

FATAWA ZAKAH 2003

Calculation of Zakah

From: Monzer Kahf
To: "Ayub
Sent: Sunday, January 11, 2004 9:10 PM
Subject: RE: Zakah

My Answer,

Bismi Allahi al Rahmani al Rahim,
Al Hamdu li Allahi Rabbi al 'Alamin, wa al Salatu wa al Salamu 'Ala
Sayyidina Muhammad wa 'Ala 'Alihi wa Sahbihi 'Ajma'in,

Dear Br. Ayub

Assalamu Alaikum wa Rahmatu Allahi wa Barakatuh

Your questions are very clear and I hope my answer will be clear too. Once your accumulated savings reach an amount that equals Nisab, you need to watch for Zakah. The Nisab is a Zakatability criteria, it is not a minimum exempt. It equals approximately US\$ 1000.

Suppose in Dec. 25, 2001 your accumulation became \$ 1000. you will need to make a stop on Dec 14, 2002 (one lunar year have passed) if your savings then were 3500 you pay Zakah in 3500 ($3500 \times 2.5\% = \$ 87.5$) you may out of this 3500 deduct all the payment, for expenses and debts that had to be paid before you receive a new income payment that can take care of such bills and payments.

Please notice that on Dec 14, 2002 you are required to distribute the 87.5 to recipients of Zakah. Therefore whatever unanticipated bills and expenses would not be deducted. Remember also that you need to pay this amount if it happened that you did not then pay it since it becomes a debt on you to the benefit of the poor and needy. Delaying payment without valid reason is sinful. If you then did not pay please make Du'a and Istighfar and pay it as soon as you can.

Let us suppose that on Dec 3, 2003 you had 5000, the due Zakah is 125 ($5000 \times 2.5\%$) Zakah is on the balance not only the increment or difference. Take another scenario in which you became unemployed in Nov. 2003 and you then did not have any anticipated income for God knows how many months but probably 6-8 months, and you have bills and living expenses of 1000 a month. On Dec 3, 2003 you are not subject to Zakah at all because all your money is now needed for your near future expenses.

Wa Allahu A'lam,
Wa al Hamdu li Allahi Rabbi al 'Alamin,

Wa Assalam,
Sincerely,
Dr. Monzer Kahf

Question:

From: Ayub
Sent: Wednesday, January 07, 2004 8:47 AM
To: monzer@kahf.com
Subject: Zakah

Assalamu alaykum Dr. Kahf,
I have read with interest your article on Zakah payments and I am in a little bit of a confusion as to what part of my savings are subject to Zakah.

I was a student until last year (on Scholarship) and I have had two short term jobs since. I am currently out of employment and I am subject to make payments for necessities such as rent, bills etc. Whilst being a student and also whilst working I saved some money (from my scholarship fund and from salary) which has obviously increased with time. I assume I am liable to pay Zakah on money that I have had in my account for the past year but I am not sure if I need to deduct any future payments (bills) that I am liable to pay whilst I am out of work. Do you know if this is correct and according to Islamic Shari'ah?

Also when calculating my Zakah, I have read that I should have owned the "property" for a year. Taking this into account, do you know if it would be correct to work out what savings were up until the previous year and what they are a lunar year after then and pay Zakah on the previous year's savings or do I pay Zakah on the difference? For example lets say that my savings as of December 2002 were £3000 and my savings as of November 2003 (assuming 1 Lunar year) were £5000. This means that in November 2003 was I liable to pay Zakah on the £3000 or the difference (£5000-£3000=£2000).

Sorry for such a long e-mail. This is my first time to pay this and I am a little perplexed by the system of payment!
Many thanks

From: Monzer Kahf
To: wassim
Subject: RE: Jazak Allah Khair
Date: Tue, 11 Nov 2003 07:57:41 -0800

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Wassim

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Thank you for giving me this opportunity to come down to Santa Clara and meet you and all the other very nice people. I will be glad in the future to come again if I can be of any service to the community, especially in the area of my specialty.

Regarding your question on Zakah. 1) - let us look at the business that you sent its balance sheet as of Oct. 31, 2003. There is nothing in this business at this date that makes its owners subject to Zakah regarding the assets of this business because it is in the negative and it owes short term debts that exceed all its assets. The only worry is if the short term loan of 125500 is owed to any of the owners. If this business was owned by one person only and the loan is from him but he gave it as a loan for accounting and tax purposes, we have to deduct it from the total liability for the purpose of calculation of Zakah. In this case Zakah will be only on the amount 90057.21. to know the amount of Zakah assuming that Oct. 31 of last year was the date the Zakah is due last year, we multiply this amount by 2.57768%.

