَّلِ شَاتَيْنِ. وَلِلْعَامِ الثَّانِي شَاةً وَاحِدَةً وَقَالَ هُوَ وَمُحَمَّدُ بْنُ الْحَسَنِ فِيمَنْ كَانَ عِنْدَهُ مِائَتَا دِرْهَمٍ - لَا مَالَ لَهُ غَيْرَهَا - فَلَمْ يُزَكِّهَا سَنَتَيْنِ فَصَاعِدًا: إِنَّهُ لَا زَكَاةَ عَلَيْهِ، لِأَنَّ الزَّكَاةَ صَارَتْ عَلَيْهِ دَيْنًا فِيهَا هَذَا نَصُّ كَلَامِهِ وَقَالَ أَبُو يُوسُفَ: عَلَيْهِ زَكَاتُهَا لِعَامٍ وَاحِدٍ فَقَطْ؟ وَقَالَ زُفَرُ: عَلَيْهِ زَكَاتُهَا لِكُلِّ عَامٍ أَبَدًا. وَبِهِ يَقُولُ أَبُو سُلَيْمَانَ، وَأَصْحَابُنَا؟ قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ التَّنَاقُضِ، وَتَقْسِيمٌ فَاسِدٌ، لَا بُرْهَانَ عَلَى صِحَّتِهِ، لِأَنَّهُ دَعْوَى بِلَا دَلِيلٍ. وَمَا الْعَجَبُ إِلَّا مِنْ رِفْقِهِمْ بِالْهَارِبِ أَمَامَ الْمُصَدِّقِ وَتَحَرِّيهِمْ الْعَدْلَ فِيهِ وَشِدَّةِ حَمْلِهِمْ عَلَى مَنْ تَأَخَّرَ عَنْهُ السَّاعِي، فَيُوجِبُونَ عَلَيْهِ زَكَاةَ أَلْفِ نَاقَةٍ لِعَشْرِ سِنِينَ، وَلَمْ يَمْلِكْهَا إِلَّا سَنَةً وَاحِدَةً، وَإِنَّمَا مَلَكَ فِي سَائِرِ الْأَعْوَامِ خَمْسًا مِنْ الْإِبِلِ فَقَطْ.

L11002 If he fled before the Zakat collector, Zakat is taken from him according to what he possessed each year. If his wealth reverted to non-Zakatable assets upon paying Zakat, nothing is taken from him for the remaining years. If the Zakat collector was delayed, Zakat is taken from him for what was found in his possession for each past year—whether he had more or less in previous years, provided the assets did not fall below the Zakat threshold. If they reverted to non-Zakatable assets, nothing is taken? Abū Ḥanīfa said regarding one who owned ten camels for two years without paying their Zakat: he must pay two sheep for the first year and one sheep for the second. He and Muḥammad ibn al-Ḥasan said regarding one who had two hundred dirhams—with no other wealth—and did not pay Zakat for two years or more: no Zakat is owed, as Zakat became a debt on him concerning them. This is the explicit wording of his statement. Abū Yūsuf said: he owes Zakat for only one year? Zufar said: he owes Zakat for every year indefinitely. Abū Sulaymān and our companions hold this view? Abū Muḥammad said: Mālik's statement is evidently contradictory and an invalid division, with no proof of its validity, being an unsupported claim. The only perplexing aspect is their leniency toward one who flees before the Zakat assessor and their pursuit of justice for him, while imposing harshly on one from whom the collector was delayed—obliging him to pay Zakat as if he owned a thousand camels over ten years when he possessed them only one year, having merely five camels in the remaining years.

وَاحْتَجُّوا فِي هَذَا بِأَنَّ هَكَذَا زَكَّى النَّاسُ إِذْ أَجْمَعُوا عَلَى مُعَاوِيَةَ؟ قَالَ أَبُو مُحَمَّدٍ: وَهُمْ قَدْ خَالَفُوا مُعَاوِيَةَ فِي أَخْذِ الزَّكَاةِ مِنْ الْأَعْطِيَةِ وَمَعَهُ ابْنُ مَسْعُودٍ، وَقَلَّدُوا هَاهُنَا سُعَاةَ مَنْ لَا يُعْتَدُّ بِهِ، كَمَرْوَانَ، وَسَعِيدِ بْنِ الْعَاصِ، وَمَا هُنَالِكَ وَمَعَاذَ اللَّهِ أَنْ تُؤْخَذَ الزَّكَاةُ مِنْ إِبِلٍ لَمْ يَمْلِكْهَا الْمُسْلِمُ وَتُعَطَّلَ زَكَاةٌ قَدْ أَوْجَبَهَا اللَّهُ تَعَالَى؟

L11003–11005 They argued in this by claiming, "Did the people not validate in this way when they reached consensus regarding Mu'awiyah?" Abu Muhammad responded: Yet they opposed Mu'awiyah's method of taking zakat from gifts while Ibn Mas'ud was with him. In this matter, they followed the practices of unworthy people such as Marwan, Sa'id ibn al-As, and their like. Allah forbid that Zakat be taken from camels a Muslim does not own, and thus nullify a Zakat Allah the Exalted has made obligatory?

L11006 As for Abū Yūsuf's statement, it is understood to mean that zakāh—whether in physical assets or other categories—pertains to the wealth itself rather than personal obligation. We have previously demonstrated the invalidity of this position and clarified that zakāh indeed relates to personal obligation, not physical assets. Were it tied to physical wealth, it would not suffice to pay zakāh from assets other than those specific ones—a position rejected by consensus, since it is established that one may discharge it from wherever he wishes. Once it is established that zakāh pertains to personal obligation, how could the loss of one's wealth or its reverting to assets not subject to zakāh cause this duty to cease? Some argued that if a man sells his livestock after zakāh becomes due, the collector may take zakāh from those sold animals. Abū Muḥammad responded: "This is invalid and impermissible, for the livestock then becomes the buyer's property. It is unlawful to collect zakāh from 'Umar when the obligation lies not on him but on Zayd. Rather, the collector pursues the seller for this debt as a personal obligation. And success is from Allah, the Exalted."

L11007 **An issue regarding one who died after Zakat became obligatory on his gold and silver.**

L11008 687 - Issue: If the one upon whom zakat became obligatory for one or two years dies, it must be deducted from his estate, whether he acknowledged it or evidence was established against him. His child or collateral heirs inherit from him. The creditors, bequest beneficiaries, and the heirs have no right until all of it is fully settled. This applies equally to currency, livestock, and crops. This is the opinion of Al-Shāfiʿī, Abū Sulaymān, and their adherents.

L11009 Abu Hanifah said: If someone dies after zakah becomes obligatory on his gold and silver, it is waived by his death and is not levied whatsoever, whether he died shortly after the completion of the lunar year by a brief or extended period, or if the obligation had accrued over years. As for zakah on livestock, Ibn al-Mubarak narrated from him that the zakah collector takes it from the livestock, even if he finds them in the possession of his heirs.

وَأَمَّا قَوْلُ أَبِي يُوسُفَ فَإِنَّهُ مَحْمُولٌ عَلَى أَنَّ الزَّكَاةَ - فِي الْعَيْنِ وَغَيْرِهِ - فِي الْمَالِ نَفْسِهِ، وَلَا فِي الذِّمَّةِ، وَهَذَا أَمْرٌ قَدْ بَيَّنَّا فَسَادَهُ قَبْلُ، وَأَوْضَحْنَا أَنَّهَا فِي الذِّمَّةِ لَا فِي الْعَيْنِ، وَلَوْ كَانَتْ فِي الْعَيْنِ لَمَا أَجْزَأَهُ أَنْ يُعْطِيَ الزَّكَاةَ مِنْ غَيْرِ ذَلِكَ الْمَالِ نَفْسِهِ، وَهَذَا أَمْرٌ مُجْمَعٌ عَلَى خِلَافِهِ، وَعَلَى أَنَّهُ لَهُ أَنْ يُعْطِيَهَا مِنْ حَيْثُ شَاءَ، فَإِذَا صَحَّ أَنَّهَا فِي الذِّمَّةِ فَلَا يُسْقِطُهَا عَنْهُ ذَهَابُ مَالِهِ، وَلَا رُجُوعُهُ إِلَى مَا لَا زَكَاةَ فِيهِ؟ وَاحْتَجَّ بَعْضُهُمْ بِأَنَّ امْرَأً لَوْ بَاعَ مَاشِيَتَهُ بَعْدَ حُلُولِ الزَّكَاةِ فِيهَا أَنَّ لِلسَّاعِي أَخْذَ الزَّكَاةِ مِنْ تِلْكَ الْمَاشِيَةِ الْمَبِيعَةِ؟ قَالَ أَبُو مُحَمَّد: وَهَذَا بَاطِلٌ، وَمَا لَهُ ذَلِكَ، لِأَنَّهَا قَدْ صَارَتْ مَالًا مِنْ مَالِ الْمُشْتَرِي، وَلَا يَحِلُّ أَنْ تُؤْخَذَ زَكَاةُ مِنْ عُمَرَ وَلَمْ تَجِبْ عَلَيْهِ وَإِنَّمَا وَجَبَتْ عَلَى زَيْدٍ، وَلَكِنْ يَتْبَعُ الْبَائِعُ بِهَا دَيْنًا فِي ذِمَّتِهِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ مَاتَ بَعْدَ وُجُوبِ الزَّكَاةِ فِي ذَهَبِهِ وَفِضَّتِهِ]

٦٨٧ - مَسْأَلَةٌ: فَلَوْ مَاتَ الَّذِي وَجَبَتْ عَلَيْهِ الزَّكَاةُ سَنَةً أَوْ سَنَتَيْنِ فَإِنَّهَا مِنْ رَأْسِ مَالِهِ، أَقَرَّ بِهَا أَوْ قَامَتْ عَلَيْهِ بَيِّنَةٌ، وَرِثَهُ وَلَدُهُ أَوْ كَلَالَةً، لَا حَقَّ لِلْغُرَمَاءِ وَلَا لِلْوَصِيَّةِ وَلَا لِلْوَرَثَةِ حَتَّى تَسْتَوْفِيَ كُلُّهَا، سَوَاءٌ فِي ذَلِكَ الْعَيْنُ وَالْمَاشِيَةُ وَالزَّرْعُ. وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَأَصْحَابِهِمَا.

وَقَالَ أَبُو حَنِيفَةَ: مَنْ مَاتَ بَعْدَ وُجُوبِ الزَّكَاةِ فِي ذَهَبِهِ وَفِضَّتِهِ فَإِنَّهَا تَسْقُطُ بِمَوْتِهِ، لَا تُؤْخَذُ أَصْلًا، سَوَاءٌ مَاتَ إِثْرَ الْحَوْلِ بِيَسِيرٍ أَوْ كَثِيرٍ، أَوْ كَانَتْ كَذَلِكَ لِسِنِينَ. وَأَمَّا زَكَاةُ الْمَاشِيَةِ فَإِنَّهُ رَوَى عَنْهُ ابْنُ الْمُبَارَكِ: أَنَّهُ يَأْخُذُهَا الْمُصَدِّقُ مِنْهَا، وَإِنْ وَجَدَهَا بِأَيْدِي وَرَثَتِهِ.

وَرَوَى عَنْهُ أَبُو يُوسُفَ: أَنَّهَا تَسْقُطُ بِمَوْتِهِ وَاخْتَلَفَ قَوْلُهُ فِي زَكَاةِ الثِّمَارِ وَالزَّرْعِ: فَرَوَى عَنْهُ عَبْدُ اللَّهِ بْنُ الْمُبَارَكِ أَنَّهَا تَسْقُطُ بِمَوْتِهِ، وَرَوَى عَنْهُ مُحَمَّدُ بْنُ الْحَسَنِ عَنْ أَبِي يُوسُفَ عَنْ أَبِي حَنِيفَةَ: أَنَّهَا تُؤْخَذُ بَعْدَ مَوْتِهِ، وَيَرَى أَنَّ قَوْلَهُ الْمَذْكُورَ فِي الْمَاشِيَةِ، وَالزَّرْعِ إِنَّمَا هُوَ فِي زَكَاةِ تِلْكَ السَّنَةِ فَقَطْ، فَأَمَّا زَكَاةٌ فَرَّطَ فِيهَا حَتَّى مَاتَ فَإِنَّهُ يَقُولُ: بِأَنَّهَا تَسْقُطُ عَنْهُ.

L11010–11011 Abu Yusuf reported from him that the Zakat obligation is nullified by his death. His own statements differed regarding the Zakat on fruits and crops: Abdullah ibn al-Mubarak reported from him that they are nullified by his death, while Muhammad ibn al-Hasan reported via Abu Yusuf, from Abu Hanifah, that it is taken after his death. He maintains that his aforementioned statement concerning grazing livestock and crops applies only to the Zakat of that year. As for any Zakat he neglected to pay until he died, he asserts that it is nullified for him.

وَقَالَ مَالِكٌ فِيمَنْ مَاتَ بَعْدَ حُلُولِ الزَّكَاةِ فِي مَالِهِ أَيِّ مَالٍ كَانَ حَاشَا الْمَوَاشِيَ -: فَإِنَّهَا تُؤْخَذُ مِنْ رَأْسِ مَالِهِ، فَإِنْ كَانَ فَرَّطَ فِيهَا أَكْثَرَ مِنْ عَامٍ فَلَا تَخْرُجُ عَنْهُ إِلَّا أَنْ يُوصِيَ بِهَا، فَتَكُونُ مِنْ ثُلُثِهِ مُبْدَاةً عَلَى سَائِرِ وَصَايَاهُ كُلِّهَا، حَاشَا التَّدْبِيرِ فِي الصِّحَّةِ، وَهِيَ مُبْدَاةٌ عَلَى التَّدْبِيرِ فِي الْمَرَضِ قَالَ: وَأَمَّا الْمَوَاشِي فَإِنَّهُ إِنْ حَالَ الْحَوْلُ عَلَيْهَا ثُمَّ مَاتَ قَبْلَ مَجِيءِ السَّاعِي ثُمَّ جَاءَ السَّاعِي فَلَا سَبِيلَ لِلسَّاعِي عَلَيْهَا، وَقَدْ بَطَلَتْ، إِلَّا أَنْ يُوصِيَ بِهَا، فَتَكُونُ فِي الثُّلُثِ غَيْرُ مُبْدَاةٍ عَلَى سَائِرِ الْوَصَايَا. وَاخْتَلَفَ قَوْلُ الْأَوْزَاعِيِّ فِي ذَلِكَ: فَمَرَّةً رَآهَا مِنْ الثُّلُثِ، وَمَرَّةً رَآهَا مِنْ رَأْسِ الْمَالِ قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ أَبِي حَنِيفَةَ، وَمَالِكٍ، فَفِي غَايَةِ الْخَطَأِ، لِأَنَّهُمَا أَسْقَطَا بِمَوْتِ الْمَرْءِ دَيْنًا لِلَّهِ تَعَالَى وَجَبَ عَلَيْهِ فِي حَيَاتِهِ، بِلَا بُرْهَانٍ أَكْثَرَ مِنْ أَنْ قَالُوا: لَوْ كَانَ ذَلِكَ لَمَا شَاءَ إِنْسَانٌ أَنْ لَا يُوَرِّثَ وَرَثَتَهُ شَيْئًا إِلَّا أَمْكَنَهُ فَقُلْنَا: فَمَا تَقُولُونَ فِي إِنْسَانٍ أَكْثَرَ مِنْ إِتْلَافِ أَمْوَالِ النَّاسِ لِيَكُونَ ذَلِكَ دَيْنًا عَلَيْهِ وَلَا يَرِثُ وَرَثَتُهُ شَيْئًا، وَلَوْ أَنَّهَا دُيُونُ يَهُودِيٍّ، أَوْ نَصْرَانِيٍّ لَا فِي خُمُورٍ أَهْرَقَهَا لَهُمْ.

L11012 Malik said regarding one who dies after zakat has become due on his property—any property excluding livestock—that it must be taken from his capital. If he neglected it for over a year, the zakat is not deducted after his death unless he bequeaths it, in which case it is taken from a third of his estate, given precedence over all his other bequests except for contractual manumission enacted in good health. However, it precedes in priority over contractual manumission established during illness. As for livestock: if the zakat year has elapsed and the owner dies before the zakat collector arrives, the collector has no claim to it, and the obligation is nullified unless the deceased bequeaths it. In that case, it is taken from the third of the estate as non-precedential over other bequests. Al-Awza'i's position on this varied—sometimes considering it payable from the third, sometimes from the capital. Abu Muhammad said: "The view of Abu Hanifah and Malik is profoundly erroneous, for they invalidated a divine obligation owed to God Almighty—established during the person's lifetime—without evidence beyond their assertion that 'if this [rule] applied, no one could will anything to their heirs without restriction.' We counter: What is your ruling regarding one who deliberately wastes others' wealth to incur liabilities against himself, thereby leaving his heirs nothing? If these were debts owed to a Jew or Christian (not for wine he spilled on their behalf), the heirs would inherit nothing."

فَمِنْ قَوْلِهِمْ: إِنَّهَا كُلَّهَا مِنْ رَأْسِ مَالِهِ، سَوَاءٌ وَرِثَ وَرَثَتُهُ أَوْ لَمْ يَرِثُوا، فَنَقَضُوا عِلَّتَهُمْ بِأَوْحَشِ نَقْضٍ وَأَسْقَطُوا حَقَّ اللَّهِ تَعَالَى - الَّذِي جَعَلَهُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ مِنْ الْمُسْلِمِينَ، وَالْغَارِمِينَ مِنْهُمْ، وَفِي الرِّقَابِ مِنْهُمْ، وَفِي سَبِيلِهِ تَعَالَى، وَابْنِ السَّبِيلِ فَرِيضَةً مِنْ اللَّهِ تَعَالَى

L11013–11015 Among their statements is that all of it is from his capital, whether his heirs inherit or do not inherit. Thus, they invalidated their reasoning in the most reprehensible manner and nullified the right of Allah Almighty—which He has ordained as an obligation from Allah Almighty for the poor and needy among the Muslims, the indebted among them, the freeing of slaves, for His

cause, and for the wayfarer—while enforcing people's debts and providing the heirs with unlawful wealth. What is astonishing is that this stems from their obligation of prayer after its time has expired upon one who deliberately omits it, and their nullification... Zakat and its appointed time remain obligatory upon the one who intentionally neglects it. Malik's categorization divides wealth between livestock and non-livestock, and between the zakat of the current year and other years. He ruled that the current year's zakat is taken from the principal wealth even if it leaves the heirs without means of sustenance, while deeming the zakat of previous years invalid. He further differentiated between the zakat of liquid assets bequeathed—which is allocated from one-third of the estate and prioritized over other bequests except for *tadbeer* (conditional manumission) enacted during health, whereas *tadbeer* during illness is prioritized over bequests—and the zakat of livestock bequeathed, which is allocated from one-third but not prioritized over bequests. These are matters in which some erred despite good intentions, yet it is astonishing how one could enthusiastically embrace blind adherence to such opinions and then labor to nullify established Prophetic precedents in their defense. Abu Muhammad said: The distinction between the validity of our view and the invalidity of the opponents' view lies in Allah's statement—Exalted and Majestic—(regarding inheritance): *"After any bequest he may have made or debt"* (Quran 4:11). Thus, He—Exalted—encompassed all debts. Zakat is an outstanding debt owed to Allah—Exalted—and to the poor, the needy, debtors, and all others whom He—Exalted—designated as recipients in the Quranic text. Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath narrated to us: Abdul Wahhab ibn Isa narrated to us: Ahmad ibn Muhammad narrated to us: Ahmad ibn Ali narrated to us: Muslim ibn Al-Hajjaj narrated to us: Ahmad ibn Umar Al-Wāqiʿī and Abu Sa'id Al-Ashajj narrated to us.[1]

-: وَأَوْجَبُوا دُيُونَ الْآدَمِيِّينَ وَأَطْعَمُوا الْوَرَثَةَ الْحَرَامَ. وَالْعَجَبُ أَنَّهُ مِنْ إيجَابِهِمْ الصَّلَاةَ بَعْدَ خُرُوجِ وَقْتِهَا عَلَى الْعَامِدِ لِتَرْكِهَا، وَإِسْقَاطِهِمْ الزَّكَاةَ وَوَقْتُهَا قَائِمٌ عَنْ الْمُتَعَمِّدِ لِتَرْكِهَا. ثُمَّ تَقْسِيمُ مَالِكٍ بَيْنَ الْمَوَاشِي وَغَيْرِ الْمَوَاشِي، وَبَيْنَ زَكَاةِ عَامِهِ ذَلِكَ وَسَائِرِ الْأَعْوَامِ، فَرَأَى زَكَاةَ عَامِهِ مِنْ رَأْسِ الْمَالِ، وَإِنْ لَمْ يَبْقَ لِلْوَرَثَةِ شَيْءٌ يَعِيشُونَ مِنْهُ، وَلَمْ يَرَ زَكَاةَ سَائِرِ الْأَعْوَامِ إلَّا سَاقِطَةً. ثُمَّ تَفْرِيقُهُ بَيْنَ زَكَاةِ النَّاضِّ يُوصِي بِهَا فَتَكُونُ فِي الثُّلُثِ وَتُبَدَّى عَلَى الْوَصَايَا إلَّا عَلَى التَّدْبِيرِ فِي الصِّحَّةِ وَتُبَدَّى عَلَى التَّدْبِيرِ فِي الْمَرَضِ -: وَبَيْنَ زَكَاةِ الْمَاشِيَةِ يُوصِي بِهَا فَتَكُونُ فِي الثُّلُثِ وَلَا تُبَدَّى الْوَصَايَا، وَهَذِهِ أَشْيَاءُ غَلِطَ فِيهَا مَنْ غَلِطَ وَقَصَدَ الْخَيْرَ، وَإِنَّمَا الْعَجَبُ مِمَّنْ انْشَرَحَ صَدْرُهُ لِتَقْلِيدِ قَائِلِهَا. ثُمَّ اسْتَعْمَلَ نَفْسَهُ فِي إبْطَالِ السُّنَنِ الثَّابِتَةِ نَصْرًا لَهَا. قَالَ أَبُو مُحَمَّد: وَبَيْنَ صِحَّةِ قَوْلِنَا وَبُطْلَانِ قَوْلِ الْمُخَالِفِينَ قَوْلُ اللَّهِ عَزَّ وَجَلَّ (فِي الْمَوَارِيثِ) {مِنْ بَعْدِ وَصِيَّةٍ يُوصِي بِهَا أَوْ دَيْنٍ} [النساء: ١١] فَعَمَّ - عَزَّ وَجَلَّ - الدُّيُونَ كُلَّهَا، وَالزَّكَاةُ دَيْنٌ قَائِمٌ لِلَّهِ تَعَالَى وَلِلْمَسَاكِينِ، وَالْفُقَرَاءِ وَالْغَارِمِينَ وَسَائِرِ مَنْ فَرَضَهَا تَعَالَى لَهُمْ فِي نَصِّ الْقُرْآنِ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا أَحْمَدُ بْنُ عُمَرَ الْوَكِيعِيُّ وَأَبُو سَعِيدٍ الْأَشَجُّ.

L11016–11018 Al-Waki'i said: Husayn ibn 'Ali narrated to us from Za'idah; and Abu Sa'id said: Abu Khalid al-Ahmar narrated to us. Then Za'idah and Abu Khalid al-Ahmar concurred in narrating from al-A'mash, who narrated from Muslim al-Batin, al-Hakam ibn 'Utaybah, and Salamah ibn Kuhayl. Muslim al-Batin

قَالَ الْوَكِيعِيُّ: ثنا حُسَيْنُ بْنُ عَلِيٍّ عَنْ زَائِدَةَ، وَقَالَ أَبُو سَعِيدٍ ثنا أَبُو خَالِدٍ الْأَحْمَرُ ثُمَّ اتَّفَقَ زَائِدَةُ، وَأَبُو خَالِدٍ الْأَحْمَرُ كِلَاهُمَا عَنْ الْأَعْمَشِ عَنْ مُسْلِمٍ الْبَطِينِ وَالْحَكَمِ بْنِ عُتَيْبَةَ، وَسَلَمَةَ بْنِ كُهَيْلٍ، قَالَ مُسْلِمٌ الْبَطِينُ: عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَقَالَ الْحَكَمُ، وَسَلَمَةُ: سَمِعْنَا

[1] **Qur'an references (L11013):** Qur'an 4:11 (An-Nisa); Qur'an 4:12 (An-Nisa).

said: From Sa‘id ibn Jubayr. Al-Hakam and Salamah said: We heard Mujahid. Then Sa‘id ibn Jubayr and Mujahid concurred in narrating from Ibn ‘Abbas, who said: “A man came to the Messenger of Allah — peace and blessings of Allah be upon him — and said: ’My mother died and she owed a month of fasting. Shall I fast it on her behalf?’ He said: ’If your mother owed a debt, would you repay it for her?’ He said: ’Yes.’ He said: ’Then the debt owed to Allah...’” “The most deserving to be fulfilled.”

مُجَاهِدًا ثُمَّ اتَّفَقَ سَعِيدُ بْنُ جُبَيْرٍ، وَمُجَاهِدٌ عَنْ ابْنِ عَبَّاسٍ قَالَ «جَاءَ رَجُلٌ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: إِنَّ أُمِّي مَاتَتْ وَعَلَيْهَا صَوْمُ شَهْرٍ أَفَأَقْضِيهِ عَنْهَا؟ فَقَالَ: لَوْ كَانَ عَلَى أُمِّكِ دَيْنٌ أَكُنْتَ قَاضِيهِ عَنْهَا؟ قَالَ: نَعَمْ، قَالَ: فَدَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى» .

L11019 Abū Khālid said: In his narration from al-Aʿmash—from Muslim al-Buṭayn, al-Ḥakam ibn ʿUtaybah, and Salamah ibn Kuhayl—from Saʿīd ibn Jubayr, Mujāhid, and ʿAṭāʾ, from Ibn ʿAbbās. Zāʾidah mentioned in his narration that al-Aʿmash heard it from al-Ḥakam, Salamah, and Muslim al-Buṭayn.

قَالَ أَبُو خَالِدٍ: فِي رِوَايَتِهِ عَنْ الْأَعْمَشِ عَنْ مُسْلِمٍ الْبُطَيْنِ، وَالْحَكَمِ بْنِ عُتَيْبَةَ، وَسَلَمَةَ بْنِ كُهَيْلٍ عَنْ سَعِيدِ بْنِ جُبَيْرٍ وَمُجَاهِدٍ وَعَطَاءٍ عَنْ ابْنِ عَبَّاسٍ، وَذَكَرَ زَائِدَةُ فِي حَدِيثِهِ أَنَّ الْأَعْمَشَ سَمِعَهُ مِنْ الْحَكَمِ، وَسَلَمَةَ وَمُسْلِمٍ

L11020 We have also narrated it through the chain of Muḥammad ibn Jaʿfar from Shuʿbah from Abū Bishr, Jaʿfar ibn Abī Waḥshiyyah, who said: I heard Saʿīd ibn Jubayr report from Ibn ʿAbbās from the Prophet—peace and blessings be upon him—who mentioned it, and in it, he—peace and blessings be upon him—said: “Fulfill your duty to Allah, for He is most deserving that you fulfill [your obligations].”

وَرُوِّينَاهُ أَيْضًا مِنْ طَرِيقِ مُحَمَّدِ بْنِ جَعْفَرٍ عَنْ شُعْبَةَ عَنْ أَبِي بِشْرٍ جَعْفَرِ بْنِ أَبِي وَحْشِيَّةَ قَالَ: سَمِعْت سَعِيدَ بْنَ جُبَيْرٍ عَنْ ابْنِ عَبَّاسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَهُ، وَفِيهِ أَنَّهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - قَالَ: «فَاقْضُوا اللَّهَ فَهُوَ أَحَقُّ بِالْوَفَاءِ»

L11021 These individuals—Aṭā, Saʿīd ibn Jubayr, and Mujāhid—narrate it from Ibn ʿAbbās, who said: “These [rulings] are based on their personal opinions. Rather, the debt owed to Allah the Exalted is waived, while the debt owed to people is more deserving of settlement, and people are more entitled to fulfillment.” Abū Muḥammad said: “They inquire about zakah—is it a liability (dhimmah) or tied to tangible assets (ʿayn al-māl).? There is no third possibility. If they claim it is tied to tangible assets, it is established that the eligible recipients of zakah are partners in that wealth. How then can it be obligatory to invalidate their right while the debts owed to Jews and Christians persist? If they claim it is a liability (dhimmah), how do they nullify it upon death?” They unanimously agree that the admission of a sound-minded person is legally binding regarding the principal. How then do they invalidate the admission of an ailing person? If they argue, “Because it constitutes a will,” they lie and contradict themselves—for if the admission were a will, it would apply to the sound-minded person as well, limited to a third. Otherwise,

فَهَؤُلَاءِ: عَطَاءٌ، وَسَعِيدُ بْنُ جُبَيْرٍ، وَمُجَاهِدٌ يَرْوُونَهُ عَنْ ابْنِ عَبَّاسٍ، فَقَالَ: هَؤُلَاءِ بِآرَائِهِمْ، بَلْ دَيْنُ اللَّهِ تَعَالَى سَاقِطٌ وَدَيْنُ النَّاسِ أَحَقُّ أَنْ يُقْضَى وَالنَّاسُ أَحَقُّ بِالْوَفَاءِ قَالَ أَبُو مُحَمَّد: وَيَسْأَلُونَ عَنْ الزَّكَاةِ أَفِي الذِّمَّةِ هِيَ أَمْ فِي عَيْنِ الْمَالِ.؟ وَلَا سَبِيلَ إلَى قِسْمٍ ثَالِثٍ. فَإِنْ قَالُوا: فِي عَيْنِ الْمَالِ، فَقَدْ صَحَّ أَنَّ أَهْلَ الصَّدَقَاتِ شُرَكَاءُ فِي ذَلِكَ الْمَالِ، فَمِنْ أَيْنَ وَجَبَ أَنْ يَبْطُلَ حَقُّهُمْ وَتَبْقَى دَيْنُ الْيَهُودِ وَالنَّصَارَى؟ وَإِنْ قَالُوا: فِي الذِّمَّةِ فَمِنْ أَيْنَ أَسْقَطُوهَا بِمَوْتِهِ؟ وَلَا يَخْتَلِفُونَ أَنَّ إقْرَارَ الصَّحِيحِ لَازِمٌ فِي رَأْسِ الْمَالِ فَمِنْ أَيْنَ وَقَعَ لَهُمْ إبْطَالُ إقْرَارِ الْمَرِيضِ؟ فَإِنْ قَالُوا: لِأَنَّهُ وَصِيَّةٌ، كَذَبُوا وَتَنَاقَضُوا لِأَنَّ الْإِقْرَارَ إنْ كَانَ وَصِيَّةً فَهُوَ مِنْ الصَّحِيحِ أَيْضًا فِي الثُّلُثِ، وَإِلَّا فَهَاتُوا فَرْقًا بَيْنَ الْمَرِيضِ، وَالصَّحِيحِ.

let them provide a distinction between the ailing and the sound-minded. If they argue, “Because we suspect him,” we respond: “Why do you not suspect the sound-minded person? He is more deserving of suspicion!” This applies particularly to the Mālikīs, who accept the testimony of an ailing person claiming, “So-and-so killed me,” yet invalidate his admission concerning his wealth. These matters are as you see, and we ask Allah for well-being.

وَإِنْ قَالُوا: لِأَنَّنَا نَتَّهِمُه. قُلْنَا: فَهَلَّا اتَّهَمْتُمْ الصَّحِيحَ فَهُوَ أَحَقُّ بِالتُّهْمَةِ؟ لَا سِيَّمَا الْمَالِكِيِّينَ الَّذِينَ يُصَدِّقُونَ قَوْلَ الْمَرِيضِ فِي دَعْوَاهُ: إنَّ فُلَانًا قَتَلَهُ، وَيُبْطِلُونَ إقْرَارَهُ فِي مَالِهِ، وَهَذِهِ أُمُورٌ كَمَا تَرَى وَنَسْأَلُ اللَّهَ الْعَافِيَةَ.

L11022–11023 It has been reported to us through the chain of Ibn Wahb from Yunus ibn Yazid from Al-Zuhri regarding a man who dies without having paid the zakāh of his wealth: that it is taken from his estate if it becomes known [that he owed zakāh]. Rabīʿah said: “It is not taken, and what he is liable for remains upon him.” From the chain of Ibn Abī Shaybah: Jarīr narrated to us from Sulaymān al-Taymī from Al-Hasan and Tāwūs that they said concerning the obligatory Hajj in Islam and zakāh: “They hold the same status as debts.” ʿAlī said: “Al-Shāfiʿī has another opinion: that all such obligations are to be proportionally allocated from the estate alongside people’s debts.” ʿAlī said: “This is incorrect, due to the statement of the Messenger of Allah (peace and blessings be upon him): ’Allah’s debt is more deserving to be settled.’” ʿAlī said: “This is among the matters in which they contradicted the Quran, the established Sunnahs (which have no opposing evidence), and analogical reasoning, and they did not rely on the opinion of a Companion known to us.”

رُوِّينَا مِنْ طَرِيقِ ابْنِ وَهْبٍ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ الزُّهْرِيِّ فِي الرَّجُلِ يَمُوتُ وَلَمْ يُؤَدِّ زَكَاةَ مَالِهِ: أَنَّهَا تُؤْخَذُ مِنْ مَالِهِ إذَا عُلِمَ بِذَلِكَ. وَقَالَ رَبِيعَةُ: لَا تُؤْخَذُ وَعَلَيْهِ مَا تَحَمَّلَ -: وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا جَرِيرٌ عَنْ سُلَيْمَانَ التَّيْمِيِّ عَنْ الْحَسَنِ، وَطَاوُسٍ: أَنَّهُمَا قَالَا فِي حَجَّةِ الْإِسْلَامِ، وَالزَّكَاةِ: هُمَا بِمَنْزِلَةِ الدَّيْنِ قَالَ عَلِيٌّ: وَلِلشَّافِعِيِّ قَوْلٌ آخَرُ: إنَّ كُلَّ ذَلِكَ يَتَحَاصُّ مَعَ دُيُونِ النَّاسِ. قَالَ عَلِيٌّ: وَهَذَا خَطَأٌ، لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «دَيْنُ اللَّهِ أَحَقُّ أَنْ يُقْضَى.» قَالَ عَلِيٌّ: هَذَا مِمَّا خَالَفُوا فِيهِ الْقُرْآنَ وَالسُّنَنَ الثَّابِتَةَ - الَّتِي لَا مُعَارِضَ لَهَا - وَالْقِيَاسَ، وَلَمْ يَتَعَلَّقُوا بِقَوْلِ صَاحِبٍ نَعْلَمُهُ.

L11024

A legal ruling: The payment of Zakat is not valid unless one intends it to be Zakat.

[مَسْأَلَةٌ لَا يُجْزِئُ أَدَاءُ الزَّكَاةِ إلَّا بِنِيَّةِ أَنَّهَا الزَّكَاةُ]

L11025–11027 688. Issue: The payment of Zakāh is not valid when a Muslim—or his agent acting by his order—disburses it without explicitly intending it as the obligatory Zakāh incumbent upon him. If the Imam, his Zakāh collector, his governor, or the latter’s collector takes it, this intention must likewise be present, based on Allah’s statement: “They were commanded only to worship Allah, devoting religion sincerely to Him” (Surah Al-Bayyinah 98:5), and the Messenger of Allah’s (peace be upon him) saying: “Actions are judged by intentions.” If a person disburses Zakāh for his absent wealth while stating, “This is the Zakāh of my wealth if it remains intact; otherwise, it is voluntary

٦٨٨ - مَسْأَلَةٌ: وَلَا يُجْزِئُ أَدَاءُ الزَّكَاةِ إذَا أَخْرَجَهَا الْمُسْلِمُ عَنْ نَفْسِهِ أَوْ وَكِيلُهُ بِأَمْرِهِ إلَّا بِنِيَّةِ أَنَّهَا الزَّكَاةُ الْمَفْرُوضَةُ عَلَيْهِ، فَإِنْ أَخَذَهَا الْإِمَامُ، أَوْ سَاعِيهِ، أَوْ أَمِيرُهُ، أَوْ سَاعِيهِ فَبِنِيَّةِ كَذَلِكَ، لِقَوْلِ اللَّهِ تَعَالَى {وَمَا أُمِرُوا إلا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ} [البينة: ٥] وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ.» فَلَوْ أَنَّ امْرَأً أَخْرَجَ زَكَاةَ مَالٍ لَهُ غَائِبٍ فَقَالَ: هَذِهِ زَكَاةُ مَالِي إنْ كَانَ سَالِمًا، وَإِلَّا فَهِيَ صَدَقَةُ تَطَوُّعٍ

-: لَمْ يُجْزِهِ ذَلِكَ عَنْ زَكَاةِ مَالِهِ إِنْ كَانَ سَالِمًا، وَلَمْ يَكُنْ تَطَوُّعًا لِأَنَّهُ لَمْ يُخْلِصِ النِّيَّةَ لِلزَّكَاةِ مَحْضَةً كَمَا أُمِرَ، وَإِنَّمَا يُجْزِئُهُ إِنْ أَخْرَجَهَا عَلَى أَنَّهَا زَكَاةُ مَالِهِ فَقَطْ؛ فَإِنْ كَانَ الْمَالُ سَالِمًا أَجْزَأَهُ، لِأَنَّهُ أَدَّاهَا كَمَا أُمِرَ مُخْلِصًا لَهَا، وَإِنْ كَانَ الْمَالُ قَدْ تَلِفَ، فَإِنْ قَامَتْ لَهُ بَيِّنَةٌ فَلَهُ أَنْ يَسْتَرِدَّ مَا أَعْطَى، وَإِنْ فَاتَتْ أَدَّى الْإِمَامُ إِلَيْهِ ذَلِكَ مِنْ سَهْمِ الْغَارِمِينَ، لِأَنَّهُمْ أَخَذُوهَا وَلَيْسَ لَهُمْ أَخْذُهَا، فَهُمْ غَارِمُونَ بِذَلِكَ، وَهَذَا كَمَنْ شَكَّ: عَلَيْهِ يَوْمٌ مِنْ رَمَضَانَ أَمْ لَا؟ وَهَلْ عَلَيْهِ صَلَاةُ فَرْضٍ أَمْ لَا؟ فَصَلَّى عَدَدَ رَكَعَاتِ تِلْكَ الصَّلَاةِ وَقَالَ: إِنْ كُنْتَ أُنْسِيتُهَا فَهِيَ هَذِهِ، وَإِلَّا فَهِيَ تَطَوُّعٌ؛ وَصَامَ يَوْمًا فَقَالَ: إِنْ كَانَ عَلَيَّ يَوْمٌ فَهُوَ هَذَا، وَإِلَّا فَهُوَ تَطَوُّعٌ؛ فَإِنَّ هَذَا لَا يُخْرِجُهُ عَنْ تِلْكَ الصَّلَاةِ وَلَا عَنْ ذَلِكَ الْيَوْمِ إِنْ ذَكَرَ بَعْدَ ذَلِكَ أَنَّهُمَا عَلَيْهِ.

charity," this does not suffice as Zakāh if the wealth is intact, nor is it valid as voluntary charity, because he failed to dedicate the intention purely to Zakāh as commanded. It suffices only if he disburses it solely as Zakāh for his wealth. If the wealth remains intact, it suffices, as he has fulfilled the obligation with sincere intention. If the wealth has perished, he may reclaim what he gave if he provides evidence. If it is irrecoverable, the Imam must compensate him from the share designated for those in debt (ghārimīn), since they took it without rightful claim, thus making them debtors. This resembles the case of one uncertain whether he owes a day of fasting in Ramadan or an obligatory (farḍ) prayer, and thus prays the number of rak'ahs corresponding to that prayer. He said: "If I have forgotten it, then this is it; otherwise, it is supererogatory." He fasted a day and said: "If there is a day owed upon me, this is it; otherwise, it is supererogatory." For indeed, this does not exempt him from that prayer or from that day if he later remembers that they were still due upon him.[2]

[مَسْأَلَةٌ اشْتَرَى بِدَرَاهِمِهِ أَوْ بِدَنَانِيرِهِ فِرَارًا مِنْ الزَّكَاةِ]

Issue: A person who buys with his dirhams or dinars in order to evade paying zakat.

٦٨٩ - مَسْأَلَةٌ: مَنْ خَرَجَ الْمَالُ عَنْ مِلْكِهِ فِي دَاخِلِ الْحَوْلِ قَبْلَ تَمَامِهِ - بِأَيِّ وَجْهٍ خَرَجَ عَنْ مِلْكِهِ - ثُمَّ رَجَعَ إِلَيْهِ - بِأَيِّ وَجْهٍ رَجَعَ إِلَيْهِ، وَلَوْ إِثْرَ خُرُوجِهِ بِطَرْفَةِ عَيْنٍ أَوْ أَكْثَرَ -: فَإِنَّهُ يَسْتَأْنِفُ بِهِ الْحَوْلَ مِنْ حِينِ رُجُوعِهِ، لَا مِنْ حِينِ الْحَوْلِ الْأَوَّلِ، لِأَنَّ ذَلِكَ الْحَوْلَ قَدْ بَطَلَ بِبُطْلَانِ الْمِلْكِ، وَمِنَ الْبَاطِلِ أَنْ يُعَدَّ عَلَيْهِ وَقْتٌ كَانَ فِيهِ الْمَالُ لِغَيْرِهِ. وَكَذَلِكَ مَنْ بَاعَ إِبِلًا بِإِبِلٍ، أَوْ بَقَرًا بِبَقَرٍ، أَوْ غَنَمًا بِغَنَمٍ، أَوْ فِضَّةً بِفِضَّةٍ، أَوْ ذَهَبًا بِذَهَبٍ -: فَإِنَّ حَوْلَ الَّذِي خَرَجَ عَنْ مِلْكِهِ، مِنْ ذَلِكَ قَدْ بَطَلَ، وَيَسْتَأْنِفُ الْحَوْلَ الَّذِي صَارَ فِي مِلْكِهِ مِنْ ذَلِكَ لِمَا ذَكَرْنَا. وَسَوَاءٌ فِي كُلِّ ذَلِكَ فَعَلَ ذَلِكَ فِرَارًا مِنَ الزَّكَاةِ أَوْ لِغَيْرِ فِرَارٍ، فَهُوَ عَاصٍ بِنِيَّتِهِ السُّوءَ فِي فِرَارِهِ مِنَ الزَّكَاةِ.

L11028 L11029 Issue 689: If wealth exits one's ownership during the _ḥawl_ before its completion - through whatever means it leaves ownership - then returns to him - through whatever means it returns, even if immediately after exiting, be it in the blink of an eye or more - he must restart the _ḥawl_ period from the time of its return, not from the initial _ḥawl_'s commencement. This is because the original _ḥawl_ becomes void due to the termination of ownership, as it is invalid to count a duration during which the wealth belonged to another. Similarly, whoever sells camels in exchange for camels, cattle for cattle, sheep for sheep, silver for silver, or gold for gold - the _ḥawl_ for the wealth that left his ownership is voided by such an exchange. He must initiate a new _ḥawl_ for what enters his ownership, as we have explained. This ruling applies equally whether such actions were performed to evade Zakāt or for other purposes. Nevertheless, one who acts with the evil intent

[2] **Qur'an references (L11025):** Qur'an 98:5 (Al-Bayyinah).

of avoiding Zakāt through such means becomes sinful due to this corrupt intention.

L11030 Some people said: If he did that to evade zakāt, then zakāt is obligatory upon him. Then they contradicted the one who presented the opinion by stating: Whoever purchases property or goods with his silver or gold coins to evade zakāt owes no zakāt on what he purchased. Abū Muḥammad said: It is an impossibility – not commanded by God Almighty – for a person to pay zakāt on wealth held by someone else, which has not completed its annual cycle in the owner's possession. God Almighty said: {No soul earns [sin] except against itself, and no bearer of burdens shall bear the burden of another} [Al-Anʿām 6:164]. Our position on all of this aligns with the opinion of Abū Ḥanīfa, Al-Shāfiʿī, and Abū Sulaymān.[3]

L11031–11033 Mālik said: If one exchanges camels for cattle or sheep, or cattle for sheep, the ruling is the same whether done to avoid Zakāh or not. And if he exchanges camels for camels, cattle for cattle, sheep for sheep, gold for gold, or Regarding silver exchanged for silver: Is zakāh obligatory upon him when the year concludes during which it left his possession? Abū Muḥammad said: This is a manifest error and an unsupported claim with no evidence for its validity—neither from the Qur'an, nor a sound Sunnah, nor a weak narration, nor consensus, nor a Companion's opinion, nor analogy, nor any valid opinion. We ask those who uphold this view: Is this silver that came to him the same as what left him, or is it different? If they say: "It is different," we counter: How can he pay zakāh for wealth he does not own? What if it is with the deceased or with a disbeliever? If they say: "No, it is the same," they display open obstinacy and join the ranks of those who brazenly trivialize lying. If they say: "It is not the same but of the same type," we respond: Yes, what then? From where do you derive zakāh liability for wealth other than that which began the year in his ownership, even if of the same type? They are further questioned: If the quantities differ, which quantity obligates zakāh—the one that left his ownership or the one acquired? Perhaps one does not meet the niṣāb. All this is undeniably erroneous, and success lies with

[3] **Qur'an references (L11030):** Qur'an 6:164 (Al-An'am).

وَقَالَ بَعْضُ النَّاسِ: إِنْ كَانَ فَعَلَ ذَلِكَ فِرَارًا مِنْ الزَّكَاةِ فَعَلَيْهِ الزَّكَاةُ، ثُمَّ نَاقَضَ مَنْ قَرَّبَ فَقَالَ: مَنْ اشْتَرَى بِدَرَاهِمِهِ أَوْ بِدَنَانِيرِهِ عَقَارًا أَوْ مَتَاعًا فِرَارًا مِنْ الزَّكَاةِ فَلَا زَكَاةَ عَلَيْهِ فِيمَا اشْتَرَى. قَالَ أَبُو مُحَمَّدٍ: وَمِنْ الْمُحَالِ الَّذِي لَمْ يَأْمُرْ اللَّهُ تَعَالَى بِهِ أَنْ يُزَكِّيَ الْإِنْسَانُ مَالًا هُوَ فِي يَدِ غَيْرِهِ [مَا] لَمْ يَحُلْ حَوْلُهُ عِنْدَهُ. قَالَ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا وَلا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى} [الأنعام: ١٦٤] . وَقَوْلُنَا فِي هَذَا كُلِّهِ هُوَ قَوْلُ أَبِي حَنِيفَةَ وَالشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ.

وَقَالَ مَالِكٌ: إِنْ بَادَلَ إبِلًا بِبَقَرٍ أَوْ بِغَنَمٍ أَوْ بَقَرًا بِغَنَمٍ فَكَذَلِكَ سَوَاءٌ فَعَلَهُ فِرَارًا مِنْ الزَّكَاةِ أَوْ لِغَيْرِ فِرَارٍ، وَإِنْ بَادَلَ إبِلًا بِإِبِلٍ، أَوْ بَقَرًا بِبَقَرٍ، أَوْ غَنَمًا بِغَنَمٍ، أَوْ ذَهَبًا بِذَهَبٍ، أَوْ فِضَّةً بِفِضَّةٍ -: فَعَلَيْهِ الزَّكَاةُ عِنْدَ انْقِضَاءِ الْحَوْلِ الَّذِي خَرَجَ عَنْ يَدِهِ؟ قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ ظَاهِرٌ، وَدَعْوَى لَا دَلِيلَ عَلَى صِحَّتِهَا، لَا مِنْ قُرْآنٍ، وَلَا سُنَّةٍ (صَحِيحَةٍ) وَلَا رِوَايَةٍ سَقِيمَةٍ، وَلَا إجْمَاعٍ، وَلَا قَوْلِ صَاحِبٍ وَلَا قِيَاسٍ، وَلَا رَأْيٍ يَصِحُّ وَنَسْأَلُ مَنْ قَالَ بِهَذَا: أَهَذِهِ الَّتِي صَارَتْ إلَيْهِ هِيَ الَّتِي خَرَجَتْ عَنْهُ؟ أَمْ هِيَ غَيْرُهَا؟ فَإِنْ قَالَ: هِيَ غَيْرُهَا؟ قِيلَ: فَكَيْفَ يُزَكِّي عَنْ مَالٍ لَا يَمْلِكُهُ؟ وَلَعَلَّهَا أَمْوَاتٌ، أَوْ عِنْدَ كَافِرٍ. وَإِنْ: قَالَ بَلْ هِيَ تِلْكَ، كَابِرُ الْعِيَانِ، وَصَارَ فِي مِسْلَاخِ مَنْ يَسْتَسْهِلُ الْكَذِبَ جِهَارًا، فَإِنْ قَالَ: لَيْسَتْ هِيَ، وَلَكِنَّهَا مِنْ نَوْعِهَا؟ قُلْنَا نَعَمْ، فَكَانَ مَاذَا؟ وَمِنْ أَيْنَ لَكُمْ زَكَاةُ غَيْرِ الْمَالِ الَّذِي ابْتَدَأَ الْحَوْلُ فِي مِلْكِهِ إذَا كَانَ مِنْ نَوْعِهِ؟ ثُمَّ يُسْأَلُونَ إنْ كَانَتْ الْأَعْدَادُ مُخْتَلِفَةً: أَيُّ الْعَدَدَيْنِ يُزَكِّي الْعَدَدَ الَّذِي خَرَجَ عَنْ مِلْكِهِ؟ أَمْ الْعَدَدُ الَّذِي اكْتَسَبَ؟

Allah, the Exalted. Whatever they allege in this matter constitutes arbitrary judgment and baseless falsehood without proof.

وَلَعَلَّ أَحَدُهُمَا لَيْسَ نِصَابًا؟ وَهَذَا كُلُّهُ خَطَأٌ لَا خَفَاءَ بِهِ، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ. وَأَيُّ شَيْءٍ قَالُوا فِي ذَلِكَ كَانَ تَحَكُّمًا وَبَاطِلًا بِلَا بُرْهَانٍ.

L11034 "If they say, 'Has he owned a hundred sheep, ten camels, or two hundred dirhams for a complete and uninterrupted lunar year?'"

فَإِنْ قَالُوا: إِنَّهُ لَمْ يَزَلْ مَالِكًا لِمِائَةِ شَاةٍ أَوْ لِعَشْرٍ مِنَ الْإِبِلِ أَوْ لِمِائَتَيْ دِرْهَمٍ حَوْلًا كَامِلًا مُتَّصِلًا؟

L11035–11036 We have stated: Zakat is only obligatory as an obligation upon a Muslim on the wealth he owns in its specific asset form for a complete year, on all that we have mentioned without dispute. Therefore, the proof lies on you to demonstrate Zakat's obligation regarding a specific number not tied to its specific asset but on varied distinct assets. This is something that cannot be established except through claim, and success is by Allah's grace, the Exalted.

قُلْنَا: إِنَّمَا الزَّكَاةُ تَجِبُ فِي ذِمَّةِ الْمُسْلِمِ عَنْ مَالِ مِلْكِهِ بِعَيْنِهِ حَوْلًا كَامِلًا مِنْ كُلِّ مَا ذَكَرْنَا بِلَا خِلَافٍ، فَعَلَيْكُمُ الْبُرْهَانُ فِي وُجُوبِ الزَّكَاةِ عَنْ عَدَدٍ بِغَيْرِ عَيْنِهِ لَكِنْ فِي أَعْيَانٍ مُخْتَلِفَةٍ، وَهَذَا مَا لَا سَبِيلَ إِلَى وُجُودِهِ، إِلَّا بِالدَّعْوَى - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[زَكَاة الْمَغْصُوبِ]

L11037 ## Zakat on Usurped Property

[مَسْأَلَةٌ مَنْ تَلِفَ مَالُهُ أَوْ غُصِبَهُ أَوْ حِيلَ بَيْنَهُ وَبَيْنَهُ فَلَا زَكَاةَ عَلَيْهِ فِيهِ]

L11038 **Issue: If a person's wealth perishes, is usurped, or trickery prevents them from accessing it, no zakat is obligatory on them for it.**

زَكَاة الْمَغْصُوبِ ٦٩٠ - مَسْأَلَةٌ: وَمَنْ تَلِفَ مَالُهُ أَوْ غُصِبَهُ أَوْ حِيلَ بَيْنَهُ وَبَيْنَهُ فَلَا زَكَاةَ عَلَيْهِ فِيهِ أَيُّ نَوْعٍ كَانَ مِنْ أَنْوَاعِ الْمَالِ، فَإِنْ رَجَعَ إِلَيْهِ يَوْمًا مَا اسْتَأْنَفَ (بِهِ) حَوْلًا مِنْ حِينَئِذٍ، وَلَا زَكَاةَ (عَلَيْهِ) لِمَا خَلَا؛ فَلَوْ زَكَّاهُ الْغَاصِبُ ضَمِنَهُ كُلَّهُ، وَضَمِنَ مَا أَخْرَجَ مِنْهُ فِي الزَّكَاةِ؛ لِأَنَّهُ لَا خِلَافَ بَيْنَ الْأُمَّةِ كُلِّهَا فِي أَنَّ صَاحِبَ الْمَالِ إِنْ أَحَبَّ أَنْ يُؤَدِّيَ الزَّكَاةَ مِنْ نَفْسِ الْمَالِ الَّذِي وَجَبَتْ فِيهِ الزَّكَاةُ - لَا مِنْ غَيْرِهِ - كَانَ ذَلِكَ لَهُ، وَلَمْ يُكَلَّفِ الزَّكَاةَ (مِنْ سِوَاهُ) مَا لَمْ يَبِعْهُ هُوَ أَوْ يُخْرِجْهُ عَنْ مِلْكِهِ بِاخْتِيَارِهِ، فَإِنَّهُ حِينَئِذٍ يُكَلَّفُ أَدَاءَ الزَّكَاةِ مِنْ عِنْدِ نَفْسِهِ، فَسَقَطَ بِهَذَا الْإِجْمَاعِ تَكْلِيفُهُ أَدَاءَ زَكَاةٍ مِنْ عِنْدِ نَفْسِهِ؛ ثُمَّ لَمَّا صَحَّ ذَلِكَ، وَكَانَ غَيْرَ قَادِرٍ عَلَى أَدَاءِ الزَّكَاةِ مِنْ نَفْسِ الْمَالِ الْمَغْصُوبِ،

L11039–11041 Zakat on Wrongfully Seized Property 690 - Issue: If a person's wealth perishes, is wrongfully taken by force, or they are prevented from accessing it, no zakat is obligatory upon them for it, regardless of the type of wealth. Should it ever return to them, they must begin a new zakat cycle with it from the time of recovery, with no zakat due for the past period. If the wrongful possessor pays zakat on it, they are liable for the entire value and must compensate for what they paid as zakat from it. This is because there is unanimous agreement among all scholars that if the owner wishes to pay zakat from the actual wealth on which zakat is due—not from other property—they may do so. No one other than the owner is obligated unless the owner sells it or voluntarily transfers ownership, at which point the new owner becomes responsible for paying zakat from their own resources. This consensus removes any obligation for the original owner to pay zakat from their personal wealth. Since they are unable to pay zakat from the wrongfully seized,

destroyed, or inaccessible wealth itself, their obligation is waived for what they cannot access—unlike property they or their agent can retrieve from its storage place. What is nullified by evidence cannot be reinstated except through explicit textual proof or consensus. During the lifetime of Allah's Messenger (peace be upon him), hostile forces would raid Muslim livestock, yet he never obligated anyone to pay zakat on wealth seized by them. Wealth may also be stolen or wrongfully taken and scattered, leaving no trace of its location. Imposing zakat in such cases would constitute undue hardship, which Allah has abolished, as He states: "He has not placed upon you in the religion any hardship" (22:78). Similarly, if disbelievers seize control of a town known for its date palms, it is impossible to obligate its owner to pay zakah on what it produces. As for the usurper, he is forbidden to dispose of another's property, for the Messenger of Allah—peace and blessings be upon him—said: "Your blood and your wealth are sacred to you." Therefore, his payment of zakah from another's wealth constitutes an act of usurpation on his part, and he is liable for that in which he transgressed—Allah the Exalted said: "So whoever transgresses against you, then transgress against them in the same manner as they transgressed against you" [Al-Baqarah: 194].[4]

أَوْ الْمُتْلَفِ، أَوْ الْمَمْنُوعِ مِنْهُ: سَقَطَ عَنْهُ مَا عَجَزَ عَنْهُ مِنْ ذَلِكَ، بِخِلَافِ مَا هُوَ قَادِرٌ عَلَى إحْضَارِهِ وَاسْتِخْرَاجِهِ مِنْ مَدْفَنِهِ هُوَ أَوْ وَكِيلُهُ، وَمَا سَقَطَ بِبُرْهَانٍ لَمْ يَعُدْ إلَّا بِنَصٍّ أَوْ إجْمَاعٍ، وَقَدْ كَانَتْ الْكُفَّارُ يُغِيرُونَ عَلَى سَرْحِ الْمُسْلِمِينَ فِي حَيَاةِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -، فَمَا كَلَّفَ قَطُّ أَحَدًا زَكَاةَ مَا أَخَذَهُ الْكُفَّارُ مِنْ مَالِهِ. وَقَدْ يُسْرَقُ الْمَالُ وَيُغْصَبُ فَيُفَرَّقُ وَلَا يَدْرِي أَحَدٌ مَكَانَهُ، فَكَانَ تَكْلِيفُ أَدَاءِ الزَّكَاةِ عَنْهُ مِنْ الْحَرَجِ الَّذِي قَدْ أَسْقَطَهُ اللَّهُ تَعَالَى، إذْ يَقُولُ: {وَمَا جَعَلَ عَلَيْكُمْ فِي الدِّينِ مِنْ حَرَجٍ} [الحج: ٧٨] وَكَذَلِكَ تَغَلُّبُ الْكُفَّارِ عَلَى بَلَدِ نَخْلٍ فَمِنْ الْمُحَالِ تَكْلِيفُ رَبِّهَا أَدَاءَ زَكَاةِ مَا أَخْرَجَتْ، وَأَمَّا الْغَاصِبُ فَإِنَّهُ مُحَرَّمٌ عَلَيْهِ التَّصَرُّفُ فِي مَالِ غَيْرِهِ، يَقُولُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» فَإِعْطَاؤُهُ الزَّكَاةَ مِنْ مَالِ غَيْرِهِ تَعَدٍّ مِنْهُ، فَهُوَ ضَامِنٌ لِمَا تَعَدَّى فِيهِ - قَالَ تَعَالَى: {فَمَنِ اعْتَدَى عَلَيْكُمْ فَاعْتَدُوا عَلَيْهِ بِمِثْلِ مَا اعْتَدَى عَلَيْكُمْ} [البقرة: ١٩٤]

L11042 Abu Hanifa held the same position in all these matters, except he stated: If the buried wealth is in a place within his home that is destroyed, he must pay its Zakat; but if it was outside his home, there is no Zakat due on it. This division [of rulings] is invalid, and we know of no one before him who held this view. Malik said: There is no Zakat due on it. If it returns to his possession, he pays Zakat for only one year even if it was inaccessible for years. This is an evidently erroneous opinion, and we do not know any proof for them except that they imitated Umar ibn Abd al-Aziz in a statement he later reverted to. He had previously said: He would collect Zakat for every past year [even retroactively]. How strange that they followed Umar here but did not follow him when he reverted to imposing Zakat on honey! Umar only held the opinion they imitated here because he believed Zakat was due on incrementally acquired wealth at the time of acquisition, yet they

وَقَالَ أَبُو حَنِيفَةَ: بِمِثْلِ هَذَا كُلِّهِ، إلَّا أَنَّهُ قَالَ: إنْ كَانَ الْمَالُ الْمَدْفُونُ بِتَلَفِ مَكَانِهِ فِي مَنْزِلِهِ أَدَّى زَكَاتَهُ، وَإِنْ كَانَ خَارِجَ مَنْزِلِهِ فَلَا زَكَاةَ عَلَيْهِ فِيهِ. وَهَذَا تَقْسِيمٌ فَاسِدٌ مَا نَعْلَمُ أَحَدًا قَالَهُ قَبْلَهُ، وَقَالَ مَالِكٌ: لَا زَكَاةَ عَلَيْهِ فِيهِ، فَإِنْ رَجَعَ إلَيْهِ زَكَّاهُ لِسَنَةٍ وَاحِدَةٍ فَقَطْ وَإِنْ غَابَ عَنْهُ سِنِينَ. وَهَذَا قَوْلٌ ظَاهِرُ الْخَطَأِ، وَمَا نَعْلَمُ لَهُمْ حُجَّةً إلَّا أَنَّهُمْ قَلَّدُوا فِي ذَلِكَ عُمَرَ بْنَ عَبْدِ الْعَزِيزِ فِي قَوْلٍ لَهُ رَجَعَ إلَيْهِ، وَكَانَ قَالَ قَبْلَ ذَلِكَ: يَأْخُذُ الزَّكَاةَ مِنْهُ لِكُلِّ سَنَةٍ خَلَتْ؟ وَالْعَجَبُ أَنَّهُمْ قَلَّدُوا عُمَرَ هَاهُنَا، وَلَمْ يُقَلِّدُوهُ فِي رُجُوعِهِ إلَى الْقَوْلِ بِالزَّكَاةِ فِي الْعَسَلِ، وَإِنَّمَا قَالَ عُمَرُ بِالْقَوْلِ الَّذِي قَلَّدُوهُ فِيهِ لِأَنَّهُ كَانَ يَرَى الزَّكَاةَ فِي الْمَالِ الْمُسْتَفَادِ حِينَ يُفَادُ فَخَالَفُوهُ هَاهُنَا وَهَذَا كُلُّهُ تَخْلِيطٌ، وَقَالَ سُفْيَانُ: - فِي أَحَدِ قَوْلَيْهِ -

[4] **Qur'an references (L11039):** Qur'an 22:78 (Al-Hajj); Qur'an 2:194 (Al-Baqarah).

opposed him here. All of this reflects confused reasoning. Sufyan (in one of his two opinions) and Abu Sulayman said: Is Zakat due for every past year? It has been reported from Uthman and Ibn Umar that they obligated Zakat on accessible wealth, indicating that they did not consider Zakat due on inaccessible wealth. There was no dissenting opinion from the Companions - may Allah be pleased with them - regarding this.

L11043–11044 Our stance on this matter corresponds to the view of Qatādah, al-Layth, and one of the two positions of Sufyān. It is also reported from ʿUmar ibn ʿAbd al-ʿAzīz, as conveyed to us through the chain of al-Ḥajjāj ibn al-Minhāl from Hammām ibn Yaḥyā, who narrated from Abū ʿUthmān—the governor appointed by ʿUmar ibn ʿAbd al-ʿAzīz—who said: ʿUmar ibn ʿAbd al-ʿAzīz wrote to me regarding wealth returned to a man after being unjustly seized, instructing: "Take zakāh from it for the period it was held [by the wrongdoer]." Then ʿUmar's courier reached me at dawn, stating: "Do not take zakāh from it, for it was a debt deemed irrecoverable or an obscured liability."

The Issue of Zakat on the Pledged Item

L11045

L11046 691 - Issue: If someone pawns livestock, gold, silver, land that he cultivates, or palm trees that bear fruit, and the lunar year has passed for the livestock and the pawned asset - zakat is obligatory on all these. The pawner is not required to provide substitute compensation for what was given from them as zakat. As for the obligation of zakat: this is because it constitutes wealth from his possessions, on which the ordained zakat is due. His ownership remains intact, and no textual evidence or consensus exists necessarily mandating his compulsory payment of zakat from other assets. Regarding the prohibition of imposing compensation: what he gave from it was not surrendered through falsehood or transgression (which would necessitate restitution), but rather fulfilled as a mandated obligation. Thus, obligating him to compensate through judicial ruling over his wealth is null and void, and impermissible except based on textual proof or consensus. The Messenger of Allah (peace be upon him) said: "Your blood and your wealth are inviolable to you."

وَأَبُو سُلَيْمَانَ: عَلَيْهِ الزَّكَاةُ لِكُلِّ سَنَةٍ خَلَتْ؟ وَقَدْ جَاءَ عَنْ عُثْمَانَ، وَابْنِ عُمَرَ: إِيجَابُ الزَّكَاةِ فِي الْمَقْدُورِ عَلَيْهِ، فَدَلَّ (ذَلِكَ) عَلَى أَنَّهُمَا لَا يَرَيَانِ الزَّكَاةَ فِي غَيْرِ الْمَقْدُورِ عَلَيْهِ، وَلَا مُخَالِفَ لَهُمَا مِنَ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -؟

وَقَوْلُنَا فِي هَذَا هُوَ قَوْلُ قَتَادَةَ، وَاللَّيْثِ وَأَحَدِ قَوْلَيْ سُفْيَانَ، وَرُوِيَ أَيْضًا عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ كَمَا رُوِّينَا مِنْ طَرِيقِ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ هَمَّامِ بْنِ يَحْيَى ثنا أَبُو عُثْمَانَ عَامِلُ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ قَالَ: كَتَبَ إِلَيَّ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ فِي مَالٍ رَدَّهُ عَلَى رَجُلٍ كَانَ ظُلِمَهُ: أَنْ خُذْ مِنْهُ الزَّكَاةَ لِمَا أَتَتْ عَلَيْهِ، ثُمَّ صَبَّحَنِي بَرِيدُ عُمَرَ: لَا تَأْخُذْ مِنْهُ زَكَاةً، فَإِنَّهُ كَانَ ضِمَارًا أَوْ غَوْرًا.

[مَسْأَلَةُ الزَّكَاةِ فِي الْمَرْهُونِ]

٦٩١ - مَسْأَلَةٌ: وَمَنْ رَهَنَ مَاشِيَةً، أَوْ ذَهَبًا، أَوْ فِضَّةً، أَوْ أَرْضًا فَزَرَعَهَا، أَوْ نَخْلًا فَأَثْمَرَتْ، وَحَالَ الْحَوْلُ عَلَى الْمَاشِيَةِ، وَالْعَيْنِ -: فَالزَّكَاةُ فِي كُلِّ ذَلِكَ وَلَا يُكَلَّفُ الرَّاهِنُ عِوَضًا عَمَّا خَرَجَ مِنْ ذَلِكَ فِي زَكَاتِهِ، أَمَّا وُجُوبُ الزَّكَاةِ؛ فَلِأَنَّهُ مَالٌ مِنْ مَالِهِ، عَلَيْهِ فِيهِ الزَّكَاةُ الْمَفْرُوضَةُ، وَلَمْ يَنْتَقِلْ مِلْكُهُ عَنْهُ، وَلَمْ يَأْتِ نَصٌّ وَلَا إِجْمَاعٌ بِتَكْلِيفِهِ أَدَاءَ الزَّكَاةِ مِنْ غَيْرِهِ وَلَا بُدَّ، وَأَمَّا الْمَنْعُ مِنْ تَكْلِيفِهِ الْعِوَضَ فَإِنَّهُ لَمْ يَخْرُجْ مَا أَخْرَجَ مِنْهُ بِبَاطِلٍ وَعُدْوَانٍ، فَيَقْضِي عَلَيْهِ بِرَدِّهِ وَإِنَّمَا أَخْرَجَهُ بِحَقٍّ مُفْتَرَضٍ إِخْرَاجُهُ؛ فَتَكْلِيفُهُ حُكْمًا فِي مَالِهِ بَاطِلٌ، وَلَا يَجُوزُ إِلَّا بِنَصٍّ، أَوْ إِجْمَاعٍ، قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ»

L11047 **Issue: One upon whom zakat is obligated is not required to hand it over to the ruler.**

L11048 692 – Issue: It is not obligatory for one liable to pay Zakat to deliver it to the ruling authority. However, they must gather their wealth and present it to the Zakat collector, handing over the rightful share to him. Furthermore, the expense of transporting it is borne by the Zakat itself. This is a matter uncontested by anyone. And success is from Allah, the Exalted.

L11049–11051 Similarly, "The Messenger of Allah—peace and blessings be upon him—would send the zakah collectors—and they were the collectors—to take the obligated amount, and the wealth owners would thereby be absolved of that responsibility." If there is no certifier, the one obligated to pay Zakāh must deliver it to whichever eligible recipients are present, with no further obligation. This is because imposing transportation entails an expense and financial burden not supported by explicit textual or consensus-based evidence. And success is from Allah, the Exalted. There is no distinction whether one compelled by personal inclination or one compelled to deliver it to Khurasan or beyond.

L11052 **A ruling on advancing zakat before the completion of the hawl (lunar year).**

L11053 Issue 693: It is not permissible to prepay Zakāh before the completion of the annual cycle, not even for an instant. If one does so, it remains invalid, obliging him to repeat it. What he disbursed prematurely must be returned to him, for he gave it without rightful basis. The validity of prepaying Zakāh before its due time has been reported from Sa'īd ibn Jubayr, 'Aṭā', Ibrāhīm, al-Ḍaḥḥāk, al-Ḥakam, and al-Zuhrī. Al-Ḥasan permitted this practice for three years. Ibn Sīrīn remarked regarding prepayment before maturity: "I do not recognize this." Abū Ḥanīfah and his companions maintained the permissibility of prepaying Zakāh before its due time, though they exhibited numerous inconsistencies in this matter. For instance, Muḥammad ibn al-Ḥasan stated: "This is impermissible for property he currently owns, crops he has cultivated, or date palms whose fruit has emerged."

