

GATE THIRTEEN


حكم زكاة على حلي المرأة المعد للاستعمال

Ruling of Zakah on Gold & Silver Jewelry

Jurisprudential Study

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بسم الله الرحمن الرحيم

In the name of Allah, the Most Gracious the Most Merciful. All praise belongs to Allah, we praise Him, and we ask Him for guidance and forgiveness; may the prayers and peace of Allah be upon Muhammad, his family, his companions, and his followers. O Allah you are the Arbitrator between Your servants in the matters in which they have differed, guide us to the truth by Your leave for verily You guide whom You will to the straight path.

To proceed, the ruling of zakah on women's jewelry is one of the topics that concerns every family in general, and every woman in particular. This is due to adornment and beautification being amongst the things the daughters of Eve were created to love and thus jewelry is an inherent part of most women's lives. With that being said, the Islamic ruling of whether a woman is to give zakah on this gold and silver jewelry is a matter which the scholars, past and present, have differed on. For that reason, I saw it fit to delve into this matter in detail so that the believing women eager to seek the truth may have a source that mentions both arguments so she may come to a conclusion on that which is safest for her peace of mind and religion. Even more so why it is especially important to offer such discussions in the English language. I ask Allah for success in this work, that it be sincere for His sake, and that it will benefit the believing women of this ummah and myself after my death.

اللهم آمين

Reason for the difference of opinion

Scholars held varying opinions on this matter because of discrepancies in the authenticity of evidence concerning the obligation or exemption of zakah on gold or silver jewelry. Additionally, there is a difference of opinion among scholars in interpreting the verses of the Quran and ahadeeth cited as evidence in this issue.

Distinction of where the scholars have differed

The scholars have a consensus and are in unanimous agreement on the obligation of paying zakah on gold or silver that is collected as wealth for saving, investment, or for buying and selling.

The scholars have differed on the obligation of paying zakah on gold or silver jewelry that a woman wears and uses for beautification (this includes what she regularly physically wears and what she collects as jewelry).

They have differed regarding this into two opinions:

(1) Zakah is obligatory on gold and silver jewelry that is worn.

This is the opinion of the Hanafiyah¹, one of the opinions of the Shafi'iyah², and one of the narrations of the Hanabilah³.

This opinion is narrated from several sahabah including: 'Umar, Ibn Mas'ūd, Ibn 'Abbas, 'Abdullah ibn 'Amr, and 'Abdullah ibn 'Aas, may Allah be pleased with them all.

From the contemporary scholars, this is the opinion of Ibn Bāz, Ibn Uthaymeen and is the fatwa of the permanent committee in Saudi Arabia.

The evidences for this opinion:

Quran

﴿وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ﴾ (التوبة: 34)

“Those who hoard gold and silver, and do not spend it in Allah's way, inform them of a painful punishment.”

¹ Sharh Kanz al-Daqa'iq, Zayla'i, 1/277

² Majmoo', an-Nawawi, 6/32

³ Al-Mughni, Ibn Qudamah, 3/41

They interpret this verse as including gold or silver jewelry in the general meaning of the verse. And that there is no exception of types of gold or silver that do not fall under this ruling. Therefore, making an exception requires evidence.⁴

Sunnah

عن أنس بن مالك رضي الله عنه: ((أَنَّ أبا بكرٍ رَضِيَ اللهُ عَنْهُ كَتَبَ لَهُمْ: إِنَّ هَذِهِ فَرَائِضُ الصَّدَقَةِ الَّتِي فَرَضَ رَسُولُ اللَّهِ صَلَّى اللهُ عَلَيْهِ وَسَلَّمَ))، وفيه: ((...وَفِي الرِّقَّةِ رُبْعُ العُشْرِ، فَإِذَا لَمْ يَكُنِ المَالُ إِلَّا تِسْعِينَ وَمِئَةَ دِرْهَمٍ؛ فَلَيْسَ فِيهَا شَيْءٌ إِلَّا أَنْ يَشَاءَ رَبُّهَا))⁵

It was narrated from Anas bin Malik that Abu Bakr wrote to them saying: "These are the types of charity (zakah) that the Messenger of Allah (ﷺ) made obligatory upon the Muslims and which Allah, may He be glorified and exalted, enjoined upon the Messenger of Allah (ﷺ)... On silver the zakah is one quarter of one tenth; if the wealth is only one hundred and ninety dirhams, then no zakah is due on it unless the owner wants to give it."

This hadith illustrates that if jewelry is silver then zakah is obligatory if it reaches the nisāb (amount the necessitates zakah). This is due to the generality of the hadeeth which would include jewelry since there is no exception mentioned.