If the loan is from one partner, and since the principle is that Zakah is due on each person separately (it can be calculated on the company but each partner should be debited for his/her share of the Zakah), the amount due for Zakah depends on the partnership distribution of Capital, (losses are always distributed in proportion to capital contribution but since the losses exceed the amount of capital placed by the partners, any more losses are taken, from Zakah point of view, from the other partner extra contribution i.e., the loan), therefore the amount of Zakah remains the same and it must all be born by the partner who provides the loan.

2) - There is Zakah on the 401k and the cash at the rate of 2.5% every lunar year beginning from the day you got 1000 for the first time and every year. You may pay (the total Due Zakah for this lunar year becomes \$250) or delay the payment of Zakah on the 401k until you liquidate, but the Zakah on cash should be paid. Since these are easy to calculate every lunar year there is no need to make the calculation on the solar year and adjust the rate instead. Remember, Zakah is also required for past years if it was not paid then.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: wassim
Sent: Monday, November 10, 2003 6:10 PM
To: monzer@kahf.com
Subject: Jazaka Allah Khair

AsSalaamu Alaikum Dr. Monzer,
On behalf of MAS, I would like to thank you again for coming over the past weekend to educate our community. May Allah reward you and bless you. Insha'Allah after Ramadan or early next year we will be organizing more workshops so you can address our community needs in terms of Awqaf, Zakah etc... Also on another point please see attached file and let me know how much Zakah I need to pay or how do I calculate my company Zakah requirements... I do have a 1000 dollars on my checking account and 9K in my 401K account. Other than this I don't own anything....
Wa Baraka Lahu Feek,
Wassim

Zakah on Income

From: Monzer Kahf [mailto:monzer@kahf.com]
Sent: Wednesday, November 26, 2003 9:38 AM
To: Harahap
Subject: RE: question on Zakah

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br./Sr. Harahap

Assalamu Alaykum wa Rahmatullahi wa Barakatuh,
You got me!

You are right and I was wrong, at least kind of!

Al Qaradawi's view is that income is subject to Zakah. When applied by the state, it can determine an exemption for living expenses, when applied by individuals, they make such determination. He adds that once a Zakah is paid on an amount; no other Zakah is due until one lunar year passes on it. This means that you have to maintain separate fiscal year for each income and you don't add the balances together in one unified fiscal year

The majority's view is that there is no Zakah on income and only on the

balances at the end of a lunar year.

In application, the difference between the two views is only in two areas: 1) the Zakah for the parts of the year between obtaining income and end of one's Zakah (fiscal) year; and 2) the Zakah of parts of expenses that the state does not recognize as deductible or one considers extravagant.

Maintaining separate Zakah year for each amount of income is obviously cumbersome and contradicts the spirit of simplicity in Zakah. If the government collects Zakah, it can easily make a distinction between Zakah on income and Zakah on wealth.

It seems to me that the Shari'ah does not go along with complicated calculation and tends toward simplicity in calculation, this is why in Zakah on live stock and business inventory we only consider the amount at the end of the year although we know it includes all increments (income) during the year. I think this point must be clarified in the book on the calculation of Zakah. I will do that InShaAllah when I get some time in the near future.

May Allah reward you for helping me discover this ambiguity.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question:

From: Harahap

Sent: Monday, November 24, 2003 6:16 AM

To: Monzer Kahf

Subject: RE: question on Zakah

assalammu'alaikum br. Monzer--

I have reviewed the paper that you wrote on your website, detailing more on Zakah. However, now I have more questions regarding this:

you said in your last email:

6 - Zakah is not the money you received, it is on your total savings.

This means that the part you spend of your income and other revenues you get is not subject to Zakah. This is why you only look at the amount (total balances) on the day when Zakah is due and you need not look at the money you received.

But in your paper, it was specifically different in terms of income for professionals. After reading your paper, I conclude, because I work as an engineer, therefore my income is subject to Zakah, immediately after I receive my income. Is this correct? Would it be okay if I lump this Zakah every quarter, therefore I don't have to write a check every 2

weeks? And also, from your paper, I also conclude that by the end of that year, I calculate the money that I can save from my income and what ever is total in my bank account, and take 2.5% of that. Is this correct?

Also, please mark on page 21, line 59, I think it was not supposed to be "deduct line 55 from 54", but it was supposed to be "deduct line 58 from 57"

That is all my question and comment. Please let me know when you have time, insya Allah.

Jazakallah Khair,
wassalam,
Harahap

From: Monzer Kahf
Sent: Wednesday, January 15, 2003 8:02 AM
To: Islam on Line
Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Sr. Salwa

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

1- when you apply Zakah to income, the Nisab refers to the total savings you have for a lunar year period, practically for the same 12 month pay checks in Canada. If over 12 your savings reach Nisab which is approximately US\$ 1000, you pay Zakah on the total amount of savings. another way to look at the same is to pay Zakah once every 354 days that begging the day you got the equivalent of US\$ 1000 in your saving and checking account together, at the rate of %2.5.