[مَسْأَلَةٌ لَيْسَ عَلَى مَنْ وَجَبَ عَلَيْهِ الزَّكَاةُ إِيصَالُهَا إِلَى السُّلْطَانِ]

٦٩٢ - مَسْأَلَةٌ: وَلَيْسَ عَلَى مَنْ وَجَبَ عَلَيْهِ الزَّكَاةُ إِيصَالُهَا إِلَى السُّلْطَانِ لَكِنْ عَلَيْهِ أَنْ يَجْمَعَ مَالَهُ لِلْمُصَدِّقِ وَيَدْفَعَ إِلَيْهِ الْحَقَّ، ثُمَّ مُؤْنَةُ نَقْلِ ذَلِكَ مِنْ نَفْسِ الزَّكَاةِ وَهَذَا مَا لَا خِلَافَ فِيهِ مِنْ أَحَدٍ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَكَذَلِكَ «كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَبْعَثُ الْمُصَدِّقِينَ - وَهُمْ السُّعَاةُ فَيَقْبِضُونَ الْوَاجِبَ وَيَبْرَأُ أَصْحَابُ الْأَمْوَالِ مِنْ ذَلِكَ» فَإِنْ لَمْ يَكُنْ مُصَدِّقٌ فَعَلَى مَنْ عَلَيْهِ الزَّكَاةُ إِيصَالُهَا إِلَى مَنْ يَحْضُرُهُ مِنْ أَهْلِ الصَّدَقَاتِ وَلَا مَزِيدَ؛ لِأَنَّ تَكْلِيفَ النَّقْلِ مُؤْنَةٌ وَغَرَامَةٌ لَمْ يَأْتِ بِهَا نَصٌّ وَلَا إجْمَاعٌ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؛ وَلَا فَرْقَ بَيْنَ مَنْ كَلَّفَهُ ذَلِكَ مَيْلًا أَوْ (مَنْ) كَلَّفَهُ إلَى خُرَاسَانَ أَوْ أَبْعَدَ.

[مَسْأَلَةٌ تَعْجِيلُ الزَّكَاةِ قَبْلَ تَمَامِ الْحَوْلِ]

٦٩٣ - مَسْأَلَةٌ: وَلَا يَجُوزُ تَعْجِيلُ الزَّكَاةِ قَبْلَ تَمَامِ الْحَوْلِ وَلَا بِطَرْفَةِ عَيْنٍ فَإِنْ فَعَلَ لَمْ يُجْزِهِ، وَعَلَيْهِ إعَادَتُهَا، وَيَرُدُّ إلَيْهِ مَا أَخْرَجَ قَبْلَ وَقْتِهِ؛ لِأَنَّهُ أَعْطَاهُ بِغَيْرِ حَقٍّ وَصَحَّ تَعْجِيلُ الزَّكَاةِ قَبْلَ وَقْتِهَا عَنْ سَعِيدِ بْنِ جُبَيْرٍ، وَعَطَاءٍ، وَإِبْرَاهِيمَ، وَالضَّحَّاكِ، وَالْحَكَمِ، وَالزُّهْرِيِّ وَأَجَازَهُ الْحَسَنُ لِثَلَاثِ سِنِينَ، وَقَالَ ابْنُ سِيرِينَ: فِي تَعْجِيلِ الزَّكَاةِ قَبْلَ أَنْ تَحِلَّ: لَا أَدْرِي مَا هَذَا، وَقَالَ أَبُو حَنِيفَةَ: وَأَصْحَابُهُ بِجَوَازِ تَعْجِيلِ الزَّكَاةِ قَبْلَ وَقْتِهَا؟ ثُمَّ لَهُمْ فِي ذَلِكَ تَخْلِيطٌ كَثِيرٌ -: مِثْلُ قَوْلِ مُحَمَّدِ بْنِ الْحَسَنِ: لَا يَجُوزُ ذَلِكَ فِي مَالٍ عِنْدَهُ، وَلَا فِي زَرْعٍ قَدْ زَرَعَهُ، وَلَا فِي نَخْلٍ قَدْ أَطْلَعَتْ.

وَقَالَ أَبُو يُوسُفَ يَجُوزُ ذَلِكَ (كُلُّهُ) قَبْلَ اطِّلَاعِ النَّخْلِ وَقَبْلَ زَرْعِ الْأَرْضِ، وَلَوْ عَجَّلَ زَكَاةَ ثَلَاثِ سِنِينَ أَجْزَأَهُ. وَأَكْثَرُ مِنْ هَذَا سَنَذْكُرُهُ - إِنْ شَاءَ اللَّهُ تَعَالَى - فِي ذِكْرِ تَخَالِيطِ أَقْوَالِهِمْ فِي كِتَابِ الْأَعْرَابِ " واللَّهُ الْمُسْتَعَانُ.

L11054 Abū Yūsuf said (all of this) is permissible before the appearance of date palm fruit spikes and before sowing the land. Even if one prepays Zakat for three years, it suffices him. We will mention more than this—if Allah, the Exalted, wills—in discussing the discrepancies in their opinions in the *Book of the Bedouins*. And Allah is the Source of all help.

قَالَ الشَّافِعِيُّ: بِتَعْجِيلِ الزَّكَاةِ عَنْ مَالٍ عِنْدَهُ، لَا عَنْ مَالٍ لَمْ يَكْتَسِبْهُ بَعْدُ وَقَالَ: إِنْ اسْتَغْنَى الْمِسْكِينُ مِمَّا أَخَذَ مِمَّا عَجَّلَهُ صَاحِبُ الْمَالِ قَبْلَ الْحَوْلِ أَجْزَأَ صَاحِبَ الْمَالِ، فَإِنْ اسْتَغْنَى مِنْ غَيْرِ ذَلِكَ لَمْ يُجْزِئْ عَنْ صَاحِبِ الْمَالِ.

L11055–11057 Al-Shafi'i said: Expediting zakat applies to wealth in one's possession, not to wealth not yet acquired. He said: If the poor person becomes self-sufficient through what they took from the wealth owner's advance before the ḥawl (the lunar year), it suffices for the wealth owner's obligation. But if they become self-sufficient through other means, it does not suffice for the wealth owner.

وَقَالَ مَالِكٌ: يُجْزِئُ تَعْجِيلُ الزَّكَاةِ بِشَهْرَيْنِ أَوْ نَحْوِ ذَلِكَ، لَا أَكْثَرَ، فِي رِوَايَةِ ابْنِ الْقَاسِمِ عَنْهُ - وَأَمَّا رِوَايَةُ ابْنِ وَهْبٍ عَنْهُ فَكَمَا قُلْنَا نَحْنُ، وَهَذِهِ (كُلُّهَا) تَقَاسِيمُ فِي غَايَةِ الْفَسَادِ، لَا دَلِيلَ عَلَى صِحَّتِهَا مِنْ قُرْآنٍ، وَلَا سُنَّةٍ، وَلَا إِجْمَاعٍ، وَلَا قَوْلِ صَاحِبٍ يَصِحُّ، وَلَا قِيَاسٍ.

L11058 Malik said: Advancing the payment of zakāh by two months or thereabouts suffices, but no more than that, in the narration of Ibn al-Qāsim from him. As for Ibn Wahb's narration from him, it is as we have said. All these categorizations are entirely baseless, with no proof of their correctness from the Qur'an, the Sunnah, consensus, a sound opinion of a Companion, or analogical reasoning.

وَقَوْلُ اللَّيْثِ، وَأَبِي سُلَيْمَانَ: كَقَوْلِنَا. وَاحْتَجَّ مَنْ أَجَازَ تَعْجِيلَهَا بِحُجَجٍ -: مِنْهَا: الْخَبَرُ الَّذِي ذَكَرْنَاهُ فِي زَكَاةِ الْمَوَاشِي، فِي هَلْ تُجْزِئُ قِيمَةٌ أَمْ لَا؟ مِنْ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اسْتَسْلَفَ بَكْرًا فَقَضَاهُ مِنْ إِبِلِ الصَّدَقَةِ جَمَلًا رَبَاعِيًا» ؟ وَهَذَا لَا دَلِيلَ فِيهِ عَلَى تَعْجِيلِ الصَّدَقَةِ، لِأَنَّهُ اسْتِسْلَافٌ كَمَا تَرَى، لَا اسْتِعْجَالُ صَدَقَةٍ، بَلْ فِيهِ دَلِيلٌ عَلَى أَنَّ تَعْجِيلَهَا لَا يَجُوزُ، إِذْ لَوْ جَازَ لَمَا احْتَاجَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - إِلَى الِاسْتِقْرَاضِ، بَلْ كَانَ يَسْتَعْجِلُ زَكَاةً لِحَاجَتِهِ إِلَى الْبِكْرِ، وَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ أَبِي دَاوُد: ثنا سَعِيدُ بْنُ مَنْصُورٍ ثنا إِسْمَاعِيلُ بْنُ زَكَرِيَّاءَ عَنْ الْحَجَّاجِ بْنِ دِينَارٍ عَنْ الْحَكَمِ بْنِ عُيَيْنَةَ عَنْ

L11059 The opinion of al-Layth and Abu Sulayman corresponds to our view. Those who permit the advancement of zakah cited several proofs - among them: the report we mentioned concerning livestock zakah (regarding whether monetary valuation suffices or not) stating that "the Prophet - peace and blessings be upon him - borrowed a young male camel and repaid it with a male camel from zakah livestock that had entered its fourth year." This contains no evidence for advancing zakah, as it constitutes a loan transaction as you observe, not an acceleration of zakah payment. Rather, it indicates the impermissibility of advancing zakah, for had it been valid, the Prophet - peace and blessings be upon him - would not have needed to borrow; he would have simply expedited zakah collection due to his need for the young camel. They also cited what we transmitted through Abu Dawud's chain: Sa'īd ibn Manṣūr narrated to us, Ismā'īl ibn Zakariyyā narrated to us from al-Ḥajjāj ibn Dīnār from al-Ḥakam ibn 'Uyaynah from Ḥujayyah from 'Alī ibn Abī

Ṭālib that “al-‘Abbās asked Allah’s Messenger - peace and blessings be upon him - about advancing his zakah before its due time, and he permitted him.”

L11060 Abu Dawud said: Hushaym narrated this *hadith* from Mansur from Zadhān from al-Hakam from al-Hasan from Anas from the Prophet - peace be upon him -.

L11061–11062 Through the chain of Waki‘ from Isra’il from Al-Hakam: “The Prophet (peace and blessings be upon him) sent ‘Umar as a Zakat collector and said to him regarding Al-‘Abbas: ‘We have taken his Zakat in advance for the previous year.’”

L11063 And through the chain of Abd al-Razzaq, who reported from Ibn Jurayj—who narrated that Yazid Abu Khalid informed me—[it is related] that he said: “Umar said to al-Abbas: ’Pay the _zakat_ of your wealth.’ Al-Abbas replied: ’I have already paid it before that.’ Umar mentioned this to the Prophet—peace and blessings be upon him—, the Messenger of Allah—peace and blessings be upon him—, and the Messenger of Allah—peace and blessings be upon him—said: ’He has spoken the truth.’”

L11064 This is all they objected to from the transmitted narrations.

L11065 They said: All financial rights may permissibly be fulfilled in advance of their due date, by analogy to people’s deferred debts and entitlements, such as alimony and similar obligations. They argued: Zakat was delayed until the lunar year’s completion solely as a concession for the people. This is all they presented through their legal reasoning and analogy.

L11066–11067 All of this provides them with no valid argument in any regard.

L11068 As for the hadith regarding probative authority: the probative authority of one not known for integrity is invalid, for proof is only established through the narration of upright, well-known transmitters.

L11069 As for the ḥadīth of Hushaym, Abū Dāwūd did not mention the narrators

حُجَّيَّةَ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ «أَنَّ الْعَبَّاسَ سَأَلَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي تَعْجِيلِ صَدَقَتِهِ قَبْلَ أَنْ تَحِلَّ فَأَذِنَ لَهُ» .

قَالَ أَبُو دَاوُد رَوَى هَذَا الْحَدِيثَ هُشَيْمٌ عَنْ مَنْصُورٍ عَنْ زَاذَانَ عَنْ الْحَكَمِ عَنْ الْحَسَنِ عَنْ أَنَسٍ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ إِسْرَائِيلَ عَنْ الْحَكَمِ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعَثَ عُمَرَ مُصَدِّقًا وَقَالَ لَهُ عَنْ الْعَبَّاسِ: إنَّا قَدْ اسْتَسْلَفْنَا زَكَاتَهُ لِعَامِ عَامِ الْأَوَّلِ»

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ أَخْبَرَنِي يَزِيدُ أَبُو خَالِدٍ قَالَ " قَالَ عُمَرُ لِلْعَبَّاسِ: أَدِّ زَكَاةَ مَالِكَ فَقَالَ الْعَبَّاسُ: قَدْ أَدَّيْتُهَا قَبْلَ ذَلِكَ، فَذَكَرَ عُمَرُ ذَلِكَ لِلنَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: صَدَقَ ".

هَذَا كُلُّ مَا شَغَبُوا بِهِ مِنْ الْآثَارِ.

وَقَالُوا: حُقُوقُ الْأَمْوَالِ كُلُّهَا جَائِزٌ تَعْجِيلُهَا قَبْلَ أَجَلِهَا، قِيَاسًا عَلَى دُيُونِ النَّاسِ الْمُؤَجَّلَةِ وَحُقُوقِهِمْ، كَالنَّفَقَاتِ وَغَيْرِهَا. وَقَالُوا: إنَّمَا أُخِّرَتْ الزَّكَاةُ إلَى الْحَوْلِ فُسْحَةً عَلَى النَّاسِ فَقَطْ. وَهَذَا كُلُّ مَا مَوَّهُوا بِهِ مِنْ النَّظَرِ وَالْقِيَاسِ.

وَهَذَا كُلُّهُ لَا حُجَّةَ لَهُمْ فِي شَيْءٍ مِنْهُ.

أَمَّا حَدِيثُ حُجَّيَّةَ: فَحُجَّيَّةُ غَيْرُ مَعْرُوفٍ بِالْعَدَالَةِ، وَلَا تَقُومُ الْحُجَّةُ إلَّا بِرِوَايَةِ الْعُدُولِ الْمَعْرُوفِينَ.

between himself and Hushaym. Had there been any, he would have specified them, rendering the chain interrupted. Furthermore, he did not cite the precise wording of Anas nor clarify how he transmitted it, making definitive assertion impermissible due to the uncertainty. As for the remaining reports, they are mursal (hadiths with broken chains). This is among the cases where the Mālikīs rejected the mursal, though they assert—when it conforms to their school—that it is equivalent to a musnad (hadith with a continuous chain). They rejected reports from unknown narrators here, yet accept them when they align with their position, thereby invalidating all the traditions they used as a pretext [?].

As for their analogy of zakāh to people's deferred debts: the entire analogy is invalid. Even if valid, this particular case would be the very essence of invalidity, because the obligation to fulfill deferred debts arose afterward, and both parties subsequently agreed to keep them deferred. Zakāh, however, had not yet become obligatory. Thus, analogizing what is not yet obligatory to what is already obligatory in fulfillment is invalid.

L11070–11072 Moreover, accelerating the repayment of people's deferred debts is not permissible except with the consent of the creditor. Zakat is not treated likewise, for it is not designated for a specific person or particular individuals to the exclusion of others, thus prepayment is permissible with their consent. Rather, it is owed to those deserving of specific attributes—attributes that may newly apply to those who previously did not qualify and cease to apply to those who once did. There is no dispute that according to those who permit its prepayment, if current recipients were to grant discharge without actual receipt, this would not have been permitted, nor would the one obligated to pay Zakat be absolved through their discharge—unlike discharging a deferred debt. Similarly, if one pays it to the collector, the time for Zakat may arrive while the collector is deceased, dismissed, or the authority who appointed him is likewise deceased or removed, thereby invalidating their analogy to personal debts. Their analogy to obligatory maintenance is similarly flawed. If a man prepays maintenance for his wife or someone he must support, yet when the time for obligatory maintenance arrives the recipient is in dire need, the prepayment would not suffice. He would be obligated

وَأَمَّا حَدِيثُ هُشَيْمٍ فَلَمْ يَذْكُرْ أَبُو دَاوُد مَنْ بَيْنَهُ وَبَيْنَ هُشَيْمٍ، وَلَوْ كَانَ فِيهِ لَبَنَّدَ بِهِ، فَصَارَ مُنْقَطِعًا، ثُمَّ لَمْ يَذْكُرْ أَيْضًا لَفْظَ أَنَسٍ وَلَا كَيْفَ رَوَاهُ، فَلَمْ يُجْزِ الْقَطْعَ بِهِ عَلَى الْجَهَالَةِ، وَأَمَّا سَائِرُ الْأَخْبَارِ فَمُرْسَلَةٌ. وَهَذَا مِمَّا تَرَكَ فِيهِ الْمَالِكِيُّونَ الْمُرْسَلَ، وَهُمْ يَقُولُونَ - إِذَا وَافَقَ تَقْلِيدَهُمْ -: إِنَّهُ كَالْمُسْنَدِ، وَرَدُّوا فِيهِ رِوَايَةَ الْمَجْهُولِ، وَهُمْ يَأْخُذُونَ بِهَا إِذَا وَافَقَتْهُمْ فَبَطَلَ كُلُّ مَا مَوَّهُوا بِهِ مِنْ الْآثَارِ.؟ وَأَمَّا قِيَاسُهُمْ الزَّكَاةَ عَلَى دُيُونِ النَّاسِ الْمُؤَجَّلَةِ: فَالْقِيَاسُ كُلُّهُ بَاطِلٌ؛ ثُمَّ لَوْ صَحَّ لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ؛ لِأَنَّ تَعْجِيلَ دُيُونِ النَّاسِ الْمُؤَجَّلَةِ قَدْ وَجَبَ بَعْدُ، ثُمَّ اتَّفَقَا عَلَى تَأْجِيلِهَا وَالزَّكَاةُ لَمْ تَجِبْ بَعْدُ، فَقِيَاسُ مَا لَمْ يَجِبْ عَلَى مَا قَدْ وَجَبَ فِي الْأَدَاءِ بَاطِلٌ.

وَأَيْضًا: فَتَعْجِيلُ دُيُونِ النَّاسِ الْمُؤَجَّلَةِ لَا يَجُوزُ إلَّا بِرِضَا مِنْ الَّذِي لَهُ الدَّيْنُ، وَلَيْسَتْ الزَّكَاةُ كَذَلِكَ؛ لِأَنَّهَا لَيْسَتْ لِإِنْسَانٍ بِعَيْنِهِ، وَلَا لِقَوْمٍ بِأَعْيَانِهِمْ دُونَ غَيْرِهِمْ، فَيَجُوزُ الرِّضَا مِنْهُمْ بِالتَّعْجِيلِ، وَإِنَّمَا هِيَ لِأَهْلِ صِفَاتٍ تَحْدُثُ فِيمَنْ لَمْ يَكُنْ مِنْ أَهْلِهَا، وَتَبْطُلُ عَمَّنْ كَانَ مِنْ أَهْلِهَا، وَلَا خِلَافَ فِي أَنَّ الْقَابِضِينَ لَهَا الْآنَ - عِنْدَ مَنْ أَجَازَ تَعْجِيلَهَا - لَوْ أَبْرَءُوا مِنْهَا دُونَ قَبْضٍ لَمْ يُجْزِ ذَلِكَ، وَلَا بَرِئَ مِنْهَا مِنْ تَلْزَمُهُ الزَّكَاةُ بِإِبْرَائِهِمْ بِخِلَافِ إبْرَاءِ مَنْ لَهُ دَيْنٌ مُؤَجَّلٌ، وَكَذَلِكَ إنْ دَفَعَهَا إلَى السَّاعِي، فَقَدْ يَأْتِي وَقْتُ الزَّكَاةِ وَالسَّاعِي مَيِّتٌ أَوْ مَعْزُولٌ، وَالَّذِي بَعَثَهُ كَذَلِكَ، فَبَطَلَ قِيَاسُهُمْ ذَلِكَ عَلَى دُيُونِ النَّاسِ، وَكَذَلِكَ قِيَاسُهُمْ عَلَى النَّفَقَاتِ الْوَاجِبَةِ، وَلَوْ أَنَّ امْرَأً عَجَّلَ نَفَقَةً لِامْرَأَتِهِ أَوْ مَنْ تَلْزَمُهُ نَفَقَتُهُ، ثُمَّ جَاءَ الْوَقْتُ الْوَاجِبَةُ فِيهِ النَّفَقَةَ، وَالَّذِي تَجِبُ لَهُ مُضْطَرٌّ -: لَمْ يُجْزِئْهُ تَعْجِيلُ مَا عَجَّلَ، وَأُلْزِمَ الْآنَ النَّفَقَةَ، وَأُمِرَ بِاتِّبَاعِهِ بِمَا عَجَّلَ لَهُ دَيْنًا، لِاسْتِهْلَاكِهِ مَا لَمْ

to provide maintenance anew and required to claim what he prepaid as a recoverable debt, having consumed what was not yet obligatory. Indeed, if analogy were valid here, comparing prepayment of Zakat before its due time to performing Prayer before its time or fasting before its time would be more valid, as all are acts of worship bound by specific periods that may not be transgressed. This is among the matters in which they abandoned analogy.

يَجِبْ لَهُ بَعْدُ، بَلْ لَوْ كَانَ الْقِيَاسُ حَقًّا لَكَانَ قِيَاسُ تَعْجِيلِ الزَّكَاةِ قَبْلَ وَقْتِهَا عَلَى تَعْجِيلِ الصَّلَاةِ قَبْلَ وَقْتِهَا وَالصَّوْمُ قَبْلَ وَقْتِهِ أَصَحُّ، لِأَنَّهَا كُلَّهَا عِبَادَاتٌ مَحْدُودَةٌ بِأَوْقَاتٍ لَا يَجُوزُ تَعَدِّيهَا وَهَذَا مِمَّا تَرَكُوا فِيهِ الْقِيَاسَ.

L11073 If they claim a consensus on the prohibition of hastening prayer, the authentic report from Ibn ʿAbbās and al-Ḥasan refutes them. Indeed! Even if their consensus were valid, this would constitute proof against them, for among their principles is that analogical reasoning which applies the disputed matter to the agreed-upon matter is the valid analogy.

فَإِنْ ادَّعُوا إِجْمَاعًا عَلَى الْمَنْعِ مِنْ تَعْجِيلِ الصَّلَاةِ أَكْذَبَهُمْ الْأَثَرُ الصَّحِيحُ عَنْ ابْنِ عَبَّاسٍ وَالْحَسَنِ، وَهَبْكَ لَوْ صَحَّ لَهُمْ الْإِجْمَاعُ لَكَانَ هَذَا حُجَّةً عَلَيْهِمْ، لِأَنَّ مِنْ أُصُولِهِمْ أَنَّ قِيَاسَ مَا اخْتُلِفَ فِيهِ عَلَى مَا أَجْمَعَ عَلَيْهِ هُوَ الْقِيَاسُ الصَّحِيحُ.

L11074 As for their claim that Zakat was obligated beforehand and people were later permitted to delay it—this is false, baseless, and an assertion without proof. Zakat has never been obligated except upon the completion of the lunar year, not prior to that. This is confirmed by the sound textual evidence that the Messenger of Allah (peace and blessings be upon him) dispatched the Zakat administrators at the completion of the lunar year, not before it. He (peace and blessings be upon him) would never have failed to secure a right that had become due. Moreover, there is consensus among the Ummah that Zakat becomes obligatory at the lunar year's completion, and they never agreed on its obligation before that. Prescribed duties are only established by textual evidence or consensus, thus invalidating all they embellished through narrations and reasoning.

وَأَمَّا قَوْلُهُمْ: إِنَّ الزَّكَاةَ وَجَبَتْ قَبْلُ، ثُمَّ فُسِحَ لِلنَّاسِ فِي تَأْخِيرِهَا -: فَكَذِبٌ وَبَاطِلٌ وَدَعْوَى بِلَا بُرْهَانٍ، وَمَا وَجَبَتْ الزَّكَاةُ قَطُّ إِلَّا عِنْدَ انْقِضَاءِ الْحَوْلِ، لَا قَبْلَ ذَلِكَ، لِصِحَّةِ النَّصِّ بِإِخْرَاجِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - الْمُصَدِّقِينَ عِنْدَ الْحَوْلِ، لَا قَبْلَ ذَلِكَ، وَمَا كَانَ - عَلَيْهِ السَّلَامُ - لِيُضَيِّعَ قَبْضَ حَقٍّ قَدْ وَجَبَ وَلِإِجْمَاعِ الْأُمَّةِ عَلَى وُجُوبِهَا عِنْدَ الْحَوْلِ وَلَمْ يُجْمِعُوا عَلَى وُجُوبِهَا قَبْلَهُ، وَلَا تَجِبُ الْفَرَائِضُ إِلَّا بِنَصٍّ أَوْ إِجْمَاعٍ، فَبَطَلَ كُلُّ مَا مَوَّهُوا بِهِ مِنْ أَثَرٍ وَنَظَرٍ.

L11075–11076 Then we ask them: Has Zakat become obligatory before the completion of the lunar year (Hawl) or not? If they say it has not become obligatory, we say: How do you permit paying what is not yet obligatory? An act not yet obligatory is voluntary, and performing it does not fulfill the obligation. If they say it has become obligatory, we say: Then it is mandatory to compel the one upon whom the obligation is due to fulfill it, and this is conclusive evidence that cannot be fundamentally avoided. We ask them: What would be the ruling if the one who advanced Zakat dies before the lunar year ends, the wealth perishes before the lunar year, those who received it die before the lunar year, or they lose the qualifying conditions for Zakat eligibility? Thus,

ثُمَّ نَسْأَلُهُمْ: أَوَجَبَتْ الزَّكَاةُ قَبْلَ الْحَوْلِ أَمْ لَمْ تَجِبْ فَإِنْ قَالُوا: لَمْ تَجِبْ؟ قُلْنَا: فَكَيْفَ تُجِيزُونَ أَدَاءَ مَا لَمْ يَجِبْ؟ وَمَا لَمْ يَجِبْ فِعْلُهُ تَطَوُّعٌ، وَمَنْ تَطَوَّعَ فَلَمْ يُؤَدِّ الْوَاجِبَ وَإِنْ قَالُوا: قَدْ وَجَبَتْ؟ قُلْنَا: فَالْوَاجِبُ إِجْبَارُ مَنْ وَجَبَ عَلَيْهِ حَقٌّ عَلَى أَدَائِهِ، وَهَذَا بُرْهَانٌ لَا مَحِيدَ عَنْهُ أَصْلًا، وَنَسْأَلُهُمْ: كَيْفَ الْحَالُ إِنْ مَاتَ الَّذِي عَجَّلَ الصَّدَقَةَ قَبْلَ الْحَوْلِ؟ أَوْ تَلِفَ الْمَالُ قَبْلَ الْحَوْلِ؟ أَوْ مَاتَ الَّذِينَ أَعْطُوهَا قَبْلَ الْحَوْلِ؟ أَوْ خَرَجُوا عَنْ

it becomes evident that advancing Zakat is invalid—constituting a gift to the undeserving, withholding from the deserving, and nullifying the obligatory Zakat. All of this is impermissible. It is astonishing that the Ḥanafīs permit advancing Zakat yet prohibit advancing expiation before breaking the oath, though both involve prepayment of funds. However, textual evidence may validate advancing what they prohibit, while no text exists permitting what they allow. Thus, they contradict their own analogical reasoning, authenticate defective reports, and invalidate the authentic report. As for the Mālikīs—despite their internal contradictions—they oppose the majority of scholars in this matter, though both of them uphold this position when it aligns with their views. The Shāfiʿīs contradict analogy in this issue and accept a disconnected report they would otherwise reject. Success comes only from Allah, the Exalted.

الصِّفَاتِ الَّتِي بِهَا تُسْتَحَقُّ الزَّكَوَاتُ؟ فَصَحَّ أَنَّ تَعْجِيلَهَا بَاطِلٌ، وَإِعْطَاءً لِمَنْ لَا يَسْتَحِقُّهَا، وَمَنْعٌ لِمَنْ يَسْتَحِقُّهَا، وَإِبْطَالُ الزَّكَاةِ الْوَاجِبَةِ، وَكُلُّ هَذَا لَا يَجُوزُ. وَالْعَجَبُ مِنْ إِجَازَةِ الْحَنَفِيِّينَ تَعْجِيلَ الزَّكَاةِ وَمَنْعُهُمْ مِنْ تَعْجِيلِ الْكَفَّارَةِ قَبْلَ الْحِنْثِ وَكِلَاهُمَا مَالٌ مُعَجَّلٌ، إِلَّا أَنَّ النَّصَّ قَدْ يَصِحُّ بِتَعْجِيلِ مَا مَنَعُوا تَعْجِيلَهُ، وَلَمْ يَأْتِ بِتَعْجِيلِ مَا أَبَاحُوا تَعْجِيلَهُ، فَتَنَاقَضُوا فِي الْقِيَاسِ، وَصَحَّحُوا الْآثَارَ الْفَاسِدَةَ، وَأَبْطَلُوا الْأَثَرَ الصَّحِيحَ، وَأَمَّا الْمَالِكِيُّونَ فَإِنَّهُمْ - مَعَ مَا تَنَاقَضُوا - خَالَفُوا فِي هَذِهِ الْجُمْهُورَ مِنْ الْعُلَمَاءِ، وَهُمَا يُعَظِّمُونَ هَذَا إِذَا وَافَقَهُمْ، وَخَالَفَ الشَّافِعِيُّونَ فِيهِ الْقِيَاسَ، وَقَبِلُوا الْمُرْسَلَ الَّذِي يَرُدُّونَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Issue: The obligation of Zakat upon one who has a debt in dirhams, dinars, or livestock.

[مَسْأَلَةٌ الزَّكَاةُ عَلَى مَنْ عَلَيْهِ دَيْنٌ دَرَاهِمُ أَوْ دَنَانِيرُ أَوْ مَاشِيَةٌ]

L11077

Issue 694: For one indebted with silver dirhams, gold dinars, or livestock payable as debt - if such wealth had been present as his own possession (so that Zakat would be obligatory in its quantity), then: if it remained present with him intact (without loss) and had completed a full year from its possession, he must pay its Zakat. Otherwise, no Zakat whatsoever is due on it - even if the debt remains outstanding for years. A group of people said regarding "he should pay zakāt on it": It has been narrated to us through the chain of Ibn Abī Shaybah from Muḥammad ibn Bakr from Ibn Jurayj from Yazīd ibn Yazīd ibn Jābir that ʿAbd al-Malik ibn Abī Bakr informed him that ʿUmar said: "When zakāt becomes due, assess your debts and what you possess, gather all of it together, then pay zakāt on the total." (And via this chain to) ʿAbd al-Razzāq from Ibn Jurayj: Yazīd ibn Yazīd ibn Jābir informed me from ʿAbd al-Malik ibn Abī Bakr from ʿAbd al-Raḥmān ibn al-Ḥārith ibn Hishām - he being ʿAbd al-Malik's paternal grandfather - who said: A man asked ʿUmar: "When the time of my zakāt payment arrives, should I expedite giving it by spending on my family and settling my debts?" ʿUmar replied:

L11078–11080

٦٩٤ - مَسْأَلَةٌ: وَمَنْ عَلَيْهِ دَيْنٌ دَرَاهِمُ أَوْ دَنَانِيرُ أَوْ مَاشِيَةٌ تَجِبُ الزَّكَاةُ فِي مِقْدَارِ ذَلِكَ لَوْ كَانَ حَاضِرًا فَإِنْ كَانَ حَاضِرًا عِنْدَهُ لَمْ يَتْلَفْ وَأَتَمَّ عِنْدَهُ حَوْلًا مِنْهُ مَا فِي مِقْدَارِهِ الزَّكَاةُ -: زَكَّاهُ، وَإِلَّا فَلَا زَكَاةَ عَلَيْهِ فِيهِ أَصْلًا، وَلَوْ أَقَامَ عَلَيْهِ سِنِينَ وَقَالَ قَوْمٌ: يُزَكِّيهِ -: رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ مُحَمَّدِ بْنِ بَكْرٍ عَنْ ابْنِ جُرَيْجٍ عَنْ يَزِيدَ بْنِ يَزِيدَ بْنِ جَابِرٍ أَنَّ عَبْدَ الْمَلِكِ بْنَ أَبِي بَكْرٍ أَخْبَرَهُ أَنَّ عُمَرَ قَالَ: إذَا حَلَّتْ - يَعْنِي الزَّكَاةَ - فَاحْسِبْ دَيْنَكَ وَمَا عِنْدَكَ وَاجْمَعْ ذَلِكَ جَمِيعًا ثُمَّ زَكِّهِ. (وَبِهِ إلَى) عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي يَزِيدُ بْنُ يَزِيدَ بْنِ جَابِرٍ عَنْ عَبْدِ الْمَلِكِ بْنِ أَبِي بَكْرٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْحَارِثِ بْنِ هِشَامٍ هُوَ جَدُّ عَبْدِ الْمَلِكِ أَبُو أَبِيهِ قَالَ: قَالَ رَجُلٌ لِعُمَرَ: يَجِيءُ إبَّانَ صَدَقَتِي فَأُبَادِرُ

الصَّدَقَةَ فَأُنْفِقُ عَلَى أَهْلِي وَأَقْضِي، دَيْنِي؟ قَالَ عُمَرُ: لَا تُبَادِرْ بِهَا، وَاحْسِبْ دَيْنَك وَمَا عَلَيْكَ، وَزَكِّ ذَلِكَ أَجْمَعَ

"Do not hasten its payment. Calculate your debts and what you owe, then pay zakāt on the entire sum."

وَهُوَ قَوْلُ الْحَسَنِ بْنِ حَيٍّ، وَرُوِّينَا مِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ فِي الدَّيْنِ يَكُونُ لِلرَّجُلِ عَلَى الرَّجُلِ فَيَمْطُلُهُ؟ قَالَ: زَكَاتُهُ عَلَى الَّذِي يَأْكُلُ مَهْنَأَةً وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ قَيْسٍ عَنْ عَطَاءٍ أَوْ غَيْرِهِ نَحْوَهُ.

L11081 This is the statement of Al-Ḥasan ibn Ḥayy, and it has been narrated to us through the chain of Ḥammād ibn Salamah from Ḥammād ibn Abī Sulaymān from Ibrāhīm al-Nakhaʿī concerning a debt that one man owes to another, and the debtor delays repayment. He said: "Its zakah is obligatory upon the one who benefits from it." Through Ḥammād ibn Salamah's narration from Qays from ʿAṭāʾ or someone else, a similar ruling is reported.

وَمِمَّنْ قَالَ بِقَوْلِنَا - فِي إِسْقَاطِ الزَّكَاةِ عَنْ الَّذِي عَلَيْهِ الدَّيْنُ فِيمَا عَلَيْهِ مِنْهُ -: ابْنُ عَمْرٍو وَغَيْرُهُ.

L11082 Among those who held our opinion—regarding deducting the debt from one's wealth before calculating Zakat—were Ibn 'Amr and others.

كَمَا رُوِّينَا مِنْ طَرِيقِ عَبْدِ الْوَهَّابِ بْنِ عَبْدِ الْمَجِيدِ الثَّقَفِيِّ، وَسُفْيَانَ الثَّوْرِيِّ قَالَا: ثنا عُبَيْدُ اللَّهِ بْنُ عُمَرَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ: أَنَّهُ وُلِّيَ مَالَ يَتِيمٍ فَكَانَ يَسْتَسْلِفُ مِنْهُ، يَرَى أَنَّ ذَلِكَ أُحْرِزَ لَهُ: وَيُؤَدِّي زَكَاتَهُ مِنْ مَالِ الْيَتِيمِ، فَهَذَا ابْنُ عُمَرَ عَلَيْهِ الدَّيْنُ لَا يُزَكِّيهِ عَنْ نَفْسِهِ، وَعَنْ حَمَّادِ بْنِ سَلَمَةَ عَنْ حُمَيْدٍ عَنْ الْحَسَنِ: إذَا كَانَ لِلرَّجُلِ عَلَى الرَّجُلِ الدَّيْنُ فَالزَّكَاةُ عَلَى الَّذِي لَهُ الدَّيْنُ، وَعَنْ الْحَجَّاجِ بْنِ الْمِنْهَالِ عَنْ يَزِيدَ بْنِ إبْرَاهِيمَ عَنْ مُجَاهِدٍ: إذَا كَانَ عَلَيْكَ دَيْنٌ فَلَا زَكَاةَ عَلَيْهِ، إنَّمَا زَكَاتُهُ عَلَى الَّذِي هُوَ لَهُ، وَعَنْ وَكِيعٍ عَنْ سُفْيَانَ عَنْ الْمُغِيرَةِ عَنْ الْفُضَيْلِ عَنْ إبْرَاهِيمَ النَّخَعِيِّ قَالَ: زَكِّ مَا فِي يَدَيْكَ مِنْ مَالِكَ، وَمَا لَكَ عَلَى الْمَلِيءِ وَلَا تُزَكِّ مَا لِلنَّاسِ عَلَيْكَ؟ وَهُوَ قَوْلُ سُفْيَانَ: وَمَالِكٍ، وَأَبِي حَنِيفَةَ، وَأَصْحَابِهِ، وَوَكِيعٍ؟ قَالَ أَبُو مُحَمَّدٍ: إنَّمَا وَافَقْنَا (قَوْلَ) هَؤُلَاءِ فِي سُقُوطِ الزَّكَاةِ عَنْ الَّذِي عَلَيْهِ الدَّيْنُ فَقَطْ.

L11083–11085 As narrated to us through the chain of ʿAbd al-Wahhāb ibn ʿAbd al-Majīd al-Thaqafī and Sufyān al-Thawrī, who said: We were told by ʿUbayd Allāh ibn ʿUmar, from Nāfiʿ, from Ibn ʿUmar: that he was entrusted with the wealth of an orphan and would borrow from it, believing it was secured for him. He would pay its Zakāh from the orphan's wealth. Thus, this Ibn ʿUmar, upon whom is the debt, does not pay Zakāh on it from his own wealth. From Hammad ibn Salama, from Humaid, from Al-Hasan: If a man owes another a debt, the Zakat obligation rests on the creditor. From Al-Hajjāj ibn Al-Minhāl, from Yazīd ibn Ibrāhīm, from Mujāhid: If you owe a debt, there is no Zakat on it; its Zakat is solely upon the one to whom it is owed. From Wakīʿ, from Sufyān, from Al-Mughīrah, from Al-Fuḍayl, from Ibrāhīm An-Nakhaʿī, who said: "Pay Zakat on the wealth in your possession and on what you are owed by a solvent debtor, but do you pay Zakat on what others are owed by you?" This is the view of Sufyān: Mālik, Abū Ḥanīfah, his companions, and Wakīʿ? Abū Muḥammad said: "We have only concurred with (the opinion of) these scholars in exempting the debtor from Zakat."

L11086 Through the chain of Ubayd Allah ibn Umar, from Abd al-Rahman ibn al-Qasim ibn Muhammad, from his father, from Aishah, the Mother of the

Believers: “There is no zakat on debt.” Through the chain of Abd al-Rahman ibn Mahdi, from Sufyan al-Thawri, from Abu al-Zinad, from Ikrimah, who said: “There is no zakat on debt.” Through the chain of Wakiʿ, from Misʿar, from al-Hakam ibn Utaybah, who said: “Ibrahim disagreed with me regarding debt. I used to say, ’It does not require zakat,’ then he reverted to my view.” It was narrated to us from Abu Bakr ibn Abi Shaybah: Abu Muawiyah narrated to us from al-Hajjaj, from Ata, who said: “There is no zakat upon the one to whom it is owed nor upon the one who owes it.”

وَمِنْ طَرِيقِ عُبَيْدِ اللَّهِ بْنِ عُمَرَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ الْقَاسِمِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، لَيْسَ فِي الدَّيْنِ زَكَاةٌ وَمِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ أَبِي الزِّنَادِ عَنْ عِكْرِمَةَ قَالَ: لَيْسَ فِي الدَّيْنِ زَكَاةٌ، وَمِنْ طَرِيقِ وَكِيعٍ عَنْ مِسْعَرٍ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ قَالَ: خَالَفَنِي إبْرَاهِيمُ فِي الدَّيْنِ، كُنْتُ أَقُولُ: لَا يُزَكِّي، ثُمَّ رَجَعَ إلَى قَوْلِي -: وَرُوِّينَا عَنْ أَبِي بَكْرِ بْنِ أَبِي شَيْبَةَ: ثنا أَبُو مُعَاوِيَةَ عَنْ حَجَّاجٍ عَنْ عَطَاءٍ قَالَ: لَيْسَ عَلَى صَاحِبِ الدَّيْنِ الَّذِي هُوَ لَهُ وَلَا عَلَى الَّذِي هُوَ عَلَيْهِ زَكَاةٌ.

L11087 From Abd al-Razzaq, from Sufyan al-Thawri, from al-Mughirah ibn Miqsam, from Ata’, who said, “There is no zakat on debt.”

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ الْمُغِيرَةِ بْنِ مِقْسَمٍ عَنْ عَطَاءٍ قَالَ: لَيْسَ فِي الدَّيْنِ زَكَاةٌ.

L11088–11089 Narrated through the chain of Abd al-Razzaq from Ibn Jurayj: I asked Ata: “When a man grants a loan to someone.” He replied: “Is there no Zakat obligation upon the lender nor upon the borrower?” Narrated through the chain of Abu Ubayd from Abu Zā’idah from Abd al-Malik from Ata ibn Abi Rabah: “The debtor does not pay Zakat on the debt, nor does the creditor pay Zakat until he takes possession of it.” This is the opinion of Abu Sulayman and our companions.

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ ابْنِ جُرَيْجٍ: قُلْتُ لِعَطَاءٍ: السَّلَفُ يُسْلِفُهُ الرَّجُلُ. قَالَ: لَيْسَ عَلَى سَيِّدِ الْمَالِ وَلَا عَلَى الَّذِي اسْتَسْلَفَهُ زَكَاةٌ؟ وَمِنْ طَرِيقِ أَبِي عُبَيْدٍ عَنْ أَبِي زَائِدَةَ عَنْ عَبْدِ الْمَلِكِ عَنْ عَطَاءِ بْنِ أَبِي رَبَاحٍ: لَا يُزَكِّي الَّذِي عَلَيْهِ الدَّيْنُ الدَّيْنَ، وَلَا يُزَكِّيهِ الَّذِي هُوَ لَهُ حَتَّى يَقْبِضَهُ؟ وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ، وَأَصْحَابِنَا.

L11090 Abū Muḥammad said: When the debt exits the ownership of the one who took the loan, it becomes nonexistent in his ownership. It is definitively invalid to pay zakāh on non-existent assets, on what one does not own, and on something if he stole it, his hand would be cut off - as it is owned by another.

قَالَ أَبُو مُحَمَّد: إذَا خَرَجَ الدَّيْنُ عَنْ مِلْكِ الَّذِي اسْتَقْرَضَهُ فَهُوَ مَعْدُومٌ عِنْدَهُ، وَمِنْ الْبَاطِلِ الْمُتَيَقَّنِ أَنْ يُزَكِّيَ عَنْ لَا شَيْءَ، وَعَمَّا لَا يَمْلِكُ، وَعَنْ شَيْءٍ لَوْ سَرَقَهُ قُطِعَتْ يَدُهُ، لِأَنَّهُ فِي مِلْكِ غَيْرِهِ.

L11091 **A case where a person owes a debt but possesses assets of the type upon which zakat is obligatory in similar circumstances.**

[مَسْأَلَةٌ عَلَيْهِ دَيْنٌ وَعِنْدَهُ مَالٌ تَجِبُ فِي مِثْلِهِ الزَّكَاةُ]

L11092 695. Issue: If someone owes a debt—as we mentioned—and possesses wealth subject to zakat, whether this wealth exceeds the debt, equals it, or

is less than it, and whether the debt is of the same type (e.g., gold vs. gold) or a different type (e.g., gold vs. silver), they must pay zakat on the wealth they possess. The debt does not reduce their zakat obligation in any way. This is the view of Al-Shāfiʿī, Abū Sulaymān, and others. Mālik held that the debt is considered part of the trade goods not subject to zakat which they possess, and they pay zakat on their remaining wealth. If they possess no trade goods, the debt is deducted from their zakatable wealth, thereby exempting them from paying zakat on that amount. If the remainder after this deduction reaches the zakat threshold, they pay zakat on it; otherwise, they do not. However, Mālik restricted this ruling to monetary wealth (gold, silver, or their equivalents).

٦٩٥ - مَسْأَلَةٌ: وَمَنْ عَلَيْهِ دَيْنٌ - كَمَا ذَكَرْنَا وَعِنْدَهُ مَالٌ تَجِبُ فِي مِثْلِهِ الزَّكَاةُ سَوَاءٌ كَانَ أَكْثَرَ مِنْ الدَّيْنِ الَّذِي عَلَيْهِ أَوْ مِثْلَهُ أَوْ أَقَلَّ مِنْهُ، مِنْ جِنْسِهِ كَانَ أَوْ مِنْ غَيْرِ جِنْسِهِ -: فَإِنَّهُ يُزَكِّي مَا عِنْدَهُ، وَلَا يَسْقُطُ مِنْ أَجْلِ الدَّيْنِ الَّذِي عَلَيْهِ شَيْءٌ مِنْ زَكَاةِ مَا بِيَدِهِ -: وَهُوَ قَوْلُ الشَّافِعِيِّ وَأَبِي سُلَيْمَانَ وَغَيْرِهِمَا. وَقَالَ مَالِكٌ: يُجْعَلُ الدَّيْنُ فِي الْعُرُوضِ الَّتِي عِنْدَهُ الَّتِي لَا زَكَاةَ فِيهَا، وَيُزَكِّي مَا عِنْدَهُ فَإِنْ لَمْ يَكُنْ عِنْدَهُ عُرُوضٌ جَعَلَ دَيْنَهُ فِيمَا بِيَدِهِ مِمَّا فِيهِ الزَّكَاةُ، وَأَسْقَطَ بِذَلِكَ الزَّكَاةَ، فَإِنْ فَضَلَ عَنْ دَيْنِهِ شَيْءٌ يَجِبُ فِي مِقْدَارِهِ الزَّكَاةُ زَكَّاهُ وَإِلَّا فَلَا، وَإِنَّمَا هَذَا عِنْدَهُ فِي الذَّهَبِ وَالْفِضَّةِ فَقَطْ.

L11093 As for livestock, crops, and fruits, they are not exempt; one must pay zakat on all of these, whether the debt owed equals, exceeds, or falls short of what he possesses of them? Others said: Debt cancels zakat on cash and livestock but does not cancel it on crops and fruits.

وَأَمَّا الْمَوَاشِي وَالزَّرْعُ وَالثِّمَارُ فَلَا، وَلَكِنْ يُزَكِّي كُلَّ ذَلِكَ، سَوَاءٌ كَانَ عَلَيْهِ دَيْنٌ مِثْلَ مَا مَعَهُ مِنْ ذَلِكَ أَوْ أَكْثَرَ أَوْ أَقَلَّ؟ وَقَالَ آخَرُونَ: يُسْقِطُ الدَّيْنُ زَكَاةَ الْعَيْنِ وَالْمَوَاشِي، وَلَا يُسْقِطُ زَكَاةَ الزَّرْعِ وَالثِّمَارِ.

L11094–11096 Abu Yusuf and Muhammad said: The debt owed is considered part of the wealth on which zakat is obligatory. This applies equally to gold, silver, livestock, crops, fruits, and trade goods. The zakat obligation on all of that is waived thereby. His debt is not assigned to his capital assets as long as he possesses wealth subject to zakat or holds commercial merchandise. This is the opinion of al-Layth ibn Saʿd and Sufyan al-Thawri. Zufar said: "Debt related to crops is only applied to crops, debt related to livestock is only applied to livestock, and debt related to cash is only applied to cash." Thus, whatever he owns equivalent to debts he owes of the same type is waived. Through Ibn Jurayj's transmission: I asked ʿAṭāʾ, "If a man's debt exceeds the value of his wealth, must he fulfill his zakat duty?" He replied, "We do not consider one whose debt surpasses his wealth liable for zakat - neither in livestock nor in capital assets." Ibn Jurayj said: I heard Abū al-Zubayr relate that he heard Ṭāwūs state, "No zakat is incumbent upon him."

وَقَالَ أَبُو يُوسُفَ، وَمُحَمَّدٌ: يُجْعَلُ مَا عَلَيْهِ مِنْ الدَّيْنِ فِي مَالٍ تَجِبُ فِيهِ الزَّكَاةُ، سَوَاءٌ فِي ذَلِكَ الذَّهَبُ، وَالْفِضَّةُ، وَالْمَوَاشِي، وَالْحَرْثُ، وَالثِّمَارُ، وَعُرُوضُ التِّجَارَةِ، وَيَسْقُطُ بِهِ زَكَاةُ كُلِّ ذَلِكَ. وَلَا يُجْعَلُ دَيْنُهُ فِي عُرُوضِ الْقِنْيَةِ مَا دَامَ عِنْدَهُ مَالٌ تَجِبُ فِيهِ الزَّكَاةُ، أَوْ مَا دَامَ عِنْدَهُ عُرُوضٌ لِلتِّجَارَةِ، وَهُوَ قَوْلُ اللَّيْثِ بْنِ سَعْدٍ وَسُفْيَانَ الثَّوْرِيِّ. وَقَالَ زُفَرُ: لَا يُجْعَلُ دَيْنُ الزَّرْعِ إلَّا فِي الزَّرْعِ، وَلَا يُجْعَلُ دَيْنُ الْمَاشِيَةِ إلَّا فِي الْمَاشِيَةِ، وَلَا يُجْعَلُ دَيْنُ الْعَيْنِ إلَّا فِي الْعَيْنِ، فَيَسْقُطُ بِذَلِكَ مَا عِنْدَهُ مِمَّا عَلَيْهِ دَيْنُ مِثْلِهِ، وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ: قُلْتُ لِعَطَاءٍ: حَرْثٌ لِرَجُلٍ دَيْنُهُ أَكْثَرُ مِنْ مَالِهِ، أَيُؤَدِّي حَقَّهُ؟ قَالَ: مَا نَرَى عَلَى رَجُلٍ دَيْنُهُ أَكْثَرُ مِنْ مَالِهِ صَدَقَةً، لَا فِي مَاشِيَةٍ وَلَا فِي أَصْلٍ، قَالَ ابْنُ جُرَيْجٍ: سَمِعْتُ أَبَا الزُّبَيْرِ، سَمِعْت طَاوُسًا يَقُولُ لَيْسَ عَلَيْهِ صَدَقَةٌ.

قَالَ أَبُو مُحَمَّد: إِسْقَاطُ الدَّيْنِ زَكَاةُ مَا بِيَدِ الْمَدِينِ لَمْ يَأْتِ بِهِ قُرْآنٌ وَلَا سُنَّةٌ صَحِيحَةٌ وَلَا سَقِيمَةٌ وَلَا إِجْمَاعٌ، بَلْ قَدْ جَاءَتْ السُّنَنُ الصِّحَاحُ بِإِيجَابِ الزَّكَاةِ فِي الْمَوَاشِي، وَالْحَبِّ، وَالتَّمْرِ، وَالذَّهَبِ، وَالْفِضَّةِ، بِغَيْرِ تَخْصِيصِ مَنْ عَلَيْهِ دَيْنٌ مِمَّنْ لَا دَيْنَ عَلَيْهِ، وَأَمَّا مِنْ طَرِيقِ النَّظَرِ فَإِنَّ مَا بِيَدِهِ لَهُ أَنْ يُصَدِّقَهُ وَيَبْتَاعَ مِنْهُ جَارِيَةً يَطَؤُهَا وَيَأْكُلَ مِنْهُ وَيُنْفِقَ مِنْهُ، وَلَوْ لَمْ يَكْفِ لَهُ لَمْ يَحِلَّ لَهُ التَّصَرُّفُ فِيهِ بِشَيْءٍ مِنْ هَذَا، فَإِذَا هُوَ لَهُ وَلَمْ يُخْرِجْهُ عَنْ مِلْكِهِ وَيَدِهِ مَا عَلَيْهِ مِنْ الدَّيْنِ فَزَكَاةُ مَالِهِ عَلَيْهِ بِلَا شَكٍّ.

L11097 Abū Muḥammad said: The remission of debt as zakāh of what is in the debtor's possession has no basis in the Qur'an, nor in any sound or weak Sunnah, nor in consensus. Rather, authentic Sunnah texts explicitly obligate zakāh on livestock, grains, dates, gold, and silver, without distinguishing between indebted persons and those free of debt. As for rational consideration: the wealth in his possession permits him to validate it, purchase a slave girl for conjugal relations, consume from it, or spend from it. If it were insufficient for him, it would not be lawful to dispose of it through any such means. Since this wealth remains under his legal ownership and physical possession despite his debt, the zakāh on his wealth is undoubtedly his obligation.

وَأَمَّا تَقْسِيمُ مَالِكٍ: فَفِي غَايَةِ التَّنَاقُضِ، وَمَا نَعْلَمُهُ عَنْ أَحَدٍ قَبْلَهُ، وَكَذَلِكَ قَوْلُ أَصْحَابِ أَبِي حَنِيفَةَ أَيْضًا - وَبِاَللَّهِ التَّوْفِيقُ. وَالْمَالِكِيُّونَ: يُنْكِرُونَ عَلَى أَبِي حَنِيفَةَ هَذَا بِعَيْنِهِ فِي إِيجَابِهِ لِلزَّكَاةِ فِي زَرْعِ الْيَتِيمِ وَثِمَارِهِ دُونَ مَاشِيَتِهِ وَذَهَبِهِ وَفِضَّتِهِ، فَإِنْ احْتَجُّوا بِأَنْ قَبْضَ زَكَاةِ الْمَوَاشِي وَالزَّرْعِ إلَى الْمُصَدِّقِ.

L11098 As for Mālik's categorization, it is in extreme contradiction—we know of none before him who held it. Likewise, the statement of Abū Ḥanīfah's followers as well—and with Allah is success. The Mālikīs object to this very position of Abū Ḥanīfah in his obligating zakāt on the orphan's crops and fruits while exempting his livestock, gold, and silver. If they argue that the collection of zakāt on livestock and crops is delegated to the zakāt assessor.

قِيلَ: فَكَانَ مَاذَا؟ وَكَذَلِكَ أَيْضًا قَبْضُ زَكَاةِ الْعَيْنِ إلَى السُّلْطَانِ إذَا طَلَبَهَا وَلَا فَرْقَ.

L11099–11100 It was asked: "What is the ruling?" Likewise, the collection of zakat on tangible property by the governing authority when it is due, and there is no distinction.

[مَسْأَلَةٌ مِنْ كَانَ لَهُ عَلَى غَيْرِهِ دَيْنٌ فَلَا زَكَاةَ عَلَيْهِ فِيهِ]

L11101 **Issue: If someone is owed a debt by another person, there is no Zakat incumbent upon him for it.**

٦٩٦ - مَسْأَلَةٌ: وَمَنْ كَانَ لَهُ عَلَى غَيْرِهِ دَيْنٌ فَسَوَاءٌ كَانَ حَالًّا أَوْ مُؤَجَّلًا عِنْدَ مَلِيءٍ مُقِرٍّ يُمْكِنُهُ قَبْضُهُ أَوْ مُنْكِرٍ، أَوْ عِنْدَ عَدِيمٍ مُقِرٍّ أَوْ مُنْكِرٍ كُلُّ ذَلِكَ سَوَاءٌ، وَلَا زَكَاةَ فِيهِ عَلَى صَاحِبِهِ، وَلَوْ أَقَامَ عَنْهُ سِنِينَ حَتَّى يَقْبِضَهُ فَإِذَا قَبَضَهُ اسْتَأْنَفَ حَوْلًا كَسَائِرِ الْفَوَائِدِ وَلَا فَرْقَ. فَإِنْ قَبَضَ مِنْهُ مَا لَا تَجِبُ فِيهِ الزَّكَاةُ فَلَا زَكَاةَ فِيهِ، لَا حِينَئِذٍ وَلَا بَعْدَ ذَلِكَ -

L11102 Issue 696: If a person is owed a debt by another—whether immediate or deferred, held by a solvent debtor (acknowledging the debt and from whom collection is possible or denying it) or held by an insolvent debtor (acknowledging or denying it)—all these cases are equivalent. The creditor has no zakāh obligation on it, even if it remains outstanding for years, until they collect it. Once collected, they must initiate a new annual cycle for zakāh like all other proceeds, without distinction. If they collect from it an item not eligible for zakāh—livestock, gold, or silver being treated the same in this ruling—no zakāh is due on it, neither at the time of collection nor there-

after. As for date palms and crops, there is no zakāh obligation on them whatsoever, since he did not produce them from his own crops or fruits.

الْمَاشِيَةُ، وَالذَّهَبُ، وَالْفِضَّةُ فِي ذَلِكَ سَوَاءٌ - وَأَمَّا النَّخْلُ، وَالزَّرْعُ فَلَا زَكَاةَ فِيهِ أَصْلًا؛ لِأَنَّهُ لَمْ يُخْرِجْ مِنْ زَرْعِهِ وَلَا مِنْ ثِمَارِهِ.

L11103 A group said: “He should purify it with *zakah*”—as narrated through the chain of Ibn Abi Shaybah from Jarīr from al-Ḥakam ibn ʿUtaybah, who said: “‘Alī was asked about a man owed a debt by another. He replied: ’The owner of the wealth should purify it with *zakah*. If he fears it will not be repaid, he may delay. When the debt is recovered, he should purify it with *zakah* for the elapsed periods.’” Through another chain via Ibn Abi Shaybah: Yazīd ibn Hārūn narrated to us: Hishām—meaning Ibn Ḥassān—from Muḥammad ibn Sīrīn from ʿUbaydah al-Salmānī: “‘Alī was asked about a doubtful debt: Should he purify it with *zakah*? He said: ’If the owner is confident [of its validity], let him purify it with *zakah* for the elapsed periods.’” This ruling is rigorously sound. “The doubtful debt” refers to one whose repayment is not anticipated.

وَقَالَتْ طَائِفَةٌ: يُزَكِّيهِ -: كَمَا رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ جَرِيرٍ عَنْ الْحَكَمِ بْنِ عُتَيْبَةَ قَالَ: سُئِلَ عَلِيٌّ عَنْ الرَّجُلِ يَكُونُ لَهُ الدَّيْنُ عَلَى آخَرَ؟ فَقَالَ: يُزَكِّيهِ صَاحِبُ الْمَالِ، فَإِنْ خَشِيَ أَنْ لَا يَقْضِيَهُ فَإِنَّهُ يُمْهِلُ، فَإِذَا خَرَجَ الدَّيْنُ زَكَّاهُ لِمَا مَضَى، وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا يَزِيدُ بْنُ هَارُونَ أَنَا هِشَامٌ - هُوَ ابْنُ حَسَّانَ - عَنْ مُحَمَّدِ بْنِ سِيرِينَ عَنْ عَبِيدَةَ السَّلْمَانِيِّ: سُئِلَ عَلِيٌّ عَنْ الدَّيْنِ الظَّنُونِ: أَيُزَكِّيهِ؟ قَالَ: إنْ كَانَ صَادِقًا فَلْيُزَكِّهِ لِمَا مَضَى وَهَذَا فِي غَايَةِ الصِّحَّةِ، وَالظَّنُونُ: هُوَ الَّذِي لَا يُرْجَى.

L11104 And from the chain of Ṭāwūs: If you are owed a debt, then pay Zakat on it [once repayable].

وَمِنْ طَرِيقِ طَاوُسٍ: إذَا كَانَتْ لَك دَيْنٌ فَزَكِّهِ.

L11105–11106 From the chain of Ashʿath via al-Zubayr via Jābir, who said: “He must purify it by paying Zakāt” — meaning his wealth that others owe him as debts. From the chain of ʿUmar ibn al-Khaṭṭāb as we previously mentioned: “Calculate what is owed to you and what you owe, then pay Zakāt on the total sum.” From the chain of Ibn Jurayj, who said: Saʿīd ibn al-Musayyab would state: “When a debt is owed by a solvent debtor, the creditor must pay Zakāt on it [the debt]. If owed by a destitute debtor, no Zakāt applies until repayment occurs — then the creditor must pay Zakāt for all the past years.” From the chain of Maʿmar via al-Zuhrī: identical to the ruling of Saʿīd ibn al-Musayyab — precisely identical, without exception.

وَمِنْ طَرِيقِ أَشْعَثَ عَنْ الزُّبَيْرِ عَنْ جَابِرٍ قَالَ: يُزَكِّيهِ - يَعْنِي: مَالَهُ مِنْ الدَّيْنِ عَلَى غَيْرِهِ، وَمِنْ طَرِيقِ عُمَرَ بْنِ الْخَطَّابِ كَمَا ذَكَرْنَا قَبْلُ - احْسِبْ دَيْنَك وَمَا عَلَيْك وَزَكِّ ذَلِكَ أَجْمَعَ وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ قَالَ: كَانَ سَعِيدُ بْنُ الْمُسَيِّبِ يَقُولُ: إذَا كَانَ الدَّيْنُ عَلَى مَلِيءٍ فَعَلَى صَاحِبِهِ أَدَاءُ زَكَاتِهِ، فَإِنْ كَانَ عَلَى مُعْدِمٍ فَلَا زَكَاةَ فِيهِ حَتَّى يَخْرُجَ؛ فَيَكُونُ عَلَيْهِ زَكَاةُ السِّنِينَ الَّتِي مَضَتْ، وَمِنْ طَرِيقِ مَعْمَرٍ عَنْ الزُّهْرِيِّ مِثْلُ قَوْلِ سَعِيدِ بْنِ الْمُسَيِّبِ سَوَاءً سَوَاءً.

L11107 From Mujāhid: If a debt is owed to you, you must pay its *Zakat*; but if you owe a debt, there is no *Zakat* obligation on you for it. This is the opinion of Sufyān al-Thawrī and al-Ḥasan ibn Ṣāliḥ ibn Ḥayy.

وَعَنْ مُجَاهِدٍ: إذَا كَانَ لَكَ الدَّيْنُ فَعَلَيْكَ زَكَاتُهُ، وَإِذَا كَانَ عَلَيْكَ فَلَا زَكَاةَ عَلَيْكَ فِيهِ؟ وَهُوَ قَوْلُ سُفْيَانَ الثَّوْرِيِّ، وَالْحَسَنِ بْنِ حَيٍّ

L11108 A group held that there is no zakah due on it until one takes possession of

it. When one takes possession of it or takes possession of an amount from it reaching the threshold subject to zakah, one must pay zakah for one year, even if it remains for multiple years. This is the opinion of Mālik.

وَقَالَتْ طَائِفَةٌ: لَا زَكَاةَ فِيهِ حَتَّى يَقْبِضَهُ، فَإِذَا قَبَضَهُ أَوْ قَبَضَ مِنْهُ مِقْدَارَ مَا فِيهِ الزَّكَاةُ زَكَّاهُ لِسَنَةٍ وَاحِدَةٍ، وَإِنْ بَقِيَ سِنِينَ - وَهُوَ قَوْلُ مَالِكٍ.

L11109 A group has said: If the debt is owed by a trustworthy debtor, the creditor must pay zakat on it; but if it is owed by an untrustworthy debtor, there is no zakat obligation until the creditor recovers it—and this is the opinion of al-Shāfiʿī. We have been narrated through the chain of ʿAbdullāh ibn ʿUmar that he said: "Purify your wealth from one lunar year to another. Whatever debt lies with a trustworthy person, treat it as equivalent to wealth in your possession. As for doubtful debt, there is no zakat on it until its owner recovers it."

وَقَالَتْ طَائِفَةٌ: إِنْ كَانَ عَلَى ثِقَةٍ زَكَّاهُ، وَإِنْ كَانَ عَلَى غَيْرِ ثِقَةٍ فَلَا زَكَاةَ عَلَيْهِ فِيهِ حَتَّى يَقْبِضَهُ - وَهُوَ قَوْلُ الشَّافِعِيِّ، وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ عُمَرَ أَنَّهُ قَالَ: زَكُّوا أَمْوَالَكُمْ مِنْ حَوْلٍ إِلَى حَوْلٍ، فَمَا كَانَ فِي دَيْنٍ فِي ثِقَةٍ فَاجْعَلُوهُ بِمَنْزِلَةِ مَا كَانَ فِي أَيْدِيكُمْ، وَمَا كَانَ مِنْ دَيْنٍ ظَنُونٍ فَلَا زَكَاةَ فِيهِ حَتَّى يَقْبِضَهُ صَاحِبُهُ.

L11110 From Tawus through an established chain of transmission: If you have a debt that you know will be repaid, then pay zakat on it. From Ibrahim through an authentic chain of transmission: Pay zakat on what is in your possession and on wealth owed to you by a solvent person, but do not pay zakat on what you owe to others. Then Ibrahim retracted this opinion.

وَعَنْ طَاوُسٍ مِنْ طَرِيقٍ ثَابِتَةٍ: إِذَا كَانَ لَكَ دَيْنٌ تَعْلَمُ أَنَّهُ يَخْرُجُ فَزَكِّهِ، وَعَنْ إِبْرَاهِيمَ مِنْ طَرِيقٍ صَحِيحَةٍ: زَكِّ مَا فِي يَدَيْكَ وَمَالَكَ عَلَى الْمَلِيءِ، وَلَا تُزَكِّ مَا لِلنَّاسِ عَلَيْكَ. ثُمَّ رَجَعَ عَنْ هَذَا.

L11111 From Maymun ibn Mihran: For any debt owed by a solvent debtor that you anticipate receiving, calculate it, subtract what you owe, and pay zakāh on the remainder. From Mujāhid: If you are certain it will be repaid, pay zakāh on it.

وَعَنْ مَيْمُونَ بْنِ مِهْرَانَ: مَا كَانَ مِنْ دَيْنٍ فِي مَلِيءٍ تَرْجُوهُ فَاحْسُبْهُ، ثُمَّ أَخْرِجْ مَا عَلَيْكَ وَزَكِّ مَا بَقِيَ؟ وَعَنْ مُجَاهِدٍ: إِنْ كُنْتَ تَعْلَمُ أَنَّهُ خَارِجٌ فَزَكِّهِ.

L11112–11113 And from Muhammad ibn Ali ibn al-Hasan: There is no zakat due on a debt until it is collected. As for our view, it has been narrated to us previously from Aisha, the Mother of the Believers, a similar ruling, and from Ata; it has also been narrated to us from Ibn Umar: There is no zakat due on a debt.

وَعَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحَسَنِ لَيْسَ فِي الدَّيْنِ زَكَاةٌ حَتَّى يَقْبِضَهُ، وَأَمَّا قَوْلُنَا فَقَدْ رُوِّينَا قَبْلُ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ مِثْلَهُ، وَعَنْ عَطَاءٍ، وَرُوِّينَا أَيْضًا عَنِ ابْنِ عُمَرَ: لَيْسَ فِي الدَّيْنِ زَكَاةٌ.

L11114 Abu Muhammad said: As for the statement of al-Ḥasan ibn Ḥayy, its apparent error is that he imposed zakat for debt both on the creditor and the debtor. Thus, he obligated two zakat payments on a single wealth within one year. This would result in requiring half of one-tenth from the cash assets, two sheep for five camels, and similarly for larger amounts.

قَالَ أَبُو مُحَمَّدٍ: أَمَّا قَوْلُ الْحَسَنِ بْنِ حَيٍّ فَظَاهِرُ الْخَطَأِ، لِأَنَّهُ جَعَلَ زَكَاةَ الدَّيْنِ عَلَى الَّذِي هُوَ لَهُ، وَعَلَى الَّذِي هُوَ عَلَيْهِ. فَأَوْجَبَ زَكَاتَيْنِ فِي مَالٍ وَاحِدٍ فِي عَامٍ وَاحِدٍ، فَفَصَلَ فِي الْعَيْنِ نِصْفُ الْعُشْرِ، وَفِي خَمْسٍ مِنَ الْإِبِلِ شَاتَانِ، وَكَذَلِكَ مَا زَادَ.

L11115 As for Malik's division, we do not know of it from anyone except Umar ibn

Abd al-Aziz, and it has been authentically established that he contradicted that division, resembling our statement.

وَأَمَّا تَقْسِيمُ مَالِكٍ فَمَا نَعْلَمُهُ عَنْ أَحَدٍ إِلَّا عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ، وَقَدْ صَحَّ عَنْهُ خِلَافُ ذَلِكَ وَمِثْلُ قَوْلِنَا.

L11116 As for Abū Ḥanīfa, he divided this matter into classifications that are profoundly flawed. These are: He held that any debt not arising from exchange, or arising from exchange for something one does not own—such as inheritance, dowry, contractual remuneration, diyah for unintentional homicide, diyah for intentional homicide if settled through reconciliation, and khulʿ—incurs no zakāh on its owner whatsoever until he takes possession of it. Upon taking possession, he must initiate a new lunar annual cycle from that time. He also ruled that any debt arising from exchange which, had it remained in one's ownership, would have obligated zakāh—such as a loan of dirhams, the liability of a usurper or transgressor, and the sale price of a slave acquired for commercial resale—incurs no zakāh, whether the debtor is trustworthy or not, until forty dirhams are received. When received, he pays zakāh for them after one complete lunar year, then pays zakāh for every forty dirhams received thereafter. He further categorized any debt arising from exchange which, had it remained in one's possession, would not have obligated zakāh—such as non-commercial assets sold by the owner—as a separate class. His position here became inconsistent: at times equating it with his rulings on inheritance and dowry; at other times stating that no zakāh is due until two hundred dirhams are received. Upon receiving them, he pays zakāh after one complete lunar year. In his view, this ruling applies equally whether the debtor is insolvent or solvent, provided both parties acknowledge the debt.