عن أبي هريرة رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: ((مَا مِنْ صَاحِبِ ذَهَبٍ وَلَا فِضَّةٍ لَا يُوَدِّي مِنْهَا حَقَّهَا إِلَّا إِذَا كَانَ يَوْمُ الْقِيَامَةِ، صُفِّحَتْ لَهُ صَفَائِحٌ مِنْ نَارٍ، فَأُحْمِي عَلَيْهَا فِي نَارِ جَهَنَّمَ، فَيُكْوَى بِهَا جَنْبُهُ وَجَبِينُهُ وَظَهْرُهُ، كُلَّمَا بُرِدَتْ أُعِيدَتْ لَهُ فِي يَوْمٍ كَانَ مِقْدَارُهُ خَمْسِينَ أَلْفَ سَنَةٍ، حَتَّى يُقْضَى بَيْنَ الْعِبَادِ؛ فَيَرَى سَبِيلَهُ؛ إِمَّا إِلَى الْجَنَّةِ، وَإِمَّا إِلَى النَّارِ... الْحَدِيثُ))⁶

Abu Hurairah (May Allah be pleased with him) reported:

The Messenger of Allah صلى الله عليه وسلم said, "Any person who possesses gold or silver and does not pay what is due on it (i.e., the Zakat); on the Day of Resurrection, sheets of silver and gold would be heated for him in the fire of Hell and with them his flank, forehead and back will be branded. When they cool down, they will be heated again, and the same process will be repeated during the day the measure whereof will be fifty thousand years. (This would go on) until Judgement is pronounced among (Allah's) slaves, and he will be shown his final abode, either to Jannah or to Hell".

⁴ Sharh al-Mumti, Ibn Uthaymeen, 6/275

⁵ Bukhari, 1454

⁶ Muslim, 987

This hadith illustrates that zakah is obligatory on all gold and silver which includes gold or silver jewelry. This is due to there being no evidence of an exception being made for jewelry.

عن أبي سعيد الخدري رضي الله عنه قال: قال رسول الله صلى الله عليه وسلم: ((ليس فيما دون خمس أواق صدقة))⁷

Abu Sa'id al-Khudri reported God's messenger as saying, "No charity (zakah) is payable on less than five ounces of silver."

This hadith illustrates that zakah is obligatory if one's silver reaches five ounces regardless of whether that silver is currency or jewelry.

عن عائشة رضي الله عنها قالت: ((دَخَلَ عَلَيَّ رَسُولُ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَرَأَى فِي يَدَيَّ فَتَحَاتٍ مِنْ وَرَقٍ، فَقَالَ: مَا هَذَا يَا عَائِشَةُ؟ فَقُلْتُ: صَنَعْتُهُنَّ أَتَزَيَّنُ لَكَ يَا رَسُولَ اللَّهِ. قَالَ: أَتَوَدِّينَ زَكَاتَهُنَّ؟ قُلْتُ: لَا. قَالَ: هُوَ حَسْبُكَ مِنَ النَّارِ)) قيل لسفيان: كيف تركيه؟ قال: تضمه إلى غيره.⁸

'Aisha said The Messenger of Allah (peace be upon him) entered upon me and saw two silver rings in my hand. He asked What is this, Aishah? I said I have made two ornaments to beautify myself for you, Messenger of Allah.

He asked Do you pay zakat on them? I said No or I said Whatever Allah willed. He said this is sufficient for you (to take you) to the Hell fire. (Sufyan al-Thawri was asked, how is zakah given on it?-in reference to it most likely not reaching nisab-He said: by adding to other silver.)

This hadith was graded authentic by Ibn Hajar and Shaykh al-Albani⁹, may Allah have mercy on them. This hadith directly illustrates that 'Aisha was expected to pay zakah on her silver jewelry.

وَعَنْ عَمْرِو بْنِ شُعَيْبٍ، عَنْ أَبِيهِ، عَنْ جَدِّهِ؛ أَنَّ امْرَأَةً أَتَتْ النَّبِيَّ - صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ - وَمَعَهَا ابْنَةٌ لَهَا، وَفِي يَدِ ابْنَتِهَا مِسْكَتَانِ مِنْ ذَهَبٍ، فَقَالَ لَهَا: "أَتُعْطِينَ زَكَاةَ هَذَا؟" قَالَتْ: لَا. قَالَ: "أَيْسُرُكَ أَنْ يُسَوِّرَكَ اللَّهُ بِهَيَا يَوْمَ الْقِيَامَةِ سَوَارِينَ مِنْ نَارٍ". فَأَلْقَتْهُمَا.¹⁰

