

19901 - Zakaah on gold that is intended for use

the question

I would like to request you to explain to me and my brothers about the matter of zakaah on gold or gold and silver jewellery that is intended for use, not for buying and selling. Some people say that there is no zakaah on gold that is intended for wearing, and others say that there is zakaah on all gold, whether it is for use or for trading, and that the ahaadeeth which say that there is zakaah on gold that is intended for use are stronger than the ahaadeeth which say that there is no zakaah on it. I hope that you will answer this query.

Detailed answer

Praise be to Allah.

The scholars are agreed that zakaah is obligatory on gold and silver jewellery if it is a kind of adornment that it is haraam to use, or if it is prepared for trading etc. But if it is a permissible kind of jewellery that is intended to be used or loaned, such as a silver ring or women's jewellery, or things that it is permitted to use to adorn weapons, then there is a difference of scholarly opinion as to whether zakaah is obligatory on these things. Some scholars say that zakaah is obligatory on them because they are included in the general meaning of the aayah (interpretation of the meaning):

“And those who hoard up gold and silver (Al-Kanz: the money, the Zakaah of which has not been paid) and spend them not in the way of Allaah, announce unto them a painful torment” [al-Tawbah 9:34]

Al-Qurtubi said, in his tafseer of this aayah: “Ibn ‘Umar explained the meaning of this in Saheeh al-Bukhaari, when a Bedouin said to him, ‘Tell me about the aayah (interpretation of the meaning),

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“And those who hoard up gold and silver.” Ibn ‘Umar said: ‘(It means) the one who stockpiles them and does not pay zakaah on them – woe to him. This was before (the order to pay) zakaah on them was revealed, and when it was revealed, Allaah made it a means of purification of wealth.’” (Narrated by al-Bukhaari, 2/111, ta’leeqan; 5/204, also ta’leeqan. Ibn Maajah, 1/569-570, no. 1787. Al-Bayhaqi, 4/82).

Other ahaadeeth also imply this, such as the hadeeth narrated by Abu Dawood, al-Nasaa’i and al-Tirmidhi from ‘Amr ibn Shu’ayb from his father from his grandfather, (who said) that a woman came to the Prophet (peace and blessings of Allaah be upon him) with her daughter, on whose hands were two heavy bracelets of gold. He said to her, “Do you pay zakaah on these?” She said, “No.” He said, “Would you like Allaah to replace them for you with bracelets of fire on the Day of Resurrection?” So she took them off and gave them to the Prophet (peace and blessings of Allaah be upon him) and said, ‘These are for Allaah and His Messenger.’”

(Narrated by Ahmad, 2/178, 204, 208; Abu Dawood, 2/212, no. 1563; al-Tirmidhi, 3/29-30, no. 637; al-Nasaa’i, 5/38, no. 2479, 2480; al-Daaraqutni, 2/112; Ibn Abi Shaybah, 3/153; Abu ‘Ubayd in al-Amwaal, p. 537, no. 1260 (Harraas edn.); al-Bayhaqi, 4/140).

It was narrated by Abu Dawood in his Sunan, al-Haakim in al-Mustadrak and al-Daaraqutni and al-Bayhaqi in their Sunans that ‘Aa’ishah (may Allaah be pleased with her) said: “The Messenger of Allaah (peace and blessings of Allaah be upon him) entered upon me and saw on my hands rings of silver. He said, ‘What is this, O ‘Aa’ishah?’ I said, ‘I had them made so that I could adorn myself for you, O Messenger of Allaah.’ He said, ‘Do you pay zakaah on them?’ I said, ‘No’ or ‘Whatever Allaah wills.’ He said, ‘This would be enough to take you to Hell.’”

(Narrated by Abu Dawood, 2/213, no. 1565 – this version was narrated by him; al-Daaraqutni, 2/105, 106; al-Haakim, 1/389-390; al-Bayhaqi, 4/139)

It was narrated that Umm Salamah said: “I used to wear jewellery of gold, and I said, ‘O

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Messenger of Allaah, is this kanz (money, the Zakaah of which has not been paid, cf. al-Tawbah 9:34)?' He said, 'Whatever reaches the amount at which zakaah is obligatory, then pay the zakaah. Then it will not be kanz.'"

(Narrated by Abu Dawood, 2/212-213, no. 1564; al-Daaraqutni, 2/105; al-Haakim, 1/390; al-Bayhaqi, 4/83, 140).

Some scholars said that there was no zakaah to be paid on it, because by using it in a permissible manner, it becomes like clothing and other items, and is not like a product that has a commercial value. They responded to the general meaning of the aayah [al-Tawbah 9:34] by pointing out that the practice of the Sahaabah excluded gold that was used for adornment. It was reported with a saheeh isnaad that 'Aa'ishah (may Allaah be pleased with her) used to look after her brother's orphaned daughters in her apartment. They had gold jewellery but she did not pay zakaah on it. Al-Daaraqutni narrated with his isnaad from Asmaa' bint Abi Bakr (may Allaah be pleased with her) that she used to adorn her daughters with gold jewellery, and she did not pay zakaah on it, (although its value was) nearly fifty thousand. (Sunan al-Daaraqutni, 2/109)

Abu 'Ubayd said in his book al-Amwaal: "Ismaa'eel ibn Ibraaheem told us, from Ayyoob, from Naafi', from Ibn 'Umar, that he would marry one of his his daughters for ten thousand (as mahr), of which he would make her jewellery four thousand, and they did not pay zakaah on that." (A similar report was narrated by al-Daaraqutni, 2/109; Abu 'Ubayd in al-Amwaal, p. 540, no. 1276 (Harraas edn.); al-Bayhaqi, 4/138).

He said: "Ismaa'eel ibn Ibraaheem told us, from Ayyoob, from 'Amr ibn Deenaar, who said: 'Jaabir ibn 'Abd-Allaah was asked, "Is there any zakaah on jewellery?" He said, "No." He was asked, 'What if it reaches (the amount of) ten thousand?' He said, "That is a lot.'"" (Narrated by al-Shaafa'i in al-Musnad (edited by al-Sindi), 1/228, no. 629; al-Umm, 2/41; also narrated by Abu 'Ubayd in al-Amwaal, p. 540, no. 1275 (Harraas edn.); al-Bayhaqi, 4/138).

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The more correct of these two views is the view that zakaah on jewellery is obligatory, if it reaches the nisaab (amount of wealth at which zakaah becomes obligatory), or if the owner possesses enough gold, silver and trade goods to complete the nisaab – because of the general meaning of the ahaadeeth which state that zakaah is obligatory on gold and silver. There is no saheeh hadeeth which excluded it (jewellery) as far as we know. The ahaadeeth of ‘Abd-Allaah ibn ‘Amr ibn al-‘Aas, ‘Aa’ishah and Umm Salamah quoted above mention this, and these are jayyid ahaadeeth with no valid criticism concerning their isnaads, so we should act upon them. Although al-Tirmidhi and Ibn Hazm regarded them as da’eef (weak), there is no solid evidence for this, as far as we know. We should note that al-Tirmidhi (may Allaah have mercy on him) may be excused for what he said, because he quoted the hadeeth of ‘Abd-Allaah ibn ‘Amr with a da’eef isnaad, but it was narrated by Abu Dawood, al-Nasaa’i and Ibn Maajah with a different, saheeh, isnaad, which al-Tirmidhi probably did not discover.

And Allaah is the source of strength. May Allaah bless our Prophet Muhammad and his family and companions, and grant them peace.