



مجمع فقهاء الشريعة بأمريكا

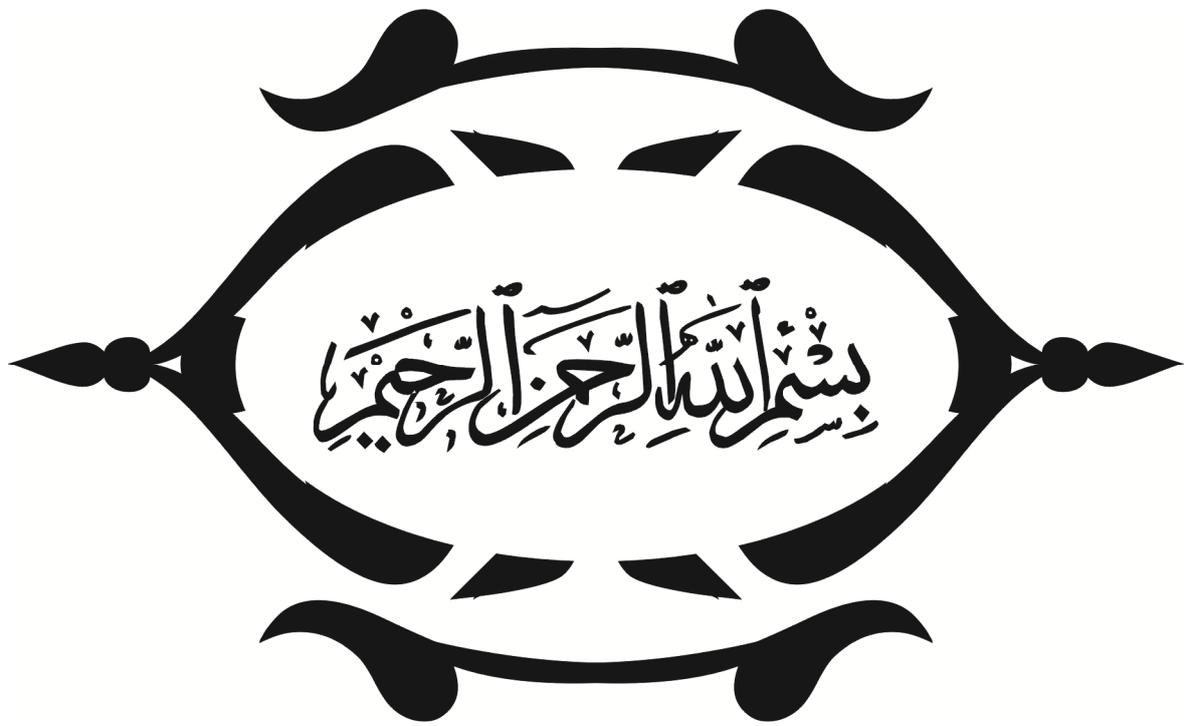
# Issues Related to the Financial Matters and Mosques

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## بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

### Sadaqat al-Fitr: Can this be paid in cash?

There is no doubt that Sadaqat al-Fitr was originally initiated to be paid in food according to the following narrations:

1. Ibn Abbas reported that the Messenger of Allah (may peace and blessings of Allah be upon him) ordained Sadaqa al-Fitr upon each person, whether free or slave, young or old, male or female: one sa' of dates or barley or half sa' of wheat" (1)
2. Ibn Umar reported that the Messenger of Allah (may peace and blessings of Allah be upon him) has ordained a Sa' of dates or Sa' of barley" upon each (person), slave or free, male or female, young or old from among the Muslims, and that it should be paid before the people leave for the prayer ground."(2)
3. Abu Sa'id Al-Khudri reported that we used to give Zakat al-Fitr during the time of the Messenger of Allah (may peace and blessings of Allah be upon him) on behalf of each young and old, free or slave, out of three kinds: one sa' of dates, one sa' of cheese or one sa' of barley. We kept on giving it in this way until the times of Mua'wiya who considered two Mudd (i.e. half of a sa') was equal to one sa' of dates. But as far as I am concerned, I will keep on giving it the same way as I used to as long as I live"(3).

With a slight difference about wheat, whether it should be a full sa' or a half of it, there are twelve companions, including the three afore mentioned, who either reported a similar text or explained their own practice of giving Sadaqa. There are

(1) Ahmad 1:351, Al-Nasa'i, 1802-2294, Al Daraqutni 2:152, Abu Dawud, 1619, Al-Baihaqi – 4:168.

(2) Muslim 2:677, Ahmad 2:55-66, 102, 137, Al-Bukhari, 1512, Abu Dawood, 1609, Al-Nasa'i: 2284.

(3) Reported by all six compilers of Hadith.

around seventeen Successors (Tabi'en), including Sa'id al-Musayyab, Mujahid, Al-Sha'bi, Al-Basri, who held the same view.

As for giving it in cash, the following narrations attributed to three successors, are given by Ibn Shaibi in his 'Al-Musawwaf:

1. Auf reported that I heard the letter of (Caliph) Umar ibn Abdul Aziz which was sent to (Amir) 'Adi in Basra: "From all the registered people (i.e. those who guard the frontiers), from each one of them, half a dirham should be deducted from their wages"<sup>(1)</sup>.

The saying of Qurrah made it clear that it was about Sadaqa al-Fitr. It says:

"To us came the letter of Umar b. Abdul Aziz about Sadaqa al-Fitr: Half a Sa' from each person or its (equivalent) price: half a Dirham."<sup>(2)</sup>

2. Al-Hasan said: There is nothing wrong in giving dirhams for Sadaqa al-Fitr"<sup>(3)</sup>.

3. Ibn Ishaq said: I found them (i.e. our people) giving dirhams in the Sadaqa of Ramadan equivalent to the price of food."<sup>(4)</sup>

There is also a report about 'Ata that he disliked giving silver in Sadaqa al-Fitr.<sup>(5)</sup>

This issue has been dealt with by Sheikh Ahmad b. Muhammad b. al-Siddiq al-Ghumari Al-Hasani in his book entitled: '**Tahqiq al-Amal fi Ikhrāj Zakat al-Fitr bil Mal'**: edited by Nizam b. Muhammad Salih Ya'qubi of Bahrain. To support this view he has mentioned thirty two proofs, based on sayings of Successors as the maxims of Shari'a.

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(1) Ibn Abi Shaiba, No. 10469.

(2) Ibid, 10470.

(3) Ibid, 10471.

(4) Ibid, 10472.

(5) Ibid, 10473.

A summary of the most important ones is given below:

1. As for sadaqa, the basis is the wealth (Al-Mal) itself. Allah Al-Mighty said: Take from their wealth a Sadaqa”.

Al-Mal, in its origin, is used for gold and silver. It has been applied to the camels mostly because that was the main wealth owned by the Arabs. The Prophet's explanation as how this Sadaqa is to be discharged came as a token of ease for the people. He allowed Sadaqa in the form of cattle for the owners of cattle, in the form of grain or crop from the farmers and in the form of gold and silver for those who owned them. But the objective remained the same: providing relief to the poor and the needy.

2. A number of narrations from the Prophet (SAW) suggest that it has been a common practice among the Companions to substitute one item of Sadaqa with the other, in order to make it easy for a person at the time of giving Zakat and Jizya. This type of exchange covered a number of items: cloth, animals, grain and items of trade, some in place of others or replaced with an equal amount of money. Here follows some of these mentioned:

(I) Ta'wus reported: The Prophet (SAW) sent Mu'ad to Yemen and commanded him to charge Sadaqa out of wheat and barley. He took trade items ('Uroodh) and clothes in place of the wheat and barley.”<sup>(1)</sup> He added by saying: This is easier upon you and is also better for the migrants in Madinah.”<sup>(2)</sup>

(ii) 'Umar (RA) used to accept other objects in Sadaqa like silver and the like.”<sup>(3)</sup>

(iii) Both 'Umar and Ali (RA) allowed accepingt objects and animals for Jizya, though it was normally Dirham, Dinar or food.”<sup>(4)</sup>

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(1) Ibid

(2) Ibid

(3) Ibid

(4) Abu 'Ubaid: al-Amwal, p.510 (No. 958, 959)

(iv) Al-Baihaqi, under the chapter “Those who allowed accepting wealth in Zakat” mentioned the Hadith of Mu'ad as mentioned earlier. He used to send all the collected items of Zakat to the Prophet (SAW) in Madinah. The fact that the Prophet (saws) accepted Muad’s collection is seen as approval of Muad’s act, even though the Prophet (saws) himself asked “to take grain from the people of grain, and sheep, cow and camels from those who own them respectively.”<sup>(1)</sup>

(v) To accept an item of substitute in Zakat, Bukhari has mentioned the following Hadith on the authority of Anas (RA):

Abu Bakr wrote to him the (guidelines) on how to collect Sadaqa. (Among it is mentioned) that the one who owns camels is liable to give a Bint Makhadh (a calf, one year old), but if he does not own one, he may give a Bint Labun (a calf of two years). It will be accepted from him but the collector of Zakat must give him twenty Dirhams or two sheep back as he has overpaid.”<sup>(2)</sup>

This Hadith clearly proves that money can be substituted in place of the part of an animal as a price for that part. And if it is acceptable in Zakat, it should be acceptable in Zakat al-Fitr as well.

