

ZAKAH AND MODERN MEANS OF PRODUCTION

BY

Dr. Tambari Sidi Yusuf: Shehu Shagari College of Education, Sokoto

&

Masirana Abubakar: Shehu Shagari College of Education, Sokoto

Abstract

Zakah as one of the fundamental pillars of Islam needs to be clearly understood by every Muslim. The concept of Zakah in Islam is carrying out social responsibility for the sake of Allah which is also an act of Ibadah. This paper focused on the delineate objectives of Zakah which Islam wants it to achieve and the analysis of the views of Ulama on the various items that Zakah is due on this is in view of the fact that our generation is witnessing a lot of changes and emergence of new economic ventures and modern sources of wealth, therefore there is need to acquaint the general Muslim populace with on the view of the Islam on such activities. Different opinions of jurists are expressed more especially on the zakatable items such as grains, animals, vegetables, gold and silver merchandize etc. to a large extent some emphasis was made on the possibility of taking out Zakah on commercial vehicles and rented houses, this is in view of the modern trends, that these items now form solid basis of business transactions in our society today which invariably attracts Zakah.

Keywords: Zakah, Modern, Production and Islam

Introduction

This paper looked at the necessity of Zakah in some aspects of our economic activities such as agriculture, real estate, transportation and commerce. Research in these aspects becomes necessary in our society today due to changes in our economic activities. The shari'ah as a divine law does not change in itself, but it finds solutions to all changes in the society. Therefore all new economic activities existing presently ought to be examined by the Jurists to provide a relevant verdicts on them based on the Glorious Qur'an and Sunnah as well as the *Ijma'a* (consensus) of ulama (scholars). The significance of this research could be seen in the following.

- a) Islam puts great emphasis on Zakah due to its importance in the life of a Muslim. In many places in the Holy Qur'an, Allah (SWT) related Zakah with prayer. However, Zakah in our society today is seriously relegated to the background. Only few people care to know its real meaning and practice its proper application.
- b) Some aspects of Zakah are really controversial among Jurists. Therefore, there is need to clarify some of the issues for the generally of the Muslim populace and some of the issues relate to items like vegetables, fruits, merchandise etc.
- c) New economic activities have emerged which were unknown during the life time of the Prophet (SAW) and the rightly guided caliphs so there is the need to find a suitable law governing such activities such as rented houses, and commercial vehicles.

Concept of Zakah

The word "Zakah" literally means purification as used in the Glorious Qur'an. "It is He who has sent amongst the unlettered an apostle from among themselves, to rehearse to them His signs to sanctify them and to instruct them in scripture and wisdom although they had been before in manifest error" (62:2). In Islamic Law Zakah is defined by Abu Sa'ud (1989) as taking out a portion of one's wealth and giving the same to the poor as charity following the commandment of Allah (SWT) and His Prophet (SAW)"

Zakah could also be defined as: The right of Allah (SWT) in the wealth of a Muslim, which is separated from it in His cause. Technically, Zakah means to purify one's wealth by distributing the prescribed amount to those who are entitled to it as prescribed by the Shari'ah as an act of worship (ibadah) to Allah (SWT). Zakah in itself is a complete economic order by which the interest of individual are safeguarded in a society and their material needs are fulfilled with little effort. By implementing this system, a balanced distribution of wealth might come into practice in a dynamic and progressive economic order.

Objectives of Zakah

The institution of Zakah is meant to promote certain objectives among which are the following:-

- 1) Purifying the heart of the well to do from miserliness, stringiness and unnecessary love of wealth, thus putting the fear of Allah and sincere service to Him in their minds.
- 2) Helping the poor and closing the door of begging, idleness and unemployment
- 3) General welfare of the society
- 4) To remove the over concentration of wealth in the hands of few individuals in the society.
- 5) Creating mutual understanding and love between the rich and the poor
- 6) Developing the skills of other people to generate employment and other sources of income.
- 7) Safeguarding the lives of the poor by minimizing poverty and alleviating the conditions of people afflicted with serious diseases or illness.