وَأَمَّا أَبُو حَنِيفَةَ فَإِنَّهُ قَسَّمَ ذَلِكَ تَقَاسِيمَ فِي غَايَةِ الْفَسَادِ، وَهِيَ: أَنَّهُ جَعَلَ كُلَّ دَيْنٍ لَيْسَ عَنْ بَدَلٍ، أَوْ كَانَ عَنْ بَدَلِ مَا لَا يَمْلِكُ، كَالْمِيرَاثِ، وَالْمَهْرِ، وَالْجُعْلِ، وَدِيَةِ الْخَطَأِ، وَالْعَمْدِ إِذَا صَالَحَ عَلَيْهَا، وَالْخُلْعِ: أَنَّهُ لَا زَكَاةَ عَلَى مَالِكِهِ أَصْلًا حَتَّى يَقْبِضَهُ، فَإِذَا قَبَضَهُ اسْتَأْنَفَ بِهِ حَوْلًا، وَجَعَلَ كُلَّ دَيْنٍ يَكُونُ عَنْ بَدَلٍ لَوْ بَقِيَ فِي مِلْكِهِ لَوَجَبَتْ فِيهِ الزَّكَاةُ كَقَرْضِ الدَّرَاهِمِ وَفِيمَا وَجَبَ فِي ذِمَّةِ الْغَاصِبِ وَالْمُتَعَدِّي، وَثَمَنِ عَبْدِ التِّجَارَةِ -: فَإِنَّهُ لَا زَكَاةَ فِيهِ - كَانَ عَلَى ثِقَةٍ أَوْ غَيْرِ ثِقَةٍ - حَتَّى يَقْبِضَ أَرْبَعِينَ دِرْهَمًا فَإِذَا قَبَضَهَا زَكَّاهَا لِعَامٍ خَالٍ، ثُمَّ يُزَكِّي كُلَّ أَرْبَعِينَ يَقْبِضُ، وَجَعَلَ كُلَّ دَيْنٍ يَكُونُ عَنْ بَدَلٍ لَوْ بَقِيَ فِي يَدِهِ لَمْ تَجِبْ فِيهِ الزَّكَاةُ كَالْعُرُوضِ لِغَيْرِ التِّجَارَةِ يَبِيعُهَا -: قِسْمًا آخَرَ، فَاضْطَرَبَ فِيهِ قَوْلُهُ، فَمَرَّةً جَعَلَ ذَلِكَ بِمَنْزِلَةِ قَوْلِهِ فِي الْمِيرَاثِ، وَالْمَهْرِ، وَمَرَّةً قَالَ: لَا زَكَاةَ عَلَيْهِ حَتَّى يَقْبِضَ مِائَتَيْ دِرْهَمٍ، فَإِذَا قَبَضَهَا زَكَّاهَا لِعَامٍ خَالٍ، وَسَوَاءٌ عِنْدَهُ مَا كَانَ عِنْدَ عَدِيمٍ أَوْ مَلِيءٍ إِذَا كَانَا مُقِرَّيْنِ.

L11117 As for Abū Ḥanīfah's statement, it is undeniably confused. Abū Muḥammad said: The creditor has only a countable liability in the debtor's responsibility and a mere description—he does not hold any tangible asset whatsoever. The silver or gold owed to him may still be in unmined deposits, the silver still mere dust. The livestock owed may not yet exist. How then could zakat be obligatory for something of this nature? Thus, it is confirmed that no zakat is required for such debts—and success is from Allah, the Exalted.

وَأَمَّا قَوْلُ أَبِي حَنِيفَةَ فَتَخْلِيطٌ لَا خَفَاءَ بِهِ. قَالَ أَبُو مُحَمَّدٍ: إِنَّمَا لِصَاحِبِ الدَّيْنِ عِنْدَ غَرِيمِهِ عَدَدٌ فِي الذِّمَّةِ وَصِفَةٌ فَقَطْ، وَلَيْسَ لَهُ عِنْدَهُ عَيْنُ مَالٍ أَصْلًا، وَلَعَلَّ الْفِضَّةَ أَوْ الذَّهَبَ اللَّذَيْنِ لَهُ عِنْدَهُ فِي الْمَعْدِنِ بَعْدُ، وَالْفِضَّةُ تُرَابٌ بَعْدُ، وَلَعَلَّ الْمَوَاشِيَ الَّتِي لَهُ عَلَيْهِ لَمْ تُخْلَقْ بَعْدُ، فَكَيْفَ تَلْزَمُهُ زَكَاةُ مَا هَذِهِ صِفَتُهُ؟ فَصَحَّ أَنَّهُ لَا زَكَاةَ عَلَيْهِ فِي ذَلِكَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

وَاعْلَمْ أَنَّ تَقْسِيمَ أَبِي حَنِيفَةَ، وَمَالِكٍ: لَا يُعْرَفُ عَنْ أَحَدٍ قَبْلَهُمَا، لِأَنَّ الرِّوَايَةَ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ إِنَّمَا هِيَ فِي الْغَصْبِ لَا فِي الدَّيْنِ وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11118–11120 Understand that the division articulated by Abu Hanifa and Malik is not known to have been articulated by anyone before them, because the narration from ʿUmar ibn ʿAbd al-ʿAzīz: It is only in the case of ghaṣb (unlawful seizure), not in debt. And success is from Allah, the Exalted.

[مَسْأَلَةُ الزَّكَاةِ فِي الْمُهُورِ وَالْخُلْعِ وَالدِّيَاتِ]

L11121 **The issue of *zakāt* concerning dowries (*muhūr*), *khulʿ*, and blood money (*diyāt*).**

٦٩٧ - مَسْأَلَةٌ: وَأَمَّا الْمُهُورُ وَالْخُلْعُ، وَالدِّيَاتُ، فَبِمَنْزِلَةِ مَا قُلْنَا؛ مَا لَمْ يَتَعَيَّنْ الْمَهْرُ؛ لِأَنَّ كُلَّ ذَلِكَ دَيْنٌ، فَإِنْ كَانَ الْمَهْرُ فِضَّةً مُعَيَّنَةً - دَرَاهِمَ أَوْ غَيْرَ ذَلِكَ - أَوْ ذَهَبًا بِعَيْنِهِ - دَنَانِيرَ أَوْ غَيْرَ ذَلِكَ - أَوْ مَاشِيَةً بِعَيْنِهَا، أَوْ نَخْلًا بِعَيْنِهَا، أَوْ كَانَ كُلُّ ذَلِكَ مِيرَاثًا -: فَالزَّكَاةُ وَاجِبَةٌ عَلَى مَنْ كُلُّ ذَلِكَ لَهُ؛ لِأَنَّهَا أَمْوَالٌ صَحِيحَةٌ ظَاهِرَةٌ مَوْجُودَةٌ، فَالزَّكَاةُ فِيهَا، وَلَا مَعْنَى لِلْقَبْضِ فِي ذَلِكَ مَا لَمْ يَمْنَعْ صَاحِبَهُ شَيْءٌ مِنْ ذَلِكَ، فَإِنْ مَنَعَ صَارَ مَغْصُوبًا وَسَقَطَتْ الزَّكَاةُ كَمَا قَدَّمْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11122 697. Issue: As for bridal wealth (mahr), judicial divorce (khulʿ), and blood money, they hold the same ruling as what we previously mentioned—so long as the dowry remains unspecified, for all these constitute debts. If the dowry consists of specific silver (whether dirhams or otherwise), specific gold (whether dīnārs or otherwise), specific livestock, specific palm trees, or if such assets are inherited wealth, then zakāt is obligatory upon the owner of such wealth. This is because these are sound, apparent, and existing assets. Zakāt is therefore due on them, and possession (qabḍ) holds no relevance in this matter unless the owner is prevented from accessing them. If prevented, the assets become usurped (ghaṣb), and the obligation of zakāt ceases as we previously established. And success is from Allah, the Most High.

[مَسْأَلَةٌ لَهُ دَيْنٌ عَلَى بَعْضِ أَهْلِ الصَّدَقَاتِ فَتَصَدَّقَ عَلَيْهِ بِهِ وَنَوَى الزَّكَاةَ زَكَاتِهِ]

L11123 **A scenario in which a person is owed a debt by someone eligible to receive charity, and they give the debt as charity through forgiveness, intending it to serve as their zakat.**

٦٩٨ - مَسْأَلَةٌ: وَمَنْ كَانَ لَهُ دَيْنٌ عَلَى بَعْضِ أَهْلِ الصَّدَقَاتِ - وَكَانَ ذَلِكَ الدَّيْنُ بُرًّا، أَوْ شَعِيرًا، أَوْ ذَهَبًا، أَوْ فِضَّةً، أَوْ مَاشِيَةً - فَتَصَدَّقَ عَلَيْهِ بِدَيْنِهِ قِبَلَهُ، وَنَوَى بِذَلِكَ أَنَّهُ مِنْ زَكَاتِهِ أَجْزَأَهُ ذَلِكَ، وَكَذَلِكَ لَوْ تَصَدَّقَ بِذَلِكَ الدَّيْنِ عَلَى مَنْ يَسْتَحِقُّهُ وَأَحَالَهُ بِهِ عَلَى مَنْ هُوَ لَهُ عِنْدَهُ وَنَوَى بِذَلِكَ الزَّكَاةَ فَإِنَّهُ يُجْزِئُهُ؟ بُرْهَانُ ذَلِكَ -: أَنَّهُ مَأْمُورٌ بِالصَّدَقَةِ الْوَاجِبَةِ، وَبِأَنْ يَتَصَدَّقَ عَلَى أَهْلِ الصَّدَقَاتِ مِنْ زَكَاتِهِ الْوَاجِبَةِ بِمَا عَلَيْهِ مِنْهَا، فَإِذَا كَانَ إبْرَاؤُهُ مِنْ الدَّيْنِ يُسَمَّى صَدَقَةً فَقَدْ أَجْزَأَهُ.

L11124 698 - Issue: If someone has a debt owed by some of those eligible for zakāh - whether that debt consists of wheat, barley, gold, silver, or livestock - and he forgives the debt as charity to the debtor, intending this to count toward his obligatory *zakāh*, this suffices. Similarly, if he forgives that debt in favor of someone deserving [of zakāh] and transfers it to a debtor of his own, while intending this as *zakāh*, does this suffice? The proof for this lies in the fact that he is commanded to give obligatory charity and to bestow upon those entitled to zakāh from his required *zakāh* what he owes from it. Since his forgiveness of the debt is termed an act of charity, it thereby suffices.

L11125 Abdullah ibn Yusuf narrated to us: Ahmad ibn Fath → Abdul-Wahhab ibn

Isa → Ahmad ibn Muhammad → Ahmad ibn Ali → Muslim ibn al-Hajjaj → Qutaybah ibn Sa'id → al-Layth—that is, ibn Sa'd—from Bukayr—that is, ibn al-Ashajj—from Iyad ibn Abdullah from Abu Sa'id al-Khudri, who said: "A man incurred a loss during the time of Allah's Messenger—peace and blessings be upon him—in fruits he had purchased, and his debt became substantial. Allah's Messenger—peace and blessings be upon him—said: 'Give him charity.'" He then mentioned the full hadith. This is the opinion of Ata ibn Abi Rabah and others.

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا قُتَيْبَةُ بْنُ سَعِيدٍ ثنا اللَّيْثُ - هُوَ ابْنُ سَعْدٍ - عَنْ بُكَيْرٍ - هُوَ ابْنُ الْأَشَجِّ - عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: «أُصِيبَ رَجُلٌ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي ثِمَارٍ ابْتَاعَهَا فَكَثُرَ دَيْنُهُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - تَصَدَّقُوا عَلَيْهِ» وَذَكَرَ الْحَدِيثَ. وَهُوَ قَوْلُ عَطَاءِ بْنِ أَبِي رَبَاحٍ وَغَيْرِهِ.

L11126 **A case: Someone gave the zakat of his wealth to an eligible recipient entitled to it, and the recipient subsequently sold the zakat.**

[مَسْأَلَةٌ أَعْطَى زَكَاةَ مَالِهِ مَنْ وَجَبَتْ لَهُ مِنْ أَهْلِهَا فَبَاعَهَا]

L11127–11129 699. Issue: If someone gives the *zakāt* of his wealth to eligible recipients entitled to it or delivers it to the authorized *zakāt* collector appointed to receive it, and the one who claimed his rightful share in it or the authorized collector sells it – considering it belongs to its eligible recipients – then it becomes permissible for the giver to purchase it. Similarly, if it returns to him through a gift, inheritance, bridal gift (mahr), lease, or any other lawful means, none of this is permissible for him whatsoever before... He pays the zakah because he has purchased an unspecified item, and this is impermissible since he does not know what he has purchased. He has not delivered the zakah that Allah the Exalted obligated him to give to its rightful recipients. Thereby, it is forbidden for him to give anything other than the obligatory amount. As for after delivering it to its recipients, Allah the Exalted said: "And Allah has permitted trade" [Al-Baqarah: 275]. Thus, he has fulfilled the zakah due on his wealth as he was commanded, and the recipient sold it as he was permitted. Abū Ḥanīfah did not permit this, Mālik disliked it, and al-Layth ibn Saʿd permitted it. Those who prohibited it cited the ḥadīth we narrated through Mālik's chain from Zayd ibn Aslam from his father, who said: I heard ʿUmar say: "I entrusted a horse in the cause of Allah, but the one entrusted with it neglected it. I wished to buy it, thinking he would sell

٦٩٩ - مَسْأَلَةٌ: وَمَنْ أَعْطَى زَكَاةَ مَالِهِ مَنْ وَجَبَتْ لَهُ مِنْ أَهْلِهَا، أَوْ دَفَعَهَا إلَى الْمُصَدِّقِ الْمَأْمُورِ بِقَبْضِهَا فَبَاعَهَا مَنْ قَبَضَ حَقَّهُ فِيهَا أَوْ مَنْ لَهُ قَبْضُهَا نَظَرًا لِأَنَّهَا لِأَهْلِهَا -: فَجَائِزٌ لِلَّذِي أَعْطَاهَا أَنْ يَشْتَرِيَهَا، وَكَذَلِكَ لَوْ رَجَعَتْ إلَيْهِ بِهِبَةٍ، أَوْ هَدِيَّةٍ، أَوْ مِيرَاثٍ، أَوْ صَدَاقٍ أَوْ إجَارَةٍ أَوْ سَائِرِ الْوُجُوهِ الْمُبَاحَةِ، وَلَا يَجُوزُ لَهُ شَيْءٌ مِنْ ذَلِكَ أَلْبَتَّةَ قَبْلَ أَنْ يَدْفَعَهَا؛ لِأَنَّهُ ابْتَاعَ شَيْئًا غَيْرَ مُعَيَّنٍ، وَهَذَا لَا يَجُوزُ؛ لِأَنَّهُ لَا يَدْرِي مَا الَّذِي ابْتَاعَ، وَلَمْ يُعْطِ الزَّكَاةَ الَّتِي افْتَرَضَ اللَّهُ تَعَالَى عَلَيْهِ أَنْ يُؤَدِّيَهَا إلَى أَهْلِهَا، وَبِهَذَا نَفْسِهِ يَحْرُمُ عَلَيْهِ أَنْ يُعْطِيَ غَيْرَ مَا لَزِمَهُ الْقِيمَةُ، وَأَمَّا بَعْدَ أَنْ يُؤَدِّيَهَا إلَى أَهْلِهَا فَإِنَّ اللَّهَ تَعَالَى قَالَ: {وَأَحَلَّ اللَّهُ الْبَيْعَ} [البقرة: ٢٧٥] فَهُوَ قَدْ أَدَّى صَدَقَةَ مَالِهِ كَمَا أُمِرَ، وَبَاعَهَا الْآخِذُ كَمَا أُبِيحَ لَهُ، وَلَمْ يُجِزْ ذَلِكَ أَبُو حَنِيفَةَ، وَكَرِهَهُ مَالِكٌ، وَأَجَازَهُ اللَّيْثُ بْنُ سَعْدٍ، وَاحْتَجَّ مَنْ مَنَعَ مِنْ ذَلِكَ بِالْحَدِيثِ الَّذِي رُوِّينَاهُ مِنْ طَرِيقِ مَالِكٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ أَبِيهِ قَالَ: سَمِعْتُ «عُمَرَ يَقُولُ: حَمَلْتُ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ، فَأَضَاعَهُ الَّذِي كَانَ عِنْدَهُ فَأَرَدْتُ

it cheaply. The Messenger of Allah—peace and blessings be upon him—said to him: 'Do not buy it, and do not reclaim your charity even if he offers it for a dirham, for one who reclaims his charity is like one who returns to his vomit.'"[5][6]

أَنْ أَشْتَرِيَهُ، وَظَنَنْتُ أَنَّهُ بَائِعُهُ بِرُخْصٍ فَقَالَ لَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَا تَشْتَرِهِ، وَلَا تَعُدْ فِي صَدَقَتِكَ وَإِنْ أَعْطَاكَهُ بِدِرْهَمٍ فَإِنَّ الْعَائِدَ فِي صَدَقَتِهِ كَالْعَائِدِ فِي قَيْئِهِ» .

L11130 From Hammad ibn Salamah, from 'Asim al-Ahwal, from Sulayman al-Taymi, from Abu 'Uthman al-Nahdi: "Al-Zubayr dedicated a horse in the cause of Allah the Exalted. He found a horse from its offspring—meaning its lineage—and sought to purchase it, but he was forbidden."

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ عَاصِمٍ الْأَحْوَلِ عَنْ سُلَيْمَانَ التَّيْمِيِّ عَنْ أَبِي عُثْمَانَ النَّهْدِيِّ " أَنَّ الزُّبَيْرَ حَمَلَ عَلَى فَرَسٍ فِي سَبِيلِ اللَّهِ تَعَالَى، فَوَجَدَ فَرَسًا مِنْ ضِئْضِئِهَا يَعْنِي مِنْ نَسْلِهَا - فَأَرَادَ أَنْ يَشْتَرِيَهُ، فَنُهِيَ "

L11131 A similar narration is also reported from Usama ibn Zayd, but it is not authentic. Abu Muhammad said: All of this contains no valid evidence for their position, because Umar's horse - as explicitly stated in the hadith - was pledged for use in Allah's cause, thereby becoming a dedicated endowment for this purpose. Selling it constitutes removing it from the cause for which it was consecrated, and this is fundamentally impermissible. Purchasing it is therefore forbidden for everyone. The same applies to the other two narrations even if they were authentic, especially since in the hadith of Abu Uthman al-Nahdi, he prohibited its progeny, and this is the characteristic of the dedicated endowment.

وَنَحْوَ هَذَا أَيْضًا عَنْ أُسَامَةَ بْنِ زَيْدٍ، وَلَا يَصِحُّ، قَالَ أَبُو مُحَمَّدٍ وَكُلُّ هَذَا لَا حُجَّةَ لَهُمْ فِيهِ؛ لِأَنَّ فَرَسَ عُمَرَ - كَانَ بِنَصِّ الْحَدِيثِ - حَمَلَ عَلَيْهِ فِي سَبِيلِ اللَّهِ، فَصَارَ حَبْسًا فِي هَذَا الْوَجْهِ، فَبَيْعُهُ إخْرَاجٌ لَهُ عَمَّا سُبِّلَ فِيهِ، وَلَا يَحِلُّ هَذَا أَصْلًا؛ فَابْتِيَاعُهُ حَرَامٌ عَلَى كُلِّ أَحَدٍ، وَكَذَلِكَ الْقَوْلُ فِي الْخَبَرَيْنِ الْآخَرَيْنِ، لَوْ صَحَّا، لَا سِيَّمَا، وَفِي حَدِيثِ أَبِي عُثْمَانَ النَّهْدِيِّ أَنَّهُ نَهَى نِتَاجَهَا، وَهَذِهِ صِفَةُ الْحَبْسِ.

L11132–11134 As for that whose sale is not prohibited and which is an absolute charity—owned by the recipient upon whom it is given, who may sell it if he wishes—the donor's purchase of it does not constitute taking back his charity, neither linguistically nor in religious law. For taking back charity means seizing it and returning it to oneself without a legitimate right, and nullifying his charity through this act alone. Those present among the dissenting scholars permit the donor to own the donated item via inheritance, as it reverts to his possession just as it would through purchase, and there is no distinction. Therefore, it is established that the return refers exclusively to what we have mentioned.

وَأَمَّا مَا لَمْ يَحْرُمْ بَيْعُهُ وَكَانَ صَدَقَةً مُطْلَقَةً يَمْلِكُهَا الْمُتَصَدَّقُ بِهَا عَلَيْهِ وَيَبِيعُهَا إنْ شَاءَ - فَلَيْسَ ابْتِيَاعُ الْمُتَصَدِّقِ بِهَا عَوْدًا فِي صَدَقَتِهِ، لَا فِي اللُّغَةِ، وَلَا فِي الدِّيَانَةِ؛ لِأَنَّ الْعَوْدَ فِي الصَّدَقَةِ هُوَ انْتِزَاعُهَا وَرَدُّهَا إلَى نَفْسِهِ بِغَيْرِ حَقٍّ، وَإِبْطَالُ صَدَقَتِهِ بِهَا فَقَطْ، وَالْحَاضِرُونَ مِنْ الْمُخَالِفِينَ يُجِيزُونَ أَنْ يَمْلِكَهَا الْمُتَصَدِّقُ بِهَا بِالْمِيرَاثِ، وَقَدْ عَادَتْ إلَى مِلْكِهِ كَمَا عَادَتْ بِالشِّرَاءِ وَلَا فَرْقَ؛ فَصَحَّ أَنَّ الْعَوْدَ هُوَ مَا ذَكَرْنَا فَقَطْ.

[5] **Hadith references (L11127):** Riyad as-Salihin 1613.
[6] **Qur'an references (L11127):** Qur'an 2:275 (Al-Baqarah).

L11135 Abd al-Rahman ibn Abd Allah ibn Khalid narrated to us: Ibrahim ibn Ahmad narrated to us, al-Farbarī narrated to us, al-Bukhari narrated to us, Adam narrated to us, al-Hakam ibn Utaybah narrated to us from Ibrahim al-Nakhaʿī, from al-Aswad, from Aisha, the Mother of the Believers (may Allah be pleased with her), who said: "Some meat was brought to the Messenger of Allah (peace be upon him). I said: 'This is from what was given as charity to Barirah.' He replied: 'It is charity for her and a gift for us.'"

حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا آدَم ثنا الْحَكَمُ بْنُ عُتَيْبَةَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ الْأَسْوَدِ «عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ - رَضِيَ اللَّهُ عَنْهَا - قَالَتْ: أُتِيَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِلَحْمٍ، فَقُلْتُ: هَذَا مِمَّا تَصَدَّقَ بِهِ عَلَى بَرِيرَةَ. فَقَالَ: هُوَ لَهَا صَدَقَةٌ وَلَنَا هَدِيَّةٌ»

L11136 Hummam narrated to us from Abbas ibn Asbagh from Muhammad ibn Abd al-Malik ibn Ayman from Muhammad ibn Isma'il al-Tirmidhi from al-Humaydi from Sufyan from al-Zuhri, who reported hearing Ubaydullah al-Sabbaq narrate from Juwayriyah, the Mother of the Faithful, who said: "Allah's Messenger—peace and blessings be upon him—came to me and asked: 'Is there any food?' I replied: 'None, except a bone given to us by one of our freed female slaves as charity.' He said: 'Present it, for it has reached its proper destination.'" There is no dispute that charity was prohibited for him—peace and blessings be upon him—yet he permitted it for himself after it had reached its proper destination, since it was given back to him as a gift.

حَدَّثَنَا حُمَامُ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا مُحَمَّدُ بْنُ إِسْمَاعِيلَ التِّرْمِذِيُّ ثنا الْحُمَيْدِيُّ ثنا سُفْيَانُ ثنا الزُّهْرِيُّ أَنَّهُ سَمِعَ عُبَيْدَ اللَّهِ السَّبَّاقَ أَنَّهُ سَمِعَ «جُوَيْرِيَةَ أُمَّ الْمُؤْمِنِينَ تَقُولُ: دَخَلَ عَلَيَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ: هَلْ مِنْ طَعَامٍ؟ فَقُلْتُ: لَا، إلَّا عَظْمًا أُعْطِيَتْهُ مَوْلَاةٌ لَنَا مِنْ الصَّدَقَةِ فَقَالَ: قَرِّبِيهِ فَقَدْ بَلَغَتْ مَحِلَّهَا» . وَلَا خِلَافَ فِي أَنَّ الصَّدَقَةَ حَرَامٌ عَلَيْهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَدْ اسْتَبَاحَهَا بَعْدَ بُلُوغِهَا مَحِلَّهَا، إذْ رَجَعَتْ إلَيْهِ بِالْهَدِيَّةِ.

L11137 Abdullah ibn Rabee' narrated to us, 'Umar ibn 'Abd al-Malik narrated to us, Abu Dawud narrated to us, al-Hasan ibn 'Ali narrated to us, 'Abd al-Razzaq narrated to us, Maʿmar narrated from Zayd ibn Aslam from 'Ata' ibn Yasar from Abu Saʿid al-Khudri, who said: The Messenger of Allah (peace and blessings be upon him) said: "Zakat is not permissible for a wealthy person except in five cases: for one fighting in Allah's cause, for an administrator appointed over it, for a debtor, for a man who purchases it with his wealth, or for a man who had a poor neighbor; Zakat was given to the poor man, and the poor man gifted it to the wealthy man."[7]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا أَبُو دَاوُد ثنا الْحَسَنُ بْنُ عَلِيٍّ ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تَحِلُّ الصَّدَقَةُ لِغَنِيٍّ إلَّا لِخَمْسَةٍ لِغَازٍ فِي سَبِيلِ اللَّهِ، أَوْ لِعَامِلٍ عَلَيْهَا، أَوْ لِغَارِمٍ، أَوْ لِرَجُلٍ اشْتَرَاهَا بِمَالِهِ، أَوْ لِرَجُلٍ كَانَ لَهُ جَارٌ مِسْكِينٌ، فَتُصُدِّقَ عَلَى الْمِسْكِينِ فَأَهْدَاهَا الْمِسْكِينُ لِلْغَنِيِّ.»

L11138–11139 This is a text from the Prophet—may Allah bless him and grant him peace—regarding the permissibility of purchasing charity, and he did not distinguish the one giving it from others.

فَهَذَا نَصٌّ مِنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِجَوَازِ ابْتِيَاعِ الصَّدَقَةِ، وَلَمْ يَخُصَّ الْمُتَصَدِّقَ بِهَا مِنْ غَيْرِهِ.

[7] **Hadith references (L11137):** Sunan Abi Dawud 1635.

L11140 We have been narrated from Abu Hurairah who said: “Do not repurchase charity until you have paid it” - meaning until you have delivered it. This is the explicit statement of our position. From Ibn Abbas concerning charity, he said: “If you purchase it, if it is returned to you, or if you inherit it, it becomes lawful for you.” From Umar ibn al-Khattab, he said: “Whoever gives charity must not buy it back until it passes to someone other than its original recipient.” Abu Muhammad said: “Thus Umar permits the donor to repurchase the charity when it transfers from the initial recipient to another. We make no distinction in our view between these cases, and this view of ours corresponds to the positions of Ikrimah and Makhul.”

وَرُوِّينَا عَنْ أَبِي هُرَيْرَةَ قَالَ: لَا تَشْتَرِ الصَّدَقَةَ حَتَّى تَعْقِلَ -: يَعْنِي حَتَّى تُؤَدِّيَهَا -: وَهَذَا نَصُّ قَوْلِنَا، وَعَنْ ابْنِ عَبَّاسٍ فِي الصَّدَقَةِ قَالَ: إنْ اشْتَرَيْتَهَا أَوْ رُدَّتْ عَلَيْك، أَوْ وَرِثْتَهَا حَلَّتْ لَك، وَعَنْ عُمَرَ بْنِ الْخَطَّابِ قَالَ: مَنْ تَصَدَّقَ بِصَدَقَةٍ فَلَا يَبْتَاعَهَا حَتَّى تَصِيرَ إلَى غَيْرِ الَّذِي تَصَدَّقَ بِهَا عَلَيْهِ قَالَ أَبُو مُحَمَّدٍ: فَهَذَا عُمَرُ يُجِيزُ لِلْمُتَصَدِّقِ بِالصَّدَقَةِ ابْتِيَاعَهَا إذَا انْتَقَلَتْ عَنْ الَّذِي تَصَدَّقَ بِهَا عَلَيْهِ إلَى غَيْرِهِ، وَلَا فَرْقَ عِنْدَنَا بَيْنَ الْأَمْرَيْنِ، وَقَوْلُنَا هَذَا هُوَ قَوْلُ عِكْرِمَةَ، وَمَكْحُولٍ

L11141 And with this, Abu Hanifah and al-Awzaʿi say. Al-Shafiʿi permitted it but did not recommend it, while Malik forbade it, and permitted her reversion to him through inheritance.

وَبِهِ يَقُولُ أَبُو حَنِيفَةَ، وَالْأَوْزَاعِيُّ، وَأَجَازَهُ الشَّافِعِيُّ وَلَمْ يَسْتَحِبَّهُ، وَمَنَعَ مِنْهُ مَالِكٌ، وَأَجَازَ رُجُوعَهَا إلَيْهِ بِالْمِيرَاثِ.

L11142 It has been narrated to us from Ibn Umar that when he gave something in charity and it returned to him through inheritance, he would give it in charity, and he would give legal opinions according to that practice. Malik’s opinion thereby stood apart from having any agreement with the Companions, may Allah the Exalted be pleased with them.

وَرُوِّينَا عَنْ ابْنِ عُمَرَ: أَنَّهُ كَانَ إذَا تَصَدَّقَ بِشَيْءٍ فَرَجَعَ إلَيْهِ بِالْمِيرَاثِ تَصَدَّقَ بِهِ، وَيُفْتِي بِذَلِكَ، فَخَرَجَ قَوْلُ مَالِكٍ عَنْ أَنْ يَكُونَ لَهُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ تَعَالَى عَنْهُمْ - مُوَافِقٌ.

L11143 The Issue of Zakat in Mineral

[مَسْأَلَةُ الزَّكَاةِ فِي الْمَعْدِنِ]

L11144 700 – Issue: Abu Muhammad said: There is nothing owed on minerals, and they are a benefit—neither khums (a fifth) nor immediate zakat. If the gold or silver remains in the possession of its extractor for a full lunar year and reaches the amount upon which zakat becomes obligatory, he must pay zakat on it; otherwise, no zakat is due.

٧٠٠ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: وَلَا شَيْءَ فِي الْمَعَادِنِ، وَهِيَ فَائِدَةٌ، لَا خُمْسَ فِيهَا وَلَا زَكَاةً مُعَجَّلَةً، فَإِنْ بَقِيَ الذَّهَبُ، وَالْفِضَّةُ عِنْدَ مُسْتَخْرِجِهَا حَوْلًا قَمَرِيًّا، وَكَانَ ذَلِكَ مِقْدَارَ مَا تَجِبُ فِيهِ الزَّكَاةُ -: زَكَّاهُ، وَإِلَّا فَلَا.

L11145–11147 Abu Hanifah said: There is an obligation upon one regarding minerals of gold, silver, copper, and lead. The khums is due on lead and iron, whether found in land subject to the ‘ushr or land subject to kharāj, and whether acquired by a Muslim, non-Muslim, slave, or free person. He said: If it is found within one’s dwelling, no khums, zakāh, or anything else is due on it, and nothing is due on other minerals besides those mentioned. His opinion

وَقَالَ أَبُو حَنِيفَةَ: عَلَيْهِ فِي مَعَادِنِ الذَّهَبِ، وَالْفِضَّةِ، وَالنُّحَاسِ، وَالرَّصَاصِ، وَالْقَزْدِيرِ، وَالْحَدِيدِ -: الْخُمُسُ، سَوَاءٌ كَانَ فِي أَرْضِ عُشْرٍ أَوْ فِي أَرْضِ خَرَاجٍ، سَوَاءٌ أَصَابَهُ مُسْلِمٌ، أَوْ كَافِرٌ، عَبْدٌ، أَوْ حُرٌّ. قَالَ: فَإِنْ كَانَ فِي دَارِهِ فَلَا خُمْسَ فِيهِ، وَلَا زَكَاةَ، وَلَا شَيْءَ

differed regarding mercury: at times, he ruled that khums is due on it, and at other times, he ruled that nothing is due. Mālik said concerning gold and silver mines: Zakāh becomes due immediately upon extraction if the amount meets the threshold. Nothing is due on other minerals. Any debt owed by the individual does not exempt him from paying zakāh in this case. If someone acquires a rare discovery from a gold or silver mine without significant labor, then khums is due on it.

فِيمَا عَدَا ذَلِكَ مِنْ الْمَعَادِنِ - وَاخْتَلَفَ قَوْلُهُ فِي الزِّئْبَقِ، فَمَرَّةً رَأَى فِيهِ الْخُمُسَ، وَمَرَّةً لَمْ يَرَ فِيهِ شَيْئًا، وَقَالَ مَالِكٌ: فِي مَعَادِنِ الذَّهَبِ، وَالْفِضَّةِ: الزَّكَاةُ مُعَجَّلَةٌ فِي الْوَقْتِ إنْ كَانَ مِقْدَارُ مَا فِيهِ الزَّكَاةُ وَلَا شَيْءَ فِي غَيْرِهَا، وَلَا يُسْقِطُ الزَّكَاةَ فِي ذَلِكَ دَيْنٌ يَكُونُ عَلَيْهِ، فَإِنْ كَانَ الَّذِي أَصَابَ فِي مَعْدِنِ الذَّهَبِ، أَوْ الْفِضَّةِ نُدْرَةً بِغَيْرِ كَبِيرِ عَمَلٍ فَفِي ذَلِكَ الْخُمُسُ.

L11148 Abu Muhammad said: Those who held the opinion that the khums is due on it cited the Authentic Hadith as evidence: "And in pre-Islamic buried treasure (rikaz), the khums is due."

قَالَ أَبُو مُحَمَّدٍ: احْتَجَّ مَنْ رَأَى فِيهِ الْخُمُسَ بِالْحَدِيثِ الثَّابِتِ: «وَفِي الرِّكَازِ الْخُمُسُ»

L11149 They mentioned a narration through the chain of ʿAbdullāh ibn Saʿīd ibn Abī Saʿīd al-Maqburī from his grandfather from Abū Hurayrah: "The Messenger of Allah—peace and blessings of Allah be upon him—was asked about the rikāz. He said: 'It is the gold that Allah created in the earth on the day He created the heavens and the earth.'"

وَذَكَرُوا حَدِيثًا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ سَعِيدِ بْنِ أَبِي سَعِيدٍ الْمَقْبُرِيِّ عَنْ جَدِّهِ عَنْ أَبِي هُرَيْرَةَ: «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - سُئِلَ عَنْ الرِّكَازِ. فَقَالَ: هُوَ الذَّهَبُ الَّذِي خَلَقَهُ اللَّهُ فِي الْأَرْضِ يَوْمَ خَلَقَ السَّمَاوَاتِ وَالْأَرْضَ» .

L11150–11152 Abū Muḥammad said: This is a rejected ḥadīth because there is consensus regarding the rejection of ʿAbdullāh ibn Saʿīd's narrations. Furthermore, even if it were authentic, it would be exclusively restricted to gold. If they argue: "We analogize all the mentioned minerals to gold," we respond: "Then analogize to it minerals such as sulfur, kohl, arsenic, and others!" If they say: "These are stones," we reply: "What then? The mineral of silver and copper are also stones, and there is no difference." As for the Rikāz, it is solely the buried items of the Jāhiliyyah, not the minerals. There is no disagreement among the people of language regarding that.

قَالَ أَبُو مُحَمَّدٍ: هَذَا حَدِيثٌ سَاقِطٌ، لِأَنَّ عَبْدَ اللَّهِ بْنَ سَعِيدٍ مُتَّفَقٌ عَلَى إطْرَاحِ رِوَايَتِهِ ثُمَّ لَوْ صَحَّ لَكَانَ فِي الذَّهَبِ خَاصَّةً. فَإِنْ قَالُوا: قِسْنَا سَائِرَ الْمَعَادِنِ الْمَذْكُورَةِ عَلَى الذَّهَبِ. قُلْنَا لَهُمْ: فَقِيسُوا عَلَيْهِ أَيْضًا مَعَادِنَ الْكِبْرِيتِ، وَالْكُحْلِ، وَالزِّرْنِيخِ، وَغَيْرِ ذَلِكَ؟ فَإِنْ قَالُوا: هَذِهِ حِجَارَةٌ. قُلْنَا: فَكَانَ مَاذَا؟ وَمَعْدِنُ الْفِضَّةِ، وَالنُّحَاسِ أَيْضًا حِجَارَةٌ وَلَا فَرْقَ وَأَمَّا الرِّكَازُ فَهُوَ دَفْنُ الْجَاهِلِيَّةِ فَقَطْ، لَا الْمَعَادِنُ، لَا خِلَافَ بَيْنَ أَهْلِ اللُّغَةِ فِي ذَلِكَ.

L11153 The height of absurdity lies in some scholars' reliance on the ḥadīth of ʿAmr ibn Shuʿayb from his father through his grandfather—"From the Prophet (peace and blessings of Allah be upon him) concerning lost property found in ruins or untitled land: *a fifth is due for it* and for *rikāz* (pre-Islamic buried wealth)"—while they themselves reject this ruling. This is plainly evident, for had minerals been classified as *rikāz*, the fifth would apply universally to all mineral extraction just as it applies to every buried item

وَالْعَجَبُ كُلُّهُ احْتِجَاجُ بَعْضِهِمْ فِي هَذَا بِحَدِيثِ عَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي اللُّقَطَةِ مَا كَانَ مِنْهَا فِي الْخَرَابِ وَالْأَرْضِ الْمِيتَاءِ فَفِيهِ وَفِي الرِّكَازِ الْخُمُسُ» وَهُمْ لَا يَقُولُونَ بِهَذَا، وَهَذَا كَمَا تَرَى، وَلَوْ كَانَ الْمَعْدِنُ رِكَازًا لَكَانَ الْخُمُسُ فِي كُلِّ شَيْءٍ مِنْ الْمَعَادِنِ، كَمَا أَنَّ الْخُمُسَ فِي كُلِّ دَفْنٍ لِلْجَاهِلِيَّةِ،

from the pre-Islamic era, whatever its nature. Does this not reveal the invalidity of their claim and their contradiction? This is especially evident in their exemption of obligatory *zakāh* on lands subject to *kharāj* tax, while still imposing the fifth on minerals despite *kharāj*—even enforcing it on mines located in lands liable for *ʿushr*, on extractions by disbelievers and slaves, and distinguishing between mines within settled areas and those outside. None of these distinctions are known from earlier scholars. Yet they claim to reject authentic narrations contradicting legal principles while their own ruling here opposes those very principles.

أَيُّ شَيْءٍ كَانَ، فَظَهَرَ فَسَادُ قَوْلِهِمْ وَتَنَاقُضُهُمْ؟ لَا سِيَّمَا فِي إِسْقَاطِهِمْ الزَّكَاةَ الْمَفْرُوضَةَ بِالْخَرَاجِ، وَلَمْ يُسْقِطُوا الْخُمْسَ فِي الْمَعَادِنِ بِالْخَرَاجِ وَأَوْجَبُوا فِيهَا خُمْسًا فِي أَرْضِ الْعُشْرِ، وَعَلَى الْكَافِرِ، وَالْعَبْدِ وَفَرَّقُوا بَيْنَ الْمَعْدِنِ فِي الدَّارِ وَبَيْنَهُ خَارِجَ الدَّارِ، وَلَا يُعْرَفُ كُلُّ هَذَا عَنْ أَحَدٍ قَبْلَهُمْ وَهُمْ يَقُولُونَ: بِرَدِّ الْأَخْبَارِ الصِّحَاحِ إذَا خَالَفَتْ الْأُصُولَ وَحُكْمُهُمْ هَاهُنَا مُخَالِفٌ لِلْأُصُولِ.

L11154 If they say: "It has been reported from Ali that there is khums due on it," we respond: You would be the first to oppose this ruling if it were considered authoritative proof, for the report only concerns a man who extracted a mineral, sold it for a hundred sheep, and the buyer obtained from it a price equivalent to a thousand sheep. Ali held that khums was obligatory upon the buyer, not upon the extractor.

فَإِنْ قَالُوا: قَدْ رُوِيَ عَنْ عَلِيٍّ: أَنَّ فِيهِ الْخُمْسَ. قُلْنَا: أَنْتُمْ أَوَّلُ مُخَالِفٍ لِهَذَا الْحُكْمِ إنْ كَانَ حُجَّةً؛ لِأَنَّ الْخَبَرَ إنَّمَا هُوَ فِي رَجُلٍ اسْتَخْرَجَ مَعْدِنًا فَبَاعَهُ بِمِائَةِ شَاةٍ، وَأَخْرَجَ الْمُشْتَرِي مِنْهُ ثَمَنَ أَلْفِ شَاةٍ فَرَأَى عَلِيٌّ الْخُمْسَ عَلَى الْمُشْتَرِي؛ لَا عَلَى الْمُسْتَخْرِجِ لَهُ.

L11155–11157 As for those who held the view that zakāh is obligatory on mines, they cited the ḥadīth reported by Mālik from Rabīʿah from several of their scholars, "The Messenger of Allah (peace and blessings be upon him and his family) granted Bilāl ibn al-Ḥārith the mines of al-Qabaliyyah." "It is located in the district of al-Furūʿ."

وَأَمَّا مَنْ رَأَى فِيهِ الزَّكَاةَ فَاحْتَجُّوا - بِحَدِيثِ مَالِكٍ عَنْ رَبِيعَةَ عَنْ غَيْرِ وَاحِدٍ مِنْ عُلَمَائِهِمْ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ وَسَلَّمَ - قَطَعَ لِبِلَالِ بْنِ الْحَارِثِ مَعَادِنَ الْقَبَلِيَّةِ - وَهِيَ فِي نَاحِيَةِ الْفُرْعِ» .

L11158 He said: Therefore, up to this day, nothing is taken from those mines except Zakat.

قَالَ: فَتِلْكَ الْمَعَادِنُ لَا يُؤْخَذُ مِنْهَا إلَّا الزَّكَاةَ إلَى الْيَوْمِ.

L11159 Abū Muḥammad said: This is not valid because it is a mursal narration containing nothing beyond his allocation—peace be upon him—of those mineral deposits, without stating that he—peace be upon him—took *zakāh* from them. Even if it were authentic, the Mālikīs would be the first to oppose it, for they hold that khums is due on scarce minerals obtained without extensive labor—contrary to this report. They are also asked to define the extent of that "extensive labor" and the threshold of scarcity, but this can only be established through an inadmissible claim that cannot be acted upon. Thus, the invalidity and self-contradiction of this view become evident. They also argued: Minerals are like crops, yielded gradually over time.

قَالَ أَبُو مُحَمَّدٍ: وَلَيْسَ هَذَا بِشَيْءٍ لِأَنَّهُ مُرْسَلٌ، وَلَيْسَ فِيهِ مَعَ إرْسَالِهِ إلَّا إقْطَاعُهُ - عَلَيْهِ السَّلَامُ - تِلْكَ الْمَعَادِنَ فَقَطْ، وَلَيْسَ فِيهِ أَنَّهُ - عَلَيْهِ السَّلَامُ - أَخَذَ مِنْهَا الزَّكَاةَ، ثُمَّ لَوْ صَحَّ لَكَانَ الْمَالِكِيُّونَ أَوَّلَ مُخَالِفٍ لَهُ؛ لِأَنَّهُمْ رَأَوْا فِي النُّدْرَةِ تُصَابُ فِيهِ بِغَيْرِ كَبِيرِ عَمَلٍ: الْخُمْسَ؛ وَهَذَا خِلَافُ مَا فِي هَذَا الْخَبَرِ. وَيُسْأَلُونَ أَيْضًا عَنْ مِقْدَارِ ذَلِكَ الْعَمَلِ الْكَبِيرِ وَحَدِّ النُّدْرَةِ؟ وَلَا سَبِيلَ إلَيْهِ إلَّا بِدَعْوَى لَا يَجُوزُ الِاشْتِغَالُ بِهَا - فَظَهَرَ أَيْضًا فَسَادُ هَذَا الْقَوْلِ وَتَنَاقُضُهُ. وَقَالُوا أَيْضًا: الْمَعْدِنُ كَالزَّرْعِ يَخْرُجُ شَيْءٌ بَعْدَ شَيْءٍ.

L11160 Ali said: The analogy of minerals to crops is like their analogy to Zakat—all of this is invalid. If analogy were valid, these two analogies would conflict, and both are corrupt. As for their analogy to Rikaz (buried treasure), they would be obliged to apply this to every mineral; otherwise, they would contradict themselves. As for their analogy to crops, they would be obliged to observe the requirement of five awsuq in it; otherwise, they would contradict themselves. They would also be compelled to apply analogy to every mineral—whether iron or copper—to crops. Both groups cited as evidence the authenticated report transmitted by Muslim on the authority of Qutaybah: "Abd al-Wahid narrated to us from Umarah ibn al-Qa'qa', who narrated to us from Abd al-Rahman ibn Ubayy. Indeed, he said: I heard Abu Sa'id al-Khudri say: 'Ali ibn Abi Talib sent a gold nugget in a tanned leather pouch to the Messenger of Allah, peace and blessings be upon him, before it had been extracted from its soil. He distributed it among four men: Uyaynah ibn Badr, al-Aqra' ibn Habis, Zayd al-Khayr, and a fourth, Alqamah ibn Ulathah."'

قَالَ عَلِيٌّ: قِيَاسُ الْمَعْدِنِ عَلَى الزَّرْعِ كَقِيَاسِهِ عَلَى الزَّكَاةِ، وَكُلُّ ذَلِكَ بَاطِلٌ وَلَوْ كَانَ الْقِيَاسُ حَقًّا لَتَعَارَضَ هَذَانِ الْقِيَاسَانِ، وَكِلَاهُمَا فَاسِدٌ، أَمَّا قِيَاسُهُ عَلَى الرِّكَازِ فَيَلْزَمُهُمْ ذَلِكَ فِي كُلِّ مَعْدِنٍ، وَإِلَّا فَقَدْ تَنَاقَضُوا، وَأَمَّا قِيَاسُهُ عَلَى الزَّرْعِ فَيَلْزَمُهُمْ أَنْ يُرَاعُوا فِيهِ خَمْسَةَ أَوْسُقٍ وَإِلَّا فَقَدْ تَنَاقَضُوا، وَيَلْزَمُهُمْ أَيْضًا أَنْ يَقِيسُوا كُلَّ مَعْدِنٍ - مِنْ حَدِيدٍ أَوْ نُحَاسٍ - عَلَى الزَّرْعِ، وَاحْتَجَّ كِلْتَا الطَّائِفَتَيْنِ بِالْخَبَرِ الثَّابِتِ مِنْ طَرِيقِ مُسْلِمٍ عَنْ قُتَيْبَةَ، ثنا عَبْدُ الْوَاحِدِ عَنْ عُمَارَةَ بْنِ الْقَعْقَاعِ ثنا عَبْدُ الرَّحْمَنِ بْنُ أُبَيٍّ نعم قَالَ: سَمِعْتُ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: «بَعَثَ عَلِيُّ بْنُ أَبِي طَالِبٍ إِلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِذُهَيْبَةٍ فِي أَدِيمٍ مَقْرُوظٍ لَمْ تُحْصَلْ مِنْ تُرَابِهَا، فَقَسَّمَهَا بَيْنَ أَرْبَعَةِ نَفَرٍ: عُيَيْنَةَ بْنِ بَدْرٍ، وَالْأَقْرَعِ بْنِ حَابِسٍ، وَزَيْدِ الْخَيْرِ، وَذَكَرَ رَابِعًا، وَهُوَ عَلْقَمَةُ بْنُ عُلَاثَةَ» .

L11161–11163 He said: Those who assert that zakah is obligatory on minerals—they are among the mu'allafa qulūbuhum (those whose hearts are reconciled), and their right pertains to zakah, not to khums (the fifth). Others said: Ali is from Banu Hashim, and it is not permissible for him to oversee zakat; rather, oversight pertains to khums.

فَقَالَ مَنْ رَأَى فِي الْمَعْدِنِ الزَّكَاةَ: هَؤُلَاءِ مِنْ الْمُؤَلَّفَةِ قُلُوبُهُمْ، وَحَقُّهُمْ فِي الزَّكَاةِ لَا فِي الْخُمُسِ، وَقَالَ الْآخَرُونَ: عَلِيٌّ مِنْ بَنِي هَاشِمٍ، وَلَا يَحِلُّ لَهُ النَّظَرُ فِي الصَّدَقَةِ، وَإِنَّمَا النَّظَرُ فِي الْأَخْمَاسِ.

L11164 Ali said: Each of the two claims is an invalid assertion. Had that gold been from obligatory khums or zakat, it would never have been permissible to take it except through precise weighing and verification—ensuring no injustice to the giver nor to the people entitled to four-fifths. Since it did not originate from its soil, it is conclusively evident that it does not belong to any of those categories. Rather, it was a gift from the one who obtained it or from a source other than those two. Thus, he—peace be upon him—gave it to whom he wished. We have previously established that zakat is not due on wealth other than crops except after a year's passage, and minerals such as gold and silver fall under this category—thus nothing is due on them except after a year. This is the view of Al-Layth ibn Sa'd, one of Al-Shafi'i's opinions, and the

قَالَ عَلِيٌّ: كِلَا الْقَوْلَيْنِ دَعْوَى فَاسِدَةٌ، وَلَوْ كَانَتْ تِلْكَ الذَّهَبُ مِنْ خُمْسٍ وَاجِبٍ، أَوْ مِنْ زَكَاةٍ لَمَا جَازَ أَلْبَتَّةَ أَخْذُهَا إِلَّا بِوَزْنٍ وَتَحْقِيقٍ، لَا يُظْلَمُ مَعَهُ الْمُعْطِي وَلَا أَهْلُ الْأَرْبَعَةِ الْأَخْمَاسِ، فَلَمَّا كَانَتْ لَمْ تُحْصَلْ مِنْ تُرَابِهَا صَحَّ يَقِينًا أَنَّهَا لَيْسَتْ مِنْ شَيْءٍ مِنْ ذَلِكَ، وَإِنَّمَا كَانَتْ هَدِيَّةً مِنْ الَّذِي أَصَابَهَا، أَوْ مِنْ وَجْهٍ غَيْرِ هَذَيْنِ الْوَجْهَيْنِ، فَأَعْطَاهَا - عَلَيْهِ السَّلَامُ - مَنْ شَاءَ، وَقَدْ قَدَّمْنَا أَنَّهُ لَا زَكَاةَ فِي مَالٍ غَيْرِ الزَّرْعِ إِلَّا بَعْدَ الْحَوْلِ، وَالْمَعْدِنِ مِنْ جُمْلَةِ الذَّهَبِ وَالْفِضَّةِ، فَلَا شَيْءَ فِيهَا إِلَّا بَعْدَ الْحَوْلِ، وَهَذَا قَوْلُ اللَّيْثِ بْنِ

position of Abu Sulayman. Malik held that if a mineral appears on someone's land, their ownership ceases and it becomes the ruler's property. This is an utterly corrupt opinion, lacking any proof from the Quran, authentic Sunnah, defective narration, consensus, a Companion's statement, or sound reasoning. By this logic, if a mineral were found in a mosque, its ownership would transfer to the ruler—even if it were the Kaaba—nullifying its original status. This is utterly invalid.

L11165 The Messenger of Allah—peace and blessings be upon him—said: "Your lives and property are inviolable to you." Thus, it is established that whoever discovers a mineral deposit in their land, it belongs to them, is inherited from him, and he may utilize it as he wishes.

L11166 **Issue: Zakat is not to be taken from a disbeliever.**

L11167–11169 701 - Issue: Zakat is not taken from a disbeliever - neither in doubled form nor in its regular form, whether from Banu Taghlib or others. This is the opinion of Malik. Abu Hanifah and Al-Shafi'i held the same view except specifically regarding Banu Taghlib, for they maintained that doubled Zakat should be collected from them. They relied on a weak, highly conflicting report transmitted through Abu Ishaq Al-Shaybani from Al-Saffah ibn Matar from Dawud ibn Kurdus Al-Taghlibi, who stated: "I made a peace agreement with Umar ibn Al-Khattab..." Regarding Banū Taghlib — after they crossed the Euphrates and sought to join the Romans — on the condition that they would neither baptize any child nor compel anyone to abandon their religion, and that they would pay a doubled charitable tax of one dirham for every twenty dirhams. Dāwūd ibn Kurdūs said: "Do Banū Taghlib have no protected status, when they baptized within their religion?" Through the chain of Hushaym, from al-Mughīrah ibn Miqsam, from al-Saffāḥ ibn al-Muthannā, from Zurʿah ibn al-Nuʿmān or al-Nuʿmān ibn Zurʿah: that he addressed ʿUmar concerning Banū Taghlib, saying: "They are Arabs who disdain the *jizya* — do not aid your enemy with them." So ʿUmar reconciled

سَعْدٍ، وَأَحَدِ أَقْوَالِ الشَّافِعِيِّ، وَقَوْلِ أَبِي سُلَيْمَانَ، وَرَأَى مَالِكٌ أَنَّ مَنْ ظَهَرَ فِي أَرْضِهِ مَعْدِنٌ فَإِنَّهُ يَسْقُطُ مِلْكُهُ عَنْهُ، وَيَصِيرُ لِلسُّلْطَانِ، وَهَذَا قَوْلٌ فِي غَايَةِ الْفَسَادِ، بِلَا بُرْهَانٍ مِنْ قُرْآنٍ، وَلَا سُنَّةٍ صَحِيحَةٍ، وَلَا رِوَايَةٍ سَقِيمَةٍ، وَلَا إِجْمَاعٍ، وَلَا قَوْلِ صَاحِبٍ، وَلَا رَأْيٍ لَهُ وَجْهٌ، وَعَلَى هَذَا إِنْ ظَهَرَ فِي مَسْجِدٍ أَنْ يَصِيرَ مِلْكُهُ لِلسُّلْطَانِ وَيَبْطُلُ حُكْمُهُ وَلَوْ أَنَّهُ الْكَعْبَةُ وَهَذَا فِي غَايَةِ الْفَسَادِ.

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ.» ، فَصَحَّ أَنَّ مَنْ ظَهَرَ فِي أَرْضِهِ مَعْدِنٌ فَهُوَ لَهُ، يُورَثُ عَنْهُ وَيَعْمَلُ فِيهِ مَا شَاءَ.

[مَسْأَلَةٌ لَا تُؤْخَذُ زَكَاةٌ مِنْ كَافِرٍ]

٧٠١ - مَسْأَلَةٌ: وَلَا تُؤْخَذُ زَكَاةٌ مِنْ كَافِرٍ لَا مُضَاعَفَةً وَلَا غَيْرَ مُضَاعَفَةٍ، لَا مِنْ بَنِي تَغْلِبَ وَلَا مِنْ غَيْرِهِمْ - وَهُوَ قَوْلُ مَالِكٍ؟ وَقَالَ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ، كَذَلِكَ إِلَّا فِي بَنِي تَغْلِبَ خَاصَّةً، فَإِنَّهُمْ قَالُوا: تُؤْخَذُ مِنْهُمْ الزَّكَاةُ مُضَاعَفَةً، وَاحْتَجُّوا بِخَبَرٍ وَاهٍ مُضْطَرِبٍ فِي غَايَةِ الِاضْطِرَابِ، رُوِّينَاهُ مِنْ طَرِيقِ أَبِي إِسْحَاقَ الشَّيْبَانِيِّ عَنْ السَّفَّاحِ بْنِ مَطَرٍ عَنْ دَاوُد بْنِ كُرْدُوسٍ التَّغْلِبِيِّ قَالَ: صَالَحْتُ عُمَرَ بْنَ الْخَطَّابِ عَنْ بَنِي تَغْلِبَ - بَعْدَ أَنْ قَطَعُوا الْفُرَاتَ وَأَرَادُوا اللُّحُوقَ بِالرُّومِ - عَلَى أَنْ لَا يَصْبُغُوا صَبِيًّا وَلَا يُكْرَهُوا عَلَى غَيْرِ دِينِهِمْ عَلَى أَنَّ عَلَيْهِمْ الْعُشْرَ مُضَاعَفًا فِي كُلِّ عِشْرِينَ دِرْهَمًا دِرْهَمٌ قَالَ دَاوُد بْنُ كُرْدُوسٍ: لَيْسَ لِبَنِي تَغْلِبَ ذِمَّةٌ، قَدْ صَبَغُوا فِي دِينِهِمْ؟ وَمِنْ طَرِيقِ هُشَيْمٍ عَنْ الْمُغِيرَةِ بْنِ مِقْسَمٍ عَنْ السَّفَّاحِ بْنِ الْمُثَنَّى عَنْ زُرْعَةَ بْنِ النُّعْمَانِ أَوْ النُّعْمَانِ بْنِ زُرْعَةَ: أَنَّهُ كَلَّمَ عُمَرَ

with them by imposing upon them a doubled charitable tax, stipulating that they would not support their children.

فِي بَنِي تَغْلِبَ وَقَالَ لَهُ: إِنَّهُمْ عَرَبٌ يَأْنَفُونَ مِنْ الْجِزْيَةِ، فَلَا تُعِنْ عَدُوَّكَ بِهِمْ؛ فَصَالَحَهُمْ عُمَرُ عَلَى أَنْ أُضَعِّفَ عَلَيْهِمْ الصَّدَقَةَ، فَاشْتَرَطَ عَلَيْهِمْ: أَنْ لَا يَنْصُرُوا أَوْلَادَهُمْ.

L11170 Mughīrah said: And it was related to me that ʿAlī ibn Abī Ṭālib said: If I were to devote myself entirely to Banū Taghlib, I will certainly kill their combatants and take their children captive, for they have violated the covenant. Their covenant of protection was revoked when they supported their offspring.

قَالَ مُغِيرَةُ فَحُدِّثْتُ أَنَّ عَلِيَّ بْنَ أَبِي طَالِبٍ قَالَ: لَئِنْ تَفَرَّغْتُ لِبَنِي تَغْلِبَ لَأُقَتِّلَنَّ مُقَاتِلَتَهُمْ وَلَأَسْبِيَنَّ ذَرَارِيَّهُمْ؛ فَقَدْ نَقَضُوا، وَبَرِئَتْ مِنْهُمْ الذِّمَّةُ حِينَ نَصَرُوا أَوْلَادَهُمْ.

L11171 It has also been narrated through the chain of ʿAbd al-Salām ibn Ḥarb, who said: In it, from Dāwūd ibn Kurdūs from ʿUmārah ibn al-Nuʿmān—and he reiterated the exact same—adding that they have no *dhimma* today.

وَرُوِيَ أَيْضًا مِنْ طَرِيقِ عَبْدِ السَّلَامِ بْنِ حَرْبٍ فَقَالَ: فِيهِ عَنْ دَاوُد بْنِ كُرْدُوسٍ عَنْ عُمَارَةَ بْنِ النُّعْمَانِ، وَذَكَرَ مِثْلَهُ سَوَاءً سَوَاءً، وَذَكَرَ أَنَّهُمْ لَا ذِمَّةَ لَهُمْ الْيَوْمَ.

L11172 We have also been narrated through the chain of ʿAbdullāh ibn Ṣāliḥ, the scribe of al-Layth, from al-Layth, from Yūnus ibn Yazīd, from al-Zuhrī: "We do not know of any sadaqah obligation on the livestock of the People of the Book except the jizyah. However, the Christians of Banī Taghlib — whose wealth consists mostly of livestock — are required to pay double until it equals twice the sadaqah." This is all they have presented, and even if this report were attributed to the Messenger of Allah — peace and blessings be upon him — it would still be impermissible to act upon it due to its interrupted chain and the weakness of its narrators. How much more so when it is not even from the Messenger of Allah — peace and blessings be upon him?

وَرُوِّينَا أَيْضًا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ صَالِحٍ كَاتِبِ اللَّيْثِ عَنْ اللَّيْثِ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ الزُّهْرِيِّ: لَا نَعْلَمُ فِي مَوَاشِي أَهْلِ الْكِتَابِ صَدَقَةً إلَّا الْجِزْيَةَ غَيْرَ أَنَّ نَصَارَى بَنِي تَغْلِبَ - الَّذِينَ جُلُّ أَمْوَالِهِمْ الْمَوَاشِي - تُضَعَّفُ عَلَيْهِمْ حَتَّى تَكُونَ مِثْلَيْ الصَّدَقَةِ. هَذَا كُلُّ مَا مَوَّهُوا بِهِ، وَلَوْ كَانَ هَذَا الْخَبَرُ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَا حَلَّ الْأَخْذُ بِهِ لِانْقِطَاعِهِ وَضَعْفِ رُوَاتِهِ، فَكَيْفَ وَلَيْسَ هُوَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11173–11177 How can this be, when they have opposed this very report itself and with it demolished most of their own principles, for they say: No. The solitary reports of trustworthy narrators are accepted regarding matters of frequent occurrence that lack consensus, as this is an issue of common prevalence unknown to the people of Medina and others. Yet they accepted here a report devoid of merit, while rejecting the narration on ablution after touching the penis for reasons lesser than this. They claim that solitary reports from trustworthy narrators are inadmissible if they add to or contradict the Quran, thereby rejecting the hadith on oaths with a witness and declaring anything contradicting the Quran to be false. No contradiction to the Quran

فَكَيْفَ وَقَدْ خَالَفُوا هَذَا الْخَبَرَ نَفْسَهُ وَهَدَمُوا بِهِ أَكْثَرَ أُصُولِهِمْ لِأَنَّهُمْ يَقُولُونَ: لَا يُقْبَلُ خَبَرُ الْآحَادِ الثِّقَاتِ الَّتِي لَمْ يُجْمَعْ عَلَيْهَا فِيمَا إذَا كَثُرَتْ بِهِ الْبَلْوَى، وَهَذَا أَمْرٌ تَكْثُرُ بِهِ الْبَلْوَى، وَلَا يَعْرِفُهُ أَهْلُ الْمَدِينَةِ وَغَيْرُهُمْ، فَقَبِلُوا فِيهِ خَبَرًا لَا خَيْرَ فِيهِ، وَهُمْ قَدْ رَدُّوا بِأَقَلَّ مِنْ هَذَا خَبَرَ الْوُضُوءِ مِنْ مَسِّ الذَّكَرِ، وَيَقُولُونَ: لَا يُقْبَلُ خَبَرُ الْآحَادِ الثِّقَاتِ إذَا كَانَ زَائِدًا عَلَى مَا فِي الْقُرْآنِ أَوْ مُخَالِفًا لَهُ، وَرَدُّوا بِهَذَا حَدِيثَ الْيَمِينِ مَعَ الشَّاهِدِ،

وَكَذَّبُوا مَا هُوَ مُخَالِفٌ لِمَا فِي الْقُرْآنِ، وَلَا خِلَافَ لِلْقُرْآنِ أَكْثَرُ مِنْ قَوْلِ اللَّهِ تَعَالَى: {حَتَّى يُعْطُوا الْجِزْيَةَ عَنْ يَدٍ وَهُمْ صَاغِرُونَ} [التوبة: ٢٩] فَقَالُوا هُمْ: إِلَّا بَنِي تَغْلِبَ فَلَا يُؤَدُّونَ الْجِزْيَةَ (وَلَا صَغَارَ عَلَيْهِمْ؛ بَلْ يُؤَدُّونَ الصَّدَقَةَ مُضَاعَفَةً؛ فَخَالَفُوا الْقُرْآنَ، وَالسُّنَنَ الْمَنْقُولَةَ نَقْلَ الْكَافَّةِ) بِخَبَرٍ لَا خَيْرَ فِيهِ، وَقَالُوا: لَا يُقْبَلُ خَبَرُ الْآحَادِ الثِّقَاتِ إِذَا خَالَفَ الْأُصُولَ، وَرَدُّوا بِذَلِكَ خَبَرَ الْقُرْعَةِ فِي الْأَعْبُدِ السِّتَّةِ، وَخَبَرَ الْمُصَرَّاةِ، وَكَذَّبُوا مَا هُمَا مُخَالِفَيْنِ لِلْأُصُولِ بَلْ هُمَا أَصْلَانِ مِنْ كِبَارِ الْأُصُولِ، وَخَالَفُوا هَاهُنَا جَمِيعَ الْأُصُولِ فِي الصَّدَقَاتِ، وَفِي الْجِزْيَةِ بِخَبَرٍ لَا يُسَاوِي بَعْرَةً، وَتَعَلَّلُوا بِالِاضْطِرَابِ فِي أَخْبَارِ الثِّقَاتِ، وَرَدُّوا خَبَرَ «لَا تُحَرِّمُ الرَّضْعَةُ وَلَا الرَّضْعَتَانِ» وَخَبَرَ «لَا قَطْعَ إِلَّا فِي رُبُعِ دِينَارٍ فَصَاعِدًا» وَأَخَذُوا هَاهُنَا بِأَسْقَطِ خَبَرٍ وَأَشَدِّهِ اضْطِرَابًا، لِأَنَّهُ يَقُولُ رِوَايَةً مَرَّةً: عَنِ السَّفَّاحِ بْنِ مَطَرٍ، وَمَرَّةً: عَنِ السَّفَّاحِ بْنِ الْمُثَنَّى، وَمَرَّةً عَنْ دَاوُد بْنِ كُرْدُوسٍ أَنَّهُ صَالَحَ عُمَرَ عَنْ بَنِي تَغْلِبَ وَمَرَّةً: عَنْ دَاوُد بْنِ كُرْدُوسٍ عَنْ عُبَادَةَ بْنِ النُّعْمَانِ، أَوْ زُرْعَةَ بْنِ النُّعْمَانِ، أَوْ النُّعْمَانِ بْنِ زُرْعَةَ أَنَّهُ صَالَحَ عُمَرَ؟ وَمَعَ شِدَّةِ هَذَا الِاضْطِرَابِ الْمُفْرِطِ فَإِنَّ جَمِيعَ هَؤُلَاءِ لَا يَدْرِي أَحَدٌ مَنْ هُمْ مِنْ خَلْقِ اللَّهِ تَعَالَى؟ وَكَمْ مِنْ قَضِيَّةٍ خَالَفُوا فِيهَا عُمَرَ، كَكَلَامِهِ مَعَ عُثْمَانَ فِي الْخُطْبَةِ، وَنَفْيِهِ فِي الزِّنَى وَإِغْرَامِهِ فِي السَّرِقَةِ قَبْلَ الْقَطْعِ، وَغَيْرِ ذَلِكَ، وَقَدْ صَحَّ عَنْ عُمَرَ - بِأَصَحِّ طَرِيقٍ - مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ شُعْبَةَ عَنِ الْحَكَمِ بْنِ عُتَيْبَةَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ زِيَادِ بْنِ حُدَيْرٍ قَالَ: أَمَرَنِي عُمَرُ بْنُ الْخَطَّابِ أَنْ آخُذَ مِنْ نَصَارَى بَنِي تَغْلِبَ الْعُشْرَ، وَمِنْ نَصَارَى أَهْلِ الْكِتَابِ نِصْفَ الْعُشْرِ.

exceeds Allah's decree: "until they pay the jizyah directly from hand while in a state of humiliation" [9:29]. Yet they exempted Banu Taghlib from paying jizyah (imposing neither humiliation nor jizyah, but instead doubled obligatory charity), thus opposing the Quran and universally transmitted Sunnah through a meritless report. They asserted that solitary reports conflicting with foundational principles are rejected, using this to dismiss the narration on allocating six slaves by lottery and the hadith on milk retention, falsely claiming these contradict principles when they are two principles among the major foundational principles. Here, they opposed all foundational principles on charity and jizyah through a report not worth a dung beetle, justifying their stance by citing excessive inconsistencies in reliable narrations. They rejected the reports "One or two breastfeedings do not establish prohibition" and "No amputation except for theft of a quarter dinar or more," while here adopting the weakest and most severely inconsistent narration. The report variably attributes to Al-Saffāḥ ibn Maṭar, Al-Saffāḥ ibn Al-Muthannā, Dāwūd ibn Kurdus claiming he negotiated ʿUmar's treaty with Banu Taghlib, or Dāwūd ibn Kurdus narrating from ʿUbāda ibn Al-Nuʿmān, Zurʿa ibn Al-Nuʿmān, or Al-Nuʿmān ibn Zurʿa regarding ʿUmar's treaty. Despite this excessively severe inconsistency, none of these narrators are known to anyone in God's creation. They opposed ʿUmar in numerous rulings: his discourse with ʿUthmān on sermons, his imposition of exile for adultery, his enforcement of financial compensation for theft prior to amputation, and others. What is authentically established from ʿUmar through the strongest chain—via ʿAbd al-Raḥmān ibn Mahdī from Shuʿbah—confirms these matters. From al-Hakam ibn ʿUtaybah, from Ibrāhīm al-Nakhaʿī, from Ziyād ibn Ḥudayr, who said: "Umar ibn al-Khaṭṭāb ordered me to collect the tenth from the Christian tribe of Banū Taghlib, and half of the tenth from the Christian People of the Book."[8]

L11178 Abū Muḥammad said: Just as collecting half the tithe from the People of the Book did not exempt them from jizyah, similarly collecting the full tithe from

[8] **Qur'an references (L11173):** Qur'an 9:29 (At-Tawbah).

Banū Taghlib does not exempt them from jizyah either. This is the soundest analogy—if any analogy were valid—for they have contradicted analogy itself. Furthermore, even if such an analogy were valid and established, they would still have opposed it, since all narrators of this ruling—from the earliest to the latest—uniformly state: "Banū Taghlib violated that covenant, thereby nullifying that ruling." They also transmitted this from ʿAlī. Thus, they opposed ʿUmar and ʿAlī, contradicted the report they themselves cited as evidence, the Quran, the Sunnah (regarding jizyah collection from every People of the Book in Arab lands and elsewhere, such as Hijr, Yemen, and other regions), the practice of the Companions (may Allah be pleased with them), and analogy. We seek refuge in Allah from abandonment.