3. To accept monetary value, instead of commodities, is proven from the previous discussion. Secondly, Zakat is to be taken from the wealth itself, whether it is gold, silver, cattle or calves, while Zakat al-Fitr is required of each person, whether young or old, free or slave, male or female. Even poor people are asked to pay it in accordance with this saying of the Prophet (SAW):

“Tha'laba b. Abdullah reports from his father that the Prophet (SAW) said: One sa' of wheat on behalf of two persons, whether young or old, free or slave, male or

(1) Al-Baihaqi: al-Sunan al-Kubra, 4:112.

(2) Al-Bukhari: No. 1448, 1453.

female. As for your wealthy people, Allah will purify them (with it), and as for your poor ones, Allah will return to them more than what they paid.”<sup>(1)</sup>

It shows that Zakat al-Fitr, unlike Zakat, is obligatory on each and every person with a certain purpose which is explained by the Prophet (SAW) as follows:

Ibn Abbas reported that the Messenger of Allah (SAW) obligated Zakat al-Fitr as a means of purification for a fasting person to purify him from any vain talk and obscene acts and as a food for the poor. Whoever gives it before the prayer, it is considered as an acceptable Zakat and whoever gives it after the prayer, it is considered as a general Sadaqa.”<sup>(2)</sup>

Because it is required of each person, even from the poor because they are in need of purification too, it has been made easy by the Shari'a by asking each person to give that which is easily available to them. During the times of the Prophet (SAW), money was a scarcity. People, either farmers or cattle holders, would find it easy to pay it with the commodities available to them rather than the money itself. The people were even allowed to give it from whatever food they had, even if this food was not the norm in that town. This is in line with the principle of Shari'a which asserts the benefit of the people and aims at relieving them from hardship. There is no doubt that people in present times find it easier to give cash rather than food. It is also easier for both the giver and the taker.

4. Looking at the Ahadith and other sources (Athar) on this issue, it seems that there has been a distinction held by the Prophet (SAW), between the quantity of different types of food. A number of Ahadith and sources suggest that half a Sa'

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(1) Abdul Razzaq: Al-Musannaf, No. 5705, Al-Daraqutni: Al-Sunan 2:145.

In the Isnad, the reporter Muhammad b. Sharahbil is declared weak by Al-Daraqutni but he is declared as trustworthy by Ibn Hibban as reported by Ibn Hajar (Lisan al-Mizan 5:199).

(2) Abu Dawud: Al-Sunan, No. 1609, Ibn Majah: Al-Sunan, No. 1827

(contrary to what is claimed by Al-Baihaqi and Ibn al-Mundir) of wheat was acceptable in Zakat al-Fitr against one Sa' of other kinds of food like dates and barley. This may be because wheat was scarce in Arabia and was more expensive than the others. So the price of the commodities had been considered by the Prophet (SAW) in this issue. To say that the amount of half a Sa' is two Mudd has not been proved against the vast material of Ahadith and Athar.

There are at least:

- 12 Ahadith including those of Ibn Abbas, Aisha, Abu Huraira, Jabir b. Abdullah, Ali, and Abu Sa'id Al-Khudri.
- 5 Mursal Ahadith including those of Sa'id b Al-Musayyab, Salim b. Abdullah and Al-Qasim b. Muhammad.
- 10 Manquf Ahadith including all four caliphs.
- 10 Athar including those of Mujahid, Ata, and Umar b. Abdul Aziz.

Some of these Ahadith have been mentioned earlier. Let us record here two more:

Ibn Umar reported that the Messenger of Allah commanded Amr bin Hazan to pay, in Zakat al-Fitr, half a Sa' of wheat or one Sa' of dates.

Aisha is reported to have said: Given that Allah has blessed the people with wealth, I prefer it if they would give a full Sa' of wheat on behalf of each person.<sup>(1)</sup>

But her saying is preceded by these words:

“The people used to give half of a Sa' in Zakat of Ramadan” as recorded by Muhammad b. Al-Hasan Al-Shaibani.<sup>(2)</sup>

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(1) Ibn Abi Shaiba, No. 10458.

(2) Muhammad b. Al-Hasan Al-Shaibani: Kitab al-Hujja ala Ahl al-Madinah, 1:536-537.

Thus a number of the people of knowledge, like Sufyan al-Thauri, Abu Hanifa, and Ibn al-Mubarak had adopted this opinion.

5. By exchanging one item with another in Sadaqa al-Fitr on the basis of their Ijtihad shows that the Companions must have understood from the Prophet (SAW) that the price of these commodities along with the interest of the beneficiaries was paramount in this issue. Let us take a few examples to prove this point:

(i) Abdullah b. Umar reported that the people used to give, in Sadaqa al-Fitr, one Sa' of barley or one Sa' of dates, or thin-husked barley or raisin until the time of Umar (RA) when wheat was available in abundance. Umar (RA) declared that half a Sa' of wheat sufficed in place of these things".<sup>(1)</sup>

(ii) Al-Hasan reported that Ibn Abbas addressed us from the pulpit of Basrah at the end of Ramadan and said: "The Messenger of Allah (SAW) made this Sadaqa obligatory: one Sa' of dates or barley or half of a Sa' of wheat upon each person, whether free or slave, male or female, young or old. When Ali (RA) came and saw the prices were cheap, he said, " Allah has expanded (your livelihood) upon you. So why don't you give one Sa' of every commodity."

(iii) Abu Said al-Khudri said<sup>(2)</sup>: During the times of the Prophet (SAW) we used to give Zakat al-Fitr, on behalf of each person whether young or old, free or slave: one Sa' of barley or one Sa' of dates or one Sa' of raisins. We kept on giving it until Mu'awiya came either on Hajj or Umra. He spoke on the pulpit. Among what he said was:

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(1) Abu Dawud: No. 1614, Al-Daraqutni: 2:145.

(2) Abu Dawud, 2:145, Al-Tahawi: Mushkil al-Athar, 4:347.

“I see that two Mudd (i.e. half a Sa') of Syrian wheat is equal to one Sa' of dates.”

So the people took this opinion.

Abu Sa'id said: As far as I am concerned, I will keep on giving it (as before) as long as I live.”<sup>(1)</sup>

So there were among the Companions who wanted to stick to the Sunnah literally and there were those who took the liberty of exchanging an item with the other and of changing the quantity as well according to the price in the market.

Ahmad Shakir, in his comments on Al-Muhalla by Ibn Hazm who sticks literally to just two items, dates and barley, says:

“This Zakat is obligated to let the poor people avoid begging door to door on Eid day while the rich people enjoy their wealth within their houses. Let everyone think sincerely; is he going to relieve the poor from going around begging if he gives one of them a Sa' of dates or barley in a city like Cairo in these days? What will a poor person do with it except go around looking here and there to find someone who will buy it, even at a cheap price, in order to buy for himself and his children the food they can eat.”<sup>(2)</sup>

6. According to Al-Hakim, al-Daraqutni and Ibn Sa'ad, the Prophet (SAW) said: Make them rich enough to stop them wandering (From place to place on this day)<sup>(3)</sup>.

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(1) Al-Bukhari: No. 1506, Muslim 2:679, Abu Dawud, No. 1614, Al Nasai, No. 2293, Al-Tirmidhi, No. 673, Ibn Majah, No. 1829

(2) Ibn Hazm: Al-Muhalla, 6:120-127

(3) Ibn Sa'ad: Al-Tabaqat, 1:248, Al-Hakim: Ma'rifatu 'Uloom al-hadith, p.131, Al-Daraqutni: Al-Sunan, 2:152, 153.

It means that the main objective behind this mysterious act was to enrich the poor on Eid day so that they did not need to walk around looking for food. Is this objective not achieved by money which enables a person to buy what he wants in the easiest way? During the times of the Prophet (SAW), not much food in the form of flour, bread or cooked items, was available in the market. Even grain could only be found at specific times when it was carried and brought by caravans. In such situations, if the people were allowed to give Sadaqa al-Fitr in cash, the poor may have had difficulty in finding foodstuffs to buy because there was a scarcity of food or because the market was closed for Eid. To save them from wandering around looking for shops, a gift in the form of grain was the best option. In present times, the situation has changed drastically. Now all types of food are easily available in the markets and so it is a lot easier for a poor person to buy his desired food with money without much difficulty. In fact, if he is given grain only, he may have difficulty in benefiting from it.

#### 7. The Prophet (SAW) declared Zakat ul-Fitr as a food for the poor:

Ibn Abbas reported that the Messenger of Allah (SAW) obligated Zakat ul-Fitr as a purification for the fasting person from vain talk and obscene acts and as a food for the poor. Whoever pays it before the prayer, it is considered as an acceptable Zakat, and whoever pays it after the prayer, it is considered as a general Sadaqa.<sup>(1)</sup>

So the Prophet (SAW) obligated it as a food for the poor. Nowadays, grain is not considered as food, especially for the poor. Is it not true that some people would like to have flour so they can cook the kind of bread they like, while others would prefer to buy ready-made bread from the shops? In either case, Zakat ul-Fitr given as cash would benefit all parties.