Zakatable Items

The Muslim Jurists differ on Zakahable items Some have arrived at eight which are as follows: Gold, silver, wheat; barley, oates, camels, cow and goats/sheep. While other say the items are only five (5) and they are: Animals (camels, cattle, sheep and goats)

gold and silver Merchandise mineral resources: grains and fruits. The views of Jurist on this matter according to Al-Jazairiy (1986) could be summarized below:

- 1) Hasan al-Basari and al-Sha'abi (R.A) were of the view that there is no Zakah except on the items mentioned in the Glorious Qur'an ad Sunnah as follows: hintah (wheat) al-Sha'ir Barley; dhurrah (com) tamr (date) and zabib (dried grapes). Imam al-Shawkani (1984) also supports this view
- 2) Imam Abu hanifah (R.A) Holds the view that there is zakah on all what is produced on earth whether vegetables or crops as far as they are assessable products of the earth with the exception of bamboo and grass.
- 3) Imam Malik b. Anas (R.A) is of the opinion that only those items that could be stored and eaten by human beings are liable to zakah whether they are seasonal or no. But there is Zakah on vegetables, fruits like lemon and apples.
- 4) Imam al-Shafa'i (R.A) said, Zakah is compulsory on what is produced from the earth on the condition that it could be eaten and stored, and man can survive on it e.g barley and wheat.
- 5) Imam Ahmad B. Hanbal (R.A) is of the view that Zakah is compulsory on all what is produced on the earth such as grains and fruits which can be dried or eaten and be measured (weighed) and man can survive by it. It is compulsory, according to him, to give out Zakah on dates, zabib (dried grapes), shamsham tin lauz binch and fustag But there is no Zakah on fruits such as Khau Kusrah taffah and mash-mash
- 6) Imam al-Nawawi (R.A) says there is no Zakah except on dates, inab (grapes) from the trees and from the grains only on three to be eaten and stored but no Zakah on vegetables.
- 7) Abu Yusuf is of the opinion that Zakah is payable on what is produced on the earth on the condition that it should be kept for a year without chemicals. But if it cannot be stored for a year like potatoes, fruits, vegetables etc, there is no Zakah on such items.

Vegetables, according to Oxford Advanced Learners Dictionary, are part of various types of plants eaten as food e.g potatoes, beans, onions, etc. The Muslim Jurists differ on whether Zakah is due to vegetables or not.

- (1) Imam Malik (R.A) according to the Maliki School of law, vegetables are' exempted from zakah because, they cannot be stored and can easily perish. Imam Malik (R.A) said: There is no controversy over this matter and have heard the same from learned scholars not to levy zakah on fruits or vegetables. Ibn Umar and some companion were of the view that there should be no Zakah in fruits except on food items like, Handat (wheat), shair dates and zabib (dried grapes). Abu Musa al-Ashari reported that the prophet (SAW) sent him to Yemen to collect Zakah on only four items that is Handar (wheat), shair dates and zabib (dried grapes).
- (2) Imam al-Shafi'i (R.A) says that there is no Zakah on fruit except dates and inab (grapes). This is because the Prophet (SAW) took out Zakah from them and such items constitute some of the basic foods of Arabian peninsula which are commonly consumed and can be stored for long period of time.
- (3) Imam Ahmad b. Hanbal (R.A) says, Zakah is compulsory on all things that can be measured and can be dried and stored (preserved). There include grains and fruits like Shag, (wheat), urzjnce), zurra (guinea-corn) etc or from underground fruits like groundnut. But there is not Zakah in vegetable like potatoes and mashmash.

- (4). Abu Hanifa (R.A) explained that the verse which says: "O you who believe! Give the good things you honestly earned in charity, and of the fruits of the earth, which we have produced (2:267). Include all what grows on earth, no distinction was made. Imam Fakhruddin ar Razi said that the apparent meaning of the verse shows that Zakah is compulsory on all what grow on the earth and this is the view of Abu Hanifah. The view that contradicts that of Abu Hanifah was backed up by a Hadith, which says. There is no Zakah on vegetables" However, this Hadith, according to al-Qardawi (1989) is not authentic therefore it cannot restrict the verse. Abu Hanifah also said: The Quranic verse which says... But render the due that are proper on the day the harved is gathered (6:141) was mentioned after all other items were mentioned like Zaitun(olive). rumman (straw berry), inab (grapes) etc. Therefore vegetables are rightly included in what should be given on the day of the harvest. The Prophet (SAW) also said, what is watered by personal efforts should be given out as Zakah.