'Amr bin Shu'aib narrated on the authority of his father, who reported on the authority of his grandfather (RAA) that a woman came to the Messenger of Allah (ﷺ) accompanied by her daughter, who wore two heavy gold bangles. He said to her, "Do you pay Zakah on them?" She said, 'No.' He then said, "Are

⁷ Bukhari, 1405 & Muslim, 979

⁸ Abu Dawud, 155, صححه الألباني

⁹ Al-Irwa Al-Ghalil (3/297)

¹⁰ Abu Dawud, 1563, AnNisai, 5/38, 2479, AtTirmidhi, 637

you pleased that Allah may put two bangles of fire on your wrist on the Day of Judgment?" She then threw them away.

The scholars of hadith differed regarding the authenticity of this hadith¹¹. For the full discussion refer to Al-Irwa' Al-Ghalil of Shaykh Al-Albani (3/296). Shaykh Al-Albani concludes that the hadith is hasan/sound.

This hadith, if authentic, directly illustrates that zakah is obligatory on gold jewelry.

Athār

عن عائشة رضي الله عنها قالت: (لا بأس بلبس الحليّ إذا أُعطيَتْ زكّاته)¹²

'Aisha, may Allah be pleased with her, said: There is no problem wearing jewelry so long as its zakah is given.

روي عن عمر بن الخطاب رضي الله عنه أنه أوجب في الحلّي الزكاة

It was narrated that 'Umar ibn al-Khattab, may Allah be pleased with him, obligated zakah on jewelry.

Rational Evidences

ومن أدلتهم ما ذكر ابن قدامة في المغني: أن الحلّي من جنس الأثمان، فأشبهه التبر.¹³

From the rational evidences of this argument is that gold or silver jewelry is included in the category of currency and therefore can be compared to gold nuggets.

صححه: ابن القطان ، والزبلي ، وابن الملقن والحاكم، وحسنه : النووي والألباني¹¹
وضعه: الترمذي، والنسائي ، وابن حبان ، والبيهقي ، وابن حزم ، وابن الجوزي ، وابن كثير

¹² Narrated by Abu 'Ubayd, Al-Amwaal

¹³ Al-Mughni, Ibn Qudamah,3/42

(2) Zakah is not obligatory on gold and silver jewelry that is worn.

This is the opinion of the Malikiyah¹⁴, the Shafi'iyah¹⁵, and the Hanabilah¹⁶. This opinion is narrated from five sahabah: Ibn Umar, Jābir, Anas, 'Aisha, and Asmā, may Allah be pleased with them all.

The evidences for this opinion:

Quran

﴿وَالَّذِينَ يَكْنِزُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ فَبَشِّرْهُمْ بِعَذَابٍ أَلِيمٍ﴾ (التوبة: 34)

"Those who hoard gold and silver, and do not spend it in Allah's way, inform them of a painful punishment."

They interpret the gold and silver mentioned in this verse to refer to gold and silver that is used as currency, since that is the type of wealth that can be hoarded as treasure and spent. Whereas gold and silver jewelry that is worn is not in its nature used and spent like currency.

Sunnah

عن زينب امرأة عبد الله قالت: قال رسول الله صلى الله عليه وسلم: ((تصدقن، يا معشر النساء، ولو من حليكن... الحديث))¹⁷

Zainab the wife of 'Abdallah said God's messenger addressed them saying, "You women should give alms even if it consists of your jewelry."

This hadith is evidence that zakah is not obligatory on gold or silver jewelry. Because had it been obligatory the Prophet, peace be upon him, would not have made it a source for voluntary charity.

عن أبي سعيد الخدري رضي الله عنه، أن النبي صلى الله عليه وسلم قال: ((ليس فيما دون خمس أواق من الورق صدقة))¹⁸

Abu Sa'id al-Khudri reported God's messenger as saying, "No charity (zakah) is payable on less than five ounces of silver."

This hadith illustrates that the Prophet, peace be upon him, singled out charity in the form of silver, and refrained from mentioning anything else. And the word al-

¹⁴ Al-Kaafi fi Fiqh Ahl Al-Madinah, Ibn 'AbdulBar, 1/286

¹⁵ Al-Majmoo', an-Nawawi, 6/36

¹⁶ Al-Iqna', al-Hajawi, 1/273

¹⁷ Bukhari, 1466 & Muslim, 1000

¹⁸ Bukhari, 1405 & Muslim 979

waraq does not occur in the speech of the Arabs except referring to silver coins. A specification that removes jewelry and the like from the obligation of zakat.