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(1) Abu Dawud: Al-Sunan, No. 1609, Al-Daraqutni: Al-Sunan 2:138, Al-Hakim: Al-Mustadrak 1:409

8. During the time of the Prophet (SAW), most of the people used to store the grain at home as it was a scarce commodity not available in the market at all times. Those who used to give Sadaqa in general used to give out of the grain they had at home. Whenever the Prophet (SAW) made an appeal in the mosques to entertain some guests or some poor visitors, the Companions used to bring whatever food they could afford. Sometimes they even gave clothes in Sadaqa. The women used to give out of their jewellery. Very seldom would they give money.

During the time of the Prophet (SAW) the poor people were happiest when they were given food, and this is why Allah Al-Mighty admired those who feed them.

He, the most Glorified said:

﴿وَيُطْعَمُونَ الطَّعَامَ عَلَىٰ حُبِّهِ﴾

“They feed in spite of their love for food.” (Ad-Dahar/Insan: 8)

The Almighty describes the evil of the non-believers to include:

﴿إِنَّهُ كَانَ لَا يُؤْمِنُ بِاللَّهِ الْعَظِيمِ﴾

“He did not believe in Allah the Great and he did not even encourage the feeding of the poor.” (Al-Haqqah: 33-34)

﴿فَذَلِكَ الَّذِي يَدْعُ الْيَتِيمَ ﴿٢﴾ وَلَا يُحِضُّ عَلَىٰ طَعَامِ الْمَسْكِينِ﴾

“He is the one who drives away the orphan and does not encourage the feeding of the poor.” (Al-Ma'un:2-3)

﴿كَلَّا بَلْ لَا تُكْرِمُونَ الْيَتِيمَ ﴿١٧﴾ وَلَا تَحْضُونَ عَلَىٰ طَعَامِ الْمَسْكِينِ﴾

“Nay, you do not respect the orphans nor did you encourage the feeding of the poor.”  
(Al-Fajr: 17-18)

The emphasis is laid on food in particular because of the dire need for it during the times of revelation, but the same rule applies to those who do not spend money for the poor and the needy. As the ruling applies to all times, everyone of this nature is covered by these verses: those who do not give food (as was the case during the times of the Prophet (SAW)) or those who do not give money to help the poor buy what they need (as is the case in our times).

Similarly, the Prophet (SAW) said when he was asked, “Which action gives the most reward”: “To make a believer happy by satisfying his hunger or by covering his shame with clothes, or by fulfilling his needs.”<sup>(1)</sup>

So the Prophet (SAW) linked his happiness with food and dress and not with money, unlike the situation in our times when people are happier if they are given money instead of food or clothes.

9. According to a report transmitted by Al-Tabarani, and as reported by Abu Sa'id al-Khudri, the Prophet (SAW) accepted from the bedouins cheese only. This is why the Shafi'i scholars say that people of the towns are not allowed to give cheese because it is not their food. This proves that the Prophet (SAW) gave consideration to each people regarding the type of food to which they were familiar. So in our times we are more familiar with money to buy whatever food we like. Furthermore, we notice that the Companions used to give a variety of things in Sadaqat al-Fitr, like raisin and flour, even though the Prophet (SAW)

(1) Transmitted by Al-tabarni in his “Al-Ausat” as mentioned by Al-Mundiri: Al-Tarhib wal Tarhib, No. 3046.

himself only mentioned dates, barley and wheat. By accepting other forms of food, he approved all such things which could make the poor satisfied on Eid day. And as long as this is the reason behind the obligation of Sadaqat al-Fitr, money should be more acceptable in our times for the same reason.

10. According to the maxim held by Maliki scholars, consideration to the objectives should be given preference over consideration to the means. The objective is to benefit the poor while the food is a means to achieve this objective. And as long as the means have changed, like money instead of food, there is nothing wrong in shifting from one type of means to the other. It should also be noted that if a certain type of means has lost its advantage in face of a new type of means, it is no longer considered to be a valid means to achieve the objective behind it.
11. The obligation to give Sadaqat al-Fitr seems to be meant entirely to bring relief to the poor. According to some scholars, the Prophet (SAW) extended this obligation to include not just children, but even the one who is still in the womb. He wanted to broaden the sphere of the collection in a way that it could reach more and more people. Sadaqat al-Fitr is declared by him as a means of purification for the fasting person from vain talk and obscene acts. How does this apply to children who are not obliged to fast at all? For the Prophet (saw) to ask for Sadaqat al-Fitr to be paid on behalf of children who do not fast suggests this rule is designed for the benefit of the poor.

It would seem that the obligation of taking Zakat from the wealth acquired in the name of a minor who is still not obliged to pray and fast follows the same objective, which is to bring relief to the poor on a day of celebration.

12. According to Maliki jurists, every ruling in Sharia, which is subject to a cause, is good for analogy. The same applies to this ruling which has a cause behind it, so

it is perfectly good for expansion on the basis of analogy as long as there is no evidence to prevent it.

13. Among the established maxims of Sharia is the following:

“Hardship brings ease”. This is in accordance with these sayings of Allah Al-Mighty:

﴿يُرِيدُ اللَّهُ بِكُمُ الْيُسْرَ وَلَا يُرِيدُ بِكُمُ الْعُسْرَ﴾

“Allah likes ease for you and He does not like difficulty for you.” (Al-Baqara: 185)

﴿يُرِيدُ اللَّهُ أَنْ يُخَفِّفَ عَنْكُمْ﴾

“Allah likes to lighten for you (your difficulties).” (Al-Nisa: 28).

And in accordance with the saying of the Prophet (SAW) as reported by Anas (RA):  
“Make it easy, do not make it difficult; give good tidings and do not let them despair (of God’s mercy).”<sup>(1)</sup>

There are many examples of accommodation and easing of the law which are allowed in the matters of purification, prayer, fasting, and consuming food for people facing hardship. By the same analogy, there has to be accommodation for people who in our times do not have easy access to grain to give as Zakat al-Fitr, and to the poor who would not benefit if they were indeed given grain when they would prefer vegetables.

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(1) Narrated by both Bukhari and Muslim: No. 1733.

14. Among the most important maxims of Sharia is:

“To acquire what is beneficial and to expel what is harmful.”

For example, to tell a lie is among the major sins but it is permitted if it will achieve a greater benefit in exceptional situations, such as bringing two disputing parties to reconciliation. The Prophet (SAW) said: “He is not a liar: he who brings two persons to reconciliation by saying what is good or indicates what is good (in order to reconcile them).”<sup>(1)</sup>

There are many examples of this nature. The rulings of Sharia go with the consideration of benefits attached to them. No doubt that in this issue in particular, the benefit lies with paying money to the poor by which they can buy whatever food they like.

In the end, let us have a summary of this issue. Those who permitted giving money in Zakat al-Fitr include Ata, Umar b. Abdul Aziz and Al-Hasan al-Basri from among the successors; and Al-Thawri, Imam Abu Hanifa and Al-Ramli (from among the Shafi scholars).

Ibn Taymiyya adopted a middle course by saying:

“To give the price (i.e. money) without a need or a preferable advantage is not allowed.”

This means that it is allowed where there is a need or advantage.

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(1) Al-Albani: Sahih al-jami 'Al-Saghir, No. 5255.

As for the three Imams, Malik, Al-Shafi and Ahmad, they do not allow giving money either in Zakat al-Fitr or in Zakat in general because the Prophet (SAW) mentioned specific things to be given in Zakat.

Those who permit this practice take evidence from the following verse which mentions wealth in general:

﴿خُذْ مِنْ أَمْوَالِهِمْ صَدَقَةً﴾

“Take from their wealth a Sadaqa.”(Al-Tauba: 103).

Wealth includes money as well. So it is among those things which have been specifically mentioned by Allah Al-Mighty Himself.

In conclusion we have to say that whether someone gives particular items in Zakat al-Fitr (which is often considered preferable) or gives the equivalent amount of money, he is in the right.

And Allah knows best.