From the different views of the Jurists, we can therefore conclude that only Abu Hanifah says zakah should be levied on vegetables and has supported his views with verse of the Glorious Qu'ran and tradition of the prophet (SAW). al-Qardawi (1986) also support the view of Abu Hanifah and remarked that: this view could be considered in our present situation because it is in line with the general meaning of the verses of the Glorious Qur'an which were traditions of the prophet (SAW) on zakah. Furthermore, it has been reported that umar b. Abdul-Aziz, Mujahid, Hammad, Dawud and Nakha'i all supported this view that Zakah must be taken out from all what the earth produces.

Poor and is closer to showing gratitude to the bounty of Allah which is essence of establishing the institution of Zakah. In addition to this, the resolution of Fatwa Commission in Nigeria held at Bagauda, Kano, November 3, 1990 confirmed that Zakah is one of the things on which Ijtihad can be applied. Therefore, our local food items such as yam, potatoes, vegetables and other related items, which are produced in large quantity up to five (5) Awsuq, should attract Zakah.

Zakah on Food Items

Yam and Potatoes

Today in Nigeria, yam and potatoes constitute a large portion of the consumable and preservable food items. They were initially produced as food crops but due to development and increase in demand they are now produced more as cash crops. In applying the principles of the law of qiyas (analogy), yam and potatoes could be related to grains which are closer in comparison, therefore their Zakah should be taken out of the day of harvest like grains as mentioned in the Glorious Qur'an. If the quantity of yam and potatoes produced is up to five (5) Awsuq(measures) Zakah should be levied on it. This is the amount equal to the nisabfminimum zakahable amount) of grains which five (5) ausuq is equivalent to approximately six (6) bags of rice, maize, guinea corn or millet.

The law of Qiyas could also applied to all items related to yam and potatoes which are not mentioned in our Fiqh books are now produced in large quantity on commercial basis. Things like cotton, pepper, zaitun(olive), sugarcane, agusi (mellon) palm oil etc The method of quantifying the nisabCminimum zakahable amount) of these items is by calculating the price of six bags of maize for example, which is the nisab of presently, therefore is cotton, pepper, sugar cane or agusi (melon) are produced up to the price of six bags of maize, Zakah should be taken out. i.e. $\frac{1}{10}$ ^{UI} of the total.

Farm Produce:

The nisab of farm produce is five (5) awsuq (equivalent to one ten). Awsuq is a plural of wasq which is the kind of measure ordered to be used by the prophet (SAW) for measuring grains. The prophet (SAW) said: "there is no Zakah on a thing whichjs less than five awsuq (Bukhari). One wasq is equivalent to sixty (60) sa'i. One sa'i is a measure very close to our local measure called: "Kwanon awo". Therefore five awsuq is equivalent to 5x 60 sa'i =300 sa'i. One sa'i is also equivalent to four (4) mudun-nabiy (the type of measure used by the prophet (SAW) for Zakahul-Fitr). Therefore, 5 awsuq is equal to 4 mudun-Nabiy x 300 sa'i which is 1,200 Mudun-Nabiy. The njsabjs"therefore calculated as follows: 1wasq =60 sa'i 5 Awsuq = (60x5) =300 sa'i
1 Sa'i = 4 Mudun-Nabiy 5Awsuq (300 sa'i) = 4x300 =1,200 Mudun-Nabiy

To convert the above calculations to our local measure, Talata Marafa (1984) stated that 5Mudun-Nabiy is equivalent to one tiva (kwanon awo). If a bag of maize for example contains 40 measures 40x5Mudun-Nabiy =200Mudun-Nabiy. Then divide 1,200 by 200 it will give six (6) bags. Therefore the nisab is to 6 bags of 40 measures, (ie 40x0 =240 measures.