قَالَ أَبُو مُحَمَّد: فَكَمَا لَمْ يُسْقِطْ أَخْذُ نِصْفِ الْعُشْرِ مِنْ أَهْلِ الْكِتَابِ الْجِزْيَةَ عَنْهُمْ فَكَذَلِكَ لَا يُسْقِطُ أَخْذُ الْعُشْرِ مِنْ بَنِي تَغْلِبَ أَيْضًا الْجِزْيَةَ عَنْهُمْ، وَهَذَا أَصَحُّ قِيَاسٍ، لَوْ كَانَ شَيْءٌ مِنْ الْقِيَاسِ صَحِيحًا، فَقَدْ خَالَفُوا الْقِيَاسَ أَيْضًا، ثُمَّ لَوْ صَحَّ وَثَبَتَ لَكَانُوا قَدْ خَالَفُوهُ؛ لِأَنَّ جَمِيعَ مَنْ رَوَوْهُ عَنْهُ - أَوَّلُهُمْ عَنْ آخِرِهِمْ - يَقُولُونَ كُلُّهُمْ: إنَّ بَنِي تَغْلِبَ قَدْ نَقَضُوا تِلْكَ الذِّمَّةَ، فَبَطَلَ ذَلِكَ الْحُكْمُ، وَرَوَوْا ذَلِكَ أَيْضًا - عَنْ عَلِيٍّ، فَخَالَفُوا: عُمَرَ وَعَلِيًّا، وَالْخَبَرَ الَّذِي بِهِ احْتَجُّوا وَالْقُرْآنَ وَالسُّنَنَ - فِي أَخْذِ الْجِزْيَةِ مِنْ كُلِّ كِتَابِيٍّ فِي أَرْضِ الْعَرَبِ وَغَيْرِهَا، كَهَجَرَ، وَالْيَمَنِ، وَغَيْرِهِمَا - وَفِعْلِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، وَالْقِيَاسَ، وَنَعُوذُ بِاَللَّهِ مِنْ الْخِذْلَانِ.

L11179 **Issue: Zakāt on goods used in trade.**

[مَسْأَلَةُ الزَّكَاةُ مِمَّا يَتَّجِرُ بِهِ]

L11180 702 - Issue: It is not permissible to collect zakāh or a tenth from goods traded by Muslim merchants, nor from a non-believer under any circumstance—whether trading within his own territory or elsewhere—unless a treaty stipulating this alongside the jizyah was formally concluded in their original covenant. In such a case, it is collected from them; otherwise, it is not. As for Muslims, we have previously stated that no zakāh is due on their goods—whether intended for trade or non-commercial purposes. As for non-believers, Allah the Exalted has only obligated the jizyah upon them. If this was a treaty alongside the jizyah, it constitutes a valid right and covenant; otherwise, it is unlawful to take anything from their wealth after establishing the valid dhimma contract with the jizyah and submission, provided they do not breach the covenant—and success comes solely from Allah the Exalted. Abū Ḥanīfah said: Half of the tenth is taken from dhimmī traders once annually, and nothing is taken if their goods are worth less than two hundred *dirhams*. Similarly, the full tenth is taken from *ḥarbī* non-believers if their goods reach two hundred *dirhams*; otherwise, it is not.

٧٠٢ - مَسْأَلَةٌ: وَلَا يَجُوزُ أَخْذُ زَكَاةٍ وَلَا تَعْشِيرَ مِمَّا يَتَّجِرُ بِهِ تُجَّارُ الْمُسْلِمِينَ، وَلَا مِنْ كَافِرٍ أَصْلًا - تَجَرَ فِي بِلَادِهِ أَوْ فِي غَيْرِ بِلَادِهِ - إلَّا أَنْ يَكُونُوا صُولِحُوا عَلَى ذَلِكَ مَعَ الْجِزْيَةِ فِي أَصْلِ عَقْدِهِمْ، فَتُؤْخَذُ حِينَئِذٍ مِنْهُمْ وَإِلَّا فَلَا، أَمَّا الْمُسْلِمُونَ فَقَدْ ذَكَرْنَا قَبْلُ أَنَّهُ لَا زَكَاةَ عَلَيْهِمْ فِي الْعُرُوضِ - لِتِجَارَةٍ كَانَتْ أَوْ لِغَيْرِ تِجَارَةٍ - وَأَمَّا الْكُفَّارُ فَإِنَّمَا أَوْجَبَ اللَّهُ تَعَالَى عَلَيْهِمْ الْجِزْيَةَ فَقَطْ، فَإِنْ كَانَ ذَلِكَ صُلْحًا مَعَ الْجِزْيَةِ فَهُوَ حَقٌّ وَعَهْدٌ صَحِيحٌ، وَإِلَّا فَلَا يَحِلُّ أَخْذُ شَيْءٍ مِنْ أَمْوَالِهِمْ بَعْدَ صِحَّةِ عَقْدِ الذِّمَّةِ بِالْجِزْيَةِ وَالصَّغَارِ، مَا لَمْ يَنْقُضُوا الْعَهْدَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ، وَقَالَ أَبُو حَنِيفَةَ: يُؤْخَذُ مِنْ أَهْلِ الذِّمَّةِ إذَا سَافَرُوا نِصْفُ الْعُشْرِ فِي الْحَوْلِ مَرَّةً فَقَطْ وَلَا يُؤْخَذُ مِنْهُمْ مِنْ أَقَلَّ مِنْ مِائَتَيْ دِرْهَمٍ شَيْءٌ، وَكَذَلِكَ

Unless they refrain from levying anything from our traders, in which case we refrain from levying anything from theirs.

يُؤْخَذُ مِنْ الْحَرْبِيِّ الْعُشْرُ إِذَا بَلَغَ مِائَتَيْ دِرْهَمٍ، وَإِلَّا فَلَا، إِلَّا إِنْ كَانُوا لَا يَأْخُذُونَ مِنْ تُجَّارِنَا شَيْئًا فَلَا نَأْخُذُ مِنْ تُجَّارِهِمْ شَيْئًا؟

L11181–11182 Malik said: A tenth is levied on the People of the Dhimma when they trade beyond their territories and sell goods—regardless of whether the quantity is small or large—and this tenth is levied on every trading journey in the same manner, even if they travel multiple times a year. If they trade within their own territories, nothing is levied from them. The same applies to the harbis, except for what they transport specifically to the City [Medina]—specifically wheat and raisins—for only half the tenth is levied in these two cases.

قَالَ مَالِكٌ: يُؤْخَذُ مِنْ أَهْلِ الذِّمَّةِ الْعُشْرُ إِذَا تَجَرُوا إِلَى غَيْرِ بِلَادِهِمْ - مِمَّا قَلَّ أَوْ كَثُرَ - إِذَا بَاعُوا، وَيُؤْخَذُ مِنْهُمْ فِي كُلِّ سُفْرَةٍ كَذَلِكَ، وَلَوْ مِرَارًا فِي السَّنَةِ، فَإِنْ تَجَرُوا فِي بِلَادِهِمْ لَمْ يُؤْخَذْ مِنْهُمْ شَيْءٌ، وَيُؤْخَذُ مِنْ الْحَرْبِيِّينَ كَذَلِكَ إِلَّا فِيمَا حَمَلُوا إِلَى الْمَدِينَةِ خَاصَّةً مِنْ الْحِنْطَةِ، وَالزَّيْتِ خَاصَّةً، فَإِنَّهُ لَا يُؤْخَذُ مِنْهُمْ إِلَّا نِصْفُ الْعُشْرِ فَقَطْ.

L11183 Abu Muhammad said: They argued for that with what was narrated through Ma'mar's chain from al-Zuhri from al-Sa'ib ibn Yazid: "I used to collect the tithe with Abdullah ibn Utbah during Umar ibn al-Khattab's era. He would take from the dhimmis half of a tenth of their wealth on what they traded." And with the hadith of Anas ibn Sirin from Anas ibn Malik from Umar ibn al-Khattab: "Take one dirham from every forty dirhams of the Muslims, one dirham from every twenty dirhams of the dhimmis, and one dirham from every ten dirhams of those without dhimma."

قَالَ أَبُو مُحَمَّد: احْتَجُّوا فِي ذَلِكَ بِمَا رُوِيَ مِنْ طَرِيقِ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ السَّائِبِ بْنِ يَزِيدَ: كُنْتُ أَعْشُرُ مَعَ عَبْدِ اللَّهِ بْنَ عُتْبَةَ زَمَنَ عُمَرَ بْنِ الْخَطَّابِ، فَكَانَ يَأْخُذُ مِنْ أَهْلِ الذِّمَّةِ أَنْصَافَ عُشْرِ أَمْوَالِهِمْ فِيمَا تَجَرُوا بِهِ؟ وَبِحَدِيثِ أَنَسِ بْنِ سِيرِينَ عَنْ أَنَسِ بْنِ مَالِكٍ عَنْ عُمَرَ بْنِ الْخَطَّابِ: خُذْ مِنْ الْمُسْلِمِينَ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمًا، وَمِنْ أَهْلِ الذِّمَّةِ مِنْ كُلِّ عِشْرِينَ دِرْهَمًا دِرْهَمًا، وَمِمَّنْ لَا ذِمَّةَ لَهُ مِنْ كُلِّ عَشَرَةِ دَرَاهِمِ دِرْهَمًا.

L11184 And by way of Ziyād ibn Ḥudayr: "Umar commanded me to take the *'ushr* from the *Banū Taghlib*, and from the Christians among the People of the Book half of the *'ushr*."

وَمِنْ طَرِيقِ زِيَادِ بْنِ حُدَيْرٍ: أَمَرَنِي عُمَرُ بِأَنْ آخُذَ مِنْ بَنِي تَغْلِبَ الْعُشْرَ، وَمِنْ نَصَارَى أَهْلِ الْكِتَابِ نِصْفَ الْعُشْرِ.

L11185–11187 And from the narration of Mālik via al-Zuhrī from al-Sā'ib ibn Yazīd, who said: "I was a boy accompanying ʿAbdullāh ibn ʿUtbah while he oversaw the market of Medina during ʿUmar ibn al-Khaṭṭāb's era. He used to take a tenth from the Nabateans." Abū Muḥammad said: "None of this constitutes proof, as it is not transmitted from the Messenger of Allah (peace be upon him). Moreover, there are indeed many cases where they opposed ʿUmar—as we previously mentioned—and it is impermissible to consider some of ʿUmar's rulings as authoritative while rejecting others. Furthermore, these narrations

وَمِنْ طَرِيقِ مَالِكٍ عَنْ الزُّهْرِيِّ عَنْ السَّائِبِ بْنِ يَزِيدَ قَالَ: كُنْتُ غُلَامًا مَعَ عَبْدِ اللَّهِ بْنِ عُتْبَةَ عَلَى سُوقِ الْمَدِينَةِ زَمَانَ عُمَرَ بْنِ الْخَطَّابِ، فَكَانَ يَأْخُذُ مِنْ النَّبَطِ الْعُشْرَ؟ قَالَ أَبُو مُحَمَّد: هَذَا كُلُّهُ لَا حُجَّةَ فِيهِ، لِأَنَّهُ لَيْسَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. وَأَيْضًا - فَرُبَّ قَضِيَّةٍ خَالَفُوا فِيهَا عُمَرَ قَدْ ذَكَرْنَاهَا آنِفًا، وَلَيْسَ يَجُوزُ أَنْ يَكُونَ بَعْضُ حُكْمِ عُمَرَ

from ʿUmar are contradictory: some mention a tenth from the People of the Book, while others mention half-tenth. What justifies prioritizing some over others? The Mālikīs opposed these narrations by distinguishing between their trade within the regions of their lands and beyond, while the Ḥanafīs opposed them by limiting its levy to once annually, as indicated in these narrations. They cited a weak report via Ibn Abī Dhi'b from ʿAbd al-Raḥmān ibn Mihrān: that ʿUmar wrote to Ayyūb ibn Shuraḥbīl: 'Take from Muslims one dinar for every forty dinars, and from...'" The People of the Book must give one dinar from every twenty dinars if they trade with them. Then nothing is to be taken from them until the Hawl (completion of the lunar year) is reached, for I heard this from those who heard it from those who heard the Prophet (peace and blessings of Allah be upon him).

L11188 Abu Muhammad said: This is from unknown narrators, and there is also no clarification in it that it was heard from the Prophet—peace and blessings of Allah be upon him. Abu Muhammad said: How can this be when we have been narrated from Umar—may Allah be pleased with him—the clarification of all this, as Ahmad ibn Muhammad ibn al-Jasur narrated to us, Muhammad ibn Isa narrated to us, Ali ibn Abdulaziz narrated to us, Abu Ubayd narrated to us, al-Ansari—who is the judge Muhammad ibn Abdullah ibn al-Muthanna—from Sa'id ibn Abi Arubah from Qatadah from Abu Mijlaz, who said: Umar sent Ammar, Ibn Mas'ud, and Uthman ibn Hunayf to Kufa. He mentioned the hadith, in which Uthman ibn Hunayf surveyed the land and placed upon it such and such. He imposed one dirham for every twenty dirhams on the wealth of the dhimmis who differed concerning it and levied upon their heads twenty-four, exempting women and children from that. He then wrote about this to Umar, who approved it.

L11189 Thus, it is established that this was inherent in the foundation of the covenant, contract, and their dhimma. And through him to Abū ʿUbayd: ʿAbd al-Raḥmān ibn Mahdī narrated to us, on the authority of Sufyān al-

حُجَّةً وَبَعْضُهُ لَيْسَ بِحُجَّةٍ، وَأَيْضًا - فَإِنَّ هَذِهِ الْآثَارَ مُخْتَلِفَةٌ عَنْ عُمَرَ، فِي بَعْضِهَا الْعُشْرُ مِنْ أَهْلِ الْكِتَابِ، وَفِي بَعْضِهَا نِصْفُ الْعُشْرِ، فَمَا الَّذِي جَعَلَ بَعْضَهَا أَوْلَى مِنْ بَعْضٍ، وَقَدْ خَالَفَ الْمَالِكِيُّونَ هَذِهِ الْآثَارَ فِي تَفْرِيقِهِمْ بَيْنَ تِجَارَتِهِمْ فِي أَقْطَارِ بِلَادِهِمْ أَوْ غَيْرِهَا، وَخَالَفَهَا الْحَنَفِيُّونَ فِي وَضْعِهِمْ ذَلِكَ مَرَّةً فِي الْعَامِ فَقَطْ، وَذَلِكَ فِي هَذِهِ الْآثَارِ، وَذَكَرُوا فِي ذَلِكَ خَبَرًا فَاسِدًا مِنْ طَرِيقِ ابْنِ أَبِي ذِئْبٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ مِهْرَانَ: أَنَّ عُمَرَ كَتَبَ إلَى أَيُّوبَ بْنِ شُرَحْبِيلَ: خُذْ مِنْ الْمُسْلِمِينَ مِنْ كُلِّ أَرْبَعِينَ دِينَارًا دِينَارًا، وَمِنْ أَهْلِ الْكِتَابِ مِنْ كُلِّ عِشْرِينَ دِينَارًا دِينَارًا، إذَا كَانُوا يُدِيرُونَهَا، ثُمَّ لَا تَأْخُذْ مِنْهُمْ شَيْئًا حَتَّى رَأْسِ الْحَوْلِ، فَإِنِّي سَمِعْتُ ذَلِكَ مِمَّنْ سَمِعَهُ مِمَّنْ سَمِعَ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -

(قَالَ أَبُو مُحَمَّد: وَهَذَا عَنْ مَجْهُولِينَ، وَلَيْسَ أَيْضًا فِيهِ بَيَانٌ أَنَّهُ سُمِعَ مِنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -) قَالَ أَبُو مُحَمَّد: فَكَيْفَ وَقَدْ رُوِّينَا عَنْ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - بَيَانَ هَذَا كُلِّهِ، كَمَا حَدَّثَنَا أَحْمَدُ بْنُ مُحَمَّدِ بْنِ الْجَسُورِ ثنا مُحَمَّدُ بْنُ عِيسَى ثنا عَلِيُّ بْنُ عَبْدِ الْعَزِيزِ ثنا أَبُو عُبَيْد ثنا الْأَنْصَارِيُّ هُوَ الْقَاضِي مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ الْمُثَنَّى عَنْ سَعِيدِ بْنِ أَبِي عَرُوبَةَ عَنْ قَتَادَةَ عَنْ أَبِي مِجْلَزٍ قَالَ: بَعَثَ عُمَرُ: عَمَّارًا، وَابْنَ مَسْعُودٍ، وَعُثْمَانَ بْنَ حُنَيْفٍ إلَى الْكُوفَةِ - فَذَكَرَ الْحَدِيثَ وَفِيهِ -: أَنَّ عُثْمَانَ بْنَ حُنَيْفٍ مَسَحَ الْأَرْضَ فَوَضَعَ عَلَيْهَا كَذَا وَكَذَا، وَجَعَلَ فِي أَمْوَالِ أَهْلِ الذِّمَّةِ الَّذِينَ يَخْتَلِفُونَ بِهَا مِنْ كُلِّ عِشْرِينَ دِرْهَمًا دِرْهَمًا وَجَعَلَ عَلَى رُءُوسِهِمْ - وَعَطَّلَ مِنْ ذَلِكَ النِّسَاءَ وَالصِّبْيَانَ -: أَرْبَعَةً وَعِشْرِينَ ثُمَّ كَتَبَ بِذَلِكَ إلَى عُمَرَ فَأَجَازَهُ.

Thawrī, from ʿAbd Allāh ibn Khālid al-ʿAbsī, who said: "I asked Ziyād ibn Ḥudayr: 'Whom did you levy the tithe on?' He replied: 'We never levied the tithe on a Muslim nor a covenanted person. We levied it only on merchants from the people of war, just as they would levy it on us when we came to them.'"

فَصَحَّ أَنَّ هَذَا كَانَ فِي أَصْلِ الْعَهْدِ وَالْعَقْدِ وَذِمَّتِهِمْ، وَبِهِ إِلَى أَبِي عُبَيْدٍ: ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ ثنا سُفْيَانُ الثَّوْرِيُّ عَنْ عَبْدِ اللَّهِ بْنِ خَالِدٍ الْعَبْسِيِّ قَالَ: سَأَلْتُ زِيَادَ بْنَ حُدَيْرٍ: مَنْ كُنْتُمْ تُعْشِرُونَ؟ قَالَ مَا كُنَّا نُعْشِرُ مُسْلِمًا وَلَا مُعَاهِدًا، كُنَّا نُعْشِرُ تُجَّارَ أَهْلِ الْحَرْبِ كَمَا يُعَشِّرُونَنَا إِذَا أَتَيْنَاهُمْ.

L11190–11192 It is established that such was not taken from one not contracted for it. And through it to Abū ʿUbayd: Muʿāwiyah narrated to us from al-Aʿmash from Shaqīq ibn Salamah from Masrūq, who said: "By Allah, I have performed no deed I dread more as a cause for my entry into the Fire than this deed of yours. I would never wrong a Muslim or covenanted person in this matter a dinar or dirham, but I know not what this covenant is that has not..." "Did the Messenger of Allah (peace and blessings of Allah be upon him) establish it as a Sunnah, or Abu Bakr, or Umar?" They said: "What drove you to take part in it?" He replied: "Ziyad, Shurayh, and Satan would not leave me alone until I became involved in it."

فَصَحَّ أَنَّهُ لَمْ يَكُنْ يُؤْخَذُ ذَلِكَ مِمَّنْ لَمْ يُعَاقَدْ عَلَى ذَلِكَ. وَبِهِ إِلَى أَبِي عُبَيْدٍ: ثنا مُعَاوِيَةُ عَنِ الْأَعْمَشِ عَنْ شَقِيقِ بْنِ سَلَمَةَ عَنْ مَسْرُوقٍ قَالَ: وَاَللَّهِ مَا عَمِلْتُ عَمَلًا أَخْوَفُ عِنْدِي أَنْ يُدْخِلَنِي النَّارَ مِنْ عَمَلِكُمْ هَذَا، وَمَا بِي أَنْ أَكُونَ ظَلَمْتُ فِيهِ مُسْلِمًا أَوْ مُعَاهِدًا دِينَارًا وَلَا دِرْهَمًا، وَلَكِنْ لَا أَدْرِي مَا هَذَا الْحَبْلُ الَّذِي لَمْ يَسُنَّهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَلَا أَبُو بَكْرٍ، وَلَا عُمَرُ؟ قَالُوا: فَمَا حَمَلَكَ عَلَى أَنْ دَخَلْتَ فِيهِ؟ قَالَ: لَمْ يَدَعْنِي زِيَادٌ، وَلَا شُرَيْحٌ، وَلَا الشَّيْطَانُ، حَتَّى دَخَلْتُ فِيهِ.

L11193 Abu Muhammad said: It is thus established that this is an innovation, and it is impermissible to suspect that ʿUmar—may Allah be pleased with him—breached the terms of their covenant, just as one does not suspect his directive—to take one dirham from every forty dirhams of the Muslims—applies to amounts below two hundred dirhams. And with Allah, the Exalted, lies all success.

قَالَ أَبُو مُحَمَّدٍ: فَصَحَّ أَنَّهُ عَمَلٌ مُحْدَثٌ وَلَا يَجُوزُ أَنْ يُظَنَّ بِعُمَرَ - رَضِيَ اللَّهُ عَنْهُ - أَنَّهُ تَعَدَّى مَا كَانَ فِي عَقْدِهِمْ؛ كَمَا لَا يُظَنُّ بِهِ فِي أَمْرِهِ أَنْ يُؤْخَذَ مِنَ الْمُسْلِمِينَ مِنْ كُلِّ أَرْبَعِينَ دِرْهَمًا دِرْهَمٌ أَنَّهُ فِيمَا هُوَ أَقَلُّ مِنْ مِائَتَيْ دِرْهَمٍ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

L11194 The juristic issue of zakāt pertaining to items found such as ambergris, precious metals, rubies, and emeralds.

[مَسْأَلَةُ الزَّكَاةِ فِيمَا أُصِيبَ مِنَ الْعَنْبَرِ وَالْجَوَاهِرِ وَالْيَاقُوتِ وَالزُّمُرُّدِ]

L11195 A legal issue: There is nothing due on anything obtained from ambergris, gems, rubies, or emeralds—whether marine or terrestrial—and all of it belongs to the one who finds it.

٧٠٣ - مَسْأَلَةٌ: وَلَيْسَ فِي شَيْءٍ مِمَّا أُصِيبَ مِنَ الْعَنْبَرِ وَالْجَوَاهِرِ وَالْيَاقُوتِ وَالزُّمُرُّدِ - بِحَرِيِّهِ وَبَرِّيِّهِ -: شَيْءٌ أَصْلًا، وَهُوَ كُلُّهُ لِمَنْ وَجَدَهُ.

L11196 It has been narrated through the chain of al-Ḥasan ibn ʿUmārah from ʿAmr ibn Dīnār from Ṭāwūs from Ibn ʿAbbās from ʿUmar ibn al-Khaṭṭāb: that

khums (one-fifth tax) is obligatory on ambergris and on everything extracted from the ornaments of the sea. This is the opinion of Abū Yūsuf.

وَقَدْ رُوِيَ مِنْ طَرِيقِ الْحَسَنِ بْنِ عُمَارَةَ عَنْ عَمْرِو بْنِ دِينَارٍ عَنْ طَاوُسٍ عَنْ ابْنِ عَبَّاسٍ عَنْ عُمَرَ بْنِ الْخَطَّابِ: أَنَّ فِي الْعَنْبَرِ، وَفِي كُلِّ مَا اُسْتُخْرِجَ مِنْ حِلْيَةِ الْبَحْرِ: الْخُمُسُ وَبِهِ يَقُولُ أَبُو يُوسُفَ.

L11197 Abū Muḥammad said: Al-Ḥasan ibn ʿUmārah is discarded.

قَالَ أَبُو مُحَمَّدٍ: الْحَسَنُ بْنُ عُمَارَةَ مُطْرَحٌ.

L11198 It has been authentically reported that Ibn Abbas said regarding ambergris: "If it contains anything, then the khums (one-fifth) is due in it." This is narrated via the chain of Sufyan ibn Uyaynah from Tawus from his father from Ibn Abbas: "There is nothing due in it."

وَقَدْ صَحَّ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ فِي الْعَنْبَرِ: إنْ كَانَ فِيهِ شَيْءٌ فَفِيهِ الْخُمُسُ، مِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ عَنْ طَاوُسٍ عَنْ أَبِيهِ عَنْ ابْنِ عَبَّاسٍ لَا شَيْءَ فِيهِ.

L11199 Abu Muhammad said: The Messenger of Allah, peace be upon him, said: "Indeed, your blood and your wealth are inviolable to you."

قَالَ أَبُو مُحَمَّدٍ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إنَّ دِمَاءَكُمْ وَأَمْوَالَكُمْ عَلَيْكُمْ حَرَامٌ» .

L11200 It is established that it is impermissible to impose a financial penalty on a Muslim for any matter without an authentic scriptural text. It is unanimously affirmed that whatever has no owner belongs to the finder, and success is from Allah, the Most High.

فَصَحَّ أَنَّهُ لَا يَحِلُّ إغْرَامُ مُسْلِمٍ شَيْئًا بِغَيْرِ نَصٍّ صَحِيحٍ، وَكَانَ - بِلَا خِلَافٍ - كُلُّ مَا لَا رَبَّ لَهُ فَهُوَ لِمَنْ وَجَدَهُ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11201–11202 **Zakat al-Fitr from Ramadan is an obligatory duty required of every Muslim.**

[زَكَاةُ الْفِطْرِ] [مَسْأَلَةٌ زَكَاةُ الْفِطْرِ مِنْ رَمَضَانَ فَرْضٌ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ]

L11203 704. Issue: The Zakāt al-Fiṭr at the conclusion of Ramadan is an obligatory duty upon every Muslim—adult or minor, male or female, free or slave—even including a fetus in its mother's womb. For each individual, one ṣāʿ of dates or one ṣāʿ of barley is required. We have previously clarified that the ṣāʿ equals four mudds according to the Prophet's measurement—peace and blessings be upon him—as explained earlier. No substitute is valid for what we have specified: neither wheat, nor wheat flour or barley flour, nor bread, nor monetary equivalent. Nothing besides the prescribed items suffices. Abdullah ibn Yūsuf narrated to us from Aḥmad ibn Fatḥ, from ʿAbd al-Wahhāb ibn ʿĪsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn ʿAlī, from Muslim ibn al-

٧٠٤ - مَسْأَلَةٌ: زَكَاةُ الْفِطْرِ مِنْ رَمَضَانَ فَرْضٌ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ، كَبِيرٍ أَوْ صَغِيرٍ، ذَكَرٍ أَوْ أُنْثَى، حُرٍّ أَوْ عَبْدٍ، وَإِنْ كَانَ مَنْ ذَكَرْنَا جَنِينًا فِي بَطْنِ أُمِّهِ عَنْ كُلِّ وَاحِدٍ صَاعٌ مِنْ تَمْرٍ أَوْ صَاعٌ مِنْ شَعِيرٍ، وَقَدْ قَدَّمْنَا أَنَّ الصَّاعَ أَرْبَعَةُ أَمْدَادٍ بِمُدِّ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ فَسَّرْنَاهُ قَبْلُ، وَلَا يُجْزِئُ شَيْءٌ غَيْرُ مَا ذَكَرْنَا، لَا قَمْحٌ، وَلَا دَقِيقَ قَمْحٍ أَوْ شَعِيرٍ، وَلَا خُبْزَ وَلَا قِيمَةَ، وَلَا شَيْءَ غَيْرَ مَا ذَكَرْنَا، حَدَّثَنَا عَبْدُ اللَّهِ بْنُ

يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيِّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا مُحَمَّدُ بْنُ رَافِعٍ ثنا ابْنُ أَبِي فُدَيْكٍ أَنَا الضَّحَّاكُ بْنُ عُثْمَانَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ: «فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى كُلِّ نَفْسٍ مِنْ الْمُسْلِمِينَ - حُرٍّ أَوْ عَبْدٍ، رَجُلٍ أَوْ امْرَأَةٍ، صَغِيرٍ أَوْ كَبِيرٍ -: صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ» .

Ḥajjāj, from Muḥammad ibn Rāfiʿ, from Ibn Abī Fudayk, from al-Ḍaḥḥāk ibn ʿUthmān, from Nāfiʿ, from Ibn ʿUmar, who said: "Allah's Messenger—peace and blessings be upon him—obligated upon every Muslim soul, whether free or slave, male or female, minor or adult: one ṣāʿ of dates or one ṣāʿ of barley."

L11204 حَدَّثَنَا عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا أَبُو إِسْحَاقَ الْبَلْخِيُّ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَحْمَدُ بْنُ يُونُسَ ثنا اللَّيْثُ بْنُ سَعْدٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ «أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِزَكَاةِ الْفِطْرِ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ» .

Abdur Rahman ibn Abdullah ibn Khalid narrated to us, Abu Ishaq al-Balkhi narrated to us, al-Farbari narrated to us, al-Bukhari narrated to us, Ahmad ibn Yunus narrated to us, al-Layth ibn Sa'd narrated to us, from Nafi', from Ibn 'Umar, who said: "The Messenger of Allah (peace be upon him) commanded the giving of Zakāt al-Fiṭr as one *ṣā'* of dates or one *ṣā'* of barley."

L11205 وَقَالَ مَالِكٌ: لَيْسَتْ فَرْضًا، وَاحْتَجَّ لَهُ مَنْ قَلَّدَهُ بِأَنْ قَالَ: مَعْنَى " فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - " أَيُّ قَدَّرَ مِقْدَارَهَا.

Malik said: "It is not obligatory." Those who followed his opinion argued by stating that the meaning of "the Messenger of Allah—peace be upon him—determined" refers to him specifying its ordained measure.

L11206–11207 قَالَ أَبُو مُحَمَّدٍ: وَهَذَا خَطَأٌ، لِأَنَّهُ دَعْوَى بِلَا بُرْهَانٍ وَإِحَالَةُ اللَّفْظِ عَنْ مَوْضُوعِهِ بِلَا دَلِيلٍ. وَقَدْ أَوْرَدْنَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَمَرَ بِهَا وَأَمْرُهُ فَرْضٌ، قَالَ تَعَالَى: {فَلْيَحْذَرِ الَّذِينَ يُخَالِفُونَ عَنْ أَمْرِهِ أَنْ تُصِيبَهُمْ فِتْنَةٌ أَوْ يُصِيبَهُمْ عَذَابٌ أَلِيمٌ} [النور: ٦٣]

Abu Muhammad said: This is erroneous, as it is an unsupported claim and diverting the wording from its intended meaning without evidence. We have already established that the Messenger of Allah—peace and blessings of Allah be upon him—commanded it, and his command constitutes an obligation. Allah the Exalted said: "Let those who deviate from his command beware, lest a trial strike them or a painful punishment befall them" [An-Nur 24:63].[9]

L11208 وَذَكَرُوا خَبَرًا رُوِّينَاهُ مِنْ طَرِيقِ قَيْسِ بْنِ سَعْدٍ «أَمَرَنَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِصَدَقَةِ الْفِطْرِ قَبْلَ أَنْ تَنْزِلَ الزَّكَاةُ، فَلَمَّا نَزَلَتْ الزَّكَاةُ لَمْ يَأْمُرْنَا وَلَمْ يَنْهَنَا، وَنَحْنُ نَفْعَلُهُ»

They mentioned a report we narrated through Qays ibn Sa'd: "The Messenger of Allah—peace and blessings be upon him—commanded us to give Sadaqat al-Fitr before Zakāh was revealed. When Zakāh was revealed, he neither commanded us nor forbade us, and we do it."[10]

L11209 وَعَنْهُ أَيْضًا «كُنَّا نَصُومُ عَاشُورَاءَ وَنُعْطِي الْفِطْرَ مَا لَمْ يَنْزِلْ عَلَيْنَا صَوْمُ رَمَضَانَ وَالزَّكَاةُ، فَلَمَّا نَزَلَا لَمْ نُؤْمَرْ وَلَمْ نُنْهَ عَنْهُ، وَنَحْنُ نَفْعَلُهُ»

And he also said: "We used to fast Ashura and give Zakat al-Fitr before

[9] **Qur'an references (L11207):** Qur'an 24:63 (An-Nur).
[10] **Hadith references (L11208):** Sunan Ibn Majah 1828; Sunan an-Nasai 2507.

the obligations of Ramadan fasting and obligatory Zakat were revealed to us. When the two were revealed, we were neither ordered to stop them nor forbidden from them, and we continue to practice them."

L11210 Abū Muḥammad said: This report is a proof for us against them, for it contains the command of Allah's Messenger—peace and blessings be upon him—regarding Zakāt al-Fiṭr, thus making it a prescribed duty. Since he did not later prohibit it, it remained an obligation as it was. As for the day of 'Āshūrā', were it not for the authentic report that he—peace and blessings be upon him—later said, "Whoever wishes may fast it, and whoever wishes may leave it," its obligation would have remained. No similar statement came regarding Zakāt al-Fiṭr, thus invalidating their reliance on this report. The Exalted has said: {Establish prayer and give zakāh} [Al-Baqarah: 43].[11]

L11211 The Messenger of Allah—peace and blessings be upon him—referred to Zakat al-Fitr as Zakat, thus it is encompassed by Allah's command regarding it. The evidence supporting this is exceedingly abundant? It has been narrated to us from Waki', from Sufyan al-Thawrī, from 'Asim ibn Sulayman al-Ahwal, from Muhammad ibn Muhammad ibn Sirin and Abu Qilabah—both of whom declared: "Zakat al-Fitr is an obligation." This is also the opinion of al-Shafi'i, Abu Sulayman, and others. However, some groups permitted things other than what was commanded by the Messenger of Allah—peace and blessings be upon him. One group asserted: "Wheat suffices for it," while others claimed: "Raisins and dried yogurt curds (al-aqiṭ) also suffice."

L11212–11213 They argued using some of these points, such as their statement: "Each person must pay from what they consume and from the staple food of their region's inhabitants." We responded: "This is an invalid claim without evidence. Moreover, you have contradicted it yourselves, for one eats bread rather than grain. Therefore, they have ruled it obligatory to give bread because that is what one consumes and it constitutes the staple of his region's people." If they object: "This differs from what the hadith specifies," we reply: "You have spoken truthfully, and what is excluded are dates and barley." They

[11] **Qur'an references (L11210):** Qur'an 2:43 (Al-Baqarah).

وَقَالَ أَبُو مُحَمَّدٍ وَهَذَا الْخَبَرُ حُجَّةٌ لَنَا عَلَيْهِمْ لِأَنَّ فِيهِ أَمْرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِزَكَاةِ الْفِطْرِ، فَصَارَ أَمْرًا مُفْتَرَضًا ثُمَّ لَمْ يَنْهَ عَنْهُ فَبَقِيَ فَرْضًا كَمَا كَانَ، وَأَمَّا يَوْمُ عَاشُورَاءَ فَلَوْلَا أَنَّهُ - عَلَيْهِ السَّلَامُ - صَحَّ أَنَّهُ قَالَ بَعْدَ ذَلِكَ: «مَنْ شَاءَ صَامَهُ وَمَنْ شَاءَ تَرَكَهُ» لَكَانَ فَرْضُهُ بَاقِيًا، وَلَمْ يَأْتِ مِثْلُ هَذَا الْقَوْلِ فِي زَكَاةِ الْفِطْرِ، فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ، وَقَدْ قَالَ تَعَالَى: {وَأَقِيمُوا الصَّلاةَ وَآتُوا الزَّكَاةَ} [البقرة: ٤٣]

وَقَدْ سَمَّى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةَ الْفِطْرِ: زَكَاةً، فَهِيَ دَاخِلَةٌ فِي أَمْرِ اللَّهِ تَعَالَى بِهَا، وَالدَّلَائِلُ عَلَى هَذَا تَكْثُرُ جِدًّا؟ وَرُوِّينَا عَنْ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَاصِمِ بْنِ سُلَيْمَانَ الْأَحْوَلِ عَنْ مُحَمَّدِ بْنِ مُحَمَّدِ بْنِ سِيرِينَ، وَأَبِي قِلَابَةَ قَالَا جَمِيعًا: زَكَاةُ الْفِطْرِ فَرِيضَةٌ، وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَغَيْرِهِمَا. وَأَجَازَ قَوْمٌ أَشْيَاءَ غَيْرَ مَا أَمَرَ بِهِ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَقَالَ قَوْمٌ: يُجْزِئُ فِيهَا الْقَمْحُ وَقَالَ آخَرُونَ: وَالزَّبِيبُ، وَالْأَقِطُ.

وَاحْتَجُّوا بِأَشْيَاءَ مِنْهَا -: أَنَّهُمْ قَالُوا: إنَّمَا يُخْرِجُ كُلُّ أَحَدٍ مِمَّا يَأْكُلُ وَمِنْ قُوتِ أَهْلِ بَلَدِهِ، فَقُلْنَا: هَذِهِ دَعْوَى بَاطِلٍ بِلَا بُرْهَانٍ، ثُمَّ قَدْ نَقَضْتُمُوهَا لِأَنَّهُ إنَّمَا يَأْكُلُ الْخُبْزَ لَا الْحَبَّ: فَأَوْجَبُوا أَنْ يُعْطِيَ خُبْزًا لِأَنَّهُ هُوَ أَكَلَهُ، وَهُوَ قُوتُ أَهْلِ بَلَدِهِ، فَإِنْ قَالُوا: هُوَ غَيْرُ مَا جَاءَ بِهِ الْخَبَرُ. قُلْنَا: صَدَقْتُمْ، وَكَذَلِكَ مَا عَدَا التَّمْرَ، وَالشَّعِيرَ، وَقَالُوا: إنَّمَا خَصَّ - عَلَيْهِ السَّلَامُ - بِالذِّكْرِ - التَّمْرَ، وَالشَّعِيرَ، لِأَنَّهُمَا كَانَا قُوتَ أَهْلِ الْمَدِينَةِ.

argued: “The Prophet (peace be upon him) specifically singled out dates and barley because they were the staple food of Medina’s inhabitants.”

L11214 Abū Muḥammad said: This is an extremely abominable statement. The first of that is that it constitutes a manifest lie against the Messenger of Allah—peace and blessings be upon him—for this speaker has attributed to him—peace be upon him—what he did not say, and this is profoundly grave. It must be said to him: From where do you derive that the Messenger of Allah—peace and blessings be upon him—intended to mention wheat and raisins but remained silent about them, directing his speech to dates and barley because they are the staple food of the people of Medina? No one knows this except whom he—peace be upon him—informed of it himself, or one to whom revelation was sent concerning it. Moreover, even if this were valid for them, the obligation would only bind the people of Medina exclusively. Additionally, Allah the Exalted knew and informed His Messenger—peace and blessings be upon him—that He would open for them Syria, Iraq, Egypt, and lands beyond the seas. How then could it be permissible to obscure the religion for the people of these lands—to demand from them a ruling he did not mention and bind them through his speech to what does not obligate them from dates and barley? We seek refuge in Allah from such corrupt and confused conjecture. They have cited invalid narrations: among them a report we transmit via the chain of Ismāʿīl ibn Umayyah from al-Ḥārith ibn ʿAbd al-Raḥmān ibn Abī Dhubāb from ʿIyāḍ ibn ʿAbdullāh from Abū Saʿīd al-Khudrī: “The Messenger of Allah—peace and blessings be upon him—ordained the Fiṭr charity as a ṣāʿ of barley, a ṣāʿ of dates, or a ṣāʿ of dried curds.” Yet al-Ḥārith is a weak narrator. Even if this were authentic, would it not mention only dried curds, not the rest of what they permit?[12]

L11215–11216 And through the chain of Ibn Wahb: Kathīr ibn ʿAbdullāh ibn ʿAmr al-Muzanī, from Rubayḥ ibn ʿAbd al-Raḥmān, from Abū Saʿīd al-Khudrī, from the Prophet (peace be upon him), who mentioned “a *ṣāʿ* of dates, a *ṣāʿ* of raisins, a *ṣāʿ* of *aqiṭ*, or a *ṣāʿ* of barley.” Kathīr ibn ʿAbdullāh is

قَالَ أَبُو مُحَمَّد: وَهَذَا قَوْلٌ فَاحِشٌ جِدًّا، أَوَّلُ ذَلِكَ أَنَّهُ كَذِبٌ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَكْشُوفٌ، لِأَنَّ هَذَا الْقَائِلَ قَوَّلَهُ - عَلَيْهِ السَّلَامُ - مَا لَمْ يَقُلْ، وَهَذَا عَظِيمٌ جِدًّا، وَيُقَالُ لَهُ: مِنْ أَيْنَ لَكَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرَادَ أَنْ يَذْكُرَ الْقَمْحَ، وَالزَّبِيبَ، فَسَكَتَ عَنْهُمَا وَقَصَدَ إلَى التَّمْرِ، وَالشَّعِيرِ، أَنَّهُمَا قُوتُ أَهْلِ الْمَدِينَةِ، وَهَذَا لَا يَعْلَمُهُ إلَّا مَنْ أَخْبَرَهُ - عَلَيْهِ السَّلَامُ - بِذَلِكَ عَنْ نَفْسِهِ، أَوْ مَنْ نَزَلَ عَلَيْهِ وَحْيٌ بِذَلِكَ، وَأَيْضًا: فَلَوْ صَحَّ لَهُمْ ذَلِكَ لَكَانَ الْفَرْضُ فِي ذَلِكَ لَا يَلْزَمُ إلَّا أَهْلَ الْمَدِينَةِ فَقَطْ، وَأَيْضًا: فَإِنَّ اللَّهَ تَعَالَى قَدْ عَلِمَ وَأَنْذَرَ بِذَلِكَ رَسُولَهُ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ اللَّهَ تَعَالَى سَيَفْتَحُ لَهُمْ الشَّامَ، وَالْعِرَاقَ، وَمِصْرَ، وَمَا وَرَاءَ الْبِحَارِ، فَكَيْفَ يَجُوزُ أَنْ يَلْبِسَ عَلَى أَهْلِ هَذِهِ الْبِلَادِ دِينَهُمْ؟ فَيُرِيدُ مِنْهُمْ أَمْرًا وَلَا يَذْكُرُهُ لَهُمْ وَيُلْزِمُهُمْ بِكَلَامِهِ مَا لَا يُلْزِمُهُمْ مِنْ التَّمْرِ، وَالشَّعِيرِ؟ وَنَعُوذُ بِاَللَّهِ مِنْ مِثْلِ هَذَا الظَّنِّ الْفَاسِدِ الْمُخْتَلَطِ، وَاحْتَجُّوا بِأَخْبَارٍ فَاسِدَةٍ لَا تَصِحُّ -: مِنْهَا خَبَرٌ رُوِّينَاهُ مِنْ طَرِيقِ إسْمَاعِيلَ بْنِ أُمَيَّةَ عَنْ الْحَارِثِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ أَبِي ذُبَابٍ عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ: «فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَدَقَةَ الْفِطْرِ: صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ أَقِطٍ» وَالْحَارِثُ ضَعِيفٌ، ثُمَّ لَوْ صَحَّ لَمَا كَانَ فِيهِ إلَّا الْأَقِطُ لَا سَائِرَ مَا يُجِيزُونَ؟

وَمِنْ طَرِيقِ ابْنِ وَهْبٍ كَثِيرِ بْنِ عَبْدِ اللَّهِ بْنِ عَمْرٍو الْمُزَنِيِّ عَنْ رُبَيْحِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ «صَاعًا مِنْ تَمْرٍ، أَوْ

[12] **Hadith references (L11214):** Sunan an-Nasai 2511.

rejected; narration from him is impermissible. Even if authentic, it would contain nothing except the *aqiṭ* and raisins.

صَاعًا مِنْ زَبِيبٍ، أَوْ صَاعًا مِنْ أَقِطٍ، أَوْ صَاعًا مِنْ شَعِيرٍ.» وَكَثِيرُ بْنُ عَبْدِ اللَّهِ سَاقِطٌ، لَا تَجُوزُ الرِّوَايَةُ عَنْهُ، ثُمَّ لَوْ صَحَّ لَمْ يَكُنْ فِيهِ إِلَّا الْأَقِطُ، وَالزَّبِيبُ.

L11217 From the chain of Nasr ibn Hammad, from Abu Ma'shar al-Madani, from Nafi', from Ibn 'Umar, from the Prophet (peace and blessings of Allah be upon him), who mentioned "a sa' [a volume measure] of dates, or barley, or wheat," and said: "Make them self-sufficient so they need not go around [seeking help] on this day." This Abu Ma'shar al-Madani is Nujayḥ, a discarded narrator; he transmits forged ḥadīths from Nafi' and others.

وَمِنْ طَرِيقِ نَصْرِ بْنِ حَمَّادٍ عَنْ أَبِي مَعْشَرٍ الْمَدَنِيِّ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَذَكَرَ «صَاعًا مِنْ تَمْرٍ، أَوْ مِنْ شَعِيرٍ، أَوْ مِنْ قَمْحٍ، وَيَقُولُ أَغْنُوهُمْ عَنْ تَطْوَافِ هَذَا الْيَوْمِ» . وَأَبُو مَعْشَرٍ الْمَدَنِيُّ هَذَا نَجِيحٌ مُطَّرَحٌ يُحَدِّثُ بِالْمَوْضُوعَاتِ عَنْ نَافِعٍ وَغَيْرِهِ.

L11218–11220 From the path of Ya'lā, from Ḥammād ibn Zayd, from al-Nu'mān ibn Rashād, from al-Zuhrī, from Tha'labah ibn Abī Ṣu'ayr, from his father, from the Prophet - peace and blessings of Allāh be upon him: "A ṣā' of wheat from every male or female, young or old, rich or poor, free or enslaved." Al-Nu'mān ibn Rāshid is weak, prone to frequent errors. Furthermore, even if it were authentic, Abū Ḥanīfah would have opposed it, because he... It requires only half a *ṣā'* of wheat.

وَمِنْ طَرِيقِ يَعْلَى عَنْ حَمَّادِ بْنِ زَيْدٍ عَنِ النُّعْمَانِ بْنِ رَشَادٍ عَنِ الزُّهْرِيِّ عَنْ ثَعْلَبَةَ بْنِ أَبِي صُعَيْرٍ عَنْ أَبِيهِ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «صَاعًا مِنْ بُرٍّ عَنْ كُلِّ ذَكَرٍ أَوْ أُنْثَى، صَغِيرٍ أَوْ كَبِيرٍ، غَنِيٍّ أَوْ فَقِيرٍ، حُرٍّ أَوْ مَمْلُوكٍ» وَالنُّعْمَانُ بْنُ رَاشِدٍ ضَعِيفٌ كَثِيرُ الْغَلَطِ، ثُمَّ لَوْ صَحَّ لَكَانَ أَبُو حَنِيفَةَ قَدْ خَالَفَهُ، لِأَنَّهُ لَا يُوجِبُ إِلَّا نِصْفَ صَاعٍ مِنْ بُرٍّ.

L11221 From the chain of Hammām ibn Yaḥyā: Bakr ibn Wā'il ibn Dāwūd narrated to us, who narrated to us from Al-Zuhrī, from ʿAbdullāh ibn Thaʿlabah or Thaʿlabah ibn ʿAbdullāh, that the Prophet (peace and blessings of Allah be upon him) instructed regarding Ṣadaqat al-Fiṭr: a ṣāʿ of dates, a ṣāʿ of barley per individual, or a ṣāʿ of wheat to be shared between two.

وَمِنْ طَرِيقِ هَمَّامِ بْنِ يَحْيَى: ثنا بَكْرُ بْنُ وَائِلِ بْنِ دَاوُد ثنا الزُّهْرِيُّ عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ، أَوْ ثَعْلَبَةَ بْنِ عَبْدِ اللَّهِ «عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ أَمَرَ فِي صَدَقَةِ الْفِطْرِ: صَاعَ تَمْرٍ، أَوْ صَاعَ شَعِيرٍ عَلَى كُلِّ وَاحِدٍ، أَوْ صَاعَ قَمْحٍ بَيْنَ اثْنَيْنِ» .

L11222 From Ibn Jurayj from al-Zuhri from ʿAbd Allāh ibn Thaʿlabah from the Prophet—peace and blessings of Allāh be upon him—both chains being mursal; and through the chain of Musaddad from Ḥammād ibn Zayd from al-Nuʿmān ibn Rāshid from al-Zuhri from Thaʿlabah ibn Abī Ṣuʿayr from his father, from the Prophet—peace and blessings of Allāh be upon him—regarding Sadaqat al-Fiṭr: "A ṣāʿ of wheat for every two people."

وَعَنِ ابْنِ جُرَيْجٍ عَنِ الزُّهْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهَذَانِ مُرْسَلَانِ: وَمِنْ طَرِيقِ مُسَدَّدٍ عَنْ حَمَّادِ بْنِ زَيْدٍ عَنِ النُّعْمَانِ بْنِ رَاشِدٍ عَنِ الزُّهْرِيِّ عَنْ ثَعْلَبَةَ بْنِ أَبِي صُعَيْرٍ عَنْ أَبِيهِ «عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي صَدَقَةِ الْفِطْرِ: صَاعٌ مِنْ قَمْحٍ عَلَى كُلِّ اثْنَيْنِ» .

L11223 From the chain of Sulaymān ibn Dāwūd al-ʿAtakī, from Ḥammād ibn Zayd, from al-Nuʿmān ibn Rāshid, from al-Zuhrī, from ʿAbdullāh ibn Thaʿlaba - or

وَمِنْ طَرِيقِ سُلَيْمَانَ بْنِ دَاوُد الْعَتَكِيّ عَنْ حَمَّادِ بْنِ زَيْدٍ عَنْ النُّعْمَانِ بْنِ رَاشِدٍ عَنْ الزُّهْرِيِّ عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ، أَوْ ثَعْلَبَةَ بْنِ عَبْدِ اللَّهِ بْنِ أَبِي صُعَيْرٍ عَنْ أَبِيهِ «عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي صَدَقَةِ الْفِطْرِ: صَاعٌ مِنْ بُرٍّ عَلَى كُلِّ اثْنَيْنِ» . فَحَصَل هَذَا الْحَدِيثُ رَاجِعًا إلَى رَجُلٍ مَجْهُولِ الْحَالِ، مُضْطَرِبٍ عَنْهُ، مُخْتَلَفٍ فِي اسْمِهِ، مَرَّةً: عَبْدُ اللَّهِ بْنُ ثَعْلَبَةَ، وَمَرَّةً: ثَعْلَبَةُ بْنُ عَبْدِ اللَّهِ وَلَا خِلَافَ فِي أَنَّ الزُّهْرِيَّ لَمْ يَلْقَ ثَعْلَبَةَ بْنِ أَبِي صُعَيْرٍ، وَلَيْسَ لِعَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ صُحْبَةٌ.

Tha'laba ibn 'Abdullāh ibn Abī Ṣu'ayr - from his father: "The Prophet - peace and blessings of Allāh be upon him - ruled regarding Zakāt al-Fiṭr: a ṣā' of wheat is obligatory for every two individuals." This ḥadīth traces back to a narrator of unknown reliability, with conflicting reports attributed to him and disagreement about his name - sometimes called 'Abdullāh ibn Tha'laba, other times Tha'laba ibn 'Abdullāh. There is unanimous agreement that al-Zuhrī never met Tha'laba ibn Abī Ṣu'ayr, and that 'Abdullāh ibn Tha'laba was not a Companion.

وَأَحْسَنُ حَدِيثٍ فِي هَذَا الْبَابِ مَا حَدَّثَنَاهُ هَمَّامٌ ثنا عَبَّاسُ بْنُ أَصْبَغَ ثنا مُحَمَّدُ بْنُ عَبْدِ الْمَلِكِ بْنِ أَيْمَنَ ثنا أَحْمَدُ بْنُ زُهَيْرِ بْنِ حَرْبٍ ثنا مُوسَى بْنُ إسْمَاعِيلَ ثنا هَمَّامُ بْنُ يَحْيَى عَنْ بَكْرِ بْنِ وَائِلٍ، أَنَّ الزُّهْرِيَّ حَدَّثَهُ عَنْ عَبْدِ اللَّهِ بْنِ ثَعْلَبَةَ بْنِ أَبِي صُعَيْرٍ عَنْ أَبِيهِ: «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَامَ خَطِيبًا فَأَمَرَ بِصَدَقَةِ الْفِطْرِ، صَاعَ تَمْرٍ، أَوْ صَاعَ شَعِيرٍ عَنْ كُلِّ وَاحِدٍ»

L11224–11226 The best narration in this chapter is what Hammām narrated to us: 'Abbās ibn Aṣbagh narrated to us, Muḥammad ibn 'Abd al-Malik ibn Ayman narrated to us, Aḥmad ibn Zuhayr ibn Ḥarb narrated to us, Mūsā ibn Ismā'īl narrated to us, Hammām ibn Yaḥyā narrated from Bakr ibn Wā'il that al-Zuhrī narrated to him from 'Abdullāh ibn Tha'labah ibn Abī Ṣu'ayr from... From his father: "The Prophet—peace and blessings of Allah be upon him—stood to deliver a sermon and commanded the giving of Sadaqat al-Fitr as one *sa'a* of dates or one *sa'a* of barley for every individual."

وَلَمْ يَذْكُرْ " الْبُرَّ " وَلَا شَيْئًا غَيْرَ التَّمْرِ وَالشَّعِيرِ: وَلَكِنَّا لَا نَحْتَجُّ بِهِ؛ لِأَنَّ عَبْدَ اللَّهِ بْنَ ثَعْلَبَةَ مَجْهُولٌ - ثُمَّ هَذَا كُلُّهُ مُخَالِفٌ لِقَوْلِ مَالِكٍ، وَالشَّافِعِيِّ، وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ أَيُّوبَ عَنْ أَبِي يَزِيدَ الْمَدَنِيِّ «أَعْطَى رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لِمُظَاهِرٍ شَعِيرًا وَقَالَ: أَطْعِمْ هَذَا، فَإِنَّ مُدَّيْنِ مِنْ شَعِيرٍ يَقْضِيَانِ مُدًّا مِنْ قَمْحٍ» وَهَذَا مُرْسَلٌ.

L11227 He did not mention "wheat" nor anything other than dates and barley. However, we do not rely on this, because Abdullah ibn Tha'labah is an unknown narrator. Moreover, all of this contradicts the opinion of Malik and al-Shafi'i. Narrated through Hammad ibn Zayd from Ayyub from Abu Yazid al-Madani: "The Messenger of Allah (peace be upon him) gave barley to a man who had declared dhihar and said: 'Feed this, for two mudds of barley suffice for one mudd of wheat.'" This is a mursal narration.

وَمِنْ طَرِيقِ ابْنِ جَرِيرٍ عَنْ عَمْرِو بْنِ شُعَيْبٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمَّا حَجَّ بَعَثَ صَارِخًا فِي بَطْنِ مَكَّةَ: أَلَا إنَّ زَكَاةَ الْفِطْرِ حَقٌّ وَاجِبٌ عَلَى كُلِّ مُسْلِمٍ مُدَّانِ مِنْ حِنْطَةٍ، أَوْ صَاعٌ مِمَّا سِوَى ذَلِكَ مِنْ الطَّعَامِ» وَهَذَا مُرْسَلٌ.

L11228 And through the chain of Ibn Jarir from Amr ibn Shu'ayb: "When the Messenger of Allah - peace and blessings be upon him - performed Hajj, he sent a caller in the valley of Mecca proclaiming, 'Verily, the Zakat al-Fitr is an obligatory duty upon every Muslim: two mudd of wheat or one sa' of other types of food.'" This is a *mursal* narration.

L11229 From Jābir al-Juʿfī, on the authority of al-Shaʿbī: “During the time of the Messenger of Allah—peace and blessings be upon him—they would give Zakāt al-Fiṭr as a ṣāʿ of dates, a ṣāʿ of barley, or half a ṣāʿ of wheat.” This is a *mursal* narration.

وَعَنْ جَابِرٍ الْجُعْفِيِّ عَنْ الشَّعْبِيِّ «كَانُوا يُخْرِجُونَ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةَ الْفِطْرِ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ أَوْ نِصْفَ صَاعٍ مِنْ بُرٍّ.» وَهَذَا مُرْسَلٌ.

L11230 From the narration of Al-Layth from Abd al-Rahman ibn Khalid ibn Musafir, Uqayl ibn Khalid, and Amr ibn al-Harith. Abd al-Rahman and Uqayl narrated from Al-Zuhri, while Amr narrated from Yazid ibn Abd Allah ibn Qusayt. Then Yazid and Al-Zuhri concurred in narrating from Saʿid ibn al-Musayyab: “The Messenger of Allah—peace and blessings be upon him—prescribed Zakat al-Fitr as two mudds of wheat.” This narration is mursal.

وَمِنْ طَرِيقِ اللَّيْثِ عَنْ عَبْدِ الرَّحْمَنِ بْنِ خَالِدِ بْنِ مُسَافِرٍ، وَعُقَيْلِ بْنِ خَالِدٍ، وَعَمْرِو بْنِ الْحَارِثِ قَالَ عَبْدُ الرَّحْمَنِ، وَعُقَيْلٌ: عَنْ الزُّهْرِيِّ، وَقَالَ عَمْرٌو: عَنْ يَزِيدَ بْنِ عَبْدِ اللَّهِ بْنِ قُسَيْطٍ ثُمَّ اتَّفَقَ يَزِيدُ، وَالزُّهْرِيُّ عَنْ سَعِيدِ بْنِ الْمُسَيِّبِ «فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَدَقَةَ الْفِطْرِ: مُدَّيْنِ حِنْطَةً» وَهَذَا مُرْسَلٌ.

L11231–11232 Similarly—from Ubayd Allah ibn Abdullah ibn Utbah, Al-Qasim ibn Muhammad ibn Abi Bakr, Salim ibn Abdullah ibn Umar, and Abu Salamah ibn Abd al-Rahman ibn Awf (all transmitting from the Messenger of Allah, peace be upon him)—these are Marasil (disconnected narrations).

وَمِثْلُهُ أَيْضًا - عَنْ عُبَيْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُتْبَةَ، وَالْقَاسِمِ بْنِ مُحَمَّدِ بْنِ أَبِي بَكْرٍ، وَسَالِمِ بْنِ عَبْدِ اللَّهِ بْنِ عُمَرَ، وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ، كُلِّهِمْ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَهِيَ مَرَاسِيلُ.

L11233 And narrated through the chain of Humaid, from Al-Hasan, from Ibn Abbas: “The Messenger of Allah (peace and blessings be upon him) prescribed it—that is, the Zakat al-Fitr—as one _sa‘_ of dates, or one _sa‘_ of barley, or half a _sa‘_ of husked wheat.” There is no authentic report of Al-Hasan’s direct hearing from Ibn Abbas.

وَمِنْ طَرِيقِ حُمَيْدٍ عَنْ الْحَسَنِ عَنْ ابْنِ عَبَّاسٍ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَضَهَا - يَعْنِي زَكَاةَ الْفِطْرِ - صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ نِصْفَ صَاعٍ مِنْ بُرٍّ» وَلَا يَصِحُّ لِلْحَسَنِ سَمَاعٌ مِنْ ابْنِ عَبَّاسٍ.

L11234 It has also been narrated through the chain of Abū Hurayrah, Aws ibn al-Ḥārith, and ʿAmr ibn Shuʿayb from his father from his grandfather. All of that is unsound, should not be preoccupied with, and none would act upon it except an ignorant person.

وَرُوِيَ أَيْضًا - مِنْ طَرِيقِ أَبِي هُرَيْرَةَ، وَأَوْسِ بْنِ الْحَارِثِ وَعَمْرِو بْنِ شُعَيْبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ. وَكُلُّ ذَلِكَ لَا يَصِحُّ، وَلَا يَشْتَغِلُ بِهِ، وَلَا يَعْمَلُ بِهِ إلَّا جَاهِلٌ.

L11235 Abū Muḥammad said: This is among the matters wherein each group contradicted their own foundational principles. As for the Shāfiʿīs, they report that al-Shāfiʿī held the *mursal* of Saʿīd ibn al-Musayyib as authoritative, yet they disregarded his *mursal* in this instance. Al-Shāfiʿī stated in the more famous of his two opinions that Zakāt al-Fiṭr is valid only from grains liable to

قَالَ أَبُو مُحَمَّد: وَهَذَا مِمَّا نَقَضَتْ كُلُّ طَائِفَةٍ مِنْهُمْ فِيهِ أَصْلَهَا -: فَأَمَّا الشَّافِعِيُّونَ فَإِنَّهُمْ يَقُولُونَ عَنْ الشَّافِعِيِّ: بِأَنَّ مُرْسَلَ سَعِيدِ بْنِ الْمُسَيِّبِ حُجَّةٌ، وَقَدْ تَرَكُوا هَاهُنَا مُرْسَلَ سَعِيدِ بْنِ الْمُسَيِّبِ: وَقَالَ الشَّافِعِيُّ: فِي أَشْهَرِ قَوْلَيْهِ لَا تُجْزِئُ زَكَاةُ الْفِطْرِ إلَّا مِنْ حَبٍّ

Zakāt, suspended judgment regarding *aqiṭ* (dried curd), but permitted it in another opinion. As for the Mālikīs, while they accept *mursal* reports and equate them with *musnad* (fully-chained narrations), they rejected *mursal* transmissions here that—by their own principles of accepting *mursal* reports—ought to have been admissible, given their abundance, widespread recognition, and transmission through the jurists of Medina.

تَخْرُجُ مِنْهُ الزَّكَاةُ، وَتُوقَفُ فِي الْأَقِطِ، وَأَجَازَهُ مَرَّةً أُخْرَى -: وَأَمَّا الْمَالِكِيُّونَ، فَأَجَازُوا الْمُرْسَلَ وَجَعَلُوهُ كَالْمُسْنَدِ، وَخَالَفُوا هَاهُنَا مِنَ الْمَرَاسِيلِ مَا لَوْ جَازَ قَبُولُ شَيْءٍ مِنْهَا لَجَازَ هَاهُنَا، لِكَثْرَتِهَا وَشُهْرَتِهَا وَمَجِيئِهَا مِنْ طَرِيقِ فُقَهَاءِ الْمَدِينَةِ.

L11236–11237 As for the Ḥanafīs, according to their most renowned narrations from him, they considered raisins equivalent to wheat in that half a *ṣāʿ* suffices. They only permitted dried yogurt by substituting its value and did not sanction anything besides wheat, barley, their flour, their roasted barley meal and roasted wheat meal, dates, and raisins—except through value substitution. This opposes some of these transmitted reports and contradicts all of them regarding the validity of value substitution. The greatest astonishment lies in their consensus that when a report's transmitter abandons it, this constitutes evidence for dismissing the report—as they did with the narration concerning "washing a vessel seven times due to a dog's lapping."

وَأَمَّا الْحَنَفِيُّونَ فَإِنَّهُمْ - فِي أَشْهَرِ رِوَايَاتِهِمْ عَنْهُ - جَعَلَ الزَّبِيبَ كَالْبُرِّ فِي أَنَّهُ يُجْزِئُ مِنْهُ نِصْفُ صَاعٍ، وَلَمْ يُجِزْ الْأَقِطَ إِلَّا بِالْقِيمَةِ، وَلَا أَجَازَ غَيْرَ الْبُرِّ، وَالشَّعِيرِ وَدَقِيقِهِمَا وَسَوِيقِهِمَا، وَالتَّمْرِ، وَالزَّبِيبِ فَقَطْ إِلَّا بِالْقِيمَةِ، وَهَذَا خِلَافٌ لِبَعْضِ هَذِهِ الْآثَارِ وَخِلَافٌ لِجَمِيعِهَا فِي إِجَازَةِ الْقِيمَةِ، وَالْعَجَبُ كُلُّهُ مِنْ إِطْبَاقِهِمْ عَلَى أَنَّ رَاوِيَ الْخَبَرِ إِذَا تَرَكَهُ كَانَ ذَلِكَ دَلِيلًا عَلَى سُقُوطِ الْخَبَرِ، كَمَا فَعَلُوا فِي خَبَرِ «غَسْلِ الْإِنَاءِ مِنْ وُلُوغِ الْكَلْبِ سَبْعًا» .

L11238 Abdullah ibn Rabiʿ narrated to us: Muhammad ibn Muʿawiyah narrated to us: Ahmad ibn Shuʿayb narrated to us: ʿAli ibn Maymun al-Ruqi (from Ruqa) narrated to us from Makhlad ibn al-Husayn, from Hisham ibn Hassan, from Ibn Sirin, from Ibn ʿAbbas, who said: He mentioned Sadaqat al-Fitr and said: "A saʿ of wheat, or a saʿ of dates, or a saʿ of barley, or a saʿ of sult (husked barley)."

وَقَدْ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا عَلِيُّ بْنُ مَيْمُونٍ الرُّقِّيُّ عَنْ مَخْلَدٍ هُوَ ابْنُ الْحُسَيْنِ - عَنْ هِشَامٍ هُوَ ابْنُ حَسَّانَ - عَنْ ابْنِ سِيرِينَ عَنْ ابْنِ عَبَّاسٍ قَالَ: ذَكَرَ فِي صَدَقَةِ الْفِطْرِ فَقَالَ " صَاعٌ مِنْ بُرٍّ، أَوْ صَاعٌ مِنْ تَمْرٍ، أَوْ صَاعٌ مِنْ شَعِيرٍ، أَوْ صَاعٌ مِنْ سُلْتٍ ".

L11239 Ibn Abbas has contradicted what was narrated through the most authentic chain that exists from him, thus obligating them to reject that narration; otherwise, they have undermined their own foundational principle. They cited in this matter a sound ḥadīth which we have narrated through the chain of Mālik from Zayd ibn Aslam from ʿIyāḍ ibn ʿAbdullāh, who heard Abū Saʿīd al-Khudrī state: "We would discharge Zakāt al-Fiṭr as a ṣāʿ of staple food, or a ṣāʿ of barley, or a ṣāʿ of dates, or a ṣāʿ of dried cottage cheese, or a ṣāʿ of raisins."

فَهَذَا ابْنُ عَبَّاسٍ قَدْ خَالَفَ مَا رُوِيَ بِأَصَحِّ إِسْنَادٍ يَكُونُ عَنْهُ فَوَاجِبٌ عَلَيْهِمْ رَدُّ تِلْكَ الرِّوَايَةِ، وَإِلَّا فَقَدْ نَقَضُوا أَصْلَهُمْ. وَذَكَرُوا فِي ذَلِكَ حَدِيثًا صَحِيحًا رُوِّينَاهُ مِنْ طَرِيقِ مَالِكٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ أَنَّهُ سَمِعَ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: " كُنَّا نُخْرِجُ زَكَاةَ الْفِطْرِ، صَاعًا مِنْ طَعَامٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ أَقِطٍ، أَوْ صَاعًا مِنْ زَبِيبٍ "

L11240 Abu Muhammad said: This is unauthenticated, and it also contains conflicting reports in the transmission attributed to Abu Sa'id.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا غَيْرُ مُسْنَدٍ، وَهُوَ أَيْضًا مُضْطَرِبٌ فِيهِ عَلَى أَبِي سَعِيدٍ.

L11241 We have transmitted it via Al-Bukhārī's transmission: Mu'ādh ibn Faḍālah narrated to us [Abū 'Umar narrated to us] from Zayd (who is Ibn Aslam) from 'Iyāḍ ibn 'Abdullāh from Abū Sa'īd al-Khudrī, who said: "During the time of the Messenger of Allah—peace be upon him—we used to give out on the day of Eid al-Fitr a *ṣā'* of food, and our food was: barley, raisins, dried cottage cheese, and dates."

فَرُوِّينَاهُ مِنْ طَرِيقِ الْبُخَارِيِّ: ثنا مُعَاذُ بْنُ فَضَالَةَ [حَدَّثَنَا أَبُو عُمَرَ] عَنْ زَيْدٍ هُوَ ابْنُ أَسْلَمَ - عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ «كُنَّا نُخْرِجُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَوْمَ الْفِطْرِ صَاعًا مِنْ طَعَامٍ، وَكَانَ طَعَامُنَا: الشَّعِيرَ، وَالزَّبِيبَ، وَالْأَقِطَ وَالتَّمْرَ» .

L11242–11244 From the narration of ʿAbd al-Razzāq, from Maʿmar, from Ismāʿīl ibn Umayyah: ʿIyāḍ ibn ʿAbd Allāh informed me that he heard Abū Saʿīd al-Khudrī say: "We used to give Zakāt al-Fiṭr - while the Messenger of Allah (peace be upon him) was among us - from... [text incomplete]" "Every person, whether minor or adult, free or enslaved, is obligated to give one of three types: a *ṣāʿ* of dates, a *ṣāʿ* of dried cottage cheese, or a *ṣāʿ* of barley."[13]

وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ إِسْمَاعِيلَ بْنِ أُمَيَّةَ أَخْبَرَنِي عِيَاضُ بْنُ عَبْدِ اللَّهِ أَنَّهُ سَمِعَ أَبَا سَعِيدٍ الْخُدْرِيَّ يَقُولُ: «كُنَّا نُخْرِجُ زَكَاةَ الْفِطْرِ - وَرَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِينَا عَنْ كُلِّ صَغِيرٍ وَكَبِيرٍ، حُرٍّ وَمَمْلُوكٍ -: مِنْ ثَلَاثَةِ أَصْنَافٍ: صَاعًا مِنْ تَمْرٍ، صَاعًا مِنْ أَقِطٍ، صَاعًا مِنْ شَعِيرٍ.»

L11245 Abu Sa'id said: As for me, I continue to bring it out in that way.

قَالَ أَبُو سَعِيدٍ: فَأَمَّا أَنَا فَلَا أَزَالُ أُخْرِجُهُ كَذَلِكَ.