## Concerning auctions in the Mosque

In general, engaging in any type of sale is not allowed in the mosque. But to convene a bazaar or an auction in it for the benefit of the mosque itself is a different matter. It is reported on the authority Anas b. Malik (RA) that a man from Ansar came to the Prophet (SAW) asking him (for some help). He asked him: Have not you got anything at home? He said: Of course, yes, some garments, part of which we wear and part of which we spread (on the floor) and a bowl of water by which we drink. He said: Bring me both of them. So he brought them. The Prophet (SAW) took them in his hand and said: Who is going to buy them? A man said: I will take them for one Dirham. He said: Who could increase to more than one Dirham? He repeated it two or three times. So another man said: I will take them for two Dirhams. The Prophet (SAW) gave them to him and took two Dirhams and handed over the money to the Ansari saying: Buy food for one Dirham and give it to your family and buy with the other an axe and bring it to me. The Prophet (SAW) attached it to a piece of wood with his own hand and then said to him: Go away, cut some wood (for fuel), sell them and I must not see you except after fifteen days. The man went away cutting the wood and selling it. Then he came to the Prophet (SAW) while he has acquired fifteen Dirhams by which he bought for himself some clothes and some food. The Prophet (SAW) said to him: This is better for you than be coming on the Day of Resurrection with a mark on your face because of begging. Asking people is not allowed except for three types of people: for a very poor person, for a person under heavy penalty, or for a person under an obligation to pay a blood-wit.”<sup>(1)</sup>

The context shows that this event must have happened in the mosque because the Prophet (SAW) addressed him in the presence of other people and there is no such place where the Prophet (SAW) could see a number of people except the mosque itself.

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(1) Abu Dawud, No. 1641.

In our present times, especially in the West, mosques take the forms of Islamic centres which provide a number of facilities including multi-purpose community halls used for prayers on Fridays because of increased numbers of worshippers, weddings, exhibitions, lectures, social gatherings, indoor games and holding bazaars. Therefore, such types of sales could easily be held in such community halls rather than in the main praying hall.

### **Concerning payment to a fundraiser**

This is an issue which deals with the validity of such a practice where the stipend of a worker is to be determined from the very same amount which has been created by his own effort.

There are those who do not allow it such as Ibrahim Al-Nakh'i, Al-Hasan, Ibn Sirin, Ata, al-Zuhri, Qatada, Ma'mar, Ayyub al-Sakhtiani, Sa'id b. Al-Mussayib from among the successors and Malik (according to one report), Abu Hanifa, Shafi and Ahmad from among the Imams.

Among those who allow it are Ibn Abi Laila, Auza'i, Laith, Muzani (from Shaf'i school of fiqh) and some Maliki jurists.

The evidence on which the first opinion is based is the report of Abu Sa'id Al-Khudri that the Prophet (SAW) forbade hiring of a stallion and the miller's handful of payment"<sup>(1)</sup>. The second part is added by the reporter known as 'Ubaidullah.

We are concerned here with the second part of this Hadith i.e. Qafiz Al-tahhan (handful of flour from the grains) which is given to the Miller as his wages for grinding the grains.

The wages in this particular case, did not exist at the time of the contract with the Miller. The flour is the product of his own effort from which he is given the price. In

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(1) Al-Baihaq, the chapter of sales, 5:10854. Al-Daraqutni, 2:1020 – Abu Ya'la, 1: no.1020. Al-Tahawi: Mushkil al-Athar 4:306.

other words, a non-existent thing, at the time of the contract, was declared as the price.

Similar to it is the case of a butcher who is not allowed to take the wages of his services in the form of a piece of meat from the same animal's flesh which he was asked to slaughter.

Those who allow this practice advance the following arguments:

1. The Hadith itself is not sound. It has many flaws in it. First, three reporters, in the isnad of both al-Baiqahi and al-Daraqutni, known as Ishaq Al-Zayyat, Ubaidullah b. Musa and Hisham Abu Kulaib and especially the last one are not reliable and trustworthy. Secondly, this saying is attributed to Abu sa'id al Khudri rather than the Prophet (SAW) as far as the Isnad of both Al-Baihaqi and Al-Daraqutni. Al-Tahawi did not report it as Marfu Hadith but with reporters who attract disparaging remarks. Thus it seems to be a Ma'lul hadith. Thirdly, even if this Hadith is taken for granted, it may mean that such a dealing is not allowed when the quantity of the flour, given as wages, has not been fixed in the beginning.<sup>(1)</sup>
2. There are similar practices like Muzar'a (crop contract), Musaqat (watering trees contract) and Mudawaba (profit-sharing contract in which the employee or the labourer receive the payment of his services from the very same product which he helped to grow and sustain.
3. On the basis of Urf (custom), a number of professions are allowed like that of tailors, shoe-makers etc, who are given the material for sewing the clothes or making a shoe, provided that they can keep a certain amount of the material as their wages.

Similar is the case of those fund collectors for charities, Islamic seminaries who receive their wages as a "commission" from the very same amount which

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(1) Al-Zuhaili; Al-Fiqh al-Islami wa adillatuhu, 4:51.

they collect from the people.<sup>(1)</sup> This is how the arguments from both sides have been advanced.

In my view, to allow a fundraiser's wages from the very same amount which he happens to raise because of his skill and eloquence as an analogy to the dealings known as Muzar'a, Musaqat and Mudaraba seems to be incorrect. In all these aforementioned dealings the capital, to which the services of the employee, are directed, has been existing. Unlike the case of a fundraiser where there was no such capital available. In fact, the fund raiser himself, with his skills and eloquence, was able to produce the capital.

The only way it could be allowed is that of Ijara (hiring). In this case, the services of a fundraiser are hired for a specific amount of money according to the time he is supposed to devote to this task. It should not be linked to the amount which is going to be raised. It is just like the services of a teacher who is paid according to the time he devotes to the class whether it is big in its size or small. Some contemporary scholars tend to allow the payment to the fundraiser as a 'commission' with a certain percentage in accordance with the amount he raises to appreciate and encourage them but in my opinion it opens an avenue of greed and corruption which has become a source of malpractice and mistrust in the global trade and state-controlled contracts.

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(1) Ibid, 2:372.

## Sending Zakat al-Fitr to a foreign land

There have been two opinions among the salaf on this issue. First, those who disliked sending zakat in general to a place other than the one where it has been collected like Al-Hasan Al-Basri, Al-Dahhak, Sa'id b. Al-Jubair and Al-Qasim b. Muhammad.<sup>(1)</sup>

The Caliph Umar b. Abdul Aziz held the same opinion as he ordered to return the Zakat to Iraq from where it came while he was in Syria<sup>(2)</sup>. The basis for this opinion is the saying of the Prophet (SAW) to Mu'az b. Jabal when he sent him to Yemen to collect Zakat: "It is to be taken from the rich therein and to be returned to the poor therein."<sup>(3)</sup>

It is also reported on the authority of Ibrahim b. Ata, the free slave of Imran b. Hussain that Ziyad and some other governors sent Imran b. Hussain to collect Zakat. When he returned, Ziyad asked him: "Where is the money?" He replied: We have placed it where we used to place it during the times of the Prophet (SAW)<sup>(4)</sup>.

Secondly: It is allowed to send it from one place to another according to Abu al-Aliya and maimun who used to send their Zakat to Medinah to be

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(1) See Ibn Abi Shaiba: 6:10407, 10410, 10411, 10412.

(2) Ibid, no. 10409.

(3) Reported by all six traditionists.

(4) Abu Dawud, No. 1625.

benefitted by the progeny of Muhajirun and Ansar <sup>(1)</sup>. Ata said: They are all Muslims. So give wherever you like. <sup>(2)</sup>

Similar to this opinion is to transfer Zakat to another town if the needs of the place of collection has already been met. It is reported that when Mu'az took Zakat from Yemen to Medinah, Umar was not happy and said to him: I did not send you as a tax collector." He replied: I did not find anyone who deserved to receive it."

Imam Ibn Taimmiya preferred this opinion. He allows transferring Zakat from one town to another either because of a greater benefit or because of a needy relative who lives there. It is noted that the people in the west, like USA and UK, even if they are poor, they get enough funds from the local authorities like social security departments to sustain them and their families. So there seems to be no wrong if a greater part of Zakat monies, after meeting the needs of the local deserving people, could be sent abroad in Middle Eastern, South Eastern or African countries where there is a real need to provide relief to the poor and the needy.

This opinion is also supported by Sheikh Abdul Razzaq Al-Afifi.

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(1) Ibn Abi Shaiba, 10413, 10415.

(2) Ibid, 10414.

## Borrowing from the general Fund

The question is raised about the validity of borrowing from the general funds, prior to the Eid day, in order to reach the poor and needy with enough money to allow them to enjoy the Eid day. The amount borrowed is to be repaid from the Zakat al-Fitr which is normally collected on Eid day.

This can be solved on two levels:

1. To ask the people to advance the payment of Zakat al-Fitr by a few days before Eid day. It is reported that Al-Hasan Al-Basri did not see any objection for a person to advance the payment of Sadaqat al-Fitr by one or two days before Eid.<sup>1</sup> A similar report is that of Ibn Umar. He used to give Sadaqat al-Fitr a day or two before Eid to those who were there to receive it.<sup>2</sup>

The famous Hadith of Abu Hussain shows that the food collected for Sadaqat al-Fitr was used to be stored prior to the Eid day. In short, it speaks about Abu Huraira (RA) who was appointed by the Prophet (SAW) as a keeper of Zakat. He witnessed one night a person who tried to steal the grain. Abu Huraira caught him on the spot but released him when he pleaded earnestly to let him go. But he was there on the following night. Again Abu Huraira let him go out of mercy. He was spotted on the third night as well when he refused to release him and told him that the matter was going to be reported to the Prophet (SAW). At this point, the person begged him to be freed if he told him to say certain words (i.e. Ayat al-Kursi) to avoid a visitation from Satan (Shaytan). Later, Abu Huraira revealed the whole story to the Prophet (SAW) who, after listening to the story said: Abu Huraira! Do you know who was this

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(1) Ibn Abi Shaiba, 7:10896

(2) Ibid, 7:10897

person? He was Satan himself but he, though being a liar, he had told you the truth.”<sup>(1)</sup>

This narrative suggests that Sadaqat al-Fitr has been collected at least three days before Eid.