2- on the 354th day get the total of the money you have, deduct from them the amount of your expense and payment for the car, rent and others only until the next pay, and calculate Zakah on the balance. In other words, you only deduct from the money you have payments and expenses that are going to go out of this money , not those that will come out of future pay checks. You do not deduct the whole debt on the car.

3- Your help to your parents, for their expenses on their daughter cannot be made out of your Zakah, if you find out that you have to pay Zakah.

By the way, getting a car on interest-based loan is forbidden, watch for that. If it actually happened you have to make your best to rid yourself of such an interest-based debt!

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Tuesday, January 14, 2003 2:52 AM

To: Dr. Monzer

Subject: Zakah

Name of Questioner Salwa

Gender Female

Age 31-45

Education Graduate

Date Submitted 12/3/2002

country of Origin Morocco

User Ref. No. UU291R

country of Res. Canada

Question

Salam 3laikoum wa ra7matou Allah t3ala wa Barakatuh, I have questions to put you about Zakah : - My husband and I have employment income that we lapse into an even bank account that uses our expenditures, in our which case amount can one to consider as "Nisab" ? – We have a credit on a car that we pay all the months and it still remains us 3 payment years, the global credit on Is it considered as "dayn" ? – I have a sister that always studies and to the load of my parents and she must pay its studies and I know that my parents find difficulty to pay these expenses, can I give to him money of "Zakah" to pay its studies ?
Jazakoum Allahu Khairan

Can Zakah be Paid to Family Members

From: Monzer Kahf [mailto:monzer@kahf.com]

Sent: Thursday, November 13, 2003 12:19 AM

To: Kifah

Subject: RE: Zakah ??

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Kifah

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

If you are financially well to do, it may be your obligation to support you father, his second wife and your six sisters because they are his responsibility. In other words, as long as your father is alive or any of these sisters is minor and in need for her mother's care, you are financially responsible for his second wife. This is of course in addition to your mother if she is in need. You cannot avoid this responsibility by giving your step mother because her expenses are your father's responsibility that is transferred to you while he is not able to discharge of this responsibility. You cannot use Zakah to discharge of this responsibility. The answer is plain NO.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Kifah

Sent: Wednesday, November 12, 2003 10:54 AM

To: monzer@kahf.com

Subject: Zakah ??

AA,

My father has remarried beside my mother on is still on this (Theme). He currently lives in Africa. To date, he has 6 additional daughters from the new wife. He is not doing so well financially. I know it is my obligation to support him, but my question, can the Zakah go his wife to support him and the daughters.

Thank you & JAK

Kifah

From: Monzer Kahf

To: Aman

Subject: RE: Zakah Advice -- Request

date: Thu, 30 Jan 2003 07:40:53 -0800

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Aman

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

First, you don't need to feel embarrassed asking me any thing. You are my Dear Brother, you certainly can ask, interrupt and even force me to give you any time you need, If this is not given to a Dear Brother, then what can be given. I thank you for the confidence too. Zakah has to be paid to recipients (I am sure you have already determined that this particular family is within the recipient categories) and you cannot keep it in your name. Buying government certificates might do it except that they are interest-based, aren't they? And you don't want to stain your purification (which is one of the meanings of the word Zakah) with Riba. How about paying you Zakah in advance for a year or two and buy them the land first, then every once in a while you can buy them building materials. Zakah can be paid in advance for a year or two or even more, you still make a calculation every year and deduct the due from the amount you already paid. Another idea may be cooperating with some other friends or relatives and put your due and advanced Zakah together and buy them a modest house.

Another way may be in depositing the amount, as a long term deposit, in an Islamic bank in Pakistan or in the gulf in their names but to your address, and may with your permission for withdrawal as a cosigner, but I think this requires that you must inform them of the arrangement just in case. Think of a way that makes them owner and make them benefit as much as they can of your payment without spending the money for other than the new residence.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Aman

Sent: Thursday, January 30, 2003 12:29 AM

To: monzer@kahf.com

Subject: Zakah Advice -- Request

CONFIDENTIAL

My Respected Dr. Monzer Kahf,

Assalamu Alaikum Wa Rahmatullahi Wa Barakatuh,

I would like to know about Zakah.

My close relatives do not have much savings, which would help them buy their own land and build a house. Nor, it is possible for them to do so, as I presume. Can my annual Zakah amount be accumulated in a bank account (or by buying government bonds/certificates in their names) for their future living in their own houses? If I give them that amount now, they would eat up and the purpose of my making them happily living would not serve. Therefore, I sincerely solicit your kind advice. I am really sorry to disturb you in this way. I hope that you will not mind for my approaching you this way interrupting your busy schedules.