L11246 And from the narration of Sufyān ibn 'Uyaynah: Ibn 'Ajlān narrated to us, saying: "I heard 'Iyāḍ ibn 'Abdullāh report from Abū Sa'īd al-Khudrī, who said: 'We did not pay as charity during the time of Allah's Messenger (peace and blessings be upon him) except a ṣāʿ measure of dates, a ṣāʿ measure of barley, a ṣāʿ measure of raisins, a ṣāʿ measure of dried curd, a ṣāʿ measure of flour, or a ṣāʿ measure of peeled barley.'" Then Sufyān doubted and said: "Was it flour or peeled barley?"

وَمِنْ طَرِيقِ سُفْيَانَ بْنِ عُيَيْنَةَ: ثنا ابْنُ عَجْلَانَ سَمِعْتُ عِيَاضَ بْنَ عَبْدِ اللَّهِ يُخْبِرُ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ: «لَمْ نُخْرِجْ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِلَّا صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعًا مِنْ زَبِيبٍ، أَوْ صَاعًا مِنْ أَقِطٍ، أَوْ صَاعًا مِنْ دَقِيقٍ، أَوْ صَاعًا مِنْ سُلْتٍ ثُمَّ شَكَّ سُفْيَانُ فَقَالَ: دَقِيقٌ أَوْ سُلْتٌ» .

L11247 And through the chain of al-Layth from Yazid—who is the son of Abī Ḥabīb—from 'Abdullāh ibn 'Abdullāh ibn 'Uthmān, that 'Iyāḍ ibn 'Iyāḍ ibn 'Abdullāh narrated to him that Abū Saʿīd al-Khudrī said: "During the time of Allah's Messenger—peace and blessings be upon him—we would give one *ṣāʿ* of dates, one *ṣāʿ* of barley, or one *ṣāʿ* of dried curd as Zakat al-Fitr, and we would not give anything else." Abū Muḥammad said: "In some of

وَمِنْ طَرِيقِ اللَّيْثِ عَنْ يَزِيدَ هُوَ ابْنُ أَبِي حَبِيبٍ - عَنْ عَبْدِ اللَّهِ بْنِ عَبْدِ اللَّهِ بْنِ عُثْمَانَ أَنَّ عِيَاضَ بْنَ عِيَاضِ بْنِ عَبْدِ اللَّهِ حَدَّثَهُ أَنَّ أَبَا سَعِيدٍ الْخُدْرِيَّ قَالَ «كُنَّا نُخْرِجُ فِي عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعًا مِنْ أَقِطٍ، لَا نُخْرِجُ غَيْرَهُ» يَعْنِي فِي زَكَاةِ الْفِطْرِ، قَالَ أَبُو مُحَمَّدٍ: فَفِي بَعْضِ هَذِهِ الْأَخْبَارِ

[13] **Hadith references (L11242):** Sahih Muslim 985c.

these reports lies a complete invalidation of giving wheat altogether. Others affirm raisins while negating them, and others affirm dried curd entirely. They contain nothing beyond this. Yet they criticize authenticated reports—which are irreproachable—for inconsistencies lesser than this, such as the ḥadīth invalidating the prohibition due to one or two breastfeedings and similar matters."[14]

إِبْطَالُ إِخْرَاجِ " الْبُرِّ " جُمْلَةً، وَفِي بَعْضِهَا إِثْبَاتُ الزَّبِيبِ، وَفِي بَعْضِهَا نَفْيُهُ، وَإِثْبَاتُ الْأَقِطِ جُمْلَةً، وَلَيْسَ فِيهَا شَيْءٌ غَيْرُ ذَلِكَ، وَهُمْ يَعِيبُونَ الْأَخْبَارَ الْمُسْنَدَةَ - الَّتِي لَا مَغْمَزَ فِيهَا - بِأَقَلَّ مِنْ هَذَا الِاضْطِرَابِ، كَحَدِيثِ إِبْطَالِ تَحْرِيمِ الرَّضْعَةِ وَالرَّضْعَتَيْنِ وَغَيْرِ ذَلِكَ.

L11248–11250 Moreover, none of all this constitutes a musnad narration, for none of it indicates that the Messenger of Allah (peace and blessings be upon him) was aware of it and approved it. It is no wonder that most of those who assert regarding the established narration of Jabir—"We used to sell enslaved mothers of children (ummahāt al-awlād) during the time of the Messenger of Allah (peace and blessings be upon him)"—and the established narration of Asmā bint Abī Bakr—"We slaughtered a horse during the time of the Messenger of Allah (peace and blessings be upon him) and ate it"—argue that these two are not musnad, since neither mentions that the Messenger of Allah (peace and blessings be upon him) was aware of it and approved it. Yet this narration of Abū Sa'īd is nevertheless considered musnad despite its internal inconsistency and the contradiction among its transmitters in it. Let every person of intellect declare: Which is more plausible—that the Messenger of Allah (peace and blessings of Allah be upon him) remained unaware of a companion's sale of his umm walad, or of a horse slaughtered in the house of Abu Bakr al-Siddiq or al-Zubair—their two houses adjoining the house of the Messenger of Allah (peace and blessings of Allah be upon him), with the Prophet's daughter present there—considering the esteem of horses among them, their scarcity, and their necessity? Or [is it likelier he was unaware of] a Muslim man's charity among Banu Khudra in Medina's uplands consisting of a sa' of dried yogurt, or a sa' of raisins and a sa' of wheat? Had a horse been slaughtered for food in one quarter of Baghdad, it could not have been concealed in the opposite quarter. Yet if a woman among us or an adjacent neighbor gave a sa' of dried yogurt, or a sa' of raisins and a sa' of wheat as charity, he would scarcely know of it in most instances.

ثُمَّ إِنَّهُ لَيْسَ مِنْ هَذَا كُلِّهِ خَبَرٌ مُسْنَدٌ؛ لِأَنَّهُ لَيْسَ فِي شَيْءٍ مِنْهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلِمَ بِذَلِكَ فَأَقَرَّهُ، وَلَا عَجَبَ أَكْثَرَ مِمَّنْ يَقُولُ فِي خَبَرِ جَابِرٍ الثَّابِتِ: «كُنَّا نَبِيعُ أُمَّهَاتِ الْأَوْلَادِ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -» وَحَدِيثُ أَسْمَاءَ بِنْتِ أَبِي بَكْرٍ الثَّابِتُ «ذَبَحْنَا عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَسًا فَأَكَلْنَاهُ» أَنَّ هَذَانِ لَيْسَا مُسْنَدَيْنِ " لِأَنَّهُ لَيْسَ فِيهِمَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلِمَ بِذَلِكَ فَأَقَرَّهُ، ثُمَّ يَجْعَلُ حَدِيثَ أَبِي سَعِيدٍ هَذَا مُسْنَدًا عَلَى اضْطِرَابِهِ وَتَعَارُضِ رُوَاتِهِ فِيهِ فَلْيَقُلْ كُلُّ ذِي عَقْلٍ: أَيُّمَا أَوْلَى أَنْ يَكُونَ لَا يَخْفَى عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَيْعُ رَجُلٍ مِنْ أَصْحَابِهِ أُمَّ وَلَدِهِ، أَوْ ذَبْحُ فَرَسٍ فِي بَيْتِ أَبِي بَكْرٍ الصِّدِّيقِ أَوْ بَيْتِ الزُّبَيْرِ، وَبَيْتَاهُمَا مُطْنِبَانِ بِبَيْتِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَابْنَتُهُ عِنْدَهُ، عَلَى عِزَّةِ الْخَيْلِ عِنْدَهُمْ وَقِلَّتِهَا وَحَاجَتِهِمْ إِلَيْهَا، أَمْ صَدَقَةُ رَجُلٍ مِنْ الْمُسْلِمِينَ فِي بَنِي خُدْرَةَ فِي عَوَالِي الْمَدِينَةِ بِصَاعٍ أَقِطٍ، أَوْ صَاعِ زَبِيبٍ، وَلَوْ ذُبِحَ فَرَسٌ لِلْأَكْلِ فِي جَانِبٍ مِنْ جَوَانِبِ بَغْدَادَ مَا كَانَ يُمْكِنُ أَنْ يَخْفَى فِي الْجَانِبِ الْآخَرِ، وَلَوْ تَصَدَّقَتْ امْرَأَةٌ أَحَدُنَا أَوْ جَارُهُ الْمُلَاصِقُ بِصَاعِ أَقِطٍ، أَوْ صَاعِ زَبِيبٍ وَصَاعِ قَمْحٍ، مَا كَادَ هُوَ يَعْلَمُهُ فِي الْأَغْلَبِ؛ فَاعْجَبُوا لِعَكْسِ هَؤُلَاءِ الْقَوْمِ الْحَقَائِقَ، ثُمَّ إِنَّ هَذِهِ الطَّوَائِفَ الثَّلَاثَةَ مُخَالِفَةٌ لِمَا فِي هَذَا الْخَبَرِ.

[14] **Hadith references (L11247):** Sunan an-Nasai 2518.

Marvel, then, at how these people have inverted realities! Furthermore, these three groups contradict what is stated in this report.

L11251 As for Abū Ḥanīfa, the most well-known of his opinions is that half a *sa‘* of raisins suffices and that dried yogurt is not valid except by its monetary value.

أَمَّا أَبُو حَنِيفَةَ فَأَشْهَرُ أَقْوَالِهِ أَنَّ نِصْفَ صَاعِ زَبِيبٍ يُجْزِئُ وَأَنَّ الْأَقِطَ لَا يُجْزِئُ إِلَّا بِالْقِيمَةِ.

L11252 As for Al-Shafi‘i, the most well-known of his opinions is that dried curd is not valid [as Zakāt]. Yet he permitted paying Zakāt with items these narrations prohibit—including from what was not specified in them, such as corn and others.

وَأَمَّا الشَّافِعِيُّ فَأَشْهَرُ أَقْوَالِهِ أَنَّ الْأَقِطَ لَا يُجْزِئُ، وَأَجَازَ إِخْرَاجَ مَا مَنَعَتْ هَذِهِ الْأَخْبَارُ مِنْ إِخْرَاجِهِ، مِمَّا لَمْ يَذْكُرْ فِيهَا مِنَ الذُّرَةِ وَغَيْرِ ذَلِكَ.

L11253 As for the Mālikīs and Shāfi‘īs, they opposed it entirely, for they do not permit giving any of the items mentioned in this report except to one whose staple food it is. The report of Abū Sa‘īd is undisputed as establishing optionality. Yet all of them permit giving what these reports prohibit. Who is more misguided than one who invokes as proof that which he himself is the foremost to contradict? This is not an act of God-consciousness, nor of righteousness, nor of sincere counsel for those Muslims who allowed themselves to be deceived by them.

وَأَمَّا الْمَالِكِيُّونَ، وَالشَّافِعِيُّونَ فَخَالَفُوهَا جُمْلَةً، لِأَنَّهُمْ لَا يُجِيزُونَ إِخْرَاجَ شَيْءٍ مِنْ هَذِهِ الْمَذْكُورَاتِ فِي هَذَا الْخَبَرِ إِلَّا لِمَنْ كَانَتْ قُوتَهُ، وَخَبَرُ أَبِي سَعِيدٍ لَا يُخْتَلَفُ فِيهِ أَنَّهُ عَلَى التَّخْيِيرِ، وَكُلُّهُمْ يُجِيزُ إِخْرَاجَ مَا مَنَعَتْ هَذِهِ الْأَخْبَارُ مِنْ إِخْرَاجِهِ، فَمَنْ أَضَلُّ مِمَّنْ يَحْتَجُّ بِمَا هُوَ أَوَّلُ مُخَالِفٍ لَهُ مَا هَذَا مِنَ التَّقْوَى، وَلَا مِنَ الْبِرِّ، وَلَا مِنَ النُّصْحِ لِمَنْ أَغْتَرَّ بِهِمْ مِنَ الْمُسْلِمِينَ.

L11254–11256 As for us—by Allah—if anything from all the reports we mentioned were soundly supported, we would hasten to act upon it without hesitation. But none of them—not even one—has a sound chain of transmission, rendering it impermissible to adopt them in Allah's religion. Some of them said: "We only affirmed the permissibility of wheat due to its widespread acceptance among scholars." Yet the steed of certain individuals bolted recklessly, falsely claiming consensus on the matter through audacity and ignorance. They cited what we have narrated through Abd al-Razzaq's chain from Ma'mar, from Ayyub al-Sakhtiyani, from Nafi. From Ibn ‘Umar: "The Messenger of Allah—peace be upon him—obligated Zakāt al-Fiṭr upon every male and female, free or enslaved: a ṣā‘ of dates or a ṣā‘ of barley." Ibn ‘Umar said: "Thereafter, the people equated it to two _mudds_ of wheat."

وَأَمَّا نَحْنُ فَوَاللَّهِ لَوْ انْسَنَدَ صَحِيحًا شَيْءٌ مِنْ كُلِّ مَا ذَكَرْنَا مِنَ الْأَخْبَارِ لَبَادَرْنَا إِلَى الْأَخْذِ بِهِ، وَمَا تَوَقَّفْنَا عِنْدَ ذَلِكَ، لَكِنَّهُ لَيْسَ مِنْهَا مُسْنَدٌ صَحِيحٌ وَلَا وَاحِدٌ، فَلَا يَحِلُّ الْأَخْذُ بِهَا فِي دِينِ اللَّهِ تَعَالَى، وَقَالَ بَعْضُهُمْ: إِنَّمَا قُلْنَا بِجَوَازِ الْقَمْحِ لِكَثْرَةِ الْقَائِلِينَ بِهِ، وَجَمَحَ فَرَسُ بَعْضِهِمْ فَادَّعَى الْإِجْمَاعَ فِي ذَلِكَ جُرْأَةً وَجَهْلًا، فَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنِ ابْنِ عُمَرَ «فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةَ الْفِطْرِ عَلَى الذَّكَرِ، وَالْأُنْثَى، وَالْحُرِّ، وَالْعَبْدِ: صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ. قَالَ ابْنُ عُمَرَ: فَعَدَلَهُ النَّاسُ بَعْدُ: مُدَّيْنِ مِنْ قَمْحٍ» .

L11257 And through the chain of Ḥammād ibn Zayd from Ayyūb al-Sakhtiyānī

from Nāfiʿ from Ibn ʿUmar: “Afterwards, the people equated it to half a ṣāʿ of wheat.”

وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ «فَعَدَلَ النَّاسُ بَعْدُ نِصْفَ صَاعٍ مِنْ بُرٍّ»

L11258 Ibn Umar used to give dates. When the people of Medina lacked dates for a year, so he gave barley.

وَكَانَ ابْنُ عُمَرَ يُعْطِي التَّمْرَ، فَأَعْوَزَ أَهْلُ الْمَدِينَةِ التَّمْرَ عَامًا فَأَعْطَى الشَّعِيرَ “.

L11259 Abū Muḥammad said: If Ibn ʿUmar had regarded the people’s actions as binding evidence, he would not have permitted opposing him. Allah the Exalted has said: Truly, the people have gathered against you [Āl ʿImrān: 173].[15]

قَالَ أَبُو مُحَمَّد: لَوْ كَانَ فِعْلُ النَّاسِ حُجَّةً عِنْدَ ابْنِ عُمَرَ مَا اسْتَجَازَ خِلَافَهُ، وَقَدْ قَالَ اللَّهُ تَعَالَى: {إِنَّ النَّاسَ قَدْ جَمَعُوا لَكُمْ} [آل عمران: ١٧٣] .

L11260 No proof can be levied against the Messenger of Allah (peace and blessings of Allah be upon him) from the people, but he is a proof over the people and over the jinn governing them. We draw near to Allah the Exalted by opposing the people whom Ibn ʿUmar opposed in drawing near to Him. They cited what we have narrated through the chain of Ḥusayn from Zāʾidah, who narrated from ʿAbd al-ʿAzīz ibn Abī Rawwād from Nāfiʿ from Ibn ʿUmar: “In the time of the Messenger of Allah (peace and blessings of Allah be upon him), the people would give Zakāt al-Fiṭr as a ṣāʿ of barley, dates, raisins, or hulled barley.” Abū Muḥammad said: This lacks a connected chain, for it does not state that the Messenger of Allah (peace and blessings of Allah be upon him) knew of this and approved it. Even if their opposition to him were transmitted with a chain and authenticated, it would be like their opposition to Saʿīd which we mentioned. Their exaggerated concern is invalidated by the phrase ’the people would give’—contrary to Ibn ʿUmar’s report about them, exactly as in Abū Saʿīd’s narration, without difference. Moreover, the narrator of this report, ʿAbd al-ʿAzīz ibn Abī Rawwād, is weak in reliability and rejected in narration.

وَلَا حُجَّةَ عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالنَّاسِ، لَكِنَّهُ حُجَّةٌ عَلَى النَّاسِ وَعَلَى الْجِنِّ مَعَهُمْ، وَنَحْنُ نَتَقَرَّبُ إلَى اللَّهِ تَعَالَى بِخِلَافِ النَّاسِ الَّذِينَ تَقَرَّبَ ابْنُ عُمَرَ إلَيْهِ بِخِلَافِهِمْ، وَذَكَرُوا مَا رُوِّينَاهُ مِنْ طَرِيقِ حُسَيْنٍ عَنْ زَائِدَةَ ثنا عَبْدُ الْعَزِيزِ بْنُ أَبِي رُوَادٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ «كَانَ النَّاسُ يُخْرِجُونَ صَدَقَةَ الْفِطْرِ فِي عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَاعًا مِنْ شَعِيرٍ، أَوْ تَمْرٍ، أَوْ زَبِيبٍ، أَوْ سُلْتٍ» قَالَ أَبُو مُحَمَّد: هَذَا لَا يَنْسَنِدُ، لِأَنَّهُ لَيْسَ فِيهِ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلِمَ ذَلِكَ وَأَقَرَّهُ، ثُمَّ خِلَافُهُمْ لَهُ - لَوْ أُسْنِدَ وَصَحَّ - كَخِلَافِهِمْ لِسَعِيدٍ الَّذِي ذَكَرْنَا، وَإِبْطَالُ تَهْوِيلِهِمْ بِمَا فِيهِ مِنْ “ كَانَ النَّاسُ يُخْرِجُونَ ” بِخِلَافِ ابْنِ عُمَرَ الْمُخْبِرِ عَنْهُمْ كَمَا فِي خَبَرِ أَبِي سَعِيدٍ سَوَاءً سَوَاءً، وَأَيْضًا - فَإِنَّ رَاوِيَ هَذَا الْخَبَرِ عَبْدُ الْعَزِيزِ بْنُ أَبِي رُوَادٍ، وَهُوَ ضَعِيفٌ مُنْكَرُ الْحَدِيثِ.

L11261–11262 Muhammad ibn Saʿīd ibn Nabāt narrated to us; ʿAbdullāh ibn Naṣr narrated to us; Qāsim ibn Aṣbagh narrated to us; Ibn Waḍḍāḥ narrated to us; Mūsā ibn Muʿāwiyah narrated to us; Wakīʿ narrated to us, from ʿImrān ibn Ḥudayr, from Abū Mijlaz, who said: I said to Ibn ʿUmar, “Allah has granted ample

حَدَّثَنَا مُحَمَّدُ بْنُ سَعِيدِ بْنِ نَبَاتٍ ثنا عَبْدُ اللَّهِ بْنُ نَصْرٍ ثنا قَاسِمُ بْنُ أَصْبَغَ ثنا ابْنُ وَضَّاحٍ ثنا مُوسَى بْنُ مُعَاوِيَةَ ثنا وَكِيعٌ عَنْ عِمْرَانَ بْنِ حُدَيْرٍ عَنْ أَبِي مِجْلَزٍ قَالَ قُلْت لِابْنِ عُمَرَ:

[15] **Qur’an references (L11259):** Qur’an 3:173 (Ali ’Imran).

provision, and wheat is superior to dates" – meaning concerning Sadaqat al-Fiṭr – so Ibn ʿUmar replied: "My companions followed a path, and I desire to follow it."

إِنَّ اللَّهَ قَدْ أَوْسَعَ، وَالْبُرُّ أَفْضَلُ مِنْ التَّمْرِ - يَعْنِي فِي صَدَقَةِ الْفِطْرِ - فَقَالَ ابْنُ عُمَرَ: إِنَّ أَصْحَابِي سَلَكُوا طَرِيقًا فَأَنَا أُحِبُّ أَنْ أَسْلُكَهُ.

L11263 Abu Muhammad said: Now, this Ibn Umar—we have mentioned that he would only give dates or barley and would not give wheat. When he was questioned about this, he explained that in this practice he followed the way of his companions. Such are those whose disagreement causes unease, for they are the Companions—may Allah be pleased with them—following the soundest way. Verily, they would claim consensus on the basis of less than this when they found it.

قَالَ أَبُو مُحَمَّد: فَهَذَا ابْنُ عُمَرَ قَدْ ذَكَرْنَا أَنَّهُ كَانَ لَا يُخْرِجُ إلَّا التَّمْرَ، أَوْ الشَّعِيرَ، وَلَا يُخْرِجُ الْبُرَّ، وَقِيلَ لَهُ فِي ذَلِكَ، فَأَخْبَرَ أَنَّهُ فِي عَمَلِهِ ذَلِكَ عَلَى طَرِيقِ أَصْحَابِهِ، فَهَؤُلَاءِ هُمْ النَّاسُ الَّذِينَ يُسْتَوْحَشُ مِنْ خِلَافِهِمْ وَهُمْ الصَّحَابَةُ - رَضِيَ اللَّهُ عَنْهُمْ -، بِأَصَحِّ طَرِيقٍ، وَإِنَّهُمْ لَيَدَّعُونَ الْإِجْمَاعَ بِأَقَلَّ مِنْ هَذَا إذَا وَجَدُوهُ.

L11264 On the authority of Aflah ibn Humaid: Al-Qasim ibn Muhammad ibn Abi Bakr al-Siddiq would discharge the Zakat al-Fitr as a *sa'* of dates.

وَعَنْ أَفْلَحَ بْنِ حُمَيْدٍ: كَانَ الْقَاسِمُ بْنُ مُحَمَّدِ بْنِ أَبِي بَكْرٍ الصِّدِّيقِ يُخْرِجُ زَكَاةَ الْفِطْرِ صَاعًا مِنْ تَمْرٍ.

L11265 From the narration of Hisham ibn Urwah from his father: When the day of Fitr arrived, he would send a sa' of dates as sadaqah for each member of his household. From the narration of Ibn Abi Shaybah: Hammad ibn Mas'adah narrated to us from Khalid ibn Abi Bakr, who said: Salim ibn Abdullah would only give out dates – meaning as sadaqat al-Fitr.

وَمِنْ طَرِيقِ هِشَامِ بْنِ عُرْوَةَ عَنْ أَبِيهِ: أَنَّهُ كَانَ إذَا كَانَ يَوْمُ الْفِطْرِ أَرْسَلَ صَدَقَةَ كُلِّ إنْسَانٍ مِنْ أَهْلِهِ صَاعًا مِنْ تَمْرٍ، وَمِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا حَمَّادُ بْنُ مَسْعَدَةَ عَنْ خَالِدِ بْنِ أَبِي بَكْرٍ قَالَ: كَانَ سَالِمُ بْنُ عَبْدِ اللَّهِ لَا يُخْرِجُ إلَّا تَمْرًا " يَعْنِي فِي صَدَقَةِ الْفِطْرِ.

L11266 These individuals—Ibn Umar, Al-Qāsim, Sālim, and Urwah—only give dates as Sadaqat al-Fiṭr, though it is undisputed that their staple food is wheat, and their wealth would indeed suffice to give the value of a ṣāʿ [of wheat] in dirhams for themselves without diminishing their possessions. May Allah be pleased with them. If it is objected: "Are they not from the people of Medina?" We respond: The Messenger of Allah—peace and blessings be upon him—did not restrict the ruling of Sadaqat al-Fiṭr to the people of Medina to the exclusion of the people of China, nor did he direct it exclusively to the people of Medina while excluding others.

فَهَؤُلَاءِ: ابْنُ عُمَرَ، وَالْقَاسِمُ، وَسَالِمٌ، وَعُرْوَةُ: لَا يُخْرِجُونَ فِي صَدَقَةِ الْفِطْرِ إلَّا التَّمْرَ، وَهُمْ يَقْتَاتُونَ الْبُرَّ بِلَا خِلَافٍ، وَإِنَّ أَمْوَالَهُمْ لَتَسَعُ إلَى إخْرَاجِ صَاعِ دَرَاهِمَ عَنْ أَنْفُسِهِمْ، وَلَا يُؤَثِّرُ ذَلِكَ فِي أَمْوَالِهِمْ. - رَضِيَ اللَّهُ عَنْهُمْ - فَإِنْ قِيلَ: هُمْ مِنْ أَهْلِ الْمَدِينَةِ؟ قُلْنَا: مَا خَصَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِحُكْمِ صَدَقَةِ الْفِطْرِ أَهْلَ الْمَدِينَةِ مِنْ أَهْلِ الصِّينِ، وَلَا بَعَثَ إلَى أَهْلِ الْمَدِينَةِ دُونَ غَيْرِهِمْ.

L11267–11269 It is utterly astonishing that Mālik permitted discharging zakāh with sorghum, millet, and rice for those whose staple food these are—though none are mentioned in the narrations whatsoever—while prohibiting flour because it is absent from the narrations. He forbade legumes even if they

وَالْعَجَبُ كُلُّ الْعَجَبِ مِنْ إجَازَةِ مَالِكٍ إخْرَاجَ الذُّرَةِ، وَالدُّخْنِ، وَالْأُرْزِ لِمَنْ كَانَ ذَلِكَ قُوتَهُ، وَلَيْسَ شَيْءٌ مِنْ ذَلِكَ مَذْكُورًا فِي شَيْءٍ مِنْ الْأَخْبَارِ أَصْلًا، وَمَنَعَ مِنْ إخْرَاجِ

were the payer's staple, and prohibited figs and olives despite their being staples. This is contradictory, opposes the narrations, reflects flawed analogy, and invalidates their own reasoning—for they asserted wheat's superiority over barley without justification. That flour, bread (from wheat), and sugar are superior to wheat, as they are less costly and provide quicker benefits. At times, [jurists] permit what is not mentioned in the narrated texts, and at times, they prohibit what is not mentioned in them. And success is from Allah, the Most High.

الدَّقِيقِ لِأَنَّهُ لَمْ يُذْكَرْ فِي الْأَخْبَارِ، وَمَنَعَ مِنْ إخْرَاجِ الْقَطَانِيِّ وَإِنْ كَانَتْ قُوتَ الْمُخْرِجِ، وَمَنَعَ مِنْ التِّينِ، وَالزَّيْتُونِ، وَإِنْ كَانَا قُوتَ الْمُخْرِجِ، وَهَذَا تَنَاقُضٌ، وَخِلَافٌ لِلْأَخْبَارِ، وَتَخَاذُلٌ فِي الْقِيَاسِ، وَإِبْطَالُهُمْ لِتَعْلِيلِهِمْ بِأَنَّ الْبُرَّ أَفْضَلُ مِنْ الشَّعِيرِ، وَلَا شَكَّ فِي أَنَّ الدَّقِيقَ وَالْخُبْزَ مِنْ الْبُرِّ وَالسُّكَّرُ أَفْضَلُ مِنْ الْبُرِّ وَأَقَلُّ مُؤْنَةً وَأَعْجَلُ نَفْعًا، فَمَرَّةً يُجِيزُونَ مَا لَيْسَ فِي الْخَبَرِ، وَمَرَّةً يَمْنَعُونَ مِمَّا لَيْسَ فِي الْخَبَرِ، وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11270 The same ruling applies to the Shāfiʿīs, with no distinction.

وَهَكَذَا الْقَوْلُ فِي الشَّافِعِيِّينَ وَلَا فَرْقَ.

L11271 Abu Muhammad said: The Hanafi scholars clamored using narrations—of which, Allah willing, we will mention a selection—:

قَالَ أَبُو مُحَمَّدٍ: وَشَغِبَ الْحَنَفِيُّونَ بِأَخْبَارٍ نَذْكُرُ مِنْهَا طَرَفًا إنْ شَاءَ اللَّهُ تَعَالَى -:

L11272 Among them is a report - we narrated it through the path of Sufyān and Shuʿbah, both of whom narrated from ʿĀṣim ibn Sulaymān al-Aḥwal who heard Abū Qilābah say: "One who delivered to Abū Bakr al-Ṣiddīq half a ṣāʿ of burr wheat as Zakāt al-Fiṭr narrated to me."

مِنْهَا خَبَرٌ - رُوِّينَاهُ مِنْ طَرِيقِ سُفْيَانَ، وَشُعْبَةَ، كِلَاهُمَا عَنْ عَاصِمِ بْنِ سُلَيْمَانَ الْأَحْوَلِ سَمِعَ أَبَا قِلَابَةَ قَالَ: حَدَّثَنِي مَنْ أَدَّى إلَى أَبِي بَكْرٍ الصِّدِّيقِ نِصْفَ صَاعٍ بُرٍّ فِي صَدَقَةِ الْفِطْرِ.

L11273 From the narration of al-Ḥusayn ibn ʿAlī al-Juʿfī, from Zāʾida, from ʿAbd al-ʿAzīz ibn Abī Ruwād, from Nāfiʿ, from Ibn ʿUmar, who said: "During the time of the Messenger of Allah—peace be upon him—people would give the *ṣadaqat al-fiṭr* as one *ṣāʿ* of barley, dates, hulled barley, or raisins." Ibn ʿUmar added: "When ʿUmar was in authority and wheat became plentiful, he instituted half a *ṣāʿ* of wheat in place of a *ṣāʿ* of those items."

وَمِنْ طَرِيقِ الْحُسَيْنِ بْنِ عَلِيٍّ الْجُعْفِيِّ عَنْ زَائِدَةَ عَنْ عَبْدِ الْعَزِيزِ بْنِ أَبِي رُوَادٍ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ: «كَانَ النَّاسُ يُخْرِجُونَ صَدَقَةَ الْفِطْرِ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَاعًا مِنْ شَعِيرٍ، أَوْ تَمْرٍ، أَوْ سُلْتٍ، أَوْ زَبِيبٍ. قَالَ ابْنُ عُمَرَ: فَلَمَّا كَانَ عُمَرُ وَكَثُرَتْ الْحِنْطَةُ جَعَلَ عُمَرُ نِصْفَ صَاعِ حِنْطَةٍ مَكَانَ صَاعٍ مِنْ تِلْكَ الْأَشْيَاءِ» .

L11274 And through the chain of Hammad ibn Zayd from Khalid al-Hadhdha' from Abi Qilabah from Abi al-Ash'ath, that he heard Uthman ibn Affan—may Allah be pleased with him—while delivering a sermon, saying concerning Sadaqat al-Fitr: a *sa'* of dates, or a *sa'* of barley, or half a *sa'* of *burr* (wheat).

وَمِنْ طَرِيقِ حَمَّادِ بْنِ زَيْدٍ عَنْ خَالِدٍ الْحَذَّاءِ عَنْ أَبِي قِلَابَةَ عَنْ أَبِي الْأَشْعَثِ أَنَّهُ سَمِعَ عُثْمَانَ بْنَ عَفَّانَ - رَضِيَ اللَّهُ عَنْهُ - وَهُوَ يَخْطُبُ، فَقَالَ: فِي صَدَقَةِ الْفِطْرِ: صَاعٌ مِنْ تَمْرٍ، أَوْ صَاعٌ مِنْ شَعِيرٍ، أَوْ نِصْفُ صَاعٍ مِنْ بُرٍّ.

L11275 And via Wakiʿ from Sufyan al-Thawri, from ʿAbd al-Aʿlā, from Abu ʿAbd

al-Rahman al-Sulami, from Ali ibn Abi Talib that he said: A saʿ of dates, a saʿ of barley, or half a saʿ of wheat.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ عَبْدِ الْأَعْلَى عَنْ أَبِي عَبْدِ الرَّحْمَنِ السُّلَمِيِّ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ قَالَ: صَاعٌ مِنْ تَمْرٍ، أَوْ صَاعٌ مِنْ شَعِيرٍ، أَوْ نِصْفُ صَاعٍ مِنْ بُرٍّ.

L11276 From the narration of Jarīr from Manṣūr from Ibrāhīm from al-Aswad from ʿĀ'ishah, the Mother of the Believers, who said: "People used to give half a *ṣāʿ* as the Zakat of Ramadan. However, since Allah the Exalted has granted people abundance, I believe one should give a *ṣāʿ* as Zakat al-Fitr."

وَمِنْ طَرِيقِ جَرِيرٍ عَنْ مَنْصُورٍ عَنْ إِبْرَاهِيمَ عَنْ الْأَسْوَدِ عَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ قَالَتْ " كَانَ النَّاسُ يُعْطُونَ زَكَاةَ رَمَضَانَ نِصْفَ صَاعٍ، فَأَمَّا إِذْ أَوْسَعَ اللَّهُ تَعَالَى عَلَى النَّاسِ فَإِنِّي أَرَى أَنْ يَتَصَدَّقَ بِصَاعٍ ".

L11277–11279 And through the chain of transmission narrated by Waki', from Hishām ibn ʿUrwah, from Fāṭimah bint al-Mundhir: Asmāʾ bint Abī Bakr al-Ṣiddīq was [...]. One gives Sadaqat al-Fitr—for one's dependents—a ṣāʿ of dates, barley, or half a ṣāʿ of wheat. Through the narration of Ibn Jurayj: Abū l-Zubayr informed me that he heard Jābir ibn ʿAbd Allāh say: Sadaqat al-Fitr is incumbent upon every Muslim as two mudds of wheat, or a ṣāʿ of dates or barley.

وَمِنْ طَرِيقِ وَكِيعٍ عَنْ هِشَامِ بْنِ عُرْوَةَ عَنْ فَاطِمَةَ بِنْتِ الْمُنْذِرِ: كَانَتْ أَسْمَاءُ بِنْتُ أَبِي بَكْرٍ الصِّدِّيقِ تُعْطِي زَكَاةَ الْفِطْرِ - عَمَّنْ تَمُونَ - صَاعًا مِنْ تَمْرٍ، صَاعًا مِنْ شَعِيرٍ، أَوْ نِصْفَ صَاعٍ مِنْ بُرٍّ، وَمِنْ طَرِيقِ ابْنِ جُرَيْجٍ: أَخْبَرَنِي أَبُو الزُّبَيْرِ أَنَّهُ سَمِعَ جَابِرَ بْنَ عَبْدِ اللَّهِ يَقُولُ: صَدَقَةُ الْفِطْرِ عَلَى كُلِّ مُسْلِمٍ مُدَّانِ مِنْ قَمْحٍ، أَوْ صَاعٍ مِنْ تَمْرٍ أَوْ شَعِيرٍ.

L11280 From the narration of Maʿmar from al-Zuhri from ʿAbd al-Rahman from Abu Hurairah, who said: Zakat al-Fitr is due upon every person, poor and rich, as one saʿ of dates or half a saʿ of wheat.

وَمِنْ طَرِيقِ مَعْمَرٍ عَنْ الزُّهْرِيِّ عَنْ عَبْدِ الرَّحْمَنِ عَنْ أَبِي هُرَيْرَةَ قَالَ: زَكَاةُ الْفِطْرِ عَلَى كُلِّ فَقِيرٍ وَغَنِيٍّ صَاعٌ مِنْ تَمْرٍ، أَوْ نِصْفُ صَاعٍ مِنْ قَمْحٍ.

L11281 From Ibn Jurayj: ʿAmr ibn Dīnār informed me that he heard Ibn al-Zubayr proclaiming upon the pulpit: The *zakāh al-fiṭr* is two mudd of wheat, a ṣāʿ of barley, or dates.

وَعَنْ ابْنِ جُرَيْجٍ: أَخْبَرَنِي عَمْرُو بْنُ دِينَارٍ أَنَّهُ سَمِعَ ابْنَ الزُّبَيْرِ يَقُولُ عَلَى الْمِنْبَرِ: زَكَاةُ الْفِطْرِ مُدَّانِ مِنْ قَمْحٍ، أَوْ صَاعٌ مِنْ شَعِيرٍ، أَوْ تَمْرٍ.

L11282 ʿAmr ibn Dīnār said: "This also came to me from Ibn ʿAbbās."

قَالَ عَمْرُو بْنُ دِينَارٍ: وَبَلَغَنِي هَذَا أَيْضًا عَنْ ابْنِ عَبَّاسٍ.

L11283 From the transmission of ʿAbd al-Karīm Abū Umayyah, from Ibrāhīm al-Nakhaʿī, from ʿAlqamah, and from al-Aswad—both narrating from ʿAbd Allāh ibn Masʿūd—who said: Two mudd measures of wheat, or a saʿ of dates, or a saʿ of barley—this being in reference to Sadaqat al-Fitr.

وَمِنْ طَرِيقِ عَبْدِ الْكَرِيمِ أَبِي أُمَيَّةَ عَنْ إِبْرَاهِيمَ النَّخَعِيِّ عَنْ عَلْقَمَةَ. وَالْأَسْوَدِ عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ قَالَ: مُدَّانِ مِنْ قَمْحٍ، أَوْ صَاعٍ مِنْ تَمْرٍ، أَوْ شَعِيرٍ - يَعْنِي فِي صَدَقَةِ الْفِطْرِ.

L11284 From the transmission of Muslim ibn al-Hajjaj: Abdullah ibn Maslamah ibn Qaʿnab narrated to us, Dawud—meaning ibn Qays—narrated to us, from

Iyad ibn Abdullah, from Abu Saʿid al-Khudri, who said: “We used to give Zakat al-Fitr—when the Messenger of Allah, peace and blessings be upon him, was among us—as a saʿ of dried curd, a saʿ of food, or a saʿ of raisins. We continued to give that until Muʿawiyah came as a pilgrim performing Hajj or Umrah. He addressed the people from the pulpit and said: ’I deem that two mudds of Syrian white wheat are equivalent to a saʿ of dates.’ So the people adopted that. Abu Saʿid said: ’As for me, I will never give it in any way other than as I used to, as long as I live.’”

وَمِنْ طَرِيقِ مُسْلِمِ بْنِ الْحَجَّاجِ: ثنا عَبْدُ اللَّهِ بْنُ مَسْلَمَةَ بْنِ قَعْنَبَ ثنا دَاوُد يَعْنِي ابْنَ قَيْسٍ - عَنْ عِيَاضِ بْنِ عَبْدِ اللَّهِ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ «كُنَّا نُخْرِجُ - إِذْ كَانَ فِينَا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةَ الْفِطْرِ صَاعًا مِنْ أَقِطٍ، أَوْ صَاعًا مِنْ طَعَامٍ، أَوْ صَاعًا مِنْ زَبِيبٍ، فَلَمْ نَزَلْ نُخْرِجُ ذَلِكَ حَتَّى قَدِمَ مُعَاوِيَةُ حَاجًّا أَوْ مُعْتَمِرًا، فَكَلَّمَ النَّاسَ عَلَى الْمِنْبَرِ فَقَالَ: إِنِّي أَرَى أَنَّ مُدَّيْنِ مِنْ سَمْرَاءَ الشَّامِ تَعْدِلُ صَاعًا مِنْ تَمْرٍ، فَأَخَذَ النَّاسُ بِذَلِكَ. قَالَ أَبُو سَعِيدٍ: فَأَمَّا أَنَا فَلَا أُخْرِجُهُ أَبَدًا مَا عِشْتُ كَمَا كُنْتُ أُخْرِجُهُ» .

L11285–11286 From the chain of Ḥammād ibn Salamah, from Yūnus ibn ʿUbayd, from al-Ḥasan al-Baṣrī: That Marwān sent to Abū Saʿīd, “Dispatch to me the zakāh due on your slaves.” Abū Saʿīd responded, “Verily Marwān does not know. Upon us is only to provide for every individual at each Eid al-Fiṭr a *ṣāʿ* of dates or half a *ṣāʿ* of wheat.”

وَمِنْ طَرِيقِ حَمَّادِ بْنِ سَلَمَةَ عَنْ يُونُسَ بْنِ عُبَيْدٍ عَنْ الْحَسَنِ: أَنَّ مَرْوَانَ بَعَثَ إلَى أَبِي سَعِيدٍ: أَنْ ابْعَثْ إلَيَّ بِزَكَاةِ رَقِيقِكَ، فَقَالَ أَبُو سَعِيدٍ: إنَّ مَرْوَانَ لَا يَعْلَمُ، إنَّمَا عَلَيْنَا أَنَّ نُطْعِمَ عَنْ كُلِّ رَأْسٍ عِنْدَ كُلِّ فِطْرٍ صَاعَ تَمْرٍ، أَوْ نِصْفَ صَاعِ بُرٍّ.

L11287 We have been narrated through the chain of Muḥammad ibn Isḥāq, who narrated to us: ʿAbdullāh ibn ʿAbdullāh ibn ʿUthmān ibn Ḥakīm ibn Ḥizām, from ʿIyāḍ ibn Saʿd, who said: “I mentioned Sadaqat al-Fitr to Abū Saʿīd al-Khudrī. He replied: ’I only give out what I used to give out during the time of the Messenger of Allah—peace and blessings be upon him—a *ṣāʿ* of dates, a *ṣāʿ* of barley, a *ṣāʿ* of raisins, or a *ṣāʿ* of dried curd.’ It was said to him: ’Or two *mudds* of wheat?’ He responded: ’No, that is Muʿāwiyah’s valuation. I do not accept it, nor do I follow it.’”

وَرُوِّينَا مِنْ طَرِيقِ مُحَمَّدِ بْنِ إِسْحَاقَ ثنا عَبْدُ اللَّهِ بْنُ عَبْدِ اللَّهِ بْنِ عُثْمَانَ بْنِ حَكِيمِ بْنِ حِزَامٍ عَنْ عِيَاضِ بْنِ سَعْدٍ قَالَ: " ذَكَرْتُ لِأَبِي سَعِيدٍ الْخُدْرِيِّ صَدَقَةَ الْفِطْرِ؟ فَقَالَ لَا أُخْرِجُ إلَّا مَا كُنْتُ أُخْرِجُ فِي عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَاعًا مِنْ تَمْرٍ، أَوْ صَاعًا مِنْ شَعِيرٍ، أَوْ صَاعَ زَبِيبٍ أَوْ صَاعَ أَقِطٍ، فَقِيلَ لَهُ: أَوْ مُدَّيْنِ مِنْ قَمْحٍ؟ فَقَالَ: لَا، تِلْكَ قِيمَةُ مُعَاوِيَةَ، لَا أَقْبَلُهَا، وَلَا أَعْمَلُ بِهَا ".

L11288 Here, Abū Saʿīd prohibits “burr” entirely and anything beyond what has been mentioned. It has been authentically established from ʿUmar ibn ʿAbd al-ʿAzīz that a person’s obligation for Ṣadaqat al-Fiṭr is half a ṣāʿ of burr or its value, according to the administrative authorities, which is half a dirham.

فَهَذَا أَبُو سَعِيدٍ يَمْنَعُ مِنْ " الْبُرِّ " جُمْلَةً، وَمِمَّا عَدَا مَا ذُكِرَ، وَصَحَّ عَنْ عُمَرَ بْنِ عَبْدِ الْعَزِيزِ إيجَابُ نِصْفِ صَاعٍ مِنْ بُرٍّ عَلَى الْإِنْسَانِ فِي صَدَقَةِ الْفِطْرِ، أَوْ قِيمَتِهِ عَلَى أَهْلِ الدِّيوَانِ نِصْفُ دِرْهَمٍ.

L11289 Via Waki‘ from Qurrah ibn Khalid, who said: ‘Umar ibn ‘Abd al-‘Aziz wrote to us to that effect. It is also authentically reported from Tawus, Mu-

jahid, Sa'id ibn al-Musayyab, 'Urwah ibn al-Zubayr, Abu Salamah ibn 'Abd al-Rahman ibn 'Awf, and Sa'id ibn Jubayr. This is the view of al-Awza'i, al-Layth, and Sufyan al-Thawri.

مِنْ طَرِيقِ وَكِيعٍ عَنْ قُرَّةَ بْنِ خَالِدٍ قَالَ: كَتَبَ عُمَرُ بْنُ عَبْدِ الْعَزِيزِ إِلَيْنَا بِذَلِكَ، وَصَحَّ أَيْضًا عَنْ طَاوُسٍ، وَمُجَاهِدٍ، وَسَعِيدِ بْنِ الْمُسَيِّبِ، وَعُرْوَةَ بْنِ الزُّبَيْرِ وَأَبِي سَلَمَةَ بْنِ عَبْدِ الرَّحْمَنِ بْنِ عَوْفٍ وَسَعِيدِ بْنِ جُبَيْرٍ. وَهُوَ قَوْلُ الْأَوْزَاعِيِّ، وَاللَّيْثِ، وَسُفْيَانَ الثَّوْرِيِّ

L11290–11292 Abu Muhammad said: The Mālikīs—those exaggerators regarding the practice of the people of Medina—have contradicted themselves here, opposing Abū Bakr, ʿUmar, [ʿUthmān], ʿAlī ibn Abī Ṭālib, ʿĀ'ishah, Asmā' bint Abī Bakr, Abū Hurayrah, Jābir ibn ʿAbd Allāh, Ibn Masʿūd, Ibn ʿAbbās, Ibn al-Zubayr, and Abū Saʿīd al-Khudrī. The reports from all of them are authentic except those from Abū Bakr and Ibn Masʿūd. Yet the Mālikīs cite chains weaker than these when they align with their views. Then the jurists of Medina—Ibn al-Muṣayyab, ʿUrwah, Abū Salamah ibn ʿAbd al-Raḥmān, and others—does he not fear Allah, the one who adds to the divine laws what has never been authentically established, like flogging one who consumes wine eighty times based on a narration from ʿUmar that has never been authenticated? Indeed, authentic reports contradicting this have been established from ʿUmar himself, Abū Bakr before him, ʿUthmān and ʿAlī after him, al-Ḥasan, and ʿAbd Allāh ibn Jaʿfar in the presence of the Companions—may Allah be pleased with them—with none opposing them. None of them, and with them is the established Sunnah—then he must not turn here to any of these people.

قَالَ أَبُو مُحَمَّد: تَنَاقَضَ هَاهُنَا الْمَالِكِيُّونَ الْمُهَوِّلُونَ بِعَمَلِ أَهْلِ الْمَدِينَةِ فَخَالَفُوا أَبَا بَكْرٍ، وَعُمَرَ، (وَعُثْمَانَ) وَعَلِيَّ بْنَ أَبِي طَالِبٍ، وَعَائِشَةَ، وَأَسْمَاءَ بِنْتَ أَبِي بَكْرٍ، وَأَبَا هُرَيْرَةَ، وَجَابِرَ بْنَ عَبْدِ اللَّهِ وَابْنَ مَسْعُودٍ، وَابْنَ عَبَّاسٍ، وَابْنَ الزُّبَيْرِ، وَأَبَا سَعِيدٍ الْخُدْرِيِّ، وَهُوَ عَنْهُمْ كُلُّهُمْ صَحِيحٌ إلَّا عَنْ أَبِي بَكْرٍ، وَابْنِ مَسْعُودٍ، إلَّا أَنَّ الْمَالِكِيِّينَ يَحْتَجُّونَ بِأَضْعَفَ مِنْ هَذِهِ الطُّرُقِ إذَا وَافَقَتْهُمْ. ثُمَّ فُقَهَاءُ الْمَدِينَةِ: ابْنَ الْمُسَيِّبِ، وَعُرْوَةَ، وَأَبَا سَلَمَةَ بْنَ عَبْدِ الرَّحْمَنِ وَغَيْرَهُمْ أَفَلَا يَتَّقِي اللَّهَ مَنْ يَزِيدُ فِي الشَّرَائِعِ مَا لَمْ يَصِحَّ قَطُّ، مِنْ جَلْدِ الشَّارِبِ لِلْخَمْرِ ثَمَانِينَ، بِرِوَايَةٍ لَمْ تَصِحَّ قَطُّ عَنْ عُمَرَ، ثُمَّ قَدْ صَحَّ خِلَافُهَا عَنْهُ، وَعَنْ أَبِي بَكْرٍ قَبْلَهُ، وَعَنْ عُثْمَانَ، وَعَلِيٍّ بَعْدَهُ، وَالْحَسَنِ، وَعَبْدِ اللَّهِ بْنِ جَعْفَرٍ بِحَضْرَةِ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - لَا يُخَالِفُهُمْ مِنْهُمْ أَحَدٌ، وَمَعَهُمْ السُّنَّةُ الثَّابِتَةُ -: ثُمَّ لَا يَلْتَفِتُ هَاهُنَا إلَى هَؤُلَاءِ كُلِّهِمْ.

L11293 As for the Hanafis—who pride themselves in this position through their adherence—they have opposed Abu Bakr, Umar, Ali ibn Abi Talib, Ibn Mas'ud, Ibn Abbas, Al-Mughirah ibn Shu'bah, Anas ibn Malik, and Umm Salamah, the Mother of the Believers, regarding wiping over the turban. They have also opposed Ali ibn Abi Talib, Abu Mas'ud, Ammar ibn Yasir, Al-Bara' ibn Azib, Bilal, Abu Umamah Al-Bahili, Anas ibn Malik, Ibn Umar, and Sahl ibn Sa'd concerning the permissibility of wiping over socks. No opposing opinion is known against them from all those [Companions] who permit wiping over khuffs, and such cases of opposition from them are very numerous. In

وَأَمَّا الْحَنَفِيُّونَ - الْمُتَزَيِّنُونَ فِي هَذَا الْمَكَانِ بِاتِّبَاعِهِمْ - فَقَدْ خَالَفُوا أَبَا بَكْرٍ، وَعُمَرَ، وَعَلِيَّ بْنَ أَبِي طَالِبٍ؛ وَابْنَ مَسْعُودٍ، وَابْنَ عَبَّاسٍ، وَالْمُغِيرَةَ بْنَ شُعْبَةَ، وَأَنَسَ بْنَ مَالِكٍ، وَأُمَّ سَلَمَةَ أُمَّ الْمُؤْمِنِينَ فِي الْمَسْحِ عَلَى الْعِمَامَةِ، وَخَالَفُوا عَلِيَّ بْنَ أَبِي طَالِبٍ، وَأَبَا مَسْعُودٍ، وَعَمَّارَ بْنَ يَاسِرٍ وَالْبَرَاءَ بْنَ عَازِبٍ، وَبِلَالًا وَأَبَا أُمَامَةَ الْبَاهِلِيَّ وَأَنَسَ بْنَ مَالِكٍ وَابْنَ عُمَرَ، وَسَهْلَ بْنَ سَعْدٍ فِي جَوَازِ الْمَسْحِ عَلَى الْجَوْرَبَيْنِ، وَلَا يُعْرَفُ لَهُمْ فِي ذَلِكَ مُخَالِفٌ مِنْ

Allah, the Exalted, we place our reliance, and there is no valid proof except in what is authentically reported from the Prophet—peace and blessings be upon him—and we have already mentioned it.

الصَّحَابَةِ مِنْ كُلِّ مَنْ يُجِيزُ الْمَسْحَ عَلَى الْخُفَّيْنِ، وَمِثْلُ هَذَا لَهُمْ كَثِيرٌ جِدًّا وَبِاللَّهِ تَعَالَى نَتَأَيَّدُ، وَلَا حُجَّةَ إلَّا فِيمَا صَحَّ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَقَدْ ذَكَرْنَاهُ.

L11294 Abu Muhammad said: It has been narrated to us from ʿAṭāʾ that the Bedouins—the people of the desert—are exempt from Zakāh al-Fiṭr. From al-Ḥasan, however, it is narrated that it is obligatory upon them, and they must pay Zakāh al-Fiṭr in the form of milk.

قَالَ أَبُو مُحَمَّد: وَرُوِّينَا عَنْ عَطَاءٍ لَيْسَ عَلَى الْأَعْرَابِ، أَهْلِ الْبَادِيَةِ زَكَاةُ الْفِطْرِ - وَعَنْ الْحَسَنِ: أَنَّهَا عَلَيْهِمْ، وَأَنَّهُمْ يُخْرِجُونَ فِي ذَلِكَ اللَّبَنِ.

L11295 Abu Muhammad said: The Messenger of Allah—may Allah bless him and grant him peace—did not single out a Bedouin or nomad to the exclusion of others. Thus, he did not permit singling out any Muslim, nor are milk or other things acceptable unless they are barley or dates alone.

قَالَ أَبُو مُحَمَّد: لَمْ يَخُصَّ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْرَابِيًّا وَلَا بَدَوِيًّا مِنْ غَيْرِهِمْ، فَلَمْ يُجِزْ تَخْصِيصَ أَحَدٍ مِنْ الْمُسْلِمِينَ، وَلَا يُجْزِئُ لَبَنٌ وَلَا غَيْرُهُ، إلَّا الشَّعِيرَ، أَوْ التَّمْرَ فَقَطْ.

L11296 As for the fetus, the Messenger of Allah—peace and blessings be upon him—made Sadaqat al-Fitr obligatory for every minor or adult. The fetus falls under the designation: "minor." If it completes one hundred and twenty days in its mother's womb before the break of dawn on the night of Fitr, it becomes obligatory to give Sadaqat al-Fitr on its behalf.

وَأَمَّا الْحَمْلُ فَإِنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَهَا عَلَى كُلِّ صَغِيرٍ أَوْ كَبِيرٍ، وَالْجَنِينُ يَقَعُ عَلَيْهِ اسْمُ: صَغِيرٍ، فَإِذَا أَكْمَلَ مِائَةً وَعِشْرِينَ يَوْمًا فِي بَطْنِ أُمِّهِ قَبْلَ انْصِدَاعِ الْفَجْرِ مِنْ لَيْلَةِ الْفِطْرِ وَجَبَ أَنْ تُؤَدَّى عَنْهُ صَدَقَةُ الْفِطْرِ.

L11297 Abdullah ibn Rabee' narrated to us: Umar ibn Abdul-Malik narrated to us, Muhammad ibn Bakr narrated to us, Abu Dawud narrated to us: Hafs ibn Umar Al-Namari and Muhammad ibn Katheer narrated to us. Hafs said: Shu'bah narrated to us, while Ibn Katheer said: Sufyan Al-Thawri narrated to us. Both Sufyan and Shu'bah then converged in their narration from Al-A'mash, who narrated from Zayd ibn Wahb, who narrated from Abdullah ibn Mas'ud, who narrated from the Messenger of Allah—peace and blessings be upon him—who said: "The creation of one of you is formed in his mother's womb over forty days, then becomes a clinging clot for a like period, then a chewed lump for a like period. Then Allah sends an angel to him, commanding him to write four matters: his provision, his deeds, his lifespan, and whether he will be doomed or blessed. Then the soul is breathed into him."

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا عُمَرُ بْنُ عَبْدِ الْمَلِكِ ثنا مُحَمَّدُ بْنُ بَكْرٍ ثنا أَبُو دَاوُد ثنا حَفْصُ بْنُ عُمَرَ النَّمَرِيُّ، وَمُحَمَّدُ بْنُ كَثِيرٍ، قَالَ حَفْصٌ: ثنا شُعْبَةُ، وَقَالَ ابْنُ كَثِيرٍ: ثنا سُفْيَانُ الثَّوْرِيُّ، ثُمَّ اتَّفَقَ سُفْيَانُ، وَشُعْبَةُ كِلَاهُمَا عَنْ الْأَعْمَشِ: ثنا زَيْدُ بْنُ وَهْبٍ ثنا عَبْدُ اللَّهِ بْنُ مَسْعُودٍ ثنا رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «إنَّ خَلْقَ أَحَدِكُمْ يُجْمَعُ فِي بَطْنِ أُمِّهِ أَرْبَعِينَ يَوْمًا، ثُمَّ يَكُونُ عَلَقَةً مِثْلَ ذَلِكَ، ثُمَّ يَكُونُ مُضْغَةً مِثْلَ ذَلِكَ، ثُمَّ يَبْعَثُ اللَّهُ إلَيْهِ مَلَكًا فَيُؤْمَرُ بِأَرْبَعِ كَلِمَاتٍ، رِزْقُهُ، وَعَمَلُهُ، وَأَجَلُهُ، ثُمَّ يُكْتَبُ: شَقِيٌّ أَوْ سَعِيدٌ، ثُمَّ يُنْفَخُ فِيهِ الرُّوحُ»

L11298 Abu Muhammad said: The ruling precedes the death we discussed, so no

legal obligation applies to the deceased. However, if he is alive as the Messenger of Allah—peace and blessings be upon him—clarified, every obligation incumbent upon a minor is incumbent upon him.

قَالَ أَبُو مُحَمَّد: هُوَ قَبْلَ مَا ذَكَرْنَا مَوَاتَ، فَلَا حُكْمَ عَلَى مَيِّتٍ، فَأَمَّا إذَا كَانَ حَيًّا كَمَا أَخْبَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَكُلُّ حُكْمٍ وَجَبَ عَلَى الصَّغِيرِ فَهُوَ وَاجِبٌ عَلَيْهِ.

L11299–11301 It has been narrated to us through the chain of Abdullah ibn Ahmad ibn Hanbal: My father narrated to us, al-Mu'tamir ibn Sulaiman at-Taymi narrated to us, from Humaid, from Bakr ibn Abdullah al-Muzani, and from Qatadah, that Uthman ibn Affan used to give [charity]. Zakat al-Fitr is given on behalf of minors, adults, and fetuses.

رُوِّينَا مِنْ طَرِيقِ عَبْدِ اللَّهِ بْنِ أَحْمَدَ بْنِ حَنْبَلٍ: ثنا أَبِي ثنا الْمُعْتَمِرُ بْنُ سُلَيْمَانَ التَّيْمِيُّ عَنْ حُمَيْدٍ عَنْ بَكْرِ بْنِ عَبْدِ اللَّهِ الْمُزَنِيِّ وَقَتَادَةَ: أَنَّ عُثْمَانَ بْنَ عَفَّانَ كَانَ يُعْطِي صَدَقَةَ الْفِطْرِ عَنْ الصَّغِيرِ، وَالْكَبِيرِ، وَالْحَمْلِ.

L11302 From 'Abd al-Razzāq from Ma'mar from Ayyūb from Abū Qilābah, who said: They deemed it proper to give Zakāt al-Fiṭr for the young, the old, and even the unborn child in its mother's womb. Abū Qilābah met the Companions, kept their company, and narrated from them. And through the chain of 'Abd al-Razzāq from Mālik from a man from Sulaymān ibn Yasār: He was asked, "Is Zakāt to be given for the unborn child?" He replied: "Yes."

وَعَنْ عَبْدِ الرَّزَّاقِ عَنْ مَعْمَرٍ عَنْ أَيُّوبَ عَنْ أَبِي قِلَابَةَ قَالَ: كَانَ يُعْجِبُهُمْ أَنْ يُعْطُوا زَكَاةَ الْفِطْرِ عَنْ الصَّغِيرِ، وَالْكَبِيرِ، حَتَّى عَنْ الْحَمْلِ فِي بَطْنِ أُمِّهِ، وَأَبُو قِلَابَةَ أَدْرَكَ الصَّحَابَةَ وَصَحِبَهُمْ وَرَوَى عَنْهُمْ، وَمِنْ طَرِيقِ عَبْدِ الرَّزَّاقِ عَنْ مَالِكٍ عَنْ رَجُلٍ عَنْ سُلَيْمَانَ بْنِ يَسَارٍ: أَنَّهُ سُئِلَ عَنْ الْحَمْلِ أَيُزَكَّى عَنْهُ؟ قَالَ: نَعَمْ.

L11303 No dissenter against Uthman in this matter is known among the Companions, and they would honor in this manner those who concurred with them.

وَلَا يُعْرَفُ لِعُثْمَانَ فِي هَذَا مُخَالِفٌ مِنْ الصَّحَابَةِ وَهُمْ يُعَظِّمُونَ بِمِثْلِ هَذَا إذَا وَافَقَهُمْ.

L11304 **Issue: Zakat al-Fitr Concerning Enslaved Individuals.**

[مَسْأَلَةٌ زَكَاةُ الْفِطْرِ عَنْ الرَّقِيقِ]

L11305 705 – Issue: A Muslim must pay it on behalf of his slaves – both believers and disbelievers among them – whether they are for trade or non-trade purposes, as we have mentioned.

٧٠٥ - مَسْأَلَةٌ: وَيُؤَدِّيهَا الْمُسْلِمُ عَنْ رَقِيقِهِ، مُؤْمِنِهِمْ وَكَافِرِهِمْ، مَنْ كَانَ مِنْهُمْ لِتِجَارَةٍ أَوْ لِغَيْرِ تِجَارَةٍ كَمَا ذَكَرْنَا.

L11306 This is the opinion of Abū Ḥanīfah and Sufyān al-Thawrī regarding non-Muslims. Mālik, al-Shāfi'ī, and Abū Sulaymān said: It is only paid on behalf of the Muslims among them. Abū Ḥanīfah said: Zakāt al-Fiṭr is not paid on behalf of slaves held for trade. Mālik, al-Shāfi'ī, and Abū Sulaymān said: Zakāt al-Fiṭr is paid on their behalf. All of them—except Abū Sulaymān—

وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَسُفْيَانَ الثَّوْرِيِّ فِي الْكُفَّارِ؟ وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ: لَا تُؤَدَّى إلَّا عَنْ الْمُسْلِمِينَ مِنْهُمْ وَقَالَ أَبُو حَنِيفَةَ: لَا تُؤَدَّى زَكَاةُ الْفِطْرِ عَنْ رَقِيقِ التِّجَارَةِ. وَقَالَ مَالِكٌ وَالشَّافِعِيُّ، وَأَبُو سُلَيْمَانَ: تُؤَدَّى عَنْهُمْ زَكَاةُ الْفِطْرِ. وَقَالُوا

said: The master must pay it on their behalf, and this is our position. Abū Sulaymān said: The slaves must pay Zakāt al-Fiṭr on their own behalf.

L11307 Those who do not deem it obligatory to pay Sadaqat al-Fitr from disbelieving slaves cited as evidence the narration from Allah's Messenger (peace and blessings be upon him): "The Messenger of Allah ordained Sadaqat al-Fitr upon every free person or slave, male or female, young or old, from the Muslims."

L11308–11310 Abu Muhammad said: This is authentic, and we uphold it, except that it does not mention exempting the Muslim regarding disbelievers among his slaves nor imposing its obligation. If this were the sole report, Zakat al-Fitr would only be obligatory on us for the Muslims among our slaves. However, we found that Yusuf ibn Abdullah al-Namari narrated to us, stating: Abdullah ibn Muhammad ibn Yusuf al-Azdi al-Qadi narrated to us, from Yahya ibn Malik ibn A'idh, who narrated to us from Muhammad ibn Sulaiman ibn Abi al-Sharif, who narrated to us... Muhammad ibn Makki al-Khawlānī and Ibrāhīm ibn Ismāʿīl al-Ghāfiqī both said: Muḥammad ibn ʿAbd Allāh ibn ʿAbd al-Ḥakam narrated to us, Saʿīd ibn Abī Maryam narrated to us, and Nāfiʿ ibn Yazīd reported to me from Jaʿfar ibn Rabīʿah, from ʿIrāk ibn Mālik, from Abū Hurayrah, who said: The Messenger of Allah (peace and blessings be upon him) said, "No charity is obligatory upon a Muslim for his horse or his slave, except the Ṣadaqat al-Fiṭr for slaves." We have transmitted this through other chains of transmission besides this one.

L11311 Abu Muhammad said: The Prophet—peace be upon him—obligated Zakat al-Fitr upon every Muslim for their slaves as a general ruling. This adds to the hadith of Abu Sa'id al-Khudri, as the remainder of Abu Sa'id's hadith contains some of what is in this narration without opposing it in any fundamental way. Thus, it is impermissible to contradict this narration.

L11312 This report establishes that the payment of Zakāt al-Fiṭr falls upon the master regarding his slaves, not upon the slaves themselves? Through this, what they claimed concerning Zakāt on trade in slaves is also invalidated, for

كُلُّهُمْ - حَاشَا أَبَا سُلَيْمَانَ -: يُخْرِجُهَا السَّيِّدُ عَنْهُمْ، وَبِهِ نَقُولُ وَقَالَ أَبُو سُلَيْمَانُ: يُخْرِجُهَا الرَّقِيقُ عَنْ أَنْفُسِهِمْ.

وَاحْتَجَّ مَنْ لَمْ يَرَ إِخْرَاجَهَا عَنْ الرَّقِيقِ الْكُفَّارِ بِمَا رُوِيَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - صَدَقَةَ الْفِطْرِ عَلَى حُرٍّ، أَوْ عَبْدٍ ذَكَرٍ أَوْ أُنْثَى، صَغِيرٍ أَوْ كَبِيرٍ مِنْ الْمُسْلِمِينَ» .

قَالَ أَبُو مُحَمَّد: وَهَذَا صَحِيحٌ، وَبِهِ نَأْخُذُ، إلَّا أَنَّهُ لَيْسَ فِيهِ إسْقَاطُهَا عَنْ الْمُسْلِمِ فِي الْكُفَّارِ مِنْ رَقِيقِهِ وَلَا إيجَابُهَا، فَلَوْ لَمْ يَكُنْ إلَّا هَذَا الْخَبَرُ وَحْدَهُ لَمَا وَجَبَتْ عَلَيْنَا زَكَاةُ الْفِطْرِ إلَّا عَنْ الْمُسْلِمِينَ مِنْ رَقِيقِنَا فَقَطْ. وَلَكِنْ وَجَدْنَا حَدَّثَنَاهُ يُوسُفُ بْنُ عَبْدِ اللَّهِ النَّمَرِيُّ قَالَ ثنا عَبْدُ اللَّهِ بْنُ مُحَمَّدِ بْنِ يُوسُفَ الْأَزْدِيُّ الْقَاضِي ثنا يَحْيَى بْنُ مَالِكِ بْنِ عَائِذٍ ثنا مُحَمَّدُ بْنُ سُلَيْمَانَ بْنِ أَبِي الشَّرِيفِ ثنا مُحَمَّدُ بْنُ مَكِّيٍّ الْخَوْلَانِيِّ، وَإِبْرَاهِيمُ بْنُ إسْمَاعِيلَ الْغَافِقِيُّ قَالَا جَمِيعًا: ثنا مُحَمَّدُ بْنُ عَبْدِ اللَّهِ بْنِ عَبْدِ الْحَكَمِ ثنا سَعِيدُ بْنُ أَبِي مَرْيَمَ أَخْبَرَنِي نَافِعُ بْنُ يَزِيدَ عَنْ جَعْفَرِ بْنِ رَبِيعَةَ عَنْ عِرَاكِ بْنِ مَالِكٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - «لَيْسَ عَلَى الْمُسْلِمِ فِي فَرَسِهِ وَعَبْدِهِ صَدَقَةٌ، إلَّا صَدَقَةُ الْفِطْرِ فِي الرَّقِيقِ» وَقَدْ رُوِّينَاهُ مِنْ غَيْرِ هَذِهِ الطَّرِيقِ.

قَالَ أَبُو مُحَمَّد: فَأَوْجَبَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - صَدَقَةَ الْفِطْرِ عَلَى الْمُسْلِمِ فِي رَقِيقِهِ عُمُومًا، فَكَانَ هَذَا زَائِدًا عَلَى حَدِيثِ أَبِي سَعِيدٍ الْخُدْرِيِّ، وَكَانَ بَاقِي حَدِيثِ أَبِي سَعِيدٍ بَعْضَ مَا فِي هَذَا الْحَدِيثِ، لَا مُعَارِضًا لَهُ أَصْلًا، فَلَمْ يَجُزْ خِلَافُ هَذَا الْخَبَرِ.

the Prophet - peace be upon him - nullified all Zakāt obligations related to slaves except Zakāt al-Fiṭr. What utter astonishment that Abū Ḥanīfah and his followers approached two obligatory Zakāt - one concerning livestock, and the other Zakāt al-Fiṭr pertaining to slaves - then abolished through the first Zakāt on trade in livestock intended for commerce, and annulled through the second Zakāt on trade in slaves. Does this not suffice to deem their conduct frivolous?

وَبِهَذَا الْخَبَرِ تَأْدِيَةُ زَكَاةِ الْفِطْرِ عَلَى السَّيِّدِ عَنْ رَقِيقِهِ، لَا عَلَى الرَّقِيقِ؟ وَبِهِ أَيْضًا يَسْقُطُ مَا ادَّعَوْهُ مِنْ زَكَاةِ التِّجَارَةِ فِي الرَّقِيقِ، لِأَنَّهُ - عَلَيْهِ السَّلَامُ - أَبْطَلَ كُلَّ زَكَاةٍ فِي الرَّقِيقِ إِلَّا زَكَاةَ الْفِطْرِ؟ وَالْعَجَبُ كُلُّ الْعَجَبِ مِنْ أَنَّ أَبَا حَنِيفَةَ وَأَصْحَابَهُ أَتَوْا إِلَى زَكَاتَيْنِ مَفْرُوضَتَيْنِ، إِحْدَاهُمَا فِي الْمَوَاشِي، وَالْأُخْرَى زَكَاةُ الْفِطْرِ فِي الرَّقِيقِ -: فَأَسْقَطُوا بِإِحْدَاهُمَا زَكَاةَ التِّجَارَةِ فِي الْمَوَاشِي الْمُتَّخَذَةِ لِلتِّجَارَةِ، وَأَسْقَطُوا الْأُخْرَى بِزَكَاةِ التِّجَارَةِ فِي الرَّقِيقِ وَحَسْبُكَ بِهَذَا تَلَاعُبًا؟

L11313–11314 It is astonishing that they favored what is reported in some narrations—"for every forty grazing sheep, one sheep [is due]"—yet did not favor what is stated in some narrations: "Zakat al-Fitr is incumbent upon every free person, slave, minor, adult, male, or female among the Muslims," over what is mentioned in all other reports: "except Zakat al-Fitr regarding slaves." This constitutes a corrupt exercise of judgment and a contradiction. It is essential to prioritize the general ruling over the specific in every instance, unless there comes an explicit statement of a text regarding the specific category that negates that ruling in the general. And success is with Allah, the Exalted.