2. Money could be borrowed from the general funds with the intention of reaching the poor and needy on Eid day with enough relief to facilitate them to enjoy the happiness of Eid. And as soon as the amount of Sadaqat al-Fitr is collected on Eid day, the borrowed money is refunded.
3. It is reported on the authority of Abu Rafi that the Messenger of Allah (SAW) borrowed from a man a young camel. When later he received camels from those of Sadaqat, he asked me to return (to the man), a similar one.”<sup>(2)</sup>

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(1) Bukhari, 4:149

(2) Abu Dawud, No. 3346.

### **Use of Zakat to build or maintain a Mosque**

The whole discussion is revolved around the interpretation of the Qur'anic term "fi sabil Allah" (in the way of Allah) in verse 60 of Surah al-Tauba which gives specifically eight categories of the recipients of Zakat.

Does it include all Islamic activities including erecting mosques and maintaining them or not? Let us try to go through the various interpretations of this verse chronologically.

1. It means jihad and all what is associated with it like the equipment, ornaments and maintenance in view of the predominantly understood interpretation of the term in the Qur'an as fighting for the sake of Islam.
2. According to Ibn Umar, Ibn Abbas and Al-Hasan, it includes such a pilgrim who has set on his journey of Hajj but needed some assistance to carry on with it in view of the Hadith of Umm Ma'qal. <sup>(1)</sup>
3. In the sixth century Hijrah, Imam Razi in his Tafsir, quotes Muhammad b. Ismail al-Qaffal (d. 365 A.H, a shafi jurist) who was of the view to expand the understanding of this term to cover a number of works for the welfare of the public like shrouding the dead, building the forts and the mosques. <sup>(2)</sup>

This view was strongly supported by Rashid Raza, Muhammad Shaltut and many contemporary scholars. As further evidence, they quote the case of a

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(1) Sunan Abu Dawud, No. 1990.

(2) Al-Razi: Al-Tafsir al-Kabir 16:113

murdered person in Khaibar whose blood money was paid by the Prophet (SAW) from the camels of Sadaqa (i.e. Zakat).<sup>(1)</sup>

4. A much wider interpretation of "Jihad" is adopted by al-Sanani, Nawab Siddiq Hasan Khan and many contemporary scholars like Amin Ahsan Islahi, Sulaiman al-Nadawi and Muhammad Yusuf al-Qaradawi who are of the view that the term "Jihad" includes both types: Jihad with sword and Jihad of Da'wa. All such activities which help in promoting Islam, defending the tenants of Islam in the face of allegations and criticism, like the role of scholars as Mufti, Qazi, teachers and the Islamic Centres and religious seminaries and that of print and electronic media are different ways of Jihad.

A number of contemporary discussions on the issue reflect the arguments in favour of expanding the interpretation of the term "fi sabil Allah" to cover the third and fourth opinions against those who strongly stand for the first two opinions which were known to Salaf and any deviation from this is a distortion of the meaning of "fi sabil Allah".

Let us have a glance on the arguments advanced by the two groups:

A. First two opinions:

(I) The verse 60 of Surah al-Tauba begins with the restrictive mode of (Imama) which confines the recipients of Zakat to the eight categories only. If the term "fi sabil Allah" is generalised to cover all good and beneficial works, then there was no need to mention these eight categories specifically.

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(1) Abu Dawud, No. 1638.

The Prophet (SAW) himself is seen hesitant to give Zakat to anyone out of those prescribed in this verse. It is reported on the authority of Ziyad b. Harith al-Sudai that he visited the Prophet (SAW) and made a pledge of allegiance to him. (After his long narrative) he said: A man came to him and said: O Messenger of Allah! Give me out of Sadaqa. The Messenger of Allah said to him: Allah was not pleased, in the matter of Sadaqa, with no ruling of a Prophet or anyone else until He gave his own ruling by allocating it to eight categories. If you think you are one of them, I will give you your right.”<sup>(1)</sup>

(ii) “Fi sabil Allah” is a Qur'anic term which is predominantly applied to Jihad in its particular application to fighting.

Ibn Jarir Al-Tabri says:

“His saying “fi sabil Allah” means to spend helping the Deen of Allah, His way, His Sharia which He ordained for His people to fight His enemies. And that is known as “Ghazar” (I.e combat).<sup>5</sup>

Ibn Hajar says:

“The first meaning comes to the mind about “fi sabil Allah” is none but Jihad.”<sup>(2)</sup>

Similar are the saying of Ibn al-Athir, Ibn al-Jauzi and Ibn Qudama.

(iii) At the most, it can cover the pilgrims according to Imam Ahmad. It is reported that Umm Ma'qal said: It was the time when the Prophet (SAW)

(1) Abu Dawud, Kitab al-Zakat, No. 1630.

(5) Tafsir Ibn Jarir, 10:165

(2) Ibn Hajar: Fath Al-Bari, 7:29.

set on for his farewell Hajj. We used to have a camel which was declared to be "in the way of Allah" by Abu Ma'qal who later died of an illness. I visited the Prophet (SAW) when he returned from the Hajj. He asked me: Umm Ma'qal! What made you not accompany us in Hajj?

She said: We were ready to embark but Abu Ma'qal died. We used to have a camel on which to set on for Hajj but Abu Ma'qal dedicated it to the way of Allah."

The Prophet (SAW) said: Why did you not set on it as Hajj is in the way of Allah."<sup>(1)</sup>

A criticism of this Hadith is advanced by those who do not hold this opinion. They say that this narration comes through Muhammad b. Ishaq who narrated it by the mode of (Ayn). Being a Mudallis, such of this saying is considered as weak.<sup>(2)</sup>

Anyhow, this opinion is held by both Ibn Umar and Ibn Abbas as well. A number of Fatwa to this effect were issued by the Permanent Committee of Scholarly Research and Fatwa, headed by Sheikh Abdul Aziz b. Abdullah b. Baz concerning the erection of mosques and Islamic Centres with Zakat funds.

It says: It is not allowed to spend Zakat monies into erecting mosques or Islamic Centres as Allah has confined it to the eight categories in Surah al-Tauba except if the money is meant to be spent on the poor through these Islamic Centres which are run by reliable and trustworthy people."<sup>(3)</sup>

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(1) Al-Nawawi: Kitab al-Majmu, 6:158.

(2) Fatwa No. 17534 dated 29.11.1415 AH.

(3) Resolution No. 24 dated 21.8.1394 AH.

Another Resolution issued by the Council of the elder scholars says:

The Council has looked into the paper prepared by the Permanent Committee for Scholarly Research and Fatwa concerning the interpretation of “fi sabil Allah” from among the categories of Zakat whether it is confined to the fighters and Mujahideen in the battlefield and those who are stationed at the borders to guard and their needs or it is a general term to cover all good deeds like building the mosques and the bridges, learning and teaching knowledge, sending preachers and guides and similar activities. After looking deeply in both opinions, the majority of the members of the Council adopted the first opinion which is taken by the majority of the scholars of Tafsir, Hadith and Fiqh that the term “fi sabil Allah” is confined to those volunteer fighters who come out to carry out Jihad and all what they need like the fighting equipment and its maintenance. If they do not exist, Zakat is to be directed to other categories. But it is not allowed to spend it in general public works except if no one is left out of the eight categories<sup>10</sup>.

### The Preferred Opinion

The presenter of this paper has endeavoured to establish the meaning of “fi sabil Allah” by going through all such verses in the Qur'an which contains “Sabil Allah” in the text either by the prefix “Fi” (giving a positive concept) or “An” (giving a negative concept).

The term “fi sabil Allah” is preceded by a command of Jihad or Qital (fighting) or spending the wealth or Hijrah (migrating) 45 times whereas the term “an sabil Allah”, meaning “against the way of Allah” is preceded by “Sadd” (preventing) or Idlal (misguiding) 22 times.

The same two meanings occur with similar forms like Sabili (my way) or Sabilika (your way) or Subuluna (our ways) or Sabil Rabbika(the way of your Lord).

Because this discussion involves a lot of Ayat in Arabic with grammatical forms and modes, the author has preferred to present it in Arabic after this section.

The summary of his findings is as follows:

“Sabil Allah” applies to the dogma of Tawhid, the Din of Islam, the call to the Qur'an. The believers are called upon to to exercise all such activities which help promote the Way of Allah, defend it by tongue and pen, by might and main, to spend all what is dear to them for its sake and to leave that land where it becomes difficult for them to follow it.

