

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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

Answer to Question:

Zakat on Honey and all other Trading Merchandise

To: Soufien HT, Amel Ht

(Translated)

Questions:

Question by Amel Ht:

Assalamu Alaikum wa Rahmatullahi wa Barakatuh,

May Allah bless your efforts and make the Ummah benefit from you, our eminent Ameer, and support you with victory, empowerment, and make this in the scale of your good deeds, InshaAllah. I have a question if you allow me.

My question: Is there Zakah on honey? If so, what is the Nisab (the minimum applicable amount)?

Question by Soufien HT:

Assalamu Alaikum,

May Allah bless you and your deeds and make them in the scale of your good deeds.

My question: I work at a selling point for manufactured gold, i.e. selling jewelry. My question: How is Zakah calculated?

Knowing that gold is studded with stones, is Zakah paid on the calculated net gold without stones, or are the gold and stones weighed and Zakah is paid on the total weight?

How is the Zakah on precious stones (diamonds, rubies, emeralds ...)? Jazaka Allahu Khair.

Answer:

Wa Alaikum Assalam wa Rahmatullahi wa Barakatuh,

Your two questions come from one subject, so we will answer them together, with Allah's permission:

1- Zakah is not obligatory except on the wealth which the Shari'a has specified to take from, such as money, the profits of trade, cattle and grains, so taking Zakah is limited to the properties which have been mentioned in a Shari' text. Therefore, Zakah is not taken from anything other than the items which have been mentioned in authentic texts, which are camels, cows, cattle, gold, silver, wheat, barley, dates, and raisins. We have explained the evidence for all of this in the Explanation of Article 143 in the book of *The Draft Constitution*, Volume Two, so refer to it for more detail.

2- Zakah is not obligatory upon honey, and we mentioned in the book of *The Draft Constitution*, Volume Two, when explaining Article 143 regarding honey, the following: (As for what was related from Abu Sayyarah who said: «قُلْتُ: يَا رَسُولَ اللَّهِ، إِنَّ لِي نَحْلًا، قَالَ: فَادِّ الْعُشُورَ، قَالَ: وَعَنْ عَمْرِو بْنِ شَعِيبٍ عَنْ أَبِيهِ عَنْ جَدِّهِ قَالَ: «جَاءَ هِلَالٌ، أَحَدُ بَنِي مُثَعَانَ، إِلَى رَسُولِ اللَّهِ ﷺ بِعُشُورٍ نَحْلٍ لَهُ، وَكَانَ سَأَلَهُ أَنْ يَحْمِيَ لَهُ وَادِيًا يُقَالُ لَهُ سَلْبَةٌ، فَحَمَى لَهُ رَسُولُ اللَّهِ ﷺ ذَلِكَ الْوَادِي. فَلَمَّا وَلَّى عَمْرُ بْنُ الْخَطَّابِ رَضِيَ اللَّهُ عَنْهُ كَتَبَ سَفِيَانُ بْنُ وَهْبٍ إِلَى عَمْرِو بْنِ الْخَطَّابِ يَسْأَلُهُ عَنْ ذَلِكَ فَكَتَبَ عَمْرُ: إِنَّ أَدَى إِلَيْكَ مَا كَانَ يُودَى إِلَيَّ «I said: O Messenger of