Yours affectionately,
Aman

From: Monzer Kahf
Sent: Thursday, January 30, 2003 8:02 AM
To: Abu `Amr
Subject: RE: Zakah to husband

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in
Dear Br. thouraya
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
You due Zakah can be given to your husband if he is poor provided you and your
husband do not maintain joint account together; that is if you maintain separate
ownership in handling money and other personal matters. Once you pay him your
Zakah, it doesn't matter if he spends his money, including the received Zakah, on
the household expenses including your personal needs and the needs of your
children.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question

From: Abu `Amr
Sent: Thursday, January 30, 2003 1:30 AM
To: Dr. Monzer
Subject: financial 2, Zakah to husband

assalamoualaikoum wa Rahmatullahi wa Barakatuh. Please tell me if I can give la
Zakah on my salary to my husband. Thank you for your answer.

Zakah on Real Estates and Fixed Investments

From: Monzer Kahf [mailto:monzer@kahf.com]
Sent: Tuesday, December 17, 2002 8:51 AM

To: 'Tareq '
Subject: RE: Zakah questions

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa
Ashabihi Ajma'in

Dear Br. Tareq

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

The classical view is that real estate is not subject to Zakah unless they are purchased for the purpose of sale. Only in the latter case real estates are subject to Zakah. Because the majority of our Ulama are classical, this is the opinion of the majority.

A minority of Scholars argue that these are assets like other assets. In the past, namely at the time of revelation, they did not represent much of a wealth because land and buildings were very cheap in the Arabia (there is evidence to this in several Ahadith).

Out of this minority Shaikh Qaradawi argues that the Zakah is only on income derived from real estates, in similarity to agricultural land.

According to him, you have a choice of either paying Zakah on the gross income at 5% or on the net income (after taxes, maintenance, allowance for amortization, insurance, etc.) at 10%, again in similarity with agriculture.

Others, including me argue that there is really no basis for the claimed similarity of Shaikh Qaradawi, although we love and respect him very much. Further, owning and renting real estates is at our time one of the most common form of wealth and business. We find better similarity in livestock and in business inventory. According to this view Zakah is on the net worth of these assets if they are taken for business. The meaning of taking real estates for business is two folds: they can be obtained and kept for the purpose of renting and they can be purchased for the hope of an increase in their capital value.

According to this view, if the house you have overseas is meant for renting and income (we exclude if it is a house you bought for yourself and you are renting it temporarily until you move in or you acquired it for your parents or family overseas and they are yet to move in but in the interval it is rented), you have to estimate its market value on the day your Zakah is due and add to it the remaining balance of all other Zakatable items including any amount left from received rent and calculate the Zakah at 2.5%. As for the land, if you have it for the purpose of selling it at a higher price, you are then considered a land trader according to Shari'ah and its market value is subject to Zakah according to all Fuqaha, classical and minority. But if you just bought it, it is not subject to Zakah according to the classical view but

subject according to the last opinion at the market value on the Zakah due date unless your intention is to build a residence for yourself on it, even if you own your current residence (i.e., you plan to build and move in or have any member of your family live in it), it is then exempt from Zakah.

Sorry for the delay in responding to your question and I hope I gave you a satisfactory answer. Please come back to me for any explanation or any other questions.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Tareq

Sent: Tuesday, December 10, 2002 2:49 PM

To: 'monzer@kahf.com'

Subject: Zakah questions

Assalamu Alaikum Dr. Kahf & Eid Mubarak,

I have 2 questions on how to calculate my Zakah

1- I have a house overseas which I get about \$400.00 a month from rent, how do I calculate the Zakah? do I pay Zakah on the rent or the value of the house?.

2- The second question is that I have a piece of land which I purchased few years ago for \$20,000.00, how do I pay Zakah on this?.

JZAK, Tareq

Deductions from Zakatable Assets

From: Monzer Kahf [monzer@kahf.com]

Sent: Monday, January 20, 2003 8:40 PM

To: Islam on Line

Subject: RE: interest and Zakah

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Muhammad

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

debts that can be deducted from current Zakatable assets are only those debts that are going to be physically paid out of the current assets. Any future debts that are going to be paid out of future income is not deductible.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Monday, January 20, 2003 2:12 AM

To: Dr. Monzer

Subject: interest and Zakah

Name of Questioner Muhammad Gender Male Age 31-45

Education Post Graduate Date Submitted 12/29/2002

country of Origin Pakistan User Ref. No. 1358ML country of Res. Pakistan

Question

I am planning to built a house to live in, suppose total estimated cost of house is \$ 1000 and I have taken \$ 200 as interest free house loan to repayable in 30 years. When calculating the Zakah should I deduct the loan amount from my current assets to compute Zakah ? Thanking you

From: Monzer Kahf

Sent: Saturday, December 28, 2002 9:05 PM

To: Islam on Line

Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. Nasser

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Yes, you have to pay Zakah on your money you have on the day your Zakah is due (354 days from the day you acquired Nisab for the first time and every 354 days then after) even if you intend to use part of it for hajj after 2 months. After all the amount of Zakah due on the cost of hajj of \$ 3500 is only \$ 87.5, it doesn't take much of the cost of Hajj. If you have already contracted a travel agency

before the end of your Zakah year, the amount becomes a debt on you and you may then deduct it from the balance on which you calculate Zakah.