عن جابر رضي الله عنه مرفوعاً: (ليس في الحلّي زكاة).¹⁹

Jābir, may Allah be pleased with him, said (attributing this saying to the Prophet): There is no zakah on jewelry.

The scholars of hadith differed regarding the authenticity of this hadith. For the full discussion refer to Al-Irwa Al-Ghalil of Shaykh Al-Albani رحمه الله (3/294). Shaykh Al-Albani concludes that this narration is mawqoof (a saying attributed to Jābir rather than the Prophet, peace be upon him).

Athār

عن عائشة رضي الله عنها: كانت تلي بنات أخوها يتامى في حجرها، هنّ الحلّي، فلا تُخرج منه الزكاة.²⁰
'Aisha, may Allah be pleased with her, had her orphan nieces under her care. They had jewelry but she did not give zakah on it.

عن أسماء بنت أبي بكر رضي الله عنها: أمّا كانت تُحلّي بناتها بالذهب ولا تزكّيه نحوًا من خمسين.²¹

Asmā the daughter Abu Bakr, may Allah be pleased with her, used to adorn her daughters with gold and did not give zakah on it.

Rational Evidences

ومن أدلتهم ما ذكر ابن قدامة في المغني: أن الحلّي صار بالاستعمال المباح من جنس الثياب والسلع، لا من جنس الأثمان.²²

From the rational evidences of this argument: jewelry when used or worn is in the same category of clothes and goods and is no longer in the category of currency.

¹⁹ Al-Daraqutni, 1926

²⁰ Al-Muwatta, 2/351

²¹ Musnad Imam Ahmed, 618

²² Al-Mughni, Ibn Qudamah, 3/42

Discussion

After presenting both opinions with their respective evidences; the strongest opinion is that zakah is obligatory on gold and silver jewelry for the following reasons:

1. The general verses and ahadeeth that command zakah on silver and gold without distinguishing between one type and another encompasses jewelry within its generality.
2. The specific authentic ahadeeth narrated by 'Aisha, Umm Salamah and 'Amr ibn Shu'aib, clearly indicate the obligation of zakah on jewelry.
3. As for the hadith of Jābir that states there is no zakah on jewelry, it is a weak narration and thus not sufficient to be used as evidence.
4. As for the evidence for the non-obligation of zakah on jewelry, the ahadeeth of the Prophet صلى الله عليه وسلم ordering women to give charity from their jewelry does not affirm or negate the obligation of zakah on it. Rather it is simply an encouragement to give charity even if it's from items considered necessities for people. This is akin to saying: "give charity, even if it is from the wealth you spend on your family." This does not indicate the non-obligation of zakah on this money.
5. As for the seemingly contradictory āthār of 'Aisha, may Allah be pleased with her. Where she states: "There is no harm in wearing jewelry once its Zakat has been paid." And in another narration: that she used to dress up her nieces, who were orphans, in her room with jewelry, and she did not take out Zakat from their jewelry. Ibn Hajar, may Allah have mercy on him, explains that it is possible to reconcile between the two narrations by understanding that she held the view zakah is due on jewelry but did not consider it obligatory to take zakah out of the orphans' wealth.²³ Some have argued that she did not consider it obligatory to take zakah out of the orphans' wealth, so she sometimes took it out and sometimes did not. And Allah knows best.
6. As for the narrations of several sahabah holding opposing views. It's important to cite the principle in usūl al-fiqh that states that in order for an action of a companion to be considered a proof or evidence it must fulfill the following conditions:

1. It does not contradict what is directly reported from the Prophet صلى الله عليه وسلم.

²³ Talkhees al-Habīr (2/158)

2. It is not contradicted by the statement of another companion of similar status.

3. This statement is authenticated to be from them.

Thus, seeing that two of these conditions are missing, it does not serve as evidence in this matter. And what is left is to refer to the authentic narrations obligating zakah on jewelry as well as the general evidences that obligate zakah on all gold and silver without exceptions.