Allah, I have bees. He said: then pay a tenth. I said: O Messenger of Allah, protect their mountains for me, so he did.” and what was narrated from ‘Amru b. Shu’ayb from his father from his grandfather who said: “Hilal, a man from the tribe of Abu Mata’n, brought a tenth of honey which he possessed in beehives to the Messenger of Allah (saw). He asked him (the apostle of Allah) to give the wood known as Salabah as a protected (or restricted) land. The Messenger of Allah (saw) gave him that wood as a protected land. When Umar Ibn Al-Khattab succeeded, Sufyan Ibn Wahb wrote to Umar asking him about this wood. Umar Ibn Al-Khattab wrote to him: if he (Hilal) pays you the tenth on honey what he used to pay to the Messenger of Allah (saw) leave the protected land of Salabah in his possession; otherwise those bees are like those of any wood; anyone can take the honey as he likes”. These are not suitable as evidence that Zakah is taken from honey. This is because the chain of the narration of Abu Sayyarah is disconnected (Munqati’), as it is from Sulaiman b. Musa from Abu Sayyarah and Bukhari said: “Sulaiman did not meet anyone from the companions and there is nothing regarding Zakah on honey that is authentic”. The narration of ‘Amru b. Shu’ayb is reported by Abu Dawud and Al-Nisa’i, and Ibn ‘Abd Al-Barr considered it *Hasan* in *Al-Istidhkar*, but despite that it does not indicate that Zakah is obliged upon honey, since he paid it voluntarily and the valley was kept for him in exchange, as proven by the evidence of what Umar (ra) did having understood the reason, and therefore, made a similar order. This is supported by what is reported from Sa’ad Bin Abu Dhiubab: «أَنَّ النَّبِيَّ ﷺ اسْتَعْمَلَهُ عَلَى قَوْمِهِ وَأَنَّهُ قَالَ لَهُمْ: ادُّوْا الْعُسْرَ فِي الْعَسَلِ» “That the Prophet (saw) appointed him over his people and he said to them: Give a tenth of the honey”, which is considered a weak narration by Bukhari, and al-Azdi and others, and any how Shafi’i said: “and Sa’ad Bin Abi Dhubab told what was indicated that the: «أَنَّ النَّبِيَّ ﷺ لَمْ يَأْمُرْ فِيهِ بِشَيْءٍ، وَأَنَّهُ ﷺ شَيْءٌ رَأَاهُ هُوَ فَتَطَوَّعَ لَهُ بِهِ قَوْمُهُ» “The Prophet (saw) did not order him with that, but rather it was something that he thought of and voluntarily suggested it to his people”. All of this suggest that there is no Zakah upon honey, and even the narrations which are used as evidence indicate that there was no obligatory Zakah upon it.) End.

3- Likewise, Zakah is not obliged on precious stones because Sharia did not make them from Zakah money, and therefore gold mixed with precious stones is given Zakah after subtracting the weight of precious stones in it, so it is not included in Zakah, and Zakah is on what remains of gold after subtracting what is mixed with it, in accordance with the relevant legal provisions.

4- As for honey and precious stones intended for trade, Zakah is given on them, and we have explained the details of that in the book of *Funds in the Khilafah State* and in the Answer to Question we issued on 25th Jumada al-Akhirah 1437 AH, corresponding to 03/04/2016 CE, which reads:

(Trade merchandise is everything other than currency which is used for trading, buying and selling, for the sake of profit e.g. foodstuffs, clothing, furniture, manufactured goods, animals, minerals, land, buildings and other goods that are bought and sold. Zakat is obliged on merchandise taken for trade. From Samura b. Jundub who said: «أما بعد، فإن رسول الله كان يأمُرنا أن نخرج الصدقة من الذي نعد للبيع» “See! Verily the Messenger of Allah (saw) used to command us to give Sadaqah on what we prepared for sale.” (Narrated by Abu Dawud) Abu Dharr narrated from the Prophet (saw) who said: «وفي البز صدقته» “There is Sadaqah in Bazz.” (Narrated by Ad-Daarqutni and Al-Baihaqi) Al-Bazz are clothes and woven material used for trading. Ubaid narrated from Abu ‘Amra b. Hamas who narrated from his father who said: “Umar ibn Al-Khattab passed by and said: ‘O Hamas, pay the Zakat on your property’. I said: ‘I don’t have any property except for Ji’b (quivers) and leather’. He said, ‘Estimate them, then pay their Zakat’”. Abdur Rahman b. Abdul-Qari said: “I was appointed over Bait ul-Mal in the time of ‘Umar ibn Al-Khattab. When the gifts were given out, the wealth of the traders was collected and counted, of what was present or absent. Zakat was then taken from the present wealth for what was present and absent.” (Narrated by Abu Ubaid)

- Narrated by Ahmad in his Musnad from Malik ibn Aws bin Al Hadathan An-Nasri, from Abu Dharr, he said: I heard the Messenger of Allah (saw) says: «في الإبل صدقتها، وفي الغنم صدقتها، وفي البقر صدقتها، وفي البز صدقته» “Zakat is on camels, and Zakat is on sheep, and there is

zakat on cows, and there is zakat on Bazz.” Al-Bazz are clothes and woven material used for trading.