I am sorry for the delay I happen by some error not to check my email for ten days.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Wednesday, December 11, 2002 5:32 AM

To: monzer@kahf.net

Subject: Zakah

Name of Questioner Nasser Country of Senders Citizenship United States

Age 31-45 Education Diploma

I plan to go to hajj, two months from now. Do I have to pay Zakah on the money I have at present (Ramadan), which will pay for my pilgrimage. This amounts to approximately \$3500 usd. Thank you. Salam.

Payment of Zakah to one's Debtor

From: Monzer Kahf [monzer@kahf.com]

Sent: Saturday, January 18, 2003 4:59 PM

To: Islam on Line

Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi

Ajma'in

Dear Br. okasha

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

If he is poor, you can give him your Zakah. And if, on his own decides to pay your due debt from that money or from other sources it is permissible. It is not permissible to deduct the debt you have on him from your due Zakah. Zakah requires that you make the recipient own it (except for two categories of

recipients (In the Way of God and wayfarer). Beside you must not materially benefit from the way you pay your Zakah or from the amount you pay. That is why he must own it first then decides if he wants to pay your debt.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question

From: Islam on Line
Sent: Saturday, January 18, 2003 1:56 AM
To: Dr. Monzer
Subject: Zakah
Name of Questioner okasha Gender Male Age 31-45
Education Graduate Date Submitted 12/22/2002
country of Origin Egypt User Ref. No. 3L56T5 country of Res. Egypt
Question

From okasha ali Subject asking 4 fatwa Message Text Assalamu Alaikum Wa Rahmatu ALLAH wa Barakatuh I have A question about Zakah Can I give my ZAKATAL-MAL to my friend who owe me money ,but He can't afford to pay me back.. What should I do? Should I Give him my Zakah and then ask him to pay me back or, should I forgive him and consider it my Zakah Jazakum ALLAH KHYRA

From: Monzer Kahf
Sent: Monday, January 13, 2003 7:35 AM
To: Islam on Line
Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Sr. r
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
1 - you may forsake a debt; this is a great deed, especially if the debtor is in need; it is mentioned in the Qur'an (2: 280) as a best deed if we only know and appreciate it. Forsaking a debt and considering it as a charity to the debtor cannot be considered as Zakah. Zakah has to be actual giving to one of the categories that are mentioned in the Qur'an (9: 60) especially the poor and needy.

But, you said you and your husband are currently unemployed, are you sure you owe Zakah? do you have Zakatable items of wealth, including jewelry, that exceeds Nisab and a lunar year (354 days) has passed on that?

2 - Your second question is not in my area, please ask it again to a general Fatwa expert. My specialty is in the financial and economic matters. However, you should have asked this question in Ramadan when you noticed that your period was getting longer than usual for you. To my knowledge the Hanafi school of Fiqh considers any thing above usual as being out of certain abnormality استحاضة during which women must fast and pray each time with a new Wudu'. The Hanafites add that for women who are not sure about the length of their period a maximum length is 15 days in a month, and what is beyond it is considered abnormal too. Now that it is late, first check with an expert in this area of Fiqh, second be sure in the future that you ask about the Shari'ah ruling on time, and third ask God for forgiveness and increase your good deed God says in the Qur'an "good deed surely take away (wipe out) bad deeds"

Most of the second part of your question should also be addressed to a specialized expert. However, you can ask God for forgiveness for you former husband, pray and give charity for his soul. Giving charity for a deceased came in some of the authentic Sayings of the Prophet, pbuh.