The calculation is as follows:

5 Mudun-nabiy =ltiya
5 Awsuq (Nisab) = 1,200 Mudun-Nabiy
1.200:- 5 = 240tiya
40 tiya = 1 bag
240:- 40 = 6bags
NB: 4 muds is equivalent to 2kg or 750gram.

The proportion which is given out as zakah is 1/10th of the nisab. Therefore, 1110th of 240 tiya=24 tiya. Thus, if a farmer grows up to 240t_iya which is equivalent to 6 bags, he is bound by the sharia to give out 24tiya only as Zakah. But if the crop is watered by personal efforts e g artificial irrigation then the proportion to be given out as Zakah is 1/20th of the nisab. Thus 1/20th of 240 tiya = 12 tiya.

Merchandise

The majority of the Muslim jurists are of the view that Zakah should be paid on merchandise and business properties. However, a few ulama-i are of the view that there is no Zakah on business properties, like the Zamriyyah school, according to them there is no authentic tradition regarding it. They also refuted the idea of qiyas (analogy) which the ulama used to relate merchandise to assets like animals, gold and silver. Those who support the stand taken by the majority based their argument on the following traditions Samrah b. Jundub reported that the Prophet (SAW) was commanding to give out Zakah from properties we kept for commerce."

There is a report from Abu Amr b. Hammas who said: "Umar b. al-Khattab (R.A) passed by me and said , "O Hammas, pay the zakah due on your wealth. I answered, (I have no wealth except hides and bags.) Umar (R.A) replied. (Evaluate them and pay the Zakah due on them). (Dar Qutni and al-Bayhaqi). The majority also recognized that the properties for commerce are mainly aimed at gaining profit and increase in wealth, so clearly they can favourably be compared with farm produce, animals, gold and silver because they also generate and increase wealth.

Sadiq (1989) stated that there are traditions of the Prophet (SAW)supporting each other which levy zakah on farm produce, gold and silver. Therefore zakah is compulsory on the merchandise too because there is no difference between cash at hand and the properties procured for business. It could be evaluated and serve the same purposes as wealth. In addition, Allah (SWT) has made Zakah obligatory on the wealthy persons in order to establish fairness and equitable distribution of resources in the society. Furthermore, al-Qardawi (1989) observed that it was reported from the companions of the Prophet (SAW) that the meaning of this verse: O you who believe give of the good things which you have (honourably) earned (2:267) Good things which you have (honourably) earned - means Merchandise. This view is supported by Al-Hasan and Mujahid.

One could therefore say that Merchants needs purification more than anyone else, because the way, they earn their wealth may not always be completely clean. The Prophet (SAW) indicated that "Merchants are resurrected wicked on the Day of Judgement, except for those who fear Allah, speak the truth and are righteous (Tirmidhi). In another tradition, the Prophet (SAW) said : O companion of businessmen, indeed business is attacked by swears and vein talk, therefore purify it with sadaqah (Zakah) (Abu Dawud)

Commercial Vehicles at J Rented Houses

According to al-Qardawi (1989) Zakah is taken out from two types of wealth.

- (1) The Wealth in which zakah is taken out from its source and profit e g animals, merchandise, and other business properties
- (2) The wealth in which Zakah is only taken out from its profit e.g agricultural produce and honey.

Commercial vehicles and rented houses may fall in any of the two categories of wealth. Some scholars were of the view that there should be no Zakah on rented houses and commercial vehicles. They argued that initially

people built houses just for their own use. However, others observed that houses and vehicles are now being used for commercial purposes and they even constitute major aspect of business engagements. Thus possible alternatives had to be created to satisfy the demand and that is by building hotels, motels guest house and putting vehicles on business, thus forma source of income which attracts Zakah.

The shari'ah which is aimed at providing the best for the community has to find a place for these benefit especially when we consider the fact of the basic objective of Zakah is redistribution of wealth and preventing its over concentration in the hands of few individuals. The Muslim jurists therefore expressed two views on this aspect:

- a) Rented houses could be considered under merchandise which at the end of the year, the profit realized in addition to the cost of the houses, should be assessed and Zakah be paid accordingly.
- b) If the zakah is based on the payment of Zakah on gold and silver, then, in this case Zakah is levied only on the rental money realised at the end of the year.