وَالْعَجَبُ أَنَّهُمْ غَلَّبُوا مَا رُوِيَ فِي بَعْضِ الْأَخْبَارِ «فِي سَائِمَةِ الْغَنَمِ فِي كُلِّ أَرْبَعِينَ شَاةٍ شَاةٌ» وَلَمْ يُغَلِّبُوا مَا جَاءَ فِي بَعْضِ الْأَخْبَارِ فِي أَنَّ «صَدَقَةَ الْفِطْرِ عَلَى كُلِّ حُرٍّ أَوْ عَبْدٍ صَغِيرٍ أَوْ كَبِيرٍ أَوْ أُنْثَى مِنْ الْمُسْلِمِينَ» عَلَى مَا جَاءَ فِي سَائِرِ الْأَخْبَارِ «إِلَّا صَدَقَةَ الْفِطْرِ فِي الرَّقِيقِ» وَهَذَا تَحَكُّمٌ فَاسِدٌ وَتَنَاقُضٌ وَلَا بُدَّ مِنْ تَغْلِيبِ الْأَعَمِّ عَلَى الْأَخَصِّ فِي كُلِّ مَوْضِعٍ، إِلَّا أَنْ يَأْتِيَ بَيَانُ نَصٍّ فِي الْأَخَصِّ بِنَفْيِ ذَلِكَ الْحُكْمِ فِي الْأَعَمِّ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ عَبْدٌ بَيْنَ اثْنَيْنِ فَعَلَى مِنْ زَكَاةِ فِطْرِه]

L11315 **Issue: A slave jointly owned by two individuals. Upon whom is the obligation of his Zakāt al-Fitr incumbent?**

L11316 706 - Issue: If a male or female slave is shared between two masters or more, their two masters must pay Zakat al-Fitr for them, each contributing from his own wealth according to his share. This ruling similarly applies if many slaves are shared between two masters or more. Abu Hanifa, al-Hasan ibn Hayy, and Sufyan al-Thawri said: Neither their two masters nor the slaves are obligated to pay Zakat al-Fitr, even if the jointly owned slaves are numerous. Malik and al-Shafi'i said: Their two masters must pay for them according to each one's share of ownership, even if the slaves are numerous. Abu Muhammad said: We know of no valid argument whatsoever for exempting

٧٠٦ - مَسْأَلَةٌ: فَإِنْ كَانَ عَبْدٌ أَوْ أَمَةٌ بَيْنَ اثْنَيْنِ فَصَاعِدًا فَعَلَى سَيِّدَيْهِمَا إخْرَاجُ زَكَاةِ الْفِطْرِ، يُخْرِجُ عَنْ كُلِّ وَاحِدٍ مِنْ مَالِكَيْهِ بِقَدْرِ حِصَّتِهِ، وَكَذَلِكَ إنْ كَانَ الرَّقِيقُ كَثِيرًا بَيْنَ سَيِّدَيْنِ فَصَاعِدًا؟ وَقَالَ أَبُو حَنِيفَةَ، وَالْحَسَنُ بْنُ حَيٍّ، وَسُفْيَانُ الثَّوْرِيُّ: لَيْسَ عَلَى سَيِّدَيْهِ وَلَا عَلَيْهِ أَدَاءُ زَكَاةِ الْفِطْرِ، وَكَذَلِكَ لَوْ كَثُرَ الرَّقِيقُ الْمُشْتَرَكُ؟ وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ: يُخْرِجُ عَنْهُ سَيِّدَاهُ بِقَدْرِ مَا يَمْلِكُ كُلُّ وَاحِدٍ مِنْهُمَا، وَكَذَلِكَ لَوْ كَثُرَ الرَّقِيقُ؟

the one from whom Zakat al-Fitr was dropped and his master, except their claim that none of their two masters owns a male or female slave. Some of them said: Just as one who owns part of a *sa‘* is not obligated to pay it, so too one who owns a portion of a male slave, a portion of each male or female slave, or shares in many slaves. Abu Muhammad said: As for their statement, “They do not own a male or female slave,” this is true, but it constitutes no proof, for the Messenger of Allah (peace be upon him) did not say, “Every owner must pay it for his slave.” Rather, he said, “A Muslim owes no charity on his slave or horse except Zakat al-Fitr for slaves.” These are slaves, and a jointly owned slave is a slave. Thus, this charity is obligatory by the explicit text of the cited report upon the Muslim. This term encompasses the entire category and a part of it, applying to both the singular and plural. By this text, it is invalid to free half of two slaves for an obligatory manumission, because the term “a slave” does not apply to them, whereas the text stipulates “freeing a slave.” The Hanafis said: If one gives two halves of two sheep for Zakat, it suffices him, but if one frees half of two slaves for one required manumission, it does not suffice.

قَالَ أَبُو مُحَمَّد: مَا نَعْلَمُ لِمَنْ أُسْقِطَ عَنْهُ صَدَقَةُ الْفِطْرِ وَعَنْ سَيِّدِهِ حُجَّةً أَصْلًا، إلَّا أَنَّهُمْ قَالُوا: لَيْسَ أَحَدٌ مِنْ سَيِّدَيْهِ يَمْلِكُ عَبْدًا، وَلَا أَمَةً - وَقَالَ بَعْضُهُمْ: مَنْ مَلَكَ بَعْضَ الصَّاعِ لَمْ يَكُنْ عَلَيْهِ أَدَاؤُهُ، فَكَذَلِكَ مَنْ مَلَكَ بَعْضَ عَبْدٍ، أَوْ بَعْضَ كُلِّ عَبْدٍ، أَوْ أَمَةٍ مِنْ رَقِيقٍ كَثِيرٍ؟ قَالَ أَبُو مُحَمَّد: أَمَّا قَوْلُهُمْ: لَا يَمْلِكُ عَبْدًا، وَلَا أَمَةً فَصَدَقُوا، وَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - لَمْ يَقُلْ: يُخْرِجُهَا كُلُّ أَحَدٍ عَنْ عَبْدِهِ وَأَمَتِهِ، وَإِنَّمَا قَالَ «لَيْسَ عَلَى الْمُسْلِمِ فِي عَبْدِهِ وَلَا فَرَسِهِ صَدَقَةٌ إلَّا صَدَقَةُ الْفِطْرِ فِي الرَّقِيقِ» فَهَؤُلَاءِ رَقِيقٌ، وَالْعَبْدُ الْمُشْتَرَكُ رَقِيقٌ، فَالصَّدَقَةُ فِيهِ وَاجِبَةٌ بِنَصِّ الْخَبَرِ الْمَذْكُورِ عَلَى الْمُسْلِمِ، وَهَذَا اسْمٌ يَعُمُّ النَّوْعَ كُلَّهُ وَبَعْضَهُ، وَيَقَعُ عَلَى الْوَاحِدِ وَالْجَمِيعِ، وَبِهَذَا النَّصِّ لَمْ يَجُزْ فِي الرَّقَبَةِ الْوَاجِبَةِ نِصْفَا رَقَبَتَيْنِ، لِأَنَّهُ لَا يَقَعُ عَلَيْهِمَا اسْمُ " رَقَبَةٌ " وَالنَّصُّ جَاءَ بِعِتْقِ رَقَبَةٍ؟ وَقَالَ الْحَنَفِيُّونَ: مَنْ أَعْطَى نِصْفَيْ شَاتَيْنِ فِي الزَّكَاةِ أَجْزَأَتْهُ، وَلَوْ أَعْتَقَ نِصْفَيْ رَقَبَتَيْنِ فِي رَقَبَةٍ وَاحِدَةٍ لَمْ يُجْزِهِ؟

L11317–11318 Muhammad ibn al-Hasan said: If a slave is jointly owned by two or more individuals, the obligation of ṣadaqat al-fiṭr for him rests upon their masters collectively. If two or more slaves are owned by two [individuals], there is no ṣadaqat al-fiṭr incumbent on the slaves or their owners. As for their claim that this is analogous to one who possesses only part of a ṣāʿ, the analogy is entirely invalid. Even if it were valid, this case would epitomize falsehood, for it constitutes an analogy of error upon error. Rather, whoever can afford part of a ṣāʿ must discharge it, as we shall clarify later, God, the Exalted, willing.

وَقَالَ مُحَمَّدُ بْنُ الْحَسَنِ: مَنْ كَانَ مِنْ مَمْلُوكٍ بَيْنَ اثْنَيْنِ فَصَاعِدًا فَعَلَى سَادَاتِهِ فِيهِ زَكَاةُ الْفِطْرِ، فَإِنْ كَانَ عَبْدَانِ فَصَاعِدًا عَنْ اثْنَيْنِ فَلَا صَدَقَةَ فِطْرٍ عَلَى الرَّقِيقِ وَلَا عَلَى مَنْ يَمْلِكُهُمْ؟ وَأَمَّا قَوْلُهُمْ: إنَّهُ قِيَاسٌ عَلَى مَنْ لَمْ يَجِدْ إلَّا بَعْضَ الصَّاعِ فَالْقِيَاسُ كُلُّهُ بَاطِلٌ، ثُمَّ لَوْ كَانَ حَقًّا لَكَانَ هَذَا مِنْهُ عَيْنَ الْبَاطِلِ، لِأَنَّهُ قِيَاسٌ لِلْخَطَأِ عَلَى الْخَطَأِ، بَلْ مَنْ قَدَرَ عَلَى بَعْضِ صَاعٍ لَزِمَهُ أَدَاؤُهُ، عَلَى مَا نُبَيِّنُ بَعْدَ هَذَا إنْ شَاءَ اللَّهُ تَعَالَى.

L11319 We have been narrated through the chain of Waki‘ from Sufyān from Abī al-Ḥuwayrith from Muḥammad ibn ʿAmmār from Abī Hurayrah, who said: “Zakat al-Fitr is only due from a slave you own.” Waki‘ said: “Meaning regarding a slave co-owned by two men.” This is among the matters where the

وَقَدْ رُوِّينَا مِنْ طَرِيقِ وَكِيعٍ عَنْ سُفْيَانَ عَنْ أَبِي الْحُوَيْرِثِ عَنْ مُحَمَّدِ بْنِ عَمَّارٍ عَنْ أَبِي هُرَيْرَةَ قَالَ: لَيْسَ زَكَاةُ الْفِطْرِ إلَّا عَنْ مَمْلُوكٍ تَمْلِكُهُ، قَالَ وَكِيعٌ: يَعْنِي فِي الْمَمْلُوكِ بَيْنَ

Mālikīs adopted a position attributed to a Companion without any known opposition from other Companions – may Allah be pleased with them. This is also among the issues where the Ḥanafīs opposed the ruling of the Messenger of Allah – peace and blessings be upon him – in his obligating Zakat al-Fitr upon every free person, slave, minor, adult, male, or female. They deviated from qiyās (analogical reasoning) in this matter, for they obligated Zakat on jointly owned sheep while exempting jointly owned slaves from Zakat al-Fitr.

الرَّجُلَيْنِ، وَهَذَا مِمَّا خَالَفَ فِيهِ الْمَالِكِيُّونَ صَاحِبًا لَا يُعْرَفُ لَهُ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - مُخَالِفٌ، وَهَذَا مِمَّا خَالَفَ فِيهِ الْحَنَفِيُّونَ حُكْمَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِي إيجَابِهِ صَدَقَةَ الْفِطْرِ عَلَى كُلِّ حُرٍّ، وَعَبْدٍ، صَغِيرٍ، وَكَبِيرٍ ذَكَرٍ أَوْ أُنْثَى، وَخَالَفُوا فِيهِ الْقِيَاسَ؛ لِأَنَّهُمْ أَوْجَبُوا الزَّكَاةَ فِي الْغَنَمِ الْمُشْتَرَكَةِ وَأَسْقَطُوا زَكَاةَ الْفِطْرِ عَنْ الرَّقِيقِ الْمُشْتَرَكِ.

An issue concerning Zakāt al-Fiṭr for the mukatab who has not paid anything of his kitabah.

[مَسْأَلَةٌ زَكَاة الْفِطْر عَنْ الْمُكَاتَب الَّذِي لَمْ يُؤَدِّ شَيْئًا مِنْ كِتَابَتِهِ]

L11320

L11321 Issue 707: As for the mukatab who has not paid any portion of his manumission payment, he remains a slave whose master must pay Zakat al-Fitr on his behalf. If he has paid any amount toward his manumission - whether small or large - or if a slave is partially free and partially a slave, or a female slave likewise: Al-Shafi'i stated regarding one who is partially free and partially owned - the owner of any portion must pay Sadaqat al-Fitr for him according to the share he owns. The individual himself is obligated to pay Sadaqat al-Fitr for himself proportionate to his free portion. No obligation falls upon the mukatab's master to give Zakat al-Fitr for his mukatab. Malik said: The master must pay Zakat al-Fitr for his mukatab and for the proportion he owns in one who is partially free and partially a slave. The person who is partially a slave and partially free bears no obligation to pay the remaining sa' measure for his free portion.

٧٠٧ - مَسْأَلَةٌ: وَأَمَّا الْمُكَاتَبُ الَّذِي لَمْ يُؤَدِّ شَيْئًا مِنْ كِتَابَتِهِ فَهُوَ عَبْدٌ، يُؤَدِّي سَيِّدُهُ عَنْهُ زَكَاةَ الْفِطْرِ. فَإِنْ أَدَّى مِنْ كِتَابَتِهِ مَا قَلَّ أَوْ كَثُرَ، أَوْ كَانَ عَبْدٌ بَعْضُهُ حُرٌّ وَبَعْضُهُ رَقِيقٌ، أَوْ أَمَةٌ كَذَلِكَ -: فَإِنَّ الشَّافِعِيَّ قَالَ فِيمَنْ بَعْضُهُ حُرٌّ وَبَعْضُهُ مَمْلُوكٌ: عَلَى مَالِكِ بَعْضِهِ إخْرَاجُ صَدَقَةِ الْفِطْرِ عَنْهُ بِمِقْدَارِ مَا يَمْلِكُ مِنْهُ، وَعَلَيْهِ أَنْ يُخْرِجَ عَنْ نَفْسِهِ بِمِقْدَارِ مَا فِيهِ مِنْ الْحُرِّيَّةِ، وَلَمْ يَرِدْ عَلَى سَيِّدِ الْمُكَاتَبِ أَنْ يُعْطِيَ زَكَاةَ الْفِطْرِ عَنْ مُكَاتَبِهِ. وَقَالَ مَالِكٌ: يُؤَدِّي السَّيِّدُ زَكَاةَ الْفِطْرِ عَنْ مُكَاتَبِهِ وَعَنْ مِقْدَارِ مَا يَمْلِكُ عَنْ الَّذِي بَعْضُهُ حُرٌّ وَبَعْضُهُ رَقِيقٌ وَلَيْسَ عَلَى الَّذِي بَعْضُهُ رَقِيقٌ وَبَعْضُهُ حُرٌّ أَنْ يُخْرِجَ بَاقِيَ الصَّاعِ عَنْ بَعْضِهِ الْحُرِّ.

L11322 Abū Ḥanīfah said: Zakāt al-Fiṭr is not obligatory in any of that - neither upon the contracted slave nor upon his master.

وَقَالَ أَبُو حَنِيفَةَ: لَا تَجِبُ زَكَاةُ الْفِطْرِ فِي شَيْءٍ مِنْ ذَلِكَ، لَا عَلَى الْمُكَاتَبِ وَلَا عَلَى سَيِّدِهِ.

L11323–11325 Those who did not hold the view that the master is obligated to pay zakāt for his mukatab cited the narration of Mūsā ibn ʿUqbah from Nāfiʿ as evidence. From Ibn ʻUmar: He used to pay Zakat al-Fitr for his slaves and his wife's slaves. He had a *mukatab*, but he would not pay it for him, and he did not consider Zakat al-Fitr due from the *mukatab*.

وَاحْتَجَّ مَنْ لَمْ يَرَ عَلَى السَّيِّدِ أَدَاءَ الزَّكَاةِ عَنْ مُكَاتَبِهِ بِرِوَايَةِ مُوسَى بْنِ عُقْبَةَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ أَنَّهُ كَانَ يُؤَدِّي زَكَاةَ الْفِطْرِ عَنْ رَقِيقِهِ وَرَقِيقِ امْرَأَتِهِ، وَكَانَ لَهُ مُكَاتَبٌ فَكَانَ لَا يُؤَدِّي عَنْهُ، وَكَانَ لَا يَرَى عَلَى الْمُكَاتَبِ زَكَاةً.

قَالُوا: وَهَذَا صَاحِبٌ لَا مُخَالِفَ لَهُ يُعْرَفُ مِنْ الصَّحَابَةِ. قَالَ أَبُو مُحَمَّد: لَا حُجَّةَ فِيمَنْ دُونَ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْعَجَبُ كُلُّ الْعَجَبِ أَنَّ الْحَنَفِيِّينَ الْمُحْتَجِّينَ بِهَذَا الْأَثَرِ أَوَّلُ مُخَالِفٍ لَهُ فَلَمْ يُوجِبُوا عَلَى الْمَرْءِ إخْرَاجَ صَدَقَةِ الْفِطْرِ عَنْ رَقِيقِ امْرَأَتِهِ وَمِنْ الْعَجَبِ أَنْ يَكُونَ فِعْلُ ابْنِ عُمَرَ بَعْضُهُ حُجَّةً وَبَعْضُهُ لَيْسَ بِحُجَّةٍ فَإِنْ قَالُوا: لَعَلَّهُ كَانَ يَتَطَوَّعُ بِإِخْرَاجِهَا عَنْ رَقِيقِ الْمَرْأَةِ؟ قِيلَ: وَلَعَلَّ ذَلِكَ الْمُكَاتَبَ كَلَّفَهُ إخْرَاجَهَا مِنْ كَسْبِهِ، كَمَا لِلْمَرْءِ أَنْ يُكَلِّفَ ذَلِكَ عَبْدَهُ، كَمَا يُكَلِّفُهُ الضَّرِيبَةَ، وَلَعَلَّهُ كَانَ يَرَى أَنْ يُخْرِجَهَا الْمُكَاتَبُ عَنْ نَفْسِهِ، وَلَعَلَّهُ قَدْ رَجَعَ عَنْ قَوْلِهِ فِي ذَلِكَ، فَكُلُّ هَذَا يَدْخُلُ فِيهِ " لَعَلَّ ".

They said: "This is a companion with no dissenting opinion against him, recognized among the Companions." Abū Muḥammad said: "There is no proof in anyone other than the Messenger of Allah - peace and blessings be upon him. The utmost wonder is that the Ḥanafīs who cite this narration as evidence are the first to oppose it, for they do not obligate a man to pay Sadaqat al-Fiṭr for his wife's slaves. Equally astonishing is that some of Ibn ʿUmar's actions are deemed authoritative while others are not. If they argue: 'Perhaps he voluntarily gave it for the wife's slaves?' One may respond: 'Perhaps that *mukatab* was required to pay it from his earnings, just as a person may impose this on his slave, like imposing a tax on him. Or perhaps he held that the *mukatab* should pay it for himself. Or perhaps he retracted his ruling on this matter.' All of this is encompassed by 'perhaps.'"

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وَأَمَّا قَوْلُ مَالِكٍ فَظَاهِرُ الْخَطَأِ، لِأَنَّهُ جَعَلَ زَكَاةَ الْفِطْرِ نِصْفَ صَاعٍ، أَوْ عُشْرَ صَاعٍ، أَوْ تِسْعَةَ أَعْشَارِ صَاعٍ فَقَطْ، وَهَذَا خِلَافُ مَا أَوْجَبَهُ اللَّهُ تَعَالَى فِيهَا، وَأَوْجَبَهَا عَلَى بَعْضِ إنْسَانٍ دُونَ سَائِرِهِ، وَهَذَا خِلَافُ مَا أَوْجَبَهُ اللَّهُ تَعَالَى فِيهَا؟ وَأَمَّا قَوْلُ الشَّافِعِيِّ فَخَطَأٌ، لِأَنَّهُ أَوْجَبَ الزَّكَاةَ فِي الْفِطْرِ فِيمَنْ لَا يَقَعُ عَلَيْهِ اسْمُ رَقِيقٍ مِمَّنْ بَعْضُهُ حُرٌّ وَبَعْضُهُ عَبْدٌ، وَهَذَا مَا لَمْ يَأْتِ بِهِ نَصٌّ وَلَا إجْمَاعٌ.

As for Mālik's opinion, its erroneous nature is evident, for he restricted Zakāt al-Fiṭr to merely half a ṣāʿ, a tenth of a ṣāʿ, or nine-tenths of a ṣāʿ. This contradicts what Allah the Exalted has obligated in this matter, applying it to only a portion of an individual's legal status while excluding the remainder. Does this not contradict what Allah the Exalted has ordained? As for Al-Shāfiʿī's opinion, it is incorrect, for he obligated Zakāt al-Fiṭr upon someone not legally classified as a slave—that is, one who is partially free and partially enslaved. This lacks any textual or consensus-based foundation.

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قَالَ أَبُو مُحَمَّد: وَالْحَقُّ مِنْ هَذَا أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَوْجَبَهَا عَلَى الْحُرِّ، وَالْعَبْدِ، وَالذَّكَرِ، وَالْأُنْثَى، وَالصَّغِيرِ، وَالْكَبِيرِ مِنْ الْمُسْلِمِينَ، فَمَنْ بَعْضُهُ حُرٌّ وَبَعْضُهُ عَبْدٌ فَلَيْسَ حُرًّا، وَلَا هُوَ أَيْضًا عَبْدٌ، وَلَا هُوَ رَقِيقٌ، فَسَقَطَ بِذَلِكَ عَنْ أَنْ يَجِبَ عَلَى مَالِكِ بَعْضِهِ عَنْهُ شَيْءٌ، وَلَكِنَّهُ ذَكَرٌ، أَوْ أُنْثَى، صَغِيرٌ، أَوْ كَبِيرٌ فَوَجَبَتْ عَلَيْهِ صَدَقَةُ الْفِطْرِ عَنْ نَفْسِهِ وَلَا بُدَّ بِهَذَا النَّصِّ. وَهُوَ قَوْلُ أَبِي سُلَيْمَانَ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

Abu Muhammad said: The truth in this matter is that the Messenger of Allah—peace and blessings of Allah be upon him—made it obligatory upon the free person, the slave, the male, the female, the young, and the old among the Muslims. As for one who is partially free and partially enslaved, he is neither free nor is he a slave, nor is he chattel. Thus, by this reasoning, nothing becomes incumbent upon the owner of any portion of him. However, since he is male or female, young or old, the obligation of Zakāt al-Fiṭr is required of him personally by necessity of this text. This is the opinion of Abu Sulayman—and success is from Allah, the Exalted.

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As for our statement regarding the *mukātab* (a slave with a manumis-

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sion contract) who pays part of his *kitābah*—that he fulfills it on his own behalf—this is because he is partially free and partially enslaved, as we have mentioned. Since this is the case, as we have stated, he is obligated to fulfill it on his own behalf due to what we have mentioned. ʿAbdullāh ibn Rabīʿ narrated to us from Muḥammad ibn Muʿāwiyah, from Aḥmad ibn Shuʿayb, from Muḥammad ibn ʿĪsā al-Dimashqī: I am Muḥammad ibn ʿĪsā al-Dimashqī. Yazid ibn Harun narrated to us: Hammad ibn Salamah narrated from Ayyub al-Sakhtiyani and Qatadah. Qatadah said: From Khilas from Ali ibn Abi Talib. Ayyub said: From Ikrimah from Ibn Abbas. Then Ali and Ibn Abbas agreed, both narrating from the Prophet—peace and blessings of Allah be upon him—that he said: "The mukatab is emancipated proportionally to what he has paid, and the hadd punishment is imposed upon him proportionally to the portion that has been freed of him." This is a chain of transmission of the highest authenticity. It is the opinion of Ali ibn Abi Talib and others.

L11332 It has been reported to us from Al-Hasan that Sadaqat al-Fitr is incumbent upon the mukatab. It is also reported from Maymun ibn Mihran and 'Ata' that his master pays it on his behalf.

L11333 **[Issue: Discharging part of the saʿ as barley and another part as dates for Zakat al-Fitr.]**

L11334 Issue 708: It is not valid to give part of the ṣāʿ as barley and part as dates. Nor is monetary value valid in principle, because all such practices are not what the Messenger of Allah (peace be upon him) ordained. Monetary substitution in mutual rights between people is only permissible through mutual agreement of the parties involved, whereas zakah has no specific owner whose consent or release [of obligation] could validate it.

L11335 **The legal principle is that one is only obligated to pay Zakāt al-Fiṭr for oneself and one's slaves.**

L11336 709 – Issue: A person is not obligated to pay Zakat for his father, his mother, his wife, his child, or anyone else whom he is legally obligated to maintain. The obligation applies solely to himself and his slaves.

وَأَمَّا قَوْلُنَا فِي الْمُكَاتَبِ يُؤَدِّي بَعْضَ كِتَابَتِهِ إِنَّهُ يُؤَدِّيهَا عَنْ نَفْسِهِ -: فَهُوَ لِأَنَّ بَعْضَهُ حُرٌّ وَبَعْضَهُ مَمْلُوكٌ كَمَا ذَكَرْنَا، فَإِذْ هُوَ كَذَلِكَ كَمَا ذَكَرْنَا فَعَلَيْهِ إِخْرَاجُهَا عَنْ نَفْسِهِ لِمَا ذَكَرْنَا؟ حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبَ أَنَا مُحَمَّدُ بْنُ عِيسَى الدِّمَشْقِيُّ ثنا يَزِيدُ هُوَ ابْنُ هَارُونَ - أَنَا حَمَّادُ بْنُ سَلَمَةَ عَنْ أَيُّوبَ السِّخْتِيَانِيِّ، وَقَتَادَةَ، قَالَ قَتَادَةُ: عَنْ خِلَاسٍ عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، وَقَالَ أَيُّوبُ: عَنْ عِكْرِمَةَ عَنِ ابْنِ عَبَّاسٍ، ثُمَّ اتَّفَقَ عَلِيٌّ، وَابْنُ عَبَّاسٍ عَنِ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «الْمُكَاتَبُ يُعْتَقُ مِنْهُ بِمِقْدَارِ مَا أَدَّى وَيُقَامُ عَلَيْهِ الْحَدُّ بِمِقْدَارِ مَا عَتَقَ مِنْهُ» وَهَذَا إِسْنَادٌ فِي غَايَةِ الصِّحَّةِ؟ وَهُوَ قَوْلُ عَلِيِّ بْنِ أَبِي طَالِبٍ وَغَيْرِهِ.

وَرُوِّينَا عَنِ الْحَسَنِ: أَنَّ عَلَى الْمُكَاتَبِ صَدَقَةَ الْفِطْرِ. وَعَنْ مَيْمُونِ بْنِ مِهْرَانَ، وَعَطَاءٍ: يُؤَدِّيهَا عَنْهُ سَيِّدُهُ.

[مَسْأَلَةٌ إِخْرَاجُ بَعْضِ الصَّاعِ شَعِيرًا وَبَعْضِهِ تَمْرًا فِي زَكَاةِ الْفِطْرِ]

٧٠٨ - مَسْأَلَةٌ: وَلَا يُجْزِئُ إِخْرَاجُ بَعْضِ الصَّاعِ شَعِيرًا وَبَعْضِهِ تَمْرًا، وَلَا تُجْزِئُ قِيمَةٌ أَصْلًا؛ لِأَنَّ كُلَّ ذَلِكَ غَيْرُ مَا فَرَضَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَالْقِيمَةُ فِي حُقُوقِ النَّاسِ لَا تَجُوزُ إِلَّا بِتَرَاضٍ مِنْهُمَا، وَلَيْسَ لِلزَّكَاةِ مَالِكٌ بِعَيْنِهِ فَيَجُوزُ رِضَاهُ، أَوْ إِبْرَاؤُهُ.

[مَسْأَلَةٌ لَيْسَ عَلَيْهِ أَنْ يُخْرِجَ زَكَاةَ الْفِطْرِ إِلَّا عَنْ نَفْسِهِ وَرَقِيقِهِ]

٧٠٩ - مَسْأَلَةٌ: وَلَيْسَ عَلَى الْإِنْسَانِ أَنْ يُخْرِجَهَا عَنْ أَبِيهِ، وَلَا عَنْ أُمِّهِ، وَلَا عَنْ زَوْجَتِهِ، وَلَا عَنْ وَلَدِهِ، وَلَا أَحَدٍ مِمَّنْ تَلْزَمُهُ نَفَقَتُهُ، وَلَا تَلْزَمُهُ إِلَّا عَنْ نَفْسِهِ، وَرَقِيقِهِ فَقَطْ.

L11337 The category of slaves includes mothers of children (umm al-walad), those under tadbeer (posthumously manumitted), both absent and present among them. This is the opinion of Abu Hanifah, Abu Sulayman, Sufyan al-Thawri, and others.

وَيَدْخُلُ فِي: الرَّقِيقِ أُمَّهَاتُ الْأَوْلَادِ، وَالْمُدَبَّرُونَ، غَائِبُهُمْ وَحَاضِرُهُمْ. وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَأَبِي سُلَيْمَانَ، وَسُفْيَانَ الثَّوْرِيِّ، وَغَيْرِهِمْ.

L11338 Mālik and al-Shāfiʿī said: He is required to give zakah for his wife and her servant whom she cannot do without, but he does not have to give zakah for his hired worker.

وَقَالَ مَالِكٌ، وَالشَّافِعِيُّ: يُخْرِجُهَا عَنْ زَوْجَتِهِ، وَعَنْ خَادِمِهَا الَّتِي لَا بُدَّ لَهَا مِنْهَا وَلَا يُخْرِجُهَا عَنْ أَجِيرِهِ.

L11339 Al-Layth said: He must pay it on behalf of his wife and on behalf of his hired worker whose wage is not specified. If the wage is specified, he is not obligated to pay it on his behalf, nor on behalf of his wife's slaves.

وَقَالَ اللَّيْثُ: يُخْرِجُهَا عَنْ زَوْجَتِهِ، وَعَنْ أَجِيرِهِ الَّذِي لَيْسَتْ أُجْرَتُهُ مَعْلُومَةً، فَإِنْ كَانَتْ أُجْرَتُهُ مَعْلُومَةً فَلَا يَلْزَمُهُ إِخْرَاجُهَا عَنْهُ، وَلَا عَنْ رَقِيقِ امْرَأَتِهِ.

L11340–11342 Abu Muhammad said: We know of no basis for obligating it upon the husband for his wife and her servant except a hadith narrated by Ibrahim ibn Abi Yahya on the authority of Jaʿfar ibn Muhammad on the authority of his father: "The Messenger of Allah (peace be upon him) ordained the Zakat [...]" The obligation of Zakāt al-Fiṭr applies to every free person or slave, male or female, among those under your financial care. Abū Muḥammad said: There is profound perplexity in this matter, for al-Shāfiʿī rejects *mursal* narrations yet here adopts the foulest *mursal* in existence—transmitted by Ibn Abī Yaḥyā. Sufficient for us is Allāh, the Best Disposer of Affairs. Abū Ḥanīfa and his followers equate *mursal* with *musnad* narrations while relying on reports from every liar and discredited transmitter. Yet they discard this ḥadīth, censuring it for being *mursal* and its weak narrator, thereby contradicting themselves—for they rule one need not pay Zakāt al-Fiṭr for his wife, though it is *obligated* upon him to offer the Udhiyah for her. This alone suffices to expose their inconsistency.

قَالَ أَبُو مُحَمَّد: مَا نَعْلَمُ لِمَنْ أَوْجَبَهَا عَلَى الزَّوْجِ عَنْ زَوْجَتِهِ وَخَادِمِهَا إِلَّا خَبَرًا رَوَاهُ إِبْرَاهِيمُ بْنُ أَبِي يَحْيَى عَنْ جَعْفَرِ بْنِ مُحَمَّدٍ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَرَضَ صَدَقَةَ الْفِطْرِ عَلَى كُلِّ حُرٍّ، أَوْ عَبْدٍ، ذَكَرٍ، أَوْ أُنْثَى، مِمَّنْ تَمُونُونَ» . قَالَ أَبُو مُحَمَّد: وَفِي هَذَا الْمَكَانِ عَجَبٌ عَجِيبٌ وَهُوَ أَنَّ الشَّافِعِيَّ لَا يَقُولُ بِالْمُرْسَلِ، ثُمَّ أَخَذَ هَاهُنَا بِأَنْتَنِ مُرْسَلٍ فِي الْعَالَمِ، مِنْ رِوَايَةِ ابْنِ أَبِي يَحْيَى. وَحَسْبُنَا اللَّهُ وَنِعْمَ الْوَكِيلُ. وَأَبُو حَنِيفَةَ وَأَصْحَابُهُ يَقُولُونَ: الْمُرْسَلُ كَالْمُسْنَدِ، وَيَحْتَجُّونَ بِرِوَايَةِ كُلِّ كَذَّابٍ، وَسَاقِطٍ، ثُمَّ تَرَكُوا هَذَا الْخَبَرَ وَعَابُوهُ بِالْإِرْسَالِ وَبِضَعْفِ رَاوِيهِ وَتَنَاقَضُوا فَقَالُوا: لَا يُزَكِّي زَكَاةَ الْفِطْرِ عَنْ زَوْجَتِهِ، وَعَلَيْهِ - فُرِضَ - أَنْ يُضَحِّيَ عَنْهَا فَحَسْبُكُمْ بِهَذَا تَخْلِيطًا.

L11343 As for the division of Al-Layth, it is manifestly erroneous.

وَأَمَّا تَقْسِيمُ اللَّيْثِ فَظَاهِرُ الْخَطَأِ.

L11344 As for the Mālikīs, they cited this ḥadīth as evidence but contradicted it by refusing to require the payment of Zakāt al-Fiṭr on behalf of a hired worker—though he is among those being sustained. Abū Muḥammad said: The Messenger of Allah (peace and blessings be upon him) obligated Zakāt al-Fiṭr upon the young, the old, the free, the slave, the male, and the female as an obligation of it incumbent upon them. Thus, it is not binding upon others in this matter except those explicitly stated in the text—namely slaves alone. Allah the Exalted said: "No soul bears the burden of another. No bearer of burdens bears the burden of another" [Quran 6:164].[16]

L11345 Abū Muḥammad said: It is obligatory for a married woman to pay Zakāt al-Fiṭr for herself and her dependents, according to the text we have cited—and by Allāh, the Exalted, is success granted?

A question: If someone among the slaves has subordinates, who must pay Zakāt al-Fiṭr on their behalf?

L11346

L11347 710. Issue: If a bondsman owns other bondsmen, the obligation of Zakât al-Fiṭr for them falls on him, not his master. This is based on the saying of Allah's Messenger—peace and blessings be upon him—which we previously mentioned: "No charity is due from a Muslim for his horse or his bondsman except Zakât al-Fiṭr for bondsmen." Thus, the bondsman is a Muslim while being owned by another. If he owns bondsmen, their owner must pay Zakât al-Fiṭr for them. He is obligated to pay it for his own bondsmen according to the aforementioned text—and with Allah, the Most High, lies all success.

L11348–11350 If it is said: Why is it not binding on him by his own [action], yet binding on him by others' [actions]? We say: Just as the Lord of the Worlds has decreed regarding that through the tongue of His Prophet—may Allah bless him and grant him peace. Then we say to the Malikis and the Shafi'is: You uphold this position where you make mistakes, so you say: The wife is not obligated to pay Zakat for herself, but she must pay Zakat on her servants except those she cannot do without for her own service.

[16] **Qur'an references (L11344):** Qur'an 6:164 (Al-An'am).

وَأَمَّا الْمَالِكِيُّونَ فَاحْتَجُّوا بِهَذَا الْخَبَرِ ثُمَّ خَالَفُوهُ، فَلَمْ يَرَوْا أَنْ يُؤَدِّيَ زَكَاةَ الْفِطْرِ عَنْ الْأَجِيرِ، وَهُوَ مِمَّنْ يُمَوَّنُ؟ قَالَ أَبُو مُحَمَّدٍ: إيجَابُ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - زَكَاةَ الْفِطْرِ عَلَى الصَّغِيرِ، وَالْكَبِيرِ، وَالْحُرِّ، وَالْعَبْدِ، وَالذَّكَرِ، وَالْأُنْثَى: هُوَ إيجَابٌ لَهَا عَلَيْهِمْ، فَلَا تَجِبُ عَلَى غَيْرِهِمْ فِيهِ إلَّا مَنْ أَوْجَبَهُ النَّصُّ، وَهُوَ الرَّقِيقُ فَقَطْ، قَالَ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا وَلا تَزِرُ وَازِرَةٌ وِزْرَ أُخْرَى} [الأنعام: ١٦٤] .

قَالَ أَبُو مُحَمَّدٍ: وَوَاجِبٌ عَلَى ذَاتِ الزَّوْجِ إخْرَاجُ زَكَاةِ الْفِطْرِ عَنْ نَفْسِهَا وَعَنْ رَقِيقِهَا، بِالنَّصِّ الَّذِي أَوْرَدْنَا - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ؟

[مَسْأَلَةٌ مِنْ كَانَ مِنْ الْعَبِيدِ لَهُ رَقِيقٌ فَمَنْ يُخْرِجُ زَكَاةَ الْفِطْرِ عَنْهُمْ]

٧١٠ - مَسْأَلَةٌ: وَمَنْ كَانَ مِنْ الْعَبِيدِ لَهُ رَقِيقٌ فَعَلَيْهِ إخْرَاجُهَا عَنْهُمْ لَا عَلَى سَيِّدِهِ، لِمَا ذَكَرْنَا مِنْ قَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَيْسَ عَلَى الْمُسْلِمِ فِي فَرَسِهِ، وَلَا عَبْدِهِ صَدَقَةٌ إلَّا صَدَقَةُ الْفِطْرِ فِي الرَّقِيقِ» . فَالْعَبْدُ مُسْلِمٌ وَهُوَ رَقِيقٌ لِغَيْرِهِ، وَلَهُ رَقِيقٌ، فَعَلَى مَنْ هُوَ لَهُ رَقِيقٌ أَنْ يُخْرِجَهَا عَنْهُ، وَعَلَيْهِ أَنْ يُخْرِجَهَا عَنْ رَقِيقِهِ بِالنَّصِّ الْمَذْكُورِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

فَإِنْ قِيلَ: كَيْفَ لَا يَلْزَمُهُ عَنْ نَفْسِهِ وَتَلْزَمُهُ عَنْ غَيْرِهِ؟ قُلْنَا: كَمَا حَكَمَ فِي ذَلِكَ رَبُّ الْعَالَمِينَ عَلَى لِسَانِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. ثُمَّ نَقُولُ لِلْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ: أَنْتُمْ تَقُولُونَ بِهَذَا حَيْثُ تُخْطِئُونَ، فَتَقُولُونَ: إنَّ الزَّوْجَةَ لَا تُخْرِجُهَا عَنْ نَفْسِهَا، وَعَلَيْهَا أَنْ تُخْرِجَهَا عَنْ رَقِيقِهَا حَاشَا مَنْ لَا بُدَّ لَهَا مِنْهُ لِخِدْمَتِهَا؟

L11351 We would like to know the Ḥanafī position regarding a Christian whose umm walad (female slave who bore him a child) or male slave embraced Islam, was then detained for sale, and Eid al-Fitr arrived: who bears the obligation to pay Zakat al-Fitr for them? These two cases never arise in our doctrine, for the moment he takes possession of his umm walad or male slave, they are manumitted immediately.

وَلَوَدِدْنَا أَنْ نَعْرِفَ مَا يَقُولُ الْحَنَفِيُّونَ فِي نَصْرَانِيَّةٍ أَسْلَمَتْ أُمُّ وَلَدِهِ أَوْ عَبْدُهُ حُبِسَ لِيُبَاعَ فَجَاءَ الْفِطْرُ، عَلَى مَنْ صَدَقَةُ الْفِطْرِ عَنْهُمَا؟ وَهَاتَانِ الْمَسْأَلَتَانِ لَا تَقَعَانِ فِي قَوْلِنَا أَبَدًا؛ لِأَنَّهُ سَاعَةَ تَسَلُّمِ أُمِّ وَلَدِهِ أَوْ عَبْدِهِ: عَتَقَا فِي الْوَقْتِ.

L11352 **Question: A person has two slaves or more than two. Is Zakat al-Fitr to be given for them?**

[مَسْأَلَةٌ لَهُ عَبْدَانِ فَأَكْثَرُ فَهَلْ يَخْرُجُ صَدَقَةَ الْفِطْرِ عَنْهُمَا]

L11353 711 – Issue: If someone has two or more slaves, he may give a sa'a of dates for one and a sa'a of barley for the other. If he wishes, he may give dates for all or barley for all, based on the explicit text of the aforementioned hadith.

٧١١ - مَسْأَلَةٌ: وَمَنْ لَهُ عَبْدَانِ فَأَكْثَرُ فَلَهُ أَنْ يُخْرِجَ عَنْ أَحَدِهِمَا تَمْرًا وَعَنِ الْآخَرِ شَعِيرًا، صَاعًا صَاعًا. وَإِنْ شَاءَ التَّمْرَ عَنِ الْجَمِيعِ، وَإِنْ شَاءَ الشَّعِيرَ عَنِ الْجَمِيعِ؛ لِأَنَّهُ نَصُّ الْخَبَرِ الْمَذْكُورِ؟

L11354 **Issue: The minors on whose behalf Zakat al-Fitr is paid.**

[مَسْأَلَةٌ الصِّغَارُ مِنْ يدفع زَكَاةَ الْفِطْرِ عَنْهُمْ]

L11355 712 - Issue: As for minors, the father or guardian must pay Zakat al-Fitr on their behalf from their wealth if they possess any. If they have no wealth, then no Zakat al-Fitr is required for them at that time or thereafter. Abu Hanifah said: The father must pay it on behalf of his minor children who have no wealth. If they have wealth and he pays it from their wealth, it is disliked for him to do so, but it suffices. He also stated: The guardian must pay it on behalf of an orphan from the orphan's wealth, and on behalf of the orphan's dependents as well. Zufar and Muhammad ibn al-Hasan said: Zakat al-Fitr is not obligatory for an orphan, whether he possesses wealth or not. If his guardian pays it, he becomes responsible for it. Malik said: The father must pay Zakat al-Fitr on behalf of his minor children if they have no wealth. If they have wealth, it is due from their wealth. It is due from the orphan's wealth. This is the view of al-Shafi'i. They unanimously agreed that the father is not required to pay it on behalf of his adult children, whether they have wealth or not.

٧١٢ - مَسْأَلَةٌ: وَأَمَّا الصِّغَارُ فَعَلَيْهِمْ أَنْ يُخْرِجَهَا الْأَبُ، وَالْوَلِيُّ عَنْهُمْ مِنْ مَالٍ إِنْ كَانَ لَهُمْ، وَإِنْ لَمْ يَكُنْ لَهُمْ مَالٌ فَلَا زَكَاةَ فِطْرٍ عَلَيْهِمْ حِينَئِذٍ، وَلَا بَعْدَ ذَلِكَ؟ وَقَالَ أَبُو حَنِيفَةَ: يُؤَدِّيهَا الْأَبُ عَنْ وَلَدِهِ الصِّغَارِ الَّذِينَ لَا مَالَ لَهُمْ؛ فَإِنْ كَانَ لَهُمْ مَالٌ، فَإِنْ أَدَّاهَا مِنْ مَالِهِمْ كَرِهْتُ لَهُ ذَلِكَ وَأَجْزَأَهُ؟ قَالَ: وَيُؤَدِّيهَا عَنِ الْيَتِيمِ وَصِيُّهُ مِنْ مَالِ الْيَتِيمِ، وَعَنْ رَقِيقِ الْيَتِيمِ أَيْضًا؟ وَقَالَ زُفَرُ، وَمُحَمَّدُ بْنُ الْحَسَنِ: لَيْسَ عَلَى الْيَتِيمِ زَكَاةُ الْفِطْرِ، كَانَ لَهُ مَالٌ، أَوْ لَمْ يَكُنْ؛ فَإِنْ أَدَّاهَا وَصِيُّهُ ضَمِنَهَا؟ وَقَالَ مَالِكٌ: عَلَى الْأَبِ أَنْ يُؤَدِّيَ زَكَاةَ الْفِطْرِ عَنْ وَلَدِهِ الصِّغَارِ إِنْ لَمْ يَكُنْ لَهُمْ مَالٌ، فَإِنْ كَانَ لَهُمْ مَالٌ فَهِيَ فِي أَمْوَالِهِمْ؛ وَهِيَ عَلَى الْيَتِيمِ فِي مَالِهِ. وَهُوَ قَوْلُ الشَّافِعِيِّ. وَلَمْ يَخْتَلِفُوا فِي أَنَّ الْأَبَ لَا يُؤَدِّيهَا عَنْ وَلَدِهِ الْكِبَارِ، كَانَ لَهُمْ مَالٌ، أَوْ لَمْ يَكُنْ.

L11356–11358 Abu Muhammad said: We do not know any proof whatsoever for them, except the claim that the intent behind mentioning minors is directed toward their fathers rather than toward them. Abu Muhammad said: This is an utterly baseless assertion, because if he did not intend the directive concerning the imposition of Zakat al-Fitr's obligation to be directed at them, but rather directed it at others, then whoever designates the fathers as specifically designated for that to the exclusion of... All guardians, relatives, neighbors, and rulers? If they argued: "Because the father financially supports them," would the Ḥanafīs then have to retract their prior rejection of this position? This would render it incumbent upon the Mālikīs and Shāfiʿīs to mandate that the father - whether willingly or unwillingly - discharge this duty on their behalf, regardless of whether the dependents possess wealth or not, since he alone bears this legal obligation rather than them. Thus the inherent flaw in this argument has been decisively exposed.

قَالَ أَبُو مُحَمَّد: مَا نَعْلَمُ لَهُمْ حُجَّةً أَصْلًا، إلَّا الدَّعْوَى: فِي أَنَّ الْقَصْدَ بِذِكْرِ الصِّغَارِ إنَّمَا هُوَ إلَى آبَائِهِمْ لَا إلَيْهِمْ؟ قَالَ أَبُو مُحَمَّد: وَهَذِهِ دَعْوَى فِي غَايَةِ الْفَسَادِ، لِأَنَّهُ إذَا لَمْ يَقْصِدْ بِالْخِطَابِ إلَيْهِمْ فِي إيجَابِ زَكَاةِ الْفِطْرِ، وَإِنَّمَا قَصَدَ إلَى غَيْرِهِمْ -: فَمَنْ جَعَلَ الْآبَاءَ مَخْصُوصِينَ بِذَلِكَ دُونَ سَائِرِ الْأَوْلِيَاءِ، وَالْأَقَارِبِ، وَالْجِيرَانِ، وَالسُّلْطَانِ؟ فَإِنْ قَالُوا: لِأَنَّ الْأَبَ يُنْفِقُ عَلَيْهِمْ رَجَعَ الْحَنِيفِيُّونَ إلَى مَا أَنْكَرُوا مِنْ ذَلِكَ؟ وَيَلْزَمُ الْمَالِكِيِّينَ، وَالشَّافِعِيِّينَ فِي هَذَا أَنْ يُؤَدِّيَهَا الْأَبُ - أَحَبَّ أَمْ كَرِهَ - عَنْهُمْ، كَانَ لَهُمْ مَالٌ، أَوْ لَمْ يَكُنْ؛ لِأَنَّهُ هُوَ الْمُخَاطَبُ بِذَلِكَ دُونَهُمْ. فَوَضَحَ فَسَادُ هَذَا الْقَوْلِ بِيَقِينٍ.

L11359 The truth in this matter is that Allah the Exalted ordained Zakāt al-Fiṭr through the words of His Prophet—peace be upon him—upon both the adult and the minor. Whoever distinguishes between the rulings pertaining to them has uttered falsehood and falsely ascribed to the Messenger of Allah—peace be upon him—what he neither stated nor indicated. Moreover, we note that Allah the Exalted declares: {Allah does not burden a soul beyond its capacity} [Al-Baqarah: 286]. And the Messenger of Allah—peace be upon him—said: "When I command you with a matter, fulfill it to the best of your ability." Thus, we conclude that one who possesses no wealth—whether adult or minor—lacks the capacity to discharge Zakāt al-Fiṭr. It is established that such a person was never obligated to pay it, and since they could not fulfill it, they were not commanded to do so by the explicit statement of the Prophet—peace be upon him. And it remains obligatory for an orphan if they own wealth. We assert that it is not obligatory beyond this because Zakāt al-Fiṭr is bound by a time with two fixed limits, unlike other Zakāt obligations. Once its designated time elapses, it is not permissible to consider it obligatory thereafter or outside its timeframe, as no textual proof or

وَالْحَقُّ فِي هَذَا أَنَّ اللَّهَ تَعَالَى فَرَضَهَا عَلَى لِسَانِ نَبِيِّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - عَلَى: الْكَبِيرِ، وَالصَّغِيرِ، فَمَنْ فَرَّقَ بَيْنَ حُكْمَيْهِمَا فَقَدْ قَالَ الْبَاطِلَ، وَادَّعَى عَلَى رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مَا لَمْ يَقُلْهُ، وَلَا دَلَّ عَلَيْهِ؟ ثُمَّ وَجَدْنَا اللَّهَ تَعَالَى يَقُولُ: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] . وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» . فَوَجَدْنَا مَنْ لَا مَالَ لَهُ - مِنْ كَبِيرٍ أَوْ صَغِيرٍ - لَيْسَ فِي وُسْعِهِ أَدَاءُ زَكَاةِ الْفِطْرِ؛ فَقَدْ صَحَّ أَنَّهُ لَمْ يُكَلَّفْهَا قَطُّ، وَلَمَّا كَانَ لَا يَسْتَطِيعُهَا لَمْ يَكُنْ مَأْمُورًا بِهَا، بِنَصِّ كَلَامِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وَهِيَ لَازِمَةٌ لِلْيَتِيمِ إذَا كَانَ لَهُ مَالٌ، وَإِنَّمَا قُلْنَا: إنَّهَا لَا تَلْزَمُهُ بَعْدَ ذَلِكَ فَلِأَنَّ زَكَاةَ الْفِطْرِ مَحْدُودَةٌ بِوَقْتٍ مَحْدُودِ الطَّرَفَيْنِ، بِخِلَافِ سَائِرِ الزَّكَوَاتِ، فَلَمَّا خَرَجَ وَقْتُهَا لَمْ يَجُزْ أَنْ تَجِبَ بَعْدَ خُرُوجِ وَقْتِهَا وَفِي غَيْرِ وَقْتِهَا؛ لِأَنَّهُ لَمْ يَأْتِ بِإِيجَابِهَا بَعْدَ ذَلِكَ نَصٌّ وَلَا إجْمَاعٌ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

consensus establishes its obligation beyond that period. And success comes only from Allah, the Exalted.[17]

L11360 **A case where one cannot find how to pay Zakāt al-Fitr.**

L11361 713. Issue: The one who cannot find the means to pay Zakāt al-Fiṭr is not obligated to do so, as mentioned in the preceding issue, nor does it become binding on him even if he later acquired the means, as also mentioned? If someone can afford dates but not barley due to barley's high price, or can afford barley but not dates due to dates' high price, he must necessarily give a *ṣāʿ* of what he can afford, as previously stated. If he can only afford part of a *ṣāʿ*, he must give that portion without fail, in accordance with Allah's statement: "Allah does not burden a soul beyond its capacity" [Al-Baqarah 2:286].[18]

L11362 And due to the statement of Allah's Messenger—may Allah bless him and grant him peace—: "When I command you with a matter, do as much of it as you can." If one has the capacity for part of the *saʿ*, they are legally responsible to fulfill that part, but if they lack capacity for any part of it, they are not charged with fulfilling it.

L11363–11364 This is analogous to prayer, where one is incapable of certain portions yet capable of others, and akin to debt, where one fulfills part of it but cannot fulfill the entirety. This differs from fasting, wherein inability to complete the full day or two consecutive months invalidates it; nor is it like the obligatory manumission, obligatory feeding in expiations, or obligatory sacrificial offering—where partial fulfillment from each of these categories does not suffice. For instance, if one is obligated to give a ṣāʿ in Zakāt al-Fiṭr, scholars unanimously permit giving portions incrementally. Yet dividing a fasting day is invalid, and one who fails to complete a day's fast is not deemed to have fasted unless explicitly permitted by an explicit textual ruling—does it suffice him then? As for partial manumission, Allah the Exalted ordained the substitution of fasting when manumission is unavailable; thus, transgressing

[17] **Qur'an references (L11359):** Qur'an 2:286 (Al-Baqarah).
[18] **Qur'an references (L11361):** Qur'an 2:286 (Al-Baqarah).

[مَسْأَلَةٌ لَا يَجِدُ مِنْ أَيْنَ يُؤَدِّي زَكَاةَ الْفِطْرِ]

٧١٣ - مَسْأَلَةٌ: وَالَّذِي لَا يَجِدُ مِنْ أَيْنَ يُؤَدِّي زَكَاةَ الْفِطْرِ فَلَيْسَتْ عَلَيْهِ، لِمَا ذَكَرْنَا فِي الْمَسْأَلَةِ الَّتِي قَبْلَ هَذِهِ، وَلَا تَلْزَمُهُ وَإِنْ أَيْسَرَ بَعْدَ ذَلِكَ، لِمَا ذُكِرَ أَيْضًا؟ فَمَنْ قَدَرَ عَلَى التَّمْرِ وَلَمْ يَقْدِرْ عَلَى الشَّعِيرِ لِغَلَائِهِ، أَوْ قَدَرَ عَلَى الشَّعِيرِ وَلَمْ يَقْدِرْ عَلَى التَّمْرِ لِغَلَائِهِ -: أَخْرَجَ صَاعًا وَلَا بُدَّ مِنَ الَّذِي يَقْدِرُ عَلَيْهِ، لِمَا ذَكَرْنَا أَيْضًا. فَإِنْ لَمْ يَقْدِرْ إِلَّا عَلَى بَعْضِ صَاعٍ أَدَّاهُ وَلَا بُدَّ، لِقَوْلِ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] .

وَلِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» وَهُوَ وَاسِعٌ لِبَعْضِ الصَّاعِ، فَهُوَ مُكَلَّفٌ إِيَّاهُ، وَلَيْسَ وَاسِعًا لِبَعْضِهِ، فَلَمْ يُكَلَّفْهُ.

وَهَذَا مِثْلُ الصَّلَاةِ، يَعْجِزُ عَنْ بَعْضِهَا وَيَقْدِرُ عَلَى بَعْضِهَا، وَمِثْلُ الدَّيْنِ، يَقْدِرُ عَلَى بَعْضِهِ وَلَا يَقْدِرُ عَلَى سَائِرِهِ؟ وَلَيْسَ هَذَا مِثْلُ الصَّوْمِ، يَعْجِزُ فِيهِ عَنْ تَمَامِ الْيَوْمِ، أَوْ تَمَامِ الشَّهْرَيْنِ الْمُتَتَابِعَيْنِ؛ وَلَا مِثْلُ الرَّقَبَةِ الْوَاجِبَةِ، وَالْإِطْعَامِ الْوَاجِبِ فِي الْكَفَّارَاتِ، وَالْهَدْيِ الْوَاجِبِ، يَقْدِرُ عَلَى الْبَعْضِ مِنْ كُلِّ ذَلِكَ وَلَا يَقْدِرُ عَلَى سَائِرِهِ، فَلَا يُجْزِئُهُ شَيْءٌ مِنْهُ. لِأَنَّ مَنْ افْتُرِضَ عَلَيْهِ صَاعٌ فِي زَكَاةِ الْفِطْرِ فَلَا خِلَافَ فِي أَنَّهُ جَائِزٌ لَهُ أَنْ يُخْرِجَ بَعْضَهُ ثُمَّ بَعْضَهُ ثُمَّ بَعْضَهُ. وَلَا يَجُوزُ تَفْرِيقُ الْيَوْمِ، وَلَا يُسَمَّى مَنْ لَمْ يُتِمَّ صَوْمَ الْيَوْمِ صَائِمَ يَوْمٍ، إِلَّا حَيْثُ جَاءَ بِهِ النَّصُّ فَيُجْزِئُهُ حِينَئِذٍ؟ وَأَمَّا بَعْضُ الرَّقَبَةِ فَإِنَّ اللَّهَ تَعَالَى نَصَّ بِتَعْوِيضِ الصِّيَامِ مِنَ الرَّقَبَةِ إِذَا لَمْ تُوجَدْ فَلَمْ يَجُزْ تَعَدِّي النَّصِّ، وَكَانَ مُعْتِقُ

this textual ruling is impermissible. Freeing part of a slave contravenes the obligation to fully manumit, provide the substitute feeding, or perform the substitute fasting. Regarding the two consecutive months: if one splits them, failing to observe them consecutively as commanded, the obligation remains until fulfilled, or he substitutes it where the text permits substitution. As for the sacrificial offering, combining parts of separate sacrificial offerings does not constitute a valid offering, leaving it as an outstanding debt until fulfilled. Feeding, however, suffices incrementally until he can provide the remainder, as it is not bound by a fixed terminal timeframe. And success comes only from Allah, the Exalted.

بَعْضِ رَقَبَةٍ مُخَالِفًا لِمَا أُمِرَ بِهِ وَافْتُرِضَ عَلَيْهِ مِنْ الرَّقَبَةِ التَّامَّةِ، أَوْ مِنْ الْإِطْعَامِ الْمُعَوَّضِ مِنْهَا، أَوْ الصِّيَامِ الْمُعَوَّضِ مِنْهَا. وَأَمَّا بَعْضُ الشَّهْرَيْنِ فَمِنْ بَعْضِهَا، أَوْ فَرَّقَهُمَا فَلَمْ يَأْتِ بِمَا أُمِرَ بِهِ مُتَتَابِعًا، فَهُوَ عَلَيْهِ أَوْ عَوَّضَهُ حَيْثُ جَاءَ النَّصُّ بِالتَّعْوِيضِ مِنْهُ. وَأَمَّا الْهَدْيُ فَإِنَّ بَعْضَ الْهَدْيِ مَعَ بَعْضِ هَدْيٍ آخَرَ لَا يُسَمَّى هَدْيًا، فَلَمْ يَأْتِ بِمَا أُمِرَ بِهِ؛ فَهُوَ دَيْنٌ عَلَيْهِ حَتَّى يَقْدِرَ عَلَيْهِ؟ وَأَمَّا الْإِطْعَامُ فَيُجْزِئُهُ مَا وَجَدَ مِنْهُ حَتَّى يَجِدَ بَاقِيَهُ؛ لِأَنَّهُ لَمْ يَأْتِ مُرْتَبِطًا بِوَقْتٍ مَحْدُودِ الْآخِرِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11365 **[An issue regarding Zakāt al-Fiṭr concerning his slave who is pledged, absconding, absent, or usurped.]**

[مَسْأَلَةٌ زَكَاةُ الْفِطْرِ عَنْ عَبْدِهِ الْمَرْهُونِ وَالْآبِقِ وَالْغَائِبِ وَالْمَغْصُوبِ]

L11366 Issue 714: Zakat al-Fitr is obligatory upon the master for his pledged slave, runaway slave, absent slave, and usurped slave, because they are his slaves, and no text specifies these as exceptions. If the slave possesses property or earnings, the master may require him to pay Zakat al-Fitr from his earnings or property, as the master retains the right to seize these assets at will and may impose the kharaj (land tax) upon him according to textual evidence and scholarly consensus. Given this authority, the master may instruct the slave to allocate whatever he is obligated to pay from these resources for whatever purpose the master deems appropriate.

٧١٤ - مَسْأَلَةٌ: وَتَجِبُ زَكَاةُ الْفِطْرِ عَلَى السَّيِّدِ عَنْ عَبْدِهِ الْمَرْهُونِ، وَالْآبِقِ، وَالْغَائِبِ، وَالْمَغْصُوبِ، لِأَنَّهُمْ رَقِيقُهُ، وَلَمْ يَأْتِ نَصٌّ بِتَخْصِيصِ هَؤُلَاءِ. وَلِلسَّيِّدِ إنْ كَانَ لِلْعَبْدِ مَالٌ أَوْ كَسْبٌ أَنْ يُكَلِّفَهُ إخْرَاجَ زَكَاةِ الْفِطْرِ مِنْ كَسْبِهِ أَوْ مَالِهِ، لِأَنَّ لَهُ انْتِزَاعَ مَالِ مَتَى شَاءَ، وَلَهُ أَنْ يُكَلِّفَهُ الْخَرَاجَ بِالنَّصِّ وَالْإِجْمَاعِ، فَإِذَا كَانَ لَهُ ذَلِكَ فَلَهُ أَنْ يَأْمُرَهُ بِأَنْ يَصْرِفَ مَا كُلِّفَهُ مِنْ ذَلِكَ فِيمَا شَاءَ.

[مَسْأَلَةٌ زَكَاةُ الْفِطْرِ عَلَى الْمَجْنُونِ]

Issue: Zakāt al-Fiṭr upon the Insane Person

L11367–11370 715 – Issue: Zakāh al-Fiṭr is obligatory upon an insane person if he possesses wealth, because he is male or [...] A female, whether free or enslaved, minor or adult.

٧١٥ - مَسْأَلَةٌ: وَالزَّكَاةُ لِلْفِطْرِ وَاجِبَةٌ عَلَى الْمَجْنُونِ إنْ كَانَ لَهُ مَالٌ؛ لِأَنَّهُ ذَكَرٌ أَوْ أُنْثَى، حُرٌّ أَوْ عَبْدٌ، صَغِيرٌ أَوْ كَبِيرٌ.

L11371 **If a person was poor and took Zakāt al-Fiṭr, then there remained for him what he would give in Zakāt al-Fiṭr.**

[مَسْأَلَةٌ كَانَ فَقِيرًا فَأَخَذَ مِنْ زَكَاةِ الْفِطْرِ فَفَضَلَ لَهُ مَا يُعْطِي فِي زَكَاةِ الْفِطْرِ]

L11372 716 – Issue: If a poor person takes from Zakāt al-Fiṭr or other types of zakāt an amount sufficient for his day's sustenance, and a surplus equivalent to the amount due for Zakāt al-Fiṭr remains, it becomes incumbent upon him to give that surplus.

L11373 This is the opinion of ʿAṭāʾ, Abū Sulaymān, and al-Shāfiʿī.

L11374 Abu Hanifah said: Whoever possesses less than two hundred dirhams is not obligated to pay Zakat al-Fitr, and is entitled to receive it. Whoever possesses two hundred dirhams must pay it. Sufyan said: Whoever has fifty dirhams is wealthy, and whoever does not possess fifty dirhams is needy.

L11375 Others besides them said: Whoever possesses forty dirhams is wealthy—if he has less, is he considered poor? Others said: Whoever possesses his daily sustenance, is he considered wealthy? Abu Muhammad said: We will address these statements later—if Allah the Exalted wills. As for here, specifically exempting the poor from paying Zakat al-Fitr—if he possesses the required amount or part of it—is an impermissible view, for no textual proof supports exempting the poor from it. The texts only waive the obligation of what is beyond one's capacity. Thus, if Zakat al-Fitr is within the poor person's means, he is obligated to pay it by the generality of the Prophet's (peace be upon him) statement: "Upon every free person or slave, male or female, young or old." We have also been narrated from ʿAta regarding the poor: Is it permissible for him to receive Zakat and give it?

A case of one who intends to discharge Zakât al-Fiṭr on behalf of his child.

L11376

L11377 Issue: Whoever intends to give Zakāt al-Fiṭr on behalf of their minor children, adult children, or others may only do so by gifting the Zakat amount to them first. They may then pay it on behalf of minors and the mentally incapacitated, but cannot pay it on behalf of mentally competent adults without their explicit authorization. The evidence for this is our earlier clarification: Allah the Exalted obligated this duty specifically upon an individual from

٧١٦ - مَسْأَلَةٌ: وَمَنْ كَانَ فَقِيرًا فَأَخَذَ مِنْ زَكَاةِ الْفِطْرِ أَوْ غَيْرِهَا مِقْدَارَ مَا يَقُومُ بِقُوتِ يَوْمِهِ وَفَضَلَ لَهُ مِنْهُ مَا يُعْطِي فِي زَكَاةِ الْفِطْرِ -: لَزِمَهُ أَنْ يُعْطِيَهُ.

وَهُوَ قَوْلُ عَطَاءٍ، وَأَبِي سُلَيْمَانَ، وَالشَّافِعِيِّ.

وَقَالَ أَبُو حَنِيفَةَ: مَنْ لَهُ أَقَلُّ مِنْ مِائَتَيْ دِرْهَمٍ فَلَيْسَ عَلَيْهِ زَكَاةُ الْفِطْرِ، وَلَهُ أَخْذُهَا، وَمَنْ كَانَ لَهُ مِائَتَا دِرْهَمٍ فَعَلَيْهِ أَنْ يُؤَدِّيَهَا. وَقَالَ سُفْيَانُ: مَنْ لَهُ خَمْسُونَ دِرْهَمًا فَهُوَ غَنِيٌّ، وَمَنْ لَمْ يَكُنْ لَهُ خَمْسُونَ دِرْهَمًا فَهُوَ فَقِيرٌ.

وَقَالَ غَيْرُهُمَا: مَنْ لَهُ أَرْبَعُونَ دِرْهَمًا فَهُوَ غَنِيٌّ، فَإِنْ كَانَ لَهُ أَقَلُّ فَهُوَ فَقِيرٌ؟ وَقَالَ آخَرُونَ: مَنْ لَهُ قُوتُ يَوْمِهِ فَهُوَ غَنِيٌّ؟ قَالَ أَبُو مُحَمَّدٍ: سَنَتَكَلَّمُ بَعْدَ هَذَا - إِنْ شَاءَ تَعَالَى - فِي هَذِهِ الْأَقْوَالِ، وَأَمَّا هَاهُنَا فَإِنَّ تَخْصِيصَ الْفَقِيرِ بِإِسْقَاطِ صَدَقَةِ الْفِطْرِ عَنْهُ - إِذَا كَانَ وَاجِدًا لِمِقْدَارِهَا أَوْ لِبَعْضِهِ - قَوْلٌ لَا يَجُوزُ، لِأَنَّهُ لَمْ يَأْتِ بِهِ نَصٌّ، نَعْنِي بِإِسْقَاطِهَا عَنْ الْفَقِيرِ، وَإِنَّمَا جَاءَ النَّصُّ بِإِسْقَاطِ تَكْلِيفِ مَا لَيْسَ فِي الْوُسْعِ فَقَطْ، فَإِذَا كَانَتْ فِي وُسْعِ الْفَقِيرِ فَهُوَ مُكَلَّفٌ إيَّاهَا بِعُمُومِ قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «عَلَى كُلِّ حُرٍّ أَوْ عَبْدٍ، ذَكَرٍ أَوْ أُنْثَى، صَغِيرٍ أَوْ كَبِيرٍ» . وَقَدْ رُوِّينَا عَنْ عَطَاءٍ فِي الْفَقِيرِ: أَنَّهُ يَأْخُذُ الزَّكَاةَ وَيُعْطِيهَا؟

[مَسْأَلَةٌ أَرَادَ إخْرَاجَ زَكَاةِ الْفِطْرِ عَنْ وَلَدِهِ]

٧١٧ - مَسْأَلَةٌ: وَمَنْ أَرَادَ إخْرَاجَ زَكَاةِ الْفِطْرِ عَنْ وَلَدِهِ الصِّغَارِ أَوْ الْكِبَارِ أَوْ عَنْ غَيْرِهِمْ -: لَمْ يَجُزْ لَهُ ذَلِكَ إلَّا بِأَنْ يَهَبَهَا لَهُمْ، ثُمَّ يُخْرِجَهَا عَنْ الصَّغِيرِ، وَالْمَجْنُونِ، وَلَا يُخْرِجَهَا عَمَّنْ يَعْقِلُ مِنْ الْبَالِغِينَ إلَّا بِتَوْكِيلٍ مِنْهُمْ لَهُ عَلَى ذَلِكَ. بُرْهَانُ ذَلِكَ -: مَا قَدَّمْنَا مِنْ أَنَّ

what they possess and are capable of paying, or what their guardian can pay on their behalf. Another person's wealth cannot substitute for fulfilling this obligation, as no textual evidence or consensus permits this. If one gifts the Zakat to them, they become owners of its amount and must discharge the obligation. As for those who have not reached puberty or lack mental capacity, this is based on Allah's command: "Cooperate in righteousness and piety" (Quran 5:2).[19]

L11378–11379 As for the adult, this is based on the statement of Allah the Most High: "No soul earns except against itself" [Al-An'am 6:164]. And with Allah the Most High is all success.[20]

[Issue: The Time for Zakāt al-Fiṭr]

L11380

L11381 718. Issue: The time for Zakat al-Fitr—which is not obligatory before its commencement, becomes obligatory at its onset, and ceases to be obligatory at its conclusion—begins after the rising of the second dawn on Eid day, extending until the sun whitens [the horizon] and the prayer becomes permissible on that very day. Whoever dies before the rising of the second dawn on the mentioned day has no obligation for Zakat al-Fitr. Whoever is born when the sun whitens on Eid day or afterward, or embraces Islam at that time—likewise bears no obligation. However, whoever dies between these two times, is born during this period, embraces Islam within it, or persists in life as a Muslim—must pay Zakat al-Fitr. If he does not fulfill it while having a son who can pay it, this obligation remains a perpetual debt until he discharges it whenever he pays it.

L11382 Al-Shafi'i said: Its time is the sunset of the final day of Ramadan. Whoever is born on the night of al-Fiṭr or embraces Islam is not obligated to pay Zakat al-Fiṭr. But whoever dies during that night remains bound by the obligation.