3 - make you best to establish prayers and obey God in all that He taught us in the Qur'an and through His Messenger, pbuh, in the Sunnah, including Hijab and others, and raise your children to know God, love Him and obey Him. One of the companions came once to the Prophet, with the kind of fear that you mentioned, the Prophet, pbuh, assured him that it is a sign of faith deep in the heart. God does not put in the Hell Fire those who fear and obey Him.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Monday, January 13, 2003 1:33 AM

To: Dr. Monzer

Subject: financial 3

Name of Questioner r

Gender Female

Age 21-30

Education Diploma

Date Submitted 12/1/2002

country of Origin Palestine

User Ref. No. BTF11U

country of Res. U K

Question

Dear Sir, Al- Salam Alaikum Wa Rahmatu Allah Wa Barakatuh, I have few questions, about the Zakah first; 1- ME AND MY HUSBAND OUT OF WORK, AND WE HAVE TWO CHILDREN,I CAN'T GIVE ZAKAH AT THE

MOMENT, BUT FEW MONTHS AGO A FRIEND OF MINE ASKED ME TO LEND HER SOME MONEY FOR ONE OF HER FAMILY MEMBERS IN PALESTINE WHO NEEDED AT THE TIME AN ARGENT OPERATION, SO I GAVE HER THE MONEY, AND I CALLED HER FEW DAYS AGO AND I ASKED HER TO FORGET ABOUT THE MONEY WHICH WAS NOT LITTLE AND NOT TOO MUCH, SO I WANTED TO GIVE THIS MONEY AS ZAKAH IF IT WAS ACCEPTABLE FOR ALLAH. SECOND question IS; I HAD MY SECOND BABY FEW MONTHS AGO, AND I WENT TO THE DOCTOR FOR CONTRACEPTION, SO I HAVE THE COIL AT THE MOMENT, AND SINCE I HAD IT I HAVE A VERY HEAVY PERIOD, SO WHEN RAMADAN STARTED I ONLY FASTEN 13 DAYS, A FRIEND OF MINE SAID THAT IT'S JUST NORMAL FOR THE FIRST FEW MONTHS UNTIL THE BODY GETS USED TO IT, SO WILL GOD FORGIVE ME FOR THE REST OF THE DAYS I DIDN'T FASTEN IN SHAHALL. I HAVE BEEN LIVING IN THE UK FOR ABOUT 8 YEARS NOW AND I MOVED WITH MY FIRST HUSBAND WHO PASSED AWAY 4 YEARS AGO, AND I AM MARRIED AGAIN FOR AN ENGLISH MAN WHO CONVERTED TO ISLAM, MY FIRST HUSBAND DIED VERY YOUNG, AND I WAS WORRIED ABOUT HIM, HE WAS BORN IN FRANCE, HIS MOTHER IS FRENCH AND THE FATHER ALGERIAN, BUT DIDN'T KNOW ABOUT ISLAM, BUT HE WAS A GOOD MAN, AND I AM NOT SAYING THIS BECAUSE HE WAS MY HUSBAND, HE REALLY WAS, SO DO YOU THINK THAT GOD WILL LOOK INTO THE FETRAH الفطرة, and I want to give Sadaqah on his behalf as soon as I start working. the last thing is about my Islam, I am not a perfect Muslim but I love good and I fear god, and honestly the fears sometime makes me think that I am going to hell because of not wearing the Hijab, I start praying al hamdulillah and I want my kids to see me so they know about it. thank you very much sir.

Zakah on Jewelry, Gold and Silver

From: Monzer Kahf
Sent: Friday, January 03, 2003 7:55 AM
To: Islam on Line
Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br. harun
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

I will tell first who I am : I am an Arab American, I live in the USA- California and was born in Damascus.

1 - The quantity of gold that makes a person subject to pay Zakah is the equivalent of 20 Dinars (of the Dinar that was at the time of the Prophet, pbuh). This equals 85 grams. Of one owns that much or more on a certain day, then after the passage of one lunar year (354 days) she/he owns the same quantity or more, this person must be Zakah at the rate of 2.5% of the amount owned at the end of the year. This is repeated every year then after.

1 - Gold kept by a mother to be given to daughter at her marriage or after death of mother, etc. Is subject to Zakah because this is wealth kept aside, certainly provided the conditions mentioned in (1) are satisfied.

3 - Women jewelry is exempt from Zakah if two conditions are satisfied together:
a- the jewelry is not expensive to the extent that exceeds the amount her peers have. Peers are sisters, neighbors and other women with whom she normally associates. And b- she wears it in a normal manner, i.e., on relevant occasions (this is in contrast of being stored as a wealth).

4 - Gold is normally never pure. Do you think the Dinar, that was minted by the Romans and used in Madinah, was pure? Pure gold is not solid enough to be handled as a currency. 21-22 K is sufficient for Zakatability. Any thing less than that, calculate it by proportion.

5 - If Zakah is due on an item that is not divisible such as stored jewelry and you have no other sources to pay it, you may delay payment until you can do it from other sources or sell the item and pay the due Zakah. this is not sinful. Remember that when you have means or when you sell the item you have to go back to all previous years and pay the due Zakah for all the past years.

6 - You cannot give your Zakah to persons you are responsible to provide them with sustenance and means of livelihood such as mother, sister, wife children, etc. If you are not responsible you can. For instance a wife is not responsible to spend on her husband, she can give him her Zakah, even though he may spend part or all of it on her.