7. As for the qiyās/analogy comparing jewelry to clothing. This argument is invalid (قياس مع الفارق) for three reasons: Firstly, clothing was never originally subject to zakah whereas the Prophet صلى الله عليه وسلم obligated zakah on gold and silver without exception. Therefore, the basis for analogy should be that both jewelry and clothing have the same ruling, which is not the case. Secondly, it is qiyas in contrast to textual evidence (the authentic ahadeeth), and any analogy against textual evidence is invalid.²⁴ And lastly, clothing and everyday items lose their value as they are used, as opposed to gold and silver where its value increases over time.
8. From the strongest arguments for this opinion is that we have no reason to abandon the obligation of zakah on gold and silver except with evidence specifically exempting a part of it, and there is no such evidence. On the contrary, the evidence confirming the obligation of zakah is sound.
9. Lastly, as stated by Shaykh Muhammad al-Amin al-Shinqeeti, may Allah have mercy on him, the obligation of giving zakah on gold and silver jewelry is the safest opinion, and whoever avoids doubts has protected his religion, and as the famous hadith states: leave off what doubts you for that which does not doubt.

And Allah knows best.

²⁴ مجموع فتاوى ورسائل الشيخ محمد صالح العثيمين المجلد التاسع عشر - كتاب زكاة النقدين

How to Give Zakah on Gold and Silver

Now that the ruling of zakah on gold and silver jewelry is clarified, it is necessary to explain how zakah is to be given in detail.

Firstly, zakah is not obligatory until it reaches the nisāb (the threshold or amount that must be reached for zakah to be obligatory) and it has been in one's possession for an entire year (according to the Lunar year). This is based on the hadith of Ali ibn Abi Tālib, may Allah be please with him:

عن علي بن أبي طالب رضي الله عنه أن النبي صلى الله عليه وسلم قال: "إذا كانت لك مائتا درهم وحال عليها الحول ففيها خمسة دراهم وليس عليك شيء"، يعني في الذهب: "حتى يكون لك عشرون ديناراً فإذا كانت لك عشرون ديناراً وحال عليها الحول ففيها نصف دينار".²⁵

Ali ibn Abi Talib narrated that the Prophet صلى الله عليه وسلم said: "If you have two hundred dirhams and a year passes over them, five dirhams are due from them, and you are not accountable for anything less." This applies to gold as well: "Until you have twenty dinars, and if you have twenty dinars and a year passes over them, half a dinar is due from them."

The nisāb for gold is twenty dinars, and the nisāb for silver is two hundred dirhams. Therefore, if the weight of the gold jewelry falls short of twenty dinars, and the owner does not possess additional gold to complete the threshold, there is no zakah due on it. Similarly, if the weight of the silver jewelry falls short of two hundred dirhams, and the owner does not possess additional silver to complete the threshold, there is no zakah due on it.

This amount is equivalent to approximately 85 grams of pure gold (24 carat) and 595 grams of pure silver (999 fine).

The amount due, as illustrated in the above hadith, is one quarter of one tenth or 2.5%.

We will go through an example to illustrate how one should calculate the zakah due on their jewelry:

Aminah has 100 grams of 21 carat gold jewelry in her possession since Ramadan 2023. It is now Ramadan 2024, and she still has the same amount.

She should first find the equivalent nisāb of 24 carat gold in 21 carat gold (in grams) (this calculation can be done for 22, 21, or 18 carat gold)

$$24 \div (21 \times 100g) = 87.5 \text{ grams}$$

²⁵ Abu Dawud, 1573

Therefore, the amount of gold she has exceeded the nisāb (85g) and she must pay zakah.

Now she must calculate 2.5% of 87.5 grams which is approximately 2.2 grams. Then she gives away this 2.2 grams as zakah. It can be given as gold or the equivalent value (depending on the market value of gold).

Commonly Asked Questions

(a) Do the women of a household calculate their jewelry separately or do they combine their gold together and pay all at once?

The owner of the gold is the one who calculates their own nisāb and pays what's due on that alone. A mother does not have to include her daughter's gold into her calculation (so long as the gold solely belongs to the daughters), and each daughter calculates and pays zakah separately.

(b) What is the ruling of a women who did not know of the obligation to pay zakah on her jewelry while she had the necessary amount for many years?

Shaykh Sulayman al-Ruhayli, may Allah preserve him, explains in his explanation of Daleel al-Tālib, answering this very question: "In this issue, where there is a difference of opinion, and the opinion of the majority which is widely known amongst the people is that zakah is not obligatory on jewelry. Then, what is in the past is in the past and she should give zakah on the year she is in now. As for the previous years, she does not have to give zakah on that, since most people hear the fatwa of it not being obligatory.

(c) Do other precious stones (such as diamonds, pearls, and gemstones) fall under this ruling?

Shaykh Ibn Uthaymeen, may Allah have mercy on him, explains pearls and similar gems in jewelry are not subject to zakah because they are not made of gold or silver. Jewelry made of materials other than gold or silver are not subject to zakah unless it is intended for trade.

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