Nawawi said in Al Majmo' Sharh al Muhathab:

“Zakat is due on trading merchandise because of the narration of Abu Dhar (may Allah be pleased with him) that the Prophet (saw) said: **«فِي الْإِبِلِ صَدَقَتُهَا، وَفِي الْغَنَمِ صَدَقَتُهَا، وَفِي الْبَقَرِ صَدَقَتُهَا، وَفِي الْبُرِّ صَدَقَتُهُ»** **“Zakat is on camels, and Zakat is on sheep, and there is Zakat on cows, and there is Zakat on Bazz”**. The purpose of trading is to generate wealth, so Zakat is attached to it like cattle is to the grazing grass, “his saying” there is Zakat in Bazz which is written with fat’ha on the letter ‘ba (ب)’ and with the letter ‘zai (ز)’ thus it was narrated by all the narrators and Ad Daarqutni and al Baihaqi mentioned it with the letter *zai*, and the texts by al Shafi’i (may Allah be pleased with him) the old and new mention the obligation of Zakat on trade. And what is Mashoor by Ashab that they agree that in the Shafii’s school of thought (may Allah be pleased with him) it is obligatory.” End

- Ibn Qudamah said in al-Mughni:

“Zakat is due in the value of trading merchandise, in the view of most scholars. Ibn al-Mundhir said: scholars unanimously agreed that Zakat is on merchandise intended for trade, if one year has passed on it ... and for us, as narrated by Abu Dawood, from his Sanad (transmission of narrations) from Samra bin Jundub he said: **«كَانَ رَسُولُ اللَّهِ يَأْمُرُنَا أَنْ نُخْرِجَ الزَّكَاةَ مِمَّا نَعِدُّهُ لِلْبَيْعِ»** **“the Messenger of Allah (saw) commanded us to give Zakat on what we prepared to sell”**. Narrated by Ad-Daarqutni, from Abu Dhar, he said: I heard the Messenger of Allah (saw) says: **«فِي الْإِبِلِ صَدَقَتُهَا، وَفِي الْغَنَمِ صَدَقَتُهَا، وَفِي الْبُرِّ صَدَقَتُهُ»** **“There is Zakat on camels, and there is Zakat on goats, and there is Zakat on Bazz”**. He pronounced it with the letter zai (ز), there is no dispute it is not obligatory on the specific product, but on its value. From Abu Amr ibn Hamas, from his father, he said, Umar ordered me and said: ‘pay the Zakat on your property’. I said: ‘I don’t have any property except for Ji’b (quivers) and leather’. He said: ‘Estimate them, then pay their Zakat.’” narrated by Imam Ahmad and Abu Ubaid.” End

- Al-Baihaqi narrated in As-Sunan Alkubra:

“Ahmad bin Mohammed bin Al-Harith al-Faqih told us that he foretold Ali bin Umar Al-Hafiz, from Abu Bakr Alnisaburi, from Ahmad Bin Mansour, from Abu Asim, from Musa bin Ubaida, Imran bin Abu Anas told me from Malik ibn Aws bin Al Hadathan, said: Whilst I was sitting with Osman, Abu Dhar came and mentioned the Hadeeth, he said: They said: O Abu Dhar tell us the saying from the Messenger of Allah (saw), he said: I heard the Messenger of Allah (saw) say: **«فِي الْإِبِلِ صَدَقَتُهَا وَفِي الْغَنَمِ صَدَقَتُهَا وَفِي الْبَقَرِ صَدَقَتُهَا وَفِي الْبُرِّ صَدَقَتُهُ»** **“There is Zakat in the camels, there is Zakat in goats, there is Zakat in cows, and there is Zakat in al Bazz”** he uttered it with the letter Zai (ز)”. End

And Zakat due on trade merchandise if its value reaches the Nisab of gold, or the Nisab of silver, and one year has passed on it.