7 - Nafaqah, in Fiqh, usually refers to the obligatory spending required to be done by a person of relatives either because of the relationship itself or because of the relation and their need together. A husband is required to spend on his wife on the basis of relation only, even if she is rich. a person is required to spend on his/her minor children, parents, sisters, adult children, etc. only if they are poor, in need for his/her assistance and he/she is able to do so. Certainly for minor children Nafaqah is the responsibility of the father and if not the mother.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam
Sincerely,
Dr. Monzer Kahf

Question

From: Islam on Line
Sent: Thursday, January 02, 2003 1:28 AM
To: Dr. Monzer
Subject: Zakah
Name of Questioner harun Gender Male Age 31-45
Education Diploma Date Submitted 11/29/2002
country of Origin Kenya User Ref. No. B38I3C country of Res. Kenya
Question

1. Zakah on Gold, on what quantity should one start paying Zakah? 2. If Mother keeps Gold for his daughter is it permissible to pay Zakah on it. 3. Gold used as ornament (worn on special occasion not for trade) is it permissible to pay Zakah on it. 4. If Gold is not pure (24K) how do we calculate Zakah on it? 5. You have gold (and are required to pay Zakah) but can not afford to do so, what should be done ? 6. Can you give ZAKAT to your dependents (i.e. your Mother, Sister, Brother etc..) 7. What is NAFAQA. Please furnish Qur'an/Hadith, supporting the answers, Plus the Mufti responding to the questions (and his country of citizenship) 5. Can you give Zakah to your dependents (family (people whom you look after i.e. your Mother, Sister, and Brother)

Who is Responsible for the Zakah Payment

From: Monzer Kahf
Sent: Wednesday, January 01, 2003 7:03 AM
To: Islam on Line
Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Sr. latife
Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

It is always the owner is the responsible person to pay Zakah. if you don't have any source to pay from and you cannot divide the gold and pay or sell part of it, you can delay payment until you have money.

But are you sure your gold jewelry qualifies for Zakah payment? you said you wear it on relevant occasions. This is one condition of exemption satisfied. the second question is whether the amount of gold jewelry is larger than what other women in similar positions (socially and family wise such as your sisters, sisters in law, neighbors, etc) wear. If it is not in excess of that, your golden jewelry is not subject to Zakah.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Wednesday, January 01, 2003 2:45 AM

To: Dr. Monzer

Subject: Zakah

Name of Questioner latife Gender Female Age 46-60

Education Diploma Date Submitted 11/28/2002

country of Origin Palestine User Ref. No. JC2835 country of Res. Palestine

Question

I want to pay Zakah for my gold that I kept it but using it in special occasions ,I am not a working women and also my husband ,but he have amount of money which we live from it and I live with my divorce daughter who is working, my sons are all married and living in separate home ,my question is who is the one who is suppose to pay that amount of money me or my husband?

Nisab and Hawl

From: Monzer Kahf [monzer@kahf.com]

Sent: Tuesday, December 31, 2002 3:59 PM

To: Islam on Line

Subject: Zakah

My Answer:

Bismi Allah al Rahman al Rahim

Al Hamdu li Allah Rabb al 'Alamin

wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi Ajma'in

Dear Br. Abiola

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.

Your doubts are correct but you know Islam is a very rational religion. those doubts do not apply to Zakah.

The Nisab is approximately US\$ 1000, the value of 85 grams (# 3 oz). Once a person has this amount above her/his regular expenses, (s)he becomes Zakatable, then after a full lunar year (354 days) from that day, if this person has 1000 or more then (s)he must pay Zakah at 2.5%. Zakah is payable every year. meaning: this extra one thousand Dollar doesn't even have to stay with the person all the time, it goes and others come; just look at the balance after 354 day. Notice the Nisab is low so that even the upper poor persons may have to pay Zakah.

Wa Allahu A'lam

Wa Alhamdu li Allah Rabbi al 'Alamin

Wassalam

Sincerely,

Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Monday, December 30, 2002 9:11 AM

To: Dr. Monzer

Subject: Zakah

Name of Questioner Abiola

Gender

Age

Education

Date Submitted 11/29/2002

country of Origin Nigeria

User Ref. No. QLF3UH

country of Res.

Question

What is the Nisab on monetary Zakah? Also does it mean that if a particular amount of money has not stayed with me for a period of one year, I cannot pay Zakah on it? If then, does that mean that Zakah in Islam is meant for only the very rich because to reserve some amount of money for a period of one year without touching it all is not something easy at all.

Zakah on Retirement Plans, 401k and the Like

From: Monzer Kahf [monzer@kahf.com]

Sent: Tuesday, December 31, 2002 9:18 AM

To: Islam on Line

Subject: Zakah on 401k

My Answer:

Bismi Allah al Rahman al Rahim
Al Hamdu li Allah Rabb al 'Alamin
wa al Salatu wa al Salamu 'ala Sayyidina Muhammad wa 'Ala 'Alihi wa Ashabihi
Ajma'in

Dear Br.

