

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Series of Questions Addressed to the Eminent Scholar Ata Bin Khalil Abu Al-Rashtah,
Ameer of Hizb ut Tahrir through his Facebook Page “Fiqhi”

Answer to Question

Zakat on Livestock

To Ali As-Saa’idi

(Translated)

Question:

Our Esteemed Amir, Assalamu Alaikoum wa Rahmatu Allah wa Barakatuh,

May Allah honor your efforts with goodness and bring victory and strength through you.

It was mentioned in the book “Finance in the Khilafah State”, (Arabic edition page 153) in the chapter “Zakat on Livestock: Cattle” as follows: “Zakat obligated on cattle livestock which have been pasturing for almost a year”. It was also mentioned in “Zakat on Sheep” on page 155 as follows: “Zakat is obligated on sheep livestock which have been pasturing most of the year if the liable prescribed minimum has reached the whole year.”

The question is: Is there no Zakat on the non-pasturing sheep and cattle but money has been spent on them most of the year? If there is Zakat on them, how much would that be?

Another question, if you don’t mind answering: Why was the Zakat on livestock mentioned for cattle, sheep, and camels but have not been mentioned on birds especially chicken, which have been bred in the thousands inside modern cages, or are they considered part of transactions??

May Allah reward you for welcoming my questions, Wa Assalamu Alaikoum wa Rahmatu Allah wa Barakatuh

Answer:

Wa Alaikum Assalam wa Rahmatuh Allah wa Barakatuh,

1. Yes, there is no Zakat on foraged sheep and cattle, because the “animal’s supplied food” describes the concept of the causation, and the concept of the attribute is to connect the legal ruling with an attribute from amongst the personal attributes. This shows the negation of the legal ruling for the individual when the attribute does not exist, and its condition is for this attribute to be distinctively clear, meaning that it fulfills the causation, and so if it doesn’t, then the concept ceases to exist. I repeat, the condition of the concept of the attribute must be a distinctively clear attribute, such as what he (saw) said: «... فِي صَدَقَةِ الْغَنَمِ فِي سَائِمَتِهَا..» “... **the owner has to pay one sheep as Zakat**” (reported by Bukhari). The term “sheep” is a noun, and it has two attributes: pasturing and foraging, and so the obligation is upon those which pasture, yet not those which forage.

2. As for the other question about why is there Zakat on livestock (e.g. sheep, cattle, and camels) yet not on others animals such as birds, poultry, etc., this is because the text mentioned only these livestock, so we follow that and we stop at that. The texts regarding this are three:

- Abu Dharr narrated from Abu Bakr, from the Rasuul (saw) that he (saw) said: «ما من صاحب إبل، ولا بقر، ولا غنم، لا يؤدي زكاتها، إلا جاءت يوم القيامة، أعظم ما كانت، وأسمن، تنطحه بقرونها، وتطوه بأخفافها» **There is no owner of camels, cattle or sheep who does not give Zakah on them, but they will come on the Day of Resurrection as big and fast as they ever were, and will gore him with their horns and trample him with their hooves.**” (Agreed upon)

- Abu Daoud narrated from Abu Bakr from the Rasuul (saw) in a long Hadith that he (saw) said: «... وفي سائمة الغنم إذا كانت أربعين، ففيها شاة...» “**as for the pasturing sheep, if they reach forty, then one sheep is given in Zakat...**”

• From Ali, may Allah be pleased with him, who narrated from the Rasuul (saw): «ليس في البقر «There is no Zakat on the plowing bovine» (reported by Abu Obeid and al-Bayhaqi) «العوامل صدقة»

• Also narrated from Amr ibn Dinar who said that he heard that the Rasuul (saw) said «ليس في الثور المثيرة صدقة» «There is no Zakat on the plowing bovine» (reported by Abu Obeid), and it was also narrated from Jaber ibn Abdullah that he (saw) said: «لا صدقة على مثيرة» «There is no Zakat on the plowing cattle», and the term “plowing cattle” means the animals used to plow the ground, making it ready for agriculture.

• Al-Hakim extracted in his book, Al-Mustadrak, two Hadith Sahih narrated by Bahz ibn Hakim on the authority of his father on the authority of his grandfather, who said: I heard the Rasuul (saw) say: «في كل إبل سائمة في كل أربعين ابن لبون...» «With regards to pasturing camels, for every forty there is a BinLabboun (a two-year old camel)...» (reported by Al-Hakim that this Hadith is Sahih in its Isnad (chain of transmission) “The pasturing livestock: are livestock which graze in the prairies and farm lands without being foraged.”

3. Therefore, these three farm animals must have Zakat paid for them, as mentioned above, since the Zakat is upon the pasturing animals which have been grazing for more than a year.

The text did not mention Zakat on any other type of animals, birds, or sea creatures, as these texts stop at only mentioning Zakat on the farm animals previously cited. As for the animals meant for trading, then Zakat is obligatory upon them according to the Zakat of transactions as it was clarified in its chapter from the Book of Finance.

4. In summary, there is no Zakat on a variety of animals except for farm animals: sheep, cattle, and camels. As for animals in transactions, there is Zakat on every animal whether it was for trading (i.e. selling and buying) since there are texts about such Zakat on everything that is put up for trading offers whatever the product is, whether it was seeds, cloths, or animals, etc. We shall mention some of the texts about transactions:

• From Samura ibn Jundub who said: «أما بعد، فإن رسول الله صلى الله عليه وسلم كان يأمرنا أن نخرج الصدقة من الذي نعد للبيع» «To proceed, the Rasuul (saw) used to order us to take out the Zakat from the things we put up for sale» (reported by Abu Daoud)

• From Abu Dharr, who narrated from the Rasuul (saw) saying: «وفي البزّ صدقته» «There is Zakat on textiles» (reported by Ad-Darqutni and Al-Bayhaqi). Textiles include clothes and cloths meant for trading.

• Abu Obeid reported from Abu Umra ibn Hamas from his father who said: «مرّ بي عمر بن الخطاب، فقال: يا حماس، أدّ زكاة مالك، فقلت: ما لي مال إلا جعاب، وأدم. فقال: قومها قيمة، ثمّ أدّ زكاتها...» «Omar ibn Al Khattab passed by me, and he said: O' Hamas, pay the Zakat on your money”. So, I said: I don't have any money except for this bag, and a skin bag. He said: Then try putting a value on it, then pay its Zakat.”

We hope that this will be a fulfilling answer, and Allah is All Knowing and Most Wise.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

19 Muharram 1440 AH

Corresponding to 29/09/2018 CE

Link to the Answer from the Ameer's Page (may Allah protect him) on Facebook:

<https://web.facebook.com/AmeerhtAtabinKhalil/photos/a.122855544578192/922367171293688/?type=3&theater>

Link to the Answer from the Ameer's Page (may Allah protect him) on Google Plus:

<https://plus.google.com/u/0/b/100431756357007517653/100431756357007517653/posts/SyCf8RsWC2b>