L11383 Abu Hanifah said: Its time is the splitting of dawn from the day of Fitr.

[19] **Qur'an references (L11377):** Qur'an 5:2 (Al-Ma'idah).
[20] **Qur'an references (L11379):** Qur'an 6:164 (Al-An'am).

اللَّهَ تَعَالَى إِنَّمَا فَرَضَهَا عَلَيْهِ فِيمَا يَجِدُ مِمَّا هُوَ قَادِرٌ عَلَى إِخْرَاجِهَا مِنْهُ، أَوْ يَكُونُ وَلِيُّهُ قَادِرًا عَلَى إِخْرَاجِهَا مِنْهُ، وَلَا يَكُونُ مَالُ غَيْرِهِ مَكَانًا لِأَدَاءِ الْفَرْضِ عَنْهُ؛ إِذْ لَمْ يَأْتِ بِذَلِكَ نَصٌّ وَلَا إِجْمَاعٌ؛ فَإِذَا وَهَبَهَا لَهُ فَقَدْ صَارَ مَالِكًا لِمِقْدَارِهَا، فَعَلَيْهِ إِخْرَاجُهَا، فَأَمَّا مَنْ لَمْ يَبْلُغْ، وَلَا يَعْقِلُ، فَلِقَوْلِ اللَّهِ تَعَالَى: {وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَى} [المائدة: ٢] .

وَأَمَّا الْبَالِغُ فَلِقَوْلِ اللَّهِ تَعَالَى: {وَلا تَكْسِبُ كُلُّ نَفْسٍ إِلا عَلَيْهَا} [الأنعام: ١٦٤] وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ وَقْتُ زَكَاةِ الْفِطْرِ]

٧١٨ - مَسْأَلَةٌ: وَوَقْتُ زَكَاةِ الْفِطْرِ - الَّذِي لَا تَجِبُ قَبْلَهُ، إِنَّمَا تَجِبُ بِدُخُولِهِ، ثُمَّ لَا تَجِبُ بِخُرُوجِهِ -: فَهُوَ إِثْرَ طُلُوعِ الْفَجْرِ الثَّانِي مِنْ يَوْمِ الْفِطْرِ، مُمْتَدًّا إِلَى أَنْ تَبْيَضَّ الشَّمْسُ وَتَحِلَّ الصَّلَاةُ مِنْ ذَلِكَ الْيَوْمِ نَفْسِهِ، فَمَنْ مَاتَ قَبْلَ طُلُوعِ الْفَجْرِ مِنْ الْيَوْمِ الْمَذْكُورِ فَلَيْسَ عَلَيْهِ زَكَاةُ الْفِطْرِ، وَمَنْ وُلِدَ حِينَ ابْيِضَاضِ الشَّمْسِ مِنْ يَوْمِ الْفِطْرِ فَمَا بَعْدَ ذَلِكَ، أَوْ أَسْلَمَ كَذَلِكَ -: فَلَيْسَ عَلَيْهِ زَكَاةُ الْفِطْرِ، وَمَنْ مَاتَ بَيْنَ هَذَيْنِ الْوَقْتَيْنِ أَوْ وُلِدَ أَوْ أَسْلَمَ أَوْ تَمَادَتْ حَيَاتُهُ وَهُوَ مُسْلِمٌ -: فَعَلَيْهِ زَكَاةُ الْفِطْرِ، فَإِنْ لَمْ يُؤَدِّهَا وَلَهُ مِنْ ابْنٍ يُؤَدِّيهَا فَهِيَ دَيْنٌ عَلَيْهِ أَبَدًا حَتَّى يُؤَدِّيَهَا مَتَى أَدَّاهَا.

وَقَالَ الشَّافِعِيُّ: وَقْتُهَا مَغِيبُ الشَّمْسِ مِنْ آخِرِ يَوْمٍ مِنْ رَمَضَانَ، فَمَنْ وُلِدَ لَيْلَةَ الْفِطْرِ أَوْ أَسْلَمَ فَلَا زَكَاةَ فِطْرٍ عَلَيْهِ، وَمَنْ مَاتَ فِيهَا فَهِيَ عَلَيْهِ.

وَقَالَ أَبُو حَنِيفَةَ: وَقْتُهَا انْشِقَاقُ الْفَجْرِ مِنْ يَوْمِ الْفِطْرِ، فَمَنْ مَاتَ قَبْلَ ذَلِكَ، أَوْ وُلِدَ بَعْدَ ذَلِكَ، أَوْ أَسْلَمَ بَعْدَ ذَلِكَ فَلَا زَكَاةَ فِطْرٍ عَلَيْهِ.

Whoever dies before that, is born after that, or embraces Islam after that, is not obligated to pay Zakat al-Fitr.

L11384 Malik once held the same opinion as al-Shafiʿī, as reported by Ashhab from him, and on another occasion he said: "Whoever is born on the day of Eid al-Fiṭr must give Zakāt al-Fiṭr."

L11385 Abu Muhammad said: As for whoever holds that its time is the sunset of the final day of Ramadan, he said: This is Zakāt al-Fiṭr, and that is the breaking of the Ramadan fast and the complete exit from it.

L11386 The others who observed its time to be the dawn of Eid al-Fitr said: "This is the time for breaking the fast, not what precedes it, for every night he would break his fast in this manner and then begin fasting again in the morning. Thus, he only broke his fast on the morning of Eid al-Fitr, not before it. At that point, its time begins by mutual agreement between us and you." Abu Muhammad said: Allah the Almighty declared: {If you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day} [an-Nisā' 4:59].[21]

L11387–11388 We came across the narration of Abdullah ibn Yusuf, who narrated to us: Ahmad ibn Fath narrated to us, Abdul Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Muhammad ibn Rafiʿ narrated to us, Ibn Abi Fudayk narrated to us, al-Dahhak ibn Uthman narrated to us from Nafiʿ from Ibn Umar, who said: "The Messenger of Allah (peace and blessings be upon him) commanded that Zakat al-Fitr be paid before the people depart for the Eid prayer ground."

L11389 Abū Muḥammad said: This is the time for performing it according to the explicit text, and their departure to it is solely to catch it. The time for the Eid al-Fitr prayer is the permissibility of prayer when the sun whitens on that day. Once they enter the prayer after departing for Eid al-Fitr, has its time not already expired? The discussion remains regarding the beginning

[21] **Qur'an references (L11386):** Qur'an 4:59 (An-Nisa).

وَقَالَ مَالِكٌ مَرَّةً كَقَوْلِ الشَّافِعِيِّ فِي رِوَايَةِ أَشْهَبَ عَنْهُ، وَمَرَّةً قَالَ: إِنَّ مَنْ وُلِدَ يَوْمَ الْفِطْرِ فَعَلَيْهِ زَكَاةُ الْفِطْرِ.

قَالَ أَبُو مُحَمَّد أَمَّا مَنْ رَأَى وَقْتَهَا غُرُوبَ الشَّمْسِ مِنْ آخِرِ يَوْمٍ مِنْ رَمَضَانَ فَإِنَّهُ قَالَ: هِيَ زَكَاةُ الْفِطْرِ، وَذَلِكَ هُوَ الْفِطْرُ مِنْ صَوْمِ رَمَضَانَ وَالْخُرُوجُ عَنْهُ جُمْلَةً.

وَقَالَ الْآخَرُونَ الَّذِينَ رَأَوْا وَقْتَهَا طُلُوعَ الْفَجْرِ مِنْ يَوْمِ الْفِطْرِ: إِنَّ هَذَا هُوَ وَقْتُ الْفِطْرِ، لَا مَا قَبْلَهُ؛ لِأَنَّهُ فِي كُلِّ لَيْلَةٍ كَانَ يُفْطِرُ كَذَلِكَ ثُمَّ يُصْبِحُ صَائِمًا فَإِنَّمَا أَفْطَرَ مِنْ صَوْمِهِ صَبِيحَةَ يَوْمِ الْفِطْرِ، لَا قَبْلَهُ، وَحِينَئِذٍ دَخَلَ وَقْتُهَا بِاتِّفَاقٍ مِنَّا وَمِنْكُمْ. قَالَ أَبُو مُحَمَّد: قَالَ اللَّهُ عَزَّ وَجَلَّ: {فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ} [النساء: ٥٩] .

فَوَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّد ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا مُحَمَّدُ بْنُ رَافِعٍ ثنا ابْنُ أَبِي فُدَيْكٍ أَخْبَرَنَا الضَّحَّاكُ بْنُ عُثْمَانَ عَنْ نَافِعٍ عَنْ ابْنِ عُمَرَ قَالَ «أَمَرَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِإِخْرَاجِ زَكَاةِ الْفِطْرِ أَنْ تُؤَدَّى قَبْلَ خُرُوجِ النَّاسِ إِلَى الْمُصَلَّى» .

قَالَ أَبُو مُحَمَّد: فَهَذَا وَقْتُ أَدَائِهَا بِالنَّصِّ، وَخُرُوجُهُمْ إِلَيْهَا إِنَّمَا هُوَ لِإِدْرَاكِهَا، وَوَقْتُ صَلَاةِ الْفِطْرِ هُوَ جَوَازُ الصَّلَاةِ بِابْيِضَاضِ الشَّمْسِ يَوْمَئِذٍ فَإِذَا تَمَّ الْخُرُوجُ إِلَى صَلَاةِ الْفِطْرِ بِدُخُولِهِمْ فِي الصَّلَاةِ فَقَدْ خَرَجَ وَقْتُهَا؟ وَبَقِيَ الْقَوْلُ فِي أَوَّلِ وَقْتِهَا: فَوَجَدْنَا الْفِطْرَ الْمُتَيَقَّنَ إِنَّمَا هُوَ بِطُلُوعِ الْفَجْرِ مِنْ يَوْمِ الْفِطْرِ، وَبَطَلَ قَوْلُ مَنْ جَعَلَ وَقْتَهَا غُرُوبَ

of its time: We have determined that the certain Eid al-Fitr occurs only at the emergence of dawn on the day of Eid, thereby invalidating the claim of those who designate its time as sunset on the night preceding Eid—for this contradicts the time in which the Prophet—peace be upon him—was commanded to perform it.

الشَّمْسِ مِنْ أَوَّلِ لَيْلَةِ الْفِطْرِ، لِأَنَّهُ خِلَافُ الْوَقْتِ الَّذِي أُمِرَ - عَلَيْهِ السَّلَامُ - بِأَدَائِهَا فِيهِ.

L11390 Abu Muhammad said: Whoever does not fulfill it until its time has expired, it becomes an obligation upon his liability and wealth for those entitled to it. It is a debt owed to them and a right among their rights. It is obligatory to discharge it from his wealth, and withholding it in his possession is forbidden. He is thus perpetually obligated to fulfill it, and success is by Allah, the Exalted. Their claim is thereby nullified, but Allah's right remains for his waste of the obligation's time. He cannot remedy this except through seeking forgiveness and repentance. And in Allah, the Exalted, we seek support.

قَالَ أَبُو مُحَمَّدٍ: فَمَنْ لَمْ يُؤَدِّهَا حَتَّى خَرَجَ وَقْتُهَا فَقَدْ وَجَبَتْ فِي ذِمَّتِهِ وَمَالِهِ لِمَنْ هِيَ لَهُ، فَهِيَ دَيْنٌ لَهُمْ، وَحَقٌّ مِنْ حُقُوقِهِمْ، وَقَدْ وَجَبَ إِخْرَاجُهَا مِنْ مَالٍ وَحَرُمَ عَلَيْهِ إِمْسَاكُهَا فِي مَالِهِ، فَوَجَبَ عَلَيْهِ أَدَاؤُهَا أَبَدًا، وَبِاللَّهِ تَعَالَى التَّوْفِيقُ، وَيَسْقُطُ بِذَلِكَ حَقُّهُمْ، وَيَبْقَى حَقُّ اللَّهِ تَعَالَى فِي تَضْيِيعِهِ الْوَقْتَ، لَا يَقْدِرُ عَلَى جَبْرِهِ إِلَّا بِالِاسْتِغْفَارِ وَالنَّدَامَةِ - وَبِاللَّهِ تَعَالَى نَتَأَيَّدُ.

L11391 It is fundamentally impermissible to advance Zakāt al-Fiṭr before its designated time. If they cite the narration of Abū Hurayrah—when the Messenger of Allāh (peace and blessings of Allāh be upon him) commanded him to guard the Zakāt al-Fiṭr overnight, and Satan came to him on the first, second, and third nights—this constitutes no valid proof for their stance. This is because those nights must have been either in Ramaḍān or Shawwāl. It is impermissible for them to have been in Ramaḍān, as the narration does not specify this, and it is inconceivable to attribute to the Messenger of Allāh (peace and blessings of Allāh be upon him) that he withheld a charity whose payment was due from its rightful recipients. If they were in Shawwāl, this is not prohibited, since he had not completed [the collection] and had withheld access to the recipients. His delay (peace be upon him) in distributing it constitutes definitive proof that the time for its payment had not yet commenced. Had those nights been in Ramaḍān, he (peace be upon him) would not have dispensed it.

وَلَا يَجُوزُ تَقْدِيمُهَا قَبْلَ وَقْتِهَا أَصْلًا. فَإِنْ ذَكَرُوا خَبَرَ «أَبِي هُرَيْرَةَ إِذْ أَمَرَهُ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بِالْمَبِيتِ عَلَى صَدَقَةِ الْفِطْرِ فَأَتَاهُ الشَّيْطَانُ لَيْلَةً، وَثَانِيَةً، وَثَالِثَةً» -: فَلَا حُجَّةَ لَهُمْ فِيهِ، لِأَنَّهُ لَا تَخْلُو تِلْكَ اللَّيَالِي أَنْ تَكُونَ مِنْ رَمَضَانَ أَوْ مِنْ شَوَّالٍ، وَلَا يَجُوزُ أَنْ تَكُونَ مِنْ رَمَضَانَ، لِأَنَّهُ لَيْسَ ذَلِكَ فِي الْخَبَرِ، وَلَا يُظَنُّ بِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ حَبَسَ صَدَقَةً وَجَبَ أَدَاؤُهَا عَنْ أَهْلِهَا، وَإِنْ كَانَتْ مِنْ شَوَّالٍ فَلَا يُمْنَعُ مِنْ ذَلِكَ، إِذْ لَمْ يُكْمِلْ وَحَبَسَ وُجُودَ أَهْلِهَا، وَفِي تَأْخِيرِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - إِعْطَاءَهَا بُرْهَانٌ عَلَى أَنَّ وَقْتَ إِخْرَاجِهَا لَمْ يَحِنْ بَعْدُ، فَإِنْ كَانَ ذَلِكَ فِي لَيَالِي رَمَضَانَ فَلَمْ يُخْرِجْهَا - عَلَيْهِ السَّلَامُ -.

L11392–11394 Hence, it has been established that it is neither permissible to perform it before its prescribed time nor valid if performed beforehand; and if it is performed during the nights of Shawwāl, it is invalid. There was a doubt whether the inhabitants had not been found, so he (peace and blessings be

upon him) awaited their presence. Was their reliance on this report thereby invalidated?

فَصَحَّ أَنَّهُ لَمْ يَجُزْ تَقْدِيمُهَا قَبْلَ وَقْتِهَا وَلَا يُجْزِئُ، وَإِنْ كَانَتْ مِنْ لَيَالِي شَوَّالٍ فَبِلَا شَكٍّ أَنَّ أَهْلَهَا لَمْ يُوجَدُوا، فَتَرَبَّصَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - وُجُودَهُمْ. فَبَطَلَ تَعَلُّقُهُمْ بِهَذَا الْخَبَرِ؟

The Division of Zakat

[قَسْمُ الصَّدَقَةِ]

L11395

An issue: Whether the distribution of one's wealth's Zakat or Zakat al-Fitr is undertaken by the individual himself or by the Imam or ruler.

[مَسْأَلَةٌ مَنْ تَوَلَّى تَفْرِيقَ زَكَاةِ مَالِهِ أَوْ زَكَاةِ فِطْرِهِ أَوْ تَوَلَّاهَا الْإِمَامُ أَوْ أَمِيرُهُ]

L11396

L11397 The Division of Zakat — An Issue: If one handles the distribution of their wealth's Zakat or their Zakat al-Fitr, or if the Imam or his amir does so — then the Imam and his amir must divide it into eight equal parts: a share for the destitute, a share for the poor, a share in those under contract for manumission and in freeing slaves, a share in the cause of Allah the Exalted, a share for wayfarers, a share for the workers who collect it, and a share for those whose hearts are to be reconciled.

قَسْمُ الصَّدَقَةِ - مَسْأَلَةٌ: وَمَنْ تَوَلَّى تَفْرِيقَ زَكَاةِ مَالِهِ أَوْ زَكَاةِ فِطْرِهِ أَوْ تَوَلَّاهَا الْإِمَامُ أَوْ أَمِيرُهُ -: فَإِنَّ الْإِمَامَ، أَوْ أَمِيرَهُ: يُفَرِّقَانِهَا ثَمَانِيَةَ أَجْزَاءٍ مُسْتَوِيَةٍ: لِلْمَسَاكِينِ سَهْمٌ، وَلِلْفُقَرَاءِ سَهْمٌ، وَفِي الْمُكَاتَبِينَ وَفِي عِتْقِ الرِّقَابِ سَهْمٌ، وَفِي سَبِيلِ اللَّهِ تَعَالَى سَهْمٌ، وَلِأَبْنَاءِ السَّبِيلِ سَهْمٌ، وَلِلْعُمَّالِ الَّذِينَ يَقْبِضُونَهَا سَهْمٌ، وَلِلْمُؤَلَّفَةِ قُلُوبُهُمْ سَهْمٌ.

L11398 As for one who distributes the zakāh of his wealth, it is allocated to six shares as we mentioned, while the share of the collectors and the share of those whose hearts are to be reconciled are dropped. It is not permissible to give fewer than three individuals from the people of a share unless one cannot find them, in which case he gives to those he finds. It is not permissible to give to some people of the shares while excluding others unless one cannot find them, in which case he gives to those he finds. It is not permissible to give any of it to a disbeliever, nor to anyone from Banū Hāshim and Banū al-Muṭṭalib (the two sons of ʿAbd Manāf), nor to any of their clients. If one gives to someone outside the eligible categories—intentionally or out of ignorance—it does not suffice him, nor is it permissible for the recipient to keep it. The recipient must return what he took, and the giver must fulfill by giving that which he gave to its rightful people. The evidence for this is Allah's statement: "The alms are only for the poor, the needy, those employed

وَأَمَّا مَنْ فَرَّقَ زَكَاةَ مَالِهِ فَفِي سِتَّةِ أَسْهُمٍ كَمَا ذَكَرْنَا، وَيَسْقُطُ: سَهْمُ الْعُمَّالِ، وَسَهْمُ الْمُؤَلَّفَةِ قُلُوبُهُمْ. وَلَا يَجُوزُ أَنْ يُعْطِيَ مِنْ أَهْلِ سَهْمٍ أَقَلَّ مِنْ ثَلَاثَةِ أَنْفُسٍ، إلَّا أَنْ لَا يَجِدَ، فَيُعْطِيَ مَنْ وَجَدَ؟ وَلَا يَجُوزُ أَنْ يُعْطِيَ بَعْضَ أَهْلِ السِّهَامِ دُونَ بَعْضٍ، إلَّا أَنْ يَجِدَ، فَيُعْطِيَ مَنْ وَجَدَ؟ وَلَا يَجُوزُ أَنْ يُعْطِيَ مِنْهَا كَافِرًا، وَلَا أَحَدًا مِنْ بَنِي هَاشِمٍ، وَالْمُطَّلِبِ ابْنَيْ عَبْدِ مَنَافٍ، وَلَا أَحَدًا مِنْ مَوَالِيهِمْ؟ فَإِنْ أَعْطَى مَنْ لَيْسَ مِنْ أَهْلِهَا - عَامِدًا أَوْ جَاهِلًا - لَمْ يُجْزِهِ، وَلَا جَازَ لِلْآخِذِ، وَعَلَى الْآخِذِ أَنْ يَرُدَّ مَا أَخَذَ، وَعَلَى الْمُعْطِي أَنْ يُوفِيَ ذَلِكَ الَّذِي أَعْطَى فِي أَهْلِهِ؟ بُرْهَانُ ذَلِكَ -: قَوْلُ اللَّهِ تَعَالَى: ﴿إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ

to collect them, those whose hearts are to be reconciled, for freeing captives, those in debt, in the cause of Allah, and for the traveler—a duty ordained by Allah. Allah is All-Knowing, All-Wise" (Quran 9:60).[22]

وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَارِمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِنَ اللَّهِ وَاللَّهُ عَلِيمٌ حَكِيمٌ} [التوبة: ٦٠] .

L11399 Some of them said: Is it sufficient for a person to give his zakah to a single category [of recipients]? They argued that one cannot practically distribute it to all the poor and all the needy. Therefore, it is valid to give it to some [of them].

وَقَالَ بَعْضُهُمْ: يُجْزِئُ أَنْ يُعْطِيَ الْمَرْءُ صَدَقَتَهُ فِي صِنْفٍ وَاحِدٍ مِنْهَا؟ وَاحْتَجُّوا بِأَنَّهُ لَا يَقْدِرُ عَلَى عُمُومِ جَمِيعِ الْفُقَرَاءِ وَجَمِيعِ الْمَسَاكِينِ. فَصَحَّ أَنَّهَا فِي الْبَعْضِ.

L11400–11401 Abu Muhammad said: "This offers no proof for them in it, due to the statement of the Messenger of Allah (peace be upon him): 'When I command you with a command, do as much of it as you are able,' and due to the words of Allah the Most High: 'Allah does not burden a soul beyond its capacity' (Quran 2:286)."[23]

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا حُجَّةَ لَهُمْ فِيهِ لِقَوْلِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «إِذَا أَمَرْتُكُمْ بِأَمْرٍ فَأْتُوا مِنْهُ مَا اسْتَطَعْتُمْ» . وَلِقَوْلِ اللَّهِ تَعَالَى: {لا يُكَلِّفُ اللَّهُ نَفْسًا إِلا وُسْعَهَا} [البقرة: ٢٨٦] .

L11402 Thus, it is established that whatever a person is incapable of is waived for them, while what they can manage remains obligatory—they must fulfill it. Consequently, the universal obligation to every poor and needy person is lifted, leaving only what one can afford from all categories. If they cannot manage some portions, those too are waived. Is it not erroneous to neglect what one *can* fulfill merely because what they *cannot* is waived? Did they not cite the hadith about the gold coin that he—peace and blessings be upon him—divided among four individuals? Abū Muḥammad said: We have already mentioned this report, and that the gold coin was never from obligatory alms (zakāh) in the first place, as this is not stated in the hadith at all. There is no prohibition against him—peace and blessings be upon him—giving to those whose hearts are being reconciled from sources other than obligatory alms, for he indeed gave them from the booty of Ḥunayn.

فَصَحَّ أَنَّ مَا عَجَزَ عَنْهُ الْمَرْءُ فَهُوَ سَاقِطٌ عَنْهُ، وَبَقِيَ عَلَيْهِ مَا اسْتَطَاعَ، لَا بُدَّ لَهُ مِنْ إِيفَائِهِ؛ فَسَقَطَ عُمُومُ كُلِّ فَقِيرٍ وَكُلِّ مِسْكِينٍ، وَبَقِيَ مَا قَدَرَ عَلَيْهِ مِنْ جَمِيعِ الْأَصْنَافِ، فَإِنْ عَجَزَ عَنْ بَعْضِهَا سَقَطَ عَنْهُ أَيْضًا؛ وَمِنَ الْبَاطِلِ أَنْ يُسْقِطَ مَا يَقْدِرُ عَلَيْهِ مِنْ أَجْلِ أَنَّهُ سَقَطَ عَنْهُ مَا لَا يَقْدِرُ عَلَيْهِ؟ وَذَكَرُوا حَدِيثَ الذُّهَيْبَةِ الَّتِي قَسَمَهَا - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - بَيْنَ الْأَرْبَعَةِ؟ قَالَ أَبُو مُحَمَّدٍ: وَقَدْ ذَكَرْنَا هَذَا الْخَبَرَ، وَأَنَّهُ لَمْ تَكُنْ تِلْكَ الذُّهَيْبَةُ مِنَ الصَّدَقَةِ أَصْلًا، لِأَنَّهُ لَيْسَ ذَلِكَ فِي الْحَدِيثِ أَصْلًا، وَلَا يَمْتَنِعُ أَنْ يُعْطَى - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - الْمُؤَلَّفَةُ قُلُوبُهُمْ مِنْ غَيْرِ الصَّدَقَةِ، بَلْ قَدْ أَعْطَاهُمْ مِنْ غَنَائِمِ حُنَيْنٍ.

L11403 They cited the narration of Sulaymān ibn Yasār: "From Salamah ibn Ṣakhr that the Messenger of Allah—peace and blessings be upon him—granted him the zakat funds of Banū Zurayq." Abū Muḥammad remarked: "This is a mursal narration. Even if authentic, it would not substantiate their claim, for it does not state that the Messenger of Allah—peace and blessings be

وَذَكَرُوا حَدِيثَ سُلَيْمَانَ بْنِ يَسَارٍ «عَنْ سَلَمَةَ بْنِ صَخْرٍ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَعْطَاهُ صَدَقَةَ بَنِي زُرَيْقٍ» . قَالَ أَبُو مُحَمَّدٍ: وَهَذَا مُرْسَلٌ، وَلَوْ صَحَّ لَمْ يَكُنْ لَهُمْ فِيهِ حُجَّةٌ، لِأَنَّهُ لَيْسَ فِيهِ: أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَرَّمَ سَائِرَ الْأَصْنَافِ مِنْ سَائِرِ الصَّدَقَاتِ؟ وَادَّعَى قَوْمٌ: أَنَّ سَهْمَ الْمُؤَلَّفَةِ قُلُوبُهُمْ قَدْ سَقَطَ؟ قَالَ أَبُو مُحَمَّدٍ:

[22] **Qur'an references (L11398):** Qur'an 9:60 (At-Tawbah).
[23] **Qur'an references (L11401):** Qur'an 2:286 (Al-Baqarah).

upon him—prohibited all other categories from the rest of the charities." Some asserted that the share designated for those whose hearts are to be reconciled has ceased. Abū Muḥammad responded: "This is invalid. Rather, they are more numerous today than they have ever been. Their share—and that of the administrators—ceases only when an individual undertakes the distribution of his own charity, as there are no appointed administrators over it. The disposition of those whose hearts are to be reconciled rests solely with the Imam, not others."

وَهَذَا بَاطِلٌ، بَلْ هُمْ الْيَوْمَ أَكْثَرُ مَا كَانُوا، وَإِنَّمَا يَسْقُطُونَ هُمْ وَالْعَامِلُونَ إذَا تَوَلَّى الْمَرْءُ قِسْمَةَ صَدَقَةِ نَفْسِهِ، لِأَنَّهُ لَيْسَ هُنَالِكَ عَامِلُونَ عَلَيْهَا، وَأَمْرُ الْمُؤَلَّفَةِ إلَى الْإِمَامِ لَا إلَى غَيْرِهِ.

L11404–11406 Abū Muḥammad said: They do not differ regarding one who bequeaths wealth to a group and named them—that it is impermissible to exclusively allocate it to some of them over others. Among the calamitous statements is the claim of those who say: "The decrees of humans take precedence over the decrees of Allāh the Exalted." Aḥmad ibn ʿUmar ibn Anas narrated to us: ʿAbdullāh ibn al-Ḥusayn ibn ʿIqāl narrated to us: Ibrāhīm ibn Muḥammad al-Dīnawarī narrated to us: Muḥammad ibn al-Jahm narrated to us: Muḥammad ibn Maslamah narrated to us: Yaʿqūb ibn Muḥammad narrated to us: Rifāʿah narrated to us. From his grandfather: "One of the emirs appointed Rafiʿ ibn Khadij over livestock zakāt. He came to him with nothing, so he questioned him? Rafiʿ said: 'My covenant with the Messenger of Allah—peace be upon him—is a hadith. I apportioned them into eight parts and divided them. Likewise, the Messenger of Allah—peace be upon him—used to act.'"

قَالَ أَبُو مُحَمَّد: لَا يَخْتَلِفُونَ فِي أَنَّ مَنْ أَمَرَ لِقَوْمٍ بِمَالٍ - وَسَمَّاهُمْ - أَنَّهُ لَا يَحِلُّ أَنْ يَخُصَّ بِهِ بَعْضَهُمْ دُونَ بَعْضٍ، فَمِنْ الْمُصِيبَةِ قَوْلُ مَنْ قَالَ: إنَّ أَمْرَ النَّاسِ أَوْكَدُ مِنْ أَمْرِ اللَّهِ تَعَالَى -: حَدَّثَنَا أَحْمَدُ بْنُ عُمَرَ بْنِ أَنَسٍ ثنا عَبْدُ اللَّهِ بْنُ الْحُسَيْنِ بْنِ عِقَالٍ ثنا إبْرَاهِيمُ بْنُ مُحَمَّدٍ الدِّينَوَرِيُّ ثنا مُحَمَّدُ بْنُ الْجَهْمِ ثنا مُحَمَّدُ بْنُ مَسْلَمَةَ ثنا يَعْقُوبُ بْنُ مُحَمَّدٍ ثنا رِفَاعَةُ عَنْ جَدِّهِ: «أَنَّ بَعْضَ الْأُمَرَاءِ اسْتَعْمَلَ رَافِعَ بْنَ خَدِيجٍ عَلَى صَدَقَةِ الْمَاشِيَةِ، فَأَتَاهُ لَا شَيْءَ مَعَهُ فَسَأَلَهُ؟ فَقَالَ رَافِعٌ إنَّ عَهْدِي بِرَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - حَدِيثٌ وَإِنِّي جَزَيْتُهَا ثَمَانِيَةَ أَجْزَاءٍ فَقَسَّمْتُهَا، وَكَذَلِكَ كَانَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَصْنَعُ».

L11407 It is authentically reported that Ibn Abbas said regarding Zakat: "Put it in its proper places." The same is narrated from Ibrahim al-Nakha'i and al-Hasan. The same is narrated from Abu Wa'il, who said concerning the share of those whose hearts are to be reconciled: "Return it to the other categories." Sa'id ibn Jubayr said: "Place it where Allah has commanded you." This is the opinion of al-Shafi'i, Abu Sulayman, Ibn Umar, and Rafi', as we have cited. We have also narrated the second opinion from Hudhayfa, 'Ata', and others.

وَصَحَّ عَنْ ابْنِ عَبَّاسٍ أَنَّهُ قَالَ فِي الزَّكَاةِ: ضَعُوهَا مَوَاضِعَهَا؟ وَعَنْ إبْرَاهِيمَ النَّخَعِيِّ، وَالْحَسَنِ مِثْلُ ذَلِكَ. وَعَنْ أَبِي وَائِلٍ مِثْلُ ذَلِكَ، وَقَالَ فِي نَصِيبِ الْمُؤَلَّفَةِ قُلُوبُهُمْ رَدُّهُ عَلَى الْآخَرِينَ. وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: ضَعْهَا حَيْثُ أَمَرَك اللَّهُ. وَهُوَ قَوْلُ الشَّافِعِيِّ، وَأَبِي سُلَيْمَانَ، وَقَوْلُ ابْنِ عُمَرَ، وَرَافِعٍ، كَمَا أَوْرَدْنَا، وَرُوِّينَا الْقَوْلَ الثَّانِي عَنْ حُذَيْفَةَ، وَعَطَاءٍ، وَغَيْرِهِمَا.

L11408 As for our statement: "Less than three of each type is not sufficient unless he cannot find [three]"—this is because the collective noun applies only to

three or more and does not apply to a single item. The dual form has a specific grammatical form in the language: one says “miskīn” for the singular, “miskīnāni” for two, and “masākīn” for three or more. Similarly, the term “the poor” (al-fuqarāʾ) and all other names mentioned in the verse? This is the opinion of al-Shāfiʿī and others.

وَأَمَّا قَوْلُنَا: لَا يُجْزِئُ أَقَلُّ مِنْ ثَلَاثَةٍ مِنْ كُلِّ صِنْفٍ إِلَّا أَنْ لَا يَجِدَ -: فَلِأَنَّ اسْمَ الْجَمْعِ: لَا يَقَعُ إِلَّا عَلَى ثَلَاثَةٍ فَصَاعِدًا، وَلَا يَقَعُ عَلَى وَاحِدٍ، وَلِلتَّثْنِيَةِ بِنِيَّةٍ فِي اللُّغَةِ، تَقُولُ: مِسْكِينٌ لِلْوَاحِدِ، وَمِسْكِينَانِ لِلِاثْنَيْنِ، وَمَسَاكِينُ لِلثَّلَاثَةِ، فَصَاعِدًا، وَكَذَلِكَ اسْمُ الْفُقَرَاءِ وَسَائِرُ الْأَسْمَاءِ الْمَذْكُورَةِ فِي الْآيَةِ؟ وَهُوَ قَوْلُ الشَّافِعِيِّ، وَغَيْرُهُ.

L11409 As for not giving to a disbeliever, this is based on what ʿAbd al-Raḥmān ibn ʿAbd Allāh ibn Khālid narrated to us: Ibrāhīm ibn Aḥmad narrated to us: al-Farbarī narrated to us: al-Bukhārī narrated to us: Abū ʿĀṣim al-Ḍaḥḥāk ibn Makhlad narrated to us, from Zakariyyāʾ ibn Isḥāq, from Yaḥyā ibn ʿAbd Allāh ibn Ṣayfī, from Abī Maʿbad, from Ibn ʿAbbās: “The Prophet, peace and blessings be upon him, sent Muʿādh to Yemen and instructed him in the narration: ’Inform them that Allah has ordained upon them an obligatory charity to be taken from their wealthy people and distributed to their poor people.’” Thus, the Prophet, peace and blessings be upon him, designated this charity exclusively for the poor Muslims.

وَأَمَّا أَنْ لَا يُعْطِيَ كَافِرًا فَلِمَا حَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا أَبُو عَاصِمٍ الضَّحَّاكُ بْنُ مَخْلَدٍ عَنْ زَكَرِيَّاءَ بْنِ إِسْحَاقَ عَنْ يَحْيَى بْنِ عَبْدِ اللَّهِ بْنِ صَيْفِيٍ عَنْ أَبِي مَعْبَدٍ عَنِ ابْنِ عَبَّاسٍ «أَنَّ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - بَعَثَ مُعَاذًا إِلَى الْيَمَنِ وَقَالَ لَهُ فِي حَدِيثٍ فَأَعْلِمْهُمْ أَنَّ اللَّهَ افْتَرَضَ عَلَيْهِمْ صَدَقَةً تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ فِي فُقَرَائِهِمْ» . فَإِنَّمَا جَعَلَهَا - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - لِفُقَرَاءِ الْمُسْلِمِينَ فَقَطْ.

L11410–11412 As for Banū Hāshim and Banū al-Muṭṭalib, regarding what ʿAbdullāh ibn Yūsuf narrated to us: from Aḥmad ibn Fatḥ, from ʿAbd al-Wahhāb ibn ʿĪsā, from Aḥmad ibn Muḥammad, from Aḥmad ibn ʿAlī, from Muslim ibn al-Ḥajjāj, from Hārūn ibn Maʿrūf, from Ibn Wahb, who reported to me through Yūnus ibn Yazīd, from Ibn Shihāb, from ʿAbdullāh ibn al-Ḥārith ibn Nawfal, from ʿAbd al-Muṭṭalib ibn Rabīʿah ibn al-Ḥārith ibn ʿAbd al-Muṭṭalib, that the Messenger of... The Messenger of Allah—peace be upon him—said to him and to al-Faḍl ibn ʿAbbās ibn ʿAbd al-Muṭṭalib: “Indeed these alms are nothing but the filth of people, and they are not lawful for Muḥammad or his family.”

وَأَمَّا بَنُو هَاشِمٍ، وَبَنُو الْمُطَّلِبِ فَلِمَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا هَارُونُ بْنُ مَعْرُوفٍ ثنا ابْنُ وَهْبٍ أَخْبَرَنِي يُونُسُ بْنُ يَزِيدَ عَنِ ابْنِ شِهَابٍ عَنْ عَبْدِ اللَّهِ بْنِ الْحَارِثِ بْنِ نَوْفَلٍ عَنْ عَبْدِ الْمُطَّلِبِ بْنِ رَبِيعَةَ بْنِ الْحَارِثِ بْنِ عَبْدِ الْمُطَّلِبِ " أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ لَهُ وَلِلْفَضْلِ بْنِ عَبَّاسِ بْنِ عَبْدِ الْمُطَّلِبِ «إِنَّ هَذِهِ الصَّدَقَاتِ إِنَّمَا هِيَ أَوْسَاخُ الْقَوْمِ، وَإِنَّهَا لَا تَحِلُّ لِمُحَمَّدٍ وَلَا لِآلِ مُحَمَّدٍ» .

L11413 Abū Muḥammad said: The people differed concerning who the Family of Muḥammad are. A group said: They are exclusively the sons of ʿAbd al-Muṭṭalib ibn Hāshim ibn ʿAbd Manāf, because Hāshim has no descendants except through ʿAbd al-Muṭṭalib. They argued that they are undoubtedly the

قَالَ أَبُو مُحَمَّدٍ: فَاخْتَلَفَ النَّاسُ فِي: مَنْ هُمْ آلُ مُحَمَّدٍ؟ فَقَالَ قَوْمٌ: هُمْ بَنُو عَبْدِ الْمُطَّلِبِ بْنِ هَاشِمِ بْنِ عَبْدِ مَنَافٍ فَقَطْ، لِأَنَّهُ لَا عَقِبَ لِهَاشِمٍ مِنْ غَيْرِ عَبْدِ الْمُطَّلِبِ، وَاحْتَجُّوا

Family of Muḥammad, since ʿAbd Allāh—the father of the Messenger of Allāh (upon him be blessings and peace)—had no descendants, so the Prophet had no remaining kin except the children of al-ʿAbbās, Abū Ṭālib, al-Ḥārith, and Abū Lahab: the sons of ʿAbd al-Muṭṭalib exclusively. Others said: Rather, they are exclusively the sons of ʿAbd al-Muṭṭalib ibn Hāshim and the sons of al-Muṭṭalib ibn ʿAbd Manāf, along with their clients.

بِأَنَّهُمْ آلُ مُحَمَّدٍ بِيَقِينٍ، لِأَنَّهُ لَا عَقِبَ لِعَبْدِ اللَّهِ وَالِدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فَلَمْ يَبْقَ لَهُ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَهْلٌ إِلَّا وَلَدُ الْعَبَّاسِ، وَأَبِي طَالِبٍ، وَالْحَارِثِ، وَأَبِي لَهَبٍ: بَنِي عَبْدِ الْمُطَّلِبِ فَقَطْ، وَقَالَ آخَرُونَ: بَلْ بَنُو عَبْدِ الْمُطَّلِبِ بْنِ هَاشِمٍ، وَبَنُو الْمُطَّلِبِ بْنِ عَبْدِ مَنَافٍ فَقَطْ وَمَوَالِيهِمْ.

L11414 Asbagh ibn al-Faraj al-Maliki said: "The Family of Muḥammad encompasses all Quraysh, and the clients are certainly not among them."

وَقَالَ أَصْبَغُ بْنُ الْفَرَجِ الْمَالِكِيُّ: آلُ مُحَمَّدٍ: جَمِيعُ قُرَيْشٍ، وَلَيْسَ الْمَوَالِي مِنْهُمْ.

L11415 Abu Muhammad said: Therefore, it was necessary to examine that: we found what Abdullah ibn Rabiʿ narrated to us, saying: Muhammad ibn Muʿawiyah narrated to us, Ahmad ibn Shuʿayb narrated to us, I, ʿAmr ibn ʿAli, narrated to us, Yahya—who is Ibn Saʿīd al-Qaṭṭān—narrated to us, Shuʿbah narrated to us, al-Ḥakam—who is Ibn ʿUtaybah—narrated to us, from ʿUbaydullāh ibn Abī Rāfiʿ, from his father: "The Messenger of Allah—peace and blessings be upon him—appointed a man from Banū Makhzūm in charge of collecting charity. Abū Rāfiʿ wanted to follow him, but the Messenger of Allah—peace and blessings be upon him—said: 'Charity is not lawful for us, and indeed the freed bondsman of a people is from them.'"[24]

قَالَ أَبُو مُحَمَّدٍ: فَوَجَبَ النَّظَرُ فِي ذَلِكَ -: فَوَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ قَالَ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَنَا عَمْرُو بْنُ عَلِيٍّ ثنا يَحْيَى وَهُوَ ابْنُ سَعِيدٍ الْقَطَّانُ - ثنا شُعْبَةُ ثنا الْحَكَمُ هُوَ ابْنُ عُتَيْبَةَ - عَنْ عُبَيْدِ اللَّهِ بْنِ أَبِي رَافِعٍ عَنْ أَبِيهِ «أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - اسْتَعْمَلَ رَجُلًا مِنْ بَنِي مَخْزُومٍ عَلَى الصَّدَقَةِ، فَأَرَادَ أَبُو رَافِعٍ أَنْ يَتْبَعَهُ، فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنَّ الصَّدَقَةَ لَا تَحِلُّ لَنَا، وَإِنَّ مَوْلَى الْقَوْمِ مِنْهُمْ» .

L11416 Thus, the opinion of those who excluded the clients from the ruling applicable to them regarding the prohibition of alms has been invalidated.

فَبَطَلَ قَوْلُ مَنْ أَخْرَجَ الْمَوَالِيَ مِنْ حُكْمِهِمْ فِي تَحْرِيمِ الصَّدَقَةِ.

L11417–11419 And we found what Abdullah ibn Rabiʾ narrated to us: Muhammad ibn Ishaq ibn as-Sulaym narrated to us; Ibn al-Aʿrabi narrated to us; Abu Dawud as-Sijistani narrated to us; Ubaydullah ibn Umar ibn Maysarah narrated to us; and Abdur-Rahman ibn Mahdi narrated to us from. Abdullah ibn al-Mubarak reported from Yunus ibn Yazid, from al-Zuhri, who said: Saʿīd ibn al-Musayyab informed me that Jubayr ibn Muṭʿim informed him: He came—alongside Uthman ibn Affan—and they both addressed the Messenger of Allah, peace and blessings be upon him, regarding his allocation of the fifth (khums) to Banu Hashim and Banu Abd al-Muttalib. He said: "O Messenger of Allah, you allocated to our brothers Banu al-Muttalib but granted us

وَوَجَدْنَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ إِسْحَاقَ بْنِ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد السِّجِسْتَانِيُّ ثنا عُبَيْدُ اللَّهِ بْنُ عُمَرَ بْنِ مَيْسَرَةَ ثنا عَبْدُ الرَّحْمَنِ بْنُ مَهْدِيٍّ عَنْ عَبْدِ اللَّهِ بْنِ الْمُبَارَكِ عَنْ يُونُسَ بْنِ يَزِيدَ عَنْ الزُّهْرِيِّ أَخْبَرَنِي سَعِيدُ بْنُ الْمُسَيِّبِ أَخْبَرَنِي «جُبَيْرُ بْنُ مُطْعِمٍ أَنَّهُ جَاءَ هُوَ وَعُثْمَانُ بْنُ عَفَّانَ يُكَلِّمَانِ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - فِيمَا قَسَمَ مِنْ الْخُمُسِ بَيْنَ بَنِي هَاشِمٍ، وَبَنِي عَبْدِ الْمُطَّلِبِ، فَقُلْتُ: يَا رَسُولَ اللَّهِ، قَسَمْتَ لِإِخْوَانِنَا بَنِي الْمُطَّلِبِ وَلَمْ تُعْطِنَا شَيْئًا، وَقَرَابَتُنَا وَقَرَابَتُهُمْ مِنْكَ وَاحِدَةٌ؟

[24] **Hadith references (L11415):** Sunan an-Nasai 2612.

فَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - إِنَّمَا بَنُو هَاشِمٍ، وَبَنُو الْمُطَّلِبِ شَيْءٌ وَاحِدٌ» . فَصَحَّ أَنَّهُ لَا يَجُوزُ أَنْ يُفَرَّقَ بَيْنَ حُكْمِهِمْ فِي شَيْءٍ أَصْلًا؛ لِأَنَّهُمْ شَيْءٌ وَاحِدٌ بِنَصِّ كَلَامِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -؛ فَصَحَّ أَنَّهُمْ آلُ مُحَمَّدٍ، وَإِذْ هُمْ آلُ مُحَمَّدٍ فَالصَّدَقَةُ عَلَيْهِمْ حَرَامٌ؛ فَيَخْرُجُ بَنُو عَبْدِ شَمْسٍ، وَبَنُو نَوْفَلٍ ابْنَيْ عَبْدِ مَنَافٍ، وَسَائِرُ قُرَيْشٍ عَنْ هَذَيْنِ: الْبَطْنَيْنِ - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

nothing, though our kinship to you and theirs are equal?" The Messenger of Allah, peace and blessings be upon him, replied: "Banu Hashim and Banu al-Muttalib are indeed one and the same." This establishes that it is impermissible to differentiate between their legal rulings in anything fundamentally, for they are a single entity by the explicit text of his speech—peace and blessings be upon him. Thus, it is confirmed that they are the family of Muhammad. Since they are the family of Muhammad, charity is forbidden for them. Therefore, Banu Abd Shams and Banu Nawfal—the two sons of Abd Manaf—along with the rest of Quraysh, are excluded from these two branches. Success comes solely from Allah, the Exalted.

وَلَا يَحِلُّ لِهَذَيْنِ الْبَطْنَيْنِ صَدَقَةُ فَرْضٍ وَلَا تَطَوُّعٍ أَصْلًا، لِعُمُومِ قَوْلِهِ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «لَا تَحِلُّ الصَّدَقَةُ لِمُحَمَّدٍ وَلَا لِآلِ مُحَمَّدٍ» فَسَوَّى بَيْنَ نَفْسِهِ وَبَيْنَهُمْ، وَأَمَّا مَا لَا يَقَعُ عَلَيْهِ اسْمُ صَدَقَةٍ مُطْلَقَةٍ فَهُوَ حَلَالٌ لَهُمْ، كَالْهِبَةِ، وَالْعَطِيَّةِ، وَالْهَدِيَّةِ، وَالنُّحْلِ، وَالْحَبْسِ، وَالصِّلَةِ، وَالْبِرِّ، وَغَيْرِ ذَلِكَ، لِأَنَّهُ لَمْ يَأْتِ نَصٌّ بِتَحْرِيمِ شَيْءٍ مِنْ ذَلِكَ عَلَيْهِمْ وَأَمَّا قَوْلُنَا: لَا تُجْزِئُ إِنْ وُضِعَتْ فِي يَدِ مَنْ لَا تَجُوزُ لَهُ - فَلِأَنَّ اللَّهَ تَعَالَى سَمَّاهَا لِقَوْمٍ خَصَّهُمْ بِهَا، فَصَارَ حَقُّهُمْ فِيهَا؛ فَمَنْ أَعْطَى مِنْهَا غَيْرَهُمْ فَقَدْ خَالَفَ مَا أَمَرَ اللَّهُ تَعَالَى بِهِ.

L11420 It is not permissible at all for these two clans to receive obligatory or voluntary charity, due to the generality of his statement—peace and blessings be upon him—"Charity is not permissible for Muḥammad nor for the family of Muḥammad," thereby equating himself with them. As for what does not fall under the absolute designation of charity, it is permissible for them, such as gifts, bestowals, presents, bridal gifts, endowments, sustaining relations, righteous deeds, and other such matters, because no textual prohibition has come regarding any of these for them. As for our statement that charity does not suffice if placed in the hand of an ineligible recipient—this is because Allah the Exalted designated it for specific people, making it their exclusive right. Thus whoever gives it to others has opposed what Allah the Exalted commanded.

وَقَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» فَوَجَبَ عَلَى الْمُعْطِي إِيصَالُ مَا عَلَيْهِ إِلَى مَنْ هُوَ لَهُ، وَوَجَبَ عَلَى الْآخِذِ رَدُّ مَا أَخَذَ بِغَيْرِ حَقٍّ. قَالَ تَعَالَى: {وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ} [البقرة: ١٨٨] .

L11421 The Messenger of Allah - peace and blessings be upon him - said: "Whoever performs an act not in accordance with our teachings, it is rejected." Therefore, it is obligatory upon the giver to deliver what is due to its rightful owner, and it is obligatory upon the recipient to return what he has taken without right. Allah, the Exalted, said: {And do not acquire your wealth among yourselves unjustly} [Al-Baqarah: 188].[2526]

[مَسْأَلَةُ إِعْتَاقِ الْإِمَامِ مِنْ الزَّكَاةِ]

L11422–11423 **Issue: The Imam's emancipation using Zakat funds.**

[25] **Hadith references (L11421):** Sahih Muslim 1718b; Riyad as-Salihin 1647; Riyad as-Salihin 169.

[26] **Qur'an references (L11421):** Qur'an 2:188 (Al-Baqarah).

مَسْأَلَةٌ: الْفُقَرَاءُ هُمْ الَّذِينَ لَا شَيْءَ لَهُمْ أَصْلًا. وَالْمَسَاكِينُ: هُمْ الَّذِينَ لَهُمْ شَيْءٌ لَا يَقُومُ بِهِمْ.

L11424 Issue: The poor are those who possess no means whatsoever. The needy are those who have some means insufficient to meet their needs.

بُرْهَانُ ذَلِكَ -: أَنَّهُ لَيْسَ إلَّا مُوسِرٌ، أَوْ غَنِيٌّ، أَوْ فَقِيرٌ، أَوْ مِسْكِينٌ، فِي الْأَسْمَاءِ. وَمَنْ لَهُ فَضْلٌ عَنْ قُوتِهِ. وَمَنْ لَا يَحْتَاجُ إلَى أَحَدٍ وَإِنْ لَمْ يَفْضُلْ عَنْهُ شَيْءٌ. وَمَنْ لَهُ مَا لَا يَقُومُ بِنَفْسِهِ مِنْهُ. وَمَنْ لَا شَيْءَ لَهُ فَهَذِهِ مَرَاتِبُ أَرْبَعٌ مَعْلُومَةٌ بِالْحِسِّ.

L11425 The proof for this is: the classifications are limited to four evident categories in tangible terms—the affluent, the wealthy, the poor, and the destitute. These comprise: one who possesses surplus beyond their essential sustenance; one who requires no assistance from others even if nothing exceeds their basic needs; one whose resources are insufficient to sustain themselves; and one who possesses nothing. These four distinct categories are evident through practical assessment.

فَالْمُوسِرُ بِلَا خِلَافٍ: هُوَ الَّذِي يَفْضُلُ مَالُهُ عَنْ قُوتِهِ وَقُوتِ عِيَالِهِ عَلَى السَّعَةِ.

L11426 The affluent person, without any disagreement, is one whose surplus wealth exceeds his sustenance and the sustenance of his dependents abundantly.

وَالْغَنِيُّ: هُوَ الَّذِي لَا يَحْتَاجُ إلَى أَحَدٍ وَإِنْ كَانَ لَا يَفْضُلُ عَنْهُ شَيْءٌ؛ لِأَنَّهُ فِي غِنًى عَنْ غَيْرِهِ.

L11427 The self-sufficient is one who does not need anyone, even if nothing surplus remains from him, because he is independent of others.

وَكُلُّ مُوسِرٍ غَنِيٌّ، وَلَيْسَ كُلُّ غَنِيٍّ مُوسِرًا -: فَإِنْ قِيلَ: لِمَ فَرَّقْتُمْ بَيْنَ الْمِسْكِينِ، وَالْفَقِيرِ؟ قُلْنَا: لِأَنَّ اللَّهَ تَعَالَى فَرَّقَ بَيْنَهُمَا، وَلَا يَجُوزُ أَنْ يُقَالَ فِي شَيْئَيْنِ فَرَّقَ اللَّهُ تَعَالَى بَيْنَهُمَا: إنَّهُمَا شَيْءٌ وَاحِدٌ، إلَّا بِنَصٍّ أَوْ إجْمَاعٍ أَوْ ضَرُورَةِ حِسٍّ، فَإِذْ ذَلِكَ كَذَلِكَ فَإِنَّ اللَّهَ تَعَالَى يَقُولُ: {أَمَّا السَّفِينَةُ فَكَانَتْ لِمَسَاكِينَ يَعْمَلُونَ فِي الْبَحْرِ} [الكهف: ٧٩] سَمَّاهُمْ اللَّهُ تَعَالَى مَسَاكِينَ وَلَهُمْ سَفِينَةٌ، وَلَوْ كَانَتْ تَقُومُ بِهِمْ لَكَانُوا أَغْنِيَاءَ بِلَا خِلَافٍ. فَصَحَّ اسْمُ الْمِسْكِينِ بِالنَّصِّ لِمَنْ هَذِهِ صِفَتُهُ.

L11428 Every wealthy person is affluent, but not every affluent person is wealthy. If it is asked: Why do you distinguish between the needy (miskīn) and the poor (faqīr)? We reply: Because Allāh the Exalted distinguished between them, and it is impermissible to claim that two things distinguished by Allāh the Exalted are one entity, except through a textual proof, consensus, or sensory necessity. Given this, Allāh the Exalted says: {As for the ship, it belonged to needy people working at sea} [Al-Kahf: 79]. Allāh the Exalted called them "needy" and they had a ship. Had it sufficed for their needs, they would have been wealthy without dispute. Thus, the designation "needy" is validated by the textual proof for those possessing such a description.[27]

وَبَقِيَ الْقِسْمُ الرَّابِعُ: وَهُوَ مَنْ لَا شَيْءَ لَهُ أَصْلًا، وَلَمْ يَبْقَ لَهُ مِنْ الْأَسْمَاءِ إلَّا الْفَقِيرُ، فَوَجَبَ ضَرُورَةً أَنَّهُ ذَاكَ. وَرُوِّينَا مَا حَدَّثَنَاهُ عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا نَصْرُ بْنُ عَلِيٍّ أَخْبَرَنَا عَبْدُ الْأَعْلَى ثنا مَعْمَرٌ عَنْ الزُّهْرِيِّ عَنْ

L11429–11431 The fourth category remains: those who possess absolutely nothing and retain no designation except "the Faqir." It must necessarily be that case. We were narrated through Abdullah ibn Rabīʿ, who narrated to us from Muḥammad ibn Muʿāwiyah, who narrated to us from Aḥmad ibn Shuʿayb, who in-

[27] **Qur'an references (L11428):** Qur'an 18:79 (Al-Kahf).

أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «لَيْسَ الْمِسْكِينُ الَّذِي تَرُدُّهُ الْأَكْلَةُ وَالْأَكْلَتَانِ، وَالتَّمْرَةُ وَالتَّمْرَتَانِ، قَالُوا: فَمَا الْمِسْكِينُ يَا رَسُولَ اللَّهِ؟ قَالَ: الْمِسْكِينُ الَّذِي لَا يَجِدُ غِنًى، وَلَا يَفْطِنُ لِحَاجَتِهِ فَيُتَصَدَّقُ عَلَيْهِ» . قَالَ أَبُو مُحَمَّد: فَصَحَّ أَنَّ الْمِسْكِينَ هُوَ الَّذِي لَا يَجِدُ غِنًى إلَّا أَنَّ لَهُ شَيْئًا لَا يَقُومُ لَهُ، فَهُوَ يَصْبِرُ وَيَنْطَوِي، وَهُوَ مُحْتَاجٌ وَلَا يَسْأَلُ. وَقَالَ تَعَالَى: {لِلْفُقَرَاءِ الْمُهَاجِرِينَ الَّذِينَ أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ} [الحشر: ٨] فَصَحَّ أَنَّ الْفَقِيرَ الَّذِي لَا مَالَ لَهُ أَصْلًا؛ لِأَنَّ اللَّهَ تَعَالَى أَخْبَرَ أَنَّهُمْ أُخْرِجُوا مِنْ دِيَارِهِمْ وَأَمْوَالِهِمْ. وَلَا يَجُوزُ أَنْ يُحْمَلَ ذَلِكَ عَلَى بَعْضِ أَمْوَالِهِمْ. فَإِنْ قِيلَ: قَالَ اللَّهُ تَعَالَى: {لِلْفُقَرَاءِ الَّذِينَ أُحْصِرُوا فِي سَبِيلِ اللَّهِ لا يَسْتَطِيعُونَ ضَرْبًا فِي الأَرْضِ يَحْسَبُهُمُ الْجَاهِلُ أَغْنِيَاءَ مِنَ التَّعَفُّفِ} [البقرة: ٢٧٣] .

formed us through Naṣr ibn ʿAlī, who informed us from ʿAbd al-Aʿlā, who narrated from Maʿmar, reporting from al-Zuhrī, from Abū Salamah, from Abū Hurayrah, that the Messenger of Allāh—peace and blessings be upon him—said: "The Miskeen is not the one turned away by a morsel or two, or a date or two." They asked: "Then who is the Miskeen, O Messenger of Allāh?" He replied: "The Miskeen is one who does not attain self-sufficiency, nor does he have his need noticed so that charity might be given to him." Abū Muḥammad said: This establishes that the Miskeen is indeed one who finds no self-sufficiency, though he possesses something that does not suffice him. He endures and retreats inwardly, he is in need but does not ask. Allah the Exalted said: "For the poor emigrants who were driven out of their homes and their wealth" [Al-Hashr: 8]. Thus, it is established that the poor person is the one who has no wealth whatsoever, for Allah the Exalted informed that they were driven out of their homes and their wealth. It is impermissible to interpret this as referring to only some of their wealth. If it is objected: Allah the Exalted said: "For the poor who are restricted in the cause of Allah, unable to earn a livelihood; the unaware suppose them to be wealthy due to their self-restraint" [Al-Baqarah: 273].[28]

قُلْنَا: صَدَقَ اللَّهُ تَعَالَى: وَقَدْ يَلْبَسُ الْمَرْءُ فِي تِلْكَ الْبِلَادِ إزَارًا وَرِدَاءً خَلَقَيْنِ غَسِيلَيْنِ لَا يُسَاوِيَانِ دِرْهَمًا، فَمَنْ رَآهُ كَذَلِكَ ظَنَّهُ غَنِيًّا، وَلَا يُعَدُّ مَالًا مَا لَا بُدَّ مِنْهُ مِمَّا يَسْتُرُ الْعَوْرَةَ، إذَا لَمْ تَكُنْ لَهُ قِيمَةٌ - وَذَكَرُوا قَوْلَ الشَّاعِرِ:

L11432 We said: Allah, the Exalted, has spoken the truth. And indeed, a person in those lands may wear a worn-out, washed waist wrapper and cloak that together are not worth a dirham. Whoever sees him in such a state would assume he is wealthy. What is necessary for covering the private parts is not considered wealth if it has no value. And they mentioned the poet's verse:

أَمَّا الْفَقِيرُ الَّذِي كَانَتْ حَلُوبَتُهُ ... وَفْقَ الْعِيَالِ فَلَمْ يُتْرَكْ لَهُ سَبَدُ

L11433 As for the poor man whose milking yield was sufficient for his dependents, he was left with no surplus.

وَهَذَا حُجَّةٌ عَلَيْهِمْ؛ لِأَنَّ مَنْ كَانَتْ حَلُوبَتُهُ وَفْقَ عِيَالِهِ فَهُوَ غَنِيٌّ، وَإِنَّمَا صَارَ فَقِيرًا إذَا لَمْ يُتْرَكْ لَهُ سَبَدٌ، وَهُوَ قَوْلُنَا؟ وَالْعَامِلُونَ عَلَيْهَا: هُمْ الْعُمَّالُ الْخَارِجُونَ مِنْ عِنْدِ الْإِمَامِ الْوَاجِبَةِ طَاعَتُهُ، وَهُمْ الْمُصَدِّقُونَ، السُّعَاةُ؟ قَالَ أَبُو مُحَمَّد: وَقَدْ اتَّفَقَتْ الْأُمَّةُ عَلَى أَنَّهُ لَيْسَ كُلُّ مَنْ قَالَ: أَنَا عَامِلٌ عَامِلًا، وَقَدْ قَالَ - عَلَيْهِ السَّلَامُ -: «مَنْ عَمِلَ عَمَلًا لَيْسَ

L11434 This is an argument against them, for whoever's livelihood aligns with his dependents is wealthy, and he only becomes poor if no surplus is left for him—and this is our position? As for those appointed to administer it: they are the workers dispatched by the Imam whose obedience is obligatory—the collectors, the gatherers? Abu Muhammad said: The Ummah has unanimously agreed that not everyone who declares, "I am a worker," is truly a

[28] **Qur'an references (L11429):** Qur'an 59:8 (Al-Hashr); Qur'an 2:273 (Al-Baqarah).

worker. The Prophet (peace be upon him) stated, “Whoever performs an act not under our authority is invalid.” Thus, anyone who acts without being appointed by the Imam whose obedience is obligatory is not among those tasked with administering it. Giving zakah to such a person is invalid and constitutes an injustice, unless he distributes it to its rightful recipients, in which case it becomes valid, as it has reached its rightful beneficiaries. As for the worker appointed by the Imam whose obedience is obligatory, we are commanded to give zakah to him. We bear no responsibility for how he handles it, for he is an agent—like the guardian of an orphan, no distinction—or just like an agent appointed by a principal; they are entirely equivalent.

L11435–11437 And those whose hearts are to be reconciled: they are a people of influence whose advice to Muslims cannot be relied upon, so they are reconciled by... They are to be given from the alms and a fifth of the fifth.

L11438 Ar-riqāb are those under a contract of manumission (mukātabūn) and freed individuals (‘utaqā’); it is permissible to give them from Zakat.

L11439 Malik said: The mukātab is not to be given any of it [zakah]. Others said he should be given from it what is required to fulfill his kitābah.

L11440 Abu Muhammad said: “These are two opinions - are there no proofs for their soundness?”

L11441 And that the *mukatab* may be given from *zakāh* – as stated by Abū Ḥanīfah and al-Shāfiʿī. It is permissible to give from it the *mukatab* of a Hāshimī or al-Muṭṭalibī, because the *mukatab* is not from them nor a client affiliated with them, provided his emancipation is not yet fully completed. If the Imam emancipates slaves using *zakāh* funds, their clientage belongs to the Muslims, because he did not emancipate them from his own wealth nor from wealth remaining in the possession of the *zakāh* giver.

L11442 If a person frees [a slave] from his own zakat, the right of patronage belongs to him, because he freed [the slave] from his wealth—his own slave. The Prophet (peace and blessings be upon him) said: “The right of patronage belongs solely to the one who manumits,” and this is the opinion of Abū Thawr. It is reported from Ibn Abbas that he said: “Free from your zakat.”

عَلَيْهِ أَمْرُنَا فَهُوَ رَدٌّ» فَكُلُّ مَنْ عَمِلَ مِنْ غَيْرِ أَنْ يُوَلِّيَهُ الْإِمَامُ الْوَاجِبَةُ طَاعَتُهُ فَلَيْسَ مِنْ الْعَامِلِينَ عَلَيْهَا، وَلَا يُجْزِئُ دَفْعُ الصَّدَقَةِ إلَيْهِ، وَهِيَ مَظْلَمَةٌ، إلَّا أَنْ يَكُونَ يَضَعُهَا مَوَاضِعَهَا، فَتُجْزِئُ حِينَئِذٍ، لِأَنَّهَا قَدْ وَصَلَتْ إلَى أَهْلِهَا. وَأَمَّا عَامِلُ الْإِمَامِ الْوَاجِبَةِ طَاعَتُهُ فَنَحْنُ مَأْمُورُونَ بِدَفْعِهَا إلَيْهِ، وَلَيْسَ عَلَيْنَا مَا يَفْعَلُ فِيهَا، لِأَنَّهُ وَكِيلٌ، كَوَصِيِّ الْيَتِيمِ وَلَا فَرْقَ، وَكَوَكِيلِ الْمُوَكِّلِ سَوَاءٌ سَوَاءٌ.

وَالْمُؤَلَّفَةُ قُلُوبُهُمْ: هُمْ قَوْمٌ لَهُمْ قُوَّةٌ لَا يُوثَقُ بِنَصِيحَتِهِمْ لِلْمُسْلِمِينَ فَيَتَأَلَّفُونَ بِأَنْ يُعْطَوْا مِنْ الصَّدَقَاتِ، وَمِنْ خُمْسِ الْخُمْسِ

وَالرِّقَابُ: هُمْ الْمُكَاتَبُونَ، وَالْعُتَقَاءُ، فَجَائِزٌ أَنْ يُعْطَوْا مِنْ الزَّكَاةِ.

وَقَالَ مَالِكٌ: لَا يُعْطَى مِنْهَا الْمُكَاتَبُ. وَقَوْلُ غَيْرِهِ: يُعْطَى مِنْهَا مَا يُتِمُّ بِهِ كِتَابَتَهُ.

وَقَالَ أَبُو مُحَمَّدٍ: وَهَذَانِ قَوْلَانِ لَا دَلِيلَ عَلَى صِحَّتِهِمَا؟

وَبِأَنَّ الْمُكَاتَبَ يُعْطَى مِنْ الزَّكَاةِ يَقُولُ أَبُو حَنِيفَةَ، وَالشَّافِعِيُّ؟ وَجَازَ أَنْ يُعْطَى مِنْهَا مُكَاتَبُ الْهَاشِمِيِّ، وَالْمُطَّلِبِيِّ، لِأَنَّهُ لَيْسَ مِنْهُمَا، وَلَا مَوْلًى لَهُمَا مَا لَمْ يُعْتَقْ كُلُّهُ؟ وَإِنْ أَعْتَقَ الْإِمَامُ مِنْ الزَّكَاةِ رِقَابًا فَوَلَاؤُهَا لِلْمُسْلِمِينَ لِأَنَّهُ لَمْ يُعْتِقْهَا مِنْ مَالِ نَفْسِهِ وَلَا مِنْ مَالٍ بَاقٍ فِي مِلْكِ الْمُعْطِي الزَّكَاةَ.

فَإِنْ أَعْتَقَ الْمَرْءُ مِنْ زَكَاةِ نَفْسِهِ فَوَلَاؤُهَا لَهُ، لِأَنَّهُ أَعْتَقَ مِنْ مَالِهِ، وَعَبْدِ نَفْسِهِ، وَقَدْ قَالَ - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ -: «إنَّمَا الْوَلَاءُ لِمَنْ أَعْتَقَ» وَهُوَ قَوْلُ أَبِي ثَوْرٍ. وَرُوِّينَا عَنْ ابْنِ عَبَّاسٍ: أَعْتِقْ مِنْ زَكَاتِك.

فَإِنْ قِيلَ: إِنَّهُ إِنْ مَاتَ رَجَعَ مِيرَاثُهُ إِلَى سَيِّدِهِ. قُلْنَا: نَعَمْ هَذَا حَسَنٌ، إِذَا بَلَغَتْ الزَّكَاةُ مَحَلَّهَا فَرُجُوعُهَا بِالْوُجُوهِ الْمُبَاحَةِ حَسَنٌ، وَهُمْ يَقُولُونَ فِيمَنْ تَصَدَّقَ مِنْ زَكَاتِهِ عَلَى قَرِيبٍ لَهُ ثُمَّ مَاتَ فَوَجَبَ مِيرَاثُهُ لِلْمُعْطِي: إِنَّهُ لَهُ حَلَالٌ، وَإِنْ كَانَ فِيهِ عَيْنُ زَكَاتِهِ.

L11443 If it is said: "If he dies, his inheritance reverts to his owner," we reply: "Yes, this is acceptable, provided the zakat has fulfilled its rightful purpose, and its reversion through permissible means is sound." They hold that if one gives from his zakat to a relative who later dies—so the inheritance passes to the donor—it is lawful for him, even if the inherited estate includes the specific zakat asset.

وَالْغَارِمُونَ: هُمْ الَّذِينَ عَلَيْهِمْ دُيُونٌ لَا تَفِي أَمْوَالُهُمْ بِهَا، أَوْ مَنْ تَحَمَّلَ بِحَمَالَةٍ وَإِنْ كَانَ فِي مَالِهِ وَفَاءٌ بِهَا؛ فَأَمَّا مَنْ لَهُ وَفَاءٌ بِدَيْنِهِ فَلَا يُسَمَّى فِي اللُّغَةِ غَارِمًا؟ -: حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا مُحَمَّدُ بْنُ مُعَاوِيَةَ ثنا أَحْمَدُ بْنُ شُعَيْبٍ أَخْبَرَنَا مُحَمَّدُ بْنُ النَّضْرِ بْنِ مُسَاوِرٍ ثنا حَمَّادُ بْنُ سَلَمَةَ عَنْ هَارُونَ بْنِ رِئَابٍ حَدَّثَنِي كِنَانَةُ بْنُ نُعَيْمٍ عَنْ قَبِيصَةَ بْنِ الْمُخَارِقِ قَالَ: «تَحَمَّلْتُ بِحَمَالَةٍ فَأَتَيْتُ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَسْأَلُهُ فِيهَا؟ فَقَالَ: أَقِمْ يَا قَبِيصَةُ حَتَّى تَأْتِينَا الصَّدَقَةُ فَنَأْمُرُ لَكَ بِهَا يَا قَبِيصَةُ إِنَّ الصَّدَقَةَ لَا تَحِلُّ إِلَّا لِأَحَدِ ثَلَاثَةٍ رَجُلٍ تَحَمَّلَ بِحَمَالَةٍ فَحَلَّتْ لَهُ الْمَسْأَلَةُ حَتَّى يُصِيبَ قِوَامًا مِنْ عَيْشٍ، أَوْ قَالَ: سَدَادًا مِنْ عَيْشٍ» وَذَكَرَ الْحَدِيثَ.

L11444–11446 The debtors (*al-ghārimūn*) are those whose assets are insufficient to cover their debts, or those who assume debt to reconcile others even if their wealth suffices to repay it. As for one whose wealth suffices to repay their debt, are they not referred to as *ghārimūn* in the linguistic sense?