As for erecting the mosques, it should be done with their pure Halal income with the intention of securing a place in the Paradise. This is how the Prophet (SAW) and his Companions built the Mosque in Madinah and this is how it had been expanded by the successive Caliphs and Kings throughout the ages.

Furthermore, erecting a mosque in the West attracts a lot of money, sometimes in the millions of dollars. To spend this type of money from Zakat funds means depriving thousands of deserving poor, needy and destitute, especially in third world, from a reasonable source of survival. Anyhow,as part of Zakat could be allocated to Da'wa activities undertaken by these mosques and Islamic Centres according to the principle expounded above concerning Jihad of a Da'wa nature.

I come to the end of this discussion by giving this preferred opinion in Arabic as mentioned above.

May Allah Al-Mighty accept this humble effort of mine.

## Delaying the distribution of Zakat al-Fitr

Fatwa by the Fatwa Committee of the Society for the Reawakening of the Islamic Heritage (Kuwait).

Delaying Zakat has two rulings:

- A. It is not permitted to delay the paying of zakat if there is no valid reason. The person would be sinful and responsible because of this delay as Zakat is payable promptly. Allah Al-Mighty said: "And give Zakat."

Among the Shafi'i scholars, Abu Ishaq Al-Shirazi, the author of Al-Muhazzab, said:

"It is not allowed for a person to delay paying his Zakat if it has become due upon him. It is a right he owes towards others. He is being ordered to pay those who deserve it. So any delay on his part is not allowed. It is just like something deposited as a trust with someone. If he is asked to return it to its owner, he is a guarantor and should do so."<sup>1</sup>

Among the Hanbali scholars, Ibn Qudama said:

"Zakat is payable promptly. It is not allowed to delay paying it while the person has the money in his possession and has the ability to do so as long as he does not anticipate any harm. This is the view of Shaf'i as well. Abu Hanifa allowed delaying its payment."

Our view is that an order by way of command is to be carried out promptly. The one who delays it will deserve punishment. It is due promptly because the command for giving it stresses the needs of the poor who need it without

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(1) Al-Majmu' 5:331.

delay. It is also stressed because it is a form of worship which is repeated, like prayers and fasting. So it should not be delayed from its due time.

Al-Athram said: I heard Abu Abdullah (saying about) a person who delays paying Zakat after a year has passed on his wealth. "No, why would he delay?" And then he made very strong comments about it. He was told that the person pays it in short installments. He said: "No, he should pay it all as soon as the year has passed."<sup>2</sup>

B: It is allowed to delay the payment of Zakat if the person has pressing needs, but he must not delay it too long in order to give it to a poor person who is not present at that time and who is more deserving of it than others who are present, or in order to give it to a poor relative in the hope of getting a double reward for helping relatives as well.

Imam Ahmad said: "He should not pay his Zakat in instalments, for example paying his relatives monthly by distributing it across twelve months. Either he should give it to them all at once or spread it among some deserving people. In this way he will not be delaying it from its due time."

Maliki jurists said: "Paying Zakat promptly is an obligation. For the owner to keep it so that he can give it to deserving people every time they come to collect it throughout the year is not allowed."<sup>3</sup>

To summarise, whatever we said about the owners of wealth applies to the Committee of Zakat as well because they work as deputies on behalf of the payers of Zakat. They should abide by the above ruling and should not treat Zakat fund in a way that causes a breach of this obligation by delaying its

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(2) Al-Mughni, 2:685.

(3) Hashiya Al-Dasuqi, 1:500.

distribution. They themselves are responsible. No one has an authority above them.<sup>4</sup>

This view is supported by the following evidence: Allah Al-Mighty commanded regarding the Zakat of the crops:

1. "Give its dues the day of the harvest." (Al-An'aam:141)

﴿وَأْتُوا حَقَّهُ يَوْمَ حَصَادِهِ﴾

2. This should apply to all forms of Zakat.
3. A general teaching about hastening to carry out good deeds:  
"Hasten to good deeds." (Al-Baqara: 148)

﴿وَلِكُلِّ وِجْهَةٍ هُوَ مَوْلِيَةٌ فَاسْتَبِقُوا الْخَيْرَاتِ﴾

4. 'Uqba b. Al-Harith reported that the Messenger of Allah prayed Asr. Then he hastened to enter his house and soon came out. This made me or the people curious, so he replied: I have left some gold of Sadaqa at home and I disliked leaving it for a night. So I distributed it. (Bukhari)  
Ibn Battal commented on this Hadith by saying:  
"It shows that one should hasten to do good because calamities keep on falling; causes keep on preventing; death could come at any time. So delaying is not a praiseworthy act."<sup>5</sup>

(4) Al-Fatawa Al-Khairiya: p.36.

(5) Ibn Hajar: Fath al-Bari, 4:41.

### **Fundraising during Friday Khutba**

Appealing for funds and pleading to the gathering to donate was a common practice of the Prophet (SAW) in the Mosque. But at the same time there are strict instructions by the Prophet himself about maintaining silence during the Friday sermon in order to be more attentive to the sermon itself, to the extent of declaring a person's prayer as invalid if he speaks during the Khutba. In this context, a call for fundraising followed by donations given by the audience and received by those in charge of the Mosque seems to be very unlikely. Even the short span between the two sermons, which barely allows the uttering of words of Tasbih a few times, is not enough for the heavy and lengthy exercise of fundraising. A better way would be for the Imam or the Mosque officials to make an appeal, just after the Friday prayer comes to an end, asking the people to donate for the running of the Mosque or to meet the cost of a certain project.

There are of course a few cases where we find the Prophet (SAW) speaking to individuals to address their queries. He told Sulaik Al-Ghatfani to offer two Rakaat before he sat down during the khutbah. A Bedouin once pleaded to the Prophet (SAW) to supplicate for rain because of the drought that had affected the crops. These cases either relate to the etiquette of entering a Mosque or a request for supplication. On the other hand, fundraising seems to be a different matter altogether. It involves a lot of commotion, a good amount of activities and a constant exchange of talks; all negating the spiritual environment of a Friday sermon.

It is better to avoid this practice during the Friday sermon completely. And Allah knows better.

## Investment of Mosque Funds

### Fatwa by the Permanent Committee of Research & Ifta

It is not allowed for the administration of the Charity to invest the funds of Zakat. It is a duty to spend this fund by giving it to those who deserve it as recorded in the Qur'an. Those who ask for it should be scrutinised as the main objective behind it is to meet the needs of the poor and pay off the debts of the debtors. By investing the Zakat monies, all these benefits are going to be lost or delayed in reaching those who deserve them."<sup>1</sup>

### Fatwa No. 12330

"If the funds are not from Zakat, then it is not wrong to trade in them for the benefit of the Charity because it will serve to increase the benefits aimed at by the Charity and the benefactors."<sup>2</sup>

Furthermore, the recommended practice in Zakat is to hasten to distribute it. Investment will subject it to a delay which goes against this practice. Secondly, investment subjects it to loss as well because every type of trade is open to loss and profit. Thirdly: Zakat funds may be subjected to be wasted if it is controlled by people with greed and dishonesty especially when it yields a lot of profit. So it is better to avoid all means of corruption.

In the opinion of Dr Husam al-Din 'Awana, investment can only be allowed if the following conditions are met:

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(1) No. 9056, Volume 9 (Saudi Arabia)

(2) Volume 9: Fatwa 12330

1. If the immediate needs of all poor and needy people in the society are completely met, the surplus funds could then be invested.
2. The funds should only be invested in Islamically approved ways of trade, not in any interest bearing project.
3. No funds could be invested except after a comprehensive study about their viability and a greater expectation towards incurring profit and loss.
4. People with the fear of Allah, known with trust and honesty and not with greed and corruption, should be entrusted with the task.
5. No one is allowed to get benefit from this investment except those who deserve to receive Zakat.<sup>3</sup>

A fatwa on these lines principally has been issued by the Majma al-Fiqh al-Islam as well. (See the magazine of the Majma No. 3 Volume 1:421)

There are general guidelines about investing the orphan's wealth to avoid ending with nothing because of paying Zakat on it regularly, according to this saying of the Prophet (SAW):

"Be concerned with the wealth of the orphans lest it is devoured by Sadaqa."<sup>4</sup>

By way of analogy, the investment in Zakat funds should also be allowed for the same reason i.e. the benefit of the poor and needy.

Rationally speaking, Zakat given to a poor person would meet his needs once only whereas the very same amount given to him, if invested, will provide him with a continued source of income.

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(3) Dr Husam al-Din Afana; Yas'alunaka Volume 2:68.

(4) Narrated by Tirmidhi, Baihaqi, Daraqtuni. See Al-Albani, Irwa' al-Ghalil 3:260.