Those who hold the first view include Imam Malik (R.A) who said: Zakah is levied on houses, properties, commercial vehicles, shops and other things meant specifically for business. But if they are only for personal use no Zakah is levied on them. And if Zakah is taken out from merchandise, it should be valued at the end of every year together with other properties or assets. Al-Qardawi (1989) mentioned that: Anybody who buys a tree, cow or goat in order to make profit out of it, should give out Zakah from it as well as he realized from it if reaches the nisab. This first view is further backed up by two points (a) General command that, Zakah is compulsory on wealth with no difference of one kind or the other, (b) Comparing commercial vehicles and rental houses, with merchandise because they are both aimed at gaining profit and increasing the wealth.

Those who hold the second view treated rented houses and commercial vehicles under the regulations governing the payment of Zakah for gold and silver where the Zakah is to be levied on the profit only and this should not be at the end of the year. This also falls under what is called "al-mal al-mustafad" "The acquired wealth". The proportion taken out as Zakah is 2.5% ($1/40^{th}$) of the total amount. The view is backed up by Abdullahi b Abbas, Ibn Mas'ud Mu'awiyah and Dawud. It is a.so supported by Umar b. Abdulaziz and Hasan al-Basri. Al-Qardawi(1989) brought another view which is related to the second one that is commercial vehicles and rented houses could be considered under agricultural produce where Zakah is levied only on the profit. But the amount taken out should be $1/10^{n}$ instead of $1/40^{th}$ as in the case of the second view. This view is backed up by some contemporary ulama like Abu Zuhra, Abdl-Wahhab Khalaf, Abdl-Rahman Hasan as contained in a seminar on Zakah held in Damascus (Syria) in 1952.

Talata Mafara (1984) observed that what is stronger among the opinions expressed by the jurists on this matter is that: Anybody who possesses houses, vehicles, goats, ship etc for personal use, need not to pay zakah on them. But if they are used for commercial purposes then zakah should be levied on them. The profit together with the assets should be valued and calculated at the end of the year and 2.5% or $1/40$ of the total amount should be paid as zakah. This view is more appropriate and closer to the dictates of the shari'ah and certainly more beneficial to the poor and the needy.

Suggestions

1. The Muslim jurists agree that wealth belonging to a particular person which he uses in maintaining himself and his family is regarded by the shari'ah as free from zakah. This is because zakah is only taken out on what is over the basic need of the people.
2. It is just like a person on a journey carrying a little water with which is enough for him to drink, at the same time uses it for ablution to pray. But if there is no water, he should use that water for drinking and perform dry ablution for his prayer.
3. It was reported that whenever the Prophet (SAW) sent some companions out for the collection of Zakah he used to instruct them that if you find some people in dire need after taking the Zakah out of their wealth, you leave $1/4^{th}$ or $1/3^{rd}$ of it for them due to their need.

Conclusion

As it has been clearly stated in this paper that Zakah is not only an act of ibadah but it is an economic institution organized to elevate the suffering of the poor the society. Despite the various views of jurists on different aspects of Zakah, I strongly hold and agree with the view which says Zakah is due on all what is produced on the earth which reason forms a source of wealth to people. This is a view strongly propounded by Imam Abu Hanifah. Other economic activities such as merchandise, rented houses and commercial vehicles fall under the command of Allah (SWT) to take Zakah out of what we honorably earned (2:267) as observed by al-Qardawi (1989). On the commercial vehicles and rented houses, jurist expressed three opinions - Zakah on the profit with the percentage of 1/10th be given out instead of 1/40 .I also concur with the first view where th^ Zakah is taken out from the asset as well as the profit, this is, according to Mafara (84) more appropriate and certainly more beneficial to the poor and the needy. Moreover, the New economic activities in Nigeria today involve commercial vehicles and rented houses which constitute a reasonable percentage of the wealth of Muslims which zakah is due on. Therefore there is need for people to know what is the stand of the shariah on these activities.

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