It was narrated to us by ʿAbdullāh ibn Rabīʿ: Muḥammad ibn Muʿāwiyah narrated to us: Aḥmad ibn Shuʿayb narrated to us: Muḥammad ibn al-Naḍr ibn Musāwir informed us: Ḥammād ibn Salamah narrated from Hārūn ibn Riʾāb, who narrated to me from Kinānah ibn Nuʿaym, from Qabīṣah ibn al-Mukhāriq, who said: "I assumed a debt to reconcile others and came to the Prophet (peace be upon him) to inquire about it. He said: 'Stay, O..." O Qabisah, wait until the charity comes to us, and we will arrange for it to be given to you. O Qabisah, charity is only permissible for one of three [people]: a man who has incurred debt, making it lawful for him to ask until he attains sufficiency of livelihood - or he said: repayment of livelihood -" and he narrated the ḥadīth.

وَأَمَّا سَبِيلُ اللَّهِ فَهُوَ الْجِهَادُ بِحَقٍّ. حَدَّثَنَا عَبْدُ اللَّهِ بْنُ رَبِيعٍ ثنا ابْنُ السُّلَيْمِ ثنا ابْنُ الْأَعْرَابِيِّ ثنا أَبُو دَاوُد ثنا الْحَسَنُ بْنُ عَلِيٍّ ثنا عَبْدُ الرَّزَّاقِ ثنا مَعْمَرٌ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ قَالَ قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «لَا تَحِلُّ الصَّدَقَةُ لِغَنِيٍّ إِلَّا لِخَمْسَةٍ: لِغَازٍ فِي سَبِيلِ اللَّهِ، أَوْ لِعَامِلٍ عَلَيْهَا، أَوْ لِغَارِمٍ، أَوْ لِرَجُلٍ اشْتَرَاهَا بِمَالِهِ، أَوْ لِرَجُلٍ كَانَ لَهُ جَارٌ مِسْكِينٌ فَتَصَدَّقَ عَلَى الْمِسْكِينِ فَأَهْدَاهَا الْمِسْكِينُ لِلْغَنِيِّ» . وَقَدْ رُوِيَ هَذَا الْحَدِيثُ عَنْ غَيْرِ مَعْمَرٍ فَأَوْقَفَهُ بَعْضُهُمْ، وَنَقَصَ بَعْضُهُمْ مِمَّا ذَكَرَ

L11447 As for the path of Allah, it is jihad in truth. Abdullah ibn Rabiʿ narrated to us: Ibn al-Sulaym narrated to us: Ibn al-Aʿrabī narrated to us: Abū Dāwūd narrated to us: al-Ḥasan ibn ʿAlī narrated to us: ʿAbd al-Razzāq narrated to us: Maʿmar narrated from Zayd ibn Aslam from ʿAṭāʾ ibn Yasār from Abū Saʿīd al-Khudrī, who said: The Messenger of Allah – peace and blessings of Allah be upon him – said: "Zakat is not lawful for the wealthy except in five cases: for a fighter in the path of Allah, for an administrator appointed over it, for a debtor, for a man who purchased it with his wealth, or for a wealthy man whose poor neighbor received Zakat from him, then the poor neighbor gifted it to the wealthy man." This hadith has been narrated through chains other than Maʿmar's, with some attributing it to the Companion's statement and others omitting parts of what Maʿmar mentioned. Is it permissible to

abandon the addition of a just narrator? If it is said: There is a narration from the Messenger of Allah – peace and blessings of Allah be upon him – that Hajj is from the path of Allah.[29]

L11448 It has been authentically reported from Ibn Abbas that some of it may be given for Hajj. We said: "Yes, for every act of goodness falls within the path of Allah, the Exalted." However, there is no disagreement that He, the Exalted, did not intend every aspect of righteousness to be included in the distribution of alms. Therefore, it is impermissible to allocate them except where the textual evidence has specified - and that is what we have stated. Success comes solely from Allah, the Exalted.

L11449 The traveler in need: Is he one who set out to commit disobedience and then fell into need? It has been narrated to us through the chain of Ibn Abi Shaybah: Abu Ja'far reported from al-A'mash from Hassan from Mujahid from Ibn Abbas: "Did he see no issue with a man giving his zakah during Hajj or using it to emancipate an enslaved person?"

L11450–11451 This is among the matters in which the Shafi'is, Malikis, and Hanafis have differed from a Companion, with no dissenter against him known from these schools.

L11452 **Issue regarding a person giving from Zakāh to his *mukātab* and another person's *mukātab*.**

L11453 721 - Issue: It is permissible for a person to give from his zakāh to his own mukātab slave or another's mukātab, as this constitutes righteous action. This also applies to a destitute slave whose master wrongs him by withholding his rightful provisions, for he is indigent. We have been narrated that Ismāʿīl ibn ʿUlayyah permitted this. If one's father, mother, son, brothers, or wife are among the debtors, have fought in Allah's cause, or are mukātab slaves, it is permissible for him to give them from his obligatory alms. This is because he bears no obligation to repay their debts, nor to assist them in fulfilling their manumission contracts or military expeditions - just as he remains obligated

[29] **Hadith references (L11447):** Sunan Abi Dawud 1635.

فِيهِ مَعْمَرٌ، وَزِيَادَةُ الْعَدْلِ لَا يَحِلُّ تَرْكُهَا؟ فَإِنْ قِيلَ: قَدْ رُوِيَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّ الْحَجَّ مِنْ سَبِيلِ اللَّهِ.

وَصَحَّ عَنِ ابْنِ عَبَّاسٍ أَنْ يُعْطَى مِنْهَا فِي الْحَجِّ. قُلْنَا: نَعَمْ، وَكُلُّ فِعْلِ خَيْرٍ فَهُوَ مِنْ سَبِيلِ اللَّهِ تَعَالَى، إِلَّا أَنَّهُ لَا خِلَافَ فِي أَنَّهُ تَعَالَى لَمْ يُرِدْ كُلَّ وَجْهٍ مِنْ وُجُوهِ الْبِرِّ فِي قِسْمَةِ الصَّدَقَاتِ، فَلَمْ يَجُزْ أَنْ تُوضَعَ إِلَّا حَيْثُ بَيَّنَ النَّصُّ، وَهُوَ الَّذِي ذَكَرْنَا - وَبِاللَّهِ تَعَالَى التَّوْفِيقُ.

وَابْنُ السَّبِيلِ: هُوَ مَنْ خَرَجَ فِي مَعْصِيَةٍ فَاحْتَاجَ؟ وَقَدْ رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا أَبُو جَعْفَرٍ عَنِ الْأَعْمَشِ عَنْ حَسَّانَ عَنْ مُجَاهِدٍ عَنِ ابْنِ عَبَّاسٍ: أَنَّهُ كَانَ لَا يَرَى بَأْسًا أَنْ يُعْطِيَ الرَّجُلُ زَكَاتَهُ فِي الْحَجِّ وَأَنْ يُعْتِقَ مِنْهَا النَّسَمَةَ؟

وَهَذَا مِمَّا خَالَفَ فِيهِ الشَّافِعِيُّونَ، وَالْمَالِكِيُّونَ، وَالْحَنَفِيُّونَ: صَاحِبًا، لَا يُعْرَفُ مِنْهُمْ لَهُ مُخَالِفٌ.

[مَسْأَلَةٌ إِعْطَاء الْمَرْء مِنْ الزَّكَاة مُكَاتَبَهُ وَمُكَاتَبَ غَيْرِهِ]

٧٢١ - مَسْأَلَةٌ: وَجَازَ أَنْ يُعْطِيَ الْمَرْءُ مِنْهَا مُكَاتَبَهُ وَمُكَاتَبَ غَيْرِهِ، لِأَنَّهُمَا مِنْ الْبِرِّ، وَالْعَبْدُ الْمُحْتَاجُ الَّذِي يَظْلِمُهُ سَيِّدُهُ وَلَا يُعْطِيهِ حَقَّهُ؛ لِأَنَّهُ مِسْكِينٌ، وَقَدْ رُوِّينَا عَنْ إِسْمَاعِيلَ بْنِ عُلَيَّةَ أَنَّهُ: أَجَازَ ذَلِكَ؟ وَمَنْ كَانَ أَبُوهُ، أَوْ أُمُّهُ، أَوْ ابْنُهُ، أَوْ إِخْوَتُهُ، أَوْ امْرَأَتُهُ مِنْ الْغَارِمِينَ، أَوْ غَزَوْا فِي سَبِيلِ اللَّهِ، أَوْ كَانُوا مُكَاتَبِينَ -: جَازَ لَهُ أَنْ يُعْطِيَهُمْ مِنْ صَدَقَتِهِ الْفَرْضَ؛ لِأَنَّهُ لَيْسَ عَلَيْهِ أَدَاءُ دُيُونِهِمْ وَلَا عَوْنُهُمْ فِي الْكِتَابَةِ وَالْغَزْوِ وَكَمَا تَلْزَمُهُ نَفَقَتُهُمْ إِنْ كَانُوا فُقَرَاءَ، وَلَمْ يَأْتِ نَصٌّ بِالْمَنْعِ مِمَّا ذَكَرْنَا.

to provide their maintenance if they are poor. No textual prohibition exists regarding what we have mentioned.

L11454 It has been reported to us from Abu Bakr that he instructed Umar, saying: "Whoever pays Zakāt to those not among its rightful recipients, his Zakāt will not be accepted from him, even if he were to donate all worldly wealth as voluntary charity." And from Al-Ḥasan: "Zakāt does not suffice until one places it with its designated recipients. And success is granted by Allah, the Most High."

L11455 ## The issue of a woman giving her husband from her Zakat.

L11456 722 - Issue: A woman may give her husband from her Zakat if he is among those eligible for Zakat. It is authentically reported from the Messenger of Allah (peace and blessings be upon him) that he issued a legal verdict to Zaynab, the wife of Ibn Mas'ud, when he commanded to give Zakat. She asked him: Is it permissible for her to give her Zakat to her husband and to her brother's orphaned sons? He informed her (peace and blessings be upon him) that she would receive two rewards: the reward of Zakat and the reward of kinship.

L11457 ## A question regarding one who possesses wealth of the type in which Zakat is obligatory.

L11458 Issue 723: Abū Muḥammad said: If someone possesses wealth requiring obligatory zakat - such as two hundred dirhams, forty mithqāls, five camels, forty sheep, fifty cows, or has acquired five wasqs of wheat, barley, or dates - yet his possessions cannot sustain his dependents due to a large family or high prices, is he considered poor and eligible to receive from the obligatory zakat while still being obligated to pay zakat on the wealth that meets the criteria? We have previously mentioned the opinions of those who defined the wealth threshold as a day's provision, forty dirhams, fifty dirhams, or two hundred dirhams.

L11459–11460 Those who hold that sufficiency means possessing a day's sustenance argue

وَرُوِّينَا عَنْ أَبِي بَكْرٍ: أَنَّهُ أَوْصَى عُمَرَ فَقَالَ: مَنْ أَدَّى الزَّكَاةَ إلَى غَيْرِ أَهْلِهَا لَمْ تُقْبَلْ مِنْهُ زَكَاةٌ، وَلَوْ تَصَدَّقَ بِالدُّنْيَا جَمِيعِهَا، وَعَنْ الْحَسَنِ: لَا تُجْزِئُ حَتَّى يَضَعَهَا مَوَاضِعَهَا وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

[مَسْأَلَةٌ إعْطَاء الْمَرْأَة زَوْجَهَا مِنْ زَكَاتِهَا]

٧٢٢ - مَسْأَلَةٌ: وَتُعْطِي الْمَرْأَةُ زَوْجَهَا مِنْ زَكَاتِهَا، إنْ كَانَ مِنْ أَهْلِ السِّهَامِ، صَحَّ «عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ أَفْتَى زَيْنَبَ امْرَأَةَ ابْنِ مَسْعُودٍ إذْ أَمَرَ بِالصَّدَقَةِ فَسَأَلَتْهُ: أَيَسَعُهَا أَنْ تَضَعَ صَدَقَتَهَا فِي زَوْجِهَا، وَفِي بَنِي أَخٍ لَهَا يَتَامَى؟ فَأَخْبَرَهَا - عَلَيْهِ الصَّلَاةُ وَالسَّلَامُ - أَنَّ لَهَا أَجْرَيْنِ: أَجْرَ الصَّدَقَةِ وَأَجْرَ الْقَرَابَةِ» ؟ .

[مَسْأَلَةٌ مَنْ كَانَ لَهُ مَالٌ مِمَّا يَجِبُ فِيهِ الصَّدَقَةُ]

٧٢٣ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: مَنْ كَانَ لَهُ مَالٌ مِمَّا يَجِبُ فِيهِ الصَّدَقَةُ، كَمِائَتَيْ دِرْهَمٍ أَوْ أَرْبَعِينَ مِثْقَالًا أَوْ خَمْسٍ مِنْ الْإِبِلِ أَوْ أَرْبَعِينَ شَاةً أَوْ خَمْسِينَ بَقَرَةً، أَوْ أَصَابَ خَمْسَةَ أَوْسُقٍ مِنْ بُرٍّ، أَوْ شَعِيرٍ، أَوْ تَمْرٍ وَهُوَ لَا يَقُومُ مَا مَعَهُ بِعَوْلَتِهِ لِكَثْرَةِ عِيَالِهِ أَوْ لِغَلَاءِ السِّعْرِ -: فَهُوَ مِسْكِينٌ، يُعْطَى مِنْ الصَّدَقَةِ الْمَفْرُوضَةِ، وَتُؤْخَذُ مِنْهُ فِيمَا وَجَبَتْ فِيهِ مِنْ مَالِهِ؟ وَقَدْ ذَكَرْنَا أَقْوَالَ مَنْ حَدَّ الْغِنَى بِقُوتِ الْيَوْمِ، أَوْ بِأَرْبَعِينَ دِرْهَمًا، أَوْ بِخَمْسِينَ دِرْهَمًا، أَوْ بِمِائَتَيْ دِرْهَمٍ؟

using a hadith we narrated through the chain of Abū Kabshah al-Sulūlī from Sahl ibn al-Ḥanẓaliyyah from the Prophet (peace and blessings be upon him), who said: “Whoever asks while possessing what suffices him is only seeking to increase his share of the Fire.” It was asked: “What is the measure of sufficiency, O Messenger of Allah?” He replied: “Being satiated for a day and a night.” In some of its chains, the wording is: “If your family has enough to provide them breakfast or supper.”

وَاحْتَجَّ مَنْ رَأَى الْغِنَى بِقُوتِ الْيَوْمِ بِحَدِيثٍ رُوِّينَاهُ مِنْ طَرِيقِ أَبِي كَبْشَةَ السَّلُولِيِّ عَنْ سَهْلِ بْنِ الْحَنْظَلِيَّةِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ سَأَلَ وَعِنْدَهُ مَا يُغْنِيهِ فَإِنَّمَا يَسْتَكْثِرُ مِنْ النَّارِ، فَقِيلَ: وَمَا حَدُّ الْغِنَى يَا رَسُولَ اللَّهِ؟ قَالَ: شِبَعُ يَوْمٍ وَلَيْلَةٍ» . وَفِي بَعْضِ طُرُقِهِ: «إنْ يَكُنْ عِنْدَ أَهْلِكَ مَا يُغَدِّيهِمْ أَوْ مَا يُعَشِّيهِمْ» .

L11461 From the path of Ibn Lahi’ah, from Yazid ibn Abi Habib, from a man, from Abu Kulayb al-Amiri, from Abu Sallam al-Habashi, from Sahl ibn al-Hanthaliyyah, from the Prophet—peace be upon him: “Whoever asks for something to amass more through it while having sufficiency has amassed for himself a portion of the Fire.” It was said: “What constitutes sufficiency?” He replied: “A midday meal or an evening meal.” Abu Muhammad said: “This is baseless, for Abu Kabshah al-Sululi is unknown, and Ibn Lahi’ah is discredited.”

وَمِنْ طَرِيقِ ابْنِ لَهِيعَةَ عَنْ يَزِيدَ بْنِ أَبِي حَبِيبٍ عَنْ رَجُلٍ عَنْ أَبِي كُلَيْبٍ الْعَامِرِيِّ عَنْ أَبِي سَلَّامٍ الْحَبَشِيِّ عَنْ سَهْلِ بْنِ الْحَنْظَلِيَّةِ عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ سَأَلَ مَسْأَلَةً يَتَكَثَّرُ بِهَا عَنْ غِنًى فَقَدْ اسْتَكْثَرَ مِنْ النَّارِ، فَقِيلَ: مَا الْغِنَى؟ قَالَ: غَدَاءٌ أَوْ عَشَاءٌ» . قَالَ أَبُو مُحَمَّدٍ: وَهَذَا لَا شَيْءَ، لِأَنَّ أَبَا كَبْشَةَ السَّلُولِيَّ مَجْهُولٌ وَابْنَ لَهِيعَةَ سَاقِطٌ.

L11462 Those who defined the threshold of sufficiency as forty dirhams argued based on what we transmitted through Mālik’s chain from Zayd ibn Aslam from ʿAṭāʾ ibn Yasār from a man of Banū Asad: that he heard the Messenger of Allah—peace and blessings be upon him—say: “Whoever among you asks while possessing an uqiyya or its equivalent has indeed asked importunately.” And through Hishām ibn ʿAmmār’s chain from ʿAbd al-Raḥmān ibn Abī al-Rijāl from ʿUmāra ibn Ghaziyya from ʿAbd al-Raḥmān ibn Abī Saʿīd al-Khudrī from his father, from the Messenger of Allah—peace and blessings be upon him—that he said: “Whoever asks while possessing an uqiyya’s worth has been importunate.” He said: “The uqiyya during the era of the Messenger of Allah—peace and blessings be upon him—was forty dirhams.”[30]

وَاحْتَجَّ مَنْ حَدَّ الْغِنَى بِأَرْبَعِينَ دِرْهَمًا بِمَا رُوِّينَاهُ مِنْ طَرِيقِ مَالِكٍ عَنْ زَيْدِ بْنِ أَسْلَمَ عَنْ عَطَاءِ بْنِ يَسَارٍ عَنْ رَجُلٍ مِنْ بَنِي أَسَدٍ: أَنَّهُ سَمِعَ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - يَقُولُ: «مَنْ سَأَلَ مِنْكُمْ وَلَهُ أُوقِيَّةٌ أَوْ عِدْلُهَا فَقَدْ سَأَلَ إلْحَافًا» . وَمِنْ طَرِيقِ هِشَامِ بْنِ عَمَّارٍ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي الرِّجَالِ عَنْ عُمَارَةَ بْنِ غَزِيَّةَ عَنْ عَبْدِ الرَّحْمَنِ بْنِ أَبِي سَعِيدٍ الْخُدْرِيِّ عَنْ أَبِيهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَنَّهُ قَالَ: «مَنْ سَأَلَ وَلَهُ قِيمَةُ أُوقِيَّةٍ فَقَدْ أَلْحَفَ» . قَالَ: " وَكَانَتْ الْأُوقِيَّةُ عَلَى عَهْدِ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - أَرْبَعِينَ دِرْهَمًا ".

L11463–11464 From the narration of Maymūn ibn Mihrān: A woman came to ʿUmar ibn al-Khaṭṭāb, may Allah be pleased with him, seeking alms. He said to her: “If you possess an ūqiyyah, alms are not lawful for you.” Maymūn said: “The

وَمِنْ طَرِيقِ مَيْمُونِ بْنِ مِهْرَانَ: أَنَّ امْرَأَةً أَتَتْ عُمَرَ بْنَ الْخَطَّابِ تَسْأَلُهُ مِنْ الصَّدَقَةِ. فَقَالَ لَهَا: إنْ كَانَتْ لَكِ أُوقِيَّةٌ فَلَا تَحِلُّ لَكِ الصَّدَقَةُ، قَالَ مَيْمُونُ: وَالْأُوقِيَّةُ حِينَئِذٍ أَرْبَعُونَ دِرْهَمًا. قَالَ أَبُو مُحَمَّدٍ: الْأَوَّلُ عَمَّنْ لَمْ يُسَمَّ، وَلَا يُدْرَى صِحَّةُ صُحْبَتِهِ، وَالثَّانِي عَنْ عُمَارَةَ

[30] **Hadith references (L11462):** Sunan an-Nasai 2596; Sunan Abi Dawud 1627; Mishkat al-Masabih 1849.

ūqiyyah at that time was forty dirhams." Abū Muḥammad said: The first narration is from an unnamed transmitter whose status as a Companion is unknown and unverified. The second is from ʿUmārah ibn Ghaziyyah, who is a weak narrator. The Mālikīs - those practicing taqlīd (legal following) of ʿUmar, may Allah be pleased with him - previously adhered to his ruling of eternally prohibiting marriage with a woman still in her waiting period (ʿiddah) for the man who married her, though ʿUmar later retracted his ruling. Regarding other issues where they assert that opposing his view is impermissible - such as setting the punishment for intoxicants at eighty lashes and granting the sexually impotent man a year's respite - they follow his rulings here, as do the Ḥanafīs, though they disregard the contradictions. Those who define financial sufficiency as fifty dirhams cite a report we transmitted through Sufyān al-Thawrī from Ḥakīm ibn Jubayr, from Muḥammad ibn ʿAbd al-Raḥmān ibn Yazīd, from his father, from Ibn Masʿūd, who said: The Messenger of Allah, peace be upon him, said: "Whoever asks while possessing what suffices him will come with scratches or gashes on his face on the Day of Resurrection." They asked: "O Messenger of Allah, what suffices him?" He replied: "Fifty dirhams or its value in gold." Sufyān said: I heard Zubayd narrating from Muḥammad ibn ʿAbd al-Raḥmān from his father. We transmitted through Hushaym from al-Ḥajjāj ibn Arṭāh from his informant, from al-Ḥasan ibn ʿAṭiyyah, and from al-Ḥakam ibn ʿUtaybah. One narrator said: From Ibrāhīm al-Nakhaʿī, from Ibn Masʿūd. Al-Ḥasan ibn ʿAṭiyyah said: From Saʿd ibn Abī Waqqāṣ. Al-Ḥakam said: From ʿAlī ibn Abī Ṭālib, may Allah be pleased with him. All stated: "Alms are not permissible for one who possesses fifty dirhams." ʿAlī ibn Abī Ṭālib added: "Or its equivalent in gold?" This is the opinion of al-Nakhaʿī, upheld by Sufyān al-Thawrī and al-Ḥasan ibn Ḥayy. Abū Muḥammad said: Ḥakīm ibn Jubayr is discredited, Zubayd did not provide a full chain of transmission, and there is no legal proof in an interrupted narration.[31]

L11465–11467 Indeed, it was incumbent upon the Ḥanafīs and Mālikīs—those who assert that the *mursal* (disconnected narration) is equivalent to the *musnad* (connected narration), who emphasize the disagreement of the Companion,

بْنِ غَزِيَّةَ وَهُوَ ضَعِيفٌ. وَقَدْ كَانَ يَلْزَمُ الْمَالِكِيِّينَ - الْمُقَلِّدِينَ عُمَرَ - رَضِيَ اللَّهُ عَنْهُ - فِي تَحْرِيمِ الْمَنْكُوحَةِ فِي الْعِدَّةِ عَلَى ذَلِكَ النَّاكِحِ فِي الْأَبَدِ، وَقَدْ رَجَعَ عُمَرُ عَنْ ذَلِكَ، وَفِي سَائِرِ مَا يَدَّعُونَ أَنَّ خِلَافَهُ فِيهِ لَا يَحِلُّ كَحَدِّ الْخَمْرِ ثَمَانِينَ، وَتَأْجِيلِ الْعِنِّينِ سَنَةً -: أَنْ يُقَلِّدُوهُ هَاهُنَا، وَكَذَلِكَ الْحَنَفِيُّونَ، وَلَكِنْ لَا يُبَالُونَ بِالتَّنَاقُضِ وَاحْتَجَّ مَنْ حَدَّ الْغِنَى بِخَمْسِينَ دِرْهَمًا بِخَبَرٍ رُوِّينَاهُ مِنْ طَرِيقِ سُفْيَانَ الثَّوْرِيِّ عَنْ حَكِيمِ بْنِ جُبَيْرٍ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ بْنِ يَزِيدَ عَنْ أَبِيهِ عَنِ ابْنِ مَسْعُودٍ قَالَ: قَالَ رَسُولُ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «مَنْ سَأَلَ وَلَهُ مَا يُغْنِيهِ جَاءَتْ خُمُوشًا أَوْ كُدُوحًا فِي وَجْهِهِ يَوْمَ الْقِيَامَةِ، وَقِيلَ: يَا رَسُولَ اللَّهِ، وَمَا يُغْنِيهِ. قَالَ: خَمْسُونَ دِرْهَمًا أَوْ حِسَابُهَا مِنْ الذَّهَبِ» قَالَ سُفْيَانُ: وَسَمِعْتُ زُبَيْدًا يُحَدِّثُ عَنْ مُحَمَّدِ بْنِ عَبْدِ الرَّحْمَنِ عَنْ أَبِيهِ رُوِّينَا مِنْ طَرِيقِ هُشَيْمٍ عَنِ الْحَجَّاجِ بْنِ أَرْطَاةَ عَمَّنْ حَدَّثَهُ، وَعَنِ الْحَسَنِ بْنِ عَطِيَّةَ، وَعَنِ الْحَكَمِ بْنِ عُتَيْبَةَ، قَالَ مَنْ حَدَّثَهُ: عَنْ إبْرَاهِيمَ النَّخَعِيِّ عَنِ ابْنِ مَسْعُودٍ. وَقَالَ الْحَسَنُ بْنُ عَطِيَّةَ: عَنْ سَعْدِ بْنِ أَبِي وَقَّاصٍ، وَقَالَ الْحَكَمُ: عَنْ عَلِيِّ بْنِ أَبِي طَالِبٍ، قَالُوا كُلُّهُمْ: لَا تَحِلُّ الصَّدَقَةُ لِمَنْ لَهُ خَمْسُونَ دِرْهَمًا، قَالَ عَلِيُّ بْنُ أَبِي طَالِبٍ: أَوْ عِدْلُهَا مِنْ الذَّهَبِ؟ وَهُوَ قَوْلُ النَّخَعِيِّ - وَبِهِ يَقُولُ سُفْيَانُ الثَّوْرِيُّ: وَالْحَسَنُ بْنُ حَيٍّ. قَالَ أَبُو مُحَمَّدٍ: حَكِيمُ بْنُ جُبَيْرٍ سَاقِطٌ، وَلَمْ يُسْنِدْهُ زُبَيْدٌ، وَلَا حُجَّةَ فِي مُرْسَلٍ.

وَلَقَدْ كَانَ يَلْزَمُ الْحَنَفِيِّينَ وَالْمَالِكِيِّينَ - الْقَائِلِينَ بِأَنَّ الْمُرْسَلَ كَالْمُسْنَدِ وَالْمُعَظِّمِينَ خِلَافَ الصَّاحِبِ، وَالْمُحْتَجِّينَ بِشَيْخٍ مِنْ بَنِي كِنَانَةَ عَنْ عُمَرَ فِي رَدِّ السُّنَّةِ الثَّابِتَةِ مِنْ أَنَّ الْمُتَبَايِعَيْنِ

[31] **Hadith references (L11464):** Sunan an-Nasai 2592.

and who cite as evidence a narrator from Banū Kināna transmitting from ʿUmar in rejecting the established Sunnah regarding the two parties in a sale— There is no sale between them until they separate: [this means] they must not depart from these two positions, for no disagreement from any of the Companions is recorded in this chapter opposing what is cited therein from ʻUmar, Ibn Masʻūd, Saʻd, and ʻAlī—may Allāh be pleased with them—alongside the mursal material it contains.

L11468 As for those who define wealth as two hundred dirhams—the opinion of Abū Ḥanīfah—it is the most invalid of all opinions, for they have no proof except their claim that zakah is taken from the wealthy and given to the poor; thus, such a person is wealthy and cannot be deemed poor. Abū Muḥammad said: They have no valid evidence for this due to several reasons. First: They impose zakah on one who possesses an ear of grain or more, or owns five camels or forty sheep. How then did they set the threshold of wealth at two hundred dirhams, excluding the ear of grain, five camels, or forty sheep—all of which are subject to zakah? This is an excessive obsession. Similarly, it has been narrated to us from Ḥammād ibn Abī Sulaymān, who said: "Is it permissible for one who owns no wealth subject to zakah to receive zakah?" Second: They would be required to deem someone who owns grand estates and jewels but lacks two hundred dirhams as poor, eligible to receive zakah. Third: The Prophet's (peace be upon him) statement, "It is taken from their wealthy and given to their poor," contains no proof or explicit text restricting zakah to being taken solely from the wealthy and given exclusively to the poor. It merely states that it is taken from the wealthy and given to the poor—which is true. However, other texts stipulate that zakah is also taken from the poor who are not wealthy and given to many who are wealthy, such as collectors, debtors, those whose hearts are to be reconciled, and travelers—even if wealthy in their homeland.

لَا بَيْعَ بَيْنَهُمَا حَتَّى يَفْتَرِقَا -: أَنْ لَا يَخْرُجُوا عَنْ هَذَيْنِ الْقَوْلَيْنِ؛ لِأَنَّهُ لَا يُحْفَظُ عَنْ أَحَدٍ مِنْ الصَّحَابَةِ فِي هَذَا الْبَابِ خِلَافٌ لِمَا ذُكِرَ فِيهِ عَنْ عُمَرَ، وَابْنِ مَسْعُودٍ، وَسَعْدٍ، وَعَلِيٍّ - رَضِيَ اللَّهُ عَنْهُمْ -، مَعَ مَا فِيهِ مِنْ الْمُرْسَلِ.

وَأَمَّا مَنْ حَدَّ الْغِنَى بِمِائَتَيْ دِرْهَمٍ، وَهُوَ قَوْلُ أَبِي حَنِيفَةَ، وَهُوَ أَسْقَطُ الْأَقْوَالِ كُلِّهَا لِأَنَّهُ لَا حُجَّةَ لَهُمْ إلَّا أَنْ قَالُوا: إنَّ الصَّدَقَةَ تُؤْخَذُ مِنْ الْأَغْنِيَاءِ وَتُرَدُّ عَلَى الْفُقَرَاءِ، فَهَذَا غَنِيٌّ: فَبَطَلَ أَنْ يَكُونَ فَقِيرًا. قَالَ أَبُو مُحَمَّدٍ: وَلَا حُجَّةَ لَهُمْ فِي هَذِهِ لِوُجُوهٍ. أَوَّلُهَا: أَنَّهُمْ يَقُولُونَ بِالزَّكَاةِ عَلَى مَنْ أَصَابَ سُنْبُلَةً فَمَا فَوْقَهَا، أَوْ مَنْ لَهُ خَمْسٌ مِنْ الْإِبِلِ، أَوْ أَرْبَعُونَ شَاةً، فَمِنْ أَيْنَ وَقَعَ لَهُمْ أَنْ يَجْعَلُوا حَدَّ الْغِنَى مِائَتَيْ دِرْهَمٍ، دُونَ السُّنْبُلَةِ، أَوْ دُونَ خَمْسٍ مِنْ الْإِبِلِ، أَوْ دُونَ أَرْبَعِينَ شَاةً، وَكُلُّ ذَلِكَ تَجِبُ فِيهِ الزَّكَاةُ. وَهَذَا هَوَسٌ مُفْرِطٌ. وَهَكَذَا رُوِّينَا عَنْ حَمَّادِ بْنِ أَبِي سُلَيْمَانَ قَالَ: مَنْ لَمْ يَكُنْ عِنْدَهُ مَالٌ تَبْلُغُ فِيهِ الزَّكَاةُ أَخَذَ مِنْ الزَّكَاةِ؟ وَالثَّانِي: أَنَّهُمْ يَلْزَمُهُمْ أَنَّ مَنْ لَهُ الدُّورُ الْعَظِيمَةُ، وَالْجَوْهَرُ وَلَا يَمْلِكُ مِائَتَيْ دِرْهَمٍ أَنْ يَكُونَ فَقِيرًا يَحِلُّ لَهُ أَخْذُ الصَّدَقَةِ. وَالثَّالِثُ: أَنَّهُ لَيْسَ فِي قَوْلِهِ - عَلَيْهِ السَّلَامُ -: «تُؤْخَذُ مِنْ أَغْنِيَائِهِمْ وَتُرَدُّ عَلَى فُقَرَائِهِمْ» دَلِيلٌ وَلَا نَصٌّ بِأَنَّ الزَّكَاةَ لَا تُؤْخَذُ إلَّا مِنْ غَنِيٍّ وَلَا تُرَدُّ إلَّا عَلَى فَقِيرٍ، وَإِنَّمَا فِيهِ أَنَّهَا تُؤْخَذُ مِنْ الْأَغْنِيَاءِ وَتُرَدُّ عَلَى الْفُقَرَاءِ فَقَطْ، وَهَذَا حَقٌّ، وَتُؤْخَذُ أَيْضًا - بِنُصُوصٍ أُخَرَ - مِنْ الْمَسَاكِينِ الَّذِينَ لَيْسُوا أَغْنِيَاءَ، وَتُرَدُّ بِتِلْكَ النُّصُوصِ عَلَى أَغْنِيَاءَ كَثِيرٍ، كَالْعَامِلِينَ، وَالْغَارِمِينَ، وَالْمُؤَلَّفَةِ قُلُوبُهُمْ، وَابْنِ السَّبِيلِ وَإِنْ كَانَ غَنِيًّا فِي بَلَدِهِ.

L11469 Are these five categories the wealthy—do they have a right to Zakah? Allah the Exalted clarified this in Zakah by distinguishing between them when He states: “Zakah is only for the poor, the needy, and those employed to manage them...” [Quran 9:60] until the end of the verse. Allah the Exalted mentioned the poor and the needy, then added others who are neither poor nor needy?[32]

فَهَذِهِ خَمْسُ طَبَقَاتٍ أَغْنِيَاءَ، لَهُمْ حَقٌّ فِي الصَّدَقَةِ؟ وَقَدْ بَيَّنَ اللَّهُ تَعَالَى ذَلِكَ فِي الصَّدَقَةِ فِي تَفْرِيقِهِ بَيْنَهُمْ إِذْ يَقُولُ: {إِنَّمَا الصَّدَقَاتُ لِلْفُقَرَاءِ وَالْمَسَاكِينِ وَالْعَامِلِينَ عَلَيْهَا} [التوبة: ٦٠] إِلَى آخِرِ الْآيَةِ فَذَكَرَ اللَّهُ تَعَالَى الْفُقَرَاءَ وَالْمَسَاكِينَ ثُمَّ أَضَافَ إِلَيْهِمْ مَنْ لَيْسَ فَقِيرًا، وَلَا مِسْكِينًا؟

L11470–11471 Zakāh is taken from the poor who owns nothing except five camels and has ten dependents; from one who owns nothing except two hundred dirhams and has ten dependents; and from one who has obtained nothing except five awsuq—which may not equal fifty dirhams—and has ten dependents, as a Sunnah for that year.

وَتُؤْخَذُ الصَّدَقَةُ مِنْ الْمَسَاكِينِ الَّذِينَ لَيْسَ لَهُمْ إِلَّا خَمْسٌ مِنْ الْإِبِلِ، وَلَهُ عَشَرَةٌ مِنْ الْعِيَالِ، وَلَيْسَ لَهُ إِلَّا مِائَتَا دِرْهَمٍ، وَلَهُ عَشَرَةٌ مِنْ الْعِيَالِ، وَمِمَّنْ لَمْ يُصِبْ إِلَّا خَمْسَةَ أَوْسُقٍ - لَعَلَّهَا لَا تُسَاوِي خَمْسِينَ دِرْهَمًا - وَلَهُ عَشَرَةٌ مِنْ الْعِيَالِ فِي عَامٍ سُنَّةً.

L11472 Thus, their reliance on the aforementioned report is invalidated, and the unsoundness of this statement—which no Companion, may Allah be pleased with them, is known to have articulated—has become evident.

فَبَطَلَ تَعَلُّقُهُمْ بِالْخَبَرِ الْمَذْكُورِ، وَظَهَرَ فَسَادُ هَذَا الْقَوْلِ الَّذِي لَا يُعْلَمُ أَنَّ أَحَدًا مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - قَالَهُ.

L11473 It has been narrated to us through the chain of Ibn Abi Shaybah from Hafs—who is Ibn Ghiyath—from Ibn Jurayj from Amr ibn Dinar, who said: Umar ibn al-Khattab said: “When you give, enrich [them]”—meaning from sadaqah. We do not know of any disagreement among the Companions regarding this statement. It has been reported to us from al-Hasan: “Is one who owns a house and a servant given from the obligatory sadaqah if they are in need?” A similar view is reported from Ibrahim: “Is one who owns a horse, a house, and a servant given from it?” From Sa‘id ibn Jubayr: “Is one who owns a horse, a house, and a servant given from it?” From Muqatil ibn Hibban: “Is one who receives a stipend from the public registry and owns a horse given?” Abu Muhammad said: “A very large amount and a small amount are given from zakat. There is no limit in that, as neither the Quran nor the Sunnah has stipulated a limit for it?”

وَقَدْ رُوِّينَا مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ عَنْ حَفْصٍ هُوَ ابْنُ غِيَاثٍ عَنْ ابْنِ جُرَيْجٍ عَنْ عَمْرِو بْنِ دِينَارٍ قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ: إِذَا أَعْطَيْتُمْ فَأَغْنُوا - يَعْنِي مِنْ الصَّدَقَةِ، وَلَا نَعْلَمُ لِهَذَا الْقَوْلِ خِلَافًا مِنْ أَحَدٍ مِنْ الصَّحَابَةِ. وَرُوِّينَا عَنْ الْحَسَنِ: أَنَّهُ يُعْطَى مِنْ الصَّدَقَةِ الْوَاجِبَةِ مَنْ لَهُ الدَّارُ، وَالْخَادِمُ، إِذَا كَانَ مُحْتَاجًا؟ وَعَنْ إبْرَاهِيمَ نَحْوُ ذَلِكَ؟ وَعَنْ سَعِيدِ بْنِ جُبَيْرٍ: يُعْطَى مِنْهَا مَنْ لَهُ الْفَرَسُ، وَالدَّارُ، وَالْخَادِمُ؟ وَعَنْ مُقَاتِلِ بْنِ حِبَّانَ: يُعْطَى مَنْ لَهُ الْعَطَاءُ مِنْ الدِّيوَانِ وَلَهُ فَرَسٌ؟ قَالَ أَبُو مُحَمَّدٍ: وَيُعْطَى مِنْ الزَّكَاةِ الْكَثِيرُ جِدًّا وَالْقَلِيلُ، لَا حَدَّ فِي ذَلِكَ، إِذْ لَمْ يُوجِبْ الْحَدَّ فِي ذَلِكَ قُرْآنٌ وَلَا سُنَّةٌ؟

L11474 ## The Issue of Displaying Charity

[مَسْأَلَةٌ إظْهَارُ الصَّدَقَةِ]

[32] **Qur’an references (L11469):** Qur’an 9:60 (At-Tawbah).

L11475 Issue 724: Abū Muḥammad said: Displaying charity (whether obligatory or voluntary) without intending to show off is commendable, but concealing all of it is more virtuous. This is the view of the scholars of our school.

L11476 And Mālik said: Publicly performing the obligatory act is preferable.

L11477 Abu Muhammad said: This is a distinction without proof for its validity. Allah, the Mighty and Majestic, said: *"If you display your charities openly, how excellent it is! But if you conceal them and give them to the poor, that is better for you."* [Al-Baqarah: 271].[33]

L11478–11479 If they say: "Do we analogize that to the obligatory prayer?" We say: "All analogy is entirely invalid. If you claim it is valid, then proclaim the call for Zakāh just as it is done for prayer. Among non-obligatory prayers are those publicly announced, such as the two Eids, eclipse prayers, and the two rak'ahs of entering the mosque. Then analogize voluntary charity to those [prayers]!"

L11480 It is a duty upon the affluent among the people of every locality to provide for their poor.

L11481 725 - Issue: Abu Muhammad said: The wealthy in every locality are obligated to provide for their poor, and the authority must compel them to do so if zakat funds are insufficient for them, nor is there enough in the rest of the Muslims' wealth. They must be supplied with basic food provisions, adequate clothing for winter and summer, and a dwelling that shelters them from rain, summer heat, the sun, and the gaze of passersby.

L11482 The evidence for this is the statement of Allah, the Exalted: "And give the close relative his rightful due, and the poor, and the wayfarer" [Al-Isrāʾ: 26]. He also said: "And show kindness to parents, and to close relatives, and orphans, and the poor, and the neighbor who is a close relative, and the distant neighbor, and the companion at your side, and the wayfarer,

[33] **Qur'an references (L11477):** Qur'an 2:271 (Al-Baqarah).

٧٢٤ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: إظْهَارُ الصَّدَقَةِ - الْفَرْضِ وَالتَّطَوُّعِ - مِنْ غَيْرِ أَنْ يَنْوِيَ بِذَلِكَ رِيَاءً: حَسَنٌ، وَإِخْفَاءُ كُلِّ ذَلِكَ أَفْضَلُ، وَهُوَ قَوْلُ أَصْحَابِنَا.

وَقَالَ مَالِكٌ: إعْلَانُ الْفَرْضِ أَفْضَلُ.

قَالَ أَبُو مُحَمَّدٍ: وَهَذَا فَرْقٌ لَا بُرْهَانَ عَلَى صِحَّتِهِ. قَالَ اللَّهُ عَزَّ وَجَلَّ: {إِنْ تُبْدُوا الصَّدَقَاتِ فَنِعِمَّا هِيَ وَإِنْ تُخْفُوهَا وَتُؤْتُوهَا الْفُقَرَاءَ فَهُوَ خَيْرٌ لَكُمْ} [البقرة: ٢٧١] .

فَإِنْ قَالُوا: نَقِيسُ ذَلِكَ عَلَى صَلَاةِ الْفَرْضِ؟ قُلْنَا: الْقِيَاسُ كُلُّهُ بَاطِلٌ، فَإِنْ قُلْتُمْ: هُوَ حَقٌّ، فَأَذِّنُوا لِلزَّكَاةِ كَمَا يُؤَذَّنُ لِلصَّلَاةِ وَمِنْ الصَّلَاةِ غَيْرِ الْفَرْضِ مَا يُعْلَنُ بِهَا كَالْعِيدَيْنِ، وَالْكُسُوفِ، وَرَكْعَتَيْ دُخُولِ الْمَسْجِدِ، فَقِيسُوا صَدَقَةَ التَّطَوُّعِ عَلَى ذَلِكَ؟

[مَسْأَلَةٌ عَلَى الْأَغْنِيَاءِ مِنْ أَهْلِ كُلِّ بَلَدٍ أَنْ يَقُومُوا بِفُقَرَائِهِمْ]

٧٢٥ - مَسْأَلَةٌ: قَالَ أَبُو مُحَمَّدٍ: وَفُرِضَ عَلَى الْأَغْنِيَاءِ مِنْ أَهْلِ كُلِّ بَلَدٍ أَنْ يَقُومُوا بِفُقَرَائِهِمْ، وَيُجْبِرُهُمْ السُّلْطَانُ عَلَى ذَلِكَ، إنْ لَمْ تَقُمْ الزَّكَوَاتُ بِهِمْ، وَلَا فِي سَائِرِ أَمْوَالِ الْمُسْلِمِينَ، فَيُقَامُ لَهُمْ بِمَا يَأْكُلُونَ مِنْ الْقُوتِ الَّذِي لَا بُدَّ مِنْهُ، وَمِنْ اللِّبَاسِ لِلشِّتَاءِ وَالصَّيْفِ بِمِثْلِ ذَلِكَ، وَبِمَسْكَنٍ يَكُنُّهُمْ مِنْ الْمَطَرِ، وَالصَّيْفِ وَالشَّمْسِ، وَعُيُونِ الْمَارَّةِ.

وَبُرْهَانُ ذَلِكَ: قَوْلُ اللَّهِ تَعَالَى: {وَآتِ ذَا الْقُرْبَى حَقَّهُ وَالْمِسْكِينَ وَابْنَ السَّبِيلِ} [الإسراء: ٢٦] . وَقَالَ تَعَالَى: {وَبِالْوَالِدَيْنِ إِحْسَانًا وَبِذِي الْقُرْبَى وَالْيَتَامَى وَالْمَسَاكِينِ وَالْجَارِ ذِي الْقُرْبَى وَالْجَارِ الْجُنُبِ وَالصَّاحِبِ بِالْجَنْبِ وَابْنِ السَّبِيلِ وَمَا مَلَكَتْ أَيْمَانُكُمْ} [النساء: ٣٦] . فَأَوْجَبَ تَعَالَى حَقَّ الْمَسَاكِينِ، وَابْنِ السَّبِيلِ، وَمَا مَلَكَتْ الْيَمِينُ مَعَ حَقِّ

and those whom your right hands possess" [An-Nisā': 36]. Thus, He made obligatory the right of the poor, the wayfarer, and those whom your right hands possess alongside the right of close relatives. He mandated kindness toward parents, close relatives, the poor, the neighbor, and those whom your right hands possess. Benevolence necessitates all that we have mentioned, and withholding it is undoubtedly mistreatment? He further said: "What has caused you to enter Saqar?" [Al-Muddaththir: 42]. They replied, "We were not among those who prayed" [Al-Muddaththir: 43], "nor did we feed the poor" [Al-Muddaththir: 44]. Here, Allah coupled feeding the poor with the obligation of prayer.[34]

ذِي الْقُرْبَى وَافْتَرَضَ الْإِحْسَانَ إِلَى الْأَبَوَيْنِ، وَذِي الْقُرْبَى، وَالْمَسَاكِينِ، وَالْجَارِ، وَمَا مَلَكَتْ الْيَمِينُ، وَالْإِحْسَانُ يَقْتَضِي كُلَّ مَا ذَكَرْنَا، وَمَنْعُهُ إِسَاءَةٌ بِلَا شَكٍّ؟ وَقَالَ تَعَالَى: {مَا سَلَكَكُمْ فِي سَقَرَ} [المدثر: ٤٢] {قَالُوا لَمْ نَكُ مِنَ الْمُصَلِّينَ} [المدثر: ٤٣] {وَلَمْ نَكُ نُطْعِمُ الْمِسْكِينَ} [المدثر: ٤٤] . فَقَرَنَ اللَّهُ تَعَالَى إِطْعَامَ الْمِسْكِينِ بِوُجُوبِ الصَّلَاةِ.

L11483 From the Messenger of Allah, may Allah's peace and blessings be upon him, through numerous chains of narration of the highest authenticity, that he said: "Whoever shows no mercy to people will receive no mercy from Allah."

وَعَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - مِنْ طُرُقٍ كَثِيرَةٍ فِي غَايَةِ الصِّحَّةِ أَنَّهُ قَالَ: «مَنْ لَا يَرْحَمْ النَّاسَ لَا يَرْحَمْهُ اللَّهُ» .

L11484–11485 Abū Muḥammad said: Whoever possesses surplus provisions and sees his Muslim brother hungry, naked, or perishing yet fails to succor him—he has undoubtedly not shown him mercy. This narration was narrated by Nāfiʿ ibn Jubayr ibn Muṭʿim, Qays ibn Abī Ḥātim, Abī Ẓabiyān, and Zayd ibn Wahb—all of them narrating from Jarīr ibn ʿAbdullāh from the Messenger of Allah, peace be upon him. Its meaning was also narrated by al-Zuhrī from Abū Salamah from Abū Hurayrah from the Messenger of Allah, peace be upon him.

قَالَ أَبُو مُحَمَّد: وَمَنْ كَانَ عَلَى فَضْلَةٍ وَرَأَى الْمُسْلِمَ أَخَاهُ جَائِعًا عُرْيَانَ ضَائِعًا فَلَمْ يُغِثْهُ -: فَمَا رَحِمَهُ بِلَا شَكٍّ. وَهَذَا خَبَرٌ رَوَاهُ نَافِعُ بْنُ جُبَيْرِ بْنِ مُطْعِمٍ، وَقَيْسُ بْنُ أَبِي حَاتِمٍ، وَأَبِي ظَبْيَانَ وَزَيْدِ بْنِ وَهْبٍ، وَكُلُّهُمْ عَنْ جَرِيرِ بْنِ عَبْدِ اللَّهِ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -. رَوَى أَيْضًا مَعْنَاهُ الزُّهْرِيُّ عَنْ أَبِي سَلَمَةَ عَنْ أَبِي هُرَيْرَةَ عَنْ رَسُولِ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -.

L11486 And it was narrated to us by Abd al-Rahman ibn Abd Allah ibn Khalid: Ibrahim ibn Ahmad narrated to us, al-Farbari narrated to us, al-Bukhari narrated to us, Musa ibn Ismail narrated to us - who is al-Tabudhaki - al-Muʿtamir narrated to us - who is the son of Sulayman - from his father, that Abu Uthman al-Nahdi narrated to us that Abd al-Rahman ibn Abi Bakr al-Siddiq reported: "The Companions of the Suffa were poor people, and the Messenger of Allah—peace and blessings be upon him—said: 'Whoever possesses food for two, let him bring a third. Whoever has food for four, let

وَحَدَّثَنَاهُ عَبْدُ الرَّحْمَنِ بْنُ عَبْدِ اللَّهِ بْنِ خَالِدٍ ثنا إِبْرَاهِيمُ بْنُ أَحْمَدَ ثنا الْفَرَبْرِيُّ ثنا الْبُخَارِيُّ ثنا مُوسَى بْنُ إِسْمَاعِيلَ هُوَ التَّبُوذَكِيُّ - ثنا الْمُعْتَمِرُ هُوَ ابْنُ سُلَيْمَانَ - عَنْ أَبِيهِ ثنا أَبُو عُثْمَانَ النَّهْدِيُّ أَنَّ عَبْدَ الرَّحْمَنِ بْنَ أَبِي بَكْرٍ الصِّدِّيقِ حَدَّثَهُ «أَنَّ أَصْحَابَ الصُّفَّةِ كَانُوا نَاسًا فُقَرَاءَ، وَأَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: مَنْ كَانَ عِنْدَهُ طَعَامُ اثْنَيْنِ فَلْيَذْهَبْ بِثَالِثٍ، وَمَنْ كَانَ عِنْدَهُ طَعَامُ أَرْبَعَةٍ فَلْيَذْهَبْ بِخَامِسٍ أَوْ سَادِسٍ» أَوْ كَمَا قَالَ فَهَذَا هُوَ نَفْسُ قَوْلِنَا.

[34] **Qur'an references (L11482):** Qur'an 17:26 (Al-Isra); Qur'an 4:36 (An-Nisa); Qur'an 74:42 (Al-Muddaththir); Qur'an 74:43 (Al-Muddaththir); Qur'an 74:44 (Al-Muddaththir).

him bring a fifth or a sixth,'" or words to that effect. This is precisely our view.

L11487 And through the chain of Al-Layth ibn Sa'd from 'Uqayl ibn Khalid from Al-Zuhri that Salim ibn 'Abdullah ibn 'Umar informed him that 'Abdullah ibn 'Umar informed him that the Messenger of Allah—peace and blessings be upon him—said: "A Muslim is the brother of a Muslim; he does not wrong him nor betray him." Abu Muhammad said: Whoever leaves him hungry and unclothed when he is capable of feeding him and clothing him has indeed betrayed him.

وَمِنْ طَرِيقِ اللَّيْثِ بْنِ سَعْدٍ عَنْ عُقَيْلِ بْنِ خَالِدٍ عَنْ الزُّهْرِيِّ أَنَّ سَالِمَ بْنَ عَبْدِ اللَّهِ بْنِ عُمَرَ أَخْبَرَهُ أَنَّ عَبْدَ اللَّهِ بْنَ عُمَرَ أَخْبَرَهُ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «الْمُسْلِمُ أَخُو الْمُسْلِمِ، لَا يَظْلِمُهُ وَلَا يُسْلِمُهُ» . قَالَ أَبُو مُحَمَّدٍ: مَنْ تَرَكَهُ يَجُوعُ وَيَعْرَى - وَهُوَ قَادِرٌ عَلَى إطْعَامِهِ وَكِسْوَتِهِ - فَقَدْ أَسْلَمَهُ.

L11488 Abdullah ibn Yusuf narrated to us, Ahmad ibn Fath narrated to us, Abdul Wahhab ibn Isa narrated to us, Ahmad ibn Muhammad narrated to us, Ahmad ibn Ali narrated to us, Muslim ibn al-Hajjaj narrated to us, Shayban ibn Farrukh narrated to us, Abu al-Ashhab narrated from Abu Nadrah from Abu Sa'id al-Khudri that the Messenger of Allah—peace be upon him—said: "Whoever has an excess riding animal should offer it to one who has none, and whoever has an excess of provisions should offer it to one who has none." He said: Then he mentioned types of wealth as he enumerated them until we realized that none of us had any right to excess. Abu Muhammad said: This is the consensus of the Companions—may Allah be pleased with them—as Abu Sa'id reports, and we uphold all that is in this report. Narrated through the chain of Abu Musa, from the Prophet—peace be upon him—: "Feed the hungry and free the captive."[35]

حَدَّثَنَا عَبْدُ اللَّهِ بْنُ يُوسُفَ ثنا أَحْمَدُ بْنُ فَتْحٍ ثنا عَبْدُ الْوَهَّابِ بْنُ عِيسَى ثنا أَحْمَدُ بْنُ مُحَمَّدٍ ثنا أَحْمَدُ بْنُ عَلِيٍّ ثنا مُسْلِمُ بْنُ الْحَجَّاجِ ثنا شَيْبَانُ بْنُ فَرُّوخَ ثنا أَبُو الْأَشْهَبِ عَنْ أَبِي نَضْرَةَ عَنْ أَبِي سَعِيدٍ الْخُدْرِيِّ أَنَّ رَسُولَ اللَّهِ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - قَالَ: «مَنْ كَانَ مَعَهُ فَضْلُ ظَهْرٍ فَلْيَعُدْ بِهِ عَلَى مَنْ لَا ظَهْرَ لَهُ، وَمَنْ كَانَ لَهُ فَضْلٌ مِنْ زَادٍ فَلْيَعُدْ بِهِ عَلَى مَنْ لَا زَادَ لَهُ، قَالَ: فَذَكَرَ مِنْ أَصْنَافِ الْمَالِ مَا ذَكَرَ، حَتَّى رَأَيْنَا أَنَّهُ لَا حَقَّ لِأَحَدٍ مِنَّا فِي فَضْلٍ» . قَالَ أَبُو مُحَمَّدٍ: وَهَذَا إجْمَاعُ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - يُخْبِرُ بِذَلِكَ أَبُو سَعِيدٍ، وَبِكُلِّ مَا فِي هَذَا الْخَبَرِ نَقُولُ. وَمِنْ طَرِيقِ أَبِي مُوسَى عَنْ النَّبِيِّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ -: «أَطْعِمُوا الْجَائِعَ وَفُكُّوا الْعَانِيَ» .

L11489–11490 The texts from the Qur'an and the authentic ḥadīths regarding this matter are exceedingly numerous.

وَالنُّصُوصُ مِنْ الْقُرْآنِ، وَالْأَحَادِيثِ الصِّحَاحِ فِي هَذَا تَكْثُرُ جِدًّا.

L11491 It was narrated to us through the chain of 'Abdurraḥmān ibn Mahdī from Sufyān al-Thawrī from Ḥabīb ibn Abī Thābit from Abū Wā'il Shaqīq ibn Salamah, who said: 'Umar ibn al-Khaṭṭāb—may Allah be pleased with him—declared: "If I were to face anew what I have already experienced, I would take the excess wealth of the rich and distribute it among the poor emigrants." This chain is supremely authentic and illustrious. Through the chain of Sa'īd

وَرُوِّينَا مِنْ طَرِيقِ عَبْدِ الرَّحْمَنِ بْنِ مَهْدِيٍّ عَنْ سُفْيَانَ الثَّوْرِيِّ عَنْ حَبِيبِ بْنِ أَبِي ثَابِتٍ عَنْ أَبِي وَائِلٍ شَقِيقِ بْنِ سَلَمَةَ قَالَ: قَالَ عُمَرُ بْنُ الْخَطَّابِ - رَضِيَ اللَّهُ عَنْهُ -: لَوْ اسْتَقْبَلْتُ مِنْ أَمْرِي مَا اسْتَدْبَرْت لَأَخَذْت فُضُولَ أَمْوَالِ الْأَغْنِيَاءِ فَقَسَّمْتُهَا عَلَى فُقَرَاءِ الْمُهَاجِرِينَ؟ هَذَا إسْنَادٌ فِي غَايَةِ الصِّحَّةِ وَالْجَلَالَةِ. وَمِنْ طَرِيقِ سَعِيدِ بْنِ مَنْصُورٍ عَنْ أَبِي

[35] **Hadith references (L11488):** Sahih Muslim 1728.

ibn Manṣūr from Abū Shihāb from Abū ʻAbdullāh al-Thaqafī from Muḥammad ibn ʻAlī ibn al-Ḥusayn from Muḥammad ibn ʻAlī ibn Abī Ṭālib, who heard ʻAlī ibn Abī Ṭālib state: "Allah the Exalted has obligated upon the rich in their wealth an amount sufficient to sustain their poor. If they suffer hunger, nakedness, or hardship, and the rich withhold [their due], is it not indeed a right upon Allah the Exalted to hold them accountable on the Day of Resurrection and punish them for it?" From Ibn ʻUmar, it is reported that he said: "In your wealth lies a right beyond zakāh." From ʻĀ'ishah, the Mother of the Believers, al-Ḥasan ibn ʻAlī, and Ibn ʻUmar, it is reported that they all responded to petitioners: "If you ask due to grievous bloodshed, crushing debt, or destitute poverty, your right has become binding." It is authentically reported from Abū ʻUbaydah ibn al-Jarrāḥ and three hundred Companions—may Allah be pleased with them—that when their provisions were exhausted, Abū ʻUbaydah commanded them to gather their supplies into two bags, and he rationed them equally. This constitutes an unequivocal consensus of the Companions—may Allah be pleased with them—with no dissent among them.

شِهَابٍ عَنْ أَبِي عَبْدِ اللَّهِ الثَّقَفِيِّ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ الْحُسَيْنِ عَنْ مُحَمَّدِ بْنِ عَلِيِّ بْنِ أَبِي طَالِبٍ أَنَّهُ سَمِعَ عَلِيَّ بْنَ أَبِي طَالِبٍ يَقُولُ: إِنَّ اللَّهَ تَعَالَى فَرَضَ عَلَى الْأَغْنِيَاءِ فِي أَمْوَالِهِمْ بِقَدْرِ مَا يَكْفِي فُقَرَاءَهُمْ، فَإِنْ جَاعُوا أَوْ عَرُوا وَجَهَدُوا فَمَنَعَ الْأَغْنِيَاءُ، وَحَقٌّ عَلَى اللَّهِ تَعَالَى أَنْ يُحَاسِبَهُمْ يَوْمَ الْقِيَامَةِ، وَيُعَذِّبَهُمْ عَلَيْهِ؟ وَعَنْ ابْنِ عُمَرَ أَنَّهُ قَالَ: فِي مَالِكَ حَقٌّ سِوَى الزَّكَاةِ. وَعَنْ عَائِشَةَ أُمِّ الْمُؤْمِنِينَ، وَالْحَسَنِ بْنِ عَلِيٍّ، وَابْنِ عُمَرَ أَنَّهُمْ قَالُوا كُلُّهُمْ لِمَنْ سَأَلَهُمْ: إِنْ كُنْتَ تَسْأَلُ فِي دَمٍ مُوجِعٍ، أَوْ غُرْمٍ مُفْظِعٍ أَوْ فَقْرٍ مُدْقِعٍ فَقَدْ وَجَبَ حَقُّكَ. وَصَحَّ عَنْ أَبِي عُبَيْدَةَ بْنِ الْجَرَّاحِ وَثَلَاثِمِائَةٍ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ - أَنَّ زَادَهُمْ فَنِيَ فَأَمَرَهُمْ أَبُو عُبَيْدَةَ فَجَمَعُوا أَزْوَادَهُمْ فِي مِزْوَدَيْنِ، وَجَعَلَ يَقُوتُهُمْ إيَّاهَا عَلَى السَّوَاءِ؟ فَهَذَا إجْمَاعٌ مَقْطُوعٌ بِهِ مِنْ الصَّحَابَةِ - رَضِيَ اللَّهُ عَنْهُمْ -، لَا مُخَالِفَ لَهُمْ مِنْهُمْ.

L11492 It has been authentically reported from al-Shaʻbi, Mujahid, Tawus, and others—all of whom said: "There is an obligation on wealth other than Zakat."

وَصَحَّ عَنْ الشَّعْبِيِّ، وَمُجَاهِدٍ، وَطَاوُسٍ، وَغَيْرِهِمْ، كُلُّهُمْ يَقُولُ: فِي الْمَالِ حَقٌّ سِوَى الزَّكَاةِ.

L11493 Abu Muhammad said: We do not know of any disagreement among them regarding this except from al-Ḍaḥḥāk ibn Muzāḥim, for he said: "Zakat has abrogated every rightful obligation concerning wealth." Abu Muhammad said: Al-Ḍaḥḥāk's narration is not a proof – how then can his opinion [be valid]? The astonishment lies in those who cite this as evidence being the first to oppose it, for they assert obligations in wealth beyond Zakat, including expenditures for needy parents, spouses, enslaved individuals and dependents, care for livestock, debts, and compensation for injuries. Thus their contradiction is laid bare.

قَالَ أَبُو مُحَمَّدٍ: وَمَا نَعْلَمُ عَنْ أَحَدٍ مِنْهُمْ خِلَافَ هَذَا، إلَّا عَنْ الضَّحَّاكِ بْنِ مُزَاحِمٍ، فَإِنَّهُ قَالَ: نَسَخَتْ الزَّكَاةُ كُلَّ حَقٍّ فِي الْمَالِ. قَالَ أَبُو مُحَمَّدٍ: وَمَا رِوَايَةُ الضَّحَّاكِ حُجَّةٌ فَكَيْفَ رَأْيُهُ. وَالْعَجَبُ أَنَّ الْمُحْتَجَّ بِهَذَا أَوَّلُ مُخَالِفٍ لَهُ فَيَرَى فِي الْمَالِ حُقُوقًا سِوَى الزَّكَاةِ، مِنْهَا النَّفَقَاتُ عَلَى الْأَبَوَيْنِ الْمُحْتَاجَيْنِ، وَعَلَى الزَّوْجَةِ، وَعَلَى الرَّقِيقِ، وَعَلَى الْحَيَوَانِ، وَالدُّيُونِ، وَالْأُرُوشِ، فَظَهَرَ تَنَاقُضُهُمْ.

L11494–11496 If it is said: You have narrated through the chain of Ibn Abī Shaybah - Abū al-Aḥwaṣ reported to us from ʿIkrimah from Ibn ʿAbbās. He said: Whoever pays the zakāh of his wealth, there is no blame upon him for refraining from

فَإِنْ قِيلَ: فَقَدْ رَوَيْتُمْ مِنْ طَرِيقِ ابْنِ أَبِي شَيْبَةَ: ثنا أَبُو الْأَحْوَصِ عَنْ عِكْرِمَةَ عَنْ ابْنِ عَبَّاسٍ قَالَ: مَنْ أَدَّى زَكَاةَ مَالِهِ فَلَيْسَ عَلَيْهِ جُنَاحٌ أَنْ لَا يَتَصَدَّقَ. وَمِنْ طَرِيقِ الْحَكَمِ

voluntary charity. Narrated through the chain of Al-Ḥakam, from Miqsam, from Ibn ʿAbbās regarding the Most High's statement: {And give its due on the day of its harvest} [Al-Anʿām 6:141] – the rulings of one-tenth and half-tenth abrogated it. Indeed, Miqsam's narration is rejected because he is weak.[36]

عَنْ مِقْسَمٍ عَنْ ابْنِ عَبَّاسٍ فِي قَوْلِه تَعَالَى: {وَآتُوا حَقَّهُ يَوْمَ حَصَادِهِ} [الأنعام: ١٤١] نَسَخَتْهَا: الْعُشْرُ، وَنِصْفُ الْعُشْرِ. فَإِنَّ رِوَايَةَ مِقْسَمٍ سَاقِطَةٌ لِضَعْفِهِ

L11497 And is there not in it [the ruling], even if valid, a disagreement with our position? As for ʿIkrimah's narration, it only restricts voluntary charity; is this not sound? As for fulfilling due diligence, it is an obligation and a debt, not a voluntary act of charity.

؛ وَلَيْسَ فِيهَا وَلَوْ صَحَّتْ خِلَافٌ لِقَوْلِنَا؟ وَأَمَّا رِوَايَةُ عِكْرِمَةَ فَإِنَّمَا هِيَ أَنْ لَا يَتَصَدَّقَ تَطَوُّعًا، وَهَذَا صَحِيحٌ؟ وَأَمَّا الْقِيَامُ بِالْمَجْهُودِ فَفَرْضٌ وَدَيْنٌ، وَلَيْسَ صَدَقَةَ تَطَوُّعٍ.

L11498 They say: Whoever is thirsty and fears death must take water wherever he finds it and fight to obtain it. Abu Muhammad said: What distinction exists between what they permitted him—fighting to obtain what repels death from himself due to thirst—and what they prohibited him from—fighting to obtain what repels death from himself due to hunger or lack of clothing? This contradicts the consensus, the Quran, the Sunnahs, and analogical reasoning. Abu Muhammad said: It is not permissible for a Muslim compelled by necessity to eat carrion or pork if he finds food that the owner has in surplus—whether from a Muslim or Dhimmi owner—for it is obligatory upon the food's owner to feed the hungry. Since this is the case, he is not compelled by necessity to eat carrion or pork. And success comes from Allah, the Exalted.

وَيَقُولُونَ: مَنْ عَطِشَ فَخَافَ الْمَوْتَ فَفُرِضَ عَلَيْهِ أَنْ يَأْخُذَ الْمَاءَ حَيْثُ وَجَدَهُ وَأَنْ يُقَاتِلَ عَلَيْهِ. قَالَ أَبُو مُحَمَّدٍ: فَأَيُّ فَرْقٍ بَيْنَ مَا أَبَاحُوا لَهُ مِنْ الْقِتَالِ عَلَى مَا يَدْفَعُ بِهِ عَنْ نَفْسِهِ الْمَوْتَ مِنْ الْعَطَشِ، وَبَيْنَ مَا مَنَعُوهُ مِنْ الْقِتَالِ عَنْ نَفْسِهِ فِيمَا يَدْفَعُ بِهِ عَنْهَا الْمَوْتَ مِنْ الْجُوعِ وَالْعُرْيِ. وَهَذَا خِلَافٌ لِلْإِجْمَاعِ، وَلِلْقُرْآنِ، وَلِلسُّنَنِ، وَلِلْقِيَاسِ. قَالَ أَبُو مُحَمَّدٍ: وَلَا يَحِلُّ لِمُسْلِمٍ اُضْطُرَّ أَنْ يَأْكُلَ مَيْتَةً، أَوْ لَحْمَ خِنْزِيرٍ وَهُوَ يَجِدُ طَعَامًا فِيهِ فَضْلٌ عَنْ صَاحِبِهِ، لِمُسْلِمٍ أَوْ لِذِمِّيٍّ؛ لِأَنَّ فَرْضًا عَلَى صَاحِبِ الطَّعَامِ إطْعَامُ الْجَائِعِ فَإِذَا كَانَ ذَلِكَ كَذَلِكَ فَلَيْسَ بِمُضْطَرٍّ إلَى الْمَيْتَةِ وَلَا إلَى لَحْمِ الْخِنْزِيرِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ.

L11499 He has the right to fight for this. If he is killed, retribution becomes obligatory upon his killer. If he kills the preventer, he incurs Allah's curse, for the preventer obstructed a rightful claim and constitutes a rebel faction. Allah, Exalted is He, said: "If one faction rebels against the other, then fight the rebellious faction until it returns to Allah's command" [Quran 49:9]. The preventer of a rightful claim rebels against his brother who holds the right. Upon this principle, Abu Bakr al-Siddiq (may Allah be pleased with him) fought the preventer of zakat. With Allah the Exalted is success. This con-

وَلَهُ أَنْ يُقَاتِلَ عَنْ ذَلِكَ، فَإِنْ قُتِلَ فَعَلَى قَاتِلِهِ الْقَوَدُ، وَإِنْ قَتَلَ الْمَانِعَ فَإِلَى لَعْنَةِ اللَّهِ؛ لِأَنَّهُ مَنَعَ حَقًّا، وَهُوَ طَائِفَةٌ بَاغِيَةٌ، قَالَ تَعَالَى: {فَإِنْ بَغَتْ إحْدَاهُمَا عَلَى الْأُخْرَى فَقَاتِلُوا الَّتِي تَبْغِي حَتَّى تَفِيءَ إلَى أَمْرِ اللَّهِ} [الحجرات: ٩] وَمَانِعُ الْحَقِّ بَاغٍ عَلَى أَخِيهِ الَّذِي لَهُ الْحَقُّ؛ وَبِهَذَا قَاتَلَ أَبُو بَكْرٍ الصِّدِّيقُ - رَضِيَ اللَّهُ عَنْهُ - مَانِعَ الزَّكَاةِ - وَبِاَللَّهِ تَعَالَى التَّوْفِيقُ. تَمَّ كِتَابُ الزَّكَاةِ بِحَمْدِ اللَّهِ تَعَالَى وَحُسْنِ عَوْنِهِ.

[36] **Qur'an references (L11494):** Qur'an 6:141 (Al-An'am).

cludes the Book of Zakat with praise to Allah the Exalted and His excellent support.[37]

[37] **Qur'an references (L11499):** Qur'an 49:9 (Al-Hujurat).