## الرأي الراجح لدى الباحث في معنى قوله "في سبيل الله"

لجأتُ إلى كتاب الله للاطلاع على جميع الآيات التي نُصَّ فيها على كلمتي "سبيل الله" أو "سبيله" مع الضمائر وهذا ما وقفت عليه:

وردت كلمات "في سبيل الله" لتؤدِّي معنى إيجابياً ٤٥ مرة في القرآن، منها ماهي مسبوقه لكلمة القتال ومشتقاته ١٨ مرة والجهاد ومشتقاته ١٣ مرة وكلمة الإنفاق ومشتقاته ٧ مرات والهجرة ٤ مرات بالإضافة إلى ورودها مرة واحدة مع كل من قوله: ﴿إِذَا ضَرَبْتُمْ﴾ وقوله: ﴿لِلْفُقَرَاءِ الَّذِينَ أَحْصَرُوا﴾ وقوله: ﴿وَلَا مَخْمَصَةٌ﴾ وقد أعددتُ قوله: ﴿وَفِي سَبِيلِ اللَّهِ﴾ في آية التوبة لمصارف الزكاة الثمانية من بين آيات الإنفاق لأنها مسبوقه في أول الآية بقوله: ﴿إِنَّمَا الصَّدَقَتُ﴾ بمعنى صرف الصدقات بالمصارف الثمانية ومن بينها ماهو في سبيل الله. ويُضاف إلى هذه الآيات ما ورد بالضمائر كالتالي:

قوله: ﴿جاهدوا في سبيله﴾ ٤ مرات.

قوله: ﴿هذه سبيلي﴾ و﴿جهاداً في سبيلي﴾ و﴿اوذوا في سبيلي﴾ ٣ مرات.

قوله: ﴿واتبعوا سبيلك﴾ مرة واحدة.

قوله: ﴿هدانا سبيلنا﴾ مرة واحدة.

قوله: ﴿وادع إلى سبيل ربك﴾ مرة واحدة.

كما وردت كلمات "عن سبيل الله" لتؤدِّي معنى سلبياً ٢٢ مرة في القرآن منها ماهي مسبوقه لكلمة "صد" ومشتقاتها ١٧ مرة و"أضل" ومشتقاتها ٥ مرات بالإضافة إلى ورودها مع الضمائر كالتالي:

مع ﴿صد﴾ و﴿أضل﴾ و﴿تفرق﴾ ٨ مرات.

وقوله: ﴿ليضلوا عن سبيلك﴾ مرة واحدة.

وقوله: ﴿وقال الذين كفروا للذين آمنوا اتبعوا سبيلنا﴾ مرة واحدة.

و لأجل الوقوف على معاني مصطلح "سبيل الله" علينا أن نرجع إلى الآيات التي تتحدث عن الجانب السلبي وبضدّها تميّز الأشياء.

١- قوله تعالى في سورة الزمر (الآية ٨): ﴿وَجَعَلُوا لِلَّهِ أَدَادًا لِيُضِلُّوا عَنْ سَبِيلِهِ﴾ أي عن طريق التوحيد حيث قد ذكر مقابله وهو الشرك.

و مثله يقال في قوله تعالى في سورة النساء (الآية ٧٦): ﴿الَّذِينَ آمَنُوا يُقِنُّونَ فِي سَبِيلِ اللَّهِ وَالَّذِينَ كَفَرُوا يُقِنُّونَ فِي سَبِيلِ الطَّاغُوتِ﴾ والطاغوت هو ما عبّد دون الله. إذا المراد من سبيل الله هو التوحيد.

و في قوله تعالى في سورة آل عمران (الآية ٩٩): ﴿قُلْ يَتَّهَلَّوْنَ بِالْكَذِبِ لِمَ تَصُدُّونَ عَنْ سَبِيلِ اللَّهِ مَن آمَنَ تَبَعُونَهَا عَوْجًا﴾ ولا شك أن إعوجاجهم كان في شركهم وتعدّد آهتهم فصار المراد من سبيل الله هو التوحيد.

و في قوله تعالى في سورة الأنعام (الآية ١٥٣): ﴿وَلَا تَتَّبِعُوا السُّبُلَ فَتَفَرَّقَ بِكُمْ عَنْ سَبِيلِهِ﴾ وكانت السبل لدى المشركين هي تعدّد آهتهم فصار المراد عن "سبيله" هو التوحيد.

و في قوله تعالى في سورة يوسف (الآية ١٠٨): ﴿قُلْ هَذِهِ سَبِيلِي أَدْعُو إِلَى اللَّهِ عَلَى بَصِيرَةٍ أَنَا وَمَنِ اتَّبَعَنِي وَسُبْحَانَ اللَّهِ وَمَا أَنَا مِنَ الْمُشْرِكِينَ﴾ ويدلّ آخر الآية على أن المراد من "سبيلي" هو التوحيد.

٢- قوله تعالى في سورة البقرة (الآية ٢١٧): ﴿يَسْأَلُونَكَ عَنِ الشَّهْرِ الْحَرَامِ قِتَالٍ فِيهِ قُلْ قِتَالٌ فِيهِ كَبِيرٌ وَصَدٌّ عَنْ سَبِيلِ اللَّهِ وَكُفْرٌ بِهِ وَالْمَسْجِدِ الْحَرَامِ﴾ أمّا الصدّ عن المسجد الحرام فهو منعهم المسلمين من أداء الحج والعمرة فصار المراد ب"الصدّ عن سبيل الله" هو دخول الناس في الاسلام.

و مثله يقال في سورة محمد (الآية ١): ﴿الَّذِينَ كَفَرُوا وَصَدُّوا عَنْ سَبِيلِ اللَّهِ أَضَلَّ أَعْمَالَهُمْ﴾. وفي الآية ٣٢: ﴿إِنَّ الَّذِينَ كَفَرُوا وَصَدُّوا عَنْ سَبِيلِ اللَّهِ وَشَاقُوا الرَّسُولَ﴾. وفي الآية ٣٤: ﴿إِنَّ الَّذِينَ كَفَرُوا وَصَدُّوا عَنْ سَبِيلِ اللَّهِ ثُمَّ مَاتُوا وَهُمْ كُفَّارًا﴾.

٣- قوله تعالى في سورة لقمان (الآية ٦): ﴿ وَمَنْ التَّاسِ مَنْ يَشْتَرِ لَهْوَ الْحَدِيثِ لِيُضِلَّ عَنْ سَبِيلِ اللَّهِ ﴾ والمراد بلهو الحديث هو إما الأساطير التي كان النضر بن الحارث أتى بها من بلاد فارس ليُصدِّد الناس عن الاستماع إلى النبي ﷺ وإما الغناء حسب تفسير من قبل عدد من الصحابة، وإذا صار المراد بقوله "عن سبيل الله" هو القرآن بدليل ما ذكر مقابله في هذه الآية.

٤- قوله تعالى في سورة التوبة (الآية ٣٤): ﴿ وَالَّذِينَ يَكْتُمُونَ الذَّهَبَ وَالْفِضَّةَ وَلَا يَنْفِقُونَهَا فِي سَبِيلِ اللَّهِ ﴾ المراد بمن كَتَمَ أولئك الذين يمتنعون عن أداء الزكاة، وبما أن الزكاة تُصرف لصالح الفقراء والمساكين ولصالح المسلمين عموماً صار المراد بـ "سبيل الله" جميع وجوه الخير.

٥- قوله تعالى في سورة يونس (الآية ٨٨): ﴿ وَقَالَ مُوسَى رَبَّنَا إِنَّكَ آتَيْتَ فِرْعَوْنَ وَمَلَأَهُ زِينَةً وَأَمْوَالًا فِي الْحَيَاةِ الدُّنْيَا رَبَّنَا لِيُضِلُّوا عَنْ سَبِيلِكَ ﴾ وكان فرعون يعتبر نفسه رباً وكان يمنع الناس من اتباع دين موسى عليه السلام الذي كان هو الإسلام لا غيره.

و هكذا السبيل بمعنى الإسلام في قوله تعالى: ﴿ ادْعُ إِلَى سَبِيلِ رَبِّكَ بِالْحُكْمَةِ وَالْمَوْعِظَةِ الْحَسَنَةِ وَجَدِلْ لَهُم بِالَّتِي هِيَ أَحْسَنُ ﴾<sup>(١)</sup>.

و مادام سبيل الله هو عقيدة التوحيد ودين الإسلام وكلام الله عز وجل شرع من أجله كل ما يُعزِّزه ويُثبته ويُحقِّقه من هجرة وجهاد وقتال وإنفاق وحبسٍ نفسٍ على تعلمه ومعرفته وفيما يلي مجموعة من الآيات الدالة على هذه المعاني:

- ٦- ﴿ تَوَمَّنُونَ بِاللَّهِ وَرَسُولِهِ وَتُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِكُمْ وَأَنْفُسِكُمْ ﴾<sup>(٢)</sup>.
- ﴿ الَّذِينَ آمَنُوا وَهَاجَرُوا وَجَاهَدُوا فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ ﴾<sup>(٣)</sup>.

(١) النحل: ١٢٥.

(٢) الصف: ١١.

(٣) التوبة: ٢٠.

﴿فَلَا تَطْعَمُ الْكُفْرِينَ وَجَاهِدْهُمْ بِهِ جِهَادًا كَبِيرًا﴾<sup>(١)</sup>.