Assalamu Alaykum wa Rahmatullahi wa Barakatuh.
Individual private retirement funds such as IRA, KIO, 401K and similar funds are Zakatable LIKE OTHER ZAKATABLE ITEMS. These are owned and managed by you. The restrictions imposed by the tax system do not negate the essence of ownership and do not make such funds like what is called in Fiqh "al Mal al DHamar" which is money you lost and you do not know where it is. Government in accordance to Shari'ah has the right to make certain restrictions on the disposition of certain personal properties for certain objectives related to public interests and concerns.

Retirement funds that are similar to Social security are not subject to Zakah. Many companies have retirement systems to which every employee is required to contribute at a given rate and there is usually matching money from the company, and they have an actuarial system, similar to that of life insurance companies for the calculation of pensions and/or lump-sum payments at the time retirement. Funds contributed or credited to an employee's account in such a retirement system are not subject to Zakah.

I said earlier "like other Zakatable items" and capitalized it (as my system does not allow me to underline it) because it really depends on how the money in an individual retirement account is used. For instance, if you borrow (this is permissible in Shari'ah even if the tax system requires you to pay to the account interest because you are paying the interest to yourself) this money from your account to purchase a residence for yourself, borrowed money that is used for the residence or for paying emergency bills or any other use that is not subject to Zakah must be deducted for the purpose of calculating the Zakah, i.e., it is not Zakatable.

By the same token, money, in your retirement account, that is kept cash and treasury and other bonds (though interest is Haram and must be given away to Muslim charity) are subject to Zakah with no disagreement of any scholar that I am aware of.

The Zakatability of money invested in stocks and shares (that for Muslims must always be Shari'ah compliant) depends on the Fiqhi opinion you select for yourself. I will give you the areas of agreement and areas of different opinions and my opinion.

If these shares are purchased for the purpose of making money from capital gain by selling them once a good opportunity exists, they are subject to Zakah at the market value on the day Zakah is due (the 354th day after acquiring Nisab). This is agreed upon unanimously. If they are purchased for long term keep and to collect their regular dividends, the Opinion of the majority, as adopted by the OIC Islamic Fiqh Academy, is that only your proportionate share of the mobile assets of the companies you own shares in is subject to Zakah; Shaikh al Qaradawi argues that only the income of these shares is subject to Zakah; and a minority, including me believe that the market value of these shares on the day when Zakah is due is subject to Zakah because these have really become financial properties that did not exist in the past (the only classical item which bears some similarity is debt you own on others and it is subject to Zakah) and that are owned in complete separation from the physical assets of the companies, to the extent that the identity companies and their assets' composition have in fact little relevance only, at far distance, to the investor. Add to it the complication of mutual funds that makes it impossible to implement the majority's opinion.

Finally, although Zakah may be due, its actual payment can be postponed without sin until this kind of money is actually recovered. because a payer is not required to pay the due Zakah from his/her other sources. The due Zakah on a given item is essentially payable out of the item itself. No doubt, if you decide to pay it from your current income and resources, it is fine and acceptable. The point is that you are not required to do so.

Zakah is due but it is not required for payment until you cash that money. The reason is that you do not have accessibility to it at the present, and the principle is that Zakah on any item is payable from that item. In other words, you may, but do not have to, pay its Zakah from your other sources because its Zakah is not on these other sources. The final outcome of this is that if you pay its Zakah now from your income this is well and good. but if you do not pay it now and only calculate it and you sleep on it until you withdraw the whole money, and suppose you withdraw it with penalty or arrear taxes (any thing that turns out to give you less money than you thought when you made the calculation, you can revise the calculation and only pay Zakah on the actual amount received.

Take the example of a debt on a person who is able to pay and recognizes that he is in debt to you for that amount. It is subject to Zakah every lunar year. if that person dies and his heirs deny part of the debt and you could not prove it otherwise. If you already paid every year, it is gone as Zakah and rewarded InShaAllah, but if you did not pay you can, now say after 20 years, and pay Zakah for the past years only on the amount you actually collected.

Wa Allahu A'lam
Wa Alhamdu li Allah Rabbi al 'Alamin
Wassalam

Sincerely,
Dr. Monzer Kahf

Question

From: Islam on Line

Sent: Monday, December 30, 2002 9:11 AM

To: Dr. Monzer

Subject: Zakah

Name of Questioner

Gender

Age

Education

Date Submitted 11/29/2002

country of Origin

User Ref. No. QLF3UH

country of Res.

Question

Is the 401K subject to Zakah?