If the merchant began his trade with money less than the Nisab, and at the end of year the money is equal to the value of Nisab, there is no Zakat on him, because the Nisab was not present for one year. He must pay Zakat on this Nisab, after one whole year passes on it (Hawl).

If the trader begins his trade with property above the Nisab such that he begins his trade with 1,000 Dinars then his trade grows and profits by the end of the year so that its value becomes 3,000 Dinars, it is obligatory upon him to pay Zakat on 3,000 Dinars not the 1,000 Dinars he started with. This is because its profit follows it i.e. the origin, and the period of one year of generated profit is the same as the period of one year of the origin. This is like the goats’ offspring and offspring of sheep that are counted together with them, because their period of one year (Hawl) is that of their mothers. Similar to this is the profit on wealth so its time (Hawl) is the period of one year of the origin from which profits were derived. When the year finishes the trader estimates his trading merchandise whether Zakat is obliged upon

it because of itself such as camels, cattle, and sheep, or not, such as clothes, manufactured products, land and buildings. He estimates them collectively in gold or silver units. He then gives quarter-tithe (2.5%) if it reaches the Nisab value of gold or silver, giving the obligatory Zakat in the used currency. It is allowed to give its Zakat from the merchandise itself if that is easier for him, e.g. where he is trading with sheep/goats, cattle or clothes and the value of the Zakat obliged upon him is estimated in sheep, cattle or clothes, he may give its Zakat in currency or he may give it in sheep, cattle or clothes i.e. he may give whichever he wishes.

Zakat on trading merchandise, on whose assets Zakat is due like camels, cattle and sheep/goats, is paid as Zakat of trading merchandise, not as Zakat of livestock. This is because trade is intended in their ownership, not mere possession.

By understanding this Shariah reality the answer to your question is as follows:

A) The trading merchandise is estimated according to the market value i.e. with its selling value at the time of Zakat because this is the real value of these merchandise. It is not estimated by the purchasing price because it may be more or less than the market price that represents the true price of the commodity, and therefore the market price is the one considered.

B) If the seller is a wholesaler, then he should estimate his goods at the price of wholesale goods, and if he sells individual items, then he evaluates them with the price of individual goods, and he mixes between the wholesale and selling individual goods, then he should take the ratio of both and stick to this. If he was selling half of goods as wholesale and the other half individually, he should estimate half of goods as wholesale and the other half individually and so on, because this is the closest to the truth regarding the value of goods.

C) Goods are valued by their market price in the country it is present in, not in the country where the merchant lives, because the market price in the country it is in is closer to its true value.

D) All goods are estimated at the time of paying Zakat, those that are in demand and those that are not, because the goods are in fact, money, and the commodity that isn't in demand is estimated at its market value at the time for Zakat, in this case, of course, it will be worth less than its value before the recession. And this is repeated every year because they are cash in the form of commodities and Zakat is obliged on them as it is obliged on cash each year.

E) Zakat on trade merchandise can be in cash, and it may be the goods itself. If what was due in Zakat is 2000, and the price per item was 500, then 4 goods can be given in Zakat from the trade merchandise. This could be a way to get rid of the goods that is not in demand, so that the money for Zakat is not taken from the cash money but from the goods, taking the interest of the one giving Zakat into consideration.

This is the view I follow in this matter, and Allah Knows Best and He is Most Wise.)

I have restated the answer in its entirety to show how to act when giving Zakat on honey and precious stones intended for trade, as well as all other trading merchandise.

Your brother,

Ata Bin Khalil Abu Al-Rashtah

27th Rabii' Al-Awwal 1442 AH

13/11/2020 CE

The link to the answer from the Ameer's Facebook page:

<https://web.facebook.com/HT.AtaabuAlrashtah/photos/a.1705088409737176/2796272417285431/>