الآية الأخيرة في الجهاد بالقول أي بالقرآن الكريم والدعوة إليه.

ثم يأتي الجهاد بالمال لتعزيز هذا الدين وقد عبّر عنه بالإنفاق في سبيل الله في آيات كثيرة كقوله تعالى: ﴿مَثَلُ الَّذِينَ يُنْفِقُونَ أَمْوَالَهُمْ فِي سَبِيلِ اللَّهِ كَمَثَلِ حَبَّةٍ أَنْبَتَتْ سَبْعَ سَنَابِلٍ فِي كُلِّ سُنْبُلَةٍ مِائَةٌ حَبَّةٌ وَاللَّهُ يُضْعِفُ لِمَنْ يَشَاءُ وَاللَّهُ وَاسِعٌ عَلِيمٌ﴾<sup>(٢)</sup>.

و الجهاد بالنفس إمّا بحبس النفس على تعلّم هذا الدين والتفقه فيه كما هو المراد في قوله تعالى في إحدى معانيه: ﴿لِلْفُقَرَاءِ الَّذِينَ أَحْصَرُوا فِي سَبِيلِ اللَّهِ لَا يَسْتَطِيعُونَ ضَرْبًا فِي الْأَرْضِ﴾<sup>(٣)</sup> أو بالدخول في مواجهة أعداء الله وقتالهم على بمعنى "أرصدوا" لقوله تعالى: "أحصروا" والمراد أن أصحاب الصفة كان يُرصدهم الرسول ﷺ لإبتعائهم في غزوة من الغزوات أو سرية من السرايا، وهذا الجهاد الأخير الذي هو جهاد بالسيف عبّر عنه بالجهاد وبالقتال في غير ما آيات من كتاب الله كقوله تعالى: ﴿لَا يَسْتَوِي الْقَاعِدُونَ مِنَ الْمُؤْمِنِينَ غَيْرُ أُولِي الضَّرَرِ وَالْمُجَاهِدُونَ فِي سَبِيلِ اللَّهِ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ فَضَّلَ اللَّهُ الْمُجَاهِدِينَ بِأَمْوَالِهِمْ وَأَنْفُسِهِمْ عَلَى الْقَاعِدِينَ دَرَجَةً وَكُلًّا وَعَدَّ اللَّهُ الْحُسْنَىٰ وَفَضَّلَ اللَّهُ الْمُجَاهِدِينَ عَلَى الْقَاعِدِينَ أَجْرًا عَظِيمًا﴾<sup>(٤)</sup>. وهذا القتال قد يكون دفاعًا عن أرض الإسلام ومقدّسات الإسلام والدفاع عن الأعراس وكله عبّر عنه في قوله تعالى: ﴿قَالُوا وَمَا لَنَا أَلَّا نُقَاتِلَ فِي سَبِيلِ اللَّهِ وَقَدْ أُخْرِجْنَا مِنْ دِيَارِنَا وَأَبْنَائِنَا﴾<sup>(٥)</sup> وفي قوله تعالى: ﴿وَمَا لَكُمْ أَلَّا تُقَاتِلُوا فِي سَبِيلِ اللَّهِ وَالْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ الَّذِينَ يَقُولُونَ رَبَّنَا أَخْرِجْنَا مِنْ هَذِهِ الْقَرْيَةِ الظَّالِمِ أَهْلُهَا﴾<sup>(٦)</sup>.

(1) الفرقان: ٥٢.

(2) البقرة: ٢٦١.

(3) البقرة: ٢٧٣.

(4) النساء: ٩٥.

(5) البقرة: ٢٤٦.

(6) النساء: ٧٥.

٧- وشرعت الهجرة من أرض يتعرّض فيها المسلم للفتنة في دينه وعرضه إلى أرض الإسلام كقوله تعالى:

﴿وَدُّوا لَوْ تَكْفُرُونَ كَمَا كَفَرُوا فَتَكُونُونَ سَوَاءً فَلَا تَتَّخِذُوا مِنْهُمْ أَوْلِيَاءَ حَتَّىٰ يَهَاجِرُوا فِي سَبِيلِ اللَّهِ﴾<sup>(١)</sup>.

و سبيل الله هنا قصد ديار الإسلام حتى لا يتعرض المسلم للفتنة في دينه، وكقوله تعالى بهذا المعنى: ﴿أَلَمْ تَكُنْ أَرْضُ اللَّهِ وَسِعَةً فَهَاجِرُوا فِيهَا﴾<sup>(٢)</sup>.

و نستخلص من مجموع هذه الآيات أن سبيل الله يحمل هذه المعاني التالية كلها: عقيدة التوحيد، دين الإسلام، القرآن الكريم، حبس النفس على تعلم هذا الدين والتفقه فيه، مغادرة أرض الفتنة إلى أرض الإسلام والدفاع عن حوزة الدين وعن الشرف والعرض بكل طرق الدفاع قولاً ومالاً وجهاداً بالسيف. و بما أن معظم هذه الأعمال لا تتم إلاّ بالمال حرّض الله المؤمنين على التضحية بالمال والإنفاق منه (و المعبر عنه بالإقراض الحسن) في آيات كثيرة، فكل ما يتبرّع به المسلم فهو صدقة، منها ماهو تطوّعي وهو كثير في القرآن ومنها ماهو فريضة كما هو آية مصارف الزكاة في سورة التوبة وهي قوله تعالى: ﴿إِنَّمَا الصَّدَقَتُ لِلْفُقَرَاءِ وَالْمَسْكِينِ وَالْعَمِلِينَ عَلَيْهَا وَالْمُؤَلَّفَةِ قُلُوبُهُمْ وَفِي الرِّقَابِ وَالْغَرَمِينَ وَفِي سَبِيلِ اللَّهِ وَابْنِ السَّبِيلِ فَرِيضَةً مِّنَ اللَّهِ وَاللَّهُ عَلَيْهِ حَكِيمٌ﴾<sup>(٣)</sup>.

و نسبة السبيل الى الله عزّ وجلّ يوحي بأنّ جميع الأوامر التي سبقت هذه الكلمة من جهاد و قتال وهجرة وإنفاق لا تكون إلا خالصة لله تعالى رجاء رحمته وثوابه ودخول الجنة.

وكذلك يوحي دخول حرف اللّام (وهو للاستحقاق على الأرجح) قبل ستّة مصارف (الفقراء والمساكين والعاملين عليها والمؤلفة قلوبهم والغارمين وابن السبيل) بالاهتمام بالأشخاص بالذات لأجل فقرهم وحاجتهم، ودخول حرف "في" قبل الرقاب وسبيل الله بالاهتمام بمصالح المسلمين الاجتماعية. فالأول

(1) النساء: ٨٩

(2) النساء: ٩٧

(3) التوبة: ٦٠

منها خاص بتحرير الأرقاء وفك الأسارى والثاني منها يشمل كما أسلفنا جميع الخدمات التي تُبذل لنشر الدين وإعلاء كلمة الله والدفاع عن حوزة الإسلام سواءً كان جهاداً بالحجّة والبيان أو قتالاً بالسيف والسنان.....!!

أمّا تعمير المساجد فهي من شعائر الإسلام ومن ضرورات المجتمع المسلم لآداء الصلاة جماعةً فقد قام ببناء أول مسجد بالمدينة الرسول ﷺ بنفسه وأصحابه بأموالهم خاصّة قبل أن يفرض الزكاة ثم حصل فيه التوسّع على مدى التاريخ الإسلامي على يد الخلفاء والملوك بأموالٍ غير أموال الزكاة فقد كانوا يرجون ببناء بيوت الله ثواباً يرونه يوم القيامة في ضوء قوله ﷺ: "من بنى لله مسجداً بنى الله له بيتاً في الجنة" و يلاحظ أن المساجد الكبيرة التي تقام في الغرب خاصّة تكلف أموالاً طائلة تبلغ ملايين الدولارات فإذا صُرفت أموال الزكاة في بناء المساجد لما بقي للفقراء والمساكين شيء يُواسون به وعددهم لا يزال كثيراً وخاصّة في دول الشرق الأوسط وجنوب شرق آسيا وفي افريقيا.

و من الجائز أن يقال إنه لا بأس بصرف شيءٍ من أموال الزكاة على الخدمات القائمة في هذه المساجد أو المراكز الإسلامية لنشر الدين وتوجيه الدعوة إلى غير المسلمين فهذا من صميم جهاد الدعوة. ويجب أن يقتصر هذا البند على الجهاد بقسميه، ويجب ألاّ يتعدّى إلى مصالح عامّة للمجتمع المسلم من بناء الجسور وتمهيد الطرق وتسهيل المواصلات فإنّ هناك موارد أخرى للدولة لتُصرف على مثل هذه المصالح العامّة وبهذا التفضيل نأتي إلى نهاية هذا الموضوع والله أعلم وعلمه أتمّ وأحكم وبه التوفيق وعليه التكلان وصلى الله تعالى على نبينا محمد وعلى آله وصحبه أجمعين.